UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
FIRST SESSION

VOLUME 117—PART 36

MAY 21 1973

DECEMBER 13, 1971 TO DECEMBER 17, 1971
(PAGES 46529 TO 47957)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1971

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, December 13, 1971*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

For God who commanded light to shine out of darkness, hath shined in our hearts, to give the light of the knowledge of the glory of God in the face of Jesus Christ.—II Corinthians 4:6.

O God, without whose guidance we miss the way and with whose love we find the path to life, we commit ourselves and our Nation unto Thee. Help us to become one people united in our efforts to do Thy will and to work for the good of our fellow men.

May we strive earnestly to make worthy contributions in the high adventure of establishing on this planet an order of life permeated by justice for all, good will in all, and peace among all.

May the mind of Him whose birthday we celebrate become the mood of this day and of all days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had reconsidered the bill (S. 2007) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes," returned by the President of the United States with his objections, to the Senate, in which it originated.

The message further announced that the said bill did not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 113. An act for the relief of certain individuals and organizations; and

S. 248. An act for the relief of William D. Pender.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11955) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8856. An act to authorize an additional Deputy Secretary of Defense, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2891) entitled "An act to extend and amend the Economic Stabilization Act of 1970," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. CRANSTON, Mr. TOWER, Mr. PACKWOOD, and Mr. ROTH to be the conferees on the Part of the Senate.

The message also announced that the Senate had passed bills, joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 216. An act to permit suits to adjudicate certain real property quiet title actions;

S. 1874. An act to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes;

S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies;

S.J. Res. 173. Joint resolution to provide for the appointment of A. Leon Higginbotham, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 174. Joint resolution to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 175. Joint resolution to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution;

S. Con. Res. 26. Concurrent resolution on national American Indian policy; and

S. Con. Res. 41. Concurrent resolution authorizing the printing of the report of the proceedings of the 45th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document.

DEDICATION OF PORTRAIT OF JOHN W. McCORMACK

(Mrs. HICKS of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HICKS of Massachusetts. Mr. Speaker, it was my distinct honor and privilege to be present in the Speaker's lobby, at the simple, but dignified dedication on Saturday, December 11, when a portrait of Speaker emeritus John W. McCormack was unveiled by Speaker CARL ALBERT and majority leader HALE BOGGS.

In attendance were many Members of the House, including minority leader GERALD R. FORD and associates, including Parliamentarian, Mr. Lewis Deschler.

John William McCormack was born in South Boston, Mass., on December 22, 1891, one of 12 children—nine of whom died in infancy. At the age of 13, he left school to support his widowed mother. In a truly Horatio Alger story, he became a lawyer without ever attending high school, and then was elected to the U.S. House of Representatives. The district which he represented for 42 years was truly the melting pot of the Commonwealth of Massachusetts.

John McCormack served as House majority leader from 1940 to 1961, except for the Republican 80th and 83d Congresses, when he served as minority whip.

He was unanimously nominated for Speaker of the House by the Democratic House caucus and was elected as the 45th Speaker on January 10, 1962.

He served 9 years as Speaker of the House, a tenure second only to that of Sam Rayburn, Democrat, of Texas. He was first in line of succession to the Presidency of the United States from the death of President Kennedy, from November 22, 1963, until January 30, 1965, when HUBERT H. HUMPHREY was inaugurated as Vice President.

Known to his colleagues as the fighting Irishman from Boston, he was the first Roman Catholic ever elected to the office of Speaker.

From humble origin to the office of Speaker of the U.S. House of Representatives is a long way, but it is a forceful reminder that the great American dream can come true.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE CERTAIN REPORTS UNTIL MIDNIGHT DECEMBER 16

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Thursday, December 16, to file five reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

The SPEAKER. Pursuant to the provisions of section 1202, Public Law 91–452, the Chair appoints the following Members on the part of the House to be members of the National Commission on Individual Rights, effective January 1, 1972: Mr. Celler, Mr. Mikva, Mr. McCulloch, and Mr. Sandman.

RESIGNATION OF HON. WILLIAM L. HUNGATE FROM THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, I was saddened to hear of the resignation from the House Committee on the District of Columbia of the gentleman from Missouri (Mr. Hungate).

The voteless people of the District of Columbia could be confident of fair and competent treatment when he was dealing with their problems. I have deeply appreciated the long hours and hard work that the gentleman from Missouri put into the District of Columbia affairs. I have been all the more appreciative because I know the work that he does here for the District of Columbia counts for very little for his own constituents.

I can well understand what prompted the gentleman to resign from the committee. I have been troubled by the arbitrary and often inept way in which the committee has been run. It is a sad day when a secret pressure effort by selfish interests can undermine the painstaking work of a subcommittee and its chairman based not on the merits of legislation but on influence peddling.

When I think, however, of the possible alternatives to a man of Mr. Hungate's dedication and sensitivity to the problems of the District of Columbia serving as chairman of the very important Subcommittee on the Judiciary, I am compelled to urge Mr. Hungate to reconsider his decision to resign. If we are to have any success in reforming the District Committee and making it more responsive to the needs of the people of the District, we will need men like Mr. Hungate to help. I fear that matters can only grow worse with his resignation and I urge the Members of the House to join me in calling upon Mr. Hungate to reconsider his decision.

The SPEAKER. The time of the gentleman has expired.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. McMillan).

INTEREST, USURY, AND CONSUMER CREDIT

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 12115) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

H.R. 12115

A bill to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the text of section 28–3301 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"Except as otherwise provided in section 28–3308, chapter 36 of this subtitle, the parties to an instrument in writing for the payment of money at a future time may contract therein for the payment of interest on the principal amount thereof at a rate not exceeding 8 percent per annum."

Sec. 2. The text of clause (2) in the first sentence of section 28–3303 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"(2) in writing, to pay a greater rate than is permitted under section 28–3301 or 28–3308 or under chapter 36 or 39 of this subtitle, the creditor shall forfeit the whole of the interest so contracted to be received."

Sec. 3. Chapter 33 of subtitle II of title 28, District of Columbia Code, is amended by adding the following section:

"§ 28–3308. Finance charge on direct installment loans

"(a) On a loan in which the principal does not exceed $25,000 (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle) to be repaid in equal or substantially equal monthly, or other periodic installments, any federally insured bank or savings and loan association doing business in the District of Columbia may contract for and receive interest at the rate permitted under this chapter or, in lieu of such interest, a finance charge, which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal. This section does not limit or restrict the manner of contracting for the finance charge, whether by way of discount, add-on or simple interest, so long as the annual percentage rate of the finance charge does not exceed that permitted by this section.

"(b) If such installment loan is precomputed,

"(1) the finance charge may be calculated on the assumption that all scheduled payments will be made when due, and

"(2) except as provided in subsection (c), upon prepayment in full of the unpaid balance of a precomputed direct installment loan, refinancing, or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the debtor. If the rebate otherwise required is less than $1, no rebate need be made.

"(c) Upon prepayment in full of such direct installment loan other than a refinancing or consolidation, whether or not precomputed, the lender may collect or retain a minimum charge within the limits stated in this section if the finance charge earned at the time of prepayment is less than any minimum charge contracted for. The minimum charge may not exceed the smaller of the following: (1) the amount of the finance charge contracted for, or (2) $5 in a transaction which had a principal of $75 or less, or $7.50 in a transaction which had a principal of more than $75.

"(d) The unearned portion of the finance charge is a fraction of the finance charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in which the prepayment occurs, and the denominator is the sum of all periodic balances under either the related loan agreement or, if the balance owing resulted from a refinancing or a consolidation, under the related refinancing agreement or consolidation agreement.

"(e) As used in this section, 'finance charge', and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act."

Sec. 4. Subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following chapters:

"Chapter 36.—DIRECT MOTOR VEHICLE INSTALLMENT LOANS

"§ 28–361. Direct motor vehicle installment loans

"The provisions of the Act approved April 22, 1960 (Public Law 86–431, 74 Stat. 69; D.C. Code, 1967 ed., chapter 9 of title 40), covering installment sales of motor vehicles, as amended, and the regulations issued thereunder, shall apply to the extent appropriate to, a direct installment loan, secured by a security interest in a motor vehicle, made by a federally insured bank or savings and loan association doing business in the District of Columbia, subject to section 28–3602.

"§ 28–3602. Finance charge

"Such a bank or savings and loan association may contract for and receive interest at the rate provided for in chapter 33 or, in lieu of such interest, a finance charge which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal.

"§ 28–3603. Definitions

"As used in this chapter, 'finance charge' and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act.

"Chapter 37.—REVOLVING CREDIT ACCOUNTS

"§ 28–3701. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means an arrangement between a seller or financial institution and a buyer pursuant to which (A) the seller may permit the buyer to purchase goods or services on credit either from the seller or by use of a credit card or other device, whether issued by the seller or a financial institution, (B) the unpaid balances of amounts financed arising from purchases and the credit service and other appropriate charges are debited to an account, (C) a credit service charge if made is not precomputed but is computed on an outstanding unpaid balance of the buyer's account from time to time, and (D) the buyer has the privilege of paying the balances in full or in installments.

"(2) 'credit service charge' means the sum of (A) all charges payable directly or indirectly by the buyer and imposed directly or indirectly by the seller as an incident to the extension of credit, including any of the following types of charges which are applicable: time price differential, service, carrying or other charge, however denominated, premium or other charge for any guarantee or insurance protecting the seller against the buyer's default or other credit loss; (B) charges incurred for investigating the collateral or credit-worthiness of the buyer or for commissions or brokerage for obtaining the credit, irrespective of the person to whom the charges are paid or payable, unless the seller had no notice of the charges when the credit was granted.

"(3) 'seller' means a person engaged in the District of Columbia in the business of selling goods or services to retail buyers.

"(4) 'buyer' means a person who buys goods or obtains services from a seller pursuant to a retail credit sale and not principally for the purpose of resale; and includes a person who enters into a prior agreement with a financial institution whereby the latter agrees to pay the debts of the buyer as they accrue at various retail sellers, designated by the financial institution, in consideration of the buyer paying to the financial institution the cash sales price plus the credit service charge on the purchase.

"(5) 'person' includes any individual, partnership, corporation, association, trust, joint stock company, or any other group of persons however organized.

"(6) 'financial institution' means a person who enters into an agreement with a buyer whereby the former agrees to extend credit to the buyer and to apply it as directed by the buyer pursuant to a credit card issued to the buyer by the financial institution; and this term includes any federally insured bank as defined in section 3 of the Federal Deposit Insurance Act doing business in the District of Columbia.

"§ 28-3702. Amount and computation of credit service charge

"(a) The seller or financial institution may contract for the payment by the buyer of a credit service charge not exceeding that permitted by this section.

"(b) A credit service charge may be made in each billing cycle. For the purpose of computing the outstanding balance subject to the credit service charge, (1) the outstanding balance on any day shall consist of an amount which shall not exceed the sum of the total charges to the account less the amounts paid or credited to the account prior to such day, or (2) the outstanding balance may be computed by the average daily balance method. The credit service charge may also be computed for all outstanding balances within a range of not in excess of $10 on the basis of the median amount within such range if as so computed such credit service charge is applied to all outstanding balance within such range.

"(c) If the billing cycle is monthly, the charge may not exceed 1½ percent of that part of the outstanding balance which is $500 or less and 1 percent on that part of this amount which is more than $500. If the billing cycle is not monthly, the maximum charge is that percentage which bears the relation to the applicable monthly percentage as the number of da[illegible]n the billing cycle bears to thirty. For the [illegible]ses of this section, a variation of not more than four days from month to month is 'the same day of the billing cycle'.

"Chapter 38.—CONSUMER PROTECTIONS

"§ 28-3801. Scope—Limitation on agreements and practices

"This chapter applied to actions to enforce rights arising from a consumer credit sale or a direct installment loan.

"§ 28-3802. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means a revolving credit account as defined in section 28-3701 of this subtitle.

"(2) 'consumer credit sale' means a sale of goods or services in which—

"(A) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;

"(B) the buyer is a natural person;

"(C) the goods or services are purchased primarily for a personal, family, household, or agricultural purpose;

"(D) either the debt is payable in installments or a finance charge is made; and

"(E) the amount financed does not exceed $25,000.

The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(3) 'direct installment loan' means a direct installment loan as that term is used in section 28-3308 of this subtitle and does not include a loan secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle.

"(4) 'cross collateral' means an arrangement wherein a seller in a 'consumer credit sale' secures a debt arising from the sale by contracting for a security interest in other property if as a result of a prior sale the seller has an existing security interest in the other property. The seller may also contract for a security interest in the property sold in the subsequent sale as a security for the previous debt.

"§ 28-3803. Balloon payments

"With respect to a consumer credit sale or direct installment loans except for revolving credit accounts:

"(1) No creditor shall at any time enter into an agreement which contains or anticipates a schedule of payments under which any one payment is not equal or substantially equal to all other payments, excluding any final payment which is less than the average of previous payments or any down payment received by the creditor contemporaneously with or prior to the consummation of the transaction, or under which the intervals between any consecutive payments differ substantially.

"(2) Notwithstanding any provision of his section, where a consumer's livelihood is dependent upon seasonal or intermittent income, the parties may agree in a separate writing that one or more payments or the intervals between one or more payments may be reduced or expanded in accordance with the needs of the consumer if such payments are expressly related to the consumer's income. The separate writing shall contain a conscipuous notice directly above the signature line stating: 'I waive my right to have all payments to be made under this agreement in substantially equal amounts'.

"(3) In the event that the provisions of paragraph (2) apply, the consumer shall have the right at any time, without further cost or obligation, to revise the schedule of payments to conform both as to amounts and intervals to the average of all installments and intervals.

"§ 28-3804. Assignment of earnings and authorization to confess judgment prohibited

"(a) A creditor may not take an assignment of earnings of the consumer for payment or as security for payment of an obligation arising out of a consumer credit sale or direct installment loan.

"(b) A creditor may not take or accept from the consumer a warrant or power of attorney or other authorization for the creditor, or other person acting on his behalf, to confess judgment arising out of a consumer credit sale or direct installment loan.

"(c) An assignment of earnings or an authorization in violation of this section is subject to the provisions of section 28-3813 (d)(1) of this subtitle.

"§ 28-3805. Debts secured by cross-collateral

"(a) If debts arising from two or more consumer credit sales other than sales pursuant to a revolving charge account (§ 28-3701), are secured by cross-collateral, or consolidated into one debt payable on a single schedule of payments, and the debt is secured by security interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debts originally incurred with respect to each item are paid.

"(b) Payment received by the seller upon a revolving charge are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of credit service charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

"(c) If the debts consolidated arose from two or more sales made on the same day, payments received by the seller are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of the smallest debt.

"§ 23-3806. Attorney's fees

"With respect to a consumer credit sale or direct installment loans the agreement may provide for the payment by the consumer of reasonable attorney's fees not in excess of 15 per centum of the unpaid balance of the obligation.

"§ 28-3807. Negotiable instruments prohibited

"(a) In a consumer credit sale, no seller shall take or otherwise arrange for the consumer to sign an instrument, except a check, payable 'to order' or 'to bearer' as evidence of the credit obligation of the consumer.

"(b) Any holder of an instrument prohibited by subsection (a) of this section 28-3807, if he takes it with knowledge of a violation of this section, takes it subject to all claims and defenses of the consumer up to the amount owing on the transaction total at the time of the assignment.

"§ 28-3808. Assignees subject to defenses

"(a) With respect to a consumer credit sale, an assignee of the rights of the seller or lessor is subject to all claims and defenses of the consumer or lessee arising out of the sale notwithstanding any terms or agreements to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time of the assignment.

"(b) Rights of the consumer or lessee can only be asserted as a matter of defense to or set-off against a claim by the assignee.

"§ 28-3809. Lender subject to defenses arising from sales

"(a) A lender who makes a direct installment loan for the purpose of enabling a consumer to purchase goods or services is subject to all claims and defenses of the consumer against the seller arising out of the purchase of the goods or service if such lender acts at the express request of the seller, and—

"(1) the seller participates in the preparation of the loan instruments, or

"(2) the lender is a person or organization controlled by or under common control with the seller, or

"(3) the seller receives or will receive a fee, compensation, or other consideration from the lender for arranging the loan.

"(b) The lender's ability under this section may not exceed the amount of the loan. Rights of the debtor can only be asserted affirmatively in an action to cancel and void the sale from its inception, or a matter of defense to or set-off against a claim by the lender.

"§ 28–3810. Referral sales

"With respect to a consumer credit sale, the seller of lessor may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of his giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount, or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease. If a buyer or lessee is induced by a violation of this section to enter into a consumer credit sale, the agreement is unenforceable by the seller or lessor and the buyer or lessee, at his option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them.

"§ 28–3811. Home solicitation sales

"(a) As used in this section 'home solicitation sale' means a cash sale or a consumer credit sale of goods, other than farm equipment, or services in which the seller or a person acting for him engages in a personal solicitation of the sale at or near a residence of the buyer and the buyer's agreement or offer to purchase is there given to a seller or a person acting for him. It does not include a sale made pursuant to a preexisting revolving credit account or prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

"(b) Except as provided in subsection (f), in addition to any right otherwise to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase which complies with this section.

"(c) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement or offer to purchase.

"(d) Notice of cancellation, if given by mail, is given when it is deposited in a mail box properly addressed and the postage prepaid.

"(e) Notice of cancellation given by the buyer need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.

"(f) The buyer may not cancel a home solicitation sale if the buyer requests the seller to provide goods or services without delay because of an emergency, and

"(1) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation, and

"(2) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer, and

"(3) the buyer has signed separately the following notice which appears under the conspicuous caption: 'WAIVER OF RIGHT TO CANCEL' and reads as follows: 'Because of an emergency I waive any right I may have to cancel this home solicitation sale'.

"(g) (1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller must present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with paragraph (2) of this subsection.

"(2) The statement must—

"(A) appear under this conspicous caption: BUYERS RIGHT TO CANCEL', and

"(B) read as follows:

" 'If this agreement was solicited at or near your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you signed this agreement. The notice must be mailed to: ______________________________

____

(insert name and military address of seller)

If you cancel, the seller may not keep any of your cash down payment.'

"(3) Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

"(h) (1) Except as provided in this section, within ten days after a home solicitation sale has been canceled or an offer to purchase revoked the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness. A provision permitting the seller to keep all or any part of any payment, note, or evidence of indebtedness is in violation of this section and unenforceable.

"(2) If the down payment includes goods traded in, the goods must be tendered in substantially as good condition as when received by the seller. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade-in allowance stated in the agreement.

"(3) The seller is not entitled to retain a cancellation fee.

"(4) Until the seller has complied with the obligations imposed by this section the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods in his possession or control for any recovery to which he is entitled.

"(i) (1) Except as provided by the provisions on retention of goods by the buyer (subsection (h) (4) of this section), within a reasonable time after a home solicitation sale has been canceled or an offer to purchase revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale but he is not obligated to tender at any place other than his residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, forty days is presumed to be a reasonable time.

"(2) The buyer has a duty to take reasonable care of the goods in his possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.

"(3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation.

"§ 28–3812. Limitation on creditors' remedies

"(a) This section applies to actions or other proceedings to enforce rights arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28, District of Columbia Code); and, in addition, to extortionate extensions of credit.

"(b) (1) During the thirty-day period after a default consisting of a failure to pay money the creditor may not because of the default (A) accelerate the unpaid balance of the obligation, (B) bring action against the debtor, or (C) proceed against the collateral.

"(2) Unless the creditor has first (A) notified the debtor that he has elected to accelerate the unpaid balance of the obligation because of default, (B) brought action against the debtor, or (C) proceeded against the collateral, the debtor may cure a default consisting of a failure to pay money by tendering the amount of all unpaid sums due at the time of tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure restores the debtor to his rights under the agreement as though the defaults cured had not occurred.

"(3) Posting of any notice required by law shall be deemed valid if mailed by certified mail to the debtor's last known address.

"(c) (1) The debtor may redeem the collateral from the creditor at any time—

"(A) within fifteen days of the creditor's taking possession of the collateral, or

"(B) thereafter until the creditor has either disposed of the collateral, entered into a contract for its disposition, or gained the right to retain the collateral in satisfaction of the debtor's obligation pursuant to the provisions on disposition of collateral in section 9–505 of subtitle I of title 28, District of Columbia Code.

"(2) The debtor may redeem the collateral by tendering fulfillment of all obligations secured by the collateral including reasonable expenses incurred in realizing on the security interest.

"(d) Subject to the provisions in this part, the parties may agree that the creditor has the right to take possession of the collateral on default. In taking possession, a secured party may proceed without judicial process if this can be done without breach of the peace and with consent of the debtor. Those who take the collateral through repossession shall be deemed the agent of the creditor, and the creditor shall be civilly liable for any of the actions of its agents.

"(e) (1) This subsection applies to consumer credit sales of goods or services and to direct installment loans secured by interests in goods.

"(2) A creditor may not maintain a proceeding for a deficiency unless he has disposed of the goods in good faith and in a commercially reasonable manner.

"(3) If the creditor repossesses or voluntarily accepts surrender of goods which were the subject of the sale and in which he has a security interest, the consumer is not personally liable to the creditor for the unpaid balance of debt arising from the sale of a commercial unit of goods of which the cash price was $2,000 or less. In that case the creditor is not obligated to resell the collateral unless the consumer has paid 60 percent or more of the cash price and has not signed after default a statement renouncing his rights in the collateral.

"(4) If the creditor takes possession or voluntarily accepts surrender of goods which were not the subject of the sale but in which he has a security interest to secure a debt arising from a sale of goods or services or a combined sale of goods and services and the cash price of the sale was $2,000 or less, the debtor is not personally liable to the creditor for the unpaid balance of the debt arising from the sale and the creditor's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 9–505 of subtitle I of title 28, District of Columbia Code.

"(5) If the creditor takes possession or voluntarily accepts surrender of goods in which he has a security interest to secure a debt arising from a direct installment loan and the net proceeds of the loan paid to or for the benefit of the debtor are $2,000 or less, the consumer is not personally liable to the lender for the unpaid balance of the debt arising from the loan and the lender's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 9-505 of subtitle I of title 28, District of Columbia Code.

"(6) The consumer shall be liable in damages to the creditor if the debtor has wrongfully damaged the collateral or if, after default and demand, the debtor has wrongfully failed to make collateral available to the creditor.

"(7) If the creditor elects to bring an action against the buyer for a debt arising from a consumer credit sale of goods or services, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment—

"(A) he may not repossess the collateral, and

"(B) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

"(f) (1) If it is the understanding of the creditor and the debtor at the time an extension of credit is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person, the repayment of the extension of credit is unenforceable through civil judicial processes against the debtor.

"(2) If it is shown that an extension of credit was made at an annual rate exceeding 45 per centum and that the creditor then had a reputation for the use or threat of use of violence or other criminal means to cause harm to the person, reputation, or property of any person to collect extensions of credit or to punish the nonrepayment thereof, there is prima facie evidence that the extension of credit was unenforceable under paragraph (1) of this subsection.

"(g) (1) With respect to a consumer credit sale, or direct installment loan, if the court as a matter of law finds—

"(A) the agreement to have been unconscionable at the time it was made, or to have been induced by unconscionable conduct, the court may refuse to enforce the agreement, or

"(B) any clause of the agreement to have been unconscionable at the time it was made, the court may refuse to enforce the agreement, or may enforce the remainder of the agreement without the unconscionable clause, or may so limit the application of any unconscionable clause as to avoid any unconscionable result.

"(2) If it is claimed or appears to the court that the agreement or any clause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination.

"(3) For the purpose of this section, a charge or practice expressly permitted by this section is not in and of itself unconscionable in the absence of other practices and circumstances.

"§ 28-3813. Consumers' remedies

"(a) The remedies provided by this section shall be liberally administered to the end that the consumer as the aggrieved party shall be put in at least as good a position as if the creditor had fully complied with this chapter. Except as is otherwise specifically provided where there are willful and repeated violations of this chapter consequential and special damages may be had in lieu of the specific penalties allowed, and in addition punitive damages may be had as indicated.

"(b) Any right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.

"(c) 'Transaction total' means—

"(1) in the case of transactions pursuant to open end credit plans or consumer credit transactions, the total of the following calculated as if the amount or amounts financed were paid over the maximum period of the plan or, if there is no such period, over twelve months beginning with the next billing cycle or cycles following the transaction or transactions:

"(A) the amount financed, plus any down payment or required deposit balance, and

"(B) the total finance charge, including any prepaid finance charge;

"(2) in the case of other than open end transactions or consumer credit transactions, the total of the following:

"(A) the amount financed, plus any down payment or required deposit balance, and

"(B) the amount of all precomputed or precomputable finance charge, including any prepaid finance charge.

"(d) (1) In the discretion of the court, a consumer may recover from the person violating this chapter, in addition to the damages the law otherwise allows, 10 percent of the transaction total, if applicable, or $100, whichever is greater, for violations to which this applies.

"(2) This section also applies to all violations for which no other remedy is specifically provided.

"(e) If a consumer prevails in a suit brought under this Act, the court may assess reasonable attorney's fees in addition to any other amounts recoverable under this chapter.

"(f) Any charge, practice, term, clause, provision, security interest, or other action or conduct which can be shown to be in willful violation of the provisions of this chapter shall confer no rights or obligations enforceable by action.

"§ 28-3814. Debt collection

"(a) This section only applies to conduct and practices in connection with collection of obligations arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28).

"(b) As used in this section, the term—

"(1) 'claim' means any obligation or alleged obligation, arising from a consumer credit sale, consumer lease, or direct installment loan;

"(2) 'debt collection' means any action, conduct or practice in connection with the solicitation of claims for collection or in connection with the collection of claims, that are owed or due, or alleged to be owed or due, a seller or lender by a consumer; and

"(3) 'debt collector' means any persons engaging directly or indirectly in debt collection, and includes any person who sells or offers to sell forms represented to be a collection system, device, or scheme intended or calculated to be used to collect claims.

"(c) No debt collector shall collect or attempt to collect any money alleged to be due and owing by means of any threat, coercion, or attempt to coerce in any of the following ways:

"(1) the use, or express or implicit threat of use, of violence or other criminal means, to cause harm to the person, reputation, or property of any person;

"(2) the accusation or threat to falsely accuse any person of fraud or any crime, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule or contempt of society;

"(3) false accusations made to another person, including any credit reporting agency, that a consumer has not paid a just debt, or threat to so make such false accusations;

"(4) the threat to sell or assign to another the obligation of the consumer with an attending representation or implication that the result of such sale or assignment would be that the consumer would lose any defense to the claim or would be subjected to harsh, vindictive, or abusive collection attempts; and

"(5) the threat that nonpayment of an alleged claim will result in the arrest of any person.

"(d) No debt collector shall unreasonably oppress, harass, or abuse any person in connection with the collection of or attempt to collect any claim alleged to be due and owing by that person or another in any of the following ways:

"(1) the use of profane or obscene language or language that is intended to unreasonably abuse the hearer or reader;

"(2) the placement of telephone calls without disclosure of the caller's identity or with the intent to harass or threaten any person at the called number; and

"(3) causing expense to any person in the form of long-distance telephone tolls, telegram fees, or other charges incurred by a medium of communication, by concealment of the true purpose of the notice, letter, message, or communication.

"(e) No debt collector shall unreasonably publicize information relating to any alleged indebtedness or debtor in any of the following ways:

"(1) the false communication of any information relating to a consumer's indebtedness to any employer or his agent except where such indebtedness has been guaranteed by the employer or the employer has requested the loan giving rise to the indebtedness and except where such communication is in connection with an attachment or execution after judgments as authorized by law;

"(2) the disclosure, publication, or communication of false information relating to a consumer's indebtedness to any relative or family member of the consumer unless such person is known to the debt collector to be a member of the same household as the consumer, except through proper legal action or process or at the express and unsolicited request of the relative or family member;

"(3) the disclosure, publication, or communication of any information relating to a consumer's indebtedness by publishing or posting any list of consumers, except for the publication of "stop lists" to point-of-sale locations where credit is extended, or by advertising for sale any claim to enforce payment thereof or in any other manner other than through proper legal action, process, or proceeding; and

"(4) the use of any form of communication to the consumer, which ordinarily may be seen by any other persons, that displays or conveys any information about the alleged claim other than the name, address, and phone number of the debt collector.

"(f) No debt collector shall use any fraudulent, deceptive, or misleading representation or means to collect or attempt to collect claims or to obtain information concerning consumers in any of the following ways:

"(1) the use of any company name, while engaged in debt collection, other than the debt collector's true company name;

"(2) the failure to clearly disclose in all written communications made to collect or attempt to collect a claim or to obtain or attempt to obtain information about a consumer, that the debt collector is attempting to collect a claim and that any information obtained will be used for that purpose;

"(3) any false representation that the debt collector has in his possession information or something of value for the consumer, that is made to solicit or discover information about the consumer;

"(4) the failure to clearly disclose the name and full business address of the person to whom the claim has been assigned for collection, or to whom the claim is owed, at the time of making any demand for money;

"(5) any false representation or implication of the character, extent, or amount of a claim against a consumer, or of its status in any legal proceeding;

"(6) any false representation or false implication that any debt collector is vouched for, bonded by, affiliated with or an instrumentality, agent, or official of the District of Columbia or any agency of the Federal or District government;

"(7) the use or distribution or sale of any written communication which stimulates or is falsely represented to be a document authorized, issued, or approved by a court, an official, or any other legally constituted or authorized authority, or which creates a false impression about its source, authorization, or approval;

"(8) any representation that an existing obligation of the consumer may be increased by the addition of attorney's fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation; and

"(9) any false representation or false impression about the status or true nature of or the services rendered by the debt collector or his business.

"(g) No debt collector shall use unfair or unconscionable means to collect or attempt to collect any claim in any of the following ways:

"(1) the seeking or obtaining of any written statement or acknowledgment in any form that specifies that a consumer's obligation is one incurred for necessaries of life where the original obligation was not in fact incurred for such necessaries;

"(2) the seeking or obtaining of any written statement or acknowledgment in any form containing an affirmation of any obligation by a consumer who has been declared bankrupt without clearly disclosing the nature and consequences of such affirmation and the fact that the consumer is not legally obligated to make such affirmation;

"(3) the collection or the attempt to collect from the consumer all or any part of the debt collector's fee or charge for services rendered;

"(4) the collection of or the attempt to collect any interest or other charge, fee, or expense incidental to the principal obligation unless such interest or incidental fee, charge, or expense is expressly authorized by the agreement creating the obligation and legally chargeable to the consumer or unless such interest or incidental fee, charge, or expense is expressly authorized by law; and

"(5) any communication with a consumer whenever it appears that the consumer has notified the creditor that he is represented by an attorney and the attorney's name and address are known.

"(h) No debt collector shall use, or distribute, sell, or prepare for use, any written communication that violates or fails to conform to United States postal laws and regulations.

"(i) No debt collector shall take or accept for assignment any of the following:

"(1) an assignment of any claim for attorney's fees which have not been lawfully provided for in the writing evidencing the obligation; or

"(2) an assignment for collection of any claim upon which suit has been filed or judgment obtained, without the debt collector first making a reasonable effort to contact the attorney representing the consumer.

"(j)(1) Proof, by substantial evidence, that a debt collector has willfully violated any provision of the foregoing subsections of this section shall subject such debt collector to liability to any person affected by such violation for all damages proximately caused by the violation.

"(2) Punitive damages may be awarded to any person affected by a willful violation of the foregoing subsections of this section, when and in such amount as is deemed appropriate by the court and trier of fact.

§ 28-3815. Administrative enforcement

"(a) As used in this section—

"(1) 'Commissioner' means the Commissioner of the District of Columbia or his delegated agent;

"(b) Compliance with the requirements imposed under this chapter shall be enforced by the Commissioner. Nothing contained herein shall be construed to affect the authority and jurisdiction of the respective agencies designated in section 108 of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.).

"§ 28-3816. Inconsistent laws: What law governs

"If any provision of law or regulation promulgated thereunder is inconsistent with this chapter, this chapter shall govern, unless this chapter or the inconsistent provision of the other laws specifically provides otherwise."

SEC. 5. Section 571 of title 16 of the District of Columbia Code is amended to read as follows:

"§ 16-571. Definitions

"For purposes of this subchapter—

"(1) The term 'wages' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

"(2) The term 'disposable wages' means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

"(3) The term 'garnishment' means any legal or equitable procedure through which the wages of any individual are required to be withheld for payment of any debt."

SEC. 6. The text of clauses (1), (2), and (3), in the first paragraph of section 16-572 of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended to read as follows:

"(1) 25 per centum of his disposable wages that week, or

"(2) the amount by which his disposable wages for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) in effect at the time the wages are payable,

whichever is less. In the case of wages for any pay period other than a week, the Commissioner of the District of Columbia shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2)."

SEC. 7. Subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding the following sections:

"§ 16-583. No garnishment before judgment

"Notwithstanding any other provision of law, prior to entry of judgment in an action against a debtor, the creditor may not obtain an interest in any property of the debtor by attachment, garnishment, or like proceedings.

"§ 16-584. No discharge from employment for garnishment

"No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment."

SEC. 8. (a) The analysis of chapter 33 of title 28 of subtitle II, District of Columbia Code, is amended by adding at the end thereof the following new item:

"28-3308. Finance charge on direct installment loans."

(b) The analysis of subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following new items:

"36. Motor Vehicle Installment Loans ---------------------- 28-3601.
"37. Revolving Credit Accounts--- 28-3701.
"38. Consumer Protections-------- 28-3801."

(c) The analysis of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding at the end thereof the following new items:

"16-583. No garnishment before judgment.
"16-584. No discharge from employment for garnishment."

SEC. 9. (a) The Act of February 4, 1913 (relating to the regulation of the business of loaning money in the District of Columbia) (D.C. Code, secs. 26-601—26-611), is amended by adding at the end of that Act the following:

"SEC. 14. (a) No provision of this Act shall apply with respect to any loan, or to the making of any loan—

"(1) to any corporation which is unable to plead any statutes against usury in any action;

"(2) at a rate of interest which does not exceed the maximum lawful rate of interest which would be applicable to such loan but for the provisions of this Act;

"(3) secured on real estate located outside of the District of Columbia;

"(4) to a borrower residing, doing business, or incorporated outside of the District of Columbia; or

"(5) greater than $10,000.

"(b) If any provision of this section or the application thereof to any person or circumstance, is held invalid, the remainder of the section, and the application of such provision to other persons or circumstances shall not be affected thereby."

(b) The amendment made by subsection (a) of this section shall apply with respect to any loan made, or to the making of any loan, in the District of Columbia on or after the effective date of such Act of February 4, 1913 (as specified in section 13 of such Act); except that such amendment shall not apply with respect to any loan made, or to the making of any loan, in the District of Columbia concerning which an action under such Act of February 4, 1913, has been filed in a court of competent jurisdiction on or before November 10, 1971.

SEC. 10. This Act may be cited as the "District of Columbia Consumer Credit Protection Act of 1971".

With the following committee amendments:

Page 30, line 13, strike out "false" and immediately following "of any" insert "false".

Page 38, in the matter immediately following line 6, strike out "District" and insert in lieu thereof "Direct".

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purposes of H.R. 12115, as amended, as set forth in the committee report, are—

First. To establish maximum interest ceiling rates in connection with direct installment loans and direct automobile installment loans.

Second. To establish maximum credit service charge rates for revolving credit accounts including credit cards, growing out of retail sales in the District of Columbia.

Third. To provide consumers with remedies and safeguards against fraudulent sales, credit, and collection practices.

Fourth. To revise certain elements of the law relating to the garnishment of wages.

Fifth. To restate the limited application of the "Loan Shark" Act thus relieving persons engaged in money lending at lawful interest rates from the terms of the act.

NEED FOR LEGISLATION

Hearings were held on November 29 and 30, 1971, at which bankers, merchants, the District of Columbia government, representatives of consumer groups and the public testified. The testimony and information received by the Committee, clearly demonstrated the need for changing the existing interest rates, setting maximum interest and service charges for credit sales, and the restatement of the law relating to small, high interest loans in the Nation's Capital.

The Nation's Capital is a 61 square-mile "island" surrounded by the States of Virginia and Maryland. The 11 largest banks of Virginia and Maryland compete for business with District banks by operating on the boundaries of the District by way of branch-banks, bank holding companies, or actual head offices. Competition between the banks of the three neighboring jurisdictions, which should be considerable for the best interests of the public, is impaired by current conditions in the consumer credit field. Significantly, Federal legislation affecting consumer lending by District of Columbia banks has not passed Congress since at least 1902. The sole exception, although banks not specifically mentioned, may be the automobile loan law enacted in 1960.

There are many good reasons why consumer money is not available in the District. Your committee believes one compelling reason is the lack of competition among neighboring banks resulting in a higher interest rate. When banks are hampered in maintaining their comparative position because of an inadequate return in granting a loan, the consumer borrower is often denied the right to make a loan.

SMALL INSTALLMENT LOANS

The record before the committee during recent hearings in late November, preponderates in favor of changing the maximum interest rate ceilings. Mr. L. A. Jennings, chairman of the board, the Riggs National Bank and on behalf of the District of Columbia Bankers Association, testified before the committee that an important phase of banking competition is the ability to make consumer loans, that is, personal unsecured installment loans and direct automobile installment loans, at interest rates which permit a fair profit. Competitive forces are strong in the field of bank lending activity and, if the factors governing the granting of such loans are approximately even, the rates charged by banks are governed by competition. If ceiling rate restrictions require that consumer installment loans be made on about a break-even basis from the standpoint of profit, or at a small operating loss for the average loan, or even at a negligible profit, the lending policy governing the granting of such loans must be unduly conservative because the latitude for a normal small percentage of loan losses does not exist. Banks faced with the dilemma are not competitive with banks able to make consumer installment loans at rates which produce a fair profit. When consumer loans can be made on the latter basis, the lending policy can safely be liberalized to serve far more people. While loan losses under the more liberal policy will increase to some extent, earnings are sufficient to absorb them and provide a reasonable profit to the bank. A better and more constructive job has been done for all concerned.

In the installment credit and small-loan fields, Virginia and Maryland are permitted a ceiling rate enabling banks in those States to make such loans to District of Columbia residents who are frequently denied such loans by District banks because of the lower interest ceilings. Such lower ceilings in the District of Columbia for these types of loans, which involve a higher degree of risk and higher reserves, have caused District of Columbia banks to refuse such loans. This requires District of Columbia residents, and many residents of Virginia and Maryland who work in Washington and also maintain banking relations here, to borrow in Virginia and Maryland at higher but fair rates. The anomalous situation thus exists that borrowers borrow where the interest rates are higher rather than where they are lower. This anomaly is created by lenders frequently refusing to lend at the lower rates which do not compensate for the average losses sustained, and provide no profit margin. Statistics show that the growth of such loans in Virginia and Maryland in 1970 over 1969 was 11.7 percent whereas in the District of Columbia there was a decline of 3.5 percent. This disparity in interest rate ceilings between the District of Columbia and the two States contained in the Washington metropolitan area has produced this inequitable result. The failure to correct it by enacting S. 1938 will further impair the health of consumer credit lending by District of Columbia and the two States contained in competitive advantage to banks across the river in Virginia or across the street in Maryland.

Increasing the maximum interest rate ceilings was also favored by several retail organizations and Benny L. Kass, District of Columbia Commissioner, National Conference of Commissioners on Uniform State Laws, Executive Director, District of Columbia Commission on Interest Rates and Consumer Credit and a leading advocate of consumer protections.

THE LOAN SHARK ACT

To understand the purposes of this section and its importance, it is necessary to briefly review the legislative history of the "loan shark act." Concern over the vicious practices of certain "racketeer" lending operators in the District of Columbia engaging in making small loans at interest rates running as high as 300 percent commanded the attention and condemnation of the Congress from 1911 through 1913 this legislation was actively considered, debated, and was reported from committees and finally enacted by Congress.

The entire thrust of this legislative action by the Congress was directed to the nefarious practices of the small loan sharks. Other lending practices by other financial institutions in the District of Columbia were not in question as a part of the issues involved in this legislation. There was but one purpose in this action by the Congress. When the total of all circumstances and debate and the legislative action is reviewed and understood, the purpose of Congress was to circumscribe this particular type of practice so that it would be under strict control and subject to rigid regulation calling for criminal penalties for violation. There was no purpose, thought, or intent to apply directly or indirectly any of the sanctions prescribed in the "loan shark" act against lending operations by persons or institutions engaging in the lending of money at interest rates which were lawful under the District of Columbia Code.

"LOAN SHARK" LENDING

The practical effect of the statement by the Congress was that those engaged in lending sums of money at rates of interest above the lawful rate, then 6 percent on both oral and written contracts, would be limited to lending sums not greater than $200 to any one person and at interest rates not in excess of 1 percent per month interest. Collateral provisions of the act required a penal bond, licensing and an annual fee of $500, and specified criminal penalties in addition to the loss of principal and interest of any unlawful loan.

In stating the provisions of the act, the Congress expressed in a series of sections various portions of the above mentioned provisions and at the close of the act listed the then known institutions engaged in lawful lending to indicate that no provisions of the act were to apply to such lending activity.

At the date of the enactment of the Loan Shark Act, all interest above 6 percent was usurious under law except for the rates prescribed in the "Loan Shark Act" and otherwise provided for pawnbrokers. Thus, the specifying rate of "6 percent interest" in section 1 of the act had the equivalent in intent of the Congress stating "the lawful rate of interest," which if substituted would have accomplished precisely what was intended by the act.

The first change in law of consequence happened in 1920, when the lawful interest rate was restated by Congress as being 6 percent on oral contract and 8 percent on written contract, which provisions of law exists today.

By applying the literal terms of section 1 of the Loan Shark Act rather than the intent, groups, organizations, and associations, not contemplated in 1913 as being financial institutions, who may have made loans after 1920 at the lawful rate but in excess of 6 percent could be found in violation of the Loan Shark Act. However, in that year an action was brought on a debt involving $177,500 secured by a first trust on real estate. If the debtor had prevailed, the lender would have forfeited all interest and the principal amount. The Court, however, held that the loan shark law was intended to apply to small loans only. (*Von Rosen* v. *Dean* (1920, 41 F. 2d 982, 59 App. D.C. 359).)

In the intervening years since the 1920 case, court decisions have gradually altered the interpretation of the law to a point where a question began to grow in the financial community as to whether or not legitimate lending operations could be undertaken absent having the particular name of the type of lending business specifically exempted by the statute. As an offset to the reach of the court in the direction of applying the loan shark statute more widely, the Congress from time to time enacted additional provisions of law naming other types of businesses such as life insurance companies and small investment trust companies, and some nonprofit corporations as lawful businesses except for the expanded applications of the Loan Shark Act.

THE PARKWOOD CASE

The Parkwood decision of November 10 struck with the suddenness of a quake and shook the foundations of financial institutions of the District of Columbia with shock waves to other financial centers in the United States. When the court indicated that the Loan Shark Act "plainly applies to all who are in the business of lending money on a security at a rate of interest in excess of 6 percent, except those types of organizations specifically exempted from coverage" by the act, real estate investment trusts, mortgage bankers, union pension funds, fraternal orders, real estate brokers, charitable foundations, the Federal National Mortgage Association and numerous others found themselves exposed to financial strangulation. The consequence of cancellation of $1 billion of mortgage debt and interest due thereon appeared to be imminent.

In committee hearings, every type of financial institution joined in the expression of alarm and the urgency of immediate action by the Congress to restate the application of the Loan Shark Act so as to prevent the catastrophic losses.

RESTATEMENT OF INTEREST

Our committee approached these problems with the concept that if the full purpose and intent of the Loan Shark Act, as to its limited application, were made effective, the difficulties of the financial community would be erased. All loans in excess of $200 would be exempt from application of the act and only those of $200 or less, on which the interest rate was in excess of the lawful rate up to a maximum of 1 percent a month, would be covered.

The principles of equity would be obtained in that the parties to a contract would remain to the position which they held at the time of voluntarily entering into an agreement with mutual considerations, complying with the existing law as it was then understood and interpreted. No windfall and no unjust enrichment may arise from such an application of the intent which was embodied in the Loan Shark Act and effective until recent years.

The provisions of the Loan Shark Act are amended by section 9 of this bill in several respects, adding a new section 14 to the act.

The new section makes its terms inapplicable to any loan or making of any loan—

First, to corporations which may not legally plead the defense of usury;

Second, loans which carry an interest rate not in excess of the lawful rate of interest;

Third, loans secured on real estate located outside the District of Columbia;

Fourth, loans to borrowers residing, doing business, or incorporated outside the District; and

Fifth, loans greater than $10,000 in amount.

Subsection (b) of the new section, states a customary saving clause.

Subsection 9(b) of the bill provides that the terms of the amendment shall be considered as effective from the date of enactment of the act except that such amendment shall not apply with respect to any loan made or the making of a loan which is the subject of an action in the District of Columbia under the act of February 4, 1913, which was filed in court on or before November 10, 1971.

As to this latter provision, our committee is aware of the legislative approach used by the Congress to support the full intent and purpose of the Portal to Portal Act of 1947 (61 Stat. 84, 29 U.S.C. 251–62) which became necessary as a result of the decision in *Anderson* v. *Mt. Clemens Pottery Co.* (238 U.S. 680). This new section restating the essence of the Loan Shark Act as a statute of very limited applicability, is a milder but equally purposeful legislative action toward assuring the application of the act within its real context and intent.

Mr. Speaker, I include the following letter in support of this legislation:

WILKES & ARTIS,
Washington, D.C., December 13, 1971.

Hon. JOHN L. MCMILLAN and
Hon. ANCHER NELSEN,
U.S. House of Representatives,
Washington, D.C.

GENTLEMEN: I am special counsel for the Mortgage Bankers Association of Metropolitan Washington, Inc. and am writing this letter at the request of Mr. Denzil O. Nichols, President of the Association.

We have examined the language of Section 9 of HR 12115 and believe it will give the relief which is so urgently needed as a result of the Parkwood decision. Aside from mere editorial changes, it is the language which we agreed upon with Neighborhood Legal Services and which they found satisfactory from their standpoint.

Let me again urge immediate enactment of this Bill. We know of well over one billion dollars of mortgages which have either been voided or their validity cast into grave doubt by the Parkwood case. We are entirely satisfied that there are many hundreds of millions, and perhaps billions, of dollars of other mortgages in the same situation. These mortgages are held by pension trust funds, charitable organizations, savings and loan associations, commercial banks, life insurance companies, individuals whose life savings are represented thereby and many other persons and organizations.

Unless this Bill is enacted and these mortgages validated in accordance with the original intent of the parties and unless this action is taken at the earliest possible moment, we cannot foresee exactly what will occur but we are certain that the financial repercussions will be disastrous for many, many investors, quite possibly reaching into every state in the Union.

Among the immediate local consequences which have already occurred has been the stopping, in the midst of construction, of a number of projects for low income and elderly persons. It has also dramatically curtailed sources of funds for much needed future building projects.

While Section 9 is commonly referred to as the "Mortgage Bankers" portion of the Bill, let me assure you that this is a misnomer. It is true that the failure to obtain relief would probably wipe out the entire mortgage banking industry in the District of Columbia but this would represent only a tiny fraction (estimated at not more than 2%) of the losses which would be entailed. The remaining 98% of the losses would be sustained by the recipients of the pensions from the affected pension trust funds, the beneficiaries of the charitable organizations, the policy holders of the life insurance companies and other individuals located throughout the United States.

Your assistance in preventing this financial debacle is urgently solicited. Our industry is not directly involved in any other portion of the Bill but we have found no objectionable provisions therein.

Respectfully,

LOUIS H. MANN.

Mr. Speaker, I yield to the gentleman from Mississippi (Mr. COLMER) for the purpose of making a unanimous-consent request.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I appreciate the gentleman from South Carolina yielding to me.

Mr. Speaker, while it is somewhat doubtful, nevertheless out of precaution and the desire to facilitate matters, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. GROSS. Mr. Speaker, reserving the right to object, can the gentleman give us some indication what these reports might be?

Mr. COLMER. Yes, if the gentleman will permit, I will try to reply in my own rather befuddled mind about what the situation is right now—as the gentleman from Iowa is perfectly aware—there are a couple of rather controversial matters that are in conference, one of which is the foreign aid bill and the District of Columbia appropriation bill.

These conferees have been unable to come to any conclusion. They are still manipulating, or dickering, or conferring, I guess would be the word to use and the Committee on Rules had scheduled a meeting for 11:30 this morning to hear these Members, or at least one of them, but because of the matters I have just stated, the status of the meeting was called off.

Now I do not know just what is going to happen any more than the gentleman from Iowa does. But that is the status of it and that is the reason for this request.

Mr. GROSS. Did the gentleman have breakfast this morning before the meeting at 7:30 o'clock was called off? Did the gentleman say it was 7:30 this morning?

Mr. COLMER. No, it was at 11:30 a.m.

Mr. GROSS. I understood the gentleman to say the meeting was called for 7:30 a.m.

Mr. COLMER. No, this was before lunch that the meeting was scheduled and not before breakfast.

Mr. GROSS. I thank my friend from Mississippi.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the U.S. Circuit Court of Appeals for the District of Columbia has done it again. They have handed down a ridiculous ruling which, if we do not correct its impact by the pending legislation, will have a disastrous and devastating effect on the economic health and well-being of the Nation's Capital. The legislation we have before us at this time is designed to correct that ruling, and therefore, I feel that it is one of the most important bills that we have had before this House affecting the District of Columbia in many years. I consider it emergency legislation. This Congress must pass this bill, and we must pass it before this Congress adjourns.

Everyone who has participated in the hearings and knows anything about this bill and its background agrees that it is emergency legislation and must be passed.

The basic thrust of the bill, therefore, is actually not controversial. The only disagreement that we have ever had concerning this legislation is whether or not we should consolidate, along with this matter, other problems that we would like to resolve. In other words, the question is whether other legislation should ride piggyback by means of the passage of this legislation in this Congress, legislation that all of us agree must be passed.

There is nothing improper about that procedure, and our colleagues who want other matters considered are sincere in their desire to get this other legislation passed. We have heard what could be considered to be threats from some of our colleagues who have said that if certain matters were not included along with this legislation, they would do all they could to defeat the bill. In fact, we have heard threats from the other body that if certain matters, such as consumer legislation, were not included along with legislation on this particular problem, the other body would not pass the legislation.

This is most serious. This problem must be resolved before this Congress adjourns, and I hope my colleagues will not insist that we burn down the barn to get at the rats, and insist that the bill be perfect in all other respects before it will have their support.

We have tried to compromise this matter, and to compromise with those who wanted other matters included. We have tried to take those other matters out of the bill when we heard threats that it would not otherwise obtain the support of certain colleagues. Then we put certain matters back into the bill with various amendments. As a result, we think we now have a reasonable compromise which our colleagues can support in the bill we now have before us.

I have heard this bill labeled as a banker's bill. Actually, there is nothing wrong with this House or this Congress considering legislation affecting the banking industry just the same as any other industry. But to label this bill as a banker's bill, helping only the bankers, is not true. That is an unfair label to place upon this bill.

If the problem of mortgage loans in the District is not resolved by the passage of this legislation, thousands upon thousands of people in the Nation's Capital will be affected adversely, little people as well as big people. There will be tens of thousands of workers in the construction industry who will be laid off because of a drying up of mortgage loan funds here in the Nation's Capital. There will be many low-income people, low-income tenants who will be denied homes because construction will come to a halt. Millions of dollars in pension funds will evaporate, and millions of dollars in life savings of many individuals will be destroyed.

I would say that if this legislation fails to pass, the large-income people in the Nation's Capital will survive somehow. It is the low-income people, the little people, who will be primarily affected.

The SPEAKER. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for 5 additional minutes.)

Mr. BROYHILL of Virginia. So, Mr. Speaker, to label this bill as a special interest bill, a mortgage banker's bill, or as a big money bill is demagoguery in its worst form.

Mr. Speaker, very briefly, what is the cause of this problem we have before us here today?

In 1913, the Congress passed a bill which has come to be known as the District of Columbia loan shark law. At that time, the legal limit for interest rates in the District of Columbia was 6 percent, but those who were in the marginal categories, those who needed small loans and who could not qualify for loans at the normal rate of 6 percent, were being charged usurious rates up to as high as 300 percent in some instances. In an effort to correct that evil, and at the same time help the marginal and low-income people obtain some credit, the Congress passed a law that provided that for loans not exceeding $200, under a special license that would be obtained, money could be loaned at a rate as high as 12 percent per annum.

The law was not intended to apply to mortgage loans made by banks and savings and loan associations, and institutions of that sort.

In 1920, the Congress increased the interest rate on loans made on written contracts from 6 percent to 8 percent. At that time, in 1920, a suit was filed charging that a first trust in the amount of $177,000 was in violation of this loan shark law enacted in 1913. The court ruled at that time that the loan shark law was not intended to apply to first mortgage loans, but since that time there have been several suits filed and several further interpretations of the courts that have placed the question in doubt as to whether or not this 1913 law applies only to small loans up to $200.

So Congress from time to time amended the law, and brought in banks, savings and loan associations, and insurance companies in order to make it abundantly clear over and over again that the act of 1913 was to apply only to small loans not in excess of $200.

Now the courts in a recent ruling, in the decision on Parkwood, Inc. against Equitable Life Insurance Co., has stated that the Loan Shark Act applies to all who are in the business of lending money on a security at a rate in excess of 6 percent, except organizations specifically exempted from its provisions. This meant that mortgage loans made by banks in the District, or by life insurance companies prior to their exemption in 1963, would be null and void as to both principal and interest.

If this decision is allowed to stand, it would result in the loss of approximately $1 billion in mortgage loans made in good faith by financial institutions in the District of Columbia. And this will affect not only the mortgage bankers—in fact, I question whether mortgage bankers would suffer as much as other groups, because in most instances the mortgage bankers who made these loans have sold the loans to banks and savings and loan institutions, and these are the people who will suffer the loss if this ruling is allowed to stand. It would cut off all funds that would be payable to the Redevelopment Agencies, and the buyers of low-income housing, and all those who would benefit from low-income housing. It will also result in construction workers being laid off, so that there would be thousands of additional unemployed in the Nation's Capital, and thousands of people who would be homeless.

As I say, this problem affects practically every form of banking institution, savings and loan institution, and mortgage lending institution in this Nation's Capital. If this bill does not pass, this Parkwood case decision will result not only in the loss of $1 billion in these loans going back over a period of 58 years, but will dry up all mortgage funds in the Nation's Capital which are necessary to assure an economically healthy community.

Mr. Speaker, let me give a more detailed explanation of this vitally important bill, which seeks to amend certain provisions in present District of Columbia law relating to interest rates and usury, specifically by providing the following:

First. Maximum interest rates in connection with direct installment loans and automobile installment loans.

Second. Maximum credit service charge rates for revolving credit accounts growing out of retail sales.

Third. Revision of certain aspects of garnishment of wages.

Fourth. Remedies to safeguard consumers from fraudulent sales, credit, and collection practices.

Fifth. Exemption from the usury statute for mortgage banking and real estate investment trusts, and making retroactive the present exemption of life insurance companies and small business investment companies.

The last-named of these provisions of H.R. 12115, that to protect the makers of mortgage loans from a grossly inequitable inclusion under the usury statute, I regard as a highly important section of this proposed legislation.

The District of Columbia Loan Shark Act was enacted in 1913, and provided that it would be unlawful to engage in the business of lending money in the District of Columbia at a rate greater than 6 percent without procuring a license. Such a licensee could charge as much as 12 percent per annum, but only on loans not in excess of $200. It is quite obvious that the Congress at that time had no intent of prescribing these sanctions against lending operations by any persons or institutions who engaged in the lending of money at interest rates which are lawful under the District of Columbia code. Rather, this act was aimed at small loan sharks who at that time were engaged in the nefarious business of lending money in small loan amounts at rates up to as much as 300 percent in some instances. It should be mentioned at this point that in 1913, all interest rates higher than 6-percent were usurious under District of Columbia law except as provided under the Loan Shark Act at that time, as mentioned above, or as prescribed specifically for pawn brokers.

It was not until 1920 that it became legally possible to make loans in the District at a rate in excess of 6 percent, other than in the case of persons licensed under the Loan Shark Act or the Pawnbrokers Act. The act of April 19, 1920, provided a lawful rate of interest of 6 percent on oral contracts and 8 percent on written contracts, which provisions of law exist today.

Because it was possible, by applying the terms of section 1 of the Loan Shark Act literally and without regard to intent, for organizations not in existence in 1913, or not contemplated at that time as being financial institutions, and who may have made loans after 1920 at the then lawful rate but in excess of 6 percent, to be found in violation of the Loan Shark Act, the Congress enacted from time to time additional provisions of law exempting other type businesses, such as life insurance companies, small investment trust companies, and some nonprofit corporations from the loan shark law. These exemptions were prospective, of course, from their time of enactment, and not retroactive. Meanwhile, in the interval between 1913 and 1920, District of Columbia courts on several occasions had ruled that the Loan Shark Act applied only to small loans. Also, the licensing authorities of the District of Columbia have consistently taken the position that a real estate broker, including one who loaned his own money, was exempt from licensing under the loan shark law.

It came as a bombshell, therefore, when on November 10, 1971, the U.S. Court of Appeals for the District of Columbia decided, in the case of in re: Parkwood, Inc., by a 2-to-1 decision, that contrary to the long-standing interpretation of the District of Columbia Loan Shark Act by the District of Columbia officials in charge of administering it, that the Loan Shark Act "plainly applies to all who are in the business of lending money on a security at a rate in excess of 6 percent, except those types of organizations specifically exempted from coverage" by the act. By reason of this decision, real estate investment trusts, mortgage bankers, union pension funds, fraternal orders, real estate brokers, charitable foundations, the Federal National Mortgage Association, and numerous others were immediately exposed to financial disaster as more than a billion dollars in mortgage loans were placed in jeopardy as to the lenders, who stood to lose not only their interest but the principal of their loans as well. This decision also affects life insurance companies for their activities in lending prior to 1963, as well as small business investment companies in regard to loans made by them prior to 1960, because those were the years in which these organizations received their respective exemptions from the Loan Shark Act, but not on a retroactive basis.

I wish to point out that the devastating consequences of the Parkwood decision are not limited to the lenders and their customers. The funds pumped into the economy of the Metropolitan Washington area by large-scale lenders are essential to a large segment of the area's economy. For example, construction contractors will be obliged to lay off workers and to withhold paychecks as a result of the lenders being forced to cease advancing funds on existing and new construction loans. Similarly, the serious effects of this decision on the residential housing market are illustrated by the fact that 30 to 50 percent of the transfers of single family residences in this area are financed through such sources. At this time, a number of scheduled closings on such houses have been delayed by the Parkwood decision.

Under the present uncertain state of the law, many lenders will simply withdraw from the District of Columbia loan market, because they could suffer the penalty of having their loans declared void. Obviously, they will lend their money in a market where this problem does not exist. Thus, unless this problem is remedied immediately, the entire financial community in the Washington metropolitan area will be thrown into chaos, and the total extent of the repercussions cannot now even be estimated.

It is critically important, therefore, that the Congress take immediate action to head off this disaster, in the public interest, as to allow the effect of this decision to stand would destroy the District of Columbia as an area where normal commerce could be carried on. Many institutions would become bankrupt, including those providing retirement, sick pay, and other benefits to millions of persons; also, many thousands of persons would be put out of work.

In order to avert this impending disaster, section 9 of H.R. 12115 provides a new section 14 to the Loan Shark Act which will make that act inapplicable to:

First. Loans to corporations which may not legally plead the defense of usury;

Second. Loans which carry an interest rate not in excess of the lawful rate of interest;

Third. Loans secured on real estate located outside the District of Columbia;

Fourth. Loans to borrowers residing, doing business, or incorporated outside the District; and

Fifth. Loans greater than $10,000 in amount.

This section provides also that the terms of this amendment shall be effective from the date of enactment of the Loan Shark Act, or February 4, 1913, except that such amendment shall not apply with respect to any loan made which is subject to an action in the District of Columbia under the Loan Shark Act, which action was filed in court on or before November 10, 1971, the date of the Parkwood decision.

These provisions in section 9 will simply assure that the parties to a contract will be restored to the position which they held at the time they voluntarily entered into an agreement, complying with the existing law as it was understood and interpreted. No windfall or unjust enrichment may result from the enactment of these amendments to the Loan Shark Act. Hence, I consider them to be entirely equitable and constructive.

This bill also establishes new maximum interest rates on direct installment loans and direct automobile installment loans by authorizing any federally insured bank or savings and loan association financing loans up to $25,000 in the District to contract for finance charges not in excess of 11.5 percent, and also to charge that same rate of interest on the unpaid balances of principal on direct motor vehicle installment loans. Direct installment motor vehicle loans are those which are made to an owner who pledges the automobile as security.

These provisions are supported by all the banks in the District of Columbia, all local savings and loan associations, major retailers, and the Metropolitan Washington Board of Trade.

While there are many reasons why consumer loan money is not available at present in the District of Columbia, it is my opinion that one of the main reasons is the current lack of competition among neighboring banks in this area. The 11 largest banks of Virginia and Maryland operate on the borders of the District by means of branch banks, banks owned by holding companies, or actual head offices. Competition between the nearby banks of these two States and those in the District of Columbia in the matter of consumer credit borrowing, which should be intense for the best interests of the public, is presently much impaired by current conditions in the consumer credit field.

This is true because the laws of Virginia and Maryland permit interest rates on installment loans by such institutions higher than the 8 percent which is the ceiling in the District. Under present conditions, the cost to the banks in the District of Columbia of making installment loans is such that there is little or no profit to the lending institutions. For this reason, the banks in the District of Columbia are frequently refusing to grant such loans. As a result, District of Columbia residents as well as many residents of Virginia and Maryland who work in the District, are forced to borrow in the neighboring States, even though the interest rates there are higher.

There is no question that this provision in H.R. 12115 will serve to correct this inequitable situation, and restore a measure of health to the banks and savings and loan companies in the District of Columbia by eliminating the present unfair advantage accruing to the lending across the river in Virginia and Maryland.

Another important provision of H.R. 12115 is in section 4 of the bill, and permits a retail seller or financial institution engaged in business in the District to charge a rate not in excess of 1.5 percent—18 percent per annum—per month on that part of the outstanding balance which is $500 or less, and 1 percent—12 percent per annum—per month on that part of this amount which is more than $500.

Revolving credit accounts are an old and well-established method whereby credit is extended in connection with the sale of goods and services on time. Recently, banks have become active in this field. In bank credit card operations, the smaller merchants receive the added advantage of receiving cash turned over to the credit card companies and are relieved of all collection expenses, administrative expense, and bad debt losses of a nonfraudulent nature. A credit card company is literally a paper factory, and is expensive to operate because of the hundreds of thousands of small monthly bills involved. It would be impossible to operate such a company profitably on the basis of a service charge rate equivalent to an 8-percent contract simple interest rate per annum, as the cost of rendering the service far exceeds that amount.

The District of Columbia has only one locally based credit card company, previously referred to as Central Charge Service, Inc., now a subsidiary of the Riggs National Bank. It currently sends out monthly statements to 270,000 card holders, and serves in excess of 6,000 merchants. Competition is provided in very adequate measure by 35 Virginia and Maryland banks with 235 offices in the Metropolitan area who issue Bank Americard and Master Charge cards.

Consumer credit statutes have been enacted fixing a ceiling on finance charges equal to 1.5 percent per month on balances up to $500 and 1 percent per month on the excess in Maryland, and 1.5 percent per month on all balances in Virginia. Although the District of Columbia usury statute is not believed to have any bearing on Central Charge's finance charges, or those of major retail merchants who issue their own credit cards, the legality of these charges, which are the same as the Maryland rates, are now being attacked in the courts as usury. To avoid any need for further litigation on this subject, I submit that this provision in H.R. 12115 will resolve the uncertainty in the revolving credit area, by adopting for the District of Columbia the lesser of the Virginia and Maryland finance charge rates, the lesser—Maryland—being the same as that now in effect in the District. Without such legislation, Central Charge will have no alternative but to go out of business if its finance charges are held to be purely interest and subject to the 8 percent per annum contract simple interest ceiling rate. This would indeed be unfortunate for business in the District of Columbia.

Other provisions of this proposed legislation will serve to safeguard consumers in the District from fraudulent sales, credit, and collection practices. For example, buyers who feel they have been deceived by high-pressure, door-to-door salesmen will have a 3-day period after signing in which they may cancel a contract. Buyers may also refuse to make payments on merchandise which is defected, even if the contract has been sold to a finance company or other third party. The bill also outlaws "balloon payment" installment buying contracts calling for low payments until the last, which is ballooned into a much larger payment than the others. At present, when a buyer cannot meet such a ballooned final payment, the merchandise is repossessed.

Further, the bill will allow courts to void a sales agreement in cases where the intent was to defraud the buyer in an "unconscionable manner." There have been cases in which a person caught in such circumstances has been found by a court to owe a legitimate debt, and given 30 days in which to pay.

The bill includes certain changes in the present law relating to garnishment of wages in the District. Garnishment, of course, is the procedure by which a creditor can collect a debt by getting a portion of the debtor's wages direct from his employer. This provision will allow garnishment of as much as 25 percent of an employee's disposable wages for a given week—which means that part of his earnings remaining after the deduction of any amounts required by law to be withheld—or the amount by which the employee's disposable wages for that week exceed 30 times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act in effect at that time—whichever is the lesser amount. This would amount, in effect, to a garnishment limit of about $80 a month from a wage earner who has a take-home pay of $325.

It is further provided that no creditor may attach any debtor's property, by attachment or garnishment, before a court decision has been made as to the validity of the debt. Also, no employee may be discharged by reason of a garnishment or like proceeding by a creditor directly to the employer for the purpose of paying a judgment.

I feel these provisions to be fair and equitable, for the wage earners and the collection agencies alike.

Mr. Speaker, this bill contains provisions which are urgently needed to assure the economic well-being of the District of Columbia and its citizens. I urge its prompt enactment.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker and Members of the House, I believe this is one of the most important pieces of legislation we will deal with in this session.

Very frankly, in the committee I made the motion to separate the consumer protection provision and the mortgage banker provision in the bill because certain groups had not testified at the hearings. But after our committee meeting December 7, we found that all business community elements could support a combined bill. So, while we did not have adequate time on December 7 to ask the questions which I believe needed to be asked and have answered, and to give necessary consideration we reported out only S. 1938 that day without consumer provisions. When one is in doubt one certainly takes the cautious course, which I did.

I later found there was some danger that we would lose the bill dealing with the mortgage situation in the District of Columbia if it did not contain consumer provisions even though the consumer provisions were in a separate reported bill. I then made extensive investigation with all the groups and found that the legislation as presently drafted was acceptable to the District of Columbia Bankers Association, the Mortgage Bankers Association, and the American Collectors Association, Incorporated.

Rather than take a chance of losing these measures—in this case, in my judgment, particularly the one dealing with the mortgage loan situation that now prevails because of the Packwood decision—I then supported the bill that put them both together.

I want to say that the gentleman from Missouri, Mr. HUNGATE, held the hearings on these matters and did a fine job. Really the bill that we now have before us, H.R. 12115, is pretty much the bill that Congressman HUNGATE worked on, and perfected, and I believe it is a good measure. I congratulate him for a fine job.

I should like to call to your attention that there is about a billion dollars of financing in the District of Columbia that is in jeopardy because of the fact that in the original legislation they set up revisions in the usury laws, and while the mortgage bankers specifically were not mentioned, our U.S. Circuit Court in the District of Columbia has held the 1913 loan shark law applied to mortgages. I do not believe that was the intention of Congress in 1913, but the law as interpreted states that only those who were mentioned were exempt. In this case mortgage bankers were not mentioned as exempt, as I understand it.

In my judgment, if we can permit one banker to enjoy the benefit of the laws of the land there should be no reason why the other group should not likewise be involved.

May I say further that the total development program, urban renewal in the District of Columbia, is involved, and this city would be in turmoil if something is not done on this bill. District of Columbia redevelopment land officials support it, Neighborhood Legal Services Counsel supports it, and it is desperately needed.

So we have tried to fairly approach this and put it back together in a manner which I believe is correct and proper. Some provisions of the original bill were stricken. Some amendments were put in that found acceptance.

I have asked local counsel to examine the language of section 9 of H.R. 12115 and I believe it will give the relief which is so urgently needed as a result of the Parkwood decision. Aside from mere editorial changes, it is the language which was agreed upon between the Neighborhood Legal Services which they found satisfactory from their standpoint and the Mortgage Bankers Association.

Let me again urge immediate enactment of this bill. We know of well over $1 billion of mortgages which have either been voided or their validity cast into grave doubt by the Packwood case. We in the committee are entirely satisfied that there are many hundreds of millions, and perhaps billions, of dollars of other mortgages in the same situation. These mortgages are held by pension trust funds, charitable organizations, savings and loan associations, commercial banks, life insurance companies, individuals whose life savings are represented thereby and many other persons and organizations.

Unless this bill is enacted and these mortgages validated in accordance with the original intent of the parties and unless this action is taken at the earliest possible moment, we cannot foresee exactly what will occur but we are certain that the financial repercussions will be disastrous for many, many investors, quite reaching into every State in the Union.

Among the immediate local consequences which have already occurred has been the stopping, in the midst of construction, of a number of projects for low-income and elderly persons. It has also drastically curtailed sources of funds for much needed future building projects.

While section 8 is commonly referred to as the "mortgage bankers" portion of the bill, let me assure you that this is a misnomer. It is true that the failure to obtain relief would probably wipe out the entire mortgage banking industry in the District of Columbia but this would represent only a tiny fraction—estimated at not more than 2 percent—of the losses which would be entailed. The remaining 98 percent of the losses would be sustained by the recipients of the pensions from the affected pension trust funds, the beneficiaries of the charitable organizations, the policy holders of the life insurance companies and other individuals located throughout the United States.

I believe the bill is a good bill and I hope it will be passed.

Mr. MIKVA. Mr. Speaker, I rise in support of H.R. 12115, the House version of the bill passed by the Senate (S. 1938) revising interest rates in the District of Columbia and providing much-needed protections for borrowers.

The most highly publicized provision of the bill, and the most difficult from a drafting point of view, was section 9, dealing with the exemption of certain kinds of loans from the operation of the loan shark law. I am pleased that the committee was able to agree on language which provides the necessary protection to large institutional lenders without jeopardizing the rights of consumers who have been victimized by loan sharks. The committee also had to deal with the difficult problem of providing retroactive protection without overstepping constitutional limits. Here too the committee did a creditable job.

Lest there be any misunderstanding of the intent of the committee regarding the retroactivity of the changes effected by section 9, it should be made clear that no such retroactivity is intended to attach to the changes in the usury rate as defined in section 28–3303 of the D.C. Code. The new interest rate ceiling is prospective only. There is no intention to affect cases which may be pending or contemplated, involving loans which were made before the passage of this bill at interest rates in excess of those permitted by the usury laws of the District of Columbia.

All in all, H.R. 12115 represents a responsible effort to alleviate the problems of lenders and borrowers alike in the District of Columbia. It enjoys the support of the financial community and of consumer interests. I urge my colleagues to support the bill.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from the further consideration of a similar Senate bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, is the Senate bill the same bill?

Mr. McMILLAN. No. We will strike out all after the enacting clause and place what our committee endorsed in the Senate bill. We will substitute the House language for the Senate language.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. It embraces the same subject. This is merely a parliamentary procedure in order to get the Senate bill before the other body as amended by the House provisions. It embraces the same subject, with the exception of a few minor amendments.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1938

An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the text of section 28–3301 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"Except as otherwise provided in section 28–3308, chapter 36 and chapter 39 of this subtitle, the parties to an instrument in writing for the payment of money at a future time may contract therein for the payment of interest on the principal amount thereof at a rate not exceeding 8 percent per annum."

SEC. 2. The text of clause (2) in the first sentence of section 28–3303 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"(2) in writing, to pay a greater rate than is permitted under section 28–3301 or 28–3308 or under chapter 36 or 39 of this subtitle, the creditor shall forfeit the whole of the interest so contracted to be received."

SEC. 3. Chapter 33 of subtitle II of title 28, District of Columbia Code, is amended by adding the following section:

"§ 28–3308. Finance charge on direct installment loans

"(a) On a loan in which the principal does not exceed $25,000 (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle) to be repaid in equal or substantially equal monthly, or other periodic, installments, any federally insured bank or savings and loan association doing business in the District of Columbia may contract for and receive interest at the rate permitted under this chapter or, in lieu of such interest, a finance charge which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal. This section does not limit or restrict the manner of contracting for the finance charge, whether by way of discount, add-on, or simple interest, so long as the annual percentage rate of the finance charge does not exceed that permitted by this section.

"(b) If such installment loan is precomputed,

"(1) the finance charge may be calculated on the assumption that all scheduled payments will be made when due, and

"(2) except as provided in subsection (c), upon prepayment in full of the unpaid balance of a precomputed direct installment loan, refinancing, or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the debtor. If the rebate otherwise required is less than $1, no rebate need be made.

"(c) Upon prepayment in full of such direct installment loan other than a refinancing or consolidation, whether or not precomputed, the lender may collect or retain a minimum charge within the limits stated in this section if the finance charge earned at the time of prepayment is less than any minimum charge contracted for. The minimum charge may not exceed the smaller of the following: (1) the amount of the finance charge contracted for, or (2) $5 in a transaction which had a principal of $75 or less, or $7.50 in a transaction which had a principal of more than $75.

"(d) The unearned portion of the finance charge is a fraction of the finance charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in which the prepayment occurs, and the denominator is the sum of all periodic balances under either the related loan agreement or, if the balance owing resulted from a refinancing or a consolidation, under the related refinancing agreement or consolidation agreement.

"(e) As used in this section, 'finance charge', and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act."

SEC. 4. Subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following chapters:

"Chapter 36.—DIRECT MOTOR VEHICLE INSTALLMENT LOANS

"§ 28-3601. Direct motor vehicle installment loans

"The provisions of the Act approved April 22, 1960 (Public Law 86-431, 74 Stat., 69; D.C. Code, 1967 ed., chapter 9 of title 40), covering installment sales of motor vehicles, as amended, and the regulations issued thereunder, shall apply, to the extent appropriate, to a direct installment loan, secured by a security interest in a motor vehicle, made by a federally insured bank or savings and loan association doing business in the District of Columbia, subject to section 28-3602.

"§ 28-3602. Finance charge

"Such a bank or savings and loan association may contract for and receive interest at the rate provided for in chapter 33 or, in lieu of such interest, a finance charge which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal.

"§ 28-3603. Definitions

"As used in this chapter, 'finance charge' and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act.

"Chapter 37.—REVOLVING CREDIT ACCOUNTS

"§ 28-3701. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means an arrangement between a seller or financial institution and a buyer pursuant to which (A) the seller may permit the buyer to purchase goods or services on credit either from the seller or by use of a credit card or other device, whether issued by the seller or a financial institution, (B) the unpaid balances of amounts financed arising from purchases and the credit service and other appropriate charges are debited to an account, (C) a credit service charge if made is not precomputed but is computed on an outstanding unpaid balance of the buyer's account from time to time, and (D) the buyer has the privilege of paying the balances in full or in installments.

"(2) 'credit service charge' means the sum of (A) all charges payable directly or indirectly by the buyer and imposed directly or indirectly by the seller as an incident to the extension of credit, including any of the following types of charges which are applicable; time price differential, service, carrying or other charge, however denominated, premium or other charge for any guarantee or insurance protecting the seller against the buyer's default or other credit loss; (B) charges incurred for investigating the collateral or credit-worthiness of the buyer or for commissions or brokerage for obtaining the credit, irrespective of the person to whom the charges are paid or payable, unless the seller had no notice of the charges when the credit was granted.

"(3) 'seller' means a person engaged in the District of Columbia in the business of selling goods or services to retail buyers.

"(4) 'buyer' means a person who buys goods or obtains services from a seller pursuant to a retail credit sale and not principally for the purpose of resale; and includes a person who enters into a prior agreement with a financial institution whereby the latter agrees to pay the debts of the buyer as they accrue at various retail sellers, designated by the financial institution, in consideration of the buyer paying to the financial institution the cash sales price plus the credit service charge on the purchase.

"(5) 'person' includes any individual, partnership, corporation, association, trust, joint stock company, or any other group of persons however organized.

"(6) 'financial institution' means a person who enters into an agreement with a buyer whereby the former agrees to extend credit to the buyer and to apply it as directed by the buyer pursuant to a credit card issued to the buyer by the financial institution; and this term includes any federally insured bank as defined in section 3 of the Federal Deposit Insurance Act doing business in the District of Columbia.

"§ 28-3702. Amount and computation of credit service charge

"(a) The seller or financial institution may contract for the payment by the buyer of a credit service charge not exceeding that permitted by this section.

"(b) A credit service charge may be made in each billing cycle. For the purpose of computing the outstanding balance subject to the credit service charge, (1) the outstanding balance on any day shall consist of an amount which shall not exceed the sum of the total charges to the account less the amount paid or credited to the account prior to such day, or (2) the outstanding balance may be computed by the average daily balance method. The credit service charge may also be computed for all outstanding balances within a range of not in excess of $10 on the basis of the median amount within such range if as so computed such credit service charge is applied to all outstanding balance within such range.

"(c) If the billing cycle is monthly, the charge may not exceed 1½ percent of that part of the outstanding balance which is $500 or less and 1 percent on that part of this amount which is more than $500. If the billing cycle is not monthly, the maximum charge is that percentage which bears the relation to the applicable monthly percentage as the number of days in the billing cycle bears to thirty. For the purposes of this section, a variation of not more than four days from month to month is 'the same day of the billing cycle'."

"Chapter 38.—CONSUMER PROTECTIONS

"§ 28-3801. Scope—Limitation on agreements and practices

"This chapter applies to actions to enforce rights arising from a consumer credit sale or a direct installment loan.

"§ 28-3802. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means a revolving credit account as defined in section 28-3701 of this subtitle.

"(2) 'consumer credit sale' means a sale of goods or services in which—

"(A) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;

"(B) the buyer is a natural person;

"(C) the goods or services are purchased primarily for a personal, family, household, or agricultural purpose;

"(D) either the debt is payable in installments or a finance charge is made; and

"(E) the amount financed does not exceed $25,000.

The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(3) 'direct installment loan' means a direct installment loan as that term is used in section 28-3308 of this subtitle and does not include a loan secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle.

"(4) 'cross collateral' means an arrangement wherein a seller in a 'consumer credit sale' secures a debt arising from the sale by contracting for a security interest in other property if as a result of a prior sale the seller has an existing security interest in the other property. The seller may also contract for a security interest in the property sold in the subsequent sale as a security for the previous debt.

"§ 28-3803. Balloon payments

"With respect to a consumer credit sale or direct installment loans except for revolving credit accounts:

"(1) No creditor shall at any time enter into an agreement which contains or anticipates a schedule of payments under which any one payment is not equal or substantially equal to all other payments, excluding any final payment which is less than the average of previous payments or any down payment received by the creditor contemporaneously with or prior to the consummation of the transaction, or under which the intervals between any consecutive payments differ substantially.

"(2) Notwithstanding any provision of this section, where a consumer's livelihood is dependent upon seasonal or intermittent income, the parties may agree in a separate writing that one or more payments or the intervals between one or more payments may be reduced or expanded in accordance with the needs of the consumer if such payments are expressly related to the consumer's income. The separate writing shall contain a conspicuous notice directly above the signature line stating: "I waive my right to have all payments to be made under this agreement in substantially equal amounts'.

"(3) In the event that the provisions of paragraph (2) apply, the consumer shall have the right at any time, without further cost or obligation, to revise the schedule of payments to conform both as to amounts and intervals to the average of all installments and intervals.

"§ 28-3804. Assignment of earnings and authorization to confess judgment prohibited

"(a) A creditor may not take an assignment of earnings of the consumer for payment or as security for payment of an obligation arising out of a consumer credit sale or direct installment loan.

"(b) A creditor may not take or accept from the consumer a warrant or power of attorney or other authorization for the creditor, or other person acting on his behalf, to confess judgment arising out of a consumer credit sale or direct installment loan.

"(c) An assignment of earnings or an authorization in violation of this section is subject to the provisions of section 28–3813 (d) (1) of this subtitle.

"§ 28–3805. Debts secured by cross-collateral

"(a) If debts arising from two or more consumer credit sales, other than sales pursuant to a revolving charge account (§ 28–3701), are secured by cross-collateral, or consolidated into one debt payable on a single schedule of payments, and the debt is secured by security interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debts originally incurred with respect to each item are paid.

"(b) Payment received by the seller upon a revolving charge are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of credit service charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

"(c) If the debts consolidated arose from two or more sales made on the same day, payments received by the seller are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of the smallest debt.

"§ 28–3806. Attorney's fees

"With respect to a consumer credit sale or direct installment loans the agreement may provide for the payment by the consumer of reasonable attorney's fees not in excess of 15 per centum of the unpaid balance of the obligation.

"§ 28–3807. Negotiable instruments prohibited

"(a) In a consumer credit sale, no seller shall take or otherwise arrange for the consumer to sign an instrument, except a check, payable 'to order' or 'to bearer' as evidence of the credit obligation of the consumer.

"(b) Any holder of an instrument prohibited by subsection (a) of this section 28–3807, if he takes it with knowledge of a violation of this section, takes it subject to all claims and defenses of the consumer up to the amount owing on the transaction total at the time of the assignment.

"§ 28–3808. Assignees subject to defenses

"(a) With respect to a consumer credit sale, an assignee of the rights of the seller or lessor is subject to all claims and defenses of the consumer or lessee arising out of the sale notwithstanding any terms or agreements to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time of the assignment.

"(b) Rights of the consumer or lessee can only be asserted as a matter of defense to or set-off against a claim by the assignee.

"§ 28–3809. Lender subject to defenses arising from sales

"(a) A lender who makes a direct installment loan for the purpose of enabling a consumer to purchase goods or services is subject to all claims and defenses of the consumer against the seller arising out of the purchase of the goods or service if such lender acts at the express request of the seller, and

"(1) the seller participates in the preparation of the loan instruments, or

"(2) the lender is a person or organization controlled by or under common control with the seller, or

"(3) the seller receives or will receive a fee, compensation, or other consideration from the lender for arranging the loan.

"(b) The lender's liability under this section may not exceed the amount of the loan. Rights of the debtor can only be asserted affirmatively in an action to cancel and void the sale from its inception, or as a matter of defense to or set off against a claim by the lender.

"§ 28–3810. Referral sales

"With respect to a consumer credit sale, the seller or lessor may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of his giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount, or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease. If a buyer or lessee is induced by a violation of this section to enter into a consumer credit sale, the agreement is unenforceable by the seller or lessor and the buyer or lessee, at his option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them.

"§ 28–3811. Home solicitation sales

"(a) As used in this section, 'home solicitation sale' means a cash sale or a consumer credit sale of goods, other than farm equipment, or services in which the seller or a person acting for him engages in a personal solicitation of the sale at or near a residence of the buyer and the buyer's agreement or offer to purchase is there given to a seller or a person acting for him. It does not include a sale made pursuant to a preexisting revolving credit account or prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

"(b) Except as provided in subsection (f), in addition to any right otherwise to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase which complies with this section.

"(c) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement or offer to purchase.

"(d) Notice of cancellation, if given by mail, is given when it is deposited in a mail box properly addressed and the postage prepaid.

"(e) Notice of cancellation given by the buyer need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.

"(f) The lawyer may not cancel a home solicitation sale if the buyer requests the seller to provide goods or services without delay because of an emergency; and

"(1) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation; and

"(2) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer; and

"(3) the buyer has signed separately the following notice which appears under the conspicuous caption: 'WAIVER OF RIGHT TO CANCEL' and reads as follows: 'Because of an emergency I waive any right I may have to cancel this home solicitation sale'.

"(g) (1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller must present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with paragraph (2) of this subsection.

"(2) The statement must—

"(A) appear under this conspicuous caption: "BUYERS RIGHT TO CANCEL', and

"(B) read as follows:

"'If this agreement was solicited at or near your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you signed this agreement. The notice must be mailed to: ______________________

____

(insert name and military address of seller) If you cancel, the seller may not keep any of your cash down payment.'

"(3) Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

"(h) (1) Except as provided in this section, within ten days after a home solicitation sale has been canceled or an offer to purchase revoked the seller must tender to the buyer any payment made by the buyer and any note or other evidence of indebtedness. A provision permitting the seller to keep all or any part of any payment, note, or evidence of indebtedness is in violation of this section and unenforceable.

"(2) If the down payment includes goods traded in, the goods must be tendered in substantially as good condition as when received by the seller. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade in allowance stated in the agreement.

"(3) The seller is not entitled to retain a cancellation fee.

"(4) Until the seller has complied with the obligations imposed by this section the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods in his possession or control for any recovery to which he is entitled.

"(i) (1) Except as provided by the provisions on retention of goods by the buyer (subsection (h) (4) of this section), within a reasonable time after a home solicitation sale has been canceled or an offer to purchase revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale but he is not obligated to tender at any place other than his residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, forty days is presumed to be a reasonable time.

"(2) The buyer has a duty to take reasonable care of the goods in his possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.

"(3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation.

"§ 28–3812. Limitation on creditors' remedies.

"(a) This section applies to actions or other proceedings to enforce rights arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28, District of Columbia Code); and, in addition, to extortionate extensions of credit.

"(b) (1) During the thirty-day period after a default consisting of a failure to pay money the creditor may not because of the default (A) accelerate the unpaid balance of the obligation, (B) bring action against the debtor, or (C) proceed against the collateral.

"(2) Unless the creditor has first (A) notified the debtor that he has elected to accelerate the unpaid balance of the obligation because of default, (B) brought action against the debtor, or (C) proceeded against the collateral, the debtor may cure a default consisting of a failure to pay money by tendering the amount of all unpaid sums due at the time of tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure restores the debtor to his rights under the agreement as though the defaults cured had not occurred.

"(3) Posting of any notice required by law shall be deemed valid if mailed by certified mail to the debtor's last known address.

"(c) (1) The debtor may redeem the collateral from the creditor at any time—

"(A) within fifteen days of the creditor's taking possession of the collateral, or

"(B) thereafter until the creditor has either disposed of the collateral, entered into a contract for its disposition, or gained the right to retain the collateral in satisfaction of the debtor's obligation pursuant to the provisions on disposition of collateral in section 28-9-505 of subtitle I of title 28, District of Columbia Code.

"(2) The debtor may redeem the collateral by tendering fulfillment of all obligations secured by the collateral including reasonable expenses incurred in realizing on the security interest.

"(d) Subject to the provisions in this part, the parties may agree that the creditor has the right to take possession of the collateral on default. In taking possession, a secured party may proceed without judicial process if this can be done without breach of the peace and with consent of the debtor. Those who take the collateral through repossession shall be deemed the agent of the creditor, and the creditor shall be civilly liable for any of the actions of its agents.

"(e) (1) This subsection applies to consumer credit sales of goods or services and to direct installment loans secured by interests in goods.

"(2) A creditor may not maintain a proceeding for a deficiency unless he has disposed of the goods in good faith and in a commercially reasonable manner.

"(3) If the creditor repossesses or voluntarily accepts surrender of goods which were the subject of the sale and in which he has a security interest, the consumer is not personally liable to the creditor for the unpaid balance of debt arising from the sale of a commercial unit of goods of which the cash price was $2,000 or less. In that case the creditor is not obligated to resell the collateral unless the consumer has paid 60 percent or more of the cash price and has not signed after default a statement renouncing his rights in the collateral.

"(4) If the creditor takes possession or voluntarily accepts surrender of goods which were not the subject of the sale but in which he has a security interest to secure a debt arising from a sale of goods or services or a combined sale of goods and services and the cash price of the sale was $2,000 or less, the debtor is not personally liable to the creditor for the unpaid balance of the debt arising from the sale and the creditor's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 28-9-505 of subtitle I of title 28, District of Columbia Code.

"(5) If the creditor takes possession or voluntarily accepts surrender of goods in which he has a security interest to secure a debt arising from a direct installment loan and the net proceeds of the loan paid to or for the benefit of the debtor are $2,000 or less, the consumer is not personally liable to the lender for the unpaid balance of the debt arising from the loan and the lender's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 28-9-505 of subtitle I of title 28, District of Columbia Code.

"(6) The consumer shall be liable in damages to the creditor if the debtor has wrongfully damaged the collateral or if, after default and demand, the debtor has wrongfully failed to make collateral available to the creditor.

"(7) If the creditor elects to bring an action against the buyer for a debt arising from a consumer credit sale of goods or services, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment—

"(A) he may not repossess the collateral, and

"(B) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

"(f) (1) If it is the understanding of the creditor and the debtor at the time an extension of credit is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property to any person, the repayment of the extension of credit is unenforceable through civil judicial processes against the debtor.

"(2) If it is shown that an extension of credit was made at an annual rate exceeding 45 per centum and that the creditor then had a reputation for the use or threat of use of violence or other criminal means to cause harm to the person, reputation, or property of any person to collect extensions of credit or to punish the nonrepayment thereof, there is prima facie evidence that the extension of credit was unenforceable under paragraph (1) of this subsection.

"(g) (1) With respect to a consumer credit sale, or direct installment loan, if the court as a matter of law finds—

"(A) the agreement to have been unconscionable at the time it was made, or to have been induced by unconscionable conduct, the court may refuse to enforce the agreement, or

"(B) any clause of the agreement to have been unconscionable at the time it was made, the court may refuse to enforce the agreement, or may enforce the remainder of the agreement without the unconscionable clause, or may so limit the application of any unconscionable clause as to avoid any unconscionable result.

"(2) If it is claimed or appears to the court that the agreement or any clause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination.

"(3) For the purpose of this section, a charge or practice expressly permitted by this section is not in and of itself unconscionable in the absence of other practices and circumstances.

"§ 28-3813. Consumers' remedies

"(a) The remedies provided by this section shall be liberally administered to the end that the consumer as the aggrieved party shall be put in at least as good a position as if the creditor had fully complied with this chapter. Except as is otherwise specifically provided where there are willful and repeated violations of this chapter consequential and special damages may be had in lieu of the specific penalties allowed, and in addition punitive damages may be had as indicated.

"(b) Any right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.

"(c) 'Transaction total' means—

"(1) in the case of transactions pursuant to open end credit plans or consumer credit transactions, the total of the following calculated as if the amount or amounts financed were paid over the maximum period of the plan or, if there is no such period, over twelve months beginning with the next billing cycle or cycles following the transaction or transactions:

"(A) the amount financed, plus any down payment or required deposit balance, and

"(B) the total finance charge, including any prepaid finance charge;

"(2) in the case of other than open end transactions or consumer credit transactions, the total of the following:

"(A) the amount financed, plus any down payment or required deposit balance, and

"(B) the amount of all precomputed or precomputable finance charge, including any prepaid finance charge.

"(d) (1) In the discretion of the court, a consumer may recover from the person violating this chapter, in addition to the damages the law otherwise allows, 10 percent of the transaction total, if applicable, or $100, whichever is greater, for violations to which this section applies.

"(2) This section also applies to all violations for which no other remedy is specifically provided

"(c) If a consumer prevails in a suit brought under this Act, the court may assess reasonable attorney's fees in addition to any other amounts recoverable under this chapter.

"(f) Any charge, practice, term, clause, provision, security interest, or other action or conduct which can be shown to be in willful violation of the provisions of this chapter shall confer no rights or obligations enforceable by action.

"§ 28-3814. Debt collection

"(a) This section only applies to conduct and practices in connection with collection of obligations arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28).

"(b) As used in this section, the term—

"(1) 'claim' means any obligation or alleged obligation, arising from a consumer credit sale, consumer lease, or direct installment loan;

"(2) 'debt collection' means any action, conduct, or practice in connection with the solicitation of claims for collection or in connection with the collection of claims, that are owed or due, or are alleged to be owed or due, a seller or lender by a consumer; and

"(3) 'debt collector' means any person engaging directly or indirectly in debt collection, and includes any person who sells or offers to sell forms represented to be a collection system, device, or scheme intended or calculated to be used to collect claims.

"(c) No debt collector shall collect or attempt to collect any money alleged to be due and owing by means of any threat, coercion, or attempt to coerce in any of the following ways:

"(1) the use, or express or implicit threat of use, of violence or other criminal means, to cause harm to the person, reputation, or property of any person;

"(2) the accusation or threat to falsely accuse any person of fraud or any crime, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule or contempt of society;

"(3) false accusations made to another person, including any credit reporting agency, that a consumer has not paid a just debt, or threat to so make such false accusations;

"(4) the threat to sell or assign to another the obligation of the consumer with an attending representation or implication that the result of such sale or assignment would be that the consumer would lose any defense to the claim or would be subjected to harsh, vindictive, or abusive collection attempts; and

"(5) the threat that nonpayment of an alleged claim will result in the arrest of any person.

"(d) No debt collector shall unreasonably oppress, harass, or abuse any person in connection with the collection of or attempt to collect any claim alleged to be due and owing by that person or another in any of the following ways:

"(1) the use of profane or obscene language or language that is intended to unreasonably abuse the hearer or reader;

"(2) the placement of telephone calls without disclosure of the caller's identity or with the intent to harass or threaten any person at the called number; and

"(3) causing expense to any person in the form of long distance telephone tolls, telegram fees, or other charges incurred by a medium of communication, by concealment of the true purpose of the notice, letter, message, or communication.

"(e) No debt collector shall unreasonably publicize information relating to any alleged indebtedness or debtor in any of the following ways:

"(1) the communication of any information relating to a consumer"s indebtedness to any employer or his agent except where such indebtedness has been guaranteed by the employer or the employer has requested the loan giving rise to the indebtedness and except where such communication is in connection with an attachment or execution after judgments as authorized by law;

"(2) the disclosure, publication, or communication of information relating to a consumer's indebtedness to any relative or family member of the consumer unless such person is known to the debt collector to be a member of the same household as the consumer, except through proper legal action or process or at the express and unsolicited request of the relative or family member;

"(3) the disclosure, publication, or communication of any information relating to a consumer's indebtedness by publishing or posting any list of consumers, except for the publication and distribution of "stop lists" to point of sale locations where credit is extended, or by advertising for sale any claim to enforce payment thereof or in any other manner other than through proper legal action, process, or proceeding; and

"(4) the use of any form of communication to the consumer, which ordinarily may be seen by any other persons, that displays or conveys any information about the alleged claim other than the name, address, and phone number of the debt collector.

"(f) No debt collector shall use any fraudulent, deceptive, or misleading representation or means to collect or attempt to collect claims or to obtain information concerning consumers in any of the following ways:

"(1) the use of any name, while engaged in debt collection, other than the debt collector's true name;

"(2) the failure to clearly disclose in all communications made to collect or attempt to collect a claim or to obtain or attempt to obtain information about a consumer, that the debt collector is attempting to collect a claim and that any information obtained will be used for that purpose;

"(3) any false representation that the debt collector has in his possession information or something of value for the consumer, that is made to solicit or discover information about the consumer;

"(4) the failure to clearly disclose the name and full business address of the person to whom the claim has been assigned for collection, or to whom the claim is owed, at the time of making any demand for money;

"(5) any false representation or implication of the character, extent, or amount of a claim against a consumer, or of its status in any legal proceeding;

"(6) any false representation or false implication that any debt collector is vouched for, bonded by, affiliated with or an instrumentality, agent, or official of the District of Columbia or any agency of the Federal or District government;

"(7) the use or distribution or sale of any written communication which stimulates or is falsely represented to be a document authorized, issued, or approved by a court, an official, or any other legally constituted or authorized authority, or which creates a false impression about its source, authorization, or approval;

"(8) any representation that an existing obligation of the consumer may be increased by the addition of attorney's fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation; and

"(9) any false representation or false impression about the status or true nature of the services rendered by the debt collector or his business.

"(g) No debt collector shall use unfair or unconscionable means to collect or attempt to collect any claim in any of the following ways:

"(1) the seeking or obtaining of any written statement or acknowledgement in any form that specifies that a consumer's obligation is one incurred for necessaries of life where the original obligation was not in fact incurred for such necessaries;

"(2) the seeking or obtaining of any written statement or acknowledgment in any form containing an affirmation of any obligation by a consumer who has been declared bankrupt without clearly disclosing the nature and consequences of such affirmation and the fact that the consumer is not legally obligated to make such affirmation;

"(3) the collection or the attempt to collect from the consumer all or any part of the debt collector's fee or charge for services rendered;

"(4) the collection of or the attempt to collect any interest or other charge, fee, or expense incidental to the principal obligation unless such interest or incidental fee, charge, or expense is expressly authorized by the agreement creating the obligation and legally chargeable to the consumer or unless such interest or incidental fee, charge, or expense is expressly authorized by law; and

"(5) any communication with a consumer whenever it appears that the consumer has notified the creditor that he is represented by an attorney and the attorney's name and address are known.

"(h) No debt collector shall use, or distribute, sell, or prepare for use, any written communication that violates or fails to conform to United States postal laws and regulations.

"(i) No debt collector shall take or accept for assignment any of the following:

"(1) an assignment of any claim for attorney's fees which have not been lawfully provided for in the writing evidencing the obligation; or

"(2) an assignment for collection of any claim upon which suit has been filed or judgment obtained, without the debt collector first making a reasonable effort to contact the attorney representing the consumer.

"(j) (1) Proof, by substantial evidence, that a debt collector has willfully violated any provision of the foregoing subsections of this section shall constitute a complete defense to any legal action undertaken by any person to enforce the claim that was being collected at the time the violation or violations occurred, and shall be deemed to constitute full satisfaction of a judgment on such claim property obtained before the occurrence of the violation or violations.

"(2) In addition to the remedy provided in paragraph (1) of this subsection, a debt collector shall be liable to any person affected by a violation of the foregoing subsections of this section for all damages proximately caused by the violation.

"(3) Punitive damages may be awarded to any person affected by a willful violation of the foregoing subsections of this section, when and in such amount as is deemed appropriate by the court and trier of fact.

§ 28–3815. Administrative enforcement

"(a) As used in this section—

"(1) 'Commissioner' means the Commissioner of the District of Columbia or his designated agent;

"(b) Compliance with the requirements imposed under this chapter shall be enforced by the Commissioner. Nothing contained herein shall be construed to affect the authority and jurisdiction of the respective agencies designated in section 108 of the Truth in Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.).

§ 28–3816. Inconsistent laws: What law governs

"If any provision of law or regulation promulgated thereunder is inconsistent with this chapter, this chapter shall govern, unless this chapter or the inconsistent provision of the other laws specifically provides otherwise.

"Chapter 39.—SMALL LOAN COMPANIES

"§ 28–3901. Definitions

"As used in this chapter—

"(1) 'Commissioner' means the Commissioner of the District of Columbia or his designated agent.

"(2) 'Council' means the District of Columbia Council or its designated agent.

"(3) 'District' means the District of Columbia.

"(4) 'Organization' means a corporation, agency, trust, estate, partnership, cooperative, association, individual, or firm.

"(5) 'Lender' means a licensee authorized to make small loans.

"(6) 'Finance charges' means the sum of all charges, payable directly or indirectly by the person to whom the credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of credit, including any of the following types of charges which are applicable:

"(A) Interest, time price differential, and any amount payable under a point, discount, or other system or additional charges.

"(B) Service or carrying charge.

"(C) Loan fee, finder's fee, or similar charge.

"(D) Fee for an investigation or credit report.

"(E) Premium or other charge for any guarantee or insurance protecting the creditor against the obligor's default or other credit loss.

"§ 28–3902. Power to regulate and enforce

"Notwithstanding the provisions of any Act to the contrary, the Council is hereby authorized and empowered to make such regulations as it in its discretion deems appropriate for the governing of small loan transactions, including, without limitation, provisions:

"(1) establishing maximum finance charges;

"(2) governing the form and substance of instruments made or entered into;

"(3) requiring small loan companies to be licensed;

"(4) establishing the requirements for granting licenses;

"(5) specifying the maximum loan restrictions;

"(6) establishing the form of security and restrictions thereupon;

"(7) requiring the books and records of persons engaged in the business of financing small loan transactions to be subject to production for examination by the Commissioner and Council; and

"(8) specifying the types and maximum amounts of insurance which may be required, at the expense of the debtor, to protect from loss the lender or his assignee or any other organization entitled to payment.

"§ 28–3903. Fixing maximum finance charge

"The Council shall from time to time investigate the economic condition and other factors relating to and affecting finance charges, and shall ascertain all pertinent facts necessary to determine what maximum charges should be permitted in such transactions. Upon the basis of such ascertained facts, the Council, notwithstanding the provisions of any other subsection, shall from time to time by regulation or order determine and fix the maximum finance charges sufficiently high to result in a fair return on investment to organizations engaged in the business of small loan transactions, but not so high as to constitute an unreasonable economic burden on small loan debtors. The Council may from time to time, upon the basis of changed conditions or facts, redetermine and refix any such maximum finance charge, but, before determining or determining any such maximum charge, the Council shall give reasonable notice of their intention to consider doing so, and provide a reasonable opportunity to persons desiring to be heard with respect to any such proposed determination or redetermination. Notice of the action proposed by the Council shall be published once a week for two consecutive weeks in one or more of the daily newspapers published in the District. Any such changed maximum finance charge shall not affect any preexisting loan arrangement entered into between the lender and the debtor.

"§ 28–3904. Additional regulations

"The Council is further authorized in its discretion, to make such additional regulations as it deems necessary to insure that individuals who engage in small loan transactions are not being required, directly or indirectly, to pay finance, insurance, or other charges in excess of those authorized by the Council pursuant to the authority vested in it.

"§ 28–3905. Classification provision

"In exercising its powers and authority under sections 3902 and 3904 of this chapter, the Council is authorized, in its discretion, to make reasonable classifications (1) according to the parties to small loan transactions, or (2) according to the parties to instruments of security, or (3) according to other basis, or (4) according to two or more of the foregoing clauses (1) through (3), and to exercise such powers and authority under this section with respect to any one or more of any classifications so made or with respect to all of said classifications.

"§ 28–3906. Waiver restriction

"No provision shall be inserted in any small loan contract whereby the buyer waives or purports to waive any provision of this chapter or regulation pursuant thereto, and any such waiver or purported waiver shall be void and of no effect. The Council is authorized in its discretion, by regulation (1) to prohibit the inclusion in any small loan contract of any provision waiving or purporting to waive any provision of any regulation promulgated by the Council relating to small loan transactions, and (2) to provide that any such waiver or purported waiver, shall be void and of no effect.

"§ 28–3907. Authorization for security

"In connection with the licensing of organizations under the authority of this chapter, the Council is authorized to require either bonds or such other security as it may by regulation deem necessary, of organizations engaged in the business loan transactions. In connection with the licensing of said organizations, and the bonding of said organizations, the Council, in its discretion, may by regulation require applicants for licenses:

"(1) to furnish and keep in force a bond running to the District, or other security, to protect members of the public against financial loss by reason of the failure of the licensee or of any officer, agent, employee, or other person acting on behalf of said licensee, to observe any law or regulation in force in the District of Columbia applicable to the licensee's conduct of the licensed business;

"(2) to procure and keep in force public liability insurance or property damage insurance or both;

"(3) to appoint the Council as its true and lawful attorney upon whom all judicial and other process or legal notice directed to such person may be served.

"§ 28–3908. Right to bring suit

"Any person aggrieved by the violation of any law or regulation applicable to the licensee's conduct of the licensed activity shall have, in addition to his right of action against such licensee, a right to bring suit against the surety on a bond authorized by section 28–3907 of this chapter, either alone or jointly with the principal thereon, and to recover in an amount not exceeding the penalty of the bond any damages sustained by reason of any act, transaction, or conduct of the licensee, or of any officer, agent, employee, or other person acting on behalf of said licensee, which is in violation of law or regulation in force in the District relating to the licensed activity.

"§ 28–3909. Suspensions or revocation of license

"The Council is further authorized and empowered to make any regulations that may be necessary in furtherance of the purpose of this chapter and to suspend or revoke any license issued hereunder when, in its judgment, such is deemed desirable in the interest of public decency or the protection of lives, limbs, health, comfort, and quiet of the citizens of the District, or for any other reason it may deem sufficient.

"§ 28–3910. Penalty; prosecution

"(a) Any person who shall violate any provision of this chapter or of any regulation promulgated by the Council under the authority of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500 or by imprisonment for not more than six months, or both.

"(b) Prosecutions for violations of this chapter, or of the regulations made pursuant thereto, shall be conducted in the name of the District by the Corporation Counsel or any of his assistants. As used in this chapter the term 'Corporation Counsel' means the attorney for the District by whatever title such attorney may be known, designated by the Council to perform the functions prescribed for the Corporation Counsel in this chapter.

"§ 28–3911. Supplementary authority

"The authority and power vested in the Council by any provision of this chapter shall be deemed to be additional and supplementary to authority and power now vested in it, and not as a limitation."

SEC. 5. The text of section 16–571 of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended to read as follows:

"(a) As used in this subchapter, 'wages' means that part remaining after the deduction from wages of any amounts required by law to be withheld of:

"(1) wages, salary, commissions, or other remuneration for services performed by an employee for his employer, including any such remuneration measured partly or wholly by percentages or share of profits, or by other sums based upon work done or results produced, whether or not the employee is given a drawing account; and

"(2) any drawing account made available to an employee by his employer.

"(b) 'Garnishment' means any legal or equitable procedure through which the wages of any individual are required to be withheld for payment of any debt."

SEC. 6. The text of clauses (1), (2), and (3), in the first paragraph of section 16–572 of subchapter III of chapter 5 of title 16, District of Columbia, is amended to read as follows:

"(1) no attachment if wages are less than $325 due or to become due to the judgment debtor from the employer garnishee for the pay period or periods ending in any calendar month;

"(2) 10 per centum of so much of the wages as exceeds $325 but does not exceed $500 due or to become due to the judgment debtor from the employer garnishee for the pay period or periods ending in any calendar month; plus

"(3) 25 per centum of such much of the wages as exceeds $500 due or to become due to the judgment debtor from the employer garnishee for the pay period or periods ending in any calendar month."

SEC. 7. Subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding the following sections:

"§ 16–583. No garnishment before judgment

"Notwithstanding any other provision of law, prior to entry of judgment in an action against a debtor, the creditor may not obtain an interest in any property of the debtor by attachment, garnishment, or like proceedings.

"§ 16–584. No discharge from employment for garnishment

"No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment."

SEC. 8. (a) The analysis of chapter 33 of title 28 of subtitle II, District of Columbia Code is amended by adding at the end thereof the following new item:

"28–3308. Finance change on direct installment loans."

(b) The analysis of subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following new items:

"36. District Motor Vehicle Installment Loans	28–3601.
"37. Revolving Credit Accounts	28–3701.
"38. Consumer Protections	28–3801.
"39. Small Loan Companies	28–3901."

(c) The analysis of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding at the end thereof the following new items:

"16–583. No garnishment before judgment.

"16–584. No discharge from employment for garnishment."

SEC. 9. (a) The provisions of the Act entitled "An Act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia", approved February 4, 1913 (D.C. Code, sec. 26–601), shall not be construed to apply to the legitimate business of mortgage bankers and other institutional lenders engaged in making loans secured by real estate, life insurance companies (as defined in section 10 of the Act of February 4, 1913 (D.C. Code, sec. 26–610)), and small business investment companies licensed and operating under the Small Business Investment Act of 1958, conducted in the District of Columbia.

(b) The provisions of this section shall be deemed to have taken effect as of February 4, 1913.

SEC. 10. This Act may be cited as the "District of Columbia Consumer Credit Protection Act of 1971".

MOTION OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McMillan moves to strike out all after the enacting clause of S. 1938 and insert in lieu thereof the provisions of H.R. 12115 as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 12115) was laid on the table.

DISTRICT OF COLUMBIA ELECTION ACT OF 1971

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 11992) to amend the District of Columbia Election Act, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

H.R. 11992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Distirct of Columbia Election Act (D.C. Code, secs. 1-1100—1-1115), is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1-1101), is amended (A) by inserting "(a)" immediately after "That", (B) by striking out in clause (3) thereof the words "at large", (C) by striking out in clause (2) thereof the final "and", (D) by redesignating clause (3) as clause (4), (E) by adding a new clause (3) as follows:

"(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and".

and, (F) by adding at the end thereof the following new subsection:

"(b) Candidates for office participating in an election of the officials referred to in clauses (2), and (3) (excluding national committeemen and national committeewomen), or (4) of subsection (a) of this section may be elected at large or by precinct or ward."

(2) Paragraph (4) of section 2 of such Act (D.C. Code, sec. 1-1102), is amended by striking out "a school" and inserting in lieu thereof "an".

(3) Paragraph (2) of section 2 of such Act (D.C. Code, sec. 1-1102), is amended as follows:

(A) By striking out "The term" and inserting in lieu thereof "Except as provided in paragraph (7) of this section, the term".

(B) By striking out in clause (A) "one-year period" and inserting in lieu thereof "ninety-day period" and by inserting at the end thereof immediately before the semicolon ", except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days".

(C) By striking out in clause (B) "twenty-one" and inserting in lieu thereof "eighteen".

(D) By striking out clause (C), and redesignating clause (D) as clause (C).

(4) Section 2 of such Act (D.C. Code, sec. 1-1102), is amended by inserting at the end of that section the following:

"(7) (A) Any person in the District of Columbia who has been convicted of a crime in the United States which is a felony in the District of Columbia, may be a qualified elector, if otherwise qualified—

"(i) at the end of the five-year period beginning on the date he completes the sentence of incarceration imposed upon him for the last such crime committed by him, or in the case of a person who is granted parole or probation with respect to such last crime, beginning on the date he begins such parole or probation, if he successfully completes such parole or probation, or

"(ii) at the end of the three-year period beginning on the date he completes such sentence of incarceration, or in the case of a person who is granted parole or probation with respect to such last crime, beginning on the date he begins such parole or probation, if the Superior Court of the District of Columbia, after application made to such court by such person, certifies to the Board that such person has demonstrated such qualities of conduct and character as to warrant the restoration of his right to vote; or

"(iii) on the date upon which he receives a pardon with respect to such crime.

"(B) For the purposes of this paragraph, the term 'felony' shall include any crime committed in the District of Columbia referred to in section 14 of this Act (D.C. Code, sec. 1-1114).

"(C) Nothing in this paragraph shall be construed to grant a pardon or amnesty to any person."

(5) Clause (3) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1-1105), is amended by inserting immediately before "copy" the word "sample".

(6) Clause (4) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1-1105), is amended by striking out "school".

(7) Section 5 of such Act (D.C. Code, sec. 1-1105) is amended (A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and (B) by adding after subsection (a) the following:

"(b) (1) The Board shall, on the first Tuesday after the first Monday in May of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which qualified electors therein may express their preference for candidates of each political party of the District of Columbia for nomination for President and may elect delegates, and alternates where permitted by the rules of a particular political party, to a particular political party national convention convened to nominate that party's candidate for President.

"(2) No person shall participate as a candidate for nomination for President in such primary unless there shall have been filed with the Board, not later than the forty-fifth day before such primary, (A) a petition on behalf of his candidacy signed by at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and who are of the same political party as the prospective nominee, and (B) a written statement signed by the prospective nominee affirming that he wants his name listed on the ballot for such primary as a candidate for such nomination.

"(3) No person shall be listed on the ballot in such primary for election at large as such delegate, or alternate unless there shall have been filed with the Board, not less than the forty-fifth day before such primary, (A) a petition in support of that prospective candidate for delegate or alternate, as the case may be, signed by at least one thousand qualified electors of the District of Columbia registered under section 7 of this Act who are of the same political party as the prospective candidate, and (B) if the prospective candidate is pledged to support a particular presidential candidate, a written statement signed by such presidential candidate affirming that such prospective candidate for delegate or alternate, as the case may be, is seeking that office with the approval of such presidential candidate. If such presidential candidate fails to so indicate his approval of a candidate for delegate or alternate, such candidate shall appear on the ballot (if he files the appropriate petition) in such primary as a candidate for election as a delegate or alternate pledged to no presidential candidate.

"(4) No person shall be listed on the ballot in such primary for election from a ward as such delegate or alternate, unless there shall have been filed with the Board, not less than the forty-fifth day before such primary, (A) a petition in support of that prospective candidate for delegate or alternate, signed by at least two hundred qualified electors of the District of Columbia registered under section 7 of this Act who are of the same political party as the prospective candidate, and who reside in the ward from which he seeks election, and (B) a written statement as referred to in clause (B) of paragraph (3) of this subsection. If such presidential candidate fails to so indicate his approval of a candidate for delegate or alternate, such candidate shall appear on such ballot (if he files the appropriate petition) as a candidate for election as a delegate or alternate pledged to no presidential candidate.

"(5) The Board shall arrange the ballot for the presidential preference primary so as to enable each voter to indicate his choice for presidential nominee and for delegates, and alternates, pledged to support that prospective nominee with one mark.

"(6) The delegates and alternate delegates, of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected in accordance with this Act, shall be obligated, on the first and second ballots cast at that convention for nominees for President, to vote for the candidate for nomination who received at least a plurality of the votes cast in the presidential preference primary for all such candidates of that party for President held in the District of Columbia at which such delegates and alternates were elected, or until such candidate notifies each delegate in writing that he is no longer a candidate. On subsequent ballots so cast each such delegate shall be free to cast his ballots in his discretion without restriction.

"(7) The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purposes and provisions of this subsection."

(8) Clause (2) of subsection (b) of section 7 of such Act (D.C. Code, sec. 1-1107) is amended by striking out "section 2(2)" and inserting in lieu thereof "paragraphs (2) and (7) of section 2 of this Act".

(9) Subsection (a) of section 8 of such Act (D.C. Code, sec. 1-1108), is amended to read as follows:

"(a) (1) Each candidate for election to the office of national committeeman or alternate, or national committeewoman or alternate, and for election as a member of official designated for election at large under clause (4) of the first section of this Act, shall be a qualified elector registered under section 7 of this Act who has been nominated for such office, or for election as such member or official, by a nominating petition (A) prepared in accordance with the rules prescribed by the Board, (B) signed by not less than one thousand qualified electors registered under such section 7 of this Act, who are of the same political party as the candidate, and (C) filed with the Board not later than the forty-fifth day before the date of the election held for such office, member, or official.

"(2) In the case of a nominating petition for a candidate for election as a member or official designated for election from a ward under clause (4) of such first section, such petition shall be prepared and filed in the same manner as a petition prepared and filed by a candidate under paragraph (1) of this subsection and signed by two hundred qualified electors residing in such ward, registered under section 7 of this Act, who are of the same political party as the candidate."

(10) Subsection (b) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended by striking out "three-year" and inserting in lieu thereof "ninety-day".

(11) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(i) Each candidate in a primary election for the office of Delegate shall be nominated for such office by a nominating petition (1) filed with the Board not later than the forty-fifth day before the date of such primary election; (2) signed by qualified electors registered under section 7 of this Act, who are of the same political party as the candidate, and equal in number to 1 per centum of the total number of such electors in the District of Columbia, as shown by the records of the Board as of the ninety-ninth day before the date of such primary election, or by two thousand of such qualified electors, whichever is less. A nominating petition for candidate in a primary election for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for the office of Delegate."

(12) Subsection (j) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(j)(1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a nominating petition (A) filed with the Board not less than the forty-fifth day before the date of such general election; and (B) signed by qualified electors registered under section 7 of this Act equal in number to 1½ per centum of the total number of such qualified electors in the District, as shown by the records of the Board as of the ninety-ninth day before the date of such election, or by three thousand of such qualified electors, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election for the office of Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for such office held within eight months before the date of such general election."

(13) Subsection (m) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(m) Designations with respect to the election of officials under clause (4) of the first section of this Act, shall be effected by written communications filed with the Board not later than ninety days before the date of such election."

(14) Subsection (o) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(o) Each candidate in a general election for member of the Board of Education shall be nomintated for such office by a nominating petition (A) filed with the Board not later than the forty-fifth calendar day before the date of such general election; and (B) signed by at least two hundred qualified electors who are duly registered under section 7 of this Act, who reside in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least one thousand of the qualified electors in the District of Columbia registered under such section 7. A nominating petition for a candidate in a general election for member of the Board of Education may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for members of the Board of Education, the Board shall arrange the ballot for each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to such office from such ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election."

(15) Section 8 of such Act (D.C. Code, sec. 1–1108), is amended by adding at the end of that section the following:

"(r) Any petition required to be filed under this Act by a particular date must be filed no later than 5 o'clock post meridian on such date."

(16) Subsection (1) of section 8 of such Act (D.C. Code, sec. 1–1108), is repealed.

(17) Subsection (c) of section 9 of such Act (D.C. Code, sec. 1–1109), is amended to read as follows:

"(c) Any candidate or group of candidates may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places and at the place or places where the vote is to be counted for the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Such rules and regulations should provide fair opportunity for watchers for all candidates or groups of candidates to challenge prospective voters whom the watchers believe to be unqualified to vote, to question the accuracy in the vote count, and otherwise to observe the conduct of the election at the polling places and the counting of votes."

(18) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110), is amended to read as follows:

"(a)(1) The elections of the officials referred to in clauses (1), (2), and (3) of the first section of this Act, and of officials designated pursuant to clause (4) of such section, and the primary under section 5(b) of this Act, shall be held on the first Tuesday after the first Monday in May of each presidential election year."

(19) Section 10(a)(7)(A) of such Act (D.C. Code, sec. 1–1110), is amended by striking out "a majority" and inserting in lieu thereof "at least 40 per centum".

(20) Section 10(a)(7)(B) of such Act (D.C. Code, sec. 1–1110), is amended by striking out "a majority" and inserting in lieu thereof "at least 40 per centum".

(21) The first sentence of paragraph (8) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110), is amended by striking out "less than a majority".

(22) Subsection (a) of section 11 of such Act (D.C. Code, sec. 1–1111), is amended by inserting immediately before the last sentence thereof, the following new sentence: "In no case, however, shall the petitioner be required to pay the cost of any recount in any such election if the difference in the number of votes received by the petitioner in connection with any office and the number of votes received by the person certified as having been elected to that office, in the case of an election from a ward, is less than 1 per centum or fifty votes, whichever is less, or in the case of an election at large, is less than 1 per centum or five hundred votes, whichever is less."

(23) Subsection (b) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended by striking out "or delegate" and inserting in lieu thereof "delegate or alternate,".

(24) Subsection (d) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended by striking out "or delegate' and inserting in lieu thereof "delegate or alternate,".

(25) Subsection (e) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended to read as follows:

"(e)(1) Every independent committee or party committee which receives or expends funds on behalf of any candidate or group of candidates in an election for any office referred to in the first section of this Act, or in a primary election held under section 5(b) of this Act, shall have a chairman and a treasurer and shall maintain an address in the District of Columbia where notices may be sent. Each such committee shall register with the Board of Elections as soon as its receipts or expenditures, or the sum of its receipts and expenditures total $100, or within ten days after its organization, whichever first occurs.

"(2) In any election held in the District of Columbia with respect to any office referred to in the first section of this Act, or with respect to a primary election held under section 5(b) of this Act, each candidate for election, and the treasurer of each independent or party committee, shall file with the Board of Elections on the tenth calendar day before, and also within thirty days after, the date on which such primary or general election was held, an itemized statement, complete as of the day next preceding the date of filing, setting forth—

"(A) the name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of $100 or more, together with the amount and date of such contribution;

"(B) The total sum of the contributions made to or for such committee during the calendar year and not stated under subparagraph (A);

"(C) The total sum of all contributions made to or for such committee during the calendar year;

"(D) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

"(E) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under subparagraph (D);

"(F) The total sum of expenditures made by or on behalf of such committee during the calendar year.

"(3) The statements required to be filed by paragraph (2) of this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

"(4) Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing any general or primary election held under this Act, shall file with the Board an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by paragraph (2) of this subsection.

"(5) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

"(1) All contributions made to or for such committee;

"(2) The name and address of every person making any such contribution, and the date thereof;

"(3) All expenditures made by or on behalf of such committee; and

"(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

"(6) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding $10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

"(7) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

"(8) Any candidate, treasurer of any independent committee, or party committee, or other person who willfully violates this subsection shall be fined not more than $5,000 or imprisoned for not more than 30 days, or both.".

Sec. 2. (a) Title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1567—47-1567c) is amended by adding at the end of that title the following:

"Sec. 7. (a) Credit for Campaign Contributions. For the purpose of encouraging residents of the District to participate in the election process in the District, there shall be allowed to an individual a credit against the tax (if any) imposed by this article in an amount equal to 50 per centum of any campaign contribution made to any candidate for election to any office referred to in the first section of the District of Columbia Election Act, but in no event shall such credit exceed the amount of $10.

"(b) If the amount of credit allowed an individual by subsection (a) for a taxable year exceeds the amount of tax (computed without regard to such subsection but after allowance of any other credit allowable under this article) imposed under this article on such individual for such taxable year, a refund shall be allowed such individual to the extent that such credit exceeds the amount of such tax.

"(c) (1) A husband and wife filing separate returns for a taxable year for which a joint return could have been made by them may claim between them only the total credit (or refund) to which they would have been entitled under this section had a joint return been filed.

"(2) No individual for whom a personal exemption was allowed on another individual's return shall be entitled to a credit (or refund) under this section.".

(b) The table of contents of such Act is amended by adding at the end of the part of such table relating to title VI the following:

"Sec. 7. Credit for campaign contributions.".

Sec. 3. Paragraphs (1), (2), and (3) of subsection (c) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31-101 (c)), are amended to read as follows:

"(1) Each member of the Board of Education elected from a ward shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the school election ward from which he seeks election, (B) have, for the ninety-day period immediately preceding his nomination, resided in the school election ward from which he is nominated, and (C) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(2) Each member of the Board of Education elected at large shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the District of Columbia, and (B) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(3) No individual may hold the office of member of the Board of Education and (A) hold another elective office other than delegate or alternate delegate to a convenion of a political party nominating candidates for President and Vice President of the United States, or (B) also be an officer or employee of the District of Columbia government or of the Board of Education. A member will forfeit his office upon failure to maintain the qualifications required by this paragraph.".

Sec. 4. The provisions of this Act and the amendments made thereby shall take effect as of January 1, 1972.

With the following committee amendments:

Page 1, strike out line 6 and all that follows down through and including line 10 on page 2 and insert in lieu thereof the following: "1-1101), is amended (A) by striking out in clause (2) thereof the final 'and', (B) by redesignating clause (3) as clause (4), (C) by adding a new clause (3) as follows:

"(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and (D) by inserting in clause (4) (as redesignated by this section) 'or by ward' immediately after 'large.' "

Page 5, line 21, strike out "at large."

Page 6, line 8, insert immediately before the period the following: "and that such candidate for delegate or alternate was properly selected according to the rules of his political party relating to the nomination of candidates for delegate or alternate".

Page 6, strike out line 14 and all that follows down through and including line 4 on page 7.

Page 7, line 5, strike out "(5)" and insert in lieu thereof "(4)".

Page 7, line 10, strike out "(6)" and insert in lieu thereof "(5)".

Page 7, line 25, strike out "(7)" and insert in lieu thereof "(6)".

Page 11, beginning on line 12 strike out "and under subsection (b) of such first section,".

Page 18, strike out line 15 and all that follows down through and including line 20 on page 19 and strike out " 'Sec. 7. Credit for campaign contributions.' " immediately following line 20 on page 19.

Page 19, line 21, strike out "Sec. 3." and insert in lieu thereof "Sec. 2.".

Page 21, line 8, strike out "Sec. 4." and insert in lieu thereof "Sec. 3.".

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

The purpose of the bill—H.R. 11992, as amended—is to amend the District of Columbia Election Act—Act of August 12, 1955; 69 Stat. 699 as amended; District of Columbia Code, see 1-1100 et seq.—and for other purposes, in several aspects so as to update and reform the election laws.

In particular, the bill would redefine qualifications for qualified electors; establish a presidential preference primary and establish procedures for electing delegates to political party national conventions; change the residency requirements for candidates for office; change the minimum age requirement for qualification to vote in the District of Columbia; provide requirements for reporting campaign contributions and expenditures, using the format of the Federal Corrupt Practices Act, though when this was passed the District of Columbia was not included in the definition of the word "State".

DEFINITION OF QUALIFIED ELECTORS

Under existing law (D.C. Code, sec. 1-1102) in order to be a qualified elector, that is, to be qualified to register and vote in any election in the District of Columbia, a person must have resided in the District continuously since the beginning of the 1-year period ending on the day of such election.

Paragraph (3) (B) of section 2 of H.R. 11992 amends this provision by reducing the period of residency to 90 days, except in the case of election of electors for President and Vice President, in which case the residency requirement is 30 days, in accordance with Public Law 91-285, 84 Stat. 314.

FEDERAL RESIDENCY REQUIREMENTS

In considering the legislation which resulted in the enactment of the Voting Rights Amendments Act of 1970, the 91st Congress concluded and wrote into law (Public Law 91-285; 84 Stat. 314) additional guidelines for voting, among which were provisions relating to the residency requirements for qualifying to register and vote for President and Vice President. The Congress found that long periods of residency as a requisite to the exercise of the right to vote in Federal elections were in derogation of the exercise of a ocnstitutional right. The act established 30 days as the maximum period of residency which might be required as a qualification for registration and voting in elections for President and Vice President.

STATE RESIDENCY REQUIREMENTS

As a matter of fact, during recent years the minimum residency requirements for voting have been reduced in many jurisdictions throughout the country, in some cases by legislative action, and in others by court actions. The following is a listing of the State, county, and voting precinct residency requirements for voting in all 50 States, as of March 1970.

STATE RESIDENCY REQUIREMENTS FOR VOTING

State	State requirement	County	Voting precinct
Alabama	1 year	6 months	3 months.
Alaska	do		30 days (election district).
Arizona	do	30 days	30 days.
Arkansas	do	6 months	Do.
California	do	90 days	54 days.
Colorado	do	do	20 days.
Connecticut	Resident of town 6 months.		
Delaware	1 year	3 months	30 days.
Florida	do	6 months	
Georgia	do	do	
Hawaii	do	Representative district, 3 months.	
Idaho	6 months	30 days	30 days.
Illinois	1 year	90 days (township)	30 days (election district).
Indiana	6 months	60 days	30 days.
Iowa	do	do	10 days.
Kansas	do		30 days.
Kentucky	1 year	6 months (parish)	60 days.
Louisiana	do	6 months (municipal elec.).	3 months.
Maine	6 months	3 months (municipality)	4 months.
Maryland	1 year	6 months (city or town)	
Massachusetts	do	6 months	
Michigan	6 months		
Minnesota	do		30 days.
Mississippi	1 year	1 year	6 months (election district).
Missouri	do	60 days	60 days.
Montana	do	30 days	
Nebraska	6 months	40 days	10 days.
Nevada	do	30 days	Do.
New Hampshire			6 months.
New Jersey	6 months	40 days	
New Mexico	1 year	90 days	30 days.
New York	3 months	3 months	
North Carolina	1 year		Do.
North Dakota	do	90 days	Do.
Ohio	do	40 days	40 days.
Oklahoma	6 months	2 months	20 days.
Oregon	do		
Pennsylvania	90 days		60 days
Rhode Island	1 year	6 months[1] (town or city)	
South Carolina	do	6 months	3 months.
South Dakota	do	90 days	30 days.
Tennessee	do	3 months	
Texas	do	6 months	
Utah	do	4 months	60 days.
Vermont	do	90 days (town)	
Virginia[1]	do	6 months	30 days.
Washington	do	90 days	Do.
West Virginia	do	60 days	
Wisconsin	6 months		10 days.
Wyoming	1 year	60 days	Do.

[1] Residency requirement has been changed.

Source: Voting Information 1970, Armed Services Information Service, Department of Defense, published March 1970.

It will be noted that at that time, 22 States required 1 year of residence as a qualification to vote; 15 others required 6 months; and only two States—New York and Pennsylvania—required as little as 3 months.

These are the latest complete figures available to your committee, and some changes have occurred in some of the States' requirements since that time. As noted, for example, the requirement in Virginia has been changed, and is now 6 months of residence in the State and 30 days in the county and in the voting precinct.

VOTING AGE LOWERED

The bill also lowers the minimum age for voter qualification in the existing District of Columbia Election Act—(D.C. Code, sec. 1-1102(2) (B))—from 21 to 18 years of age. The 26th amendment to the Constitution, which was implemented by Senate Joint Resolution 7 of the 92d Congress, ratified promptly by the requisite 38 States, and certified on July 5, 1971, provides that any U.S. citizen who is otherwise qualified may vote in any State or political subdivision in any election if he is at least 18 years of age. Hence, the provision referred to above in the 1955 law is no longer valid, and the changes made by this provision of H.R. 11992 is merely a matter of conforming the District of Columbia Election Act to the 26th amendment to the Constitution.

ENFRANCHISING FELONS

Further, the bill enfranchises a felon at the end of the 5-year period beginning on the date he completes the sentence of incarceration imposed upon him for the last such crime committed by him, or in the case of a person who is granted parole or probation with respect to such last crime, beginning on the date he begins such parole or probation, if he successfully completes such parole or probation; or at the end of the 3-year period beginning on the date he completes such sentence of incarceration, upon application to and certification by the Superior Court of the District of Columbia that said person has demonstrated qualities of conduct and character warranting the restoration of his right to vote; or the date upon which he receives a pardon with respect to such crime.

This bill defines "felony" as including any crime committed in the District of Columbia which is referred to in section 14—(D.C. Code, sec. 1-1114)—concerning false representation as to qualifications for voting or holding elective office; violation of sections 9, 12, or 13 of the act—voting regulations, interference with registration or voting, expenditures—bribery; voting more than once in one election; stealing ballots if employed in the counting of votes; and making false reports.

In recent years, not only has the whole issue of disenfranchisement of former felons been challenged in the courts, but also several jurisdictions have moved toward restoration of the right to vote. To enable the ex-offender to participate in meaningful community activities and to not foster his sense of estrangement, the bill moves toward this restoration.

PRESIDENTIAL PREFERENCE PRIMARY AND PARTY DELEGATES

The bill establishes a presidential preference primary election during May of each presidential election year. This primary will allow the qualified electors of the District of Columbia to indicate their preference among the candidates for nomination for President. This bill joins the election of convention delegates to the selection of presidential candidates by allowing the voter to choose both with one mark.

REPORTING OF CAMPAIGN FUNDS AND RECORDS

The bill strengthens the requirements for keeping records and reporting campaign funds. Every political committee is required to maintain an address in the District of Columbia and to register with the Board of Elections. Such committee is also required to file 10 days before an election and 30 days after an election a complete accounting of contributions, expenditures, debts and obligations. Such statements are to be made part of the public records of the Board of Elections and open to public inspection. Willful violators will be subject to up to $5,000 fine or for imprisonment up to 30 days, or both.

HEARING

The Subcommittee on the Judiciary of the House Committee on the District of Columbia on September 13, 1971, held public hearings on the original bill, H.R. 10175. The Corporation Counsel for the District of Columbia presented recommendations on behalf of the local government. The bill was strongly supported and some amendments were suggested to improve the measure.

Representatives of the Democratic Central Committee and the Republican Central Committee for the District of Columbia both testified in considerable detail concerning needed changes in the District of Columbia Election Act. Each group suggested amendments which received full consideration by your committee. Some of these and numerous other amendments were incorporated in the draft of the clean bill, H.R. 11992, reported to the House herewith.

The Board of Elections for the District of Columbia likewise presented detailed testimony concerning the mechanics of elections in the District of Columbia and needed improvements, which were embodied in the bill.

With reference to the provisions of the bill relating to the restoration of voting rights to former felons, favorable comment was received from the Department of Justice recommending the restoration of voting rights but subject to safeguards which were essentially adopted by your committee and written into the bill.

COMMITTEE VOTE

The pending bill, H.R. 11992, as amended, was ordered reported by a voice vote of your committee, a quorum of the committee membership being present.

COST OF LEGISLATION

It is not anticipated that any additional costs attributable to this legislation will accrue to the District of Columbia.

Any costs which might have resulted from the provisions for the allowance of tax credits against income taxes due from a contribution in an election campaign, or from refunds to him therefor, have been obviated by reason of the committee amendment deleting section 2 from the bill.

Mr. NELSEN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I ask the gentleman from South Carolina this question. The provision in the bill dealing with contributions to political campaigns was stricken in committee. Has this amendment been offered and is it now included in your bill ready for final vote?

Mr. McMILLAN. Will the gentleman yield?

Mr. NELSEN. Yes. I yield to the gentleman.

Mr. McMILLAN. Yes, sir. The amendments have already been read.

Mr. NELSEN. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I note that the report states there are additional views, yet I find no additional views in this report.

Mr. McMILLAN. That is a misprint, I understand.

Mr. GROSS. A misprint?

Mr. McMILLAN. Yes, sir. No one furnished any additional views.

Mr. GROSS. Some committee member did not change his mind about additional views?

Mr. McMILLAN. No.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT AMENDMENTS OF 1971

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Georgia (Mr. STUCKEY) for the purpose of calling up H.R. 10237, a bill from his subcommittee.

Mr. STUCKEY. Mr. Speaker, I call up the bill (H.R. 10237) to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill as follows:

H.R. 10237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Unemployment Compensation Act Amendments of 1971".

SEC. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1953, as amended, is further amended as follows:

(1) Section 1(b)(1) of such Act (D.C. Code, sec. 46–301(b)(1)) is amended to read as follows:

"(1) 'Employment' means:

"(A) Any service performed prior to January 1, 1972, which was employment as defined in this subsection prior to such date and, subject to the other provisions of this subsection, service performed after December 31, 1971, including service in interstate commerce, by—

"(i) any officer of a corporation; or

"(ii) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

"(iii) any individual other than an individual who is an employee under subdivision (i) or (ii) who performs services for remuneration for any person—

"(I) as any agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for his principal;

"(II) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operation.

"*Provided,* That for purposes of subparagraph (A)(iii), the term 'employment shall include services described in (I) and (II) above performed after December 31, 1971, only if:

"1. The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

"2. The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

"3. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

"(B) Service performed after December 31, 1971, by an individual in the employ of the District or any of its instrumentalities (or or more States or their instrumentalities) for a hospital or institution of higher education located in the District: *Provided,* That such service is excluded from 'employment' as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c)(7) of that Act and is not excluded from 'employment' under section 1(b)(1)(D) of this Act;

"(C) Service performed after March 30, 1962, by an individual in the employ of an educational organization, and service performed after December 31, 1971, by an individual in the employ of a religious, charitable, of other organization which is excluded from the term 'employment' as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c)(8) of that Act, except as provided in section 1(b)(1)(D) of this Act;

"(D) For the purpose of subparagraphs (B) and (C) the term 'employment' does not apply to service performed after December 31, 1971—

"(i) in the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

"(ii) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

"(iii) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

"(iv) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of a State or political subdivision thereof, by an individual receiving such work-relief or work-training; or

"(v) for a hospital in a State prison or other State correctional institution, by an inmate of the prison or correctional institution.

"(E) The term 'employment' shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971, in the employ of an American employer (other than service which is deemed 'employment' under the provisions of section 1(b) (2) of this Act or the parallel provisions of another State's law), if:

"(i) the employer's principal place of business in the United States is located in the District; or

"(ii) the employer has no place of business in the United States, but—

"(I) the employer is an individual who is a resident of the District; or

"(II) the employer is a corporation which is organized under the laws of the District or the laws of the United States; or

"(III) the employer is a partnership or a trust and the number of the partners or trustees who are residents of the District is greater than the number who are residents of any one other State; or

"(iii) none of the criteria of clauses (i) and (ii) of this subparagraph are met but the employer has elected coverage in the District or, the employer having failed to elect coverage in any State, the individual has filed a claim for benefits, based on such service, under the law of the District.

"(iv) an 'American employer', for purposes of this subparagraph, means a person who is—

"(I) an individual who is a resident of the United States; or

"(II) a partnership if two-thirds or more of the partners are residents of the United States; or

"(III) a trust, if all of the trustees are residents of the United States; or

"(IV) a corporation organized under the laws of the United States or of any State.

"(V) used in this subparagraph the term 'United States' includes the States, the District of Columbia and the Commonwealth of Puerto Rico.

"(F) The term 'employment' shall include personal or domestic service in a private home for an employer who paid cash remuneration of $500 or more in any calendar quarter. 'Personal or domestic service' for the purpose of this subparagraph shall include all persons employed by an employer in his capacity as a householder, as distinguished from a person employed by the employer in the pursuit of a trade, occupation, profession, enterprise or vocation."

(2) Section 1(b) (2) of such Act (D.C. Code, sec. 46–301(b) (2)) is amended—

(A) by striking out "or" after "performed within" and inserting in lieu thereof a comma;

(B) by inserting after "within and without" the following: "or entirely without";

(C) by adding after subparagraph (B) the following new paragraph:

"(C) the service is performed anywhere within the United States, the Virgin Islands or Canada: *Provided*, That (i) such service is not covered under the unemployment compensation law of any State, the Virgin Islands or Canada, and (ii) the place from which the service is directed or controlled is in the District.

(3) Section 1(b)(4) of such Act (D.C. Code, sec. 46-301(b)(4)) is amended to read as follows:

"(4) Notwithstanding any other provisions of this subsection, the term 'employment' shall also include all service performed after January 1, 1955, by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft: *Provided*, That the operating office from which the operations of such vessel or aircraft are ordinarily and regularly supervised, managed, directed, and controlled, is within the District."

(4) Section 1(b)(5) of such Act (D.C. Code, sec. 46-301(b)(5)) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) service performed by an individual under 18 years of age as a babysitter;";

(B) by redesignating clauses (a) and (b) of subparagraph (D) as (i) and (ii), respectively;

(C) by inserting immediately before the semicolon at the end of subparagraph (E) the following: ", except for service performed after December 31, 1971, as provided in section 1(b)(1)(B) of this Act";

(D) by striking out in subparagraph I(1) (c) "at a" and inserting in lieu thereof "at such";

E) by redesignating clauses (1), (2), and (5) of subparagraph I as (i), (ii), and (iii), respectively;

(F) by striking out clauses (3) and (4) of subparagraph I;

(G) by redesignating (a) and (c) of clause (i) as (I) and (III), respectively;

(H) by striking out (b) of clause (i);

(I) by redesignating clauses (1) and (2) of subparagraph (K) and (i) and (ii), respectively;

(J) by inserting in subparagraph (Q), "or aircraft" after "vessel" the first and third times it appears, and by inserting "or American aircraft" after "vessel" the second time it appears;

(K) by redesignating clauses (A) and (B) of subparagraph (R) as (i) and (ii), respectively;

(L) by striking out subparagraphs (G) and (P); and

(M) by redesignating subparagraphs (H) through (T) as subparagraphs (G) through (R), respectively.

(5) Section 1(b)(6) of such Act (D.C. Code, sec. 46-301(b)(6)) is amended by striking out "5(H)" in the last sentence and inserting in lieu thereof "5(G)".

(6) Section 1(b)(7) of such Act (D.C. Code, sec. 46-301(b)(7) is amended by inserting before the period at the end thereof the following: "or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this Act".

(7) Section 1(b)(8) of such Act (D.C. Code, sec. 46-301(b)(8)) is amended—

(A) by inserting "localized" after "Any" in subparagraph (i);

(B) by striking out "section 1(b)(5)" in such subparagraph (i) and inserting in lieu thereof "section 1(b)";

(C) by striking out "section 1(b)(8)(i)" in subparagraph (ii) and inserting in lieu thereof "section 1(b)(8)(A)";

(D) by redesignating (A) and (B) of subparagraph (i) as (i) and (ii), respectively; and

(E) by redesignating subparagraphs (i), (ii), and (iii) as (A), (B), and (C), respectively.

(8) Section 1(c) of such Act (D.C. Code, sec. 46-301(c)) is amended by striking out paragraph (3).

(9) Section 1(d) of such Act (D.C. Code, sec. 46-301(d)) is amended by inserting immediately after the first sentence the following new sentence: "After August 29, 1946, back pay awarded under any statute of the District or of the United States shall be treated as wages."

(10) Section 1(q) of such Act (D.C. Code, sec. 46-301(q)) is amended to read as follows:

"(q) 'State' includes, in addition to the States of the United States of America, the District of Columbia (herein referred to as the 'District'), Puerto Rico, and the Virgin Islands."

(11) Section 1(r) of such Act (D.C. Code, sec, 46-301(r)) is amended by inserting immediately after "including" the following: "the District government and its instrumentalities (as specified in section 1(b)(1)(B)) of this Act,".

(12) Section 1(t) of such Act (D.C. Code, sec. 46-301(t)) is amended by inserting immediately before the period at the end thereof the following: "; and the term 'American aircraft' means an aircraft registered under the laws of the United States".

(13) Section 1 of such Act (D.C. Code, sec. 46-301) is amended by adding at the end thereof the following new subsections:

"(w) 'Institution of higher education', for the purposes of this section, means an educational institution which—

"(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

"(2) is legally authorized in the District to provide a program of education beyond high school;

"(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

"(4) is a public or other nonprofit institution.

"(x) 'Hospital' means an institution which has been licensed by the Commissioner of the District as a hospital."

(14) Section 3(b) of such Act (D.C. Code, sec. 46-303(b)) is amended by striking out ", until the effective date of this Act,".

(15) Section 3(c)(2) of such Act (D.C. Code, sec. 46-303(c)(2)) is amended by inserting immediately before the period at the end of the first sentence thereof a colon and the following: "*Provided*, That after December 31, 1971, benefits paid to an individual for any week during which he is attending a training or retraining course under the provisions of section 10(d)(2) of this Act or extended benefits paid to an exhaustee under the provisions of section 7(g) of this Act shall not be charged against such employer accounts".

(16) Section 3(c)(3) of such Act (D.C. Code, sec. 46-303(c)(3)) is amended to read as follows:

"(3) The standard rate of contributions shall be 2.7 per centum, except that after December 31, 1971, each employer newly subject to this Act shall pay contributions at a rate equal to the average rate on taxable wages of all employers for the preceding calendar year (rounded to the next higher one-tenth of 1 per centum), or 1 per centum, whichever is higher (not exceeding 2.7 per centum) until he has been an employer for a sufficient period to meet the requirement to qualify for a reduced rate as provided in paragraph (4) of this subsection; thereaftre, his contribution rate shall be determined in accordance with the provisions of such paragraph (4)."

(17) Section 3(c)(4) of such Act (D.C. Code, sec. 46-303(c)(4)) is amended—

(A) by striking out subparagraph (i) and inserting in lieu thereof:

"(A) No employer's rate of contribution for any calendar year or part thereof shall be reduced below the standard rate unless and until his account could have been charged with benefits paid throughout the thirty-six-consecutive-calendar-month period ending on the computation date applicable to such year or part thereof. For the calendar years 1963 to 1971, inclusive, any employer who is subject to this Act by virtue of the amendment of former section (1)(b)(5)(G) of this Act by the Act of March 30, 1962, and who has not been subject to this Act for a sufficient period to meet this requirement, may qualify for a rate less than the standard rate if his account could have been charged with benefit payments throughout a lesser period but, in no event, less than the twelve consecutive calendar months ending on the computation date (as herein defined) for that calander year.";

(B) by striking out subparagraph (ii) and inserting in lieu thereof:

"(B) If the amount of the fund as of June 30 of any years is less than 4 per centum of the total payrolls subject to contribution rate for each employer (including newly sub-month period ending on the preceding December 31, the contribution rate for each employer (including newly subject employers) shall be increased by the percentage differential between said 4 per centum of such total payrolls and said fund's percentage of such total payrolls, but in no event shall the contribution rate for any employer be more than 2.7 per centum. Said percentage differential for each employer shall be computed to the next higher one-tenth of 1 per centum.";

(C) by striking out subparagraph (iii) and inserting in lieu thereof:

"(C) If on December 20 of any year, the amount in the fund becomes less than 2 per centum of the total annual payrolls subject to contributions under the Act for the twelve-consecutive-month period ending on the preceding June 30, the Board shall make a declaration to that effect. Effective the quarter following such announcement, each employer's (including each newly subject employer's) rate of contribution shall be the standard rate.";

(D) by striking out "paragraph (iv)" in the last sentence of subparagraph (iv) and inserting in lieu thereof "subparagraph (D)"; and

(E) by redesignating subparagraph (iv) as subparagraph (D).

(18) Section 3(c)(5) of such Act (D.C. Code, sec. 46-303(c)(5)) is amended—

(A) by amending the first sentence to read as follows: "The Board shall for any uncompleted portion of the calendar year beginning July 1, 1943, and for each calendar year thereafter classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts, except as provided in section 3(c)(3) of this Act."; and

(B) by striking out "3(c)(4)(i)" and inserting in lieu thereof "3(c)(4)(A)".

(19) Section 3(c)(7) of such Act (D.C. Code, sec. 46-303(c)(7)) is amended—

(A) by redesignating subclauses (1), (2), (3), and (4) of clause (ii) as (I), (II), (III), and (IV), respectively; and

(B) by redesignating subparagraphs (a) through (f) as subparagraphs (A) through (F), respectively.

(20) Section 3(c)(8) of such Act (D.C. Code, sec. 46-303(c)(8)) is amended—

(A) by amending subparagraph (i) to read as follows:

"(A) If as of the computation date the total of all contributions credited to any employer's account, with respect to employment since May 31, 1939, is in excess of the total benefits paid after June 30, 1939, then chargeable or charged to his account, such excess shall be known as the employer's reserve, and his contribution rate for the ensuing calendar year or part thereof shall be—

"(i) 2.7 per centum if such reserve is less than 0.5 per centum of his average annual payroll;

"(ii) 2 per centum if such reserve equals or exceeds 0.5 per centum but is less than 1 per centum of his average annual payroll;

"(iii) 1.5 per centum if such reserve equals or exceeds 1 per centum but is less than 1.5 per centum of his average annual payroll;

"(iv) 1 per centum if such reserve equals or exceeds 1.5 per centum but is less than 2.5 per centum of his average annual payroll;

"(v) 0.5 per centum if such reserve equals or exceeds 2.5 per centum but is less than 3 per centum of his average annual payroll;

"(vi) 0.1 per centum if such reserve equals or exceeds 3 per centum of his average annual payroll.";

(B) by inserting immediately before the period at the end of subparagraph (ii) "except as provided in subsection (c)(3) of this section."; and

(C) by redesignating subparagraphs (ii), (iii), and (iv) as subparagraphs (B), (C), and (D), respectively.

(21) Section 3(c)(9) of such Act (D.C. Code, sec. 46–303(c)(9)) is amended—

(A) by striking out "(iv)" in subparagraph (b) and inserting in lieu thereof "(D)"; and

(B) by redesignating subparagraphs (a), (b), (c), (d), and (e) as (A), (B), (C), (D), and (E), respectively.

(22) Section 3(c) of such Act (D.C. Code, sec. 46–303(c)) is amended by adding at the end thereof the following new paragraph:

"(11) After December 31, 1971, the separate account established for an employer under the provisions of paragraph (1) of this subsection shall be discontinued effective the calendar quarter next succeeding three calendar years after the employer has been determined out of business. Thereafter no employer shall have any right to or interest in such discontinued account."

(23) Section 3(e) of such Act (D.C. Code, sec. 46–303(e)) is amended to read as follows:

"(e) From December 31, 1939, to January 1, 1955, wages, for the purpose of section 3, shall not include any amount in excess of $3,000 paid by an employer to any person arising out of his or her employment during any calendar year. From January 1, 1955, to December 31, 1971, wages shall not include any amount in excess of $3,000 actually paid by an employer to any person during any calendar year. After December 31, 1971, wages shall not include any amount in excess of $4,200 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U.S.C. 3301–3308), whichever is greater) actually paid by an employer to any person during any calendar year. After December 31, 1954, the term 'employment' for the purpose of this subsection shall include services constituting employment under any employment security law of a State or of the Federal Government. After December 31, 1971, the term 'employment' for the purpose of this subsection shall include services constituting employment performed in the employof a transfer as determined under the provisions of section 3(c)(7) of this Act."

(24) Section 3(f) of such Act (D.C. Code, sec. 46–303(f)) is amended by striking out the first sentence "(i)" and inserting in lieu thereof "(A)."

(25) Section 3(g) of such act (D.C. Code, sec. 46–303(g)) is amended by inserting immediately before the period at the end of the first sentence a colon and the following: "*Provided*, That liability to the fund shall not exceed contributions for the three calendar years preceding the quarter in which liability was determined."

(26) Section 3 of such Act (D.C. Code, sec. 46–303) is amended by adding at the end thereof the following new subsections:

"(h) Notwithstanding any other provisions of this section, benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection and subsection (i), a nonprofit organization (or group of organizations) described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of such Code.

"(1) Any nonprofit organization which, pursuant to section 1(b)(1)(C), is, or becomes, subject to this Act on or after January 1, 1972, shall pay contributions under the provisions of section 3(c), unless it elects, in accordance with this paragraph to pay to the Board for the District Unemployment fund an amount equal to the amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

"(A) Any nonprofit organization which is, or becomes, subject to this Act on January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1972: *Provided*, That it files with the Board a written notice of its election within the thirty-day period immediately following such date or within a like period immediately following the date of enactment of this subparagraph whichever occurs later.

"(B) Any nonprofit organization which becomes subject to this Act after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the remainder of that and the next year beginning with the date on which such liability begins by filing a written notice of its election with the Board not later than thirty days immediately following the date of the determination of such liability.

"(C) Any nonprofit organization which makes an election in accordance with subparagraph (A) or subparagraph (B) of this paragraph will continue to be liable for payments in lieu of contributions until it files with the Board a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

"(D) Any nonprofit organization which has been paying contributions under this Act for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the Board not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

"(E) The Board may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

"(F) The Board, in accordance with such regulations as it may prescribe, shall notify each nonprofit organization of any determination which the Board may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of section 3(c).

"(2) Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B).

"(A) At the end of each calendar quarter, or at the end of any other period as determined by the Board, the Board shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such organization.

"(B)(i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this subparagraph. Such method of payment shall become effective upon approval by the Board.

"(ii) At the end of each calendar quarter, or at the end of such other period as determined by the Board, the Board shall bill each nonprofit organization for an amount representing one of the following:

"(I) For 1972, one-fourth of 1 per centum of its total payroll for 1971.

"(II) For years after 1972, such percentage of its total payroll for the immediately preceding calendar year as the Board shall determine. Such determination shall be based each year on the average benefits costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

"(III) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the Board shall determine.

"(iii) At the end of each taxable year, the Board may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

"(iv) At the end of each taxable year, the Board shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with subparagraph (C). If the total payments exceed the amount so determined for the taxable year, all or a part of the excess may, at the discretion of the Board, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

"(C) Payment of any bill rendered under subparagraph (A) or subparagraph (B) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subparagraph (E).

"(D) Payments made by a nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

"(E) The amount due specified in any bill from the Board shall be conclusive on the organization unless, not later than fifteen days after the bill was mailed to its last known address or otherwise delivered to it, the organization files an application for redetermination by the Board, setting forth the grounds for such application or appeal. The Board shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless the organization files an appeal as set forth in paragraph 3(c)(10), setting forth the grounds for the appeal.

"(F) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to section 4(c), apply to past due contributions.

"(3) In the discretion of the Director, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of its election, to execute and file with the Board a surety bond approved by the Director, or it may elect instead to deposit with the Board money. The amount of such bond or deposit shall be determined in accordance with the provisions of this paragraph.

"(A) The amount of the bond or deposit required by this paragraph shall be equal to one-fourth of 1 per centum of the organization's total wages paid for employment as defined in section 1(b)(C) for the four calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of money, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the Director.

"(B) Any bond deposited under this paragraph shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the Director at such times as the Director may prescribe, but not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The Director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within fifteen days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in section 4(c) of this Act, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

"(C) Any deposit of money in accordance with this paragraph shall be retained by the Board in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The Director may deduct from the money deposited under this paragraph by a nonprofit organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in section 4(c). The Director shall require the organization within fifteen days following any deduction from a money deposit under the provisions of this subparagraph to deposit sufficient additional money to make whole the organization's deposit at the prior level. The Director may, at any time, review the adequacy of the deposit made by any organization. If, as the result of such review, he determines that an adjustment is necessary, he shall require the organization to make additional deposit within fifteen days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate.

"(D) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this paragraph, the Director may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which such termination becomes effective: *Provided*, That the Director may extend for good cause the applicable filing, deposit or adjustment period by not more than fifteen days.

"(4) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under paragraph (2) of this subsection, the Board may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year and such termination shall be effective for that and the next taxable year.

"(5) Each employer that is liable for payments in lieu of contributions shall pay to the Board for the fund the amount of regular benefits plus one-half of the amount of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subparagraph (A) or subparagraph (B).

"(A) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

"(B) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

"(6) Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subsection (h)(1), may file a joint application to the Board for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this paragraph. Upon approval of the application, the Board shall establish a group account for such employers effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the Board or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The Board shall prescribe such regulations as it deems necessary with respect to applications for establishment, maintenance, and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this paragraph by members of the group and the time and manner of such payments."

"(i) Notwithstanding any provisions in subsection (h) any nonprofit organization that prior to January 1, 1969, paid contributions required by subsection (c) of this section, and, pursuant to subsection (h) of this section, elects, within thirty days after the effective date of such subsection (h), to make payments in lieu of contributions, shall not be required to make any such payment on account of any benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization."

(27) Section 4(a) of such Act (D.C. Code, sec. 46–304(a)) is amended by inserting ", or payments in lieu of contributions under section 3(h)," immediately after "section 3".

(28) Section 4(b) of such Act (D.C. Code, sec. 46–304(b)) is amended by inserting ", except as provided in section 3(h) of this Act" immediately before the period at the end of the first sentence.

(29) Section 4(c) of such Act (D.C. Code, sec. 46–304(c)) is amended to read as follows:

"(c)(1) If contributions or payments in lieu of contributions under section 3(h) are not paid when due, there shall be added interest at the rate of one-half of one per centum per month or fraction thereof from the date they become due until paid: *Provided*, That interest shall not run against a court appointed fiduciary when the contributions or payments in lieu of contributions under section 3(h) are not paid timely because of a court order.

"(2) If contributions or wage reports are not filed on or before the fifteenth day of the second month following the close of the calendar quarter for which they are due or contributions, or payments in lieu of contributions under section 3(h), are not paid by that time, there shall be added a penalty of 10 per centum of the contributions, or payments in lieu of contributions under section 3(h), but such penalty shall not be less than $5 nor more than $25 and for good cause such penalty may be waived by the Board."

(30) Section 4(d) of such Act (D.C. Code, sec. 46–304(d)) is amended by inserting ", or payments in lieu of contributions under section 3(h)," immediately after "contributions".

(31) Section 4(e) of such Act (D.C. Code, sec. 46–304(e)) is amended by striking out "or tax" in the first and fifteenth sentences and inserting in lieu thereof", or payments in lieu of contributions under section 3(h),".

(32) Section 4(h) of such Act (D.C. Code, sec. 46–304(h)) is amended by inserting "or penalty" immediately after "interest" in the second sentence.

(33) Section 4(i) of such Act (D.C. Code, sec. 46–304(i)) is amended to read as follows:

"(i) REFUNDS.—If not later than three years after the date on which any contributions (or payments in lieu of contributions under section (3(h)) or interest thereon were paid, an employing unit which has paid such contributions (or payments in lieu of contributions under section 3(h)) or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments (or payments in lieu of contributions under section (3) (h)) or for a refund thereof because such adjustment cannot be made, and the Board shall determine that such contributions (or payments in lieu of contributions under section 3(h)) or interest on any portion thereof was erroneously collected, the Board shall allow such employing unit to make an adjustment thereof, without interest, in connection with subsequent contribution payments (or payments in lieu of contributions under section 3(h)) by it, or if such adjustment cannot be made the Board shall refund said amount, without interest, from the clearing account or benefit account upon checks issued by the Board or its duly authorized agent. For like cause and within the same period, adjustment or refund may be so made on the Board's own initiative. Should benefits have been paid based upon work records filed by the employing unit, claiming an adjustment or refund, such benefit should be disregarded for purposes of figuring such adjustment or refund, and any such benefit payments already having been made at the time of the adjustment or refund, based upon records filed with this Board by such employing unit, shall to that extent be allowed and shall not be deemed to have been paid erroneously."

(34) Section 4(1) of such Act (D.C. Code, sec. 46–304(1)) is amended by striking out the first and second sentences and inserting in lieu thereof the following:

"(1) The Board may compromise any civil case arising under this Act. Whenever, a compromise is made by the Board in each such case, there shall be placed in the minutes of the Board the opinion of an attorney of the Board with the reasons therefor, including a statement of (1) the amount of the contributions, or payments in lieu of contributions under section 3(h), due, (2) the amount of interest due on the same, and (3) the amount actually paid in accordance with the terms of the compromise."

(35) Section 7(b) of such Act (D.C. Code, sec. 46–307(b)) is amended—

(A) by striking out the second sentence; and

(B) by striking out in the third sentence "50 per centum" and inserting in lieu thereof "66⅔ per centum".

(36) Section 7(c) of such Act (D.C. Code, sec. 46–307(c)) is amended to read as follows:

"(c) To qualify for benefits an individual must have (1) been paid wages for employment of not less than $300 in one quarter in his base period, (2) been paid wages for employment of not less than $450 in not less than two quarters in such period, and (3) received during such period wages the total amount of which is equal to at least one and one-half times the amount of his wages for the quarter in such period in which his wages were the highest. Notwithstanding the provisions of paragraph (3), any otherwise qualified individual, the total amount of whose wages during such period is less than the amount required to have been received during such period under such paragraph, many qualify for benefits if the difference between the amounts so required to have been received and the total amount of his wages during such period does not exceed $70, but the amount of his weekly benefit, as computed under section 7(b), shall be reduced by $1 if such difference does not exceed $35 or by $2 if such difference is more than $35. Wages received by an individual in the period intervening between the end of his last base period and the beginning of his last benefit year shall not be available for benefit purposes in a subsequent benefit year unless he has, subsequent to the commencement of such last benefit year, performed services for which he received remuneration for personal services, whether or not such services were performed in employment as defined in this Act, in an amount equal to at least ten times the weekly benefit amount for which he qualifies in such last benefit year. Benefits payable to an individual with respect to a week shall be reduced, under regulations prescribed by the Board, by any amount received or applied for with respect to such week as a retirement pension or annuity under a public or private retirement plan or system provided, or contributed to, by any base period employer. An amount received with respect to a period other than a week shall be prorated by weeks. No reduction shall be made under the preceding two sentences for any amount received under title II of the Social Security Act."

(37) Section 7 of such Act (D.C. Code, sec. 46–307) is amended by adding the following new subsection:

"(g) Extended Benefits Program.—Notwithstanding any other provisions of this section, this subsection provides a program of extended benefits on and after January 1, 1972.

"(1) Definitions.—As used in this subsection, unless the context clearly requires otherwise—

"(A) 'Extended benefit period' means a period which—

"(i) begins with the third week after whichever of the following weeks occurs first: (I) a week for which there is a national 'on' indicater, or (II) a week for which there is a State 'on' indicator; and

"(ii) ends with either of the following weeks, whichever occurs later: (I) the third week after the first week for which there is both a national 'off' indicator and a State 'off' indicator; or (II) the thirteenth consecutive week of such period: *Provided*, That no extended benefit period may begin by reason of a State 'on' indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to the District.

"(B) There is a 'national' 'on' 'indicator' for a week if the Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States equaled or exceeded 4.5 per centum.

"(C) There is a 'national' 'off' 'indicator' for a week if the Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 per centum.

"(D) There is a 'State' 'on' 'indicator' for the District for a week if the Board determines, in accordance with regulations of the Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act—

"(i) equaled or exceeded 120 per centum of the average of such rates for the corresponding thirteen-week period ending in each of the preceeding two calendar years, and

"(i) equaled or exceeded 4 per centum.

"(E) There is a 'State' 'off' 'indicator' for the District for a week if the Board determines, in accordance with regulations of the Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act—

"(i) was less than 120 per centum of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or

"(ii) was less than 4 per centum.

"(F) 'Rate of insured unemployment', for purposes of subparagraphs (D) and (E) of this subsection, means the percentage derived by dividing (i) the average weekly number of individuals filing claims in the District for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the Board on the basis of its reports to the Secretary of Labor, by (ii) the average monthly employment covered under this Act for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

"(G) 'Regular benefits' mean benefits payable to an individual under this Act or under any State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to chapter 85 of title 5, United States Code) other than extended benefits.

"(H) 'Extended benefits' mean benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to chapter 85 of title 5, United States Code) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

"(I) 'Eligibility period' of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any week thereafter which begins in such period.

"(J) 'Exhaustee' means an individual who, with respect to any week of unemployment in his eligibilty period:

"(i) has received, prior to such week, all of the regular benefits that were available to him under this Act or any State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under chapter 85 of title 5, United States Code) in his current benefit year that includes such week: *Provided*, That, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits;

"(ii) his benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

"(iii) (I) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other Federal laws as are specified in regulations issued by the Secretary of Labor; and (II) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

"(K) 'State law' means the unemployment insurance law of any State, approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

"(2) Except when the result would be inconsistent with the other provisions of this subsection, as provided in the regulations of the Board, the provisions of this Act which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

"(3) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the Board finds that with respect to such week:

"(A) he is an 'exhaustee' as defined in paragraph (1)(J) of this subsection, and

"(B) he has satisfied the requirements of this Act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

"(4) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly basic or augmented benefit amount, whichever is appropriate, payable to him during his applicable benefit year.

"(5) The total extended benefit amount payable to any eligible individual with respect to his applicable year shall be the least of the following amounts:

"(A) 50 per centum of the total amount of regular benefits (including dependents' allowances) which were payable to him under this Act in his applicable benefit year;

"(B) thirteen times his weekly benefit amount (including dependents' allowances) which was payable to him under this Act for a week of total unemployment in the applicable benefit year; or

"(C) thirty-nine times his weekly benefit amount (including dependents' allowances) which was payable to him under this Act for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this Act with respect to the benefit year;

"(D) for purposes of this paragraph, the total regular benefit amount shall be that amount (including dependents' allowances) provided in the individual's monetary determination or the amount of regular benefits (including dependents' allowances) actually received, whichever is the greater.

"(6) (A) Whenever an extended benefit period is to become effective in the District (or in all States) as a result of a State or a national 'on' indicator, or an extended benefit period is to be terminated in the District as a result of State and national 'off' indicators, the Director shall make an appropriate public announcement as provided in the regulations of the Board.

"(B) Computations required by the provisions of paragraph (1)(F) of this subsection shall be made by the Board in accordance with regulations prescribed by the Secretary of Labor."

(38) Section 9 of such Act (D.C. Code, sec. 46–309) is amended by adding the following new subsection:

"(g) Benefits based on service in employment defined in section 1(b)(1) (B) and (C) shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this Act; except that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in section 1(w)) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms."

(39) Section 11 of such Act (D.C. Code, sec. 46–311) is amended—

(A) by striking out "(a)" in the penultimate sentence of subsection (a); and

(B) by inserting "or recording device" immediately after "stenographer" in the second sentence of subsection (f).

(40) Section 13 of such Act (D.C. Code, sec. 46–313) is amended by amending subsection (e) to read as follows:

"(e) FEDERAL-STATE COOPERATION.—(1) In the administration of this Act, the Board shall cooperate with the Department of Labor to the fullest extent consistent with the provisions of this Act, and shall take such actions, through the adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to secure to the District and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970.

"(2) In the administration of the provisions in section 7(g) of this Act, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the Board shall take such action as may be necessary (A) to ensure that the provisions are so interpreted and applied as to meet the requirements of such Federal Act as interpreted by the Department of Labor, and (B) to secure to the District the full reimbursement of the Federal share of extended and regular benefits paid under this Act that are reimbursable under the Federal Act."

(40) Section 14 of such Act (D.C. Code, sec. 46–314) is amended—

(A) by inserting the subsection designation "(a)" immediately before "All";

(B) by striking out "$40" in such subsection (a) and inserting in lieu thereof "$65"; and

(C) by adding at the end thereof the following new subsection:

"(b)(1) There is hereby created a special deposit fund in the Treasury of the United States, separate and apart from the District Unemployment Fund, to be known as the Special Administrative Expense Fund. Notwithstanding any contrary provisions of this Act, (A) interest and penalties collected from employers, and dishonored check penalties authorized by Public Law 89–208 (79 Stat. 844), shall after January 31, 1972, be deposited into the clearing account in the District Unemployment Fund in the Treasury of the United States for clearance only and shall not, except as provided in paragraph (4) of this subsection, be deemed a part of the District Unemployment Fund; (B) thereafter during each calendar quarter, there shall be transferred from the clearing account to such Special Administrative Expense Fund all moneys described in subparagraph (A) of this subsection collected during the preceding quarter; and (C) refunds of such moneys paid into the Special Administrative Expense Fund shall be made from such fund.

"(2) Said moneys shall not be expended or available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, Federal funds which would, in the absence of said moneys, be available to finance expenditures for the administration of this Act. Nothing in this subsection shall prevent said moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which Federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund shall be used by the Board for the payment of costs of administration which are found by the Board not to be proper and valid charges payable out of Federal grants or other funds received for the administration of this Act. All such payments of expenses shall be made by checks drawn by the Board and shall be subject to audit by the District in the same manner as are payments of other expenses of the District.

"(3) No other expenditure of this fund shall be made unless and until the Board by resolution duly entered in its minutes finds that no other funds are available or can properly be used to finance such expenditures. Vouchers drawn to pay expenditures of this fund shall, among other things, include a duly certified copy of the resolution of the Board hereinbefore referred to.

"(4) The moneys in this fund shall be continuously available to the Board for expenditures and refunds in accordance with the provisions of this subsection and shall not lapse at any time or be transferred to any other fund or account except as herein provided. If, on June 30 of any calendar year, the balance of this fund exceeds $250,000 by $1,000 or more, the Board shall transfer such excess to the Unemployment Trust Fund. It shall be the duty of the Secretary of the Treasury to invest such portion of this fund in excess of $10,000 at the end of each month. Such investments shall be made in the same manner as provided in section 904 of the Social Security Act. The interest on, and the proceeds from, the sale of redemptions of any obligations held in this fund shall be credited to and form a part of this fund."

(41) Section 15 of such Act (D.C. Code, sec. 46–315) is amended by striking out "$25" in subsection (c) and inserting in lieu thereof "$50".

(42) Section 16 of such Act (D.C. Code, sec. 46–316) is amended to read as follows:

"(a) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby services performed by an individual for a single employing unit for which services are customarily performed by such individual in more than one State shall be deemed to be services performed entirely within any one of the States (1) in which any part of such individual's service is performed or (2) in which such individual has his residence or (3) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election, approved by the agency charged with the administration of such State's unemployment-compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such State.

"(b) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby potential rights to benefits accumulated under the unemployment-compensation laws of one or more States or under one or more such laws of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the Board finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

"(c) The Board shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this Act with his wages and employment covered under the unemployment-compensation laws of other States which are approved by the Secretary of Labor in consultation with the State unemployment-compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for (1) applying the base period of a single State law to a claim involving the combining of an individual's wages and employment covered under two or more State unemployment-compensation laws, and (2) avoiding the duplicate use of wages and employment by reason of such combining.

"(d) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby contributions due under this Act with respect to wages for employment shall for the purposes of section 4 of this Act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another State or Federal unemployment-compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the Board finds will be fair and reasonable as to all affected interests.

"(e) Reimbursements paid from the fund pursuant to subsection (c) of this section shall be deemed to be benefits for the purpose of sections 6, 7, and 8 of this Act. The Board is authorized to make to other State or Federal agencies and to receive from such other State or Federal agencies reimbursements from or to the funds, in accordance with arrangements entered into pursuit to this section.

"(f) The administration of this Act and of State and Federal unemployment-compensation and public-employment-service laws will be promoted by cooperation between the District and such States and the appropriate Federal agencies in exchanging services and making available facilities and information. The Board is therefore authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other power provided herein with respect to the administration of this Act as it deems necessary or appropriate to facilities the administration of any such unemployment-compensation or public-employment-service law, and in like manner to accept and utilize information, services, and facilities made available to the District by the agency charged with the administration of any such other unemployment-compensation or public-unemployment-service law.

"(g) To the extent permissible under the laws and Constitution of the United States the Board is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this Act and facilities and services provided under the unemployment-compensation law of any foreign government may be utilized for the taking of claims and the payment of benefits under the employment-security law of the District or under a similar law of such government."

SEC. 3. The amendments made by this Act shall take effect on January 1, 1972, except that the amendments made by sections 2 (35) and 2(36) of this Act shall take effect only with respect to benefit years that begin on or after January 2, 1972.

Mr. STUCKEY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of the bill, H.R. 10237, as amended, is to amend the District of Columbia Unemployed Compensation Act, approved August 28, 1935—D.C. Code, title 46, section 301 et seq. It is designed to implement certain provisions of the Employment Security Amendments of 1970 (84 Stat. 695), which require that certain provisions be included in State unemployment laws and also those of the District of Columbia.

As an omnibus bill, it also contains many technical provisions recommended by the President through the Secretary of Labor to all the Governors of the various States and to the Commissioner of the District of Columbia.

EMPLOYMENT BROADENED

By section 2 of the bill, the District law (sec. 1(b)) will provide—as did the Employment Security Amendments of 1970 amending the Federal Unemployment Tax Act—extended coverage of individuals; it goes beyond those who were employees under the common law rules of master and servant.

Thus, under "employment", if this bill is enacted, are included (a) services of commission-drivers and salesmen; (b) services for nonprofit organizations with certain exclusions (religious institutions and rehabilitation facilities for individuals physically or mentally impaired); (c) services for District hospitals and institutions of higher education; and (d) services of American citizens employed outside the United States by American employers.

Also included in the term "employment" will be certain employees who now hire domestics in private homes, if said employers pay $500 or more in any calendar quarter. Your committee was advised that this provision alone will affect approximately 2,000 employers and about 3,000 domestic workers. Only the States of New York and Hawaii provide coverage for domestics at the present time.

According to testimony presented to your committee, it is estimated this bill will bring in some 70 organizations employing 4,200 individuals. At the same time, approximately 35 organizations employing 933 individuals, it was specified, which are now covered will be exempted.

CONTRIBUTION RATE FOR NEW EMPLOYERS

All new employers by the bill—which amends section 3(c) (3) of the 1935 act—shall have the average rate of employers in the District of Columbia for the preceding calendar year, or 1 percent, whichever is higher, but not to exceed 2.7 percent.

Further, the employers would maintain this rate until they are eligible for consideration for a reduced rate, when they would be rated as any other employer in the same category.

WAGE LIMITATION AND QUALIFYING WAGES

Section 3(e) of the present law is amended by the bill, (a) to increase the wage limitations on an individual by employers from $3,000 to $4,200—a mandatory provision under Public Law 91–373; and (b) to allow a successor employer to count any wages paid by a predecessor in deterrmining the $4,200 limitation.

Also under the bill—section 7(c) of the present law as amended—the maximum qualifying wages have been raised to $300 in one quarter and $450 in not less than 2 quarters. This is designed to increase the minimum weekly benefit amount from $8 to $14.

INCREASE IN MAXIMUM WEEKLY BENEFITS FROM 50 PERCENT TO 66⅔ PERCENT

The bill amends present law—section 7(b) of the 1935 District of Columbia Unemployment Compensation Act—District of Columbia Code, title 46, section 307(b)—to increase the maximum weekly benefits payable to an unemployed individual from 50 percent to 66⅔ percent of his average weekly wage during the preceding fiscal year in the District of Columbia. Such increase was recommended to the States by the President in a message to the Congress July 8, 1969; it is supported by the Secretary of Labor; and also by the District of Columbia government and representatives of labor at the hearings before your subcommittee.

On the other hand, representatives of the business community in Washington, employing over 100,000 persons, opposed the higher benefits; namely, increase from 50 percent to 66⅔ percent, for the following reasons:

First. The proposed higher benefits would reduce the incentive for seeking gainful employment.

Second. They would increase District of Columbia employer taxes substantially beyond what will be automatic increases under the mandatory changes and the nonmandatory improvements contained in the bill and supported by the business community.

Third. They would be inflationary and inconsistent with the new wage-price freeze.

Fourth. They would be significantly out of line with what nearby Maryland and Virginia employers are required to provide.

For example, the current maximum weekly benefit of $73 in the District of Columbia would be increased to $98, as compared with $59 in Virginia and $78 in Maryland.

Based on anticipated increases in the average wage for all covered workers, it was testified these maximums for the District of Columbia are expected to equal or exceed $78 and $104 respectively. Further increases in absolute dollar amounts are also expected to continue to occur, under both the current and proposed rates—as the weekly wage among nongovernment District of Columbia employees continues upward—it was stated.

Finally, it should be noted that unemployment compensation benefits are income tax free and not subject to social security withholding.

EXTENDED BENEFITS

The bill meets the extended benefits requirement of Public Law 91–373 adding a new subsection (g) to section 7 of the present law and provides individual workers with extended benefits—equal to the weekly benefit amount they received under the regular program—for half the number of weeks of their regular entitlement up to a maximum of 13 weeks, with an overall limit on regular—extended benefits of 39 weeks. The costs thereof are shared equally by the Federal Government and the District fund. The District employer will not be charged for extended benefits unless he is a self insurer. This is required by Public Law 91–373, principally based upon the concept that the self-insurer has deposited no money in the fund.

STATE AND DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION BENEFITS

The following table shows for each State and the District of Columbia. First, average weekly wage; second, percent of weekly wage; third, maximum weekly benefit amount; fourth, maximum number of weeks; and fifth, maximum potential benefits. The information is extracted from Department of Labor, Manpower Administration monthly statement showing changes up to and including November 1, 1971.

The tabulation provides the following summary results:

First. Average percentage of weekly wage, 54 States and territories, 48.4 percent.

Second. Median percentage of weekly wage, 54 States and territories, 50 percent.

Third. Total number of States having maximum percentage of 66⅔, 3.

Fourth. The District of Columbia's maximum weekly benefit—$73 at present—is 16 percent higher and is available for a 26 percent longer period of time, than the national average.

State	1970 average weekly wage	Percent of weekly wage	Maximum weekly benefit amount	Maximum number of weeks	Maximum potential benefits
Alabama	$119.22	50	$60	26	$1,430
Alaska	214.11	28.40	60–85	28	1,680–2,380
Arizona	137.78	44	60	26	1,560
Arkansas	103.94	66⅔	63	26	1,638
California	154.05	42	65	26	1,690
Colorado	135.51	60	78	26	2,028
Connecticut	149.76	60–82	86–129	26	2,132–3,198
Delaware	149.73	43	65	26	1,690
District of Columbia	149.53	50	73	34	2,482
Florida	129.33	42	54	26	1,404
Georgia	122.92	41	50	26	1,300
Guam					
Hawaii	131.85	66⅔	86	[1] 26	2,236
Idaho	118.45	55	65	26	1,690
Illinois	155.94	29–56	45–88	26	1,170–2,288
Indiana	143.81	31–45	45–65	26	1,170–1,690
Iowa	129.11	55	64	26	1,664
Kansas	124.75	50	60	26	1,560
Kentucky	127.38	46¾	60	26	1,560
Louisiana	133.14	45	60	28	1,680
Maine	116 95	52	61	26	1,586
Maryland	132.37	59	78	[1] 26	2,028
Massachusetts	134.67	52½–79	74–111	30	2,070–3,120
Michigan	163.37	32–53	53–87	26	1,378–2,262
Minnesota	138.12	46	64	26	1,664
Mississippi	107.62	45	49	26	1,274
Missouri	140.57	41	57	26	1,482
Montana	$118.35	44	$52	26	$1,222
Nebraska	121.13	46	56	26	1,456
Nevada	145.05	50	73	26	1,898
New Hampshire	121.30	61	75	[1] 26	1,950
New Jersey	151: 07	50	72	26	1,872
New Mexico	118.72	50	58	30	1,740
New York	159.70	47	75	[1] 26	1,950
North Carolina	112.90	50	56	[1] 26	1,456
North Dakota	116.13	50	58	26	1,508
Ohio	151.47	36–56	55–84	26	1,222–1,716
Oklahoma	226.79	47½	60	26	1,560
Oregon	134.68	46	62	26	1,612
Pennsylvania	237.79	60	81–89	30	1,800
Puerto Rico	82.74	60	50	28	1,000
Rhode Island	125.16	60	75–95	26	1,950–2,470
South Carolina	111.25	50	56	26	1,456
South Dakota	106.83	44	47	26	1,222
Tennessee	119.44	46	55	26	1,430
Texas	131.67	48	63	26	1,170
Utah	119.87	65	77	36	2,772
Vermont	128.59	50+9	74	[1] 26	1,924
Virginia	120.91	49	59	26	1,534
Virgin Islands	102.00	66⅔	68	26	1,768
Washington	149.20	50	75	30	2,250
West Virginia	140.70	50	71	[1] 26	1,846
Wisconsin	139.43	60	84	34	2,856
Wyoming	108.22	50	60	26	1,560

[1] Uniform.

ESTIMATED BENEFIT COSTS UNDER 50 PERCENT AND PROPOSED 66⅔ PERCENT FOR THE DISTRICT OF COLUMBIA GOVERNMENT[1]

	Estimated average payment at 50 percent	Estimated average payment at 66⅔ percent	Estimated number of payments	Estimated disbursement under 50 percent	Estimated disbursement under 66⅔ percent	Increase due to 66⅔ percent
Year:						
1972	$59	$81	32,000	1,888,000	2,592,000	704,000
1973	64	88	32,000	2,048,000	2,816,000	788,000
1974	67	92	32,000	2,144,000	2,944,000	800,000
1975	73	101	32,000	2,336,000	2,232,000	896,000
1976	77	106	32,000	2,464,000	2,392,000	928,000
Total						4,096,000

[1] Based on costs experienced in 1971.

Source: District Unemployment Compensation Board, October 1971.

Cost estimates furnished your committee by representatives of the District business community, which they stated were secured from the District Unemployment Compensation Board, indicate that for the fiscal year ending June 30, 1972, the required employer contribution without the increase of 50 to 66⅔ percent will be approximately $20 million; and $22 million with the increase contained in the bill—the impact of which will only reflect a one-half year's worth of additional benefits paid January 1, 1972, through June 30, 1972.

For the fiscal year ending June 30, 1973, the required employer contributions are estimated to be $22 million, without the increase of 50 percent to 66⅔ percent; estimated at $28 million if the increase is included, or a 27-percent higher cost. Under more recent estimates secured October 5, 1971, business representatives estimated the higher cost at 36 percent.

HEARING

A hearing was held on this proposed legislation by the Subcommittee on Public Health, Welfare, Housing, and Youth Affairs on October 13, 1971, at which time representatives of the District of Columbia government, District Unemployment Compensation Board, labor, and business, testified in support thereof, in the main, and except as otherwise set forth in this report. Also, various amendments were proposed but were not adopted by your committee.

No testimony was presented in opposition to the overall purposes of the bill.

Mr. STUCKEY. Mr. Speaker, there is pending at the Speaker's table the Senate bill (S. 2429) to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes, which is similar to the bill H.R. 10237 that we are considering at the present time, and in order to save the time of the House, I ask unanimous consent for the immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2429

An act to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Unemployment Compensation Act Amendments of 1971".

SEC. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended, is further amended as follows:

(1) Section 1(b)(1) of such Act (D.C. Code, sec. 46–301(b)(1) is amended to read as follows:

"(1) 'Employment' means:

"(A) Any service performed prior to January 1, 1972, which was employment as defined in this subsection prior to such date and, subject to the other provisions of this subsection, service performed after December 31, 1971, including service by interstate commerce, by—

"(i) any officer of a corporation; or

"(ii) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

"(iii) any individual other than an individual who is an employee under subdivision (i) or (ii) who performs services for remuneration for any person—

"(I) as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for his principal;

"(II) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations: *Provided*, That for purposes of subparagraph (A) (iii), the term 'employment' shall include services described in (I) and (II) above performed after December 31, 1971, only if:

"1. The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

"2. The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

"3. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

"(B) Service performed after December 31, 1971, by an individual in the employ of the District or any of its instrumentalities (or in the employ of the District and one or more States or their instrumentalities) for a hospital or institution of higher education: *Provided,* That such service is excluded from 'employment' as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c) (7) of that Act and is not excluded from 'employment' under section 1(b) (1) (D) of this Act;

"(C) Service performed after March 30, 1962, by an individual in the employ of an educational organization, and service performed after December 31, 1971, by an individual in the employ of a religious, charitable, or other organization which is excluded from the term 'employment' as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c) (8) of that Act, except as provided in section 1(b) (1) (D) of this Act;

"(D) For the purposes of subparagraphs (B) and (C) the term 'employment' does not apply to service performed after December 31, 1971—

"(i) in the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

"(ii) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

"(iii) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physicial or mental deficiency or injury providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

"(iv) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of a State or political subdivision thereof, by an individual receiving such work relief or work training; or

"(v) for a hospital in a State prison or other State correctional institution, by an inmate of the prison or correctional institution.

"(E) The term 'employment' shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971, in the employ of an American employer (other than service which is deemed 'employment' under the provisions of section 1(b) (2) of this Act or the parallel provisions of another State's law), if:

"(i) the employer's principal place of business in the United States is located in the District; or

"(ii) the employer has no place of business in the United States, but

"(I) the employer is an individual who is a resident of the District; or

"(II) the employer is a corporation which is organized under the laws of the District or the laws of the United States; or

"(III) the employer is a partnership or a trust and the number of the partners or trustees who are residents of the District is greater than the number who are residents of any one other State; or

"(iii) none of the criteria of clauses (i) and (ii) of this subparagraph are met but the employer has elected coverage in the District or, the employer having failed to elect coverage in any State, the individual has filed a claim for benefits, based on such service, under the law of the District.

"(iv) an 'American employer', for purposes of this subparagraph, means a person who is—

"(I) an individual who is a resident of the United States; or

"(II) a partnership if two-thirds or more of the partners are residents of the United States; or

"(III) a trust, if all of the trustees are residents of the United States; or

"(IV) a corporation organized under the laws of the United States or of any State.

"(v) as used in this subparagraph the term 'United States' includes the States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(F) The term 'employment' shall include personal or domestic service in a private home for an employer who paid cash remuneration of $500 or more in any calendar quarter. 'Personal or domestic service' for the purpose of this subparagraph shall include all persons employed by an employer in his capacity as a householder, as distinguished from a person employed by the employer in the pursuit of a trade, occupation, profession, enterprise, or vocation."

(2) Section 1(b) (2) of such Act (D.C. Code, sec. 46–301(b) (2)) is amended—

(A) by striking out "or" after "performed within" and inserting in lieu thereof a comma;

(B) by inserting after "within and without" the following: "or entirely without";

(C) by adding after subparagraph (B) the following new paragraph:

"(C) the service is performed anywhere within the United States, the Virgin Islands, or Canada: *Provided,* That (i) such service is not covered under the unemployment compensation law of any State, the Virgin Islands, or Canada, and (ii) the place from which the service is directed or controlled is in the District."

(3) Section 1(b) (4) of such Act (D.C. Code, sec. 46–301(b) (4)) is amended to read as follows:

"(4) Notwithstanding any other provisions of this subsection, the term 'employment' shall also include all service performed after January 1, 1955, by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft: *Provided,* That the operating officer from which the operations of such vessel or aircraft are ordinarily and regularly supervised, managed, directed, and controlled, is within the District."

(4) Section 1(b) (5) of such Act (D.C. Code, sec. 46–301(b) (5)) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) service performed by an individual under 18 years of age as a babysitter;";

(B) by redesignating clauses (a) and (b) of subparagraph (D) as (i) and (ii), respectively;

(C) by inserting immediately before the semicolon at the end of subparagraph (E) the following: ", except for service performed after December 31, 1971, as provided in section 1(b) (1) (B) of this Act";

(D) by striking out in subparagraph (I) (1) (c) "at a" and inserting in lieu thereof "at such";

(E) by redesignating clauses (1), (2), and (5) of subparagraph (I) as (i), (ii), and (iii), respectively;

(F) by striking out clauses (3) and (4) of subparagraph (I);

(G) by redesignating (a) and (c) of clause (i) as (I) and (II) respectively;

(H) by striking out (b) of caluse (i);

(I) by redesignating clauses (1) and (2) of subparagraph (K) as (i) and (ii), respectively;

(J) by inserting in subparagraph (Q), "or aircraft" after "vessel" the first and third times it appears, and by inserting "or American aircraft" after "vessel" the second time it appears;

(K) by redesignating clauses (A) and (B) of subparagraph (R) as (i) and (ii), respectively;

(L) by striking out subparagraphs (G) and (P); and

(M) by redesignating subparagraphs (H) through (T) as subparagraphs (G) through (R), respectively.

(5) Section 1(b) (6) of such Act (D.C. Code sec. 46–301(b) (6)) is amended by striking out "5(H)" in the last sentence and inserting in lieu thereof "5(G)".

(6) Section 1(b) (7) of such Act (D.C. Code, sec. 46–301(b) (7)) is amended by inserting before the period at the end thereof the following: "or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this Act".

(7) Section 1(b) (8) of such Act (D.C. Code, sec. 46–301(b) (8)) is amended—

(A) by inserting "localized" after "Any" in subparagraph (i);

(B) by striking out "section 1(b) (5)" in such subparagraph (i) and inserting in lieu thereof "section 1(b)";

(C) by striking out "section 1(b) (8) (i)" in subparagraph (ii) and inserting in lieu thereof "section 1(b) (8) (A)";

(D) by redesignating clauses (A) and (B) of subparagraph (i) as (i) and (ii), respectively; and

(E) by redesignating subparagraphs (i), (ii), and (iii) as (A), (B), and (C), respectively.

(8) Section 1(c) of such Act (D.C. Code, sec. 46–301(c)) is amended—

(A) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(B) by striking out paragraph (3).

(9) Section 1(d) of such Act (D.C. Code, sec. 46–301(d)) is amended by inserting immediately after the first sentence the following new sentence: "After August 29, 1946, back pay awarded under any statute of the District or of the United States shall be treated as earnings."

(10) Section 1(q) of such Act (D.C. Code, sec. 46–301(q)) is amended to read as follows:

"(q) 'State' includes, in addition to the States of the United States of America, the District of Columbia (herein referred to as the 'District'), Puerto Rico, and the Virgin Islands."

(11) Section 1(r) of such Act (D.C. Code, sec. 46–301(r)) is amended by inserting immediately after "including" the following: "the District government and its instrumentalities (as specified in section 1(b) (1) (B)) of this Act,".

(12) Section 1(t) of such Act (D.C. Code, sec. 46–301(t)) is amended by inserting im-

mediately before the period at the end thereof the folowing "; and the term 'American aircraft' means an aircraft registered under the laws of the United States".

(13) Section 1 of such Act (D.C. Code, sec. 46–301) is amended by adding at the end thereof the following new subsections:

"(w) 'Institution of higher education', for the purposes of this section, means an educational institution which—

"(1) admits as regular students only individuals having a certificate of graduation from a high school, or recognized equivalent of such a certificate;

"(2) is legally authorized in the District to provide a program of education beyond high school;

"(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and all colleges and universities in the District are institutions of higher education for purposes of this section.

"(4) is a public or other nonprofit institution.

"(x) 'Hospital' means an institution which has been licensed by the Commissioner of the District as a hospital."

(14) Section 3(b) of such Act (D.C. Code, sec. 46–303(b)) is amended by striking out ", until the effective date of this Act,".

(15) Section 3(c)(2) of such Act (D.C. Code, sec. 46–303(c)(2) is amended by inserting immediately before the period at the end of the first sentence thereof a colon and the following: "*Provided*, That after December 31, 1971, benefits paid to an individual for any week during which he is attending a training or retraining course under the provisions of section 10(d)(2) of this Act or extended benefits paid to an exhaustee under the provisions of section 7(g) of this Act shall not be charged against such employer accounts".

(16) Section 3(c)(3) of such Act (D.C. Code, sec. 46–303(c)(3)) is amended to read as follows:

"(3) The standard rate of contributions shall be 2.7 per centum, except that after December 31, 1971, each employer newly subject to this Act shall pay contributions at a rate equal to the average rate on taxable wages of all employers for the preceding calendar year (rounded to the next higher one-tenth of 1 per centum), or 1 per centum, whichever is higher (not exceeding 2.7 per centum) until he has been an employer for a sufficient period to meet the requirement to qualify for a reduced rate as provided in paragraph (4) of this subsection; thereafter, his contribution rate shall be determined in accordance with the provisions of such paragraph (4)."

(17) Section 3(c)(4) of such Act (D.C. Code, sec. 46–303(c)(4)) is amended—

(A) by striking out subparagraph (i) and inserting in lieu thereof:

"(A) No employer's rate of contribution for any calendar year or part thereof shall be reduced below the standard rate unless and until his account could have been charged with benefits paid throughout the thirty-six-consecutive-calendar-month period ending on the computation date applicable to such year or part thereof. For the calendar years 1963 to 1971, inclusive, any employer who is subject to this Act by virtue of the amendment of former section (1)(b)(5)(G) of this Act by the Act of March 30, 1962, and who has not been subject to this Act for a sufficient period to meet this requirement, may qualify for a rate less than the standard rate if his account could have been charged with benefit payments throughout a lesser period but, in no event, less than the twelve consecutive calendar months ending on the computation date (as herein defined) for that calendar year.";

(B) by striking out subparagraph (ii) and inserting in lieu thereof:

"(B) If the amount of the fund as of June 30 of any year is less than 4 per centum of the total payrolls subject to contributions under this Act for the twelve-consecutive-month period ending on the preceding December 31, the contribution rate for each employer (including newly subject employers) shall be increased by the percentage differential between said 4 per centum of such total payrolls and said funds' percentage of such total payrolls, but in no event shall the contribution rate for any employer be more than 2.7 per centum. Said percentage differential for each employer shall be computed to the next higher one-tenth of 1 per centum.";

(C) by striking out subparagraph (iii) and inserting in lieu thereof:

"(C) If on December 20 of any year, the amount in the fund becomes less than 2 per centum of the total annual payrolls subject to contributions under the Act for the twelve-consecutive-month period ending on the preceding June 30, the Board shall make a declaration to that effect. Effective the quarter following such announcement, each employer's (including each new subject employer's) rate of contribution shall be the standard rate.";

(D) by striking out "paragraph (iv)" in the last sentence of subparagraph (iv) and inserting in lieu thereof "subparagraph (D)"; and

(E) by redesignating subparagraph (iv) as subparagraph (D).

(18) Section 3(c)(5) of such Act (D.C. Code, sec. 46–303(c)(5)) is amended—

(A) by amending the first sentence to read as follows: "The Board shall for any uncompleted portion of the calendar year beginning July 1, 1943, and for each calendar year thereafter classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts, except as provided in section 3(c)(3) of this Act."; and

(B) by striking out "3(c)(4)(i)" and inserting in lieu thereof "3(c)(4)(A)".

(19) Section 3(c)(7) of such Act (D.C. Code, sec. 46–303(c)(7)) is amended—

(A) by designating subclauses (1), (2), (3), and (4) of clause (ii) as (I), (II), (III), and (IV), respectively; and

(B) by redesignating subparagraphs (a) through (f) as subparagraphs (A) through (F), respectively.

(20) Section (c)(8) of such Act (D.C. Code, sec. 46–303(c)(8)) is amended—

(A) by amending subparagraph (i) to read as follows:

"(A) If as of the computation date the total of all contributions credited to any employer's account, with respect to employment since May 31, 1939, is in excess of the total benefits paid after June 30, 1939, then chargeable or charged to his account, such excess shall be known as the employer's reserve, and his contribution rate for the ensuing calendar year or part thereof shall be—

"(i) 2.7 per centum if such reserve is less than 0.5 per centum of his average annual payroll;

"(ii) 2 per centum if such reserve equals or exceeds 0.5 per centum but is less than 1 per centum of his average annual payroll;

"(iii) 1.5 per centum if such reserve equals or exceeds 1 per centum but is less than 1.5 per centum of his average annual payroll;

"(iv) 1 per centum if such reserve equals or exceeds 1.5 per centum but is less than 2.5 per centum of his average annual payroll;

"(v) 0.5 per centum if such reserve equals or exceeds 2.5 per centum but is less than 3 per centum of his average annual payroll;

"(v) 0.1 per centum if such reserve equals or exceeds 3 per centum of his average annual payroll.";

(B) by inserting immediately before the period at the end of subparagraph (ii) "except as provided in subsection (c)(3) of this section"; and

(C) by redesignating subparagraphs (ii), (iii), and (iv) as subparagraphs (B), (C), and (D), respectively.

(21) Section 3(c)(9) of such Act (D.C. Code, sec. 46–303(c)(9)) is amended—

(A) by striking out "(iv)" in subparagraph (b) and inserting in lieu thereof "(D)"; and

(B) by redesignating subparagraphs (a), (b), (c), (d), and (e) as (A), (B), (C), (D), and (E), respectively.

(22) Section 3(c) of such Act (D.C. Code, sec. 46–303(c)) is amended by adding at the end thereof the following new paragraph:

"(11) After December 31, 1971, the separate account established for an employer under the provisions of paragraph (1) of this subsection shall be discontinued effective the calendar quarter next succeeding three calendar years after the employer has been determined out of business. Thereafter no employer shall have any right to or interest in such discontinued account."

(23) Section 3(e) of such Act (D.C. Code, sec. 46–303(e)) is amended to read as follows:

"(e) From December 31, 1939, to January 1, 1955, wages, for the purpose of section 3, shall not include any amount in excess of $3,000 paid by an employer to any person arising out of his or her employment during any calendar year. From January 1, 1955, to December 31, 1971, wages shall not include any amount in excess of $3,000 actually paid by an employer to any person during any calendar year. After December 31, 1971, wages shall not include any amount in excess of $4,200 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U.S.C. 3301–3311), whichever is greater) actually paid by an employer to any person during any calendar year. After December 31, 1954, the term 'employment' for the purpose of this subsection shall include services constituting employment under any employment security law of a State or the Federal Government. After December 31, 1971, the term 'employment' for the purpose of this subsection shall include services constituting employment performed in the employ of a transferor as determined under the provisions of section 3(c)(7) of this Act."

(24) Section 3(f) of such Act (D.C. Code, sec. 46–303) (f)) is amended—

"(A) by striking out in the first sentence "(i)" and inserting in lieu thereof "(A), or in the event any of its instrumentalities are required to be covered under this Act,"; and

"(B) by adding at the end of the second paragraph thereof the following: "The District of Columbia shall be liable only for 50 per centum of any extended benefits paid."

(25) Section 3(g) of such Act (D.C. Code, sec. 46–303(g)) is amended by inserting immediately before the period at the end of the first sentence a colon and the following: "*Provided*, That liability to the funds shall not exceed contributions for the three calendar years next preceding the quarter in which liability was determined."

(26) Section 3 of such Act (D.C. Code, sec. 46–303) is amended by adding at the end thereof the following new subsections:

"(h) Notwithstanding any other provisions of this section, benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection and subsection (i), a nonprofit organization is an organization (or group of organizations) described in section 501(c)

(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of such Code.

"(1) Any nonprofit organization which, pursuant to section 1(b)(1)(C), is, or becomes, subject to this Act on or after January 1, 1972, shall pay contributions under the provisions of section 3(c), unless it elects, in accordance with this paragraph to pay to the Board for the District Unemployment Fund an amount equal to the amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

"(A) Any nonprofit organization which is, or becomes, subject to this Act on January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1972: *Provided*, That it files with the Board a written notice of its election within the thirty-day period immediately following such date or within a like period immediately following the date of enactment of this subparagraph whichever occurs later.

"(B) Any nonprofit organization which becomes subject to this Act after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the remainder of that and the next year beginning with the date on which such liability begins by filing a written notice of its election with the Board not later than thirty days immediately following the date of the determination of such liability.

"(C) Any nonprofit organization which makes an election in accordance with subparagraph (A) or subparagraph (B) of this paragraph will continue to be liable for payments in lieu of contributions until it files with the Board a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

"(D) Any nonprofit organization which has been paying contributions under this Act for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the Board not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

"(E) The Board may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

"(F) The Board, in accordance with such regulations as it may prescribe, shall notify each nonprofit organization of any determination which the Board may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of sections 3(c).

"(2) Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B).

"(A) At the end of each calendar quarter, or at the end of any other period as determined by the Board, the Board shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such organization.

"(B) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this subparagraph. Such method of payment shall become effective upon approval by the Board.

"(ii) At the end of each calendar quarter, or at the end of such other period as determined by the Board, the Board shall bill each nonprofit organization for an amount representing one of the following:

"(I) For 1972, one-fourth of 1 percent of its total payroll for 1971.

"(II) For years after 1972, such percentage of its total payroll for the immediately preceding calendar year as the Board shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

"(III) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the Board shall determine.

"(iii) At the end of each taxable year, the Board may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

"(iv) At the end of each taxable year, the Board shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with subparagraph (C). If the total payments exceed the amount so determined for the taxable year, all or a part of the excess may, at the discretion of the Board, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

"(C) Payment of any bill rendered under subparagraph (A) or subparagraph (B) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subparagraph (E).

"(D) Payments made by a nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

"(E) The amount due specified in any bill from the Board shall be conclusive on the organization unless, not later than fifteen days after the bill was mailed to its last known address or otherwise delivered to it, the organization files an application for redetermination by the Board, setting forth the grounds for such application or appeal. The Board shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless the organization files an appeal as set forth in section 3(c)(10), setting forth the grounds for the appeal.

"(F) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to section 4(c), apply to past due contributions.

"(3) In the discretion of the Director, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of its election, to execute and file with the Board a surety bond approved by the Director, or it may elect instead to deposit with the Board money. The amount of such bond or deposit shall be determined in accordance with the provisions of this paragraph.

"(A) The amount of the bond or deposit required by this paragraph shall be equal to one-fourth of 1 per centum of the organization's total wages paid for employment as defined in section 1(b)(1)(C) for the four calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of money, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the Director.

"(B) Any bond deposited under this paragraph shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the Director at such times as the Director may prescribe, but not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The Director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within fifteen days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in section 4(c) of this Act, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

"(C) Any deposit of money in accordance with this paragraph shall be retained by the Board in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The Director may deduct from the money deposited under this paragraph by a nonprofit organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in section 4(c). The Director shall require the organization within fifteen days following any deduction from a money deposit under the provisions of this subparagraph to deposit sufficient additional money to make whole the organization's deposit at the prior level. The Director may, at any time, review the adequacy of the deposit made by any organization. If, as the result of such review, he determines that an adjustment is necessary, he shall require the organization to make additional deposit within fifteen days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate.

"(D) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this paragraph, the Director may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which such termination becomes effective: *Provided*, That the Director may extend for good cause the applicable filing, deposit or adjustment period by not more than fifteen days.

"(4) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under paragraph (2) of this subsection, the Board may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.

"(5) Each employer that is liable for payments in lieu of contributions shall pay to the Board for the fund the amount of regular benefits plus one-half of the amount of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subparagraph (A) or subparagraph (B).

"(A) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

"(B) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

"(6) Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subsection (h)(1), may file a joint application to the Board for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this paragraph. Upon approval of the application, the Board shall establish a group account for such employers effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the Board or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The Board shall prescribe such regulations as it deems necessary with respect to applications for establishment, maintenance, and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from such accounts, and for the determination of the amounts that are payable under this paragraph by members of the group and the time and manner of such payments.

"(i) Notwithstanding any provisions in subsection (h) any nonprofit organization that prior to January 1, 1969, paid contributions required by subsection (c) of this section and, pursuant to subsection (h) of this section, elects, within thirty days after the effective date of such subsection (h), to make payments in lieu of contributions, shall not be required to make any such payment on account of any benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which began on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization."

(27) Section 4(a) of such Act (D.C. Code, sec. 46-304(a)) is amended by inserting ", or payments in lieu of contributions under section 3(h)," immediately after "section 3".

(28) Section 4(b) of such Act (D.C. Code, sec. 46-304(b)) is amended by inserting ", except as provided in section 3(h) of this Act" immediately before the period at the end of the first sentence.

(29) Section 4(c) of such Act (D.C. Code, sec. 46-304(c)) is amended to read as follows:

"(c)(1) If contributions or payments in lieu of contributions under section 3(h) are not paid when due, there shall be added interest at the rate of one-half of 1 per centum per month or fraction thereof from the date they become due until paid: *Provided*, That interest shall not run against a court-appointed fiduciary when the contributions or payments in lieu of contributions under section 3(h) are not paid timely because of a court order.

"(2) If contributions or wage reports are not filed on or before the fifteenth day of the second month following the close of the calendar quarter for which they are due or contributions, or payments in lieu of contributions under section 3(h), are not paid by that time, there shall be added a penalty of 10 per centum of the contributions, or payments in lieu of contributions under section 3(h), but such penalty shall not be less than $5 nor more than $25 and for good cause such penalty may be waived by the Board."

(30) Section 4(d) of such Act (D.C. Code, sec. 46-304(d)) is amended by inserting ", or payments in lieu of contributions under section 3(h)," immediately after "contributions".

(31) Section 4(e) of such Act (D.C. Code, sec. 46-304(e)) is amended by striking out "or tax" in the first and fifteenth sentences and inserting in lieu thereof ", or payments in lieu of contributions under section 3(h),".

(32) Section 4(h) of such Act (D.C. Code, sec. 46-304(h)) is amended by inserting "or penalty" immediately after "interest" in the second sentence.

(33) Section 4(i) of such Act (D.C. Code, sec. 46-304(i)) is amended to read as follows:

"(i) REFUNDS.—If not later than three years after the date on which any contributions (or payments in lieu of contributions under section 3(h)) or interest thereon were paid, an employing unit which has paid such contributions (or payments in lieu of contributions under section 3(h)) or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments (or payments in lieu of contributions under section 3(h)) or for a refund thereof because such adjustment cannot be made, and the Board shall determine that such contributions (or payments in lieu of contributions under section 3(h)) or interest on any portion thereof was erroneously collected, the Board shall allow such employing unit to make an adjustment thereof, without interest, in connection with subsequent contribution payments (or payments in lieu of contributions under section 3(h)) by it, or if such adjustment cannot be made the Board shall refund said amount, without interest, from the clearing account or benefit account upon checks issued by the Board or its duly authorized agent. For like cause and within the same period, adjustment or refund may be so made on the Board's own initiative. Should benefits have been paid based upon work records filed by the employing unit, claiming an adjustment or refund, such benefit should be disregarded for purposes of figuring such adjustment or refund, and any such benefit payments already having been made at the time of the adjustment or refund, based upon records filed with this Board by such employing unit, shall to that extent be allowed and shall not be deemed to have been paid erroneously."

(34) Section 4(l) of such Act (D.C. Code, sec. 46-304(l)) is amended by striking out the first and second sentences and inserting in lieu thereof the following:

"(l) The Board may compromise any civil case arising under this Act. Whenever a compromise is made by the Board in each such case, there shall be placed in the minutes of the Board the opinion of an attorney of the Board with the reasons therefor, including a statement of (1) the amount of the contributions, or payments in lieu of contributions under section 3(h), due, (2) the amount of interest due on the same, and (3) the amount actually paid in accordance with the terms of the compromise."

(35) Section 7(b) of such Act (D.C. Code, sec. 46-307(b)) is amended—

(A) by striking out the second sentence; and

(B) by striking out in the third sentence "50 per centum" and inserting in lieu thereof "66⅔ per centum".

(36) Section 7(c) of such Act (D.C. Code, sec. 46-307(c)) is amended to read as follows:

"(c) To qualify for benefits an individual must have (1) been paid wages for employment of not less than $300 in one quarter in his base period, (2) been paid wages for employment of not less than $450 in not less than two quarters in such period, and (3) received during such period wages the total amount of which is equal to at least one and one-half times the amount of his wages actually received in the quarter in such period in which his wages were the highest. Notwithstanding the provisions of paragraph (3), any otherwise qualified individual, the total amount of whose wages during such period is less than the amount required to have been received during such period under such paragraph, may qualify for benefits if the difference between the amounts so required to have been received and the total amount of his wages during such period does not exceed $70, but the amount of his weekly benefit, as computed under section 7(b), shall be reduced by $1 if such difference does not exceed $35 or by $2 if such difference is more than $35. Wages received by an individual in the period intervening between the end of his last base period and the beginning of his last benefit year shall not be available for benefit purposes in a subsequent benefit year unless he has, subsequent to the commencement of such last benefit year, performed services for which he received remuneration for personal services, whether or not such services were performed in employment as defined in this Act, in an amount equal to at least ten times the weekly benefit amount for which he qualifies in such last benefit year. Benefits payable to an individual with respect to a week shall be reduced, under regulations prescribed by the Board, by any amount received or applied for with respect to such week as a retirement pension or annuity under a public or private retirement plan or system provided, or contributed to, by any base period employer. An amount received with respect to a period other than a week shall be prorated by weeks.

No reduction shall be made under the preceding two sentences for any amount received under title II of the Social Security Act."

(37) Section 7 of such Act (D.C. Code, sec. 46-307) is amended by adding the following new subsection:

(g) EXTENDED BENEFITS PROGRAM.—Notwithstanding any other provisions of this section, this subsection provides a program of extended benefits on and after January 1, 1972.

"(1) DEFINITIONS.—As used in this subsection, unless the context clearly requires otherwise—

"(A) 'Extended benefit period' means a period which—

"(i) begins with the third week after whichever of the following weeks occurs first: (I) a week for which there is a national 'on' indicator, or (II) a week for which there is a State 'on' indicator; and

"(ii) ends with either of the following weeks, whichever occurs later: (I) the third week after the first week for which there is both a national 'off' indicator and a State 'off' indicator; or (II) the thirteenth consecutive week of such period: *Provided*, That no extended benefit period may begin by reason of a State 'on' indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to the District.

"(B) There is a national 'on' indicator for a week if the Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was equaled or exceeded 4.5 per centum.

"(C) There is a national 'off' indicator for a week if the Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 per centum.

"(D) There is a State 'on' indicator for the District for a week if the Board determines, in accordance with regulations of the Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act—

"(i) equaled or exceeded 120 per centum of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

"(ii) equaled or exceeded 4 per centum.

"(E) There is a State 'off' indicator for the District for a week if the Board determines in accordance with regulations of the Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act—

"(i) was less than 120 per centum of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or

"(ii) was less than 4 per centum.

"(F) 'Rate of insured unemployment', for purposes of subparagraphs (D) and (E) of this subsection, means the percentage derived by dividing (i) the average weekly number of individuals filing claims in the District for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the Board on the basis of its reports to the Secretary of Labor, by (ii) the average monthly employment covered under this Act for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

"(G) 'Regular benefits' means benefits payable to an individual under this Act or under any State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to chapter 85 of title 5, United States Code) other than extended benefits.

"(H) 'Extended benefits' mean benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to chapter 85 of title 5, United States Code) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

"(I) 'Eligibility period' of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begins in such period.

"(J) 'Exhaustee' means an individual who, with respect to any week of unemployment in his eligibility period:

"(i) has received, prior to such week, all of the regular benefits that were available to him under this Act or any State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under chapter 85 of title 5, United States Code) in his current benefit year that includes such week: *Provided*, That for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

"(ii) his benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

"(iii)(I) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other Federal laws as are specified in regulations issued by the Secretary of Labor; and (II) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

"(K) 'State law' means the unemployment insurance law of any State, approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

"(2) Except when the result would be inconsistent with the other provisions of this subsection, as provided in the regulations of the Board, the provisions of this Act which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

"(3) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the Board finds that with respect to such week:

"(A) he is an 'exhaustee' as defined in paragraph (1)(J) of this subsection, and

"(B) he has satisfied the requirements of this Act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

"(4) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly basic or augmented benefit amount, whichever is appropriate, payable to him during his applicable benefit year.

"(5) The total extended benefit amount payable to any eligible individual with respect to his applicable year shall be the least of the following amounts:

"(A) 50 percent of the total amount of regular benefits (including dependents' allowances) which were payable to him under this Act in his applicable benefit year;

"(B) thirteen times his weekly benefit amount (including dependent's allowances) which was payable to him under this Act for a week of total unemployment in the applicable benefit year; or

"(C) thirty-nine times his weekly benefit amount (including dependents' allowances) which was payable to him under this Act for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this Act with respect to the benefit year.

"(D) For purposes of this paragraph, the total regular benefit amount shall be that amount (including dependents' allowance) provided in the individual's monetary determination or the amount of regular benefits (including dependents' allowances) actually received, whichever is the greater.

"(6)(A) Whenever an extended benefit period is to become effective in the District (or in all States) as a result of a State or a National 'on' indicator, or an extended benefit period is to be determined in the District as a result of State and National 'off' indicators, the Director shall make an appropriate public announcement as provided in the regulations of the Board.

"(B) Computations required by the provisions of paragraph (1)(F) of this subsection shall be made by the Board in accordance with regulations prescribed by the Secretary of Labor."

(38) Section 9 of such Act (D.C. Code, sec. 46-309) is amended by adding the following new subsection:

"(g) Benefits based on service in employment defined in section 1(b)(1) (B) and (C) shall be payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to this Act; except that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in section 1(w)) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms."

(39) Section 10(d) of such Act (D.C. Code, sec. 46-310(d)) is amended by adding the following new paragraph:

"(3) Notwithstanding any other provision of this Act, compensation shall not be denied or reduced to an individual solely because he files a claim in another State (or a contiguous country with which the United States has an agreement with respect to unemployment compensation) or because he resides in another State (or such a contiguous country) at the time he files a claim for unemployment compensation."

(40) Section 11 of such Act (D.C. Code, sec. 46-311) is amended—

(A) by striking out the fifth sentence in subsection (b) and inserting in lieu thereof "The Board shall promptly notify the claimant and any party to the proceeding of its determination, and such determination shall be final within 10 days after the mailing of notice thereof to the party's last known address or in the absence of such mailing, within 10 days of actual delivery of such notice."

(B) by striking out the sixth sentence in subsection (b); by striking out the seventh sentence through the words "*Provided*, That" in subsection (b) and capitalize the word "if" immediately thereafter.

(C) by striking out "after the date of notification or" in the fourth sentence of subsection (e) and inserting in lieu thereof "of".

(D) by striking out "(a)" in the penultimate sentence of subsection (e); and

(E) by inserting "or recording device" immediately after "stenographer" in the second sentence of subsection (f).

(41) Section 13 of such Act (D.C. Code, sec. 46–313) is amended (A) by amending subsection (e) to read as follows:

"(e) FEDERAL-STATE COOPERATION.—(1) In the administration of this Act, the Board shall cooperate with the Department of Labor to the fullest exent consistent with the provisions of this Act, and shall take such action, through the adoption of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure to the District and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970, or other Manpower Acts.

"(2) In the administration of the provisions in section 7(g) of this Act, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the Board shall take such action as may be necessary (A) to ensure that the provisions are so interpreted and applied as to meet the requirements of such Federal Act as interpreted by the Department of Labor, and (B) to secure to the District the full reimbursement of the Federal share of extended and regular benefits paid under this Act that are reimbursable under the Federal Act." and (B) by striking out "the District of Columbia" in the third sentence of subsection (f) and inserting in lieu thereof "any State".

(42) Section 14 of such Act (D.C. Code, sec. 46–314) is amended—

(A) by inserting the subsection designation "(a)" immediately before "All";

(B) by striking out "$40" in such subsection (a) and inserting in lieu thereof "$65"; and

(C) by adding at the end thereof the following new subsection:

"(b) (1) There is hereby created a special deposit fund in the Treasury of the United States, separate and apart from the District Unemployment Fund, to be known as the Special Administrative Expense Fund. Notwithstanding any contrary provisions of this Act, (A) interest and penalties collected from employers, and dishonored check penalties authorized by Public Law 89–208 (79 Stat. 844), shall after January 31, 1972, be deposited into the clearing account in the District Unemployment Fund in the Treasury of the United States for clearance only and shall not, except as provided in paragraph (4) of this subsection, be deemed a part of the District Unemployment Fund; (B) thereafter, during each calendar quarter, there shall be transferred from the clearing account to such Special Administrative Expense Fund all moneys described in subparagraph (A) of this subsection collected during the preceding quarter; and (C) refunds of such moneys paid into the Special Administrative Expense Fund shall be made from such fund.

"(2) Said moneys shall not be expended or available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, Federal funds which would, in the absence of said moneys, be available to finance expenditures for the administration of this Act. Nothing in this subsection shall prevent said moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which Federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund shall be used by the Board for the payment of costs of administration which are found by the Board not to be proper and valid charges payable out of Federal grants or other funds received for the administration of this Act. All such payments of expenses shall be made by checks drawn by the Board and shall be subject to audit by the District in the same manner as are payments of other expenses of the District.

"(3) No expenditure of this fund shall be made unless and until the Board by resolution duly entered in its minutes finds that no other funds are available or can properly be used to finance such expenditures. Vouchers drawn to pay expenditures of this fund shall, among other things, include a duly certified copy of the resolution of the Board hereinbefore referred to.

"(4) The moneys in this fund shall be continuously available to the Board for expenditures and refunds in accordance with the provisions of this subsection and shall not lapse at any time or be transferred to any other fund or account except as herein provided. If, on June 30 of any calendar year, the balance in this fund exceeds $250,000 by $1,000 or more, the Board shall transfer such excess to the Unemployment Trust Fund. It shall be the duty of the Secretary of the Treasury to invest such portion of this fund in excess of $10,000 at the end of each month. Such investments shall be made in the same manner as provided in section 904 of the Social Security Act. The interest on, and the proceeds from, the sale of redemptions or any obligations held in this fund shall be credited to and form a part of this fund."

(43) Section 15 of such Act (D.C. Code, sec. 46–315) is amended by striking out "$25" in subsection (c) and inserting in lieu thereof "$50".

(44) Section 16 of such Act (D.C. Code, sec. 46–316) is amended to read as follows:

"(a) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby services performed by an individual for a single employing unit for which services are customarily performed by such individual in more than one State shall be deemed to be services performed entirely within any one of the States (1) in which any part of such individual's service is performed or (2) in which such individual has his residence or (3) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election, approved by the agency charged with the administration of such State's unemployment-compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such State.

"(b) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby potential rights to benefits accumulated under the unemployment-compensation laws of one or more States or under one or more such laws of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the Board finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

"(c) The Board shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this Act with his wages and employment covered under the unemployment-compensation laws of other States which are approved by the Secretary of Labor in consultation with the State unemployment-compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for (1) applying the base period of a single State law to a claim involving the combining of an individual's wages and employment covered under two or more State unemployment-compensation laws, and (2) avoiding the duplicate use of wages and employment by reason of such combining.

"(d) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby contributions due under this Act with respect to wages for employment shall for the purposes of section 4 of this Act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another State or Federal unemployment-compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the Board finds will be fair and reasonable as to all affected interests.

"(e) Reimbursements paid from the fund pursuant to subsection (c) of this section shall be deemed to be benefits for the purpose of sections 6, 7, and 8 of this Act. The Board is authorized to make to other State or Federal agencies and to receive such other State or Federal agencies reimbursements from or to the fund in accordance with arrangements entered into pursuant to this section.

"(f) The administration of this Act and of State and Federal unemployment-compensation and public-employment-service laws will be promoted by cooperation between the District and such States and the appropriate Federal agencies in exchanging services and making available facilities and information. The Board is therefore authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided herein with respect to the administration of this Act as it deems necessary or appropriate to facilitate the administration of any such unemployment-compensation or public-employment-service law, and in like manner to accept and utilize information, services, and facilities made available to the District by the agency charged with the administration of any such other unemployment-compensation or public-employment-service law.

"(g) To the extent permissible under the laws and Constitution of the United States, the Board is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this Act and facilities and services provided under the unemployment-compensation law of any foreign government may be utilized for the taking of claims and the payment of benefits under the employment-security law of the District or under a similar law of such government."

SEC. 3. The amendments made by this Act shall take effect on January 1, 1972, except that the amendments made by sections 2(35) and 2(36) of this Act shall take effect only with respect to benefit years that begin on or after January 2, 1972.

Passed the Senate December 9, 1971.

Attest:

———— ————.

Secretary.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10237) was laid on the table.

DISTRICT OF COLUMBIA MEDICAL FACILITIES CONSTRUCTION ACT OF 1972

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Georgia (Mr. STUCKEY) for the purpose of calling up the bill H.R. 11268, a bill which was reported from the gentleman's subcommittee.

Mr. STUCKEY. Mr. Speaker, I call up the bill (H.R. 11628) to authorize grants and loan guarantees for construction or modernization of hospitals and other medical facilities in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

CALL OF THE HOUSE

Mr. MYERS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. STUCKEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 460]

Andrews, Ala.
Ashley
Badillo
Baker
Baring
Belcher
Bell
Blanton
Blatnik
Bolling
Carey
Celler
Chamberlain
Chisholm
Clark
Clay
Conte
Conyers
Dellums
Dent
Derwinski
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edwards, La.
Erlenborn
Evins, Tenn.
Flynt
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Goldwater
Grasso
Gray
Griffiths
Hall
Halpern
Hansen, Idaho
Hawkins
Hébert
Hicks, Wash.
Horton
Karth
Kuykendall
Landrum
Lujan
McClure
McEwen
McKevitt
Macdonald, Mass.
Martin
Mink
Minshall
Mollohan
Moorhead
Moss
O'Hara
O'Neill
Pelly
Pepper
Pirnie
Poage
Pucinski
Rees
Reid, N.Y.
Rosenthal
Rousselot
Scheuer
Seiberling
Smith, Calif.
Spence
Springer
Staggers
Steed
Sullivan
Symington
Thompson, N.J.
Veysey
Wilson, Bob
Wright
Wydler

The SPEAKER. On this rollcall 347 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 9961, FEDERAL CREDIT UNION ACT AMENDMENTS

Mr. PATMAN. Mr. Speaker, with the permission of the distinguished gentleman from South Carolina (Mr. McMILLAN), who yielded to me for this purpose, I call up the conference report on the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, does this mean we are interrupting the legislation before the House to take up a conference report now?

The SPEAKER. The gentleman worked this out with the District Committee.

Mr. PATMAN. We are trying to get through the economic stabilization bill, and the conference was suspended while I was over here to get this done. We hope to get through with this this afternoon.

Mr. GROSS. If we never got the conference report on that bill, I believe it would be soon enough.

Mr. PATMAN. We started to work at 9 o'clock this morning.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Dec. 8, 1971.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, when the legislation was enacted during the 91st Congress providing share insurance for credit unions, I made the statement that the legislation was designed as a beginning rather than an end to the problem of insuring credit unions. Because of the lateness of the session, the House was forced to accept the Senate bill—but with the understanding that if changes were needed to perfect the legislation they would be submitted in legislative form as quickly as possible.

The legislation, which is the subject of the conference report today, H.R. 9961, is a bill designed to improve the original share-insurance legislation.

It probably would not have been necessary to have this conference if H.R. 9961 could have been brought to the floor other than through a suspension of the rules. When the bill was considered on the Suspension Calendar in its original form, it achieved 197 votes, but failed by 16 votes to receive the necessary two-thirds majority. Subsequently, the bill was modified and passed unanimously on the Suspension Calendar. The legislation that passed the House provided that any Federal credit union whose application for share insurance had been rejected would receive 2 additional years to obtain the insurance. During that period, the credit union would not be insured. The House bill further provided that State-chartered credit unions that, under State law, are allowed to accept demand deposits, cannot be denied insurance on this basis alone. Of course, these credit unions would have to meet all of the statutory requirements for the insurance. The insurance would not cover the demand-deposit accounts in the credit union. In addition, in the event of a liquidation of such a credit union, the claims on demand deposits would be subordinated to the claims of other member accounts. And, finally, the bill provided that, in the event of a troubled or liquidating credit union, the Administrator may extend a guarantee to a credit union, individual, partnership, corporation, trust, estate, cooperative, association, Government or governmental subdivision or agency or other entity if such entity assumes the liabilities or responsibilities of a troubled or liquidating credit union.

The Senate unanimously passed its version of H.R. 9961 in a form that was identical to the House-passed version except for the insurance provision. Under the Senate-passed bill, Federal credit unions which complied with the reserve requirements of section 116(a) of the Federal Credit Union Act would be given insurance for a period of 2 years. During that period they would have to comply with administrative reserve requirements or be liquidated. Basically, this was the bill that was reported to the House Banking and Currency Committee, but failed by 16 votes on the Suspension Calendar.

In view of the majority vote achieved in the House for a bill almost identical to the Senate bill, the House conferees accepted the Senate bill with an amendment. The House conferees voted unanimously for this action.

The legislation, as agreed to by the conference committee, provides for the 2-year period of insurance for rejected credit unions who comply with the reserve requirements of section 116(a) of the Federal Credit Union Act. However, the bill contains language designed to make certain that the thrust of this provision is not blunted, because of another provision of the Federal Credit Union Act.

Shortly before the conferees met to discuss H.R. 9961, National Credit Union Administrator Herman Nickerson wrote to the conferees to point out that if the Senate bill was accepted that he would have to take action to liquidate a number of credit unions under section 207(a)(1) of the Federal Credit Union Act.

That section provides:

> Upon his finding that a Federal credit union insured under this title is bankrupt or insolvent, the Administrator shall close such credit union by liquidation and appoint himself liquidating agent therefore.

According to General Nickerson, there is a possibility that 399 credit unions out of possibly some 1,400 Federal credit unions that have been denied insurance are bankrupt or insolvent. Since these credit unions are not insured at the present time, he is not required to liquidate them. However, it is his belief that when they are insured he will be required to liquidate these credit unions.

The conferees were concerned that the statement by Administrator Nickerson would do away with the assistance that was to be provided credit unions through the act; namely, the insurance. Therefore, the House conferees offered an amendment directing the Administrator to make reasonable efforts to prevent the closing of any credit union which is insured under H.R. 9961 if he determines that with technical assistance, management training, and counseling that the credit union can be saved. In short, it is not the intention of the conferees to have the credit unions insured one day and liquidated the next.

To this end, I would like to point out that under section 207(a)(1) the Administrator is required to liquidate credit unions that are bankrupt or insolvent. However, the law does not provide any guidelines for the terms "bankrupt" or "insolvent" and the conference committee expects the Administrator not to adopt severe definitions of those terms when dealing with credit unions insured under this subsection that are sincerely making an attempt to improve their conditions.

According to the Administrator, there are 59 credit unions whose present financial condition indicates that if they are required to liquidate they would be able to pay only 90 cents on the dollar. There are another 102 credit unions that could pay from 90 to 95 cents on the dollar and 238 credit unions that could pay from 96 to 99 cents on the dollar. Thus, while these credit unions may be insolvent or bankrupt according to the definitions laid down by the Administrator, all of them have assets equal to at least 90 cents for each share dollar. It is my hope that the Administrator will forgo the liquidation of these credit unions and assist them in their rejuvenation, for I do not feel that they are bankrupt or insolvent in the classical sense of the word. It is further felt that the Administrator has enough latitude under section 207 (a)(1) to keep these credit unions open and operating so that they may provide much needed financial service to their members.

In closing, let me say that it is not the intention of the conferees to pass legislation to help credit unions if the effect of that legislation is to hurt them. The conferees have stated their intention is to help the credit unions—not to put them out of business—and it is expected that the Administrator will take all necessary action to see that the credit unions are assisted.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON SENATE JOINT RESOLUTION 176, EXTENSION OF CERTAIN LAWS RELATING TO HOUSING, BANKING, AND URBAN DEVELOPMENT

Mr. PATMAN. Mr. Speaker, I call up the conference report on the Senate joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is going pretty fast and I want to know if we are about to adopt a conference report wherein all of the amendments are germane to the bill?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. PATMAN. Yes, they have been, and it has been cleared by the minority leader and by the distinguished gentleman from New Jersey (Mr. WINDALL), who is on the committee. Every conferee signed the report. It was unanimously agreed to.

Mr. GROSS. That could be true. The gentleman says, "They have been." Are all of the amendments germane to this bill?

Mr. PATMAN. Yes, I consider them all to be germane.

Mr. GROSS. The gentleman recognizes that this is a fine time to slip through nongermane provisions, and I certainly want to know whether all of the amendments are germane.

Mr. PATMAN. I compliment the gentleman upon his diligence.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Dec. 9, 1971.)

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 176 was considered by the House last Monday, December 6, and passed by a teller with clerks vote of 357 "ayes" to 4 "noes." This resolution was relatively noncontroversial, and the two provisions that raised the most objections on the floor were carefully considered in conference and worked out to everyone's agreement.

FLOOD INSURANCE

The House provision to extend for an additional 2 years—to December 31, 1973—the period in which States and localities could adopt adequate land-use and control measures to qualify for the Federal flood insurance program, was dropped in conference. A number of communities around the country raised serious questions with the Banking and Currency Committee about their ability to meet this land-use and control provision in such a short time. But, the Federal Insurance Administrator will work with these communities in assisting them in meeting this requirement. This cooperation has caused these communities to withdraw their objections to the land-use and control requirements. The conferees also adopted the House provision which included church properties within the definition of those properties eligible to be covered under the national flood insurance program.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Both House and Senate versions of Senate Joint Resolution 176 contained a provision to lift the existing mortgage ceilings on mortgages eligible for purchase under the Government National Mortgage Association tandem plan. The Senate provision waived the ceiling completely for 6 months till June 30, 1972. The House provision lifted the ceiling on the purchase by GNMA of eligible mortgages up to 150 percent of the mortgage ceiling where the HUD Secretary determines that cost levels so require or that such action is necessary to avoid excessive discounts on federally insured and guaranteed mortgages. The conferees accepted the House version with an amendment which authorizes an increase in mortgage limits simply upon a determination by the HUD Secretary that such action is necessary to avoid excessive discounts.

STATE TAXATION OF NATIONAL BANKS

The Senate version of Senate Joint Resolution 176 delayed for 1 year to January 1, 1973, the termination of interim provisions governing State authority to tax national banks. The House had no such provision. The conferees agreed to accept the Senate provision with an amendment directing the Board of Governors of the Federal Reserve System to make a study of the estimated fiscal impact on State and local governments due to the loss of revenue resulting from the extension of interim provisions governing State authority to tax the intangible personal property of commercial banks. The Board of Governors shall report the results of this study no later than 6 months after date of enactment.

MISCELLANEOUS PROVISIONS

The House amendment extended to June 30, 1972, the period within which communities must meet full comprehensive planning requirements in order to be eligible for basic water and sewer grants. The Senate had no such provision, and the conferees agreed to accept this House provision.

The Senate resolution permitted any entities eligible for a basic categorical grant to be also eligible for a supplemental grant to assist construction of public facilities in new communities. The House conferees agreed to accept this provision.

The Senate resolution increased the authorization for the comprehensive planning by $50 million and for the open space program by $100 million. The conferees agreed to accept this provision, since many State and public planning bodies need additional funds to continue much needed planning programs and since the additional funds for the open space land program was specifically requested by the President for his legacy of parks program.

A provision of the Senate resolution prohibited the reduction of welfare assistance payments to public housing residents who benefit from reductions in rents required by law under the HUD Act of 1969, which provided that the rent of a public housing tenant may not exceed

25 percent of the family's income. The conferees accepted this Senate provision.

The House version of Senate Joint Resolution 176 clarified the authority of the Small Business Administration to guarantee debentures issued by small business investment companies. The conferees adopted this House provision.

Mr. Speaker, most of the provisions of this resolution were similar in both House and Senate versions. I have reviewed the changes made in conference and I now move the adoption of the conference report on Senate Joint Resolution 176.

Mr. WIDNALL. Mr. Speaker, I urge the adoption of the conference report on Senate Joint Resolution 176. I feel this conference report embodies the best possible compromise between the Senate and House versions of the joint resolution.

The conference report does not contain an objectionable provision that was in the House amendments concerning the extension of a waiver for land use and control measures in connection with the Federal flood insurance program. On the other hand, the conference report does contain a necessary extension of the exemption of national banks from the liability of certain State taxes. The other items in the conference report are identical to those which passed the House by an overwhelming majority of 357 to 4 on the Suspension Calendar which was considered on December 6. These are necessary extensions of basic Federal programs including the FHA and VA mortgage insurance programs.

I, therefore, urge their adoption.

Mr. BROWN of Michigan. Mr. Speaker, I join in support of adoption of the conference report and, in doing so, wish to refer back to comments I made here in the House at the time we acted on this subject matter of the conference report.

Mr. Speaker, you and my colleagues may recall I was most critical at that time of the action of the gentleman from Texas (Mr. PATMAN), the chairman of the Banking and Currency Committee, concerning his failure to include House Joint Resolution 838, dealing with State taxation of national banks, on the Suspension Calendar. Although I am still somewhat dumfounded by his action at that time, I am pleased to report to the House now that the gentleman from Texas (Mr. PATMAN) was most cooperative during the deliberations of the conference committee and did not interpose any objections to inclusion in this conference report of the substance of House Joint Resolution 838, which had already been passed by the Senate.

Mr. Speaker and my colleagues, I take this opportunity to thank the gentleman from Texas (Mr. PATMAN) for his cooperation in this regard and for, in this way, correcting and remedying the previous action of which I complained.

Mr. BARRETT. Mr. Speaker, I rise in full support of the conference report on Senate Joint Resolution 176, to extend certain laws relating to housing, banking, and urban development.

There were few major differences in the two versions of Senate Joint Resolution 176. The most controversial items were: First, a provision which would extend for an additional 2 years the period in which State and localities could adopt adequate land use and control measures to qualify for Federal flood insurance; and second, a provision which would delay for 1 year to January 1, 1973, the termination of interim provisions governing State and local authority to tax national banks.

The conferees agreed to drop the provision to extend for an additional 2 years the time in which States and localities could adopt adequate land use and control measures. The conferees felt that one of the most important parts of the flood insurance program was the establishment of adequate land use and control measures. Since the Federal flood insurance program is almost totally subsidized by the Federal Government, it was felt that the States should make some attempt to limit development in flood prone areas.

The conferees agreed to adopt the provision to extend for 1 additional year to January 1, 1973, the termination of interim provisions governing State and local authority to tax national banks. Since many States have complained to the Congress that such an extension would have a serious effect on their budget for the coming fiscal year, the conferees directed the Board of Governors of the Federal Reserve Board to make a study to determine the fiscal impact on the local governments of the extension of these interim provisions and to report back to the Congress within 6 months on this study.

Mr. Speaker, I urge the adoption of this conference report.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the two conference reports just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISTRICT OF COLUMBIA MEDICAL FACILITIES CONSTRUCTION ACT OF 1972

The SPEAKER. At the time the point of order was made that a quorum was not present the gentleman from Georgia (Mr. STUCKEY) had asked unanimous consent that the bill (H.R. 11628) be considered in the House as in the Committee of the Whole.

Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill as follows:

H.R. 11628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Medical Facilities Construction Act of 1972".

CONSTRUCTION AND MODERNIZATION GRANTS

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as the "Secretary") may make grants to nonprofit private entities to assist in meeting the cost of projects for the modernization of nonprofit private hospitals in the District of Columbia and in meeting the cost of projects for the construction or modernization of long-term care facilities (including extended care facilities), diagnostic or treatment centers, outpatient facilities, rehabilitation facilities, facilities for the mentally retarded, and community mental health centers in the District of Columbia.

(b) To carry out this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the next three fiscal years; except that the total amount appropriated under this subsection may not exceed $70,000,000.

LOAN GUARANTEES AND INTEREST SUBSIDIES FOR CONSTRUCTION AND MODERNIZATION PROJECTS

SEC. 3. (a) To assist nonprofit private entities to carry out approved projects in the District of Columbia for the modernization or construction of nonprofit private hospitals or other facilities referred to in section 2 of this Act, the Secretary, during the period July 1, 1972, through June 30, 1976, may in accordance with the provisions of this Act guarantee to any non-Federal lender which makes a loan to any such entity for such a project payment when due of the principal of or any interest on such loan if such entity is eligible (as determined under regulations of the Secretary) for a grant under section 2 of such project.

(b) In the case of any loan guaranteed under subsection (a), the Secretary shall pay to the holder of the loan guaranteed (and for and on behalf of the entity which received such loan) amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan.

(c) (1) The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery; and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

(2) Guarantees of loans under this section shall be subject to such terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved; and, to the extent permitted by paragraph (3), any terms and conditions applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

(3) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

(d) There is established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this subsection referred to as the "fund") which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (1) to enable him to discharge his responsibilities under guarantees issued by him under this section, and (2) for interest subsidy payments authorized by this section. For each fiscal year there are authorized to be appropriated $2,000,000 for interest subsidy payments and such sums as may be necessary to discharge his responsibilities under loan guarantees. If at any time the sums in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or to make interest subsidy payments authorized by this section, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued hereunder and for that purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which the securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from the fund.

(e) The Secretary, with the consent of the Secretary of Housing and Urban Development, may obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this section as will promote efficiency and economy thereof.

APPROVAL OF APPLICATIONS

SEC. 4. (a) An application for a grant or loan guarantee with respect to any project may be approved by the Secretary under this Act only if an application for a grant with respect to such project has been filed under a Medical Facilities Act (which for purposes of this Act means title VI of the Public Health Service Act or, where appropriate, title II or part C of title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963) and—

(1) has been approved under the Medical Facilities Act and the application filed under this Act is for additional funds in connection therewith, or

(2) has been denied under the Medical Facilities Act because insufficient funds are available from the allotments of the District of Columbia under the Medical Facilities Act to permit approval of the application. In determining whether to approve an application for a grant under a Medical Facilities Act for any project in the District of Columbia, the availability of additional funds for such project under this Act shall be taken into consideration. Approval of such application may be made contingent upon the approval of an application or applications with respect to such project under this Act and upon such additional funds being made so available.

(b) The Secretary shall establish criteria for determining the order in which to approve, under this Act, applications for grants and loan guarantees with respect to projects. Such criteria with respect to construction or modernization projects for the same type of facility shall be consistent with the criteria developed by the State agency or the District of Columbia pursuant to the State plan approved under the applicable Medical Facilities Act.

(c) In the case of any project with respect to which an application for a grant or loan guarantee is filed under this Act and with respect to which an application for a grant has been denied under a Medical Facilities Act, such application under this Act may be approved only if there is compliance with the same terms and conditions (including determination, in accordance with the applicable State plan, that the project is needed) as are applicable to applications for grants under the Medical Facilities Act, other than the availability of sufficient funds in the appropriate allotment of the District of Columbia.

(d) An application for a grant or loan guarantee under this Act with respect to any project may not be approved unless an opportunity to review the application has been afforded to a body found by the Secretary to be a responsible metropolitan areawide planning body, and any recommendations of such body that were timely made have been considered by the appropriate State agency or the District of Columbia and have been submitted to the Secretary in connection with the application.

PAYMENTS OF GRANTS

SEC. 5. (a) Payments under grants made under this Act with respect to any project shall be made in the manner provided under the applicable Medical Facilities Act for payment of the Federal share of the cost of projects for which applications are approved under such Act; except that payments under grants made under this Act shall also be subject to such reasonable conditions as the Secretary deems appropriate to safeguard the Federal interest.

(b) The total of the payments of grants made under this Act with respect to any project, together with any payments made with respect thereto under a Medical Facilities Act, may not exceed—

(1) in the case of a construction project for a long-term care facility (including extended care facilities), a diagnostic or treatment center, an outpatient facility, or a rehabilitation facility, 66⅔ per centum of the cost of such project; and

(2) in the case of any other project (including a modernization project), 50 per centum of the cost of such project.

RECOVERY OF PAYMENTS

SEC. 6. Payments of grants under this Act shall be subject to recovery or recapture under the same conditions and to the same extent as is provided under the applicable Medical Facilities Act with respect to payments made thereunder.

MEANING OF TERMS

SEC. 7. The terms used in this Act shall have the same meaning as when such terms are used in the applicable Medical Facilities Act.

With the following committee amendments:

Page 2, line 25, strike out "of" and insert in lieu thereof "or".

Page 8, line 2, immediately after the word "areawide" insert "health".

Mr. STUCKEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 11628, the District of Columbia Medical Facilities Construction Act of 1972 provides $7 million in grant funds over 4 fiscal years with an annual interest subsidy not to exceed $2 million per year to permit the hospitals to borrow sufficient funds to match the grant funds.

Mr. GROSS. Mr. Speaker, would the gentleman yield for a correction?

Mr. STUCKEY. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. I believe the gentleman said $7 million. I believe the bill carries the amount of $70 million.

Mr. STUCKEY. $70 million.

Mr. GROSS. The bill is for at least $70 million; is that right?

Mr. STUCKEY. The gentleman is correct. It is $70 million.

Mr. Speaker, the bill has the precedent of the District of Columbia Medical Facilities Act of 1968—Public Law 90–457. H.R. 11628 provides for several changes from Public Law 90–457. The first change eliminates public institutions in that Congress determined that constructing funding for such facilities must be considered along with other District government capital needs. For this reason, no funds under the prior bill, Public Law 90–457, were appropriated for this purpose. The second change provides that the Public Law 90–457 direct loan language be changed to conform to the Hill-Burton program loan provisions applicable to hospitals nationwide and have an interest subsidy program for funds the hospitals borrow from the banks.

The necessity for special treatment of the Nation's Capital and its problems is well documented within records of this great body. The necessity for special consideration and treatment of hospitals in the Nation's Capital is also a matter with considerable documentation. Today's record should show in brief the essential arguments which have been accepted by this body as they relate specifically to hospital construction needs in the District of Columbia.

First. The nationwide Hill-Burton fund distribution formula is weighed heavily to the advantage of rural hospitals. Its application to the District of Columbia which serves at once as a city-county-State and the Capital of the Nation works an inequity that five Secretaries of Health, Education, and Welfare have recognized.

Second. The hospitals within the District of Columbia do not have available to them the opportunities for local governmental financial assistance as do the hospitals in our home States. Congress itself is and has been responsible for the decision as to the availability of such financial assistance. Hospitals in the District require comparable resource assistance if they are to meet their obligations to their community. For illustration, the great State of Georgia provided over $20 million to complement the Hill-Burton hospital allocations in a single year—during 1968. Other States, cities, and counties provide this assistance routinely throughout the country.

Third. The hospitals in the Nation's Capital provide substantial services to the District of Columbia each year at reimbursement rates set by Congress at substantially less than costs. This action places a financial burden on these institutions which runs into millions of dollars annually. This contractual loss is on top of losses incurred by those who can not afford the services rendered.

Fourth. As was spoken so eloquently in subcommittee hearing by the Honorable John McCormack, our illustrious former Speaker of this body, the hospitals of the Nation's Capital are a distinct national asset and must have a quality of facility and services of which we can as a Nation be proud.

The treatment by the U.S. Government of hospitals in the Nation's Capital as the major employer should receive equivalent treatment accorded hospitals throughout the Nation by the States in which they reside.

For these principal reasons along with others of substantive detail, these 10 private hospitals in the District of Columbia urgently need this bill. Indeed the accumulated backlog of construction needs threatens hospital licensure and national joint commission on accreditation of hospitals require such renovations in a number of instances.

H.R. 11628 provides for expansion of emergency rooms and outpatient clinical facilities. It adds no acute general inpatient beds. It attempts to provide for the service priorities designed by the State and community planning agencies. It represents a coordinated community and hospital program of verified needs. It includes modernization of service facilities which have been reported as inadequate for years. It carries out the second phase of the program adopted by Congress in 1968.

The needs of these hospitals cannot be ignored. They are critical and will be addressed by this body in the future if not addressed effectively at this time. Congress has accepted this responsibility and should continue to do so.

The SPEAKER. The time of the gentleman has expired.

(On request of Mr. GROSS, and by unanimous consent (Mr. STUCKEY) was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STUCKEY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would like to ask the gentleman from Georgia where I may find the departmental reports. I have read the report accompanying this bill, and there are no departmental reports so far as I can find. Did I overlook something in the report?

Mr. STUCKEY. They are not printed in the report, but we do have them here, if the gentleman would like to see them.

Mr. GROSS. Is it not customary to print the departmental views on legislation of this kind?

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I urge the support of my colleagues for this vitally important measure, of which I am most pleased to be a cosponsor.

This bill, which when enacted will be known as the District of Columbia Medical Facilities Construction Act of 1972, will authorize Federal financial assistance, through grants, loan guarantees, and loan interest subsidies, to aid in meeting the costs of projects for the modernization of private nonprofit hospitals, as well as both modernization and construction of long-term care facilities, diagnostic and treatment centers, outpatient facilities, rehabilitation centers, facilities for the mentally retarded, and community health centers, in the District of Columbia.

Over the past 25 years, extensive and far-reaching nationwide programs have been developed for the purpose of providing up to date, vastly improved health care facilities for all citizens of this country. This great work is still going forward, with very substantial financial support from the Federal Government in the form of grants and loans. These Federal programs of financial aid have been authorized in such legislation as the Lanham Act which has expired, the Hill-Burton Act, portions of the Public Health Service Act, the Mental Retardation Facilities and Community Health Construction Act, and others.

The District of Columbia has benefited of course from these Federal programs of aid for the construction of health facilities, as have all the States, but not nearly to as great an extent. For example, the allocation of Federal funds under the Hill-Burton Act, which is the main source of such Federal assistance, is based on a formula, a principal factor in which is the number of existing hospital beds per capita in the jurisdiction. On this point, the District of Columbia suffers an inequity, because some 30 to 40 percent of the hospital beds in the city are occupied by residents of nearby Virginia and Maryland; yet this fact cannot be considered in the District's Hill-Burton computation.

In fiscal year 1972, for example, whereas the District of Columbia has been allocated only $1,200,000 in grants under the Hill-Burton Act, Maryland has received $2,573,699, and Virginia has received $4,702,248. And yet nearly 40 percent of the hospital beds in the District are occupied by patients who reside in Maryland or Virginia.

Also, the per capita income level, which is another principal factor in the Hill-Burton formula, is unfair to the District of Columbia. Although the per capita income in the District is among the highest in the Nation, the Federal nature of the city is such that a large proportion of those with large incomes are temporary residents in the city who do not feel an obligation to support capital improvement fund drives that permanent residents do, here or elsewhere, or indeed to the extent that these same temporary Washington residents feel in relation to their "home" communities. For this reason, per capita income is a misleading figure as far as the District of Columbia is concerned.

The hospitals and other medical facilities in the District of Columbia are also at a substantial financial disadvantage, in comparison with such institutions in the various States, in that the latter all obtain substantial funding from State and municipal sources in the form of matching funds, loans, and the sale of bonds. None of these are available to the private medical facilities in the Nation's Capital.

In view of these facts, it is abundantly clear that the District of Columbia is unique in its dependency upon the Federal Government for financial support for the construction and modernization of its various private health facilities. In this respect, it is both necessary and equitable that the Federal Government function toward the District as the various States do in regard to the financing of medical facilities within their borders.

In recognition of this fact, the Congress over the years has done exactly that. As a first step, the Hospital Center Act was approved on August 7, 1946, as Public Law 79–648. This act was amended and extended a number of times, before it expired in 1962. During its 16 years of existence, this act provided $40,818,552 of Federal funds toward hospital construction projects in the District of Columbia whose total costs were $67,628.188. The private hospitals in the city which utilized these grants were Children's Hospital, Providence Hospital, Casualty Hospital, Columbia Hospital, Georgetown University Hospital, Sibley Hospital, Cafritz Memorial Hospital, and the Washington Hospital Center.

Again in 1968, the Congress recognized its obligation toward the District of Columbia in this respect by enacting Public Law 90–457, the District of Columbia Medical Facilities Construction Act of 1968, under which grants totaling approximately $40 million were authorized, as well as long-term, low-interest loans which the hospitals needed to finance their matching share of the costs of modernization and construction of health care facilities of various kinds, hospitals, extended care facilities, diagnostic centers, facilities for the mentally retarded, rehabilitation facilities, and community health centers.

The following is a listing of the projects which were approved under Public Law 90–457.

Hospitals	Grants	Loans	Totals
Cafritz Memorial	$500,000		$500,000
Columbia Hospital for Women	500,000		500,000
Providence	500,000		500,000
Sibley Memorial	500,000		500,000
George Washington	4,064,000	$4,976,842	9,040,842
Georgetown	6,189,000	11,080,000	17,269,000
Rogers Memorial	6,510,000	6,510,000	13,020,000
Washington Hospital Center	7,889,421	4,608,579	12,498,000
Children's	13,399,579	13,399,579	26,799,158
Total	40,052,000	40,575,000	80,627,000

Thus, some $80 million in grants and loans has been allocated to this fine purpose in the Nation's Capital through this act, which will expire on June 30, 1972.

This program of modernization and construction of health facilities in the District of Columbia, however, is not yet completed. Rather, the work carried forward under the funding authorized in Public Law 90–457 is really the first stage of the overall program. Some of the projects now underway cannot be completed without further financial assistance, and other elements of the program which have not yet been started also must have adequate financial support.

Hence, inasmuch as the funding authorized in the act of 1968 has been fully allocated, H.R. 11628 has been designed to afford the necessary funding for the completion of the total program. Thus, although H.R. 11628 differs from Public Law 90-457 in some of its provisions, it is actually an extension of that act to all intents and purposes.

This bill will authorize Federal grants not in excess of $70 million in the aggregate, over the period from fiscal year 1972 through 1975. Such grants with respect to any project cannot exceed, in the case of a construction of a long-care facility, a diagnostic or treatment center, an outpatient facility, or a rehabilitation facility, 66⅔ percent of the total cost of the project; and in the case of any other project, including a modernization project, 50 percent of the total cost. In addition, non-Federal loans, by which the various institutions will be enabled to meet their share of the costs, will be guaranteed by the Federal Government as to the payment of principal and interest; and further, as much as 3 percent of the interest on these loans will be subsidized by the Federal Government. Precedent for these loan guarantees and interest subsidies exists in the 1971 amendments to the Hill-Burton Act.

The Secretary of the Department of Health, Education, and Welfare will allocate these grants and loan interest subsidies, and adequate safeguards are provided in the bill to assure the propriety of all such funding, in the public interest.

Under present planning, the following institutions in the District of Columbia will participate in the program to be funded by the provisions of H.R. 11628: Cafritz Memorial Hospital, Children's National Medical Center, Columbia Hospital for Women, George Washington University Medical Center, Georgetown University Medical Center, Providence Hospital, Rogers Memorial Hospital, Sibley Memorial Hospital, Washington Hospital Center and Hadley Memorial Hospital.

The program of construction and modernization which this proposed legislation is intended to make possible encompasses the individual and collective efforts of the nonprofit community health care institutions in the District of Columbia to meet the expressed and researched needs of this city. In addition, it will bring the District's facilities into conformance with licensing and accreditation standards. In local city, county, and State jurisdictions throughout the Nation, financial assistance to meet such funding requirements is available from the governments themselves, in addition to individual and industrial contributions. The grant program embodied in H.R. 11628 is equivalent to the bond issues and direct contributions which are available to other jurisdictions. Because of the unique character of the Nation's Capital, however, where some 70 percent of the population is employed by the U.S. Government or its supportive industries, no such possibility exists.

Thus, it is incumbent upon the Congress to assure the means of completing this health care facilities program in the District of Columbia. This will be accomplished by the enactment of H.R. 11628, in the most effective and efficient means possible.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Kentucky.

Mr. CARTER. I thank the distinguished gentleman for yielding. I would like to know if matching funds would be required of the District of Columbia, or does the bill provide for Federal loans and grants to the District completely?

Mr. BROYHILL of Virginia. It provides for grants totaling $70 million, and interest subsidy payments of not more than $2 million per year for the duration of the non-Federal loans by which the hospitals will meet their share of the costs.

Mr. GUDE. Mr. Speaker, I move to strike the last word.

The SPEAKER. The gentleman from Maryland is recognized.

Mr. GUDE. Mr. Speaker, I rise in strong support of this legislation. We here in Congress have a responsibility to the District of Columbia in our role as a State legislature. There is no State legislature for the District of Columbia, and we do have a responsibility to provide the hospital and medical facilities that would ordinarily be provided to a State by a State legislature.

I would like to point out to you that much of the funds that are involved in this act are going towards facilities which will provide an increased measure of outpatient care to the people of the District of Columbia. So much of the spiraling cost of medical care today is due to the fact that medical practice has become increasingly oriented toward hospital care, a very costly form of care, and you will find if you will look at the committee report here, that the facilities which will be provided for Georgetown University Hospital, George Washington, and Cafritz are for outpatient care facilities. I think this will do much in the long run to reduce the cost of medical care for citizens of the District of Columbia and in time will be reflected as an economy for both the District and Congress.

Furthermore, I would like to point out that much of this money is going toward facilities for the mentally retarded, which are not only inadequate here in the District of Columbia, but also inadequate all across the Nation.

The need for additional care for the mentally retarded and the mentally handicapped is a much neglected area in legislation, so I urge support of this legislation.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. ABERNETHY. Mr. Speaker, I do not know what all the committee amendments are. I have some question whether or not they are all committee amendments.

The SPEAKER. They are the ones printed in the bill. They are the committee amendments which have been printed in the bill and agreed to.

AMENDMENT OFFERED BY MR. SCHMITZ

Mr. SCHMITZ. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHMITZ:

Page 8, after line 5, insert section 4(e); "An application for a grant or loan guarantee under this Act with respect to any project may not be approved unless the institution making the application has filed with the Secretary a written declaration of policy that abortions will be performed in that institution under no circumstances other than when necessary to save the life of the mother, and the Secretary determines that this policy regarding abortion is in fact being enforced by the institution making the application."

Mr. BROYHILL of Virginia. Mr. Speaker, I make a point of order against the amendment, and I will reserve the point of order so the gentleman may speak.

The SPEAKER. The gentleman from Virginia reserves a point of order.

Mr. SCHMITZ. Mr. Speaker, the bill before us, the District of Columbia Medical Facilities Construction Act of 1972, would authorize the expenditure of $70 million in grants and $60 million in loans from the taxpayers of America for various projects in seven hospitals in the District of Columbia. Since this money comes from the entire Nation, it is only right that we should take into account the wishes of the people of America and the standards in effect in the several States, in determining how this money may be used by the hospitals in our Nation's Capital.

Public opinion surveys indicate that at least half of the American people are opposed to abortion except in very limited, specific circumstances. The laws of a majority of our States—despite highly publicized changes in a minority—16—of them—still retain the traditional provision of Anglo-Saxon law that permits abortion only to save the life of the mother.

From 1901 to 1969, the law on abortions for the District of Columbia was the same in effect as this traditional Anglo-Saxon law, permitting them only when absolutely necessary for the sake of the "life and health" of the mother. This law was never challenged and rarely invoked since very few legal abortions were performed. But a Federal court decision interpreting this law to include mental as well as physical health has opened the floodgates. Now, for all practical purposes, all that is necessary to obtain a legal abortion in the District of Columbia is to find a physician and a hospital willing to perform it.

Since a large number of the abortions now performed in the District of Columbia take place in hospitals, we cannot look the other way and try to pretend this issue does not exist, when we vote to authorize or appropriate funds for these hospitals. In some of them at least, abortion is becoming a major part of their activities.

The most flagrant example is furnished by the Washington Hospital Center, one of the seven hospitals which would receive additional funding under the authority granted by the bill before us. On September 26, 1971, the Washington Post reported that the Washington

Hospital Center is operating a clinic which performed approximately 2,500 abortions between January and August of this year. This amounts to an average of twelve abortions per day, every day of the week. I do not see how it can reasonably be held that abortions in this volume are being restricted to exceptional situations involving serious danger to the mother.

To check the accuracy of this newspaper story, a woman member of my staff telephoned the Washington Hospital Center to ask about abortions, and was referred to a special telephone number handling such calls. Upon calling that number, she was informed that for $175 cash in hand she could come to their clinic one day, see their doctor, talk to a counselor, and have laboratory work done, and then have an abortion the next day by the suction method and leave just 10 minutes later.

I believe many of you would agree with me that this kind of assembly-line procedure is characteristic of, and properly described as, an "abortion mill."

On November 5 I brought these facts to the attention of William N. Bucher, director of the Hospital Council of the National Capital Area, who had come to my office earlier to ask my support for this legislation. He referred my letter to the administrator of the Washington Hospital Center, R. M. Loughery. On November 12 Mr. Loughery wrote to me admitting the truth of the Washington Post story.

> The statistics you quote are correct. However, each case is carefully evaluated and quite a number have been rejected when it is discovered that the pregnancy is no hazard, to the physical or mental health of the patient. The 2500 cases are the result of referrals from in and out of this immediate area occasioned by the knowledge of the high level of professional competence available here and the low cost to the patient.

Despite this "low cost to the patient" of abortions at the Washington Hospital Center, Mr. Loughery stated that the women's clinic where the abortions are performed is in no need of funds because "it is financially self-sufficient." Comparing rates, time and volume of cases, it would seem likely that it is not only "financially self-sufficient," but showing a profit. It is inexcusable for an institution operating under Congressional authority, with Federal funding, to be engaging in a financially lucrative abortion practice on a grand scale, when a majority of the States in our country have fewer legal abortions in a year than this one hospital has in a week.

The bill before us would authorize a grant of $3 million and a loan of $2,700,000 to the Washington Hospital Center for the following stated purposes:

> To provide for a neighborhood health center, expansion of nuclear medicine department, outpatient and emergency departments.

These projects seem sufficiently all-encompassing to make it impossible to isolate their implementation from the activities of this hospital's abortion mill, despite the fact that its administrator carefully specifies in his letter to me that it is "six floors away" from the clinics receiving Federal aid.

When we provide funds for a hospital, we must consider it and its activities as a whole. If we give additional money for any of its projects, this releases other funds for other activities. We cannot evade our responsibility for the entire scope of what this hospital is doing, when we fund any part of its operation. And what the Washington Hospital Center is doing is destroying human lives with reckless abandon. By its own admission, 2,500 babies were killed within its walls during the first 8 months of this year. Contemplating that appalling fact, I find small comfort in knowing that my tax money is being kept all of six floors away from the place where this is happening.

Therefore, I propose to you, and introduce, the following amendment, which in effect would simply restore the law on abortion as it was in the District of Columbia before the courts began to meddle with it just 2 years ago, and would being the practice at least in federally funded District of Columbia hospitals into line with the law in the majority of our States from which that funding comes.

On page 8, line 5, of the bill before us (H.R. 11628), my amendment would insert as section 4(e) the following language:

> (e) An application for a grant or loan guarantee under this Act with respect to any project may not be approved unless the institution making the application has filed with the Secretary a written declaration of policy that abortions will be performed in that institution under no circumstances other than when necessary to save the life of the mother, and the Secretary determines that this policy regarding abortion is in fact being enforced by the institution making the application.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding. I realize there is a good chance that this amendment might be ruled out of order, but I do believe the gentleman from California has brought up some very important points, and I hope this matter will be carefully scrutinized by the District Committee in further investigation.

I am concerned that the District of Columbia has become, or is on its way toward becoming an abortion mill with little concern for the laws. The question is not whether one is for or against the issue, but rather whether the law is being ignored. Inasmuch as the Supreme Court has upheld the District of Columbia criminal statutes permitting abortion only to preserve a woman's life or physical or mental health, I am hopeful that any violation of the District statute will be vigorously prosecuted.

POINT OF ORDER

The SPEAKER. Does the gentleman from Virginia insist on his point of order?

Mr. BROYHILL of Virginia. I do, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. BROYHILL of Virginia. Mr. Speaker, all of the hospitals in the District of Columbia have to abide by the laws of the District of Columbia and by title X of the Public Health Service Act, population research and voluntary planning programs, which deals with services rendered. The bill under consideration is a construction bill, to be a companion bill to the Hill-Burton Act. The bill authorizes grants for construction, and does not deal with operating rules and procedures. Therefore, the amendment is not germane to the pending legislation.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Does not the point of order come too late?

The SPEAKER. The point of order was reserved when the amendment was read.

Does the gentleman from California desire to be heard on the point of order?

Mr. SCHMITZ. Yes, Mr. Speaker.

My point is that the bill is an appropriation authorization bill, and money is being indirectly authorized for abortions. They are operating an abortion mill. Because of a court decision, the District of Columbia has for all practical purposes no abortion policy. Until they set up policies within the hospitals this money will be abused.

My amendment has to do with the authorization of appropriations in this bill.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentlewoman from New York.

Mrs. ABZUG. Is the gentleman suggesting we return to the situation where literally thousands of women are forced to go into back alleys to get criminal abortions, whereby the end result is countless numbers of deaths, rather than to have an orderly abortion procedure under proper medical care pursuant to law in a particular locality, as provided here?

Mr. SCHMITZ. I would like to go back further than that. I would like to go back to the time when women would not get pregnant except when they wanted to and only by their husbands in a family situation.

The SPEAKER. The Chair is prepared to rule.

The bill under consideration provides for the authorization of grants and loans for construction or modernization of hospitals. The amendment which the gentleman from California (Mr. SCHMITZ) has offered deals with the matter of limitations entirely unrelated to the construction or modernization of hospitals. The point of order is thereby sustained.

COMMITTEE AMENDMENTS

Mr. STUCKEY. Mr. Speaker, I have three amendments which were adopted by the committee in a full committee meeting but it was too late to have them included in the report. I ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. ABERNETHY. Mr. Speaker, I object.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 8, after "loan." insert the following: "The Secretary shall approve an application for a guarantee of a loan under this section only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States."

Mr. ABNERNETHY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would like to have an explanation of the amendment.

Mr. STUCKEY. Will the gentleman yield?

Mr. ABNERNETHY. I yield to the gentleman.

Mr. STUCKEY. What the amendment does is to provide protection for the private institutions borrowing funds from a bank so that the borrowing institution may obtain a low interest rate. This gives the Secretary of Health, Education, and Welfare the right to review the interest rates and see that they conform to the reasonable interest rates of that particular area.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, immediately after line 5, insert the following:

"(e) Before any application for a grant or loan guarantee is approved under this Act, the appropriate State agency or the District of Columbia shall certify to the Secretary whether the applicant has complied with all terms and conditions applicable to any previous grant it has received under a Medical Facilities Act and any other Act providing federal or District of Columbia funds for the construction or modernization of medical facilities in the District of Columbia and with any assurances or commitments made in applications or other documents submitted to any Committee of Congress, the Secretary, the appropriate State agency, the District of Columbia, or metropolitan area wide planning body, with respect to such grant. The Secretary shall not approve such application unless and until he determines, on the basis of such certification, that the applicant has fully complied with such terms, conditions and assurances."

Mr. ABERNETHY. Mr. Speaker, I move to strike the last word.

I yield to the gentleman from Georgia, Mr. Speaker, for an explanation of this amendment, which I hope will be a little clearer than the last one.

Mr. STUCKEY. There is similar language in the Hill-Burton law, as I am sure the gentleman from Mississippi is aware. The committee simply felt that this language should be reiterated and therefore made explicit in this particular bill to assure adequate protection. By this amendment we ask the Secretary of Health, Education, and Welfare to keep a sharp eye on the situation and use of these funds and that hospitals do carry out the intent of this act.

Mr. ABERNETHY. Is the loan made to the hospital or to the District of Columbia? Under the Hill-Burton Act, as I understand it, the Hill-Burton grants—and there may be some other grants—but the loans are negotiated by the principal party constructing the hospital. They are made by the borrower. Who is the borrower here? The District of Columbia?

Mr. STUCKEY. No.

Mr. ABERNETHY. Or the hospital that gets the money?

Mr. STUCKEY. The hospital is the borrowing authority, but we have had some situations in the past, and some exist now, where these individual hospitals have not lived up to the intent of the 1968 act.

Mr. ABERNETHY. Are these loans not to be made to the District? They are given a grant and also making the loan to the private hospital. Is that the way this bill operates?

Mr. STUCKEY. What was the question of the gentleman?

Mr. ABERNETHY. The bill provides for $70 million in grants and many dollars in loans. Who borrows the money, the private hospitals or the District of Columbia?

Mr. STUCKEY. The private hospitals.

Mr. ABERNETHY. Well, that certainly is not comparable to the operations under the Hill-Burton Act because the loans are made to the political subdivision constructing the hospital.

Mr. STUCKEY. That is true, but the situation in the District of Collumbia is such that they are not able to borrow the funds because of the bonding companies and insurance companies.

Mr. ABERNETHY. Why are they not able to do so?

Mr. STUCKEY. The rates which they would have to charge simply would not insure the bonding.

Mr. ABERNETHY. The District of Columbia is now borrowing for various and sundry purposes; is it not?

Mr. STUCKEY. If the Congress would see fit to authorize and back up the bondsmen, I am sure they would be able to do this.

Mr. ABERNETHY. The facts are that the Federal Government is not only to lend this money but will also be required to back up loans; is that not true?

Mr. STUCKEY. Only to the extent of 3 percent. The rest is provided for by the individual institution.

Mr. ABERNETHY. That is not what the report says. The report says that the Federal Government not only guarantees the loans but the principal.

Mr. STUCKEY. As I understand it, the Federal Government pays up to 3 percent of this interest.

Mr. ABERNETHY. Mr. Speaker, I am reading from page 1 of the report where it says—no; I do not believe it is on page 1, but there is in this report somewhere language to the effect that the Federal Government not only guarantees the principal but also guarantees the interest and the loan.

Mr. STUCKEY. If the gentleman will look on page 2 about four paragraphs down he will see that it authorizes the Secretary to pay the loan guarantee in an amount sufficient to reduce by not to exceed 3 per centum the net effective interest rate otherwise payable on such loan.

The SPEAKER. The time of the gentleman from Mississippi has expired.

(By unanimous consent, Mr. ABERNETHY was allowed to proceed for 2 additional minutes.)

Mr. ABERNETHY. Beginning on line 21, it says that "through June 1976 may in accordance with the provisions of this act guarantee to any non-Federal lender which makes a loan to any such entity for such a project payment when due of the principal or any interest on such loan if such entity is eligible for a grant—"

That refers to both principal and interest. That is what the bill says. Is not that what the bill says?

Mr. STUCKEY. The $2 million with reference to the interest payments only goes up to 3 percent. So it does not fully guarantee all of the interest payments. That was the point I made earlier.

Mr. ABERNETHY. What does the language mean which I read?

Mr. STUCKEY. I do not think the gentleman read far enough down in the bill.

Mr. ABERNETHY. I read all of the paragraph.

The SPEAKER. The time of the gentleman from Mississippi has again expired.

Mr. HUNT. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I have requested this time for the purpose of asking the gentleman from Georgia a few questions about the bill.

On page 12 of the report it indicates that this bill providing $70 million in grants, over a 5-year period, starting in 1972, also includes $10 million in loan subsidies.

Does this mean that the Federal Government will give the $70 million in grants, $60 million on loan and then pay $10 million in interest?

The State of New Jersey in the entire year gets $5.5 billion the hard way. You want us to pay $10 million interest to the banking cartels. This is sheer madness.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HAYS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I have taken this time so that I might ask the author of the bill, the gentleman from Georgia (Mr. STUCKEY) a question or two.

Do I understand that this bill appropriates and authorizes a total of about $130 million in loans and grants?

Mr. STUCKEY. I believe that is correct, it comes out to about $130 million.

Mr. HAYS. What is the population of the District of Columbia?

Mr. STUCKEY. Approximately 740,000.

Mr. HAYS. Not even twice as much as my district.

If we divide that $130 million in half that would be $65 million that a congressional district ought to get. My district has not received one-tenth of that amount in the last 20 years for hospitals.

What makes these people so special here that you want to reach into the pockets of my taxpayers and give them 20 times as much as we have gotten for hospitals?

Can the gentleman answer that question?

Mr. STUCKEY. I think I can.

Mr. HAYS. I hope you can.

Mr. STUCKEY. I hope to the gentleman's satisfaction.

Mr. HAYS. That may be hard to do indeed, but go ahead and try.

Mr. STUCKEY. First off, the District of Columbia does not meet the standards your district would meet under the Hill-Burton Act.

Mr. HAYS. Why do you not just make them meet the standards and have them scramble for this money the same way we have to do?

Mr. STUCKEY. I do not think there is any way that they can meet the standards. For instance, you have contributions for matching funds from the local and State governments, and also from the industries which are in your State. They pay a great, great portion of the money that goes into Hill-Burton hospitals in the gentleman's district.

Mr. HAYS. How do you get that figure? I do not know that industry pays anything.

Mr. STUCKEY. They contribute quite a bit.

Mr. HAYS. Do you mean if they have a fundraising drive?

Mr. STUCKEY. No; these are contributions from industry. You also have in your various areas hospitals who go out and conduct a fundraising drive.

Mr. HAYS. That is right, and that again comes out of the taxpayers' pockets. Do you think these people in this district would pay any money for this bill, or for fundraising drives?

Mr. STUCKEY. They have a different situation here.

Mr. HAYS. You are darned right we have got a different situation here. You have most of the people working for the Federal Government at pretty fancy salaries, or on relief, at more than anybody can get. So they are all pretty well taken care of, again at the expense of the people in my district.

I just do not understand why. You are not asking to give them $10 or $20 million, which would be three or four times as much as the rest of the people in the United States get, but you are giving them 20 or 30 times as much.

Mr. STUCKEY. We have to remember that we are going back a bit. We have had 8 years where no money has been appropriated. Part of this money will go to continue projects, and it will go to help finish some of these projects. These hospitals in the District of Columbia do meet the needs of the people in the country as a whole as well as in your district, and other districts, people who visit the Nation's Capital.

Mr. HAYS. Well, I suppose that maybe once every 10 or 12 years one of my constituents might get into a hospital here. That is not a very big argument.

But I think that the Members should consider this matter, and that they had better be prepared to go back to their districts and tell the people in their districts why you want to assist the District of Columbia at least 20 times as much per capita for hospitals in the District of Columbia as you have allowed for the hospitals in your districts.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Mr. Speaker, the gentleman does not know half of it.

Mr. HAYS. I do not want to know too much. Do not tell me too much, I might not be able to stand it.

Mr. ABERNETHY. These are private hospitals. The Hill-Burton money is made available throughout the whole United States to public hospitals, but these are private hospitals.

Mr. HAYS. You mean money-making hospitals?

Mr. ABERNETHY. Not necessarily, but they can be; but they are private hospitals.

Mr. HAYS. I will bet you $1 million they will make something out of this one.

Mr. ABERNETHY. I agree with you.

Nobody audits these hospitals. The District of Columbia does not audit them. Nobody knows whether they are making or losing money. But here is a bill that provides that we are not only going to give them $70 million in principle, give them some grants, but they will loan them some more money, and the Government will guarantee the payment as well as subsidizing the interest. It is a terrible situation.

(Mr. HAYS asked and was given permission to proceed for 2 additional minutes.)

Mr. HAYS. I will tell you one thing—maybe nobody audits them now, but if this bill passes you can bet your bottom dollar that, as chairman of the House Committee on Administration, I think I have enough influence with the GAO that they will be auditing them every day in the week and, boy, that will be a picnic—maybe they will not even take the money.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the gentleman from Ohio is correct in that this bill does provide a more liberalized formula for Federal grants and loans than is provided in his congressional district or in any other State. But, as we explained during debate, the reason for this is that the District of Columbia is entirely urban. The formula as applied to other States and communities in the congressional districts include rural areas as well as urban centers. So the number of hospital beds per capita and the per capita income factor simply do not apply equitably to the District of Columbia with its density of population, as compared to its application to the States.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. HAYS. What are you trying to tell me—that people in rural areas do not need hospital care or something? Per capita is per capita. If you have 800,000, they have as much incidence of sickness no matter where they live and the fact that they live in urban areas has nothing to do with it.

Mr. BROYHILL of Virginia. That is exactly what I am trying to tell the gentleman—that the rural population is taken into consideration for the hospitals in the urban centers that also serve a rural population. Now the rural population in the District of Columbia is composed of people from all over the country. We have people from your district, and from all over the country, who come here and use these hospitals, and they do not make a contribution toward their construction or modernization.

Furthermore, as was pointed out by the gentleman from Mississippi, these hospitals affected by this bill are community hospitals—they are private, nonprofit hospitals, the same type of hospitals that receive grants and loans under the Hill-Burton Act in your district and in all other States. In that respect, the legislation is consistent with the Hill-Burton Act. This bill, may be said to be a sort of an amendment or supplement to the Hill-Burton Act, to help the only city in the country which does not participate equitably under its provisions.

Mr. HAYS. Mr. Speaker, will the gentleman yield further?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. HAYS. I was out to the Washington Hospital Center not long ago to see a person who lives in the District and I walked a long way through the corridors and I did not see any beds in the corridors there like you can see in nearly every hospital in my district where they do not have enough beds for the patients.

Mr. BROYHILL of Virginia. Furthermore, I should point out that this is only an authorization for an appropriation. It is only an authorization bill, authorizing $70 million in grants. There is a loan guarantee provision for a total of about $60 million in non-Federal loans, but these loans will certainly be paid back by the institutions themselves.

Mr. ABERNETHY. Mr. Speaker, I move to strike out the last word.

(Mr. ABERNETHY asked and was granted permission to proceed for 5 additional minutes.)

Mr. ABERNETHY. Mr. Speaker, this is the second of two bills—one of which will be before you later—pending in the District Committee for the benefit of private hospitals in the District of Columbia. The other bill which is not here, benefits Columbia Hospital and provides that we will take away from the Federal Government a building that is now occupied and actively used by a department of the Government. I just do not know when the Committee on the District of Columbia took it upon itself to give away real estate belonging to the citizens of this entire Nation; nevertheless that is what is pending in the committee and being accorded serious consideration.

They have not yet reported it out of the committee, and they ought not, but they have been trying to get it to a vote for quite some time. Not only do they propose to take this building away from the Federal Government, give it to a private hospital and move out the Federal employees who are working there for and on behalf of your constituencies and mine—and where they will go, nobody knows—but they further told us, on being pressed, that they would be back seeking about $7 million for their new building. The facts are they are in the pending bill for a $4 million grant and a subsidized loan of $4.5 million. This will come out of the pockets of your taxpayers and mine.

If any member of the District Committee wants to challenge that, I will pause right now and let him challenge it.

No one having challenged the statement, then it must be accepted as absolutely accurate.

Now what do we have here?

This District of Columbia hospital gouge—and that is all it is—began in 1946. It began with the idea of building the large Washington General Hospital in the north central section of the District. Several private hospitals were consolidated into this operation. They gave up title to their several hospitals and built a large new facility. And we gave them more than half the cost of it, and a loan for the balance at 2½ percent. Congress provided the loan—and listen to this—would you like to have one like this in your district—that the loan would be repaid at such time and in such amounts as the Congress may hereafter determine.

I would like to get a loan like that.

Congress removed from the bill the provision which authorized private hospitals to get in on this free ride. Oh, but they stayed alive, and came back a short time later. In 1948 they got their amendment passed and thereupon began the most juicy hospital boondoggle ever initiated. These private hospitals—they say they do not operate for profit, but who knows whether or not they are making a profit? You go down and pay your hospital bill and you determine whether or not they are making a profit. You make that determination.

In 1951 they came back to the Congress for another free ride, all to the tune of more millions.

They came back in 1955 and got another bill passed. They always used the same argument, that this city does not fit into the Hill-Burton program. They never attempt to amend the Hill-Burton Act so as to make it properly apply to them.

Our colleagues who live in Maryland and Virginia in areas from which the people come to the city of Washington for hospitalization want to build the hospitals here for their constituents with your money instead of building them in their districts with their own tax money.

The private hospital lobby of the District returned to Congress again in 1957 with another bill. It passed. They came back in 1958 with another. It passed. They came back in 1962 with another, and it passed. And others on down to last year, when a total of many millions of dollars from the Federal Treasury were put into the District's private hospitals and medical schools. With this free ride having come around so often and for so many, many, many millions of dollars, I was absolutely amazed when this bill was introduced. I just could not believe my eyes.

They say they have started construction on several new facilities. Why did they start such if they did not have the money? If they had been under proper management they would not have begun construction of additions or new facilities if they did not have money to complete the job.

What does this hospital program already cost the Federal Government? I am not speaking of Hill-Burton. They are getting their Hill-Burton funds just as you are. It has cost the Federal Government up to now in loans and grants $83 million, exclusive of millions to the private medical schools. If any one of you wish to challenge that, get up and challenge it. Since there is no challenge, my statement must be accurate.

Here we are again today, not with a request for $83 million, my friends, but with a request for several times $83 million.

Have you looked at the committee report? Have you noticed that there is nothing in this report from the Bureau of the Budget? Have you noticed that there is not a recommendation in this report from this administration? Have you noticed that there is nothing in this committee report in the way of a report from the District government? What are they covering up? Why are they concealing, if they are concealing—and somebody is—the position of the District government and this administration on this bill?

Let me read to you the testimony of Deputy Assistant Secretary Seggal of this administration, who testified in the bill. First he said:

> This bill provides for grants, as we all know. It provides also for loan guarantees.

The Federal Government is guaranteeing the loan. The District government is not involved in this. This provides for loans to a private institution, and the Government is guaranteeing that they will pay, and if they do not pay then your people will pay off their notes. How do you like that?

Uncle Sam is guaranteeing an interest subsidy to the tune of $2 million per year, as well as all of the principal. What a deal. The interest would be at least 6, 7, 8, or maybe 10 percent, which means your taxpayers would pay 3, 4, 5, 6, or 7 percent on the subsidy and the borrower would pay only 3 percent. In fact, if the borrower defaults on the interest I understand the bill also calls for Uncle Sam to pay this, too. What a dream of a program for these private hospitals.

Listen to this. Here is what this administration says about this bill, that there will be an additional $70 million in grants and an estimated $304 million in low-interest subsidized loans. This is the testimony from the Department of Health, Education, and Welfare. Think about it. Just let it soak in a minute. Why, you have not heard it all yet. I have enough material on this bill to give you another hour of this.

The HEW witness went on to say:

> The nonprofit private health facilities in the District could possibly receive by the close of fiscal year 1976 a grand total of more than $460 million.

Let that soak in. I understand they revised the figures later but they still ran into hundreds of millions.

Mr. Speaker, this I have just read is what HEW had to say. No wonder it was not included in the committee report.

This is the point made by the gentleman from Ohio (Mr. HAYS), that the District is just getting more than its fair share, while the rest of us have to dig for most of our hospital funds.

I am amazed that the bill ever got here. When the bill was reported out, it was 20 minutes after 12 high noon. We had spent the morning in quite a hassle, which Members have read in the papers. I was one of those understanding the bill would not even be called and had departed the committee room. After I departed, it was said to the committee, so I have been told, that it was just a little noncontroversial bill. My, oh my Noncontroversial.

Let me go a little further. Here is a statement from a lady from the University of Pennsylvania who made a study of the operation of District hospitals.

She said:

> I do not believe the proposed legislation does enough to assure that more hospital care will be given to those who need it most.

Who is she talking about? She is talking about the poor and the elderly here in the District. And under the proposed legislation and current law, hospitals receiving Federal funds are required to provide a community service and a reasonable volume of free and below-cost care. She charges that the hospitals in the District of Columbia are not doing any such thing.

What else does she say? For instance, she names one of those hospitals; in short, the Cafritz Hospital—which is right on the edge of the gentleman's district in Virginia (Mr. BROYHILL). I do not blame him for getting all he can. When we had a bill like this before us a few years ago I suggested that he was digging money out of the Federal Goverment with a scoop. I do not blame him, I congratulate him, but I question the wisdom of Congress. The Cafritz Hospital has turned its back on the District, so the lady says. And it is not just Cafritz.

The SPEAKER. The time of the gentleman from Mississippi has expired.

(By unanimous consent, Mr. ABERNETHY was allowed to proceed for 5 additional minutes.)

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, a moment ago the gentleman read a letter, I believe, from the HEW that the total interest provided for in this bill was on loans which amounted to $304 million.

Mr. ABERNETHY. I read what the Deputy Assistant Secretary testified to before the committee.

Mr. BROYHILL of Virginia. I should like to challenge those figures, because they provide for a $60 million loan in this bill. That $400 million is either a misprint or a typo or HEW does not know what it is talking about.

Mr. ABERNETHY. Did the gentleman hear the testimony of the Secretary? The gentleman was there; was he not?

Mr. Speaker, I yielded to the gentleman, and now I ask the gentleman a question. Was the gentleman present? I understand that he was. Then why did the gentleman not challenge the testimony of the witness?

Mr. BROYHILL of Virginia. I was present, but it cannot be $400 million. It just does not make sense.

Mr. ABERNETHY. In fact, the whole bill does not make sense.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, the gentleman from Virginia made a statement which was repeated in colloquy with me that my constituents use these hospitals. How many of them does the gentleman suppose will use these hospitals? And the inference was they would get the services for nothing. But when they leave the hospital, they get a big fat bill, do they not, and they cannot leave until they pay for it? Do they not? They have to pay for the services. Those services are not free at all.

Mr. ABERNETHY. They are supposed to pay.

Mr. HAYS. Then they do not get it any more than when they are at home.

Mr. ABERNETHY. This hospital, Cafritz, this witness said, has turned its back on the District. She said:

> Less than 30 percent of the patients in this hospital are from the District of Columbia.

That is one of the private, nonprofit hospitals here, with crocodile tears, wanting a part of these millions. And she says:

> The pattern in the several other Washington private hospitals is similar. Less than 35 percent of the patients at Providence and Sibley and others are from the District of Columbia.

Now, we hear all this talk about the poor, and there are poor people here as there are elsewhere; and the talk about building these superduper superior hospitals for the poor of the District. If I could use some of my southern language, "It just ain't so" that they are building them for the poor. The poor are being turned away while citizens from nearby areas contiguous to the District occupy the hospital beds. They pay better. These hospitals are being constructed for the benefit of our friends from Virginia (Mr. BROYHILL) and Maryland (Mr. GUDE).

It is time, after about 10 dips into the Federal Treasury to put a stop to this boondoggle and let Maryland and Virginia build their own hospitals instead of building private hospitals for them here in the District in the name of the poor.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. Of course I yield to the gentleman from Maryland. The gentleman has received so much benefit from this I feel he should get in the RECORD and have some time.

Mr. GUDE. I just want to say to the gentleman that, just like anyone else who wants to use these hospitals from my district or the district of anyone else, they pay a fair share.

Mr. ABERNETHY. I do not blame the gentleman. I congratulate him.

Listen; I worked for 3 years, for 3 hard years, to get only 35 beds for my little town. When we finally—yes, finally—got approval we had to issue bonds and put up a big slice of the money. And the remainder we got the Hill-Burton route.

I offered an amendment in the committee once on one of these bills, to do the same thing for your hospitals, and yours, and yours, and yours, and yours, that they are doing for Mr. BROYHILL and Mr. GUDE, but they voted me down. I did not have any lobbyist running up and down these halls seeking handouts for hospitals in the name of the poor, nor did I have men in certain high places pressuring you for such, and I think you know of whom I speak.

I have no personal interest in this. Whatever way this bill goes it will not affect me, my position or my status. It will take tax money away from my people and I do not like that, and you should not like it either. I have stood in the well of this House on every one of these bills, and I have opposed them. The trouble is we cannot get enough Members of this House to stay on the floor, listen to the debate, and get the facts. But I believe we have them here today.

I have not heretofore opposed these bills because I am against hospitals. I have said to them, "You take the same course I have to take." You go through Hill-Burton. And if you cannot get enough money under Hill-Burton, if the Hill-Burton formula does not fit this city, which is so fortunate to have such a large payroll here, then go seek out the appropriate committee and offer an amendment to amend the Hill-Burton act.

I may have been a little "pushy" today. There is so much about this the Members ought to know about. But I have said enough.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. ABERNETHY was allowed to proceed for 2 additional minutes.)

Mr. ABERNETHY. Mr. Speaker, I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. I thank the gentleman for yielding.

I want to thank the gentleman from Mississippi for making it very clear to the gentleman from Ohio and the other Members of the House that these hospitals do not serve the nearly 800,000 people who live in the District of Columbia alone, but they serve some nearly 3 million people in this metropolitan area. Therefore, one cannot compare the service area to that of a congressional district.

Second, one must clearly understand one cannot compare the population of the District of Columbia to that of other cities of comparable size. We do function as a city and as a State, and we have all those needs.

The gentleman is quite right in pointing out to the Congress that in many instances the people served by these hospitals are from 70 to 75 percent people from outside the District of Columbia. With that as a matter of record I would hope the Congress would recognize the work that has gone into this bill, the hearings that have been held, and the collective judgment reached by the District of Columbia Committee in offering this bill for your favorable consideration.

Mr. ABERNETHY. In response to the gentleman, my point is I do feel these people should build their own private hospitals just as we have to build ours. I think there will be those in this House who understand this. There is no obligation on the part of the Federal Government to construct private hospitals here for the benefit of outsiders, but that is what we are now called on to do.

Bear in mind that this administration—and the city government, the mayor downtown, went along with HEW—disapproved the enactment of this legislation.

This bill should be defeated. I urge you to vote it down.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

COMMITTEE AMENDMENT

Page 9, line 4, insert "(a)" immediately after "SEC. 6.".

Page 9, immediately after line 7, insert the following:

"(b) The Secretary, the appropriate State agency, and the District of Columbia shall have the responsibility to enforce compliance by a recipient of a grant or loan guarantee under this Act, with the same terms and conditions as are applicable to applications for grants under the applicable Medical Facilities Act and with any assurance made in the application or other documents submitted to the Secretary, the appropriate State agency, the District of Columbia, or metropolitan area health planning body for grants or loan guarantees under this Act. Such enforcement shall include the initiation of appropriate legal action in the United States District Court for the District of Columbia to compel such compliance."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, members of the committee have tortured all reason and fact in an attempt to justify this special privilege bill.

The District of Columbia is well below the national average in unemployment. The District of Columbia has the most lush and constant payroll of any comparable city in the entire United States, and one of the lowest tax rates. So, in order to justify the necessity for this kind of bill and raid upon the Nation's taxpayers——

Mr. LONG of Maryland. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. LONG of Maryland. Is it not also true that the District of Columbia has the highest per capita earnings of any metropolitan area or city in the United States?

Mr. GROSS. The highest per capita what?

Mr. LONG of Maryland. Earnings of any city in the United States.

Mr. GROSS. The gentleman from Maryland is absolutely right. I said the lushest payroll per capita of any city of its size in the United States.

It is particularly torturing reason to say, as did the gentleman from Virginia (Mr. BROYHILL) that this bill could be justified on the basis that there are *x* number of tourists coming into this city and, therefore, these hospital facilities should be provided for them. How in the world anyone could justify, even in part, this kind of a raid upon all the taxpayers of the country because of the visitors who come to Washington is beyond comprehension.

I say to you, as did the gentleman from New Jersey (Mr. HUNT), this bill is sheer fiscal madness.

I urge Members to look at the report, pages 5 and 6, under the title of the fiscal year 1972 grant allocations to States for construction and modernization of hospitals and other health facilities.

Read what you get in your States by way of grant allocations and then compare it with what is proposed here for a half dozen private hospitals in the District of Columbia.

Mr. Speaker, this is an unconscionable raid upon the Nation's taxpayers and it ought to be defeated out of hand.

I want to commend the gentleman from Mississippi (Mr. ABERNETHY) and the gentleman from Ohio (Mr. HAYS) for the fight they have made here this afternoon in an effort to kill this measure which never should have been approved by the House District Committee.

Mr. McMILLAN. Mr. Speaker and Members of the House: I was very much disappointed when Congressman HUNGATE advised me that he was leaving the District Committee for the simple reason that the work on the District Committee was taking too much of his time. Mr. HUNGATE has made an excellent subcommittee chairman and I have granted every request that he has made of me as chairman, and referred all the bills that would come under the Judiciary Subcommittee to him for his consideration.

I was distressed to read a statement in the Saturday Evening Star and in the Sunday Star, written by Stephen Green, a reporter who has spent a great deal of time during the past 12 months trying to cause disruptions in the House District Committee. I have compiled a book of articles written by Mr. Green and in each of these articles there are derogatory and distorted statements concerning the House District Committee.

No lobbyist has contacted me concerning any of the controversial bills that were passed by the Senate and forwarded to the House during the past 2 or 3 weeks. In fact, I have not been bothered by lobbyists at all and the statement made by Mr. Green is an absolute lie.

Mr. Green states that a former clerk of the committee had me postpone a committee hearing one day last week from Monday to Tuesday, when, in fact, I was in South Carolina visiting my elder sister who is seriously ill in the Greenville, S.C., hospital. I could not return to Washington in time for a committee meeting on Monday and so advised each member of the committee. I also advised that I was calling the meeting for the next day, which would be Tuesday, and neither Bill McLeod nor any other person, had anything to do with my changing the date of the full committee meeting.

I have requested the Speaker to allocate a special room for Mr. HUNGATE and his subcommittee on three occasions during the past 6 months; however, the Speaker was unable to locate any space for this purpose. Another lie this reporter had made concerned Congressman JACOBS and the appointment of subcommittee chairmen. I have no personal reasons or objections against Mr. JACOBS and have always liked him even though we might not have agreed with the seniority rule. I was a very good friend of Mr. JACOBS' father when he was a Member of Congress.

I hope that Mr. HUNGATE will call the newspaper and straighten this matter out with this unreliable reporter as I have complained to the Star officials and have made an effort to keep reporters out of the committee who continuously bank one member against another with dastardly lies.

When a bill is reported to the full committee, all 26 members have an opportunity to amend or review a bill that has been reported by the subcommittee. There were several members that objected to several portions of three or four bills tied together and sent to the House by the Senate that were reported to the full committee by Mr. HUNGATE's subcommittee.

Mr. NELSEN. Mr. Speaker, I wish to speak in support of H.R. 11628, the District of Columbia Medical Facilities Construction Act of 1972.

The health facilities construction program envisioned under H.R. 11628 and its predecessor legislation Public Law 90–457 is illustrative of a unique planning partnership of government, community, and health facilities.

In a time when we are deeply concerned with increasing health care costs which are basic to a national program of health insurance, the need for more effective community planning of health facility needs is of maximum importance.

The program envisioned under H.R. 11628 is a model which requires the review and consideration by each of our major metropolitan areas. Elements of control included in this legislation are the necessity that each proposed project be subjected to the priorities and subjective need criteria of both the official State level health facility planning body and the metropolitan area nongovernmental body. The third assurance that the program will accomplish its objectives is the legislative inclusion of the office of the Secretary of Health, Education, and Welfare.

Specifically, as the result of research by those groups and the facility and service groups themselves the H.R. 11628 program was devised. It does not include any additional general acute hospital beds since there exists no evidence of the need for such. It concentrates on the modernization and expansion of outpatient clinical and emergency room facilities. In our recent health manpower legislation hearing, we heard that we were facing a crucial shortage of health manpower resources. We heard further that no order to effect corrective changes within the health care delivery system that we must expand the 24-hour service facilities and the clinical diagnostic and treatment facilities of existing health care institutions. You will recall that Congress reviewed and revised the Hill-Burton Hospital Construction program funding emphasis to meet those needs.

The program envisioned with H.R. 11628 thus represents the results of an extremely well conceived evaluation of community and national considerations. One project in which I am personally deeply concerned is the completion of the Children's Hospital construction program. While partial funding was provided under Public Law 90–457, the second phase requirements were held because of the lack of funding availability. This project will result in a facility whose service program is already well known. I believe that the reason this Nation has achieved its greatness is that it has invested wisely in its children and their health. The Children's Hospital project is illustrative of such an investment and deserves the support of every member of this body.

The concern as to the request for grant funding from the Federal Government for District of Columbia health care facilities must be spoken to. Congress in its wisdom has limited the authority of the District of Columbia. Because of this, Congress has and must continue to assume certain otherwise unmet responsibilities.

The provision of financial assistance for construction of health care facilities in the District of Columbia has been one of these responsibilities assumed by Congress over the years. The record is clear, it has been spoken to by representatives of the Department of Health, Education, and Welfare under each of the last five administrations.

You are already aware of the fact that industry has historically been responsive to the community's request for contributions. Government along with industry in each of our States has been of major assistance in meeting these construction costs. These opportunities exist only in a unique way in the District of Columbia.

The Federal Government is our industrial base providing health care benefits either directly or indirectly for some 70 percent of our population. The Federal Government serves the State, county, city functional authority and therefore becomes both our industrial base and governmental structure. This dual responsibility serves as the essential base of financial support.

I ask your support of H.R. 11628 to bring District of Columbia Hospitals into a position identical to the hospitals in each State of the Union. The provision of grant funds and the availability of loan interest subsidy are the factors to be equated. They have been equated within H.R. 11628 and must be considered and accepted.

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise at this time to add my support for the passage of H.R. 11628, the District of Columbia Medical Facilities Construction Act of 1972. This is a vital and timely bill, and I commend the District of Columbia Committee and its chairman (Mr. McMILLAN) for its fine work in bringing the bill before us for consideration at this time.

The bill authorizes supplementary Federal financial assistance to help meet the costs of projects for the modernization of nonprofit private hospitals in the District of Columbia, as well as the costs of projects for the construction and modernization of long-term care facilities, diagnostic or treatment centers, outpatient facilities, rehabilitation facilities, facilities for the mentally retarded, and communty health centers in the city. All of these types of health facilities are essential to the total health care system of the District of Columbia and the whole metropolitan area.

It is, of course, the responsibility of the Federal Government and the Congress to provide the necessary financial assistance for the construction and modernization of hospitals and other medical facilities in the city. The District of Columbia does not have the same resources to pay for the development of its health care system as do the 50 States.

Although it has received aid from the Hill-Burton hospital construction and modernization program, this aid has not been anywhere adequate to its needs. Allotment of grant assistance under the Hill-Burton program is based for the most part on two separate criteria, both of which work to the disadvantage of the District. First, the ratio of hospital beds per thousand beds is higher in the District than in any of the States because of the very high population density here.

In addition, the use of per capita income to allot funds under the Hill-Burton program works to the disadvantage of the District of Columbia, which has one of the highest per capita incomes in the country. Because the city is the seat of the Federal Government, a preponderance of its high-income residents are temporary residents, who do not feel the obligation to contribute to the growth and maintenance of the hospitals here that they do to the hospitals in their home communities throughout the Nation. The hospitals still have to provide services to these temporary residents and to a large proportion of persons in neighboring Maryland and Virginia.

This whole situation puts hospitals and other medical facilities in the District of Columbia at a gross disadvantage when they need to raise funds to proceed with natural growth and modernization. Health facilities age quickly and must continue to modernize and update if they are to keep pace with constantly improving techniques of medical care.

For the last quarter of a century the Congress has fulfilled its responsibility for the provision of assistance for the construction of facilities here in the Federal city. In 1946, the Hospital Center Act provided aid for the construction of the Washington Hospital Center. In 1962, Public Law 87–460 authorized grants for the construction of an addition to the George Washington University Hospital. The most important program enacted by the Congress for the construction of health facilities in the District was the District of Columbia Medical Facilities Construction Act of 1968. This legislation authorized a total of over $80 million in project grants and loans for construction and modernization of health facilities. The 1968 act expires at the completion of the present fiscal year, and the bill before us for consideration today will continue the fine work that legislation began.

There still exists a considerable backlog of need for improvement of health facilities in the District of Columbia that H.R. 11628, when enacted into law, will help to correct. Projects begun under the 1968 legislation need additional funding if they are to be brought to completion.

The District of Columbia is truly the Federal city and serves, in certain respects, the entire Nation. Tourism is high, and when visitors are stricken with illness or injury during their visits here, it is the responsibility of the hospitals here to take care of them.

If the hospitals in the District are to meet this responsibility as well as the continuing responsibility to meet the health needs of its own residents, they must receive financial assistance that no one can provide but the Federal Government and the Congress. This bill, H.R. 11628, will provide that assistance and I urge its immediate and unanimous passage at this time.

I would like to call the attention of the Members of the House the great concern and interest Speaker Emeritus John W. McCormack has in the passage of this legislation.

John W. McCormack feels so keenly with regard to this legislation that he testified before the House Committee on the District of Columbia, in favor of its passage, one of the few times he left the bedside of his beloved wife.

I mention this to my colleagues to illustrate what passage of this legislation means to the man who dedicated much of his life to the improvement of hospitals in the District of Columbia and the United States.

I include at this point, the testimony of John W. McCormack before the House Committee on the District of Columbia:

STATEMENT BY JOHN W. MCCORMACK

Members of the Committee, I would like to present for the record a statement of my interest in the hospitals of the District of Columbia. In discussing continued support of the construction of needed medical facilities, we should consider the congressional actions that have resulted in significant achievements in the District of Columbia. In all of these actions, I have been a staunch advocate in the interest of providing for the backlog of needed medical facilities.

In 1951, the Hospital Center Act was amended to authorize grants of up to 50 percent of the cost of constructing or renovating hospital facilities in the District. The District of Columbia was required to repay 50 percent of the Federal contribution. This was lowered to 30 percent in 1958 with respect to grants made after that time. Under the 1951 and subsequent amendments, grants of $17,420,453 have been made for projects having an estimated cost of approximately $44,400,000. The Act expired in 1962.

In 1962 legislation (P.L. 87–460) was enacted authorizing grants up to $2.5 million for 50 percent of the cost of constructing an addition to George Washington University Hospital. Funds for this purpose were appropriated by the Congress in the fiscal year 1964 and the project is now complete. In addition to the Hospital Center Act and P.L. 87–460, both of which applied solely to the District, Federal financial assistance has been given for the construction of hospitals and other medical facilities in Washington through two generally applicable Federal programs—the wartime defense housing and public works program, commonly referred to as the Lanham Act, and the program authorized by Title VI of the Public Health Service Act, commonly called the Hill-Burton program.

Under the Lanham Act, two hospitals in the District received a Federal contribution of $5,655,000. Under the Hill-Burton program, a total of $7,194,000 in grants was approved through fiscal year 1966 for 27 projects in the District. The allotment of funds to the District, which takes into account per capita income and population, is low in relationship to the facility construction problem.

The present bill (HR 11628) is an extension of Public Law 90–457. I personally supported the latter on the floor of the House.

The 1968 Act (PL 90–457) provided 80 million dollars in grants and loans toward meeting a backlog of needs. This backlog was caused by Federal legislative inequities within the Federal Health Facilities Acts as they apply to the District of Columbia. The present bill (HR 11628) provides 72 million dollars in grants and loan interest subsidies. It encompasses the individual and collective efforts of the non-profit health care institutions to meet community health needs in the most effective and economical manner. It provides for completion of several projects which are currently under construction.

Sponsors of projects for construction in the District of Columbia experience serious difficulty in raising the non-Federal share of the cost thereof. In local city, county, and state jurisdictions throughout the country, financial assistance to meet hospital construction fund requirements is forthcoming from the governments in addition to individual and industrial contributions. The grant program is equivalent to the bond issues and direct contributions in other jurisdictions. Because of the uniqueness of the Nation's Capital, where upwards of 70% of the population is employed by the United States Government or its supportive industries, no such possibility exists.

A dynamic and critical approach to meeting community needs as set forth within this legislation, emphasizes the provision of outpatient diagnostic and treatment facilities and the use of low cost extended care services. The legislation provides for the replacement of outmoded, uneconomical, and inefficient facilities and therefore compels cost consciousness. Incentive matching funds ratios emphasize this with 66⅔ per cent for extended care and diagnostic treatment facilities and 50 per cent for modernization and new construction.

It is my sincere hope that the wisdom of the members of this committee will continue the obligation of Congress to the hospitals of the District of Columbia by guiding this bill through passage during this session.

I thank you for the opportunity of appearing before you this morning.

Mr. MICHEL. Mr. Speaker, I have not been here for all of the debate on this proposed legislation to authorize the construction of additional medical facilities for the District of Columbia, but after reading the report and hearing what I have, I am going to vote against the bill and would urge my colleagues to defeat it.

Here is one of those occasions when we can express ourselves on an authorizing piece of legislation and in my opinion the level of authorization is far too high, and I do not want to see us on our Appropriations Committee being whipsawed again by those who say we have to appropriate the money, because the Congress has authorized it.

Now when the regular HEW appropriation bill was before us, we included $24 million for grants and $16.5 million for loans, which was, as I recall, for Providence, Rogers, Children's, and Georgetown University Hospitals. Now I see here in this report it calls for additional amounts for Children's, Georgetown, Rogers, and George Washington Hospitals, and planning for Cafritz, Columbia, Providence, and Sibley.

Now I am not opposed to fulfilling our responsibility here in the District of Columbia, and I think up to this point we have been very generous when one considers what the District of Columbia has been receiving as against what the entire rest of the country has been getting for grants and loans for hospital construction.

I realize there is a peculiar problem when one considers the District of Columbia's lack of corporate gifts that we normally count on in other sections of the country. But as I recall, the per capita income here in the District of Columbia is one of the highest if not the highest in the country. The gentlemen from Virginia (Mr. BROYHILL) and from Maryland (Mr. GUDE) make the point that these hospitals serve their constituencies to a great degree, and they make very moving arguments in behalf of their beleaguered constituency.

The gentleman from the District of Columbia (Mr. FAUNTROY) says these hospitals cannot be considered to be serving only the three-quarters of a million people here in the District, but the 3 million people living in the metropolitan area. If that is the case, then it seems to me these very rich constituencies in nearby Maryland and Virginia ought to be paying their way proportionately for the construction of these hospitals. They have a corporate base from which to draw and certainly a very high paid or salaried group of people.

If the District of Columbia, Maryland, and Virginia feel they are being shortchanged in the allotment of Hill-Burton funds, I would suggest they all three get together in a pooling of their resources to get the job done as far as hospital construction and modernization are concerned in the area. As a matter of fact, I just might propose legislation this coming year that would provide for this pooling of resources.

We simply do not have the kind of money available from Federal sources alone to build all the hospitals and modernize the existing ones required. The rest of the country has the same needs as the immediate Washington area, and those of us from out in the hinterlands would like to see the same kind of private individual effort being made in this locale as we are required to make.

This is just too much to be asked to go through the hoop for again so soon, and I would urge my colleagues to join me in opposing this legislation.

Mr. FAUNTROY. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 25, noes 69.

Mr. BROYHILL of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 160, nays 200, not voting 72, as follows:

[Roll No. 461]

YEAS—160

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Aspin
Barrett
Begich
Bergland
Bingham
Boggs
Brademas
Brasco
Broyhill, Va.
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Byron
Carney
Casey, Tex.
Celler
Clay
Collins, Ill.
Corman
Cotter
Culver
Danielson
Davis, S.C.
Dellenback
Dellums
Dorn
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Fish
Flood
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hogan
Holifield
Howard
Jacobs
Johnson, Calif.
Kastenmeier
Kee
Keith
Kluczynski
Koch
Kyros
Latta
Leggett
Lent
Link
McClory
McCloskey
McFall
McMillan
Macdonald, Mass.
Madden
Matsunaga
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
Patten
Pepper
Perkins
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Rangel
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Sisk
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stokes
Stratton
Stuckey
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Waldie
Whalen
Williams
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Zablocki

NAYS—200

Abbitt
Abernethy
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Devine
Dickinson
Downing
Duncan
Edmondson
Edwards, Ala.
Esch
Eshleman
Evans, Colo.
Findley
Fisher
Flowers
Foley
Forsythe
Fountain
Frey
Galifianakis
Goodling
Gray
Griffin
Gross
Grover
Hagan
Haley
Hammerschmidt
Harsha
Harvey
Hays
Heckler, Mass.
Heinz
Henderson
Hillis
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kemp
King
Kuykendall
Kyl
Landgrebe
Lennon
Lloyd
Long, La.
Long, Md.
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McKay
McKinney
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Nichols
O'Konski
Passman
Pettis
Peyser
Pickle
Pirnie
Poff
Powell
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Skubitz
Slack
Smith, N.Y.
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Vigorito
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion
Zwach

NOT VOTING—72

Anderson, Tenn.
Andrews, Ala.
Ashley
Badillo
Baker
Baring
Belcher
Bell
Blanton
Blatnik
Boland
Bolling
Carey, N.Y.
Chamberlain
Chisholm
Conte
Conyers
Dent
Derwinski
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edwards, La.
Erlenborn
Evins, Tenn.
Flynt
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Goldwater
Grasso
Griffiths
Gubser
Hall
Hanna
Hansen, Idaho
Hébert
Hicks, Wash.
Horton
Karth
Landrum
Lujan
McClure
McKevitt
Martin
Mills, Ark.
Mink
Mollohan
Moss
O'Hara
O'Neill
Patman
Pelly
Poage
Pucinski
Rees
Reid, N.Y.
Rousselot
Sikes
Smith, Calif.
Spence
Springer
Sullivan
Symington
Thompson, N.J.
Veysey
Waggonner
Wydler

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hall.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. O'Neill with Mr. Conte.

Mr. Waggonner with Mr. Rousselot.

Mrs. Chisholm with Mr. Karth.

Mr. Andrews of Alabama with Mr. Spence.

Mr. Mills of Arkansas with Mr. Martin.

Mr. Boland with Mr. Reid of New York.

Mr. Rees with Mr. Diggs.

Mrs. Sullivan with Mr. Pelly.

Mr. Sikes with Mr. Belcher.

Mr. Carey of New York with Mr. Horton.

Mr. Conyers with Mr. Badillo.

Mr. Gallagher with Mr. Wydler.

Mr. Anderson of Tennessee with Mr. Baker.

Mr. Hanna with Mr. Goldwater.

Mr. Dent with Mr. McKevitt.

Mrs. Griffiths with Mr. Smith of California.

Mr. Evins of Tennessee with Mr. McClure.

Mr. Dingell with Mr. Erlenborn.

Mr. Ashley with Mr. Springer.

Mr. Donohue with Mr. Bell.

Mr. Flynt with Mr. Derwinski.

Mrs. Grasso with Mr. Chamberlain.

Mr. Moss with Mr. Gubser.

Mr. Baring with Mr. Hansen of Idaho.

Mr. Blatnik with Mr. Lujan.

Mr. Hicks of Washington with Mr. Veysey.

Mr. Blanton with Mrs. Mink.

Mr. Poage with Mr. Mollohan.

Mr. Patman with Mr. Landrum.

Mr. O'Hara with Mr. Fulton of Tennessee.

Mr. Fuqua with Mr. Symington.

Mr. TIERNAN changed his vote from "nay" to "yea."

Messrs. HAGAN and WIDNALL changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA ELECTION ACT OF 1971

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration the Senate bill (S. 2878) to amend the District of Columbia Election Act, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2878

An act to amend the District of Columbia Election Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act (D.C. Code sec. 1–1100 et seq.), is amended as follows:

(1) The first section of such Act (D.C. Code, sec 1–1101), is amended (A) by inserting "(a)" immediately after "That", (B) by striking out in clause (3) thereof the words "at large", (C) by striking out in clause (2) thereof the final "and", and (D) by redesignating clause (3) as clause (4), (E) by adding a new clause (3) as follows:

"(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and",

and, (F) by adding at the end therof the following new subsection:

"(b) Candidates for office participating in an election of the officials referred to in clauses (2) and (3), or designated pursuant to clause (4), of subsection (a) of this section may be elected or designated, as the case may be, at large or by precinct or ward."

(2) Subsection (2) of section 2 of such Act (D.C. Code, sec. 1–1102), is amended to read as follows:

"(2) The term 'qualified elector' means any person (A) who, for the purpose of voting in an election under this Act, has resided or has been domiciled in the District continuously during the thirty-day period ending on the day of such election, (B) who is a citizen of the United States, (C) who is, or will be on the day of the next election, at least eighteen years old, (D) who has never been convicted of a felony in the United States, or if he has been so convicted, has been pardoned or is no longer subject to the jurisdiction of any court with respect thereto, (E) who is not mentally incompetent as adjudged by a court of competent jurisdiction, and (F) who certifies that he does not claim, and has not, within thirty days immediately preceding the day of the election, claimed the right to vote or voted in any election in any State or territory of the United States (other than the District of Columbia)."

(3) Subsection (4) of section 2 of such Act (D.C. Code, sec. 1–1102) is amended by deleting "a school" and by inserting the word "an" in lieu thereof.

(4) Subsection (b) of section 4 of such Act (D.C. Code, sec. 1–1104), is amended by striking "$50 per day, with a limit of $2500 per annum" and inserting "$75 per day with a limit of $11,250 per annum" in lieu thereof.

(5) Paragraph (2) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by inserting immediately before the semicolon a comma and the following: "including upon approval by majority vote of the City Council, referendums, advisory elections, and other community elections such as those for model cities programs, as part of any regular election".

(6) Paragraph (3) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by striking "official" and inserting "sample" in lieu thereof.

(7) Paragraph (4) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by deleting the word "school".

(8) Paragraph (6) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended (A) by striking "paragraphs (1), (2), (3), or (4)" and by inserting "paragraphs (1), (2), or (3)" in lieu thereof, and (B) by inserting after "(69 Stat. 584)" the words "as amended."

(9) Section 5 of such Act (D.C. Code, sec. 1–1105), is amended (A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and (B) by adding after subsection (a) the following:

"(b) (1) The Board shall, on the first Tuesday after the first Monday in May of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

"(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than forty-five days before the date of such presidential primary election a petition on behalf of his candidacy signed by the candidate and at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and of the same political party as the nominee.

"(3) Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary held under this Act as:

"(A) slates of candidates for delegates supporting a candidate for nomination for President: *Provided,* That there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate, the candidates for nomination for President supported by the slate, and by at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and of the same political party as the qualified voters of such slate;

"(B) as slates of candidates for delegates not committed to support any named candidate for nomination for president: *Provided,* That there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such slate's candidacy, signed by the candidates on the slate and by at least one thousand qualified electors of the District of Columbia who have registered under section 7 of this Act, and of the same political party as the qualified voters and such slate;

"(C) as an individual candidate for delegate supporting a candidate for nomination for President: *Provided,* That such candidate for delegate shall have complied with subsection (a) section 8 of this Act (D.C. Code, sec. 1–1108) and the petition referred to that subsection is signed by the candidate for nomination for President supported by such candidate for delegate, and

"(D) as an individual not committed to support any named candidate for nomination for President: *Provided,* That such candidate for delegate shall have complied with subsection (a) section 8 of this Act (D.C. Code, sec. 1–1108).

"(4) The Board shall (a) arrange the ballot for the presidential preference primary so as to enable each voter to indicate his choice for presidential nominee and for the slate of delegates and alternates pledged to support that prospective nominee with one mark, and provide an alternative to vote for individual delegates or uncommitted slates of delegates and (b) clearly indicate on the ballot the candidate for nomination for President which a slate or candidate for delegate supports.

"(5) The delegates and alternate delegates, of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected in accordance with this Act, shall be obligated to vote for the candidate for nomination who received at least a plurality of the votes cast in the presidential preference primary for all such candidates of that party for President held in the District of Columbia at which such delegates were elected on the first and second ballots cast at that convention for nominees for President, or until such time as such candidate receiving a plurality of such vote cast in the presidential preference primary withdraws his candidacy, but on subsequent ballots so cast each such delegate shall be free to cast his ballots in his discretion without restriction.

"(6) The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purposes and provisions of this subsection."

(10) Subsection (d) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking "persons not absent from the District but who are physically unable", and inserting "either persons temporarily absent from the District or persons physically unable" in lieu thereof.

(11) Subsection (a) of section 7 of such Act (D.C. Code, sec. 1–1107) is amended by striking in the second sentence "person" and inserting "qualified elector".

(12) Paragraph (1) of subsection (d) of

section 7 of such Act (D.C. Code, sec. 1–1107), is amended (A) by striking from clause (A) the words "odd-numbered calendar year and of each presidential election year" and inserting "even-numbered year" in lieu thereof, and (B) by striking from clause (B) the words "presidential election" and inserting "even-numbered"' in lieu thereof, and (C) by inserting in clause (c), after the word special", the words, "or runoff."

(13) Subsection (a) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(2) Candidates for offices referred to in clause (1) of the first section of this Act and for offices designated pursuant to clause (3) of such section shall be the persons registered under section 7 who have been nominated for such office by petitions prepared and presented to the Board in accordance with rules prescribed by the Board, but not later than forty-five days before the date of the election, and signed by the following minimum number of qualified electors duly registered under section 7 of the same political party as the nominee:

"(1) in the case of petitions nominating candidates for offices referred to in clause (1) of the first section of this Act and of petitions nominating candidates designated for election at large pursuant to clause (3) of such section, signatures of at least two hundred such electors:

"(2) in the case of petitions nominating candidates for offices designated for election from a ward pursuant to clause (3) of such section, signatures of at least fifty such electors residing in such ward, or one-half of 1 per centum of the registered electors of such party residing in such ward, whichever is less; and

"(3) in the case of petitions nominating candidates for the office of Delegate and for member of the Board of Education, they shall be accompanied by a guarantee of $200 in the form of currency, surety or a bond, at the choice of the candidate. Such guarantee shall be forfeited by the candidate in the event he fails to receive at least 5 per centum of the vote cast in the election for which he presented a petition to the Board. In the event such candidate received at least 5 per centum of the vote cast, the guarantee shall be returned in full."

(14) Subsection (2) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(b) No such person shall hold elected office pursuant to this Act unless—

"(1) he has been a bona fide resident of the District of Columbia since the beginning of the one-year period ending on the date of the election in which he was elected to such office; or

"(2) in the case of a person elected from a ward, he has been a bona fide resident of the District of Columbia since the beginning of the one-year period ending on the date of the election in which he was elected to such office, and a bona fide resident of the ward from which he was elected since the beginning of the six-month period ending on the date of such election;

and is a qualified elector registered under section 7 of this Act."

(15) Subsection (c) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(c)(1) In each election of officials referred to in clause (1) of the first section of this Act, and in each election of officials designated for election at large pursuant to clause (3) of such section, the Board shall arrange the ballot of each party to enable the registered voters of such party to vote separately for each official duly qualified and nominated for election to such office; and

"(2) In each election of officials designated, pursuant to clause (3) of the first section of this Act, for election from a ward, the Board shall arrange the ballot of each party to enable the registered voters of such party, residing in such ward, to vote separately for each official duly qualified and nominated from such ward for election to such office from such ward."

(16) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended by striking "August 15" and inserting "the third Tuesday in August" in lieu thereof.

(17) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(i) Each candidate in a primary election for the office of Delegate shall be nominated for such office by a petition (1) filed with the Board not later than the forty-fifth day before the date of such primary election; (2) signed by qualified electors registered under section 7 of this Act equal in number to 1 per centum of the total number of such electors in the District of Columbia who are of the same political party as the nominee, as shown by the records of the Board as of the ninety-ninth day before the date of such primary election, or by two thousand of such qualified electors who are of the same political party as the nominee, whichever is less, but in no case less than one hundred qualified electors. A nominating petition for a candidate in a primary election for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for the office of Delegate."

(18) Paragraph (1) of subsection (j) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(j)(1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection, be nominated directly as such candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than the forty-fifth day before the date of such general election, and (B) signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters of the District, as shown by the records of the Board as of the ninety-ninth day before the date of such election, or by three thousand persons duly registered under section 7 of this Act, whichever is less but in no case less than one hundred such duly registered voters. A nominating petition for such candidate for the office of Delegate may not be circulated for signature before the ninety-ninth day preceeding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of such nominating petitions.

(19) Subsection (m) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(m)(1) Designation of offices of local party committeess to be filled by election pursuant to clause (3) of the first section of this Act shall be effected, in accordance with the provision of this subsection, by written communication signed by the chairman of such committee and filed with the Board not later than ninety days before the date of such election.

"(2) Such designation shall specify separately (A) the titles of the offices and the total number of members to be elected at large, if any, and (B) the title of the offices and the total number of members to be elected by ward, if any.

"(3) In the event that a party committee designates members to be elected by ward pursuant to clause (B) of paragraph (2) this subsection, the number of such officials to be elected from each of the wards shall be based on the relative numerical strength of such party in such ward, as compared with the total numerical strength of such party in the District, in each case as measured by the total number of registered voters of such party residing in each ward, (as shown by the records of the Board as one of one hundred-twenty days before such election) based on the method known as the method of equal proportion, with no ward to elect less than one member. The Board shall by regulation specify such adidtional details as may be necessary and proper to effectuate the purpose of this subsection."

(20) Paragraph (1) of subsection (n) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended by striking "qualified electors" and inserting "duly registered voters" in lieu thereof.

(21) Subsection (o) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(o) Each candidate in a general election for members of the Board of Education shall be nominated for such office by a petition (A) filed with the Board not later than the forty-fifth calendar day before the date of such general election; and (B) signed by at least two hundred persons who are duly registered under section 7 of this Act in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least fifty persons in each ward of the District who are duly registered in such ward, and such additional number of persons duly registered under section 7 of this Act, without regard to ward, as may be necessary for such petition to contain not less than one thousand persons. A nominating petition for a candidate in a general election for members of the Board of Education may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for members of the Board of Education, the Board shall arrange the ballot for each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to such office from such ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election."

(22) Subsection (q) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by inserting the words ", or slates of candidates" after the word "candidates".

(23) Section 8 of such Act (D.C. Code, sec. 1–1108), is amended by adding at the end of that section the following:

"(r) Any petition of other document required to be filed under this Act by a particular date must be filed no later than 5 o'clock post meridian on such date."

(24) Subsection (l) of section 8 of such Act (D.C. Code, sec. 1–1108), is repealed.

(25) Subsection (c) of section 9 of Such Act (D.C. Code, sec. 1–1109), is amended to read as follows:

"(c) Any candidate or group of candidates may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places and at the place or places where the vote is to be counted for the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Such rules and regulations should provide fair opportunity for watchers for all candidates or groups of candidates to challenge prospective voters whom the watchers believe to be unqualified to vote, to question the accuracy in the vote count, and otherwise to observe the conduct of the election at the polling places and the counting of votes."

(26) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110), is amended to read as follows:

"(a) (1) The elections of the officials referred to in clauses (1), (2), and (3) of the first section and of officials designated pursuant to clause (4) of such section and the presidential preference primary under section 5(b) of this Act shall be held on the first Tuesday after the first Monday in May of each presidential election year."

(27) Section 10(a) (7) (A) of such Act (D.C. Code, sec. 1–1110), is amended (A) by striking out "a majority" and inserting "at least 35 per centum" in lieu thereof and (B) by striking out "on the twenty-first day following such election" and inserting "either on the twenty-first day following such election or, in exceptional circumstances determined by the Board to make such date impracticable, not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding general election. At the time of announcing such determination the Board shall establish and announce the date of the run-off election, if one is required."

(28) Section 10(a) (7) (B) of such Act (D.C. Code, sec. 1–1110), is amended by striking out "a majority" and inserting "at least 35 per centum" in lieu thereof.

(29) Paragraph (8) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110), is amended by striking "less than a majority" and by inserting a period instead.

(30) Subsection (a) of section 11 of such Act (D.C. Code, sec. 1–1111), is amended by inserting immediately before the last sentence thereof, the following new sentence: "In no case, however, shall the petitioner be required to pay the cost of any recount in any such election if the difference in the number of votes received by the petitioner in connection with any office and the number of votes received by the person certified as having been elected to that office, in the case of an election from a ward, is less than 1 per centum or fifty votes, whichever is less, or in the case of an election at large, is less than 1 per centum or two hundred votes, whichever is less."

(31) Subsection (b) of section 13 of such Act (D.C. Code, sec. 1–1113), amended by striking "or" immediately before "delegate" and inserting "or alternate," immediately after "delegated."

(32) Subsection (d) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended by striking "or" immediately before "delegate" and inserting ", or alternate" immediately after "delegate".

(33) Subsection (e) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended to read as follows:

"(e) (1) Every independent committee or party committee which receives or expends funds on behalf of any candidate or group of candidates in an election for any office referred to in the first section of this Act, or in a primary election held under section 5(b) of this Act, shall have a chairman and a treasurer and shall maintain an address in the District of Columbia where notices may be sent. Every such committee shall register with the Board of Elections.

"(2) In any election held in the District of Columbia with respect to any office referred to in the first section of this Act, or with respect to a primary election held under section 5(b) of this Act, each candidate for election, and the treasurer of each independent or party committee, shall file with the Board of Elections not less than three nor more than five days before, and also within thirty days after, the date on which such primary or general election is held, an itemized statement, complete as of the day next preceding the date of filing, setting forth—

"(A) a correct and itemized account of each contribution received by such candidate or committee, or by any person for such candidate or committee with his or its knowledge or consent, from any source, for use in connection with such election, together with the name of the actual contributor;

"(B) a correct and itemized account of each expenditure made by such candidate or committee or by any person for such candidate or committee, with his or its knowledge or consent, in connection with such election, together with the name and address of the person to whom such expenditure was made, the date of such expenditure, and the purpose for which it was made; and

"(C) a correct and itemized account of any unpaid debts and obligations incurred by such candidate or committee with respect to such election, and the balance, if any, of such contributions remaining in the candidate or committee's possession.

"(3) A statement required by this subsection to be filed by a candidate or the treasurer of an independent or party committee shall be signed by the candidate or the treasurer of such committee, as the case may be, and shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths. Such statement shall be deemed properly filed when deposited at the Board of Elections within the prescribed time. Such statement shall be preserved by the Board of Elections for a period of two years from the date of filing, shall constitute a part of the public records of such Board, and shall be open to public inspection.

"(4) In any case in which a candidate fails to timely file a statement required under this section to be filed prior to such election, the Board of Election shall, on the second day before such primary or general election in which such candidate is entered, cause to be published in one or more newspapers of general circulation in the District of Columbia an announcement stating that the candidate did not file a report of campaign expenditures as required by law. No candidate for election to any such office or participation in such primary shall be certified as having been elected to that office, or as a winner of any primary held pursuant to section 5(b) until all statements required to be filed by such candidate pursuant to this section have been filed. Any candidate or other person who willfully violates this section shall be subject to imprisonment for thirty days or a fine of $5,000, or both."

Sec. 2. (a) Title VI of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1567—47-1567e) is amended by adding at the end of that title the following new section:

"Sec. 7. (a) Credit for Campaign Contributions.—For the purpose of encouraging residents of the District to participate in the election process in the District, there shall be allowed to an individual a credit against the tax (if any) imposed by this article in an amount equal to 50 per centum of any campaign contribution made to any candidate for election to any office referred to in the first section of the District of Columbia Election Act, but in no event shall such credit exceed the amount of $20.

"(b) If the amount of credit allowed an individual by subsection (a) for a taxable year exceeds the amount of tax (computed without regard to such subsection but after allowance of any other credit allowable under this article) imposed under this article on such individual for such taxable year, a refund shall be allowed such individual to the extent that such credit exceeds the amount of such tax.

"(c) (1) A husband and wife filing separate returns for a taxable year for which a joint return could have been made by them may claim between them only the total credit (or refund) to which they would have been entitled under this section had a joint return been filed.

"(2) No individual for whom a personal exemption was allowed on another individual's return shall be entitled to a credit (or refund) under this section.".

(b) The table of contents of such article is amended by adding at the end of the part of such table relating to title VI the following:

"Sec. 7. Credit for campaign contributions.".

Sec. 3. Paragraphs (1), (2), and (3) of subsection (c) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31–101(c)), are amended to read as follows:

"(1) Each member of the Board of Education elected from a ward shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the school election ward from which he seeks election, (B) have, for the six-month period immediately preceding his nomination, resided in the school election ward from which he is nominated, and (C) have, during the one-year period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(2) Each member of the Board of Education elected at large shall at time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the District of Columbia, and (b) have, during the one-year period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(3) No individual may hold the office of member of the Board of Education and (A) hold another elective office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or (B) also be an officer or employee of the District of Columbia government or of the Board of Education. A member will forfeit his office upon failure to maintain the qualifications required by this paragraph.".

Sec. 4. Subsection (i) of section 1 of the Act of June 25, 1910 (ch. 392, 36 Stat. 822), as amended (2 U.S.C. 241(i)), and section 591, title 18, United States Code, are each amended by deleting the period at the end thereof and by inserting in lieu thereof a comma followed by the words "and the District of Columbia".

Sec. 5. The provisions of this Act and the amendments made thereby shall take effect as of January 1, 1972.

AMENDMENT OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McMillan: Strike out all after the enacting clause of

S. 2878 and insert in lieu thereof the provisions of H.R. 11992, as passed, as follows:

That the District of Columbia Election Act (D.C. Code, secs. 1–1100—1–1115), is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1–1101, is amended (A) by striking out in clause (2) thereof the final "and", (B) by redesignating clause (3) as clause (4), (C) by adding a new clause (3) as follows:

"(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and",

and (D) by inserting in clause (4) (as redesignated by this section) "or by ward" immediately after "large".

(2) Paragraph (4) of section 2 of such Act (D.C. Code, sec. 1–1102), is amended by striking out "a school" and inserting in lieu thereof "an".

(3) Paragraph (2) of section 2 of such Act (D.C. Code, sec. 1–1102), is amended as follows:

(A) By striking out "The term" and inserting in lieu thereof "Except as provided in paragraph (7) of this section, the term".

(B) By striking out in clause (A) "one-year period" and inserting in lieu thereof "ninety-day period" and by inserting at the end thereof immediately before the semicolon ", except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days".

(C) By striking out in clause (B) "twenty-one" and inserting in lieu thereof "eighteen".

(D) By striking out clause (C), and redesignating clause (D) as clause (C).

(4) Section 2 of such Act (D.C. Code, sec. 1–1102), is amended by inserting at the end of that section the following:

"(7) (A) Any person in the District of Columbia who has been convicted of a crime in the United States which is a felony in the District of Columbia, may be a qualified elector, if otherwise qualified—

"(i) at the end of the five-year period beginning on the date he completes the sentence of incarceration imposed upon him for the last such crime committed by him, or in the case of a person who is granted parole or probation with respect to such last crime, beginning on the date he begins such parole or probation, if he successfully completes such parole or probation, or

"(ii) at the end of the three-year period beginning on the date he completes such sentence of incarceration, or in the case of a person who is granted parole or probation with respect to such last crime, beginning on the date he begins such parole or probation, if the Superior Court of the District of Columbia, after application made to such court by such person, certifies to the Board that such person has demonstrated such qualities of conduct and character as to warrant the restoration of his right to vote; or

"(iii) on the date upon which he receives a pardon with respect to such crime.

"(B) For the purposes of this paragraph, the term 'felony' shall includes any crime committed in the District of Columbia referred to in section 14 of this Act (D.C. Code, sec. 1–1114).

"(C) Nothing in this paragraph shall be construed to grant a pardon or amnesty to any person."

(5) Clause (3) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by inserting immediately before "copy" the word "sample".

(6) Clause (4) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by striking out "school".

(7) Section 5 of such Act (D.C. Code, sec. 1–1105), is amended (A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and (B) by adding after subsection (a) the following:

"(b) (1) The Board shall, on the first Tuesday after the first Monday in May of each presidential election year, conduct a presidential preference primary election within the Distict of Columbia in which qualified electors therein may express their preference for candidates of each political party of the District of Columbia for nomination for President and may elect delegates, and alternates where permitted by the rules of a particular political party, to a particular political party national convention convened to nominate that party's candidate for President.

"(2) No person shall participate as a candidate for nomination for President in such primary unless there shall have been filed with the Board, not later than the forty-fifth day before such primary, (A) a petition on behalf of his candidacy signed by at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and who are of the same political party as the prospective nominee, and (B) a written statement signed by the prospective nominee affirming that he wants his name listed on the ballot for such primary as a candidate for such nomination.

"(3) No person shall be listed on the ballot in such primary for election as such delegate, or alternate unless there shall been filed with the Board, not less than the forty-fifth day before such primary, (A) a petition in support of that prospective candidate for delegate or alternate, as the case may be, signed by at least one thousand qualified electors of the District of Columbia registered under section 7 of this Act who are of the same political party as the prospective candidate, and (B) if the prospective candidate is pledged to support a particular presidential candidate, a written statement signed by such presidential candidate affirming that such prospective candidate for delegate or alternate, as the case may be, is seeking that office with the approval of such presidential candidate and that such candidate for delegate or alternate was properly selected according to the rules of his political party relating to the nomination of candidates for delegate or alternate. If such presidential candidate fails to so indicate his approval of a candidate for delegate or alternate, such candidate shall appear on the ballot (if he files the appropriate petition) in such primary as a candidate for election as a delegate or alternate pledged to no presidential candidate.

"(4) The Board shall arrange the ballot for the presidential preference primary so as to enable each voter to indicate his choice for presidential nominee and for delegates, and alternates, pledged to support that prospective nominee with one mark.

(5) The delegates and alternate delegates, of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected, in accordance with this Act, shall be obligated, on the first and second ballots cast at that convention for nominees for President, to vote for the candidate for nomination who received at least a plurality of the votes cast in the presidential preference primary for all such candidates of that party for President held in the District of Columbia at which such delegates and alternates were elected, or until such candidate notifies each delegate in writing that he is no longer a candidate. On subsequent ballots so cast each such delegate shall be free to cast his ballots in his discretion without restriction.

(6) The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purposes and provisions of this subsection."

(8) Clause (2) of subsection (b) of section 7 of such Act (D.C. Code, sec. 1–1107) is amended by striking out "section 2(2)" and inserting in lieu thereof "paragraphs (2) and (7) of section 2 of this Act".

(9) Subsection (a) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read follows:

"(a) (1) Each candidate for election to the office of national committeeman or alternate, or national committeewoman or alternate, and for election as a member or official designated for election at large under clause (4) of the first section of this Act, shall be a qualified elector registered under section 7 of this Act who has been nominated for such office, or for election as such member or official, by a nominating petition (A) prepared in accordance with the rules prescribed by the Board, (B) signed by not less than one thousand qualified electors registered under such section 7 of this Act, who are of the same political party as the candidate, and (C) filed with the Board not later than the forty-fifth day before the date of the election held for such office, member, or official.

"(2) In the case of a nominating petition for a candidate for election as a member or official designated for election from a ward under clause (4) of such first section, such petition shall be prepared and filed in the same manner as a petition prepared and filed by a candidate under paragraph (1) of this subsection and signed by two hundred qualified electors residing in such ward, registered under section 7 of this Act, who are of the same political party as the candidate."

(10) Subsection (b) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended by striking out "three-year" and inserting in lieu thereof "ninety-day".

(11) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(i) Each candidate in a primary election for the office of Delegate shall be nominated for such office by a nominating petition (1) filed with the Board not later than the forty-fifth day before the date of such primary election; (2) signed by qualified electors registered under section 7 of this Act, who are of the same political party as the candidate, and equal in number to 1 per centum of the total number of such electors in the District of Columbia, as shown by the records of the Board as of the ninety-ninth day before the date of such primary election, or by two thousand of such qualified electors, whichever is less. A nominating petition for a candidate in a primary election for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for the office of Delegate."

(12) Subsection (j) of section 8 of such Act (D.C. Code, sec 1–1108), is amended to read as follows:

"(j) (1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy. Such person shall be nominated by a nominating petition (A) filed with the Board not less than the forty-fifth day before the date of such general election; and (B) signed by qualified electors registered under section 7 of this Act equal in number to 1½ per centum of the total number of such qualified electors in the District, as shown by the records of the Board as of the ninety-ninth day before the date of such election, or by three thousand of such qualified electors, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election for the office of Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for such office held within eight months before the date of such general election."

(13) Subsection (m) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(m) Designations with respect to the election of officials under clause (4) of the first section of this Act by written communications filed with the Board not later than ninety days before the date of such election."

(14) Subsection (o) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(o) Each candidate in a general election for member of the Board of Education shall be nominated for such office by a nominating petition (A) filed with the Board not later than the forty-fifth calendar day before the date of such general election; and (B) signed by at least two hundred qualified electors who are duly registered under section 7 of this Act, who reside in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least one thousand of the qualified electors in the District of Columbia registered under such section 7. A nominating petition for a candidate in a general election for member of the Board of Education may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for members of the Board of Education, the Board shall arrange the ballot for each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to such office from such ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election."

(15) Section 8 of such Act (D.C. Code, sec. 1–1108), is amended by adding at the end of that section the following:

"(r) Any petition required to be filed under this Act by a particular date must be filed no later than 5 o'clock post meridian on such date."

(16) Subsection (1) of section 8 of such Act (D.C. Code, sec. 1–1108), is repealed.

(17) Subsection (c) of section 9 of such Act (D.C. Code, sec. 1–1109), is amended to read as follows:

"(c) Any candidate or group of candidates may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places and at the place or places where the vote is to be counted for the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Such rules and regulations should provide fair opportunity for watchers for all candidates or groups of candidates to challenge prospective voters whom the watchers believe to be unqualified to vote, to question the accuracy in the vote count, and otherwise to observe the conduct of the election at the polling places and the counting of votes."

(18) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110), is amended to read as follows:

"(a)(1) The elections of the officials referred to in clauses (1), (2), and (3) of the first section of this Act, and of officials designated pursuant to clause (4) of such section, and the primary under section 5(b) of this Act, shall be held on the first Tuesday after the first Monday in May of each presidential election year."

(19) Section 10(a)(7)(A) of such Act (D.C. Code, sec. 1–1110), is amended by striking out "a majority" and inserting in lieu thereof "at least 40 per centum".

(20) Section 10(a)(7)(B) of such Act (D.C. Code, sec. 1–1110), is amended by striking out "a majority" and inserting in lieu thereof "at least 40 per centum".

(21) The first sentence of paragraph (8) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110), is amended by striking out "less than a majority".

(22) Subsection (a) of section 11 of such Act (D.C. Code, sec. 1–1111), is amended by inserting immediately before the last sentence thereof, the following new sentence: "In no case, however, shall the petitioner be required to pay the cost of any recount in any such election if the difference in the number of votes received by the petitioner in connection with any office and the number of votes received by the person certified as having been elected to that office, in the case of an election from a ward, is less than 1 per centum or fifty votes, whichever is less, or in the case of an election at large, is less than 1 per centum or five hundred votes, whichever is less."

(23) Subsection (b) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended by striking out "or delegate" and inserting in lieu thereof "delegate or alternate,".

(24) Subsection (d) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended by striking out "or delegate" and inserting in lieu thereof "delegate or alternate,".

(25) Subsection (e) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended to read as follows:

"(e)(1) Every independent committee or party committee which receives or expends funds on behalf of any candidate or group of candidates in an election for any office referred to in the first section of this Act, or in a primary election held under section 5(b) of this Act, shall have a chairman and a treasurer and shall maintain an address in the District of Columbia where notices may be sent. Each such committee shall register with the Board of Elections as soon as its receipts or expenditures, or the sum of its receipts and expenditures total $100, or within ten days after its organization, whichever first occurs.

"(2) In any election held in the District of Columbia with respect to any office referred to in the first section of this Act, or with respect to a primary election held under section 5(b) of this Act, each candidate for election, and the treasurer of each independent or party committee, shall file with the Board of Elections on the tenth calendar day before, and also within thirty days after, the date on which such primary or general election was held, an itemized statement, complete as of the day next preceding the date of filing, setting forth—

"(A) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of $100 or more, together with the amount and date of such contribution;

"(B) The total sum of the contributions made to or for such committee during the calendar year and not stated under subparagraph (A);

"(C) The total sum of all contributions made to or for such committee during the calendar year;

"(D) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

"(E) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under subparagraph (D);

"(F) The total sum of expenditures made by or on behalf of such committee during the calendar year.

"(3) The statements required to be filed by paragraph (2) of this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

"(4) Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing any general or primary election held under this Act, shall file with the Board an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by paragraph (2) of this subsection.

"(5) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

"(1) All contributions made to or for such committee;

"(2) The name and address of every person making any such contribution, and the date thereof;

"(3) All expenditures made by or on behalf of such committee; and

"(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

"(6) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding $10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

"(7) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

"(8) Any candidate, treasurer of any independent committee, or party committee, or other person who willfully violates this subsection shall be fined not more than $5,000 or imprisoned for not more than 30 days or both.".

Sec. 2. Paragraphs (1), (2), and (3) of subsection (c) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31–101(c)), are amended to read as follows:

"(1) Each member of the Board of Education elected from a ward shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the school election ward from which he seeks election, (B) have, for the ninety-day period immediately preceding his nomination, resided in the school election ward from which he is nominated, and (C) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(2) Each member of the Board of Education elected at large shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the District of Columbia, and (B) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(3) No individual may hold the office of member of the Board of Education and (A) hold another elective office than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or (B) also be an officer or employee of the District of Columbia government or the Board of Education. A member will forfeit his office upon failure to maintain the qualifications required by this paragraph.".

SEC. 3. The provisions of this Act and the amendments made thereby shall take effect as of January 1, 1972.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11992) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2878, DISTRICT OF COLUMBIA ELECTION ACT

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2878) to amend the District of Columbia Election Act, and for other purposes, with a House amendment thereto, insist upon the House amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina The Chair hears none, and appoints the following conferees: Messrs. STUCKEY, MIKVA, NELSEN, and BROYHILL of Virginia.

GENERAL LEAVE

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the District of Columbia bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10367, SETTLEMENT OF CERTAIN LAND CLAIMS OF ALASKAN NATIVES

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill H.R. 10367, the Alaska Native Claims Settlement Act of 1971.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, and I shall not object, I do this for two purposes: First, to direct a question to my colleague from Colorado. If the report is filed by midnight tonight is it the intention of the gentleman from Colorado to call up the conference report tomorrow?

Mr. ASPINALL. Yes, if the gentleman from Pennsylvania will yield. It will be my intention to call it up tomorrow as soon as the Speaker will recognize me for that purpose.

Mr. SAYLOR. The second question I have is this: Since the conference report is almost in its final form, are the amendments that have been adopted germane?

Mr. ASPINALL. Mr. Speaker, if my friend will yield further, in my opinion each amendment that has been adopted is germane to the bill, although everything below the enacting clause was stricken and the new language of the Senate was in some controversy, it is germane to the provisions of the original House bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I shall be happy to yield to my friend from Iowa.

Mr. GROSS. What is the nature of this legislation?

Mr. ASPINALL. If the gentleman from Pennsylvania will yield further to me, this is to provide for the settlement of land claims of the Alaskan Natives and for other purposes. This is the Alaskan Natives' claims bill which passed this House by a sizable vote.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation of objection.

CONFERENCE REPORT (H. REPT. NO. 92-746)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10367) "to provide for the settlement of certain land claims of Alaska Natives, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert the following:

That this Act may be cited as the "Alaska Native Claims Settlement Act".

DECLARATION OF POLICY

SEC. 2. Congress finds and declares that—

(a) there is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims;

(b) the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives, without litigation, with maximum participation by Natives in decisions affecting their rights and property, without establishing any permanent racially defined institutions, rights, privileges, or obligations, without creating a reservation system or lengthy wardship or trusteeship, and without adding to the categories of property and institutions enjoying special tax privileges or to the legislation establishing special relationships between the United States Government and the State of Alaska;

(c) no provision of this Act shall replace or diminish any right, privilege, or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State of Alaska to protect and promote the rights or welfare of Natives as citizens of the United States or of Alaska; the Secretary is authorized and directed, together with other appropriate agencies of the United States Government, to make a study of all Federal programs primarily designed to benefit Native people and to report back to the Congress with his recommendations for the future management and operation of these programs within three years of the date of enactment of this Act;

(d) no provision of this Act shall constitute a precedent for reopening, renegotiating, or legislating upon any past settlement involving land claims or other matters with any Native organizations, or any tribe, band, or identifiable group of American Indians;

(e) no provision of this Act shall effect a change or changes in the petroleum reserve policy reflected in sections 7421 through 7438 of title 10 of the United States Code except as specifically provided in this Act;

(f) no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, nor to grant implied consent to Natives to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act; and

(g) no provision of this Act shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska. For this purpose only, the terms "Indian reservation" and "trust or restricted Indian-owned land areas" in Public Law 89-136, the Public Works and Economic Development Act of 1965, as amended, shall be interpreted to include lands granted to Natives under this Act as long as such lands remain in the ownership of the Native villages or the Regional Corporations.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary regarding eligibility for enrollment shall be final;

(c) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of this Act, or which meets the requirements of this Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance), composed of twenty-five or more Natives;

(d) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality;

(e) "Public lands" means all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installation, and (2) land selections of the State of Alaska which have been patented or tentatively approved under section 6(g) of the Alaska Statehood Act, as amended (72 Stat. 341, 77 Stat. 223), or identified for selection by the State prior to January 17, 1969;

(f) "State" means the State of Alaska;

(g) "Regional Corporation" means an Alaska Native Regional Corporation established under the laws of the State of Alaska in accordance with the provisions of this Act;

(h) "Person" means any individual, firm, corporation, association, or partnership;

(i) "Municipal Corporation" means any general unit of municipal government under the laws of the State of Alaska;

(j) "Village Corporation" means an Alaska Native Village Corporation organized under the laws of the State of Alaska as a business for profit or nonprofit corporation to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of a Native village in accordance with the terms of this Act.

(k) "Fund" means the Alaska Native Fund in the Treasury of the United States established by section 6; and

(l) "Planning Commission" means the Joint Federal-State Land Use Planning Commission established by section 17.

DECLARATION OF SETTLEMENT

Sec. 4. (a) All prior conveyances of public land and water areas in Alaska, or any interest therein, pursuant to Federal law, and all tentative approvals pursuant to section 6(g) of the Alaska Statehood Act, shall be regarded as an extinguishment of the aboriginal title thereto, if any

(b) All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished.

(c) All claims against the United States, the State, and all other persons that are based on claims of aboriginal right, title, use, or occupancy of land or water areas in Alaska, or that are based on any statute or treaty of the United States relating to Native use and occupancy, or that are based on the laws of any other nation, including any such claims that are pending before any Federal or state court or the Indian Claims Commission, are hereby extinguished.

ENROLLMENT

Sec. 5. (a) The Secretary shall prepare within two years from the date of enactment of this Act a roll of all Natives who were born on or before, and who are living on, the date of enactment of this Act. Any decision of the Secretary regarding eligibility for enrollment shall be final.

(b) The roll prepared by the Secretary shall show for each Native, among other things, the region and the village or other place in which he resided on the date of the 1970 census enumeration, and he shall be enrolled according to such residence. Except as provided in subsection (c), a Native eligible for enrollment who is not, when the roll is prepared, a permanent resident of one of the twelve regions established pursuant to subsection 7(a) shall be enrolled by the Secretary in one of the twelve regions, giving priority in the following order to—

(1) the region where the Native resided on the 1970 census date if he had resided there without substantial interruption for two or more years;

(2) the region where the Native previously resided for an aggregate of ten years or more;

(3) the region where the Native was born; and

(4) the region from which an ancestor of the Native came:

The Secretary may enroll a Native in a different region when necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

(c) A native eligible for enrollment who is eighteen years of age or older and is not a permanent resident of one of the twelve regions may on the date he files an application for enrollment, elect to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, if such region is established pursuant to subsection 7(c). If such region is not established, he shall be enrolled as provided in subsection (b). His election shall apply to all dependent members of his household who are less than eighteen years of age, but shall not affect the enrollment of anyone else.

ALASKA NATIVE FUND

Sec. 6. (a) There is hereby established in the United States Treasury an Alaska Native Fund into which the following moneys shall be deposited:

(1) $462,500,000 from the general fund of the Treasury, which are authorized to be appropriated according to the following schedule:

(A) $12,500,000 during the fiscal year in which this Act becomes effective;

(B) $50,000,000 during the second fiscal year;

(C) $70,000,000 during each of the third, fourth, and fifth fiscal years;

(D) $40,000,000 during the sixth fiscal year; and

(E) $30,000,000 during each of the next five fiscal years.

(2) Four percent interest per annum, which is authorized to be appropriated, on any amount authorized to be appropriated by this paragraph that is not appropriated within six months after the fiscal year in which payable.

(3) $500,000,000 pursuant to the revenue sharing provisions of section 9.

(b) None of the funds paid or distributed pursuant to this section to any of the Regional and Village Corporations established pursuant to this Act shall be expended, donated, or otherwise used for the purpose of carrying on propaganda, or intervening in (including the publishing and distributing of statements) any political campaign on behalf of any candidate for public office. Any person who willfully violates the foregoing provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or imprisoned not more than twelve months, or both.

(c) After completion of the roll prepared pursuant to section 5, all money in the Fund, except money reserved as provided in section 20 for the payment of attorney and other fees, shall be distributed at the end of each three months of the fiscal year among the Regional Corporations organized pursuant to section 7 on the basis of the relative numbers of Natives enrolled in each region. The share of a Regional Corporation that has not been organized shall be retained in the Fund until the Regional Corporation is organized.

REGIONAL CORPORATIONS

Sec. 7. (a) For purposes of this Act, the State of Alaska shall be divided by the Secretary within one year after the date of enactment of this Act into twelve geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, such regions shall approximate the areas covered by the operations of the following existing Native associations:

(1) Arctic Slope Native Association (Barrow, Point Hope);

(2) Bering Straits Association (Seward Peninsula, Unalakleet, Saint Lawrence Island);

(3) Northwest Alaska Native Association (Kotzebue);

(4) Association of Village Council Presidents (southwest coast, all villages in the Bethel area, including all villages on the Lower Yukon River and the Lower Kuskokwim River);

(5) Tanana Chiefs' Conference (Koyukuk, Middle and Upper Yukon Rivers, Upper Kuskokwim, Tanana River);

(6) Cook Inlet Association (Kenai, Tyonek, Eklutna, Iliamna);

(7) Bristol Bay Native Association (Dillingham, Upper Alaska Peninsula);

(8) Aleut League (Aleutian Islands, Pribilof Islands and that part of the Alaska Peninsula which is in the Aleut League);

(9) Chugach Native Association (Cordova, Tatitlek, Port Graham, English Bay, Valdez, and Seward);

(10) Tlingit-Haida Central Council (southeastern Alaska, including Metlakatla);

(11) Kodiak Area Native Association (all villages on and around Kodiak Island); and

(12) Copper River Native Association (Copper Center, Glennallen, Chitina, Mentasta).

Any dispute over the boundaries of a region or regions shall be resolved by a board of arbitrators consisting of one person selected by each of the Native associations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators, such additional person or persons to be selected by the arbitrators selected by the Native associations involved.

(b) The Secretary may, on request made within one year of the date of enactment of this Act, by representative and responsible leaders of the Native associations listed in subsection (a), merge two or more of the twelve regions: *Provided*, That the twelve regions may not be reduced to less than seven, and there may be no fewer than seven Regional Corporations.

(c) If a majority of all eligible Natives eighteen years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 5(c), to be enrolled in a thirteenth region for Natives who are nonresidents of Alaska, the Secretary shall establish such a region for the benefit of the Natives who elected to be enrolled therein, and they may establish a Regional Corporation pursuant to this Act.

(d) Five incorporators within each region, named by the Native association in the region, shall incorporate under the laws of Alaska a Regional Corporation to conduct business for profit, which shall be eligible for the benefits of this Act so long as it is organized and functions in accordance with this Act. The articles of incorporation shall include provisions necessary to carry out the terms of this Act.

(e) The original articles of incorporation and bylaws shall be approved by the Secretary before they are filed, and they shall be submitted for approval within eighteen months after the date of enactment of this Act. The articles of incorporation may not be amended during the Regional Corporation's first five years without the approval of the Secretary. The Secretary may withhold approval under this section if in his judgment inequities among Native individuals or groups of Native individuals would be created.

(f) The management of the Regional Corporation shall be vested in a board of directors, all of whom, with the exception of the initial board, shall be stockholders over the age of eighteen. The number, terms, and method of election of members of the board of directors shall be fixed in the articles of incorporation or bylaws of the Regional Corporation.

(g) The Regional Corporation shall be authorized to issue such number of shares of common stock, divided into such classes of shares as may be specified in the articles of incorporation to reflect the provisions of this Act, as may be needed to issue one hundred shares of stock to each Native enrolled in the region pursuant to section 5.

(h) (1) Except as otherwise provided in paragraph (2) of this subsection, stock issued pursuant to subsection (g) shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, shall permit the holder to receive dividends or other distributions from the Regional Corporation, and shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State of Alaska, except that for a period of twenty years after the date of enactment of this Act the stock, inchoate rights thereto, and any dividends paid or distributions made with respect thereto may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated: *Provided*, That such limitation shall not apply to transfers of stock pursuant to a court decree of separation, divorce or child support.

(2) Upon the death of any stockholder, ownership of such stock shall be transferred in accordance with his last will and testament or under the applicable laws of intestacy, except that (A) during the twenty-year period after the date of enactment of this Act such stock shall carry voting rights only if the holder thereof through inheritance also is a Native, and (B), in the event the deceased stockholder fails to dispose of his stock by will and has no heirs under the applicable laws of intestacy, such stock shall escheat to the Regional Corporation.

(3) On January 1 of the twenty-first year after the year in which this Act is enacted, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued without restrictions required by this Act to each stockholder share for share.

(i) Seventy per centum of all revenues received by each Regional Corporation from the timber resources and subsurface estate patented to it pursuant to this Act shall be divided annually by the Regional Corporation among all twelve Regional Corporations organized pursuant to this section according to the number of Natives enrolled in each region pursuant to section 5. The provisions of this subsection shall not apply to the thirteenth Regional Corporation if organized pursuant to subsection (c) hereof.

(j) During the five years following the enactment of this Act, not less than 10% of all corporate funds received by each of the twelve Regional Corporations under section 6 (Alaska Native Fund), and under subsection (i) (revenues from the timber resources and subsurface estate patented to it pursuant to this Act), and all other net income, shall be distributed among the stockholders of the twelve Regional Corporations. Not less than 45% of funds from such sources during the first five year period, and 50% thereafter, shall be distributed among the Village Corporations in the region and the class of stockholders who are not residents of those villages, as provided in subsection to it. In the case of the thirteenth Regional Corporation, if organized, not less than 50% of all corporate funds received under section 6 shall be distributed to the stockholders.

(k) Funds distributed among the Village Corporations shall be divided among them according to the ratio that the number of shares of stock registered on the books of the Regional Corporation in the names of residents of each village bears to the number of shares of stock registered in the names of residents in all villages.

(l) Funds distributed to a Village Corporation may be withheld until the village has submitted a plan for the use of the money that is satisfactory to the Regional Corporation. The Regional Corporation may require a village plan to provide for joint ventures with other villages, and for joint financing of projects undertaken by the Regional Corporation that will benefit the region generally. In the event of disagreement over the provisions of the plan, the issues in disagreement shall be submitted to arbitration, as shall be provided for in the articles of incorporation of the Regional Corporation.

(m) When funds are distributed among Village Corporations in a region, an amount computed as follows shall be distributed as dividends to the class of stockholders who are not residents of those villages: The amount distributed as dividends shall bear the same ratio to the amount distributed among the Village Corporations that the number of shares of stock registered on the books of the Regional Corporation in the names of nonresidents of villages bears to the number of shares of stock registered in the names of village residents: *Provided*, That an equitable portion of the amount distributed as dividends may be withheld and combined with Village Corporation funds to finance projects that will benefit the region generally.

(n) The Regional Corporation may undertake on behalf of one or more of the Village Corporations in the region any project authorized and financed by them.

(o) The accounts of the Regional Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licenced public accountants, certified or licensed by a regulatory authority of the State or the United States. The audits shall be conducted at the place or places where the accounts of the Regional Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Regional Corporation and necessary to facilitate the audits shall be available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agent, and custodians shall be afforded to such person or persons. Each audit report or a fair and reasonably detailed summary thereof shall be transmitted to each stockholder, to the Secretary of the Interior and to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives.

(p) In the event of any conflict between the provisions of this section and the laws of the State of Alaska, the provisions of this section shall prevail.

(q) Two or more Regional Corporations may contract with the same business management group for investment services and advice regarding the investment of corporate funds.

VILLAGE CORPORATIONS

SEC. 8. (a) The Native residents of each Native village entitled to receive lands and benefits under this Act shall organize as a business for profit or nonprofit corporation under the laws of the State before the Native village may receive patent to lands or benefits under this Act, except as otherwise provided.

(b) The initial articles of incorporation for each Village Corporation shall be subject to the approval of the Regional Corporation for the region in which the village is located. Amendments to the articles of incorporation and the annual budgets of the Village Corporations shall, for a period of five years, be subject to review and approval by the Regional Corporation. The Regional Corporation shall assist and advise Native villages in the preparation of articles of incorporation and other documents necessary to meet the requirements of this subsection.

(c) The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for Regional Corporations in section 7 shall apply to Village Corporations except that audits need not be transmitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives.

REVENUE SHARING

SEC. 9. (a) The provisions of this section shall apply to all minerals that are subject to disposition under the Mineral Leasing Act of 1920, as amended and supplemented.

(b) With respect to conditional leases and sales of minerals heretofore or hereafter made pursuant to section 6(g) of the Alaska Statehood Act, and with respect to mineral leases of the United States that are or may be subsumed by the State under section 6 (h) of the Alaska Statehood Act, until such time as the provisions of subsection (c) become operative the State shall pay into the Alaska Native Fund from the royalties, rentals, and bonuses hereafter received by the State (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under such leases or sales) of such minerals produced or removed from such lands, and (2) 2 per centum of all rentals and bonuses under such leases or sales, excluding bonuses received by the State at the September 1969 sale of minerals from tentatively approved lands and excluding rentals received pursuant to such sale before the date of enactment of this Act. Such payment shall be made within sixty days from the date the revenues are received by the State.

(c) Each patent hereafter issued to the State under the Alaska Statehood Act, including a patent of lands heretofore selected and tentatively approved, shall reserve for the benefit of the Natives, and for payment into the Alaska Native Fund, (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under any disposition by the State) of the minerals thereafter produced or removed from such lands, and (2) 2 per centum of all revenues thereafter derived by the State from rentals and bonuses from the disposition of such minerals.

(d) All bonuses, rentals, and royalties received by the United States after the date of enactment of this Act from the disposition by it of such minerals in public lands in Alaska shall be distributed as provided in the Alaska Statehood Act except that prior to calculating the shares of the State and the United States as set forth in such Act (1) a royalty of 2 per centum upon the gross value of such minerals produced (as such gross value is determined for royalty purposes under the sale or lease), and (2) 2 per centum of all rentals and bonuses shall be deducted and paid into the Alaska Native Fund. The respective shares of the State and the United States shall be calculated on the remaining balance.

(e) The provisions of this section shall be enforceable by the United States for the benefit of the Natives, and in the event of default by the State in making the payments required, in addition to any other remedies provided by law, there shall be deducted annually by the Secretary of the Treasury from any grant-in-aid or from any other sums payable to the State under any provision of Federal law an amount equal to any such underpayment, which amount shall be deposited in the Fund.

(f) Revenues received by the United States or the State as compensation for estimated drainage of oil or gas shall, for the purposes of this section, be regarded as revenues from the disposition of oil and gas. In the event the United States or the State elects to take royalties in kind, there shall be paid into the Fund on account thereof an amount equal to the royalties that would have been paid into the Fund under the provisions of this section had the royalty been taken in cash.

(g) The payments required by this section shall continue only until $500,000,000 have been paid into the Alaska Native Fund. Thereafter the provisions of this section shall not apply, and the reservation required in patents under this section shall be of no further force and effect.

(h) When computing the final payment into the Fund the respective shares of the United States and the State with respect to payments to the Fund required by this section shall be determined pursuant to this subsection and in the following order:

(1) first, from sources identified under subsections (b) and (c) hereof; and

(2) then, from sources identified under subsection (d) hereof.

(i) The provisions of this section do not apply to mineral revenues received from the Outer Continental Shelf.

STATUTE OF LIMITATIONS

SEC. 10 (a) Notwithstanding any other provision of law, any civil action to contest the authority of the United States to legislate on the subject matter or the legality of this Act shall be barred unless the complaint is filed within one year of the date of enactment of this Act, and no such action shall be entertained unless it is commenced by a duly authorized official of the State. Exclusive jurisdiction over such action is hereby vested in the United States District Court for the District of Alaska. The purpose of this limitation on suits is to insure that, after the expiration of a reasonable period of time, the right, title, and interest of the United States, the Natives, and the State of Alaska will rest with certainty and finality and may be relied upon by all other persons in their relations with the State, the Natives, and the United States.

(b) In the event that the State initiates litigation or voluntarily becomes a party to litigation to contest the authority of the United States to legislate on the subject matter or the legality of this Act, all rights of land selection granted to the State by the Alaska Statehood Act shall be suspended as to any public lands which are determined by the Secretary to be potentially valuable for mineral development, timber, or other commercial purposes, and no selections shall be made, no tentative approvals shall be granted, and no patents shall be issued for such lands during the pendency of such litigation. In the event of such suspension, the State's right of land selection pursuant to section 6 of the Alaska Statehood Act shall be extended for a period of time equal to the period of time the selection right was suspended.

WITHDRAWAL OF PUBLIC LANDS

SEC. 11. (a) (1) The following public lands are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

(A) The lands in each township that encloses all or part of any Native village identified pursuant to subsection (b);

(B) The lands in each township that is contiguous to or corners on the township that encloses all or part of such Native village; and

(C) The lands in each township that is contiguous to or corners on a township containing lands withdrawn by paragraph (B) of this subsection.

The following lands are excepted from such withdrawal: lands in the National Park System and lands withdrawn or reserved for national defense purposes other than Naval Petroleum Reserve Numbered 4.

(2) All lands located within the townships described in subsection (a) (1) hereof that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from the creation of third party interests by the State under the Alaska Statehood Act.

(3) (A) If the Secretary determines that the lands withdrawn by subsections (a) (1) and (2) hereof are insufficient to permit a Village or Regional Corporation to select the acreage it is entitled to select, the Secretary shall withdraw three times the deficiency from the nearest unreserved, vacant and unappropriated public lands. In making this withdrawal the Secretary shall, insofar as possible, withdraw public lands of a character similar to those on which the village is located and in order of their proximity to the center of the Native village: *Provided*, That if the Secretary, pursuant to section 17, and 22(e) determines there is a need to expand the boundaries of a National Wildlife Refuge to replace any acreage selected in the Wildlife Refuge System by the Village Corporation the withdrawal under this section shall not include lands in the Refuge.

(B) The Secretary shall make the withdrawal provided for in subsection (3) (A) hereof on the basis of the best available information within sixty days of the date of enactment of this Act, or as soon thereafter as practicable.

(b) (1) The Native villages subject to this Act are as follows:

NAME OF PLACE AND REGION

Afognak, Afognak Island.
Akhiok, Kodiak.
Akiachak, Southwest Coastal Lowland.
Akiak, Southwest Coastal Lowland.
Akutan, Aleutian.
Alakanuk, Southwest Coastal Lowland.
Alatna, Koyukuk-Lower Yukon.
Aleknagik, Bristol Bay.
Allakaket, Koyukuk-Lower Yukon.
Ambler, Bering Strait.
Anakturuk Pass, Arctic Slope.
Andreafsey, Southwest Coastal Lowland.
Aniak, Southwest Coastal Lowland.
Anvik, Koyukuk-Lower Yukon.
Arctic Village, Upper Yukon-Porcupine.
Atka, Aleutian.
Atkasook, Arctic Slope.
Atmautluak, Southwest Coastal Lowland.
Barrow, Arctic Slope.
Bearer, Upper Yukon-Porcupine.
Belkofsky, Aleutian.
Bethel, Southwest Coastal Lowland.
Bill Moore's, Southwest Coastal Lowland.
Biorka, Aleutian.
Birch Creek, Upper Yukon-Porcupine.
Brevig Mission, Bering Strait.
Buckland, Bering Strait.
Candle, Bering Strait.
Cantwell, Tanana.
Canyon Village, Upper Yukon-Porcupine.
Chalkytsik, Upper Yukon-Porcupine.
Chanilut, Southwest Coastal Lowland.
Cherfornak, Southwest Coastal Lowland.
Cherak, Southwest Coastal Lowland.
Chignik, Kodiak.
Chignik Lagoon, Kodiak.
Chignik Lake, Kodiak.
Chistochina, Copper River.
Chitina, Copper River.
Chukwuktoligamute, Southwest Coastal Lowland.
Circle, Upper Yukon-Porcupine.
Clark's Point, Bristol Bay.
Copper Center, Copper River.
Crooked Creek, Upper Kuskokwim.
Deering, Bering Strait.
Dillingham, Bristol Bay.
Dot Lake, Tanana.
Eagle, Upper Yukon-Porcupine.
Eek, Southwest Coastal Lowland.
Egegik, Bristol Bay.
Eklutna, Cook Inlet.
Ekuk, Bristol Bay.
Ekwok, Bristol Bay.
Elim, Bering Strait.
Emmonak, Southwest Costal Lowland.
English Bay, Cook Inlet.
False Pass, Aleutian.
Fort Yukon, Upper Yukon-Porcupine.
Gakona, Copper River.
Galena, Koyukuk-Lower Yukon.
Gambell, Bering Sea.
Georgetown, Upper Kuskokwim.
Golorin, Bering Strait.
Goodnews Bay, Southwest Coastal Lowland.
Grayling, Koyukuk-Lower Yukon.
Gulkana, Copper River.
Hamilton, Southwest Coastal Lowland.
Holy Cross, Koyukuk-Lower Yukon.
Hooper Bay, Southwest Coastal Lowlands.
Hughes, Koyukuk-Lower Yukon.
Huslia, Koyukuk-Lower Yukon.
Igiugig, Bristol Bay.
Illiamna, Cook Inlet.
Inalik, Bering Strait.
Ivanof Bay, Aleutian.
Kaguyak, Kodiak.
Kaktorik, Arctic Slope.
Kalskag, Southwest Coastal Lowland.
Kaltag, Koyukuk-Lower Yukon.
Karluk, Kodiak.
Kasigluk, Southwest Coastal Lowland.
Kiana, Bering Strait.
King Cove, Aleutian.
Kipnuk, Southeast Coastal Lowland.
Kiralina, Bering Strait.
Kobuk, Bering Strait.
Kokhanok, Bristol Bay.
Koliganek, Bristol Bay.
Kongiganak, Southwest Coastal Lowland.
Kotlik, Southwest Coastal Lowland.
Kotzebue, Bering Strait.
Koyuk, Bering Strait.
Koyukuk, Koyukuk-Lower Yukon.
Kwethluk, Southwest Coastal Lowland.
Kwigillingok, Southwest Coastal Lowland.
Larsen Bay, Kodiak.
Levelock, Bristol Bay.
Lime Village, Upper Kuskokwim.
Lower Kalskag, Southwest Coastal Lowland.
McGrath, Upper Kuskokwim.
Makok, Koyukuk-Lower Yukon.
Manley Hot Springs, Tanana.
Monokotak, Bristol Bay.
Marshall, Southwest Coastal Lowland.
Mary's Igloo, Bering Strait.
Medfra, Upper Kuskokwim.
Mekoryuk, Southwest Coastal Lowland.
Mentasta Lake, Copper River.
Minchumina Lake, Upper Kuskokwim.
Minto, Tanana.
Mountain Village, Southwest Coastal Lowland.
Nabesna Village, Tanana.
Naknek, Bristol Bay.
Napaimute, Upper Kuskokwim.
Napakiak, Southwest Coastal Lowland.
Nightmute, Southwest Coastal Lowland.
Nelson Lagoon, Aleutian.
Nenana, Tanana.
Newhalen, Cook Inlet.
New Stuyahok, Bristol Bay.
Newtok, Southwest Coastal Lowland.
Nightmate, Southwest Coastal Lowland.
Nikolai, Upper Kuskokwim.
Nikolski, Aleutian.
Ninilchik, Cook Inlet.
Noatak, Bering Strait.
Nome, Bering Strait.
Nondalton, Cook Inlet.
Nooiksut, Arctic Slope.
Noorvik, Bering Strait.
Northeast Cape, Bering Sea.
Northway, Tanana.
Nulato, Koyukuk-Lower Yukon.
Nunapitchuk, Southwest Coastal Lowland.
Ohogamiut, Southwest Coastal Lowland.
Old Harbor, Kodiak.
Oscarville, Southwest Coastal Lowland.
Ouzinkie, Kodiak.
Paradise, Noyukuk-Lower Yukon.
Pauloff Harbor, Aleutian.
Pedro Bay, Cook Inlet.
Perryville, Kodiak.
Pilot Point, Bristol Bay.
Pilot Station, Southwest Coastal Lowland.
Pitkas Point, Southwest Coastal Lowland.
Platinum, Southwest Coastal Lowland.
Point Hope, Arctic Slope.
Point Lay, Arctic Slope.
Portage Creek (Ohgsenakale), Bristol Bay.
Port Graham, Cook Inlet.
Port Heiden (Meshick), Aleutian.
Port Lions, Kodiak.
Quinhagak, Southwest Coastal Lowland.
Rampart, Upper Yukon-Porcupine.
Red Devil, Upper Kuskokwim.
Ruby, Koyukuk-Lower Yukon.

Russian Mission or Chauthalue (Kuskokwim), Upper Kuskokwim.
Russian Mission (Yukon), Southwest Coastal Lowland.
St. George, Aleutian.
St. Mary's, Southwest Coastal Lowland.
St. Michael, Bering Strait.
St. Paul, Aleutian.
Salamatof, Cook Inlet.
Sand Point, Aleutian.
Savonoski, Bristol Bay.
Savoonga, Bering Sea.
Scammon Bay, Southwest Coastal Lowland.
Selawik, Bering Strait.
Seldovia, Cook Inlet.
Shageluk, Koyukuk-Lower Yukon.
Shaktoolik, Bering Strait.
Sheldon's Point, Southwest Coastal Lowland.
Shishmaref, Bering Strait.
Shungnak, Bering Strait.
Slana, Copper River.
Sleetmute, Upper Kuskokwim.
South Naknek, Bristol Bay.
Squaw Harbor, Aleutian.
Stebbins, Bering Strait.
Stevens Village, Upper Yukon-Porcupine.
Stony River, Upper Kuskokwim.
Takotna, Upper Kuskokwim.
Tanacross, Tanana.
Tanana, Koyukuk-Lower Yukon.
Tatilek, Chugach.
Tazlina, Copper River.
Telida, Upper Kuskokwim.
Teller, Bering Strait.
Tetlin, Tanana.
Togiak, Bristol Bay.
Toksook Bay, Southwest Coastal Lowland.
Tulusak, Southwest Coastal Lowland.
Tuntutuliak, Southwest Coastal Lowland.
Tununak, Southwest Coastal Lowland.
Twin Hills, Bristol Bay.
Tyonek, Cook Inlet.
Ugashik, Bristol Bay.
Unalakleet, Bering Strait.
Unalaska, Aleutian.
Unga, Aleutian.
Uyak, Kodiak.
Venetie, Upper Yukon-Porcupine.
Wainwright, Arctic Slope.
Wales, Bering Strait.
White Mountain, Bering Strait.

(2) Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b) (1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(A) less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; or,

(B) the village is of a modern and urban character, and the majority of the residents are non-Native.

Any Native group made ineligible by this subsection shall be considered under subsection 14(h).

(3) Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

NATIVE LAND SELECTIONS

Sec. 12(a) (1). During a period of three years from the date of enactment of this Act, the Village Corporation for each Native village identified pursuant to section 11 shall select, in accordance with rules established by the Secretary, all of the township or townships in which any part of the village is located, plus an area that will make the total selection equal to the acreage to which the village is entitled under section 14. The selection shall be made from lands withdrawn by subsection 11(a): *Provided,* That no Village Corporation may select more than 69,120 acres from lands withdrawn by subsection 11(a) (2), and not more than 69,120 acres from the National Wildlife Refuge System, and not more than 69,120 acres in a National Forest: *Provided further,* That when a Village Corporation selects the surface estate to lands within the National Wildlife Refuge System or Naval Petroleum Reserve Numbered 4, the Regional Corporation for that region may select the subsurface estate in an equal acreage from other lands withdrawn by subsection 11(a) within the region, if possible.

(2) Selections made under this subsection (a) shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections, wherever feasible, in units of not less than 1,280 acres.

(b) The difference between twenty-two million acres and the total acreage selected by Village Corporations pursuant to subsection (a) shall be allocated by the Secretary among the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) on the basis of the number of Natives enrolled in each region. Each Regional Corporation shall reallocate such acreage among the Native villages within the region on an equitable basis after considering historic use, subsistence needs, and population. The action of the Secretary or the Corporation shall not be subject to judicial review. Each Village Corporation shall select the acreage allocated to it from the lands withdrawn by subsection 11(a).

(c) The difference between thirty-eight million acres and the 22 million acres selected by Village Corporations pursuant to subsections (a) and (b) shall be allocated among the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) as follows:

(1) The number of acres each Regional Corporation is entitled to receive shall be computed (A) by determining on the basis of available data the percentage of all land in Alaska (excluding the southeastern region) that is within each of the eleven regions, (B) by applying that percentage to thirty-eight million acres reduced by the acreage in the southeastern region that is to be selected pursuant to section 16, and (C) by deducting from the figure so computed the number of acres within that region selected pursuant to subsections (a) and (b).

(2) In the event that the total number of acres selected within a region pursuant to subsections (a) and (b) exceeds the percentage of the reduced thirty-eight million acres allotted to that region pursuant to subsection (c) (1) (B), that region shall not be entitled to receive any lands under this subsection (c). For each region so affected the difference between the acreage calculated pursuant to subsection (c) (1) (B) and the average selected pursuant to subsections (a) and (b) shall be deducted from the acreage calculated under subsection (c) (1) (C) for the remaining regions which will select lands under this subsection (c). The reductions shall be apportioned among the remaining regions so that each region's share of the total reduction bears the same proportion to the total reduction as the total land area in that region (as calculated pursuant to subsection (c) (1) (A)) bears to the total land area in all of the regions whose allotments are to be reduced pursuant to this paragraph.

(3) Before the end of the fourth year after the date of enactment of this Act, each Regional Corporation shall select the acreage allocated to it from the lands within the region withdrawn pursuant to subsection 11(a) (1), and from the lands within the region withdrawn pursuant to subsection 11(a) (3) to the extent lands withdrawn pursuant to subsection 11(a) (1) are not sufficient to satisfy its allocation: *Provided,* That within the lands withdrawn by subsection 11(a) (1) the Regional Corporation may select only even numbered townships in even numbered ranges, and only odd numbered townships in odd numbered ranges.

(d) To insure that the Village Corporation for the Native village at Dutch Harbor, if found eligible for land grants under this Act, has a full opportunity to select lands within and near the village, no federally owned lands, whether improved or not, shall be disposed of pursuant to the Federal surplus property disposal laws for a period of two years from the date of enactment of this Act. The Village Corporation may select such lands and improvements and receive patent to them pursuant to subsection 14(a) of this Act.

(e) Any dispute over the land selection rights and the boundaries of Village Corporations shall be resolved by a board of arbitrators consisting of one person selected by each of the Village Corporations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators, such additional person or persons to be selected by the arbitrators selected by the Village Corporations.

SURVEYS

SEC. 13(a). The Secretary shall survey the areas selected or designated for conveyance to Village Corporations pursuant to the provisions of this Act. He shall monument only exterior boundaries of the selected or designated areas at angle points and at intervals of approximately two miles on straight lines. No ground survey or monumentation will be required along meanderable water boundaries. He shall survey within the areas selected or designated land occupied as a primary place of residence, as a primary place of business, and for other purposes, and any other land to be patented under this Act.

(b) All withdrawals, selections, and conveyances pursuant to this Act shall be as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the Bureau of the State where protraction diagrams of the Bureau of Land Management are not available, and shall conform as nearly as practicable to the United States Land Survey System.

CONVEYANCE OF LANDS

Sec. 14. (a) Immediately after selection by a Village Corporation for a Native village listed in section 11 which the Secretary finds is qualified for land benefits under this Act, the Secretary shall issue to the Village Corporation a patent to the surface estate in the number of acres shown in the following table:

If the village had on the 1970 census enumeration date a Native population between—

It shall be entitled to a patent to an area of public lands equal to—

	Acres
25 and 99	69, 120
100 and 199	92, 160
200 and 399	115, 200
400 and 599	138, 240
600 or more	161, 280

The lands patented shall be those selected by the Village Corporation pursuant to subsection 12(a). In addition, the Secretary shall issue to the Village Corporation a patent to the surface estate in the lands selected pursuant to subsection 12(b).

(b) Immediately after selection by any Village Corporation for a Native village listed in section 16 which the Secretary finds is qualified for land benefits under this Act, the Secretary shall issue to the Village Corporation a patent to the surface estate to 23,040 acres. The lands patented shall be the lands within the township or townships that enclose the Native village, and any additional lands selected by the Village Corporation from the surrounding townships withdrawn for the Native village by subsection 16(a).

(c) Each patent issued pursuant to subsections (a) and (b) shall be subject to the requirements of this subsection. Upon receipt of a patent or patents:

(1) the Village Corporation shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied as a primary place of residence, or as a primary place of business, or as a subsistence campsite, or as headquarters for reindeer husbandry;

(2) the Village Corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvements thereon, title to the surface estate in any tract occupied by a nonprofit organization:

(3) the Village Corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs: *Provided*, That the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres;

(4) the Village Corporation shall convey to the Federal Government, State or to the appropriate Municipal Corporation, title to the surface estate for existing airport sites, airway beacons, and other navigation aids, together with such additional acreage and/or easements as are necessary to provide related services and to insure safe approaches to airport runways; and

(5) for a period of ten years after the date of enactment of this Act, the Regional Corporation shall be afforded the opportunity to review and render advice to the Village Corporations on all land sales, leases or other transactions prior to any final commitment.

(d) The Secretary may apply the rule of approximation with respect to the acreage limitations contained in this section.

(e) Immediately after selection by a Regional Corporation, the Secretary shall convey to the Regional Corporation title to the surface and/or the subsurface estates, as is appropriate, in the lands selected.

(f) When the Secretary issues a patent to a Village Corporation for the surface estate in lands pursuant to subsections (a) and (b), he shall issue to the Regional Corporation for the region in which the lands are located a patent to the subsurface estate in such lands, except lands located in the National Wildlife Refuge System and lands withdrawn or reserved for national defense purposes, including Naval Petroleum Reserve Numbered 4, for which in lieu rights are provided for in subsection 12(a)(1): ***Provided*,** That the right to explore, develop, or remove minerals from the subsurface estate in the lands within the boundaries of any Native village shall be subject to the consent of the Village Corporation.

(g) All conveyances made pursuant to this Act shall be subject to valid existing rights. Where, prior to patent of any land or minerals under this Act, a lease, contract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Alaska Statehood Act) has been issued for the surface or minerals covered under such patent, the patent shall contain provisions making it subject to the lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Upon issuance of the patent, the patentee shall succeed and become entitled to any and all interests of the State or the United States as lessor, contractor, permittor, or grantor, in any such leases, contracts, permits, rights-of-way, or easements covering the estate patented, and a lease issued under section 6(g) of the Alaska Statehood Act shall be treated for all purposes as though the patent had been issued to the State. The administration of such lease, contract, permit, right-of-way, or easement shall continue to be by the State or the United States, unless the agency responsible for administration waives administration. In the event that the patent does not cover all of the land embraced within any such lease, contract, permit, right-of-way, or easement, the patentee shall only be entitled to the proportionate amount of the revenues reserved under such lease, contract, permit, right-of-way, or easement by the State or the United States which results from multiplying the total of such revenues by a fraction in which the numerator is the acreage of such lease, contract, permit, the right-of-way, or easement which is included in the patent and the denominator is the total acreage contained in such lease, contract, permit, right-of-way, or easement.

(h) The Secretary is authorized to withdraw and convey 2 million acres of unreserved and unappropriated public lands located outside the areas withdrawn by sections 11 and 16, and follows:

(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places;

(2) The Secretary may withdraw and convey to a Native group that does not qualify as a Native village, if it incorporates under the laws of Alaska, title to the surface estate in not more than 23,040 acres surrounding the Native group's locality. The subsurface estate in such land shall be conveyed to the appropriate Regional Corporation;

(3) The Secretary may withdraw and convey to the Natives residing in Sitka, Kenai, Juneau, and Kodiak, if they incorporate under the laws of Alaska, the surface estate of lands of a similar character in not more than 23,040 acres of land, which shall be located in reasonable proximity to the municipalities. The subsurface estate in such lands shall be conveyed to the appropriate Regional Corporation unless the lands are located in a Wildlife Refuge;

(4) The Secretary shall withdraw only such lands surrounding the villages and municipalities as are necessary to permit the conveyance authorized by paragraphs (2) and (3) to be planned and effected;

(5) The Secretary may convey to a Native, upon application within two years from the date of enactment of this Act the surface estate in not to exceed 160 acres of land occupied by the Native as a primary place of residence on August 31, 1971. Determination of occupancy shall be made by the Secretary, whose decision shall be final. The subsurface estate in such lands shall be conveyed to the appropriate Regional Corporations;

(6) The Secretary shall charge against the 2 million acres authorized to be conveyed by this section all allotments approved pursuant to section 18 during the four years following the date of enactment of this Act;

(7) The Secretary may withdraw and convey lands out of the National Wildlife Refuge System and out of the National Forests, for the purposes set forth in subsections (h), (1), (2), (3), and (5); and

(8) Any portion of the 2 million acres not conveyed by this subsection shall be allocated and conveyed to the Regional Corporations on the basis of population.

TIMBER SALE CONTRACTS

SEC. 15. Notwithstanding the provisions of existing National Forest timber sale contracts that are directly affected by conveyances authorized by this Act, the Secretary of Agriculture is authorized to modify any such contract, with the consent of the purchaser, by substituting, to the extent practicable, timber on other national forest lands approximately equal in volume, species, grade, and accessibility for timber standing on any land affected by such conveyances, and, on request of the appropriate Village Corporation the Secretary of Agriculture is directed to make such substitution to the extent it is permitted by the timber sale contract without the consent of the purchaser.

THE TLINGIT-HAIDA SETTLEMENT

Sec. 16. (a) All public lands in each township that encloses all or any part of a Native village listed below, and in each township that is contiguous to or corners on such township, except lands withdrawn or reserved for national defense purposes, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

Angoon, Southeast.
Craig, Southeast.
Hoonah, Southeast.
Hydaburg, Southeast.
Kake, Southeast.
Kasaan, Southeast.
Klawock, Southeast.
Klukwan, Southeast.
Saxman, Southeast.
Yakutat, Southeast.

(b) During a period of three years from the date of enactment of this Act, each Village Corporation for the villages listed in subsection (a) shall select, in accordance with rules established by the Secretary, an area equal to 23,040 acres, which must include the township or townships in which all or part of the Native village is located, plus, to the extent necessary, withdrawn lands from the townships that are contiguous to or corner on such township. All selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of water, and shall conform as nearly as practicable to the United States Lands Survey System.

(c) The funds appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case of The Tlingit and Haida Indians of Alaska, et al. against The United States, numbered 47,900, and distributed to the Tlingit and Haida Indians pursuant to the Act of July 13, 1970 (84 Stat. 431), are in lieu of the additional acreage to be conveyed to qualified villages listed in section 11.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

SEC. 17. (a) (1) There is hereby established the Joint Federal-State Land Use Planning Commission for Alaska. The Planning Commission shall be composed of ten members as follows:

(A) The Governor of the State (or his designate) and four members who shall be appointed by the Governor. During the Planning Commission's existence at least one member appointed by the Governor shall be a Native as defined by this Act.

(B) One member appointed by the President of the United States with the advice and consent of the Senate, and four members who shall be appointed by the Secretary of the Interior.

(2) The Governor of the State and the member appointed by the President pursuant to subsection (a) (1) (B), shall serve as cochairmen of the Planning Commission. The initial meeting of the Commission shall be called by the cochairmen. All decisions of the Commission shall require the concurrence of the cochairmen.

(3) Six members of the Planning Commission shall constitute a quorum. Members shall serve at the pleasure of the appointing authority. A vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) (A) Except to the extent otherwise provided in subparagraph (B) of this subsection, members of the Planning Commission shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(B) Any member of the Planning Commission who is designated or appointed from the Government of the United States or from the Government of the State shall serve without compensation in addition to that received in his regular employment. The member of the Commission appointed by the President pursuant to subsection (a) (1) (B) shall be compensated as provided by the President at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code.

(5) Subject to such rules and regulations as may be adopted by the Planning Commission, the cochairmen, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(A) to appoint and fix the compensation of such staff personnel as they deem necessary, and

(B) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(6) (A) The Planning Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence, print or otherwise reproduce and distribute so much of its proceedings and reports thereon, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable.

(B) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by a cochairman, such information as the Commission deems necessary to carry out its functions under this section.

(7) The Planning Commission shall—

(A) undertake a process of land-use planning, including the identification of and the making of recommendations concerning areas planned and best suited for permanent reservation in Federal ownership as parks, game refuges, and other public uses, areas of Federal and State lands to be made available for disposal, and uses to be made of lands remaining in Federal and State ownership;

(B) make recommendations with respect to proposed land selections by the State under the Alaska Statehood Act and by Village and Regional Corporations under this Act;

(C) be available to advise upon and assist in the development and review of land-use plans for lands selected by the Native Village and Regional Corporations under this Act and by the State under the Alaska Statehood Act;

(D) review existing withdrawals of Federal public lands and recommend to the President of the United States such additions to or modifications of withdrawals as are deemed desirable;

(E) establish procedures, including public hearings. for obtaining public views on the land-use planning programs of the State and Federal Governments for lands under their administration;

(F) establish a committee of land-use advisers to the Commission. made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Alaska Natives, and other citizens;

(G) make recommendations to the President of the United States and the Governor of Alaska as to programs and budgets of the Federal and State agencies responsible for the administration of Federal and State lands;

(II) make recommendations from time to time to the President of the United States Congress, and the Governor and legislature of the State as to changes in laws, policies, and programs that the Planning Commission determines are necessary or desirable;

(I) make recommendations to insure that economic growth and development is orderly, planned and compatible with State and national environmental objectives, the public interest in the public lands, parks, forests, and wildlife refuges in Alaska, and the economic and social well-being of the Native people and other residents of Alaska;

(J) make recommendations to improve coordination and consultation between the State and Federal Governments in making resource allocation and land use decisions; and

(K) make recommendations on ways to avoid conflict between the State and the Native people in the selection of public lands.

(8) (A) On or before January 31 of each year, the Planning Commission shall submit to the President of the United States, the Congress, and the Governor and legislature of the State a written report with respect to its activities during the preceding calendar year.

(B) The Planning Commission shall keep and maintain accurate and complete records of its activities and transactions in carrying out its duties under this Act, and such records shall be available for public inspection.

(C) The principal office of the Planning Commission shall be located in the State.

(9) (A) The United States shall be responsible for paying for any fiscal year only 50 per centum of the costs of carrying out subsections (a) and (b) for such fiscal year.

(B) For the purpose of meeting the responsibility of the United States in carrying out the provisions of this section, there is authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year.

(10) On or before May 20, 1976, the Planning Commission shall submit its final report to the President of the United States, the Congress, and the Governor and Legislature of the State with respect to its planning and other activities under this Act, together with its recommendations for programs or other actions which it determines should be taken or carried out by the United States and the State. The Commission shall cease to exist effective December 31, 1976.

(b) (1) The Planning Commission shall identify public easements across lands selected by Village Corporations and the Regional Corporations and at periodic points along the courses of major waterways which are reasonably necessary to guarantee international treaty obligations, a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as the Planning Commission determines to be important.

(2) In identifying public easements the Planning Commission shall consult with appropriate State and Federal agencies, shall review proposed transportation plans, and shall receive and review statements and recommendations from interested organizations and individuals on the need for and proposed location of public easements: *Provided*, That any valid existing right recognized by this Act shall continue to have whatever right of access as is now provided for under existing law and this subsection shall not operate in any way to diminish or limit such right of access.

(3) Prior to granting any patent under this Act to the Village Corporation and Regional Corporations, the Secretary shall consult with the State and the Planning Commission and shall reserve such public easements as he determines are necessary.

(c) In the event that the Secretary withdraws a utility and transportation corridor across public lands in Alaska pursuant to his existing authority, the State, the Village Corporations and the Regional Corporations shall not be permitted to select lands from the area withdrawn.

(d) (1) Public Land Order Numbered 4582, 34 Federal Register 1025, as amended, is hereby revoked. For a period of ninety days after the date of enactment of this Act all unreserved public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining (except locations for metalliferous minerals) and the mineral leasing laws. During this period of time the Secretary shall review the public lands in Alaska and determine whether any portion of these lands should be withdrawn under authority provided for in existing law to insure that the public interest in these lands is properly protected. Any further withdrawal shall require an affirmative act by the Secretary under his existing authority, and the Secretary is authorized to classify or reclassify any lands so withdrawn and to open such lands to appropriation under the public land laws in accord with his classifications. Withdrawals pursuant to this paragraph shall not affect the authority of the Village Corporations, the Regional Corporations, and the State to make selections and obtain patents within the areas withdrawn pursuant to section 11.

(2) (A) The Secretary, acting under authority provided for in existing law, is directed to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, and from selection by Regional Corporations pursuant to section 11, up to, but not to exceed, eighty million acres of unreserved public lands in the State of Alaska, including previously classified lands, which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest Wildlife Refuge, and Wild and Scenic Rivers Systems: *Provided*, That such withdrawals shall not affect the authority of the State and the Regional and Village Corporations to make selections and obtain patents within the areas withdrawn pursuant to section 11.

(B) Lands withdrawn pursuant to paragraph (A) hereof must be withdrawn within nine months of the date of enactment of this Act. All unreserved public lands not withdrawn under paragraph (A) or subsection 17 (d) (1) shall be available for selection by the State and for appropriation under the public land laws.

(C) Every six months, for a period of two years from the date of enactment of this Act, the Secretary shall advise the Congress of the location, size and values of lands withdrawn pursuant to paragraph (A) and submit his recommendations with respect to such lands. Any lands withdrawn pursuant to paragraph (A) not recommended for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems at the end of the two years shall be available for selection by the State and the Regional Corporations, and for appropriation under the public land laws.

(D) Areas recommended by the Secretary pursuant to paragraph (C) shall remain withdrawn from any appropriation under the public land laws until such time as the Congress acts on the Secretary's recommendations, but not to exceed five years from the recommendation dates. The withdrawal of areas not so recommended shall terminate at the end of the two year period.

(E) Notwithstanding any other provision of this subsection, initial identification of lands desired to be selected by the State pursuant to the Alaska Statehood Act and by the Regional Corporations, pursuant to section 12 of this Act may be made within any area withdrawn pursuant to this subsection (d), but such lands shall not be tentatively approved or patented so long as the withdrawals of such areas remain in effect: *Provided*, That selection of lands by Village Corporations pursuant to section 12 of this Act shall not be affected by such withdrawals and such lands selected may be patented and such rights granted as authorized by this Act. In the event Congress enacts legislation setting aside any areas withdrawn under the provisions of this subsection which the Regional Corporations or the State desired to select, then other unreserved public lands shall be made available for alternative selection by the Regional Corporations and the State. Any time periods established by law for Regional Corporations or State selections are hereby extended to the extent that delays are caused by compliance with the provisions of this subsection (2).

(3) Any lands withdrawn under this section shall be subject to administration by the Secretary under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal.

REVOCATION OF INDIAN ALLOTMENT AUTHORITY IN ALASKA

SEC. 18. (a) No Native covered by the provisions of this Act, and no descendant of his, may hereafter avail himself of an allotment under the provisions of the Act of February 8, 1887 (24 Stat. 389), as amended and supplemented, or the Act of June 25, 1910 (36 Stat. 363). Further, the Act of May 17, 1906 (34 Stat. 197), as amended, is hereby repealed. Notwithstanding the foregoing provisions of this section, any application for an allotment that is pending before the Department of the Interior on the date of enactment of this Act may, at the option of the Native applicant, be approved and a patent issued in accordance with said 1887, 1910, or 1906 Act, as the case may be, in which event the Native shall not be eligible for a patent under subsection 14(h) (5) of this Act.

(b) Any allotments approved pursuant to this section during the four years following enactment of this Act shall be charged against the two million acre grant provided for in subsection 14(h).

REVOCATION OF RESERVATIONS

SEC. 19. (a) Notwithstanding any other provision of law, and except where inconsistent with the provisions of this Act, the various reserves set aside by legislation or by Executive or Secretarial Order for Native allowed shall not be controlled by any hourly charge customarily charged by the claimant.

(3) The amount allowed for out-of-pocket expenses shall not include office overhead, and shall be limited to expenses that were necessary, reasonable, unreimbursed and actually incurred.

(4) The amounts allowed for services rendered shall not exceed in the aggregate $2,000,000, of which not more than $100,000 shall be available for the payment of consultants' fees. If the approved claims exceed the aggregate amounts allowable, the Chief Commissioner shall authorize payment of the claims on a pro rata basis.

(5) Upon the filing of a claim, the clerk of the Court of Claims shall forward a copy of such claims to the individuals or entities on whose behalf services were rendered or fees and expenses were allegedly incurred, as shown by the pleadings, to the Attorney General of the United States, to the Attorney General of the State of Alaska, to the Secretary of the Interior, and to any other person who appears to have an interest in the claim, and shall give such persons ninety days within which to file an answer contesting the claim.

(6) The Chief Commissioner may designate a trial commissioner for any claim made under this section and a panel of three commissioners of the court to serve as a reviewing body. One member of the review panel shall be designated as presiding commissioner of the panel.

(7) Proceedings in all claims shall be pursuant to rules and orders prescribed for the purpose by the Chief Commissioner who is hereby authorized and directed to require the application of the pertinent rules of practice of the Court of Claims insofar as feasible. Claimants may appear before a trial commissioner in person or by attorney, and may produce evidence and examine witnesses. In the discretion of the Chief Commissioner or his designate, hearings may be held in the localities where the claimants reside if convenience so demands.

(8) Each trial commissioner and each review panel shall have authority to do and perform any acts which may be necessary or proper for the efficient performance of their duties, and shall have the power of subpena, the power to order audit of books and records, and the power to administer oaths and affirmations. Any sanction authorized by the rules of practice of the Court of Claims, except contempt, may be imposed on any claimant, witness, or attorney by the trial commissioner, review panel, or Chief Commissioner. None of the rules, regulations, rulings, findings, or conclusions authorized by this section shall be subject to judicial review.

(9) The findings and conclusions of the trial commissioner shall be submitted by him, together with the record in the case, to the review panel of commissioners for review by it pursuant to such rules as may be provided for the purpose, which shall include provision for submitting the decision of the trial commissioner to the claimant and any party contesting the claim for consideration, exception, and argument before the panel. The panel, by majority vote, shall adopt or modify the findings or the conclusions of the trial commissioner.

(10) The Court of Claims is hereby authorized and directed, under such conditions as it may prescribe, to provide the facilities and services of the office of the clerk of the court for the filing, processing, hearing, and dispatch of claims made pursuant to this section and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitations to the items herein listed) the salaries and traveling expenses of its auditors and the commissioners serving as trial commissioners and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries, reporters, auditors, and law clerks).

(e) The Chief Commissioner shall certify to the Secretary of the Treasury, and report to the Congress, the amount of each claim allowed and the name and address of the claimant. The Secretary of the Treasury shall pay to such person from the Alaska Native Fund the amounts certified. No award under this section shall bear interest.

(f) (1) No remuneration on account of any services or expenses for which a claim is made or could be made pursuant to this section shall be received by any person for such services and expenses in addition to the amount paid in accordance with this section, and any contract or agreement to the contrary shall be void.

(2) Any person who receives, and any corporation or association official who pays, on account of such services and expenses, any remuneration in addition to the amount allowed in accordance with this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than twelve months, or both.

(g) A claim for actual costs incurred in filing protests, preserving land claims, advancing land claims settlement legislation, and presenting testimony to the Congress on proposed Native land claims may be submitted to the Chief Commissioner of the Court of Claims by any bona fide association of Natives. The claim must be submitted within six months from the date of enactment of this Act, and shall be in such form and contain such information as the Chief Commissioner shall prescribe. The Chief Commissioner shall allow such amounts as he determines are reasonable, but he shall allow no amount for attorney and consultant fees and expenses which shall be compensable solely under subsection (b) through (e). If approved claims under this subsection aggregate more than $600,000, each claim shall be reduced on a pro rata basis. The Chief Commissioner shall certify to the Secretary of the Treasury, and report to the Congress, the amount of each claim allowed and the name and address of the claimant. The Secretary of the Treasury shall pay to such claimant from the Alaska Native Fund the amount certified. No award under this subsection shall bear interest.

TAXATION

SEC. 21. (a) Revenues originating from the Alaska Native Fund shall not be subject to any form of Federal, State, or local taxation at the time of receipt by a Regional Corporation, Village Corporation, or individual Native through dividend distributions or in any other manner. This exemption shall not apply to income from the investment of such revenues.

(b) The receipt of shares of stock in the Regional or Village Corporations by or on behalf of any Native shall not be subject to any form of Federal, State or local taxation.

(c) The receipt of land or any interest therein pursuant to this Act or of cash in order to equalize the values of properties exchanged pursuant to subsection 22(f) shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or other disposition of such land or interest in land for purposes of any Federal, State or local tax imposed on or measured by income shall be the fair value of such land or interest in land at the time of receipt.

(d) Real property interests conveyed, pursuant to this Act, to a Native individual, Native group, or Village or Regional Corporation which are not developed or leased to third parties, shall be exempt from State and local real property taxes for a period of twenty years after the date of enactment of this Act: *Provided,* That municipal taxes, local real property taxes, or local assessments may be imposed upon leased or developed real property within the jurisdiction of any governmental unit under the laws of the State: *Provided further,* That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

(e) Real property interests conveyed pursuant to this Act to a Native individual, Native group, or Village or Regional Corporation shall, so long as the fee therein remains not subject to State or local taxes on real estate, continue to be regarded as public lands for the purpose of computing the Federal share of any highway project pursuant to title 23 of the United States Code, as amended and supplemented, for the purpose of the Johnson-O'Malley Act of April 16, 1934, as amended (25 U.S.C. 45a), and for the purpose of Public Laws 815 and 874, 81st Congress (64 Stat. 967, 1100), and so long as there are also no substantial revenues from such lands, continue to receive forest fire protection services from the United States at no cost.

MISCELLANEOUS

Sec. 22. (a) None of the revenues granted by section 6, and none of the lands granted by this Act to the Regional and Village Corporation and to Native groups and individuals shall be subject to any contract which is based on a percentage fee of the value of all or some portion of the settlement granted by this Act. Any such contract shall not be enforceable against any Native as defined by this Act or any Regional or Village Corporation and the revenues and lands granted by this Act shall not be subject to lien, execution or judgment to fulfill such a contract.

(b) The Secretary is directed to promptly issue patents to all persons who have made a lawful entry on the public lands in compliance with the public land laws for the purpose of gaining title to homesteads, headquarters sites, trade and manufacturing sites, or small tract sites (43 U.S.C. 682), and who have fulfilled all requirements of the law prerequisite to obtaining a patent. Any person who has made a lawful entry prior to August 31, 1971, for any of the foregoing purposes shall be protected in his right of use and occupancy until all the requirements of law for a patent have been met even though the lands involved have been reserved or withdrawn in accordance with Public Land Order 4582, as amended, or the withdrawal provisions of this Act. *Provided,* That occupancy must have been maintained in accordance with the appropriate public land laws: *Provided further,* That any person who entered on public lands in violation of Public Land Order 4582, as amended, shall gain no rights.

(c) On any lands conveyed to Village and Regional Corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location under the general mining laws and recorded notice of said location with the appropriate State or local office shall be protected in his possessory rights, if all requirements of the general mining laws are complied with, for a period of five years and may, if all requirements of the general mining laws are complied with, proceed to patent.

(d) The provisions of Revised Statute 452 (43 U.S.C. 11) shall not apply to any land grants or other rights granted under this Act.

(e) If land within the National Wildlife Refuge System is selected by a Village Corporation pursuant to the provisions of this Act, the secretary shall add to the Refuge System other public lands in the State to replace the lands selected by the Village Corporation.

(f) The Secretary, the Secretary of Defense, and the Secretary of Agriculture are authorized to exchange any lands or interests therein in Alaska under their jurisdiction for lands or interests therein of the Village Corporations, Regional Corporations, individuals, or the State for the purpose of effecting land consolidations or to facilitate the management or development of the land. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged.

(g) If a patent is issued to any Village Corporation for land in the National Wildlife Refuge System, the patent shall reserve to the United States the right of first refusal if the land is ever sold by the Village Corporation. Notwithstanding any other provision of this Act, every patent issued by the Secretary pursuant to this Act—which covers lands lying within the boundaries of a National Wildlife Refuge on the date of enactment of this Act shall contain a provision that such lands remain subject to the laws and regulations governing use and development of such Refuge.

(h) (1) All withdrawals made under this Act, except as otherwise provided in this subsection, shall terminate within four years of the date of enactment of this Act: *Provided,* That any lands selected by Village or Regional Corporations or by a Native group under section 12 shall remain withdrawn until conveyed pursuant to section 14.

(2) The withdrawal of lands made by subsection 11(a) (2) and section 16 shall terminate three years from the date of enactment of this Act.

(3) The provisions of this section shall not apply to any withdrawals made under section 17 of this Act.

(4) The Secretary is authorized to terminate any withdrawal made by or pursuant to this Act whenever he determines that the withdrawal is no longer necessary to accomplish the purposes of this Act.

(i) Prior to a conveyance pursuant to section 14, lands withdrawn by or pursuant to sections 11, 14, and 16 shall be subject to administration by the Secretary, or by the Secretary of Agriculture in the case of National Forest lands, under applicable laws and regulations, and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal.

(j) In any area of Alaska for which protraction diagrams of the Bureau of Land Management or the State do not exist, or which does not conform to the United States Land Survey System, or which has not been surveyed in a manner adequate to withdraw and grant the lands provided for under this Act, the Secretary shall take such actions as are necessary to accomplish the purposes of this Act, and the deeds granted shall note that upon completion of an adequate survey appropriate adjustments will be made to insure that the beneficiaries of the land grants receive their full entitlement.

(k) Any patents to lands under this Act which are located within the boundaries of a national forest shall contain such conditions as the Secretary deems necessary to assure that:

(1) the sale of any timber from such lands shall, for a period of five years, be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and

(2) such lands are managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands for a period of twelve years.

(l) Notwithstanding any provision of this Act, no Village or Regional Corporation shall select lands which are within two miles from the boundary, as it exists on the date of enactment of this Act, of any home rule or first class city (excluding borough) or which are within six miles from the boundary of Ketchikan.

REVIEW BY CONGRESS

SEC. 23. The Secretary shall submit to the Congress annual reports on implementation of this Act. Such reports shall be filed by the Secretary annually until 1984. At the beginning of the first session of Congress in 1985 the Secretary shall submit, through the President, a report of the status of the Natives and Native groups in Alaska, and a summary of actions taken under this Act, together with such recommendations as may be appropriate.

APPROPRIATIONS

SEC. 24. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

PUBLICATION

SEC. 25. The Secretary is authorized to issue and publish in the Federal Register, pursuant to the Administrative Procedure Act, such regulations as may be necessary to carry out the purposes of this Act.

SAVING CLAUSE

SEC. 26. To the extent that there is a conflict between any provision of this Act and any other Federal laws applicable to Alaska, the provisions of this Act shall govern.

SEPARABILITY

SEC. 27. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

And the Senate agree to the same.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
MORRIS UDALL,
LLOYD MEEDS,
NICK BEGICH,
JOHN KYL,
SAM STEIGER,
JOHN N. HAPPY CAMP,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK CHURCH,
LEE METCALF,
MIKE GRAVEL,
GORDON ALLOTT,
TED STEVENS,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Bill (H.R. 10367) "to provide for the settlement of certain land claims of Alaska Natives, and for other purposes," submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

I. GENERAL

A. Introduction

The language agreed upon by the managers is the result of long and careful consideration of the House passed bill and the Senate's amendment in the nature of a substitute to the House passed bill. The House bill and the Senate amendment were in major respects substantially different and the conference report—the compromise between the two measures—is in some respects different from the measures passed by the House and the Senate. The conference report is the final product of nine days of meetings by the conference committee since November 30, 1971.

The conference committee concurs on the relevant history and on the main facts at issue; there is general agreement on the principles of law involved and on the limits within which the formulation of public policies must be conducted; there is general consensus on the structural elements which constitute the settlement; and there is a common recognition that the institutions and machinery of settlement are in large measure dictated by the nature of the problem and the elements of the settlement.

Among individual conferees, and among individual members of the House and the Senate, there are, of course, wide differences of opinions on specific issues: on amounts of money and land; on elements of the settlement; on some of the institutions established; and on emphasis and on detail. The specific resolutions proposed to each of these differences by the conference committee represents a compromise. These compromises were, however, recognized as being essential to the development of a conference report which will do justice to the Native people, insure a viable and economically healthy State government, and allow the fulfillment of the reasonable expectations and legitimate interests of all Alaskans and all Americans.

The conference report reflects a willingness on the part of the individual conferees after careful study of the issues involved to concur in the clear necessity for adoption of a *settlement package,* while reserving the right of all Members of Congress to debate further at another time and in connection with other legislation, their individual views on some of the specific policies which are of necessity incorporated in this complex omnibus settlement.

B. Major provisions

The major provisions of the conference report are set out below:

1. Land.

(a) The Natives will receive title to a total of 40,000,000 acres, both surface and subsurface rights, divided among the some 220 villages and 12 Regional Corporations.

(b) The villages will receive the surface estate only in approximately 18½ million acres of land in the 25 township areas surrounding each village, divided among the villages according to population.

(c) The villages will receive the surface estate in an additional 3½ million acres, making a total of 22 million acres, divided among the villages by the Regional Corporations on equitable principles.

(d) The Regional Corporations will receive the subsurface estate in the 22 million acres patented to the villages, and the full title to 16 million acres selected within the 25 township areas surrounding the villages. This land will be divided among the 12 Regional Corporations on the basis of the total area in each region, rather than on the basis of population.

(e) An additional 2 million acres, which completes the total of 40 million, will be conveyed as follows:

(1) Existing cemetery sites and historical sites will be conveyed to the Regional Corporations.

(2) The surface estate in not more than 23,040 acres, which is one township, will be conveyed to each of the Native groups that is too small to qualify as a Native village. The subsurface estate will go to the Regional Corporations.

(3) The surface estate in not more than 160 acres will be conveyed to each individual Native who has a principal place of residence outside the village areas. The subsurface estate will go to the Regional Corporations.

(4) The surface estate in not to exceed 23,040 acres will be conveyed to Natives in four towns that originally were Native villages, but that are now composed predominantly of non-Natives. These conveyances will be near the towns, but far enough away to allow for growth and expansion of the towns. The subsurface estate will go to the Regional Corporations.

(5) The balance of the 2 million acres, if any, will be conveyed to the Regional Corporations.

(f) If the entire 40 million acres cannot be selected from the 25 township areas surrounding the Villages because of topography or restrictions on the acreage which may be selected from within the Wildlife Refuge System, lieu selection areas will be withdrawn by the Secretary of the Interior as close to the 25 township areas as possible.

2. Money.

The Natives will be paid $462,500,000 over an eleven-year period from funds in the United States Treasury, and an additional $500,000,000 from mineral revenues received from lands in Alaska hereafter conveyed to the State under the Statehood Act, and from the remaining Federal lands, other than Naval Petroleum Reserve Numbered 4, in Alaska. Most of the $500,000,000 paid to the Natives would otherwise be paid to the State under existing law, and the State has agreed to share in the settlement of Native claims in this manner.

3. Corporate Organization.

(a) The Natives in each of the Native villages will be organized as a profit or nonprofit corporation to take title to the surface estate in the land conveyed to the village, to administer the land, and to receive and administer a part of the money settlement.

(b) Twelve Regional Corporations will be organized to take title to the subsurface estate in the land conveyed to the villages, and full title to the additional land divided among the Regional Corporations. The Regional Corporations will also receive the $962,500,000 grant, divided among them on the basis of Native population. Each Regional Corporation must divide among all twelve Regional Corporations 70 percent of the mineral revenues received by it.

Each Regional Corporation must distribute among the Village Corporations in the region not less than 50 percent of its share of the $962,500,000 grant, and 50 percent of all revenues received from the subsurface estate. This provision does not apply to revenues received by the Regional Corporations from their investment in business activities.

For the first five years, 10 percent of the revenues from the first two sources mentioned above must be distributed among the individual Native stockholders of the corporation.

(c) Natives who are not permanent residents of Alaska may, if they desire, organize a 13th Regional Corporation, rather than receive stock in one of the 12 Regional Corporations. The 13th Regional Corporation will receive its pro rata share of the $962,500,000 grant, but it will receive no land and will not share in the mineral revenues of the other Regional Corporations.

4. Other Major Provisions.

(a) *Land Use Planning.*

A Joint Federal-State Land Use Planning Commission is established. The Planning Commission has no regulatory or enforcement functions, but has important advisory responsibilities.

(b) *National Interest Areas.*

The Secretary of the Interior is authorized to withdraw from selection by the State and Regional Corporations (but not the Village Corporations) and from the operation of the public land laws up to, but not to exceed, 80 million acres of unreserved lands which, in his view, may be suitable for inclusion in the National Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems.

(c) *Interim Operation of the Public Land Laws.*

The Secretary is authorized, where appropriate, under his existing authority, to withdraw public lands and to classify or reclassify such lands and to open them to entry, location and leasing in a manner which will protect the public interest and avoid a "land rush" and massive filings on public lands in Alaska immediately following the expiration of the so-called "land freeze".

(d) *Reservation of Easements.*

Appropriate public access and recreational site easements will be reserved on lands granted to Native Corporations to insure that the larger public interest is protected.

(e) *Attorney and Consultant Fees.*

Fees to attorneys and consultants are limited to $2 million. All contracts based on a percentage fee related to the value of the lands and revenues granted by this Act are declared unenforceable.

(f) *Valid Existing Rights.*

All valid existing rights, including inchoate rights of entrymen and mineral locators, are protected.

(g) *National Petroleum Reserve No. 4 and Wildlife Refuges.*

No subsurface estate is granted in Naval Petroleum Reserve Numbered 4 or in the National Wildlife Refuges, but an in lieu selection of subsurface estate in an equal amount of acreage outside these areas is provided for the Regional Corporations.

(h) *National Forests.*

Appropriate limitations are placed on the amount of lands which may be granted from National Forests to Native villages located in the National Forests.

C. Other issues

1. In sections 7 and 8 of the conference report authorizing the creation of Regional and Village Corporations, the conference committee has adopted a policy of self-determination on the part of the Alaska Native people. The conference committee anticipates that there will be responsible action by the board members and officers of the corporations and that there will not be any abuses of the intent of this Act. The conference committee does not contemplate that the Regional and Village Corporations will allow unreasonable staff, officer, board member, consultant, attorney, or other salaries, expenses and fees. The conference committee also contemplates that the Regional and Village Corporations will not expend funds for purposes other than those reasonably necessary in the course of ordinary business operations.

2. The Senate amendment to the House bill provided for the protection of the Native peoples' interest in and use of subsistence resources on the public lands. The conference committee, after careful consideration, believes that all Native interests in subsistence resource lands can and will be protected by the Secretary through the exercise of his existing withdrawal authority. The Secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect Native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The conference committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives.

3. Villages located on the Pribilof Islands present a special problem because the fur seals which frequent the islands are the subject of an International Treaty. It is the conference committee's recommendation that the Secretary, after consultation with the Secretary of Commerce, the State and the Planning Commission, reserve the appropriate rights and interests in land to insure the fulfillment of the United States' obligations under the Treaty.

4. Under the provisions of subsection 12 (c)(3) ". . . the Regional Corporation may select only even numbered townships in even numbered ranges, and only odd numbered townships in odd numbered ranges." This language is meant to insure "checkerboard" selections by the Regional Corporations. The State of Alaska would then be permitted to concurrently select lands in the alternate townships not subject to selection by the Regional Corporations.

The effect of this provision of the bill is to limit the selections of the Regional Corporation to townships 2, 4, 6, 8, 10, et cetera, North or South of a principal or special base line, in ranges 2, 4, 6, 8, 10, et cetera, East or West of a principal or special meridian. With respect to odd numbered ranges, East or West of a principal or special meridian, i.e. Range 1 West, Range 1 East, Range 3 West, Range 3 East, et cetera, the Regional Corporation could select from townships 1, 3, 5, 7, 9, et cetera, North or South of a principal or special base line. The numbering system of the townships and ranges is the system used by the United States Land Survey System.

It is recognized that if a principal or special meridian or base line should intersect an area withdrawn for selection, a slightly modified selection pattern might result; however, those cases seemed so limited as to not do substantial violence to the intended "checkerboard" selection system contemplated.

5. Section 20 provides for the compensation of attorneys and consultants for services and expenses in the representation of Natives, Native Villages, or Native Associations in claims pending before any state or Federal court or the Indian Claims Commission which are dismissed pursuant to this Act, or in the preparation of this Act and previously proposed legislation to settle the Alaska Native claims based upon aboriginal title, use, or occupancy. The Chief Commissioner of the Court of Claims must determine the amount of the claims, within the limits of funds authorized. It is intended that payment for such services shall only be compensated from the funds provided therefor by this section, and penalties are provided in the event other reimbursement is paid.

Under the provisions of subsection 20(g), the Chief Commissioner is also authorized to allow and certify for payment such amounts as he determines are reasonable, but not more than $600,000 in the aggregate, for actual costs incurred by Native Associations in advancing land claims legislation. Attorney or consultant fees or expenses may not be paid from this sum. The penalty provisions of subsection 20(f)(2) would be applicable to any violation of this section. An attorney or consultant who has already been paid by a Native Association could of course return the payment and submit a claim under the attorney/consultant part of the section.

II. MAJOR DIFFERENCES BETWEEN THE CONFERENCE REPORT AND THE BILL PASSED BY THE HOUSE

1. Land

Both bills provided for a conveyance to the Natives of 40 million acres. In the House bill, the Natives would have first choice of approximately 18½ million acres from the 25 townships surrounding each Village. The State would then complete its selections under the Statehood Act (about 103½ million acres). After that the Natives would select the rest of the 40 million acres, but selections would not be limited to the 25 township areas.

In the conference report, the State does not make its selection before all of the Native lands have been selected, but the State's interests are recognized as follows:

(a) State selections made before the date of the Secretarial Order imposing a "land freeze", amounting to about 26 million acres, are protected against Native selection, except that a Native Village (not the Regional Corporations) may select from the area surrounding the Village not to exceed three townships of the lands previously selected by the State.

(b) The Regional Corporations can select lands within the 25 township areas only on a checkerboard pattern of odd and even numbers, and the State may select the checkerboarded townships not available to the Regional Corporations.

(c) The withdrawal of land to facilitate Native selections will terminate in four years, and State selections will not thereafter be impeded.

(d) State selections may proceed immediately in areas outside the 25 township areas around Native Villages, and lieu selection areas.

2. Money

The House bill provided for a grant of $425,000,000 from the U.S. Treasury over a ten year period, and $500,000,000 from mineral revenues most of which would otherwise go to the State.

In the conference report, the $425,000,000 grant is increased to $462,500,000, which is half way between the House figure and the Senate figure.

3. Corporate organization

The Conferees retained the provisions of the House bill providing for twelve Regional Corporations and a Village Corporation for each Native Village, but made one addition and one modification. The addition is the option of the Natives who are not permanent residents of Alaska to organize a 13th Regional Corporation which will receive and administer their share of the $962,500,000 grant. The modification is the restriction of membership in the Village Corporations to Natives, rather than all residents.

4. Land use planning

The House bill withdraws all unreserved public lands in Alaska for an indefinite period, and permits the Secretary of the Interior to classify the withdrawn areas and reopen them to entry when he determines that such action is desirable in the public interest.

The Conferees retained the substance of this provision, but made the statutory withdrawal for only ninety days and directed the Secretary to make any further withdrawal that may be needed under his existing authority.

In addition, the Conferees authorized the Secretary to withdraw not to exceed 80 million acres of unreserved public land that he thinks may be suitable for addition to the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems. The withdrawal is for a maximum of seven years. The Secretary must submit recommendations to Congress each six months, for two years, and the lands recommended for addition to the Federal Systems will remain withdrawn until Congress acts, but not to exceed five years. The withdrawal will not affect the right of the Village Corporations and the State to select and get title to lands within the 25 township areas. The withdrawal will prevent the Regional Corporations from getting title to land within the 25 township areas, and the State from getting title to any of the withdrawn areas.

In addition, the Conferees provided for a Joint Federal-State Land Use Planning Commission for Alaska, with a life of five years. The Commission has no regulatory authority.

III. MAJOR DIFFERENCES BETWEEN THE CONFERENCE REPORT AND THE SENATE'S AMENDMENT IN THE NATURE OF A SUBSTITUTE TO THE HOUSE PASSED BILL

Set forth below is a brief explanation of the major differences between the conference report recommended by the conference committee and the amendment in the nature of a substitute to the House bill which was adopted by the Senate. The section references below are to the conference report and the discussion following each section indicates the action taken by the conference committee with respect to the appropriate provisions of the Senate passed amendment.

Section 2. Declaration of policy

The substance of the conference report language is the same as section 2 of the Senate amendment. Subsection 2(g) of the conference report is to be strictly construed and the conference committee does not intend that lands granted to Natives under this Act be considered "Indian reservation" lands for purposes other than those specified in this Act. The lands granted by this Act are not "in trust" and the Native villages are not Indian "reservations."

Subsection 2(e) is from the Senate amendment and makes clear that no change in the present policy with respect to Naval Petroleum Reserve Numbered 4 is intended. Native villages located in the Reserve would receive title to surface estate lands only. All mineral and other subsurface rights within the Reserve remain in the ownership of the United States. To insure that a total of 40 million acres of land in fee title is granted to the Native people by this Act, the appropriate Regional Corporation for these villages is granted the right to select the subsurface estate in an equal amount of acreage outside of the boundaries of the Reserve.

Section 3. Definitions

The language of the Senate amendment defining "public lands" was adopted by the conference committee. This language excludes from the definition lands selections by the State under the Statehood Act, but those lands are specifically dealt with elsewhere in the Act.

Section 4. Declaration of settlement

The conference report language is, in substance, the same as the language of the Senate amendment. It is the clear and direct intent of the conference committee to extinguish *all* aboriginal claims and *all* aboriginal land titles, if any, of the Native people of Alaska and the language of settlement is to be broadly construed to eliminate such claims and titles as any basis for any form of direct or indirect challenge to land in Alaska. The conference committee added a reference in this section to claims "based upon the laws of any other nation". The purpose of the reference is to extinguish any land claims based upon the laws and legal system of Russia or any other country if any such land claims exist.

Section 5. Enrollment

The conference report language was, for the most part, taken from the House passed bill. The Senate amendment (Section 6) provided for the establishment of an Alaska Native Commission which would prepare the final enrollment, resolve disputes and perform other functions under the Act. The conference report provides that enrollment will be the responsibility of the Secretary of Interior rather than the Native Commission, and that most land and other disputes will be settled by arbitration as provided elsewhere in the conference report.

Subsection 5(c) of the conference report deals with the enrollment of Natives who are not residents of Alaska and provides an opportunity for them to elect to be enrolled in a special thirteenth Regional Corporation if a majority of all eligible non-resident Natives favor the creation of such a corporation.

Section 6. Alaska Native Fund

The conference committee split the difference between the $425 million Federal appropriation in the House passed bill and the $500 million in subsection 5(a) of the Senate amendment, and recommended $462,500,000. The payout schedule for the revenues in the Fund is essentially that of the Senate amendment and insures that the bulk of the Federally appropriated funds will be paid out in the early years, thus greatly increasing the present worth of the right to receive these revenues.

The conference committee also recommended the adoption of the Senate amendment's limitation on the use of funds received by corporations under the Act for political purposes.

Section 7. Regional corporations

The Senate amendment provided for the creation of two Federally chartered Statewide corporations, one to handle investments, and one to perform social welfare functions and to hold title to the mineral estate of lands granted by the bill. In addition, the Senate amendment required: (a) the establishment of seven business for profit Regional Corporations; (b) the establishment of two corporations to be composed of first, non-resident Natives (the "National Corporation"), and second, urban Natives (the "Urban Corporation"); (c) the incorporation of nonprofit membership corporations for each eligible Native Village; and (d) the creation of an Alaska Native Foundation.

The conference report provides for the establishment of 12 Regional Corporations for resident Alaska Natives and permits the creation of a 13th Regional Corporation for non-resident Natives if a majority of non-resident Natives so elect. This 13th Regional Corporation, if created, would serve the same purposes and functions which were to be performed by the National Corporation in the Senate amendment (section 12).

The conference report language provides that the Regional Corporations shall be organized as business for profit corporations. This requirement is in accord with the Senate amendment. In addition, the investment functions to be carried out by the Alaska Native Investment Corporation under Section 10 of the Senate amendment have been assigned in the conference report to the Regional Corporations. Authority to allow the Regional Corporations to join together, to pool investment funds, and to employ the same business management group for the management and administration of investments is found in subsection 7(k) of the conference report. This general grant of authority parallels the specific authority granted to the Investment Corporation in section 10 of the Senate amendment.

The functions to be performed by the Alaska Native Services and Development Corporation under section 8 of the Senate amendment have, for the most part, been redistributed by the conference committee. The Regional Corporations under the conference report language would receive the title to the subsurface estate of the lands granted by the Act. The Regional Corporations would also perform some social welfare functions of regional benefit, would assist the Village Corporations to organize, and would review and advise on the land transactions of the Village Corporations to insure against fraud and over-reaching.

The Regional Corporations provided for in the conference report are authorized to merge with other Regional Corporations. This will provide a means of reducing administrative costs and overhead and improving general corporate efficiency.

Section 25 of the Senate amendment would have established an Alaska Native Foundation to carry on the social welfare functions of the Statewide Services and Development Corporation after the Federal charter for the Services Corporation expired. The conference report does not prohibit the Native people from establishing a charitable foundation at some future date and the Senate conferees receded on this item.

The Senate amendment contained specific language in a number of sections which dealt with conflict of laws questions between the Act and State Corporation law. This potential problem is dealt with in subsection 7(p) of the conference report which provides that the provisions of sections 7 and 8 prevail in the event of any conflict.

The conference committee considered, but decided not to adopt, language from the Senate amendment to guard against any special State legislation which might impair the activities and economic viability of the Corporations established by the conference report. It was the conference committee's conclusion that the State would deal fairly in all respects with Native corporations.

Consideration was also given to language in the Senate amendment authorizing Regional Corporations to contribute to the costs of organizing and maintaining local and borough government in rural areas of Alaska. The language was not adopted for the reason that the conference committee concludes that Regional and Village Corporations as established would have this authority.

Section 8. Village corporations

This section was drawn from section 11 of the Senate amendment. The House bill provided for land and revenue grants to units of municipal government, or to Village Corporations. Under the conference report, before any lands may be granted an eligible village must organize as a non-profit or business for profit corporation to hold title to lands.

Section 9. Revenue sharing

Sections 9 and 10 of the conference report, with minor exceptions, are substantially the same as section 18 of the Senate amendment.

Section 10. Statute of Limitations

Section 9 of the conference report is patterned after section 18 (g) of the Senate amendment. Congressional authority for enactment of this section, and other provisions of the conference report is based, in part, upon section 4 of the Alaska Statehood Act.

Section 11. Withdrawal of public lands

The Senate amendment provided for two optional land grant provisions. The first, in brief, was for 40 million acres (38½ million acres around Villages and 1½ million acres of floating selections). The second was for 50 million acres (20 million acres around Villages; 10 million acres of lands to be selected for economic potential; and 20 million acres of permit lands to provide subsistence use protection). The Natives would select one of the options at an election to be held within one year of the enactment of the Act.

The conference committee concluded that lands granted under the Act should be granted as soon as possible and that the areas from which they would be granted should be immediately identifiable. For this reason, the conference report does not provide for a "free floating" selection.

Section 11 of the conference report withdraws lands around villages, including villages located on lands selected by or tentatively approved to the State. This section also provides for the withdrawal of in lieu lands adjacent to the 25 township area to insure that the land selection rights of Native Villages and Regional Corporations will be fully protected and will not be frustrated by competing State selections or the creation of new interests in lands under the public land laws.

Subsection 11(b) is, in part, drawn from section 13 of the Senate amendment and provides that Native villages not listed in the bill may, if they meet designated criteria, later qualify for benefits under the Act.

Section 12. Native land selections

Section 12 of the conference report provides for the selection of lands granted to the Native people. In major respects, it parallels section 14 and subsection 13(k) of the Senate amendment.

Section 13. Surveys

Section 13 of the conference report parallels portions of sections 13 and 15 of the Senate amendment and specifies in greater detail, both here and in subsection 22(j), the manner in which land surveys are to be conducted.

Section 14. Conveyance of lands

Section 14 of the conference report provides the conveyance of lands granted by the Act. This subsection parallels in structure and purpose the provisions of section 15 of the Senate amendment.

Section 15. Timber sale contracts

Section 15 of the conference report authorizes the modification of timber sale contracts and is similar to language in subsection 23(t) of the Senate amendment.

Section 16. The Tlingit-Haida settlement

Subsection 16 of the conference report provides appropriate and necessary limitations with respect to land grants to Native villages located in the National Forests in Southeast Alaska which participated in the Tlingit-Haida judgment. The parallel language of the Senate amendment is in Section 23.

Section 17. Joint Federal-State Land Use Planning Commission

Section 17 of the conference report is based upon section 24 of the Senate amendment. Section 17 consists of four major sections and these are discussed below.

1. The Planning Commission has been modified by reducing the membership to ten members. In addition, the regulatory powers found in section 24 have been revised so that the Commission's functions are limited to providing advice, coordination and making recommendations to State and Federal government. The enforcement powers granted under section 24(a)(10) have been eliminated and it is the intent of the conference committee that the Federal government and the State will take such actions as are necessary to administer lands under their respective jurisdictions in a manner which will facilitate a process of joint land use planning in Alaska and permit the attainment of both economic requirements and national and state environmental objectives.

2. Subsection 17(b) of the conference report is substantially the same as section 24(d) of the Senate amendment. This subsection provides for the advance reservation of easements and camping and recreation sites necessary for public access across lands granted to Village and Regional Corporations.

3. Subsection 17(c) of the conference report provides that if the Secretary should withdraw a utility and transportation corridor across the public lands in Alaska, the State and the Village and Regional Corporations may not select lands from the area withdrawn for the corridor. In making the withdrawal the Secretary would be acting on the basis of his existing authority such as the Pickett Act and the President's implied authority.

The language adopted by the conference committee is new. The Senate's amendment, in subsection 24(b), would have withdrawn the corridor for the proposed trans-Alaska oil pipeline, maintained the corridor under Federal jurisdiction, and established a mangement regime to insure the protection of adjacent public lands and visitors to the area. While the conference report does not contain these specific provisions, many of them will be within the Secretary's authority to achieve if he should decide to withdraw the corridor.

4. Subsection 17(d) of the conference report is patterned, in major respects, after subsection 24(c) of the Senate amendment and, in part, after subsection 9(g) of the House passed bill.

The language adopted by the conference committee provides in subsection (d)(1) for a 90-day withdrawal of *all* unreserved public lands in Alaska from all forms of appropriation except locations for metalliferous minerals. The purpose of this withdrawal is twofold:

First, to permit the Secretary an opportunity to make the withdrawals for National Park, Forest, Refuge and Wild Rivers directed under subsection 2(A);

Second, to permit the Secretary time to determine if there are other public land areas in Alaska which should be withdrawn, classified, or reclassified before they are opened to unlimited and uncontrolled entry, location and leasing under the public land laws. Subsection 9(g) of the House passed bill and subsection 24(c) of the Senate amendment did not limit the time of the withdrawal authority for this second purpose.

The language recommended by the conference committee deals in greater detail with the withdrawal and study of National interest areas and contingencies not dealt with in the House passed bill and the Senate amendment and thus obviates any necessity for providing for a withdrawal of all public lands in Alaska for an unlimited period of time.

The "classification" and "reclassification" authority granted under subsection 7(d)(1) is *new* legislative authority. The authority is limited to Alaska and to the purposes provided for in subsection 17(d). It is, however, a very broad and important delegation of discretion and authority and the conference committee anticipates that the Secretary will use this authority to insure that the purposes of this Act and the land claims settlement are achieved, that the larger public interest in the public lands of Alaska is protected, and that the immediate and unrestricted operation of all the public land laws 90 days after date of enactment—absent affirmative action by the Secretary under his existing authority—does not result in a land rush, in massive filings under the Mineral Leasing Act, and in competing and conflicting entries and mineral locations.

Subsection 17(d)(2) of the conference report directs the Secretary to withdraw up to 80 million acres of unreserved public lands including lands previously classified such as lands within the Iliamna, Copper River; Brooks Range, White Mountain and other classification areas, which he deems are suitable for consideration by the Congress for addition to or creation as new units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems. This subsection also provides a procedure and sets time limits for terminating withdrawals, for transmitting recommendations to the Congress, and for in lieu selections by the State and Regional Corporations in the event that Congress enacts legislation setting aside these areas for public use and enjoyment.

Subsection 17(d)(3) of the conference report continues the Secretary's full authority over and responsibility for any lands withdrawn by this section and to make contracts and to grant leases, permits and rights-of-way, or easements over any lands withdrawn under this section by the affirmative action of the Secretary after the date of the enactment of this Act. This authority is necessary to protect the lands involved, to provide for their proper administration, and to insure that the Secretary continues to have the full authority he now possesses under existing law with respect to contracts, leases, permits, rights-of-way, and easements. A similar section on the Secretary's authority to administer lands withdrawn by the operation of this Act is found in subsection 22(f) of the conference report.

A major purpose of both of these provisions is, of course, to insure that the Secretary has the authority to grant any contracts, leases, permits, rights-of-way, or easements which may in the future be necessary in connection with Village and Regional construction and local improvement projects, State or local highways and roads, electrical transmission lines, and other types of activities and projects which may involve the use of some withdrawn areas. This language would also permit the Secretary, if he should so decide in the future, to grant the necessary rights-of-way, permits, and other legal authority necessary for the construction of the proposed trans-Alaska oil pipeline. The conference committee did not consider the proposed pipeline in connection with the resolution of the differences between the bills, nor did the House or Senate Committees consider the proposed pipeline in connection with hearings on this subject. Accordingly, the conference committee takes no position on what action the Secretary should take with respect to the pending application. The conference committee does, however, want it clearly understood that *if* the Secretary should, after full and careful evaluation, and after completion of the environmental impact statement required by the National Environmental Policy Act, decide to grant the necessary permits, nothing in this conference report is intended to, nor should be construed in any manner to limit, diminish, or condition the Secretary's existing authority to take any action required to implement this decision.

Language similar to the provisions discussed above is found in section 24(c)(3) of the Senate amendment and in the House passed bill.

Section 18. Revocation of Indian Allotment Authority in Alaska

Subsection 19 of the conference report is taken from the House passed bill and requires an election by Natives with respect to whether to pursue their allotment or to take under the provisions of the conference report providing for a grant of title to the lands on which their primary place of residence is located. The companion provision in the Senate amendment is section 20.

Section 19. Revocation of Reservations

Subsection 19 of the conference report is, with a few modifications, taken from the House passed bill. The parallel language of the Senate amendment is found in section 22 and, if adopted by the conference committee, would have permitted participation in monetary benefits granted by the Act even if a Native Village decided to acquire title to their existing reservation.

Section 20. Attorney and Consultant Fees

Section 20 of the conference report provides for the payment of attorney and consultant fees. The parallel language of the Senate amendment is section 26. The Senate language is substantially the same, except that the total amount of fees granted has been reduced to $2 million. In addition, the conference report authorizes the $600,000 granted by subsection 5(g)(1) of the Senate amendment in this section.

Section 21. Taxation

Section 21 of the conference report provides for the tax treatment to be accorded lands and revenues granted by this Act for the settlement of the Alaska Native claims. It parallels section 27 of the Senate amendment and with some deletions and modifications is substantively the same.

Section 22. Miscellaneous

The conference committee in Section 22 added a miscellaneous section to the conference report to pick up a number of provisions from both the House passed bill and the Senate amendment and to deal with problems created by the action of the conference committee in combining the two. Set out below is a discussion of those provisions which are not self-explanatory.

(a) Subsection (a) provides that none of the revenues or lands granted by this Act may be subject to any contract, present or future, which is based on a percentage fee of the value of all or some of the settlement granted. The purpose is, of course, to protect the Native people. This provision would not apply to future percentage fee contracts which are not related to the value of the settlement and which are to be paid out of investment earnings.

(j) Subsection (j) provides for adjustments in deeds to conform to the United States Land Survey System when the lands conveyed have not been adequately surveyed at the time of conveyance. No similar provision was included in either the House or Senate bill, but the conference committee adopted the language to correct this oversight, and to prevent the delay of conveyance which could occur without this provision. The language was deemed necessary in view of the short period provided for the selection and conveyance of lands of the Natives.

(k) Subsection (k) provides that sales and timber management of lands granted to the Natives from the National Forest shall, for a period of five years, continue to be in accordance with rules and regulations of the Secretary of Agriculture (sustained yield). A similar provision was contained in the Senate bill.

Section 23. Review by Congress

Both the House and the Senate bills provided for an annual report to Congress on the implementation of the Act; however, the Senate bill provided for reports to be submitted on March 1 of each year for thirteen years. The conference report requires an annual report until 1984, but does not specify a reporting date. The conference report requires a final report in 1985 in lieu of 1992 as required by the House bill. The Senate bill contemplated detailed reports from the Alaska Native Commission, but this provision was deleted as unnecessary since the conference report does not provide for the Commission.

Section 24. Appropriations

The provision adopted by the conference committee is a simple authorization to appropriate "such sums as are necessary to carry out the provisions of this Act." It is recognized that the Secretary will require additional personnel and other funds in complying with the directives contained in the conference report, and such sums may be appropriated under this provision. The Senate bill also requested the President to advance moneys from his contingency fund for "start-up" of the various corporations authorized by the Senate bills. Due to the different corporate structure and the provision for a $12.5 million appropriation for 1972, such provisions were not deemed appropriate.

The appropriations for the Federal payments into the Alaska Native Fund are already limited by the provisions of subsection 6(a).

Section 25. Publication

The conference committee adopted the House language as section 25 of its report, which is almost identical to the Senate language, and is of similar intent.

Section 26. Saving Clause

The conference committee adopted the House language as section 26 of its report. The Senate provision contained the statement: "Except as specifically provided for in this Act, nothing in this Act shall be construed as repealing any other provision of

Federal law applicable to Alaska." That sentence was eliminated as being unnecessary.

Section 27. Separability

The provisions of the House and Senate bills concerning separability were identical, and are included in the conference report as section 21.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
MORRIS K. UDALL,
LLOYD MEEDS,
NICK BEGICH,
JOHN KYL,
SAM STEIGER,
JOHN N. HAPPY CAMP,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK CHURCH,
LEE METCALF,
MIKE GRAVEL,
GORDON ALLOTT,
TED STEVENS,
Managers on the Part of the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TRIBUTE TO THE HONORABLE DAVID PACKARD

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I was surprised to learn over the weekend that Dave Packard, the second man in the Department of Defense, is unfortunately resigning and leaving Government service.

It has been my privilege to know Dave Packard for a number of years. I have always had the greatest admiration and respect for him not only as a most successful businessman and as a community leader and benefactor but more recently as the second man in the vast organization that we call the Department of Defense.

All of us know intimately our former colleague and good friend, Mel Laird, who is Secretary of Defense, but I think Mel Laird would be the very first one to admit that he could not do the first-class job that is being done in the Department of Defense without the help and assistance of his good right arm, Dave Packard. I personally wish that Dave Packard could see fit to remain and carry on the outstanding service that he has given to his country for the last 3 years. For very personal reasons he is leaving Government service. He has done an outstanding job. He has accomplished some things to make the Department of Defense work better, to produce more for less money, and to make our military forces better prepared to meet the problems that they have to face 365 days of the year.

I extend to Dave Packard our best wishes for continued health and happiness and success, and to say without reservation or qualification he will be badly missed in Government service.

ADDITIONAL DEPUTY SECRETARY OF DEFENSE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8856) to authorize an additional Deputy Secretary of Defense, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That section 136(a) of title 10, United States Code, is amended by striking out "eight" and inserting in lieu thereof "nine".

SEC. 2. Section 5315(13) of title 5, United States Code, is amended to read as follows:

"(13) Assistant Secretaries of Defense (9).".

Amend the title so as to read: "An Act to authorize an additional Assistant Secretary of Defense."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS TODAY

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that it may be in order during the remainder of the day for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RECESS

The SPEAKER. Pursuant to the unanimous-consent agreement, the Chair declares a recess of the House subject to the call of the Chair.

The Chair will state that the Chair will cause the bells to be rung 15 minutes prior to the reconvening of the House.

Accordingly (at 2 o'clock and 57 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 44 minutes p.m.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2891

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on the bill S. 2891.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 92-745)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"This title may be cited as the 'Economic Stabilization Act Amendments of 1971".

ECONOMIC STABILIZATION ACT OF 1970

SEC. 2. Title II of Act entitled "An Act to amend the Defense Production Act of 1950, and for other purposes", approved August 15, 1970 (Public Law 91-379), as amended, is amended to read as follows:

"TITLE II—COST OF LIVING STABILIZATION

"§ 201. Short title

"This title may be cited as the 'Economic Stabilization Act of 1970'.

"§ 202. Findings

"It is hereby determined that in order to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade, and protect the purchasing power of the dollar, it is necessary to stabilize prices, rents, wages, salaries, dividends, and interest. The adjustments necessary to carry out this program require prompt judgments and actions by the executive branch of the Government. The President is in a position to implement promptly and effectively the program authorized by this title.

"§ 203. Presidential authority

"(a) The President is authorized to issue such orders and regulations as he deems appropriate, accompanied by a statement of reasons for such orders and regulations, to—

"(1) stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970, except that prices may be stabilized at levels below those prevailing on such date if it is necessary to eliminate windfall profits or if it is otherwise necessary to carry out the purposes of this bill; and

"(2) stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth.

Such orders and regulations shall provide for the making of such adjustments as may be necessary to prevent gross inequities, and shall be consistent with the standards issued pursuant to subsection (b).

"(b) In carrying out the authority vested in him by subsection (a), the President shall issue standards to serve as a guide for determining levels of wages, salaries, prices, rents, interest rates, corporate dividends, and similar transfers which are consistent with the purposes of this title and orderly economic growth. Such standards shall—

"(1) be generally fair and equitable;

"(2) provide for the making of such general exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits;

"(3) take into account changes in productivity and the cost of living, as well as well as such other factors consistent with the purposes of this title as are appropriate;

"(4) provide for the requiring of appropriate reductions in prices and rents whenever warranted after consideration of lower costs, labor shortages, and other pertinent factors; and

"(5) call for generally comparable sacrifices by business and labor as well as other segments of the economy.

"(c)(1) The authority conferred on the President by this section shall not be exercised to limit the level of any wage or salary (including any insurance or other fringe benefit offered in connection with an employment contract) scheduled to take effect after November 13, 1971, to a level below that which has been agreed to in a contract which (A) related to such wage or salary, and (B) was executed prior to August 15, 1971, unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection **(b)**.

"(2) The President shall promptly take such action as may be necessary to permit the payment of any wage or salary increase (including any insurance or other fringe benefit offered in connection with an employment contract) which (A) was agreed to in an employment contract executed prior to August 15, 1971, (B) was scheduled to take effect prior to November 14, 1971, and (C) was not paid as a result of orders issued under this title, unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection (b).

"(3) In addition to the payment of wage and salary increases provided for under paragraphs (1) and (2), beginning on the date on which this subsection takes effect, the President shall promptly take such action as may be necessary to require the payment of any wage or salary increases (including any insurance or other fringe benefits offered in connection with employment) which have been, or in the absence of this subsection would be, withheld under the authority of this title, if the President determines that—

(A) such increases were provided for by law or contract prior to August 15, 1971; and

(B) prices have been advanced, productivity increased, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases.

"(d) Notwithstanding any other provision of this title, this title shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

"(e) Whenever the authority of this title is implemented with respect to significant segments of the economy, the President shall require the issuance of regulations or orders providing for the stabilization of interest rates and finance charges, unless he issues a determination, accompanied by a statement of reasons, that such regulations or orders are not necessary to maintain such rates and charges at levels consonant with orderly economic growth.

"(f) The authority conferred by this section shall not be exercised to preclude the payment of any increase in wages—

"(1) required under the Fair Labor Standards Act of 1938, as amended, or effected as a result of enforcement action under such Act; or

"(2) required in order to comply with wage determinations made by any agency in the executive branch of the Government pursuant to law for work (A) performed under contracts with, or to be performed with financial assistance from, the United States or the District of Columbia, or any agency or instrumentality thereof, or (B) performed by aliens who are immigrants or who have been temporarily admitted to the United States pursuant to the Immigration and Nationality Act; or

"(3) paid in conjunction with existing or newly established employee incentive programs which are designed to reflect directly increases in employee productivity.

"(g) For the purposes of this section the term 'wages' and 'salaries' do not include contributions by any employer pursuant to a compensation adjustment for—

"(1) any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401 (a), 404 (a) (2), or 403 (b) of the Internal Revenue Code of 1954;

"(2) any group insurance plan; or

"(3) any disability and health plan;

unless the President determines that the contributions made by any such employer are unreasonably inconsistent with the standards for wage, salary, and price increases issued under subsection (b).

"(h) No State or portion thereof shall be exempted from any application of this title with respect to rents solely by virtue of the fact that it regulates rents by State or local law, regulation or policy.

"(i) Rules, regulations, and orders promulgated under this title shall insofar as practicable be designed to encourage labor-management cooperation for the purpose of achieving increased productivity, and the Executive Director of the National Commission on Productivity shall when appropriate be consulted in the formulation of policies, rules, regulations, orders, and amendments under this title.

"§ 204. Delegation

"The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he deems appropriate, or to boards, commissions, and similar entities composed in whole or in part of members appointed to represent different sectors of the economy and the general public. Members of such boards, commissions, and similar entities shall be appointed by the President by and with the advice and consent of the Senate; except that—

"(1) the foregoing requirement with respect to Senate confirmation does not apply to any member of any such board, commission, or similar entity (other than the Chairman of the Pay Board, established by section 7 of Executive Order Numbered 11627 of October 15, 1971, and the Chairman of the Price Commission, established by section 8 of such Executive order) who is serving, pursuant to appointment by the President, on such board, commission, or similar entity on the date of enactment of the Economic Stabilization Act Amendments of 1971, and who continues to serve, pursuant to such appointment, on such board, commission, or similar entity after such date; and

"(2) any person serving in the Office of Chairman of such Pay Board, and any person serving in the Office of Chairman of such Price Commission, on the date of enactment of the Economic Stabilization Act Amendments of 1971, may continue to serve in such capacity on an interim basis without regard to the foregoing requirement with respect to Senate confirmation until the expiration of sixty days after the date of enactment of the Economic Stabilization Act Amendments of 1971, and the provisions of sections 910–913 of title 5, United States Code, shall be applicable with respect to the procedure to be followed in the Senate in considering the nomination of any person to either of such offices submitted to the Senate by the President during such sixty-day period, except that references in such provisions to a 'resolution with respect to a reorganization plan' shall be deemed for the purpose of this section to refer to such nominations.

Where such boards, commissions, and similar entities are composed in part of members who serve on less than a full-time basis, legal authority shall be placed in their chairmen who shall be employees of the United States and who shall act only in accordance with the majority vote of members. Nothing in section 203, 205, 207, 208, or 209 of title 18, United States Code, shall be deemed to apply to any member of any such board, commission, or similar entity who serves on less than a full-time basis because of membership on such board, commission, or entity.

"§ 205. Confidentiality of information

"All information reported to or otherwise obtained by any person exercising authority under this title which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential for the purposes of that section, except that such information may be disclosed to other persons empowered to carry out this title solely for the purpose of carrying out this title or when relevant in any proceeding under this title.

"§ 206. Subpena power

"The head of an agency exercising authority under this title, or his duly authorized agent, shall have authority, for any purpose related to this title, to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of refusal to obey a subpena served upon any person under the provisions of this section, the head of the agency authorizing such subpena, or his delegate, may request the Attorney General to seek the aid of the district court of the United States for any district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce documents before the agency.

"§ 207. Administrative procedure

"(a) The functions exercised under this title are excluded from the operation of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, except as to the requirements of sections 552, 553, and 555(e) of title 5, United States Code.

"(b) Any agency authorized by the President to issue rules, regulations, or orders under this title shall, in regulations prescribed by it, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or seeking an exception or exemption from, such rules, regulations, and orders. If such person is aggrieved by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency. The agency shall, in regulations prescribed by it, establish appropriate procedures, including hearings where deemed advisable, for considering such requests for action under this section.

"(c) To the maximum extent possible, the President or his delegate shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a change or a proposed change in wages, salaries, prices, rents, interest rates, or corporate dividends or similar transfers, which have or may have a significantly large impact upon the national economy, and such hearings shall be open to the public except that a private formal hearing may be conducted to receive information considered confidential under section 205 of this title.

"§ 208. Sanctions; criminal fine and civil penalty

"(a) Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000 for each violation.

"(b) Whoever violates any order or regulation under this title shall be subject to a civil penalty of not more than $2,500 for each violation.

"§ 209. Injunctions and other relief

"Whenever it appear to any person authorized by the President to exercise authority under this title that any individual or organization has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this title, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any such order or regulation. In addition to such injunctive relief, the court may also order restitution of moneys received in violation of any such order or regulation.

"§ 209. Injunctions and other relief

"(a) Any person suffering legal wrong because of any act or practice arising out of this title, or any order or regulation issued pursuant thereto, may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, writ of injunction (subject to the limitations in section 211), and/or damages.

"(b) In any action brought under subsection (a) against any person renting property or selling goods or services who is found to have overcharged the plaintiff, the court may, in its discretion, award the plaintiff reasonable attorney's fees and costs, plus whichever of the following sums is greater:

"(1) an amount not more than three times the amount of the overcharge upon which the action is based, or

"(2) not less than $100 or more than $1,000; except that in any case where the defendant establishes that the overcharge was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to the avoidance of such error the liability of the defendant shall be limited to the amount of the overcharge: *Provided*, That where the overcharge is not willful within the meaning of section 208(a) of this Act, no action for an overcharge may be brought by or on behalf of any person unless such person has first presented to the seller or renter a bona fide claim for refund of the overcharge and has not received repayment of such overcharge within ninety days from the date of the presentation of such claim.

"(c) For the purposes of this section, the term 'overcharge' means the amount by which the consideration for the rental of property or the sale of goods or services exceeds the applicable ceiling under regulations or orders issued under this title.

"§ 211. Judicial review

"(a) The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising under this title, or under regulations or orders issued thereunder, notwithstanding the amount in controversy; except that nothing in this subsection or in subsection (h) of this section affects the power of any court of competent jurisdiction to consider, hear, and determine any issue by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this title) raised in any proceeding before such court. If in any such proceeding an issue by way of defense is raised based on the constitutionality of this title or the validity of agency action under this title, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

"(b)(1) There is hereby created a court of the United States to be known as the Temporary Emergency Court of Appeals, which shall consist of three or more judges to be designated by the Chief Justice of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Temporary Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Except as provided in subsection (d)(2) of this section, the court shall not have power to issue any interlocutory decree staying or restraining in whole or in part any provision of this title, or the effectiveness of any regulation or order issued thereunder. In all other respects, the court shall have the powers of a circuit court of appeals with respect to the jurisdiction conferred on it by this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases over which it has jurisdiction under this title. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

"(2) Except as otherwise provided in this section, the Temporary Emergency Court of Appeals shall have exclusive jurisdiction of all appeals from the district courts of the United States in cases and controversies arising under this title or under regulations or orders issued thereunder. Such appeals shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

"(c) In any action commenced under this title in any district court of the United States in which the court determines that a substantial constitutional issue exists, the court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include a determination that the entire action be sent to it for consideration or it may, on the issues certified, give binding instructions and remand the action to the certifying court for further disposition.

"(d)(1) Subject to paragraph (2), no regulation of any agency exercising authority under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation was in excess of the agency's authority, was arbitrary or capricious, or was otherwise unlawful under the criteria set forth in section 706(2) of title 5, United States Code, and no order of such agency shall be enjoined or set aside, in whole or in part, unless a final judgment determines that such order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

"(2) A district court of the United States or the Temporary Emergency Court of Appeals may enjoin temporarily or permanently the application of a particular regulation or order issued under this title to a person who is a party to litigation before it. Appeals from interlocutory decisions by a district court of the United States under this paragraph may be taken in accordance with the provisions of section 1292(b) of title 28, United States Code; except that reference in such section to the courts of appeals shall be deemed to refer to the Temporary Emergency Court of Appeals.

"(e)(1) Except as provided in subsection (d) of this section, no interlocutory or permanent injunction restraining the enforcement, operation, or execution of this title, or any regulation or order issued thereunder, shall be granted by any district court of the United States or judge thereof. Any such court shall have jurisdiction to declare (A) that a regulation of an agency exercising authority under this title is in excess of the agency's authority, is arbitrary or capricious, or is otherwise unlawful under the criteria set forth in section 706(2) of title 5, United States Code, or (B) that an order of such agency is invalid upon a determination that the order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

"(2) Any party aggrieved by a declaration of a district court of the United States respecting the validity of any regulation or order issued under this title may, within thirty days after the entry of such declaration, file a notice of appeal therefrom in the Temporary Emergency Court of Appeals. In addition, any party believing himself entitled by reason of such declaration to a permanent injunction restraining the enforcement, operation, or execution of such regulation or order may file, within the same thirty-day period, a motion in the Temporary Emergency Court of Appeals requesting such injunctive relief. Following consideration of such appeal or motion, the Temporary Emergency Court of Appeals shall enter a final judgment affirming, reversing or modifying the determination of the district court and granting such permanent injunctive relief, if any, as it deems appropriate.

"(f) The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside in whole or in part any provision of this title, or any regulation or order issued thereunder, shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (g) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

"(g) Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. The Temporary Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Temporary Emergency Court of Appeals, shall have exclusive jurisdiction to determine the constitutional validity of any provision of this title or of any regulation or order issued under this title. Except as provided in this section, no court, Federal or State, shall have jurisdiction or power to consider the constitutional validity of any provision of this title or of any such regulation or order, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of such regulations or orders, or any provision of any such regulation or order, or to restrain or enjoin the enforcement of any such provision.

"(h) The provisions of this section apply to any actions or suits pending in any court, Federal or State, on the date of enactment of this section in which no final order or judgment has been rendered. Any affected party seeking relief shall be required to follow the procedures of this title.

"§ 212. Personnel

"(a) Any agency or officer of the Government carrying out functions under this title is authorized to employ such personnel as the President deems necessary to carry out the purposes of this title.

"(b) The President may appoint five officers to be responsible for carrying out functions of this title of whom three shall be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314) and two at the rate prescribed for level V of the Executive Schedule (5 U.S.C. 5316). Appropriate titles and the order of succession among such officers may be designated by the President.

"(c) Any member of a board, commission, or similar entity established by the President pursuant to authority conferred by this title who serves on less than a full-time basis shall receive compensation from the date of his appointment at a rate equal to the per diem equivalent of the rate prescribed for level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the performance of his duties as such member.

"(d) (1) In addition to the number of positions which may be placed in GS–16, 17, and 18, under section 5108 of title 5, United States Code, not to exceed twenty positions may be placed in GS–16, 17, and 18, to carry out the functions under this title.

"(2) The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5, United States Code, and shall continue only for the duration of the exercise of functions under this title.

"(e) The President may require the detail of employees from any executive agency to carry out the purposes of this title.

"(f) The President is authorized to appoint, without regard to the civil service laws, such advisory committees as he deems appropriate for the purpose of consultation with and advice to the President in the performance of his functions under this title. Members of advisory committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the President may be paid compensation at rates not exceeding those authorized for individuals under section 5332 of title 5, United States Code, and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(g) (1) Under such regulations as the President may prescribe, officers and employees of the Government who are appointed, work days, to any position for carrying out functions under this title are entitled, upon separation from such position, to reemployment in the position occupied at the time of appointment or in a position of comparable grade and salary.

"(2) An officer or employee who, at the time of his appointment under paragraph (1) of this subsection, is covered by section without a break of service of one or more 8336(c) of title 5, United States Code, shall continue to be covered thereunder while carrying out functions under this title.

"§ 213. Experts and consultants

"Experts and consultants may be employed as authorized by section 3109 of title 5, United States Code, for the performance of functions under this title, and individuals so employed may be compensated at rates not to exceed the per diem equivalent of the rate for grade 18 of the General Schedule established by section 5332 of title 5, United States Code. Such contracts may be renewed from time to time without limitation. Service of an individual as an expert or consultant under this section shall not be considered as employment or the holding of an office or position bringing such individual within the provisions of section 3323(a) of title 5, United States Code, section 872 of the Foreign Service Act of 1946, or any other law limiting the reemployment of retired officers or employees.

"§ 214. Small business

"(a) It is the sense of the Congress that small business enterprises should be encouraged to make the greatest possible contribution toward achieving the objectives of this title.

"(b) In order to carry out the policy stated in subsection (a)—

"(1) the Small Business Administration shall to the maximum extent possible provide small business enterprises with full information concerning (A) the provisions of this title relating or of benefit to such enterprises, and (B) the activities of the various departments and agencies under this title;

"(2) in administering this title, such exemptions shall be provided for small business enterprises as may be feasible without impeding the accomplishment of the purposes of this title; and

(3) in administering this title, special provision shall be made for the expeditious handling of all requests, applications, or appeals from small business enterprises.

"§ 215. Mass transportation systems

"No company, or other entity constituting a public benefit corporation, charged by law or contract with the responsibility to operate a mass transportation facility or facilities, the fares of which are not otherwise regulated, shall increase any fare without first obtaining approval under this section from the President or his delegate.

"§ 216. Reports

"(a) In transmitting the Economic Report required under section 3(a) of the Employment Act of 1946 (15 U.S.C. 1022), the President shall include a section describing the actions taken under this title during the preceding year and giving his assessment of the progress attained in achieving the purposes of this title. The President shall also transmit quarterly reports to the Congress not later than thirty days after the close of each calendar quarter describing the actions taken under this title during the preceding quarter and giving his assessment of the progress attained in achieving the purposes of this title.

"(b) In carrying out his authority under this title, the President shall study and evaluate the relationship between excess profits, the stabilization of the economy, and the creation of new jobs. The results of such study shall be incorporated in the quarterly reports referred to in subsection (a).

"§ 217. Funding.

"(a) There are authorized to be appropriated to the President, to remain available until expended, such sums as may be necessary to carry out the provisions of this title.

"(b) The President may accept and use in furtherance of the purposes of this title money, funds, property, and services of any kind made available for such purposes by gift, devise, bequest, grant, or otherwise.

"§ 218. Expiration

"The authority to issue and enforce orders and regulations under this title expires at midnight April 30, 1973, but such expiration shall not affect any action or pending proceeding, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to May 1, 1973.

"§ 219. Ratification

"The assignment of personnel and expenditure of funds pursuant to the authority conferred on the President by this title prior to the date of enactment of the Economic Stabilization Act Amendments of 1971 are hereby approved, ratified, and confirmed.

"§ 220. Severability

"If any provision of this title or the application of such provision to any person or circumstances is held invalid, the remainder of the title, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

FEDERAL EMPLOYEE COMPENSATION

SEC. 3. Notwithstanding any provision of section 3(c) of the Federal Pay Comparability Act of 1970 (Public Law 91–656), or of section 5305 of title 5 United States Code, as added by section 3(a) of Public Law 91-656, and the provisions of the alternative plan submitted by the President to the Congress pursuant thereto on August 31, 1971, such comparability adjustments in the rates of pay of each Federal pay system as may be required under such sections 5305 and 3(c), based on the 1971 Bureau of Labor Statistics survey—

(1) shall not be greater than the guidelines established for the wage and salary adjustments for the private sector that may be authorized under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91–379; 84 Stat. 799), as amended, and that may be in effect on December 31, 1971; and

(2) shall be placed into effect on the first day of the first pay period that begins on or after January 1, 1972.

Pay adjustments under section 4 or 5 of the Federal Pay Comparability Act of 1970 in connection with the comparability adjustments referred to in the preceding sentence (A) shall be made as though "level V" in subsection (d) of such section 4 and subsection (e) of such section 5 (and in section 5308 of title 5, United States Code) read "level IV", (B) shall be made without regard to the parenthetical phrase in subsection (a)(1)(A) of such section 5, and (C) shall be placed into effect as provided in paragraph (2) of the preceding sentence.

NATIONAL PRODUCTIVITY POLICY

SEC. 4. (a) (1) It is the policy of the United States to promote efficient production, marketing, distribution, and use of goods and services in the private sector, and improve the morale of the American worker, all of which are essential to a prosperous and secure free world, and to achieve the objectives of national economic policy.

(2) The Congress finds that the persistence of inflationary pressures, and of a high rate of unemployment, the underutilization and obsolescence of production facilities, and the inadequacy of productivity are damaging to the effort to stabilize the economy.

(3) The Congress, therefore, finds a national need to increase economic productivity which depends on the effectiveness of management, the investment of capital for research, development, and advanced technology and on the training and motivation of the American worker.

(4) The Congress further finds that at a time when economic stabilization programs require price-wage restraints, management and labor have a strong mutual interest in containing "cost-push" inflation and increasing output per man-hour so that real wages may increase without causing increased prices, and that, without in any way infringing on the rights of management or labor, machinery should be provided for translating this mutuality of interest into voluntary action.

(b) It shall be the objective of the President's National Commission on Productivity (hereinafter referred to as the "Commission")—

(1) to enlist the cooperation of labor, management, and State and local governments, in a manner calculated to foster and promote increased productivity through free competitive enterprise toward the implementation of the national policy declared in the Employment Act of 1946 to create and maintain "conditions under which there will be afforded useful employment opportunities including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power";

(2) to promote the maintenance and improvement of worker motivation and to enlist community interest in increasing productivity and reducing waste;

(3) to promote the more effective use of labor and management personnel in the interest of increased productivity;

(4) to promote sound wage and price policies in the public interest, and to seek to accomplish that objective within a climate of cooperation and understanding between labor, management, and the public, and within a framework of peaceful labor-management relations and free and responsible collective bargaining;

(5) to promote policies designed to insure that United States products are competitive in domestic and world markets;

(6) to develop programs to deal with the social and economic problems of employees adversely affected by automation or other technological change or the relocation of industries.

(c) (1) It shall be the duty and function of the Commission, in order to achieve the objectives set forth in subsection (b) of this section, to encourage and assist in the organization and the work of labor-management-public committees and similar groups on a plant, community, regional, and industry basis. Such assistance shall include aid—

(A) in the development of apprenticeship, training, retraining, and other programs for employee and management education for development of greater upgraded and more diversified skills;

(B) in the formulation of programs designed to reduce waste and absenteeism and to improve employee safety and health;

(C) in the revision of building codes and other local ordinances and laws, in order to keep them continuously responsive to current economic conditions;

(D) in planning for provision of adequate transportation for employees;

(E) in the exploration of means to expand exports of the products of United States industry;

(F) in the development, initiation, and expansion of employee incentive compensation, profit-sharing and stockownership systems and other production incentive programs;

(G) in the dissemination of technical information and other material to publicize its work and objectives;

(H) to encourage studies of techniques and programs similar to those in paragraphs (A) to (G) of this subsection, as they are applied in foreign countries; and

(I) in the dissemination of information and analyses concerning the economic opportunities and outlook in various regions and communities, and of information on industrial techniques designed for the increase of productivity.

(2) The Commission shall transmit to the President and to the Congress not later than March 1 of each year an annual report of its previous year's activities under this Act.

(3) The Commission shall perform such other functions, consistent with the foregoing, as it determines to be appropriate and necessary to achieve the objectives set forth in subsection (b) of this section.

(d) (1) In exercising its duties and functions under this Act—

(A) the Commission may consult with such representatives of industry, labor, agriculture, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties;

(B) the Commission shall, to the extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as the President may direct as well as of private agencies and professional experts in order that duplication of effort and expense may be avoided;

(C) the Commission shall coordinate such services and facilities referred to in subsection (B) above in order to supply technical and administrative assistance to labor-management-public committees and similar groups referred to in subsection (c)(1);

(D) the Commission shall establish the regional offices and such local offices as it deems necessary;

(E) the Commission shall hold regional and industrywide conferences to formulate ideas and programs for the fulfillment of the objectives set forth in subsection (C);

(F) the Commission may formulate model programs to ameliorate the effects of unemployment caused by technological progress;

(G) the Commission may furnish assistance to parties in collective bargaining entering into collective bargaining agreements; and

(H) the Commission may review collective bargaining agreements already in effect or those being negotiated to ascertain their effects on productivity; and it may have the power to make recommendations with respect to the agreements made or about to be made in specific industries.

(2) The Commission may accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities.

(e) (1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives, functions, duties and powers of the Commission described in subsections (b) through (d) of this section.

(2) The Executive Director of the Commission, with the approval of the Chairman of the Commission, is authorized (A) to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this section, and (B) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(f) There are hereby authorized to be appropriated the sum of $10,000,000 to carry out the purposes of this section during the period ending April 30, 1973.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

Wright Patman,
Wm. A. Barrett,
Leonor K. Sullivan,
H. Reuss,
F. J. St Germain,
Joseph G. Minish,
William B. Widnall,
Albert W. Johnson,
J. William Stanton,
Garry Brown,
Managers on the Part of the House.

John Sparkman,
William Proxmire,
Harrison Williams,
Alan Cranston,
John Tower,
Bob Packwood,
W. V. Roth, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing vote of the two Houses on the amendments of the House to the bill (S. 2891) to amend and extend the Economic Stabilization Act of 1970, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying, clerical, and conforming changes, the differences are noted below.

The Senate version of the bill contained a statement of Congressional findings. The House bill contained a similar provision except that it contained a reference regarding the need to stabilize Federal taxes and expenditures and a statement relating to a balanced budget. The House receded to the Senate provision.

The House bill authorized the President to stabilize Federal expenditures and finance charges in connection with the extension of credit. There was no comparable provision in the Senate bill. The House receded to the Senate.

The House bill authorized the President to stabilize prices, wages, rents and salaries at levels not less than those prevailing May 25, 1970 or at such other levels as the President deemed appropriate to achieve appropriate economic growth and to carry out the purposes of the Title. The Senate bill contained similar authority except that prices, wages, salaries or rents could be stabilized below those prevailing May 25, 1970, when necessary to eliminate windfall profits. The conferees accepted the Senate provision with an amendment providing that prices, wages, salaries or rents could be stabilized below levels prevailing on May 25, 1970, when otherwise required to carry out the purposes of this Title.

The House bill gave the President discretionary authority to issue orders and regulations providing for adjustments and exceptions to the price and wage controls to prevent gross inequities. The Senate bill required the President to provide for such adjustments. The conferees agreed to the Senate provision.

The Senate bill required that stabilization orders or regulations must be consistent with the standards issued by the President under Section 203(b). No comparable was included in the House bill. The conferees accepted the Senate provision.

The House bill provided that wage controls will not apply to individuals whose wages are substandard or to the working poor. The Senate bill contained similar language except that the term "working poor" was not included. Moreover, the Senate bill defined substandard earnings to mean no less than those prescribed as the poverty level by the Office of Management and Budget. The conferees agreed to the House provision.

The House bill required the President to stabilize interest rates and finance charges whenever the price and wage control authority was invoked with respect to a significant segment of the economy, unless the President issued a determination together with his reasons that such regulations or orders are not necessary to maintain such rates and charges at levels consonant with economic growth. The Senate bill contained no such provision. The conferees agreed to the House provision.

The House bill contained a provision exempting certain pension and other retirement plans which qualify for special tax treatment under the Internal Revenue Code. The Senate bill made no reference to retirement plans which qualify for special tax treatment under the Internal Revenue Code, and instead provided that the terms "wages" and "salaries" do not include contributions by any employer pursuant to a compensation adjustment (affecting less than 1,000 employees) for any pension, profit-sharing, annuity, savings, insurance, or health plan, unless the President determines that the contributions made by any such employer are unreasonably inconsistent with the standards issued by the President to serve as guides for determining appropriate levels of wages and salaries. The Conference agreed upon a compromise between the two provisions which would exempt employer contributions to pension, profit-sharing, or annuity and savings plans, which meet the requirements of Sections 401(a), 404(a)(2), or 403(b), of the Internal Code; to a group insurance plan; or to a disability or health insurance plan.

It is the intention of the Managers that employer contributions, as defined in subsection 203(f), shall not as a general rule be defined as "wages" and "salaries" for the purposes of the stabilization guidelines established under the authority of this title. The Managers believe that the general wage and salary guidelines might otherwise discourage the establishment of new plans and the liberalization of existing plans covering various fringe benefits.

The Senate bill contained a provision that nothing in this title would prevent increases in wages or extensions in coverage pursuant to future amendments to the Fair Labor Standards Act, executive agency pay, and certain employee incentive programs. The House bill contained no such provision. The conferees accepted the Senate provision.

The Senate bill contained a provision exempting the press and related media from the authority to control prices and wages. The house bill contained no such provision. The Senate receded to the House.

The House bill provided that the President shall take no action under the title which directly or indirectly impairs or detracts from the protections guaranteed by the First Amendment. The Senate bill contained no such provision. The House conferees receded to the Senate.

The House bill contained a provision prohibiting exceptions concerning the control of rents. The Senate version of the bill contained no such provision. The Conferees accepted the House provision with an amendment making it clear that an exception from the stabilization program could not be made solely on the basis that the rents were regulated by State or political subdivisions thereof.

The Senate bill required, with certain exceptions, Senate confirmation of members of the boards, commissions and similar entities established by the President to carry out the purposes of this Act. The House bill contained no such provisions. The Conferees agreed to accept the Senate provisions.

The House bill contained a provision that legal authority would be placed in the chairmen of the boards, commissions or similar entities but required such chairmen to act only in accordance with the majority vote of the members. The Senate bill contained a similar provision but did not require a majority vote of the members. The Conferees accepted the House provision.

The House bill contained a provision authorizing the use of agency funds for the performance of functions under the Act. The Senate bill contained no such provision. The House receded.

The House bill contained a provision authorizing the use of confidential information by other executive departments, agencies and other establishments of the Federal Government for use in matters officially before them. The Senate bill did not contain such a provision. The House receded to the Senate.

The Senate bill contained a provision requiring a statement that there had been consultation with affected parties in the formulation of regulations issued under this Act or that such consultation was impracticable. The House bill contained no such provision. The Senate receded from its provision.

The House bill required the President to establish local protest boards throughout the United States. The Senate bill contained a provision which required each agency authorized to issue regulations and orders to establish procedures which make available to any person the opportunity to seek interpretations, exceptions and exemptions in connection with such regulations and orders issued. The Conferees agreed to accept the Senate provision. The Conferees did agree, however, that individuals should have every opportunity to have information and interpretations given to them at the local level.

The Senate bill required the President to conduct formal hearings with respect to a change or proposed change in wages, salaries, prices, rents, interest rates or corporate dividends. The House bill contained no such a provision. The House agreed to accept the Senate provision with an amendment which would require hearings only on matters that are of such importance so as to have a significant effect on the economy.

The House bill required the President to establish a board to study, evaluate and report quarterly to the Congress on the relationship between excess profits, the stabilization of the economy and the creation of new jobs. The Senate bill contained a provision which required the President to include a section in the Economic Report describing the actions taken under this Act and to transmit quarterly reports to the Congress describing such actions taken under the Act. The Conferees amended the Senate version to require that the Economic Report and quarterly reports contain sections concerning the relationship between excess profits, the stabilization of the economy and the creation of new jobs but did not require the establishment of a separate board for making such reports as was provided in the House bill.

The Senate bill contained a section providing that regulations issued under the Act shall, insofar as practicable, be designed to encourage labor-management cooperation for the purpose of achieving increased productivity. It also provided for consultation with the Executive Director of the National Commission on Productivity when appropriate in the formulation of such policies and regulations. No similar provision was contained in the House bill. The Conference Report contains the Senate Language.

The House bill authorized consumers to bring suits to recover three times the amount of the transaction from anyone willfully violating the price control regulations. The Senate bill contained a similar provision, but authorized suits for damages three times the amount of the overcharge. The conferees agreed to the Senate provision.

The House bill provided that in the case of an overcharge which is not willful, no action for an overcharge may be brought unless the plaintiff has first presented a claim for a refund and has not received repayment from the seller within ninety days. The House bill also provided that the term "willful" shall have the same meaning as in the case of criminal willfulness. The Senate bill contained a comparable provision except that it applied to violations whether or not willful and required repayment within a resonable period of time as opposed to ninety days. The Conferees accepted the House provisions.

The Conferees adopted the Senate provisions relating to the judicial procedures applicable to the administration of this Act. The Senate provisions in significant part were:

(1) exclusive jurisdiction of cases arising under this Act shall lie in the United States district courts, and such cases shall not be subject to any limitation with respect to amount in controversy;

(2) permits other courts of competent jurisdiction to determine issues relating to the Act when such issues are raised by way of defense, other than a defense based on the constitutionality of the Act or the validity of action taken by any agency under the Act;

(3) creates a Temporary Emergency Court of Appeals, which shall have exclusive jurisdiction over all appeals arising under the Act, and over all constitutional questions involving the Act or the validity of any regulation or order issued thereunder;

(4) the district court must certify all constitutional questions arising under the Act or questions involving the validity of any regulation or order issued thereunder; the injunctive authority of the district court is limited to enjoining temporarily or permanently the application of a particular regulation or order to a person who is a party to litigation before it; and

(5) the grounds requisite for invalidating a regulation or order are those listed in 5 USC 706(2).

The House bill differed from the Senate bill in this regard principally in that it gave no jurisdiction to any courts other than those in the federal system; it gave no injunctive authority to the district courts; and it restricted the scope of judicial review to only "excessive authority" and "arbitrary and capricious" criteria for regulations and, in the case of an order, to "excessive authority" and "not supported by substantial evidence" criteria. The Conferees felt that the Senate provisions would facilitate efficient and equitable administration of the Act.

The House bill authorized the appointment of up to 20 supergrade positions without respect to the Civil Service laws. The Senate bill authorized 40 such positions. The conferees accepted the House provision.

The Senate bill stated that it is the sense of Congress that small business enterprises should be encouraged to make the greatest possible contribution toward achieving the objectives of the title. The Small Business Administration is directed to provide small business enterprises with information on the stabilization program. The Senate bill also provided that small business enterprises should be exempted from the stabilization program where feasible. No comparable provisions were contained in the House bill. The conferees agreed to the Senate provisions.

The House bill provided that no company or other entity constituting a public benefit corporation charged by law or contract with the responsibility to operate a mass transportation facility shall increase any fare without first obtaining approval from the President. No comparable provision was contained in the Senate bill. The conferees agreed to the House provision with an amendment specifying that mass transportation companies regulated by a rate making authority would not be covered.

The Senate and House bills each contained provisions regarding the payment of wage increases contracted prior to August 15, 1971 and falling due between that date and November 13, 1971.

The Senate bill provided that such retroactive pay would be permitted if the President determined that the increase is not unreasonably inconsistent with the standards for wage and salary increases issued under the program. The House bill required such retroactive payments if the President determined that prices have been advanced, productivity increased, taxes have been raised, appropriations have been made or funds have otherwise been raised or provided in order to cover such increases. The House bill also extended this provision to wage increases falling due after Nov. 13, 1971.

The conferees agreed to both the Senate and House provisions with respect to retroactive pay. The conferees intended to require retroactive and deferred pay under either the House provisions or the Senate provisions, whichever provision would authorize such payments to be made. The conferees also intended that the provisions relating to employment contracts also apply to wage increases which were scheduled to be paid as a result of an agreement or an established practice but which were not allowed to go into effect because of the 90-day freeze or subsequent controls issued under the authority of this title.

The Senate bill contained a provision which authorizes comparability adjustments in the rates of pay of each Federal pay system covered by the Federal Pay Comparability Act of 1970, to be placed into effect on the first day of the first pay period that begins on or after January 1, 1972, notwithstanding the provisions of the alternative pay plan submitted by the President to the Congress on August 31, 1971. The amount of such increases may not exceed the 5.5 percent ceiling established as a guideline by the Pay

Board. The House bill contained no such provision. The conferees adopted the Senate provision with a clarifying amendment.

It is intended that the comparability adjustments be made not only in the "statutory pay systems", as that term is defined under 5 U.S.C. 5301(c), to include the General Schedule, the Foreign Service, and the Department of Medicine and Surgery, Veterans' Administration, but also in all other Federal pay systems covered by the Federal Pay Comparability Act of 1970.

The other pay systems are those under which rates of pay are fixed by administrative action under 5 U.S.C. 5307, which includes all such employees in the Executive, Legislative, and Judicial Branches (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and employees of the government of the District of Columbia. In addition, it includes certain employees of the Architect of the Capitol, and employees of County Committees established under 16 U.S.C. 590h(b).

Comparability adjustments also are authorized under sections 4 and 5 of the Federal Pay Comparability Act of 1970 for employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives. The January, 1972, adjustment authorized by the provisions of this section will apply also to these employees.

In addition to comparability adjustments in rates of pay, the Federal Pay Comparability Act of 1970 also authorizes comparable adjustments in minimum and maximum rates of pay, and in monetary limitations on, or monetary allowances for, pay applicable to certain classes of employees. It is intended that such limitations and allowances also be adjusted under the authority of this section.

The provision in the Conference Report requires that the comparability adjustments in pay, and the adjustments in monetary limitations or allowances, be placed into effect on the first day of the first pay period that begins on or after January 1, 1972. It is intended that this effective date will apply to all employees who are entitled to receive comparability adjustments under this legislation, including legislative employees covered by sections 4 and 5 of the Federal Pay Comparability Act of 1970.

Both bills contained a section establishing a National Productivity Commission to develop a National Productivity Policy. The House bill authorized $10 million to be appropriated to carry out the work of the commission. The Senate bill authorized the commission to be financed through funds appropriated pursuant to the overall stabilization program. The conferees accepted the House provision with the proviso that the funds appropriated shall not exceed $10 million.

The title of the House bill stated that it was "An Act to Extend and Amend the Economic Stabilization Act of 1970, As Amended, and for Other Purposes". The title of the Senate bill read as follows: "An Act to Extend and Amend the Economic Stabilization Act of 1970". The conferees accepted the House title.

Wright Patman,
Wm. A. Barrett,
Leonor Sullivan,
H. Reuss,
Fernand J. St Germain,
Joseph G. Minish,
William B. Widnall,
Albert W. Johnson,
J. William Stanton,
Garry Brown,
Managers on the Part of the House.

John Sparkman,
William Proxmire,
Harrison Williams,
Alan Cranston,
John Tower,
Bob Packwood,
W. V. Roth, Jr.,
Managers on the Part of the Senate.

HOUR OF MEETING TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROJECT CHANGE

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, formal education, as we all know, is a dynamic, highly fluid approach to the acquisition of knowledge. Yesterday's materials and methods are outmoded today, just as today's materials and techniques will be insufficient tomorrow.

In the spirit of education as an adventure, and a challenge in knowledge. Project Change is pioneering developments in the field of early childhood education. Marked by careful experiment and accurate projection, the program is aimed at a better quality education for our youngest educational population.

I would like to enter into the Record an article from the State University of New York News which appeared in the October 18 issue. It explains in greater detail, the history and purpose of Project Change.

One Hundred Forty-Six Thousand Two Hundred and Eighty Dollar Grant Funds Cortland's Project Change

Project Change, an early childhood education project at the College at Cortland, has been refunded for the 1971–72 academic year with a $146,280 grant from the U.S. Office of Education. It is the largest single grant for an educational project ever received at Cortland, according to President Richard C. Jones.

The grant has been awarded under terms of the Educational Professional Development Act through the Research Foundation of State University of New York. Through similar arrangements, Project Change was funded initially last summer with a $29,809 grant.

A program to develop and implement a team training program for professionals and paraprofessionals in early childhood education, Project Change at the same time seeks to develop, implement and evaluate a "model" learning environment for children three to eight years old that will better serve the needs of the area, including those of rural disadvantaged youngsters.

Project Change utilizes the facilities of the Education Division at the college, including the Campus-Laboratory School which has 425 pupils enrolled in an ungraded program for children 3 to 11 years old. The Campus School functions as one of several "learning laboratories" where teachers can translate theory and research into teaching experiences with young children.

Dr. Thomas Lickona, director of Project Change, explains that one of the primary objectives of the program is to get public school people interacting with the college in objectively evaluating teaching methods and early childhood curricula. He points out that Project Change is interested in getting new ideas and proposals into the hands of public school teachers for their consideration.

A significant step for Project Change was the selection of 10 preschool and elementary teachers from the Central New York area to participate in the Project as candidates for a master's degree with a specialization in early childhood education. The ten teachers, each receiving a federal stipend, have obtained leaves of absences from their respective schools for 1971–72 and will be trained with paraprofessionals as teaching teams.

As an integral part of this training program, the 10 will return to their schools where they will share their experiences with other teachers and begin to implement new programs.

Dr. Lickona believes that Project Change should live up to its name. "Programs should be constantly changing to keep pace with the new knowledge and information that educators have derived from research, studies and observation," he said. "Project Change is designed to bring people together to foster change, to create new approaches and to evaluate results. The whole program is designed to be self-renewing with heavy emphasis on pupil feedback before, during and after a course. The major beneficiaries in this undertaking will be the children."

A number of new courses have been devised for the master's degree candidates beginning the Project Change program this year. They are designed to examine such areas as individual differences in the classroom, environmental systems and their effect on learning ability, comparisons of different learning approaches in early childhood education, and teacher strategies in developing a total educational environment by working with other teachers, parents and administrators.

As part of the course in teacher strategies, Project Change will schedule regular teacher-administrator seminars at the College which will bring teachers and their principals and Project Change staff together to talk about how things look from different sides of the fence.

The focus of Project Change is a nine-county region in Central New York. Public school officials are cooperating with the Project from these counties: Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Seneca, Tioga and Tompkins. Also participating in the launching of the program last year were officials from the Office of Economic Opportunity, Finger Lakes Regional Planning Commission, and a number of other community agencies.

H.R. 12208—CABINET COMMITTEE FOR ASIAN AMERICAN AFFAIRS

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, there is a myth in our country regarding the welfare and the well-being of Asian Americans. The myth perpetuates the idea that Asian Americans are not subjected to bigotry and prejudice, that they have fully realized the American dream, and that there is no need to be concerned for their welfare.

While it is true that Asian Americans have surmounted legal, economic, political, educational, and social barriers, the facts indicate that, in all too many instances, the remnants of prejudice and bigotry still pervade our society and that the Federal Government should be aware of the problems confronting the Asian American community.

HISTORIC VIEW

Thanks largely to the efforts of Chairman HOLIFIELD and Congressman MATSUNAGA, many Americans were made aware of the tragic history of the incarceration of the Japanese Americans during World War II. We have done much to repudiate the over 500 Federal, State, and local laws and ordinances directed against Japanese-Americans in 1941. We have done much to repudiate the philosophy which allowed the evacuation of 110,000 Japanese-Americans and allowed their imprisonment in refugee camps.

But, what do we know about the prejudice that occurred after the war? What do we know about the effect of imprisonment on Japanese-American culture?

We know that as a percentage of the population, more Japanese-Americans served in combat in World War II than any other American nationality. But despite their heroic efforts in defense of their adopted country, hatred still existed.

They returned to their homes and farms to find that they had been confiscated.

They returned, not to a well-deserved hero's welcome, but rather to find that Japanese-American names had been stricken from community-sponsored plaques and monuments that were placed to honor American war dead.

They returned to find that camp life had broken down the heretofore greatest strength of the Japanese-American group—family unity.

They found that family discipline, the keystone of Japanese-American social control, was eliminated by the communal living imposed by evacuation.

The culminating effect of evacuation was the devastation of Japanese-American family life and social control.

History has not only been unjust to the Japanese-American, but it has also unjustly treated other Asian American groups.

THE FILIPINO

Filipinos were brought to America in order to meet an acute need for cheap farm labor and, like his Asian brothers—the Japanese and Chinese—he was subjected to exploitation.

In the late 1920's, as the depression approached and the competition for jobs increased, an anti-Filipino feeling developed which resulted in riots against the Filipino in Watsonville, Exeter, and Tulare, Calif.; in Yakima, Wash. According to the Filipino-American position paper, in Los Angeles, the chamber of commerce described Filipinos as the "most worthless, unscrupulous, shiftless, diseased semibarbarian that ever came to our shores." Again, according to the paper, in San Francisco, a judge called Filipinos "savages who were taking the jobs and women from decent white boys."

This prejudice has carried over until today.

THE KOREAN

The ability and ingenuity of Korean immigrants was never realized due to educational, cultural, and language barriers. The resource brought to this country by Korean-Americans has never been tapped to its full potential.

THE CHINESE

Like other Asian Americans, the Chinese who came to America have met problems that have resulted in their exclusion from all the rights and benefits of American citizens.

Today, due partly to the historic conditions, and partly to the recent influx of Asians to America, the Asian American communities are plagued by problems approaching crisis proportions.

THE AGED

Elderly Asian Americans perhaps face the most severe problems in the community.

According to the recent White House Conference on Aging, "elderly Asian Americans are suffering from unprecedented problems that are devastating the lives of these aged people."

Because of the language barrier and the lack of bilingual staff in social services agencies, the elder Asian American is not acquainted with the available benefits such as social security, old-age assistance, health care, housing, and recreation.

When we realize that the suicide rate among Asian American elderly in certain areas is three times the national average, when we realize that studies show that 34 percent of Asian American elderly have never had a medical or dental examination, it should be obvious that the problems facing Asian American aged are, according to the White House Conference, "over-whelming to the point that it is impossible for Asian American aged to look only to their families for help."

The problems of the aged are particularly acute with the Filipino American. The median age of the Filipino American is 40.9 years, compared to 26.6 for whites.

But, what is the Federal Government doing in the Asian American community to relieve this problem?

Between 1969–71, grants to communities to aid the aged totaled $32 million. According to the White House Conference, "of this $32 million, not $1 was given to Asian American communities for their aged problems." The reason for this lack of assistance goes back to the myth that Asian Americans do not need Federal help. Again, according to the conference, the reasons for the lack of Federal help. "according to government officials, Asian Americans don't have problems."

Mr. Speaker, the facts are that elderly Asian Americans have unique problems, problems unlike those encountered by other groups, problems that must be solved by Federal action.

YOUTH

As in all countries, the hope of the future rests with the younger generation. Yet, in the Asian American community, the young are not receiving the special attention that should be accorded the leaders of the future.

Like other communities, the Asian American community has been wracked by drugs. Last year, in one section of Los Angeles alone, at least a dozen deaths of Asian American youth were attributed to the overdose of drugs.

In order to meet the needs of rising expectations, Asian American children must receive a quality education—an education designed to bring the Asian American economic and social success.

This has not been the case in the past.

According to a 1965 study by the California Department of Industrial Relations, median school years completed by Filipino Americans was 8.7 years.

Perhaps the reason for this alarming drop-out rate is the language barrier. Obviously, it is difficult, if not impossible, to compete if the language is not understood.

The New York City Chinatown Planning Council estimates that 90 percent of new arrivals to the United States do not understand spoken English. And, in San Francisco Chinatown, over 70 percent of the new population lack a knowledge of English.

In Pasadena, Calif., 15 percent of the Japanese-Americans in the school system identify Japanese as their first language.

But, the myth that Asian Americans "do not have problems" persists. Programs are not aimed at helping Asian Americans. Research has not been conducted to determine the depth of these problems.

In fact, from 1969 to 1971, HEW authorized $30.7 million in research and demonstration grants to minority communities for child welfare, rehabilitation, and special health projects, but none of these grants were made available to Asian American communities.

No doubt, the Asian American has been discouraged and frustrated by the lack of Government empathy. They see Federal programs helping other minorities, but they are neglected. They see that special college programs, designed for minorities from disadvantaged areas, are not available to Asian Americans.

While last year only five Filipino Americans from the Seattle area graduated from the three local universities, the Government continues to turn its back on the needs of the Asian American student largely due to the myth that "all Asian Americans students do well in school and, thus, do not need Government help."

It is particularly disturbing when we realize the Emergency Desegregation Act, as recomended by the administration in 1970, by definition, excluded Asian American communities from the benefits of this act—despite the fact that schools in Asian American communities are in desperate need of Federal assistance.

Fortunately, the Congress corrected this oversight, and allowed Federal funds to aid the schools in the Asian American community.

EMPLOYMENT

Contrary to public opinion, the Asian American, like other minority groups, experiences prejudice in the job market.

The 1965 study by the California Department of Industrial Relations found that the Filipino American at $2,925 had the lowest annual income of any ethnic group in the State.

For those who are eminently well-qualified, for those who have overcome the barriers to quality education, advancement is stifled even by the Federal Government.

Over 21,000 Asian Americans work for the Federal Government. This represents 0.81 percent of the Federal work force, but for the higher grades, the Asian American is excluded.

Only 0.12 percent of the GS-15 to GS-18 Federal workers are Asian American.

Out of 1,652 GS-18 and GS-18 positions, only four are Asian American.

In the Postal Field Service, only one Asian American is as high as a level 16.

In the total wage system, out of a total of 543,912 employees, only two Asian Americans earn over $18,000 a year and none earns as much as $22,000.

Mr. Speaker, this lack of advancement in the public sector no doubt carries over in the private sector of the economy, but there is a noticeable lack of available information on job hiring procedures.

CONCLUSION

Only Federal action, with its inherent nationwide approach can begin to investigate, isolate, and correct the inequities and problems relating to the Asian American population.

In order to correct the inequities that face the Asian American, in order to focus Federal attention on the special needs and problems in the Asian American community, Congressman MATSUNAGA and I are today introducing a bill H.R. 12208, which would create a meaningful and effective Cabinet Committee for Asian American Affairs.

The draft of this legislation was submitted by the Japanese American Citizens League after their discussions with other Asian American groups.

The bill, H.R. 12208, includes such far-reaching provisions as authority to issue cease and desist orders to those practicing discriminatory action against Asian Americans, subpena powers, regional offices, authority to conduct intensive surveys to determine Asian American community needs, a high level staff, and the authority to investigate and act on charges of discriminatory actions on the part of the various Federal departments and agencies.

Mr. Speaker, the counsel and guidance that I have received from Mike Masaoka, and Dave Ushio has been especially helpful. Also, I would like to thank the Reverend Peter Kwon of the Korean American Social, Health, and Education Society of Southern California for his research on the problems confronting Korean Americans.

In the Filipino American community, the efforts, the experience and the recommendations of Frederic A. Cordova, Peter M. Jamero, A. Barretto Ogilvie, Robert N. Santos, Silvistre Tangalin, Andres B. Tangalin, and Dale Tiffany are especially appreciated.

GRAIN TRADING AND H.R. 1163

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the House action late last Wednesday night to pass H.R. 1163 to bolster the sagging grain markets by creating a strategic grain reserve and increasing the loan rates by 25 percent was a good positive step but the bill so far has not cleared the Senate Agriculture Committee. Senator JORDAN of North Carolina will call up the bill tomorrow in his subcommittee and hopefully will report it favorably.

Grain farmers need relief now in the marketplace, and it was our intention and our hopes to complete passage prior to adjournment this year. Every day that passes with low grain prices further aggravates a poor farm economy and causes additional losses for farmers who must sell their grain in order to make payments on their indebtedness or pay their bills before the end of the year.

If the Senate would act promptly to pass the bill and the President sign the bill, we would improve the income for producers for sales on their 1971 crop by close to $1½ billion. A portion of this crop has already been sold or the total increase for American grain farmers for the crop would exceed $2 billion. Of course the 1972 crop would have the full benefit of the stronger price structure worth $2 billion over the current values of their crops. The margin will still be narrow because the improvement in grain prices will still leave the market at below 1970's crop prices for corn and grain sorghum and moderately higher for wheat. All in all the average floor prices for all grains would be at a level which would not cause any increase in food costs but which would help the grain farmers.

Thursday, December 9 when the grain future's trading markets opened, corn, wheat and other grains showed substantial strength and advances. An increase in grain markets is appreciated by almost everyone but traders who speculate, gambling on the short side that prices will decline. On that day, December 9, there were 106 million bushels of wheat on open contracts, 263 million bushels of corn on open contracts and a small amount of oats and grain sorghum on open contract. For speculators who are trading in these contracts and selling short without actually owning the grain, anything that would bolster the grain markets would be bad news for them. These particular traders would probably view passage of H.R. 1163 as bad news and contrary to their interests since they have gambled on the side of poor and declining grain market.

The Commodity Exchange Authority supervises trading of grains on boards of trade and grain exchanges and requires that trading of any large volume and speculative interests of any large volume be reported to them daily. This information is confidential but section 12, title 7 of the United States Code requires the Commodity Exchange Authority to provide information to the appropriate committees of Congress when called for. The House Agriculture Committee should ask the Commodity Exchange Authority to provide the data to the committee concerning the open contracts for wheat, corn and grain sorghum for the past week to determine who in the grain trade may have unusual interest in the legislation which would affect grain prices.

MILLS PRESIDENTIAL BID WELL RECEIVED IN COLORADO-WYOMING

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, last Friday, Ways and Means Chairman WILBUR MILLS was a featured star of the well attended function in Pueblo and in Denver in behalf of my colleague FRANK EVANS and the Democratic Party of Colorado.

On Saturday, December 11, Chairman MILLS came to my State of Wyoming for a press conference regarding his Presidential bid, and a fruitful meeting with the Democratic Party members of my State.

That evening at Cheyenne's famous Hitching Post WILBUR MILLS was the honored speaker at a banquet attended by more than 560 persons, an outstanding turnout for any political affair in any State, let alone for the State of Wyoming so justly famous for its high altitudes but low multitudes.

WILBUR MILLS fielded numerous questions for well over 45 minutes on a wide range of relevant issues on which next year's presidential election will be based

Even the usually reserved elements of our Democratic Party, our progressive and labor leaders of Western States, came away from these meetings with a newly discovered appreciation of the WILBUR MILLS appeal to the people of America.

Said several of Wyoming's outstanding leaders:

> I am favorably reassessing this great man and the impact he can have on a victorious Democratic ticket next year.

Mr. Speaker, I do not know what Chairman WILBUR MILLS' intentions may be regarding those States with Democratic presidential primaries, but I do know that in States such as in Colorado and Wyoming where delegate selection will be left to the people of the party, WILBUR MILLS is making great strides.

His calm, judicious, knowledgeable strength appeals to the people of the party. I believe his trip to the Rocky Mountain States of Colorado and Wyoming this weekend will assure WILBUR MILLS delegate support in those States and in the remaining eight States of the Rocky Mountain region.

PERSONAL EXPLANATION

(Mr. LINK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LINK. Mr. Speaker, pursuant to permission granted by the House I was absent on official business during rollcall No. 372 on H.R. 10729. Had I been present I would have voted "aye."

PRAYER VIGIL FOR OUR POW'S

(Mr. KYL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KYL. Mr. Speaker, I have been inspired and gratified by the concern of the American people in the plight of our men in prisoner of war camps.

The deep sincerity is evidenced, for instance, by the First Church of the Open Bible in Ottumwa, Iowa, and Minister William R. Chilcote. In that church there is a series of services on Friday evenings, and continuing through the night with emphasis on prayer that our men will be released.

The spirit of this church and these services can be an example for all, especially in the season when we glorify the Prince of Peace.

CABINET DRAFTS CABLE POLICY FOR NIXON

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, this week's edition of Television Digest carries an article entitled "Cabinet Drafts Cable Policy for Nixon" which I would like to bring to the attention of my colleagues. The article summarizes the "near-final version" of the options the Cabinet-level cable TV committee will recommend to President Nixon concerning a new national cable television policy.

I would hope that the Cabinet-level committee will report the final version of their report as soon as possible. If the Congress holds hearings on the cable question in the early part of 1972, we must certainly have all the alternatives in front of us. The article follows:

CABINET DRAFTS CABLE POLICY FOR NIXON

Cabinet-level cable TV committee is prepared to recommend to President Nixon new national policy falling between FCC's proposals and a strictly common-carrier structure. Intensely awaited report, coming soon after OTP mediated "short-term" cable compromise and while FCC is putting compromise into rules, will have powerful impact on direction cable communications will take in next 10 years.

Though Cabinet committee report isn't quite final, Television Digest reports herewith a summary of near-final version. Four options have been prepared for Nixon's consideration, and unless there's drastic change before presentation—and none is anticipated—Option III will be recommended. Texts of summaries of each option, with committee's lists of advantages & disadvantages of each, are printed below.

Central feature of Option III is restriction or outright separation of ownership & control of cable systems from program suppliers. Judgment of committee is that this separation reduces concentration of media-content control and therefore reduces need for govt. content regulation.

As you'll note from summaries below, committee believes Option I (FCC proposals) leads to media concentration & excessive govt. regulation. Option II (common-carrier ownership, with channel lessees licensed by FCC) is thought to curb innovation in industry and add unnecessarily detailed regulation. Option IV (minimum regulation, comparable with print media) is regarded as threatening viability of broadcasters and leading to antitrust problems.

While majority of committee favors Option III, it's understood that Herbert Klein, Nixon's Communications Dir., believes policy is still too tough on broadcasters. Commerce Secy. Maurice Stans takes opposite view, wants virtually all wraps off cable. These positions aren't surprising, in light of officials' "constituencies"—Klein's broadcasters and Stans' manufacturers, distributors & retailers.

It's believed committee recommendations will go to Nixon in Jan. Presumably, President will then urge Congress to adopt legislation implementing policy. At about same time, FCC's final rules should be available—and also will be weighed by Congress. Thus, you can anticipate some crucial hearings by Commerce Committees, by Judiciary Committees (copyright), perhaps others. Congress certainly won't lack for advice. Latest private-sector recommendation comes from Sloan Commission on Cable Communications.

(*FCC began discussion of rules last week,* with briefing by members of Cable TV Bureau [CTB]. Broadcasters charged, meanwhile, that they'd been given to understand that rules would be drafted by Commission staffers not in CTB. Some broadcasters claim that proposed rules violate compromise. For example, they say, proposals would allow "cherry-picking" & "leapfrogging" in smaller markets, in violation of agreement; would give no protection when 2 news feeds or time-zone problems are involved; would include cable viewers in 2% "significant viewing formula, instead of off-air viewers only; would permit cable systems to ignore exclusivity while they have waiver petitions pending, etc.)

Members of Cabinet committee: OTP Dir. Clay T. Whitehead, chmn.; Stans; Klein; HUD Secy. Romney; HEW Secy. Richardson; White House aides Leonard Garment & Robert Finch. Herewith is summary of options to be presented to Nixon:

OPTION I

"Summary: Accept the present integrated control of content and distribution functions, characteristic of the broadcast, as the basis for cable TV development. Expand present regulatory controls on program content, service standards, and rates as a means of ensuring balanced programming, equitable treatment, and increased public services despite increased concentration of medium & message control with multi-channel cables.

"Advantages: Does not require the Administration to take on the effort & political risks associated with restructuring an industry through legislation. Attractive to many public interest groups. Allows cable TV to develop more rapidy than it has in the past.

"Disadvantages: Leads to much greater concentration of media control & detailed FCC content regulation than exists in the broadcast industry today. May actually slow the development of broadband services in smaller communities, due to inflexible public service obligations (free channels, excess capacity, 2-way capability). Threatens the continued vigor of the program creation industry by undermining its copyright protection and bringing it into the sphere of regulated industries. Threatens the economic viability of broadcast stations in smaller markets, without offering to replace the services they presently provide for rural viewers. Locks the CATV industry into a mold which will be very difficult to change later."

OPTION II

"Summary: Require complete separation of program supply & distribution functions as in the telephone industry; impose full public utility/common carrier regulation on the distribution function along the lines of telephone regulation, with substantial state control, and broadcast-type regulation & licensing of programmers (channel lessees) under FCC jurisdiction.

"Advantages: Allow the market to determine the level & rate of cable development. Creates incentives for specialized & localized program creation, and decreases the power of centralized national media. May foreclose exercise of monopoly power by local cable systems. Public utility regulation a comfortable concept to many who feel that public utility commissions do a good job.

"Disadvantages: May stifle innovation & progress in the industry. Introduces detailed regulation into an area which might be moderately well policed by competition."

OPTION III

"Summary: Restrict the ownership & control of multi-channel distribution systems by entities engaged in programming or other use of such facilities, in order to avoid excessive concentration of media control. Require nondiscriminatory access to the distribution channels to ensure First Amendment privileges, subject only to established statutes governing libel, obscenity, etc. Regulate none of the programming supply functions, and only those aspects of the distribution function where competition is unworkable.

"Advantages: Avoids the problems of private control & government regulation of mass media content which we now face in broadcasting. Allows the market to determine the level & rate of cable development. Creates incentives for specialized & localized program creation, and decreases the power of centralized national media. Creates opportunity for Presidential leadership in developing an innovative policy approach to a new communication medium, that avoids the need for heavy government regulation.

"Disadvantages: Not as bold a step as, for instance, a Presidential commitment to a wired nation. May produce more opportunities for expression of extreme or unpopular views. May inhibit somewhat the realization of monopoly profits which might otherwise attract more investment capital and encourage more rapid development of cable TV. May be difficult for many to accept due to its substantial departure from conventional regulatory practices."

OPTION IV

"Summary: Place no restrictions on the organization & development of the cable industry except those statutory restrictions which now govern copyright liability, antitrust considerations, and content (libel, obscenity, etc.).

"Advantages: Consistent with free enterprise economic philosophy. May result in more rapid cable development than other options. Keeps out of the regulatory sphere a new industry which need not be regulated.

"Disadvantages: Threatens continued availability of TV service and existing broadcast industry more than other options. Allows vertical integration, and thus possible First Amendment difficulties in content area, and severe antitrust difficulties in economics area. Doesn't recognize the right of subscribers to have service, or right of programmers to have access to the system."

COMMITTEE ON GOVERNMENT OPERATIONS CRITICIZES MANNER IN WHICH THE AGENCY FOR INTERNATIONAL DEVELOPMENT HAS OPERATED ITS STABILIZATION PROGRAMS IN LAOS

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I would like to call to the attention of my colleagues and the public an extremely revealing investigative report issued by the Committee on Government Operations which is based on hearings and studies by the Foreign Operations and Government Information Subcommittee under my chairmanship. Copies of the report on U.S. Economic Assistance for Laos (House Rept. No. 92–718) are available from the subcommittee office—phone 53741.

In the report, we sharply criticized

the manner in which the Agency for International Development has operated its stabilization programs in Laos. We describe numerous cases of waste, inefficiency, and corruption and conclude that U.S. Government programs designed to stabilize the Laotian economy over the past 15 years have been basically uneconomical and have promoted fraud and corruption.

It is sad to say that our aid program for Laos has improved little, if at all, over the past 15 years. When we remove all the fancy veneer, the Foreign Exchange Operations Fund for Laos—which we created—is nothing more than a cash giveaway program chargeable to the American taxpayers. We have provided the Laotians some $125 million through FEOF but there has been absolutely no control over this vast expenditure of the taxpayers' money. Economy and efficiency have been casually tossed aside in an effort to balance the Laotian national budget, while the United States sinks deeper into debt and our own domestic economy flounders.

Just last month, a run on FEOF resulted in the United States contributing another $4 million to the Fund—$2 million of which is from appropriations yet to be enacted by this Congress. Gentlemen, we have absolutely no assurances that the very dollars which we are providing to FEOF are not directly supporting the Communists. Through FEOF, dollar exchange is available to anyone—Communist and non-Communist alike—for any purpose including capital flight and procurement of nonessential luxury goods from any source—including Communist countries.

We have purposely shown many classic examples of the waste in AID's stabilization programs in Laos. It is high time that we publicized AID's waste and inefficiency. I am quite certain that a half dozen expert investigators could show us many more AID programs which are just as wasteful as the Laos program. Over the years, unfortunately, we have barely scratched the surface on uncovering the waste and inefficiency in our foreign operations simply because we have not had the congressional investigators to do the job. It is little wonder that our foreign operations are conducted in this scandalous manner. A few dollars well invested would save us millions by elimination of this waste and inefficiency.

Mr. Speaker, this Congress must make every effort to bring our overseas operations under control.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION DOES NOT HAVE CONTRACTS WITH ANY MINTS

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, on December 2, 1971, my distinguished colleague from Rhode Island Mr. St Germain, made the statement, which appears on page 44311 of the Congressional Record, to the effect that he hopes that the authorizing and appropriating committees which handle the ARBC matters are going to look into the subject of "some very lucrative coinage contracts going out to certain mints in this country, and there are some pretty heavy profits involved. Mr. St Germain further states that he hopes that "if this be the case that the taxpayers will be repaid for the sums that have been spent for this before these fat profits are made by certain mints in this country."

I want to state that Mr. St Germain is in error. The ARBC has no contracts with any mints in this country and no mint is producing anything for the American Revolution Bicentennial Commission.

Therefore, there are no taxpayer dollars involved and there are no taxpayer dollars that will, therefore, have to be repaid.

I believe that what has confused Mr. St Germain is the fact that some State bicentennial commissions, including the Rhode Island Bicentennial Commission, have contracted with a private mint to produce sets of commemorative medals for the State bicentennial commissions. These medals have been sold to the general public and the bulk of the profits have accrued to the various State bicentennial commissions.

However, even in these transactions, taxpayer dollars were not involved. Rather, the State bicentennial commissions have actually saved taxpayer dollars by using the profits from the sale of the commemorative medals to run their commissions; otherwise, the necessary funds would have necessitated appropriations from the various State legislatures.

IMPLEMENTATION OF THE WILLIAMS-STEIGER ACT, A 6-MONTH REPORT, APRIL 28, 1971, TO OCTOBER 31, 1971

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Steiger) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, the Department of Labor has just issued a unique report—a 6-month analysis of the progress that has been made under the new job safety law—the Williams-Steiger Occupational Safety and Health Act.

As we approach the first anniversary of this legislation, it is particularly important to review the quite remarkable efforts of the men and women in both the Labor Department and in the DHEW who have undertaken the important tasks given them by the Congress.

This report comes on the initiative of the Department of Labor which is itself unusual.

I am proud of the record of those responsible for implementing this new act. It is, of course, too early to be able to answer how effective the act will be in reducing accidents and deaths in the workplace. But it is fair to say that the initial standards, compliance officers, citations, and organization have built a solid foundation for the future.

There remains much to be done, and any law of this scope causes some problems for all concerned.

One of the complaints I have heard relates to the extensive recordkeeping requirements. Frankly, Mr. Speaker, during our hearings it became apparent that the records available to us were not as accurate or complete as they should be. Thus, an integral part of the Williams-Steiger Act is the requirement for up-to-date, complete data on workplace injuries and accidents. In the future our hope is that with more complete information we will better be able to judge the progress being made under the act.

Another controversy revolves around the role of the States. Clearly it was the intent of the Congress that the States play an important role in cooperating with the Federal Government. The Department of Labor's guidelines for State plans accurately reflect the congressional intent that a State have an opportunity to develop a State plan which allows for innovation while assuring that all protections and rights will be at least as effective as those outlined in the statute. I believe it is crucial to use the resources and talents available in many States under approved plans. Only in this way can we assure the additional resources that are required to effectively and fully combat injuries and deaths on the job.

I urge my colleagues to read this 6-month report. It represents the beginning of an act which has had and will have a profound impact on the workplace environment and reflects a record which I hope will make possible further support for and confidence in the implementation of this new act.

U.S. Department of Labor,
Office of the Secretary,
Washington, December 10, 1971.

Hon. William A. Steiger,
House of Representatives,
Washington, D.C.

Dear Congressman Steiger: As a result of the Williams-Steiger Occupational Safety and Health Act of 1970, P.L. 91-596, the Department of Labor created the Occupational Safety and Health Administration on April 28. After six months of effort, I feel that this is an appropriate time to briefly tell you what has been done to improve job safety and health. A more detailed report is enclosed together with copies of the most significant materials that have been developed.

The first tasks were to issue occupational safety and health standards and to create an organization to administer and enforce the Act. The initial standards package was published in the May 29 Federal Register. For general industry, this includes established Federal standards and some national consensus standards. A ninety-day familiarization period ending August 27 was built into these to give industry a chance to make necessary changes before the standards became effective. In addition, established standards for the maritime and construction industries have been adopted under the Act. In creating the Occupational Safety and Health Administration (OSHA) we have concentrated on recruiting and training the compliance staff with a field organization of ten regions and forty-eight area offices; working with employers and employees to inform them about the Act and to encourage voluntary compliance; emphasizing occupational safety and health programs in five target industries with high injury frequency rates; and improving Federal agency programs. Through the Bureau of Labor Statistics, a new, nationwide injury and illness reporting system is being implemented.

Through October 9, 300 inspections have been made, covering establishments employing more than 1.5 million workers. Stress is placed on investigating fatalities and catastrophes, on responding to employee complaints, and on inspecting the five target industries. In addition, we are inspecting a broad cross-section of all industries and size establishments to attain the maximum impact.

Enforcement actions have disclosed 19,578 violations with penalties proposed amounting to $361,692. One hundred and thirty citations have been contested with the Occupational Safety and Health Review Commission through the end of October .

As required by the Act, we are working closely with the States to aid and encourage them to develop their own occupational safety and health programs which are "at least as effective as" the Federal efforts. All fifty States, the District of Columbia, Puerto Rico, and Guam have indicated an interest in developing operating plans under the Act. To aid in planning, grants totaling $4.7 million have been made to forty-six States so far. Eight States are also performing inspections in the target industries for us. We now estimate that about half of the States will submit approvable plans before the end of fiscal year 1973.

Because the Act is general in nature, the Department recognizes the extreme importance of coordinating its efforts with those of other Federal agencies to avoid duplication. In particular, we are working closely with the National Institute for Occupational Safety and Health in the U.S. Department of Health, Education, and Welfare to ensure that there is a unified Federal program effort.

In short, we have come a long way and have laid the groundwork for real improvement in safety and health on the job. There remains much to be done, but we in the Department believe a responsible start has been made. If you have any questions, we will be pleased to answer them.

Sincerely yours,

JIM HODGSON,
Secretary of Labor.

IMPLEMENTATION OF THE WILLIAMS-STEIGER ACT

Six-Month Report

I. ESTABLISH THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TO ADMINISTER AND IMPLEMENT THE WILLIAMS-STEIGER ACT

The Williams-Steiger Occupational Safety and Health Act was signed into law by President Nixon at the U.S. Department of Labor on December 29, 1970. The next four months were spent in task force development to implement the Act. On April 28, 1971, the Secretary announced the establishment of the Occupational Safety and Health Administration (OSHA).

OSHA is a decentralized organization with a field network of 10 regional offices, 48 area offices, and three maritime district offices. Two-thirds of OSHA's manpower is located in the field with the proportion in the field expected to increase. This table shows the OSHA field staff.

	On board November 1	Ceiling, fiscal year 1972
Total field staff	500	763
Compliance safety and health officers	313	500
Industrial hygienists	23	52
State liaison personnel	17	33
Administrative, technical, and clerical staff	147	178

The organization of the National Office consists of program operations which include standards development, compliance operations, State programs, and training and education, and the administrative support offices of program management support, management data systems, and information. The total staff in the National Office as of November 1, 1971, is 290, with a ceiling of 337 positions for FY 1972. OSHA is currently recruiting to fill up to its authorized ceiling.

The Regional Administrators have direct responsibility for operations in multistate regions reporting to the Office of the Assistant Secretary. Each regional office has staff units for compliance operations, State programs, technical support, and administrative services.

OSHA is establishing workgroups with other Federal agencies to develop administrative agreements and to determine areas of overlap in authority in order to avoid duplication of effort and to achieve coordination.

On July 26, 1971, the appointment of the members of the National Advisory Committee on Occupational Safety and Health was confirmed. The Committee is to advise, consult with, and make recommendations to the Secretary of Labor and the Secretary of Health, Education, and Welfare on all matters relating to job safety and health. The Advisory Committee has an important role to perform in bringing continuing public attention and interest to bear on the Act and its programs.

II. DEVELOP AND PROMULGATE OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational safety and health standards are derived from three sources: established Federal standards, national consensus standards, and new standards developed under procedures explained in Section 6(b) of the Act. All occupational safety and health standards administered under the Williams-Steiger Act have one thing in common—they are and will continue to be the product of intensive research into how to make the American workplace safe and healthful.

On May 29, 1971, OSHA issued the initial standards package. This package incorporated, (1) standards promulgated under the Construction Safety Act on April 24, 1971, (2) maritime standards from the Longshoremen's and Harbor Workers' Compensation Act, (3) established Federal standards from the Walsh-Healey Act, and (4) national consensus standards developed by the American Nation Standards Institute and by the National Fire Protection Association.

When the initial standards package was promulgated, employers not previously covered by existing statutes such as Walsh-Healey were given 90 days to familiarize themselves with the standards, and to take action to correct existing safety and health hazards. At the termination of the familiarization period on August 27, most standards were effective. Appropriate additional time periods for compliance have been provided when the standards require major changes.

The Act provides for temporary and permanent variance from standards, as well as variances necessitated for reasons of national security. Procedural rules governing applications for variances, tolerances, and exemptions were published in the Federal Register on June 30, 1971. OSHA has received 93 applications for processing.

The following activities are in process for the continuation of standards development during the remainder of the current fiscal year:

(1) Developing and promulgating by the end of FY 1972, a completely updated document containing all the current occupational safety and health standards, amendments, revisions, and changes.

(2) Preparing a subject index and standards information retrieval system, including assembling, translating, and compiling materials from technologically-advanced foreign Nations.

(3) Reviewing and promulgating, where appropriate, any new or revised national consensus standards.

(4) Working on new standards development with the National Institute for Occupational Safety and Health, other Federal agencies, private industry, universities, and ad hoc advisory committees. For example, roll-over protective standards for construction vehicles were proposed in the Federal Register on October 29, 1971. In the issuance of standards, OSHA is concerned with the economic impact of safety and health standards on employers and the community, and is working toward the assessment of the standards already promulgated as well as devising a methodology for projecting the total impact of proposed standards.

III. ENFORCE OCCUPATIONAL SAFETY AND HEALTH STANDARDS

August 27, 1971, marked the end of the familiarization with the initial standards package and the real beginning of the compliance program. However, enforcement activity had been underway prior to this date in case of fatalities and catastrophes, in response to valid complaints, and in establishments previously covered by Federal statutes including the Longshoremen's and Harbor Workers' Compensation, Construction Safety, Walsh-Healey, Service Contract, and Arts and Humanities Acts. Citations were issued where appropriate.

A priority list was developed as a guide in making inspections from the total list of some 4.1 million covered establishments. ing catastrophes and fatalities. Second, are ing catastrophies and fatalities. Second, are valid complaints by employees. Third, are the target industries. And fourth, to establish our presence on as broad a basis as possible, a random cross-section of establishments of all types and sizes in all sections of the country.

The Target Industry Program was developed to focus on selected industries which have experienced very high injury frequency rates. All five of the target industries have frequency rates at least double the national average of 14.8, and together employ more than 1.5 million employees. They are:

Roofing and sheet metal which has the highest frequency rate in construction—43 disabling injuries per million man-hours worked.

Meat and meat products which has a rate of 38.5.

Lumber and wood products which has a rate of 36.1.

Miscellaneous transportation equipment, meaning primarily manufacturers of mobile homes, campers, and snowmobiles—its rate is 37.6.

And last in this listing but with the highest injury frequency rate is marine cargo handling, or longshoring, with a rate of 69.9.

Before announcing the Target Industry Program, OSHA officials met in Washington with key trade associations and employee representatives in each of the industries. Each industry was asked to organize its own particular approach to reducing its injury rate as quickly as possible. The National Safety Council is working closely with OSHA and has assigned expert staff members to work with each target industry.

During this year OSHA intends to inspect virtually all of the larger establishments in these five industries (more than 20 employees), and selected small target firms. OSHA contracted with eight States, under the provisions of Section 7(c)(1), for approximately 4,300 target industry inspections. The States under contract are California, Florida, Illinois, New York, North Carolina, Oregon, Pennsylvania, and Washington.

Much thought and effort has been devoted to developing a fair and effective compliance program, stressing what to look for during an inspection and how to determine violations and penalties. Final regulations on inspections, citations, and assessment of penalties were published in the Federal Register on September 4, 1971. To provide the compliance safety and health officers with guidelines for making inspections in the field, a compliance operations manual was developed and issued April 28. A completely revised and more detailed edition of the manual was published November 15 to become effective December 13, 1971. The manual provides basic policy, operational, and administrative instructions for implementation of the field compliance operations program to ensure uniform action in fulfilling the requirements of the Act. Special arrangements were made to ensure that all OSHA personnel received the new manual within three days of issuance.

In the six months of OSHA's operation ending October 31, a total of 9,300 inspections were made, covering establishments employing more than 1.5 million workers. These inspections led to issuance of 5,636 citations alleging violations of standards. Penalties proposed total $361,692. Of the establishments investigated 1,842 or about 20 percent were found to be in compliance. An additional 20 percent only had violations of a de minimis nature not requiring a citation. OSHA has received 686 complaints from employees or their representatives alleging violations. All valid complaints have been acted upon or responded to.

During the course of field inspections, compliance officers and the industrial hygiene staff will be using various types of equipment to measure ambient noise levels, the presence of dust, radiation, etc. Objective analyses of air samples and toxicity levels of material collected at the job-site will also be necessary to ensure a uniform compliance program. Through the facilities of the National Institute for Occupational Safety and Health, certification and calibration of OSHA field equipment is being accomplished at Cincinnati, while laboratory analyses of collected samples is performed at Salt Lake City. Ultimately both of these facilities will handle calibration and sample analysis.

The Solicitor of Labor provides legal support to OSHA for legal interpretations on new compliance and standards issues and for the initial and precedent-setting litigation actions which will arise as a result of compliance activity. There are 39 attorneys on board in the field to assist OSHA in its compliance effort throughout the country.

The Occupational Safety and Health Review Commissionn is a quasi-judicial body which bears and reviews cases of alleged violations contested by employers or employees. The Commission published its rules of procedure in the Federal Register on August 31, 1971. One hundred and thirty citations have been contested by employers through the end of October.

ADVISE AND ASSIST EMPLOYERS, EMPLOYEES, AND OTHERS

Training and education efforts are of the utmost importance because of the newness of the Williams-Steiger Act's requirements. Initially, the Department is concentrating on the training and retraining of OSHA personnel; on developing materials to train State personnel . and on training instructors in the private sector who can pass on their skills to supervisors and employees in industry. To assist in these efforts, a training institute is being created and will open in Chicago in January. Thi facility will be manned both by full-time OSHA personnel and by specialists on a contractual basis from universities and industry.

Specific training efforts completed include: (1) working with the National Institute for Occupational Safety and Health on long-range manpower needs for safety and health professionals and para-professionals, on curriculum development, and on evaluation of training grant applications from colleges and universities; (2) training 320 Federal compliance safety and health officers and 68 State compliance personnel for inspections in the target industries under Section 7(c)(1); (3) at the request of OSHA, the National Institute for Occupational Safety and Health conducted four one-week courses to provide OSHA compliance officers with a basic understanding of occupational health hazards and how to identify and evaluate these hazards; (4) developing a cadre of 830 construction safety instructors with a projected multiplier effect of reaching 12,000 people; (5) designing a new course for training compliance officers together with add-on courses for those specializing in maritime or construction ;(6) one-day orientation courses in 31 cities conducted by regional and area office personnel to acquaint employee representatives with the Act; and (7) working within the Department to ensure that contracts for manpower training include appropriate clauses to provide for safe and healthful conditions.

As part of OSHA's technical assistance and voluntary compliance programs, a number of projects are underway. These include developing a new inspection survey guide for use by employers and employees; aiding small businesses by cooperating in evaluating loan applications to the Small Business Administration; and, under a contract of the National Safety Council, designing accounting procedures for employers to measure the costs and benefits of safety and health programs. One example of the efforts to gain voluntary compliance is the assistance extended to the National Association of Manufacturers in their sponsorship of a closed-circuit videotaped television broadcast on June 10 explaining the Act. More than 10,000 business representatives in 27 cities viewed the program, the largest audience ever for a presentation of this kind.

OSHA is seeking to inform everyone affected by the Act and its requirements. Television and radio public service announcements, for which the networks and stations contribute free air time, are being broadcast. In addition to 25 radio spots, three television spots started on the air during September with six more television spots to be ready in December. In addition, television slides with live narration were sent to 700 stations, and initial reports indicate that the slides are being used in 44 of the 50 States. The official bi-monthly magazine of OSHA, "Safety Standards", has been upgraded, and circulation has more than doubled in the last three months. Tests are being run to measure the effectiveness of various methods of communicating with and motivating employers and employees to take action to improve on-the-job safety and health. Little valid research has been done in this field, although motivational factors are highly important in preventing accidents.

V. AID AND ENCOURAGE THE STATES TO ASSUME RESPONSIBILITY FOR OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

As provided in Section 18 of the Act, a major effort has been made to encourage the States to assume full responsibility for administering and enforcing occupational safety and health standards "at least as effective as" the Federal. The outlook for State participation appears excellent. As of the end of October, all 50 States, the District of Columbia, Puerto Rico, and Guam have given preliminary indication of their interest in developing an operating plan under Section 18(b) for the development of standards and their enforcement. It is expected that about half of the States will submit plans by December 1972, thus avoiding preemption of their safety and health programs.

Prior to the submission and approval of operating plans, agreements have been reached with 47 States, District of Columbia, Puerto Rico, and Guam allowing them to continue developing and enforcing their own standards. Ohio, New Mexico, South Dakota, Virgin Islands, American Samoa, and the Trust Territories have not entered into Section 18(h) agreements. With the exception of Ohio, most of these jurisdictions did not feel they had adequate standards and/or an adequate safety and health compliance program to warrant an interim agreement. Ohio does not intend to participate in the program immediately, but has indicated its intention to develop an acceptable program at some time in the future.

To assist States in identifying their needs and developing safety and health programs which will meet the criteria of being "at least as effective as" the Federal efforts, 46 States, District of Columbia, and Puerto Rico have planning grants under Section 23(a) of the Act. As yet, Nevada, Ohio, South Dakota, Virgin Islands, Guam, and the Trust Territories have not applied for 23(a) grants. At the end of October, a total of $4,704,131 had been awarded to States for these grants. During the remainder of this fiscal year, approximately $3.7 million in additional funds is available for planning, demonstration, and operational grants.

Given that the present level of planning effort continues, OSHA expects to have a minimum of ten 18(b) plans approved, either on a developmental or fully operational basis, by the end of the fiscal year. It is intended to fund all approved plans at the full 50 percent level outhorized. In order to facilitate State planning efforts, rules for the development of these plans were published in the Federal Register October 29. Procedures for evaluating developmental plans are presently being formulated.

VI. COLLECT AND DISSEMINATE, IN COORDINATION WITH THE BUREAU OF LABOR STATISTICS, OCCUPATIONAL SAFETY AND HEALTH STATISTICS

The Department, in consultation with the U.S. Department of Health, Education, and Welfare has devised a new, nationwide statistical reporting system to provide comprehensive data on occupational injuries and illnesses. Regulations for the recording and reporting by employers of occupational injuries and illnesses were published in the Federal Register July 2, 1971. The recordkeeping forms and instructions were mailed to 4.5 million employers during July, and 600,000 farm employers in August. In addition to this initial mailing, approximately 15 million copies of various forms have been distributed to the public. Each employer must keep a log of reportable injuries and illnesses on a calendar year basis, plus an annual summary. Reports are compiled and the data is promulgated by the Bureau of Labor Statistics.

This new recordkeeping system will provide, for the first time, a reliable national profile of occupational fatalities, injuries, and illnesses. This improved reporting system is likely to show more injuries and illnesses despite any real improvements that are made in occupational safety and health. The records will be used for developing information on the causes of occupational injuries and illnesses and for directing efforts to those industries and areas with the greatest problems. A representative sample of 200,000 establishments will form the basis of the reporting system. This statistical input will also help shape the Department's compliance program and will provide the basis for determining the effectiveness of the program. In addition, within OSHA, management information and technical information retrieval systems are being developed, particularly the collection, tabulation, and analysis of inspection activities.

The Act also creates a grants program for the States to develop systems for the collection of information concerning the nature and frequency of occupational injuries and illnesses. Under section 23(a)(3)(A), the Bureau of Labor Statistics, working with OSHA, has made 48 planning grants totaling $850,000 to assist the States in developing such a statistical system.

VII. DEVELOP AND CARRY OUT, IN COORDINATION WITH THE U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OCCUPATIONAL SAFETY AND HEALTH RESEARCH

The U.S. Department of Health, Education, and Welfare's responsibilities under the Williams-Steiger Act are being carried out by the newly formed National Institute for Occupational Safety and Health

(NIOSH). NIOSH is responsible for most occupational safety and health research, evaluation of hazards, toxicity determinations and manpower training and development. NIOSH is also undertaking special industry-wide studies of chronic or low-level exposure to hazardous substances as well as research into psychological, motivational, and behavioral factors involved in occupational safety and health problems. In June NIOSH published a list of more than 8,000 toxic substances which serves as a guide for research needed in setting new standards and for OSHA and industry safety and health programs.

Through cooperative efforts, OSHA and NIOSH are developing research priorities for occupational safety and health. These are essential to the standards development program. Grants from NIOSH have enabled dozens of research projects to get underway. A recent list shows that approximately $2.5 million is being spent in research grants—56 projects in 12 different fields. The grants will finance research on these projects; byssinosis, asbestosis, coal, engineering, noise, respiratory diseases, physiology and ergonomics, toxicology nad pathology, and physical and chemical analysis. In addition, NIOSH is now working on a dozen new standards criteria, including asbestos, carbon monoxide, coal tar pitch volatiles cotton dust, petroleum naphtha and mineral spirits, oil mists, heat stress, lead, carbon tetrachloride, benzene, coal dust, and noise. Sixty percent of the complaints received by OSHA have been concerned with allegations of health hazards. In connection with occupational health, OSHA is presently in the final stages of developing a broad new effort in this area. It is expected that this new program will be announced before the end of the year.

VIII. IMPROVE THE FEDERAL EMPLOYEE SAFETY PROGRAM

As the Nation's largest employer, the Federal Government has a special obligation to set an example for safe and healthful employment. Section 19 of the Williams-Steiger Act places greater responsibility on Federal agencies to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated for private industry. Executive Order 11612 was issued on July 28, 1971, to specify the requirements of the program in Federal departments and agencies and established a Federal Advisory Council on Occupational Safety and Health. Four steps have been set for improving Federal safety and health programs. First, new systems for recording and reporting Federal agency occupational accidents have been developed. Second, methods are being devised for evaluating agency programs, including requiring agencies to report on what steps they are taking to meet the applicable standards. Third, special campaigns such as "ZERO IN on Federal Safety" are being worked on to give incentive and impetus to the Federal programs. These replace the Mission SAFETY-70 program which ended in December 1970. And, fourth, OSHA is working on a model occupational safety and health program for use by agencies.

U.S. DEPARTMENT OF LABOR—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—NUMBER OF SAFETY AND HEALTH INSPECTIONS AND INVESTIGATIONS COMPLETED 1971 THROUGH OCTOBER

Month	Inspections by industry				Employees in establishments inspected	Accident investigations	Complain investigations
	Total	General industry	Construction	Maritime			
Total	7,918	4,301	553	3064	1,571,506	703	679
June [1]	1,067	344	8	715	134,213	26	42
July	1,184	644	48	492	302,762	129	101
August	1,557	801	62	694	266,345	175	105
September	1,825	1,138	68	619	341,853	192	120
October	2,285	1,374	367	544	526,333	181	311

[1] June figures include activities carried from Apr. 28, 1971 to June 30, 1971.

U.S. DEPARTMENT OF LABOR—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—VIOLATION INFORMATION 1971 THROUGH OCTOBER

Month	Violations disclosed [1]	Citations issued					Proposed penalties	Establishments penalized
		Total	Nonserious	Imminent danger	Willful and repeated	Serious		
Total	19,578	5,636	5,321	NA	NA	310	$361,692	2,584
June [2]	879	328	315	NA	NA	13	12,317	15
July	1,546	238	157	NA	NA	81	38,400	51
August	3,522	262	213	NA	NA	49	32,116	68
September	5,225	1,331	1,265	NA	NA	66	84,513	430
October	8,406	3,447	3,371	2	3	101	194,346	20,020

[1] Includes nonserious, serious, and imminent danger violations.

[2] June figures include activities carried from Apr. 28–June 30, 1971.

OSHA RULES AND REGULATIONS PUBLISHED IN THE FEDERAL REGISTER

CFR part number	FR date	Description
29 CFR 1901	Apr. 13, 1971	Procedures for State agreements.
29 CFR 1901.4	July 13, 1971	Notice of availability for inspection—18 State agreements.
29 CFR 1902	Oct. 29, 1971	State plans for the development and enforcement of State standards.
29 CFR 1903	Sept. 4, 1971	Inspections citations, and proposed penalties.
29 CFR 1904	July 2, 1971	Recording and reporting occupational injuries and illnesses.
	Nov. 12, 1971	Use of data processing equipment; additional time for completing forms; posting of annual summary (proposed).
	Nov. 25, 1971	Proposed statistical reporting program.
29 CFR 1905	June 30, 1971	Rules of practice for variances, limitations, variations, tolerances, and exemptions.
29 CFR 1906	July 27, 1971	Administration witnesses and documents in private litigation (proposal).
29 CFR 1911	Sept. 1, 1971	Procedures for promulgating, modifying or revoking OSH standards.
29 CFR 1950	May 14, 1971	Development and planning grants for occupational safety and health.

OSHA STANDARDS PUBLISHED IN THE FEDERAL REGISTER

29 CFR 1504	May 28, 1971	S. & H. regulations for longshoring (amendments re cranes and containerized cargo).
29 CFR 1518	Apr. 17, 1971[1]	S. & H. regulations for construction.
	May 4, 1971	(Amendment re delayed effective date for light residential construction—to Aug. 15, 1971).
	May 25, 1971	(Miscellaneous corrections.)
	Aug. 17, 1971	(Amendments re variances, etc.)
	Oct. 29, 1971	(Proposed rulemaking re ROPS, etc.)
29 CFR 1910	May 29, 1971[1]	OSH standards. (Initial standards package).
	Aug. 13, 1971	(Amendments re effective dates, etc.)
	Sept. 9, 1971	(Amendment re applicability of established Federal standards.)
29 CFR 1518 and 1910.	Aug. 14, 1971	(Amendment re delayed effective date for light residential construction.)
	Sept. 28, 1971	(Proposed rulemaking.)
	Oct. 1, 1971	(Clarification of proposed rules in 36FR 19083-19089, Sept. 28, 1971.)
29 CFR 4, 505, 1516, and 41 CFR 50-204.	May 29, 1971[2]	Amendments to PCAS, SCA, etc. re OSHA.
29 CFR 505, 1516 and 41 CFR 50-204.	Aug. 20, 1971	Amendments to PCA, SCA, etc. re OSHA.
41 CFR 50-210	Oct. 28, 1971	Amendments to PCA re recordkeeping rules in 29 CFR 1904.
41 CFR 14-7.6	Nov. 25, 1971	Fixed price construction contracts.

OSHA NOTICES PUBLISHED IN THE FEDERAL REGISTER

	Sept. 9, 1971	American Iron & Steel Institute and United Steelworkers of America—petitions for commencement of rulemaking proceedings and related relief.	29 CFR 1910	Oct. 20, 1971	Cushman Motors—proposed temporary suspension of 29 CFR 1910.178(a) (2) and (3) (filed as proposed rulemaking).
29 CFR 1905.11	Sept. 17, 1971	Boeing Co.—notice of application for variance and interim order; grant of interim order (construction standard 29 CFR 1518.352(c)(1) and OSHA standard 29 CFR 1910.12).			

OSHA-RELATED MATERIAL PUBLISHED IN THE FEDERAL REGISTER

	May 12, 1971	Establishment of OSHA—mission and functions.	29 CFR 2200	Aug. 31, 1971	Occupational Safety and Health Review Commission rules of procedure.
	June 30, 1971	Establishment of HIOSH—mission and functions.		Oct. 28, 1971	Occupational Safety and Health Review Commission disclosure of information.
	July 23, 1971	NIOSH—availability of toxic substances list.			
	July 28, 1971	Executive order—OSHA programs for Federal employees.			

---

[1] Part II.

[2] Part I.

HON. LESLIE CUTLER

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, a warm and dear friend, former Senator Leslie Cutler of Needham, within my 10th Congressional District in Massachusetts, passed away November 27, and it was with deep sadness that I attended the memorial services in her memory at the First Parish Unitarian in Needham. Senator Cutler was a remarkable woman, gracious, kind, and dedicated to public service, and it will be long before one with her special gifts and unique involvement in public life emerges. Her quiet and unassuming dignity, and her profound intellect, especially impressed me. To have known Senator Leslie Cutler was a rewarding friendship I shall cherish as one of the warmest of my congressional service. Her notable career exemplifies the finest attributes of an elected official. The remarks of former U.S. Senator Leverett Saltonstall concerning Senator Cutler say much:

> She was a woman who knew what was best for us and for our personal well-being. She was a longtime friend of mine. I attended her wedding back in 1913. As a member of the State Senate, she was of great influence in trying to assist people who were incapable of taking care of themselves—in hospitals and in all ways that the state could help. Her fellow senators had a great respect for her petinacity and her conscientiousness and her courage.

Every pressing social need that we face today was foreseen by Senator Cutler. She was a prime mover in the advance made in Massachusetts in public health, mental health, in improved penal and juvenile facilities and rehabilitation centers, in education, and in the care of the handicapped.

A moving tribute was accorded her memory in the Boston Herald-Traveler of November 29, which I include in my remarks:

TWENTY YEARS A STATE SENATOR—LESLIE CUTLER DIES AT 81

Retired state Sen. Leslie (Bradley) Cutler, 81, of 1010 South St., Needham, died Saturday night at home.

Mrs. Cutler retired in 1968 after serving 44 consecutive years in public office, the last 20 in the state Senate. She also had been a Needham selectman, a member of the town's board of health for 41 years and had served 10 years in the state House of Representatives.

Despite an extremely active political career, Mrs. Cutler brought up four sons and a daughter, all of whom served in the armed forces during World War II.

Born in Boston and educated in the city schools, she was graduated in 1911 from Radcliffe College and later studied biology and public health at Massachusetts Institute of Technology.

An early activist in the women's suffragette movement, Mrs. Cutler became Needham's first woman select-man in 1924—and the second in the commonwealth—by getting out the women voters after having been defeated the year before.

Two years later, she won election to what was to become a long career in the town's board of health and, in 1939, won her first term in the legislature.

Throughout her career, Mrs. Cutler was a militant crusader in the fields of mental and public health as well as for welfare, penal reform, juvenile needs, education and aviation.

Upon her retirement, the then Senate President Maurice Donahue said of her, "Sen. Cutler was undoubtedly many, many years ahead of her time in the areas of public health and mental health.

"The contributions she made in these areas will be bearing fruit for 100 years to come. She really helped those who couldn't help themselves. And, in spite of the fact she was a woman, she was a fierce competitor in debate and always played fair."

As chairman of a special legislative commission on mental health, Sen. Cutler successfully fought for passage of a bill establishing community mental health centers.

She was also chairman of a commission which reorganized the state Department of Correction in the late 1950s. Mrs. Cutler was a long-time foe of capital punishment.

Interested in aviation since she took flying lessons in 1942, Mrs. Cutler was a leader in the battle that made Logan International Airport a major terminal.

"I stood up in the Senate and kept screaming for money for the airport," she recalled later.

A tall, imposing woman with a commanding, though raspy, voice and a driving capacity for work, Mrs. Cutler was always a vigorous crusader for causes she espoused.

Among privileges she won for women was the right earned after a 20-year legislative battle for them to serve on juries. That measure was passed in 1949, a year after her election to the Senate.

"That was a far-reaching victory," she recalled later, "but I'm really proudest of my accomplishments in public and mental health. A lot of health legislation has gone on the books because I've been around."

Among other accomplishments, it was a commission headed by Mrs. Cutler that exposed the fact that many patients in Bridgewater State Hospital had been held illegally there for decades.

Her other activities included service during World War II as state director of WAC recruiting for the Massachusetts wing of the Civil Air Patrol. She had been a member of the patrol since 1942.

Mrs. Cutler served from 1959 to 1961 as a member of President Eisenhower's Commission on Intergovernmental Relations. She had been president of the Needham Community Council for 28 years, was a 40-year member and former president of the Boston branch of the NAACP, and had been a vice president of Action for Boston Community Development.

The seemingly-tireless woman was also a founder of the Needham YMCA, of Freedom House and of the state's first council on aging.

She was a former president of War Mothers of America, a director of the Needham Chapter, American Red Cross and a member of the Needham Republican Town Committee, the Massachusetts and American Public Health Associations, the National Order of Women Legislators and the Aeronautics Assn. of Boston.

Membership in other organizations included the Norfolk County Republican Club, the Norfolk County Selectmen's Assn., the New Century Club of Needham, Needham Grange 357 and the Order of Eastern Star.

She leaves three sons: Robert B. of Manchester, Roger W. Jr. of Brookline and Eric of Westwood; an adopted son, Joseph C. Bradley of Santa Barbara, Calif.; a daughter, Mrs. Abagail Ann Lewis of Ipswich; 15 grandchildren, and 13 great grandchildren.

Funeral services will be held at noon tomorrow in First Parish Church, Needham.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States has consistently been a world leader in the production of eggs. According to the Department of Agriculture, total U.S. egg production in 1968 was over 69 million eggs.

DEPUTY SECRETARY OF DEFENSE DAVID PACKARD

The SPEAKER. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 5 minutes.

Mr. RHODES. Mr. Speaker, the U.S. Government loses one of its most effective, capable, and loyal public servants with the retirement of Deputy Secretary of Defense David Packard. Mr. Packard has earned the respect and admiration of everyone with whom he has come in contact. His contribution to the operation of the Department of Defense has been outstanding.

Mr. Packard has been particularly effective in modernizing and updating procurement policies of the Department of Defense. He has encouraged policies which will insure that the Defense Establishment buys proven items of military hardware rather than newly born concepts. The "fly before buy" policy is largely due to two factors. The first factor is the experience which Secretary of Defense Melvin R. Laird had as a member of the Subcommittee on Defense of the House Appropriations Committee. The second factor is the great experience Mr. Packard has in the fields of engineering and production.

Many years after Mr. Packard's retirement, the taxpayers of the United States will still have reason to be grateful to him, because of the money which will be saved as a result of the policies he has been instrumental in bringing about.

I am sure that all of the personnel of the Department of Defense are grateful to Mr. Packard and will miss him. This can also be said of the Members of Congress who have been most intimately acquainted with him and his work. As a member of the Defense Subcommittee of the Appropriations Committee, Mr. Packard has my deep thanks for the great contributions he has made to the defense of the country, and my best wishes to him and to his wife, Lou, for everything good in the future.

Since all of Mr. Packard's background may not be known to the Members of Congress, I am including a short résumé of his impressive accomplishments:

DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE

David Packard was nominated as Deputy Secretary of Defense by President Richard Nixon on January 20, 1969, and confirmed by the United States Senate on January 23, 1969. He was administered oath of office by Secretary of Defense Melvin R. Laird at a Pentagon ceremony on January 24, 1969.

Prior to assuming his new position, Mr. Packard was Chairman of the Board and Chief Executive Officer of the Hewlett-Packard Company of Palo Alto, California.

Mr. Packard was born in Pueblo, Colorado, on September 7, 1912, and attended public schools there, graduating from Centennial High School in 1930. He entered Stanford University, Palo Alto, California, that year, graduating from the University with a Bachelor of Arts degree in 1934. He then began post graduate study at the University of Colorado, subsequently entered business and then returned to Stanford University, receiving his Electrical Engineering degree from Stanford in 1939.

That same year, Mr. Packard and William R. Hewlett formed a company in partnership to design and manufacture electronic measurement instrumentation. The firm was incorporated in 1947 and Mr. Packard was elected President. He later was elected Chairman of the Board and Chief Executive Officer in 1964. The company became an international organization with 17 manufacturing plants and more than 13,000 employees, producing more than 2,000 different test instruments and devices. It is a world leader in design and manufacture of electronic, biomedical and analytical equipment.

At Stanford University, Mr. Packard received letters in football and basketball, served as president of his college social fraternity, Alpha Delta Phi, and held membership in Phi Beta Kappa, Tau Beta Pi and Sigma Xi. Continuing his interest in social and community activities during his years in private business, he has been a member and past Vice Chairman of the Business Council, member of the Chase Manhattan Bank International Advisory Committee, Co-Chairman of the Stanford Mid-Peninsula Urban Coalition, Fellow in the Institute of Electrical and Electronics Engineers and a member of the Board of Trustees of Colorado College, as well as Stanford University. Mr. Packard also served as President of the Board of Trustees of Stanford from 1958 to 1960.

Mr. Packard also has served as a director of several business organizations including Crocker Citizens National Bank, General Dynamics Corporation, Stanford Research Institute, United States Steel Corporation, California State Chamber of Commerce, Committee for Economic Development, National Merit Scholarship Corporation, Universities Research Association, and San Francisco Bay Area Council. He also was a member of the advisory board of the Hoover Institute at Stanford and a member of the Committee for Support of American Universities.

Mr. Packard is the recipient of a number of awards including a silver anniversary All-America Award from Sports Illustrated Magazine in 1958; the American Way of Life Award in 1963, presented annually by the Pueblo Sertoma Club to a Coloradoan who has achieved national recognition for his public service; the Herbert Hoover Medal in 1966, the highest honor awarded by the Stanford University Alumni Association; Peninsula Manufacturers' Association "Man of the Year for 1968," February, 1969; American Management Association "Gantt Medal Award," February, 1970; American Ordnance Association "Crozier" Gold Medal, April, 1970.

He was elected to the National Academy of Engineering in April, 1971, for advanced development of electronic test instruments contributing to effective design of modern electronic systems. This is the highest professional distinction that can be conferred on an American engineer. He holds honorary degrees of Doctor of Science from Colorado College, 1964; Doctor of Laws from the University of California, 1966, and Doctor of Laws from Catholic University, 1970.

Mr. Packard was married April 8, 1938, to the former Lucile Salter of San Francisco and they have four children—David Woodley, Nancy (Mrs. Robin Burnett), Susan (Mrs. Franklin M. Orr, Jr.) and Julie.

RECOGNITION OF ENVIRONMENTAL IMPROVEMENT

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, a renowned national association of businessmen, concerned with the promotion of environmental improvement, has bestowed its highest form of recognition upon a business firm located in my district.

The American Association of Nurserymen's 19th annual awards program has appropriately received the acclamation of our Nation's First Lady. The official White House ceremonies strongly reaffirmed the importance of this event's purpose and the appropriate national concern.

The Atlanta general manager of Avon Products, Inc., Mr. Robert S. Brandon, accepted a certificate of merit award for the landscape design and property development of his company's newest facility, situated just north of Atlanta. He received the personal congratulations of Mrs. Richard Nixon.

Avon's landscape architectural consultant is Edward L. Daughterty, and the landscape firm is Hickory Hill, both of Atlanta. The landscaping enhances its 72-acre wooded site with a natural elegance, combining spacious lawns, colorful planting, fountained pools, sculptures, lighting, and building features to achieve its award-winning effect.

The Avon branch, with approximately 455 employees, distributes products to the thousands of independent Avon representatives in seven Southeastern States.

Avon is the world's largest manufacturer and distributor of a diversified line of cosmetics and grooming aids for all the family. Its products are sold through independent sales representatives directly to the customers in their homes throughout the United States, and 16 other countries.

Avon Products, Inc. is a world leader in the cosmetics business, providing high quality products and personalized service through independent Avon representatives, living and working among their neighbors.

This award serves as just one example of Avon's desire to preserve and beautify our physical surroundings, while fostering economic growth and earning opportunities within each and every community in which it has a corporate residence.

THE ALASKA PIPELINE AND OUR MARINE RESOURCES

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 30 minutes.

Mr. ASPIN. Mr. Speaker, probably the greatest environmental danger involved in the trans-Alaska pipeline proposal is the potentially massive and catastrophic consequences a tanker spill could have on marine life, the fishing industry, and Alaskan and Canadian beaches. The proposed Alaska pipeline, as you know, would run from Alaska's North Slope to the southern Alaskan city of Valdez, where the oil would then be shipped by tanker to west coast ports and possibly other destinations.

Concern over the very grave ecological risks which this tanker traffic would pose has prompted both the Canadian Government and Alaskan fishermen to become outspoken in their opposition to the Alaska pipeline route proposal. One of the groups that has been most concerned and active is a relatively small band of about 500 fishermen in Cordova, Alaska, who have raised the incredible amount of $60,000 to finance a court suit against the pipeline and to help publicize their views and concerns on this issue.

Today, I include in the RECORD a report written by three of the Cordova fishermen's representatives—Del Goeres, Ross Mullins, and Knude Johnson—summarizing their position. Their report is concise, well-written, and highly informative, and I urge my colleagues to read it:

PRINCE WILLIAM SOUND—AN ECOSYSTEM IN JEOPARDY

Since late 1969 the representatives of the Cordova District Fisheries Union have been attempting to focus public and administrative attention on the very serious resource conflicts that will arise if a massive oil shipping terminal is located at Valdez, Alaska, as is presently proposed. The Union representatives speak for over 500 commercial fishermen that work in the Prince William Sound area, harvesting the varied and abundant marine resources in a now pollution free environment.

To date, little attention has been given to the CDFU's concern, either by the State of Alaska, the Federal government, or the oil industry. As a result of recent discussions in Washington, D.C., and in Alaska with various agency staff members (NOAA, DOT, EPA, CEQ, ADF&G), it has been determined that little new data on marine resource problems and conflicts will be available when the Department of Interior soon releases its final impact statement.

Since the quantity of materials on which Interior will be basing the final statement are extremely voluminous (bulk of 800 lbs. and 20′ high), and as the time available for marine systems and resource analysis has been only ten months at this writing, it is not unlikely that the quantity of input by industry will overwhelm the quality of impact analysis. (That is approximately the time since mid-January 1971, when Interior made public a draft report which concluded that Alaskan oil is so important to the nation that a pipeline to the Alaskan coast should be built even at the cost of inevitable damage to the environment. On page 145 of that document the relationship of the proposed development on the marine environment was analyzed. "Oil loading operations at Valdez and the large volume of oil transport through Prince William Sound, the Gulf of Alaska and other waters enroute to West Coast and foreign ports would result in biologically significant losses of oil to the marine mammals of the sound, and the biologically productive littoral and intertidal zones of Prince William Sound would be vulnerable to chronic low level oil pollution and to the effects of major spills, although effects of the latter should be minimized by the rigorous pollution control measures to be required by the operator." At the time of the first draft report it seems unlikely that Interior recognized the entire marine system as falling within its sphere of impact analysis responsibility, as outlined by the National Environmental Policy Act of 1969.

The preceding is mentioned to indicate the limited amount of time that, to date has, been available for any meaningful studies to be conducted for marine impact analysis.

The documents' bulk are due mainly to the extensive engineering and design materials submitted by the Alyeska Pipeline Company, rather than by original research on what the effects of oil will be on the fisheries and more subtly, on the food web that supports the fisheries.

With the social and economic impact on the fishermen and their families that live and work in Prince William Sound, and on the Community of Cordova which is presently 100% dependent on a viable fishery resource, it is necessary to determine in quantitative terms what the likely effects will be to the marine resources, given the most adverse case analysis. To meet this responsibility under NEPA, the CDFU feels that it is not sufficient for Interior only to determine that there will be some environmental damage to the marine resources. The CDFU feels that adequate studies must be funded and time allowed for competent fishery biologists to determine what, in fact, the effect of oil is likely to be on the valuable fishery resources.

What is the fate of salmon eggs that are quietly developing in the intertidal gravels for seven months each year and the fate of the millions of tiny fingerlings as they enter the feeding cycles in the estuarine environment where oil contamination is likely to be found? It is clear that up to 20% of all salmon that return annually to Prince William Sound spawn in the Valley Arm area where the terminus would be located. The 1971 season just past found nearly 10 million salmon returning to Prince William Sound—a not insignificant number—the renewal of which can continue forever if the environment is not overstressed by industrial intrusion. The CDFU has learned that there will be legal discharge of oil into Valdez Dam from the ballast treatment facilities at the terminus of over 12 barrels each day. No one at present knows what the fate of this oil will be, nor what effects it will have on the marine environment or the cumulative effect of many years operation. This does not take into account the accidental discharge at the loading facilities which occurs at all oil ports. Nor does it consider the effect of a massive spill which, statistically, is certainly a possibility under the adverse Alaskan weather conditions.

Will the Department of Interior clearly indicate what the effects of the proposed intrusion will be? We think not. Recently while talking with a NOAA scientist whose field of expertise is phytoplanktons and marine food chains, the CDFU was told that it is "scientifically indefensible to consider locating a massive oil terminus in such a biologically rich area as Prince William Sound." Will these attitudes be reflected in Interior's final impact statement? We think not.

These questions have been repeatedly asked by the CDFU over the past year to Interior—NOAA, ADF&G et al., and not once have satisfactory answers been forthcoming. These answers are not available simply because no one knows what the answers are. In fact, the questions themselves cause some embarrassment.

Most independent experts clearly state that delivery of arctic oil to the market areas can best be accomplished by an overland pipeline system through Canada. It would be extremely unwise to subject the marine west coast to increased oil tanker traffic. Little attention has been focused on the problem of marine oil spills in the tanker lines between Alaska and the West Coast ports, probably because the responsibilities for prevention and for assessing liability are scattered among many federal agencies, the oil industry, and the shipping industry. According to McCaull (1969) (from Weeden & Klein 1971), an average of one unit of oil is spilled at sea or in port through tanker mishaps for every 1000 units carried. The spills would not be daily, but infrequent and massive, probably more infrequent, but also much more massive, as the vessels increase in size. Thus, the need for full evaluation of the Canadian route increases in importance.

When the Interior Department was recently asked if any independent studies of the Canadian route had been contracted for, they said "no." This is most unfortunate, since the Canadians are trying to intervene in the existing lawsuits brought against Interior in order to prevent issuance of a permit for the proposed route.

A Canadian route seems attractive from a number of viewpoints. First, it would eliminate the threat of oil pollution on the Pacific West Coast—a threat that is unlikely to be resolved in the near future.

Second, a natural gas pipeline is expected to be constructed through Canada to carry the gas produced as a result of oil extraction. This gas cannot be economically shipped by tanker, as it would require liquification, and the volume available makes this unattractive. The question then is, if a gas line with its necessary permits etc., is, in fact, to be built in Canada, would it not be prudent to combine the work forces and channel all the artic fossil fuel reserves through a single Canadian-Alaskan corridor?

Third, Walter Levy and Associates, under contract to the State of Alaska as consultants for oil and gas marketing information, informed the Alaska legislature that Market District V (the West Coast) can absorb only 1,200,000 barrels of oil per day by 1980, and that the surplus would most likely find its way to the Midwest via pipeline. Levy went on to say that if the reserves in the Alaskan Arctic are significantly increased in the future, then a pipeline through Canada to the Midwest would probably be built anyway. There has been considerable speculation that a certain amount of Alaskan oil will be exported to Japan and that this necessitates a coastal terminus. Of course, what would happen to the well-promoted energy crisis then? It is a fact that 26 Japanese companies under the name "North Slope Oil Co." formed to participate in North Slope exploration and future oil lease sales.

Finally, the potential reserves of Alaska and Canada staggers the imagination. Estimates of 200 billion barrels are frequently mentioned by knowledgeable observers. Work is continuing in Canada at this moment on hot oil pipeline studies. At least one economist, Charles J. Cicchetti, is trying to encourage the Nixon Administration to take a serious look at the Canadian route as an alternative to the trans-Alaska route. Cicchetti is an economist with "Resources for the Future," a foundation financial "think tank" with no economic interest involved in the outcome. Some of Cicchetti's conclusions are:

(1) The West Coast is not likely to be able to absorb nearly as much of Alaska's oil as the oil companies and the Interior Department are projecting, which will create either a surplus or a need to export a portion of the oil to Japan or elsewhere.

(2) If Alaskan oil were delivered to the Midwest through a Canadian pipeline it would command a higher price, which would generate greater long-range benefits for the State of Alaska.

(3) The Canadian line would be longer and require two to three years more to build, thereby postponing the marketing of Alaskan oil and deferring financial benefits to the State of Alaska and the oil companies.

Cicchetti recognized that there is strong pressure from both the State and industry for approval of the trans-Alaskan route for this reason—it promises quicker economic returns. This is probably the central point and the reason why a permit will likely be approved in the near future, as planned. It is the environment and all of us that live and work with her that will be the losers.

CRUCIAL ISTHMIAN CANAL POLICY ISSUES: CANAL ZONE SOVEREIGNTY AND PANAMA CANAL MODERNIZATION

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, on November 29, 1971, the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries started comprehensive hearings in depth on Isthmian Canal policy questions under the chairmanship of my able and distinguished colleague from New York (Mr. MURPHY).

The witnesses during the first week of these hearings were from the executive branch of our Government; during the second week, from the Congress. Senator STROM THURMOND from South Carolina, a leading authority on canal problems in the Senate, and I testified on December 6. Our two statements together clarify much of the confusion that has been generated about the interoceanic canal question and focuses attention on the two great issues. They are: First, retention by the United States of its undiluted sovereignty over the Canal Zone and Panama Canal; and second, the major increase of capacity and operational improvement of the existing Canal. The "hardy perennial" known as the sea level canal was revealed not only as irrelevant but also as extravagant, environmentally dangerous, and diplomatically hazardous.

The Canal Zone is constitutionally acquired domain of the United States forming part of the coast line of our country. Its protection is just as much a part of national defense as the protection of the Chesapeake Bay or the mouth of the Mississippi River, for it is the gateway to the Pacific.

As to those who contend that the Panama Canal is obsolete, the transit in fiscal year 1970 of 14,829 ocean going vessels making an average of 40.6 per day certainly refutes their arguments. However, the canal is approaching saturation of capacity.

The plan most widely supported by independent canal experts is the Terminal Lake—Third Locks proposal that was developed in the canal organization as the result of World War II experience and which is provided for in identical bills introduced by Senator THURMOND and myself. But I do not believe that the people of our country would ever approve the expenditure of large sums at Panama until the sovereignty issue is settled. They do not wish a Suez situation on the Isthmus.

As the two indicated prepared statements and certain papers attached to my own should be of interest to all concerned with the interoceanic canal problem and the Nation at large, I quote them as parts of my remarks:

STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, thank you for the opportunity to testify before this Subcommittee. I have been interested in the Panama Canal and history of the Isthmus for many years. Because of my studies, I appreciate the magnitude of the problems involved in the acquisition, construction, maintenance, operation and defense of this strategic waterway.

Today, the Canal is in the middle of another turning point that combines not only a conflict over site, but also over the question of type. The consideration of these matters is greatly complicated by unwarranted assaults against the United States and its sovereignty over the Canal Zone.

Our first consideration concerns the extremely important question of U.S. sovereignty over the Canal Zone. We must remember that this territory is constitutionally acquired domain of the United States with exclusive and essential sovereign rights, power and authority granted to the U.S. as a perpetual estate by Panama. The United States paid Panama for this grant. In addition to this grant of sovereignty over the Canal Zone, the U.S. also obtained the title to all privately owned land and property in the Zone by private purchase from individual property owners. This acquisition is the most costly territorial acquisition in the history of our country. The title of the U.S. to the Panama Canal was also recognized by Columbia, which was the sovereign of the Isthmus before the Panamanian Revolution of 1903.

In 1967 the Presidents of the United States and Panama announced the completion of negotiations of three new canal treaties. As reports on the negotiations were forthcoming, I became increasingly alarmed. I became convinced during my studies of these proposals that continued U.S. control depended on maintaining our sovereignty in the Canal Zone and modernizing the present facilities.

Mr. Chairman, these new treaties would have surrendered U.S. control and ownership of the Canal Zone and the Panama Canal, as well as any new Canal, which might be built. The Canal Zone would be nationalized by Panama under these treaties and the Canal itself would become internationalized under a bi-national canal authority.

Such treaties were totally unacceptable to the House of Representatives and the Senate. The reaction, in the U.S. and in Panama, was so hostile that those treaties were never signed nor submitted to the Senate.

Because of the earlier feelings, it is discouraging to see that negotiations are once again underway with Panama, even though the present government is a revolutionary regime with little prospect of stability and with no procedures for ratifying a new treaty. It is further disheartening that the State Department openly acknowledges that the basis for negotiations is the surrender of U.S. sovereignty and the giving up of our jurisdiction throughout most of the Zone. The main point of negotiation is still to be the issue of duration of the new treaty. That is to say, how long before we give up all our rights in the Canal?

It is ridiculous to maintain that the U.S. can keep control of the Canal and the capacity to defend it if we ever give up our sovereign rights. I believe that if a new treaty is necessary—and I am not convinced of that—then as a minimum we must maintain our sovereignty in the Zone. We must maintain U.S. citizens in the policy-making and strategic areas of the Canal operation. We cannot believe that we can control the Canal nor keep it running if we allow foreign nationals to be in substantial control of the decision-making and highly technical posts connected with the operation of the Canal.

Mr. Chairman, it is possible that certain disagreements can be solved through negotiations with the Republic of Panama, but we can never agree to a treaty which does not allow us to have the physical and actual capacity of keeping the Canal secure. This is the reason that the sovereignty of the Canal Zone is the key issue which must never be compromised.

After its authorization under P.L. 88-609, the Interoceanic Canal Study Commission compiled a report that took over 5 years and $21 million to complete. The report recommends the construction of a sea-level canal about 10 miles west of the existing canal, completely on Panamanian territory, and at an initially estimated cost of $2,880,000,000. Besides, this recommendation hinges upon the surrender to Panama by the U.S. without the slightest reimbursement of its treaty-based sovereignty over the U.S. owned Canal Zone and its important and valuable installations. Such surrender is unrealistic and unthinkable.

The investment of the taxpayers of our country through June 30, 1968, was more than $5 billion. The project as recommended by the Interoceanic Canal Study Commission, would require a new treaty with Panama. Further, recognized scientists overwhelmingly oppose any such project because of environmental and ecological implications. For these and many other reasons, the sea-level project is being vigorously opposed by many knowledgeable and objective Canal experts.

Mr. Chairman, modernization was begun on the existing canal in 1940 by what was known as the Third Locks Project. Experience during World War II enabled more thorough studies from operational and navigational aspects. Out of these studies the Terminal Lake-Third Locks Plan was developed. This plan would make possible uninterrupted navigation from the Atlantic locks to the Pacific locks. It would enable the maximum utilization of all work that has so far been accomplished. Major modernization of the Canal amounts to more than $171 million, all of which would be lost to our taxpayers if any sea-level canal was constructed.

The Terminal Lake Proposal is authorized under existing treaty provisions. It does not require new negotiation nor further indemnification to Panama. It protects against biological catastrophe and avoids the danger of disastrous slides. It can be constructed at a relatively low cost and would fully preserve the economic interests of the Panamanian people. These major considerations of the Terminal Lake Proposal cannot be ignored.

The Panama Canal is not obsolete, but is quickly approaching the capacity saturation point. The needed capacity and improvements can be secured by the means of additional and adequate locks along with more water for lockages and maintenance of channel depths.

Mr. Chairman, the second major consideration is a Constitutional one. The Constitution of the United States vests the power to dispose of territory and other property of the United States in the Congress and not in the treaty-making power delegated to the President and the Senate. The negotiations of the 1967 proposed canal treaties ignored this Constitutional provision which was observed in the 1955 treaty calling for the transfer of valuable railroad property to Panama—and continue to ignore it on the current negotiations. The House of Representatives is jealously guarding its prerogatives, and is alert to the indicated Constitutional requirement. This we can see by the large number of Panama Canal sovereignty resolutions that have been introduced in the House opposing any surrender in Panama. The Canal Zone and Canal are a territorial possession and property of the United States and so they must remain until Congress decrees otherwise.

The situation in the Isthmus represents a great challenge to the United States and its leaders. The only reasonable course of action for our government to follow is to continue to maintain sovereignty over the Canal Zone and the implementation of the Terminal Lake solution for the modernization of the Canal. Representative Daniel Flood and I have introduced identical measures, which would authorize the completion of construction of the Third Locks Project adapted to include the principals of the Terminal Lake Plan.

Mr. Chairman, this program will benefit Panama and the entire Western Hemisphere as well as U.S. shipping. It will terminate the long conflict and enable planners to concentrate on establishing the best canal for shipping transit with the fewest complications. If the Panama Canal is to remain in continued operation and grow in efficiency, then it must remain under the sovereignty and control of the United States.

STATEMENT BY REPRESENTATIVE DANIEL J. FLOOD

Mr. Chairman, as a witness before this submittee on two previous occasions, first, on June 17, 1955, in the successful effort to save the Panama Railroad from liquidation and, second, on June 4, 1964, in opposition to the enactment of Public Law 88–109 authorizing the study of the long predetermined objective for a sea level canal, I am glad to be with you again to discuss far more vital aspects of the Isthmian subject. Because the status, the United States in control of the Canal Zone and Panama Canal is under attack and is destined to receive much attention in the future, I shall address my testimony largely to the historical foundations of United States Isthmian canal policy and the supremely important matter of retaining our undiluted sovereignty over the indispensable protective frame of the Panama Canal known as the Canal Zone.

BASIS FOR DEEP INTERESTS IN INTEROCEANIC CANAL PROBLEMS

For many years I have been studying Panama Canal history and problems and made numerous addresses in and out of the Congress on this complex matter. The deeper that I have delved into it the more I have been impressed with the vision and wisdom of those great leaders, who, in the early part of the century, formulated our Isthmian Canal policies. They were Rear Admiral John G. Walker, John Bassett Moore, Secretary of State John Hay, Secretary of War William Howard Taft, John F. Stevens, George W. Goethals, and above all, President Theodore Roosevelt.

Because many of my colleagues and others have asked me what is the explanation for my long time interest in interoceanic canal problems, I wish to say that during my boyhood in Wilkes-Barre, Pennsylvania, ex-President Roosevelt used to be an occasional guest in my home. He spent many hours describing how the Canal Zone was acquired and his problems in launching the construction of the Panama Canal, which he viewed as comparable in geo-political significance with the Louisiana Purchase. Thus he became my youthful ideal and created a lifetime interest on my part in Isthmian Canal policy questions for which I have always been grateful.

CANAL ZONE AND PANAMA CANAL INSEPARABLE

The Panama Canal enterprise consists of two inseparable parts: (1) the Canal itself, and (2) its absolutely necessary protective frame of the Canal Zone territory. The two great canal issues now before the nation are: (1) the transcedent key issue of retaining United States undiluted sovereignty over the Canal Zone and (2) the important project of modernizing the existing Panama Canal by the construction of a third set of larger locks for larger vessels adapted to include the principles of the strongly supported Terminal Lake Plan, which was developed in the Panama Canal organization as the result of World War II experience. All other issues, however important, are irrelevant and should not be allowed to confuse or further delay proper consideration of the two pertinent ones.

Unfortunately, the handling of the two principle issues has been greatly complicated by radical Panamian attacks on U.S. sovereignty over the Canal Zone and the exhumation of the corpse of the old controversy over types of canal—high level lake-lock versus sea level tidal lock. Because of the prime importance of the question of sovereignty, a knowledge of the history of its evolution is essential for reaching wise decisions.

EXCLUSIVE U.S. CONTROL IN PERPETUITY BASED ON HISTORY

The present status of the Canal Zone territory traces back to the 1901 Hay-Pauncefote Treaty between the United States and Great Britain that ended half a century of conflict over canal routes. In line with that agreement, the United States made the long range commitment to construct and operate an Isthmian canal under its exclusive control in accordance with the rules set forth in the 1888 Convention of Constantinople for the operation of the Suez Canal.

At the same time that the Hay-Pauncefote Treaty was being negotiated, our government was conducting a major investigation by an Isthmian Canal Commission for Exploration with Rear Admiral Walker, one of our ablest naval officers of his time, as president. In the supplementary report of that commission on January 18, 1902, recommending the construction of the Panama Canal, it made the following highly significant recommendation that merits study:

"The grant (for an Isthmian Canal) must not be for a term of years, but in perpetuity, and a strip of territory from ocean to ocean of sufficient width must be placed under the control of the United States. In this strip the United States must have the right to enforce police regulations, preserve order, protect property rights, and exercise such other powers as are appropriate and necessary." (Sen. Doc. No. 123, 57th Congress, 1st Session, p. 9.)

* * * * *

In the resulting convention of November 18, 1903, following the Panama Resolution of November 3, Panama granted to the United States in perpetuity the "use, occupation and control" of the Canal Zone territory for the "construction, maintenance, operation, sanitation, and protection" of the Panama Canal with full "sovereign rights' power and authority" within the Zone to the "entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority." This was the indispensable agreement under which the United States undertook the great task of completing the construction of the Panama Canal and its subsequent operation and defense, which is binding on the United States as fully as on Panama. (Hay-Bunau-Varilla Treaty, Articles II and III, quoted in *Foreign Relations*, 1904, pp. 543–51.)

The terms of this treaty were not accidental. Our leaders at that time had studied the history of the Isthmus and understood the problems that would be involved in such undertaking in a land of frightful disease and endemic revolution. They realized that the United States could not accept responsibility without complete authority as best stated in Article III of the 1903 Treaty. Just as the provisions of this treaty bind the United States in perpetuity to maintain, operate and defend the canal, they are likewise binding on Panama to recognize their validity. Moreover, except for the prompt recognition by the United States of the independence of the Province of Panama following the Panama Revolution of November 3, 1903, the Republic of Panama could never have survived and the Panama Canal would never have been constructed. (For additional information see Earl Harding, *The Untold Story of Panama*, New York: Athene Press, 1954.)

UNITED STATES ACQUIRED OWNERSHIP OF ALL PRIVATELY OWNED LAND AND PROPERTY IN THE ZONE

In addition to the grant of full sovereign rights, power and authority over the Canal Zone, the United States obtained title by purchase of all privately owned land and property in the territory from individual property owners, making the Canal Zone the most costly territorial acquisition in the history of the United States (Ho. Doc. No. 474, 89th Congress, p. 361.)

These purchases included all works of the French Panama Canal Company and all the stock of the Panama Railroad Company, the latter then a New York Corporation.

EXCLUSIVE U.S. CONTROL OVER CANAL ZONE RECOGNIZED BY PANAMA, 1904

When was exclusive control by the United States over the Canal Zone recognized by Panama? This was done on May 25, 1904, in a note by Secretary of Government Tomas Arias, which stated: "The Government of the Republic of Panama considers that upon the exchange of ratification of the treaty for opening an interoceanic canal across the Isthmus of Panama its jurisdiction ceased over the Zone. . ." That exchange occurred on February 26, 1904, in Washington.

SECRETARY HAY CLARIFIES SOVEREIGNTY QUESTION, 1904

The ink was hardly dry in the 1903 Treaty when Minister of Foreign Affairs of Panama Jose D. de Obaldia, in a note to Secretary of State Hay on August 11, 1904, raised the sovereignty issue. (*Foreign Relations*, 1904, pp. 598–607.) In reply to the Panamanian Government's contention that the works "construction, maintenance, operation, sanitation, and protection" of the canal as used in the treaty constituted a "limitation on the grant," Secretary Hay, on October 24, 1904, wrote a comprehensive reply that is still classic. (Ibid., pp. 613–30.)

In this reply Secretary Hay explained that the words, "for the construction, maintenance, operation, sanitation, and protection of said canal" were not intended as a "limitation on grant" but were a "declaration of the inducement prompting the Republic of Panama to make the grant." (Ibid., p. 614.) He then asserted that the "great object sought to be accomplished by the treaty is to enable the United States to construct the canal by the expenditure of public funds of the United States—funds created by the collection of taxes. . ." (Ibid., p. 616.) Though Secretary Hay in this note did refer to Panama as the "titular sovereign of the Canal Zone," he declared that such sovereign is "mediatized by its own acts, solemnly and publicly proclaimed by treaty stipulations, induced by a desire to make possible the completion of a great work which will confer inestimable benefit on the people of the Isthmus and the nations of the world." He also stated that it was difficult to conceive of a country contemplating the abandonement of such a "high and honorable position, in order to engage in an endeavor to secure what at best is a 'barren scepter'." (Ibid., p. 615.)

In addition, the evidence is conclusive that under no circumstances would the United States have assumed the grave responsibility maintaining, operating, sanitating and protecting the Panama Canal in an area notorius for tropical disease and endless turmoil under a weak and helpless emergent government except for the grant of full sovereignty over the Canal Zone and Canal.

SECRETARY OF WAR TAFT EXPRESSES HIS VIEWS ON CANAL SOVEREIGNTY, 1905–06

When discussing the question of United States power on the Isthmus on January 12, 1905, in a report to President Theodore Roosevelt, Secretary of War Taft made the following statement:

"The truth is that while we have all the attributes of sovereignty necessary in the construction, maintenance, and protection of the Canal, the very form in which these attributes are conferred in the treaty seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama, and as we have conceded to us complete judicial and police power and control over the Zone and the two ports at the end of the canal, I can see no reason for creating a resentment on the part of the people of the Isthmus by quarreling over that which is dear to them but which to us is of no real moment whatever." (Quoted in Hearings before Senate Committee on Interoceanic Canals, 1907, Vol. III, p. 2399.) This statement referred to Panamanian claims of being the token sovereign of the Canal Zone.

Again on April 18, 1906, when commenting on Article III of the 1903 Treaty in testimony before a Senate Committee, Secretary Taft stated:

"It is peculiar in not conferring sovereignty directly upon the United States, but in giving to the United States the power which it would have if it were sovereign. This gives rise to the obvious implication that a mere titular sovereignty is reserved in the Panamanian Government. Now, I agree that to the Anglo-Saxton mind a titular sovereignty is like . . . a barren ideality, but to the Spanish or Latin mind, poetic and sentimental, enjoying the intellectual refinements, and dwelling much on names and forms, it is by no means unimportant." (Hearings before Senate Committee on Interoceanic Canals, April 18, 1906, Vol. III, p. 2527.)

These were courteous efforts by Secretary Taft to sooth the sensibilities of our Panamanian friends but never with the thought or purpose of surrendering the actual, necessary and exclusive sovereign rights, power and authority of the United States over both the Canal and its indispensable protective frame of the Canal Zone. The term "titular sovereignty" means nothing more than a reversionary interest on the part of Panama in the sole event the United States should abandon the Panama Canal as in the case of the execution of a reversionary deed of property in Anglo-Saxon countries. Hence, there can never be any reversion of the Canal Zone to Panama unless our country abandons the canal enterprise, which includes the Zone.

Unfortunately, many writers have quoted Secretary Taft out of context and this practice has led to much public confusion as to precisely what he said and meant. Some of this confusion is not accidental especially on the part of certain officials of our government who through motives of appeasement have pursued a weak and unrealistic course.

PRESIDENT-ELECT TAFT EMPHASIZES NECESSITY FOR FULL U.S. CANAL CONTROL, 1909

After Secretary Taft's election as President, Panama Canal construction was well underway. In an address on the work at New Orleans on February 9, 1909, the President-elect made the following remarks:

"Because under the treaty with Panama we are entitled to exercise all the sovereignty [in the Canal Zone] and all the rights of sovereignty that we would exercise if we were sovereign, and Panama is excluded from exercising any rights to the contrary of those conceded to us . . . that is a ticklish argument, but I do not care whether it is or not. We are there. We have the right to govern that strip, and we are going to govern it. And without the right to govern the strip, and without the power to make the laws in that strip bend, all of them, to the construction of the Canal, we would not have been within 2 or 3 or 4 years, hardly, of where we are in the construction." (Ho. Doc. No. 474, 89th Congress, p. 52.)

Those unqualified words of President—elect Taft are even more applicable today than in 1909, for the Panama Canal has become one of the greatest maritime crossroads in the world with an estimated transit total in 1971 of 15,500 vessels, which is an average of 42.6 per day. (Hearings before Sub Committee of Committee on Appropriations for 1972, Pt. 2. p. 312.)

PRESIDENT TAFT OUTLINES U.S. POLICY ON CANAL ZONE SOVEREIGNTY AND JURISDICTION, 1910

Again as President of the United States on November 16, 1910, while attending a banquet given by the President of Panama, Mr. Taft made this significant statement:

"We are here to construct, maintain, operate, and defend a world Canal, which runs through the heart of your country, and you have given us the necessary sovereignty and jurisdiction over the part of your country occupied by that canal to enable us to do this effectively." (*Canal Record*, Vol. IV, (Nov. 23, 1910), p. 100.)

This was not an excercise in banquet comradery but an unchallenged statement of policy as to the Panama Canal enterprise by the President of the United States, which policy is now being bitterly assailed by an unconstitutional government in Panama founded by force and violence and which might be superseded at any time by a Constitutional government that would reverse the policy of the revolutionary regime.

Again on December 5, 1912, pursuant to the Panama Canal Act of 1912 and in conformity with treaty provisions, President Taft in an Executive order declared that—

"All land and land under water within the limits of the Canal Zone are necessary for the construction, maintenance, operation, protection and sanitation of the Panama Canal." (Encyclopaedia Britannica, 1971, Vol. 17, p. 206.)

There are greater needs for this area now than there were at that time. In fact the Canal Zone Territory should be extended by the purchase of the entire watershed of the Chagres River that provides the summit level water supply as was once recommended by General Clarence Edwards when he was in command of U.S. Forces on the Isthmus.

SECRETARY OF STATE HUGHES DEFENDS U.S. SOVEREIGNTY OVER CANAL ZONE, 1923

In early 1923 the Panama Government attempted to reopen negotiations for a new canal treaty (*Foreign Relations of the United States*, 1923, Vol. II, pp. 638–48). Secretary of State Hughes studied the history of our relations with Panama, called in the Panamanian Minister and, with a refreshing degree of candor, stated that the U.S. Government "could not and would not enter into any discussion affecting its full right to deal with the Canal Zone under Article III of the Treaty of 1903 as if it were the sovereign of the Canal Zone and to the entire exclusion of any sovereign rights or authority on the part of Panama." To this he added that, "it was an absolute futility for the Panamanian Government to expect any American Administration, no matter what it was, any President or any Secretary of State, ever to surrender any part of these rights which the United States had acquired under the Treaty of 1903." (*Ibid.* p. 684.)

That forthrightness on the part of Secretary Hughes met with the situation for many years. The present Secretary of State should speak out with like candor in defense of our just and indispensable authority over the Canal Zone. The argument made that the United States does not need all the Canal Zone territory to protect the Canal is unrealistic because any part of it might be needed in time of war to create defenses and to deploy the protective forces for the Canal and Panama itself.

During the construction of the Canal the State Department did not control policy as regards the Canal Zone, and construction went forward effectively and expeditiously. After the completion of the Canal the State Department got its nose into the tent and finally its body. Ever since it has muddled our Isthmian policy by weakness, timidity and vacillation, rendering some of the consequent problems almost beyond solution.

HULL-ALFARO TREATY—1936–1939 STARTED OUR GREAT GIVEAWAY PROGRAM

Because of the economic support of the Panama Canal, the full effects of the Great Depression of 1929 were not felt in Panama until 1932 when they stimulated agitations for a new treaty. With the change of administrations in the United States in 1933 our government weakened as to the earlier official positions taken by President Theodore Roosevelt, Secretaries Hay and Hughes, and negotiated the Hull-Alfaro Treaty of 1936 with Panama.

Because of a strong opposition in the Senate it was not ratified until 1939 just before the start of World War II. In this treaty, the United States made important concessions to Panama, which included the construction of a Trans-Isthmian highway in Panama extending through the Canal Zone to Colon, giving Panama jurisdiction over that highway in the Zone, renunciation of the right of eminent domain in the Republic of Panama for Canal purposes, and surrender of U.S. authority to maintain public order in the cities of Panama and Colon and adjacent areas. In a realistic sense this treaty was the start of our great giveaway programs, causing serious difficulties in obtaining military bases in Panama for defending the Panama Canal in World War II and creating dangerous precedents. A positive result of the treaty, however, was that Panama recognized that the word "maintenance' in Article I of the treaty allowed "expansion and new construction" when undertaken in accordance with the treaty, that is, for the maintenance, operation, sanitation and protection of the existing Canal.

It was under this authority that the Congress enacted legislation for the Third Locks Project soon afterward and on which more than $76,000,000 was expended before it was suspended in May 1942 because of more urgent war requirements. The useful work accomplished on this project included huge lock site excavations at Gatun and Miraflores for the proposed larger locks, which could be used for the modernization of the existing canal; and for which a new treaty would be unnecessary.

CHAPIN-FÁBREGA TREATY FURTHER WEAKENS JURIDICAL STRUCTURE, 1955

By 1953 agitations were well underway in Panama for the Chapin-Fábrega Treaty, which without adequate understanding or debate, was ratified in 1955. This treaty gave further concessions to Panama, including provisions for the construction by the United States of a free bridge across the Canal at Balboa to supersede the Thatcher Ferry, relinquishment of the right to enforce health and sanitation ordinances in the cities of Panama and Colón, and the cession to Panama without any compensation whatever of the terminal yards and passenger stations of the Panama Railroad. The last was a clear violation of the Thomson-Urrutia Treaty of 1914–22 with Colombia, which gives that country important rights in the use of both the Panama Canal and the Railroad.

The 1955 Treaty completed the withdrawal of the United States from Panama to the boundaries of the Canal Zone but did not alter the basic sovereignty and perpetuity provisions of the 1903 Treaty as regards United States exclusive sovereign control in perpetuity of the Canal enterprise, which includes the Zone.

SECRETARY OF STATE JOHN FOSTER DULLES DEFENDS U.S. POSITION AT PANAMA, 1956

Following the nationalization by Egypt in 1956 of the Suez Canal, Secretary of State John Foster Dulles, whose connections with the Panama Canal dated back to World War I, issued an order that no officer of the U.S. Foreign Service, in conversation, speaking or writing, was to equate the status of the Panama Canal with that of the Suez Canal, and that violators would be disciplined (CONGRESSIONAL RECORD, vol. 111, pt. 19, p. 25974). That order was the last strong statement by a Secretary of State as regards U.S. sovereignty, over the Canal Zone. Secretary Dulles' successors, less conscious of the realities involved, gradually weakened and the aggressiveness of Panamanian radicals correspondingly increased. No high official of our government spoke out as they should have done. Thus matters took their retrogressive course.

U.S. FORMAL RECOGNITION OF PANAMA TITULAR SOVEREIGNTY LEADS TO HEAVIER DEMANDS, 1958

On May 2, 1958, there was an organized mob invasion into the Canal Zone called Operation Sovereignty. Red led Panamanian

University students planted 72 Panama flags at various spots in the Zone, including some squarely in front of the Canal Administration Building. Instead of acting promptly to arrest and punish the trespassers, our responsible authorities naively ignored the incidents as youthful pranks. Instead of pranks they were probes of our government's will power to stand up for the just and indispensable rights of the United States at Panama.

Soon afterward, during a July 12–16 visitation in the Canal Zone by Dr. Milton Eisenhower, President Ernesto de la Guardia, Jr., told him that flying the Panama flag in the Zone would promote cooperation. That was a very suave statement.

Following the riots of November 3, 1959, which required the use of the U.S. Army to protect the Canal Zone from mob invasion. Under Secretary of State Livingston T. Merchant visited the Isthmus and, under instructions, publicly announced that the United States recognized Panama's titular sovereignty over the Canal Zone but, quite significantly, did not define that term.

As predicted by me in the Congress at the time that disingenuous action did not beguile Panamanian radicals but simply whetted their appetites for more concessions.

U.S. CONGRESS OPPOSES SURRENDERS AT PANAMA, 1960

Reactions in the Congress were quickly forthcoming. On February 2, 1960, the House of Representatives, by the overwhelming vote of 382 to 12, apposed the formal display of the Panama flag in the Canal Zone in a House Concurrent Resolution but, unfortunately, the Senate Committee on Foreign Relations did not act. As a follow up to the resolution, the House, on February 9, unanimously adopted the Gross Amendment to the 1961 Department of Commerce Appropriations Bill prohibiting the use of any funds under that appropriation for the formal display of the flag of Panama in the Zone. The Senate accepted this amendment and it became law.

As early as April 30, 1960, I predicted in an address in the House that soon after the Congress adjourned there would be an order from the President based upon the recommendation of the State Department, authorizing the display of the Panama flag in the Zone.

Later, on June 23, 1960, I addressed the House, stressing the problems that would follow as the result of the hoisting of the Panama flag in the Zone territory and warning the Congress that elements in the State Department were planning to authorize it. Next, on June 30, I wrote Secretary of State Christian A. Herter apprising him of these facts, urging him to clean out the responsible elements in his department, and warning him that should the Panama flag be displayed in the Canal Zone under his authorization members of the House would press for his impeachment. His reply was evasive. (CONGRESSIONAL RECORD (86th Cong., 2d Sess.), vol. 106, pt. 14, p. 18872.)

PRESIDENT EISENHOWER STRIKES U.S. FLAG IN CANAL ZONE, SEPTEMBER 17, 1960

Just as predicted, on September 17, 1960, soon after adjournment of the Congress, President Eisenhower, without Congressional sanction and using emergency funds from the Department of State, in a mistaken gesture of friendship, naively authorized the formal display of the Panama Flag in one place in the Canal Zone at Shaler's Triangle as "visual evidence" of Panama's titular sovereignty over the Zone but did not define the terms, which, as already pointed out, is of purely reversionary character. Also as predicted, Panamanians took this display not as evidence of titular sovereignty, but as an official admission by the United States of its recognition of Panama's full sovereignty over the Zone Territory. (G. Bernard Noble, *Christian A. Herter*, New York: Cooper Square Publishers, Inc., 1970, p. 209.)

To avoid confusion the word sovereignty means the state or quality of having supreme power of dominion. Could there be any better status for the Panama Canal and Canal Zone than that under the full sovereign control of the United States with the avoidance of all problems of extra territoriality? For such sovereignty there can be only one flag and that is the flag of the United States.

PANAMANIAN MOBS ASSAULT CANAL ZONE JANUARY 1964

Did the 1960 display by President Eisenhower appease Panamanian radicals? It did not but simply served to open a Pandora Box of more unrealistic and impossible demands. The Panama flag display was extended by President Eisenhower's successors, President Kennedy and Johnson. They culminated in a massive Red led mob invasion of the Canal Zone during January 9–12, 1964, again requiring the use of our armed forces to protect the lives of our citizens and the Canal itself. In retaliation, Panama broke diplomatic relations with the United States and brought charges against the United States of "aggression" against Panama.

Here I would like to stress that not one United States soldier left the Canal Zone but simply defended the lives of our citizens and the Canal with the result that there was no interruption of transit despite the magnitude of the disorders. This was the highest tribute to the wisdom of our policy of having United States citizens in security positions, and having a protective strip framing the Canal.

PRESIDENT JOHNSON ACCEDES TO RADICAL PANAMANIAN DEMANDS, 1964

After President Johnson had an opportunity to get the necessary facts about the Panamanian mob attack, on January 14, 1964, he took a strong initial stand for exercising United States sovereignty over the Canal Zone stating that our country had a "recognized treaty obligation to operate the Canal efficiently and securely, and (that) we intend to honor that obligation in the interest of all who depend upon it." (CONGRESSIONAL RECORD (88th Cong., 2d Sess.), vol. 110, pt. 1, p. 426.) For this candor he was widely commended at home and abroad despite the position taken by the United States in 1956 in opposition to the British-French reoccupation of the Suez Canal.

Unfortunately, after this initial policy statement he apparently fell into the clutches of Department of State miners and sappers and reversed his original position. Consequently, on December 18, 1964, after restoration of normal relations with Panama, President Johnson announced that the U.S. Government had completed an intensive policy review with respect to the present and future of the Panama Canal and that he had reached two decisions:

First, to press forward with Panama and other interested governments for a sea level canal; and second, to negotiate an entirely new canal treaty for the existing Panama Canal.

Legislation to authorize an investigation of the feasibility of a canal of sea level design was obtained—Public Law 88–609, approved September 22, 1964. Robert B. Anderson was assigned to head that study. Later, Mr. Anderson was appointed as chief U.S. Negotiator for the proposed treaty negotiations, thus holding two positions at the same time.

NEW CANAL TREATIES PROPOSED, 1967

On June 26, 1967, President Johnson and President Marco A. Robles of Panama jointly announced that agreement had been reached on three proposed new canal treaties as follows:

The first covering the operation of the present canal would have (1) abrogated the Treaty of 1903, (2) recognized Panamanian sovereignty over the Canal Zone, (3) made Panama an active partner in the management and defense of the Canal, (4) increased toll royalties to Panama, and (5) eventually given to Panama exclusive possession in 1999 if no new canal were constructed at U.S. expense or soon after opening of a sea level canal but not later than 2009 if a new canal were built.

The second treaty for a canal of sea level design would have given the United States an option for 20 years after ratification to start construction, 15 more years for construction and a majority membership in the canal authority for 60 years after opening or until 2067, whichever was earlier. Additional agreements to fix the specific conditions for its combinations would have to be negotiated when the United States should decide to execute its option.

The third treaty for defense would have provisions for the continued use of military bases by U.S. Forces in Panama for 5 years beyond the termination date of the proposed treaty for the operation of the existing canal. If a new canal in Panama were constructed the military base rights treaty would have to be extended for the duration of the treaty for the new canal. (Background of U.S. Decision to Resume Panama Canal Treaty Negotiations, Office of Interoceanic Canal Negotiations, State Department, 1971.)

PROPOSED 1967 TREATIES OPPOSED IN BOTH PANAMA AND THE UNITED STATES

Although President Johnson did make a press release outlining the general aims of the treaties, the governments of both the United States and Panama withheld publication of the proposed treaties apparently with the hope that they would be ratified by our Senate without adequate debate.

Ferreted out through the journalistic iniative of the *Chicago Tribune* and published in that paper, and later quoted in addresses to the U.S. Senate by Senator Strom Thurmond of South Carolina in the *Congressional Records* of July 17, 21 and 27, 1967, they aroused a storm of protests in both Panama and the United States as well as in Great Britain and Japan, which are large users of the Panama Canal. So strong were these protests that the proposed 1967 treaties were never signed.

SEA LEVEL REOMMENDATION HINGES ON SURRENDER OF CANAL ZONE, 1970

On December 1, 1970, the Anderson panel submitted voluminous report recommending the construction of a new canal of so-called sea level design entirely in Panamanian territory about 10 miles west of the existing canal at an initially estimated cost of $2,888,000,000 to be borne by United States taxpayers. This figure did not include the cost of the rights of way or of the inevitable indemnity to Panama.

Meantime, in line with Isthmian revolutionary history, the Constitutional government of Panama was overthrown on October 11, 1968, after only 10 days in office, by a military coup and a provisional Revolutionary Government established. This eliminated the Panama National Assembly and converted its spacious building into government offices. Eventually, the revolutionary government, after declaring the discredited 1967 treaties unacceptable, sought to negotiate new ones and our government acceded, with the designation of the same Robert B. Anderson as Chief U.S. Negotiator.

Here it should be explained that the construction of a canal of sea level design at Panama for many years has been an undisclosed objective of a small professional engineering-industrial group, including manufacturers of heavy earth moving machinery. The recommendation of the 1970 Anderson Report for a sea level canal hinges upon the surrender of U.S. sovereignty over the Canal Zone. Moreover, the holding of the position of Chief U.S. Negotiator by the same person who headed the negotiations for the discredited 1967 treaties and the sea level study creates a serious conflict of interest to which the Congress should be fully alert.

One of the great purposes of United States policy of exclusive sovereign control over the Canal Zone was the avoidance of the never ending conflicts and recriminations that always accompany extra-territorial rights. To speak so bluntly as the gravity of the situation at Panama demands, the State Department in recent years has been dominated by those who timidly accept as valid every major claim of Panamanian radicals for the surrender by the United States of its sovereignty over the canal enterprise and its transfer to Panama. Such action would undoubtedly result in the immediate dominance of the Isthmus including the Canal Zone by Soviet powers against which Panama could not cope.

LONG RANGE PANAMANIAN AIMS

Lest there be some doubt as to the long range aims of the Panama Government as to its objectives, on April 29, 1958, Ambassador Ricardo M. Arias of Panama, in a major address at the School of Foreign Service of Georgetown University, made this significant revelation:

"The foreign policy of my country during the past 50 years has been to exert every effort in order to obtain at least for Panama, conditions similar to those granted to Colombia in January 1903." (Ho. Doc. 474, 89th Congress, p. 23.)

The blackmailing and demogogic revolutionary government of Panama would have the world forget the history of that country: the Panama Revolution under the guaranty of the United States, the reasons for the 1903 Treaty under which the United States constructed and has subsequently operated and defended the Panama Canal, the transformation of Panama from a cesspool of disease and penury into a relatively healthy land of comparative prosperity, and the vast sums provided by our government for canal purposes. The net total of these sums including defense, as of June 30, 1968, was more than $5,000,000,000, all provided by the taxpayers of the United States.

All the facts just enumerated, Mr. Chairman, the present government of Panama would remove from the memory of mankind. The United States can well stand on the record that it has made at Panama in dealing with all of these matters and trust to history for vindication.

Manifestly, Panama cannot eat its cake and have it also. After the United States built the canal and successfully operated it for more than half a century, a fly by night and sanguinary revolutionary government would have our country neglect its duty to its taxpayers and surrender the indispensably necessary protective frame of the Canal to Panama and thus enable that country to expropriate the canal itself and drive us from the Isthmus. The present Revolutionary Government of Panama has been motivated by a complete disregard of historical verities and its policy of truculence and impossible claims has undoubtedly been induced by Soviet assurances, for Soviet experts are already in Panama. This always happens prior to the establishment of diplomatic relations.

WHY NOT SURRENDER TO COLOMBIA RATHER THAN PANAMA?

In response to the officialdom in our government who seem determined to destroy the 1903 Treaty and surrender our just rights, power and authority at Panama, why should not such surrender be made to Colombia, which until November 3, 1903, was the sovereign of the Isthmus instead of Panama?

Any surrender of the Canal Zone and Canal is unthinkable; but if any surrender should be made it should be to Colombia, of which Panama was once a province, and not to Panama.

SEA LEVEL CANAL—A POLITICAL MOVE

In the light of what has taken place it is interesting to note that Colonel John P. Sheffey, former Executive Director of the recent sea level studies and now of the Office of Interoceanic Canal Negotiations in the Department of State, made the following revealing statements before a gathering of marine scientists on March 4, 1971, at the Smithsonian Institution:

1. "That the canal investigation under Public Law 88-609 calling for consideration of the long range Canal program originated with the State Department following the 1964 riots as a means for improving treaty relationships with Panama.

2. That President Nixon had accepted the final 1964 Johnson canal treaty policy.

3. That the main purpose of the sea level proposal was to obtain "better treaty relationships" with Panama.

4. That if such relationships are not obtained the project is not warranted.

5. That the sea level proposal is not justified economically and that it "may never be constructed."

6. That because of opposition in both the United States and Panama the 1967 draft treaties would not be the basis for future negotiations.

7. That the sea level proposal was recognized as "ecologically dangerous."

8. That a decision to construct one would be a "political" decision.

Could there be more shocking admissions concerning a subject of such vast importance to the entire world than those just enumerated? (*Congressional Record*, March 24, 1971, p. 7839.)

PRESIDENT NIXON ADOPTS THE FINAL JOHNSON POLICY

The latest information on the canal treaty situation is that President Nixon, on the advice of the same appeasement officials in the State Department who advised President Johnson and whom President Nixon in his 1968 campaign had avowed to replace, has established objectives similar to those of his predecessor as modified by events since 1967. This information is that the "renewal of violence in Panama, possibly more extensive than experienced in 1964, might be unavoidable if the treaty objectives considered by the Panamanian people to be reasonable and just are not substantially achieved." This is complete blackmail on the part of the Panama Government, which today is unconstitutional under Panamanian requirements.

Though averring that the United States has "no intention of yielding control and defense of the Canal to the threat of violence," the State Department view is that it is in United States interest to demonstrate again as in 1967 our "willingness to make adjustments" which do not significantly weaken our rights to control and defend the canal and that it would be difficult for the United States to "justify itself in world forums" in the event it is again forced to "commit" its armed forces against "Panamanian incursion into the Canal Zone." (Background . . . , 1971, op. cit.) Could there be any more obvious double talk? The United States did not commit its Armed Forces against anybody.

Such statements of policy, Mr. Chairman, are an expression of willingness to surrender in advance. What could be more pusillanimous or unrealistic than this State Department pronouncement! No wonder the eyes of the world are watching us at Panama, for upon what we do there could well depend the freedom or the slavery of the world. Shabby sentimentality has no place in the consideration of the problems of the Canal Zone and Panama Canal.

Instead of surrendering the Canal Zone to Panama it ought to be extended so as to include the entire drainage area of the Chagres River basin as was first recommended by General Clarence R. Edwards, the Commanding General of U.S. troops on the Isthmus, as the result of World War I experience.

PANAMA NEGOTIATORS DEMAND FULL SOVEREIGNTY OVER CANAL ZONE

In public statement by the Panamanian negotiators just prior to their departure for the United States on June 29, 1971, they said that they would demand full sovereignty over the Canal Zone or that there would be no treaty and that in event of failure to get such sovereignty they would return to Panama and explain matters to their people. In view of the anti-United States frenzy into which the people of that country have been whipped, this constitutes an open threat of violence comparable to that of January 9–12, 1964, which required the use of our Armed Forces to protect the lives of our citizens and the canal itself. Certainly there are few better examples of how appeasement begets blackmail than in the conduct during recent years of our policies at Panama. It must be borne in mind that those who made these threats overthrew by force and violence the Constitutional Government of Panama and are maintaining themselves in power by the same means. Why make treaties with the present Revolutionary Government which would in all likelihood be repudiated when Panama returns to a Constitutional government just as the present government repudiated the proposed 1967 treaties.

The greater part of the turmoil and bitterness that has evolved in Panama has been because Panamanian radicals and demagogs have failed to diagnose realistically the premises on which they base their policies and actions. Unfortunately, through continued insistence Panamanian policies now prevailing are not realistic.

Timidity and vacillation on the part of our State Department have served to induce extravagant claims and demands by Panama that have resulted in brain washing our accredited officials who have never emphasized the genesis of Panama and the Canal.

Panama is not a great power and can never be one. It is a small and weak country—the result of a Caesarian operation that was successful because the United States as a great power supported it. While Panama's frequently mentioned geographic position is an asset it is also a great liability because predatory powers covet it. The actual confrontation now occurring is not between the United States and Panama but between the United States and the U.S.S.R. The Soviet takeover of Cuba had, and still has, for its purpose the control of the Panama Canal.

Moreover, Panama at present does not have any Constitutional way to ratify treaties because the Revolutionary Government has abolished the National Assembly of Panama, which is the treaty ratifying agency of the Panamanian Government.

U.S. CONSTITUTION PROTECTS CANAL ZONE

Here I would emphasize the importance of Article IV, Section 3, Clause 2 of the U.S. Constitution, that vests the power to dispose of territory and other property of the United States in the Congress, which of course, includes the House of Representatives. This places a high degree of responsibility on the subcommittee, for as in the case of the 1967 proposed treaties and, so far as can be ascertained, at the present time, this wise Constitutional provision is being ignored by our treaty negotiators.

An examination of court decisions will disclose that the Constitutionality of this provision has been upheld many times. One example of our government complying with it was in the 1955 Treaty in which the conveyance of lands and property of the United States to Panama was "subject to the enactment of legislation by the Congress." (Chapin-Fábrega Treaty of January 25, 1955, Article V.)

PANAMA CANAL IS PART OF THE U.S. COAST LINE

As foreseen by the formulators of our major Isthmian Canal policies of site, type, and control, the Panama Canal is a part of the coast line of the United States. Its protection is just as vital to national defense as the protection of Delaware Bay or San Francisco Harbor.

General plans for the major increase of capacity and operational improvements of the existing canal have been developed and are covered in pending legislation but cannot proceed until the sovereignty issue is clarified and our undiluted control and ownership of the canal and the Canal Zone fully understood and recognized, for the Canal can no more be separated from the Zone than boilers from a steam power plant.

The very moment that we surrender sovereignty over the Zone to Panama as presently planned, Soviet power will take over the Republic of Panama as it did Cuba. In fact, as previously stated, Soviet experts have already arrived in Panama and are advisng the University, social security organizations, and labor offices of the Panamanian Government.

Thus, also as previously indicated, the issue is not United States control of the Canal Zone versus Panamanian but continued U.S. sovereignty versus U.S.S.R. domination.

DANGERS OF SURRENDERS

Before any surrender to Panama of sovereignty over the Canal Zone there are many questions that must be answered satisfactorily, among them the following:

Where would Panamanian political leaders flee for asylum to escape assassination such as has frequently occurred for many years?

How could the lives of our citzens and the Canal itself be defended against mob violence without the protective frame of the Canal Zone under the control of the United States?

How could the Canal be efficiently maintained and operated unless the undiluted control of the Zone with all its tremendous facilities remains with the United States?

How could the constant conflicts and recriminations that always feature extra-territoriality be avoided in the event of surrender of Canal Zone sovereignty?

How could the Panama Canal be modernized without further extortions through further treaty negotiations?

Why jeopardize our present treaty rights to modernize the existing canal by "expansion and new construction" by abrogating the workable 1903 Treaty?

Why should the United States abandon policies successfully tested in the operation of the existing canal based on provisions of a workable Treaty for a mere option for a new canal sea level design that even its advocates admit may never be constructed?

Why does the State Department ignore the marine ecological angle involved in constructing a salt water channel between the oceans, which recognized scientists predict would result in infecting the Atlantic with the poisonous Pacific sea snake and the predatory Crown of Thorns starfish that would have international repercussions?

Is not the Republic of Panama a small and weak country whose independence is assured only so long as the United States remains on the Isthmus?

Is not all the talk by the Revolutionary Government of Panama about the dignity of the fatherland false and demagogic?

Why has it whipped the people of Panama into a frenzy of great expectations which when not realized may result in violence?

What would be the legal complications of spending more than six decades of United States jurisdiction and the Canal Zone Code that has been enacted by the Congress?

Would not such surrender be in violation of the 1950 Panama Canal Reorganization Act (Pub. Law 841, 81st Congress) that placed the canal on a self-sustaining basis?

Would not the surrender of the Canal Zone arouse controversy with Great Britain as violative of the 1901 Hay-Pauncefort Treaty and other large maritime nations that have accepted that treaty?

Would not surrender of the Canal Zone to Panama violate the right of Colombia under the Thomson-Urrutia Treaty of 1914–22 in the Panama Canal and Railroad?

In view of terms of the 1903 Treaty ceding sovereignty over the Canal Zone to the United States how can it be legally surrendered except by the abandonment of the Panama Canal?

Would not such surrender revive the claim of Colombia not only to the Canal Zone and Canal but also to the entire Isthmus?

Should such surrender be made why not make it to Colombia rather than Panama?

What reason except a determination to acquire the Panama Canal has motivated the U.S.S.R. in the takeover of Cuba, the building of bases there, and operating submarines off both coasts of Latin America?

Instead of surrendering the Canal Zone to Panama why not extend it to include the entire watershed of the Chagres River?

Would not the cession of U.S. sovereignty over the Canal Zone to Panama facilitate the expropriation of the Canal as occurred in Egypt after the surrender of the Suez Canal Zone?

Would not such expropriation be supported by the full might of Soviet power?

Then who would operate and control this great artery of marine transportation and world strategy?

Can you think of a worse blow against the United States short of nuclear attack than the loss of the Panama Canal?

Would not cession of the Canal Zone constitute a precedent for other nations, emboldened by such surrender to Panama, to challenge our right to Alaska, the Gadsden Purchase, the vast Southwest, Florida and the Louisiana Purchase?

The historic canal policy of the United States is for an American canal, on American soil, for the American people and world shipping as provided by law; and that is the policy that should be followed without any dilution.

PRESENT TASKS BEFORE THE CONGRESS

The present task before the House of Representatives is the transcendent one of clarification and reaffirmation of our sovereign control of the Panama Canal enterprise. The resolutions now pending reflect the views of our best informed Congressional leaders and especially qualified citizens from various parts of the nation. Their adoption will serve notice in the world, especially Soviet rulers, that the United States has the will to meet its treaty obligations at Panama and that it will continue to do so and thus serve to regain the public image that our great country has lost through weak and timid policies in recent years, particularly in Latin America. It will open the way for the next great step by the Congress in the evolution of our Isthmian Canal policy—the major modernization of the existing Panama Canal. These two steps together, sovereignty reaffirmation and modernization, should meet the canal situation for many years into the future.

The urgently needed modernization would be provided by H.R. 712 now before this Sub-Committee and an identical measure, S. 734, now before the Senate Committee on Armed Services. The plan embodied in these bills calls for the major operational improvement and increase of capacity of the existing Panama Canal, which, most importantly, can be accomplished without negotiating a new treaty with Panama. The plan would simply complete the authorized but suspended Third Locks Project adapted to the principles of the Terminal Lake solution, which would supply the best operational canal at least cost.

Mr. Chairman, in order that measures now pending in the Congress may be readily available to those reading my statement I wish to include the full texts of H. Res. 540 and H.R. 712 as parts of my remarks and to urge prompt action thereon. It should be noted that H. Res. 540 was referred to the Committee on Foreign Affairs and that its Sub-Committee on Inter-American Affairs held hearings on it on September 22–23, 1971.

In addition, I wish to include a thoughtful article on Panama Canal in the November 1971 issue of *Natural History* entitled, "The Sea Snakes Are Coming," by Dr. William A. Dunson of Pennsylvania State University, which discusses the biological hazards of the currently proposed sea level canal at Panama; also the 1971 Memorial to the Congress by the Committee for Continued Control of the Panama Canal and a newstory from the November 28 issue of the Baltimore Sun by Richard O'Mara.

H. Res. 540

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its indispensable sovereignty and jurisdiction over the Canal Zone and Panama Canal; and

Whereas under the Hay-Pauncefote Treaty of 1901 between the United States and Great Britain, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903 between the Republic of Panama and the United States, the Republic of Panama granted full sovereign rights, power, and authority in perpetuity to the United States over the Canal Zone for the construction, maintenance, operation, sanitation, and protection of the Panama Canal and to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority; and

Whereas under the Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922, between Republic of Colombia and the United States, the Republic of Colombia recognized that the title to the Panama Canal and Panama Railroad is vested "entirely and absolutely" in the United States and the United States granted important rights in the use of the Panama Canal and Railroad to Colombia; and

Whereas from 1904 through June 30, 1968, the United States has made an aggregate net investment in said canal, including defense, of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure, United States abandonment of the canal enterprise, or under any other circumstances; and

Whereas, under article IV, section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of Panama Canal traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States as well as of Panama itself; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in proposed treaties under the terms of which the United States would relinquish its control over the Canal Zone and Panama Canal with the gift of both to Panama; and

Whereas the present revolutionary Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty or treaties; and

Whereas the December 1, 1970, report by the Atlantic-Pacific Interoceanic Canal Study Commission revives the entire canal situation, including surrender of the Canal Zone to Panama and operation of the Panama Canal by an international organization not subject to laws of the United States.

Whereas the recommendations of said commission would place the United States in a position of heavy responsibility without requisite authority and invite a takeover by Soviet power of the isthmus as occurred in Cuba, other Latin American countries, and at the Suez Canal: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of the United States should maintain and protect its sovereign rights and jurisdiction over said Canal Zone and Panama Canal and that the United States Government should in no way forfeit, cede, negotiate, or transfer any of these sovereign rights, jurisdiction, territory, or property to any other sovereign nation or to any international organization, which rights, sovereignty, and jurisdiction are indispensably necessary for the protection and security of the entire Western Hemisphere including the canal and Panama.

H.R. 712

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the Third Locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel Locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000, which is hereby authorized to be appropriated for this purpose.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The Secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4. (a) The Board is authorized and directed to study and review all plans and designs for the Third Locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the Third Locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the Third Locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the Third Locks project and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations there in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out its functions and activities under this Act.

SEC. 13. Any provision of the Act of August 11, 1939 (54 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

PANAMA CANAL: SOVEREIGNTY AND MODERNIZATION

Honorable Members of the Congress of the United States: The undersigned, who have studied various aspects of inter-oceanic canal history and problems, wish to express their views:

1) The report of the interoceanic canal inquiry, authorized under Public Law 88-609, headed by Robert B. Anderson, recommending construction of a new canal of so-called sea level design in the Republic of Panama, was submitted to the President on December 1, 1970. The proposed canal, *initially* estimated to cost $2,880,000,000 exclusive of the costs of right of way and inevitable indemnity to Panama, would be 10 miles West of the existing Canal. This recommendation, which hinges upon the surrender to Panama by the United States of all sovereign control over the U.S.-owned Canal Zone, has rendered the entire canal situation so acute and confused as to require rigorous clarification.

2) A new angle developed in the course of the sea level inquiry is that of the Panama biota (fauna and flora), on which subject, a symposium of recognized scientists was held on March 4, 1971 at the Smithsonian Institution. That gathering was overwhelmingly opposed to any sea level project because of the biological dangers to marine life incident to the removal of the fresh water barrier between the Oceans, now provided by the Gatun Lake, including in such dangers the infestation of the Carribbean Sea and Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake (Pelamis platurus).

3) The construction by the United States of the Panama Canal (1904-1914) was the greatest industrial enterprise in history. Undertaken as a long-range commitment by the United States, in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . . ") CONGRESSIONAL RECORD, vol. 115, pt. 17, pp. 22845-22848, the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

4) Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant in perpetuity from Panama (Hay-Bunau-Varilla Treaty of 1903). In addition to the indemnity paid by the United States to Panama for the necessary sovereignty and jurisdiction, all privately owned land and property in the Zone were purchased by the United States from individual owners; and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914-22). The cost of acquiring the Canal Zone, as of March 31, 1964, totalled $144,568,571, making it the most expensive territorial extension in the history of the United States. Because of the vast protective obligations of the United States, the perpetuity provisions in the 1903 treaty assure that Panama will remain a free and independent country in perpetuity, for these provisions bind the United States as well as Panama.

5) The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000; which, if converted into 1971 dollars, would be far greater. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

6) In 1939, prior to the start of World War II, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The program for the enlargement of Gaillard Cut started in 1959, with correlated channel improvements, was completed in 1970 at a cost of $95,000,000. These two works together represent an expenditure of more than $171,000,000 toward the major modernization of the existing Panama Canal.

7) As the result of canal operations in the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception included provisions for the following:

(1) Elimination of the bottleneck Pedro Miguel Locks.

(2) Consolidation of all Pacific Locks South of Miraflores.

(3) Raising the Gatun Lake water level to its optimum height (about 92').

(4) Construction of one set of larger locks.

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, which would improve marine operations by eliminating lockage surges in Gaillard Cut, mitigate the effect of fog on Canal capacity, reduce transit time, diminishing the number of accidents, and simplify the management of the Canal.

8) Competent, experienced engineers have officially reported that all "engineering considerations which are associated with the plan are favorable to it." Moreover, such a solution:

(1) Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks Project.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable Panamanian demands for damages that would be involved in the proposed sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that recognized scientists fear might be caused by constructing a salt water channel between the Oceans.

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

(9) All of these facts are elemental considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty aspects. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty. These are paramount factors in the overall equation.

10) In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1970 to cost $2,880,000,000, exclusive of the costs of the right of way and indemnity to Panama, has long been a "hardy perennial," according to former Governor of the Panama Canal, Jay J. Morrow. It seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite the economic, engineering, operational, environmental and navigational superiority of the Terminal Lake solution. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, *or* be wholly borne by the taxpayers of the United States.

11) Starting with the 1936-39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion, in 1967, of negotiations for three proposed new canal treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically primitive and unstable country a senior partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This Clause vests the power to dispose of territory and other property of the United States in the entire Congress (House *and* Senate) and not in the treaty-making power of our Government (President and Senate)—a Constitutional provision observed in the 1955 Treaty with Panama.

12) It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State, in direct violation of the indicated Constitutional provision, have been, and are yet, engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Panama Canal project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world trade.

13) Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal as provided by existing treaties;

(2) The *major* modernization of the existing Panama Canal as provided for in the Terminal Lake Proposal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States, aiming at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

14) In the 1st Session of the 92nd Congress identical bills were introduced in both House and Senate to provide for the *major* increase of capacity and operational improvement of the *existing* Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution,

which competent authorities consider would supply the best operational canal practicable of achievement, and at least cost without treaty involvement.

15) Starting on January 26, 1971 many Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization in derogation of present treaty provisions.

16) The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. The recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approach to the Panama Canal, and as was accomplished in the case of the Suez Canal, which the Soviet Union now wishes opened in connection with its naval buildup in the Eastern Mediterranean and Indian Ocean. Thus, the real issue at Panama, dramatized by the Communist take over of strategically located Cuba and Chile, is not United States control versus Panamanian but United States control versus Soviet control. This is the issue that should be debated in the Congress, especially in the Senate. Panama is a small, weak country occupying a strategic geographical position that is the objective of predatory power, requiring the presence of the United States on the Isthmus in the interest of Hemispheric security and international order.

(17) In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions and,

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching saturation capacity.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Sanford, CA. Former Chairman, President's Council of Economic Advisers.

Comdr. Homer Brett, Jr., Chevy Case, Md. Former Intelligence Officer, Caribbean Area.

Hon. Ellis O. Briggs, Hanover, N.H., U.S. Ambassador retired and Author.

Dr. John C. Briggs, Tampa, Florida, Professor of Biology, University of South Florida, Tampa.

William B. Collier, Santa Barbara, Calif., Business Executive with Engineering and Naval Experience.

Lt. Gen. Pedro Adel Valle, Annapolis, Maryland, Intelligence Analyst, Former Commanding General, 1st Marine Div.

Herman H. Dinsmore, New York, N.Y. Former Associate Foreign Editor, New York Times, Editorialist.

Dr. Lev E. Dobriansky, Alexandria, Va,. Professor of Economics, Georgetown University.

Dr. Donald M. Dozer, Sta. Barbara, Calif., Historian, University of Calif., Sta. Barbara, Authority on Latin America.

Lt. Gen. Ira C. Baker, Washington, D.C., former Commander-in-Chief, Allied Air Forces, Mediterranean, Analysis and Commentator on National Security Questions.

K. V. Hoffman, Richmond, Va., editor and author.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., engineer and author.

Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University, past president, Panama Canal Society of Washington, D.C.

Dr. Leonard B. Loeb, Berkely, Calif., Professor of Physics Emeritus, University of California.

William Loeb, Manchester, N.H., publisher and author.

Lt. Col. Matthews P. McKeon, Springfield, Va., intelligence analyst, editor and publisher.

Dr. Howard A. Meyerhoff, Tulsa, Okla., consulting geologist, formerly head of Department of Geology, University of Pennsylvania.

Richard B. O'Keefe, Fairfax, Va., Asst. Professor, George Mason College, University of Virginia, research consultant on Panama Canal, The American Legion.

Capt. C. H. Schildhauer, Owings Mills, Md., aviation exectuive.

V. Adm. T. G. W. Settle, Washington, D.C., former commander, Amphibious Forces, Pacific.

Jon P. Speller, New York, N.Y., author and editor.

Harold Lord Varney, New York, N Y., president, Committee on Pan American Policy, New York, authority on Latin American policy, editor.

Capt. Franz O. Willenbucher, Bethesda, Md., lawyer and executive.

Dr. Francis G. Wilson, Washington, D.C., Professor of Political Science Emeritus, University of Illinois, author and editor.

[From Natural History, November 1971]

THE SEA SNAKES ARE COMING

(By William A. Dunson)

"As we sailed along we saw multitudes of grampuses every day; also water-snakes of divers colours. Both the Spaniards and Indians are very fearful of these snakes, believing there is no cure for their bitings." Basil Ringrose, 1679, in *The Buccaneers of America,* by John Esquemeling.

The accuracy of this early description by an English pirate of the yellow-bellied sea snake, *Pelamis platurus,* off the coast of Ecuador could not be greatly improved upon today. This venomous member of the sea snake family is found in great numbers along the Pacific coasts of Mexico and Central and South America, between Baja California and Ecuador. The extreme variation in coloration ("divers colours") of the serpent is most unusual, and we have no more access to an antivenin for its poison than Ringrose had in 1679.

Our appalling ignorance of this remarkable snake's habits has recently been forcibly brought home by a renewal of interest in construction of a sea-level canal between the Atlantic and Pacific Oceans. The Atlantic-Pacific Interoceanic Canal Study Commission, which for economic and military reasons recommended construction of a sea-level canal in Panama, gave little consideration to the possibly deleterious effect of intermingling organisms from the two oceans. Other scientists, however, reflecting our increased ecological knowledge, have shown more awareness of the problems. A National Academy of Sciences committee reported that "great danger would result from building a sea-level canal. . . ." The Pacific yellow-bellied sea snake came to center stage in this debate because it is one of the species that no one would like to see ushered into the Atlantic Ocean by our engineering follies. Another undesirable Pacific immigrant could be the crown-of-thorns starfish, which consumes coral.

To estimate the likelihood of the yellow-bellied sea snake passing through a sea-level canal, we must understand the habits of this marine reptile. It has traditionally been considered a pelagic "blue-water" species that only rarely came close to land. But in a recent cruise of the Scripps Institution of Oceanography research vessel *Alpha Helix* between San Diego and Panama, we often observed this sea snake present within a few miles of shore, and we caught some individuals within a few hundred feet of land. Another striking finding of our recent studies is that the yellow-bellied sea snake drifts passively with surface ocean currents and is sometimes swept onto coastal beaches, where it dies in the sun.

Sea snakes represent the end result of millions of years of specialization for life under very stringent conditions. For a reptile, the ocean is anything but an environmental featherbed. Its high concentration of salts (about 3.5 percent sodium chloride) makes it difficult for reptiles to retain water in their bodies, yet keep the salt concentration low. The total salt concentration of the body fluids of vertebrates is usually only about one-third that of sea water. Marine mammals keep a low blood-salt level by excreting concentrated urine, but the reptilian kidney is very weak and completely unable to produce urine more concentrated than blood. It is not surprising, therefore, to find that all marine reptiles have salt-excreting glands.

The kinds of salt glands developed reveal the divergent evolutionary paths taken by the ancestors of marine reptiles. In turtles, salty "tears" are secreted by a gland behind the eye. In the marine iguana, a large gland in the nose secretes a fluid that is sneezed out the nostrils. In the sea snakes, I have recently discovered a third type of gland, which is located under the tongue, that secretes salt into the mouth.

Sea snakes are closely related to cobras and kraits, and like them, have fixed fangs and a potent venom. As a family, they are widely distributed, being found between the latitudes of South Africa and Japan in the western Pacific and Indian Oceans, eastward to a zone between Mexico and Ecuador.

There are no sea snakes in the Atlantic Ocean, the Mediterranean Sea, or the Red Sea. The Atlantic only narrowly escaped being a home for these successful reptiles, which apparently migrated to the New World sometime after the Central American land bridge rose out of the sea for the last time, about four million year ago. Occasionally, sea snakes are found just inside the South Atlantic at Cape Town, but these individuals are as rare and out of place as the doomed sea turtles swept to the British Isles by the Gulf Stream.

Thus, sea snakes are only rarely found outside the tropical zone or the transition zone between the tropics and the temperate zone. I believe that even the most widespread form, the yellow-bellied sea snake, can breed only if the water temperature is above 68° F. Because it is able to feed at the surface and to float with ocean currents, this particular snake has by far the greatest range of any sea snake. Other kinds, such as *Laticauda,* the banded sea snakes, are much more restricted in range.

The greatest number of all sea snakes is found in the Indo-Australian area, the snakes' ancestral home. The Straits of Malacca, between the Malay Peninsula and Sumatra, harbors as many as 27 different kinds. Unfortunately, we still know very little about how so many species are able to live in the same area without competing with one another.

The bits of information we do have about the life history and ecology of sea snakes reveal many interesting adaptations. Being air breathers, these snakes must surface. The flattened tail and laterally compressed body make them efficient divers, although most remain in relatively shallow water. Because many species feed on eels and other bottom-dwelling fish, they cannot venture into water too deep for their feeding dives. George Pickwell, an expert on sea snakes, has observed *Laticauda* trap small fish in rock crevices with the folds of its body and then grasp the fish with its mouth. I have watched a sea snake in a small aquarium use coils of its body to immobilize a fish against the side of the tank before seizing it and swallowing it. This feeding response may explain how the sea snakes can catch fish that could easily outswim them in open water. Shrimp and prawns have been found in the stomachs of certain sea snakes; they must have been caught while they were buried in bottom sand or mud.

The yellow-bellied sea snake, however, is entirely a surface feeder. This snake floats at the surface, perhaps simulating a stick, and fish are attracted to it as to any floating object. The snakes have been observed many times with a group of small fish faithfully swimming underneath; with a swift sideways strike the snake has a meal.

Respiration in sea snakes is interesting because they are reportedly capable of staying submerged for anywhere from two to eight hours. Their metabolism is much slower than that of mammals like ourselves, but this only partially explains dives of this duration. The sea snake's lung is greatly enlarged, extending all the way to the base of the tail. As in other snakes, the left lung is small, while the right lung is highly developed. Even the trachea, the windpipe connecting with the lung, has been modified to provide an area for exchange of gases. Certain areas of the lung in the rear of the body may serve no respiratory function but may instead act as a hydrostatic organ. In this way the snake might be able to regulate its bouyancy. Sea snakes may also have an increased tolerance for anoxia, or lack of oxygen, allowing them to pay off an "oxygen debt" after they return to the surface.

However these snakes tolerate submersion, they certainly feel at home in the water. Some sea snakes in the Philippines, which feed only on bottom-dwelling eels, have been observed diving down out of sight in clear water of a maximum depth of 500 feet. We do not know how they avoid the effects of great pressure at these depths. Types of sea snakes that must dive to the bottom for their food are confined mainly to waters within the 100-fathom line. Thus they may not be capable of diving to depths greater than 600 feet.

Sea snakes differ greatly in their breeding habits. At breeding time, certain kinds, such as *Laticauda,* mass near islands in the tropical Pacific. In the Philippine Islands there is a commercial fishery based on the islets where the snakes congregate. In a single year on Gato Islet, as many as 100,000 snakes are killed for their skins. Others are taken alive, spitted on pointed bamboo sticks, and then roasted or smoked before being eaten. Shore-breeding sea snakes lay their eggs in crevices or in caves and leave them to hatch, but the yellow-bellied sea snake never comes ashore, even at breeding time. Mating takes place at sea and the young are born alive in the water.

Several attempts have been made to define the breeding season of sea snakes, but it is by no means certain that reproduction is limited to a particular time of year. In areas with a pronounced rainy, or monsoon, season, it is quite likely that reproduction is timed to occur when the snakes return in numbers to the coast at the beginning of the storms.

It is then that fishermen pulling in their nets encounter them along the coasts and estuaries of Southeast Asia. The snakes may move into river mouths where the salinity is quite low and on occasion continue up the rivers. In one case a sea snake was caught in a fresh-water lake (Grand Lac) in Cambodia after having ascended the Mekong River.

Temperature is a major factor in the distribution of sea snakes, and they are found primarily in the tropical areas of the world. In fact, the yellow-bellied sea snake is rarely found where the average temperature of the sea surface drops below 68° F. for even one month. This applies even to such equatorial regions as the Galápagos Islands or the Peruvian coast where the sea is relatively cool because of the influence of the cold Peru current coming up from the South Pole. Off the warmer Ecuadorian coast about four hundred miles away, sea snakes are numerous.

Cold surface waters keep the yellow-bellied sea snake out of the Atlantic Ocean. Migrants from the warm waters of the Indian Ocean are sometimes carried as far as Cape Town on the southwestern tip of Africa, but they soon die if they drift any farther. Cool waters would also prevent the yellow-bellied sea snake from invading the Mediterranean Sea, even if it could cross the barrier posed by the warm, salty waters of the Red Sea.

This snake tolerates heat no better than it does cold. I first suspected that the yellow-bellied sea snake was sensitive to high temperatures when I put some in a small bucket in the open sun at Acapulco and they quickly died. In the laboratory we found that the upper lethal limit was indeed low, about 91° F. Since the surface temperature of the tropical seas where these snakes live is as high as 88° F., I began to wonder how these snakes could live at the surface in the hot sun. The answer appears to be that the snakes dive into the cooler water below. Off the coast of Panama, we found that some snakes were cooler than the surface water that surrounded them. If the purpose of diving is only to escape the hot rays of the sun, then shallow dives would be effective because even an inch of water would partially protect the snakes.

This hypothesis, regulation of temperature by diving, is supported by the observations of a Mexican fisherman I met. He was familiar with yellow-bellied sea snakes and confidently predicted that the best time to find them was during rains. We did find snakes on sunny days, but on calm, cloudy days with intermittent showers, they were very numerous about five miles off the Mexican coast at Acapulco. According to my hypothesis, the snakes would not have to dive on rainy days when solar radiation is less intense; therefore more of them should be visible at the surface.

The sun is not the sea snake's only enemy on the surface of the sea. There are potential predators both above and below. When not floating among the tree trunks and assorted debris of the land, the yellow-bellied sea snake is very conspicuous. The startlingly marked tail is especially noticeable, so much so that you might think that the snake wants to be seen. Some experiments carried out by Ira Rubinoff of the Smithsonian Marine Laboratory in Panama indicate that this may, in fact, be so. In the eastern Pacific the sea snake has no known enemies. Even such voracious Pacific predatory fish as snaphers will refuse to nibble at the snake unless it is completely camouflaged inside a piece of squid, and then they reject the morsel as soon as they taste it. The reason for their aversion becomes obvious when the snakes are offered to Atlantic predatory fish, which have never encountered a sea snake before. These fish will eat the snakes, but in about one out of twelve meals they will be bitten by the snake and die. Thus it seems that there has been a selection pressure against those Pacific fish with a taste for sea snakes. They do not live long enough to reproduce themselves. Since both sight and taste appear to be involved in the recognition of the snake by Pacific fish, the coloration might be considered a warning to all concerned: "Don't tread on me or attempt to eat me."

However, even the most deadly animals usually have an Achilles' heel, enabling at least one predator to feed on them. In this case we suspect that some of the most famous snake eaters, the birds, feed occasionally on sea snakes. There have been isolated reports of eagles and seabirds eating sea snakes. Sea snakes have also been taken from the stomachs of Philippine moray eels.

As Rubinoff has pointed out, studies of predation on sea snakes are relevant to the possible movement of the yellow-bellied sea snake into the Atlantic Ocean through the proposed sea-level canal. If the snakes were to work their way into the Atlantic through the canal, as seems likely, Atlantic fish would initially prey heavily on them before the strong selective force against snake eating took effect. But then a sea snake population explosion could occur, assuming that other environmental factors were favorable.

The question of the ability of sea snakes to move or to migrate is an interesting one since the various species differ greatly among themselves in this trait. One of the most astounding observations ever made on massed sea snakes was reported from the Strait of Malacca by W. P. Lowe in *The Trail That Is Always New,* 1932.

Leaving Colombo we departed for Penang, and the voyage from now on became more interesting, as there was a good deal to be seen, such as rocks covered with sea-birds, chiefly Gannets and Shearwaters. To starboard lay the beautiful green island of Sumatra, and to the port the Malay Peninsula. The water now became very calm and oily in appearance. After luncheon on 4th May I came on deck and was talking to some passengers when, looking landward, I saw a long line running parallel with our course. None of us could imagine what it could be. It must have been four or five miles off. We smoked and chatted, had a siesta, and went down to tea. On returning to the deck we still saw the curious line along which we had been steaming for four hours, but now it lay across our course, and we were still very curious as to what it was.

As we drew nearer we were amazed to find that it was composed of a solid mass of sea-snakes, twisted thickly together. They were orange-red and black, a very poisonous and rare variety known as *Astrotia stokesii*. Some were paler in colour and as thick as one's wrist, but the most conspicuous were as thick as a man's leg above the knee. Along this line there must have been millions; when I say millions I consider it no exaggeration, for the line was quite ten feet wide and we followed its course for some sixty miles. I can only presume it was either a migration or the breeding season. I have on various occasions looked in vain in these same waters, and also inquired from officers of ships navigating this region, but have failed to hear of a similar occurrence. Many people have seen snakes of this description but never in such massed formation. It certainly was a wonderful sight. As the ship cut the line in two, we still watched the extending file of foam and snakes until it was eventually lost to sight.

Our present knowledge of sea-surface phenomena can partly explain this unusual sight. Lowe emphasizes the sea's calmness and that the snakes were mixed with foam. This is a classic description of a slick, albeit an unusually long one. Slicks form when surface water currents converge. Anything floating at the surface, a few molecules of organic material, a sea snake, or a tree trunk, may be concentrated into slicks by the horizontal convergence of flow. I am convinced that the aggregation of sea snakes described by Lowe must have occurred in a large slick because I have observed the same phenomenon, only on a smaller scale, in the eastern Pacific.

On days with little wind, slicks also form off the coasts of Mexico and Central America and they often contain thousands of snakes. The association of yellow-bellied sea snakes with slicks has been noted many times by fishermen, but only rarely by scientists. It tells us that this sea snake probably spends most of its time at the surface in a passive, motionless state. Yellow-bellied sea snakes are rarely seen swimming actively unless disturbed or diving. They are commonly observed in association with drifting debris in slicks. On windy or choppy days these snakes are widely dispersed and difficult to find. On occasion, currents also carry the yellow-bellied sea snake onto beaches, where it perishes because it is unable to crawl back to the water.

The ability of the yellow-bellied sea snake to drift contributes to its success as a world traveler. Wafted by currents and feeding occasionally on fish that seek cover in its shadow, it can cross vast expanses of open ocean. But it does not habitually live in pelagic, or open ocean areas, probably because these areas are relatively sterile. Fish are more abundant in the coastal zone. The open ocean is no barrier to its movements, however, as it is to many bottom-feeding species of sea snakes found in the Indo-Australian region.

All of the sea snakes are poisonous. In the early stages of their evolution for a life in the sea, sea snakes probably derived a considerable advantage from their venom. The original purpose of the venon may have been to subdue large prey and perhaps secondarily to protect against predators. Yet some sea snakes, for example *Laticauda*, are famous for their docile nature. Children in Fiji pick them up and are rarely bitten. On the other hand, certain sea snakes are easily aggravated and may bite readily if provoked by being stepped on or handled roughly.

Sea snake bites are frequently not fatal, however, because of the snakes' apparent reluctance to inject venom even when they do bite. Only about one-quarter of those bitten by sea snakes ever show signs of poisoning. The purpose of withdrawing the venom is unknown, but whatever the explanation, we should be grateful, for sea snake venom is the most potent of any snake's. H. A. Reid, an authority on snakebite in Malaya, compared the toxic effect of the dried venom of a sea snake (*Enhydrina*) with that of three of the most deadly land snakes—the common cobra, the tiger snake, and the death adder. When injected under the skin of the rats or rabbits, the sea snake venom was about two to ten times as toxic as that of land snakes. But when sea snakes do inject venom, they deliver less of it than do land snakes. This may be of little consideration, however, unless you are the second or third person bitten by a particular snake: one scientist has calculated that the venom ejected by one fresh adult sea snake is enough to kill three men.

For North Americans the main hazard from sea snakes will arise if they are allowed to swarm into the Caribbean and tropical Atlantic through the proposed Panamanian sea-level canal. A specially appointed Committee on Ecological Research for the Interoceanic Canal has agreed with my prediction that the yellow-bellied sea snake would be able to move through a sea-level canal and reach the Atlantic Ocean. This would be ominous for the Caribbean resort trade, because tourists are unlikely to want to share their place in the sun with a dangerous snake. Live sea snakes could be washed ashore in Trinidad, Nassau, or Miami Beach.

The effect of the snake's presence on man might be only one of the problems caused by its entry into the Caribbean. Rubinoff's studies on the interaction between predatory fish and sea snakes indicate that the snakes might eliminate large numbers of Atlantic fish. In some of his tests sea snakes were swallowed by captive Atlantic fish and then later regurgitated alive as the fish died from the effects of a bite. Thus one snake might kill more than one unsuspecting predatory fish.

Other potential canal migrants could be even more dangerous to the ecology of the tropical Atlantic. We only have to look at the history of the introduction of alien species into new environments to see how much damage can be done. The construction of the Welland Canal between Lake Erie and Lake Ontario allowed the movement of lampreys into the western Great Lakes, resulting in the decimation of lake trout. Other introduced species that have become nuisances in their adopted homes are starlings, house sparrows, pigeons, and carp in the United States, rabbits in Australia and Hawaii, goats in New Zealand and the Galápagos Islands, and the mongoose in Jamaica and Hawaii.

The financial and ecological damage done by these and similar introduced pests is staggering. As more alien species become established in an area, the complex web of ecological relationships between the native animals and plants becomes strained and may break in places, causing extinction of some native forms. The demise of most of the unique Hawaiian birds can be directly traced to the introduction of alien species.

The proposed sea-level canal could involve the mixing of species on an unprecedented scale, and no one can predict the consequences. As a biologist, I find the risk of catastrophe so high that construction of the canal must be opposed. There is a slight hope of creating barriers in the canal, of temperature perhaps, to prevent interocean movements. This could be effective against the sea snake because it is very sensitive to high temperatures. But many other organisms may not be so sensitive. In weighing the alternatives and considering possible damage to the environment, the massive costs of a sea-level canal, the expected benefits from the new canal, and the costs and benefits from enlarging the present fresh-water canal. I must conclude that construction of the sea-level canal would be a disaster of the first magnitude. The sea-level canal should not be built and the yellow-bellied sea snake should be kept in its rightful and cultural place in the Pacific.

[From the Baltimore Sun, Nov. 28, 1971]

WASHINGTON MULLS CEDING THE PANAMA CANAL

(By Richard O'Mara)

Gen. Omar Torrijos, the dictator of Panama, celebrated his third year in power October 11 by staging a big, noisy rally in Panama City during which he handed out 15,000 machetes. General Torrijos' probable purpose in all this was to whip up some enthusiasm for his regime and encouraging peasants to cut more bananas. Among zonians, the Americans living in the fenced Canal Zone, the fear was rife that the long knives would be put to a different purpose.

The immediate expectation of violence was unfounded. But the apprehension in the zone persists that before too long the 38,000 American civilian employees living there will be delivered into the hands of the Panamanians. There is reason for their fear. The United States reportedly is ready to accede sovereignty over the zone to the Panamanian government. Whether "native" rule will prove unendurable to the Americans whether any of them stay on are questions unanswerable at this time.

What is clear is that the new agreement between the U. S. and Panama, if approved by the U.S. Senate, will presage a considerable shift in U.S. policy toward the canal.

SOVEREIGNTY THE ISSUE

The canal was built between 1904 and 1914. It cost the U.S. $340 million and the lives of 4,000 of its citizens. Most died from yellow fever. Under terms of a 1903 treaty with the fledgling Republic of Panama, the U.S. received the right to build and operate a canal. Also, the U. S. was given "all rights, power and authority" over the canal and a strip of land running back five miles on each side of it extending the canal's 50-mile length from the Atlantic Ocean to the Pacific. These rights and this authority were to be America's "in perpetuity."

Ceding actual sovereignty over the zone to Panama is the most significant result of the present negotiations between the two countries. The talks originally began in 1964 after a bloody conflict broke out between Panamanian and American youths in the zone. After three years the negotiators, led on the American side by Robert B. Anderson, the former Treasury Secretary, produced three draft treaties. They called for America's relinquishing sovereignty over the zone, an increased income to Panama from canal revenues and establishment of a joint U.S.-Panamanian commission to run the canal. The treaties never came to a vote in the U.S. Senate, however. And Panama, which had an unexpected and illegal change of government in 1968, bringing General Torrijos to power, rejected them. For four years neither side moved.

BEGAN AGAIN IN JUNE

With General Torrijos more or less firmly in control, negotiations began again last June 29. Mr. Anderson was still on the American side. The new Panamanian team was led by Ambassador Jose Antonio de la Ossa. Again, besides ending U.S. sovereignty over the canal zone, the new accord reportedly would increase Panama's revenue share. But this time it was decided that the canal's administration would remain in American hands and the U.S. would be responsible for defending the canal. It is not certain the new agreements will fare better than the earlier ones, either in Panama or in the U. S.

The point of continuing disagreement are the words by which the decades-old dispute with Panama is defined: "perpetuity" and "sovereignty."

Panamanian nationalists, on one hand cannot abide the idea of the U.S. exercising absolute control over a piece of land which is really Panamanian; extremists reject even minimal U.S. control.

Zonians, on the other, are understandably resistant to any concessions to Panama. The agreement, if it goes into effect, would change their lives, probably for the worst. As things are, zonians live in a rather antiseptic atmosphere amid a sea of Panamanian squalor, Zonians are not without influence; their interests are defended in the House of Representatives by Representative Daniel J. Flood (D., Pa.) and Senate by Senator Strom Thurmond (R., S.C.). Both have already begun sharpening their own machetes in anticipation of battle over surrendering control over the zone.

OPPOSITION STRENGTH

There is no certain way of estimating the strength of the potential opposition to the accord in Congress.

There was one indication that it is not weak, at least in the House. In late September, Representative Dante B. Fascell (D., Fla.), chairman of the House inter-American affairs subcommittee, held hearings on the Panama question. During those hearings it was learned that about 100 congressmen were sponsoring, or were signatory to, between 40 and 60 resolutions favoring the zone's status quo.

Opposition is not nearly so intense in the Senate, which must ratify the agreement when and if it is drafted into treaty form. According to an aide to Senator Frank Church (D., Idaho), who heads the Senate inter-American affairs subcommittee, a majority on the Foreign Relations Committee agrees that relations between Panama and the U.S. are bad and need improving. The committee would be willing to approve ceding authority over the zone to Panama. Senator Thurmond has not been as effective in championing the zonians in the Senate as Mr. Flood has been in the House.

The relationship between the U.S. and Panama does not begin and end with the question of who controls the zone, however, though that is its most emotional part. Other questions need to be explored.

BUILD ANOTHER?

Among them is whether the U.S. should follow the recommendation of the Atlantic-Pacific Interoceanic Canal Study Commission. That recommendation was made last December, after five years of work, and calls for constructing a sea-level canal about 10 miles west of the present lock canal. In recommending this, the commission said the new canal would accommodate all 150,000-ton ships and the largest American warships, those which can't squeeze through the present waterway. The new canal could also handle twice the traffic that the present canal can handle. It would take 14 years to build and cost this country $2.8 billion.

Senator Thurmond and Representative Flood, of course, oppose this, as they oppose any change in the present status of U.S. control over the canal and the zone (Mr. Flood dramatically refers to the canal as "the jugular vein of the hemisphere's defense system.)" Both favor widening the present canal. One can criticize Mr. Flood and Mr. Thurmond for jingoism, but many of their arguments regarding the sea-level canal proposal are valid.

For instance, there is the question of cost, as estimated by the Anderson Commission (in addition to serving as U.S. negotiator with the Panamanians, Mr. Anderson chaired the canal study commission). Senator Thurmond pointed out in a recent speech that $2.8 billion was only an initial estimate: "This figure does not include the costs of the right-of-way in which to build the canal or of the inevitable huge indemnity that would be required by Panama."

ECOLOGICAL ARGUMENTS, TOO

Then there are strong ecological arguments against a sea-level canal. Marine biologists are concerned that a sea-level canal, unlike the present lock canal, would provide access to the Pacific to a number of stronger Western Atlantic species of fish, resulting in the extinction of many Pacific species. Conversely, a sea-level canal would open the Caribbean Sea to the poisonous sea snake and the crown of thorns starfish, which is presently plaguing the South Pacific.

Besides the cost and possible ecological dangers a new canal might pose, there is another factor which should discourage potential canal-builders: the political nature of the country through which the canal would be built.

Panama is notoriously unstable. American negotiators have already seen three years of hard work made useless with rejection of the 1967 accord. There is, therefore, no reason to believe that the present agreement—if approved by the Senate and accepted by the Torrijos government—would bind any future Panamanian governments. Also, it would be difficult to imagine the complexity that would arise in trying to write a new treaty covering construction and operation of a new canal.

A DICTATOR, BUT

General Torrijos does not preside over a legal government, only a de facto one. The firmness of that government was enough to encourage Washington to again start negotiations, but since then its stability has been called into question.

One factor that encouraged Washington to start talking was the peculiar position General Torrijos occupied in his country. He had transformed himself from a mere heavy-booted despot to an apparent populist leader, He won tremendous popularity because it was apparent to most Panamanians he was less a tool of the traditional oligarchy than any of his presidential predecessors. It was felt that if the two countries reached agreement, the treaties could be ratified in a referendum in Panama. In this way they would have a better chance of surviving the shifting sands of Panamanian politics.

But it seems the sands have already begun to shift; the opposition to Mr. Torrijos that wasn't there in the spring developed through the summer. The incident that brought it into being was the kidnaping of a priest in rural Panama. The Rev. Hector Gallego's organizing work among the peasantry reportedly offended some financial interests and he was kidnaped. The Catholic Church hierarchy has challenged the Torrijos government on this, for it is suspected that the kidnapers were National Guardsmen. If Father Gallego turns up dead, or if he doesn't turn up at all, General Torrijos could be in deep trouble with the church. In Catholic Panama it would be a formidable opponent and the whole affair contains headaches for General Torrijos.

If General Torrijos' future, therefore, must appear uncertain, so is any agreements the United States might strike with him and his government over the canal zone, the canal and any new waterway.

THE NATIONAL CANCER ACT OF 1971

The SPEAKER. Under previous order of the House, the gentleman from Louisiana (Mr. CAFFERY) is recognized for 10 minutes.

Mr. CAFFERY. Mr. Speaker, last Thursday, December 9, this body gave its final approval to legislation which I believe will be recorded as one of the great achievements of this or any other Congress—the National Cancer Act of 1971.

I harbor no doubt that history will look upon our action as a turning point, a moment when the American people finally dedicated themselves seriously to the conquest of this most insidious and tragic of diseases.

The wonder is that we have waited until now to summon that national resolve. I venture to say that nearly every Member of this body has had friends or relatives fall to this killer. Statistics tell us that it will strike this year in two of every three families in this country. I personally lost both my mother and father to cancer.

No matter how many times one reads of cancer's awesome human toll, the figures are never any less numbing. In 1971, some 335,000 Americans—more than 900 each day—will succumb to this dread disease. That is more than one-sixth of all the deaths in this country. More than a half-million youngsters under 18 will face life without the guidance of at least one parent lost to cancer.

And most chilling of all is the fact that of the 203 million living Americans, 52 million of us will be hit by cancer, and 34 million of us will die from it. What an incomprehensible waste. Almost one-quarter of our people will battle cancer—and most will lose that battle.

Incredibly enough, that last figure contains an element of encouragement. As recently as four decades ago, only one person in five stood any chance of surviving a cancer attack. Now it is one in three. That is telling proof of the great strides we have made as the Federal effort has grown since the first funds were committed to the National Cancer Institute less than 35 years ago.

Cures for some forms of cancer hinge only upon early detection and effective treatment. Others must await increased research efforts to isolate and identify viruses. But the hard fact is that only money, not rhetoric, will make either possible.

Those of us who sponsored House Resolution 1086 more than a year and a half ago were seeking vastly increased spending. And, much to my gratification, that is what we have achieved in the National Cancer Act of 1971. By authorizing more than one and a half billion dollars for this fight over the next 3 years, we have signaled the beginning of a new national crusade against this disease.

I believe we all owe a special debt to the chairman of the House Subcommittee on Public Health and Environment, Mr. ROGERS of Florida, who with the members of his subcommittee painstakingly molded this monumental legislation over the last year. When we succeed in this struggle, the role of the gentlemen from Florida will be remembered as a giant one.

His colleague from Florida (Mr. PEPPER) also deserves much credit. Since his sponsorship, as a Member of the Senate, of the bill establishing the National Cancer Institute, he has worked tirelessly to expand this country's war on cancer.

To both of these men and to others, in and out of government, we should be grateful. If we but sustain and enlarge this renewed national effort, America will finally achieve victory over this most elusive and dreaded of enemies. We must do it. We must conquer cancer.

IN SUPPORT OF A CABINET COMMITTEE ON ASIAN AMERICAN AFFAIRS

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, no one will controvert the propositions that Americans deserve to be treated as Americans and that each American should be measured against the same yardstick. Although, as Americans, we come from varied cultural backgrounds, we should judge others, and be judged ourselves, on the basis of individual worth to our society.

In the last several years, we as a Nation have come to recognize that a man should not be denied employment, or a seat at a restaurant, or a good education, because of the color of his skin. American society has at long last acknowledged its infliction of wrongful discrimination on blacks, Chicanos, and Puerto Ricans.

Curiously, however, American society has not acknowledged the same discriminatory practices being directed at Asian Americans. The ruling majority in this country have been led to believe what one writer has called the "Myth of the Ideal Minority"; that is, the myth that all Asian Americans are hardworking, well-adjusted people who can always take care of themselves, and who are immune to racial bigotry and discrimination.

It grieves me, Mr. Speaker, to acknowledge that there is no such immunity.

Less than 3 months ago, I finally succeeded in having enacted legislation to repeal the Emergency Detention Act of 1950. That act in effect had legitimated the principles on which was based the imprisonment of about 110,000 Americans of Japanese ancestry and their parents during World War II. For the first and only time in our Nation's history an entire minority group was incarcerated in concentration camps, complete with barbed wire fences and armed guards, purely on the basis of racial ancestry. Important as the erasing of this repugnant law was, it did not end all discrimination against Asian Americans.

That is why I am joining today with the distinguished gentleman from California (Mr. Glenn Anderson) and a number of our colleagues, in introducing legislation to establish a Cabinet Committee on Asian American Affairs.

Youth alienation, isolation of the aged, health care, drug abuse, and many other contemporary problems, all have direct and particular application to the Asian American community.

I should add, Mr. Speaker, that my own State of Hawaii presents a unique situation. Taken together, Asian Americans constitute a majority of the population. Hawaii has been justly proud of its record with regard to different racial and ethnic groups. Our late President, John F. Kennedy, chose Honolulu as the place to deliver his first major civil rights address as President in June of 1963 because, as he explained, "Hawaii is what America is striving to be."

But some problems still remain in Hawaii, and there is no doubt that problems abound in other areas of the United States.

The proposed Cabinet committee could focus on the problems of Asian Americans, so that the country could begin to seek solutions to them. This is a modest and attainable goal, Mr. Speaker, and I urge the swift enactment of this legislation so that we can begin to work toward its attainment.

FIREMEN SHOULD GET FEDERAL DEATH BENEFIT

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. James V. Stanton) is recognized for 10 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I was extremely pleased to note that on December 11 Senator John McClellan, chairman of the Criminal Laws and Procedures Subcommittee of the Senate Judiciary Committee, introduced comprehensive legislation to aid victims of crime, and a portion of his bill would provide a $50,000 death benefit to the families of public safety officials killed in the line of duty. Since introducing my Public Safety and Criminal Justice and Correctional Personnel Benefits Act on November 9, I have strongly advocated that coverage of this sort be extended not only to law enforcement officers, but also to firemen, correctional personnel, including prison guards, and judges and officers of the court. Late last week I began to circulate this bill for cosponsors. I commend Senator McClellan for providing extensive coverage under the $50,000 death benefit provision, and I look forward to prompt action by the Senate on his very constructive and worthwhile proposal.

Recently there has been some controversy over whether firemen should be included in this proposal. On December 12 there appeared in the Cleveland Plain Dealer an article by Robert Havel which explores this issue, and I would like to bring it to the attention of my colleagues.

Stanton Advocates Full Coverage: Death Benefit Proposal Excludes Firemen

(By Robert J. Havel)

Washington.—In a little-noticed hearing before a Senate judiciary subcommittee the other day, a Nixon administration spokesman offered some testimony that does not seem designed to win friends among those original hardhats—the firemen.

The hearing was on a bill that would provide a $50,000 federal death benefit to policemen killed in the line of duty. Other measures would make firemen eligible for the benefit.

Richard Velde, associate administrator of the Law Enforcement Assistance Administration of the Justice Department, told the hearing that LEAA opposed the benefit for the firemen because "by and large, they are not victims of felonious assault."

If the firemen were included, Velde added, this would lead to pressure from other public service groups for the death benefit and "this could be a very expensive program."

Rep. James V. Stanton, D–20, Cleveland, immediately challenged the administration assertion. He introduced legislation that would do just what Velde said he feared: make eligible for the benefit not only policemen, but also firemen, prison guards, judges and probation officers killed in the line of duty.

Statistics indicate that for the sake of saving a mere few million dollars annually, President Nixon is risking retribution at the polls at the hands of the firemen and others.

According to the FBI's Uniform Crime Reports for 1970, 100 law enforcement officers were killed last year by felonious criminal action. Another 46 died as the result of accidents in the line of duty.

The International Association of Firefighters reports that 115 firemen died in the line of duty last year. Although none died from felonious assault, 195 were injured during civil disorders and 113 more were hurt through acts of individual violence.

Statistics were not available on the number of judges, prison guards and probation officers killed in the line of duty, but the number is minimal.

Stanton vehemently disputed Velde's contention that firemen are not victims of felonious assault.

"There are numerous cases in Cleveland alone of felonious assault on firemen going to fires," Stanton said. "On Sept. 14, 1970, some 15 shots were fired into a fire station in Cincinnati by a rapid-fire weapon, and two firemen were hit by large-caliber bullets. Numerous instances can be documented, and some have resulted in death."

Firefighters association figures show that four firemen were killed between 1967 and 1970 in civil disorders.

The administration's contention has no basis in fact," Stanton continued. "The basis of their objection is a question of financing. The cost would be negligible. The psychological relief the bill would provide is immeasurable."

On the basis of current statistics, it would cost about $5.7 million a year to provide a $50,000 death benefit for firemen who die in the line of duty. To pay the benefit to policemen killed in accidents in the line of duty would cost another $2.5 million.

So, the apparent total cost of such a program including all policemen killed, would be on the order of $13 million to $14 million a year, an amount that would not make a rounded-off fraction in defense procurement overruns and little more than 2 percent of the $700-million LEAA budget.

This budget has included millions of dollars for purchase of sophisticated riot hardware for sheriffs of rural counties under 20,000 population.

There are about 200,000 paid firemen in the nation, along with about a half million volunteers, according to the firefighters association.

If the President continues to outmaneuver, outthink, outbluff, outperform and outmuscle the Democrats, he will not need the firemen vote. But the cost of buying a little insurance with this group is so little, it is puzzling that the administration would be unwilling to pay the premium—the fairness and decency of the death benefit proposal aside.

DAVID ROCKEFELLER ON LATIN AMERICA: COOPERATION, NOT CONFRONTATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, 1 week ago today, one of this Nation's most distinguished business leaders, Mr. David Rockefeller, chairman of the Chase Manhattan Bank, spoke to the seventh annual meeting of the Council of the Americas, a private group representing 90 percent of total U.S. private investment in Latin America. Present at the meeting were more than 200 representatives of U.S. Government agencies and companies with subsidiaries in Latin America as well as representatives of public and private international organizations.

Despite great uncertainty over the future of U.S. investments in several Latin nations, Mr. Rockefeller in his speech to the council makes an eloquent plea for continued U.S. business involvement in bringing a better way of life to the people of the Americas. He urges a new Alliance for Development based on a joint business-government effort. His call for cooperation, not confrontation, deserves the most thorough and thoughtful consideration at the highest levels both here and throughout the hemisphere.

Because of the great merit of David Rockefeller's proposal, I am placing his speech in the Record so that my colleagues may acquaint themselves with it.

Alliance for Development

(By David Rockefeller)

Seven years ago this week, I was one of a group of businessmen who had an appointment with the President of the United States. We were to discuss ways in which the U.S. Business Group for Latin America could help to realize the goals of an ambitious program—an Alliance between the free and independent countries of the Southern and Northern continents of America to assure the economic and social advancement of all the people.

President John F. Kennedy was unable to keep that appointment having decided at the last moment to go to Dallas. The next day, he met his tragic end; so that our group never did meet with President Kennedy. Although the idea of government-business cooperation in Latin America was picked up and actively pursued by President Johnson and his Administration.

Regretably, the main thrust of his Alliance for Progress, which started with such promise, has since been blunted, deflected and largely dissipated by a steadily rising demand for nationalization in Latin America and, more recently, by a short-sighted reversion to "Fortress America" sentiment here at home. Nevertheless, the Alliance in its conception, despite its critics then and now, was a significant move in the right direction.

That Alliance bound us together for a while in a single purpose—to make human existence throughout the Americas something more than merely scratching out inadequate food from the barren soil of the hills. It held out the hope that being alive in the Americas need not mean the wail of hungry children or the unbearable knowledge that there would not be enough schools or enough jobs for them even if they managed to survive and grow.

The Alliance was to have coordinated a flow of technical skills and investment resources from the U.S. private sector—in cooperation with our own and Latin American governments—to create jobs, modernize agricultural techniques, stimulate manufacturing and increase international trade in Latin American nations. To understand why an Alliance founded on these worthy objectives has fallen into its present disarray, we will have to consider—without the emotions that usually surround it—the rise of chauvinism and nationalization in many countries of Latin America.

To a considerable extent their striving for self-identity and self-sufficiency, however premature from an economic viewpoint, is understandable, especially when one takes into account the extreme youthfulness of the people of Latin countries. Because of their high birth rate and rapid population growth, nearly two-thirds of the Latin American population is less than twenty-five years old. As Eduardo Frei Montalvo, former President of Chile, has pointed out, "This youthful mass is in a deeply critical mood, like their peers in the rest of the world." Consequently, he concludes, "headquarters, both for ideas and for actual change, are . . . the universities and student groups."

If that sounds familiar, it is because we, in the United States, have been responding to the same passionate involvement and political concern of our own young people who are playing a growing role in public issues. In response to their concerns, we amended our Constitution to lower the voting age to eighteen. As a nation, we should have little trouble in recognizing and accepting the reality of comparable changes in other countries. But many of us are reluctant to accept the consequences.

When these youthful nations express their independence of thought and purpose through aggressive action affecting our interests, we find many of our own legislators are tempted to respond in kind with punitive and retaliatory measures.

But neither an arbitrary, uncompensated expropriation of foreign investments, nor a resort to violence in retaliation, is an acceptable assertion of self-determination in the context of today's world. In the long run, however, ill-considered expropriation is bound to be self-defeating for those nations that have not as yet accumulated sufficient capital or managerial depth to plan and carry out self-sustaining programs for internal development. On the other hand, in view of our own revolutionary origins as a nation, there are many other expressions of the new rising nationalism in Latin America to which we should be able to comprehend and accept with patience and insight.

This breach in our hemispheric alliance, caused in large part by the growing spirit of independence in Latin America, is further widened by a growing indifference here at home. As we approach 1972, we are preoccupied with the problems of our own people and our own nation. The young and the radicals among us, the disadvantaged minorities, the affluent and the conservative are all asking if we shouldn't solve our own internal problems of the cities, of our economy, of our youth and our educational system before we worry about others outside our borders.

But even if it were possible to solve all our own problems without concern for and in total isolation from the rest of the world, it would prove an empty victory to emerge as an island of prosperity in a sea of misery. The truth is, of course, that we share too many common interests, cultural ties, and mutual dependencies with other nations ever to return to "Fortress America." Whether we like it or not, we live in one world and we have to act accordingly.

When I spoke before this Council one year ago, I expressed the earnest hope that we would be able to prevail on Congress, our State Department and the Executive Branch generally to respond more fully to that mutuality of interests especially as it concerns our neighbors to the south. Now, a year later, we must regretfully acknowledge that the need is greater than ever. But we can tempest our disappointment by reflecting that on a number of fronts progress has been made in meeting the goals of the Alliance.

As a result of cooperative efforts over the past decade. I know of tens of thousands of miles of new roads—thousands of new schools—millions of children going to them—falling death rates—more jobs—more income—and hope that was not there before. But in the face of rapidly rising populations, the question remains, how can more progress be accomplished? The record as revealed in case after case, seems to indicate that government-to-government programs alone never really affect the root problems of development. What is needed is the total involvement of all sectors . . . governmental and private.

In my years as Chairman, I saw many U.S. from the beginning has been an integral part of our own highly successful development process and so, we realize that it must play a comparable role in helping other nations now in the process of development. The faith that this gives the Council of the Americas is a noble mission which we must not abandon. It has been part of our credo from the beginning.

In my years as Chairman, I saw many U.S. companies offer their help, their manpower, their technology and their skills to the governments and people of Latin America. They were "citizens first and businessmen second." They did this without publicity or full-page advertisements boasting of their involvement. As appropriate as this modesty may have been, the lack of publicity about what U.S. companies were doing, has often resulted—even in the business community itself—in ignorance of the facts. This in turn has sometimes drawn the criticism that perhaps the Council was not fulfilling its primary mission and I fear that no detailed accounting of the impact of the U.S. private investor in Latin America, such Herbert May's study for the Council of the Americas last year will convince the unconvinced. But even though more has been done than is generally recognized, I still do not believe the full potential of the private sector has been taped—either by local businessmen or by foreign investors. For this reason, I hope the Council programs for 1972 which you have heard this morning will be pursued aggressively by all of us.

The U.S. business community must make the case in the most forceful terms that development depends not only on capital, manpower, technology, and skills, but on a willingness to employ every opportunity that presents itself. Development is not the exclusive goal of one political system—or of one economic system. It can best be achieved by an eclectic synthesis of whatever works, regardless of its origin.

The Council program for 1972 calls for a heightening of business-to-government and business-to-business missions. It does not call for confrontation, but rather for cooperation. And planning for the future, it requires genuine appreciation by all of us of the necessary elements of development, and a continuous dialogue between those who desire development assistance and those who believe they can provide it. This calls for a new Alliance, if you will—not one pronounced by governments but one agreed to by the participants.

Societies and economies, like people, must grow. They cannot simply be conceived, and executed by the fiat of an outside government or by the spontaneous inspiration of an academic theorist. Only governments within the developing nations must be the ones to engage in the long-range and sustained planning necessary for their own lasting development.

On the other hand, I do not find that governments anywhere are accomplishing development entirely by themselves. Certainly the Soviet Union and the other nations of Eastern Europe are not only recognizing the necessity for private initiative, but they are approaching the great companies of the West to become involved in their development process.

But curiously as the Marxist countries in the Soviet orbit are opening their doors to Western technology, Western capital and Western know-how, some countries in Latin America are slamming their doors against such foreign assistance. That is but one paradox in a "continent of paradoxes." Another is that many Latin American nations which openly admit their need for the free enterprise elements of development, adopt regulations, sign mutual investment codes, and create a climate of uncertainty by expropriation which inevitably militate against the very investments they concede they must have.

There is still another paradox which relates to attitudes in this country. Latin America represents an enormous actual and potential market to U.S. businessmen. And yet, we find many, both in business and in government, who through neglect and by actions that discourage trade seem prepared to place our Latin trade in jeopardy.

These paradoxes do not have to remain forever unsolved. They are not riddle wrapped in mysteries inside enigmas. They are quite simply differences or outlook. Just as business no longer looks to the countries of the development world as mere stockpiles of raw materials for Western industry, Latin governments, however youthful and impetuous, should not look at business as sinister and exploitative. To resolve these misunderstandings, I believe there should be a new Alliance—an Alliance for Development. It should embrace political development, economic development and social development. To accomplish this far reaching goal, it would have to draw together business and governments—organizations and people—universities and international agencies. Only through such concerted effort can it expect to overcome the common and interrelated problems that have stalled true development as one sector or the other sought domination.

What I have described is what the Council will be attempting to do in 1972—coalesce all those who are sincere in their desire for true development, into a well-planned, coordinated, thoroughly expert and professional effort—an all-out Alliance which has the will and capacity to help.

I urge that you engage yourselves wholeheartedly to that new Alliance for Development and that you support the Council of the Americas as it seeks to lead the way.

A NEW LEADERSHIP FOR THE AMERICAS—A NEW PROGRAM FOR THE 1970'S

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, in Excelsior of October 25, 1971, there appeared an account of a press interview with me which took place in my congressional office in Washington. I wish to commend the Excelsior reporter, Fausto Fernandez Ponte, for having performed an excellent job of accurately reporting the answers to the questions he put to me on the role of Mexico in inter-American relations.

Because I feel strongly that Mexico is destined for an increasing leadership responsibility in this hemisphere, I take this opportunity to amplify, and perhaps clarify for others, my views contained in the press interview.

In today's world, with its rapidly moving and changing events, it is important to recognize the necessity for developing the judgment and vision to understand how these events can shape future events, and that we must be prepared to adapt our programs to those events to come.

Too often we in the United States have pontificated about the leadership thrust upon the United States. No leadership has been thrust upon us. Whatever leadership the United States has exercised has been a reaction—a realistic reaction to the necessity for advancing the national interests of the United States. This has been the crux of U.S. foreign policy.

The era of the 1970's, however, I venture to say, will witness a change in this leadership pattern, but with the same objective of national interests. The objective is the same, but the definition should be substantially broadened. The time has come for the exercise of leadership by others to bring about the highest national interest any country can advance, and that is, peace, security, and progress—not alone for itself, but for its neighbors as well. It is this broadened view of national interest that brings me specifically to a consideration of Mexico.

In this hemisphere, the most outstanding record toward achieving those goals of peace, security, and progress is being written by Mexico. Mexico is the model which is held up of a people and nation determined to achieve the well-being of its people in peace, and moving ahead rapidly toward that goal. I say this not as the polite gesture of a guest to his host, but rather as the expression of a consensus of world opinion.

How shall Mexico exercise this new leadership? In my press interview last fall, I suggested one way, which would be essentially the beginning of leadership—a leadership based on economic not political persuasion and practicality.

I therefore suggested the nucleus of a new leadership, with Mexico taking the initiative and including the active participation of Canada, thus confining the preparatory activities to a great representative of Latin America and a great representative of North America. In a supporting role, and I emphasize supporting, would be the United States. It is my thought that this nucleus of three countries, economically and politically mature, would be later expanded to include other countries of the hemisphere. But the start can be made only by Mexico taking the initiative in this operation.

Why, you may inquire, should Mexico be so singled out? The answer lies, I think, in the clear understanding of what must happen in Latin America and how best the desired goals may be achieved. The South American portion of our great dual hemisphere must be allowed to move forward in the modern mode bringing to the people of this area some of the aspects of improved conditions in food, shelter, education, transportation, and health. These improvements should be accomplished within a framework which reflects the traditions of the people affected; cognizant of aspirations which naturally emerge from the area rather than reflecting desires formulated by others and impressed from without; and finally, accommodated to a pace which allows for healthy and stable development and progress.

I venture to suggest that each of these criteria have, in the main, been followed in the advances made in the last 20 years in Mexico. There lies in this country not only the closer touch with the conditions which must be dealt with, but equally important a natural simpatico with the people which will be involved. It should be strongly noted having set forth that alone, that this is not to say that we entertain the absurd idea that each of the countries of Latin America are alike. Our belief is quite the contrary. The various nations of Latin America are as diverse as any found elsewhere in the world. We do, however, maintain that the commonality of language, religion, and historical experience with a single foreign power influence over several centuries provides a common bond which is of some significance. Mexico has this commonality.

I have emphasized that I see the era now arrived as being one in which economic and cultural policies will dominate rather than the political and military policies of the past 30 years. There will be at the same time a continuance and, I believe, increasing tendency toward regionalism. Multinational institution building guided by predominantly leadership from within the region affected and multinational support for such institutions dominated by leadership from without the region. In this pattern for Latin America there is a clear role for both Mexico within the Latin portion of our hemisphere and America. At the same time, the scenario recognizes that each in carrying out its role will seek and encourage cooperations from others who seek the mutual goals of peace and progress in a developing world.

Specifically, what can be done? First there needs to be initiated by the leadership within Latin America a list of projects and institutional structures that Latinos feel are of greatest need and most promise for serving their goals of progress. These should in a priority setting be presented to the United States and other potential supporters for their consideration for support. Some may require more Latin support than others. In such a fashion innovation and selection can be in the proper and appropriate hands and roles are sorted so that claims of sovereignty jeopardy or outside dominance are avoided.

With and alongside of regionalism, it is reasonable to assume that unilateral arrangements in a variety of forms and under differing conditions will continue; and in each instance, that of multilateral regionalism or in the case of unilateral arrangements it is to be expected that considerations of national interests in the local sense will be present and should be expected.

There is a new day dawning, one which calls for action and innovation on the part of countries other than the power centers. In such a time the State of Mexico under the active leadership of President Luis Echeverria Alvarez has a potentially dynamic part it would and should play.

Throughout this discussion I have deliberately tied anticipated action on the part of both countries within the developing hemisphere and the United States to their national interest. My belief is that economic imperialism or military domination does not serve the national interest of any country. Economic cooperation and economic support by the United States of projects that lead to peace, security, and progress are in our national interest and particularly so in our own hemisphere. Latin projects initiated by Latin leadership which predictably can serve the community of interests in Latin America encouraged, supported, and assisted by the United States—this should be the thrust of the 1970's.

What I am calling for is a focal point of leadership for Latin America. I believe that focal point to be the country of Mexico—where the present administration under President Echeverria Alvarez has turned Latin rhetoric into Latin action.

IRS REVERSES ITSELF ON TAX PREPARERS ISSUE

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, on May 3, 1971, I called to the attention of the Members of the House the problems arising out of the unregulated growth of tax return preparation services. I included a copy of a letter from the Internal Revenue Service which reflected a reluctance to venture into the regulation of this activity. I introduced at that time H.R. 7973, authorizing the IRS to establish appropriate regulations of tax services. I am pleased to report to the House that the IRS appears to be changing its tone on this question. I call to the attention of my colleagues the following article from the December 10, 1971, issue of the Wall Street Journal:

Easier To File Returns Late, IRS Announces

TWO-MONTH EXTENSION GRANTED IF TENTATIVE FIGURES ARE MADE AND ESTIMATE PAID BY APRIL 15

> WASHINGTON.—The Internal Revenue Service has made it easier for individuals to file late income tax returns but has taken steps to get most of its money by April 15 even if the return is late.
>
> IRS Commissioner Johnnie M. Walters said the service will automatically grant taxpayers two extra months in which to file late returns without paying a penalty. But to qualify for the automatic extension, individuals must make a tentative estimate of their taxes and pay the estimated balance due when taking an extension.
>
> Mr. Walters disclosed the new late-filing procedures in a speech prepared for the American Institute of Certified Public Accountants at Boca Raton, Fla., where he also listed several actions the IRS is considering to curb what he termed abuses by tax preparation services.
>
> The new automatic extension policy is designed to cut the workload of the IRS and tax preparation services. It puts individuals on a par with corporations, which receive such grace periods. In the past, individuals had to get special permission to file late returns. In 1970 about 750,000 such applications were filed, Mr. Walters said.
>
> As with the old system, taxpayers must pay a 6% annual interest charge on any portion of the payment found to be due when the return is filed.
>
> The IRS also liberalized its rules on the assessment of late penalties imposed when there isn't a "reasonable cause" for filing a late return. The penalty is ½% a month on the balance due. Under the new procedure a late charge won't be imposed if the actual amount due when the final return is filed doesn't exceed 10% of the total balance due.
>
> In discussing the increasing number of tax returns filled out by tax preparation services, Mr. Walters observed, "the activities of certain nonprofessional returns-preparers over the last few years are creating real problems." At least half of the 78 million 1970 individual tax returns were prepared by tax services, the IRS states.
>
> Mr. Walters said the IRS wants to regulate tax preparation services and is considering several possibilities. One would extend the negligence penalty to tax services as well as to taxpayers, who now must pay a penalty equal to 5% of any underpayment the IRS finds is due to negligence.
>
> The service might also seek court injunctions to block the preparation of returns by companies that prepare false or deficient documents. It is considering requiring preparers to make copies of all returns and to retain them for three years to permit IRS inspection. An IRS spokesman said the retention requirement would stop "fly-by-night" services.
>
> To curb false advertising, the service is mulling the imposition of a $1 penalty for each return prepared by a concern that misrepresents its qualifications or the extent to which it will indemnify clients for error.
>
> Mr. Walters didn't indicate when the IRS will decide whether the proposals will be adopted.

ON THE NEED FOR REGULATION OF MEDICAL X-RAY SYSTEMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Speaker, I am introducing a bill today which would require that all existing X-ray machines used for diagnosis and treatment be upgraded so as to meet the new performance standards for X-radiation required of newly manufactured machines by Public Law 90–602. Further, my legislation mandates that there be annual inspections of such machines so as to make certain that they continue to operate at the required performance level. Equally important in the bill is a provision requiring that those doctors and technicians operating the machines protect their patients with protective shielding so as to make certain that the patient's body is not subjected to more X-radiation than is absolutely necessary.

My interest in this matter occurred as a result of an incident involving my sister. Not long ago, her 5-year-old son Jared, sprained his ankle and she took him to the hospital for diagnostic X-rays. When the child was placed on the examining table, it was clear that he was not to be protected with shielding so as not to expose to the X-rays any other part of his body but the ankle involved. She said to the X-ray technician, "I would appreciate your covering my son with shielding to protect him." In response, the X-ray technician told her, "I do this my way and if you do not like it, get someone else." She asked to see the physician in charge of the emergency service at the hospital, explained her request and his response was, "If you do not like the way he is doing his job, you can go to another hospital."

As you can appreciate, Mr. Speaker, she had no choice. Her son was on the table and so the X-rays were taken without the shielding. I inquired of other physicians expert in radiation, and was told that there are procedures and protective devices to be used so as to make certain that there is no overexposure, but unfortunately, too often, they said they are not used by the radiologists.

Mr. Speaker, I pretend no expertise on the subject of radiation, but as a result of this incident I have acquainted myself somewhat with the subject and have found that experts uniformly agree that no acceptable level of radiation exposure has been established and that X-ray radiation exposure should be avoided whenever possible. The degree of danger from exposure depends on many factors, including age. The fetus is, of course, most in danger and a young child is in greater danger than an adult. It is important to note that last August the Public Health Service ascertained that X-ray radiation levels lower than previously estimated can cause genetic damage.

Last October, Commissioner Dr. Mary C. McLaughlin of the New York City Health Department warned dental patients of the danger of overexposure to radiation through repeated X-rays taken when, for instance, an individual changes his dentist. A personal note: Recently, I went to my dentist for a checkup. As a matter of course, he took X-rays. As he commenced the procedure, I asked him for a protective shield. He said that he had one and used it whenever a patient requested it, but he said he seldom was asked and that the X-rays are so low in intensity that they are not harmful. I insisted on the protective chield and he took out a shield made of lead and vinyl and put it on me, protecting my body from possible unnecessary X-ray radiation. His attitude on protection comes from the fact that he does not protect himself and is in the room whenever the machine is used. Most patients, Mr. Speaker, are unaware of this shielding and so do not request it. My bill would make the use of the protective shielding on patients mandatory on the part of the technician.

A study by the Public Health Service, entitled "The Need for Controlling the Sale of Antiquated X-Ray Equipment," reports that in a survey taken of 765 secondhand X-ray machines, 595 deficiencies were found. The three most frequently occurring deficiencies were insufficient filtration, excessive beam size, and short exposure switch cords.

One of the major reasons for limiting needless exposure of patients to radiation is the concern about genetic damage. Federal studies have indicated that the danger of genetic damage from radiation exposure could be cut by at least two-thirds if the sphere of exposure was limited to the area of the body expressly requiring the X-ray.

Under existing law, next year manufacturers have to meet certain high standards in the production of their new X-ray machines. Therefore, virtually all machines manufactured prior to 1973 will not meet these standards. It is these machines already in use which will be required to meet these standards if my bill were to become law.

Dr. Charles E. Edwards, Commissioner of the Food and Drug Administration recently stated that:

> More than 90 percent of all human exposure to manmade radiation comes from the diagnostic use of X-ray in contrast with about 1 percent from radioactive discharges from nuclear power plants, about which there has been so much public concern.

I have been informed by the Director of the Bureau of Radiological Health that many years will elapse before the X-ray machines not covered by the new standards required by existing law are removed from the market. Mr. Speaker, no individual, certainly without his or her knowledge should be required to submit to X-radiation by a machine which does not meet current acceptable standards. It is fair to say we are dealing with the health and safety of the Nation. I urge our colleagues to cosponsor this legislation.

DEVELOPMENT OF LOWER MISSISSIPPI VALLEY

(Mr. ABERNETHY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, last week the Lower Mississippi Valley Flood Control Association held its 37th annual meeting in the city of New Orleans. The primary objectives of the association are the economic development of the valley, to protect it from devastating floods which prior to current Federal programs left tremendous destruction of property and loss of life, and the control, and use of these waters for the betterment of mankind and the environment. Membership in the association is broadly based in the States of Illinois, Missouri, Kentucky, Tennessee, Arkansas, Louisiana, and Mississippi. The association's office is located in Memphis, Tenn., and is under the able supervision of Mr. Bruce Tucker, executive vice president.

During the proceedings of the meeting we were honored with a most excellent address by my colleague and friend, the Honorable **FRANK STUBBLEFIELD**, a valuable and highly regarded Member of this body from the State of Kentucky. The gentleman from Kentucky addressed himself to several important points including flood control, water resources, conservation, and the environment. His address merits the consideration of all interested in the aforesaid subjects.

Therefore, Mr. Speaker, I ask unanimous consent that the address of the gentleman from Kentucky be included in the CONGRESSIONAL RECORD.

SPEECH OF CONGRESSMAN FRANK A. STUBBLEFIELD, BEFORE THE LOWER MISSISSIPPI VALLEY FLOOD CONTROL ASSOCIATION DECEMBER 4, 1971

It is no news to this distinguished association that programs for the development of our nation's water and related land resources are under heavy attack and that they have already suffered serious reverses. The future is in grave doubt.

The distinguished appropriations committee of the House expressed its concern in its report on the public works appropriations bill for fiscal 1971 [1] in part as follows:

"Based on the testimony of over 1700 witnesses representing Federal, State and local agencies and the public, it is evident that corrective action is required in many aspects of the program if the urgent water resources needs are to be met in an effective and expeditious manner."

"Extensive increased costs and delays are also now being experienced in many instances because of environmental considerations. Long awaited improvements in projects evaluation policies and procedures are tied up in controversy between the office of management and budget and the agencies concerned.

"Most important, projects under construction, instead of moving forward to completion have been delayed and stretched out over many years. These must be restored, as soon as possible, to more adequate funding levels to avoid escalating construction costs and delay in obtaining essential benefits in the public interest."

Some of the key facts supporting the committee's conclusions deserve special emphasis.

The rate of funding of the water resource program is lagging seriously behind emerging needs. Many of you will recall the estimates of water resource development needs projected in the summary report on the nation's water resources published in 1968 by the water resources council. A 5-fold increase in withdrawals of water is projected by the year 2020.

A 6-fold increase in inland waterborne commerce is estimated and the council foresees an increase of $3.3 billion dollars in annual flood damage potential by 2020, based upon the current status of flood control works. As evidenced by the Ohio River basin survey completed in 1969, the rate of expenditure to meet essential goals for the Ohio River basin by 1980 must be at least doubled. I have no doubt that this would represent a conservative projection of the funding required to meet national needs. And yet in the teeth of the evidence, appropriations for civil works construction have declined from their high of $1,026,800,000 for fiscal 1966 to $955,500,000 for fiscal 1972 in current dollars, while, in terms of constant dollars measuring comparative purchasing power, appropriations dropped steeply from an equivalent of $847,100,000 for the fiscal 1966 high to a low of $481,600,000 for fiscal 1972—a decline in effective purchasing power of 43%.

During the same period the Federal budget increased from $134.6 billion to $229.2 billion, while the percentage of the total budget represented by appropriations in current dollars for civil works construction dropped from .76% to .41%, a 35% decline in relative budgetary importance.

It must be recorded, however, to the great credit of the Congress that the fiscal 1972 appropriation for civil works construction in current dollars has recovered substantially from its fiscal 1970 low, showing an increase of more than 20%. Moreover, the supplemental budget request for fiscal 1972, proposes an increase over the regular appropriation of $102.4 million or about 10% for on-going construction in areas of high unemployment. Further, I am informed that substantially all funds heretofore impounded in budgetary reserve have been released. It is my earnest hope that these favorable developments mark a reversal of the long downward trend. Of this I am certain, the appropriations committees of the Senate and House under the leadership of Allen Ellender and George Mahon, supported and encouraged by their great public works subcommittees headed by John Stennis and Joe Evins, will do their utmost to lead us toward a level of investment in water resource projects adequate to the needs of this and future generations.

But they and other congressional leaders in the water resource field would be the first to emphasize their inability to do the job alone. What benefits are derived from authorization and funding of projects if they are to be blocked by judicial or executive action on grounds of alleged failure to consider various aspects of possible environmental impact? Already, since the passage of the Environmental Policy Act of 1970, 13 projects are involved in lawsuits instituted by various environmental groups.

Of these, five projects have been stopped by court order, including Gillam Lake, Arkansas, The Tennessee-Tombigbee and The West Tennessee Tributaries, and one—Cross Florida, by order of the President.

I understand also that about ten other projects, including Tocks Island in Eastern Pennsylvania and the Towlesburg Lake in West Virginia are being delayed pending further study of environmental aspects.

What but frustration results from appropriations which the administration refuses to use? How can Congress be expected to authorize and fund projects if standards of evaluation established and applied by the executive branch practically disregard future benefits, and exclude completely considerations of regional development, social wellbeing and a host of other factors closely related to the National interest?

Above all, how can the congress or any administration be expected to raise funding to appropriate levels—perhaps more than doubling the current figures—unless the program commands dedicated, unified leadership and wide public support?

These, I believe, are some of the questions we must face and for which we must find answers.

First, with regard to the apparent conflict between water resource development and environmental interests, let me say that I think this conflict is much more apparent than real. Both development to channel new resources into our economic life, and preservation of essential environmental values are imperative. Through rational dialogue their compatibility in a balanced program will unfold. It is simply inconceivable to me that improvement by man of his environment for his health, convenience and advancement, is in fundamental conflict with preservation of aesthetic, scenic, recreational and historic values. Indeed, I know of no more effective means of preserving environmental values than a sound system of flood control. Perhaps our flood control programs have been too effective—a view of the Mississippi Valley during the 1928 flood, or of the Ohio Valley in the 1937 flood, with all the sickness, filth and ruin they brought, would have made flood control proponents out of many who now berate and slander the Corps of Engineers. Certainly environmental quality is a major national goal for all segments of our society.[2] But so likewise are adequate supplies of usable water, adequate flood control, and adequate waterways for our commerce. I know of no basis for assigning a higher priority to one than another—each is of the highest importance to the National welfare.

The apparent conflict arises, I think, from a failure of communications among men of good will. The democratic process can well accommodate full expression of all legitimate interests and points of view in project and program formulation, looking toward a rational balance.

As a member of the House Committee on Merchant Marine and Fisheries, which is responsible for overseeing the adminstration of the National Environmental Policy Act, I am confident that it was the intention of that act that such rational balance be attained. Indeed, the statements of purpose and policy in the act give special emphasis to establishing "productive harmony" between man and nature, to creation of conditions under which "the social, economic, and other requirements of present and future generations of Americans" can be fulfilled, and to "achievement of a balance between population and resource use which will permit high standards of livng and a wide sharing of life's amenities." [3]

But this goal can be achieved only if the process of decision of these novel and technical issues is conducted in a civil and orderly manner, with full and competent presentation of all the relevant data, and not in the spirit of trial by combat which has prevailed in recent encounters.

As the 1971 report [4] of the Merchant Marine and Fisheries Committee on administration of the National Environment Protection Act puts the matter:

"The committee feels strongly that the ultimate success of NEPA will depend on the sophisticated participation and involvement of public interest groups. Now that the Federal agencies have been assigned the burden of contributing detailed, factual data on their environment-affecting activities, it would seem obligatory that public groups respond in kind. This will require strengthening and developing their own capacities for handling technical environmental information to arrive at sounder positions on policy issues and for submitting expert comments on impact statements issued by agencies as well as more pointed testimony before congessional hearings."

I am encouraged by this call for a greater degree of responsibility to expect a more rational climate for the discussion and decision of these issues. Similarly encouraging is the provision incorporated in the conference report on the agriculture—environmental and consumer protection programs, Fiscal 1972 Appropriations Act, which directs:

---

[1] House Report 92-316, 92nd Congress, 1st Session.

[2] House Report 92-316, 92d Congress, 1st Session. Report by Committee on Merchant Marine and Fisheries, Administration of National Environmental Policy Act.

[3] Public Law 91-190, Section 101.

[4] House Report 92-376, 92nd Congress, 1st Session.

"... That, in addition to the environmental effects of an action, all required reports from departments, agencies, or persons shall also include information, as prepared by the agency having responsibility for administration of the program, project, or activity involved, on the effect on the economy, including employment, unemployment, and other economic impacts." Under this directive, the Corps of Engineers, for example, would be required to set forth the facts as to adverse economic effects of failures to carry out a project. This again points to a balanced appraisal which should help to correct the current tendency toward environmental bias.

The Congress itself must, I think, shoulder a considerable share of responsibility for the problems it now confronts in formulating and implementing sound programs of water resource development. For in my opinion, these arise in large measure from its tendency over the years to delegate excessive authority to the Executive branch. Time does not permit an elaboration of this point. Let it suffice to say that in my judgment, Congress has surrendered to the Executive branch much of its authority and initiative in the field of water resource development—a distinctively legislative function reserved by the Constitution to the Congress[5]—by delegation to the Water Resources Council of authority with presidential approval to establish "principles, standards, and procedures for the formulation and evaluation of Federal water and related land resources projects." (Sec. 103, Water Resources Planning Act of 1965.) The standards of evaluation employed by the executive agencies largely predetermine the outcome of all project studies. As a result of restrictive standard, even favorable reports submitted to Congress often recommend projects which are underscoped. Again many project purposes are completely omitted from the plans proposed. In other cases, negative reports are submitted on projects which under adequate standards would have been favorably reported. The most unfortunate feature is that the reports do not contain the basic information which would reveal these shortcomings. Thus the judgment of Congress in discharging its legislative responsibilities is severely circumscribed.

While for more than two years the Water Resource Council has been considering a task force proposal for more adequate consideration of potential project benefits, the Office of Management and Budget has blocked issuance of the proposal for public comment and is reportedly insisting on use of an interest-discount rate for project evaluation which would sharply downgrade future benefits. Thus, Mr. Kenneth Bousquet, chief of the Senate Public Works Appropriations Subcommittee staff, in his excellent address to the Southeast Basins Interagency Committee on October 20, 1971, expressed doubt that "any water resource project purpose other than domestic water supply could be justified under the standards and criteria approved by the Office of Management and Budget."

Last year in the Public Works Authorization Act, Congress recorded its intention that standards of evaluation set forth in Water Resources Council task force reports be applied in evaluation of Federal water resource projects. But the Office of Management and Budget has declined to implement this statement of congressional policy. Fortunately, as you know, Senators Randolph and Jackson, chairmen respectively of the Senate Committees of Public Works and Interior and Insular Affairs, have introduced S. 2612, the National Water and Related Land Resources Policy Act, to make these standards mandatory. This would mean that in project evaluation, consideration would be given to the benefits of the project with respect to (1) enhancement of environmental quality, (2) enhancement of social well-being by the equitable distribution of real income, employment and population and by other specified means, and (3) enhancement of regional development, as well as (4) enhancement of national economic development or national economic efficiency to which as a practical matter benefit estimates are now generally limited. The Water Resources Council would be empowered to implement these policy guidelines.

Enactment of this legislation would constitute a major step in the direction of reestablishment of congressional control over the Nation's water resources development program and I shall give my full support to this measure when it reaches the House.

Further steps, I believe, are needed. As you are well aware, the various elements of the national water resource policy have been scattered over the years throughout a host of congressional acts, committee reports, Executive orders, agency rules and regulations, and policy statements. Many authorizations of projects, not yet started, date from Rivers and Harbors Acts of the 1930's. It is likely that deauthorization would in some cases be appropriate. Procedures have become outmoded; studies and restudies have multiplied to the point of absurdity. The delays encountered between authorization and funding have become intolerable.

The time has come, I respectfully submit, to renovate and modernize the program, to put the house in order and to subject traditional concepts to a searching examination. In a contest with tough, sophisticated, dedicated opponents, well-financed and ably led, and backed by highly organized blocks of public opinion, successful defense and advancement of water resources programs demand vigorous review to assure clear identification of the national purposes to be served and efficient, fair and practical means for their attainment.

To accomplish this end, I would urge consideration of establishment of a select committee of the Senate and House to carry out a current in-depth review of the entire water resources program and to report to the Congress its recommendations for formulation of a sound, comprehensive national water resources policy, adequate for the needs of a rising population and an expanding economy, and embracing all phases of water resources development, conservation and use, including pollution abatement, flood control, navigation, reclamation, water supply, stream flow management, environmental quality, recreation, fish and wildlife, hydroelectric power and all other appropriate public uses and purposes.

It would be my hope that such a policy would also provide (1) for establishment of a water resource program funding level having a suitable relationship to the total Federal budget and legally structured to require execution of the will of Congress as to use of appropriated funds, and (2) for specification of water resources goals for the Nation or major river basins where appropriate in terms, for example, of navigation capacity, flood damage to be prevented, and water supply availability, so as to afford overall guidance and direction to the agencies concerned.

My recommendation regarding development of a comprehensive national water policy does not carry any implication as to the form of organization best suited to carry it out. This is a basic issue for consideration by the select committee. I can say with complete conviction, however, that, whatever form the ultimate organization plan may take, having the utmost confidence in the professional competence and integrity of the corps of Army Engineers, I would make every effort to assure that their part in the program of the future would give full recognition to their matchless record or service to the Nation.

Finally and most importantly, survival and strengthening of the water resources program demands a concerted, skillful public relations undertaking—let's call it "Operation Outreach"—and quit talking to ourselves and muttering complaints to one another.

In such a campaign, the rapidly mounting water needs of the Nation must be clearly expounded and those needs and the values at stake for the whole people—their lives and livelihood—must be accurately and convincingly set forth in relation to contemporary interests and concerns. Thus attention might be focused, for example, on the close relationship of low-cost water transportation to expansion of our export trade and its role in meeting competition with foreign goods; the vital relationship of water resource program to rural development, and—that most compelling of environmental concerns—improved population balance; the contributions of comprehensive water resource development, such as the Arkansas River project to job-creating, regional rehabilitation, particularly for chronically depressed areas; and the importance of water resource development for navigation, water supply and hydroelectric power in alleviating the threatened energy crisis.

To carry broad conviction, the facts as to the compatibility of water-based economic development providing jobs and the necessities and amenities of life with environmental goals must be marshalled and effectively presented, with special attention to the contribution available from application of advanced technologies. This means a sophisticated treatment enlisting the objective advice and counsel of the growing body of competent ecologists and environmental scientists in our universities.

It is my sincere conviction that the common sense of the American people will ultimately prevail, that extreme positions will be rejected in favor of a reasonable middle ground, and that these pressing issues will be resolved without sacrifice of social, economic or environmental interests of genuine importance. For I think it is as certain as anything in human affairs can be, that we will not cast aside the marvels of modern scientific and engineering achievement and all the fruits of our struggles to mold the forces of nature to our use and advancement, because of some nostalgic yearning for a bygone age that never was. At the same time, we must and will insist upon protection of the heritage of natural wonders and beauty and of cultural and historic values with which we are so fortunately endowed. But the accommodation of these interests can be greatly expedited and serious setbacks averted if we who believe in sound water resource development and in conservation and environmental enhancement, concert our efforts and see to it that all the pertinent facts are fully and fairly presented to the public and that the half-truths and distortions born of fanaticism or special interest are rigorously examined and exposed.

CITIZEN ANTICRIME PATROL ASSISTANCE ACT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today introducing legislation entitled the Citizen Anticrime Patrol Assistance Act which would, if enacted, provide Federal financial help to organized groups of residents who contribute to their own security, and the security of their neighbors, by engaging in certain anticrime activities in their own communities.

Fear of senseless, unpredictable, and

---

[5] Oklahoma v. Atkinson, 313 U.S. 508 (1941).

often vicious crime has driven many Americans to organize to help protect themselves. In New York City, citizens in at least one neighborhood have organized a police whistle alarm system. In Washington, D.C., apartment house residents regularly meet neighbors who travel after dark, and escort them home. In Alexandria, Va., residents have organized late-evening car patrols to guard against rampant crime. Other such citizen "crime watches" and patrols are operating in Fall River, Mass.; Hammond, Ind.; Minneapolis, Minn.; Omaha, Nebr.; and many other localities.

The wealthy can hire guards or professional protection agencies to provide extra security for their homes and neighborhoods. But middle- and low-income citizens must do it themselves, and often incur considerable costs in scarce time and funds.

The value of organized citizen activity in crime fighting is well recognized. In its report on the police, President Johnson's Commission on Law Enforcement and the Administration of Justice urged citizens to take an active part in law enforcement:

> To reduce crime in their communities citizens must be prepared to back up their police forces with more than slogans. They need to keep in mind, but in perspective, the possibilities of crime in their daily lives and take reasonable steps to limit criminal opportunities. In emergency situations, they must assume the responsibilities of summoning aid for victims or police in distress; they cannot stay free of involvement and yet expect others to protect them. In groups and even as individuals they can supply desperately needed auxiliary resources to the police, the courts and correctional officers.

Mr. Speaker, existing citizen anticrime projects prove that citizens can actively help protect themselves and do so responsibly and effectively. In my judgment, it is about time the Federal Government did something to encourage such projects, and to reward citizens who take part in them. That is the purpose of the Citizen Anticrime Patrol Assistance Act.

Under this proposed legislation, residents' organizations offering, or wishing to offer, anticrime services would be eligible for Federal grants to reimburse them for their time and expenses, including stipends, training, and certain equipment. A residents' organization is defined as any community service organization in which the primary criterion for membership is residence in a clearly defined local neighborhood, housing complex, or community.

Residents' organizations seeking grants would be required to submit a plan indicating the services to be performed. In general, such services could include roving or stationary crime watch patrols, escorting of individuals or groups leaving or returning to their places of residence—particularly during evening hours—and rapid warning and reporting of criminal or suspicious activities to the police and other residents.

No funds under the Citizen Anticrime Patrol Assistance Act may be used for any firearm, chemical, agent or other weapon, or to defray the cost of the use of any motor vehicles. Thus, the bill is designed to contribute to control of crime by increasing the presence of watchful, responsible people in places where trouble often occurs, not by increasing the circulation of guns and weapons. While motor vehicles may be used in patrol programs funded under the proposal, the cost of supplying and maintaining such vehicles at public expense is excluded on grounds that the costs would simply be too great.

Residents' organizations would be required under the act to coordinate their activities with the police and similar organizations in adjacent communities, and to show evidence of financial need, community and police support, and respect for the constitutional rights of members of the community.

When I announced my intention to propose this legislation some weeks ago, the response was most enthusiastic. The following editorial from the December 2 issue of the Bronx, N.Y., Press Review very well sums up the need and justification for this legislation:

[From the Bronx Press-Review, Dec. 2, 1971]

PAINFUL BUT HOPEFUL NECESSITY

Rep. Jonathan Bingham is seeking to have legislation passed in Congress which would enable the formation and partial funding of citizens groups entrusted to patrol specified areas, to combat crime.

We must admit that some time back we might have protested this proposal as "vigilantism." We've changed this attitude, as Congressman Bingham surely must have changed his.

He demands certain safeguards, strict limitations as to the extent of areas to be covered by civilian patrols, their equipment, their programs. Any legislation must be forthright and incisive in these respects.

But we've seen that there are civilian patrols working well and responsibly and with effect, and good men and women who want to give their time and effort to this last-ditch kind of effort deserve encouragement in it, not censure. The controls must be explicit, and they must be rigorously applied.

Citizens must do something for themselves. The continuous calls for police aid, for municipal funds, are not bringing adequate response. The police are setting up special programs—which in a way argue for the citizen patrols, rather than against them. Special efforts to curb crime and to make a free society's streets free of crime—all of them have to be considered.

We hope that we'll hear more from Rep. Bingham on this—much more. And we'd like to hear all members of the Bronx and New York City Congressional delegations address themselves to this painful but hopeful necessity.

Extensive hearings before the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations with regard to the implementation of the Safe Streets Act indicate that funding under that program is seriously clogged. Nationally, 92.1 percent of the funds appropriated for the year ending June 30, 1971—fiscal 1971—have not yet been received by local governments, and 51.1 percent of the funds for fiscal 1970 have not yet reached local communities. As of June 30, 1971, only 27.5 percent of the 1970 funds allocated to New York, and less than 1 percent of New York's 1971 funds, have become available for expenditure at local levels.

The elaborate statewide planning procedures under the Safe Streets Act need to be streamlined to break this logjam. In addition, ways must be found to channel funds directly to high-crime areas. The Citizen Anticrime Patrol Assistance Act offers one way to get crime control funds flowing into areas where they are needed. As a special program under the Safe Streets Act, it bypasses the complicated planning procedures which are delaying current safe streets funds.

As a secondary matter, the Citizen Anticrime Patrol Assistance Act I am proposing would have the added benefit of putting needed funds into the hands of citizens, rather than into the pockets of high-paid security consultants, administrators, equipment manufacturers, and professionals to whom many of the funds under the current safe streets programs are now going. It is the average citizen, not the high-paid professionals, who are most affected both by crime and by the current economic pinch. The program I am suggesting in this bill would directly ease the problems of the average citizen in both these areas—by helping him to help protect himself and his neighbors against crime, and by adding to his earnings in the process.

Mr. Speaker, the text of the Citizen Anticrime Patrol Assistance Act follows:

H.R. 12262

A bill to provide Federal citizen anticrime patrol assistance grants to residents' organizations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Citizen Anticrime Patrol Assistance Act."

SEC. 2. The Congress finds that—

(1) public safety and security can best be achieved through cooperation between the general public and local law enforcement officials;

(2) citizens of many communities have demonstrated the ability of citizens responsibly and effectively to organize, plan and ask to help protect their neighborhoods against crime in conjunction with law enforcement officials;

(3) law enforcement officers throughout the Nation welcome organized participation of citizens in combatting crime; and

(4) the regular presence of responsible citizens on the streets, in buildings and in unprotected areas of communities where crime lurks, to watch for and report any sign of criminal or suspicious activity can help to resolve and deter crimes.

Therefore, it is the purpose of this Act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended) to provide a program of financial grants to residents' organizations which shall utilize such grants to help prevent crime.

SEC. 3. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by—

(1) redesignating part G, part H, and part I as part H, part I, and part J, respectively; and

(2) inserting after part F the following new part:

PART G—GRANTS TO RESIDENTS' ORGANIZATIONS

"PURPOSE

"SEC. 551. It is the purpose of this part to encourage and assist through a program of direct grants to local residents' orgaizations, efforts by citizens through such organizations regularly to patrol and otherwise watch over local facilities and human activities vulnerable to crime, and to report criminal or suspicious activities to the proper law enforcement authorities and thereby to help deter or resolve crimes.

"ALLOTMENTS TO RESIDENTS' ORGANIZATIONS

"Sec. 552. The Administration shall make grants to residents' organizations which have established a plan as required under section 553 of this part and which have—

"(1) demonstrated a need for assistance, taking into account such factors as—

"(A) the extent and impact upon their community of crime,

"(B) the financial need of such residents' organization, and

"(C) the expense and difficulty of carrying out the plan for services;

"(2) established the degree to which the plan to be assisted is likely to effect a decrease in crime in the community;

"(3) undertaken to coordinate its activities with the activities of similar organizations in surrounding communities;

"(4) established the degree to which the plan enjoys the support of the members of the community;

"(5) undertaken consultations with local law enforcement authorities in the development of the plan to assure full coordination between the organization and such authorities in the implementation of the plan; and

"(6) established that the plan provides for protection of the civil and constitutional rights of all members of the community.

"PLAN FOR CRIME WATCH AND REPORTING SERVICES

"Sec. 553. (a) In order to qualify for the grants authorized by section 552 of this part, residents' organizations must submit to the Administration in writing a plan to provide one or more of the following services:

"(1) Roving or stationary crime watch patrols.

"(2) Escorts for persons leaving or returning to their places of residence, particularly during non-daylight hours.

"(3) Rapid warning and reporting of criminal or suspicious activities to law enforcement authorities and, where appropriate, to other residents.

"(b) The plan required by subsection (a) shall set forth a program for educating, equipping, and training the members of such organization.

"GRANT CONDITIONS

"Sec. 554. (a) A Federal grant authorized under this part may, subject to the provisions of subsection (b), provide for up to 100 per centum of the total cost of the execution of the plan required by section 553.

"(b) A Federal grant authorized under this part may be used to pay the costs of stipends to, and necessary training and equipment of, residents' organization members actively engaged in implementing a plan; *provided*, however, that no funds under this part shall be used for the purchase, lease, rental, maintenance, or use of any firearm, chemical agent, or other weapon, or the purchase, lease, rental or maintenance of any motor vehicle.

"AUTHORIZATION

"Sec. 555. There is authorized to be appropriated to carry out the provisions of this part, the sum of $50 million for fiscal year 1973, $75 million for fiscal year 1974, and $100 million for fiscal year 1975."

DEFINITIONS

Sec. 4. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended) is amended by adding at the end thereof the following new subsection:

"(m) 'Residents' organization' means any organization of persons in which the primary criterion for active membership and participation is current residence in a clearly defined local neighborhood, housing complex or community, and which is organized for the purpose of general service to the community."

TAX GIMMICKS SPAWN SLUM LORDS

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, I have just come across an interesting article in the December 11 issue of the New Republic entitled "Failed Federal Housing—The United States as Slumlord." Actually, this article points up more than just our housing problem. I believe it points up very clearly the fallacy of relying upon tax loopholes and tax gimmicks to stimulate the construction of housing.

I hope all of my colleagues, particularly those interested in tax justice, will take time to read this very informative article:

Failed Federal Housing—The United States as Slumlord

The administration has a pressing reason for wanting to build virtually all subsidized rental housing from now on in the outer and not the inner city. In explaining HUD's new policy of scattering subsidy apartments, Secretary Romney tells us a lot about the scarcity of land in the inner city, about legitimate demands for social justice, and about the flight of jobs to the outer city necessitating new, lower-rent housing in the suburbs. But he doesn't publicly admit the motive of government self-interest: the Department of Housing and Urban Development will have accumulated, by 1978, a multibillion dollar investment in subsidized apartments (estimates range up to $80 billion in total obligations over the 40-year life of the mortgages) and those in the ghetto—about one-third of the present total—are going sour at an alarming rate. In short, HUD faces the grim prospect of becoming the nation's No. 1 slum landlord when privately developed but federally guaranteed and subsidized projects belly up, the bulks turned over to the government for management or disposal.

Having only barely recuperated from the recent speculation scandals of the homeownership program, HUD is now sifting the early but dreary returns on interest-subsidy programs for apartments, particularly projects for low and moderate-income families. The news is bad from Boston, where, for example, the rate of default on mortgages is 80 percent for the 3022 inner-city apartments rehabilitated three years ago. Housing consultant Hortense W. Gabel took a reading on New York City subsidized projects less than three years old and found that many were "already exhibiting mild to severe maintenance problems." HUD's own statisticians have warned Romney to brace for a five percent default rate. George Sternlieb, an expert on inner-city housing at Rutgers University, says flatly "the bulk of all the housing that was built under [interest subsidy] in the central cities is essentially bankrupt."

Real estate entrepreneurs, with large profits already pocketed in many cases, say the problems are too severe in the inner city, and they won't take the plunge again without some kind of protection, such as an association with a community-based organization. "Why should we go into an area where we know we'll get our brains knocked out before we're in round two," said Gerald Schuster, president of Continental Wingate, a Boston construction firm. Schuster and like-minded businessmen have difficulty coping with the demands of community groups for heavy minority representation on construction crews and for a voice in the direction of the projects. They are also unsophisticated about the slum syndrome of crime, drugs, despair and decay that only too readily engulfs their units.

To the surprise of no one familiar with past Federal Housing Administration programs, the real beneficiaries of the subsidies are not low- and moderate-income families ($4000 to $12,000 a year) but the housing business and a new breed of real estate investor. "The housing being produced, by and large, is a disaster," said Roland L. (Sam) Larson, executive director of the Inter Faith Housing Corp. of Boston, one of the nation's leading nonprofit housing packagers. "It's a total ripoff and nobody is going to jail for it. The programs make the rich richer through subsidies but the tenants get only higher rents and modestly improved housing." This from Anthony Henry, executive director of the National Tenants Organization: "I think it's going to be worse than public housing and in a shorter period of time."

Inspection of numerous inner-city subsidy projects by this reporter found appalling instances of shoddy and inept construction. Plumbing backups, severe water leaks and chilling drafts are common. Walls are generally paper thin, doors poorly hung, windows of the cheapest design. The builders, with some justification, blame Congress for unrealistic cost ceilings that prevent quality building. Tenants, with more justification, blame the FHA for inadequate inspection that allows corner cutting in construction.

Rents for these apartments—most of them located in seedy, crime-infested neighborhoods—approach middle-class levels, despite the government's covering all but one percent of the interest charges. Rent scales at Methunion Manor in the South End of Boston run up to $222 a month for a five-bedroom apartment—hardly a rent within the means of even a "moderate" income family. A five-city HUD survey of subsidy projects found the average tenant paying 34 percent of income for rent. The goal was 25 percent. Adding insult, many sponsors have felt forced by soaring operating costs to extract rent increases from these already hard-pressed tenants shortly after the projects opened, the survey showed. The predictable result has been a coast-to-coast wave of tenant strikes and law suits.

The main tenant complaint is about the large profits generated by the special tax preferences given subsidized housing in the 1969 tax revision act. The tax shelters, plus the congressionally mandated goal of 6 million subsidized units by 1978, plus the dire depression of the housing industry in the late 1960s, all combined in a volatile mix that allowed HUD to drive subsidized housing starts to a record 500,000 this year. (Some subsidized projects are occupied with another 2820 under construction.)

The tax shelter, says Boston entrepreneur Max Kargman, is the key to understanding the financial dynamic of multifamily subsidized housing: "That's what makes the whole deal work; it's what makes it profitable for the builder. Otherwise why should he put in all this time and effort, with all the risks and struggle. For what?"

The builder-developers make their profit by selling shelter equity to rich professionals and businessmen. For a percentage of the 90 percent federally guaranteed mortgage, usually between 12 and 20 percent, the investors purchase the right to offset taxes on other earnings with the rapid depreciation losses permitted on the full value of the apartments. In other words, on a 1-million project, they would pay between $120,000 and $200,000 for $1 million in depreciation used over a five-to-ten-year period. The return in federal income taxes avoided can run as high as 30 percent a year for the investor in the 50 percent tax bracket. These absentee landlords, known as limited dividend partners, have no hand in management, which remains in most cases the responsibility of the builder-developer. The investors often don't even know where their investment is located unless their broker tells them.

Shelter sale is also the honey that draws entrepreneurs to subsidized housing, especially so-called easy fringe and suburban projects catering to young, white professionals with low but rising income. With actual cash equity of only $33,000—a not unusual proportion—a developer of a $1-million project can get a cash return in less than two years equal to five times his investment, if not more, depending on his sophistication.

The inequities and distortions are blatant in the shelter dynamic. When operating costs increase, builder-developers resort to rent hikes and won't dip into front-end profits from the sale or use of shelters. The public hears only about the current $175-million-a-year cost of interest subsidies on the apartments and is ignorant of the millions lost to the Treasury each year because of the tax writeoffs. Furthermore, because profit dominates the process, private enterprise is drawn to the safest location possible for building subsidized apartments—fringe areas where 61 percent are located. "The guy who makes the most money is the guy who builds the projects where they don't need them anyhow," said housing consultant Robert H. Kuehn of Boston. Although the taxpayer guarantees the mortgage, puts up the interest subsidies, and supplies the financial coal, says Milton Semer, a former HUD official in the Johnson administration, private interests are determining where this new brand of public housing will be built, who will live in it, and under what circumstances. And most profits are front-end, meaning that while the government has a 40-year stake in the mortgage, the money men are home free from possible recapture of profits by the Internal Revenue Service if the project remains viable for ten years. "There's nothing to keep their feet to the fire," said an aide to Romney, worrying about a massive bailout of the money interests in the 1980's.

Even nonprofit housing sponsors are thinking up ways to harvest a share of the dollars spinning out of the program. Fearing a loss of their preferred tax status, the nonprofits until now left the tax gimmicks unused when they launched a project. But at least seven of the community-based and church groups have recently launched joint ventures with entrepreneurs, planning to use part of the shelter proceeds to support social services in the projects. "We have a low-income housing program in this country and we are going to use it," said Larry M. Lefkowitz, director of public affairs for the Non-Profit Housing Center in Washington. "You can either do nothing or use the tools in your tool box."

What went wrong with a program once hailed as the ideal way public seed money could generate private sector enterprise of social worth? For one thing, HUD officials, pressured by Romney until recently to meet production goals, have shaved operating and maintenance cost estimates 10–to–20 percent to bring proposed projects within federal cost limits. Since initial rents were pegged to the unrealistic estimates, the predictable result has been increases shortly after, or even before apartments are occupied. Needless to say, general inflation has added to the cost squeeze. For another thing, builders say they can't construct durable subsidized projects because Congress has set unrealistically low cost limits in the mistaken belief that there is such a thing as low-cost (versus low-rent) housing for the poor. And Congress made niggardly allowance for amenities, really necessities, such as playgrounds, day care facilities, teenage recreation centers, and counseling. Particularly important in the government's view is the short supply of competent housing managers.

All these problems are intensified by crime, drugs and decay in ghetto projects. The most desirable tenants tend to leave at the first opportunity for something safer. Finding the right replacement tenant becomes more difficult. Slowly, the project becomes poorer. Repair costs rise, rent receipts decline. Deterioration accelerates. "I just don't have the dollars to stem the tide," complained one hard-pressed housing manager in the Roxbury section of Boston. "Society asks him (the manager of low-income housing) to take on all its problems—drugs, alcohol, and welfare dependency—then blames him when he fails," said Edwin D. Abrams, a Boston housing consultant who also manages subsidy units. "But the government provides none of the social services money that might make this possible."

Faced with the necessity of doing something about a deteriorating situation, the government has the option of tinkering with the interest subsidy formula or changing direction completely in housing the poor. One first-aid method might entail operating subsidies, such as those recently instituted in public housing, to keep rents down and projects afloat. A variant might be infusion of money for social services. A third could be a return to direct, low-interest federal loans for construction. Radical surgery might entail abandoning interest subsidies and moving to direct stipends, allowing poor families to shop for shelter that doesn't carry the social stigma of a "project." Tony Henry and the NTO would have tenants themselves manage and control subsidized units. Norman V. Watson, the assistant HUD secretary for housing management, voiced the government's confusion on just what to do when he observed: "We've got to look at a housing strategy real quick."

CONGRESSMAN STRATTON INTRODUCES LEGISLATION TO SEPARATE SOCIAL SECURITY AMENDMENTS OF 1971 FROM WELFARE REFORM; URGES ENACTMENT AS PRIORITY MATTER IN JANUARY 1972

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, as we move steadily, and hopefully rapidly, toward the end of this first session it becomes increasingly clear to me that one of the very first pieces of legislation we ought to enact when we come back in January are the social security amendments contained in H.R. 1.

These have been languishing now, as you know, for 6 months in the Senate, and judging from the complex and controversial nature of the welfare reform program to which they are attached, it will probably be months more before the entire package can be approved.

Yet most of the social security amendments were supposed to take effect January 1, 1972. I think we ought to act to see they do take effect on that date, without any further delay. If we continue to wait until we have some kind of agreement in the Senate on welfare reform, hundreds, perhaps even thousands, of senior citizens will no longer be around to enjoy the improved benefits which an overwhelming majority of the Members of both Houses wants them to have.

For some time I have been urging that we cut these social security amendments loose from H.R. 1 and pass them as separate legislation. Last week I introduced the bill which will do just that, H.R. 12200. It contains these amendments and leaves out the welfare reform title of H.R. 1.

Two recent events have made the enactment of H.R. 12200 even more urgent:

First. The recent White House Conference on the Aging demonstrated very clearly that the No. 1 objective of our retired citizens is better income. H.R. 12200 would be a major step in that direction.

Second. President Nixon's recent veto of the OEO legislation was based primarily on the fact that it contained a sizable child-care program. Since the administration's own welfare reform bill, contained in H.R. 1, also involves a similarly extensive day-care program, it is obvious that we face even more difficulty than had been imagined in getting agreement on all the features of H.R. 1.

So we ought to leave welfare reform to be further debated and refined and move ahead quickly to enact the social security provisions of H.R. 1.

I earnestly solicit the support and assistance of my colleagues on both sides of the aisle and at both ends of the Capitol. I welcome their cosponsorship of H.R. 12200, and I would also urge them to use their influence in lining up Members of the House Ways and Means Committee and the Senate Finance Committee in support of their legislation. If there is enough enthusiastic support for this idea by next January I believe we can put it over the top, and in so doing earn the gratitude of the Nation's retired citizens—often referred to as America's most neglected minority.

FLORIDA'S DEMOCRATIC WOMEN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is my privilege to call to the attention of my colleagues the installation speech of Mrs. Margaret H. Cobbe upon her acceptance of the presidency of the Democratic Women's Club of Florida. Mrs. Cobbe, of Gulfport, Fla., is a distinguished member of the Democratic Party in my State, and I am confident she will prove to be an outstanding leader of our Democratic women.

I cite this speech here because it expresses the new spirit of women in politics. It conveys clearly and simply the determination of dedicated women to make our political system work, to make it work for women and for all Americans.

I believe my colleagues of both parties will be interested in Mrs. Cobbe's remarks, which were delivered on October 9 at the annual convention of the Democratic Women's Club of Florida in Miami Beach, in my congressional district.

The remarks follow:

> Today the Democratic Women's Club of Florida chartered a new course for the future. I feel humble and proud and a little awed to have been selected as your leader. I don't kid myself into thinking it will be smooth sailing. I'm sure we'll make our share of mistakes but we'll learn from them and we'll pick ourselves up again and row all the more vigorously. With everyone pulling together, I feel confident we'll weather the storms and reach our destination.
>
> You have elected some strong officers here today. I want the Committee Chairman to be just as strong. For this reason, I will delay appointments until I have consulted with many of you. We must have the most capable people in the state to make our reorganization work and I invite you to give me your recommendations.
>
> I am just so proud of our organization and I hope that during these two years I can project that pride to each of you, and

to the small and the mighty throughout the state. We must not only feel affection for our local clubs but we must learn to think regionally and state-wide so that we can multiply our strength and influence and recognition.

Our past presidents have been ladies of the highest order. Their dignity and integrity have been beyond reproach. I promise to work very hard to maintain the high standards they have set and, hopefully, move ahead in other ways:

First, I would like to see a closer liaison with other Democratic organizations. We've made progress, particularly with the State Executive Committee, but there is room for improvement. I believe we should cultivate our Democratic youth; take them under our wing and nourish them. Our Junior Executive Committee project, which we instituted last year, is an excellent opportunity for us to guide our young. Some of their viewpoints may seem radical to us, but with tolerance and vision, they can be tempered with the wisdom of age and experience, and made into workable ideas for us all. They have much to offer and we too can learn. We could use some of their idealism, their enthusiasm and their fresh concepts. The Party is big enough and broad enough to blanket all: the old and young, conservative and liberal, and all the in-betweens. A woman's organization is the perfect vehicle for unifying all Democratic forces—we have the temperament, the patience and the discipline to do it. For years we've bolstered the egos of our men by letting them take the credit for what we've done, and perhaps that's the reason for lack of progress in my next point:

RECOGNITION

Some sources think we're the best-organized Democratic group in the state. Others barely acknowledge our existence. We must take action to alter the thinking of the latter group. We can be aggressive and still remain feminine. We can let them know we're alive without the marching, sign-waving and chanting. We have opinions and we should express them. We should not have to attend a Special Women's Caucus or a Liberation group for fulfillment. We have a ready-made organization right here and we must exercise its full potential. Gone are the days when a candidate can come to town and meet with a group of men only, if he's smart. When a sponsor arranges such a meeting, he does a disservice to the candidate. Women are capable of policy-making, of organizing, of planning. And we should protest when we're excluded from such a gathering. I attended a meeting on the East Coast recently where only three women were present, two of us from out of town. And even though I'd travelled three hours to get there, I'm sure I would've been turned away, as other women were, had it not been for the formidable presence of our National Committeewoman. The power of this organization can and should be used to correct such inequities.

Now we come to a most important point: involvement in the issues, and this becomes intermingled with recognition. No longer is a woman content to follow blindly along just because a candidate or officeholder is a registered Democrat. The coffees and luncheons and little courtesies are nice. We appreciate them; but they are no substitute for good government. We should not have to worry about stepping on the toes of a candidate or officeholder; our main concern should be whether the issue is good for the people. If thorough study convinces us it is not good for the people, then we should wield our influence. An officeholder should be responsive to his constituents and should gracefully receive constructive criticism, especially from those who played a major role in placing him in office, because we too become accountable for his actions.

The Democratic Women's Club of Florida believes strongly in party organization. It is the alternative to power and special interests. Our motivation is completely unselfish—it is simply placing good candidates in office. It isn't enough for us to say, "I got a Democrat elected." The proud moment comes when we can say, "I got a good Democrat elected who's good for the people of Florida." I'd like to see our organization take the lead in this type of party endeavor. We can be the guide—the very conscience—of our party.

CONGRESSMAN WILLIAM S. MOORHEAD SPEAKS BEFORE NATIONAL PRESS CLUB

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, our distinguished colleague, Hon. WILLIAM S. MOORHEAD, of Pennsylvania, made a magnificent address at the Drew Pearson Foundation luncheon today honoring the investigative reporter of the year before the National Press Club. On this occasion the Drew Pearson Foundation Award was made to Neil Sheehan of the New York Times for his investigative report relative to the Pentagon papers. Mr. MOORHEAD, speaking as chairman of the Subcommittee on Foreign Affairs and Government Information, spoke movingly on the meaning of free press in America and its significance to the security and well-being of our country. Mr. MOORHEAD made important suggestions as to the part Congress should play in implementing article I of the Bill of Rights.

All will profit who read Mr. MOORHEAD's able address. I insert it in the RECORD immediately following my remarks, Mr. Speaker, and I commend it to my colleagues and my fellow countrymen:

REMARKS BY CONGRESSMAN WILLIAM S. MOORHEAD OF PENNSYLVANIA

Ladies and gentlemen. It is indeed an honor for me to be here with you this afternoon.

It is not often that any but the most senior members of the House of Representatives are afforded the opportunity to address such a distinguished and influential gathering.

Maybe you are following the wisdom of a certain Congressional Committee Chairman who, when asked what kind of a government witness he wanted said—"One high enough to speak with authority and low enough to know what he's talking about!"

Speaking about low enough, they tell the story of a local functionary who needed a speaker for an occasion so he sent a telegram to the Republican or Democratic National Committee, I forget which, saying he wanted "a very important person, nothing lower than a Congressman."

The reply that came back was—"There is nothing lower than a Congressman."

Because of that status I am particularly honored to participate in the presentation of the Drew Pearson Award for Investigative Journalism to Neil Sheehan of the New York Times.

To all in general and Luvie in particular let me say how much I admired the courage and conviction of Drew Pearson. There may have been a time or two when I did not share his conviction but always and on every occasion I admired his courage.

When other columnists ducked an issue because it was too hot to handle, or the people involved too powerful, Drew Pearson never failed to rise to the occasion.

There could be no more appropriate memorial to the courage of that brave man and no better way to encourage investigative journalism than the award being given today.

As Thomas Jefferson once said:

"The basis of our Government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

At any rate, democracy without a free press would be unworkable, unthinkable, and, without investigative journalists, probably totally corrupt.

Sometimes I think that you ladies and gentlemen of the press and media don't realize how much power, for good or evil, you possess.

Power in the Democracy rests with the people—and the people are swayed by what you write and broadcast.

Fortunately, almost everybody in your profession is a dedicated citizen desiring to do the best for his country.

I submit to you, that, fortunately, almost everyone in government—elective or appointive—is a dedicated citizen desiring to do the best for his country.

The unfortunate thing is that many government officials consider newsmen the enemy.

Sometimes this feeling is reciprocated.

Drew Pearson's jousts with individuals in government, both in Congress and the Executive branch, were legendary. There were, and today still are, many people who equate Drew Pearson, and reporters in general, with all of the evils in hell, and then some.

They believe that the Drew Pearsons and the Neil Sheehans are to be avoided and that the only way to cooperate with them is not to cooperate at all.

But there is one subcommittee in the Congress institutionally designed toward promoting the proposition—that the more access to information and the more information available to the American public the better our government will be. This is the Subcommittee on Foreign Operations and Government Information which I happen to Chair.

From his actions I believe that Neil Sheehan would agree with this proposition but I submit that apparently the Attorney General does not.

Neil Sheehan, in an act of great courage, took the leadership in writing of the Pentagon Papers because he believed that in our Democracy the people deserved to know the contents and meaning of those documents. I agree with him. But the Attorney General apparently did not agree. Mr. Mitchell equated the free press with the enemies of the United States. For the first time in our history, our own government sought to obtain prior restraint of publication despite the First Amendment of the Bill of Rights.

Many of us in Congress were outraged at this disregard of the First Amendment.

As you know, shortly after Neil's stories began appearing in the Times, my Subcommittee on Government Information began seven days of hearings into the government's information and classification policies.

The hearings bore fruit. We heard William Rehnquist's contention that the President was right . . . the Defense Department was right . . . the Justice Department and John Mitchell were right . . . and Neil Sheehan was wrong . . . all this by inference only because, naturally, he could not discuss the case before the courts.

Our hearings turned up the not too surprising evidence that the administration of the Executive Order dealing with the classification of information was in utter disarray.

The system seems to have produced loads of inputs but there was little outflow to show that the same zeal which classified information—and put it out of the reach of Congress and the public—is at work making information available.

Material that has long outlived its valid secretive nature is still being kept under wraps by the Pentagon and other branches. Material which does not qualify for classification is being labeled and tucked away from public and Congressional scrutiny. And probably the most prevalent abuse of the plan, overclassification, is proliferating.

Former Justice Arthur Goldberg testified that when he was Ambassador to the United Nations, less than 10 percent of all of the classified documents that passed his desk deserved a security classification.

William Florence, a retired Air Force classification expert with 43 years of government service told the Subcommittee that he believed that less than one-half of one-percent of all documents currently classified deserved to be so.

The following is an example given my Subcommittee of misuse and subversion of the classification system: A note circulated among service chiefs complaining that too many papers with a Top Secret classification were being passed about and suggesting a reduction of the classification's use, was labeled—you guessed it—Top Secret.

Classification of so much rubbish cheapens the security labels and people begin to lose respect for them.

As Chairman of the Freedom of Information Subcommittee, the objective I seek is to reduce the number of classified documents and increase the penalty for overclassification and the penalty for divulging documents really vital to National security.

The most unique solution and the one I presently favor, with some refinements possibly, is something like the following.

We would introduce legislation creating a classification system with only two categories, Top Secret and Secret, thus dropping the third used now, Confidential.

Anything labeled Secret would become public information in two years. Those items labeled Top Secret would become public information in three years.

Prior to the expiration of the three-year period, any revelations of Top Secret documents, even without an intent to harm the United States would be a felony with severe punishment.

Similarly the revelation of any Secret information before the two year period, even without intent to harm the United States, would be a misdemeanor with a less severe penalty.

Along with the restructuring of the classification system, I would create a congressionally appointed commission as a classification board of appeals and classification advisor.

The Classification Commission might be composed of ten classification experts—six named by the majority leaders of the Senate and House and four named by the minority leaders.

Should an item deserve to be classified for longer than three years, say our defense plans in case of a nuclear attack, the classifying authority would go to the Commission and make the case for a continued classification.

If, but only if, the Commission determined that the classification should be continued, would the revelation of such documents be a crime.

Conversely, the Commission could act as a judge for somebody who gets ahold of a document which he believes to be improperly classified—say another set of Pentagon Papers—and which he wants to publish or talk about in public.

The Commission can advise him that it should remain classified or it can say that you are right, our staff experts agree that this item no longer deserves to be kept from the public and feel free to use it as you will.

Next year my Subcommittee will hold an extensive review of the five years of the Freedom of Information Act. My staff has been compiling reports on refusals of legitimate requests for information, court cases filed under the Freedom of Information Act, and other pertinent data—which by the way we will publish before the hearing as a general history of the Act—to show that we must go further legislatively to insure the right of the public to know.

When the right of the public to know is pitted against the power of the government to operate in secrecy, far removing the factor of responsibility, you will find Bill Moorhead with the Neil Sheehan's and the Drew Pearson's.

This country belongs to its people—and if that fact is sometimes forgotten by public officials—it is the responsibility of the Drew Pearsons and the Neil Sheehans of this world to remind them.

Washington is a fertile field for investigative reporting and it will continue to be so, long after anyone of us is here to read the newspapers.

And it takes a Neil Sheehan digging and researching and investigating to remind those, who may have forgotten, that the price of liberty is eternal vigilance.

I think that Neil Sheehan's courageous act and the public's outcry against the attempt to gag the New York Times will mean that government will be a little more wary of treating the press as the enemy.

But the mere absence of hostile action on the part of the Executive is not enough.

Affirmative action is needed to end this secrecy in the Executive branch of government.

What I propose is an alliance between the legislative branch and newsmen—an alliance aimed at ending unnecessary secrecy in government—an alliance dedicated to the necessity, for a workable democracy, of the peoples' right to know.

The first steps in forging this alliance could be taken in the hearings next year on the Freedom of Information Act before my Subcommittee.

The goals of an investigative congressman and an investigative journalist are not dissimilar.

The peoples representatives in Congress cannot properly legislate without information now being withheld from them.

The people cannot judge the performance of the legislative branch or the Executive branch unless they are adequately informed by the news media.

The problem is basic and fundamental, constitutional and political. But as former Justice Goldberg said before our Subcommittee:

"Often it takes a dramatic event to bring a serious public problem to national attention."

For that dramatic event, the nation should be grateful to our investigative journalist of the year—Neil Sheehan.

TECHNOLOGY ASSESSMENT AND THE CONGRESS

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, in recent years the Congress has had to deal, with increasing frequency, with a number of questions arising from rapid advances in science and technology. These questions range from nuclear power to detergents, from the SST to the air bag, and from the Alaska pipeline to the computer.

Many of these questions require that the Congress carefully balance the progress that can be attained by proceeding with a particular technological project against the adverse effects that will be encountered as a result.

Furthermore, as we have seen in the last few years, these questions often come to the attention of the Congress only after a good deal of damage has been done, after funds from the public purse have unnecessarily been spent, or after better technology has been developed elsewhere.

In order to deal with these types of questions, I believe that the Congress can and should have available an improved capacity to assess the probable impacts of technology, good and bad. The issue of how such information might be obtained has been addressed by the Committee on Science and Astronautics during the last several sessions of Congress. The Subcommittee on Science, Research, and Development, which I have the privilege to chair, has heard a number of expert witnesses on this subject, and has concluded that an Office of Technology Assessment should be established to provide appropriate evaluations to the Congress.

The Office of Technology Assessment, which we propose, would work closely with the two organizations already established to provide information and advice for the Congress; the General Accounting Office and the Congressional Research Service of the Library of Congress. It would, however, undertake a function not now performed by either of them within their established areas of responsibility. This function is the evaluation of the plus and minus impacts of technology in the broadest sense, a function which is summed up by the term "Technology Assessment." The details of this proposal are found in the bill H.R. 10243, and House Report No. 92–469 which accompanied the bill as reported.

One important point which I would urge my colleagues to bear in mind about this bill is that the Office of Technology Assessment—OTA—would in no way alter the hearing system. The basic ideas behind the OTA are to permit congressional committees to seek its aid as a supplement to current methods of inquiry, and to permit committees of both Houses to begin considerations of any technological matter or issue at a higher plateau of understanding and information—not on the question of whether the technology involved is itself good or bad, but with regard to the likely effects of the proposed use of that technology.

The types of problems with which the Office of Technology Assessment should provide help in the future are not difficult to identify. I should like to indicate briefly, by way of example, some of our past and present problems which would have been amenable to this sort of assessment.

Before I begin, I would like to point out that the need for technology assessment is not a new problem to this country. One of the earliest examples of Government concern with a serious technological problem dates back well over a hundred years to the year 1824. The new technology in question then was the use of steam engines to power boats, and the problem which came to the fore was the frequent explosion of that type of engine.

In 1824, the engine on the steamboat *Aetna* exploded in New York Harbor, killing 13 people and causing many injuries. Congress took notice, and a resolution was introduced in the House calling for an inquiry into possible legislation barring the issuance of a certificate of navigation to any boat operating at high steam pressures. However, no further action was taken at that time.

Steam boilers continued to explode, and as a result, public demands that something be done increased. Action was finally taken in 1830 when the executive branch awarded the first Government research grant to the Franklin Institute of Philadelphia to study steam boiler explosions. The results of this research eventually led to provisions for inspections and standards of construction for steam boilers of all types.

In this early case, Congress was unable to respond effectively and it fell to the executive branch to evaluate the impact of the new technology and find a solution to the resulting problem. For the most part, that same pattern has continued over the years. Congress has not, to any significant degree, exercised a leadership role when it comes to anticipating the problems and opportunities raised by scientific and technological developments.

Let me now turn to some much more recent examples of technological questions that have come before the Congress. In each of these it is clear that Congress could have done, or could do, a better job if we had an improved capability to assess independently the effects of the technology in question.

The congressional deliberations on the supersonic transport—SST—are still fresh in the minds of most of my colleagues. The Congress first provided funds for the SST in August of 1961 with an appropriation of $11 million. Following President Kennedy's declaration in 1963 that the development of the SST jointly by industry and Government was a national objective, the annual appropriations by the Congress passed the $100 million mark.

It was only in 1967 and 1968, however, that a whole series of environmental and economic questions, which eventually led to cancellation of the program, were raised. The environmental questions included the sonic boom, the takeoff noise level, stratospheric water and carbon dioxide accumulation, instability of the ozone layer, and inadvertent weather modification. The economic aspect was related to questions of aircraft productivity, market potential, and competition from the British-French and Russian SST's. A variety of social and psychological factors were also evident, including the concept of premium transportation for the affluent, as well as possible public disenchantment with a transport system which eliminated all sense of travel. There seems little doubt that an Office of Technology Assessment could have provided valuable assistance to the Congress not only in resolving the serious questions of policy which arose, but also in anticipating many of these questions before the project went as far as it did.

An issue which has similarly been of great interest to many of the Members of this body, although it has not yet involved specific legislation, is the oil pipeline in Alaska. This pipeline would carry oil from the North Slope 800 miles across the State to a port on the southern coast.

Opponents of the project have stressed the dangers of an "ecocatastrophe" which would result from a break in the pipeline due to an earthquake or to a melting of the permafrost in the ground below the pipe, a possibility which is enhanced by heating the oil to 170 degrees in order to facilitate the flow through the pipe.

Those favoring the pipeline have maintained that each of these problems can be solved by appropriate engineering, and that the projected demands for energy by the American economy necessitate exploitation of the North Slope oil.

Recently, alternatives to the pipeline, in the form of tankers through the Arctic Ocean or a pipeline through Canada, have been proposed. The latter, of course, involves major political considerations as well as economic and social ones. It is not inconceivable that still other alternatives, as well as new problems, will be brought forward in this debate.

Again I suggest that Congress is not now well-equipped to evaluate many of these questions, to be informed on the possible consequences of each of the proposed alternatives, and thus be in the best possible position in making its judgments. An Office of Technology Assessment would assist the Congress in each of these areas.

While I am on the subject of transporting oil, I am reminded that there is a further troublesome assessment problem with which the Congress may have to deal involving the so-called supertankers. These are the giant, outsized, oceangoing vessels whose sheer bulk dwarfs anything that we have had up until the last few years.

The physical and ecological side of this matter has been graphically demonstrated by the *Torrey Canyon* affair and a variety of similar spillage episodes since that time. But there are many other considerations to be taken into account as the trend toward the building of supertankers continues in response to the enormous demands of the civilized world for energy and petroleum products. For example, only a few harbors in the world are presently able to adequately handle these monster ships, with the result that there is growing discussion about building facilities on offshore islands to accommodate them.

It is not difficult to guess at the sort of issues which this move might raise. As is the case with the Alaskan pipeline, economic and social, as well as physical and political, considerations would come to the fore.

A very high percentage of the issues which face our country have some sort of technological content which requires assessment. Two which readily come to mind are the concerns surrounding the rapid development of mobile homes and the so-called "community antenna" television proposals.

Modern technology has made the mobile home an extremely popular product, yet widespread use of such homes is creating, and will continue to create, marked changes in the physical and social structure of the Nation. Without trying to enumerate all the ways in which mobile home technology may one day demand congressional attention, I do want to point out that we in the Congress can expect to devote considerable time in the future to this technology since the entire concept is so strongly immersed in interstate commerce.

With regard to community antenna television, sometimes called cable assisted television, we may soon be dealing with a developing technology which will make it possible for every American community to have something like 50 to 75 television channels instead of the present four or five which are allocated to large urban areas and the one or two which are allocated to the more moderate sized cities.

Again, I do not believe it is necessary to pinpoint individual issues which may arise in this connection, but we can be fairly certain that the Congress will become involved in it. In addition to its responsibility for the regulation of interstate commerce and the electromagnetic spectrum, research into the economic and social ramifications of CATV—plus their careful assessment—are likely to require governmental enunciations of policy.

Still another important issue centers around computers. No one today doubts the enormous benefits which our society has derived from the computer. Furthermore, most would agree that we are just at the beginning of the computer era and that untold future applications have still to make their appearances in our society.

The increased use of computers, however beneficial, does also pose problems. One aspect which has already received congressional attention is the invasion of the individual's privacy vis-a-vis the establishment of comprehensive data banks. The use of such data banks in the credit information field has already resulted in some cases of unauthorized disclosure of personal information.

The combination in a central data bank of credit information, medical information and tax information poses the potential threat of a further invasion into the individual's privacy by the computer. We must, therefore, carefully assess the advantages to be gained from centralization of data systems and weigh them against the potential hazards which misuse can produce.

The protection of privacy problem was not fully recognized until the computer had been with us for some time and some damage had already occurred. In other cases, the expected threat, as predicted by those potentially affected, did not in fact materialize. The computer also offers an example of this.

In the 1950's the computer was introduced into the production process both on the factory floor and in the office. Many feared that this process, which was commonly referred to as "automation," would eventually lead to mass unemployment. With the benefit of hindsight, we can now see that this assessment of computer technology was, at the least, overstated. Increased productivity led to increased demand, while the computer industry itself produced large numbers of entirely new jobs. Information about such gradually emerging technological effects should be available to Congress from the most neutral source possible. The OTA offers, I believe, the best immediate solution of this need.

Furthermore, I would like to emphasize that this is a need which is bound to grow in future years. The rapid developments in science and technology which we have witnessed in the last 25 years will continue at an even more rapid pace between now and the year 2000.

Already, new technologies are with us which have the potential for deeply affecting our national life.

These include mass-produced housing, the video telephone, agricultural innovations, the electric automobile, and so forth. In the longer perspective, new technologies are on the horizon which promise even further changes in our society. Among them are weather modification, new medical technologies and services, genetic manipulation, and potent new drugs.

Of particular significance is the search for new technologies to assure adequate, clean energy sources for the future, and the search for useful materials to satisfy human needs, both of which are likely to need careful assessment.

It is the considered opinion of those of us who serve on the Committee on Science and Astronautics that the Congress must play an important role in dealing with the potential benefits and problems arising from these new technologies. It is a responsibility we cannot evade. And we solicit the help of all the Members of the House so that we may carry out this responsibility to the fullest.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1972

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter and tables.)

Mr. MAHON. Mr. Speaker, under leave granted, I include herewith for the information of the House a copy of the joint resolution which I introduced today, making further continuing appropriations for the current fiscal year, together with a statement in explanation of the provisions of the resolution:

H.J. RES. 1005

Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the joint resolution of July 1, 1971 (Public Law 92–38), as amended, is hereby further amended as follows:

(1) Section 102 is amended to read:

"SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation which is available for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation act by both Houses without any provision for such project or activity, or (c) March 15, 1972, whichever first occurs."

(2) Section 108 is amended to read:

"SEC. 108. Except as hereinafter provided in this section, and notwithstanding the provisions of any other sections of this joint resolution, obligations incurred hereunder for foreign economic assistance, military assistance and sales, security supporting assistance, the Overseas Private Investment Corporation, and activities provided for in titles III and IV of H.R. 12067, 92d Congress, shall not exceed the lowest of (i) the rate for operations which would be authorized under H.R. 9910, 92d Congress, as passed by the House, (ii) the rate for operations which would be authorized under S. 2819 and S. 2820, 92d Congress, both as passed by the Senate, or (iii) the rate for operations which would be provided by H.R. 12067, 92d Congress, as passed by the House: *Provided*, That military credit sales to Israel may be conducted at not to exceed the rate for operations provided for under section 101 (d) of this joint resolution: *Provided further*, That foreign military sales activities (other than with respect to Israel) may be conducted at a rate of operations not exceeding $175,000,000; *Provided further*, That activities for the Indus Basin development fund (loans), administrative and other expenses (other than section 637(a)), the Overseas Private Investment Corporation, the Peace Corps, Ryukyu Islands administration, assistance to refugees in the United States, migration and refugee assistance, the Inter-American Development Bank, and the Export-Import Bank of the United States may be conducted at not to exceed the rates which would be provided for under H.R. 12067, 92d Congress, as passed by the House."

(3) by adding a new section as follows:

"SEC. 109. Notwithstanding section 102 of this joint resolution, as amended, emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, may continue to be conducted at a rate for administrative operations not to exceed the fiscal year 1971 rate."

SEC. 2. This joint resolution shall take effect December 9, 1971.

EXPLANATORY STATEMENT ON THE HOUSE JOINT RESOLUTION MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE PERIOD DECEMBER 9, 1971–MARCH 15, 1972

THE UNFINISHED APPROPRIATIONS BUSINESS

The fiscal year 1972 continuing resolution—Public Law 92–28—as thrice extended, expired last Wednesday, December 8. An extension is needed to cover—

First. The defense appropriation bill, H.R. 11731, awaiting final conference action early this week.

Second. The District of Columbia appropriation bill, H.R. 11932, likewise awaiting final conference action early this week.

Third. The foreign assistance appropriation bill, H.R. 12067, which passed the House December 8—but which is not scheduled for Senate action until early next session because of a conference deadlock on the related authorizations, S. 2819 and S. 2820.

Fourth. Fiscal year 1972 authorizations and appropriations that have not been finalized for the following ongoing programs that have been operating since July 1 under the continuing resolution—

First. Radio Free Europe and Radio Liberty—$32.2 million in final supplemental but contingent on enactment of authorization legislation still pending.

Second. American Revolution Bicentennial Commission—$1.4 million in final supplemental but contingent on enactment of authorization legislation still pending.

Third. Emergency school assistance activities—operating at not to exceed last year's rate; authorization legislation passed House as part of H.R. 7248, Higher Education Act Amendments, but still pending.

PROVISIONS IN THE CONTINUING RESOLUTION (OTHER THAN FOREIGN ASSISTANCE)

Section 2 mends the gap between the time the previous resolution expired—December 8—and the date of approval of this new resolution by making it effective December 9.

Subparagraph (1) rewrites section 102 to incorporate the new expiration date of March 15, 1972, in clause (c) and by adding the words "which is available" in clause (a), assuring interim continuation of Radio Free Europe and Radio Liberty and the American Bicentennial Revolution Commission.

Radio Free Europe and Radio Liberty would continue, for the time being, at not to exceed last year's rate of $31.6 million, as compared to the $32.2 million in the supplemental bill. The Bicentennial Commission would continue, for the time being, at not to exceed last year's rate of $670,000, as compared to the $1.4 million in the supplemental bill.

Subparagraph (3) would add a new section 109 to permit emergency school assistance activities to continue to operate, for the time being, at not to exceed last year's rate—but limited to administrative operations only—pending final disposition of the question of authorization. They have operated since July 1 under the continuing resolution at not to exceed last year's appropriation rate of $75 million. We are advised that approximately $73 million has been obligated this year. Section 109 does not enlarge the interim appropriation; it merely extends its time period.

CONTINUATION PROVISIONS FOR FOREIGN ASSISTANCE

Subparagraph (2) rewrites section 108 of the expired resolution to incorporate a new set of ground rules with respect to the interim rates for operations for foreign assistance and related activities for which provision would be made in the foreign assistance appropriation bill, H.R. 12067, passed by the House last Wednesday, December 8.

From July 1 to November 15, these activities basically operated at not to exceed the lower of the fiscal year 1971 rate or the fiscal year 1972 budget estimate rate—section 101(b) of the continuing resolution. Under section 101(d) of the continuing resolution, military credit sales to Israel were authorized to be conducted at not to exceed the fiscal year 1971 level which was $500,000,000, that had been appropriated in the Supplemental Act for 1971, Public Law 91–665, based on authority in section 501 of Public Law 91–441.

From November 16 to December 8, the interim rate for operations was stepped down by roughly $700 million through addition of section 108 in the last extension of the continuing resolution. Section 108 cranked into the "lower of" formula the authorization bills passed by the two Houses—H.R. 9910 and S. 2819 and S. 2820.

The new continuing resolution, in the rewritten section 108—with the exception of military credit sales to Israel, and several items not dealt with in pending authorization bills, discussed below—drops any reference to the fiscal year 1971 rate or the fiscal year 1972 budget rate and instead hitches the interim rates to the lowest of—

First. The applicable rate in H.R. 9910, the House authorization bill.

Second. The applicable rate in S. 2819 or S. 2820, the Senate authorization bills, or

Third. The applicable rate in H.R. 12067, the House foreign assistance appropriation bill.

The interim rates for items not involved in pending authorization bills are hitched to "not to exceed" the rates that would be permitted under H.R. 12067, the appropriation bill as passed by the House. They are:

Indus basin development fund, loans—sharply below budget: slightly below last year.

State administrative expenses—below budget; slightly above last year.

OPIC—same as budget; slightly over last year.

Peace Corps—sharply below budget and last year.

Ryukyu Islands administration—below budget; below last year.

Cuban refugee program—sharply below budget; below last year.

Migration and refugee program—same as budget; above last year.

Inter-American Development Bank—sharply below budget and last year.

Export-Import Bank—same as budget; sharply above last year.

These items are dealt with in the last proviso of section 108.

MILITARY CREDIT SALES

The new continuing resolution has these two provisos:

> *Provided*, That military credit sales to Israel may be conducted at not to exceed the rate for operations provided for under section 101(d) of this joint resolution: *Provided further*, That foreign military credit sales activities (other than with respect to Israel) may be conducted at a rate of operations not exceeding $175,000,000:

The first proviso merely continues unchanged, for this interim period, the authority that has been in the continuing resolution since July 1, which authorized a fiscal year 1972 rate of "not to exceed" the fiscal year 1971 appropriated rate; namely, $500 million—worldwide, including Israel, the total fiscal year 1971 appropriation was $700 million.

The fiscal year 1972 budget estimate is $510 million, worldwide, with no separate earmarking for Israel. The amount tentatively programed by the executive branch for Israel exceeds 50 percent of this sum and since this is considerably less than the $500 million authorized rate in the continuing resolution, the program of the executive branch is considerably below the authorized rate.

It should be pointed out that while the executive branch under the pending resolution is authorized to proceed during the interim period at the level not to exceed $675 million for worldwide military credit sales, the House foreign aid authorization bill, H.R. 9910, provided for only the budget estimate of $510 million.

The House appropriation bill, H.R. 12067, provided an appropriation of $510 million.

The Senate authorization bill provided for an authorization of $400 million for worldwide military credit sales.

Nevertheless, as stated, under this resolution the maximum interim rate available to the executive branch is $675 million for military credit sales worldwide. This is not to say that the rate will be at that level because the executive branch is proceeding at a rate of about $300 million for military credit sales to Israel despite the availability of an authorized level not to exceed $500 million.

It must borne in mind that funds expended during the life of a continuing resolution are always charged to the final appropriation bill whenever it is enacted into law. And this will determine the final total of funds which may be available for expenditure for military credit sales during the current fiscal year.

It should be pointed out that the continuing resolution as amended expired on November 15. It was renewed effective is of that date. In the renewed continuing resolution, section 108 was added which had the effect of setting an interim rate for military credit sales worldwide of not to exceed $400 million. Such resolution, of course, expired as of December 8 and for this interim of 23 days the maximum rate for military credit sales worldwide was $400 million.

As of October 31 only $30 million had been obligated for military credit sales. This is typical of the operation of the sales program. Usually the authorization and appropriation come late in the fiscal year and normally obligations for the program fall heavily in the latter part of the fiscal year.

FOREIGN ASSISTANCE TOTALS IN CONTINUING RESOLUTION

Rates for operation are determined by by applying the "lower of" ground rules and the special provisions on an individual program and activity basis in line with the appropriation structure. The aggregate appropriation rate with respect to this new continuing resolution—December 9–March 15 period—as it relates to foreign assistance and related programs is $2,648,255,000 with respect to titles I and II of H.R. 12067, which deal with foreign economic, supporting, and military assistance and sales, and $2,979,161,000 for the resolution as a whole.

This is $24,300,000 below the total of H.R. 12067.

It is $1,255,000 above the Senate authorization totals.

It is $1,363, 474,000 below the budget requests.

And it is $833,096,000 below last year's appropriations.

Pertinent comparisons are:

	Titles I and II	Other	Total
This resolution	$2, 648, 255, 000	$330, 906, 000	$2, 979, 161, 000
The appropriation bill	2, 672, 555, 000	330, 906, 000	3, 003, 461, 000
Senate authorization	2, 647, 000, 000	NA	NA
House authorization	3, 443, 350, 000	NA	NA
Budget estimate	3, 595, 218, 000	747, 417, 000	4, 342, 635, 000
1971 appropriation	3, 142, 685, 000	669, 572, 000	3, 812, 257, 000

For simplicity and ease of identification, these amounts are the specific new authorizations or new appropriations and thus exclude certain estimated receipts, reimbursements, and reobligational resources available for operations, principally—though not entirely—in development loan programs. The agency had this type authority last year; it was proposed in the budget estimates; it has been available this year under the continuing resolution; H.R. 12067 would continue it; and it is intended that it continue to be available, as usual, during the interim covered by this extension resolution. Very roughly, something like $447 million is involved this year.

REPORT ON THE FIRST SESSION OF THE 92D CONGRESS

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, at the end of each session I summarize the activities of Congress, reprint it from the Congressional Record at my expense, and mail it to constituents so that they might have at least a brief summary. Of course, I cannot cover the status of all of the hundreds of thousands of bills in the Congress but I will include those bills and activities which I believe to be of the most importance or interest. Following is the summary:

SUMMARY OF CONGRESSIONAL ACTIVITIES

HEALTH AND WELFARE

Public Law 92–   the National Cancer Act, specifically declares that additional Federal resources will be used to aid in the search for a cure for cancer and authorizes the National Cancer Institute to establish 15 new centers for clinical research, training and advanced diagnostic and treatment methods relating to cancer. Actually this authority has existed anyway. Congress has been appropriating more money than the Administration requested for these purposes but now the Administration is at least committed on the record to a greater effort.

Money alone will not, at this time, provide a cure and answers which can only be supplied by basic research are still needed before developing the cure for this dreaded disease. It is for this reason that basic research is still important and my amendment to increase basic research funds last year was passed and used.

Public Law 92–5 includes a provision increasing Social Security benefits by an average of 10 percent, effective January 1, 1971.

Public Law 92–32 amends the Child Nutrition Act to continue and expand the program under which the Federal Government provides financial assistance to states and local school districts for breakfasts for needy children.

Public Law 92–35 provided an emergency appropriation of $17 million to finance the summer feeding program for needy children and directed the Administration to finance the programs developed by local agencies.

Public Law 92–153 was passed by Congress to prevent an effort by the Administration to reduce financial support for the School Lunch Program and to reaffirm the policy, established by Congress last year, that the program should provide meals to as many needy children as possible.

H.R. 1 (passed the House, pending in the Senate) contains the Administration's welfare reform proposal. The bill would establish uniform Federal standards for administration of the welfare program, including a basic minimum rate, and require that employable applicants register for work or training before being eligible for benefits. The bill would also make improvements to the Medicare and Medicaid programs and provide a 5-percent increase in Social Security benefits, effective June, 1972.

The House passed this bill in June but the President, during his mid-August announcement on the wage-price freeze, stated that he wanted Congress to delay action on this bill. If the Senate acts on this legislation during 1972, almost certainly some changes will be made in the bill as passed by the House.

ECONOMIC POLICY

Public Law 92–15 includes a provision extending until May, 1972, the authority contained in the Economic Stabilization Act of 1970 giving the President stand-by authority to impose wage and price controls.

When the President signed the 1970 law, he said he was against the use of wage and price controls and would not exercise the standby authority. However, last August the President used this authority to establish a 90-day wage-price freeze.

Public Law 92–9 extends for two years the interest equalization tax on the sale of foreign securities in this country. This law is designed to help deal with the balance-of-payments problem.

Public Law 92– continues the provisions of the Economic Stabilization Act, with some changes, through April, 1973. This legislation was requested by the Administration in connection with "Phase Two" of its economic program.

TAXATION AND REVENUE

Public Law 92– the Revenue Act of 1971, is designed to improve the Nation's economy by providing tax reductions for individuals and tax incentives for business. The law increases the personal exemption for Federal income tax purposes, liberalizes deductions for child care expenses, repeals the excise tax on cars and light-duty trucks, provides for a 7 percent investment tax credit to encourage purchases of new machinery, establishes a tax credit for employers who hire persons on a long-term basis through the work incentive program and provides a tax-deferral incentive for U.S. firms to increase their exports.

The President said he would veto this bill if it contained a provision, added in the Senate, which would have allowed persons to allocate $1 of their Federal income tax to the political party of their choice for use during the 1972 presidential election. A joint House-Senate Conference Committee, which drafted the final version of this law, modified the Senate amendment to make it apply to the 1976 presidential election.

EDUCATION

Public Law 92–157, the Health Manpower Training Act, continues and expands the Federal programs for assistance to students preparing for a career in the medical profession and for grants to schools of medicine for the construction of teaching and other facilities. The law provides for Federal assistance in starting new schools and also grants to schools of dentistry, osteopathy, veterinary medicine, optometry, podiatry and pharmacy in ratio to the number of students.

Public Law 92–158, the Nurse Training Act, provides for continuation of the Federal student assistance program for nurses and establishes new programs for startup grants for schools of nursing, loans for construction assistance and for grants to schools of nursing based on the number of attending students. It is hoped that the law will increase the number of nurses in this country by about 300,000 in the next 10 years. Although the Administration opposed funding the grants to nursing schools, we appropriated $31.5 million for this purpose. I am convinced we are going to become even more dependent upon an adequate supply of nurses in overcoming the health care problems.

I have proposed that the new health care legislation permit payments to nurses—practitioners who provide services delegated by or under the direction of a physician even though the physician is not present at all times. This would permit them to operate a well baby clinic, make house calls on the elderly, give penicillin shots and do many things, provided they have access to a physician's advice at all times by telephone, radio or other modern means.

Both the House and the Senate passed bills to assist colleges and universities and to improve the Federal student assistance programs. The House version of the bill also includes a number of provisions banning the use of Federal funds for the busing of students to achieve racial balance. A joint House-Senate Conference Committee will meet next session to resolve differences in the two bills and work out the final draft of a higher education bill.

ENVIRONMENT

Public Law 92—extends the authorization for the current Federal water pollution control program until next year. The Senate has passed a bill containing major improvements to this program and which is designed to clean up all the nation's rivers and lakes by 1985. The Administration, however, has raised objections to this bill and the House will be considering the alternatives to improving the water pollution control program during the next session.

Public Law 92–175 increases to $250 million the annual authorization for water resources research centers.

Public Law 92– gives the Department of Interior authority to protect wild and free-roaming horses and burros in the Western United States to save them from extermination.

Strip Mining

Some attention is now being directed toward requiring the replacement of top soil and leveling of strip mining operations. I first proposed this ten years ago but there has been little public interest. I believe such a law may pass within the next year or two.

S. 1113 (passed the Senate, pending in the House) would establish a National Environmental Center and a system of environmental laboratories to conduct research and make recommendations on ways to protect the natural environment.

RED ROCK LAKE

A new study is underway to determine the level at which Red Rock Lake should be held during the recreation season. It has been proposed that the level be lowered following the spring rains to about 730 feet above sea level rather than 725 and left at that level most of the recreation season. It could be reduced in preparation for a flood and also be used to supply more water below the dam in a very dry year.

The Corps of Engineers has promised to have buoys for boaters in place this next spring and to at least get started on other improvements including better facilities for boats and log removals. Constant attention is being given to keep their attention directed toward improvements.

Actually, the west end of the reservoir turned out to be shallower than had been expected when the 725-foot level was set in 1962. There were some errors in the unrefined maps they used at that time.

Some people made preposterous claims that adverse results would occur from holding the reservoir at a slightly higher level during the recreation season. There was even one claim that it would "wipe out" the wildlife refuge. These and other matters will be the subject of a study to be completed by September. Although the Corps has indicated a prejudice against the higher level and is known to have staff people who are not recreation-minded to say the least, it is hoped they will be objective enough to set forth both the good and adverse results to be expected.

AGRICULTURE

H.R. 1163 (passed the House, pending in the Senate) is my bill to establish a reserve (or "food bank") for wheat and such feed grains as corn. It would provide for better management of our reserves of grain. Some grain would be purchased and insulated from the market when there is a surplus so it would be available during times of short supply. The Department has now agreed to buy some of the surplus and this bill would also tighten up the purchase and resale guidelines to protect against unpleasant experiences of the past. This bill is designed to aid the farm economy by keeping grain prices from dropping so far in good crop years and to protect consumers by making sure that an adequate supply of wheat and feed grains is on hand in case of an emergency. It also contains other features to promote U.S. exports of grain.

Despite strong opposition by the Administration and a few large grain merchandizing interests, H.R. 1163 passed the House on December 8th. The Senate did not get the bill voted upon before adjournment, but I am hopeful that it will be approved there early next year.

Even though the Administration opposes the bill, debate and movement on the proposal have already forced them to make some moves to reduce the financial pressure on mid-western farmers.

Public Law 92–12 amends the Rural Electrification Act to establish a Rural Telephone Bank to finance rural telephone cooperatives by selling obligations to the public, instead of through direct appropriations by Congress.

Public Law 92–138 extends the Sugar Act. The purpose of this law is to authorize entering into contracts guaranteeing both the price and supply of sugar for U.S. consumers.

Public Law 92– the Farm Credit Act, seeks to aid the farmer-owned cooperative system which makes credit available to farmers and farm cooperatives by modernizing and consolidating the existing farm credit laws to assure an adequate and flexible flow of money into rural areas.

Public Law 92–152 authorizes the Department of Agriculture to cooperate with other Western Hemisphere nations to control livestock epidemics such as the epidemic of sleeping sickness in horses.

H.R. 10729 (passed the House, pending in the Senate) would prohibit the sale or distribution of any pesticide unless it has been registered with the Environmental Protection Agency. The bill up-dates the existing Federal pesticide registration law in a variety of ways and includes a provision under which pesticides are to be classified for general use or restricted use. Many pesticides now on the market, including some used by housewives, could be sold only to persons securing an "applicators" license.

SST

Public Law 92–7, which provided appropriations for the Department of Transportation, includes a provision cutting off funds for further development of the supersonic transport plane. Work on the American SST has now been halted.

FOREIGN AID

In a surprise move, a combination of those opposing economic aid and those opposing military aid in the Senate voted against authorizing about $2.9 billion in foreign aid funds. Although the program has been sharply reduced, this was the first time since the late 1940's that either House of Congress rejected a foreign aid bill. Both the House and the Senate later passed scaled-down foreign aid proposals.

The Senate vote against foreign aid set off a prolonged debate including the way in which the foreign aid program is administered and the value of military assistance as compared to economic aid. There are examples where economic aid seems to have helped people while there are others where it resulted in resentment toward us. There are also examples where military aid help provide stability during a period of development while in other cases the results were not good. There seems to be general agreement that some kind of combination foreign aid program will continue, but there will also be disagreement over what sort of program it should be.

FOREIGN AFFAIRS

The Senate ratified a treaty with Japan returning Okinawa to Japan in 1972 but permitting the United States to retain its military bases on the Island.

Public Law 92–135 authorizes continuation of the Peace Corps, which now has more than 6,000 volunteers serving abroad.

VIETNAM

Public Law 92–156, the military procurement law, includes a modified version of the so-called Mansfield Amendment which declares it to be the "policy of the United States" to end all U.S. military operations in Indochina as soon as possible. The amendment also calls upon the President to set a final date for withdrawal of all U.S. troops from Indochina, provided North Vietnam agrees to release U.S. prisoners of war.

The President signed this legislation into law, but said he would ignore the provisions of the Mansfield Amendment.

NATIONAL DEFENSE

Public Law 92–129 extends the Selective Service Act until July, 1973, and provides for a $2.4 billion increase in pay and allowances for members of the Armed Forces, including a 100 percent increase in basic pay for those just entering the service. It is directed at recruiting enough volunteers so the draft will not be used. While it is too early to determine to what extent it will be successful, reducing the financial hardship servicemen in the lower ranks have suffered is bound to help.

LAW ENFORCEMENT

Public Law 92–31 extends the Juvenile Delinquency Prevention and Control Act under which the Federal Government provides financial assistance to state and local law enforcement agencies to deal with this problem.

Public Law 92–13 increases the financial authorization for the Commission on Marihuana and Drug Abuse. The Commission is conducting a comprehensive study on how better to deal with the marihuana and drug abuse problem.

ELECTION REFORM

Both the House and Senate passed legislation limiting campaign expenditures in elections for Federal office and providing for greater disclosure of election expenditures and contributions. As of today, a joint House-Senate Conference Committee is working out details of the final version of the bill.

There has been a growing demand for election reform legislation. I personally feel that action in this field is needed, and that it is very serious and very bad to have so many campaigns financed primarily by persons of enormous wealth or by special interests who therefore obtain an opportunity to have undue attention paid to their points of view.

I believe average citizens pay dearly when a person can no longer be elected or afford to serve unless he is personally wealthy or beholden to some special interest. No one has suggested a foolproof way to fully protect against this but at least an effort is being made to improve the situation.

ANTIPOVERTY

Congress passed, but the President vetoed, legislation extending the antipoverty program for another 2 years, establishing a new child day care program and setting up a new National Legal Services Corporation designed to insulate the administration of the current Legal Services Program from outside pressures.

The President vetoed this bill because he objected to child day care program. After the veto, Congress passed stop-gap legislation continuing the antipoverty program until next July in its present form.

CIVIL RIGHTS

Public Law 92–64 increases the amount of money which may be appropriated for activities by the U.S. Civil Rights Commission.

Public Law 92–128 repeals a provision of the Internal Security Act under which the Government had authority to establish so-called "emergency detention camps." This authority was never used and many felt that the law which was repealed was unconstitutional.

S.J. Res. 7 provides that persons 18 years or older shall have the right to vote in Federal, state and local elections. This bill, which is now the 26th Amendment to the Constitution, was approved by Congress in early 1971 and ratified by the necessary number of states on July 1, 1971.

LEGISLATIVE REORGANIZATION

At the beginning of this Congress, the Democratic majority caucus in the House which selects the chairmen of the various committees, adopted the recommendations of a special 11-member committee, of which I am a member, dealing with changes in the rules concerning the seniority system. The new rules require that each committee chairman be elected by a vote of the members, and that seniority need not be followed in selecting the chairman of a committee. Specific provisions were made to assure a secret ballot and that any member can be a candidate. Also, in order to spread the work of the House, the new rules prohibit a Member from being chairman of more than one subcommittee.

LABOR

Congress passed, but the President vetoed, a bill that would have established an accelerated public works program to reduce unemployment by providing Federal assistance for the construction of such public works facilities as sewage treatment plants.

Public Law 92–54, the Emergency Employment Act, establishes a 2-year program to reduce unemployment by providing Federal assistance to finance public service jobs with state and local agencies. The law requires that the jobs involve services that are needed and that the "make work" approach be avoided. A total of $1 billion was appropriated for this program during the fiscal year beginning July 1 and programs are in force throughout Iowa.

Public Law 92–46 provides for a 10 percent increase in railroad retirement benefits, retroactive to January 1, 1971.

CONSUMER PROTECTION

Public Law 92–75 establishes a new national program to promote safety in pleasure boating and authorizes the Department of Transportation to regulate safety in the construction and operation of pleasure boats.

VETERANS

Public Law 92–   provides an increase in dependency and indemnity compensation benefits to widows, children and needy parents of veterans who died as a result of service-incurred disabilities.

Public Law 92–   provides for an average increase of 6.5 percent in non-service connected disability pensions for about 1.1 million veterans and veterans' dependents. The law also provides for an increase in outside income limitations for these pensioners so they will not suffer a pension reduction as a result of the Social Security increase approved in early 1971.

Public Law 92–95 provides mortgage protection life insurance for service-connected disabled veterans who have received Veterans Administration grants for specially adapted housing.

BUSINESS AND FINANCE

Public Law 92–126 extends until June, 1974, the operation of the Export-Import Bank, which guarantees and makes loans to promote foreign purchases of American products.

Public Law 92–70, the Emergency Loan Guarantee Act, authorized the Federal Government to guarantee loans not to exceed a total of $250 millions to firms whose failure would cause serious unemployment and adversely affect the economy. This is the bill the Administration promoted in order to make a loan to the Lockheed Aircraft Corportation.

SMALL BUSINESS

Public Law 92–16 increases by about $900 million the total amount of loans, guarantees and other obligations which the Small Business Administration may have outstanding at any one time.

GENERAL GOVERNMENT

Reorganization Plan No. 1, approved by Congress, combines the Peace Corps, VISTA (the agency for domestic antipoverty workers) and some smaller programs into Action, a single agency administering Government volunteer service programs.

Public Law 92–41 extends the Renegotiation Act for 2 years and includes a provision authorizing the Treasury Department to determine the interest rate on excessive profits by defense contractors.

Public Law 92–65 provides Federal assistance for projects designed to help rebuild the economy in "distressed" areas.

PENDING LEGISLATION

In addition to those bills which became public law, the following bills passed either the House or Senate but not both. They should receive further consideration during the next session of Congress.

S. 2097 (passed Senate, pending in House) would set up a special Federal agency to supervise and provide improved coordination for the Government's programs to combat drug abuse.

H.R. 8389 (passed House, pending in Senate) seeks to help solve the drug problem by requiring that states receiving Federal assistance under the 1968 anti-crime law develop programs for the treatment of narcotic addicts who are in prison or on parole.

H.R. 10835 (passed House, pending in Senate) would establish a Consumer Protection Agency to assure that the views of consumers are fully represented in the various departments and agencies of the Federal Government.

S. 2824 (passed Senate, pending in House) would establish a Federal inspection program under the Food and Drug Administration to assure that consumers purchase clean and wholesome fish and fish products. If enacted into law next session, this bill would be a follow-up to laws I sponsored for the inspection of meat, poultry and eggs.

H.R. 5066 (passed House, pending in Senate) amends the Flammable Fabrics Act to provide increased safeguards to protect consumers against fabrics which might cause death or injury if exposed to fire.

S. 986 (passed Senate, pending in House) provides minimum disclosure standards for written consumer product guarantees, defines minimum Federal content standards for such warranties and gives the Federal Trade Commission additional authority to protect consumers against fraud.

S. 215 (passed Senate, pending in House) would fill a gap in existing Federal law by establishing the procedures to be followed if a convention to amend the Constitution is called by petition of State Legislatures. The Constitution has never been amended in this way, but efforts to call such a convention have been made in the past.

H.J. Res. 208 (passed House, pending in Senate) is a proposed constitutional amendment providing that "equality of rights" shall not be denied on account of sex. This is generally referred to as the womans' rights amendment.

S. 1438 (passed Senate, pending in House) would protect civilian employees of the executive branch of the Federal Government from unwarranted governmental invasions of privacy.

S. 2482 (passed Senate, pending in House) would establish an Office of Indian Education and authorize additional Federal assistance for the education of American Indians.

H.R. 8805 (passed House, pending in Senate) would further prohibit sending obscene material through the mails to persons under 14 years of age.

H.R. 9936 (passed House, pending in Senate) would require that manufacturers and processors of drugs submit to the Government a list of all drugs manufactured or processed for commercial distribution.

APPROPRIATIONS BILLS PASSED BY 1ST SESS., 92D CONG., FOR FISCAL YEAR 1972 (JULY 1971 TO JULY 1972)

Departments or Agencies	Total approved	Over or under last year	Over and under President Nixon's request
1. Education	$5, 146, 311, 000	+$563, 104, 500	−$6, 875, 000
2. Legislative	557, 029, 264	+114, 124, 945	−3, 242, 858
3. Treasury-Postal Service—General Government	4, 528, 986, 690	−1, 038, 472, 210	−280, 229, 310
4. Agriculture-Environmental and Consumer Protection	13, 276, 900, 050	+3, 727, 992, 500	+1, 172, 086, 200
5. State-Justice-Commerce-Judiciary	4, 067, 116, 000	+243, 763, 700	−149, 686, 000
6. Interior	2, 250, 056, 035	215, 835, 135	+24, 612, 000
7. HUD-Space-Science-Veterans	18, 341, 325, 000	+1, 342, 850, 000	+882, 721, 000
8. Transportation	2, 730, 989, 997	−253, 630, 068	+44, 983, 000
9. Labor-HEW	23, 389, 317, 000	+5, 834, 638, 500	+735, 160, 000
10. Public Works-AEC	4, 675, 125, 000	+210, 140, 000	+59, 043, 000
11. Military Construction	$2, 037, 097, 000	$+333, 023, 000	$−92, 708, 000
12. Defense	70, 849, 113, 000	+1, 268, 411, 750	−2, 694, 716, 000
13. District of Columbia (Federal funds)	285, 597, 000	+150, 334, 000	−3, 600, 000
14. Foreign Assistance	3, 003, 461, 000	−808, 796, 000	−1, 339, 174, 000
15. Emergency Employment Assistance (H.J. Res. 833)	1, 000, 000, 000	+1, 000, 000, 000	
16. Summer feeding programs for children (H.J. Res. 744)	17, 000, 000	+17, 000, 000	+17, 000, 000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270, 500, 000	+270, 500, 000	
Net total	153, 685, 886, 521	+10, 452, 368, 697	−1, 786, 783, 968

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. O'Hara (at the request of Mr. McFall), for today, on account of illness.

Mr. Blatnik (at the request of Mr. Boggs), for today, Monday, December 13, and the balance of the week, on account of illness.

Mr. Erlenborn (at the request of Mr. Gerald R. Ford), for Monday, December 13, on account of funeral services for his mother-in-law, Mrs. Florentina Fisher.

Mr. Hall, for 7 days, on account of official business in district.

Mrs. Dwyer (at the request of Mr. Gerald R. Ford), for an indefinite period, on account of death and funeral of a former member of staff.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Steiger of Wisconsin, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. Brademas, for 60 minutes, on Tuesday, December 14, 1971; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Kyl) to revise and extend their remarks and include extraneous material:)

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Rhodes, for 5 minutes, today.

Mr. McClory, for 30 minutes, December 14.

Mr. Kemp, for 10 minutes, today.

Mr. Blackburn, for 5 minutes today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Aspin, for 30 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Caffery, for 10 minutes, today.

Mr. Matsunaga, for 5 minutes, today.

Mr. James V. Stanton, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hanna in three instances, and to include extraneous material.

Mr. Michel, immediately prior to the vote on the bill H.R. 11628.

Mr. Mahon and to include extraneous material and tables.

Mr. Holifield, and to include extraneous material.

(The following Members (at the request of Mr. Kyl) and to include extraneous matter:)

Mr. Brown of Ohio in two instances.

Mr. Steiger of Wisconsin.

Mr. Wyman in two instances.

Mr. Dickinson in three instances.

Mr. Goldwater in five instances.

Mr. Hammerschmidt.

Mr. Quillen in five instances.

Mr. Coughlin.

Mr. Lloyd.

Mr. Steiger of Arizona.

Mr. Price of Texas in two instances.

Mr. McDonald of Michigan.

Mr. Brotzman.

Mr. Frey.

Mr. Hosmer in two instances.

Mr. Bray in four instances.

Mr. Morse in two instances.

Mr. Kemp.

Mr. Quie in two instances.

Mr. Broomfield.

Mr. Kuykendall.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Gonzalez in three instances.

Mr. Foley.

Mr. Carey of New York.

Mr. Wolff in two instances.

Mr. Anderson of Tennessee in two instances.

Mr. Nix.

Mr. Dorn in three instances.

Mr. Moss in three instances.

Mr. Drinan in two instances.

Mr. Rarick in three instances.

Mr. Harrington.

Mrs. Hicks of Massachusetts in two instances.

Mr. Begich in five instances.

Mr. Daniel of Virginia in four instances.

Mr. Hungate in three instances.

Mr. Bingham in three instances.

Mr. Fraser in three instances.

Mr. Mazzoli.

Mr. Rangel in two instances.

Mr. Kluczynski.

Mr. Fountain in three instances.

Mr. James V. Stanton.

Mr. Hicks of Washington in two instances.

Mr. Purcell in two instances.

Mr. Vanik in three instances.

Mr. Rees.

Mr. Tiernan in two instances.

Mr. Cabell in three instances.

Mr. Biaggi in three instances.

Mr. Ryan in three instances.

Mr. Moorhead.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 216. An act to permit suits to adjudicate certain real property quiet title actions; to the committee of the Judiciary.

S. 1874. An act to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes to the Committee on Interstate and Foreign Commerce.

S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

S.J. Res. 173. Joint Resolution to provide for the appointment of A. Leon Higginbotham, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 174. Joint resolution to provide for the appointment of John Paul Austin as ciitzen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 175. Joint resolution to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S. Con. Res. 26. Concurrent resolution on national American Indian policy; to the Committee on Interior and Insular Affairs.

S. Con. Res. 41. Concurrent resolution authorizing the printing of the report of the proceedings of the 45th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3749. An act for the relief of Richard C. Walker and to create an additional judicial district in the State of Louisiana;

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government;

H.R. 9961. An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes;

H.R. 11341. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 11955. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 113. An act for the relief of certain individuals and organizations;

S. 248. An act for the relief of William D. Pender;

S. 1828. An act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order more effectively to carry out the national effort against cancer;

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and Dewitt John;

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes; and

S. 2887. An act authorizing additional appropriations for prosection of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On December 1, 1971:

H.R. 10947. A bill to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

On December 13, 1971:

H.R. 3749. A bill for the relief if Richard C. Walker and to create an additional judicial district in the State of Louisiana;

H.R. 6893. A bill to provide for the reporting of weather modification activities to the Federal Government;

H.R. 11341. A bill to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 11955. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

Accordingly (at 5 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 14, 1971, at 11 o'clock a.m.

EXECUTIVE COMMUNICATION, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1354. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of exports of significant defense articles on the U.S. munitions list for the period July through December, 1970, pursuant to Public Law 90–629; to the Committee on Foreign Affairs.

1355. A letter from the National Adjutant, Disabled American Veterans, transmitting the report of the Disabled American Veterans' national gathering for 1971, together with a report of the proceedings of the organization for the year ended June 30, 1971, and a report of its receipts and expenditures as of December 31, 1970, pursuant to Public Laws 249 and 668, 77th Congress (H. Doc. No. 92–183); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

1356. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the Annual Report of the Commission for fiscal year 1971, pursuant to 16 U.S.C. 715(b); to the Committee on Agriculture.

1357. A letter from the Assistant Secretary of Defense, transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, covering the first quarter of fiscal year 1972, pursuant to 10 U.S.C. 2665; to the Committee on Appropriations.

1358. A letter from the Chairman, Board of Trustees, Public Defender Service of the District of Columbia, transmitting the Annual Report of the Service for fiscal year 1971; to the Committee on the District of Columbia.

1359. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of the Determination of the President numbered 72–7 concerning the grant of defense articles and services to the Khmer Republic, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1360. A letter from the President, Overseas Private Investment Corporation, transmitting the Annual Report of the Corporation for fiscal year 1971; to the Committee on Foreign Affairs.

1361. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 24, 1971, submitting a report, together with accompanying papers and an illustration, on Lynnhaven Inlet, Bay, and connecting waters, Va., authorized by section 6 of the River and Harbor Act approved March 2, 1945; to the Committee on Public Works.

1362. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholders-employees of electing small business corporations; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Texas: Committee on Rules. House Resolution 742. Resolution providing for the consideration of House Joint Resolution 1005. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes. (Rept. No. 92–744). Referred to the House Calendar.

Mr. PATMAN: Committee of conference. Conference report on S. 2891 (Rept. No. 92–745). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report on H.R. 10367 (Rept. No. 92–746). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARMATZ (for himself, Mr. Matsunaga, and Mrs. Mink):

H.R. 12207. A bill to authorize a program for the development of tuna and other latent fisheries resources in the Central and Western Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of California (for himself, Mr. Matsunaga, Mrs. Abzug, Mr. Badillo, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Halpern, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Johnson of California, Mr. Leggett, Mr. Mitchell, Mr. Moss, Mr. Rangel, Mr. Roe, Mr. Rodino, Mr. Ryan, Mr. Sisk, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 12208. A bill to establish the Cabinet Committee for Asian American Affairs, and for other purposes; to the Committee on Government Operations.

By Mr. ADAMS:

H.R. 12209. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to improve competitive equity among surface and air transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIESTER:

H.R. 12210. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 12211. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts (for himself and Mr. Flood):

H.R. 12212. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. ECKHARDT (for himself and Mr. Abourezk, Mr. Conyers, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Hungate, Mr. Jacobs, Mr. Kastenmeier, Mr. Mikva, Mr. Ryan, Mr. Sarbanes, and Mr. Waldie):

H.R. 12213. A bill to amend section 2, title 28 of the United States Code to improve judicial machinery by providing Federal jurisdiction for certain types of class actions and certain violations of consumers' rights; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 12214. A bill to assure to all first offenders the restoration of their Federal civil rights after the completion of their sentence; to the Committee on the Judiciary.

H.R. 12215. A bill to assure to all first offenders the restoration of their civil rights after the completion of their sentence; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 12216. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent of rent paid on their residences by individuals who have attained the age of 65; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 12217. A bill to abolish the death penalty under all laws of the United States, and authorize the imposition of life imprisonment in lieu thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. MATHIS of Georgia:

H.R. 12218. A bill to repeal the provisions of law which relate to the checkoff procedure for financing presidential election campaigns; to the Committee on Ways and Means.

By Mr. MIZELL (for himself and Mr. King):

H.R. 12219. A bill to repeal the provisions of law which relate to the checkoff procedure for financing presidential election campaigns; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. Udall, Mr. Rhodes, Mr. Steiger, of Arizona, Mr. Teague of Texas, Mr. Bennett, Mr. Bergland, Mr. Bevill, Mr. Biester, Mr. Bingham, Mr. Boland, Mr. Carney, Mrs. Chisholm, Mr. Celler, Mr. Clay, Mr. Davis of Georgia, Mr. Evans of Colorado, Mr. Flood, Mr. Fuqua, and Mr. Giaimo):

H.R. 12220. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. Rhodes, Mr. Steiger of Arizona, Mr. Teague of Texas, Mr. Udall, Mr. Hull, Mr. Karth, Mr. Long of Maryland, Mr. McCormack, Mr. Macdonald of Massachusetts, Mr. Mann, Mr. Meeds, Mr. Mikva, Mr. Mitchell, Mr. Obey, Mr. Stokes, Mr. Widnall, and Mr. Yates):

H.R. 12221. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. PEPPER:

H.R. 12222. A bill to amend chapter 55 of title 10 of the United States Code, to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly afflicted dependents of members on active duty; to the Committee on Armed Services.

H.R. 12223. A bill to amend chapter 55 of title 10, United States Code, to provide for the continuance of special health care coverage for retarded or handicapped dependents of certain members of the armed forces after the retirement of such members; to the Committee on Armed Services.

H.R. 12224. A bill to provide that compensation received by an individual from the Veterans' Administration for service-connected disability shall not be taken into account as income so as to prevent his occupancy of Government-sponsored housing (or so as to increase the rent which he would otherwise be required to pay); to the Committee on Banking and Currency.

H.R. 12225. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to require reduced-rate transportation for certain disabled veterans of the Armed Forces of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 12226. A bill to amend title 38 of the United States Code to permit veterans to determine how certain drugs and medicines will be supplied to them; to the Committee on Veterans' Affairs.

H.R. 12227. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

H.R. 12228. A bill to amend title 38 of the United States Code in order to provide for the payment of an additional amount of up to $100 for the acquisition of a burial plot for the burial of certain veterans; to the Committee on Veterans' Affairs.

H.R. 12229. A bill to amend title 38 of the United States Code in order to credit physicians and dentists with 20 or more years of service in the Veterans' Administration with certain service for retirement purposes; to the Committee on Veterans' Affairs.

H.R. 12230. A bill to amend title 38 of the United States Code to provide that pensioners may be furnished necessary medical services in Veterans' Administration facilities; to the Committee on Veterans' Affairs.

H.R. 12231. A bill to amend chapter 73 of title 38, United States Code, to make a career in the Department of Medicine and Surgery more attractive; to the Committee on Veterans' Affairs.

H.R. 12232. A bill to amend 38 United States Code 5001 (a) (3) so as to increase to 6,000 the number of beds in Veterans' Administration facilities for the provision of nursing home care to eligible veterans; to the Committee on Veterans' Affairs.

H.R. 12233. A bill to amend section 3101 of title 38, United States Code, to prevent consideration of proceeds of, or transfer of proceeds of, U.S. Government Life Insurance and National Service Life Insurance for Federal estate tax purposes; to the Committee on Veterans' Affairs.

H.R. 12234. A bill to amend title 38 of the United States Code to provide for a pension of $100 per month for unremarried widows of men awarded a Medal of Honor posthumously; to the Committee on Veterans' Affairs.

H.R. 12235. A bill to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

H.R. 12236. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 12237. A bill to make available to veterans of the Vietnam war all benefits available to World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 12238. A bill to amend title 38, United States Code, to authorize increased benefits for veterans requiring regularly scheduled hemodialysis; to the Committee on Veterans' Affairs.

H.R. 12239. A bill to amend title 38 of the United States Code to assist veterans with a permanent and total service-connected disability due to the loss or loss of use of one upper and one lower extremity to acquire specially adapted housing; to the Committee on Veterans' Affairs.

H.R. 12240. A bill to amend title 38, of the United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

H.R. 12241. A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to the Committee on Veterans' Affairs.

H.R. 12242. A bill to amend title 38, of the United States Code, to provide an annual clothing allowance to certain veterans who, because of a service-connected disability, wear a prosthetic appliance or appliances which tends to wear out or tear their clothing; to the Committee on Veterans' Affairs.

H.R. 12243. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 12244. A bill to amend title 38, of the United States Code, to provide mustering-out payments for military service after August 5, 1964; to the Committee on Veterans' Affairs.

H.R. 12245. A bill to provide that veterans be provided employment opportunities after discharge at certain minimum salary rates; to the Committee on Veterans' Affairs.

H.R. 12246. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

H.R. 12247. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 12248. A bill to amend section 333 of title 38, United States Code, to provide that veterans who serve 2 or more years in peacetime shall be entitled to a presumption that chronic diseases becoming manifest within 1 year from the date of separation from service are service connected; to the Committee on Veterans' Affairs.

H.R. 12249. A bill to amend subsection (d) (1) of section 3203, title 38, United States Code, to provide that where any veteran having neither wife nor child is being furnished hospital treatment, institutional, or domiciliary care by the Veterans' Administration, no pension in excess of $40 per month shall be paid to or for the veteran for any period after (a) the end of the second full calendar month of admission for treatment or care or (b) readmission for treatment or care within 6 months following termination of a period of treatment or care of not less than 2 full calendar months; to the Committee on Veterans' Affairs.

H.R. 12250. A bill to amend title 38, United States Code, to provide a special allowance of $55 per month to a child or dependent parent who is (1) a patient in a nursing home or (2) helpless or blind or so nearly helpless or blind as to need or require the regular aid and attendance of another person; to the Committee on Veterans' Affairs.

H.R. 12251. A bill to amend chapter 35 of title 38, United States Code, so as to provide educational assistance at secondary school level to eligible widows and wives, without charge to any period of entitlement the wife or widow may have pursuant to sections 1710 and 1711 of this chapter; to the Committee on Veterans' Affairs.

H.R. 12252. A bill to amend chapter 39 of title 38, United States Code, to provide the same eligibility criteria for Vietnam era veterans as is applicable to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 12253. A bill to amend title 38 to provide that service in the Women's Army Auxiliary Corps shall be considered active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

H.R. 12254. A bill to provide equitable treatment of veterans enrolled in vocational education courses; to the Committee on Veterans' Affairs.

H.R. 12255. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to veterans who have served in the Indochina theater of operations during the Vietnam era; to the Committee on Veterans' Affairs.

H.R. 12256. A bill to amend title 38, United States Code, to improve the business loan program for veterans; to the Committee on Veterans' Affairs.

H.R. 12257. A bill to amend title II of the Social Security Act to provide that an individual who has a service-connected disability incurred or aggravated while on active duty in a combat zone and rated by the Veterans' Administration at 50 percent or higher, or who dies as a result of disease or injury incurred or aggravated while on such duty, shall be considered to be fully insured, and to be insured for disability benefits under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 12258. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

H.R. 12259. A bill to facilitate the administration of the laws in the District of Columbia relating to the conduct of public demonstrations; to the Committee on Public Works.

By Mr. WALDIE:

H.R. 12260. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 12261. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 12262. A bill to provide Federal citizen anticrime patrol assistance grants to residents' organizations; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 12263. A bill to amend section 62 of the Internal Revenue Code of 1954 to provide that amounts which the taxpayer pays as alimony or separate maintenance shall be deductible from his gross income in determining adjusted gross income; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 12264. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 12265. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 12266. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 12267. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. ROBISON of New York (for himself, Mr. Fish, Mr. Grover, Mr. Halpern, Mr. Hastings, Mr. Horton, Mr. King, Mr. Lent, Mr. McEwen, Mr. Peyser, Mr. Pirnie, Mr. Reid of New York, Mr. Smith of New York, Mr. Wydler, Mr. Terry, and Mr. Kemp):

H.R. 12268. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 12269. A bill to repeal the provisions of law which relate to the checkoff procedure for financing presidential election campaigns; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 1005. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

By Mr. EDWARDS of California (for himself and Mr. Wiggins):

H.J. Res. 1006. Joint resolution to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HAGAN:

H.J. Res. 1007. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.J. Res. 1008. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. MAYNE:

H.J. Res. 1009. Joint resolution to amend title 5 of the United States Code to change the date of Veterans Day to November 11; to the Committee on the Judiciary.

By Mr. QUIE (for himself, Mr. McDade, Mr. Roe, Mr. Helstoski, Mr. du Pont, Mr. Young of Florida, Mr. Byrne of Pennsylvania, Mr. Rhodes, Mr. Mills of Maryland, Mr. Rosenthal, Mr. Passman, Mr. Donohue, Mr. McKevitt, Mrs. Dwyer, Mr. Bob Wilson, Mr. Aspin, Mrs. Chisholm, Mr. Burton, Mr. Dellenback, Mr. Robison of New York, Mr. Hogan, and Mr. Lujan):

H.J. Res. 1010. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. ANDERSON of California:

H. Con. Res. 484. Concurrent resolution expressing the sense of Congress with respect to the application of the cargo preference laws to military cargoes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER:

H. Con Res. 485. Concurrent resolution expressing the sense of the Congress that the President should release all funds for annual contributions contracts for public housing; to the Committee on Appropriations.

By Mr. DELLENBACK (for himself, Mr. Wyatt, Mr. Pelly, Mr. Ullman, Mr. Hicks of Washington, Mr. Adams, Mrs. Hansen of Washington, and Mr. Meeds):

H. Res. 743. Resolution to express the sense of the House that U.S. fishing industry representatives be included in the U.S. delegation to the 1973 United Nations Law of the Sea Conference; to the Committee on Foreign Affairs.

By Mrs. DWYER (for herself, Mr. Price of Illinois, Mr. Broomfield, Mr. Robison of New York, Mr. Mosher, Mr. Murphy of Illinois, Mr. Mikva, Mr. Matsunaga, Mrs. Heckler of Massachusetts, Mr. McDade, Mr. Forsythe, Mr. Railsback, Mr. Udall, Mr. Gude, and Mr. Andrews of North Dakota):

H. Res. 744. Resolution calling for a U.S.-initiated effort to achieve a holiday cease-fire leading to meaningful negotiations and a permanent end of hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. O'HARA:

H. Res. 745. A resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

288. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the national transportation planning study; to the Committee on Banking and Currency.

289. Also, memorial of the Legislature of the State of California, relative to Federal-aid highway funds; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Alabama:

H.R. 12270. A bill for the relief of Sgt. Maj. Marvin C. Mathison, U.S. Army National Guard (retired); to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 12271. A bill for the relief of Lt. Col. Laurence E. Gardner; to the Committee on the Judiciary.

By Mr. DOW:

H. Con. Res. 486. Resolution relating to the status of Mrs. Sylva Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Con. Res. 487. Resolution relating to the status of Sylva Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. PEYSER:

H. Con. Res. 488. Resolution relating to the status of Sylva Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the third calendar quarter 1971:

(Note.—The form used for registration is reproduced below. In the interest of economy in the Record, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

File One Copy With the Secretary of the Senate and File Two Copies With the Clerk of the House of Representatives:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

Place an "X" Below the Appropriate Letter or Figure in the Box at the Right of the "Report" Heading Below:

"Preliminary" Report ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"Quarterly" Report: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◄

REPORT

Pursuant to Federal Regulation of Lobbying Act

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Note on Item "A".—(a) In General. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) Separate Reports. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. Organization or Individual Filing:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

Note on Item "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. Employer.—State name, address, and nature of business. If there is no employer, write "None."

Note on Item "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. Legislative Interests, and Publications in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. ◄

AFFIDAVIT

[Omitted in printing]

PAGE 1 ◄

A. John G. Adams, 815 Connecticut Avenue NW., Washington, D.C.
B. First Mortgage Investors, 401 41st Street, Miami, Fla.

A. John J. Adams, 1819 H Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.; Vepco, Seventh and Franklin Streets, Richmond, Va.

A. Ad Hoc Committee of U.S. Dyestuff Producers, 1001 Connecticut Avenue, Washington, D.C.

A. American Feed Manufacturers Asociation, 53 West Jackson Blvd., Chicago, Ill.

A. American Postal Workers Union, 817 14th Street NW., Washington, D.C.

A. Clarence A. Arata, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Suchard American Corp., 608 Fifth Avenue, New York, N.Y.; Chocolate Tobler American Corp., 608 Fifth Avenue, New York, N.Y.; Cresca Co., Inc., 2500 83d Street, North Bergen, N.J.

A. Associated Electric Cooperative, Inc., Post Office Box 754, Springfield, Mo.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.

A. Diana Washbon Bird, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

A. Charles G. Botsford, 1730 M Street NW., Washington, D.C.

A. Edward L. Bowley, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO, Washington, D.C.

A. Joseph M. Bowman and Richard C. O'Hare, 1511 K Street NW., Washington, D.C.
B. Merger Committee, National Basketball Association, 2 Park Plaza, New York, N.Y.; and Merger Committee, American Basketball Association, 1700 Broadway, New York, N.Y.

A. Brown Lund & Levin, 1625 I Street NW., Washington, D.C.
B. Jersey Central Power & Light Co., Madison Avenue, Morristown, N.J.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.

A. California Arizona Citrus League, Post Office Box 7888, Valley Annex, Van Nuys, Calif.

A. Lee Campbell, Poultry and Egg Institute of America, 425 13th Street NW., Washington, D.C.
B. Poultry and Egg Institute of America, 67 East Madison Street, Chicago, Ill.

A. Leonard Casso, 131–35 134th Street, Ozone Park, Long Island, N.Y.
B. Grass Roots Inc., 131–35 134th Street, Ozone Park, Long Island, N.Y.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. National Basketball Players Association, 15 Columbus Circle, New York, N.Y.

A. Coalition for a National Population Policy, 1730 K Street NW., Washington, D.C.

A. David Cohen, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.
B. American Cylinder Manufacturers Committee, 1625 I Street NW., Washington, D.C.

A. Committee for Legalization, 226 Woodland Avenue, Lynn, Mass.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.

A. Peter L. Coye, 1835 K Street NW., Washington, D.C.
B. National Student Lobby, 1835 K Street NW., Washington, D.C.

A. Culbertson, Pendleton & Pendleton, 1815 H Street NW., Washington, D.C.
B. Taiwan Sugar Corp., One World Trade Center, New York, N.Y.

A. Pamela G. Curtis, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Orgalime (Organisme de Liaison des Industries Metalliques Europeennes), Brussels, Belgium.

A. Larry C. Davenport, 1800 North Kent Street, Arlington, Va.
B. Mobile Homes Manufacturers Association, 1800 North Kent Street, Arlington, Va.

A. Charles W. Davis, One First National Plaza, Chicago, Ill.
B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Association of Plaintiffs' Trial Attorneys of Metropolitan Washington, D.C., Inc., 910 17th Street NW., Washington, D.C.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C.
B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo.

A. Franklin W. Denius, Post Office Box 1148, Austin, Tex.
B. Texas Electric Service Co., Post Office Box 970, Forth Worth, Tex., Dallas Power & Light Co., Dallas, Tex., Texas Power & Light Co., Dallas Tex., Central Power & Light Co., Corpus Christi, Tex., and West Texas Utilities Co., Abilene, Tex.

A. Dennison Manufacturing Co., 5454 Wisconsin Avenue, Chevy Chase, Md.

A. Claude J. Desautels, 1725 K Street NW., Washington, D.C.
B. Orgalime (Organisms de Liaison des Industries Metalliques Europeennes), Brussels, Belgium.
A. Albert Donnici, 1212 West 114th Terrace, Kansas City, Mo.
B. City of Kansas City, City Hall, 414 East 12th Street, Kansas City, Mo.

A. Ted Downey, 801 South 15th Street, Springfield, Ill.
B. National Student Lobby, 1835 K Street NW., Washington, D.C.

A. Louise C. Dunlap, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. Daniel J. Edelman, Inc., 1717 Pennsylvania Avenue NW., Washington, D.C.
B. American Trial Lawyers Association, 20 Garden Street, Cambridge, Mass.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C.
B. Bob Hoffman, York Barbell Co., Inc., 26 North Ridge Avenue, York, Pa.

A. Glenn R. Erickson, American Retail Federation, 1616 H Street NW., Washington, D.C.

A. Russell G. Ernest, Standard Oil Co. (New Jersey), 1025 Connecticut Avenue NW., Washington, D.C.
B. Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y.

A. Francis S. Filbey, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.

A. James W. Finley, 1015 18th Street NW., Washington, D.C.
B. Crown Zellerbach Corp., One Bush Street, San Francisco, Calif.

A. Florida Citrus Mutual, Post Office Box 89, Lakeland, Fla.

A. Florida Citrus Production Managers Association, c/o O. D. Kime, Jr., Waverly, Fla.

A. Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, Fla.

A. Charles L. Frazier, 485 L'Enfant Plaza SW., Washington, D.C.
B. National Farmers Organization, Corning, Iowa.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Vance Sanders & Co., Inc., Boston, Mass.; Federated Investors, Inc., Pittsburgh, Pa.; and Fidelity Management & Research Co., Boston, Mass.

A. Wayne Gibbens, 1625 K Street NW., Washington, D.C.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla.

A. John Goldsum, Post Office Box 1148, Austin, Tex.
B. Texas Electric Service Co., Post Office Box 970, Fort Worth, Tex., Dallas Power & Light Co., Dallas, Tex., Texas Power & Light Co., Dallas, Tex., Central Power & Light Co., Corpus Christi, Tex., and West Texas Utilities Co., Abilene, Tex.

A. Robert B. Harding, 888 17th Street NW., Washington, D.C.
B. Southern California Edison Co., Post Office Box 800, Rosemead, Calif.

A. Frederic W. Hickman, One First National Plaza, Chicago, Ill.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill.

A. Gregory A. Humphrey, American Federation of Teachers, 1012 14th Street NW., Washington, D.C.

A. Lester S. Hyman, 815 Connecticut Avenue NW., Washington, D.C.
B. First Mortgage Investors, 401 41st Street, Miami Beach, Fla.

A. Imports Committee of Tube Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.

A. Intermediate Harvesters & Handlers Association, c/o B. C. Cook and Sons, Haines City, Fla.

A. Jersey Central Power & Light Co., Madison Avenue, Morristown, N.J.

A. Arnold C. Johnson, Seymour S. Mintz and William A. Plumb.

Hogan and Hartson, 815 Connecticut Avenue NW., Washington, D.C.

B. Hughes Tool Co., Houston, Tex.

A. Ronald K. Jones, 1800 North Kent Street, Arlington, Va.

B. Mobile Homes Manufacturers Association, 1800 North Kent Street, Arlington, Va.

A. Gibson Kingren, 900 17th Street NW., Washington, D.C.

B. Kaiser Foundation Health Plan, Inc.

A. Peter M. Kirby, Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.

A. Robert M. Koch, Jr., 1900 South Eads Street, Box 836, Crystal City, Arlington, Va.

B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va.

A. Kominers, Fort, Schlefer, Farmer & Boyer, 500 Tower Building, Washington, D.C.

B. Lykes Bros. Steamship Co., Inc., Commerce Building, Post Office Box 53068, New Orleans, La.; and Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif.

A. Charles B. Kornmann, South Dakota Railroads Association, Post Office Box 489, Aberdeen, S.D.

A. Bruce S. Lane, Frosh, Lane & Edson, 1025 Connecticut Avenue, Washington, D.C.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C.

A. Legislation for Animal Wards, 2225 Observatory Place, Washington, D.C.

A. James P. LeGory, 5454 Wisconsin Avenue, Suite 630, Chevy Chase, Md.

B. Dennison Manufacturing Co., 5454 Wisconsin Avenue, Chevy Chase, Md.

A. Leibman, Williams, Bennett, Baird & Minow, 1156 15th Street NW., Washington, D.C.

B. American Institute of Merchant Shipping, Washington, D.C.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.

B. First Mortgage Investors, 401 41st Street, Miami Beach, Fla.

A. Donald O. Lincoln, 1001 Connecticut Avenue NW., Washington, D.C.

B. Trade Relations Council of the United States, 1001 Connecticut Avenue NW., Washington, D.C.

A. Zel E. Lipsen, 1140 Connecticut Avenue NW., Washington, D.C.

A. Andrew K. Marckwald, Jr., 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Alwyn F. Matthews, 1140 Connecticut Avenue NW., Washington, D.C.

B. Uganda Sugar Manufacturers Association.

A. Eugene McCabe, Philip Murray Building, Room 100; 1126 16th Street NW., Washington, D.C.

B. Industrial Union of Marine & Shipbuilding Workers of America, 1126 16th Street NW., Washington, D.C.

A. Barr McClellan, Post Office Box 1148, Austin, Tex.

B. Texas Electric Service Co., Post Office Box 970, Fort Worth, Tex., Dallas Power & Light Co., Dallas, Tex., Texas Power & Light Co., Dallas, Tex., Central Power & Light Co., Corpus Christi, Tex., and West Texas Utilities Co., Abilene, Tex.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.

B. Mobil Oil Corp., 150 East 52d Street, New York, N.Y.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La.

A. C. A. Mack McKinney, 933 North Kenmore Street, Arlington, Va.

B. Marine Corps League, 933 North Kenmore Street, Arlington, Va.

A. C. A. Mack McKinney, 933 North Kenmore Street, Arlington, Va.

B. Non Commissioned Officer Association of the United States of America (NCOA), Post Office Box 2268, San Antonio, Tex.

A. Edward L. Merrigan, Smathers & Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW, Washington, D.C.

B. Bank of Montreal, Two Wall Street, New York, N.Y.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Royal Bank of Canada, 68 William Street, New York, N.Y.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Toronto-Dominion Bank, 45 Wall Street, New York, N.Y.

A. Seymour S. Mintz, William T. Plumb, Jr., and Arnold C. Johnson.

Hogan and Hartson, 815 Connecticut Avenue NW., Washington, D.C.

B. Hughes Tool Co., Houston, Tex.

A. Mobile Homes Manufacturers Association, 1800 North Kent Street, Arlington, Va.

A. J. Anthony Moran, 2750 Q Street NW., Washington, D.C.

B. Donald Applegate, Ferriday, La., and Rex Youngquist, Miami, Fla.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Morgan-Taylor & Associates, Inc., 4903 Fifth Street NW., Washington, D.C.

A. Daniel Morgan, 4903 Fifth Street, NW., Washington, D.C.

B. Morgan-Taylor & Associates, Inc., 4903 5th Street NW., Washington, D.C.

A. David J. Muchow, Smathers & Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y.

A. National Association of Farmer-Elected Committeemen, 19400 South Eads Street, Box 836, Arlington, Va.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.

B. Columbia Broadcasting System, Inc., 51 West 52d Street, New York, N.Y.

A. National Student Lobby, 1835 K Street NW., Washington, D.C.

A. NBA Players Association, 15 Columbus Circle, New York, N.Y.

A. Patrick J. Nilan, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.

A. Richard D. Norling, 2100 M Street NW., Room 311, Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Raymond D. O'Connell, 400 Madison Avenue, New York, N.Y.

B. National Cable Television Association, Inc., 1634 Eye Street NW., Washington, D.C.

A. Robert Oliver, 400 First Street NW., Washington, D.C.

B. L. T. Barringer & Co., 161 South Front Street, Memphis, Tenn.

D. (6) $2,500.

A. Charles E. Olson, 1201 16th Street NW., Washington, D.C.

B. National Education Association, 1201 16th Street NW., Washington, D.C.

A. Kenton H. Pattie, 3150 Spring Street, Fairfax, Va.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.

B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C.

A. J. Hardin Peterson, Sr., Post Office Drawer BS, Lakeland, Fla.

B. Florida Citrus Mutual, Post Office Box 89, Lakeland, Fla.; Intermediate Harvesters and Handlers Association, Inc., Haines City, Fla.; Florida Citrus Production Managers Association, Waverly, Fla.; Florida Fruit and Vegetable Association, Post Office Box 20155, Orlando, Fla.

A. Roger J. Phaneuf, 1735 K Street, NW., Washington, D.C.

B. United Air Lines, P.O. Box 66100, Chicago, Ill.

A. Franklin A. Pickens, Post Office Box 1552, Odessa, Tex.

B. Angelina & Neches River Railroad; Atchison, Topeka & Santa Fe Railway Co.; Chicago, Rock Island, & Pacific Railroad Co.; Fort Worth & Denver Railway Co., et al.

A. William T. Plumb; Seymour S. Mintz and Arnold C. Johnson; Hogan and Hartson, 815 Connecticut Avenue NW., Washington, D.C.

B. Hughes Tool Co., Houston, Tex.

A. Political Action Committee for Engineers and Scientists, 1140 Connecticut Avenue NW., Washington, D.C.

A. Pope Ballard & Loos, 888 17th Street NW., Washington, D.C.

B. California Arizona Citrus League, Post Office Box 7888, Van Nuys, Calif.

A. Poultry & Egg Institute of America, 67 East Madison Street, Chicago, Ill.

A. Pulp & Paper Machinery Manufacturers' Association, 1001 Connecticut Avenue, Washington, D.C.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C.

A. Reynolds D. Rodgers, 8425 Boone, Kansas City, Mo.

B. City of Kansas City, City Hall, 414 East 12th Street, Kansas City, Mo.

A. Elbert G. Rudasill, American Optometric Association, 1026 17th Street NW., Washington, D.C.

B. American Optometric Association, c/o M. L. DeBolt, Box 605, Winona, Minn.

A. Sam Rayburn Dam Electric Cooperative, Inc., 303 North Jackson Street, Livingston, Tex.

A. Richard E. Schmelzkopf, 5454 Wisconsin Avenue, Chevy Chase, Md.

B. Dennison Manufacturing Co., 5454 Wisconsin Avenue, Chevy Chase, Md.

A. Hilliard Schulberg, 1900 L Street NW., Washington, D.C.

B. National Liquor Stores Association, Inc., 1900 L Street NW., Washington, D.C.

A. J. R. Serviss, 3620 Warwick, Kansas City, Mo.

B. City of Kansas City, City Hall, 414 East 12th Street, Kansas City, Mo.

A. Norman R. Sherlock, Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.

A. South Dakota Railroads Association, Post Office Box, 489, Aberdeen, S. Dak.

A. John M. Stackhouse, Madison Building, 1155 15th Street NW., Washington, D.C.

B. National Agricultural Chemicals Association.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington D.C.

B. Ad Hoc Committee of U.S. Dyestuff Producers, 1001 Connecticut Avenue NW., Washington, D.C.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.

B. Imports Committee of Tube Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.

B. Pulp and Paper Machinery Manufacturers' Association, 1001 Connecticut Avenue, Washington, D.C.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.

B. Trade Relations Council of the United States, 1001 Connecticut Avenue, Washington, D.C.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.

B. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.

A. Stroock & Stroock & Lavan, 1100 Connecticut Avenue NW., Washington, D.C.

B. Breezy Point Cooperative, 202–30 Rockaway Point Boulevard, Rockaway Point, N.Y.

A. Tex-La Electric Cooperative, Inc., 501 South Main Street, Quitman, Tex.

A. J. Woodrow Thomas, 1730 M Street NW., Washington, D.C.

A. William D. Thompson, 1660 L Street, Washington, D.C.

B. General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.

D. (6) $3,000. E. (9) $2,236.77.

A. Trade Relations Council of the United States, 1001 Connecticut Avenue, Washington, D.C.

A. Joseph D. Tydings, Bender Building, 1120 Connecticut Avenue NW., Washington, D.C.

B. Coalition for a National Population Policy, 1730 K Street NW., Washington, D.C.

A. Ted Van Dyk and/or Kirby Jones, Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.

B. United Air Lines, Post Office Box 66100, Chicago, Ill.

A. De Melt E. Walker, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

A. The Washington Office, 207 C Street NE., Washington, D.C.

B. Catrala of D.C., c/o Claude Blackwell, Northeast Ford, Inc., New York and West Virginia Avenue NE., Washington, D.C.

A. The Washington Office, 207 C Street NE., Washington, D.C.

B. Catrala of D.C., c/o Claude Blackwell, Northeast Ford, 2175, West Virginia Avenue NE., Washington, D.C.

A. Ray Wax, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va.

B. National Association of Farmers Elected Committeemen, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va.

A. F. Paul Weiss, United Air Lines, 1735 K Street NW., Washington, D.C.

B. United Air Lines, Post Office Box 66100, Chicago, Ill.

A. Dennis W. Weissman, American Optometric Association, 1026 17th Street NW., Washingon, D.C.

B. American Optometric Association, c/o M. L. DeBolt, Box 605, Winona, Minn.

A. Mrs. Anne Wexler, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Robert E. Williams, 1735 K Street NW., Washington, D.C.

B. United Air Lines, Post Office Box 66100, Chicago, Ill.

A. Williams & King, 1730 K Street NW., Washington, D.C.

B. Mergenthaler Linotype Co., Mergenthaler Drive, Plainview, N.Y.

A. George M. Worden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C.

B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y.

A. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.

A. V. T. Worthington, 1500 North Quincy Street, Box 7116, Arlington, Va.

B. Association of Petroleum Re-Refiners, 1500 North Quincy Street, Box 7116, Arlington, Va.

A. Douglas G. Wright, 1023 Petroleum Building, Tulsa, Okla.

B. Tex-La Electric Cooperative, Inc., c/o J. D. Nichols, Quitman, Tex., Sam Rayburn Dam Elec. Co-op., Inc., c/o Robert Willis, Box 431, Livingston, Tex.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1971:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

Note on Item "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) If This Report Is for an Employer.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) If This Report Is for an Agent or Employee.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. Receipts (Including Contributions and Loans):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------Total for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------Total from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------Total now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	Total

Note on Item "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) If This Report Is for an Agent or Employee. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. Expenditures (Including Loans) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------Total for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------Total from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------Total now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	Total

PAGE 2

A. Sothoron Kirby Able, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. John G. Adams, 815 Connecticut Avenue NW., Washington, D.C.
B. First Mortgage Investors, 401 41st Street, Miami Beach, Fla.
D. (6) $500. E. (9) $1.25.

A. Ad Hoc Committee of U.S. Dyestuff Producers, 1001 Connecticut Avenue NW., Washington, D.C.
D. (6) $630. E. (9) $630.

A. Clarence G. Adamy, National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
D. (6) $500.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $7,119.53. E. (9) $7,119.53.

A. Air Traffic Control Association, Inc. Arba Bldg., 525 School Street SW., Washington, D.C.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $10,181.44. E. (9) $10,181.44.

A. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C.

A. John R. Ale, American Life Convention, 1701 K Street NW., Washington, D.C.
D. (6) $30.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500.

A. Mrs. Donna Allen, 3306 Ross Place NW., Washington, D.C.
B. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1040. E. (9) $1,470.05.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $51.08. E. (9) $619.33.

A. Nicholas E. Allen and Merrill Armour, 444 Shoreham Building, Washington, D.C.
B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.
D. (6) $1,350. E. (9) $30.42.

A. All-Industry Committee for Radio All-Channel Legislation, 1225 Connecticut Avenue NW., Washington, D.C.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. American Cancer Society, 219 East 42d Street, New York, N.Y.
E. (9) $9,397.90.

A. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.
D. (6) $7,939.10. E. (9) $7,939.10.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $3,229.11. E. (9) $3,229.11.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $37,808. E. (9) $37,808.

A. American Federation of Labor and Congress of Industrial Organization, 815 16th Street NW., Washington, D.C.
E. (9) $50,263.46.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $93,332.08. E. (9) $2,201.60.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $5,436.89. E. (9) $5,436.89.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.
D. (6) $2,633.59. E. (9) $3,287.10.

A. American Humane Association, 5351 Roslyn Street, Englewood, Colo.
E. (9) $1,785.50.

A. American Insurance Association, 85 John Street, New York, N.Y.
D. (6) $16,452.88. E. (9) $16,452.88.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $2,793.84. E. (9) $2,643.75.

A. American Justice Association, Defense Highway, Gambrills, Md.
D. (6) $2. E. (9) $2.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
E. (9) $2,296.41.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
E. (9) $26,336.41.

A. American Parents Committee Inc., 20 E Street NW., Washington, D.C.
D. (6) $1,435.26. E. (9) $2,192.09.

A. American Petroleum Institute, 1801 K Street NW., Washington, D.C.
D. (6) $9,404. E. (9) $10,410.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
E. (9) $3,881.59.

A. American Postal Workers Union, 817 14th Street NW., Washington, D.C.
D. (6) $1,109,195.59. E. (9) $77,820.70.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. American Optometric Association, c/o M. L. DeBolt, Box 605, 117 W. Third Street, Winona, Minn.
D. (6) $3,734.82. E. (9) $3,734.82.

A. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washingotn, D.C.
D. (6) $1,142.02. E. (9) $1,142.02.

A. American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill.
D. (6) $3,502.45. E. (9) $2,850.

A. American Surveys, Embassy Square, 2000 N Street NW., Washington, D.C.
B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center, New York, N.Y.
D. (6) $300.00. E. (9) $53.29.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C.
D. (6) $5.50.

A. American Textile Manufacturers Institutte, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $14,549.63. E. (9) $14,549.63.

A. American Trucking Associations, Inc., 1616 P Street, NW., Washington, D.C.
D. (6) $10,290.06. E. (9) $38,680.55.

A. American Veterinary Medical Association, 1522 K Street NW., Washington, DC.
E. (9) $150.

A. American Waterways Operators, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,847.02. E. (9) $4,485.95.

A. Edward T. Anderson, 2100 M Street, NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $54.60.

A. John Anderson, 4111 Franconia Road, Alexandria, Va.
B. Medical Society of the District of Columbia, 2007 Eye Street NW., Washington, D.C.

A. Walter M. Anderson, J., Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

A. George W. Apperson, Amalgamated Transit Union, Local Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $900. E. $46.32.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Fairchild Camera and Instrument Corp., 464 Ellis Street, Mountain View, Calif.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Floor Covering Committee Affiliated with the National Council of American Importers, 295 Fifth Avenue, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Insurance & Securities Inc., 100 California Street, San Francisco, Calif.

A. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
E. (9) $650.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.
D. (6) $148.17. E. (9) $223.60.

A. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.
D. (6) $300. E. (9) $300.

A. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Washington, D.C.

A. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $5,325.25. E. (9) $5,325.25.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.

D. (6) $84.92. E. (9) $649.79.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.

E. (9) $390.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.

E. (9) $1,000.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue SW., Atlanta, Ga.

D. (6) $3,500. E. (9) $1,358.37.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.

E. (9) $300.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

D. (6) $50. E. (9) $21.40.

A. Richard W. Averill, Director, American Optometric Association, 1730 M Street NW., Washington, D.C.

D. (6) $800. E. (9) $301.

A. Gary D. Avery, 900 17th Street NW., Washington, D.C.

B. The Chase Manhattan Bank, One Chase Manhattan Plaza, New York, N.Y.

D. (6) $40. E. (9) $9.51.

A. Michael H. Bader, 1730 M Street NW., Washington, D.C.

B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Washington, D.C.

A. Ernest L. Barcella, General Motors Corp., Washington, D.C.

A. Thomas H. Barksdale, Jr., 1801 K Street NW., Washington, D.C.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

D. (6) $1,215. E. (9) $304.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, Colonial Sugar Refining Co. Ltd., 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washintgon, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $159.25.

A. Vincent Gerrard Barnett, 919 18th Street NW., Washington, D.C.

B. Committee of European Shipowners, 30–32 St. Mary Axe, London, EC3A 8ET, England.

D. (6) $7,500. E. (9) $5,032.51.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C.

B. Brotherhood Railway Carmen of the U.S. and Canada, 4929 Main Street, Kansas City, Mo.

D. (6) $3,600.

A. David S. Barrows, 214 Century Building, Portland, Oreg.

B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg.

D. (6) $1,200. E. (9) $539.23.

A. Weldon Barton, 1012 14th Street NW., Washington, D.C.

B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver Colo.

D. (6) $3,138.43. E. (9) $111.87.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C.

B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C.

A. A. David Baumhart, Post Office Box 553, Lorain, Ohio.

B. Green Olive Trade Association, 82 Beaver Street, New York, N.Y.

D. (6) $325. E. (9) $7.64.

A. Mrs. Dita Davis Beard, ITT Building, 1707 L Street NW., Washington, D.C.

B. International Telephone & Telegraph Corp., ITT Building, 1707 L Street NW., Washington, D.C.

D. (6) $1,125. E. (9) $1,770.

A. Lowell R. Beck, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

D. (6) $4,374.99. E. $14.45.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.

D. (6) $2,127.71. E. (9) $641.02.

A. Jack Beidler, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.

D. (6) $2,884.60. E. (9) $709.20.

A. James F. Bell, 1100 Connecticut Avenue NW., Washington, D.C.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

D. (6) $1,187.50. E. (9) $31.35.

A. E. Markham Bench, Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.

D. (6) $1,000. E. (9) $936.05.

A. Thomas P. Bennett, American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.

D. (6) $2,500.

A. Reed A. Benson for The John Birch Society, 1028 Connecticut Avenue NW., Washington, D.C.

B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.

B. Austrian Trade Delegate in the United States, 845 Third Avenue, New York, N.Y.

D. (6) $2,250. E. (9) $64.75.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.

B. George Bronz, 888 17th Street NW., Washington, D.C.

E. (9) $79.91.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.

B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y.

D. (6) $1,200. E. (9) $97.90.

A. Robert L. Bevan, 1120 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $400. E. (9) $44.15.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Robert J. Bird, 1140 Connecticut Avenue, Washington, D.C.

B. Laurel Hill Cemetery Association, Clayton, Mo.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C.

B. Occidental Life Insurance Co., 12th Street at Hill, Los Angeles, Calif.

E. (9) $16.66.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C.

B. The Paul Revere Corp., Worcester, Mass.

E. (9) $18.56.

A. William Blum, Jr., 704 Federal Bar Building, 1815 H Street NW., Washington, D.C.

B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.

D. (6) $833.33. E. (9) $475.94.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y.

B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.

D. (6) $6,875.

A. Eugene F. Bogan, Bogan & Freeland, 1000 16th Street NW., Washington, D.C.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

A. G. Stewart Boswell, American Textile Manufacturers Institute, Inc., 1150 17th Street NW., Washington, D.C.

B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.

D. (6) $192.71. E. (9) $15.50.

A. Albert D. Bourland, Industry Government Relations, 1660 L Street NW., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $3,000. E. (9) $763.43.

A. J. Wiley Bowers, 325 Pioneer Building, Chattanooga, Tenn.

B. Tennessee Valley Public Power Association, 325 Pioneer Building, Chattanooga, Tenn.

A. Edward L. Bowley, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.

B. American Postal Workers Union, AFL–CIO.

D. (6) $6,898.05.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $2,323.13. E. (9) $465.60.

A. Charles N. Brady, Highway Department, American Automobile Association, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Joseph E. Brady, Sheraton Gibson Hotel, Cincinnati, Ohio.

B. National Coordinating Committee of the Beverage Industry.

A. Thomas C. Brickle, 1000 Connecticut Avenue NW., Washington, D.C.

B. American Institute of Laundering, Joliet, Ill.; National Institute of Drycleaning, 909 Burlington Avenue, Silver Spring, Md.

D. (6) $500.

A. Parke C. Brinkley, The Madison Building, 1155 Fifteenth Street NW., Washington, D.C.

B. National Agricultural Chemicals Association.

D. (6) $87.50. E. (9) $8.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C.

B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.

D. (6) $350.

A. Michael D. Bromberg, 1101 17th Street NW., Washington, D.C.

B. Federation of American Hospitals, 1101 17th Street NW., Washington, D.C.

D. (6) $3,750.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y.

B. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. George Bronz, 888 17th Street NW., Washington, D.C.

E. (9) $72.14.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virgina Avenue NW., Washington, D.C.

D. (6) $300.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. Cominco American Inc., West 818 Riverside, Spokane, Wash.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. Ebasco Industries (a division of Boise Cascade Corp.), 345 Park Avenue, New York, N.Y.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J.

E. (9) $49.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg.

E. (9) $32.63.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.

B. Council of Housing Producers, 1801 Avenue of the Stars, Los Angeles, Calif.

A. Brownstein, Zeidman, & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.

B. International Franchise Association, 1 East Wacker Drive, Chicago, Ill.

A. Lyman L. Bryan, 2000 K Street NW., Washington, D.C.

B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y.

A. George S. Buck, Jr., Post Office Box 12285, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $225. E. (9) $49.92.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C.

B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.

D. (6) $500. E. (9) $100.

A. Bulgarian Claims Committee, in care of Mr. Chaco Chase, 109-20 71 Road, Forest Hills, N.Y.

E. (9) $127.91.

A. Richard L. Bullock, National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $300.

A. George J. Burger, 250 West 57th Street, New York, N.Y.

B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y.

A. George J. Burger, National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C.

B. National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C.

D. (6) $4,249.98. E. (9) $1,980.94.

A. Burley & Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.

D. (6) $6,182.88. E. (9) $733.

A. George Burnham IV, United States Steel Corp., 1625 K Street NW., Washington, D.C.

B. United States Steel Corp., 600 Grant St., Pittsburgh, Pa.

D. (6) $169. E. (9) $165.

A. David Burpee, Fordhook Farms, Doylestown, Pa.

E. (9) $25.10.

A. Charles S. Burns, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $975. E. (9) $243.39.

A. George Bursach, American Society of Bank Directors, National Press Building, Washington, D.C.

B. American Society of Bank Directors, National Press Building, Washington, D.C.

A. Burwell, Hansen & McCandless, 700 Federal Bar Building West, Washington, D.C.

B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y.

D. (6) $3,920. E. (9) $226.89.

A. Herbert H. Butler, 438 Pennsylvania Building, Washington, D.C.

B. U.S. Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C.

D. (6) $120. E. (9) $1,304.

A. Monroe Butler, 1801 Avenue of the Stars, Los Angeles, Calif.

B. The Superior Oil Co., Oil and Natural Gas Producer, 1801 Avenue of the Stars, Los Angeles, Calif.

A. Charles S. Caldwell, 1437 K Street NW., Washington, D.C.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

D. (6) $5,400. E. (9) $582.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C.

B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.

D. (6) $2,000. E. (9) $1,102.40.

A. Donald L. Calvin, New York Stock Exchange, 11 Wall Street, New York, N.Y.

B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

A. Carl C. Campbell, Ring Building, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $47.72.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

E. (9) $195.72.

A. Canal Zone Central Labor Union-Metal Trades Council, AFL-CIO, Post Office Box 471, Balboa Heights, Canal Zone.

D. (6) $1,559.46. E. (9) $2,328.05.

A. Ronald A. Capone, The Farragut Building, Washington, D.C.

B. Committee of European Shipowners, 30-32 St. Mary Axe, London, E.C. 3, England.

D. (6) $4,050. E. (9) $453.04.

A. Michael H. Cardozo, One Dupont Circle, NW., Washington, D.C.

B. Association of American Law Schools, One Dupont Circle NW., Washington, D.C.

A. Norval E. Carey, 1025 Connecticut Avenue, NW., Washington, D.C.

B. Gulf Oil Corp., Pittsburgh, Pa.

D. (6) $1,000. E. (9) $375.

A. C. Sargent Carleton, 3150 Spring Street, Fairfax, Va.

B. National Audio-Visual Association, 3150 Spring Street, Fairfax, Va.

D. (6) $1,240.

A. Philip Carlip, District 2, National Marine Engineers' Beneficial Association, 650 Fourth Avenue, Brooklyn, N.Y.

B. District 2, National Marine Engineers' Beneficial Association, 650 Fourth Avenue, Brooklyn, N.Y.

D. (6) $1,000.

A. Philip Carlip, Seafarers International Union, 675 Fourth Avenue, Brooklyn, N.Y.

D. (6) $2,500. E. (9) $1,467.77.

A. Carpet and Rug Institute, Post Office 2048 Dalton, Ga.

E. (9) $1,086.30.

A. Carolinas Association of Mutual Insurance Agents, 501 Raleigh Building, Raleigh, N.C.

E.(9) $115.

A. Braxton B. Carr, 1250 Connecticut Avenue, Washington, D.C.

B. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.

D. (6) $3,666.66. E. (9) $180.36.

A. Albert A. Carretta, 1815 H Street NW., Washington, D.C.

B. Work Glove Manufacturers Association, 1717 Howard Street, Evanston, Ill.

D. (6) $762.50.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

D. (6) $1,875.

A. Blue Allan Carstenson.

B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union) P.O. Box 2251, Denver, Colo.

A. David C. Carter, Director of Information & Public Relations, U.S. Beet Sugar Association, 1156 15th Street NW., Suite 1019, Washington, D.C.
B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C.

A. Frank H. Case III, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. James B. Cash, Jr., The American Bankers Association, 1120 Connecticut Avenue, NW., Washington, D.C.
D. (6) $2,000. E. (9) $43.90.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C.
B. The Cordage Institute, 2300 Calvert Street NW., Washington, D.C.
D. (6) $937.50.

A. James W. Chapman, Senior Legislative Counsel, 1625 Eye Street NW., Washington, D.C.
B. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $2,423.

A. Justice M. Chambers, 2300 Calvert Street NW., Washington, D.C.
B. Swaziland Sugar Association, Post Office Box 445, Mbabane, Swaziland.
D. (6) $5,000. E. (9) $1,380.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. Fouke Company, Route One, Box 168, White Horse Road, Greenville, S.C.
D. (6) $390. E. (9) $318.50.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. Fouke Co., Route 1, Box 168, White Horse Road, Greenville, S.C.
D. (6) $390. E. (9) $318.50.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. International Association of Game, Fish, and Conservation Commissioners, Secretary's Office, 5727 Blake Road, Minneapolis, Minn.
D. (6) $78.75.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. Libby, McNeill & Libby, 200 South Michigan Avenue, Chicago, Ill.

A. William C. Chapman, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $2,730.47.

A. Leslie Cheek, III, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Mr. A. H. Chesser, United Transportation Union, 400 First Street NW., Washington, D.C.
E. (9) $300.

A. Edwin Christianson.
B. Farmers' Educational and Co-Operative Union of America (National Farmers Union) Post Office Box 2251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

A. Lowell T. Christison, 1730 M Street NW., Washington, D.C.
B. American Optometric Association, care of M. L. DeBolt, O.D., Box 605, Winona, Minn.
D. (6) $42.04. E. (9) $21.15.

A. Albert T. Church, Jr., American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $50. E. (9) $3.53.

A. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $43,680.57. E. (9) $415.21.

A. Earl W. Clark.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $136.35.

A. Richard W. Clark, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $1,062.50.

A. Mr. Robert M. Clark, The Atchison, Topeka & Santa Fe Railroad Co., 1100 Connecticut Avenue NW., Washington, D.C.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill.

A. Clay Pipe Industry Depletion Committee, Post Office Box 6, Pittsburg, Kans.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $519.60. E. (9) $519.60.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cabot Corp., Complex Co., Copolymer Rubber and Chemical Corp., Dart Industries, Inc., E. I. du Pont de Nemours and Company, et al.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Colonial Sugar Refining Co., Ltd., 1–7 O'Connell Street, Sydney, Australia.
D. (6) $1,200. E. (9) $463.95.

A. William T. Cleary, 1126 16th Street NW., Room 200, Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Room 200, Washington, D.C.
D. (6) $240. E. (9) $20.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y.
E. (9) $50.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Brown & Williamson Tobacco Corp., Louisville, Ky.
E. (9) $50.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Liggett & Meyers Inc., 630 Fifth Avenue, New York, N.Y.
E. (9) $50.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Lorillard, 200 East 42d Street, New York, N.Y.
E. (9) $50.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Philip Morris Inc., 100 Park Avenue, New York, N.Y.
E. (9) $50.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C.
E. (9) $50.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street N.W., Washington, D.C.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Avco Corp., 750 Third Avenue, New York, N.Y.
E. (9) $45.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. CNA Insurance, 310 South Michigan Avenue, Chicago, Ill.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. National Basketball Players Association, 15 Columbus Circle, New York, N.Y.
E. (9) $22.75.

A. Larry D. Cline, 1315 16 Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $15.90.

A. Coalition for a National Population Policy, 1730 K Street NW., Washington, D.C.
D. (6) $9,889.98. E. (9) $726.98.

A. Mr. Jeffery Cohelan, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.
D. (6) $900.

A. David Cohen, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $1,250.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y.

A. William J. Colihan, Jr., 1000 Connecticut Avenue NW., Suite 1211, Washington, D.C.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y.
D. (6) $1,250. E. (9) $600.

A. William J. Colley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,248.13. E. (9) $766.24.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.
B. American Cylinder Manufacturers Committee, 1625 Eye Street NW., Washington, D.C.
D. (6) $45.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.
B. Bicycle Manufacturers Association of America, Inc., 122 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.

B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston, Mass.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.
B. Tool and Stainless Steel Industry Committee, 1625 Eye Street NW., Washington, D.C.
D. (6) $1,250. E. (9) $525.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Paul G. Collins, 111 Westminster Street, Providence, R.I.
B. Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.
D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

A. The Committee for Broadening Commercial Bank Participation in Public Financing, c/o Langdon P. Cook, 23 Wall Street, New York, N.Y.
D. (6) $150.

A. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y.
D. (6) $21,208.78. E. (9) $31,281.91.

A. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $832,560.18. E. (9) $153,495.21.

A. Paul B. Comstock, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $122.13.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.
D. (6) $150. E. (9) $104.55.

A. James T. Conner, The Madison Building, 1155–15th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association.
D. (6) $310. E. (9) $118.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corp., 841 Massachusetts Avenue, Detroit, Mich.
D. (6) $500. E. (9) $295.

A. John A. Connor, 7901 Westpark Drive, McLean, Va.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va.
D. (6) $5,250. E. (9) $211.74.

A. Jack T. Conway, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $2,250.

A. Cook & Franke S.C., 660 East Mason Street, Milwaukee, Wis.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. Howard Lee Cook, Jr., 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,248.13. E. (9) $563.38.

A. Eileen D. Cooke, 110 Maryland Avenue NE., Washington, D.C.
B. American Library Association, 50 E. Huron Street, Chicago, Ill.
D. (6) $99.36.

A. J. Milton Cooper, Suite 401, 1000 Vermont Avenue NW., Washington, D.C.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H.
D. (6) $3,750. E. (9) $1,220.41.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C.
B. Converse Rubber Co., Malden, Mass.; B. F. Goodrich Footwear Co., Charlotte, N.C.; Randy Manufacture Co., Randolph, Mass.; Uniroyal, Inc., Naugatuck, Conn.
E. (9) $2.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y.
D. (6) $6,000. E. (9) $4.

A. Darrell Coover, 1625 Eye Street NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $263.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. Committee for Broadening Commercial Bank Participation in Public Financing, care of Langdon Cook, 23 Wall Street, New York, N.Y.

A. James T. Corcoran, National Association of Motor Bus Owners, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $825. E. (9) $75.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C.
B. Corning Glass Works, Corning, N.Y.
D. (6) $75.

A. Robert M. Coultas, 1612 K Street NW., Washington, D.C.
B. Institute for Rapid Transit 1612 K Street NW., Washington, D.C.
D. (6) $100.

A. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $998.31. E. (9) $998.31.

A. Raymond L. Courage, Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $300.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. Glaverbel (USA) Inc., 75 Plandome Road, Manhasset, N.Y.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. The National Collegiate Athletic Association, Midland Building, Kansas City, Mo.
D. (6) $800. E. (9) $25.

A. W. J. Crawford, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.

A. Hubert M. Crean, 1801 K Street NW., Washington, D.C.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.
D. (6) $2,125. E. (9) $363.

A. Jay Creswell, 802 South Summerlin Avenue, Orlando, Fla.
E. (9) $86.32.

A. H. C. Crotty, 12050 Woodward Avenue, Detroit, Mich.

A. J. A. Crowder, Suite 1001, 1150 17th Street NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $1,500.

A. Crowell Collier & Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.

A. Dan Curlee, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $4,999.98.

A. John T. Curran, 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
D. (6) $6,999.99. E. (9) $3,270.69.

A. William Kay Daines, 1156 15th Street NW., Washingon, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $200. E. (9) $60.48.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $1,000. E. (9) $443.43.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $145.50.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill.
B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill.
D. (6) $1,000. E. (9) $288.83.

A. Davis, Wright, Todd, Riese & Jones, 4200 Seattle First National Bank Building, Seattle, Wash.
B. Arctic Slope Native Association, Post Office Box 486, Barrow, Alaska.
E. (9) $4,040,16.

A. Charles W. Davis, One First National Plaza—No. 5200, Chicago, Ill.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill.
E. (9) $118.13.

A. Charles W. Davis, One First National Plaza—No. 5200, Chicago, Ill.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill.
D. (6) $449.79. E.(9) $92.49.

A. Charles W. Davis, One First National Plaza—No. 5200, Chicago, Ill.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.
D. (6) $11,850.64. E. (9) $1,107.59.

A. Charles W. Davis, One First National Plaza—No. 5200, Chicago, Ill.
B. The Myron Stratton Home, Post Office Box 1178, Colorado Springs, Colo.
D. (6) $1,341.66. E. (9) $186.60.

A. Charles W. Davis, One First National Plaza—No. 5200, Chicago, Ill.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill.
E. (9) $92.49.

A. Mr. Fred E. Davis, National Association of Manufacturers, 1133 15th Street NW., Washington, D.C.
B. National Association of Manufacturers.
D. (6) $500. E. (9) $225.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

A. Walter L. Davis, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington D.C.
D. (6) $750.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $750.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. D.C. Transit System, Inc., Washington, D.C.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. Guild of Prescription Opticians, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

A. Charles W. Day, Washington Staff, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $630. E. (9) $270.75.

A. Phil Dean Associates, Inc., 271 North Avenue, New Rochelle, N.Y.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.
D. (6) $325. E. (9) $75.98.

A. Tony T. Dechant, 1012 14th Street NW., Washington, D.C.
B. The Farmers' Educational & Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $3,000. E. (9) $148.45.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C.
B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska.
D. (6) $3,000.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C.
B. American Society of Composers, Authors & Publishers, 575 Madison Avenue, New York, N.Y.
D. (6) $6,000.

A. Claude J. Desautels Associates, 1725 K Street NW., Washington, D.C.
B. American Soybean Association, Hudson, Iowa.
D. (6) $5,000.

A. Claude J. Desautels Associates, RCA Building, 1725 K Street NW., Washington, D.C.
B. Merger Committee, National Basketball Association, c/o Abe Pollin, 6101 16th Street NW., Washington, D.C.; Merger Committee, American Basketball Association, c/o H. Wendall Cherry, 601 Portland Federal Building, 200 W. Broadway, Louisville, Ky.
D. (6) $3,500.

A. Ralph B. Dewey, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif.
D. (6) $2,665. E. (9) $945.53.

A. George S. Dietrich, Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Washington, D.C.

A. Joseph E. Dillon, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Toro Manufacturing Corp., 8111 Lyndale Avenue South, Minneapolis, Minn.
D. (6) $500. E. (9) $35.

A. Timothy V. A. Dillon, 1001 15th Street, NW., Washington, D.C.
B. Department of Water Resources, State of California, Post Office Box 388, Sacramento, Calif.
D. (6) $2,320.54. E. (9) $160.54.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Marysville Dam Committee, Post Office Box 1550, Marysville, Calif.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Municipal Utility District, Post Office Box 15830, Sacramento, Calif.
D. (6) $1,601.45. E. (9) $51.45.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Yolo Port District, Post Office Box 815, West Sacramento, Calif.
D. (6) $1,124.25. E. (9) $44.25.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $38,107.05. E. (9) $38,107.05.

A. William H. Dodds, UAW, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $1,277.25. E. (9) $94.25.

A. James F. Doherty, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.
D. (6) $7,875. E. (9) $1,810.57.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $300. E. (9) $244.83.

A. C. L. Dorson, Warner Building, 501 13th Street NW., Washington, D.C.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Buliding, 501 13th Street NW., Washington, D.C.
D. (6) $3,389.74. E. (9) $320.

A. Dow, Lohnes and Albertson, 1225 Connecticut Avenue NW., Washington, D.C.
B. Newspaper Committee for Cablevision, David R. Bradley, News Press & Gazette Co., 9th and Edmond Streets, St. Joseph, Mo.

A. F. Raymond Downs, 1801 K Street NW., Washington, D.C.
B. The Procter & Gamble Manufacturing Co., 301 East 6th Street, Cincinnati, Ohio.

A. Harry J. Doyle, American Optometric Association, 1730 M Street NW., Washington, D.C.
B. American Optometric Association, c/o M. L. DeBolt, Box 605, Winona, Minn.
D. (6) $579.84. E. (9) $553.75.

A. Robert H. Doyle, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $3,281.

A. Franklin B. Dryden.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $105. E. (9) $90.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.
B. Textile Workers Union of America, 99 University Place, New York, N.Y.
D. (6) $1,162.52. E. (9) $100.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $60.

A. J. D. Durand, Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.
E. (9) $390.

A. Henry I. Dworshak, American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $975.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.
D. (6) $89.04.

A. Eastern Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $21.41. E. (9) $33.69.

A. Hope Eastman, 1424 16th Street NW., Washington, D.C.
D. (6) $7,939.10. E. (9) $7,939.10.

A. Jaye R. Ediger, 1315 16th Street NW., Washington. D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $15.25.

A. Hallett D. Edson, 956 N. Monroe Street, Arlington, Va.
B. National Association for Uniformed Services, 956 N. Monroe Street, Arlington, Va.
D. (6) $1,250.

A. Macon T. Edwards, Ring Building, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $165. E. (9) $42.27.

A. Harmon L. Elder, 1900 L Street NW., Washington, D.C.
B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.
D. (6) $250. E. (9) $36.35.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md.
D. (6) $3,054.68. E. (9) $3,176.29.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington D.C.

A. Roy Elson, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.
D. (6) $4,200. E. (9) $477.77.

A. Ely, Bartlett, Brown & Proctor, 225 Franklin Street, Boston, Mass.
B. Massachusetts Federal Savings Council, Inc., 11 Beacon Street, Boston, Mass.
D. (6) $5,483. E. (9) $421.19.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,530. E. (9) $5,326.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis.
E. (9) $750.

A. Richard W. Emory, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md.
B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9) $1.46.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C.
B. Bob Hoffman, York Barbell Co., Inc., York, Pa.
D. (6) $500.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.

A. Glenn R. Erickson, American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $800.

A. John D. Fagan, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C.
D. (6) $2,575. E. (9) $22.50.

A. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $73,966.95. E. (9) $23,294.03.

A. Federation of American Hospitals, 1101–17th Street NW., Washington, D.C.
E. (9) $3,750.

A. Fensterwald & Ohlhausen, 905 16th Street NW., Washington, D.C.
B. Committee for Humane Legislation, Inc.
D. (6) $1,500. E. (9) $123.33.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Joint Committee of Printing and Publishing Industries of Canada, 117 Eglinton Avenue East, Toronto 12, Canada.
D. (6) $999.99. E. (9) $31.

A. Francs S. Filbey, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $4,794.64.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C.
D. (6) $39. E. (9) $5.

A. Thomas W. Fink, Ring Building, 1200–18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $345. E. (9) $15.

A. James W. Finley, 1015 18th Street NW., Washington, D.C.
B. Crown Zellerbach Corp., One Bush Street, San Francisco, Calif.

A. William J. Flaherty, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.
D. (6) $6,375. E. (9) $30.

A. Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Frank U. Fletcher, Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Raymond J. Foley, National Candy Wholesalers Association, Inc., 1430 K Street NW., Washington, D.C.
E. (9) $10.

A. Gene N. Fondren, 337 National Press Building, Washington, D.C.
B. Missouri Pacific Railroad Co., 210 North 13th Street, St. Louis, Mo.
D. (6) $1,025. E. (9) $203.75.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn.
B. Minnesota Railroads Association.
D. (6) $500.

A. James W. Foristel, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,260. E. (9) $356.23.

A. John S. Forsythe, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $1,116.39.

A. William C. Foster, 1800 K Street NW., Washington, D.C.
B. Alyeska Pipeline Service Co., Post Office Box 576, Bellevue, Wash.
D. (6) $1,600. E. (9) $106.50.

A. William C. Foster, 1800 K Street NW., Washington, D.C.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo.
D. (6) $400. E. (9) $102.86.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Washington, D.C.
B. United States Independent Telephone Association, 425 13th Street NW., Washington, D.C.
D. (6) $245.

A. John G. Fox, 2000 L Street NW., Washington, D.C.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $37.50.

A. Charles L. Frazier, 485 L'Enfant Plaza SW., Washington, D.C.
B. National Farmers Organization, Corning, Iowa.
E. (9) $2,670.00.

A. R. Frank Frazier, National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C.
D. (6) $500.00.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $4,500.

A. James O. Freeman, 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,000. E. (9) $2.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. Devils Lake Sioux Tribe.
E. (9) $14.34.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Ave., NW., Washington, D.C.
B. The Hualapai Tribe of the Hualapai Reservation, Box 168, Peach Springs, Ariz.
E. (9) $2.27.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. The Nez Perce Tribe, Lapwai, Idaho.
D. (6) $700. E.(9) $14.38.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. Pueblo of Laguna, Laguna, N. Mex.
D. (6) $450. E. (9) $4.50.

A. Fried, Frank, Harris Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. Salt River Pima Maricopa Community, Box 120, Route 1, Scottsdale, Ariz.
D. (6) $62.50. E. (9) $2.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. San Carlos Apache Tribe, San Carlos, Ariz.
D. (6) $117.40. E. (9) $2.27.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.

B. The Sisseton & Wahpeton Sioux Tribe, Sisseton, S. Dak.
E. (9) $7.92.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.
B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $40.

A. Friends Committee on National Legislation, 245 2d Street NE., Washington, D.C.
D. (6) $26,538. E. (9) $12,860.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C.
B. The Chase Manhattan Bank, One Chase Manhattan Plaza, New York, N.Y.
D. (6) $250. E. (9) $581.09.

A. Frank W. Frisk, Jr., 2600 Virgina Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virgina Avenue NW., Washington, D.C.
D. (6) $350.

A. Frosh, Lane and Edson, 1025 Connecticut Avenue, Washington, D.C.
B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,200.

A. Bernard Fuchs, 60 East 42d Street, New York, N.Y.
B. National Association of Residents & Interns, Inc., 292 Madison Avenue, New York, N.Y.
D. (6) $1,250. E. (9) $49.25.

A. David C. Fullarton, 2100 M Street NW., Suite 700, Washington, D.C.
B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C.
D. (6) $275.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Royal Crown Cola Co., Columbus, Ga.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Vance Sanders & Co., Inc., Boston, Mass.; Federated Investors, Inc., Pittsburgh, Pa.; and Fidelity Management & Research Co., Boston, Mass.

A. James E. Gaffigan, 777 14th Street NW., Washington, D.C.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.
D. (6) $138.45. E. (9) $20.50.

A. William B. Gardiner, 1221 Massachusetts Avenue NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $5,625.

A. John W. Gardner, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
E. (9) $2,033.40.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $200. E. (9) $2.75.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $658.80. E. (9) $686.35.

A. William T. Gibb, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $29.29. E. (9) $2.16.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio.
B. International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.
B. Thee Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio

A. Vance M. Gilmer, Shell Oil Co., 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 1 Shell Plaza, Houston, Tex.
D. (6) $500.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn.
D. (6) $4,625. E. (9) $1,134.51.

A. Glass Container Manufacturers Institute, Inc., 330 Madison Avenue, New York, N.Y.
D. (6) $2,450. E. (9) $2,450.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.
B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C.
D. (6) $5. E. (9) $1.30.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $225. E. (9) $5.84.

A. James M. Goldberg, American Retail Federation, 1616 H Street NW., Washington, D.C.

A. Don A. Goodall, 1625 Eye Street NW., Washington, D.C.
B. American Cyanamid Co., Wayne, N.J.
D. (6) $154. E. (9) $27.75.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn.
B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn.
D. (6) $5,325.48.

A. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y.
B. Florists' Transworld Delivery Association, 900 W. Lafayette Boulevard, Detroit, Mich.

A. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $11,395.35. E. (9) $6,316.48.

A. Donald E. Graham, 1129 Twentieth Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 Twentieth Street NW., Washington, D.C.
D. (6) $1,068.75. E. (9) $55.55.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. James A. Gray, 7901 Westpark Drive, McLean, Va.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va.
D (6) $9,999.98. E. (9) $386.40.

A. Robert K. Gray, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $4,000. E. (9) $125.

A. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.
D. (6) $382.50. E. (9) $305.10.

A. Samuel A. Grayson, Union Pacific Railroad, 611 Idaho Building, Boise, Idaho.
E. (9) $1,069.29.

A. Dale Greenwood, Washington Railroad Association, 302 Hoge Building, Seattle, Wash.
E. (9) $1,197.50.

A. William G. Greif, 1155 15th Street NW., Washington, D.C.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y.
D. (6) $500.

A. Fred J. Greiner, Evaporated Milk Association, 910 17th Street NW., Washington, D.C.

A. John F. Griner, American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $10,046.40. E. (9) $2,294.79.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.
E. (9) $10,585.57.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Harry P. Guenther, 1015 18th Street NW., Washington, D.C.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

A. Ben Guill, 2000 K Street NW., Washington, D.C.
B. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $1,682.70. E. (9) $925.

A. R. William Habel, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.
D. (6) $2,880. E. (9) $423.59.

A. Robert J. Habenicht, 1400 South Joyce Street, Arlington, Va.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va.
D (6) $300. E. (9) $250.

A. Hoyt S. Haddock.
B. Labor-Management Maritime Committee, Washington, D.C.
D. (6) $1,500. E. (9) $350.72.

A. Matthew Hale, 1120 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,000. E. (9) $150.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill.

A. J. G. Hall, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $4,500. E. (9) $2,490.74.

A. John F. Hall, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
E. (9) $5,953.89.

A. Keith Halliday, 1725 K Street NW., Washington, D.C.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. Norman S. Halliday, 1629 K Street NW., Washington, D.C.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y.
D. (6) $2,750. E. (9) $24.89.

A. Thomas A. Halsted, 201 Massachusetts Avenue NE., Washington, D.C.
B. Council for a Livable World, 201 Massachusetts Avenue NE., Washington, D.C.
D. (6) $4,166.68.

A. Hamel, Park, McCare & Saunders, 888 17th Street NW., Washington, D.C.
B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C.
D. (6) $500. E. (9) $10.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C.
B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C.
B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $990. E. (9) 34.46.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $750. E. (9) $29.91.

A. Edward F. Harding, 140 New Montgomery Street, San Francisco, Calif.
B. The Pacific Telephone and Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.
D. (6) $102. E. (9) $367.78.

A. Franklin Hardings, Jr., 144 Wentworth Avenue, Pasadena, Calif.
B. California Savings and Loan League, 1444 Wentworth Avenue, Post Office Box R, Pasadena, Calif.
D. (6) $1,800.

A. Eugene J. Hardy, 277 Park Avenue, New York, N.Y.
B. National Association of Manufacturers.
D. (6) $2,500. E. (9) $208.65.

A. Andrew E. Hare, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $10.75.

A. Bryce N. Harlow, 1801 K Street NW., Suite 1104, Washington, D.C.
B. Procter & Gamble Mfg. Co., 301 East Sixth Street, Cincinnati, Ohio.
D. (6) $69. E. (9) $69.

A. Mildred B. Harman, Suite 640, Warner Building, 13th and E. Streets NW., Washington, D.C.
B. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.
D. (6) $825. E. (9) $411.25.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $400. E. (9) $81.

A. L. James Harmanson, Jr., 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. John H. Harper, 1140 Connecticut Avenue N.W., Washington, D.C.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $300. E. (9) $189.99.

A. Walter D. Harris, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborne Street, Chicago, Ill.
D. (6) $1,987.50. E. (9) $500.63.

A. Dennis E. Hart, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $996.55. E. (9) $15.28.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $5,605.60.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $3,565.25. E. (9) $703.81.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $1,286.50. E. (9) $1,460.75.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $2,544. E. (9) $671.15.

A. Hays & Hays, Warner Building, Washington, D.C.
B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $11,073.35. E. (9) $11,073.35.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $300.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y.
B. American Parents Committee Inc., 20 E Street NW., Washington, D.C.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $875. E. (9) $889.45.

A. Kenneth G. Heisler, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $1,000.

A. Walter G. Held, 1025 Connecticut Avenue NW., Washington, D.C.
B. Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y.

A. Ross E. Heller, 2100 M Street NW., Washington, D.C.
B. National Telephone Cooperative Association, 2100 M Street NW., Washington, D.C.
D. (6) $400.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C.
B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
D. (6) $150. E. (9) $150.

A. Leslie P. Henry, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $113.75. E. (9) $6.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125. E. (9) $503.06.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.
D. (6) $6,420. E. (9) $278.84.

A. M. F. Hicklin, 720 Bankers Trust Building, Des Moines, Iowa.
B. Iowa Railway Association, 720 Bankers Trust Building, Des Moines, Iowa.
E. (9) $1,403.25.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill.
E. (9) $92.49.

A. J. Thomas Higginbotham, 1725 K Street NW., Washington, D.C.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $404.15.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc.,
D. (6) $2,000. E. (9) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,100. E. (9) $753.98.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $400.

A. Claude E. Hobbs, 1801 K Street NW., Washington, D.C.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa.
D. (6) $900. E. (9) $195.

A. Thomas P. Holley, 1835 K Street NW., Washington, D.C.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. Lee B. Holmes, 1125 15th Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C.
D. (6) $750. E. (9) $5,840.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,750. E. (9) $25.

A. Thomas B. House.

B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.

D. (6) $100.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill.

B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill.

D. (6) $719.60.

A. Joe L. Howell, 1225 Connecticut Avenue, Washington, D.C.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill.

A. Charles L. Huber, 1221 Massachusetts Avenue NW., Washington, D.C.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $8,250. E. (9) $2,002.30.

A. Edward W. Hummers, Jr., 1225 Connecticut Avenue NW., Washington, D.C.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C.

B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.

D. (6) $7,500. E. (9) $428.50.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C.

B. NL Industries, Inc., Multi-Division Co., 111 Broadway, New York, N.Y.

A. James L. Huntley, 1775 K Street NW., Washington, D.C.

B. Retail Clerk International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.

D. (6) $5,825. E. (9) $1,239.39.

A. Lester S. Hyman, 815 Connecticut Avenue NW., Washington, D.C.

B. First Mortgage Investors, 401 41st Street, Miami Beach, Fla.

D. (6) $500. E. (9) $17.05.

A. Frank N. Ikard, 1801 K Street NW., Washington, D.C.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

A. Illinois Railroad Association, Room 808, 135 East Eleventh Place, Chicago, Ill.

B. Illinois Railroad Association, Room 808, 135 East Eleventh Place, Chicago, Ill.

D. (6) $3,184.50. E. (9) $1,547.30.

A. Imports Committee of Tube Division, Electronic Industrial Association, 2001 Eye Street NW., Washington, D.C.

D. (6) $630. E. (9) $630.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $7,712.25. E. (9) $7,712.25.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.

D. (6) $100.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.

E. (9) $8,845.10.

A. International Brotherhood of Painters and Allied Trades, 217–19 North Sixth Street, Lafayette, Ind.

E. (9) $3,731.49.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.

E. (9) $17,002.84.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C.

E. (9) $2,127.92.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn.

D. (6) $8,745.07. E. (9) $8,268.24.

A. William E. Isaeff, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.

A. Charles E. Jackson, 1200 18th Street NW., Washington, D.C.

A. Robert C. Jackson, 1150 17th Street NW., Washington, D.C.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.

D. (6) $2,750. E. (9) $150.76.

A. Raymond M. Jacobson, 1819 H Street NW., Washington, D.C.

B. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.

D. (6) $2,250.

A. Walter K. Jaenicke, 1619 Massachusetts Avenue NW., Washington, D.C.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $700. E. (9) $195.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.

E. (9) $300.

A. Daniel Jaspan, Post Office Box 1924, Washington, D.C.

B. National Association of Postal Supervisors, Post Office 1924, Washington, D.C.

D. (6) $8,061.25. E. (9) $46.10.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C.

B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa.

E. (9) $910.00.

A. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J.

A. H. Bradley Johnson, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $825.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.

B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. Reuben L. Johnson.

B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

D. (6) $4,098.43. E. (9) $379.70.

A. Spencer A. Johnson, 1025 Vermont Avenue NW., Washington, D.C.

B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.

D. (6) $300.

A. Charlie W. Jones, 1000 Connecticut Avenue NW., Washington, D.C.

B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

A. H. Daniel Jones III, Suite 1001, 1150 17th St. NW., Washington, D.C.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.

D. (6) $115. E. (9) $20.

A. L. Dan Jones, 1101 16th Street NW., Washington, D.C.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C.

E. (9) $25.37.

A. Oliver H. Jones, 1125 15th Street NW., Washington, D.C.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C.

D. (6) $600. E. (9) $11,316.

A. Phillip E. Jones, 1156 15th Street NW., Washington, D.C.

B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C.

A. Carl D. Jordan, 408 East Maple, Fremont, Mich.

B. Gerber Products Co., 445 State Street, Fremont, Mich.

D. (6) $330. E. (9) $145.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue NW., Washington, D.C.

B. Dresser Industries, Inc., 1100 Connecticut Avenue NW.

A. Francis M. Judge, 1615 H. Street NW., Washington, D.C.

B. Chamber of Commerce of the USA, 1615 H Street NW., Washington, D.C.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

E. (9) $12.50.

A. Sheldon Z. Kaplan, 1001 Connecticut Avenue NW., Washington, D.C.

B. Centro Azucarero Paraguayo.

D. (6) $1,500.

A. Sheldon Z. Kaplan, 1001 Connecticut Avenue NW., Washington, D.C.

B. Sea-Born Corp., 3421 North Central Avenue, Chicago Ill.

A. Gerald M. Katz, 1800 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md.

B. Maryland State Fair and Agriculture Society, Inc., Timonium State Fair Grounds, Timonium, Md.

E. (9) $1.46.

A. Carleton R. Kear, Jr., 1625 Eye Street NW., Washington, D.C.

B. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.

D. (6) $848.

A. William J. Keating, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. National Grain & Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.
D. (6) $30.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif.
B. Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Los Angeles, Calif.
B. Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $275.

A. Charles C. Keeble, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co. (A Delaware Corp.), Post Office 2180, Houston, Tex.
E. (9) $11.48.

A. Eugene A. Keeney, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $710.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.
D. (6) $7,500. E. (9) $9,561.32.

A. Francis A. Kelly, 1785 Massachusetts Avenue NW., Washington, D.C.
B. American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,000. E. (9) $4,449.

A. Harold V. Kelly, 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc.
D. (6) $1,000. E. (9) $1,000.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association.

A. George Kelm, One First National Plaza, Chicago, Ill.
B. The Myron Stratton Home, Post Office Box 1178, Colorado Springs, Colo.
D. (6) $1,341.66. E. (9) $186.60.

A. R. G. Kendall, Jr., Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.
D. (6) $430. E. (9) $484.52.

A. Edward F. Kenehan, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $833.32.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $264.20.

A. Jeremiah J. Kenney, Jr., 777 14th Street NW., Washington, D.C.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y.
E. (9) $92.03.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $875. E. (9) $150.

A. Charles L. King, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $96.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $737.10. E. (9) $26.02.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
E. (9) $154.28.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $2,344.88. E. (9) $441.76.

A. Kirkland, Ellis, Hodson, Chaffetz, Masters & Rowe, 1776 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

A. Herbert C. Kirstein, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $3,560. E. (9) $576.07.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa.
B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa.
D. (6) $380.70. E. (9) $408.69.

A. James D. Kittelton, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $575.

A. Ralph W. Kittle.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $250. E. (9) $100.

A. Robert E. Kline, Jr., 409 La Salle Building, 1028 Connecticut Avenue NW., Washington, D.C.
B. Bowling Proprietor Association of America, Inc., West Higgins Road, Hoffman Estates, Ill.
D. (6) $1,250. E. (9) $66.69.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $5,400. E. (9) $669.18.

A. Keith R. Knoblock, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $475.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $130.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $38.75.

A. Robert M. Koch, Jr., 1900 South Eads Street, Box 836, Crystal City, Arlington, Va.
B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836 Crystal City, Arlington, Va.
E. (9) $4.60.

A. Kominers, Fort, Schlefer & Boyer, 500 Tower Building, Washington, D.C.
B. Lykes Bros. Steamship Co., Inc., Commerce Building, Post Office Box 53068, New Orleans, La.; Pacific Far East Line, Inc., One Embarcadero Center, San Francisco, Calif.
D. (6) $12,468.

A. Horace R. Kornegay, 1776 K Street NW., Washington, D.C.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $175.

A. Paul A. Korody, Jr., 1725 Eye Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
E. (9) $300.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $4,071.50. E. (9) $1,463.21.

A. Howard R. Koven and Abe Fortas, 208 South La Salle Street, Chicago, Ill., and Canal Square, 1054 31st Street NW., Washington, D.C.
B. Loeb, Rhoades & Co., 42 Wall Street, New York, N.Y.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $137.75.

A. Germaine Krettek, 110 Maryland Avenue NE., Washington, D.C.
B. American Library Association, 50 East Huron Street, Chicago, Ill.
D. (6) $750.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $731.25. E. (9) $9.29.

A. William J. Kuhfuss, 225 West Touhy Avenue, Park Ridge, Ill.
B. American Farm Bureau Federation, 225 West Touhy Avenue. Park Ridge, Ill.
D. (6) $938. E. (9) $92.03.

A. Lloyd R. Kuhn, 1725 DeSales Street NW., Washington, D.C.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $6,072. E. (9) $953.50.

A. Laborers International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C.
E. (9) $12,145.08.

A. Labor-Management Maritime Committee.
D. (6) $13,333.85. E. (9) $8,213.

A. John P. Lagomarcino, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $6,250.02. E. (9) $38.25.

A. Lake Carriers Association, 1411 Rockefeller Building, Cleveland, Ohio.
E. (9) $200.

A. A. M. Lampley, 400 First Street NW., Washington, D.C.
B. United Transportation Union, 400 First Street NW., Washington, D.C.
E. (9) $250.

A. Asger F. Langlykke, 1913 Eye Street NW., Washington, D.C.

B. American Society for Microbiology, 1913 Eye Street NW., Washington, D.C.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C.

B. Laborers International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C.

E. (9) $546.19.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C.

B. District of Columbia Division, American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dillard B. Lasseter, 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $3,000. E. (9) $525.

A. Hugh C. Laughlin, 6153 Garden Road, Maumee, Ohio.

B. Owens-Illinois, P.O. Box 1035, Toledo 1, Ohio.

D. (6) $11,750. E. (9) $1,311.05.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.

D. (6) $1,950.

A. Donald F. Lavanty, 1730 M Street NW., Washington, D.C.

B. American Optometric Association, c/o M. L. DeBolt, Box 605, Winona, Minn.

D. (6) $568.80. E. (9) $474.95.

A. William Lazarus, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

E. (9) $770.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C.

B. American Association of Nurserymen, Inc., 230 Southern Building, Washington, D.C.

D. (6) $20. E. (9) $267.84.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,198. E. (9) $2,505.64.

A. Robert J. Leigh, 2100 M Street NW., Washington, D.C.

B. National Telephone Cooperative Association, 2100 M Street NW., Washington, D.C.

D. (6) $160.

A. Nils A. Lennartson, 1140 Connecticut Avenue NW., Washington, D.C.

B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $11,749.98.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C.

B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C.

B. Shell Chemical Co., 2401 Crow-Canyon Road, San Ramon, Calif.

A. Steven H. Lesnik, 1511 K Street NW., Washington, D.C.

B. Lumbermens Mutual Casualty Co., 4750 North Sheridan Road, Chicago, Ill.

D. (6) $675.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.

B. First Mortgage Investors, 401 41st Street, Miami Beach, Fla.

D. (6) $1,000. E. (9) $43.30.

A. Morris J. Levin, 839 17th Street NW., Washington, D.C.

B. Association of American Railroads, American Railroads Building, Washington, D.C.

D. (6) $1,000.

A. Herbert Liebenson, 1225 19th Street NW., Washington, D.C.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C.

D. (6) $4,500. E. (9) $1,200.

A. Life Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $4,480.92. E. (9) $4,480.92.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Ninth Floor, Loyalty Building, Portland, Oreg.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

D. (6) $5,700. E. (9) $1,598.44.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Loyalty Building, Portland, Oreg.

B. National Maritime Compensation Committee, Loyalty Building, Portland, Oreg.

A. Lester W. Lindow, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.

D. (6) $103.26. E. (9) $8.

A. Charles B. Lipsen, 1775 K Street NW., Washington, D.C.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Wasnington, D.C.

D. (6) $5,825. E. (9) $725.06.

A. Robert G. Litschert, 1140 Connecticut Avenue, Suite 1010, Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue, Suite 1010, Washington, D.C.

D. (6) $288.75. E. (9) $170.12.

A. Ira S. Loss, 1025 Connecticut Avenue NW., Blake Building, Washington, D.C.

B. American Insurance Association, Blake Building, 1025 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,500. E. (9) $250.

A. James F. Lovett, 1801 K Street NW., Washington, D.C.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa.

D. (6) $700. E. (9) $200.

A. Otto Lowe, 838 17th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $1,050.

A. Wilbur C. Lowrey, Suite 300, 1700 K Street NW., Washington, D.C.

B. Shell Oil Co., One Shell Plaza, Post Office Box 2463, Houston, Tex.

D. (6) $500.

A. Lumbermens Mutual Casualty Co., 4750 North Sheridan Road, Chicago, Ill.

E. (9) $1,350.00.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $1,000.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington D,.C.

B. Menswear Retailers of America, Room 390 National Press Building, Washington, D.C.

D. (6) $800.

A. William George Lunsford, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,609.

A. James H. Lynch, 400 First Street NW., Washington, D.C.

B. American Federation of Government Employees, 400 First Streeet NW., Washington, D.C.

D. (6) $4,233.60. E. (9) $205.68.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif.

B. California Railroad Association, 11th and L Building, Sacramento, Calif.

E. (9) $988.62.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va.

B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va.

D. (6) $950. E. (9) $1,392.45.

A. Joseph V. Machugh, 225 A Street NE., Washington, D.C.

B. Menswear Retailers of America, Room 390, National Press Building., 14th and F Streets NW., Washington, D.C.

A. James E. Mack, 1225 19th Street NW., Washington, D.C.

B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill.

D. (6) $6,250. E. (9) $597.46.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C.

B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va.

B. National Coal Association, Coal Building, 1130 17th Street NW., Washington, D.C.

D. (6) $6,871.81. E. (9) $106.30.

A. Mike Manatos, 1801 K Street NW., Washington, D.C.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.

D. (6) $22.01. E. (9) $22.01.

A. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.

D. (6) $5,000. E. (9) $3,000.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C.

B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., Dearborn, M.

A. Ralph J. Marlatt, 640 Investment Building,, 1511 K Street NW., Washington, D.C.

B. National Association of Mutual Insurance Agents 640 Investment Bulding, 1511 K Street NW., Washington, D.C.

E. (9) $8,905.85.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $672. E. (9) $16.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. J. Paull Marshall, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $159.32. E. (9) $127.95.

A. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9 $1.46.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
D. (6) $100.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
D. (6) $500.

A. Guy B. Maseritz, 1701 K Street NW., Washington, D.C.
B. Life Insurance Associates of America, 277 Park Avenue, New York, N.Y.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $59.46. E. (9) $3.45.

A. Walter J. Mason, 815 16th Street NW., Room 603, Washington, D.C.
B. Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Room 603, Washington, D.C.
D. (6) $5,499.91. E. (9) $660.

A. P. H. Mathews, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $355. E. (9) $79.06.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $435. E. (9) $423.55.

A. Charles E. Mattingly, 1608 K Street, NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,954. E. (9) $276.67.

A. C. V. and R. V. Maudlin, 1111 E Street NW., Washington, D.C.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Meat Cutters and Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill.
D. (6) $5,420. E. (9) $470.

A. William C. McCamant, 1725 K Street NW., Washington, D.C.
D. (6) $500.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C.
B. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $3,082.27.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf-Western Industries, Inc., One Gulf-Western Plaza, New York, N.Y.
E. (9) $544.30.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
E. (9) $44.33.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La.
E. (9) $50.97.

A. E. L. McCulloch, 400 First Street NW., Washington, D.C.
B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio.
D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.
D. (6) $399.80. E. (9) $155.55.

A. J. Patrick McElroy, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $475.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont.
B. The Montana Power Co., Butte, Mont.
E. (9) $85.68.

A. Mrs. Barbara D. McGarry, 20 E Street NW., Washington, D.C.
B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C.
B. Brotherhood Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $7,080.

A. Myles F. McGrail, 1825 K Street NW., Washington, D.C.
B. The Dow Chemical Co., Midland, Mich.

A. Marshall C. McGrath.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $560. E. (9) $187.04.

A. Darrell V. McGraw, Jr., Shepherdstown, W. Va.
B. Community Action Strategy Team, 403 11th Street NW., Washington, D.C.
E. (9) $200.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $1,959.10.

A. Graham N. McKelvey, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $88.

A. William F. McKenna, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $100. E. (9) $2.80.

A. Teresa D. McLaughlin, 1125 15th Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C.
D. (6) $300. E. (9) $2,739.

A. John S. McLees, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.
D. (9) $175.

A. William F. McManus, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $930. E. (9) $480.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $238.83. E. (9) $10.87.

A. Charles R. McNeill, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,000. E. (9) $804.94.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C.
B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa.; Great Lakes Dredge & Dock Co., 228 North La Salle Street, Chicago, Ill.; Dunbar & Sullivan Dredging Co., 2312 Buhl Building, Detroit, Mich.
D. (6) $5,150. E. (9) $1,061.72.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
D. (6) $1,888.99. E. (9) $1,037.19.

A. Carl J. Megel, 1012 14th Street NW., Washington, D.C.
B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C.
E. (9) $12,100.

A. R. Otto Meletzke, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $40.20. E. (9) $2.04.

A. Lawrence C. Merthan, 1425 K Street NW., Suite 1000, Washington, D.C.
B. Hill and Knowlton, Inc., 150 East Forty-Second Street, New York, N.Y.
D. (6) $4,500. E. (9) $535.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.

A. George F. Meyer, Jr., 1625 Eye Street NW., Washington, D.C.
B. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $1,010.

A. Larry L. Meyer, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $710.

A. James G. Michaux, 777 14th Street NW., Washington, D.C.
B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio.
D. (6) $500.

A. Miller & Chevalier, 1700 Pennsylvania Avenue, NW., Washington, D.C.
B. Bank of Montreal, 2 Wall Street, New York, N.Y.
D. (6) $5,000. E. (9) $4.71.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Toronto-Dominion Bank, 45 Wall Street, New York, N.Y.
D. (6) $5,000. E. (9) $4.71.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Royal Bank of Canada, 68 William Street, New York, N.Y.
D. (6) $5,000. E. (9) $4.71.

A. A. Stanley Miller, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Dallas, Tex., Chamber of Commerce.
D. (6) $195. E. (9) $119.52.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $262.50. E. (9) $26.94.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Texas Gulf Sulphur Co., Newgulf, Tex., and New York, N.Y.
D. (6) $225. E. (9) $133.40.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Nebr.
B. Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr.
D. (6) $5,749.98. E. (9) $1,355.34.

A. Hermon I. Miller, 425 13th Street NW., Pennsylvania Building, Washington, D.C.
B. National Turkey Federation, Mount Morris, Ill.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $875.

A. Luman G. Miller, 912 Failing Building Portland, Oreg.
B. Oregon Railroad Association, 912 Failing Building, Portland, Oreg.
E. (9) $1,194.22.

A. Jack Mills, 1776 K Street NW., Washington, D.C.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $200.

A. John G. Mohay, 734 15th Street NW., Washington, D.C.
B. National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $312.50.

A. G. Merrill Moody, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $62.70. E. (9) $198.24.

A. Joseph E. Moody, 918 16th Street NW., Washington, D.C.
B. Bituminous Coal Operators Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $500.

A. O. William Moody, Jr., 815 16th Street NW., Washington, D.C.
B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $669.52.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C.
B. American Humane Association, Post Office Box 1266, Denver, Colo.
D. (6) $1,500.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. National Committee for Civil Airlift.
D. (6) $450. E. (9) $141.02.

A. Morison, Murphy, Abrams & Haddock,
B. Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. James M. Morris, 1660 L Street NW., Room 804, Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $2,500. E. (9) $374.41.

A. James G. Morton, 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,500. E. (9) $50.

A. Jack Moskowitz, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $102.73.

A. Lynn E. Mote, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.
D. (6) $2,000.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
E. (9) $83.63.

A. William G. Mullen, 491 National Press Building, Washington, D.C.
B. National Newspaper Association, 491 National Press Building, Washington, D.C.
E. (9) $158.36.

A. Richard W. Murphy, 1200 18th Street NW., Washington, D.C.
B. Merck & Co., Inc., Rahway, N.J.
D (6) $400.

A. D. Michael Murray, 1920 L Street NW., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $654.08. E. (9) $761.08.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. Lawrence P. Mutter, 1016 20th Street NW., Washington, D.C.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C.
D. (6) $812.49. E. (9) $37.74.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D. C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,657.49. E. (9) $73.67.

A. John J. Nangle, Suite 812, 1625 Eye Street NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $586.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.
D. (6) $41.25. E. (9) $182.35.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.
D. (6) $95.50. E. (9) $95.50.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.
D. (6) $523.50. E. (9) $523.50.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $25,858.39. E. (9) $4,666.64.

A. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $1,500.

A. National Association of Credit Management, 475 Park Avenue South, New York, N.Y.

A. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,323.57. E. (9) $7,865.57.

A. National Association of Former Elected Committeemen, 1900 South Eads Street, Box 836, Arlington, Va.
D. (6) $35.41. E. (9) $35.41.

A. National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y.
E. (9) $12,754.79.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $785,281.08. E. (9) $33,498.85.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $1,922.68. E. (9) $1,922.68.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C.
D. (6) $8,243.52. E. (9) $8,243.52.

A. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $35,000. E. (9) $25,614.91.

A. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.
E. (9) $13,697.44.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $10,846.54. E. (9) $2,503.04.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $563,002.60. E. (9) $6,171.56.

A. National Coal Association, Coal Building, Washington, D.C.

D. (6) $453,653.71. E. (9) $9,709.56.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.

D. (6) $13,552.90. E. (9) $13,552.90.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $14,464.91. E. (9) $14,024.57.

A. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.

D. (6) $567. E. (9) $627.76.

A. National Counsel Associates, 421 New Jersey Avenue, Washington, D.C.

B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.

D. (6) $833.34. E. (9) $162.24.

A. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga.

E. (9) $1,800.

A. National Electrical Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.

D. (6) $282,466.81. E. (9) $17,158.70.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $12,149.33. E. (9) $13,637.97.

A. National Grain & Feed Association. 500 Folger Building, 725 15th Street NW., Washington, D.C.

A. The National Grange, 1616 H Street NW., Washington D.C.

D. (6) $141,230.89. E. (9) $10,750.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.

E. (9) $1,070.75.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $15,427.68. E. (9) 15,838.61.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $461.94. E. (9) $1,943.04.

A. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C.

D. (6) $3,291.56. E. (9) $1,160.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.

D. (6) $2,442.65. E. (9) $2,442.65.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr.

D. (6) $4,258.59. E. (9) $4,258.59.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $7,588.42. E. (9) $7,588.42.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.

E. (9) $801.10.

A. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C.

D. (6) $5,310. E. (9) $750.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.

D. (6) $1,623. E. (9) $1,325.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C.

D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $12,500. E. (9) $11,700.

A. National Telephone Cooperative Association, 2100 M Street NW., Washington, D.C.

E. (9) $956.

A. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

D. (6) $859.19. E. (9) $859.19.

A. National Turkey Federation, Mount Morris, Ill.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.

D. (6) $10,510. E. (9) $5,122.04.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.

D. (6) $4,186.62. E. (9) $263.37.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Washington, D.C.

D. (6) $10,650. E. (9) $7,421.25.

A. NBA Players Association, 15 Columbus Circle, New York, N.Y.

D. (6) $3,873.78. E. (9) $3,873.78.

A. Alexander W. Neale, Jr., Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

D. (6) $1531. E. (9) $31.60.

A. Alan M. Nedry, 888 17th Street NW., Washington, D.C.

B. Southern California Edison Co., Post Office Box 800, Rosemead, Calif.

D. (6) $250. E. (9) $90.45.

A. Allen Neece, Jr., 537 Washington Building, Washington, D.C.

B. National Association of Small Business Investment Cos., 537 Washington Building, Washington, D.C.

D. (6) $300.

A. Samuel E. Neel, 1125 15th Street NW., Washington, D.C.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,266.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.

D. (6) $4,000. E. (9) $180.30.

A. Louis H. Nevins, 908 Colorado Building, Washington, D.C.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.

D. (6) $1,656.25. E. (9) $222.21.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C.

B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill.

D. (6) $150.

A. Sarah H. Newman, 1029 Vermont Avenue NW., Washington, D.C.

B. National Consumers League, 1029 Vermont Avenue NW., Washington, D.C.

D. (6) $1,650.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa.

B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr.

D. (6) $1,929.01. E. (9) $529.01.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.

B. American Federation of Postal Workers Union, Washington, D.C.

D. (6) $7,715.79. E. (9) $472.97.

A. NL Industries, Inc., 111 Broadway, New York, N.Y.

A. Stanley D. Noble, 20 North Wacker Drive, Chicago, Ill.

B. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C.

B. National Association of Small Business Investment Cos., 537 Washington Building, Washington, D.C.

D. (6) $1,500. E. (9) $76.56.

A. Robert H. North, 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

D. (6) $650.

A. Daniel J. O'Callaghan, 734 15th Street NW., Washington, D.C.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $218.75.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. American Transit Association, 465 L'Enfant Plaza West SW., Washington, D.C.

D. (6) $2,250. E. (9) $130.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Upper Mississippi Towing Corp., 7703 Normandale Road, Minneapolis, Minn.

D. (6) $2,500. E. (9) $112.

A Raymond D. O'Connell, 400 Madison Avenue, New York, N.Y.

B. National Cable Television Association, Inc., 1634 Eye Street NW., Washington, D.C.

D. (6) $3,000. E. (9) $416.

A. Richard T. O'Connell, 1129 20th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $3,199.98. E. (9) $90.77.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $300.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., Washington, D.C.
B. Philippine Sugar Institute, Post Office Box 978, Manila, Philippines.
D. (6) $500. E. (9) $250.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y.
D. (6) $4,109.98. E. (9) $1,191.36.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill.

A. Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.

A. Mr. Alvin E. Oliver, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. National Grain and Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.
D. (6) $43.95. E. (9) $3.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Robert Oliver, 400 First Street NW., Washington, D.C.
B. Sperry and Hutchinson Co., 330 Madison Avenue, New York, N.Y.
D. (6) $5,000.

A. Mr. Samuel Omasta, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $22.50.

A. Charles T. O'Neill, Jr., The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,000. E. (9) $148.45.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. J. Allen Overton, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $1,200.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C.

A. George F. Parrish, West Virginia Railroad Association, Post Office Box 7, Charleston, W. Va.
D. (6) $6,000.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $190.32.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Boating Industry Association, 333 North Michigan Avenue, Chicago, Ill.; National Association of Engine & Boat Manufacturers, 537 Steamboat Road, Greenwich, Conn.
D. (6) $750.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Central American Sugar Council, 1200 17th Street NW., Washington, D.C.
D. (6) $4,125. E. (9) $1,475.52.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C.
D. (6) $500.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. The Nestle Co., 100 Bloomingdale Road, White Plains, N.Y.
D. (6) $300.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. New Process Co., Warren, Pa.
D. (6) $650.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Reader's Digest Association, Inc., Pleasantville, N.Y.
D. (6) $650.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.
B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. John J. Pecoraro, 1925 K Street NW., Washington, D.C.
B. International Brotherhood of Painters and Allied Trades, 217–19 North Sixth Street, Lafayette, Ind.
D. (6) $2,177.50.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
E. (9) $7,842.80.

A. J. Carter Perkins, 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., One Shell Plaza, Houston, Tex.
D. (6) $1,000.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn.
D. (6) $2,500. E. (9) $1,728.40.

A. Michael Petresky, 400 First Street NW., Washington,D.C.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $2,825.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.
D. (6) $275. E. (9) $250.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. John P. Philbin, 1100 Connecticut Avenue, NW., Washington, D.C.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125.

A. Bruce E. Phillips, American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $640.

A. James F. Pinkney, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $2,501.13. E. (9) $25.64.

A. James H. Pipkin, Texaco, Inc., 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y.
D. (6) $700. E. (9) $1,460.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.
D. (6) $7,438.33. E. (9) $1,350.

A. George G. Potts, 640 Investment Building NW., Washington, D.C.
B. National Association of Mutual Insurance Agents, 640 Investment Building, Washington, D.C.
E. (9) $4,613.40.

A. Ramsay D. Potts, Shaw, Pittman, Potts 910 17th Street NW., Washington, D.C.
B. Investment Company Institute 1775 K Street NW., Washington, D.C.
D. (6) $1,875. E. (9) $21.20.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Washington, D.C.

A. William I. Powell, 1101 16th Street NW., Washington, D.C.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C.
E. (9) $14.05.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $570. E. (9) $27.64.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $475.

A. William H. Press, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.
D. (6) $10,500.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Cos., 730 15th Street NW., Washington, D.C.
D. (6) $250.

A. Jerry C. Pritchett, 1414 30th NW., Washington, D.C.
B. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue, Suite 750, Washington, D.C.
E. (9) $533.11.

A. The Proprietary Association, 1700 Pennsylvania Avenue, NW., Washington, D.C.
D. (6) $818.48. E. (9) $818.48.

A. Pulp & Paper Machinery Manufacturers' Association, 1001 Connecticut Avenue, Room 910, Washington, D.C.
D. (6) $630. E. (9) $630.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $1,250.

A. William A. Quinlan, Route 1, Box 199, Annapolis, Md.
D. (6) $76.25. E. (9) $16.79.

A. Arthur L. Quinn, Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. Belize Sugar Industries, Belize City, British Honduras.

A. Arthur L. Quinn, Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. Compania Azucarera Valdez, S.A., Sociedad Agricola e Industrial, San Carlos, Guayaquil, Ecuador.

A. Arthur L. Quinn, Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. Government of Republic of Panama, Compania Azucarera la Estrella, S.A., and Azucarera Nacional S.A., Panama City, Panama.

A. Arthur L. Quinn, Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. West Indies Sugar Association, Bridgetown, Barbados.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C.
D. (6) $2,222. E. (9) $523.89.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $296.16.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $38.25. E. (9) $6.34.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.
D. (6) $3,000.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Island Equipment Co., 3300 Northeast Yeon Avenue, Portland, Oreg.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.
D. (6) $900. E. (9) $179.74.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Stimson Lumber Co. and Miller Redwood Co., 315 Pacific Building, Portland, Oreg.
D. (6) $250.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $10,752. E. (9) $10,752.

A. G. J. Rauschenbach, Communications Satellite Corp.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C.
D. (6) $875. E. (9) $735.

A. William W. Rayner, 1701 North Fort Myer Drive, Arlington, Va.
B. Crowell Collier and Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.
A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.
E. (9) $7,928.50.

A. David J. Reedy, 1517 Virginia Street, Downers Grove, Ill.
B. National Advertising Co., 6850 S. Harlem Avenue, Bedford Park, Argo, Ill.
D. (6) $1,000.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. John A. Reilly, Esq., Kenyon & Kenyon, Reilly Carr & Chappin, 59 Maiden Lane, New York, N.Y.
E. (9) $25.

A. Delos W. Rentzel, 1701 K Street NW., Washington, D.C.
B. Portland Cement Association, Old Orchard Road, Skokie, Ill.

A. William M. Requa, 732 Shoreham Building, Washington, D.C.
B. Association of Sugar Producers of Puerto Rico, 732 Shoreham Building, Washington, D.C.

A. Reserve Officers Association of United States, 1 Constitution Avenue NW., Washington, D.C.
D. (6) $755. E. (9) $251.

A. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $4,281.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Building, 13th and E Streets, Washington, D.C.
D. (6) $7,174. E. (9) $12,168.92.

A. William L. Reynolds, National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $60. E. (9) $36.

A. Theron J. Rice, 1130 17th Street NW., Washington, D.C.
B. Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C.
D. (6) $625.

A. James W. Richards, Standard Oil (Indiana), 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,513.99. E. (9) $13.58.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La.
B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.

A. Rosalie Riechman, 120 Maryland Avenue NE., Washington, D.C.
B. Women's International League for Peace and Freedom, 1 North 13th Street., Philadelphia, Pa.
D. (6) $1,500.

A. Miss Rebekah Rivers, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $70.

A. William Neale Roach, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $3,750.50.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $1,000.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $55.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank, Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $656.25.

A. Frank W. Rogers, 1801 K Street NW., Washington, D.C.
B. Western Oil & Gas Association, 609 South Grand Avenue, Los Angeles, Calif.
D. (6) $750.

A. Walter E. Rogers, Independent Natural Gas Association of America, 1660 L Street NW, Washington, D.C.
D. (6) $1,000.

A. Michael J. Romig, American Insurance Association, 1025 Connecticut Avenue NW., Blake Building, Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Robert J. Routier, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

A. Royall, Koegel & Wells, 1730 K Street NW., Washington, D.C.
B. The Deltona Corporation, 3250 South West Third Avenue, Miami, Fla.
D. (6) $5,600. E. (9) $41.62.

A. Elbert C. Rudasill, American Optometric Association, 1730 M Street NW., Washington, D.C.
B. American Optometric Association, care of M. L. DeBolt, O.D., Box 605, Winona, Minn.
D. (6) $120.60. E. (9) $114.65.

A. John Forney Rudy, 902 Ring Building, Washington, D.C.
B. The Goodyear Tire & Rubber Co., Akron, Ohio.

A. Albert R. Russell, Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $2,253.78. E. (9) $294.35.

A. J. T. Rutherford & Associates, Inc., 1555 Connecticut Avenue NW., Washington, D.C.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $2,500. E. (9) $729.11.

A. J. T. Rutherford, 1555 Connecticut Avenue NW., Washington, D.C.
B. American Trucking Associations, 1616 P Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $1,060.12.

A. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.

B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.

D. (6) $900. E. (6) $960.

A. Stanley H. Ruttenberg, 1211 Connecticut Avenue NW., Washington, D.C.

D. (6) $900.

A. Ella Marice Ryan, duty by attorney, E. M. Ryan, Consultant, Logos Bldg., 3620 South 27th Street, Arlington, Va.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.

D. (6) $150.

A. William H. Ryan, Machinists Building, Washington, D.C.

B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,137.50. E.(9) $480.

A. Francis J. Ryley, 500 Title and Trust Building, Phoenix, Ariz.

B. Standard Oil Co. of California, San Francisco; Shell Oil Co., Mobil Oil Corp., Atlantic Richfield Co., Phillips Petroleum Co., Union Oil Co., Gulf Oil Corp., all of Los Angeles; Humble Oil & Refining Co., Midland, Tex.

A. Sachs, Greenebaum, Frohlich & Tayler, 839 17th Street NW., Washington, D.C.

B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.

D. (6) $720. E. (9) $18.95.

A. Carl K. Sadler, American Federation of Government Employees, 400 First Street NW., Washington, D.C.

D. (6) $5,124. E. (9) $5,913.45.

A. Raymond L. Schafer, Ring Building, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $2,500. E.(9) $130.50.

A. Eric P. Schellin, 1225 19th Street, NW., Washington, D.C.

B. National Patent Council, 1225 19th Street NW., Washington, D.C.

D. (6) $750.

A. Jacques T. Schlenger, 1800 Mercentile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md.

B. Maryland State Fair and Agricultural Society, Inc., Timonium, State Fair Grounds, Timonium, Md.

E. (9) $1.46.

A. A. Cleve Schneeberger, 1211 Connecticut Avenue NW., Washington, D.C.

B. Portland Cement Association, Old Orchard Road, Skokie, Ill.

A. C. Herschel Schooley, 815 15th Street NW., Washington, D.C.

B. Independent Bankers Association of America, Sauk Centre, Minn.

D. (6) $4,250. E. (9) $3,058.81.

A. Millard Schulberg, Suite 304, 1900 L Street, NW., Washington, D.C.

B. National Liquor Stores Association, Inc., 1900 L Street NW., Washington, D.C.

D. (6) $225. E. (9) $16.

Hilliard Schulberg, 1900 L Street NW., Washington, D.C.

B. Washington, D.C. Retail Dealers Association, Inc., 1900 L Street NW., Washington, D.C.

D. (6) $555. E. (9) $70.

A. John W. Scott, 1616 H Street NW., Washington, D.C.

B. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $5,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.

B. Jefferson Pilot Corp., Post Office Box 21008, Greensboro, N.C.

A. Earl W. Sears, Post Office Box 12285, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $125. E. (9) $4.93.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich.

B. Estate of Bert N. Adams, Mrs. Emma Giambaldi, George Hallingby et al.

E. (9) $149.10.

A. William M. Segall, 1015 18th Street NW., Washington, D.C.

B. The Carpet and Rug Institute, Post Office Box 2048, Dalton, Ga.

D. (6) $950. E. (9) $26.30.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

D. (6) $100. E. (9) $10.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C.

B. National Newspaper Association, 491 National Press Building, Washington, D.C.

E. (9) $182.40.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Pfizer Inc., 235 East 42d Street, New York, N.Y.

D. (6) $720. E. (9) $300.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C.

B. El Paso Natural Gas Co., El Paso, Tex.

D. (6) $4,377.75. E. (9) $815.18.

A. Shaw, Pittman, Potts & Trowbridge, Barr Building, Washington, D.C.

B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y.

A. John J. Sheehan, United Steelworkers of America, 1001 Connecticut Avenue NW, Washington, D.C.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.

D. (6) $5,464. E. (9) $3,614.76.

A. Laurence P. Sherfy, American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $1,075.

A. Robert H. Shields, 1156 16th Street NW., Washington, D.C.

B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C.

A. Max Shine, 1126 16th Street NW., Washington, D.C.

B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.

D. (6) $992. E. (9) $20.

A. Harvey A. Shipman, 2000 L Street NW., Washington, D.C.

B. Penn Central Transportation Co. Six Penn Center Plaza, Philadelphia, Pa.

A. Six Agency Committee, 217 West First Street, Los Angeles, Calif.

D. (6) $10,970. E. (9) $3,000.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $3,750. E. (9) $4.

A. A. Z. Shows, 806 15th Street NW., Washington, D.C.

B. Avionics Communication Systems Inc., Subsidiary of Mechanical Technology Inc., Latham, N.Y.

A. Sidney & Austin, 1625 I Street, NW., Washington, D.C.

B. Electronic Industries Association, 2001 I Street NW., Washington, D.C.

A. Daviu Silver, 1775 K Street NW., Washington, D.C.

B. Investment Company Institute, 1775 K Street, Washington, D.C.

D. (6) $56. E. (9) $61.32.

A. Lana H. Sims, S. C. Railroad Association, 1003 Security Federal Building, Columbia, S.C.

D. (6) $75.68. E. (9) $101.73.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen, Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Carstens Slack, Phillips Petroleum Co., 1625 I Street NW., Washington, D.C.

B. Phillips Petroleum Co., Bartlesville, Okla.

A. William L. Slayton, The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,500.

A. Smathers and Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C.

D. (6) $15,000. E. (9) $502.33.

A. Smathers and Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. American Horse Council, Inc., 1776 K Street NW., Washington, D.C.

D. (6) $6,250. E. (9) $796.69.

A. Donald E. Smiley, 1025 Connecticut Avenue NW., Washington, D.C.

B. Humble Oil & Refining Co. (A Delaware Corp), Post Office Box 2180, Houston, Tex.

E. (9) $687.11.

A. T. W. Smiley, 135 E. 11th Place, Chicago, Ill.

B. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.

D. (6) $3,184.50. E. (9) $1,547.30.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C.

B. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y.

E. (9) $103.80.

A. Robert William Smith, Ford Motor Co., Washington Staff, 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $375. E. (9) $245.90.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C.

B. National Association of Mutual Insurance Co.'s, 2511 East 46th Street, Indianapolis, Ind.

A. Wayne H. Smithey, Washington Staff, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $1,950. E. (9) $839.85.

A. Lyle O. Snader, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $119.46. E. (9) $126.50.

A. Frank B. Snodgrass, 1100 17th Street NW., Washington, D.C.
B. Burley and Dark Leaf Tobacco Export Assn., Post Office Box 860, Lexington, Ky.
D. (6) $550. E. (9) $183.

A. Edward F. Snyder, 245 Second Street NE, Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $2,013.

A. Society for Animal Protective Legislation, Post Office Box 3719, Georgetown Station, Washington, D.C.
D. (6) $3,609.75. E. (9) $6,842.20.

A. Carl A. Soderblom, Nevada Railroad Association, 1 East First Street, Reno, Nev.
B. Nevada Railroad Association, 1 East First, St., Reno, Nev.; Southern Pacific Transportation Co., Western Pacific Railroad Co.
D. (6) $250. E. (9) $1,008.93.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C.
B. International Brotherhood Electrical Workers, 330 S. Wells Street, Chicago, Ill.
D. (6) $1,999.80.

A. James M. Souby, Jr., 224 Union Station Building, Chicago, Ill.
B. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. William W. Spear, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,322.34. E. (9) $4.52.

A. Frank J. Specht, Schenley Industries, Inc., 1725 DeSales Street, NW., Washington, D.C.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Mfrs. & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Mr. Nicholas J. Spiezio, Associate Counsel, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C.
D. (6) $550. E. (9) $4,503.

A. Louis P. Spitz, American Association of Motor Vehicle Administrators, 1828 L Street NW., Suite 500, Washington, D.C.
D. (6) $1,000.

A. Lynn Stalbaum, 1026 17th Street NW., Washington, D.C.
B. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
D. (6) $450.

A. J. Gilbert Stallings, 1776 K Street NW., Washington, D.C.
B. INA Corporation, 1600 Arch Street, Philadelphia, Pa.

A. Melvin L. Stark, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $350.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $200.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, San Francisco, Calif.
B. Valley Center Municipal Water District, Valley Center, Calif.
D. (6) $1,475. E. (9) $513.70.

A. Steptoe & Johnson, 1250 Connecticut Avenue, NW., Washington, D.C.
B. Robert College of Istanbul, Turkey 305 East 45th Street, New York, New York.
D. (6) $210.00. E. (9) $6.00.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y.
D. (6) $120. E. (9) $4.

A. B. H. Steuerwal, Brotherhood of Railroad Signalmen, 40 First Street NW., Washington, D.C.

A. Eugene L. Stewart, 1001 Connecticut Avenue NW., Washington, D.C.
B. Ad Hoc Committee of U.S. Dyestuff Producers, 1001 Connecticut Avenue, Washington, D.C.
D. (6) $500. E. (9) $130.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.
B. Glass Container Manufacturers Institute, Inc., 330 Madison Avenue, New York, N.Y.
D. (6) $2,000. E. (9) $450.

A. Eugene L. Stewart, 1001 Connecticut Avenue NW., Washington, D.C.
B. Imports Committee of Tube Division, Electronic Industries Association, 2001 I Street NW., Washington, D.C.
D. (6) $500. E. (9) $130.

A. Eugene L. Stewart, 1001 Connecticut Avenue NW., Washington, D.C.
B. Pulp and Paper Machinery Manufacturers' Association, 1001 Connecticut Avenue, Room 910, Washington, D.C.
D. (6) $500. E. (9) $130.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.
B. Trade Relations Council of the United States, 1001 Connecticut Avenue NW., Washington, D.C.
D. (6) $500. E. (9) $130.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.
B. World Trade Committee on Parts Division, Electronic Industries Association, 2001 I Street NW., Washington, D.C.
D. (6) $500. E. (9) $130.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Washington, D.C.
B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $405.

A. Stitt, Hemmendinger, and Kennedy, Attorneys, 1000 Connecticut Avenue NW., Washington, D.C.
B. Footwear Group, American Importers Association, New York, N.Y.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.
B. Japan Iron & Steel Exporters' Association, Tokyo, Japan.

A. Richard H. Stock, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Richard H. Stock, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Sterling F. Stoudenmire, Jr., 61 Saint Joseph Street, Mobile, Ala.
B. Waterman Steamship Corp., 61 Saint Joseph Street, Mobile, Ala.

A. Francis W. Stover, National Legislative Service, V.F.W., 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the U.S., 200 Maryland Avenue NE., Washington, D.C.
D. (6) $5,724.50. E. (9) $481.73.

A. William M. Stover, Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $980. E. (9) $100.

A. Herald E. Stringer, National Legislative Commission, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,610. E. (9) $303.34.

A. Walter B. Stults, 537 Washington Building, Washington D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $600.

A. G. Don Sullivan, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $475.

A. Roger H. Sullivan, 1251 Avenue of the Americas, New York, N.Y.
B. Amstar Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $1,426.85.

A. Frank L. Sundstrom, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $2,214. E. (9) $642.

A. C. Austin Sutherland, Managing Director, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Irving W. Swanson, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. Noble J. Swearingen, 128 C Street NE., Washington, D.C.
B. National Tuberculosis and Respiratory Disease Association, 1740 Broadway, New York, N.Y.
D. (6) $950. E. (9) $24.61.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $6,249.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C.
B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa.
D. (6) $400. E. (9) $350.75.

A. Russell A. Swindell, Post Office Box 2635, Raleigh, N.C.
B. North Carolina Railroad Association, Post Office Box 2635, Raleigh, N.C.
D. (6) $583.28. E. (9) $398.56.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.

A. Rev. Charles C. Talley, 100 Angus Court, Charlottesville, Va.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Roy W. Terwilliger, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

A. L. D. Tharp, Jr., Independent Natural Gas Association of America, 1660 L. Street NW., Washington, D.C.
D. (6) $300.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Tobacco Association, Inc., 1101 17th Street NW., Washington, D.C.
E. (9) $1,519.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $2,800. E. (9) $149.60.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.
B. National Association of Electrical Contractors, 1140 Connecticut Avenue, Washington, D.C.
D. (6) $580. E. (9) $494.35.

A. John P. Tracey, Assistant Director, American Bar Association.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $400. E. (9) $50.

A. Trade Relations Council of the United States, 1001 Connecticut Avenue NW., Washington, D.C.
E. (9) $630.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C.

A. W. M. Trevarrow, 1056 National Press Building, Washington, D.C.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich.
D. (6) $3,000. E. (9) $91.50.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Paul E. Trimble, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio.
D. (6) $75.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $5,250. E. (9) $25.

A. Galen Douglas Trussell, 277 Park Avenue, New York, N.Y.
B. National Association of Manufacturers.
D. (6) $792. E. (9) $250.

A. James R. Turnbull.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
E. (9) $7,142.59.

A. Richard F. Turney, 230 Southern Building, Washington, D.C.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C.
D. (6) $20. E. (9) $287.84.

A. John D. Tyson.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $118. E. (9) $46.92.

A. United Cerebral Palsy Associations, Inc., 66 East 34th Street, New York, N.Y.
E. (9) $2,199.80.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
E. (9) $24,441.86.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue NW., Washington, D.C.
E. (9) $2,304.34.

A. U.S. Savings & Loan League, 11 East Wacker Drive, Chicago, Ill.
E. (9) $39,452.52.

A. David E. Ushio, Japanese American Citizens League, 2021 L Street NW., Washington, D.C.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
D. (6) $200.

A. John A. Vance, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif.
D. (6) $2,255. E. (9) $1,020.84.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C.
B. International Association of Machinists, & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.
B. The Hertz Corp., 660 Madison Avenue, New York, N.Y.
E. (9) $121.77.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.
B. The Hertz Corp., 660 Madison Avenue, New York, N.Y.
E. (9) $121.77.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.
B. United Air Lines, Post Office Box 66100, Chicago, Ill.
E. (9) $95.78.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.
B. United Air Lines, Post Office Box 66100, Chicago, Ill.
E. (9) $95.78.

A. Venable, Baetjer and Howard, 1800 Merchantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9) $1.46.

A. Richard E. Vernor, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $1,594.16. E. (9) $131.25.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) $261.65.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank, Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $127.75. E. (9) $65.50.

A. E. R. Wagner, 888 17th Street NW., Washington, D.C.
B. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.
D. (6) $207.69. E. (9) $22.37.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $788.80. E. (9) $212.22.

A. Wald, Harkrader, Nicholson & Ross, 1320 19th Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. E. F. Waldrop, Jr., Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $224.79. E. (9) $55.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $1,077.75. E. (9) $292.67.

A. William A. Walton, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans.

A. Alan M. Warren, 1025 Connecticut Ave-NW., Washington, D.C.
B. Humble Oil & Refining Co. (a Delaware corporation), Post Office Box 2180, Houston, Tex.
E. (9) $305.96.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y.
D. (6) $450. E. (9) $340.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $850.

A. Mr. Ray Wax, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va.
B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va.
E. (9) $8.75.

A. Herman Webb, International Brotherhood of Electrical Workers, 400 First Street, Washington, D.C.

B. International Brotherhood of Electrical Workers, O'Hare Office Building, Suite 400, 10400 W. Higgins Road, Rosemont, Ill.
D. (6) $708.43.

A. E. Jerome Webster, Jr.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Clarence M. Weiner, 350 Fifth Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $9,500.01. E. (9) $45.60.

A. Dennis W. Weissman, American Optometric Association, 1730 M Street NW., Washington, D.C.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 615, Winona, Minn.
D. (6) $82.04. E. (9) $76.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C.
E. (9) $113.56.

A. Dr. Frank J. Welch, 3724 Manor, Chevy Chase, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Fred M. Wertheimer, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $5,749.98. E. (9) $44.45.

A. Terrell M. Wertz, National Legislative Commission, The American Legion, 1608 K Street, NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,495. E. $113.30.

A. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
E. (9) $400.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Washington, D.C.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa.
E. (9) $1,650.

A. John L. Wheeler, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill.
D. (6) $750. E. (9) $15.

A. Donald F. White, American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $850.

A. Ed White, Western Railroad Association, 280 Union Station Building, Chicago, Ill.
B. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. John C. White, 1317 F Street NW., Washington, D.C.
B. Private Truck Council of America, 1317 F Street NW., Washington, D.C.

A. John S. White, Marathon Oil Co., 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $495.12.

A. Robert L. White, 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Douglas Whitlock II, 910 Washington Building, Washington, D.C.
B. Montgomery Ward & Co., Inc., 910 Washington Building, Washington, D.C.
D. (6) $500. E. (9) $150.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif.
B. California Railroad Association, 11th and L Building, Sacramento, Calif.
D. (6) $2,625.13. E. (9) $4,198.27.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $250.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York, N.Y.
E. (9) $545.29.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Arapahoe Indian Tribe, Fort Washakie, Wyo.
E. (9) $19.85.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.
E. (9) $12.50.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.
E. (9) $390.08.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Crow Creek Sioux Tribe, Pierre Agency, Pierre, S. Dak.
E. (9) $87.59.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Hoopa Valley Tribe, Post Office Box 817, Hoopa, Calif.
E. (9) $38.55.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. National Congress of American Indians, 1346 Connecticut Avenue NW., Washington, D.C.
E. (9) $51.02.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Quinaielt Tribe of Indians, Taholah, Wash.
E. (9) $86.49.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N.D.
E. (9) $78.32.

A. Francis G. Williams.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.00.

A. John C. Williamson, Realtors' Washington Committee on the National Association of Real Estate Boards, 1300 Connecticut Avenue, Washington, D.C.
B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.
D. (6) $6,000. E. (9) $213.67.

A. Kenneth Williamson, American Hospital Association, 1 Farragut Square South, Washington, D.C.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $410.68. E. (9) $100.23.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. American Airlines, Inc., 633 Third Avenue, New York, N.Y.
D. (6) $5,718. E. (9) $105.75.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. American Express Co., 65 Broadway, New York, N.Y.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Columbia Broadcasting System, Inc., 51 West 52d Street, New York, N.Y.
D. (6) $416. E. (9) $17.15.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. P. Morgan & Co., Inc., 23 Wall Street, New York, N.Y.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Oil Investment Institute, 1 Greenwich Plaza, Greenwich, Conn.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $4,600. E. (9) $794.87.

A. R. J. Winchester, 900 Southwest Towers, Houston, Tex.
B. Pennzoil United, Inc., 900 Southwest Towers, Houston, Tex.
D. (6) $1,800. E. (9) $647.93.

A. Richard F. Witherall, Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
D. (6) $1,000. E. (9) $2,350.

A. Peter L. Wolff, 1 Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools, Suite 370 1 Dupont Circle NW., Washington, D.C.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $8,080.80. E. (9) $467.61.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Flying Tiger Line, Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Companies, Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. Perry W. Woofter, 1801 K Street NW., Washington, D.C.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $637.

A. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.
D. (6) $630. E. (9) $630.

A. V. T. Worthington, 1500 North Quincy Street, Box 7116, Arlington, Va.
B. Association of Petroleum Re-Refiners, 1500 North Quincy Street, Box 7116, Arlington, Va.

A. Gerald L. Wykoff, 1730 Rhode Island Avenue NW., Washington, D.C.

B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Association of Motion Picture and Television Producers 8480 Beverly Boulevard, Los Angeles, Calif., Hollywood A.F.L. Film Council, 7715 Sunset Boulevard, Hollywood, Calif., Screen Actors Guild, 7750 Sunset Boulevard, Hollywood, Calif.

D. (6) $1,300.

A. Wayman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Associacion Nacional de Cultivadores de Cana de Azucar, P.B. 4448, Cali, Colombia.

D. (6) $775.

A. Wyman, Bautzer, Rothman & Kutchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Copyright Owners Negotiating Committee, c/o Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y.

D. (6) $250.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Embassy of the Government of the Republic of Korea, 2320 Massachusetts Avenue NW., Washington, D.C.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Merger Committee National Basketball Association, c/o Abe Pollin, 6101 16th Street NW., Washington, D.C.; Merger Committee, American Basketball Association, c/o H. Wendell Cherry 601 Portland Federal Building, 200 W. Broadway, Louisville, Ky.

D. (6) $4,725. E. (9) $19.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.

E. (9) $2.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Unionamerica, Inc., 435 South Figneros Street, Los Angeles, Calif.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.

B. First National City Bank, 399 Park Avenue, New York, N.Y.

D. (6) $200. E. (9) $82.99.

A. Albert H. Zinkand, 1701 Pennsylvania Avenue NW., Washington, D.C.

A. Charles O. Zuver, the American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,000. E. (9) $228.98.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1971 were received too late to be included in the published reports for that quarter:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Paul W. Airey, 4517 Sunset Drive, Panama City, Fla.

B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C.

A. Frederick K. Alderson, 1900 L Street NW., Washington, D.C.

B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.

D. (6) $920. E. (9) $221.70.

A. American Federation of State, County and Municipal Employees, 1155 15th Street NW., Washington, D.C.

E. (9) $5,626.10.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.,

D. (6) $26,544.53. E. (9) $26,544.53.

A. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

E. (9) $2,440.36.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $2,580.

A. American Optometric Association, Box 605, 117 W. Third Street, Winona, Minn.

D. (6) $5,230.45. E. (9) $5,230.45.

A. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.

E. (9) $2,250.

A. American Vocational Association, 1510 H Street NW., Washington, D.C.

D. (6) $1,400. E. (9) $1,344.

A. Erma Angevine, 1012 14th Street NW., Washington, D.C.

B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C.

D. (6) $800.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C.

B. Conwood Corp., 701 North Main Street, Memphis, Tenn.

D. (6) $9,615. E. (9) $446.34.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C.

B. National Association of Record Merchandisers, Inc., Trianon Building, Suite 703, 20 Conshocken State Road, Bala Cynwyd, Pa.

D. (6) $12,085. E. (9) $1,556.05.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.

B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.

D. (6) $2,083.33. E. (9) $1,391.09.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.

A. Associated Electric Cooperative, Inc., Post Office Box 754, Springfield, Mo.

(9) $50.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.

D. (6) $41.25. E. (9) $104.02.

A. Association of Petroleum Re-Refiners, 1500 North Quincy Street, Arlington, Va.

A. John C. Bagwell, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C.

B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. Charles W. Bailey, 1900 L Street NW., Washington, D.C.

B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.

D. (6) $15.

A. Davis M. Batson, Ethyl Corp., 611 Madison Building, 1155 15th Street NW., Washington, D.C.

B. Ethyl Corp., 611 Madison Building, 1155 15th Street NW., Washington, D.C.

D. (6) $150.

A. Donald S. Beattie, Congress of Railway Unions, 400 First Street NW., Washington, D.C.

D. (6) $1736.85.

A. Charles G. Botsford, 1730 M Street NW., Washington, D.C.

A. J. Wiley Bowers, Suite 325, Pioneer Building, Chattanooga, Tenn.

B. Tennessee Valley Public Power Association, Suite 325, Pioneer Building, Chattanooga, Tenn.

A. George E. Bradley, 1341 G Street NW., Washington, D.C.

B. Organization of Professional Employees of USDA (OPEDA), 1341 G Street NW., Washington, D.C.

D. (6) $420. E. (9) $25.

A. Cyril F. Brickfield, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

E. (9) $1,315.64.

A. Thomas C. Brickle, 1000 Connecticut Avenue NW., Washington, D.C.

B. American Institute of Laundering, Joliet, Ill.; National Institute of Drycleaning, 909 Burlington Avenue, Silver Spring, Md.

D. (6) $1,000.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $23,015.43. E. (9) $23,015.43.

A. Charles H. Brown, 1250 Connecticut Avenue NW., Washington, D.C.

B. Colonial Sugar Refining Co., Ltd., 1–7 O'Connell Street, Sydney, Australia.

D. (6) $2,400. E. (9) $195.36.

A. Charles H. Brown, 1201 16th Street NW., Washington, D.C.

B. National Education Association—Government Relations and Citizenship, 1201 16th Street NW., Washington, D.C.

A. Lyman L. Bryan, 2000 K Street NW., Washington, D.C.

B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C.

B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y.

E. (9) $1,200.

A. David A. Bunn, Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C.

B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C.

E. (9) $700.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont.

B. The Montana Power Co., Butte, Mont.

E. (9) $121.38.

A. Lowell A. Burkett, 1510 H Street NW., Washington, D.C.

B. American Vocational Association, 1510 H Street NW., Washington, D.C.

D. (6) $875.

A. Charles S. Burns, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $975. E. (9) $254.90.

A. Robert B. Byrnes, 1514 17th Street NW., Washington, D.C.

B. National Railroad Pension Forum, Inc., 328 Pennsylvania Avenue SE., Washington, D.C.

E. (9) $146.65.

A. John H. Callahan, 1126 16th Street NW., Washington, D.C.

B. International Union of Electrical, Radio and Machine Workers, AFL–CIO, 1126 16th Street NW., Washington, D.C.

D. (6) $875. E. (9) $240.

A. Canal Zone Central Labor Union-Metal Trades Council, AFL–CIO, Post Office Box 471, Balboa Heights, C.Z.

D. (6) $2,084.50. E. (9) $2,672.80.

A. Michael H. Cardozo, One Dupont Circle NW., Washington, D.C.

B. Association of American Law Schools, One Dupont Circle NW., Washintgon, D.C.

A. Richard M. Carrigan, 1201 16th Street NW., Washington, D.C.

B. National Education Association–Government Relations and Citizenship, 1201 16th Street NW., Washington, D.C.

D. (6) $3,063.60. E. (9) $45.95.

A. Frank H. Case III, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

E. (9) $1,050.

A. E. Michael Cassady, 1130 17th Street NW., Washington, D.C.

B. Water Resources Congress, 1130 17th Street NW., Washington, D.C.

A. Frank Chelf, 220 C Street SE., Washington, D.C.

B. Conwood Corp., 701 North Main Street, Memphis, Tenn.

D. (6) $1,800.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C.

B. American Dental Association, 1101 17th Street NW., Washington, D.C.

D. (6) $2,250.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D.C.

D. (6) $3,649.75. E. (9) $8,456.22.

A. Larry D. Cline, 1315 16th Street NW., Washington, D.C.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.

E. (9) $1.90.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $5,156.25. E. (9) $239.

A. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.

E. (9) $5,104.01.

A. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y.

D. (6) $36,633.45. E. (9) $26,320.73.

A. Congress of Railway Unions, 400 First Street NW., Washington, D.C.
D. (6) $3,742.90. E. (9) $8,066.07.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $550. E. (9) $320.

A. Conwood Corp., 701 North Main Street, Memphis, Tenn.
E. (9) $11,861.34.

A. Harry N. Cook, Suite 200, 1130 17th Street NW., Washington, D.C.
B. The National Waterways Conference.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C.
B. Corning Glass Works, Corning, N.Y.
D. (6) $125. E. (9) $43.71.

A. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C.
D. (6) $1,250. E. (9) $1,250.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Adhesive & Sealant Council, 1410 Higgens Road, Park Ridge, Ill.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Classroom Periodical Publishers Association, 38 West Fifth Street, Dayton, Ohio.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Industrial Diamond Association of America, Inc., 2017 Walnut Street, Philadelphia, Pa.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Jewelers Vigilance Committee, Inc., 156 East 52d Street, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Kohler Co., Kohler, Wis.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami, Fla.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Association of Casualty & Surety Agents, 83 Maiden Lane, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y.

A. Raymond L. Courage, Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C.
D. (6) $300.

A. Paul L. Courtney, 1715 K Street NW., Washington, D.C.
D. (6) $300.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $2,846.97. E. (9) $771.37.

A. Harold L. Crosier, 400 First Street, NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $1,466.40.

A. Culbertson, Pendleton & Pendleton, 1815 H Street NW., Washington, D.C.
B. Canned Meat Importers' Association, c/o North American Foods, Division of Deltec International Ltd., 2801 Ponce de Leon Boulevard, Coral Gables, Fla.
D. (6) $1,245. E. (9) $113.99.

A. Culbertson, Pendleton & Pendleton, 1815 H Street NW., Washington, D.C.
B. Taiwan Sugar Corp., One World Trade Center, New York, N.Y.
D. (6) $1,800. E. (9) $382.46.

A. Dan Curlee, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $4,999.98.

A. William Kay Daines, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $100. E. (9) $26.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. American Importers Association, New York, N.Y.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. The Cocoa, Chocolate & Confectionery Alliance of Great Britain, London, England.
E. (9) $1,561.66.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Indian Sugar Industry Export Corp., Ltd., New Delhi, India.
D. (6) $25,000. E. (9) $3,523.09.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Chemical Fibres Association, Tokyo, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Woolen & Linen Textiles Exporters Association, Osaka, Japan.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $1,000. E. (9) $751.

A. Vincent A. Demo, 25 Broadway, New York, N.Y.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.
D. (6) $6,875. E. (9) $1,800.

A. Leslie E. Dennis, Brotherhood of Railway, Airline & Steamship Clerks, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $661.80. E. (9) $119.97.

A. Ralph B. Dewey, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $4,125. E. (9) $1,910.70.

A. Discover America Travel Organizations, Inc., 1100 Connecticut Avenue NW., Washington, D.C.
D. (6) $63,083.33 E. (9) $682.50.

A. Louise C. Dunlap, 620 C Street SE., Washington, D.C.
B. Friends of the Earth, 620 C Street SE., Washington, D.C.
D. (6) $2,000. E. (9) $2,000.

A. Henry I. Dworshak, American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $975.

A. Jaye R. Ediger, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $1.50.

A. Hallett D. Edson, N.A.U.S., 956 North Monroe Street, Arlington, Va.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $1,250. E. (9) $70.

A. D. A. Ellsworth, Brotherhood of Railway, Airline & Steamship Clerks, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $4,518. E. (9) $473.91.

A. Ethyl Corp., 1155 15th Street NW., No. 611, Washington, D.C.
E. (9) $150.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue, Washington, D.C.
D. (6) $7,820. E. (9) $5,298.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C.
D. (6) $13,292.50. E. (9) $1,072.48.

A. Fensterwald & Ohlhausen, 905 16th Street NW., Washington, D.C.
B. Committee for Humane Legislation, Inc.
D. (6) $1,500. E. (9) $200.25.

A. Francis C. Fini, Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C.

A. Frank U. Fletcher, Fletcher, Heald, Rowell, Kenehan & Hildreth, 125 Connecticut Avenue, NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. David H. Foerster, National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2,202. E. (9) $66.54.

A. Morley E. Fox, 300 New Jersey Avenue SE., Washington, D.C.
B. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz.
D. (6) $83.84. E. (9) $40.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. Devils Lake Sioux Tribe, Fort Totten, N. Dak.
D. (6) $1,631.25. E. (9) $11.19.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.

B. The Hualapai Tribe of the Hualapai Reservation, Box 168, Peach Springs, Ariz.
D. (6) $234.75. E. (9) $4.81.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. Salt River Pima Maricopa Community, Route 1, Box 120, Scottsdale, Ariz.
D. (6) $125.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. San Carlos Apache Tribe, San Carlos, Ariz.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. The Seneca Nation of Indians, Box 231, Salamanca, N.Y.
D. (6) $937.50.
A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.
B. The Sisseton and Wahpeton Sioux Tribe, Sisseton, S. Dak.
D. (6) $1,068.75. E. (9) $28.75.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Royal Crown Cola Co., Columbus, Ga.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $118,475. E. (9) $4,129.06.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C.
D. (6) $658.80. E. (9) $686.35.

A. Mary Condon Gereau, National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $3,176.25. E. (9) $56.25.

A. Ernest Giddings, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. Horace D. Godfrey, 1825 Connecticut Avenue NW., Washington, D.C.
B. American Sugar Cane League of the U.S.A., 414 Whitney Building, New Orleans, La. and Florida Sugar Cane League, Post Office Box 1148, Slewiston, Fla.

A. Horace D. Godfrey, Post Office Box 7265, Alexandria, Va.
B. Gold Kist, Post Office Box 2210, Atlanta, Ga.

A. James M. Goldberg, American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,100.

A. Jack Golodner, 1155 15th Street NW., Washington, D.C.
B. Council of AFL–CIO Unions for Scientific, Professional & Cultural Employees, 1155 15th Street NW., Washington, D.C.
D. (6) $1,000.

A. Government Relations and Citizenship.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $16,493.06. E. (9) $3,703.63.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $2,500. E. (9) $190.

A. James W. Green, National Educational Association, Suite 505, 316 West 12th Street, Austin, Tex.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $475.25. E. (9) $100.

A. Dale Greenwood, Washington Railroad Association, 302 Hoge Building, Seattle, Wash.
E. (9) $429.78.

A. John F. Hall, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
E. (9) $1,670.70.

A. William E. Hardman, 1411 K Street NW., Washington, D.C.
B. National Tool, Die and Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Andrew E. Hare, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $7.

A. Robert E. Harman, National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $548.25. E. (9) $75.

A. Herbert E. Harris II, Warner & Harris, Inc., 1030 15th Street, NW., Washington, D.C.
D. (6) $1,375.

A. Richard I. Hersh, Box 1333, Syracuse, N.Y.
B. Agway Inc., Box 1333, Syracuse, N.Y.
D. (6) $450. E. (9) $458.50.

A. Leo D. Hochstetter.
B. Motion Picture Association of America, Inc., 1600 Eye Street NW., Washington, D.C.

A. Thomas B. House.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Peter W. Hughes, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut NW., Washington, D.C.
E. (9) $101.59.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C.
B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C.

A. David J. Humphreys, Paulson & Humphreys, 1140 Connecticut Avenue, NW., Washington, D.C.
B. Manufactured Housing Association of America, Inc., 39 S. La Salle Street, Chicago, Ill.
D. (6) $2,000.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C.
B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.
D. (6) $7,500. E. (9) $174.50.

A. Gerald W. Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,069.47. E. (9) $121.75.

A. Bernard J. Imming, Secretary, United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $312.50. E. (9) $5.53.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Institute of Scrap Iron and Steel, Inc., 1729 H Street NW., Washington, D.C.
D. (6) $300. E. (9) $17.63.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
E. (9) $15,369.07.

A. Robert C. Jackson, Suite 840, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (1) $2,750. E. (9) $175.45.

A. Raymond M. Jacobson, 1819 H Street NW., Washington, D.C.
B. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
D. (6) $2,250.

A. Walter K. Jaenicke, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $700. E. (9) $230.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C.
B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa.
E. (9) $947.20.

A. H. Bradley Johnson, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $825.

A. Elmer A. Jones, 1145 19th Street NW., Washington, D.C.
D. (6) $750. E. (9) $464.86.

A. William R. Joyce, Jr., 1701 Pennsylvania Avenue NW., Washington, D.C.
B. Centro Azucarero Argentino, Reconquista 336, Buenos Aires, Argentina.
D. (6) $3,000.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C.
B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline, & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $4,411.20. E. (9) $736.71.

A. Eugene A. Keeney, American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $820.

A. Franklin E. Kepner, The Berwick Bank Building, Berwick, Pa.
B. Associated Railroads of Pennsylvania, Room 1022 Transportation Center, Philadelphia, Pa.
D. (6) $1,800. E. (9) $100.

A. James D. Kittelton, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $575.

A. Keith R. Knoblock, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $475.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $32.25.

A. Kominers, Fort, Schlefer & Boyer, Tower Building, Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $27,375. E. (9) $843.85.

A. Kominers, Fort, Schlefer & Boyer, 500 Tower Building, Washington, D.C.
B. Lykes Bros. Steamship Co., Inc., Commerce Building, Post Office Box 53068, New Orleans, La., and Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif.

A. Charles B. Kornmann, South Dakota Railroads Association, Post Office Box 489, Aberdeen, S. Dak.
D. (6) $200. E. (9) $308.05.

A. Reed E. Larson, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $16.75.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va.
B. National Association for Uniformed Services, 956 N. Monroe Street, Arlington, Va.
D. (6) $1,950.

A. William Lazarus, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $850.

A. League for Economic Assistance and Development, Inc., 390 Plandome Road, Manhasset, N.Y.
D. (6) $555. E. (9) $692.65.
A. Charles W. Lee, Congressional Hotel, 300 New Jersey Avenue SE., Washington, D.C.
B. Emergency Committee for Full Funding of Education Programs, 300 New Jersey Avenue SE., Washington, D.C.
D. (6) $500.

A. Steven H. Lesnik, 1511 K Street NW., Washington, D.C.
B. Lumbermens Mutual Casualty Co., 4750 N. Sheridan Road, Chicago, Ill.
D. (6) $675.

A. Liberty Lobby, Inc., 130 3d Street SE., Washington, D.C.
D. (6) $17,093.23. E. (9) $14,753.65.

A. George A. Lucas, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $1,622.40.

A. Lumbermens Mutual Casualty Co., 4750 N. Sheridan Road, Chicago, Ill.
E. (9) $1,350.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C.
B. Menswear Retailers of America, R. 390, National Press Bldg., Washington, D.C.
D. (6) $1,200.

A. James H. Lynch, American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $4,939.20. E. (9) $284.73.

A. Manufactured Housing Association of America, Inc., 39 S. La Salle Street, Chicago, Ill.
E. (9) $2,000.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.
D. (6) $4,186.62. E. (9) $296.68.

A. Albert E. May, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $82.50. E. (9) $3.88.

A. Arnold Mayer, 100 Indiana Avenue NW., room 410, Washington, D.C.
B. Amalgamated Meat Cutters and Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill.
D. (6) $5,420. E. (9) $310.

A. J. Patrick McElroy, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. $475.

A. Stanley J. McFarland, 1201 16th Street NW., Washington, D. C.
B. National Education Association, Government Relations and Citizenship, 1201 16th Street NW., Washington, D.C.
D. (6) $4416.57. E. (9) $261.50.

A. Barbara D. McGarry, 20 E Street NW., Washington, D.C.
B. American Parents Committee Inc., 20 E Street NW., Washington, D.C.

A. Peter E. McGuire, 400 1st Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $3,054. E. (9) $1,167.92.

A. William H. McLin, 20 Ashburton Place, Boston, Mass.
B. National Education Association, Government Relations and Citizenship, 1201 16th Street NW., Washington, D.C.
D. (6) $529.38. E. (9) $75.

A. George G. Mead, 128 C Street NE., Washington, D.C.
B. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill.
D. (6) $3,000. E. (9) $225.

A. George G. Mead, 128 C Street NE., Washington, D.C.
B. The National Association of Theatre Owners, Inc., 1501 Broadway, New York, N.Y.
D. (6) $2,000. E. (9) $1059.85.

A. Larry L. Meyers, American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $710.

A. Capt. A. Stanley Miller, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Clinton R. Miller, 121 Second Street, Washington, D.C.
B. National Health Federation, 211 West Colorado Avenue, Monrovia, Calif.
D. (6) $1,200. E. (9) $1,200.

A. Lester F. Miller, Secretary, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $271. E. (9) $14.25.

A. Paul J. Minarchenko, Jr., 1155 15th Street NW., Washington, D.C.
B. American Federation of State, County & Municipal Employees, 1155 15th Street NW., Washington, D.C.
D. (6) $4,125. E. (9) $632.05.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.
D. (6) $4,000.

A. David J. Muchow, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Sugar Distributors of Venezuela, Edif. de la Luz Electrica de Venezuela, Av. Urdaneta, 7th Floor, Caracas, Venezuela.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.
D. (6) $41.25. E. (9) $104.02.

A. National Associated Businessmen, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $690.97. E. (9) $986.22.

A. National Committee for an American SST, 1156 15th Street NW., Washington. D.C.
D. (6) $7,747.46. E. (9) $15,520.66.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.
D. (6) $15,500.80. E. (9) $15,033.02.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $25,971.60. E. (9) $5,420.46.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $31,680.37. E. (9) $29,850.82.

A. National Association of Record Merchandisers, Inc., Trianon Building, Conshohocken State Road, Bala Cynwyd, Pa.
(9) $12,085.

A. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.
B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.
D. (6) $200,972.96. E. (9) $680.93.

A. National Convocation of Lawyers To End the War, 1229 19th Street NW., Washington, D.C.
D. (6) $14,995.33. E. (9) $11,252.56.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington, D.C.
B. National Federation of Independent Business, Inc., 150 West 20th Avenue, San Mateo, Calif.
D. (6) $20,916.32. E. (9) $20,916.32.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $22,861.87. E. (9) $28,262.11.

A. National Independent Dairies Association, 2120 L Street NW., Washington, D.C.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
D. (6) $1,669.90. E. (9) $1,669.90.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.
E. (9) $825.

A. National Right To Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $3,415.36. E. (9) $3,415.36.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Associa-

tion, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $1,868. E. (9) $3,943.

A. National Sharecroppers Fund, Inc., 112 East 19th Street, New York, N.Y.
D. (6) $26,196.68. E. (9) $13,266.35.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $4,186.58. E. (9) $4,150.86.

A. National Taxpayers Union, 319 Fifth Street SE., Washington, D.C.
D. (6) $10,578.03. E. (9) $10,349.30.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.
D. (6) $6,578. E. (9) $6,956.61.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $270.65.

A. William E. Neumeyer, 1120 Connecticut Avenue NW., Washington, D.C.
B. GTE Service Corp., 730 Third Avenue, New York, N.Y.
D. (6) $20.75.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C.
B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill.
D. (6) $150.

A. Jonathan Newkirk, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,004.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.
D. (6) $3,500. E. (9) $23,100.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr.
D. (6) $2,212.50. E. (9) $696.51.

A. Robert D. Nordstrom, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $400. E. (9) $100.

A. Claude E. Olmstead, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $271. E. (9) $18.50.

A. Roy W. Olson, Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C.
D. (6) $225. E. (9) $25.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $13.75.

A. Charles T. O'Neill, Jr., 1120 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $2000. E. (9) $215.

A. Alejandro Orfila, 1211 Connecticut Avenue NW., Washington, D.C.
B. Centro Azucarero Argentino, Reconquista 336, Buenos Aires, Argentina.
D. (6) $3,000. E. (9) $4,277.16.

A. Organization of Professional Employees of the U.S. Department of Agriculture (OPEDA), 1341 G Street NW., Washington, D.C.
D. (6) $870. E. (9) $1395.48.

A. J. Allen Overton, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $1,200.

A. Raymond S. Page, Jr., Mill Creek Terrace, Glaydwyne, Pa.
B. Campbell Soup Co., Campbell Place, Camden, N.J.

A. Lew M. Paramore, P.O. Box 1310, Town House, Kansas City, Kans.
B. Water Resources Congress 1130 17th Street N.W., Suite 500, Washington, D.C.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
B. Alaska Federation of Natives, Anchorage, Alaska.
E. (9) $1704.82.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.
B. Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y.
D. (6) $100. E. (9) $10.

A. Peabody, Rivlin, Cladouhos & Lambert, 1730 M Street NW., Suite 707, Washington, D.C.
B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. A. J. Pessel, 2919 Cathedral Avenue NW., Washington, D.C.
D. (6) $200. E. (9) $2927.

A. Bruce E. Phillips, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $640.

A. Anthony T. Podesta, 4932 No. Kentucky, Chicago, Ill.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $412.78.

A. J. Francis Pohlhaus, 422 First Street SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.
D. (6) $1,000.

A. Presidential Heritage Clubs, Inc., 303 West 42d Street, New York, N.Y.
E. (9) $750.

A. H. P. Pressler, 1122 Southwest Tower, Houston, Tex.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $600. E. (9) $500.

A. Jerry C. Pritchett, Director of Government Affairs, 1414 30th Street NW., Washington, D.C.
B. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue, Washington, D.C.
E. (9) $583.11.

A. Arthur L. Quinn, and Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. Belize Sugar Industries, Belize City, British Honduras.

A. Arthur L. Quinn, and Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. Compania Azucarera Valdez, S.A., Sociedad Agricola e Industrial, San Carlos, Guayaquil, Ecuador.

A. Arthur L. Quinn, and Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A., and Azucarera Nacional S.A., Panama City, Panama.

A. Arthur L. Quinn, and Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. West Indies Sugar Association, Bridgetown, Barbados.

A. Earl G. Quinn, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.
E. (9) $1,505.51.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $370.20.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.
B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.
D. (6) $3,000.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.
B. Island Equipment Co., 3300 Northeast Yeon Avenue, Portland, Oreg.

A. Ragan & Mason, 900 17th Street NW., Farragut Building, Washington, D.C.
B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.
D. (6) $900.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.
B. Stimson Lumber Co., & Miller Redwood Co., 315 Pacific Building, Portland, Oreg.
D. (6) $250.

A. Alan T. Rains, United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $450.

A. Rial M. Rainwater, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $271. E. (9) $15.

A. Louis J. Rancourt, 400 First Street NW., Washington D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $1,528.80.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.
E. (9) $7,674.50.

A. John T. Reggitts, Jr., R.D. No. 2, Boonton Avenue, Boonton, N.J.

A. W. W. Renfroe, Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
E. (9) $145.

A. Darrell G. Renstrom, 5200 South Quebec Street, Englewood, Colo.

B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $529.38. E. (9) $100.

A. Ronald E. Resh, 1300 Wyatt Building, Washington, D.C.

A. Mark Richardson, 342 Madison Avenue, New York, N.Y.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $270. E. (9) $250.

A. John Riley, 1625 L Street NW., Washington, D. C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $628.12. E. (9) $50.75.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C.
D. (6) $1,000.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $1,875. E. (9) $72.40.

A. Robert A. Saltzstein, 1300 Wyatt Building, Washington, D.C.
B. American Business Press, Inc., 205 East 42d Street, New York, N.Y.

A. Sam Rayburn Dam Electric Cooperative, Inc., 303 North Jackson Street, Livingston, Tex.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.
B. Washington, D.C., Retail Liquor Dealers Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.
D. (6) $555. E. (9) $50.

A. Durward Seals, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $221.87. E. (9) $46.59.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $962.50. E. (9) $132.12.

A. Leo Seybold, Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,479. E. (9) $265.

A. Laurence P. Sherfy, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $1,075.

A. Norman R. Sherlock, Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $865. E. (9) $277.99.

A. Robert F. Sykes, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
E. (9) $107.80.

A. Robert L. Shortle, 1147 International Trade Mart Tower, New Orleans, La.
B. Water Resources Congress, 1130 17th Street NW., Washington, D.C.

A. Jonathan W. Sloat, 1425 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

A. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va.
B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,319.60. E. (9) $2,516.04.

A. James M. Souby, Jr., Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. South Dakota Railroads Association, Post Office Box 489, Aberdeen, S. Dak.
E. (9) $508.05.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $150. E. (9) $150.

A. J. Gilbert Stallings, 1776 K Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Joseph J. Standa, National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $510.25. E. (9) $75.

A. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
B. Pan-American Coffee Bureau, 1350 Avenue of the Americas, New York, N.Y.
D. (6) $5,125. E. (9) $5,175.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Washington, D.C.
B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $405.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $50.

A. Stroock & Stroock & Lavan, 1100 Connecticut Avenue NW., Washington, D.C.
B. Breezy Point Cooperative, 202-30 Rockaway Point Boulevard, Rockaway Point, N.Y.
D. (6) $450.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,250.

A. G. Don Sullivan, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $475.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $6,249.

A. Monroe Sweetland, National Education Association, 1705 Murchison Drive, Burlingame, Calif.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $566.88. E. (9) $100.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $25.

A. Roy W. Terwilliger, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

A. Tex-La Electric Cooperative, Inc., 501 South Main Street, Quitman, Tex.

A. L. D. Tharp, Jr., 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $300.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,477.50. E. (9) $378.97.

A. Clark W. Thompson, 402 Solar Building, 1000 16th Street NW., Washington, D.C.
B. American National Insurance Co., Anico Building, Galveston, Tex.

A. Clark W. Thompson, 402 Solar Building, 1000 16th Street NW., Washington, D.C.
B. Tenneco, Inc., Post Office Box 2511, Houston, Tex.

A. J. P. Trainor, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $1,404.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.
D. (6) $205. E. (9) $343.39.

A. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C.
D. (6) $2,924.82. E. (9) $2,924.82.

A. R. Dick Vander Woude, O'Hare Office Bldg., 10600 West Higgins Road, Des Plaines, Ill.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $475.25. E. (9) $75.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.
B. Hertz Corp., 660 Madison Avenue, New York, N.Y.
E. (9) $510.83.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.
B. United Air Lines, Post Office Box 66100, Chicago, Ill.
E. (9) $484.59.

A. Veterans of World War I of the USA, Inc., 916 Prince Street, Alexandria, Va.
D. (6) $21,460.16. E. (9) $69,830.32.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) $12.60.

A. Wald, Harkrader, Nicholson & Ross, 1320 19th Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Richard D. Warden, 1823 Jefferson Place NW., Washington, D.C.
B. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C.
D. (6) $25,000. E. (9) $10,388.01.

A. Warner & Harris, Inc., 1030 15th Street NW., Suite 840, Washington, D.C.
D. (6) $6,902. E. (9) $5,833.

A. Leonard Warner, 1030 15th Street NW., Suite 840, Washington, D.C.
B. Warner & Harris, Inc., 1030 15th Street NW., Suite 840, Washington, D.C.
D. (6) $1,375.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y.
D. (6) $450. E. (9) $150.

A. Herman Webb, 400 First Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, O'Hare Office Bldg., 10400 West Higgins Road, Rosemont, Ill.
D. (6) $708.43.

A. Fred Wegner, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.
B. Central Council of the Tlingit and Haida Indians of Alaska, Box 529, Juneau, Alaska.
E. (9) $185.40.

A. Westbay Associates, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. Donald F. White, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $750.

A. Ed White, 280 Union Station Building, Chicago, Ill.
B. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. Robert E. Wick, 815 15th Street NW., Washington, D.C.
B. Pan American World Airways, 815 15th Street NW., Washington, D.C.
E. (9) $117.

A. J. D. Williams, 1130 17th Street NW., Washington, D.C.
B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C.
B. C. Brewer & Co., Ltd., P.O. Box 3470, Honolulu, Hawaii.

A. Kenneth Williamson, 1 Farragut Square South, Washington, D.C.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $2,042.50. E. (9) $977.14.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Oil Investment Institute, 1 Greenwich Plaza, Greenwich Court, 1 Dupont Circle NW., Washington, D.C.
D. (6) $200. E. (9) $5.

A. Peter L. Wolff, 1 Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools, 1 Dupont Circle NW., Washington, D.C.

A. William E. Woods, 440 National Press Building, Washington, D.C.
B. The National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill.
D. (6) $750. E. (9) $150.

A. Robert C. Zimmer, 1775 K Street NW., Washington, D.C.
B. Charge Account Bankers Association, 1775 K Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $325.

A. John L. Zorack, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,415. E. (9) $418.90.

SENATE—*Monday, December 13, 1971*

The Senate met at 12 meridian and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we lift our hearts in thanksgiving for the ancient message "unto us a child is born, unto us a son is given, and the government shall be upon His shoulder."

When our work is done may we rest this Government on His shoulder, commit all our labors to divine keeping, and join the hosts across the world in the celestial anthem "Glory to God in the highest and on earth peace, good will toward men."

We pray in the name of Him who is called Wonderful, Counselor, the Mighty God, the Everlasting Father, the Prince of Peace. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 10, 1971, the President had approved and signed the act (S. 1483) to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Whitney Gillilland, of Iowa, to be a member of the Civil Aeronautics Board, which was referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, December 11, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESIGNATION OF DAVID PACKARD AS DEPUTY SECRETARY OF DEFENSE

Mr. MANSFIELD. Mr. President, I did not know of the resignation of David Packard as Deputy Secretary of Defense until after the Senate had adjourned on Saturday last.

I regret the resignation of this man who has performed so outstandingly and with such high integrity in the difficult position which he occupied for just under 3 years. His loss will be felt by all of us in Government. It will be a real and a deep loss, in my opinion, to the Department of Defense.

I asked the Department of Defense to send me a biography of Mr. Packard, and they have done so. I ask unanimous consent that the biography of this man, whose resignation I deeply and personally regret very much, be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE

David Packard was nominated as Deputy Secretary of Defense by President Richard Nixon on January 20, 1969, and confirmed by the United States Senate on January 23, 1969. He was administered oath of office by Secretary of Defense Melvin R. Laird at a Pentagon ceremony on January 24, 1969.

Prior to assuming his new position, Mr. Packard was Chairman of the Board and Chief Executive Officer of the Hewlett-Packard Company of Palo Alto, California.

Mr. Packard was born in Pueblo, Colorado, on September 7, 1912, and attended public schools there, graduating from Centennial High School in 1930. He entered Stanford University, Palo Alto, California, that year, graduating from the University with a Bachelor of Arts degree in 1934. He then began post graduate study at the University of Colorado, subsequently entered business and then returned to Stanford University, receiving his Electrical Engineering degree from Stanford in 1939.

That same year, Mr. Packard and William R. Hewlett formed a company in partnership to design and manufacture electronic measurement instrumentation. The firm was incorporated in 1947 and Mr. Packard was elected President. He later was elected Chairman of the Board and Chief Executive Officer in 1964. The company became an international organization with 17 manufacturing plants and more than 13,000 employees, producing more than 2,000 different test instruments and devices. It is a world leader in design and manufacture of electronic, biomedical and analytical equipment.

At Stanford University, Mr. Packard received letters in football and basketball, served as president of his college social fraternity, Alpha Delta Phi, and held membership in Phi Beta Kappa, Tau Beta Pi and Sigma Xi. Continuing his interest in social and community activities during his years in private business, he has been a member and past Vice Chairman of the Business Council, member of the Chase Manhattan Bank International Advisory Committee, Co-Chairman of the Stanford Mid-Peninsula Urban Coalition, Fellow in the Institute of Electrical and Electrionics Engineers and a member of the Board of Trustees of Colorado College, as well as Stanford University. Mr. Packard also served as President of the Board of Trustees of Stanford from 1958 to 1960.

Mr. Packard also has served as a director of several business organizations including Crocker Citizens National Bank, General Dynamics Corporation, Stanford Research Institute, United States Steel Corporation, California State Chamber of Commerce, Committee for Economic Development, National Merit Scholarship Corporation, Universities Research Association, and San Francisco Bay Area Council. He also was a member of the advisory board of the Hoover Institute at Stanford and a member of the Committee for Support of American Universities.

Mr. Packard is the recipient of a number of awards including a silver anniversary All-America Award from Sports Illustrated Magazine in 1958; the American Way of Life Award in 1963, presented annually by the Pueblo Sertoma Club to a Coloradoan who has achieved national recognition for his public service; the Herbert Hoover Medal in 1966, the highest honor awarded by the Stanford University Alumni Association; Peninsula Manufacturers' Association "Man of the Year for 1968," February, 1969; American Management Association "Gantt Medal Award," February, 1970; American Ordnance Association "Crozier" Gold Medal, April, 1970.

He was elected to the National Academy of Engineering in April, 1971, for advanced development of electronic test instruments contributing to effective design of modern electronic systems. This is the highest professional distinction that can be conferred on an American engineer. He holds honorary degrees of Doctor of Science from Colorado College, 1964; Doctor of Laws from the University of California, 1966, and Doctor of Laws from Catholic University, 1970.

Mr. Packard was married April 8, 1938, to the former Lucile Salter of San Francisco and they have four children—David Woodley, Nancy (Mrs. Robin Burnett), Susan (Mrs. Franklin M. Orr, Jr.) and Julie.

Mr. SCOTT. If the distinguished majority leader will yield, I should like to say that David Packard is an exemplar of the kind of private citizen who, at considerable sacrifice and not asking the odds, was willing to serve his country for this 3-year period of time.

He served it brilliantly and ably, and I join the majority leader in congratulating him on his eminent service to his country and wish him well in his future career.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of 30 minutes for the transaction of routine morning business, with statements therein limited to 3 minutes.

PROGRAM

Mr. MANSFIELD. Mr. President, if the Senate will indulge me to respond to a prior inquiry by the distinguished minority leader, the Senate is awaiting the results of various conferences either now in being or to be held, obviously shortly.

We hope that the conference report on H.R. 9961, concerning Federal credit unions, filed in the House on December 8, and the conference report on Senate Joint Resolution 176, concerning the extension of certain laws relating to housing, banking, and urban development, filed in the House on December 9, will become available to the Senate today.

In addition, other conference reports are expected to be filed which have to be considered in the House before the Senate can act on them.

They include: H.R. 11932, the District of Columbia appropriations bill for 1972; H.R. 11731, the defense appropriation bill for 1972; and S. 2891, the Economic Stabilization Act amendments. There may or may not be other items.

The PRESIDENT pro tempore. Is there any further morning business?

THE WAR BETWEEN INDIA AND PAKISTAN

Mr. SAXBE. Mr. President, a week ago, the Indian army invaded East Pakistan. At that time, there was also aggravation by the Pakistan Air Force in the bombing of some six Indian air installations.

I believe we can pretty well agree that events have progressed as we would have thought. India is moving relentlessly against diminishing opposition. There is great damage. Dacca probably will fall before the end of this week.

I was there a week ago. I say both leaders of India and Pakistan and tried to avert the headlong flight into war which both were undertaking.

There is no sense at all to this war because the underlying questions will still remain, even though a military solution may be imposed. There is the undercurrent of religious animosity as well as a great deal of personal animosity between the leaders. This is certainly a Muslim-Hindu fight which has continued ever since the partition in 1947.

I cannot understand India's thinking in believing that, somehow she will settle the influx of 10 million refugees, mostly Hindus, who are from Pakistan. I cannot understand why she believes this war will solve her problem. What will happen, after East Pakistan is devastated? There will be about 30 million refugees—with the same problem remaining.

Somehow, they will have to feed these people. We are witnessing the spectacle in India at the present time of people holding up signs "Spurn United States Aid." We are being derided by Indian leaders. They are saying we are on the side of Pakistan. We are being accused of fomenting the war.

But, as soon as there is a truce, we will find the Bangla Desh, together with India, will be asking the world to bail them out of the situation in which they have found themselves.

The feeding of 30 million refugees is obviously beyond the capacity of India, so we will see the same results as usual, the United States shouldering at least half the burden and the rest of the countries, primarily India's great good friend, now Russia, giving only token support.

I hope that any support we give at this time—and I certainly realize that we never turn down a request for humanitarian aid—will be done through the consortium, and we should be talking about that at the present time.

The PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes and yield it to the Senator from Ohio.

Mr. SAXBE. I thank the Senator from Montana.

Mr. President, the reason I say this is that when we try to go in on an humanitarian basis, we get into the position of the man who sets up his brother-in-law in business, and the brother-in-law resents it as long as he lives.

We have done more in the way of giving humanitarian aid to India than to any other country. Yet, at the same time, we are soundly denounced because we have done it. We have provided $10 billion in aid to India and we have given substantially to Pakistan as well.

Perhaps foolishly, somehow, past State Department maneuvers had calculated that India would be a counterweight on the subcontinent but it has not worked out that way. It has just built up animosities. Both countries have modern weapons and they are using them now to kill each other.

We should continue the present Paris meetings on the Consortium and step them up at the present time, so that the aid goes to save this vast populace who are living at the lowest level that mankind can survive at the present time. If it is not done by a consortium, we will be burdened by the principal weight and be damned by the guilt of association and by having it said that we are trying to buy this country's allegiance away from India.

Mr. President, this will be one of the great problems of the next Congress—how much aid, where, how it will be handled, and how the whole set of events in this subcontinent has rung the bell for the end of foreign aid as we know it.

We have seen the weaknesses. We have seen the direct fall, and we have seen the animosity not only here, but also over the world.

I think this is perhaps the beginning of the end, and perhaps it is best.

Mr. President, New Yorker magazine for December 11 contains an excellent description of the genesis of the current crisis in south Asia. In a "Letter From West Bengal," journalist Ved Mehta offers a vivid picture of this tragic story.

As Mehta puts it so well, the world at large seems to have little interest in the plight of millions of refugees from East Pakistan. To quote Mehta:

> For someone accustomed to a society in which people are concerned with nutrition, not starvation, with the quality of life, not mere survival, in which people think of life in terms of liberty, justice, equality, and human dignity, it is difficult to imagine what it must mean to be one of these refugees.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LETTER FROM WEST BANGAL

On December 3rd, India and Pakistan began a full-scale war. Whatever the immediate provocations, it is generally agreed that the cause of the war is rooted in the fact that since March of this year—in the biggest single forced migration in the world's history—nine million men, women and children have fled from East Pakistan to India, where all they appear to have left now is their classification: "refugees." Yet the world at large does not seem even to have become interested in their plight. For someone accustomed to a society in which people are concerned with nutrition, not starvation, with the quality of life, not mere survival, in which people think of life in terms of liberty, justice, equality, and human dignity, it is difficult to imagine what it must mean to be one of these refugees. Although some of them were doctors, lawyers, professors, students, businessmen, or landowners, most of them never had much in the way of worldly possssions and, like their forefathers, would have died as poor as they were born, leaving no mark on the world. Family ties, associations, and memories must have been everything to them, and now the families of most of them have been killed, scattered, or shamed by unspeakable indignities; the few objects that had associations for them have been torn from them; and their memories have been dimmed by who knows what deprivation and anguish. Until their migration, these peope were bound by their caste and occupations to a particular place, with nothing special to look forward to, nothing special to hope for—even, perhaps, nothing special to live for. Now they have still less. Is there anything, then, that distinguishes them from animals? Gandhi once said of their parents' generation, "The more I penetrate the villages the greater is the shock delivered as I perceive the blank stare in the eyes of the villagers I meet. Having nothing else to do but to work as labourers side by side with their bullocks, they have become almost like them." If the refugees had all died in a single natural catastrophe, would that have been easier for the rest of the world to face? The conditions they are living under seem to drag the entire human species down in a sort of reverse evolution. Yet the fact remains that each of these nine million refugees has his private history of human agony.

Hundreds of thousands of the refugees are now in Calcutta, where, as Kipling wrote, "The cholera, the cyclone, and the crow/ Come and go." He also described it as a city "By the sewage rendered fetid, by the sewer/ Made impure," and said, "As the fungus sprouts chaotic from its bed,/So it spread . . . And, above the packed and pestilential town/ Death looked down." Since Kipling wrote these lines, eighty years ago, the city has spread and spread, and the dominion of death as well, until today Calcutta encompasses over seven million wretched people—not counting the refugees. Now all of eastern India, where refugees are camped in more than a thousand settlements, threatens to become a sprawling outgrowth of Calcutta; it is predicted that if the refugees remain, their number will swell in ten years to thirty million. A third of India's population already lives in this region, where the worst famines, pestilences, and cyclones always strike, and this third includes the poorest of the Indian poor; the refugees, having nothing more to lose, and having no stake in the political system under which they find themselves living, are ready tinder for any political movement and have made eastern India more nearly ungovernable than ever, casting the stability of the entire country in doubt.

Sending to learn for whom the bell tolls, I went to visit several refugee camps in West Bengal. The misery that paralyzes its victims does not spare its observers, and it is with a great emotional reluctance that I attempt to describe what I found there. No two camps are alike. Some camps have as many as a hundred and sixty thousand people, while others have only ten thousand; some have tube wells, while others have no water supply of any kind; some have structures of tarpaulin and thatch, and trench latrines, while others have no structures or latrines at all; some are knee-deep in water, while others are choked with dust.

In one camp I went to, which has over a hundred thousand people living in an area of about a square mile, old men, old women, and young children, all looking wasted and weak, were sitting dully on a strip of ground between makeshift shelters and a long open drain brimming with brown sludge. The stench was so overpowering that the camp official who took me around kept a handkerchief over his nose.

"There appear to be no young men or young women," I remarked.

"Young women never seem to get through, he said. "The soldiers rape them and keep them for themselves or carry them off to the military brothels. As for the young men, we Indians train them for guerrilla warfare and send them back to fight in the Mukti Bahimi, the liberation army."

We passed some elderly women squatting over the open drain and defecating, with a total lack of self-consciousness. A few steps beyond them, some other women were washing clothes and utensils in the drain. I wondered whether these women were too ignorant to know any better, or too weak to go searching for clean water, or whether there was no clean water to be had in the vicinity, or whether they were not allowed to leave the camp, but when I put these questions to the women, they seemed dazed and uncomprehending, and it was hard to get even the slightest response from them. As for the official, he merely waved the questions aside as unpleasant reminders of the way things were or had to be.

"They all have dysentery," he said, moving on.

"Why don't you at least get them to dig some latrines?" I asked.

"We would have a riot on our hands," he said. "That would be taking work away from the local laborers. We've already had a lot of trouble with the local people over the refugees."

"And the tube wells?"

"We've given out the contracts. The contractor should get around to this camp soon."

We passed some children sitting listless and still by the open drain. I had already noticed that the usual train of curious children and beggars who attach themselves to visitors in the bazaars and streets was missing here.

Another camp I visited was full of commotion. It has a population of about twenty thousand, and it is encircled by security guards and has a fence of barbed wire. As I drove up to it, children closed in around the car and followed me. Inside the camp, a few enterprising men were sitting hawking baskets of rotten fruit and vegetables. A security guard escorted me to the camp headquarters—a tarpaulin structure. It was surrounded by a noisy group of men shaking their fists. The security guard carefully made his way through them, and I with him. Inside was the commandant of the camp, a small, elderly Bengali with his head bandaged. Three or four men were shouting at him, but he sat bowed over an empty desk, saying nothing. As soon as the men noticed our arrival, they fell silent.

I asked the commandant what the trouble was.

"The ration has been delayed by a day. There is nothing I can do about it. They know that. But the Naxalites were here this morning, and they stir up trouble wherever they go." The Naxalites are an organization of Maoist terrorists. "Because of them, the refugees now think the daily ration is their right, not a gift that the government has to work hard to get to them."

"You actually allow political activists to come into the camp?"

'What can I do? My superior is a Naxalite sympathizer, and he has given me orders not to interfere with their activities. But I went out this morning to plead with them anyway and ask them to leave our camp alone. They fell upon me. They would have killed me if I hadn't got away. The police, the civil service, the entire West Bengal government have abdicated. They don't know which party is going to end up in power, so no one wants to risk taking sides or making any decisions. The Naxalites are now the biggest force in West Bengal, and all they believe in is terrorism and anarchy."

Refugees have been coming to India in waves since 1947, the time of Independence, when the country was partitioned to create the Muslim state of Pakistan. Muslims, fearing that they would be discriminated against as a minority in a predominantly Hindu independent India, had demanded a separate country, and they were given West Punjab and East Bengal—areas that were a thousand miles apart but in which they made up a majority. The religious riots and massacres that accompanied the partition not only resulted in the death of more than a million people but also brought into being, in effect, a third nation—a nation of displaced persons. During the first two or three years of the turmoil, about six million Hindus and Sikhs fled to India, and about the same number of Muslims fled to Pakistan. But this cross-migration, staggering though it was, still left ten million Hindus in Pakistan—almost all of them in East Pakistan—and several times as many Muslims in India. With the passing of the years, and the deepening of the enmity between India and Pakistan, the fate of these minorities became increasingly precarious. The original refugee populations were somehow partly dispersed through the two countries and partly assimilated. The flow of refugees continued, at varying rates, through the nineteen-fifties and nineteen-sixties—much of it in the direction of India. The additional refugees in India, all of them Hindus, have been estimated to total between three and four million, and they were still living in West Bengal—unemployed and unassimilated, managing to subsist with the help of relatives or in refugee camps—when West Bengal and the neighboring states were inundated by the new exodus of nine million.

And refugees are still coming, twenty or thirty thousand of them a day. And there are between two and three million Hindus still holding out in East Pakistan, like hostages to fortune. There are no fewer than seventy million Muslims in India today, who might as well be so many return pledges, since they are sitting targets for the Hindu resentment that has been simmering all these years and has been stirred up anew by the latest tide of refugees—a resentment that the Indian government has so far been able to keep under control by the deflection of Hindu revanchists and by judicious management of the news. But the pressure of religious, or so-called "communal," tension is building all the time, and some people privately fear that the seventy million Indian Muslims may become innocent victims of Hindu retaliation. If that should ever happen, the burden of all the Hindu refugees that India is carrying would seem nothing compared to what Pakistan would have to bear.

Since, in the long run, Pakistan has so much more to lose than India has, many observers have been asking whether Pakistan might not have been able to prevent the latest exodus, especially since it was a consequence of what was essentially an internal quarrel between the two wings of Pakistan. The Punjabis of West Pakistan and the Bengalis of East Pakistan have much more in common wtih the Punjabis and Bengalis across the border in India than with each other; they are divided not only by geography but also by differences in language, in economic and social systems, in dress, and in diet. In fact, the only real bond between East Pakistan and West Pakistan in Islam, but, as other Muslim countries have discovered, religion alone cannot bind together politically disparate entities. From the start, the Punjabis, who were much more prosperous than the Bengals, ran Pakistan's Army, civil service, and industry. They strengthened and extended their their advantage through the years until the nation's power and wealth became concentrated almost entirely in the west. The enmity with India, which had a negligible influence on the economy of West Pakistan, all but crippled the economy of East Pakistan, which, unlike West Pakistan, depended on India for trade. The Bengalis, who had come to feel exploited and subpugated, grew more and more restive, their predicament being particularly galling because they constituted a majority of Pakistan's population. It was an attempt by the President, General Agha Muhammad Yahya Khan—who, of course, is from West Pakistan—to deal with some of these problems that precipitated tne present calamity. Apparently hoping mollify the majority and to defuse what he regarded as a threat to the union of Pakistan, he decided, in 1969, to hand over his military government to civilian control, and in December of 1970 he allowed Pakistanis, for the first time in their twenty-three-year history, to vote—on the basis of universal male suffrage—for representatives to a constituent assembly. In the election, the Awami League, led by the Bengali pacifist Sheikh Mujibur Rahman—or Mujib—campaigned openly for political and economic autonomy for East Pakistan, and won almost all the Bengali seats, while the Pakistan People's Party, led by the Punjabi militant Zulfikar Ali Bhutto, was returned with a bare majority in West Pakistan.

Once the election results had made it clear that the Awami League would dominate the constituent assembly—and, no doubt, the civilian government that emerged from it—Bhutto let it be known that he would not participate in any assembly or government in which West Pakistan and the Pakistan People's Party were not equal partners with East Pakistan and the Awami League. Mujib saw in Bhutto's stand only a design for perpetuating the "colonial subjugation" of East Pakistan by West Pakistan. General Yahya seemed to be caught off guard by the strength of the democratic forces he had released. The election had unexpectedly turned into a referendum on East Pakistani autonomy, and now that General Yahya was actually confronted with the possibility that control might pass to the eager Bengali majority, he, like Bhutto, seemed unable to countenance any change in the relationship between East Pakistan and West Pakistan, which might be the beginning of the end of the union. He therefore tried to get Mujib to moderate his demands, and, when he failed, temporized by first delaying and then indefinitely postponing the inaugural session of the constituent assembly. This tactic aroused protest in East Pakistan in early March of this year, and he ordered his troops to shoot demonstrators; the shooting, in turn, led to an all-out Bengali civil-disobedience movement later in the month, and he gave his troops free rein, thus causing the death of perhaps as many as two hundred thousand Muslims and Hindus in the space of a few months—and the flight of the refugees.

As I moved through the camps I thought of all the discussion I had heard and read of how General Yahya came to choose a military solution to a political problem. Some people here condemn the truculence of Bhutto and his clamorous followers, who had wide support in the Army; others condemn the intransigence of Mujib and his impatient supporters, who, giddy with their new freedom and heedless of the examples made of the Hungarians in 1956 and the Czechs in 1968, dismissed the power of a modern state too lightly and assumed themselves to be immune from military action—partly because in their case the action would have to be sustained from a base a thousand miles away, across Indian territory. Some say it was unrealistic ever to suppose that West Pakistan would yield its preeminent position without a fight.

Others say the history of Bengali grievances was so long that East Pakistan was in no mood to capitulate, especially since a cyclone that struck a month before the election had drowned two hundred and fifty thousand people. Still others blame General Yahya for completely misjudging the commitment of the Gengalis to their cause, and for not playing for more time by, for instance, drawing out the talks and blunting the issue of Bengali autonomy. Having lost political control, however, he perhaps had no choice but to fall back on his real constituency, which was, after all, the military. Whatever the reasons for the military action—and all the speculations are based on hearsay or on public statements put out by the various sides as propaganda—Indians now think that it made the eventual breakup of Pakistan inevitable, not only because it transformed a bid for autonomy into an outright demand for a separate, independent Bangla Desh (Bengal Nation) but also because the Bengali guerrillas are bound to win the war they have been waging for Bangla Desh ever since. The East Pakistan terrain, being a network of streams and rivers, with poor communications, provides excellent cover; General Yahya's military operation can therefore consist only of frequent punitive expeditions launched from fortified military strongholds—expeditions that may devastate the countryside and decimate the population but cannot conquer the one or subdue the other. Moreover, the guerrillas have easy access to India and can count on support from across the border for an indefinite period.

Clearly, it had always been only a matter of time before India would be officially involved, because the brunt of the Pakistan Army's initial attack fell, naturally, on the Hindus, turning what was originally a war between the two Muslim factions into a Muslim persecution of Hindus, and so foisting Pakistan's greatest internal problem upon India. About ninety per cent of the nine million refugees in India today are Hindus. (Hindus and Muslims in East Pakistan were often indistinguishable, and in those cases the only way the Army could tell them apart was by making them strip, for Muslims are circumcised and Hindus are not. A few of the Hindus, however, were easily identified, they were small-time businessmen or petty landowners, and were therefore natural scapegoats in their communities, much as Jews had been in Europe in the nineteen-thirties.)

There was no dearth of escape points for the fleeing Hindus, since India shares a thirteen-hundred-and-fifty-mile border with East Pakistan. It has been seriously suggested in some quarters that India could have avoided the whole refugee problem by turning back the first onrush of fugitives at gunpoint, on the theory that the boundaries of a country are sacrosanct and no country is obliged to receive an alien population. In fact, some people here say that the Indian Prime Minister, Mrs. Indira Gandhi, should at once have made a lightning attack on Pakistan, for such an attack would certainly have stopped the refugees at the border, and, in the bargain, dismembered Pakistan—gains that would have offset any price she might have had to pay in western India, such as the loss of Kashmir. Some even deem her failure to go to war immediately—for in the eyes of the world the approaching blight of refugees, they think, would have been justification enough for an attack—to be not only her greatest mistake but also one of those historic moments, like Munich, on which the fate of nations turns. Mrs. Gandhi's government, however, instead of trying to stop the refugees, mobilized one of the smoothest bureaucratic reception organizations ever known, which registered and vaccinated them, supplied them with rations, settled them in campsites, and furnished them with blankets and tents. It is said that as word of this hospitality got about, it encouraged more refugees to flee, compounding the tragedy.

No doubt the impulse to help was humanitarian, but a few believe that it had no other source; the urge to destroy Pakistan—perhaps even to unite India as it was before partition—must, it is thought, have played some part in Indian political calculations. According to this argument, the Hindus in Pakistan had been living on borrowed time, and, in a sense, the Indian government had always expected to be saddled with them sooner or later. Now the presence of the refugees, in destitution, gave India the opportunity to expose and dramatize to the world the theocratic nature of Pakistan—whose creation had been forced upon India, and whose existence the Indians had never accepted—and to place the blame for their exodus on the Pakistani military junta. (The Pakistanis, who claim that the Indians have inflated the figures on refugees, partly by misstatement and partly by adding to the camps' population the riffraff of the Indian streets, put the number of refugees at two and a half million, but all world relief organizations accept the Indian figures as accurate.)

Whatever India's motives, it certainly seems that concern for the welfare of the refugees, which should have been the primary consideration, has not had much to do with the policies adopted by the United States, the Soviet Union, or China—the big powers caught up in the situation. The American government, possibly taking its cue from the old State Department dictum that in the underdeveloped world the only reliable allies are military governments, not only has never publicly censured General Yahya's military government but had continued to supply arms to it until Mrs. Gandhi's state visit to the United States last month.

The monetary value of this material was relatively insignificant, but, consisting, as it did, of spare parts for imported equipment, it must have been of considerable military value to Pakistan, and, being sent, as it was, in full knowledge of the effects of General Yahya's policy, it had an alienating effect on the Indians which cannot be underestimated. The State Department's view—even if it were plausible—that it is best to be on the right side of General Yahya so as to be better able to influence his policy has been maintained only at the expense of moral leadership, and, even so, has borne no visible fruit. The main significance of the much heralded Indo-Soviet friendship treaty of last summer—which was concluded at a time of rampant anti-Americanism in India—is also military. The Russians' real purpose must have been to tip Indian "neutrality" toward the Soviet Union, and to do so on the cheap, at that, because it is generally thought that India must have given assurances that it would not be the first to go to war and so drag the Soviet Union into the conflict. No one knows what the Chinese have promised the Pakistanis, because so far there have been only certain gestures to go on—Kissinger's flying from Pakistan to China last summer, China's playing host to Bhutto this autumn, China's issuing veiled warnings to India in the United Nations.

Although India, Pakistan, the United States, the Soviet Union, and China all profess solicitude for the refugees, the refugees, whose suffering increases each day, have become irrelevant to the political and diplomatic negotiations that are being carried on in their name, and, even in the debates in the Security Council, have received little attention.

The Indian government has recently let it be known that the human aspect of the tragedy must be deemphasized, declaring that an outpouring of sympathy, pity, and aid, however welcome, is no substitute for a political solution, which, in the government's view, involves the repatriation of the refugees—a solution that must ultimately lead to the establishment of Bangla Desh. The government insists that the disaffection in East Pakistan with General Yahya and the military is so deep and wide that the refugees could not feel safe if they returned home unless General Yahya released Mujib—who is thought to be in prison and to be undergoing a secret trial for treason—and negotiated the question of Bangla Desh with him. But even if Mujib were released, it is doubtful whether he could now be a moderating influence on the Bangla Desh issue without being repudiated by the East Pakistanis in favor of the extremist leaders who have emerged in the liberation struggle. In any event, some observers wonder whether Bangla Desh would ever welcome the refugees back, even if this new nation could somehow be brought into being. And even if the refugees were somehow repatriated to Bangla Desh (or to Pakistan as it is at present constituted, since General Yahya has repeatedly said they are welcome to return), could they ever hope to recover their old homes and old occupations, or would they simply be moving their campsites? In either case, they would remain a small, helpless Hindu minority within a Muslim state, living under the threat of a second exodus, or extermination. And, supposing that any fate for the refugees, after they returned to their homes, were preferable to their continued presence in India, wouldn't Bangla Desh one day serve as a magnet for West Bengal? After all, what would a Bengal nation be with more than a third of the Bengalis living outside it, in India?

As for the use of force to achieve political ends, that may result in India's acquisition of territory that could be used to settle the refugees (or even in the reabsorption of East Pakistan by India), but it will also poison relations with a truncated Pakistan or with any future Bangla Desh. Some of these speculations must have entered into the thinking of the Indian government, and that only raises another question: Why has the Indian government made the establishment of Bangla Desh the crux of its refugee policy? The only answer anyone can come up with here is that the problems a poor country faces are so mind-boggling—they so often defeat all attempts at a political, not to mention a humane, solution—that the government sooner or later resorts to force to win it a temporary reprieve. In any case, the prospect of permanently supporting the nine million refugees is so inconceivable—according to the World Bank, the minimum cost would be seven hundred million dollars a year, or a sixth of India's total budget—that, in the absence of any real alternative, the government has taken shelter in the illusion that Bangla Desh would solve the refugee problem.

Before going to the refugee camps, I had allowed myself to hope that the conditions there would not be worse than those to be found in Calcutta. I had imagined that there must be some limit to human suffering and to the ability to survive. I was wrong. The Calcutta poor still evince some hope that tomorrow will bring a slight improvement in their ration or their luck. The Calcutta lepers, even on their deathbeds, cry out in pain—which is at least a form of human expression—and the people found working among the poor and the lepers manage to feel and communicate some sense of purpose. But the refugees could convey only an abysmal, hopeless silence.

Mr. SCOTT. Mr. President, I agree with what the distinguished Senator from Ohio has said regarding the consortium of aid.

Mr. President, I rise for the fifth time now to plead for complete and strict neutrality on the part of our Government as between India and Pakistan.

On Saturday a Senator indicated that there were some rumors that the United States might be considering seriously an extension of military aid to Pakistan. I am unremittingly against military aid to Pakistan or India.

If we are undertaking to give aid, in keeping with the promises I have made on the floor, I will condemn it, but I do not believe such a program is by any means in the works.

Mr. AIKEN. Mr. President, with reference to the discussion on the floor of the Senate on Saturday and again today relative to the extension of aid to Pakistan or India, I think the facts will show that we are committed to spend $124 million in development aid—which means almost anything—in India, and $34 million in Pakistan.

The reason given for this nonstoppage of shipments was that banks and business interests had already made firm commitments and would lose the money if we did not permit these shipments to be made, shipments which involve $124 million to India and $34 million to Pakistan.

Mr. SCOTT. Mr. President, my statement was made within that framework. Senators had indicated that there was development aid in the pipeline to India.

I have mentioned the amount several times. I am against any further foreign aid.

Mr. AIKEN. I thought it would be well to put the figures in the Record. I do not absolve either country from blame for the circumstances prevailing in Asia.

I have heard it said that India is about the only great democratic country that stands by the United States. It is my recollection that India has seldom voted with the United States in the United Nations. Pakistan has almost invariably voted with us. However, that does not absolve either country from blame. There is plenty of blame to be found that can be put where it belongs.

TRIBUTE TO DAVID PACKARD

Mr. BYRD of Virginia. Mr. President, on Saturday the resignation of David Packard, Deputy Secretary of Defense, was announced. His resignation becomes effective today.

I commend highly the work of Deputy Secretary Packard during the nearly 3 years that he has served in this position. The position which he assumed 3 years ago is one of the most demanding of any in Government.

I have had the opportunity to work rather closely with Mr. Packard as a member of the Armed Services Committee. I feel that this Nation during the past 3 years has had an outstanding team in the Defense Department with Secretary Laird and Deputy Secretary Packard.

Mr. Packard has served at some considerable sacrifice. He is a man of unusual ability. He brought to Government a dedication that is badly needed in government.

I wish we had more David Packards in Government.

The press reports that he felt under some handicap being neither a politician nor a bureaucrat. I do not know whether those are his views. However, I will say that it seems to me that he has no reason to be concerned on this score.

He has a quality which is lacking in some politicians and some bureaucrats, if one wants to use that term. He has the quality of inspiring confidence in those with whom he works.

He is candid and forthright, and is the kind of man I instinctively like.

Mr. President, I think it is accurate to say that he has the complete confidence of the Senate Armed Services Committee and that, as a result, the committee has almost invariably followed his recommendations.

I had not had the privilege of knowing David Packard until he came to Washington. However, I regard him as one of the most dedicated men to serve in Government, as well as one of the ablest.

He will be missed in Washington. He will be missed in the Defense Department. And he will be missed by those of us in the Senate who have had the opportunity to work with him.

(The remarks of Mr. Baker when he introduced S. 3000 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR BYRD OF WEST VIRGINIA BEFORE SUBCOMMITTEE ON LABOR ON AMENDMENT OF FEDERAL COAL MINE HEALTH AND SAFETY ACT

Mr. BYRD of West Virginia. Mr. President, on December 2, 1971, I appeared before the Subcommittee on Labor of the Committee on Labor and Public Welfare to express support of S. 2675—a bill of which I am a cosponsor—which would expand the Federal benefits program dealing with black lung.

I ask unanimous consent that that statement be included in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Robert C. Byrd Before Subcommittee on Labor on Bills To Amend Title IV, Federal Coal Mine Health and Safety Act, December 1, 1971

Mr. Chairman: The enactment of the Federal Coal Mine Health and Safety Act of 1969 was an important milestone in labor history. Prompted by the ghastly toll of life and limb in the most hazardous occupation in this country, the law's full effects in its campaign for reducing hazards and improving the quality of life for those who toil in the darkness of the earth in order to bring light and attendant benefits to those on its surface will not be known for many years. There have been but the first feeble steps by government and industry toward the erasing of those conditions which, all too often, have resulted in untimely death and cruel crippling and disfigurement for men who go into the mines.

One section of the law, however, has already proven its value, bringing dramatic benefits to a large segment of the coal workers—and, I might say, the group most needful of compassion and assistance. I refer, of course, to Title IV, which provides for the payment of benefits to coal miners suffering from disabling pneumoconiosis or to their widows.

This program, benefiting those suffering from the irreversible lung disease known as black lung—workers who had gone uncompensated under State programs benefiting workers from other occupational disorders—has restored or increased financial independence and personal dignity for over 260,000 workers and dependents, assuring them of greater capability to cope with their extraordinary medical needs. For this fact, much credit is due to the Social Security Administration, the officials and staff of which, to my certain knowledge, have performed tirelessly in taking on a mammoth task which hit them suddenly and which proved far greater than had been anticipated. Some 290,000 claims had been submitted as of June, 1971, of which 255,000 had been processed. Of this total, 130,000 claims were disapproved and 125,000 approved, resulting in the payment of in excess of $300 million to 260,000 beneficiaries. The widespread benefits already realized from Title IV of the Act must be attributed in great measure to the diligence of the Social Security Administration in advertising the program and seeking applications from potentially eligible individuals. (Over 18,000 applications were received in the first week, and almost 100,000 in the first month after the law was passed.)

We have come now to the end of the second year of the three-year life of this unusual compensation program, as written into the Health and Safety Act. (The Act presently diverts administrative responsibility for continuation of the program to the Department of Labor in 1973, with claims generally to be processed through workmen's compensation agencies in the States.) From the vantage point of time and experience with the program, we know that there is much yet to be done. We can see inadequacies and inequities, and we must, in simple justice to all the victims (direct and indirect) of this dread disease, rectify the deficiencies of the program, whether in the law itself or in its administration.

The Subcommittee has before it H.R. 9212, passed by the House on November 10, and S. 2675, which I have been pleased to cosponsor with you, Mr. Chairman, and with Senators Hartke and Williams. The House is to be congratulated on the improvements written into its bill. I think that most persons who have observed the operation of the black lung compensation program would agree with many of its provisions. The failure of Congress to provide compensation for children orphaned by pneumoconiosis was an oversight, which we must rectify. The extension of this Federal program for two years will assure the needed time for careful consideration of claims filed by affected miners or their widows or orphans and will also allow the States additional time to pass necessary legislation and establish administrative machinery to take over this new program.

We must also clearly establish that the black lung benefits program is not to be considered a form of workmen's compensation, which, under the administration by the social security system, has resulted in the application of the offset provision normally applied to social security disability benefits where the beneficiary is eligible for the two types of compensation. For a disabled worker to be expected to survive, support his family, and provide for the extraordinary medical needs occasioned by his illness on 80 per cent of his former average wage, is the height of injustice. And I hope eventually to see the social security law also changed in this respect.

Finally, and of great import, X-rays have been used too as to sole determinant of the presence of pneumoconiosis to a compensable degree. In my judgment, this has resulted in the denial of benefits to many deserving and needy coal miners. I think that the matter ought to be carefully reviewed and thoroughly restudied as to the efficacy and validity of such a dominating criterion. Experience has shown the X-ray to be unreliable and inadequate, albeit useful, in establishing the sure presence and degree of pneumoconiosis. The British, who are far ahead of us in the recognition and the compensation of this disease, might be cited on this point.

The Annual Report, 1967–68, Medical Service and Medical Research, National Coal Board, Great Britain, stated, in part: ". . . it was . . . rapidly apparent that the X-ray film was not, by itself, a reasonable measure of disability . . ."

The British Government Publication, "Pneumoconiosis and Allied Occupational Chest Diseases," Ministry of Social Security, London, England, stated:

"The disease (pneumoconiosis) is difficult to diagnose, especially in the early stages, and accurate diagnosis depends on three essentials—a high quality full-size radiograph of the chest, a full clinical examination (including lung function tests) and complete industrial history."

Mr. Chairman, we should act to extend deserved benefits to the many thousands of black lung cripples who have been arbitrarily and unjustly denied, whether by terms of the law or by the administrative approach, the compensation intended by the Congress for those who have been dealt a death blow (slow in action though it may be) by the occupation in which they have been engaged—for the benefit of their fellow countrymen, I might add. My correspondence files will attest, as I am sure yours do, to the fact that many thousands in our State alone have been shocked and cruelly disappointed to be advised that they may not participate in this beneficial program—despite the indisputable record of ten, twenty, thirty or more years spent below the surface in extreme hazard, subject to rock falls, runaway cars, timber collapse, poison gas, bone-penetrating moisture and cold, and always the coal dust—the layers of black removable from skin and hair, but permanently coating vital lungs and leading to their break-down, to sleepless nights spent in racking coughs and near suffocation, followed by the natural deterioration of the rest of the body. These men, or their family members in their behalf, write to advise that they are totally unacceptable for further employment in the mines, yet they are not deemed eligible for the compensation intended for them by the Congress.

We must remedy this. Some may feel that the coal miner must meet the same disability criteria applied to workers in other occupations, but, in all justice, I believe we must take recognition of the uniquely severe conditions under which he has labored and of the fact that, once incapacitated for this work at mid-point or near the end of his working life, he is not retrainable as are some individuals. He is not educated for work requiring mental activity; he is not up to any job requiring even ordinary physical exertion. Furthermore, in the region of the coal mines, there are no other jobs in which he might be employed. We cannot expect a man so spent in body and spirit to pull up stakes and relocate. The present economy and unarguable employment policies have doomed him to stagnation and a state of marking time until his death. So, in simple compassion and justice, I believe that we must come to the provisions included in S. 2675. This bill would extend the benefits to those disabled not solely by pneumoconiosis, but by "pneumoconiosis, or other respiratory or pulmonary impairments." Further, it modifies the definition of total disability so that "a miner shall be considered totally disabled when any respiratory or pulmonary impairment or impairments resulting from his employment in a mine or mines prevent him from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he previously engaged with some regularity and over a substantial period of time."

Let us stop quibbling with dying men as to whether their lungs are riddled with black lung or whether they are affected with asthma, or silicosis, or chronic bronchitis. And let us stop telling a man whose lungs have failed him, or predictably will do so, that he can qualify for a job operating some non-existent elevator, or selling some product in a highly competitive market. It is my hope that the Labor and Public Welfare Committee will recognize the merit and justice of this bill and recommend it to the Senate. Americans are a generous people, and I believe that the Congress should so represent them in dealing generously with this small group, assuring them of more certain assistance in their unique suffering and deprivation.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS DURING THE DAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the day, at such times as there is no business before the Senate, routine morning business may be transacted with statements limited to 10 minutes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

PROPOSED FEDERAL FINANCING BANK ACT OF 1971

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Migratory Bird Conservation Commission, for the fiscal year ended June 30, 1971 (with accompanying report); to the Committee on Commerce.

ANNUAL REPORT OF THE PUBLIC DEFENDER SERVICE BOARD OF TRUSTEES, DISTRICT OF COLUMBIA

A letter from the Chairman of the Board of Trustees of the Public Defender Service for the District of Columbia submitting, pursuant to law, its annual report for the fiscal year 1971 (with accompanying report); to the Committee on the District of Columbia.

PROPOSED LEGISLATION TO STRENGTHEN THE PRIVATE RETIREMENT SYSTEM

A letter from the Acting Secretary of the Treasury submitting proposed legislation to strengthen the private retirement system by providing minimum standards of participation in the benefits offered by an employer-sponsored pension plan; to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Assembly of the Legislature of the State of California; to the Committee on Commerce:

"HOUSE RESOLUTION No. 140

"Relative to the National Transportation Planning Study

"Whereas, The State Business and Transportation Agency has completed California's portion of the National Transportation Planning Study; and

"Whereas, The California study has been transmitted to the Secretary of Transportation in Washington, D.C.; and

"Whereas, The State Transportation Board has called attention to its finding that ". . . only the highway mode has adequate resources and planning facilities. . . ."; and

"Whereas, The State Transportation Board has urged that ". . . the study results should be used with considerable caution by the Federal Government in its funding programs. . . ."; and

"Whereas, Various assumptions in the study, relative to possible future state or local funding, have the effect of being prejudicial in determining the relative needs and programmed expenditures among the various modes of transportation; and

"Whereas, The need for interurban rapid transit was omitted from this study entirely; and

"Whereas, The final summary of needs and funding alternatives may lead federal authorities to conclude that California places a greater relative emphasis on meeting highway needs than on meeting transit needs; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members respectfully memorialize the President and the Congress of the United States and the United States Department of Transportation to review the National Transportation Planning Study, and California's portion thereof, with the understanding that the need for new and improved transit facilities is considerably greater than the proportion programmed for funding under Federal Alternatives I, II, and III of the study; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 52

"Relative to certain exemptions to driver qualification regulations of the Department of Transportation

"Whereas, On January 1, 1971, the United States Department of Transportation regulation (Part 391) went into effect imposing minimum standards on all drivers operating vehicles in interstate commerce, with certain exemptions for drivers in commercial zones, regardless of ownership, type of vehicle, or commodity carried; and

"Whereas, In 1961 the State of California took a similar action by eliminating the chauffeur's license and adopting various classes of drivers' licenses based on the size and complexity of operation of the vehicle, regardless of ownership, type of vehicle or commodity carried; and

"Whereas, It is recognized that the most important factor in traffic safety is the driver; and

"Whereas, The Bureau of Motor Carrier Safety proposes to extend full exemption of the driver qualification regulations to all drivers of light vehicles which have a gross weight including its load, of 10,000 pounds or less, if not transporting passengers for hire nor carrying hazardous materials; to all drivers of nonarticulated farm vehicles of any size controlled and operated by a farmer within 150 miles of the farm being used to transport agricultural products or farm machinery and supplies to or from the farm; and to all drivers of vehicles used to transport farm harvesting machinery to use on the farm; now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Department of Transportation to continue in force the standards in Part 391 for all drivers, equally, handling the same class of vehicle, including the removal of present exemptions to drivers in commercial zones; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION No. 50

"Relative to public employment programs

"Whereas, The United States Department of Labor has authorized the expenditure of twenty million dollars of federal grants in California for the establishment of demonstration programs to employ welfare recipients under the provisions of the Emergency Employment Act of 1971; and

"Whereas, All of this federal antirecession money will be expended entirely in southern California; and

"Whereas, The Department of Industrial Relations of the State of California reports a seasonally adjusted unemployment rate of 6.5 percent in the San Francisco Bay area at the present time; and

"Whereas, The United States Department of Labor has declared the San Francisco Bay area to be an area of substantial unemployment; and

"Whereas, Concentration of all projects in southern California is unfair to other areas with serious unemployment problems; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the Secretary of Labor to revise the present discretionary allocation of 20 million dollars and distribute the federal grants on a more equitable basis throughout California, by also funding demonstration programs to employ welfare recipients in northern California; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Labor, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"SENATE JOINT RESOLUTION No. 51

"Relative to federal-aid highway funds

"Whereas, The federal administration has refused to release federal-aid highway funds, despite the appropriation of such funds by the Congress; and

"Whereas, Federal-aid highway funds, if released, may be used by this state to construct roadside rest areas, thereby employing numbers of construction workers who might otherwise go without jobs; and

"Whereas, Both the alleviation of unemployment and the construction of roadside rest stops are in the best interests of the public; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to immediately release federal-aid highway funds for the construction of roadside rest stops in this state; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Flight Engineer's International Association, AFL–CIO, Master Executive Board, relating to airline mergers; to the Committee on Commerce.

A resolution adopted by the Republican Party of Dallas County, Texas, relating to the expulsion of the Republic of China from the UN; to the Committee on Foreign Relations.

A petition adopted by the Executive Council of the Marine Corps Reserve Officers Association relating to Federal aid to education; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following report of a committee was submitted:

By Mr. MANSFIELD, for Mr. HART, from

the Committee on Commerce, without amendment:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes (Rept. No. 92-578).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia;

George W. Draper II, of Maryland, to be an associate judge, Superior Court of the District of Columbia; and

Joseph M. F. Ryan, Jr., of Maryland, to be an associate judge, Superior Court of the District of Columbia.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAKER (for himself and Mr. Cooper):

S. 3000. A bill to provide for a program for the regulation of surface mining of coal to protect the environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 3001. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEALL:

S. 3002. A bill to regulate the interstate shipment of pet turtles. Referred to the Committee on Commerce.

S. 3003. A bill to authorize the Commissioner of the District of Columbia to execute on behalf of the District of Columbia an agreement relating to the disposition of certain individuals on probation or parole. Referred to the Committee on the District of Columbia.

S. 3004. A bill to authorize the burial of the remains of Matthew A. Henson in the Arlington National Cemetery, Virginia. Referred to the Committee on Veterans' Affairs.

By Mr. RANDOLPH:

S. 3005. A bill to create a position of Assistant Attorney General for Organized Crime Control. Referred to the Committee on the Judiciary.

By Mr. AIKEN (for himself and Mr. Stafford):

S. 3006. A bill to provide for holding terms of the U.S. District Court for the District of Vermont at Bennington. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 3007. A bill to allow for the imposition of restrictions on the imports of unshelled filberts. Referred to the Committee on Agriculture and Forestry.

By Mr. BOGGS:

S. 3008. A bill for the relief of August F. Walz. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN (for himself and Mr. Weicker):

S. 3009. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increased protection for animals in transit. Referred to the Committee on Commerce.

By Mr. NELSON (for himself, Mr. Javits, Mr. Case, Mr. Cranston, Mr. Hughes, Mr. Kennedy, Mr. Mondale, Mr. Randolph, and Mr. Stevenson):

S. 3010. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAKER (for himself and Mr. Cooper):

S. 3000. A bill to provide for a program for the regulation of surface mining of coal to protect the environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BAKER. Mr. President, I send to the desk for introduction and appropriate referral a bill to establish a Federal-State program to eliminate the environmental degradation caused by surface mining for coal.

Vast reserves of strippable coal underlie about half of the States and in the next several decades the rapidly expanding demand for power production will doubtless spur extensive mining in most of these. During the past decade the tonnage of coal produced in deep mines has diminished slightly while that produced by surface mining has grown rapidly. This is due to several factors. One, of course, is the Coal Mine Health and Safety Act, which has forced the closing of many, small, nongassy mines. Another factor, however, has been the environmental subsidization of surface mining, which is the problem this bill addresses. To the extent that strip-mined coal can presently be delivered more cheaply to the power grids than would be the case with strictly regulated surface mining with adequate reclamation, Appalachia and other regions of coal production are subsidizing the energy requirements of the Nation.

In past years this body has acted upon several programs designed to reduce the disruption caused by poverty and to infuse life into the economy of the Appalachian region. We have attempted to end the outmigration of hundreds of thousands of young people from this region. If strip mining for coal is allowed to continue in Appalachia it will counter all these efforts and in a short time reduce this region to a wasteland of polluted rivers and defaced mountains.

Mr. President, we are near that condition now in many areas. I am appalled everytime I fly over the once beautiful Cumberland Mountains of eastern Tennessee and Kentucky. We must act now to enact strong and effective legislation to eliminate this environmental insult—for in a very short time it will be too late.

This bill is limited to regulation of coal surface mining. There are many persons who feel that a comprehensive approach to mining of all minerals is needed, and I agree. But such a program must take time in development. And, frankly, time is of the essence if we are to deal effectively with strip mining. Every year almost a hundred thousand acres of land are turned in the search for coal. For every acre turned another is buried or despoiled and miles of streams become clogged with siltation.

This bill employs the Federal-State partnership approach embodied in the Clean Air Act. Only by establishing Federal guidelines and standards and by maintaining the safeguard of Federal enforcement can we insure uniformity and eliminate the paralysis caused by interstate competition.

This bill places Federal responsibilities in the Environmental Protection Agency. There are several reasons for this decision: We are dealing with a problem—the environmental impact of mining—which has not to date received extensive treatment in any Federal agency. Thus, we are contemplating the creation of a regulatory authority to oversee and enforce a Federal-State program to control environmental problems. All of these factors are consistent with the design and charge of EPA.

Briefly this bill would prohibit surface mining for coal without a permit 270 days after enactment and during that initial period would impose a moratorium on new startups and significant expansions of such operations. During the first 120 days following enactment the Administrator would develop regulations dealing with all aspects of mining and reclamation and designed to insure that operations did not pose an undue environmental hazard or a hazard to adjoining property and that reclamation would restore the area to at least its original use and substantially the same topographical conformance. The Administrator would be authorized and charged to prohibit strip mining where adequate reclamation could not be accomplished.

From the 270th day the Administrator would issue permits for all mining operations upon submission of a plan showing the location of proposed operations and techniques of operations and reclamation which would meet the criteria established by the Agency. Before issuance of any permit the applicant would be required to file a bond or security to insure performance of its permit obligation.

The bill provides that the Administrator will, upon the approval of a State program, delegate his authorities and responsibilities to an appropriately designated State agency. The Administrator would retain a supervisory function with power to reinstitute Federal regulation if a State failed to carry out its responsibility.

Basic to the concept of regulation embodied in this bill is the treatment of all phases of operations—including road building, blasting, removal of overburden and coal, and finally, reclamation—in view of their potential environmental impact. The goal is to uniformly internalize the environmental costs of surface mining.

The senior Senator from Kentucky and I have worked hard in the development of this bill. I feel it represents a sound approach to this serious problem.

Certainly careful consideration must be given to the impact of the program both on the industry itself and upon the environmental problem it seeks to remedy.

We must stop the ravages of uncontrolled surface mining before a delicate region of our Nation is destroyed and before a similar environmental insult renders desolate thousands of acres of land all across this Nation.

Mr. President, it is my privilege this morning to introduce this bill, together with the distinguished senior Senator from Kentucky (Mr. Cooper) to do these things that I feel are urgent: First, to meet an environmental emergency, and that is precisely what coal strip mining is in the Southeastern area of the United States; second, to bring an immediate halt to any new strip mining operations of coal in the United States until such operations can be closely and carefully regulated; and third, to create a uniform system of regulations, administered by the Environmental Protection Agency to provide assurance for the restoration, not just for the smoothing of spoil piles and the shaping of highwalls and banks, but also a regulation and requirement by statute that if coal strip mining is to be undertaken, the land must be returned to its original condition as nearly as may be done.

This bill proposes to require that the land be returned to its original topographical conformance so that when one digs a scar on the side of a mountain to search for coal, he must restore the land as nearly as possible to its original condition. Very simply and directly, if he cannot do that, he does not strip mine for coal.

This may sound like harsh language. However, it is not. It is a harsh situation.

It is my personal belief that this bill will not put coal mining operators out of business. If they are to engage in surface mining, they must be willing to repair the damage they do in the course of stripping. But if they are not willing to do so, it will put them out of business, and they should be put out of business because unreclaimed stripping of coal amounts to an environmental subsidy being paid by a poor and delicate region of the country to the rest of the Nation. Of all the regions of the country, the region of Appalachia is least able to afford to pay it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3000

A bill to provide for a program for the regulation of surface mining of coal to protect the environment and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Coal Strip Mine Control Act of 1971."

"The Congress finds that the practice of surface mining for coal in the United States has resulted in the devastation of vast areas of land, in substantial environmental degradation, in an economic and social hardship on the people of these areas and in the loss of significant scenic and natural resources.

"The Congress further finds that a program of uniform regulation of surface mining of coal must be enacted to insure against these threats and that such regulation must permit the surface mining of coal only when such mining can be undertaken in a manner which will prevent environmental degradation.

TITLE I—FEDERAL INTERIM PROGRAM

REGULATION

"Sec. 101. (a) On and after the date of the enactment of this Act, any coal surface mine the products of which enter commerce or the operations of which affect commerce shall be subject to the provisions of this Act.

"(b) On and after the date of enactment of this Act no person shall develop or open any new or previously abandoned site of operations for the extraction of coal or shall significantly increase or accelerate operations in effect at the time of enactment from any surface mine subject to the provisions of this Act unless such person has first obtained a permit issued in accordance with the provisions of this Act.

"(c) On and after two hundred seventy (270) days from the enactment of this Act, no person shall engage in or carry out any activity involving the extraction of coal from a surface mine subject to the provisions of this Act by surface mining methods, unless such person has first obtained a permit issued in accordance with the provisions of this Act.

CRITERIA

"Sec. 102. (A) Within one hundred twenty days following the enactment of this Act, the Administrator of the Environmental Protection Agency in consultation with the Secretary of Agriculture and the Secretary of the Interior shall promulgate (and from time to time thereafter revise) such regulations as he deems necessary in connection with the surface mining of coal setting forth:

1. The criteria for reclamation programs required in connection with the issuance of a permit to engage in the extraction of minerals by surface mining methods.

2. Criteria on necessary procedures, methods and techniques to be followed in the operation of surface mining methods pursuant to a permit issued in accordance with the provisions of this Act;

3. Criteria on land policy identifying zones where, due to physical characteristics areas within such zones cannot be adequately reclaimed, surface mining shall not be permitted;

4. Criteria on procedures, methods and techniques to be used in connection with the use of explosives in strip mining operations subject to this Act; and

5. Criteria on regulating road construction necessary in connection with surface mining operations subject to this Act.

"(b) Such regulations shall insure, among other things, that:

"1. Reclamation of the site will return said land to a use and topographical conformance substantially as it existed prior to commencement of operations or to a different use or topographical conformance if proposed in the application for permit if the Administrator determines that such alternative plan meets the intent and purpose of this Act.

"3. That mining and reclamation operations will control or prevent erosion, flooding, and pollution of water, release of toxic substances, accidental land or rock slides, damage to fish or wildlife or their habitat, or public or private property, waste or mineral resources, destruction or loss of a valuable scenic resource, and hazards to public health and safety; and

"4. That techniques employed in mining and reclamation under this Act conform to the best practicable technology for operations upon land of like nature and character.

"(c) Any regulation issued by the Administrator under this section shall be subject to judicial review in the District Court for the District of Columbia upon the filing of a petition in such court praying that the regulation be modified or set aside in whole or in part. The commencement of such a proceeding shall not, unless specifically ordered by the court, operate as a stay of the Administrator's decision.

PERMITS

"Sec. 103. (a). On and after the date of enactment of this Act and until a State regulatory program is in effect under title II of this Act, permits for operations subject to the provisions of this Title shall be issued by the Administrator pursuant to regulations issued under this section.

"(b) Within ninety days following the enactment of this Act the Administrator shall issue regulations specifying the forms upon which applications for permits may be made. Such regulations shall specify the information which the Administrator shall require in order to make the determinations necessary to insure compliance with the intent and purpose of this Act, and shall include a map and plan of the proposed operation, and complete plan of reclamation for the area of land to be affected, including, but not limited to, the method of strip mining, engineering technique, the character and description of the equipment, prevention of harmful surface water drainage, prevention of water accumulation in the pit, backfilling, grading, resoiling, revegetation, a time schedule for completion of each of the phases, and an estimate of the cost of reclamation per acre.

RENEWAL

"Sec. 104. (a). Any holder of a valid surface mining permit issued pursuant to this Act who wishes to continue the operation beyond the original permit shall make application for said renewal within 60 days prior to the expiration of said permit. Said application shall contain such information as the Administrator may prescribe by regulation, and shall include:

(1) A listing of any claim settlements or judgments against the applicant arising out of or in connecion with its operation under said permit;

(2) Written assurance by the person issuing the performance bond in effect for said operations that said bond continues and will continue in full force and effect for any extension requested in said application.

APPROVAL

"Sec. 105. (a) Upon the filing of an application in accordance with section 103 of this Act, or of an application for renewal under section 104 of this Act, the Administrator shall, after opportunity for public hearing, investigate and approve or disapprove the application. No permit application or renewal shall be approved if the Administrator finds on the basis of the information set forth in the application, or from information available to him, that—

(1) there is no probable cause to believe that the reclamation of the area of affected lands covered by the application can be achieved;

"(2) (A) the surface mining operations covered by such application would pose undue hazards to adjacent lands or waters; or

"(B) the strip mining would result in the destruction or loss of a scenic resource valuable to the area or region; or

(3) the carrying out of the surface mining operations covered by such application would be in violation of any provision of this Act or any regulation issued pursuant thereto:

"(b) No permit application shall be approved unless the plan of operation and reclamation required under section 103(b) of this title is approved. The Administrator may approve a plan of operation and a reclamation plan that complies with the requirements of this Act and regulations issued pursuant thereto. Nothing in this Act shall be construed as prohibiting the Administrator from approving any reclamation plan which provides for the retention of certain access roads.

"(c) The Administrator shall notify the applicant by registered mail within thirty days after the receipt of the complete application whether the application has been approved. If the Administration fails to notify the applicant within the prescribed period, the applicant may request in writing a hearing before the Administrator. The hearing shall be held within thirty days after receipt of the request.

"(d) If the application for permit or renewal is approved, the Administrator shall determine the amount of bond per acre that the operator shall furnish before a permit or renewal is issued. The amount of bond shall be stated in the notice of approval sent to the applicant.

"(e) If the application is not approved, the Administrator shall state the reasons for its disapproval and may propose modifications, delete areas, or reject it entirely. If the applicant disagrees with the decision of the Administrator, he may request in writing a hearing before the Administrator. The Administrator shall hold the hearing within thirty days after receipt of the request. Judicial review of such decisions shall be in the U.S. District Court for the district in which operations are proposed.

BONDING REQUIREMENTS

"Sec. 106(a) After a permit application has been approved, but before a permit is issued, the applicant shall file with the Administrator the bond for performance, on a form prescribed and furnished by the Administrator, payable to the Administrator and conditioned that the applicant shall faithfully perform all the applicable requirements of this Act and regulations issued pursuant thereto. The amount of the bond required for each permit shall depend upon the reclamation requirements, and shall be determined by the Administrator. Liability under the bond shall be for the duration of surface mining at the operation and for a period of five years thereafter, unless released sooner as provided in Section 111 of this Title. The bond shall be executed by the applicant and a corporate surety licensed to do business in the State where such operation is located; except that the applicant may elect to deposit cash, negotiable bonds of the United States Government or such State, or bonds of the United States Government or such State, or negotiable certificates of deposit having a par value equal to or greater than the amount of the surety bond and issued by any bank organized or transacting business in the United States. Cash or securities so deposited shall be deposited upon such terms as the Administrator may prescribe.

"(b) After the permit application has been approved, and the bond or deposit filed, the Administrator shall issue a permit to the applicant.

"(c) Any permit issued pursuant to this title shall be valid for a period of one year following its date of issuance. No surface mining operations shall be carried out pursuant to such permit unless such permit has been registered with the Register of Deeds (or other comparable officer) in each county or other political subdivision in which lands affected by such permit are located. Such registration shall include the name and address of the person to whom such permit was issued and, if such person is a corporation or other entity, the name and address of its registered agent, and a brief description of the lands upon which operations are permitted.

"(d) The process of reclamation shall progress as the surface mining progresses, at such a distance behind the extraction of the minerals in accordance with regulations promulgated by the Administrator in accordance with the provisions of this Act.

NONCOMPLIANCE

"Sec. 107(a). In any case in which the Administrator determines that any person holding a valid, unexpired permit issued pursuant to this Act has failed or is failing to comply with the provisions of this Act or any regulation issued pursuant thereto or the terms of any such permit, the Administrator shall notify such permitholder in writing that he is in noncompliance and order the immediate termination of any operation in violation of the provisions under which the permit issued and that he shall have thirty (30) days (or such additional period as the Administrator in his sole discretion may prescribe) within which to repair damages caused by said operation. If upon the expiration of such period contained in that notification such person has not so complied or if he shall fail or refuse to terminate said operations as ordered by the Administrator, the Administrator shall immediately take action in accordance with the provisions of section 110 of this Act, to revoke such permit. If the Administrator determines that such person, prior to the date of expiration of such period, is in compliance with the provisions of this Act and such regulations and terms with respect to which he was so notified, he shall take no action with respect to revoking such permit and such noncompliance shall be deemed not to be a violation for purposes of sections 105 and 110. The provisions of this section requiring notification of noncompliance shall not apply in any case involving fraud or any willful or knowing violation on the part of such permitholder; in all such cases an order to cease operations shall be issued and action be instituted under section 110 immediately.

REPORTS

"Sec. 108(a). On or before the expiration of each ninety day period following the effective date of section 101(c) of this title, the operator of a surface mining operation shall file a report with the Administrator on a form provided by the Administrator that accurately states the number and location of acres of land mined, and the number and location of acres of land reclaimed. An annual report with the same type of information shall be filed with the Administrator not later than the first day of February of each year for the previous year.

SANCTIONS

"Sec. 109(a) 1. Whoever knowingly violates the provisions of this Act or obtains a permit or renewal thereof pursuant to this Act through fraudulent means, shall be fined not more than $10,000.

2. In addition to the fine authorized under paragraph (1) of this subsection, and subject to the provisions of section 107 of this Title the appropriate court may impose fine in an amount equip to not more than $5,000 for each acre of land stripped in violation of the provisions of this Act.

REVOCATION OF PERMITS

Sec. 110(a). The Administrator may, subject to the provisions of this Act, revoke any permit or renewal thereof issued pursuant to this Act if he determines that—

1. The operator has violated any provision of this Act or any regulation issued pursuant thereto; or

2. Such permit or renewal was obtained through fraud.

RELEASE OF BONDS

Sec. 111(a). The Administrator may upon the application of the operator release in whole or in part any bond issued pursuant to this Act if it shall appear that said bond or portion thereof may be so released consistent with the requirements of this Title.

"(b) If the Administrator does not approve the reclamation performed by the permittee, the Administrator shall notify the permittee in writing within twenty days after the request for release is filed. The notice shall state reasons for said rejection and shall recommend actions to remedy said failure, and shall afford the operator an opportunity for leaving judicial review of any decision under this section shall be in the U.S. District Court for the District in which said operations are located.

TITLE II—STATE REGULATORY PROGRAM

ESTABLISHMENT

Sec. 201(a) (1) Each State in which surface mining for coal is conducted shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within eight months after the promulgation of criteria and guidelines (or any revision thereof) under section 102 of this Act, a program which provides for the regulation of surface mining in such State.

(2) The Administrator shall, within four months after the date required for submission of a regulatory program under paragraph (1) of this subsection approve or disapprove such program or each portion thereof. The Administrator shall approve such program or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

(A) it provides a permit or equivalent program to regulate the initiation and conduct of surface mining and restoration following such mining which permit program shall meet the requirements established for the present program under Title I of this Act;

(B) it provides for notice to the public of all applications for permits and an opportunity for a public hearing on such application;

(C) it provides that any State (other than the permitting State), whose land or waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing;

(D) it provides that permits are fixed on terms not exceeding two years;

(E) it provides that permits can be terminated or modified for cause including, but not limited to, the following:

(i) violations of any conditions of the permit;

(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

(iii) changes in conditions that require either a temporary or permanent change, including cessation, in the permitted activity;

(F) it provides for inspection, monitoring, entering, and reports in a manner which will meet the requirements of Section 203 of this Act;

(G) it provides for abatement of violations of the regulatory program, including permits and permit conditions, including civil and criminal penalties and other ways and means of enforcement;

(H) it provides for the filing of restoration plans and procedures, including restoration measures taken during and after completion of surface mine operation;

(I) it provides for the posting of performance bonds sufficient to insure restoration in compliance with the approved restoration plan and for public participation in the determination of compliance prior to release of such posted bonds;

(J) it provides for the designation of a single agency, or with the Administrator's approval, an interstate organization upon which the responsibility for administering and enforcing the program is conferred by the State which will insure full participation of those agencies responsible for air quality, water quality, and other areas of environmental protection;

(K) it provides for funding and manpower are or will be committed to the administration and enforcement of the regulations sufficient to carry out the purpose of this title;

(L) it provides for monitoring by the State agency of environmental changes in surface mined areas and adjacent lands and waters to assess the effectiveness of the regulatory program; and

(M) it provides for revision, after public hearings, of such program from time to time, but at least every five years, as may be necessary to take account of revisions of criteria and guidelines under section 102 of this Act.

(b) (1) After the effective date of any regulatory program under this title, each State shall transmit to the Administrator a copy of any permit application received by such State and provide notice to the Administrator of all actions related to the consideration of such permit applications, including all permits proposed to be issued by such State.

(2) no permit shall issue until the Administrator is satisfied that the conditions to be imposed by the State meet the requirements of this Act.

(3) The Administrator may, within thirty days after receipt of any permit application, waive the requirements of clause (2) of this paragraph as to such permit application.

(c) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section or section 202, in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program.

(d) Copies of any permit application and any permit issued under this section shall be available to the public, in an appropriate place (1) in each State; (2) in the appropriate regional office of the Environmental Protection Agency; and (3) with the Administrator. Such permit applications or permits, or portions thereof, shall further be available on request for the purpose of reproduction.

FEDERAL PROMULGATION

Sec. 202. The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth a regulatory program or portions thereof, for a State if—

(a) the State fails to submit a regulatory program within the time prescribed under section 201 of this title;

(b) the regulatory program or any portion thereof, submitted for such State is determined by the Administrator not to be in accordance with the requirements of section 201 of this title; or

(c) the State fails, within sixty days after notification by the Administrator, or such longer period as he may prescribe, to revise its regulatory programs as required pursuant to a provision of its program referred to in section 201(a) (2) (M) of this title.

If such State held no public hearing on such regulatory program (or revision thereof), the Administrator shall provide opportunity for such hearing within such State or any proposed regulation. The Administrator shall, within two months after the date of disapproval of such program, or portion thereof (or revision thereof), promulgate any such regulations unless, prior to such promulgation, such State has adopted and submitted a program (or revision) which the Administrator determines to be in accordance with the requirements of this Act.

INSPECTIONS, MONITORING, AND ENTRY

Sec. 203(a) For the purpose (1) of developing or assisting in the development of any State regulatory program uder this Act or any permit under this Act, or (2) of determining whether any person is in violation of any requirement of such a plan or any other provision of this Act—

(A) The Administrator may require any person owning or operating any surface coal mine to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or method, and (iv) provide such other information as he may reasonably require; and

(B) the Administrator or his authorized representative, upon presentation of his credentials—

(i) shall have a right of entry to, upon, or through any surface coal mine or any premises in which any records required to be maintained under paragraph (2) (A) of this subsection are located, and

(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (2) (A) of this subsection.

(b) (1) Each State may develop and submit to the Administrator a procedure for carrying out this section or portions thereof in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has to carry out this section.

(2) Nothing in this subsection shall prohibit the Administrator from carrying out in a State, at any time, the authority granted under this section.

(c) Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

FEDERAL ENFORCEMENT

Sec. 204(a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of Section 201 or 202 of this Act, or of any permit condition under this title, the Administrator shall notify the person alleged to be in violation of the permit or permit condition and the State in which the permit or permit condition applies of such finding and publish such finding. If such violation extends beyond the thirtieth day after the date of the Administrator's notification, the Administrator shall issue an order requiring such person to comply with the requirements of such permit or permit condition or he shall bring a civil action in accordance with subsection (b) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds that violations of a State regulatory program approved under Section 201 of this Act are so widespread that such violations appear to result from a failure of the State in which such regulatory program applies to enforce such program effectively, he shall so notify the State. If the Administrator finds that such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period with such public notice and ending when such State satisfies the Administrator that it will enforce such program (hereafter referred in in this section as "period of federally assumed enforcement"), the Administrator may enforce any permit or permit condition under such program with respect to any person—

(A) by issuing an order to comply with such permit condition, or

(B) by bringing a civil action under subsection (b) of this section.

(3) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of section   of this Act, he shall issue an order requiring such person to comply with such section, or he shall bring a civil action in accordance with subsection (b) of this section, requiring such person to comply with such section.

(4) An order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State in which the violation occurs. Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(5) All notices or orders issued or the termination thereof under this section shall be published in the Federal Register.

(b) The Administrator may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

(1) violates or fails or refuses to comply with any order issued under subsection (a) of this section; or

(2) violates any requirement of an approved State regulatory program during any period of federally assumed enforcement or violates any permit or permit condition more than thirty days after having been notified by the Administrator under subsection (a) (1) of this section of a finding that such person is violating such permit or permit condition; or

(3) violates section 101 of this Act; or

(4) fails or refuses to comply with any requirement of this Act or any regulation issued hereunder.

Any action under this section may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State.

(c) (1) Any person who wilfully or negligently (A) violates any requirement of an approved State regulatory program during any period of federally assumed enforcement or violates any permit or permit condition more than thirty days after having been notified by the Administrator under subsection (a) (1) of this section that such person is violating such requirement, or (B) violates or fails or refuses to comply with any order issued by the Administrator under subsection (a) of this section, or (C) violates section 101 of this Act, shall be punished by a fine of not more than $10,000 per day of violation. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by im-

prisonment for not more than six months, or by both.

JUDICIAL REVIEW

SEC. 205 (a) (1) A petition for review of action of the Administrator in approving a State regulatory program or in promulgating any regulation under section 202 of this Act, may be filed by any interested person only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administrator's action in issuing or denying any permit or permit condition under Sec. 201 or Sec. 202 of this Act, may be filed by any interested person only in the United States court of appeals for the appropriate circuit. Any such petition shall be within thirty days from the date of such determination, approval, promulgation, issuance, or denial, or after such date if such petition is based solely on grounds arising after such thirtieth day.

(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) of this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.

(b) In any judicial proceeding in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

TITLE III—DEFINITIONS

SEC. 301. For the purposes of this Act, the term—(a) "Administrator" means the Administrator of the Environmental Protection Agency;

(b) "Commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States and any other place outside the respective boundaries thereof, or wholly within the District of Columbia, or any territory or possession of the United States, or between points in the same state, if passing through any point outside the boundaries thereof;

(c) "Coal" includes bituminous coal, lignite, and anthracite;

(d) "Surface mine" means any surface mine from which coal is extracted, after removal of all or part of the overburden above, its natural deposits in the earth;

(e) "Person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(f) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Indian tribes; and

(g) "Site" means the land from which the overburden or coal is removed by surface mining, and all other land area in which the natural land surface has been disturbed as a result of or incidental to the surface mining activities of the operator, including but not limited to private ways and roads appurtenant to any such area, land excavations, workings, refuse banks, spoil banks, culm banks, tailings, repair areas, storage areas, processing areas, shipping areas, and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are situated.

(h) "Topographical conformance" means the shape and form of the land on which and adjacent to which surface mining is conducted. The phrase "return said land to a . . . topographical conformance of operations . . ." as used in section 102(b) (1) of the Act and elsewhere in the Act, shall mean the use of original spoil material to refill and recover pits, benches, and high walls so that the original slope and plane of the land is substantially restored to a permanent and stable condition, except for the temporary absence of vegetation. The phrase shall further mean that no appreciable spoil material shall be permanently deposited outside the bench or pit.

(i) "Surface Mining" means all or any part of the process followed in the production of minerals from a natural mineral deposit by the open pit or open cut method, auger method, highwall mining method which requires a new cut or removal of overburden, or any other mining process in which the strata or overburden is removed or displaced in order to recover the mineral; or in which the surface soil is disturbed or removed for the purpose of determining the location, quality or quantity of a natural mineral deposit, but shall not include excavation or grading when conducted solely in aid of on-site farming or construction.

(j) "Spoil Material" means all earth and other materials which are removed to gain access to the mineral in the process of surface mining.

(k) "Spoil Bank" means the overburden as it is piled or deposited in the process of surface mining, including reject coal.

APPROPRIATIONS

SEC. 302. In addition to such fines as may be collected pursuant to the provisions of this Act there is authorized to be appropriated the sum of $——— for fiscal year 1973, the sum of $——— for fiscal year 1974, and the sum of $——— for fiscal year 1975, and thereafter such sums as may be required for the purposes of this Act.

Mr. COOPER. Mr. President, I am pleased to join with the distinguished senior Senator from Tennessee (Mr. BAKER) in introducing a bill to regulate and control strip mining. We have common problems in our adjoining States of Kentucky and Tennessee. Both of us live in the mountainous section of those States and both of us have intimate knowledge of the problem caused by strip mining.

Earlier this year I joined in introducing a bill proposed by the President to regulate strip mining. I commend him for his initiative because, as far as I know, it was the first major effort by an administration to control strip mining.

The Senator from Tennessee and I, in introducing this bill, believe that there has not been adequate authority to control strip mining nor has action been speedy enough. Without immediate control it will be too late to save the beautiful areas of our States and other States in the Appalachian area which are so rich in water and land, as well as mineral resources.

If our bill could go to a committee which would act upon it immediately, and if it could be reported by the committee and passed by the Congress it would immediately guarantee the control of surface mining. Under the bill all surface mines, whether they are contour strip mines around the hills and mountains or area strip mines in less hilly regions, would immediately come under the control of the Environmental Protection Agency. The administrator of EPA is required to determine whether or not any new or existing surface mine could be operated properly. Without the required approval no strip mine could be initiated or continued.

I hope very much that early next year hearings will be held on this proposal, that the committee will report it promptly and that the House and the Senate will act on it because, as the Senator from Tennessee has said, if this does not happen it will be too late to save the landscape, the environment, and the resources of our States and the Nation. Without the immediate control this bill would provide, the regions of our States and the Nation which are the richest in coal will be destroyed.

On December 2, the Senator from Tennessee (Mr. BAKER) and I testified before the Subcommittee on Minerals, Materials, and Fuels of the Committee on the Interior which is presently considering legislation for the regulation, control, or prohibition of surface mining, and to outline the proposal being introduced today.

The bill Senator BAKER and I are proposing is based upon the common problems of our States of Tennessee and Kentucky and our experiences as members of the Committee on Public Works on antipollution measures. I will not attempt to go into great detail about the bill but will outline briefly its major provisions.

The bill would invest control authority in the Environmental Protection Agency, cooperating with Department of Interior's Bureau of Mines, with the Forest Services and Soil Conservation Service of the Department of Agriculture, and others.

The Administrator of the Environmental Protection Agency would be required to promulgate criteria and guidelines for the control of surface mining activities.

The States would then be given 8 months to adopt, after public hearings, and submit to the Administrator a regulatory program—meeting the criteria set forth in the bill, including a permit program.

The States would have primary responsibility for enforcement but with the Environmental Protection Agency having ultimate enforcement authority if the State fails to act.

As the procedure leading to State regulation could require a year and a half, the bill requires that during this interim period surface mining could be conducted or initiated only under Federal authority, with the approval of the Environmental Protection Agency.

We must take immediate action or we will face the day when surface mining will be prohibited from operation. Most importantly, if we do not act quickly, the restoration of great regions of our countryside may become an impossibility. I would extend an invitation to the members of the Committee on Interior and Insular Affairs to visit eastern Kentucky and eastern Tennessee and witness first-hand the destruction that has taken place.

I want to thank my distinguished colleague from Tennessee (Mr. BAKER) for his counsel and efforts in preparing this bill. His knowledge and thorough study of this program have contributed much to this bill.

I ask unanimous consent to have printed in the RECORD the remarks of the Senator from Tennessee (Mr. BAKER) before the Subcommittee on Minerals, Materials, and Fuels, and an article in yesterday's New York Times Sunday Magazine highlighting the urgency of controls for surface mining.

There being no objection, the remarks and article were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HOWARD H. BAKER ON STRIP MINING

Mr. Chairman, I appreciate this opportunity to address this subcommittee on the urgent problem of strip mine reclamation. I am convinced that federal involvement in this area is imperative if we are to turn around the forces of environmental and economic devastation resulting from present strip mining practices. Certainly this subcommittee will play a key role in the development of any federal program.

In Tennessee and throughout Appalachia this impact of surface mining has been particularly devastating. The economic situation in the mountains of eastern Tennessee and Kentucky, West Virginia, and Pennyslvania has for generations been one of poverty. There has been little industrial growth and the removal and exploitation of the natural resource of the region has left few benefits to the people. The area has been referred to as America's colony, and I must admit when I view the wholesale destruction of the scenic mountains by strip mining for coal I cannot find hyperbole in the statement. It was once said that the coal of Appalachia would bring it wealth in time. But, gentlemen, it has not, it has rather brought the destruction of the regions last valuable resources.

In his testimony before this subcommittee a few weeks ago, Chairman Russell Train of the Council on Environmental Quality pointed out that strip mining activities across the United States are claiming 750 acres per day. That would mean that approximately 200,000 acres of land in the United States have been turned in the search for coal since January 1, 1971. In the whole of 1970, a year which was marked also by an emphasis on surface mining, the National Coal Association reported a total of 58,000 acres officially approved as reclaimed lands. The disparity of these statistics points out the rate at which areas of stripping activity are building up an enormous environmental debt. What is even more disconcerting is that the Department of Interior reported an estimated backlog of 2,041,000 acres of "unreclaimed strip— and surface—mined lands" in 1965.

But statistics are not fully revealing and certainly not in comparison to the stark evidence of destruction apparent on the faces of a whole mountain range blessed with rich coal resources and once blessed with magnificent beauty.

I make these observations not for the purpose of creating an emotional indictment against strip mining or the strip mining industry, but rather to point up the importance and extent of our problem; to identify its causes and to plot a course of action for the future.

And there is a future. To begin with, regardless of our mistakes in permitting strip mining, unregulated or only slightly regulated, the fact of the matter is that the power grids of the nation, especially those of the Southeast, are dependent to a remarkable extent on the production of coal from surface mines and this dependence cannot be withdrawn suddenly without unacceptable economic and social consequences. Fifty percent of our power production across the United States depends upon coal for fuel, and 50 percent of that coal is produced by surface mining.

The present competitive advantage of strip mining of coal results from a variety of factors, including the swiftness with which production can be realized, the relative safety to personnel, and sadly the failure to assess in the cost of production the enormous environmental debt left by unreclaimed operations. What clearly is an advantage in terms of the cost of electricity is an unconscionable burden on the geography and society of an area of our country ill-equipped to bear it. To the extent that strip-mined coal can presently be delivered more cheaply and quickly to the power grids than would be the case with strictly regulated surface mining with adequate reclamation, Appalachia and the other regions of coal production are subsidizing the energy requirements of the nation. In Appalachia this subsidy represents the loss of possibly the last significant natural resource—the scenic beauty of the region.

So what do we do?

1. First, we withdraw from the present practices of strip mining as quickly as possible—over the space of a relatively short time—the time it takes to develop other extractive techniques or to bring strip-mining and reclamation techniques to a level of sophistication commensurate with the environmental threat.

2. We eliminate the temptation to permit under-regulated stripping in states which have every reason to cry out for some economic advantage or by land owners who can find no other productive use for their property.

3. We pass a federal statute making uniform the methods for removal of coal by strip mining and eliminating the competitive advantages and disadvantages between one state or the other and require instead the highest reclamation techniques in all the states.

4. We vest regulatory and enforcement functions under such a statute in the Environmental Protection Agency and provide the Agency authority to prohibit stripping in any area where adequate or desirable reclamation is not possible.

5. We should consider the establishment of a severance tax on all coal and on other fuels at the Federal level to insure uniformity and make the proceeds thereof available to the states or locality if they elect so that the benefits of this resource can accrue to the area in which it is located.

In order to deal comprehensively with environmental ramifications of coal production, regulation of deep mines both during and subsequent to extraction will have to be undertaken with equal diligence to that embodied in the aforementioned proposals for strip mine controls. Such a program must treat effectively the problems of acid mine drainage, slate dumping, uncontrolled burning of residues, and subsidence of abandoned mines.

Many of the witnesses in earlier hearings before this Committee have cited as a virtue of several bills presently pending that they embody a comprehensive treatment of all phases of mining. While I feel that certainly all mining practices, as they hold the potential for environment damage, must be controlled, I feel that the situation with strip mining is an emergency and in two years will be a complete disaster. If we do not act with speed in the area of coal strip mining, in a short period of time it will be too late. We cannot afford the luxury of a comprehensive approach at this time. We must target the immediate effort to the problem of coal surface mining if we are to benefit those areas where such operations are removing the face of the landscape at an almost unbelievable rate.

I want this country to have the full utilization and the full blessings of its resources and its initiative, fully powered by the greatest economy and the largest energy system in the world; but without the requirement that a poor and delicate area of the country subsidize that future with the destruction of its last natural resources. I want to see coal play its rightfully dominant role in the energy requirements of this nation in the future, ranking as it does as our greatest fuel resource; but I want to see it done in an even-handed way, without the destruction of the hillsides, the valleys, the streams and rivers, wildlife, or the families and the communities who suffer from the ravages of uncontrolled mining.

I have previously stated a number of times that I intend to introduce in the Congress a bill to regulate strip mining, to provide for a federal program administered by EPA, and other purposes. I have not yet introduced that bill, and I would like to take this opportunity to say that I am anxious to find common ground among those of us who feel that there must be immediate and positive control of surface mining and reclamation. It may be that a combination of Federal and state programs is best, or that Federal guidelines, locally administered, will best serve the purpose; legislation patterned after the air and water pollution control programs calling for criteria and implementing standards by the several states may be adaptable to these requirements, and for my part, I am not only willing, but indeed anxious, to explore these alternative possibilities and try to produce a synthesis of ideas supporting strong, effective Federal legislation.

It is my view that these elements are essential:

1. That there be a strong statement of national purpose by the Federal Congress;

2. That there be an immediate moratorium on new unregulated strip mine activity;

3. That existing coal strip mine operations come within the scope of new and improved reclamation techniques as soon as reasonably possible;

4. That reclamation techniques be determined on the basis of the severity of the environmental insult. In this respect, it would be my hope that the operative language of new Federal legislation might require substantial restoration of the original topographical conformance of the land unless a different conformance might seem as desirable from an environmental standpoint, viewed both locally and nationally.

But the hallmark of our challenge at the moment is time.

I think something must be done immediately.

[From the New York Times Magazine, Dec. 12, 1971]

APPALACHIA—LIKE THE FLAYED BACK OF A MAN

(By James Branscome)

LEXINGTON, KY.—Dan Gibson sold his squirrel gun last month. He sold it for $30 and an old British .303 Enfield to two of his young admirers. Gun buying, trading or swapping is less than unusual in the hills of eastern Kentucky, but Dan Gibson's rifle and what he did with it a few years ago are unusual. With only that rifle as a companion, Gibson, who is in his 80's, stood off 17 state policemen and a coal-mining company. He held them off because the miners were going to strip-mine his son-in-law's property and the state police were there to back them up. He was finally arrested, but not before he had won his point. The strip miners did not come back.

What made Dan Gibson angry is a relatively new, cheap and easy method of mining coal. It is cheap and easy for the coal operators but expensive and difficult for the people who live in Appalachia. Because it is cheap and easy in the short run, strip-mining this year is expected to account for half of the coal produced in America. The coal will fuel power plants that light the sprawling suburbs and the dying cores of American cities. As a result, the hills and mountains of Appalchia will be irreparably scarred. The Appalachian people will be forced to flee their homes because of landslides and flooding. The entire region will look more and more like the flayed back of a man, the lifeless or heavily damaged pulp of a miscreant who sinned against industrial America.

Of the 429 million tons of coal produced in Appalachia last year, more than 154 million tons were mined by stripping methods. Nationwide, stripping accounted for 264 million of 602.9 million tons, or 44 per cent of the nation's total output.

In Kentucky, 48 per cent of 1970's coal production—61.8 million out of 129.3 million tons—was extracted by stripping. This led to the destruction of an estimated 17,300 acres in eastern Kentucky alone. The tonnage gouged from the beautiful and heavily populated Appalachian region is expanding even though there are abundant alternative sources of coal in the vast, less populated plains of the West: some 77 per cent of the coal that could be mined economically lies west of the Mississippi River. Moreover, operators are turning increasingly to the voracious stripping techniques, even though all of the nation's coal-produced electricity could easily be met by conventional underground mining.

The "area" strip-mining done in the rolling hills of western Kentucky leaves its own panorama of destruction—and causes its own erosion and pollution problems. But land at these lower altitudes is potentially easier to reclaim than in mountainous Appalachia, where "contour" strip-mining is the technique used.

The process of extraction is frightening in itself. After prospecting has determined that a minable coal seam lies among the other rock strata of a hill or mountain, the strip miners cut a road through the timber so they can haul to the site their heavy equipment—bulldozers, earth movers, power shovels and front-end loaders. The trees, plants, earth and rock covering the seam are called "overburden." This intricate web of life and life-support is blasted loose and pushed by bulldozers down the hillside, becoming, as the seam is exposed, a massive, unstable apron at the base of the hill that has been named, appropriately, "spoil bank." The spoil bank never stops where it lands but slowly, by inches, or in the leaps and bounds of a landslide, obeys the law of gravity. Sometimes it merely uproots trees in its path and blocks streams and roads. But sometimes these masses of rock and earth avalanche into homes or farms. Sometimes a family may be driven from home because a spoil bank perches unsteadily above the house.

After the overburden has been removed, the result is a flat bench, resembling a roadbed, along the side of a mountain. Towering vertically over the bench is a man-made cliff, or high-wall, sometimes 100 feet high. The high-wall and the bench form a ring around a hill, or a ridge line, with islands of vegetation remaining precariously on the top of the hill. To expose the coal the strippers have created a gash in the hillside. They have removed the earth from the coal.

Recently it has become more and more common for strip miners to decapitate an entire hill to expose the layers of coal. The hilltop, scraped and blasted away in layers, is shoved over the hillside. As the techniques of strip-mining are improved, the ribbon scars on the hillsides today may seem more and more like innocent wounds compared to the possibilities technology has in store. Present techniques allow strippers to dig only about 185 feet beneath the surface, but someday it may be possible for them to dig as deep as 2,000 feet.

When the coal seam is exposed, it too is loosened with explosives. Then power shovels and front-end loaders scoop it up and load it into 30-ton trucks, which, carrying their heavy burden, warp, crack and pulverize roads and highways, seldom with any reprimand from public officials.

If the operator is in a hurry, he may not even expose the coal seam from the top. Instead, his bulldozers cut a narrow bench until the edge, or outcrop, of the seam is exposed. Then giant augers, sometimes seven feet in diameter, bore into the seam as far as 200 feet into the side of the mountain and spiral out the coal. Auger mining is also done in conjunction with strip-mining if the operator wants to retrieve the coal that remains in the high-wall. Augering is practiced after stripping because sometimes a seam lies too far down the side of a mountain for the operator to remove, economically and speedily, all the millions of tons of overlying mountain.

Power shovels and draglines have long been used in building and road construction, but the country's demand for coal has bred a strain of giantism into earth-moving machines. A generation ago, these earth movers took about 40 cubic yards to a bite, but now they can scoop up as much as five and a half times that. "Big Muskie," wide as an eight-lane highway and standing 10 stories high, is the largest earth mover in existence. Such a machine is now stripping away Belmont County, Ohio, at the rate of 220 cubic yards a scoop.

In underground mining, the size of the equipment is severely restricted by the height of the coal seam; the limitations on strip-mining equipment are comparatively few. A generation ago no underground miner could have imagined that his shovel and small coal car would be replaced by these monsters, some of which can scoop up at one time the equivalent of three city buses. Even today's miner, with his large chainsawlike cutting machines, is a mere termite compared to the strip miner with his machinery.

Strip-mining on a large scale is a very recent phenomenon, although as far back as 1932 Pennsylvania miners worked above ground with explosives, picks and shovels to mine an anthracite seam. The development of machines like Big Muskie in the nineteen-fifties provided one impetus for strip-mining. Another was the increase in demand for coal created by the invention of the cyclone furnace for steam power plants.

The cyclone furnace, an inverted cone which feeds coal under tremendous pressure into the combustion chamber, burns the fuel more efficiently and quickly than older coal-fired furnaces. Its development was spurred by this country's insatiable demand for electricity, which is now increasing at the rate of 10 per cent a year. Electric utilities, including the Tennessee Valley Authority—assured by forecasts that coal would be a competitive energy source for some time to come—began letting contracts for the poorer-grade, dirt-scarred coal produced by strip-mining.

While coal was once in demand mainly to power the nation's railroads and for home heating and cooking purposes, the major market dramatically shifted to the utilities. What had been a fly-by-night method of mining, full of risks and uncertainty, became fantastically profitable. Strip-mine coal now generates one-third of the nation's electric power.

A study by Prof. Samuel Brock, an economist at West Virginia University, showed that in 1969 one strip-mine operator made a net profit of 126 per cent and another 102 per cent. Pikeville, a small mountain town of 5,000 that serves the coal hinterland of eastern Kentucky, has 50 millionaires, not a few of whom were made by strip-mining. This is in a county where more than half the people are classified as poor by Federal poverty program standards.

Strip-mining produces coal much faster than deep-mining—and with one-fifth as many men. Last year in Kentucky, for example, 7,200 men were employed in strip-mining, while 21,000 worked in deep mines. It costs a company about 50 cents in wages to produce a ton of strip-mined coal and about $2.75 a ton for deep-mined coal. The average price charged for stripped coal is usually only $1 less per ton than for deep-mined coal. That means the companies made extra millions last year in Kentucky, while depriving the local economy of increased wages that could have been paid to miners who work underground.

Lured by the opportunity for profit, the oil corporations that brought us the Santa Barbara oil leaks and may soon be featuring the trans-Alaska pipeline, are stampeding into the coal business because of the potential for producing synthetic natural gas and crude oil from coal. Oil interests already own 30 of the 50 largest coal producers and control 35 per cent of the coal production in the U.S. Humble Oil alone has bought six million tons of strippable coal reserves. No less disturbing, United States Steel and Bethlehem Steel hold extensive Appalachian coal fields in readiness for their furnaces. In 1969, Bethlehem, for example, decided to strip 40,000 Kentucky acres, instead of deep-mining the low-sulphur coal, as the corporation had previously done. The American Association, an English landholding corporation with 90 per cent of its stockholders in London, leases acreage in eastern Tennessee and Kentuckv to operators who are bulldozing down mountains in both states. More and more local and marginal strip operators are selling out to the larger corporations. William Sturgill, one of the few mountain natives ever to own a large strip operation, is said to have got $10-million when he sold out to the Falcon and Seaboard Oil Company of Texas.

One strip miner has said that in two years he will be rich enough to retire—and he will not then oppose a ban on stripping. But the people who live in the region cannot afford such a luxury. The true cost of strip-mining is payable after the strippers have gone away and left their scars. The Corps of Engineers has estimated, for example that it would cost the public $26-million to restore the extensively strip-mined Coal River watershed in West Virginia. This is an amount approximately equal to the private profit taken by the mining companies from the watershed.

The history of the region is a saga of destruction in the pursuit of commerce. Disaster has been visiting Appalachia in Job-like quantities ever since the virgin hardwood forest was bought out and cut down by East Coast timber buyers late in the 19th century. Then coal was discovered and the sacrifice of underground miners began. Today the sacrifices are usually small, only two or three dead at a time, but these accidents are often punctuated with mine explosions and caveins killing many more, as in the blasts at Farmington, W. Va. (78 dead in 1968) and Hurricane Creek, Ky. (38 dead in 1970). Black lung and crippling mishaps add to the toll, forcing miners to retire early, shortening their lives or condemning them to long years of subsistence living.

The region has been economically blighted for decades. The ups and downs of coal prices, the mechanization of the deep mines and a job scarcity in other fields have sent Appalachians by the hundreds of thousands to Cincinnati, Dayton, Cleveland, Louisville, Chicago and Baltimore. Now those who would have chosen to stay are having the land and the economy ripped out from under them. The deep-mining industry, still the employer of more than 100,000 miners, is on the decline in Appalachia because of the competition from strip-mining. Underground operators, pressed to a frenzied production pace to avoid losing contracts to strip miners, are ignoring the most fundamental safety precautions. The director of the U.S. Bureau of Mines, Elburt F. Osborn, normally a coal-industry defender, called the mine safety situation "deplorable" this year in a speech to the Kentucky Coal Association.

Appalachia receives heavy rainfall throughout the year, averaging around 45 inches. When it rains, the 20,000 miles of strip-mine benches in nine mountain states become chemical factories. The exposed rock and soil are rich in iron, manganese and sulfates, which combine readily with water to form corrosive compounds and acids that sterilize streams and poison wells.

Dr. Wayne Davis, a biologist at the University of Kentucky, has reported, "Iron and manganese in the Kentucky River at Hazard rose from 0.02 and 0.00 parts per million, respectively, in 1963, to 2.1 and 0.8 parts per million in 1966. The U.S. Public Health Service's maximum tolerance levels for those substances in drinking water in 0.3 and 0.05 p.p.m., respectively.

Erosion of stripped areas has been measured at a rate 1,000 times greater than from nearby natural lands. The comparison between unstripped Helton's Branch and heavily stripped Cane Branch, adjacent watersheds of the Beaver Creek Basin in eastern Kentucky, is a case in point. A research project conducted by the U.S. Geological Survey between 1955 and 1966 showed that Helton's Branch yielded 27 tons of sediment per square mile of undisturbed land, while Cane Branch produced 30,000 tons of sediment per square mile of strip-mined land.

Silt and acid have already degraded 12,000 miles of streams in Appalachia. If strip-mining continues unabated, all of the region's extensive watersheds will suffer the fate of the Beaver Creek Basin. The Beaver Creek study concluded: "Strip-mining of coal in the Beaver Creek Basin in south central Kentucky has significantly increased the acidity and mineralization of surface and ground water, and increased the sediment content of the stream in the mined areas. These effects in turn have reduced or eliminated the aquatic life of the streams." The study reported that vegetation on a spoil bank in the basic area was 95 per cent "nonexistent."

Taken together, barren hillsides of unstable rock and soil, streams clogged with silt and hot with acid, offer ideal conditions for flooding. Mud and rock slides have frequently blocked stream beds, diverting the flow into cellars, yards, gardens and homes. Heavy rains then add to the danger of overflow.

As strip-mining continues, as more and more hillsides become barren piles of slate and sandstone, many of Appalachia's valleys eventually will be awash with silt-laden, acid-dead, dirty yellow creek and river waters, Fooding from rains in late winter and early spring is commonplace in the region.

In January, 1957, the town of Pound, Va., nearly disappeared under more than 20 feet of water after a long period of rain. That same month, across the border in Kentucky, the towns of Hazard and Pikeville, and portions of Letcher, Harlan, Pike and Perry Counties, were flooded. Two days of heavy rains in March, 1963, flooded Harlan, Pikeville, Hazard and a number of other smaller communities. Communities that can hardly maintain public services with heavy Federal support see their public improvement efforts go swirling down the rivers after the spring rains. The Corps of Engineers says that it cannot guarantee the safety of the 6,000 residents of Hazard even when the Carr Park Dam upstream is completed.

It takes little imagination to envision the massive flood that is possible from the combination of erosion, clogged waterways and rain. That threat comes closer with each cut of the bulldozer's blade. Even if there is no great flood, each year smaller ones and landslides will continue to bury the homes and land of Appalachia.

Because strip-mining damage is permanent, and disfigures a landscape inhabited by people who are close to the land, the lonely resistance of Dan Gibson and his squirrel gun, which kept the state police and the strip miners off his son-in-law's property, has become a legend in eastern Kentucky. The people have a history of resourceful resistance to outsiders—notably the Government—whom they view as invaders. The new rebellious spirit is encouraged by a society and an economy that values electricity more than respect for the people and the land. It is a spirit rooted in doubts that the strip-mine rape of Appalachia will ever be settled legally.

Gibson is one of the founders of the Appalachian Group to Save the Land and the People, the organization that has fought the strip miners in eastern Kentucky since the early nineteen-sixties. He spoke the feelings of many eastern Kentuckians recently when he told a cheering meeting of strip-mining foes in Hindman, the mountainous home of U.S. Representative Carl Perkins, "If everybody did what I did, we wouldn't have to have these meetings."

The spirit is reflected in the conversion of another Appalachian resident, 50-year-old Warren Wright, from Goldwaterite Republican to anti-Establishment radical. Since 1960, Wright has waged a legal battle against the strip mining of his property in Letcher County. He lost the legal battle but got his revenge last May when, with a rifle and pistol, he ran strip miners back across his property line. The coal company, a subsidiary of Bethlehem Steel, said it had entered his property "accidentally," but in 10 years of legal battling Wright doesn't believe in coal-company accidents. He says, "The courts are puppets of the coal industry. Maybe it's worse than that. The companies don't even pull the strings now; the courts intuitively decide in favor of coal. Here in southeastern Kentucky we've got such a corrupt, Baal-worshiping system that the only thing people can do to protect their property is to get a gun and fight for it."

Wright is former director of the Council of the Southern Mountains, a nine-state poor people's organization, and the founder of Save Our Kentucky (SOK), a state-wide anti-strip-mine coalition of community and environmental groups. His views are no oddity in the mountains. Bessie Smith, a mother of nine, a SOK board member and a vice president of the Appalachian Group, brought nonviolent confrontation to the mountains of Knott County last spring when she stood in a road blocking trucks hauling stripped coal. She was joined by William Cohen, poet-in-residence at Alice Lloyd College in the same county. She is no longer convinced that nonviolent tactics will work: "Stopping coal trucks just doesn't do much of anything, except give you a chance to get run over. I don't know what can be done exactly but I know it isn't going to be done by the politicians in Frankfort [the state capital] or those old men in the courts. The people are going to have to stop strip-mining. And we're going to do it soon."

The reason that Bessie Smith has little faith in legal change is that Kentucky courts continue to enforce the "broad form deed," a medieval piece of legality that allows strip-mining of property based on agreements with the ancestors of the present owners. It was used at the turn of the century to buy up mineral rights throughout Appalachia. The boilerplate language contained a clause allowing the operator to use whatever means necessary to get the coal, without compensation to the landowner or liability for damages. Many of the deeds were signed with an "X" by illiterate mountaineers.

The broad form deed was the first contact many mountaineers had with complicated legalisms and slick businessmen. To the isolated mountaineers the 25 to 50 cents an acre he was offered for mineral rights was a small fortune. He had no way of knowing the value of coal beneath his corn and tobacco fields. And he certainly did not envision strip-mining because it had not yet been invented. He gave away permission for underground mining, not strip mining.

Kentucky is the only coal state which still recognizes the deed in spite of several court battles over this form of contract. The first decision sustaining the deed was made by the Kentucky Court of Appeals 15 years ago, but it has been challenged 14 times since. In response to one court challenge three years ago, Appellate Judge Edward P. Hill, a rarity on the Kentucky bench, called the deed "shocking" and "appalling," but he was in the minority on the seven-judge panel.

The essence of the broad form deed is contained in the phrase that says coal may be removed ". . . in any and every manner that may be deemed necessary or convenient for mining. . . ." That phrase, taken from a Knott County man's deed, has been construed as allowing all the chicanery going on today. The Kentucky courts have, in effect, said that the law is on the side of those who stand to benefit most economically; since they have declared that the minerals are more valuable than the land itself, they have ruled in favor of the strip-mine companies.

In 1962, with public-relations fanfare, Bethlehem Steel deeded 860 acres of its land to Letcher County for recreational purposes. An enterprising reporter for an antistrip-mining weekly in Whitesburg, The Mountain Eagle, this year discovered that Bethlehem retained control of mineral rights in the deed. The company also kept the right "to dump, store and leave upon said land any and all muck, bone, shale and other refuse deemed necessary or convenient by (the company) . . . and the right to use, divert, dam and pollute the water and water courses on said land." Letcher County paid only $1 for the acreage, but considering the sweeping rights retained by the company the land was overpriced: Bethlehem will no longer have to pay taxes on the land but can get the coal whenever it wants, however it wants.

Early this year Bethlehem Steel ran full color ads throughout the country proclaiming the virtues of Fishpond Lake in Letcher County. The man-made lake, which is in the same area as the corporation's gift in Letcher County, conveniently covers an abandoned strip mine and, according to Bethlehem's ad, is teeming with fish. In fact, the fishing is lousy, the freshly planted trees are unhealthy and, as one local resident said, "I wonder why they didn't just truck in some plastic grass and shrubbery and get it over with."

At present, more than 25 per cent of strip-mining in eastern Kentucky is done under the broad form deed. It has been estimated that in the seven most heavily strip-mined eastern Kentucky counties (Floyd, Pike, Perry, Harlan, Letcher, Knott and Bell) at least 90 per cent of the mineral rights have been separated from the surface rights in perpetuity—forever—under such contracts. That means that very few acres of mineral rights in the coal fields of eastern Kentucky are actually held by the land owner.

The words and actions of the inhabitants bespeak their bitterness and anger over strip-mining. Joe Begley, 55-year-old grocer from Blackey who formed his own grass roots organization—the Citizens League to Protect the Surface Rights—has this to say:

"Every time a rattlesnake strip miner drives his D-9 bulldozer across a property line he has got the law behind him, whether or not he was invited. The broad form deed allows the stripper to invite himself where he isn't wanted, to take what isn't his. If people in Kentucky are to continue to live under the rule of law, they must believe that the law is a protection and not a threat."

Harry Caudill, author of "Night Comes to the Cumberlands" and a member of the SOK board, sums up the feelings of most mountaineers when he says: "I lament the utter ruination of the hills of my homeland and the assault surface mining has made on people of my blood and name. I have seen once-clear streams choked with mud, and lawns and gardens layered with foul sediments from the spoil heaps. And I have seen wells that once brimmed with crystalline water filled to the top with yellow mud and flecked with coal. I have visited the homes of widows and work-worn old men whose basements and cellars reeked of sulphurous slime from the spoil banks. I have seen the shattered roofs, the broken gravestones and the fences that tell of the blasting that 'cast the overburden' from coal seams."

Broken gravestones are a grim reality for Mrs. Bige Ritchie, a SOK member who stood on her front porch and watched bulldozers, with the sanction of the broad form deed, rip up her family's graveyard to get coal for the Tennessee Valley Authority. The miners would not listen to her shouts that the graves of her children lay under their blades. "I thought my heart would bust in my breast when I saw the coffins of my children come out of the ground and go over the hills," she later told Kentucky's Governor.

The massive environmental destruction is abetted by Federal participation in strip-mining, through the Tennessee Valley Authority. T.V.A. is required to buy the cheapest coal it can for cheap power. That means strip-mine coal. Last year, the authority purchased 35 million tons of coal, 71 per cent of it from Kentucky. T.V.A. also bought half of the coal mined in Tennessee, where, out of a total of 4 million tons, 2.3 million tons came from strip mines.

Long the pride of politicians who viewed it as a benevolent, people-serving agency, T.V.A. is, in effect, stripping away the birthright of the people it was created to serve. Even more ironic is the possibility that the authority's flood-control projects and man-made lakes will be rendered less effective or useless by strip-mine debris, as Harry Caudill has suggested. Every contract T.V.A. writes requires reclamation, but the state of that art is worse than primitive. Authority board member Frank Smith claims that the six years during which reclamation has been required in T.V.A. contracts for the purchase of coal is not enough time to tell whether reclamation will or won't work .

While Frank Smith waits, anger in the mountains is beginning to focus on T.V.A. as the most visible instrument of strip-mine destruction. The smoke palls and fly ash from T.V.A. power plants burning Appalachian coal make it visible enough. But the fact that it is an agency of the Federal Government is what angers most mountain people. The region always expected more mercy from Washington than from the state houses. Pictures of John F. Kennedy are kept in many homes, and his promise during the 1960 West Virginia primary to "do something" for the people is wistfully remembered. However, the memory of a long-ago campaign will not stand against T.V.A.'s coal appetite and a war on poverty that has ended in a full-scale rout.

Tremendous profit means tremendous political power. The coal companies have managed to win their share by keeping T.V.A. happy and by supplying a large part of the nation's energy. They are accustomed to being influential.

In West Virginia last year, coal interests beat back an attempt to ban stripping by mounting a media campaign that threatened economic doom and by swamping the Legislature with lobbyists. During the campaign for Governor in Kentucky last summer, the Democratic candidate, Wendell Ford, met with a group of strip-mine operators in the town of Wise, Va.—putting him out of reach of Kentucky's campaign-contribution laws. A Louisville Courier-Journal investigation found that the meeting, gossiped about for weeks, did take place, but was unable to confirm whether or not money changed hands. The common assumption is that Ford (who eventually won the election in November) walked out loaded with cash. But observers are more amazed that he got caught, while his opponent, supported by a coal-influenced incumbent administration, did not. No one I know in the mountains of Kentucky seriously doubts that strip-mine operators invested heavily in both candidates.

Far from being defensive, the strip-mine operators wrap themselves in the cloak of patriotism or imply that their assault on the land is beyond the reach of the law. James D. Riley, a vice president of the Consolidation Coal Company, famous for the Farmington, W. Va., mine disaster and the stripping of large tracts of mountain land, has declared that strip-mining opponents are "stupid idiots, socialists and Commies who don't know what they are talking about. I think it is our bounden duty to knock them down and subject them to the ridicule they deserve."

The battle will be fought in the courts and legislatures—unless it is once again demonstrated to the mountain people that, when it comes to coal, they have no friends in established institutions.

At the Federal level, a bill to abolish strip-mining has been introduced by Congressman Ken Hechler of West Virginia, but its chances of passage are slim. The hostility of the House subcommittee hearing testimony on the bill is rather obvious. When I testified in October on behalf of the Appalachian Coalition, a multistate association of groups opposed to strip-mining, subcommittee chairman Ed Edmondson of Oklahoma and the rest of the panel heard me say essentially what I have said in this article—and dismissed me without any questions. The strip-mine operators who also testified were questioned at length and thanked for their "helpful contribution."

Unless there is some dramatic change in the Senate subcommittee debating the bill, the members of which are all from Western states, any Federal legislation on strip-mining will almost certainly be either the Administration bill, which gives the states two years to develop regulations, or the bills introduced by Congressmen Wayne Aspinall of Colorado and Wayne Hays of Ohio that would require Federal permits for strip-mining, but would in no way apply to Applachian states, which have had regulations and a permit system for as many as 20 years. Indeed, it is a distinct possibility that Federal control of strip-mining could weaken the already dismal state-regulation system in Appalachia.

Though a bill to abolish strip-mining will be introduced in the Kentucky General Assembly, the powerful interim committee which will consider the legislation has already announced that the only problem with strip-mining is that the state enforcement division does not have enough employes. When the Legislature convenes in January, members of SOK and its support groups will be there to let the powerful know that the powerless are fed up. If lobbying proves futile, then we are prepared to take more direct action to dramatize our outrage. Harry Caudill, like some other eastern Kentucky supporters, has publicly called attention to "the propensity of mountain people to settle their differences with dynamite" when all else fails.

No one in SOK seeks violence. Despite the odds against them and their growing anger, most people in Appalachia are relying on legal tactics. Joe Begley's Citizens League to Protect the Surface Rights has filed a suit demanding that the mining permits of 30 companies be revoked because of numerous violations of Kentucky's strip-mining regulations, ranging from pollution of streams to personal property damage. All of the companies have at least five recorded violations, several have 15 and one has 33. Not one permit has ever been revoked by the Kentucky Division of Reclamation, the agency which oversees strip-mining.

Essentially, the suit is an harassment tactic; there is no great hope that even one of the companies will be forced out of business. Harassment in the courts and through newspapers and television coverage is about the only weapon we have which is legal.

The harvest of generations of exploitation may be a rebellion in Appalachia. It is being born out of the simple conviction of such people as 76-year-old Katherine Haynes, who believes that "God never meant for the land to be torn up like it is"; Mrs. Haynes' son, Joe, a SOK member, stopped strippers on her property with a shotgun. It is also born out of the perception of those like Joe Begley who know that "people in eastern Kentucky are sitting on a gold mine, and they're starving to death." The mountain people care little about someone else's profits. They certainly do not care about providing cheap energy for New York, Washington and Philadelphia. (A total ban on strip-mining in Appalachia would cost the average consumer 15 cents a month more on his utility bill—$1.80 a year—according to an estimate by a House subcommittee.) The people want only to save their land from destruction, for themselves and for their children.

For whatever reasons, respect for land or a sense of social injustice, I believe the day is coming when America must repent its wrongs in the Appalachian Mountains.

By Mr. BEALL:

S. 3002. A bill to reguate the interstate shipment of pet turtles. Referred to the Committee on Commerce.

Mr. BEALL. Mr. President, I send to the desk a bill that would, if enacted, regulate the interstate shipment of pet turtles in the hope that such action would prevent hundreds of thousands of cases of salmonella each year.

The seriouness of this situation was brought to my attention by one of my constituents, Mr. Alan Kurtz, of Silver Spring, Md. Mr. and Mrs. Kurtz bought their 5-year-old son, Andrew, a pet turtle earlier this year. The resulting salmonella infection subjected Andrew Kurtz and his family to a prolonged period of agony.

In response to an inquiry of Mr. Kurtz, I wrote to the Department of Health, Education, and Welfare to see what was being done to correct this threat. I received a letter from Johannes Stuart, Associate Director of the Center for Disease Control, in which he said:

> Our Center for Disease Control in Atlanta recently has conducted studies which document the association of pet turtles and human salmonellosis. We estimate that two million cases of salmonellosis occur each year in the United States. From our studies of this disease we further estimate that 15 percent are directly related to contact with contaminated pet turtles. CDC is continuing to evaluate this serious public health situation.

Thus, it was clear that the medical authorities were aware of the magnitude of this problem and had done and are doing considerable research into this situation. But it was equally clear that they lacked the legislative authority to decisively solve this pressing health problem.

Public awareness of this situation has dramatically increased in recent years. The State of Washington has passed a law, similar to the one that I am introducing today, which requires that the pet turtles be certified free of salmonella at the point of origin. A similar bill has been proposed in Montgomery County, Md., while neighboring Prince Georges County has enacted a local ordinance prohibiting the sale of pet turtles. I understand that one House of the Pennsylvania State Legislature has voted to ban the sale of pet turtles in that State.

Mr. President, I do not introduce this bill with the intention of banning pet turtles or of injuring those businessmen involved in the raising, transportation or sale of such pets. But it is inconceivable to me that the U.S. Government, which seeks under the constitutional provision "to provide for the general welfare," can continue to tolerate the distribution of salmonella via the U.S. Postal System, interstate commerce, and so forth, when the risk of infection is so high. I need not point out to my colleagues that salmonella is a major health hazard. To children and to the elderly, salmonella can be a painful and in some cases a deadly disease. "Salmonella flourish in the intestinal tract, causing diarrhea, vomiting, abdominal pain, chills, fever and nausea. The symptoms last 2 to 5 days, and young children and old people are hit hardest, because their resistance is lowest. Dehydration caused by severe diarrhea is a common reason for hospitalizing young victims"—National Observer, October 23, 1971. In the same article it was estimated that salmonella infections among children alone adds $1 million a year to our citizens' medical bills.

Mr. President, pet turtles can be bred under conditions that will render them free of salmonella infections. By authorizing the Public Health Service to set standards and enforce these standards, we can effectively eliminate a major source of salmonella.

Mr. President, I ask unanimous consent that the full text of the letter from Dr. Johannes Stuart; the articles entitled "Household Pets and Salmonella" by Richard C. Swanson, "Pets and Salmonella Infection" by Arnold F. Kaufmann, DVM, "Pet Turtles as a Cause of Human Salmonellosis" by Leslie P. Williams, Jr., DVM, Dr.PH, and Harry L. Helsdon; plus a series of newspaper clippings pertaining to this issue be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

Department of Health,
Education, and Welfare,
Rockville, Md., August 13, 1971.

Hon. J. Glenn Beall, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Beall: Dr. Steinfield has asked me to thank you and respond to your letter of August 6 regarding the problem of salmonellosis in pet turtles.

Our Center for Disease Control in Atlanta recently has conducted studies which document the association of pet turtles and human salmonellosis. We estimate that two million cases of salonellosis occur each year in the United States. From our studies of this disease we further estimate that 15 percent are directly related to contact with contaminated pet turtles. CDC is continuing to evaluate this serious public health situation.

We currently are discussing this problem with other Federal agencies, State health departments, and representatives of the turtle industry concerning recommended methods to prevent this hazard.

To date, we have not officially recommended any restrictions on production or distribution.

Sincerely yours,
Johannes Stuart,
Associate Director,

Household Pets and Salmonella

(By Richard C. Swanson)

Pets of all types give pleasure to their owners, but if improperly cared for can be potential sources of infection that may cause discomfort, sickness, and in severe cases, even death.

There is a critical need for more public awareness of the potential health hazard of salmonellosis transmitted by popular household pets. Salmonellosis is a form of food poisoning or enteric infection that causes a gastrointestinal upset in animals and man. The *Salmonellae* organisms are a family of bacteria occurring in the intestinal tract of man, animals, birds, reptiles, and insects, and are found wherever man and these creatures exist.

The symptoms of a *Salmonella* infection in humans usually are fever, stomach cramps, diarrhea, and sometimes vomiting. Although the disease is generally not fatal, it can be dangerous for the very young, the very old, and persons already weakened by illness. There are more than 1,200 different members or types of *Salmonella,* one of which causes typhoid fever.

The infectious cycle of salmonellosis cannot be broken unless we are all aware of the problems. To control *Salmonella* a total effort is necessary from everybody. There is a need for dissemination of information about problem areas with which the average person is not familiar.

The record involving salmonellosis, as transmitted from pet to man, is sometimes confusing. There are some questions about who infects whom. Is the *Salmonella* organism really transmitted from man to animal or from animal to man? It is difficult when investigating *Salmonella* infections to determine with any degree of precision the source of the infection after a person becomes ill. There is usually some doubt about the exact causative agent involved in a given case.

Was the pet in the home infected as a result of its environment or was the animal itself creating the contamination within the home? No matter, the infection of the animal points out a reservoir or a source in the home that must be properly attended to and isolated when illness is apparent. In some cases there can be infection without outward symptoms. Every age group enjoys pets, but children often spend more time playing with pets. Children are among those age groups most susceptible to salmonellosis. The age groups in case histories of salmonellosis range from infants to elderly adults.

The *Salmonella* hazard from pets exists throughout the year. Each season has its own special potential for infection. In the summer, a household may tend to acquire unusual pets from trips, visits to relatives or friends, or as gifts from persons returning from vacation areas. In the average household, the mother commonly assumes the responsibility for care of the summer's acquisition of pets. In the fall, as school starts, science and biology projects, Boy Scouts, and other youth activity programs may involve animals. In the winter, some pets normally kept out of doors may be brought into the house. This situation makes for more direct contact between the child and pet and may mean contamination of toys, play areas, and even beds or cribs. In the spring, during the Easter season, there is a serious hazard because of the traditional gifts of ducklings and baby chicks. Sometimes these gifts, instead of providing pleasure, result instead in infections that bring death to the pet and illness to the child, with a subsequent spread of disease to other members of the family.

Review of a large number of well documented case records reveals a variety of pets have been involved in household *Salmonella* infections. Ducklings, baby chicks, and pet turtles are recognized among public health authorities as notorious *Salmonella* carriers or vehicles of infection. Communicable disease authorities can predict with certainty a marked increase in *Salmonella* infections in children in the weeks following Easter. Chicks and ducks are well recognized as one of the largest reservoirs of *Salmonella*; hence, bringing these pets into the home where they are handled and fondled by children is an invitation to unwanted, avoidable illness.

In numerous instances turtles, painted water turtles or "sliders," have been involved in *Salmonella* infection. There is a wide degree of clinical symptoms ranging from no outward signs of sickness to severe illness with bloody diarrhea and extended hospitalization. When we review case histories of infections associated with pet turtles, some patterns evolve with enough frequency to make them significant.

Children in the age group from three months to six years have personal hygiene habits that are conducive to the spread of contamination and infection. Investigations of cases of infection have turned up many explanations as to how the infection was acquired. Children are reported as putting pebbles contained in turtle dishes in their mouths; as sucking their fingers after handling pet turtles; even as drinking the water from the turtle bowl, placing turtles in their mouths, and kissing them.

Children and adults who are chronic fingernail biters have become ill with *Salmonella* infections after handling of or close association with turtles. There have been reports of turtle bowls being cleaned in the kitchen sink and of turtles being placed on the kitchen drain boards while the bowl was being cleaned—even when in some cases the turtles appeared sick and ailing. Records of frequent *Salmonella* isolations associated with turtles, ducklings, and baby chicks emphasize the need for the public to be aware of the constant threat and hazard involved. Unless there are some meaningful, effective control measures, salmonellosis will continue to plague the unsuspecting owners or handlers of turtles.

Even the family dog can pose a public health problem. A recent, well documented case involving a sick puppy and a child who shared his toys with the pet indicates the infection was transmitted from the puppy to the boy instead of the puppy being a victim of the household environment. The puppy was to be cared for by friends and was sick when delivered to the friend's house. A stool specimen from the child and samples of dust from the vacuum cleaner of the home where the puppy was being cared for yielded the same type *Salmonella* as did the ill puppy. Dust from the vacuum cleaner in the owner's home also disclosed the same type of *Salmonella* bacteria. This was not an isolated, nor unique episode.

The National Communicable Disease Center recently reported a significant incident that occurred in Chicago. A mother, whose children for two weeks had experienced marked discomfort and illness characterized by diarrhea and cramps, at a physician's instruction took stool specimens to a laboratory for analysis, including one labeled "Tobias M., 8 years, male." When *Salmonella* was isolated from the stool specimens, the case was referred for follow-up to a physician assigned to the Bureau of Communicable Disease Control. A home visit disclosed Tobias M. was a male basset hound. The family had acquired the dog several weeks earlier as a stray wandering in the neighborhood. From the time they found the dog it had experienced diarrhea. Not long after the basset entered the household, the children developed diarrhea and cramps.

It was learned that the family frequently used a teenage babysitter and that the mother and two children of a family living next door also had played with the basset hound. Investigation revealed that all had experienced diarrhea and cramps within 48 hours of their first meeting with the dog. Analyses of stool specimens from all revealed the same type of *Salmonella* bacteria recovered from the dog.

Whenever a pet is sick or suspected to be sick, specific precautions should be taken as in any case of illness. Pets and their equipment, containers, bedding, feeding dishes, etc., should be kept separate from sources in contact with food, such as the kitchen sink drain board, and food service utensils. Reusable bedding should be washed separately and kept clean. Special containers should be designated as turtle and fish bowls; pet beds and boxes should be used for intended purpose only; and feeding equipment should be designated for pets only.

We must recognize that any animal, bird, or reptile is a potential vector of *Salmonella* and should be treated as such. Snakes, the various pet rodents, pigeons, and even the household cat have been shown repeatedly to carry and excrete the organism.

The first appropriate control measure is to have a public awareness of the possible hazard. Parent and teachers should not allow children to handle pets unless they are responsible enough to wash their hands after contact. Persons responsible for the pets should know how to properly wash and sanitize their hands, clean the pet's food bowls and other equipment, and avoid contaminating the household environment. Above all, we should remember that *Salmonella* is an intestinal tract infection.

The introduction of a newly acquired pet into the household should put us on the alert to any symptoms of illness, especially if accompanied by diarrhea. The household is not normally geared for acquiring the new pet, and in such situations there should be adequate precautions. We should not let our enjoyment of a new pet turn into another *Salmonella* case history.

Although the Food and Drug Administration's statutory responsibilities do not extend to sanitary practices in the home, FDA does have a fundamental interest in the public health and believes that a householder made aware of the hazards of *Salmonella* contamination can, through the proper handling of family pets, help close off this potential source of infection and disease.

Pets and Salmonella Infection

(By Arnold F. Kaufmann, DVM)

(Note.—Figures referred to are not printed in the Record.)

Following the instructions of her physician, a Chicago resident recently brought stool specimens obtained from her family to the Chicago Board of Health. During the preceding 2-week period, her children had experienced an illness characterized by diarrhea and cramps. Subsequent laboratory investigation revealed *Salmonella infantis* in the 3 specimens, 1 of which had been labeled "Tobias M., 2 years; male." The case was referred to a city public health physician, assigned to the Bureau of Communicable Disease Control, who reported:

"A home visit disclosed Tobias M. to be a male Bassett Hound. The family pet dog had been obtained several weeks earlier as a stray animal wandering in the neighborhood. From the time the dog was found, it had experienced diarrhea. Several days after the dog entered the household, the children developed diarrhea and cramps.

"It was learned that a teen-aged baby-sitter was frequently used by the family. In addition, the mother and 2 children of a family living directly across from the apartment also had played with the Bassett Hound. Follow-up of these possible contacts revealed that all had experienced diarrhea and cramps within 48 hours of the first meeting with the dog. Examination of their stool specimens revealed *S. infantis* in each."[1]

Although the number of reported cases such as this one is not overwhelming, enough reports are received to indicate at least a potential reservoir of salmonellosis in household pets. To evaluate the implications of the pet-associated cases, certain facts must be kept in mind. First, thoroughly investigated cases represent only the tiniest pinnacle of a vast iceberg of disease.

Further, one must keep in mind that sporadic cases—the typical pet-associated cases—usually are given little or no attention from local health departments because of shortages of personnel and facilities. The larger, usually food-borne outbreaks, are given emphasis. Therefore, the small number of reports of cases due to contact with pets probably is a result of under-reporting and lack of investigation. A good example of this is the current situation with turtle-associated salmonellosis. Prior to 1962, there were no reported cases of salmonellosis associated with turtles in this country. But following the report of a single case in a salmonella surveillance report in 1962, a large number of such cases have been uncovered.

To gain some perspective, it is necessary to review briefly the problem as a whole. The number of salmonella isolates from human sources has risen dramatically since World War II. Between 1947 and 1964, the reported incidence increased threefold (Fig. 2). The true total of cases has been stated as 2 million annually based on a 1:100 ratio of reported to actual cases found in typical food-borne outbreaks. A classic example of the under-reporting of salmonellosis is the Riverside, Calif., water-borne outbreak of 1965. In this instance, an estimated 16,000 cases of gastroenteritis due to *Salmonella typhimurium* occurred. This figure was arrived at by a survey of the community, but the official figures will stand as some 60 culture-positive cases occurring over a period of 3 months.

The age distribution of persons with reported cases (Fig. 3) indicates an increased incidence of salmonellosis in the very young and the older age groups. This is related to the generally lower resistance to diseases in these age groups. Because of this lower level of resistance in the very young, it is interesting to speculate on the relative risk involved with a child in the "oral stage" and a pet excreting salmonella. The recurring problem of pet chicks and ducklings causing a minor rash of cases at Easter time attests to its being a real problem.

Although we have some idea of the reservoirs of salmonellosis, these are far from being adequately delineated. From salmonella surveillance data for 1963–1965, an indication of our major problem areas can be determined (Fig. 4). Food animals such as poultry, cattle, swine, and their products are the greatest direct source of infection to man. However, during 1965, salmonellae were recovered from cold-blooded vertebrates on more occasions that from swine. Many of these were from pet turtles.

A breakdown of isolates from pet-type animals reported to the Salmonella Surveillance Unit between 1962 and 1965 indicates that salmonellae can and do infect with some undetermined frequency pet-type animals (Table 1).

TABLE 1.—SALMONELLA ISOLATIONS REPORTED FROM PET-TYPE ANIMALS[1]

Animal	1962[2]		1963[3]		1964[4]		1965[5]		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Dogs	24	[6] 1.6	72	1.3	63	1.2	58	0.8	217
Cats	4	.3	7	.1	21	.4	24	.3	56
Monkeys	15	1.0	25	.5	36	.7	41	.6	117
Rabbits			14	.3	6	.1			20
Laboratory rodents	30	2.1	107	2.0	56	1.1	34	0.5	227
Turtles			6	.1	104	1.9	215	3.1	335
Other reptiles	3	.2	28	.5	23	.5	34	.5	88
Fish					3	.1			3

[1] Information is taken from Salmonella surveillance reports for 1962, 1963, 1964, 1965.
[2] Represents 1,453 isolations of nonhuman origin.
[3] Represents 5,389 isolations of nonhuman origin.
[4] Represents 5,461 isolations of nonhuman origin.
[5] Represents 6,834 isolations of nonhuman origin.
[6] Percentage of nonhuman isolates during that year.

Since most reported cases of pet-associated salmonellosis are in younger persons, a direct route of transmission is probably of greatest importance. This is the classical feces-to-hand-to-mouth route. The potential of an indirect route through food contamination, whether by use of the same dish for pet and household use or by handling of a pet prior to food preparation, does exist. In many instances, an epidemiologic study will find a household pet, with or without apparent illness, excreting the same serotype as is recovered from the human patient. In this circumstance, the question arises as to whether one or the other was the culprit or whether both were victims of a common source. For each individual case, these points remain valid questions. But, taking the whole of observations, the frequency of finding these same sets of circumstances support the validity of the view that pets can and do serve as vehicles of infection for human salmonellosis.

Although this report is concerned with human salmonellosis related to pets, the epizootiology of salmonellosis within pet species cannot be ignored. With the notable exception of transovarian transmission as seen in the duck and possibly the turtle, the majority of pets are infected with salmonellae via their feed. Animal-to-animal spread is probably of little significance under usual circumstances. That pet foods such as horse meat serve as a vehicle of infection[3, 7] has been recognized for some time. Until such time as the animal feeds in the United States are salmonella-free, the pet-associated cases of salmonellosis will remain a problem.

Footnotes at end of article.

DOGS AND CATS

In the most frequently maintained pet species—cats and dogs—there are no accurate figures available as to the carrier or excretion rate to be found in any region of the United States. In past years, surveys conducted of "normal" household dogs have shown excretion rates ranging from 3.4% in Texas[15] to 15.0% in Florida.[12] A similar survery of household cats in Florida demonstrated an excretion rate of 12.0%.[12] In 1955, the discovery of salmonellae in 26 of 98 samples of commercial dog meal was reported,[7] but a survey during 1965 of meals available in the Atlanta area failed to reveal a single positive sample.[2] However, other common food items and supplements to the pet dog's diet, such as horse meat and bone meal, remain contaminated. As long as such items are commonly fed uncooked to household pets, the pets will continue to excrete salmonellae at significant levels. Further, to depend on the cooking of foods in the home will never solve the salmonella problem.

From one study, it appears that a younger dog presents greater danger to its handler than does an older dog.[6] This is based on a higher percentage of excretors in pups as opposed to adults. This is a common trend in many species, including man (Fig. 3). However, the adult dog quite often sporadically excretes the organism without evidence of any clinical signs and still serves as a potential reservoir.

Of 19 incidents reported by the Salmonella Surveillance Unit during 1965 apparently involving cats and dogs, 8 implicated cats, 10 implicated dogs, and 1 implicated both.

PET BIRDS

Wel-documented cases of salmonellosis from handling pet birds have been reported.[4-6, 11, 13, 14] These have been attributed for the most part to ducklings and chicks purchased at Easter time. Despite many announcements every year by the Georgia State Department of Health, the sale of these birds is a big item in Atlanta pet shops. As a result, reports of cases due to contact with these birds come in annually. Of interest during 1965 was the slight twist to this problem in the sale of natural stuffed ducks and chicks which were contaminated. While these pets present a seasonal problem, they are but a symptom of the larger problem of contaminated poultry products—both meat and eggs—due to salmonella contamination of feeds in this country.

Other pet birds have not been commonly implicated in infections in human beings, but 2 separate cases associated with parakeets have been recorded.[4, 11] A case was reported[11] in a 7-month-old male infant that contracted an infection 2 or 3 weeks after 2 parakeets had been purchased by his parents. The family lived in a recently constructed building. They owned no other pets, and the apartment was not infested with insects or rodents. *Salmonella typhimurium* was isolated from the baby's feces obtained on the 5tht day of illness and again 50 days after recovery. Although both parakeets were active and appeared healthy, *S. typhimurium* was isolated from each of 6 specimens of droppings obtained from 1 of the birds.

The birds were confined in a cage 5 ft. off the floor and were not permitted to fly around the apartment. Feathers and droppings occasionally fell to the floor in an area where the infant crawled and played. It was assumed that the infection in the infant could have resulted from exposure to the wastes from these parakeets.

At the recent conference of public health veterinarians in Atlanta, a report was made on a combination parakeet aviary and sausage kitchen. The report points up a potential danger in keeping pet birds in food-handling establishments.

Among salmonella isolations obtained for identification by the Enteric Bacteriology Unit, Communicable Disease Center, for the period 1947–1958, there were 15 from canaries and 10 from other pet bird species.

TURTLES

Within recent years, a heretofore unsuspected source has literally come into the headlines. This is the pet turtle, scientifically known as *Pseudemys scriptaelegans*. In 1962, the first human case of salmonellosis associated with turtles in the United States was recorded. Since that time, approximately 100 documented cases in which the same serotype was recovered from the patient and the pet turtle have been reported. Additionally, many turtle-associated cases in which cultures could not be made for one reason or another have been recognized. When the relative laxity of investigating the sporadic case of salmonellosis is taken into consideration, this is a fantastic number of cases and indicates a real health hazard.

An example of what can be found is represented by turtle-associated salmonellosis in the area of Seattle (Table 2). These data are reported for the period from February through August, 1965, by the Washington State Department of Health. One of these cases (No. 5) was particularly interesting because when the investigation was started, the patient's mother had already disposed of the turtle. It was traced through several previous owners to a tavern. The tavern owner remembered giving the turtle to a customer because it was painted red and had "San Francisco Fisherman's Wharf" written on the back. The turtle had been kept in a tank with a number of others which were used for a weekly turtle-racing contest sponsored by the tavern. Up to 150 turtles were entered in these events. *Salmonella oranienburg* was isolated from the tank used to hold the turtles. Considering the contamination, probably not all of the "morning after" symptoms of the participants were due to the night before's libations. Needless to say, turtle racing is now banned in Seattle. While these cases were all associated with turtles, a case of salmonellosis due to contact with a chameleon was reported during the same period. The same serotype, *Salmonella manhattan*, was isolated from the patient and the pet. This would seem to implicate still another commonly kept pet as a potential reservoir of salmonellosis.

TABLE 2.—HUMAN SALMONELLOSIS ASSOCIATED WITH TURTLES (SEATTLE-KING COUNTY 1965)

	Patient's age	Date of onset	Salmonella serotypes isolated	
			Patient	Turtle
Patient:				
1 M.K.	13	February	S. heidelberg	S. braenderup.
2 B.B.	34	May 1	S. give	S. give.
3 P.S.	13	June 9	S. newport	S. newport, S. manila, S. cubana.
4 K.B.	2	July 26	S. paratyphi B	S. paratyphi B.
5 B.S.	5	July 27	S. oranienburg[1]	S. oranienburg.
6 J.T.	3	July 29	S. heidelberg[2]	S. typhimurium.
7 L.F.	1	Aug. 3	S. poona	S. poona.
8 P.D.	(3)	Aug. 6	S. typhimurium	S. typhimurium.
9 P.G.	6	Aug. 19	do	Do.
10 R.W.	4	Aug. 20	do	Do.

[1] Associated with turtle racing in a tavern where S. oranienburg was isolated.
[2] S. heidelberg isolated from baby chicken owned by patient.
[3] 19 months.

Source: Division of Epidemiology, Washington State Department of Health.

The percentage of individual turtles excreting salmonellae will vary with the individual raiser and the conditions under which the pet turtles are held before reaching the individual household. But in our experience, 50% or more are contaminated.

In past years, a typical turtle raiser held his breeding stock in a small pond filled with literally thousands of turtles. Adult turtles were usually fed raw offal from local abattoirs, though in some instances a particularly enterprising breeder would contract with a small community to use their sewage-settling ponds for maintenance of his breeding stock. The water of these has been tested and found to contain as many as 240 salmonella organisms per 100 ml.[9]

In late spring and early summer, the turtles lay their eggs in nests dug out of the pond's bank. These eggs are gathered daily by the breeder. They are then hatched away from the pond. Young turtles are given neither food nor water until sold to retailers.

Investigations have shown that young turtles are infected before being shipped by the breeeder, and the possibility of transovarian transmission has been shown in one study.[9] If this is the case, and epidemiologic evidence supports this, the control of this problem will be extremely difficult; it may well remain a public health problem for years to come.

Domestic turtles are not the only offenders in this respect. A single study of the type of turtle being imported from South America indicated that a high percentage of these may be contaminated.[10] Additionally, these turtles were carriers of several serotypes not reported in this country and thus served to introduce these into the United States.

In closing, the following report by Dr. S. M. Fish of the Philadelphia Department of Health illustrates the potential complexities of pet-associated salmonellosis:

"Last spring a local family came into possession of a young turtle, because there were just too many children in the previous owner's family and too much bickering over which one was going to play with it and take care of it.

"This past January 9, their daughter came down with severe diarrhea and was hospitalized. *Salmonella java* was isolated from her stool. Mary was 2 years old and was in the hand-to-mouth stage. She liked to play with the little turtle.

"When the health department was notified of Mary's salmonellosis, stool specimens were obtained from other members of the family—2 siblings and her parents. All were negative.

"The turtle, however, was positive. There were 2 other family pets, a cat and dog, both of which drank water at times from the turtle's pond. Both were positive for *S. java*.

While many cases of salmonellosis have been reported of turtles and children infected by them, Dr. Fish has the honor of first reporting an incident involving a child, a turtle, a cat, and a dog.

FOOTNOTES

[1] Andelman, S. L., Brolnitsky, O., and Slutsky, H. L.: Three Family Outbreaks of Salmonellosis Traced to an Infected Pet Dog. Communicable Disease Center, Salmonella Surveillance Report No. 24. U.S. Public Health Service, Atlanta, Ga. (1964) : 3–4.

[2] Anon.: Dehydrated Dog Foods. Communicable Disease Center, Salmonella Surveillance Report No. 39. U.S. Public Health Service, Atlanta, Ga. (1965) : 8.

[3] Caraway, C. T., Scott, A. E., Roberts, N. C., and Hauser, G. H.: Salmonellosis in Sentry Dogs. J.A.V.M.A., 135, (Dec. 15, 1959) : 599–602.

[4] Cochran, T. A., and Decker, H.: Salmonellosis Probably Acquired from an Infected Parakeet. Communicable Disease Center, Salmonella Surveillance Report No. 16. U.S. Public Health Service, Atlanta, Ga. (1963) : 8.

[5] Coohon, D. B.: Infant Diarrhea Presumably Acquired from Easter Chicks Shedding *Salmonella chester*. Communicable Disease Center, Salmonella Surveillance Report No. 14. U.S. Public Health Service, Atlanta, Ga. (1963) : 22–23.

[6] Dougherty, W. J.: Salmonellosis Acquired from an Easter Pet Duckling. Communicable Disease Center, Salmonella Surveillance Report No. 15. U.S. Public Health Service, Atlanta, Ga. (1963) : 4.

[7] Galton, M. M., Harless, M., and Hardy, A. V.: Salmonella Isolations from Dehydrated Dog Meals. J.A.V.M.A., 126, (Jan., 1955) : 57–58.

[8] Heather, C. D., Rich, A. B., and Irons, J. V.: The Distribution of Salmonella Infection in Normal Dogs and Dogs Showing Symptoms of Diarrhea. Southwest Vet., XI, (1958) : 122–123.

[9] Kaufmann, A. F., and Morrison, Z. L.: An Epidemiological Study of Salmonellosis in Turtles. Am. J. Epidemiol., (Sept., 1966) : In press.

[10] Kaufmann, A. F., Prather, E. C., and Watkins, L. C.: Surveillance of South American Turtles and Monkeys at Point of Entry into the United States. Communicable Disease Center, Salmonella Surveillance Report No. 39. U.S. Public Health Service, Atlanta, Ga. (1965) : 2–3.

[11] Kay, D., Shinefield, H. R., and Hook, E. W.: The Parakeet as a Source of Salmonellosis in Man. New England J. Med., 264. (1961) : 868–869.

[12] Mackel, D. C., Galton, M. M., Gray, H., and Hardy, A. V.: Salmonellosis in Dogs. IV. Prevalence in Normal Dogs and Their Contacts. J. Infect. Dis., 91, (1952) : 15–18.

[13] McCroan, J. E., and McKinley, T. W.: *S. tennessee* Outbreak Attributed to Handling Pet Dyed Easter Chicks. Communicable Disease Center, Salmonella Surveillance Report No. 2. U.S. Public Health Service, Atlanta, Ga. (1962) : 9.

[14] Mixon, B. W.: Outbreak of Salmonellosis Due to Live Easter Chicks. Communicable Disease Center, Salmonella Surveillance Report No. 39. U.S. Public Health Service, Atlanta, Ga. (1965) : 5.

[15] Watt, J., and DeCapito, T.: Frequency and Distribution of Salmonella Types Isolated from Man and Animals in Hidalgo County, Texas. Am. J. Hyg., 51, (1950) : 343–352.

PET TURTLES AS A CAUSE OF HUMAN SALMONELLOSIS

(By Leslie P. Williams, Jr., DVM, Dr. PH, and Harry L. Helsdon)

An infected pet turtle was shown to be the source of a case of human salmonellosis. The investigations that followed this finding resulted in 16 serotypes of Salmonella being designated turtle-associated types. Epidemiologic follow-up of these serotypes demonstrated, in addition to the original case, five index cases where turtles were the source of infection. Nine additional patients with salmonellosis had owned turtles but they were unavailable for sampling. Of the 22 infected persons found, 6 had been hospitalized and 13 excreted salmonellae for over 30 days. The majority of those infected were under 6 years of age; however, three mothers were also infected. The chain of transmission could be broken by the strict adherence to sanitary procedures when handling turtles or the production and marketing of turtles and turtle food free of salmonellae.

In January 1964, a family outbreak of gastroenteritis was investigated; the causative agent was shown to be *Salmonella panama*, a relatively uncommon serotype in Minnesota. It was found that a small green turtle was kept as a pet in this household. The water in the turtle's bowl was changed twice weekly, and the old water was discarded into the kitchen sink. Water from the turtle dish was cultured, and *S panama* was isolated. Quist and McQueen[1] had previously demonstrated turtles to be the source of salmonellosis.

Subsequently, another *S panama* infection was investigated in a 2-year-old girl who had been ill in November 1963. Her illness had required ten days of hospitalization. The parents stated that turtles had been purchased about six weeks prior to the child's illness. She had been repeatedly scolded for sucking on the colored pebbles in the turtle dish. One of the turtles was found surviving in the home of the child's aunt. *S panama* was isolated from the water in the turtle's dish.

Investigations of salmonellae in Mediterranean tortoises (*Testudo* species) have been conducted in England,[2, 3] Sweden,[4] Norway,[5] Morocco,[6] Bulgaria,[7] and Israel.[8] Salmonellae were also isolated from galapagos turtles in the United States.[9] No reports of salmonellae in the common pet turtles of the United States, such as "sliders" or red-eared turtles (*Pseuyemys scripta elegans*), painted turtles (*Cheysemys picia*), box turtles (*Gopherus* species), and "midturtles" or baby snappers (*Chelydra serpentina*), could be found in the literature.

To better define the problem of human exposure to salmonellae found in pet turtles in Minnesota, investigations were conducted by sampling turtles in retail outlets and wholesale establishments, school classrooms, and private homes. From these findings, it appeared that certain serotypes of salmonellae could be considered as "turtle associated." When these serotypes were isolated from human stool specimens in the Minnesota Department of Health, Division of Medical Laboratories, an epidemiologic investigation was made to demonstrate additional cases or family outbreaks resulting from exposure to salmonellae-infected turtles.

On three occasions, turtle food which contained insect larvae, meat meal, and fish meal was examined for the presence of salmonellae.

MATERIALS AND METHODS

Water samples were collected from turtle containers in retail stores, schools, and homes using sterile 10-ml disposable syringes or 10-ml pipettes. These samples were discharged immediately into 10-ml amounts of double-strength tetrathionate broth and transported to the laboratory for incubation. At the time of sampling, the following information was obtained: type of container, approximate number of turtles, source, how often the water was changed, and when the water was changed relative to sampling time. When possible, the length of time that the turtles had been in schools or homes was determined, and the approximate sales per month was obtained from retail stores and wholesalers.

If a painted turtle or a box turtle was found, a cloacal swab was obtained, and the swab was introduced immediately into normal-strength tetrathionate broth for transport and incubation.

The initial testing of turtles which had been transported recently in interstate commerce was made by random selection of 30 turtles from a shipment of 1,000. Fifteen turtles were placed in each of two sterile stainless-steel pans containing tap water 1 inch in depth. Water samples were taken at 24 and 72 hours and cultured as described above.

The last three lots of wholesale samples were examined in two ways to determine whether salmonellae found in the water were from shell contamination, intestinal infection, or both. A few turtles were taken from the air freight shipping boxes on the day they arrived and were transported to the laboratory, either one or two to a sterile plastic bag. Each one was numbered on the underside, and the entire surface of the turtle was swabbed with sterile cotton. Each turtle was then chloroformed, and the entire viscera was removed and ground with sterile sand in a motar. Tetrathionate, 30 ml, was added to the viscera and it was cultured.

Methods recommended by Edwards and Ewing[10] were used for isolation of the salmonellae from the tetrathionate broth and the identification of these organisms.

The tetrathionate broth was incubated for 18 to 24 hours at 37 C and then plated to one brilliant green plate and one desoxycholate plate. Early in the study, the enrichment broth was held at 37 C for an additional 48 hours and then plated to brilliant green and desoxycholate agar again. When it was shown that the 72-hour incubation of samples did not add to the yield of salmonellae, the remaining cultures were incubated for only 18 to 24 hours.

Turtle food was cultured by adding 15 gm of the product to 50 cc of tetrathionate broth. If the quantity sample was large enough, it was run as two 15-gm subsamples. A 24-hour incubation period was used, and enrichment samples were plated on the same media as was used for all other samples.

RESULTS

Thirteen pet shops or variety-store pet departments were included in the retail survey. One was sampled on two occasions. Most of the turtles seen were "sliders," but a few baby snappers were in retail stores. Ten stores purchased their stock from one or more of four local wholesalers. Three purchased their turtles directly from farms or dealers in Louisiana or Florida. Eleven kept the stock in aquariums that required frequent water change. The two remaining used a deep water aquarium with an aeration and filtration system. Salmonellae were recovered from both types of containers. Six samples from the aquariums contained salmonellae. Serotypes identified were *S berta*, *S panama*, *S urbana*, *S thompson*, *S braenderup*, and *S muenchen*.

MINNEAPOLIS PET SHOPS AND VARIETY STORES, 1964

Wholesale source Number	Number of turtles examined	Water change, time prior to sample	Results	Sale per month
1	15–25	2 days	Negative	50
1	15–20	3 days	Negative	100
(1)	15	3 hours	Negative	150
1	20–25	1 week	Negative	25
(2)	20–30	1 month	Negative	100
1	15	1 day	S berta	15
1	20	1 day	Negative	20
2	20–30	6 hours	S panama	100
2	20–30	1 month	Negative	30
4	10	3 days	S urbana	30
(3)	30	Could not recall	S thompson	25
2	10	Unknown	Negative	100
1	0	4 days	S braenderup	35
3	15	Unknown	S muenchen	
Total	225–275		6 serotypes	780

[1] Monroe, La.
[2] Louisiana.
[3] Miami, Fla.

Footnotes at end of article.

The ability to isolate salmonellae from the turtle water was not directly related to the time when the water was changed in the holding container in relation to when the sample was taken. Salmonellae could be isolated from water within six hours after it was changed. This data is summarized in Table 1. The approximate total monthly sales by these 13 pet retailers was 780 turtles.

Pet turtles were sampled in homes and school classrooms. Those in homes were included in these samples either as a result of epidemiologic investigation or because they were in homes known to one of the authors. Twenty-two turtles were cultured in 11 homes. Seven of these homes contained turtles that were excreting salmonellae. Serotypes isolated included the following: *S rubislaw*, *S. braenderup*, *S. schwarzengrund*, *S. newport*, and *S panama*. One *Arizona* species was also isolated. The shortest possession time was five days, the longest was seven months, and the average was 3.4 months. *S panama* was recovered from two turtles that had been in homes for six months. All of the turtles were baby green sliders.

School classrooms were an additional source of pet turtles. Through the cooperation of Minneapolis Public Schools, 43 turtles were sampled in 26 classrooms. They included 28 sliders, 12 baby snappers, 2 painted, and 1 tortoise or box turtle. *S. new brunswick* was isolated from only one snapper. The possession time for turtles was known for 13 of these classrooms. The average was 5.8 months, with a range or three to seven months. The infected turtle had been in the classroom the shortest time of any in this group. It is not known whether it was purchased or captured from a creek near the school. The results of sampling pet turtles are presented in Table 2.

TABLE 2.—SALMONELLA ISOLATED FROM PET TURTLES IN PRIVATE HOMES AND SCHOOL CLASSROOMS HN MINNESOTA, 1964

Sampled	Number of turtles	Average time in possession, mo.	Number positive	Serotypes
11 homes	22	3.4	7	S rubislaw, braenderup

Four turtle wholesalers in the Minneapolis area were known to the authors. The first sampling at the establishment of wholesaler 1 was the cloacal swabbing of seven painted turtles of a lot of 25 that survived freezing when left on a baggage cart at the local airport. *S miami* was recovered from one of these swabs. When wholesaler 1 received a shipment of 1,000 sliders by air freight shortly after this, 30 were sampled as previously described. *S braenderup* and *S richmond* were isolated from the first sample of water in which the turtles had been placed; and, from a second sampling 48 hours later, *S braenderup* and *S larochelle* were isolated. At the establishment of wholesaler 2, two samplings of water from each of the containers holding sliders, painted turtles, and adult sliders were cultured. On each occasion, *S java* was isolated from water containing the sliders.

At a later date, a sample of 12 turtles from a shipping lot of 1,000 was obtained from Wholesaler 1. Two groups of 12 and 14 turtles each were obtained from wholesaler 3, not previously sampled; turtles were from two different shipping lots of 600. The results of these investigations are shown in Table 3. Surface swabs were taken and cultured from 38 turtles arriving from out-of-state sources; 12 were found positive for salmonellae. Thirty-eight visceral samples cultured from the same turtles revealed 21 positive for salmonellae. A total of ten different serotypes were identified from this group. There were six turtles from which two serotypes were isolated in each visceral sample, one turtle from which these serotypes were isolated from a visceral sample. In addition to the isolation of salmonella from the turtles cultured, frequent isolation of *Arizona* species was made; however, no isolation of these organisms was made from human cases investigated.

TABLE 8.—SALMONELLA SEROTYPE DISCOVERED FROM PET TURTLES MOVING IN INTERSTATE COMMERCE TO MINNESOTA WHOLESALERS, 1964

Shipment source	Size	Wholesaler No.	Samples: Number	Samples: Type	Number positive	Serotypes recovered
New Jersey	1,000	1	12	Surface swab	4	S blockley, S kentucky.
			12	Viscera	9	S kentucky, S muenchen, S braenderup, S thompson.
Virginia	600	3	12	Surface swab	4	S typhimurium.
			12	Viscera	0	
Do	600	3	14	Surface swab	4	S mississippi, S newport, S braenderup, S typhimurium.
			14	Viscera		S typhimurium, S thompson, S newport, S saint paul, S urbana.
Subtotal:						
Surface swabs			38		12	6 serotypes.
Viscera			38		21	8 serotypes.
Total			76		33	10 serotypes.

No salmonellae were isolated from the feed samples tested. On visual examination, the main constituent of the meal seemed to be the dried fly or daphnia larva. The amount of each constituent was not given on any of the packages.

As a result of the above findings the following list of salmonellae were designated as turtle-associated serotypes: *S berta*, *S panama*, *S urbana*, *S thompson*, *S richmond*, *S braenderup*, *S muenchen*, *S blockley*, *S kentucky*, *S new brunswick*, *S larochelle*, *S java*, *S rubislaw*, *S schwarzengrund*, *S newport*, *S mississippi*, and *S miami*. Turtles were also considered as possible sources of infection when investigating selected *S saint paul and S typhimurium* infections. Investigation of one additional case of *S panama* and one each of *S braenderup*, *S schwarzengrund*, and *S newport* led to homes where the same serotype was found on the turtle or in the water in the turtle dish. In each case, one of the following means of spread was involved: (1) children in the "hands in mouth" stage had handled the turtle; (2) turtle water was dumped in the kitchen sink; (3) the turtles were placed in dishes used for food. The average attack rate in these six families, including the two original cases, was 18%. Two patients required hospitalization. Four of the infected individuals excreted the organism for over 30 days (Table 4).

TABLE 4.—FAMILY OUTBREAKS OF SALMONELLOSIS WITH PET TURTLES AS SOURCE, MINNESOTA 1964*

Serotype	Family members	CP†	HR‡	Age of infected	Number carrying over 30 days	Time of exposure
S panama	5	2	No	2, 4 years	2	1½ months.
S panama	7	1	No	4 years	1	3 months.
S panama	10	1	Yes	2 years	Unknown	1½ months.
S braenderup	4	1	No	9 years	1	2 weeks.
S schuarzengrund	7	1	No	2½ years	Unknown	5 days.
S newport	5	1	Yes	29 years	Unknown	2 months.
Total	38	7		Average, 7.5 years	4	Average, 1.4 months.[1]

Investigations of nine other turtle-associated *Salmonella* infections disclosed homes where turtles had been in the home or a classroom for a period of time. In these instances, it was established that there had been turtle contact, but the turtles were not available for sampling. One patient had handled turtles on a Florida turtle farm.

One patient in this group had a *S saint paul* septicemia. Another patient infected with *S panama* suffered an illness characterized by intermittent severe back pain and fever that required three periods of hospitalization during a three-month period. The average attack rate in these nine families with turtle contact was 33%. Four of this group required hospitalization. Nine of the infected patients excreted salmonellae for over 30 days (Table 5).

To assess the effect of these investigations on source determination of salmonellosis in the Minneapolis-St. Paul area and surrounding suburbs, the above information was examined with the salmonellae data for the first ten months of the year. All cases of salmonellosis caused by the serotypes which occurred in children and adults under 45 (who might have had children), were tabulated and the number known to be, or epidemiologically suspected to be, turtle-associated was calculated (Table 6). Of the 16 serotypes isolated from turtles in this investigation, 11 were isolated one or more times during this period from man. From the total of 84 individuals, 21 had contact with turtles.

TABLE 5.—FAMILY OUTBREAKS OF SALMONELLOSIS WITH PET TURTLES AS SUSPECTED SOURCE, MINNESOTA, 1964

Serotype	Family members	CP*	HR†	Age of infected	Number carrying over 30 days	Time of exposure
S braenderup	4	3	Yes‡	27,3,1 years	1	6 months.
S java	5	1	No	11 years	Unknown	2 days.
S java	6	1	No	4 years	Unknown	8 days.
S java	4	1	Yes	2 years	Unknown	8 days.
S saint paul	6	1	Yes	5 years	Unknown	Unknown.
S panama	3	1	Yes	4 years	1	2 months.
S blockley	9	3	No	44,7,2 years	3	6 months.
S typhimurium	4	2	No	¾,3 years	2	Unknown.
S newport	5	2	No	4½,2 years	2	1 month.
Total	46	15		Average, 8 years	9	Average, 2.2 months.

COMMENT

In the investigations of *Salmonella* serotypes in Mediterranean tortoises only one[4] of the studies was prompted by human infection; the rest were apparently surveys stimulated by literature reports and the availability of specimens. The investigations of McNeil and Hinshaw[9] resulted from finding salmonellae in necropsy specimens from a galapagos turtle. No dealers selling Mediterranean tortoises could be found by consulting pet trade magazines, although a few might exist in this country. A recent article in a pet magazine discussed breeding these reptiles.[11] This species would constitute a very minor public health problem in comparison to that posed by the common aquatic pet turtle in this country.

In the Minneapolis area, sliders are apparently very popular pets. They are often given to children as gifts. They are a popular classroom pet, especially in the elementary grades. Turtles can be kept in a small container, are not barred from large apartments, make no noise, will not bite, and they require little food. A turtle, a turtle dish, and a package of food can usually be purchased for less than $2.50. The total number sold in this area is not known, but the 780 reported sold per month by the 13 retailers is probably only a part of the actual number. The three cooperating wholesalers reported a sale of 7,700 monthly in the five-state area of Minnesota, Wisconsin, South Dakota, North Dakota, and Iowa. The number marketed by breeders and dealers in the United States and Canada is a matter of conjecture. In late April 1963, a team of investigators from the Communicable Disease Center (CDC) visited a Mississippi farm, on which there were 30,000 adult breeders; they found that 75,000 to 80,000 baby sliders had been marketed already during that year.[1] A recent issue of a popular pet trade magazine lists 107 turtle dealers, though some may not be as large as the unit cited above.[12] It can be safely stated, though, that turtles are widely sold throughout the United States; and these investigations indicate that they are frequently infected or contaminated with salmonellae. Turtles are most frequently handled by children, who as a group are not careful in their sanitary habits. Children are also apparently more susceptible to salmenellosis than adults or their infections are more severe.[13,14] Thus, turtles constituting a source of salmonellosis, are moving freely and widely in interstate commerce and are destined for close contact with a susceptible host.

Serotype	Number of human isolations	Number turtle-associated
S typhimurium	37	2
S saint paul	11	1
S blockley	8	3
S muenchen	5	0
S java	5	3
S braenderup	5	4
S newport	5	3
S panama	5	4
S schwarzengrund	1	1
S berta	1	0
S thompson	1	0
Total	84	21

*Persons under 45 who might have small children with turtles in home.

Footnotes at end of article.

Pet turtles are hatched and move from the dealer to the wholesaler and then to the retailer unfed, surviving on the "yolk fat," a pad of fat under the dorsum of the carapace. The source of their infection is apparently the contaminated environment of origin. CDC investigators report that turtles originate from three sources: They are netted from small ponds or bayous in the South that are frequently contaminated with human waste; the eggs are dug up and replanted again for hatching in backyard gardens that are fertilized with animal excreta and organic or inorganic fertilizers; or they come from commercial turtle farms. The principal source of protein on breeding farms is meat meal and bone meal.[1] These latter products have been demonstrated to be contaminated with salmonellae.[15–17] Baby turtles may be infected or contaminated from their environment or the egg may be contaminated as it passes through the oviduct and the cloaca.[1] The results of our study showed that the rate of salmonellae excretion by turtles was inversely proportional to the time away from the source of infection; the rate of salmonellae excretion was greater in turtles examined in the wholesaler's establishment than it was in turtles in retail stores. The rate in turtles in homes and schools was still less. This same phenomenon has been observed by investigators in untreated control chicks[18] and baby pigs that were experimentally infected with salmonellae.[19] These findings suggest a possible means of control: holding turtles for a specified period before allowing them to be transported in interstate commerce. Further investigations are needed to confirm these findings.

Our limited samplings of turtle foods did not demonstrate them to be a source of infection to the turtle, even though other investigations[15 17] have pointed to the conclusion that certain of the food ingredients could be contaminated. Our negative findings may have resulted from the dilution of the contaminated portion of the feed by insect larvae, which are the major ingredient. In the senior author's experience (LPW) it has been repeatedly demonstrated that whereas salmonellae (probably in small numbers) can be isolated from individual feed ingredients, the final complete feed, containing nonanimal products as a major ingredient, does not yield salmonella whether antibiotics are included or not, except on rare occasions.

Culturing samples of water from the turtle containers was shown to be a simple method of demonstrating salmonellae in pet turtles. Our findings suggest that the best method of finding multiple serotypes in a given lot of turtles is to culture surface swabs and the viscera, if destruction of the turtle is an acceptable procedure. In all three samplings (Table 3) where this method of examination was used, a serotype was found on one or more turtles of the sampling lot that was not recovered from the visceral cultures. A larger sample may have shown the surface salmonellae to be of visceral origin, as turtles are shipped dry in boxes of over a thousand turtles with layers of paper between them. Shell contamination with turtle excreta could readily take place under these conditions.

While a high percentage of the rarer serotypes found in the Minneapolis-St. Paul area could be associated with a turtle source, this was not true of the more common *S typhimurium* and *S saint paul*. Several explanations exist for this finding. Due to limited time, only those cases that had the greatest possibility of yielding information that would point to a source of infection were followed up. Investigations were restricted to the rarer serotypes and infections in children 5 years and under because of their small number of contacts outside of the home and their controlled environment. If phage typing was a standard technique used in our laboratory, a narrower definition of turtle-associated *S typhimurium* may have been possible and those salmonellae fitting this definition would have been investigated. Turtle-associated serotypes were not necessarily associated with turtles during the entire ten-month period. Wholesalers changed turtle sources and a new flora was introduced, eg, different types were found in two consecutive shipments of turtles to wholesaler 3. The number of samples taken was small, and on broader sampling other salmonella might have been identified. Also to be considered were the many other possible sources of some of these salmonellae. An example of this was *S muenchen* which was designated an "Easter chick and duck type" during April and May, after it was isolated in duckling droppings in a pet shop. Chicks and ducks were subsequently shown to be the source of three infections in children under 10 years of age.

These findings suggest that the following control measures should be recommended by physicians and public health authorities to persons possessing pet turtles: (1) Children should not be allowed to handle turtles unless they are responsible enough to wash their hands following this contact. (2) Turtle water should not be discharged into the kitchen sink or allowed to contaminate the food preparation area. (3) A special container should be designated as the turtle dish and should be used for nothing else. (4) Only one person who is careful to wash his hands should care for the turtle. (5) Other household pets should be prevented from drinking water from the turtle dish. These measures should be advocated until such time as turtles are shown to be free of salemonellae.

The ultimate control measure would be to sell only pet turtles free of these pathogens. To achieve this the following measures are advocated: (1) Hatch turtles in a "clean" environment. (2) Feed breeding turtles only protein supplements known to be free of salmonellae. (3) Market turtles that are free of salmonellae. (4) Sell turtle food that is free of salmonellae.

FOOTNOTES

[1] Quist, K.D., and McQueen, J.L.: *Salmonella in Turtles, Michigan, Salmonella* Surveillance Report No. 13, U.S. Communicable Disease Center, 1963, pp. 17–18.

[2] Boycott, J. A.; Taylor, J.; and Douglas, H. S.: *Salmonella* in Tortoises, *J Path Bact* 65:401–411 (April) 1953.

[3] Boycott, J. A.: *Salmonella* Species in Turtles, *Science* 137: 761–762 (Sept. 7) 1962.

[4] Alin, K.: *Salmonella* in Tortoises, *Acta Path Microbiol Scand* 38:71–72, 1956.

[5] Bovre, K., and Sandu, P.: *Salmonella* Excreting Tortoises in Oslo, *Acta Path Microbiol Scand* 46:339–342, 1959.

[6] Vincent, J.: Neel R.; and LeMinor, L.: *Salmonella* of Turtles: Contribution to Study of *Salmonella* of Morocco, *Arch Inst Pasteur Tunis* 37:187–194, 1962.

[7] Dimow, I.: Wesselinoff, W.; and Rhode, R.: *Salmonella Infection* of Tortoises (*Testudo gracea*) in Bulgaria, *Z Hyg Infektionsler* 148: 135–141, 1961.

[8] Hirsch, W., and Shapiro-Hirsch, R.: *Salmonella* in Tortoises, *Harefuah* 46:234–238 (June) 1954; abstracted, *Bull Hyg* 31:1151 (Nov) 1956.

[9] McNeil, E., and Hinshaw, W. R.: *Salmonella* From Galapagos Turtles, Gila Monster, and Iguana, *Amer J Vet Res* 7:62–63 (Jan) 1946.

[10] Edwards, P. R., and Ewing, W. H.: *Identification of Enterobacteriaceae,* ed 2, Minneapolis; Burgess Publishing Co. 1962 pp. 10–23, 92–201.

[11] Stemmler-Gyger, O.: Breeding Mediterranean Tortoises, *All Pets Magazine* 35:27–31 (July) 1964.

[12] Anon: Where to Buy Livestock, *All Pets Magazine* 33–44 (Dec. 4) 1963.

[13] Bowmer, E. J.: Pathology and Bacteriology—Challenge of Salmonellosis: Major Public Heauth Problem, *Amr. J. Med. Sci.* 247: 467–501 (April) 1964.

[14] *Salmonella* Surveillance Summary, April 1962–March 1963, *Morbidity Mortality Weekly Rep.* 12:348–349 (Oct. 25) 1963.

[15] Walker, J. H. C.: *Salmonella* Organism in Animal Feeding Stuffs and Fertilizers, *Monthly Bull. Minist. Health* 18:26–35 (Feb.) 1959.

[16] Pomeroy, B. S., and Brady, M. K.: *Salmonella* Organisms Isolated From Feed Ingredients. Proceedings of 65th Annual Meeting of US Livestock Sanitary Association, Trenton, N.J., Oct. 30–Nov. 3, 1961, Trenton, N.J.; MacCrellish & Quigley Co., 1962, pp. 449–452.

[17] Watkins, J. R.; Flowers, A. I.; and Grumbles, L. C.: *Salmonella* Organisms in Animal Products Used in Poultry Feeds, *Avian Dis.* 3:290–301 (Aug.) 1959.

[18] Milner, K. D., and Shaffer, M. F.: Antibiotics in Treatment of Salmonellosis: Evaluation Trrough Studies on Experimentally Infected Chicks, *Antibiol. Chemother.* 3:995–1010 (Oct.) 1953.

[19] Smith, H. W.: Effect of Feeding Pigs on Food Naturally Contaminated With Salmonellae, *J. Hyg.* 58:381–389 (Dec.) 1960.

SALMONELLOSIS

(NOTE.—Prepared on behalf of the Council on Public Health and Regulatory Veterinary Medicine by James H. Steele, D.V.M., M.P.H., and Mildred M. Galton, Sc.M., U.S. Department of Health, Education, and Welfare, Public Health Service, Communicable Disease Center, Epidemiology Branch, Veterinary Public Health Section, Atlanta, Ga.)

Salmonellosis is considered currently to be the most important of the zoonotic diseases, since it affects more people than any other disease. An estimated 2 million persons are infected each year in the United States. The disease varies in severity from inapparent infection to acute disease which may be fatal in the very young or the elderly.

Reported salmonella infections in man, exclusive of typhoid fever, have increased from 1,733 cases in 1951 to 20,865 bacteriologically proved infections in 1965. While this increase has been due, in part, to increased interest in the problem, it is believed that a real increase in numbers of cases has occurred. It has been estimated that more than 1% of the population of the United States becomes infected with salmonellosis each year, and that only 1% of these infections are reported to public health authorities. As an indication of the magnitude of the reporting problem, during 1965 a waterborne salmonellosis epidemic occurred in Riverside, Calif.; 200 cases were known to the health department. However, a door-to-door survey in the town uncovered more than 16,000 unreported cases. Thus, only slightly over 1% of these cases would have been discovered without further investigation.

The principal reservoirs of salmonella are domestic animals. Their wide distribution in the domestic animal population is well known, although only a small fraction of the infections are bacteriologically confirmed and reported.

In poultry, salmonellosis has been recognized as a significant disease problem for nearly half a century. More than two-thirds of the some 25,000 cultures isolated from animals in the United States from 1934 through 1964 were recovered from domestic fowl. During the first 3 full years of national salmonella reporting (1963–1965) to the Communicable Disease Center, 9,326 (52%) of the 17,684 reported isolations from nonhuman sources were from turkeys and chickens.

Studies of fresh poultry meat in retail markets have revealed that 42% of the samples examined were contaminated with salmonellae. Eggs and egg products have been the source of numerous reported cases of salmonellosis in man during the past 3 years. Red-meat-producing animals have been incriminated, too. Of the reported salmonellae isolations from nonhuman sources during the same 3-year period, 15% were from cattle and swine. After processing, a much higher percentage of the products were found to be contaminated. Recently, nonfat dried milk has been epidemiologically incriminated as the source of human salmonellosis; the same rare type of salmonellosis found in infected persons was found in the dried milk used by their families. Further investigations have revealed a variety of salmonella types in this product.

Animal feed is frequently contaminated and serves as a vehicle of infection for food and pet animals. Contamination is carried in protein supplements which are made from animals and animal parts unfit for human consumption, animals dead of natural causes or accidents, unedible parts, and viscera. Many types of salmonella have been found in horse meat. Fish meal has also been known to be contaminated with salmonella serotypes derived from polluted waters at fish meal processing plants. Another source of salmonella is vegetable proteins, which include cotton seed meal and soybean meal.

Numerous reports have appeared regarding the prevalence of salmonellae in domestic pets. Those most often suspected as the source of human salmonella infections include dogs, cats, chicks, ducklings, parakeets, canaries and, more recently, turtles.

Progress is being made in efforts to control the problem, but much more needs to be done. Centralization of food processing by industry and nationwide distribution of food ingredients and finished foods make possible widespread dissemination of salmonella-contaminated foods. Epidemiologic investigations of salmonellosis have repeatedly demonstrated the importance of food in spreading and maintaining the basic animal-to-animal, animal-to-man, and man-to-man cycles of infection.

The salmonella problem is vulnerable to control procedures that can be applied at certain points in the epidemiologic chain of infection. When cases occur, sources of infection must be determined, the chain of infection defined in each instance, and control measures formulated to prevent recurrence. Control activities should be directed toward eliminating salmonella contamination of animal feedstuffs, applying terminal pasteurization or other bactericidal treatment to human foods and food ingredients, developing food manufacturing and distribution methods to prevent salmonella contamination and bacterial growth, and training food handlers and food processors in the principles of strict sanitary measures, including personal hygiene.

Most of the industries concerned realize their responsibilities and are accepting them with positive action. There is now need for a national salmonellosis committee that could marshal all of our forces and resources for concerted action by industry, agriculture, and public health.

SALMONELLA RESERVOIRS IN ANIMALS AND FEEDS

(NOTE.—Prepared on behalf of the Council on Public Health and Regulatory Veterinary Medicine by John W. Walker, D.V.M., U.S. Department of Agriculture, Agricultural Research Service, Animal Health Division, Hyattsville, Md., and E. M. Ellis, D.V.M., Ph.D., U.S. Department of Agriculture, Agricultural Research Service, Animal Health Division, National Animal Disease Laboratory, Ames, Iowa.)

Salmonella organisms are widely distributed in nature. All warm blooded animals including man and many cold blooded creatures must be considered real or potentian hosts. Since salmonellae are inhabitants of the gastrointestinal tracts of live animals and poultry, transmission may be expected when conditions exist conducive to fecal contamination of foods, feed, and environment. Any of the 900 serotypes have the potential of causing clinical disease when accompanied by certain stress factors.

The first isolation of an organism of the genus *salmonella* from an animal source was *Salmonella choleraesuis* from swine by Salmon and Smith in 1889. In 1885, Moore isolated a paratyphoid organism from pigeons with infectious enteritis. The first report of paratyphoid in turkey poults in the United States was made by Rettger and associates in 1933, although Pomeroy and Fenstermacher had observed the infection in turkeys in Minnesota in 1932. Since then, recovery of one or more serotypes of salmonellae has been reported from all domestic animal species and many wild animals.

A number of studies have been made to determine the occurrence of salmonellae in various food and feed products and animal species in many localities. Wide ranges of infection or contamination rates are reported; however, the design of the studies are so diverse that the results cannot be compiled into a national report. Although a true measure of salmonella incidence in animals and feeds is not known, we must consider them potential reservoirs of salmonellae.

Upon being confronted with reports of finding salmonella organisms in livestock and poultry feeds and ingredients, questions arise in several areas. How do these products become contaminated? To what degree is this contamination responsible for salmonellosis in poultry, domestic animals, and man? Finally, how can this potential hazard be reduced or eliminated?

Animal by-products and *marine* products used in feeds as protein concentrates often are incriminated as vehicles for salmonella. Studies conducted at rendering plants reveal that the heat of rendering is sufficient to kill salmonellae. Recontamination of the finished product may occur after processing, especially during storage or the transporting operation. Experience has shown that rigid sanitation practices in the production and handling of rendered material are essential in preventing recontamination.

This manner of transmission is an attractive concept of disease cycling and recycling among livestock and poultry and has been demonstrated in a limited number of epizootics in the United States. However, other important sources such as contaminated farms, vehicles, animal concentration points, and slaughter and processing areas must also be considered potential reservoirs for salmonellae. In addition, infected persons are a potential reservoir of transmission to livestock and poultry and to other persons. With few exceptions, salmonella serotypes are not host specific, and cross infection between species is frequent.

What kinds of things should we be doing about this very complex animal and human problem? First, we must investigate the trouble spots to identify the problems and be in a position to take corrective action and prevent even greater problems in the future. The first part is now being examined by specialized state and federal veterinary epizootiologists. These persons should increase such activities in working with practicing veterinarians, diagnostic laboratories, public health and agricultural agencies, and livestock, poultry, rendering, and feed industry groups.

From an epizootiologic standpoint, we need to determine the reasons for the more frequent appearance of some serotypes over others. For example, *Salmonella typhimurium* constitutes about 20% of the recoveries from livestock and poultry. From the diagnostic standpoint, we need better techniques for the isolation of salmonellae from feed products, animals, and the environment, along with a better understanding of the resistance of the organisms to physical and chemical agents. More work needs to be carried out to determine the scope and effect of salmonella infection in chronically ill and apparently healthy livestock and poultry on the farm.

In summary, industry and government, working together now and in the future, need to give increasing, continuous emphasis to the prevention of contamination and recontamination of feed and feed ingredients in rendering plants, feed mills, and on-the-farm utilization and storage of feeds. Finally, because increasing intensification of livestock and poultry raising results in greater numbers of animals on fewer highly specialized farms, producers will need to give increased attention to husbandry sanitation practices designed to aid in controlling diseases spread by fecal contamination, such as salmonellosis.

The veterinary practitioner can be of professional help to his clients by counseling them on the importance of sound disease prevention and sanitation practices in the management of livestock and poultry and in the housing and care of pets.

Many believe the chain of infection could be broken by producing feeds free of salmonellae and preventing recontamination of such products. This would certainly help; however, the attack must be made in all quarters outlined herein if salmonellosis in agriculture is to be successfully controlled.

[From the National Observer, Oct. 23, 1971]

TURTLES: WHEN KIDS PLAY WITH THEM, SALMONELLOSIS CAN BE RESULT

(By Lawrence R. Fuller)

If your youngster has one of those little turtles that pet shops and variety stores sell for 50 cents to $1, a Federal health researcher has some friendly advice: Get rid of it.

Pet turtles cause 20 to 30 per cent of the 2,000,000 annual U.S. cases of salmonellosis, a disease usually associated with food poisoning, research by Dr. Steven H. Lamm of the U.S. Public Health Service (USPHS) indicates. He found that 85 per cent of the turtle-transmitted salmonellosis victims were children under 5, and that those who had to be hospitalized were laid up an average of 11 days. He estimates that pet turtles add $1,000,000 a year to Americans' medical bills.

Salmonellosis is caused by the bacteria salmonella, which also cause typhoid and paratyphoid fever, cholera, and, most commonly, food poisoning from contaminated chickens, turkeys, eggs, and occasionally beef. The disease is transmitted orally through contaminated food or water or unclean hands—including pudgy little fingers that pick up salmonella while handling pet turtles.

Salmonella flourish in the intestinal tract, causing diarrhea, vomiting, abdominal pain, chills, fever, and nausea. The symptoms last two to five days, and young children and old people are hit hardest because their resistance is lowest. Dehydration caused by severe diarrhea is a common reason for hospitalizing young victims.

Dr. Lamm is a USPHS epidemic-intelligence specialist attached to the Connecticut Department of Health. He reported his findings at the American Public Health Association's meeting here last week.

Until his research, he says, physicians thought that turtles transmitted only 1 per cent or less of the U.S. salmonellosis cases—an "interesting finding" but hardly worth worrying about. But his Connecticut study, reinforced by independent findings in Washington state and by USPHS in Utah, New Jersey, and California, indicates that there is cause for concern.

Dr. Lamm started his research when he noticed a high coincidence of salmonella among young children while reviewing epidemiology reports. Curious, he called several victims' parents and found that the children had pet turtles.

During 1970 he and his staff surveyed 66 Connecticut families in which salmonellosis had occurred. They found that 17, or 27 per cent, had pet turtles at the time of the illness. As a control group, Dr. Lamm used 50 families in which children had a viral disease such as measles, chicken pox, or pneumonia. In that group, only one family, 2 per cent of the sample, had a turtle.

Other studies determined that turtles were associated with salmonellosis in 16 per cent of Utah's cases, 11.5 per cent of Seattle's, 9.2 per cent of Atlanta's, and 18 per cent in Santa Clara County, California. Dr. Lamm bases his estimates of national incidence and medical costs on these studies.

Dr. Lamm and Dr. Philip Brachman, director of epidemiology at the Center for Disease Control in Atlanta, both say that all states should follow Washington's example and permit sales only of pet turtles certified as salmonellosis-free. "We're talking with the Food and Drug Administration now" about possible regulations governing the interstate shipment and importation of turtles, Dr. Brachman says.

Washington passed a turtle-sales law in 1967 after a severe outbreak of salmonellosis in Seattle. The law requires that all turtles be certified salmonellosis-free by the chief public-health officer in the state of origin. All Washington stores selling turtles also must post conspicuously a sign that says:

"Caution—Turtles may transmit bacteria causing disease in humans. It is important to wash hands thoroughly after handling turtles or material in turtle bowl; not to allow water or any other substance from a turtle bowl to come into contact with your food or areas where your food is prepared; and to make sure that these precautions are followed by children or others handling turtles."

The Washington law's practical effect has been to eliminate turtle sales; it's almost impossible to certify turtles disease-free. But the law has done its job. Dr. Lamm says that Washington's salmonellosis cases involving children dropped 25 per cent the year after the law was passed, while childhood cases nationally increased 20 per cent.

Dr. Lamm's first advice to parents is to get rid of the turtles. Families unwilling to do that, he says, should take these precautions:

Place the turtle out of reach of children, thus preventing them from handling, kissing, or—as one boy did—swallowing the pets.

Change the water frequently, at least every two days, and thoroughly wash your hands afterward.

Dump the water into the toilet or bathroom sink, not into the kitchen sink where it might splash on food or eating utensils.

[From the Washington Post, July 22, 1971]

SON SICKENED BY PET: FATHER WAGES WAR ON TURTLE SALES

(By Tom Huth)

Last May, Linda Kurtz of Silver Spring bought a pet turtle for her 5-year-old son Andrew. It was one of those small green turtles offered in many dime stores and pet shops, and it was on sale for about 45 cents.

A month later the boy developed bad stomach cramps and diarrhea. Four days later he was no better, so laboratory tests were conducted at Holy Cross Hospital. Andrew had salmonellosis, a disease usually borne by food. The Montgomery County Health department checked the turtle, and it too had salmonellosis.

Andrew was one of the many children—no one knows just how many—who contract the dehydrating disease borne by rod-shaped salmonella bacteria from pet turtles bred in southern United States and South America.

Although officials of the U.S. Public Health Service estimate that 10 to 20 percent of the nation's 2 million annual cases of salmonellosis are caused by turtles, none of the jurisdictions in the Washington area has laws regulating their sale.

There also are no federal controls. Dr. John Bennett, chief of bacterial diseases for the Public Health Service's Center for Disease Control in Atlanta, said yesterday that as far as government agencies were concerned "turtles don't belong to anybody officially."

Adults with salmonellosis may notice only stomach cramps. But in children and old people the disease can strike harder and occasionally can kill. The symptoms are nausea, cramps, diarrhea and fever.

Dr. Steven Lipson, the Montgomery County health department's epidemiologist, said that at least half of the victims of salmonella poisoning in the county were children. "In the last couple weeks four cases were reported which we felt might be due to turtles," he said.

Children most often pick up the salmonella organism by putting their thumbs or fingers in their mouths after playing with turtles.

Alan Kurtz, Andrew's father, said his son was still taking medicine and undergoing medical checkups, although he seemed to have recovered three days after the salmonellosis was diagnosed and he was put on antibiotics. The Kurtzs live at 11235 Oakleaf Dr. Kurtz has begun "a one-man vendetta," as he calls it, to get legislation controlling turtles. "I don't want other parents to go through this kind of agony with something that can be controlled" he said yesterday.

"I'm going to push this until they hit me in the head or until we get some kind of legislation passed to get rid of these darned turtles. They're not worth a darned thing except to make our kids sick."

Lipson said that there has been "interest in this issue for years" in Montgomery

County, but that no laws have been passed because they would be "impossible to regulate." The greatest problem, he said, would be that turtles could be bought in adjacent jurisdictions.

There have been 27 cases of salmonellosis of all kinds in the county this year, Lipson said, and 77 last year.

He said the county was "strongly supporting" legislation proposed by the State Health Department.

Dr. Howard Garber, Maryland's chief of communicable diseases, said the attorney general's office was studying recommendations submitted by health officials.

The state of Washington requires that all turtles offered for sale be certified salmonella-free by the chief public health official in the state of origin, but Barber considers that kind of legislation unreliable.

The lower house of the Pennsylvania legislature has voted to ban the sale of pet turtles altogether.

Garber said 391 cases of salmonellosis were reported in Maryland in the first six months of 1971, nearly double the rate of the same periods in the last five years.

He and Lipson pointed out that other animals—snakes, lizards, Easter chicks—also can transmit the salmonella organism to humans. As for the danger of turtles, Garber agreed, "It's been known for a good number of years. It's just a matter of catching somebody's fancy."

Dr. John Pate, chief of communicable diseases for the District government, said that "I advise against these turtles" because of the danger of disease, although he could recall no cases of salmonellosis directly attributable to turtles this year.

Dr. H. E. Gillespie, Virginia's director of communicable diseases, said his state had not had a recorded case of turtle-borne salmonellosis in a year.

[From the Evening Star, Nov. 4, 1971]

Drive To Halt Sales of Turtles Pays Off

(By David Holmberg)

Alan Kurtz's campaign against pet turtles—carriers of the disease that made his young son ill for more than three weeks—has finally paid off.

In what may be the first such legislation in the country, the Prince Georges County Council has banned pet shops from selling turtles, which can be carriers of salmonella.

Kurtz began his crusade five months ago.

He spent the summer contacting legislators in Prince Georges and Montgomery counties and in Annapolis after his five-year-old son Andrew contracted salmonella, a bacterial infection of the intestinal tract which is always painful, often hard to get rid of, and sometimes fatal.

ATTACKS YOUNG, OLD

The disease usually attacks the very young and the very old. Several persons, infected from food they had eaten, died in a Baltimore nursing home last year.

Kurtz's son was infected after his father bought him a turtle for 44 cents at a Wheaton pet store.

Upon diagnosis, Kurtz reported the case to the Montgomery health department without knowing the cause.

The department asked if he had a turtle in the house. That's when the campaign began.

"It really disturbed me," he said, "when they said the disease was probably contracted from the turtle, but then they said there were no laws against their sale and there was nothing they could do about it."

Andrew recovered, but Kurtz was not satisfied.

STARTLING INCREASE

He studied the problem and found a startling increase in the number of reported cases of salmonella in the past few years. In 1960 there were 55, in 1969 there were 549, and in 1970, 690. And by September of this year there were already 737. Doctors estimate that thousands of cases go unreported.

Possessing those facts—and with medical evidence that a high percentage of the cases derive from turtles—Kurtz contacted legislators.

"I just hammered away," he said, "and once I took the initiative I got action pretty fast. It's pretty hard for anyone to say you'd rather save pet turtles than children."

Similar legislation was introduced in Montgomery, where it is considered likely to be passed, and in the Maryland General Assembly. The latter measure may be broadened to include other "exotic" animals capable of transmitting diseases to their owners.

LET BUYER BEWARE

"With these animals, including turtles, it's a case of let the buyer beware," said Dr. Kenneth Crawford, chief of the division of veterinary medicine of the Maryland Department of Health, who was enlisted by Kurtz in his campaign. "I think legislation is desperately needed. Who needs a rock python or a chimpanzee—or a turtle—in their neighborhood?"

Dr. Crawford estimated that as many as 400 reported and unreported cases of salmonella were contracted from turtles in Maryland in the past year and that at least nine were serious infections.

The problem with turtles, he said, is that they are often raised in stagnant, disease-ridden ponds and fed with carcasses of diseased animals before they are sold to pet shops.

Among pet shop managers in Prince Georges, many had not heard of the legislation when interviewed yesterday, but two of them said they had already stopped selling turtles because of reports of cases of salmonella. The pet shop managers said they did not expect opposition to legislation from the shops, although turtles are relatively popular.

"Turtles are very good sellers," one pet shop manager said. "They're inexpensive and they're easy to keep. It will hurt our business some not to have them around."

[From the Daily News, Nov. 4, 1971]

Antipet Turtle Campaign Is Slow But Steady

(By Mary Leimbach)

While Maryland health officials are convinced pet turtles cause 95 per cent of the state's 2,000 salmonella cases each year, it was a Silver Spring father who finally got something done about it.

The long, often frustrating, battle began for Allan Kurtz, of 11235 Oakleaf Drive, five months ago when he bought a small turtle at a Wheaton dime store for his 5-year-old son Andrew. Three weeks later Andrew was taken to Holy Cross Hospital in Silver Spring suffering from fever, constant diarrhea and severe stomach cramps. "The first thing they asked me was did we have a pet turtle," Mr. Kurtz recalls.

Andrew's illness was diagnosed as salmonella, one of 737 cases in Maryland this year which are known to have been caused by turtles. Altho Andrew was seriously ill, he was more fortunate than some of the intestinal infection victims and recovered in a month. Other young victims have been ill for several months and one for as long as four years, a health official said.

But a month of watching his son's anguish was too much for Mr. Kurtz, an ordinarily soft-spoken store manager for the Lerner chain. He began a one-man campaign to get legislation stopping the sale of turtles for pets. On Tuesday, following a hearing on a bill introduced Oct. 5 by Prince Georges County Councilman Francis Francois, the council adopted legislation making the sale of turtles for pets a misdemeanor.

The only other state to have any such legislation pending is Pennsylvania where the state house has approved a ban on the sale of turtles and the senate has yet to vote. The state of Washington has legislation requiring turtles to be certified as safe.

This is the sort of thing now being considered by the state of Maryland, a health official said. But he added that certification of turtles is inadequate because salmonella is carried almost as a genetic factor and while a turtle can be disease free, its offspring may carry the diseases. Montgomery health officers have tried since 1966 to get strong legislation prohibiting the sale of turtles as pets but have failed.

Because he lives in Montgomery, Mr. Kurtz initially took his anti-pet turtle campaign to officials there, but when he found that Prince Georges councilmen were far more receptive to his ideas, he temporarily abandoned the cause in his home county.

Now that Prince Georges has passed its law, Mr. Kurtz says he'll return to Montgomery's officials. He is also working to have a bill introduced in the Maryland legislature in January.

Salmonella is most serious in children and older people and has the highest incidence of any contagious disease. Fatalities result from dehydration caused by diarrhea. Health officers estimate that 90 per cent of turtles sold as pets carry the disease. "I vowed I would get some legislation to stop the sale of turtles," Mr. Kurtz said. He is now determined to carry the fight to the state legislature and then to the federal level. "It is a matter of interstate commerce," Mr. Kurtz said. "Turtles are raised in Mississippi and Louisiana in filthy pools of human waste and then shipped out of state for sale in pet stores."

A Montgomery epidemiologist agreed that a federal law would be easier all the way around. "We tried and didn't get anywhere. But now that the public is interested maybe we will get something done," he said.

AUGUST 27, 1971.

Mr. ALAN KURTZ,
Silver Spring, Md.

DEAR MR. KURTZ: In response to your inquiry regarding salmonellosis in pet turtles, I am enclosing for your information a copy of the letter I received from the Public Health Service.

As you will note, the Center for Disease Control is continuing to examine the serious public health situation and is in discussion with various interested parties concerning recommendations to prevent this hazard.

With best wishes, I am

Sincerely yours,

J. GLENN BEALL, Jr.

AUGUST 6, 1971.

Mr. ALAN KURTZ,
Silver Spring, Md.

DEAR MR. KURTZ: Thank you very much for your recent letter and telephone call with respect to salmonella in pet turtles and your son's experience with this disease.

In an effort to be helpful to you, I contacted Dr. Howard Garber, Chief of Communicable Diseases for the State of Maryland. Dr. Garber informed me that during the next session of the State Legislature legislation will be considered which would put limitations on the sale of exotic animals, including turtles.

In addition, I understand that the Public Health Service is considering a proposal which would prevent the interstate sale of turtles. I am presently looking into this further with the Public Health Service and will be back in touch with you just as soon as I receive additional information.

With best regards, I am

Sincerely yours,

J. GLENN BEALL, Jr.

AUGUST 6, 1971.

DR. JESSE STEINFIELD,
Surgeon General, Public Health Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. STEINFIELD: I have recently been contacted by a constituent regarding the problem of salmonella in pet turtles.

After talking with Maryland State Authorities regarding this matter, I was advised that perhaps the Public Health Service was considering a proposal to ban the interstate sale of turtles. I would be most appreciative if you could advise me if this is the case, and if so, the details of such a proposal.

Thanking you for your cooperation and with best wishes, I am

Sincerely yours,

J. GLENN BEALL, Jr.

SILVER SPRING, MD.,
July 23, 1971.

DEAR SIR: I am writing in hopes you will take a direct interest in my problem (in fact the whole State of Md.'s problem).

Inclosed find an article from the Washington Post on July 22, it is self explanatory.

I have sent copies to the Governor of the State as well as other county and State officials to draft legislation banning the sale of turtles.

I ask you to help me in this cause to protect our children.

Hopefully,

A. KURTZ.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
August 13, 1971.

Hon. J. GLENN BEALL, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BEALL: Dr. Steinfeld has asked me to thank you and respond to your letter of August 6 regarding the problem of salmonellosis in pet turtles.

Our Center for Disease Control in Atlanta recently has conducted studies which document the association of pet turtles and human salmonellosis. We estimate that two million cases of salmonellosis occur each year in the United States. From our studies of this disease we further estimate that 15 percent are directly related to contact with contaminated pet turtles. CDC is continuing to evaluate this serious public health situation.

We currently are discussing this problem with other Federal agencies, State health departments, and representatives of the turtle industry concerning recommended methods to prevent this hazard.

To date, we have not officially recommended any restrictions on production or distribution.

Sincerely yours,

JOHANNES STUART,
Associate Director.

By Mr. BEALL:

S. 3004. A bill to authorize the burial of the remains of Matthew A. Henson in the Arlington National Cemetery, Va. Referred to the Committee on Veterans' Affairs.

Mr. BEALL. Mr. President, I am sending to the desk a bill that would permit the remains of Matthew A. Henson to be interred in the Arlington National Cemetery in Virginia.

Matthew Alexander Henson was a courageous Marylander whose innate abilities and unfailing determination enabled him to triumph over the limitations of his childhood and, in doing so, make a significant contribution to our Nation's history. On November 18, 1961 former Maryland Governor, His Excellency J. Millard Tawes, dedicated a plaque in the Statehouse which reads:

> MATTHEW ALEXANDER HENSON, CO-DISCOVERER OF THE NORTH POLE WITH ADMIRAL ROBERT EDWIN PEARY, APRIL 6, 1909
>
> Born August 8, 1866, died March 9, 1955. Son of Maryland, exemplification of courage, fortitude and patriotism, whose valiant deeds of noble devotion under the command of Admiral Robert Edwin Peary in pioneer Arctic exploration and discovery, established everlasting prestige and glory for his State and country.

Mr. President, Matt Henson was a close confidante and friend to Admiral Peary and it was his dying wish that he be buried near the man who he had faithfully served for so many years. In light of his loyalty, his courage, and his dedication to the honor and glory of the United States, I think that it is appropriate for us to authorize the transfer of his remains to Arlington National Cemetery even though he did not serve in the Armed Forces of our Nation.

Mr. President, I ask unanimous consent that a biographical sketch of Matthew Henson be inserted into the RECORD at the conclusion of my remarks, followed by the articles entitled "Peary's Aide on Polar Dash Says Once Is Enough for Him" and "Mathew A. Henson Dies; Went to Pole With Peary."

Mr. President, in conclusion I would like to simply mention that my father, the late J. Glenn Beall, Sr., who also had the honor of serving in the U.S. Senate introduced similar legislation on June 2, 1960. I regret that the 86th Congress failed to enact this legislation and I would hope that the 92d Congress will expedite action on this measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MATTHEW HENSON MEMORIAL

This memorial tablet, unveiled and dedicated November 18, 1961, is located in the State House, Annapolis, Maryland, in the section which formerly (November 26, 1783, to August 13, 1784) was the Capitol of the United States of America.

MATTHEW (MATT) ALEXANDER HENSON

Matthew (Matt) Alexander Henson was born August 8, 1866, on a farm, the site of a former slave market, in Nanjemoy, Charles County, Maryland. Henson, the man destined to become the first person to locate and stand on the Top of the World, was born in virtual obscurity. Little is known of his early boyhood. Around the age of eleven, he ran away from Nanjemoy one night and walked to Washington, D.C. There, he divided his time between working in a restaurant operated by his aunt, Mrs. Janey Moore, and attending irregularly, the N Street Elementary School.

Henson left Washington at the age of thirteen, walked to Baltimore, Maryland, and located around the waterfront. Soon thereafter, as one without a home, he shipped as a cabin boy on a schooner under the command of a Captain Childs. This skipper taught him the rudiments of simple mathematics and navigation. The voyage carried him to China and return.

Returning to Washington, he found employment as a porter in a hat shop on Pennsylvania Avenue. One day, the then Lt. Robert E. Peary visited this store. He observed Matt Henson at work and became impressed with him. Matt was invited by Lt. Peary to join him on a canal surveying expedition to Nicaragua. Henson accepted.

When this mission was completed, Peary became interested in heading an expedition in search of the North Pole, which at that time, was the intensive objective of many nations. Henson accompanied Peary on each of his seven expeditions into the Arctic and Polar regions.

Matt saved Peary's life when he was attacked by an infuriated musk ox, and also on one occasion rescued him from starvation. He was chosen by Peary to be a member of the party of six to make the final dash to the Pole. Peary paid him this compliment—"He is my most valuable companion. I could not get along without him."

Overcome with exhaustion and crippled by the loss of most of his toes by frostbite, Peary sent Henson forward to make final observations and calculations, and await his arrival. Forty-five minutes later, Peary, driven up on his sled by four Eskimos, joined Henson. Peary's check confirmed the discovery of the North Pole.

90 N. LAT., NORTH POLE,
April 6, 1909.

Arrived here today, 27 marches from Cape Columbia.

I have with me 5 men: Matthew Henson, colored; Ootah, Eginwah, Seegloo and Ookeah, Eskimos; 5 sledges and 38 dogs.

The expedition under my command has succeeded in reaching the Pole . . . for the honor and prestige of the United States of America.

ROBERT E. PEARY,
U.S. Navy.

FROM LOG BOOK OF ADMIRAL PEARY

"This scene my eyes will never see again. Plant the Stars and Stripes over there, Matt, . . . At the North Pole."—Peary.

Aside from Peary, the leader of the expedition, Henson has been given most of the credit for the success of the discovery of the North Pole. This is because of his courage and daring, ability to withstand the most rigorous climate and exposure, mastery of the Eskimo language and their admiration of him, his skill in sled building, driving and igloo construction. These credits were accorded him by all the surviving members of the polar expeditions.

In recognition of his contributions, Mr. Henson was awarded the Master of Science degree by Morgan State College, and Howard University, a Congressional Medal, Life Membership in the Explorers Club, a medal from the Chicago Geographical Society, a citation by the U.S. Department of Defense, a commendation from President Dwight D. Eisenhower, at the White House, numerous medals and plaques from civic organizations.

On August 12, 1956, a memorial tribute to him was dropped on the North Pole from a U.S. Air Force plane by Afro-American Arctic Correspondent, Herbert M. Frisby, the author of this biographical sketch.

There is Henson Bay, in northwest Arctic Canada, named as a tribute to him.

Mr. Henson died March 9, 1955, in New York City. He is survived by Mrs. Lucy J. Henson, his widow.

Since his passing, he has been memorialized by His Excellency, J. Millard Tawes, Governor of Maryland, proclaimed April 6, 1959, the 50th Anniversary of the Discovery of the North Pole, as Matthew Alexander Henson Day in the State of Maryland.

By action of the Maryland General Assemblies in 1959 and 1961, provisions were made for the establishment of permanent memorials to Mr. Henson, one to be placed in the State House at Annapolis, and a small replica of the same on the campus of the Pomonkey High School, Charles County, both in Maryland.

(H.M.F.)

For further details see:

Henson, Matthew A.: *A Negro Explorer at the North Pole* (1912).

Life Magazine: *Discovery of the North Pole* (May 12, 1951).

MacMillan, Admiral Donald B.: *Matthew Henson:* Explorers Magazine, Fall 1955.

Peary, Admiral Robert E.: *The North Pole* (1910) (Contains 13 references).

Robinson, Bradley: *Dark Companion* (1947).

Frisby, Herbert M.: *Matt Henson Helped Discover North Pole,* Afro-American Newspapers, April 15, 1952.

From the collection of Herbert M. Frisby, 3403 Bateman Ave., Baltimore 16, Maryland.

[From the Washington Post, Apr. 7, 1954]

Peary's Aide on Polar Dash Says Once Is Enough for Him

(By Matt McDade)

Another trip to the North Pole is absolutely the last undertaking that Matthew A. Henson would care to repeat in this world.

Forty-five years ago yesterday, Henson pushed to the top of the ice-capped world with Rear Adm. Richard E. Peary and four Eskimos. The party was the first and last to reach the Pole on foot. Henson, 87, a Maryland-born Negro, is the only living survivor.

"Again? No, I've had enough," said Henson, who once remarked that a man who would go to the Pole for a pleasure trip would go to hell for pastime. "Nineteen years in the Arctic is enough for any man."

In the memory of the historic expedition, Henson and his wife came down from New York yesterday to visit President Eisenhower at the White House. They were accompanied by representatives of the National Newspaper Publishers Association, which presented the President with a plaque for his championship of integration in the armed services and nonsegregation in Washington.

But it was primarily Henson's day. After the White House visit, he placed a wreath at Peary's grave in Arlington Cemetery, then dined at the Capitol.

Henson said his most vivid memory of the exploration was the lonely hour when the full party turned back 133 miles from the Pole. Peary decided to fight on with his aide—Henson—and the Eskimos.

"Peary said we'd reached the do-or-die part," Henson recalled. "And really, you didn't know whether you'd get back or not. It was the unknown. I decided to take a chance. Of course, I went up there to stick with him."

The naval officer and Henson took the lead alternately, each with two Eskimos and a dog team. They raced across the icy, windlashed wastes, fighting the danger of rising temperatures. It was on April 6, 1909, when Peary took a memorable bearing and announced, in a trembling voice, "Eighty-nine degrees, 57 minutes. The Pole at last!"

The great explorer's aide was born in Charles County, Md., on August 8, 1866. As a boy, he came to Washington and attended the "N Street School" for six years. He moved to Baltimore and shipped out to China as a cabin boy at the age of 12.

Nine years later, he joined Peary as a seaman on an expedition to survey a canal across Nicaragua. Then they turned north for almost two decades of Arctic exploration.

Henson became an expert Northsman. Peary once wrote, "He can handle a sledge better, and is probably a better dog driver, than any man living, except some of the best of the Eskimo hunters themselves."

But the life Henson chose was mostly hardship, with little glory. In his twilight years, he remembers the cold, the sickness, the hunger and the "wind that cut you to pieces."

On one trip, the party ate 34 of its 35 dogs.

Glory came late. In 1914, he finally was appointed to the Customs Service and retired on a small pension in 1936. In 1945, 35 years after the polar discovery, Henson received his first real recognition—a special medal awarded by Congress.

A fragment of a flag which Peary cached at Cape Columbia during a 1906 expedition now hangs in the home of Peary's white-haired, 90-year-old widow. She has lived on a cove near Portland, Me., since Peary died in 1920.

Yesterday, in an interview with United Press, Mrs. Peary said her first reaction to news of the discovery of the North Pole was, "Now he will be able to stay home." And her wish was realized. He never went exploring again.

Mrs. Edward Stafford, of Washington, D.C., his daughter, now staying with her mother, thinks someone may eventually discover the fragment of the flag left at the Pole by Peary—and Henson.

(From the Herald Tribune, Mar. 10, 1955)

Matthew A. Henson Dies; Went to Pole With Peary

Matthew Alexander Henson, eighty-eight, the Negro companion of Adm. Robert E. Peary during the latter's successful expedition to the North Pole in 1909, died yesterday in St. Clare's Hospital after a six-week illness. He lived at 246 W. 150th St.

Mr. Henson had lived in retirement for the last sixteen years, emerging only to receive belated recognition ten years ago for his services with the Peary expedition. In June of 1945. Thirty-six years after the polar exploit, he received a Navy medal along with others on the expedition.

Surviving are his wife, Mrs. Lucy Ross Henson, and a sister, who lives in Washington.

VISITED EISENHOWER

Last April 6, on the forty-ninth anniversary of the conquest of the North Pole, Mr. Henson visited President Eisenhower at the White House. Together they looked at a large globe of the world in the President's office and Mr. Eisenhower, pointing to the Arctic, remarked, "Now we have air bases all along there."

Living on an $85-a-month government pension, Mr. Henson took only occasional trips to receive awards from various groups but gave up even these although until his illness he maintained his routine of walking four miles a day.

Mr. Henson was a porter in a Washington hat store in 1886 when Mr. Peary came in to buy a hat and mentioned to the proprietor he was looking for a valet. Mr. Henson got the job, stayed with Mr. Peary on and off for five years, then remained with him steadily for eighteen years during which Adm. Peary made all his eight polar expeditions.

LECTURE TOUR

Mr. Henson's rewards were a silver loving cup from the Bronx Chamber of Commerce and a $960-a-year job as a mail clerk in the Customs House. He wrote a book that did not sell, and he made a lecture tour that netted only a few hundred dollars. In 1926 Rep. Emanuel Celler, D., N.Y., tried to get him a $1,700 pension and a Congressional medal for bravery but nothing came of it.

He and four Eskimos were Adm. Peary's sole companions when they stood at ninety degrees North Latitude on April 6, 1909. Six others who had started on the final dash over the ice from Cape Columbia had returned one by one as the supplies diminished. At the end of the month Capt. Bob Bartlett was the only white man left with Peary, and he turned back in 87 degrees 48 minutes North, the highest latitude reached up to that time.

Over the last stretch Mr. Henson bore the brunt of the trail-breaking. On the whole sledging conditions were not unfavorable. But on the morning of April 6, although his observations showed him to be in Latitude 89 degrees 57 minutes—only three miles from the pole—Peary was so nearly exhausted that with the prize actually in sight he could go no further.

AT POLE 30 HOURS

After a few hours sleep, however, he covered the remaining miles. He raised the Stars and Stripes above a cairn of ice while Mr. Henson led the Eskimos in three cheers. The party remained at the pole thirty hours, took observations, and, on sounding a few miles from the pole, found not bottom at 9,000 feet. The North Pole was thus proved to be in the center of a vast sea of ice.

The return was made in forced marches, and further time was saved by occupying the igloos built during the northern advance. The weather was favorable, and with the light loads the dogs made rapid progress. The distance from the pole to the base camp at Cape Columbia was covered in the incredibly quick time of sixteen days.

HECKLED ON LECTURE TOUR

Mr. Henson was heckled unmercifully when he attempted a lecture tour upon his return.

Sinister meaning was read into the fact that on the final dash to the Pole, Adm. Peary had chosen him instead of Capt. Bartlett. It was not generally known that Mr. Henson had been with the admiral on seven previous Arctic expeditions, that he was probably the best dog driver in the party and that he could get along better with the Eskimos than any of the white men.

"He was the only man in the party who could build a snow house," recalled Cmdr. Donald B. McMillan years later. "He made every sledge and cookstove used on the route to the pole. Henson was altogether the most efficient man with Peary."

By Mr. RANDOLPH:

S. 3005. A bill to create a position of Assistant Attorney General for Organized Crime Control. Referred to the Committee on the Judiciary.

Mr. RANDOLPH. Mr. President, today I introduce a bill which, if enacted, could plug one of the last remaining legislative gaps in the Federal fight against organized crime.

Much attention has been focused on the seriousness of organized crime in recent years. Under the most valued and able leadership of the Senator from Arkansas (Mr. McClellan), the Permanent Subcommittee on Investigations has brought to the attention of a shocked public and a deeply dismayed Congress, fact after incriminating fact about this unseen, insidious monster known as organized crime. This evil conspiracy, whose tentacles reach across our land and even into foreign countries, has a voracious greed.

BACKGROUND

As a result of its extensive hearings, including the sensational revelations by Joseph Valachi, the Senate Committee on Government Operations issued a report in 1965, entitled "Organized Crime and Illicit Traffic in Narcotics." This carefully researched document made a number of findings and conclusions. Among these were:

That organized crime, also known as "the mob" or "the syndicate," operates *vast illegal* enterprises that produce an annual income of many billions of dollars. In the words of the report:

> This combine has so much power and influence that it may be described as a private government of organized crime.

That the "main source of income for the crime syndicate is illegal gambling of all kinds, and that these funds finance many other kinds of crime."

That "trafficking in narcotics has also been a very important source of revenue."

That "the two criminal activities of primary importance to New York's underworld are gambling of all kinds and the illicit narcotics traffic, and that these are dominated by the Mafia hierarchy."

That other major metropolitan areas, especially Chicago, Detroit, Buffalo, Tampa, and Boston, have similar patterns of criminal activity.

That "the major part of the illicit narcotics traffic in the United States is in the hands of organized crime," and "they have almost complete control of the importing, wholesaling, and distribution operations in this country."

In this time of sharp public awareness of the terrible drug problem in the United States, the public should know that organized crime works for this destruction of their children. It is interesting, in particular, to note a committee finding on the links between heroin processors in Europe and the Middle East, and organized crime in the United States. The report says:

> The subcommittee finds that the Corsican gangsters, having produced the heroin, market it for use by addicts in the United States in two ways. The principal avenue of traffic is through sales to Mafia elements in Italy and Sicily, who have working agreements with Cosa Nostra groups in the United States, and who arrange smuggling ventures through the port of New York or by way of Canada and Mexico. The second avenue of traffic, developed in recent years is through direct sales of heroin by the French Corsican racketeers to French-speaking Canadian racketeers, who in turn smuggle the heroin into the hands of Mafia gangsters in the metropolitan areas of the United States that are centers of addiction.

Several of the committee's recommendations with respect to legislation needed to fight organized crime have, since the publication of its report, been enacted. Among these are provisions for granting immunity from prosecution for witnesses in cases involving organized crime, and wiretapping.

Among those recommendations which have not been enacted, and which appear to have great merit, are, first, "legislation that would make it a crime to engage, by pledge or oath or the act of joining, in a conspiracy involving membership in such secret organizations that are devoted to the violation of laws, to the pursuit of criminal enterprises, and to the protection of the membership of the organization in the commission of unlawful acts," and second, "legislation for the establishment of a commission which would have two specific responsibilities and duties: first, to act as a national clearinghouse for criminal intelligence, and, second, to act as an investigative agency in the field of organized crime in a status similar to that of a congressional committee, with the commission holding hearings and periodically reporting its findings and recommendations to the Congress and to the Department of Justice."

It will be noted that the first part of this second recommendation has essentially been implemented through the widely acclaimed and effective National Criminal Identification Center—NCIC—of the Federal Bureau of Investigation. As to the other recommendations, I urge the able chairman of the Committee on Government Operations to renew the focus of the committee's attention on them, with a view toward specifically recommending action thereon by the Judiciary Committee.

RECENT CONGRESSIONAL ACTIONS

More recent congressional activities have dramatized the continuing expansion of organized crime. Instead of diminishing over the years, organized crime has become progressively stronger by involving itself in a variety of new enterprises.

Hearings during this past year by the Senate Commerce Committee and by the Senate Committee on Government Operations have confirmed that the threat to the United States posed by organized crime has grown with each passing year. Like a giant corporate monopoly with a captive and growing market, organized crime reaps greater and greater profits built on greed and the misery of those they exploit.

Two of the major areas of mob expansion explored by the Senate committees are the encroachment of organized crime on legitimate business enterprises, and theft of securities.

The chairman of the Committee on Commerce (Mr. MAGNUSON) in leading the investigation into the legitimate business interests of organized crime said early this year:

> Long-time students of organized crime feel that its encroachment on legitimate commerce will continue to accelerate, since its illicit activities generate such large amounts of cash that there is no alternative to investing in more, and larger, enterprises. If this situation is allowed to continue unchecked, it is possible that organized crime may gain a stranglehold on so many strategic elements in our economic structure that it will eventually undermine our entire economic and political system.

Let me state the last part of that quote again, for it is fraught with terrible significance for the future of this country. The chairman of the committee, the Senator from Washington (Mr. MAGNUSON), said that organized crime can "undermine our entire economic and political system." The radical left, Fidel Castro, and communism generally have been considered to pose threats, in varying degrees, to the security of the United States. But none of these threats has the resources to accomplish its goal to the degree or to the extent that organized crime does.

It has been estimated that organized crime's financial holdings amount to at least 150 billions of dollars. This is considerably more than 10 percent of the entire gross national product of the United States.

According to the Committee on Government Operations, losses of Government and private securities in 1970 amounted to more than $227 million. The chairman of the Committee (Senator McCLELLAN) said in his opening statement launching hearings on organized crime and stolen securities:

> There are two principal categories of securities thefts: registered mail stolen at airports—and securities stolen by inside operators within banks and stock brokerage houses. The thieves dispose of the loot through organized crime channels.

In addition to the involvement of organized crime in securities thefts, the Senate Permanent Subcommittee on Investigations expects to hold further hearings, after receiving results of preliminary staff investigations, on the operation of organized crime in the field of gambling, labor racketeering, credit card thefts and fraud, pornography, smuggling and distribution of narcotics, infiltration of legitimate business, and a number of other important areas.

CURRENT EFFORTS OF THE JUSTICE DEPARTMENT

More than a year has now passed since the enactment of the Organized Crime Control Act of 1970. Since that time the Justice Department has been more and more active in the war against organized crime. Fine cooperation has developed with State and local law enforcement agencies. But more—much more—remains to be done.

It appears that the Justice Department intends to pursue vigorously the attack on organized crime. There have been developed some 18 strike forces: streamlined, efficient crime fighting operations drawing on the talents of several Government agencies. Considerable staffing improvements have been made—the Department has secured from Congress an appropriation for fiscal year 1972 which as I understand it, provides all the increases in staffing requested for the Organized Crime and Racketeering Section. The agency expects to have a staff of 252, during the next year, about half of which are attorneys, compared to 89 attorneys in 1970, and 65 attorneys in 1968.

The Attorney General has mounted the first strong campaign against organized crime since the late Robert F. Kennedy's diligent efforts. Armed with legislation enacted in 1968 and 1970, the Justice Department has made some impressive progress in the past year in the investigation, indictment, and conviction of members and associates of the organized crime syndicate.

Yet, the Nation must have assurance that the current effort will be a continuing one, and, rather than being allowed to lag due to public apathy at some future time, that the war against organized crime is relentlessly accelerated, until organized crime is totally eliminated. In a recent "inside" account of organized crime by Gay Talese, a book entitled "Honor Thy Father," it was stated that the mob cannot tolerate pressure by law-enforcement agencies. According to Mr. Talese, the pressure imposed on organized crime by Attorney General Robert Kennedy resulted directly in interfamily warfare in New York which, if continued, we are told, could have destroyed the New York mobs.

REASONS FOR LEGISLATION

To accomplish this goal, I strongly believe, requires the institutionalization of the Federal organized crime control effort. It requires that the war against organized crime be placed under the direction of a man who can command the manpower and resources which are equal to the task—a task which is universally acknowledged to be formidable.

To do this requires the elevation of the Organized Crime and Racketeering Section of the Criminal Division to division status, headed by an Assistant Attorney General for Organized Crime Control.

There are several reasons why the measure I introduced today is "an idea whose time has come":

First. A massive effort against organized crime is just beginning. Even though our law-enforcement agencies knew of the existence of organized crime many years ago, and though the impact of the Appalachian meeting of the underworld bosses was great, the revelation of the size and composition of the organization was not made until 1963, with the testimony of Joseph Valachi. Strike forces have now been established in most of the major cities which have a high infiltration of syndicate mobsters. A concentrated, single-purpose effort is essential to the success of this program. An institutional office of Assistant Attorney General for Organized Crime Control will help assure that the effort continues.

Second. The Organized Crime and Racketeering Section has grown steadily and is now comparable in size or larger in terms of manpower than several of the existing divisions. For example, in its presentation to the appropriations committees concerning the fiscal year 1972 budget, the Justice Department indicated need for a staff of 252 in the Organized Crime and Racketeering Section. The Internal Security Division has 108 personnel, the Civil Rights Division has 337, the Land and Natural Resources Division has 213, and the Criminal Division, exclusive of the Organized Crime and Racketeering Section, has 247. Moreover, the Criminal Division has other sections which bear on organized crime, such as the Management Labor Section and the Narcotics Section, which could, and probably should, be a part of an Organized Crime Control Division.

Third. An organization such as I propose, with an Assistant Attorney General at its head, will facilitate the attraction and retention of capable and dedicated employees, far more than is now the case. Also, there should be a recognition that the increasing importance of the job of combating organized crime must carry with it a need to upgrade the status of the man who heads it.

CONCLUSION

Certainly, the fight against organized crime is as important to the welfare of the United States and its people as the fight against antitrust violations—for which there is a division—or the fight against external forces attempting to undermine the country—for which there is a division. In fact, it would appear that, standing alone, the Federal effort concerning organized crime should be at least as important as the reasons for establishing each and every division which now exists in the Justice Department. It logically follows that a separate division should be established as the focus for the eradication of organized crime.

Consider the almost incredibly far-reaching effects of the total elimination of organized crime:

First, well over half the crimes in major cities could be eliminated;

Second, narcotics addiction would be reduced drastically;

Third, the need for welfare dollars would be reduced;

Fourth, prostitution would be reduced markedly;

Fifth, securities thefts would be all but eliminated;

Sixth, the corruption of police and other public officers would be vastly reduced;

Seventh, some $50 billion would be freed for legitimate economic use each year; and

Eighth, fear and intimidation associated with organized crime activities would be stopped. All sorts of corollary benefits would also flow from the elimination of this private government of crime.

Mr. President, the United States has embarked on some worthwhile, massive efforts in the past to attain its national goals. The effort to put a man on the moon was successfully accomplished through the creation of a focal agency, NASA. Massive programs will soon be created to deal with the drug epidemic in America, and with cancer. Let us also eliminate the cancer that is organized crime. Let us create a focus for that effort through an Assistant Attorney General for Organized Crime. The importance of eliminating this criminal sword of Damocles which corrupts public officials, destroys our young, and further impoverishes the poor, cannot be overstated.

Therefore, Mr. President, I urge that the bill receive careful and favorable consideration by the Committee on the Judiciary, by the Congress, and by the administration. I pledge to assist the committee in its deliberations, and I welcome the cosponsorship of this measure by Senate colleagues.

Mr. President, I send to the desk the bill which, as I have indicated, is being introduced to create the position of Attorney General for Organized Crime Control. I ask that the bill be appropriately referred.

The PRESIDING OFFICER (Mr. TAFT). The bill will be received and appropriately referred.

By Mr. GRIFFIN (for himself and Mr. WEICKER):

S. 3009. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increased protection for animals in transit. Referred to the Committee on Commerce.

ANIMAL WELFARE

Mr. GRIFFIN. Mr. President, last December Congress enacted the Animal Welfare Act of 1970.

This legislation, which amended the 1966 act, went a long way toward assuring humane treatment of animals by establishing federal standards, expanding the number of animals covered, broadening the classes of persons regulated, and strengthening enforcement provisions.

Loopholes in the law remain, however. For example, common carriers are not covered. Neither are most pet shops.

Most of us are familiar with appalling stories of maltreatment of animals during shipment. In one case, an owner became so enraged due to the death of his prize winning dog after an airline flight that he attacked the airplane with an ax.

Today, I am introducing on behalf of myself and the Senator from Connecticut (Mr. WEICKER) legislation which would plug some of the loopholes in current law.

The bill would extend coverage of the Animal Welfare Act to common carriers, terminals, and all pet shops. In addition, the bill would extend protection to birds, in the case of pet stores and zoos.

This legislation has also been introduced in the House by Representative G. WILLIAM WHITEHURST.

Mr. President, it is unfortunate that legislation such as this is necessary. Sadly, however, it appears that we in Congress must act to protect animals which cannot protect themselves. I hope that Congress will proceed to the timely and favorable consideration of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3009

A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increased protection for animals in transit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (f) of section 2 of the Act of August 24, 1966 (7 U.S.C. 2132), as amended by the Animal Welfare Act of 1970, is amended (1) by striking out ", but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer".

(b) Subsection (g) of such section, as so amended, is amended (1) by inserting "(1)" before "means", (2) by inserting "(other than a bird)" after "such other warm-blooded animal", and (3) by inserting after "or as a pet" the following: ", and (2) when used in connection with a retail pet store or zoo, means, in addition to any animal included in clause (1), any bird".

SEC. 2. (a) The second sentence of section 13 of such Act (7 U.S.C. 2143), as amended by the Animal Welfare Act of 1970, is amended by inserting after "Such standards" the following: "shall apply with respect to the facilities of any person licensed under this Act and also to terminal facilities used by any common carrier licensed under this Act and".

(b) The first proviso in section 3 of such Act (7 U.S.C. 2133), as so amended, is amended by inserting after "his facilities" the following: ", or in the case of a dealer who is a common carrier, terminal facilities used by him."

By Mr. NELSON (for himself, Mr. JAVITS, Mr. CASE, Mr. CRANSTON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. RANDOLPH, and Mr. STEVENSON):

S. 3010. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, on behalf of myself and Senators JAVITS, CASE, CRANSTON, HUGHES, KENNEDY, MONDALE, RANDOLPH, and STEVENSON I am introducing legislation to extend authorization for Economic Opportunity Act programs for 2 years through June of 1973. The administration's untimely veto of S. 2007, the Economic Opportunity Amendments of 1971, has left the 950 local community action agencies and thousands of Headstart and manpower program sponsors in confusion on the future of the program. It has left those individuals and organizations who supported the concept of a Legal Services Corporation and recognize the necessity of a comprehensive child development program in dismay. Therefore, I believe it appropriate for those of us who seek to extend and expand this Nation's efforts to eliminate poverty to move as quickly as possible to consider and to pass new legislation, legislation which we hope the President will be willing to sign.

The bill I send to the desk is for the most part identical with the conference report approved by this body by a vote of 63 to 17 on December 3. In September the Senate passed S. 2007 by a vote of 49 to 12. The changes we have made with some reluctance are to avoid a further head-on collision with the administration over child development legislation. Therefore the bill contains the extension of the current Office of Economic Opportunity programs for 2 years, including the Neighborhood Youth Corps, Operation Mainstream, Emergency Food and Medical Services, Alcoholic Counseling and Recovery, and other vital programs under the Economic Opportunity Act. In addition, it authorizes a new title VII, a community economic development title which draws together the current title I–D community economic development program, and the title III–A rural loan program which the administration has sought to phase out. Other important new programs include new programs for rural housing, and environmental action program, both added by the House to its version of the OEO extension and accepted in conference.

The bill also includes the Legal Services Corporation as approved by the conferees. Let me say that, until the arrival of the Presidential veto message, we believed that the structure of the board of the Corporation, allowing for a balanced membership consisting of six members appointed directly by the President and 11 members appointed by the President from lists submitted by bar associations and groups representing legal services attorneys and clients, represented a responsible solution to a difficult problem.

The principal thrust of the administration's veto message was against the child development title of S. 2007 as approved by Congress. Mr. President, as I stated on the floor at the time of the debate on the attempt to override that veto, I believe that the President was seriously misled as to the contents of the child development program. When women on welfare with young children would be required to seek work under the administration's Family Assistance Plan, making it necessary that they make provision for the care of their children while they are at work, it is devoid of logic for the administration then to attack the child development legislation which has no element of compulsion about it but merely seeks to establish a framework within which working mothers whose children must be cared for one way or another could help organize and direct quality developmental programs. There is no rational sense of priorities in the administration's rejection of S. 2007. It is particularly sad in 1971 that the veto message suggests that those who disagree with the administration on policy grounds are irresponsible radicals who seek to weaken the American family. In any case, Mr. President, the deed has been done, and however insubstantial the grounds for the veto, those who support OEO and child development must live with the fact.

The bill we are introducing today for the extension of the Economic Opportunity Act drops the child development title and instead provides for a significant expansion of the Head Start program, authorizing $500,000,000 for fiscal year 1972 and $1,000,000,000 for fiscal year 1973. The bill would also specify in the law the fee schedule for child development services that the conferees negotiated out at such great length with the administration. This fee schedule would preserve an important principle of the child development title which was contained in the vetoed bill. That principle is that federally assisted child development programs should be available not only to the very poor, not only to families on welfare, but also to those families who are struggling hard to survive on very modest incomes just above the poverty line. Under this provision, free child development services would be available to families earning up to $4,320 a year, and low cost child development services for families earning up to $6,969 a year. A family of four earning $6,960—the lower living standard budget as determined by the Bureau of Labor Statistics for an urban family of four—would be required to spend no more than $319 for child development services.The bill also would write into law the provision contained in current Head Start guidelines, which was included in the child development title of S. 2007, providing for Head Start programs to establish project policy committees, half of the members of which must be parents of children served by the project.

Mr. President, I hope that the Senate will be able to act very promptly on this legislation when we convene in January. The administration's veto of S. 2007 is untimely, unfortunate, and in my opinion entirely unwarranted. It is essential, however, that we do not falter but move forward as rapidly as possible to adopt responsible legislation for the Office of Economic Opportunity in the hope and the confidence that the President will be willing to sign such a bill in the near future.

Mr. President, I ask unanimous consent that at the conclusion of my remarks editorials from the New York Times and the Washington Post be inserted in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 12, 1971]

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated." . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge head-long financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

[From the New York Times, Dec. 11, 1971]

ABANDONED COMMITMENT

President Nixon explained his veto of the child development program by calling the plan too costly, administratively unworkable, professionally ill-prepared and designed to undermine the American family. The sweeping nature of this attack cannot obscure the fact that the concept of child care and development enjoys broad popular support across most of the traditional divisions of politics, class, economics and race.

The arguments put forth in the veto message are not convincing. Initial costs would not have been high. By limiting free services to the welfare level of poverty, Congress had already responded to the Administration's budgetary objections. Contributory fees could have readily been revised later, when operations would have provided a clearer picture of the extent of voluntary participation.

The President's vague reference to an unworkable bureaucracy reflects the Administration's apparent preference for control and management by the states, hardly the best administrative level for action that must be geared to local communities and neighborhoods. Participation by a wide variety of public and non-profit private agencies was one of the attractive features of the plan.

The President's charge that day care weakens the family ignores the realities of much of modern family life. Poor and working-class families normally have to leave their children improperly supervised or entirely unattended for much of the day; families at virtually all other income levels rely heavily on baby-sitters and, in the upper brackets, a variety of domestic help.

Mr. Nixon is justified in his concern over the lack of trained personnel, but much of the bill's first-year expenditure was to be devoted to the necessary training. The veto suggests that the President's concept of child care is limited to welfare cases and is only custodial at that. This approach reduces the chances that disadvantaged children will be lifted out of their debilitating environment at an early age.

In his message, Mr. Nixon observed that the proposal "points far beyond what the Administration envisioned" when it made its earlier commitment of providing healthful and stimulating development for all American children during the first five years of life. But in the absence of a positive program, his veto has reduced that supposed commitment to mere political rhetoric.

EXTENSION OF ECONOMIC OPPORTUNITY ACT: ONE MORE TIME

Mr. CRANSTON. Mr. President, I will speak briefly about the bill (S. 3010) to extend the Economic Opportunity Act for another 2 years, which, I have joined in introducing with the distinguished Senator from Wisconsin (Mr. NELSON), the chairman of the Employment, Manpower, and Poverty Subcommittee, the distinguished Senator from New York (Mr. JAVITS), the ranking minority member of the full Labor and Public Welfare Committee and the distinguished Senator from Minnesota (Mr. MONDALE), chairman of the Subcommittee on Children and Youth.

As my fellow sponsors have indicated, the bill contains the same provisions as S. 2007, the Economic Opportunity Amendments of 1971, vetoed by the President on December 9, 1971. I regret very much that we could not muster the necessary two-thirds vote to override the veto when that motion was before the Senate this past Friday, December 10. I will not, at this point, reiterate the concerns I expressed during debate, except to express my admiration for the Washington Post editorial yesterday, which, I believe, placed the President's veto in proper perspective.

The bill we join in introducing today contains provisions identical to those in section 17 of the vetoed bill to establish a National Legal Services Corporation. I remain fully committed to the achievement of such a nonprofit independent, nonpartisan corporation as the solution to ensuring continued integrity for legal services programs. It is my hope that the principles embodied in the National Legal Services Corporation title, as today reintroduced, will be able to prevail in the final disposition of this matter.

Mr. President, the bill as introduced today, however, does not contain the other major provision in S. 2007 as it was vetoed: section 13, which added a new child development title. Instead, the bill we introduce would expand the present Headstart program in three ways: first, by authorizing the appropriation of $1 billion in fiscal year 1973; second, by writing into the provision presently governing Headstart the provisions contained in section 516(a) (8) in the vetoed Child Development title, specifying that free services are to be provided to children from families earning $4,320 and that participation by children of families earning between $4,320 and $6,960 would be governed by a specific fee schedule which would permit participation in these programs by near-poor and lower income families; and third, by providing that Headstart grantees establish a project policy committee, composed at least one-half of the parents of participating children elected by parents of all eligible children in the particular community with the function of approving basic policies and decisions with respect to that program, along identical lines to the provisions of section 516(a) (5) of the vetoed Child Development title, which itself was modeled on HEW Office of Child Development Parent Participation guidelines.

Although I have participated actively in the development of this proposal to expand the present Headstart program and believe that it is a viable, although limited, alternative at this point given the President's unjustified veto, I am not committed to this particular approach as necessarily the most advantageous one. I remain fully committed to the goal of achieving comprehensive child development legislation and believe that we must in the weeks ahead develop an immediate legislative approach which will be most effective in achieving this goal.

In working toward that end, I will, of course, counsel with my good friend from Minnesota (Mr. MONDALE), the principal author of the original child development provisions, and expect to be greatly influenced by his views. I know he will continue his most effective efforts to bring about a resolution of the very complex political situation which the President's veto has created. I know he will seek to obtain the best possible legislation after consultation with all interested parties and will be openminded and generous in his deliberations consistent with the basic principles embodied in the provisions of the child development title contained in S. 2007.

Senator MONDALE is necessarily absent today, but he has asked me to submit for the record a statement he would have made had he been able to be present. I ask unanimous consent that Senator MONDALE'S remarks be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, I look forward to working with Senator MONDALE, as well as with Senators NELSON and JAVITS, to move the bill through subcommittee and full committee and to the Senate floor for a vote within the first several weeks of the second session of the 92d Congress.

STATEMENT OF SENATOR WALTER F. MONDALE

Mr. President, I am pleased to join with the distingished Senator from Wisconsin (Mr. Nelson), the distinguished Senator from New York (Mr. Javits), and the distinguished Senator from California (Mr. Cranston) in cosponsoring the bill to extend the Economic Opportunity Act, provide for the establishment of a National Legal Services Corporation, and for other purposes.

I am particularly pleased to support the provisions in this bill designed to strengthen and improve OEO programs including neighborhood health centers, emergency food and medical services, community action programs, alcoholic and drug treatment, family planning, older worker programs, migrant assistance and community economic development.

As the chief sponsor of S. 1305, the National Legal Services Corporation Act, I am also very proud and delighted to support the much needed provisions in this bill designed to create a National Legal Services Corporation—in order to insulate this terribly important program from political pressure.

With respect to child development, this bill contains provisions designed to improve and expand Project Head Start. While I strongly support the excellent Head Start program, as the sponsor of S. 1512, the Comprehensive Child Development Act of 1971, I am uncertain at this point about what other, if any, child development provisions this bill should contain.

Thus, in cosponsoring the bill, I want to reserve the opportunity to explore more deeply during the recess other options for child development initiatives or Head Start improvements in this legislation.

Mr. JAVITS. Mr. President, as the ranking minority of the Committee on Labor and Public Welfare, I am pleased to join with Senator NELSON, the chairman of the Subcommittee on Employment, Manpower, and Poverty, in introducing this bill to extend the Economic Opportunity Act.

We have moved quickly so that the essential poverty programs—which have already suffered so much—may receive a new authorization at the earliest possible date, and so that the poor, those who work at OEO, in community action agencies and otherwise in the program, may receive a new assurance that we do not feel the Congress has given up in the face of the veto.

The bill we introduce today is identical to the conference bill in respect to the basic authorizations for the OEO; the establishment of a nonprofit corporation for legal services; and a new title for community economic development; and all other items except child development.

It does not contain the child development title to which the President particularly objected. Instead, it would advance our child development efforts under existing law by:

Providing for an authorization of $1,000,000,000 for fiscal 1973 for Headstart and Follow-Through programs. The child development title of the vetoed bill would have authorized $2,000,000,000 for that year. For this fiscal year 1972 a total of $436,377,000 already has been appropriated for these purposes, consisting of $376,317,000 for Headstart and $60,060,000 for Follow-Through.

Requiring the Secretary of Health, Education, and Welfare to establish a fee schedule under the existing Headstart program through which a family of four with $4,320 income would receive free services, and nominal fees would be charged between that level and $6,960, the so-called BLS standard. This provision is important to help the child in Headstart and follows exactly that contained in the conference bill in an effort to meet the administration objectives;

Requiring each Headstart project to establish a project policy committee, at least half of the members of which shall be elected by parents of eligible children; this provision follows that contained in the child development title.

Mr. President, I want to make clear that as a principal sponsor, with Senator MONDALE, of the child development title of the vetoed bill, I in no way to intend to abandon it. I urge the Committee on Labor and Public Welfare to proceed with comprehensive child development legislation at the earliest possible moment and I do not preclude it being added to this legislation—if the parties can be brought together. However, I stress again our primary objective of providing for the continuation of existing programs and for the improvement of what can be improved. As ranking Republican member of the committee I hope very much that the administration will work with us so that a bill meaningful to the poor may be quickly signed into law.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2465

At the request of Mr. CHILES, the Senator from Utah (Mr. MOSS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. CANNON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2465, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2539

At the request of Mr. GRIFFIN, the Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE), the Senators from Wisconsin (Mr. PROXMIRE and Mr. NELSON), the Senators from Indiana (Mr. BAYH and Mr. HARTKE), the Senators from Illinois (Mr. PERCY and Mr. STEVENSON), and the Senators from Ohio (Mr. TAFT and Mr. SAXBE) were added as cosponsors of S. 2539, to designate certain lands in the Isle Royale National Park in Michigan as wilderness.

S. 2738

At the request of Mr. HUGHES, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2738, a bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 2825

At the request of Mr. PEARSON, the Senator from Missouri (Mr. EAGLETON), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2825, establishing a government administered life insurance policy to all Vietnam era veterans.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. ALLOTT, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of Senate Concurrent Resolution 49, calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

LIMITATION OF EXCLUSIONARY RULE IN FEDERAL CRIMINAL PROCEEDINGS—CRIMINAL

AMENDMENT NO. 790

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill (S. 2657) amending title 18, United States Code, to define and limit the exclusionary rule for Federal criminal proceedings.

NOTICE OF HEARING ON STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT

Mr. JORDAN of North Carolina. Mr. President, I have scheduled a meeting of my Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices for tomorrow morning at 9:30 a.m. in room 324 of the Senate Office Building to consider H.R. 1163, the Strategic Storable Agricultural Commodities Act, which was passed by the House on December 8. Hearings on similar Senate bills were held by my subcommittee on November 10, and I am anxious to report a bill out for consideration by the full committee.

ADDITIONAL STATEMENTS

SOVIET VERSUS UNITED STATES STRENGTH

Mr. CASE. Mr. President, with the sober judgment and balance that we have come to associate with him, in a recent press conference Deputy Secretary of Defense David Packard dealt at some length with the questions involving Soviet versus United States strength in strategic and conventional weaponry.

Because his remarks were made at a time when most of us were preoccupied with legislative matters, I ask unanimous consent that excerpts from his October 21 press conference be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SOVIET VERSUS UNITED STATES STRENGTH

Q. In our relations with the Soviet Union and the change in the situation, how do you reconcile what appears to many people in this country to be a major buildup in arms on their side during these negotiations?

A. I really think that gets back to what I intimated earlier that there are doves and hawks so to speak in the Soviet Union and I think some of the people are essentially moving ahead with programs that were underway. One of the things that we often overlook is that you don't go out and start tomorrow on a new program if you are going to replace some of your older missiles with some new ones; several years of work that goes ahead. We sometimes misinterpret these moves as being things that were done on a short-term basis and they're generally not a short-term basis. I think these things are primarily evidences that they're continuing with things they had planned. The Soviet submarine buildup is a good example of that; you don't decide you are going to build twice as many submarines and start working on them months from now; you've got to do the planning. They have long lead time problems the same as we do. There's no question that they have a very substantial buildup underway in the strategic arms area and our position has to be that if we are not able to agree on a limitation to this buildup, we will have to do some things here in the U.S., but I don't see that we have reason to do anytthing today; we have a number of programs underway. We don't want to overlook the fact that we are now equipping our Polaris fleet with Poseidons; we're improving our Minuteman capability; we've got B–1 bomber that's in development; we've got an ULMS program which we have just looked at and moved ahead on and which will provide us with the capability of strengthening our Polaris Poseidon fleet in a shorter time period if that's necessary and at the same time enable us to replace it or do whatever is necessary for the decade of the '80s, so, that in a sense, we're not sitting still either.

I think we have to be prepared in what we do for whatever the outcome in SALT is. I personally am very hopeful and I believe it's important for us to come to some agreement here. We have to have an agreement which will be acceptable in terms of our security and the security of our allies, and at the same time if for some reason we are not able to reach an agreement we have to be in a position to go ahead in whatever way is appropriate. I really think this in terms of what I've said is the overall situation here that we are moving into a period in which we can at some point get this problem under control and I think we are approaching it in a very realistic and objective way. I've been very close to this from the beginning and I take some satisfaction in seeing that the situation is greatly improved today from the way in which we saw it in the Spring of 1969.

Q. Are we really that close to losing our strategic superiority to the Russians?

A. When you are talking about strategic superiority this is a complex question. We had strategic superiority at the beginning of the early '60s, in the sense that we had a substantial larger number of weapons and of sufficiently larger number that an outcome of a nuclear exchange might have been reasonably livable; it wouldn't have been very good for the world but it would have been livable. I think we're in a situation today that almost any conceivable nuclear exchange is going to be almost unlivable for both the Soviet Union and the U.S. So, when you talk about superiority in terms of nuclear war, the question of whether you have a few more or a few less is not really the issue.

Both the U.S. and Soviet Union have adequate number of weapons that a nuclear war is unthinkable today, particularly in terms of what it was 10 or 15 years ago; it was unthinkable then but it's just completely unthinkable today.

Now, that, of course, says that in a sense there probably isn't any such thing as a nuclear superiority in terms of any ability to use them. There are some things however that you'd have to keep in mind here. The first place, the fact that we both have a very high-level nuclear capability and hopefully both have enough sense to know that it isn't any possible exchange that would be acceptable, this then puts the military situation in terms that we have a great deal more need to look after our general purpose force capability; that confrontations on that plane are much more likely to be the problem than a nuclear exchange. So, this situation does make a change in terms of what we have to think about in our military planning.

There's another aspect and that's simply the psychological aspect in terms of our ability and the Russians' ability to influence negotiations vis-a-vis each other and as a third party. If the Russians can go around and brag that they have 50% more missiles than we have, their missiles are bigger, and they have 50% more submarines than we have, although it is not necessarily a disaster in terms of the likelihood of a nuclear war, it can make them look physically stronger and more impressive that they can increase their influence in many ways. I think that their naval buildup is very much directed at that concept; I don't think they see that they, certainly not in short term, are not going to build up a naval capability in terms of the likelihood of a confrontation with us in the real sense, but it certainly gives them the ability to show the flag around the world and result in influence they have in their negotiations. I think really we've got to keep in mind that may be the more important aspect of these things that's going on.

Q. A number of people have rediscovered the Soviet bomber this year. Could you give us your personal assessment of whether this plane is in production and two, whether you expect the Soviets to produce any more than it takes to make it (unintel.)?

A. I don't know that I can give you any very useful assessment on those specifics. This plane does give the Soviets the ability to expand their bomber force if they wish to do so. I don't think we see evidence of a big program in that direction; I think it's too early to know what the intent is, I don't think we have enough information to assess that. Whether they will want to supplement their nuclear forces with a bomber, I think gets back in part to this matter we were talking about earlier. I don't think there are any great need for them to do so; they have a very good land-base missile force and they are building up as you know a very substantial submarine missile force. I think it's just a question of prestige if you want to put it that way. They may want to have a bomber force, too, so they can look as though they're at least our equal in every aspect. It's too early to assess that question. One of the troubles I'm sure you all recognize we have is we are worrying about certain things that happen but nobody yet figured out how to assess the intent, and as you look back over the years people thought the Soviets were going to build up to a land-base missile level about ours and level off; that was the general theory, but there was no way in the world to know what they were going to do. It turned out that wasn't what they did. So it's very difficult for us to project these things out in the future.

Q. Is there any evidence that the plane is gone beyond the development phase and is actually in production?

A. I just can't give you any very substantive answer to that point at this time. It looks as though they may be starting some production but I wouldn't assess this as anything that would be indicative of whether they are going to build up a big force or not. I think we'll get some better indications of this during the next few months, during the next year. I don't see this as a requirement for us to make a major change at this time in our planning for our U.S. air defense. We may have to do that in the future; that's about all you can say at this time.

Q. Just a moment ago you said there was once a thought that the Russians would level off when they came even with us on missiles and this moves me to ask you if you aren't caught with a misjudgment of the Soviet Union and your rather sanguine view to the prospects for peace. I'd like to ask this question: Have you decided now whether the Russians will be satisfied with parity and whether they have any concept of a nuclear balance as remotely similar to ours?

A. Yet me just make a comment about your point first. While I am perhaps optimistic, hopeful in terms of what can be done, I want to emphasize that in terms of our defense planning, we are trying to do everything we can to be prepared for a less optimistic outcome if that should be the results. I don't want anyone to think that we are not planning to be protected in case the outcome is not as optimistic as I expressed it here. I think we have a responsibility to (unintel) the security of the country if we fall back off the present plane of negotiations. What was the other one?

Q. I just wonder if you think that the Soviets look at the nuclear balance the way we do and have thought they did or whether parity is of no interest to them whatsoever?

A. Two things I would like to say about that. I believe that these SALT talks have been useful in giving us a better understanding of how they look at the nuclear situation and in giving them a better understanding of about how we look at it, and I think there are some people on both sides that look at it about the same way. Now, I get back again to the point I made earlier that I'm sure the people in the government of the Soviet Union are not thinking all in the same vein; I think you've got some divergence of opinion within each government; I think there is a very good chance that we are close enough together in the way we look at this situation that some viable agreement is possible. If we don't have confidence and were looking at this thing the same way, then it's going to be very difficult to come out of it with any good. I think that the talks themselves have been helpful in bringing a better understanding by both sides about how we're thinking and about how they are thinking.

Q. But have they influenced either side very much in general plans? Are they going for a first strike capability as your chief suggested a couple years ago?

A. Again, the only thing I can say is that we can't tell what their intent is; we are very much concerned about their capability and that's why we have placed so much emphasis on their buildup of these large missiles. I can say further that if they are going for a first strike capability I think we'll know it fairly soon and they'll not be interested in containing the levels they are talking about.

Q. They'll what?

A. If they continue to buildup these large missiles, I think that will be additional evidence that will support the possibility; they may not want to level off; they may be concerned about building up a first strike capability, but they don't have that at the present time. I think we've said many times when we talk about this, we're talking about what's going to happen several years from now, and we have to watch this matter very carefully.

ADDRESS BY RICHARD C. GERSTENBERG, CHAIRMAN, GENERAL MOTORS CORP.

Mr. BYRD of Virginia. Mr. President, Richard C. Gerstenberg, newly elected chairman of the General Motors Corp., delivered a significant address on December 2 to the National Association of Manufacturers.

He discussed the role of profits in the economic system of the United States—and the serious lack of public understanding about the need for profits in the American economy.

Mr. Gerstenberg points out that in our economic system—

> Business is conducted at the risk of loss and in the hope of profit. Call this system free enterprise, the competitive system, capitalism, or the profit system—whatever—it has provided our people with a quality of life unmatched in the world or in history.

Mr. Gerstenberg makes a significant point when he says:

> There are those who * * * imply there is a better way. But they never seem to come up with a workable alternative.

He makes another significant point in this statement:

> Now, this is not surprising, because other economic systems have consistently failed to produce the standards of life we enjoy in this country.

I ask unanimous consent that the text of Mr. Gerstenberg's speech of December 2, 1971 be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Richard C. Gerstenberg, Vice Chairman, General Motors Corp., to the National Association of Manufacturers, New York, December 2, 1971

Thank you, Mr. Raynes. I am honored to address your annual meeting of the National Association of Manufacturers.

I note your theme this year is "Progress Through Understanding". Profits—the topic that your chairman, Ed Dywer, has suggested for me—is entirely appropriate. I don't know any subject more essential to progress, or any subject more in need of understanding today.

President Nixon spoke of profits in September to the Economic Club of Detroit. He said that to discuss profits before such an audience was like the minister talking to the choir—and I feel the same way today. Except that, in talking to you, I hope I can talk through you, to a larger audience. I am going to ask your help to get an important message across to the public. I am talking to the choir, all right—but I am asking the choir to sing a little louder, so that the whole congregation may better hear the message, and come to see the light.

This afternoon, I would like to discuss the serious lack of public understanding about the need for profits in the American economy. I would like to give you some idea of the extent of this lack of understanding, explore some of the causes, some of the consequences, and suggest what all of us might do to improve the public's understanding.

The evidence is convincing that too many Americans are not as aware as we should be of the major trends in our economy—or how these trends affect the quality of our individual lives.

Let me tell you about the latest survey by Opinion Research Corporation, released just last week. It asked a representative sample of the American public this question, "Just as a rough guess, what per cent profit on each dollar of sales do you think the average manufacturer makes, after taxes."

The right answer, of course, is about 4% of sales. This is what it was last year, and it has never been as high as 6% since 1950. But what answer did the American public give? The median public estimate of a manufacturer's after-tax profit was 28%. The public erred by a factor of seven. The question has been asked before, but this was the highest profit estimate received over the past 26 years.

Consider this: at a time when profit margins are close to the lowest in a quarter of a century, the American public's estimate of profit is at its highest.

This fallacy about profit is not limited to one segment of our population. The misconception exists among every group surveyed: men and women, young and old, whites and blacks, manual workers and farmers, Republicans and Democrats, Americans with high incomes and those with low, those with some college education and those with none, those who own stock and those who don't. All guessed wrong, and all by a very wide margin. This is very disturbing to me.

But equally disturbing is the finding that one of every three adult Americans thinks the Federal government should limit the size of company profits. This is Opinion Research's highest measurement of public support for profit controls since 1948. That so many would limit profit at this time—when our nation has never needed profit more—indicates how seriously uninformed the public is, not only about the size of profits, but about the decisive role of profit in the working of our economic system.

You and I know that profits are to free enterprise what oats are to the racehorse—essential both as a reward and as a fuel for continued competition. Without the opportunity for profit, there would be no incentive to invest. Without profit, there would be a crippling lack of resources to apply either to expand business or to improve American life. Without profit, or the prospect of profit, the free enterprise system as we know it would simply cease to exist.

What you and I know as profit goes by many names:

Profit means growth for our nation and its people as a greater output of goods and services lifts our standards of living.

Profit means good wages and attractive benefit plans for the employe.

Profit means more sales for supplier businesses, more savings to the banker, and more consumer spending to local shopkeepers.

Profit means contributions to schools and hospitals and community agencies. Last year, American corporations contributed $900 million to such private organizations.

Profit means taxes to every city, state, and national government. More than half of all corporate profits are paid in taxes.

Profit means dividends to shareholders—to the 31 million Americans who own stock, and to the tens of millions more who indirectly own an equity interest in pension plans, mutual funds, and insurance companies.

And to our country, profit is the key to fulfillment of all our national aspirations.

As a nation, we have set for ourselves an ambitious social agenda. We want to achieve standards of public education, health, and welfare unknown to history. We want to abolish poverty. We want to rebuild our cities. We want to restore and preserve the beauty of our land, our waters, and our skies. We want to give every American—of whatever color, religion, or background—an equal opportunity to fulfill all his capabilities.

These historic and formidable tasks will require unprecedented resources. The hard fact is that these resources will simply not be available—not unless our economy continues to generate profit. Not one of these grand goals, not one, can be accomplished unless our economy is prosperous, because the growth of our nation depends on profits.

Let's look at the challenge of attaining full employment. Between now and 1980, our civilian labor force will grow 20%—from about 84 million to about 100 million. To provide jobs for these millions of new workers, we will have to substantially increase the $80 billion we now spend every year for new plant and equipment—for the facilities and tools workers need to work.

Or let's look at our national commitment to restore and maintain our environment. We must repair the damage of the past, and we must minimize damage in the future. This also will require enormous resources. The Council on Environmental Quality has put the cost of abating air and water pollution and disposing of solid wastes at $105 billion—about $17 billion a year—in the six years 1970 to 1975.

Let us be clear. These estimates, as large as they are, are not "pie in the sky", any more than they are firm forecasts. They are, however, indicators of the kind of money we must spend to do what we should—to do what we must if the growth of America is to match the aspirations of its people.

These endeavors leave no room for any anti-growth philosophy. On the contrary, their achievement will demand all the growth, all the entrepreneurship, all the risk-taking we can muster. Their achievement will require profit—profit to plow back into business so it can grow, profit to reward current investors, and profit to attract new risk-takers.

Only the profitable business can help accomplish our national goals. To choose an example from my own experience, this year alone General Motors is spending better than $214 million to fulfill our commitment to take the automobile out of the air pollution problem, and to eliminate pollution from our factories. These and similar efforts by other American businesses involve very significant expenditures. In addition, we have extensive training programs to qualify new employees, and to hasten the upward progress of disadvantaged employees. Like other American corporations, we are assisting low-cost urban housing, providing help to minority business, and adding substantially to our deposits in minority-owned banks. The point I emphasize is that such contributions by business to a better society are possible only because the individual businesses are earning profits.

Our system is not only a profit system—it is a profit-and-loss system. Every day businesses fail. Each failure eliminates a potential contributor to our nation's growth and to its ability to fulfill the aspirations of our people. The company that fails hires no new employees, develops no new products, pays no dividends or taxes, trains no minority Americans, makes no donations to private education, and contributes nothing to its community.

Profits are so fundamental to our way of life that it is difficult to see how their necessity can be questioned. Yet the need for profit *is being* questioned and, as I have indicated, its importance is far too little understood.

The public's lack of understanding about profit is being exploited today by those whose support of the President's economic program is, at best, reluctant. The traditional critics of profit were among the first to criticize the program. They were quick to label it a bonanza for business and a windfall for corporations. They were quick to urge controls on profits or at least a tax on excess profits. There was headline talk of "skyrocketing profits" and profit increases "going into the coffers of corporations."

Fortunately, President Nixon and his associates know the importance of profits. The President told the nation "Let us recognize an unassailable fact of economic life. All Americans will benefit from more profits. More profits fuel the expansion that generates more jobs. More profits mean more investments, which will make our goods more competitive in America and in the world. And more profits mean there will be more tax revenues to pay for the programs that help people in need. That is why higher profits in the American economy would be good for every person in America."

Now I couldn't agree more with the President. And I am sure you agree as well. Without a healthy economy that generates profit, all the talk of national goals is only empty rhetoric.

For a single business, or for our entire economy to remain healthy, it must have the means to finance its planned growth, and also to meet unforeseen financial emergencies compounded by inflation.

There is that item in the financial statement also called "retained for use in the business." This is what remains of income after taxes, dividends, and other obligations are discharged. Throughout business generally, it amounts about half of what is earned for the stockholders, and represents what they are willing to re-invest for future growth. It might be likened to the homely old saying, "Putting some money behind the clock." Business has been borrowing at an increasing rate in order to finance future growth. Here again, the prospect of profit is essential to attract debt capital. To get right down to cases, today's profit—or at least some part of it—is frequently required to pay tomorrow's cost—the unavoidable cost—of building a better business and a better America.

The need to repeat these simple basic propositions about profit has never been as urgent as today, when profits are so low and public misunderstanding is so great.

Those opposed to profits maintain they are now close to all-time records, and cite aggregate figures. These aggregate dollar figures, of course, are high, like all aggregate dollars today, enlarged as they are by inflation and reflecting as they do the long-term growth of our economy. The true measures of profits, however, are not aggregates. They are the relative rates of profit: the percentage of profit to the gross national product, the percentage of profit to the sales dollar, and the rate of return on investment. These tell the story of profit the public must understand.

Corporate profits last year, in the aggregate, amounted to $41 billion, after taxes. A large amount, true. But when measured in relative terms, corporate profits last year were low—just over 4% of GNP. You have to go all the way back to 1938 to find a time when this relationship was lower. The last few months have seen an encouraging upturn. For the first nine months of this year, corporate profits were 4.3% of GNP, a little better than last year.

Manufacturing profits as a percent of sales in the first half of 1971 were 4.2%, which, again except for 1970, is as low as in any year in the last 25. In terms of return on stockholders' equity, the record is equally poor. The ratio of after-tax profits to stockholders' equity has declined from 13% in 1965 to 9.3% in 1970. The first half of 1971 saw only a slight improvement—to 9.7%. Any decline in this ratio is especially disturbing because stockholders' equity is a measure of society's risk capital—the driving force in the economy.

Last year, 34 of the Fortune 500 top companies lost money. Of the 500 largest industrial corporations in our country, one out of every 15 was unable to add a dollar to its stockholders' investment.

Or we can look at the profit story another way: between 1965 and 1970, our GNP went up 42%, wages and salaries rose 51%, but corporate after-tax profits went down 11.4%.

The general profit squeeze throughout American industry in the last few years has not gone unnoticed by investors. With profits so low, it is not surprising that stock prices have increased very little since 1965. Furthermore, dividend payments have averaged less than 4% of market value. Many investors, therefore, would have reason to feel they would have been better off in savings and loan associations, where they would have earned 5% without taking all the equity risks of common stock. More recently, the high rate on bonds has increased their attraction as an investment alternative.

The American public must understand that, if our economy is to recover, it must offer greatly improved prospects for profit. For this is the basic requirement to attract the capital that finances the new jobs and the growth we need. Only when our people understand that the well-being of our country depends on the well-being of our economy, and this in turn rests upon industry's ability to generate profits, only then will the importance of profits be driven home to the average American.

In our economic system, business is conducted at the risk of loss and in the hope of profit. Call this system free enterprise, the competitive system, capitalism, or the profit system, whatever—it has provided our people with a quality of life unmatched in the world or in history. Nevertheless, it does have its critics. There are those who question the profit system and imply that there is a better way. But they never seem to come up with a workable alternative. Now this is not surprising, because other economic systems have consistently failed to produce standards of life we enjoy in our country.

Those who advocate change in our system have no interest in teaching the true role of profits. Instead, they foster and promote public misunderstanding, not only about the size and distribution of profits, but about our society's need for profits.

Many critics picture businessmen as oblivious to spiritual, esthetic, and moral values. They portray businessmen as materialists, interested only in acquiring money and power, and unconcerned with social progress. Such opinions are not confined to radical journals or the underground press. Rather, sometimes we find such views sincerely held by eminent Americans. We see them printed and aired in our news media, published in books, and duly catalogued in our libraries. Worst of all, anti-business criticism today is taught in some of our high schools and colleges.

Here the consequences are the most ominous. Many of this generation of young Americans—the brightest, the most concerned, the best motivated of any in our history, the young men and women business so sorely needs—are not being encouraged to follow careers in business. Instead, many are turning to other fields—sometimes in government, perhaps to regulate business, believing that profit is earned at the expense of society; or they go on to education, perhaps to teach to still another generation the misconceptions about profit that they were taught.

Recent years have seen a marked lessening of public confidence in the established institutions of our society, business among them. A recent Harris poll showed that the number of Americans who expressed confidence in the leaders of almost every American institution has dropped drastically in only the last five years. The church, government, the press, the military, education; all have lost respect in the eyes of the public.

As citizens, we have reason to be concerned at this loss of confidence in our national institutions. And as businessmen, we have an even more direct concern about what is happening to the public's understanding and regard of the place of business in American life.

We must drive home to the public the fact that American business is not any separate group. The well-being of our economy affects every American. We all have a common stake and a personal interest in a flourishing and profitable business system. More than ever before, American business is everybody's business.

The ownership of American business has never been more widely distributed. The number of shareholders—now 31 million—has increased 50% since 1965. Indirect owners, those who participate in pension programs and investment funds or hold insurance policies, now probably include the vast majority of our people.

Ownership of other liquid assets, such as bank accounts and savings bonds, is also broadly based. Over three-quarters of American families have bank accounts. In addition, a third of American families own Series E Savings Bonds. This form of bond ownership alone—most of which is held by individuals not normally considered investors—represents a claim on $54 billion of assets. It is no empty slogan that we all have a stake, and a most important stake, in American business. Consequently all of us, every American, should be concerned about the ability of American business to continue to prosper.

We must achieve greater understanding of the profit system, and soon, before public hostility and indifference to the well-being of business lead government to further limit freedom of enterprise, and further weaken the ability of American industry to compete in the marketplaces of the world.

We in this room—each of us and all of us—have a direct personal responsibility to get this story across to the American people, in their homes, on their jobs, and more importantly, in our schools. The responsibility to tell this story is ours. No one in American society better understands the need for profit, and the importance of profit, than the American businessman.

We must demonstrate—especially to a generation that has never known a Depression—that profits do not happen automatically. They have to be worked for. They have to be earned. They are the residual that is determined only after all the forces of consumer preference and competition have exerted themselves in the marketplace. Against this stern discipline, profits are really earnings, with all the effort, dedication, and hard work that word implies.

As we tell the story of profit—and the direct relationship of profit to progress—we must emphasize the vigor and strength of our economy. This year it will add the equivalent of some $50 billion in real terms to its output. In such a climate of growth, even our most ambitious national goals can be realized. We can reach our goals. With hard work and common sense, they will be realized. This should be a source of great encouragement to our people.

We must stress the need and importance of profits as we give our full support to President Nixon's economic program. Business has already accepted the short-term restraints and sacrifices so essential if we are to gain the long-term benefits which the program seeks. We must be ready to sacrifice today to strengthen the economy for the tasks of tomorrow.

When history looks back on this period of America's economic life, I hope that it will note that American business was the first to appreciate this necessity for sacrifice and the first to give unstintingly of its support to the President and to his efforts.

The theme of your Conference is "Progress Through Understanding." Let me assure you, there is no surer road to progress than through a better public understanding of profit.

We all want to generate the profits and prosperity necessary to meet our national goals.

We all want to maintain the continued leadership of the United States.

We all want to continue to move this great nation forward.

Now, let us do it.

TRIAL FOR GENOCIDE

Mr. PROXMIRE. Mr. President, article VI of the Genocide Convention says that persons accused of acts of genocide are to be tried in the country where these alleged acts occurred. Some people who oppose our ratification of this treaty do so because they believe article VI will require American citizens to be tried by foreign courts without any of the protections of our Constitution. It is argued that the United States will have to extradite those U.S. citizens accused of genocidal acts that occurred in other countries.

Desiring to make clear the meaning of article VI, the Foreign Relations Committee has recommended to the Senate the following understanding.

> That the U.S. Government understands and construes article VI of the convention—that nothing in article VI shall affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

Many nations have consistently asserted the right to try their own nationals for acts that occurred in other countries. In accepting this understanding, we will remove any doubt that we would not exercise such a right with respect to any of our citizens that might be charged with genocide.

We will have available the option of trying our citizens in our courts for acts that allegedly occurred in another country. At his trial the accused will be guaranteed all the rights of our Constitution. One such right which will be maintained is the double jeopardy clause of the fifth amendment. The U.S. Government will be unable to extradite a person to be tried in another country if they have already been tried here.

Mr. President, I urge the Senate to ratify the Genocide Convention as soon as possible.

SKI U.S.A., IT IS CHEAPER AND MORE STIMULATING

Mr. ALLOTT. Mr. President, I wish to challenge an advertisement published recently in a nationally distributed magazine, trumpeting the theme, "Ski Europe, It's Cheaper."

My great State of Colorado has become the mecca of ski and outdoor enthusiasts. The slopes of Vail, Aspen, Breckenridge, and others are the most stimulating in the world, Europe included. The vistas and panoramas of Colorado rival and surpass any place on earth—whether the countryside is locked in the majestic winter snow or exploding in the splendor of spring. The idea that one would have to cross any ocean to enjoy snow sports because they are cheaper is fallacious.

Let me set the record straight. Here is just one example I asked my office to make of the several airlines that serve Colorado:

The ski fares that United Air Lines introduced this year from the east coast to Colorado and other western slopes is a better price package than skiing Europe. During the 1970–71 ski season, it was $42 cheaper to ski Colorado than to ski Europe—$202 against $160. This year, at least until February 1, the difference will be $77—$202 against $125. Even after February 1, the difference between New York–Denver against New York–Munich will be $55 in favor of the Colorado skier.

Despite the puffery of promoters, the facts are clear that Colorado is not only the best ski country; it is the best ski-travel bargain. I call attention to the fact that my great State has been selected for the Winter Olympics of 1976, and that, in itself, is a fitting tribute to the quality of the skiing there.

MADNESS FOR SECRECY

Mr. FULBRIGHT. Mr. President, in the Washington Post of Sunday, December 12, Mr. William G. Florence wrote an article entitled, "A Madness for Secrecy."

This is one of the most significant articles on this subject that I have seen. It deals with one of the most serious afflictions of our country.

The madness for secrecy has done as much as anything I know of to undermine the credibility of our Government and to weaken our democratic system. Without candor and a degree of honesty among the participants a democratic system cannot function.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Madness for Secrecy

(By William G. Florence)

Every day they sit in the Pentagon, thousands of workers with rubber stamps marked "Confidential" and "Secret" and "Top Secret," and they stamp this paper and that, with little regard for what they are doing. It is a mass exercise in wish-fulfillment, a giant attempt to keep secret what is already public knowledge, what is bound to become widely known, or what is so trivial that it cannot possibly be of use to anyone.

In the process, the buying of toilet paper for some military men becomes a national secret. Purchases of paper clips and paint and long winter underwear can turn into guarded statistics. The purpose and dimensions of a new aircraft, long trumpeted in congressional hearings, remain, to the Pentagon's way of thinking, "Top Secret" matters. Literally millions of documents are needlessly classified alongside the relatively few—I would estimate from 1 to 5 per cent in the Pentagon—which must legitimately be guarded in the national interest.

All this would be rather humorous if it did not have serious consequences. But the fact is that the widespread abuse of secrecy provisions wastes staggering sums of money, undermines the integrity of our security system, and, as with the Pentagon Papers, conceals information which the public has a right to know.

This is not to suggest that there is a Pentagon conspiracy to hide embarrassing documents by stamping "Secret" on them. While that is sometimes the result, the secret-stampers rarely take the trouble to distinguish between what may or may not be embarrassing. Indeed, they rarely make distinctions about much else in the documents either. Which is precisely the trouble. They simply stamp away.

A BIZARRE EXERCISE

Tracing the causes and effects of this classification craze can be an exercise in the bizarre, one which I went through many times during my years at Air Force headquarters. It often begins, as it did in one case involving the F–111 fighter-bomber, with a single person at a single installation deciding that some piece of information should be closely protected. In this particular case, the person was in the Avionics Laboratory at Wright Patterson Air Force Base outside Dayton, Ohio, and what he wanted to protect was the process for turning out a metal used in the F–111.

The metal, tile-shaped pieces of ferrite developed privately by Conductron Corp. in Ann Arbor, Mich., "absorbs" radar signals. This distorts the plane's image on an enemy's radar screen.

As it happened, the same type of material had already been developed in the Netherlands, and similar radar absorbers were patented shortly afterward in Sweden. Moreover, Conductron had been generously scattering the metal tiles about in its sales effort. Despite all this, the Air Force man stamped "Confidential" on both the production process and the tiles themselves, an action which nobody above him questioned. To his mind, these were U.S. secrets, and Conductron and General Dynamics Corp., the prime F–111 contractor, were ordered to keep them so.

This was no small task. The companies, among other things, had to have special facilities to store all waste metal left from their work. The reason: The waste could not be destroyed by simple burning or shredding, the standard methods of getting rid of paper secrets. So it had to be hoarded.

From the mid-1960s until September, 1970, Conductron actually stored about 28,500 pounds of waste metal. At General Dynamics' Fort Worth, Tex., plant, where the tiles were fashioned to fit the plane's body, about 285 barrels of waste accumulated over this period. This was in addition to special guards at the plants, barriers erected to make sure nobody could get a hand on a grain of the metal, and other precautions required by the government for "Confidential" information. The overall extra cost for these measures was in the neighborhood of $400,000.

The cost would have kept rising if General Dynamics did not begin to run out of storage space. The company was faced with the choice of either putting up an additional building to hide the waste or finding some way to destroy it. A destruction study was even conducted: The best way to eliminate these leftovers, it found, was to ship the waste under guard to San Antonio, where it could be melted back to molten iron. The extra cost calculated by General Dynamics and the government: $600,000.

This, however, was not how the dilemma was solved. Rather, federal security inspectors finally asked Air Force headquarters in Washington whether the "Confidential" marking had been necessary in the first place. The question came to me, and I received assurances from the office of John S. Foster, director of defense research and engineering, that there had never been any need for protecting the metal ties. I spent the next 10 months trying to get the classification for the tiles canceled. It was finally dropped in September, 1970, after being in effect for about seven years.

But the Avionics Laboratory was able to retain the "Confidential" classification on Conductron's pending patent application. That classification, at last report, still was in effect.

AN EXPENSIVE HABIT

This is by no means an isolated case. Guarding information that is already well known is something of a habit, with many defense men. One officer at the Air Force's Aeronautical Systems Division in Ohio, for example, decided one day in late 1969 that the nation should keep a close watch on information about the new B–1 manned bomber. Mainly, he wanted to keep secret such details as the plane's purpose, its length and wing span, its take-off weight, how high it can fly, and what it looks like in a photograph.

I suppose this all would have been nice, except that it was absurd—these details had all been proclaimed for the world to hear while the Pentagon was pleading with Congress to authorize the bomber in the first place. The information had to be disclosed before a dime was approved.

But this did not deter the Aeronautical Systems officer. He insisted that the nation guard the information. So he stamped the instructions to the plane's contractor, North American Aviation, as "Secret," advising the company to keep these details under wraps.

North American, in July of 1970, forwarded some advice of its own. The initial cost for remodeling facilities and taking numerous other steps to comply with the "Secret" classification, it said, would be about $1.2 million. This did not include similar measures and expenses that would be required by subcontractors and suppliers.

Luckily, this nonsense was halted before it went too far. The security adviser at the Aeronautical Systems Division, who had opposed the classification, also phoned Washington about the problem. Instructions cancelling the classification were prepared by myself and others. The classification eventually was dropped in early 1971, and another expensive exercise in wish-fulfillment averted.

I would estimate, however, that at least $50 million a year is still spent on storing, protecting and inspecting unnecessarily classified defense information.

While many defense planners do not like to admit it, relatively little of what they do actually can be kept secret very long. This is patricularly true in the scientific and technical area.

In early 1970, for example, a group called the Task Force on Secrecy, set up by the Pentagon and including such leading scientists as nuclear physicist Edward Teller, reported:

"Security has a limited effectiveness. One may guess that tightly controlled information will remain secret—on the average—perhaps five years. But on vital information, one should not rely on effective secrecy for more than a year. The Task Force believes that classification is sometimes more effecitve in withholding information from our friends than from potential enemies."

The Task Force, finding that secrecy hampers the flow of scientifically useful information here and abroad, estimated that the "amount of scientific and technical information which is classified could profitably be decreased perhaps as much as 90 per cent." Little has become of that report. It does not sit well with Pentagon psychology.

THE STAMPER'S BIBLE

The bible of security-stamping is called Executive Order 10501. Issued Nov. 5, 1953, by Preisdent Eisenhower, its nine pages contain commandments on what the executive branch shall classify, how sensitive information shall be stored and other rituals for keeping big secrets. It does not, however, make it very clear who shall decide what is a secret. It commands only that affected departments limit this power "as severely as is consistent with the orderly and expeditious transaction of government business."

That, which can mean almost anyone, is one reason for the classification craze. It is why thousands of bureaucrats have rubber stamps, which they can order fairly easily from supply units. At the Pentagon, desk after desk has a little tree-like stand with "Secret" and "Top Secret" hanging from its wrought-iron branches.

A second reason for the stamping binge is the security "orientation" given to new arrivals. At these, films on communism are sometimes shown and lectures on secret-keeping delivered. But rarely, if ever, is it stressed that stamping should be done sparingly—"Top Secret" if disclosure would cause "exceptionally grave danger to the nation," "Secret" if it would cause "serious" damage, and "Confidential" if it would "prejudice" the national defense.

Rather, the orientations tend to intimidate new arrivals with myths about classification—that there is some mysterious "law" dictating what must be kept secret, which there isn't, or that divulging classified information is necessarily a crime, which it isn't.

Security-stamping is done entirely on the initiative of the executive branch, governed by its own Executive Order 10501. No law specifies what the government must keep secret. The espionage laws do make it a crime to disclose defense information in some cases—but only if it can be proved, first, that disclosure would damage the nation or help an adversary, and, second, that the *intention* was to cause this damage. Otherwise, there is no crime in givng out information marked "Top Secret."

Indeed, millions of currently secret documents could be read on televison and broadcast to all of our potential enemies without any crime being committed, except perhaps to bore everyone to death. The point is that the indiscriminately applied security markings in themselves do not make anything subject to the espionage laws. That would be absurd. The legal tests are damage and intent to damage. It was on the damage test that the Supreme Court upheld the right of newspapers to publish from the Pentagon Papers, regardless of the "Top Secret" stamped on that vast study of U.S. decision-making on the Vietnam war.

THREAT OF PUNISHMENT

If bureaucrats should not worry much about criminal prosecutions, they should and do worry about being punished administratively, as any boss punishes a worker, for what the government may consider a violation of its security bible. This constant threat of punishment hanging over the heads of Pentagon workers considerably reinforces the mania for classification.

Nightly and on weekends, security police prowl the Pentagon in search of any evidence that the commandments of Executive Order 10501 are not being heeded. In the mornings, those whose offices have been searched usually find on their desks a calling card from their service's security force. The Air Force's version of this greeting is:

"The USAF Security Force did not discover any improperly stored classified information during its check of this area."

More than once, though, the snoopers do find what is, to their strange way of thinking, a violation. One morning early this year, while searching a desk in Air Force Headquarters, for example, they came upon some unclassified pages from a Rand Corporation document. The pages listed electronic equipment for six year old aircraft, including the ancient B–58 bomber.

The security checkers felt the lists should have been classified and locked in a safe. It apparently made no difference to them that the Air Force had distributed the information throughout the world for years as unclassified. They believed the information should be guarded, and they carry considerable weight. The snoopers reported their finding to the employee's superior, who ordered the worker to forfeit a day's pay.

A similar incident occurred last year at TRW Systems, Redondo Beach, Calif., one of the more than 13,000 contractors cleared for access to classified information. (Hundreds of thousands of employees at the contractor's plants are forced to sign statements that they understand improper disclosure of classified information "may be punishable under federal criminal statutes," which is simply not true.) A TRW engineer there was charged by security enforcers with improper disclosure of the scheduled operational date for the Minuteman III missile, the booster for the multi-warhead MIRV system.

That was ridiculous. The June, 1970, date was known all over the Northwest, where the missile was being put into place, as well as all over the world. Such actions cannot be kept secret very long; they are self-revealing. Indeed, Air Force Secretary Robert Seamans shortly afterward publicly mentioned the Minuteman III date. Still, the engineer was punished by his company, which acted under threat of penalty by the government.

NEEDED: LEGISLATION

These are only two of thousands of cases each year in which government and private employees are charged with security violations, most of which have no bearing whatsoever on the defense interests of this country. (At the Pentagon, the security snoopers have even left their calling cards several times in press room typewriters used by newsmen.)

Considering the inadequate executive order, the intimidating lectures and this overzealous enforcement, it is little wonder that defense workers have cultivated a mania for stamping "Secret" on everything.

If all this were not bad enough, President Nixon would now like to start a massive effort to declassify piles of old records that have already been declassified for more than 13 years. On Aug. 3, in the wake of the Pentagon Papers case, he asked Congress for an initial $636,000 to "begin an immediate and systematic effort to declassify documents of World War II." The total cost for five years of reviewing a "substantial" portion of 160 million pages of records was put at $6 million.

The intention is fine, but the fact is that the bulk of the Defense Department's World War II records were declassified or downgraded on Sept. 27, 1958, by DOD Directive 5200.9, which I wrote.

Even if that directive did not exist, a $6 million drive to read all these musty records and cancel classification markings would be a vast waste of funds. It would be far easier and less costly to wait until the records are requested, and to physically cancel the markings when the papers are withdrawn.

But canceling ancient classifications, while it may have some political appeal, is not a very lasting solution to the problem. It would help if millions of later records were declassified, but that, too, would not really be an answer. What is needed is to declassify millions of current records, and to make sure, through tighter controls on secrecy-stamping, that more do not swiftly pile up.

At present, an executive branch committee—set up under Assistant Attorney General and Supreme Court nominee William Rehnquist—is developing recommendations for improving Executive Order 10501. But chances are slim that its proposals will get to the heart of the matter. It is seeking to eliminate some classification authority, such as that now held by the Department of Health, Education and Welfare, and to cut the time period during which a document can remain classified. But far deeper change is needed, and it should be brought about by law, not by executive order.

We need to define, legally, what critical information may be classified—legislation perhaps similar to the 1954 Atomic Energy Act's provisions for protecting "restricted data"—and who may do the classifying. Only then could we begin to have secrets that are worth keeping and to tear down the current classification mad-house.

A TASK FORCE'S VIEW OF SECRECY

Following is the summary of the 1970 report of the Task Force on Secrecy established by the Pentagon's Defense Science Board. The nine-member Task Force was chaired by Frederick Seitz, former president of the National Academy of Sciences, and included such prominent scientists as nuclear physicist Edward Teller and former Atomic Energy Commission member Gerald F. Tape.

1. The task force considered the matter of classification from several viewpoints. However, it focused its main attention on the classification of scientific and technical information.

2. The task force noted that it is unlikely that classified information will remain secure for periods as long as five years and that it is more reasonable to assume its knowledge by others in periods as short as a year through independent discovery, clandestine disclosure or other means.

3. The task force noted that the classification of information has both negative as well as positive aspects. On the negative side, beyond the dollar costs of making decisions on classification and maintaining information secure, classification establishes barriers between nations, friendly as well as not, creates areas of uncertainty in the public mind on public issues and impedes the flow of useful information within our own country as well as abroad.

4. The task force noted that more might be gained than lost if our nation were to adopt, unilaterally if necessary, a policy of complete openness in all areas of information, but agreed that in spite of the great advantages that might accrue from such a policy, it is not a practical proposal at the present time. The task force believes such would not be acceptable within the current framework of attitudes, both national and international, toward classification . . .

5. The task force noted that the types of scientific and technical information which most deserve classification lie in areas close to design and production, having to do with detailed drawings and special techniques of manufacture. Such information is similar to that which industry often treats as proprietary and is not infrequently closer to the technical arts than to science. The task force believes that most of the force of attention of classification of technical information be directed to such areas instead of to research and exploratory development.

6. It is the opinion of the task force that the amount of scientific and technical information which is classified could profitably be decreased perhaps by as much as 90 per cent by limiting the amount of information classified and the duration of its classification. Such action would serve better the protection of necessarily classified information since the regulation concerning the enforcement of the residual could be applied more rigorously than at present.

THE 1972 ELECTIONS

Mr. HATFIELD. Mr. President, as we near 1972, already the newspapers are beginning their forcasting as to the various factors which will affect, or even control, the 1972 elections.

My hometown newspaper, the Newport News-Times, addressed an editorial to this subject in its December 2, 1971, issue. Because Mr. Walt Taylor's comments offer the insight of a thoughtful editor from a small town—one more than 3,000 miles away—I think his comments are worthy of our review.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Pocket Book May Rule

Have you made up your mind on how you'll vote in the 1972 presidential elections?

If you answered "yes, I have," you are part of an 85 percent majority.

Strange as it may seem, the people planning the Nixon reelection drive for next year believe this. They say that only 15 percent of the voters have yet to make up their minds to vote for or against Mr. Nixon when he seeks, as expected, his second term.

This 15 percent includes the new, under 21 voters, many of the so-called hard hats and others who have been made undecided by the Vietnam war wind down.

Thus, the campaign next year will be aimed selectively. Television will be only mildly used—over exposure of paid TV spots reacted against candidates, apparently, in several key elections for the senate and house last year.

If this is the case—and the election is to be decided by a small fraction of undecided voters—then the Nixon trips to China, to Russia, and so on make even more sense politically. Obviously, they'll attract favorable reactions from the young voters . . . at least that's what the president's political advisors hope.

It also explains the extra efforts by Mr. Nixon to appeal to the rank and file of labor over their bosses in the National economic situation, and the feeling presented that the president doesn't support school busing, as also aimed at this group.

Frankly, we think the Nixon backers have guessed wrong. What we hear is people aren't making up their minds until they learn who will run against Mr. Nixon.

The Nixon people guessed, wrong four years ago, it is generally accepted today, and their campaign for him almost lost the election in the last days of the campaign.

But next year, Nixon should have more going for him—the office alone, for example. But we also feel there are an awful lot of those 85 percents who will vote their pocket book next November, and right now none of them know for sure how flat or full it'll be.

RETIREMENT OF GEN. LEONARD F. CHAPMAN AS COMMANDANT OF MARINE CORPS

Mr. STENNIS. Mr. President, before the Senate reconvenes in January, Gen. Leonard F. Chapman will step down as Commandant of the Marine Corps.

Mr. President, in recognition of his leadership as Commandant, General Chapman deserves the recognition and the thanks of the Senate and the entire Nation. As the 24th Commandant in the Corps' 196-year history, General Chapman has done his job well during a time in which all of the Armed Forces have operated under the most serious strains. Despite an unpopular conflict, General Chapman has maintained high standards of discipline and service. The Marine Corps has retained its usual high morale despite some antimilitary climate in the country.

Mr. President, General Chapman stands for discipline. And let me emphasize that without discipline, with all its implications, there can be no effective military force. Let me quote from some recent words of General Chapman himself:

> The key to maintaining the professional quality of our Corps is the individual Marine—officer, noncommissioned officer, and nonrated Marine. And that's what we're concentrating on—the individual Marine.
>
> In this process we are not giving in, Marines are not going permissive. We're proud of being tough and we're getting even tougher. That's the kind of men we've always had in our Corps, and that's the kind of men we want now. We want men who are proud of their country, who are proud of themselves, and who want to serve their country in a proud Corps.

Mr. President, General Chapman has been a rock in a surging storm which threatens the very fiber of our Armed Forces.

Another great achievement of General Chapman's has been the fact that during his tenure the Marine Corps has very effectively scaled down its overall strength from a maximum of 317,000 during the height of the Marine commitment in Vietnam to a tough, lean strength level of slightly over 200,000. We all know, Mr. President, that the problems of reducing an armed force with all its ramifications far exceed the problems of a buildup. The Marine Corps has come out of Vietnam far stronger than ever, in my opinion, which is no mean feat.

Therefore, as General Chapman closes out his record as a fighting Marine, beginning as a second lieutenant in 1935 with battle action with the 11th Marines in World War II on Peleliu and Okinawa, and with subsequent distinguished service in Vietnam, culminating in achieving the post of Commandant, the highest military office in the Corps, we can be assured that he will go down in history as a Commandant who brought the Corps safely and proudly through difficult times and as one who pointed a way toward the future.

In a word, he has lived up to the proudest traditions of the corps itself.

As chairman of the Senate Armed Services Committee, I do not have a great many intimate contacts with the senior military officers. I do not ask favors and can not be expected to extend them favors.

I do have some special contact with them as they carry out their duties. I think General Chapman has been an exceptionally fine and outstanding Commandant and member of the Joint Chiefs of Staff. Too, I know that Mrs. Chapman has been a part of these achievements and is entitled to a part of the credit. I commend and thank each of them and bid them Godspeed.

VETO OF ECONOMIC OPPORTUNITY BILL

Mr. HATFIELD. Mr. President, it is a source of great concern to me that the President has chosen to veto the authorization bill for the Office of Economic Opportunity, for it contained a section which I believe would be of tremendous value to my constituents.

I am addressing myself particularly to that part of the bill which included authorization of $2 billion in fiscal 1973—which had a $500 million setaside for Headstart programs which are very popular in my State of Oregon. The $1½ billion remaining would have begun new programs—on the order of Headstart—for day care centers which are needed by the millions of American working mothers for their children, as well as those who are poor.

According to testimony developed before the Senate Children and Youth Committee:

> One third of mothers with children under the age of six—a total of four and one-half million women—are working today. As a result, there are six million preschool children who need developmental day care services while their mothers are away from home. Yet less than 700,000 licensed day care opportunities exist.

Oregonians who work with the Headstart program write to me of the thousands of poor children who are left out of this needed program. Working mothers also write to me of the expense and worry they have in affording suitable day care for their children.

The legislation which the President vetoed would not only have provided free day care for those with incomes up to $4,320—with emphasis on enriched training, nutrition, and health care—it would also have allowed middle-income parents to receive the day care on a sliding scale of payment, based on the income of the parents. The fees were nominal compared to the costs most working mothers must now pay to have baby sitting services for their children.

As is too often the case for the children of the poor, and others as well, there are little children who receive little attention or early childhood training at all. The educational experts and the psychologists are telling us that we should be reaching these children at an earlier age—at least by the age of three—so that proper learning habits are formed, to say nothing of the need to provide the necessary breakfast—and nutrition advice for mothers—which is needed by the children so that they have the physical and mental strength to function in school. This would have been provided by the vetoed measure.

However, I believe that we will pass similar legislation in the next Congress, and I hope the President will sign the measure which will undoubtedly be presented to him again next year.

I ask unanimous consent that two editorials, one from the Portland Oregonian, the other from the Oregon Statesman, be printed in the Record, as well as a newspaper article from the Oregon Statesman on citizen reaction to the veto.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Portland (Oreg.) Oregonian, Dec. 9, 1971]

Child-Care Departure

There are fiscal arguments against the comprehensive child-care legislation that has now passed both houses of Congress and which Administration spokesmen have said the President probably will veto. The vast, national system of day-care centers, providing not only custodial care for the children of working mothers but also meals, education, medical care and social services, would cost the federal government $2 billion in its first year and probably much more later.

But opposition of conservatives also has a philosophical basis. They see in the program, which would be open to all economic groups but free only to the very poor, a resemblance to programs in socialist countries where children are cared for by the state in their early years. Indoctrination of the children in beliefs alien to those of their parents has been cited as a danger of such institutionalized care.

Pressure is much greater on the President for signing the bill than for vetoing it, however. It has wide support from women's groups, civil rights, labor and church organizations. The fact that the child-care program is part of a bill extending the Office of Economic Opportunity for two years is another factor making a veto difficult. A veto would eliminate this controversial but politically potent program along with the child care and would require an OEO renewal fight to be waged again in Congress.

Democrats have added to the President's dilemma by quoting a message he sent to Congress in 1969: "So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life." Congress has now provided that commitment, Democratic congressmen have asserted.

The federal government won't actually operate the child-care centers, if they are established. States, cities, combinations of local communities, Indian tribal councils and private, non-profit organizations will run the program, with the federal government paying 80 per cent of the cost. Parents would participate in planning and conducting the program in local centers. Services would be free to children of four-member families with incomes up to $4,320 a year. Families with higher incomes would pay fees on a sliding scale.

This is a sharp departure from American tradition. Children of working mothers heretofore have been cared for through private arrangement by grandmothers, baby sitters, privately organized care centers, etc. Socialistic or not, it is in tune with other developments in this country, such as women's liberation, and will almost certainly come eventually should Mr. Nixon veto it this time.

[From the Salem (Oreg.) Statesman, Dec. 9, 1971]

Pressure for Day Care Centers

The need for children's day care facilities is atop the priority list of social service agencies in most communities. The increase in workng mothers has produced mounting pressure for this service.

Congress passed a $2 billion revolutionary day care program Tuesday which would, if signed by the President, establish day care service throughout the nation. The ultimate price will be far higher. The availability of day care centers will encourage more women to seek employment outside the home. The day care would be free for low-income families. Others would pay fees.

The objective of the bill is not to create baby-sitting services, but to provide meaningful training and enrichment for youngsters.

The measure, part of a much larger Office of Economic Opportunity package, is enthusiastically supported by the women's lib movement and equally condemned by conservative groups. Both realize a fundamental cultural change is involved.

The women's lib groups insist that each woman should be free to develop her individual interests and careers and should not be bound from birth by the cultural injunction that she must raise children. Those who give top priority to the traditional pattern of the family are convinced that without the personal care of the mother in the home, children will not have proper guidance. They link the increase in juvenile problems to deterioration of the family structure. The women's lib advocates point to sociological studies which show no relationship between working mothers and juvenile problems.

The argument rages on, but in the meantime, the cultural pattern is changing, whether the American people like it or not. Millions more women are working. The argument really revolves around the type of care which will be given the children of these women.

Will they spend their days in front of a TV set or with a babysitter, or will they be trained, given group activity experience and encouraged to adopt acceptable value systems.

These are the members of the next generation. Society either will use their talents or cope with their problems. The lesson is all too clear that if they are allowed to "grow like Topsy," society in general will pay the ultimate price. There's no law requiring parents to stay home with their children.

It is interesting to note that in the close House vote Wednesday (210–186), two Oregon congressmen, Ullman and Wyatt, voted in favor of the measure while two, Mrs. Green and Dellenback, voted against it.

Some opposition to the bill centers around its structure. The federal government would set up day care centers working with local groups and bypassing the state. The Nixon administration objects to its cost.

The President, despite his earlier threats to veto such legislation, will be under tremendous pressure to approve it. The greatest pressure will come from social service agency people who currently are involved in trying to cope with the day care problem and who see what is happening to the lives of millions of pre-schoolers who are not getting proper care and guidance.

[From the Salem (Oreg.) Statesman, Dec. 10, 1971]

Valley Child Care Official Disappointed by Nixon Veto of Measure

(By Allen J. Morrison)

President Nixon's veto Thursday of the nation's first major child care bill brought immediate adverse reaction from officials of Mid-Willamette Valley child care facilities.

Nixon termed the $2 billion child care and anti-poverty bill "fiscal irresponsibility" and said a need for child care facilities was never demonstrated by Congress.

Charles Owens, director of Oregon Community Coordinated Child Care (4Cs) Inc., said he disagrees with the president that the need has not been demonstrated and added that child care development could be expanded in many communities under the bill.

Mrs. Lyn Horine, a top staff member of the Mid-Willamette Valley Community Action Agency Inc., the official anti-poverty agency in Marion and Polk counties said, "We see over and over again the damage that happens to kids when they don't have adequate child care, and we watched Congress fight for five years to devise this ultimate plan that will be the answer to care for American children that is acceptable to everybody in the country."

She said, "It is extremely difficult because everyone thinks parents should do it inside the homes. But we don't even equip them so they can care for their children."

One of his reasons for veto, Nixon indicated, was the massive child care bill would break up family units.

Mrs. Horine said the problem is that traditionally there have been a "significant number of parents who did not pass on to their children parental skills." She said the problem has mounted because of a changing world and different values."

Joan Thorne, a board member of the Mid-Willamette Valley 4Cs, and active in other social services, said, "President Nixon has let down our children drastically and never has done anything for the youth of our country, first vetoing education and now child care.

"I hope there will be great concern shown by our communities and that the public will urge an override of the veto. I think his behavior shows that his words are meaningless. The president said the child care bill is fiscal irresponsibility and to that I say the only thing irresponsible about that bill is his veto."

Hope Crandall, director of child care for the Valley Migrant League (VML) said, "We are not meeting the total need of child care facilities and VML has only made a dent in the migrant need in the summer."

Miss Crandall said VML had hoped to expand its limited summer program to year-round but the president's veto prevents that unless additional funds can be obtained by Migrant and Indian Coalition which is attempting to expand child care. She said it might be possible to get funds under Title 4-A of the U.S. Social Security Act.

Mrs. John Nesvick, chairman of the board for the Mid-Willamette Valley 4Cs, said, "Mr. Nixon really does not understand the need for child care, and good quality child care will be delayed for some time," because of his action.

She said she had respect for Congresswoman Edith Green and Congressman John Dellenback and that they voted against the bill, "so the bill was not perfect."

THE TRAGEDY OF THE WAR IN SOUTH ASIA

Mr. ALLOTT. Mr. President, the overriding fact about the current conflict on the Asian subcontinent is that it is a tragedy. Assessing blame is not the first priority. Ending the suffering is.

But if we are to understand the problem, we must be clear about one thing.

India is coming perilously close to asserting the right to secession on the part of East Pakistan. I, for one, think that it ill behooves the United States to associate itself with any idea as dangerous and discredited as the right of secession.

So that all Senators may be aided in their reflection about this terrible conflict, I ask unanimous consent to have printed in the Record the column written by Mr. Crosby S. Noyes and published in the Washington Sunday Star of December 12, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mrs. Gandhi's Curious Stand on Bangla Desh

(By Crosby S. Noyes)

The legal grounds on which the Indian government has based its recognition of the rebellious East Pakistani government of Bangla Desh—if generally accepted—could come to haunt many governments, including India's, for a very long time to come.

I refer to the contention, spelled out by Indian Prime Minister Indira Gandhi, that the government of West Pakistan and its army had no right to be in East Pakistan, fighting to hold the eastern section of the divided country. That is a startling argument.

What Mrs. Gandhi seems to be proclaiming in this case is an inherent right of secession by a disaffected group within a nation. She is saying further that a government has no right to use force to preserve its integrity or repress rebellion, which is a new idea in international law with interesting implications.

This argument has nothing to do with the specific circumstances involved in the Pakistani conflict.

Granted that Pakistan, divided into its East and West wings by 1,000 miles of Indian territory, is a freakish kind of country to begin with. Granted also that the domination of East Pakistan by the West created abnormal tensions between the two parts of the country. Granted finally that West Pakistan precipitated the conflict by setting aside the results of an election and setting out to crush a secessionist movement with a brutal show of force.

It well may be that on a moral basis, Pakistan deserves to be dismembered, that Bangla Desh deserves its freedom and that it is very much in the interests of India to help bring these things about. The fact remains that until now Pakistan has been regarded by the world as a single sovereign nation.

(OTHER THAN FOREIGN ASSISTANCE)

In arguing the legitimacy of the "government" of Bangla Desh, Mrs. Gandhi piously quotes Thomas Jefferson to the effect that it is "supported by the will of the nation, substantially expressed." What she chooses to ignore is that, until now, there has been only one nation—and it is called Pakistan.

Until now, furthermore, it has generally been accepted that it is the right of a sovereign nation to preserve its integrity at any cost. Many nations, including our own, have fought for the principle. Certainly, if this right were to be generally denied, plenty of countries would be in serious trouble.

For the fact is that there are hundreds of secessionist movements all over the world with more or less legitimate grievances against their governments. If these movements are encouraged to the extent that Mrs. Gandhi implies they should be, the centrifugal forces set in motion could easily get out of control.

Particularly among the new and underdeveloped nations, the principle of separatism and indiscriminate self-determination can lead to chaos. In a continent like Africa, for instance, national boundaries reflect little more than the outlines of former European colonial empires, and tribal rivalries generally outweigh any concept of national loyalty. The experiences of Katanga and Biafra have shown quite clearly where the right of seccession is likely to lead.

But surely of all countries in the world India itself is the most vulnerable to the doctrines that Mrs. Gandhi is preaching at this point.

For India is an incredible hodgepodge of races, languages, and religions, bound together rather tenuously by the idea of the nation-state. Its 600 million people speak a total of 1,652 mother languages and practice six different major religions. For centuries the history of India has been one of communal strife over differences of race, religion and language.

Nor has the Indian government, since gaining its independence in 1950, shown much patience with secessionist movements within its own boundaries. Periodic revolts in Moslem-dominated Kashmir and in the Naga hill district of Assam have been bloodily suppressed. Despite appeals from the United Nations, India has never permitted a plebiscite in Kashmir to settle its dispute with Pakistan over the area. The substantial will of the local population has been consistently ignored in New Delhi.

So it might be safer for everyone concerned if India stopped pretending that any high moral or legal principles have been involved in its attack on Pakistan or that the legitimacy of the government of secessionist Bangla Desh is self-evident. What we are witnessing on the subcontinent is a ruthless power-play in the most classic tradition. And clothing it in sanctimonious language changes nothing whatever.

RESIGNATION OF DEPUTY SECRETARY OF DEFENSE DAVID PACKARD

Mr. YOUNG. Mr. President, it was with deep regret that I learned of the resignation of Mr. David Packard as Secretary of Defense. He is one of the most competent, responsible, and respected men who ever served in a top capacity in the Department of Defense.

Dave Packard is very knowledgeable on the intricate and highly involved problems of manufacturing in which he has been very successful. Most of the weapons produced for defense now are so highly sophisticated that it is absolutely necessary we have the guidance and counsel of a man like Dave Packard with his knowledge and judgment.

He was responsible for many important changes and improvements in the procurement of the tremendously costly and sophisticated equipment which is all important if we want to remain a strong nation.

Mr. President, I know of no other top official in the Department of Defense in my time whose judgment and views were more sought after by Members of Congress than Dave Packard's. His calm, knowledgeable, plainspoken, and friendly way in dealing with the most involved problems is why he won such high respect, not only from Congress but throughout the Nation.

We need more men like Dave Packard in government, not fewer.

DR. W. RICHARD BURACK HONORED WITH DISTINGUISHED ALUMNUS AWARD

Mr. McINTYRE. Mr. President, Dr. W. Richard Burack, of Jackson, N.H., has been presented the Distinguished Alumnus Award by the Bowman Gray School of Medicine of Wake Forest University.

Dr. Burack was a graduate of Bowman Gray, later was a member of the faculty of Harvard Medical School, and then moved to New Hampshire where he practices at the Memorial Hospital in North Conway, N.H., and also serves as the chairman of the new Formulary Committee of the Commonwealth of Massachusetts.

The distinguished award was presented to Dr. Burack "in recognition of contributions to the prestige of his alma mater through distinguished achievements in the field of medicine."

Dr. Burack is the author of the "New Handbook of Prescription Drugs" which has had a phenomenal sale as people have become increasingly interested in the problems of prescription drugs.

Mr. President, I wanted to bring to the attention of the Senate the richly deserved award given to Dr. Burack. I ask unanimous consent to have printed in the Record a news release which goes into further depth on this honor given to a distinguished New Hampshire citizen.

There being no objection, the news release was ordered to be printed in the Record, as follows:

Award Presented

Winston-Salem, N.C.—Dr. W. Richard Burack, an internist in North Conway, N.H., has been presented the second annual Distinguished Alumnus Award by the Bowman Gray School of Medicine of Wake Forest University.

The award is designed to honor Bowman Gray graduates for outstanding achievements in the field of medicine.

The awards were presented at the medical school's annual Alumni Weekend, during which Burack presented a lecture on "Relationship of the Pharmaceutical Industry, the Doctor, and the Patient."

Burack, a 1951 graduate of the Bowman Gray School of Medicine, is a former member of the faculty of Harvard Medical School. He is perhaps best known for his recent 1970 book entitled "The New Handbook of Prescription Drugs."

When the book was first published in 1967, the New England Journal of Medicine compared it to David standing up to Goliath of the drug industry. The book combines basic information for the professional reader with instructions of interest to the lay reader.

In his lecture at the Bowman Gray School of Medicine, Burack charged that "there is an epidemic of irrational prescribing of medicines on the part of doctors."

He said that too often physicians prescribe drugs when they are unnecessary, prescribe expensive drugs when less expensive drugs would do the same job, and prescribe toxic drugs when less toxic drugs would be just as effective.

Burack said that estimates within the medical profession are that 60 to 90 per cent of prescriptions are unnecessary. "And I suspect it is closer to 90 per cent," he added.

On the prescribing of toxic drugs, Burack pointed out that 1½ million people are admitted to hospitals each year for adverse reactions to drugs.

On the expense of medicines, he said "Twenty per cent of the medical dollar goes for the purchase of prescription drugs."

He urged that physicians "practice safer, less expensive medicine by being more conservative in their prescribing of drugs."

FISH INDUSTRY REPRESENTATION AT UNITED NATIONS CONFERENCE

Mr. HATFIELD. Mr. President, I have spoken several times before in the Chamber about my deep concern over the omission of representation of U.S. commercial fishermen or fish products industry representatives from the official U.S. delegation to the forthcoming United Nations Law of the Sea Conference.

I will not repeat again today what an oversight I consider this to be, and how strongly I hope that this situation can be corrected. I submitted Senate Resolution 203 with my distinguished colleagues from the Commerce Committee (Mr. MAGNUSON and Mr. STEVENS) to indicate a sense of the Senate that our fish industry should be represented.

Senate Resolution 203 has attracted a great deal of interest and a number of cosponsors. I encourage Senators from coastal States—all of whom I asked to cosponsor this resolution—to have their names added.

Mr. President, one of the fine organizations dedicated to the future of our domestic fishing industry on the Pacific Coast is the Pacific Marine Fisheries Commission. I have worked with this group in the past, and was gratified to receive a very warm letter of support from the organization. I ask unanimous consent that this letter appear at the conclusion of these remarks.

In addition to such official groups as the Pacific Marine Fisheries Association—representing Alaska, Washington, Oregon, Idaho, and California—support for my resolution has come from smaller, private groups. One of these is the Brookings Fishermen's Wives Association. Over the years I have served in the Senate, I have been keenly aware of the great interest and concern shown by this group in efforts to preserve the future of our fishing industry. I know from my conversations with residents of Brookings that this group of women has accomplished a great deal of progress in public awareness and understanding of the problems facing our domestic fishing industry. Their concerns are not parochial—limited solely to Oregon—but evidence an awareness of the broader concerns facing the fishing industry nationwide. I ask unanimous consent that a recent letter from the Brookings Fishermen's Wives be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PACIFIC MARINE FISHERIES COMMISSION,
Portland, Oreg., December 10, 1971.
Hon. MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: In view of your much applauded Senate Resolution 203, urging inclusion of fishermen among U.S. representatives in the U.S. delegation to the 1973 United Nations Law of the Sea Conference, I am sure you will be interested in the enclosed resolution passed unanimously by the five Compact States of the Pacific Marine Fisheries Commission at their annual meeting in Seattle November 18. This resolution speaks to several issues you have worked to develop through your leadership position in the United States Senate.

Directly related to your S. Res. 203 is the second "resolved" (page 2) "that the United States Department of State be requested to include in its official delegation at the coming Conference, including preliminary meetings, adequate representation from the United States fishing industry . . ." You may be interested to note that the language chosen by PMFC was "representation from the fishing industry" rather than fishermen specifically. It is the position of the Commission that some of this representation quite properly might be drawn from processing or other elements of the industry as a whole. It should be noted that this particular recommendation was proposed originally as a separate resolution, then subsequently combined with other materials to produce a single resolution of more pervasive significance.

The thrust of the initial portion of Resolution 1 is in strong support of the position taken by the National Federation of Fishermen and by elements of our government that management of ocean fisheries can best be accomplished in terms of *coastal, anadromous,* and high seas species. An additional point not included in the National Federation of Fishermen position is PMFC's special consideration of underharvested species. This recommendation appears entirely consistent with present provisions of the contiguous fishing zone concept.

On behalf of the Pacific Marine Fisheries Commission, representing as it does the fishing industry and management agencies of the entire Pacific Coast, let me thank you again for your continued leadership in behalf of marine resources protection and wise utilization. I hope that this PMFC resolution adequately documents the powerful support given your position by our five compact states of Alaska, California, Idaho, Oregon, and Washington.

Under separate cover, we will mail you copies of all seven resolutions adopted in November by the Pacific Marine Fisheries Commission. I am sending this one on ahead because of its special significance in relation to your own recent activities on the floor of the Senate.

Yours sincerely,
JOHN P. HARVILLE,
Executive Director.

PACIFIC MARINE FISHERIES COMMISSION

RESOLUTION NO. 1—IN SUPPORT OF FISHERIES MANAGEMENT BY COASTAL, ANADROMOUS, HIGH SEAS GROUPINGS

Whereas, an International Conference on the Law of the Sea is scheduled to be held in 1973; and

Whereas, any agreement reached by the Conference will have a deep and profound influence on American fisheries for generations to come; and

Whereas, the preliminary proposals by the United States offer little or no protection for American fisheries; and

Whereas, our coastal fishery resources are being depleted due largely to effect of foreign fishing conducted without regard to sound conservation principles; and

Whereas, conservation is urgently needed, both to maintain our fishery resources on a sustainable yield basis and to secure our economic future in the fisheries: now be it therefore

Resolved, That the Pacific Marine Fisheries Commission urge the United States government to adopt the following proposals as its objective in the coming conference:

Coastal species

Fish and shellfish resources which live on or above the continental shelf and slope and/or the waters above the shelf and slope for reproduction and/or survival during the major part of their lives shall belong to the country off whose coast the continental shelf and slope occurs.

Anadromous species

Anadromous fish shall be the property of and subject to control by the coastal state of origin. Where anadromous fish are harvestable in the territorial waters and contiguous fishery zone of a country other than the country of origin, the nations involved shall work out harvesting rules consistent with adequate conservation principles and with due regard to the right of each nation to its proper share of the allowable catch.

High seas species

All species of fish of oceanic origin and habitat shall not be subject to control by the coastal nation. The conservation and management of such species shall be the responsibility of multi-national control to be exercised jointly by the harvesting countries including countries whose coasts border the waters frequented by such species.

Underharvested species

Where stocks of fish are underharvested by the coastal nations to which they belong, provision shall be made by the coastal state for harvesting by other nations where such harvesting would not be unduly harmful to the conservation of other species in the area of harvest. Such harvesting shall be conducted under appropriate nondiscriminatory conservation rules promulgated by the controlling countries who shall be entitled to charge non-punitive users' fees of those engaged in the harvesting.

Be it further resolved, that the United States Department of State be requested to include on its official delegation at the coming Conference, including preliminary meetings, adequate representation from the United States fishing industry, and

Be it lastly resolved, that copies of this resolution be forwarded to the President of the United States, the Secretaries of State, Interior, Commerce, and Defense, to members of the House Merchant Marine and Fisheries Committee, to members of the Senate Committee on Commerce, to members of the Senate Committee on Foreign Affairs and to the Governors of all coastal states of the United States.

COMMERCIAL FISHERMEN'S WIVES,
Brookings, Oregon, December 4, 1971.
Senator MARK O. HATFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: We are hoping you can send us a copy of the fish sanitation standards bill just passed by the Senate. We do not have the number here at this time, although we think it was originally S. 700. We understand the original bill has been amended, to aid the fishermen, and therefore, we are hoping you could send us a copy in it's amended form.

Also, we would like to have a copy of the Resolution you are sponsoring, in demanding a voice of the fisheries in the 1973 Law of the Sea Convention at Geneva, and the other Preparatory Meetings.

When we receive these copies, we will present them to our local Grange, of which many of us are now members, and ask for a Resolution through the Grange to support the fishermen. This will go to the State Grange, then the National Grange, and to the farmer's lobby in Washington, D.C. In the future, there will be issues that we will be supporting that will not be directly involving fishing, but we are all farmers, harvesting both the land and sea, and therefore are working together.

We appreciate your help in amending the sanitation bill, as it was going to be a great hardship on many fishermen in the original state. Thank you, very much. We are vitally interested in the changes made in the bill. We have found, through the years, that it is not usually the fishing boats that are unsanitary, but the neglectful handling of our fish by the shore parties—dealers, canners, truckers, etc. We are sure you are well aware of the situation where our fish comes directly from our iced holds to be laid out in fish boxes in the sun, on the docks, and ignored for hours until thrown carelessly into trucks, or tossed helter skelter into dirty fish plants, and left lying on cement floors for ages. We know our consumers, the people, deserve better than this, and therefore, we have not been against the sanitation bill, as such, but definately worried about being regulated further as boat owners. Most boats keep their holds clean, and most skippers can't abide the smell of a dirty hold, and they are usually very fussy about it.

Thank you again. We'll be in touch.

Sincerely,

Mrs. Jayne Gibney.

HERBERT LINCOLN HARLEY

Mr. GRIFFIN. Mr. President, the advancement of judicial administration in America can be attributed to the dedication of a small group of reformers. Herbert Lincoln Harley, founder of the American Judicature Society and a native of Michigan, was one of this select group.

As Glenn R. Winters, Executive Director of the Society has observed:

> Great as have been the contributions of Wigmore, Pound, Harno and others to the American Judicature Society, all are dwarfed by those of the Society's great founder and secretary for more than 30 years—Herbert Lincoln Harley.

Harley was born in Manistee, Mich., on December 31, 1871. He graduated from the University of Michigan Law School and practiced law before turning his talents to the publication of the Manistee Daily News.

Due in large part to the suggestions and encouragement of wealthy lumberman Charles Ruggles, Harley established in 1913 the American Judicature Society dedicated to the promotion of the efficient administration of justice.

The formation of the American Judicature Society marked the beginning of Harley's efforts to make the United States court system a working, serviceable medium for dispensing justice. With the support of such prominent jurists as Dean John H. Wigmore, of the Northwestern Law School, Chief Justice Harry Olson, of the Chicago Municipal Court, Chief Justice John B. Winslow, of the Wisconsin Supreme Court, and Dean Roscoe Pound, of the Harvard Law School, Harley formed the nucleus of the society that has expanded into new areas as the need has arisen.

Harley's intolerance for conventionalism, his recognition and acknowledgment of the progressive ideas of others and his candid writing style gave him and the Society a national influence that expanded throughout his extraordinary career.

Mr. President, I am proud that Michigan was among the first States to adopt many of Harley's proposals such as State court unification, centralized administrative control, State bar integration, and procedural improvements including the pretrial conference.

As we approach the centennial of his birth date, I am pleased to pay tribute to this outstanding lawyer and scholar.

SCHWEIKER ACT SAVINGS ANNOUNCED FOR FISCAL 1971

Mr. SCHWEIKER. Mr. President, last week President Nixon sent to Congress his annual message detailing the savings realized for fiscal year 1971 from cost-cutting suggestions made by members of the military. The figure of $117 million is the second highest since the program went into effect.

This cost-saving program is the result of legislation I introduced as a Representative in 1965. I sponsored the Schweiker Act because I felt it served the dual purpose of saving tax dollars and rewarding initiative. Since the law went into effect, $555 million in tangible benefits have been realized, and $6.3 million has been awarded to members of the Armed Services.

But the benefits of this program are greater than the dollars saved. An incentive and a vehicle have been provided for suggestions which affect economies and increase efficiency.

I am pleased that my bill has proved to be so successful. Our military personnel are rewarded for their ingenuity, and millions of dollars of taxpayers' money are being saved each year.

Mr. President, I ask unanimous consent that the text of the President's 1971 message be printed in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

Reports of the Secretary of Defense and the Secretary of Transportation on Awards for Suggestions

To the Congress of the United States:

In accordance with the provisions of 10 U.S.C. 1124, I am pleased to forward the reports of the Secretary of Defense and the Secretary of Transportation on awards made during fiscal year 1971 to members of the Armed Forces for suggestions, inventions and scientific achievements.

Participation by military personnel in the cash awards program was authorized by the Congress in September 1965. There could be no better demonstration of the program's success than the fact that tangible first-year benefits in excess of $555 million have been realized from the suggestions of military personnel since the program began.

The tangible first-year benefits resulting from adopted suggestions submitted by Department of Defense and Coast Guard military personnel during fiscal year 1971 totaled $117,676,188, the second highest annual amount in the history of the program. Cash awards presented to military personnel for their adopted suggestions during fiscal year 1971 totaled $1,919,121.

Richard Nixon.

The White House, *December 9, 1971.*

THE FULBRIGHT SCHOLARSHIPS

Mr. JAVITS. Mr. President, the New York Times on December 13, 1971, published an excellent article entitled "Success Story: The Fulbright Scholarships." The article was written by James H. Billington who is chairman of the board of foreign scholarships. Professor Billington's article most concisely, persuasively, and interestingly explains the origins, purposes, and successes of the Fulbright scholarship program. The success of this program is a significant and fitting tribute to Senator Fulbright, the distinguished chairman of the Foreign Relations Committee. I ask unanimous consent that the text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Success Story: The Fulbright Scholarships

(By James H. Billington)

Washington.—Amid all the questioning about the international commitments of the American Government abroad, it is good to find a pioneering program from 1946 that still remains both popular abroad and relevant to current American needs: the educational exchanges that began with the Fulbright Act just a quarter-century ago. The ironic and perplexing fact is that the American people, who originated and continue to subsidize the program, seem to be almost the only major people in the Western world not to appreciate fully the extraordinary nature of this program.

A total of 108,284 students, teachers and professional people (two-thirds of them from other countries) have participated in these two-way exchange programs, linking America with 110 countries. These exchanges have enriched American civilization in ways that no amount of television or cheap youth fares could ever do: permitting deep contact with foreign cultures and disciplined digestion of innumerable new areas of science and learning. In many ways, this program and its imitators have provided the postwar equivalent of the earlier immigrations, which traditionally brought America a steady stream of new ideas and approaches that could never come from mere tourism.

The history of these programs shows how the quest for peace and understanding (which was central to the immediate postwar period and explicitly endorsed in the original act of 1946) can be made part of a practical program of national commitments.

There are at least three features of the program that may be both surprising to former participants and instructive for all interested in American foreign policy.

The American educational exchanges have been, first of all, ecumenical in outreach—working through foreign governments of left, right and center, moving even beyond the reach of trade and commerce. The original Fulbright Act predated the cold war; and the program has, from the beginning avoided politics and transcended any narrow focus on Europe. Precedent for the binational structures was found in an all-but-forgotten prewar exchange program with Latin America; and the first binational agreement was for a $20 million long-term program with China.

The first American scholars went abroad in 1948 to China, Burma and the Philippines—well before the large and successful European programs were launched. The first American grantee, the eminent authority on China, Derk Bodde, was labeled the "first Bodde in the program"; and the harassed wives of the first Philippine grantees jokingly called themselves "halfbrights" well before the late Senator Joseph McCarthy popularized it as a term of abuse.

Second, contrary to the initial wishes of almost every bureaucratic interest group consulted, this exchange program has been almost exclusively directed through individuals. When the surplus funds first became available for overseas expenditure after World War II, Government bureaucrats argued for bigger and better embassy buildings. Even the academic guilds argued for such things as massive microfilming projects.

But the money went not for things, but for people. Both direction of the participants were confined to a presidentially appointed nongovernmental board of foreign scholarships, which exercises unusual authority for a part-time body—and has traditionally mixed in a few distinguished private citizens (Omar Bradley was on the first board) with representatives of academia.

And third, contrary to many other programs seeking to advance international understanding, the Fulbright exchanges have always been securely anchored in the reality of both the host and the sending country.

Binationalism is rooted in agreements between governments; but it is implemented in 45 of the largest participating countries by a unique and prestigious institution; the binational commission. These bodies often include cabinet ministers or deputies and university presidents, and in recent years have increasingly drawn on binational cost-sharing—now undertaken by twenty countries. Germany, for instance, provides well over 50 percent of the total funds.

Even for the pragmatist who may not share the idealism inherent in true educational adventure, there is the practical necessity of relating to the world's most rapidly growing "growth industry." For higher education is now the scene of an enormous and potentially explosive population increase, and the arena in which the elites of tomorrow are everywhere being trained. At the moment, the American program remains the best known and most highly regarded of exchange programs even without anti-American university environments.

Without the modest increases in Government appropriation needed to restore this remarkable inexpensive program at least to its size before the budget cuts in the late sixties, it is hard to envisage an adequate response to the opportunities and needs of the seventies.

CONVERSION TO THE METRIC SYSTEM

Mr. GRIFFIN. Mr. President, as a result of the metric report by the Department of Commerce, interest has been rekindled in the question of whether the United States should convert to the metric system.

Recently, I received a very interesting and informative article on this subject entitled "Meni Meni Tekel Upharsin," written by a Mr. Peter Kromann, of Holland, Mich. Mr. Kromann is personally familiar with the process of adjusting to a new measurement system since he lived through the changeover from the customary measurement system to the metric system in Denmark.

The article was prepared for the Social Progress Club of Michigan and is all the more interesting because Mr. Kromann is totally blind.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Meni Meni Tekel Upharsin

(By Peter Kromann)

These were the famous words from "The Handwriting on the Wall" which the Prophet Daniel, lifting an accusing finger, interpreted for King Nebuchadnezzar as: "Weighed in the balance and found wanting". In this imperfect world this incrimination can be applied to our own accomplishments, to the accomplishments of President Nixon, and everyone in between. And we can point the finger at almost any idea or criterion, as, after some use, it will have fallen short of man's expectations.

Tonight we shall consider the inefficient, incredibly tangled, cumbersome system of our weights and measures.

Before recorded time man wanted to measure things. The Babylonians and the Egyptians noticed that it was a natural to use foot of a grown man as one unit of measurement. The Babylonians divided this foot into 12 equal parts (the width of a finger), and this division is still being used. The Egyptians used as one of their units the width of the hand at the base of the fingers. Another unit of measurement was the span between the tips of the thumb and middle finger when they were outstretched.

A measurement used by the Greeks was the length of the arm from the armpit to the tip of the middle finger. This was later used in all of Europe. The Greeks got most of their measurement ideas from the Egyptians because the bright young men of Greece went to school in Egypt. The Greeks did not develop the system further, but they carried it to Rome, and the Romans improved upon it. It was left to the Romans to make the first Prototype unit (about 300 B.C.), which was guarded carefully in the Capitol.

The Romans used both the Greek and their own measurements in trade. It is to be understood that all of these measurements were not necessarily standard, but for the trade developed at that time it was not really necessary. However, individual builders at that time must have had their own precise standards. How else could they have built such magnificent structures as the Pyramids, the Temples of Greece, the bridges, aqueducts and buildings of Rome?

Not only the measurements of length were involved, but also those of weight and volume. Some of these measurements are still used today, for instance the Troy weight for fine metals, and our present bushel which originated in Syria.

The conquering Roman armies and the trade developing along the Roman roads carried all of these measurements to most of Europe. After the Romans were gone, many small countries or provinces changed some of these measurements to fit their own needs.

The English originated the Yard as a measuring unit under King Edgar who ruled from 944 to 975, and this is how it was developed: the length from the tip of his Royal Highness' middle finger to the tip of his Royal Highness' nose, when the arm was stretched out sideways, was called a yard. There were three feet to a yard, each foot the length of 36 barley corns (taken from the middle of the head) laid end to end. An inch was three barley corns, or the width of a thumb.

When another king of different size came on the throne the measurements would of course be changed. About 25 years after Edgar, the country was conquered by the Danes, whose King, Kenneth the Great, was a big man, with a longer arm. Then when the English threw him out in 1041 a smaller man came to the throne, and for a while the measurements were in utter confusion. In 1101 King Henry the First proclaimed a precise length for the yard, and he made a Prototype of it in Elm wood, and it is this yard that the English still use.

At that time many other measurements were decided upon: an acre was the size piece of land a man could plow in a day; a furlong was the length of a furrow a team of oxen could turn over before they wanted to rest; a fathom was the length from tip to tip of Viking's outstretched arms.

As the governing units in Europe grew larger they generally developed their own measuring units, for length, volume and money. They learned soon that if they put less silver in the coins they could buy more, at least for a while. And the same kind of shenanigans took place with other measurements, all up through the Middle Ages.

How could the Hansa cities, the rich provinces of the Netherlands, the city of Paris, etc. trade with one another in such a confusion of measurements? The confusion finally grew so great that in desperation, during the French Revolution, some courageous Frenchmen (including Tallyrand) proposed a new system. In developing this system their aim was to find in nature a measure that would be constant. First, they tried to use the length a certain pendulum would swing in a second, but that proved unsatisfactory. Then they agreed on using as a base one ten millionth of the distance between the North Pole and the Equator. They called this a Meter, from the old Greek word Metron. In 1790 it was agreed to use this, and a Prototype was made and stowed away in Paris, and the different countries began working on adopting the system.

When Napoleon came to power he discontinued the effort but tried to apply the new words to the old system, which, however, failed. When he was gone the work of establishing the metric system all over Europe started in earnest.

Supporters of the Metric System in the United States can hardly be accused of advocating a radical, subversive idea. The Telephone inventor, Alexander Graham Bell, was President of the National Geographic Society and campaigned all his life for the Metric System. And George Washington unsuccessfully proposed the system for this new nation.

What is the Metric System? It is far simpler than our system. There are three basic metric units: meter for length, gram for weight, and liter for volume. (A Gram is the weight of a cube of water a centimeter on each side at 4 degrees Centigrade, the temperature of water at its maximum density. A Liter is the volume of a cube, 10 centimeters on each side.) Everything is divided into units of 10, 100 and 1,000. The prefixes used are taken from the Latin. The prefix "milli" means one-1,000th, the prefix "centi" means one-100th, and the prefix "deci" means one tenth. The prefix "kilo" means 1,000.

There are 100 centimeters in a meter, and a meter is a bit longer than a yard. There are 1,000 grams in a kilogram which equals 2.2 pounds. One thousand meters make a kilometer, a little more than half a mile. A kiloliter contains 1,000 liters, and a liter is a little more than a quart. Actually the system is easy to learn. You can learn it in five minutes, and master its use within an hour.

The Metric System is a measurement language. As mentioned, it dates back to the French Revolution. It underwent various changes and is now under the guidance of two worldwide organizations, both located in Geneva, Switzerland. The two organizations are:

The International Organization for Standardization (ISO).

The International Electrotechnical Commission (IEC).

The Treaty of the Meter, an international organization, to which the United States and 42 other nations formally adhere, was founded May 20, 1875. The General Conference of Weights and Measures, an outgrowth of the treaty, established at its 11th meeting in 1960 the formal term International system of units of which SI is the abbreviation in all languages. 36 nations, including the United States, participated in this conference.

The great advantage of the SI system is

that there is one, and only one unit for each physical quantity. The principle basic units are: length, mass, time, temperature, electric current, luminous density and others. Since metric units are related by multiples or submultiples of 10, problems of designation and calculation are greatly simplified.

The measurement standards, as maintained by the National Bureau of Standards, are all SI standards. The U.S. customary measurement standards (pound-yard-gallon Fahrenheit) are exactly defined by specified numerical ratios to the fundamental SI standards.

Clearly, the use of the Metric System by nearly 100 nations, including the adoption by the United Kingdom in 1965 (with the rest of the Commonwealth to follow) must be accepted as a fact of life, and the United States must learn to live with it. The Congress sees it as a "*Principal cause for concern* and has shown a strong interest in the interplay between metrication and areas of international relations."

A study authorized by Congress three years ago on adopting the metric system for the United States has been completed. Thousands of corporations, educators, government agencies and consumers were canvassed on their attitude, and Secretary of Commerce Stans says they overwhelmingly favor the change.

Secretary Stans has asked Congress to finally adopt the use of the Metric System. Incredible as it is, he made this presentation to Congress on the very day 105 years after President Grant signed a law designating the Metric as the legal, and the *only* legal system for the United States. Congress must decide if to make the change, when, and how the country will pay for it.

The helter skelter English system which we use has never been legalized by Congress. The yard, pound, gallon and other units are officially described by the Bureau of Standards in metric terms, as mentioned. The very question is what the Congress can do to make the old law effective. Congress has the power to set our standards, and it has done so, but it is doubtful that Congress can force the general use of the standards it has set unless it can do so under its authority to regulate Interstate and Foreign commerce.

The surest and most effective step is to order the government to do all its business, including the purchase of supplies, in metric terms. This will force contractors to change to the metric system.

But what concerns Mr. Stans is not its purchases but the foreign commerce. This is where the United States is the only one among the major trading nations that does not use the metric system, as England will have completed the change over in a few years. If American machine tools do not fit foreign machines, if American screws do not fit foreign holes, and if American standards do not fit foreign specifications, the industrialization of the rest of the world is bound to be at the expense of American Industry and Labor.

The years following the enactment of the metric study act have seen an acceleration in the internationalization of engineering standards. If the United States wishes to see the maximum amount of its engineering practices and standards included in the coming international standards, it must, without delay, take steps for active and effective participation in international standards negotiations.

The Bureau estimated the process of converting measuring and manufacturing equipment to the metric system would run anywhere from 10 to 40 billion dollars over a period of ten years. But the bureau researchers concluded that the cost would be much greater to the United States if it continued to be the sole major holdout among nations that have adopted the Metric System.

Other estimates of conversion costs seem to assume that we would have to do everything over. A critic spoke with dismay of the cost of resurveying the land. Who said anything about resurveying? We don't expect to export our land, and if it should be necessary to transfer a deed into meters it could be done very quickly from a conversion table. If it should end up with a millimeter off, it wouldn't be a disaster. One need only look at the southern boundary of Tennessee to realize that our existing baselines are less than infallible. The two boundary surveying teams missed each other by more than a mile at the Tennessee River. Even on a 100 foot lot the surveyors' pipes may end up an inch or so apart.

The Federal Government is bound to have a part in financing the change, for it will involve millions of dollars of costs in retooling, redesigning and packaging.

I understand that Chuck Conrad has been suggesting to our Senators and Congressmen that we could use our returning servicemen from Vietnam to do this job, instead of putting them on the unemployment rolls. By giving them productive work we would certainly help them as well as the change-over and the economy.

We are told that it would be confusing to use more than one system at a time, yet our present system is really a jumble of more than two. The inch has no relation to the pint, nor the pound to the gallon, and we already use the metric system in many fields.

Other countries that have shifted to the metric system found that it was less an ordeal than it had been feared. India is hardly comparable to the United States, but the shift in its industry was completed three years earlier than planned, and the cost was barely one tenth of the predicted estimate. South Africa and Britain are now in the process of shifting.

Most of us would be affected only slowly by the change. In the export industry, which would be most immediately affected, the cost of conversion might not be as great as feared. And the benefits after conversion will last indefinitely, and are therefore immeasurable.

The metric study group has identified 455 classes of manufacturing as "measurement-standards sensitive." "Examination of trade statistics shows that these 455 classes accounted for 11 Billion Dollars of exports and 4 Billion dollars of imports in 1969", the interim report reveals. "Thus, in terms of exports and imports that are measurement-standards sensitive, there was a favorable balance of 7 Billion Dollars for the United States in 1969. There is clearly much at stake in the export and import of these kinds of products.

United States exports amount to 4% of Gross National Product. In comparing this with Japan's 9%, France's 11%, West Germany's 14% and England's 17%, it seems only logical to conclude that our export potential should be much higher.

From Canada we hear that conversion is *inevitable;* from Australia that conversion *must* take place within ten years; from Japan, where conversion is completed, that with foresight and planning the cost was not as great as had been anticipated, and that they were able to get rid of much obsolete machinery. In the United Kingdom the process of metrication is being used as an occasion to "*clean house*" with regard to standards and related industrial practices. Old standards of diminishing usefulness are being discarded, rather than translated into metric language. Product lines are being redesigned and simplified.

We *are* going metric—and one towering reason why is that the cost of *not* converting is getting too steep. We're losing an estimated 10 to 20 billion dollars a year in exports simply because of our clumsy, unfamiliar weights and measures. Countless millions are being wasted on scientists and technicians who must make endless conversions back and forth between the two systems. Countless more millions are being lost in expensive and time-consuming errors inherent in the conversions.

Another reason is that we would save more than $700 Million a year just in teaching costs. In the educational field lies a great benefit . . . in favor of the metric. Teachers of Mathematics will agree that fully 25% of a child's as well as a teacher's time could be saved in Arithmetic courses if the simple, inter-related metric decimal units were substituted for the 80 different units of weight and measures "in common use" today.

A third reason is that the Metric System already is being widely used by the pharmaceutical and optical industries, the chemical, radio and electronic industries, the National Aeronautics and Space Administration, the U.S. Military services, track and swimming meets, etc.

Another reason is that each year's delay in switching is boosting the nationwide conversion costs at least 7%.

It would seem sensible for industry in its own interest to help the government do what it probably can't do by itself.

What would it mean to you and to me? Among other things, virtually every package would be redesigned and relabeled. Gone would be proper and improper fractions, least common denominators, troy and avoirdupois weights.

Fahrenheit would turn to Centigrade with the freezing point at a sensible zero, and the boiling point at 100 degrees. All school books at all levels would be revised, and so would speed limit signs and speedometers. So would rulers, scales, etc. etc.

All major countries except the U.S. are now metric.

There would be a nationally planned program in the United States to increase the use of the metric measurement system in this country.

The changeover to the metric system would be completed by the end of a designated time period.

Within the designated time period, all changes to metric language for printed materials such as signs, catalogues, deeds, and labels would be made only when such materials needed to be revised; and all changes to metric sizes or engineering standards would be made only for new or redesigned parts or products.

Existing equipment would be used until the end of its normal life cycle; the only changes to metric units would be in dials, gauges, and indicating devices.

The metric system would be taught in all U.S. schools during the transition period, and the general public would be gaining familiarity with the metric measurement system at the same time.

President Nixon, in his inaugural address said, "We seek an open world—open to ideas, open to the exchange of goods and people—a world in which no people, great or small, will live in angry isolation." (Unquote) What, then, must we do to avoid being isolated?

Enterprise and Technology have produced wealth that spreads beyond national boundaries. As technology continues to advance industrial productivity, markets of global scales are needed to realize potential production and market efficiencies. This can be greatly facilitated by use of the Metric System and International Standards.

American Space Technology has made every nation aware of our global interdependence. More than ever we are acutely aware of the need to learn to live together in peace and harmony on our spaceship Earth.

TRAUMA CENTER AT UNIVERSITY OF CALIFORNIA AT SAN FRANCISCO GIVEN SPECIAL FEDERAL RECOGNITION AND FUNDING

Mr. CRANSTON. Mr. President, I am pleased to learn that the Department of Health, Education, and Welfare has recently awarded a grant to the University of California at San Francisco School of Medicine for the support of a trauma center.

This center, which until now has been jointly sponsored by the city of San Francisco and the Medical School, will be one of nine trauma centers supported by the National Institutes of Health throughout the Nation.

These centers are devoted to reducing the tragic consequences of accidental injury. Statistics show that in the United States 115,000 persons die and 400,000 are permanently disabled each year as a result of accidents and that accidents are now the third leading cause of death and the primary killer of persons aged 5 to 45.

Many of the great tragedies which these figures represent can be avoided if adequate precautionary measures are taken at the time of the accident followed by special intensive measures in the emergency room and correct follow-up care.

The Center at University of California at San Francisco has an outstanding group of professionals committed to developing appropriate treatment procedures to reduce the tragedy of these annual statistics.

Mr. President, a press release issued by the University of California describes the proposals and the extent of the programs to be carried out at the trauma center. I believe that these plans will be of interest to the other Senators, so I ask unanimous consent that the news release be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

University of California,
San Francisco.

A grant for $570,000 has been awarded to the University of California, San Francisco school of medicine by the National Institute of General Medical Sciences for the support of the trauma center at San Francisco General Hospital.

Dr. F. William Blaisdell, UCSF professor of surgery at SFGH, said that this hospital is one of nine medical centers across the nation selected "for the study of trauma and for improving methods of care of critically ill patients."

Other trauma center locations include Peter Bent Brigham Hospital, affiliated with Harvard Medical School, Boston; the University of Cincinnati; Columbia University; and the University of Texas at Dallas.

The grant, which covers a 3-year period, is the culmination of five years of planning by UCSF faculty.

"It is now established nationally that accidents are the third leading cause of death and the primary killer of people between the ages of 5 and 45," explains Dr. Blaisdell. During the past five years in San Francisco accidents have risen dramatically. "Not only are the freeways producing more catastrophic auto accidents here, but, as in all American cities, crimes of violence have also increased.

"Since most major accident victims are brought promptly to the Mission Emergency portion of SFGH by our efficient municpal ambulance system, the surgical services have devoted most of their attention to treating accident victims," said Dr. Blaisdell.

The surgical staff at SFGH states that the primary causes of death from accidents are shock, blood loss, lung failure and brain injury. Dr. J. Englebert Dunphy, chairman of surgery at UCSF, said that the major study of shock by Dr. Blaisdell and his colleagues will continue and that advances resulting from this major study are being utilized in the education of UCSF medical students and doctors in the community. Dr. Blaisdell and the late Dr. Paul Aggeler, UCSF hemotologist, initiated a study of blood coagulation in shock, a critical factor in the recovery of shock victims. The study is continuing under the immediate direction of Dr. Jean Robinson.

Many of the patients who demonstrate blood clotting problems develop lung failure. In fact, lung failure at the present time is the principal cause of death in patients suffering severe trauma, whether they be victims of auto accidents in San Francisco or soldiers wounded in Viet Nam. Dr. Robinson's group is developing a means of early recognition of patients with clotting problems in the belief that early treatment should greatly modify the death rate in trauma victims. Also, Drs. Richard Schlobohm and Richard Barber have been working to improve the techniques of delivering oxygen to the lungs. Another critical problem, according to Dr. Blaisdell, is not only lack of oxygen to the lungs but to the tissues of the body. "Dr. George Sheldon of the SFGH surgical staff has discovered that the body reacts in curious ways to shock and that the ability of the red blood cells to carry oxygen is altered in the shock victim," he said. Research support provided for the trauma center is directed toward solving this deficiency of blood.

"Shock also lowers the amount of oxygen in the healing wound, and the trauma center has demonstrated that this leads to wound complications. Patients who have experienced the most severe shock have the highest incidence of serious problems with their wounds."

Recently Dr. Thomas Hunt conducted a major study of wound healing following trauma. This work will continue under the new grant with the object of developing new forms of treatment to prevent these complications.

Dr. Julian T. Hoff, formerly a neurosurgeon from Cornell University, has recently been recruited for the full time faculty at SFGH. His expertise is head injury. He is utilizing new techniques to relieve pressure on the brain which might cause paralysis or death.

The orthopedic service under Drs. Edwin Bovill and Michael Chapman has developed a means of determining the healing rate of bone fractures so that patients can be removed from casts and returned to normal life in minimum time and with the least amount of disability. This unit also is accumulating specialists devoted to the care of victims paralyzed by brain or spinal cord injury.

"In order to do justice to emergency patients at SFGH," said Dr. Dunphy, "we had to strengthen our surgical staff there." During the past five years the surgical staff has increased to the point that every hour of every day a senior member of the surgical faculty is available to the emergency room within ten minutes.

"Our night professional staff equals the number of our daytime staff, with all medical specialties dealing with trauma represented," said Dr. Dunphy. "As a result of research being done at SFGH and the increase of surgical staff strength, emergency patients are now recovering at SFGH who would never have survived four years ago.

"The $570,000 grant could be interpreted as recognition by the National Institutes of Health of the excellence of the San Francisco trauma program," said Dr. Dunphy.

Up until now the program has been jointly supported by the City and UCSF.

BIRTH OF NUCLEAR POWER AT IDAHO FACILITY

Mr. JORDAN of Idaho. Mr. President, the Snake River Plain of southern Idaho today is the location of a significant 20th anniversary of the nuclear age. It is the anniversary of the first production of electricity from nuclear fuel at the national reactor testing station in Idaho in December 1951. I was Governor of Idaho at that time.

On that historic first occasion, only four light bulbs were lit at the testing station site near Idaho Falls. On the next day, the entire building of the EBR–1 experimental breeder reactor was operated on nuclear electricity. A larger experimental breeder reactor, EBR–II, has operated in Idaho since 1963, successfully producing up to 20,000 kilowatts of electricity.

This is only one of several firsts in nuclear developments pioneered at this key AEC research facility since its establishment in 1949. The 1,000 square-mile site has housed 46 experimental and testing reactors, including the prototype reactor for submarine propulsion. A boiling water reactor at the site provided the power for lighting the first American city, neighboring Arco, Idaho in 1955.

Mr. President, I am sorry that my duties in the Senate have made it impossible for me to be in Idaho Falls and to join in the honors being paid to those who helped pioneer these applications of nuclear energy. However, my colleague in the House, Representative Orval Hansen—a member of the Joint Committee on Atomic Energy—played a major role in arranging this anniversary celebration and is representing the Idaho congressional delegation at this event.

Mr. President, I ask unanimous consent to have printed in the Record newspaper articles from the Idaho Falls Post-Register describing the anniversary celebration and its research background.

There being no objection, the articles were ordered to be printed in the Record as follows:

Ceremonies To Mark First Nuclear Power Production

In the development of the peaceful atom a major anniversary is reached this month. Twenty years ago, in December 1951, the lighting of four bulbs by an experimental nuclear reactor at the National Reactor Testing Station in Idaho marked the first production of electricity from nuclear fuel.

On Dec. 13, an observance of the anniversary, sponsored by the communities of Eastern Idaho, will honor Dr. Walter H. Zinn and his co-workers in that historic effort. Recent accomplishments at the Idaho site in the development of the breeder reactor will be on display for industrial leaders and the national and local news media. The observance will be led by William O. Doub, one of President Nixon's recent appointees to the U.S. Atomic Energy Commission, and by Idaho's member of the Joint Committee on Atomic Energy, Congressman Orval Hansen.

The first generation of electricity was accomplished by the country's first experimental breeder reactor, EBR–I. A larger experimental facility EBR–II has been operated in Idaho since 1963 successfully producing up to 20 thousand kilowatts of electricity. For the past several years its primary purpose has been to test the nuclear fuel materials for breeder reactors of the future, including the two demonstration plants announced by President Nixon last June and September as a national commitment for the 1970's. The EBR–II and newer associated facilities of the nation's breeder program will be viewed during the observance.

The day's events will begin with a luncheon at which Dr. Zinn will speak. The observance will conclude with a public banquet with Commissioner Doub as featured speaker. The banquet to be held at 7:45 p.m. at the Westbank Restaurant in Idaho Falls will be preceded by a social hour. Reservations may be made at 522–6610, extension 1689.

Arrangements for the day are being handled by the Eastern Idaho Nuclear Industrial Council with the assistance of the Eastern Idaho Section of the American Nuclear Society.

Dr. Zinn in 1951 was the first director of Argonne National Laboratory which operates research and engineering facilities for the AEC both near Chicago and in Idaho. In 1954 he was the first president of the newly organized American Nuclear Society which is the technical society in the nuclear field. He recently retired as vice president of a major supplier of nuclear power plants to the utility industry.

BIRTH OF NUCLEAR ENERGY AT IDAHO NRTS TO BE CELEBRATED ON DECEMBER 13

With nuclear power receiving increased use for the generation of electricity in most parts of the country, a little known anniversary is being celebrated in Idaho on Dec. 13. Twenty years ago, December 1951, a nuclear reactor at the National Reactor Testing Station near Idaho Falls generated the first useful amounts of electricity from fissioning of atoms and nuclear-power generation was born.

On that first occassion, only four light bulbs were lit. On the next day the entire building of the EBR–I experimental breeder reactor was operated on nuclear electricity.

The anniversary focuses not only on the rapid development of nuclear power, but also on the 20 years of experience with breeder reactors. From four light bulbs to economical million-kilowat plants is one of the major technical achievements of the past two decades. The feat was accomplished with reactors less efficient than the fast breeder, whose technology has been developing much more slowly.

FULL DEVELOPMENT

Breeder reactor technology is now judged by the experts as ready for full-scale development to meet the power needs for many years to come. President Nixon last June therefore selected the fast breeder, a new concept to most Americans, as a national commitment for the seventies.

The nuclear age began almost 10 years before 1951. In 1942, the late Enrico Fermi and his co-workers successfully demonstrated the principle of the nuclear chain reaction by building the first nuclear reactor under the stands at the University of Chicago athletic stadium.

Even before then, they had visions of controlling that chain reaction at sufficiently high temperatures to remove heat, make steam, and drive a turbine for electricity. In the process it might even be possible to breed more nuclear fuel than is consumed.

When the nation's atomic affairs were turned over to the Atomic Energy Commission after the war, it established Argonne National Laboratory in suburban Chicago as the nation's development center for nuclear reactors. The lab's first director was Dr. Walter H. Zinn, a Canadian-born physicist and early co-worker of Fermi. Zinn, who recently retired as vice-president of a major supplier of nuclear power plants, is being honored at the twentieth anniversary observance.

EARLY IMPETUS

An early impetus for nuclear electricity came from the Navy's plans to develop nuclear powered submarines. Argonne assisted the Navy in selecting water under high pressure as the most feasible way to extract useful heat from a nuclear reactor. The water would also serve to slow down the neutrons of the chain reaction so they would more readily collide with other atoms of the nuclear fuel.

The function of slowing down or moderating the neutrons had been performed by graphite in early reactors. The moderator is the key difference between the thermal reactors now being built for power generation and the fast breeder. The selection of the most appropriate materials to cool the nuclear reactor and to moderate the neutrons occupied much of the early effort.

President Eisenhower gave civilian nuclear power its first major push in 1953 with his atoms-for-peace program. By that time five promising concepts of nuclear reactors for power had been identified. These included the fast breeder reactor cooled by liquid metal, and thermal reactors cooled by water under pressure or by boiling water within the reactor. Two other concepts which later proved uneconomical were also under consideration.

WATER REACTOR

The boiling water reactor had also been proposed by Argonne and a working model was built at the NRTS in Idaho in the early fifties. The AEC had established the NRTS in 1949 just for such field tests. Starting with the EBR–1 in 1951, the 1,000-square-mile site has housed forty-six experimental and testing reactors. Other early accomplishments included a prototype reactor for submarine propulsion in 1953 and lighting the first American city (Arco, Idaho) entirely with nuclear powered electricity from a boiling water reactor in 1955.

Since the identification of the early concepts, the U.S. program for nuclear power has generally been characterized by the orderly pursuit of several concepts at the same time. For a specific reactor type, four stages or tests have generally been necessary to move from the laboratory to full-scale economic application.

The first, or proof-of-principle, project generally establishes that the basic concept, such as cooling a reactor with boiling water or breeding more fuel in a fast reactor, is technically feasible and inherently safe. Generation of token quantities of electricity may or may not be a secondary purpose.

The second, or prototype, project provides for the construction of a complete power plant. In this plant the first tests are made on nuclear fuel and components which have been specifically developed to exploit the economic benefits of the concept.

The third stage, or demonstration plant, is sufficiently large to establish the economics of the concept and to allow long-term testing of full-size or near-full-size fuel and components. The first full-scale plants may still have further developemnt associated with them to improve economics, and full economic benefit may not be realized until later-generation plants.

EXPERIMENT SERIES

As has been mentioned, the boiling water reactor was proven out at the NRTS in the early fifties in a series of experiments with the acronym BORAX. Then two prototypes were built elsewhere: one by the AEC and the other by General Electric, who has become the sole U.S. supplier of boiling reactors. These prototypes were completed in 1956 and 1957 respectively and operated successfully.

Almost immediately work was begun on a larger demonstration plant, Dresden I, owned and operated outside Chicago, by an electrical utility, Commonwealth Edison. That plant was completed in 1959. Its successful operation plus the willingness of General Electric to supply larger units at a fixed price led to the sale of the first commercial unit in New Jersey. This Oyster Creek plant was started in 1964 and put into operation in 1969.

The development of the pressurized water reactor matched the boiling reactor step for step. Based in part on technology from the highly successful submarine program, Westinghouse constructed a government owned prototype on the grid of the Duquesne Light Company at Shippingport near Pittsburgh. To fund the construction and operation of the larger demonstration unit at Rowe, Mass., the utilities of New England formed the Yankee Atomic Electric Company.

Subsequently, several full-scale pressurized water reactors were started in the late sixties in New York, Connecticut, and California. Babcock & Wilcox and Combustion Engineering, suppliers of conventional coal-fired boilers, joined Westinghouse in offering the pressurized water reactor in commercial sizes.

ORDER REACTORS

Since the middle sixties, the electrical utilities have been ordering boiling and pressurized water reactors in increasing numbers. At this time about twenty nuclear power reactors are in operation, supplying about eight million kilowatts of electricity or about two per cent of the national usage. Almost 100 more nuclear plants, capable of supplying about ten times as many kilowatts, are under construction or on order. By 1980 nuclear plants are expected to supply close to one-fourth of the nation's electricity needs at that time.

Other thermal reactor concepts have proven technically feasible in tests in Idaho and at other government and industrial installations. Some reached the prototype stage. Then most of these failed the economic tests of being cheaper than water reactors.

A more recent concept, being developed by a subsidiary of Gulf Oil, is apparently passing the economic tests. With graphite as the moderator and helium at high temperature as the coolant, the HTGR (High Temperature Gas-Cooled Reactor) is also receiving attention from an environmental standpoint. Because of its high temperature, it is more efficient than water reactors and rejects less waste heat.

IN PENNSYLVANIA

Based in part on gas-cooled concepts developed to commercial size in Europe, a prototype HTGR was constructed at Peach Bottom, Penn. in the mid-sixties. A demonstration plant is scheduled to go into operation early in 1972 near Denver. Two full-size units for operation in the late seventies have just been ordered by Philadelphia Electric.

The success of the water-cooled reactors has provided new incentives for the development of the fast breeder reactor. The water reactors use uranium-235 the so-called fissionable isotope of uranium which makes up less than one per cent of naturally occurring uranium. At the same time they do extend our nuclear fuel supplies to some extent by converting a lesser amount of the other 90 per cent of uranium, uranium-238, to fissionable plutonium. Without a more efficient way to convert uranium-238 to plutonium, nuclear fuel and hence electricity will become more expensive when all readily accessible uranium has been mined, by the 1980's.

The breeder reactor provides this more efficient means. Fueled with a mixture of uranium-238, and plutonium made in water reactors, it converts more uranium to fissionable fuel than the amount of plutonium it consumes. In effect it stretches the available nuclear fuel supplies by a factor of about 100.

Much of that uranium is already mined and above ground. Existing storage piles of by-product uranium-238, mostly from the manufacture of almost pure uranium-235 for atomic weapons, contain potentially several times as much energy as all the known oil reserves in the Middle East.

CONTINUED ROLE

The NRTS in Idaho has played a continuing role in development of the breeder reactor. The prototype unit, EBR–II, was completed there in 1963 and was operated for several years as a small power plant generating up to 20 thousand kilowatts. Its main function now is to test new fuel designs for the breeder reactors of the future. Based in great part on the results coming from that plant, the technology is now ready for the next step.

The President's national commitment is for one or more demonstration breeder reactors to be built during this decade. The utility industry has successfully raised the major portion of the funds necessary for the actual construction of the first plant. Details of joint funding between government and industry are being worked out. The contract for that first plant should be let within months.

Westinghouse, General Electric, and North American Rockwell are contenders for supplying the nuclear reactor. Commonwealth Edison, Tennessee Valley Authority, and the utilities sponsoring Yankee are among the most likely choices for the owner-operator.

In addition to EBR–II, the NRTS site at Idaho houses several reactor facilities used primarily to train navy personnel and two of the world's most advanced reactors for testing materials. Two other reactors, designed specifically for testing advanced safety devices, are under construction. Testing of such safety devices is required to insure the continued perfect safety record on the public, as larger and larger power reactors are proposed closer and closer to metropolitan areas all over the country.

ONE FATAL ACCIDENT

Even after 46 experimental reactors and twenty years, the 5,000 employees of the NRTS have suffered only one fatal accident associated with a nuclear reactor. Even in that accident the consequences of the radioactivity release were not detectable a couple hundred of feet away from the sheet metal silo which housed the reactor.

Since most of the 46 reactors have completed their mission, there is room for plenty more. But even space will give out before safety becomes a problem. As one expert pointed out in a recent comparison of risks. 249,267 power reactors concentrated in one area would provide the public only one-third the radiation exposure of a chest x-ray.

The residents of southeastern Idaho are convinced nuclear reactors are safe, and that's one big reason for the December 13 celebration. As is so often the case, recognition comes first from far away. As one high school teacher tells her classes "the rest of the country knows Idaho for its potatoes, but in Russia we are known for the world's largest collection of nuclear reactors".

CHILD CARE VETO

Mr. MUSKIE. Mr. President, President Nixon's veto of the Comprehensive Child Development Act, as I recently said in Houston, Tex., is an affront to Americans who care for their children, and who realize that the central theme of human activity concerns the enriching and development of the coming generation.

The President has turned his back on his own promises. On February 19, 1969, he called for a "major commitment to provide all American children an opportunity for a healthful and stimulating life." On April 9, 1969, President Nixon reaffirmed his position:

> I again pledge myself to that commitment.

He has reneged on that pledge.

Experts at the White House's 1970 Conference on Children convened under the President's own auspices, agreed that a comprehensive child development program such as the act contained was the single most important and desirable undertaking of for the Nation's very young. The President has ignored his experts,

The President also ignored the recommendations of numerous organizations, all of them respected and responsible, which represent a broad, bipartisan spectrum of American concern. These include such diverse groups as the AFL–CIO, the American Bar Association, the NAACP and the American Academy of Pediatrics.

The American people need not look far for an explanation of the President's abandonment of his commitments to them and his disregard of qualified experts and spokesmen. The President has turned his back on the public good in a blatant political appeal to the far right-wing Republican elements that are considering challenging him for his party's nomination.

The President claims that the bill would lead to an "altering of the family relationship" and that it would be a departure from the "family centered approach" to child rearing. The bill's only alteration of family relationships would have been to enrich them. Participation in the program would have been purely voluntary. The bill would have offered trained supervision to children whose mothers must leave in order to earn money to support them. It would have provided education, nutrition, and medical care to children now without it. It would have permitted the dignity of jobs and self-support to mothers now doomed to dependency on welfare because they cannot leave their children. It would have provided training in the care and education of children to parents who need assistance. And it would have augmented and strengthened the "family centered approach" to child rearing.

The President's objection to the cost of the program furnishes further sad evidence of his priorities. He would spend billions to build an SST, but objects to the cost of supporting our children. He would backstop the Lockheed Corp., but objects to the expense of providing our children with needed services.

The Comprehensive Child Development Act was a sensible and necessary investment in America's future. We are only as good a country as our citizens. We shall be only as good as the children who succeed us. Unfortunately, the administration has gone against the will of Congress and has not grasped this opportunity for enriching and uplifting our children for the ultimate betterment of our Nation.

Mr. President, I ask unanimous consent that the Washington Post's Sunday editorial on the day care veto be printed in the RECORD. I think it provides an excellent analysis of the President's actions.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 12, 1971]

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated." . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 2 o'clock today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The motion was agreed to; and at 12:32 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:52 p.m., when called to order by the Presiding Officer (Mr. Allott).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 113. An act for the relief of certain individuals and organizations;

S. 248. An act for the relief of William D. Pender;

S. 1828. An act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order more effectively to carry out the national effort against cancer;

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and Dewitt John;

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes;

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes;

H.R. 3749. An act for the relief of Richard C. Walker and to create an additional judicial district in the State of Louisiana;

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government;

H.R. 11341. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 11955. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY STANS' INTEREST IN THAI PAPER COMPANY

Mr. GRAVEL. Mr. President, I invite attention to an item on the Associated Press wire which discusses investments by the Secretary of Commerce in a paper company in Thailand.

It refers to an Export-Import Bank loan of $14 million, and states that the party through whom the Secretary made the acquisition is now the head of the Export-Import Bank—Mr. Kearns, also an appointee of this administration.

According to the item, the head of this company was a major general in the Thai army.

What distresses me most would be the impact on an American soldier in Vietnam who had read this report in the newspapers and who realized that some of his friends had given their lives in Vietnam, he would read in the newspapers about this kind of machination at the highest level of government. I think that that American soldier would have a normal human question, "Why is it that I am here under threat of losing my life when someone in high places in government has some obvious economic gains to make as a result of his activities in Thailand?"

The situation as reported in the article was that these interests were acquired since Secretary Stans became Secretary. So I think we could clearly say that there was no effort made not only to commit any impropriety but to leave any onus of impropriety. I think the tragedy is that the onus of impropriety is left at the highest level of this administration and I hope that the President will take cognizance of the situation and that we will see remedies to what appears, and I undersctore what appears to be an impropriety.

I want to congratulate Mr. Schwartz for an excellent piece of investigative reporting, in the finest tradition of American journalism.

It is this kind at reporting that honors the Fourth Estate and provides a necessary check on the activities of public officials.

Mr. President, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Secretary Stans Interest in Thai Paper Company

(By H. L. Schwartz III)

Washington.—A private foundation controlled by Secretary of Commerce Maurice H. Stans has acquired since he took office an interest in a Thailand paper company which directly benefits from U.S. government cash and other assistance.

In response to written questions from the Associated Press, Stans called the $24,302 investment in Siam Kraft Paper Co. "very minor;" said he got no income from the Stans Foundation, and "couldn't conceive" of any tax breaks normally associated with such foundations as being available to him.

"There is nothing whatsoever in this situation that could conceivably involve conflict of interest," Stans said.

Disclosure of Stans' involvement in the Thailand company, founded on a $14-million loan from the U.S. Export-Import Bank, and extended the second time in recent months that questions have been raised about the secretary's financial holdings.

In February it was disclosed he held a $318,000 interest in a Penn-Central subsidiary at the time his department was engaged in secret negotiations to save the railroad from bankruptcy.

At that time, Stans said he had disqualified himself from efforts to help Penn Central after attending one high-level meeting. Tax returns for the Stans Foundation, which list Stans as president and his wife and four children as directors, show it acquired 2,667 shares of Siam Kraft in 1969 when the company was chaired by a Thai major general, managed by an American consulting firm and headed for large initial operating losses.

It got the shares from another Nixon appointee, Henry Kearns' president of the Export-Import Bank.

The foundation, Kearns and a New York investment firm, then headed by Stans, had been partners for a year in a separate real estate venture, Thai Industrial Estates.

A spokesman for Kearns and an officer of the investment firm, Glore-Forgan-Wm. R. Staats, said no real estate ever was purchased or developed although tax returns for the foundation show its initial $4.143 investment had grown to $20,851 by the end of 1968.

James Lynch, Glore Forgan vice president, said he didn't recall when the partnership was dissolved, but that Siam Shares were distributed in July 1969 to pay off the real estate investment. Kearns founded Siam Kraft in 1965 with the Export-Import Bank loan plus other backing from four American Banks, an insurance company and the General Electric Pension trust.

Questioned closely by the Senate Banking Committee about his $750,00 interest in the company, which produces paper bags, Kearns pledged to put his holdings in a blind trust and divorce himself from any Export-Import Bank efforts to help the firm.

Kearns declined a reported's request for an interview, but Don Bostwick, the bank's executive vice president, said Kearns "is and will continue to be totally disassociated with Siam Kraft Paper."

Stans also put his personal stocks and bonds into a blind trust, telling the Senate Commerce Committee he wished to avoid "circumstances which might imply any potential conflict of interest."

But he retained personal control of the foundation, plus real estate holdings in three states.

The foundation, established in 1945, increased in new worth from $501,000 in 1962 to $1.39 million by the end of last year, according to its tax returns. The returns show a $319,514 increase in 1970 alone.

The foundation's tax returns for 1969 and 1970 list Stans as devoting parttime to its operation, but he said in response to a question "I have had no transactions with the foundation for years."

Foundation experts with the House Banking Committee say there are numerous tax benefits available to those who control foundations, with one of the most common being avoidance of capital gains taxes.

"I can't conceive of any tax benefits available to me because of the activities of the Stans Foundation," said Stans. Siam Kraft's annual report to shareholders in October, listed a $4.28-million loss for the year ended last June. But the company report said extension of the Export-Import Bank loan, plus advice and assistance from officials of the bank and the U.S. Embassy in Bangkok, had brightened company prospects.

Douglas Smith, a project officer for the bank, said the payment date on the $14-million loan was extended from 1976 to 1993. Bangkok banks, benefitting from other Export-Import loans, were able to cut their interest rates to Siam Kraft, he said, and the Export-Import Bank loaned the company another $80,000 to pay the salary of a new American manager for two years.

One of the Commerce Department's functions is to encourage and assist American businessmen seeking to invest abroad. In Thailand, the department's operations center around one fulltime official and several State Department commercial officers.

Although these commercial officers work in the same office that has been most closely involved in helping Siam Kraft, John Randolph, head of the Commerce Department Far East desk, said "they have not been intimately involved."

Randolph said he routinely sees cables concerning Siam Kraft, but has never been given any special instructions about the company.

Emphasizing that he has no personal holdings in the company, Stans said he has never "discussed its affairs with anyone in the United States government."

RESIGNATION OF DAVID PACKARD AS DEPUTY SECRETARY OF DEFENSE

Mr. ALLOTT. Mr. President, during the weekend I heard over the electronic media and read in the newspapers of the resignation of David Packard as Deputy Secretary of Defense.

Of all the people in Congress, I would be the most remiss if I did not utilize this occasion to say a few words about Mr. Packard's service to his country.

I knew his father and his mother very well. I knew David Packard as a young man in high school. Then, for many years, our paths diverged, and I did not see him again or have any contact with him until he was named to the post from which he has just resigned.

His service in the Government has been symbolic of the kind of man that David Packard is. Having begun with his partner an electronics business, and having built it from a shoestring to the point that he became many times over a millionaire, he answered the call of his President. He came to Washington, and gave up everything that he had spent a lifetime building—namely, his home, his ranch, his settled family life—although his lovely wife came here with him and they made a home while they were here—in order to serve the Government. But there is more to it, I think, by far, than that, because he foreswore, as everyone knows, and as the public record shows, a great deal of money in order to serve his Government—more money, of course, than most of us will ever see. He is not like so many people who, as they acquire money, seem to get the golden glint in their eye and keep trying to get more and more.

His move to Washington did represent, in the things that mean most, family, home, a way of life for him, a great sacrifice. Beyond that there is still more; there is his great contribution.

We have had so many examples before us in the past 10 years of things that turned out to be real catastrophies in the Department of Defense, like the TFX, the C–5A, and many other things which have cost this country many millions of dollars. These catastrophies occurred because the civilians who were then at the head of the Department of Defense were wedded to ideas which had never been tested in the hard world of usage, and, therefore, as everyone knows, they fell flat on their faces.

More than any other man, David Packard has run the day-to-day operations of the Department of Defense under our distinguished Secretary of Defense Melvin Laird. As I recall, Mr. Laird has said the same thing, but if he has not, I know that he would, and would do so gladly. Beyond that, David Packard has tried to restore the defense posture of this country through research and procurement. After the long, anguishing years of Vietnam, we have regained a forward-looking thrust that will enable us to cope with the 1970's, the 1980's, and the 1990's. He has reformed the procurement process, in the Department of Defense, and he has brought, in its best sense, a businessman's approach to these functions. We are shifting back again to something we should have had a long time ago—an emphasis on the prototype approach in policy planning, which means, in ordinary verbiage, "fly before you buy."

But the main thing is that we are not committing ourselves, as we did with the F–111, to billions of dollars of development and construction before we know that we actually have a workable article in the inventory.

I would be remiss if I did not on this occasion express not only my own personal thanks to Mr. Packard for what he has given to this country, and for what he has done for this country, but also the best wishes, I am sure, of most Members of Congress for his accomplishments and the devotion that he has given to his position. I believe they have been in the highest tradition.

Mrs. Allott and I wish Mr. and Mrs. Packard a fruitful, productive, and happy life. I think they have earned it in the last 3 years.

Mr. STENNIS. Mr. President, the resignation of Mr. David Packard as Deputy Secretary of Defense is effective today. As I said Saturday, when his resignation was announced, Mr. Packard's departure is an enormous loss to the Nation.

Senators will remember that Mr. Packard came into the Government from a successful business career 3 years ago at great personal sacrifice. Now that he is leaving, I want the record to show clearly how valuable his services have been. At the same time I want to pay tribute to him, personally, as a gentleman of the highest integrity.

Mr. Packard has raised the position of Deputy Secretary of Defense to a new order of magnitude. He has, to a large degree, managed the business of the Pentagon. He has shouldered many of the responsibilities previously reserved to the Secretary of Defense.

That has eased the burdens on Secretary Laird and has put a very able two-man team in the top management of the Defense Department.

Mr. Packard's influence has been felt, especially, in the procurement area. He has steered the Pentagon away from contracts which lump procurement with research and development. He has pressed for procedures such as "fly-before-buy" and a wider use of prototypes rather than rely on paper work in the procurement process.

In these and other efforts, Mr. Packard has pointed the way to a more practical way of doing the Government's business. I honor the personal reasons which prompt Mr. Packard's departure, but I wish he were going to be on hand to keep us on course as we move along toward better business methods.

I want to add a word about the way Mr. Packard has done his job. For all of his many services, his greatest contribution may well have been in the independent and forthright posture which he assumed. His candor has been his hallmark in his 3 years on the job, and all of us who have dealt with him have been thankful for it.

One of Mr. Packard's last official acts was to testify before the Senate Armed Services Committee on legislation which would create a second Deputy Secretary of Defense. That proposal is still pending in our committee, and I do not propose to discuss it now.

However, I think it is worth pointing out—and only partly in jest—that Mr. Packard's departure from the Pentagon's management team leaves a hole which may take two men to fill in the future.

Mr. Packard had and deserved my utmost confidence. I valued and respected his judgment and often sought his advice and requested him to look into and handle certain matters for the committee. I was never disappointed in his efforts. A grateful feeling for his services and special good wishes for his future certainly go with him.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

(The remarks Mr. RANDOLPH made at this point when he introduced S. 3005 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ENROLLED BILLS PRESENTED

The Secretary of the State reported that today, December 13, 1971, he presented the following enrolled bills to the President of the United States:

S. 113. An act for the relief of certain individuals and organizations;

S. 248. An act for the relief of William D. Pender;

S. 1828. An act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order more effectively to carry out the national effort against cancer;

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and Dewitt John;

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367 before the Indian Claims Commission, and for other purposse;

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes;

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL CREDIT UNION ACT AMENDMENTS—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 8, 1971, at p. 45466.)

Mr. SPARKMAN. Mr. President, the conference accepted the Senate bill with a House amendment. The amendment intends to make it clear that the Administrator of the National Credit Union Administration need not close a Federal credit union receiving the 2-year provisional insurance and found to be in financial difficulty, if the Administrator determines there is reasonable assurance that these difficulties can be sufficiently resolved within the 2-year period so as to minimize the expenses of the insurance fund. This language is intended to give the Administrator maximum flexibility in providing marginal credit unions a reasonable opportunity to establish themselves on a sound financial basis.

Mr. President, I move the adoption of the conference report.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. AIKEN. Mr. President, how does it affect the rating between rural and urban housing? I know that rural housing has been severely cut.

Mr. SPARKMAN. No; I think the Senator is referring to Senate Joint Resolution 176.

Mr. AIKEN. That is right.

Mr. SPARKMAN. Which I intend to call up later. This matter relates to share insurance for credit unions.

Mr. AIKEN. I will apply that question to the next measure, then.

Mr. PROXMIRE. Mr. President, will the Senator yield for a brief statement?

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Mr. President, I heartily endorse the report of the House and Senate Conferees on H.R. 9961 which amends the Federal Credit Union Act. The Conferees have, in my opinion, recommended a fair and equitable solution to the serious problem faced by nearly 1,200 credit unions which have been rejected for Federal share insurance under the program enacted by Congress last year.

H.R. 9961 as passed by the House of Representatives would have given these 1,200 credit unions 2 additional years to qualify for Federal share insurance. If at the end of the 2-year period a credit union still failed to qualify, its charter would be suspended or revoked and in most cases it would be required to liquidate. Any losses resulting from these liquidations would be borne by the individual savers. It has been estimated that these losses could run as much as $2 million and could adversely affect 50,000 savers.

The Senate bill required the Administrator of the National Credit Union Administration to insure for a 2-year period all Federal credit unions which failed to meet the insurance standards provided they meet the statutory reserve requirements established under Section 116(a) of the Federal Credit Union Act. If at the end of the 2-year period these credit unions still failed to meet the insurance standards, the Administrator is required to revoke or suspend their charter. However, unlike the House bill, losses under the Senate bill would be paid by the credit union share insurance fund rather than the individual saver.

The Senate by a vote of 62 to 17 adopted the position that savers in federally chartered credit unions should not lose their savings as a result of a credit union's being required to liquidate under the share insurance program. These savers placed their money in a Federal credit union in good faith and had every reason to expect that a financial institution chartered and supervised by the Federal Government was financially sound. It would be most unfortunate if the share insurance program should inflict sizable losses on these credit union savers.

I am happy to say the conference committee upheld the Senate position. In agreeing to the Senate position, the conferees also added an amendment to clarify the authority of the Administrator under section 207(a)(1) of the Federal Credit Union Act. Under section 207(a)(1), the Administrator is required to close an insured credit union if he finds it is bankrupt or insolvent.

There are some who feared that because of this apparently mandatory language, the passage of the Senate bill would require the immediate liquidation of a sizable number of credit unions which might be regarded as technically insolvent. In order to prevent this harsh and rigid application of 207(a)(1), the conference committee recommended an amendment to give the Administrator substantially more flexibility in deciding whether or not to close an insolvent or bankrupt credit union. The amendment directs the Administrator to prevent the closing of any Federal credit union receiving provisional share insurance if he determines that there is a reasonable assurance that the credit union's financial difficulties can be sufficiently resolved within the 2-year period so as to minimize the expenses of the insurance fund.

It would be foolish for the Administrator to close a credit union for reasons of insolvency if there is a reasonable expectation that the financial condition of the credit union would be improved, particularly with the provision of share insurance. Even if a credit union cannot be expected to meet the insurance standards after 2 years, it might be more advantageous to the insurance fund to defer its liquidation in order to reduce the ultimate losses accruing to the insurance fund. The amendment by the conferees thus establishes the sound principle that after taking all factors into account the Administrator shall take such action as may be necessary to safeguard the assets of the insurance fund.

The conferees from the Senate and

House were primarily interested in protecting credit union savers against loss. However, the conferees were also interested in seeing that no credit union be arbitrarily closed without being given a reasonable chance to improve its financial condition. I believe the amendment adopted by the conference committee will achieve both of these objectives. I therefore urge the Senate to adopt the report of the conference committee.

Mr. SPARKMAN. Mr. President, may I add this note to what the Senator from Wisconsin has said? It may be recalled that when we were presenting the bill I made some reference to what the Senator from Wisconsin has referred to about the stabilization fund, and I made some comment about the some 22 or so credit unions in my State that were left that had not as yet qualified for share insurance. I think the Senator would be pleased to know of a letter I received from the executive director of the Alabama Credit Union League in which he said:

> I want to assure you that we shall use the stabilization fund for the purpose of protecting every shareholder in Alabama. We do not intend that a single shareholder shall lose out by reason of the action you have taken.

Mr. PROXMIRE. That is precisely what we had in mind. It was because the Senator from Alabama continued to urge that if they use their resources to make sure that no saver would lose his funds that this was done. That is exactly what we were trying to accomplish.

The PRESIDING OFFICER. The question is on agreeing to the adoption of the conference report.

The report was agreed to.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the separate printing of the conference report as a report of the Senate be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST RATES ON INSURED MORTGAGES—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 9, 1971, at pp. 45892–45893.)

Mr. SPARKMAN. Mr. President, I should like to make a statement on the conference report on the joint resolution providing for interim housing legislation. I want to commend the members of the conference committee of both Houses of Congress. They met bright and early one morning this week to resolve differences. In a spirit of goodwill and purposeful deliberation they promptly resolved all outstanding issues. It was a model legislative conference, particularly for its brevity. I am pleased to report that all of the members of the conference committee signed the report. The Senate conferees, I should add, were very satisfied with the results of the conference.

The joint resolution on which we conferred is an interim housing measure. The Subcommittee on Housing and Urban Affairs has worked hard this year on proposals to effect major changes in our housing and community development laws. But with the other important issues the Committee on Banking, Housing and Urban Affairs had to deal with this year, particularly the economic stabilization matters, we felt that we should take a little longer before reporting out what may turn out to be the broadest revision of our housing and community development legislation in some 40 years.

Accordingly we have deferred, until early next year, final action on the major bills now pending before the Banking, Housing, and Urban Affairs Committee, and in Senate Joint Resolution 176 acted on only those matters which required our attention this session.

Senate Joint Resolution 176 as finally approved by the conferees contains 10 sections, which provide: Authority for a flexible interest rate; amendments to the National Flood Insurance Act; a waiver on limitations applicable to mortgage purchases by the Government National Mortgage Association; a deferral of State authority to tax the intangible property of national banks; a reduction in premium prepayment required by the Federal Savings and Loan Insurance Corporation; a temporary waiver on requirements for basic water and sewer grants; an expansion of supplemental grant assistance under the new community assistance program; increased authorizations for comprehensive planning and open-space grant programs; prohibition of reductions in assistance to welfare residents in low-rent housing; and authority for SBA guarantees for small business investment companies. All of these were judged to be matters of high priority by the conferees that required enactment before adjournment of this session of Congress.

The conference report on Senate Joint Resolution 176 and the joint explanatory statement of the committee of conference may be found on pages 45892–45893 of the RECORD of December 9, 1971.

Mr. President, I ask unanimous consent that the separate printing of the conference report as a report of the Senate be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. AIKEN. What effect will the conference bill have on the relationship between HUD expenditures in the rural and the heavily urban areas of this country? It is my understanding that even with the increased appropriation of $100 million, the rural areas of this country will receive considerably less in allocation than they did previous to Secretary Romney's announcing the new formula. It that a fact, that this is a big city bill now?

Mr. SPARKMAN. No, this bill is——

Mr. AIKEN. Much of our area cannot qualify, I understand.

Mr. SPARKMAN. This bill does not make material changes in the housing laws or the housing program. It simply takes care of some things that were more or less urgent. The Senator understands, I hope, that earlier this year we did hold hearings on what might be a very important and sizable housing measure.

Mr. AIKEN. Yes.

Mr. SPARKMAN. But do to the fact that all of this economic load came onto us, we simply were not able to put through that bill this year; but we are going to take it up early in the new year.

Mr. AIKEN. What bill is the Senator talking about now?

Mr. SPARKMAN. It will be a housing bill, the real housing bill. This is just picking up a few of the things that need to be done.

Mr. AIKEN. Will it help build a house on the farm somewhere?

Mr. SPARKMAN. I certainly hope that we will be able to get a program going that will develop rural housing. We are doing everything we can.

Mr. AIKEN. Yes.

Mr. SPARKMAN. And may I say to the Senator that we have as a part of that bill a community development program that I hope we will be able to put through in such a way as to comply with that part, at least, of the President's revenue-sharing program.

Mr. AIKEN. Well, it is my understanding that while this bill does not make any material changes in the procedures for implementing the program, it does permit the Secretary of Housing and Urban Development to make considerable changes, which I understand he is already planning to do. I have a two- or three-page letter from him here explaining the situation, but it does not change my mind too much that this is a bill which is directed toward the cities of the United States, because such a large area of our country cannot qualify at all, as I understand it.

Mr. SPARKMAN. If it is, it is because there are certain urgencies that need to be met there, whereas I think our rural housing has to undergo a considerable change of program.

Mr. AIKEN. Then the Senator from Alabama, the chairman of the committee, is sure that early next year, if there are any differences in requirements or advantages, every effort will be made to even them out?

Mr. SPARKMAN. I certainly will. And one of the things I have been working hard to accomplish for a good many years now has been to get good housing out in the farm areas; and I am glad to say we have made considerable progress, but not enough.

Mr. AIKEN. The Farmers Home Administration has been helping a lot.

Mr. SPARKMAN. Yes.

Mr. AIKEN. But unfortunately, quite a lot of the money which Congress appropriated for the Farmers Home Administration has been, as the administration calls its, reserved.

Mr. SPARKMAN. Oh, yes, I know.

Mr. AIKEN. Other people say it has been impounded, but that depends on how you look at it.

Mr. SPARKMAN. Yes. In fact, during the early part of this year, the administration impounded, I believe, about 60 percent—I am not certain of that figure——

Mr. AIKEN. A little over.

Mr. SPARKMAN. But it is a very high percentage of all of the funds voted for housing programs.

Mr. AIKEN. Yes. They say they reserved it.

Mr. SPARKMAN. Reserved, but I say impounded.

Mr. AIKEN. All right.

Mr. SPARKMAN. And I say to the Senator from Vermont that I share his interest in rural housing, and I am going to do everything I can to get it.

Mr. AIKEN. I know how the Senator from Alabama feels about rural housing. I know the rural dweller has no better friend in the Senate than the senior Senator from Alabama.

Mr. SPARKMAN. I appreciate that.

Mr. AIKEN. And so, on the basis of his assurance that he will do everything he can to correct any inequities, I have no objection to approving this conference report.

Mr. SPARKMAN. I appreciate the remarks of the Senator from Vermont.

Mr. President, I ask unanimous consent that a statement by the Senator from Massachusetts (Mr. BROOKE) be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BROOKE

The Senate is preparing to vote on ("or has just adopted") a clarifying amendment intended to correct an oversight in our current housing laws, relating to the so-called Brooke amendment of 1969.

The purpose of this clarifying amendment is to insure that the reduction of rent authorized under this amendment is made applicable to all families resident in public housing. Under the 1969 provision, public housing residents were relieved of having to pay more than 25 percent of their adjusted income for rent. However, in some states, public housing residents receiving public assistance have been denied the benefit of the amendment. These states pay out assistance for rent on an "as-paid" basis up to a maximum. Thus, if the Brooke amendment were to be applied, their public assistance benefits would be reduced accordingly, with no benefits occurring to these residents or their families. It is the purpose of this 1971 clarifying amendment to make it possible for rents of these resident families to be reduced.

As we clarify this oversight, Mr. President, I would like to repeat the understandings surrounding the passage of the 1969 amendment to insure that as rents of public assistance families resident in public housing are reduced, that local housing agencies are protected from any loss in revenue due to this reduction.

It was the clear understanding of the members of the Banking and Currency Committee at the time of the passage of the 1969 amendment that in no event was a local housing authority to receive less revenue because of the rent reduction applying the 25 percent rent ceiling to families in occupancy in public housing.

Annual contributions were especially authorized by the Congress in 1969, under the "Sparkman" amendment, to cover the loss in revenue due to the 25 percent rent reduction, as well as for other operating service needs of local housing agencies which could not be met within available income. I am deeply disturbed to learn that annual contribution payments, particularly to compensate for congressionally-mandated rent reduction, are not being made promptly to local housing agencies. It is the clear intent of the 1969 legislation that the Secretary of Housing and Urban Development make annual contribution payments pursuant to rent reductions under Section (2) (1) of the United States Housing Act of 1937 without delay, and without other administrative qualifications, in order that local housing agencies can continue their operations without curtailment of services.

Mr. President, I have discussed these understandings surrounding the passage of the 1969 "Brooke Amendment" with the distinguished Senator from Alabama, Senator Sparkman, and he concurs in the explanation of these understandings that I have just recited.

Mr. McINTYRE. Mr. President, Senate Joint Resolution 176 contains several provisions which are vitally important to various segments of our economy, but I wish to speak on only one of them at this time: Section 10 which is most significant to the hard-pressed small businessmen of this Nation.

In reality, section 10 is not a complex bit of legislation, but it will undoubtedly bring great benefits to independent business concerns. This section merely restores to the Small Business Administration the authority it formerly had to raise funds for the small business investment company program through the use of a guaranty procedure.

Prior to 1967, the Small Business Investment Act, passed in 1958, allowed SBA to place its guarantee on debentures issued by SBIC's, so that those debentures could be sold to institutional and private lenders. The dollars raised by this device were then used by SBIC's making additional investments in worthy small businesses.

When the Small Business Investment Act was amended in 1967, Congress inadvertently dropped several words from the act and that omission cast a doubt upon SBA's legal right to pledge the full faith and credit of the Federal Government. Stated most simply, the bill before us will restore SBA's authority to what it was prior to 1967.

On the other hand, the ramifications of our favorable action on Senate Joint Resolution 176—and the President's signature—will undoubtedly mean that SBIC's, for the first time, will operate with the certainty that SBA will be able to provide the leverage promised SBIC's by the Small Business Investment Act.

As all of my colleagues know, that act established an entirely new program for supplying long-term credit and equity capital for new and small businesses. In return for a charter limiting them to loans and investments in qualified small firms, SBIC's were promised that SBA would lend them $2 or $3 for each dollar of their private capital. This incentive has brought some 800 SBIC's into the industry over the past 12 years.

SBA's inability, however, in recent years to provide leverage for SBIC's due to budgetary problems occasioned by the impounding of appropriated funds by the Office of Management and Budget has been a major factor in the drastic decrease in the number of SBIC's. The officers of many BCIC's which have found it impossible to borrow from SBA—the only significant incentive in the SBIC program—have decided to use their capital in some other endeavor and have surrendered their licenses.

The decline in the number of dollars committed to the SBIC industry has brought serious problems to many small businesses, since that type of financial assistance is seldom available elsewhere. Moreover, every authority on the SBIC program agrees that new and small concerns need many more SBIC dollars, not fewer. The qualified investment opportunities are here, only the resources are limited.

Mr. President, I invite the Senate's attention to a recent survey undertaken by the Small Business Administration at the request of the Office of Management and Budget. SBA questioned the owners of several hundred small businesses which had received SBIC financing to find out how these men felt about SBIC's and how their firms had fared. The three chief queries and the responses were as follows: First, SBA asked, "Did your business benefit from the SBIC financing?" The answers were: 95.5 percent "yes"; 4.5 percent "no." The second question was: "Were you satisfied in your dealings with the SBIC?" The answers: 85 percent "yes"; 15 percent "no." The third query: "Under similar circumstances would you use SBIC assistance again?" the answers: 89.7 percent "yes"; 10.3 percent "no."

Officials at the Small Business Administration have said that this survey, along with their other studies, shows that—

> The SBIC program is reaching and assisting the firms to which the program mission is directed.

There are only two other figures which I wish to call to the attention of the Senate: $2 billion and 40,000 businesses. The first SBIC's were licensed a bit more than 12 years ago and the bulk of the industry has been in business for less than 10 years, but in that time, small business investment companies have disbursed almost $2 billion to just about 40,000 new and small business firms.

Before concluding these remarks, Mr. President, I want to say again how pleased I am that this guaranty legislation is completing its passage through Congress. The records of the Small Business Subcommittee of the Senate Banking, Housing, and Urban Affairs Committee demonstrate how obstacle-ridden and tortuous that path can be. As chairman of the subcommittee, I became aware of the doubts expressed about

SBA's guaranty power in June 1969. The Justice Department gave substance to the general doubts at the end of that month and I sponsored a bill to overcome the Justice Department objections early in July. In just 5 weeks, hearings were held, a bill reported and unanimous Senate passage was obtained, but the bill did not go farther.

In 1970, the Senate again considered and passed legislation clarifying SBA's power to place its guaranty on SBIC debentures, but the 91st Congress adjourned without any further action.

Early this year, the Small Business Subcommittee again considered this problem, and others, and the Senate passed S. 1905 in May. That legislation contained a number of provisions but only the SBIC guaranty section is included in Senate Joint Resolution 176 which we are now considering. I hope that the other body will have an opportunity to vote upon the other important portions of S. 1905 soon after the second session convenes in January.

So, Mr. President, passage of the bill before the Senate concludes a long legislative journey. It was never plagued with partisan bickering, since President Nixon strongly urged its adoption in both his 1970 and 1971 small business messages. Both sides of the aisle have joined in sponsoring it in the Senate and in the House where the chairman and ranking minority member of the Small Business Subcommittee introduced H.R. 8634, the SBIC guaranty bill in May. It is just that Congress sometimes finds it difficult to schedule consideration of unspectacular measures dealing with the nonheadline problems of small business. It is my hope that enactment of this legislation will break the logjam, so we can soon pass a number of other bills which are so important to the 5½ million small businessmen in the United States.

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the conference report.

The report was agreed to.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1202, Public Law 91–452, the Speaker had appointed Mr. CELLER, Mr. MIKVA, Mr. MCCULLOCH, and Mr. SANDMAN as members of the National Commission on Individual Rights, on the part of the House.

The message announced that the House had passed, without amendment, the bill (S. 2429) to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes.

The message also announced that the House had passed the bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury, with an amendment, in which it requested the concurrence of the Senate.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 4 p.m. today.

The motion was agreed to; and (at 2 o'clock and 49 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 4 p.m., when called to order by the Presiding Officer (Mr. TAFT).

MIGRATORY BIRD HUNTING STAMP ACT

Mr. MANSFIELD. Mr. President, with the approval of both sides and all Senators so far as I can determine, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 556, H.R. 701.

The PRESIDING OFFICER (Mr. TAFT). The bill will be stated by title.

The assistant legislative clerk read as follows:

(H.R. 701) to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

The question is on the third reading and passage of the bill.

The bill (H.R. 701) was ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, reported earlier today from the Committee on the District of Columbia which are at the desk and which have been cleared all around.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar as reported earlier, will be stated.

IN THE DISTRICT OF COLUMBIA

The assistant legislative clerk read the nomination of H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Joseph M. F. Ryan, Jr., of Maryland, to be an associate judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of George W. Draper II, of Maryland, to be an associate judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. GRIFFIN. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PROGRAM

Mr. MANSFIELD. Mr. President, the conference report on phase II has been agreed to but it is in the process of being worked up.

That is the only piece of legislation on which the Senate acts first. On the remaining three items the House will have to act first. So that at 5 p.m. today we will be ready to proceed with consideration of the conference report.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2878) to amend the District of Columbia Election Act, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STUCKEY, Mr. MIKVA, Mr. NELSEN, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the conference.

RECESS TO 5 P.M. TODAY

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until 5 p.m. today.

The motion was agreed to; and (at 4:03 p.m.) the Senate took a recess until 5 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Spong).

ORDER FOR ADJOURNMENT TO 12 NOON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order tomorrow, there be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, not to extend beyond 6 p.m. today.

The motion was agreed to; and (at 5:01 p.m.) the Senate took a recess, subject to the call of the Chair; whereupon the Senate reassembled at 5:02 p.m., when called to order by the Presiding Officer (Mr. Spong).

ALASKA CLAIMS BILL CONFERENCE REPORT — UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time as the conference report on H.R. 10367, the Alaska claims bill is called up, there be a time limitation thereon of 1 hour, to be equally divided between the Senator from Nevada (Mr. Bible) and the Republican leader or his designee; that any time on any motion, appeal, or point of order with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the able Senator from Nevada (Mr. Bible).

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not beyond 6 p.m.

The motion was agreed to; and (at 5:03 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 5:43 p.m., when called to order by the Presiding Officer (Mr. Spong).

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

(The remarks of Mr. Nelson when he introduced S. 3010 are printed in the morning business section of the Record under Statements on Introduced Bills and Joint Resolutions.)

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, and that the recess not extend beyond 6:30 p.m. today.

The motion was agreed to; and (at 5 o'clock and 45 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 5:54 p.m., when called to order by the Presiding Officer (Mr. Spong).

DISTRICT OF COLUMBIA CONSUMER CREDIT PROTECTION ACT OF 1971

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1938.

The PRESIDING OFFICER (Mr. Spong) laid before the Senate the amendment of the House of Representatives to the bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury, which was to strike out all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the text of section 28–3301 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"Except as otherwise provided in section 28–3308, chapter 36 of this subtitle, the parties to an instrument in writing for the payment of money at a future time may contract therein for the payment of interest on the principal amount thereof at a rate not exceeding 8 percent per annum."

Sec. 2. The text of clause (2) in the first sentence of section 28–3303 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"(2) in writing, to pay a greater rate than is permitted under section 28–3301 or 28–3308 or under chapter 36 or 39 of this subtitle, the creditor shall forfeit the whole of the interest so contracted to be received."

Sec. 3. Chapter 33 of subtitle II of title 28, District of Columbia Code, is amended by adding the following section:

"§ 28–3308. Finance charge on direct installment loans

"(a) On a loan in which the principal does not exceed $25,000 (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle) to be repaid in equal or substantially equal monthly, or other periodic, installments, any federally insured bank or savings and loan association doing business in the District of Columbia may contract for and receive interest at the rate permitted under this chapter or, in lieu of such interest, a finance charge, which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal. This section does not limit or restrict the manner of contracting for the finance charge, whether by way of discount, add-on or simple interest, so long as the annual percentage rate of the finance charge does not exceed that permitted by this section.

"(b) If such installment loan is precomputed,

"(1) the finance charge may be calculated on the assumption that all scheduled payments will be made when due, and

"(2) except as provided in subsection (c), upon prepayment in full of the unpaid balance of a precomputed direct installment loan, refinancing, or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the debtor. If the rebate otherwise required is less than $1, no rebate need be made.

"(c) Upon prepayment in full of such direct installment loan other than a refinancing or consolidation, whether or not precomputed, the lender may collect or retain a minimum charge within the limits stated in this section if the finance charge earned at the time of prepayment is less than any minimum charge contracted for. The minimum charge may not exceed the smaller of the following: (1) the amount of the finance charge contracted for, or (2) $5 in a transaction which had a principal of $75 or less, or $7.50 in a transaction which had a principal of more than $75.

"(d) The unearned portion of the finance charge is a fraction of the finance charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in which the prepayment occurs, and the denominator is the sum of all periodic balances under either the related loan agreement or, if the balance owing resulted from a refinancing or a consolidation, under the related refinancing agreement or consolidation agreement.

"(e) As used in this section, 'finance charge', and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act."

Sec. 4. Subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following chapters:

"Chapter 36.—DIRECT MOTOR VEHICLE INSTALLMENT LOANS

"§ 28–3601. Direct motor vehicle installment loans

"The provisions of the Act approved April 22, 1960 (Public Law 86–431, 74 Stat. 69; D.C. Code, 1967 ed., chapter 9 of title 40), covering installment sales of motor vehicles, as amended, and the regulations issued thereunder, shall apply to the extent appropriate to, a direct installment loan, secured by a security interest in a motor vehicle, made by a federally insured bank or savings and loan association doing business in the District of Columbia, subject to section 28–3602.

"§ 28–3602. Finance charge

"Such a bank or savings and loan association may contract for and receive interest at the rate provided for in chapter 33 or, in lieu of such interest, a finance charge which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal.

"§ 28-3603. Definitions

"As used in this chapter, 'finance charge' and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act.

"Chapter 37.—REVOLVING CREDIT ACCOUNTS

"§ 28-3701. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means an arrangement between a seller or financial institution and a buyer pursuant to which (A) the seller may permit the buyer to purchase goods or services on credit either from the seller or by use of a credit card or other device, whether issued by the seller or a financial institution, (B) the unpaid balances of amounts financed arising from purchases and the credit service and other appropriate charges are debited to an account, (C) a credit service charge if made is not precomputed but is computed on an outstanding unpaid balance of the buyer's account from time to time, and (D) the buyer has the privilege of paying the balances in full or in installments.

"(2) 'credit service charge' means the sum of (A) all charges payable directly or indirectly by the buyer and imposed directly or indirectly by the seller as an incident to the extension of credit, including any of the following types of charges which are applicable: time price differential, service, carrying or other charge, however denominated, premium or other charge for any guarantee or insurance protecting the seller against the buyer's default or other credit loss; (B) charges incurred for investigating the collateral or credit-worthiness of the buyer or for commissions or brokerage for obtaining the credit, irrespective of the person to whom the charges are paid or payable, unless the seller had no notice of the charges when the credit was granted.

"(3) 'seller' means a person engaged in the District of Columbia in the business of selling goods or services to retail buyers.

"(4) 'buyer' means a person who buys goods or obtains services from a seller pursuant to a retail credit sale and not principally for the purpose of resale; and includes a person who enters into a prior agreement with a financial institution whereby the latter agrees to pay the debts of the buyer as they accrue at various retail sellers, designated by the financial institution, in consideration of the buyer paying to the financial institution the cash sales price plus the credit service charge on the purchase.

"(5) 'person' includes any individual, partnership, corporation, association, trust, joint stock company, or any other group of persons however organized.

"(6) 'financial institution' means a person who enters into an agreement with a buyer whereby the former agrees to extend credit to the buyer and to apply it as directed by the buyer pursuant to a credit card issued to the buyer by the financial institution; and this term includes any federally insured bank as defined in section 3 of the Federal Deposit Insurance Act doing business in the District of Columbia.

"§ 28-3702. Amount and computation of credit service charge

"(a) The seller or financial institution may contract for the payment by the buyer of a credit service charge not exceeding that permitted by this section.

"(b) A credit service charge may be made in each billing cycle. For the purpose of computing the outstanding balance subject to the credit service charge, (1) the outstanding balance on any day shall consist of an amount which shall not exceed the sum of the total charges to the account less the amounts paid or credited to the account prior to such day, or (2) the outstanding balance may be computed by the average daily balance method. The credit service charge may also be computed for all outstanding balances within a range of not in excess of $10 on the basis of the median amount within such range if as so computed such credit service charge is applied to all outstanding balance within such range.

"(c) If the billing cycle is monthly, the charge may not exceed 1½ percent of that part of the outstanding balance which is $50 or less and 1 percent on that part of this amount which is more than $500. If the billing cycle is not monthly, the maximum charge is that percentage which bears the relation to the applicable monthly percentage as the number of days in the billing cycle bears to thirty. For the purposes of this section, a variation of not more than four days from month to month is 'the same day of the billing cycle'.

"Chapter 38.—CONSUMER PROTECTIONS

"§ 28-3801. Scope—Limitation on agreements and practices

"This chapter applies to actions to enforce rights arising from a consumer credit sale or a direct installment loan.

"§ 28-3802. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means a revolving credit account as defined in section 28-3701 of this subtitle.

"(2) 'consumer credit sale' means a sale of goods or services in which—

"(A) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;

"(B) the buyer is a natural person;

"(C) the goods or services are purchased primarily for a personal, family, household, or agricultural purpose;

"(D) either the debt is payable in installments or a finance charge is made; and

"(E) the amount financed does not exceed $25,000.

The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(3) 'direct installment loan' means a direct installment loan as that term is used in section 28-3308 of this subtitle and does not include a loan secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle.

"(4) 'cross collateral' means an arrangement wherein a seller in a 'consumer credit sale' secures a debt arising from the sale by contracting for a security interest in other property if as a result of a prior sale the seller has an existing security interest in the other property. The seller may also contract for a security interest in the property sold in the subsequent sale as a security for the previous debt.

"§ 28-3803. Balloon payments

"With respect to a consumer credit sale or direct installment loans except for revolving credit accounts:

"(1) No creditor shall at any time enter into an agreement which contains or anticipates a schedule of payments under which any one payment is not equal or substantially equal to all other payments, excluding any final payment which is less than the average of previous payments or any down payment received by the creditor contemporaneously with or prior to the consummation of the transaction, or under which the intervals between any consecutive payments differ substantially.

"(2) Notwithstanding any provision of this section, where a consumer's livelihood is dependent upon seasonal or intermittent income, the parties may agree in a separate writing that one or more payments or the intervals between one or more payments may be reduced or expanded in accordance with the needs of the consumer if such payments are expressly related to the consumer's income. The separate writing shall contain a conspicuous notice directly above the signature line stating: 'I waive my right to have all payments to be made under this agreement in substantially equal amounts'.

"(3) In the event that the provisions of paragraph (2) apply, the consumer shall have the right at any time, without further cost or obligation, to revise the schedule of payments to conform both as to amounts and intervals to the average of all installments and intervals.

"§ 28-3804. Assignment of earnings and authorization to confess judgment prohibited

"(a) A creditor may not take an assignment of earnings of the consumer for payment or as security for payment of an obligation arising out of a consumer credit sale or direct installment loan.

"(b) A creditor may not take or accept from the consumer a warrant or power of attorney or other authorization for the creditor, or other person acting on his behalf, to confess judgment arising out of a consumer credit sale or direct installment loan.

"(c) An assignment of earnings or an authorization in violation of this section is subject to the provisions of section 28-3813 (d) (1) of this subtitle.

"§ 28-3805. Debts secured by cross-collateral

"(a) If debts arising from two or more consumer credit sales other than sales pursuant to a revolving charge account (§ 28-3701), are secured by cross-collateral, or consolidated into one debt payable on a single schedule of payments, and the debt is secured by security interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debts originally incurred with respect to each item are paid.

"(b) Payment received by the seller upon a revolving charge are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of credit service charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

"(c) If the debts consolidated arose from two or more sales made on the same day, payment received by the seller are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of the smallest debt.

"§ 28-3806. Attorney's fees

"With respect to a consumer credit sale or direct installment loans the agreement may provide for the payment by the consumer of reasonable attorney's fees not in excess of 15 per centum of the unpaid balance of the obligation.

"§ 28-3807. Negotiable instruments prohibited

"(a) In a consumer credit sale, no seller shall take or otherwise arrange for the consumer to sign an instrument, except a check, payable 'to order' or 'to bearer' as evidence of the credit obligation of the consumer.

"(b) Any holder of an instrument prohibited by subsection (a) of this section 28-3807, if he takes it with knowledge of a violation of this section, takes it subject to all claims and defenses of the consumer up to the amount owing on the transaction total at the time of the assignment.

"§ 28-3808. Assignees subject to defenses

"(a) With respect to a consumer credit sale, an assignee of the rights of the seller or lessor is subject to all claims and defenses of the consumer or lessee arising out of the sale notwithstanding any terms or agreements to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time of the assignment.

"(b) Rights of the consumer or lessee can only be asserted as a matter of defense to or set-off against a claim by the assignee.

"§ 28-3809. Lender subject to defenses arising from sales

"(a) A lender who makes a direct installment loan for the purpose of enabling a consumer to purchase goods or services is subject to all claims and defenses of the consumer against the seller arising out of the purchase of the goods or service if such lender acts at the express request of the seller, and—

"(1) the seller participates in the preparation of the loan instruments, or

"(2) the lender is a person or organization controlled by or under common control with the seller, or

"(3) the seller receives or will receive a fee, compensation, or other consideration from the lender for arranging the loan.

"(b) The lender's ability under this section may not exceed the amount of the loan. Rights of the debtor can only be asserted affirmatively in an action to cancel and void the sale from its inception, or as a matter of defense to or set-off against a claim by the lender.

"§ 28-3810. Referral sales

"With respect to a consumer credit sale, the seller or lessor may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of his giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount, or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease. If a buyer or lessee is induced by a violation of this section to enter into a consumer credit sale, the agreement is unenforceable by the seller or lessor and the buyer or lessee, at his option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them.

"§ 28-3811. Home solicitation sales

"(a) As used in this section, 'home solicitation sale' means a cash sale or a consumer credit sale of goods, other than farm equipment, or services in which the seller or a person acting for him engages in a personal solicitation of the sale or at near a residence of the buyer and the buyer's agreement or offer to purchase is there given to a seller or a person acting for him. It does not include a sale made pursuant to a preexisting revolving credit account or prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

"(b) Except as provided in subsection (f), in addition to any right otherwise to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase which complies with this section.

"(c) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement or offer to purchase.

"(d) Notice of cancellation, if given by mail, is given when it is deposited in a mail box properly addressed and the postage prepaid.

"(e) Notice of cancellation given by the buyer need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.

"(f) The buyer may not cancel a home solicitation sale if the buyer requests the seller to provide goods or services without delay because of an emergency, and

"(1) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation, and

"(2) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer, and

"(3) the buyer has signed separately the following notice which appears under the conspicuous caption: 'WAIVER OF RIGHT TO CANCEL' and reads as follows: 'Because of an emergency I waive any right I may have to cancel this home solicitation sale'.

"(g) (1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller must present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with paragraph (2) of this subsection.

"(2) The statement must—

"(A) appear under this conspicuous caption: 'BUYERS RIGHT TO CANCEL', and

"(B) read as follows:

"'If this agreement was solicited at or near your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you signed this agreement. The notice must be mailed to: ______________________________
(insert name and military address of seller) If you cancel, the seller may not keep any of your cash down payment.'

"(3) Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

"(h) (1) Except as provided in this section, within ten days after a home solicitation sale has been canceled or an offer to purchase revoked the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness. A provision permitting the seller to keep all or any part of any payment, note, or evidence of indebtedness is in violation of this section and unenforceable.

"(2) If the down payment includes goods traded in, the goods must be tendered in substantially as good condition as when received by the seller. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade-in allowance stated in the agreement.

"(3) The seller is not entitled to retain a cancellation fee.

"(4) Until the seller has complied with the obligations imposed by this section the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods in his possession or control for any recovery to which he is entitled.

"(i) (1) Except as provided by the provisions on retention of goods by the buyer (subsection (h) (4) of this section), within a reasonable time after a home solicitation sale has been canceled or an offer to purchase revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale but he is not obligated to tender at any place other than his residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, forty days is presumed to be a reasonable time.

"(2) The buyer has a duty to take reasonable care of the goods in his possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.

"(3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation.

"§ 28-3812. Limitation on creditors' remedies

"(a) This section applies to actions or other proceedings to enforce rights arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28, District of Columbia Code); and, in addition, to extortionate extensions of credit.

"(b) (1) During the thirty-day period after a default consisting of a failure to pay money the creditor may not because of the default (A) accelerate the unpaid balance of the obligation, (B) bring action against the debtor, or (C) proceed against the collateral.

"(2) Unless the creditor has first (A) notified the debtor that he has elected to accelerate the unpaid balance of the obligation because of default, (B) brought action against the debtor, or (C) proceeded against the collateral, the debtor may cure a default consisting of a failure to pay money by tendering the amount of all unpaid sums due at the time of tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure restores the debtor to his rights under the agreement as though the defaults cured had not occurred.

"(3) Posting any notice required by law shall be deemed valid if mailed by certified mail to the debtor's last known address.

"(c) (1) The debtor may redeem the collateral from the creditor at any time—

"(A) within fifteen days of the creditor's taking possession of the collateral, or

"(B) thereafter until the creditor has either disposed of the collateral, entered into a contract for its disposition, or gained the right to retain the collateral in satisfaction of the debtor's obligation pursuant to the provisions on disposition of collateral in section 9-505 of subtitle I of title 28, District of Columbia Code.

"(2) The debtor may redeem the collateral by tendering fulfillment of all obligations secured by the collateral including reasonable expenses incurred in realizing on the security interest.

"(d) Subject to the provisions in this part, the parties may agree that the creditor has the right to take possession of the collateral on default. In taking possession, a secured party may proceed without judicial process if this can be done without breach of the peace and with consent of the debtor. Those who take the collateral through repossession shall be deemed the agent of the creditor, and the creditor shall be civilly liable for any of the actions of its agents.

"(e)(1) This subsection applies to consumer credit sales of goods or services and to direct installment loans secured by interests in goods.

"(2) A creditor may not maintain a proceeding for a deficiency unless he has disposed of the goods in good faith and in a commercially reasonable manner.

"(3) If the creditor repossesses or voluntarily accepts surrender of goods which were the subject of the sale and in which he has a security interest, the consumer is not personally liable to the creditor for the unpaid balance of debt arising from the sale of a commercial unit of goods of which the cash price was $2,000 or less. In that case the creditor is not obligated to resell the collateral unless the consumer has paid 60 percent or more of the cash price and has not signed after default a statement renouncing his rights in the collateral.

"(4) If the creditor takes possession or voluntarily accepts surrender of goods which were not the subject of the sale but in which he has a security interest to secure a debt arising from a sale of goods or services or a combined sale of goods and services and the cash price of the sale was $2,000 or less, the debtor is not personally liable to the creditor for the unpaid balance of the debt arising from the sale and the creditor's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 9–505 of subtitle I of title 28, District of Columbia Code.

"(5) If the creditor takes possession or voluntarily accepts surrender of goods in which he has a security interest to secure a debt arising from a direct installment loan and the net proceeds of the loan paid to or for the benefit of the debtor are $2,000 or less, the consumer is not personally liable to the lender for the unpaid balance of the debt arising from the loan and the lender's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 9–505 of subtitle I of title 28, District of Columbia Code.

"(6) The consumer shall be liable in damages to the creditor if the debtor has wrongfully damaged the collateral or if, after default and demand, the debtor has wrongfully failed to make collateral available to the creditor.

"(7) If the creditor elects to bring an action against the buyer for a debt arising from a consumer credit sale of goods or services, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment—

"(A) he may not repossess the collateral, and

"(B) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

"(f)(1) If it is the understanding of the creditor and the debtor at the time an extension of credit is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person, the repayment of the extension of credit is unenforceable through civil judicial processes against the debtor.

"(2) If it is shown that an extension of credit was made at an annual rate exceeding 45 per centum and that the creditor then had a reputation for the use or threat of use of violence or other criminal means to cause harm to the person, reputation, or property of any person to collect extensions of credit or to punish the nonrepayment thereof, there is prima facie evidence that the extension of credit was unforceable under paragraph (1) of this subsection.

"(g)(1) With respect to a consumer credit sale, or direct installment loan, if the court as a matter of law finds—

"(A) the agreement to have been unconscionable at the time it was made, or to have been induced by unconscionable conduct, the court may refuse to enforce the agreement, or

"(B) any clause of the agreement to have been unconscionable at the time it was made, the court may refuse to enforce the agreement, or may enforce the remainder of the agreement without the unconscionable clause, or may so limit the application of any unconscionable clause as to avoid any unconscionable result.

"(2) If it claimed or appears to the court that the agreement or any cause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination.

"(3) For the purpose of this section, a charge or practice expressly permitted by this section is not in and of itself unconscionable in the absence of other practices and circumstances.

"§ 28–3813. Consumers' remedies.

"(a) The remedies provided by this section shall be liberally administered to the end that the consumer as the aggrieved party shall be put in at least as good a position as if the creditor had fully complied with this chapter. Except as is otherwise specifically provided where there are willful and repeated violations of this chapter consequential and special damages may be had in lieu of the specific penalties allowed, and in addition punitive damages may be had as indicated.

"(b) Any right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.

"(c) 'Transaction total' means—

"(1) in the case of transactions pursuant to open end credit plans or consumer credit transactions, the total of the following calculated as if the amount or amounts financed were paid over the maximum period of the plan or, if there is no such period, over twelve months beginning with the next billing cycle or cycles following the transaction or transactions:

"(A) the amount financed, plus any down payment or required deposit balance, and

"(B) the total finance charge, including any prepaid finance charge;

"(2) in the case of other than open end transactions or consumer credit transactions, the total of the following:

"(A) the amount financed, plus any downpayment or required deposit balance, and

"(B) the amount of all precomputed or precomputable finance charge, including any prepaid finance charge.

"(d)3(1) In the discretion of the court, a consumer may recover from the person violating this chapter, in addition to the damages the law otherwise allows, 10 per centum of the transaction total, if applicable, or $100, whichever is greater, for violations to which this section applies.

"(2) This section also applies to all violations for which no other remedy is specifically provided.

"(e) If a consumer prevails in a suit brought under this Act, the court may assess reasonable attorney's fees in addition to any other amounts recoverable under this chapter.

"(f) Any charge, practice, term, clause, provision, security interest, or other action or conduct which can be shown to be in willful violation of the provisions of this chapter shall confer no rights or obligations enforceable by action.

"§ 28–3814. Debt collection

"(a) This section only applies to conduct and practices in connection with collection of obligations arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28).

"(b) As used in this section, the term—

"(1) 'claim' means any obligation or alleged obligation, arising from a consumer credit sale, consumer lease, or direct installment loan;

"(2) 'debt collection' means any action, conduct or practice in connection with the solicitation of claims for collection or in connection with the collection of claims, that are owed or due, or are alleged to be owed or due, a seller or lender by a consumer; and

"(3) 'debt collector' means any person engaging directly or indirectly in debt collection, and includes any person who sells or offers to sell forms represented to be a collection system, device, or scheme intended or calculated to be used to collect claims.

"(c) No debt collector shall collect or attempt to collect any money alleged to be due and owing by means of any threat, coercion, or attempt to coerce in any of the following ways:

"(1) the use, or express or implicit threat of use, of violence or other criminal means, to cause harm to the person, reputation, or property of any person;

"(2) the accusation or threat to falsely accuse any person of fraud or any crime, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule or contempt of society;

"(3) false accusations made to another person, including any credit reporting agency, that a consumer has not paid a just debt, or threat to so make such false accusations;

"(4) the threat to sell or assign to another the obligation of the consumer with an attending representation or implication that the result of such sale or assignment would be that the consumer would lose any defense to the claim or would be subjected to harsh, vindictive, or abusive collection attempts; and

"(5) the threat that nonpayment of an alleged claim will result in the arrest of any person.

"(d) No debt collector shall unreasonably oppress, harass, or abuse any person in connection with the collection of or attempt to collect any claim alleged to be due and owing by that person or another in any of the following ways:

"(1) the use of profane or obscene language or language that is intended to unreasonably abuse the hearer or reader;

"(2) the placement of telephone calls without disclosure of the caller's identity or with the intent to harass or threaten any person at the called number; and

"(3) causing expense to any person in the form of long-distance telephone tolls, telegram fees, or other charges incurred by a medium of communication, by concealment of the true purpose of the notice, letter, message, or communication.

"(e) No debt collector shall unreasonably publicize information relating to any alleged indebtedness or debtor in any of the following ways:

"(1) the communication of any false information relating to a consumer's indebtedness to any employer or his agent except where such indebtedness has been guaranteed by the employer or the employer has requested the loan giving rise to the indebtedness and except where such communication is in connection with an attachment or execution after judgments as authorized by law;

"(2) the disclosure, publication, or communication of false information relating to a consumer's indebtedness to any relative or family member of the consumer unless such person is known to the debt collector to be a member of the same household as the consumer, except through proper legal action or process or at the express and unsolicited request of the relative or family member;

"(3) the disclosure, publication, or communication of any information relating to a consumer's indebtedness by publishing or posting any list of consumers, except for the publication and distribution of "stop lists" to point-of-sale locations where credit is extended, or by advertising for sale any claim to enforce payment thereof or in any other manner other than through proper legal action, process, or proceeding; and

"(4) the use of any form of communication to the consumer, which ordinarily may be seen by any other persons, that displays or conveys any information about the alleged claim other than the name, address, and phone number of the debt collector.

"(f) No debt collector shall use any fraudulent, deceptive, or misleading representation or means to collect or attempt to collect claims or to obtain information concerning consumers in any of the following ways:

"(1) the use of any company name, while engaged in debt collection, other than the debt collector's true company name;

"(2) the failure to clearly disclose in all written communications made to collect or attempt to collect a claim or to obtain or attempt to obtain information about a consumer, that the debt collector is attempting to collect a claim and that any information obtained will be used for that purpose;

"(3) any false representation that the debt collector has in his possession information or something of value for the consumer, that is made to solicit or discover information about the consumer;

"(4) the failure to clearly disclose the name and full business address of the person to whom the claim has been assigned for collection, or to whom the claim is owed, at the time of making any demand for money;

"(5) any false representation or implication of the character, extent, or amount of a claim against a consumer, or of its status in any legal proceeding;

"(6) any false representation or false implication that any debt collector is vouched for, bonded by, affiliated with or an instrumentality, agent, or official of the District of Columbia or any agency of the Federal or District government;

"(7) the use or distribution or sale of any written communication which stimulates or is falsely represented to be a document authorized, issued, or approved by a court, an official, or any other legally constituted or authorized authority, or which creates a false impression about its source, authorization, or approval;

"(8) any representation that an existing obligation of the consumer may be increased by the addition of attorney's fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation; and

"(9) any false representation or false impression about the status or true nature of or the services rendered by the debt collector or his business.

"(g) No debt collector shall use unfair or unconscionable means to collect or attempt to collect any claim in any of the following ways:

"(1) the seeking or obtaining of any written statement or acknowledgment in any form that specifies that a consumer's obligation is one incurred for necessaries of life where the original obligation was not in fact incurred for such necessaries;

"(2) the seeking or obtaining of any written statement or acknowledgment in any form containing an affirmation of any obligation by a consumer who has been declared bankrupt without clearly disclosing the nature and consequences of such affirmation and the fact that the consumer is not legally obligated to make such affirmation;

"(3) the collection or the attempt to collect from the consumer all or any part of the debt collector's fee or charge for service rendered;

"(4) the collection of or the attempt to collect any interest or other charge, fee, or expense incidental to the principal obligation unless such interest or incidental fee, charge, or expense is expressly authorized by the agreement creating the obligation and legally chargeable to the consumer or unless such interest or incidental fee, charge, or expense is expressly authorized by law; and

"(5) any communication with a consumer whenever it appears that the consumer has notified the creditor that he is represented by an attorney and the attorney's name and address are known.

"(h) No debt collector shall use, or distribute, sell, or prepare for use, any written communication that violates or fails to conform to United States postal laws and regulations.

"(i) No debt collector shall take or accept for assignment any of the following:

"(1) an assignment of any claim for attorney's fees which have not been lawfully provided for in the writing evidencing the obligation; or

"(2) an assignment for collection of any claim upon which suit has been filed or judgment obtained, without the debt collector first making a reasonable effort to contact the attorney representing the consumer.

"(j) (1) Proof, by substantial evidence, that a debt collector has willfully violated any provision of the foregoing subsections of this section shall subject such debt collector to liability to any person affected by such violation for all damages proximately caused by the violation.

"(2) Punitive damages may be awarded to any person affected by a willful violation of the foregoing subsections of this section, when and in such amount as is deemed appropriate by the court and trier of fact.

"§ 28-3815. Administrative enforcement

"(a) As used in this section—

"(1) 'Commissioner' means the Commissioner of the District of Columbia or his designated agent;

"(b) Compliance with the requirements imposed under this chapter shall be enforced by the Commissioner. Nothing contained herein shall be construed to affect the authority and jurisdiction of the respective agencies designated in section 108 of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.).

"§ 28-3816. Inconsistent laws: What law governs

"If any provision of law or regulation promulgated thereunder is inconsistent with this chapter, this chapter shall govern, unless this chapter or the inconsistent provision of the other laws specifically provides otherwise."

Sec. 5. Section 571 of title 16 of the District of Columbia Code is amended to read as follows:

"§ 16-571. Definitions

"For purposes of this subchapter—

"(1) The term 'wages' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

"(2) The term 'disposable wages' means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

"(3) The term 'garnishment' means any legal or equitable procedure through which the wages of any individual are required to be withheld for payment of any debt."

Sec. 6. The text of clauses (1), (2), and (3), in the first paragraph of section 16-572 of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended to read as follows:

"(1) 25 per centum of his disposable wages that week, or

"(2) the amount by which his disposable wages for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a) (1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) in effect at the time the wages are payable,

whichever is less. In the case of wages for any pay period other than a week, the Commissioner of the District of Columbia shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2)."

Sec. 7. Subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding the following sections:

"§ 16-583. No garnishment before judgment

"Notwithstanding any other provision of law, prior to entry of judgment in an action against a debtor, the creditor may not obtain an interest in any property of the debtor by attachment, garnishment, or like proceedings.

"§ 16-584. No discharge from employment for garnishment

"No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment."

Sec. 8. (a) The analysis of chapter 33 of title 28 of subtitle II, District of Columbia Code, is amended by adding at the end thereof the following new item:

"28-3308. Finance charge on direct installment loans."

(b) The analysis of subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following new items:

"36. Direct Motor Vehicle Installment Loans................ 28-3601.
"37. Revolving Credit Accounts.... 28-3701.
"38. Consumer Protections........ 28-3801."

(c) The analysis of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding at the end thereof the following new items:

"16-583. No garnishment before judgment.
"16-584. No discharge from employment for garnishment."

Sec. 9. (a) The Act of February 4, 1913 (relating to the regulation of the business of loaning money in the District of Columbia) (D.C. Code, secs. 26-601—26-611), is amended by adding at the end of that Act the following:

"Sec. 14. (a) No provision of this Act shall apply with respect to any loan, or to the making of any loan—

"(1) to any corporation which is unable to plead any statutes against usury in any action;

"(2) at a rate of interest which does not exceed the maximum lawful rate of interest which would be applicable to such loan but for the provisions of this Act;

"(3) secured on real estate located outside of the District of Columbia;

"(4) to a borrower residing, doing business, or incorporated outside of the District of Columbia; or

"(5) greater than $10,000.

"(b) If any provision of this section or the application thereof to any person or circumstance, is held invalid, the remainder of the section, and the application of such provision to other persons or circumstances shall not be affected thereby."

(b) The amendment made by subsection (a) of this section shall apply with respect to any loan made, or to the making of any loan, in the District of Columbia on or after the effective date of such Act of February 4, 1913 (as specified inspection 13 of such Act); except that such amendment shall not apply with respect to any loan made, or to the making of any loan, in the District of Columbia concerning which an action under such Act of February 4, 1913, has been filed in a court of competent jurisdiction on or before November 10, 1971.

SEC. 10. This Act may be cited as the "District of Columbia Consumer Credit Protection Act of 1971".

Mr. EAGLETON. Mr. President, I move that the Senate concur in the House amendment to S. 1938, in the nature of a substitute, with the following amendments.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

On page 1, line 3, after "28–3308," insert the word "and".

On page 2, line 5, strike "or 39".

On page 11, line 13, strike "his" and insert in lieu thereof "this".

On page 15, line 8, strike "ability" and insert in lieu thereof "liability".

On page 18, strike "military" from the parenthetical insert under line 16.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment with amendments.

The motion was agreed to.

THE REPUBLICAN REPORT
(S. DOC. NO. 92–49)

Mr. SCOTT. Mr. President, I yield myself such time as I may endure.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SCOTT. Mr. President, it is customary at the end of each session for the Republican leader to present the Republican report; and I ask unanimous consent to have this report for the 92d Congress, first session, printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. I also ask unanimous consent that this report, entitled "The Republican Goal," be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, when this Republican report used to be presented by our great and eminent friend, Sentor Dirksen, it was accompanied by considerable panache and with oratorical skill, which I cannot summon. Therefore, I am sparing my colleagues the perorations and gestures and the inimitable style of which the late Everett Dirksen was master.

I do hope, however, that my colleagues on both sides of the aisle will read the report, recognizing, as I do, that in it we have sought to give credit where credit is due, to pay tribute to the distinguished majority leader and the assistant majority leader, the members of the leadership on this side, and all those with whom I have had the pleasure of being associated in this position during the current year.

I thank the distinguished assistant majority leader for giving me this time.

EXHIBIT 1

[The Republican report]

THE REPUBLICAN GOAL

(Peace—With a chance to survive; stability—in our economy and national life; responsibility and responsiveness—in our leadership)

INTRODUCTION

Mr. President, in presenting the Minority Leader's report may I express my appreciation to the Majority Leader, the Honorable Mike Mansfield for his tact, skill and cooperative management of the business of the Senate, under the terms of rational competition which prevail in our legislature.

I also wish to express particular thanks to my Republican leadership colleagues, Senator Robert Griffin, Senator Margaret Chase Smith, Senator Gordon Allott, Senator Norris Cotton, and our regional whips. Without their assistance, my post would be far more difficult.

I. THE UNITED STATES SENATE

Mr. President, surveying the Senate at the end of a session is exhilarating and exhausting. We take pride that we are still part of a genuinely independent law-making body, in a world where so many parliaments either have disappeared or have surrendered most of their original powers.

One is exhausted, however, by the grinding length of our sessions. True, we will not quite match the 1970 session in total days, in number of record votes, or the 1964 session in number of votes on one bill; but 1971 will be a close second in all of these. That is hardly a feat to be proud of; even worse, it may spur some of my colleagues to try harder next year. And that could be disastrous.

There were some unusual records set this year, principally in the Senate or its environs, which deserve a footnote in the Guiness book of records. They would include the number of Senators yielding to what one columnist calls "the subliminal summons of the Electorate" to announce for the Presidency; and thereafter the number of acceptance speeches given a year before their Party Convention; followed inevitably by the number of Inaugural Addresses given; and finally the number of withdrawals (none with quite the finality of General Sherman's, worse luck).

Congress, especially the Senate, was turned into a staging area for Presidential campaigns, with attendant sorties, abortive commando raids, and even retreats, depending upon how much logistical support could be extracted.

In short, this has been perhaps the most political session of an always political body that it has been my privilege to serve in.

The product of Congress is always overwhelming in sheer bulk of number of bills introduced, time in debate, bills enacted, to pick out but a few statistical items.

But unless subjected to further analysis, this is not a satisfactory way of measurement.

How has the Democratic Congress treated Presidential proposals? The common wisdom is that the President has fared better in foreign than domestic matters. One would hope so, since there must necessarily be a unified and single direction of foreign policy; or so the Founding Fathers thought, and so all "great" Presidents have assumed and acted. Nevertheless, we have had putative or would-be Presidents in Congress attempting to negotiate with other nations on all sorts of matters. We have had Senators attempting to wage war, or direct their several versions of foreign policy from the bowels of the Senate. Thus, President Nixon has had to devote an enormous amount of time and energy to preserving the concept of a unified direction of foreign policy.

Has he neglected domestic affairs, as the common wisdom would have it? In 1971, Presidential messages to Congress totalled 26. Thereunder were proposed some 104 measures, of which over 90 percent dealt with domestic matters. As of December 13, 1971, 11 have been enacted or approved and became laws, 10 of them domestic.

The rest, particularly those of major import, have been largely ignored. There would seem to be some truth in a Baltimore Sun headline earlier this year that "Presidential Programs Lie Bleaching in the Deserts of Congress." Unfortunately, these programs contain some of the most innovative and constructive ideas proposed to Congress in many decades, to further develop the "New Federalism" concept.

The following chart sets forth the status as of December 13, 1971, of (only) major legislative proposals submitted to implement Presidential messages:

STATUS OF MAJOR BILLS TO IMPLEMENT LEGISLATIVE MESSAGES OF THE PRESIDENT (AS OF DEC. 13, 1971)

92D CONG., 1ST SESS.

Message, title, date, and bill number	Senate		House		Conference report agreed to—		Date approved	Public Law No.
	Reported	Passed	Reported	Passed	Senate	House		
State of the Union, Jan. 22, 1971:								
Welfare reform: H.R. 1	(1)	(1)	May 26	June 22				
Cancer conquest—new agency:								
S. 1828 (as amended)	June 29	July 7	Nov 10	Nov 15	Dec 10	Dec 9		
H.R. 8343								
Cancer conquest—$100,000,000: H.R. 8190 (2d supplemental)	May 13	May 19	May 6	May 12	May 24	May 20	May 25	92–18
Unfinished business, Jan. 26, 1971:								
Alaska Native claims:								
S. 1571	(1)	(1)			(2)	(2)		
H.R. 10367 (S. 35) passed in lieu	Sept 15	Nov 1	Sept 28	Oct 20				
Assistant Secretary of Interior for Indian and Territorial Affairs:								
S. 291	Aug. 3	Aug. 5						
H.R. 8062			(3)	(3)				
Micronesia claims and compensation: H.J. Res. 617	June 10	June 17	May 25	June 9			July 1	92–39

Footnotes at end of article.

Message, title, date, and bill number	Senate		House		Conference report agreed to—		Date approved	Public Law No.
	Reported	Passed	Reported	Passed	Senate	House		
Emergency School Aid Act (desegregation):								
S. 1557 (clean bill)	Apr. 15	Apr. 26						
H.R. 2266			Oct. 19	(4)		(4)		
H.R. 2266 subsequently added to H.R. 7248 by amendment on Nov. 4								
H.R. 7248 passed House on Nov. 5. (Proceedings vacated and S. 659, with language of H.R. 7248, passed in lieu.)								
S. 659 (H.R. 7248)	Aug. 3	Aug. 6	Nov. 5	(5)	(6)			
Rural telephone bank:								
S. 70	Feb. 25	Mar. 1						
S. 70 (as amended)			Feb. 22	Mar. 24	Apr. 29	May 4	May 7	92–12
Authorize Secretary of Agriculture to insure FHA operating loans:								
S. 1806	May 7	May 11						
H.R. 10538		Oct. 1	Sept. 13	Sept. 30			Oct. 5	92–133
Sale VA direct loans: H.R. 3344	July 22	July 23	June 24	July 6			Aug. 5	92–66
Asian Development Bank—$100,000,000:								
S. 749	Oct. 14	Oct. 20						
H.R. 5013			(1)	(1)				
Inter-American Development—$900,000,000:								
S. 748	Oct. 14	Oct. 19						
H.R. 5014			(1)	(1)				
Draft reform, Jan. 28, 1971:								
Military Selective Service Act:								
S. 427								
H.R. 6531 (as amended)	May 5	June 24	Mar. 25	Apr. 1	Sept. 21	Aug. 4	Sept. 28	92–129
Federal Executive Service, Feb. 2, 1971:								
S. 1682	(1)	(1)						
H.R. 3807			(1)	(1)				
Transportation labor disputes, Feb. 3, 1971:								
Emergency Public Interest Protection Act:								
S. 560	(1)	(1)						
H.R. 3596			(1)	(1)				
General revenue sharing, Feb. 4, 1971:								
S. 680	(2)	(2)						
H.R. 4187			(1)	(1)				
Environment, Feb. 8, 1971:								
$6,000,000,000 to build municipal waste treatment facilities:								
S. 1013 and H.R. 5962	(1)	(1)						
S. 2770 passed in lieu of S. 1013, S. 1014, and S. 1012	Oct. 28	Nov. 2	(6)	(6)				
Environment financing authority:								
S. 1015	Nov. 3							
H.R. 5970			(1)	(1)				
Improve, enforce water quality standards:								
S. 1014	(1)	(1)						
H.R. 5966			(1)	(1)				
Increased Federal aid to State water pollution control programs:								
S. 1012	(1)	(1)						
H.R. 5958			(1)	(1)				
2 international conventions on oil spills: Executive G	Aug. 6	[7]Sept. 20						
Federal Environmental Pesticide Control Act:								
S. 745 and H.R. 4512	(1)	(1)	(1)	(1)				
H.R. 10729 passed in lieu with administration support			Sept. 25	Nov. 9	(5)	(6)		
Toxic substances:								
S. 1478	(1)	(1)						
H.R. 5276			(3)	(3)				
Regulation of ocean dumping:								
S. 1238 and H.R. 4247	(1)	(1)						
H.R. 9727 passed in lieu	Nov. 12	Nov. 24	July 17	Sept. 9	(5)	(6)		
Noise control:								
S. 1016	(1)	(1)						
H.R. 5275			(1)	(1)				
National land use policy:								
S. 992	(1)	(1)						
H.R. 4332			(1)	(1)				
Land and water conservation fund formula adjustments:								
S. 990	(3)	(3)						
H.R. 4705			(3)	(3)				
Powerplant Siting Act of 1971:								
S. 1684	(3)	(3)						
H.R. 5277			(1)	(1)				
Mined Area Protection Act of 1971:								
S. 993	(1)	(1)						
H.R. 4704			(3)	(3)				
National Resource Land Management Act of 1971:								
S. 2401	(1)	(1)						
H.R. 10049			(1)	(1)				
Health, Feb. 18, 1971:								
Health maintenance organizations:								
S. 1182	(1)	(1)						
H.R. 5615			(3)	(3)				
Health manpower:								
S. 1183 and H.R. 5614								
H.R. 8629 and H.R. 8630 passed in lieu with administration support		July 14	June 9	July 1	Oct. 19	Nov. 9	Nov. 18	92–157
National Health Insurance Partnership Act of 1971:								
S. 1623	(1)	(1)						
H.R. 7741			(1)	(1)				
Higher Education, Feb. 22, 1971:								
National Student Loan Association scholarships:								
(S. 1123) in S. 659	Aug. 3	Aug. 6		Nov. 5	(5)	(5)		
H.R. 5191			(1)	(1)				
National Foundation for Higher Education:								
S. 1062—Title III of S. 659	Aug. 3	Aug. 6		Nov. 5	(5)	(5)		
H.R. 5192			(1)	(1)				
Consumer affairs, Feb. 24, 1971:								
Drug identification:								
S. 788	(3)	(3)						
H.R. 3667			(3)	(3)				
Consumer Product Safety Act:								
S. 1797	(3)	(3)						
H.R. 8110			(3)	(3)				
Consumer fraud prevention:								
S. 1222	(1)	(1)						
H.R. 6315			(3)	(3)				
Federal Trade Commission Act amendments:								
S. 1219	(1)	(1)						
H.R. 6313			(1)	(2)				
Fair Warranty Disclosure Act of 1971:								
S. 1221	(1)	(1)						
S. 986 passed in lieu	July 16	Nov. 8						

Footnotes at end of table.

STATUS OF MAJOR BILLS TO IMPLEMENT LEGISLATIVE MESSAGES OF THE PRESIDENT (AS OF DEC. 13, 1971)
92D CONG., 1ST SESS.—Continued

Message, title, date, and bill number	Senate		House		Conference report agreed to—		Date approved	Public Law No.
	Reported	Passed	Reported	Passed	Senate	House		
Consumer Products Test Methods Act:								
S. 1692	(1)	(1)						
H.R. 6891			(3)	(3)				
Consumer Protection Act—to create agency in Executive Office of the President: H.R. 10835			Sept. 30	Oct. 14				
Law enforcement revenue sharing, Mar. 2, 1971:								
S. 1087	(3)	(3)						
H.R. 5408			(3)	(3)				
Manpower revenue sharing, Mar. 4, 1971:								
S. 1243	(1)	(1)						
H.R. 6181			(1)	(1)				
Urban community development revenue sharing, Mar. 5, 1971:								
S. 1618	(1)	(1)						
H.R. 8853			(1)	(1)				
Rural community development revenue sharing, Mar. 10, 1971:								
S. 1612	(1)	(1)						
H.R. 7993			(3)	(3)				
Transportation revenue sharing, Mar. 18, 1971:								
S. 1344	(3)	(3)						
H.R. (not yet introduced)								
Action, Mar. 24, 1971: reorganization plan No. 1	(10)	(10)	(10)	(10)	(10)	(10)		
Government Reorganization, Mar. 25, 1971:								
Department of Community Development:								
S. 1430	(11)	(11)						
H.R. 6964			(11)	(11)				
Department of Natural Resources:								
S. 1431	(11)	(11)						
H.R. 6963			(12)	(12)				
Department of Human Resources:								
S. 1432	(12)	(12)						
H.R. 6966			(12)	(12)				
Department of Economic Affairs:								
S. 1433	(12)	(12)						
H.R. 6965			(12)	(12)				
Education revenue sharing, April 6, 1971:								
S. 1669	(1)	(1)						
H.R. 7796			(1)	(1)				
District of Columbia, Apr. 7, 1971								
Foreign Assistance Reform, Apr. 21, 1971:								
Proposed to separate International Security Assistance Act; and								
S. 1657	(1)	(1)						
S. 2819 passed in lieu	Nov. 8	Nov. 11		Nov. 18	(5)	(5)		
Humanitarian Assistance Act:								
S. 1656	(1)	(1)						
S. 2820 passed in lieu	Nov. 8	Nov. 10		Nov. 18	(5)	(5)		
(H.R. 9910, Foreign Assistance Act amendments combining military and humanitarian aid reported first).	Oct. 21	(13)	July 26	Aug. 3				
Wilderness preservation, Apr. 28, 1971:								
S. 2453	(3)	(3)						
H.R. 10752			(1)	(1)				
Legal Services Corporation, May 5, 1971:								
S. 1769 and H.R. 8163			(1)	(1)				
S. 2007 passed in lieu	July 30	Sept. 9		Oct. 1	Dec. 2	Dec. 7		
Energy program, June 4, 1971:								
Powerplant Siting Act:								
S. 1684	(3)	(3)						
H.R. 5277			(1)	(1)				
Department of Natural Resources:								
S. 1431	(11)	(11)						
H.R. 6963			(12)	(12)				
Drug Control, June 17, 1971:								
Special Action Office for Drug Abuse Prevention:								
S. 2097	Nov. 17	Dec. 2						
H.R. 9264			(1)	(1)				
New economic policy address (taxes), Aug. 15, 1971:								
Revenue Act of 1971: H.R. 10947	Nov. 9	Nov. 22	Sept. 29	Oct. 6	Dec. 9	Dec. 9	Dec. 10	92-178
Minority business enterprise, Oct. 13, 1971:								
Small business amendments:								
S. 544	(3)	(3)						
H.R. 7692			(3)	(3)				
Indian Business Development Act:								
S. 2237	(3)	(3)						
H.R. 8340			(3)	(3)				
Indian Financing Act:								
S. 2036	(3)	(3)						
H.R. 2378			(3)	(3)				
District of Columbia Development Bank:								
S. 2196	(3)	(3)						
H.R. 11313			(1)	(1)				

---

[1] Hearings.
[2] Senate asks.
[3] No hearings.
[4] Failed to pass Nov. 1.
[5] House asks.
[6] Executive session.
[7] Ratified.
[8] House requested bill returned Nov. 17. Senate concurred in House request Nov. 19.
[9] Field inspection.
[10] Became law after S. Res. 108 (of disapproval) failed to pass Senate on June 3, and H. Res. 411 (of disapproval) failed to pass House on May 25.
[11] Specific hearings.
[12] Overview hearings.
[13] Failed.

Money bills delayed

This is not to say that the basic nuts and bolts work of the Senate was not accomplished. Most of the appropriations bills did come through more rapidly than last year. As usual, the delay has largely been because of unnecessary wrangling over authorizing legislation required prior to enactment of money bills. Many important programs were enacted or amended and extended, and Republican Senators played an important role in shaping such legislation. To name but a few, the amendments to the Higher, Vocational and General Education Acts; the Federal Election Campaign Act; the Alaska Native Claims Act; the Indian Education Act; the Constitutional Amendment lowering the voting age in Federal elections to 18; the Draft Reform amendments; Public Services Employment Act; the Legal Services Act; elimination of the detention camp provision from the 1950 Internal Security Act; and additional protections for both consumer and environment.

But what one must realize in listing legislative accomplishments is that most of them mean new expenditure added to expenditure provided for in former years.

Public programs may be created by spontaneous combustion, but they only survive on taxes.

Defense spending cut

President Nixon effected a fundamental change in budget priorities for both FY 1971 and 1972. Defense spending is at the lowest percentage point both of our GNP and our total budget since 1951. This not only means that more monies are being spent on domestic needs than on defense but that the "domestic" total is the highest in our history. And the total will continue to rise since yearly increases in spending are programmed into all the laws designed to meet domestic needs.

Thus, euphoric disquisitions by Presidential hopefuls about how they will divide up the "peace dividend" are post-prandial; there is nothing left but a good, healthy belch.

I reserve for special mention the Economic and Stabilization Act amendments, and the Revenue Act of 1971.

These were intended to carry forward the Nixon Administration's efforts to curb inflation and promote economic growth. To our surprise, many Senators, including Presidential hopefuls, began to denounce the President for daring to use wage and price control powers they had earlier loudly advocated and voted for. Like Cronos in Greek mythology who swallowed his own children, these Congressional critics began devouring their own legislative progeny. This would seem to be political Cronosism at its worst.

Tax bill becomes hostage

As for the Tax bill, another regrettable record was set in the number of irrelevant Christmas tree amendments hung on one long-suffering revenue act—most of which were then simply wiped out in Conference with the House, but not before a certain amount of political advantage was wrung from them. Worst of all, the bill became hostage to a check-off provision on tax returns to guarantee appropriations for politicians, again because of the dreams and hungers of our multitude of Presidential Senators. Never mind that it would subsidize all sorts of splinter parties, and very well destroy our two-party system. The preoccupation was with "next year."

Other peculiar impasses in conducting the business of the Senate have resulted from that same fixation.

Nominations by the President to fill executive and judicial vacancies became an automatic signal for interminable discussions of the personalities of the nominees. In the eyes of many, it was not integrity, or competence, but "sensitivity," which determined the fitness of such nominees. Thus, Supreme Court nominees who were not hot-eyed advocates of expanding the powers of the Federal Bureaucracy at the expense of the Congress were labeled "unqualified by virtue of insensitivity."

And this seems most inconsistent, for the same critics are waging constant war on the floor of the Senate against what they allege to be Presidential excess in the conduct of foreign relations. The Senate and, as a result Congress, has been tied up by endless attempts to fix deadlines for U.S. troop withdrawals in Vietnam, ignoring the accelerating rate of withdrawal under Presidential directive. Proposals with the surface appeal of "end-the-war" labels—again ignoring the fact that the war will not end when U.S. troops leave, but when North Vietnam ceases its invasions of Vietnam, Laos, and Cambodia—have been attached to almost every proposal except a resolution celebrating National Bananas Week.

Junior Senators effective

Would that this passion for deadlines could be applied to shortening our own sessions! For the Senate has effected some good procedural changes, and Republican Senators, particularly a number of our younger, junior Senators have made outstanding contributions. I refer to the change in our committee seniority system whereby Republicans agreed that a Senator could be ranking minority member on only one major committee. I salute my senior colleagues for the graceful and modest manner in which they gave up posts which took them many long hard years to earn.

I refer also to the improvements in the conduct of the morning hour and introduction of legislation. Again, these have been the work of our newer colleagues.

As a future target for improvement, there is a real need for rule changes so that unnecessary delay in the authorizing process does not prevent timely enactment of appropriations bills. At the time this report was being prepared, with the fiscal year already half over, there were still appropriations bills which had not yet been enacted into law. It is an area in which we hope, with the cooperation of the Majority, to make some improvement next year.

II. OUR FOREIGN POLICY

Developing a nation's foreign policy requires both a craftsman's hands and an artist's eye. The final product must not only have substance, it must have form. The structure must not only be sound, it must *look* right. Otherwise, critics seize upon shabby appearance to condemn what may well be strong, firm policies with good chance for ultimate success.

A new architect of foreign policy cannot sweep aside all that has been done before and start afresh. *The old can be replaced only if a new structure is there to replace it.* To those impatient for change this process becomes burdensome and chafing, particularly among the eager and, quite understandably, idealistic young.

Faced with a patently unsound foreign policy—a policy that was costing 250 lives a week—upon entering the White House, President Nixon began immediately to design a blueprint for change. He could not—no President could—immediately pull all of our forces everywhere back within our borders as some, including many of those seeking to challenge him for the White House next year, would have wished. Some commitments were made a quarter-century ago, were still intact for valid cause, and could not be scrapped.

Our foreign policy needed overhauling, but the entire structure could not be torn down in the process. This would have been somewhat like the 18th and 19th century European game of power politics with old alliances continually abandoned for new ones in a search for dominance, a search that led inevitably to bigger and bigger wars.

A new era

As this session of Congress draws to a close we face the prospect of beginning a new session in an era in which the United States no longer plays the role of warrior but rather that of mediator on the world's stage.

As the year ends there is almost no American ground combat presence in Vietnam. Fewer than one-third the number of troops present in Southeast Asia just three short years ago remain.

We will be spending less than $8 billion—mostly to support the South Vietnamese, Cambodians and Laotians—in an area where, just three years ago we were spending at the rate of over $30 billion a year.

But of far greater importance to all Americans is the fact that the American death rate of over 250 a week in 1968 has dropped to fewer than 10 a week during November and December of this year.

Vietnam which has taken months upon months of the Senate's time in what often developed into acrimonious discussion, is no longer the issue it once was.

Nuclear arms race ending?

From the day Russia exploded its first atomic device in 1949 until the present, people have been asking: Isn't there *some* way to end the nuclear arms race? Until recently the answer appeared inevitably to be a tired, "no way."

But there now does appear to be real hope for an end to the nuclear race. The Strategic Arms Limitations Talks (SALT) broke through enough barriers last spring so that on May 20 President Nixon and Soviet Premier Kosygin announced jointly that major progress had been made.

It took concessions on the part of the United States followed by concessions on the part of the Soviet Union to break the deadlock. There remains a good chance for a final binding agreement before summer.

As a natural follow-on to the May 30 announcement there came in September the agreement between the U.S. and the U.S.S.R. designed to prevent an accidental war from breaking out.

Berlin agreement

U.S. negotiators working with the two Germanies have set the stage for agreement on Berlin, freer access of West Berliners to the east, and general access guaranteed to Berlin from West Germany. Another of the European "hot boxes" has been dramatically cooled off.

All of which leads to the possibility of negotiations between the Atlantic Alliance and the members of the Warsaw Pact, on troop reductions across-the-board. Possibility of such talks was raised this year by the Communists and the suggestion met with immediate favorable response from the Administration which is pressing for that goal.

These delicate negotiations in Europe have had a definite impact on deliberations of the Senate. Because of the need for a free hand in negotiating from strength, Congress provided the President with funds for continued development of the Anti-Ballistic Missile (ABM) system. It is likely that such a system will be outlawed or sharply curtailed by U.S. and Soviet agreement; nonetheless the Senate felt it should maintain our position of strength so that our negotiators would have something to negotiate with.

A move to curb American strength in Europe by unilateral action was also defeated and largely for the same reason—to give American negotiators, when the time is ripe, something with which to negotiate with their Soviet counterparts.

In both instances the Administration has assured the Congress that the United States will work for binding reductions on both sides.

The Middle East

The fantastic, almost weird nature of events in the Middle East—and the extreme difficulty we face in helping to achieve our goal of peace in the area—is perhaps best demonstrated by what happened in the Sheraton Hotel in Cairo late last month. Four men burst into the lobby of that hotel and gunned down the Prime Minister of Jordan. Then one of the assassins knelt and drank of his blood.

The four men represented an organization of which nobody, including most people in the Arab world, had even heard. They claimed to speak for the Palestinian refugees; but there was none among the refugees who acknowledged their leadership. They claimed to be fighting Israel for the return of the refugees' lands, but they chose to kill the prime minister of Jordan who was in Cairo to map Arab strategy against Israel.

It is not enough to write this incident off as Arab extremism; nor can we say simply it demonstrates beyond question the lack of Arab unity even in their common profession of hatred for Israel. It is both, and yet it is more. It epitomizes the overwhelming complexities of the Middle Eastern cauldron. If nothing else, this irrational incident points up the need for cooling off the region before the conflagration can consume us all.

It is a tribute to the patience and renewed diplomatic skill of the United States that for the eighteenth month now there has been no real incident of war in the Middle East. For 18 months Israel has had a breathing spell, a time in which Israeli troops have not been committed daily to skirmishes with their Egyptian, Jordanian and Syrian neighbors.

Peace talks continue

This is not to say the United States, despite its careful negotiations and efforts at mediation has achieved peace in the area; there is no peace. Obviously, we alone cannot create peace. Yet Israel and her Arab enemies are still talking; and where there is talk, rather than gunfire, there is hope for ultimate solution based on justice rather than on force of arms.

The Soviet Union, occasionally willing to negotiate seriously and with rational intent elsewhere in the world, has demonstrated hard-line support of Egypt and other Arab countries both in diplomacy and by supplying those countries with the latest in arms and equipment and advisers.

There are indications, however, of a small chill growing in the area: the coup and counter coup in the Sudan now blamed on the Soviets, the treason trials in Egypt involving allegations of too much friendship for Russia. It is unwise to overemphasize these incidents. The United States must and will continue to supply Israel with the weapons she needs to protect herself. But we are trying to cool the heat there.

The India-Pakistan tragedy

Tragedies with the greatest impact are those you can see coming but cannot prevent. Watching developments on the great subcontinent of India these past several months has been like watching careening cars on an icy street. The crash was inevitable but there was nothing a bystander could do to prevent it.

The war between India and Pakistan is insane, and, there is ample blame for both sides.

Our Government has attempted through the United Nations to bring about a cease fire, to achieve a troop pull-back, to create the atmosphere needed for political settlement. The Soviet Union, backing India, refused to permit the Security Council to act. So we turned to the General Assembly.

Neutrality stressed

Our Government has declared neutrality in this conflict. This is the only reasonable course for us to take. Arms shipments to both India and Pakistan have been cut off. Other forms of assistance may also be stopped, but, of course, humanitarian assistance will be continued. If the other great powers of the world would follow a similar course the dreadful tragedy unfolding between the two countries, both of them friends of ours, could be more readily contained.

But so far they have not. Both China and Russia have shown a determination to use the tragedy of this war for their own advancement. This I find alarming.

Equally alarming, however, is the shrill outcry mounted by our Presidential Senators against U.S. efforts to maintain neutrality.

What exactly do some of our Presidential Senators want? Do they wish us to acknowledge their moral superiority on all matters, foreign and domestic? We imperfect humans will do so gladly—they are so obviously our moral superiors. It was that type of moral and intellectual superiority that slithered us into a ground war in Vietnam ten years ago. And could again if one of these impulsive candidates occupied the presidency.

False accusation

A few years and many soldiers' lives later, you walked away from the mess you had created, and began pointing the accusing finger and uttering shrill outcries of moral indignation about President Nixon's efforts to effect an honorable withdrawal from Vietnam.

Next, you morally superior people began lecturing and hectoring Britain about the tragic civil strife in Northern Ireland.

Now we have the crowning performance: The war between India and Pakistan is somehow the fault of the U.S.

Were it not for your moral superiority, one might suspect motives here. One might even drag in the phrase "political ambition."

But morally superior people do not discuss such tragedies as war unless from the purest of motives.

Perhaps we imperfect people may be allowed to point out that a great power does not take sides in a war without next finding it necessary to "do something about it." And when a great power takes that giant step, it finds itself eyeball to eyeball with other great powers. The further we depart from neutrality, the closer we get to war.

What then do my moral superiors want?

Do they want us to start down the road to another war in Asia?

Tell us imperfect people what you want: tell the President and his advisers; but above all tell the American people!

Personal diplomacy

The year 1971 may become known as the year in which Communist China emerged from her isolation and became an active—if not everywhere welcome nor always calcitrant—member of the community of nations.

Many were surprised and some shocked that President Nixon should have taken the initiative in drawing China into the mainstream of world affairs. They should not have been. His actions in this area demonstrate once again the fact that if you want to know what President Nixon is going to do, read his speeches. From his very first pronouncement as President, he has stated repeatedly his desire to see China emerge from her "angry isolation" and to see a free exchange of peoples, ideas and goods between nations.

In his inaugural address January 20, 1969, President Nixon made as one of his key points this argument:

"After a period of confrontation we are entering an era of negotiation.

"Let all nations know that during this administration our lines of communication will be open.

"We seek an open world—open to ideas, open to the exchange of goods and peoples—a world in which no people, great or small, will live in angry isolation."

In his American Society of Newspaper Editors speech this year Mr. Nixon again made reference, obliquely, to his desire to see China and the United States achieve more normal relations. On April 26 at a press briefing the White House again brought the matter up.

Thus, the President's moves on the mainland of Asia came as no lasting shock to those who had followed the precept that Mr. Nixon does what he says he will do.

Shortly after the announcement that Mr. Nixon would visit Peking he announced he would also visit with Soviet leaders in Moscow. Then, in quick succession, came word the President would also confer with our allies of long standing, Mr. Trudeau of Canada, Mr. Heath of England, President Pompidou of France and Prime Minister Sato of Japan. Thus, the President has not risked destruction of what has been good in our foreign relations over the years simply to reach a better understanding with the Soviet Union and China.

The China affair had its repercussions in Congress. When friends and legatees of American generosity abandoned us in the U.N. by voting to expell Taiwan while seating Peking, reaction here was to kill the Foreign Aid bill, then being debated in the Senate.

Not a bad year

Actually, this was not all bad. It did give the Senate a chance to reconsider earlier Administration requests to divide U.S. foreign aid into two separate programs, one for military assistance, one for economic aid. The two bills did emerge from the Foreign Relations Committee and were passed by the Senate.

In sum, in the area of foreign relations this has been a vintage year for the United States. We have moved ahead briskly, firmly, and with spectacular success on many fronts.

The Republican Administration has built soundly, with an eye to the structural viability of the finished product.

The Republican goal in this area is the same as that of all Americans: Peace. Peace as soon as possible; but Peace with a chance to endure. Peace on earth for all men, everywhere.

We seek Peace not only for ourselves but for all people. But in our search for Peace we will not try to impose our will or our ways on any other nation.

We have not set out to reshape the world. We want only to help those who wish to shape their own future.

III. THE ECONOMY

The 4th century BC Greek philosopher Zeno once stated this paradox: If Achilles runs 10 times faster than a tortoise which has a 100 yard start, then while Archilles runs 100 yards the tortoise runs 10; when Archilles runs these 10 yards the tortoise adds another yard, and so on. Theoretically, in Zeno's mind, Achilles could never quite catch up with the tortoise.

Nixon Administration strategists began 1971 on the heels of what was, at best, a disappointing 1970 performance of classical economic tools. They had a credible enough game plan for 1970: Create a mild slowdown that would dampen inflation without the traditional sharp rise in unemployment. Then, in the second half of 1970 they could ease restraints and allow the economy to resume normal growth. But by January 1971—like Zeno's Achilles—the gap had yet to be closed.

The economic slowdown of 1970, of course, was far from any real disaster. It was not as deep as even the mildest of the post-war recessions. But coming on top of eight years of rapid growth, it did cause discomfort in unexpected places. Many corporations, already overextended, found themselves caught in a credit crunch; the problem was abetted by a cutback in defense spending, truckers's and auto worker's strikes, and a refusal of Congress to guarantee loans for major aeronautical programs, notably the SST.

By January 1971, most Americans clearly placed the health of the economy as their number one concern. On January 2, the Gallop Poll said 74 percent of all Americans were concerned about unemployment, while one day later, the Harris Survey showed 63 percent of the Nation listing the state of economy their number one concern. The same week, a former member of President Johnson's Council of Economic Advisers, Otto Eckstein, reported from Harvard University that growth in the 1970's would be retarded by the distortions of the 1960's.

Expansionary policy

So it was no surprise that early in January, President Nixon anounced he would send an "expansionary budget" to Congress, and would rely on the Federal Reserve Board to continue its "easier" money policy already in operation. In line with expansionist policy, the President indicated he would not ask for new taxes for 1971, but did plan to move ahead with a number of social programs, including a family assistance plan, a national health program, and some form of revenue sharing.

The same week, Federal Reserve Board Governor George Mitchell said, "the downturn is over," but that how much "up" the economy experienced in 1971 would depend largely upon consumer behavior. Perhaps the most interesting turnaround in 1970 was in savings accounts. Commercial banks ended 1970 with approximately $33.3 billion of new savings, compared with a net loss in 1969 of $9.3 billion. This net inflow was by far the highest on record. (In 1967, another record year, bank net inflow was only $23.7 billion.)

Walter Heller, formerly Chairman of the Council of Economic Advisors in the Kennedy and Johnson Administrations, declared, "this year promises to be considerably better than last." Added economic columnist Sylvia Porter, "assuming that the recession of 1969–71 is reaching bottom in this, its 14th month, it will go down in history as the mildest of the five business downturns since World War II."

Opponents satisfied

By the second week of January, President Nixon had announced new, liberalized, depreciation rules, permitting business to write off equipment purchases 20 percent faster than before. Chairman McCracken of the Council of Economic Advisors intimated that business could increase its investment in new equipment as much as $1 billion during 1971, most of it in the last six months. Two frequent opponents on matters of economic policy—the United States Chamber of Commerce and Wisconsin's Senator Proxmire, Chairman of the Joint Economic Committee—endorsed the President's depreciation liberalization. Senator Proxmire hailed President Nixon's actions as a "major step in the right direction to get the economy off dead center." In the long run, he said, faster tax write-offs would result in higher productivity and lower business costs. In the short run, it could avoid a "significant downturn" in plant and equipment spending.

The President, of course, was confronted with a choice of evils. To combat inflationary tendencies he had to dampen expansion, but to fight unemployment he had to inflate the economy. His decision was to seek growth, but slow growth.

Yet, as I have said before, economics is to politics as courtship is to marriage, and the 1972 presidential campaign was already begun. The Democrats attacked the President for his decision to spur new investment to create new jobs. (In so doing, they reminded me a bit of 14th-century French philosopher Jean Buridan's hypothetical ass. Buridan once suggested that an ass placed between equidistant and equi-delicious bundles of hay, having no reason to eat one rather than the other first, would die of starvation.)

Discount rate cut

On January 17, cuts of one-fourth of 1 percent in prime rates and discount rates were announced by commercial and Federal Reserve banks. It was the first time the discount rate had dropped to 5 percent since April 19, 1968.

Long, long after history has happened, historians seek, and usually find, an inevitable logic to events. But at the time events are moving, the air is full of confusion and uncertainty. This was the case in President Nixon's first use of the "jawbone" when, in January, he confronted the steel industry. The President threatened a drastic liberalization, possibly even elimination, of steel import quotas, and to withhold Government contracts from steel producers who raised prices by amounts unacceptable to the Administration. Result? Price rises were held to about 6.8 percent. The President reasoned that the price of an across-the-board 12 percent steel price rise in balance-of-payments losses and rising unemployment would be too high to pay.

Incomes policy

In the first week of February Paul McCracken testified that an "incomes policy" had gradually been set in place, and the likelihood was that it would be made "more systematic and comprehensive." McCracken went so far as to say that a wage-and-price board, whose function would be to bring pressure against big wage and price increases before they go into effect, was among the possibilities. This testimony, remember, was made in the first week of February, 1971. John Connally, then about to join the Nixon Cabinet as Secretary of the Treasury, told the Finance Committee that he too considers himself an "activist" when it comes to jawboning.

By February 18, Wall Street had more than recovered from its bearish mood. The Dow Jones industrial average was up 253.9 points from its 1970 low. The same day, Milton Friedman said he looked for "a very rapid expansion" of business activity during the next 6 to 8 months.

The fervor and faith of pseudo, pop, journalistic and genuine economists in the unique virtue of their own solutions has always bemused me. It is matched only, to my knowledge, by the Southcottians, who belived the claims of a Devonshire farm servant, Joanna Southcott (who died in 1814) to prophetic powers. The student will remember she left a box, to be opened only in time of national crisis and in the presence of all the bishops of England. There was some public demand for this during World War I, but it was not until 1927 that a bishop could be found to assist in the ceremony. Inside, unfortunately, were only odds and ends and, I believe, a gun.

Solutions differ

By March, 1971, the Southcottian debate over how to stimulate the economy was full blown. The Keynesians said the budget should run at a whopping deficit to stimulate economic expansion. The Chicago monetary economists had focused their attention on the money supply, arguing the Federal Reserve Board should further expand the amount of money in circulation. J. Kenneth Galbraith proposed controls on corporations and unions which use their power in the market to drive up wages and prices. Mr. Leonard Woodcock of the United Auto Workers proposed a set of review boards to focus public attention on wage and price decision. Robert Roosa suggested that a freeze on all prices, wages and profits be applied to set the stage for the wage and price review boards. Henry Wallich and Sidney Weintraub suggested penalty taxes on corporations that negotiate inflationary wage contracts.

Leonard Silk once wrote that every President's economic policy has five major goals: full employment, price stability, higher living standards, preventing trouble for the United States dollar internationally, and winning elections. Because the fifth goal is the wild card in the deck, said Mr. Silk, Presidents tend to be more flexible than economists about both the ends and the means of economic policy.

Bipartisan approach

Thus a decision announced by Secretary of the Treasury John Connally to accept—rather than fight—legislation authorizing the President to apply wage and price controls if necessary was quite appropriate. So too was his decision to add to his informal group of advisers such Democratic economists as Richard Musgrave of Harvard, Charles Schultze, and Arthur Okun of the Brookings Institution.

Underlying the new firmness with which the President now approached inflation was his suspension of the Davis-Bacon Act, which puts a floor under construction wages, to bring increases in the industry to a lower, more acceptable level.

And earlier this year, in an unusual speech before the National Economic's Club, former Vice President Hubert Humphrey said, "in retrospect, it is now clear that fiscal policy should have been sharply reversed in 1966 and we should have continued to exercise monetary restraint even after the (income tax) surcharge was enacted in 1968." Thus, in an honorable and gentlemanly statement, Senator Humphrey pleaded guilty to the charge the Nixon Administration had been leveling at his party for 2 years; that is, setting off the inflation which still plagues the economy.

Stocks move upward

By March, of course, the bull market on Wall Street had lasted 10 months. Stocks had advanced more than 45 percent.

Most economists agreed that a major key to economic recovery was consumer spending. They observed the Nation's high savings rate and wondered when consumers were going to step up their outlays substantially. "The fact that stands out," Mr. Arthur Burns once said, "is that the impact of business cycles on consumption has recently diminished, while the effects of consumption on the business cycle have become more decisive."

The Department of Commerce reported that U.S. gross national product rose by $28.5 billion or 12 percent for the first quarter of 1971. That increase was historic, for it raised our GNP above the trillion-dollar mark for the first time in American history. In dollar terms, the increase also set a record. In percentage terms, it was the sharpest rise since 1958.

Economy now issue

Meanwhile, the state of the economy, not the Vietnam war, was seen as the big issue of the 1972 Presidential campaign. By April 1, private nationwide surveys by pollster Oliver Quayle showed that the "economic issue" had suddenly and dramatically eclipsed the "social issue" for the first time. On April 22, Nobel prize-winning economist Paul Samuelson, addressing a luncheon of the Women's National Democratic Club, said he expected a period of "uninterrupted economic gains" from then until at least election day in 1972. He said that inflation has peaked, real growth is starting, and consumers are buying more cars and retail goods. Samuelson said he hated to throw "cold water" on the hopes of his audience.

As Marquis Childs wrote, reading the economic tea leaves, an indoor sport ranking considerably below table tennis and just above mumbletypeg, was a chancy business those days. The specialists in the dismal science were divided over whether the trend was up or down.

Wage and price controls

By June, the unemployment rate had declined to 5.6 percent of the labor force but inflation had yet to be fully conquered.

In the words of the Wall Street Journal, "most major critics of current Government economic policies offer only one alternative: wage and price controls."

Meany adds support

George Meany, President of the AFL-CIO, joined the chorus when, in a television interview, he had this advice for President Richard Nixon: "I can tell you this," he said. "If I was in his position I would impose controls at this time. I don't see any other way that this situation is going to get under control."

In July, Representative Wilbur Mills (D-Ark.), Chairman of the House Ways and Means Committee, also endorsed some sort of incomes policy, ranging as the need required "from jawboning to guidelines to actual controls" to check inflationary rises in wages and prices.

Also in July, J. Kenneth Galbraith called for a controlled American economy under which the Government would make most wage and price decisions. Galbraith said only permanent Government controls can crack the power of big business and big labor to impose inflation, and its resulting unemployment, on the economy. On July 28, my colleague Senator George McGovern (D-S. Dak.) called for an immediate selective six month wage and price freeze.

As the Apostle Matthew recorded, "Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened to you."

Phase I

America's balance-of-payments, in the red for over a decade, ran a $10 billion deficit in settlements with foreign governments in 1970. A combination of American tourists spending U.S. dollars abroad, the cost of maintaining U.S. forces overseas, the cost of the Vietnam War, operation of U.S. corporations abroad, foreign aid, payments to retired Americans living overseas, and money sent abroad simply as gifts, all contributed to the problem. In the first quarter of 1971, the U.S. balance-of-payments hit a record deficit of $5.5 billion.

Although the trade surplus for 1970 approached $3 billion, rising prices in the United States were making our exports more expensive to buyers in foreign countries and their products less expensive to U.S. consumers. During the opening months of 1971 our surplus of exports over imports remained well below the monthly average for 1970. By June, the United States had suffered two consecutive monthly trade deficits for the first time since 1950.

The Connally analysis

Treasury Secretary John Connally said the best way to defend the dollar's strength abroad was to strengthen our domestic economy and to demand fair treatment by foreign competitors. "We have legitimate complaints about some of the practices of other nations . . . that have the effect of blunting our competitive effort," said Connally.

Other nations also bear a responsibility for stabilizing the international economy, said Mr. Connally, citing three challenges for international policy-makers.

1. U.S. allies must accept "a fair sharing of the burden" for mutual security.

2. All nations must broaden co-operation and finance in foreign aid.

3. "The efforts to foster increased competitiveness in our economy must be actively pursued in the context of fair and liberal trading arrangements."

"A generation of ease and affluence enjoyed by (American) labor and business alike—a period when our strength was so apparent that erosion in our competitive position was almost unnoticed—is over," said Mr. Connally.

He was right.

The United States recorded the highest quarterly balance-of-payments deficit in its history in the first three months of 1971.

That record was broken during the second quarter of 1971.

Before announcing what the President was later to describe as "the most comprehensive new economic policy to be undertaken by this Nation in four decades," enough Democrats and Republicans in Congress had committed themselves to elements of this new policy to insure bi-partisan support.

Representative Wilbur Mills had made proposals of his own in July, including an import surcharge as well as an export rebate. Several potential Democratic presidential candidates, including Senator Muskie, were heard in Dallas in the four days before President Nixon disclosed his new policy, telling the Texas State Labor Convention that President Nixon ought to make cuts in the income tax and introduce wage-price controls.

The Nixon program

On August 15, 1971, President Nixon announced Phase One of his new economic program, including a set of sweeping measures to deal with the Nation's domestic and international economic problems. The President ordered wages, prices, salaries and rents held to their July-August levels for a period of 90 days. The President also announced the United States temporarily would stop exchanging foreign-held dollars for gold, thus allowing American currency to float in international money markets. He coupled this with imposition of a temporary 10 percent surcharge on imports into the United States, designed to help relieve the Nation's worsening deficit in international trade.

In addition, he requested a series of tax cuts from Congress designed to stimulate the economy and reduce unemployment. To avoid increasing the Federal deficit in the wake of these tax cuts, the President announced plans for a $4.7 billion cut in Government spending, which would be accomplished by trimming Federal employment 5 percent, and delaying by 6 months the Federal pay raise previously scheduled for January 1, 1972.

The President also announced he would ask Congress to delay his two most pressing domestic programs, revenue sharing and welfare reform; deferring the effective date of the first by three months, and the second by a full year.

The 10 percent surcharge on imports, designed to bolster his other moves on the international monetary front, would add an estimated $2.1 billion to Federal revenues.

The economists Comment

Economists across the nation generally reacted in favor of President Nixon's actions in undertaking Phase One of his new economic policy. "We're better off this Monday morning than we were Friday night," said Dr. Paul Samuelson. Milton Friedman, the University of Chicago economist, said he approved of the tax and spending cuts. "This was the most thrilling economic speech I've ever heard; a blockbuster," said Pierre Rinfrit. Said the New York Times, "we unhesitatingly applaud the boldness with which the President has moved on all economic fronts—and most especially his order for a 90 day freeze on prices and wages as a preliminary to a flexible policy for checking the runaway spiral that has eroded the purchasing power of all Americans, and made American products increasingly uncompetitive in world markets."

Impact abroad

As startling as the domestic effects of Phase One proved to Americans, the result abroad was far from the chaos which successive European bankers and ministers of finance had prophesied should the exchange rates of most major currencies ever float. This is not to say foreign countires were not stunned.

"Only a year ago in Denmark," reflected the Wall Street Journal on the occasion of the October, 1971 IMF meeting, "the IMF could easily contemplate its own immortality . . . True, there were some ominous clouds. The Canadian dollar was floating, the U.S. was catching flak about its unchecked balance-of-payment deficit, inflation was an increasing irritant, and there was a whiff of protectionism around. The talk of reforms to add strength and flexibility to the system retained a low-key remoteness, unable to stir the blood . . ."

To many international economists, the old system of world finance was doomed from the beginning because of its rigidity and the difficulty with which it adapted to changes in relative economic strength among nations. Further, advanced economies have been unwilling to absorb a downward adjustment of prices and wages merely to make their goods more competitive on the world markets.

Governments have lately shown themselves willing to act quickly and decisively to protect their own citizens' self-interest. England's re-evaluations, the floating of the Canadian dollar, and the actions of West Germany and the Netherlands in the spring of 1971, allowing their currencies to float, sounded the alarm bells for fixed exchange rates well in advance of President Nixon's actions.

The time had come

"What Mr. Nixon did on August 15," said the Washington Post, "was to proclaim a revolution that almost all central bankers and finance ministers intuitively knew would some day arrive. But they weren't prepared for the event, in part because they refused to believe their own rhetoric about the necessity to cure the U.S. balance of payments deficit."

In short, what the Administration wanted was an improvement of $13 billion a year in America's balance of payments; enough to shift from a trade deficit of $5 billion plus other outflows of $6 billion (in conditions of full employment) to a surplus of $2 billion. This could be done by: (a) upvaluing other currencies, (b) agreeing to share more of the cost of mutual defense and (c) abolishing trade barriers (such as the variable levies in Europe's common farm policy, Japan's import controls, etc.).

"After a full month of huffing and puffing," wrote the London Economist, "America's trading partners have now reached a measure of unity among themselves where there was none before. None of them, not even France, now wants to see too rapid a change in the American deficit which they inveighed against so freely in the old days."

Connally at Rome

At this writing, a three-day bargaining session in Rome during the first week of December had just been concluded. At the end, it was clear that the non-communist nations have moved a long way toward settling their international monetary squabble. In open praise of the U.S. Delegate, Treasury Secretary John Connally, the Washington Post wrote: "It was an astonishing performance that kept the shrewd European money men and their counterparts from Japan and Canada off balance here during three days of bargaining. Veteran observers of international economic conferences could not remember one so completely dominated by a single man."

The meeting concluded with the Europeans offering an average eight percent rise in their foreign currencies and Connally, in return, offering a ten percent increase in the U.S. price of gold; an effective devaluation of such magnitude that American exporters would have a whopping edge over the British, Italians, French and other manufacturing nations. The meeting convenes again on December 17, 1971, in Washington, D.C. The prospect is bright indeed for an early settlement, one not at all unfavorable to the United States.

The tax plan

The other major portion of the President's proposal, his new tax package, has gone to the President for his approval.

House and Senate action

As passed by the House of Representatives on October 6, the tax bill:

(1) Provided a 7 percent tax credit effective April 1, 1971, rather than the 10 percent first-year, 5 percent thereafter requested by the President.

(2) Modified the Asset Depreciation Range regulations.

(3) Increased personal income tax exemptions by $50 (from $650 to $700 as of July 1, in effect making the exemption $675 for 1971.

(4) Reduced taxes paid by low-income persons by making the existing low-income allowance of $1,050 available in 1971 without reduction where income exceeded non-taxable levels.

(5) Raised the low-income allowance to $1,300 effective in 1972.

(6) Made effective January 1, 1972, an increase in personal exemption by $50 to $750.

(7) Raised the percentage standard deduction to 15 percent on income up to $2,000 as of January 1, 1972, instead of as of 1973 as originally scheduled.

(8) Repealed the 7 percent excise tax on automobiles effective August 15, 1971, and the 10 percent excise tax on small trucks effective September 22, 1971.

(9) Allowed tax deferrals on increased export profits earned by a company through a

domestic international sales corporation, called a DISC.

The House bill would cut taxes a total of $1.7 billion in 1971, $7.8 billion in 1972, and $6.0 billion in 1973.

Although much was added to the bill by the Senate, much was removed by the Senate-House Conference, and the final legislation could bear considerable resemblance to the House-passed measure.

Phase II

It is far too early, of course, to gauge accurately the success or failure of the second part of the President's program with its Wage Board and Price Board and Cost of Living Council.

Of one thing, we are certain: the public approves of Phase Two, and approves overwhelmingly. The Louis Harris survey of December 5, for instance, showed approval of from 4-to-1 for such things as the control of wages, to 7-to-1 for the control of prices, to almost 14-to-1 approval of removing auto excise taxes.

And the Gallup Poll of December 3 revealed only about one American in seven—about 15 percent—thinks current Phase Two wage-price controls should be "less strict."

The uncertainty principle

A last word on the economic year in review. In 1927, a German physicist, Werner Heisenberg, formulated a principle known variously as the Principle of Indeterminacy, or simply as Heisenberg's Uncertainty Principle. It bears much relevance to the economic nostrums offered up daily by politicians of many stripes. What it says is that the more accurately the position of an atomic particle is determined, the less accurately can its momentum be determined, and vice versa.

I rather like that. For as I said a year or so ago, a living economy is not a fixed *thing* but a flowing event, like a flame or a whirlpool: only the rough outline is stable. The substance—manpower, machinery, buyers, sellers, exporters—is a stream of energy going in at one end and out at the other. One of its manifestations is in the form of all sorts of statistics.

During discussions of economic theory, as long as we direct our concern to the real men and real women who are the raw energy of the economy, the statistics should take care of themselves quite well.

CONCLUSION

Mr. President, since January 1969, the Republican Party in the United States Senate has found itself in a strange position. A man from our ranks is in the White House as President of the United States. And yet we ourselves are the party of the minority in the Senate, and, for that matter, in the entire Congress.

It is a difficult responsibility to bear. As a minority in the Senate it would be easy simply to carp against or criticize what the majority is attempting to do. Yet we may not do that because we must support in the Senate what the President asks in his search for peace abroad, prosperity and domestic tranquility at home.

At times we find ourselves almost in the role of mediator between the executive and the majority in the Senate.

We have attempted always, however, to support the majority where possible. This has been made difficult because of two factors. Too often the tendency on the part of many of my majority colleagues has been to greet every Presidential proposal with the immediate cry, "It ain't enough," or simply, "I double it." Is this because of some ancient conditioning, wherein, like a cormorant, these Senators will swallow more even if it chokes them? Or is there some other reason?

The second problem, the astounding proliferation of Presidential Senators, recalls an ancient festival held in England each September at Abbotts Bromley, just west of Burton-on-Trent. The festival's highlight is an elaborate and rather sinister dance by six men in Tudor costume, each wearing reindeer antlers. They dance about a hobbyhorse.

While no similarity is intended between this vestige of English antiquity and the six Presidential hopefuls now sitting in the United States Senate, it is significant that the dance is done about an object only *representative* of the real thing; that is, about a hobbyhorse rather than a real, breathing, live animal.

What we Republicans call for is reality in political conversation, not dancing about political totems.

American people won't buy the extreme left, just as they won't buy the extreme right.

In the next election, as in all elections, the choice will go to whoever more nearly meets the centrist wishes of the Nation:

For peace, but with adequate security.

For stability at home, in our economy and in our national life.

For responsiveness to the legitimate needs of our citizenry.

For responsibility in leadership towards a more creative future.

RECESS

Mr. SCOTT. Mr. President, the other body took a vacation over Thanksgiving for a fortnight or less, as a result of which, certain necessities have arisen, and we live not as we would but as we must.

Therefore, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, but not later than 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 5:57 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:02 p.m., when called to order by the Presiding Officer (Mr. Hughes).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8856) entitled "An act to authorize an additional Deputy Secretary of Defense, and for other purposes."

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to H.R. 9961, entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes."

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not to extend beyond 6:30 p.m.

The motion was agreed to; and (at 6:03 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:30 p.m., when called to order by the Presiding Officer (Mr. Hughes).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Hughes). Is there objection to the present consideration of the report?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. TOWER. Mr. President, I ask unanimous consent that John Evans of the staff of the Committee on Banking, Housing and Urban Affairs be permitted to be present in the Chamber during the consideration of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that we may proceed to the consideration of this conference report, even though all of the papers are not in the file. We have them, and they will be made available very shortly.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of today at pp. 46596–46602.

Mr. SPARKMAN. Mr. President, as may be well known, we have been proceeding under considerable pressure in an effort to get this conference completed and reported. We started this morning at 9 o'clock, and have been in session all day until a little while ago, when we turned it over to the Legislative Counsel and staff to put in proper form.

We had a long and rather involved conference, but I think a very successful conference. Every one of the conferees signed the report, and I believe that we are bringing before the Senate a good version of this difficult legislation, that as we found when we handled it here on the Senate floor before. We did not get everything that the Senate wanted, but neither did the House conferees get everything that the House wanted. However, as a Member of the Senate, I want to say that I was quite pleased with the outcome. I think as a whole we have brought back a very good bill, and one that is workable.

One thing that pleased me was to see the reaction of some of those who were vitally interested in certain amendments, on both sides, who said, "That is a good measure you have worked out." It always makes one feel good when he can bring a controversial matter to that kind of a resolution, and we did that as to many of the vexatious features of this bill.

Mr. President, the Senator from California (Mr. CRANSTON) has advised me that he wants to ask a question. I am glad to yield to him at this time.

Mr. CRANSTON. Mr. President, I thank the distinguished chairman very much for affording me this opportunity.

As the chairman knows, my amendment would have exempted various of the media from wage and price controls, although passed by the Senate by a vote of 50 to 36, was dropped in the conference, as was a quite different House amendment introduced for the same purpose.

At the time the amendment came up, I asked if the spokesman who was appearing before the conference from time to time, Mr. James Smith, could be asked in to state the administration's views on my amendment. He was not then available. He had gone elsewhere. The conference proceeded to vote, but with the understanding that we might reconsider if he became available at a later time. He did make himself available later. He came in and stated that the administration, after talking to the Wage and Price Boards, had decided to drop their opposition to the amendment and that they felt that the amendment was now acceptable to them.

He said that the reason for this was that they had talked to representatives of the Wage and Price Boards; that the boards had indicated that, upon looking into the matter, they had decided that it was a very, very complex and complicated matter to determine what to do about requests for wage and price adjustments. They felt that they would need a large staff, at considerable expense, to handle this, and felt that it would not be wise to undertake.

I think an element in their administration is the difficulty of measuring productivity when you are talking about writers.

He cited the difficulty in determining what the facts were and what was justified or not justified in television production. He stated that this was just an example of the problems they would face in dealing with other media.

After that discussion, nonetheless, the committee, without my bringing it to a vote, obviously was not in a mood to change its position on my amendment; but they adopted that attitude in the atmosphere of a statement by a man who was not responsible, since the administration would not be responsible for making exemptions—it acted on the basis of statements that the Wage and Price Boards would, by administrative action, proceed to make exemptions in regard to various of the media.

I simply ask the chairman whether that is an accurate statement of what transpired in the conference.

Mr. SPARKMAN. I believe that is an accurate statement.

Let me say that he said one other thing. I do not remember the figures he gave, but the relatively small part that the total amount involved here is to the over-all is almost negligible. I think probably that was one reason why they felt that they could take the more or less neutral attitude regarding it.

Mr. CRANSTON. Yes. I recall that that also was stated.

I thank the Senator for his comments.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. TOWER. I think it is important that we clarify the effect of the Fong-McGee amendment which was put on on the Senate floor, which was accepted by the House with an amendment. I just want to be certain that we make the proper legislative history.

Is it the understanding of the Senator from Alabama that the 5½-percent increase for the Federal employees is on an annual basis?

Mr. SPARKMAN. Yes.

I may say that I am glad the Senator from Texas brought this matter up, because a great many people were interested in this amendment, and it was rather difficult. I think we worked it out quite satisfactorily.

Incidentally, I may say that as a part of it—or at least in conjunction with it—another feature of the bill in which a great many people have shown interest is that involving teachers. We have agreed that teachers will be entitled to their increases where they have been voted in accordance with the formula that was worked out.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Not only with respect to teachers but also with respect to all workers, both State and local workers and workers in private industry, I felt that the conference adopted a wise and helpful retroactive pay provision.

As I understand it, they took the Senate language, which provides that retroactive payments will be made wherever they are not unreasonably inconsistent with the guidelines. Then they added to that the provision that even where they are unreasonably inconsistent, they can be made, provided there has been a price increase or a tax increase or a productivity increase which makes it possible to make this retroactive payment.

I think that by melding those provisions together, they gave the working people, who have earned this money and who had a contract for it, a really substantial break, which I think is something that should be recognized.

Mr. SPARKMAN. I am glad the Senator has brought that up. That is true.

What happened was that the conferees accepted the Senate language and added to it the substance—in fact, most of the Stevens amendment. It was that combination that worked out the proposition to which the Senator from Wisconsin refers.

Another thing that I think is good is the manner in which we worked out certain fringe benefits, such as the pension plan and things of that kind, that might be involved as a part of any contract that was made. I think we worked out a very good arrangement on that.

I think the bill, as a whole, is very good, and I hope the Senate will agree to the conference report.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. TAFT. I have listened with interest to the colloquy with regard to the matter of retroactivity, and I would only say this: It seems to me that, while, for many circumstances, the retroactivity provision of the Senate will be a very fair one, and in others I think the House provision might be a fair one, too, many employers are taking the freeze at its word in industries that reflect immediately the cost of labor increases. They are going to take a very considerable beating in regard to this.

All I am suggesting is that I wonder whether the conference got into discussing whether the Wage Board, in considering what is unreasonably inconsistent as to future increases—not retroactive but deferred increases—discussed at all whether the Pay Board, in deciding whether or not deferred increases are unreasonably inconsistent, considered the retroactive increases that already might have been given in these types of industries.

Mr. SPARKMAN. It was very hard to work out the two of them together, but I believe that we did come up with a very good plan.

As a matter of fact, is the Senator familiar with the Stevens amendment that was offered in the House?

Mr. TAFT. Yes.

Mr. SPARKMAN. If the Senator recalls, there were two divisions of that. We felt that the first division was covered adequately by the Senate language. We did take the second division and provided that certain payments could be made where these conditions had been met.

Mr. TAFT. I thank the Senator.

I hope the Wage Board will recognize that even under the Senate amendment, quite a number of employers and quite a number of industries are going to be paying a very heavy increase, for which they were not able to make an increase in their prices; and the Price Commission or the Wage Board, in the future, in deciding what is unreasonably inconsistent in the standards which are set, should take that into consideration.

Mr. PROXMIRE. As a matter of fact, this was a melding of the Proxmire amendment as modified by the Taft amendment in committee.

With respect to the employer, I think that is the only adverse effect from which he could suffer—that is, the fact that he might have to provide an increase; but it could not be unreasonably inconsistent, for which he could not increase prices. The only way you could go further than that would be if he had increased prices or had a substantial increase in his productivity or where, with respect to State and local government, there had been a tax increase. Only in those circumstances could you go beyond what Senator TAFT had provided in the Senate Committee. This does not do any further damage to the employer.

Mr. TAFT. It is particularly harsh in the case of some of the retail industries, I find, in its application, where this retroactive situation applies, where some of these retail industries are frozen by the price commission to a mark-up percentage.

Mr. SPARKMAN. We also decided to put this in the report urging the boards to take pains to take care of hardship cases or inequities that might appear, as there are bound to be as we move on. Most of it can be handled administratively without our legislating on it. We have, I think, expressed our own hope that they will use considerable flexibility in meeting these unusual situations and conditions.

Mr. TAFT. I thank the Senator for his explanation.

Mr. JAVITS. Mr. President, I have two questions I should like to ask the Senator from Alabama unless he prefers to wait until the report comes up for a vote.

Mr. SPARKMAN. As a matter of fact, I would be glad to "go" now, because I am watching the clock, as I have to catch a plane, and I should be leaving right about now, so I would appreciate it if the Senator would let me have the questions.

Mr. JAVITS. In other words, the Senator will not be here when the conference report is voted on.

My first question is: It is a fact, is it not, that the so-called productivity amendment providing for local and regional productivity commissions having been in both the Senate and the House bills is in the conference report?

Mr. SPARKMAN. We accepted that just as the Senator from New York introduced it.

Mr. JAVITS. I thank my colleague. I was interested in its form. That was the point I was making.

The other question is——

Mr. SPARKMAN. I am reminded by my staff that I should tell the Senator, as I said it was accepted exactly as the Senator introduced it, that that is not entirely true because the Senator's amendment had an open end in it so far as expenditures were concerned, and we accepted the figure that the House had in—we do not know how much meaning there is to it—not to exceed $10 million.

Mr. TOWER. Mr. President, the Senator from New York originally had that figure in his, and we are back where we started.

Mr. SPARKMAN. Yes, it is the way the Senator introduced it.

Mr. JAVITS. I am especially pleased to find that the conference committee has included my productivity amendment in the final bill. As my colleagues are undoubtedly aware, that amendment passed the Senate last week by unanimous 85-to-0 vote; last Friday, an almost identical amendment introduced by Representative ANDERSON of Illinois passed the House by a voice vote.

Mr. President, my amendment provides a focus for our efforts to improve the Nation's productivity, which is surely one of our highest priority items during phase II and beyond. Increased national productivity will have direct effect on prices, with all this implies both for the health of our national economy and for our balance of trade. Increased productivity is virtually the only way in which we can devote resources to accomplish pressing tasks such as cleaning up pollution, without diverting resources from existing production. Increased productivity is the result of improved worker and managerial morale and pride of craftsmanship, both of which have deteriorated in recent years. As one noted economist recently put it, increased productivity is the only way in which we can get something for nothing.

As the legislative history of this amendment has shown, our productivity performance compares very unfavorably with that of our major trading partners. This has been a major factor in our seriously deteriorating balance of payments position which led directly to the monetary crisis now facing the world. Since the relationship between productivity and our standard of living is a direct one, it is clear that our superior standard of living cannot last long if the present state of affairs is allowed to continue. Productivity thus is the key to a better quality of life in the U.S. and as such all segments of our society have a stake in improving our Nation's productivity. Productivity should inspire patriotism and desire to excel in a time of relative peace—but of danger—just as our desire to triumph motivates us to higher productivity effort during war.

The amendment cannot change things overnight. But by providing this focus for our productivity efforts, and by starting up the system of regional and plant productivity councils, which the amendment contemplates, we are now started in the right direction.

There was also a provision in the House bill which aroused a lot of discussion respecting rents in New York City and also one other city, Boston, the only two cities with substantial amounts of rent-controlled units. I understand a change was made in the House amendment in conference, and I would greatly appreciate it if either the Senator would confirm what I understand to be the meaning of that change, or if the Senator could simply state to us unilaterally what is meant by the change, whatever the Senator would prefer.

Mr. SPARKMAN. I believe I can state it rather briefly and simply. We wrote in that the provision of the amendment now in the House was that no State or political subdivision of a State shall be exempted from the application of the title with respect to rents by virtue of the fact that it regulates by law or regulates the policy. We wrote in one word and that is "solely."

Mr. JAVITS. Where would that change occur?

Mr. SPARKMAN. Right after the "rents"— * * * with respect to rents, solely by virtue of the fact that * * *."

Mr. JAVITS. For the benefit of the legislative history, could the Senator tell us what that does?

Mr. TOWER. It means the Price Commission has discretion in administration—it either regulates the rents or it does not regulate them.

Mr. JAVITS. Then that leaves the situation basically as it was under the November 22 ruling by the Price Commission regarding local and State regulation of rents.

Mr. TOWER. That is correct.

Mr. JAVITS. But, nonetheless, it gives the necessary flexibility. I am interested in protecting the tenants of New York, and also in the fact that at least there should be consideration given to the claims that the rent structure has a direct relationship to depreciation of real estate and the possibility of abandonment of building, strikes by employees, and so forth. As I understand it, what the conferees were seeking to retain was the authority of the Price Commission, at one and the same time permitting that authority to be exercised by allowing someone else to do it.

Mr. TOWER. That is correct.

Mr. JAVITS. I thank the Senator very much.

Mr. SPARKMAN. The Senator is right.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD a statement that I should have given to the Senator from Texas (Mr. TOWER) a few minutes ago with regard to Federal pay. I believe this explains it more fully.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FEDERAL PAY

Q. In order to clarify the effect of the Fong-McGee Amendment to the Economic Stabilization Act, let me ask you if the 5½ percent increase is on an annual basis.

A. Yes. The objective of this amendment is to treat government employees the same as employees in the private sector. The Pay Board has promulgated 5½ percent annual guidelines. Therefore, for calendar year 1972, Federal employees will receive a 5½ percent increase under this Amendment.

Q. Will these guidelines be applied to all Federal employees?

A. Yes. Although the Amendment does not specifically apply to Wage Board employees, the Administration is expected to accord equal treatment to statutory pay employees and Wage Board employees. Therefore, Wage Board employees will be affected by the same 5½ percent guidelines. It would be totally inequitable to treat one group of government employees differently from other Federal employees. This matter is referred to in the last paragraph of the Senate Committee on Post Office and Civil Service Report on November 8, 1971.

Mr. PROXMIRE. Mr. President, I want to commend both the Senator from Alabama and the Senator from Texas for the way they handled this conference. It was, as the Senator from Alabama just stated, a constructive conference. These two Senators did an excellent job on the two bills. I must say, unfortunately, that as I voted against the bill when it passed the Senate, I am going to be compelled to vote against the conference report, and for the same reasons I gave at that time.

Mr. JAVITS. Mr. President, I should like to associate myself with what the Senator from Wisconsin has just said, about the great job that these two Senators did, and under tremendous pressure. I talked with the Senator from Alabama about it. I think it is most extraordinary and a great service to the country.

Mr. SPARKMAN. I am very grateful to both the Senator from Wisconsin and the Senator from New York for their complimentary remarks.

Let me pay my compliments to my very able co-worker, the distinguished Senator from Texas (Mr. TOWER). In fact, to the entire committee and especially the conferees and, as well, to the very staff that we have to assist us.

I feel very good over this legislation that we are turning out.

Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

Mr. TOWER. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the passage of the conference report providing the tools to permit the administration to bring the inflation under control is a singular achievement for the senior Senator from Alabama (Mr. SPARKMAN). The Senate has witnessed again the brilliance of the senior Senator from Alabama (Mr. SPARKMAN). He continues to show that there is no substitute for experience, that there is no replacement for a spirit of national interest. He has no superior in this Chamber in effectiveness, skill, and dedication.

S. 2962—DEFERRAL OF REFERENCE

Mr. JAVITS. Mr. President, I have a bill at the desk which I introduced last week and asked that it be deferred as to reference for 1 day.

That bill is S. 2962, a bill to amend the Manpower Development and Training Act of 1962 to provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes.

Mr. President, I now ask that the bill remain at the desk until appropriately referred on application to the Chair.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, as to the program for tomorrow, there is not much that can be said except that the Senate will convene at 12 o'clock noon. There will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senate is awaiting action on certain conference reports, among which are the DOD conference report, on which the House acts first; the District of Columbia appropriations, on which the House acts first; a continuing resolution—I would suppose on foreign aid—and in accordance with the custom, the House would act first.

Moreover, the Senate probably will act tomorrow on the conference report on election reform, S. 382, and on the conference report on Alaska claims, H.R. 10367.

So, it is a matter of continued waiting as we have been doing today.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 14, 1971, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 13, 1971:

CIVIL AERONAUTICS BOARD

Whitney Gillilland, of Iowa, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1977. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate December 13, 1971:

D.C. PUBLIC SERVICE COMMISSION

H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1974.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

George W. Draper II, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970.

Joseph M. F. Ryan, Jr., of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970.

EXTENSIONS OF REMARKS

FORTY-FIFTH ANNIVERSARY OF PITTSBURGH VARIETY CLUB

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GAYDOS. Mr. Speaker, late last month I had the pleasure and privilege of attending the 45th anniversary of one of the world's major charitable organizations, the Variety Club of Pittsburgh, Pa. The occasion had special significance for me since a close friend of mine, Mr. George Tice, was to be honored for completing a 2-year term as the leader of the organization. Mr. Tice is a resident of Munhall Borough, which is part of my 20th Congressional District of Pennsylvania.

For the benefit of my colleagues who, perhaps, are not familiar with the Variety Club and its work, I would like to present a brief résumé of its history; a history which had a unique start, one that changed the course of the group's original purpose. Over the years Variety has grown from a single club, founded in Pittsburgh, to a globe-circling organization which has disbursed $200 million to help children in hospitals, orphanages, training schools and clinics in at least 20 nations.

The Pittsburgh club was formed October 10, 1927, by 11 men and named Variety because the charter members represented every phase of show business. At the time, it was just another group of men in the same field banded together in a common cause to help others less fortunate in show business and to lend assistance to various civic and charitable causes.

But, a year later, on Christmas Eve, 1928, an event occurred which skyrocketed the young club into international prominence. The Variety Club members were treating their children to a Christmas party at the Sheridan Square Theater, when the manager, John O. Hooley, also a member of the club, discovered an abandoned infant, a baby girl, in the theater's nursery. A note from the mother identified the child as Catherine and said she had been born on Thanksgiving day, only a month before. The mother appealed to Variety to look after her baby, explaining she had eight other children, her husband was out of work and they could no longer afford to keep the infant.

After a fruitless search to find the

mother, Variety adopted the baby and named her Catherine Variety Sheridan, a combination of her given name, the name of the club and the name of the theater where she was found. Over the years, Variety members, acting as godfathers, provided Catherine with the love and attention all children need and deserve.

When she was 5, it was decided to find her a permanent home where she could lead a normal life with a real family of her own, away from Pittsburgh and the glare of publicity which constantly surrounded her. Only two Variety members knew of Catherine's new home, but they kept a close watch on her and eventually reported to their companions that Catherine had graduated from college with honors and grown into a beautiful woman.

She was the first of many such youngsters Variety members adopted as their own but Catherine Variety Sheridan will forever have a special meaning for any person who belongs to that notable organization.

It is understandable, therefore, that to be chosen as "chief barker" or leader of any Variety club, particularly the Pittsburgh group, is a most singular honor. That is why I was so proud to witness the testimonials paid my friend, George Tice. He surely deserved the accolades for he has spent 30 years of his life with Variety, helping children all over the world.

Mr. Tice has been associated with show business for more than 50 years, most of them in connection with the motion picture industry. He, as many successful businessmen, found the early years hard and unrewarding. George Tice, however, is not a man to quit in the face of adversity. He overcame the trials and tribulations to achieve prominence in his own chosen field. He is, and has been since 1963, the president of the National Association of Theater Owners of Western Pennsylvania. In addition, he was president of the Tri-State Drive-In Theater Association in 1960 and 1961. Upon completion of his term, he was elected secretary of the association in 1962 and still holds that office today.

George, and several other individuals, were honored by Variety that night because they best exemplify the ideals and standards of their organization. I would like to insert the names of the other honorees into the Record, for I believe my colleagues would be interested in knowing the type of gentlemen that make Variety the fine group it is:

Bob Prince, radio and television broadcaster for the 1971 World Champions of Baseball, the Pittsburgh Pirates, and a former chief barker of Variety; the Heinz Foundation for establishing the Heinz Hall for Performing Arts in Pittsburgh; Harry Kodinsky, a gentleman who has raised $10 million through telethons conducted for Variety clubs throughout the world; George Stern, for his work in behalf of the Pittsburgh group; Marty Allen, a native of Pittsburgh who made "Hello Dere" a household word; and Jackie Heller, another Pittsburgh star in the entertainment world.

Mr. Speaker, I deem it a privilege to join in the tributes to the Pittsburgh Variety Club, which has done so much for so many children in the world, and to George Tice, my good friend, who has done so much for the Pittsburgh Variety Club and the motion picture industry.

RHODESIAN CHROME

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, December 13, 1971

Mr. BYRD of Virginia. Mr. President—

> Straight reporting on southern Africa and on Rhodesia in particular can be found only in a few American newspapers. This can now be readily illustrated in the case of Rhodesian chrome and the settlement of the constitutional crisis between Great Britain and Rhodesia.

Thus began a significant article by Clifford J. Hynning, which was published in the Washington Sunday Star, December 12.

Mr. Hynning, who has been engaged in the practice of international law for many years, was founding editor-in-chief of the International Lawyer, a quarterly publication of the American Bar Association.

Mr. Hynning's article is a straightforward presentation of a difficult issue. I consistently read a great number of newspapers each day, and I agree thoroughly with Mr. Hynning that very few American newspapers have been willing to tackle factually the Rhodesian problem.

Congress, likewise, has been reluctant to give consideration to this problem.

Although the embargo on trade with Rhodesia has been in effect by executive action since 1966, the Senate cast its first vote on this matter September 23, 1971, and the House of Representatives on November 10, 1971.

It is highly significant that at the first opportunity to vote, the Senate agreed to modify the embargo by a vote of 46–36; the House did likewise by the overwhelming vote of 251–100.

In analyzing the vote, one finds that representatives from 46 of the 50 States, in a direct vote, support the Byrd amendment.

I ask unanimous consent that Mr. Hynning's article be printed in Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

MISREPORTING THE BYRD AMENDMENT

(By Clifford J. Hynning)

Straight reporting on southern Africa and on Rhodesia in particular can be found only in a few American newspapers. This can now be readily illustrated in the case of Rhodesian chrome and the settlement of the constitutional crisis between Great Britain and Rhodesia.

Sen. Harry F. Byrd Jr. of Virginia had secured a congressional amendment that provided that the pending embargo on all trade with Rhodesia under a United Nations Security Council resolution not apply to chrome as a strategic and critical material in the event that the United States continues to import chrome from any Communist country.

During the time of the consideration of that amendment and susbequent thereto, the press was replete with news stories, guest columns and editorials on the dangerous impact of Sen. Byrd's amendment on the conduct of foreign affairs by the United States. It was widely contended that the amendment would embarrass British diplomacy in the negotiations with Rhodesia evolving toward a settlement. More seriously, Senator Byrd was freely branded an open treaty violator, a breaker of international commitments of the United States.

Events now provide a clear test of performance of news reporting in this area. The test was clearly foreshadowed by the late Dean Acheson in his appearance before the Senate Committee on Foreign Relations on July 7th last. In the event he turned out to be far more prescient than the State Department, the professors of international law, or the journalists when he said that the Byrd amendment on chrome "will move everyone toward a settlement . . . the British need a good nudge to move away from an untenable position and it (the Byrd amendment) will give it to them."

The British government never complained of the Byrd amendment, or so I am informed by the British Embassy here.

The concern that the Byrd amendment would have an adverse impact on British diplomacy turns out in the event to be an illustration of creative reporting.

The contentions of the professors, the diplomats and the journalists that the Byrd amendment on chrome makes the United States guilty of violating international treaties and commitments is equally ill-founded. The Byrd chrome amendment violates no treaty of the United States. The opponents can cite no treaty which by its terms prohibits the United States from importing chrome from Rhodesia.

The only way they can make out a case is to argue that the United States ratification of the U.N. Charter in 1945 meant that when the Security Council in the late 1960s made a formalistic finding that Rhodesia is a threat to the peace and that her foreign trade should be barred by all U.N. members, this prohibition was automatically converted into a treaty commitment of the United States.

Under the U.N. charter the United States is obligated to respect sanctions against a country only if that country were "a threat to the peace," or more.

It is singularly strange that out of all the countries of the world that have indulged in aggression, or threatened, or broken the peace between 1945 and the present day only Rhodesia has been cited by the Security Council for mandatory sanctions.

Why among all the countries of the world was Rhodesia singled out as "a threat to the peace"? It is difficult to credit the reason given by our State Department—"American policy on Rhodesia rests on the basic principles of self-determination and majority rule (1969 statement). "Sanctions . . . will influence the regime to change its policies and adopt as a basis for international acceptance the fundamental principle of eventual majority rule for over 95 percent of the population which is Black African" (1971 statement). It should surprise no one that Sen. Byrd found these reasons "positively ludicrous" and "obviously absurd."

Lastly, it has been contended that the Byrd amendment impairs the credibility of the United States in international affairs.

This may be true so far as U.N. circles are concerned. Their applause may now turn to hisses over Rhodesia.

Perhaps we may witness the further absurdity of a continuation of U.N. sanctions against Rhodesia at a time when Britain has welcomed Rhodesia back into a state of "legitimacy." The U.N., having gone down the road of no return on sanctions against Rhodesia—and these sanctions are formally self-perpetuating—may have no way, legally or logically, to get rid of sanctions except to repeal them.

But repeal would be subject to a veto by the Soviet Union or by Communist China. It might be in the Communist interest to irritate the western world by exercising a veto on the repeal of Rhodesian sanctions and thereby savour the applause for their side. But, as everyone knows, from show-people to diplomats and professors, applause is a wasting asset.

FIRMS HURT BY IMPORTS ASSURED OF HELP IN 1962, FIND IT TOUGH TO GET

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. O'NEILL. Mr. Speaker, the Wall Street Journal on Wednesday, December 8, carried a long and interesting article about the executive branch's refusal to carry out the spirit of the adjustment assistance provisions of the Trade Expansion Act which we passed 9 years ago.

Despite the great increase in foreign trade which has resulted from that legislation, the Tariff Commission and the related Government agencies have virtually ignored the adjustment assistance provision which was enacted by Congress to provide needed assistance to companies and workers who suffered economic loss from this situation. According to this comprehensive survey, only three firms have been provided financial assistance in the amounts contemplated by Congress when the measure was passed. I think it is of particular interest to note that of these three firms, two are located in the district of my colleague (Mr. HARRINGTON).

The Benson Shoe Co., of the city of Lynn, and the Louis Shoe Co., of the town of Amesbury, are two of only three companies in the entire United States to receive the benefits of the adjustment assistance provision, and they have both received this assistance since Mr. HARRINGTON came to the House 2 years ago This is a record of accomplishment on behalf of his constituents of which Mr. HARRINGTON has every right to be proud. The diligent work he has done on behalf of these companies—and the entire shoe industry located in the Sixth Congressional District is clearly demonstrated by this record. We all wish that the executive branch would be more expansive in its interpretation of this section, and I am sure that we would all commend Mr. HARRINGTON for his skill and perseverance in this regard.

The article mentioned follows:

[From the Wall Street Journal, Dec. 8, 1971]

FIRMS HURT BY IMPORTS, ASSURED OF HELP IN 1962, FIND IT TOUGH TO GET

(By John Pierson)

WASHINGTON.—At stake, it would seem, is peace, prosperity, free trade and nothing less than the future of the plastic piano.

You see, Estey Piano Co. of Union, N.J., and Bluffton, Ind., has been badly hurt because the government agreed to lower the tariff that kept the price of foreign-made pianos high. So the government agreed to help Estey design a less expensive plastic model, which would make the company competitive again, to help keep Estey in business until the new piano was ready and then to help produce it.

Now, after a considerable outlay of time and money all around, the government has changed its mind. Estey has laid off its 100 workers and put its factory—situated in Indiana—up for sale. (There's only an office in New Jersey.) The fate of the plastic piano is in doubt. Says Estey President Robert Mehlin, whose family has been making pianos for six generations: "We have been very seriously injured by this whole thing."

What has happened to Estey is symptomatic of what has happened to a program enacted nine years ago that was supposed to be free trade's answer to protectionism. Let us cut tariffs, free-traders told business and labor, and we'll help you adjust to the inevitable flood of imports. For workers, the help was to come in the form of extra unemployment benefits, retraining and relocation money. For companies, the law specified loans, technical advice and tax breaks to help them modernize present product lines or move into new ones.

ONLY TWO GOT HELP

Nearly a decade after enactment of the Trade Expansion Act of 1962, U.S. imports have doubled, thousands of workers have lost their jobs and hundreds of companies have been hurt. While many workers have been getting benefits, only two companies—a shoe manufacturer and a producer of barber chairs—have received any substantial assistance from the government. Another shoe company has been told it will get help.

This failure of the government to make good on its promise to business can only swell pressure for new protectionist moves, free-trade advocates fear. This year the Nixon administration has imposed a 10% import surcharge and has won an agreement limiting Asian shipments of synthetic and woolen textiles—atop earlier restrictions on cotton textiles and steel. If new U.S. import restraints should follow, free-traders foresee higher prices for American consumers and added bitterness between the U.S. and its trading partners.

For the first seven years after Congress passed the law, the Tariff Commission was the villain of the piece. From October 1962 to October 1969, 13 industries, eight individual companies and six groups of workers asked for help but were turned down by the commission. In November 1969, after a change in membership, the commisison began interpreting the law less strictly; it ruled that the piano industry had been injured by imports resulting from tariff cuts.

Since then, two other industries (flat glass and barber chairs), 17 individual companies and 64 worker groups have passed the injury test, either through yes votes of the commission or through tie votes that President Nixon has broken in favor of assistance. The latest to qualify are Bibb Manufacturing Co., a textile maker based in Macon, Ga., and 1,000 of its workers and former workers.

SO WHAT HAPPENED TO ESTEY?

The Labor Department has certified some 20,000 workers for extra unemployment benefits. But of the 18 injured companies that so far have applied to the Commerce Department for relief, one has been denied help, two have received loans, one has been promised a loan and 13 applications are pending; Estey, which once was authorized by the Commerce Department to obtain a loan, is getting only technical assistance.

Here's what happened to Estey.

In February 1970, two months after the Tariff Commission ruled that the piano industry was injured, President Nixon gave piano makers temporary "escape clause" relief from tariff cuts and made them eligible to seek adjustment assistance.

In March 1970, Estey asked the Commerce Department for permission to apply for help. In June 1970, after determining that Estey was indeed among the injured of the industry, Commerce Secretary Maurice Stans declared the company could submit an aid proposal.

During the next nine months, Estey, the department, a management consultant hired by it, and the Small Business Administration worked out a package that included a $90,000 grant and a $2.6 million loan. The grant was technical assistance for building a prototype plastic piano and for a study to make sure there was a market for the new product. The loan was for paying off Estey's prior creditors, financing continued production of wood pianos until the plastic one was ready and building a new plant.

BIG PLAY FOR STORY

Last March, Secretary Stans certified that Estey's proposal was "reasonably calculated materially to contribute to the economic adjustment of the firm" and "authorized" the grant and loan. A Commerce Department press release heralded Mr. Stans' action. Newspapers in New Jersey and Indiana gave the story big play.

In April, Edward Killam, then director of the department's trade adjustment assistance division, wrote Estey's creditors that the government money "will be available to liquidate obligations of the firm . . . including any obligations which may exist to you."

Under the law, once he has certified a company's adjustment assistance proposal, the Secretary of Commerce first asks the Small Business Administration if it wants to make the loan and the Economic Development Administration if it wants to make the grant. If either agency says "no," then the Secretary "may" provide the help himself.

In May, the EDA said it was willing to give Estey $90,000 for the prototype piano and the market study. Then things began falling apart.

In July the SBA said it was "deferring" action on Estey's loan. Until the prototype and the study were successfully done, the SBA said, there was no "reasonable assurance"—as required by the law—that Estey could repay the government. Commerce Department sources suspect that the SBA simply preferred to have the department risk its own money.

Meanwhile, Mr. Killam had been replaced as director of trade adjustment assistance by Lewis Kaufman, former Los Angeles partner of Goldman, Sachs & Co., an investment firm. Mr. Kaufman viewed the program somewhat differently from Mr. Killam. For example, he felt that no funds should go to pay off prior creditors. As he saw it, the program was meant "for the economic adjustment of firms, not as a creditors' relief act."

Bothering Mr. Kaufman, too, was the fact that some of Estey's creditors were also principal stockholders. Although Estey's proposal stipulated that the stockholders would wait for their money until the government got its money back, Mr. Kaufman says he still worried that the loan would go to "bailing out" stockholders rather than revitalizing Estey.

So despite Mr. Stans' March authorization, despite the Commerce Department's press release, despite Mr. Killam's letters to banks and other creditors, the department joined the SBA in deferring action on the $2.6 million loan.

And in September, it refused a request from Estey for enough money to keep going until the prototype was built and the market study completed early in 1972.

Late in September, Mr. Mehlin told a Senate Commerce subcommittee that the department had a right to change its mind about the program, but he argued that once Secretary Stans had approved Estey's proposal, "he should certainly live up to that commitment.

Harold Scott, Assistant Secretary of Commerce for domestic and international business, called the Estey case "unfortunate." According to Mr. Scott, trade adjustment assistance had "languished as a relatively inactive feature" of this department, handled mainly "at the staff level."

FROM CHAIRS TO CABINETS

Mr. Mehlin said he was closing his plant in Bluffton and laying off his 100 workers, many of them experts who would be hard to replace if and when the plastic piano went into production. But he now says he'll try to persuade his creditors to hold off and not force Estey into bankruptcy. With the help of the EDA's $90,000 grant, he's going ahead with the prototype and the market study. He still believes that the new piano has "terrific" potenial, and he hopes, one way or another, to prove it.

While Estey was having its ups and downs, 17 other companies were applying for help in adjusting to imports. Two have received it.

In September 1970, the SBA loaned $2 million and guaranteed a private loan of another $2.1 million to Emil J. Paidar Co. of Chicago, a maker of barber chairs. The loans were to help Paidar diversify by moving into production of dental cabinets, too. The EDA has provided $22,000 of technical assistance.

Paidar used the loans to begin work on a new plant, but Paidar President John Dlouhy says he now wants to sell the new plant and acquire another company that makes dental cabinets. So he's asking Commerce for an additional 3 million.

And early this year, the SBA loaned $1.4 million to Benson Shoe Co. of Lynn, Mass. The EDA provided $200,000 of technical assistance, and the Commerce Department gave tax aid in the form of an extra two years of net operating loss carryback.

VARIOUS STAGES OF SUSPENSE

Benson President Phillip Kaplan says government aid has allowed him to reorganize management, production and sales methods. Volume has doubled with only 20% more help. "To us the program has been good," says Mr. Kaplan.

Both these loans included funds to pay off creditors, a standard SBA practice. Both were made before the Commerce Department got adjustment assistance money of its own. Thus, the SBA had to decide the issue for itself, unlike in the Estey case.

Now that it has its own money, the Commerce Department has just agreed to lend $662,000 to help breathe new life into Louis Shoe Co. of Amesbury, Mass. The EDA will kick in $100,000 of technical aid.

Meanwhile, 13 other companies are in various stages of suspense. Some submitted their aid proposals months ago and are waiting anxiously for a response. "I just hope they can get us the assistance in time," says Victor Pomper, president of H. H. Scott Inc., a Maynard, Mass., producer of hi-fi equipment.

A few companies have gotten past the Tariff Commission but are still waiting for Commerce Department permission to apply for help. Robert Bretzfelder, president of Krakauer Brothers, a New York City piano maker, says that every time he sends department officials some figures to prove that his company has been injured, "they ask for more figures." This has been going on for half a year. "If a company was really on the brink of going out of business and had to wait this long, they'd be out of business," he says.

Commerce officials deny it, but these delays may have had something to do with the resignation last month of Mr. Kaufman, the adjustment assistance director. "There has been some suggestions that things happen faster," Mr. Kaufman concedes. "Maybe my problem is that I'm used to dealing with large, successful companies and not with small, unsuccessful ones."

But clearly there are other obstacles to winning trade adjustment assistance. The requirements for proving injury are so tightly written.

RED BLOC AGAIN SNARLS U.N.

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DUNCAN. Mr. Speaker, again we have an example of the inadequacy of the United Nations in dealing with conflicts between two member nations, the India-Pakistan struggle. I read an interesting editorial along this line in the Knoxville Journal of December 7, and would like to insert it in the RECORD at this point:

RED BLOC AGAIN SNARLS U.N.

As it has countless times in the past, the Communist bloc on the United Nations Security Council over the weekend used veto power to prevent the U.N. from taking any action to halt armed international conflict—this time between India and Pakistan.

Defeated were resolutions which would have called for withdrawal of all troops that had ventured beyond their own borders, an immediate ceasefire and establishment of a U.N. observer team to help prevent future outbreaks of fighting.

At this writing the United States and certain other nations interested in halting the Asian war were considering taking the proposals to the General Assembly, where no veto power exists.

The Soviet Union, with aid from Poland, succeeded in thwarting Security Council action in this case, just as it has many times in the past. The United Nations' basic "peace-keeping" body thus has been rendered impotent, and a mockery has been made of the world organization's basic goal of peaceful international relations.

Significantly, this was the first crisis to come before the Security Council since Nationalist China was kicked out in favor of Communist China. Peking backed Pakistan, but Moscow wound up supporting the position of India despite the fact that India had invaded Pakistani territory. (India had been among those nations voting earlier to oust Taiwan and seat Peking in its place.)

The Soviet Union openly condemned Pakistan as the guilty party in starting the armed conflict, as did the Indian government. This was based largely on the contention that Pakistani efforts to control the rioting in East Pakistan resulted in an influx of Pakistani refugees into already overpopulated India.

On the surface it would seem that India has violated the terms of U.N. Charter by invading a neighboring country on the justification that it did not agree with the internal policies of that country. In one sense, however, the latest Indian-Pakistani conflict can be seen as a renewal of the longstanding dispute over territory mutually claimed by the two countries. While Indian troops were racing to capture all of East Pakistan, troops from West Pakistan moved into Indian-held portions of Kashmir.

The clash also has certain trappings of another war between those supported largely by the United States and those backed by Soviet military aid. The curious circumstance of the United States and Red China winding up essentially on the same side in support of Pakistan and in opposition to the Soviet Union also raises complicating questions.

For the moment, however, the India-Pakistan conflict again illustrates the grand impotence of the United Nations in dealing with armed clashes between member nations, an impotence attributable to the Soviet Union's use of its veto powers.

HUMANITIES OF THE SEAS

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, it is important that this Nation develop a well balanced and innovative program for harnessing the seas, while at the same time taking all measures to see that they are not wasted by pollution. To do this, the American people must become more knowledgeable of the importance oceanic development holds for the future.

The Oceanic Educational Foundation is a young organization which has taken on the mammoth task of providing just such an oceanic background to students at all levels. The efforts of board members Palen Flager, Edgar Shannon, Gilvin Slonem, and S. E. Freund are to be commended.

I include in the RECORD a recent editorial from the Richmond Times-Dispatch regarding one of the pilot projects of the foundation in conjunction with the University of Virginia:

HUMANITIES OF THE SEAS

The University of Virginia deserves plaudits for ploughing new ground—or, more aptly charting a course on unsailed waters—in a unique course it is offering this semester through its Center for Continuing Education. "The Humanities of the Seas" is reputed to be the first course to be offered in the United States. It may prove to be a pioneering venture for American education.

Co-sponsored by the university and the one-year-old Oceanic Educational Foundation, the course is intended to be a pilot effort to introduce the new discipline of oceanic education into the American school system. Classes are being held initially at George Mason College, the University's affiliate in Northern Virginia.

Man has been a "landed" thinker, but with the pressures zeroing in on him on the 30 per cent of the globe that is land, he is beginning to look to the 70 per cent that is water. Professor R. Buckminster Fuller, a member of the board of the Oceanic Educational Foundation, believes mankind's survival depends upon adopting the "doing more with less" philosophy of the seafarer. Indeed, food from the sea, in the form of fishmeal protein concentrates and kelp, may become a major way to combat world starvation. Seabed minerals will take on critical importance. Only a 40-year reserve of cobalt remains on land, for example, while enough cobalt is immersed in the ocean to last for 200,000 years. And as underwater explorer Jacques Cousteau has reminded, an urgent need exists to develop means to save the oceans from death by pollution.

Another reason the University's experiment is so timely is that the United States is faced with the threat of being relegated to the status of a second-rate maritime power by the mounting naval challenge of the Soviet Union.

Obviously, one course is but a small beginning toward educating the American people to the transcendent importance of the seas to their future existence. But the concept of, oceanic education ought to spread rapidly in American schools and colleges. If so, much of the credit for launching this innovation from a Virginia base belongs to University of Virginia President Edgar F. Shannon Jr., a member of the Oceanic Educational Foundation and, incidentally, an officer in the Naval Reserve.

RALPH S. KURLAND, OUTSTANDING INTERN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. KEMP. Mr. Speaker, at a time when we see and read much about youth and are confronted with reports of a "generation gap," my confidence in the abilities and deep-down commonsense of the vast majority of our younger people is repeatedly reinforced by my personal contacts with outstanding and dedicated young leaders and youth groups.

One of my more outstanding experiences since last September to the present has been in connection with the assignment to my Washington staff of a 21-year-old intern from Kenmore, N.Y.

His name is Ralph S. Kurland, who, under sponsorship of the State University College at Buffalo-Washington semester internship program, has performed invaluable research and provided the brightness of his intelligence and personality and other diligent assistance to my staff and myself.

Among Ralph's contributions was his studious work with my House Education and Labor Committee and me on the Higher Education Act which is of vital importance to the quality of education and educational opportunities in Erie County, the State of New York, and elsewhere in the Nation.

A past president of the Student Government at State University College and a graduate of Kenmore East High School, Ralph has displayed not only an unassuming willingness to learn and perform any task but also a quick and intelligent grasp of the varied responsibilities of a busy and responsive congressional office.

These attributes and his superb performance reflect credit on his parents, Mr. and Mrs. David Kurland, those who guided him in his high school, on the dynamic leadership of Dr. E. K. Fretwell and the faculty at State University College and on the Washington semester internship program under the direction of Michael R. Weaver.

Ralph is currently seeking enrollment in law school. And, to my delight, he has offered to continue his involvement in the Federal legislative process through assignments in my district office.

Mr. Speaker, I consider it a privilege to commend Ralph's outstanding performance to the Congress and to wish him well in the days and years ahead.

HYPOCRISY IN THE WHITE HOUSE: PRESIDENT NIXON VETOES DAY CARE LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. RANGEL. Mr. Speaker, President Nixon's veto of S. 2007, the Economic Opportunity Act amendments, is another in a series of callous insults to poor Americans. At a time of skyrocketing unemployment, President Nixon has effectively shut off access to jobs for millions of parents with preschool children who would have benefited from the comprehensive day care program passed by the Congress. At a time of rising legal costs and increased crowding of legal aid facilities, President Nixon's veto of this bill meant the demise—at least for the moment—of an independent legal services corporation which would provide effective legal assistance for millions of disadvantaged Americans.

The poor have again been put at the end of the line and are again riding in the back of the bus of American conscience. The bill vetoed by President Nixon would have provided free child care services for families with incomes of under $4,320. Those with incomes between $4,320 and $5,916 would pay 10 percent of their incomes above $4,320 for child care services, and families with incomes between $5,916 and $6,960 would pay 15 percent of their income over $5,916. Congress does not have the courage to override the President's action, while at the same time Congress appears content to allow this country's largest oil companies—companies with income in the billions of dollars annually—to keep their sacrosanct depletion allowance. The contrast in aid given to disadvantaged citizens and their children is in sharp contrast to that given to the petroleum giants:

FEDERAL INCOME TAXES OF LARGEST OIL COMPANIES, 1970

	Net income before tax	Federal tax percent
Standard (New Jersey)	$2,474,748,000	10.8
Texaco	1,137,666,000	6.4
Gulf	990,197,000	1.2
Mobil	873,744,000	10.9
Standard (California)	589,637,000	5.0
Standard (Indiana)	394,539,000	14.2
Shell	274,681,000	12.4
Atlantic	257,121,000	4.13
Phillips	198,241,000	10.0
Conoco	301,115,000	6.4
Tenneco	182,082,000	13.3
Sun	223,086,000	12.1
Cities Service	151,562,000	17.9
Union (California)	161,825,000	4.6
Amerada Hess	183,905,000	3.6
Getty	159,144,000	21.9
Marathon	153,783,000	5.3
Standard (Ohio)	66,351,000	(10.4)
Ashland	84,326,000	32.3
Total	8,857,753,000	8.7

I commend to my colleagues an editorial in the Washington Post which comments on the blind hypocrisy of the White House in vetoing S. 2007.

The editorial follows:

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated" . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

CAMBODIA: VIEWS OF A SECRET WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FRASER. Mr. Speaker, the Sunday, November 14, 1971, St. Louis Post-Dispatch "Pictures" section contains an article by the Post-Dispatch's chief Washington correspondent, Richard Dudman.

The subject of Mr. Dudman's piece is a specific incident in the air war in Cambodia, and at the conclusion of my remarks I shall add Mr. Dudman's text. It is unfortunate that we cannot reproduce in the Record the pictures illustrating this essay. They vividly depict the destruction rained from the skies upon the Cambodians by our aircraft. Taken by an American airman now out of uniform, 1st Lt. James D. Murray, the photographs forcefully illustrate the text.

Murray and Dudman, with the gentleman from California (Mr. McCloskey) serving as catalyst, have combined their talents to create an important piece of journalism. It is a vivid reminder that declining U.S. casualties in Indochina do not accurately reflect the pace and destruction of the Cambodian war, a war for which this country bears a major responsibility.

The article follows:

Views of a Secret War

(By Richard Dudman)

While the war in Vietnam "winds down," the air war over Cambodia has been expanding in the last year, largely behind a curtain of official secrecy. Unlike the Vietnam war, probably the most widely publicized war in history, the continuing air attacks over Cambodia are largely unknown to the American public. Military briefings give little or nothing in the way of details. No news reporters accompany the flights. And even the statistics on number of sorties and tonnage of bombs dropped are withheld or lumped together with the figures for Vietnam.

Informed sources are prohibited by security restrictions from disclosing details, but they say that the bombing level over Cambodia has been increasing in recent months to the point where it has forced a cutback in air operations over Laos, an older secret American war in Indochina.

An American airman, First Lt. James D. Murray, now has come forward with a set of photographs that show what was happening to one city and several hamlets one day last May in those secret operations over Cambodia.

Murray, a native of Helena, Mont., and a graduate of the University of Montana, spent 10 months in Vietnam, mostly working as an aerial observer over Cambodia for the Twenty-third Artillery Group. Toward the end of May, the Viet Cong Fifth Division began reinforcing its positions around the city of Snoul. An enemy attack began the night of May 27. A Vietnamese ground commander in the area reported that his troops were being shelled from the direction of the city. Murray doubts that this is true, since the good military terrain was in a rubber plantation outside the city. However, at the South Vietnamese commander's request, a United States Air Force "shadow ship," a gunship, "hosed the entire city down"—that is, saturated it with machine-gun fire.

"I arrived on station at 0900, 28 May (I had been over the area on the 27th, watching ARVN troops burn villages)," Murray wrote. "There was a continuous number of sorties (U.S. helicopters, jets, and ARVN A1–E prop planes) dropping 500–700-pound bombs, rockets, napalm and small-arms strafing, the majority of which was going into what was left of the city."

He reported that the ARVN (Vietnamese army) listed a body count of 300 killed in action by the shadow ship the night before and he added: "Enemy?"

Later, as a relief column of tanks approached Snoul along Highway 13, the priority of air targets was shifted out of Snoul to small hamlets nearby, and Murray continued to snap his camera. He commented, in a letter accompanying the pictures: "Let it be noted that, regardless of what the Pentagon cover-up squad claims, all of these places were well populated with men, women and children." He said he was flying at 1500 feet and could see civilian centers being hit, while military storage areas were out in the jungle.

"My thinking the whole time was that if this is the way we have been conducting this war then the American people have been led down a real propaganda road." After being released from the service at Oakland, he got in touch with Representative Paul N. McCloskey Jr. (Rep.), California, who made the photographs available to the Post-Dispatch.

Vietnamese Air Force reports for the period substantiate that a battle was fought in the vicinity of Snoul on May 27 and 28. The official account says that an enemy battalion "penetrated the marketplace in Snoul City."

Defense Department officials said they were unable to give further details of the fighting. A State Department official said he was under the impression that Snoul was pretty well destroyed before last May and that the civilians had all left the area.

ELI LILLY & CO., OF INDIANAPOLIS, MEETS RESPONSIBILITIES AND CHALLENGES

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BRAY. Mr. Speaker, there has been much controversy and also unfortunately much misunderstanding about various chemicals and additives used in food production. Organic farming—with no additives of any sort—may be attractive, but as the new Secretary of Agriculture, Earl Butz, said at one time:

> However, before we move in that direction someone must decide which 50 million of our people will starve. We simply cannot feed, even at subsistence levels, the 204 million Americans without a large production input of chemicals and antibiotics.

Recently, Mr. Burton E. Beck, president of Eli Lilly & Co., addressed the Texas Cattle Feeders Association on the matter of the use of diethylstilbestrol (DES) which has had considerable attention lately. I include his speech, and also the text of a booklet produced by Elanco Products Division of Eli Lilly & Co., giving questions and answers concerning the use of DES:

Industry and the Consumer—A Responsibility and a Challenge

I am delighted and honored that Lloyd Bergsma asked me to be with you today at your annual meeting. As a "small time" cow-calf operator in Arizona, I hope you will consider me as a neighbor as well as a business associate.

In a little less than five years Eli Lilly and Company will celebrate its one hundredth birthday. A century is a long time, and a lot has happened since Colonel Eli Lilly opened a small pharmaceutical laboratory in downtown Indianapolis back in 1876 with $1,400 in cash, a secondhand steamboat engine for power, and a staff of three—including his son, then fourteen, who later became the company's second president.

We have a few more than three employees now—almost 24,000 more, as a matter of fact. We also have a little more money in the bank, and our manufacturing operations have expanded considerably beyond Indianapolis, Indiana. We are truly an international enterprise—with opportunities in Kenya as well as Kansas.

We have also expanded in other ways. We are, as you know, in the agricultural business. Elanco Products Company was created as a division of Eli Lilly and Company in 1960, although we had become interested in agriculture a few years earlier. Additionally, we entered the lawn and garden products market sometime ago; we have a subsidiary that manufactures and markets plastic and paper packages; and just about a year ago we acquired the right to purchase the Elizabeth Arden cosmetic house. We exercised that right early this year and since then have been busily engaged in strengthening the operations of this new addition to our corporate family.

Much of our success, of course, has come about as a result of our abiding, and substantial, commitment to research in the life sciences. During the 1960s the company spent almost $325 million for research and development. Last year alone we spent $61 million, a little more than 10 percent of our total sales. The expense of research continues to grow as science becomes more sophisticated and complex and as more knowledge about new and old products is demanded.

And the time it takes to introduce a product from point of discovery continues to increase, too. One of our major achievements in recent years has been the synthesis and introduction of a new class of antibiotics called the cephalosporins. Our research on these compounds began in the 1950s.

It was research in the life sciences, of course, that led us to agriculture. Animal science and plant science are, after all, natural companions of pharmaceutical science. Our first major animal product came from Iowa State University (then Iowa State College), where an animal nutritionist, Dr. Wise Burroughs, discovered that sheep fed a ration containing a natural estrogen showed a substantial increase in daily weight gain on less intake of feed than those not receiving the hormone. In an effort to find a less-expensive additive, he turned to diethylstilbestrol, a synthetic hormone manufactured by Eli Lily and Company. Negotiations were completed sometime later, and Stilbosol® went on the market in 1954.

The following year we established our agricultural research division. It began by screening the thousands of original organic compounds and antibiotics on our laboratory shelves that had been synthesized or isolated during many years of pharmaceutical research.

In 1957 we introduced Hygromix®, an anthelmintic for swine, which was the first antibiotic developed exclusively for the agriculture industry. Tylan®, another antibiotic used exclusively in agriculture, came along in 1962, followed the next year by Treflan®, an extremely effective herbicide. Just a few months ago, we announced the introduction of Coban®, a new anticoccidial agent for the poultry industry.

To emphasize a previous point, it was seven years from the time that monensin sodium was first discovered in the Lilly Research Laboratories until we were able to marget Coban in July of this year. By that time we had invested millions of dollars in this enterprise, including construction of a major new manufacturing facility, a large part of which will be devoted to the production of this new product.

That was a very brief review of our agricultural interests since Stilbosol was introduced in 1954, and I know that many of you are aware of other Elanco products that have been marketed during this time.

And speaking of Stilbosol, or DES, its stormy history continues—witness yesterday's announcement by Senator Proxmire that he is introducing legislation to ban the use of DES in cattle and sheep and the fact that Congressman Fountain is resuming hearings on the diethylstilbestrol issue beginning day after tomorrow.

We all know that just a few years after DES went on the market, the Delaney clause of the federal Food, Drug, and Cosmetic Act became law. Essentially, this legislation established a zero tolerance level for carcinogens used in food-producing animals. A carcinogen, as you know, is any substance that is capable of producing tumors in any animal—including tumor-prone laboratory mice—at any dosage level. DES, therefore, is classified as a carcinogen and, as such, is not allowed to exist in any amount in the food supply—not even a trace amount of, say, two parts per billion.

Let me make it clear at this point that the law is law and must be upheld. At the same time, however, we feel just as strongly that all the facts should be known before judgment is made on the fate of such an important product. DES residues have been identified in the meat supply. According to USDA figures, approximately one-half of one percent of government assays have detected DES—and in minute quantities at that. Even so, by law, that is too many. It is also true that these infinitesimal residues have been detected only in the liver of the animal—never the muscle tissue or the fat. But to read certain newspaper accounts, anyone not acquainted with the facts can easily get the impression that the American public is in constant danger from a cancer-causing chemical in our steaks and roasts.

My concern is this: Animal drugs—technological tools that we can't afford to do without—must not be judged in a nonscientific way by uninformed people. Dr. Earl Butz, formerly dean of agriculture and currently dean of continuing education at Purdue University, said: "We can go back to organic agriculture in this country if we must . . . We know how to do it. However, before we move in that direction, someone must decide which 50 million of our people will starve.

"We simply cannot feed, even at subsistence levels, the 205 million Americans without a large production input of chemicals and antibiotics."

The point is that we have a job to do, and we need cooperation to get that job done—cooperation between government and industry and cooperation among various segments of the industry. There is evidence that such cooperation is in the making. The National Animal Drug Certification Program is a good example.

As you know, this industry-sponsored program calls for all livestock producers to certify in writing that they have used any medicated feeds properly and in accordance with label directions. To my knowledge, this program represents the first time that all sectors of the meat-producing industry and the animal drug industry have cooperated in such a voluntary effort. It proves that it can be done.

And it is a start, at least, toward another responsibility we have—and one at which we haven't done a very good job—that of communicating with the public. You and I know that the American consumer is spending only about 17 percent of his disposable income for food, about half of what is spent for food in Japan, Italy, and West Germany and maybe a third of what must be spent by a housewife in the Soviet Union. You and I know that modern agricultural technology has made it possible for the American farmer to produce enough food for himself and forty-five others. You and I know that the consumer has been the real beneficiary of the dramatic increase in agriculture's productivity over the past several years. You and I know it, but does the consumer? Some, I would say, but not very many—certainly, not the majority.

I'm convinced that our failure to communicate effectively in years past is one of the major factors underlying the consumerism movement that has swept this country. Indeed, instead of the Age of Aquarius this might be called "The Age of the Consumer." The voice of the consumer is heard throughout the land, with an acute interest in the pollution of our air and water, the safety of our food, the cost of health care. . . . The list is endless, exciting throughout the entire gamut of purchasable products and services.

And I, for one, think it's a good thing. I'm not one of the pessimists who believe that consumer criticism is wrecking the country and stifling business. Instead, I believe it has opened up an entire new awareness of life in this latter part of the twentieth century.

No institution, no individual, no business is so perfect that it cannot benefit from honest criticism. The advantage comes from being receptive to that criticism, facing the mirror of self-explanation, recognizing the faults that are the basis for genuine complaint, and taking action to correct them.

I am in business and you are in business, and some of us may tend to get up tight over complaints directed at business in general. But at the same time that we're businessmen, we're also consumers; and, if you're like me, some of the consumer crusades must strike a responsive chord in your heart.

I feel strongly that the consumerism movement will lead in one direction: to increased self-scrutiny by industry and to a renewed effort to improve the country's products and services, resulting in benefits to both business and the public.

It's not enough, however, that you and I do our level best to make our product the most effective, the safest, and the most reasonably priced product on the market. We must go further than that: We must convince the public that this is so.

Today we have a far more sophisticated public, a better-educated public, and certainly a more interested public to serve. We might ask ourselves: How have we changed in order to serve this changed public more relevantly?

President Nixon has said on several occasions that the nation owes American agriculture a great debt, that the agricultural sector has been by far the most productive of any area of the American economy and that the continued growth of this productivity has been and will be perhaps the most significant factor in our world competitive position. Even more important, he says, it may make a difference as to whether children, here or anywhere else in the world, have enough to eat. Well, I agree with the President on both counts.

During the period of 1960 to 1970, the overall impact of U.S. agriculture on our international balance of payments situation remained virtually unchanged. Considering the significant tariff barriers that most countries place on agricultural imports to protect and stimulate their own agricultural industries, this is quite an achievement. We can compare this with what happened in some of our less-productive industries. For instance, iron and steel switched from a slightly favorable balance of trade in 1960 to a significantly unfavorable balance in 1970 for a net deficit of about $1 billion in the U.S. balance of payments. The automotive industry during this period switched from a net favorable balance to a very unfavorable balance for a deficit of nearly $3 billion.

Labor productivity of agriculture has been among the fastest-growing of any industry for many years. So much so, in fact, that thousands of people are released each year from the job of feeding our population to become potentially productive in providing other necessary goods and services. It is no idle statement that our country simply could not have achieved its high level of economic output without the release of labor from agriculture to other pursuits. In a recent ten-year period, for example, the growth in the productivity of agricultural labor was twice that of the rest of the economy. This is an achievement of the highest order in maintaining the competitive of U.S. goods and services.

The issues are far too complex and the reasons too varied and involved to analyze the whys and wherefores of these facts this morning.

Although we hear many grumblings in this day and age about what is wrong with life in these United States, the quality of living in this country has yet to be excelled by any other nation. If we are to continue our economic growth and enjoy what is perhaps the highest standard of living the world has ever known, it is a hard fact of life that we will have to maintain—and increase, wherever possible—our technological superiority in the production of many categories of goods and services, including agricultural commodities. For this to happen will require the intelligent use of new and better tools, more efficient practices, new techniques, and new drugs and chemicals.

We're also going to need more cooperation—more cooperation among various parts of the industry and more cooperating between government and industry. Again, the National Animal Drug Certification Program serves as a good example. Although the original groundwork for this program was laid by the Animal Health Institute and the American National Cattlemen's Association, it had the blessing, from the very beginning, of both the Food and Drug Administration and the Department of Agriculture.

Unfortunately, certain recent events have transpired with respect to diethylstilbestrol that may tend to hide or confuse the importance of this voluntary development on the parts of all segments of the industry and its responsible regulatory bodies. This does not mean, however, that in the future we will not have many other occasions when intra-industry and government-industry cooperation will not be needed to serve the best interests of the public.

The development of responsible legislation is another area in which this cooperation will become more and more important. It is no secret that the political "clout" of the agricultural community has been diminishing for several years. The very success of agriculture's productivity has diminished the number of voters directly engaged in agriculture and has increased the number of voters in the other segments of the population. Therefore, farmers and ranchers have had less and less to say about their government and their own destiny. This is quite a paradox: As agriculture has become increasingly important to the well-being of the country, its influence in national affairs has continued to decrease. Furthermore, with the one-man, one-vote rule, it doesn't appear that this situation is likely to change for the better in the foreseeable future. This poses a real challenge for all of us associated with agribusiness. We must become more articulate, and at every opportunity we must speak out for agriculture and its importance to the economy of our country.

And finally, we're going to need a new awareness on the part of the consumer. We simply cannot progress without an increased level of public understanding of our goals, our problems, and our achievements. The consumer must understand that from our industry's accomplishments he stands to benefit the most—from an abundance of reasonably priced and wholesome food. And to get this higher level of understanding, we in the agriculture industry are going to have to do a much, much better job of communicating with the public.

We all believe that America is fortunate, indeed, to have the best food and fiber-producing system in the world. It's going to take more than a little effort on all our parts to keep it that way.

Question and Answers Covering the Use, Efficacy, Safety, and Economic Benefits of Diethylstilbestrol (DES)

What is diethyistilbestrol (DES)?

Diethylstilbestrol is a crystalline synthetic estrogenic hormone.

Are there any similarities between the physiological activity of DES and naturally occurring estrogen?

Existing evidence indicates that both the mechanism of action and the biological effects are the same for natural and synthetic estrogens.

Many common foods normally contain natural estrogens. For example, the average estrogen content of dried milk is from 3 to 5 parts per billion (ppb); honey, from 4 to 60 ppb; hen's eggs, from 1,500 to 2,000 ppb. Naturally occurring estrogens have also been found in lobsters, beets, and potatoes. The estrogen content of 50 varieties of alfalfa ranges from 0 to 27 micrograms per pound (0 to 60 parts per billion). There is also an appreciable amount of natural estrogens in green leafy vegetables and forage, such as lettuce, soybeans, corn, and their byproducts.

When was diethylstilbestrol first used and for what purpose?

The synthesis of DES was first published in 1938. In 1941 this compound was first used in human medicine. Among some of the uses for which DES is now indicated are menopouse, senile vaginitis, postpartum breast engorgement, functional uterine bleeding, and carcinoma of the prostate. Dosage for treatment ranges from 0.25 mg. two or three times a week to 15 mg. per day.

When was DES first permitted for use in beef production and for what purpose?

The oral administration of DES in beef cattle was first permitted in 1954. It was used to increase the rate of weight gain and improve the feed efficiency of beef cattle.

At what rate is DES fed to cattle?

DES must be thoroughly mixed into finished feed and fed at a rate to provide not less than 5 mg. nor more than 20 mg. per animal per day. No more than 10 mg. per head per day is fed to cattle under 750 pounds of body weight.

What are the feeding directions for DES to beef cattle?

DES is to be fed at the rate of 5–20 mg. per head per day. Feeds containing DES must be withdrawn from the cattle at least seven days prior to slaughter.

What is the safety factor for feeding DES to beef cattle?

When feeds containing DES are withdrawn for the proper period prior to slaughter, there is no DES residue in the animal carcass. Considerable research and testing substantiates this fact.

DES is classified as a carcinogen. What does that mean?

A carcinogen is defined as a substance that can produce tumors in an animal. All estrogens, natural and synthetic, are classified as carcinogens.

What residue levels of DES are permitted in meat?

No DES residues are permitted.

Is it possible for residues to occur if DES is not used properly?

Yes, this infrequently happens, but such residues only have been found in the liver—never in red meat or fat. USDA statistics show that in 99.5% of the carcasses assayed, DES is not present in any part of the animal. In the remaining ½ of 1 percent when DES is detected in the liver, it is present only in minute quantities.

What do you mean, "minute quantities"?

These quantities are about the same as the amount of estrogens consumed by eating certain vegetables and drinking milk, and considerably less than eating eggs. They are infinitesimal compared to the dosages of DES used in human therapy.

How much beef liver would have to be consumed to equal a daily therapeutic dose of 5 mg.?

One would have to eat 5,500 pounds of liver each day to ingest this amount of DES.

What test is used to detect DES residues in meat?

Up to the present time a bio-assay test has been used which is called the mouse uterine-weight technique. In this method animal tissue is fed to immature female mice and the increase in uterine weight is measured. The sensitivity level of this method is about 2 parts per billion, and the test requires approximately 10 days to complete.

A new chemical test has recently been developed for DES assay purposes. This test has a sensitivity of approximately 2 parts per billion, also, and can be completed in less than 24 hours. The advantage of this test is that samples of tissue from a carcass can be assayed while the carcass is still in the packing plant cooler.

The United States Department of Agriculture is currently using both of these methods, but it is expected that the use of the chemical test will be expanded in the future, providing even more enforcement capability to the meat inspection program.

Is it true that several countries including Sweden, Italy, and Australia do not permit the feeding of hormones to beef cattle?

Yes, although regulations vary among these countries. The fact is that feeding practices in most areas of the world do not lend themselves to hormone usage because cattle are range-fed on grass. In the U.S., however, the modern mass production of high quality beef resulting from grain-fed feed-lot cattle depends on the use of hormones, as well as other technological tools, including antibiotics.

How many cattle are fed DES in their ration?

It is estimated that about 70–75% of the cattle on feed receive DES.

What is the economic benefit to the producer?

Feeds containing DES will increase rate of gain up to 15% over cattle which do not receive DES. In addition, the cattle receiving DES will require up to 10% less feed to produce the same amount of meat as those without treatment. It has been estimated that producers have saved over 40 billion pounds of animal feed at a total feed savings of over one billion dollars since the introduction of the compound. Last year an estimated 18 million head of cattle received DES in their ration for a savings of approximately $150 million in feed costs. This represents an average additional return to the feeder of over $8.50 per animal.

How does the consumer benefit from DES?

It is difficult to precisely determine how much the use of DES saves the consumer per pound of beef. Estimates range as high as $.20 per pound. About $.15 per pound seems to be a reasonable figure, and at the current rate of beef consumption, this would result in an annual saving of approximately $50 for an average family of three.

COLUMBIA BASIN DEVELOPMENT LEAGUE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FOLEY. Mr. Speaker, the Columbia Basin Development League, headquartered in Ephrata, Wash., is an organization representing farmers and businessmen who are conscientiously devoted to orderly development of reclamation facilities in Washington State to assure needed economic growth while at the same time providing necessary environmental protection.

The president of the league, William G. Wolford, outlined the accomplishments and the goals of the organization in a speech to the New Look at North Central Washington Seminar sponsored by the Wenatchee Daily World of Wenatchee, Wash., on November 3, 1971.

Mr. Wolford's talk points out what has been accomplished since the beginning of reclamation development in the Columbia Basin and what remains to be done.

The Columbia Basin project has been one of the most prudent investments ever made by the Federal Government. That investment is being repaid to the Federal Treasury with interest and ahead of schedule.

The project has proven that rural development can really work in America. Thousands of people have moved into what once was an arrid and virtually uninhabited area to develop productive farms that produce crops that are not in surplus and to develop new communities. It has resulted in significant new economic growth and it has generated new tax revenue.

But, as Mr. Wolford indicates, there is still work to be done to complete the development of the Columbia Basin. The key project is the Second Bacon Siphon and Tunnel. Once that can be started, it will point the way toward the irrigation of another 500,000 acres of land in the Columbia Basin.

Mr. Speaker, I include the text of Mr. Wolford's address in the Record:

Speech by W. G. Wolford, President, Columbia Basin Development League, at New Look at North Central Washington Seminar, November 3, 1971

In viewing the make-up of this audience along with the established record of the Daily World under the leadership of Rufus Woods and his successors, I should properly feel very self-conscious in discussing the Columbia Basin. The truth of the matter is, however, that I am delighted to talk about the Columbia Basin (in fact it's my favorite subject) because I have come to know that the Project will never be completed unless it is talked up and supported by a whole host of grass-roots laymen like me. The same type of spirited promotion that was required in the 1920's and 1930's is now required; although I don't notice anyone making the type of sacrifice today that people like Jim O'Sullivan made in former years. At any rate, by reason of many factors and efforts of many people, including early and present day Basin enthusiasts, we have come to the point where Grand Coulee Dam is a concrete fact (if there ever was one) producing in excess of 2 million kilowatts electricity and presently being expanded to an ultimate electrical output of 9.7 million kilowatts. In reviewing the completed portion of the irrigation project, others have long noted that it was a "natural" to succeed. Favorable geological conditions have made it a place of good land, abundant water, and a topography which lends itself well to transporting water to the land. A long frost-free growing season allows the farmer to raise a large variety of crops, and a favorable location places him within easy reach of many of the major markets. Of the 1,095,000 acres authorized by Congress for irrigation, there are today over 512,000 irrigable acres developed of which nearly 447,000 were farmed in 1970. Grass value of crops produced in 1970 totalled over $96 million. Of the 33 major crops grown on the Project, alfalfa hay, potatoes and sugar beets account for the principal crop values and about one-half of the acres irrigated. Fruit production is an increasingly important part of the total accounting for $2.7 million in 1970. Also, of course, cattle and other livestock account for a significant portion of the farming activity. There has been a lot said concerning the direct results of this agricultural activity in the past but as a measure of what we might expect in the future, let me recite a few highlights of the results of watering a portion of north central Washington.

Since 1948 population in the Basin has increased from 25,000 to 70,000. By 1969 the property tax base increased from $15 million to over $131 million; and annual federal income tax collections from $4.5 million to in excess of $30 million. New communities such as Royal City, George, Othello and Warden as well as revitalized older communities such as Moses Lake, Quincy, and Ephrata have grown and prospered in a rural setting.

More than a dozen major and many smaller processing plants operate within the Project boundaries providing an annual payroll in excess of $10 million and employment for over 5,000 people. In addition another dozen or so plants outside the Project, including Wenatchee, process project crops.

Recreation has become big business on the Project—as those of you who have been in the area on opening day of fishing or hunting season must recognize. An estimated $7 million is spent annually by hunters and fishermen in the Basin area not including dollars spent or value attributed to boating and related activities. Abut 80 lakes were formed by irrigation water seepage comprising 1,800 surface acres of water. The several large reservoirs which are a part of the Basin development expand over some 60,000 acres, exclusive of Lake Roosevelt. In a good hunting year, according to the State Game Department, we can expect up to 45,000 pheasant hunters and 25,000 duck hunters.

With this picture of growth and activity, then, you might question, Why the Columbia Basin Development League? The answer, of course, is that the Project is only about one-half completed. The opportunities to at least double the just described economic, and other benefits for the State of Washington abound.

During the first six years of the Project's history an average of 60,000 acres a year were brought under water; then an average of 15,000 acres annually for ten years; then nothing. Thus the Columbia Basin Development League was born in 1962 calling for a program of continued orderly development. Industry, utilities, and local governments are all hard pressed as to how to plan for the future. Burlington Northern has a partially completed $6,000,000 railroad waiting for something further to happen in the Wahluke Slope area of the Basin. Roads must be built and power provided but the lack of an established schedule makes planning a nightmare.

The presidential budget provision for continued construction came to a halt during the Kennedy Administration and only token provision for further development was provided for in the budgets of the Johnson Administration. Sound investments in agriculture in *no way* were identified by the initials OEO. The League's year-round activities culminating in Washington, D.C. arm twisting and Congressional testimony resulted (*I like to think, at least*) in about $8,000,000 of write-in appropriations and over 61,000 additional acres constructed. We were jubilant in our support of the Nixon budget which provided for starting the East High facilities and continuing the Wahluke Slope Blocks—and then we found out about the Office of Management and Budget. Just because Congress passes the President's appropriation bill doesn't mean that the Administration is going to spend the dough. Lobbying now involves an effort to get the money in the bill and then see that it gets spent!

In the face of this type of Federal reluctance then, it behooves any self-respecting group of 500 grass-roots irrigation promoters to review the national advisability of its program. Since the lion's share of remaining development lies within the area known as the East High, the League employed the Battelle Memorial Institute to conduct an independent economic study of the consequences of completing the second half of the Project. Basically the conclusions are summarized as follows: Without irrigation, the East High Area has little potential for economic growth. Approximately $16.6 million of the present Washington gross state product is annually attributed directly and indirectly to the dry land agricultural activities of the area. With irrigation, the East High Area could be expected to annually contribute, directly and indirectly, $358.0 million of the gross state product.

Today we hear a great deal about the employment problem in the State. I understand it approximates about twice the national average standing in excess of 11% of our work force. The East High Area now accounts for about 1,500 jobs within the State. It is estimated by Battelle that irrigation of this area would create employment for an additional 26,600 people within the State of Washington. This means that an additional 67,500 would be supported by these new jobs.

We, in the Development League, recite in our sleep that the key to starting this second 500,000 acre program is the constructing of the second bore of the Bacon Siphon and Tunnel near Coulee City. This tunnel and all of the proposed distribution and drainage facilities will cost some $927 million. This expenditure would increase the gross state product by an estimated $12.6 billion between now and 2020. This is a ratio of $13.59 of gross state product attributed to the irrigation for each dollar of construction expended.

Pending completion, our severe unemployment situation would, of course, be partially alleviated by reason of the construction activity. Nationally, construction activity is considered inflationary, but considering Washington State's 1½% growth factor along with our idle capacity leads me to minimize this problem.

Our recent Washington, D.C. trips have been devoted toward securing funds for the start of the Bacon Siphon and Tunnel and for construction of lateral delivery facilities for Block 251 and the balance of the Wahluke Slope Area. The Wahluke Slope Blocks originally scheduled for completion in 1970 and 1972 currently consists of a rather isolated area relatively removed from services and markets. The government has some $38 million dollars invested in the main canal facilities which is presently servicing just the one completed block and enough water is annually wasting into the Columbia River to irrigate that area. Since completion here does not require construction of the Bacon Siphon and Tunnel and since the water is available to the area, the land owners are justified in requesting its prompt completion. I hope that we were not merely looking too hard when we perceived a kindly glint in the corner of the Office of Management and Budget's eye when we recently made our pitch on this one. Aside from the frustrations of watching certain of the organized workers walking off their jobs on strikes for one reason or another during this period of unemployment and governmental appeals by concerned Washington citizens, there are certain criticisms the dedicated irrigation developer must face. It may be interesting to discuss just a few. *First,* there is the established farmer who doesn't want any more competition. In the days before Grand Coulee Dam I understand that some Wenatchee and Yakima agriculturalists were not wildly in favor of the Project. Today, believe it or not, we get some reluctance from established areas of the Project itself. The answer to this, of course, is that a broader agricultural base and source of supply is conducive to attracting further agricultural industry and enhances the ability of all farmers to market their products. If industry does not establish itself in an area of adequate and expanding sources of supply, in the Basin, you can bet your life that it will seek out other areas of potential.

The environmentalists and conservationists, *when informed,* are really no problem to Basin development. We must, however, constantly demonstrate the "before and after" aspects regarding wildlife habitat, etc., to overcome automatic obstructionism from some quarters.

The surplus food question must receive constant attention. Except for the relatively modest area of the Wahluke Slope, the first lands of the East High will not come under water until six or seven years after the Bacon Siphon and Tunnel is started. It will be an additional 20 years before East High construction is completed. Adequate food and fibre for the *future* suggests adequate action now. The Department of Agriculture estimates that about 1.5 million acres of farm land a year is being gobbled up by housing subdivisions, factories, highways and other forms of urban sprawl. What's more, urbanization is accelerating. The rate of urbanization is up from 1 million acres in 1964. California, a major agricultural state, loses 375 acres a day to urbanization and stands to lose from 50 to 80 percent of its productive farm land within 30 years.

Just as the Wahluke Slope will no doubt be productive of grapes and other non-cereal crops, the East High production, when irrigated, will be responsive to the market place. By my estimates approximately 3 million bushels of wheat would be grown in this area under irrigation.

Future necessity dictates that food demands will be met by irrigated agriculture somewhere. If we can only wake up the populated areas of our state to this tremendous opportunity for economic development, we will see the *Washington* countryside flourishing by virtue of Washington water. The Columbia Basin Development League is attempting to marshal the economic and political muscle of the entire state and look beyond Air Force bases, missile sites, nuclear reactors, and SST's. We believe that the people of this state would do well to create permanent values utilizing the federal dollar which, of all things, will even be repaid to the national treasury.

COMMUNIST ARMS SUPERIORITY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. GOLDWATER. Mr. Speaker, the Arizona Republic newspaper recently published an editorial worthy of consideration by every Member of the Congress. I present it now for my colleagues' information:

COMMUNIST ARMS SUPERIORITY

There is little doubt that the vector of America's defense posture is retreat on all fronts. Withdrawal from Southeast Asia is imminent. U.S. battalions have been returned monthly from Europe since mid-1970. Weapons systems and U.S. initiatives in transportation and space have been significantly curtailed to satisfy demands to stop inflation and protect the environment.

In sum, the development and machinery of U.S. strategic weapons power have been shifted into reverse, and the incomparable community of American scientists, engineers, technicians, and geopolitical strategists has sunk into idleness. We are resigning from world leadership.

The U.S. retreat is the more striking because our main rivals continue to advance. The Supplemental Statement of the President's Blue Ribbon Defense Panel warned last March that we had lost our long-standing strategic military superiority to the Russians. And 88 members of Congress took to the floor of the House last August to warn of the steady growth of Soviet military power which threatens the very survival of our nation.

And now the authoritative British compendium "Jane's Weapons Systems 1971–72" has categorically declared that the Soviet Union leads the West in the development of highly sophisticated space age weapons. In characteristic British understatement, the 586-page reference yearbook declared that, "The strategic possibilities represented by the new [Soviet] competence revealed is considered a potential source of disturbance to the relative balance that exists between the major nuclear powers."

The most recent edition of "Jane's Fighting Ships" warned last summer that, "By any standards the Soviet fleet now represents the super-navy of a superpower," while "The size and relative capabilities of the U.S. Navy continue to decline." Just as one example, it pointed out that the Russians have 273 vessels throughout the world armed with tactical surface-to-surface missiles (SSM), and the U.S. fleet still has none.

Communist superiority on the sea has now been joined by primacy in the air.

The only strategic jet bomber in the U.S. inventory is the subsonic B–52, first designed more than two decades ago. Preliminary work on its replacement—the swing-wing B–1—is not beyond the mock-up stage and will not be operational (assuming Congress authorizes further development) until 1978. The Soviet Union will have an operational low-altitude supersonic swing-wing strategic bomber (called "Backfire") in just over a year, at which time the U.S. will be hopelessly outstripped militarily.

The loss of U.S. strategic superiority is the more tragic in light of warnings offered several years ago by Hanson Baldwin, military analyst of the New York Times: "Deterrence is a state of mind as well as a mathematical formula," he declared. "We have to convince the other fellow as well as ourselves that we mean business . . . Are we likely to do this by deliberately permitting the potential enemy . . . to exceed us in offensive and defensive nuclear delivery capabilities?"

Baldwin noted that as we have withdrawn from the arms race, the Soviet Union has deployed its orbital weapons system and other offensive weapons. "If the erosion of our past nuclear strategic superiority . . . continues until the Russians achieve . . . superiority," he asked, "will they display the same 'sweet reasonableness'—politically or militarily—they have displayed in Poland, in Hungary, in Cuba, or in any past crisis?"

"To me and to a great many other Americans," he warned, "this seems like a 'never-never-land' type of thinking."

AWARD WELL DESERVED

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FREY. Mr. Speaker, I had the privilege of addressing the Interbay Sertoma Club in Tampa, Fla., on Friday, December 10. The occasion was the presentation of the Interbay Service to Mankind Award for 1971 to Mr. Robert E. Lee Alderman.

In my years of public life I have never encountered an individual as selfless as Mr. Alderman. Mr. Alderman who is the chief electrician for the Tampa Fire Department, has dedicated himself to providing a home and family life for homeless children.

Although they have two children of their own, he and his wife have taken 17 children into their own home. These are children who either come from broken homes, were born out of wedlock, come from deserted homes, or whose parents were deceased or just unable to care for them.

As the number grew, he knocked out walls, enclosed his carport, and shifted furniture from room to room to make room for double-deck bunks and twin beds to accommodate the children. All of this effort was done on his own free time and without any financial assistance whatsoever.

Not only have the Aldermans provided a home for these children, but they have also been the mother and father they needed so desperately. The understanding, love, and attention the Aldermans have given to each of these 17 children has, undoubtedly, saved many of them from ending up in a juvenile home.

In times such as ours when the family has lost much of its meaning and we are so concerned about our individual problems and desires, the Alderman story is one that bears repeating.

THE RIGHT OF CONSCIENTIOUS OBJECTION OF CARNAL WARFARE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. HOLIFIELD. Mr. Speaker, on November 18, 1971, Mr. Nelson Nichols, who serves as minister, Evangelist Churches of Christ in Montebello, Calif., contacted me and requested that I insert in the CONGRESSIONAL RECORD a letter and three pages of typed material pertaining to the religious convictions of members of 306 congregations of the Churches of Christ.

I have personal knowledge that many members of this religious order do have sincere convictions against the waging of carnal warfare. In my opinion they have qualified traditionally as bona fide conscientious objectors. It is true that all members of this religious order are not conscientious objectors and many have served their country in military and nonmilitary assignments during times of war.

One of the great American traditions is the legal right to refuse to bear arms on the grounds of sincere conscientious objections to personal participation in carnal warfare. This right should be protected. It is one of our vital freedoms, the freedom of religious choice. The material follows:

CHURCH OF CHRIST,
Montebello, Calif., November 18, 1971.

Hon. CHET HOLIFIELD,
House of Representatives,
Washington, D.C.

DEAR BRO. HOLIFIELD: Thank you again for your help in the past.

I am preparing this note for you in case you do not have time to visit with me on this trip to Washington, D.C.

We need new public documentation attesting to our faith in opposition to carnal warfare. We do not want you to be hurt by helping us so we have prepared a statement that you could submit to be read into the Congressional Record and in your comments you could say that these are not necessarily your own personal views, or something to that effect. You could state that I asked you to do this or that it was submitted by the ministers listed at the close of the statement.

Inasmuch as the membership of 306 congregations (of the Church of Christ) signed letters opposing carnal warfare and expressing a desire to serve in upbuilding this Nation in peaceful ways, I think they should be heard. They expect me to get this message printed in the Congressional Record or some government publication before the end of this year.

Your help in this matter will be greatly appreciated.

When it has been included in the Record I would appreciate your telling me how we may obtain a supply of copies.

Thanking you again,
Sincerely,

NELSON NICHOLS,
Minister-Evangelist.

CHURCH OF CHRIST AND CARNAL WARFARE

The following is the substance of an open letter subscribed to in 1971 by the members of these Churches of Christ, recognized by the F.B.I. as the "peace" Churches of Christ:

1. "To whom it may concern:

"This is to certify that we, the undersigned members of the Church of Christ are conscientiously opposed to carnal warfare. Our belief in the Supreme Being involves duties superior to those arising from any human relation. The basis of this faith is found in a multitude of Holy Scriptures, some of which follow: Matt. 26: 48–52; Acts 5:29; Rom. 12:19–21; 2 Cor. 10:3–5; Eph. 6:10–17; Matt. 5:21; Rom. 12:9, 21; Rom. 13:9; Luke 3:14; 1 Thess. 5:22.

"Our position on this vital subject has been set forth many times in this country by our ministers across the nation. In sermons and writings made public throughout the 1800's American Bible pioneers of our faith set forth this conviction as one of the integral parts of our belief. "The Christian and Carnal Warfare" by P. O. Nichols published in 1945 is a more recent pronouncement of our opposition to carnal warfare. Numerous sermons, articles and affidavits were published during the 1950's, and 1960's that attest to all that we as Christians oppose war. This position taken by many of us in the 1920's was placed on file by the Department of Defense, in the Adjutant General's File No. AG 000.31—Church of Christ—Date: 1–26–1928.

"We do not know of an active minister in these Churches of Christ who does not oppose carnal warfare. These Churches of Christ are not to be confused with many which wear the same name; due to fundamental differences *we constitute a distinct fellowship.*

"We wholeheartedly endorse the civilian work programs whereby conscientious persons may serve the National health and interests in a civilian capacity such as in hospitals, institutions and rehabilitation work.

"We submit this that all may know our position relative to our opposing carnal warfare, and that we might be recognized *as a distinct group or fellowship* which now is and in the past history of this country has been "a peace church", to use modern terminology."

2. Excerpt from A. Campbell's "Address on War" in 1848 (page 10):

"We should inspire a pacific spirit, and urge on all proper occasions the chief objections to war. We must create a public opinion on this subject. . . . War creates and perpetuates national jealousy, fear, hatred, and envy. It arrogates to itself the prerogative of the Creator alone, to involve the innocent multitude in the punishment of the guilty few. It corrupts the moral taste and hardens the heart; cherishes and strengthens the base and violent passions; destroys the distinguishing features of Christian charity—its universality and its love of enemies; turns into mockery and contempt the best virtue of Christians—humility; weakens the sense of moral obligations; banishes the spirit of improvement, usefulness, and benevolence; and inculcates the horrible maxim that murder and robbery are matters of state expediency."

3. Excerpt from Paul O. Nichols' "Christian and Carnal Warfare":

"We, as Christians, are as out of place engaging in a carnal conflict, as the world would be trying to fight the spiritual warfare. The world cannot fight the spiritual fight without first becoming spiritual; no more can a Christian fight a carnal conflict without first becoming carnal."

4. In regard to Selective Service Registrants:

"This body or fellowship has and is gaining recognition as to its unity regarding carnal warfare. Each young man studies for himself the various aspects of the question, forms his own belief, and takes his own stand on his convictions. The Church influences his position only in teaching and offering scriptual references for his personal study and then stands behind him wholeheartedly in encouragement and moral support".—Nelson Nichols—Minister and Evangelist.

Reference may be made to or information obtained from the following men who are closely associated with the work of these Churches of Christ:

Homer L. King, 1061 N. Pilgrim, Stockton, Calif. 95202

Paul O. Nichols, 514 Oakshire Ave., Modesto, Calif. 95351

D. B. McCord, 1414 No. Albertson, Covina, Calif. 91722

Ronnie Wade, 1341 E. Gretna, Springfield, Mo. 65804

Nelson Nichols, 138 South 4th St., Montebello, Calif. 90640.

During 1970 and 1971 the members of Churches of Christ signed letters designed to tell all men of this country that we as Christians feel that it is wrong for us to sanction war. Furthermore, it was brought out in the letters that we are anxious to upbuild this nation and aid those in need.

The letters stated:

"This is to certify that we, the undersigned members of the Church of Christ are conscientiously opposed to carnal warfare. Our belief in the Supreme Being involves duties superior to those arising from any human relation. The basis of this faith is found in a multitude of Holy Scriptures, some of which follow: Matt. 26:48–52; Acts 5:29; Rom. 12:9; 2 Cor. 10:3–5; Eph. 6:10–17; Matt. 5:21; Rom. 12:19–21; Rom. 13:9, Luke 3:14; 1 Thess. 5:22.

"Our position on this vital subject has been set forth many times in this country by our ministers across the nation. In sermons and writings made public throughout the 1800's American Bible pioneers of our faith set forth this conviction as one of the integral parts of our faith. "The Christian and Carnal Warfare" by Paul O. Nichols published in 1945 is a more recent pronouncement that shows that we cannot as Christians sanction carnal warfare.

"We do not know of an active minister in these Churches of Christ who does not oppose war and urge those that make the laws of this land and those that govern to seek peaceful means to settle world problems. These Churches of Christ are not to be confused with many which wear the same name; due to fundamental differences *we constitute a distinct fellowship.*

"We wholeheartedly endorse the civilian work programs whereby conscientious persons may serve the National health and interests in a civilian capacity . . . such as in hospitals, institutions, and rehabilitation work.

"We submit this that all may know our position relative to our opposing war, and that we might be recognized *as a distinct group or fellowship* which now is and in the past history of this country has been "a peace church", to use modern terminology.

"We have assembled and set down together these principles, statements, and references so that all may know our position and that we stand behind those of our young men who because of their strong faith and dedication to the betterment of mankind seek to serve in hospitals, institutions, and rehabilitation centers rather than to violate principles they hold dearer than life. Each member studies the scriptures for himself and takes his own stand based upon his own faith." Nelson Nichols, Minister-Evangelist.

For more information contact one or more of the following ministers: Homer L. King, 1061 N. Pilgrim, Stockton, Calif. 95202, Paul O. Nichols, 514 Oakshire Ave, Modesta, Calif. 95351; D. B. McCord, 1414 N. Albertson, Covina, Calif. 91722; Ronnie Wade, 1341 E. Gretna, Springfield, Mo. 65804; Nelson Nichols, 138 South 4th Street, Montebello, Calif. 90640.

WOMEN AT ANNAPOLIS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FRASER. Mr. Speaker, Orr Kelly has the respect of everyone concerned with our national security. As the Evening Star's Pentagon correspondent, he does a highly professional job of reporting on defense matters.

My respect for his professionalism was increased further after reading his December 7 "Washington Closeup" piece titled "Male Chauvinism Remains at Helm." The question of women serving in our Armed Forces has too often been ridiculed in these legislative halls. Mr. Kelly, with a deft touch, uses humor to deflate those who cavalierly dismiss the need to eliminate sex discrimination from our Defense Establishment. The real question involved in Senator JACOB K. JAVITS' wish to appoint a woman to the U.S. Naval Academy is posited by Mr. Kelly:

> [It] is not whether a girl should be admitted to Annapolis to prepare for a career in which her opportunities are limited by her sex, but whether any person who enters the armed forces should be arbitrarily prevented, solely on the basis of sex, from seeking any goal, even the chief of naval operations or the chairman (or chairwoman) of the Joint Chiefs of Staff.

That is telling it the way it ought to be told:

MALE CHAUVINISM REMAINS AT HELM

(By Orr Kelly)

For those of you who had begun to fear that Women's Lib was about to triumph, it can be reported that male chauvinism is not only alive and well, but firmly in command at the Department of the Navy.

Sen. Jacob K. Javits, R-N.Y., brought about the demonstration that men run the Navy—and intend to continue running it—by making a simple proposal. His first choice as an appointee to next year's plebe class at the U.S. Naval Academy, he said, is likely to be a young lady.

John Paul Jones, understandably, rolled over in his mausoleum at Annapolis. Salty old admirals turned strange colors, exhibiting something between mal de mer and apoplexy.

But it was left to John H. Chafee, the civilian Navy secretary, to tell Javits, in a still private exchange of letters, why it would be unthinkable for a young lady to show up at the academy in June as a member of the Class of 1976.

First, he told Javits, the Navy has no requirement to enroll a girl at Annapolis and there would be no apparent advantage to the Navy in doing so.

The basic job of the Academy, he said, is to train men for combat—to teach them to drive ships, fly planes, shoot guns and, although he didn't quite put it this way, prepare them to be admirals and even future chiefs of naval operations.

The U.S. Code, Javits was told, makes it illegal for a woman line officer to serve on a combatant ship other than a hospital or transport vessel. A midshipwoman, under that law, couldn't even participate in the summer cruises used to train the other aspiring admirals.

Sending a girl to the Academy, Javits was told, also would require changes in the curriculum to train her for one of the career jobs now open to women in the Navy.

And then, of course, without being indelicate, there is the matter of bathrooms, showers and locker rooms.

"Why, we'd have to have a separate head," said one naval officer in tones that indicated any fool could see that was quite unthinkable. "We'd have to change berthing, showers, lockers . . ."

Javits' people say the young lady they have in mind seems to be highly qualified in every way for the appointment and she has very good reasons for wanting to breach the sex barrier at the Naval Academy.

Neither she nor Javits, they insist, wants to cause a revolution in the Navy, but simply to open up the academy to women. The girl involved, they say, would like to end up in a career specialty where there already are women officers on active duty.

In this respect, Javits, who got a girl appointed as a Senate page and thus broke the barrier there, may be moving too cautiously.

The real question is not whether a girl should be admitted to Annapolis to prepare for a career in which her opportunities are limited by her sex, but whether any person who enters the armed forces should be arbitrarily prevented, solely on the basis of sex, from seeking any goal, even the chief of naval operations or the chairman (or chairwoman) of the Joint Chiefs of Staff.

Chaffee was one of those who signed the Defense Department's statement of human goals, which says he will strive "to provide opportunity for everyone, military and civilian, to rise to as high a level of responsibility as his talent and diligence will take him."

The statement does not specifically rule out discrimination on the basis of sex. But when Jerry W. Friedheim, the Pentagon press spokesman, was asked about this the other day, he said it would be proper to add the word "sex" to the section of the statement that says the department's goal is to make itself "a model of equal opportunity for all regardless of race or creed or national origin."

The Navy has come a long way from the time, not too long ago, when a black man was automatically made a mess steward. It still has a long way to go, but the fact that a black man recently was named an admiral is encouraging.

But the Navy has yet to promote a woman to the rank of admiral.

Perhaps more meaningful would be to permit a girl to start right on the road to success in the Navy—at Annapolis. This raises the possibility that, sometime in the future, a Navy man of the old school will return from a visit to the chief of naval operations and report to his colleagues in awed tones: "She's black."

But that's what equal opportunity means.

DEATH OF DR. RALPH BUNCHE

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. CAREY of New York. Mr. Speaker, Dr. Ralph Bunche, the soft-spoken grandson of an American slave who was awarded the Nobel Peace Prize in 1950, died last week. I was fortunate enough to have had the pleasure of visiting with Dr. Bunche on a number of occasions, and always found him to be one of the most knowledgeable, compassionate, and understanding men in statecraft. As the United Nation's most effective international civil servant, he was a source of expert counsel on world affairs.

Mr. Speaker, the passing of this New Yorker, statesman, and gifted human being is an immeasurable loss which the world can ill afford in times such as these.

BILL RUCKELSHAUS OF EPA—NIXON'S MAN, ON THE JOB

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BRAY. Mr. Speaker, some elements seem more intent on trying to infer that there are grave rifts between Bill Ruckelshaus and the administration that has twice named him to top posts than in giving coverage to the great work he is doing, and will continue to do.

Bill was first named Assistant Attorney General, then sent on over to head EPA. It is quite rare for one person to hold two significant posts within the same administration; this in itself should be sufficient to quiet the rumors that there is any sort of a rift.

The following two articles from the November 14, 1971 Chicago Tribune are pertinent:

Ruckelshaus Predicts Clean Air by 1975, Life for Lake Michigan

(By John Maclean)

Washington, November 13.—In the following exclusive interview, William Ruckelshaus, administrator of the environmental protection agency, discusses how the nation's fight against pollution is going and he makes some outspoken comments on current problems. He touches on the political in-fighting on the Senate's water pollution control bill. He takes a look at the future of Lake Michigan and the deadline for antipolluting auto exhaust systems. The interview follows:

Q.—You've been in office nearly a year now. How do you think you're doing against pollution? Is there more pollution now than there was a year ago?

A.—I think we're doing very well. That doesn't necessarily mean there's less pollution.

We're doing well because we've laid the groundwork in both air and water pollution. Those are our primary problems altho we certainly have a lot of other responsibilities.

Under the Clean Air Act amendments of 1970 we have announced air quality standards which are strict and must be met by 1975. The states are well along in preparing implementation plans. The plans must be submitted to us by the end of January for review and approval or disapproval. We have until the first of July to act.

WILL SEE SOME CLEANUP

As these implementation plans take effect we're going to really see some cleanup. Whoever is sitting in my seat two or three years from now will be able to tell you "Yes, there is considerable cleanup in the air."

Q.—What difference will we see?

A.—In Chicago and New York, if the standards for hydrocarbons and nitrogen oxides are met, there will be no smog.

It's going to be very tough to meet the 1975 standards in a place like Los Angeles because the problem is so severe. But you will be able to see an appreciable improvement, even if we don't meet the standards.

What we're going thru now is a time in which a commitment was made to do something, and lack of visible evidence of progress. As long as this gap goes on, people are going to continue to say nothing is being done. But that's not so. A lot of things are being done.

For instance, water pollution. We've got a permit program [the Refuse Act of 1899, under which industries are being licensed to discharge effluent] that is well under way now. But it's time consuming, meeting the schedules and setting up the abatement facilities.

WILL SHOW RESULTS IN NEAR FUTURE

The intelligent way is to enforce across-the-board standards. That's what we've been able to initiate in both air and water in the first year of the agency. This will show results in the near future.

Q.—You're dealing with two groups now that are important to you, the auto manufacturers and state representatives. What do they tell you, can they meet the standards set for them?

A.—The auto manufacturers already have said they cannot meet the standards for nitrogen oxides. But they are bound to be pessimistic because after the first of the year they can request a one-year extension from me. If they're going around saying they can meet the standards this doesn't place them in a very strong position to convince me they can't.

It's going to be hard meeting the standards for nitrogen oxides. There are some new engines coming along that look promising, but probably they aren't going to be available by 1975.

Even if we don't meet the 1975 standards, we will make substantial reductions. The 1971 and 1972 models show reduction of emissions. Monitoring stations in Chicago show pollutants caused by autos to be down.

Now, about the state representatives. In Chicago, for instance, they're having trouble meeting the standards for carbon monoxide.

But we weren't told to set the quality standards if people can meet them.

TOUGH SITUATION IN CHICAGO

We were told to set standards to protect public health and to protect the environment. That's what we did.

Chicago is one of those places it will be tough to beat carbon monoxide.

Even if they don't the exercise of trying to meet those standards is going to result in cleaner air.

Q.—What happens in 1975 if the auto makers say "We haven't made it and aren't going to?"

A.—That will be come apparent long before 1975 if it's going to happen. Then, I will take a look at their petition and decide whether it's impossible for them to meet the deadline and if they made a good effort. I can grant them a one year extension if I find in the affirmative on both of those questions.

After a year we'd go back to Congress if they still can't meet them. I have no authority to grant more than a year's extension.

Q.—Might Congress amend the law if they were faced with that situation?

A.—That would be the request. The alternative would be to shut down all the auto factories.

Q.—The Senate has passed a water pollution control bill which, if it goes thru, will drastically change the approach to water control. It calls for elimination of discharging of pollutants into the nation's waters by 1985.

Is such a goal possible?

A.—We don't quarrel with the goal: We certainly endorse the goal of clean water.

We believe the House ought to have some hearings.

BILL IS DRASTICALLY CHANGED

The bill is drastically changed from the administration request and from what Sen. Muskie introduced when the hearings were going on.

One of the things about the goal of no discharge we've got to be careful about is that we don't promise people something that is impossible. If you can't do it, don't say you will. There are exclusions in the bill's definition of pollutants that are important.

For instance, discharge from oil riggings is not included. We think we know why.

Q.—Why?

A.—I'm not going to make any charges. There's no logical reason for it not to be. Those kind of things ought to come out. Let's not have that kind of monkey business on a bill of this importance.

You have to be careful about this matter of no discharge.

To promise people something like this when the chances of it are really slim is very irresponsible to me.

Setting 1985 as the deadline doesn't really intelligently address the problem. We need more flexibility in handling specific problems.

What if we find the best way to get rid of a certain waste is by water? I think we'll wind up with something more flexible.

Q.—What kind of future do you see for Lake Michigan?

A.—Lake Michigan is going to improve. We're studying the lake constantly.

MAKE A COMMITMENT ON LAKES

I think we've caught the Great Lakes in time. We've made a commitment as a country in time to preserve the lakes. There's going to be a lot of fights going on and a lot of struggles, but I think the momentum is there.

Q.—You've said many times that your strongest enforcement tool is public opinion. What's happened to public opinion in the last year? Last year—1970—was an emotional time about the environment. Is there still a lot of force and energy from the public about this?

A.—The force and energy is still there. The public needs to be better educated about the problems. Sometimes, the public demands things that aren't very wise courses of action. There tend to be "faddistic" amplifications of issues.

There is more vociferous opposition now than was true a year ago. There are people screaming about jobs and the cost of cleaning up.

Q.—What about the cost? There are all these colossal figures being tossed about. What is going to be the cost to the average guy?

A.—We are doing two economic studies. One is on the impact on the GNP. Maybe less than one per cent, or one and a series of studies of individual industries that might be hard hit. They should be ready in December.

LITTLE IMPACT ON GNP

A preliminary assessment shows there will be very little impact on the GNP. Maybe less than one per cent, or one and a half per cent. There are a lot of offset savings to cleaning up pollution. The impact on an individual industry can be great.

Q.—What savings can you see from pollution control?

A.—The Council on Environmental Quality estimates the cost of pollution abatement between now and 1980 at $100 billion. Our figures indicate air pollution alone costs society around $60 billion a year. This is in health bills, corrosive effects on machinery and structures, and so on. The cost of continuing to pollute is enormous.

Q.—What happens when a man comes in and says "Mr. Ruckelhaus, if I meet the air and water standards you've set for my firm, I'll be out of business."

A.—First, I would be careful to see whether this, in fact, would happen. It's rare that it happens, but the occasion does arise.

Usually, it's in a marginal industry in an economically-distressed area. We try to develop small business administration loans or economic development loans for the abatement of the pollution.

We have an early warning agreement with the Labor Department. They can come in with manpower programs.

Usually, the industry that goes under from pollution standards was in trouble anyway. The administrators with the most progressive attitudes on pollution, I've found, are usually the most successful in their businesses.

Q.—DDT is presently under review by your office and it's possible all uses of it may be banned. The World Health Organization says DDT is essential to control of malaria and the surgeon general of the United States says it is a "must" as far as public health is concerned.

Hasn't the DDT affair been a case of emotions outrunning common sense?

A.—We're trying to get all information on DDT right now, pro and con.

DDT has minimal health uses in this country—we don't use it to control malaria. But in Ceylon, where they did ban it three years ago, the deaths from malaria went from 50 to over 100,000. They've reinstituted use of DDT.

There is tremendous emotion surrounding DDT and other similar substances.

We have to try to weigh risks and benefits. If we stop DDT, what is the substitute? Sometimes, it's better to be coping with a known devil rather than an unknown devil.

CHIEF OF EPA DENIES NIXON RIFT

(By Casey Bukro)

WASHINGTON, November 13.—William Ruckelshaus denies that there has been a falling out between him and President Nixon over a tough water pollution control bill passed by the Senate last week.

Earlier this week, the White House had been accused of opposing the bill, sponsored by Sen. Edmund Muskie (D., Me.) and passed by the Senate, 86 to 0. Muskie, considered an unannounced Presidential candidate, accused the Nixon administration of going soft on polluters by tampering with the bill.

"The White House is not trying to defeat the bill, which contains much of what the administration suggested," countered Ruckelshaus in an interview.

The administrator of the Environmental Protection Agency said there is a need to clarify the wording of the Muskie bill.

"The thing that distresses me is that the whole thing is getting into politics, and that generally leads to bad legislation," said Ruckelshaus.

EPA aides point to the coming election and say it would be to Sen. Muskie's advantage to paint Nixon as a dirty water candidate.

Some legislators, would find it difficult to oppose any part of the Muskie bill because they might be criticized for being soft on polluters, the aides add.

"All the White House is trying to do is get some hearings on the bill," said Ruckelshaus. "In the process, they have gotten everybody in the Senate excited, saying the reason they want the hearing is to kill the bill. I don't see that at all."

Rumors of a disagreement between Nixon and Ruckelshaus have led to speculation that Ruckelshaus had tendered his resignation effective Nov. 15.

Ruckelshaus denied that he has been burdened by interference from the White House or anywhere else in doing his job. As for those who have said Ruckelshaus will leave office on the 15th, he said, "I'm going to call them on the 16th, and say I'm still here."

THE CIVIL AERONAUTICS BOARD AND THE AIRLINES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. MOSS. Mr. Speaker, a number of my colleagues and I have for some time been concerned about why the Civil Aeronautics Board continues to hold private, ex parte meetings with the airlines which it is supposed to regulate. On August 5, 1971, I wrote to the Chairman of the CAB asking a number of questions about the Board's practices in this area. The Board responded to that letter on October 21, 1971. Its response raised further questions, and on December 10, 1971, I wrote asking for additional information.

These letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 5, 1971.

Hon. SECOR D. BROWNE,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: It has recently come to my attention that the Civil Aeronautics Board on July 13, 1971, conducted *ex parte* meetings with two airlines. It was with shock and, at first, incredulity that I received the news that these meetings had been held.

You are doubtless aware of the recent litigation which a number of my colleagues and I pursued with the Board concerning the public's right to have air fare and related matters considered by the agency in adjudicatory proceedings subject to administrative safeguards, and not in *ex parte* meetings. In light of that litigation, I should have thought the Board would take scrupulous care to avoid *ex parte* proceedings on matters that are appropriate for decision on the record. I had assumed in particular that the Board would take care to see that its decisions in the ongoing Domestic Passenger-Fare Investigation and in the proceeding now getting underway to determine relief from the unlawful fares charged as of October 1, 1969, would be reached free from the taint of private meetings between the Board and the airlines.

That is evidently not the *case.* An examination of the transcripts of the July 13 *ex parte* meetings, subsequently made available by the Board, discloses the active discussion of numerous subjects central to those adjudicatory proceedings—of which reductions in excess capacity, methods of raising load factors, elasticity of demand, and "timely fare adjustments" are only a few examples.

In light of the effect of these meetings on the legality of the Board's eventual decisions in the Domestic Passenger-Fare Investigation and the retrospective relief proceeding, I am therefore asking you to respond to the following questions:

1. The transcript of each meeting states that the meeting was convened "pursuant to notice." Where and when was that notice given, and to whom?

2. Were any members of the public—*i.e.,* persons who are neither Board nor carrier employees or agents—present at either meeting? If so, who were such persons?

3. On what dates from October 1, 1969, to the present time were other such meetings held? With respect to such meetings, who was present; what was discussed; and how and to whom was notice given?

4. How are these meetings different from the *ex parte* meetings held prior to October

1, 1969, and found to be illegal in *Moss* v. *CAB*, 430 F. 2d 891 (CADC 1970)? If you believe these recent meetings not to be illegal under the decision in that case, what do you believe the case stands for?

5. Has the Board made *any* revisions in its practices governing *ex parte* contacts since the decision was issued in the *Moss* case? If so, what have these been?

Because of the seriousness of the issues raised by the recent *ex parte* meetings, I would appreciate your response to these questions at the earliest possible time.

I have asked my attorneys to send a copy of this letter to each domestic air carrier subject to the Board's jurisdiction.

Sincerely,

JOHN E. MOSS,
Member of Congress.

CIVIL AERONAUTICS BOARD,
Washington, D.C., October 21, 1971.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR JOHN: There is attached the Board's formal reply to your letter on the meetings the Board has had with various groups since October 1, 1969.

In brief, on this subject, it seems we will have to agree to disagree. I think the Board's meetings during this period of time have been both legally and morally proper. We have safeguarded the integrity of our decision-making, and we have not fallen into the trap exposed by your law suit.

I think we simply must keep in contact with all persons interested in air transportation who wish to meet with us. This is part of our statutory duty, as I see it, for to understand the industry is essential if we are to regulate and promote it. We recognize the necessity of operating in the fish bowl, but to refuse all meetings except those in a court room would be truly harmful to the Board as an institution.

Two years of experience have not dimmed my trust in our collective good sense and good faith.

Sincerely,

SECOR D. BROWNE, *Chairman.*

CIVIL AERONAUTICS BOARD,
Washington, D.C., October 21, 1971.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: The Board is glad to respond to your letter of August 5, 1971 on the Board's meeting with two airlines on July 13, 1971. You characterize these meetings as "*ex parte*" and state that you had expected that the Board would have avoided such meetings in the light of *Moss, et al.* v. *Civil Aeronautics Board*, 430 F. 2d 891 (C.A.D.C., 1970). In your view, the meetings contained discussion of matters connected with the remaining phases of the *Domestic Passenger Fare Investigation* and the investigation on the reasonableness of domestic passenger fares charged from October 1, 1969 through October 14, 1970. You ask a number of questions about these meetings and others which the Board has held.

The Board's answers to your specific questions are attached. We have been and will remain mindful of the lessons of the *Moss* case. In our view, these meetings were proper under the law and consistent with our public responsibilities.

The Board's responsibilities include the consideration of many rulemaking matters, many informal adjudications not based on a hearing record, and many executive or administrative determinations, as well as adjudicatory proceedings. The Board's functions thus are not exclusively quasi-judicial but include both quasi-legislative and administrative matters. In these circumstances it is natural that members of the regulated industry, suppliers thereto, users of transportation services, legislators and administrators, representatives of civic groups and local and foreign governments, scholars, and the general public should seek frequent contact with the Board. Every day the Board and its staff receive communications from the interest groups, the public, and the Congress and correspond with each of these groups on matters of mutual interest. On occasion requests are made for opportunities to meet with the Board to discuss a particular problem or issue rather than to deal with it solely by correspondence.

When such meetings are held, we do not view them as "*ex parte*" meetings, that is, meetings which carry the connotation that one of several parties to an adjudicatory proceeding is seeking to meet privately with the "judge" in the absence of his adversaries in order to secure an unfair advantage in the decision of a pending matter.

Nor do we view the meetings with the two airlines to which you refer as undesirable "*ex parte*" meetings. The transcripts of those meetings, which are available to the public, plainly disclose presentations of the actions and plans of individual carriers to meet serious economic difficulties and their appraisal of the degree of success achieved or anticipated for their current and projected activities in relation to their over-all problems. Such meetings and disclosures assist the Board in understanding and appraising the industry it is required to promote and develop. It is the duty of the Board to keep abreast of developing situations and to do so before catastrophe strikes in the form of a Penn-Central bankruptcy. Moreover, the information which is received in these meetings is not different in kind from that submitted in letters to the Board, contained in reports released by the carriers to the press, or which otherwise comes to the attention of the Board in many other ways in view of modern communications media.

It is the Board's view that it cannot wall itself off from the public and the industry it regulates in the performance of its regulatory functions simply because it is also required to perform adjudicatory functions. While differences of opinion have been expressed in this area at least since the oversight hearings in the late fifties, the Board has always believed that it was preferable to hold meetings with interested and affected groups, but to keep such meetings on the public record so that everyone could have access to their contents. We have followed such a course. In doing so we have sought to emulate the courts in our relations with adversaries in an adjudicatory proceeding before us, while recognizing, at the same time, that, unlike the courts, we have other duties and obligations which call for ongoing contacts with such adversaries on matters apart from a particular adjudication. The line is not an easy one to draw and the success of its application must rest on the bona fides of the agency seeking to make it succeed.

We cannot agree with your censure of the July 13 meetings. It is evident from the transcripts that everyone was concerned to avoid discussion of the pending proceedings, including the *Domestic Passenger Fare Investigation*. It is true that various speakers mentioned certain general topics of significance in regulation of the airlines. But these topics are involved in any discussion of the regulation of the airlines, the discussion of them in these instances was so generalized as not to constitute an argument directed to the decision of pending adjudications, and, in any event, the exchanges are a matter of public record and can be refuted if so desired by any party within the normal procedural framework of the proceeding. The Board and its staff are dealing with the same factors and concepts and subjects in many other cases and in their long range plans for the administration of the Act.

They seek to improve their knowledge and understanding of such matters with information from many sources: newspapers, trade journals, carrier reports, conversations, congressional hearings, etc. Meetings with carriers and other groups are an important and valuable source, as the range of groups meeting with the Board as set forth in the accompanying table answering question 3 clearly shows. To eliminate such a source of information not only would be detrimental to the administration of the Act but would prevent the public from communicating directly with the Board in areas when it could not conceivably harm the adjudicatory process. Moreover, everything that was said was transcribed and made available to the public. The purpose of such a transcript is to make the matter public and permit its being answered if necessary. Docket 23140 has not yet reached the hearing stage and the Domestic Passenger Fare Investigation still affords the parties formal procedures to put their views on any subject on the record. This, after all, is the only satisfactory remedy if one is needed, that is, to give an opposing viewpoint, if any, equal opportunity to present its position.

This has been recognized by the courts which have frequently sustained preliminary contacts by a party with administrative officials charged with making an administrative determination so long as the determination was to be made after hearing on a full record. *Phillips* v. *Securities & Exchange Commission*, 153 F.2d 27 (C.A. 2, 1946), cert. den. 328 U.S. 860; *In re American and Foreign Power Co.*, 80 F. Supp. 514 (D.C. Maine, 1948); *North Central Airlines, Inc.* v. *Civil Aeronautics Board*, 265 F.2d 581 (C.A.D.C., 1959), cert. den. 360 U.S. 903 (1959);[1] *Public Utilities Commission of California* v. *United States*, 356 F.2d 236 (C.A. 9, 1966), cert. den. 385 U.S. 816 (1966). *Moss* v. *Civil Aeronautics Board* is not to the contrary, since as more fully discussed in the attached answers the absence of a hearing, rather than the "ex parte" meetings per se led to the invalidity of the Board's order and the unlawfulness of the resulting tariffs.

We do not mean to suggest by the foregoing that we condone truly ex parte meetings. We do not. Our Rules of Conduct in Board Proceedings (14 C.F.R. 300) covers the situation in some detail and established appropriate limitations on ex parte contacts. In our view, we have avoided truly ex parte meetings.

Sincerely,

SECOR D. BROWNE,
Chairman.

QUESTION AND ANSWERS

Question: "1. The transcript of each meeting states that the meeting was convened 'pursuant to notice.' Where and when was that notice given, and to whom?"

Answer: No public notice was given of these meetings or of the meetings listed in the table supplied in answer to question 3. All such meetings were arranged by letter or telephone conversation between representatives of a company or group seeking a meeting with the Board and representatives of the Board.

Question: "2. Were any members of the public—*i.e.* persons who are neither Board nor carrier employees or agents—present at either meeting? If so, who were such persons?"

---

[1] The Court's opinion does not discuss this matter in recognizable detail. However, after argument the Court called for further briefs on the question of the propriety of preliminary meetings by one of the parties with individual Board Members. Thereafter, in its opinion the Court stated, "With the assistance of supplemental memoranda from counsel for the parties, the Court has explored several questions relating to the procedure before the Board, but we find no reversible error in these respects" (265 F.2d at 584).

Answer: Apart from the reporter, no members of the public (as defined) were present at such meetings. Similarly, the persons attending the meetings listed in the table supplied in answer to question 3 were not members of the public (as defined).

Question: "3. On what dates from October 1, 1969, to the present time were other such meetings held? With respect to such meetings, who was present; what was discussed; and how and to whom was notice given?"

Answer: There is attached hereto a table setting forth a list of the companies or groups holding meetings with the Board between October 1, 1969, and the present, the dates of such meetings, the subject matter discussed, whether a transcript of the meeting was recorded, and the extent to which it may be limited in its availability to the public. As indicated above, no notice of such meetings was given to the public and no persons other than members of the Board and its staff and representatives of the presenting group were present.

Question: "4. How are these meetings different from the *ex parte* meetings held prior to October 1, 1969, and found to be illegal in *Moss* v. *C.A.B.*, 432 F.2d 891 (C.A.D.C. 1970)? If you believe these recent meetings not to be illegal under the decision in that case, what do you believe the case stands for?

Answer: In the first place the *Moss* case did not hold the pre-October 1, 1969, *ex parte* meetings to be illegal. Rather, it held that the Board determined or fixed rates by its order of September 12, 1969, and that since such order was issued without notice and hearing, as required by Section 1002(d) of the Act, the order was invalid and the tariffs filed by the carriers based thereon were unlawful.

Apart from this, the 1969 meetings involved all of the trunkline carriers and were concerned specifically and almost exclusively with fare structure, a major subject of the Board's order later declared to be invalid. On the other hand, the meetings now complained of each involved only a single carrier, and neither was concerned with the outcome of the pending fare cases, or even substantially with matters there involved.

Finally, and of decisive significance is the fact that both the Domestic Passenger Fare Investigation and Docket 23140 (Reasonableness of Passenger Fares From October 1, 1969, through October 14, 1970), unlike the proceedings leading to the *Moss* case, have provided for full evidentiary hearings after due notice to develop records upon which the adjudicatory determinations will be made and tested in the event judicial review is sought. Thus, the public and all parties have a full opportunity to participate in the rate-making determinations here, a principal objective of the Court's decision in the *Moss* case.

Question: "5. Has the Board made any revisions in its practices governing *ex parte* contacts since the decision was issued in the *Moss* case? If so, what have these been?

Answer: As earlier stated to you in a letter of August 4, 1970, the Board does not intend to engage in practices which the Court has found lead to invalid orders and unlawful tariffs. We have faithfully carried out our intention. Reference to the transcripts of the meetings between the Board and individual carriers or other groups demonstrate an expressed awareness on the part of both the Board and the other participant in the meeting of the impropriety of dealing with or discussing matters which are the subject of an adjudicatory proceedings before the Board. In our view there has been no transgression into a forbidden area. Further, specifically for the purpose of avoiding any possible problem we have stopped receiving during the life of the Domestic Passenger Fare Investigation ATA's presentation, on behalf of the industry as a whole, of its annual review and outlook for the industry.

MEETINGS HELD BY BOARD, OCT. 1–OCT. 6, 1971

Date	Participants	Subject	Transcript	Transcript available to the public?
Oct. 5, 1971	Frontier Airlines, Inc.	Progress report by new management	Yes	Yes.
Sept. 13, 1971	Pan American World Airways, Inc. and Trans World Airlines, Inc.	North-Atlantic fares	Yes.	Yes.
Aug. 3, 1971	French Aerospace Corp	Presentation with respect to the A300B aircraft	Yes	Yes.
Aug. 2, 1971	Air Midwest, Inc	Report "Progressive Aid for Rural Transportation"	Yes	Yes.
July 16, 1971	Air West	Presentation re: the carrier's economic condition, and steps taken and to be taken with respect to major problems.	Yes	Yes.
July 13, 1971	TWA, Inc	General discussion of TWA's economic problems	Yes	Yes.
Do	United Air Lines, Inc	General discussion of United's financial problems and steps taken to solve them.	Yes	Yes.
June 28, 1971	Australian Aviation Officials	Get-acquainted meeting before formal international negotiations on capacity in Australia-United States service.	No	
June 17, 1971	National Air Carrier Association	Foreign landing and uplift rights for U.S. supplemental carriers	Yes	No.[1]
May 28, 1971	Pan American World Airways, Inc	Progress report on steps taken by the carrier to meet its problems and planned further steps.	Yes	Yes.
Apr. 30, 1971	Travel Weekly	Presentation of the results of the Louis Harris survey of thc travel agency industry.	Yes	Yes.
Apr. 20, 1971	Airlines' customer relations officers	Methods by which Board's newly created Office of Consumer Relations and the carriers can more effectively assist the customer with a valid complaint.	Yes	Yes.
Apr. 1, 1971	McDonnell Douglas Corp	Air cargo and its relationship with other modes of cargo transportation and handling.	Yes	Yes.
Mar. 24, 1971	World Airways	Briefing by World with respect to its recent conversations with several aviation and other officials in the principal European capitals.	Yes	Yes.
Mar. 18, 1971	Alaska and Washington congressional delegations	Financial status of Alaska Airlines	Yes	Yes.[2]
Mar. 12, 1971	George Storer and Senator Edward W. Brooke	Status of Northeast Airlines	Yes	Yes.
Feb. 26, 1971	American Society of Travel Agents	Presentation by board staff to the eastern regional meeting of ASTA, explaining board activities of interest to them and answering their questions.	Yes	Yes.
Feb. 25, 1971	Transportation Association of America	Carrier credit in the air transport industry; general interest and concern of investors with respect to the financiability of the airline industry.	Yes	Yes.
Do	Burlington Industries, Inc	Burlington's views as to relationship of air cargo service and Burlington's future development.	No.[3]	
Feb. 5, 1971	National Air Carrier Association	Financial status of the supplemental air carrier industry	Yes	Yes; with certain deletions per order 71-3-16 (Mar. 2, 1971).
Feb. 2, 1971	Association of Local Transport Airlines	Annual presentation on state of the local service industry, its difficulties, its prospects, its needs.	Yes	Yes.
Jan. 27, 1971	Nevada Public Utilities Commission	General discussion of the amount of service being provided to points in Nevada.	Yes	Yes.
Dec. 17, 1970	Los Angeles Airways, Inc	General discussion of carrier's background, problems, plans, and needs	Yes	Yes.
Do	Braniff International Airways, Inc	Presentation re: programs undertaken by Braniff to adjust its operation to the economic turndown and added competition, i.e. programs for improved productivity, capacity control, and cost reduction.	Yes	Yes.
Nov. 5, 1970	International Air Transport Association	Presentation re: agreements reached at the Honolulu conference	Yes	Yes.
Do	American Airlines and Western Air Lines	Announcement that American and Western had agreed in prinicple to merge and urging prompt consideration of the merger after filing of the agreement with the Board.	Yes	Yes.
Nov. 4, 1970	McDonnell Douglas Corp	Presentation re: air passenger and cargo traffic and number of aircraft needed to meet the forecast.	Yes	Yes.
Oct. 15, 1970	Department of Defense	Discussion of problems relating to military contract rates	Yes	No.
Oct. 1, 1970	TWA and Pan American World Airways, Inc	Discussion of progress of IATA Honolulu conference, including advice as to what non-U.S. carriers were insisting upon.	Yes	Yes.
Sept. 17, 1970	North Dakota Aeronautics Commission	Feasibility of creating a pilot program for an intra-state commuter airlines system and its funding	Yes	Yes.
Aug. 4, 1970	Hawaiian Airlines, Inc., Aloha Airlines, Inc	Announcement of agreement to merge and request for prompt processing	Yes	Yes.
July 28, 1970	National Air Carrier Association	Presentation by NACA of its views on the fare matters be negotiated by the IATA carriers at the Honolulu conference.	Yes	Yes.
July 21, 1970	Pan American World Airways, Inc	Performance problems under U.S.-U.S.S.R. Air Transport Agreement	No[4]	
June 16, 1970	Alaska Airlines, Inc	Relationship of hotel purchase by Alaska to DOT aircraft loan guarantee	No[5]	
June 9, 1970	Puerto Rican Government officials and Delegate to Congress	Status of air transportation to and within Puerto Rico	No[6]	
June 3, 1970	U.S. IATA Carriers	Views and proposals carriers have under consideration for presentation at the Honolulu Conference; protection of the interests of U.S. supplemental carriers in IATA deliberations.	Yes	Yes.
June 1, 1970	deHavilland Aircraft of Canada, Ltd	Briefing entitled "The STOL airplane activities at deHavilland Aircraft."	No.[7]	
May 26, 1970	Association of Local Transport Airlines	Position on subsidy to be taken in testimony to be given by ALTA before the Senate Committee on Commerce.	Yes	Yes.
May 4, 1970	Piedmont Airlines, Inc	Profit-sharing under Class Rate IIIA	Yes	Yes.
Apr. 29, 1970	Hawaiian Airlines, Inc	Economic deterioration of intra-Hawaiian air transportation	Yes	Yes.

Date	Participants	Subject	Transcript	Transcript available to the public?
Apr. 24, 1970	The Flying Tiger Line, Inc	Problems arising since FTL introduction of stretched DC-8 aircraft and inauguration of transpacific service.	Yes	Yes.
Apr. 23, 1970	Executive Airlines	Presentation with respect to Executive's background, current operations, and projections.	No [8]	
Apr. 20, 1970	Aloha Airlines, Inc	Financial condition of the carrier	Yes	Yes.
Apr. 14, 1970	Universal Airlines, Inc., and American Flyers Airlines, Inc	Announcement of the carriers' agreement to merge	Yes	Yes.
Do	National Air Transportation Conferences, Inc	Report on the growth and development of air transportation with small aircraft throughout America.	No [9]	
Apr. 8, 1970	Allegheny Airlines, Inc	Profit sharing under class rate IIIA	Yes	Yes.
Apr. 7, 1970	Fairchild Aircraft Marketing Co., Inc	Briefing on the FS-226 and the F-28 aircraft	No [10]	
Apr. 6, 1970	French Senators	Briefing visiting parliamentarians on Board's rule in U.S. air transporation	No [11]	
Apr. 3, 1970	Lockheed Aircraft Corp	Presentation on the L500 commercial airfreighter	No [12]	
Apr. 2, 1970	American Airlines, Inc	Foreign capacity restrictions	Yes	Yes.
Do	Pan American World Airways, Inc	do	Yes	Yes.
Mar. 30, 1970	California Grape and Tree Fruit League	Ways and means of promoting expansion of aircraft service, and the importance of such service to the tree fruit, grape and strawberry industry.	Yes	Yes.
Do	Air Freight Forwarders Association of America	Air freight forwarding industry developments and future	Yes	Yes.
Mar. 26, 1970	Texas International Airlines, Inc	Financial situation of Texas International	Yes	Yes.
Mar. 24, 1970	Boeing Co	Presentation re: passenger and cargo traffic forecasts: progress report on the 747 program; and air cargo development.	Yes	Yes.
Mar. 19, 1970	Washington and Alaska State delegations	General air traffic problems of Alaska and the Pacific Northwest	Yes	Yes.
Mar. 11, 1970	Frontier Airlines, Inc	Frontier's financial problems and intention to seek a merger partner	No.[13]	
Mar. 10, 1970	National Air Carrier Association and representatives of the Departments of State, Transportation, and Treasury.	Reaction of European nations to the contract bulk inclusive tour fares	Yes	Yes.
Mar. 4, 1970	Texas International Airlines, Air West, Ozark Airlines, Allegheny Airlines.	Profit-sharing tax issue under Class Rate IIIA	Yes	Yes.
Feb. 26, 1970	Governors of 7 States and representatives of senators from those States and others.	No specific subject	No.[14]	
Feb. 25, 1970	Seaboard World Airlines, Inc	Steps taken by carrier to cut operating costs and increase commercial yield. Urge consideration of rates for mail and military transportation.	Yes	Yes.
Feb. 13, 1970	Airlift International, Inc	Presentation of views as to current status of all-cargo industry in general and, in particular, economic posture of Airlift.	Yes	Yes, with deletions as provided by Order 70-3-58, Mar. 12, 1970.
Feb. 3, 1970	Association of Local Transport Airlines	Financial health of the local service industry and pictorial presentation re: Visit U.S.A. fares.	Yes	Yes.
Jan. 7, 1970	Creative Tour Operators Association	Tour operator bonding problems	Yes	Yes.
Jan. 6, 1970	Airspur Corp	Presentation of new ideas for the air taxi or commuter industry	Yes	Yes.
Dec. 9, 1969	Central Intelligence Agency	Briefing	No [15]	
Dec. 8, 1969	Air California	Growth of Air California	No.[16]	
Dec. 1, 1969	Pan American World Airways, Inc.; Trans World Airlines, Inc	Report by carriers on IATA fare conference then in progress in Caracas	Yes	Yes.
Nov. 18, 1969	Caribbean-Atlantic Airlines, Inc	Carrier's problems	Yes	Yes.
Nov. 13, 1969	Institut du Transport Aerien	Study re: development of tourism and air transport in the South Pacific	No.[17]	
Nov. 12, 1969	National Air Carrier Association	Status of the supplemental air carrier industry and its relationship to the entire air transport industry. Basic problems and proposed solutions.	Yes	Yes.
Nov. 6, 1969	International Traffic Committee of Commerce and Industry Association of New York.	Problems of international shippers	Yes	Yes.

---

[1] Withheld from public disclosure by Order 71-7-30 (July 6, 1971) pursuant to sec. 1104.

[2] Notes recorded by Board stenographer; final transcript now in preparation, following review by congressional delegation.

[3] The meeting consisted of a ducumentary—with slides—presentation which is available to the public from Burlington Industries.

[4] The meeting discussed future carrier and U.S. bargaining positions in international negotiation; considered inappropriate for transcript.

[5] Data furnished during meeting reflected in Board letter to Department of Transportation dated June 23, 1970.

[6] Transcript omitted through administrative error.

[7] The meeting consisted of a documentary—with slides—presentation which is available to the public from DeHavilland Aircraft.

[8] A reporter was scheduled to record the meeting but failed to appear on time.

[9] Through inadvertence arrangements were not made for a reporter.

[10] Presentation consisted almost entirely in the showing of a movie, which is available to the public for Fairchild Aircraft.

[11] Transcript considered inappropriate for this courtesy briefing.

[12] The meeting consisted of a documentary—with slides—presentation which is available to the public from Lockheed Aircraft.

[13] Transcript omitted through administrative error; merger talks never materialized.

[14] Meetings consisted of informal reception during Governors' conference; transcript considered inappropriate.

[15] Transcript considered inappropriate.

[16] Transcript omitted through administrative error.

[17] Meeting considered of presentation of study which is available to the public from Institut du Transport Aerien.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 10, 1971.
Hon. SECOR D. BROWNE,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter and accompanying cover letter of October 21, 1971, offering some answers to the questions which I raised about the Board's procedures in my letter to you of August 5, 1971.

As you note in your letters, we do disagree as to the meaning of *Moss* v. *CAB* and the propriety of the Board's continued *ex parte* contacts with the carriers. In order for me to assess the consequences of our disagreement and the remedial alternatives, it will be necessary to have some additional information. I would appreciate it, therefore, if you would supply me with the following, before the end of the year:

1. In response to question number 3 in my letter of August 5, you supplied a list of *ex parte* meetings that various groups have held with the Board between October 1, 1969, and October 5, 1971. The list appears incomplete in several respects.

(a) Please supply similar information—*i.e.*, names and titles of persons present; nature of the discussion, method by which notice was given, and to whom; and availability of transcript—with respect to meetings held between individual Board members, or more than one Board member but less than the entire Board, and private companies, groups, or individuals.

(b) Please supply the same information for meetings between the Board's staff and private companies, groups, or individuals.

(c) Please supply the same information with respect to meetings or communications between the Board, Board members, or staff members, and any officers or employees of the Executive Branch of the Government. (As I am sure you are aware, since you are an independent regulatory agency, there is no question of "executive privilege" attaching to such communication.)

2. The newest federal regulatory agency, the Postal Rate Commission, has recently gone into operation with a complete and stringent set of rules barring *ex parte* communications. These rules were drafted by the Civil Service Commission and adopted by the agency at its inception. As I read them, they would prohibit the type of activity which you apparently do not regard as barred by the Board's procedural regulations or the *Moss* case. I would appreciate your comments as to why the Civil Aeronautics Board should have rules governing *ex parte* contacts any less stringent than those of the Postal Rate Commission.

3. Do you believe the Board's duty, as you see it, of fostering ongoing *ex parte* contacts with "adversaries in an adjudicatory proceeding" on various matters is inconsistent with its present adjudicatory functions? If so, I would be most interested in receiving your suggestions for legislative revision of the Board's mandate.

4. I have been told that if any member of the public requests a transcript of the Board's *ex parte* meetings, he is quoted an extremely high price. Is this the case?

I have asked my attorneys to send a copy of this letter to each domestic carrier subject to the Board's jurisdiction.

Sincerely,

JOHN E. MOSS,
Member of Congress.

THE MEANINGS OF CITIZENSHIP

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. DANIEL of Virginia. Mr. Speaker, last month it was my privilege to be in my district when the Honorable Andrew P. Miller, Attorney General of Virginia, addressed the Hugh T. Williams Post No. 8977, Veterans of Foreign Wars, on the occasion of that group's ninth annual citizenship award banquet.

Not unnaturally, Attorney General Miller chose as his subject "Citizenship," and the responsibilities the concept entails.

Toward the end of his speech, Attorney General Miller made a statement which should be committed to memory by those who downgrade our way of life, and can find no good thing to say about our country:

Citizenship is a trust as well as a gift. If we as Americans tend to forget that citizenship is a two-way street, then we must correct that error in ourselves and see to it that our children understand both meanings of the word. Young Americans should learn quite early in their lives the value of the precious gift of citizenship which their country bestows upon them simply because they were born here.

In the belief that my colleagues will find the entire speech uplifting and instructive, I insert it in the RECORD at this point:

The Meanings of Citizenship

(By the Honorable Andrew P. Miller)

It is good to be back in the other Capitol of the Confederacy and to have the opportunity to address such a distinguished gathering as this. I doubt whether many VFW posts in the nation could assemble a more illustrious group of citizens than is here tonight.

Without exception, each of your invited guests is noted, in one way or another, for citizenship through his or her contributions to his own locality, to the State of Virginia or to the nation.

As members of the Veterans of Foreign Wars, the members of this post represent those who have offered their lives in the defense of Freedom, fulfilling the most demanding requirement of citizenship.

So, a discussion of citizenship is most appropriate, not only because it is the subject of the award you will present later this evening, but because it is so well represented by the members of the Hugh T. Williams Post and your guests.

There are two meanings to the word Citizenship, and I have a conviction that many Americans today tend to forget one of them. We are taught from childhood that citizenship is a priceless gift to all native Americans by virtue of their birth, and a privilege extended to all those of foreign birth who prove that they are worthy of it when they decide to live in our country.

This is the citizenship that makes us, as individuals, Americans. It is the legal recognition of our identity. It is the privilege conferred upon us by our country to enjoy the rights guaranteed to all Americans by the Constitution of the United States. We do not have to fight to get it, or endure suffering to qualify for it, but too often we forget how much blood was shed, how many privations were endured almost two centuries ago and since to win these rights for us.

That is the first meaning of citizenship; the one we too often take for granted. But there is a secondary meaning to the word. It is much broader than the first, more demanding in its proper interpretation, and, more often than not today, ignored.

It is the meaning that holds that citizenship implies a responsibility accepted in exchange for the privilege of being a citizen. It is the willingness to participate in the Democratic process to maintain it, to defend it and to make it work better. It is the requirement that the citizen contribute, however he can, to the nation that honored him with the title of "Citizen".

It is, as Webster's latest Collegiate Dictionary defines it, the quality of an individual's response to membership in the community.

This is the kind of citizenship that has brought all of us here tonight. This is the kind of citizenship you will recognize tonight as you present, for the 9th time, your annual citizenship award. This is the kind of citizenship that must be redefined in America today because too many Americans have forgotten what it means.

There is a phrase attributed to President Theodore Roosevelt that puts it even more clearly—and with considerable bluntness. It was in 1902 that Teddy Roosevelt said this:

"The first requisite of a good citizen in this Republic of ours is that he shall be able and willing to pull his weight."

It seems to me that Roosevelt's interpretation of what citizenship means is as true today as it was in 1902. We are still obligated by the gift of citizenship to give in return. We should still be haunted by the challenge President John F. Kennedy hurled at the nation in his inaugural address nearly 11 years ago:

"My fellow Americans, ask not what your country can do for you; ask what you can do for your country."

Americans must ask themselves today whether they are pulling their weight, what they can do for their country. Thankfully, many are—just as all of you who have been invited to this banquet tonight have done in justifying your status as American citizens. But the fact remains that many Americans today are failing to accept the challenge of citizenship, failing to accept the responsibilities which the circumstance of birth in this country has imposed upon them.

And the most regrettable aspect of it is that you don't have to be a Hercules to shoulder those responsibilities. The very structure of American Democracy makes participation in it by the citizen far from difficult.

What better example than the use of the ballot? We have just offered to a whole new level of Americans—those between 18 and 21—the privilege of voting in every kind of election. And yet, until after the deadline established by state law had passed, only a small handful of these newly-franchised voters bothered to register. Following the institution of the suit, which was subsequently rejected upon hearing, less than four thousand such persons decided to register. And of their number, it quickly became apparent that more than half of them had been actually eligible to register from the beginning but had simply not taken the trouble.

Here was an opportunity to exercise the responsibilities of citizenship. Here was a means for a group of Americans to pull their weight, but it was, for the most part, ignored. I am not singling these 18 to 21 year old Americans out for criticism to make an example of them. Far from it. They were, after all, in an unusual situation as students at colleges and universities, and they will be heard from at the polls in future elections.

Their failure to take advantage of a historic change in the election laws is a minor infraction of the rules of citizenship when compared to the failure of millions of their elders—who have had the franchise for years—to go to the polls in election after election. For these Americans there is no excuse. They have failed utterly to discharge their responsibility as citizens.

It is not only in disregard for the voting process that so many Americans now show that they have lost contact with the duties imposed upon citizens. There are other transgressions which are equally disturbing.

Take, for example, the question of respect for the Law. American Democracy is founded upon the Law and nurtured by the respect its citizens hold for it. Yet, we are confronted in our nation today with widespread contempt for the Law and those who enforce it, as well as for those who administer Justice in our courts. It is visible in the rising crime rate, the spread of drug abuse and the emergence of civil disorder as a means drawing attention to the ills of society.

It appears as a national disenchantment with the efforts of police officers to maintain order, with the decisions of state and federal courts, and with the Supreme Court of the United States. It is seen in the widespread belief that an overworked judicial system is incapable of keeping the scales of Justice balanced. It is a feeling that Justice itself has lost direction and often favors the criminal over the victim.

It is a feeling held by millions of Americans that our cherished freedoms are being subverted by the attitude of the courts toward a minority of radicals who are carving out a new freedom from the Bill of Rights: Freedom of Excess.

Where does the citizen's duty lie in this period of real crisis? What can the citizen do beside complain? Is it enough to cry that Someone must do Something? It is not. The objective of the responsible citizen must seek is the correction of the situation before it becomes intolerable. Here is a fertile area for citizenship.

If there are not enough police, then it is up to the citizen to insist upon more police, better trained police and better paid police.

If drug abuse continues to spread, if the dope pushers continue to walk unchecked from city to city, from campus to campus and from one public school to another, then it is the citizen's responsibility to insist that there be more stringent laws and more effective enforcement to control drug abuse. It is the task of the citizen, as parent, to insist that every child be taught in the public schools that narcotics are dangerous and that those who use and sell them are law breakers.

If civil disorder continues to be a threat to public safety, then it is the citizen who must take the lead in demanding that those whose demonstrative techniques are aimed at social reform recognize that freedom of speech and assembly are rights that do not imply the right to disrupt, loot and burn.

And it is the responsibility of the citizen to exert his influence in bringing together those whose disagreements threaten violence so that negotiation, not confrontation, is restored as a means of settling disputes in a Democracy.

If the decisions of federal courts and the United States Supreme Court concern the responsible citizen, he must realize that he cannot abandon the duties of citizenship by supporting defiance of unpopular decisions. But he can and must recognize that the Democratic process provides the means, however slow, to effect constitutional change that will bear on the Law itself.

These are areas of citizen action contemplated by the genius of the men who created this nation. For a Democracy is a government of citizens, responsive if the nation is to endure.

By far the most meaningful contribution the American citizen can make to his government is to serve it directly, whether it be in his own community, or in the state's own offices or in federal service. What so few Americans seem to realize today is that opportunities to assist in the governmental process are vast and diverse. Never before has government needed the dedication, wisdom and energy of responsible citizens on such a broad scale.

Government is no longer the exclusive domain of the career politician. Many of you in this room have found that serving one's local or state government as an appointed or elected official has brought great inward satisfaction and a feeling of service rendered that can be matched in no other endeavor. But the average citizen in the past has confined his political activity to making a choice periodically in the privacy of the voting booth on Election Day.

A change has been taking place, however, in the way government regards its role today. At every level, citizen participation is being sought actively. For government has learned that a huge pool of talent is available to solve its problems; a pool of skilled, knowledgeable Americans, ready to supplement professional public servants by accepting appointment to a myriad of boards, commissions and advisory councils.

Virginia has turned to its lay citizens in greater frequency in the past few years, seeking their help and receiving it in full measure. Now, much that is new and better in Virginia has been influenced to a great extent by the participation of these average citizens in the governmental process. The number of commissions, boards, councils and other groups to which citizens have been appointed in Virginia in the past two years exceeds two hundred. You may be startled to learn that the number of Virginians who serve on advisory groups at the state level exceeds 32 hundred.

There is one more aspect of citizenship on which I would like to touch this evening. It is the American idea of citizenship translated into support of the United States and its policies: "My Country, Right or Wrong."

Many Americans find such an attitude difficult to maintain today. Some say flatly that their country is wrong—wrong in its policies abroad or wrong in its policies at home. The tragedy is that far too many of these who find fault with America offer little in the way of solutions. They sulk in the shadows and talk vaguely of a system that needs to be overhauled or even destroyed. But they offer nothing in its place except the spectre of anarchy.

Theirs are the loudest, most irresponsible voices of protest. They are adept at gaining attention; they have sown, with regrettable success, the seeds of national discontent. Their most unfortunate accomplishment has been to encourage the development of an equally irresponsible counterforce of individuals who are hysterically emotional and so militant as to permit no reasonable voice to be heard. They have forgotten that Democracy permits a free exchange of ideas.

Between these two misdirected groups of Americans stand the great mass of our citizens, devoted to their country, aware of its problems, conscious of the fact that Democracy *is* imperfect and that the key to its perfection lies in its inherent ability to correct its deficiencies by rational debate and action. These are the Americans who understand, perhaps without even knowing it, what citizenship means.

These are the Americans whose love of country surpasses their concerns for its errors, when they believe it to be in error. These are the Americans who have faith in the continued greatness of their country, even when they are concerned over its involvement in an unpopular war. These are Americans who may not understand why their government seemed ready to accept Communist China as a member of the United Nations, but who will not seek to overthrow that government in protest over its decision.

And this is the aspect of American citizenship that the communist world has not grasped. There is no doubt that many Americans are vehemently opposed not only to the admission of Communist China to the U.N., but the expulsion of Nationalist China from is United Nations seat. To millions of Americans the action was immoral, and they hope for retaliatory action by the United States—at the very least a sharp reduction in the amount of funds provided to the UN from Washington.

It is not unlikely that the Red Chinese anticipate a violent and disruptive debate in this country over their admission to the United Nations and Nationalist China's regrettable departure. But they will look in vain for such an upheaval. Instead, they will see the process of Democracy at work again, generating a debate from the Town Hall to the State House to the Capitol in Washington.

If it is the mood of the majority of Americans that the United States will sharply reduce its contribution to the United Nations, then that will be the result. But there will be no national upheaval, no disruption of the orderly process of government. America's citizens will be heard, their representatives will act, and the United States will remain united.

Citizenship is a trust as well as a gift. If we as Americans tend to forget that citizenship is a two way street, then we must correct that error in ourselves and see to it that our children understand both meanings of the word. Young Americans should learn quite early in their lives the value of the precious gift of citizenship which their country bestows upon them simply because they were born here. But once that is clear to them, it behooves us to help them understand that there will come a time when their country must be repaid for its generosity.

That is when they must learn the other meaning of the word citizenship. And they must learn, for if America's future is to be secured, it will be at the hands of those whom we know today only as children. Now is the time for them to understand the responsibilities and duties they owe to America, for that is the dominant meaning of citizenship.

The late Louis Armstrong was being interviewed on television by Edward R. Murrow some years ago. The commentator asked Satchmo what jazz is. Armstrong looked at Murrow and then replied: "If you have to ask what jazz is, you'll never know." Let us hope that as a result of our efforts no Virginian will ever be uncertain as to what citizenship means.

Thank you.

MISQUOTATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. WOLFF. Mr. Speaker, we have all heard a great deal about the need for reordering the Nation's priorities. I was pleased to note a brief but telling editorial in this morning's Newsday which incisively points out the confused values which the administration places on its spending policies. I am inserting this editorial for the information of my colleagues in the House at this point in the RECORD:

Misquotation

In vetoing the innovative child development program lest week, President Nixon described it as "overshadowed by fiscal irresponsibility, administrative unworkability and family-weakening implications." We disagree vigorously but believe the President can still find an appropriate subject for his quotation: The Vietnam war.

EXCERPT FROM THE 1971 YEARBOOK OF AGRICULTURE

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. PURCELL. Mr. Speaker, the 1971 Yearbook of Agriculture, entitled "A Good Life for More People," has just been released by the Department of Agriculture. The Secretary's letter of introduction, which I received with my copy of the book, stated that it "cites programs that will take some of the pressure off the metropolitan centers over the next 30 years." Thus, it is a book of great interest to all of America.

On page 200 of the new yearbook is an essay discussing "Local Community Development." The essay discusses two highly successful community development programs which it suggests as models for the rest of rural America. The first of these discussions centers on the Four Winds Industrial Foundation, Inc., Quanah, Tex. This foundation, located and operated solely within the 13th District of Texas, is the focal point of as much hard, dedicated, and community inspired work as can be found anywhere in the country.

It is a continuing source of pride for me personally to be able to point to the outstanding leadership of this foundation and their unyielding determination to make something of an area which modern America seems to have forsaken.

I am inserting in the RECORD at this point, Mr. Speaker, this excerpt from the new Yearbook of Agriculture. I hope that every Member will be able to review this essay with communities in their own districts in mind. No finer example can be found.

The excerpt follows:

Local Level Community Development

(By Donald E. Runyon and Donald L. Nelson)

Meaningful community development must begin on the local level, with local people at the helm. Who better than they know their own community, its needs, problems, resources, and potential?

Once a comprehensive plan is formulated, the local leaders should look for all the financial and technical help they can get from whatever sources. This includes State and Federal assistance.

Community development programs in Alabama and Texas are excellent examples of what local people can do with a little help. Perhaps you'll find some ideas from these examples on how to get a project "on the road" in your community.

The Four Winds Industrial Foundation, Inc., Quanah, Tex., tackled an enormous task and then reached out in all directions for help big enough to match its ideas. Representing a new concept in economic development, the foundation welded four counties into a team—counties which formerly had competed on every front.

Prospects seemed dim at the outset. The farm-oriented economy which supported their core communities had been depressed by mechanization, a drop in farm employment, the sale or loss of family-run farms. As trade decreased, more businesses closed their doors permanently—resulting in a weakening overall economy.

Economic stagnation was becoming a widespread problem in Childress, Foard, Hardeman, and Cottle Counties. Many rural north Texas communities faced a dim future. Ninety percent of area high school graduates moved away to find jobs elsewhere.

This depressed economy had to be revitalized if the steady outmigration of people to the cites was to be stopped and, if possible, reversed.

These goals could be accomplished only if the four counties joined in a unified regional development program. This effort would demand the support of all local governments, businesses, and people.

The base of the area economy had to be broadened by attracting new industries and payrolls, strengthening and expanding remaining small businesses, and arranging for location of government facilities in the area. Potentials for tourism and commercial recreational facilities had to be exploited. New methods for attracting income-making projects had to be created.

The Four Winds Industrial Foundation was organized to:

Help develop and finance area businesses and industries;

Speed up cooperation between public and private agencies;

Involve the wholehearted commitment of area people at all levels.

Plans of the foundation included expansion of existing industry and obtaining new industry. Among the goals were reviewing land use, seeking an industrial water supply, surveying area recreational possibilities, and establishing financing sources—public and private. Other objectives included developing a regional information and marketing service system, expanding water and sewer systems, improving and broadening vocational training, providing facilities for higher education, and improving transportation facilities. Developing a program for repair and construction of housing was another target.

R. A. Yarbrough was elected executive director of the foundation. He is manager of the Gate City Electric Cooperative, a Rural Electrification Administration borrower, in Childress.

He is also field coordinator for the NorTex Regional Planning Commission; a member of the Reclamation, Conservation and Development Board; and serves on the Governor's Economy Task Force: "Goals for Texas."

The Gate City co-op encourages board and staff members to take active roles in local development programs. For example, O. T. Holmes, president of the co-op board of directors, works with soil conservationists and is active in building rural water systems.

The Foundation was chartered in 1967 as a nonprofit organization. It depends solely on donations from citizens and businesses within the four-county area for its support.

Programs of the Four Winds Industrial Foundation are directed and managed by a 16-member board of directors. Four directors are elected from each of the four counties.

The group conducted educational meetings in each of the area communities. Once they obtained temporary financing and informed the public of their aims and purposes, the Foundation reached out for the support of private industry and private groups. The West Texas Utilities Company, Lone Star Gas, Frisco Railroad, Southwestern Bell Telephone, the Burlington Railroad, local banks, and the West Texas Chamber of Commerce joined actively in the program.

The Foundation now reached out to State and national legislators for support. Further widening their aim, they obtained assistance from REA and other agencies of the Department of Agriculture, from the Department of Housing and Urban Development, and the Small Business Administration.

They made use of the Office of Economic Opportunity Job Corps training programs. They received the cooperation of the Texas Highway Department, the Greenbelt Water Authority, the Red River Authority, the Texas Water Quality Control Board, the Texas Employment Commission, and the Texas Pollution Control Board.

Washington-level coordination of the program is handled by the Community Development staff of REA. Technical assistance is provided on the spot by Extension Service and other USDA field personnel in the project areas.

The Foundation compiled and printed industrial data and statistics concerning the four-county region. These booklets are presented to industries and businesses interested in locating in North Texas.

Industrial parks on selected sites are in the works. The Foundation is working with the Farmers Home Administration on an adequate water supply for the region.

The foundation has attracted industries difficult to locate because of odors such as tanneries to take advantage of hides and byproducts from feedlots and packing houses. A project involving Federal funds and research is underway to eradicate the mesquite which infests the area.

The foundation has a forward-moving program with the Farmers Home Administration on promotion of housing projects for low-income families, for community buildings, and sewage plants.

Results of the combined efforts steadily and continually accrued as the Foundation entered the decade of the 1970's.

A large mobile home manufacturer opened a factory near Childress, employing more than 100 semi-skilled local workers. A water conservation program, the Thirsty Water System, is in operation. Other projects, the Readi-Rain Water System and the North Wichita River Water Association, have Farmers Home Administration approval and aid. Labor and health surveys have been conducted through the four counties.

The foundation is proceeding with its work with cooperation of the Texas Industrial Commission in contacting, informing, and attracting industry.

CAROLINIAN CONTRIBUTES PRESIDENT'S TREE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. QUILLEN. Mr. Speaker, much attention has been given the tree recently transported from North Carolina to the Nation's Capital for the Blue Room in the White House.

We in east Tennessee are proud that this tree came from a growth bed atop Roan Mountain in the First District of Tennessee. The 18-inch seedling was taken from Roan Mountain in 1950 to Crossnore, N.C., where it remained until earlier this month when it was brought to Washington for the First Family.

I make the following article from the Johnson City Press-Chronicle available for readers of the RECORD:

CAROLINIAN CONTRIBUTES PRESIDENT'S TREE

For 21 years this majestic Fraser fir grew in the front yard of B.R. Farmer's residence near Crossnore, N.C.

Yesterday it was felled—the one tree of millions grown in this nation will grace the Blue Room of the White House during this Yuletide.

Thursday birds nested in its fragrant branches.

Soon, President and Mrs. Nixon will nest glittering ornaments and lights in its boughs as they, along with millions of their countrymen, herald the most joyous season.

Iva Johnson, Farmer's father-in-law, brought the tree to its growth bed from Roan Mountain in 1950 as an 18-inch seedling. Johnson died in 1954.

But for 21 years the tree endured and grew, oblivious of fate's workings and its subsequent special recognition.

A neighbor of Farmer's is responsible for its selection.

Last year Kermit Johnson was acclaimed national grand champion Christmas Tree grower" for the nation during the Christmas Tree Growers' Association convention.

His title carries the right to select the 1971 Executive Mansion tree.

And Farmer's Fraser fir was his choice after examination of specifications provided by the White House.

Nature readily complied with the task at hand yesterday morning as crystalline snow quickly sugar-iced the fir and its neighbors.

As the chain saw whirred to life for its unique cutting chore around 10 a.m., over five inches of snow had accumulated, adding a touch of winter's dignity for the occasion. And the flakes filtered throughout the selection and cutting activity until nearly eight inches formed a feather mattress when the fir was carefully lowered to earth.

Cloaked in burlap, its boughs secured by nylon cord, the Fraser was transported to the town square in Crossnore for reloading on a larger vehicle.

From there it will slowly travel to the District of Columbia where Hunter will later present it to the presidential family.

Soon its evergreen incense will kindle those Yule thoughts and memories, most cherished and polished to a sheen by thought's handling, in the minds of the President, his wife and children and their guests and griends.

A most noble service from a most noble tree. . . .

INTRODUCTION OF PENAL REFORM BILL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. WALDIE. Mr. Speaker, in the past 2 or 3 years we have seen a new recognition of the need to reform our basic institutions.

Our schools, legislatures, and even our churches have felt the effects of the reform movement.

One institution that is sadly lagging behind in this reform effort is the prison system of this Nation.

Mr. Speaker, the tragedy of Attica horrified and angered the Nation—and rightly so.

Recent hearings by the Select Committee on Crime revealed some of the sources of the situation, not only at Attica, but at many, many of the prisons and penal facilities in every State of the Union.

It is hoped that the attention aroused by Attica will aid the effort to reform the outmoded and stifling penal institution as it exists today.

Mr. Speaker, today I am pleased to introduce legislation designed to improve Federal, State, and local correctional facilities by setting minimum standards and by providing increased Federal assistance in the form of correction centers to be built, operated, and eventually turned over to the States.

Mr. Speaker, the correctional center to be constructed under the provisions of this bill will bring about a dramatic and vitally necessary shift in correctional attitudes.

The huge prisons with overworked and underpaid staff personnel and insufficient training and rehabilitation facilities are dangerously outmoded and unsatisfactory to the needs of our society.

I hope that the Congress gives this legislation its full consideration. We must do something to bring about prison reforms.

OHIO NATIONAL GUARD, COMPANY C

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BROWN of Ohio. Mr. Speaker, I would like at this time to bring to the attention of my colleagues an outstanding unit of the Ohio National Guard, Company C of the 216th Engineer Battalion, stationed in my district at Springfield, Ohio. In addition to disaster and civil disturbance duty, Company C has a proud record of environmental and community development. Road construction, bridge building, and drainage correction were part of the assistance given to the Ohio Resource and Development Center, aiding in the reclamation of land left barren by strip mining methods. Charlie Company has also been instrumental in providing a local community with needed manpower to conduct a "glass drive" to clean up our roads and countrysides, aiding projects by local environmental groups to promote recycling of our used bottles and jars.

This active unit has also found time to develop a Boy Scout Camp Service Center, assisted in construction projects for playground areas in the city, of Springfield, and to develop bicycle trails and other recreational areas in the Clark County area.

Recognized by the State of Ohio for its record of community service and development, Charlie Company can be proud of its worthwhile contribution to the people of the Clark County area. I would like to add my congratulations to Capt. John S. Wagner and his men for their impressive contributions to our community and State.

DAVID VERSUS GOLIATH AGAIN

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. GOLDWATER. Mr. Speaker, hardly a day goes by that some aspect of the Israel-Arab situation is reported in the news media. I am very concerned that not enough emphasis is given to the critical Israeli-Russian situation, as Russia compounds the threat being made daily toward Israel. For my colleagues' information, I present an article from the Kansas City Star concerning this critical situation:

DAVID VERSUS GOLIATH AGAIN

(By Ernest Cuneo)

WASHINGTON.—The Kremlin's new declaration that it "will further strengthen the military might of Egypt" is interpreted, particularly in London, as a lead from weakness. More particularly, the Kremlin has suffered a series of stunning diplomatic reverses in the Arab world, especially in the crushing of Soviet power in the Sudan.

This has reverberated throughout the North African states. Rich but weak and underpopulated Libya was shaken; the Moscow-oriented government faces considerable opposition in the small armed forces. In fact there has been a noticeable popular movement for peace with Israel.

Since the war with Israel is the Russian pretext for maintaining a presence in the Middle East as protector of the Arabs, it becomes reasonably obvious in view of the deteriorating diplomatic posture of the Russians in the Arab world why it was necessary to rattle the sword a bit.

The answer of Secretary of State Rogers that the United States would reconsider its military commitments to Israel is standard operational procedure under the circumstances and really doesn't mean very much. The United States has sent no planes to Israel since June.

Hence the Tel Aviv government's arms negotiations with Washington are wanly reminiscent of that scene in Alice in Wonderland when the Mad Hatter asks if Alice will have some more tea. Alice, piqued, asks how she can have more tea when she hasn't had any. The Mad Hatter severely takes her to task. "You means," he says, "how can you have any less?"

As far as legal and moral obligations go the United States is already fully committed to the defense of Israel.

Accordingly for Secretary Rogers to declare that the United States will "carefully reconsider" its military commitments to its ally, is about as comforting as an assurance from the issuer of a bounced check that he will think about honoring his obligation.

The truth is that the United States has imbalanced Middle East forces against Israel in dangerous fashion by yielding the magnificent airfield at Wheelus Base in Libya to the Arab forces and by permitting the Russian Mediterranean squadron to reach parity with the U.S. 6th Fleet, the only plausible deterrent in the area.

Further the continued attrition of the U.S. Navy is progressively resulting in its being outranged and out-missiled in the eastern Mediterranean. It is an open secret that even with the Atlantic battle force moving up in reserve, the 6th Fleet can maintain a "surge" for only six months under combat conditions.

It is fatuous therefore to speak of an imbalance of arms in the Middle East, when Russian technicians in Egypt number 42,000, where Russian air patrols sally from a series of complexes, containing four air bases to which not even Egyptians are admitted, and whose pilots have fought engagements with Israeli pilots.

Further, there is an almost maddening misconception of the capacity of the small Israeli air force based on the extremely high capability of the Israeli fighter-pilots. War, even air war, is a matter of attrition, and the Russian air force has over 300 times more reserves than the Israeli air force.

To assume that David can fight 300 Goliaths from dawn to dusk, without rest and sometimes several at a time, is suicidal thinking—not for Israel, which is perfectly aware of the odds—but for the West.

So as Secretary Rogers "carefully reconsiders" U.S. military commitments to Israel, it is ardently to be hoped that he will also consider the fact that Israel alone holds the Middle East and Suez for the West.

U.S. POSTAL SERVICE ASKS FOR EXCEPTION ON RATES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. DULSKI. Mr. Speaker, I was interested to read the other day that the U.S. Postal Service has renewed its effort to increase postal rates.

But I am really shocked to learn that it has followed up its latest request with an application for complete exemption from price controls.

How can the credibility of the Government's price control program survive if it gives a blanket exemption to one of its own independent agencies.

Clearly, the Cost of Living Council needs to retain control over postage rates, just as it does other items in the economy. What is good for private business is good for Government business.

Incidentally, I am dismayed at the inaction on another matter concerning the Postal Service which has been dangling since last spring.

That is the bill, S. 1681, which the House amended to require that the Postal Service make payments to the civil service retirement fund for increases in unfunded liabilities of the fund resulting from postal pay raises. The Office of Management and Budget has given its unqualified support to this amendment.

Mr. Speaker, with regard to the Postal Service's request on postal rates, following is the text of a telegram which I addressed today to the Director of the Cost of Living Council:

Hon. DONALD RUMSFELD,
Director, Cost of Living Council, Washington, D.C.:

The Postal Service has a special responsibility to provide an example of compliance with price controls. Now they are seeking 24% increase in third class postal rates. The Price Commission has held up this increase.

Now the Postal Service is seeking to have the Cost of Living Council totally exempt from the price controls. This would be damaging to the federal government's credibility in asking for public cooperation and support for the control program.

As a minimum, the Cost of Living Council should retain jurisdiction over postal rates until it receives assurance the anti-inflation guidelines of the President's price stabilization program will be followed by the Postal Service.

This can best be accomplished by requiring the Postal Rate Commission to apply these guidelines in the same manner as the CAB, ICC and other regulatory agencies are doing.

One of the basic points of the 1970 Postal Reform legislation was to create an independent regulatory body to control postal rates.

T. J. DULSKI,
Chairman, Post Office and Civil Service Committee.

PITT PROFESSOR AGAINST FOREIGN AID CUTS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. MOORHEAD. Mr. Speaker, in late November, I received a paper on the implications of congressional action on foreign assistance from Dr. Donald C. Stone, distinguished professor of public and international affairs at the University of Pittsburgh. He has made a number of interesting comments and suggestions worthy of thoughtful consideration by Members of Congress and, therefore, I welcome this opportunity to call them to your attention:

IMPLICATIONS OF CONGRESSIONAL ACTION ON FOREIGN ASSISTANCE

The frustrations of the Congress are easily understood in its response to Presidential and other pressures in processing foreign assistance legislation, notably in respect to such matters as military aid to Greece and Cambodia which with all military programs it should have separated long ago from U.S. and U.N. development assistance and relief efforts.

Nevertheless the action of the Senate in killing the current foreign aid bill in the wake of the U.N. resolution of the China issue has had ominous reverberations both here and abroad. The subsequent passage by the Senate of economic assistance (in a more limited form) and military assistance authorizations has only partially offset the damage.

These comments focus on development assistance administered through the Agency for International Development (AID) or United Nations agencies.

1. The Senate action signaled a direct linkage between the granting and withdrawal of assistance to the way a country votes in the U.N. and accords other support for U.S. purposes. A sufficient number of Congressmen responded in pique to the U.N. vote on China to give a worldwide impression that development assistance and other foreign aid was in fact extended primarily to gain support—rather than to help economic and social development among impoverished nations.

2. Most of our bilateral and multilateral economic and technical assistance has been developed on the basis of matching and cooperative efforts of national governments and international agencies. A worldwide network of matching funds and joint ventures has been a keystone of the U.S. contribution: U.N. Development Program, the Children's Fund, Palestine Refugees, U.N. Program in Population Control, World Food Program, and many others. Thousands of agriculture, health, education, and other government agencies, universities, and voluntary associations all over the world are engaged in development efforts and reforms made possible by this network of assistance efforts. To pull out or impair the critical U.S. element without careful phasing will cripple the total effort. Millions of persons involved and affected will be resentful about the U.S.

3. Precipitous ending of the program would result in irreparable waste of institutional capabilities and human assets developed over a long period of time. Granted that the performance of U.S. and international agencies is not of the highest standard, the solution is not to destroy the system and start over. Administration of assistance and of development programs is exceedingly difficult. A company desiring to improve its product or methods dosen't disband and start from scratch. Intensive planning and development are necessary to phase into new approaches. AID is continuously diverted from implementing to rescuing its program and to maintain morale.

4. Officials in Moscow and Peking must be exultant. It should be obvious that their aim is to foment U.S. withdrawal from international cooperation and involvement. They will be glad to take over our place as partners of the third world, offering aid with no overt strings. They are already doing this. The People's Republic of China has already started to champion the cause of small nations at the U.N. Whatever the final outcome of Congressional action in salvaging the program, much psychological damage has been done, as well as considerable reduction in assistance. As the U.S. increasingly stands alone, the advocates of higher defense budgets will gain support. The ultimate cost to the U.S. is incalculable.

5. Part of the opposition to development assistance is based on the allegation that the U.S. carries an excessive burden—that we should care for our domestic needs before assisting low-income countries. The first fallacy is that 11 other countries allocate a higher percentage of their GNP to foreign assistance. Our percentage has been steadily decreasing. With the highest per capita income—30 to 40 times that of many countries—our allocation to economic and technical assistance can hardly be called scarificial, especially since over 80% of the dollars are used to purchase U.S. goods and services. The second fallacy is the assumption that a person or nation should take complete care of his own needs before helping to meet those of others, whether in a local, national, or world community. This is a self-destructive and morally reprehensible assumption.

These five factors or consequences are surely sufficient grounds for the Congress, hopefully with accommodated support by the President, to revive the foreign assistance program at a creditable level and now to speed appropriations. The year to which the legislation applies is already one-third over. This is no justification for such delinqunecy in operating a program.

If this is accomplished, we can face the third world with less embarrassment. We can also secure time to work out those improvements in the assistance system which are long overdue. One of the first steps, now initiated by the Senate is to separate military aid from development assistance and relief. Another is to channel an increasing proportion of development loan funds through international agencies. A third is to press for better administration by AID and U.N. agencies. And above all our officials should stop manipulating development assistance for short-run poltical purposes with the expectation that other countries should be grateful for what we do in our self-interest.

HOUSE OF REPRESENTATIVES—*Tuesday, December 14, 1971*

The House met at 11 o'clock a.m.

Rev. George M. Perry, pastor, Bethany Church, Inc., Bronx, N.Y., offered the following prayer:

God is our refuge and strength, a very present help in trouble.

We come before Your throne of grace and mercy, O God, in behalf of the people of this great Nation, and in behalf of these Representatives chosen by the people. We look to You, Lord God, for strength and help in these uncertain times. Each one of us, here and now, commit ourselves to you, whom we honor as the Governor of the universe.

We look to You today also for divine wisdom to deal with the complex problems of our society and our world.

We look to You today for courage and strength to make the kinds of decisions that will ultimately bring answers to the needs of humanity, and that will bring glory to God.

We look to You today in behalf of our troubled Nation. Help us to realize that "righteousness exalteth a nation, but sin is a reproach to any people."

In these closing days of this session, may we understand that it is Thy leadership that we need and want. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

(OMITTED FROM THE PROCEEDINGS OF DECEMBER 13, 1971)

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9961) entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 176) entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2891) entitled "An act to extend and amend the Economic Stabilization Act of 1970."

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

REV. GEORGE PERRY

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, we have had the privilege today of having prayer offered by Rev. George M. Perry, pastor of Bethany Church, Christian and Missionary Alliance, from the Bronx, N.Y.

Reverend Perry is a native of the Bronx and was born and raised in the community where his church now is. He attended P.S. 63 and James Monroe High School in the Bronx and later went for his undergraduate work to the University of Washington.

He later received a bachelor of theology degree from Northwest College, in Kirkland, Wash., and did graduate work at the Zion Bible Institute in East Providence, R.I., and Hunter and Lehman Colleges in New York State.

Currently, he is doing graduate work in education at Antioch College in Philadelphia.

He is on the board of directors of the National Negro Evangelical Association and has served in many ways as a distinguished leader in the community in my district in the Bronx. For example, he is coordinator of the community liaison team for the Community School Board No. 9 in the Bronx. Also he manages the church youth program in his own church serving more than 100 youngsters—with a Girl Scout program, a special music program and a tutorial program which includes a black studies program taught by college students from the congregation.

Reverend Perry is also a former instructor in black studies at Nyack Missionary College in Nyack, N.Y., which is the denominational college of the Christian and Missionary Alliance.

Mr. Speaker, it is a pleasure to welcome Reverend Perry today.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 462]

Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Badillo
Baker
Barrett
Belcher
Bell
Biaggi
Blatnik
Bolling
Broyhill, Va.
Byrnes, Wis.
Caffery
Casey, Tex.
Celler
Chisholm
Clark
Clay
Collins, Ill.
Colmer
Conte
Conyers
Dellums
Dent
Diggs
Dowdy
Dulski
Dwyer
Edwards, La.
Evins, Tenn.
Fish
Flynt
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Giaimo
Gibbons
Goldwater
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Hall
Hansen, Idaho
Hansen, Wash.
Hathaway
Hébert
Heinz
Helstoski
Hicks, Wash.
Horton
Jarman
Karth
Kastenmeier
Landgrebe
Landrum
Latta
Leggett
Lennon
Long, La.
Lujan
McClure
McKevitt
McKinney
McMillan
Macdonald, Mass.
Martin
Mills, Md.
Mink
Mitchell
Mollohan
Morse
Moss
Nelsen
O'Hara
O'Neill
Pelly
Price, Ill.
Pryor, Ark.
Quie
Railsback
Rees
Reuss
Rhodes
Robison, N.Y.
Rooney, N.Y.
Rousselot
Ruppe
St Germain
Scheuer
Sisk
Smith, Calif.
Smith, N.Y.
Springer
Stokes
Stuckey
Sullivan
Symington
Thompson, N.J.
Veysey
Waggonner
Wyatt
Wydler

The SPEAKER. On this rollcall, 321 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 10604 AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT

Mr. MILLS of Arkansas submitted the following conference report and statement on the bill (H.R. 10604), to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial:

CONFERENCE REPORT (H. REPT. No. 92–747)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

IMPROVEMENT OF WORK INCENTIVE PROGRAM

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows:

On page 3, line 2, of the Senate engrossed amendments, strike out "or".

On page 3, line 4, of the Senate engrossed amendments, after the semicolon insert the following: "or".

On page 3, after line 4, of the Senate engrossed amendments, insert the following:

"(vi) the mother or other female caretaker of a child, if the father or another adult male relative is in the home and not excluded by clause (i), (ii), (iii), or (iv) of this subparagraph (unless he has failed to register as required by this subparagraph, or has been found by the Secretary of Labor under section 433(g) to have refused without good cause to participate under a work incentive program or accept employment as described in subparagraph (F) of this paragraph);"

On page 3 of the Senate engrossed amendments, after line 9, insert the following:

"(3) Section 402(a)(19)(B) of such Act is amended by striking out 'by reason of such referral' and inserting in lieu thereof 'by reason of such registration or the individual's certification to the Secretary of Labor under subparagraph (G) of this paragraph,'."

On page 3, line 10, of the Senate engrossed amendments, strike out "(3)" and insert the following: "(4)".

On page 3, line 11, of the Senate engrossed amendments, strike out "effective January 1, 1972,".

On page 3 of the Senate engrossed amendments, strike out lines 13 through 18.

On page 3, line 21, of the Senate engrossed amendments, after "(6)" insert the following: "(i)".

On page 3 of the Senate engrossed amendments, strike out "by" in line 22 and all that follows down through line 25, and insert the following: "by striking out 'referred to the Secretary of Labor pursuant to subparagraph (A) (i) and (ii) and section 407(b)(2)' and inserting in lieu thereof 'certified to the Secretary of Labor pursuant to subparagraph (G)'."

On page 3 of the Senate engrossed amendments, after line 25, add the following:

"(ii) Section 402(a)(19)(F) of such Act is further amended by adding 'and' after the semicolon at the end of clause (iv) thereof."

On page 4 of the Senate engrossed amendments, strike out "and will" in line 17 and all that follows down through the end of line 19 and insert the following: "and will, when arrangements have been made to provide necessary supportive services, including child care, certify to the Secretary of Labor those individuals who are for".

On page 5 of the Senate engrossed amendments, strike out "by which" in line 9 and all that follows down through the end of line 12, and insert the following: "by which the number of individuals certified, under the program of such State established pursuant to section 402(a)(19)(G), to the local employment office of the State as being ready for employment or training under part C, is less than 15 per".

On page 5, lines 16 and 17, of the Senate engrossed amendments, strike out ", effective January 1, 1972,".

On page 5, line 19, of the Senate engrossed amendments, after "(d)" insert the following: "(1)".

On page 5, line 23, of the Senate engrossed amendments, strike out the quotation marks.

On page 5 of the Senate engrossed amendments, after line 23, insert the following:

"(2) Of the sums authorized by section 401 to be appropriated for the fiscal year ending June 30, 1973, not more than $750,000,000 shall be appropriated to the Secretary for payments with respect to services to which paragraph (1) applies."

(10) Section 407(b)(2)(A) of such Act is amended by striking out "referred" and inserting in lieu thereof "certified".

(11) Section 407(c) of such Act is amended by striking out "refer such father" and inserting in lieu thereof "certify such father".

On page 6, line 9, of the Senate engrossed amendments, strike out "40" and insert the following: "33⅓".

On page 6 of the Senate engrossed amendments, strike out lines 14 through 24 and insert the following:

"(c) Of the sums appropriated pursuant to subsection (a) to carry out the provisions of this part for any fiscal year (commencing with the fiscal year ending June 30, 1973), not less than 50 percent shall be allotted among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to such total as—".

On page 7 of the Senate engrossed amendments; strike out lines 1 and 2.

On page 7, line 3, of the Senate engrossed amendments, strike out "(A)" and insert the following: "(1)".

On page 7, line 10, of the Senate engrossed amendments, strike out "(B)" and insert the following: "(2)".

On page 9 of the Senate engrossed amendments, strike out lines 20 and 21 and insert the following:

"(i) by striking out 'referred to him by a State, pursuant to section 402' and inserting in lieu thereof 'certified to him by a State, pursuant to section 402(a)(19)(G)'; and".

On page 10 of the Senate engrossed amendments, strike out lines 1 through 10 and insert the following: "for individuals certified to him under section 402(a)(19)(G), shall accord priority to such individuals in the following order, taking into account employability potential: first, unemployed fathers; second, mothers, whether or not required to register pursuant to section 402(a)(19)(A), who volunteer for participation under a work incentive program; third, other mothers, and pregnant women, registered pursuant to section 402(a) (19) (A), who are under 19 years of age; fourth, dependent children and relatives who have attained age 16 and who are not in school or engaged in work or manpower training; and fifth, all other individuals so certified to him".

On page 11 of the Senate engrossed amendments, strike out lines 10 through 24 and insert the following:

"'(3) The Secretary shall develop an employability plan for each suitable person certified to him pursuant to section 402(a) (19) (G) which shall describe the education, training, work experience, and orientation which it is determined that such person needs to complete in order to enable him to become self-supporting'."

On page 12 of the Senate engrossed amendments, strike out lines 4 through 11 and insert the following:

(ii) Section 433(e) (2) (A) of such Act is amended to read as follows:

"'(A) for the payment by the Secretary to each employer, with respect to public service employment performed by any individual for such employer, of an amount not exceeding 100 percent of the cost of providing such employment to such individual during the first year of such employment, an amount not exceeding 75 percent of the cost of providing such employment to such individual during the second year of such employment, and an amount not exceeding 50 percent of the cost of providing such employment to such individual during the third year of such employment;'."

On page 12 of the Senate engrossed amendments, strike out lines 19 through 21 and insert the following:

"(E) Section 433(g) of such Act is amended—

"(i) by striking out 'referred to the Secretary of Labor pursuant to section 402(a) (19) (A) (i) and (ii)' and inserting in lieu thereof 'certified to the Secretary of Labor pursuant to section 402(a) (19) (G)'; and

"(ii) by striking out 'which referred such individual' and inserting in lieu thereof 'which certified such individual'."

On page 13, lines 11 and 12, of the Senate engrossed amendments, strike out ", effective January 1, 1972,".

On page 13 of the Senate engrossed amendments, strike out lines 22 through 25.

On page 14 of the Senate engrossed amendments, strike out lines 1 through 8.

On page 14, line 9, of the Senate engrossed amendments, strike out "(8)" and insert the following: "(7)".

On page 14, line 11, of the Senate engrossed amendments, strike out "(9)" and insert the following: "(8)".

On page 14, lines 14 and 15, of the Senate engrossed amendments, strike out "not later than six months after the date of enactment of the Revenue Act of 1971" and insert the following: "not later than July 1, 1972".

On page 14, lines 16 and 17, of the Senate engrossed amendments, strike out ", as amended by the Revenue Act of 1971".

On page 15, line 1, of the Senate engrossed amendments, strike out "(10)" and insert the following: "(9)".

On page 15, line 3, of the Senate engrossed amendments, after the semicolon insert the following: "and".

On page 15, line 10, of the Senate engrossed amendments, strike out "; and ".

On page 15 of the Senate engrossed amendments, strike out lines 11 through 25.

On page 16 of the Senate engrossed amendments, strike out lines 1 through 18.

On page 16, line 19, of the Senate engrossed amendments, strike out "(11)" and insert the following: "(10)".

On page 16, lines 19 and 20, of the Senate engrossed amendments, strike out ", effective January 1, 1972,".

On page 17, line 1, of the Senate engrossed amendments, strike out "(12)" and insert the following: "(11)"

On page 17, lines 1 and 2, of the Senate engrossed amendments, strike out ", effective January 1, 1972,".

On page 17 of the Senate engrossed amendments, after line 4, insert the following:

"(12) (A) Section 444(a) of such Act is amended by striking out 'referred' each place it appears and inserting in lieu thereof 'certified'."

On page 17, line 5, of the Senate engrossed amendments, strike out "(13) (A)" and insert the following: "(B)".

On page 17, line 9, of the Senate engrossed amendments, strike out "(B)" and insert the following: "(C)".

On page 17 of the Senate engrossed amendments, strike out "and (iii)" in line 13 and all that follows down through the end of line 14, and insert the following: "and (iii) by striking out 'referred to the Secretary by such agency under such section 402(a) (15)' and inserting in lieu thereof 'certified to the Secretary by such agency under section 402(a) (19) (G)'."

And the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows:

On page 17, line 24, of the Senate engrossed amendments, strike out "period" and insert the following: "semicolon".

On page 18, line 7, of the Senate engrossed amendments, strike out "care.'" and insert the following: "care;'".

And the Senate agree to the same.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
JOHN W. BYRNES,
JACKSON E. BETTS,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON ANDERSON,
HERMAN TALMADGE,
CARL T. CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

IMPROVEMENT OF WORK INCENTIVE PROGRAM

Amendment No. 1: This amendment made a number of changes in the Work Incentive Program to:

Require an individual, as a condition of eligibility for welfare, to register for the WIN program unless the person is:

(1) a child under age 16 or attending school;

(2) ill, incapacitated or for advanced age;

(3) so remote from a WIN project that his effective participation is precluded;

(4) caring for another member of the household who is ill or incapacitated; or

(5) the mother or other relative of a child under the age of six who is caring for the child. Mothers who are not required to register must be told of their opportunity to volunteer to participate.

Increase Federal matching for the WIN program from 80 percent to 90 percent.

Require the welfare agency to designate a separate administrative unit to make arrangements for supportive services needed by welfare recipients in order to participate in WIN program and to refer recipients so prepared to the Labor Department for participation in the WIN program .

Penalize a State if its welfare agency prepares and refers to Labor Department less than 15 percent of registrants in a year by reducing Federal matching one percent for Aid to Families with Dependent Children for every percentage point the proportion of registered individuals the State welfare agency prepares and refers is under 15 percent.

Increase from 75 percent to 90 percent Federal matching for supportive services, including child care, provided to enable welfare recipients to work or participate in WIN program.

Require that not less than 40 percent of expenditures under the WIN program be for on-the-job training and public service employment.

Provide a formula for allotting WIN funds to the States based on number of registrants for WIN program (in fiscal years 1973 and 1974, formula is based on number of AFDC recipients).

Require Secretary of Labor to utilize existing manpower and training programs to the maximum possible extent in implementing the Work Incentive Program rather than establish new ones.

Require Secretary of Labor to establish in each State, municipality, or other appropriate geographic area with a significant number of WIN registrants a Labor Market Advisory Council whose function is to identify the types of jobs available or likely to become available in the area; no WIN institutional training may be established unless it is related to these kinds of jobs. The Secretary may designate any appropriate body in existence as the Labor Market Advisory Council in its area.

Require Labor Department in handling WIN referrals to accord priority in the following order, taking into account employability potential:

(1) unemployed fathers;

(2) dependent children and relatives age 16 or over who are not in school, working, or in training;

(3) mothers who volunteer for participation; and

(4) all other persons.

Require Labor Department and WIN unit of State welfare agency to develop joint State operational plan detailing how WIN program will be operated and joint employability plan for WIN participant.

Delete present funding arrangements for public service employment (special work projects) and instead provide for 100 percent Federal funding for the first year of employment and 90 percent for subsequent years (if employment is less than 3 years, the matching for the first year is reduced to 90 percent).

Authorize Federal matching for the costs related to supervision and materials associated with public service employment.

Require Secretaries of Labor and Health, Education, and Welfare to issue joint regulations, which shall provide for the establishment of (1) a National Committee to coordinate uniform reporting and similar requirements for the administration of the WIN program, and (2) a regional coordination Committee for each region to review and approve the Statewide operational plans required elsewhere in the amendment.

Prevent the Labor Department from entering into any contract for the dissemination of information about the Work Incentive Program.

Require Secretary to collect and publish certain statistical information related to the WIN program.

Authorize Labor Department to pay allowances for transportation and other costs necessary for and directly related to participation in the WIN program.

Authorize the Labor Department to provide technical assistance to providers of employment or training in connection with the WIN program.

Set effective date of July 1, 1972, for all changes unless otherwise specified (increased Federal matching for WIN training and supportive services becomes effective January 1972).

The conference agreement includes the Senate amendment with the following changes:

Exempts from the registration requirement a mother in a family where the father registers.

Makes clear that the WIN unit in the State welfare agency is to provide child care and other supportive services to persons required to be registered with the Secretary of Labor, and to certify when such persons are so prepared.

Sets a limit of $750,000,000 in fiscal year 1973 on appropriations for supportive services receiving 90 percent Federal matching.

Requires that 33⅓ percent (rather than 40 percent) of expenditures under the Work Incentive Program be for on-the-job training and public service employment.

Provides that 50 percent of the WIN funds be allotted under a formula based on number of registrants; the remaining 50 percent would be distributed by the Secretary of Labor based on criteria he develops.

Sets the following order of priority in handling Work Incentive Program participants: (1) unemployed fathers; (2) mothers who volunteer for participation; (3) other mothers and pregnant women under nineteen years of age; (4) dependent children and relatives age sixteen or over who are not in school, working, or in training; and (5) all other persons.

Deletes requirement of jointly developed employability plan for each Work Incentive Program recipient.

Provides 100 percent Federal funding for the first year of public service employment, 75 percent funding in the second year, 50 percent in the third year and no Federal funding thereafter.

Sets effective date of July 1, 1972, for increased Federal matching for WIN training, public service employment, and supportive services (including child care for WIN participants) rather than January 1, 1972.

Deletes requirement to collect and publish certain WIN statistical data.

The conferees agreed to direct the Secretary of Labor to prepare and publish monthly the following information, by age group and sex, about the operations of the WIN program:

(1) the number of individuals registered, the number of individuals receiving each particular type of work training services, and the number of individuals receiving no services;

(2) the number of individuals placed in jobs by the Secretary, and the average wages of the individuals placed;

(3) the number of individuals who begin but fail to complete training, and the reasons for their failure to complete training, and the number of individuals who register voluntarily but do not receive training or placement;

(4) the number of individuals who obtain employment following the completion of training, and the number whose employment is in fields related to the particular type of training received;

(5) the number of individuals who obtain employment following the completion of training, their average wages, and the number retaining employment 3 months, 6 months, and 12 months following the completion of training;

(6) the number of individuals in public service employment by type of employment, and the average wages of such individuals; and

(7) the amount of savings under the AFDC program realized by reason of the operation of the WIN programs.

MEDICAID COVERAGE FOR CARE IN INTERMEDIATE CARE FACILITIES

Amendment No. 2: This amendment added to the House bill a new section providing (effective January 1, 1972) for the coverage of care in intermediate care facilities as an optional service under the medicaid program. (Under present law such care is covered instead, in effect, as an optional benefit under the various cash assistance programs.) An intermediate care facility is defined as an institution licensed to provide regular health-related care and services to individuals who need institutional care but do not need the degree of care which a hospital or skilled nursing home provides; and services in a public institution for the mentally retarded could be included if their primary purpose is to provide health or rehabilitation services, the patient is receiving active treatment, and the public agency agrees that non-Federal expenditures for patients in the institution will not be reduced because of the medicaid payments. The need of individuals for care in these facilities would be determined under an independent professional review and medical evaluation program which must be provided for in the State plan.

The conference agreement includes this Senate amendment, with two minor technical changes.

PROVISION FOR DISREGARDING OF CERTAIN OASDI OR RAILROAD RETIREMENT INCOME IN DETERMINING NEED FOR PUBLIC ASSISTANCE

Amendment No. 3: This amendment added to the House bill a new section extending for one year (through December 1972) the existing temporary provision which guarantees that an amount equal to the 1969 social security or railroad retirement benefit increase (or $4 a month, if less) will be passed along, by being disregarded in determining their need or otherwise, to recipients of cash public assistance who are also entitled to social security or railroad retirement benefits.

The conference agreement includes this Senate amendment.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
JOHN W. BYRNES,
JACKSON E. BETTS,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON ANDERSON,
HERMAN TALMADGE,
CARL T. CURTIS,
Managers on the Part of the Senate.

Mr. MILLS of Arkansas. Mr. Speaker, in accordance with House Resolution 729, I call up the conference report on the bill (H.R. 10604), to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Arkansas if this bill has been amended?

Mr. MILLS of Arkansas. Yes, there are three amendments that were adopted by the Senate, all of which are germane to the House-passed bill. They are all amendments to the Social Security Act, as is the bill. The text of the House-passed bill was not amended. These are three additions added by the Senate. I shall explain them.

Mr. GROSS. Mr. Speaker, with the statement that all the amendments are germane to the bill, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object, because I certainly think we should have the statement of the managers read—the question that I raise with the gentleman at this time is that the conference report contains a very extensive revision of part of the Aid to Dependent Children program, with particular respect to the placement and training of women. I wonder if there is not some way that the Members could be advised of the changes that were made and the effect they will have on the general administration of the program of Aid to Dependent Children.

Frankly, I doubt that the House can get a very solid understanding of those changes and their effects in the limited time that we have under a conference report. Would there not be some advantage, depending upon the legislative schedule, in trying to delay this until we have the desired information in written form for the Members.

Let me say to the gentleman, I am going to reluctantly support the conference report. I signed the report, but at the time I did so yesterday afternoon, I made it clear that I was reserving the right to oppose it. I intend to make my arguments for my position later on, and do not intend to take advantage of this reservation to do so at this time.

But, Mr. Speaker, I do think that this is a rather substantial change we are making by this conference report, and we are doing so without the House having considered these particular proposals in the proper context. We considered them only by general reference when we debated earlier in the year the problem of Aid to Dependent Children in connection with the Welfare Reform provisions of H.R. 1. Now we are taking a different route.

I ask the chairman if there is any way we can consider this matter more carefully. I am not trying to avoid consideration of it at this session of the Congress.

Is there some way we can consider it in a framework in which the Members would have a better understanding of it than just listening to the gentleman and me trying to give an explanation?

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, I have a great deal more confidence in the gentleman's ability to explain the matter than perhaps he has himself, and that is understandable. But I do think if we take the time that is allotted in connection with the conference report we can advise any and every Member of the House of the details of this proposition.

I would call to the gentleman's attention the fact that this particular amendment as it was added in the Senate has passed the Senate three times, and the Senate has had hearings on it, and it has been before the public. As the gentleman knows, some of what is in the Senate amendment was also included in H.R. 1 as it passed the House, but I think the matter has been discussed publicly enough so that we can bring it up for consideration by the House and explain it in the hour's debate.

Mr. BYRNES of Wisconsin. Mr. Speaker, the gentleman does not address himself to the question of whether it is absolutely essential. Of course, I am glad to have the flattery, but it does not mean very much, because frankly we did not go into the matter in conference in the depth that it deserves. We made some changes we thought were desirable on the basis of information we were able to develop in that limited discussion in the conference, but I will not stand here in the well and say that I can tell the Members of this House the details or the effect of some of the amendments that were made and are being reported by this conference.

I think generally the amendments are workable. But there are specifics I am not too sure of, and I do not think the gentleman from Arkansas can speak with too much assurance on them. He can have the general feeling that they will work out all right and represent a step in the right direction—and he probably feels that way—but I do not think this is the usual way the gentleman from Arkansas brings a bill to this House, and it is not the usual way in which I like to participate in bringing a bill or a conference report to this House.

Therefore, if at all possible, it would be desirable if the Members could have a little time to review what we finally ended up agreeing to in conference around 4:30 or 5 o'clock yesterday.

Mr. Speaker, there are some things in the conference report which I have not had a chance to read. The gentleman told the staff to try to draft it in a particular way, and if they had problems to do the best they could. It probably has not gone to the printer—some of it was probably concluded just this morning—and the staff did the best they could, but I do not know everything they have done. I have confidence in them, and I have general confidence that what we have done here will prove generally satisfactory. We have provided that it does not go into effect until July 1, 1972, and we will have 6 months during which we can make some corrections, but what I am asking is: Is there some way in which we can get a little more time to know the details of what we agreed to in the conference?

The gentleman says the parliamentary situation is such that the closing date of this session is imminent, and that such time is impossible, and the gentleman asks this House to take it on his word. That is up to the gentleman, but I think the gentleman from Arkansas would feel more comfortable, and I know I would feel more comfortable, if we could say to the House it ought to be able to work its will on this conference report. Mr. Speaker, I do not oppose it, but I think we should know what we are doing.

Mr. GROSS. Mr. Speaker, further reserving the right to object, when this matter first came up, I thought we were dealing with H.R. 10604, a bill to permit payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial.

Now I find, thanks to the gentleman from Wisconsin, Mr. BYRNES, that the bill has been used as a vehicle for perhaps far-reaching amendments dealing with the Social Security Act. I certainly suggest to the gentleman from Arkansas that he give careful consideration to the suggestions of the gentleman from Wisconsin (Mr. BYRNES) that somehow or other more time be contrived so that the Members of the House may have at least some faint idea of what the amendments propose to accomplish.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, further reserving the right to object, is it the gentleman's feeling that this is the only way he can handle this matter? I want to be reasonable.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. Certainly I yield to the chairman.

Mr. MILLS of Arkansas. There are two provisions in this bill added by the Senate about which there can be no question about the necessity for passing them promptly. One is the $4 pass through which must be enacted before the 1st of January, or otherwise it is ineffective.

I am advised, perhaps by rumor, that the Congress is getting ready to adjourn sometime this week. I have been scheduled for calling up the conference report this morning by the leadership on our side.

Frankly, I believe if we get into a discussion of this matter I will be able to satisfy the need that exists for making the Members of the House fully cognizant of what is in this other amendment.

Mr. BYRNES of Wisconsin. I agree with the gentleman as to the other two amendments. They are needed and desirable. There is no question about that. Everybody agrees to them, just as everybody agrees with the basic principles of what we have done so far as the original bill which passed this House is concerned.

I should like to ask the gentleman at this point when he intends to bring up the bill relating to unemployment compensation. On that I take an entirely different attitude, and I shall oppose the conference report. But I should like to have some knowledge from the gentleman as to whether he intends to use this same procedure in asking the House to vote on very substantial amendments without having the language of the substantial amendments before this House.

Mr. MILLS of Arkansas. The gentleman is talking about the second conference report?

Mr. BYRNES of Wisconsin. I am talking about the one on unemployment compensation.

Mr. MILLS of Arkansas. I want to call it up some time this afternoon, if it is possible.

Mr. BYRNES of Wisconsin. I was wondering whether we could not have an understanding, Mr. Chairman, that you would speak with the leadership and see if we could not at least have 24 hours on that. If we are going to be in session tomorrow we could take it up at that time.

I wonder whether the gentleman would not, in that particular case, where there is a high element of controversy, agree that it could go over until tomorrow?

Mr. MILLS of Arkansas. Let us proceed with this, and then the gentleman and I will talk with the Speaker.

Mr. BYRNES of Wisconsin. I would always rather have the gentleman give me a suggestion that at least he is sort of sympathetic with what I am proposing, rather than saying, "Let us forget about it."

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MILLS of Arkansas. The gentleman and I have worked on the committee together long enough, I know, for the gentleman to know that these are unusual circumstances which would prompt us to bring up conference reports in this manner. It is only the time element which causes us to do it. Normally we have always given the House plenty of time to go over conference reports, to have access to all amendments and the language and so forth; but time just does not permit it under these circumstances.

Mr. BYRNES of Wisconsin. But our committee has always, I thought, had the reputation of trying to bring things to this House so that the House could work its will by understanding what it is doing, by having the language in front of us and full explanations of what we are doing. Here we have a situation where that is not the case. The gentleman is suggesting that not one conference report, but two of them, will come up in this session. I plead with him and with the Democratic leadership to let their own Members have some idea as to what is being done by having at least a statement of the managers that they can look at and read. We could have it in mimeograph form by this afternoon. But if you are going to call that up following this conference report, then the Members will not have any idea what this is all about. I think it is wrong. I will not be a party to it.

You have the authority under the rule to call it up, but to me it is bad to bring something of this significance and importance before this House in this way unless it is absolutely essential. There is no showing of essentiality, because there are other conference reports waiting and other matters waiting. My understanding is that we will be meeting tomorrow, and if that is the case, at least that bill can go over until tomorrow.

Mr. MILLS of Arkansas. Will the gentleman yield?

Mr. BYRNES of Wisconsin. Yes. I yield to the gentleman.

Mr. MILLS of Arkansas. The gentleman knows, because I asked him to join me in obtaining the permission of the House to have until midnight last night to file both of these conference reports. The gentleman did not do that. If he had not objected, they would be available in printed form today.

Mr. BYRNES of Wisconsin. I wonder about that, and I wonder what kind of staff work would have been done if you had asked them to prepare these two conference reports, in the details required and to have them in by midnight. Certainly no member of that conference could see what kind of a statement they were filing.

Mr. MILLS of Arkansas. But at least they would have been here and available.

Mr. BYRNES of Wisconsin. But no one would have had a chance to see what they were saying and what we were putting in the report as conferees.

Mr. Speaker, I withdraw my reservation of objection.

CALL OF THE HOUSE

Mr. GUDE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

One hundred and seventy-one Members are present, not a quorum.

Mr. MILLS of Arkansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 463]

Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Archer
Baker
Belcher
Blatnik
Bolling
Caffery
Casey, Tex.
Cederberg
Celler
Clark
Clay
Colmer
Conte
Conyers
Curlin
Dellums
Dent
Derwinski
Dickinson
Diggs
Dingell
Dowdy
Dwyer
Edwards, La.
Evins, Tenn.
Fish
Flowers
Flynt
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Giaimo
Gibbons
Goldwater
Grasso
Griffiths
Gubser
Hall
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hathaway
Hébert
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Wash.
Kastenmeier
Keith
Landrum
Latta
Lennon
Lujan
McClure
McKevitt
McMillan
Macdonald, Mass.
Martin
Mikva
Minish
Mink
Mitchell
Mollohan
Mosher
Moss
O'Hara
O'Neill
Pelly
Pryor, Ark.
Railsback
Rees
Reid, N.Y.
Reuss
Rhodes
Robison, N.Y.
Rousselot
Sarbanes
Scheuer
Shoup
Sikes
Sisk
Smith, Calif.
Springer
Staggers
Stokes
Stuckey
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Vander Jagt
Veysey
Waggonner
Whitehurst
Wilson, Charles H.

The SPEAKER. On this rollcall 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 10604, AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of today.)

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I had intended that the Clerk read the entire statement, but if the Members are not going to listen to it I wonder if they want to dispense with further reading of it?

The SPEAKER. Does the gentleman ask unanimous consent?

Mr. MILLS of Arkansas. I do ask unanimous consent, Mr. Speaker, to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Reserving the right to object, Mr. Speaker, I shall not object because I believe the gentleman's request is certainly in keeping with the facts of the situation. The Members cannot understand the conference report just by the reading of the statement. One has to have it before him or to have somebody explain it to him. That is one of the reasons why I complained about this procedure.

I certainly have no objection to dispensing with further reading of the statement, because it is perfectly clear that the reading, in many cases, is rather a meaningless operation.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, first let me apologize to the House for bringing in a conference report in a rather unusual manner. It is true that we do not have printed copies of the conference report, but I believe it is entirely possible for the Members who desire to know what is in the conference report to follow the words of the gentleman from Wisconsin, of myself, and of others who may speak, and thus develop a full understanding of the content of the report.

It will be remembered, Mr. Speaker, that we sent, by unanimous consent, H.R. 10604 to the Senate.

The Senate did not change the language of the House-passed bill. The Senate did add three amendments, all of which are germane to the bill. The bill and the three amendments amend the Social Security Act.

The first amendment the Senate added would provide coverage of care in intermediate care facilities as an optional service under the medicaid program, title XIX of the Social Security Act.

Under present law such service is covered instead as an optional benefit under the various cash assistance benefit programs. An intermediate care facility is designed as an institution licensed to provide regular health-related care and services to people who need institutional care but who do not need the degree of care which a hospital or a skilled nursing home provides.

Services in a public institution for the mentally retarded could be included within the scope of the amendment if the primary purpose of the institution is to provide health or rehabilitation services, the patient is receiving active treatment, and the public agency agrees that non-Federal expenditures for the patient in the institution will not be reduced because of the medicaid benefits.

The need for care in these facilities would be determined under an independent professional review and medical evaluation program which must be provided for in the State plan.

The Senate amendment is virtually the same as a provision included in H.R. 1 which passed the House last June. The basic purpose of the provision is to avoid situations, which can arise under present law, where an individual who is medically indigent, but who is not receiving cash public assistance, cannot be transferred from a skilled nursing home to an intermediate care facility and still have Federal matching available. The result has been that people have been kept in skilled nursing homes when a lower level of care would have been more appropriate. And, of course, the more skilled the care the more we are paying for that care because intermediate care should cost less than skilled care. The Senate amendment would remove that effect. The House conferees agreed to the Senate amendment. There was no argument in the conference on this amendment.

The second amendment included by the Senate to the bill would extend through December 1972 the so-called $4 pass-along associated with the 15-percent benefit increase which was effective in January of 1970. A similar provision was in H.R. 1 when it passed the House. This amendment is needed now in order to provide that some 600,000 aged, blind, and disabled people will not have their public assistance checks reduced by $4 next month. The House agreed to this Senate amendment without any controversy. This is the amendment that the gentleman from California (Mr. BURTON) has done so much to support to help these people on assistance.

Now, the third Senate amendment involves a lot more detail. The amendment made a series of changes in the work incentive program under present law. These amendments would make the following changes in that program:

Require an individual, as a condition of eligibility for welfare, to register for the WIN program unless the person is:

First, a child under age 16 or attending school;

Second, ill, incapacitated, or of advanced age;

Third, so remote from a WIN project that his effective participation is precluded;

Fourth, caring for another member of the household who is ill or incapacitated; or

Fifth, the mother or other relative of a child under the age of six who is caring for the child. Mothers who are not required to register must be told of their opportunity to volunteer to participate.

The amendment increases the Federal matching for the WIN program from the present 80 percent, which is one of the handicaps in some of the States, to 90 percent Federal. It requires the welfare agency to designate a separate administrative unit to make arrangements for supportive services needed by welfare recipients in order to participate in the WIN program and to refer recipients so prepared to the Labor Department for participation in the WIN program.

The amendment would penalize a State if its welfare agency prepares and refers to the Labor Department less than 15 percent of registrants in a year by reducing Federal matching 1 percent for aid to families with dependent children for every percentage point the proportion of registered individuals the State welfare agency prepares and refers is under 15 percent.

The amendment increases from 75 percent to 90 percent Federal matching for supportive services, including child care, provided to enable welfare recipients to work or participate in the WIN program.

The amendment requires that not less than 40 percent of the expenditures under the WIN program be for on-the-job training and public service employment. Then it provides a formula for allotting WIN funds to the States based on the number of registrants for the WIN program in fiscal years 1973 and 1974.

The amendment requires the Secretary of Labor to utilize existing manpower and training programs to the maximum extent in implementing the Work Incentive program rather than establishing new ones.

The amendment would require the Secretary of Labor to establish in each State, municipality, or other appropriate geographic area with a significant number of WIN registrants, a Labor Market Advisory Council whose function is to identify the types of jobs available or likely to become available in the area. No WIN institutional training may be established unless it is related to these kinds of jobs. The Secretary may designate any appropriate body in existence as the Labor Market Advisory Council in its area.

Next, the amendment requires the Labor Department in handling WIN referrals to accord priority in the following order, taking into account employability potential:

First. Unemployed fathers;

Second. Dependent children and relatives age 16 or over who are not in school, working, or in training;

Third. Mothers who volunteer for participation; and

Fourth. All other persons.

The amendment requires the Labor Department and WIN units of State welfare agencies to develop a joint State operational plan, detailing how the WIN program will be operated with joint employability plans for WIN participants.

It would delete present funding arrangements for public service employment, called special work projects, and instead provide for 100-percent Federal funding for the first year of employment and 90 percent for subsequent years. If employment is less than 3 years, then the matching for the first year is reduced to 90 percent.

The amendment authorizes Federal matching for the costs related to supervision and materials associated with public service employment.

The amendment requires the Secretaries of Labor and Health, Education, and Welfare to issue joint regulations, which shall provide for the establishment of first, a National Committee to coordinate uniform reporting and similar requirements for the administration of the WIN program, and second, a regional coordination committee for each region to review and approve the Statewide operational plans required elsewhere in the amendment.

It would prevent the Labor Department from entering into any contract for the dissemination of information about the work incentive program.

The amendment requires the Secretary to collect and publish certain statistical information related to the WIN program.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 additional minutes.

The SPEAKER. The gentleman from Arkansas is recognized for 5 additional minutes.

Mr. MILLS of Arkansas. Mr. Speaker, the amendment authorizes the Labor Department to pay allowances for transportation and other costs necessary for and directly related to participation in the WIN program.

The amendment authorizes the Labor Department to provide technical assistance to provide employment or training in connection with the WIN program.

The effective date for the bill is July 1, 1972, except for the Federal matching for WIN training, and supportive services which becomes effective on January 1, 1972.

The conferees on behalf of the House went into these amendments in considerable detail with the Senate, and agreed to the Senate amendment, with the following changes:

Exempts from the registration requirement a mother in a family where the father registers.

Makes clear that the WIN unit in the State welfare agency is to provide child care and other supportive services to persons required to be registered with the Secretary of Labor, and to certify when such persons are so prepared.

Sets a limit of $750 million in fiscal year 1973 on appropriations for supportive services, such as day care, receiving 90 percent Federal matching.

Requires that 33⅓ percent, rather than 40 percent, of expenditures under the Work Incentive program be for on-the-job training and public service employment.

Provides that 50 percent of the WIN funds be allotted under a formula based on a number of registrants; the remaining 50 percent would be distributed by the Secretary of Labor based on criteria he develops.

The conference report sets the following order of priority in handling Work Incentive program participants: first, unemployed fathers; second, mothers who volunteer for participation; third, other mothers and pregnant women under 19 years of age; fourth, dependent children and relatives age 16 or over who are not in school, working, or in training; and fifth, all other persons.

The conference report deletes the requirement of jointly developed eligibility plan for each Work Incentive program participant.

The conference report provides 100 percent Federal funding for the first year of public service employment of each participant, 75 percent funding in the second year, 50 percent in the third year, and no Federal funding thereafter.

The conference report sets effective dates of July 1, 1972, for increased Federal matching for WIN training, public service employment, and supportive services, rather than January 1, 1972.

The conference report deletes the requirement to collect and publish certain WIN statistical data. While the House conferees did not accept this amendment, requiring the collection and publication of certain statistical data with respect to the WIN program, the conferees agreed to direct the Secretary of Labor to carry out the purpose of that provision.

The House conferees were guided in their consideration of the Senate amendment by action already taken in H.R. 1, which would have set up an entirely new work program for public assistance recipients. The House can be assured that there is nothing to which the House has agreed which would be inconsistent with the adoption of the new work program which was included in H.R. 1. As a matter of fact, it can very well be argued that the interim steps which these amendments would make would mean an earlier and more effective operation of the new program included in H.R. 1.

And I also want to make clear that there is nothing in this bill which would affect the earnings disregard provision in present law.

It will be borne in mind, Mr. Speaker, that the President asked, after the bill passed the House, for the effective date of H.R. 1 to be delayed from July 1, 1972, to July 1, 1973. Certainly if we can make an improvement in the operation of the WIN program for just 1 year and see to it that those who are qualified for training are required to take training, do take training and enhance their possibility for jobs, we should do it even for that 1 year.

I would urge the adoption of the conference report.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I would like to ask the distinguished gentleman from Arkansas whether or not the WIN program is strictly voluntary with the welfare recipient, that is, other than those requirements for those who are physically and mentally able to work, to do anything or to suffer some penalty?

Mr. MILLS of Arkansas. The catch in the whole thing is this: In existing law we use this mandate to the States, that they be responsible for assigning people to the WIN program. The welfare office assigns to the WIN program those who are "appropriate" for such training and work.

The definition of the word "appropriate" is left to the State welfare department. In some States there has been a rather strict interpretation of the word "appropriate" and many people have been assigned to the WIN program. In other States, there has been a less strict interpretation of the word "appropriate" and very few, if any, have been assigned to the WIN program.

So we are requiring all people except those who are specifically excluded in this amendment to sign up for the WIN program.

This is a material improvement.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, as I said earlier this afternoon, I think it very regrettable that a committee such as the Committee on Ways and Means, which deals with very sensitive areas of legislation, should come in here and ask the House to accept the work of five members in a conference committee that was under pressure so far as time is concerned, and to accept it, more or less with the oral assurances or explanations of some members of the conference as to what was done.

I would hope that this does not set a precedent.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MILLS of Arkansas. I think there is a great deal of merit in what the gentleman says about this unusual procedure. I have just conferred with the Speaker of the House and the Speaker tells me that if we want to hold over the next conference report until tomorrow, it is agreeable with him and he will recognize you and me to call it up when the House convenes tomorrow. I am perfectly willing to do that because I do not like this business of bringing in these reports without having a printed copy of the report available.

Mr. BYRNES of Wisconsin. I thank the gentleman. I think it would be most salutary if we could have the information available, as it will be sometime today, on the conference report. I would assume that the printer has been requested to expedite the printing of the report.

If I may suggest to the chairman and the Speaker, it would be helpful if this material, as soon as it arrives from the printer, could be available at the clerk's desk so that Members may have it in preparation for a discussion of the matter tomorrow.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield further?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MILLS of Arkansas. If the gentleman will yield for that purpose now, that is perfectly agreeable to me and I will submit the conference report now for printing under the rules, so as to expedite the matter as much as possible.

Mr. BYRNES of Wisconsin. I would appreciate that.

CONFERENCE REPORT ON H.R. 6065, UNEMPLOYMENT COMPENSATION

Mr. MILLS of Arkansas submitted the following conference report and statement on the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act:

Conference Report (H. Rept. No. 92–749)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with the following amendments to the Senate engrossed amendment:

Page 3, line 3, strike out "extended".

Page 4, line 2, strike out "extended".

Page 4, line 9, strike out "extended".

Page 4, line 13, strike out "extended".

Page 4, line 21, strike out "6.0 per centum" and insert: "6.5 per centum".

Page 5, line 13, strike out "6.0 per centum" and insert: "6.5 per centum".

Page 5, line 16, strike out "insured employment" and insert: "insured unemployment".

Page 5, line 21, strike out "should be equal to—" and insert "is the percentage arrived at by dividing—".

Page 5, line 25, strike out "divided".

Page 6, line 25, strike out "100 per centum" and insert: "50 per centum".

Page 7, line 5, strike out "twenty-six" and insert: "thirteen".

Page 7, strike out lines 14, 15, and 16 and insert: "this Act. No emergency compensation shall be payable to any individual under such an agreement for any week ending after—

"(1) June 30, 1972, or

"(2) September 30, 1972, in the case of an individual who (for a week ending before July 1, 1972) had a week with respect to which emergency compensation was payable under such agreement."

Page 9, strike out line 5 and all that follows down through line 9 on page 10 and insert:

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, to the extended unemployment compensation account, as repayable advances (without interest), such sums as may be necessary to carry out the purposes of this title. Amounts appropriated as repayable advances and paid to the States under section 203 shall be repaid, without interest, as provided in section 903(b)(3) of the Social Security Act.

"(c) Section 903(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"'(3) The amount which, but for this paragraph, would be transferred to the account of a State under subsection (a) or paragraph (1) of this subsection shall (after applying paragraph (2) of this subsection) be reduced (but not below zero) by the balance of that portion of the advances made under section 204(b) of the Emergency Unemployment Compensation Act of 1971 which was used for payments to such State under section 203 of such Act. An amount equal to the sum by which such amount is reduced shall be transferred to the general fund of the Treasury. Any amount transferred as a repayment under this paragraph shall be credited against, and shall operate to reduce, any balance repayable under this paragraph by the State to which (but for this paragraph) such amount would have been payable.' ".

Page 10, line 20, strike out "emergency extended" and insert: "emergency".

Page 10, line 23, strike out "emergency extended" and insert: "emergency".

Page 11, after line 4, insert: "For purposes of any State law which refers to an extension under Federal law of the duration of benefits under the Federal-State Extended Unemployment Compensation Act of 1970, this title shall be treated as amendatory of such Act."

Page 11, line 7, strike out "continuing and".

Page 11, line 16, strike out "after June 30, 1973" and insert: "after the period prescribed in section 202(f)".

Page 11, line 19, strike out "after June 30, 1973" and insert: "after the period prescribed in section 202(f)".

Page 11, line 20, strike out "July 1" and insert: "May 1".

Page 11, line 23, strike out "May 31" and insert: "March 31".

Page 12, line 4, strike out "after June 30, 1973" and insert: "after the period prescribed in section 202(f)".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

W. D. Mills,
Al Ullman,
James A. Burke,
Managers on the Part of the House.

Russell B. Long,
Clinton Anderson,
Herman Talmadge,
Carl T. Curtis,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee on Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The bill as passed by the House extended for an additional 10 years the period during which States may obligate, for administrative purposes, certain funds transferred from excess Federal unemployment tax collections.

The Senate amendment to the text of the bill made no change in the House provisions explained in the preceding paragraph but added a title II to the bill, relating to emergency unemployment compensation. Under the Senate amendment, any State, the State law of which provides for the payment of extended compensation in accordance with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, may enter into an agreement under which the agency of the State which administers the State unemployment compensation law will pay emergency compensation to individuals who have exhausted all rights to both regular compensation and extended compensation. The weekly benefit amount of the individual is determined in the same way as for regular compensation purposes; and the total amount of emergency compensation payable to an individual is an amount equal to the lesser of 100 percent of the regular compensation payable to him for the most recent benefit year or 26 times his average weekly benefit amount for his benefit year.

The emergency compensation payable under the amendment is payable only during an emergency extended benefit period.

Such a period is triggered in a State when the rate of unemployment (which takes into account both the rate of insured unemployment and the rate of exhaustions of regular compensation) for such State for a 13-week period equals or exceeds 6.0 percent. Under the Senate amendment, emergency compensation is payable only for weeks of unemployment which begin more than 30 days after the date of the enactment of the bill (or, if later, after the week in which the State agreement is entered into). In addition, such compensation is payable only for weeks which end before July 1, 1973.

The Senate amendment provides for financing emergency benefits by increasing the rate of the Federal unemployment tax imposed by section 3301 of the Internal Revenue Code of 1954 on wages (as defined in section 3306(b) of such Code) paid during 1972 or 1973 from 3.2 percent to 3.29 percent.

The Senate amendment also provides for the Secretary of Labor to submit to Congress a full and complete report of the emergency compensation program on or before July 1, 1972.

The House recedes with amendments.

The conference agreement in general follows the Senate amendment with these major changes:

(1) Under the conference agreement, the total amount of compensation payable to an individual is the lesser of (A) 50 percent of the regular compensation payable to him with respect to the benefit year on the basis of which he most recently received regular compensation, or (B) 13 times his average weekly benefit amount for his benefit year.

(2) Under the conference agreement, the emergency benefit period is triggered in a State when the rate of unemployment (which takes into account both the rate of insured unemployment and the rate of exhaustions of regular compensation) for such State for a 13-week period equals or exceeds 6.5 percent.

(3) Under the conference agreement, no emergency compensation is payable for any week of unemployment which ends after June 30, 1972; except that, in the case of an individual who had a week of unemployment ending before July 1, 1972, for which emergency compensation was payable under a State agreement, the period for paying emergency compensation to that individual under the State agreement will also include weeks of unemployment which end before October 1, 1972.

(4) Under the conference agreement, the emergency compensation will be payable out of the Federal extended unemployment compensation account. The agreement authorizes the appropriation to such account of repayable advances (which shall not bear interest) to carry out the emergency compensation program provided by the bill. The amounts paid to any State for benefits under this program are to be repaid by transferring to the general fund of the Treasury amounts equal to such benefits. These transfers are to be made out of amounts which would otherwise (but for the new section 903(b)(3) of the Social Security Act added by the bill) be paid over to such State out of excess Federal unemployment tax collections.

(5) The conference agreement also modifies the reporting provisions of the Senate amendment. Under the conference agreement, the Secretary of Labor is required to submit before May 1, 1972, a full and complete report of the emergency compensation program provided by the bill. The report is to cover the period ending on March 31, 1972, and is to contain recommendations of the Secretary with respect to the program, including (but not limited to) the operation and funding of the program and the desirability of extending the program beyond June 30, 1972.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON ANDERSON,
HERMAN TALMADGE,
CARL T. CURTIS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 10604, AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT

Mr. BYRNES of Wisconsin. Mr. Speaker, now to this conference report. First, the House passed a very desirable change in the Social Security Act with respect to providing lump sum death benefits in certain cases where the body itself could not be found for burial, in order to help with memorial services, and other expenses in connection with the death. I think it was a laudable purpose; it was a good bill, and it passed here, by unanimous consent.

The Senate added two amendments which I think are also very desirable as changes to the Social Security Act. One provides for the coverage of patients in intermediate care facilities as an optional source under the medicaid program. Under present law, such service is covered instead as an optional benefit under the various cash assistance benefit programs.

I think this is a most desirable amendment from our standpoint and from the standpoint of the States.

I think it is most important that we enact this at the earliest possible date.

As the chairman pointed out, the Senate also added an amendment to continue the authority of the States to pass through the social security benefits to individuals who, in addition to receiving old-age and survivors insurance, are also receiving old-age assistance, so that when we increase the social security by $4, it would not mean that some old-age assistance checks automatically would be reduced by $4, and so that individuals would have, in the end, $4 more in purchasing power than might be the case if this amendment did not pass.

While I have some question as to the policy involved, I think it is advisable, particularly under current economic circumstances, that we provide for this passthrough and make sure it does not expire. We have provided for it in H.R. 1, but because the Senate has not seen fit to enact the various social security amendments and revisions in H.R. 1, this is one item that does face a deadline, and therefore I think action here is desirable.

Then, as the chairman has pointed out, the Senate also added a very substantial change in the treatment of people receiving benefits under the program of aid to dependent children. Let me say, Mr. Chairman, that I am completely sympathetic with the objectives and the general purposes of the amendment known as the Talmadge amendment, adopted by the Senate, which does beefup the program to get people into jobs or training for jobs. I do not appear here in opposition to the underlying philosophy of the Senate amendments.

I am going to vote for the conference report. I signed the conference report. In conference I asked to make some changes which were agreed to by the conferees in this particular amendment to make it conform more to what the House had done in passing H.R. 1.

The SPEAKER. The gentleman from Wisconsin has consumed 10 minutes.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 5 additional minutes.

We were successful in the conference in that regard.

My concern here is twofold. First, I am not sure that because of the limited time we had to deal with a very complex area that we really understand all the implications of what we were doing. It is a very far-reaching and broad amendment. As I said, I am 100 percent for the general proposition and the general principle. The questions I have are on the details. Have we created some problems? Have we created some inequities? Have we created some injustices? Have we thrown up roadblocks to getting people into the economic mainstream of this country, to making them more self-sufficient and less dependent upon public assistance, thus improving our whole welfare system?

I do not know the answers. That is my whole problem, because in the time we had on this complex area, we could not go into all facets and details. We were not fresh from hearings on this subject. We were not fresh from consideration of the issue. We were last year, but many other matters have intervened to occupy the time of the conferees, so we probably entered that conference not as familiar as we normally would have been. We simply had not the time to refresh our minds on all the details. That is the part that really bothers me, the cursory fashion in which we have acted.

There is another problem. I happen to be a proponent, and an enthusiastic proponent, of the welfare reform that was contained in H.R. 1. I think we have a welfare nonsystem which grew up like Topsy, and now we are adding another layer by our action here. It seems to me we should do many of the things that are provided in this amendment, but we should do them in a more coordinated way—coordinated with reform of our current welfare system.

This is a piecemeal approach. It takes part of H.R. 1 and tries to graft it on. I hope it will be an improvement on present operation. It should be, but I think we would do much better if we insisted that the Senate act on a bill that we have twice sent to them, which involves true welfare reform, instead of playing with it on a piecemeal basis, and never facing up to the real need for reform. I think the conference made a mistake in even agreeing to consider this matter in this context. We should have said we will consider it, and we want to consider it, but bring it to us in a form in which we can have in conference not just what the other body decided to do in the area of welfare, but also what the House has decided to do on two different occasions.

So that is basically what I object to

here—the manner in which this is handled, the cursory treatment it has received, and its treatment independently from the overall and more pressing problems that we all know exist, embodied in the need for welfare reform.

I do not know of anyone who will endorse the present welfare system—the taxpayers, the counties, the States, the Federal Government, or the welfare recipients.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 5 additional minutes.

They are all disgusted with the existing system, and it is time that they became disgusted with the Congress for not doing something about it or for doing it only in a piecemeal fashion.

I believe it is time for us to say to the other body: "Send us this welfare reform bill. Make what changes you want, but send it back so that when we get to conference we have before us what we in the House have done on two different occasions as well as what you desire to have done, and then we can work out a compromise."

There were some changes which we thought should be made in the Senate amendment to make it conform more to the expressed wishes of the House. But we could not do that. Why? Because it would not have been within the purview of the conferees, and the conference report than would have been subject to a point of order.

I believe this House has a right to have its say on what is done in the area of welfare reform. We should have in conference the product of this House and the product of the Ways and Means Committee, which has been twice passed, as I mentioned, but has been held up in the Senate.

When they come to conference, not with that basic legislation and amendments to it, but with some facet of it, we have no opportunity to make changes which would be more in accord with the House position. That is what I protest today, Mr. Speaker.

But I am not going to oppose the conference report because I do realize that there are three other items in this bill which are desirable.

So far as its basic implementation is concerned, the effective date for the main provisions of this controversial amendment is July 1, 1972. We shall have at least 6 months for the staffs, for the Department, for others to go over it in a more studious way, to see whether mistakes or errors have been made in what we have done, and to recommend corrections before the implementing date.

Therefore, I can accept the conference report on the ground that even though there may be some errors in it, we do at least have some time to make corrections before it becomes effective.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I believe the gentleman is understating both the consideration that was given to this matter and the expertise that was brought to bear, which the gentleman himself has. I want to commend him for going into this conference on each one of the items that are a part of this amendment, and going into them in great detail and great thoroughness.

The gentleman, I know, agrees these are not new concepts. We have been working with every single one of these concepts. Back in 1967 we originated the WIN program, and then we gave them all lengthy consideration in H.R. 1, and then more recently.

These are all concepts the gentleman did bring to bear a great deal of consideration and expertise on in the conference.

So far as I am concerned, I believe we put it together in a better way, perhaps, than we could have done had we had some other vehicle to do it.

Mr. BYRNES of Wisconsin. I appreciate the comments of the gentleman. If this all turns out well I will be glad to accept credit for what has been done. If it does not, let me suggeset at this point that I can kind of hold in reserve any responsibility for it, and we can leave it at that.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr BYRNES of Wisconsin. I yield to the chairman.

Mr. MILLS of Arkansas. It is my understanding that the chairman of the Finance Committee in the conference said it was his intention to have H.R. 1 on the floor of the Senate for consideration not later than March 1. Did he make that statement?

Mr. BYRNES of Wisconsin. There was something said that I think generally had that effect. I am not too sure how firm it is or that it was any guarantee, although he did suggest he had had an understanding, I believe, with his party leadership in the Senate and that he would do what he could to bring it to the Senate for action approximately the first of March next year.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 3 additional minutes.

Mr. Speaker, even March 1 would be a long overdue date. We should have had this in conference several months ago, so that we could have worked out and had in law or in a conference report something in the area of real welfare reform. That is where I have my grievance with what is being done here and with the Senate.

Mr. MILLS of Arkansas. Will the gentleman yield further?

Mr. BYRNES of Wisconsin. Yes. I yield to the chairman.

Mr. MILLS of Arkansas. I only asked the question because if it works out that the Senate does act on H.R. 1 in the first part of March, it is entirely possible that we could complete a conference report by the effective date of this amendment, which is July 1, 1972.

Mr. BYRNES of Wisconsin. I think, though, Mr. Chairman, that since this is grafted onto a Federal-State system, and since what we contemplated in H.R. 1, at least in the area of work requirements, was federalization, that you are going to have to make some substantial changes, and it would not change the effective date or the effectiveness on this part of that situation.

Mr. MILLS of Arkansas. That is my point. But if we do have to make some changes, we will have the opportunity to do it before July 1 at least.

Mr. BYRNES of Wisconsin. Right. Really, it seems that even if the Senate does not send us this bill——

Mr. MILLS of Arkansas. Absolutely. Absolutely.

Mr. BYRNES of Wisconsin. But that is what I am going on. However, no matter what happens we can bring it to fruition, or have some action to correct any deficiencies or errors in this amendment.

Mr. SAYLOR. Will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. SAYLOR. Mr. Speaker, I want to join with the gentleman from Wisconsin in complaining about this piecemeal approach to welfare reform.

Some cases in Pennsylvania have come to my attention where men are earning $22,000 a year and drawing as much as $3,000 in welfare and, believe it or not, that is the program in effect right now. They deduct their Federal and local taxes. They deduct their automobile payments. They can deduct their car payments and deduct all of their transportation expenses. A breakdown of the arithmetic used to justify and trim an annual salary of $21,853.20 to justify $3,004.80 in cash grants, plus $312 worth of food stamps and free medical care are as follows:

Monthly gross earnings	$1, 821. 10
Less $30 (WIN regulation)	30. 00
Less ⅓ (WIN regulation)	579. 03
Less Federal and local taxes	325. 10
Less union dues	169. 00
Less car payment	110. 90
Less transportation expenses (7 cents a mile)	147. 51
Adjusted income total	441. 56
Add contribution of working dependent	15. 00
Adjusted income for welfare purposes	456. 56

On this basis the recipient qualified for a monthly cash grant of $250.40 plus other welfare benefits.

This is one of the things that just has to be gotten rid of. I agree we should not attack the welfare problem in this piecemeal manner.

Mr. MILLS of Arkansas. Will the gentleman yield to me?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MILLS of Arkansas. As I followed the gentleman from Pennsylvania, my good friend, the cases he mentions are completely illegal payments under our Federal law.

Mr. SAYLOR. Will the gentleman yield to me?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. SAYLOR. Very frankly, the State of Pennsylvania is paying this kind of arrangement and the Federal Government has concurred in it. John L. Costa, Commissioner, Social and Rehabilitation appeared at a meeting and said that he had heard some of the interpretations being used in Pennsylvania and that they are correct.

He further stated "Under the present Federal law, it is possible for a family to earn substantial income and still be eligible for welfare assistance."

This is just an absolute disgrace to the people who must be on welfare, and who deserve our best.

Mr. BYRNES of Wisconsin. The problem the gentleman refers to is attributable—at least in part—to the methods used in computing the income disregard under existing law. We corrected this problem and many others in H.R. 1; unfortunately, this problem the gentleman refers to and the others the House welfare reform bill dealt with are still with us and have not been corrected in the piecemeal approach taken in this bill.

Mr. MILLS of Arkansas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I thank the chairman for yielding me this time.

I take this time in order to propose one query of the chairman.

Those of us who supported the gentleman in the preparation of H.R. 1 knew it was meant to be a massive forward step in cooperating with the major national problem on welfare through the federalization of welfare, and so forth. The time lag in between the passage of the House bill in two different Congresses and the Senate action thereon caused a great deal of difficulty and dilemma among the State and local welfare agencies in waiting to see what Congress will do.

As I view the action of the conferees and the House today, we are just moving a transmission belt toward a new system. This may help solve the dilemma and the difficulties that the State and local welfare people have who are just waiting for such eventual action as we know Congress is bound to take.

This is a phase-in arrangement and it has in it some attractive features which will make H.R. 1 work more effectively when it comes into being, specifically I note the provision of day care services at Federal expense. A major achievement, in law for family assistance.

Mr. MILLS of Arkansas. I think the gentleman is exactly correct.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I would like to thank the chairman of the committee and the conferees on both sides as well as the distinguished minority leader on the committee for their courteous consideration of this small original bill, I had no idea at the time it would get into such trouble over in the other body. But, we do appreciate the courtesy the committee has shown me in arriving at a resolution of these very difficult problems.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. Yes, I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I think in our experience here that no matter what you send over there, you have got to keep your fingers crossed as to what is going to come back.

Mr. MILLS of Arkansas. Mr. Speaker, if the gentleman will yield, I might suggest to the gentleman from California that his matter was entirely noncontroversial and entirely desirable. We brought back, though, three additions to it which in my opinion enhances the gentleman as the author of the original legislation.

Mr. HOLIFIELD. In my opinion the original bill, about which there was no objection to its purpose, now carries with it a tremendous amount of humanitarian benefits. I thank the members of the Ways and Means Committee again.

Mr. EDMONDSON. Mr. Speaker, I support the conference report on H.R. 10604 and commend the House conferees led by our distinguished colleague, the Honorable WILBUR MILLS.

The acceptance by the conferees of a Senate amendment regarding intermediate care will avert a real crisis in the nursing homes of Oklahoma, and I appreciate the action taken in conference.

I trust the conference report will be overwhelming approved.

Mr. ULLMAN. Mr. Speaker, as ranking majority member of the Committee on Ways and Means, I was an active participant in the deliberations of the conference on H.R. 10604. I would like to review this legislation briefly with special emphasis on the changes it makes in the existing work incentive program. I want to show here and now that these changes when taken together can move effectively to break the welfare cycle.

I also want to point out that these WIN amendments have a considerable history and have been the subject of considerable public debate. The Senate passed these amendments on three separate occasions; the first two times the amendments were adopted by the Finance Committee and retained on the floor.

Most recently, the Senate added the provisions to the Revenue Act of 1971. The conferees on that bill dropped them only because they were not germane. And it should be pointed out that the Finance Committee held hearings on these provisions when Senator TALMADGE first introduced them in 1970.

Mr. Speaker, I wish to express my strong support for the conference agreement reached on H.R. 10604. As passed by the House, this bill would have somewhat broadened the conditions under which a lump-sum payment can be made upon the death of a person who is insured under the social security system. The Senate added amendments dealing with other Social Security Act programs which would extend a temporary provision for passing along to public assistance recipients a portion of their increased social security benefits under 1969 legislation, which would provide for coverage under the medicaid programs of care in intermediate care facilities, and which would make a number of changes in the WIN or work incentive program for recipients of aid to families with dependent children—AFDC.

In general, the conference accepted the Senate amendments in each of these three areas, with several modifications in the WIN provisions. I am particularly enthusiastic about the work incentive amendments since they, in many ways, strike directly at the heart of some of the worst features of the existing program—features which I and others have long recognized as barriers to achieving self-sufficiency for employable welfare recipients and their families.

As agreed to by the conference committee, H.R. 10604 would require the registration with the Labor Department of all AFDC recipients who do not meet one of a limited number of specific exceptions. The exceptions include those categories of recipients who would not generally have much employment potential such as, for example, children, the aged and ill, and mothers caring for preschool children.

This registration requirement is an important step in the direction of an objective I have seen as an absolute essential if we hope to solve the welfare problem, and that objective is the clear separation of employable and nonemployable recipients so that our efforts at improving employability can be directed to those who can use them.

A second major aspect of the WIN amendments agreed to by the conference committee flows logically from the first. Having identified those who are potentially employable, the State welfare agencies are required to propose them for jobs, or to participate in training leading to jobs. A very reasonable and attainable goal is set by the legislation that each State must certify to the Department of Labor as ready for employment or training at least 15 percent of those required to register. To the extent that a State fails to meet this goal, it would be penalized by having its Federal matching funds for AFDC reduced.

The bill also contains important provisions to help assure that State welfare agencies will be able to meet or exceed the minimum requirements. For one thing, it requires each State welfare agency to establish a separate unit which will have the sole responsibility for providing to registered AFDC recipients those services necessary to prepare them for work or training. More importantly, it increases the Federal matching share for such services from the 75 percent which is now in effect to 90 percent. And among the services covered by this increased matching is child care.

I have long felt that the lack of an adequate supply of child care is the greatest single barrier to making welfare recipients self-sufficient through employment. And this is a view which I know is nearly universally shared. Similarly, the administration has testified time and again that the greatest barrier to expanded child care under the AFDC program is the requirement of a 25-percent State or local matching. By reducing the required State and local share to 10 percent, this bill should virtually eliminate that barrier to employment. As a safeguard, however, the conference agreement puts a $750 million limit on the services which can qualify for the 90-percent matching in fiscal year 1973.

After employables are identified and after they are prepared for work or training, there still remains the task of finding work for them or placing them in training which will enable them to get work. The bill also attacks this problem. Because the limited funds that are available for this expensive business of transforming an employable person into an employed person have too often been spent on institutional training which did not in fact lead to a job for the trainee, the bill requires the Secretary of Labor to establish, in each appropriate area, labor-market advisory councils which will advise him of the types of jobs available or likely to become available in each area. It also requires him to expend at least one-third of all WIN funds each year on those employment-based programs of on-the-job training and public-service employment—programs which create jobs for recipients rather than training them for jobs which may or may not exist.

To further bolster the work and training aspects of the WIN program, the bill cuts from 20 to 10 percent the required State or local share of program costs and simplifies the funding of public service employment by providing that a recipient may be placed in a public service job with 100 percent Federal funding of the costs involved for the first year of his employment, 75 percent for the second year, and 50 percent for the third year. This is essentially the same public service employment provision as that already approved by the House as a part of H.R. 1.

To assure the proper and efficient use of WIN program funds, the bill requires that at least half of such funds be allocated among the States under a formula based on the number of registrants and it requires the Secretary of Labor to provide manpower services to those certified to him according to specified priorities.

These amendments to H.R. 10604 are not hastily conceived additions. They are, rather, thoughtful responses to some of the most basic flaws in the present welfare system. Essentially the same amendments, as I indicated above, were proposed by the Senate Committee on Finance as amendments to the social security bill considered at the end of the last Congress. The Ways and Means Committee also heard extensive testimony on these basic points. The faults brought before both committees are in large measure corrected by these amendments.

As I said in my dissenting views in the report on H.R. 1, the keystones of welfare reform are child care, job training, and job placement. This bill takes a significant step in just those directions.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks at this point in the RECORD on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

INTEREST, USURY, AND CONSUMER CREDIT IN THE DISTRICT OF COLUMBIA

Mr. CABELL. Mr. Speaker, on behalf of the Committee on the District of Columbia, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Page 1, line 3, after "28-3308," insert "and".

Page 2, line 5, strike out "or 39".

Page 11, line 13, strike out "his" and insert "this".

Page 15, line 8, strike out "ability" and insert "liability".

Page 18, in the line following line 16, strike out "military".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I simply want to inquire if the amendments are germane to the bill.

Mr. CABELL. Mr. Speaker, if the gentleman from Iowa will yield, the gentleman from Texas is pleased to advise him that there are no substantive changes in the bill as passed by the House yesterday. There are neither deletions nor additions to the subject matter. There are some purely technical amendments which have been agreed to by counsel of both committees.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. RONCALIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ROONEY of New York. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 464]

Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Baker
Belcher
Blatnik
Bolling
Broomfield
Caffery
Casey, Tex.
Clay
Conte
Conyers
Davis, Ga.
Dent
Diggs
Dowdy
Downing
Dwyer
Edwards, La.
Evins, Tenn.
Fish, N.Y.
Flynt
Ford, William D.
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Giaimo
Goldwater
Griffiths
Gubser
Hall
Hansen, Idaho
Hansen, Wash.
Harsha
Hébert
Heinz
Hicks, Wash.
Horton
Kastenmeier
Landrum
Latta
Leggett
Lujan
McClure
McKevitt
McMillan
Macdonald, Mass.
Martin
Michel
Mills, Ark.
Mink
Mollohan
Moorhead
Moss
O'Hara
O'Neill
Pelly
Pike
Pryor, Ark.
Rees
Reuss
Rhodes
Robison, N.Y.
Rousselot
Sarbanes
Scheuer
Seiberling
Sisk
Smith, Calif.
Springer
Stanton, James V.
Stephens
Sullivan
Symington
Thompson, N.J.
Veysey
Waggonner
Waldie
Whitten
Wilson, Bob
Wilson, Charles H.
Yatron

The SPEAKER. On this rollcall 346 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 2891, ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971

Mr. PATMAN. Mr. Speaker I call up the conference report on the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

POINT OF ORDER

Mr. GROSS. Mr. Speaker, I desire to make a point of order against the consideration of the conference report.

The SPEAKER. The gentleman will have to wait until the report is read.

The Chair will protect the gentleman.

The Clerk will read the report.

(For conference report and statement, see proceedings of the House of December 13, 1971.)

The SPEAKER. Without objection, further reading of the report will be dispensed with.

There was no objection.

The SPEAKER. Does the gentleman from Iowa desire to make his point of order at this time?

POINT OF ORDER

Mr. GROSS. Mr. Speaker, I make a point of order against the conference report on S. 2891 on the basis that the House managers exceeded their authority, did not confine themselves to the differences committed to them and on the basis that the managers' report contains matter clearly not germane to the matter in disagreement, all in flagrant violation of clause 3, rule XXVIII, and the precedents of the House of Representatives.

The Senate-passed bill contained a section 3 which in effect waives the provisions of the Federal Pay Comparability Act of 1970—Public Law 91-656—and directs the President to put into effect January 1, 1972, pay adjustments for the three statutory salary systems—General Service, Foreign Service, and Veterans' Administration Medicine and Surgery—in an amount not to exceed the pay guidelines under the Economic Stabilization Act or not greater than the actual comparability adjustments.

The House-passed bill contained no such section 3.

The conference report, as agreed to by the conferees, contains section 3 with two significant changes that are clearly not germane to the section 3 as passed by the Senate.

First, section 3 in the conference report contains an additional provision which raises the maximum pay limitation applicable to employees of the Senate and House of Representatives from level 5 to level 4 of the Executive Salary Schedule. This is a proposition which was clearly not committed to the Conference Committee.

Second, the conference report in section 3 eliminated the Senate-passed provision which provided that no pay adjustment under the Federal Statutory Pay System could exceed comparability based on the 1971 Bureau of Labor Statistics Survey.

In essence, Mr. Speaker, the conferees not only eliminated a restriction on the amount of pay adjustment for the three statutory salary systems but they also increased rates of pay for groups of employees—those employees of the House and the Senate—who were not specifically cited in either the Senate- or House-passed bills.

Clause 3 of rule XXVIII of Rules of the House reads in part as follows:

> Moreover, their report shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the Conference committee.

The rule was actually strengthened and tightened up in the Legislative Reorganization Act of last year in order to make it abundantly clear that no specific topic, question, issue, or proposition could be agreed to by the conferees unless committed to the Conference Committee by either or both Houses.

The pay of legislative employees certainly was not committed by either House to the Conference Committee and the additional provision contained in section 3 on this subject constitutes a modification which goes clearly beyond the scope of the "specific topic, question, issue, or proposition" as committed to the Conference Committee.

I might add, Mr. Speaker, that the subject of pay maximums and limitations is much too important to be considered in this manner late in the session buried as nongermane amendments to a conference report. If amendments or changes are needed they should be considered in the regular order by the appropriate committees and reported to the House as separate matter in the next session.

Mr. Speaker, I insist upon my point of order against the conference report.

The SPEAKER. Does the gentleman from Texas desire to be heard on the point of order?

Mr. PATMAN. I do, Mr. Speaker.

Mr. Speaker, a point of order should not lie against the so-called Federal Pay Section of the Economic Stabilization Act of 1971 for several reasons. First, the Economic Stabilization Act speaks to the general subject of wages, prices, rents, and so forth. Federal workers are a segment of the general working population of the United States and, therefore, must be treated both as an economic matter and, in this instance, as a parliamentary matter of the general working population. Second, what the House did in passing this legislation before going to conference was to strike all of the language under the Senate-passed bill, S. 2891, and substitute the language contained in H.R. 11309 and then ask for a conference. As such, Mr. Speaker, it is my understanding that since the language accepted by the conferees in this instance was language contained in the Senate bill, this section of the act is neither subject to a point of order here in the House, nor can a separate vote be demanded thereon.

Therefore, Mr. Speaker, I hope that the point of order will be overruled.

The SPEAKER. The Chair is ready to rule.

The gentleman from Iowa (Mr. GROSS) makes a point of order against the conference report on the bill S. 2891 on the ground that the conferees on the part of the House have exceeded their authority as defined in clause 3 of rule XXVIII by including matter not submitted to conference by either House.

Specifically, the gentleman from Iowa asserts that the conferees have broadened that provision of the Senate bill which authorizes comparability adjustments in the rates of pay of each Federal statutory pay system covered by the Federal Pay Comparability Act of 1970 at a rate not in excess of 5.5 percent, effective after January 1, 1972.

The House amendment contained no comparable provision. As stated in the joint statement of the managers on page 22, the conferees have adopted the Senate provision with a "clarifying amendment" to assure that the comparability adjustments be made not only in the "statutory pay systems" as that term is defined in 5 U.S.C. 5301(c), but also in "all other Federal pay systems" covered by the Federal Pay Comparability Act of 1970; namely, those under which rates of pay are fixed by administrative action under 5 U.S.C. 5307. This would include employees in the executive, legislative, and judicial branches and employees of the District of Columbia whose pay is disbursed by administrative action. It would also include employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House.

The Chair is compelled to hold that the conferees, by deleting the word "statutory" in the Senate bill, have broadened the coverage of the comparability adjustments beyond the scope of the Senate bill or the House amendment. The Chair therefore sustains the point of order.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I move that the House insist on its amendments to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970, and request a further conference with the Senate thereon.

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ST GERMAIN, MINISH, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, and BROWN of Michigan.

ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 13, 1971.)

Mr. ASPINALL Mr. Speaker and Members of the House, since 1951 your Chairman of the Committee on Interior and Insular Affairs, together with his colleague from Pennsylvania (Mr. SAYLOR) and their many committee colleagues have been studying and working on the matter of the settlement of claims made by the natives of Alaska. Since the time the gentleman from Florida (Mr. HALEY) took over the chairmanship of the Subcommittee on Indian Affairs, we have worked closely and continuously in trying to bring this matter into some satisfactory resolution. At this time I would commend Congressman HALEY and all of those who have worked with him in bringing before the House at this time for final action a bill which endeavors to take care of the claims of the Alaskan natives as well as we think it can be done, at least, at this time. I especially wish to commend the most able and cooperative gentleman from Iowa (Mr. KYL) one of the most effective members of the Committee on Interior and Insular Affairs.

As has been stated in that part of the report already read, I suppose there is not a member of the committee or of the conference committee who is entirely satisfied with parts of this bill. I know at this time my colleague, the ranking Member from Pennsylvania, is not satisfied with certain parts of it, and he has not signed the report from the conference.

On the other hand, he has permitted the conference report to be brought before us to be debated and to be voted on in accordance with the merits of the report.

The conferees labored long. There were 9 days of conference sessions, with a staff that, I believe, is as capable and as able as any staff here on the Hill. We had a very complicated piece of legislation before us. It is so interwoven that it is difficult to understand it unless the whole picture is laid out for one desiring to understand what is involved, and we do not have the time, of course, this afternoon.

We worked on the House bill, which received a good vote from the House when it passed here several weeks ago. The conference report generally is in the format of the House language.

It is true that we added certain provisions of the Senate bill. But to show you what the difference is, the bill comes back to us from conference with just about all of the House language that was in the bill sent to the other body.

There are certain matters we should keep in mind as we make our final decision. This legislation endeavors to take care of three major matters.

We endeavor to take care of the claims of the Natives for the lands from which they have been dispossessed, either outright or in part, and we endeavor to lay to rest for all time any further claims that the Natives may have. We also endeavor—and I think we do in this legislation—to take care of the situation so that those tribes of Indians living in the Southern 48 States will not be able to use this as a precedent.

With that in mind, what does the conference report and legislation purport to do? First of all, it gives the Natives under certain provisions 40 million acres of land in that Northern State. About 22 million acres of land are given to the villages which will be incorporated either as profit or nonprofit organizations. It takes another 2 million acres of land and makes it possible for the Secretary to use them for hardship cases. Then the remaining 16 million acres of land are to be given to the regional corporations. Those corporations will have not only the surface rights to the 16 million acres of land, but also the subsurface rights to 22 million acres of land which go to the villages, and the 2 million acres of land which will be used for hardship cases. This is the land settlement.

A large settlement? Yes, if viewed as we would view it here in the lower 48 States perhaps, but no, if viewed in the light of the area where the land is situated, and viewed in the light of those who have used it for decades, for centuries, and for millenniums. Some of them say they have used this land, or their ancestors have, for 9,000 years.

In addition to the 40 million acres of land, we are providing for the cash settlement of $962,500,000. Some will say this is a large sum of money for the 55,000 people or thereabouts—and it is. But I can show Members tribes of Indians in the United States which have been able to get payments which will be as large as these payments, and in some instances, larger, as far as money is concerned. The $462.5 million will be paid from the Treasury of the United States according to a certain schedule which is set forth in the conference report, and $500 million from 2 percent of the royalties and rentals and leases and so on from the subsurface resources which belong to the State.

In addition to that, we have set up a corporate organization. There will be 12 regions in Alaska determined by the Secretary in conformity with historic use, and one corporation for each region as a maximum, but not less than seven if some of them wish to merge. The corporations will be controlled by the Natives themselves. They will be corporations organized under the laws of the State of Alaska. Stock will be issued. The first stock will not be alienable for 20 years, and the stock will be canceled and issued again, so that these corporations will be given the opportunity to take care of their best interests and take care of their relations with the villages and the Natives.

In addition to these 12 corporations, we have provided for a 13th corporation which will take care of those Natives who no longer live in Alaska. It will take a majority of those who are entitled to be enrolled to make a determination that they desire a corporation, rather than the outright payment of the moneys due them. However, these Natives will also have the right to choose whether or not they wish to belong to the nonresident corporation, as whether they wish to register in the village and region where they would otherwise register if they were not nonresident.

It will be to their benefit, in many instances, not to form a 13th corporation but to register in their old region, because this new corporation, the 13th corporation, will have no interest in lands whatsoever. It will have to be satisfied with the corpus of money that has been paid to them under the provisions of this bill.

We provide for withdrawal of lands to protect the Natives and to protect the State.

We provide for the lifting of the present freeze.

We provide for the withdrawal of certain townships that are near the villages or of which the villages are a part.

We provide for the withdrawal from which the land can be chosen to give to the Natives 25 townships in the maximum, which is almost 600,000 acres, if I remember correctly.

We make all these provisions. We also go further in this legislation and we provide for planning by the Federal Government and by the State government in order to protect the interests of the Federal Government.

We also provide for the temporary withdrawal by the Secretary, if he sees fit, of 80 million acres to satisfy any Federal need for additional national parks, national forests, or wildlife refuges.

We provide also that if any land is taken from the present national forests, national parks, or wildlife refuges "in lieu" lands will be made available.

We provide for the continuance of petroleum reserve No. 4, in the interests of the Federal Government, as one of our national security areas and national security resources.

We make all these provisions.

Briefly, we have taken care of the interests of the Natives. We have protected the interests of the Federal Government. We have provided for the viability of the State of Alaska as nearly as it is possible to do, because it is just not in the interest of the people of the United States that we provide for a supergovernment in or around the State of Alaska. We have taken care of that.

Members might be interested to know we have also taken care of attorney fees, though not quite as economically as we had provided in the House bill. We split the difference a little bit in favor of the Senate bill, to $2 million. Some people may say that this is a lot of money. Let me suggest a comparison.

In my own district in eastern Utah where the Ute Indian Tribes live, the attorneys in Salt Lake City representing them there came to Washington and secured a judgment in favor of the Indians of $31 million-plus. The attorneys took 10 percent, or over $3 million for their work in this little judgment of $31 million. This is common in this program. So when we think in terms of attorneys' fees it might be said we are quite niggardly.

We also provide, however, that those claiming attorneys' fees have to go before the chief commissioner of the Court of Claims and prove the value of their services.

Mr. Speaker and Members of the House, I unhesitatingly recommend this conference report to my colleagues, knowing that it is not a perfect document but believing sincerely that it is absolutely necessary as of this time, that it is the best we could bring before the House, and that it will do the job it is intended to do.

The conference report contains a clear summary of the provisions of the compromise that is recommended, and also shows the changes that have been made in the bill that was passed by the House. That report is already in the RECORD, and I shall not review it in detail at this point. I recommend that it be studied by any of my colleagues who want more detail.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members of the House, I was appointed a conferee on this legislation by the Speaker, but I did not sign the conference report. I did not sign the conference report because I am satisfied that, while December 14 may be celebrated some years in the future in Alaska as the day on which 50,000 Eskimos, Indians, and Aleuts were given 40 million acres of land and the mineral rights thereunder and almost $1 billion to be turned over to 12 or 13 corporations, today will also be celebrated by the 200,000 non-Natives who live in Alaska as a day of infamy and deceit because, when land that was purchased for $7 million in 1867, and a portion thereof, 40 million acres was repurchased for over $1 billion, that is not a bad return, even with compound interest on 100 years.

Mr. Speaker, I have dealt with this Native Claims Act, as the chairman of the committee stated, since 1951. There were those, including the gentleman from Florida—and, unfortunately, I was not one of them—who said that this matter should have been taken care of before Alaska became a State. If we would have, I could say to the Members of the House that we would have had a real bargain. We could have probably settled it for a miniscule part of what we are paying today in this bill.

Very frankly, the Eisenhower administration came up with the first recommendation, shortly after statehood, that this be taken care of, and they recommended a few million acres of land and a few million dollars. During the Kennedy administration and the Johnson administration it increased slightly, and even in the first year of this administration they recommended a settlement of only 14 million acres of land.

Lo and behold, you, then the great oil discovery was made on Prudhoe Bay. Oil talks and oil has talked to the White House and oil has talked to the Indians and oil has talked to the people of the United States. The price has gone up and up and up.

I say that because, ladies and gentlemen, there is no legal responsibility, according to the U.S. Supreme Court, to pay 1 cent. There is a moral responsibility in this country, and we are the only country that has ever recognized a moral responsibility for Native claims.

If we would have used the same formula for all of those Indian tribes in the lower 48, there has never been enough money in the U.S. Treasury to pay their claims. But we now have this bill before us and it is the best that you can do.

Mr. Speaker, I want to say that I think, personally, everyone of those 176 Members of the House of Representatives who voted with the gentleman from Arizona (Mr. MORRIS UDALL) and myself when we tried to get a land planning section in the House bill but were defeated, because of the strength of that vote it strengthened the hand of the Senate conferees and there is a land planning provision in this conference report. It is not as good and is not as strong as I would like to see it, but it is even better in some respects than the land planning provision that Mr. UDALL and I offered.

Mr. Speaker, one of the things that disturbs me about this conference report—and I call the attention of the Members to page 25 of the report—subparagraph (d)(1) "Public Land Order Numbered 4582," 34 Federal Register 1025, as amended, is repealed and for a period of 90 days all the land in Alaska is withdrawn.

Very frankly, I do not think the Secretary of the Interior can do the job he is supposed to do in 90 days. I am, therefore, notifying the Members of the House now that I may upon the convening of the 2d session of this Congress after the 18th of January, if I am told by the Secretary of the Interior that he needs more time, I am going to introduce a bill that will call upon the Congress to give the Secretary of the Interior more time on this total withdrawal because he should have it. He represents not just the 50,000 Natives and the 200,000 people who live in Alaska. He represents 205 million Americans.

Now, Mr. Speaker, let me turn to one element of this conference report which is of the utmost importance. As I have pointed out before, this settlement of Native land claims is also the first step in the carving up of the hitherto undeveloped public domain in Alaska. Fortunately, this conference recognized the potential damage to the public interest that could result, and has provided conservation provisions which can protect the public interest.

The simple fact is that in this bill we have the outlines of the greatest opportunity for a singular advance in land conservation that any Nation has ever had before it in one moment in time.

Embodied in this conference report is nothing less than the once only opportunity, if we will but grasp it. The opportunity to acquit ourselves as true trustees and stewards of the greatest expanse of virtually virgin, unspoiled land anywhere. The public domain in Alaska is the last great frontier over which we can exercise the truest kind of statesmanship, that which secures for all the people, for all time, a priceless natural heritage.

This legislation as reported by the conference committee provides the tools and sets up the opportunity, which must be grasped and taken full advantage of by the Secretary of the Interior and his staff. I hope the Secretary and his people are conscious of the unparalleled opportunity now before them, and I believe they are. It is my hope, as a conferee, as ranking minority member of the Committee on Interior and Insular Affairs, and simply as a Member of this great body, that those to whom this legislation now entrusts the power will act swiftly, with determination, and with the broadest and most far-sighted vision of the public interest before them, to bring to reality the enormous, unexampled conservation achievement for which we now give them the tools.

The opportunity here is, in one word, "Alaska." The last great frontier of unopened public domain is, by this bill, going to be opened, taken, by many different interests, and developed. Not all of that will be a bad thing, but here as elsewhere, there is a great threat the development will be overdone, misplaced and insensitive.

We have argued from the first day that Native claims legislation was under discussion, that this process of opening up Alaska ought to begin, first of all, with full protection of the interests of all the people and of future generations of Americans. We have brought out a final bill, in this conference report, that provides the means to protect that first interest. If we do it right and properly, we will have taken one of the single most historic steps in the annals of conservation in this or any other era.

One of the most historic days in American conservation was that day when President Theodore Roosevelt and his Chief Forester, Gifford Pinchot, pored over maps of the United States and drew out the boundaries of millions of acres to be permanently reserved for all the people as America's great system of national forests. It was a controversial move, and its full importance was not immediately evident to everyone. But those two men, who were men of vision, foresaw the elemental significance of what they did, and that was why they did it. We remember that action with such national pride because we recognize it as a singular example of a great opportunity to protect the public interest which was fully grasped, just at the single moment when it was possible. The heritage of public forest lands was protected. We are the richer for the vision and courage of those two men.

Today, we lay the framework for another opportunity of similar vast importance and perhaps even greater ultimate significance. This opportunity, too, is controversial. In the face of competing claims from special interests, many chose to oppose the recognition of this great need for protecting the public trust in Alaska. It is a great source of pride to me, that the conference committee, brought back a bill that looks beyond the immediate, the mundane, the narrow spectrum of special interests, and beyond those limits to the broadest horizons of the public interest and the future.

In this legislation, we set before the Secretary of the Interior and the President, an opportunity beyond even that Teddy Roosevelt and Gifford Pinchot had. We place the fate of the public interest and the national heritage in their hands.

In making the decisions they must make in implementing the conservation provisions of this legislation over the next nine months, the Secretary of the Interior and the President can write the brightest chapter in American conservation history. They can act boldly and with vision, and that is what we charge them to do.

The Members of this body will recall that we argued, when this legislation first came before the Committee of the Whole House, that it was flawed for lack of a suitable mechanism to assure that the public interest, the national interest would be protected as the Alaskan public lands were opened up. That simple proposition, and the amendment we proposed to meet that need, aroused an enormous storm of opposition from a host of special interests, including the oil industry, several large labor unions, the State of Alaska, the leadership of the Alaska Native groups, and even the administration. In the face of that opposition, I am proud to say that 177 of my colleagues saw where the true public interest lay and supported the Udall-Saylor amendment.

It is one of the ironies of the way this system operates, that the great opposition to our amendment had a lot more to do with fulfilling the special needs of narrow selfish interests and meeting the claims of perogrative and power, than it did with opposition to the purpose and intent of the amendment itself. This was hidden, of course, in a wealth of rhetoric most notable for its complete irrelevance to the issues we raised in the Udall-Saylor amendment.

I want to say a few words to those 177 of my colleagues who did support the Udall-Saylor amendment. You are vindicated and recognized, among the people who care, as having been in the right. And I am proud to be able to say to you that we have brought in a bill here that does incorporate the principles which you had the courage to stand up for when you supported the Udall-Saylor amendment. I will not soon forget, nor will the American people, that when the choice had to be made, whether you would ally yourselves with the mindless claims of the system and the power of the special interest, or with the claims of the public interest and future generations, you had the foresight and courage to stand for the right. If and when the mechanisms of this legislation are used to take the historic step of protecting the national interest in Alaska, you, 177 Members of this body, may rightly claim to have laid the all-important foundation for that act.

We have here a conference report that embodies much of the intent and mechanism we had in the Udall-Saylor national interest amendment. Members will recall that our amendment directed the Secretary of the Interior to designate and protect "national interest study areas," which would not be available for other use or disposition during a period of time when the Secretary would study their potential for permanent reservation as new national parks, national forests, wildlife refuges or wild and scenic rivers. He would then submit his recommendations to Congress and the areas would remain protected during the time Congress considered action to give them permanent protective status.

We called that the "national interest amendment" for good reason. It embodied the essential elements necessary to assure that the public interest was fully served.

The conference bill we have before us now embodies much of the same mechanism. It will work something like this:

First, the entire Federal domain in Alaska will continue to be withdrawn from entry or adverse disposition for another 90 days after this legislation is enacted. During that period, the Secretary of the Interior is to review that tremendous area and to take affirmative action under his existing legal powers, to extend the withdrawal of those areas he deems require continuing protection in the public interest.

It is our expectation that the Secretary will be particularly generous in determining what areas of Alaska he will withdraw in this first round. We recognize that this is the first step in a process of eliminating from the "withdrawn" and protected category, some part of the public's domain. None would argue that every last acre should be forever preserved in the status quo, but few would argue, except on the most narrow and self-interested grounds, that this great national trust should be carved up on a wholesale basis without the most exhaustive and cautious judgments to protect the public interest.

Once vast areas of Alaska have been given interim protection by the Secretary's withdrawals during the first round, he is then given a period of 9 months from the date of this Act in which he is to determine those areas in the public domain in Alaska which he deems are suitable as additions to or creation as new national parks, new national forests, new national wildlife refuges or ranges, new protected wild or scenic rivers, or for similar protective classifications, such as new wilderness areas. By the end of the 9-month period, the Secretary is directed to withdraw up to 80 million acres of unreserved public land in Alaska for these national interest purposes.

What is involved here? First of all, the term "unreserved public lands" is a very specific usage. It refers to all areas of Federal ownership in Alaska which have not already been given protective status and reservation. For example, it does not include areas such as Mount McKinley National Park and the Arctic National Wildlife Range, which already have been reserved and protected in the public interest under existing authorities or by congressional action. It does not include, also, an area like Naval Petroleum Reserve No. 4, which has already been reserved for other purposes. It is our intent, of course, that lands within Naval Petroleum Reserve No. 4 which have important natural values and national significance would also be proposed for proper protection, most logically as a national refuge, but this can be accomplished by the Secretary of the Interior under existing authorities and would not count against the 80-million-acre ceiling provided in this particular bill.

That is an important point: The ceiling involved in this particular legislation is a ceiling, and in a sense a target, for special withdrawals which the Secretary can make from the unreserved public lands in Alaska and which will lead, on the basis of further decisions, to interim protection, recommendations to Congress and so forth. It is clear that the Secretary and the President have other authority under existing law to establish such categories of areas as national monuments and national wildlife refuges directly and immediately. Should they choose to do so—and this may be desirable in particular cases—those actions would not count toward fulfillment of the 80-million-acre ceiling we have in this legislation.

Now, the withdrawal of these 80 million acres is to take place within 9 months from the date of this act. But to assure continued monitoring of this important program, we provide a regular series of reporting deadlines for the Secretary, the first of which will fall six months after the act takes effect. On that occasion, and each 6 months thereafter for a period of 2 years, the Secretary is directed to report to Congress on his progress and actions under the act, including details on the location, size, and values of lands he has withdrawn as potential parks, forests, and so forth. Moreover, within the 2-year period, and on these 6-month intervals, he is directed to send to Congress his recommendations with respect to each of the areas he has withdrawn within the 9-month period. Thus, while all withdrawals will have taken place by 9 months from the enactment of the act, the Secretary has a period of 2 years in which to provide us his more detailed recommendations as to the final status and protection we should give these areas.

Now, the bill provides that areas which were withdrawn, but not included in actual recommendations to the Congress, would immediately become available for other uses or disposition at the end of the 2-year period. That could have the effect of sharply limiting the range of options available to Congress in considering and perhaps modifying the Secretary's recommendations, particularly as involves such things as boundary locations. Hence, it will be most important that the Secretary's recommendations to us be generous in scope and imagination, in order that Congress retain full latitude to exercise its final judgment on boundaries and similar matters. The Secretary should bear ever in mind that in decisions of this magnitude, he will be wiser by far to err on the side of protection than in giving up too much too soon.

As the Secretary's recommendations reach Congress during and at the end of the 2-year period, the burden then shifts to the Congress, for us to consider each of the Secretary's recommendations and take final action to confer the appropriate permanent protective status and designation on the individual areas. In order to assure that our decisions are not foreclosed by adverse action, we will have a period of 5 years from the receipt of the recommendations during which the interim withdrawal and full protection of each of these areas will remain in force. Should we not have completed action on a particular recommendation at the end of the 5-year period, it would be possible, of course, for the interim protection to be extended, either by a secretarial order continuing the withdrawal under authorities available to the Secretary in existing law, or by special congressional action. I point this out to assure all concerned that nothing in this 5-year interim protection feature curtails the continuing withdrawal powers of the Secretary under existing law, or impose any obligation or expectation that the withdrawal of an area on which Congress had yet to act would automatically have to terminate. Special interests obviously should not be given any expectation that they could acquire such lands simply by managing to frustrate congressional action until the end of the 5-year period.

As in the case of the Udall-Saylor amendment, the withdrawal of these areas for potential national interest status makes them unavailable for immediate selection by the State of Alaska or the Native regional corporations. We have included a provision, however, that those interests could express their interest in a particular area and, should it ultimately not be given a permanent Federal protective status, they would then be permitted to make their selection as authorized by law. Should an area identified by the State or a regional corporation be confirmed in permanent

Federal status, on the other hand, we provide that an area of equal acreage would then be available elsewhere for alternative selection.

This is a relatively simple set of procedures, but only adequate to do the job if they are used to their full potential. I believe it is the intention of the Secretary of the Interior that this potential be realized, but I wish to make clear here that there are a number of areas in the public domain in Alaska in which I have particular concern that this stewardship be fully exercised.

Foremost, perhaps, is the potential for a Gates of the Arctic National Park, embracing the great wilderness of the Central Brooks Range, extending across a boad sweep of that range, and to the arctic coast. This could be our largest and most truly wild national park. It is an area of such extraordinary natural values and significance.

Of equal importance, for the purpose of wildlife protection and propagation, is the tremendous area of the Yukon Flats, comprising great wetlands near the Arctic Circle. This area is among the most productive wildlife habitats anywhere on earth. The area contains outstanding wilderness and natural values essential as the breeding place for thousands of migratory birds, waterfowl which migrate throughout the Western Hemisphere. I will have more to say about this and other waterfowl areas later, but the foremost importance of this area of nearly 9 million acres is essential that it be dedicated permanently as a national wildlife range.

The Wrangell Mountains in southeastern Alaska are one of the most scenic and awesome wilderness areas on the continent. Presently classified by the Secretary of the Interior for multiple uses and administered by the Bureau of Land Management, this area is eminently qualified and deserving of national park status. Not all of the classified area need be recommended as a national park, but certainly a substantial portion of it—at least 16 million acres—should be recommended immediately.

The entire Alaska Peninsula is an area of remote splendor and beauty, containing tremendous fish and wildlife resources. Spawning and rearing habitat for red salmon supports the world's largest salmon fishery. Some of the continent's most spectacular big game occurs in this region, including brown bears and caribou. The lake system at the head of Bristol Bay supports the world's largest salmon run. Associated estuarine areas are particularly significant, especially eight major lagoons which provide outstanding staging areas for geese. At least 10 million acres are considered highly important for preservation of critical fish and wildlife habitat.

In addition to a great Gates of the Arctic National Park, at least 5 million acres needs to be added to the existing Arctic National Wildlife Range. This would assure the preservation of a viable wilderness-wildlife ecosystem matched nowhere else on earth.

I have listed but a few of the areas which the Secretary of the Interior must review and withdraw if he is to meet the charge given to him by this measure.

There is one question that I would like to direct to the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL), and it has to do with the land in wildlife refuges.

It is my understanding of this conference report that the Native villages that are located within wildlife refuges are permitted to withdraw and have one section or one township in which the village is located and that they get the surface rights; is that correct?

Mr. ASPINALL. Mr. Speaker, if my colleague will yield, they have a right to three townships, if they qualify.

Mr. SAYLOR. In other words, it is a minimum of one and a maximum of three, if they qualify?

Mr. ASPINALL. If my colleague will yield further, the gentleman is correct. As the gentleman said, they have the right to the surface rights only.

Mr. SAYLOR. And those villages that are entitled to more land are to get it outside of the present boundaries of those reserves or the boudaries which will be established by the Secretary of Interior; is that correct?

Mr. ASPINALL. I will say to my colleague from Pennsylvania that that is correct, and they will get it under the formula we set up in accordance with the decision of the Secretary.

Mr. SAYLOR. And that means a village can get as much as 25; is that correct, or they may choose from 25?

Mr. ASPINALL. They may choose from 25, and you must remember after they have prior opportunity at the 25, then the State has the right within that 25 township area to go in and seek its selections also.

Mr. SAYLOR. As for the land that is in the wildlife refuges which a village will get the surface rights to, will the regional corporation, get the mineral rights there, or will they get in lieu mineral rights outside?

Mr. ASPINALL. They are supposed to get in lieu mineral rights outside, leaving the wildlife refuges intact. Keep in mind, however, if I remember the law correctly, that the Secretary does have the right, if he sees fit, to issue leases on some lands that have to do with wildlife refuges.

Mr. SAYLOR. That is correct. But the reason I want to make this history is to see to it that somebody does not come along and say to the corporation, "We are entitled to get the mineral rights within the reservation."

Mr. ASPINALL. The gentleman's position is correct, they do not have the right.

Mr. SAYLOR. So, my colleagues in the House, while I did not sign the conference report, it is the best we can do. I did not raise any points of order—and I might say that in view of the ruling which the Speaker just made on the last conference report, it is probably a very good thing that I did not. But, very frankly, I am urging that the conference report be adopted.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Speaker, I want the record to indicate that I really have no objection to reasonable settlement of these claims, but that I think that this is an unreasonable settlement. That we are going to give 40 million acres of land and $900 million to approximately 50,000 people, the size of my hometown, in my opinion, is absolutely an unreasonable settlement for the taxpayers of this country to be saddled with. I intend to vote against the conference report.

Then there are $2 million in legal claims—I just think that this is so unreasonable for us to pass this, and that it is just not in the best interests of the taxpayers. The claims should have been settled at a much lesser amount, and I believe they could have been at an earlier time.

Mr. SAYLOR. I might say to my colleague it could have been settled at a lower rate, but unfortunately if we do not settle it at this rate there are certain people in the executive branch who want to increase it.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Speaker, I would not want the gentleman from Michigan to have his entry in the RECORD less than accurate. The cost to the taxpayers is going to be $462.5 million. The additional $500 million is going to come out of the revenues of the State of Alaska from their mineral revenues. I am sure the gentleman would want the statement to be accurate, even though colorful.

Mr. CEDERBERG. I accept that, but I still think it is too high.

Mr. RONCALIO. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Speaker, I would just like to indicate my appreciation for the work of the committee this year, and wish that the eminent minority ranking member of this committee had joined with my chairman in signing this conference report. But I am, nevertheless, happy that the gentleman from Pennsylvania (Mr. SAYLOR) and the gentleman from Arizona (Mr. UDALL) feel that the land-use provisions in this conference report are adequate, and that they will support them.

With respect to the criticism just touched upon, I would like to advise that the American Bar Association in the many years that I practiced law held that the value of the corpus involved in a matter—or judgment—shall be one of the factors taken into consideration in determining the fee. Therefore, for the $490 million herein, I think the $2 million fee sets a new low on what the lawyers have heretofore received, percentagewise—and I think this is a definite step in the right direction.

Mr. Speaker, the bill before us today will finally resolve the longstanding matter of Alaskan Native claims. It is a good bill, reflecting many long hours of hard work by the House Interior Committee under the able leadership of Chairman

WAYNE ASPINALL and Senate-House conferees who have hammered out a compromise bill of high order.

Social justice for Native Alaskans—Eskimos, Aleuts, and Indians—has been achieved in the form of a generous settlement of land and money in return for the extinguishment of their aboriginal rights. The Alaskan Native people, perhaps the most neglected and needy group of Americans in our society today, can now achieve full parity citizenship on an equal footing with other citizens of our great country. The bill gives them this opportunity. I am certain that they will manage their own affairs as Alaskan citizens, in a manner which will bring credit not only to themselves, but to the great State of Alaska as well.

While providing social justice for Native Alaskans, this bill provides us with another opportunity, perhaps equally important to its major purpose and unparalleled in the history of our country. I refer, Mr. Speaker, to the public land aspects of this measure. At present Alaska is 95 percent federally owned, the last large block of public land left in the United States. This land contains tremendous resources—scenic, wildlife, and wilderness as well as minerals, timber, and other resources of vast economic potential. The bill wisely contains provisions for land planning so that these resources may be utilized in a prudent and planned manner or preserved for the enjoyment of future generations. Land planning of this magnitude is a first in the history of public land management and is of prime importance when one considers that once this bill is enacted into law 40 million acres will be transferred to the Alaskan Natives and the State of Alaska will proceed with the selection of 103 million acres, granted to it in the Alaska Statehood Act. But, the bill assures that the interests of all 207 million Americans in their public lands will be preserved by directing the Secretary of the Interior to identify and withdraw up to 80 million acres as additions to or creation as units of the national park, national wildlife refuge, national forest and scenic rivers systems. The Secretary is directed to report his recommendations to the Congress which will make the final determination on each area.

Mr. Speaker, Alaska is our last great frontier. This measure assures that we shall identify and establish those areas which should be preserved now while they are still in public ownership instead of having to buy them back at great cost to the taxpayer at some future date. This has been the history of national conservation area establishment in the past and instead of history repeating itself we chart a new and wise course.

In closing, Mr. Speaker, I point out that the Secretary of the Interior has a tremendous responsibility to quickly withdraw these areas so that the Congress may begin an orderly review of them. It is only right that he assume responsibilities granted in this measure with dispatch so that the natural heritage of the citizens of Alaska and of the Nation will be assured.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Illinois.

Mr. COLLIER. Just as a point of information, did the question of land rights compensation ever come into the discussion when there was rather strong lobbying for Alaskan statehood?

Mr. SAYLOR. Very frankly, my best recollection is that no one appeared at the time Alaskan statehood was being considered and urged that this matter be settled then. There were some few Natives who came and talked about it.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. ASPINALL. May I say, so far as I know there were no lobbyists, I will say to the gentleman, lobbying for the natives, but there were those who were interested in Alaska, as well as those on our committee, including our friend, the gentleman from Florida (Mr. HALEY) who suggested that we should go ahead and take care of this problem at the same time or even before we gave statehood to Alaska. But it just was not in the cards to do so, as my friend will remember, who was here.

The matter of statehood was of such paramount interest and necessity as of that time that it overrode the wishes of the others.

Mr. COLLIER. Mr. Speaker, will the gentleman yield further?

Mr. SAYLOR. I yield to the gentleman.

Mr. COLLIER. I could not agree more that the question of statehood at that time was paramount. As my good friend from Colorado will remember, I was on the Public Lands Subcommittee at the time. I was trying to recollect as to whether or not this ever entered into the discussion. I recall there was substantial lobbying for statehood and that is perfectly understandable. I do not know which groups were necessarily doing the lobbying at the time, but it was in order to lobby. I was merely trying to recollect whether or not the issue, which is an important issue and which must have been a consideration at that time, was even brought into the discussion of statehood—that is all.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. ASPINALL. My friend's memory is correct. It was brought up. We did place a savings clause stating that the Natives would have the right to come back and make their claims. It was a part of the discussion and it was brought up.

Mr. COLLIER. I thank the gentleman.

Mr. SAYLOR. That is why I say to my colleagues in the House, just to refresh the recollection of those who were here when we had this issue before us, you will recall in one of the sessions we had a combined bill for Alaskan and Hawaiian statehood and it could not get very far because the then Speaker and the delegation from the then largest State in the Union were unanimously opposed to it. Suddenly, there was a discovery of oil.

Well, you know the discovery of oil in Alaska changed the attitude of many people in this country. They no sooner discovered oil than the cry for statehood became paramount. I think that is the reason this issue was overlooked at the time.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. ASPINALL. After the discovery of oil, there was the possibility of financing the government or statehood.

Mr. SAYLOR. That is correct. With that discovery, there was the whole potential of getting the legislation.

Mr. ASPINALL. Mr. Speaker, I yield as much time as he may desire to the ranking majority member of the Committee on Interior and Insular Affairs, the gentleman from Florida (Mr. HALEY).

I have already stated my evaluation. I would say unhesitatingly that no chairman of the committee has a greater helper sitting at his right or his left hand, as the case may be, and in this case the left, than JAMES A. HALEY of Florida.

Mr. HALEY. Mr. Speaker, when I brought this bill to the floor of the House I said that it was a generous bill. Many Members probably think it was too generous. I might remind the Members of the House that I wanted to settle all of these land problems as far as Alaska is concerned prior to granting statehood. Had they been settled at that time when Alaska was a Territory, we would have had a different situation. Nevertheless, the Congress said, "Let us give statehood now."

Even up to a short time ago I think many of you realized that this was going to be an expensive proposition because of the oil strike in Prudhoe Bay. Many acres of land were involved, we were told. Sure, there are a lot of acres of land involved. As a matter of fact, there are approximately 4 million more acres than are in my entire State of Florida. But in Alaska it is not lush land, by any means. Alaska is a huge State, 375 million acres of land.

Mr. Speaker, it has been said here that no hearings were held. As a matter of fact, 11 members of my subcommittee and I went to Alaska. We held hearings at Juneau, Anchorage, Nome, Barrow, and Fairbanks. So there was plenty of opportunity for the people to express their opinion. Sure, there were many people down here during the time we were debating statehood. What is wrong with that? That happens every day.

So I say again, Mr. Speaker, that this is a generous bill. It is a bill on a subject that should have been settled and must be settled now. Otherwise, as time goes on and other discoveries, which I anticipate, are made there, this will be a more expensive project than it is now. In fact, the 40 million acres of land was a compromise. The Natives up there wanted 60 million acres of land, and probably they were entitled to lots of consideration.

After all, I would rather be generous and make this kind of settlement than to load onto the backs of the American people the horrible example we have loaded on already by our treatment of other aboriginal people of this United States. Here we are saying, "Here it is, go out and take over and paddle your own canoe back to whatever is there." So I say to the Members of this House we had better accept this settlement, this generous settlement, it is true, but it is one which is long past due, and I think it is one which is fair to the natives of Alaska, to the other people of Alaska, and to the people of the whole United States.

Mr. Speaker, the provisions of this conference report have been fully explained, and there is no need to say anything more about the provisions of the bill recommended by the conferees.

I do want to say, however, that in my opinion this bill treats the Alaska Natives not only fairly, but in fact most generously. The combination of 40 billion acres of land and $962.5 million is a much more generous settlement than Congress has provided for any other Indian tribe. In fact, I am inclined to think it is a little too generous.

Nevertheless, I hope this bill will be enacted. It is no secret that I believe we have waited too long to make this settlement. It should have been made before Alaska was admitted into the Union as a State. I said so then, and I am now more convinced than ever that Congress made a mistake when it delayed. I do not want to delay any longer. Further delay would be bad for all parties concerned. It would be bad for the Natives. It would be bad for the State. It would be bad for all of the people of the United States.

So I say to my colleagues, this is not a perfect bill. If I were a dictator with power to make a decision all by myself, I might write a different bill. But I am not writing this bill by myself. Although the bill is not perfect, it is a good bill—fair to all concerned—and I ask the House to agree to the conference report.

Mr. ASPINALL. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, as a conferee and one who has worked on this bill for a long time, I approve of it. I signed the conference report and shall vote for its adoption.

If we serve here another 20 years, I do not think we will ever deal with a more complicated piece of legislation. It is a monument to the dedication of JIM HALEY, WAYNE ASPINALL, JOHN SAYLOR, and NICK BEGICH here and a lot of other people on our committee, that the House should finally resolve these compelling problems because in reality it was making three difficult, crucial settlements with the State of Alaska which was economically on dead center and unable to move forward; with 55,000 poor but proud Natives who owned this land long before the Americans or Russians got there. It was not a gift to them. We settled with them. They had some claims that had merit.

Finally, with this conference report, we settled with the people of the United States who have the biggest stake of all in this last frontier. Those who stood with JOHN SAYLOR and me in the fight in the House on the national interest conservation amendment will be pleased to know that, in my judgment, we got about 95 percent of what we were fighting for.

We may have lost that skirmish, but in the final analysis we have a bill that conservationists, that all Americans can be assured will preserve the great public lands and resources of this State for all of us. Alaska is almost as big as four Californias. It is as big as two States of Texas. It is a huge, complicated area of great resources. I think the Congress has dealt with it in this bill in a very responsible fashion, and I am proud to have been a party to working out its very difficult situation.

I want to say before I close that I have never seen anyone work harder than NICK BEGICH on a complicated piece of legislation, or one who was saddled in his first term in this body with a more difficult assignment. The gentleman from Alaska has been shot at from all sides. He has been hit at by all parties, and he has handled this tough bill in a magnificent and statesmanlike manner. If NICK BEGICH never serves another day in this body I do not think there will be many people in the State of Alaska who will have done as much for the State and the people of this country as this good man has done in the course of this legislation.

And now, Mr. Speaker, I would like to make some detailed comments on the specifics of the Native claims bill.

The conference has brought back a good basic bill. It is not all that I could have hoped in every respect. In a few, it continues to have serious weaknesses and gaps. Yet, on the whole, the spirit of sound compromise has prevailed, and the conference has produced a package that is worthy of support. I support the conference bill and urge its approval.

Of all the elements in this long and complex bill, I would single out the conservation provisions as the area in which we have achieved the greatest success. That is all the more significant, because the problems of conservation involved in this issue have been tremendous and intricate. And it was in this area that the original bill reported by our Interior Committee was weakest. The conference has done a good and thorough job in providing conservation provisions that can do the job.

At the time we debated this bill back in October, I said that I knew of no conservation issue of greater importance in the period of 10 years I have been a Member of this body. On reflection, I believe I was, if anything, too conservative in that judgment. It is my conviction that the conservation aspects that are intertwined with the settlement of Alaska Native claims constitute the greatest opportunity this country has ever faced to take a single, giant stride in protection of a uniquely vast domain of unparalleled natural values and surpassing national significance.

The conference bill contains a number of important conservation provisions.

The bill has strong provisions to assure the protection of wildlife values on lands within existing national wildlife refuges which may be selected by Native village or regional corporations under the terms of the settlement. These provisions comprise both the provisions for the continued protection of wildlife values on lands transferred to Native ownership which were developed in an amendment in the other body by Senator LEE METCALF, but also the strong provisions for replacement of acreage lost to existing wildlife refuges, which were developed within our Interior Committee with the leadership of our colleague, ED EDMONDSON. Together, these provisions comprise a thorough and adequate set of measures to protect those wildlife areas.

The bill establishes a special Joint Federal-State Land Use Planning Commission for Alaska, to be comprised of 10 members. This is virtually identical to the structure proposed by the distinguished gentleman from Pennsylvania and myself in the so-called Udall-Saylor national interest amendment. The Commission is not given the full authority we had envisaged, and it has certain structural weaknesses which are lamentable, yet it can do a reasonable job in an area where some mechanism is desperately needed, as virtually everyone agrees. This is the job of coordinating the overall planning for Alaska between the Federal and State governments, each of which will have many separate programs, and both of which will remain strong central forces in the shaping of Alaska as that State is developed. I believe this temporary, 5-year Commission has an important role to play, and I expect that the President and the Secretary of the Interior, in making their appointments of the Federal members of the Commission, will exercise the greatest care to seek men and women of knowledgeability and absolute dedication to representing unstintingly the truly national interest in the deliberations and actions of the Commission.

With reference to the Commission, I should make one more point. The major argument against the creation of such a body when I proposed it in this House was that in view of imminent passage of national land use planning legislation—creating a National Land Planning Commission and a like commission for each of the States—there was no need to single out Alaska for special treatment. Both the Senate and the conference committee ultimately rejected this argument and created a special temporary commission just for Alaska.

Having created such a temporary commission, we should not assume that our job is finished. One of this Congress' highest priorities should be to develop at the soonest possible date a general land use planning authority which, in cooperation with all the States, can effectively shape a policy to guard against the squandering of this precious and deminishing resource. The clock is running.

Mr. Speaker, the most important and far-reaching conservation aspect of this bill is found in section 17(d). This is the mechanism for advance identification and special protection of land areas in Alaska which have great potential values as new national parks, forests, wildlife refuges, or wild and scenic rivers. In its operation and effect, this provision is much like that which was proposed in the Udall-Saylor amendment, and I want to pay tribute to the efforts of Senator ALAN BIBLE, who was successful in obtaining these provisions in the Senate bill. Senator BIBLE, as chairman of the Parks and Recreation Subcommittee in the Senate, recently spent a considerable period of time in Alaska, personally surveying the potential park and refuge areas which are there in such great magnitude and expanse.

On the basis of this exposure firsthand, Senator BIBLE was successful in developing an amendment which won the unanimous support of the other body, and the basic features of which prevailed in the conference, in combination with features already included in the House bill. Thus, section 17(d) of the conference bill provides a clear and systematic mechanism to fulfill the immediate need for protecting these national interest areas against adverse development or disposal to private interests. The process involved will assure that these areas are carefully considered by Congress for permanent national protection, and that they are fully protected from alternative development in the interim.

This is a sound mechanism, adequate to meet the need. But its actual effectiveness and results, as always, will depend on the dedication, determination, and even courage of those who will implement it. This challenge falls primarily to the Secretary of the Interior. The basic decisions, which will set the framework for all that may follow, are to be completed within a period of 9 months, and hence the greatest conservation challenge ever to come to a Secretary of the Interior will be the opportunity for the incumbent, our former colleague, Rogers C. B. Morton.

Knowing the dedication of Rogers Morton, I believe he will be equal to this challenge and will see this momentous opportunity for what it is. I trust he will give it the absolute top priority it must have in the immediate future, and that we will take the personal initiative and involvement necessary to fulfill this opportunity expeditiously and imaginatively to its very limits of possibility.

The task before Secretary Morton under this provision will be nothing less than to give shape and permanence to those areas in Alaska which will remain for all time in the treasury of our natural heritage. His is the opportunity to bring under the high status of national park, forest, refuge and wild river protection, the single greatest package of new areas ever contemplated in one program or so brief a period of time. It will be up to him and his staff to work with utmost dedication to use these tools we are providing wisely and well.

As the Secretary undertakes these decisions, it is our expectation that he will follow a clear system of priorities based on the inherent importance and magnitude of the areas to be considered. In the first round of withdrawals, within the next 3 months, he will have to be both cautious and generous in his actions, to protect the public interest fully and insure widest scope for his later, ultimate recommendations and for the actions of the Congress. As a former member of our Interior Committee, I trust the Secretary will be alert to our desire that his recommendations and the areas to which he extends interim protection be liberally defined, so that we in Congress will have wide latitude in arriving at our ultimate decisions.

It would be possible for a small man to deal with this great challenge in a small way, in piecemeal fashion, with little imagination and limited sights. In that event, we will see only small proposals, the bare minimum and even less will emerge. But Rogers Morton is not a small man, nor are his sights lowered, so we can expect great things, I believe, matching the limitlessness of the opportunity to grasp a whole sweep of the horizon in vast areas that will preserve, for all time, the great wilderness of the Alaskan Federal domain.

There could be no greater monument to his stewardship than the vigorous implementation—not just of the letter—but of the spirit of this new law.

Among the areas to be considered, it is not easy to pick priorities, and so we have set a ceiling of large expanse, wanting the Secretary always to err on the side of protecting too much, and being too expansive—if that is possible. Each area has its own greatest values, and is of particular importance in itself. Each waterfowl habitat area, for example, has importance to particular species, and is the particular home ground of birds that migrate to particular States and along different flyways in the lower 48. All of these factors must be considered systematically, to assure that priorities are chosen with greatest care. I know the Department of the Interior is already at work on this problem. My own feeling is that the Yukon Flats area has perhaps greatest importance among the waterfowl lands, for here is the richest and single most productive waterfowl reserve in the Western Hemisphere. It has been under threat already, despite its remoteness, and its permanent preservation should be on the top of the list of priorities. Similarly, the other lowlands and coastal plains and deltas, together with offshore areas and estuaries, must be protected, including substantial wildlife areas of great importance on the Arctic Slope adjacent to and within the Naval Petroleum Reserve No. 4. I should add here, that I raised this specific question in conference, and was assured that any protective designation within the area of this Naval Reserve is not to be counted against the ceiling of 80 million acres within this provision of the bill. This is based on the language of section 17(d) (A) in which the ceiling refers only to "unreserved" public lands. Among wildlife refuge projects, expansion of the existing refuges will be important in several cases notably the Clarence Rhodes National Wildlife Range and the Arctic Wildlife Range.

In terms of potential park and wilderness areas in Alaska, the list is again long and the areas of enormous importance. There is, in all the diversity and expanse of Alaska's land forms and habitats, an opportunity of unique scale to round out the national park system. This will involve, as priorities, expansion of the presently limited boundaries of several areas, including the boundaries of Mount McKinley National Park and of Katmai National Monument.

New park units, with a prime purpose of preserving the existing wilderness character of huge expanses, are needed for the Wrangell Mountains, in the Lake Clark-Lake Illiamna region, and, most important of all, in the Gates of the Arctic region, encompassing the entire vastness of the Central Brooks Range and the slope north to the Arctic Ocean. Here, as nowhere else in the country and perhaps on earth, we still have the opportunity to set apart as a permanent wilderness park, an expanse of rugged wildness and grandeur across tens of millions of acres, in which future generations of hardy Americans can find the last vestiges of wild America still beyond a real and lasting frontier. It is a possibility we can only destroy by development, and the limits of which we can only draw by the limits of our imagination and dedication to the future.

Over the next few months and years, Mr. Speaker, the shape of Alaska will be determined, both by what we develop and give away, and by what we keep and protect and treasure. We have, in this bill, set up the mechanisms to deal wisely with an opportunity such as no other nation has confronted in a single moment. We will have to be vigilant and imaginative, all of us—the public, the Congress, the administration—to see that our great Alaskan opportunity is taken to the full.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, I take this time at this point to try to explain to those who may have been misled by some of the preceding colloquy that this piece of legislation on which we vote finally today is not some monstrosity, something unconscionable we are trying to foist onto the people of the United States.

No. 1, the United States is one of the very few nations in the history of the world that has ever compensated the aboriginal people for the land which we occupy and which they once owned. We have gone farther than any other nation. We think it is a matter of justice—a matter of conscience. If Members disagree with the philosophy that we ought to compensate those aborigines, then the Members are opposed to this legislation, and to all the rest of the Native claims. I know that more than 99 percent of the American people believe that this is the right procedure. What is the alternative?

This figure of 40 million acres of land scares some of our Members unquestionably, and the figure of $1 billion, half of which comes from the Treasury, apparently frightens them. These are impressive statistics.

Someone asked a moment ago what did we do to the Natives of the lower 48 States? I ask the Members to compare this ostensibly very large, very favorable settlement for these people of Alaska with the attempts at settlement that we have made for the Natives in the lower 48 States. Take the cost of all the attempts, and the failures through all of the years, in trying to deal equitably with the native peoples of the lower 48, and we come up with a figure which is many times higher than the amount of money we have in this act per person on a per capita basis.

In Alaska we are giving the Natives the right to choose some land. In the lower 48, unfortunately, for too long a period, we tried to find out what was the most useless, the least valuable land we had, and if we had a piece of land that was no good to anyone, we said, "Now you Indians can go there on a reservation."

When we add up the cost of this policy, which has failed in the lower 48 States, add the cost in dollars and the cost in paternalism and the cost in human misery, and face the fact that today we still have a failure in that policy in the lower 48, then no one in good conscience can oppose an attempt to handle the situation properly, as we have tried to do in this Alaska legislation.

If we adopt this conference report, and I am sure we will, we will have at least taken a step in the right direction to solve the problem of aboriginal people in one of our States, and ultimately we will find that cost is very much less than it has been per capita for the Natives in the lower 48. More than that, we give these people their birthright of individuality, of freedom and dignity.

This bill is significant in another fashion. Seventeen years ago we created a State which has been unable, until this time, to be a State. It has been unable to make its contribution to the other 49 States because we have not settled the land problem, because we have not permitted that State to select its land. This act finally does that job.

It is a good piece of legislation on which thousands of hours have been spent in preparation. I do not apologize for any portion of it. One can say it is not perfect the same as one can say any legislation is not perfect. This is an excellent piece of legislation and a piece of legislation of which every Member will be proud in the future to say he had a part.

Mr. SAYLOR. Mr. Speaker, I yield the remaining time on our side to the gentleman from Arizona (Mr. Steiger).

Mr. STEIGER of Arizona. I thank the gentleman from Pennsylvania.

I should merely like to point out it must be very tempting for those who are not as familiar with the bill as the members of the committee and particularly the members of the conference to rear back and let the invective fly with regard to $962.5 million and 40 million acres. I suspect if I had not been a member of the committee and privy to the conference I, too, would only see those large amounts of money and land.

There is a very logical explanation for it, as the gentleman from Iowa (Mr. Kyl) suggested, and as the gentleman from Pennsylvania (Mr. Saylor) has indicated.

Had the gentleman from Florida (Mr. Haley) been heeded at the time of his suggestion, the value that became apparent with the discovery of oil at Prudhoe Bay would not have raised the ante so far as the Natives were concerned. But we did not heed the gentleman from Florida (Mr. Haley). We did not settle with the Natives. The value became apparent when oil was discovered, so the price went up. I do not believe that should surprise anybody.

Had we gone the other route and extinguished each title, or each claim to aboriginal title, it would have cost us more to extinguish the claims one by one because of the presence of oil.

There is nothing insidious about it. It is simply a fact of life. What we are doing today is not some kind of mystical bounty for some 50 million or 60 million Eskimos, Aleuts, and Alaska Natives. It is not some boondoggle for the oil companies. It is a question of whether the State of Alaska was going to continue on the dole or be able to survive.

It was not even a question of whether we were or were not going to face up to our obligations to the Natives. The time had come when we were forced to face up to them. I suspect if our hand had not been forced we would still be hedging. We were forced. We did settle.

There was a great deal of thought which went into both the disbursement and the use of these resources, and I believe that is important. I hope those Members who may be inclined to vote only against the superficiality of the amounts of money involved and the land involved will recognize this was simply the best possible deal that could have been made under the conditions which exist, and if we had waited longer the costs would only have gone up. Those are the simple facts.

Mr. ASPINALL. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. Mr. Speaker, I rise in support of this legislation.

I should like at the outset to express my appreciation to the chairman of the committee, the gentleman from Colorado (Mr. Aspinall), and to the chairman of the subcommittee, the gentleman from Florida (Mr. Haley) for their generous time and effort consumed in respect to the passage of this legislation. This legislation has consumed more time in our committee than, I believe, all other legislation in this session.

I also wish to say to this body and to the people of the State of Alaska that I believe they are indeed fortunate in their selection of the gentleman from Alaska (Mr. Begich).

As Mr. Udall said, I do not know how any young Member could have come here in his first term and done a better job than the gentleman from Alaska has done. He has alternately been tough and soft. He has alternately been mad and happy. He has had the burden of this legislation on his back ever since he arrived here as a new Member, and, believe me, I think no one person could have done the tremendous job better than he has done it.

Lastly, Mr. Speaker, I would like to say there are some of us natives down here who believe that the Natives up there should have gotten a little more. However, as the gentleman from Colorado said, this is a compromise, and I think it is a good compromise. I think it is a fair and equitable and just solution to the claims of the Alaskan Natives and will write, I think, the final major chapter in that book which we have written in our dealings with the aboriginal people of this continent with honor and justice.

Mr. ASPINALL. Mr. Speaker, I yield the remainder of the time to the gentleman from Alaska (Mr. Begich) who has done a yeoman service, as has already been said.

Mr. BEGICH. Mr. Speaker, after years of dedicated effort on the part of many people in the cause of the Alaska Native land claims, it is nearly impossible to capsulize the meaning of this moment. Still, I consider it essential that this legislation, which was hammered out in this practical marketplace, be recognized clearly in historic and future perspective.

The Native people of Alaska, the State of Alaska, and a varied array of interests are among those who will be deeply affected by the enactment of this law. Still, I suspect it is the fiber of American society which will face the most searching scrutiny of history. As consideration of the Alaska Native claims went forward and reached its conclusion as the largest Indian land settlement in our history, there were constant reminders of the past experience with such settlements, many of which have been tragic failures. How well we all responded to the cause of the Alaska Natives in the face of the experiences of history will very likely be the yardstick for this bill, and that judgment will reflect a great deal about our society.

To take the side of our response, and the bill before this House today, I must say that never before has such a cause been subjected to the modern pressures that this legislation faced. These pressures were numerous, incredibly varied, almost always conflicting, and, amazingly, nearly all legitimate to some degree.

Unquestionably, the Natives of Alaska put forward a claim of substance and integrity, and presented a subsidiary case of social and human needs which made the cause as much moral as legal. Still, that cause conflicted in many respects with the needs of a State only 13 years old, which felt entitled to the prosperity of economic development. That, in turn, conflicted with a growing recognition of the Alaskan environment as the symbol of all that has been lost in the other parts of the country, and the need to provide comprehensive protection. Around such major areas of conflict clustered hundreds of others, each pulling tenaciously on the legislation, and demanding total satisfaction of one position or another. Few representatives of any specific viewpoint realize how hard won some limited victories were in the face of conflicting and equally persuasive positions.

The Alaska Native land claims bill (H.R. 10367) which has resulted from this process is far more than an Indian land settlement. It is legislation which compromises the many interests I have described, and forms them into a valuable blueprint for the future of Alaska's Natives, for the State of Alaska, and for all those who have a part in that future. Like all successful compromises, this one can be measured by the fact that every competing interest is slightly dissatisfied with the result, yet still recognizes the basic integrity of the agreement.

For Alaska's Indians, Aleuts and Eskimos, the bill represents the successful conclusion of a long struggle, and the beginning of a new era in their own history. It was not many years ago that the notion of Alaska native land claims was nothing more than a dim but growing awareness on the part of a few Native leaders and other Alaskans dedicated to the cause. I need not mention them here, but to those who have worked closely with the land claims, they are well known pioneers on this historic assertion of Indian rights. All of us stand, to a certain extent, in the shadow of these persons who provided early leadership and inspiration for the continuing land claims struggle.

For the most part, these were people who understood the basic importance of the Native family and the rural Native village, and projected this cultural value as the basis for the land claim. In my view, the final bill remains sensitive to the Native village and its needs, and insures that the point of the struggle is not irretrievably lost.

Under the bill, each village gains title to extensive lands contiguous to the village, so that historic areas of usage may continue to be protected. The monetary provisions of the act are designed to compliment the land grant, and insure that lack of financial resources does not make possession of the land meaningless. The distribution of money and the system of administration established by the legislation focuses on self-determination, village autonomy, and an orderly flow of revenues over a period of years which will permit the social, economic and cultural choices of Alaska's Natives to be made as independently, as deliberately, and as responsibly as possible.

That the choices I mentioned will be made deliberately and responsibly is not debatable. A byproduct of the land claims struggle, nearly as important as the legislation itself, has been the growth of Native organizational strength. On the village level, on the regional level, and through the Statewide Alaska Federation of Natives, viable and important organizations now exist, and make important contributions to the State of Alaska.

For the State of Alaska, and all the people of Alaska, the prospects are no less exciting and optimistic. Every citizen of the State, Native and non-Native, has shared in years of frustration since the Statehood Act of 1958. Economic development and the independence it brings, have come distressingly slow. The necessary, even essential, assistance of the Federal Government brought with it unwelcome supervision, the feeling of a distant decisionmaking process, and has simply lasted too long.

Clearly, it is because of circumstances rather than intention that this pattern has continued. The "land freeze" imposed in 1966 was the climax of these frustrations, and its demise with the passage of this bill will be both welcome and characteristic of the relief it will bring to the State.

This bill marks the beginning of the end of these frustrations, and a period of great changes in Alaska. With the ending of the freeze, the State of Alaska may proceed to select the land it is entitled to select under the Statehood Act. In addition, the selections made during the freeze will be confirmed to the State. In sum, this will mean that the land of Alaska will begin to open, ending the paradox of the Nation's largest State being the State where land is least available.

At the same time, the act recognizes that this event brings dangers as well as benefits, and the final bill includes a State-Federal and planning commission to accomplish the transition as smoothly as possible.

All the people of Alaska will also feel the massive economic impact of this legislation, which will bring over $900 million to the State within 15 to 20 years. The benefits of this money in circulation, both primary and secondary, will be an early indication of a new era in Alaskan history.

All the people of Alaska will also recognize very early how very far this act has gone to integrate its provisions into the present conditions of the State. These provisions are far too numerous to set out completely here, but some deserve special attention.

The act protects all presently existing property rights for all citizens, and where substantial untitled rights exist on lands selected by Natives, those rights will be perfected. Existing Federal contracts for logging and other purposes are continued or replaced on mutually satisfactory terms to all affected parties. Presently existing Federal services such as those afforded by the BIA and Public Health Service are continued intact. The State-Federal Land Planning Commission is constructed, as far as possible, to mesh with an already existing Alaska law creating the State part of the commission.

In summary, the act does a great many things. It is comprehensive legislation intended to settle the Alaska native land claims justly and with balanced responsibility. I believe the bill is successful in doing so.

The real challenge now belongs to all the people of Alaska. This "Second Statehood Act" means that many of the promises of the original Statehood Act, more than a decade old, can now be fulfilled. The next decade in Alaska will be an exciting one which will capture, I believe, the imagination of all Americans. I believe that Alaskans will answer the challenges this legislation creates, and do so in a spirit of harmony and cooperation. As a person who has every much of himself in this legislation, I can think of nothing more important to hope for right now.

Mr. BOGGS. Will the gentleman yield?

Mr. BEGICH. I yield to the majority leader.

Mr. BOGGS. I would like to concur in the expressions of thanks to the distinguished chairman and other members of the committee.

Mr. BEGICH. Thank you.

Mr. BOGGS. Mr. Speaker, I want to say a very special tribute to the gentleman from Alaska (Mr. BEGICH). It is the rarest of circumstances when a freshman Congressman, as the only Congressman from his State, is confronted with a challenge of this magnitude, and one which is so crucial to the future of his State. It is all that much rarer for such a man to successfully answer such a challenge, but that is what NICK BEGICH has done.

The people of Alaska, every one of them, are fortunate to have such a man in Congress. On every bill, there is the temptation to represent only one interest, but NICK BEGICH absolutely refused to yield to such a persuasion. He represented one purpose throughout the consideration of the Native land claims bill, and that was the best interests of all Alaskans and all Americans. He has my respect for the job he has done.

Mr. BEGICH. Mr. Speaker, I am honored by the kind remarks of the distinguished Majority Leader, Mr. BOGGS. He knows, as do all of us who have labored so long on this measure, that thanks must go to a great number of people.

Today, however, I must pay my special regards to my colleagues in the House who did so much to make this bill possible. Above all, my thanks to my committee chairman, WAYNE ASPINALL. His leadership and commitment was indispensable. Similarly, my thanks to Chairman JAMES HALEY, who adds another credit to an already lengthy list.

My special thanks and respect also go to the gentleman from Washington (Mr. MEEDS) and the gentleman from Oklahoma (Mr. EDMONDSON). On the other side of the aisle, I owe deep gratitude to the gentlemen from Arizona (Mr. STEIGER) and Iowa (Mr. KYL).

I also want to pay tribute to all those on the conference committee. This was not an easy bill, nor one which centered around political considerations. The conference committee battled day after day with complex matters of technical substance and public policy.

Let me thank our colleagues on the Senate side as well. Under the leadership of Senator HENRY JACKSON, a bill was created which contributed substantially to the final legislation. Senator MIKE GRAVEL and Senator TED STEVENS of Alaska were essential and sensitive throughout the process.

This list could go on and on, Mr. Speaker, and I assure you that I will make each thank you in the coming days. For now, I just want to express my gratitude for the work everyone has done. Thank you.

Mr. ALBERT. Mr. Speaker, I desire to compliment the distinguished chairman of the Committee on Interior and Insular Affairs for bringing to the floor this momentous bill. Especially do I want to commend the gentleman from Alaska and the people who sent him here for the effort he has put into this bill.

I have been a Member of this House for a quarter of a century. In all that time I have never seen a new Member of the House do so much in his first year of service for the people he represents. He has already proved that he is a knowledgeable and skillful legislator, a great asset to this House and to the Nation.

Mr. MEEDS. Mr. Speaker, having participated in the conference and having studied the conference report in depth, there is one important point which I think should be clarified.

Under the bill the Natives are guaranteed the right to select a full 40 million acres of land, including both surface and subsurface rights. In most instances these lands will be selected from the 25 townships surrounding Native villages. However, in the case of some villages located in wildlife refuges or Petroleum Reserve No. 4, the bill provides that no subsurface rights shall be available in those areas.

To make sure that this deficiency is made up by "in lieu" selections elsewhere, the committee has provided that the regional corporations may select the subsurface estate in an equal acreage to lands selected within wildlife refuges or Petroleum Reserve No. 4, but such selections must be made from lands outside those restricted areas. This provision appears in section 12(a)(1) of the conference bill.

These "in lieu" subsurface selections must be made from lands withdrawn for Native selection by other provisions of the bill. For example, if a village located in wildlife refuge is entitled to select four townships of surface estate because it has a population of between 100 and 199, then the regional corporation shall be entitled to select the subsurface estate in four townships of land from "the nearest unreserved, vacant and unappropriated public lands," which by definition are lands outside the wildlife refuge. And in order to protect the regional corporation's right to select this "in lieu" acreage, the bill provides in section 11(a)(3) that the Secretary shall withdraw three times the subsurface deficiency within 60 days of enactment.

It should be pointed out that this "in lieu" subsurface withdrawal is carefully designed to fully protect the interests of the Natives, the State of Alaska and the Federal Government. Thus no land that has already been selected by the State of Alaska can be withdrawn or selected as part of this "in lieu" withdrawal and similarly no land in wildlife refuges or Petroleum Reserve No. 4 is available for this purpose. Moreover, if the Secretary enlarges an existing wildlife refuge to replace lands selected for surface estate by Native Villages, the "in lieu" withdrawal must be made from lands outside the addition to the refuge. And since the "in lieu" withdrawals must be made within 60 days after enactment and before expiration of the 90-day general "freeze" provided in the bill, the Native right to "in lieu" selections is protected against other parties.

This is my understanding of the way various withdrawal and selection provisions operate together to insure a full entitlement to 40 million acres of surface and subsurface estate will be granted to the Natives. Is this the correct interpretation of those provisions?

Mr. ASPINALL. That is correct.

Mr. DINGELL. Mr. Speaker, I am pleased to give my support to the conference report on H.R. 10367, the proposed Alaska Native Land Claims Settlement Act.

I want to commend the conferees for recognizing that the vast storehouse of natural resources which is the State of Alaska should not be victimized by unplanned exploitation. In particular, I want to express my appreciation for the efforts of my friend and colleague from Pennsylvania, Congressman John Saylor, who once again has demonstrated his full and effective dedication to the cause of conservation and environmental quality.

I support the conference report although I continue to believe that it does not fully cover the wide range of wildlife opportunities contained in my amendment offered in the House in October. It does establish a means by which the Secretary of the Interior is directed to provide the protection of lands and waters so necessary for the continued existence of the tremendous fish and wildlife resources of Alaska. It is vitally important that lands identified as being critical for the needs of fish and wildlife be given the highest order of protection by including them in the national wildlife refuge system.

To illustrate the importance of Alaska wildlife habitats for migratory waterfowl alone it must be recognized that waterfowl from Alaska may be found in every State and many foreign countries during times of migration and wintering. Thus these birds are clearly a national and international resource of major importance. In some of the habitats of Alaska the entire world population of certain waterfowl may be found at certain times of the year and it is such lands that must be protected and managed in such a way that future generations may know the joy of a flight of geese winging across the sky or the call of the curlew.

This legislation we are considering today will have an important impact on the lands of the national wildlife refuge system located in Alaska. Certain refuge lands will be selected for use by the native peoples of Alaska and it is imperative that lands selected as replacement and other lands withdrawn from the public domain for wildlife refuge purposes be selected with care and with an eye on the future needs of our Nation.

There are about 45 million acres of outstanding migratory bird habitat in Alaska—in addition to existing wildlife refuge lands—that are of critical importance to the existence of the fish and wildlife resources. The Copper River Delta area sustains the entire world population of Dusky Canada geese during the nesting season. Trumpeter swan reach their greatest density here, occupying all suitable lakes. And, probably more important, the area is a vast staging site for waterfowl and marsh birds bound to and from the nesting areas immediately to the north. Some of this land is within a national forest and the further designation of these lands for refuge purposes would not count against the 80 million-acre limitation imposed on the Secretary of the Interior by this legislation.

Other areas of importance to fish and wildlife that are not a part of the 80 million acres in reserve include the lands of Pet 4. This grand and magnificent area must be recognized for the contribution it can make to sustaining the wildlife resources of the Nation.

Of the lands to be studied and selected for national wildlife refuge purposes lands located in the Yukon Flats and Yukon Delta, the lands south of the Kenai National Moose Range, the Kvichak area around Lake Iliamna, the Seward Peninsula, the Tetlin area, the basins of the Kuskokwin, Koyukuk, Innoko and Noatak Rivers, the Nelshina area must be reserved for fish and wildlife purposes. Enlargement of the Arctic National Wildlife Range to preserve outstanding wildlife, wilderness, and scenic resources is of high priority.

Seabird colonies have been described in over 135 locations, exclusive of the Aleutian Islands. At least 26 colonies contain more than 100,000 birds, and several contain more than a million. The lands occupied by these birds are usually cliffs, lonely rocks, and small islands, inaccessible and usually very difficult to visit. Additional protection is needed for many of these areas including the Barren, Pribilof, and Shumagin Islands and the Cape Thompson cliffs.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on this legislation and conference report.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 307, nays 60, not voting 64, as follows:

[Roll No. 465]

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson,
  Calif.
Andrews,
  N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bell
Bennett
Bergland
Betts
Biaggi
Bingham
Blackburn
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen,
  Don H.
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski

du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Horton
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Rangel
Reid, N.Y.
Riegle
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Terry
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Ware
Whalen
White
Whitehurst
Whitten
Williams
Winn
Wolff
Wright
Wyatt
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—60

Abernethy
Alexander
Ashbrook
Bevill
Biester
Bray
Broomfield
Buchanan
Burleson, Tex.
Cederberg
Clancy
Clawson, Del
Collins, Tex.
Crane
Dennis
Devine
Duncan
Edwards, Ala.
Eshleman
Findley
Fisher
Foley
Frey
Goodling
Grasso
Gross
Harsha
Hosmer
Hutchinson
Jones, N.C.
King
Landgrebe
Long, Md.
McKinney
Mathis, Ga.
Miller, Ohio
Montgomery
Myers
Railsback
Randall
Rarick
Roberts
Robinson, Va.
Saylor
Scherle
Schmitz
Scott
Snyder
Spence
Teague, Calif.
Thompson, Ga.
Vigorito
Wampler
Whalley
Wiggins
Wilson, Bob
Wydler
Wyman
Young, Fla.
Zion

NOT VOTING—64

Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Baker
Belcher
Blatnik
Bolling
Caffery
Casey, Tex.
Conte
Conyers
Derwinski
Dowdy
Dwyer
Edwards, La.
Evins, Tenn.
Fish
Flynt
Fulton, Tenn.
Fuqua
Gaydos
Goldwater
Griffiths
Gubser
Hagan
Hall
Hansen, Wash.
Hébert
Hicks, Wash.
Holifield
Kastenmeier
Kee
Landrum
Latta
Lujan
McClure
McKevitt
McMillan
Martin
Mills, Ark.
Mink
Mollohan
Moss
O'Hara
O'Neill
Pelly
Pryor, Ark.
Rees
Reuss
Rhodes
Robison, N.Y.
Rooney, N.Y.
Rousselot
Smith, Calif.
Springer
Stephens
Stokes
Sullivan
Symington
Thompson, N.J.
Veysey
Waggonner
Widnall
Wilson, Charles H.

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Smith of California against.

Mr. Rhodes for, with Mr. Conte against.

Mr. Widnall for, with Mr. Rousselot against.

Until further notice:

Mr. O'Neill with Mr. Anderson of Illinois.

Mr. Moss with Mr. Goldwater.

Mr. Waggonner with Mr. Derwinski.

Mr. Andrews of Alabama with Mr. Belcher.

Mr. Holifield with Mr. Gubser.

Mrs. Sullivan with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Fish.

Mr. Reuss with Mr. Conyers.

Mrs. Mink with Mr. Stokes.

Mr. Evins of Tennessee with Mr. Baker.

Mr. O'Hara with Mr. Pelly.

Mr. McMillan with Mr. Martin.

Mr. Hébert with Mr. Hall.

Mr. Fuqua with Mr. Veysey.

Mrs. Griffiths with Mr. Latta.

Mr. Mills of Arkansas with Mr. Lujan.

Mr. Kee with Mr. Springer.

Mrs. Hansen of Washington with Mr. Robison of New York.

Mr. Caffery with Mr. McClure.

Mr. Blatnik with Mr. McKevitt.

Mr. Anderson of Tennessee with Mr. Landrum.

Mr. Casey of Texas with Mr. Mollohan.

Mr. Flynt with Mr. Pryor of Arkansas.

Mr. Dowdy with Mr. Hagan.

Mr. Gaydos with Mr. Symington.

Mr. Charles H. Wilson with Mr. Fulton of Tennessee.

Mr. Rees with Mr. Hicks of Washington.

Mr. Kastenmeier with Mr. Stephens.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 382, FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. HAYS submitted the following conference report and statement on the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-752)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Federal Election Campaign Act of 1971".

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

SEC. 101. This title may be cited as the "Campaign Communications Reform Act".

DEFINITIONS

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

(2) The term "broadcasting station" has the same meaning as such term has under section 315(f) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE AND RELATED REQUIREMENTS

SEC. 103. (a)(1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(2)(A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.".

(B) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed".

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a) (1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents multiplied by the voting age population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or

(ii) $50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3) (A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4) (A) For purposes of subparagraph (B):

(i) The term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(ii) The term "base period" means the calendar year 1970.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1) (A) (i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a) (1) (B) or 104(a) (2) (B) (whichever is applicable of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

"(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

"(f) (1) For the purposes of this section:

"(A) The term 'broadcasting station' includes a community antenna television system.

"(B) The terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(C) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) For purposes of subsections (c) and (d), the term 'legally qualified candidate' means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors."

REGULATIONS

SEC. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

PENALTIES

SEC. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104 (a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than $5,000 or by imprisonment of not more than five years, or both.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

§ 591. Definitions

'When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

Sec. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

Sec. 204. Section 609 of title 18, United States Code, is repealed.

Sec. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided,* That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction.".

Sec. 206. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than $5,000 or imprisoned not more than five years, or both.".

Sec. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors.".

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

Sec. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for reelection, or election, to such office;

(c) "Federal office" means the office of

President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of $10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f)(1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.".

(2)(A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the supervisory officer.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of $5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE SUPERVISORY OFFICER

SEC. 308. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the national, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(d) (1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person if found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH STATE OFFICERS

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—GENERAL PROVISION

EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

EFFECT ON STATE LAW

SEC. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

PARTIAL INVALIDITY

SEC. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 405. The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

EFFECTIVE DATE

SEC. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

And the House agree to the same.

WAYNE L. HAYS,
WATKINS M. ABBITT,
KEN GRAY,
JAMES HARVEY,
WM. L. DICKINSON,

Managers on the Part of the House as to Titles III, IV, and V of the House Amendment.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
SAMUEL L. DEVINE,
ANCHER NELSEN,

Managers on the Part of the House as to Titles I and II of the House Amendment.

JOHN O. PASTORE,
P. A. HART,
VANCE HARTKE,
B. EVERETT JORDAN,
HOWARD W. CANNON,
CLAIBORNE PELL,
HOWARD BAKER,
MARLOW COOK,
TED STEVENS,
HUGH SCOTT,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

CAMPAIGN COMMUNICATIONS

Equal time and related matters

Repeal of Equal Time Requirement for Candidates for Federal Elective Office

Senate bill.—The Senate bill amended subsection (a) of section 315 of the Communications Act of 1934 (which presently provides that if a licensee permits any legally qualified candidate for public office to use his station, he must afford equal opportunities to all other candidates for the same office in the use of his station) to make that subsection inapplicable to candidates for Federal elective office (President, Vice President, Senator, Representative, Delegate, and Resident Commissioner).

House amendment.—The House amendment made no change in section 315(a).

Conference substitute.—The conference substitute does not include this provision of the Senate bill.

Program Format

Senate bill.—The Senate bill also provided that when a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with the candidate's campaign, the licensee must afford the candidate maximum flexibility in choosing his program format.

House amendment.—No comparable provision.

Conference substitute.—The Senate recedes on this provision.

Media rate and access requirements

Charges by Broadcast Stations

Both the Senate Bill and the House amendment revised section 315(b) of the Communications Act of 1934. Under the existing section 315(b), the charges made for the use of any broadcast station for any of the purposes set forth in section 315 may not exceed the charges made for comparable use of the station for other purposes.

House amendment.—The House amendment provided that the charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office could not exceed "the *actual* charges made by such station for *any* comparable use of such station for other purposes". (Matter inserted in existing law in italic.)

Senate bill.—The Senate bill revised section 315(b) to require that the charges made for the use of a broadcast station by any person who is a legally qualified candidate for public office could not, during the 45 days preceding a primary election and during the 60 days preceding a general or special election, exceed the lowest unit charge of the station for the same class and amount of time for the same period. The comparable rate requirement under existing law would have continued to apply except during these 45 and 60 day periods.

Conference substitute.—The conference substitute includes this provision of the Senate bill.

Access to Broadcast Stations

Senate bill.—The Senate bill made a broadcast license subject to revocation under section 312(a) of the Communications Act for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by any legally qualified candidate on behalf of his candidacy.

House amendment.—No comparable provision.

Conference substitute.—This provision is included in the conference substitute, with a clarifying amendment limiting the provision to use of broadcast stations by candidates for Federal elective office. A conforming amendment is also made to section 315(a).

Nonbroadcast Media Rates

House amendment.—The House section 103(b)(1) provided that, to the extent that any person sold space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with that candidate's campaign, the charges made for the use of the space in connection with his campaign could not exceed the charges made for comparable use of such space for other purposes.

Senate bill.—The Senate bill provided that during the 45 days preceding any primary election, and during the 60 days preceding any general or special election, the charges made for the use of any nonbroadcast communications medium (newspapers, magazines, other periodicals, billboards) by an individual who is a legally qualified candidate for Federal elective office may not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount and class of space.

Conference substitute.—The conference substitute the provisions of the House amendment in this respect.

Nonbroadcast Media Access

House amendment.—Section 103(b)(2) of the House version required any person who made space available in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with the candidate's campaign, to make equivalent space available on the same basis to all candidates for the same office.

Senate bill.—The Senate bill contained no provision comparable to section 103(b)(2) of the House amendment.

Conference substitute.—The House recedes.

Free or Reduced Rate Use of Nonbroadcast Media

Senate bill.—Section 103(e) of the Senate bill provided that any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge or at a reduced rate would be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate (if any) charged such candidate.

House amendment.—The House amendment contained no comparable provision.

Conference substitute.—The Senate recedes.

Limitations on expenditures for use of communications media

Both the Senate bill and the House-amendment imposed limitations on expenditures for the use of communications media by candidates for Federal elective office.

Amount of Limitation

House amendment.—The House bill contained an overall limit on expenditures for the use of communications media of the greater of (1) 10¢ times voting age population, or (2) $50,000. In addition, the House bill provided that not more than 60% of the overall communications media limitation could be spent for the use of broadcasting stations.

Senate bill.—The Senate bill had two separate limitations: One limitation of 5¢ times voting age population (or, if greater, $30,000), applicable to expenditures for the use of broadcast stations; and a second limitation of 5¢ times voting age population (or, if greater, $30,000), applicable to expenditures for the use of nonbroadcast communications media. Section 104 of the Senate bill permitted not more than 20% of either of the two limitations to be transferred to the other, if the Federal Elections Commission was notified.

Conference substitute.—The conference substitute incorporates the provisions of the House amendment.

Primaries

Both the Senate bill and the House amendment provided that each primary, general, special, or runoff, election would be treated as a separate election and have a separate expenditure limitation applicable to it. The conference substitute contains this provision.

Presidential Primaries

Senate bill.—The Senate bill provided that in computing the limitations for broadcast and nonbroadcast expenditures applicable to Presidential primary elections, the voting age population in the State in which the election is held would be used to compute the expenditure limitations, and that a candidate's expenditures for a Presidential primary in a State could not exceed the limitations applicable to that State.

House amendment.—The House amendment imposed State-by-State limitations on media expenditures by candidates for Presidential nomination. Under the amendment, no candidate for Presidential nomination could spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy for Presidential nomination a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been applicable to him had he been a candidate for the office of Senator from that State (or for Delegate or Resident Commissioner in the case of the District of Columbia or Puerto Rico).

Under the House amendment, a person would be considered a candidate for Presidential nomination if he made (or any other person made on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of President. He was considered to be such a candidate during the period—

(i) beginning on the date on which such an expenditure was first made or, if later, on January 1 of the year of the election, and

(ii) ending on the date on which the political party nominated a candidate for the office of President.

The Attorney General was directed to prescribe regulations under which any expenditure for the use in two or more States of a communications medium by a candidate for Presidential nomination would be attributed to the candidate's expenditure limitation in each of the States, based on the number of persons in the State who could reasonably be expected to be reached by such medium.

The House amendment also provided that, for purposes of the bill and section 315 of the Communications Act, a candidate for Presidential nomination would be considered a legally qualified candidate for public office.

Conference substitute.—The conference substitute contains the provisions of the House amendment respecting candidates for presidential nomination, except that the function of prescribing regulations is vested in the Comptroller General rather than the Attorney General.

"Escalator" Provision

Senate bill.—The Senate bill provided that the broadcast and nonbroadcast expenditure limitations computed under the "5 cent" formulas would be increased (beginning in 1972) in proportion to increases in the Consumer Price Index over calendar year 1970.

House amendment.—Under the House amendment, the Secretary of Commerce was directed to set up a communications price index to measure changes in the charges to candidates for the use of communications media. Biennially, beginning in 1974, the Secretary of Commerce would certify a proportionate increase or decrease in the 10 cent multiplier and the $50,000 alternative limit, based on changes in the communications price index.

Conference substitute.—The conference substitute follows the provisions of the Senate bill with technical and conforming changes. Under the conference substitute each communications media expenditure limitation computed under section 104(a)(1)(A) would be increased in proportion to increases in the Consumer Price Index, with base period being calendar year 1970. The first year in which an increase could occur would be 1972.

For example, since the Consumer Price Index for the base period (1970) is 100, if the Consumer Price Index for 1971 was 104.3, each limitation under section 104(a)(1)(A) would be increased by 4.3 percent. Thus, in a State which for 1971 had a voting age population of 400,000, the overall media expenditure limitation for senatorial candidates would be the greater of—

(A) $41,720 (the product of 10¢ × 400,000, increased by 4.3 percent), or

(B) $52,150 ($50,000 increased by 4.3 percent).

The broadcast limitation in this example would be $31,290 (60 percent of the $52,150 overall limit). The primary election limits would be identical to the limits for the general election: $52,150 for all media expenditures, and $31,290 for broadcast expenditures.

Voting Age Population

Senate bill.—Under the Senate bill the "5 cent" formulas were based on "resident population of voting age", determined annually for the year preceding the election.

House amendment.—The House "10 cent" formula was based on "resident civilian population, 18 years of age and older", estimated biennially, beginning in 1972.

Conference substitute.—The conference substitute bases its "10 cent" formula on "resident population, 18 years of age and older" estimated annually, beginning in 1972.

Expenditures by Political Committees, Etc., or by Vice Presidential Candidates

Both the Senate bill and the House amendment provided, and the conference substitute provides, that amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) will, for purposes of the expenditure limitations of the bill, be deemed to have been spent by the candidate. Under this provision, the expenditure limitations of the bill apply to all communications media expenditures on behalf of the candidate, whether made by the candidate, a political committee, an individual, or otherwise, and whether or not the person making the expenditure is authorized by the candidate to do so. (See the second following paragraph for requirement of certification from candidate.)

In addition, amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for Vice President will, for the purposes of such limitations, be deemed to have been spent by the candidate for the office of President with whom he is running.

Certification Requirements

The Senate bill, House amendment, and conference substitute all provide that no charge may be made for the use of any newspaper, magazine, outdoor advertising facility, or broadcasting station unless the candidate or his authorized representative certifies that payment of the charge will not violate the applicable expenditure limitations.

Special Rules Relating to Agency Commissions; Determination of Election to Which Expenditure Is Allocable

House amendment.—The House amendment provided that in computing the amount of a candidate's expenditures for the use of communications media, there would be included not only the direct charges of communications media, but also agents' commissions allowed the agent by the media. In addition the House amendment provided that for purposes of section 104 of the House amendment and section 315(c) of the Communications Act, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) would be charged against the expenditure limitation applicable to the election in which the medium is used.

Senate bill.—No comparable provisions.

Conference substitute.—The conference substitute contains the provisions of the House amendment.

Reporting to FCC

Senate bill.—The Senate bill contained a provision requiring broadcasting stations and candidates to file such reports as were required under FCC regulations.

House amendment.—No comparable provision.

Conference substitute.—This provision was not included in the conference substitute because the FCC has adequate authority to require reports under existing law.

Optional Coverage of State and Local Elections

Senate bill.—The Senate bill contained a provision permitting States, if certain conditions were met, to impose limitations under State law on expenditures for use of broadcasting stations by or on behalf of candidates for State and local elective offices, and prohibiting any broadcast station from making any charge for the use of such station unless the candidate (or his representative) certifies that the payment of the charge will not violate the applicable State expenditure limitation.

House amendment.—The House amendment contained no comparable provision.

Conference substitute.—The House recedes.

Definitions for title I

Communications Media

Senate bill.—Title I of the Senate bill applied to broadcasting stations (defined, *infra*) and nonbroadcast communications media. Nonbroadcast communications media was defined as newspapers, magazines, and other periodical publications, and billboards.

House amendment.—Communications media was defined, for purposes of title I of the House amendment, as broadcasting stations, newspapers, magazines, and outdoor advertising facilities. Title II of the House amendment expanded the coverage of the expenditure limitation provisions of the House amendment to include the cost of telephone campaigns when banks of five or more instruments are used, and postage for computerized or identical mailings in quantities of 200 or more. (See below for description of this provision in House amendment.)

Conference substitute.—The conference substitute defines communications media as broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but provides that, with respect to telephones, spending or an expenditure will be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

Broadcasting Stations, License, Station Licensee

The definitions of the terms "broadcasting station", "license", and "station licensee" are identical in the Senate bill, House amendment, and conference substitute. The definition of broadcasting station incorporates the definition of broadcasting station used for purposes of the Communications Act, but adds to that definition community antenna television systems.

Federal Elective Office

Senate bill.—Federal elective office was defined for purposes of title I of the Senate bill to include President, Vice President, Senator, Representative, Delegate, and Resident Commissioner.

House amendment.—The definition of Federal elective office for purposes of title I of the House amendment was identical to the Senate definition except that the office of Vice President was not treated as a Federal elective office for purposes of the expenditure limitation provisions of that title. (Expenditures on behalf of the candidacy of a Vice Presidential candidate are deemed to have been made on behalf of the Presidential candidate with whom he is running.)

Conference substitute.—The Senate recedes.

Legally Qualified Candidate

Senate bill.—Legally qualified candidate was defined under title I of the Senate bill as a person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

House amendment.—Under title I of the House amendment, the definition of legally qualified candidate incorporated the FCC's definition of legally qualified candidate for purposes of section 315(a) of the Communications Act. The FCC's regulations presently define legally qualified candidate as a person who has publicly announced his candidacy, who holds the qualifications for the office, and who has either qualified for a place on the ballot or is a write-in similar candidate who meets certain requirements.

Conference substitute.—The conference substitute follows the provisions of the Senate bill.

Use of Media by or on Behalf of Candidate

Senate bill.—Under title I of the Senate bill, use of communications media by or on behalf of any candidate includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

House amendment.—The House amendment contains no comparable provision.

Conference substitute.—The conference substitute does not include this provision of the Senate bill. However, the conferees wish to stress that the deletion of this provision does not evince an intention to exclude from the coverage of the expenditure limitations expenditures urging the defeat of a candidate or derogating his stand on campaign issues. In many cases such an expenditure is clearly on behalf of another candidate, and would be treated so for purposes of the expenditure limitations. The conferees expect that the Comptroller General will prescribe regulations respecting this matter.

Voting Age Population

See explanation on page 25.

State

House amendment.—State was defined under the House amendment to include Puerto Rico and the District of Columbia.

Senate bill.—No comparable provision.

Conference substitute.—The Senate recedes.

Regulations

Senate bill.—Title I of the Senate bill contained no provision generally authorizing any Federal officer or agency to prescribe regulations to carry out title I, although the Federal Elections Commission was authorized to prescribe regulations under section 104 (relating to limited interchange between expenditure limitations) and the Federal Communications Commission's general rulemaking authority under the Communications Act applied to the sections of the bill amending that Act.

House amendment.—The House Amendment authorized the Attorney General to prescribe regulations to carry out section 102 (definitions), section 103(b) (charges by and access to newspapers and magazines), section 104(a) (expenditure limitations), and section 105(b) (certification requirements for use of nonbroadcast media). The Federal Communications Commission had authority to prescribe regulations to carry out the provisions of the bill which amended the Communications Act. Violation of the Attorney General's regulations was subject to the penalties provided in section 106 of the House amendment.

Conference substitute.—The conference substitute contains the provisions of the House amendment except that the functions of the Attorney General are vested in the Comptroller General.

Penalties

Senate bill.—Under the Senate bill, willful and knowing violations of section 103 of the bill or section 315 (c) or (d) of the Communications Act were punishable by a fine not to exceed $5,000 or imprisonment of not more than five years, or both. Title V of the Communications Act would not apply to these violations.

House amendment.—Section 106(a) of the House amendment made any person who violated the provisions of title I (other than those amending the Communications Act) liable for a civil penalty of $1,000 for each violation. The sanctions provided in title V of the Communications Act would apply to persons violating the provisions added to the Communications Act by title I.

Section 106(b) made any candidate who willfully violated the expenditure limitations of title I subject to criminal penalties in addition to the civil penalties to which he was subject under 106(a). The maximum penalty under this subsection was a fine of $10,000, or 1 year's imprisonment, or both.

Conference substitute.—The conference substitute makes violations of the provisions of title I (other than those amending the Communications Act) and of the regulations of the Comptroller General subject to the penalties provided in the Senate bill. The penalties for violations of the provisions of the bill amending the Communications Act follow the provisions of the Senate bill.

Effective date

Senate bill.—The provisions of the Senate bill (other than section 401) would have taken effect on December 31, 1971, or 60 days after the date of enactment of the bill, whichever was later.

House amendment.—Section 107 of the House amendment provided that section 103 (media rate requirements) would take effect on January 1, 1972. The expenditure limitations under section 104 would apply to expenditures for communication media if the use of the media occurs on or after January 1, 1972.

Conference substitute.—The House recedes. The conferees intend however that the expenditure limitations would apply to all expenditures for communications media the use of which occurs after the effective date of the bill.

EXPENDITURE LIMITS FOR CERTAIN TELEPHONES AND POSTAGE

House amendment.—Title II of the House amendment imposed expenditure limitations—

(1) on telephone campaigns, including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to communicate with potential voters, and

(2) on postage for computerized or identical mailings in quantities of 200 or more.

Under this provision, no candidate for Federal elective office could spend for these purposes, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed on expenditures for the use of communications media under title I, and any amounts spent for the use of communications media would be counted against the limitation under this title.

Senate bill.—No comparable provision.

Conference substitute.—The conference substitute deletes title II of the House amendment. However, certain expenditures for costs of telephones, paid telephonists, and automated telephone equipment are included in the overall communications media expenditure limitation under title I.

CRIMINAL CODE AMENDMENTS

Contributions or expenditures by national Banks, corporations, or labor organizations

Amendment to Section 610 of Title 18, United States Code

Senate bill.—No comparable provision.

House amendment.—Section 305 of the House amendment amended section 610 of title 18 of the United States Code, relating to contributions or expenditures by national banks, corporations or labor organizations, to add a new paragraph defining the phrase "contribution or expenditure" to include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in such section. In the case of a contribution or expenditure by a national bank, or by a corporation organized by authority of any law of Congress, section 610 refers to "any political office". In the case of a contribution or expenditure by any corporation whatever, or by any labor organization, section 610 refers to the offices of presidential and vice presidential electors; Senator; and Representative in, or Delegate or Resident Commissioner to, the Congress.

The House amendment specifically providing that the phrase "contribution or expenditure" did not include—

(1) communications by a corporation to its stockholders and their families or by a labor organization to its members and their families;

(2) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families or by a labor organization aimed at its members and their families;

(3) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization.

The House amendment further provided that it would be unlawful for any such separate segregated fund to make a contribution or expenditure—

(A) by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat thereof; or

(B) by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment; or

(C) by monies obtained in any commercial transaction.

Conference substitute.—The conference substitute is identical with the House amendment except that the phrase "contribution or expenditure" does not include a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business.

DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

Defined terms

Contributions and Expenditures

Senate bill.—For the purposes of provisions relating to the disclosure of Federal campaign funds, section 301 of the Senate bill contained a comprehensive definition of the term "contribution" and of the term "expenditure". Each such definition included a loan of money made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

House amendment.—The House amendment contained identical definitions of the terms "contribution" and "expenditure", except that, in each case, the House amendment specifically excluded a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business.

Conference substitute.—The conference substitute follows the Senate bill.

Federal Elections Commission and Supervisory Officer

Senate bill.—Section 301 of the Senate bill defined the term "Commission" to mean the Federal Elections Commission. Section 310 of the Senate bill provided for the establishment of the Commission and various provisions of title III of the Senate bill vested in the Commission virtually all of the functions, powers, and duties relating to the reporting and disclosure of campaign funds.

House amendment.—The House amendment omitted the definition of the term "Commission" and substituted a definition of the term "supervisory officer". The House amendment defined the term "supervisory officer" to mean the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General in any other case. The House amendment omitted all references to the Commission and substituted references to the appropriate supervisory officer in each instance. Thus, under the House amendment, the functions, powers, and duties relating to the reporting and disclosure of campaign funds were vested in the supervisory officer having jurisdiction with respect to particular candidates.

Conference substitute.—The conference substitute is the same as the House amendment.

Reporting of contributions by political committees and candidates

Senate bill.—Section 304(b) of the Senate bill required that each report of receipts and expenditures by a political committee or a candidate disclose the full name and mailing address (occupation and the principal place of business, if any) of each person who made one or more contributions to or for such committee or candidate (including the purchase of tickets for fundraising events) within the calendar year in an aggregate amount or value of "$100 or more", together with the amount and date of such contributions.

House amendment.—The House amendment was identical, except that it required reporting of such contributions in an aggregate amount "in excess of $100" within the calendar year.

Conference substitute.—The conference substitute is the same as the House amendment.

Reports on convention financing

Senate bill.—Section 307 of the Senate bill required each committee or other organization which—

(1) represented a State, or political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President; or

(2) represented a national political party in making arrangements for such a convention,

to file a complete financial statement of the sources from which its funds were derived and the purposes for which such funds were expended. Such statement was required to be filed with the Federal Elections Commission within 60 days following the end of the convention, but not later than 20 days before the date on which presidential and vice presidential electors were chosen.

House amendment.—The House amendment was identical, except that it required the statement to be filed with the Comptroller General of the United States.

Conference substitute.—The conference substitute is the same as the House amendment.

Information and studies relating to elections

Senate bill.—No comparable provision.

House amendment.—Section 408(b) of the House amendment required the Comptroller General to serve as a national clearing house for information in respect to the administration of elections. It also provided that, in carrying out his duties, the Comptroller General was required to enter into contracts for independent studies of the administration of elections, including, but not limited to, studies of (1) the method of selection of, and the type of duties assigned to, officials and personnel on boards of elections; (2) practices relating to the registration of voters; and (3) voting and counting methods. The Comptroller General was required to publish such studies and make copies available for sale to the general public. The Comptroller General was prohibited from requiring that any such study include any comment or recommendation made by him.

Conference substitute.—The conference substitute is the same as the House amendment.

ADDITIONAL FILING OF STATEMENTS

Statements Filed With State Officers

Senate bill.—Section 309 of the Senate bill provided that a copy of each statement required to be filed with the Federal Elections Commission under title III of the Senate bill must be filed with the clerk of the United States district court in which is located the residence of the candidate or the principal office of the political committee. The Commission was authorized to require the filing of such statements with clerks of other United States district courts where it determined such additional filing would serve the public interest. Under the Senate bill, the clerk of each United States district court was required—

(1) to receive and maintain all statements filed with him;

(2) to preserve all such statements for ten years, except that statements relating solely to candidates for the House of Representatives were required to be preserved for only five years;

(3) to make such statements available for public inspection and copying; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

House amendment.—No comparable provision.

Conference substitute.—The conference substitute, instead of requiring filing with the clerks of district courts, requires copies of statements filed with a supervisory officer under title II of the Act (relating to disclosure of Federal campaign funds) to be filed with the Secretary of State (or equivalent officer) of the State in which the election is held (in the case of candidates for nomination for election, or election, as Senator, Representative, or Delegate or Resident Commissioner to the Congress) or each State in which an expenditure is made (in the case of a candidate for nomination for election, or election, as President or Vice President). The duties imposed by the Senate bill on district court clerks with respect to the preservation and availability to the public of copies of such statements filed with him are imposed by the conference substitute on the State officer with whom the copies are filed.

Federal Elections Commission

Establishment and Organization of the Commission

Senate bill.—Section 310 of the Senate bill provided for the establishment of a bipartisan Federal Elections Commission composed of six members appointed by the President, by and with the advice and consent of the Senate. Members of the Commission were required to be appointed to serve staggered terms of twelve years, with the term of one of the members expiring every two years. The President was required to designate one member to serve as Chairman and one member to serve as Vice Chairman. This section of the Senate bill also contained several provisions relating to the organization and operation of the Commission, including provisions—

(1) requiring four members of the Commission to constitute a quorum;

(2) requiring an official seal;

(3) requiring an annual report to the President and to the Congress on matters within the jurisdiction of the Commission and recommending further legislation;

(4) requiring the Director of the Office of Management and Budget to fix the compensation of the members of the Commission at a rate not to exceed $100 per day;

(5) requiring the principal office of the Commission to be located in or near the District of Columbia;

(6) requiring that all officers and employees of the Commission be subject to the provisions of section 9 of the Hatch Political Activities Act, restricting political activities by officers and employees of the executive branch of the Government;

(7) requiring the appointment of an Executive Director, without regard to the provisions of the civil service laws governing appointments in the competitive service, to serve at the pleasure of the Commission at level V of the Executive Schedule ($36,000 per annum);

(8) requiring the appointment of additional personnel to carry out the duties of the Commission, subject to the civil service laws; and

(9) permitting the hiring of consultants.

This provision of the Senate bill also required the Commission to avail itself of the assistance (including personnel and facilities) of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General were authorized to make such assistance available, with or without reimbursement, in accordance with the request of the Commission.

Other provisions of title III of the Senate bill vested in the Commission virtually all functions, powers, and duties relating to the disclosure of Federal campaign funds. Such functions, powers, and duties included, among other things, prescribing recordkeeping requirements for political committees; registration of political committees with the Commission; the filing of reports with the Commission by political committees, candidates, and others; and the filing of reports on convention financing. The Senate bill also required the Commission to prescribe and furnish forms for the filing of reports; to compile and maintain a current list of all statements or parts thereof pertaining to each candidate; to prepare and publish an annual report of contributions and expenditures for all candidates, political committees, and others; to prescribe rules and regulations to carry out the disclosure requirements; to investigate complaints of violations; and to cooperate with State election officials to develop procedures to eliminate multiple filings by permitting the filing of Federal reports to satisfy State requirements.

House amendment.—The House amendment did not provide for the establishment of a Federal Elections Commission. Under the House amendment, all functions, powers, and duties relating to the disclosure of Federal campaign funds, referred to above in the discussion of the Senate bill, were vested in the appropriate supervisory officer. The House amendment defined the term "supervisory officer" to mean the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress; and the Comptroller General of the United States in any other case.

Conference substitute.—The conference substitute is the same as the House amendment.

GENERAL PROVISIONS

Prohibition against use of certain Federal funds for election activities

Senate bill.—No comparable provision.

House amendment.—Section 502 of the House amendment prohibited the use of any funds appropriated to carry out the Economic Opportunity Act of 1964 to finance, directly or indirectly, any voter registration activity, or any activity designed to influence the outcome of any election to Federal office, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engaged in any such activity. This section of the House amendment also provided that the terms "Federal office" and "election" would have the same meanings given such terms by section 401 of the House amendment, relating to disclosure of Federal campaign funds. The term "Federal office" was defined to mean the office of President or Vice President; or of Senator or Representative in, or Delegate or Resident Commissioner of, the Congress. The term "election" was defined to mean (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (4) a primary election held for the selection of delegates to a national nominating convention of a political party.

Conference substitute.—The conference substitute is the same as the House amendment.

Effect on State law

Senate bill.—Section 313(a) of the Senate bill provided that nothing in title III of the Senate bill (relating to disclosure of Federal campaign funds) would be deemed to invalidate or make inapplicable any provision of State law, except where compliance with State law would result in a violation of such title III.

House amendment.—The House amendment provided that nothing in the House amendment (not just the provisions relating to disclosure of Federal campaign funds) would be deemed to invalidate or make inapplicable any provision of State law, except where compliance with State law would result in a violation of the House amendment.

The House amendment also provided that no provision of State law could be construed to prohibit any person from taking any action authorized by the House amendment or from making any expenditure he could lawfully make thereunder.

Conference substitute.—The conference substitute is the same as the House amendment.

Separability

Senate bill.—Section 314 of the Senate bill provided that if any provision of title III of the Senate bill (relating to disclosure of Federal campaign funds), or the application of such provision to any person or circumstance, was held invalid, the validity of the remainder of such title III and the application of any such provision to other persons and circumstances would not be affected.

House amendment.—The House amendment was similar, except that it extended the application of the separability provision to any provision of the House amendment and was not limited to the provisions relating to disclosure of Federal campaign funds.

Conference substitute.—The conference substitute is the same as the House amendment.

WAYNE L. HAYS,
W. M. ABBITT,
KEN GRAY,
JAMES HARVEY,
WM. L. DICKINSON,
Managers on the Part of the House as to titles III, IV, and V of the House amendment.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
SAMUEL L. DEVINE,
ANCHER NELSEN,
Managers on the Part of the House as to titles I and II of the House amendment.

JOHN O. PASTORE,
P. A. HART,
VANCE HARTKE,
B. EVERETT JORDAN,
HOWARD W. CANNON,
CLAIBORNE PELL,
HOWARD BAKER,
MARLOW COOK,
TED STEVENS,
HUGH SCOTT,
Managers on the Part of the Senate.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, the conference report which I have just sent to the desk for printing under the rule is on the so-called Elections Reform bill which we just got, after the rollcall started, from the staff which has been working most of the night on it with the Senate staff.

Mr. Speaker, I do not plan to call this conference report up for the simple reason that it affects every Member of this body. I think every Member of this body ought to have a chance to read it and understand what it is before they are called upon to vote on it.

I do plan to call it up the first week when we come back, and I would notify every Member that I expect to ask for a rollcall vote on it at that time.

Mr. Speaker, I have received some criticism from certain parts of the press to the effect that my failure to call it up at this time would delay its application for 3 months. I asked them to read the last paragraph of the bill to the effect that it shall take effect on December 31 or 60 days after it is signed by the President, whichever is later. So, there would be no chance for it to take effect before the end of February anyway and to take it up earlier would serve nothing. There is no ulterior motive. I simply think everyone ought to have a chance to read it and know what is in it.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me say to the gentleman that I think the conferees did a good job and I wish to compliment the House conferees for coming back with what I think are the most important portions of the bill which we sent over to the other body.

I congratulate the gentleman from Ohio and his fellow conferees.

Mr. HAYS. I thank the gentleman.

I would point out, Mr. Speaker, that one reporter from a local newspaper criticized me severely because the bill has in it a section that repeals all State laws. In other words, if a State had a law which says you could not spend more than $20,000, now that limitation is out the window.

I pointed out to him that his paper had editorialized for the Senate bill and that we should swallow it whole, which we did not do, but that that provision was in the Senate bill. Some of the editorialists in this town do not know what is in the bills that they are editorializing about.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON H.R. 6957, SAWTOOTH NATIONAL RECREATION AREA, IDAHO, UNTIL MIDNIGHT SATURDAY

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight Saturday, December 18, 1971, to file the report on H.R. 6957, a bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING SPEAKER TO DECLARE RECESSES TODAY

Mr. McFALL. Mr. Speaker, I ask unanimous consent that at any time during the remainder of the day it may be in order for the Speaker to declare recesses subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIKVA. Mr. Speaker, I was necessarily absent during several rollcall votes on December 9 and 10. Had I been present, I would have voted as follows:

"No" on roll 450, on the adoption of the conference report to accompany H.R. 10947, the Revenue Act of 1971:

"No" on roll 451, passage of House Resolution 729 waiving the 3-day rule for conference reports for the remainder of the session;

"Aye" on roll 453, adoption of the conference report to accompany H.R. 11955, the second supplemental appropriations bill;

"No" on roll 455, restricting payment of retroactive pay increases negotiated before the wage-price freeze;

"Aye" on roll 456, requiring disclosure to public of information submitted to Price Commission in justification of price increases;

"No" on roll 457, subjecting pension contributions by employers to phase II controls;

"Yes" on roll 458, final passage of H.R. 11309, extending the Economic Stabilization Act and the President's powers to exercise wage and price controls;

"Aye" on roll 459, adoption of the conference report to accompany H.R. 11341, authorizing funds for the District of Columbia.

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIKVA. Mr. Speaker, I was necessarily absent during the week of November 15, pursuant to a leave of absence granted for official business, and was unable to be present during several rollcall and teller votes. Had I been present, I would have voted "aye" on the following seven record votes:

First, passage of H.R. 11302, Cancer Attack Act, roll 386;

Second, passage of Senate Joint Resolution 132, extending copyrights for 1 year, roll 388;

Third, amendment to H.R. 11731, Department of Defense appropriations bill, cutting funds for F–14 jets, roll 395;

Fourth, amendment to H.R. 11731 prohibiting President from calling up troops for more than 60 days without congressional approval, roll 398;

Fifth, amendment to H.R. 11731, prohibiting expenditures after June 1972 to continue Indochina war, roll 399;

Sixth, amendment to H.R. 11731, cutting total Defense Department appropriations by 5 percent, roll 400; and

Seventh, amendment to H.R. 11731, holding defense appropriations at fiscal year 1971 level, roll 401.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to advise the Members that in order to get as much accomplished as we can, and in view of the fact that we have no legislative business ready at this moment, we will call special orders, and after they are completed declare a recess, unless legislative business is in order.

The Chair in making this announcement will state that we are not setting this as a precedent, but that we are calling special orders today, and then going back to the legislative business, if any, after recessing if necessary.

THE LATE RALPH BUNCHE

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative day in which to revise and extend their remarks, and to include therein extraneous material on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RECEPTION FOR TURNER ROBERTSON

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I appreciate the gentleman yielding to me. I have taken this time to advise the Members of the Democratic side of the House that at 4 o'clock the Democratic Members of the House are honoring, with a reception, Turner Robertson, the chief page, who is retiring at the end of this session. He has served the Members of the House, on this side and on the other side of the aisle, with great devotion and dedication. We would appreciate it if a number of the Members from this side of the aisle would be present at the reception, which will be held in the Rayburn room in the Capitol.

Mr. DIGGS. Mr. Speaker, Dr. Ralph J. Bunche was a legend in his own lifetime. His contributions to the world span continents, cross racial lines and link generation to generation. Dr. Bunche was an international symbol of peace long before the peace movement was born.

It has been said that a thin line separates joy from sorrow. In this context, we cannot feel saddened by his death without, at the same time, rekindling the joyful spirit of a man who served as a peacemaker in times of strife.

Dr. Bunche rose from an orphaned childhood in Detroit, Mich., to become the highest ranking American in the United Nations. As one of its founders, he distinguished himself time and time again as an able mediator in settling world disputes.

He reached the apex of his career 20 years ago when he was presented the 1950 Nobel Peace Prize for his role in mediating an end to the 1948 Arab-Israel war. His astuteness in working out the 1949 armistice ending the war elevated him to world fame.

Dr. Bunche has been described as a learned and gentle man, charismatic and modest—a man looked upon as an international civil servant. Perhaps the most accurate words that describe the make-up of Dr. Bunche are those he spoke about himself in a speech at the Waldorf Astoria in New York.

> I have a bias against war, a bias for peace. I have a bias which leads me to believe in the essential goodness of my fellow man, which leads me to believe that no problem of human relations is ever insoluable. And I have a strong bias in favor of the United Nations and its ability to maintain a peaceful world.

We cannot think of the United Nations without thinking simultaneously of Dr. Bunche's brilliant career in that body of world leaders. He was a diplomat of the highest caliber who spent more than a quarter of a century working unselfishly for world peace through the United Nations.

He was a sensitive man always in tune to racial issues as they developed in his own country. When it was time to march—he marched. When it was time to negotiate—he negotiated. For this man of wisdom and orderliness, there was a time and place for all things.

Dr. Bunche's death will be mourned by every free-thinking, peace-loving person in the world. There can be no greater loss than an individual of reason who devoted his life to making peace where there was only hate.

I include the following:

PRAYER GIVEN BY REV. ERNEST T. CAMPBELL

RALPH JOHNSON BUNCHE, DECEMBER 11, 1971

O Thou who art the hope of all who seek Thee and the joy of all who find,
Grant us a seeking and a finding who wait before Thee now.
Duly sobered by our loss/and awakened again to the brevity of life,
We look to Thee with upturned and expectant hearts. The words that matter are with Thee.
We thank Thee for Thy servant Ralph our eminent fellow-pilgrim who, we have variously known as husband/father/neighbor friend/and indomitable messenger of peace.
We would especially thank Thee for the grace he exhibited under pressure;
His gift for defusing the animosities of men and nations;
His ability to hold in gentle balance loyalty to country and commitment to the world community;
His unwavering identification with the victims of racism and oppression;
His zest for life and his way of getting a full sixty seconds worth per minute;
His humility in the face of the highest honors earth can give;
The satisfaction and fulfillment that he found in the ties of home and family.
O thou who art given to the comfort of Thy people uphold in their sorrow our friends who mourn.
Through the long watches of the coming nights draw their thoughts toward Thee.
Confirm them in the knowledge that their saviour lives—and that because He lives—we too shall live.
We pray for ourselves whose work is not yet done.
We who have promises to keep and miles to go before we sleep.
Through the action of Thy Spirit in our hearts wean us away from all that demeans and disfigures life;
All that keeps us trapped in the little boxes of race and class, and party;
All that would seduce us into an idolatry of self or nation.
Grant us instead the gift of a quiet mind;
The ability to balance next steps and the long view;
The discipline to curb the drive for personal advantage;
And enough love for those who despitefully use us, to rise above retaliation.
Joined as we are this day around a common sorrow, we would pray, as one, for peace among the nations of the earth.
Help us to make low the mountains and hills of entrenched privilege;
That every valley of need may be exalted, the crooked be made straight, and the rough places plain.
So shall the promise of this Advent season and the vision of Thy public servant be fulfilled in a world where men are at peace with themselves, with each other, and with Thee.
We pray in His Name who reigneth with Thee and the Holy Spirit—one God forever and ever, ever Jesus Christ our Lord.
Amen.

TRIBUTE MADE BY SECRETARY GENERAL U THANT IN MEMORY OF RALPH J. BUNCHE

Following are remarks made by the Secretary-General, U Thant, today at the funeral service of Dr. Ralph J. Bunche, former Under-Secretary-General for Special Political Affairs:

"We meet here today, in a time of trouble, to mourn a man whose who life was devoted to the search for peace and harmony and to the welfare of his fellow-men. Ralph Bunche's work, whether in the academic field, in Government or at the United Nations, was all devoted to greater understanding among nations, among men and among different races of men, and to the endless quest for peace.

"Ralph's character and temperament were uniquely suited for this most difficult of all tasks, and he succeeded in a number of cases where almost everyone else had failed. He was modest but tough, brilliant but unassuming, tireless but compassionate, strong but understanding, and he gained a position and a reputation in the world at large which any man might well envy. Even those who disagreed with him held him in the highest respect. Even those who opposed him never lost faith in his absolute fairness and integrity. And no one could doubt that beneath his extraordinary ability and performance was a driving passion for peace, for justice and for human decency and dignity.

"Ralph was both an idealist and a realist. He believed resolutely in the necessity of making the United Nations work, but he never underestimated the difficulties and frustrations of the peacemaker. He was never carried away by false enthusiasm or the desire for public acclaim and believed that work well done would speak for itself, whoever got the credit. He was a practical optimist who believed that whatever might go wrong in matters of peace or justice, it was never too late to try again. His love of humanity and his confidence in mankind's ultimate goodness carried him through many a crisis which would have broken a lesser man.

"No one who knew Ralph can escape a terrible feeling of loss now that he is gone. But because he gave so unstintingly of himself and lived an immensely full and effective life, he leaves with us an indelible memory of a wonderful man and a legacy of achievement such as few can bequeath to history."

TRIBUTE TO RALPH J. BUNCHE BY BRYAN E. URQUHART

To know Ralph Bunche and to work with him was both a great experience and an education. Whether in the field, or at U.N. Headquarters in New York he was, for 25 years, the centre and the animator of an endless effort to unravel the tangled skein of human affairs, to prevent disasters and to make bad and intractable situations a little better. His capacity for work was legendary, and in his work for the United Nations nothing could distract him. He applied his great intellect, his resourcefulness and his extraordinary skill and energy to the complex new art of multilateral diplomacy and peace-keeping with total devotion.

Ralph was courageous morally and physically in a typically unostentatious way. He risked his life on many occasions for the U.N. without ever treating his experiences as anything out of the normal call of duty. He was determined to do what had to be done, and he was not prepared to be put off by criticism or opposition or personal risk or discomfort. On one occasion, when he was arrested at gunpoint by mutinous soldiers, he took his notepad and continued, much to their puzzle-ment, to write the cable that he had started on. In the great New York blackout, he went right on, with only a pause to light a candle, dictating an urgent message to the field. He tended to be the first into a dangerous situation and the last out, always regarding life with the calm and the compassion of a selfless man devoted to a great task. He could outlast anyone in a negotiation or in a crisis situation, scarcely every varying his deliberate pace, and never losing his humour and his kindness.

Ralph was a very tough man, mentally and physically. His keen analytical mind instantly went to the root of a problem, but he never departed from the principles on which any effective and lasting U.N. action must be based. He was a perfectionist who believed that if something was worth doing it was worth doing well. He could not be budged from what he considered the right course, and was therefore sometimes accused of obstinacy. He was an exacting but exhilarating boss, always considerate of his staff within the demands of duty, and never more loyal to them than when they were in difficulty. His standards of honesty, integrity and behaviour were unshakeable, whatever the consequenecs might be.

To know Ralph as a friend was no less an experience than to work with him. He was the most unpretentious of men, and the grander he got, the nicer and more relaxed he became. I don't think Ralph had any great opinion of himself, but he had a tremendous opinion of the organization he worked for and the job he was trying to do. He was wonderfully irreverent of anything that seemed to him phoney or pompous, and he immensely enjoyed the more ludricrous situation which not infrequently occur in international life. But there was no trace of malice or cruelty in his humour, and the infinite kindness of his eyes expressed better than anything else his true nature. He was interested in everything and everyone, especially young people and children. He never had half enough time to do all the things and see all the people and read all the books he wanted to.

In the deep sadness we all feel, there returns, when one thinks of Ralph, the heartwarming memory of the very best of men, who believed that fate is what we make it, and in living up to this belief he gave us all the lasting gift of his friendship and example.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I rise to commend the gentleman from Michigan (Mr. Diggs) for taking his special order so that all of the Members might express their sentiments about the work of a great American. I would ask unanimous consent Mr. Speaker, that the special order which I have requested to follow this special order be considered as a part of Mr. Diggs' special order, so that Members of the House who had hoped to speak on my special order may submit their speeches in connection with the special order that you have just voided.

The SPEAKER pro tempore (Mr. Fascell). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, I would also ask unanimous consent that my statement may appear immediately following the statement of the gentleman from Michigan (Mr. Diggs).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, Ralph Bunche was a model citizen of both the United States and the world. His example is one which all of us would do well to follow, and in looking upon the record of his life as we pause today to pay tribute to him, several of his qualities come to mind which are worthy of emulation.

One of these is his sense of balance, which enabled him to view situations in proper perspective. Certainly his success as a diplomatic negotiator was due in large measure to this unique ability to weigh contending claims and strike a balance between them. After his work in 1948 led to an armistice between Arabs and Israelis, both sides of the conflict applauded him. An Egyptian negotiator called him "one of the greatest men in the world," and the Israeli counterpart called Dr. Bunche's work for peace "superhuman."

Another great quality of Dr. Bunche was his compassion for his fellowman. Throughout his life, he worked untiringly for racial equality, but never with bitterness, even though he was subjected to the humiliation of racial discrimination time and time again. Although his work in later life was concentrated on his United Nations peacekeeping duties, his pioneer work in civil rights during the 1930's should not be forgotten.

His dedication to hard work should also be noted. It was sheer perserverance and application of his whole self to the task before him that brought him up out of the ghetto and into the forefront of educated elites. His profound native intelligence could not have seen fruition had it not been for his determination to apply himself through hard work.

If Ralph Bunche had any biases, they were all positive—biases which we should all be proud to share. In an often quoted statement, he said of himself—

> I have a deep-seated bias against hate and intolerance. I have a bias against racial and religious bigotry. I have a bias against war, a bias for peace. I have a bias which leads me to believe that no problem in human relations is ever insoluble. And I have a strong bias in favor of the United Nations and its ability to maintain a peaceful world.

A model citizen of the United States and the world, Ralph Bunche was also the model international civil servant, working unselfishly for peace through the United Nations for a quarter of a century—admired by friend and foe alike in the U.N. Those who discredit the United Nations as an ineffective debating society cannot place the blame on the Ralph Bunches of the U.N. On the contrary, they should call upon their own government leaders to give the world community the kind of dedicated visionary leadership Ralph Bunche was always so willing to give.

Mr. REID of New York. Mr. Speaker, would the gentleman yield ?

Mr. DIGGS. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I would like to commend the gentleman from Michigan for taking this special order.

Mr. Speaker, I would just say very briefly that Ralph Bunche personified the best in the United Nations. If we ever had anyone who could qualify as a world citizen, then that was in the person of Ralph Bunche.

Truly, it has been said that blessed are the peacemakers. Few down through the ages have deserved that accolade. Ralph Bunche personified it.

I had the privilege of working with him both as an editor of the Herald Tribune and as U.S. Ambassador to Israel. His grasp of the subtleties of diplomacy were matched by his quiet firmness and the vision and the patience to always see the road ahead, even when it appeared to be barred.

Ralph Bunche more than any man brought an uneasy peace to the Near East with the several armistice agreements worked out on the island of Rhodes. He was the author of the Rhodes Formula which may yet be the process by which an interim or final peace agreement may be worked out in today's troubled Near East. His peacekeeping missions in other parts of the world, including the Congo and Kashmir, are a part of today's historical record.

His vision of a United Nations was always clear but never fully realized. No greater tribute could be paid to Ralph Bunche than for the statesmen of the world to fulfill his dream of the U.N. as the peacekeeper of the world, with a moral position that would be unassailable, "standing steadfastly always for the right."

Ralph Bunche had great capacities for friendship, and the successes of the successive Secretaries General, particularly Dag Hammarsjkold and U Thant, were not infrequently the efforts of his unassuming and highly effective diplomacy. It fell his lot to serve the last years of his life in the U.N. at a time when the United States often turned away from it, and at times even failed to see how the U.N. could serve a cause of peace. While this troubled Ralph Bunche, it never caused him to lessen his belief in what the U.N. could stand for and what his country might become.

He was in the forefront of the fight for civil rights and freedom for all men, not alone throughout the world, but equally and sometimes pointedly in the United States as well. I remember his sense of humor, his deep loyalty to his friends and particularly the nobility of spirit of a truly humble, compassionate and great man.

Above all, he had a feeling in his faith in God that peace could come to our troubled planet, and that the role of the United Nations could be permanent, effective, and compassionate, and that further in these United States progress could be made that would be meaningful in terms of freedom and human dignity for all Americans. We are not likely, Mr. Speaker, to see his likes again.

In my humble opinion, Ralph Bunche was one of the great diplomatists and one of the great Americans and one of the ablest men who ever served the community of man.

Mrs. Reid joins me in extending our deepest sympathy to Mrs. Bunche, to his son Ralph Jr., his daughter Joan and his three grandchildren, which I am sure all Members of this House share.

I am taking the liberty of enclosing several editorials from the New York Times and the Washington Post on the life of Ralph Bunche:

[From the New York Times, Dec. 10, 1971]

DR. BUNCHE OF U.N., NOBEL WINNER, DIES

(By Robert D. McFadden)

Dr. Ralph J. Bunche, former United Nations Under Secretary General for Special Political Affairs and winner of the 1950 Nobel Peace Prize, died early yesterday in New York Hospital. He was 67 years old.

Dr. Bunche, who suffered from a kidney malfunction, diabetes, heart disease and near blindness, was frequently hospitalized in recent months. He entered the hospital for the final time last Tuesday and died at 12:40 A.M. yesterday.

Dr. Bunche, who had been with the United Nations since its founding, lived in a world of diplomacy that was racked with belligerence yet capable of great harmony. It ultimate poles were war and peace, and between these he sought the balance of justice.

Like his world, Dr. Bunche was a man of many faces and talents, full of paradox and struggle. By training and temperament, he was an ideal international civil servant, a black man of learning and experience open to men and ideas of all shades.

At the United Nations, he had been a key diplomat for more than two decades since his triumphal success in negotiating the difficult 1949 armistice between the new state of Israel and the Arab states.

As the architect of the Palestine accord, he won the Nobel Peace Prize of 1950. And many of his associates at the Secreariat and in governments around the world could cite his accomplishments and accolades, mentioning their contacts with him proudly.

But in spite of his stature and reputation, Dr. Bunche was essentially a private man, eschewing personal publicity and disclaiming political ambition.

Few people, save those closest to him, knew the details of his middle-class adolescence in Detroit, his youth as an orphan in the care of a grandmother, his adventures as a young stowaway and seaman, his toil in menial jobs in working his way through college and his real ambition as a young man—to be a teacher.

Nor could many recount his confrontations with racism, including his close escape from a lynch mob in Alabama, where he and Gunnar Myrdal, the Swedish sociologist, were gathering material in 1938 for "An American Dilemma," the book that forecast many developments in race relations in this country.

It was indeed difficult to say how the color barriers he encountered at hotels and restaurants—even as a high official in the nation's capital—laced themselves into the fabric of his personality and skills as a mediator.

At a negotiating conference table, he usually gave the outward appearance of being calm, soft-spoken, unflappable. But there were signs, for those who would note them, of the deeper turmoil in the man: the chain-smoked cigarettes, the darkening circles under his grave eyes, the hoarseness in his baritone voice.

ENERGY AND TIMING

He could haggie, bicker, hairsplit and browbeat, if necessary, and occasionally it was. But the art of his compromise lay in his seemingly boundless energy and the order and timing of his moves.

His diplomatic skills—a masterwork in the practical application of psychology—became legendary at the United Nations, for which he directed peace-keeping efforts in the Suez area in 1956, the Congo in 1960 and Cyprus in 1964.

At his unannounced retirement last June, he was Under-Secretary General for Special Political Affairs—Secretary General U Thants most influential political adviser.

As such, he was the highest American figure in the world organization and, incidentally, the most prominent black man of his era whose stature did not derive chiefly from racial militance or endeavors specifically in behalf of his race.

He was deeply sensitive to racial problems, and often spoke bluntly about them. But his perspective was above the day-to-day trials of discrimination; indeed, he recognized that emphasizing his light-skinned blackness could have damaged his roles as a mediator and neutral peace-keeper—roles in which he found more often than not an advantage in his blackness.

THRUST INTO ROLE

The apex of his diplomatic career—and, perhaps, the best example of his negotiating psychology—came during the Palestinian talks on the island of Rhodes in 1948 and 1949. He had been thrust into the role of chief mediator after the assassination of the original appointee, Count Folke Bernadotte of Sweden, who was cut down by a terrorist fusillade in Jerusalem.

The negotiating problems were vastly complex, centuries old, rife with racial and religious prejudices and overlaid with combustible economic and political frictions.

A truce demanded by the Security Council had broken down. Large-scale fighting was under way. Thousands of lives in the Middle East lay in the balance, and so did the very life of the fledgling United Nations, whose peace-keeping capacities were on the line.

The Israeli and Arab delegations from the start were cautious, aloof and occasionally hostile. Dr. Bunche met with both sides separately to determine what kind of agenda to draw up, then called the delegations together to approve the agenda. These preliminary moves seemed simple and straightforward, but there was more to them than met the eye.

"There was a double purpose," Dr. Bunche later explained. "Primarily, it was to get both sides to meet—but also, I wanted them both to get accustomed to taking formal action, and to signing something." It didn't matter what—just anything that looked official, he explained.

"Whenever they got together," Dr. Bunche recalled, "you'd always find that there was a gap between them. It was always a matter of timing, always a matter of finding out when it would be appropriate to reduce a discussion to a formal, written draft of one point. We never would throw a whole draft at them at the beginning—that would have scared them to death."

At one exasperating point in the 81-day negotiating marathon, an impatient Israeli delegate hurled a pencil on the table, and it bounced up and hit an Arab delegate. The talks almost blew up. But Dr. Bunche privately reprimanded the Israeli and got him to apologize.

It was always touch-and-go. On another occasion, an Arab delegate refused to shake hands with an Israeli leader. This nearly wrecked the negotiations too. But Dr. Bunche, after much talk that smacked of foreign intrigue, arranged what amounted to a secret rendezvous between the two men who, it turned out, were grateful for the opportunity.

"This time they acted like long-lost brothers," Dr. Bunche recalled. "Pretty soon they started to speak Arabic—and then they apologized to me because they know I didn't speak the language. I said, 'Hell, speak your Arabic—don't bother—about me.' "

Eventually, the force of Dr. Bunche's personality melted the frigid atmosphere of the talks. There were thousands of pages of documents, drafts and counterdrafts, hundreds of compromises and ultimatums. But ultimately, an armistice was signed.

"He drove himself and his staff night and day," an aide said afterward. "He plunged into every problem as though his life depended on getting it solved. He had an uncanny ability for grasping a situation and sizing it up completely."

When it was all over, Col. Mohammed Ibrahim Seif elDine, of Egypt, called Dr. Bunche "one of the greatest men in the world." Dr. Walter Eytan, of Israel, said the mediator's efforts had been "superhuman."

PEACEKEEPING SATISFYING

Dr. Bunche gave full credit to the two delegations and to his staff. The Nobel Prize Committee thought otherwise, in making its first peace award to a black man.

In a 1969 interview, Dr. Bunche said: "The Peace Prize attracted all the attention, but I've had more satisfaction in the work I've done since. I have been in charge of the U.N. peace-keeping operations in various parts of the world—the Congo, the Middle East, Kashmir." The Suez operation he called "the single most satisfying work I've ever done," primarily because "for the first time we have found a way to use military men for peace instead of war."

BIAS AGAINST BIGOTRY

Dr. Bunche made friends easily and was a good conversationalist of an evening, mixing stories with a few whiskies. But his most serious words were not reserved for friends. In a speech at the Waldorf-Astoria, he once said a great deal about himself and his convictions:

"I have a number of very strong biases. I have a deep-seated bias against hate and intolerance. I have a bias against racial and religious bigotry.

"I have a bias against war, a bias for peace. I have a bias which leads me to believe in the essential goodness of my fellow man, which leads me to believe that no problem of human relations is ever insoluble. And I have a strong bias in favor of the United Nations and its ability to maintain a peaceful world."

For the author of these convictions, the road to greatness had been steep and rutted with obstacles. Ralph Johnson Bunche was born in Detroit on Aug. 7, 1904, the son of Fred Bunche, a barber, and Olive Agnes Johnson Bunche, a musically inclined woman who contributed much to what her son called a household "bubbling over with ideas and opinions."

In 1915, after the birth of Ralph's sister, Grace, his mother developed rheumatic fever and the family moved to Albuquerque, N.M., for the hot, dry air and sunshine. But Mrs. Bunche died in a short time, and three months later her husband died. At the age of 13, Ralph was an orphan.

He and his sister were left in the care of their maternal grandmother, Mrs. Lucy Taylor Johnson, a tiny woman with a towering will and what Ralph considered the wisdom of a sage. She took the children to Los Angeles, where they lived in a bungalow in a mostly white neighborhood, and enrolled them in local public schools.

At the 30th Street intermediary school, the principal advised that Ralph be enrolled in a commercial training course. But Mrs. Johnson wouldn't have it. "My grandson is going to college," she told the principal.

The youth was a brilliant student. He was valedictorian of the class of '22 at Jefferson High School, whose academic honor society denied him admission at the time and tried to correct the matter, to Dr. Bunche's amusement, 30 years later.

COLLEGE ON SCHOLARSHIP

After high school, he continued working as a janitor and carpet-layer, jobs he had obtained to help support the family. But at the insistence of his grandmother, he accepted an academic scholarship and enrolled at the University of Califorinia at Los Angeles.

As in high school, he was a star in football and basketball at U.C.L.A., but sustained a knee injury that bothered him for the rest of his life. Nevertheless, he always carried three little gold basketballs, reminders of three championship years on the varsity, and a United Nations associate said he thought they were Dr. Bunche's proudest possessions.

His passion for baseball and football also remained with him. Some United Nations officials never guessed that a few of the scribbled messages handed to him by security guards during meetings contained the scores of ball games.

To support himself in college, the young man spent his summers working on ships. The job began in 1923 when he stowed away on a ship to save the cost of railroad fare to a Reserve Officers Training Corps summer camp.

He was caught and put to work to earn his passage, but he liked the job so much that he worked ships for the next three summers.

He received his Bachelor of Arts degree with Phi Beta Kappa honors in 1927, and went on to Harvard to take a Master of Arts in 1928 and his doctorate in government and international relations in 1934. He later did advanced work in anthropology at Northwestern University, the London School of Economics and the University of Capetown.

MARRIED HIS STUDENT

Dr. Bunche joined the faculty of Howard University in Washington in 1928, and there, a year later, he met Ruth Harris of Montgomery, Ala., one of his students, who also was teaching in an elementary school. They were married on June 23, 1930, and moved to Harvard, where he was beginning his doctoral studies.

From 1938 to 1940, Dr. Bunche collaborated with Gunnar Myrdal in his researches on "An American Dilemma." Their questions about interracial sex relations aroused a mob of angry whites who chased them across Alabama one night.

When the United States entered World War II, Dr. Bunche was rejected for military service because of his damaged knee and hearing impaired by a mastoid operation. But he joined the War Department as an analyst of African and Far Eastern affairs and quickly rose through the ranks of Strategic Services. In 1944, he moved to the State Department and became head of the Division of Dependent Area Affairs, dealing with colonial problems. By the war's end, he was in the mainstream of planning for the organization that was to become the United Nations.

In 1944, he was at Dumbarton Oaks, laying the groundwork. In 1945, he was at San Francisco, drawing up the trusteeship sections of the United Nations Charter. In 1946, he was in the United Nations delegation to the first General Assembly in London.

AT LIE'S REQUEST

Later that year, he went on loan to the United Nations at the request of Secretary General Trygve Lie, and in 1947 he quit the State Department to join the permanent Secretariat of the new world body.

In the Secretariat, he directed the operations of the Trusteeship Division and set out the guiding principles under which numerous territories achieved statehood. His expertise on African affairs and the problems of the emerging African nations was broad and acquired first-hand.

The year after his stunning success in the negotiations at Rhodes, he was offered—but rejected—the post of Assistant Secretary of State. "Frankly," he said at the time, "there's too much Jim Crow in Washington for me—I wouldn't take my kids back there."

By 1955, Dr. Bunche held the title of Under Secretary and two years later Under Secretary for Special Political Affairs. During those years, he was the principal troubleshooter for Dag Hammarskjold.

Among his tasks were the United Nations program on the peaceful uses of atomic energy and research on the effects of radiation.

When the United Nations managed to halt the British-French-Israel invasion of the Suez area in November, 1956, Dr. Bunche organized and directed the deployment of a 6,000-man neutral force that acted as a buffer between the belligerents. This force was his special responsibility until 1967, when President Gamal Abdel Nasser of the United Arab Republic demanded its withdrawal.

In 1960, he directed another peacekeeping force in the Congo, preventing the new republic's total collapse after the secession of Katanga province.

When the United Nations force in Cyprus was set up in March, 1964, Secretary General Thant put Dr. Bunche in charge of the 6,000 troops that stood between Cypriotes of Greek and of Turkish origin.

In all these efforts, Dr. Bunche viewed the use of troops as part of the larger work of bringing warring peoples to the conference table and hatreds under control.

For his work, there were awards—scores of them, a torrent of medals, prizes and more than 50 honorary doctorates. He became a trustee of Oberlin College in 1950, a member of the Harvard board of overseers from 1959 to 1965, president of the American Political Science Association in 1953–54 and a trustee of the Rockefeller Foundation in 1955. In 1963, President John F. Kennedy gave him the Medal of Freedom, the nation's highest civilian award.

The Bunches have lived since 1953 in a Tudor-style home in Kew Gardens, Queens. Until his eyesight began failing, Dr. Bunche drove his own car to work daily.

He loved the theater and the opera, and on occasion the stars he admired visited his 38th-floor office in the Secretariat building.

TENNIS CLUB REBUFF

In 1959, he was involved in a much-publicized incident in which he and his son, Ralph Jr., were refused membership in the West Side Tennis Club at Forest Hills. Dr. Bunche took up the cudgels and received an apology, and the club official responsible for the rebuff resigned. Dr. Bunche then declined an offer of membership.

He was angered because the change appeared to be based on his personal prestige, and not on any principle of racial equality. "No Negro American can be free from the disabilities of race in this country until the lowliest Negro in Mississippi is no longer disadvantaged because of his race," he said.

There were other occasions on which he was moved to protest racial discrimination. He first walked a picket line for the National Association for the Advancement of Colored People in Washington in 1937. In 1965, though not in the best of health, he participated in marches on Selma and Montgomery, Ala. He served as an active member of the N.A.A.C.P. board of directors for 22 years until his death.

In the last year Dr. Bunche became seriously ill. In June, a month after being hospitalized, he retired from his United Nations post. The retirement was not announced until later because Mr. Thant had hoped Dr. Bunche would recover and be able to return to his duties. But this was not to be.

Dr. Bunche is survived by his widow; son, Ralph Jr.; daughter, Joan, and three grandchildren. Another daughter, Mrs. Burton Piece, died in 1966.

Dr. Bunche's body may be viewed by the public at Frank E. Campbells, Madison Avenue, and 81st Street starting at 7 tonight. The Rev. Ernest T. Campbell will conduct the funeral services at the Riverside Church at noon Saturday. Private burial services will follow at the Woodlawn Cemetery.

TRIBUTES ARE LED BY THANT AND NIXON

(By Thomas A. Johnson)

UNITED NATIONS, N.Y., December 9.—Shaken by the loss of "an incomparable friend and colleague," United Nations Secretary General U Thant, described Dr. Ralph J. Bunche today as "an international institution in his own right, transcending both nationality and race in a way that is achieved by very few."

Opening the General Assembly session this afternoon, Mr. Thant gave the first of scores of tributes at the session to his former Under Secretary, Dr. Bunche, who died early today.

Seated, and looking up only now and then, Mr. Thant said:

"He was the most effective and best known of international civil servants, and his record of achievement as an individual member of the Secretariat's was unsurpassed."

Praising Dr. Bunche for his "integrity," "insight," "kindness, humor and deep compassion," Mr. Thant said that "he was an outstanding example of that new 20th-century breed of international officials who devote all of their gifts and their very lives to the service of the community of mankind."

The news of Dr. Bunche's death brought tributes and expressions of sorrow from around the world.

PRESIDENT'S TRIBUTE

President Nixon said: "Dr. Bunche never relented in his persistence to advance the cause of brotherhood and cooperation among men and nations. America is deeply proud of this distinguished son and profoundly saddened by his death."

Secretary of State William P. Rogers said: "No American has worked more faithfully, more persistently, or more effectively in the cause of peace in our generation."

The United States Ambassador to the United Nations, George Bush, said: "Though we Americans take pride in the fact that he was an American, he was truly a citizen of the world."

Premier Golda Meir of Israel, currently in New York, said: "There is hardly anybody outside of Israel who was so intimately connected with the state of Israel from its very emergence . . . His wisdom, objectivity and ability are sadly needed in the troubled world of today."

Several civil rights groups also paid tribute to Dr. Bunche.

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, noted that Dr. Bunche had served for 22 years as a board member of the N.A.A.C.P., "never failing us as a source of wise and understanding counsel and support. It will remain for the historians and biographers to set forth the Ralph Bunche record in the full richness of its dedication, wisdom and service to humanity."

The executive director of the National Urban League, Vernon E. Jordan Jr., said: "His name has been an inspirational beacon to young black people for decades. As an educator, scholar and activist, he was in the forefront of those building a great, new black consciousness in the thirties and forties."

[From the New York Times, Dec. 10, 1971]

THE FAITH OF RALPH BUNCHE

For Americans and many others, Ralph J. Bunche, was a personification of the United Nations, which he served capably and selflessly for nearly a quarter-century. The decisive role he played in some of the U.N.'s more spectacular political successes had made of him almost a symbol of the United Nations at its best.

His life was a striking fulfilment of the American dream: the poor Negro boy, orphaned early, who overcame both poverty and racial prejudice, reaching the highest academic level through brilliance and hard work, spending his talents prodigally for a generation in the service not just of his own country but of all countries and the cause of world peace.

Dr. Bunche undoubtedly will be remembered longest for stepping into the breach left by the assassination of Count Bernadotte and painfully, relentlessly hammering out the armistice between Israel and the Arab states in 1949. This was the achievement that won him the Nobel Peace Prize and a host of other honors; but it revealed something of his practical side as a diplomat and his vision as a statesman that he took even greater satisfaction from organizing the United Nations peace force that acted successfully as a buffer in the Middle East for more than a decade.

"For the first time," he said in explanation, "we have found a way to use military men for peace instead of war." For many who came in contact with him the most impressive thing about Dr. Bunche was not his skill as a mediator and conciliator, great as that was, but a faith in the United Nations that never flagged despite its failures and disappointments.

It was this faith that Lord Caradon underscored in a memorable tribute to Dr. Bunche as "one of the greatest Americans." For more than two decades, said Lord Caradon, "In spite of all kinds of difficulties and discouragements he has set an example to us all, an example of courage and indefatigable effort."

Through his long and debilitating recent illness, which forced his retirement from the U.N. a few weeks ago, Dr. Bunche maintained that courage and kept that faith. His memory should be an inspiration to the peacemakers, but it is sadly ironic that his death should occur just as the U.N. stands helplessly by at the outbreak of a new and savage war in Asia.

[From the Washington Post, Dec. 10, 1971]

RALPH J. BUNCHE

There can hardly be a land in which the death of Ralph Bunche will not be mourned as though he were one of their own. He rose beyond nationality until in a true sense he was a citizen of the world, with all mankind his constituency. His was the noblest service to which a man could be committed—the service of peace. All his life, it seemed, was a preparation for that service, an education in the arts of conciliation and rapprochement and the promotion of understanding, the essential staff of diplomacy.

He learned as an American how to moderate the implacable mistrusts of racial antagonism. And he learned as an international civil servant, rising to the summit of the United Nations hierarchy how to assuage inveterate rivalries and hostilities between nations. It seems quite fair to say that the U.N. achieved its highest usefulness and effectiveness in the time when Ralph Bunche painstakingly worked out an Arab-Israeli agreement on the island of Rhodes that preserved an uneasy peace in the Middle East for the better part of two decades, and when he headed the U.N.'s successful effort to prevent the spread of civil war in the liberated Belgian Congo. Like another great leader of his race, he had a dream—of a United Nations capable of keeping the peace—and he spoke eloquently of it accepting his Nobel Peace prize in 1950. An excerpt from that address, reprinted for the record elsewhere on this page today is a sad reminder—made all the sadder by the warfare now raging unabashed in the Asian subcontinent—of how little the world has learned from his wise counsel.

Though he was a man of peace and a man of reason, Ralph Bunche was also a man capable of boiling indignation at the injustices and discriminations inflicted upon Negroes in America. He was, in the best meaning of the term, a militant champion of human equality. He served that cause most conspicously and perhaps most effectively when he declined an offer by President Truman to make him an assistant secretary of state. He declined the offer, he said quietly and articulately, because he did not wish to subject his wife and children to the indignities of segregation that then prevailed in Washington. His statement stung the conscience of the country and roused it as no amount of ranting or violence could have done.

Ralph Bunche was a gentle, learned man of action. He achieved much in the long years of his service to peace. And he left a legacy of hope in the depth of his belief in the perfectability of man.

[From the Washington Post, Dec. 10, 1971]

RALPH BUNCHE'S DREAM OF U.N. AS PEACEKEEPER

(What follows is an excerpt from Ralph Bunche's Nobel lecture delivered at Oslo on Dec. 11, 1950.)

To make peace in the world secure, the United Nations must have readily at its disposal, as a result of firm commitments undertaken by all of its members, military strength of sufficient dimensions to make it certain that it can meet aggressive military force with international military force, speedily and conclusively.

If that kind of strength is made available to the United Nations—and under action taken by the General Assembly this fall it can be made available—in my view that strength will never again be challenged in war, and therefore need never be employed.

But military strength will not be enough. The moral position of the United Nations must ever be strong and unassailable; it must stand steadfastly, always, for the right.

The international problems with which the United Nations is concerned are the problems of the inter-relations of the peoples of the world. They are human problems. The United Nations is entitled to believe, and it does believe, that there are no insoluble problems of human relations, and that there is none which cannot be solved by peaceful means. The United Nations—in Indonesia, Palestine and Kashmir—has demonstrated convincingly that parties to the most severe conflict may be induced to abandon war as the method of settlement in favor of mediation and conciliation, at a merciful saving of untold lives and acute suffering.

Unfortunately, there may yet be some in the world who have not learned that today war can settle nothing, that aggressive force can never be enough, nor should it be tolerated. If this should be so, the pitiless wrath of the organized world must fall upon those who would endanger the peace for selfish ends. For in this advanced day, there is no excuse, no justification for nations resorting to force except to repel armed attack.

Mr. DIGGS. I thank the gentleman.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman.

Mr. FINDLEY. Mr. Speaker, I congratulate the gentleman from Michigan for making this special order possible and presenting this richly deserved tribute to a man who I consider as one of the outstanding statesmen of this century.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman.

Mr. BINGHAM. Mr. Speaker, I too would like to commend the gentleman from Michigan for arranging this special order.

I had the pleasure of working 3 years at the United Nations during the time when Adlai Stevenson was the United States representative there. While I was working in fields other than those with which Ralph Bunche was directly concerned, nevertheless I had the opportunity to see him in action many times and to work with him. I would simply like to underscore everything that has been said here about him.

He was a very wise man, a very humane man and self-effacing to a remarkable degree. He never like publicity.

There were many times when Ralph Bunche was sought out and was urged to run for office in the State of New York, and specifically for the U.S. Senate. I think he would have made a very, very powerful candidate for the Senate. I think he would have made a very, very powerful candidate indeed. But that was not his desire. He preferred to serve in the international organization. He believed deeply in the United Nations and he was at the right hand of every Secretary General of the United Nations until now. I know how much U Thant, the present Secretary General has relied on him on many occasions for advice and counsel.

At many a meeting that I sat in on with U Thant, he would turn to Ralph Bunche and ask him what he thought and Ralph would give him a reasoned and a measured reply.

Also I would like to mention an aspect of Ralph Bunche's character which not too many people know about. He was a tremendous sports fan. He probably knew more about professional football and professional baseball than anyone in this Chamber—and that is saying a great deal. He could tell you the batting averages of any number of players back over the years. He loved to go to the games. He was a friend of the former borough president of the Bronx, Jimmy Lyons. Not too many people know that. He used to go to Yankee Stadium and watch the great Yankees. He used to love to go to the Polo Grounds to watch the Giants play. He loved nothing better than to go to those games.

Of course, there were not too many occasions, particularly in later years, when he could do that. This was one side of his character that, as I say, has not been too much brought out, but it shows what a well rounded human being he was.

Mr. Speaker, I consider it a great privilege that I was able to get to know him and to work with him. He will be sorely missed at the United Nations. His counsel and his leadership will be missed, and I do not know how we are going to replace him. It is certainly true, as others have said here in this Chamber today—Ralph Bunche is one of the great Americans of this century.

Mr. DIGGS. Mr. Speaker, I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased that the gentleman from Michigan has taken this time to pay tribute to the late Ralph J. Bunche. He was a tower of strength in behalf of world peace and world order.

There are many aspects of Ralph J. Bunche's long and successful career which other Members on the floor have called attention to, but I would just like to relate several additional aspects that perhaps not many Members know about.

Ralph J. Bunche had a distinguished career as a teacher of political science. He served as president of the American Political Science Association during the period when I served as associate director of that association.

The presidential address which Dr. Bunche delivered in Chicago, Ill. on September 9, 1954, was given at the 50th annual meeting of the American Political Science Association, and is worth repeating in full:

PRESIDENTIAL ADDRESS

(By Ralph J. Bunche)

This, the fiftieth annual meeting of our Association, has more than ordinary significance. Certainly it can be said that the Association has attained middle-age and the intellectual as well as the physical maturity to do proper credit to our years. We may, on this special occasion at least, regard with pardonable pride our record of growth, the recognition and development of our discipline in both teaching and research, the public service it has rendered, and its contribution to the forward progress of American political democracy. American political scientists, practitioners of what Aristotle rightly or wrongly described as the "master science," have recognized, as did Plato and Aristotle, the surpassing importance of political problems in society and have experienced the difficulties which they foresaw in the effort to employ scientific methods and procedures in the solution of such problems. Beyond doubt, however, we move steadily forward. Our scientific and professional standards show constant improvement. Our store of knowledge is immense. Our almost feverish search for new data is incessant. We know almost all there is to know about the political infirmities of our patients except how to cure them. The state of domestic and world affairs keeps us humble.

All of the fifty annual meetings of this Association have been held in the twentieth century, which may claim as its most tragic distinction its almost constant addiction to warfare. Even a superficial glimpse at the past half-century leads to the conclusion that but few of these meetings have been held at a time when people somewhere in the world were not at war. Indeed, it is an unflattering commentary on the condition of our times merely to point out that this fiftieth meeting of the Association is the first in well-nigh a quarter of a century which can look upon a world free, even if most insecurely, of organized warfare anywhere on the globe.

This, I make bold to say, can be counted as a blessing even if one must hasten to add that while there is at this moment no war, neither is their peace, for the cold war waxes hot, tensions continue severe, provocative incidents constantly test our nerves and our forbearance, armaments pyramid, and the dark threat of atomic war ever lurks on the horizon.

Still, with the cessation of fighting in Indo-China, there is no instant war and, therefore, an opportunity is presented, slight thought it may be, for governments and statesmen and peoples the world over to pursue with renewed vigor the ends of peace and bring thereby some measure of relief and hope to harassed and war-weary mankind. But, in truth, the precariousness of the times is such, the aggressive forces loose in the world are so unpredictable, and uncertainty so dominates one's thought and psychology, that even as I write these words on September 7th I grimly realize that they may not hold true at all on September 9th.

In this regard, it may be recalled that our Association came into being during an earlier lull in warfare throughout the world. The Sino-Japanese, Spanish-American, and South African wars were over and the Russo-Japanese war had not begun when the first meeting of this Assocation convened in New Orleans a half-century ago. There has not been much let-up in warfare since. No cause and effect relationship is implied, of course.

Only twenty-five were present at that initial meeting. At the end of the Association's first year there were two hundred and fourteen members, and of these most found their primary interest not directly in political problems but in history, economics, and other social studies having political implications. As former President John A. Fairlie pointed out in his presidential address at the 1929 meeting, "When this Association was organized, the systematic study and teaching of political problems was but slightly developed. Only a few courses in public law and government were given in some of the larger universities."

Since those early, lean days, the lustiness of the growth and the proliferation of our discipline is amply attested by the bulging program of this fiftieth annual meeting.

In many directions our Association and our discipline have made striking progress. Our membership today stands as well over 6,000 of which less than half consists of those actively engaged in the teaching of political science. This has been a development realized largely in the last quarter-century of our existence, for in 1929 President Fairlie noted that of some 1900 members at that time only a "small portion" were outside the teaching profession.

Political science is now firmly anchored in the curricula of American colleges and universities. There are today more than 300 departments of political science in American colleges and universities with many thousands teaching the subject, exclusive of the large number of those who teach civics and social studies in the secondary schools. The students of political science number in the tens of thousands and each year over three hundred colleges and universities grant degrees in the field. No doubt our most distinguished past president, Woodrow Wilson, were he with us, would be highly gratified by the increasing extent to which members of the profession, particularly in the past two decades, have emerged from the academic realm to render invaluable assistance to governments local, state, and national—and to international organizations and agencies.

In all directions—political parties; national, state, and local government; political theory; constitutional law; public administration; public opinion; political behavior; legislation; international law and relations; comparative government—there has been sgnificant advance in the definition and development of subject-matter, in both teaching and research.

In quite recent years the Association has afforded organized public services through the assistance of the profession in response to requests from the White House and various departments of the government. Organized research efforts involving collaboration of substantial numbers of political scientists, have been undertaken as a new and recent development; of these the study of delegations to the party conventions in 1952 is an outstandingly successful example.

It may be mentioned, in passing, that political science gains increasing stature as an international discipline. The International Political Science Association, under the initiative of UNESCO, is now well established, with active participation by American political scientists led by Professor James K. Pollock as Senior Vice President. But it remains a fact that political science, as we conceive of it, is unknown in most of the world beyond our borders—in much of Europe, the Orient, and elsewhere. At the time of the organization of the International Political Science Association in 1950, there were political science organizations in but eight countries. However, there is undoubtedly in this development an excellent opportunity to promote the interests of the profession, to widen greatly its horizon of service, and, more important, to reinforce the international bonds of democracy. Since it is estimated that more than eighty per cent of the world's political scientists are in this country, both our opportunity and our responsibility in this international venture are great.

Our collaboration in this international effort is motivated neither by intellectual imperialism nor by a missionary impulse to bring political wisdom to the "heathen." Rather, the International Association affords the opportunity for an exchange of thinking and a cross-fertilization of ideas among intellectual equals of all nationalities, colors, and creeds who have discovered, quite as we discovered, the need for a distinct discipline in the field of political phenomena.

Despite the rapid development of American political science as an independent discipline—and it could be said not altogether facetiously that in some respects there might appear to be more of independence than of discipline—and while we have made substantial contributions to the intellectual and public life of the nation, disagreement, frustration, and failure are not unknown to us.

Passing mention only need be made of such matters as the tendencies toward excessive intellectual diffusion, over-specialization, "splintering" of the discipline, and the lack of what might be called unifying roots. Nor shall I dwell upon the absence of agreement among us on methodology, techniques, and classification, or on the comparability of political science and the natural sciences. These undoubtedly are matters of vital concern to the profession and on any one of them there could be—and there has often been—discussion without end.

Partly because this is our fiftieth meeting, partly because of the extreme discretion in public expression incumbent upon an international civil servant, and in no small measure because of an acute awareness of my own limitations in the preparation of this paper, I have burrowed in the addresses of previous presidents of the Association.

It seems to me that this meeting at the half-century mark is a particularly appropriate occasion on which to reflect upon the wisdom, the hopes, and the cautions of those who may rightly be called the founding fathers of American political science, especially where they may offer wise counsel for our future course and for the challenges with which the present and the future confront us.

A review of the presidential addresses delivered before this Association in the course of the fifty years since that small band of pioneers came together in New Orleans, provides a graphic picture of the development of political science in America, its function and method, its achievements and shortcomings, as seen by some of its most distinguished disciples. In these addresses there may also be found no slight reflection of much of the nation's political history and thought of the past half-century.

Bearing in mind the virtue of brevity, note is taken here of only some of the salient points in a selected few of the addresses of the first half of the Association's existence. Rather arbitrarily, I have decided that the ex-Presidents since 1930 are still too young to be classified as "elder statesmen."

At the third annual meeting, Albert Shaw emphasized that the Association "is not partisan, or sectional or propagandist in its nature;" it "is not a body of reformers," and therefore, it "can help to bring to a hundred questions now under discussion in the affairs of the nation, of the States, or of the municipalities the spirit of calmness, of inquiry, of reasonable discussion—in short, the scientific spirit.

Without straining any point, it may be urged that it would be difficult to think of a greater service that could be rendered to our nation today as regards both national and international affairs.

Two years later, at the fifth annual meeting, Lord Bryce, after offering political scientists what he described as a "maxim of univeral validity, i.e., "keep close to the facts," raised the questions: "What is the use of Political Science? Can it be made to serve the practical needs of the time? In partial answer to his questions, which are just as pertinent and timely today as when be posed them early in the century, he expressed the view that since in free countries "the chief problem of democracy is to make the citizens intellectually and morally fit to conduct their government—this being especially so in the United States, where "the ultimate control of public affairs belongs to the mass of the people—political scientists ought to try, through their influence on citizens in the universities and their publications, to improve civic intelligence.

There has been improvement certainly, but there are few, I imagine, who would not agree that the need in this direction continues to be great and urgent.

The next year, at the sixth annual meeting, A. Lawrence Lowell, pointing out that "politics is an observational, not an experimental science; and hence the greater need of careful observation of those phenomena which we can use," queried: "But how much do statesmen turn to professors of political science for guidance? Surely students of politics do not lead public thought as much as they ought to do . . ."

Would it not be true to say that we still do not; that in the main the impact of the political scientist on thought and leadership is by no means comparable to his knowledge and potentiality?

At the seventh annual meeting, Woodrow Wilson expressed his dislike of the term "political science," since in his view, "human relationships, whether in the family or in the state, in the counting house or in the factory, are not in any proper sense the subject-matter of science. They are stuff of insight and sympathy and spiritual comprehension." He preferred the term "politics," which in his view included both the "statesmanship of thinking" and the "statesmanship of action."

President Wilson adjured that "the statesmanship of thought" as against "the statesmanship of action" must be furnished by the political scientist:

"Out of his full store of truth, discovered by patient inquiry, dispassionate exposition, fearless analysis and frank interference, he must spread a dragnet for all the facts, and must then look upon them steadily and look upon them whole. It is only thus that he can enrich the thinking and clarify the vision of the statesman of action, who has no time for patient inquiry, who must be found in his facts before he can apply them in law and policy, who must have stuff of truth for his conscience and his resolution to rely on."

Wilson went on to say:

"The statesman and the student of political science have not hitherto often been partners. The statesman has looked askance upon the student,—at any rate in America, and has too often been justified because the student did not perceive the real scope and importance of what he was set to do and overlooked much of the great field from which he should have drawn his facts,—was not a student of thought and of affairs but merely a reader of books and documents."

The weaknesses and deficiencies which Wilson saw in the equipment of the student of politics of his time have been, I would think, largely corrected by now. But despite the considerable and encouraging traffic between campus and bureaucracy, especially during war years, the gap between the realms of study and action continues more than wide enough. In my experience off the campus during almost fifteen years now, I have discovered that when I am referred to as an "academician," this is not always meant as flattery, that the habit of trying to marshall all the facts, weigh them, and think things through thoroughly as the basis for action is sometimes regarded as droll and at other times incites no little impatience.

In 1925, at the twenty-first annual meeting, Charles E. Merriam prophesied:

"We are likely to see a closer integration of the social sciences themselves, which in the necessary process of differentiation have in many cases become much too isolated. In dealing with the basic problems . . . it becomes evident that neither the facts and the technique of economics alone, nor of politics alone, nor of history alone, are adequate to their analysis and interpretation."

Merriam, no doubt, would be pleased with the extent to which, in quite recent years, inter-disciplinary seminars, composite courses, and inter-disciplinary research programs have developed. There is, certainly, much less exclusiveness among the social scientists than in earlier years.

Merriam concluded.

"At any rate, it becomes increasingly evident that the basic problems of political organization and conduct must be resurveyed in the light of new discoveries and tendencies; that the nature of mass rule must be reexamined; that the character and range of popular interest in government and the methods of utilizing it must be reexplored; that we must call in science to help end war as well as to make war; that the mechanisms and processes of politics must be subjected to much more minute analysis than they have hitherto received at the hands of students of government, from a much broader view, and from different angles."

Merriam's suggestion that science be employed to help end as well as to help make war has not materialized, but science has certainly made the prospect of another war a tremendous frightening thought. But to view the hydrogen bomb as signalling the end of the world, as some are inclined to do, serves only to induce panic and to nourish the ambitions of reckless ones who would seek power through exploitation of fear. In the calm view, the new weapons in all their fearful destructive potential are merely the logical end of the concept of total war in this scientific age. If a minimum of reason can be brought to prevail, the atomic-hydrogen-cobalt bombs may yet prove to be the decisive deterrent to war as governments and peoples the world over increasingly realize that another world war and the survival of civilization are altogether incompatible.

Now and then, over the years, stern warnings and criticisms have been directed to the political scentists, as for example, by Charles A. Beard and my highly respected former teacher, William B. Munro.

Beard inveighed against a good many things, including our "academic sterilities" and "the peril of narrowing the vision while accumulating information."

Munro, with an eye on the change which had occurred in the exact sciences in response to new knowledge, urged:

"It is time for political science to step up into line with the new physics by turning some of its attention to the sub-atomic possibilities. We should seek to discover the true reasons for the vast differentiation between good, bad, and indifferent citizenship which is perhaps the most obvious of all the phenomena of politics. We should enquire diligently into the nature and scope of the forces which make each civic atom what he is. And we should discard our allegiance to the absolute, for nothing would seem to be more truly self-evident than the proposition that all civic rights and duties, all forms and methods of government, are relative to one another, as well as to time and place circumstance. They cannot be translated into unvarying formulas."

You will pardon me, I trust, if I say that to my untheoretical mind, the real measure of our success or failure as political scientists is to be found in the manner in which opportunity is served and responsibility discharged, in other words, in our total impact for good or ill upon the society. In this regard one may well question whether the Association and its members have met as well as we might the test of that leadership which could and should be afforded, in both research and teaching, toward the betterment of American life, the strengthening of democracy, and the achievement of more stable international relations.

I do not know to what extent it may be true that the discipline of political science is at once a function and an expression of democratic ideology and practice, but there can be no doubt of the rich contribution which political science can make to the strength and growth of democracy, where, as among us, it is directed to the systematic teaching, analysis, and practice of democracy in government and administration.

The severest challenge to the political scientist and to to the social scientist generally, it seems to me, is in the notable failure of political and social institutions and policies to keep pace with material and technical change. If in the past fifty years there has been progress in the development of institutions, in the art of governing people, in the understanding of political processes and events, domestic and international—and some are quick to deny it—there has been no progress in any way comparable to that which has accompanied the application of science and technology to industry, communication, and transportation. In this age of the weapons of fission and fusion which science has made available to war, may not the very future of civilization depend to a considerable extent upon the ability of the political scientists, who are indeed the true experts in political relationships, to find remedies for these potentially fatal defects in political conduct? If they do not, who is to do so? Are political scientists still too much attached to abstract formalism, to metaphysical and juristic concepts, to established patterns and a traditionally narrow scope, and too exclusive to be fully realistic about the political needs, motivations, and forces which stimulate and control the thoughts and actions of citizens and governments, and therefore to be of maximum usefulness to a world in dire distress?

There will nowhere be such a promised land of politics as Plato, the practical reformer, sought. But there can be societies better governed and international affairs better ordered than is now the case. There can be, certainly, a better world, and I have confidence that political scientists can help to make it so. To do so, it is not essential, to paraphrase Plato, that either philosophers or political scientists be kings, or vice versa. But it is essential that the acts of men which are, in the words of Lord Bryce, the "data of politics," in the broadest sense, be studied, analyzed, and well understood by political scientists. There is, it seems to me, very much truth in the observation recorded by Boswell in his journal for July 28, 1763, to the effect that "human experience, which was constantly contradicting theory, was the great test of truth . . ." And, as Woodrow Wilson put it, "nothing that forms or affects human life seems to me to be properly foreign to the student of politics." The fields in which the political scientist must plow, if the yield is to be worthy of the effort, are indeed vast.

With considerable diffidence, in view of my lack of adequate knowledge of work underway in our field, I venture to suggest that there are certain problem areas which would seem to merit greater attention that is now accorded them by our profession.

There is, for example, the problem of colonialism, and more particularly of colonial Africa. This, certainly, is at once one of the most critical and the most difficult of international problems. In one form or another, colonialism commands a highly prominent position on the agenda of the forthcoming ninth session of the General Assembly of the United Nations. Postwar experience alone has painfully demonstrated how much the trouble and conflict in the contemporary world flows directly or indirectly from this faucet. Our colleges and universities, however, and political scientists with few exceptions, have been regrettably slow in grasping fully the world significance of this problem. American political science, I fear, has not yet come to grips with it.

In scanning the presidential addresses of the past, for example, I noted that in only one or two of them was there any reference at all to the problem of colonialism. This subject, surely, is quite within the scope and the horizon of interest of the political scientist. If I stress this lacuna in our knowledge and effort, it is not alone because colonialism has been my major pre-occupation. It is also because the field provides such great challenge; there is in it for the diligent student so much of rich opportunity for constructive contribution; and as a present and potential source of vast trouble and danger it is today one of the world's leading problems.

Secondly, in view of the new position and responsibilities assumed by our nation in world affairs, which in our democratic system necessarily involves a new responsibility of judgment and decision for the American citizen, it may well be questioned whether our educational system has adjusted to the changed situation and demands in such manner as properly to equip the citizen for the political discharge of this still unfamiliar role and responsibility.

With respect to international affairs, for instance, there would appear to be much to be learned about the historical and entirely respectable role of negotiation, conciliation, and honorable compromise in the settlement of disputes. Expectations from policies and actions are often unrealistic to the point of being fanciful, while patience is correspondingly short. There is much to be learned about how to bear up under sustained uncertainty and danger. There is surely to be found in knowledge and understanding some measure of safeguard against frustration and cynicism.

Thirdly, the striking evidence of fear, suspicion, intolerance, and confusion in the society, providing fertile soil for demagoguery, imperil our traditional freedom, and pose a stern challenge to the political scientist. These are phenomena which surely demand our most urgent concern, on behalf of the nation at large as well as our own professional and personal interest.

In the ultimate sense, it is clear, our future professional effectiveness must depend upon the preservation of that traditional freedom of inquiry which is fundamental to the American way of life and to the very concept of self-government.

If you will permit me to make one further reference to my personal experience, I would say that in our analyses, calculations, and conclusions concerning political phenomena we should never lose sight of the human, the personal factor. I am constantly impressed with the extent to which purely individual characteristics, such as personality, temperament, disposition, integrity, humility, candor, and patience, often exert substantial influence on important matters. This I have found to be the case in administrative affairs, in negotiations, and in mediation. I suspect that it must be taken into account in other areas as well.

These are simple things but they often cause political situations and efforts to be far more complex than they would otherwise be. They may not lend themselves readily to scientific approach but they have to be reckoned with most seriously.

With no apology, I should like to conclude on the quite unscientific note of faith.

Civilization is in the grip of a moral crisis. While this, in itself, in no new experience in human history, the clear and present danger derives from the fact that our scientific knowledge far exceeds our knowledge of man; to such an extent, indeed, that man now has at his disposition a power of self-destruction never before approached. That same scientific knowledge also affords to man a greater possibility for improvement than he has ever known.

It is my conviction that it is toward the fundamental unity of man that we must look for the only means whereby civilization and mankind may survive on this earth. Our knowledge of man must begin to catch up with our mastery of science. It is only in this direction that we may usefully seek to disperse the poisonous fears and suspicions which actuate that irrational behavior of man which in turn keeps him in mortal danger, each to the other. This is a matter fundamentally and decisively of simple faith in man and in his future. Despite all manifestations of evil—and these are in abundant supply—I find in that faith all that is needed to sustain me and my hopefulness in these times of grave peril.

Mr. HECHLER of West Virginia. Mr. Speaker, I include the text of addresses which Dr. Bunche delivered at the commencement at Morgan State College, June 4, 1951:

Address Delivered by Ralph J. Bunche at the Commencement Exercises of Morgan State College, Baltimore, Md., June 4, 1951

This day belongs, or should belong, exclusively to those who are graduating. It is their day. What manner of commencement program could there be without them? This afternoon, at least, all roads lead to them.

For this reason, I am inclined to be rather diffident about commencement speeches unless they are made by the graduates themselves. I have a strong suspicion that the best commencement speeches are those that are never spoken.

The main business of the day here is the awarding of the degrees which these graduates have earned, and earned, I take it, the hard way. Indeed, this occasion is really a celebration—signaling the liberation of the graduates from the drudgery and discipline of the classroom. Because their joy at this liberation might understandably be excessive and overflowing, by tradition they must be enshrouded in these somber black robes and mortar boards. This might well serve to remind them that all is not joyful and carefree in the world beyond the academic cloister, and that the road ahead of them will be anything but easy—if, indeed, they need to be reminded.

Throughout the Nation during this month of June, thousands of young men and women, graduates all and Americans all, will be attending commencement exercises similar to these. All of these thousands of graduates will be looking to the future with no little anxiety. They will have very much on their minds what may lie ahead for them—whether there will be peace or war; what their chances may be for a promising career in their chosen fields of endeavor; how they may profitably and usefully employ the knowledge and training they have acquired.

But the Negro graduates at such exercises, good and loyal Americans though they are, will have on their minds not only these thoughts, but some quite special ones, too, as they contemplate their future. This is inevitably so, because it is the great irony of our Nation, a Nation firmly dedicated to a democratic way of life, that a substantial proportion of its citizens must still overcome unjust and undemocratic racial handicaps, must surmount arbitrary obstacles of racial bigotry, in running the race of life. And this is so not because of any misdeeds, of any shortcomings, of any lack of industry, ability, or loyalty on the part of these citizens so handicapped. It is so only because they are Negroes, because of their color and race.

The conscience of every white American who believes in our Constitution, in our traditional way of life, in the sacred principles to equality and liberty handed down to us by our founding fathers, must experience acute pain when he thinks of this utterly indefensible situation in our supposedly enlightened age.

These graduates whom we honor today are to be doubly congratulated, for in coming this far they have had to meet not only the challenge of learning, they have had to learn over the handicaps of race—handicaps both economic and social.

And what has this meant and what will this mean for them? It means that all of them are fully acquainted with the Negro ghetto and the severe disadvantages it entails. They have had to endure the political and economic underprivilege which is synonymous with a segregated, separate, ghetto existence. Much of their life has unfolded thus far behind a cruel curtain of segregation and discrimination.

They know that their country was founded upon the sacred principles of the inalienable rights of man and the equality of all men before God. But they have been told that for Negroes this means only a qualified equality—separate equality, a separate existence from the rest of the community. They know too well the humiliation, the degradation, the psychological stresses and strains, the personality warping, which are the inevitable end-products of that separation. No one knows better than they that the doctrine of "separate but equal" is a monstrous fiction, an unabashed lie. Every Negro knows this is so from his harsh experiences with separate schools for Negroes, separate residential areas for Negroes, separate railroad accommodations for Negroes, separate facilities of every kind.

Indeed, the very concept of segregation, the fundamental motivation of it, involves discrimination and inequality. Involuntary segregation means a status of inferiority for those segregated.

To what utterly ridiculous lengths the doctrine and practice of segregation may be carried has been graphically demonstrated recently in this very city of Baltimore. I understand that the local park board police only a few days ago refused to permit a tennis match to be played between two tennis clubs, one white and one Negro, because it was contrary to the board's policy to permit interracial matches. The members of the two clubs were prevented from playing the match under threat of arrest. Danger in a tennis match! What utter nonsense! Can there be anyone in this community ingenious enough to explain what harm could possibly be done to the community if tennis players of the two races, voluntarily wishing to do so, should play tennis together? What a strange doctrine it is that requires Negro taxpayers of Baltimore to play tennis on public courts only with Negroes, even though others may wish to play with them.

The practices and incidents of racial bigotry can only be intolerably offensive to every fair-minded and right-thinking American. They are costly to the Nation in these dangerous times. They are costly because they raise serious doubts—internally and externally—about the true nature of the American democratic way of life. Because they seriously question our sincerity in our democratic professions. Because they cannot fail to induce our friends abroad to doubt the genuineness of our democracy and to question our ability to treat non-white peoples anywhere as equals. They are, therefore, tremendously damaging to our international prestige and to our leadership in the free world. And they hand to our enemies a most effective propaganda weapon in the worldwide ideological struggle—the struggle for the confidence of the peoples of the world, the preponderance of whom are nonwhite.

The heavy costs of racial prejudice in the American society are today being paid by every American citizen—white and black alike. These costs in their totality are incalculable, but who can doubt the tremendous burden they impose? The security of our great Nation, the way of life which is the source of our unparalleled national strength, are confronted with the most ominous challenge in our history. Never before have we so desperately needed our full strength and unity. But this is denied the Nation only because some of our allegedly patriotic citizens insist upon continuing to indulge themselves in the social vice of racial prejudice. They are quite willing to do so even at the cost of impairing the unity of our people in our hour of gravest crisis; even though it means that one-tenth of the population remains underprivileged and properly resentful; even though the inevitable result must be a shameful wasting of one-tenth of our human resources, of our manpower, though we can ill afford to be wasteful in this crucial hour.

This, surely, is not patriotism, nor is it good sense. It is sickness, or madness, or both.

Who, in his good senses, could doubt for an instant what it would mean to the strength, the unity, and the prestige of our Nation if the cancerous growth of racial bigotry in the society were to be expelled?

This is all the Negro asks—that he be freed from the bondage of racial prejudice. Nothing more. I lay no claim to leadership and I have no right whatsoever to act as a spokesman for some 15,000,000 Negro citizens. I have always been a strong individualist, and since there are already literally millions of self-anointed Negro leaders and spokesmen, far be it from me to join the crowd. But from long observation, I am sure I am right when I say the Negro American asks no special treatment from this society. He asks that nothing be given to him. He asks, or rather demands, only that he be permitted to enjoy what is rightfully his—his God-given, Constitution-guaranteed right to live and work and play in this society on the same basis as every other citizen. He seeks escape from the handicaps of race, for he has proved to the world that he is inferior to no people. He seeks escape, rather, from the handicaps, the indignities, the humiliations and slurs of arbitrary, undemocratic racial prejudice.

The Negro asks no right to go into anyone's home, to force himself on anyone in any way. He asks only that he, as an individual, be permitted freely to make his way in a free society on the same basis as every other individual citizens; to rise or fall as his merit dictates. If the society grants him that, and nothing short of that could ever be acceptable, the Negro problem is solved. This would in no way affect the right of any person in the society to have as little or as much to do with any Negro, many Negroes, or all Negroes as he pleases.

In short, the needs of the Negro citizen would be satisfied if old prejudices, like old soldiers, would just fade away.

Indeed, in my thinking the urgency of rapid progress toward solution of this grave national problem is less in terms of the interest of the Negro than the interest of the Nation. The challenge already confronts us as a Nation and the time in which we can prepare adequately to meet it is already alarmingly short.

I am not at all unmindful that the Negro citizen in the American society has made great progress, particularly in recent years. The barriers of segregation and discrimination are being beaten down, and in this effort the Negro has had much help from white Americans who believe in as well as profess democracy. I think it no exaggeration at all to say that no group of people in history has made as much progress in a comparable time as the Negro has made since his release from slavery. Moreover, I realize that this magnificent progress has been possible only because the Negro has been able to take increasing advantage of the opportunities for work, development, and struggle afforded by a society whose framework is free and democratic.

But the fact remains, nevertheless, that these graduates before us today, despite the fine training they have received here, will go out into the world and encounter unique obstacles in shaping their careers only because they are Negroes. They, unquestionably, are better off than similar graduates of 10, 20, or 50 years ago, and today there are many more Negro graduates than ever before. That is good. Still, they will not enjoy their full rights as American citizens, and until Negro graduates and all other Negroes can do so the American society will be guilty of a terrible injustice.

These graduates, as you and I, must think of rights and privileges and opportunities as something to be enjoyed in one's life span or not at all. These benefits cannot be taken with one to the great beyond nor can they be enjoyed in the hereafter. I will be happy, of course, to be assured that my children or my grandchildren or my great-grandchildren will enjoy their full rights of American citizenship at some distant date. But I wish to enjoy them, too, for the simple reason that as an American citizen I am fully entitled to do so, and because I need the benefit of them to make my way in our highly competitive society.

It is important that these Negro graduates bear in mind that though the Negro has made and is making great progress, very much remains to be done. The road immediately ahead will never be easy. The rate of progress will depend in large degree upon the preparation and ability, the determination, and the courage of these young Negroes. They must never relax in the struggle for full citizenship for the Negro, for the complete integration of American Negroes in the life of the Nation. They must be ever alert.

In this regard there are certain truths which the Negro citizen must learn well and bear constantly in mind.

In a democratic society, and we are greatly privileged to live in one—the world being as it is these days—the Negro citizen like all other citizens must willingly and self-sacrificingly assume heavy responsibilities and obligations in return for the rights and freedoms which he may enjoy. Democracy gives no free rides. The Negro cannot be a good citizen if he concentrates exclusively on the problems of his group. All of the problems of his community and Nation are his problems and the Negro must devote his intelligent interest and effort to them. Integration in the society is a two-way proposition. The more integrated the Negro becomes the heavier will his civic responsibilities become. Freedom is a blessing to be highly treasured; it is not license and should not be abused.

Because of discrimination, the Negro has much to complain of, but let us not fall into the fatal error of ascribing all of our failures to racial prejudice. The cry of discrimination must never be used as an alibi for lack of effort, preparation, and ability. We can never end discrimination by hiding behind it, or as I fear some Negroes do, by acquiring a vested interest in it.

It is well also to bear always in mind in this hard world that fate helps only those who help themselves. We are much stronger now than we were and we can utilize our own resources of ability and wealth to much better advantage than in earlier years. I wonder if we really do as much for ourselves as we might, if we are as united and resolved as we should be. I doubt very much, for example, that we give to our two leading organizations, the NAACP and the Urban League, which have accomplished so much for us, the support, monetary and otherwise, which they deserve. There are Negroes of considerable affluence in very many American communities—professional and businessmen—many of whom are not, by any means, giving the assistance which should be given. If they do not realize that despite the success they may have had they can never rise very far above their group, and that their own future is tied to the future of the Negro, they are fatally shortsighted. In my view, no Negro, however high he may have risen, is worth very much if he forgets his people and remains aloof from the unrelenting struggle for full Negro emancipation.

Let us also be aware of the unfortunate inclination of the Negro himself to tighten the bonds of the ghetto by ghetto thinking. Life in the ghetto tempts the Negro to make the Negro problem the pivotal point of his thinking, as though everything in the world revolves about this problem. This is racial provincialism of the worst kind, and can only retard the progress of the group. It develops a narrowness of mind and a racial egocentrism, which is bad for both the Negro and the society in which he lives.

The world does not revolve around the Negro and will not stand still for him. But the Negro may be sure that a large part of the world sympathizes with his aspirations for full equality.

I am reasonably optimistic about the future of race relations in America. The conscience of the Nation quickens. An ever-increasing number of citizens, South as well as North, realize that our bad race relations are immensely damaging to the Nation, and they are determined to do something about it. The forces of true democracy are strongly at work in our society and the force of democracy on the march is irresistible.

Indeed, I feel that the time has never been more propitious for effective results from a planned and concerted attack upon racial bigotry here. The time is ripe. What is greatly needed is a coordination of the efforts of the greatest possible number of Negro, interracial, and other organizations to the end that their resources and good will may achieve maximum impact. At present there is clearly too little planning and too much duplication of effort.

You graduates have no reason to be discouraged or pessimistic about the future before you. You can surmount the obstacles in your path if you are determined, courageous, and hard-working. Never be fainthearted. Be resolute, but never bitter. Bitterness will serve only to warp your personalities. Permit no one to dissuade you from pursuing the goals you set for yourselves. In this country, difficult as it may be for you compared with others of fairer skin, no achievement is beyond you. Do not fear to pioneer, to venture down new paths of endeavor. Demand and make good use of your rights, but never fail to discharge faithfully the obligations and responsibilities of good citizenship. Be good Americans.

You are to be congratulated on having journeyed this far. You will, I am sure, be valuable assets to your group, your community, and your Nation. You will have much to do with the shaping of the Nation's future.

I salute you and I wish you well.

◆

Mr. HECHLER of West Virginia. Dr. Ralph J. Bunche was a person who stood for what he believed in. He was a very effective individual in his work in the United Nations. He is a person who not only Americans, but the entire world will miss.

Mr. DIGGS. I thank the gentleman from West Virginia.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from New York.

Mr. SMITH of New York. I thank the gentleman. I want to commend the gentleman from Michigan for taking this special order. In the loss of Dr. Ralph Bunche, the United States has lost a great and outstanding son and the world has lost a great and outstanding citizen. The award of the Nobel Peace Prize to Dr. Bunche was an award which was most highly deserved. The world will miss him. We have too few like him. I thank the gentleman.

Mr. DIGGS. I thank the gentleman from New York.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from California.

Mr. BURTON. I, too, would like to join in commending our distinguished colleague from Michigan (Mr. DIGGS) for having arranged for this special order honoring Dr. Ralph Bunche. As has been said by our colleagues previously, Dr. Bunche was truly a citizen of the world. History will record without doubt that he will rank among not only the great Americans in our entire history, but also one of the great and effective voices and personalities that have given world humanity leadership and direction in the never-ending pursuit for a just and peaceful life for all who inhabit the planet earth.

Mr. DIGGS. I thank the gentleman for his contribution.

Mr. COLLINS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Illinois.

Mr. COLLINS of Illinois. Mr. Speaker, Chief Justice Roger Brooke Taney, in the infamous Dred-Scott case of 1857, ruled that slaves and the sons of slaves were not citizens of these United States within the contemplation of the Constitution.

But, 110 years later, Dr. Ralph J. Bunche, the son of a freed slave, moved the world to compassion with his negotiation of the peace treaty—albeit unlasting—between the infant nation of Israel and the Arab nations.

The world in its entirety accepted this black and humble soul as its chief citizen. He was later rewarded the Nobel Prize for Peace, the first such honor for the black race, for this deed in international relations, and rose to this Nation's highest post in the United Nations.

Even as wars and rumors of wars still mar the face of the earth; even as men shape their plowshares into the weapons of future wars, let us hope that somewhere, the memory of this great, black, and humble man of peace will once more bring compassion of class for class, of nation for nation, of race for race, so that we can get about the business of building a better world for posterity.

Mr. DIGGS. I thank the gentleman from Illinois for his contribution.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. I thank the gentleman for yielding, and want to commend him for taking this time to pay tribute to a great and distinguished American. Dr. Bunche lived in my district. He lived in Kew Gardens Hills in Queens, N.Y. He and his wife were extremely active in community endeavors. Dr. Bunche accomplished a great deal in the world's forums.

I remember one of the things that Dr. Bunche received a great deal of notoriety for, which the gentleman may be unaware of. Dr. Bunche wrote a letter to the New York Times 2 or 3 years ago about the inability of the city of New York to clear the snow from the streets in front of his residence in Kew Gardens. It took the prestige of an international civil servant to achieve that rather menial task. I mention this to point out the fact that Dr. Bunche was never far removed from the lives of the average citizen. He was very much concerned, as was Mrs. Bunche with whom I worked a great deal in community activities, with the problems of average citizens and the responsibilities of all of us.

He was an inspiration, I think, because he was the class of international servant who recognized that if we ever were going to achieve in this day and age a rule of law, it would have to be done under the auspices of an organization such as the United Nations.

He dedicated his energies and his initiative to that kind of experience. He should be an inspiration, not only to Americans, but also to citizens throughout the world, because he had the unique capacity, not necessarily to divorce himself from America's national interest, but to understand the aspirations of citizens all over the globe, and to understand that there will be occasions when nations will have to bend their own national interests ever so slightly for the good of mankind throughout the world.

To me Dr. Bunche, whom I knew, symbolized the classic man of the future in that he was willing to serve people throughout the world regardless of their national origin and regardless of where they were born or other of the things that occasionally become important to many of us. Dr. Bunche was in my judgment a very great American and a distinguished American, but more than that he was an inspiration for the future of mankind. He was a world citizen in my judgment in the history of this civilization.

Mr. DIGGS. Mr. Speaker, I thank the gentleman from New York for his contribution.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, I commend the gentleman from Michigan for taking this time to call to the attention not only of this Congress, the Nation and the world of the great character, accomplishments and ability of Dr. Ralph Bunche. I have heard Dr. Bunche speak on several ocasions, and I often thought what a wonderful thing it would have been if 50-odd years ago we had a number of men who believed in the things Dr. Bunche believed in, and who had the ability and brilliance and knowledge of international affairs that Dr. Bunche possessed.

Although some of the younger Members may not recall it, I remember after World War I, at the time of the founding of the League of Nations, if we had a number of great international statesmen of the caliber of Dr. Bunche taking part in that fight over the League of Nations, the United States, the No. 1 nation of the world, might have joined the 52 other nations as a member of the League of Nations, in 1920. If we only had more statesmen such as Dr. Bunche in those days, we would have joined the League of Nations, and had we joined it would have been a success. The League of Nations was bound to fail when the world's No. 1 nation failed to join after World War I and unite in the provisions of that covenant which Woodrow Wilson and all other nations sponsored. Had we done that, we would have curbed the war machines built up by Mussolini and Hitler and Japan. The League of Nations covenant provided for complete curbs and prohibition against an armament and war-machine competition.

The presidential election of 1920 was decided by the No. 1 issue, "Woodrow Wilson's league of nations." Warren Harding won on the issue of isolationism. Curbing of nations building war machines was doomed. The so-called military-industrial complex won—hence World War II was inevitable.

Dr. Bunche performed great service in the United Nations. Had the majority of the representatives in the United Nations been men such as Dr. Bunche, the world would be very different today, instead of being embroiled in international conflicts and wars.

In honoring Dr. Bunche today Congressman DIGGS has performed a great service. I hope there will be more tributes over the Nation and the world to Dr. Bunche and men like him preaching peace and humanity. It will probably help to eliminate considerably the feeling so prominent throughout the globe that in order to settle difficulties we must kill or disable millions of people.

Mr. Speaker, Dr. Ralph Bunche was an outstanding example of that 20th century breed of international officials who devote all their gifts and their very lives to the service of the community of mankind. To many persons around the world he epitomized the United Nations. He knew more about the United Nations potential and accomplishments than any other man, and he embodied the diplomatic skills that enabled him to run a virtual command post for the United Nations.

His most important contribution to the United Nations was his capacity for objective analysis and his very great integrity.

Dr. Bunche had a tough, analytical,

highly disciplined mind, and a firm idea of how things ought to be done.

One of his little-known past activities was to write an unpublished first draft of "An American Dilemma," the monumental study of race relations in the United States.

His character, ability, and teachings will long be remembered by the people of the United States and the world.

Mr. DIGGS. I thank the gentleman for his contribution.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Michigan yield?

Mr. DIGGS. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am grateful that the gentleman from Michigan has yielded. I certainly join with the gentleman and with the many others who have spoken in the House of Representatives, today, extolling the record and the accomplishments of Dr. Ralph Bunche.

Unfortunately, I had only a very casual acquaintanceship with him. I met him in Washington and New York on several occasions in his capacity as a leading member of the staff of the United Nations. However, I read of his career, and I watched his work over the years. His record is one which looms large in the history of the United States.

Ralph Bunche came from a humble background. Yet his achievements in behalf of peace will be etched indelibly on the history of the world. He made some of the greatest breakthroughs for peace in his many worldwide responsibilities. Those accomplishments will be even more fully appreciated as time passes.

Today, we can only say that we are proud Dr. Bunche represented us in the United Nations and represented the United Nations throughout the world. His loss is a loss to all Americans and to the world.

I join with the gentleman from Michigan in extending to his family my deepest condolences.

Mr. DIGGS. I thank the distinguished minority leader for his contribution.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, Dr. Ralph Bunche of course was recognized throughout his adult life as a learned man, a man of judgment, a man of wisdom. It will be a long time before we really appreciate the public contribution of this great man in so many different fields.

But I am moved today to say another thing about Ralph Bunche, and, in the final analysis, perhaps his life, his success, his recognition in this regard may be his greatest contribution. Today most of us are moved to say, "He was a great black American," but I believe in his life and in his service he has helped move us to a day when we shall say not that a man is black American or red American or white American but that he is a great American and is a great citizen of the world, and that description alone is sufficient for our discussion.

I thank the gentleman for yielding.

Mr. DIGGS. I thank the gentleman for his contribution.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, first of all I want to add my commendations to the gentleman from Michigan for his great service in calling the attention of this Congress and this Nation to what we have lost in the passing of Ralph Bunche.

When the history of the 20th century is written, one name will be etched deeply in its fabric as having moved like a giant across the backdrop of our times. That is the name of Dr. Ralph Bunche.

In these difficult times of world tension and violent strife, we open wistfully the floodgates of memory and travel back through the years to those difficulties in the Middle East in 1947 when this Nation and our world were blessed with the wisdom, the patience, the understanding, and the passion for peace that was represented in the life and work of Ralph Bunche.

Someone has said that history is nourished by instructive example. The instructive example of the life and work of Ralph Bunche has indeed enriched the public service and exalted the public life.

I knew this Nobel Peace Prize laureate in association with another Nobel Peace Prize laureate who likewise has gone to his reward, Dr. Martin Luther King, Jr. I was with them when they marched side by side from Selma to Montgomery in the pursuit of the constitutionally guaranteed rights of black citizens in this country to participate fully in the political process. The instructive example of his action there as in the Middle East crisis served to help lift this Nation in the eyes of the world to the high ground of principles enunciated but often not lived.

His victory there as in the Middle East, was not a victory of black over white or poor over the affluent; it was a victory of right over wrong, of justice over injustice, of nonviolence over violence; in that victory we all share, black and white, rich and poor, young and old, Protestant, Catholic, Jew, and gentile, Americans, all.

With the passing of Dr. Ralph Bunche, this Nation and our world have lost one of the 20th century's most valiant and effective nonviolent warriors for peace. In these times of violent strife, our minds go back wistfully to those critical hours of our world history in 1947 when the patience, wisdom, and compassion of Dr. Ralph Bunche snatched us from the jaws of world conflict in the settlement of the Middle East crisis.

Ralph Bunche shall be missed because his place is now empty. I pray that God will bless to us his memory and raise up for us another Ralph Bunche for these critical times.

Mr. DIGGS. Mr. Speaker, I thank the gentleman for his contribution.

Mr. SYMINGTON. Mr. Speaker, with the death of Dr. Ralph Bunche on December 9, all of us who were his contemporaries lost an individual of unique stature. Dr. Bunche was truly a citizen of the world, a cosmopolitan man, in a sense few statesmen or political officials ever achieve.

Dr. Bunche's youthful ambition was to be a teacher—and he indeed followed that vocation—with the whole world as his classroom. For the lessons to be learned from the 1950 Nobel Peace Prize winner concerned patient diplomacy and efforts at understanding that transcend national, ethnic, or racial lines. And he used the most proven of all teaching methods—personal example.

Since the Dumbarton Oaks Conference, Dr. Ralph Bunche was identified with the best United States efforts to achieve international communication and cooperation through the United Nations Organization. Continued support of that organization is the most fitting tribute we can offer.

Mr. SCHWENGEL. Mr. Speaker, the passing away of Dr. Ralph Bunche is a tragic loss to the Nation and to the world. Few men have contributed more to the cause of peace in our time.

Born into a poor black family and orphaned at an early age, Ralph Bunche overcame the handicaps of race and poverty through a combination of brilliance and hard work. Before he was ten he was already helping to support his family by selling newspapers in Detroit. During his high school years in Los Angeles he worked as a messenger for the Los Angeles Times and served in the composing room, carrying type. Later he was a houseboy for Charles Ray, the silent-film star. In the summers he worked full time in a carpet-dyeing plant. Much of his energy as an adult must have characterized his younger years. He was an honor student at Jefferson High School and a debater, and he played on the football, basketball, and baseball teams. On his graduation in 1922, he won a scholarship to the University of California at Los Angeles.

At UCLA, Ralph covered himself with his customary distinction, graduating with highest scholastic honors and a fellowship from Harvard for graduate school. On receiving his master's degree there in 1928, he accepted a post as political science instructor at Howard University, where he met Ruth Harris, the young teacher who was to become his beloved wife. There he rose rapidly on the academic ladder, becoming an assistant professor in 1933, and a full professor in 1938. Meanwhile, he earned his Ph. D. from Harvard University with a thesis based on research gained in extensive travels in Europe and Africa, research that pointed the way his future career would take.

As a staff member of the Carnegie Corp. from 1938–40, Dr. Bunche was the chief aid to Gunnar Myrdal in the preparation of what is considered the classic study of the American Negro, "An American Dilemma." During World War II, he went to work for the Office of Strategic Services, making information available to the Joint Chiefs of Staff on Asian and African colonial areas where American forces were serving. He had volunteered for military service, but was rejected because of an old leg injury from the days when he played football at UCLA.

Dr. Bunche was asked to join the State Department in 1944, and there he quickly rose from area specialist on Africa and Dependent Areas to Associate Chief of Dependent Area Affairs. He was a member of the U.S. delegations to the conferences at Dumbarton Oaks in 1944 and San Francisco in 1945, and the first U.N. General Assembly in London in 1946. He helped draw up the non-self-governing territories and trusteeship sections of the U.N. Charter and was recognized as an authority on colonial problems.

In 1946, the U.N. received a loan of Dr. Bunche from the State Department to help organize and head the U.N. Department of Trusteeship. He remained in this post until 1954, but in the meantime, it was his role as a U.N. troubleshooter in Palestine that brought him world acclaim and initiated the series of special assignments that was to send him to many of the world's most dangerous trouble spots. As the U.N. mediator picked by Secretary General Trygve Lie to succeed the murdered Count Folke Bernadotte at the time of the partition of Palestine, Dr. Bunche worked out the formula for indirect negotiations that finally led to Arab-Israeli agreement on the island of Rhodes, an incredibly difficult and complex task for which he was awarded the Nobel Peace Prize in 1950. During the 1956 Middle East crisis, under a different Secretary General, Dag Hammarskjold, Dr. Bunche did the detailed work in organizing the United Nations Emergency Force which helped prevent a new conflict for 10½ years. In yet another peace-keeping assignment, he organized the U.N. effort to prevent the spread of civil war in the former Belgian Congo after its precipitate independence in the summer of 1960. Ultimately a U.N. force of nearly 20,000 men was involved.

Dr. Bunche's greatest contribution to the United Nations was perhaps the enormous integrity and capacity for objective analysis which won for him the respect, trust, and admiration of diplomats and heads of state of all sides of the various crises he succeeded in mediating. He had a tough, analytical, highly disciplined mind, and a firm idea of how things ought to be done. He also had an intuitive empathy for the parties involved in a dispute, arising from deeply felt humanitarian concern. Once, while he was directing the negotiations leading to the Arab-Israeli armistice agreements he was asked if he did not get discouraged, and his answer was typical of what made him a great man:

> Neither discouragement nor encouragement of any one of us is important. The important thing is that the work go on regardless of what happens. The more I see of the world, the more I am convinced the United Nations is the only hope of the world. Somehow, some way, it has got to be made to work.

That the United Nations has worked as well as it has was due in a very large measure to the effort and dedication of Dr. Ralph Bunche. He believed in the possibility of peace, and he believed in the United Nations as an instrument of peace and the equality of man. All Americans can take great pride in this brilliant diplomat, statesman, and world citizen who did so much to keep the United Nations from collapsing in its first, uncertain, years; who was able to overcome the crippling disabilities of racial prejudice and bitter poverty; and who earned the admiration and respect of the whole world.

Mrs. ABZUG. Mr. Speaker, a black man who was accorded the highest honors this Nation and the international community can bestow, Ralph Bunche was in every respect a superstar. At home in every community in the world, he was able to relate to young people, to the members of the power establishment, and to the exploited everywhere.

His was a true Horatio Alger story, remarkable for any American. Born in 1904 in Detroit, Mich., he was orphaned at the age of 14. Living with relatives in Los Angeles, he distinguished himself in high school sports, excelling in track, football, and basketball. His athletic prowess attracted the attention of the colleges, and he was given a partial scholarship to the University of California at Los Angeles. This he supplemented with jobs as a janitor and in other ways.

Once in college, his intellectual strengths had a chance to make themselves known. He graduated as a Phi Beta Kappa scholar and went on to Harvard and the London School of Economics. His interest in the problems of the black man took him to Capetown, South Africa, and eventually in 1928 to Howard University, in Washington, D.C. At Howard he was assistant to the president of the university, Mordecai Johnson; later he was made chairman of the department of political science, which he organized at that institution. During the 1930's he tried to set up a program of African studies, but it never really got off the ground. While he was at Howard, his own home on campus was a center for students and young faculty, who gathered there regularly on Saturday nights. He maintained these warm contacts over the years.

Former colleagues tell the story of Ralph Bunche as a young professor in the 1930's in Washington, D.C. The Daughters of the American Revolution were staging an international conference on justice, Ralph thought that the subject of lynching, of men taking the law into their own hands, should be on the agenda. It was not, so Ralph and some of his friends mounted a protest. They were told that if they picketed in front of Constitution Hall they would be arrested. So Ralph and one or two others waited out the conference across the street, standing silently with hangmen's nooses around their necks.

Ralph Bunche could have "passed" for a white man. He could have obliterated his heritage and his brotherhood as many blacks did in his day. That he did not is a tribute to his personal courage and integrity and to his deep understanding of the nature of this Nation and its destiny.

Ralph Bunche collaborated on "The American Dilemma," that classic study of the black man in America, by the Swede, Gunnar Myrdel in which the following sentences appear:

> Negroes are discriminated against in practically all spheres of life, but in their fight for equal opportunity they have on their side the law of the land and the religion of the nation. And they know it, all the way to the poorest stratum. They know that this is their strategic hold. No social Utopia can compete with the promises of the American Constitution and with the American Creed which it embodies. Democracy and lawful government mean so much more to the Negro, just because he enjoys comparatively little of it in this country. Merely by giving him the solemn promise of equality and liberty, American society has tied the Negroes' faith to itself.

Ralph Bunche could have written, and probably did write those words. For he believed in and embodied the American dream.

In his years at the United Nations, Dr. Bunche displayed the highest qualities of statesmanship—intelligence, firmness, patience, and faith in the ability of men to resolve their differences through peaceful means. He was placed in charge of peace-keeping operations in Palestine in 1948, an assignment which he fulfilled with such outstanding success that he was awarded the Nobel Peace Prize the year after. Unfortunately, the peace he was able to achieve then did not endure, and he was called upon again following the Suez crisis of 1956 to serve as a mediator. He thought in the following decade that a way had at last been found to use military force for peace rather than for war.

It must have been a great source of chagrin for him to see the U.N. gradually undermined in the Middle East and elsewhere in favor of big-power confrontations. Of course he opposed the tragic American military adventure in Vietnam, although he could not state his views publicly.

But those who knew him state that he never became discouraged or embittered. His sense of the "possible" was always with him, and with it went his belief in the viability of the United Nations organization which he had helped to form. I hope that my colleagues will use the occasion of this remarkable man's death to resolve to support that organization in every way possible, for it continues to be man's best hope for a rational world order.

Mr. NEDZI. Mr. Speaker, I met Ralph Bunche only once, and briefly. It was at the United Nations and Mr. Bunche was in failing health, toward the end of his career.

I did not know the man personally, but I knew and admired his career. It is a career which deserves that rarest of accolades: Statesman.

Indeed, to use the late Dean Acheson's phrase, Ralph Bunche's death closed a life and career, it did not interrupt it. Ralph Bunche had lived a full life, a life packed with quality and with dedication to betterment of a troubled humanity.

Ralph Bunche was born in my hometown, Detroit, but he moved away while still very young. So his Detroit ties were remote. His strongest ties and his most remarkable years were with the United Nations. He was, as we know, the U.N. mediator who arranged the Arab-Israeli armistice in 1949 and he was a principal figure in U.N. operations in the Congo and the Middle East.

Ralph Bunche was the top American in the United Nations. He had been an athlete, a respected teacher, and a friend of world leaders and potential leaders long before that. It may be many years before we see his like again.

Mr. PEPPER. Mr. Speaker, the angel of death has taken in Dr. Ralph J. Bunche a noble evangel of the cause of peace on this earth. This great man, this incomparable human being, is mourned throughout the world, in memory of his lifelong devotion to peace, in gratitude for the service he gave to this fondest hope of all mankind.

I remember him in gratitude for his service as the able Under Secretary General of the United Nations, in deep respect for his personal contribution to greater understanding in our own country of the insignificance of the color of a man's skin, and in memory of the personal friendship which he extended to me.

My sense of personal loss is tempered by my knowledge that his life was a testament to the noble aspirations he had for all men. He believed that men could live together in peace and confidence because he had that peace and confidence within himself. He knew his own tremendous resources and he sought to bring about for all men the conditions necessary for the full flowering of their lives.

Dr. Bunche was concerned with the peace of the world and he served the United Nations with deep devotion in some of the most difficult diplomatic situations in the world. But, while his soul enveloped the cause of all mankind, he never lost for a moment that keen sense of identity with the individual which caused him to say:

> No Negro American can be free from the disabilities of race in this country until the lowliest Negro in Mississippi is no longer disadvantaged because of his race.

Dr. Bunche was a man sure of the ultimate worth and goodness of the individual, a practical man who could live his idealistic dream of bringing to all men the opportunity to realize his individual worth in dignity and peace. Our loss is great, but his dream goes on and it cannot fail while it continues to motivate such men.

Mr. METCALFE. Mr. Speaker, many great individuals have lived to become institutions in their own right in our country and so often they are the ones who had to struggle against extreme odds to make their contributions and achievements.

Dr. Ralph Johnson Bunche was one of those American institutions. His death last week has made all of us stop and reflect on his brilliant record as an international public servant.

He won the Nobel Peace Prize in 1950 for his successful negotiations to obtain an armistice between the new state of Israel and its Arab neighbors in 1948. That was indeed a great honor. But perhaps it is impossible to give Ralph Bunche the praise that is due him, either in life or after death.

He was an orphan. And he was a black man who rose to become the highest ranking American in the United Nations. It was a long, hard climb. I am sure. He was born close to poverty—the son of a Detroit barber—and was orphaned at age 13. He won an athletic scholarship to UCLA, where he worked as a janitor in the women's gym and spent his summers as a mess boy on a coastal steamer. Yet, he graduated Phi Beta Kappa from UCLA in 1927; earned a master's degree and a Ph. D. in government and international relations from Harvard; then joined Howard University's faculty, where he later became chairman of its political science department. Even at that level of achievement, it had to have been a struggle from his humble beginnings.

By the time he died in New York last week at age 67, he had already become a legend—an ideal international civil servant, who had been with the United Nations since its formation in San Francisco in 1945.

Most of Dr. Bunche's near quarter century of U.N. service was spent on the firing line of the Middle East. He was an expert on colonial affairs and served as an U.N. observer during the Yemen civil war and the Greek-Turkish crisis on Cyprus. In addition, he organized and for a short time actually led the U.N.'s 1960 peace-keeping expedition to the Congo.

His greatest triumph, however, was an 81-day negotiating marathon on the isle of Rhodes that led to the original Palestinian settlement in 1949.

Though Dr. Bunche achieved his international prominence in world affairs, he was no stranger to the problems that affect every black man in America.

In 1938, working with Swedish sociologist, Gunnar Mydral on research for his classic study on the U.S. Negro, "An American Dilemma," Dr. Bunche was run out of one southern town and narrowly escaped lynching in another. Yet, that same Ralph Bunche, who struggled against the tides as a black man and as an orphan, rose to become Under Secretary General for Special Political Affairs in the United States and at the time of his retirement last June, was Secretary General U Thant's most influential political adviser.

He has indelibly made his mark on the pages of history in the areas of race relations and human relations and has broadened America's moral position in that respect as a leader among leaders of the free world. His life was a legacy of inspiration for generations to come.

Ralph Bunche, a man of great love, peace and human understanding, did indeed come pass this way and the whole world is surely better off because he did.

Mr. BROOMFIELD, Mr. Speaker, the world still mourns the death of Ralph Bunche. During his lifetime this gentleman of international peace worked ceaselessly toward a better world for all people.

Mr. Bunche left behind him a record of achievements which would be the envy of any man. A scholar, he received his doctorate in 1934 from Harvard University. Later he was to leave his professorship at Howard University to devote his talents toward a much larger task.

As an early adviser at negotiations for the United Nations, he presided over the birth of the organization that was to become his life's work. He rose to the height of world acclaim and respect. This recognition was followed by the Nobel Peace Prize after he negotiated a settlement to the 1949 Arab-Israel war.

However, to be more precise, he won that award every day of his tenure at the U.N. In each of his endeavors, those which reached the headlines as well as those which did not, he exemplified the spirit of international cooperation which marked the U.N.

Mr. Speaker, the late Under Secretary General has left a legacy for all men to follow and profit from. As with all great men, however, he leaves behind a great deal of work—work which must be continued despite his loss. Having blazed the path toward international understanding, it is left now to others to complete his unfinished work.

I can imagine no greater compliment to the memory of this distinguished American than a rededication of our efforts toward the spirit of world peace.

Mr. Speaker, Ralph Bunche was truly a unique individual. His untimely loss will be felt by the U.N. and the people of the world.

To his widow and children, I join my colleagues in expressing my deepest sympathies.

Mr. STOKES. Mr. Speaker, today we pay tribute to Dr. Ralph J Bunche, whose life of accomplishment was unique. He rose to the pinnacle of academic excellence at a time when few black Americans could, and became one of the world's most respected diplomats. His recognition of the uniqueness of his opportunities led him to seek and to attain excellence in all that he did.

His experience with racism inspired his lifelong struggle for the civil rights of black Americans, and his dedication to the human rights of all peoples of the world.

He was, above all else, a peacemaker. A respected diplomat, he mediated the dispute between the Arabs and the Israelis at the time of the creation of Israel. His efforts in that dispute were recognized by the award of the Nobel Peace Prize. The Nobel Prize was his greatest honor, but his later accomplishments, while in charge of the United Nations peacekeeping operations in the Congo, the Middle East, and Kashmir, were more satisfying to him.

He served in the United Nations with distinction from its inception, and his wisdom and his diplomatic skill will be sorely missed there.

We honor his memory today with speeches. We can honor his memory in a more meaningful way with deeds which lead toward world peace and the brotherhood of all peoples. His dedication to that goal was total, and he worked tirelessly. We can try to do the same.

Mr. BADILLO. Mr. Speaker, I am honored to join in paying tribute to one of this century's great statesmen—Dr. Ralph Johnson Bunche—a man who dedicated his life to the causes of peace and human dignity.

Teacher, civil rights activist, peace mediator, Nobel laureate, and international civil servant, Dr. Bunche's career more than paralleled that of the United Nations, the organization with which he was associated for more than 25 years.

Although Dr. Bunche's U.N. career is well known, I believe it is important to recall that he was at the forefront of the early struggle of blacks to achieve equality and justice—at a time when it was not only not "fashionable" to press for equal rights but, on occasion, physically dangerous. An active member of the NAACP for almost a quarter century he manned more than one picket line protesting discrimination and it is reported that he was almost the victim of an Alabama lynch mob while he and Dr. Gunnar Myrdal were researching their monumental study of U.S. race relations. While he eschewed the militancy of some he nevertheless was deeply committed to the struggle against racial and religious bigotry. In countless ways he strove to end the hate, intolerance, and lack of understanding which separated men, both in the United States and overseas.

The unique and masterful diplomatic skills which Dr. Bunche demonstrated in his world famous negotiations in Palestine in 1948 were legendary and were repeated on countless occasions over the past several decades—in the Suez area in 1956, in the Congo in 1960, and on Cyprus in 1964.

Recipient of the Presidential Medal of Freedom, the Nation's highest civilian award, Ralph Bunche was truly a man for all seasons. We shall deeply miss his wisdom and counsel and we extend our deepest sympathies to his family. At the same time we should express our gratitude for the good fortune to have had such a man among us, a man from whom we gained inspiration, from whom we learned, from whose guidance the world prospered and grew, and by whose hand the cause of peace was actively promoted.

Mr. WHALEN. Mr. Speaker, Dr. Ralph J. Bunche was described last week by United Nations Secretary General U Thant as "an outstanding example of that new 20th-century breed of international officials who devote all of their gifts and their very lives to the service of the community of mankind." Surely, historians in years hence will concur in that assessment of Dr. Bunche.

Perhaps they also will conclude that he had few equals in this century as a working advocate of peace. Dr. Bunche received the 1950 Nobel Peace Prize for his successful mediation of the 1949 armistice agreement between Israel and the Arab States. In addition, he directed the United Nations peacekeeping efforts in the Suez area in 1956, in Congo in 1960, and Cyprus in 1964.

The roots of Dr. Bunche's dedication to peace are best expressed in his own words:

> I have a bias against war, a bias for peace. I have a bias which leads me to believe in the essential goodness of my fellow man, which leads me to believe that no problem of human relations is ever insoluble. And I have a strong bias in favor of the United Nations and its ability to maintain a peaceful world.

Mr. Speaker, certainly all of us in the House share Dr. Bunche's biases. Thus, the most appropriate remembrance of him today would be to rededicate ourselves to achieving that peaceful world which he pursued.

Mrs. Whalen joins me in extending our sympathy to Mrs. Bunche and her family.

May Dr. Bunche rest in peace.

Mr. COLLIER. Mr. Speaker, the career of Ralph Johnson Bunche, who died a few days ago, was an eloquent refutation of the charge that Negroes cannot achieve success by working within the system. Admittedly, obstacles have strewn their paths, but to Bunche these were but challenges to be met.

Born in Detroit in 1907, he worked his way through the University of California at Los Angeles and graduated in 1927. Harvard University granted him a master's degree in government in 1928 and a doctorate of philosophy in political science in 1934. He also received a postdoctoral fellowship from the Social Science Research Council. He later studied at Northwestern University, the London School of Economics, and the University of Capetown, South Africa.

During this period of academic preparation, Bunche traveled through French West Africa on a Rosenwald field fellowship and studied and compared the administrations of mandated French Togoland and colonial Dahomey.

He taught political science at Howard University, becoming a full professor in 1938. Harvard appointed Bunche a professor of government in 1950.

During World War II he was with the Joint Chiefs of Staff and the Office of Strategic Services and entered the Department of State in 1944. He declined an appointment of Assistant Secretary of State in 1949.

Mr. Speaker, surely if Ralph Bunche could receive an education and obtain positions in the higher echelons of government under conditions prevailing during the first half of this century there is ample opportunity for other Negroes to emulate his efforts and equal or surpass his achievements under the more promising conditions existing today. Like him, they must prepare themselves adequately; like him, they must take advantage of the opportunities that come their way.

May he rest in peace and may God comfort those who survive him.

Mr. KUYKENDALL. Mr. Speaker, it is an honor to join my colleages today in paying respect to a man whose greatness we all recognize.

It is not necessary to recount his tremendous struggle to rise to the top of his profession in international geopolitics, nor the brilliance that guaranteed his success, nor the Nobel Peace Prize that crowned his career.

What we may well remember today is the legacy he left us . . . the picture of a man working the better part of his active life, to the point quite literally, of driving himself to ill health and death, for a goal. That goal, which Ralph Bunche died for, is a relatively simple thing: the community of nations and the brotherhood of man.

Centuries from now, when his name is a mere footnote in history, the citizens of this world may wonder why he had to sacrifice himself to show peoples how to sit down and talk over their problems instead of fighting about them. And they probably will never know how hard it was, and how desperately we needed the Ralph Bunches and the Dag Hammarskjolds, and how we mourned when they left us.

But we know. We list them as casualties in the struggle for peace, and we go on struggling. The greatest thing we could say today in Dr. Bunche's memory is that it will come, and when it does, it will be because he helped, and because he inspired others to help.

For Ralph Bunche, the world's requiem should be simply, "Thank you, Mr. Secretary."

Mr. HAMILTON. Mr. Speaker, it is appropriate in this time of search for peace and accommodation in the Middle East to remember the significant contributions of Ralph Bunche toward promoting a settlement of the Arab-Israeli conflict.

In the late 1940's, Dr. Bunche, as the Director of the U.N. Secretariat's Trusteeship Division, worked tirelessly for peace and armistices between Israel and its Arab neighbors following the Arab-Israeli war of 1948. His successful efforts in the Rhodes negotiations won him the deepest respect of both sides. The Egyptian commander spoke of Bunche as "one of the greatest men in the world" and a top Israeli official at Rhodes called Bunche "superhuman."

For his contribution, Bunche received the 1950 Nobel Peace Prize.

In subsequent years, Bunche, as U.N. Undersecretary for Special Political Affairs, was in charge of several U.N. peacekeeping ventures in the Congo, Kashmir, the Middle East and elsewhere. Bunche's own words were:

> Keeping peace in the Middle East after 1956 was the single most satisfying work I've ever done . . . for the first time we found a way to use military men for peace instead of war.

Dr. Bunche's life holds many lessons for all of us, but none is more important than his optimism about mankind's progress despite his many and frequent encounters with racism, hatred, war, and the inhumanity of man to man. Ralph Bunche declared:

> For more than a quarter of a century, I have been engaged in work in which hopefulness is an imperative qualification. One must believe that man can be saved—or salvaged—from his inevitable follies, that all problems of human relations are soluble . . . that conflict situations, however deep-seated, bitter and prolonged, can be resolved, that a world at peace is in fact obtainable. Otherwise one's work, all diplomacy, the United Nations itself, become a fateful travesty and all mankind would be doomed.

Mr. Speaker, it is time both to remember Ralph Bunche, the idealist and realist, for his faith in man's ability to save himself, and to realize how sorely needed men of his faith and talents are.

Mr. HATHAWAY. Mr. Speaker, on December 9, 1971, this Nation and the world suffered a great loss, the loss of a man who has contributed so much to the goal of world peace, Dr. Ralph J. Bunche.

Dr. Bunche was an outstanding symbol of what a man from a humble beginning can achieve in this country. The grandson of a slave and orphaned at the age of 14, Dr. Bunche worked hard to put himself through high school and college.

His efforts in settling the Palestinian war in 1949 brought him world prominence, and won him the Nobel Peace Prize in 1950.

The world is grateful to Dr. Bunche for his dedication to the cause of world peace. His contributions will not be forgotten, and his death leaves a void in this country which will be hard to fill.

To his wife and children I extend my deepest sympathy.

Mr. CLARK. Mr. Speaker, the death of Dr. Ralph J. Bunche has taken from the world one of its foremost peacemakers and statesmen. His passing is a tremendous loss, not only to those who want and seek peace among all men, but to his Nation and the race he so well represented in the ranks of diplomacy.

It was my privilege to have known Dr. Bunche personally since 1958. He was dedicated to peace. He was a bulwark of the United Nations in some of its most trying periods. He was a fighting champion of human rights and equality, a gentle but firm man.

The world is a better place today because Dr. Bunche lived in it. He left lasting footprints on the sands of time. He qualified well for inclusion in the Sermon on the Mount as "Blessed are the peacemakers, for they shall be called the children of God."

Mr. MANN. Mr. Speaker, it is my privilege to stand in this House of Representatives and pay final tribute to a great American, Dr. Ralph Johnson Bunche. Ralph Bunche was an outstanding example of what a man of true ability can accomplish in this country. Born a poor boy, orphaned at 13, he was brought up by a grandmother who harbored great hopes for him, and she was not disappointed. He was self-supporting from the time that he entered high school until he graduated from college as a Phi Beta Kappa and one of UCLA's great all-time football players.

He earned both his M.A. and Ph. D. degrees at Harvard University. He joined the faculty and established the Department of Political Science at Howard University. After about 10 years at Howard he began a 2-year collaboration with the famous Swedish sociologist, Gunnar Myrdal, in an important effort, surveying the Negro's condition in America. This work emerged as the classic study, An American Dilemma, in 1944.

During World War II, Dr. Bunche served his Government in important capacities. He then became vitally interested in efforts being made to establish international organizations to keep the peace. When the United Nations became a reality, Dr. Bunche became a permanent part of its staff. He was so successful in his work with the United Nations that in 1950 he was awarded the Nobel Peace Prize. For many years he was the highest ranking American in the Secretariat of the United Nations.

Dr. Bunche was a man of peace because he was a man of faith. In World War II, when many Negro leaders urged divisiveness upon their people in order to pursue their own aims first, Ralph Bunche clearly saw that there was no choice—that the only choice which all Americans had was to defend their country against the aggressors abroad, and he worked to do just that. Before then, when he joined Gunnar Myrdal in the first major critical study of the Negro's place in America, Dr. Ralph Bunche never gave up his belief in his country's ability to right wrongs, nor his realistic view that if such wrongs could not be righted here, they would not be righted anywhere. Then, in the wake of the atomic bomb, he saw that if all mankind was to survive, there must be understanding, there must be communication, there must be faith in the rule of reason, and it was these beliefs that caused him to conclude that the United Nations held man's greatest hope for peace.

Mr. Speaker, in an age of divisiveness, when many people are convinced that their own special interests should precede in importance those of the whole society of man, Ralph Bunche's life and faith shine as beacons for us all. His life was a living embodiment of Benjamin Franklin's warning that either we hang together or we hang separately. Ralph Bunche believed in the brotherhood of man, and he promoted the brotherhood of nations. Our disappointment with the accomplishments of the United Nations should not and will not cause us to lose our appreciation for the dream and vision that Ralph Bunche had for all of mankind. Let us continue to strive toward the fulfillment of his dream and to develop those techniques and methods that will truly cause the ancient prophecy of Isaiah to come to pass. There have been many swords beaten into plowshares because of the work of Ralph Bunche. Let us take up his torch.

Mr. FASCELL. Mr. Speaker, on December 9, one of America's most accomplished and distinguished sons, Ralph J. Bunche, the former Under Secretary General of the United Nations, died.

Not only the people of the United States but all mankind have lost a friend, a man whose passionate devotion to human justice and the cause of peace made our's a better Nation and this a better world.

How does one measure the accomplishments of a man whose whole life was dedicated to the pursuit of peace and social justice? Wars, poverty, oppression, and discrimination continue, yet Ralph Bunche left behind, in a very tangible way, a legacy of peace. There were wars he, more than anyone else, brought to an end and wars he helped prevent. In the United States too, through his ceaseless appeal to reason and understanding on behalf of civil rights, Ralph Bunche helped lay the groundwork for social justice and racial peace.

But Ralph Bunche has left us much more than a series of accomplishments whose splendor will one day fade into the distant past. He has left us with instruments with which to continue his work. More than any other one man he, as the strong right arm of all three of the United Nation's Secretary Generals, molded and shaped the United Nations system into an effective, though still fragile, force for peace in the world.

No measure of Ralph Bunche's accomplishments would be complete without mentioning perhaps the greatest thing of all which he has left us: the example of a fully human life, nobly led in the service of all mankind.

Ralph Bunche was proud that he had made it the "hard way" and well he should have been. Orphaned at 13, fully supporting himself at 15, he overcame both poverty and racial prejudice to become the second highest official in the world community.

Born in Detroit, Mich., on August 7, 1904, Ralph Bunche early realized that education was the key to both success and what he hoped to accomplish in the world. After obtaining both his Phi Beta Kappa key and an A.B. degree at UCLA he went on to get an M.A. and Ph. D. at Harvard. He followed this up with post doctoral studies at Northwestern, the London School of Economics and the University of Capetown.

In 1928 Dr. Bunche, at the age of 24, was here in Washington heading the political science department at Howard University where he stayed until 1950 except for time—a great deal of time—spent serving his country.

With the coming of World War II Dr. Bunche joined the Office of the Coordinator of Information as a senior social science analyst. In 1942 he moved over to the Office of Strategic Services where he headed up the Africa research and analysis section. In 1944 he joined the State Department where he served in various capacities until 1946. Meanwhile in his spare time Dr. Bunche was helping a relatively obscure professor, Gunnar Myrdal, conduct a survey of the Negro in the United States which in 1944 was published as the now monumental work An American Dilemma.

It was while he was at the State Department that Dr. Bunche came into contact with the emerging new international organizations which were to play such a role in the post war world. He was a delegate to both the Dumbarton Oaks Conference and the United Nations San Francisco Conference. He then became a delegate to numerous United Nations preparatory meetings and eventually a U.S. Representative to the United Nations First General Assembly.

In 1947 Ralph Bunche joined the United Nations Secretariat where he remained until ill health forced his retirement last October. Dr. Bunche's accomplishments at the United Nations are too numerous to detail, but he was proudest and the American people were the proudest of his winning of the Nobel Peace Prize in 1950 for his role in restoring peace to the Middle East through the Rhodes Agreements.

Dr. Bunche's negotiating skills proved invaluable again; in 1956 when he set up the U.N. Peacekeeping Force that kept the Middle East peace for 10 years and in 1960 when he organized U.N. operations which kept the beleaguered Congo together.

While important emergency missions like these occupied much of Ralph Bunche's time at the United Nations he also carried out his more routine but equally vital functions at U.N. headquarters. From 1947 to 1954 he headed up the United Nations Trustee Department. In 1954 he was elevated to the post of

Undersecretary and finally in 1968 he assumed the position of the Under Secretary General of the United Nations.

Mr. Speaker, how does one measure Ralph Bunche's accomplishments? Suffice it to say that thousands are alive today who, except for his skills and dedication, would not be; that thousands of his fellow citizens love one another a little more because of his example and his words; that many, many others are inspired by his life to continue his work.

Mr. BEGICH. Mr. Speaker, when Ralph Bunche died last week, the cause of peace and world order suffered a great loss. Throughout his adult life, Dr. Bunche dedicated himself to the cause of peace so that men everywhere could enjoy life free from the ravages of war.

He knew more about the forces of peace than any other man. His personal diplomatic skill combined with his clear understanding of the United Nations role in world order helped him achieve the results that few men have been able to do. At no time was his skill more evident than when he worked out the formula for indirect negotiations that led to the Arab-Israeli agreement in the late 1940's. For his efforts Dr. Bunche received the Nobel Peace Prize in 1950.

As a youth, working his way through college, he soon recognized the virtue of hard work, perseverance, and dedication to excellence despite the ugly prejudices that surrounded his efforts. In 1950, Dr. Bunche reflected upon his accomplishments in light of some of the hardships he suffered because he was black. He said:

> Because of its basically democratic structure, the American society affords the opportunity, even for disadvantaged groups such as the Negro, to aspire for and make progress towards the good life. Every individual and group is entitled to put forth maximum effort to right wrongs, to obtain redress for grievances, to protest and struggle incessantly against disabilities such as discrimination, segregation, disenfranchisement and denial of opportunity.

His own rise from being the grandson of a slave to a world renowned statesman lends truth to his observations.

Dr. Bunche has had many firsts to his credit. He was a brilliant scholar at ULCA and the first black to receive a Ph. D. in political science. He was the first black to be selected to a top State Department position and the first to achieve an international reputation as a diplomat, resulting from his success as U.N. mediator in the Middle East in 1949. When President Truman offered Dr. Bunche an appointment as Assistant Secretary of State, then the highest governmental post ever offered a black, he chose to remain with the United Nations.

One associate who worked with Dr. Bunche for many years tried to explain his success.

> He had a tough, analytical, highly disciplined mind, and a firm idea of how things ought to be done. Dr. Bunche had an intuitive sense of empathy for the parties to a conflict that frequently won him the trust of both sides.

These traits, along with his sense of dedication, earned him a reputation as being one of the most skilled diplomats in the world. The product of Dr. Bunche's efforts truly indicate that he was a credit to peace and humanity.

Mr. MAZZOLI. Mr. Speaker, there can be only one fitting memorial to Dr. Ralph J. Bunche. And that, quite clearly, is the rededication of each of us here in this Chamber—and of men of good will the world over—to the attainment of the international harmony for which Dr. Bunche devoted his life.

Rather than stand here today and measure the greatness of our loss—which, indeed, has been great—I feel it is far more appropriate that we pledge ourselves to the goal of assuring that Dr. Bunche's work will be continued without diminution.

Let us see to it that the role of the peacemaker, as symbolized by the life work of Ralph Bunche, becomes a guiding force in the future conduct of our country's international relations.

Mr. MILLER of Ohio. Mr. Speaker, we mourn the loss of one of history's noblest servants of peace—Dr. Ralph J. Bunche.

I think the opening line of the Washington Post's editorial in tribute to Dr. Bunche says it best:

> There can hardly be a land in which the death of Ralph Bunche will not be mourned as though he were one of their own.

He was a citizen of the world—a gentle, compassionate man who understood that peace was a right of all people. He devoted his work through the United Nations to seek out peace in a troubled world, and for his efforts in mediating an end to the 1949 Arab-Israel war he earned the Nobel Peace Prize. When the Congo erupted in 1960, Dr. Bunche was the United Nation's first representative sent into the strife-torn African nation to oversee U.N. civilian and military operations.

At this point, Mr. Speaker, I inserted the editorial from the December 11 Washington Post in memory of the man President Nixon eulogized as "one of the greatest architects of peace in our time."

RALPH J. BUNCHE

> There can hardly be a land in which the death of Ralph Bunche will not be mourned as though he were one of their own. He rose beyond nationality until in a true sense he was a citizen of the world, with all mankind his constituency. His was the noblest service to which a man could be committed—the service of peace. All his life, it seemed, was a preparation for that service, an education in the arts of conciliation and rapprochement and the promotion of understanding, the essential stuff of diplomacy.
>
> He learned as an American how to moderate the implacable mistrusts of racial antagonism. And he learned as an international civil servant, rising to the summit of the United Nations hierarchy, how to assuage inveterate rivalries and hostilities between nations. It seems quite fair to say that the U.N. achieved its highest usefulness and effectiveness in the time when Ralph Bunche painstakingly worked out an Arab-Israeli agreement on the island of Rhodes that preserved an uneasy peace in the Middle East for the better part of two decades and when he headed the U.N.'s successful effort to prevent the spread of civil war in the liberated Belgian Congo. Like another great leader of his race, he had a dream—of a United Nations capable of keeping the peace—and he spoke eloquently of it accepting his Nobel Peace prize in 1950. An excerpt from that address, reprinted for the Record elsewhere on this page today is a sad reminder—made all the sadder by the warfare now raging unabashed in the Asia subcontinent, of how little the world has learned from his wise counsel.
>
> Though he was a man of peace and a man of reason, Ralph Bunche was also a man capable of boiling indignation at the injustices and discriminations inflicted upon Negroes in America. He was, in the best meaning of the term, a militant champion of human equality. He served that cause most conspicuously and perhaps most effectively when he declined an offer by President Truman to make him an assistant secretary of state. He declined the offer, he said quietly and articulately, because he did not wish to subject his wife and children to the indignities of segregation that then prevailed in Washington. His statement stung the conscience of the country and aroused it as no amount of ranting or violence could have done.
>
> Ralph Bunche was a gentle, learned man of action. He achieved much in the long years of his service to peace. And he left a legacy of hope in the depth of his belief in the perfectability of man.

Mr. MORGAN. Mr. Speaker, I welcome the opportunity to join with my colleagues in paying tribute to the memory of Dr. Ralph J. Bunche.

Americans have a special place in their hearts for those of humble origin who rise through merit from humble beginnings to positions of eminence.

The career of Ralph Bunche exemplifies such a man who rose in a manner that probably has no precedent in our history.

It is important for us not to dwell too much on the obstacles which Ralph Bunche had to overcome.

By any standards of measurement, he qualifies as a great man, a world leader, and a great American. He ranks with the best.

His service as a peacemaker, first attracting the notice of the entire world as the mediator of the conflict between Israel and the Arabs in 1949, followed by his work in dealing with armed conflict in the Congo and on the Island of Cyprus, typifies to many of us what the United Nations ought to do and points the direction to which it should go.

I share the sorrow of all of my colleagues at the passing of Ralph Bunche. The world has suffered a great loss.

I hope there is someone living in the world today who can carry on the work which he can no longer perform.

Mr. PATTEN. Mr. Speaker, I appreciate having the opportunity today to join my colleagues in paying tribute to the late Dr. Ralph Bunche.

With the passing of this fine man not only America, but the whole world, has lost a friend. In our time where each day the world gets a little smaller, too few men realize that humanity is not served by war. Dr. Bunche knew that humanity was served better by peace, and he dedicated his life to helping nations find ways to work together. He was a great mediator. Nations found that they would be treated fairly and equally when they sat down with him to discuss their differences.

Dr. Ralph Bunche believed in the equality of all men, and with quiet dignity he expressed his beliefs. He saw injustices here in his own country, and he worked to stop it with the same philosophy he took later to his work between nations. He knew man must work with man and each must respect the other. When men cannot work together, nations cannot work together.

Dr. Bunche's death is America's loss; it is the U.N.'s loss. It is a loss to all nations who believe in the ideals of peace and freedom.

I hope that his work will not soon be forgotten. Rather may his efforts for peace be an example to the world of what justice and respect can do for the dignity of man.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to participate in this special order in honor of one of America's great men who passed away on Thursday last, Dr. Ralph J. Bunche, former Under Secretary General of the United Nations, who will forever be linked with that organization in the minds of men the world over.

So indelible an imprint has he left on that organization that his passing will confirm for many the end of an era for that organization. He was America's greatest single contribution to that organization and personified this Nation's commitment to international peace and order for over 25 years of service with that organization, during times of crises and stalemate, cold war and hot wars, whatever administration was in power, however fierce the debate over foreign affairs raged at home.

It is often said this country lacks the tradition of dedicated, selfless career civil servants of the highest caliber as is common in some of the European countries. Business and the professions too often lure away Government's best talent. Well, if such is the rule then Ralph Bunche is certainly a notable exception.

Of course, regrettably it is not possible even in this day and age to pay tribute to a man of such singular accomplishment and background without being aware that one of the distinctive elements in the Ralph Bunche story is the fact that he was a central figure in this country's sometimes tortuous race relations story. Being black in this country has never been easy and Ralph Bunche was no exception to this rule. In fact, one of the reasons that Dr. Bunche is alleged to have abandoned any hopes of a career in this city in high level Government positions is because of the subtle forms of discrimination he would have had to live with on a daily basis.

Apparently, New York or the international capitals of the world were easier for him to take. While it is true that America's loss was the United Nations' gain—and this country's gain in the end—his life and all the many petty injustices this great committed, tireless, patriotic, public official had to endure as the price for his color and heritage is something none of us can be proud of. And yet, even in this respect, his life made a significant contribution to his Nation. By his own personal example and high standards of integrity, in spite of all the petty insults and smallness he encountered, he scored great victories. His career made him a one-man apostle to other races and gave the lie to some of the more ridiculous prejudices nurtured in the innermost thoughts of the Nation. Today, there are doubtless many who feel this man was too patient, too long-suffering, and too willing to turn the other cheek but none can deny that in his time and in his way, he probably was responsible for more progress between the races than any other man prior to 1960.

Therefore, it is altogether fitting and proper that this body should pause in its business today to bow its head in prayer for the soul of a truly great statesman, at home and abroad. May he know at last the true peace and understanding that he spent his whole life in search of here on earth.

Mr. WILLIAMS. Mr. Speaker, I join with all Americans in mourning the death of Dr. Ralph J. Bunche, Under Secretary General of the United Nations, who died December 9, 1971. He was truly one of the peacemakers of our time and his passing is deeply regreted in our troubled world.

As we all know, he was a member of the U.S. delegation to the Dumbarton Oaks meetings in 1944. From that time until his death he served the ideal of world peace within the U.N. organization. Dr. Bunche received the Nobel Peace Prize for his outstanding work in resolving the first Arab-Israeli war and his abilities will be missed by the entire international community.

I join with my colleagues in extending my sympathy to his wife and children at this sorrowful time.

Mr. LONG of Maryland. Mr. Speaker, I join others in Congress and across the world who grieve the loss of Dr. Ralph J. Bunche, Under Secretary General of the United Nations.

Ernest B. Furgurson has written an article describing the difficulties which a black man in the past has had to surmount in order to advance to high position.

Mr. Furgurson's article gives us some perspective on the tremendous progress in opportunity and acceptance for black people which has taken place since Ralph Bunche was a boy. The story of what Dr. Bunche went through arouses our admiration for this great man and serves to inspire all of us to work harder to achieve a better world for every man regardless of his religion or color.

The article follows:

[From the Baltimore Sun, Dec. 14, 1971]

RALPH BUNCHE: THE BARBER'S SON IN HISTORY

(By Ernest B. Furgurson)

WASHINGTON.—The death of any man who has been prominent for long is likely to spin our memory back to the first time we ever heard of him. So with Ralph Bunche, who was classified prominent when he reached a level that was very middling indeed by standards of Washington protocol, because then so few men of this race were publicly noticed at all.

We knew about Louis Armstrong, Duke Ellington, Bill Robinson and maybe Paul Robeson in the middle Forties, but that was even before Jackie Robinson broke in with the Dodgers. As for a black diplomat, most of us could not imagine such a character unless he was wearing a swallowtail coat and rolling his eyes in a skit in the Silas Green from New Orleans minstrel show.

That was when most newspapers still ran the word "Negro" between commas after the name of any black man in the news—especially crime news, which was virtually the only route by which blacks were allowed into print. The measure of a paper's enlightenment in most cities was not yet whether it omitted that designation, but whether it dared begin it with a capital N.

That was when many papers, not just in the South, never referred to a black wife as Mrs. Smith—it was "the Smith woman" instead. That was when one small-town weekly, the first paper I ever worked on, ran a regular page headed "colored news" with accounts of graduations and weddings and promotions from Pfc. to Corporal, and nobody thought of it as an insult, instead it proved how liberal we were, because the opposition papers confined their "colored news" to copyings off the Saturday night police blotter.

Under such circumstances, a black barber's orphan son like Bunche had to sneak, or be sneaked, into public office. On his record, he was a token Negro in the State Department long before law and custom made token Negroes a common fixture in government and business. And despite the strength and brilliance he demonstrated over the following years, I still have the impression that his brains and character alone would never have given him that chance except for two things: the fact that he was *Doctor* Ralph Bunche, and the fact that his skin was lighter than that of many whites.

It was only after he was valedictorian of his high school class, a Phi Beta Kappa graduate of UCLA, a master of arts and doctor of philosophy at Harvard, and advanced student at Northwestern, the London School of Economics and Capetown University, and a professor at Howard that he joined the War Department—and then as a highly specialized analyst of African and Far Eastern affairs. When he moved to the State Department in 1944, it was as head of the Division of Dependent Area Affairs, which also meant dealing with dark people.

Still, all his degrees and the pigments in his skin did not insulate him from the same realities faced by other less special blacks—not even in the midst of the well educated and presumably open-minded class of men known as diplomats.

My colleague Paul W. Ward, on the diplomatic beat for many years, recalls that when the American delegation prepared to travel to the first United Nations conference in London in January 1946, none of Bunche's fellow diplomats was eager to share a stateroom with him. When one compatriot found this out and volunteered to room with Bunche, it was not an Ivy League professional but a Boston Irishman—the late Michael J. McDermott, who had no Ph.D. but got his first job with the government in World War I on the basis of his typing speed, and went on to serve as State Department press officer through World War II.

Bunche survived that snub. He already had been through other incidents that sound so familiar now, such as the time he helped obtain special permission for blacks to attend the original "Porgy and Bess" during the week it played Washington's National Theater. He and Gunnar Myrdal had been chased out of Alabama while researching Myrdal's book, "The American Dilemma," which was cited in the Supreme Court's 1954 decision against school segregation. Even after he was famous, he was barred from New York's West Side Tennis Club until the club changed its mind—at which point he declined its invitation to join.

He survived all those insults, and a man of his intelligence could not help but know he was being patronized when he first entered government service in the days when black pride was still a private thing. He had his own. With it, he persevered until his name became synonymous with the United Nations, and almost by main force he brought

> peace to Palestine, to Suez, Cyprus, the Congo. He will be remembered a long time. And he never raised a fist.

Mr. MORSE. Mr. Speaker, it is with the deepest sense of loss and sorrow that I join my colleagues today in paying tribute to one of this Nation's and the world's greatest internationalist and statesmen, Dr. Ralph J. Bunche.

Throughout his life, from the early days at UCLA, Harvard, and Howard University, to his work in the State Department and finally as Under Secretary General for Special Political Affairs, Ralph Bunche worked tirelessly against hate and intolerance. His dream was for peace and understanding among all people of all races, all religions, and all countries, and to this goal he devoted his life.

All of us know of the skill and patience with which Dr. Bunche painstakingly mediated the 1949 armistice argeement between Israel and the Arab States, a role into which he was suddenly thrust after the assassination of the original chief mediator, Count Folke Bernadotte, and which he carried out with drive and dedication. A master in the practical application of psychology, he successfully negotiated vastly complex problems, centuries old and rife with racial and religious prejudicies, and as he himself expressed so well, "for the first time found a way to use military men for peace instead of war."

In due recognition of Dr. Bunche's role as architect of the Palestine accord, he received the Nobel Peace Prize of 1950, an honor which he continued to earn for the next two decades, as, among other things, he directed peacekeeping efforts in the Suez area in 1956, the Congo in 1960, and Cyprus in 1964, always with the view of using troops as part of broader efforts to stimulate negotiations and obtain a peaceful settlement of conflict. His diplomatic skills, his ability to grasp a situation and to time his movements accordingly shall long be remembered and admired, and there is no country which does not mourn the loss of this honorable and honored man, who contributed so significantly to the pursuit of world peace.

Ralph Bunche was truly a great man, serving capably and selflessly for justice, equality, and international peace, and it is sadly ironic that his death should occur at a time when the world faces a new outbreak of war in Asia and continued uncertainty in the Middle East. We must, however, redouble our efforts for the world peace and understanding toward which Dr. Bunche strove, and his quiet firmness, his wisdom and objectivity, his fervent desire for human equality, and unfailing faith in the ultimate role of the United Nations should serve as an example for us all. For now, the greatest tribute which we can pay to this truly noble man is the successful conclusion of his crusade, the fulfillment of his dream.

Mr. COUGHLIN. Mr. Speaker, I wish to pay tribute to the late Dr. Ralph J. Bunche, a towering figure in both American and world diplomacy.

Dr. Bunche was a man of extraordinary talent and achievement. In his youth he earned a doctorate at a time when most American blacks did not even have a chance to go to college. Later, he worked with the distinguished Swedish sociologist, Gunnar Myrdal, in his research on "An American Dilemma," a landmark study of blacks in America. He won the Nobel Peace Prize in 1950 for his work in negotiating an end to the Palestine war. And in his later years he served with distinction America's and mankind's interest as a high official in the United Nations, an organization which he helped found. Throughout his life he was a leader in the American civil rights movement.

Mr. Speaker, Dr. Bunche will be missed in the years ahead because his dedication to public duty, his adherence to high principles of fairness, his tact in diplomacy, and his skill in negotiations are qualities of which we need more in this troubled world, but which are found in increasingly short supply.

In death, as in his life, Dr. Bunche will continue to remind us, as he himself believed, of the essential goodness of mankind, and that there is no problem of human relations that is ever insoluble.

He has bequeathed to all of us an extraordinary legacy of service. Surely a proper memorial to him would be for us to carry on in the same spirit which guided him throughout his long and distinguished life.

Mr. BIAGGI. Mr. Speaker, I am sure the sadness this Nation feels at the passing of Dr. Ralph Bunche is shared by many nations the world over. He was a man of peace and diplomacy, typifying more than anyone else, the ideals of the United Nations for which he worked.

A Nobel Prize winner for his peacekeeping operations, Dr. Bunche devoted the greater portion of his life to the United Nations and its mission in the world. He sought to bring about peace through negotiation and mediation rather than war. He was instrumental in establishing temporary peace on several occasions in the Middle East and elsewhere in the world.

For years his knowledge and mastery of the mechanisms of the United Nations made his counsel most valuable to three secretaries general. He was committed to the ideal of a world body dedicated to peace and the attainment of lasting accord in the world.

His life and work is an outstanding example of a dedicated American and world citizen. He should serve as a model for all children of the world. However, as a black, he is first-rate evidence that America—despite its problems—has a place for all peoples of the world. He overcame the color barrier to become known as Ralph Bunche, U.N. diplomat; not Ralph Bunche, Negro American.

While he grew up in very difficult times for black Americans, he still had faith in the American system and its ability to correct wrongs. He had an abiding faith in democracy and diplomacy.

Dr. Ralph Bunche will be remembered. He will be remembered for his personal triumph in a world prejudiced against nonwhites. He will be remembered for his dedication and devotion to the United Nations and its goals. He will be remembered for his constant efforts to bring a lasting peace to all nations. But most of all, he will be remembered for his work, not as an American, or as a U.N. employee, but as Ralph Bunche, world citizen. May his work continue and his life be emulated by many.

Mr. CONTE. Mr. Speaker, public figures around the world are raising their voices in tribute to the late Ralph J. Bunche. I rise in sadness that these eulogies are necessary. A very special human being can no longer help his fellow man.

I am sure that my colleagues are familiar with the career of this man, whom the New York Times called:

> The most prominent black man of his era whose stature did not derive chiefly from racial militance or endeavors specifically on behalf of his own race.

Obituaries in newspapers across the Nation recall his many accomplishments and the honors he so richly deserved.

Yet as we detail his unstinting efforts for world peace, we must rededicate ourselves to those goals he so fervently pursued. As we recount his superhuman efforts to reach a settlement in Palestine in 1949, we can hear those same sabres rattling again. We must somehow still those sabres, as he once did.

As we mourn the loss of Ralph Bunche, we must pledge ourselves anew to the cause of international understanding to which he devoted his life. He himself once said:

> I have a bias which leads me to believe . . . that no problem in human relations is insoluble.

We, as a nation, must make that bias our national policy and constantly wage peace throughout the world. Let our final tribute to Ralph Bunche be a time of peace and harmony among men: a time of still guns and sheathed sabres in Southeast Asia, in the Middle East, and in every corner of the globe.

Mr. FISH. Mr. Speaker, with many Americans today I mourn the tragic loss of a great man, Dr. Ralph Bunche—political negotiator, United Nations founder, international diplomat, civil rights leader, educator, and Nobel Peace Prize recipient. His life was a relentless pursuit for peace and brotherhood among nations and men.

Born to hardship and prejudice, we not only remember Dr. Bunche, but we salute him as an individual who never faltered in his goals and more specifically, his ideals. Orphaned at 13, he was cared for by a grandmother who dared demand in 1917 a college education and a successful career for her black grandson. Valedictorian of his high school class in Los Angeles, Dr. Bunche studied at the University of California at Los Angeles on an academic scholarship, graduating with Phi Beta Kappa honors. A master of arts degree and a Ph. D. in government and international relations were earned at Harvard University.

After working for the War Department and serving brilliantly as an analyst of African and Far Eastern affairs during World War II, Dr. Bunche moved to the State Department where he headed the Division of Dependent Area Affairs. During this time and after the war, Dr. Bunche dedicated himself to the realization of a world peacekeeping body. He played a key role in San Francisco in 1945, drawing up the trusteeship sections of the U.N. Charter. He served in the first U.N. General Assembly in London and in 1947, joined the permanent Secretariat of the United Nations.

History must judge Dr. Bunche's greatest single contribution to world peace. In the U.N. he proved himself not only a superlative organizer, but an outstanding negotiator for justice and peace between warring nations. A prime example of his diplomatic abilities and perserverance came in 1948 and 1949 during the Palestinian talks on the island of Rhodes. The peacekeeping abilities of the fledgling U.N. were on the line. Dr. Bunche managed after 81 days marked by tension and hostility to obtain an armistice between the Israeli and Arab delegates who represented age-old cultures of vastly differing religious and ethnic orientations.

His dedication and personal abilities in realizing this hard fought armistice, earned Dr. Bunche the distinguished Nobel Peace Prize. He, thus, became the first black man in history to be so honored.

We can take enormous pride in the fact that Ralph Bunche, American, was an outstanding world negotiator. At the same time we must credit this man with being a true "citizen of the world," one whose abilities and wisdom transcended nationality and race to advance the hardest cause of all, peace among all men.

Dr. Bunche just as heartily deserves recognition for his work and dedication in his home country. He detested discrimination and fought it fervently. He walked the picket lines and marched, often in poor health, throughout our country to dramatize the plight of the black people, while also serving as a dedicated member of the board of directors of the National Association for the Advancement of Colored People for 22 years until his death last week.

We all honor this great American and humanitarian not only for what he accomplished in attaining world peace and brotherhood, but for what he stood for as an individual—integrity, truth, and justice. Few men have been born with the foresight, endurance, and dedication of Ralph Bunche. He was truly a servant of mankind.

Mr. CARNEY. Mr. Speaker, when a man's days are ended, how do you measure his accomplishments? This age-old question has echoed throughout history. The answers have been many. One of the most eloquent was expressed in the words of the American poet Whittier. While contemplating the nature of heroism, Whittier wrote:

> But dream not helm and harness
>   The sign of valor true;
> Peace hath higher tests of manhood
>   Than battle ever knew.

The way of peace is truly difficult. Few men have the stamina to pursue it. In our own day and age, one man particlarly stood out as having the strength of character to pursue the elusive goal of peace. Ralph Johnson Bunche was indeed a man fit for the task of peacemaker. His adult life was dedicated to the cause of peace and justice.

For more than two decades, he served as the chief troubleshooter for three Secretaries-General of the United Nations. He first came to international attention after successfully negotiating a treaty between the warring Israelis and Arabs in 1949. His skill as a diplomat was evident in the praise accorded him from both sides. Dr. Bunche received the Nobel Peace Prize the following year as recognition of his outstanding achievement.

In the years that followed, Dr. Bunche became a familiar figure at strife-torn hotspots all over the world. His calm, rational thinking often served to dampen fiery tempers. His reputation for fairness and honesty gained him access and trust where others would have failed. In the final analysis, there is really no way of tallying up his achievements. We can only say with heartfelt gratitude that the world is a better place because of the efforts of Dr. Ralph Bunche. No greater thing can be said of any man.

Mr. GIAIMO. Mr. Speaker, Dr. Ralph J. Bunche was a native of this country but a citizen of the world, a master of diplomatic skills but a servant of peace. He was, as U.N. Secretary General U Thant said, an international institution, transcending nationality and race, and therefore able to help others transcend their own hatreds and prejudice.

The history of the United Nations, and in particular its successes in peacekeeping missions, reflects Dr. Bunche's talent. He was there in Dumbarton Oaks, laying the groundwork for the international body, and he was there in San Francisco and in London for the first workings of the General Assembly and the Security Council.

Dr. Bunche was there in 1948 and 1949 in the Middle East, negotiating amidst thousands of years of religious and racial intolerance, achieving the Palestine accords. He was there during U.N. peacekeeping efforts in the Suez in 1956, in the Congo in 1960 and in Cyprus in 1964. He gave himself fully to those efforts, using his personal stamina and the always tenuous military presence of the U.N. to bring about accommodation.

In the Trusteeship work of the U.N., Dr. Bunche led in fashioning the principles under which so many territories achieved national status in the 1950's and 1960's.

Sadly, his greatest fame in this country came as a result of discrimination against his race. Not wishing to take advantage of his personal prestige to overcome that discrimination, Dr. Bunche maintained that no Negro American can be fully free until the lowliest Negro is no longer disadvantaged because of race.

Dr. Bunche's life gave meaning to his belief in the goodness of man; it gave us peace in times of discord and taught us a way for the world's community of nations to coexist. His death highlights that personal achievement and makes us more aware than ever of the need for more international citizens and for more servants of peace.

Mr. STRATTON. Mr. Speaker, I am proud to join in this special order today to pay a well-deserved tribute to Dr. Ralph S. Bunche, who passed away last Thursday.

As U.N. mediator and Under Secretary General of the U.N., Dr. Bunche served the cause of peace in an outstanding fashion with his diplomatic skills and international expertise.

I can well remember how impressed I was with Dr. Bunche's honest, outgoing personality when, as mayor of Schenectady in the mid-1950's. I had a chance to meet him personally during his visit to my home city.

Whether it was as a civil rights leader in the 1930's or as the top American in United Nations, Ralph Bunche at all times was the perfect example of responsible leadership. His successful mediation of the 1949 Arab-Israel war and the effective U.N. efforts in the Congo in 1960 are just two of the more famous examples of the results of that responsible leadership.

The world will miss Ralph Bunche, but the example he set for leaders of all nations, and the responsible character of his service will long live, not merely as an outstanding black but as an outstanding American.

Mr. BROOKS. Mr. Speaker, Dr. Ralph J. Bunche had a dream of equity for and harmony among all peoples.

Through his dedication, his intellect, and his example, he moved us all measurably toward that ideal.

As an early and courageous champion of civil rights, he led efforts in the 1930's to open public facilities in the District of Columbia to all.

As a devoted and skilled international public servant, he worked tirelessly to advance the cause of world peace, a contribution recognized in 1950 by the Nobel Peace Prize.

As a scholar and teacher, he achieved the highest honors of his profession, attaining in 1954 the presidency of the American Political Science Association.

It was not my privilege to have known Dr. Bunche personally. Yet I know—just as my children and their children shall one day know—that he touched our lives.

He gave us something of paramount value, reminding us by his accomplishments of an essential truth: That a man's capacity to contribute, to lead and to care is not conditioned by his race, color or creed.

So much can be said for only a few men of our time.

Dr. Ralph J. Bunche was a great American.

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to join with my colleagues today in paying tribute to Dr. Ralph Bunche, one of this country's most remarkable citizens and one of the world's most distinguished civil servants.

I have had a special admiration and respect for Dr. Bunche ever since 1951 when I was privileged to hear him deliver the commencement address at my graduation from the University of Denver Law School. This was only a short time after he received the Nobel Peace Prize for his efforts in negotiating the 1949 armistice between Israel and the Arab States. He was an inspiration to those of us who were just beginning our careers in a field that is based on the arts of negotiation and conciliation—the skills which he used so brilliantly and effectively.

Dr. Bunche was the highest ranking American in the United Nations organization and he served it devotedly for nearly 25 years. He had a vision of how the United Nations could work to become an effective institution for maintaining peace throughout the world. And it was he, in fact, who continually played a decisive role in the majority of the United Nation's diplomatic successess—the Arab-Israeli agreement which preserved peace in the Middle East for nearly two decades, the United Nation's intervention in the Congo crisis which prevented a bloody civil war, and the U.N. peacekeeping efforts in Cyprus in 1964.

Mr. Speaker, few other Americans have so completely dedicated themselves to the goal of world peace, the promotion of international understanding, and the cause of human rights. Ralph Bunche's contributions to present and future generations cannot yet be fully measured or appreciated. However, I believe the effects of his work were best summarized by United Nations Secretary General U Thant who remembered Dr. Bunche as "an international institution in his own right, transcending both nationality and race in a way that is achieved by very few."

Mr. DONOHUE. Mr. Speaker, I wish to join with my colleagues here today in paying well-merited tribute to the late Dr. Ralph Bunche, former Under Secretary of the United Nations and one of the greatest men of modern history, who died last Thursday, December 9.

Dr. Bunche was a self-made man in the truest American tradition. He was the son of a humble barber who died when Dr. Bunche was 13 years of age. It was an almost unbelievable age for the assumption of mature responsibility, but Dr. Bunche was entirely self-supporting by the time he was 15 years old. He worked his own way through high school, the University of California at Los Angeles, and Harvard, where he earned a doctorate degree in 1934, majoring in government and international relations. He joined U.S. Government service in 1941 and in 1944, as a specialist in the State Department. He was a member of the U.S. delegation to the Dumbarton Oaks Conference which laid the groundwork for a United Nations Organization whose birth he participated at in San Francisco in 1945, and, in 1946, attended the first United Nations General Assembly meeting in London. In 1947, Dr. Bunche resigned from our State Department in order to join the Secretariat at the United Nations where his services had been requested, and where, in the testimony of Secretary General U Thant, he became "an international institution in his own right, transcending both nationality and race."

Dr. Bunche was admittedly one of the most respected international civil servants and his persevering efforts for the promotion of peace in the Middle East brought him the Nobel Prize in 1950.

Dr. Bunche's extraordinary achievements toward global understanding as an official of the United Nations guarantee him a high and everlasting place in the annals of national and international history. However, his most notable contributions to his contemporaries and those who come after are his personal example of unwavering integrity, his insistence upon the vital importance of human dignity, his tremendous sense of individual responsibility, his inexhaustible patience and diligence as a negotiator and adviser, his persevering determination against nearly insuperable odds to do all he possibly could to establish justice, understanding, and peace in a confused world and, above all, his unfailing kindness, humor, and deep compassion in all his dealings and contacts with his fellowmen throughout the world. By all human measurements, Dr. Bunche was a great and wise man whose calm counsel and personal inspiration will be sorely missed in the continuing efforts of this uncertain world to achieve peaceful understanding among all men.

I extend my deepest sympathy to Dr. Bunche's widow and children and I pray the good Lord to grant him eternal rest.

Mr. HELSTOSKI. Mr. Speaker, I wish to thank the gentleman from Michigan, (Mr. Diggs) and the gentleman from Minnesota (Mr. Fraser) for this opportunity to say a few words in tribute to the late Ralph Bunche.

When racism was dominant in American society during the 1920's, 1930's and 1940's, Dr. Bunche overcame innumerable obstacles in his path and attained a record of academic excellence and high professional achievement. At UCLA he obtained a bachelors degree, with Phi Beta Kappa honors, and at Harvard he earned a master of arts and a Ph. D. in government and international relations. Not satisfied with these conventional degrees, Dr. Bunche went on to advance study in anthropology at Northwestern, the London School of Economics and the University of Capetown.

In the 1930's Ralph Bunche also taught at Howard University and assisted Gunnar Myrdal in research for his classic study of American racism, "An American Dilemma." After the Second World War started, Dr. Bunche, served with high honors in the OSS and later with the State Department as officer in charge of dealing with postwar colonial problems. His association with the infant United Nations began during these years as he attended the Dumbarton Oaks and San Francisco conferences. By 1947, Dr. Bunche had left the State Department to become a member of the U.N. Secretariat. His career as civil servant for the family of nations had begun.

Shortly after his work at the UN had started Ralph Bunche found himself deeply involved in the festering Palestine crisis. As troubleshooter and chief representative of the Secretary General in that area, he painstakingly negotiated the 1949 armistice between Israel and the Arabs.

For his achievement, as we all know, he earned the 1950 Nobel Peace Prize. In the next 20 years of service with the United Nations, Dr. Bunche was deeply committed to resolving the conflicts in Cyprus, the Congo, and the Middle East. His devoted service to the cause of world peace continued until illness forced his retirement earlier this year.

Mr. Speaker, as I review the career of Ralph Bunche, several themes recur. One is his courageous and unflagging struggle for racial justice. From his earliest days of academic honor to his dying days in New York, Ralph Bunche did not allow his prominence and success to blind him to the fact that he was a black and thereby was deeply involved in the struggle of all American blacks against racism and for genuinely equal treatment. As late as 1965, he traveled to Alabama, and despite ill health, took part in the historic Selma-to-Montgomery march. And as the New York Times obituary of Dr. Bunche noted:

> In 1959 he was involved in a much-publicized incident in which he and his son, Ralph, Jr., were refused membership in the West Side Tennis Club at Forest Hills. Dr. Bunche took up the cudgels and received an apology, and the club official responsible for the rebuff resigned. Dr. Bunche then declined an offer of membership.
>
> He was angered because the change appeared to be based on his personal prestige, and not on any principle of racial equality. "No Negro American can be free from the disabiilties of race in this country until the lowliest Negro in Mississippi is no longer disadvantaged because of his race," he said.

Second, Ralph Bunche was one of the first international civil servants, a man devoted not to nation but to the family of nations. As Ambassador Bush noted at the U.N.:

> Though we Americans take pride in the fact that he was an American, he was truly a citizen of the world.

Mr. Speaker, America and the world has lost a good and devoted statesman and a forceful proponent of peace and justice.

Mr. RYAN. Mr. Speaker, it is with profound sorrow and a sense of deep loss for all nations I join our distinguished colleague from Michigan (Mr. Diggs) in paying tribute today to Dr. Ralph J. Bunche, who, as much as any man of his time, served the causes of internationalism by his unstinting effort and personal conviction.

The life of Dr. Bunche was truly a life devoted to peace. Born in Detroit, the grandson of a slave, Dr. Bunche quickly rose to the natural level of his competence as an arbiter of human passions. His compassion and his understanding were at the root of his ability to comprehend and to mitigate the darker aspects of human nature toward a goal of universal enlightenment.

The career of Ralph Bunche was studded with superlative achievements from the very beginning. With the assistance of a 4-year scholarship, he graduated from the University of California at Los Angeles, a member of Phi Beta Kappa. He accepted a scholarship for graduate study at Harvard, after having been presented with his travel expenses from California to Massachusetts by a group of black clubwomen in Los Angeles. He had been too poor to afford the trip himself. Ralph Bunche received his doctorate from Harvard and did post-graduate work at Northwestern University, the

London School of Economics, and the University of Cape Town, South Africa.

Dr. Bunche joined the faculty of Howard University, in 1938, where he established the Department of Political Science and served as dean for many years. From 1938 to 1940 Dr. Bunche collaborated with the famous Swedish social scientist Gunner Myrdal in the Carnegie Corporation "Survey of the Negro in America," which was published in 1944 under the title "An American Dilemma."

After distinguished service in key advisory capacities during World War II, Dr. Bunche resigned from the State Department to accept a permanent post at the United Nations, which he had joined at its inception. As is wellknown, he received the Nobel Peace Prize in 1950 for his mediation efforts in the Middle East.

In 1955 and again in 1958 he supervised the establishment of historic U.N. conferences on the peaceful uses of atomic energy and also helped establish the International Atomic Energy Agency.

At the time of his retirement on October 1, 1971, Dr. Bunche was the highest-ranking American on the U.N. Secretariat.

Dr. Bunch also gave freely of his time and energy to the cause of civil rights, delivering countless speeches and participating in demonstrations. In 1965 he marched beside the Reverend Dr. Martin Luther King, Jr., in the Freedom March from Selma to Montgomery.

Dr. Ralph Bunche was devoted to both justice and peace—for all mankind. He cannot be replaced, but he will always be remembered. And as a result of his compassion, his leadership, his untiring efforts, we are that much closer to the dream for which he strived: a world in which peace reigns supreme.

Mr. COLLINS of Illinois. Mr. Speaker, Chief Justice Roger Brooke Taney, in the infamous Dred-Scott case of 1857, ruled that slaves and the sons of slaves were not citizens of these United States within the contemplation of the Constitution.

But, 110 years later, Dr. Ralph J. Bunche, the son of a freed slave, moved the world to compassion with his negotiation of the peace treaty—albeit unlasting—between the infant nation of Israel and the Arab nations.

The world in its entirety accepted this black and humble soul as its chief citizen. He was later rewarded the Nobel Prize for Peace, the first such honor for the black race, for this deed in international relations, and rose to this Nation's highest post in the United Nations.

Even as wars and rumors of wars still mar the face of the earth; even as men shape their plowshares into the weapons of future wars, let us hope that somewhere, the memory of this great, black, and humble man of peace will once more bring compassion of class for class, of nation for nation, of race for race, so that we can get about the business of building a better world for posterity.

May the memory of this great man recall to all mankind the words of Martin Luther, the philosophy to which Dr. Bunche dedicated his life in the United Nations:

> War is the greatest plague that can afflict humanity; it destroys religion, it destroys states, it destroys families. Any scourge is preferable to it.

Mr. HAWKINS. Mr. Speaker, elsewhere the RECORD is filled with the facts about Dr. Ralph J. Bunche: his academic achievements, his public service career, and his diplomatic accomplishments. Of these one can say many things, but the more that is said, the more we leave unsaid. My remarks attempt to explain this apparent anomoly.

Few students left the University of California at Los Angeles or Harvard University better equipped academically than did Dr. Bunche. Still fewer have served in our Department of State or in an international organization with as much distinction. Yet in the last decade or two, Dr. Bunche has occupied a relatively unimportant post in the United Nations based on his rare capability and years of unusual experience.

Let us accept the fact he was awarded the Presidential Medal of Freedom, that he was elevated to Under Secretary General of the United Nations, and was awarded the Nobel Peace Prize; and let us admire what glorious praise has been accorded his peacekeeping efforts in the Middle East, Kashmir, the Congo and elsewhere. The facts and praise make even more noteworthy our failure as a Nation to make greater use of Dr. Bunche in a top role in a Presidential Cabinet, as a Secretary of State, or even in a higher-ranking position in the U.N. itself.

In paying tribute to Dr. Ralph Bunche, it is certainly not sacriligeous to express the thought that his life and accomplishment should serve to arouse the conscience of our Nation to a fuller realization of the injustice we afflict in not utilizing more fully our human resources to the greatest extent. It is not yet too late to erect a living memorial to this great statesman by applying the concepts he taught us in achieving full employment, a stable society, and a peaceful world.

Mr. DELLUMS. Mr. Speaker, Dr. Ralph Bunche pledged and devoted his life to the search for peace and justice. The United Nations will always be a symbol of the nature of the search for peace that Dr. Bunche undertook. As a black man, he demonstrated the humanity and strength that will always serve as a guiding way for oppressed peoples everywhere. In my estimation, Ralph Bunche was more than a great black man, more than a great American—he was a true citizen of the world. We will miss him greatly.

Mr. DULSKI. Mr. Speaker, the world has lost one of its great leaders in the passing of Dr. Ralph J. Bunche, former Under Secretary General for Special Affairs of the United Nations.

For nearly a quarter of a century, Dr. Bunche dedicated his life to the work of world peace through the medium of the United Nations. He never lost hope and he was a constant inspiration to all with whom he came in contact.

Dr. Bunche was at the side of each successive Secretary General, a team man all the way.

He was honored appropriately in 1950 with the Nobel Peace Prize for his work in bringing about the 1949 armistice which ended the first Arab-Israeli war.

For many years until his retirement last October, Dr. Bunche was the highest ranking American in the United Nations Secretariat.

Notwithstanding his stature and his reputation, Dr. Bunche was essentially a private man, shunning personal publicity and disclaiming all political ambition. At the same time, he was persistent at the conference table and the art of his compromise seemed to lie in his apparently boundless energy and the order and timing of his moves.

Mr. Speaker, I extend to his family my deepest sympathy in their great loss.

As part of my remarks I include editorials from the Buffalo, N.Y., Courier-Express and the Washington, D.C., Dailv News.

[From Buffalo (N.Y.) Courier-Express, Dec. 11, 1971]

DR. BUNCHE, PEACEMAKER IN A TROUBLED WORLD

The world is diminished by the death of Dr. Ralph J. Bunche, former United Nations undersecretary general for special political affairs. Throughout most of his association with the global organization ever since its creation, in 1945, he labored to bring peace to a troubled world. For his principal success, the securing of an armistice between Israel and Egypt in 1949, he received the Nobel Peace Prize, but he will be remembered, too, for peace-keeping efforts in the Suez area in 1956 and later in the Congo and Cyprus.

Yet, busy though he was with world affairs, he never lost touch with the struggle in his own country for social, economic and political equality for those of his own race. He once said that no American Negro could be considered free until the lowliest Negro in the country was no longer disadvantaged because of his race.

Dr. Bunche's passing is mourned not only because of his efforts for peace and human brotherhood but because he retained an abiding faith in the U.N. as an instrument for peace. Such a combination of ability and faith is all too uncommon in our world today.

[From the Washington Daily News, Dec. 10, 1971]

DR. RALPH J. BUNCHE

At the United Nations, when news would come of a threat to peace in some far-off place, they used to say, "Send Bunche and everything will be all right."

It was good advice, which the international organization often followed and never regretted.

For many years until his retirement last October, Dr. Ralph Johnson Bunche was the highest-ranking American in the U.N. secretariat. As under secretary general for special political affairs, he was chief troubleshooter and adviser to Dag Hammarskjold and later to U Thant.

Dr. Bunche became world famous when he took over from the assassinated U.N. mediator for Palestine, Count Folke Bernadotte, and worked out the 1949 armistice that ended the first Arab-Israeli war.

For that high achievement in diplomacy, he was awarded the Nobel Peace Prize in 1950, the first time a Negro was so honored. After his success in the Middle East, Dr. Bunche was a hot property and President Truman offered to appoint him an assistant secretary of state, another first for a Negro.

It was characteristic of Dr. Bunche that he declined. He politely informed the President that he could not afford the cut in pay, but confided to friends that he would not bring his family to "a Jim Crow city," which Washington was.

His decision was right. At the State Department he probably would have got stuck in the molasses of what diplomats call "the fudge factory." At the United Nations, he was able to direct valuable peacekeeping operations, including Suez in 1957, the Congo in 1960 and Cyprus in 1964.

In all, Dr. Bunche spent more than a quarter century at the United Nations. He contributed greatly to the concept of the international civil servant, the man who works impartially for world peace without favoring his own country.

He often has been compared with a Horatio Alger story, but we suspect that Alger's heroes, being white and treacly and fictional, had an easier time. The grandson of a slave, the son of a barber and an orphan at age 14, Dr. Bunche worked his way up from poverty and thru college and graduate school, becoming one of America's foremost experts on African sociology and politics.

Altho he personally "made it" and was covered with honors, Dr. Bunche never separated himself from the cause of less fortunate Negroes. He delivered countless speeches for civil rights and took part in freedom marches in the South.

Aged 67 and suffering from kidney malfunction, diabetes, heart disease and near blindness, he died in New York yesterday morning. There will be, we fear, many insensitive tributes saying that "he was a credit to his race." Ralph Bunche was a credit to his whole country.

Mr. DERWINSKI. Mr. Speaker, it is most appropriate that our distinguished colleague, the Honorable CHARLES DIGGS of Michigan, took the lead in this special order to pay tribute to Dr. Ralph Bunche, since Mr. DIGGS is presently serving as a delegate to the 26th General Assembly of the United Nations.

Dr. Bunche, in his long career, was entitled to respect and appreciation for his untiring efforts at the United Nations and, in fact, one can say that he was that body's most international figure. It is a credit to our country that Dr. Bunche was an American—he served his country well as he served the United Nations well.

Dr. Bunche worked especially hard to produce lasting peace in the Middle East and it would certainly be a fitting tribute to his efforts if the present session of the U.N. General Assembly could work out a solution to that conflict.

Since I am also serving at the U.N. General Assembly, I can attest to the great respect in which Mr. Bunche was held and the great loss officials at the United Nations feel at his passing.

Mr. RODINO. Mr. Speaker, Dr. Ralph Bunche not only was a man of high ideals and a man of noble dreams, not only a man who voiced his ideas, hoping the world community would bend its ear and listen intently in consideration, but was a man who, upon the initial implementation of his beliefs into concrete institutionalized foundations, did not step aside feeling others should then assume further responsibility. For Dr. Bunche remained deeply devoted and intimately involved in developing peace among men and among nations, growing, changing, reinterpreting and reworking these original foundations to meet continuously the new challenges history relates in the lives of us all. We feel his loss particularly at this time—the world is especially in need of the wisdom, the understanding and the compassion of such a man. We can justly pay tribute to him by continually directing our efforts toward the ideals to which he dedicated his life.

Mr. GONZALEZ. Mr. Speaker, as I read the comments made in tribute to Dr. Ralph J. Bunche when he died on December 9, one could not help but note the underlying tone of the reactions. The Washington Post captured the very essence of Dr. Bunche in its caption: "Ralph Bunche: A Life Dedicated to Peace."

I felt a great sense of loss for our country, and for the world when I learned of Dr. Bunche's death, and I find it a great privilege to be able to participate in these special orders in tribute to him.

Former U.S. Ambassador to the United Nations, Arthur Goldberg summed it up by saying that:

> Dr. Bunche, more than most nations and persons, understood that peace after all is a matter of human rights. And he was profoundly aware that the only real security is international security.

His example shall live on, and I am grateful that Dr. Bunche lived and taught us about a true sense of brotherhood.

I include the following:

[From the Washington Post, Dec. 10, 1971]

U.N.'s RALPH J. BUNCHE DIES

NEW YORK, December 9.—Ralph Johnson Bunche, winner of the 1950 Nobel Peace Prize for mediating an end to the 1949 Arab-Israeli war, died today, 10 weeks after stepping down as undersecretary-general of the United Nations. He was 67.

Death came at 12:40 a.m. at New York Hospital. The ailing Dr. Bunche had been in and out of the hospital for many months. No cause of death was announced.

President Nixon telephoned Mrs. Bunche to express his sympathy. The President also issued a statement praising the diplomat as "one of the greatest architects of peace in our time."

"America is deeply proud of this distinguished son and profoundly saddened by his death," Mr. Nixon said. "But we are also strengthened by the inexhaustible measure of dedication and creative action that spanned his splendid career."

Mr. Nixon hailed Dr. Bunche's "calm and wise counsel" at the United Nations and his role in the Middle East and the Congo.

U.N. Secretary General U Thant, saying he had "lost an incomparable friend and colleague," praised Dr. Bunche as an outstanding example of "that 20th Century breed of international officials who devote all their gifts and their very lives to the service of the community of mankind."

"He was the most effective and best known of international civil servants," Thant said, "and his record of achievement as an individual member of the secretariat was unsurpassed."

George Bush, the U.S. ambassador to the United Nations, expressed sorrow at Dr. Bunche's death and said: "Although we take pride in the fact that he was an American, he was truly a citizen of the world."

Arthur J. Goldberg, former U.S. ambassador to the U.N., said that Dr. Bunche "exemplified what an international civil servant and statesman should be by his personal qualities of objectivity, fairness and dedication."

"Dr. Bunche, more than most nations and persons," Goldberg said, "understood that peace after all is a matter of human rights. And he was profoundly aware that the only real security is international security."

Rep. Shirley Chisholm (D-N.Y.) said: "Ralph Bunche devoted his entire adult life to the cause of peace and to the recognition that all men are truly brothers. He understood war and lesser struggles for power, but he rejected such struggles as being appropriate means for redressing grievances—legitimate or not."

Dr. Bunche achieved international recognition in 1949 when he hammered out armistice agreements between Israel and the Arab world, ending the Palestine war. He also played a key role in the 1956 negotiations that led to the stationing of a U.N. emergency force in Palestine after the Suez crisis.

When the Congo erupted in 1960, Dr. Bunche was the first man rushed in by Dag Hammarskjold, then U.N. secretary general, to oversee the U.N. civilian and military operations in the strife-torn African nation.

Until his retirement on Oct. 1, Dr. Bunche had been the highest ranking American in the U.N. secretariat. He had been under secretary in charge of special political affairs.

He had been inactive in the world body since last summer because of various ailments and a broken right arm suffered in a fall at home.

The family announced tentative plans for a funeral service at noon Saturday at Riverside Church. Dr. Bunche's body will repose at the Campbell Funeral Home tonight.

RALPH BUNCHE: A LIFE DEDICATED TO PEACE

(By Robert H. Estabrook)

Ralph Johnson Bunche, 67, was the top American in the United Nations until his retirement 10 weeks ago on Oct. 1 and the U.N.'s Nobel Prize-winning expert on peacekeeping operations.

Dr. Bunche, whose title was under secretary general for special political affairs, was the U.N. mediator who arranged the Arab-Israeli armistice in 1949 and the architect of subsequent U.N. operations in the Middle East and in the Congo.

Despite being hospitalized for deteriorating health, including advanced diabetes that left him nearly blind, the onetime Howard University professor continued to take an interest in current U.N. concerns, and his counsel was actively sought until his death.

Three secretaries general regarded Ralph Bunche as their right arm, and to many persons around the world he epitomized the United Nations. That he was an American and a Negro was incidental.

He simply knew more about the United Nations' fire-brigade capabilities than any other man, and he embodied the diplomatic skills that enabled him to run a virtual command post in the 38th floor headquarters here overlooking the East River.

As the U.N. mediator picked by Secretary General Trygve Lie to succeed the murdered Count Folke Bernadotte at the time of the partition of Palestine, Dr. Bunche worked out the formula for indirect negotiations that led to Arab-Israeli agreement on the island of Rhodes. He received the Nobel Peace Prize in 1950 for his efforts.

Dr. Bunche, who barely missed being in Count Bernadotte's car when it was sprayed by gunfire, supported Bernadotte's last report, which made recommendations for a permanent peace. Dr. Bunche took charge of enforcement of a truce that threatened to explode in every direction.

The former UCLA athlete had no police or troops to enforce his orders. He nevertheless bluntly told the Israeli government that it must "assume full responsibility" for such acts as the killing of Count Bernadotte.

It was an extraordinarily difficult and complicated time during the next few months for Acting Mediator Bunche. Fighting broke out despite the truce. But after several halts, the Egyptians and Israeli negotiators sat down at the same table in Dr. Bunche's headquarters at Rhodes.

Just getting the Egyptians and Israelis to meet together was a feat.

Negotiations dragged on for seven weeks. Frequently they reached standstills. But each time Dr. Bunche would bring up a new strategem to keep the talks going. His "Bunche plan" finally proved the basis for an armistice between Egypt and Israel in February, 1969.

Dr. Bunche's efforts had halted the war in the Middle East although the armistice itself was not a formal peace.

Much the same sort of formula for indirect initial contacts is being followed by the current U.N. Middle East mediator, Gunnar Jarring.

During the 1956 Middle East crisis, under a different secretary general, Dag Hammarskjold, Dr. Bunche did the detailed work in organizing the United Nations Emergency Force which helped prevent a new conflict for 10½ years.

Paradoxically, he also advised the current secretary general, U Thant, in May of 1967, that there was no legal alternative but to withdraw that emergency force when President Nasser requested it and Egyptian troops overran U.N. positions. This recommendation, which he strongly defended, remained an item of controversy.

In yet another peacekeeping assignment, Dr. Bunche organized the U.N. effort to prevent the spread of civil war in the former Belgian Congo after its precipitate independence in the summer of 1960. Ultimately a U.N. force of nearly 20,000 men was involved.

His most important contribution to the United Nations, in the view of a close associate, was "his capacity for objective analysis and his very great integrity."

Dr. Bunche had a tough, analytical, highly disciplined mind, and a firm idea of how things ought to be done, this associate continued. He also had an intuitive sense of empathy for the parties to a conflict that frequently won him the trust of both sides.

Despite his heavy responsibilities, he had a keen sense of humor and could tell a good story. As a one-time football player he also maintained an avid interest in sports. Staff members breaking in on what they supposed to be high-level conferences over the weekend sometimes came upon Dr. Bunche and colleagues watching the World Series or other sports on television.

He also was a quick man with a phrase. Told that the close-lipped Jarring had replied "No comment" to an inquiry about his Middle East mission, Dr. Bunche shot back: "He must have been misquoted."

Partly because of the delicacy of the situations in which he was frequently involved, he often was uneasy in contacts with the press. He could be testy with diplomats as well as reporters when he thought they were wasting his time; yet he could be charming and could captivate newsmen with his reminiscences.

Soviet diplomats, who frequently disagreed with him on policy, came to respect and praise his honesty. When he attended a conference in Yalta several years ago, Ambassador Yakov Malik voluntarily made special arrangements for him to be seen at a top Soviet eye clinic in Odessa.

Although he was impatient with the slowness of legislative change in effectuating full civil rights for Negroes, Dr. Bunche believed deeply in the American system's capacity to right wrongs. He was repelled by some of the methods of present-day black activists.

He was a close friend of the late Dr. Martin Luther King Jr. and particularly of Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People.

When President Truman offered him a post as assistant secretary of state in 1948, he declined to move back to Washington to accept it, explaining that he did not want to live in a segregated community. Although he probably would have had special consideration, he said, he did not want to be treated differently from the remainder of the Negro population.

He was a friend of President Lyndon B. Johnson, who pleaded with him to reconsider his effort to retire from the U.N. in 1966. He also respected Secretary of State Dean Rusk, although differing with him on Vietnam.

This respect derived from an incident during World War II, when Dr. Bunche was in the Office of Strategic Service at a time when Negroes were not served in mess for white officers. The then Col. Rusk, who did not previously know Dr. Bunche, said that was nonsense and insisted on having him as his guest.

One of his little-known past activities was to write an unpublished first draft of "An American Dilemma," the monumental study of race relations in the United States on which he worked with the Swedish social scientist, Dr. Gunnar Myrdal.

Orphaned at 13 after his family had moved west from his birthplace in Detroit, Mich., he was reared in Los Angeles by his maternal grandmother, Mrs. Lucy Johnson. He often credited her with being the formative influence in his life and teaching him the importance of dignity and self-respect.

He was graduated in 1927 from the University of California at Los Angeles, where he earned a master of arts degree in 1928. He obtained a doctorate of philosophy in government and international relations at Harvard University in 1934 and did post-doctoral work at Northwestern University, the London School of Economics and the University of Cape Town, South Africa.

For many years Dr. Bunche was a resident of Washington, becoming head of the political science department at Howard University in 1928. During his teaching career there and elsewhere some of the later leaders of Africa were his students, including President Jomo Kenyatta of Kenya and former President Amandi Azikiwe of Nigeria and Kwame Nkrumah of Ghana. Kenyatta baby-sat for the Bunches when they were in London.

Joining the government at the beginning of World War II, he worked on African affairs with the Office of the Coordinator of Information and later with the OSS. From there he joined the State Department in 1944 and participated in the planning conference for the United Nations at Dumbarton Oaks and in the 1965 San Francisco Conference.

After a temporary appointment to the United Nations in 1946, he joined the permanent staff the next year. He followed his work in Palestine with a stint in the Department of Trusteeship Affairs, dealing with the problems of emerging colonies. In 1950 he was appointed professor of government at Harvard University, but resigned without ever taking the post.

He served on the Harvard Board of Overseers and was a trustee of Oberlin College and the Rockefeller Foundation. He was awarded the Presidential Medal of Freedom in 1963.

Dr. Bunche is survived by his wife, the former Ruth Ethel Harris; a daughter, Joan, who works in the U.N. Development Program; a son, Ralph Jr., who has been with the U.S. Army in Vietnam, and three grandchildren. Another daughter, Jane (Mrs. Burton Pierce), died in 1966.

PRESIDENT NIXON'S VETO OF CHILD DEVELOPMENT PROGRAM—SHOCKING AND IRRESPONSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 60 minutes.

Mr. BRADEMAS. Mr. Speaker, on December 9, 1971, President Richard Nixon broke his word to the American people when he vetoed a bill that represented an historic advance for the children of our country—the Comprehensive Child Development Act.

Mr. Speaker, I take this time today to review the President's veto message and to demonstrate how shocking and irresponsible was the President's action.

If we examine carefully what the President said on December 9, I think it can be shown that, at almost every point, he has proved himself guilty of misrepresentation and distortion of both the provisions and the purposes of the legislation.

For example, the President said:

> We cannot and will not ignore the challenge to do more for America's children in their all-important early years.

Yet he vetoed a bill which had won widespread support from both Democrats and Republicans in Congress and which was aimed at meeting just this objective.

The President said:

> Our response to this challenge must be a measured, evolutionary, painstakingly considered one. . . .

And went on to describe the child development program authorized in this legislation "as a long leap into the dark for the United States Government and the American people".

Apparently President Nixon is ignorant of the fact that child development legislation along the lines of the measure he killed last week has been under consideration in Congress since August of 1969 when a bipartisan group of Representatives first introduced the bill.

Apparently President Nixon is ignorant of the fact that on March 25, 1971, nearly 100 Members of the House of Representatives, both Democrats and Republicans, introduced the comprehensive child development bill.

Apparently President Nixon is ignorant of the fact that the Select Subcommittee on Education, which I have the honor to chair, of the House Committee on Education and Labor, has, during the last 2½ years, conducted 20 days of hearings on comprehensive child development legislation while a Senate subcommittee, under the leadership of Senator WALTER F. MONDALE of Minnesota, conducted an additional 6 days of hearings.

The published hearings in our House subcommittee alone total 1,715 pages.

As, himself, once a Member of the House Committee on Education and Labor, President Nixon should realize that this record represents an unusual amount of time and consideration to be given to any legislative measure.

But beyond the number of days devoted to the hearings, I must point out that the House subcommittee alone during 1969 and 1971 listened to or read the views of over 166 witnesses, including parents, child development authorities, Governors, and other public officials, including those representing the Nixon administration, testifying on the need for just the kind of program that President Nixon has now destroyed.

For the President to contend therefore that such legislation is "a long leap into the dark for the U.S. Government and the American people" is simply to make what can only be described as a false and uninformed statement.

Mr. Nixon's veto message declares that "neither the immediate need nor the desirability of a national child development program of this character has been demonstrated."

Mr. Speaker, who was it who in February 1969, told the Congress of the United States that—

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

Why, it was, of course, President Richard Nixon.

The President has now found that his sweeping rhetoric and grandiose promises have caught up with him, for the Congress of the United States responded affirmatively to his plea for "a national commitment" and, after lengthy and careful consideration, approved and sent to the White House legislation which was directed at the objective so well articulated by the President.

Moreover, Mr. Speaker, to suggest that the "need" or "desirability" of a child development program has not been demonstrated is to fly into the face of the overwhelming evidence in both the House and Senate hearings and, still further, to fly directly in the face of last year's White House Conference on Children, called by President Nixon himself.

For I would remind you, Mr. Speaker, that it was just 1 year ago this week that President Nixon welcomed to Washington 4,000 citizens whom he had himself invited to attend the White House Conference.

I would remind you, further Mr. Speaker, that these representatives to President Nixon's own conference concluded that their No. 1 priority and concern was that Congress should pass and the President sign exactly the kind of child development program which Mr. Nixon has just killed.

This is what Nixon's White House Conference on Children declared in 1970:

> We recommend that the Federal Government fund comprehensive child care programs, which will be family centered, locally controlled, and universally available, with initial priority to those whose need is greatest. These programs should provide for active participation of family members in the development and implementation of the program. These programs—including health, early childhood education, and social services—should have sufficient variety to insure that families can select the options most appropriate to their needs.

Mr. Speaker, this is just what the bill provides.

Mr. Speaker, let me speak further of the President's astonishing declaration that "neither the immediate need nor desirability of a child development program has been demonstrated."

As the Day Care and Child Development Council of America—whose honorary chairman is Mrs. Richard M. Nixon—said on December 10 in a statement sharply criticizing the President's veto:

> Is he unaware that of the 21 million children in this country under the age of 6, 10 percent (by a conservative estimate) are in glaring need of safe, quality developmental day care? That is 2.1 million at least! Two to three percent of these 2.1 million—up to 600,000—are simply left to care for themselves because their working mothers can find no care for them which the family can afford. Add to that the number known to be suffering abuse and living day to day in circumstances where rats and lead poisoning are a constant danger, and you reach the 2.1 million figure. Those children are the need! And there are millions more who are the need, because of the developmental deficiency of their environment and their families' particular desires for early childhood programs . . .

And, Mr. Speaker, as the Day Care Council went on to say:

> Is Mr. Nixon aware that 70–80 percent of working mothers have their preschool children cared for in unlicensed, informal arrangements—by a very conservative estimate?

Mr. Speaker, for the President to contend that a child development program is neither needed nor desirable is totally at odds with the evidence, which demonstrates clearly contrary conclusions.

Only this week, Mr. Speaker, Life magazine, in a special December 17, 1971, issue on children, contains two significant articles in this respect.

One, by Maya Pines, cites the book published in 1964, "Stability and Change in Human Characteristics," in which Dr. Benjamin S. Bloom, of the University of Chicago, pointed out that—

> By 4, as much as 50% of a person's intelligence is set. Before the age of 4, a child's intelligence is highly flexible, but after that the chances of raising a child's intelligence diminish, and more and more powerful forces are required to produce a given amount of change.

The other article in the December 17, 1971, issue of Life, by Vivian Cadden, discusses the immense importance to the emotional health of children of just the kind of child development programs contained in the bill Mr. Nixon vetoed.

Mr. Speaker, in view of what I have been saying about the evidence of the need and desirability of child development programs, it should come as no shock that the Office of Child Development has so far refused to make public the results of a number of studies it has sponsored which clearly demonstrate the immediate need and desirability of a child development program of the kind of contained in this legislation.

Indeed, I am this week writing a letter to Dr. Edward Ziegler, Director of Office of Child Development, requesting that his office reveal the results of these studies, which are, of course, paid for with tax dollars.

Mr. Speaker, the child development bill has received support from a wide variety of sources. This support is in large measure because the bill does not provide a program restricted to children of the poor.

Although the bill assigns priority to preschool children with the greatest economic and social need, the measure is intended to make services available to children from families of all income levels, including middle- and upper-income families, with those above the poverty level paying a fee, depending on their income, set by the Secretary of Health, Education, and Welfare.

The child development programs of the kind contemplated in the bill are for the benefit of all children, not only the children of the poor.

Let me here comment, Mr. Speaker, on the so-called fee schedule established under the bill.

The bill provided no charge to families with income below $4,320. Families with income between $4,320 and $5,916 would have paid 10 percent of their income between $4,320 and $5,916 for their children's participation; for example, a family of four with an income of $5,916 would have paid $159 a year for each child. Families with incomes between $5,916 and $6,960—or the lower living standard budget for a family of four as determined by the Department of Labor—would have paid the 10-percent factor just cited plus an additional 15 percent of income over $5,916; for example, a family of four with an income of $6,960 would have paid $317 for each child a year. Families with incomes above $6,960 would have paid fees according to a schedule determined by the Secretary of Health, Education, and Welfare based on the ability of the family to pay.

Mr. Speaker, as an illustration of the kind of wide support this bill has received, I list the following groups and organizations:

GROUPS SUPPORTING CHILD DEVELOPMENT

American Academy of Pediatrics.
The National Council of Churches.
United States Catholic Conference.
United Methodist Church.
Christian Science Committee on Publications.
Southern Christian Leadership Conference.
National Council of Jewish Women.
National Conference on Christians and Jews.
American Jewish Congress.
National Association for Catholic Women.
National Conference of Catholic Charities.
The Friends Committee on National Legislation.
National Board of YWCA.
United Auto Workers.
National Education Association.
Washington Research Project Action Council.
Council for Exceptional Children.
Women's International League for Peace and Friends.
AFL–CIO.
International Ladies' Garment Workers Union.
Amalgamated Clothing Workers of America.
National League of Cities-U.S. Conference of Mayors.
National Council on Hunger and Malnutrition.
National Council of Negro Women.
American Bankers Association.
National Association for Social Workers.
American Bar Association.
American Association of University Women.
Day Care and Child Development Council, Inc.
Americans for Democratic Action.
Americans for Indian Opportunity Action Council.
Zero Population.
Children's Lobby.
United Steel Workers of America.
National Welfare Rights Organization.
Leadership Conference on Civil Rights.
Common Cause.
League of Women Voters of the United States.
NAACP.
American Public Welfare Association.
Urban League.

> Women's Auxiliary of AMA (American Medical Association).

Therefore, Mr. Speaker, one of the goals of the bill is to give the taxpayer some of his money back so that churches, schools, and parents at the local level could provide preschool programs that they wanted for their children without the control of either State or Federal governments. This legislation should be viewed as providing an incentive to States and local communities to help them in developing their day care programs in churches, in community centers, in schools, and the kindergarten effort now being undertaken by many States.

And, Mr. Speaker, let me here add that in order that the President and his advisers can know what has been happening in Congress, I have sent him a set of the hearings of our subcommittee and I have asked Senator MONDALE to send the President his subcommittee hearings as well.

Now Mr. Speaker, I note that President Nixon's veto message also refers to H.R. 1, the welfare reform bill. The bill authorizes, according to his December 9 message:

> Day care centers to provide for the children of the poor so that their parents can leave the welfare rolls to go on the payrolls of the Nation.

The President goes on to make it abundantly clear that, in his view, these day care programs are, to quote him:

> To enable mothers, particularly those at the lowest income levels, to take full-time jobs.

Mr. Speaker, is the President not aware of the views expressed by his own Secretary of Health, Education, and Welfare, Elliot Richardson, only weeks ago on September 22, 1971, in testimony before the Senate Finance Committee?

For Secretary Richardson's statement then—which I applaud—is directly contradictory to the position set forth in President Nixon's veto message.

Said Secretary Richardson:

> We must not, however, focus entirely on the goal of freeing mothers for work. We also have a great opportunity, at the same time, to invest in the development of the next generation and thereby to begin to break the terrible, dehumanizing cycle of poverty. That cycle is by now all too familiar.
>
> Many parents are unable to give their offspring the experiences necessary to achieve success in our fast-paced society. They themselves often lack experience and schooling and are ill-prepared to assure the full development their children need to compete in a highly technological world. By the time their youngsters reach school age, they are so far behind their peers that it is virtually impossible for them ever to catch up. School becomes a futile and frustrating experience for them; their failures are reinforced, not alleviated. The children often become bitter teenagers and leave school, and the cycle begins over again. If we fail to invest in these children now—in improved and expanded child care and better schools—we are likely to find them on the welfare rolls as parents 15 years from now. In short, there is a great need for child care programs which contribute to the development of the child as well as provide a safe place for the child while the mother is working.

Mr. Speaker, that President Nixon should now justify the day care provisions of H.R. 1 solely as a device to enable welfare mothers to work without any hint of the importance of these programs to the development of children represents an astonishing retreat from his earlier plea, on August 11, 1969, in proposing his welfare reform bill and calling for federally supported day care programs. Said the President then:

> The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life. The day care that would be part of this plan would be of a quality that will help in the development of the child and provide for its health and safety and would break the poverty cycle for the new generation.

Now, Mr. Speaker, we all want to encourage people on welfare to work whenever possible and appropriate, but it is most distressing that the President has abandoned his earlier, more understanding view that child development programs must focus on the good of the child. It is distressing that he should now take the attitude that regards day care programs as nothing but babysitting centers to enable parents to work. The President seems to have forgotten his earlier speeches; some of us have not.

Moreover, for the President to charge, as his veto message does, that "to some degree, child development centers are a duplication" of the day care centers to be provided by H.R. 1 reflects further lack of awareness on the President's part of the expressed intent of Members of Congress with respect to the relationship between the day care centers to be provided under H.R. 1 and the child development programs to be provided by the Comprehensive Child Development Act.

I refer the President to a colloquy on September 30, 1971, during consideration of the child development bill, when the distinguished chairman of the Committee on Ways and Means, the Honorable WILBUR D. MILLS of Arkansas, said to me:

> I appreciate the gentleman's cooperation on these points. As I said last June, the distinguished member from Indiana has been most cooperative in assuring that the Congress is not enacting duplicative or overlapping programs.

Obviously, Mr. Speaker, Chairman MILLS, as sponsor of H.R. 1, and I, as sponsor of the Comprehensive Child Development Act, were making legislative history to indicate that these two programs were neither contradictory nor duplicatory.

Mr. Speaker, the President also attacked the child development programs to be provided for in the bill he killed as "redundant in that they duplicate many existing and growing Federal, State, and local efforts to provide social, medical, nutritional, and education services to the very young."

If such services exist and are growing sufficiently, why did Mr. Nixon himself in 1969 feel it imperative to call, in his oft-quoted phrase for a "national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life"?

Mr. Speaker, the President also attacked the amount of money to be provided under the child development program and says that—

> The expenditure of two billions of dollars in a program whose effectiveness has yet to be demonstrated cannot be justified.

Mr. Speaker, I would remind the President that the $2 billion figure, the amount authorized for the next fiscal year, includes approximately $400 million to cover existing federally supported child care programs and that the bill, therefore, only authorizes $1.6 billion in new money.

But, of course, the only rational way to make a judgment on the question of cost is to measure the cost against the need for such programs.

I here cite one estimate.

If $2 billion were made available—the amount authorized for the next fiscal year—and if there were provided part-day services to children zero to 5, we would be able to serve 1,538,462 children—42 percent of the eligible population under the family income level of $4,320.

For purposes of comparison, we today only serve 20 percent of that population. In fiscal year 1972 all children served totaled 479,400.

Mr. Speaker, we all know, as President Nixon said, that the resources of the Federal budget are limited but we also all know that the task of responsible Presidential leadership is to make judgments about which among competing demands deserve priority for the investment of tax dollars.

The December veto makes dramatically clear that, when the chips are down, the Nixon administration assigns a very low priority to children.

Mr. Speaker, in his veto message, the President also attacks the child development program in this legislation as one which would "lead toward altering the family relationship."

Mr. Nixon is apparently ignorant of the fact that his own Secretary of Health, Education, and Welfare on June 8, 1971, in a letter to me set forth a statement of the Nixon administration's position on day care and child development legislation pending before the Select Subcommittee on Education.

Here is how Secretary Richardson then described the administration's view of the purpose of comprehensive child development legislation:

> The purpose of the Comprehensive Child Development Act would be to (1) consolidate and coordinate Federal day care and child development programs; (2) assist in the development of a primary system for the delivery of day care and child development services under such programs; and (3) establish two principal targets for the provision of services under such programs: (a) the provision of day care services for children of low-income working families and (b) the provision of child development services for children regardless of the work status of their parents, to the extent permitted by budgetary resources and with priority to economically disadvantaged children.

Mr. Speaker, Secretary Richardson's statement of June 8, 1971, is an accurate description of the child development program vetoed on December 9, 1971, by President Nixon.

I here add that in his letter to me, Secretary Richardson spoke of "this highly important measure on behalf of the welfare of the Nation's children."

Is it any wonder, Mr. Speaker, that many of us read with great astonishment Secretary Richardson's speech on December 8, 1971, in which he attacked, to quote him:

> The propensity of politicians who promise more than they can possibly deliver.

Could he have been speaking of Richard Nixon?

I might here add, Mr. Speaker, that if there were as President Nixon last week alleged, "a respectable school of opinion that this legislation would lead toward altering the family relationship," Secretary Richardson and other administration spokesmen were most successful in concealing its existence from our subcommittee. For at no time during our hearings did the Nixon administration witnesses make the savage kind of attack on the child development bill that Mr. Nixon made with his veto message rhetoric charging that the legislation would "diminish both parental authority and parental involvement with children."

This charge of course is absurd and irresponsible. We have carefully drafted the bill to protect the rights of parents and their children.

First, participation in the program is completely voluntary. Children will not participate without the specific request of a parent or legal guardian.

Second, children will not be tested unless the parent or guardian is informed and given an opportunity to accept the child.

Third, the bill contains specific language providing protection against any involvement of the moral or legal right of parents or guardians with respect to the moral, mental, emotions, or physical development of their children.

To reiterate, the child development program, unlike the public school program, is totally voluntary.

Moreover, as I shall explain more fully later, the bill assigns principal responsibility for planning and operating child development programs to the parents of the children who are served.

With respect to the President's allegation that "his administration has been working for the objective of bringing the family together," I might here note, Mr. Speaker, again citing the December 10, 1971 statement of the Day Care and Child Development Council of America, Inc., that "Mr. Nixon seems to want to have his cake and eat it, too."

Said the Council:

> He alleges that the child development section here vetoed appears to move contrary to that. Later, he objects to "communal approaches to child rearing over against the family centered approach."
>
> So he is objecting to child care programs on principle apparently, while promising to provide enough child care to permit low-income people to work. He omits mentioning here that parents may be forced to take jobs, under H.R. 1, at an hourly rate of $1.20. It is impossible for us to reckon how this (H.R. 1) thereby assists family life.

Mr. Speaker, another question that the President raises in his message is that of "who the qualified people are and where they would come from to staff the child development centers."

Mr. Nixon seems to be ignorant of the fact that the child development bill he killed specifically provides that 10 percent of the moneys appropriated be devoted to the training of persons at the professional and paraprofessional levels to operate the programs.

Moreover, Mr. Speaker, the President seems to have ignored the fact that the legislation is aimed, in part because of the need to train more workers, at carefully phasing in the child development programs. The bill requires in this respect the creation of a Child Development Council and the proposal and approval of a comprehensive child development plan. This means that 12 to 18 months will elapse before any substantial number of communities will be available even to qualify for operating funds.

The sponsors of the legislation fully understood that it would not be wise immediately to launch a full-scale program but rather that time would be necessary if the program were to be soundly mounted.

Mr. Speaker, there is another charge that the President makes that is about as accurate as most of his others and it is that the legislation would create "a new army of bureaucrats." That the President would so characterize the persons would be the members of the Child development councils and the project policy committees at the local level is remarkable. Apparently, he has not even understood or wanted to understand that the chief responsibility for the planning and operation of the child development programs provided in this legislation would be the parents of the children involved.

The bill deliberately required that parents of children served by child development programs compose at least one-half of the membership of both the governing boards created to administer these programs. These parent-governed boards, the child development councils, and the project policy committees would decide which programs to fund, and approve the content, curriculum and policy of each individual project.

And the bill expressly stated that:

> Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children.

Mr. Nixon's rhetorical charge of a "new army of bureaucrats" suggests that he does not want to see the participation of parents or their representatives at the local level, for, if the parents will not plan and operate such programs, who will do so? Apparently a new Nixon-appointed army of Government bureaucrats.

Mr. Speaker, the President also contends that "the States will be relegated to an insufficient role" in the child development program.

Once again, his rhetoric is not on all fours with the facts.

The language of the bill is specific in requiring State involvement at every stage: Creation of prime sponsors, formation of comprehensive child development plans, and project operation.

Moreover, up to 5 percent of operating funds will become available to States to carry out their functions. In this way, States are encouraged to provide technical assistance and coordination of child programs within their boundaries. The States can thus identify problems, help in solving them, and advise the Department of Health, Education, and Welfare on how effectively programs are meeting child development standards.

But there is still another way in which States may participate in the program. The bill specifically authorizes the Secretary to fund directly any program—including that of a State—whenever he finds that a local community has not submitted a program, submitted an inadequate program, or where a program does not or cannot meet the needs of children.

Indeed, Mr. Speaker, in order to make clear that there would be a role for the States, the distinguished chairman of the House Committee on Education and Labor, the Honorable CARL D. PERKINS of Kentucky, and the distinguished ranking minority member of the Select Subcommittee on Education, who contributed much to the shaping of this bill, the Honorable OGDEN REID of New York, engaged in a colloquy during House debate on the conference report.

Mr. REID said that he wished to make it clear that—

> The Secretary has very broad discretion in selecting prime sponsors, including the discretion to use the States in order to put into effect the best possible performance in respect to child development.

Reviewing the broad requirements a prime sponsor must meet to qualify, Mr. REID asked Mr. PERKINS:

> So there is a responsibility with the Secretary to satisfy himself that any applicant, whether a locality, a combination, or an Indian tribe or a State, has the administrative capability to marshal resources and to provide effectively or assure access to the educational, social and other services needed to insure the comprehensiveness and high quality and standards for programs conducted under the title.

Mr. PERKINS replied:

> Yes, subject to the qualifications that whatever standard he may apply under these provisions be objective and applied to each case with an even hand; it is not intended as a license to develop standards such as population criteria which would have the practical effect of excluding a particular class of eligible applicants.

Mr. REID then said:

> Therefore if an applicant which is a locality, or a combination of localities, or an Indian tribe lacks the capability to carry out comprehensive programs or if the plan fails to meet the other requirements under the (act), the Secretary clearly has the authority to reject that application and to designate a State or other public or private nonprofit agency as prime sponsor, if it meets the requirements.

Mr. PERKINS replied:

> Yes, and the requirements that apply would be the same.

Mr. REID answered:

> In summary then, while the conference bill reflects the judgment that the Secretary should look first to locally run programs—in the interest of parental participation and other elements—the Secretary is not power-

less to choose a State over a locality and he is granted ample flexibility and freedom to make reasonable judgments to insure the comprehensiveness and high quality of care for children as long as he is prepared to support them with findings of fact.

Mr. Perkins then replied:

The gentleman is correct.

Indeed, Mr. Speaker, there can be no question that the comprehensive child development program which the President vetoed provides a more important role for the States than does the present Headstart program.

So the President's argument that "the States would be relegated to an insignificant role" is just not accurate.

It is also curious, Mr. Speaker, that President Nixon would attack the bill on the grounds that it would "retain an excessive measure of operational control for such education at the Federal level, in the form of the standards and program guidelines to be set down by the Welfare."

President Nixon seems ignorant of the fact that Dr. Edward Zigler, Director of the Office of Child Development, who the President appointed, said, in Houston, Tex., October 30, 1971, in commenting on child day centers, that present licensing procedures in most States were inadequate and added:

We are preparing the nation to clean up the licensing situation.

Mr. Zigler said that States would have a choice of whether to accept or reject Federal codes but added:

If the States expect to get Federal money they have to follow the national code.

Mr. Zigler said that 37 States had already expressed interest in the Federal codes and added:

They are looking forward to receiving the codes with the idea of adopting them.

Most of the States, he said, have indicated the need for some direction and some leadership.

But, Mr. Speaker, I suppose that of all the many criticisms which have been directed at President Nixon's veto of the child development bill, none has been more cited than the President's contention, to quote him, that—

For the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family-centered approach.

As the Washington Post said in a December 12, 1971, editorial, the President's veto message is "just to begin with, weird."

Said the Post:

It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

Mr. Speaker, for Richard Nixon to suggest that the child development program he vetoed is aimed at supporting "communal approaches to child rearing over against the family-centered approach" is unadulterated nonsense.

I remind the President that this legislation has, during the last 2½ years, enjoyed wide bipartisan support.

I remind the President that Republican Members of the Senate voted, by a margin of over 2 to 1, for the passage of the child development bill.

I remind the President that the Republican leader of the Senate and the Republican whip of the Senate both voted for the bill.

I remind the President that the chairman of the Republican National Committee, also a Senator, voted for the bill.

I remind the President that nearly 100 Members of the House, Republicans as well as Democrats, introduced child development legislation this year.

Is the President seriously expecting people to believe that those Republican Senators—and the Democratic ones—who voted for this bill voted for "communal approaches to child rearing over against the family-centered approach"? Nonsense.

Is the President seriously expecting people to believe that the Republican leader of the House, a Representative who introduced child development legislation, and the Republican members of the House Committee on Education and Labor who worked long and hard for such legislation favor "communal approaches to child rearing over against the family-centered approach"?

If either these Republicans in Congress or spokesmen of the Nixon administration believed that this would be the effect of this legislation, they certainly did not express this apprehension throughout the lengthy consideration given to the bill. It therefore becomes obvious to any rational observer why the President engaged in such a specious attack on a program which he had once indicated he thought essential.

The reason is simple: President Nixon is now distressed about the criticism from the right wing of his party because of his forthcoming visit to Peking and Moscow, and the child development bill seemed an appropriate lamb to throw to the right wing wolves.

One of our colleagues, the gentleman from Ohio (Mr. Ashbrook), who a number of prominent conservatives are urging to run against President Nixon in the primaries, last week called the veto "a signal that a lot of people have been looking for."

According to the December 1, 1971, issue of Education Daily, Mr. Ashbrook noted:

If he does veto it, it will help him a little. If he doesn't, it will hurt him a lot.

Mr. Speaker, the President apparently decided to get a little help from his right wing friends by hurting a lot the children of America. The whole business ill becomes the occupant of the highest office in the land.

years to shape a child development pro-

Mr. Speaker, many of us, both Democrats and Republicans, have worked carefully and cooperatively in both the House and Senate during the last 2½ gram that can meet the challenge of which President Nixon so eloquently spoke so many months ago—the challenge to make "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

Mr. Speaker, I am confident that there are still Republicans and Democrats in both the Senate and House of Representatives of the United States who want to make good on President Nixon's call for this commitment, and I hope therefore that, in the second session of the 92d Congress, we can persuade President Nixon to join us.

For, again to quote President Nixon's veto message:

We owe our children something more than good intentions.

Mr. Speaker, at this point in the Record I include a statement dated December 10, 1971, from the Day Care and Child Development Council of America, Inc.:

Day Care and Child Development Council of America Responds to Presidential Veto

(By Theodore Taylor)

The President's veto stands in stark contrast to the will of the people of the United States as expressed through their Congressmen and Senators. It appears in even more dismaying form when read against the background of the President's own White House Conference on Children.

Just one year ago this week, 4,000 citizens were called to Washington at the invitation of the President. These were no radical agents of social change, but men and women carefully selected to represent a broad spectrum of American life. At the conclusion of their work, these representatives to the President's own Conference stated that their number one overriding concern was for the enactment of precisely the sort of child care programs which the President has now vetoed.

"We recommend that the Federal Government fund comprehensive child care programs, which will be family centered, locally controlled, and universally available, with initial priority to those whose need is greatest. These programs should provide for active participation of family members in the development and implementation of the program. These programs—including health, early childhood education, and social services—should have sufficient variety to insure that families can select the options most appropriate to their needs."

In response to issues raised in the President's veto message, we respond as follows:

We charge that the President has been insensitive to the immediate desirability for a national commitment to child development programs. Is he unaware that of the 21 million children in this country under the age of 6, 10 percent (by a conservative estimate) are in glaring need of safe, quality developmental day care? That is 2.1 million at least! Two to three percent of these 2.1 million—up to 600,000—are simply left to care for themselves because their working mothers can find no care for them which the family can afford. Add to that the number known to be suffering abuse and living day to day in circumstances where rats and lead poisoning are a constant danger, and you reach the 2.1 million figure. Those children are the need! And there are millions more who are the need, because of developmental deficiency of their environment and their families' particular desires for early childhood programs. Their needs require a commitment of national resources. They are a social responsibility given the economic realities of American life today.

Is Mr. Nixon aware that 70–80 percent of working mothers have their preschool children cared for in unlicensed, informal arrangements—by a very conservative estimate? And that a 1968 Child Welfare League survey of working mothers came up with a clear demonstration of the desirability of a national commitment to child care and development *from their perspective*. The survey found that working mothers of all races and economic strata would use child care centers if they could afford them. This was true of 47 percent of the mothers who had to leave their children to care for themselves because they could not find an acceptable child care arrangement which they would afford; 67 percent of those who care for their children while they worked; 40 percent of those whose children received care from a sibling; 38 percent of those with children cared for by a relative; and 52 percent of those cared for by neighbors or friends. These women can tell Mr. Nixon about the desirability of federal support for child development programs. They are working mothers; not the same mothers who may receive child care aid under the Welfare Reform Plan. Mr. Nixon seems unaware that the desperate need and the obvious desirability addressed in the bill which he vetoed exends far beyond his plan to relieve welfare rolls by putting poor mothers to work.

We must make one other point about Mr. Nixon's first objection: He describes the child development legislation which he is seeking to kill as a national program. A closer reading of the legislation should make it clear to the President that the bill authorized community programs, with parents and others from the local communities where children are growing and learning as the primary policy makers and program shapers. The bill calls for the federal government to fund communities to care for their children, not to do the job for them.

The charge that the President is hypocritical in opposing child developing programs because it works against bringing the family together while defending day care provisions of H.R. 1.

We charge that the President raises a false issue of program duplication when existing governmental programs are patently inadequate in volume alone to meet Mr. Nixon's stated goals.

Mr. Nixon alludes to the provision in H.R. 1 for day care centers to provide for children of the poor so that their parents can leave the welfare rolls to go on the payrolls of the nation, and cites that child development centers in the OEO bill would to some degree duplicate these efforts.

We charge that the President has abdicated his responsibility to provide leadership in reordering the Nation's priorities in favor of children.

It is irresponsible of Mr. Nixon to base his veto of this bill on the limitations of the federal budget when, in fact, it is precisely his task as President to lead the nation in the allocation of its great resources.

Mr. Nixon entered upon his administration by making "a national commitment to provide all American children an opportunity for a healthful and stimulating development during the first five years of life."

It has become clear today that either these words were simply rhetoric, or else the President failed from the beginning to take the real measure of the commitment he so easily announced. For it has long been obvious to those of us associated with developmental child care that nothing could be accomplished on the scale required to meet the real need in America until our nation's present priorities first were challenged and radically reordered.

Mr. Nixon has failed to lead this effort.

The realities are such that, in order to care more about our children, we need now to begin caring less about many other things. The critical need is for national leadership which can free America from its inordinate investment in roads, rockets and rifles, and its consequent neglect of people.

Mr. Nixon seems to want to have his cake and eat it, too. On the one hand, he claims (point 4) that his Administration has been working for the objective of bringing the family together. He alleges that the child development section here vetoed appears to move contrary to that. Later (point 9), he objects to "communal approaches to child rearing over against the family centered approach."

So he is objecting to child care programs on principle apparently, while promising to provide enough child care to permit low-income people to work. He omits mentioning here that parents may be forced to take jobs, under H.R. 1, at an hourly rate of $1.20. It is impossible for us to reckon how this (H.R. 1) thereby assists family life. Rather, it perpetuates poverty and degradation.

Furthermore, child care provisions of H.R. 1 are so vaguely written that they defy an intelligent comparison with the relatively clear provisions of S. 2007.

On the matter of possible duplication, there appears to be no impediment to voucher payments under H.R. 1—should this highly questionable bill pass in something like its present form—being used to secure slots in the child development programs for its eligible recipients. Such a procedure would also achieve racial and class integration rather than establishing segregated programs for welfare recipients.

The matter of duplication of programs is also dealt with above in terms of the magnitude of need for child care and the absence of existing programs and facilities.

We charge that the President has misused a valid national concern for supporting family life in his veto of this bill.

We agree with the President's desire to enhance parental authority and involvement with children. In view of economic circumstances which require both parents to work, and changing family patterns which include single-parent families and the separation of nuclear families from the larger family, the provisions of this legislation seem best adapted to do just that. Parents are recognized as the authorities over the care and development programs which can mean so much to them and their children. Once again, the President should note that this bill called for a program to be governed principally by them, not by him or Secretary Richardson.

We charge that the President has branded those people whose authority and involvement he wishes to enhance as a new army of bureaucrats. We are appalled at his low estimate of the commitment of the people who would compose Child Development Councils and Local Policy Councils to see that the care and development of their own children will be safeguarded and will never be relegated to the level of a bureaucratic function. Indeed, Mr. Nixon's objection that states would be relegated to a less significant role than he deems appropriate suggests that he wants more bureaucrats in the delivery of child care services, not less.

We cannot ignore the intention in the veto statement about "communal approaches to child rearing against the family centered approach." We seek the maximization of options for families. Since this program is entirely optional, no one can be forced to use a child development program (unlike H.R. 1, where coercion to work at slave wages is the dominant impetus). Moreover, it sounds like the Old Nixon who deploys red herring phrases like "communal approaches" without defining what he means. Are public schools "communal approaches"? . . . are choirs and orchestras? This sounds like a repetition of Right Wing shibboleths calculated to allay political opponents rather than a serious comment on a developmental social program which can benefit the intellectual, physical, and social resources of the United States.

Also, we align ourselves with the other supporters of Office of Economic Opportunity programs and urge the immediate continuation of OEO programs and the establishment of the Independent Legal Services Corporation.

Mr. Speaker, I here include in the Record several editorials on the President's veto of the Comprehensive Child Development Act and a related article:

[From the Washington Post, Dec. 12, 1971]

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated." . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

[From the New York Times, Dec. 12, 1971]

ABANDONED COMMITMENT

President Nixon explained his veto of the child development program by calling the plan too costly, administratively unworkable, professionally ill-prepared and designed to undermine the American family. The sweeping nature of this attack cannot obscure the fact that the concept of child care and development enjoys broad popular support across most of the traditional divisions of politics, class, economics and race.

The argument put forth in the veto message are not convincing. Initial costs would not have been high. By limiting free services to the welfare level of poverty, Congress had already responded to the Administration's budgetary objections. Contributory fees could have readily been revised later, when operations would have provided a clearer picture of the extent of voluntary participation.

The President's vague reference to an unworkable bureaucracy reflects the Administration's apparent preference for control and management by the states, hardly the best administrative level for action that must be geared to local communities and neighborhoods. Participation by a wide variety of public and non-profit private agencies was one of the attractive features of the plan.

The President's charge that day care weakens the family ignores the realities of much of modern family life. Poor and working-class families normally have to leave their children improperly supervised or entirely unattended for much of the day; families at virtually all other income levels rely heavily on baby-sitters and, in the upper brackets, a variety of domestic help.

Mr. Nixon is justified in his concern over the lack of trained personnel, but much of the bill's first-year expenditure was to be devoted to the necessary training. The veto suggests that the President's concept of child care is limited to welfare cases and is only custodial at that. This approach reduces the chances that disadvantaged children will be lifted out of their debilitating environment at an early age.

In his message, Mr. Nixon observed that the proposal "points far beyond what the Administration envisioned" when it made its earlier commitment of providing healthful and stimulating development for all American children during the first five years of life. But in the absence of a positive program, his veto has reduced that supposed commitment to mere political rhetoric.

[From the Wilmington (Del.) Evening-Journal, Dec. 10, 1971]

YES FOR DAY-CARE BILL

It is difficult to believe that the same President Nixon who stood in front of the 4,000 delegates to last December's White House Conference on Children and spoke with conviction about his determination to meet the needs of America's children has now vetoed the day care bill.

Fact after fact was cited last winter to show the absence of adequate day-care facilities:

12 million children under 14 had mothers working in 1965, and with the current trend of women joining the work force that number must have increased substantially since then.

Four and a half million of those children were under 6 years old and 18,000 received no care at all while their mothers were working.

In 1970, there were 640,000 spaces in licensed day-care homes; the estimated need was for several million such spaces. The conference recommended a goal of 5.6 million day-care slots by 1980.

All recent studies point to the overriding importance of early experience in human growth and development. A comprehensive day-care facility can be an important factor in supplementing home care and in fostering healthy growth.

With these points in mind, the compromise day-care bill passed 210 to 186 by the House of Representatives on Tuesday and more resoundingly by Senate earlier sounded very good indeed and deserving of presidential approval.

The new legislation, which can only be saved by a Congressional override of the President's action, would provide a comprehensive day care program including medical, social, nutritional, educational, custodial services: Poor families (for instance, a family of four with an annual income under $4,320) would receive the day-care services free; families with higher incomes would contribute on a sliding scale. Emphasis would be on care of preschoolers; though after-school care for older children and school-vacation care would also be included.

The child development centers would be sponsored by any political subdivision of 5,000 or more; financing could be obtained directly by the political subdivisions without having to go through the intermediate state channel. This feature is in direct response to the conference's call for local coordination and control; it is also one of the points to which the President objects on administrative grounds.

The measure as passed by Congress authorizes $100 million in start-up funds and envisages a federal expenditure of $2 billion for 1973, the first year of operation.

The President's displeasure with the day-care measure centers on its cost. While this is a concern that all taxpayers share, the advantage of giving America's children a better start in life far outweighs the cost factor. Furthermore, the side-effects of the day-care program—jobs for those who run the centers, construction of day-care facilities or use of existing buildings that lie fallow, a widening of life options for women—also are beneficial and constructive.

The day-care measure went through the legislative mill of hearings, debates, compromises for a good many months. A fine measure emerged.

It merited better than a presidential "No." All that can be hoped for now is a congressional override—always difficult to obtain. But it's worth a try at least.

[From the Washington Post, Dec. 1, 1971]

PROGRAMS BEFORE CONGRESS THIS WEEK—A NEW PUBLIC ATTENTION TO PRESCHOOL CHILD DEVELOPMENT

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for pre-school children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs, nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1973, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between child care and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senator Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced concern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between that level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House. Republican unease is related not to cost, but to the bypassing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing opposition to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty far fetched since participation would be entirely voluntary and the bill gives parents much more control over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

Mr. REID of New York. Mr. Speaker, in vetoing the early child development-day care bill, the President has defeated one of the most important pieces of social legislation of this decade. His action represents a bow to political pressures and a strong disappointment to millions of children and working mothers.

The President's veto message clearly demonstrates a misconstruing of the premises of the legislation as well as an inaccurate presentation of the facts. The basic issue here is one of quality versus custodial care. The President approves of custodial care for children of welfare mothers. And that is all he approves of. And yet, there are millions of working mothers who must work and many more who want to work, yet who have no services for their children. One of the greatest ironies in the veto is that the vetoed bill would specifically have provided for lower middle-income families anxious to stay off the welfare rolls.

The President's message emphasizes care in the home through tax credits and purchasing of day care facilities through the private sector with a minimum of Federal involvement. This is to consign quality day care to upper middle-income families and to the wealthy. Those of us who have spent some time where disadvantaged children live, know that many have only one parent and that day care in this setting is a mockery of the tragic needs of these children. Further, to suggest that this single parent is in a position to benefit from a tax credit is to completely misread what poverty means to millions of Americans. Leaving aside the premises and the facts, and we do not mean to be exhaustive in this regard, there is a monumental gap between the President's national commitment to all American children ages 1 to 5, twice repeated, and the statement in the veto message in which he says that:

> This program points far beyond what this administration envisioned when it made a "national commitment to providing all American children an opportunity for a healthful and stimulating development during the first 5 years of life."

If the comprehensive child development bill, which was a minimum beginning after all, goes way beyond the administration's present intent, what is left of this pledge beyond the most empty rhetoric?

The experts who testified before the Education and Labor Committee were virtually unanimous in their agreement that the greatest gap in our educational system and the greatest hope for saving many of our young children rests in reaching them during the first 5 years of their lives. In denying these facts, in pursuing the course of only the most minimal facilities for only the children of working welfare mothers, the administration has turned its back on American children and made a mockery of its own commitment to the first 5 years of life. This horrendous act will cost our society a great deal more than the happiness or unhappiness of preschool children, for this administration will now have to bear much of the blame for the children who, 10 to 15 years from now, become addicts, dropouts, and misfits, burdening our society in a much more serious way than this administration chooses to realize.

Those of us who have worked so hard for so long in this bipartisan effort must and will continue until our goal of quality day care for all those who seek it has been realized.

Mr. Speaker, I wish to propound a number of questions to the manager of the conference report, the gentleman from Kentucky, the chairman of our committee which handled this bill. I think the questions and answers will be of great importance both to the Members who must decide how they will vote on the conference report and to the administration.

My questions concern the selection of prime sponsors for child development programs.

It is my understanding of the conference bill that a State, a locality, a combination of localities, Indian tribal organizations or public or private nonprofit agencies or organizations may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs upon meeting the requirements spelled out in the bill.

Mr. PERKINS. The gentleman is correct. Section 513 so provides. In the case of localities and combinations of localities there is a requirement that the units of general local government cover an area having a population of 5,000 or more persons.

Mr. REID of New York. Am I also correct that in considering applications for prime sponsorship—which is called the "prime sponsorship plan"—the Secretary is required to act upon plans submitted by localities and combinations of localities, in that order, but he may designate a State as prime sponsor as to areas where localities or combinations thereof fail to meet the requirements contained in the bill?

Mr. PERKINS. Yes. And that order of consideration applies also to prime sponsorship plans submitted by Indian tribal organizations, so that he must act first on its application, and can designate the State for the area if the Indian tribal organization fails to meet the requirements in the bill.

Mr. REID of New York. Would the gentleman please spell out the prime sponsorship requirements that any applicant must meet?

Mr. PERKINS. Yes. In reviewing plans submitted by localities, combinations of localities, and Indian tribal organizations, or States, the Secretary must make the judgment in each case that:

The plan sets forth "satisfactory provisions" for establishing and maintaining a Child Development Council meeting the requirements of section 514, section 513(a)(2);

The plan provides that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan, section 513(a)(3);

The plan sets forth arrangements under which the Child Development Council will be responsible for planning, coordinating, monitoring, and evaluating child development programs, section 513 (2)(4);

In the case of applicants which are units of government, the plan provides for the operation of programs through contracts with public or private agencies, section 513(a)(5);

The plan contains assurances that the Council has the administrative capacity to provide—itself or by contract or other arrangement—effective and comprehensive child related family, social and rehabilitative services, coordination with educational services, and health and other services, section 513(a)(6);

The plan also includes "adequate provisions for carrying out comprehensive child development programs in the area to be served"—section 513 (b), (c), (d).

Mr. REID of New York. With respect to the last requirement, in determining whether the plan includes "adequate provisions for carrying out comprehensive child development programs," it is anticipated by the conferees that, in addition to other appropriate factors, the Secretary may make a judgment as to the capability of the particular applicant to carry out effectively comprehensive child development programs?

Mr. PERKINS. The gentleman is correct.

Mr. REID of New York. And by the term "comprehensive child development programs" do not the conferees expressly contemplate programs of high quality providing the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential?

Mr. PERKINS. The gentleman is correct. Section 501(a)(2), section 571(3) and other provisions of the title make the meaning of that phrase clear.

Mr. REID of New York. So there is a responsibility with the Secretary to satisfy himself that any applicant, whether a locality, a combination, or an Indian tribe or a State, has the administrative capability to marshal resources and to provide effectively or assure access to the educational, social, and other services needed to insure the comprehensiveness and high qualities and standards for programs conducted under the title.

Mr. PERKINS. Yes, subject to the qualification that whatever standards he may apply under these provisions are objective and applied to each case with an even hand; it is not intended as a license to develop standards such as population criteria which would have the practical effect of excluding a particular class of eligible applicants.

The Secretary's determination of the particular facts on which he bases his decision is conclusive if supported by substantial evidence. The conference agreement is explicit on this point, in section 513(h)(2).

Mr. REID of New York. Therefore, if an applicant which is a locality, or a combination of localities, or an Indian tribe lacks the capability to carry out comprehensive programs or if the plan fails to meet the other requirements under the sections which the gentleman has outlined, then the Secretary clearly has the authority to reject that application and to designate a State or other public or private nonprofit agency as prime sponsor, if it meets the requirements.

Mr. PERKINS. Yes, the requirements that would apply would be the same.

Mr. REID of New York. In summary, then, while the conference bill reflects the judgment that the Secretary should look first to locally run programs—in the interest of parental participation and other elements—the Secretary is not powerless to choose a State over a locality and he is granted ample flexibility and freedom to make reasonable judgments to insure the comprehensiveness and high quality of care for children as long as he is prepared to support them with findings of fact.

Mr. PERKINS. The gentleman is correct.

Mr. REID of New York. And is it also true that if none of the units of government, whether they be localities or combinations of localities, Indian tribal organizations, or the State itself qualify as prime sponsors, or in certain other specified conditions that he still has authority under the so-called bypass provisions to fund programs directly, and a State, as well as any other public or private agency, could qualify as a grantee under that provision?

Mr. PERKINS. Yes. Section 513 (j) and (k) so provide.

Mr. REID of New York. And am I correct that even in respect to areas where a locality or combination of localities or an Indian tribe may be designated as prime sponsor, that the State is to have a significant role?

Mr. PERKINS. Yes. The conference bill authorizes the Secretary to utilize up to 5 percent of the funds allocated for use in each State for activities by States, in the nature of technical assistance to localities, combinations thereof and Indian tribes including assisting in the establishment of child development councils, encouraging the cooperation and participation of State agencies and the full utilization of resources, and developing information useful in reviewing prime sponsorship plans and comprehensive child development plans submitted by localities, combinations thereof, and Indian tribes. Section 513(a) and section 515(b)(3) require that the Governor have the right to review prime sponsorship plans and comprehensive plans, respectively, with the right in each case, to submit comments to the Secretary.

Mr. REID of New York. Although the Secretary would not be bound by those comments, would they be among the factors he could consider in making the determinations relating to prime sponsorship which we discussed earlier?

Mr. PERKINS. Yes.

Mr. REID of New York. Some may reasonably conclude that under the conference bill the Secretary has the authority to significantly involve the States, in order to assure high quality care.

Mr. PERKINS. The gentleman is correct. That is the intent.

Mr. REID of New York. I thank my colleague very much. If he will bear with me for one further point, the conference report authorizes $2 billion in appropriations for child development care for the first year in which it is fully spelled out—to wit, fiscal 1973; $100 million is provided for fiscal 1972, for startup activities. It has been my understanding that the $2 billion authorization is intended by the conferees as a goal which we have established, without knowing what the total picture may be at the time of appropriation; for example, we do not know what may be available from other sources such as the family assistance plan, H.R. 1, if that should become law.

Mr. PERKINS. The gentleman is correct. The authorization is, of course, subject to the appropriation process and to the influence of various factors, as the gentleman suggests.

Mr. REID of New York. I will now insert some extraneous matter:

[From the New York Times, Dec. 11, 1971]

ABANDONED COMMITMENT

President Nixon explained his veto of the child development program by calling the plan too costly, administratively unworkable, professionally ill-prepared and designed to undermine the American family. The sweeping nature of this attack cannot obscure the fact that the concept of child care and development enjoys broad popular support across most of the traditional divisions of politics, class, economics and race.

The arguments put forth in the veto message are not convincing. Initial costs would not have been high. By limiting free services to the welfare level of poverty, Congress had already responded to the Administration's budgetary objections. Contributory fees could have readily been revised later, when operations would have provided a clearer picture of the extent of voluntary participation.

The President's vague reference to an unworkable bureaucracy reflects the Administration's apparent preference for control and management by the states, hardly the best administrative level for action that must be geared to local communities and neighborhoods. Participation by a wide variety of public and non-profit private agencies was one of the attractive features of the plan.

The President's charge that day care weakens the family ignores the realities of much of modern family life. Poor and working-class families normally have to leave their children improperly supervised or entirely unattended for much of the day; families at virtually all other income levels rely heavily on baby-sitters and, in the upper brackets, a variety of domestic help.

Mr. Nixon is justified in his concern over the lack of trained personnel, but much of the bill's first-year expenditure was to be devoted to the necessary training. The veto suggests that the President's concept of child care is limited to welfare cases and is only custodial at that. This approach reduces the chances that disadvantaged children will be lifted out of their debilitating environment at an early age.

In his message, Mr. Nixon observed that the proposal "points far beyond what the Administration envisioned" when it made its earlier commitment of providing healthful and stimulating development for all American children during the first five years of life. But in the absence of a positive program, his veto has reduced that supposed commitment to mere political rhetoric.

[From the Washington Post, Dec. 12, 1971]

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated." ...

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

Mr. STOKES. Mr. Speaker, I am appalled that President Nixon has affixed his veto to the Economic Opportunity Act amendments. His doing so is another manifestation of his total disregard and lack of empathy for the real needs, the daily and unglamorous needs, of the American people.

The President has seen fit before to undercut our efforts in behalf of minorities and the poor. But this time he has struck down a majority—and a most vocal majority at that—by vetoing a bill which would have benefited all working parents and their offspring.

It is well known that the poor have little voice in the machinations of government, and President Nixon previously, and unfortunately, has been able to exploit this silence. But his veto has succeeded in breaking down the silence and the economic and racial barriers that accompanied it, and which the administration has been painstakingly erecting over the past 3 years. Parents come in all sizes, shapes, and colors—and all have been equally victimized by this latest rebuff.

I am hopeful that my constituents, and all concerned parents, will make their dissatisfaction with the President's veto known to him in full voice. The needs of all Americans are tied to what are labeled the "needs of the poor." Mr. Nixon's action helps to prove this simple fact.

Mr. HARRINGTON. Mr. Speaker, I am disappointed by the President's veto of the OEO bill and the Senate's failure to override it. Weighing the advances in Headstart programs, in legal aid for the poor, and in the battles waged against poverty in the 6 years the Office of Economic Opportunity has existed, I can find no good or rational reason for such action.

When you look at the gains OEO has made in the past few years, and consider the challenges it has had to deal with, OEO has to be credited with accomplishing many of its goals, particularly in giving the poor a sense of hope they never had before. That is why I am disturbed by this veto. The President applies one fiscal yardstick to aid the poor and a different one to run the Pentagon.

For the 12th time the President has vetoed legislation directly affecting the personal lives of the citizens of this country. Apparently it is all right to spend $77 billion on the military, yet a $376 million appropriation for a preschool program to help disadvantaged children is unacceptable.

Apparently it is wrong to spend money on day care for the 8 million preschool children below the age of 6 whose mothers work. Apparently the President decided he was wrong when in 1969 he committed his administration to "providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

What bothers me is that this veto follows a trend. The President has vetoed funding of manpower programs, hospital construction, education, labor programs and medical training. He has never vetoed money for the military, even though we know that there are serious cost overruns, that the M–16 rifle is defective, that the F–14 fighter bomber is a disaster, and that the Pentagon is a nightmare of fiscal irresponsibility and sloppy management.

We can appropriate $5 billion for farm subsidies and the White House does not even blink an eyelash. Yet $2 billion for day care centers so mothers on welfare can find jobs for themselves is a cause for rejection.

The veto of the legislation containing the Comprehensive Child Development Act is one of the most callous actions ever taken by President Nixon. Day care centers are now available to less than 700,000 children. Yet 8 million children are in need of such centers, and by 1980 the number of working mothers will have increased 43 percent. Clearly something has to be done to make day care available and the Comprehensive Child Development Act was the solution to the problem.

The reasons for the veto just do not

make sense. The President said that the bill fails to provide an adequate role to the States in child development and that the program is administratively unworkable.

But the language is specific in requiring that States be involved at every state—in the creation of prime sponsors, formation of comprehensive child development plans and project operation. States are also entitled to up to 5 percent of operating funds to carry out their functions, thereby encouraging States to provide technical assistance and coordination of child programs within the State.

States may also receive direct funding for programs when the local community has not submitted a program, submitted an inadequate program or where a program does not or cannot meet the needs of children.

Another major objection is that the cost is excessive and will damage attempts to reduce Government spending during phase II.

First of all, since it will take approximately 18 months before any substantial number of communities will be ready to qualify for operating funds—child development councils must first be established and they must submit comprehensive plans—we are not talking about spending until the 1974 fiscal year budget. Even in fiscal year 1974, it is doubtful that more than $300 million will be spent above present levels.

But even if all of the $2 billion were spent in the next 2 years, the benefits from that money would be enormous. First, welfare mothers—who would have first preference for day care—would be able to go to work. This would reduce welfare roles substantially. Second, many of those who make up the 6 percent unemployed are unskilled and without sufficient education to qualify for many jobs. The establishment of day care centers would open up a large number of jobs and those jobs would be ones which the technically unskilled worker with proper training could do very well. The qualifications for such work are sensitivity to the needs of children, an open mind, and an ability to learn from and about children. Day-care centers are ideal for tapping the skills of those we now label unskilled, and higher employment brings a healthier economy.

Perhaps the most spurious argument used by the President is his statement that this bill would "commit the vast moral authority of the National Government to the side of communal approaches to child rearing against the family centered approach." I would like to ask Mr. Nixon what he would do if he were faced with the necessity to find child care for his children and could find none? Would he so readily denounce this legislation if he were on welfare and could not work because he had no one to take care of his children. Or what if he were a woman who wanted to work, and had no alternative but to stay home because no child care was available. Many women want to stay home and are happy to be there. That is their right. Many other women, however, have interests and needs which require the outside stimulation of a job. Their unhappiness at being forced to stay at home for lack of day care for their children reacts on their families and the family center begins to disintegrate. It is their right to work. Yet the President has made a value judgment against them and denied them access to a day care center.

Beyond the President's insensitivity is his basic lack of understanding of the legislation. His cries of "communal approaches to child rearing" and the fear engendered by such an unsupported statement are irresponsible.

Participation in the program is completely voluntary. Children will not participate without the specific request of a parent or legal guardian.

Children will not be tested unless the parent or guardian is informed and given an opportunity to accept them.

The bill contains specific language providing protection against any involvement of the moral or legal rights of parents or guardians with respect to the moral, mental, emotional, or physical development of their children.

The child development programs must be planned, created and operated at the local level by parents or by persons of their choosing. The only role given the Department of Health, Education, and Welfare would be in setting common standards and administering the funds on an allotment basis.

All of the President's reasons for vetoing the child care bill are a smokescreen for his true rationale. He just does not want to spend the money on so many nonvoters—our children. He has chosen instead to risk the welfare of millions of children in exchange for the good graces of the conservative far right.

I deeply regret the Senate's failure to override this veto. The legislation, however, is too important to quit now. I will support such legislation until it is passed. We have had substantial bipartisan support of child care in the past, and we will have it again in the future.

Mr. BEGICH. Mr. Speaker, it is my feeling that no bill has received less understanding in Alaska than the comprehensive child development program, and for a few moments today I would like to address myself to this misunderstanding and these misconceptions.

First, no defense of child care centers seems necessary, for their worth has been obvious for many, many years. Indeed, most of the objections I have received in the mail from Alaska do not question the concept of child care. Of course, most of the child care centers have been privately operated and it has been the affluent American who has had sufficient private income to enroll his child in this program or the working mother who is sufficiently trained in a high-income job to warrant payment of charges for child care. Higher and upper-income families have always been able to afford child care.

Second, the objections to H.R. 10351 and S. 2007 and the House-Senate Conference Committee Report (H. Rept. No. 92–682), in general, have come from the same people who are against excessive welfare payments and government assistance to the poor in the United States. They maintain that government is already too involved in expensive programs of this type. Of the 13.4 million people listed by the U.S. Department of Health, Education, and Welfare as welfare recipients, nearly 7.5 million are children and nearly 2.5 million are mothers, or nearly 75 percent. It is clear that we must do something if we are to resolve the problem of welfare and one action is to inaugurate programs which will entail some cost at first but, in the end, will lead to a marked decrease of some types of welfare on a permanent basis. The comprehensive child development program was and is one of these programs. There is no one more aware of the excessive burden carried by the Alaskan taxpayer than I am, and it is incumbent on all of us to attempt to find solutions to this excessive cost.

The average payment to a welfare family of four with no other income varies among States, from a low of $60 per month in Mississippi to a high of $375 per month in Alaska. Alaska's position at the top of this list indicates that we can and should initiate programs so that working mothers can, indeed, work with their children being taken care of in adequate child care centers. Additionally, until we are able to develop educational programs to train many of these mothers, in itself a program which will cost tremendously in terms of taxpayer dollars, their incomes will not be sufficient to pay for private day care centers, if there were sufficient day care centers in Alaska.

There is a paradox in all of this dialog concerning this bill recently vetoed by the President. On the one hand, there are those who do not want to bear the burden of excessive child care centers as proposed in this bill, and, on the other hand, they want a solution to the welfare problem which can be partially solved by developing these programs. On the one hand, many do not want increased taxation needed to develop educational programs to train working mothers so they can afford day care for their dependent children, and, on the other hand, many protest about so many people being on the welfare rolls. On the one hand, we find excessive costs for private day care centers and, on the other hand, there aren't enough day care centers, in the first place, even if we could afford them. On the one hand, we find a need for day care for our children and a resentment that the Federal Government became involved in this area, yet on the other hand, the State government and the local government do not have the financial resources to initiate and operate these programs.

Third, the two main objections, in addition to the cost to the Federal Government, are that it leads to Government control of the lives of our children, indeed, some have called it "brainwashing," and that the program is compulsory. Obviously, these two basic considerations are important in determining the value of this legislation. I have, for instance, received mail calling this legislation "The Federal Child Control Act"; another referred to the "drafting of our children at the age of 1 year" still another informed me that I did not have "permission to relinquish our children, our substance nor our country into the control of a dictatorship". The legislation was clearly of a voluntary nature and stated that a parent must, specifically, request in writing that their child be permitted to attend the program. Local control was one of the great advantages of the legislation and not only would be local community have control over the budget, but they would be responsible for the hiring and firing of the personnel involved in the program. The local community group would apply directly to the Federal Government and would be funded, if deemed feasible, with the parents of those children who attend the centers determining the program, facilities and educational and recreational equipment necessary for the program. This is the simplest and most direct form of absolute community control and the misconceptions of this concept alone have brought about tremendous misunderstandings due to a lack of knowledge of the entire bill and the debate in both the Senate and the House of Representatives.

I am very emphatic when I state that parents still have an obligation and responsibility and an absolute right to raise their own children. Day care centers and the Federal Government do not and would not have had the responsibility to raise and bring up their children under the agreed terms of this legislation. That is a right that belongs only to parents. Every Member of the 92d Congress with whom I have discussed this concept recognizes and wants to protect the right of parents and that is why the local control and the voluntary aspect of the legislation has been so important.

Because half of all the mothers with children between the ages of 6 and 17 are working mothers and approximately one-third of the mothers with preschool children are working mothers, this legislation had the enthusiastic support of many Congressmen. These mothers either have to leave their children alone, with a relative or pay for day care or a baby-sitter they cannot afford. This program would have enabled those mothers of middle and lower income earning power to have quality care they can afford.

The Senate passed S. 2007 on September 9, 1971, by a vote of 49–12. H.R. 10351 passed the House of Representatives on September 30, 1971 by a vote of 251–115. The conference committee report was approved in the House of Representatives on December 7 by a vote of 210–186 after the Senate had approved the same report on December 2 by a vote of 63–17. I feel confident that the entire Alaskan delegation in the Congress would not have approved any legislation unless it was, clearly, legislation which would have been of great benefit to Alaska and both Senators joined me and either voted for the legislation or announced previously their support of this legislation.

It is regrettable, to my way of thinking, that President Nixon vetoed this legislation and, for the Record, I would like to include the editorial in Sunday, Dec. 12, 1971, Washington Post, which places clearly in focus the whole situation. He is obviously for day care centers, has introduced legislation to that effect (although in his legislation there is a requirement that poor people place their children in such center), and his veto message does not distinguish the bill he vetoed from the one he is supporting. This editorial is helpful in placing the rhetoric of his message with the action of his performance.

The editorial follows:

The President's Veto of Day Care

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate need nor the desirability of a national child development of this character has been demonstrated." . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

Finally, I would like to assure the many Alaskans who wrote in support of this bill that I appreciate their concern and their support and their efforts should now be geared to working from programs of a similar nature through local agencies and with local endorsement and support. The veto by the President at the end of last week has made this necessary and indicates the need for acceleration of solutions to this very real problem of modern America. We can ask no less for our children than the best possible care of them while their mothers are at work. That has been my overriding concern in supporting this legislation.

I appreciate the opportunity generously given to me by the man most responsible for the comprehensive child development program, the esteemed member of the House Education and Labor Committee, the Honorable John Brademas of Indiana, to clarify my position on this legislation and sincerely hope that many of the issues that have been either misunderstood or misinterpreted have been clarified.

Mr. RYAN. Mr. Speaker—

> So critical is the matter of early growth that we must make a national commitment to provide all American children an opportunity for healthful and stimulating growth . . .

Those words could have been mine. Or for that matter, they could have been spoken by almost any of the 63 Senators and 210 Congressmen who voted for the conference report on the Economic Opportunity Amendments of 1971, in which the Comprehensive Child Development Act was contained.

But they were not.

They were spoken by the President of the United States on February 19, 1969.

Yet just 5 days ago, on December 9, the President threw those words—and his pledge to the children of this Nation—aside by vetoing the OEO bill. And in so doing he sacrificed the welfare of millions of young children to the expediency of pacifying the most regressive elements in our society.

The fate of our young is often sealed in their experiences during those first few years of life. Therefore the value of early childhood care and education is incalculable. Yet, despite the fact that in this country there are some 8 million preschool children less than 6 years of age whose mothers work, day care services are available to only 700,000 of these children.

Each year this problem is compounded. In fact, the U.S. Department of Labor has estimated that by 1980 there will be close to 7.6 million working mothers with children under 6 years of age—an increase of 43 percent in the next 10 years.

The child development program passed by the Congress—and of which I am a cosponsor—would have been a significant step toward meeting the needs of these youngsters, while preserving parental control and strengthening the family unit.

Rather than taking this stride toward progress, President Nixon has once again demonstrated that this administration is totally insensitive to the plight of the young and the poor. I say once again, because all too often over the course of the past 3 years, we have had to witness the callous disregard of the White House toward our Nation's children.

We witnessed it in the unconscionable foot dragging in the implementation of a provision in the medicaid law which would have provided over 6 million young children with preventive health care.

We witnessed it in the tragic failure of this administration to mount a meaningful attack against the devastating disease of childhood—lead poisoning—an epidemic sweeping across our Nation's cities, bringing affliction and death to hundreds of youngsters.

We witnessed it in the outrageous attempt to cut back on the school lunch program, which would have forced some 1,300,000 disadvantaged children farther into the jaws of hunger and malnutrition.

Now, we have been forced to witness yet another heartless blow to the hopes of America's children, and to the hopes of America. The veto of the child care bill vetoed an investment in our future. And no amount of Presidential rhetoric can overcome the clear need for that investment. Nor can it mask the fact that the President of the United States has violated his own pledge.

On coming to office, this administration asked the American people to judge it not on its words, but by its deeds. We can now see all too clearly the emptiness of its words; and its deeds give evidence only to its cruel neglect and misplaced priorities.

In his veto message, President Nixon stated that:

> We owe our children something more than good intentions.

We do owe our children a great deal. But this administration is not providing it. And by vetoing the OEO bill, the President took away from our young what could have been the most fitting and beneficial of Christmas presents: a better chance for a decent and healthy life.

Mr. GONZALEZ. Mr. Speaker, I believe that all of us recognize the reality that there are a vast number of families in this country needing day care services that cannot obtain them. We all agree that there are millions of mothers who need to work in order to support their families, but cannot work because they cannot find, cannot afford day care for their children.

If we are to meet the need for day care in this country, we need to provide assurances that the care is available wherever it is needed, and that it is of adequate quality. We need to be assured that all children, and all families, needing day care services can get them, and at a cost they can afford. The care provided must be such that we know the children are safe, that they are healthy, that they are happy, and that they are provided every opportunity to develop their skills and potentials. This will require more, much more, than just hiring babysitters. It will require the skill and commitment of thousands of well trained, highly motivated people. It will require a national commitment. I am not interested in just providing warehouses for children; I am interested in providing them opportunities. That is what the House bill would have done. I believe that we should again assert ourselves on this issue. The President was wrong to veto the child care bill, and I believe that if we are to have the kind and extent of day care this country needs, we must again enact at the very minimum the same bill that the President vetoed.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to register distress and disappointment over the President's veto of the OEO extension which includes the child development provisions.

I am disappointed because after the legislation was approved by both Houses of Congress, and, I am confident, by a representative segment of the general public, the Presidential disapproval comes as a serious setback to the concept of child development in general and quality day care in particular.

I am distressed because the real needs of millions of American women and children remain unfulfilled while the need itself and whether or not it ought to be met is questioned.

The thread of tragedy running through all this is the misunderstanding of both the situation as it is in the country today and of the grievance it represents.

In the United States today, it is an undisputed fact that a great many married women work, some 42 percent of the work force, I believe. I daresay a large number of them work because they have to, either because they are the sole support of their families or because they must augment their husbands' income to make ends meet.

These women require as a necessity some kind of care for their children. They must prevail on a relative or a neighbor or they must hire a paid custodian. They are free, of course, not to marry, or not to have children, or not to work, or to leave their children unattended if they do.

Realistically, however, they are faced with a need for babysitters, either in the family or for hire. If there are no family members available—which is quite likely in today's mobile society—then the choice is narrowed to hired sitters. Because of the demand, and a variety of other reasons, they are in short supply. Any babysitter at all, much less a highly competent one, is at a premium—and expensive.

Women who have to work can ill afford the going sitter rate which usually serves to eat up whatever they earn.

I am talking in this context of women who, together with their husbands, produce a combined gross income of $6,000, $8,000, or $10,000 a year. It is they whose position in this regard is all but untenable. And I know of their plight firsthand because there are many of them in my congressional district.

This is not to discriminate against those in higher or lower income brackets. Their need is also great. But H.R. 1 provides care for the children of welfare mothers.

Now if all these women require some workable alternative to this economic squirrel cage, what of their children? Surely the children's requirement not only for care and security but also for constructive, wholesome learning, and development is real and pressing.

And if there is an opportunity to shape a young child in the mold of decent, productive, law-abiding citizenship, where is the wisdom in failing to take it?

All of that is what this legislation is geared to. It creates a system of quality day care centers, financed in part with Federal funds, that would be designed to meet the needs of these women and children.

Such care would be free to families under a certain income level. A scale of fees based on ability to pay would go into effect when that income level is exceeded.

Beyond that, this care would be available only to those who wanted it. It would be forced on nobody, it would be mandatory for nobody. It is totally voluntary.

And lest wrongful or undue influence be brought to bear on the children, their parents would be involved in the administrative oversight of each local program as members of the local councils required in the act. They would, under this program, have the opportunity for closer surveillance and participation than they do now in the public school systems of this country.

All of which is why the disapproval of this legislation that was so close to reality is discouraging. But it is not fatal.

I am planning to introduce new child development legislation on the first day of the new session that hopefully will meet much of the criticism that the recent legislation met.

I am confident a child care program eventually will come into being. I took the issue to my constituents to a special hearing and their reaction convinced me of that.

Mr. MIKVA. Mr. Speaker, earlier this month Congress passed legislation extending for another 2 years various programs funded by the Office of Economic Opportunity. Earlier this week, the President chose to veto that bill. The bill contained badly needed funding for comprehensive health services and family planning programs, for senior citizens' service programs, for drug rehabilitation and alcoholic treatment programs, for VISTA and legal services, and child care.

The desperate need for such social services among a substantial portion of our people, the obvious social benefit to be gained by these programs, is so obvious that a child could understand it. And yet, the President has seen fit to veto the bill, and it is left to us to try to make millions of children, and their parents, understand why.

Apparently it was the child development provisions of the bill which caused the President to veto it. Let us first be clear about what the child development program would and would not do. It would provide Federal funds to assist private and public nonprofit groups to establish and operate child development centers, offering a full range of health, education, and social services. No child would be required to enroll. No parent would be required to work outside the home and to place his or her child in such a center. If a group of parents, or a community, felt a need for preschool child care and child development programs, this legislation would simply make funds available to them, provided their programs met the applicable standards of professional staffing and facilities. All children would be entitled to take advantage of the opportunities offered by such programs, regardless of the income or resources of their parents. The cost to the family would be based on their ability to pay.

The potential benefits of such programs to children are obvious. In addition, there would be immense social benefits, and this makes the President's veto even more puzzling. Child care is a basic requirement of any meaningful welfare reform. First, it would provide a stable, wholesome environment for the child, enabling mothers to accept employment out of the home in order to support their families. Furthermore, the child development centers would themselves provide employment for mothers and for elderly people, giving them a chance not only to support themselves economically but to enjoy the satisfaction of helping children to learn and to grow.

Second, child development offers the greatest hope for breaking the poverty cycle by providing children with a fertile environment for early development regardless of the circumstances of their families. The first 5 years of a child's life are critical years in terms of physical and intellectual growth. Lack of physical or emotional or intellectual nourishment during those early years places a child at a decided social disadvantage.

An ounce of prevention is worth a pound of cure. A dollar invested in early child development is worth hundreds of dollars of later expenditures on remedial school programs, juvenile delinquency programs, narcotics treatment programs, and all the other too-little too-late efforts we make to treat the eventual symptoms of early deprivation. Even President Nixon acknowledged the important benefits of early child care, in his 1969 message to Congress on economic opportunity. The President said:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

That statement is as true today as it was in 1969. It is difficult to square the President's words of 1969 with his actions of 1971.

It is true that children do not vote. But they do cry. It is past time that those of us who do have a vote heeded their cries, and insisted on their behalf that their need must be the first item on this Nation's agenda.

Mrs. ABZUG. Mr. Speaker, last Friday, the President gravely injured and grossly insulted the women and children of this country; not just the poor women and the children of poor women, but all the women and all the children. The President's veto of the Child Development Act—S. 2007—demonstrates that although he has spoken many times of his commitment to "providing all American children an opportunity for a healthful and stimulating development during the first 5 years of life," he is more than willing to sacrifice these 18 million children in this country for short-term political gain.

In his veto message, President Nixon gave three substantive reasons for his action: fiscal irresponsibility; administrative unworkability; and family-weakening implications. Let us examine these reasons in light of the Child Development Act which passed Congress and which the Secretary of Health, Education, and Welfare indicated he found acceptable:

The Child Development Act authorized $2 billion to carry out the first broad-based, federally assisted low-cost child care program. The President found this authorization unacceptably high. But this is the same President who has permitted the Defense budget to exceed $73 billion and the war in Indochina to consume five times the funds which would have been authorized for the Child Development Act. The Child Development Act, as adopted by Congress, would initially benefit families with incomes below the poverty level, $4,320; they would have been provided with free child care services, while those with incomes up to $6,960, the Bureau of Labor Statistics' figure for a minimum adequate standard of living would have been provided child care at fees within their means. These are, for the most part, families with working mothers or families with mothers who would work if adequate, low-cost child care facilities were available. It is fiscally responsible for Congress to provide the means by which women of low- and moderate-income families can work to support their families or augment their family income and thus become economically productive members of society. It is fiscally irresponsible for the President to deprive them of that opportunity.

The second major reason which the President cited for his veto of the Child Development Act is its "administrative unworkability."

As the President correctly noted, the Child Development Act represented a new comprehensive child care program. Quite possibly, modifying congressional action would have been in order as actual experience with the program occurred. This is true of all new programs. We can always modify programs in light of experience, but we do not kill them because they are new and untried. Under the President's theory, we would be doomed to the status quo forever.

That brings us to the President's third reason for vetoing the bill, the alleged "family weakening implications." We are all familiar with the campaign that was mounted against comprehensive child care: The specter of children taken off to be brainwashed by the Government. It was a totally groundless appeal to fear and suspicion, and the President's allusion to this baseless fear does not make it any more true. Indeed, it demonstrates that the veto was no more than a bid for short-term political gain with the most conservative and regressive elements in this country.

The child development program which the Congress adopted was a totally voluntary program: no parent would have been required to utilize it. In fact, the only place where the element of compulsion regarding child care is to be found is in the President's welfare "reform" legislation, H.R. 1. That legislation would require welfare mothers with children over 3 years of age to place their children in day care centers in order to seek and take jobs. The President's veto of S. 2007, taken together with the day care requirements of H.R. 1, leads inescapably to the conclusion that forced day care for the poor is acceptable, but voluntary day care is not. It is hardly family centered to have children left alone, with neighbors, or with latch keys around their necks to fend for themselves. The Child Development Act included provisions for substantial parent involvement and could not possibly have been a family weakening program.

The programs for which the act provided were local programs, to be supervised by local boards composed 50 percent of local parents and 50 percent of local educators and professional people. This emphasis on the local nature of the act was also reflected in the fact that communities of 5,000 and over were eligible to sponsor programs. The implication that this program would not have been under local, parental control is absurd and completely contrary to the facts.

The truth is that the President offered no real reason for vetoing this legislation. He has demonstrated to the whole world his total insensitivity to the desperate needs of the women and children of the United States as well as the fact that he places a higher value on hardware than on people.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION CELEBRATES 20TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. McCLORY) is recognized for 30 minutes.

Mr. McCLORY. Mr. Speaker, on November 29, 1971, the 34th session of the Council of the Intergovernmental Committee for European Migration—ICEM—convened in Geneva, Switzerland. This session of the council, which lasted through December 2, was of particular significance since it marked the 20th anniversary of ICEM and, furthermore, since a distinguished American, our colleague Representative PETER W. RODINO, Jr., chairman of the House Subcommittee on Immigration and Refugees, was unanimously elected to serve as chairman of this commemorative meeting.

I was privileged to attend the 20th anniversary session of the Intergovernmental Committee for European Migration as a congressional adviser to the U.S. delegation. On the first day of the session, we in the U.S. delegation were justly proud when Representative RODINO was chosen to chair this important session. Following the election of officers, the council devoted 1½ days to ceremonies commemorating ICEM on its achievements over the last two decades. Immediately following the ceremonies, the delegates to the session engaged in discussions on the extensive migrations from the Eastern European nations, including U.S.S.R., Czechoslovakia, and other nations in the Soviet bloc, as well as national migration from countries of Europe to countries of Latin America. The ICEM conference enabled me to confer directly with many public leaders of member-nations who are dealing directly with the subject of refugees.

The U.S. Congress was represented at the 20th anniversary session by the following members of the House Judiciary Committee who served as advisers to the U.S. delegation. Hon. PETER W. RODINO, Jr., New Jersey; Hon. ROBERT McCLORY, Illinois; Hon. JOSHUA EILBERG, Pennsylvania; Hon. TOM RAILSBACK, Illinois; Hon. LAWRENCE J. HOGAN, Maryland; and Hon. JAMES D. McKEVITT, Colorado.

Furthermore, ICEM was honored by the presence of ministers from 11 member countries who journeyed to Geneva for this important conference: Louis Maria de Pablo Pardo, Minister of External Relations, Argentina; Ian Sinclair, Minister of Primary Industries, Australia; Alberto Raposo Lopes, Chief of Department of Consular and Immigration Affairs, Brazil; Jose Utreia Molina, Under-Secretary of the Ministry of Labor, Spain; Egon Franke, Federal Minister of Inter German Relations, Germany; Alberto Bemporad, Undersecretary of State, Ministry of Foreign Affairs, Italy; Odd Hoejdahl, Minister of Health and Social Affairs, Norway; J. G. Rietkerk, Secretary of State, Ministry of Social Affairs, Netherlands; C. P. Mulder, Minister of Information, Social Welfare and Pensions, South Africa; Pierre Graber, Chief of Federal Political Department, Switzerland; Frederico Biji, Secretary of State, Ministry of Foreign Affairs, San Marino.

It was, indeed, an honor for the United States that a Member of the U.S. Congress was elected to serve as Chairman of the 20th anniversary session.

In nominating Mr. RODINO, Ambassador Smoquina of Italy said:

> The Honorable Peter W. Rodino, Jr. is well known to all of us since he has always taken the greatest interest in the work of this organization and has participated for many years as delegate to this Council. Nobody better than the Honorable Rodino, who has always been a strenuous defender of civil rights, could chair the debates on this occasion of the 20th anniversary.

In seconding the nomination, Ambassador J. P. van Bellinghen of Belgium, said:

> My Government had the honor of being the co-sponsor of the Migration Conference in Brussels in December 1951 which led to the birth of ICEM; the other Government in this endeavor was the United States. It is only fitting that the 20th anniversary Council Session be chaired by another member of this august body, a man who has long represented his Government in international conferences and is an expert in the field of immigration legislation—the Honorable Peter W. Rodino, Jr.

Further seconding nomination speeches were made by the Ambassador from Australia, the Ambassador from Spain, and the Ambassador from Israel, all praising RODINO for his outstanding contributions in the fields of refugee and migration assistance.

After his election as Chairman, PETER RODINO was escorted to the chair by John Thomas, United States, the Director General of ICEM.

Upon assuming the chair, Mr. RODINO said:

> It is indeed a great honor and privilege to be elected to serve as Chairman of this 20th anniversary session of ICEM. Since I have always tried to appreciate the human side of governmental action, I have developed a great respect for ICEM's outstanding humanitarian work.
>
> For these reasons and because of my intense admiration of individuals who have previously chaired these meetings, I assume the role of Council Chairman with a deep sense of personal pride and humility.

The U.S. delegate to ICEM, Ambassador Francis Kellogg, Special Assistant to the Secretary for Refugee and Migration Affairs, Department of State, in his opening statement recited the history of ICEM, praised the organization for its accomplishments, and honored ICEM on the occasion of its 20th anniversary.

Ambassador Kellogg also read to the Council the following personal message from President Richard M. Nixon:

> Dear Mr. Chairman: May I ask you to convey my warmest regards and congratulations to the Council of the Intergovernmental Committee for European Migration on the occasion of the 20th anniversary of this unique and humanitarian organization.
>
> This indispensable international unit has had an heroic and historic role in helping men and countries adjust to the post World War II era.
>
> As a non-political, technical, and operational organization, ICEM has well served the community of free nations by providing for the orderly resettlement of refugees from troubled areas and the orderly movement of migrants to lands of new opportunity.
>
> It is an organization fulfilling the belief of the United States in the principle of freedom of movement—the right of man to move from his homeland should he feel that resettlement would enhance his future and that of his family.
>
> ICEM is the type of organization that personifies my belief that humanitarian assistance to countries can best be handled in the international community on a multi-lateral basis. The successful operation of ICEM illustrates, in my mind, the need for, and efficacy of, international cooperation in solving worldwide problems.
>
> ICEM is the only international organization dealing exclusively with the movement of a large number of persons. This has been demonstrated by the resettlement of some 1,800,000 persons during its 20-year existence. Truly, this is a commendable and enviable accomplishment.
>
> From the time of its inception in 1951, ICEM has enjoyed bi-partisan support in the United States—a support that has been rewarded by the knowledge that we have afforded opportunities to many people seeking human dignity, but who need assistance to help themselves.
>
> I am proud to commend ICEM today for its two decades of outstanding humanitarian achievements.
>
> RICHARD NIXON.

During the course of the debates before the Council, Ambassador Kellogg and alternate delegate, Mr. Raymond W. Laugel, Director, Office of Refugee and Migration Affairs, Department of State, participated vigorously in the debates on the future of ICEM, the plight of Soviet Jews, and the possibility of making ICEM's services available in troubled areas, such as East Pakistan and India.

ICEM had its beginning on November 26, 1951, in Brussels, Belgium, when representatives of 27 governments attended a migration conference convened by the Government of Belgium at the request of the United States of America. The Holy See, the United Nations, the International Labor Organization, the International Refugee Organization, the United Nations High Commissioner for Refugees, and many intergovernmental and nongovernmental agencies were represented by observers.

This conference considered and adopted a resolution to establish the Provisional Committee for the Movement of Immigrants from Europe and that organization survived to become in 1954 the Intergovernmental Committee for European Migration.

The Intergovernmental Committee for European Migration, is a 31-member nation international organization designed to carry out simultaneously three important programs: First, refugee migration; second, European nationals migration; and third, selected migration to Latin America. Additionally, ICEM provides a variety of corollary services, such as surveys to determine manpower requirements; participation and planning development projects; information, orientation and counselling; preparation and collection of documents; trade tests, medical examinations, language and vocational training; home economics' courses; passport and visa services; embarkation, transport, reception and placement; and integration assistance. The transportation of migrants and refugees is one of the primary functions of ICEM and it is also one of the most complicated if one considers that, in an average year of the late 1960's, bookings were made on some 200 vessels, 1,600 scheduled air services, and 230 ICEM chartered aircraft. During the year 1970, an average of 240 persons were moving under ICEM's auspices each day.

The record of ICEM is impressive and the achievements of this organization over the past 20 years have been truly remarkable. In fulfilling its mandate, ICEM has relocated over 900,000 displaced persons and refugees and it has also enabled 900,000 persons to obtain better opportunities for themselves and their families.

Mr. Speaker, one of the subjects which I was able to discuss informally at the ICEM meeting related to the plight of Soviet Jews.

While ICEM is not directly involved in handling this problem, the organization has provided substantial professional and technical advice to the private organizations which are concerned with the emigration of Jews from the Soviet Union and their relocation primarily in the State of Israel.

I conferred with His Excellency, Mr. Shabtai Rosenne, Ambassador of Israel, and Mr. Eran Laor who represented the State of Israel at this conference and received detailed information regarding the manner in which the Jewish refugees from the Soviet Union are assisted following their ordeals in the Soviet Union, both before and during the time of their departures. A refugee center for Soviet Jews in Vienna is not unlike that through which ICEM operates in Dreiskirke.

In addition to the service which ICEM performs in this behalf, experts from the ICEM organization have assisted in the acute refugee problem experienced by the Pakistani refugees.

Mr. Speaker, the benefits which our Nation derives from the Intergovernmental Committee on European Migration are manifold. Without this multinational organization, the unilateral steps which we would be required to take would be far more expensive and much less productive.

Mr. Speaker, several members of the staff of the ICEM prepared a book of cartoons which graphically and humorously described the subject of refugees from the time of the first wanderings of Adam and Eve in the Garden of Eden to the outer space explorations of today's astronauts. In all of the intervening peregrinations of mankind, the resettlement of large numbers of people have occurred. This is a continuing problem in which the whole world has been and must continue to be involved. The Subcommittee on Immigration of the House Judiciary Committee is itself directly concerned with immigration and refugee problems. To the extent that a multinational approach to these two questions can be handled—and on a very limited budget—ICEM does exceedingly well.

Mr. Speaker, I would like to add also that ICEM works closely and effectively with other international organizations—including primarily the United Nations High Commissioner on Refugees, and other groups.

Mr. Speaker, it was an enriching and invaluable experience to attend this memorable anniversary conference of ICEM in Geneva, Switzerland. I commend all of my colleagues who were present at these meetings, and I congratulate particularly our distinguished colleague from New Jersey (Mr. Rodino), who served as the Conference Chairman.

Mr. Speaker, I would also like to commend our prominent Representative at our U.S. Mission in Geneva—Mr. James Carlin, Counselor for Refugee, Migration, and Red Cross Affairs. Mr. Carlin is a fully knowledgeable person on the subjects considered at the ICEM Conference. He is an able representative of our Nation and exhibits a high degree of humanity, diplomacy, and intelligence. He represents our interests on an ongoing basis in Geneva.

Mr. Speaker, I should add that our Ambassador, Francis L. Kellogg, and his Deputy, Raymond W. Laugel, served our Nation well at this historic international conference—to the end that our Nation's interests were expertly represented and the goals of improved international understanding were advanced. Their active participation and substantial contributions were important elements in the success of the ICEM conference.

Mr. Speaker, I could not close these remarks without also paying tribute to our congressional staff representative from the House Judiciary Committee—Garner J. Cline—whose expert advice and assistance based on experience were always readily available in support of all of our U.S. Representatives at this important International Conference on Immigration and Refugees.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I join in the congratulations to our good friend and distinguished colleague from New Jersey (Mr. Rodino) for being elected to chair the 20th anniversary session of the Intergovernmental Committee for European Migration, which was held in Geneva, Switzerland, from November 29 to December 3, 1971.

It is extremely appropriate that the gentleman from New Jersey, one of this country's foremost defenders of human rights, was chosen to preside over the important anniversary session of this humanitarian organization.

As chairman of the Immigration and Nationality Subcommittee, Mr. Rodino has continuously demonstrated his strict adherence to the principle of "freedom of movement" for all people. Therefore, it is only fitting that he was selected as the U.S. delegate to this commemorative session of ICEM.

Likewise, by electing him to chair the anniversary meeting of the 31-member-nation body, which has enabled 1.8 million to seek new opportunities, the Council members have recognized Mr. Rodino's deep concern for the underprivileged and oppressed peoples of the world.

As an ardent proponent of individual liberties and an expert in refugee and migration matters, our distinguished colleague was eminently qualified to represent the United States at this meeting and to chair this international organization, which operates for the benefit of all mankind.

Although ICEM was originally created in 1951, to resettle over 1 million persons, displaced during World War II, it has continued to assist refugees fleeing from political and religious persecution and to preserve the free flow of migration.

For the past 8 years, Peter Rodino has manifested a special interest in the affairs of this organization and has diligently attended ICEM's Council sessions, which are held annually to discuss financing, current refugee activities and migration trends.

Therefore, the House of Representatives can be justly proud, not only because one of its Members has been elected to chair this august international body, but also because it has passed legislation (H. Con. Res. 417) sponsored by the distinguished chairman of the House Judiciary Committee, the Honorable Emanuel Celler, commending ICEM for an unequaled record of outstanding accomplishments.

Mr. McCLORY. Mr. Speaker, I thank the gentleman from California for his contribution and for his able service in the House Committee on the Judiciary.

Mr. Speaker, I will now yield to the gentleman from Maryland (Mr. Hogan) who served importantly as a Congressional adviser at the recent ICEM meeting.

Mr. HOGAN. Mr. Speaker, I wish to join my colleague in paying tribute to the Intergovernmental Committee for European Migration upon the occasion of the 20th anniversary of its founding. I wish also to join in extending congratulations to our distinguished colleague, Congressman Peter W. Rodino upon his election as chairman for the 34th session of the Council of ICEM which met in the Palais des Nations, in Geneva, Switzerland, November 29 through December 3.

It was my great pleasure to attend the session as a congressional adviser. I find it particularly appropriate that Congressman Rodino, chairman of the Immigration Subcommittee of the Committee on the Judiciary, was selected by the delegation from the 31-member nations of ICEM to serve as chairman for the anniversary meeting.

The United States was one of the two original sponsor nations which initiated the formation of ICEM in 1951 in Brussels. Peter Rodino has been an active supporter and participant in its achievements and efforts on behalf of refugees since ICEM's founding. It was gratifying to me, since I serve under his chairmanship on the Immigration Subcommittee of the House Judiciary Committee, that Congressman Rodino has received worldwide recognition as the friend of refugees—as a truly sympathetic champion of the oppressed—and an untiring worker for the improvement of the lot of the downtrodden throughout the world.

The 20th anniversary session in Geneva was marked by the presence of foreign ministers and dignitaries from the world's leading nations—all paying tribute to the remarkable record compiled by ICEM—the movement and resettlement of approximately 1,800,000 refugees and migrants.

The need for this great humanitarian organization continues. During 1971 more than 65,600 migrants and refugees will have been moved to havens of opportunity. Refugees from the Soviet Union, Hungary, Iraq, China, Cuba, Czechoslovakia—the list goes on and on—and the challenge continues for people of good will to help their fellow man—victims of oppression who are struggling for new hope and opportunity, ICEM stands ready and active in meeting this challenge.

Mr. McCLORY. Mr. Speaker, I thank the gentleman from Maryland, and I commend him on his service at this important conference, as well as his work on the House Committee on the Judiciary.

Mr. Speaker, I now yield to the gentleman from Pennsylvania (Mr. Eilberg).

Mr. EILBERG. Mr. Speaker, I rise to offer my congratulations to my good friend, the distinguished gentleman from New Jersey (Mr. Rodino), chairman of the Subcommittee on Immigration and Nationality, on his excellent leadership as chairman of the 20th anniversary session of the Intergovernmental Committee for European Migration.

This was the second time in the 20-year history of ICEM that an American was elected to serve in this important capacity. In 1960, the first American elected to serve as chairman was the late Honorable Francis E. Walter, of Pennsylvania, who was considered a founding father of ICEM.

Peter Rodino has faithfully attended every ICEM Council session as a congressional adviser since 1963. Furthermore, he has made field trips to numerous refugee camps where he has personally witnessed the suffering, confusion, and despair of refugees who are caught in the turmoil of the present and have but little hope for the future. Because of his expertise in immigration matters, his widespread experience in refugee problems, and his concern for humanity, he was an unqualified choice to serve as chairman of the 20th anniversary Council session of this indispensable humanitarian organization, which has assisted over 1.8 million persons to find opportunities for fruitful lives.

I am proud to have had the opportunity, once again, to have served as a congressional adviser to the U.S. delegation to ICEM. ICEM is an organization which has recognized the principle of freedom of movement and the right of every man to choose the place where he would like to live and raise his family. ICEM brings together a multilateral approach in assisting refugees and migrants to find, prepare, and integrate into the land of their choice.

I was pleased that in the course of debate, U.S. representative, Ambassador Francis Kellogg, Special Assistant to the Secretary for Refugee and Migration Affairs, Department of State, made what I consider a very significant policy statement regarding the Soviet Jews. I would like at this time to bring it to the attention of my colleagues.

Statement Regarding Soviet Jews Made by U.S. Representative Frank L. Kellogg During General Debate at ICEM Council Session December 1

As for refugees, the continuing heavy flow into asylum areas in various parts of our globe is clear evidence of man's all-pervasive, age-old quest for freedom. It is wished that one could forecast stability in the world which would bring an end to refugee problems. Regrettably one cannot do so, and common prudence demands that the international machinery—ICEM, the voluntary agencies, UNHCR and the other working partners—must be maintained in a high state of readiness.

While it has been encouraging to note that the concept of freedom of movement and asylum is being increasingly accepted among nations of the world—and indeed becoming embodied in international law—it is to be regretted that some nations still do not honor this principle and deny to certain peoples these human rights.

My country attaches the utmost importance to the right of free emigration—that is to say, the freedom of an individual to leave his country and indeed, if he so wishes, to return to it.

This right is a basic one and indeed it is guaranteed in the universal declaration of human rights. From it stem many other rights and entitlements. The individual who feels that he cannot pursue his profession satisfactorily in his own country—cannot practice the religion of his choice—or who wishes to join his relatives abroad—should be permitted to seek resettlement in another country.

My Government has repeatedly expressed in public and in private its opposition to antihumanitarian policies and practices wherever they exist in the world. For example, we have expressed sympathy and concern on many occasions for members of minority groups in the Soviet Union, such as the Soviet Jews, who wish to emigrate—often to be reunited with their families elsewhere—but who are denied permission to do so. We intend to continue to make these views known and to take every practical measure which could help to overcome the hardships suffered by such persons.

During the last ICEM Council Session in November 1970, concern was expressed over the denial of freedom of emigration to Jews and other citizens in the Soviet Union. On January 21, 1971, ICEM Director Thomas sent an aide-memoire to the Soviet Permanent Delegate in Geneva offering ICEM's good offices with respect to emigration from the Soviet Union and aid in travel arrangements for Soviet Jews. The United States Government has supported this initiative wholeheartedly. Unfortunately Mr. Thomas has as yet received no response from the Soviet Delegate.

On behalf of my Government, I wish to commend Mr. Thomas for this initiative. It is in the best tradition of ICEM, an organization founded on the principle of freedom of movement.

I believe we all share a deep concern for the plight of Soviet citizens who have been denied the fundamental human right of freedom of emigration. During the past year the United States Government at the highest level has expressed its concern about this denial of rights. On January 11, 1971, President Nixon joined leaders of the American Jewish Community in urging "freedom of emigration as explicitly provided in Article 13 of the Universal Declaration of Human Rights." We have also used diplomatic channels to emphasize the importance we attach to freedom of emigration and to the reunification of families. We have regularly presented to Soviet officials a list of Soviet citizens, including many Jews, who have refused permission to emigrate to join close relatives in the United States.

Furthermore, my Government has taken steps to insure that Soviet Jews who obtain exit permits and desire to go to the United States will be admitted to our country. On September 30 the Attorney General, John Mitchell, informed Congressman Emanuel Celler, Chairman of the House Judiciary Committee, and Congressman Peter Rodino, Chairman of the House Judiciary Sub-Committee,that if the need arose, he would use his discretionary authority to parole into the United States Soviet Jews who are able to leave the USSR.

We believe that the Soviet Government takes into account responsible world public opinion and that the efforts of governments, international organizations, and private men of good will can favorably affect emigration from the USSR. It appears from news accounts that emigration of Jews from the USSR during 1971 has substantially exceeded that of 1970. We certainly welcome this development and wish to see it continue.

I know that all member nations of ICEM will continue to stress their belief in the basic human right of freedom of emigration to the end that all nations recognize this principle and confirm it by practice. In this spirit I recommend that Mr. Thomas consider making a further demarche to the Soviet Permanent Delegate in Geneva at such time as he feels his efforts would be appropriate, and that ICEM members consider discussing further ways in which ICEM might be helpful in promoting freedom of emigration.

We submit, Mr. Chairman, that broad implementation of the concept of freedom of movement coupled with quick resettlement assistance, which ICEM has the capacity to provide, would help greatly in the resolution of many refugee problems—and keep hope alive for the world's oppressed.

Mr. McCLORY. Mr. Speaker, I thank the gentleman from Pennsylvania, and commend the gentleman on his service.

Mr. Speaker, I now yield to the gentleman from Illinois (Mr. Annunzio).

Mr. ANNUNZIO. Mr. Speaker, I deeply appreciate my colleague, the gentleman from Illinois (Mr. McClory) yielding to me, and I want to commend and compliment the gentleman for taking this special order to pay tribute to a colleague of ours in the House, who is the second American in 20 years to chair this Intergovernmental Committee on European Migration.

I understand this committee is 20 years old, and over the years all of us are familiar with the great and outstanding job it has done throughout the world on the refugee and migration problems. It is only fitting that our colleague, Peter Rodino, should chair that committee, because all of us are acquainted with the work he has done in the House over the years on the House Committee on the Judiciary, along with our other colleagues on that committee, and also the great bill that was brought to this House by that committee in 1964, the Immigration and Nationality Act amendments.

In addition, Peter Rodino, who has always taken an active interest in the human aspects of legislation, was well equipped to preside over the affairs of ICEM which is devoted exclusively to the consideration of human problems. Our distinguished colleague has compiled an outstanding record of supporting and defending the fundamental rights of man. In chairing the Subcommittee on Immigration and Nationality, he has effectively demonstrated his belief in the principle of "freedom of movement" for all men.

His dedication and unselfish participation and support of ICEM and the humanitarian principles on which it was founded has contributed immeasurably to the remarkable record of achievements of this international organization.

I congratulate the gentleman from New Jersey (Mr. Rodino), who has a deeply rooted and sincere interest in the problems of refugees and migrants. I also congratulate all of the other members of the Committee on the Judiciary who have, along with Pete Rodino, attended this meeting. All of them made tremendous contributions in helping to correct and to alleviate this problem.

And again, Mr. Speaker, I congratulate my distinguished colleague the gentleman from Illinois (Mr. McClory), for taking this special order this afternoon.

Mr. McCRORY. Mr. Speaker, I thank my illustrious colleague, the gentleman from Illinois (Mr. Annunzio) for his contribution.

Mr. Speaker, I now yield to the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Speaker, I should like to commend the gentleman from Illinois (Mr. McClory) for having taken this time to pay tribute to our distinguished colleague, the gentleman from New Jersey, Peter Rodino, who serves as chairman of the Subcomitee on Immigration and Nationality of the House Committee on the Judiciary, and who has been elected unanimously as chairman of the Intergovernmental Committee for European Migration. That is much deserved recognition.

Congressman Rodino's diligence and determination, as reflected in his work on the House Judiciary Committee, as well as his wealth of experience were very much in evidence at the 20th anniversary session of the Intergovernmental Committee for European Migration. I know that the success of that recent meeting was due to the efforts of Congressman Rodino, and I join my other colleagues in congratulating him on this honor.

GENERAL LEAVE

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that all Members may have 5 days during which to extend their remarks on the subject of my special order of today.

The SPEAKER pro tempore (Mr. Fascell). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for his contributions.

Mr. Speaker, I now yield to the gentleman from New Jersey (Mr. Rodino) who served as chairman of the 20th anniversary session of the Intergovernmental Committee for European Migration in Geneva, Switzerland.

Mr. RODINO. Mr. Speaker, I thank the distinguished gentleman from Illinois for yielding.

Mr. Speaker, I would like to commend the gentleman from Illinois for calling to the attention of the House the commemorative session, the 20th anniversary of the Intergovernmental Committee on European Migration.

This great conference was held at Geneva, Switzerland, to commemorate the humanitarian work that ICEM has done over a period of 20 years in assisting refugees and settling migrants all over the world.

I think the House should recognize the gentleman from Illinois along with other members on the Committee on the Judiciary who serve as congressional advisers to this great committee and participate in its deliberations and contribute generously to its work.

I know that all who participated, the 31-member countries, 15-observer countries and the voluntary agencies, in the deliberations and operation of this unique committee are grateful to the United States of America for its unselfish contribution.

Furthermore, more than 1,800,000 people all around the world now look with gratitude to the United States and other member countries of ICEM who have helped resettle them. I know that they send their sincere appreciation to the Members of the Congress for having made it possible for ICEM to exist and for the United States of America to have been a participant.

Lastly, let the gentleman from New Jersey express his deep gratitude for the kind, complimentary remarks that have been made about him on this occasion.

REPORT ON THE 92D CONGRESS—FIRST SESSION

The SPEAKER. Under a previous order of the House, the gentleman from Ohio Mr. Vanik is recognized for 20 minutes.

Mr. VANIK. Mr. Speaker, as the first session of the 92d Congress comes to a close, it is important to review the work of the Congress and determine legislative priorities for action next year. The Democratic-controlled Congress gave President Nixon substantially all of the tools he requested to recover the economy.

At President Nixon's request, the Congress put over until next year final action on Welfare Reform and Revenue Sharing. Although the House and Senate are controlled by a political party different from that of the President—the two branches of the Government have proven that shared powers can work in the public interest. In fact, administration proposals were usually modified and improved in the legislative process.

FOREIGN AFFAIRS

The war in Southeast Asia has continued for another year. Our weekly casualty rate is way down—but still a steady flow of death notifications come into each congressional office, reminding us that the killing continues. It is estimated that total casualties, military and civilian, in Indochina number 300 per day.

The purpose and rationality of our involvement in Vietnam has become more questionable. The publication of the "Pentagon Papers" has pointed out the policy failures which have occurred in our democracy.

The moral picture is further clouded by the revelation of such events as the American-inspired sabotage raids into North Vietnam during the 1950's and early 1960's.

The fall presidential election in South Vietnam, coupled with information about "tiger cages" and other atrocities, have cast questions on the regime which we are supporting.

I continued to work for a termination of our involvement in the war. In the spring, I filed a discharge petition in the House in an effort to bring a bill to the floor for a vote, which would have terminated our involvement within a 6-month period. This effort failed, because it was not possible to get 218 congressional signatures on the petition.

In votes on the war, the Members against the war appeared to be gaining in number through much of the year. On June 17, an amendment to the military procurement bill which would have prohibited the use of funds in Southeast Asia after the end of this year, failed by 158 to 254. An attempt to amend the draft extension bill to end the war on a date certain failed on June 28 by 176 to 219. A further effort to adopt the Mansfield amendment in the House failed on October 19 by 193 to 215. An end-the-war amendment of November 17 lost 163 to 238. It is my hope that the decline in antiwar votes does not indicate a congressional accommodation to continue the involvement of American troops.

I felt that the draft extension bill was a vehicle for carrying on and extending the war and I voted against it. If stronger efforts had been made this year to implement the volunteer army, the draft would not have been necessary.

A U.S. Court of Appeals in Massachusetts has recently ruled that the war is "constitutional." Even though Congress has never formally declared war, the Court held that the Congress has supported the conduct of the war through a series of continuing defense appropriations. For this reason, I again voted against the $71 billion Department of Defense Appropriation bill. In addition, this bill provided for the continuation and development of new and fantastically expensive weapons systems such as the B-1 advanced manned strategic bomber. Given new developments in air defenses, plus our twin deterrent arm of Poseidon submarines and land missiles in silos, a third and vulnerable deterrent force is unnecessary.

The foreign aid bill has finally come in for a thorough overhaul. While much of the aid package is necessary—such as assistance in dealing with the refugees from East Pakistan—other major portions are highly questionable—such as military aid to the government of Yahya Khan or the dictatorship in Greece. In some cases, military assistance to liberal democracies—such as for the beleaguered State of Israel—has been denied by the administration. The sale of F-4 Phantom jets to Israel has reportedly been held up for over half a year. The Congress has voted financial credits and has encouraged the administration to assist Israel in meeting its military needs. It appears that more vigorous congressional action will be needed in this area.

THE ECONOMY

For another year, the economy has been in a recession. Unemployment is 6 percent. In Ohio, 204,500 workers are unemployed; 89,064 are on unemployment compensation, and 55,197 have exhausted their compensation benefits. The situation is particularly serious among returned Vietnam veterans. In Ohio, 23,818 recently returned veterans are unemployed.

On August 15, President Nixon formally announced his plan to curb inflation by "controlling" the economy—an authority earlier given to the President by the Congress on August 15, 1970, and again on May 18, 1971.

I supported President Nixon in the wage-price freeze. Controls are evil—but they are a lesser evil than a runaway inflation. I am very much concerned, however, with the success of the wage-price freeze. For that reason, I have helped establish in my congressional district, the Nation's first price committee to implement the President's program. Some 250 individuals are maintaining price watches and checks in an effort to determine the success of the program. In addition, the price lists maintained by these citizens will enable abuses and unreasonable price increases to be examined. I hope to release the first data on this survey in the next few weeks.

On August 15, the President also announced a 10-percent import surcharge and took the first step toward devaluing the dollar—suspending gold payments. Although I fought against Government programs which unnecessarily drained off American dollars abroad, the problem resulting from this outflow had to be corrected. I supported the President in his policy to suspend gold payments.

However, the free world economy was thrown into turmoil by devaluation. The dollar has long been the trading currency of the free world. Even nations not involved extensively in U.S. trade were shaken with the "flexible" dollar—since their sales and purchases were in dollars. Now the entire free world trading system must be readjusted to new rules.

The effectiveness of the President's new tax proposals fills me with concern. I opposed the 7-percent investment credit because there is not an acceptable relationship between the loss of Treasury revenue and the touted potential of the tax credit to stimulate employment and to fire up the economy.

There are varying estimates of the Treasury loss—one of the most reliable is the September 1971 Monthly Review of the Federal Reserve Bank which points out that the investment credit, plus the asset depreciation system, should mean a reduction of $8 billion or more in business taxes during the next year alone.

This bill does provide a few crumbs for the average taxpayer—but there is little need for rejoicing: what is given to the individual taxpayer will be taken away by higher social security taxes next year. The tax bill totally overlooks the need for reducing the overwhelming burdens of the average taxpayer—the most neglected American.

In the passion of September, the House of Representatives very quickly adopted the President's investment credit proposal—to get the economy moving, restore employment, stimulate purchasing and production. The House acted passionately and quickly to turn things around. As the weeks rolled on, it became quite apparent that the investment credit was not meeting its expectations.

At the end of November, machine tool orders, generally regarded as the best barometer of a developing recovery, were down. The late November reports also indicated a rise in unemployment from 5.8 to 6 percent, followed by a continued rise in the wholesale price index.

From these circumstances, it was apparent that the economy was offering very little, if any, response to the administration's investment credit incentive program—a costly and wasteful diversion of critically essential tax revenues.

For all purposes, the investment credit is a give-away, a tax loss, a form of revenue wasting with no purpose. Seventy-five percent of the revenue loss provides tax credit for capital expenditures which would be made without the tax credit. There are other ways to stimulate the economy—the investment credit is the most costly and the most uncertain.

With the tax loss compounded by the cost of the investment credit and the asset depreciation range, the huge annual deficit—the difference between Government receipts and expenditures—will become permanent. The pressures will continue to erode essential Federal programs and services, and the citizen will be the loser.

It is my fear that the billions of dollars given away to a few special taxpayers because of the asset depreciation range and the 7-percent investment credit will have to be made up by higher taxes on the individual taxpayer either through an income tax surcharge or a new value-added tax—another name for a Federal sales tax.

It seems to me that the American people should be taken into the confidence of the Government so that they can fully understand how massive tax reductions for special groups of taxpayers affect the average citizen. Furthermore, the enactment of tax legislation should be for long-term effects rather than election year maneuverings.

SOCIAL SECURITY

The social security increase has been held up in the Senate for 6 months. This bill provides a 5-percent increase in benefits effective July 1, 1972. This bill also extends medicare benefits to the disabled.

It is my hope that this bill can be made retroactive to January 1972, with increased benefits related to higher health and living expenses. For example, rising medical costs make it likely that part B medicare rates will increase July 1 substantially above the present $5.60 per month. In addition, the handling of medicare claims must be reorganized.

The Welfare Reform Act is a part of this legislation "bottled up" by the Senate which must be acted on in the next session.

ENVIRONMENTAL LEGISLATION

The Senate has passed an excellent water pollution control bill. It includes a proposal I presented before the Senate Public Works Committee to increase the percentage level of Federal assistance to cities for the construction of waste treatment facilities. This provision is vitally important to the Greater Cleveland area as we try to meet new pollution control deadlines. The House Public Works Committee has also reported a water pollution control bill which would also bring us near to the goal of clean water. I will make an effort to see that this legislation includes a massive demonstration program on the Lake Erie problem.

The SST, which involved both economic subsidy questions and environmental problems, was finally terminated by the Congress this spring. Several foreign nations are proceeding with SST's. It is doubtful that this first generation of planes can be financially successful. It is most disturbing, however, that such aircraft development should continue when a number of environmental questions affecting life throughout the world remain unanswered. I am supporting legislation which would ban the landing of any such planes in the United States until the environmental problems are solved.

This spring, I introduced legislation, with wide cosponsorship among the Ohio congressional delegation, to create a National Park along the Old Ohio Canal and Cuyahoga River Valley between southern Cleveland and northern Akron. This park, in a relatively undeveloped area between two major cities, fits perfectly into the President's effort to create parks where the people are. Initial studies by the National Park Service are very favorable to the creation of this park.

EDUCATION, HEALTH, AND CONSUMER LEGISLATION

The House has passed a major bill providing $23 billion for assistance to colleges and needy students over the next 5 years. This bill is now in the Senate and its future is uncertain because of threats of a filibuster. Major legislation providing for the training and education of badly needed health service personnel has also been enacted.

In the area of health, both the Senate and House have passed legislation designed to step up our research and control efforts of cancer. The level of possible appropriations for research into the causes and cures of our most dreaded disease will be $1.6 billion over the next 3 years. Hopefully this extra money will enable us to make further research breakthroughs on cancer.

My bill providing for free school lunch aid to needy children was extended for 2 more years. The funding of this program has been plagued by continued Agriculture Department delays. Fortunately, we were able to obtain $28 million for feeding children in summer day care centers.

CONCLUSION

In the next session of the Congress we must deal with the development of a national health program, a new trade bill designed to open new markets for American goods and a revenue sharing program which can provide substantial relief for local governments. All of these major issues will have to be resolved in the Ways and Means Committee on which I serve.

The next session of the Congress will labor under a difficult timetable which must provide time-out for the party conventions of 1972. Partisanship must not interfere with the public business to be done. It is my hope that the 92d Congress will develop a creditable record of achievement.

RECESS

The SPEAKER. Pursuant to the previous order of the House, the Chair declares a recess subject to the call of the Chair.

The bells will be rung 15 minutes prior to the reconvening of the House.

Accordingly (at 4 o'clock and 19 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 18 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10604) entitled "An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) entitled "An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes."

The message also announced that the Senate further disagrees to the amendments of the House to the bill (S. 2891) entitled "An act to extend and amend the Economic Stabilization Act of 1970," agrees to a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Sparkman, Mr. Proxmire, Mr. Williams, Mr. Cranston, Mr. Tower, Mr. Packwood, and Mr. Roth to be the conferees on the part of the Senate.

The message also announced that the Senate further agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2891) entitled "An act to extend and amend the Economic Stabilization Act of 1970."

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 183. Joint resolution extending the date for transmission to the Congress of the President's Economic Report; and

S.J. Res. 184. Joint resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

CONFERENCE REPORT ON S. 2891, ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971

Mr. PATMAN submitted the following conference report and statement on the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970:

Conference Report (H. Rept. No. 753)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Economic Stabilization Act Amendments of 1971".

ECONOMIC STABILIZATION ACT OF 1970

Sec. 2. Title II of the Act entitled "An Act to amend the Defense Production Act of 1950, and for other purposes", approved August 15, 1970 (Public Law 91–379), as amended, is amended to read as follows:

"TITLE II—COST OF LIVING STABILIZATION

"§ 201. Short title

"This title may be cited as the 'Economic Stabilization Act of 1970'.

"§ 202. Findings

"It is hereby determined that in order to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade, and protect the purchasing power of the dollar, it is necessary to stabilize prices, rents, wages, salaries, dividends, and interest. The adjustments necessary to carry out this program require prompt judgments and actions by the executive branch of the Government. The President is in a position to implement promptly and effectively the program authorized by this title.

"§ 203. Presidential authority

"(a) The President is authorized to issue such orders and regulations as he deems appropriate, accompanied by a statement of reasons for such orders and regulations, to—

"(1) stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970, except that prices may be stabilized at levels below those prevailing on such date if it is necessary to eliminate windfall profits or if it is otherwise necessary to carry out the purposes of this title; and

"(2) stabilize interest rates and corporate dividends and similar transfers at levels con-growth. Such standards shall—

Such orders and regulations shall provide for the making of such adjustments as may be necessary to prevent gross inequities, and shall be consistent with the standards issued pursuant to subsection (b).

"(b) In carrying out the authority vested in him by subsection (a), the President shall issue standards to serve as a guide for determining levels of wages, salaries, prices, rents, interest rates, corporate dividends, and similar transfers which are consistent with the purposes of this title and orderly economic growth. Such standards shall—

"(1) be generally fair and equitable;

"(2) provide for the making of such general exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits;

"(3) take into account changes in productivity and the cost of living, as well as such other factors consistent with the purposes of this title as are appropriate;

"(4) provide for the requiring of appropriate reductions in prices and rents whenever warranted after consideration of lower costs, labor shortages, and other pertinent factors; and

"(5) call for generally comparable sacrifices by business and labor as well as other segments of the economy.

"(c)(1) The authority conferred on the President by this section shall not be exercised to limit the level of any wage or salary (including any insurance or other fringe benefit offered in connection with an employment contract) scheduled to take effect after November 13, 1971, to a level below that which has been agreed to in a contract which (A) related to such wage or salary, and (B) was executed prior to August 15, 1971, unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection (b).

"(2) The President shall promptly take such action as may be necessary to permit the payment of any wage or salary increase (including any insurance or other fringe benefit offered in connection with an employment contract) which (A) was agreed to in an employment contract executed prior to August 15, 1971, (B) was scheduled to take effect prior to November 14, 1971, and (C) was not paid as a result of orders issued under this title, unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection (b).

"(3) In addition to the payment of wage and salary increases provided for under paragraphs (1) and (2), beginning on the date on which this subsection takes effect, the President shall promptly take such action as may be necessary to require the payment of any wage or salary increases (including any insurance or other fringe benefits offered in connection with employment) which have been, or in the absence of this subsection would be, withheld under the authority of this title, if the President determines that—

(A) such increases were provided for by law or contract prior to August 15, 1971; and

(B) prices have been advanced, productivity increased, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases.

"(d) Notwithstanding any other provision of this title, this title shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is a member of the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

"(e) Whenever the authority of this title is implemented with respect to significant segments of the economy, the President shall require the issuance of regulations or orders providing for the stabilization of interest rates and finance charges, unless he issues a determination, accompanied by a statement of reasons, that such regulations or orders are not necessary to maintain such rates and charges at levels consonant with orderly economic growth.

"(f) The authority conferred by this section shall not be exercised to preclude the payment of any increase in wages—

"(1) required under the Fair Labor Standards Act of 1938, as amended, or effected as a result of enforcement action under such Act; or

"(2) required in order to comply with wage determinations made by any agency in the executive branch of the Government pursuant to law for work (A) performed under contracts with, or to be performed with financial assistance from, the United States or the District of Columbia, or any agency or instrumentality thereof, or (B) performed by aliens who are immigrants or who have been temporarily admitted to the United States pursuant to the Immigration and Nationality Act; or

"(3) paid in conjunction with existing or newly established employee incentive programs which are designed to reflect directly increases in employee productivity.

"(g) For the purposes of this section the term 'wages' and 'salaries' do not include contributions by any employer pursuant to a compensation adjustment for—

"(1) any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

"(2) any group insurance plan; or

"(3) any disability and health plan;

unless the President determines that the contributions made by any such employer are unreasonably inconsistent with the standards for wage, salary, and price increases issued under subsection (b).

"(h) No State or portion thereof shall be exempted from any application of this title with respect to rents solely by virtue of the fact that it regulates rents by State or local law, regulation or policy.

"(i) Rules, regulations, and orders issued under this title shall insofar as practicable be designed to encourage labor-management cooperation for the purpose of achieving increased productivity, and the Executive Director of the National Commission on Productivity shall when appropriate be consulted in the formulation of policies, rules, regulations, orders, and amendments under this title.

"§ 204. Delegation

"The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he deems appropriate, or to boards, commissions, and similar entities composed in whole or in part of members appointed to represent different sectors of the economy and the general public. Members of such boards, commissions, and similar entities shall be appointed by the President by and with the advice and consent of the Senate; except that—

"(1) the foregoing requirement with respect to Senate confirmation does not apply to any member of any such board, commission, or similar entity (other than the Chairman of the Pay Board, established by section 7 of Executive Order Numbered 11627 of October 15, 1971, and the Chairman of the Price Commission, established by section 8 of such Executive order) who is serving pursuant to appointment by the President, on such board, commission, or similar entity on the date of enactment of the economic Stabilization Act Amendments of 1971, and who continues to serve, pursuant to such appointment, on such board, commission, or similar entity after such date; and

"(2) any person serving in the office of Chairman of such Pay Board, and any person serving in the office of Chairman of such Price Commission, on the date of enactment of the Economic Stabilization Act Amendments of 1971, may continue to serve in such capacity on an interim basis without regard to the foregoing requirement with respect to Senate confirmation until the expiration of sixty days after the date of enactment of the Economic Stabilization Act Amendments of 1971, and the provisions of sections 910–913 of title 5, United States Code, shall be applicable with respect to the procedure to be followed in the Senate in considering the nomination of any person to either of such offices submitted to the Senate by the President during such sixty-day period, except that references in such provisions to a 'resolution with respect to a reorganization plan' shall be deemed for the purpose of this section to refer to such nominations.

Where such boards, commissions, and similar entities are composed in part of members who serve on less than a full-time basis, legal authority shall be placed in their chairmen who shall be employees of the United States and who shall act only in accordance with the majority vote of members. Nothing in section 203, 205, 207, 208, or 209 of title 18, United States Code, shall be deemed to apply to any member of any such board, commission, or similar entity who serves on less than a full-time basis because of membership on such board, commission, or entity.

"§ 205. Confidentiality of information

"All information reported to or otherwise obtained by any person exercising authority under this title which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential for the purposes of that section, except that such information may be disclosed to other persons empowered to carry out this title solely for the purpose of carrying out this title or when relevant in any proceeding under this title.

"§ 206. Subpena power

"The head of an agency exercising authority under this title, or his duly authorized agent, shall have authority, for any purpose related to this title, to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of refusal to obey a subpena served upon any person under the provisions of this section, the head of the agency authorizing such subpena, or his delegate, may request the Attorney General to seek the aid of the district court of the United States for any district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce documents before the agency.

"§ 207. Administrative procedure

"(a) The functions exercised under this title are excluded from the operation of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, except as to the requirements of sections 552, 553, and 555(e) of title 5, United States Code.

"(b) Any agency authorized by the President to issue rules, regulations, or orders under this title shall, in regulations prescribed by it, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or seeking an exception or exemption from, such rules, regulations, and orders. If such person is aggrieved by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency. The agency shall, in regulations prescribed by it, establish appropriate procedures, including hearings where deemed advisable, for considering such requests for action under this section.

"(c) To the maximum extent possible, the President or his delegate shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a change or a proposed change in wages, salaries, prices, rents, interest rates, or corporate dividends or similar transfers, which have or may have a significant large impact upon the national economy, and such hearings shall be open to the public except that a private formal hearing may be conducted to receive information considered confidential under section 205 of this title.

"§ 208. Sanctions; criminal fine and civil penalty

"(a) Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000 for each violation.

"(b) Whoever violates any order or regulation under this title shall be subject to a civil penalty of not more than $2,500 for each violation.

"§ 209. Injunctions and other relief

"Whenever it appears to any person authorized by the President to exercise authority under this title that any individual or organization has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this title, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any such order or regulation. In addition to such injunctive relief, the court may also order restitution of moneys received in violation of any such order or regulation.

"§ 210. Suits for damages or other relief

"(a) Any person suffering legal wrong because of any act or practice arising out of this title, or any order or regulation issued pursuant thereto, may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, writ of injunction (subject to the limitations in section 211), and/or damages.

"(b) In any action brought under subsection (a) against any person renting property or selling goods or services who is found to have overcharged the plaintiff, the court may, in its discretion, award the plaintiff reasonable attorney's fees and costs, plus whichever of the following sums is greater:

"(1) an amount not more than three times the amount of the overcharge upon which the action is based, or

"(2) not less than $100 or more than $1,000; except that in any case where the defendant establishes that the overcharge was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to the avoidance of such error the liability of the defendant shall be limited to the amount of the overcharge: *Provided*, That where the overcharge is not willful within the meaning of section 208(a) of this title, no action for an overcharge may be brought by or on behalf of any person unless such person has first presented to the seller or renter a bona fide claim for refund of the overcharge and has not received repayment of such overcharge within ninety days from the date of the presentation of such claim.

"(c) For the purposes of this section, the term 'overcharge' means the amount by which the consideration for the rental of property or the sale of goods or services exceeds the applicable ceiling under regulations or orders issued under this title.

"§ 211. Judicial review

"(a) The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising under this title, or under regulations or orders issued thereunder, notwithstanding the amount in controversy; except that nothing in this subsection or in subsection (h) of this section affects the power of any court of competent jurisdiction to consider, hear, and determine any issue by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this title) raised in any proceeding before such court. If in any such proceeding an issue by way of defense is raised based on the constitutionality of this title or the validity of agency action under this title, the cases shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

"(b) (1) There is hereby created a court of the United States to be known as the Temporary Emergency Court of Appeals, which shall consist of three or more judges to be designated by the Chief Justice of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Temporary Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Except as provided in subsection (d) (2) of this section, the court shall not have power to issue any interlocutory decree staying or restraining in whole or in part any provision of this title, or the effectiveness of any regulation or order issued thereunder. In all other respects, the court shall have the powers of a circuit court of appeals with respect to the jurisdiction conferred on it by this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases over which it has jurisdiction under this title. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

"(2) Except as otherwise provided in this section, the Temporary Emergency Court of Appeals shall have exclusive jurisdiction of all appeals from the district courts of the United States in cases and controversies arising under this title or under regulations or orders issued thereunder. Such appeals shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

"(c) In any action commenced under this title in any district court of the United States in which the court determines that a substantial constitutional issue exists, the court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include a determination that the entire action be sent to it for consideration or it may, on the issues certified, give binding instructions and remand the action to the certifying court for further disposition.

"(d) (1) Subject to paragraph (2), no regulation of any agency exercising authority under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation was in excess of the agency's authority, was arbitrary or capricious, or was otherwise unlawful under the criteria set forth in section 706(2) of title 5, United States Code, and no order of such agency shall be enjoined or set aside, in whole or in part unless a final judgment determines that such order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

"(2) A district court of the United States or the Temporary Emergency Court of Appeals may enjoin temporarily or permanently the application of a particular regulation or order issued under this title to a person who is a party to litigation before it. Appeals from interlocutory decisions by a district court of the United States under this paragraph may be taken in accordance with the provisions of section 1292(b) of title 28, United States Code; except that reference in such section to the courts of appeals shall be deemed to refer to the Temporary Emergency Court of Appeals.

"(e) (1) Except as provided in subsection (d) of this section, no interlocutory or permanent injunction restraining the enforcement, operation, or execution of this title, or any regulation or order issued thereunder, shall be granted by any district court of the United States or judge thereof. Any such court shall have jurisdiction to declare (A) that a regulation of an agency exercising authority under this title is in excess of the agency's authority, is arbitrary or capricious, or is otherwise unlawful under the criteria set forth in section 706(2) of title 5, United States Code, or (B) that an order of such agency is invalid upon a determination that the order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

"(2) Any party aggrieved by a declaration of a district court of the United States respecting the validity of any regulation or order issued under this title may, within thirty days after the entry of such declaration, file a notice of appeal therefrom in the Temporary Emergency Court of Appeals. In addition, any party believing himself entitled by reason of such declaration to a permanent injunction restraining the enforcement, operation, or execution of such regulation or order may file, within the same thirty-day period, a motion in the Temporary Emergency Court of Appeals requesting such injunctive relief. Following consideration of such appeal or motion, the Temporary Emergency Court of Appeals shall enter a final judgment affirming, reversing, or modifying the determination of the district court and granting, such permanent injunctive relief, if any, as it deems appropriate.

"(f) The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside in whole or in part any provision of this title, or any regulation or order issued thereunder, shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (g) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

"(g) Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. The Temporary Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Temporary Emergency Court of Appeals, shall have exclusive jurisdiction to determine the constitutional validity of any provision of this title or of any regulation or order issued under this title. Except as provided in this section, no court, Federal or State, shall have jurisdiction or power to consider the constitutional validity of any provision of this title or of any such regulation or order, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of such regulations or orders, or any provision of any such regulation or order, or to restrain or enjoin the enforcement of any such provision.

"(h) The provisions of this section apply to any actions or suits pending in any court, Federal or State, on the date of enactment of this section in which no final order or judgment has been rendered. Any affected party seeking relief shall be required to follow the procedures of this title.

"§ 212. Personnel

"(a) Any agency or officer of the Government carrying out functions under this title is authorized to employ such personnel as the President deems necessary to carry out the purposes of this title.

"(b) The President may appoint five officers to be responsible for carrying out functions of this title of whom three shall be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314) and two at the rate prescribed for level V of the Executive Schedule (5 U.S.C. 5316). Appropriate titles and the order of succession among such officers may be designated by the President.

"(c) Any member of a board, commission, or similar entity established by the President pursuant to authority conferred by this title who serves on less than a fulltime basis shall receive compensation from the date of his appointment at a rate equal to the per diem equivalent of the rate prescribed for level IV of the Executive Schedule 5 U.S.C. 5315) when actually engaged in the performance of his duties as such member.

"(d) (1) In addition to the number of positions which may be placed in GS–16, 17, and 18, under section 5108 of title 5, United States Code, not to exceed twenty positions may be placed in GS–16, 17, and 18, to carry out the functions under this title.

"(2) The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5, United States Code, and shall continue only for the duration of the exercise of functions under this title.

"(e) The President may require the detail of employees from any executive agency to carry out the purposes of this title.

"(f) The President is authorized to appoint, without regard to the civil service laws, such advisory committees as he deems appropriate for the purpose of consultation with and advice to the President in the performance of his functions under this title. Members of advisory committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the President may be paid compensation at rates not exceeding those authorized for individuals under section 5332 of title 5, United States Code, and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(g) (1) Under such regulations as the President may prescribe, officers and employees of the Government who are appointed, without a break of service of one or more work days, to any position for carrying out functions under this title are entitled, upon separation from such position, to reemployment in the position occupied at the time of appointment or in a position of comparable grade and salary.

"(2) An officer or employee who, at the time of his appointment under paragraph (1) of this subsection, is covered by section 8336(c) of title 5, United States Code, shall continue to be covered thereunder while carrying out functions under this title.

"§ 213. Experts and consultants

"Experts and consultants may be employed, as authorized by section 3109 of title 5, United States Code, for the performance of functions under this title, and individuals so employed may be compensated at rates not to exceed the per diem equivalent of the rate for grade 18 of the General Schedule established by section 5332 of title 5, United States Code. Such contracts may be renewed from time to time without limitation. Service of an individual as an expert or consultant under this section shall not be considered as employment or the holding of an office or position bringing such individual within the provisions of section 3323(a) of title 5, United States Code, section 872 of the Foreign Service Act of 1946, or any other law limiting the reemployment of retired officers or employees.

"§ 214. Small business

"(a) It is the sense of the Congress that small business enterprises should be encouraged to make the greatest possible contribution toward achieving the objectives of this title.

"(b) In order to carry out the policy stated in subsection (a)—

"(1) the Small Business Administration shall to the maximum extent possible provide small business enterprises with full information concerning (A) the provisions of this title relating or of benefit to such enterprises, and (B) the activities of the various departments and agencies under this title;

"(2) in administering this title, such exemptions shall be provided for small business enterprises as may be feasible without impeding the accomplishment of the purposes of this title; and

"(3) in administering this title, special provision shall be made for the expeditious handling of all requests, applications, or appeals from small business enterprises.

"§ 215. Mass transportation systems

"No company, or other entity constituting a public benefit corporation, charged by law or contract with the responsibility to operate a mass transportation facility or facilities, the fares of which are not otherwise regulated, shall increase any fare without first obtaining approval under this section from the President or his delegate.

"§ 216. Reports

"(a) In transmitting the Economic Report required under section 3(a) of the Employment Act of 1946 (15 U.S.C. 1022), the President shall include a section describing the actions taken under this title during the preceding year and giving his assessment of the progress attained in achieving the purposes of this title. The President shall also transmit quarterly reports to the Congress not later than thirty days after the close of each calendar quarter describing the actions taken under this title during the preceding quarter and giving his assessment of the progress attained in achieving the purposes of this title.

"(b) In carrying out his authority under this title, the President shall study and evaluate the relationship between excess profits, the stabilization of the economy, and the creation of new jobs. The results of such study shall be incorporated in the reports referred to in subsection (a).

"§ 217. Funding

"(a) There are authorized to be appropriated to the President, to remain available until expended, such sums as may be necessary to carry out the provisions of this title.

"(b) The President may accept and use in furtherance of the purposes of this title money, funds, property, and services of any kind made available for such purposes by gift, devise, bequest, grant, or otherwise.

"§ 218. Expiration

"The authority to issue and enforce orders and regulations under this title expires at midnight April 30, 1973, but such expiration shall not affect any action or pending proceeding, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to May 1, 1973.

"§ 219. Ratification

"The assignment of personnel and expenditure of funds pursuant to the authority conferred on the President by this title prior to the date of enactment of the Economic Stabilization Act Amendments of 1971 are hereby approved, ratified, and confirmed.

"§ 220. Severability

"If any provision of this title or the application of such provision to any person or circumstances is held invalid, the remainder of the title, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

FEDERAL EMPLOYEE COMPENSATION

Sec. 3. Notwithstanding any provision of section 3(c) of the Federal Pay Comparability Act of 1970 (Public Law 91–656), or of section 5305 of title 5, United States Code, as added by section 3(a) of Public Law 91–656, and the provisions of the alternative plan submitted by the President to the Congress pursuant thereto on August 31, 1971, such comparability adjustments in the rates of pay of each Federal statutory pay system as may be required under such sections 5305 and 3(c), based on the 1971 Bureau of Labor Statistics Survey—

(1) shall not be greater than the guidelines established for the wage and salary adjustments for the private sector that may be authorized under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91–379; 84 Stat. 799), as amended, and that may be in effect on December 31, 1971; and

(2) shall be placed into effect on the first day of the first pay period that begins on or after January 1, 1972.

Nothing in this section shall be construed to provide any adjustments in rates of pay of any Federal statutory pay system which are greater than the adjustments based on the 1971 Bureau of Labor Statistics survey.

NATIONAL PRODUCTIVITY POLICY

Sec. 4. (a) (1) It is the policy of the United States to promote efficient production, marketing, distribution, and use of goods and services in the private sector, and improve the morale of the American worker, all of which are essential to a prosperous and secure free world, and to achieve the objectives of national economic policy.

(2) The Congress finds that the persistence of inflationary pressures, and of a high rate of unemployment, the underutilization and obsolescence of production facilities, and the inadequacy of productivity are damaging to the effort to stabilize the economy.

(3) The Congress, therefore, finds a national need to increase economic productivity which depends on the effectiveness of management, the investment of capital for research, development, and advanced technology and on the training and motivation of the American worker.

(4) The Congress further finds that at a time when economic stabilization programs require price-wage restraints, management and labor have a strong mutual interest in containing "cost-push" inflation and increasing output per man-hour so that real wages may increase without causing increased prices, and that, without in any way infringing on the rights of management or labor, machinery should be provided for translating this mutuality of interest into voluntary action.

(b) It shall be the objective of the President's National Commission on Productivity (hereinafter referred to as the "Commission")—

(1) to enlist the cooperation of labor, management, and State and local governments, in a manner calculated to foster and promote increased productivity through free competitive enterprise toward the implementation of the national policy declared in the Employment Act of 1946 to create and maintain "conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power";

(2) to promote the maintenance and improvement of worker motivation and to enlist community interest in increasing productivity and reducing waste;

(3) to promote the more effective use of labor and management personnel in the interest of increased productivity;

(4) to promote sound wage and price policies in the public interest, and to seek to accomplish that objective within a climate of cooperation and understanding between labor, management, and the public, and within a framework of peaceful labor-management relations and free and responsible collective bargaining;

(5) to promote policies designed to insure that United States products are competitive in domestic and world markets;

(6) to develop programs to deal with the social and economic problems of employees adversely affected by automation or other technological change or the relocation of industries.

(c) (1) It shall be the duty and function of the Commission, in order to achieve the objectives set forth in subsection (b) of this section, to encourage and assist in the organization and the work of labor-management-public committees and similar groups on a plant, community, regional, and industry basis. Such assistance shall include aid—

(A) in the development of apprenticeship, training, retraining, and other programs for employee and management education for development of greater upgraded and more diversified skills;

(B) in the formulation of programs designed to reduce waste and absenteeism and to improve employee safety and health;

(C) in the revision of building codes and other local ordinances and laws, in order to keep them continuously responsive to current economic conditions;

(D) in planning for provision of adequate transportation for employees;

(E) in the exploration of means to expand exports of the products of United States industry;

(F) in the development, initiation, and expansion of employee incentive compensation, profit-sharing and stockownership systems and other production incentive programs;

(G) in the dissemination of technical information and other material to publicize its work and objectives;

(H) to encourage studies of techniques and programs similar to those in paragraphs (A) to (G) of this subsection, as they are applied in foreign countries; and

(I) in the dissemination of information and analysis concerning the economic opportunities and outlook in various regions and communities, and of information on industrial techniques designed for the increase of productivity.

(2) The Commission shall transmit to the President and to the Congress not later than March 1 of each year an annual report of its previous year's activities under this Act.

(3) The Commission shall perform such other functions, consistent with the foregoing, as it determines to be appropriate and necessary to achieve the objectives set forth in subsection (b) of this section.

(d) (1) In exercising its duties and functions under this Act—

(A) the Commission may consult with such representatives of industry, labor, agriculture, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties;

(B) the Commission shall, to the extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as the President may direct as well as of private agencies and professional experts in order that duplication of effort and expense may be avoided;

(C) the Commission shall coordinate such services and facilities referred to in subsection (B) above in order to supply technical and administrative assistance to labor-management-public committees and similar groups referred to in subsection (c) (1);

(D) the Commission shall establish the regional offices and such local offices as it deems necessary;

(E) the Commission shall hold regional and industrywide conferences to formulate ideas and programs for the fulfillment of the objectives set forth in subsection (C);

(F) the Commission may formulate model programs to ameliorate the effects of unemployment caused by technological progress;

(G) the Commission may furnish assistance to parties in collective bargaining entering into collective bargaining agreements; and

(H) the Commission may review collective bargaining agreements already in effect or those being negotiated to ascertain their effects on productivity; and it may have the power to make recommendations with respect to the agreements made or about to be made in specific industries.

(2) The Commission may accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities.

(e) (1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives, functions, duties and powers of the Commission described in subsections (b) through (d) of this section.

(2) The Executive Director of the Commission, with the approval of the Chairman of the Commission is authorized (A) to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this section, and (B) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(f) There are hereby authorized to be appropriated the sum of $10,000,000 to carry out the purposes of this section during the period ending April 30, 1973.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR SULLIVAN,
HENRY S. REUSS,
FERNAND J. ST GERMAIN,
JOSEPH G. MINISH,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
J. WILLIAM STANTON,
GARRY BROWN,
Managers on the Part of the House.
JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON A. WILLIAMS, Jr.,
ALAN CRANSTON,
JOHN TOWER,
BOB PACKWOOD,
W. V. ROTH, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing vote of the two Houses on the amendments of the House to the bill (S. 2891) to amend and extend the Economic Stabilization Act of 1970, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserting a substitute amendment.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying, clerical, and conforming changes, the differences are noted below.

The House bill authorized the President to stabilize Federal expenditures and finance charges in connection with the extension of credit. that it contained a reference regarding the need to stabilize Federal taxes and expenditures and a statement relating to a balanced budget. The House receded to the Senate provision.

The House bill authorized the President to stabilize Federal expenditures and finance charges in connection with the extension of credit. There was no comparable provision in the Senate bill. The House receded to the Senate.

The House bill authorized the President to stabilize prices, wages, rents and salaries at levels not less than those prevailing May 25, 1970 or at such other levels as the President deemed appropriate to achieve appropriate economic growth and to carry out the purposes of the Title. The Senate bill contained similar authority except that prices, wages, salaries or rents could be stabilized below those prevailing May 25, 1970, when necessary to eliminate windfall profits. The conferees accepted the Senate provision with an amendment providing that prices, wages, salaries or rents could be stabilized below levels prevailing on May 25, 1970, when otherwise required to carry out the purposes of this Title.

The House bill gave the President discretionary authority to issue orders and regulations providing for adjustments and exceptions to the price and wage control to prevent gross inequities. The Senate bill required the President to provide for such adjustments. The conferees agreed to the Senate provision. The Senate bill required that stabilization orders or regulations must be consistent with the standards issued by the President under Section 203(b). No comparable provision was included in the House bill. The conferees accepted the Senate provision.

The House bill provided that wage controls will not apply to individuals whose wages are substandard or to the working poor. The Senate bill contained similar language except that the term "working poor" was not included. Moreover, the Senate bill defined substandard earnings to mean no less than those prescribed as the poverty level by the Office of Management and Budget. The conferees agreed to the House provision.

The House bill required the President to stabilize interest rates and finance charges whenever the price and wage control authority was invoked with respect to a significant segment of the economy, unless the President issued a determination together with his reasons that such regulations or orders are not necessary to maintain such rates and charges at levels consonant with economic growth. The Senate bill contained no such provision. The conferees agreed to the House provision.

The House bill contained a provision exempting certain pension and other retirement plans which qualify for special tax treatment under the Internal Revenue Code. The Senate bill made no reference to retirement plans which qualify for special tax treatment under the Internal Revenue Code, and instead provided that the terms "wages" and "salaries" do not include contributions by any employer pursuant to a compensation adjustment (affecting less than 1,000 employees) for any pensions, profit-sharing, annuity, savings, insurance, or health plan, unless the President determines that the contributions made by any such employer are unreasonably inconsistent with the standards issued by the President to serve as guides for determining appropriate levels of wages and salaries. The Conference agreed upon a compromise between the two provisions which would exempt employer contributions to pension, profit-sharing, or annuity and savings plans, which meet the requirements of Sections 401(a), 404(a)(2), or 403 (b), of the Internal Revenue Code; to a group insurance plan; or to a disability or health insurance plan.

It is the intention of the Managers that employer contributions, as defined in subsection 203(f), shall not as a general rule be defined as "wages" and "salaries" for the purposes of the stabilization guidelines established under the authority of this title. The Managers believe that the general wage and salary guidelines might otherwise discourage the establishment of new plans and the liberalization of existing plans covering various fringe benefits.

The Senate bill contained a provision that nothing in this title would prevent increases in wages or extensions in coverage pursuant to future amendments to the Fair Labor Standards Act, executive agency pay, and certain employee incentive programs. The House bill contained no such provision. The conferees accepted the Senate provision.

The Senate bill contained a provision exempting the press and related media from the authority to control prices and wages. The House bill contained no such provision. The Senate receded to the House.

The House bill provided that the President shall take no action under the title which directly or indirectly impairs or detracts from the protections guaranteed by the First Amendment. The Senate bill contained no such provision. The House conferees receded to the Senate.

The House bill contained a provision prohibiting exceptions concerning the control of rents. The Senate version of the bill contained no such provision. The Conferees accepted the House provision with an amendment making it clear that any exception from the stabilization program could not be made solely on the basis that the rents were regulated by State or political subdivisions thereof.

The Senate bill required, with certain exceptions, Senate confirmation of members of the boards, commissions and similar entities established by the President to carry out the purposes of this Act. The House bill contained no such provisions. The Conferees agreed to accept the Senate provisions.

The House bill contained a provision that legal authority would be placed in the chairmen of the boards, commissions or similar entities but required such chairmen to act only in accordance with the majority vote of the members. The Senate bill contained a similar provision but did not require a majority vote of the members. The Conferees accepted the House provision.

The House bill contained a provision authorizing the use of agency funds for the performance of functions under the Act. The Senate bill contained no such provision. The House receded.

The House bill contained a provision authorizing the use of confidential information by other executive departments, agencies and other establishments of the Federal Government for use in matters officially before them. The Senate bill did not contain such a provision. The House receded to the Senate.

The Senate bill contained a provision requiring a statement that there had been consultation with affected parties in the formulation of regulations issued under this Act or that such consultation was impracticable. The House bill contained no such provision. The Senate receded from its provision.

The House bill required the President to establish local protest boards throughout the United States. The Senate bill contained a provision which required each agency authorized to issue regulations and orders to establish procedures which make available to any person the opportunity to seek interpretations, exceptions and exemptions in connection with such regulations and orders issued. The Conferees agreed to accept the Senate provision. The Conferees did agree, however, that individuals should have every opportunity to have information and interpretations given to them at the local level.

The Senate bill required the President to conduct formal hearings with respect to a change or proposed change in wages, salaries, prices, rents, interest rates or corporate dividends. The House bill contained no such provision. The House agreed to accept the Senate provision with an amendment which would require hearings only on matters that are of such importance as to have a significant effect on the economy.

The House bill required the President to establish a board to study, evaluate and report quarterly to the Congress on the relationship between excess profits, the stabilization of the economy and the creation of new jobs. The Senate bill contained a provision which required the President to include a section in the Economic Report describing the actions taken under this Act and to transmit quarterly reports to the Congress describing such actions taken under the Act. The Conferees amended the Senate version to require that the Economic Report and quarterly reports contain sections concerning the relationship between excess profits, the stabilization of the economy and the creation of new jobs but did not require the establishment of a separate board for making such reports as was provided in the House bill.

The Senate bill contained a section providing that regulations issued under the Act, shall, insofar as practicable, be designed to encourage labor-management cooperation for the purpose of achieving increased productivity. It also provided for consultation with the Executive Director of the National Commission on Productivity when appropriate in the formulation of such policies and regulations. No similar provision was contained in the House bill. The Conference Report contains the Senate language.

The House bill authorized consumers to bring suits to recover three times the amount of the transaction from anyone willfully violating the price control regulations. The Senate bill contained a similar provision, but authorized suits for damages of three times the amount of the overcharge. The conferees agreed to the Senate provision.

The House bill provided that in the case of an overcharge which is not willful, no action for an overcharge may be brought unless the plaintiff has first presented a claim for a refund and has not received repayment from the seller within ninety days. The House bill also provided that the term "willful" shall have the same meaning as in the case of criminal willfulness. The Senate bill contained a comparable provision except that it applied to violations whether or not willful and required repayment within a reasonable period of time as opposed to ninety days. The Conferees accepted the House provisions.

The Conferees adopted the Senate provisions relating to the judicial procedures applicable to the administration of this Act. The Senate provisions in significant part were:

(1) exclusive jurisdiction of cases arising under this Act shall lie in the United States district courts, and such cases shall not be subject to any limitation with respect to amount in controversy;

(2) permits other courts of competent jurisdiction to determine issues relating to the Act when such issues are raised by way of defense, other than a defense based on the constitutionality of the act or the validity of action taken by any agency under the Act;

(3) creates a Temporary Emergency Court of Appeals, which shall have exclusive jurisdiction over all appeals arising under the Act, and over all constitutional questions involving the Act or the validity of any regulation or order issued thereunder;

(4) the district court must certify all constitutional questions arising under the Act or questions involving the validity of any regulation or order issued thereunder; the injunctive authority of the district court is limited to enjoining temporarily or permanently the application of a particular regulation or order to a person who is a party to litigation before it; and,

(5) the grounds requisite for invalidating a regulation or order are those listed in 5 USC 706(2).

The House bill differed from the Senate bill in this regard principally in that it gave no jurisdiction to any courts other than those in the federal system; it gave no injunctive authority to the district courts; and it restricted the scope of judicial review to only "excessive authority" and "arbitrary and capricious" criteria for regulations and, in the case of an order, to "excessive authority" and "not supported by substantial evidence" criteria. The Conferees felt that the Senate provisions would facilitate efficient and equitable administration of the Act.

The House bill authorized the appointment of up to 20 supergrade positions without respect to the Civil Service laws. The Senate bill authorized 40 such positions. The conferees accepted the House provision.

The Senate bill stated that it is the sense of Congress that small business enterprises should be encouraged to make the greatest possible contribution toward achieving the objectives of the title. The Small Business Administration is directed to provide small business enterprises with information on the stabilization program. The Senate bill also provided that small business enterprises should be exempted from the stabilization program where feasible. No comparable provisions were contained in the House bill. The conferees agreed to the Senate provisions.

The House bill provided that no company or other entity constituting a public benefit corporation charged by law or contract with the responsibility to operate a mass transportation facility shall increase any fare without first obtaining approval from the President. No comparable provision was contained in the Senate bill. The conferees agreed to the House provision with an amendment specifying that mass transportation companies regulated by a rate making authority would not be covered.

The Senate and House bills each contained provisions regarding the payment of wage increases contracted prior to August 15, 1971 and falling due between that date and November 13, 1971.

The Senate bill provided that such retroactive pay would be permitted if the President determined that the increase is not unreasonably inconsistent with the standards for wage and salary increases issued under the program. The House bill required such retroactive payments if the President determined that prices have been advanced, productivity increased, taxes have been raised, appropriations have been made or funds have otherwise been raised or provided in order to cover such increases. The House bill also extended this provision to wage increases falling due after November 13, 1971.

The conferees agreed to both the Senate and House provisions with respect to retroactive pay. The conferees intended to require retroactive and deferred pay under either the House provisions or the Senate provisions, whichever provision would authorize such payments to be made. The conferees also intended that the provisions relating to employment contracts also apply to wage increases which were scheduled to be paid as a result of an agreement or an established practice but which were not allowed to go into effect because of the 90-day freeze or subsequent controls issued under the authority of this title.

The Senate bill contained a provision that notwithstanding any provision of Section 3(c) of the Federal Pay Comparability Act of 1970 (Public Law 91–956), or of section 5305 of title 5, United States Code, as added by section 3(a) of Public Law 91–656, and the provisions of the alternative plan submitted by the President to the Congress pursuant thereto on August 31, 1971, such comparability adjustments in the rates of pay of each Federal statutory pay system as may be required under such sections 5305 and 3(c), based on the 1971 Bureau of Labor Statistics survey—

(1) shall not be greater than the guidelines established for the wage and salary adustments for the private sector that may be authorized under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91–379; 84 Stat. 799), as amended, and as may be in effect on December 31, 1971; and

(2) shall be placed into effect on the first day of the first pay period that begins on or after January 1, 1972. Nothing in this section shall be construed to provide any adjustments in rates by any Federal statutory pay system which are greater than the adjustments based on the 1971 Bureau of Labor Statistics survey.

The House bill contained no such provision. The Conference Report contains the debate provision.

Both bills contained a section establishing a National Productivity Commission to develop a National Productivity Policy. The House bill authorized $10 million to be appropriated to carry out the work of the commission. The Senate bill authorized the commission to be financed through funds appropriated pursuant to the overall stabilization program. The conferees accepted the House provision with the proviso that the funds appropriated shall not exceed $10 million.

The title of the House bill stated that it was "An Act to Extend and Amend the Economic Stabilization Act of 1970, As Amended, and for Other Purposes". The title of the Senate bill read as follows: "An Act to Extend and Amend the Economic Stabilization Act of 1970". The conferees accepted the House title.

Wright Patman,
William A. Barrett,
Leonor Sullivan,
Henry S. Reuss,
Fernand J. St Germain,
Joseph G. Minish,
William B. Widnall,
Albert W. Johnson,
J. William Stanton,
Garry Brown,
Managers on the Part of the House.

John Sparkman,
William Proxmire,
Harrison A. Williams, Jr.,
Alan Cranston,
John Tower,
Bob Packwood,
W. V. Roth, Jr.,
Managers on the Part of the Senate.

Mr. PATMAN. Mr. Speaker, pursuant to House Resolution 729, I call up the conference report on the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I hope I shall not have to object, do I understand correctly that the conferees struck out the language to which a point of order was made earlier today.

Mr. PATMAN. That is my understanding and belief. We worked on it very hard to tie it down to make sure.

Mr. GROSS. That is your understanding and belief?

Mr. PATMAN. Yes, sir, and it is correct, according to the staff that worked on it, and the Members who signed the conference report. The conferees struck out the language, the language to which a point of order was raised, and which was sustained. So we had to correct and to eliminate what the gentleman from Iowa objected to, and that is exactly what we did.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of today.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the time is late, and it is not our purpose to take up a lot of time. I will be brief and insert my remarks in the RECORD.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and include any relevant and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the conference version of the Economic Stabilization Act of 1971 retained the basic thrust of the legislation which this House adopted last Friday.

It is a good bill—a much better bill than many had believed possible when the administration sent up its hurriedly drafted legislation on October 19.

On the controversial question of wage agreements and contracts, the conference decided to retain the entire version adopted by the House last Friday. It also voted to accept intact the Senate language on the same subject.

This will mean that under the language originally voted by the House on Friday that all teachers, public employees and workers will be paid if the wage increases were provided for by law or contract prior to August 15, 1971, and prices have been advanced, productivity increased, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases.

Mr. Speaker, this means that all teachers, public employees and others whose wage agreements meet these tests, must immediately be paid their wages and salaries that have been withheld because of orders issued under the Economic Stabilization Act since August 15. This language obviously covers all teachers and public employees and most other categories of workers on wages and salaries in this Nation. Under the language of this section, the contracts and agreements would have to be paid unless the administration could establish—by factual proof—that they did not meet the statutory criteria.

This section, from the bill which passed the House, does not refer to any standards now in effect or which might be promulgated in the future by the Pay Board or any other administrative agency. The section spells out its own specific standards under which the contracts are to be paid.

The conference, however, also decided to retain the Senate language which provides that these wage agreements and contracts entered into prior to August 15 are to be met unless they are unreasonably inconsistent with the standards which must be enunciated under this act. So any wage or contract that does not meet the criteria spelled out in the language adopted by the House last Friday—and reaffirmed in the conference yesterday—would be allowed under the language which we took from the Senate bill. Under the language which was originally adopted by the Senate—and is now incorporated as part of the conference version—all wage and salary contracts for all classes of employees must be allowed so long as they do not violate the standards in an unreasonably inconsistent manner.

The Senate insisted—and the House conferees agreed—on language which would require that the comparability adjustments for Federal employees pay be placed into effect January 1, 1972. While the Pay Board has made adjustments for other workers, the Federal employees—through Presidential action—have been deprived of wage increases which were to be granted under the comparability statute. The adoption of the Senate language places the Federal employees in a more equal status with employees in the private sector.

The conferees retained in the House language exempting the working poor from application of the act. This is an important provision which makes certain that the stabilization program will not be used to keep people in a poverty state.

The conferees compromised on language involving pension and other retirement plans and annuity, savings, group insurance, profit-sharing and health plans. These benefits would be exempt from wage regulations unless they were unreasonably inconsistent with standards issued by the President.

It was the intention of the managers that employer contributions would not, as a general rule, be defined as wages and salaries for the purposes of the stabilization guidelines.

Mr. Speaker, the newspapers tell us that the administration is now willing to accept the various steps that the Congress has taken to bring equity to the various wage questions. To those who have been the targets of the administration's onslaught on this issue, this may come as a surprise. Nevertheless, we are happy that the administration has informed the news media—if not the Congress—of this 11th hour conversion.

Mr. Speaker, I am happy to report that we were able to retain in its entirety the House language on the control of interest rates. The conference agreed to accept the House language which provides that the President shall issue orders and regulations to stabilize—to limit or to roll back—interest rates and finance charges if he uses any other part of the Economic Stabilization Act. The only exception to this would be if the President issued a specific determination, accompanied by a precise statement of reasons—why interest rates and finance charges should not be controlled on any category of loans. This would have to be a determination on each category of loans—business, mortgage, consumer, farm, and on down the line. Efforts to dilute this requirement were successfully resisted in the conference.

After lengthy discussion, the House conferees found it necessary to recede from part of its provision dealing with the right of consumers and others to bring lawsuits for civil damages in the event of violations of price regulations. The House language had provided for treble damages of three times the amount of the transaction and the Senate had provided for treble the overcharge. The Senate language on this point was accepted, but other provisions in the House version were retained.

The section on civil damages remains a strong deterrent to cheating and provides a mechanism for policing prices. The original administration bill had provided nothing in the way of meaningful policing of prices and this provision, agreed to by the conferees, will be an important part of the Economic Stabilization Act. As the House undoubtedly remembers, the idea for consumer suits against price violators originated in the House Banking and Currency Committee during its mark-up sessions in early November.

The conferees could not agree on provisions dealing with the first amendment and exemptions for various news media and related activities. As a result of the difficulties in resolving this question, the conferees felt that it was best that each House recede from its position. The final bill does not contain any reference to this question.

The House conferees receded to the Senate on the provisions requiring confirmation of members of the boards and commissions appointed under the Economic Stabilization Act. The Senate conferees, in turn, accepted the House language which provided that the chairman of the boards and commissions are required to act only in accordance with a majority vote of the members.

The conferees retained important language relating to administrative procedures from both the House and Senate versions. To strengthen this area, the House conferees agreed to a Senate provision requiring formal hearings on any changes in the various regulations issued under the Economic Stabilization Act. The House, however, insisted on an amendment which would limit such hearings to those areas having a significant effect on the economy.

Other provisions, of course, are outlined in the statement of managers which has been filed. All of the amendments which were adopted to the basic text of the administration bill in the House Banking and Currency Committee during the mark-up sessions were retained in some form in the conference bill. Many are intact as originally offered in the committee and as approved by the House. Others from the House bill were melded into Senate language with the basic thrust and intent remaining. The bill, as agreed to in the conference, is a fair compromise between the House and the Senate and it is legislation which will enable the President to move forward with his phase II program. I urge the adoption of the conference report.

Mr. Speaker, as I said, I have no desire to use further time. However, if the gentleman from New Jersey (Mr. WIDNALL) would like to use time, then I would ask that he use it now.

The SPEAKER. Does the gentleman from New Jersey desire to use time?

Mr. WIDNALL. Yes, Mr. Speaker; I do.

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. WIDNALL. Mr. Speaker, the House and the Senate, as you know, met in conference, and we had a couple of knotty problems to iron out, and they were ironed out. We believe the conference report that is being submitted for action by the House now is one that is an excellent result in this very troublesome field of wage and price controls.

I think we have accomplished the essential things that must be done in order to put phase II adequately into operation.

I am sure that many of those who have raised objections to the proposed act before the conference will be satisfied by what happened in the conference, as I am sure the teachers will who were raising a great hue and cry and hullabaloo about the situation before. They must be satisfied by what has taken place and what has been reported here, as they are adequately taken care of.

The expiration date is going to be as proposed on the House side, and this is in line with the thinking, I believe, of most Members of the House.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Michigan, the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I think it is important to clarify the effect of the Pay Board amendment to the legislation before us, to ask the distinguished gentleman from New Jersey if the 5½ percent increase is on an annual basis?

Mr. WIDNALL. In answer to your question—yes—the objective of this amendment is to treat Government employees the same as employees in the private sector.

The Pay Board has promulgated a 5½ percent annual guideline and, therefore, for the calendar year 1972 Federal employees will receive a 5½ percent increase under this amendment and there will be no October 1, 1972, pay adjustment.

Mr. GERALD R. FORD. To further clarify the question, will these guidelines be applicable to all, and I emphasize all Federal employees?

Mr. WIDNALL. Yes. Although the amendment does not specifically apply to Wage Board employees, the administration is expected to accord equal treatment to statutory pay employees and Wage Board employees. Therefore, Wage Board employees will be affected by the same 5½-percent guidelines. It would be totally inequitable to treat one group of Government employees differently from other Federal employees.

This matter is referred to in the last paragraph in the Senate Committee Post Office and Civil Service report on November 8, 1971.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from New Jersey.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. UDALL. Mr. Speaker, the hour is late and I am not sure I understand everything here.

Is the gentleman from New Jersey suggesting that the language in this report rules out the October 1972, pay raise for Federal employees which is scheduled under permanent law and under the Bureau of Labor Statistics comparability studies?

Mr. WIDNALL. It is the intent of this report and this conference that in the calendar year the 5½ percent increase will go into effect, but there will be no October 1972, pay adjustment.

Mr. UDALL. If the gentleman will yield further, is that adjustment postponed to a specific date?

Mr. WIDNALL. It is not.

Mr. UDALL. So the intent is that we shall simply jump the comparability system in 1972. Is that the effect of it?

Mr. WIDNALL. That all depends on whether or not the Members of the House want to effect a further increase aside from the guidelines.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. I believe I was present in the conference at every moment of the conference. This question never came up in the conference. There is nothing in the statement of the managers and there is nothing in the conference report that has any reference to this subject whatsoever. Therefore, I do not understand. Maybe this is an interpretation that the gentleman from New Jersey gets from the Senate side, but as far as the conference is concerned, as far as the conference report is concerned, and as far as the statement of the managers is concerned, there is not one period, comma, or preposition referring to this matter.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from New Jersey yield?

Mr. WIDNALL. I yield to the minority leader.

Mr. GERALD R. FORD. Does the gentleman argue that all employees in the private sector should be held to a 5½ percent increase and that the Federal employees should get 5½ percent until October 1 and then an increase after that?

Mr. ST GERMAIN. In the first place, there is nothing in the legislation that says 5½ percent. The authority is given to the President, and, therefore, to the Pay Board, to set the guidelines.

No. 2, I am not arguing one way or the other, whether a limitation placed on the general public should not apply to Federal employees also. I make no reference to that whatsoever. I am merely stating that, as far as the conference was concerned, the conference report and the statement of the managers, there was no discussion on this subject whatsoever, and there is no mention or allusion to it whatsoever.

Mr. UDALL. Mr. Speaker, will the gentleman yield to me once more?

Mr WIDNALL. I yield to the gentleman from Arizona.

Mr. UDALL. This disturbs me greatly. This is a matter entirely within the jurisdiction of the Committee on Post Office and Civil Service. We have labored for many years to construct a permanent system of making adjustments. This has been one of the objectives of the Congress. Committees which are great committees but committees which have no jurisdiction or experience in this field are apparently writing major amendments to permanent legislation which will have a drastic effect on a system that we have constructed with great difficulty. If this is in the report, it is not here to read unfortunately. I would be constrained to vote against the whole thing and see if something cannot be done about it.

Mr. WIDNALL. If the gentleman will read the Senate provision, he will see that this is the intent. There was a colloquy in the Senate when they took up the conference report.

Mr. UDALL. Maybe it was discussed in the Senate, but there is no binding language. To my knowledge, the question was never raised on this floor during consideration of the bill. There has been nothing in the press about it. There was nothing about it in the report I read this morning. I am shocked and troubled to hear that this was apparently slipped in, a provision which is as outrageous as the proposition that Mr. GROSS properly objected to, as far as I am concerned.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Did I correctly understand the gentleman to say that there is some action proposed that would affect Wage Board employees?

Mr. WIDNALL. No, I was asked a specific question, whether the guidelines would be applied to all Federal employees, and I answered yes, although the amendment does not specifically apply to Wage Board employees. The administration is expected to accord equal treatment to statutory pay employees and Wage Board employees. Therefore, Wage Board employees will be affected by the same 5½-percent guidelines.

Mr. HENDERSON. I would like to say that I join the gentleman in the hope that this will be the case, but at the present time under the President's Executive order, with the Wage Board surveys being suspended, I do not know how this could come about, unless that portion of the Executive order is rescinded. I hope it will be rescinded in the light of the action I think we are about to take, and that the Wage Board employees will be treated as fairly and as equitably as the other employees are being treated.

Mr. WIDNALL. This is the intent of the administration, as I understand it.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. As I understand it, there are two guidelines for retroactive pay. There is one adopted by the Senate, the other adopted by the House. If a union contract meets either one but not both, the retroactive pay would have to be paid.

In other words, if the gentleman would be good enough to elaborate. I understand the Senate version permits a pay increase for a contract negotiated prior to August 15, if a contract was negotiated prior to August 15 calling for pay raises, and those pay raises must be paid unless they are unreasonably inconsistent with the standards of the Wage Board. In the House version, as I understand it, we say if the contract was made prior to August 15, the raise would be paid if the prices have been advanced, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases.

Question: In the event a contract was negotiated prior to August 15 and it does not meet the House criteria, but it does meet the Senate criteria, is there a provision here which requires the payment of this retroactive pay?

Mr. WIDNALL. I believe they can get it both ways. This was the intention of the conferees. I believe I am correct in that.

Mr. PUCINSKI. In other words, if the contract was negotiated prior to August 15 calling for a pay raise on September 1, and that pay raise is consistent with the Wage Board standards, even if the other criteria included in the House provision are not met, that additional pay would have to be paid beginning September 15 so long as that contract is consistent with the Wage Board recommendations?

Mr. WIDNALL. In accord with the criteria that was in the Senate bill. We have incorporated both the provisions of the Senate bill and the House bill.

Mr. PUCINSKI. But the answer is yes, that the money will have to be paid if it meets the Senate standards even though it might not meet the House standards.

Mr. WIDNALL. Yes, I understand that.

Mr. PUCINSKI. Point No. 2: It is my understanding the conference report excludes completely fringe benefits. If the contract was agreed to prior to August 15 and calls for an increase in fringe benefits, and such fringe benefits are not outlandishly excessive, those fringe benefits are exempt from the regulations and any freeze incorporated in this legislation. Am I correct?

Mr. WIDNALL. That has nothing to do with the conference.

Mr. PUCINSKI. No, no, we are talking about a contract negotiated prior to August 15 calling for increased fringe benefits, those fringe benefits do not come under the freeze incorporated in this legislation. Is that correct?

Mr. WIDNALL. Yes, it is correct.

Mr. PUCINSKI. Finally, then, do I understand that if a contract was signed prior to August 15 calling for a pay raise on September 1, and that raise is consistent, then they will have to pay the back pay going back to September 1. Is that correct?

Mr. WIDNALL. Yes, I believe that is correct.

Mr. PUCINSKI. I ask these questions because when we originally passed this legislation in 1971, these questions were not asked. We can make a very thorough study of the legislative history, and the legislative history was silent on the whole question of retroactivity. Therefore, there was a serious question as to whether or not the wage freeze was valid and constitutional from August 15. I want to ask the questions and make sure these contracts negotiated in good faith prior to August 15 are valid and enforceable so long as the increased salaries meet the criteria, and the gentleman said yes.

Mr. WIDNALL. That is correct.

Mr. PUCINSKI. I thank the gentleman.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in connection with the gentleman's response to the question of the gentleman from Illinois, I would like to point out that when we were talking about criteria, we were talking about all standards and guidelines set forth in section 203(b) which require that the President, and the Pay Board and authorities and commissions and boards to whom he delegates the authority, must abide by the criteria, which are "fair" and "equitable" and all these things.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield, we have two sets of criteria, the Senate criteria and the House criteria. I understand the record is now clear that a contract calling for wage increases negotiated prior to August 15, which becomes effective subsequently to August 15, will have to be honored and met if it meet the Senate criteria but does not meet the House criteria, or vice versa.

It does not have to meet both criteria. There is an option. If it meets either one of the two criteria it becomes effective.

Mr. BROWN of Michigan. Mr. Speaker, if the gentleman will yield further, that is entirely correct; but included in the Senate language is the requirement that there be compliance with the standards for the regulations that will be promulgated, which standards appear in subsection (b).

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Indiana.

Mr. DENNIS. Since they have it both ways, and they are all right if they meet either criteria, they cannot only get it if they meet the Senate criteria, as the gentleman from Illinois points out, of not being unreasonably inconsistent, but also, on the other hand, if they meet the House criteria—that is, that the money has been provided, and so on—they could get the raise no matter how inconsistent or how high it might be, is that true?

Mr. WIDNALL. We have incorporated in there, when prices have been raised to cover.

Mr. DENNIS. Raised to what?

Mr. WIDNALL. In the operating.

Mr. DENNIS. As I read it, and as I understood the answer to the gentleman from Illinois—I believe this is important, and I want to be sure I am right—one could get it if one met either criteria, even though one did not meet the other; and the House criterion is simply that the taxes be raised or the money be provided. So, if one can meet either one, it looks to me like one could get it under the Senate provision if it is not unreasonably inconsistent whether the money was raised or not, or could get it under the House provision if the money had been raised no matter how inconsistent it might otherwise be.

Mr. WIDNALL. The House version provided that prices had advanced, productivity had increased, taxes had been raised, appropriations had been made or funds otherwise raised or provided for to cover each such increase.

Mr. DENNIS. Yes. If that is the only criterion, if those things had been done it would not make any difference how outrageous the raise was so far as the other criteria were concerned.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I do not like the interpretations suggested, and I believe we ought to clarify this matter.

The gentleman is correct that there are two criteria now. There are two plans under which retroactive wages may be paid. There is the so-called Senate language, the Proxmire language, which applies the same requirement of a negotiated contract before August 15, not paid by November 14, et cetera, and then the requirement that retroactive wages shall be paid unless the President determines they are unreasonably inconsistent for the purposes of ease of discussion with the "guidelines." The other plan or method for payment of retroactive wages is under the so-called Stephens amendment.

Frankly, I believe that the conference has done something which really the

House did not intend to do by the Stephens amendment; that is, to provide another means of collecting retroactive wages. In passing the Stephens amendment I am sure the House intended to restrict, not add to, the retroactive wage provisions of the committee bill. In effect, the conference report provides that if one qualifies under the Stephens amendment he probably is not subject to the unreasonably inconsistent language that appears in the Senate amendment.

The thing which I would point out to the gentleman from Illinois is that under the Senate language the caveat on Presidential discretion is involved, it says: "unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection (b)"; we therefore must look at subsection (b).

Subsection (b) provides:

> In carrying out the authority vested in him by subsection (a), the President shall issue standards to serve as a guide for determining levels of wages, salaries, prices, rents, interest rates, corporate dividends, and similar transfers which are consistent with the purposes of this title and orderly economic growth. Such standards shall—
>
> be generally fair and equitable;
>
> provide for the making of such general exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market disruptions,
>
> et cetera—

Thus, to qualify under the Senate language for the retroactive wages, one must meet the standards the Pay Board can adopt, if the Pay Board is the Presidential delegate, and the regulations which will take care of gross inequities that might occur in the event that increased wages would be payable retroactively but there had been no provision for the funds, for the payment of the increase.

That is within the jurisdiction of the Pay Board.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman is correct, if a contract was negotiated prior to August 15 and it meets the criteria of the House; the sky is the limit. If negotiated prior to August 15 and it does not meet the criteria of the House but does meet the criteria of the Senate then whatever is considered reasonably consistent with the wage board finding becomes retroactive to whatever date is in that contract.

Mr. PATMAN. Mr. Speaker, may I inquire as to the time?

The SPEAKER. The gentleman from New Jersey has 9 minutes remaining and the gentleman from Texas has 27 minutes remaining.

Mr. PATMAN. May I use some of the time, Mr. WINDALL?

Mr. WIDNALL. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

In further answer to the gentleman from Illinois, he is substantially correct. However, once again it should be made abundantly clear that if you are qualifying under the Senate language and not the House language, that is, the so-called Stephens amendment, the presidential delegate or the pay board under the standards of 203(6) has jurisdiction to regulate beyond merely the setting of percentages. It can determine the equity of the situation between the pays and payee of such wages.

Mr. DENNIS. Will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. DENNIS. I have one additional question. Now I think the answer to that one is reasonably well cleared up, that you have it both ways, to meet either standard.

The language in the bill talks about wage contracts. A lot of people get wages without a formal contract. If you are under a union setup, you get a contract.

Is it the intention that this applies only to formal labor contracts, or will it take care of the little fellow who is working without a contract, also?

Mr. WIDNALL. I would like to point this out to you: As I understand what we have done, you are limited. The sky is the limit, yes, but you are limited to the amount by the amount of the price increases thrown into it.

Mr. DENNIS. The gentleman is going back to my previous question to which I think I got an answer. What I am asking now is whether the contract, the language on the contracts, holds this relief, whatever it is, down to the man who is operating under a formal labor contract or not.

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. BROWN of Michigan. In answer to the question of the gentleman from Indiana, I cannot stress too much the importance of referring back to section 203, which is the whole basis for the Presidential authority. The provisions in section 203 which talk about fair and equitable standards and preventing inequities and hardships, and so forth—those provisions apply throughout the whole bill, especially in the areas where we are talking about contracts, increases, retroactive wages and all of these things.

So when we are talking about whether or not a contract as used in the language means only an organized labor negotiated contract, it does not have that meaning, if there would be inequitable treatment, hardships would be created, and so forth.

Mr. DENNIS. Was any thought given in the conference to putting in "agreements" or "customary practice" or anything instead of the sole word "contracts"?

Mr. BROWN of Michigan. As the gentleman well knows, the conferees cannot put anything in the bill that does not exist either in the Senate bill or the House bill or is a matter of difference.

Mr. DENNIS. But if the gentleman is telling me it means the same thing——

Mr. BROWN of Michigan. I think in the course of the discussion, if I may further answer the gentleman, on the House and Senate floors, when we talked about contracts we were not talking only about negotiated contracts by organized labor but talking about contracts, agreements, and understandings or where there is a scheduled increase that is understood by both parties. The law does not contemplate disparate treatment between recognized contracts, even though the formality may be lacking, nor between parties to a contract, be they "organized" or not.

Mr. DENNIS. Regardless of what your thinking may be on the meaning, the only language in the bill is the word "contracts." Is that correct?

Mr. ST GERMAIN. Will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. In answer to the question of the gentleman, on page 25, line 1, the point you bring up is a very valid one.

The point he raises is very valid. It was mentioned in the conference report, and as the gentleman from Michigan stated, we did not want to take a chance on a point of order. However, we all recognized the fact that in addition to formal contracts there are business practices where agreements are repeated every year or so.

So, we put into the language of the conference report the following:

> The conferees also intended that the provisions relating to employment contracts also apply to wage increases which were scheduled to be paid as a result of an agreement or an established practice but which were not allowed to go into effect because of the 90-day freeze or subsequent controls issued under the authority of this title.

Mr. DENNIS. I will say to the gentleman that I am very, very glad to be assured by both sides that that is what you mean, and I hope the courts agree with you, because it worries me about these matters, having these two provisions. In the first place, you create a big exception to your price controls and then you do not clear the fellow who is not covered by a formal contract. So, you are paying a pretty high price, it seems to me, for what you are doing.

Mr. PATMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I rise in support of the conference report on the bill S. 2891, the Economic Stabilization Act Amendments of 1971. During the legislative consideration of this bill, I had serious misgivings with regard to a number of provisions that had been proposed by the administration and a number of the amendments which had been added during markup. I believe that the changes that were made on the House floor and, more particularly, the changes that were made in the conference on this bill permit me to strongly endorse this conference report.

Mr. Speaker, yesterday the conferees met from 9 a.m. until almost 4 o'clock with just a short break for lunch. It was a difficult and exhaustive session, but a very profitable one. As a conferee, I am fully satisfied that the provisions in this bill will permit all those employees to receive the retroactive and deferred pay increases that were due them since August 15, 1971. This aspect of the bill during its whole legislative journey has been the most controversial provision. I believe the conferees arrived at a satisfactory agreement. This agreement will permit especially the teachers of this country to receive their retroactive pay increases that were held up due to the economic policies of this administration. It is my understanding that all pay increases agreed upon by the employer and employee that are not unreasonably inconsistent with the administration standards for wage and salary increases will be permitted under the provisions of this bill.

Mr. Speaker, this is a simple matter of equity for the working people of this country. I am happy that the conferees adopted a provision for exemption from economic controls the wages of the working poor. These are the people who are not on welfare, who are not receiving handouts from the Government and private groups, but whose salaries are low and whose families are large. Again, to me, it is a matter of simple equity.

Mr. Speaker, I am pleased that the conferees adopted Chairman PATMAN's interest rate provision which would require the President to stabilize interest rates and finance charges whenever the price and wage control authority was invoked with respect to a significant segment of the economy, unless the President issues a determination together with his reasons that such regulations or orders are not necessary. I agree with Mr. PATMAN that unless interest rates are regulated with the same vigor that wages and prices are, we cannot have a balanced economic stabilization program. The conferees agreed to exempt employer contributions to pension, profit-sharing, or annuity and savings plans which meet the requirements of the Internal Revenue Code and to group insurance plans or to a disability insurance plan. Here again, I believe the conferees provided for a simple equity for the working man. As a conferee, strongly opposed to the Senate provision to exempt the press and news media from authority under this bill, I was pleased to see the conferees not adopt the so-called Cranston amendment.

Mr. Speaker, the conferees refused to strike the House provision which prohibited exemption concerning the control of rents. The members of the New York congressional delegation have been coming to me during the past few months regarding proposed sizable increases in rents that were to be implemented under the New York State rent control law. Earlier the Price Commission exempted from its rent guidelines rents which are regulated under State and local rent control programs. We agreed on the House floor to accept an amendment offered by my distinguished colleague from New York (Mr. BRASCO) which simply provided that controlled rents in New York and other areas that have rent control provisions would be subject to review by the Price Commission. The addition of one word by the conferees to this provision does not change the purpose of the Brasco amendment. It is my understanding that all proposed increases in rent controlled areas will be subject to review by the Price Commission.

Finally, Mr. Speaker, the conferees agreed to permit all Federal employees to receive their 5½ percent pay increase that was due them January 1, 1972. President Nixon delayed this increase until July 1, 1972. Action by the conferees yesterday nullified this Presidential step and permits the pay increase to take effect the first of the new year.

Mr. Speaker, I am pleased with the results of this conference report, and I urge its adoption.

Mr. PATMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Speaker, yesterday, the conferees on the Economic Stabilization Act came up with what I believe is an excellent solution to the problem of retroactive and deferred wages.

The controversy surrounding these wage increases—to which workers, teachers, and others were entitled—has been a divisive influence. The conference version of this legislation will finally put an end to this issue and will provide equity for American workers and teachers.

As the House remembers, the Congress took the initiative on this question back on November 4 when the Banking and Currency Committee accepted my amendment providing for retroactive and deferred payments during the markup of the Economic Stabilization Act. This opened the question for congressional consideration over the bitter opposition of the administration. The end result is a bill which will provide payment of these contracts and agreements for nearly all teachers, public employees and workers.

Yesterday, the conference decided to accept the language which was adopted by the House last Friday. It also decided to accept the Senate language covering this same area.

The House language provides that when pay increases were provided for by law or contract prior to August 15, that the increase is to be paid if prices have been advanced, productivity increased, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases. This language plainly covers all teachers and public employees and most other categories of workers on wages and salaries in this Nation.

Standards spelled out in this section are statutory and cannot be affected by any rules or regulations adopted by administrative agencies.

The conference also retained the Senate language which says that the wage agreements and contracts entered into prior to August 15 are to be met unless they are unreasonably inconsistent with the standards which must be enunciated under this act. This means that any wage agreement or contract that does not meet the standards spelled out in the language adopted by the House last Friday would be allowed under the language which we adopted from the Senate bill. The Senate language—which the conference accepted—provides that all wage and salary contracts for all classes of employees—entered into prior to August 15—must be allowed as long as they do not violate the standards in an unreasonably inconsistent manner.

The combining of these two sections—the Senate and House versions—means that the basic approach of the original Minish amendment will go forward in the final bill. In my opinion, the combined language gives us at least 98 percent of what we were seeking in the original amendment approved in the Banking and Currency Committee. This is a good resolution to a very difficult problem.

Unfortunately, Mr. Speaker, we have been forced to deal with this important wage question—an essential issue of equity in the wage-price program. Despite the pressure, the teachers, public employees and workers—who entered into legal contracts prior to August 15—are going to be treated fairly because of the congressional initiatives.

Mr. PATMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, if there has to be a phase II, and I believe there does, I think your conference committee has resolved the many vexing questions in the best possible way.

As we enter phase II on the domestic side, it is a pleasure to observe that we are now, I believe, entering phase II on the international side.

Mr. Speaker, I applaud the President for his action in the Azores today in agreeing with President Pompidou of France that, as a price of the very important realinement of world currency, a modest devaluation of the dollar may be included. This is a most salubrious decision by the President.

It would have been better still if it had been made 3 months ago, but it is much, much better late than never. It will have many good effects. American workers in our great export industries are going to find better job security, because we will sell more exports abroad at lower prices. Americans engaged in employment in import-threatened domestic industries, whether it be steel or automobiles or electronics or shoes or pottery or glassware or whatever, are going to find that imports are going to be less price competitive.

Americans who are today working in plants that are threatening to leave for Europe or Asia, as a result of hyperthyroid American investment abroad, are going to find their condition easier, because American investors are going to find that their investments abroad are not going to be as profitable and as inexpensive as they have been in the past.

So, altogether, it is a beneficial action, and I know the Congress will want to support it. It is necessary that the Congress support this, because under the Bretton Woods Act of 1945 only the Congress may effect a change in the parity between the dollar and gold. It is an inconsequential thing since gold is not now being sold. But, in my judgment, this Congress will stand ready and willing to enact whatever legislation the President may request. If, for example, he should request it tomorrow morning, which I hope he will, I believe we could report out and pass such legislation in record time, without interfering for more than a few hours with the adjournment schedule.

So, Mr. Speaker, phase II is under way.

I hope the conference report will be adopted, and I hope the President will be heard from on the dollar devaluation.

Mr. PATMAN. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. REUSS) for his remarks. I would say further to the gentleman that all the conferees signed this report.

I now yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I thank the gentleman from Texas (Mr. PATMAN) for yielding, and I would like to ask the gentleman a question that I asked when the bill was before the House. I want to know if the provisions of this conference report will allow our Texas schoolteachers and our State employees, whose salaries were raised by legislative act prior to August 15, but not to become effective until September 1, to receive those raises?

Mr. PATMAN. That is the legislative intent of this act, and if I did not believe that they would be paid I would not support the conference report. Every time it was appropriate to ask, that question was asked, and I am convinced that under this bill the Texas schoolteachers and State employees will be paid. There is no question about it.

Mr. KAZEN. Let me ask this further question: Will they be limited to the 5.5 percent, or will they get the raise that was provided for them by legislative act?

Mr. PATMAN. Under the language of the bill they will receive whatever is contracted or appropriated for.

Mr. KAZEN. In other words, they will receive what the State act calls for?

Mr. PATMAN. That is right.

Mr. KAZEN. The amount the Texas legislative act calls for?

Mr. PATMAN. That is right.

I think it would be appropriate to read this portion of the bill:

Prices which have been—

I am afraid that I would have to read too much here, I think, to get at it, but anyway, where prices have been advanced productivity increased, taxes have been raised, appropriations have been made, contracts have been made, or funds have otherwise been raised or provided for in order to cover such increases, all these are included.

Mr. KAZEN. Therefore it is the gentleman's opinion that they, Texas schoolteachers and State employees are covered?

Mr. PATMAN. I am convinced that they are included. If I did not think so I would not vote for the legislation.

Mr. KAZEN. I thank the gentleman.

Mr. PATMAN. And every person in authority I have asked the same question has told me that they are covered.

Mr. KAZEN. Again I thank the gentleman.

Mr. PATMAN. Mr. Speaker, I now yield to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I thank the distinguished chairman of the committee for yielding, and I rise in support of phase II.

I congratulate all of the Members on the conference committee for the outstanding job they did in bringing this bill before the House. Our committee has worked long and hard, and I am delighted that in the bill we are protecting those wage earners who have contracts signed, we are honoring the contracts, and in the bill we are also protecting the consumers of America. I do hope that from tonight on as we pass this bill that unemployment will decrease and America will move forward.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Speaker, I thank the chairman of the committee for yielding to me.

Mr. Speaker, there was quite a colloquy earlier about the two separate provisions on retroactive and deferred pay. I think it should be kept in mind and made crystal clear that there are two separate provisions to take care of retroactive wage increases. The Senate version, known as the Proxmire amendment, and the House version, known as the Stephens amendment. Both bodies came out of this with the best of everything, and we have retained both provisions in the final draft of the legislation. So if a worker or teacher does not qualify under one provision, then he can go to the other provision.

And if either set of criteria are met, then fine; the pay contract or agreement must be paid.

One last thing on fringe benefits. It has been made very clear in the statement of thee managers that fringe benefits are not considered as wages. They are exempted, and do not come under the 5.5-percent guideline that is presently established. They are to be considered as items to be allowed above and beyond the pay guidelines.

Mr. PATMAN. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER. The Chair will state that the gentleman from Texas has 19 minutes remaining.

Mr. PATMAN. And the minority?

The SPEAKER. The minority has 4 minutes remaining.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, I want to clarify two things. The chairman stated in response to the inquiry of the gentleman from Texas (Mr. KAZEN) that where appropriations had been made, contracts had been entered into, that the teachers would be paid the contract amount, including, if necessary, retroactive amounts?

Mr. PATMAN. That is right.

Mr. UDALL. And this also applies to the teachers employed by the Defense Department who teach American dependents in our Defense Department schools overseas. Is that the gentleman's understanding?

Mr. PATMAN. That is correct, from what the gentleman understands, from what I have been told today about this situation, which I was not acquainted with. But I am impressed that he is correct on that.

Mr. UDALL. And that was with including retroactive pay, if necessary, to fulfull the contract amount.

Mr. PATMAN. That is right.

I am glad to have this clarified for these teachers who are in a unique position.

They are employed by the Department of Defense in overseas areas to teach the children of these military employees.

In 1971 pay adjustments were authorized for these teachers.

In the appropriations for the Department of Defense these adjustments were recognized and the money has been appropriated in the fiscal year 1972 DOD budget.

The language of the conference report specifically says that retroactive payments should be made if "appropriations have been made."

Since these teachers began their year on September 1971, during the midst of the 90-day freeze, their adjustments were not made.

When the freeze was lifted in November the adjustments were made and they are now being paid at the new rate.

I am pleased to know that since the money has been appropriated, and the contract was negotiated prior to the 90-day freeze period, the overseas teachers will be paid the retroactive money owed them by the Department of Defense?

Mr. UDALL. With regard to the Federal pay raise, the only change that was made in the Federal pay raise language between the conference report brought up this morning and the conference report brought up this evening is that the language Mr. GROSS objected to this morning in his point of order has been removed?

Mr. PATMAN. Absolutely. It was removed and he was correct in his point of order. It has been eliminated.

Mr. UDALL. Therefore, it is correct to say that the conference committee never discussed and never intended to legislate on next year's pay raises or the October 1972 pay raises. You were dealing only with the January 1972 Federal pay raises?

Mr. PATMAN. That is correct.

Mr. UDALL. I thank the distinguished chairman, and wish to provide for the RECORD this further background and discussion.

The Senate bill contained a provision which authorizes comparability adjustments in the rates of pay of each Federal statutory pay system as may be required under section 5305 and section 3(c) of Public Law 91–656, to be placed into effect on the first day of the first pay period that begins on or after January 1, 1972, notwithstanding the provisions of the alternative pay plan submitted by the President to the Congress on August 31, 1971. The amount of such increases may not exceed the 5.5-percent ceiling established as a guideline by the Pay Board.

The House bill contained no such provision. The conferees adopted the Senate provision.

The statutory pay systems are pay systems commonly referred to as the general schedule, the Foreign Service pay schedule, and the Department of Medicine and Surgery, Veterans' Administration pay schedule.

Other provisions of law require that whenever the President adjusts the rates of pay of employees under the general schedule, then corresponding adjustments in pay should be made under several other pay systems. To illustrate, section 8 of Pubic Law 90-207 provides that whenever the rates of pay of the general schedule are adjusted upward, there shall immediately be placed into effect a comparable adjustment in the basic pay of members of the military services.

Section 5307 of title 5, United States Code, contains similar authority to adjust the rates of pay of employees whose rates of pay are fixed by administrative action pursuant to law. Similar authority is contained in sections 4 and 5 of the Federal Pay Comparability Act of 1970, Public Law 91-656, relating to legislative employees.

It is to be emphasized that the authority to adjust the basic pay of military personnel, and the employees under pay systems outside of the statutory pay systems, as indicated above, is contained in permanent legislation and does not depend on provisions contained in section 3 of the conference report. As I read the debates and reports, it was clearly the intention of the Senate amendment, and it is the intention of the provisions included in the conference report, that the comparability adjustment is applicable to military personnel, and to all other employees whose pay is adjusted when adjustments are made in the basic pay of the General Schedule.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from Texas (Mr. Eckhardt) for a question.

Mr. ECKHARDT. I just have this question to ask and it is with respect to the section entitled "Injunctions and Other Relief", which provides:

> "(a) Any person suffering legal wrong because of any act or practice arising out of this title, or any order or regulation issued pursuant thereto, may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, writ of injunction (subject to the limitations in section 211), and/or damages.

I assume that such an action would be based on Federal question jurisdiction and, therefore, would carry with it the full panoply of the Federal rules including rule 23.

Mr. PATMAN. I believe that is correct. That is the way I would interpret it. I am not as sure about it as I am sure the gentleman is because he has given it more study. The gentleman is asking about a class action; is he not?

Mr. ECKHARDT. Yes, that would be under Rule 23.

Mr. PATMAN. I have been asked about that before. I do not believe the statute requires class actions. Class actions are not mentioned in the law and I think it is entirely up to the court eventually.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Speaker, there are several aspects of the conference report on the Economic Stabilization Act Amendments of 1971 which I would like to single out before discussing the bill as a whole.

First, I am very pleased that the conferees have accepted the language of the House bill with respect to the exemption of low-paid workers from controls on their wages during the period of economic stabilization. Title II, section 203 (d) of the bill as reported out of conference provides that—

> (W) age increases to an individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

The House Banking and Currency Committee report on this legislation states with respect to this language:

> It is the intention of the Committee that this exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics in determining an income necessary to afford adequate food, clothing and shelter and similar necessities. (Report No. 92-14, p. 5).

The Bureau of Labor Statistics reports are an excellent guideline with respect to establishing what is a substandard income. The annual budgetary analyses of the Bureau of Labor Statistics are impressive because of their care and depth. In particular the BLS sets forth a minimum budget for a family of four in an urban area as $6,960 per year.

The plight of low-paid workers certainly warrants such an exemption of their wages from restraints during economic stabilization. There are, indeed, millions of families and individuals in this country whose incomes, derived from decent, steady employment, fall below the most meager estimate of what is required for an acceptable standard of living.

There is ample precedent for a low-paid worker exemption from wage restraints during a period of economic stabilization. Both the War Labor Board of World War II and the Wage Stabilization Board of the Korean war made provision for workers with substandard wages.

The section exempting low-paid workers is derived from my bill, H.R. 11406, which the gentleman from Maryland (Mr. Mitchell) offered as an amendment in the Banking and Currency Committee, and which was adopted by the committee. I appreciate very much the successful efforts of Mr. Mitchell and other members of the committee who supported the low-wage exemption. I particularly want to commend the Chairman (Mr. Patman) and the other House conferees for insisting upon the language of the House which makes it clear that substandard earnings are to be exempted.

A second provision which I am very pleased about and which also has particular importance for the people of New York City is section 203(h) of title II, which provides that States or localities with rent controls cannot solely by virtue of the existence of these controls be exempted from rent guidelines promulgated by the price commission.

It has long been my position that, due to the very difficult financial squeeze in which tenants find themselves, the freeze on rents should continue. To that end, I introduced legislation—H.R. 10945 and 10946, with cosponsors—which would continue the freeze on rents through the period of eocnomic stabilization. I testified in support of this legislation before the House Banking and Currency Committee.

Section 203(h) of title II provides that States or localities are not exempt from Federal rent guidelines because of the existence of State or local rent control laws. Of course, the amendment will not preempt local or State rent control laws which are more stringent than guidelines promulgated by the Price Commission.

This provision is necessary because of the arbitrary action of the Price Commission on November 22. On that date, the Price Commission announced that rent increases on rent-controlled units authorized by State and local rent control agencies would be allowed to go into effect.

Section 203(h) of title II will now supersede that ruling of the Price Commission, so that Federal rent guidelines will apply in areas where there is local rent control. In an earlier debate when this amendment was offered, I discussed the outrageous nature of the Price Commission's November 22 ruling, promulgated in violation of its own announced procedures—see Congressional Record, December 10, 1971, page 46014.

A third section which is of particular significance to New York City is section 215 of title II, which provides that no entity operating a mass transportation facility shall increase any fare without first obtaining Federal approval. This insures that a local authority cannot arbitrarily raise transit fares in the face of controls on the other sectors of the economy. As one who has fought to prevent a fare increase in New York City, I am very glad to see this provision which should help in our efforts to maintain the 30-cent fare.

Another provision with which many of us in the Congress have been concerned relates to retroactive wages. Title II, section 203(c)(1) of title II provides:

> The authority conferred on the President by this section shall not be exercised to limit the level of any wage or salary (including any insurance or other fringe benefit offered in connection with an employment contract) scheduled to take effect after November 13, 1971, to a level below that which has been agreed to in a contract which (A) related to such wage or salary, and (B) was executed prior to August 15, 1971, unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection (b) (relating to general fairness, and taking into account changes in productivity and other costs).

Section 203(c)(2) similarly provides for contract scheduled to take effect prior to November 14.

These sections provide a good deal of assurance that employment contracts are not impaired by Government edict.

Certainly wage increases due workers by contract should not be abrogated by Government action. Such action will not promote the smooth functioning of the economy which this legislation seeks to promote.

The legislation now assures that schoolteachers, who prior to the freeze negotiated contracts which did not take effect until the school year began in September, will be able to realize the salary and fringe benefit increases due them under their contracts.

Looking at the bill as a whole, I think it is well to point out that the adoption of this bill marks a fundamental change in the economic life of this country. The imposition of wage and price controls might be viewed as recognition of the Galbraithian notion that ours is an economy dominated by large and powerful economic organizations. Now the Government is intervening directly to control these units to achieve stability. And these controls are not likely to be a short-run phenomenon.

This legislation contemplates a grant of power to the Executive unprecedented in time of peace or at the tail end of a war. Through April 30, 1973, the President now has the power to control prices, rents, wages, and salaries. He also has the power to control interest rates and corporate dividends. In carrying out this authority—acting pursuant to title II of the Defense Production Act—the President has already appointed three commissions. The Cost of Living Council, chaired by Secretary of the Treasury Connally, has the overall authority to administer the economic stabilization program. Beneath the Cost of Living Council are two commissions, charged with the responsibility of controlling prices and wages, respectively. Within the Price Commission is a Rent Advisory Board which is supposed to advise on national rent policy. The Pay Board, chaired by Judge George Boldt, administers wage controls. Each of these commissions and boards is made up of members appointed from various sectors of the economy—public, private, business, labor.

In carrying out this authority, the President, and the agencies created pursuant to this authority, are required to set standards with respect to wages, salaries, prices, rents, interest rates and corporate dividends. These standards are required to meet certain criteria.

These standards must be generally fair. They must make such exceptions as are necessary to foster orderly economic growth. They must take into account changes in productivity and the cost of living. They must provide for reductions in prices and rents whenever warranted by lower costs, labor shortages, and other pertinent factors. And they must in general call for comparable sacrifices by business and labor as well as other segments of the economy.

As I have discussed earlier, these standards may not limit retroactive wage or fringe benefit increases agreed to by contract prior to August 15, 1971, unless the President determines that the increase is unreasonably inconsistent with the general standards set with respect to wage and salary increases.

As I have mentioned, the wage increases to any individual whose earnings are substandard shall not be limited until such time as his earnings are no longer substandard.

Also the President's authority is not to be exercised to preclude the payment of increases in wages required under the Fair Labor Standards of 1938, as amended.

The President is authorized to delegate the performance of these functions. And as I have mentioned, he has done so already, pursuant to title II of the Defense Production Act. While the present members of the agencies created by this act do not have to be confirmed by the Senate, future appointees will have to be confirmed by the Senate.

All information which is reported to any person exercising authority under this act which relates to trade secrets will be considered confidential.

The head of any agency exercising authority under this act shall have the power to issue subpenas for the attendance and testimony of witnesses and the production of relevant records.

The functions exercised under this act are excluded from the Administrative Procedure Act except that any agency authorized by the President shall establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of a standard or rule. It will also be possible to seek an exception or exemption from standards or rules issued. And, further, there shall be provisions for seeking review of the denial of any such request.

Also, insofar as possible, the President or his delegate must conduct formal public hearings to acquire information bearing on a proposed change in standards for wages, salaries, prices, rents, interest rates, or corporate dividends which may have a significant impact upon the national economy.

In my testimony before the House Banking and Currency Committee on October 29 I cautioned against full scale suspension of the Administrative Procedure Act. This act is a complex and carefully drawn set of procedures to protect the rights of persons and corporations in administrative dealings with the Government. These procedures should not be lightly discarded. It may be appropriate to make some changes in these procedures to fit them to the particular tasks of the new agencies charged with carrying out the economic stablization program.

Therefore, I am glad that the conference report provides for administrative checks on these new agencies.

Whoever willfully violates any order or regulation shall be fined up to $5,000 for each violation. If such violation is not willful the violator shall be subject to a civil penalty of not more than $2,500 for each violation. Injunctive relief is also available to any person authorized by the President to exercise authority under this act to prevent any person or organization from violating this act.

Citizens, suffering a legal wrong because of any act or practice arising from this law, have a right to bring an action in a district court for appropriate relief, including injunction and/or damages. If an action in this regard is brought against a person who is found to have overcharged the plaintiff, the court may, in its discretion, award the plaintiff reasonable attorney's fees and costs, plus whichever of the following is greater: First, an amount not more than three times the amount of the overcharge, or second, not less than $100 or more than $1,000. If it is established that the overcharge was not willful, the award shall be limited to the amount of the overcharge.

The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising out of this act. In addition, a temporary emergency court of appeals is created with exclusive jurisdiction of all appeals from district courts in cases arising under this act.

As I have pointed out, the House and Senate committees and the conferees have improved the administration's original bill and have provided greater procedural safeguards, for which they are to be commended. However, this legislation still contemplates a massive grant of power over the economy to the Executive. Thus, I have grave reservations. For this power is being granted to an Executive who has not shown himself to be attuned to the plight of the workingman and the poor. I am concerned that the economic stabilization program may be administered in a manner that favors the rich and the powerful, while drowning the cries of the poor who are unjustly treated in a mass of redtape. We have already begun to see the backhanded administration of this legislation in the implementation of national rent policy which I have discussed.

I hope that my misgivings and doubts about the administration's willingness to carry out these provisions justly will be dispelled as the program unfolds. Our primary objective must be a full employment economy which makes it possible for every person to enjoy a decent standard of living.

Mr. PATMAN. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, I am pleased to note that the Abzug-Brasco amendment, making areas with local rent control subject to the Federal rent guidelines, has been retained by the conference committee. As you know, the Price Commission decided on November 22 to allow areas with local rent control to permit raises in rents regardless of national guidelines, retaining only general oversight powers for itself.

Our amendment was introduced in order to overrule this decision, and to require that dwellings in areas with local rent control be considered for rent increases in the same manner as those in areas without local rent control.

Under the provision, rent increases may not go into effect unless they comply with national rent guidelines and are approved in advance. There can be no automatic increases just because there is local rent control; proposed increases will have to be considered on their merits and in light of controls on wages and prices.

In any case, it is the report of the conference managers who is binding with respect to legislative intent. That report states that the word "solely" was added thereby to clarify the original intent of the amendment. That intent was to make it clear that the sole fact that a State or locality has its own rent control cannot be a reason for its exemption from guidelines to which every other State and locality in the Nation is subject. To do otherwise would make a mockery of the Economic Stabilization Act and its intent to have coordinated and interrelated controls over all facets of the economy.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker and my colleagues, there has been much discussion about the rent provision in the Economic Stabilization Act. This provision is primarily related to the problem that exists in the East, in New York, and certain other cities where rents presently are under control of a State or other regulatory body.

The language in the Economic Stabilization Act is intended to clarify the authority of the Presidential delegate, as it this case the Price Commission as it presently exists to exercise control over all rents irrespective of the fact that some may be otherwise regulated by another authority.

This provision therefore is consonant with the regulation or memorandum issued by the Price Commission on November 22, 1971.

The problem that has been caused is a problem that arose out of a New York Times article wherein the article said that the Price Commission had exempted from its jurisdiction, rents regulated by a State or other authority.

Under the language of the conference report the Price Commission has not exempted any rents from its jurisdiction but rather in the instance at hand to which the article and the November memorandum related, the Price Commission said it would go along with the increases that the regulatory body in New York had agreed to, but it would reserve control over the question of rents even where those rents are regulated by another body.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Speaker, let me take this time to clear up any misunderstanding that may have been created with respect to the amendment which I introduced with respect to rent control on the floor of the House the other day and which was unanimously adopted by this House.

So that it can be very clearly understood, I would like very briefly to give the reasons why I introduced the amendment.

On November 22, 1971, the Price Commission Chairman, C. Jackson Grayson, announced that rent increases on rent-controlled units authorized by State and local rent control agencies would be allowed to go into effect.

Chairman Grayson pointed out that this ruling applies only to private rentals governed by existing rent controls.

He further went on to say that the rental units which are not under State and local control remain subject to the Price Commission's general regulations on rents. It became apparent to me that Mr. Grayson in his authority as Chairman of the Price Commission used one criteria and one criteria alone in making this ruling, that rent control was being exercised by local government and the Federal Government would have nothing to do with rent increases promulgated under it.

Subsequently I introduced an amendment on the floor of the House, which was accepted, which said very simply:

> No State or portion thereof shall be exempted from any application of this title with respect to rents by virtue of the fact that it regulates rents by State or local law, regulation or policy.

The Senate accepted this amendment with one change. It put in the word "solely", and it did not affect the intent of my amendment, which I elaborated very clearly on the floor. The intent of my amendment was very simply this: Since we are controlling through the Wage Board the wages of those very people who are living in rent-controlled apartments, it is only equitable and fair that the Price Control Commission pass on the rent increases, and before these rents are allowed to take effect, ascertain whether or not they conform with the Federal guidelines as promulgated by this act and also as promulgated by the Price Commission. That is my understanding.

I would ask the chairman of the Committee on Banking and Currency (Mr. PATMAN) also a conferee, whether or not that understanding is a correct understanding.

Mr. PATMAN. That is my understanding.

Mr. RYAN. Mr. Speaker, the colloquy between the gentleman from New York (Mr. BRASCO) and the distinguished Chairman of the Banking and Currency Committee (Mr. PATMAN) makes clear the intent of section 203(h) of title II of S. 2891 as set forth in the conference report. It provides:

> No State or portion thereof shall be exempted from any application of this title with respect to rents solely by virtue of the fact that it regulates rents by State or local law, regulation or policy.

The purpose of the amendment to H.R. 11309 offered by Mr. BRASCO and adopted by the House on December 10 was to prevent a State or municipality from being exempted from the economic stabilization program with respect to rents because of the existence of State or local rent regulations.

The House language was:

> No State or portion thereof shall be exempted from any application of this title with respect to rents by virtue of the fact that it regulates rents by State or local law, regulation or policy.

The conference inserted the word "solely" in the sentence ". . . with respect to rents solely by virtue of the fact that . . ." The addition of this word does not change the effect. This section provides that there can be no exemption from rent stabilization orders and regulations simply because a State or locality has a rent control law. The fact that this is the case is further demonstrated by the conference committee report on this legislation which provides (Report No. 92–745, pp. 18–19):

> The House bill contained a provision prohibiting exceptions concerning the control of rents. The Senate version of the bill contained no such provision. The Conferees accepted the House provision with an amendment making it clear that any exception from the stabilization program could not be made solely on the basis that the rents were regulated by State or political subdivisions thereof.

As I pointed out in my remarks when this amendment was debated in the House (CONGRESSIONAL RECORD, December, 10, 1971, p. 46014), the purpose of this provision is to supersede the arbitrary ruling of the Price Commission on November 22. On that date the Price Commission announced that rent increases on rent-controlled units authorized by State and local rent control agencies would be allowed to go into effect.

It is absolutely clear that the legislative intent is to prevent the Price Commission from ruling that simply by virtue of the fact that a locality has a rent-control law, it is not subject to Price Commission rent guidelines that apply to the rest of the country.

To argue otherwise, to argue that the language of the conference bill is consonant with the Price Commission's November 22 ruling, is to say that the Congress has performed a meaningless act. To argue that the November 22 ruling can still stand in the face of the conference report is to say that in this immensely important legislation, affecting the economic life of the country, the Congress has included a meaningless and trivial provision. If this provision does not have the effect of superseding the Price Commission's ruling, it has no effect whatsoever. Otherwise, we will be in a situation in which we have adopted a provision which says that we are in exactly the same position as before it was adopted. I hardly think we are engaged in so frivolous an enterprise.

And there is very good reason for requiring rent guidelines established by the Price Commission to be applied in areas which have local rent control laws as well as in those areas which do not. To allow rent increases on rent-controlled units authorized by State and local rent control agencies to go into effect without an independent review by the Price Commission would upset the whole stabilization program. That means that, if a municipality has a rent control law which allows rental increases of 300 percent, such increases would be exempt from Federal rent stabilization. That would be a ridiculous result.

It is simply unconsciousable for the Price Commission to allow local rent-control laws, enacted before the onset of the President's economic stabilization program, to be implemented as if there has not been a vast change in the economy because of the regulation of prices and wages. The Price Commission cannot abdicate its responsibility in the field of rents. It must deal with the merits of the rent problem as it deals with the merits of price increases in all the other sectors of the economy. This is the intent of the Congress. This is the purpose of section 203(h) of title II of S. 2891, the Economic Stabilization Act Amendments of 1971.

Mr. WIDNALL. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, in my opinion this legislation borders on the fantastic. In the first place, it is supposed to be a Stabilization Act for the control of wages and prices and to halt inflation. Yet it provides for a pay increase for all Federal classified employees and legislative employees. That will cost approximately $1 billion. Tied automatically to this pay boost for Federal employees is a pay increase for the military to cost approximately $1 billion. And if that is not enough, the unfunded liability to the retirement fund created by civilian employee pay increase will be some $2.6 billion. If that is stabilization, I do not know the meaning of the word. Mr. Speaker, this is legislative contradiction at its worst for in one breath in the same proposition it is stated that wage and price controls are necessary to stop inflation, and in the next breath pay increases costing some $2 billion are called for.

If there is no rollcall vote on this piece of legislative contradiction and duplicity, let the RECORD show that I am unalterably opposed to it.

Mr. BADILLO. Mr. Speaker, in a number of ways, the conference report on the Economic Stabilization Act Amendments of 1971 is a far better piece of legislation than the bill which passed this House last Friday. I want to commend the conferees for both sides for approving the following provisions:

First. Authorization for recovery of retroactive wage increases that were not paid because of the 90-day wage-price freeze that began last August 15. The compromise provision agreed upon yesterday is a definite improvement over the Stephens amendment adopted by the House and will make it easier for many workers, particularly schoolteachers, to recover the wages agreed upon in contracts made months before the wage-price freeze was announced or even contemplated. This is a matter of simple economic justice and as I said last Friday, Congress should tamper with the sanctity of contracts only under the most dire of circumstances.

Second. The section preventing unregulated mass transportation systems, such as New York's Metropolitan Transportation Authority, from raising fares without the prior approval of the Price Commission. This was an important feature of the House bill and is necessary to protect the interests of hundreds of thousands of subway riders in New York City.

Third. The provision bringing State and local rent-controlled apartments under jurisdiction of the Price Commission. This greatly increases the probability that tenants in 1.4 million New York City apartments will be subject to smaller rent increases than would be the case under local and State guidelines. Full credit for this provision must go to its author, my good friend and colleague from New York, Congresswoman BELLA ABZUG.

Fourth. The amendment authorizing a 5.5-percent pay raise for Federal civilian and military personnel effective January 1, 1972. This too, is a matter of simple economic justice. It is fine for President Nixon to call upon Federal workers and our men and women in uniform to make sacrifices and set an example for their country, but it is unreasonable and unfair to ask them to pay a higher price for our economic problems than the price being paid by other citizens. We discovered during the 1970 postal strike that the wages of many Federal workers are so low that thousands are forced to seek welfare payments just to survive. This pay raise is certainly within the guidelines and I do not believe it can be called inflationary in any sense. If it should cause Mr. Nixon some budget problems, I suggest that he postpone or cancel some of the Pentagon's billion-dollar playthings.

Unfortunately, this conference report contains the same defects that forced me to vote against the House bill last week. It fails to include a requirement for disclosure of the data submitted by corporations in support of their price increase requests, and in fact, it makes such disclosure by Federal officials or agencies a criminal violation. In addition, the conference report extends the President's sweeping and unprecedented authority to impose economic controls far beyond what I consider a reasonable point without congressional partnership. If either of these flaws had been corrected in conference, I might have found it possible to support this conference report, but on balance these omissions represent too high a price to pay for what is good in the bill.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE DATES FOR TRANSMISSION OF THE ECONOMIC REPORT AND THE REPORT OF THE JOINT ECONOMIC COMMITTEE

Mr. PATMAN. Mr. Speaker, in view of the fact that the Congress will probably not return until January 18 and we must deal with the report of the President to the Joint Economic Committee, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 184) extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, will the distinguished chairman of the Committee on Banking and Currency explain what is being done and why?

Mr. PATMAN. The joint resolution would provide additional time for the President to submit his Economic Report, and for the Joint Economic Committee to file its report on the President's Economic Report not later than March 10.

Mr. GERALD F. FORD. It provides an extension of time in which the President must submit his Economic Report to the Joint Economic Committee.

Mr. PATMAN. The gentleman is correct.

Mr. GERALD R. FORD. It also extends the time for the committee to make its report, does it not?

Mr. PATMAN. That is correct. It is the customary, traditional resolution when Congress meets after January 3.

Mr. GROSS. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. That report will show that the private and public debt of this country has gone above the $2 trillion mark.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 184

Joint resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 15, 1972, the Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 10, 1972.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PLAQUE PRESENTED BY THE SPEAKER TO TURNER ROBERTSON

(Mr. BOGGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOGGS. Mr. Speaker, it is a great pleasure for me to join in paying a well deserved tribute to a man who has been our friend and coworker for three decades.

Turner Robertson, as you know, has announced his intention to retire after having served on the Hill since 1939 and having been our majority chief page since 1947.

I think it is appropriate that we should set this time aside to express our deep appreciation for the loyal service he has rendered over the years and to convey to him our warmest best wishes for the future.

The smooth operation of the House of Representatives depends upon many, many dedicated, hardworking employees, but I know of none who have proven themselves more valuable, harder working or more dedicated than Turner.

I am certain that every Member of this body has on many occasions called upon Turner for some kind of assistance and has been impressed with how soon that assistance was on the way.

Turner Robertson has the gift of taking 50 bright young men from all over the country and helping them to learn about the daily work of Government while at the same time rendering valuable service to this institution.

In these many years that I have known Turner, I have never once seen him lose the patience, tact, and pleasant disposition for which he is renowned.

This Chamber will not be the same without Turner. He has served here under three Speakers and six Presidents. He was here in 1941 when President Roosevelt asked for a declaration of war. He was here when this Chamber was visited by Winston Churchill. And, he was here to greet the Apollo Astronauts returning from their lunar mission. That is a lot of history. Turner was here for it all, and he was part of it.

I know I speak for all of us when I express my warmest affection and best wishes to Turner, his lovely wife and daughter, as he prepares to depart this House of Representatives.

Include the following:

"A Good Job—Well Done"—A Tribute to Turner N. Robertson

Four official House bells announcing the sine die adjournment of this historic session of our 92d Congress simultaneously closes a distinguished career of one of the friendliest, most perceptive, and best informed public servants in our Nation's legislative history.

For over a quarter of a century his capable and generous gifts in the preparation of our daily sessions, significantly enlivened the up-to-the-minute functional needs for all House Members.

One may ask, "Who is this amazing Turner N. Robertson?" The answer could be easily given by Presidents of the United States; members of our judicial and executive bodies that make up our Nation's leadership. Ask hundreds of former U.S Representatives and also the many young men who once assisted him in formulating the legislative program chores that are so capably performed in the privileged Page Service of the House.

He was ever reassuring in many spirited episodes that this famous Chamber has witnessed. He served capably and calmly resourceful under the high Speakerships of the great Rayburn, Martin, and McCormack. He steadfastly handled, with reason and dispatch, the needs of House Members whose greatness in history was later to be achieved at the highest commands of our beloved country—a Kennedy—a Johnson—and a Nixon. Each one is easily within Turner's recall as Representatives in the Congress they all loved as he did.

Turner, we pray for good health and enjoyment in the future of your well-deserved retirement. We bid heartfelt farewell to you and yours. However, we will retain a most memorable part of your being as our legacy. It is your gentle and gracious spirit, that belongs to a grateful country as well as to mankind. We in the most deliberative legislative tribunal in the world will cherish it as ours so that the loss of your physical presence will not truly reduce the vigor of the Democratic Cloakroom, while we enjoy the memory of so much of you that you have left to all who loved and admired you.

In the name of the United States House of Representatives,

CARL ALBERT,
Speaker of the House.

DECEMBER 14, 1971.

THE HONORABLE JAMES G. FULTON

(Mr. SAYLOR asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the Senate and House of Representatives of Pennsylvania, plus two boroughs within Allegheny County have adopted resolutions to the memory of the late James G. Fulton. I ask that they be printed in the RECORD and included in the memorial address book to our departed colleague.

[In the Senate of Pennsylvania, October 12, 1971]

Whereas, Congressman James G. Fulton died Wednesday, October 6, 1971, at the age of sixty-eight. Elected to Congress in 1944, Congressman Fulton was the ranking Republican on the House Space and Aeronautics Committee. He was a former member of this Senate from Allegheny County in 1939–40. In addition to his congressional duties, Congressman Fulton served a term as a delegate to the United Nations and as a space advisor to the United States mission at the United Nations. He was also an active supporter of Pittsburgh's civic and artistic organizations, being a board member of the Pittsburgh Opera, the Pittsburgh Playhouse and the Pennsylvania Academy of Science.

Now therefore, the Senate of the Commonwealth of Pennsylvania expresses its sadness upon the death of Congressman James G. Fulton and extends its deepest sympathy to his brother, Robert Fulton, and his three sisters, Mrs. Elizabeth Krivobok, Mrs. Emilie Thomas, and Mrs. Fredonia Gephart.

And further directs that a copy of this document, sponsored by Senators Thomas F. Lamb, Robert D. Fleming, Wayne S. Ewing, Frank Mazzei, Stanley M. Noszka, Thomas M. Nolan and Edward P. Zemprelli, be transmitted to Robert Fulton.

[In the Senate of Pennsylvania, Oct. 12, 1971]

In Memoriam—The Honorable James G. Fulton

Mr. EWING. Mr. President, I rise to speak on the resolution which was just offered to the Senate.

Last week, on Wednesday, October 6, 1971, the United States of America, the Commonwealth of Pennsylvania, and the Twenty-seventh Congressional District of Pennsylvania lost a friend, The Honorable James Grove Fulton.

The passing of Jim Fulton is a great loss to thousands of Pennsylvanians who loved him and considered Jim a good and personal friend. It was with considerable personal pride that so many of his constituents would boast, "Jim Fulton was a personal friend of mine."

This was understandable because Jim was always close to the people whom he represented in the Congress for twenty-seven years. He was always there with the people, where he could see and talk to his people, because he believed in the best kind of responsive and representative government. He believed that it was his responsibility to communicate with them, to tell them what was happening in the Congress, and to hear about their problems.

Jim Fulton believed that our great Country should be first in everything. He believed in God, Country and the American Flag. He was a man of great vision. He was a Twentieth Century pioneer. It was observed in Congress that Jim Fulton was "married" to the Congress. Although he was a bachelor, he gave all of his time and himself to the Congress. He loved the Congress of the United States and the people he represented there. His vows and allegiance were repeated every two years, when he was sworn into office for a new term. He was serving in his fourteenth term.

Jim Fulton had a history of heart trouble, and had been encouraged by many friends to slow down. Jim could not be slowed down by doctor or friend; he did not know how to take it easy. He continued on with a tremendous drive which moved him for many years.

At one time, as some of you know, Jim Fulton was a Member of this Senate, having been elected in 1939. It was interesting to note, for researching the Legislative Journal, that he participated in many spirited debates, even though he did not serve here very long before he was called into service with the United States Navy. It was interesting to note, though, in a Special Session, in 1940, called by former Governor James, that they dealt with some of the very same problems, at that time, as we are dealing with today, such as the Unemployment Compensation Law amendments, aid to financially handicapped school districts, and amendments to the Public Welfare Code to deal with public assistance payments. He also participated in the handling of legislation to authorize the eastern extension of the Pennsylvania Turnpike that year.

As a Member of the Senate, myself, for nearly four years, I have had an excellent relationship with my Congressman and with his staff. To many of our constituents, government was Jim Fulton, and, often, they failed to distinguish between local, State and Federal problems. I had the privilege to work with him on some of these problems, and I had the greatest respect for his wisdom and guidance.

Jim Fulton was a great politician and proud of it, as all of us who participate in the affairs of our government should be. Politics was his life and he lived it well. It is with pride that I tell you that Jim Fulton was "my" Congressman.

Mr. President, I thank my colleagues in the Senate, today, for their attention, and for joining me in saying "farewell" to my Congressman, The Honorable James G. Fulton.

Mr. LAMB. Mr. President, the gentleman from Allegheny, Senator Ewing, has said it so very well, and I just want to add, first, the fact that I also share the same Congressional District with the late Congressman Fulton. I think that he has been best described as "the peoples' Congressman."

Mr. President, as you are personally aware, as well as other Members of the Senate, Congressman Fulton ran in a Democratic District, with a registration edge, favoring Democrats, of over some 50,000. However, he never had any trouble getting elected. The political people will understand this: Many times, on Election Day, or in election years, we, as politicians—I am speaking of myself, as well as District Committeemen, Ward Chairmen, Borough and Township Chairmen—in trying to sell the Democratic ticket, would constantly go to people and say, "Look, I want you to vote for the Democrats." Invariably, their answer would be, "Yes, we can be for all of the Democrats, but we also have to be for Jim Fulton." I think that pretty well exemplified what kind of a fellow he was, and I am sure the Twenty-seventh Congressional District, and all the people in that District, will miss Congressman Fulton.

Mr. R. D. **Fleming**. Mr. President, Jim Fulton was a longtime personal friend of mine. I believe that all of us in Allegheny County, and in the entire Commonwealth of Pennsylvania, have lost one of our greatest leaders.

In my opinion, Jim Fulton was a statesman. He was a man of great compassion, great understanding, integrity and general knowledge on all the subjects facing our nation. Truly, those of us who live in Allegheny County and, I believe, in the entire Commonwealth of Pennsylvania, have lost a man who will be hard to replace. It is with great sorrow that we note his passing at this time.

Mr. **Zemprelli**. Mr. President, as I sat listening to the remarks about Pennsylvania's departed Congressman, James Fulton, I am reminded of the fact that I am, perhaps, the only Senator in this Chamber who ran a campaign against the Congressman, on behalf of a tackle from the Notre Dame football team, who, we thought, had a "shot" at it; namely, Mayor Kenneth L. Stilley, acting as his campaign manager. As I reflect upon the man for whom I had a great deal of admiration, I reflect the fact that he was the only man in political life who had at least two friends in every block in his Congressional District. This is the record of a man who had served his people and for whom I had the greatest admiration. I can say with a great deal of sincerity that, as a result of an embittered campaign, when that campaign was over, there were no enemies for the want of one.

Therefore, Mr. President, I take my hat off to this fine gentleman whom I loved, because he was a public servant and he was also my Congressman. To a certain extent, after his leaving the District because of reapportionment, we always sort of thought of Jim Fulton as "our" Congressman. He never turned a person down and had a facility for service that would be exemplary of anyone in public life. We mourn his departing, independent of any political feeling or the fact of his politics, but say that western Pennsylvania has lost a truly great public servant.

RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF PENNSYLVANIA

Whereas, United States Representative James G. Fulton died October 6, 1971 at the age of sixty-eight. First elected to Congress in 1944, Representative Fulton was the senior Republican in the Pennsylvania delegation to the House of Representatives and the ranking Republican member of the House Space and Aeronautics Committee to which he gave unfailing support. He served two years in the Pennsylvania State Senate in 1939–1940, representing Allegheny County. Congressman Fulton was a man of tremendous vision and was an active supporter of patriotic and religious activities. He also made outstanding contributions to the Pittsburgh civic and artistic community; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania, extends condolences and sincere sympathy on the death of Representative James G. Fulton to his brother, Robert Fulton, and three sisters, Mrs. Elizabeth Krivobak, Mrs. Emilie Thomas, and Mrs. Fredonia Gephart; and be it further

Resolved, That a copy of this resolution be delivered to Mr. Robert Fulton, Dormont, Pennsylvania.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable K. Leroy Irvis, Robert Butera, H. Sheldon Parker, Jr., James W. Knepper, Jr., Jay R. Wells, III, Richard J. Cessar, James B. Kelly, III, H. Harrison Haskell, II, Charles N. Caputo, Richard J. Frankenburg, Roy W. Wilt, Joseph V. Zord, Jr., Robert A. Geisler, Regis R. Malady, and Andrew J. McGraw, and adopted by the House of Representatives on the 12th day of October 1971.

Hebrert Fineman, *Speaker*.

Attest:

Vincent F. Scarcelli, *Chief Clerk*.

RESOLUTION

Whereas, on October 6, 1971 we learned with great sorrow of the death of Congressman James Grove Fulton, and

Whereas, Jim Fulton was one of Dormont's most distinguished citizens, having been born in Dormont of a family which had been active in civic affairs in western Pennsylvania since the 1700's, and

Whereas, Jim Fulton devoted his entire adult life in conscientiously and faithfully serving the Borough of Dormont; he was our Pennsylvania State Senator from 1939 to 1941, he served as the Dormont Borough Solicitor from 1942 to 1944 and had been our United States Congressman from the Twenty-seventh Congressional District since 1945, and

Whereas, although Jim Fulton was the ranking member of the House Committee on Science and Astronautics, the ranking member of the House subcommittee on Manned Space Flight and a member of the House Foreign Affairs committee wherein he demonstrated his leadership, dedication and devotion to the principles and ideals of good government which deservedly earned him the accolades of the powerful and influential, his singlemost attribute may well have been his continuous personal contact with all segments of the district he represented which made him the true spokesman for his constituents, many of whom proudly said that Jim Fulton is a personal friend of mine, and

Whereas, the Borough of Dormont, the South Hills area and the country has suffered an irreparable loss, Jim Fulton's legacy of community service will always be remembered and serve as a guide light for all to follow.

Now, therefore, be it resolved by the Mayor and the Council of the Borough of Dormont, Allegheny County, Pennsylvania, in meeting assembled, and it is hereby resolved by the authority of the same, that we extend our heartfelt sympathy to the immediate members of the Fulton family.

Be it further resolved that this Resolution of respect be spread upon the minutes of this meeting and that a copy thereof be sent to the immediate members of the Fulton family, as a visual expression of our deep understanding and sincere sympathy in their time of sorrow.

I move the adoption of the foregoing Resolution.

James H. Smith.

I second the adoption of the foregoing Resolution.

Wm. J. McGall.

Adopted in council this 1st day of November, 1971.

RESOLUTION OF THE BOROUGH OF INGRAM, ALLEGHENY COUNTY, PA.

Expressing to the family of James Grove Fulton their heartfelt sympathy upon his passing and their appreciation for his many efforts in behalf of the Borough of Ingram and its citizens and their appreciation for the long and faithful service of James Grove Fulton to the entire community

Whereas, James Grove Fulton, gave his untiring efforts on behalf of the Borough of Ingram and its citizens to create a better environment for the citizens of the Borough; and

Whereas, James Grove Fulton showed his dedication to his many constituents by his devotion to his work in serving the people of the entire nation.

Now, therefore, be it resolved by the Council of the Borough of Ingram and it is hereby resolved by and with the authority of the same;

That the Council of the Borough of Ingram, in behalf of itself and the citizens of the Borough of Ingram, spread upon the minutes and records of the Borough, an expression to the family of James Grove Fulton of its heartfelt sympathy on the death of their brother and of a devoted and untiring worker for the citizens of the Borough of Ingram over the many years of his service.

That a copy of this Resolution be delivered to the family of James Grove Fulton.

Introduced and passed at a meeting of the Council of the Borough of Ingram held the 11th day of October, 1971.

Attest:

A. P. Craig,
President of Council.
Gladys A. Ryser,
Secretary to Council.
James G. Hellmann,
Mayor.

I have now obtained the transcript of the memorial service of October 11, 1971, at Mount Lebanon United Presbyterian Church, Pittsburgh, Pa., and insert it at this point:

MEMORIAL SERVICE FOR CONGRESSMAN JAMES G. FULTON

(Dr. Myles MacDonald, Minister, Mount Lebanon United Presbyterian Church; Dr. Winston Trever, Minister, Mount Lebanon United Methodist Church)

Dr. **MacDonald**. Let us worship God, Jesus said "I am the resurrection and the life. He who believes in Me though he were dead yet shall he live. And whosoever lives and believes in Me shall never die." "Come unto Me all you who labor and are heavy laden and I will give you rest." "Our help is in the name of the Lord, who made Heaven and the earth."

Let us pray. Oh God of all grace, who in Jesus Christ our Saviour brought eternal life to light, we give thee thanks that by His death He has destroyed forever the power of death and sin, and by His resurrection has opened the Kingdom of Heaven to all who receive Him by faith. Grant us to know that because He lives, we too shall live, and that neither death, nor life, nor things to come shall be able to separate us from the love of God which is in Christ Jesus, our Lord. Oh Thou before whom the generations rise and pass away, we praise thee for all thy servants who, having lived this life in faith, now live eternally with thee. Especially do we thank Thee for Thy servant Jim Fulton, for thy grace given to him, for all that in him was good and kind and faithful. We thank thee for his dedicated service, always going the second mile in his service to others. We are grateful for his cheerful and colorful character, for his conscientiousness as a Member of Congress, for his gift of the common touch. Now grant us faith to trust they love which never fails. Lift up from the weight of sorrow and give us such a good hope in Jesus Christ that we may bravely walk this earthly way, and at least be joined in glory with those who love, through Jesus Christ our Lord, who taught us all when we pray to say: "Our Father who art in Heaven, Hallowed be thy name. Thy kingdom come. Thy will be done on earth, as it is in Heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil: For thine is the kingdom, and the power, and the glory, forever. Amen."

The family of Congressman Fulton has received many tributes in eulogy of him, and as this time we will read excerpts from a number of these eulogies which have been sent to the family.

First from the President of the United States: "Mrs. Nixon and I want to express our deepest sympathy to you on the death of Congressman Jim Fulton. During the course of our long association, we gathered many happy memories of him which we shall always cherish. We hope that the knowledge that he was so admired by the people he represented, and so respected by his colleagues and friends brings you comfort now, and that your own remembrances of him will be a source of strength to you in the years ahead. Richard Nixon."

From Dr. James C. Fletcher, the Administrator of the National Aeronautics and Space Administration. "All of us at NASA were deeply saddened by the news of your brother's death. We have lost a good friend and an imaginative leader. The Congressional support NASA has enjoyed throughout its history is due in large part to Congressman Jim Fulton's tireless efforts. He will be missed by all of his friends in the Space Program."

From Senator Javits of New York. "Representative Fulton was one of the most generous, warm hearted, astute members with whom I have ever served, and in my judgment who ever served in the House of Representatives. Altogether he was a dear, beloved American completely devoted to the interests of our Country, and a warm hearted and generous friend whom I had the great privilege of knowing intimately for a quarter of a century. He was a true son of our Nation who devoted his life to serving his Country, and whom I know Members from his own State and throughout the Country will remember with reverence and gratitude that he spent such a fine and useful life."

From Senator Mansfield, Majority Leader of the Senate. "I want to express my deep and personal regret at the passing of Jim Fulton, an old friend with whom I have served in the House, as did the distinguished Republican Leader. Jim Fulton was a man of great talent and ability, a man whose passing we will mourn and whose presence we will miss deeply."

From former Speaker of the House, John W. McCormack. "I am deeply touched and distressed with the passing of my valued friend, Congressman Jim Fulton of Pennsylvania. He was one of the closest friends I had, not only in the Halls of Congress, but outside. I admired and respected him very much. He always fought the battle of the people, and he always fought for a firm foreign policy and strong national defense so important particularly in the world of today. He served on the Select Committee on Outer Space of which I was Chairman, and we cooperated with the other members in getting through the bill establishing NASA. He was a member of outstanding distinction on the House Foreign Affairs and House Science and Astronautics Committee. Mrs. McCormack and I extend to his brothers and sisters our deep sympathy. He was a great American—always buoyant—his personality captivating, one of the most dedicated Members of Congress I ever served with."

From Representative Gerald Ford of the House of Representatives. "Jim was a member of the House Foreign Affairs Committee, and the ranking Republican member of the Science and Astronautics Committee, and its Manned Space Flight Subcommittee. Jim was keenly interested in Space and completely absorbed by the subject. He might be called Congress' Space Man. He was a member of the original Select Committee on Science and Astronautics on which I also was privileged to serve. He was Advisor on Space to the U.S. Mission at the United Nations. In 1970 he won the Silver Quill Award for outstanding writing on science and space. He could speak for hours about the challenge of space, the need for space exploration, and the benefits of space travel. He was an expert on the subject. Jim Fulton will be sorely missed in the House of Representatives. He was one of its hardest working, most conscientious members. It was said of him that although he was a bachelor, he was married to the Congress of the United States. This House was his life."

From Vincent Leonard, the Bishop of Pittsburgh. "I extend to you my personal sympathy and that of the priests and people of the Diocese of Pittsburgh on the death of your beloved brother. He was always interested in the affairs of the Church and gave his services to help us in any way possible. His loss will be felt by all of us."

From former pastors of this Church. "We were shocked and saddened by the passing of Jim Fulton. We express deepest appreciation of his friendship and of his dedicated life as a Christian in politics, and his passing will be a loss on the local and national scene. Cary Weisiger and Clifford Smith."

From Father Scherer, the Chaplain of Holy Cross Hospital in Florida, where Jim Fulton was for a time after suffering a heart attack. "Our Nation lost a great citizen, Heaven gained a great soul. Our prayers are with you."

And finally, a portion of the tribute from Congressman Mann of Texas. "James Grove Fulton was a man whose roots ran as deep into the soil of this Nation as the history of the American dream itself. He was not a man to rest calmly on his inherited laurels, however, as are so many well born people. This surely was a man with whom one was proud to serve. With his remarkable combination of dedication and ability, he leaves this House and this Congress the poorer for his passing. But he also leaves us with an inspiration which has been put so well in an immortal poem:

"Lives of great men all remind us
We can make our lives sublime.
And, departing, leave behind us
Footprints, on the sands of time.

Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forelorn and shipwrecked brother,
Seeing, shall take heart again.

Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait."

Dr. TREVER. It is right and proper that we should at this time turn to the Scriptures. I read these two lessons from the Old Testament, vastly familiar words that have buoyed us up in times past, that we shall use in times to come. They seem peculiarly appropriate now. When David wrote the words we call the 23rd Psalm, scholars think he was at the end of his life, and he wrote with the introspection that God gives the aged. And with white hair and wrinkled skin comes real perception of the meaning of life. And to shape a concept of God, he had to do exactly what we have to do. He had to pick a symbol, an illustration, and he thought of his time on the Palestinian hillside, and he wrote down these words:

The Lord is my Shepherd, I shall not want.
He maketh me to lie down in green pastures.
He leadeth me beside the still waters.
He restoreth my soul.

He leadeth me in the paths of righteousness
for his name sake.
Yea, though I walk through the valley of the
shadow of death, I will fear no evil.
For thou art with me.

Thy rod and thy staff, they comfort me.
Thou preparest a table before me in the
presence of mine enemies.
Thou anointest my head with oil.
My cup runneth over.
Surely goodness and mercy shall follow me
all the days of my life, and I will dwell
in the House of the Lord forever.

Or these other words which come from Psalms and buoy us up with a sense of times and eternity and give us the strength that the company of Heaven will watch us in this hour. We have a long history and a great future. Lord, thou has been our dwelling place in all generations. Before the mountains were brought forth or ever thou hadst formed the earth and the world from everlasting to everlasting, thou art God. For a thousand years in thy sight are but as yesterday when it is passed or as a watch in the night. Thou doest sweep men away. They are like a dream, like grass, which is renewed in the morning, in the morning it flourishes, and is renewed. In the evening, it fadeth and withers. So teach us to number our days, that we may get a heart of wisdom, let thy work be manifest to thy servants, and thy glorious power to their children. Let the favor of the Lord, Our God, be upon us and establish thou the work of our hands upon us. Yea, the work of our hands establish thou it." May the word of the Lord buoy us up and give us strength in this time of sorrow.

Dr. MacDonald: Now let us attend unto the reading of God's word as it is found in the New Testament. I will read a portion of the 21st and 22d Chapters of the Revelation, a portion from First Peter, the First Chapter, and then finally a portion of Scripture from the Third Chapter of Ephesians. "Then I saw a new heaven and a new earth, for the first heaven and the first earth had passed away; and the sea was no more. And I saw the Holy City, New Jerusalem, coming down out of heaven, prepared as a bride adorned for her husband. And I heard a great voice from the throne saying, Behold the dwelling of God is with men. He will dwell with them and they shall be his people, and God himself will be with them. He will wipe away every tear from their eyes, and death shall be no more, neither shall there be mourning nor crying nor pain any more, for the former things have passed away."

"And I saw no temple in the city, for its temple is the Lord God, the Almighty, and the Lamb. And the city has no need of sun or moon to shine upon it, for the glory of God is its light and its lamp is the Lamb."

"There shall no more be anything accursed, but the Throne of God and of the Lamb shall be in it, and His servants shall worship Him; they shall see His face, and His name shall be on their foreheads. And night shall be no more; they need no light of lamp or sun, for the Lord God will be their light, and they shall reign forever and ever."

"Blessed be the God and the Father of our Lord, Jesus Christ! By His great mercy we have been born anew to a living hope through the resurrection of Jesus Christ from the dead, and to an inheritance which is imperishable, undefiled and unfading, kept in Heaven for you, who by God's power are guarded through faith for a salvation ready to be revealed in the last time. In this you rejoice, though now for a little while you may have to suffer various trials, so that the genuineness of your faith, more precious than gold, which though perishable, is tested by fire, may redound to praise and glory and honor at the revelation of Jesus Christ. Without having seen Him, you love Him. Though you do not now see Him, you believe in Him and rejoice with unutterable and exalted joy. As the outcome of your faith, you obtain the salvation of your souls."

"For this reason, I bow my knees before the Father, from whom every family in Heaven and on earth is named, that according to the riches of his glory he may grant you to be strengthened with might through his Spirit in the inner man, and that Christ may dwell in your hearts through faith;

that you, being rooted and grounded in love, may have power to comprehend with all the saints what is the breadth and length and height and depth, and to know the love of Christ which surpasses knowledge, that you may be filled with all the fullness of God. Now to Him who by the power at work within us is able to do far more abundantly than all that we ask or think, to Him be glory in the Church and in Christ Jesus to all generations forever and ever. Amen." May God bless this reading from His Holy Word and comfort our hearts with these great truths.

Dr. MacDonald: On the occasion of the death of a great king in France, a very eloquent French priest began that funeral service with these words: "Only God is Great." It seems to me that everything that we have to say within the context of this service this afternoon, as we honor the memory of our departed and beloved friend Jim Fulton, needs to be thought of in the context of those four words, "Only God is Great."

At the same time, there are two verses of Scripture that come to my mind as I think of Jim Fulton. The first is from Ecclesiastes 9:10, which says, "Whatever your hand finds to do, do it with your might."

In the Old Testament there is a character by the name of Caleb, who is one of the most outstanding, if also one of the most neglected, characters in the Bible. He is one of the twelve spies who were sent out by the people of Israel under the leadership of Moses to spy out the land which had been promised to them, to see if they could go in and take the land. The ten spies who came back with a majority report said, "It's impossible for us to take the land, because there are giants in the land, and we seem as grasshoppers in their sight." There were two who brought in a minority report, namely Caleb and Joshua. And they said, "Let us go up at once and possess the land."

And you remember the history of the people of Israel, that they refused to trust in the Lord, and as a result of their lack of faith, they wandered for forty years in the wilderness. Thus all of those generations who had refused to go into the land perished by the time that the people came to the doors of the land again. But Joshua and Caleb were still alive. The promise of God had burned in the heart of Caleb for forty years. And he was still then as much a man of vision, a man of courage, and a man of determination, as he was forty years before. And he asked for the task of taking the hill country of the Anakim, those giants of men, so that he might go up against them, in the power of the Lord and subdue the land. So it was that he went into that land and took it.

Jim Fulton had something of the Caleb spirit. He was a man of vision, who foresaw something of the great space program in which our Nation has become the leader of the world. He was a man of great courage. He was a man of great determination. He was a man of valor. He was a man who, despite serious illness, nevertheless went back to the Halls of Congress, saying that he couldn't work on a part time basis, but rather he had to give everything that he had in the service of his Country.

The second verse of Scripture that I think about in terms of Jim Fulton is found in Acts 10:38. These words describe our Lord Jesus Christ. As it says, "He went about doing good."

I disagree very strongly with that couplet which says "The evil that men do lives after them; the good is oft interred with the bones." The good that Jim Fulton has done will live a long time after him, in the hearts of the countless people he befriended. He was a man of great sympathy, of large heart, a man who did countless deeds of service for his constituents, so that many of them knew him by name as a personal friend. One of the members of my congregation said, "I feel as though I have lost a brother." He helped many young men get their education. He sponsored many individuals. He believed in the laws of men and in the laws of God. He was a great and a good character.

But what was the motive for all this good that Jim did? What is the reason why he gave so much of himself to these tasks? It is the motive that is all important, is it not? There are those who are cynical who would say he was a politician, and that is why he did what he did. Jim was a politician, and a very good politician, as his political opponents well knew. But I like to think that the motive for which Jim did everything with all of his might, and why he did so much good, dates back to a moment some 56 years ago when on this spot in another Church, a brick building which then stood in the same place as this present Church, on February 28, 1915 to be exact, that Jim Fulton made a commitment to Jesus Christ as the Lord and Saviour of his life. I believe personally that in everything Jim did, there was that fixed reference point in his life.

On the dome of the Capitol in Washington, D.C., there are these words inscribed: "One God, One Law, One Element, One supreme event toward which the whole creation moves." I believe that Jim knew something of the implication of that statement and I pray to God that everyone who serves in the leadership responsibilities in our community and Country would recognize the truth of these words, and put them into practice.

When Lord Nelson died, his last words were, "Thank God, I have done my duty." Jim Fulton could say, "Thank God, I have done my duty." His friends, family, and all those who knew him and loved him would respond by saying, "Well done, good and faithful servant."

Dr. Trever. The reason we cannot define death is because we cannot define life, and only John in his Gospel was able to put it in simple eternal words—"The word became flesh."

Let us pray to the Giver of life, every one of our lives, and the life of Jim Fulton. Let us pray.

Oh God of the Prophets and the Christ, our spirits are strained with joy and sorrow as we remember the life of thy servant Jim Fulton. We praise thee for his sturdy faith in thee, by which he lived out his leadership, but we are overwhelmed by his absence from that leadership today. Oh God, thou has made us and we are perishable, but an idea which thou hast made and which is lived out in a persons life is imperishable, more imperishable than steel or stone or man. Grant that we may have such magnitude of memory, that Jim's ideas may continue to guide our lives and inspire our hope. We thank thee for his willingness to welcome the future while he was revering the past. His ability to guide us in exploring outer space, while warning us of a necessity of relating to inner space of our own being. Oh thou who hast put eternity in our hearts and yet has created us mortal in a changing world, grant to us a sense of the centuries, thy steady creative force, thy invisible good will, thou love from which our brother guided himself and his people. May we so live the years ahead guided by thy love which is seminal in all wise law and government, that we may carry out our brother's hope that his Country become truly the land of the brave and the home of the free. Amen.

Dr. MacDonald. We will sing as our closing hymn Number 350. Would you please stand for the closing hymn, for the benediction, and remain standing for the recessional.

"Onward Christian Soldiers."

Dr. MacDonald. God bless you and keep you and cause his face to shine upon you and be gracious unto you. God lift up the light of his countenance upon you and give you peace, now and in the life to come, in Christ our Lord.

LEGISLATION TO TRANSFER THE TEACHER CORPS TO THE NEW AGENCY ACTION

(Mr. STEIGER of Wisconsin asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I am introducing a bill today, along with Mr. Brown of Ohio, Mr. Biester, Mr. Coughlin, Mr. Frey, Mr. Frenzel, and Mr. Railsback to transfer the Teacher Corps from the Department of Health, Education, and Welfare to the new agency Action. This legislation will fulfill the President's intention at the time he announced his first reorganization plan and the creation of Action.

In a letter transmitting this proposal, Mr. Frank Carlucci, Associate Director of the Office of Management and Budget, stated the reasons for this transfer:

> The Teacher Corps was created in 1965 mainly as a teacher training program. In 1970 the Teacher Corps legislation was amended to provide administrative support and training for part-time and full-time volunteers to assist community-based education programs such as youth and parent tutoring. For the next few years, there will be a growing need for volunteer services in education, particularly in organizing and supervising projects of service-learning in which students combine their formal educational activities with service to their communities. We believe that the Teacher Corps could better perform these duties within the volunteer agency Action.
>
> Further, the experience of the past three years indicates that many of the activities of the Peace Corps, VISTA, and the Teacher Corps complement each other and can be better managed and coordinated if combined within one agency. In 1968, the Peace Corps, VISTA and the Teacher Corps began collaboration in recruitment. In 1970, the Peace Corps and Teacher Corps joined in the development of a program in which Corps members first serve a year in a United States school while preparing for Peace Corps service abroad, and then, while serving in schools in developing nations, continue in a two-year program of training developed by a U.S. university which prepares them for jobs in U.S. schools and communities upon their return home. These joint programs have never fulfilled their potential because of problems of interagency communication and coordination.
>
> In addition, the Economic Opportunity Amendments of 1967 called for Joint VISTA Teacher Corps programs in correctional institutions. Though the initial programs were well regarded, the problems of interagency programming led to their abandonment. Transfer of the Teacher Corps to Action should overcome these problems.
>
> In sum, the transfer of the Teacher Corps to Action would eliminate the cumbersome interagency agreements currently required for joint recruitment, as well as eliminate overlapping activities. Most importantly, the transfer would strengthen both Action and the Teacher Corps, making it possible for each to serve the needs of our people through volunteer programs.

Mr. Speaker, I urge the House to promptly consider this bill.

KHRUSHCHEV REMEMBERED— AND FORGOT

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, one of the most curious and also disgusting spectacles several months ago was the rash of Western eulogies poured over the name of Nikita S. Khrushchev, who died last September. Reading these many eulogies, you would never believe that the authoritative series on "The Crimes of Khrushchev," published by the Congress in 1959, is anything but fiction. Anyone in the least familiar with the numerous crimes of the former hangman of Ukraine could not but regard these eulogies as another measure of the low political morality to which some in our society have sunk.

A very penetrating article on Khrushchev and this spectacle has been written by a person whose authorship of the Captive Nations Week resolution caused the former tyrant no end of pain and anguish over the future of the imperilist state known as the Soviet Union. In fact, the author of the article has documented carefully Khrushchev's many outbursts against the resolution which Congress passed in July, 1959, in his two recent works on "The Vulnerable Russians"—New York, 1967—and "U.S.A. and The Soviet Myth"—Devon-Adair, New York, 1971. The full historical account of this episode still is to be written, but both works provide the best account yet and furnish all the essentials concerning Khrushchev and the resolution, which to date is Public Law 86-90. Indeed, it is strange, as Dr. Lev E. Dobriansky of Georgetown University points out in his article on "Khrushchev Remembered—And Forgot," how the Russian bumpkin purposely forgot this whole irritating experience for which mountains of evidence, print and word exist to present date.

This well-documented article appears in the winter issue of the Ukrainian Quarterly, a world-renowned journal devoted to East European and Asian affairs. In integrated fashion, it deals with the Western eulogies to the tyrant, the Khrushchev as he was actually known, the book on "Khrushchev Remembers," and what the political Russian actor preferred to forget, despite his heavy involvements in the forgotten engagements. To set the historical record straight at this point, I introduce this comprehensive article into our RECORD and urge every Member to read it carefully. What appears in some of our media and what the actual facts are constitute a discrepancy that is almost unimaginable. This account shows up the discrepancy concerning Khrushchev:

KHRUSHCHEV REMEMBERED—AND FORGOT

(By Lev E. Dobriansky)

Nikita Sergeivich Khrushchev passed away, but what he was to have alleged to have said while a "state pensioner," what he purportedly offered as "memoirs," will be discussed and even controverted for many years to come. The basic source of contention among historians, Kremlinologists, scholars and analysts of the Soviet Union will undoubtedly continue to be the book *Khrushchev Remembers*. It aroused much interest and controversy while the former Russian leader was alive, and as events and developments unfold it will certainly be referred to in the years after his death. Given certain circumstances threatening the very existence of the Soviet Union as such, it is even possible for Khrushchev in his permanent stillness to be endowed with posthumous rehabilitation and the work to resurge into analyzed prominence again. Life is pregnant with the unexpected.

It is somewhat against the background of Khrushchev's death that an analysis is made here of the book along lines and perspectives which scarcely appeared in the many reviews during the remaining months of his life. The curious and naive reactions in the West to his death are worthy of an analysis in themselves. In the main, they furnish adequate clues as to how well our opinion-makers and others understood the men, his theatrics and, above all, his devious background. It is small wonder, as one views it now, that *Khrushchev Remembers*, despite all the superficial spectaculars of publicity and the like which surrounded its issue, was hardly examined critically in the light of the most fundamental issues and differences between the U.S.A. and the U.S.S.R. in particular.

A few observations concerning his death, as well as the authenticity of the work and the editorial comments, will enable us to gain a deeper perception of K's philosophical and political notions and, most of all, his disclosures about pervasive Ukrainian and non-Russian nationalism within the Soviet Union, a fundamental subject that was almost completely lost in most reviews of the book. Some other revealing aspects deserve consideration, and emphasis has to be placed on what K conveniently forgot as bits of his so-called memoirs and self-legitimating notes were assembled into book form. A careful reading of the book can incite almost endless commentary and criticism because of the variety of experiences and subject matter. The important consideration, however, is to distinguish the essential from the unessential in terms of current developments and tendencies in the USSR and beyond. In short, the pertinence and relevance of K's disclosures and experiences for the impending future. This is the orientation assumed here.

WESTERN EULOGIES TO A TYRANT

On September 11, 1971 Khrushchev died at the age of 77. For reasons of their own Moscow and its puppets virtually ignored the event. The former leader of the Soviet Russian Empire was simply buried in an obscure corner of Novodevichy convent cemetery by the Moscow River. Even the photograph on his grave, showing him originally as a leader, had to be changed a month later, now portraying the "unperson" that he was since his ouster in October 1964.[1] The news of his death was generally known in the Free World long before the populaces in the USSR were informed of it. It is likely that many in the Soviet Union are still unaware of it, so brief and skimpy was the official report.

In sharp contrast, and for reasons of short knowledge and naivete, the reports and comments on the event amounted to virtual eulogies to a man stained with the blood of millions of victims. A few examples will suffice. As one would expect, an editorial in a so-called liberal Washington organ characterized K as having been "in a peculiar sense a great man." With typical erraticism and mental confusion, it depicted him as "an authentic person, not a tyrant, not a zealot, not an automation, not a clerk."[2] In his climb to the top the wiley peasant trampled on the perished bodies of millions and while at the top sanctioned political murders and subtle arrests of countless dissidents and non-Russian nationalists, including Jews, but these evidently aren't the marks of a tyrant for some in our society who are long on high-sounding words and pitifully short in heart and vision.

To extend the comedy, in the same organ the former Russian tyrant is depicted as an impressive teacher. As the article puts it, he "had to 'teach' Americans the hardest of lessons to learn; that we were not No. 1, not invulnerable, not immune to the consequences of our acts in the way to which we had become accustomed since World War II . . ."[3] The speciousness of this observation should be self-evident if one possesses any sense of Russian propaganda and political power realities in the world, but it is noteworthy that in this and another article by the same author no single mention is made of the prime lesson taught the Russian politico by the U.S. Congress and its Captive Nations Week Resolution.[4] As the documented facts well show, the supposedly combative Russian leader suffered not only apoplexy but political diarrhea over this soundly calculated challenge. Significantly, as will be seen later, K conveniently forgot this horrifying experience in his so-called memoirs. However, in fairness to the paper's writer, it should be pointed out that in his other piece he at least states, "The Ukraine in that period put up tremendous resistance to Stalin's policies. Millions died. Khrushchev's hands were bloodied."[5]

A whole array of similar comments and reactions could be assembled. Unsurprisingly, both Cyprus Eaton and W. Averell Harriman sent their condolences on the passing of the deceptive Russian politician bent on world domination. How politically foolish one can be is clearly exemplified in Eaton's remarks: "He was trying for understanding with the United States and was content that we should pursue our own economical and political systems while his country followed its own ideas."[6] Hungary, Berlin, Cuba, Vietnam and other crises mean nothing to the American industrialist whose money alone justifies the published expression of his childish utterances. Despite his official record, Harriman fares no better with his comment that the former promoter of Soviet Russian imperio-colonialism was "willing to compete with the U.S. in world domination but ready to back down to avoid a nuclear war." Just pause to consider this comment on the part of our former ambassador to Moscow. The U.S. engaged in "world domination"? K backing down "to avoid a nuclear war" or fearful for the end of the USSR when his bluff in Cuba was called? Yet such individuals, and many like them, have played their role in the decline of American global power and leadership.

One more example is sufficient to indicate the drivel poured out by sources at the time of K's death. Another editorial unabashedly states, "And yet it is impossible to write him off as a tyrant . . . For the fact is that the shoe-pounding peasant had one overriding quality that appealed to men on both sides of the ideological curtain. He was honest."[7] Just to cite one among numerous cases, honest when he instructed Gromyko to lie into President Kennedy's face that no missiles were being planted in Cuba? The closing of the editorial is a gem of political immaturity in dealing with the Russians. It reads, "He left Russia better off than he found it. He left the world fractionally closer to the ideal of international peace. And for that, we must be thankful for his life." Again to contradicting cases, if by Russia is meant the USSR, no previous base is good enough to measure solid betterment where resources under both Stalin and Khruschchev were inordinately diverted to totalitarian and global military and political ends at the heavy real cost of the peoples in the USSR. The rapid naval expansion under K's regime has already displayed its threatening effects in the Mediterranean and elsewhere.

THE REMEMBERED KHRUSHCHEV

Fortunate for our society and our political sanity, quite a number of analysts and opinion-makers did not fancifully imbibe in these expressions of naive sympathy for a spokesman of Soviet Russian imperio-colonialism and the expansion of Moscow's empire. They at least remembered Khrushchev and have not been hoodwinked by the calculated gyrations and deviations of imperialist Russian diplomacy that stretches from

---

Footnotes at end of article.

bearish growls to smiles as the circumstances dictate. Anyone familiar with this brand of diplomacy, whose roots go back to Muscovy and the Mongolian legacy, cannot but absolutely discount the sympathetic expressions as untutored reactions on the part of amateurs in the field of Russian expansionist policy.

Here, too, a few examples will show how Khrushchev was realistically remembered and failed to pull the wool over many American eyes. A powerful editorial in an outstanding mid-west city put it bluntly, "The embodiment of a certain raw power of personality he certainly was. A friend of the United States, the West, or of mankind he was not."[8] It also rightly pointed out, "Khrushchev will be remembered for his renunciation of Stalin at the 20th party congress in 1956, but he neglected to emphasize that he had been Stalin's faithful henchman in all that oriental tyrant's bloody works." The editorial's incisive refutation of comments by Senators Hubert Humphrey and Edward M. Kennedy and so-called Kremlinologists like Harry Schwartz and Harrison E. Salisbury of *The New York Times* makes for choice reading.

Not only large organs but small suburban ones as well properly characterized the man for what he was and resisted the false sympathies exemplified earlier. For instance, a popular newspaper in a Washington suburb had this to say, "Would that we could say 'requiescat in pace,' but we cannot. For here was a man who presided over the physical or spiritual deaths of millions. This fact was, in most cases, totally ignored or just barely hinted at in the reams of material written about him this past weekend."[9] One might ask what has happened to the moral consciences of some of our opinion-moulders? Have they been paralyzed by neurotic fears stirred by nuclearitis? How would they have reacted in a similar environment to a Hitler who at least was more direct and less devious and serpent-like than a Stalin or a Khruschev and whose genocidal count was far less than that of the two?

Finally, as another prominent example of those who really remembered "the Hangman of Ukraine" is the remarkable, detailed address delivered by the Honorable John M. Ashbrook of Ohio on the floor of the House of Representatives. Under the apt caption "Good Ole Khrushchev" the Congressman cites and quotes the specific crimes of Khrushchev from the early 30's into the 60's. He clear-mindedly observes, "Reportedly Khrushchev died peacefully in his sleep. May his untold, forgotten victims who died painfully and awake, find the true peace of those who sought vainly for justice here; especially the millions of pampered peasants to whom promises of land, by Lenin were finally fulfilled when Khruschev's agents deposited on their weary bodies several shovelfulls of rich soil they so loved."[10]

No matter how long one's sophistry and casuistry may be, the clear fact is that those who chose to eulogize the Russian genocidist, can only be deemed sick both morally and politically or simply plain ignorant of the creature they were dealing with. If the Congress as a whole were alert as it should be, the described situation would justify more than ever a reprinting of the 1959 hearings on *The Crimes of Khrushchev*.[11] The re-publication and distribution of the series would mirror more than anything else the weaknesses of those who were taken in by this political actor possessed with peasant wisdom and cunning. Theologically and humanistically, penance for the worst of sins is noble and acceptable. But nowhere in the so-called memoirs or anywhere else is there any sign of penitent regret on the part of this deceitful actor for his heinous crimes.

Much, for example, is made of his tirade against Stalin's policies at the 20th party congress, but few seem to appreciate the fact that if Anastas Mikoyan in his address hadn't precipitated the alleged de-Stalinization, this shifting "pragmatist" would undoubtedly had not pursued this course. Not that it made any substantial difference with regard to the fixed objectives of Russian political ambitions and the technologic-economic requisites for enhanced social efficiency to realize the ends of imperial Russian supremacy in the world. Khrushchev was totally dedicated to these ends, and at whatever proportionate cost, as every Russian or Russianized leader in the Kremlin must necessarily be. In short, to eulogize him is tantamount to eulogizing Lenin, Stalin and those who have succeeded him within the imperial context of the Soviet Union. This is the type of reckless nonsense that many of our supposedly more enlightened opinion-makers and others were engaged in.

THE AUTHENTICITY OF K'S REMEMBRANCES

As is well known, the publication of *Khrushchev Remembers* stimulated a wide assortment of theories regarding the authenticity of the "memoirs." One theory is that the material originated with the K.G.B., filtered through the Russian agent Victor Louis who met with *Time-Life* editors in a Copenhagen hotel three months before publication date.[12] Another theory places the source of origin with the Khrushchev family, primarily Adzhubei, his son-in-law. Still another claims that neo-Stalinist groups were responsible for the publication, seeking to discredit K's followers in the CP apparatus. A final one injects the C.I.A. as the ultimate source, having infiltrated the K.G.B. and thus working with elements in it to emphasize the anti-Stalinist tones of K's material for mutual advantage. The British defector and Russian spy, H. A. R. Philby, told the Moscow correspondent of the Czech Communist Party paper *Rude Pravo* that the so-called memoirs were concocted by the C.I.A.[13]

For our purposes, to dwell on these theories and speculations would be a waste of time. The source of origin, the motives behind the publication and the intended effects would be interesting to know, but they're really not relevant here. Khrushchev himself disowned any responsibility for the publication of the work, but this did not mean denying the greater part of the material and contents that were obtained from recordings and notes and clearly bear the Khrushchevian qualitative stamps of pungency, earthiness and factual relevancy of expression. Whether some regard the memoirs as being of historical importance or not, the criteria of evidential authenticity are the high probability of the points remembered in approximate conformity with known related facts and the marked reflections of K's character and personality in the assembled material. On these two grounds the greater and substantial part of the contents in the book is unmistakably Khrushchevian.

Edward Crankshaw, the British Kremlinologist, and numerous other analysts are on safe ground in upholding the essential authenticity of the work. In his introduction of the book Crankshaw plainly states, "I did not have to read very far, however, to feel pretty well sure that these were the real thing; and by the time I had finished I was convinced."[14] Indeed, a careful reading of the book will convince anyone of its authentic qualities, given an adequate background of USSR history and familiarity with K's experiences, style and behavior. The introducer explains his position adequately and satisfactorily, and on the whole performs a real service with his commentary and notes.

However, a few criticisms can be lodged. For one, as shown in the hearings on the *Crimes of Khrushchev*, the record of K's crimes doesn't begin in 1936–37 with the treason trials but rather in 1931–32 when he made several trips from Moscow to Kiev to participate in the horrible man-made famine in Ukraine. Also, the commentator's repeated use of "the Ukraine," a provincial and demeaning term, is a bit surprising for one otherwise given to significant nuances and delicate peculiarities pertaining to the USSR and its various nations. When, with reference to 45 million Ukrainians, he writes of them as "Little Russians, dourer, more practical, harder-working than the dominant Great Russians of Muscovy," it becomes readily evident that he lacks a keen, perceptive grasp of the brittle relationships between Ukrainians and Russians as the two largest but different Slavic nations in the USSR.[15] Archaic, tsarist usages, such as "Little Russians" and "Great Russians," are scarcely adaptable for current analysis of the USSR.

Moreover, unless one is unsure of himself and his knowledge of the case, why the doubt inputed into this raised question: "How much did Khrushchev realize what he was doing when he presided over the arrest, imprisonment, or deportation to Siberia of practically the whole of the middle- and lower-middle classes of what is now called the Western Ukraine?"[16] This is like asking whether Stalin realized the same in the 30's. As the ruthless boss over the area, K knew very well what he ordered and was doing. Overlooked by the commentator and most reviewers alike, K's constant references in the book to pernicious Ukrainian nationalism supply the obvious answer to the neutralistically posed question. In addition, Crankshaw's opinion that K's greatest achievement was to break out of the Stalinist mold and make it possible "for the Western world to hope that a measure of coexistence more complete than he himself was yet ready to conceive might one day be realized" is subject to serious analytic question. The Stalinist mold was not simply indiscriminate killing, arrests and deportations. As a totalitarian, imperialist framework, it continues to this day, even after Khrushchev.

K'S THOUGHTS

If in the vein of Mao's thoughts, many of which are comical in themselves, one is seeking in this work or any other compiling the addresses of the former Russian leader for what may be called "K's Thoughts," he cannot but arrive at the conclusion that his so-called philosophical and political views are more a product of indoctrinational babbitry than of logical, thought-out processes or ideological acumen. Regarded by some as "a pragmatist," Khrushchev was clearly not a polished, educated man and far from being a thinker or statesman of any depth or profundity. The lucky peasant perforce had to rely on sheer cunning, deception, showmanship, political wiles, and an endless recitation of memorized proverbs to make his way to the top and remain there as long as he could. The crudity of his antics at the U.N., his drunken behavior on a state visit in Belgrade, his showmanship with Castro, Nasser and others, and his penchant for "administrative economics" to solve totalitarian-created problems in the USSR, not to mention numerous other compensating spates of unorthodox behavior, are enough to indicate the type of personality Khrushchev was. His peasant craftiness even allowed for extreme obeisance in dancing the Hopak at Stalin's bidding in the drunken early hour parties at the Kremlin. Briefly, a crude personality he was; a thinker or statesman he definitely was not, and many an educated Russian must have suffered psychologically to view this political bumpkin as head of the present Soviet Russian empire. His brazen craftiness is also well reflected in his obvious attempt in these so-called memoirs to moralistically remake his image from that what close stu-

---

Footnotes at end of article.

dents have known him to have on the basis of his ruthless deeds.

To eke out any rounded philosophical outlook on the part of K in this work or any other is an impossibility. To be sure, the clichés, slogans and stereotyped utterances are there, but any depth of thought is entirely lacking. If anything, he was a romantic from any charitable intellectual viewpoint. Among many examples, K relates how he listened to lectures on political economy and, as he puts it, "it seemed to me as though Karl Marx had been at the mine where my father and I had worked.

It seemed as if it were from observing our life as workers that he had deduced his laws and scientifically proved why and how the workers must liberate themselves from capitalist slavery and build a Socialist society." [17] This is indicative of K's conception of Marxism, devoid of any understanding that Marx's spurious scientific socialism the mechanical liberating force is supposedly the internal breakdown of capitalism itself and not any self-liberating workers' movement. His romanticism is exemplified further by these words: "If I may use the language of religious believers, I'd say that every participant in the Communist movement was to me an apostle, ready to sacrifice himself in the name of our common cause:" [18] K places heavy stress on truthfulness—"Only through truthfulness can we win the confidence of the people"—but nowhere can any definition or elucidation of truth be found in the work, the true presumption being that what is "truth" for the Party is truth for the people.[19]

However, as for expression of views, whether justified or not, Khrushchev is not to be found wanting. The book is studded with them, and a critical reader would not find it difficult to take issue with them. Here, too, a few examples, will suffice. In recounting his earlier years, K mentions returning from the Front to the Donbass at the beginning of 1922 and observes that "Lenin was striving to use the respite at the end of the Civil War to build up our industry, our economy, and the living standard of our people." [20] Now, here and elsewhere, K is of the conception that only a civil war was waged between the Russian whites and reds, and ignores completely, if he really understood it, the first international wars between the newly independent states of Ukraine, Byelorussia, Georgia, Armenia and others and Russian Communist imperialism. In another place, he relates his arbitration in Kiev between Vertinsky, "a Muscovite," and Dobrotko, "a Ukrainian," and goes on to state, "At that time the difference was still very significant." [21] Isn't there still the same marked difference forty years hence, as many a tourist in the USSR has acutely observed? At least it can be said that K is on solid ground when he unequivocally declares himself as being a Russian. As he puts it to to Stalin, "It hardly makes sense to send me a Russian, to the Ukraine." [22] Western analysts and writers have been notorious in misidentifying him as a Ukrainian.

It is this type of superficial comment that runs throughout the work. The writer could cover page by page and show the gross superficiality of the man himself, who had to rely on buoyant threatrical means and brute extroversion to compensate for his uneducated bearings. To cite a few more examples, the shooting of our U–2 spy plane over Central Asia the Russian bumpkin depicts as "a landmark event in the history of our struggle against the American imperialists who were waging the Cold War." [23] This propaganda drivel may impress some, even our so-called revisionist historians of the Cold War, but anyone familiar with the political warfare heritage of Russian imperio-colonialism immediately senses the established technique of accusing the victim to conceal the accused. K praises the collectives in Ukraine for contributing to victory over the Germans, but fails to mention the mass demand for decollectivization under the Germans early in the war, both in Russia and Ukraine. On the other hand, astonishingly enough for any Russian leader, for the first time he equates the crimes of Stalin with Hitler's, but fails to mention that at Nuremburg, Hitler's henchmen, in effect his counterparts, were executed for direct participation in the crimes.[24]

UKRAINE AND NON-RUSSIAN NATIONALISM

Both historically and for the future, perhaps the one single factor that is most significant in the book is Khrushchev's more than abundant disclosures regarding Ukrainian and forms of non-Russian nationalism in the USSR. The book is replete with them, and aside from complete factual accuracy, anyone carefully analyzing the work page-by-page cannot possibly leave it without a deep impression of this living and indomitable force within the USSR. Here, too, space forbids considering each example, but the several given are adequate to show K's nervous awareness of this indestructible force. Indeed, as we shall finally see, it goes a long way to explain his frenzied behavior toward the Captive Nations Week resolution. Early in the work he points out that Kiev "was notorious as a stronghold of Ukrainian nationalist elements" and he knew "that the Ukrainian nationalists in Kiev were sure to regard me as a hopeless 'Rusak.'" [25]

Though many in the West scarcely recognize them, K doesn't hesitate to mention the Kuban Cossacks' "sabotage" of the collectivization drive early in the 30's. As he describes it, "whole Cossack settlements were picked up and moved forcibly to Siberia. The same occurred in Ukraine, and with nationalist reactions. As first secretary of the party in Ukraine, in May 1938, K declared, "I pledge myself to spare no effort in seizing and annihilating all agents of fascism, Trotskyites, Bukharinites, and all those despicable bourgeois nationalists on Ukrainian soil." [26] Stalin's henchman conveniently forgets to relate the Russification program he conducted in Ukraine and the Vinnitsa genocide during his reign. But he readily admits, "Ukrainian nationalists gave us more trouble than anyone else between the signing of the treaty in 1939 and the outbreak of war in 1941." K devotes indicative space to Stepan Bandera and Ukrainian nationalists with "a pathological hatred of the Soviet regime."

In several sections of the work Khrushchev attempts to appear as an opponent of anti-Semitism, although his inclinations to the disease are well-known. In one place he quotes himself as having said, "How dare you say the word 'yid'? Don't you know it's a very offensive term, an insult to the Jewish nation?" [27] As the editor rightly points out in a footnote, the close approximation to the term in both Russian and Ukrainian is properly used by the Jews themselves, so "this seems to be yet another case of Khrushchev getting in a dig at the Jews while professing his total freedom from anti-Semitism." In this connection, too, K forgets to mention that when he resumed his role as guleiter over Ukraine following the war, a wholesale deportation of Jews was undertaken. His discussion of the proposal at that time to establish a Jewish Soviet Republic in Crimea is interesting in itself, but his view that it was unnecessary because of the existence of Birobidzhan in Siberia, an autonomous republic set up by Stalin to get rid of the Jews in the European sector of the USSR, is a further indication of K's feelings in the matter.

Actually, Khrushchev employs concepts with reckless abandon. In his secret speech as elsewhere, he talks about some mythical "Soviet nation." He evidently hopes for one in Russian substance and spirit, but the multi-national realities in the Soviet Union render it impossible. To take another example, K is well aware of Georgian nationalism when he declares "We know that there have been at times manifestations of local bourgeois nationalism in Georgia as in several other republics." His accounts on Beria, Georgian profiteering and the like appear to indicate a distaste for things Georgian. Recognizing the non-Slavic national stocks of the Baltic nations, K again shows no regard for national self-determination when he presents the forcible incorporation of the Baltic states into the USSR as simply a matter of "negotiation" and the expulsion of its bourgeois leaders.

WHAT K PRIMARILY FORGOT

This concise analysis has indicated numerous incriminating events that Khrushchev conveniently forgot. As one writer shows, he also forgot America's economic aid at the beginning of the 20's, which according to him "saved the Soviet Union." [28] In 1921 there was no Soviet Union; more accurately, then, the imperialist R.S.F.S.R. was saved. However, the one historical episode over several years and in which he was steeped is significantly omitted in his memoirs. And that is K's set-back by the Captive Nations Week resolution, passed by Congress in 1959. Private citizen Richard M. Nixon in his book *Six Crises* clearly states "The Captive Nations Resolution was the major Soviet irritant throughout my tour" and shows in detail that this troubled Khrushchev more than anything else.

It is unnecessary to dwell on the details of this episode extending down to the moment of K's ouster in 1964. All of this has been essentially documented in the writer's own work on *The Vulnerable Russians* (New York, 1967). In part relying on Nixon's testimony, it points out that "Nixon tells us that the Russian jailer developed 'a long harangue' and spoke in 'a high-pitched voice,' and frequently pounded the table." [29] Signs of an untroubled political soul? The documentation covers K's subsequent article in *Foreign Affairs*, his vehement denunciation of the resolution at Camp David, before the Supreme Soviet and in addresses to the end of his rule, and in Moscow and puppet publications during his regime. On the very eve of his ouster, K had this to say in an address in Czecho-Slovakia: "In the United States a farce entitled 'captive nations week' is held every year. The people's democratic system has been in existence for twenty years but the imperialists still ramble on with nonsensical ideas of 'liberating' the nations of Eastern Europe." [30]

To have been so deeply concerned with the substance and aim of the resolution from its very inception in 1959 to his ouster in 1964, Khrushchev surely must have suffered no lapse of memory on this score. This is another and major example of his "honesty," as some of our misguided eulogists believe. The obvious explanation for this chasmic omission is the fact that no Russian imperialist leader, former or present, would want to demonstrate in compact form his profound fear of both the essence and possible implementation of this resolution. The editors of the book note an ambivalence in K toward the force of non-Russian nationalism in the USSR, but had they criticized him for this marked omission, there would be no question of K's fearful stand on it. One need only peruse the literature on the bolt that struck him between the eyes at the time of Vice President Nixon's visit to Moscow, and irritated him down to a month before his ouster.

In this passing phase of the so-called era of negotiations Khrushchev leaves us with a perception well worth pondering. After all, being largely of the same ilk, he must have recognized his contender well. Concerning the prime totalitarian in Peking, K has this to say: "Politics is a game, and Mao Tse-Tung has played politics with Asiatic cunning, following his own rules of cajolery, treachery, savage vengeance, and deceit." [31]

Each of these rules applies to K's Moscow as well. They will be encountered when President Nixon visits both Peking and Moscow. In a world where one-third of humanity still is very much captive and the resolution remains, as K puts it, like "a black cat" across communist paths of aggression, the fundamental question is at what cost will these encounters be sustained, at what price to freedom?

FOOTNOTES

[1] UPI, Moscow, USSR, October 7, 1971.

[2] "Nikita Khrushchev," *The Washington Post*, September 12, 1971.

[3] Stephen S. Rosenfeld. "Khrushchev's Mark on the U.S.," *The Washington Post*, September 17, 1971.

[4] For this history see the writer's book *The Vulnerable Russians*, New York, 1967.

[5] Stephen S. Rosenfeld. "Khrushchev's Life: Peasant, Hero, Dishonor," *The Washington Post*, September 12, 1971.

[6] "Pragmatic, Say Eaton, Harriman." *The Washington Post*, September 12, 1971.

[7] "Nikita Khrushchev," *The Sunday Star*, Washington, D.C., September 12, 1971.

[8] "Hardly A Friend," *The Chicago Tribune*, September 14, 1971.

[9] Fred Dell, "Comment," *The Arlington News*, Arlington, Virginia, September 15, 1971.

[10] "Good Ole Khrushchev," *Congressional Record*, October 6, 1971, p. H9304.

[11] *The Crimes of Khrushchev*, Hearings. Committee on Un-American Activities, U.S. Congress, 1959.

[12] Roger Jellinek, "The Last Word: That Khrushchev Book," *The New York Times Book Review*, May 16, 1971.

[13] "Philby Surfaces," *The Washington Post*, August 21, 1971.

[14] *Khrushchev Remembers*, Boston, 1970, p. vii.

[15] *Ibid.*, p. xvi.

[16] *Ibid.*, p. xvii.

[17] *Ibid.*, p. 23.

[18] *Ibid.*, p. 62.

[19] *Ibid.*, p. 9.

[20] *Ibid.*, p. 15.

[21] *Ibid.*, p. 113.

[22] *Ibid.*, p. 106.

[23] *Ibid.*, pp. 200–202.

[24] *Ibid.*, p. 343.

[25] *Ibid.*, p. 33.

[26] *Ibid.*, p. 90.

[27] *Ibid.*, p. 145.

[28] Henry C. Wolfe. "Khrushchev Didn't Remember," *The Wall Street Journal*, May 11, 1971.

[29] "Nixon's Testimony of American Bewilderment," Chapter II, *The Vulnerable Russians*, p. 28.

[30] *Ibid*. p. 77.

[31] *Khrushchev Remembers*, p. 461.

CAMPAIGNS TOO LONG? YES!

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, for a long time I have been advocating legislation to limit the length of our presidential campaigns to 60 days. During those years, I have presented numerous reasons why Congress should act on this: To avoid the marathon that produces higher expenses, physically exhausts the candidates, and simply bores the electorate.

On November 30, I was prepared to offer an amendment for this purpose to the election reform bill but because of a point of parliamentary procedure. I found myself prevented from doing so.

I am pleased to note that the syndicated columnist William F. Buckley, Jr., also favor short campaigns. In addition, he has humorously demonstrated my point that mass communications today "can make anybody a household word in a matter of days." He points out that this was accomplished 2 years ago by a girl running for the class presidency of Stanford University, "springing from obscurity to notoriety by the simple expedient of distributing campaign posters of herself nude, or rather seminude—at Stanford they exercise a dignified moderation."

I would not suggest that candidates for the Presidency of the United States adopt a similar strategy to insure public visibility, but, nevertheless, I am certain that a candidate for the Presidency of the United States can establish public awareness by a more conventional approach—and do so within 60 days of election day.

I commend Mr. Buckley for his support of this principle and urge my colleagues read his column. I also include an editorial "Campaign Time Limit Still Good Idea," from the Danbury, Conn., News-Times of December 6, 1971.

The article and editorial follow:

TOO LONG CAMPAIGNS

(By William F. Buckley, Jr.)

The most offensive features of political campaigning via the broadcasting media are the most difficult to crack. There is the length of the campaign. I happen to like George McGovern. He is a very nice man. (Never mind that I would depart for Australia if he were elected President.) But the prospect of George McGovern (or for that matter Abraham Lincoln) night and day for maybe 24 months (yes, he launched his campaign approximately two years before the election) is more than body and soul can bear.

I had a letter the other day from a 16-year-old second cousin, advising me solemnly that he intended to become President of the United States. I wrote back wishing him all the luck in the world, pledging my support, but begging him not to announce his candidacy immediately.

But what does he do about it? Everybody agrees that the strain on the candidates themselves is inordinate, and that although it made sense in the earlier days of our republic to campaign for six months before the election, since it took that much time to familiarize themselves with voters strewn about the country in their log cabins, it is no longer the case.

HOUSEHOLD WORD

Television and radio and the national press can make anybody a household word in a matter of days, and there are all sorts of tricks available to the resourceful campaigner that are useful for getting a lot of attention. Two years ago a girl won election as class president at Stanford University, springing from obscurity to notoriety by the simple expedient of distributing campaign posters of herself nude, or rather semi-nude (at Stanford they exercise a dignified moderation).

A politician struggling for higher office can gain a great deal of attention by, say, advertising himself as having discovered a formula for world peace without any need for an army, navy, air force, or poison ivy. There are as many gullible people as there are prurient people, and it doesn't take long, in the age of instant communication, to engage their attention; and, every now and then, George McGoverns are elected presidents of their class.

The question is: how long before it cloys? It won't be too long before there won't be anyone left who will bother to ask Jane Fonda to disrobe. But when will the public tune out the politician who keeps telling us that we can have peace for nothing?

SHORTER CAMPAIGNS

On the other hand, there isn't very much that can be done about it. Something, yes. For instance, the two major parties could agree to schedule their conventions on the first and second weekends in September, and that would shorten the campaign itself. And the states might agree to hold their primaries on the same day, let us say three weeks before the conventions.

If the candidates wanted to campaign a whole year ahead of time, well: perhaps the broadcasters and the newspapers would find them less than exciting, so far away from the critical days, and treat them accordingly, or else leave them mostly to the mercies of Johnny Carson.

As regards quality, and honesty, that is a real problem, and I doubt that in our time we are going to lick it. It was only seven years ago that Lyndon Johnson authorized a television commercial that showed a little girl, while engaged in picking daisies, interrupted by an atomic bomb, which the viewer was all but shown candidate Goldwater personally detonating. Pat Brown, running against Ronald Reagan, had one television spot featuring a little Negro shoeshine boy professing his gratitude at the emancipation of his forefathers by Abraham Lincoln, at which point Governor Brown said, "You remember who killed Abraham Lincoln, don't you son? It was an actor."

HIGH RATING

That kind of thing can't be curbed by public or private regulation. Certainly Congress is not going to come up with a Pure Campaign Commission, which will pass on politicians' television commercials. That is up to the public: to assert itself in resentment against those politicians who have hitched their wagon to the voters' ignorance or gullibility. At this moment, that ignorance and gullibility are being given a very high rating, and the politicians often give the impression that they are returning the favors of the Beverly Hillbillies: but any attempt to work it up into an enforceable code is doomed to failure, and probably should be.

So that Congress will have to abide by the fact that they seek to control through inexact mechanisms that which goes into the making or unmaking of decisive results. So don't look for major improvements.

CAMPAIGN TIME LIMIT STILL GOOD IDEA

The House and Senate have adopted bills which limit the amount of money which can be spent in campaigns for president, vice president, senator and congressman.

A conference committee will seek to resolve the minor differences in the two bills.

The legislation, besides imposing limits on the amount any candidate or his party could spend in a campaign, also establishes for the first time a mandatory national requirement for reporting of campaign contributions and spending.

Candidates now file a variety of state reports, in addition to reports filed with the clerks of the House and Senate.

Because committees operate in different states and state rules vary so widely, it is often impossible to determine just what total contributions and expenditures amounted to.

One amendment which would have made the bill much better got left out of the House version through a parliamentary maneuver which limited debate.

Congressman John S. Monagan of the Connecticut Fifth District was trying to offer his amendment to limit presidential campaigning to 60 days. However, he was blocked from doing so.

It's still a good idea. We hope the time comes when Congress recognize it as such and incorporates it into the laws governing political campaigning.

TRIAL OF DEFECTING RUSSIAN SEAMAN

(Mr. MONAGAN asked was was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in view of the current interest in the plight of minorities within the Soviet Union and the opportunities which members of such groups have to leave that country, I wish to insert in the CONGRESSIONAL RECORD an article from the International Herald Tribune of August 7–8, 1971, by Anatole Shub. This article describes the trial of Simas Kudirka, the Lithuanian sailor who attempted to obtain political asylum last year by boarding a U.S. Coast Guard vessel off Martha's Vineyard.

This transcript of the trial includes a moving plea on the part of the accused and also provides a revealing insight into the restrictions upon the movement of Soviet citizens:

KUDIRKA AT TRIAL

(By Anatole Shub

PARIS, August 6.—Simas Kudirka, the Lithuanian sailor who attempted unsuccessfully to obtain political asylum by jumping ship and boarding a U.S. Coast Guard vessel last fall, defiled a Soviet court and made powerful appeals for Lithuanian independence before he was sentenced to ten years at forced labor last May.

A summary of Mr. Kudirka's trial, prepared by friends in the Soviet Union, reached the West this week. The document provides striking details on the Soviet aftermath of an incident which President Nixon branded "outrageous."

Last Nov. 23, the 32-year-old Lithuanian jumped from the vessel Sovietskaya Litva, which was moored beside the U.S. Coast Guard cutter Vigilant off Martha's Vineyard, Mass.

After eight hours on the Vigilant pleading for freedom, Mr. Kudirka was forcibly returned, struggling, to the Soviet authorities. As a result, two high Coast Guard officers were retired and another reprimanded.

Mr. Kudirka's trial took place last May 17–20 before the Supreme Court of the Lithuanian Republic—one of 16 nominally autonomous republics comprising the Soviet Union—in the city of Vilnius.

According to the document, the chairman of the court was named Nisiunas and the prosecutor was Petrauskas. The lawyer assigned for the defense was named Gavronskis, but Mr. Kudirka declined counsel. Asked why, he said:

"If Gayronskis is an honest man and defends me according to his conscience, then it can only do him harm. But if he is dishonest and plays the role of a second prosecutor, as often happens in political trials in Lithuania, then I think that my case is already complex enough and one prosecutor is enough."

Asked whether he considered himself guilty, Mr. Kudirka answered: "I do not consider myself guilty since I did not betray my homeland, Lithuania. I do not consider Russia, called the Soviet Union today, as my homeland."

In explaining the reasons which motivated his attempt to flee to the West Mr. Kudirka spoke for more than four hours. He said he had grown up in a very poor family and was familiar with social injustice. In 1940, when the Red Army occupied Lithuania, Mr. Kudirka said, social injustice increased because national injustice was added to it. He recalled that in June, 1941, people were sent to Siberia whom he considered the most patriotic of Lithuanians, including the majority of the nationalist teachers whom Soviet propaganda branded as "bourgeois". In 1941, German occupation replaced Soviet rule. In 1944, before the return of the Red Army, Mr. Kudirka said, rumors began that the Soviet system had changed. However, in the summer of that same year, he realized that if it had changed it was for the worse. He again saw how innocent people were sent to Siberia. Mass killings also were common.

Many of his comrades joined the anti-Communist partisans; almost all of them died. He didn't have the courage to follow their example, Mr. Kudirka told the court. He tried to continue his studies in Vilnius, finishing the eighth grade, and then decided to become a sailor.

"My grandfather was a sailor", Mr. Kudirka told the court, "and I've been drawn to faraway countries. There was the wish to see the world. Besides, I thought that at sea I would forget the tragedy of my people. I wanted to flee from the strange scene; not a week went by that in various Lithuanian towns the disfigured bodies of Lithuanian partisans weren't stacked up in the marketplace. I wanted to flee the hunger which reigned in the kolkhozes (collective farms) at that time, the total lack of rights . . . reminiscent of the serfdom in Lithuania 100 years ago.

"It's a shame, but even in the fleet I found this kind of injustice and national discrimination. In the [Soviet] press, I read about the great Lithuanian fleet, but in reality there is no Lithuanian fleet. It's Lithuanian only insofar as the ordinary sailors are Lithuanian.

"Lithuanians command this fleet only in exceptional cases; the majority don't even know the Lithuanian language. The top leadership of the so-called Lithuanian fleet lives in Moscow and doesn't trust us Lithuanians. Permission to sail abroad and go ashore is, in *general,* not granted to Lithuanians . . ."

The chief judge then asked Mr. Kudirka the following question: "You maintain that you wanted to find freedom in the U.S.A. which, in your view, doesn't exist in the Soviet Union. How do you explain that they turned you back?"

Mr. Kudirka replied that "the ordinary Americans received me very well. Seeing that I was cold, they gave me warm clothing, while the Russian sailors afterward beat me until I was unconscious, and they crippled my knee when I lay in prison for several months. I don't consider [the Americans'] turning me back as a great tragedy. By the decisions of the Teheran, Yalta and Potsdam conferences, whole nations found themselves in slavery. In the eyes of the American military administraiton, I, as a Lithuanian, was the legal property of [Soviet Communist Party Secretary Leonid I.] Brezhnev, the heir to Stalin, and should be returned to him."

On May 18, during the cross-examination of witnesses, sailors acknowledged that they had beaten Mr. Kudirka.

The chairman asked the second witness, who knew Mr. Kudirka well, why he had sought to flee the Soviet Union. When the witness answered that Mr. Kudirka was driven to it, the chairman immediately prevented him from continuing.

A political commissar of the Sovietskaya Litva asked Mr. Kudirka whether he would have sought asylum in the United States if he had known that "you wouldn't find work there, and if you did, it would have been cleaning toilets?" Mr. Kudirka replied: "The job isn't important. There is no dishonorable work, and if I had cleaned toilets, it would have been with a clear conscience, which is not the way you carry out your work. Your party membership is only a ration card."

On May 19, the prosecutor made his final plea, expressing indignation over Mr. Kudirka's treachery. He demanded as punishment 15 years in a strict regime labor camp as well as the confiscation of all personal belongings.

Mr. Kudirka spoke in his own defense, citing Herzen, Marx and Lenin to explain the difference between Socialist theory and practice in Lithuania. In Mr. Kudirka's view, Socialism does not exist in Lithuania, but there does exist an almost inexplicable type of "parody" of Socialism.

NOT A CRIMINAL

"From the standpoint of international law", Mr. Kudirka said, "I am not a criminal. My decision to go abroad does not contradict the United Nations Declaration of Human Rights or even the Soviet Constitution. Therefore, I consider myself completely innocent. However, I know very well that my fate has already been decided by the security organs."

Mr. Kudirka described how Senior Lt. Urbonas, Director of the Investigatory Section Kismen, KGB Maj. Gen. Petkiavichius and many other secret-police officials, some of whom had come especially from Moscow, had tried to re-educate him while he was in prison.

They had suggested that he condemn "bourgeois nationalism" in Lithuania and abroad, which they said had ideologically prepared his treachery, hinting at a lighter sentence if he cooperated. But Mr. Kudirka stated that he was relinquishing his own personal freedom for the sake of his real homeland, *Lithuania.* Six months in solitary confinement had given him sufficient time for deep reflection, he said.

Mr. Kudirka continued: "I remember that when I studied in Vilnius, instead of the two prisons which were there under the Germans, there were seven under Soviet rule, and there were about 20,000 prisoners. They were overfilled untill 1955. Already in 1950, waves of Lithuanians with their young went to the concentration camps. . . . The death of Stalin saved my people from physical extermination. However, the essence of the policy remained the same.

"Now", Mr. Kudirka continued "we are destined to die a much slower death—assimilation. However, we don't want to die. For ten years, our 'brothers in the woods' [the Lithuanian partisans] fought, believing that in the West our struggle was known and supported, even if only morally. Those who died in battle or in the concentration camps believed it as well. [Even the state security officials admit that 50,000 Lithuanian partisans died.]

"The Atlantic Charter, which promised the enslaved nations freedom, was an empty promise costing my people 50,000 dead and 400,000 deported, of whom 150,000 found their graves in the earth of Siberia. . . . The bravest and most resolute patriots of Lithuania were physically annihilated.

"But a new young generation has grown up which intends to go the road of their fathers. When I refused to fulfill the wishes of the state security organs, they threatened me with the death sentence. I believe that this promise will be fulfilled. I am a devout Catholic. Therefore, if the Supreme Court sentences me to death, I would request it to invite a priest to give me the last rites of the Catholic Church."

At this point the chairman interrupted Mr. Kudirka and said "I don't understand what you are talking about."

Mr. Kudirka: "I ask the Supreme Court not to persecute my mother, my wife and my children. I ask you not to harm them."

Chairman: "Your own conduct brings hardship to your family."

Mr. Kudirka: "Not me, but you. I hoped from America to help my family more than with the slave wages I receive here. Besides I hoped to bring them abroad."

The chairman read from a newspaper: "In the U.S., a committee has been created for aiding the Kudirka family." From another newspaper: "The U.S. intends to help the family of Kudirka, although many Americans families whose breadwinners died in Vietnam are left to the mercy of fate."

Mr. Kudirka: "Evidently, this committee is in the hands of those who are on the side of peace."

Before sentencing on May 20, Mr. Kudirka declared: "I have nothing to add to what I have already said, only one wish, more specifically, a request both to the Supreme Court and the government of the Soviet Union. I ask that you grant my homeland, Lithuania, independence."

Chairman: "How do you picture an independent Lithuania?"

Mr. Kudirka: "An independent Lithuania, in my opinion, has a sovereign government and is not occupied by any army. The government has a national administration, its own legal system, and a free democratic system of elections.

"The law of other countries are not binding on this government, as the laws of Russia are *here* today. An independent Lithuania wouldn't be dominated by the Russian language as it is today. I would like there to be no more trials such as mine in Lithuania."

Chairman: "Are you perhaps saying that the present court was not democratic and was illegal?"

Mr. Kudirka: "Of course, inasmuch as it takes place behind carefully screened windows and closed doors with Russian soldiers on guard. In a democratic trial, anyone who wishes would be permitted to attend. If I betrayed my homeland, then why are you afraid to show the public a traitor? Let the public itself judge me. Unfortunately, the courtroom is empty. Besides my wife and a few Checkists (security police), I see no one. There are also a few guards, but they don't know the Lithuanian language and don't know what we are arguing about."

After a short consultation, the chairman pronounced the sentence: "Ten years labor in a strict regime camp with confiscation of personal property."

When he heard the sentence, Mr. Kudirka couldn't conceal his pleasure. He had thought he would be shot.

Soon after the trial, state security employees took from his apartment a set of "Kaunas" furniture, a rug and a radio set, amounting in value to about 700 rubles ($770 at the official rate of exchange).

The compilers of the summary of Mr. Kudirka's trial concluded their report with the following postscript: "To this day, Kudirka does not know that he had been living under the menace of internment in a psychiatric hospital. However, his relatives and acquaintances refused to yield to the threats of the Checkists and sign statements that he was psychologically abnormal. Doctors of the city of Vilnius, headed by the chief psychiatrist Gutman, also resisted Chekist pressure. They pronounced Kudirka completely healthy."

Soviet dissidents with personal experience have long considered internment in a psychiatric hospital far more horrible than forced labor or prison.

JUDGE SMITH RETIRES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on November 6 Judge J. Joseph Smith, the senior judge of the U.S. Circuit Court for the Second Circuit, retired after 30 years on the bench.

Judge Smith is a close family friend and I have known him since my earliest years and I am, therefore, well qualified to testify to the service which he has rendered to the people of Connecticut and of the United States.

An outstanding student at Yale Law School, Judge Smith served as a graduate fellow at that institution before returning to our hometown of Waterbury to practice law. He was a candidate for Congress in 1934 and after his election in that year, served through 1941 when he was appointed to the Federal district court by President Franklin Roosevelt. Serving the district which I now represent, Judge Smith was a member of what is now known as the Armed Services Committee and did outstanding work on that committee to prepare the country for the war which came in 1941. His legislative ability is still spoken of respectfully in the House by those who served when Judge Smith was a Member. Lew Deschler, the Parliamentarian of the House, rates highly Judge Smith's contributions during his term of service.

The character of Judge Smith's service in the Federal court has been outstanding. He has been sensitive to the needs of the times and has taken a liberal point of view in questions of civil rights and criminal justice. Although conservative in desiring to maintain our national institutions, he has helped to mold them to the needs of today.

Above all he has carried on his duties with dignity and with a rare and puckish wit which has endeared him to his fellow justices and with a sympathy and understanding that have earned him the appreciation of litigants and those accused of crime. As a roundup article on Judge Smith's career I insert in the Record an article entitled, "Judge Smith Looks Back on Long Career," by Thomas D. Williams which appeared recently in the Hartford Courant.

JUDGE SMITH LOOKS BACK ON LONG CAREER

(By Thomas D. Williams)

Senior U.S. Circuit Court Judge J. Joseph Smith is known by his colleagues as a liberal judge, but a man who has played cards with him says that as a poker player he is a conservative.

A whimsical man with a shock of white hair and John L. Lewis eyebrows, Judge Smith, 67, of West Hartford is now officially retired from his seat at the courthouse on Folley Square, New York, N.Y. His retirement from the 2nd U.S. Circuit Court of Appeals became effective Nov. 6, and the U.S. Senate still has not confirmed his successor.

A fellow judge who has known Judge Smith throughout his entire career said, "There is a tendency to classify judges as liberal, conservative and reactionary. Without pinning any label of that sort on Judge Smith, all of those who are familiar with his work can assure you that he has always been abreast of the most recent wave of changes in the law. And that involves some tremendous changes."

In his 30 years as a U.S. District Court judge for Connecticut and a New York appellate judge, Smith has been known for his quiet, sly sense of humor and an avid interest in football—especially football played at Yale Bowl (he was graduated from Yale College in 1925 and from Yale Law School two years later).

CAREER NOT ENDED

The judge's sense of humor extends quite freely into various duties on the bench which he will continue in spite of his formal retirement as senior U.S. Circuit Court judge. He will, as always, sit on three-Judge courts to decide the constitutionality of Connecticut's laws, and when the federal courts are pressed he may even sit on civil and criminal trials.

Asked about his more amusing experiences as an appellate judge—a position which because of the lack of trial work tends to be rather dry—the judge cited the case of Carlton E. Achilles vs. The New England Tree Expert Co.

This was a Vermont suit complaining of a threat to the health of a herd of cows. Achilles, a name Vermonters pronounce 'Akills,' is the farmer who charged his freshwater spring, a watering hole for his cows, was poisoned by road men doing business defoliating brush under power lines.

"I can't remember how many cows died (he immediately looked up the case and found that two cows had passed away). But I do remember some of them lost their interest in the bulls," Judge Smith said.

One of his colleagues on the appeals court classified Judge Smith as "one of the court's strong members" and as on the "so-called liberal side of the court in matters of criminal justice and civil rights." The judge quickly added that Judge Smith was also "very well liked, even-tempered, considerate and courteous."

"He may think you're all wrong, but such disagreement never affected his relations with the other judges," said the judge.

Judge Smith's view of the court is dispassionate: "The court is to provide a civilized method of resolving disputes between persons and the state."

Asked if the courts sometimes seem forced into positions of settling petty disputes some of them almost humorous, the judge replied: "Some people have spent all their lives battling their neighbors in court."

RECURRING DISPUTES

He said it was his experience over the years in federal court that similar disputes were always arising and that only changes in some laws, an increase in the population and some improvements in the court's mechanical handling of cases had changed the temper of litigation.

The judge said new types of cases involve environmental and inner-city problems. And he added that civil rights actions had paralleled the growth in interpretations of the law.

During the 11 years Judge Smith spent on the appeals court, the caseload increased 111 per cent. In 1960, there were 135 appeals for six judges, while today there are 246 appeals for nine judges.

Judge Smith began his career as a lawyer in Waterbury in 1927, but, according to his own evaluation, he had very little experience in private practice before entering politics. At the age of 30 he was elected to Congress from the 5th District.

As a Democrat, U.S. Rep. Smith ran three other successful campaigns in 1936, 1938 and 1940. During his period in Congress, he became known for his contributions to national defense and was a member of the Armed Services Committee.

Then in 1941, a federal judgeship opened up for Connecticut, and Rep. Smith became Judge Smith. It was not quite that simple, however. The representative, was forced to wait two years for his nomination as judge to come through because then U.S. Atty. Gen. Homer Cummings blocked approval.

OPPOSED COURT-PACKING

Some said Cummings objected to Rep. Smith's earlier opposition to a bill that would have packed the U.S. Supreme Court with six new justices to sustain New Deal legislation. In looking back on the situation himself, Judge Smith told one reporter the delay resulted from Cummings' desire to put his own man into the vacancy.

It is because of this delay perhaps, that Judge Smith doesn't seem too surprised about similar delays in appointing both a new U.S. District Court Judge for Connecticut and his successor on the court of appeals.

During his tours of duty (from 1941 to 1953 as a district judge, from 1953 to 1960 as a chief district judge and from 1960 to the present as an appeals judge), Judge Smith has seen a myriad of disputes, and new ones don't seem to surprise him.

Said one of his long-time associates: "Judge Smith writes vivid opinions. He's never found it necessary to resort to flamboyant phrases in order to make decisions clearly understood. He's an outstanding example of the patient and unflappable judge."

CIVIL AVIATION RESEARCH AND DEVELOPMENT

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, as a result of congressional recommendations, a joint study by the National Aeronautics and Space Administration and the Department of Transportation has produced a report entitled, "Civil Aviation Research and Development," which focuses on specific critical areas of aeronautics.

These include noise abatement, airways and airport congestion, and the lack of adequate low and high density short-haul aircraft and systems.

That study is a very meaningful effort in the right direction—the establishment of national goals and policies for aeronautics and aviation.

In achieving these goals much work needs to be done in order to build on our past accomplishments.

As an example of noise abatement, for some 3 years NASA has been conducting an important research program at Lewis Research Laboratory in Cleveland to achieve the technology that will result in jet engines which are truly quiet.

The center is working with the General Electric Co., and I am happy to report that the technology is in sight.

It is based on two principal elements: The first is an acoustically treated nacelle that has been tested on a conventional jet engine and has achieved very significant reductions in turbine and fan noise, the source of the most annoying sounds to most people.

The other principal element is an innovatively designed fan jet engine on which considerable ground testing has been accomplished.

Testing will require about another year or two to complete.

Then the technology should be available for use in developing new classes of quiet engines for future aircraft.

What about the present fleet jet aircraft? The new DC–10's and the 747's are already substantially quieter than the 707/DC–8 transports, mainly because of the very large fans used in the 40,000-pound thrust engines.

But there still remains the noisy aircraft to be considered.

NASA has proved by using the new insulated nacelles that these can be significantly quieted.

The only question is the problem of retrofitting the aircraft. The nacelles are relatively expensive.

Who is to bear the burden of cost? The operators? The Government? The passengers? Or jointly?

It is a problem that eventually will have to be solved on a basis that takes into account private and public interests.

In short, it appears that we can confidently predict that quiet aircraft engines can be developed and produced.

The big question remaining is cost and how the Nation will pay to obtain these engines.

NASA

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, when the National Advisory Commission on Aeronautics—NACA—was transformed in 1958 to the National Aeronautics and Space Administration the outstanding scientists and engineers of the former NACA took on the enormous technological challenge of exploring space. The unique talents of many hundreds of people began to be applied to the development of the machines and tools that have culminated in Americans exploring the moon and sending spacecraft out to Venus and to Mars. The result was that aeronautical research became heavily overshadowed by the enormous tasks that are inherent in space research and technology.

However, it is a fact of life that results of aeronautical research achieved by this country both in the NACA, the Department of Defense, and in industry in the late 1920's and early 1930's made possible the dominance in aviation throughout the world the United States enjoys today. The great stimulus of war also contributed much to the extension of our aviation products to every corner of the globe.

The net result is that 74 percent of all the commercial aircraft in operation today in the non-Communist world are American made. Last year the sale of aeronautical and aerospace products returned to our country almost $3 billion in foreign currencies. All this was the benefit of research in aeronautics done over the past years, a very enviable record.

But, what about today, and tomorrow? Are we likely to maintain our commanding advantage? If the present trend in the support that is being given to aeronautical research continues, I can almost categorically say, definitely not. Our competitors across the world have not been idle despite our lead. They are producing excellent, highly efficient aircraft that are becoming more and more attractive to our present customers. Governments are supporting their aviation industries and they are investing relatively more funds in aviation research than we are. They are building many more aircraft prototypes of equal or greater sophistication than we are. In fact, we have already notified the world that we have abdicated a very promising area of aeronautical research and aviation operations by the rejection by Congress of the challenge to build the supersonic transport.

At this time, the country is significantly behind other nations, especially in Europe, in experimenting with vertical and short take-off and landing aircraft. Already, the United Kingdom is producing its operational fighter, the Harrier, which is presently being used by our Marine Corps.

The Committee on Science and Astronautics has long been accutely aware of these increasing deficiencies in our aeronautical research effort. Time after time the committee has heard witnesses from government and industry testify that the lack of research over the past 10 years has imposed significant difficulties on the development of new generations of aircraft; these difficulties are growing more serious every year.

The committee has urged additional funds for aeronautical R. & D. and found support for its position from within several agencies of the executive department and from top executives in the private sector. It finds support in the fact that aviation provides the largest major national resource in public transportation over long distances today.

I am at present cautiously optimistic that this lack of proper emphasis on aeronautical research is beginning to change. And I have confidence in saying that the Congress has had much to do with creating that change.

As a result of congressional recommendations, a joint study by the National Aeronautics and Space Administration and the Department of Transportation has produced a report, entitled "Civil Aviation Research and Development," which focuses on specific critical areas of aeronautics. These include noise abatement, airways and airport congestion, and the lack of adequate low- and high-density short-haul aircraft and systems. That study is a very meaningful effort in the right direction—the establishment of national goals and policies for aeronautics and aviation. In achieving these goals much work needs to be done, in order to build on our past accomplishments.

With regard to the development and the creation of a new generation of aircraft, NASA research has resulted in an innovative wing design for commercial transports. This is called the supercritical wing that will enable jet aircraft to cruise at significantly higher speeds without penalty of increased operating costs and reduced performance and control. NASA is currently flight testing the new design. Present 707's cruise at about Mach 0.85. With the new wing and in conjunction with the area rule or "coke bottle" shaped fuselage, new aircraft will be able to cruise at between Mach 0.95 to Mach 1.2. Thus, lower costs at higher speeds will be achieved. Performance such as that will cut an hour off the present time it takes to fly across the country. This is an arch example of the research that America must conduct on a continuing basis.

For some 3 years, NASA has been conducting an important research program at Lewis Research Laboratory in Cleveland to achieve the technology that will result in jet engines which are truly quiet. The Center is working with the General Electric Co., and I am happy to report that the technology is in sight.

It is based on two principal elements: The first is an acoustically treated nacelle that has been tested on a conventional jet engine and has achieved very significant reductions in turbine and fan noise, the source of the most annoying sounds to most people. The other principal element is an innovatively designed fan jet engine on which considerable ground testing has been accomplished.

Present jet aircraft produce a maximum level of noise at takeoff that ranges between 95 and 120 effective perceived noise in decibels—EPNdb. The objective of NASA's program is to reduce that upper level of 120 EPNdb to below the present Federal aviation regulation level of 102–108 EPNdb. Each lowering by 3 decibels reduces a noise level by one-half. NASA and its contractors confidently expect to lower the perceived noise down to as low as 95 EPNdb. Significantly lower noise levels will be necessary when the short takeoff and landing aircraft become operational in and out of city environments. A level of 88 to 90 EPNdb is representative of the noise level at a busy New York City street intersection.

These lower noise level goals will be achieved by acoustically treated engine nacelle inlets and new blade designs and configurations of the fans, compressors and turbines. Testing will require about another year or two to complete. Then the technology should be available for use in developing new classes of quiet engines for future aircraft.

What about the present fleet jet aircraft? The new DC–10's and the 747's are already substantially quieter than the 707/DC–8 transports, mainly because of the very large fans used in the 40,000-pound thrust engines. But there still remains the noisy aircraft to be considered. NASA has proved by using the new insulated nacelles that these can be significantly quieted. The only question is the problem of retrofitting the existing fleet of aircraft. The nacelles are relatively expensive. Who is to bear the burden of cost? The operators? The Government? The passengers? Or jointly? It is a problem that eventually will have to be solved on a basis that takes into account private and public interests. In short, it appears that we can confidently predict that quiet aircraft engines can be developed and produced. The big question remaining is cost and how the Nation will pay to obtain these engines.

As far as air pollution is concerned, there is presently underway a retrofitting program on the engines in the present fleet of commercial jet aircraft that is eliminating the visible black exhaust that has been a nuisance for years. The scheme is to retrofit at the time when a complete engine overhaul takes place, after about 6,000 hours of operating time.

However, eliminating the visible portion does not eliminate the other byproducts: oxides of nitrogen and others. NASA is presently working very hard to produce the technology that will eliminate those pollutants. It is focusing on an approach to the problem that will, in addition, result in greater efficiencies in fuel consumption and thus lower operating costs.

Another program NASA is vigorously attacking is the determination of the proper designs for short takeoff and landing aircraft, which offer great promise to the solution of transportation in areas of high density population such as the Northeast Corridor and the west coast. Contracts have already been let to various companies to derive on a competitive basis the optimum design for efficient and economical STOL airplane.

All such research requires extremely innovative people. It is fortunate indeed that NASA has the talents to undertake such national problems. Of course, aeronautics has received great benefit from space research, benefits in avionics, materials, structures, controls, computer applications—a legion of advances. But we in the Congress must continue to insist, as we have in the Committee on Science and Astronautics, that advanced research in aeronautics must continue to receive the full support and attention that it requires if we as a Nation are to remain the leaders we believe ourselves to be. To do less would indeed place us in great peril, and would constitute a default on our future security and prosperity.

DR. RALPH J. BUNCHE

(Mr. EVANS of Colorado asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, it is with a sense of loss that I rise today. The United States has lost a valuable and dedicated citizen. The world has lost an able and concerned diplomat, and the cause of peace has lost an eloquent spokesman.

The passing of Dr. Ralph J. Bunche will leave a void for all who are concerned with making understanding and peace a part of the world scene. Dr. Bunche was concerned with the principle of peace and with the use of the United Nations to make that principle a reality. From its inception, Dr. Bunche had been trying to make the United Nations an organization that was worthwhile and effective. His efforts to that end earned him a Nobel Peace Prize, a choice well made.

Secretary-General U Thant said of Dr. Bunche:

> He was the most effective and best known of international civil servants, and his record of achievement as an individual member of the Secretariat was unsurpassed.

Well known as an international leader, Dr. Bunche was also a respected leader in his own country. He knew of the hardships of prejudice from firsthand experience, and yet he never wavered from his conviction in the brotherhood of man. His efforts on the behalf of the black man in the United States will be recorded by history as some of the noblest efforts in the 20th century.

Mr. Speaker, no tribute will be able to replace Ralph Bunche. Mrs. Evans joins me in the deep feeling of loss and in our sympathies to Dr. Bunche's family.

GIFTED AND TALENTED CHILDREN NEED HELP

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, the failure of our programs to help gifted and talented children suggests that we reevaluate our Federal education priorities to put greater emphasis on this group which is now almost completely ignored in Federal, State, and local educational spending decisionmaking.

The Federal Government plans to spend only $1.9 million to assist gifted children this year as opposed to $1.8 billion for all other categories of disadvantaged children in elementary and secondary schools.

I suggest that additional money from the budget of the Office of Education be earmarked for programs of education for gifted children, demonstration projects, and inservice training for teachers of gifted childen. Between 1.5 million and 2.5 million of the Nation's 51.6 million schoolchildren can be classified as "gifted and talented."

These gifted children are "underachievers." Studies show that most gifted children work far below their capacity, many more than four full grade levels below their potential. Other studies indicate that at least 15 percent of all gifted children give up on our school system entirely and become dropouts.

The record of the present school system as regards education of gifted children should be condemned for its unconcern which has unfairly handicapped the lives of millions of developing children, wasting their best intellectual resources. Schools have ignored the gifted in their efforts to achieve a uniform standard of attainment.

Diverting more educational money to gifted children would be the very best educational investment we could make. The increased productivity and the additional taxes these children would pay during their lifetimes would offset the investment in their education many times over.

I must add, Mr. Speaker, that recent reports of interest in gifted children from the Office of Education are encouraging. I certainly wish Commissioner Marland success toward the goal of increasing Federal assistance to gifted and talented children.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

The world air record for speed over a straight course is held by an American pilot. Col. R. L. Stephens, U.S. Air Force, reached a maximum speed of 2,070.101 miles per hour in a Lockheed YF–12A jet on May 1, 1965.

OUR INCREDIBLY INCOMPETENT POLICY TOWARD INDIA AND PAKISTAN

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, by any reasonable standard the policies of Yahya Khan, the West Pakistan military dictator, have been disastrous. By any objective standard our own Government's policies in that part of the world have also been disastrous.

To understand the error of our own policy we must first understand the error of Yahya Khan's policy.

Pakistan is a divided country, in which the western section has dominated and exploited the more populous eastern section since the country was founded. As a result, most East Pakistanis, or Bengalis as they are sometimes called, have come to the conclusion that they would be better off as an independent nation. In an election held last winter, a party called the Awami League, which is Bengali-based and dedicated to Bengal independence, won an outright majority of the seats in the national assembly.

This point is critical. The Yahya Khan group is frequently referred to as the "Government of Pakistan" or as the "Pakistanis." This is completely inaccurate. The legitimate, freely elected government of all Pakistan, East as well as West, is the Awami League. The Yahya Khan group is nothing more than a bunch of thugs who occupy the seats of power, because they have the guns. The legal head of the Pakistan Government is Sheik Mujibur Rahman, who is presently on trial for treason before a secret military court appointed by Yahya Khan, who is himself guilty of treason in that he has overthrown the Government of Pakistan by force.

So let us hear no more talk of how "the Government of Pakistan has a right to protect itself," and therefore repression of the Bengali "insurgents" was necessary if regrettable. Yahya Khan's bandits are not the Government of Pakistan, and have no legitimate claim to control the West, let alone the East.

If Yahya Khan's morality has been nonexistent, his pragmatism has been even worse.

Presumably his objective has been to keep East Pakistan under his control, but he has followed a course guaranteed to produce the opposite effect.

In March, he sent thousands of troops into East Pakistan, where they committed atrocities on a scale unheard of since the days of Adolph Hitler. According to reliable news reports from literally dozens of correspondents, the viciousness of Yahya's troops has been simply unbelievable. They have looted and mass-raped. They have forced young Bengalis to act as "blood donors" by draining them until they died. They have performed public castrations. They have killed out of hand anyone even suspected of being a student, a Hindu, or a member of the Awami League. This in a country where the Awami League is the majority party, and where Hindus constitute 17 percent of the population.

When guerrilla resistance began to form, Yahya's army reacted with the same tactics which proved to be absolutely counterproductive when we used them in Vietnam. Quite openly, they went into the villages where resistance had been reported, burned the village to the ground, rounded up all the young men and shot them out of hand. As some kind of proof that stupidity seeks its own level, they even described this process as "pacification."

In this way, Yahya Khan created an implacably hostlie population in the country he was trying to occupy. Add to this the fact that the people of his larger and more powerful neighbor, India, feel a kinship with the Bengalis and a chronic hostility toward Pakistan; they are always looking for a chance to destroy Pakistan. Add the fact that Yahya's troops in the East cannot be supplied except across a thousand miles of Indian territory. Add finally that Pakistan is a desperately poor nation and cannot afford sustained military activity of any kind. Yahya Khan is going to lose.

As I said a minute ago, it is plain that Yahya has neither morality nor pragmatism. With the greatest dedication and energy, he has placed himself in a position in which he is a sure loser, and in which history will say it could not have happened to a more deserving fellow. East Pakistan is going to set itself up as an independent country, presumably called Bangla Desh, it will probably be more prosperous than West Pakistan, and it will harbor deep bitterness toward West Pakistan for a very long time.

In light of all this, our own Governments' policy is impossible to understand in either moral or pragmatic terms.

We began by saying we were "neutral." But this neutrality consisted of standing by with barely a raised eyebrow while the atrocities of last spring were being committed. Perhaps standing by while a gang of hoods beats a defenseless individual to death is Mr. Nixon's idea of neutrality; it is not mine.

I do not mean to suggest under any circumstances that we should have sent troops into South Asia. Absolutely not. We have had much more than enough of meddling in other people's affairs. But we should have denounced Yahya Khan with the same vigor with which we denounced the Russians for invading Hungary and Czechoslovakia. And of course we should have cut off all aid immediately.

Instead, we played credibility-gap games. The State Department announced that—

> No military items have been provided to the Government of Pakistan since the outbreak of fighting in East Pakistan March 25 and nothing is now scheduled for delivery.

But in fact we sent a shipload of arms to Pakistan on May 8, and another one on June 22. The explanation was that the term "provided" did not include items already in the pipeline, although, of course, this was not explained until enterprising reporters had ferreted out the story of the two shiploads.

Why did we do this? On May 6, the State Department told Senator FULBRIGHT that—

> The continuing military supply program continues to be an important part in our overall bilateral relationship with Pakistan.

Do we wish to have an overall bilateral relationship in which we supply the guns with which an illegal government kills its own people? I do not, and I do not think the American people do either.

The State Department letter to Senator FULBRIGHT continued:

> It would . . . appear desirable for the U.S. to be able to continue to supply limited quantities of military items to Pakistan to enable us both to maintain a constructive bilateral dialogue and to help insure that Pakistan is not compelled to rely increasingly on other sources of supply.

Let us take these two rationales one at a time. First, there is the matter of the "constructive bilateral dialog." Considering the fact that Sheik Mujibur remains in jail, and that the atrocities continued full blast right up to the recent outbreak of open war, it is difficult to see what this "dialog" accomplished. This is the same rationale we hear with regard to General Thieu, and with regard to the Greek dictators. I know of no case where this device has worked.

The "other sources of supply" the State Department referred to are, of course, Communist China. We wanted to minimize Chinese influence in Pakistan. We have had no success on that front either. Yahya regards us as a shaky, uncertain, and distant friend, while he regards China, which has given him the bulk of his military supplies, as his dependable and close friend.

The most amazing thing about this whole affair, even if we consider it in cold Machiavellian terms, is that in trying to keep on the good side of Yahya Khan we have alienated India. Even assuming Pakistan to continue as a single country, which it will not, and even assuming Yahya to represent the Pakistani people, which he does not, which is more important: India or Pakistan? Obviously, India is more important; it is impossible to understand why we should jeopardize our relations with India even for the sake of a good and stable Pakistani Government.

When war broke out last week, as it was bound to do considering the tremendous strain the refugees were placing on India, our United Nations Ambassador George Bush described India as the "aggressor." This makes about as much sense as calling the United States an aggressor, because we attacked Germany when they did not attack us. Fortunately, the accusation has been disowned as not representing official policy, although parenthetically it seems unlikely that Mr. Bush would make such a statement without first consulting Washington.

Anthony Lewis of the New York Times discussed this in an excellent article on December 6, which I insert in the RECORD at this point:

THE WRINGING OF HANDS

(By Anthony Lewis)

LONDON, December 5.—Suppose that Britain, in the 1930's, had responded to Hitler's savagery by the early threat or use of military force instead of appeasement. If the Nixon Administration had been in power in Washington at the time, it would presumably have sent some official out to wring his hands in public and charge Britain with "major responsibility for the broader hostilities which have ensued."

So one must think after the American statement over the weekend blaming India for the hostilities with Pakistan. Few things said in the name of the United States lately have been quite so indecent. The anonymous state department official who made the comment matched Uriah Heep in sheer oleaginous cynicism about the facts of the situation and about our own moral position.

Consider first the immediate origins of this dispute. They are exceptionally clear as international relations go.

The military junta that rules Pakistan under President Yahya Kahn held an election. The largest number of seats was won, democratically, by a Bengali party that favored effective self-government for East Pakistan. Yahya thereupon decided to wipe out the result of the election by force.

Last March West Pakistan troops flew into the East in large numbers and began a policy of slaughter. They murdered selected politicians, intellectuals and professionals, then indiscriminate masses. They burned villages. They held public castrations.

To compare Yahya Kahn with Hitler is of course inexact. Yahya is not a man with a racist mission but a spokesman for xenophobic forces in West Pakistan. But in terms of results—in terms of human beings killed, brutalized or made refugees—Yahya's record compares quite favorably with Hitler's early years.

The West Pakistanis have killed several hundred thousand civilians in the East, and an estimated ten million have fled to India. The oppression has been specifically on lines of race or religion. The victims are Bengalis or Hindus, not Czechs or Poles or Jews, and perhaps therefore less meaningful to us in the West. But to the victims the crime is the same.

This record has been no secret to the world. First-hand accounts of the horror inside East Pakistan were published months ago. The refugees were there in India to be photographed in all their pitiful misery.

But President Nixon and his foreign policy aides seemed to close their eyes to what everyone else could see. Month after month the President said not a word about the most appalling refugee situation of modern times. Private diplomacy was doubtless going on, but there was no visible sign of American pressure of Yahya Khan for the only step that could conceivably bring the refugees back—a political accommodation with the Bengalis.

Pakistan's argument was that it was all an internal affair. Yes, like the Nazi's treatment of German Jews. But even if one accepts as one must that Pakistan was bound to defend its territorial integrity, this issue had spilled beyond its borders. The refugee impact on India very soon made it clear that the peace of the whole subcontinent was threatened.

It was as if the entire population of New York City had suddenly been dumped on New Jersey to feed and clothe—only infinitely worse in terms of resources available. Yet when Indira Gandhi went to the capitals of the West for help in arranging a political solution in East Pakistan, she got nothing.

The Indians can be sanctimonious. Mrs. Gandhi acts for political reasons, not out of purity of heart. India has helped the Bangla Desh guerrillas and, in recent weeks, put provocative pressure on East Pakistan. All true. But given the extent of her interest and the intolerable pressure upon her, India has shown great restraint.

After all, India has not intervened in a civil conflict thousands of miles from her own border. She has not destroyed one-third of a distant country's forests, or bombed that land to such a point of saturation that it is marked by ten million craters. The United States has done those things and is still doing them; it is in a poor position to read moral lectures to India.

American policy toward the Indian subcontinent is as much of a disaster by standards of hard-nosed common sense as of compassion. India may be annoying and difficult, but she does happen to be the largest nation in the world following our notions of political freedom. In position and population she is by far the most important country of Asia apart from China. To alienate India—worse yet, to act so as to undermine her political stability—is a policy that defies rational explanation.

Let us summarize what we have done. In an attempt to remain in the good graces of Yahya Khan, we have:

First. Antagonized the people of Bengla Desh, which will probably emerge as an independent country that will be more populous and wealthier than Pakistan.

Second. We have brought our relations with India, the world's largest democracy, to an all-time low.

Third. We have associated ourselves with one of the greatest atrocities is history.

I do not mean to imply that other nations are without blame.

China has disgraced itself by its heavy support of Yahya Kahn. I hope this episode has removed and delusions our young people may have about China being the center of world revolution. China has proven it can be as counter-revolutionary as anybody else when it feels it is in its interest to do so.

India can be faulted for prohibiting the presence of United Nations observers along the border, and certainly India is always eager to grab a piece of Pakistan if it can.

But our primary concern must always be for our own actions. I suggest that we take the following steps:

First. Issue an official and strongly worded condemnation of the behavior of Yahya Khan and his troops.

Second. Halt all the economic development aid we are now giving to Pakistan and rechannel the money into humanitarian aid for the refugees. Announce that this policy will continue until the refugees are returned home or resettled.

In both moral and pragmatic terms, these two steps are our only hope of compensating for the incredibly incompetent policy we have followed in the past.

ANTILITTERING BILL

(Mr. QUIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. QUIE. Mr. Speaker, I am today introducing a bill providing civil penalties for the operation within the recreational lands operated by the Federal Government of vehicles which are not equipped with litter bags.

Littering the landscape is the quickest way to spoil the beauty of an area. It is also one of the most easily remedied of our environmental problems. The cooperation of visitors to national recreational areas will correct this situation.

The vast majority of citizens voluntarily throw trash in proper receptacles, but a few litterers spoil the vistas for all. I hope this bill, by requiring vehicles entering national recreational areas to be equipped with litter bags, will solve the littering problem.

The text of the bill follows:

A bill to provide a civil penalty for persons owning any vehicles which are on Federal recreational properties without having any litter bags

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any vehicle which is within the national park system or the national forest system, or on any other Federal property administered by the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, acting through the Corps of Engineers, or the Tennessee Valley Authority, which is used primarily for outdoor recreational purposes, other than a vehicle used to service any such property, must have a litter bag (as defined by the head of the agency having jurisdiction over the property upon which such vehicle is situated) attached to the inside of such vehicle.

SEC. 2. Any owner or operator of any vehicle which is in violation of the first section of this Act shall be assessed a civil penalty by the head of the agency concerned of not more than $500 for each offense. Each violation is a separate offense. Any such civil penalty may be compromised by the head of the agency concerned. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the gravity of the violation shall be considered by the head of the agency concerned.

FORCES OF CHANGE IN LATIN AMERICA—DR. ORTIZ MENA, PRESIDENT, INTER-AMERICAN DEVELOPMENT BANK

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one of the most perceptive and active proponents of hemisphere cooperation and development is the distinguished president of the Inter-American Development Bank, Dr. Ortiz Mena. Last month, Dr. Mena addressed the prestigious Council on Foreign Relations on the subject of "Forces of Change in Latin America and Their Relevance to Latin American Relations."

In his speech, Dr. Mena remarks that we are now at the crossroads where both the Americas, North, and South, must either give up the gigantic task of political, economic, and social development because it is hopeless or as Dr. Mena suggests—

> Apply our energy and imagination in a common effort to find practical solutions, and if not solutions, at least mechanisms and concepts, which will help us to cross the very difficult decade that lies ahead of us.

Amidst the difficulties confronting the United States in various countries in Latin America, Dr. Mena's carefully reasoned analysis focuses not on the negative but on the positive aspects of the future of United States-Latin American relations. Indeed, he characterizes the underlying trends in Inter-American relations as "potentially quite promising, and future perspectives are not nearly so gloomy as commonly supposed." Dr. Mena describes his thesis as hopefully provocative and stimulating. It is both.

I am sure that everyone interested in our hemisphere relations will agree that Dr. Mena's speech makes a significant contribution to understanding the present state of those relations and I ask that it be printed at this point in the RECORD.

FORCES OF CHANGE IN LATIN AMERICA AND THEIR RELEVANCE TO UNITED STATES-LATIN AMERICAN RELATIONS

(Remarks of Mr. Antonio Ortiz Mena, President of the Inter-American Development Bank, Before the Council on Foreign Relations, New York, Nov. 17, 1971)

I. INTRODUCTION

You have asked me to initiate the discussion tonight with my reflections on the forces of change in Latin America and their relevance to U.S.-Latin American relations. Rather than attempt a weighty speech loaded with statistics and scholarly quotations, I would like to put to you a simple, but I hope, provocative and stimulating thesis, which will establish a basis for the discussion that is to follow. The thesis is that those of us who are concerned with United States and Latin American relations and the prospects for economic and social development in Latin America are faced with a paradox: the surface impression is one of failure, failure in Inter-American relations, failure in economic cooperation and failure in progress in development. Yet, if I am right in my perception, the underlying trends are potentially quite promising, and future perspectives are not nearly so gloomy as commonly supposed. Because the surface impression obscures this reality we, Latin American and the United States, could well miss an opportunity which may not soon arise again. Let me be more explicit.

II. THE FORCES OF CHANGE

What do I mean when I say that the underlying trends are potentially quite promising? First, I am referring to a change in development consciousness in the Hemisphere. In the course of the past decade development as a conscious policy of government has become so common that we now take it for granted. Left and right as designations of government are virtually obsolete. The uniform standard of measurement is that of a government's commitment to economic and social development and how effective it is in carrying out this objective. No government, regardless of how it comes to power, whether it is civilian or military, democratically elected or a result of insurrection, can ignore this basic fact. No longer is it enough to vaguely characterize oneself as for or against the status quo. One must pose specific questions: who is to be in charge of the development process; how is it to be carried out; what is to be the division of burden and benefit among groups within society? In the course of the decade the language and substance of politics has undergone a fundamental transformation. This is a change of the first magnitude.

Secondly, this development consciousness is no longer an elitest concept confined to a select, highly educated segment of the population, arguing esoteric points among themselves in a closed world comfortably isolated from the masses. Modern communications—the transistor radio, the written word, satellites, television, the movies—have transformed development consciousness into a mass phenomenon. Expectations have been awakened; the genie of awareness cannot be put back in the bottle. Whether we like it or not this is today a part of the Latin American reality and it must be dealt with by political leadership. This, too, is a change in the most fundamental sense of the term.

Thirdly, there has emerged in the Hemisphere a human infrastructure of technically trained personnel which increasingly pervades public and private sector institutions. At the beginning of the decade there were few economic planning units in Latin America worthy of their name. One of the problems faced in the early years of the Alliance for Progress, for example, was the absence of well-conceived economic and social development projects, and economic development plans. Today there is hardly a country in the continent which to a greater or lesser degree does not have a competent planning unit.

This development consciousness, this human infrastructure, is reflected in dramatic and tangible results. Latin America's growth rates in the 1966–69 period, for example, were higher than those registered in industrialized countries as a whole. In this period gross domestic product showed an average annual rate of growth of 5.5 per cent. This was substantially higher than the 1961–65 period. Obviously there are important variations among individual countries, but the important fact is that the trend is clearly in a positive direction. In the 1966–69 period, moreover, domestic savings accounted for the major share of capital formation, financing more than 91 per cent of total investment; net external financing accounted for the remaining 9 per cent. The Alliance for Progress, as you know, originally contemplated 80 per cent domestic financing and 20 per cent from external sources. I should like to particularly emphasize that the results achieved are a consequence primarily of conscious policy decisions to improve the administration and structure of tax collections. In Latin America today the fiscal budget has become an instrument to achieve program objectives.

Progress is equally dramatic in another important area: the diversification of export earnings. The decade has witnessed a significant increase in non-traditional exports involving processed and manufactured goods.

Between 1960 and 1964 and 1965–68 the relative importance of manufactured and semi-manufactured products in the total rose from 9.8 to 14.3 per cent, and reached 16.7 per cent in 1968, while the relative importance of basic commodities declined proportionately. This development reflects the birth, and in some cases, the maturation of an emerging industrial plant; this industrial base constitutes an impetus for integration in the region, an impetus which I am certain will become increasingly important in the coming decade.

The Decade of the 60s also witnessed the establishment of a well conceived institutional structure through which external assistance could be channeled. The more traditional institutions, such as the International Monetary Fund, the World Bank and the Export-Import Bank, were supplemented by the formation of the institution which I head. The doubts which existed over the need for, and justification of, a regional finance institution have been laid to rest: the IDB has emerged as the primary development lender in the Hemisphere.

The Inter-American Committee on the Alliance for Progress, CIAP as it is more popularly known, provided the framework for reviewing development plans as an integrated whole and relating technical and financial assistance to such plans. Indeed, CIAP is a unique concept. Nowhere else in the developing world does one find a similar multinational forum for discussion of national development objectives. The flowering of this institutional structure is startling when compared to what existed at the beginning of the decade.

There are also significant advances in achieving the social objectives of the Alliance for Progress. Adult illiteracy has been reduced. Access to university and secondary education for lower income groups is on the increase. Land reform, perhaps the most difficult objective to achieve and a controversial subject, is an accepted part of the development scheme. Infant mortality has been reduced and the availability of potable water has been extended beyond the major urban centers into rural areas. Population issues, virtually a forbidden subject for discussion when the Decade of the 60s began, are now openly debated.

I do not mean to give the impression of progress without problems. Obviously the rate of progress in many of these areas has not been all that we would like. And the agenda for the 70s is formidable. But placed in perspective and viewed objectively I believe that the record of accomplishment of the 60s is impressive. How then does one explain the pessimism which at times seems to dominate our view of the development process in Latin America and inter-American relations?

III. THE PARADOX

I would suggest to you that the tensions which we now see in inter-American relations and within Latin American society are a direct consequence of the successes which I have outlined above. The higher level of development consciousness, for example, has brought in its wake a strong sense of national identification. This in turn has led to a determination within Latin America to control a nation's major economic decisions. Basic natural resources, for perfectly understandable historic reasons, have been in the hands of foreign companies; the determination to assert national control over such resources may result in conflict between the country and the company or companies, and in some cases with the Government of the United States. We Mexicans understand this process very well. In 1938 we ourselves went through a similar experience with the expropriation of the properties of several foreign-owned oil companies and the formation of PEMEX, our national oil company. On that occasion both governments kept in perspective the following priorities: first, their willingness to maintain their mutual friendship over and above the conflict created by the expropriation, secondly, to deal with the point of compensation from the standpoint of ex-post-facto evaluation seeking the relative satisfaction of all parties concerned. And because of the civil climate maintained during the whole period of the negotiation, after the inevitable first, bitter shock, there were no recriminations, and no lasting injuries to the respective pride and prestige of the parties; but rather a consolidation of their friendship that at a mutually convenient moment led to a reasonable conclusion of the conflict through a just and equitable arrangement for eventual payment on the part of Mexico.

We can see another aspect of this phenomenon of national identification in the very strong Latin American reaction to the 10 per cent import surcharge imposed as a part of President Nixon's New Economic Policy. Your Government has rightly pointed out that primary export commodities which still make up the largest part of Latin America's exports to the United States are exempt from the surcharge. Why then the apparently exagggerated Latin American reaction to this measure?

Aside from individual cases where the surcharge does hit very hard at particular countries the Latin American reaction must be understood in a broader context. Industrialization in Latin America is of course economically significant, and industrial exports, in percentage terms have been rising fastest. But for economies which have traditionally been primary commodity exporters, industrialization and diversification of exports have also come to symbolize a degree of independence, which in political and psychological terms is essential in Latin America today. To many Latin Americans it appears that just as its industrial plant is emerging from adolescence into maturity, the United States strikes at it through the import surcharge. We know that this is not the intention but the reaction is understandable. In a sense, then, the very success in the Decade of the 60s in accelerating the creation of new industries and entrepreneurs is in part responsible for the aggressive Latin American response to the imposition of the surcharge.

Perhaps the most dramatic example of this central paradox of success feeding the illusion of failure is to be seen in the political ferment which pervades the Hemisphere. Within Latin America, segments of the population previously at the edge of society are now vigorous actors, organized and demanding to participate in political life and the distribution of economic benefits. Responding to new pressures, the balance of political forces in society may be completely reversed or at the very least radically changed. Traditional institutions such as the Church and the military are assuming new roles. Political coalitions which would have been unthinkabel a decade ago, emerge now as a matter of course.

Within this panorama of change, there is no unitary political model, much less one based on external experiences. What is taking place is a search for political solutions rooted in national realities and this process will take time to work itself out. One can be sure of only one thing: change, sometimes startling, often upsetting, change whose direction is frequently not discernible at this time, is likely to be the one constant we can look forward to in the coming decade. It is like the rock that appears so solid and indestructible, but subject to the relentless pounding of the onrushing stream, gradually erodes until the only thing that remains is the stream itself. So it is with the stream of change pounding against the rock of Latin American society. We cannot tell what direction the stream will take, whether it will jump the river bed or remain within it, or change its course, but we know that it is running and will continue to run.

But it would be a mistake to view this process of change as effecting only Latin America. It is clear that here in the United States profound changes are also taking place. The assumptions which have governed the post-World War II policies of the United States in the world are being challenged. The intellectual moorings to which we have been comfortably attached for the past 25 years have been loosened if not shattered and we know not where they will come to rest. If there was any doubt about this, it must surely have been removed by President Nixon's New Economic Policy and the stunning negative vote of the United States Senate with respect to foreign aid. It is thus clear that we have entered a new phase of world economic and political affairs and if the content of that phase is not completely clear, nevertheless, at least as far as the United States and Latin America are concerned, I believe that we can dimly perceive the outlines of an emerging relationship.

IV. THE NEW RELATIONSHIP

First, economic relationships—aid and trade—are likely to continue to occupy a central place in the United States-Latin American dialogue, but the terms of that relationship will change. On the United States part, it is evident that it is the United States intention to seek far greater participation of other developed countries in the foreign economic assistance effort and that the United States is no longer to be considered the sole guardian of the non-communist world's economic and security system.

Unlike the conditions which existed in the immediate aftermath of the Second World War, the United States no longer is the exclusive repository of development capital, technology and the source of international financial liquidity. This change in economic and financial conditions has led to the present great debate in the United States on the proper financial and economic role for it to play in the world. This redefinition of the U.S. role, now in the process of being worked out, is complemented on the Latin American side by a wish to diversify its dependence upon the United States as the nearly exclusive source of assistance on concessional terms. Such dependence is neither health politically or economically. The desire to diversify sources of financing is a natural concomitant of the drive for national identification to which I have previously referred. The two tendencies are thus complementary, not conflicting. The question is one of balance, arriving at new proportions by a process of steady, reasoned and firm negotiations, rather than as a result of emotional or irrational considerations. In pursuit of this goal, the IDB is actively pursuing conversations with Canada and Western European Nations for the purpose of defining new financial relationships with these nations.

But it is not enough to diversify sources of financing. If the mobilization of external resources to complement the internal development effort is to be effective, it will also be necessary to revise the terms of economic assistance. I would hope that as the United States balance of payments attains a more even equilibrium the United States would take the lead with its friends and allies in the developed world in proposing a general untying of foreign assistance. I would also hope that the United States would vigorously urge the adoption of more flexible terms of payment to take account of the enormous debt burden being carried by the developing world, a burden which increasingly threatens to nullify the benefits of existing economic and financial relationships.

I have already alluded to the complexity of the considerations which surround the subject of foreign investment. Let me here only suggest that in the Decade of the 70s, the acceptability of foreign investment as a development tool will be related not so much to its capital contribution as to its technological importance. It follows from this, that new foreign investment should concentrate in areas where technology is more innovative, and gradually abandon to local initiative those industries where existing technology is known and readily available.

Finally, I would suggest to you that in the coming decade it is most important that the developed countries offer a fair and equitable opportunity for non-traditional Latin American exports to enter into their markets. For the willingness of the developed world to accommodate the industrialization which has taken place in the past decade in Latin America will be interpreted there as an indication of its willingness to accept Latin America as a full and not a junior partner in the economic and monetary system which must replace the existing one.

In summary, there are essentially two approaches to the process of change I have attempted to outline: The first approach sees Latin America as a sick continent, reflecting deep, perhaps insoluble conflicts. The best course, in this view, is for the United States to withdraw, insulating itself as best it can from the coming turbulence. In practical terms, this means a reduction, if not elimination of economic assistance, and little interest in seeking solutions to difficult economic and political dilemmas.

The other approach is to view the ferment, even the turbulence, as a sign of vitality, to see in it experimentation and innovation, a coming to grips with the consequences of change which gathered tremendous velocity in the past decade. In this case, the tendency would be to seek out affinities and look for accommodation with this process. In terms of the inter-American system, this means adapting institutions and concepts to a system capable of absorbing individual shocks without breaking. In other words, it means designing a system which will permit us to supersede momentary conflicts and play for the long term.

I suggest to you that we are today precisely at a crossroads where we must choose between these two approaches. We can throw up our hands in despair and say that the situation is hopeless. Or, we can apply our energy and imagination in a common effort to find practical solutions, and if not solutions, at least mechanisms and concepts, which will help us to cross the very difficult decade that lies ahead of us.

AN INTERVIEW WITH FORMER CHILEAN PRESIDENT FREI

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, this week's issue of U.S. News & World Report carries in its pages an interview with one of Latin America's most distinguished citizens, Dr. Eduardo Frei Montalva, former President of the Republic of Chile.

In the interview, Dr. Frei paints one of the most precise yet comprehensive pictures I have yet seen of the vast changes sweeping Latin America and of the profound effect which those changes are having on United States-Latin relations. Because of the importance of what President Frei says, I want to call the interview to the attention of my colleagues.

"Latin America—No Longer a U.S. Sphere of Influence"

Interview With Eduardo Frei Montalva, Former President of Chile.

Why are Hemisphere relations getting worse? Will seizure of American business properties continue? How dangerous is the Communist threat? Answers come from a leading Latin-American figure, on a visit to the U.S., in this interview with "U.S. News & World Report."

Q. Dr. Frei, are the ties between Latin America and the United States changing, away from the "special relationship" of the past?

A. That relationship has undergone a profound change. In my opinion, relations between the United States and Latin America have reached their lowest point in recent history.

In part, this is a consequence of a new and widely accepted definition in some sectors of the U.S. of what those ties should now be: namely, that the best policy for the United States toward Latin America really is to have no policy toward Latin America.

The prevailing approach of the United States does appear in our countries to be one of letting things develop as they may, but avoiding involvement at all costs.

Of course, there are other factors in this situation. Latin America has been changing—profoundly and rapidly—the United States has been changing, the world has been changing. Clearly, however, the days of "business as usual" in our relationship are gone.

Q. Do you feel there is reason to worry over the turn of events in the Hemisphere—the changes you have described?

A. Certainly a vacuum has developed—one that many are trying to fill. But I prefer to describe the present period as one of a transition in the Americas—an interregnum. I do not think it is necessarily a bad moment for inter-American relations, because when both the United States and Latin America are in the throes of change, it is best not to be committed to fixed policies.

Even so, this transition period can be a healthy one, in my opinion, only if it can be used to open a real dialogue between the two parts of the Hemisphere—one that can bring about, within a reasonable time, a workable new relationship between us.

Q. What is needed to put U.S. relations with Latin America on an improved footing?

A. It is time that we face up to a number of fundamental realities. The United States, for its part, no longer can expect to base its policies on the Big Stick, the Monroe Doctrine, the Good Neighbor Policy or the Alliance for Progress. These have passed into history, outmoded by developments.

Just as the United States has emerged as a superpower, with world responsibilities, Latin America also has been on the move, both internally and internationally. The region is developing new relationships with Western Europe, the socialist republics, other developing nations, and Japan and China.

As a result, Latin America no longer can be described simply as a U.S. sphere of influence—"America's back yard."

Q. Recently one U.S.-owned company after another has lost its properties to government take-overs in Latin America. Does this mean that U.S. and other foreign private investment is no longer welcome there?

A. No—but it does mean that Latin-American governments are exercising as never before a right to pick and choose among such investments, and to lay down new ground rules for them. The reason: One of the most fundamental changes that have taken place in Latin America is an upsurge in nationalism. This nationalism is reflected in the official attitude of each and every country. And it emerges, in one form or another, as a definite movement toward nationalization of basic industries in these countries. Of course, the countries pursue nationalization in different ways. But it is a fact.

Many years ago, foreign investments in Latin America were principally in public utilities and in transportation. Such investments were among the first targets of the nationalization drive—and have all but disappeared. The second major target has been investment in natural resources—oil and mineral ores. With the growth of new ideas in Latin America has come the conviction that a company owned abroad, and controlling the basic resources upon which the entire life of the nation depends, is not compatible with the best interests of that nation. The result is evident in recent oil and mining-firm take-overs.

Q. What fields are left for future foreign investment in Latin America?

A. Oh, there is a long list of such fields in almost every country. As a matter of fact, many U.S.-owned private companies remain and are prospering throughout Latin America. The leaders in these countries are well aware of their need for both foreign capital and foreign technological know-how.

Q. Yet, as things stand, we hear there is a lot of uncertainty among U.S. and other foreign businessmen over what they can do and where they can do it. Do you think there is any way to clarify the situation?

A. I recognize that it is a difficult situation. Here I am in agreement with a proposal made by Governor Nelson Rockefeller [of New York] after his tour of Latin America two years ago. In a report to the White House, he recommended that all governments involved join in establishing general statutes to regulate foreign investment in Latin America.

When I was President of Chile, I proposed a statute along the same lines. Since then, one important step in that direction has been made by a group of nations joined together in what is known as the Andean Pact. These countries include Colombia, Ecuador, Peru, Bolivia and Chile. They agreed to a set of regulations covering foreign investments in very specific terms. These cover the different fields of investment open to outsiders, the forms of capital participation permitted, and the types of controls.

I think this statute is a first step and a good basis for further discussion.

I can assure you that businessmen are not the only ones who stand to benefit from an agreement covering the treatment they can expect in different countries. In recent years, many of our governments have taken part in a form of competition over which country could offer most-favorable investment conditions. These conditions kept changing so much, however, that sometimes the country that had offered the best climate, say, three years ago, turned out to offer the worst climate at the present moment.

For this reason, I believe that a uniform investment code covering many countries would be welcome to government officials as well as to businessmen, because it would provide equal treatment in each country even if it were not the most favorable treatment.

"OUTSIDE CAPITAL IS ESSENTIAL"

Q. Just how essential is outside capital to the development of Latin America?

A. I consider that outside capital is absolutely essential to us. Most of the countries in the world are looking for foreign capital. Internal savings in the countries of Latin America simply are not sufficient for the rate of development those countries require—that is, unless the government submit their people to enormous sacrifices over prolonged periods, which is hardly practical politically in free societies in this day and age.

Just to maintain the present level of employment throughout the region, the gross national product in Latin America must rise at a rate of 8 per cent a year, according to recent economic surveys. And if we want to create new employment, we need to increase that growth rate. Yet our present rate of economic growth is only slightly more than 6 per cent. That shows our immense need for additional capital in the years ahead.

Between now and the year 2000, our population is expected to grow from 300 million people to more than 600 million. Naturally, the problem which is perhaps the most important is that of acquiring the new technologies which can satisfy the needs of our growing countries.

"MANY PROBLEMS ARE INTERRELATED"

Q. Dr. Frei, Latin America now ranks as the region with the highest rate of population growth in the world. In your view, is this problem getting enough attention?

A. I believe that in Latin America, as in many other parts of the world, the problems of population growth must be brought under control. In my Government, we did start work in the field of family planning. But any such effort in a free society must respect the individual decisions of each family. And it cannot go far without educational efforts, as well. So many of our problems are interrelated.

Q. Can you explain that further?

A. I mean that there is no one problem in Latin America that is really much more serious than any other. Each must take its priority or place within the over-all framework, rather than be treated as an isolated problem. Take education, for example. What do we gain with our efforts in education if we do not create the opportunities for those whom we have educated?

However, among the major problems of Latin America, I would certainly list first the population explosion, with all of its consequences—the need for providing more schools, more hospitals, more housing and, above all, more jobs. But a close second is the equally explosive migration from rural areas into the cities. Third, arising out of that migration, is the rapidly expanding marginal world in every city—the shacks and slums. And fourth is the fact that two thirds of the population of Latin America today is less than 25 years of age.

Q. How do you rate the prospect for solving such big problems?

A. While the task will be enormously difficult, I think there are a number of reasons why we can find solutions. Let me list some of these reasons:

First, I believe that Latin America has more land available with less population on it than many other regions of the world.

Second, the area has enormous natural resources, and geologists say many of these are not only untapped but as yet undiscovered.

Third, Latin America has a tradition of self-government that is older than that of many other developing areas of the world.

Fourth, the per capita income in Latin America already is higher than that of most other developing regions.

These points make clear, I think, not only that Latin Americans have many advantages in their favor, but that they have the potential to keep moving ahead.

Q. What are the countries of Latin America doing to meet their problems?

A. In the field of education, many important gains have been made in recent years. Schooling has been extended to a vastly increased number of children, while educational systems have undergone reform at all levels.

At the same time, tax reforms are proving effective in some countries in terms of redistribution of income. Agrarian-reform programs are resettling large numbers of peasant farmers. In the cities, technical training is helping to make up for a shortage of skilled workers as well as executives and government administrators.

Different countries, of course, are concentrating their efforts in different ways. Over all, however, I do feel there is a greater consciousness of what must be done in Latin America than there was in the past—plus a health movement of self-criticism.

Q. Three out of every four people in South America now live under military rule. Do you think that system of government is here to stay, as one that provides the solutions to the problems that people are looking for?

A. I do not believe so. These military regimes can be only transitional systems. It is a fact, however, that the characteristics of military movements in Latin America have changed. At one time, they basically held to the objective of maintaining the status quo and protecting the established order, which generally was to the benefit of groups to the political right. Now, the big difference is that the military officers are no longer the instruments of civlian groups.

Today these military movements have in common an entirely new set of characteristics. They have a more advanced or progressive social orientation. They are strongly nationalistic. And they are what we call in Latin America "developmental minded"—that is, they think in terms of economic growth and expansion.

But I see no evidence that ordinary people in the countries run by the generals look upon them as the permanent answer to their problems. To the contrary, I believe that with every day that passes it will prove more difficult to impose dictatorships, as people demand greater and greater participation in national life. The increased level of education and technological progress in our societies make these more complex, causing people to want to get increasingly involved.

"WE CAN EXPECT MORE UPHEAVALS"

Q. In this situation, do you foresee an increase in violence in Latin America?

A. I think we can expect more upheavals in countries of the region. But I do not know whether or not these will be violent upheavals, because the extremists groups who believe in violence are not representative of the process of change now under way in

Latin America. These extremists do produce most of the news with their riots, bombings, kidnapings and murders, but they are not really supported by the broad masses of people.

Q. Just how serious is the threat posed by Communism and other types of Marxism?

A. I have no doubt that the influence of Marxism, in one form or another, is important and growing. This influence is especially strong among intellectual groups, in the universities, in the cultural world of Latin America, in the communications media and among certain groups of skilled industrial workers.

The problem of Communism and Marxism. I believe, is not one that can be resolved by force. It is part of an ideological war that is taking place in the minds of Latin Americans.

My conviction is that the democratic way will definitely prevail, but with one condition: We cannot defeat Communism by talking of the need to preserve an old form of democracy that only paid lip service to human rights and social justice. In the ideological war with Communism-Marxism, there is only one road for governments in Latin America to take, in my opinion. That is to carry out while there is still time the fundamental reforms that will lead to effective economic and social development. And the people in each country must be allowed to play a real part in this transformation—not only in carrying it out but in the distribution of its benefits.

It is not only a problem of economic development but also, and fundamentally, of social justice.

Q. It is said that the Latin America of tomorrow will be determined in the universities of today. What is going on in those universities?

A. In recent years, many of the universities have been in a process of reform so as to adapt to the changing needs of our societies. Where once the emphasis was on law or medicine, more attention is being given to scientific research and the application of new technology.

Unfortunately, this reform movement has resulted in many cases in an extreme political polarization of the universities and an uncontrolled struggle for power. The influence of Marxist ideology has grown among the faculty and students alike. This has provoked a response from other groups, among them the Christian Democrats. And in many places the university, as such, has been in danger of being destroyed.

I fear this situation could have very grave consequences for Latin America unless it can be remedied. But there does appear to be a constructive reaction setting in to certain excesses that have taken place in the process of carrying out university reforms. My latest information is that many professors, and a growing number of students, are working hard to save the situation.

LACKING: "THE GENIUS TO UNITE"

Q. On another subject: Do you feel there is a need for the countries of Latin America to group together so as to mount a joint attack on their problems?

A. Absolutely. I think the fact that the United States came into being as a unified nation, while Latin America at its moment of independence became divided, has had profound effects in both parts of the Hemisphere. The United States moved ahead rapidly. Divided, Latin America has not. And despite all the speeches in favor of Latin-American ties over 150 years, we have lacked the necessary political genius to unite or integrate our countries.

In my opinion, the integration of Latin America is today an essential condition for the solution of our problems, and if we are not capable of doing so it will be very difficult for us to find satisfactory solutions. Not one of our nations. with the possible exception of Brazil, has the material capability of solving its many difficulties alone. None has the means to support a program of science and technology that is so necessary to the whole industrialization process.

Q. What is being done to remedy that situation?

A. In recent years, we have taken some steps toward integration. The Central American countries formed a common market for their region. Then there is the Andean Pact of five South American nations, which I have referred to as reaching an agreement on common treatment of foreign investments.

But the Latin-American Free Trade Association, formed in the early 1960s as a forerunner of a common market for all of Latin America, has fallen short of fulfilling its promise. Narrow political considerations and special interests blocked its progress in a number of ways.

Now our hopes are based on still another organization in the process of formation. It is called the Special Commission for Latin American Co-ordination (CECLA). If the governments of the region give CECLA the necessary support, it could provide a long-awaited answer to our need for dealing as a region with the United States, the European Common Market and other major entities.

We Latin Americans have a lot at stake in forming this organization at this time. If we again prove incapable of unifying ourselves, so that we cannot speak with one voice in presenting our views, then a dialogue such as I have suggested between the two parts of the Hemisphere would be very difficult—if not impossible.

IF THE HEMISPHERE IS TO THRIVE

Q. What is it that the Latin Americans want most from the United States at this time?

A. Without much question, our greatest concern is in the field of trade.

We ask that certain concessions be made for exports to the United States so as to alleviate a situation which is causing us more and more difficulty.

As things stand, the money that Latin-American countries must pay out each year, in remittance of profits from foreign investments and in debt servicing, is greater than the total of new investment and credits that our countries receive.

On top of this, the terms of trade continue to run unfavorably for Latin America. The value of the products our countries export—principally raw materials and semiprocessed goods—is lower than the cost of what we import, whether in capital goods, hard consumer goods or other products and services. Making matters more difficult, these finished goods and the services that we import keep rising in price faster than the world-market prices for our exports of raw materials.

Q. What has been the effect on this situation of President Nixon's new economic policies?

A. Mr. Nixon's recent measures on trade and the dollar have only served to make things worse for us. Not only are we getting less for our exports, but the 10 per cent surtax on any of our processed goods that enter the United States in itself works against a raise in what we can sell to you. Unless some adjustments can be made, we may be forced to cut back on such imports as the capital equipment we buy from the United States to maintain our development programs.

Of course, I realize that the United States has big problems of its own. And I also realize the tendency in relations between the United States and Latin America for political passions to cause one side to cast guilt on the other. If the United States moves to our assistance, it is sometimes accused of interfering. If it doesn't, it is accused of neglecting Latin America.

But the fact is that the two parts of this Hemisphere are bound together by our geography and history. Isolationism on the part of the United States is impossible. The days when Latin America could be dismissed as simply a security problem are gone.

At the end of this century, Latin America will have a population equal to that of China today. This will constitute a great political challenge. The future will not turn solely on problems of military security and force. It will require a great amount of reflection and imagination. Unilateral positions will not be sufficient. The answer must come from a co-operative effort.

There is a need now to seek a new basis of understanding in the Americas. It would be tragic for the Americas—and, I believe, for the entire world—not to find it.

THE PENSION PROGRAM

(Mr. BETTS asked and was given permission to extend his remarks at this point in the Record.)

Mr. BETTS. Mr. Speaker, the pension program which we have just received from the President is a landmark piece of legislation for every working American. The President has shown himself to be committed to the rights of the working man, and to the enhancement of the retirement years of all Americans. It is a masterpiece of equity and justice.

With so many Americans not even covered by any kind of pension plan, and so many others constantly in danger of losing their pension rights, the legislation reaching us today is of compelling importance. The newspapers are filled with stories of great misfortune in this area. We hear of thousands of men and women who have worked, diligently for the better part of their adult lives, retiring penniless and pensionless. Some lose out because of company or pension fund bankruptcies, others because of a change in employment or other unavoidable circumstances.

In each and every case it is the worker who loses. It is his family that suffers and it is the American dream that is diminished. No other area is of more vital concern, yet further beyond the control of the working man than pension reform. That is why the President's package is so important.

I call upon my colleagues to give it their immediate attention and to follow the President's lead in insuring a better break for the working man and woman. The time has come to do something for those who work—we have already devoted much attention to those who do not.

A VALUE ADDED TAX NEXT?

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, there have been increasing reports that the Nixon administration is considering adoption of a value added tax, in effect a national sales tax. The revenues from this tax would help make up for the fiscal imbalance caused by the $7.5 billion annual revenue loss which occurred when the Revenue Act of 1971 cut corporate taxes by 20 percent.

Some reports indicate that the administration's value added tax proposal will be tied to revenue sharing so as to give this regressive tax a better chance of survival in Congress. Of course, we must withhold final judgment until the administration submits its finished proposal. However, I would like to introduce into the record at this time a perceptive speech by former Treasury Assistant Secretary Stanley Surrey. As Professor Surrey makes clear, the value added tax should be given careful scrutiny regardless of the form in which it might be proposed to Congress.

The text of the speech follows:

The Case Against the Value-Added Tax

(By Stanley S. Surrey)

(Presented at the Value-Added Tax Luncheon, 59th Annual Meeting of the Chamber of Commerce of the United States, April 27, 1971.)

The question posed is whether the United States should adopt a value-added tax. For many people the question is almost meaningless, since they do not know what a value-added tax is. Let us therefore add the explanation that a value-added tax is just a general retail sales tax collected in a somewhat different way. We can then rephrase the question: Should the United States adopt a national sales tax?

DOMESTIC CONSIDERATIONS

Proponents of this tax have followed two courses. One is to argue that we should have a sales tax right away, and it should be substituted for part of the present income tax, usually the corporation income tax. The other course is to assert that if, as a nation, we decide to increase our tax payments, the sales tax should be utilized to raise the additional revenues.

While in the eyes of sales tax proponents these two courses of action embody the view that the VA tax is clearly superior to all other taxes, in part the courses raise separate issues. Let us first consider the substitution of a sales tax for part of the corporate tax.

SUBSTITUTING A SALES TAX

A 1% national retail sales tax would yield about $3-4 billion. Similarly, four percentage points of the corporate income tax would yield about the same revenue. Hence should we, for example, reduce our 48% corporate income tax to about 30%—proponents of a value-added tax do not say how much of a substitution they desire—and make up the $15 billion loss of revenue through a 4-5% sales tax? What would the United States gain through this change?

DETRACTORS' OBJECTIONS

There are a number of persuasive reasons against a shift from the corporate tax to a sales tax. It would mean the substitution of a regressive tax for a progressive tax, and on equity grounds this would be a distinct step backward. A Bureau of Labor Statistics Study contrasts the distribution of consumer expenditures as a percentage of income with the distribution of corporate dividends, also as a percentage of income. Consider:

The consumer expenditures range downward from over 100% of income in the lowest brackets to 80% at the $10,000-to-$15,000 level, and 62% in the brackets over $15,000.

The dividends hover around 0.6% to 0.7% of income until the $10,000-to-$15,000 bracket, where they are 1.9%, while in the over-$15,000 bracket they are 6.7%.

The groups under $10,000 accounted for 82.5% of overall consumer expenditures, but only 29.3% of the total dividends.

The groups over $15,000, which included only 2% of the consumer units in the country, made 5.7% of the expenditures but received 41.6% of the dividends.

The value-added tax is levied on the consumer expenditures, whereas the corporate tax, in effect, reaches the dividends. If one believes in progressivity in our federal tax system, one would oppose the substitution of the VA tax for the corporate tax.

The proponents of a VA tax may seek to minimize the regressivity effect, either by raising personal income tax exemptions and increasing welfare payments, or by granting exemptions from the sales tax—say, for food. Perhaps the burden of a VA tax on the very poor can be moderated in this way. But the VA tax, including the added load of the increased welfare payments, must be paid—and it will be paid—through a shift of the tax burden from the upper to middle and lower brackets.

ADVOCATES ARGUMENTS

Some supporters of a VA tax say that the United States should derive a larger portion of its revenue from indirect taxes—that is, from sales taxes. This argument is usually associated with the idea that substituting a tax on sales to raise part of the revenue now provided by the corporate income tax would stimulate economic growth through enhancement of investment in corporate equity. Foreign tax systems are often cited as evidence to support this view.

But if one looks at the components of the tax systems of various industrialized nations over a period of time and relates them to the growth rate of their economies, there seems to be no observable relationship between the two. We had been doing pretty well in the United States in the last decade, and we do not have a national sales tax.

The history of corporate income taxation in this and other industrialized nations has shown that there is a significant tax-paying capability inherent in the corporate structure. Moreover, many approve of the distribution of the corporate tax by income classes. And the taxation of corporations and their dividends hardly seems to put a damper on the long-run advantages that investors find in corporate equities.

If we desire to adjust our income tax structure to tilt it, or rebalance it, or what you will, so as to favor investment, there are ways to accomplish this (e.g., investment credit) without having to resort to an entirely new tax.

Inasmuch as proponents of a VA tax for the United States so often refer to the tax systems of foreign countries as a model for the use of direct taxes, I wonder why, if they are so worried about the level of our corporate tax, they so conveniently ignore the corporate tax rates in those countries. Heavy reliance of a country on indirect taxation does not mean low corporate rates.

For example, both Germany and France have a rate of over 50% on undistributed corporate profits, and the United Kingdom's rate is in the 40% bracket. The experience of U.S. companies with international operations and U.S. Treasury data on the foreign tax credit indicate that the effective rate of European corporate income taxes generally is quite comparable to that of the United States.

Moreover, it is on top of these high corporate rates that European countries have their value-added taxes, also at high rates. Thus the top French rate is 23%; the Swedish rate, 15%; and the German rate, 11%. No European country has reduced its corporate tax as a result of having adopted a value-added tax.

A corporate income tax of course has its problem, and these are stressed by advocates of a sales tax who point to the "unneutralities" of the corporate tax. For example, the corporate tax reaches only the corporate sector and not the unincorporated sectors such as farming and residential housing; it taxes differently debt-financed and equity financed companies; it taxes more heavily the more profitable and—presumably therefore—the more efficient enterprises. But a sales tax has its own discriminatory aspects and its own unneutralities—it probably would exempt housing, food for home consumption, medical expenses, education, foreign travel, domestic services, financial institutions, local transportation and so on. And a lowered corporate tax would bring about a strong bias in favor of the corporate form of operation, since retained corporate earnings would have a preferential rate vis-a-vis noncorporate income.

Moreover, the economic cost to the country of the "inefficiencies" economists find in the corporate income tax is not large, and in any event must be weighed against the economic cost of the inefficiencies of a sales tax plus the economic cost of administering a new mass tax. Further, if we are really to get so concerned about the economic inefficiencies of the corporate income tax, many economists would urge that the proper approach is to integrate that tax with the individual income tax so that the corporate tax in effect becomes a withholding tax on an individual's share of corporate earnings. Finally, overshadowing these compairisons between the inefficiencies of the one tax as against the other is the serious loss of progressivity and consequent fairness involved in shifting from the corporate income tax to a sales tax.

Ithus can find no persuasive reasons to shift from the corporate tax—or any other existing tax—to a national sales tax. In the end, the rguments come down to the fact that most of those who advocate a VA tax simply have a distinctly lower regard for progressivity and tax equity as factors in shaping a tax system.

The substitution of a sales tax would cause prices of consumer goods to rise, which is the underlying purpose of the tax. This rise in price would, in all likelihood, set off a round of wage increases as the price index rose, and thus the substitution of the tax would have an inflationary potential. The addition of a new mass federal tax also would have its costs in taxpayer compliance and IRS administration. A proposal for a value-added tax would involve a political and legislative battle of the first order. The country would not be well served by provoking such a battle for a tax that has so little to offer to our tax system.

RAISING ADDITIONAL REVENUE

Let us turn to the question of what should be done *if* the country decides that additional revenue should be raised—certainly not the present set of conditions. The previous discussion indicates that a national sales tax should not be the first measure to turn to for the additional funds. Recently, $10 billion in additional taxes was raised by a 10% income tax surcharge without any adverse consequences or administrative problems. This indicates that, if additional revenue is needed, the first course should be to raise income tax rates to higher levels.

Along with this should come further steps toward reforming the income tax. Target areas could include a stronger minimum income tax, income taxation of appreciated capital assets at death, withholding on dividends and interest, elimination of the maximum tax on earned income, wringing out the "tax water" in our tax preference subsidies (state and local bonds, real estate, oil exploration, timber, farm losses), and strengthening the estate and gift tax laws.

Thus, given the revenue increase likely to be voted by Congress for expenditure purposes, with these revenue-raising changes in the income tax available we would not be faced with the question of whether we were using our existing tax system beyond safe limits, and a new mass tax would thus not be required. Moreover, and I shall consider this later, if such a new tax becomes necessary, a retail sales tax is preferable to a value-added tax.

INTERNATIONAL ASPECTS

The preceding discussion states the view that, on the basis of domestic considerations, the adoption of a national sales tax is not desirable. If one accepts this conclusion, the next question is: Should the answer nevertheless be altered because of international considerations?

Many proponents of a value-added tax would reply in the affirmative, and indeed rely on international considerations to differentiate the latest discussion of the need for a sales tax from the previous debates on that subject in this country.

But the conclusion of most economists on this aspect is that if the United States were to decide, on domestic considerations, that it should not adopt a national sales tax, it should not change that decision because of international considerations. The international considerations are either neutral or so minor in their effect that the final decision should rest on domestic policy considerations alone.

RETAIL SALES TAX IS PREFERABLE TO VALUE-ADDED TAX

In regard to the major question of whether the United States should adopt a national sales tax, my answer is *no*, at least in the foreseeable future, whether the sales tax would be offered as a substitute for an existing tax or as a method of raising any additional revenues needed. But even if the answer were yes, why should the value-added tax be chosen by the United States? Why not the familiar retail sales tax?

In the United States, with 48 states having retail sales taxes (only Alaska and Oregon have no such tax and Alaska has local sales taxes), almost 100% of our population live in states with retail sales taxes, and almost 100% of our retail establishments are located in states having such taxes. The usual rate is around 4–5%, with some combined state-local rates as high as 7%, and of course the rates are steadily increasing. Thus, today, a retail sales tax is being successfully administered in the United States. Therefore, if the federal tax system is to have a national sales tax, why not simply use the retail tax structure we already have functioning and adopt a national retail sales tax?

What is to be gained by having a VA tax rather than a retail sales tax? As far as I can see, the answer is more paper work and administrative chores, and greater temptations for exemptions and special rates. There is no need for the United States with an already effectively functioning retail sales tax structure at the state level, to have at he federal level a value-added structure that collects, in more complex fashion, the amounts which could otherwise be collected under a retail sales tax.

Our federal system adds a special reason to have the same structure for the national tax as that used in our states. Clearly, our states are not going to give up their retail sales taxes as a revenue factor; more likely, they would oppose a national sales tax as an encroachment on their tax preserves.

But *if* we are to have a national sales tax, we should at least use it to work in the direction of uniformity and administrative efficiency in the sales tax field. This could best be achieved by letting the states "ride" the federal tax—that is, add their rates to the federal rate, with retailers in each state collecing only one total tax, and have he federal government pay over to each state the amounts collected on its behalf.

The states cannot, however, without a great deal of confusion, ride a VA tax and end up with the same revenue allocations among them as exist today.

The prudent course, *if* we are to have a national sales tax in the United States, would be to build on our already functioning retail sales tax structure and to see if any difficulties turn up which cannot adequately be coped with under that structure. We should explore the known, rather than the unknown of whether a value-added tax offers any expectation of better meeting those difficulties without incurring new problems.

CONCLUSION

I therefore reach these conclusions:

Viewed from the standpoint of domestic considerations, the addition of a national sales tax would clearly not improve our present federal tax system; rather it would make it distinctly worse.

On the international side, a national sales tax would not bring the United States any advantages which would alter a policy decision against the tax made for domestic reasons.

Finally, *if* a national sales tax were ever deemed desirable in the United States, it should take the form of a retail sales tax and not a value-added tax.

In this light, the case against a value-added tax for the United States is very strong.

THE QUESTION OF TEXTILE QUOTAS

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, in the barrage of propaganda accompanying the recent campaign by the Nixon administration and the U.S. textile industry for quota protection, much attention was devoted to depressed profits, plant closings and job losses in U.S. textile and apparel industries.

The depressed conditions, we were told, were due primarily, if not wholly, to a "flood" of imports from Far Eastern countries. Under the threat of unilateral U.S. action, "voluntary export quotas" were extracted from those countries at great cost to American consumers and to our foreign relations in the Far East.

An article in the November 13 issue of Business Week has provided quite a realistic assessment of textile industry problems in a perceptive analysis of the economic difficulties of one of America's textile giants—the J. P. Stevens Co.

J. P. Stevens, like other major textile manufacturers, has been forced to close several plants, particularly those producing woolen and worsted fabrics, over the past 2 years. However, as the Business Week article points out, the primary cause for these plant closings was not imports but the company's belated recognition of the "technology explosion in which conventional weaving facilities have been increasingly displaced by high speed knitting equipment," its inability to enter the knitting market by way of acquisitions because of the antitrust laws, and the long order backlogs to obtain modern knitting equipment from Europe. The inherent difficulties of transition to new product lines were further complicated by the business recession and virtually unprecedented confusion concerning the direction of fashion trends.

At the present time, while J. P. Stevens is in the midst of a rapid expansion of its knitting capacity, industry analysts are predicting substantial excess capacity in the knitting industry in the near future and J. P. Stevens' own president warns of a "shakeout" among knit manufacturers beginning in 1972.

If these predictions are accurate, we can reasonably expect a new round of plant closings in 1972, which undoubtedly will be accompanied by a renewed clamor for even more stringent controls on imports. Already textile executives are arguing that the so-called voluntary export restraints by the principal Asian suppliers are not the solution to their problems and that a worldwide textile pact—that is, a comprehensive international quota scheme—represents the only true solution to their problems.

The point, of course, is that imports are not the only cause or even a major cause of the economic difficulties of most U.S. textile and apparel industries. Thus, voluntary or involuntary quotas cannot be expected to provide the solution to the economic difficulties of those industries. The textile and apparel industries, like all U.S. industries, have entered an era of rapid change and their economic problems are basically a result of changes in styles, changes from the natural to manmade fibers, and changes from woven to knit fabrics.

Unfortunately, layoffs, plant closings, and adverse financial experiences may accompany the industries' adjustment to these changing circumstances.

I do not want to minimize the difficulties for the workers, companies, or communities involved in this kind of adjustment. Nor do I want to rule out the possibility that appropriate kinds of Government assistance should be provided in these cases.

I would caution, however, that if the adjustment problems of the textile industry are to be solved, the true causes of those problems must be recognized and dealt with squarely.

In my view, the Business Week portrayal of J. P. Stevens' economic difficulties clearly illustrates why quotas are not likely to be a panacea for U.S. textile industry problems.

The article follows:

THE FLAW IN THE FABRIC AT J. P. STEVENS

"When you walk through the building, you can see something has happened," says J. P. Stevens & Co.'s Chairman James D. Finley, describing the strange emptiness in his handsome corporate headquarters building on Manhattan's Avenue of the Americas.

What has happened is that the proud old textile company has fallen on bad times. Over the past two years, sales have tumbled, the company has gone into the red, its dividend has been slashed, 10 plants have been shut down, and 7,000 employees—including headquarters staff people—have been lopped from the payroll.

Stevens executives are quick to lay the blame for their troubles to imports, fashion fickleness, and government anti-merger policies. To be sure, these factors have hurt. But more significant, Stevens is a prime example of a company that has been slow to change in an industry that is in ferment.

The industry has been rocked by a technology explosion in which conventional weaving facilities have been increasingly displaced by high-speed knitting equipment. Smaller, specialized textile makers quickly latched on to the new technology, while big, oldline companies such as Stevens have been stuck with antiquated plants. The industry has also been hit by skyrocketing imports, although the new agreement limiting the growth of Asian imports should provide relief.

The textile makers that jumped quickly into knitted goods have been hurt less than

Stevens by the import competition. So have those that branched out early into apparel and other consumer products, while Stevens remained overly dependent on low-margin sales to the garment trade.

BELOW AVERAGE

The industry's tribulations show up in its lackluster profits record for 1970: an average 1.9% margin on sales and an average 7% return on equity. Stevens did even worse, netting 0.7% and 1.6%.

Stevens' woes have been accentuated by a preoccupation with volume expansion, much of it misdirected. While the smart money was being invested in knitting machines, Stevens' looms produced increasing amounts of woven goods. All this production was aimed at getting Stevens to the $1-billion sales mark by 1969, a goal that the company's former chief executive, Robert T. Stevens, had set years earlier.

Stevens reached the sales goal, but its net income dropped 12% that year. Since 1969 the company, which had worked overtime to change its image as a "sleeping giant," has suddenly began to shrink. In 1970 sales slipped to $893-million, as profits plunged 76% to $6.3-million. This year the situation is even bleaker: Sales were down 6.8% in the last nine months and the company showed a $3.1-million deficit. In two weeks, Stevens will report its figures for the year ending Oct. 31, 1971. Finley declines to say if fourth-quarter earnings were sufficient to pull the company out of the red for the year.

DYNASTIC BREAK

Finley, who is 57, is the first non-Stevens family member to become chief executive of the 158-year-old company. Yet in Finley, the Stevens family has a man who, despite his lingering Georgia drawl, reflects closely the New England founders' congenital conservatism. Trained as a textile engineer, Finley joined the company as a salesman in 1945 and was named chairman in 1965. Indeed, the family, which controls 20% of the stock, is much in evidence in the corporate hierarchy. Under Finley, as president, is Whitney Stevens, 45, a Princeton graduate known as Whit. Two of Whit's relatives are on the board—Horace N. Stevens, Jr., a distant cousin, who is vice-president, and John P. Stevens, Jr., former president and chairman, and Whit's uncle.

But the real power at Stevens is still 72-year-old Robert Stevens, Whit's father. To understand the company's present woes, it helps to know something of Robert Stevens. As Secretary of the Army in the Eisenhower Administration, he became well known to television viewers as the butt of the tirades of the late Senator Joseph McCarthy. For 14 interminable days, McCarthy relentlessly hectored Stevens in an effort to prove Communist infiltration of the Army. Always taciturn, Stevens reportedly grew even more insular after his bitter Washington experience. And right up to the present, the company has followed his lead by shying from publicity and flashy advertising campaigns.

"Mr. R. T." technically stepped out of active management in 1969 at 70, five years over the mandatory retirement age, which he himself had instituted. But he is still a director and chairman of the executive committee, whose members include Finley, Whit Stevens, and three other executives.

TURNING POINT

When Robert Stevens turned over the chief executive's reins to Finley in 1969, J. P. Stevens was beginning to suffer from its failure to recognize the dramatic technological changes in textiles. Indeed, among the industry's Big Three, only privately owned Deering Milliken, Inc. had reacted in time. Milliken spotted the coming demand for double-knits at least 10 years before Stevens or Burlington. By late 1968 Milliken was virtually out of woolens and worsteds and had a full line of knitting machines pumping out textured polyester double-knits.

In 1969, woolens and worsteds were Stevens' biggest producers of profits. But other mills were reducing woolen and worsted output, and imports of woolen textiles were following suit. Charles Reichman, editor of *Knitting Times*, sums up what happened to Stevens: "While the big textile companies debated and wrote reports, specialty knitters took all the business."

The specialty knitters in the early 1950s had laid the groundwork by meeting the demand from the women's wear market. When knitted outerwear started to catch on in the men's market, companies such as Texfi Industries, Inc., and Duplan Corp. were able to cash in big—even before the importers could take a bite. As a result, while Stevens struggles, Texfi (formerly Textured Yarn Corp.) earned $8-million in the first nine months this year, compared with $3.2-million a year earlier. Its sales were $119-million, nearly twice the 1970 figure.

Stevens found itself barred from quickly acquiring an established double-knit company. A Federal Trade Commission ruling prohibited any textile merger that resulted in a company with annual sales of more than $300-million. Thus, Stevens had to go to Europe and Japan, where most of the knitting machines are made, to buy equipment and build a knitting operation from scratch. But it ran into a tremendous backlog of orders, which delayed even longer its entry into the knitted goods market.

Now Stevens is busily converting plants to knits and shutting down the 10 plants. One bright prospect for Stevens is warp knits, which it produces for bonding in women's undergarments and which are being adapted to outerwear.

Ironically, while Stevens is chasing knits with abandon, it is joining Burlington in loudly warning the industry that there will be a knit surplus by 1972. If industry analysts are correct, chances are there will be overproduction of knits by next year—about the time when Burlington and Stevens will be approaching full production. This will mean, in Whit Stevens' words, that "Beginning in 1972, there will be a shake-out." Stevens' management believes that the real victims will be the smaller companies, but experience shows these companies have been quickest to adapt to new trends.

To strengthen Stevens' basic posture in this period, Finley wants some shifts in the company's product mix. Nearly 70% of sales now is to be unpredictable garment industry, a notoriously low-margin market. Finley wants to cut back in this area. Industrial sales—to auto companies, for example—account for 13%, and Finley expects this area to become more profitable.

CONSUMER PRODUCTS

But his primary goal is to boost sales of apparel and other high-margin consumer products, which currently make up only 26% of sales. Toward this end, J. P. Stevens, which has always been regarded as a "plant-oriented" company, is now emphasizing marketing. The company's operating units were expanded in 1970 from 3 to 12 divisions, each headed by what Finley calls a "marketing-oriented" president. These divisions, in turn, are overseen by the Chairman's Office, which includes Finley, Whit Stevens, and three executive vice-presidents.

"We've got to make our face known to the public," Finley says. But industry people are not impressed, calling the organizational changes simply reshuffling. Stevens' advertising is as uninspired as ever, compared with the exciting multimedia campaigns of Burlington and Collins & Aikman Corp., for example. To critics, a nagging problem is the aloofness in Stevens' executive suite. Inevitably, Stevens men—clubby Wall Street types—are compared with Ely R. Callaway, Jr., Burlington Industries' president, who likes to rub shoulders with the Seventh Avenue garment crowd.

What change Stevens is making in its marketing attitudes shows up largely in the Domestics & Allied Products Div. Boasting a dazzling line of sheets, towels, blankets, kitchen supplies, and the like, under the Utica label, the division combines fashion leadership with tough-minded selling. It is a real departure for Stevens, and it is producing increased sales and profits.

OTHER HOLES

But it takes more than sheets and pillowcases to support Stevens. In most other divisions the performance is still spotty. The hosiery division, which was set up in 1965, ran into early trouble when it tried to sell three grades of stockings to retailers on an all-or-nothing basis. Then came a flood of cheap imports, and over-production by domestic mills. By 1970 there was a complete reorganization of the division, but, like the whole industry, the division has not recovered.

Another ailing division that was reorganized in 1970 was Gulistan Carpeting, acquired six years before. Gulistan's performance has been disappointing, but the boost in housing starts is expected to bolster profits.

United Elastic Co., bought in 1968, also points up Stevens' bad luck with acquisitions. United Elastic, which makes elastic fabrics, molded products, and rubber thread, has been hurt by a market decline, particularly in demand for women's girdles.

Similarly, Stevens failed in another diversification move—a joint venture with Kimberly-Clark Corp. to produce nonwoven, disposable products. The venture folded in 1969 after 10 years. A former Stevens executive says the operation never got off the ground with a great sense of urgency. Stevens has continued modestly in nonwovens, in partnership with a Finnish company

In diversifying, Stevens has been typically unaggressive overseas. But Whit Stevens contends: "We have not given up our ambition and hope some day to be truly internationally oriented. We don't regret the opportunities that we passed up thus far."

Industry sources claim, however, that Stevens lost chances to acquire technology that foreign operations would have offered. Its belated purchase of knitting machines abroad is cited as one example.

LABOR TROUBLE

Amid all its problems in marketing and production, Stevens has been up to its neck in eight years of litigation over union organizing. Stevens has been brought before the National Labor Relations Board repeatedly, and has been found guilty of discriminating against employees who took part in organizing efforts by the Textile Workers Union of America. Just last month, the U.S. Supreme Court finally upheld a lower court in ordering Stevens to negotiate with 400 workers at the company's Gulistan carpet plant at Statesboro, Ga.

In corporate planning, just as in labor relations, Stevens is being forced to look hard at its past policies. This summer it cut its quarterly dividend from 60 cents to 37½ cents, indicating that Stevens' directors had finally lost confidence in the company's ability to latch on to an economic upturn.

More changes will have to be made. Though he was speaking of the big companies in general, John Figh, the respected textile analyst at Chase Manhattan Bank, seemed to summarize Stevens' problems in a recent speech. 'There are going to have to be some very costly management decisions which must be made now if they are going to survive." Figh said. "If they don't watch out, different American companies are going to make up our textile . . . industry."

NOVEMBER 11—VETERANS DAY

(Mr. MAYNE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAYNE. Mr. Speaker, I am sure I am not the only Member of Congress who has received numerous letters from constituents protesting against the change of Veterans Day from November 11 to the fourth Monday in October, which first became effective this fall.

I have heard from many veterans of World War I, World War II, the Korean war, and the conflict in Vietnam, as well as from many nonveterans who feel strongly much of the true meaning and traditional significance of Veterans Day, or Armistice Day as many of us still know it, has been lost by shifting it from its actual historic date. I share their concern that Veterans Day could become just another Monday holiday, only 2 weeks following still another Monday holiday, Columbus Day.

November 11 is a date of great historic significance, a date which automatically stirs the memories of this Nation and reminds it of the tremendous debt it owes to those who have served and are serving in its defense. It makes as much sense to commemorate our veterans on the fourth Monday in October as it would to commemorate our Nation's birthdate of independence on the fourth Monday of June rather than on July 4.

It is not too late to restore Veterans Day to its appropriate date on the calendar. I strongly urge my colleagues to support such action, proposed in the bill which I introduced yesterday.

NICOLET PAPER CO. WASTE TREATMENT FACILITY

(Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BYRNES of Wisconsin. Mr. Speaker, the Nicolet Paper Co. of De Pere, Wis., in my district, has recently taken a step which should serve as an example to other businesses as to how an industry can demonstrate responsible citizenship and leadership. The company has put into operation a new water treatment facility which greatly exceeds legal requirements. When the $1 million facility returns mill water to the Fox River, it is four times cleaner than State and Federal water pollution control standards require.

Water used in making paper at Nicolet is now collected in sumps under the company's papermaking machines. From these sumps, all the mill's process water is pumped into two large clarifiers—each holding 250,000 gallons of water—which can purify more than 3 million gallons of water daily. The paper fibers in the used water settle to the bottom of the clarifiers and are siphoned off to be either recycled, or pressed into "fiber cakes" and disposed of as refuse.

The Common Council of the City of De Pere adopted a resolution on October 19 commending Nicolet Co. and its parent company Philip Morris Inc. I join with the city of De Pere in congratulating the Nicolet Paper Co. on their fine efforts to serve the public interest in combating pollution of our Nation's waterways.

Following is the text of the resolution:

RESOLUTION No. 71–68

Whereas, the Nicolet Paper Company, of De Pere, Wisconsin, an affiliate of Philip Morris Incorporated has recently completed construction of a major waste water treatment plant, at cost of nearly One Million Dollars for recycling and cleaning the water it uses in its paper making process before returning it to the Fox River.

And Whereas, the waste treatment facility constructed returns waste water to the Fox River at a quality content level several times that required by both state and federal water pollution control standards.

Now therefore be it hereby resolved, by the Common Council of the City of De Pere, Wisconsin, as follows: That the Common Council of the City of De Pere, on behalf of the City of De Pere, its government and citizenry, commends and congratulates Nicolet Paper Company and its parent company Philip Morris Incorporated for their interest and continued desire in effectively serving the public good in the De Pere area; that the Common Council recognizes that the issue of industrial, commercial and residential pollution of our nation's waterways is indeed an important and difficult problem facing this nation; that the Common Council further acknowledges that Nicolet Paper Company and Philip Morris Incorporated are one of the few users of water from the Fox River to be concerned enough regarding pollution of that waterway to take positive action to minimize or eliminate the discharge of effluent or pollutants from their paper making process into such river; that therefore the Common Council sincerely expresses, its appreciation to such companies for their foresight and public interest in the planning and construction of their new waste water treatment plant in De Pere which far exceeds state and federal control standards, which will benefit De Pere and area residents for many years to come, and which will serve as a prime example to all other users of this waterway; and further expresses its appreciation for the continued growth and expansion of its industrial facilities and its obvious interest in contributing to the public good of the community.

MISS MERTHA FULKERSON

(Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BYRNES of Wisconsin. Mr. Speaker, early this year a most remarkable and inspiring woman, Miss Mertha Fulkerson, died. She helped found "The Clearing," a retreat for study and contemplation located in Ellison Bay, Wis., and the she managed that renowned and unique institution for 18 years until her retirement in 1969.

For 26 years she was an aide to the nationally-famous landscape architect, Jens Jensen, who established The Clearing in 1935 as a place "where man can go to breathe and to feel his kinship with the earth, to have a chance to clear his mind and to take soundings of where he is going." Jensen believed that "happiness and full-expression can only be found by spreading one's roots in the soil." Upon Mr. Jensen's death in 1951, Miss Fulkerson succeeded him to carry on his work and ideas at The Clearing.

To The Clearing's scenic and wooded 130-acre site on the rocky shores of the northern Door County Peninsula come young and old students from throughout the Nation to take week-long courses each summer on art, crafts, nature, literature, philosophy and many other subjects. Teachers are chosen carefully from various colleges and universities.

Since 1953, the school has been financed by the Wisconsin Farm Bureau, an organization which has so much in common with the philosophy of The Clearing. The Bureau has established a scholarship fund in memory of Miss Fulkerson to enable young people to attend classes at The Clearing.

In July 24, 1971, a special memorial service was conducted at The Clearing to pay special tribute to Miss Fulkerson's accomplishments. I include a newspaper article about the memorial service which appeared in the Door County Advocate and the texts of remarks made on that occasion by two faculty members of The Clearing which illustrate the impact and influence Miss Fulkerson had on those who knew her. One talk is by Dr. Leo Paul de Alvarez, professor of politics, the University of Dallas. The second talk is by Dr. George Anastaplo, lecturer in the liberal arts, the University of Chicago, and professor of political science and of philosophy, Rosary College, Ill.

[From the Door County Advocate, Sturgeon Bay, Wis., July 27, 1971]

FITTING TRIBUTE PAID MERTHA FULKERSON

(By Jane Shea)

ELLISON BAY.—"She came. She saw work to be done. She did it. And then she left."

In this basic way, Dr. George Anastaplo summed up the life of the late Miss Mertha Fulkerson and set the tone for a unique memorial service Saturday night at the Clearing, an institution she managed from 1951 to 1969. Miss Fulkerson died in Green Bay last Jan. 25.

It was appropriate that the tributes were respectful, affectionate, free of excessive sentiment. There was agreement with Dr. Anastaplo, who said "It is difficult to feel the sorrow one would for lesser men or women."

Mertha Fulkerson seldom permitted direct quotations during her lifetime, preferring to perpetuate the philosophies of mentor Jen Jensen in his own remembered words.

But this self effacement was not enough. She was variously described during the evening as high minded, ethereal, a noble woman, innocently shrewd, one capable of a piercing anger for a worthy cause. It was obvious that this diminutive lady had not only succeeded in carrying on founder Jensen's work, but had personally, perhaps unwittingly, emerged to influence the lives of many people.

Dr. Anastaplo, faculty member at the University of Chicago, spoke of his close connections with The Clearing, stating, "One cannot reasonably hope for the immortality of an institution. Its purpose is to provide a model of life for others to follow." He, as well as others, referred to Jensen's concept that The Clearing is not only here, but in men's minds as well.

Referring specifically to Miss Fulkerson, he said, "Mertha wouldn't approve of any personal tributes. She'd probably suggest a work party. There's always a fence to be mended, a wall to be built."

Responding for The Clearing, present manager Claire Johnson said that for Mertha, "the institution was her sole purpose, her self fulfillment."

William KasaKaitas, representing the parent Wisconsin Farm Bureau, announced that this group has established The Clearing Memorial Scholarship Fund. Gifts, in memory of Miss Fulkerson and others, will be used to help young people attend classes here. "Mertha would want it this way," he declared.

KasaKaitas said the Farm Bureau felt deeply indebted to Miss Fulkerson for "the rich heritage with which she endowed us." He described her as a woman comfortably at home with all types of people and especially appreciative of farmers, those close to the soil. He stressed Miss Fulkerson's awareness of nature and its great power.

Dr. Leo Paul deAlvarez, Dallas University, who represented The Clearing faculty, advised guarding its major purpose. "Let us be wary that it does not become an escape," he warned. "It represents reason and nature working together to make something truly human."

Referring to Mertha Fulkerson's talent as a weaver, Mrs. Liese Rickett's message on behalf of the students described the late manager as "a beautiful weaver of human beings and a beautifully woven human."

Miss Virginia Booth showed movies of Miss Fulkerson enjoying this area with relatives and friends.

Vocal selections with dulcimer accompaniment were presented by Mrs. Dolores Reppert and Mrs. June Ohm, Janesville. Night birds provided an outside obligato and through cathedral windows, sunset bowed to darkness.

Services concluded, the group returned through forest paths, where Mertha Fulkerson had walked and talked with students; paths well marked for others to follow.

She wasn't there. Her work was done.

MERTHA FULKERSON: A MEMORIAL

(By Leo Paul de Alvarez)

I met Mertha Fulkerson in her last year at The Clearing. I am sorry to say that I never saw her again, so that my entire acquaintance with her was limited to five days. Yet in that short time I learned enough to see something of what she was and what she stood for. My wife, Helen, has, I think, put our impression of Miss Fulkerson into a nicely succinct sentence: When you were with her, you always felt that you wanted to reform yourself. For there was something in her that called us to leave our sluggardly ways and *do* something.

I am called upon to say something tonight about teaching at The Clearing. For it is in terms of what she has done for the students and teachers who come here that we learn fully to appreciate what Miss Fulkerson was.

The teacher usually faces the difficulty of having to cope with the constant and perpetual distractions of circumstance and necessity. He is distracted and the students are distracted by the demands and temptations of a thousand petty things. Teacher and student alike seek not a flight from reality, as is commonly supposed, but to be rescued from the doing of a thousand things that in the end add up to nothing. There are few or no distractions here. We abandon the necessities that plague us and for a brief time each year come to understand what leisure truly is.

Jens Jensen and Mertha Fulkerson out of many years of thought and labor built The Clearing. These two remarkable persons made a unique place for study and contemplation. What they wanted us to study and to understand was, first of all, the order of non-human things, the ways and the rhythms of nature. For they believed that in the understanding of natural things, one came to understand the human things—what was essential and inessential to being human.

We all know, I believe, how easily we may lose what they have founded here. Many have come to love The Clearing for many reasons. But it shall always be difficult to maintain the understanding that made The Clearing what it is. I believe that it is The Clearing's purpose to rescue us from the mundane and the utilitarian so that we may be free to pursue the highest things. Let us all see to it then that it may continue to be understood that The Clearing does not provide an escape into divertissement, diverting amusements, but rather an opportunity to use those faculties that make us fully ourselves. Let us be wary of permitting any infection by the spirit of the vacationer, who seeks not an understanding of the nature of things, but an escape into a world of contrived amusements.

Mertha Fulkerson helped Jens Jensen to build a place which gave us an opportunity to expand our souls to the highest stretch that we are capable of. In this place that they built, nature and art are so cunningly combined that a truly human dwelling is the result. When Jens Jensen died, necessity threatened to destroy that which man had so carefully brought to a kind of completion. Mertha Fulkerson knew that such a place could not be built again. Here, wisdom and intellect had found the right materials to make a proper and fitting home for the human soul. Being a craftsman, she knew that it is a rare and precious thing when reason and nature work together to make something excellent. She determined to save The Clearing and she has.

There are a few men and women in this world who seem to have a capacity, a faculty, for doing the right thing. Whatever the circumstances are, whatever obstacles nature or man places in their way, they seem always to be able to find a path that makes of circumstance and necessity a way to the end that they know is right and good. I do not mean to say that they do not suffer frustration and heart-ache. But I do mean to say that they do not seem to fail. And what is remarkable is that the end they desire is that which indeed belongs to the genus of the best and the highest. What they do has the stamp of nobility upon it—a simple and pure nobility that cannot be mistaken. Such men and women seem to have a natural inclination to the noble. Mertha Fulkerson was a noble woman.

We are here to honor her and to express our gratitude for what she has done for us. Let us pray that we shall be able to maintain for at least a little while what she and Jensen have founded. We have all the goodwill in the world. What we shall need is her power of soul and her wisdom.

MERTHA FULKERSON: GUARDIAN OF THE CLEARING

(By George Anastaplo)

'Tis the gift to be simple, tis the gift to be free,
'Tis the gift to come down where we ought to be,
And when we find ourselves in the place just right,
'Twill be in the valley of love and delight.
When true simplicity is gained,
To bow and to bend we will not be ashamed.
To turn, to turn, will be our delight,
Till by turning, turning we come round right.
—"Simple Gifts" (a Shaker hymn).

I do not know how many times I received in letters from Mertha Fulkerson the message, "Another season has passed and I am again in Madison preparing for another year." There was about Miss Fulkerson's annual cycle something natural and solid, so much so that it was difficult not to take it for granted. But such things cannot last forever—and, indeed, perhaps should not. The wonder is that her recurring cycles ran as long as they did, that they could endure long enough to show, and show in a manner conclusive for all with eyes to see and hearts to feel, that something remarkable and rare had taken root and been sustained in our midst.

Another season has indeed passed and Miss Fulkerson has passed with it. It is difficult to feel about her death, six months later, the sorrow associated with the death of lesser men and women. She had worked hard, accomplished much, tired herself to the bone—and then died. It is as simple, as decisive and as complex as that: death came when she could no longer work, when the prospects before her were of a hobbled existence. She did not need more time to do, and do well, what she had set out to do. She did enough, much more than enough, to teach us what she had learned, to teach us through the life she lived and the institution she perpetuated. What more—unless one surrenders to sentimentality—can one ask of oneself or ask for another?

Miss Fulkerson knew how tough, even ruthless, life can be. The woods taught her that—the woods with their constant struggle for existence and fulfillment between bush and bush, between animal and animal, between tree and tree. But her sense of realism did not dampen either her respect for goodness or her spirit in its pursuit. Her anger in a good cause could be piercing: one knew this even if one was never subjected to it; one did not want to deserve her reproach.

Miss Fulkerson was a woman of action in whose service speech was well used. In fact, I suspect she would have been tempted to suggest (had she anticipated this memorial service) that much better than all this talk about her this evening would be still another "work party"; there must be *somewhere* in the Clearing, she might have pointed out, a wall to be mended or a path to be marked. Yet she knew that talk was vital; for it was with talk that she wove us all together in our weeks of fellowship and study; it was in talk that the classes lived for which the Clearing was designed.

Something must be said on this occasion about the Clearing itself. But that in turn means that something more must be said about Miss Fulkerson *and* the Clearing.

Permit me to return for this purpose to something I said here two summers ago, on the occasion of my last visit at the Clearing with Miss Fulkerson. (She was not in residence here last summer, thinking it best to allow her successor to begin his tour of duty without her looking over his shoulder.) My remarks in 1969 were at the conclusion of the traditional Friday night festivities, those gatherings at which students seize the opportunity to instruct (all too often irreverently, I regret to say) the teachers who have been holding forth all week. It was my opportunity to say, under the immunity granted by the Friday night license, a few things about one of my teachers, Miss Fulkerson herself—an opportunity to say things which needed saying publicy and which, I have been told, it was good that she heard before she died. That these things could be said tells us much about both her and the Clearing: I believe it fitting that a discourse about so innovative a traditionalist as Mertha Fulkerson should contain something both old and new.

What was said by me two years ago went something like this:

"Our festivities this evening celebrate the end of still another week of study at the Clearing. These festivities happen to coincide this year with the Fourth of July, an Independence Day which has been for us distinctively American. For we have witnessed in our work here this week and in our program here this evening that which has distinguished the American experiment: repeated cooperation among strangers, in which the resources of all are employed and a general good-naturedness is drawn on to serve a common purpose. The result is, as we have come to expect again and again in our country, a remarkably successful joint effort, particularly remarkable when we consider the divergent ways that liberty and the pursuit of self-interest have taken other peoples on this earth.

"How does one celebrate properly on such an occasion as this? By acknowledging the benefactors who have founded and sustained our institutions, and by renewing our dedication to the institutions which have nurtured our ability to work together for the common good and hence for our own. The Clearing—a tranquil opening where a man can take his bearings in this crowded world—is truly American in tone and purpose: to talk about it is to talk about our country and its aspirations.

"For the good week we have just had at the Clearing, discussing John Stuart Mill's *On Liberty* and Edwin Muir's poetry, thanks are due to the Wisconsin Farm Bureau, which has had the civic-mindedness and the good sense to maintain for so many years something as good as the Clearing, and to maintain it in the face of conventional pressure for a balanced budget and in the face of demands for conventional 'improvements' which would really be desecrations. Thanks are due as well to the Clearing staff which has made us reasonably comfortable in our quarters and at our meals. Thanks are due to you students, whose good will and talent and effort have been so evident in the program this evening. Thanks are due to my colleague, Harry Kalven, an old law school teacher of mine from whom I always expect to learn something new, who has gallantly said this week what can be said for John Stuart Mill. And, first and last, thanks are due to Jens Jensen, the founder of the Clearing.

"The greatest tribute to Jens Jensen is found not in the woods he has preserved, magnificent as they are, nor in the vision he transmitted, lofty as that may be. Rather, it is found in the calibre of the people he moved during his long career as landscape architect and naturalist. One of these is Mertha Fulkerson, his colleague of many years and thereafter his successor, who is observing (after more than three decades here of service and adventure) her last Fourth of July as guardian of the Clearing.

"I presume to say a few words about Miss Fulkerson, even to her face, since this is my last opportunity to do so on such an occasion. I am emboldened to do so when I recall that she let me know (with her great talent for the apt word and deed) what she really thought of me the first time I taught here some years ago. This took place as she drove my wife and me after the early Saturday breakfast to Sister Bay where we were to catch the bus which would carry us out of Door County and back to the city. She was, as she raced against the clock, more than courteous in her thanks for the course on Tocqueville I had conducted and evidently sincere in her invitation that I return to teach again at the Clearing. It was only after she had pulled into a driveway to let us off ('Well, here we are!' she said in her most buoyant voice) that I was astonished to learn that she had delivered us to the local funeral home rather than to the bus stop. She expressed astonishment also—but I could not help but wonder, her embarrassed reassurances notwithstanding, what this 'error' revealed.

"I did survive, despite this premature burial, to return many times to the Clearing and to confirm again and again what all of you no doubt realize as well, that Miss Fulkerson is that rare human being of whom it can be said that she has truly lived. One sees in her life a dignified and beneficial covenant with nature. It should be obvious to all who know her that she has been one of the most successful American women of her generation.

"One does not thank someone for being a vital human being of character and devotion, for being and doing what is fitting. One needs only to acknowledge this and thereby to help perpetuate the life she stands for. For to acknowledge publicly her life is not only to show what it can mean to be a genuine human being but also to show that it is still possible to become and remain human and humane in a hectic world beset by the problems ours faces.

"The Clearing is the frame within which this remarkable life has been set, each thereby doing honour to the other. This we are entitled, and even obliged, to celebrate, thus encouraging men to learn and to teach others to believe that a life fitly lived 'is like apples of gold in settings of silver.' "

This is what could be said publicly two years ago. Perhaps there may now be made explicit in my appraisal of Mertha Fulkerson a sentiment which Edwin Muir put this way, "And yet sometimes we still, as through a dream that comes and goes, know what we are, remembering what we were." It may now be said as well that one cannot help but be impressed by the variety of the people who came to love Miss Fulkerson. With love came respect: familiarity did not in this case breed contempt but rather a deepened respect for someone who was whole and wholesome, shrewdly innocent, gracious and, in some ways, even sanctified.

We owe it to the memory and hence to the mission of Miss Fulkerson to observe—two summers later and on a different kind of occasion—that just as the Clearing reassures us of the best in America, it should also remind us of what is shortsighted and vulnerable about America and indeed about modernity itself. We should, that is, face up to the significance of the fact that something as fine as the Clearing should have required the struggle we have witnessed the past quarter century to preserve in its integrity, a struggle which has become even more critical since Miss Fulkerson's retirement and which foreshadows the disintegration of Jens Jensen's Clearing within a generation. Of course, one cannot reasonably hope for immortality for one's institutions. Miss Fulkerson was tough-minded enough to recognize this. But one *can* hope so to establish, extoll and use one's institutions as to provide ever after—so long as there are women and men with eyes to feel and hearts to see—the memory and hence the model of what *can* be nurtured in the everyday world.

Miss Fulkerson was strong and valiant, yet compassionate, highminded and even ethereal. The integrity of her strength was protected by her awareness of the corruption which most threatens the strong in our time: not the corruption of a tyrannical misuse of power, although the temptation to use one's strength to control and exploit the weak can be serious. Rather, she sensed that the truly serious temptation for the strong man today comes in the form of a desire to use himself up ministering to the weak. That is, she sensed that it does not really help either the strong or the weak for the strong to surrender to the weak, for *everyone* to be dominated by the weak and their shortcomings, by their appetites, their delusions and their fears. Miss Fulkerson had the justified self-confidence of the truly strong: she *was* aware of her virtues and accomplishments and of the limitations of others. She usually insisted upon having her way because she sensed that she knew what she was doing.

Miss Fulkerson's toughminded sensitivity may be seen in still another letter—one which she wrote at the end of another memorable season: "The last class left yesterday so again the Clearing is quiet, and in spite of a terrific blow that came during the night, the woodlands are still brilliant in autumn's gold." She goes on in this letter to inquire about course offerings for the coming year (for what was to be her final year at the Clearing): each ending was a new beginning; each beginning carried within it the seeds of its ending. This is a vision of the everyday world which few are perceptive enough to recognize or resolute enough to contemplate.

It is with joy and gratitude and a sense of rededication to what human life can mean that one dares read from Mertha Fulkerson's career some such epitaph as this, *"She came. She saw work to be done. She did it. And then she left."*

NADER LAYS AN EGG

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, the self-promoting, so-called crusader, Ralph Nader, recently went bear hunting with an air rifle when he had the effrontery to criticize former U.S. Senator John J. Williams of Delaware.

Senator Williams needs no defense by me or anyone else, but the groundless and totally irresponsible attack on him by Nader should not go unanswered.

Mr. Speaker, Columnist Clark Mollenhoff has answered Nader in an article in the Chicago Sun Times and I include it for insertion in the RECORD at this point:

WILLIAMS ATTACK A NADER ERROR?

(By Clark Mollenhoff)

WASHINGTON.—Consumer advocate Ralph Nader has made a serious error in permitting one of his study groups to attack former Delaware Sen. John J. Williams, who was busy crusading for the taxpayers for nearly 20 years before Nader arrived on the Washington scene.

It's possible the Nader group was trying for "shock impact" with its charges that Williams had engaged in activities on behalf of some members of the Du Pont family that are "essentially what he has been castigating Bobby Baker for."

The attack on Williams was included in a lengthy report that accused the Du Pont family and its chemical company—the world's largest—with creating a "company state" in Delaware. One part of the report said Williams inserted into a 1964 tax bill a special provision permitting a deduction for property owned by a Du Pont that was seized in Cuba.

Williams was credited with pressing the investigation that led to the conviction of Bobby Baker, the former aide to then Sen. Lyndon B. Johnson. It is absurd to contend that Williams was engaged in the same things that put Baker in prison.

Baker is serving time in federal prison upon conviction of income tax fraud, larceny of political campaign money and conspiracy to defraud the government. It involved charges that Baker had stolen $99,600 in campaign money he had obtained from California savings and loan firms.

LACK OF DOCUMENTATION

There is nothing in the Nader study group report that even remotely tries to document the charge that Williams misused any campaign money, conspired to defraud the government or was engaged in evasion of his federal taxes. But, by innuendo, Nader has managed to leave the impression that Williams was involved in some dishonest activity that amounted to doing special favors for the Du Pont interests of Delaware.

In actual fact, Williams was a symbol of independence from the Du Pont interests. If Nader is really interested in making the government operate in a more honest fashion, he should be seeking to point out the example of Williams.

That part of the over-all report that deals with Williams reached a new low in irresponsibility when it sought to discredit Williams by leaving the impression there was some secret deal with Du Pont lawyers that meant a $1.6-million tax break to a member of the Du Pont family.

There were only these facts established. General legislation was introduced by Williams that resulted in a tax advantage for one member of the Du Pont family. What wasn't said was that Williams introduced the legislation with the support of the Treasury in a Democratic administration. The bill also had the unanimous backing of the Senate Finance Committee. It was the normal kind of legislation to provide for reasonable tax write-offs when property is confiscated by a foreign government.

In this instance, the Du Pont claim was only one of 7,659 individual claims, with a total value of $490,413,000. The Du Pont claim amounted to less than one-half of 1 per cent of the total. Williams pointed out the same type of legislation is being handled today on the same basis on U.S. property seized by Chile.

SUPPORTED BY RECORDS

While that legislation gave one member of the Du Pont family a tax break of about $1.6 million on Cuba property, Williams had opposed the whole Du Pont empire on legislation that involved billions of dollars after the U.S. Supreme Court ordered Du Pont to divest itself of its General Motors holdings.

The explanation by Williams of the 1964 tax bill is fully supported by the records of the Senate Finance Committee and the Congressional Record for that time. There is no justification for the irresponsible charge against Williams, who for more than 20 years in Congress, was a symbol of aggressive honesty.

Williams didn't view public office as an opportunity to become wealthier. He regarded public office as a public trust. Although he had farmland that made him eligible for farm subsidies, he rejected them.

If Nader is looking for a pattern for rules of conduct to boost his own credibility, he will have a difficult time of finding a better example than the cautious Delaware Republican. Williams might even suggest that Nader's "public citizens" campaign fund is getting off to a questionable start with the following printed statement:

"Here's my $15, please don't waste any of it sending me a thank-you letter, a membership card or literature, I know what's wrong. What I want is to see something done about it."

This statement on the Nader subscription blank is an open invitation to the sloppy political bookkeeping that leads even well-motivated men into financial troubles. Williams could tell Nader something about the kind of clever characters who so often attach themselves to the highest-flying kite and bring it crushing to earth.

ELECTION REFORM

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the Record and to include a table.)

Mr. SMITH of Iowa. Mr. Speaker, on yesterday, I submitted a report on the first session of the 92d Congress. Some last minute actions in the House today make it appropriate to amend the report as follows:

Election Reform

The Congress passed the first major legislation in 46 years designed to hold down campaign costs and reveal the source and use of contributions. It imposes a ceiling on the amounts candidates for president and congress can spend on T.V. and other costly advertising.

I believe action is needed and that it is very bad to have so many campaigns financed primarily by specal interests or by candidates who have enormous wealth and can finance their own campaign. In one case it gives an opportunity to expect undue attention to be paid to their points of view while in the other case it permits "buying" an offer to the extent that persons of average means cannot effectively compete.

I believe it is average citizens who pay dearly when persons can no longer be elected or afford to serve unless they are personally wealthy or beholden to some special interest. We have been drifting in that direction. No one has suggested a fool-proof way to fully protect against this but at least an effort is being made to improve the situation.

APPROPRIATIONS BILLS PASSED BY 1ST SESS., 92D CONG., FOR FISCAL YEAR 1972 (JULY 1971 TO JULY 1972)

Departments or agencies	Total approved	Over or under last year	Over or under President Nixon's request
1. Education	$5, 146, 311, 000	+$563, 104, 500	−$6, 875, 000
2. Legislative	557, 029, 264	+114, 124, 945	−3, 242, 858
3. Treasury-Postal Service-General Government	4, 528, 986, 690	−1, 038, 472, 210	−280, 229, 310
4. Agriculture-Environmental and Consumer Protection,	13, 276, 900, 050	+3, 727, 992, 500	+1, 172, 086, 200
5. State-Justice-Commerce-Judiciary	4, 067, 116, 000	+243, 763, 700	−149, 686, 000
6. Interior	2, 250, 056, 035	215, 835, 135	+24, 612, 000
7. HUD-Space-Science-Veterans	18, 341, 325, 000	+1, 342, 850, 000	+882, 721, 000
8. Transportation	2, 730, 989, 997	−253, 630, 608	+44, 983, 000
9. Social Security and trust funds	60, 273, 840, 000	+6, 275, 853, 000	
Labor-HEW (not including Social Security)	23, 389, 317, 000	+5, 834, 638, 500	+735, 160, 000
10. Public Works-AEC	$4, 675, 125, 000	+$210, 140, 000	+$59, 043, 000
11. Military construction	2, 037, 097, 000	+333, 023, 000	−92, 708, 000
12. Defense	[1] 70, 849, 113, 000	+1, 268, 411, 750	−2, 694, 716, 000
13. District of Columbia (Federal funds)	[1] 285, 597, 000	+150, 334, 000	−3, 600, 000
14. Foreign assistance	[1] 3, 003, 461, 000	−808, 796, 000	−1, 339, 174, 000
15. Emergency employment assistance (H.J. Res. 833)	1, 000, 000, 000	+1, 000, 000, 000	
16. Summer feeding programs for children (H.J. Res. 744)	17, 000, 000	+17, 000, 000	+17, 000, 000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270, 500, 000	+270, 500, 000	
Net total	216, 699, 764, 036	19, 466, 672, 212	−1, 634, 625, 968

[1] Estimate.

PRESIDENT'S MESSAGE ON PENSION LEGISLATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon has moved dramatically forward in the area of pension security for the American workingman with his recommendations in this field.

I have today introduced the Individual Retirement Benefits Act of 1971, which President Nixon has recommended to the Congress. This legislation is a trailblazer in retirement reform which should be acted upon as quickly as possible by my colleagues.

One of the recurring tragedies in contemporary America, Mr. Speaker, is the loss of pension rights. For a man to work 30 or 40 years and then to lose out on his pension at retirement is the worst form of injustice.

An equally onerous shortcoming in the pension area is the absence of any tax incentives for the half of the American work force not now covered by corporate or self-employment retirement plans. This large group of workers is given no tax break to assist in building a retirement fund, and thus the majority of them reach the senior years of their lives with no income other than social security.

President Nixon's pension reform package addresses itself to these important problems and many others. It is about time we did something to alleviate the injustices in the pension area, and the administration's program is a welcome beginning. I endorse it and I urge the Congress to act favorably on it as expeditiously as possible.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Stratton, for December 14 through December 22, on account of official committee business.

Mr. Veysey (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

Mr. Randall, for himself and for Mr. Stratton, Mr. Gubser, and Mr. Pirnie as members of subcommittee for on and after 5:30 p.m., Tuesday, December 14, and for all subsequent days the House may be in session during the remainder of the week on account of official business—briefings at Saceur, Brussels, and Headquarters 7th Army, Federal Republic of Germany—and other committee investigations.

Mr. Kastenmeier (at the request of Mr. McFall), for today, on account of illness in the family.

Mr. Gaydos (at the request of Mr. McFall), for Monday, December 13, Tuesday, December 14, and Wednesday, December 15, on account of illness.

Mr. O'Hara (at the request of Mr. Vanik), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. VANIK, for 20 minutes, today, and to revise and extend his remarks.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAYLOR in the body of the RECORD today and to include two resolutions and that they appear in the memorial book of the late Congressman James Fulton of Pennsylvania.

Mrs. GREEN of Oregon in five instances and to include extraneous matter.

Mr. DINGELL, to revise and extend his remarks on the Alaska Native Claims Settlement Act conference report today.

Mr. RYAN to extend his remarks following remarks of Mr. BRASCO prior to passage of conference report.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes; and

H.R. 8856. An act to authorize an additional Assistant Secretary of Defense.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 176. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 701. A bill to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

H.R. 8856. A bill to authorize an additional Assistant Secretary of Defense; and

H.R. 9961. A bill to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to make an announcement.

The chairman of the Committee on Appropriations has advised he would like to call up the conference report on the Defense Department appropriation bill. The report has been agreed to.

RECESS

The SPEAKER. Under the circumstances, the Chair declares a recess until 6:45 p.m.

Accordingly (at 6 o'clock and 15 minutes p.m.) the House stood in recess until 6:45 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 7 o'clock and 35 minutes p.m.

HOUR OF MEETING TOMORROW

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONFERENCE REPORT ON H.R. 11731, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

Mr. MAHON submitted the following conference report and statement on the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92–754)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 6, 9, 10, 11, 12, 15, 16, 18, 20, 24, 27, 31, 34, 38, 39, 40, 43, 46, 49, 51, 58, 66, and 70.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 13, 14, 17, 21, 22, 23, 26, 29, 30, 32, 33, 35, 36, 37, 41, 42, 44, 45, 48, 50, 55, 59, 61, 62, 63, 64, 65, 67, 68, and 69, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,558,571,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,661,212,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,021,740,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,224,881,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,202,465,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$512,300,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,005,200,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,641,603,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,787,656,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,887,944,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$441,143,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "; (1) until March 31, 1972, under regulations approved by the Secretary of Defense, for transportation from their homes to rest and recuperation centers in the Pacific area and return, plus per diem payments of not to exceed $30 per day for each dependent for periods not over two weeks, for dependents of military personnel assigned as province or district senior advisers in Vietnam on voluntarily extended tours of duty totaling not less than eighteen months, during periods when such military personnel are granted special incentive leaves at such rest and recuperation centers"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert: "Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of 90 days or more."; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: ", or (4) costs (not to exceed an aggregate total for all contracts of $1,250,000) of participation in the United States International Aeronautical Exposition"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$750,000,000"; and the Senate agree to the same.

George Mahon,
Robert L. F. Sikes,
Jamie L. Whitten,
Daniel J. Flood
(except on amendment No. 70),
Joseph P. Addabbo
(except on amendment No. 70),
John J. McFall,
William E. Minshall
(except as to amendments Nos. 50 and 70),
John J. Rhodes,
Glenn R. Davis,
Louis C. Wyman,
Frank T. Bow,
Managers on the Part of the House.

Allen J. Ellender,
John L. McClellan,
John C. Stennis,
Milton R. Young,
Margaret Chase Smith,
Gordon Allott
(reserve on amendment No. 70),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The manager on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731), making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—MILITARY PERSONNEL

Military personnel, Army

Amendment No. 1: Appropriates $7,315,637,000 as proposed by the House instead of $7,319,837,000 as proposed by the Senate.

The conferees are in agreement that the $23,500,000 provided by the House for the temporary overstrength of Captains should be provided for through the use of transfer authority as proposed by the Senate.

The House bill provided for a reduction of $157,300,000 in connection with the 50,000 manyear reduction provided for in Public Law 92–129. The Senate bill restored $27,700,000 of the House reduction. The conferees agree to a restoration of $23,500,000, for a net reduction of $133,800,000.

Military personnel, Navy

Amendment No. 2: Appropriates $4,558,571,000 instead of $4,555,071,000 as proposed by the House, and $4,562,071,000 as proposed by the Senate.

Reserve personnel, Air Force

Amendment No. 3: Appropriates $101,716,000 as proposed by the Senate instead of $102,616,000 as proposed by the House.

The House bill included $900,000 above the budget request for the augmentation of the airborne early warning and control capability in the southeastern portion of the United States and the new Reserve C–130 unit which was formed to augment the active force airlift capability.

The Senate bill deleted the funds on the basis that they could be absorbed within an appropriation of this size.

The conferees are in agreement that sufficient funds are available within the Reserve Personnel, Air Force appropriation to provide the $900,000 required for the augmentation of the airborne early warning and control capability and the new Reserve C–130 unit.

TITLE III—OPERATION AND MAINTENANCE

Operation and Maintenance, Army

Amendment No. 4: Appropriates $6,661,212,000 instead of $6,735,662,000 as proposed by the House, and $6,598,012,000 as proposed by the Senate.

The House agreed to the Senate reduction of $53,000,000 for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). The conferees agreed that the increased requirements for this program should be funded under the transfer authority granted the Secretary of Defense under section 736 of Title VII, General Provisions. To cover such increased cost the conferees agreed to increase the transfer authority contained in Section 736 from $600,000,000 to $750,000,000. This authority was also broadened to make available additional sources of funds for transfer within the Department. The increase in transfer authority is discussed further in the conferees' statement in Title VII.

The House agreed to the Senate reduction of $8,350,000 for depot maintenance activities of the Army.

The conferees agreed to restore $1,500,000 of the $2,100,000 disallowed by the Senate for the leasing of sedans for additional recruiters for the all-volunteer program. The conferees agreed to leasing funds only for fiscal year 1972 on the basis that the all-volunteer program is new and the number of sedans requested may not be required in the current year or in future years after experience is gained in the program. The conferees are also in agreement that the Department of Defense should make a thorough review to determine the least costly method of obtaining these vehicles, taking into consideration all cost involved. The Department should report on the result of this review in connection with the budget request for fiscal year 1973.

The conferees agreed to restore $50,000,000 of the $58,000,000 disallowed by the Senate for readiness improvements in the Army.

The conferees are in agreement with the Senate action disallowing the $7,200,000 requested for Exercise Reforger III. The Department of Defense disregarded a request of the Committee on Appropriations of the Senate not to obligate funds under the Continuing Resolution for Exercise Reforger III and Exercise Crested Cap, and the funds requested were actually obligated. While funds requested for these exercises have been specifically disallowed, the conferees have agreed to the restoration of $7,200,000 to cover the deficiencies created by the Department's disregard of the Senate Committee's request. The objective of the conferees is to prevent any further obligations for these exercises through the use of funds provided in this bill, and to prohibit the use of funds made available through Continuing Resolutions for similar Reforger and Crested Cap exercises dring fiscal year 1973.

The Senate reduced the Army's advertising program by $9,000,000. The conferees agreed to restore $4,500,000 of these funds. The conferees direct that no funds be used for paid television and radio advertisements.

Operation and Maintenance, Navy

Amendment No. 5: Appropriates $5,021,740,000 instead of $5,039,040,000 as proposed by the House and $5,021,240,000 as proposed by the Senate.

The House agreed to the Senate decrease of $35,700,000 in the CHAMPUS program because the amount required can be provided under the Section 736 transfer authority granted the Secretary of Defense. The Senate recedes from its decrease of $500,000 for the leasing of sedans for recruiters as discussed above. The House disallowed $18,400,000 of the Navy request for supplies and materials. The Senate restored these funds and the House recedes.

Operation and Maintenance, Marine Corps

Amendment No. 6: Appropriates $360,553,000 as proposed by the House instead of $360,077,000 as proposed by the Senate. The Senate had deleted $476,000 for the leasing of sedans for recruiters and recedes in accordance with actions discussed above.

Operation and maintenance, Air Force

Amendment No. 7: Appropriates $6,224,881,000 instead of $6,274,381,000 as proposed by the House, and $6,211,323,000 as proposed by the Senate.

The conferees agreed to the Senate disallowance of $40,000,000 for the CHAMPUS program and a restoration of the $700,000 for the leasing of sedans for recruiters. The House agreed to the Senate reduction of $6,500,000 for the Maverick missile testing program as these funds are not needed and had been offered-up by the Air Force to the Senate for reduction. The House also agreed to the Senate reduction of $3,000,000 in Air Force intelligence activities. The Senate agreed to restore the $12,858,000 requested by the Air Force for the Reforger III and Crested Cap exercises. The conferees' position concerning the Army's participation in the Reforger III exercise is also applicable to the Air Forces' participation in these exercises.

Operation and maintenance, Defense agencies

Amendment No. 8: Appropriates $1,202,465,000 instead of $1,197,465,000 as proposed by the House, and $1,208,565,000 as proposed by the Senate.

The Senate restored $8,000,000 of the House reduction of $20,000,000 for the National Security Agency. The conferees agreed to a restoration of $5,000,000. The Senate also restored $3,100,000 of the House reduction of $4,689,000 for periodic civilian personnel step increases, promotions, and other compensatory awards in the Defense Supply Agency. The conferees agreed that these funds are not needed and the Senate recedes.

Operation and maintenance, Army National Guard

Amendment No. 9: Appropriates $369,961,000 as proposed by the House instead of $365,961,000 as proposed by the Senate. The House increased the budget request for the Army National Guard by $4,000,000 to cover the cost of the increased technician strength authorized for fiscal year 1972 by Public Law 92–119, approved August 13, 1971. The Senate disallowed these funds, however, the conferees agreed they should be restored and the Senate recedes.

Operation and maintenance, Air National Guard

Amendment No. 10: Appropriates $413,428,000 as proposed by the House instead of $402,328,000 as proposed by the Senate. The House increased the budget request for the Air National Guard by $11,100,000 to cover the cost of the increased technician strength authorized for fiscal year 1972. The Senate deleted these funds. The conferees agreed these funds should be restored and the Senate recedes.

National Board for the Promotion of Rifle Practice, Army

Amendment No. 11: Appropriates $122,000 as proposed by the House instead of $106,000 as proposed by the Senate.

TITLE IV—PROCUREMENT

Aircraft procurement, Army

Amendment No. 12: Makes the $90,400,000 appropriated for Aircraft Procurement, Army, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Missile procurement, Army

Amendment No. 13: Appropriates $940,820,000, as proposed by the Senate, instead of $1,040,820,000, as proposed by the House.

The conferees agreed to a general Senate reduction of $100,000,000 to this appropriation to be offset by specific transfer.

Amendment No. 14: Transfers $100,000,000 to this appropriation from the "Procurement of Equipment and Missiles, Army, 1971/1973" appropriation, as proposed by the Senate.

Amendment No. 15: Makes the sums appropriated for and transferred to Missile Procurement, Army, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended," as proposed by the Senate.

Procurement of weapons and tracked combat vehicles, Army

Amendment No. 16: Makes the $145,500,000 appropriated for Procurement of Weapons and Tracked Combat Vehicles, Army, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement of ammunition, Army

Amendment No. 17: Appropriates $1,418,300,000, as proposed by the Senate, instead of $1,496,300,000, as proposed by the House.

The conferees agreed to a general Senate reduction of $78,000,000 to this appropriation based on recently revised ammunition requirements.

Amendment No. 18: Makes the sums appropriated for and the $200,000,000 transferred to Procurement of Ammunition, Army, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Other procurement, Army

Amendment No. 19: Appropriates $512,300,000 instead of $527,400,000, as proposed by the House, and $507,300,000, as proposed by the Senate.

The conferees agreed to restore $5,000,000 of the $20,100,000 reduction proposed by the Senate in support of the Consolidated Cryptologic Program. The amount available for this purpose is classified.

Amendment No. 20: Makes the sum appropriated for Other Procurement, Army, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement of aircraft and missiles, Navy

Amendment No. 21: Appropriates $3,855,000,000, as proposed by the Senate, instead of $3,905,000,000, as proposed by the House.

The conferees agreed to a general Senate reduction of $50,000,000 to this appropriation to be offset by specific transfer.

Amendments Nos. 22 and 23: Amendment No. 22 transfers $100,000,000 to this appropriation, as proposed by the Senate, instead of $50,000,000, as proposed by the House. Of the amount transferred, Amendment No. 23 stipulates that $75,000,000 shall be derived from the "Procurement of Aircraft and Missiles, Navy, 1971/1973" appropriation, as proposed by the Senate, instead of $25,000,000 as proposed by the House.

Amendment No. 24: Makes the sums appropriated for and transferred to Procurement of Aircraft and Missiles, Navy, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Shipbuilding and conversion, Navy

Amendment No. 25: Appropriates $3,005,200,000 instead of $3,017,500,000, as proposed by the House, and $2,926,200,000, as proposed by the Senate.

The conferees agreed to provide $22,500,000 in advance procurement funding for a sixth SSN-688 class nuclear attack submarine and $56,500,000 for construction of new AOR replenishment fleet oiler, as proposed by the House. The conferees further agreed to delete $12,300,000 for the conversion of a T-AGS surveying ship, as proposed by the Senate. The House had provided funding for all three ships, while the Senate had deleted the sums for the three vessels in question.

Amendment No. 26: Transfers to this appropriation $5,000,000 from the "Shipbuilding and Conversion, Navy, 1971/1975" appropriation, as proposed by the Senate.

Amendment No. 27: Makes the sums appropriated for and transferred to Shipbuilding and Conversion, Navy, available for obligation until June 30, 1976, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Other procurement, Navy

Amendment No. 28: Appropriates $1,641,603,000 instead of $1,702,803,000, as proposed by the House, and $1,637,803,000, as proposed by the Senate.

The conferees agreed to restore $3,800,000 of the $5,000,000 Senate reduction to certain intelligence equipment. The amount available for this purpose is classified. The conferees also agreed to a general Senate reduction of $60,000,000 to this appropriation to be offset by specific transfer.

Amendments Nos. 29 and 30: Amendment No. 29 transfers $110,000,000 to this appropriation, as proposed by the Senate, instead of $50,000,000, as proposed by the House. Of the amount transferred, Amendment No. 30 stipulates that $85,000,000 shall be derived from the "Other Procurement, Navy, 1971/1973" appropriation, as proposed by the Senate, instead of $25,000,000, as proposed by the House.

Amendment No. 31: Makes the sums appropriated for and transferred to Other Procurement, Navy, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement, Marine Corps

Amendment No. 32: Appropriates $103,100,000, as proposed by the Senate, instead of $118,100,000, as proposed by the House.

The conferees agreed to a general Senate reduction of $15,000,000 to this appropriation to be offset by specific transfer.

Amendment No. 33: Transfers to this appropriation $25,000,000 from the "Procurement, Marine Corps, 1971/1973" appropriation, as proposed by the Senate, instead of $10,000,000, as proposed by the House.

Amendment No. 34: Makes the sums appropriated for and transferred to Procurement, Marine Corps, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Aircraft procurement, Air Force

Amendment No. 35: Appropriates $2,899,000,000, as proposed by the Senate, instead of $2,933,800,000, as proposed by the House.

The conferees agreed to make available $5,800,000 in advance procurement funding for the A-7D aircraft, as proposed by the House. The Senate had deleted these funds from the House bill.

The conferees agreed to the $3,000,000 Senate reduction to aircraft modifications, providing a total of $562,000,000 for this purpose.

The House bill had reduced aircraft spares and repair parts by $25,000,000. The Senate bill restored the House reduction, but deleted $1,000,000 for aircraft replenishment spares in support of the Consolidated Cryptologic Program, for a net restoration of $24,000,000 to this budget activity. The conferees agreed to an additional reduction of $5,800,000, or a net restoration of $18,200,000 instead of $24,000,000, as proposed by the Senate. The action of the conferees will provide a total of $407,900,000 for aircraft spares and repair parts.

The conferees also agreed to a general Senate reduction of $50,000,000, to be offset by specific transfer.

Amendments Nos. 36 and 37: Amendment No. 36 transfer $158,700,000 to this appropriation, as proposed by the Senate, instead of $108,700,000 as proposed by the House. Of the amount transferred, Amendment No. 37 stipulates that $75,000,000 shall be derived from the "Aircraft Procurement, Air Force, 1971/1973" appropriation, as proposed by the Senate, instead of $25,000,000, as proposed by the House.

Amendment No. 38: Makes the sums appropriated for and transferred to Aircraft Procurement, Air Force, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Missile Procurement, Air Force

Amendment No. 39: Appropriates $1,633,700,000, as proposed by the House, instead of $1,633,600,000, as proposed by the Senate.

The House bill reduced missile spares and repair parts by $15,000,000. The Senate bill restored $5,900,000 of the House reduction, but partially offset the restoration by a $3,000,000 reduction in missile spares and repair parts in support of intelligence, for a net restoration of $2,900,000. The conferees agreed to delete the $2,900,000 Senate restoration, providing a total of $45,800,000 for missile spares and repair parts.

The conferees also agreed to restore the $3,000,000 Senate reduction to the Defense Systems Application Program. The sum provided for this program is classified.

Amendment No. 40: Makes the sums appropriated for and transferred to Missile Procurement, Air Force, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Other procurement, Air Force

Amendment No. 41: Appropriates $1,478,998,000, as proposed by the Senate, instead of $1,510,998,000, as proposed by the House.

The conferees agreed to a general Senate reduction of $40,000,000 to this appropriation to be offset by specific transfer.

The conferees agreed to the Senate restoration of $10,000,000 for the AN/TPN-19 Ground Approach Radar, a subsystem of the 404-L Air Traffic Control and Landing System. The agreement was made with the understanding that the Air Force slip to fiscal year 1973 five of the 10 radars scheduled for procurement this fiscal year.

The Air Force should be able to accommodate the position of the conferees by restructuring the fiscal year 1972 and 1973 options of the present contract without a major renegotiation of the entire contract and without cost increases to the overall contract. The contract has already been amended to slip delivery dates.

There is little excuse for the Air Force entering into a contract with options to buy a significant portion of its radar requirements only 10 days after contractor component subsystem tests, including flight test evaluation and demonstration of prototype equipment, which is scheduled to be completed in March 1972. The Air Force will not begin its tests until October 1972 (fiscal year 1973) and they will not be completed until April 1973.

The conferees agreed, however, to make available the $23,200,000 at this time, with the understanding that only the amount necessary to buy five radars will be obligated following satisfactory completion of the flight test evaluation and demonstration by the contractor and his agreement to correct identified deficiencies before production begins on the five radars. The remaining funds are to be used for the fiscal year 1973 program.

The conferees further agreed to the Senate reduction of $2,000,000 in electronics and telecommunications equipment in support of the General Intelligence Program. The total amount available for this program is classified.

Amendment No. 42: Transfers to this appropriation $90,000,000 from the "Other Procurement, Air Force, 1971/1973" appropriation, as proposed by the Senate, instead of $50,000,000, as proposed by the House.

Amendment No. 43: Makes the sums appropriated for and transferred to Other Procurement, Air Force, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement, defense agencies

Amendment No. 44: Appropriates $52,971,000, as proposed by the Senate, instead of $62,971,000, as proposed by the House.

The conferees agreed to the general Senate reduction of $5,000,000 in the procurement funds for the National Security Agency. The amount available for this purpose is classified.

The conferees also agreed to the general Senate reduction of $5,000,000 to this appropriation to be offset by specific transfer.

Amendment No. 45: Transfers to this appropriation $5,000,000 from the "Procurement, Defense Agencies, 1971/1973" appropriation, as proposed by the Senate.

Amendment No. 46: Makes the sums appropriated for and transferred to Procurement, Defense Agencies, available for obligation until June 30, 1974, as proposed by the House, instead of "available until expended", as proposed by the Senate.

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army

Amendment No. 47: Appropriates $1,787,656,000 instead of $1,769,656,000 as proposed by the House and $1,796,256,000 as proposed by the Senate.

The conference agreement provides $40,000,000 for termination costs associated with the XM-803 Main Battle Tank program and for the initiation of prototype development of two new tanks. No funds are provided for continuation of the XM-803 development effort.

Since the Army does not presently have a program plan for the new prototype tank development effort, the funds required in fiscal year 1972 or in the life of the program are not now known. If the funds provided are not adequate for the current fiscal year, a transfer of additional funds through Section 736 may be proposed.

A total of $9,300,000 is provided for continued development of the Cheyenne helicopter, as proposed by the Senate.

An additional reduction of $2,000,000 is agreed to in Cryptologic Activities instead of the additional $4,000,000 reduction proposed by the Senate. The House deleted $1,000,000 from the program. Thus, the total reduction agreed to is $3,000,000.

The Senate addition of $600,000 for Food Research is not agreed to.

Amendment No. 48: Transfers $51,900,000 from prior year accounts instead of $25,000,000 as proposed by the House.

Amendment No. 49: Deletes Senate language related to the Cheyenne helicopter development program. As discussed above, the conference agreement includes $9,300,000 for the continued development of the Cheyenne helicopter.

Research, development, test, and evaluation, Navy

Amendment No. 50: Appropriates $2,352,319,000 as proposed by the Senate instead of $2,358,319,000 as proposed by the House.

The Committee of Conference recommends the appropriation of $2,000,000 for the Heavy Lift Helicopter development program of the Navy as proposed by the Senate. The House deleted all funds for this program.

In approving the initiation of the development of a Heavy Lift Helicopter by the Navy, the conferees make no commitment to the procurement of any heavy lift helicopter.

The Department of Defense is directed to revise the Heavy Lift Helicopter program of the Army so that the Army HLH is suitable for shipboard use by the Navy and Marine Corps. The two HLH development programs, the Army's and the Navy's should be conducted as competitive prototype development programs with the objective of the procurement of a single HLH for use by the Army, the Navy, and the Marine Corps.

The $2,000,000 reduction in Cryptologic Research proposed by the Senate is agreed to by the Committee of Conference.

The conference agreement directs a general reduction in this appropriation of $12,300,000 instead of the $18,300,000 reduction proposed by the Senate.

The conference agreement provides $21,700,000 for continued development and testing associated with the Surface Effects Ships program instead of $15,400,000 as proposed by the House and $27,700,000 as proposed by the Senate. The sum provided does not include any funds for the design or construction of new, larger surface effects ships. In addition to the House amount, $1,500,000 is provided for the test site associated with the testing of the present 100 ton surface effects ships and $4,800,000 is provided for associated technology.

Amendment No. 51: Deletes Senate language setting aside funds for the Surface Effects Ships program.

Research, development, test, and evaluation, Air Force

Amendment No. 52: Appropriates $2,887,944,000 instead of $2,892,944,000 as proposed by the House and $2,875,944,000 as proposed by the Senate.

The Committee of Conference is in agreement on the appropriation of $12,000,000 as proposed by the House for the initiation of prototype development of a lightweight fighter aircraft and a medium STOL transport aircraft. No other prototype programs presented in the "Prototype Package" for any Service are funded in the accompanying bill. Additional prototype programs desired by the Secretary of Defense should be included in the FY 1973 Budget or in specific reprogramming proposals.

The conferees have agreed to an additional reduction of $3,000,000 in intelligence support as proposed by the Senate. When added to the House reduction of $1,000,000, a total reduction of $4,000,000 is agreed to.

The reduction of $2,000,000 in Defense Systems Application proposed by the Senate is agreed to by the Committee of Conference.

Research, development, test, and evaluation, defense agencies

Amendment No. 53: Appropriates $441,143,000 instead of $440,843,000 as proposed by the House and $442,143,000 as proposed by the Senate.

The conference agreement includes $2,300,000 in addition to the House amount for the costs of termination of the Defense Special Projects Group instead of the additional $4,300,000 proposed by the Senate. A total of $9,300,000 is appropriated for this purpose.

In addition to the $5,000,000 reduction proposed by the House in the R.D.T.&E. activities of the National Security Agency, a further reduction of $4,000,000 is agreed to instead of the $8,000,000 further reduction proposed by the Senate. The total reduction recommended is $9,000,000.

A general reduction of $3,000,000 is agreed to in the amount provided the Advanced Research Projects Agency instead of the $5,000,000 reduction proposed by the House. A total of $211,039,000 is provided for the Advanced Research Projects Agency.

Federal contract research centers

The budget requests for the various appropriations carried in this bill included $273,452,000 for work to be performed by the various Federal Contract Research Centers. Action on the Defense Procurement and Research and Development Authorization Act, 1972 (P.L. 92-156) imposed reductions totalling $22,523,000 on the total funds available for these organizations. In addition, specific reductions totalling $8,200,000 in the funds for these organizations have been made in this bill, leaving a total of $242,729,000.

This total of $242,729,000 shall be considered as a ceiling on the funds available for these organizations. The Secretary of Defense is authorized to allocate the reductions among these organizations, provided that the total allocated for the Research Analysis Corporation shall not exceed $8,094,000; Center for Naval Analysis, $9,802,000; Rand Corporation, $15,870,000; and Institute for Defense Analysis, $8,753,000. It is anticipated that a portion of the $22,523,000 reduction imposed in the Authorization Act will be allocated to the four organizations named above.

TITLE VII—GENERAL PROVISIONS

Amendment No. 54: Section 707. Continues authority for transportation to rest and recuperation centers for dependents of province or district senior advisers in Vietnam who extend their tours of duty for not less than eighteen months until March 31, 1972. If substantive legislation is to be enacted for this program, it can be enacted before that date.

Amendment No. 55: Section 713(c). This section, as passed by the House, provided that upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in the Act, the Secretary of Defense can pay such personnel. The Senate amended this section to provide that the Presidential determination to increase the number of military personnel must be done "subject to existing law". The conferees are in agreement with the Senate amendment.

Amendment No. 56: Section 715. Provides that the Secretary of Defense may prescribe regulations with regard to proficiency flying but such regulations may not require such flying except in anticipation of the member's assignment to combat nor shall proficiency flying be permitted in cases of members who have been assigned to a course of instruction of 90 days or more. The intent of the revised language is to permit proficiency flying only in those cases where it is anticipated that the individual shall be reassigned to combat operations. However, no individual enrolled in a course of instruction of ninety days or more shall be permitted to participate in proficiency flying. Under the revised language, rated officers affected including students enrolled in courses of instruction of 90 days or more, will continue to receive flight pay.

Amendment No. 57: Permits the allocation of advertising costs of not to exceed $1,250,000 by defense contractors in connection with the U.S. International Aeronautical Exposition to be held at Dulles International Airport.

Amendment No. 58: Places limitation of $50,000 on minor construction as proposed by the House instead of $25,000 as proposed by the Senate.

Amendments Nos. 59, 60, 61, 62, 63, and 64: Provide general transfer authority to the Secretary of Defense of $750,000,000 instead of $600,000,000 as proposed by the House and $900,000,000 as proposed by the Senate. Also broaden authority to include all funds available to the Department of Defense for military functions as proposed by the Senate instead of only funds contained in this Act as proposed by the House.

Transfers made under this authority are to be submitted to the Committees on Appropriations as reprogramming actions requiring prior approval.

Amendment No. 65: Makes technical change proposed by the Senate.

Amendment No. 66: Prohibits the induction or enlistment of any individual into the military services under a mandatory quota based on mental categories as proposed by the House.

TITLE VIII—ANTI-BALLISTIC MISSILE CONSTRUCTION

Military Construction, Army

Amendment No. 67: Updates citation as proposed by the Senate.

Amendment No. 68: Appropriates $98,500,000 as proposed by the Senate instead of $93,300,000 as proposed by the House. The House deleted $5,200,000 for the community impact assistance program which was restored by the Senate. The conferees agree to this restoration.

Family Housing, Defense

Amendment No. 69: Updates citation as proposed by the Senate.

TITLE IX—AIRCRAFT AND OTHER EQUIPMENT FOR ISRAEL AS AUTHORIZED BY PUBLIC LAW 91-441

Amendment No. 70: The Conference agreement deletes the paragraph proposed by the Senate which would have appropriated $500 million to finance sales, credit sales and guarantees of defense articles and services to Israel. The Continuing Resolution (H.J. Res. 1005) includes the funds for this activity and the provision is not necessary in this bill to accomplish the purposes for which it was intended.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the fiscal year 1971 total, the 1972 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1971	$69,580,701,250
Budget estimates of new (obligational authority, fiscal year 1972	73,543,829,000
House bill, fiscal year 1972	71,048,013,000
Senate bill, fiscal year 1972	70,849,113,000
Conference agreement	70,518,463,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+937,761,750
Budget estimates of new (obligational) authority, fiscal year 1972	−3,025,366,000
House bill, fiscal year 1972	−529,550,000
Senate bill, fiscal year 1972	−330,650,000

GEORGE MAHON,
ROBERT L. F. SIKES,
JAMIE L. WHITTEN,
DANIEL J. FLOOD
(except as to amendment No. 70),
JOSEPH P. ADDABBO,
(except on amendment No. 70),
JOHN J. MCFALL,
WILLIAM E. MINSHALL
(except as to amendments Nos. 50 and 70),
JOHN J. RHODES,
GLENN R. DAVIS,
LOUIS C. WYMAN,
FRANK T. BOW,
Managers on the Part of the House.

ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
JOHN C. STENNIS,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
GORDON ALLOTT
(reserve on amendment No. 70),
Managers on the Part of the Senate.

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of today.)

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Mr. MAHON asked and was given permission to revise and extend his remarks and to include extraneous matter and tables.)

Mr. MAHON. Mr. Speaker, this is the conference report on the defense appropriation bill for the fiscal year which began on July 1. It is so near in form to the bill that passed the House that it could almost be called identical. In other words, the House is being asked tonight to reenact in the form of a conference report the appropriation bill for defense which passed the House on November 17, 1971.

I realize the statement I have just made is an oversimplification. There are changes here and there, but in the context of a bill of this magnitude, $70 billion plus, the changes are relatively small, moneywise and languagewise. So all of you who supported the bill when it passed the House, in my opinion, will feel comfortable in supporting the bill as it now appears in the form of a conference report.

CONFERENCE TOTAL

In the bill before us we are appropriating $70,518,463,000. That is over last year's appropriations by $937 million. The bill is about $1 billion more than last year's amount. But with respect to the budget for the current fiscal year, this conference report represents a reduction below the budget request of $3,025,366,000. So it is very obvious that the bill has had a very hard look, that all requests have been looked at, and thoroughly, and with some degree of skepticism in order that we might sift the information as deeply as possible and get to the very basic facts which exist with respect to our defense programs.

So it was because, in my opinion, the House did such a good job on this bill in the first place that the bill was so well received by the other body.

Two tabulations showing the amounts included follow:

DEFENSE APPROPRIATION BILL 1972—SUMMARY OF APPROPRIATIONS

[Amounts in dollars]

Functional title	Appropriation, fiscal year 1971 (new budget obligational authority)	Budget estimate fiscal year 1972 (new budget obligational authority)	Passed House	Passed Senate	Conference Action	Conference action compared with—			
						1971 appropriation	Budget estimate	House	Senate
Title I—Military personnel	22,397,857,000	21,291,969,000	21,021,974,000	21,032,274,000	21,024,574,000	−1,373,283,000	−267,395,000	+2,600,000	−7,700,000
Title II—Retired military personnel	3,391,032,000	3,777,134,000	3,777,134,000	,777,134,000	3,777,134,000	+386,102,000			
Title III—Operation and maintenance	20,121,894,000	20,647,834,000	20,435,481,000	20,212,481,000	20,299,231,000	+177,337,000	−348,603,000	−136,250,000	+86,750,000
Title IV—Procurement	16,029,110,000	19,681,660,000	18,185,292,000	17,688,992,000	17,776,892,000	+1,747,782,000	−1,904,768,000	−408,400,000	+87,900,000
Title V—Research, development, test, and evaluation	7,004,187,250	7,949,362,000	7,511,762,000	7,516,662,000	7,519,062,000	+514,874,750	−430,300,000	+7,300,000	+2,400,000
Title VI—Special foreign currency program	2,621,000	12,300,000	12,000,000	12,000,000	12,000,000	+9,379,000	−300,000		
Title VII—General Provisions (additional transfer authority, sec. 736)	(600,000,000)	(1,000,000,000)	(600,000,000)	(900,000,000)	(750,000,000)	(+150,000,000)	(250,000,000)	(+150,000,000)	(−150,000,000)
Title VIII—Antiballistic missile construction	334,000,000	183,570,000	104,370,000	109,570,000	109,570,000	−224,430,000	−74,000,000	+5,200,000	
Title IX—Aircraft and other equipment for Israel as authorized by by Public Law 91-441				500,000,000					−500,000,000
Combat readiness, South Vietnamese forces	300,000,000					−300,000,000			
Total, Department of Defense	69,580,701,250	73,543,829,000	71,048,013,000	70,849,113,000	70,518,463,000	+937,761,750	−3,025,366,000	−529,550,000	−330,650,000
(Transfer authority)	(900,000,000)	(1,000,000,000)	(600,000,000)	(900,000,000)	(750,000,000)	(+150,000,000)	(−250,000,000)	(+150,000,000)	(−150,000,000)

Functional title	Appropriation, fiscal year 1971 (new budget obligational authority)	Budget estimate fiscal year 1972 (new budget obligational authority)	Passed House	Passed Senate	Conference Action	Conference action compared with— 1971 appropriation	Budget estimate	House	Senate
Distribution by organizational component:									
Army	20,963,596,000	21,429,762,000	20,455,796,000	20,152,030,000	20,211,446,000	−752,150,000	−1,218,316,000	−244,350,000	+59,416,000
Navy	21,031,336,250	23,354,333,000	22,629,095,000	22,390,519,000	22,470,795,000	+1,439,458,750	−883,538,000	−158,300,000	+80,276,000
Air Force	22,101,818,000	23,053,940,000	22,366,770,000	22,207,812,000	22,244,570,000	+142,752,000	−809,370,000	−122,200,000	+36,758,000
Defense Agencies/OSD	1,792,919,000	1,928,660,000	1,819,218,000	1,821,618,000	1,814,518,000	+21,599,000	−114,142,000	−4,700,000	−7,100,000
Retired military personnel	3,391,032,000	3,777,134,000	3,777,134,000	3,777,134,000	3,777,134,000	+386,102,000			
Combat readiness, South Vietnamese forces	300,000,000					−300,000,000			
Title IX—Aircraft and other equipment for Israel as authorized by Public Law 91-441				500,000,000					−500,000,000
Total, Department of Defense	69,580,701,250	73,543,829,000	71,048,013,000	70,849,113,000	70,518,463,000	+937,761,750	−3,025,366,000	−529,550,000	−330,650,000

I would like to compliment the chairman of the Senate Appropriations Committee, the gentleman from Louisiana, Senator ELLENDER. He has been a joy to work with in connection with this important task. He has moved diligently and expeditiously on appropriation bills that have gone to the other body in this session, and I cannot speak too highly of the fine degree of cooperation which has existed between the Senate Committee on Appropriations and the House Committee on Appropriations in regard to this measure.

If I may, I would like to discuss some of the things in the bill that in my opinion will be of interest to you.

AVAILABILITY OF FUNDS

We have provided in the law—as we did last year—that funds appropriated for research and development would revert to the Treasury if not obligated in 2 years. We have provided that for ship procurement, the period of availability would be 5 years, and in other procurement accounts it is 3 years. The Defense Department found it impossible to commit all of these funds within this time frame and we have recovered considerable sums, and we have reappropriated those funds in the pending bill.

When the bill went to the Senate, further information was made available which enabled the Senate to apply other funds which had expired insofar as obligation was concerned, and it enabled them to make reductions of about $350 million through this process.

MILITARY PERSONNEL

The conferees agreed to the appropriation of $21,024,574,000 for military personnel which is $2.6 million more than the House bill and $7.7 million less than the Senate bill. There were three amendments involving military personnel appropriations.

The conference agreement appropriates $7,315,637,000 for military personnel, Army, as proposed by the House. The Senate bill deleted $23.5 million which the House had added to provide for a temporary overstrength in the grade of captain on the basis that these additional funds should be provided by transfer. The conferees agreed to the Senate position. The House bill provided for a reduction of $157.3 million in connection with the 50,000 man-year reduction in Army personnel mandated by Congress in the draft bill. The Senate bill restored $27.7 million of this reduction. The conferees agree to a restoration of $23.5 million rather than the $27.7 million as proposed by the Senate.

The pending bill appropriates $4,558,571,000 for military personnel, Navy, which is $3.5 million more than the House bill and $3.5 million less than the Senate bill. The House bill provided for a reduction of $18 million in connection with the 3,000 man-year reduction in Navy personnel mandated by Congress in the draft bill. The Senate bill restored $7 million of this reduction. The conferees agreed to restore $3.5 million.

A total of $101,716,000 is recommended for Reserve personnel, Air Force, as proposed by the Senate. The House bill provided $900,000 above the budget request for changes in the force structure that have occurred since the budget was submitted to Congress. The Senate bill deleted this increase. The conferees are in agreement that sufficient funds are available within the Reserve personnel, Air Force, appropriation of $101,716,000 to fully fund these changes in force structure.

OPERATION AND MAINTENANCE

For operation and maintenance, the conference agreement on the various items in conference provide total funds for fiscal year 1972 of $20,299,231,000. This amount is $348,603,000 below the budget estimate, $136,250,000 below the House allowance and $86,750,000 above the funds provided by the Senate.

CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES—CHAMPUS

The largest amount of operation and maintenance funds in conference was the $128,700,000 House increase in funding for the Civilian Health and Medical Program of the Uniformed Services—CHAMPUS. The House had provided additional funds for the Army, $53 million; the Navy, $35,700,000; and the Air Force, $40 million. These funds were disallowed by the Senate. Instead of providing new obligational authority, the Senate increased the amount available under the transfer authority granted the Secretary of Defense in section 736 of title VII, general provisions, from $600 million to $900 million and broadened the authority to make available additional sources of funds for transfer within the Department of Defense. The conferees agreed to the Senate reduction and the broadening of the sources of funds available to the Department, but only allowed an increase in the amount available for transfer to $750 million. The conferees believe this sum sufficient to carry out the intent of the Senate on this and other programs.

LEASING OF SEDANS

The House bill included funds for the leasing of sedans for new recruiters for the all-volunteer program. You will recall that the budget proposed that these vehicles would be purchased by the Army and Marine Corps and leased by the Navy and Air Force. The Senate deleted all leasing funds with the instruction that these vehicles be obtained from current inventories of the services.

The conferees agreed to restore the leasing funds provided by the House, except for the Army where $1,500,000 was provided in lieu of the $2,100,000 provided by the House. In providing these funds the conferees agreed that the leasing authority be available only for fiscal year 1972. The conferees are also in agreement that the Department of Defense should make a thorough review of this operation to determine the least costly method of obtaining these sedans in future years.

REFORGER AND CRESTED CAP EXERCISES

Another major operation and maintenance program in conference was the funding of the Reforger and Crested Cap exercises carried out by the Army and the Air Force. The Senate had deleted the funds requested for these exercises. The Department had been advised in the Senate report on the first continuing resolution that funding would be denied for fiscal year 1972. Notwithstanding this directive, the Department went ahead with the exercises and spent the funds requested. The conferees agree with the Senate disallowance, but restored funds to cover the deficiencies created by the Department's expenditure of the amounts involved. The conferees are in agreement that these exercises should not be carried out in fiscal year 1973.

NATIONAL GUARD TECHNICIANS

Public Law 92-119, approved on August 13, 1971, authorized increased National Guard technican strength for fiscal year 1972. The House agreed to provide the additional funds required to employ these technicians; 3,935 for the Army National Guard, and 2,765 for the Air National Guard. The Senate disallowed these funds but the conferees agreed that the $4 million required by the Army Guard and the $11,100,000 required by the Air Guard be restored.

PROCUREMENT

In the procurement appropriations, the conferees agreed to the appropriation of $17,776,892,000, compared with $18,185,292,000 in the House bill and $17,688,992,000 in the Senate bill. Thus, we are under the House bill by $408.4 million and over the Senate bill by $87.9 million.

The House bill had limited the availability of procurement appropriations, while the Senate bill had made these appropriations "available until expended." The conferees agreed with the House position, which made Navy shipbuilding and conversion appropriations available for 5 years and all other procurement appropriations available for 3 years. This agreement settled 13 separate amendments.

There were 18 other procurement amendments which included Senate reductions in new budget obligational authority amounting to $320 million and another amendment involving a $5 million House reduction in Navy shipbuilding and conversion appropriations, all of which the Senate offset by specific transfers of a like amount in old balances available to the Department of Defense. The conferees agreed to the Senate reductions and transfers, thereby disposing of 19 amendments or portions thereof.

In addition to the above $325 million reduction to be offset by transfer of old balances, the House bill contained $360 million in reductions to the procurement appropriations with similar offsetting transfers of old balances. Thus, with the restrictive House language in last year's act limiting the availability of procurement appropriations, we were able to recoup this year $685 million in old balances. By the recoupment of these old balances, plus the use of $158.7 million in excess stock funds, we were able to reduce new budget obligational authority by $843.7 million. Similar reductions and offsetting transfers in the amount of $101.9 million were also realized this year in the research, development, test, and evaluation appropriations which are available for a period of only 2 years.

In Navy shipbuilding, the conferees agreed to include $22.5 million in advance procurement funding for a sixth SSN-688 class nuclear attack submarine, $56.5 million for construction of a new AOR replenishment fleet oiler, and to delete $12.3 million for the conversion of a T-AGS surveying ship. The latter ship conversion was the lowest priority of the three in the view of the Chief of Naval Operations. The House had provided for all three ships, whereas the Senate bill had disallowed the sums for all three vessels.

The conferees agreed to $30.3 million of the $42.1 million Senate reduction in the area of intelligence. The agreement by the conferees included, first, a $15.1 million reduction, instead of $20.1 million as proposed by the Senate, in Army procurement appropriations; second, a $1.2 million reduction, instead of $5 million as proposed by the Senate, in Navy procurement appropriations; third, a $9 million reduction, instead of $12 million as proposed by the Senate, in Air Force procurement appropriations; and fourth, a $5 million reduction in procurement appropriations for the National Security Agency, as proposed by the Senate. As you recall, the House bill contained a total reduction of approximately $163.1 million in procurement appropriations for intelligence and classified projects.

Other decisions by the conferees involved agreements to a $78 million Senate reduction in Army ammunition appropriations, provisions of $5.8 million for Air Air Force A-7D aircraft advance procurement, reduction of $5.8 million of the $24 million Senate restoration of the House disallowance in Air Force aircraft spares and repair parts, and a $10 million Senate restoration of a House reduction in an Air Force procurement, with the limitation that only five of the 10 radars budgeted may be procured in fiscal year 1972, allowing for Air Force testing before significant future procurement of this equipment.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

A total of $7,519,062,000 is provided for research, development, test, and evaluation. The amount agreed to is $7.3 million more than was proposed by the House and $2.4 million more than was proposed by the Senate. The recommended amount is $430.3 million less than the budget request of $7,949,362,000.

The House position was maintained on the termination of the XM-803 main battle tank program. The conference agreement provides only those funds needed to terminate the present XM-803 program and to initiate development of two, new, prototype tanks. The House had provided only $20 million for the new prototype tanks. The Senate had provided $50 million to be used for the XM-803 or the new prototype tanks. The conference agreement provides $40 million, the additional sum above the House amount being for termination costs associated with the XM-803 program.

The House did not agree to the addition by the Senate of $600,000 for food research by the Army. More than $10 million is being spent by the Army in this area, some of it, we think, unnecessarily. We plan to have an investigation into the use of funds for food research. It seems that often the military services feel that they must prove with studies facts which are already generally known in the commercial food industry. It may be that savings can be made in this area.

The House had deleted funds for development of a heavy lift helicopter by the Navy. The Senate restored most of the funds deleted. The conferees agreed to the provision of $2.0 million for this program but insist that the Department of Defense achieve a single heavy lift helicopter for use by all services in all roles. The Department is directed to restructure the Army's heavy lift helicopter design so that it can be used on Navy ships. The Army can reduce its lift requirements, if necessary, in order to make this possible. Then, both the Army and Navy heavy lift helicopters should be developed and tested and, based on test results and cost factors, only one should be chosen for production.

It had been the position of the Department of Defense that a single heavy lift helicopter would be developed for use by all services. After much pressure was applied by the military services, each of which wanted its own program, the Department reversed its position.

This was a mistake and should be rectified. It is utter nonsense to state that with our great technical capabilities, a single heavy lift helicopter adequate for all services cannot be developed. The cost savings which will accrue from one rather than two production lines, one rather than two inventory requirements, and one rather than two training programs are probably in the hundreds of millions of dollars.

The conferees agreed to the appropriation of $21.7 million for the Navy's surface effects ships program instead of the $15.4 million provided by the House and the $27.7 million provided by the Senate. The sum provided will continue the development and testing of the two presently constructed 100-ton surface effects ships, and provide $1.5 million for a test site associated with the testing of the present ships, and $4.8 million for associated technology. No funds are provided for the design or construction of the new, larger surface effects ships proposed by the Navy. Such effort should not proceed until the data is available from the testing of the present ships.

The Senate agreed to the restoration of the $12 million provided by the House for the initiation of prototype development of a new lightweight fighter aircraft and a medium STOL transport aircraft by the Air Force.

The conferees agreed to an appropriation of $9.3 million for the costs of termination of the Defense Special Projects Group. The costs, for the most part, involve the transfer of DSPG programs which are to be continued to the military services.

GENERAL PROVISIONS

The conference agreement includes new language on proficiency flying. The new language permits the Secretary of Defense to prescribe regulations with regard to proficiency flying but provides that only persons who it is anticipated will return to combat assignments will participate in proficiency flying. Both House and Senate provisions exclude students enrolled in a course of instruction of 90 days or more from participating in proficiency flying. Under the conference agreement all rated officers will receive flight pay whether they perform proficiency flying or not.

The House provision permitting the allocation of advertising costs in connection with the International Aeronautical Exposition to be held at Dulles International Airport next May was amended to limit such allocations to $1,250,000.

General transfer authority of $750 million is provided the Secretary of Defense instead of $600 million as proposed by the Senate.

The House provision prohibiting the induction or enlistment of any individual into the military services under a mandatory quota based on mental categories was retained. It is believed that this provision will be helpful in coping with the discipline problems which have plagued the services in recent years.

The Senate provision appropriating $500 million for military credit sales to

Israel was deleted since such sales are funded in the military assistance program under the continuing resolution.

INTELLIGENCE

There has been considerable disenchantment over the handling of intelligence in our Government over a period of years.

I believe we could never expect that the citizens generally or Members of Congress could be completely satisfied with the intelligence operations of the Government. It is a speculative kind of effort in some degree in the first place. There were reductions made in the intelligence effort of about $250 million which we hope will show that we insist on better management in this area.

TRANSFER AUTHORITY

In order to give more flexibility to the Secretary of Defense, in view of the reduction we made below the budget of $3 billion, we give him an increase in transfer authority. In other words, we give him in this bill rather wide authority to utilize funds for special emergency purposes and otherwise to the extent of $750 million. This, we think, will to some extent make more acceptable from the standpoint of the Department of Defense, the sharp cuts that we made.

MILITARY CREDIT SALES TO ISRAEL

The most spectacular thing, perhaps, that the other body did with the bill when it was on the floor of the other body was to add $500 million for military credit sales to Israel. This was passed by a very heavy vote, as a floor amendment to the appropriation bill in the other body.

Aid to Israel, and foreign aid otherwise of this type, has always been carried in the foreign aid appropriation bill and never in the defense appropriation bill. So in the conference the other body receded from its position on the $500 million for military credit sales to Israel and we have provided not to exceed $500 million in the continuing resolution, which we had hoped to bring before the House today and which we certainly hope we will be able to bring before the House tomorrow.

In other words, the Committee on Appropriations is fully aware of the position of the House with respect to military credit sales to Israel and the position of the other body.

The continuing resolution which expired on November 15, and preceding continuing resolutions, which have been in effect since July 1 all provided an annual rate of not to exceed $500 million in military credit sales to Israel. When that resolution was renewed and extended to December 8, it carried, for the 23-day period, an interim rate of $400 million for military credit sales worldwide, but otherwise, the authorized rate for military credit sales to Israel has been $500 million.

So this provision is in the continuing resolution upon which we received a rule yesterday from the Committee on Rules, and when the continuing resolution comes before the House, this $500 million or a provision providing not to exceed $500 million will be included. Some will think it is too high and some will think it is too low. But, except for the brief 23-day period, this has been the ongoing level of these funds available thus far during this fiscal year, nearly half of which will soon be over. Only about $30 million has been obligated. But that is because usually the appropriation bill for foreign assistance comes late in the fiscal year, as it does this year. Therefore, in the negotiations, and so forth, with the nations to which we agreed to sell certain military equipment and provide military assistance otherwise, it takes time to work out the details and it is usually late in the fiscal year before those funds are actually obligated or expended.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Hampshire, an able member of the Subcommittee on Defense Appropriations.

Mr. WYMAN. Mr. Chairman, when will the legislation that covers Israel come before the House?

Mr. MAHON. I assume that it will be before the House tomorrow. We had hoped to get it up today.

Mr. WYMAN. When that resolution comes before the House, there will be funds in it for procurement of F-4 Phantom jets and all those other things?

Mr. MAHON. There will be provision for the sale of aircraft and other military equipment to Israel on an annual basis of $500 million.

Mr. DAVIS of Wisconsin. Mr. Speaker, I was unable to hear what the gentleman from New Hampshire said. Would the gentleman repeat his statement?

Mr. WYMAN. I just asked the Chairman whether, when the resolution is before us, be it tomorrow or tonight, there would be money in that continuing resolution for the jets and other things that Israel is so concerned about.

Mr. MAHON. There will be in the resolution that will be offered not to exceed $500 million on an annual basis.

Mr. WYMAN. And that is the same figure that was before us in the Appropriation Subcommittee in conference.

Mr. MAHON. The $500 million is the same figure that was before the conference.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. We never had that figure or any other figure before us in the original House defense appropriation bill.

Mr. MAHON. The provision referred to was added in the other body and was in conference. The Senate receded. It was never in the bill that was passed by the House.

Mr. DAVIS of Wisconsin. That is correct. We never had that figure or any other figure before us, did we, Mr. Chairman?

Mr. MAHON. You are absolutely correct, insofar as the House version of the bill is concerned.

I do not desire to prolong the discussion because, as I have said, this is very largely the bill which was passed by the House originally.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Thank you, Mr. Chairman. I must take note of the fact that Deputy Secretary of Defense David Packard has resigned. This is a resignation which the Congress should observe with sincere regret. Mr. Packard has been outstanding in his contributions. He has been one of the most valuable members of the Secretariat of Defense that I have seen in action in my time here. The country needs him. I am sorry we are going to lose him.

Mr. MAHON. I would like to join in expressing high commendation of Mr. Packard, Deputy Secretary of Defense. He was dedicated to the job and he performed an outstanding service to the Nation. He demonstrated a deep understanding of military procurement problems, problems involving contracts, and all the various programs associated with defense. It is a distinct loss to the country that he is retiring from his position of Deputy Secretary. I wish he could stay longer, but I can understand his desire to return to private life.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I thank the gentleman. I merely wish to say that David Packard is a man who has made a great contribution to the Defense Department. He is one in whose word we place the greatest credibility, a man who has given of himself at obviously considerable financial sacrifice in order to provide leadership for the industrial base of the Defense Establishment of this country. I just do not know how they are going to replace a man of that kind. I certainly believe that every member of this subcommittee has a genuine feeling of regret because of his leaving us, and yet I think it was through a matter of understanding that he has extended his original commitment to a full year in the Defense Department, and I guess we will have to agree that we cannot ask anything more than what he has already given.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, first let me congratulate the distinguished gentleman from Texas, the chairman of the Subcommittee of the Committee on Appropriations for the outstanding work he has done in bringing this legislation to the floor. In the Senate 70 amendments were added. That meant a great deal of work had to be done in resolving the differences between the positions of the two Houses in the conference. We had the backing of a very strong group of the members of the Appropriations Committee who served on the conference committee and our very able staff.

I am happy to concur in what the distinguished chairman has said about the important and valuable contributions of the Senator from Louisiana (Mr. ELLENDER) chairman of the Committee on Appropriations in the Senate. His efforts certainly have made our work easier in resolving the differences in bringing this bill to the floor.

There are some matters which I think should be clarified, and I request the attention of the distinguished chairman when I ask about two or three items on which there was not full concurrence and and on which the language might be subject to misinterpretation.

For instance, the House eliminated a $2 million item for a heavy lift helicopter program for the Navy. The Senate restored that amount of money. The conferees agreed to the appropriation.

The point I would like to make is that there are two helicopters under consideration, one is the heavy lift helicopter for the Army, and the other is a heavy lift or medium lift helicopter for the Navy. The Navy feels it needs a particular helicopter of a special design that will serve for shipboard use. The Army heavy lift helicopter cannot be used on shipboard. The Navy feels it is essential that it have a helicopter that is suitable for shipboard use.

I would like to establish the fact that the conferees have agreed on the continuing development of two prototypes subject, of course, to competitive procurement, but two prototypes until it is determined what helicopter can best be used for all of the services.

I realize that it is the desire of the conferees that we have one heavy-lift helicopter in order to cut down on the cost of the two production lines, to cut down on the cost of two maintenance lines, and to cut down on the cost of two sets of spare parts that are required for the operation of the helicopters.

Am I correct, Mr. Chairman, in assuming that this legislation permits both helicopters to be developed as prototypes until such time as it has been determined which one helicopter can best be adapted for the use of all the services?

Mr. MAHON. Mr. Speaker, as I understand the conference report, we have agreed that the Army and Navy would proceed on two competitive heavy-lift helicopter development programs, but we have not agreed to go beyond that for the procurement of two helicopters, one for use by the Navy and Marines and a helicopter for use by the Army. The Army will have to revise its heavy-lift helicopter program so that the Army's helicopter is suitable for shipboard use by the Navy and Marine Corps. We hope that it will be possible to develop one such helicopter that will be useful for all three services.

Of course, if it develops that this is utterly impossible, that would be another matter for the Members to consider.

Mr. SIKES. Essentially is the Chairman in agreement with my statement?

Mr. MAHON. I believe so.

Mr. SIKES. Mr. Speaker, may I then point to the matter of the development of a new main battle tank.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. MAHON. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. SIKES. Mr. Speaker, turning to the development of a main battle tank, for 10 years we have been plagued with problems in the development of a new main battle tank. We entered into a joint program with Germany. It did not work out. The Germans are supposed to be among the best tank people in the world, but our experts and theirs could not agree on the type of tank we jointly would use. We still do not have a new main battle tank. All other major powers do. They are proceeding and they are moving ahead of us. Their tank programs are more modern than ours in many important respects.

This bill would provide funds for a termination of the present contract for a main battle tank, as well as funds for the initiation of prototype development of two new tanks, which we hope will meet our requirements and give us modernization without any further delay in a new main battle tank for our Army.

Does the distinguished chairman agree that this bill is intended to insure that there will be within the term of this bill, during fiscal year 1972, two new main battle tank prototypes initiated so that we may get out of the doldrums in the tank program, and that if there is not enough money in this bill, it is expected the Department of Defense will by transfer or otherwise come up with sufficient funds for new prototypes of a main battle tank during fiscal year 1972?

Mr. MAHON. I believe the answer to the gentleman's question is "Yes." We want them to proceed with two new prototypes of a main battle tank.

Mr. SIKES. I appreciate the concurrence of the gentleman on what I believe are two very important matters.

Again I compliment the distinguished chairman and the committee itself on the diligence and hard work it has performed in bringing a very good bill to the floor.

Mr. MAHON. I thank my distinguished colleague, who has made a tremendous contribution to the success in the drafting of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. In connection with the resignation of Mr. Packard, I noted in the newspapers that coincident with his resignation he stated that a billion dollars could be saved by closing bases and other military installations which are not needed in this country. Would the gentleman enlighten us as to why unnecessary bases and installations have not been closed, especially when this could result in a savings of a billion dollars to the taxpayers?

Mr. MAHON. Whether or not a particular base or other defense facility should be closed is a question upon which there are often differences of opinion, as the gentleman well knows. Statements are made from time to time that significant savings could be made by closing various facilities.

If we had a dictatorship, if Government was always run as one might run a business, in a hard-headed, two-fisted way, without full regard to complex defense requirements, local or regional situations, and otherwise, I feel sure there could be considerable streamlining which is not always feasible under our processes of decisionmaking.

I do think there are some facilities that could be closed. Many have been closed over a period of years as the gentleman knows. But how to determine which ones should or should not be closed is not an easy matter for the Department of Defense and the executive branch. That is not the prerogative of the Appropriations Committee. We do not open or close bases. Neither does the Congress. It is basically the responsibility of the executive banch, generally speaking, to make the management and operating decisions.

Mr. GROSS. I take it the gentleman is saying that under the political system under which we operate, it is impossible to save the billion dollars.

Mr. MAHON. This is just a speculative thing. No doubt the Deputy Secretary made the statment, but it is a speculative matter. Everyone is entitled to his own opinion on that kind of subject. It is not a simple matter. There are many considerations involved.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Maryland.

Mr. LONG of Maryland. Would not the gentleman from Iowa be well advised to ask that question in the other body?

Mr. MAHON. Mr. Speaker, how much time do I have remaining?

The SPEAKER. The gentleman has 5 minutes remaining.

Mr. MAHON. Mr. Speaker, I would ask that the gentleman from Ohio use some time.

OVERALL BILL

Mr. MINSHALL. Mr. Speaker and Members of the House, at this hour, 5 minutes after 8, it is rather late in the day to discuss before this body the many ramifications of the Department of Defense appropriation bill.

However, I can say in reflection, looking back on the hours and the days and the months we have spent in hearings, mark-up, report writing, and floor debate in the House and the hours we spent in conference, that I believe we have come up with a very satisfactory bill.

Naturally, a bill of this size is never satisfactory to all of the parties concerned. There are parts of it that I would like to see changed personally, but in view of all of the circumstances I think we have come up with a defense bill that will stand this country well and which this Congress can well be proud of.

COMPLIMENT TO MR. PACKARD

In passing, I think I would be more than remiss if I did not pay tribute to David Packard, who has just announced his retirement, because it has been my privilege to observe Mr. Packard for long hours in our defense hearings.

I have seen only very few men who have come before our subcommittee that were more dedicated to the public service or more sincere in their beliefs than the gentleman from California, Mr. Packard.

I certainly wish him well.

Mr. MAHON. Mr. Speaker, while I was on my feet the gentleman from California (Mr. TALCOTT) was seeking to ask a question. I hope the gentleman will enter into a colloquy with him at this time.

Mr. TALCOTT. Will the gentleman yield?

Mr. MINSHALL. I am glad to yield to the gentleman.

Mr. TALCOTT. I take this time to ask a couple of questions, but first I would like to commend the committee for a fine performance on a very difficult assignment. This bill I believe is quite good.

I would also like to commend Mr. Packard. He is an extraordinary industrialist and patriot. He gave up more than anybody else to serve his country.

PROFICIENCY FLYING

Now I would like to ask a question.

Is there a conference report available so that we can see it?

Mr. MINSHALL. There is one available so that you can see it.

Mr. TALCOTT. I would like to ask about section 715, particularly with regard to proficiency flying.

Mr. MINSHALL. I will be glad to answer any questions that the gentleman has.

Mr. TALCOTT. It appears to me that the proficiency flying has been prohibited. Am I correct?

Mr. MINSHALL. No, it has not been prohibited.

Mr. TALCOTT. Can you tell me what the status is of proficiency flying?

Mr. MINSHALL. I think in the interests of time—and, as I said earlier, the hour is getting late—in regard to proficiency flying, as you are well aware, proficiency flying has been allowed in the military services for some 15 to 20 years, in provisions in the Defense bill similar to section 715. I would like to quote from our own notes on this subject and say that the House revised the language in proficiency flying to allow the rated officer to determine whether he should perform such flying. The House specifically prohibits students assigned to courses of instruction for 90 days or more from performing such flying. The intent of the House, I may say, was to reduce the cost of the proficiency flying. I might say in passing that the cost of proficiency flying amounted to about $100 million in fiscal year 1970 and was budgeted by the services to be a little more for fiscal year 1972.

Mr. TALCOTT. May I ask the gentleman an additional question?

Mr. MINSHALL. Yes.

Mr. TALCOTT. Then, as I understand it, proficiency flying is being prohibited except in a very narrow and limited number of cases and proficiency flying for students is being prohibited for any student enrolled in a course exceeding 90 days?

Mr. MINSHALL. I think I can anticipate some of the gentleman's questions, if you will allow me to continue with my statement.

Mr. TALCOTT. Go ahead, please.

Mr. MINSHALL. The Senate revised the House language to make proficiency flying optional upon determination of the Secretary of the Department concerned and broadened the authority to allow any rated officer to perform proficiency flying, except those assigned to courses of instruction of 90 days or more.

Both the House and Senate allowed the payment of flight pay.

The Department of Defense requested that the conferees adopt and broaden further the Senate language. The Department would like to make it permissive for a service secretary to allow students to perform proficiency flying. The Department made the request at the behest of the Navy, which contends that the prohibition against students flying will, of course, have serious effects.

I understand the gentleman does have some of these Navy schools in his district.

Here is a change we made in section 715. I will read it.

> No part of the appropriations in this act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purposes of proficency flying as defined in DOD Directive 1340.4 except in accordance with regulations prescribed by the Secretary of Defense.
>
> Such regulations: First, may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and second, such flying may not be permitted in cases of members who have been assigned to a course of instruction of 90 days or more. When any rated member is assigned to duties, the performance of which does not require the maintenance of basic flying skills, all such members, while so assigned, are entitled to flight pay prescribed under section 301 of title 37, United States Code, if otherwise entitled to flight pay at the time of such assignment.

The new language would allow the Secretary of Defense to prescribe regulations and conditions under which this flying can be performed. However, proficiency flying would be excluded for students and those rated officers who will not in the future be assigned to combat operations.

All rated officers will still receive flight pay.

In other words, the change that we made does prohibit students who are assigned to schools for 90 days or more from performing proficiency flying. We feel that these restrictions save upwards of $30 million to $40 million a year.

Mr. TALCOTT. I thank the gentleman. I am in favor of anything that can save $30 million to $40 million a year. However, I am concerned, and I think the committee shall be concerned, and that the Navy should be concerned about this area of proficiency flying.

I think almost any aviator in the Navy, Air Force, or commercial flying feels that an aviator should have proficiency flying. I believe that every active commissioned officer who is in postgraduate work is interested in having their students continue proficiency flying. The students who are now in proficiency flying are some of the brightest, most talented, and most experienced officers which we have in the Navy. They are upward bound Navy officers.

They are going to be running the Navy within a period of a few years. The Navy tells me that this proficiency flying is very necessary and if not continued it would very seriously affect the efficiency of our Navy. So, I think the committee is making a mistake by prohibiting proficiency flying by students who have been assigned to a course of instruction of 90 days or more.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I concur in the concern that has been expressed by the gentleman from California (Mr. TALCOTT) with reference to proficiency flying for postgraduate students in the Navy. I think a mistake is being made by eliminating that type of proficiency flying. The Navy has particular problems that are not shared by the other Services. Their students must know how to operate ships as well as aircraft. They have a more difficult and complicated task. However, the House language would not permit proficiency flying for postgraduate students. The Senate did not see fit to change the House action and, consequently, there was nothing in conference on which a change could be based.

I feel that a mistake has probably been made and it will take time to determine its full impact. We will have to keep an open mind and, if necessary, at a later date correct the action that is now being taken.

Mr. TALCOTT. I appreciate the remarks of the gentleman from Florida.

Mr. WYMAN. Mr. Speaker, if the gentleman will yield, I have just one question, if I may. May I ask the gentleman from Ohio or the chairman just this question: If the Navy assigns its students for training for a period of 89 days, nothing in the prohibition contained in the conference report which is now before us will prohibit proficiency flying for them, will it?

Mr. MAHON. I would hope that the Navy would not resort to such subterfuge.

Mr. WYMAN. I understand that, and I understand it should not, but in any instance where training is needed to ready a person for potential combat, that the ruling is essential, but I want to make clear that if it is absolutely essential under the language that is now before us they will be able to have our pilots do proficiency flying.

Mr. MINSHALL. I would advise the gentleman that the language provides that proficiency flying is only permitted for those rated officers who it is determined will in the future be assigned to combat operations, but under no circumstances can a rated officer who is assigned to a course of instruction of 90 days or more perform such flying.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report on the Defense appropriation bill for 1972.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, I shall have to vote against this massive defense appropriation conference report; if only for the reasons so ably stated by Deputy Secretary of Defense, David Packard, in his farewell press conference. Secretary Packard came right out and said what many people in the Nation suspect: That political pressure against closing unnecessary military bases costs the taxpayers $1 billion a year or more.

If political pressure costs $1 billion a year or more, I wonder how much economic pressure costs in addition? The pressure of powerful entrenched industrial and financial interests can be more severe at times than political pressure, and frequently economic and political pressure are indistinguishable. The taxpayer then pays through the nose.

I was very interested in the remarks of the able chairman of the Committee on Appropriations concerning the charges by Secretary Packard. Both the chairman and other members of the Appropriations Committee gave justifiable praise to Secretary Packard for his leadership in the Department of Defense. Reference was made to the fact that in a democracy we must live with certain inefficiencies which do not exist in a dictatorship, where presumably less money would be wasted because a dictatorship would have the power to resist political pressures of the type Secretary Packard mentions. As a matter of fact, dictatorships are far from efficient in the manner their unchecked expenditure of unnecessary money takes place, and one only has to persue such books as Albert Speer's memoirs to discover the vast number of useless expenditure which Hilter's Germany undertook.

In a democracy, in our Government of checks and balances, I contend that there should be and must be a greater level of efficiency in the expenditure of public funds. The taxpayers cannot condone the waste of over $1 billion by passing it off as one of the necessary evils of democracy.

Mr. RYAN. Mr. Speaker, the conference report on H.R. 11731, the Department of Defense appropriations bill for fiscal year 1972, which provides $70.5 billion overall, underwrites the war in Vietnam. Once again this year, the administration's budget estimate does not break down how much of this massive amount is allocated for the continuing war in Vietnam. This bit of bookkeeping obfuscation is not for the purpose of deceiving the North Vietnamese, who are well aware of our presence in Southeast Asia. Rather this obscuration is directed at the citizens of this country, to prevent them from really seeing how much is spent on this "winding down" war. However, based on available estimates it is fair to say that something on the order of $12 billion is being spent in fiscal 1972 to finance the war in Vietnam. The President's policy of prolonging the war at agonizingly lower levels is not acceptable. Therefore, I intend to vote against this military appropriations conference report, as I voted against the bill which passed the House on November 17.

For the seventh consecutive year since Congress was asked to appropriate money for the war in Vietnam, I again point out that, by exercising its power of the purse, Congress can end the war. It can change the administration's Vietnam war policy by refusing to finance that tragic war.

Since the first supplemental appropriations bill for the war in Vietnam was before the House on May 5, 1965, I have voted against funding it. It is no more supportable today, December 14, 1971, than it has been in the past.

Frequent commentary by the political pundits has centered recently on the point that the President has "defused" the war as a political issue. This is argued particularly in view of the President's announced visit to mainland China. However, men are still fighting and dying in Vietnam, while we wait upon the President's tragic timetable. And the catalog of slain civilians, destroyed villages, ravaged fields, and disrupted cultures expands.

The military appropriations conference report for fiscal year 1972 provides about $1 billion more than last year's appropriation. That is about one-third of the total Federal budget.

Inordinate military spending deprives vital domestic programs of desperately needed funds. Unbreathable air, undrinkable water, festering cities with inadequate housing, inadequate transportation, and inadequate sanitation systems—all are the byproducts of our disordered priorities.

This conference report sustains a national budget which is completely at variance with the real needs of our people. It is time to reorder our priorities—not perpetuate the imbalance as this bill does. I urge that the conference report be rejected.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. TEAGUE of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 15, 1971, at 11 o'clock a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS of Arkansas: Committee of conference. Conference report on H.R. 10604. (Rept. No. 92–747). Ordered to be printed.

Mr. MILLER of California: Committee on Science and Astronautics. Report for the benefit of mankind. (Rept. No. 92–748). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee of conference. Conference report on H.R. 6065. (Rept. No. 92–749). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. House Joint Resolution 958. Joint resolution to amend the Sugar Act of 1948, as amended (Rept. No. 92–750). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities (Rept. No. 92–751). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee of conference. Conference report on S. 382. (Rept. No. 92–752). Ordered to be printed.

Mr. PATMAN: Further committee of conference. Conference report on S. 2891. With amendment (Rept. No. 92–753). Ordered to be printed.

Mr. MAHON: Committee of conference. Conference report on H.R. 11731. (Rept. No. 92–754). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas (for himself and Mr. Byrnes of Wisconsin):

H.R. 12272. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mrs. ABZUG:

H.R. 12273. A bill to amend the Fair Packaging and Labeling Act to provide that the commodity label required by that act must disclose the manufacturer's name and place of business, and packer's name and place of business if different from the manufacturer; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.R. 12274. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits shall continue through the month of his death; to the Committee on Ways and Means.

By Mr. BIESTER:

H.R. 12275. A bill to discourage the use of leghold or steel-jaw traps on animals in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN (for himself and Mr. Steiger of Arizona):

H.R. 12276. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. CARNEY:

H.R. 12277. A bill to provide a $1,500 bonus for certain veterans; to the Committee on Veterans' Affairs.

By Mr. CHAMBERLAIN:

H.R. 12278. A bill to amend the Gun Control Act of 1968 to require each State to grant reciprocity to the police officers of other States with respect to the carrying of concealed weapons; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 12279. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. ERLENBORN:

H.R. 12280. A bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes; to the Committee on Education and Labor.

By Mr. FINDLEY (for himself, Mr. Aspin, Mrs. Chisholm, Mr. McKevitt, Mr. Rangel, and Mr. Scherle):

H.R. 12281. A bill to allow a credit against Federal income taxes or payments from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 12282. A bill to amend the Service Contract Act of 1965 to revise the method of computing wage rates under that act; to the Committee on Education and Labor.

By Mr. HAGAN:

H.R. 12283. A bill to provide for the conveyance of certain real property of the United States to the State of Georgia; to the Committee on Agriculture.

By Mr. HATHAWAY:

H.R. 12284. A bill to prohibit the alteration of odometers with intent to defraud purchasers of motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 12285. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. Monagan, Mr. Sandman, Mr. Robinson of Virginia, Mr. Pirnie, Mr. Abbitt, Mr. Pepper, Mr. Haley, Mr. Bennett, Mr. Hanley, Mr. Anderson of Tennessee, Mr. Clark, Mr. Mann, Mr. Frenzel, and Mr. Aspin):

H.R. 12286. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MICHEL:

H.R. 12287. A bill to permit certain expenditures of the city of Peoria, Ill., to be deemed part of the gross project cost of an urban renewal project; to the Committee on Banking and Currency.

By Mr. MINISH (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Burke of Massachusetts, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Dent, Mr. Gallagher, Mrs. Grasso, Mr. Helstoski, Mr. Howard, Mr. Koch, Mr. Matsunaga, Mr. Rangel, Mr. Rees, Mr. Rodino, and Mr. Ryan):

H.R. 12288. A bill to establish the Federal Food Safety Administration to assure the safety of food and its nutritional quality and conformity to accepted standards, and to control its packaging and labeling; to the Committee on Government Operations.

By Mr. PUCINSKI:

H.R. 12289. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes; to the Committee on Agriculture.

By Mr. QUIE:

H.R. 12290. A bill to provide a civil penalty for persons owning any vehicles which are on Federal recreational properties without having any litterbags; to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H.R. 12291. A bill to authorize the President of the United States to propose or agree to a change in the par value of the U.S. dollar; to the Committee on Banking and Currency.

By Mr. SAYLOR (for himself, Mr. Vigorito, Mr. Morgan, Mr. Clark, Mr. Dent, Mr. Moorhead, Mr. Gaydos, and Mr. Heinz):

H.R. 12292. A bill authorizing the conveyance of certain lands to the Carnegie-Mellon University, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEIGER of Wisconsin (for himself, Mr. Brown of Ohio, Mr. Biester, Mr. Coughlin, Mr. Frey, Mr. Frenzel, and Mr. Railsback):

H.R. 12293. A bill to transfer the Teacher Corps to Action; to the Committee on Education and Labor.

By Mr. STRATTON:

H.R. 12294. A bill to amend the Internal revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. STRATTON (for himself, Mr. Lennon, Mr. Burke of Florida, Mr. Bevill, Mr. Mazzoli, Mr. Hosmer, and Mr. Byrne of Pennsylvania):

H.R. 12295. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the committee on Ways and Means.

By Mr. THONE:

H.R. 12296. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia (for himself and Mr. Kuykendall):

H.R. 12297. A bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road; to the Committee on the District of Columbia.

By Mr. CRANE:

H.R. 12298. A bill to amend the Economic Stabilization Act of 1971; to the Committee on Banking and Currency.

By Mr. DANIELS of New Jersey:

H.R. 12299. A bill to amend the Urban Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 12300. A bill to establish a National Transportation Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 12301. A bill to establish a District of Columbia Urban Development Corporation; to the Committee on the District of Columbia.

By Mr. GERALD R. FORD (for himself, Mr. Betts, and Mr. Edwards of Alabama):

H.R. 12302. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 12303. A bill to provide the Secretary of Health, Education, and Welfare with the authority to regulate the interstate shipment and sale of pet turtles; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON (for himself, Mr. Aspin, Mr. Rees, Mr. Fulton of Tennessee, Mr. Rosenthal, Mr. Halpern, Mr. Helstoski, Mr. Boland, Mr. Wolff, Mr. Mikva, Mr. Frey, Mr. Seiberling, Mr. Stokes, Mr. Hanna, Mr. Hechler of West Virginia, Mr. Fraser, Mr. Eilberg, Mrs. Grasso, Mr. Denholm, Mr. Bingham, Mr. Keith, Mrs. Chisholm, Mr. Abourezk, and Mr. Gibbons):

H.R. 12304. A bill to provide a program of pollution control in the river basins and waterways of the United States through comprehensive planning and financial assistance to local governments and regional water basin management associations for the construction of waste treatment facilities; to the Committee on Public Works.

By Mr. HORTON:

H.R. 12305. A bill to establish a joint Committee on National Security; to the Committee on Rules.

By Mr. LENT (for himself and Mr. Garmatz):

H.R. 12306. A bill to amend the Outer Continental Shelf Lands Act, to establish a national marine mineral resources trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McCLORY:

H.R. 12307. A bill to establish a program for the United States to convert to the metric system; to the Committee on Science and Astronautics.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 12308. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 12309. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out, or when game times differ; to the Committee on the Judiciary.

By Mr. ROY:

H.R. 12310. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 12311. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees; to the Committee on Post Office and Civil Service.

H.R. 12312. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12313. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12314. A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail to the President or Vice President of the United States or to Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12315. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 12316. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 12317. A bill to authorize the Secretary of Agriculture to cooperate with the governments of Central and South America in order to control outbreaks of certain insect pests when necessary to protect the agriculture of the United States; to the Committee on Agriculture.

By Mr. BIAGGI (for himself, Mrs. Hicks of Massachusetts, Mr. Helstoski, Mrs. Green of Oregon, Mr. Nix, Mr. Mitchell, Mr. Stokes, Mr. St Germain, Mr. Harrington, Mr. Badillo, Mr. Forsythe, Mr. Conyers, Mr. Edwards of California, Mr. Dellums, Mr. Morse, Mr. Matsunaga, Mr. Rees, Mr. Metcalfe, Mr. Fauntroy, Mr. Diggs, and Mr. Clay):

H.R. 12318. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. BEVILL, Mr. HOSMER, Mr. BRAY, Mr. PODELL, Mr. BEGICH, and Mr. METCALFE):

H.R. 12319. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. DRINAN (for himself and Mr. ROE):

H.J. Res. 1011. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.J. Res. 1012. Joint resolution to authorize and request the President to issue a proclamation designating the period from April 23, 1972, through April 29, 1972, as "National Textile Week"; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.J. Res. 1013. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. HAMILTON:

H. Con. Res. 489. Concurrent resolution requesting the President to proclaim the week of March 20–26, 1972, as "American Football and Basketball Coaches Week"; to the Committee on the Judiciary.

By Mr. HOGAN:

H. Con. Res. 490. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mrs. DWYER (for herself, Mr. PRICE of Illinois, Mr. COUGHLIN, Mr. HORTON, and Mr. MORSE):

H. Res. 746. Resolution calling for a U.S.-initiated effort to achieve a holiday ceasefire leading to meaningful negotiations and a permanent end of hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself and Mr. YOUNG of Florida):

H. Res. 747. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPELL:

H.R. 12320. A bill for the relief of Ramona Castro Flores Vda. de Guzman; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 12321. A bill to permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS (by request):

H.R. 12322. A bill for the relief of Lt. Col. Roger M. Reynolds, U.S. Air Force Reserve (retired); to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 12323. A bill for the relief of Jose Villanueva Juachon and Mary Lou, Jose, Romulo, Rey, and Ruth Juachon; to the Committee on the Judiciary.

By Mr. STEPHENS:

H. Res. 748. Resolution for the relief of William H. Spratling; to the Committee on the Judiciary.

By Mr. BADILLO:

H. Con. Res. 491. Concurrent resolution relating to the status of Sylva Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. BRASCO:

H. Con. Res. 492. Concurrent resolution relating to the status of Sylva Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

SENATE—*Tuesday, December 14, 1971*

The Senate met at 12 meridian and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who at creation caused the light to shine out of darkness, illuminate our minds this holy season that we may be star led to Bethlehem to behold again the divine entering human life. Enable us to make room for Him in our common days that we may live at peace with one another and in good will with all Thy family.

"O come to us, Abide with us.
Our Lord Emmanuel."

Amen.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes;

H.R. 8856. An act to authorize an additional Assistant Secretary of Defense; and

S.J. Res. 176. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 13, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

The PRESIDENT. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 10367, THE ALASKAN NATIVE CLAIMS—CONFERENCE REPORT

Mr. SCOTT. Mr. President, under the unanimous-consent request entered into yesterday on the Alaskan Native Claims conference report, time on this side is under the control of the minority leader or his designee. At this time, I designate the distinguished Senator from Alaska (Mr. STEVENS) as in control of the time on this side.

Mr. MANSFIELD. Mr. President, I extend to the distinguished Senator from Nevada (Mr. BIBLE) control of the time on our side of the aisle.

EXTENSION OF DATE FOR TRANSMISSION TO CONGRESS OF THE PRESIDENT'S ECONOMIC REPORT

Mr. SCOTT. Mr. President, I send to the desk a joint resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 183) was read the first time by title, and the second time at length, as follows:

S.J. RES. 183

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 3 of the Employment Act of 1946, as amended (15 U.S.C. 1022), the President shall transmit the Economic Report required under that section not later than February 15, 1972.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 183) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

DATE FOR FILING OF JOINT ECONOMIC COMMITTEE'S REPORT ON PRESIDENT'S ECONOMIC REPORT

Mr. MANSFIELD. Mr. President, I send to the desk a joint resolution on behalf of the distinguished Senator from Wisconsin (Mr. PROXMIRE) and ask for its immediate consideration.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 184) was read the first time by title, and the second time at length, as follows:

S.J. Res. 184

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 15, 1972, the Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 10, 1972.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 184) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

The PRESIDENT pro tempore. The Senator from Ohio is recognized.

(The remarks of Mr. Taft when he introduced S. 3011 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

DOLLAR DEVALUATION WELCOME CONTRIBUTION TO BREAKING CURRENCY IMPASSE

Mr. PROXMIRE. Mr. President, the joint statement today by Presidents Pompidou and Nixon indicating the dollar will be devalued as the U.S. contribution to resolving the international monetary impasse is most welcome news. The United States precipitated the existing monetary crisis by the President's decision on August 15 to suspend convertibility of dollars into gold and allow the dollar to float in exchange markets. I welcomed this initiative and believed it was appropriate and necessary, in the face of the balance-of-payments problems the United States was confronting.

Since September the members of the European Economic Community have been requesting that the United States devalue the dollar as our contribution to a general realinement of exchange rates among industrial nations. Such a realinement is absolutely essential for eliminating the persistent balance-of-payments deficits and surpluses that have plagued the international monetary system and that this year ballooned to intolerable proportions.

Here is why the realinement of exchange rates that is now apparently scheduled to occur as a result of dollar devaluation by the United States and upward revaluations of other countries will be highly beneficial from our point of view. Increases in the prices of imports will discourage purchases of unnecessary luxuries, and lower prices in international markets for U.S. goods will stimulate our exports. Thus, on both sides of the trade balance, jobs will be created for Americans. In addition, a cheaper dollar in terms of other currencies will encourage foreigners to travel to the United States. The currency realinement will make it more expensive for U.S. firms to establish subsidiaries abroad. Simultaneously, the cost of stocks and bonds sold in the United States and the cost of establishing manufacturing subsidiaries in this country will be reduced for foreigners. Following an acceptable currency realinement, we may expect a boom of foreign investment in the United States.

The dollar devaluation will be far too modest to benefit speculators. The official price of gold will undoubtedly be raised no more than 10 percent, or from $35 to $38.50 per ounce. Since August gold has been selling in foreign markets at $42 and $43 per ounce. Thus the official value will remain far below the private price. Moreover, official and private gold markets will remain segregated. Private individuals will have no opportunity to profit from selling gold to official institutions at higher prices.

The modest rise in the prices of imports that will result from the currency realinement can hardly contribute significantly to inflation in the United States. Imports constitute only about 4 percent of the total amount of goods and services purchased in the United States. Instead of straining our resources, the stimulus to employment in the United States resulting from a fall in the exchange value of the dollar will provide a small much-needed boost in helping to put our workers back on the job.

The terms of the agreement which will include dollar devaluation have not yet been announced. The Bretton Woods Agreements Act of 1945 states that the Congress and only the Congress can authorize a change in the official gold parity of the U.S. dollar. I am confident that if the terms are reasonable and equitable, the Congress will present no obstacle to getting the international monetary system back on the rails.

Mr. JAVITS. Mr. President, I heard with great interest the remarks of the Senator from Wisconsin (Mr. Proxmire) concerning the subject I had in mind speaking on, and especially the last words to the effect that he felt that Congress would respond to the administration request for a change in the price of gold.

This is of critical importance in view of this morning's announcement by President Nixon and President Pompidou, of France, which country has been the major stumbling block in reaching agreement toward the realinement of currencies. A satisfactory realinement hinges upon a devaluation of the dollar since this has been made the condition of France, in common with Germany, Japan, and other countries, revaluing their currencies.

That change must not only include currency adjustments, but also assurances that there will be effective trade negotiations and negotiations on a sharing of the defense burden.

It will be critically important if the current negotiations also can successfully lay the groundwork for a new international monetary system based not on gold or on the dollar as the international reserve currency and which alleviates the serious U.S. balance-of-payments deficit position which is so detrimental to our and the world economy. If this can be done the world will be on the threshold of 30 years in which there is a reasonable hope for a tremendous swing toward peace and economic prosperity.

This is of critical importance not only of us, but also to nations who will literally survive or not survive in terms of this feat being accomplished.

It was for this purpose that nearly a month ago I entered into an agreement with Representative Reuss, whereby he and I introduced identical bills to grant authority to the President to change the value of the dollar in terms of gold up to 10 percent.

The effect of my present amendment to this bill is that its wording has been broadened to encompass necessary adjustments which must be made on trade and defense and burden-sharing matters which is the nature of the words used by the two leaders in making their announcement. I also note that almost daily our major trading partners are announcing steps in these areas toward the end of alleviating the U.S. balance-of-payments crises that has been of such concern to the world.

For that reason, I send the amendment to my bill S. 2879 to effectuate this purpose.

I thoroughly agree with the Senator from Wisconsin that if this interim package can be wrapped up in this session, Congress has every reason to look at it favorably and to give the President this authority, although it could be done on perhaps an interim basis, through the Board of the International Monetary Fund. However, the President should, and I am confident will, come to Congress for the ultimate authority pursuant to the wording of the Bretton Woods Act of July 31, 1945.

A phase I interim settlement looking toward phase II long-term negotiations could open the door to an unmatched balance of economic stability in the world which could lead to greater hope for peace than we have seen since the end of World War II.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

(The remarks of Mr. Curtis when he introduced S. 3012 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

AMENDMENTS NEEDED TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. CURTIS. Mr. President, last year Congress passed a bill known as the Occupational Safety and Health Act of 1970, which reaffirmed this Nation's commitment to the cause of employees' safety.

From the brief experience we have had with it we have learned that the act in some respects is harsh and unwise. The regulations also appear to go beyond the law. Many of us supported Mr. DOMINICK's substitute but we were outnumbered.

It is my understanding that many Senators and House Members have received mail indicating serious operational problems and potential injustices because the law paints with too wide a brush and delegates too much which is general authority.

One businessman, who happened to have had the opportunity to see the Federal Register for May 29, 1971, concluded that it would take him more than 2 weeks to simply read the proposed regulations issued by the Secretary of Labor pursuant to this act.

A small roofing company in Nebraska has served notice on home builders that the company no longer can do work for them on a subcontracting basis, because of the cost of scaffolding required by the new law and regulations.

Some of the requirements concerning the type restroom facilities for real small businesses are unrealistic and call for expensive changes.

A heavy contractor told me that his company was ordered to place a safety device on a crane that would make it difficult if not impossible for the crane operator to see part of the terrain, including other workmen located in the area of the crane.

A load moment device for cranes—a computer that tells how much a load weighs and when the crane is going to tip over—will cost one small construction company in Nebraska $120,000 to install on its equipment. Yet I am told that the base of the machine is still the controlling factor, and the device does not take this into consideration.

Roll bars are being required not just on new tractors, but to be installed retroactively on used equipment. The construction industry has estimated that retroactive installation will cost the industry $1,200 million on equipment older than 1969 because the framework on pre-1969 tractors is not strong enough and thus must be strengthened to hold the roll bars that have to be added. I understand further that any farmer who employs one person or more will have to install roll bars on his tractors under the regulations.

Can anyone, seriously and fairly, contend that to obligate small and even medium-sized businesses to comply with such extensive regulations is reasonable? I question whether it is reasonable to require the operator of a small business to even read such volume. There is every reason to believe that too ambitious a program, too unreasonable a program, will cause the objective of occupational safety and health to be lost in regulations too numerous to be remembered, too unreal to be observed, and too broad to be fairly applied to so many different business concerns.

The sheer volume of the regulations is not the only problem. It seems that from reports all over the country we are coming to realize that blanket authority delegated can be, and often is, implemented in a manner not at all within the contemplation of Congress. I make reference to the Federal Register, volume 36, No. 105, dated May 29, 1971, in which the employer is required, among other things, to keep a coathanger in the lavatory and to provide a seat for the facility which is made of nonabsorbent material. Now, really! Is this what the Congress meant, by occupational safety and health? I point this out by way of illustrating that, first, much of the sheer volume is absurd on its face, and second, requirements of the nature that coathangers be always maintained in water closets are frivolous and without merit, but a business is required to treat these regulations with seriousness and to attempt compliance. The presence of such things in proposed regulations binding on all businesses should indicate to the Congress that perhaps we ought to take another look at the legislation which authorizes such nonsense, with a view toward tightening up its scope and delegation.

Another example is the requirement, applicable to all in the building trades—builders of skyscrapers as well as of single-family residences—that window openings in certain circumstances be protected by railings, and any roof more than 10 feet above the ground and being constructed at a slope of a pitch greater than three-twelfths must be backed up by elaborate scaffolding, safety nets, and/or worker lifelines. Mr. President, there may be nothing per se wrong with each of these protective practices in certain circumstances. But surely we are asking a bit too much of every house builder to construct scaffolding. Not only is it calculated that these requirements, as presently proposed, will add approximately $1,500 to the construction cost of the average residence, but we might ask what unreasonable and senseless regulations will be proposed to protect during the construction of the scaffolding?

Mr. President, the point is that if the Secretary of Labor, or his delegate, is attempting to remove all risk from all jobs as he presently views the risk factor, the Government will be forcing business and labor to undertake unwarranted activities which may in fact be more dangerous than that which the protective measures are calculated to cure. Such is the case with certain window railings and backrailings, which one small contractor pointed out to me was significantly more dangerous to construct than the basic job itself. Mr. President, there is serious question whether government, in such a diverse economy as America's, can account for the multiplicity of circumstances and reasonably and effectively provide for them, when it accepts the burden of being the omnipresent regulator.

The legislation fails to distinguish between big business and small and between hazardous occupations and nonhazardous. There is a failure to take into account the varying nature of businesses. The giant corporation and the small contractor cannot be subjected to this legislation in the same manner. This is exactly what we are trying to do because Congress failed to provide for a jurisdictional minimum. A small contractor in my State, who regularly employs three others in addition to himself, is held to the same construction industry regulations as the contractor whose business is skyscrapers. He is required to keep the same records. In fact, what he is required to do will most probably put him out of business.

Mr. President, the Federal officials are harassing small merchants, shopkeepers, beauty operators, printers, appliance dealers, repairmen, and other small businessmen, because the law and the regulations are too broad and unreasonable. Some small businesses cannot afford to make the changes required of them and may be compelled to close. This law is so broad that one dissatisfied person can cause a business to close. The Congress must take another look at the act and revise it so that it most truly deals with the real hazards to health and safety and less with nonessentials.

In the meantime, I expect to offer some needed amendments, particularly in reference to small businesses.

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, I seek recognition on an additional subject.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I seek recognition.

The PRESIDENT pro tempore. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, I yield my time to the Senator from Nebraska.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. DOMINICK. Mr. President, will the Senator from Nebraska yield to me so that I may ask a question?

Mr. CURTIS. I have no time.

Mr. DOMINICK. On my time.

Mr. CURTIS. I yield.

Mr. DOMINICK. Do I understand that the bill the Senator has introduced today would exempt certain classifications of business from the Occupational Health and Safety Act?

Mr. CURTIS. I have not introduced the bill today. I intend to do so. I had so informed the distinguished Senator from Colorado. I am doing some more work on the proposal or proposals that I expect to introduce. I feel this is so serious I wanted to stimulate some interest in the matter to the end that we might be able to accomplish something in this area.

Mr. DOMINICK. I thank the Senator from Nebraska for bringing this up. I think it is extraordinarily important and very pertinent to the problems we have, and I certainly want to associate myself with the remarks the Senator made in his very good talk

Mr. CURTIS. I thank the Senator very much.

Mr. DOMINICK. I hope I can work with him on any legislation he may develop along these lines.

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Overseas Private Investment Corporation

A letter from the President, Overseas Private Investment Corporation, Washington, D.C., transmitting, pursuant to law, a report of that Corporation, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Foreign Relations.

Proposed Transfer of the Teacher Corps to Action

A letter from the Associate Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to transfer the Teacher Corps to Action (with an accompanying paper); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A letter, in the nature of a petition, relating to the registration and licensing of weapons; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, for Mr. Magnuson, from the Committee on Commerce, without amendment:

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs (Rept. No. 92–583).

By Mr. STEVENS, for Mr. Magnuson, from the Committee on Commerce, with an amendment:

S. 2191. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect U.S. fish resources (Rept. No. 92–582).

ENROLLED BILL SIGNED

The PRESIDENT pro tempore signed the enrolled bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—CONFERENCE REPORT (S. REPT. NO. 92–580)

Mr. PASTORE, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, submitted a report thereon, which was ordered to be printed.

ALASKA NATIVE CLAIMS SETTLEMENT ACT—CONFERENCE REPORT (S. REPT. NO. 92–581)

Mr. BIBLE, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes, submitted a report thereon, which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TAFT:

S. 3011. A bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States, and for other purposes. Referred to the Committee on the Judiciary, by unanimous-consent order.

By Mr. CURTIS (for himself, Mr. Bennett, Mr. Fannin, Mr. Hansen, Mr. Jordan of Idaho, Mr. Scott, and Mr. Dominick):

S. 3012. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 3013. A bill for the relief of John Robert Davies. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 3014. A bill to transfer the Teacher Corps to Action. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself and Mr. Proxmire):

S. 3015. A bill to provide a temporary district judgeship for the U.S. District Court for the Western District of Wisconsin. Referred to the Committee on the Judiciary.

By Mr. INOUYE (by request):

S. 3016. A bill to amend section 101(13) of the Federal Aviation Act by establishing certain conditions under which a corporation organized under the laws of the United States or of any State, territory, or possession of the United States may qualify as a U.S. citizen and for other purposes. Referred to the Committee on Commerce.

By Mr. STEVENS:

S. 3017. A bill to amend section 5303(a) of title 5, United States Code, to authorize higher minimum pay rates for certain additional Federal positions. Referred to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

S. 3018. A bill to amend title II of the Social Security Act to permit, in certain cases, a woman who in good faith has gone through a marriage ceremony with an individual, to be considered the widow of such individual even though, because of a legal impediment, such woman is not legally married to such individual. Referred to the Committee on Finance.

By Mr. LONG:

S. 3019. A bill to amend title XV of the Social Security Act so as to include therein certain provisions designed to prevent parents of children, who are receiving aid under State plans approved under such title, from evading their financial and other parental responsibilities toward such children, and for other purposes. Referred to the Committee on Finance.

By Mr. METCALF:

S. 3020. A bill for the relief of Johng Un Kim. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. Bentsen):

S. 3021. A bill to amend section 2031(b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students. Referred to the Committee on Armed Services.

By Mr. BAYH (for himself and Mr. Cranston):

S. 3022. A bill to provide for the issuance of $2 bills bearing the portrait of Susan B. Anthony. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JAVITS:

S. 3023. A bill to amend the Public Health Service Act so as to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. Dominick, Mr. Schweiker, Mr. Taft, and Mr. Beall) (by request):

S. 3024. A bill to amend the Welfare and Pension Plans Disclosure Act. Referred to the Committee on Labor and Public Welfare.

By Mr. SCOTT:

S.J. Res. 183. Joint resolution extending the date for transmission to the Congress of the President's economic report. Considered and passed.

By Mr. MANSFIELD (for Mr. Proxmire):

S.J. Res. 184. Joint resolution extending the dates for transmission of the economic report and the report of the Joint Economic Committee. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT:

S. 3011. A bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States, and for other purposes. Referred to the Committee on the Judiciary, by unanimous consent order.

Mr. TAFT. Mr. President, I introduce a bill which relates to the matter of providing amnesty for draft resisters within this country and outside, on condition that they undertake 3 years of service in the Armed Forces, or in the alternative, other Government service under regulations prescribed by the Attorney General and various other Federal agencies.

Mr. President, we have consulted with the Parliamentarian and there is some question about the appropriate reference of this bill. I have consulted with the chairman of the Armed Services Committee and I am about to make a request with regard to referral of the bill. The distinguished chairman has indicated that he can preserve his rights in this connection, which, of course, he certainly may do, and I shall make the request I am about to make without prejudice to his right to ask for later referral of the bill to the Committee on Armed Services after the initial referral.

I, therefore, ask unanimous consent that the bill which I send to the desk, dealing with amnesty for draft resisters, be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TAFT. Mr. President, at the present time, more than 500 draft registers are now in our Federal jails and it is estimated that almost 70,000 young Americans are living as exiles in Canada and other nations, because they sought to avoid participating in the war in Southeast Asia.

Many of these draft resisters are victims of bad judgment of poor advice. Others have acted out of deep and conscientious objections to the course which our country followed as we became involved in the Vietnam conflict.

One of my constituents, Dr. J. Z. Scott of Scio, Ohio, has written to me that—

> It is my contention that many of these young men could be induced or persuaded to return to their native land to assume their responsibilities and become useful citizens again. I do not mean grant them amnesty, but they must earn their return and regain their normal heritage and birthright through hard work and proof that they are honest, sincere, and thankful to be re-accepted by the land of their birth.

In this Christmas season I believe the time has come for us to turn our attention to the question of draft resisters and whether we, as a nation, are so wise, strong, and charitable as to offer them an opportunity to be reunified with our American society.

The Seventh General Synod of the United Church of Christ, the 181st General Assembly of the United Presbyterian Church in the U.S.A., the Union of American Hebrew Congregations, and the Catholic Bishops, are among distinguished groups in this country which have advocated various amnesty proposals.

I believe, however, that Dr. Scott is right when he suggests that unqualified amnesty is not the answer. When over 55,000 young Americans have lost their lives serving their country in Southeast Asia, we should not simply welcome back the draft resisters without any endeavor or requirement on their part to undertake service for their country. Similarly, I believe it is a great mistake for us forever to foreclose these young men, however misguided, from participating fully in American life.

In an attempt to deal fairly and effectively with this problem I am today introducing a bill that would permit these men to return to the United States within 1 year from the date of enactment. During that year they could return without fear to criminal prosecution, provided they agreed to serve their country for a period of 3 years. They could serve America in one of two ways. First, they could agree to enlist as members of the Armed Forces, or second, they could elect to serve in alternative service. The alternative service provided in this amendment would include VISTA, Veterans' Administration hospitals, Public Health Service hospitals, and other Federal service provided by appropriate regulation. It would be my intention that while they could express a preference for one type of alternative service, their duties would be designated in accordance with their abilities and the needs of the various agencies.

Under this approach they would serve such 3-year period at the minimum pay schedule as established by the Armed Forces and the agencies designated for alternative service.

Those electing alternative service would not be eligible for normal Federal employee benefits.

While many draft resisters have gone to Canada, other young men have considered it to be more honorable to stand trial and go to prison. In my judgment we should be no more harsh with these young men; consequently, this bill would permit them to select a form of service to their country and have their time spent in prison credited against their 3-year obligation, except that such credit could not exceed a period of 2 years.

Pending legal proceedings would be dismissed if the defendants entered into such agreements.

Under this measure it would be the sense of the Congress that young men who completed their service obligations under this act would be granted a Presidential pardon.

Young men who had been previously released from prison or given a suspended sentence could receive a pardon if they agreed to undertake the type of military or public service contemplated by this measure.

This measure would be administered by the Attorney General of the United States.

This bill would not apply to those who had deserted the Armed Forces since I believe that is a separate problem which should be dealt with in other ways.

America is a strong country. America is a good country. And I believe that America is the type of country which will give these young men an opportunity to be reunited to the land of their birth by making valuable and positive contributions to our national life.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

The PRESIDENT pro tempore. The bill will be received and without objection it is referred to the Committee on the Judiciary as requested by the Senator from Ohio; and, without objection, the bill will be printed in the Record.

The text of the bill is as follows:

S. 3011

A bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Amnesty Act of 1972".

Sec. 2. (a) Notwithstanding any other provision of law, any person who has evaded or refused registration under the Military Selective Service Act subsequent to August 4, 1964, or has evaded or refused induction in the Armed Forces of the United States under such Act subsequent to such date is hereby granted immunity from prosecution and punishment under section 12 of the Military Selective Service Act, and all other laws, on account of any such evasion or failure to register under such Act or refusal to be inducted under such Act, as the case may be, if not later than one year after the date of enactment of this Act such person—

(1) presents himself to the Attorney General of the United States or such other official or officials as may be designated by the President.

(2) agrees in accordance with regulations established by the Attorney General of the United States to enlist and serve for a period of three years in the Armed Forces of the United States, or agrees to serve for a period of three years in Volunteers in Service to America (VISTA), a Veterans' Administration hospital, a Public Health Service hospital, or other federal service eligible pursuant to regulations issued under section 6 of this Act, and

(3) agrees to serve for such period in the lowest pay grade at which persons serve in the Armed Forces of the United States, Volunteers in Service to America (VISTA), Veterans' Administration hospitals, Public Health Service hospitals, or other federal service, as the case may be.

(b) The willful failure or refusal of any person to comply with the terms of this agreement under Section 2(a) of this Act shall void any grant of immunity made to such person under this Act.

Sec. 3. (a) Any person who has been convicted and is serving a prison sentence for evading or failing to register under the Military Selective Service Act after August 4, 1964, or for evading or refusing induction in the Armed Forces of the United States under such Act after such date shall be released from prison, and the remaining portion of any punishment shall be waived if such person complies with the provisions of Section 2(a) of this Act, except that the three year period of military or public service required thereunder shall be reduced by any period equal to the period served by such person in prison for his conviction, but such period shall not be reduced by more than two years. Any such person shall be afforded an opportunity to present himself to the Attorney General pursuant to Section 2(a) of this Act.

(b) Any pending legal proceedings brought against any person as a result of his evading or failing to register under the Military Selective Service Act after August 4, 1964, or for evading or refusing induction in the Armed Forces of the United States under such Act after such date shall be dismissed by the United States if such person enters into an agreement described in Section 2(a) of this Act and completes the period of military or public service prescribed in such agreement.

Sec. 4. (a) It is the sense of the Congress that the President grant a pardon to any person convicted of any offense described in Section 3(a) of this Act if such person enters into an agreement described in Section 2(a) of this Act and completes the period of military or public service prescribed in such agreement.

(b) In any case in which a person has been convicted of an offense described in Section 3(a) of this Act and has been released from prison, or given a suspended sentence, it is the sense of the Congress that the President grant a pardon to such person for such offense if such person performs military or public service prescribed in Section 2(a) of this Act, reduced by a period equal to the period served by such person in prison for his conviction (such period of service not to be reduced by more than two years), provided such person undertook to perform such service prior to the expiration of one year following the date of enactment this Act.

SEC. 5. The provisions of Sections 3 and 4 of this Act shall not apply in the case of any person otherwise eligible for the benefits of such provisions if such person (1) is serving a prison sentence for an offense not described in Section 3 of this Act or is scheduled to serve, immediately after completion of his sentence for an offense described in Section 3 of this Act, a prison term for any other offense for which he has been convicted, or (2) is wanted for trial for any other alleged offense, unless the President determines that the public interest would be better served by affording such person the benefits of this Act.

SEC. 6. The Attorney General is authorized to issue such rules and regulations as may be necessary to carry out effectively the provisions of this Act.

SEC. 7. All references in this Act to the Military Selective Service Act shall be deemed to include a reference to previous corresponding Acts.

SEC. 8. Persons serving in Volunteers in Service to America (VISTA), a Veterans' Administration hospital, a Public Health Service hospital, or other nonmilitary Federal service under this Act shall not be eligible to receive Federal employee benefits otherwise payable to employees of such agencies.

By Mr. CURTIS (for himself, Mr. BENNETT, Mr. FANNIN, Mr. HANSEN, Mr. JORDAN of Idaho, Mr. SCOTT, and Mr. DOMINICK):

S. 3012. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations. Referred to the Committee of Finance.

INDIVIDUAL RETIREMENT BENEFITS ACT OF 1971

Mr. CURTIS. Mr. President, I send to the desk on behalf of myself and Senators BENNETT, FANNIN, HANSEN, JORDAN of Idaho, and SCOTT, a proposal known as the Individual Retirement Benefits Act of 1971.

Mr. President, approximately one-half of the wage earners of the United States have the benefits of a company retirement plan. This means that the corporation pays money into the retirement plan before taxes. There is no tax or contribution made to the retirement fund. But that is only part of it. The retirement plan fund itself is free from tax so far as the earnings, interest, dividends, and the like are concerned.

Approximately one-half of the people of our country enjoy no such benefits. The individual must pay taxes on all of his income and, then, if he is able to save something, the interest, dividends, or capital gains on his savings are likewise subject to tax.

The measure I am introducing is the proposal referred to by the President in his message of December 8, 1971. It would bring about equality before the law. It would enable the other half to do what one-half of our people are now doing. It would enable an individual to save 20 percent of his earned income, not to exceed $1,500, to put it in a fund for his retirement, and it would be tax free. He would take that out before he figures his tax. Also, the earnings on these savings likewise would be free.

It is true that whether one is under a company plan or this new plan for individuals, there is a tax to be paid when the money is drawn out, but that is at a lower rate and over a longer period of time, and is not so burdensome.

The measure would bring the tax benefit at the time the individual is endeavoring to save for his old age. This bill is certainly in the public interest. It will promote savings; it will promote self-reliance; and it will lessen the pressures on the Government for many programs. This, of course, is a supplement to our existing social security program.

Mr. President, I ask unanimous consent to have printed in the RECORD an analysis of the proposal and also a letter dated December 13, 1971, from the Treasury Department concerning the proposal.

There being no objection, the analysis and letter were ordered to be printed in the RECORD, as follows:

INDIVIDUAL RETIREMENT BENEFITS ACT OF 1971

1. INTRODUCTION

Since 1942 the Internal Revenue Code has accorded special tax benefits to retirement plans established by employers for the benefit of their employees and the beneficiaries of their employees. To insure that benefits are provided under these plans for a broad range of the employees of the sponsoring employer and not merely for a small group of select employees, the availability of these special tax benefits is conditioned upon the plan's meeting certain statutory requirements.

Private retirement plans form an important part of the total framework of income maintenance for older Americans. As such, it is appropriate to provide tax incentives to encourage employers to establish these plans and thus provide for their employees' post-retirement needs. In so doing the employer performs a function and assumes a burden which otherwise might be thrust upon society at large. Private retirement plans are a significant supplement to the social security system as a source of income for retired and disabled Americans and their dependents. Because private retirement plans are established by individual employers, they can be shaped to respond to unique needs and situations in a manner that a public system covering tens of millions of individuals cannot.

The experience of the past 30 years has demonstrated that while the private retirement system has the capacity to deal with an important social problem through individual initiative, changes in existing law are needed. In the first place, recent surveys indicate that, in spite of the incentives provided by existing law, approximately one-half of the non-agricultural labor force does not now participate in private retirement plans and that coverage is not likely to expand significantly under existing conditions. Moreover, overly restrictive requirements for participation in, or acquisition of vested benefits under, private retirement plans have resulted in effectively denying to millions of employees the full benefits of the private retirement system. Special limitations upon contributions on behalf of self-employed individuals and requirements for the plans in which they participate are so restrictive that they have created an artificial preference for the corporate form over other business forms which might be more suitable or desirable for a particular enterprise.

2. ELIGIBILITY REQUIREMENTS

A. Present law

The Internal Revenue Code does not now contain any specific requirements concerning eligibility conditions based on age or service that may be included in a private retirement plan established by a corporate employer. Existing administrative practice does permit such a plan to provide that participation in the plan is limited to employees who have attained a specified age or have been employed for a specified number of years if the effect of such provisions is not discrimination in favor of officers, shareholders, supervisory employees, or highly compensated employees. Likewise, such a plan may exclude from participation employees who have attained a specified age close to retirement when they otherwise become eligible to participate in the plan. On the other hand, the Internal Revenue Code specifically requires that a plan established by an unincorporated business in which an owner-employee (*i.e.*, a sole proprietor or a partner with a greater than 10 percent interest in capital or income) participates must provide that no employee with 3 or more years of service may be excluded from the plan.

B. Proposal

Reasonable service or age requirements are an appropriate means of preventing the dissipation of plan assets. The benefits earned by employees with short periods of service are usually small, both in absolute terms and in relation to the administrative costs attributable to these benefits. Overly restrictive requirements may, however, result in the arbitrary exclusion of employees from participation in private retirement plans and thereby frustrate the effective functioning of the private retirement system.

The proposed bill would therefore provide that a private retirement plan not be permitted to require, as a condition of participation, that an employee have completed a period of service with the employer in excess of 3 years, that the employee have attained an age in excess of 30 years, or that he not have attained an age which is less than 5 years preceding normal retirement age under the plan. For this purpose, normal retirement age means the earliest age under the plan at which an employee may retire and receive benefits which are not actuarily reduced.

In the case of a plan in which self-employed individuals who are owner-employees may participate, the bill would provide that the plan not be permitted to require, as a condition of participation, that the employee have completed more than 1 year of service with the employer if his then age is 35 years or greater, more than 2 years of service if his then age is 30 years or greater but less than 35 years, or more than 3 years of service if his then age is less than 30 years. Thus, the bill will require such plans to permit earlier participation by employees whose age exceeds 30 years.

C. Effective date

These rules would apply to all private retirement plans established after November 30, 1971. In the case of plans in effect on November 30, 1971, these rules would apply to plan years beginning after December 31, 1973, except that in the case of plans which are collectively bargained, these rules would not apply to plan years beginning before the expiration of the collective bargaining agreement in effect on November 30, 1971.

3. VESTING REQUIREMENTS

A. Present law

There is no generally applicable requirement under existing law that a participant in a private retirement plan have at any time before he attains normal retirement age a nonforfeitable right to receive his accrued benefit under the plan. However, the failure to provide pre-retirement vesting is taken into account by the Internal Revenue Service in determining whether a plan satisfies the statutory requirement that it not discriminate in favor of officers, shareholders, supervisory employees, or highly compensated employees, and in appropriate circumstances the Service will not issue such a determination if a plan does not provide pre-retirement vesting. Neither the circumstances in which pre-retirement vesting is required nor the degree of such vesting is well defined, and considerable variation has arisen. The Internal Revenue Code requires that a plan established by an unincorporated business in which an owner-employee participates must provide that each participant have an immediately nonforfeitable interest in the contributions made on his behalf under the plan.

B. Proposal

Some measure of pre-retirement vesting is essential if the private retirement system is to exist as a functioning and effective supplement to the social security system. This is especially true in view of our highly mobile labor force. An individual whose participation in a private retirement plan terminates before his rights in his benefits accrued under the plan have become nonforfeitable has, for all practical purposes, not really participated in the plan. In addition, pre-retirement vesting is needed to reinforce the non-discrimination requirements of existing law in cases where most of the employer contributions under a plan are made on behalf of participants with a proprietary interest in the employer.

The proposed bill would therefore require a private retirement plan to provide that a participant's rights in at least 50 percent of his accrued benefits (or the employer contributions and other amounts credited to his account) be nonforfeitable when the sum of his age and his years of participation in the plan equal 50 years and that this percentage increase ratably to 100 percent over the succeeding 5 years. Under this rule, the rights of older employees would vest more rapidly than the rights of younger employees, reflecting the fact that an older employee has less of an opportunity to earn a reasonable pension with a new employer or to save for his retirement.

To remove any disincentive against hiring older workers, a plan could provide that an employee's rights remain forfeitable until his period of plan participation is 3 years reduced by any period of service with the employer during which he did not participate in the plan. The plan would have to provide that upon completing this period of participation his rights in at least 50 percent of his accrued benefits are nonforfeitable, and this percentage would be required to increase ratably to 100 percent over the succeeding 5 years. Thus, if a plan requires 1 year of service with the employer as a condition of participation, it could provide that an employee's rights are 50 percent vested when the sum of his age and his years of participation equal 50 years but not before he has participated in the plan for 2 years. An employee hired at age 50 would become eligible to participate in the plan at age 51 and would not become 50 percent vested until age 53. He would not become fully vested until attaining age 58.

To avoid additional costs for plans in difficult financial condition, pre-retirement vesting would not be required with respect to benefits accrued for any plan year for which benefit payments to retired participants exceed benefit accruals by active participants and the present value of accrued liabilities to retired and active participants exceeds the value of plan assets. If, however, the plan is amended to provide greater benefits during a plan year when this exception would otherwise be operable, or within 5 years thereafter, the exception would not apply. This exception is designed to provide relief for plans that have a large number of retired participants in relation to the number of active participants and are not fully funded. These plans are typically found in industries where employment is declining and where any increase in pension costs would be especially burdensome.

In the case of private retirement plans in which self-employed individuals who are owner-employees participate, an employee's interest in at least 50 percent of his rights under the plan would be required to be nonforfeitable when the sum of his age and his years of participation equal 35 years. The balance of his rights under the plan would be required to become nonforfeitable not less rapidly than ratably over the succeeding 5 years of participation.

C. Effective date

These rules would apply to all private retirement plans established after November 30, 1971. In the case of plans in effect on November 30, 1971, these rules would apply only to benefits accrued or contributions made during plan years beginning after December 31, 1973. In the case of collectively bargained plans, however, these rules would not apply to benefits accrued during plan years beginning before the expiration of the collective bargaining agreement in effect on November 30, 1971. In applying these rules, all participation in the plan (whether before or after December 31, 1973) would be considered in determining whether the sum of the employee's age and his years of participation equal 50 years or 35 years, whichever is applicable.

4. SPECIAL ELIGIBILITY AND VESTING REQUIREMENTS TO INSURE NONDISCRIMINATION

A. Present Law

While the Internal Revenue Code does not provide any specific and generally applicable requirements on the age and service and generally applicable requirements on the age and service conditions for participation in a qualified plan and does not contain any specific and generally applicable requirement that a participant in a qualified plan have at any time before retirement age a nonforfeitable right to receive his accrued benefit, the age and service conditions for participation in a plan and the extent of pre-retirement vesting under the plan are considered by the Internal Revenue Service in determining whether the plan satisfies the nondiscrimination requirements of the Code. However, neither the circumstances under which less restrictive age and service conditions for participation and pre-retirement vesting will be required to satisfy the non-discrimination test, nor the substances of satisfactory provisions in cases where they are required, are well defined. As a result, considerable variation and uncertainty has arisen.

B. Proposal

The proposed bill would authorize the promulgation of regulations setting forth (1) the circumstances under which a plan will satisfy the nondiscrimination requirements only if the conditions of participation in the plan are less restrictive than those which would be generally applicable under the proposed bill and the conditions for vesting of benefits under the plan are less restrictive than those of general application under the proposed bill, and (2) the provisions which will be required in order to insure that a plan will satisfy the nondiscrimination requirements in light of the particular circumstances. Failure to include such conditions in a plan would result in the disqualification of the plan. Such provisions could not however, be required to be more restrictive than those which would be imposed by the bill on plans benefiting self-employed individuals who are owner-employees. The proposed bill in this respect would apply only to plans covering—

(1) a partner having (a) more than a 5 percent interest in capital or income, or (b) more than a 1 percent, but not more than a 5 percent, interest in capital or income if all such partners have more than 50 percent of the interests in capital or income; or

(2) an employee owning (or considered as owning within the meaning of section 318(a) (1) of the Code) (a) more than 5 percent in value of the outstanding stock of the corporation or (b) more than 1 percent, but not more than 5 percent, in value of the outstanding stock if all such employees together own more than 50 percent in value of the outstanding stock.

C. Effective date

These rules would apply to plan years to which the proposals relating to eligibility and vesting would apply.

5. DEDUCTION FOR PERSONAL SAVINGS FOR RETIREMENT

A. Present law

Under present law, employer contributions on behalf of an employee to a private retirement plan satisfying the qualification requirements of the Internal Revenue Code and investment earnings on these contributions are generally not subject to tax until paid to the employee or his beneficiaries, even though the employee's right to receive these amounts becomes nonforfeitable before payment is made. Employee contributions to such a plan are subject to tax currently (i.e., no deduction or exclusion is allowable), but investment earnings on these contributions are not subject to tax until paid. Amounts saved by an individual for his retirement outside the scope of a qualified plan are not deductible or excludible from gross income, and investment earnings on such amounts are subject to tax currently.

B. Proposal

The effect of existing law relating to saving for retirement purposes is to discriminate substantially against individuals who do not participate in qualified private retirement plans or who participate in plans providing inadequate benefits. Frequently, this situation is the result of a unilateral decision of the employer not to establish a private retirement plan for its employees or not to improve benefits under an existing plan. Many other individuals, because of the nature of their occupations, never have a sufficient period of service with any one employer to accrue adequate retirement benefits.

To remedy this inadequacy in existing law, the proposed bill would allow individuals a deduction in computing adjusted gross income for amounts contributed to individual retirement plans which they have established or to private retirement plans established by their employers. In addition, investment earnings on amounts contributed to individual retirement plans would be excludable from gross income.

In the case of an individual who does not participate in an employer-financed private retirement plan, the amount deductible would be limited to 20 percent of the first $7,500 of earned income. In the case of a married couple, each spouse would be eligible to claim this deduction, and the limit would be applied separately to each spouse. Thus, if a husband had earned income of $12,000 and his wife had earned income of $7,000, the maximum deduction for him would be $1,500, and the maximum deduction for her would be $1,400, permitting a total deduction of $2,900.

If an individual participates in an employer-financed plan, the 20 percent limitation on the deduction would be reduced to reflect employer contributions to the plan on his behalf. For this purpose, an individual would be permitted to assume that employer contributions on his behalf are 7 percent of his earned income. He could show, however, that a lesser amount had been contributed on his behalf; such amount would be determined in accordance with Treasury Department regulations on the basis of the particular facts and circumstances of his situation. In the case of individuals who have earned income which is not covered by the social security system or the railroad retirement system, the limitation on the deduction would be further reduced by the amount of tax that would be imposed under the Federal Insurance Contributions Act if that income were covered by the social security system. This reflects the fact that taxes imposed on employees under the Federal Insurance Contributions Act are not deductible.

Under the proposed bill, an individual would be allowed to invest these amounts in a broad range of assets, including stocks, bonds, mutual fund shares, annuity and other life insurance contracts, face-amount certificates, and savings accounts with financial institutions. While these assets could not be commingled with other property, they could be held in custodial accounts, and a taxpayer would not be required to establish a trust for this purpose.

To insure that amounts contributed to individual retirement programs and investment earnings on such amounts are used only for retirement purposes, withdrawals before the individual attains age 59½ would not qualify for the general income averaging provided under existing law and would also be subject to an additional penalty tax of 30 percent of the amount withdrawn. This penalty would not apply, however, if the taxpayer has died or has become disabled or if the amount withdrawn is deposited in another individual retirement plan within 60 days. This last exception is designed to permit transfer of individual retirement amounts from one type of investment to another, or from one trustee or custodian to another.

Moreover, withdrawals would be required to begin by the time the taxpayer reaches age 70½ and would have to be sufficiently large so that the entire accumulation will be distributed over his life expectancy or the combined life expectancy of the taxpayer and his spouse. If sufficient amounts are not withdrawn to meet these rules after age 70½, an annual penalty of 10 percent of the excess accumulation would be imposed.

To insure compliance with the foregoing requirements, trustees, custodians, and other persons having control of amounts deducted under the proposal would be required to submit annual reports to the Internal Revenue Service similar to those which are now required of trustees of plans benefitting self-employed individuals who are owner-employees.

C. Effective date

This proposal would apply to taxable years ending after the date of enactment of the proposed bill.

6. CONTRIBUTIONS ON BEHALF OF SELF-EMPLOYED INDIVIDUALS AND SHAREHOLDER-EMPLOYEES OF ELECTING SMALL BUSINESS CORPORATIONS

A. Present law

The Internal Revenue Code now limits the deductible contribution to a qualified private retirement plan on behalf of a self-employed individual to the lesser of 10 percent of earned income or $2,500. In certain circumstances, an additional $2,500 nondeductible contribution may be made. Penalties are imposed if excessive contributions are made and are not returned. With respect to a shareholder-employee of an electing small business corporation, no limit is imposed on the amount that may be contributed on his behalf, but if the contribution exceeds the lesser of 10 percent of compensation or $2,500, the excess is includable in his gross income.

The limitation on contributions on behalf of self-employed individuals has had a number of undesirable effects. In the first place, while the limitation applies by its terms only to contributions on behalf of self-employed individuals, as a matter of practice, it applies as well to their employees with the result that the contributions on their behalf may be a very small percentage of their compensation. Another undesirable effect of the limitation on contributions on behalf of self-employed persons is that it has provided an artificial incentive for the incorporation of businesses and professional practices.

B. Proposal

The proposed bill would provide that the rate at which deductible contributions may be made on behalf of self-employed individuals should be the rate at which contributions are made on behalf of other participants (but not more than 15 percent), and that the maximum amount of earned income to which this rate may be applied should be $50,000. As a result, a self-employed individual would be permitted a deduction of as much as $7,500, but only if he contributed 15 percent of compensation for his employees. The maximum rate at which additional nondeductible contributions could be made would be limited to 10 percent of earned income (again considering not more than $50,000 of earned income); ten percent is the limit under existing administrative practice applicable to nondeductible voluntary contributions by any participant in a qualified plan.

The limitation of excludable contributions on behalf of shareholder-employees of electing small business corporations would likewise be the product of the rate at which contributions are made on behalf of other employees (but not more than 15 percent) and the lesser of his competition or $50,000.

C. Effective date

These revised limitations would apply to taxable years beginning after December 31, 1972, unless the taxpayer elected to apply them to taxable years ending after December 31, 1971.

THE SECRETARY OF THE TREASURY,
Washington, December 13, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In accordance with the President's Message of December 8, 1971, transmitting legislative proposals with respect to private pension plans, I am submitting a draft bill entitled the "Individual Retirement Benefits Act of 1971," for consideration by Congress. This legislation is designed to strengthen the private retirement system by providing minimum standards of participation in the benefits offered by an employer-sponsored pension plan and to encourage the expansion of the private retirement system by offering greater tax benefits to individuals who choose to invest in a retirement savings plan.

Section 2 of the proposed legislation establishes minimum standards for participation and for vesting of benefits under pension and profitsharing plans. It provides that no employee may be excluded from participation in an employer-sponsored plan if he has attained the age of 30 years and has been an employee for at least three years, except an employee who is within five years of retirement age. This section adopts the so-called "rule of 50" vesting standard under which every pension must be half vested when an employee's age plus the number of years he has participated in the plan equals 50. The remaining portion of his pension must vest ratably over the next five years. This standard is designed to provide assurance to older employees that the pension benefits they are accruing will not be forfeited. The Secretary would be granted regulatory authority to require more restrictive rules for plans where inadequate vesting and eligibility provisions would be likely to result in the discrimination prohibited by existing law.

Section 3 of the proposed bill grants deductions to individuals for personal savings for retirement. The deductible amount is 20 percent of the individual's earned income for the year, but not more than $1,500. The deduction is allowed for employee contributions to employer-sponsored plans and, in the case of an individual who is not covered by employer-sponsored plans (or who is inadequately covered by an employer-sponsored plan), a deduction is allowed for amounts set aside by the individual for his own retirement in an individual retirement account. Amounts held in individual retirement accounts would be allowed to earn tax-free income as is presently the case with respect to employer-sponsored retirement plans.

Section 4 of the proposed legislation increases the deductible contribution which may be made on behalf of self-employed individuals and shareholder-employees of electing small business corporations to a retirement plan which covers themselves and their employees. The present law limits this deduction to 10 percent of earned income or $2,500, whichever is less; these limits would be increased to 15 percent or $7,500, whichever is less.

In addition, the requirement under present law for immediate full vesting of all benefits under plans benefiting self-employed persons would be changed by the bill to a so-called "rule of 35" standard. Under this standard a pension would be half vested when an employee's age plus the number of years he has participated in the plan equals 35, with ratable vesting of the remaining benefits over the next five years. The bill would also provide that plans benefiting self-employed persons must allow earlier participation of older employees than is required under present law.

It would be appreciated if you would lay the proposed legislation before the House of Representatives. A similar communication has been addressed to the President of the Senate.

We have been advised by the Office of Management and Budget that there is no objection to the presentation of this draft bill to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely yours,
CHARLES E. WALKER,
Acting Secretary.

Mr. JAVITS. The Senator from Nebraska has just introduced a bill to carry out a part of the administration's proposals respecting pension and welfare funds, the reform of which I have been working on for a long time, and of which the Labor and Public Welfare Committee was authorized to make a rather complete inquiry, which the Senator from New Jersey (Mr. WILLIAMS), I, and other Senators have been considering. Part of the administration's measure was referred to the Committee on Labor and Public Welfare, and I wish to state now that bill will be introduced later in the day, so that both bills will be before the Senate respecting the administration's program.

I welcome the administration's initiative. I do not think it is going far enough, but it is certainly most gratifying that it has moved in this direction. I hope that we in the committee can cooperate with the administration to bring about these magnificent benefits for the millions in private pension and welfare plans.

Mr. HANSEN. Mr. President, today proposed legislation has been introduced in the Senate carrying out the President's plan to make more equitable the tax laws as they relate to pension and other types of retirement plans. I heartily agree with the thrust of this legislation and have asked that I be listed as a cosponsor of this important bill. Nevertheless, I feel I must say that in at least three areas, the proposed legislation may not completely resolve the problems. I am looking forward to the opportunity to go over these problems in depth as the Committee on Finance, of which I am, of course, a member, studies this much needed reform.

First, one of the primary causes of dissatisfaction with the present rules governing plans is the discrimination that comes about because retirement benefits under self-employment retirement plans are substantially more restrictive than those permitted under corporate pension and profitsharing plans. This discrimination against the self-employed has led to the incorporation of many service type businesses for strictly tax purposes. It has also led to the enactment by most of the States of statutes which permit the incorporation of professional men such as doctors and lawyers, with potential for harm to professional standards and relationships. While the President's proposal raises the limits on deductible contributions by the self-employed to their retirement plans to $7,500, or 15 percent of income, and thus narrows the gap between the benefits available to the self-employed and those available under the corporate form, it does not eliminate the incentive of professional people to incorporate for the primary purpose of obtaining liberal retirement benefits. The distinction between self-employed persons and corporate owners remains.

Second, although the proposal upgrades the protection of employees by requiring early vesting of their rights under the plan, the proposal does not deal with the problem of inadequate funding of retirement benefits. This deficiency of present law was highlighted by the bankruptcy of the Studebaker Corp. several years ago. At that time it was discovered that there were insufficient funds in the Studebaker pension trust to pay the vested benefits to which employees of Studebaker were entitled. I am pleased the President has directed the Departments of Labor and the Treasury to study the extent of this problem. It seems to me that this is a matter with which we should deal in connection with this legislation.

Finally, while I am pleased that corporate employees who are not covered by employee pension plans would be permitted by the President's proposals to make contributions to retirement plans of up to $1,500 or 20 percent of income, whichever is less, I point out again that the basic distinctions between those covered and those not covered remains although this distinction is considerably narrowed by the bill.

The President is to be commended for the serious attention he has obviously given to the need for greater protection of employees' retirement benefits and rights. I am privileged to be a cosponsor of this timely and provocative legislation.

By Mr. BROCK:

S. 3014. A bill to transfer the Teacher Corps to Action. Referred to the Committee on Labor and Public Welfare.

Mr. BROCK. Mr. President, last January I joined a group of seven Congressmen in signing a letter to the President urging him to include the Teachers Corps as a part of the new agency he spoke of in his address at the University of Nebraska.

As a strong supporter of the Action concept, I felt it only logical that the Teacher Corps become a part of the new agency. The Teacher Corps had demonstrated effectiveness in serving our Nation's schools, colleges, and communities as well as having a wide appeal among all segments of our young people.

The Corps maintained a close relationship with Action components and collaborated in their recruiting. In practically every aspect, it fulfilled the President's criteria for coherence among programs for service at home and abroad.

The President's response to our letter was encouraging and assured us that he would submit legislation transferring this fine organization to Action so that it might more effectively continue its mission of attracting young people to programs designed to provide improved educational opportunity to poor children.

Therefore, it is with great pleasure that I send to the desk for introduction the President's proposed bill transferring the Teacher Corps to Action. This bill completes that which the President said he would do in connection with the creation of Action.

In order that the Teacher Corps may take its office among the related components merged in President Nixon's Action Agency, I urge the early consideration and speedy passage of this transfer.

Mr. President, I ask unanimous consent that the text of this bill and the transmittal letter from the Office of Management and Budget be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That (a) the Teacher Corps established in the Office of Education by subpart 1 of part B of Title V of the Higher Education Act of 1965, as amended (20 U.S.C. 1101–1107a), together with all members thereof, is hereby transferred from the Office of Education of the Department of Health, Education, and Welfare to the agency known as "Action" which was established by Reorganization Plan No. 1 of 1971.

(b) Members of the Teacher Corps enrolled pursuant to subpart 1 of part B of Title V of the Higher Education Act of 1965 (hereinafter referred to as "subpart 1") on the date the Teacher Corps is transferred to Action shall be transferred pursuant to subsection (a) without reduction in any right, benefit, or privilege to which they were entitled as members of the Teacher Corps immediately prior to such transfer.

(c) All arrangements, agreements, contracts, grants, allocations, rules, regulations, and other documents or actions made, taken, or issued by the Commissioner of Education or the Director or Deputy Director of the Teacher Corps pursuant to subpart 1 and in effect at the time of the transfer of the Teacher Corps pursuant to subsection (a) of this section shall remain in effect according to their terms until modified or terminated pursuant to subpart 1.

SEC. 2. To the extent he deems it appropriate to carry out the purposes of this Act, the Director of the Office of Management and Budget is authorized to provide for the transfer to Action of the personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to or in connection with the Teacher Corps established by subpart 1.

SEC. 3. On and after the date of the transfer of the Teacher Corps to Action pursuant to subsection (a) of the first section of this Act, references in subpart 1 to the "Commissioner" shall be deemed to be references to the "Director of Action," and references to the "Office of Education" shall be deemed to be references to "Action." After such transfer, the Director of Action shall be authorized to exercise any power or perform any function which the Commissioner or the Director of the Teacher Corps was authorized to exercise or perform under the provisions of subpart 1 immediately before such transfer of the Teacher Corps.

SEC. 4. The transfer of the Teacher Corps authorized by subsection (a) of the first section of this Act shall become effective at such time, not more than ninety days after the date of enactment of this Act, as the President shall prescribe.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 14, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am herewith transmitting a proposed bill entitled "To Transfer the Teacher Corps to Action." It is requested that the Congress give prompt consideration to this proposed legislation.

On March 24, 1971, the President submitted Reorganization Plan No. 1 of 1971 for the consideration of the Congress. That plan became effective on July 1, 1971, and consolidated into a new volunteer agency known as Action, the Volunteers in Service to America (Vista), Retired Senior Volunteer Program (RSVP), Foster Grandparents Program, Service Corps of Retired Executives (Score) and Active Corps of Executives (ACE).

In the message that accompanied Reorganization Plan No. 1 of 1971, the President announced his intent to transfer the Peace Corps and Office of Voluntary Action to the new agency by Executive Order. Those transfers have been accomplished by Executive Order No. 11603 of July 1, 1971.

In addition, the President declared his intention of submitting legislation providing for the transfer of the Teacher Corps from the Department of Health, Education, and Welfare to the new agency. The enclosed bill is designed to accomplish that transfer.

The Teacher Corps was created in 1965 mainly as a teacher training program. In 1970, the Teacher Corps legislation was amended to provide administrative support and training for part-time and full-time volunteers to assist community-based education programs such as youth and parent tutoring. For the next few years, there will be a growing need for volunteer services in education, particularly in organizing and supervising projects of service-learning in which students combine their formal educational activities with service to their communities. We believe that the Teacher Corps could better perform these duties within the volunteer agency Action.

Further, the experience of the past three years indicates that many of the activities of the Peace Corps, VISTA, and the Teacher Corps complement each other and can be better managed and coordinated if combined within one agency. In 1968, the Peace Corps, VISTA and the Teacher Corps began collaboration in recruitment. In 1970, the Peace Corps and Teacher Corps joined in the development of a program in which Corps members first serve a year in a United States school while preparing for Peace Corps service abroad, and then, while serving in schools in developing nations, continue in a two-year program of training developed by a U.S. university which prepares them for jobs in U.S. schools and communities upon their return home. These joint programs have never fulfilled their potential because of problems of interagency communication and coordination.

In addition, the Economic Opportunity Amendments of 1967 called for joint VISTA/Teacher Corps programs in correctional institutions. Though the initial programs were well regarded, the problems of inter-agency programming led to their abandonment. Transfer of the Teacher Corps to Action should overcome these problems.

In sum, the transfer of the Teacher Corps to Action would eliminate the cumbersome interagency agreements currently required for joint recruitment, as well as eliminate overlapping activities. Most importantly, the transfer would strengthen both Action and the Teacher Corps, making it possible for each to serve the needs of our people better through volunteer programs.

Enactment of this legislation would be in accord with the program of the President.

Sincerely,

FRANK CARLUCCI,
Associate Director.

By Mr. NELSON (for himself and Mr. PROXMIRE):

S. 3015. A bill to provide a temporary district judgeship for the U.S. District Court for the Western District of Wisconsin. Referred to the Committee on the Judiciary.

Mr. NELSON. Mr. President, for the last several years, the workload of the U.S. District Court for the Western District of Wisconsin has increased at an overwhelming rate.

For that reason, Mr. PROXMIRE and I are submitting a bill requesting a temporary additional judgeship for that district.

Figures recently released by the Administrative Office of the U.S. Courts show that this single judge district leads the Nation in work. Based on the weighted caseload per judgeship index, western Wisconsin had 577. The next busiest district had 125 fewer index cases and the national average for the 382 Federal district judgeships was almost half, at 307.

The only other single judge districts are Maine, New Hampshire, and Wyoming and their totals reflect a substantially smaller workload. Maine 359, New Hampshire 270, and Wyoming 275.

The backlog and work are increasing rapidly. Over the past fiscal year, the backlog increased 39 percent. The increase in new filings increased 80.2 percent between 1968 and 1970.

In a letter from Mr. Clyde Cross, president of the State bar of Wisconsin, he stated:

> We are aware of the omnibus, four-year cycle plan for bills creating new judgeships, and in deference to it we have withheld any effort to acquire a second judgeship up to now. However, a bad situation is rapidly becoming desperate, and we respectfully submit that emergency measures are necessary to prevent substantial denials of justice.

If we wait for the omnibus cycle, it could be 1½ to 3 years before the western district of Wisconsin has a new judgeship.

In the interests of justice, the sooner we have another judgeship, the sooner the delays will be eliminated.

I ask unanimous consent that supporting statistics from the Administrative Office of the U.S. Courts and a letter from the State bar be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE BAR OF WISCONSIN,
OFFICE OF THE PRESIDENT,
Baraboo, Wis., October 7, 1971.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: The Board of Governors of the State Bar of Wisconsin have unanimously adopted a resolution urging the immediate creation of a second federal judgeship for the Western District of Wisconsin.

I am sure that you are aware of the very great and dramatically increasing case load imposed upon Judge Doyle, and the obvious necessity for action. A copy of the up-to-date statistics is enclosed.

We are aware of the omnibus, four-year cycle plan for bills creating new judgeships, and in deference to it we have withheld any effort to acquire a second judgeship up to now. However, a bad situation is rapidly becoming desperate, and we respectfully submit that emergency measures are necessary to prevent substantial denials of justice.

We are also aware that there has been some legislative action on this, but we do not know its present status.

We most earnestly solicit your help in this, and we seek your advice as to what we can do to help to accomplish this vital objective.

Very truly yours,

CLYDE C. CROSS,
President.

1971 ANNUAL REPORT OF THE DIRECTOR, ADMINISTRATIVE OFFICE OF THE U.S. COURTS

WEIGHTED CASELOAD PER JUDGESHIP, WESTERN WISCONSIN 1968-71

	Total	Criminal	Civil
1968:			
National average	265	58	207
Western Wisconsin	245	20	225
1969:			
National average	289	65	225
Western Wisconsin	307	32	275
1970:			
National average	277	63	214
Western Wisconsin	465	95	370
1971:			
National average [1]	307	90	217
Western Wisconsin	577	149	428

[1] The weighted caseload index has been revised as of 1971.

TABLE 35.—U.S. DISTRICT COURTS HAVING [1] WEIGHTED CASELOADS PER JUDGESHIP GREATER THAN NATIONAL AVERAGE OF 307, FISCAL YEAR 1971

District	Number of judgeships June 30, 1971	Weighted caseload per judgeship		
		Civil	Criminal	Total
89 districts	382	217	90	307
Wisconsin, Western	1	428	149	577
Virginia, Eastern	6	297	155	452
Massachusetts	6	363	85	448
California, Eastern	3	205	238	443
Tennessee, Eastern	3	343	88	431
California, Southern	5	84	337	421
Texas, Southern	8	225	192	417
Texas, Western	5	190	218	408
Arizona	5	158	241	399
Missouri, Western	4	294	104	398
Alabama, Northern	4	291	95	386
Tennessee, Middle	2	258	125	383
Florida, Southern	7	274	108	382
Minnesota	4	283	98	381
Texas, Northern	6	294	82	376
Oregon	3	290	83	373
Louisiana, Eastern	10	309	63	372
Virginia, Western	2	258	111	369
Illinois, Northern	13	297	72	369
Maine	1	225	134	359
Kansas	4	259	100	359
Puerto Rico	3	302	55	357
Washington, Western	3½	234	122	356
Florida, Middle	6	251	105	356
Arkansas, Eastern	2	262	88	350
Oklahoma, Northern	1⅔	281	60	341
Texas, Eastern	3	300	41	341
Georgia, Northern	6	250	91	341
Michigan, Western	2	271	69	340
Georgia, Middle	2	190	148	338
Indiana, Northern	3	255	81	336
California, Central	16	202	133	335
Alabama, Southern	2	287	46	333
New York, Eastern	9	177	156	333
Indiana, Southern	4	225	106	331
North Carolina, Western	2	175	151	326
Louisiana, Western	4	229	97	326
New York, Northern	2	258	64	322
Alabama, Middle	2	214	107	321
Kentucky, Eastern	2½	187	134	321
Oklahoma, Western	2⅔	239	81	320
Georgia, Southern	2	179	139	318
Iowa, Southern	1½	229	82	311
Mississippi, Northern	2	237	80	317
Ohio, Northern	8	213	104	317
Colorado	4	232	78	310
Missouri, Eastern	4	212	98	310

[1] Based on 1971 revisions of weighted caseload index.

Reducing Civil Backlogs

While the national civil case inventory grew by 7.3 percent this year, the comparable statistic in individual districts ranged far above and below this national figure. (See Table 13). Actually, 24 districts managed to have fewer cases pending at the end of the year than at the beginning, which is a better picture than last year, when only 13 districts could make such a claim.

The half dozen courts experiencing the largest backlog decrease, as well as those with the largest increase were:

BACKLOG DECREASE

District	Percent	Number of cases
Florida, northern	19	35
Pennsylvania, western	18	425
New Mexico	18	63
Tennessee, middle	15	93
Oklahoma, eastern	14	22
District of Columbia	15	709
Massachusetts	53	1,011
New Hampshire	45	68
Wisconsin, western	39	131
Michigan, western	38	137
Texas, eastern	36	235
Rhode Island	36	83

TABLE 13.—CIVIL CASES COMMENCED AND TERMINATED IN THE U.S. DISTRICT COURTS FISCAL YEARS 1969 AND 1971

District and fiscal year	Pending July 1	Commenced	Terminated	Pending June 30	Percent change over July 1
Total:					
1969	82,482	77,193	73,354	86,321	4.7
1970	86,321	87,321	80,435	93,207	8.0
1971	93,207	93,396	86,563	100,040	7.3
7th circuit:					
1969	4,358	5,526	5,222	4,662	7.0
1970	4,662	6,173	5,402	5,433	16.5
1971	5,433	7,045	6,315	6,163	13.4
Wisconsin—Western:					
1969	198	256	247	207	4.5
1970	207	351	220	338	63.3
1971	338	432	301	469	38.8

TABLE 23.—CRIMINAL CASES COMMENCED AND TERMINATED IN THE U.S. DISTRICT COURTS FOR THE FISCAL YEARS 1969, 1970, AND 1971

District and fiscal year	Pending July 1	Commenced	Terminated	Pending June 30	Percent change over July 1
Total:					
1969	14,763	35,413	32,406	17,770	20.4
1970	17,770	39,959	36,819	20,910	17.7
1971	20,910	43,157	39,582	24,485	17.1
7th circuit:					
1969	768	1,739	1,587	920	19.8
1970	920	1,994	1,660	1,254	36.3
1971	1,254	2,370	1,982	1,642	30.9
Wisconsin—Western:					
1969	30	70	53	47	56.7
1970	47	141	81	107	127.7
1971	107	141	118	130	21.5

Highlights *

SEVENTH CIRCUIT COURT OF APPEALS

There were modest increases in all appeals workload categories . . . Cases under submission went from zero to 13 . . . District filings per circuit judgeship increased but remained significantly below corresponding ratios for all circuits.

DISTRICTS

Wisconsin, Western—Had the circuit's most sizeable and steady increase in new filings over last five years . . . There were dramatic increases in actions per judgeship . . . The district's 1970 figures for civil filings, pending cases, weighted caseload, and cases terminated were all the largest per judgeship scores in the circuit . . . Simultaneously, median interval from civil filing to disposition was shortest in the circuit—sharply scaled down to six months from 11 months two years ago.

[From the Milwaukee Journal, Nov. 18, 1971]

Doyle Court Caseload Ranks Highest in United States

Madison, Wis.—The Federal Court for the Western District of Wisconsin, presided over by Judge James E. Doyle in Madison, has the highest weighted caseload in the country, according to the Administrative Office of the United States Courts.

Joseph W. Skupniewitz, clerk of the court in Madison, said the office had just released a report showing a weighted caseload per judge of 577 for the court—about 28% higher than the next district court on the list and 88% higher than the national average. The report is for the 1970–'71 fiscal year which ended last July 1.

CIVIL CASES LONGER

The weighted caseload category takes into account the number of criminal and civil cases filed, as well as the complexity of the cases and the amount of time each case takes.

"Generally civil cases take longer than criminal and antitrust cases take longer than automobile accident cases," he said.

The table showed a weighted caseload of 428 in civil cases and 149 in criminal cases for Doyle, compared with a national average of 307 as the total weighted caseload, 218 in civil cases and 90 in criminal cases.

2 OTHER SINGLE DISTRICTS

Of the 89 US District Courts in the country, 47 are above the national average and 42 are below. Doyle's court is only one of two district courts above the average to which only one judge is assigned. The other is the Maine District Court where the weighted caseload total is 359.

The other two single judge district courts are Wyoming with a weighted caseload total of 275 and New Hampshire with 275.

The second highest weighted caseload per judge is for the Eastern District of Virginia, with a figure of 452. There are six judges assigned to that district.

The figure for the eastern district of Wisconsin is 283.

The report by the Administrative Office undoubtedly will lend more impetus to efforts to have a second federal judge appointed for the western district of Wisconsin. Such a proposal recently was rejected by a House of Representatives committee.

The report almost surely will insure that authority for a second judge will be proposed in an omnibus court bill submitted to the Congress, Skupniewitz said.

Doyle's court also ranked third in the 1970–'71 fiscal year in the percentage increase in backlog, according to the report. It showed an increased backlog of 131 cases, or an increase of 39%. Massachusetts District Court showed an increased backlog of 1,011 cases or 53% and the New Hampshire Court had an increased backlog of 68 cases or 45%.

[From the Portage Daily Register, Nov. 19, 1971]

Doyle's Caseload Heaviest in Nation

Madison.—U.S. Judge James E. Doyle of Madison has the heaviest caseload of any federal judge in the nation, according to a report of the administrative office of the U.S. courts.

The office tabulated the caseloads for the fiscal year ending June 30, 1971, and measured the caseloads on evaluating the difficulty of the cases.

Doyle was given 577 points as his caseload. The second heaviest was in the Eastern Virginia District which had 452 points.

A Massachusetts district was third with 448 and Eastern California with 443 points.

There are 89 federal court districts in the country.

By Mr. STEVENS:

S. 3017. A bill to amend section 5303 (a) of title 5, United States Code, to authorize higher minimum pay rates for certain additional Federal positions. Referred to the Committee on Post Office and Civil Service.

HIGHER PAY FOR CERTAIN FEDERAL EMPLOYEES

Mr. STEVENS. Mr. President, the legislation I am proposing would provide legal basis to adequately pay Federal employees performing unusually demanding services.

Certain governmental occupations require a high degree of specialized training and experience and are characterized by heavy responsibility and extraordinary work shifts. Yet, employees doing these jobs are not compensated accordingly, simply because there is no mechanism to compare their pay with others in the labor market.

Under the present Federal pay schedule higher wages may be paid certain employees when the President finds that rates for comparable jobs in private enterprise are substantially higher than Government levels. Such adjustments are necessary to recruit and retain qualified people. A significant gap exists where the service is so uniquely governmental that there are few, if any, comparable civilian occupations.

I propose to expand existing authority, section 5303(a) of title 5, United States Code, to provide that when the President finds a Government occupation is so unique that no comparison may be drawn with private enterprise, but higher minimum rates are warranted, those higher minimum rates may be established.

A case in point is seen in the air traffic controller, whose Government employment daily places in his hands a profound responsibility for human life and property. The controller works odd hours and endures both physical and mental strain. However, because parallel activities are not represented in the nongovernmental labor force, air traffic controllers do not receive what can be considered an honest level of pay for what they do. The field is becoming less attractive for potential controllers, while the need for professional caliber controllers is growing. This is but one example within the full spectrum of Federal employment, but I think it is sufficiently vivid to support the need for early favorable action on this legislation.

By Mr. INOUYE:

S. 3018. A bill to amend title II of the Social Security Act to permit, in certain cases, a woman who in good faith has gone through a marriage ceremony with an individual, to be considered the widow of such individual even though, because of a legal impediment, such woman is not legally married to such individual. Referred to the Committee on Finance.

Mr. INOUYE. Mr. President, I am introducing today for appropriate references a bill that would amend title II of the Social Security Act to permit, in certain cases, a woman who in good faith has gone through a marriage ceremony with an individual, to be considered the widow of that individual in spite of legal impediments that legally invalidate that marriage.

Under present law a woman who marries a man in good faith and according to prescribed law can be deprived of her widow's rights if her purported husband was revealed to have left claimants from his first, legal marriage which was never

---

* From the 1970 Report to the Seventh Circuit Council by the Director of the Administrative Office of the United States Courts

formally dissolved. This would be true even if his "second widow" married him in good faith and spent most of her life caring and working for him. The current law does permit her to collect benefits in spite of this invalid marriage, but only in cases where the legal widow predeceased her husband.

From time to time a situation arises where a second widow applies for benefits only to discover that her late husband's legal wife has also applied for them. Under the Social Security Act she has no right or recognizable claim whatsoever. This problem is particularly acute in my State of Hawaii where, because of our insular location, it is difficult for a spouse to confirm her husband's former marital status.

This is, I believe, a gross inequitable situation. In most cases the second widow will be an elderly woman who may be incapable of caring for herself. She may have devoted herself to her husband's welfare most of her life only to find herself destitute and alone because of this restriction in the act.

The bill that I am introducing today will amend section 216 of the Social Security Act to allow a second widow to collect whether or not the legal widow is alive. Second, it will amend section 203 to exempt the second widow from the maximum imposed on family allowances since the ceiling applies only to the first, or legal, family. However, if for some reason the legal widow's benefits are reduced, the second widow's benefits would decline by a commensurate amount in order to avoid the situation in which the second widow would be receiving higher benefits than the legal widow.

Mr. President, I am cognizant that this is not a serious problem for most social security recipients. However, it does present an intolerable situation for all second widows who may have no, or minimal, income other than social security benefits. I urge the Congress to act to prevent further deprivation of benefits to women who find themselves in this unfortunate and painful dilemma.

By Mr. LONG:

S. 3019. A bill to amend title XV of the Social Security Act so as to include therein certain provisions designed to prevent parents of children, who are receiving aid under State plans approved under such title, from evading their financial and other parental responsibilities toward such children, and for other purposes. Referred to the Committee on Finance.

THE WELFARE MESS: A SCANDAL OF ILLEGITIMACY AND DESERTION

Mr. LONG. Mr. President, by this time I am sure all of my colleagues are painfully aware of the precipitous caseload increases that have taken place in the program of aid to families with dependent children generally over the past decade, and in particular during the last 3 years. In December 1960 there were 3.1 million recipients of aid to families with dependent children. The number of recipients passed the 4 million mark in early 1964, and increased to 5 million in the summer of 1967. But by the middle of 1971, only 4 years later, the number had grown to more than 10 million.

Why have the AFDC rolls increased so rapidly? Unfortunately, there is no solid information on which to base an answer. Though the Department of Health, Education, and Welfare has had the authority for some years to conduct research in the welfare area, they have never chosen to direct their research efforts to answering this major question. For the life of me, I cannot understand how they could offer a bill like H.R. 1 as a welfare reform without first analyzing the causes of welfare's growth rate.

But whether or not we know why welfare rolls have grown from the standpoint of human motivation, we do have a partial answer at least in terms of statistics developed by the Department of Health, Education, and Welfare. In 1961, 1967, and again in 1969 the Department conducted a detailed survey of what kinds of families make up the AFDC rolls. These years are well chosen: 1961 marks the beginning of a period of substantial growth in the rolls; 1967 began our current period of explosive growth; and the 1969 survey shows the caseload characteristics after 2 years of this explosive growth.

Aid to families with dependent children offers welfare payments to families in which the father is dead, absent, disabled, or, at the State's option, unemployed. When the AFDC program was first enacted in the 1930's, death of the father was the major basis for eligibility. With the subsequent enactment of survivor benefits under the social security program, however, the portion of the caseload eligible because of the father's death has grown proportionately smaller, from 42 percent in 1940 to 7.7 percent in 1961, and 5.5 percent today. The percentage of AFDC families in which the father is disabled has diminished from 18.1 percent in 1961 to 11.5 percent in 1969. Families with unemployed fathers, representing 5.2 percent of the AFDC caseload in 1961, made up 4.8 percent of the caseload in 1969.

ABSENT FATHERS

It is those families in which the father is absent from the home that the most substantial growth has occurred. As a percentage of the total caseload, AFDC families in which the father was absent from the home increased from 66.7 percent in 1961 to 74.2 percent in 1967 and to 75.4 percent in 1969.

Startling as they are, the percentage increases are not as dramatic as the increases in numbers of recipients. In 1961, 2.4 million persons were receiving AFDC because the father was absent from the home. By 1967, that figure had grown to 3.9 million, and by 1969 to 5.5 million.

Applying that same percentage to the caseload today, we find that more than 7½ million persons are receiving AFDC today because of the father's absence from the home. In the past 3 years, families with absent fathers have contributed more than 3 million additional recipients to the AFDC rolls.

DESERTION

What kinds of families are these in which the father is absent from the home? Basically, these represent situations in which the marriage has broken up or in which the father never married the mother in the first place. In 43.3 percent of the AFDC families on the rolls in 1969, the father was either divorced or legally separated from the mother, separated without court decree, or he had deserted the family. Desertion represented the largest category, constituting 15.9 percent of the total number of AFDC families in 1969. Applying that percentage to the caseload today, this means that well over 1½ million welfare recipients are getting AFDC because the father has deserted.

ILLEGITIMACY

The largest single cause of AFDC eligibility is illegitimacy, and this has been the fastest growing category in recent years. In 21.3 percent of the families receiving AFDC in 1961, the mother was not married to the father of the child.

By 1969, this proportion had grown to 27.9 percent. Applying that percentage to the present caseload, we find that well over 2½ million AFDC recipients today are found in families where the father is not married to the mother. This is a shocking indictment of American morality.

Increasing family breakup and illegitimacy is similarly indicated in data from the 1970 census. These statistics show that more children are now growing up with one or more parent absent than was the case in 1960. The past decade has also seen an increase in the number of married women separated from their husbands. Yet, even larger than these increases has been the rise in the percentage of illegitimate births from 1960 to 1970.

I ask unanimous consent to have printed at the end of my statement an article published in the Washington Star describing the census statistics that I have mentioned.

The PRESIDING OFFICER (Mr. HANSEN). Without objection it is so ordered.

(See exhibit 1).

Mr. LONG. These two factors then, of family break-up and illegitimacy, have contributed the major portion of the phenomenal growth of the AFDC rolls over the last few years in the Nation as a whole. The figures can be even more dramatic when booked at on a State-by-State basis.

A NATIONAL DISGRACE

According to the statistics, 18.1 percent of the AFDC families were on welfare in 1967 because the father had deserted. But in New York and New Jersey, the two States with the highest AFDC payment levels—where welfare is a comfortable way of life—the percentages of desertions were 31.4 percent and 32.4 percent, respectively.

Nationwide, illegitimacy represented the basis of eligibility for 26.8 percent of the AFDC families in 1967. In the District of Columbia, however, the father was not married to the mother in 41 percent of the families.

I ask unanimous consent, Mr. President, that a table showing this information by State be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AFDC FAMILIES BY STATUS OF FATHER WITH RESPECT TO THE FAMILY, 1967: FATHER ABSENT FROM HOME

State and census division	Total families	Father absent from home							
		Total	Parents divorced	Parents legally separated	Parents separated without court decree	Father has deserted	Father not married to mother	Father in prison	Other reason
Total:									
Number	1,278,273	948,470	161,277	34,211	123,376	231,758	342,060	38,178	17,610
Percent	100.0	74.2	12.6	2.7	9.7	18.1	26.8	3.0	1.4
New England	68,685	80.1	20.6	7.3	14.1	12.1	22.6	2.2	1.1
Maine	5,874	79.0	41.6	2.4	7.3	5.8	19.1	2.1	.7
New Hampshire	1,402	86.2	36.9	5.4	17.1	13.1	10.8	1.7	1.0
Vermont	2,105	77.0	25.9	4.8	10.6	12.1	18.8	3.1	1.7
Massachusetts	35,958	78.2	20.9	9.2	14.7	10.7	20.0	1.9	.9
Rhode Island	7,501	77.5	17.7	8.7	17.0	9.3	21.1	2.3	1.4
Connecticut	15,845	85.7	11.4	4.6	14.2	18.7	32.3	2.8	1.5
Middle Atlantic	300,050	78.9	4.9	3.0	9.9	28.3	28.7	2.6	1.5
New York	196,218	79.5	4.3	3.4	8.9	31.4	27.5	2.5	1.6
New Jersey	36,176	88.8	5.3	2.3	11.3	32.4	33.7	2.5	1.2
Pennsylvania	67,656	71.8	6.3	2.2	12.3	17.2	29.7	2.9	1.3
East North Central	182,619	82.0	16.1	3.3	10.0	15.6	32.6	3.1	1.2
Ohio	53,479	80.2	15.9	3.3	10.7	14.2	30.8	4.1	1.3
Indiana	12,172	81.9	25.6	8.3	6.3	11.1	24.9	4.4	1.3
Illinois	57,903	84.0	9.8	1.5	7.3	23.9	37.6	2.6	1.2
Michigan	44,455	84.0	18.6	3.3	15.9	10.3	32.9	2.0	1.0
Wisconsin	14,610	74.3	26.8	6.2	3.5	8.0	25.0	3.4	1.4
West North Central	74,940	73.7	27.2	2.5	8.2	10.8	21.2	2.2	1.6
Minnesota	15,929	70.2	36.9	4.6	5.3	5.0	16.2	1.3	1.0
Iowa	11,795	75.3	37.1	1.4	7.3	10.3	15.0	2.5	1.8
Missouri	26,729	75.1	16.9	.8	11.1	15.5	26.9	2.4	1.6
North Dakota	2,312	68.7	27.3	2.9	5.7	10.5	18.1	1.7	2.5
South Dakota	3,706	74.0	24.6	2.5	9.1	9.3	25.2	2.1	1.2
Nebraska	5,509	81.7	31.0	6.0	8.3	10.5	22.2	2.0	1.7
Kansas	8,960	69.6	26.0	3.1	6.4	9.1	19.5	3.5	2.0
South Atlantic	163,011	70.0	5.6	1.4	7.8	22.3	27.8	3.8	1.4
Delaware	3,818	78.5	4.6	4.1	11.9	24.4	29.1	3.1	1.3
Maryland	26,443	78.6	3.4	1.7	16.6	20.1	31.7	3.3	1.8
District of Columbia	5,341	85.3	1.9	.7	12.4	24.3	41.0	3.6	1.3
Virginia	10,153	76.2	6.2	1.5	6.5	22.9	33.4	5.3	.4
West Virginia	20,887	43.0	6.5	1.4	1.5	13.1	18.3	1.5	.7
North Carolina	26,098	72.3	4.1	1.1	5.9	20.9	34.2	4.8	1.4
South Carolina	6,996	49.6	.9	.2	1.2	28.3	11.1	7.9	0
Georgia	25,941	63.9	5.9	1.0	6.2	24.7	18.5	5.0	2.5
Florida	37,334	80.7	9.1	1.6	8.0	26.3	31.9	2.6	1.3
East South-Central	92,146	65.5	9.3	.7	3.3	17.4	31.1	2.8	1.0
Kentucky	26,804	61.9	13.3	1.0	0	15.5	28.4	3.3	.4
Tennessee	23,535	70.1	12.8	.6	4.6	15.6	32.0	3.5	1.0
Alabama	18,137	68.5	5.9	1.0	6.5	17.5	32.7	2.9	2.0
Mississippi	23,671	62.8	4.0	.1	3.3	21.2	32.1	1.3	.9
West South-Central	85,060	68.7	13.9	1.3	9.7	13.5	25.9	3.3	1.1
Arkansas	9,233	63.2	10.6	.9	7.3	14.8	26.4	2.6	.5
Louisiana	27,156	64.3	5.1	1.4	12.9	13.0	27.2	3.3	1.3
Oklahoma	22,316	69.5	24.3	1.1	8.4	6.5	26.7	1.7	.9
Texas	26,355	74.4	15.2	1.6	8.3	19.6	23.7	4.9	1.1
Mountain	48,637	71.5	22.8	1.8	7.1	14.3	21.3	2.8	1.5
Montana	2,495	72.9	31.7	.8	5.0	9.4	21.0	3.0	2.0
Idaho	3,047	83.2	43.0	1.6	6.3	13.4	16.3	1.1	1.4
Wyoming	1,220	80.5	39.4	1.2	6.5	9.0	18.5	2.7	3.3
Colorado	13,951	66.8	19.4	2.1	9.5	15.2	16.1	3.8	.8
New Mexico	9,396	73.0	18.9	1.6	5.7	12.8	30.4	2.1	1.6
Arizona	10,208	74.3	14.9	1.2	6.8	21.4	25.3	3.3	1.4
Utah	6,672	63.5	31.5	2.9	4.6	7.3	12.6	1.7	2.7
Nevada	1,648	86.4	23.1	1.3	10.8	14.5	33.7	2.2	.8
Pacific	225,275	73.8	18.2	3.3	13.6	7.7	25.6	3.6	1.6
Washington	15,867	76.2	30.2	3.6	11.3	9.8	16.3	2.5	2.5
Oregon	10,206	74.0	25.5	1.2	14.7	9.2	17.7	2.7	3.0
California	193,336	73.8	16.7	3.4	13.9	7.6	27.0	3.8	1.4
Alaska	1,717	61.4	17.6	.9	5.5	5.1	27.6	3.2	1.5
Hawaii	4,649	69.9	25.2	2.5	6.8	4.6	25.1	1.7	4.0
Puerto Rico	37,458	46.7	2.4	.4	4.0	35.9	1.1	1.5	1.5
Virgin Islands	393	81.2	3.8	1.5	1.9	57.3	8.7	3.1	5.3

We do not know if any mothers receiving AFDC continue having illegitimate children for the sake of increasing their welfare payments. But the study conducted by the Department of Health, Education, and Welfare shows an astounding amount of multiple illegitimacies. In the 1969 study 721,000 families—44 percent of all families on AFDC—had illegitimate children. Of this total, 346,000 had one illegitimate child, 174,800 had two illegitimate children, and 89,500 had three illegitimate children. There were even 1,300 families with 10 or more illegitimate children.

I ask unanimous consent that a table prepared by the Department of Health, Education, and Welfare on AFDC families by number of illegitimate recipient children be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD as follows:

AFDC FAMILIES WITH SPECIFIED NUMBER OF ILLEGITIMATE RECIPIENT CHILDREN, 1969

Number of children	Number	Percent
Total	1,630,400	100.0
None	906,900	55.6
1	346,600	21.3
2	174,800	10.7
3	89,500	5.5
4	50,500	3.1
5	27,100	1.7
6	15,200	.9
7	10,200	.6
8	4,200	.3
9	2,200	.1
10 or more	1,300	.1
Not reported	1,900	.1

Source: Department of Health, Education, and Welfare.

Mr. LONG. Mr. President, with statistics like these mirroring today's welfare rolls, the administration must recognize that illegitimacy and family breakup are social problems that have made a major contribution to the recent precipitous increases in the welfare rolls.

H.R. 1—NO SOLUTION

I am sorry to say, however, that the administration's original welfare proposal submitted to the Congress in 1969 did nothing to deal with this issue; in some ways, the bill would have aggravated the situation. And this year's bill is no better.

Mr. President, I have already analyzed for the Senate the true nature of the administration's welfare expansion bill in a Senate speech entitled "Welfare reform—Or is it?" In that speech, which apears in the CONGRESSIONAL RECORD of August 6, 1971. I pointed out how the administration bill totally failed to deal with either of the two principal causes of the welfare crisis—the work incentive and the broken home.

In significant respects, the administration's plan, which is nothing less than a guaranteed annual income, actually makes the welfare mess worse—stifling the work ethic by providing larger payments to those who do no work at all, and encouraging family breakup and illegitimacy with financial rewards.

Let me urge my colleagues to read my August remarks. I will have more to say at a later time regarding the work incentive and the high level of welfare cheating in America. But today, let me offer at least a partial solution to the problems of desertion and illegitimacy.

Family breakup and illegitimacy are issues we must deal with. Let me quote from an article entitled "The Crisis in Welfare" which was written by Daniel P. Moynihan in 1968:

> While minority group spokesmen are increasingly protesting the oppressive features of the welfare system and liberal scholars are actively developing the concept of the constitutional rights of welfare recipients with respect to such matters as man in the house searches, it is nonetheless the fact that the poor of the United States today enjoy a quite unprecedented de facto freedom to abandon their children in the certain knowledge that society will care for them and, what is more, in a State such as New York, to care for them by quite decent standards. Through most of history a man who deserted his family pretty much assured that they would starve or near to it if he was not brought back, and that he would be horsewhipped if he were. Much attention is paid to the fact that the number of able-bodied men receiving benefits under the AFDC program is so small . . .
>
> Now a working-class or middle-class American who chooses to leave his family is normally required first to go through elaborate legal proceedings and thereafter to devote much of his income to supporting them. Normally speaking society gives him nothing. The fathers of AFDC families, however, simply disappear. Only a person invincibly prejudiced on behalf of the poor would deny that there are attractions in such freedom of movement.

That is what was said by Daniel P. Moynihan, the President's family assistance adviser in 1969 and 1970.

Mr. Moynihan cites as a necessary element for welfare reform "a sharp curtailment of the freedom now by and large enjoyed by low-income groups to produce children they cannot support and, in the case of family heads, to abandon women and children they are no longer willing to live with."

ELEMENTS OF THE LONG BILL

Historically, the Congress has attempted to deal with the problems of desertion and illegitimacy over the years but, it must be admitted, with small success. I am introducing today a bill designed to combat these two problems.

In my opinion, a solution to the problem of family desertion and illegitimacy will do more to correct the welfare mess than any other action we can take. Paternity and support suits enforced by the Federal Government can create a semblance of responsibility and discipline in an area where irresponsibility and permissiveness have too long prevailed.

Present law requires that the State welfare agency undertake to establish the paternity of each child receiving welfare who was born out of wedlock, and to secure support for him; if the child has been deserted or abandoned by his parent, the welfare agency is required to secure support for the child from the deserting parent, utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support. The State welfare agency is further required to enter into cooperative arrangements with the courts and with law enforcement officials to carry out this program. Access is authorized to both social security and Internal Revenue Service records in locating deserting parents. But these measures have been shown to be inadequate.

In its consideration last year of ways to improve the welfare program, the Committee on Finance felt that the provisions of present law were useful and should be retained. However, it was clear that further action was necessary to permit more extensive involvement of the Federal Government in cases where the father is able to avoid his parental responsibility by crossing State lines.

CHILD DESERTION—A FEDERAL CRIME

First, the committee bill would have made it a Federal misdemeanor for a father to cross State lines in order to avoid his family responsibilities. The penalty under this provision was imprisonment for up to 1 year.

Today, despite the billions of dollars Uncle Sam is putting into the welfare program to care for needy children, desertion is not a Federal offense. In those States where it is a crime, a deserting parent simply moves to another State and places himself beyond the reach of the State whose law he is violating.

The law today makes it a simple matter for an unwilling parent to avoid his responsibilities, simply disappear, and leave his children to be paid for by the American taxpayers through the welfare system. By and large, these American taxpayers are living up to their own responsibilities, supporting their own children, and it is a brutally unfair law which requires them to also support the children of the deadbeats who abandon them to welfare. Knowing that Federal officials will be on their trail, and that they cannot avoid prosecution merely by crossing State lines, these people are going to think twice before deciding to shirk their responsibility toward their own children.

PARENTAL RESPONSIBILITY ENFORCED

Second, the committee bill would have provided that an individual who has deserted or abandoned his spouse, child or children shall owe a monetary obligation to the United States equal to the Federal share of any welfare payments made to the spouse or child during the period of desertion or abandonment. In those cases where a court has issued an order for the support and maintenance of the deserted spouse or children, the obligation of the deserting parent would be limited to the amount specified by the court order.

We felt we should continue to provide an incentive for States to seek to obtain a court order requiring the deserting parent to support his family. Therefore, under last year's committee bill, if the State has obtained a court order, the Federal Government would attempt to recover both the Federal and non-Federal share of welfare payments to the deserting father's family. If the State has not obtained a court order, the Federal Government would only attempt to recover the Federal share of the welfare payments.

The bill would also have provided that information regarding the whereabouts of the deserting individual would be furnished, on request, by the Federal Government to the deserted spouse, or to the guardian or custodian of the child or children deserted, or their counsel.

This creation of an obligation to reimburse the Federal Government for welfare payments to his children means that an errant father could no longer abandon his children on the taxpayer's doorstep and expect someone else to do for his children what he is unwilling to do.

The bill I am introducing today, Mr. President, incorporates these important provisions of last year's committee bill. It also makes two important additions to last year's committee bill.

A ROLE FOR THE TAX COLLECTOR

First, it provides for the collection of the deserting father's liability to the United States by the Internal Revenue Service through its tax collection procedures. The Senate passed such a provision in 1967, but it was taken out of the bill in conference because it was thought that locating the deserting father through tax records would be sufficient and from that point forward court orders could easily be enforced. Unfortunately, time has proven us wrong and a more effective device is called for. Using the tax collector as the Senate proposed in 1967 is an obvious choice.

This collection procedure is the key to enforcing the Federal obligation to repay amounts disbursed in welfare checks to a runaway father's family.

I know the tax collector feels his function should be limited to the collection of the Federal revenues but, in this instance, the payments he would be collecting are the direct equivalent of tax payments. Every dollar he collects in this way replaces a dollar of tax revenues which today is lost through the welfare system.

A ROLE FOR POVERTY LAWYERS

A second feature of my bill requires the maximum use of legal services lawyers in obtaining support orders on behalf of destitute mothers and children who have been abandoned.

In my opinion, this is the sort of work the poverty lawyers today should be engaged in. They should be helping destitute mothers and children obtain support payments from their absconding father. They should be out enforcing those support payments. In the past, these federally funded poverty lawyers have directed their efforts not to helping poor mothers and children get support money from the runaway father, but toward striking down good Federal laws and creating the welfare mess we have now. This feature of the amendment would permit these poverty lawyers to do the job for the poor that was contemplated when the legal program was established. The success they achieved in obtaining support money from runaway fathers would be directly offset by reductions in welfare costs.

ESTABLISHING PATERNITY

The bill I am introducing today also includes another provision from last year's committee bill, one intended to clarify congressional intent in view of a court interpretation very much out of step with congressional intent.

As I mentioned earlier, the Congress has written into the Social Security Act a provision requiring the State welfare agency—

> In the case of a child born out of wedlock who is receiving aid to families with dependent children, to establish the paternity of such child.

Despite this clear legislative history, a U.S. district court in August 1969, ruled that a mother's refusal to name the father of her illegitimate child could not result in denial of Aid to Families with Dependent Children. The applicable State regulation was held to be inconsistent with the provision in Federal law that AFDC be "promptly furnished to all eligible individuals," on the grounds that the State regulation imposed an additional condition of eligibility not required by Federal law.

The dissenting opinion stated:

> Unless the principle of personal parental responsibility is to be abandoned, as an obsolete cornerstone for gaging welfare eligibility, a full disclosure is a necessary and implied governmental prerogative, which requires the applicant to disclose all relevant information. Absent this personal responsibility and cooperativeness between the applicant-mother and the government, the effectiveness of the program would be seriously challenged because she is the sole source of this information; and without it the system designed to establish paternity could not function. . . .
>
> Congress created this system which requires only the identity of the father, to allow enforcement officials with the assistance of the Internal Revenue Service and the social security files, to locate an absconding father. It is one of the very few occasions when the information in those records is statutorily made available for use outside the agencies' official business. Could it be that Congress contemplated this elaborate system would be paralyzed by an uncooperative applicant-mother who could still successfully insist that she be paid her full monetary allotment?

Our answer is an emphatic "no." Under the provision we wrote into the committee bill last year, the intent of the Congress that States must attempt to establish the paternity of a child born out of wedlock was reaffirmed by providing that the requirement that welfare be furnished "promptly" may not preclude a State from seeking the aid of a mother in identifying the father of the child.

Why should we not know who the father is? Why should not we identify him and prosecute him, if necessary, to get support money from him for his family? Why should we not do whatever we can to make him a more responsive parent toward his own children, despite his apparent preference for irresponsibility?

We have got to stop this ridiculous situation we find ourselves in today where most any man who wants to can avoid supporting his children by, in effect, depositing them on Uncle Sam's doorstep, expecting the taxpayer of America to pay his bills for him.

WELFARE ALLOWANCE FOR SUPPORT PAYMENTS

So, the bill I am introducing today provides for the identification of the father of illegitimate welfare children or applicants so his responsibility to his offspring can be determined and enforced. Indeed, it goes further. It would provide a positive incentive for abandoned mothers to identify the father and aid in securing support payments from him.

Under present law, we require that a portion of the earnings of welfare recipients be disregarded in determining the amount of the welfare payment in order to provide an incentive to work. My bill would extend the same treatment as it now accorded earned income to income regularly received as support payments from a husband who has deserted, if the payments are made pursuant to a court order. I hope this will serve as an incentive for these mothers to help us in seeking to require a father to meet his responsibility to support his family.

INCREASED FEDERAL MATCHING FOR FAMILY PLANNING

In previous legislation, Congress has also attempted to deal with the problem of growing illegitimacy. In 1962, Federal matching was increased from 50 to 75 percent for services aimed at reducing or preventing dependency; this could include family planning services and other services to combat illegitimacy. In 1965, the medicaid program was established, which provided a further mechanism for funding family planning services. In 1967, the Congress took a significant new step by requiring States as part of their AFDC program to establish a program to combat illegitimacy and by requiring them to offer family planning services to all appropriate AFDC recipients.

The progress which has been made under the 1967 amendments, unfortunately, has not met our hopes. The annual report by the Department of Health, Education, and Welfare covering family planning services includes information which makes clear that the mandate of the Congress that all appropriate AFDC recipients be provided family planning services has not been fulfilled.

Both the HEW report and testimony in hearings before the Finance Committee last year indicated that lack of the State and local 25-percent matching share had held back the expansion of family planning services. The bill I am introducing today, like last year's Senate social security bill, would increase Federal matching for family planning services from 75 to 100 percent.

My own State of Louisiana has taken the lead in providing family services to poor people. They have found tremendous positive response from women who for the first time in their lives have a chance to control their own fate. Women are all for family planning. If you do not believe me, then just ask them as I did. Basically, what we are talking about is equal rights—poor people ought to have the same ability to plan their families as do the middle class and the wealthy.

Not only would this family planning amendment enhance the future of the women whose lives it touches, but, in addition, Federal dollars invested today in family planning services will save us millions of dollars in future welfare costs.

Mr. President, the provisions of my bill would not solve the welfare problem. But they would represent an important first step by dealing responsively and responsibly with the two major causes of the explosive growth of the AFDC rolls in recent years.

EXHIBIT 1

CENSUS DATA ON BLACKS—BROKEN HOMES ON INCREASE

(By Philip Meyer)

Figures indicating an increase in broken homes among Negroes are turning up in new data published by the Census Bureau.

The census statistics also show educational and economic gains.

More nonwhite children now are growing up with one or both parents absent than were 10 years ago.

The same time period has also seen an increase in the number of nonwhite married women who are separated from their husbands.

In the case of whites, both of these broken-home indicators have held fairly constant in the last decade.

Earlier figures in both categories were cited in 1965 by Daniel Patrick Moynihan, then an assistant secretary of Labor, in a report that became highly controversial, "The Negro Family: The Case for National Action."

"At the heart of the deterioration of the fabric of Negro society is the deterioration of the Negro family," Moynihan wrote. "It is the fundamental source of the weakness of the Negro community at the present time."

One figure he cited then was 33.7 percent of nonwhite children under 18 not living with both parents. That figure was based on the 1960 census.

In March 1970, the Census Bureau's population survey found, 39.5 percent of nonwhite children had one or both parents missing.

Ten percent of white children were without one or both parents in 1960 and 10.9 percent in 1970.

Another set of figures listed by Moynihan showed that 13.8 percent of nonwhite married women were separated from their husbands in 1960, compared to 4.1 percent of white married women.

In 1970, the proportion of separated nonwhite women had crept up to 16.8 percent. Among white married women it still was 4.1 percent.

Both sets of figures came from the Census Bureau's Monthly Current Population Survey, which is based on a sample of 50,000 households and is subject to some error.

The illegitimacy rate has also increased for both whites and blacks since the Moynihan report noted that in 1963, 3 percent of white births and 24 percent of nonwhite births were illegitimate. The comparable 1968 figures are 5 percent for whites and 31 percent for nonwhites.

The Moynihan report cited 1963 income figures to show that the median nonwhite family income was only 53 percent of white family income. The Census Bureau's latest consumer income study shows that in 1969, nonwhite income was up to 63 percent of white income.

The gap between white and nonwhite unemployment is also narrowing. For most of the last decade, the unemployment rate for nonwhites has been more than twice the jobless rate for whites. In 1970, it was somewhat less than twice: 4.5 percent for whites and 8.2 percent for nonwhites.

Education has also improved for blacks. In 1960, only 40 percent of blacks between the ages of 20 and 24 had finished high school. In the 1970 figures, 65 percent of blacks in that age group had finished high school.

By Mr. BAYH (for himself and Mr. CRANSTON):

S. 3022. A bill to provide for the issuance of two-dollar bills bearing the portrait of Susan B. Anthony. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BAYH. Mr. President, today I am introducing with Mr. CRANSTON, my colleague from California, a bill to require the Department of Treasury to issue currency in the denomination of two-dollars, bearing the portrait of Susan B. Anthony. If passed, this bill would provide an appropriate formal commemoration of the contribution which women have made to this country.

As you may know, the proposal to issue two-dollar bills in large quantities is under serious consideration by the Department of Treasury. The idea has strong staff support, although the last two-dollar bill was not widely used.

However, I believe that if issued in sufficient quantity, two-dollar bills will be viewed as a convenience and more importantly, will present considerable savings in administrative costs. For example, there are now 3 billion notes of currency, half of which are one-dollar bills. If one-half of the one-dollar bills were to be converted to two-dollar bills, the Director of the Bureau of Engraving and Printing has estimated that savings to the taxpayers would amount to $2 million. For these reasons, I urge the Senate to direct the Secretary of the Treasury to issue these two-dollar bills as soon as possible.

My legislation would also require that the new bill bear a portrait of Susan B. Anthony, one of the outstanding reformers of the 19th century. Susan B. Anthony devoted her entire life to the women's suffrage movement, working with such other leaders as Amelia Bloomer, Lucretia Mott, Lucy Stone, and Elizabeth Cady Stanton. In 1869, Miss Anthony helped found the National Woman Suffrage Association and served as an officer until 1900 when she retired at the age of 80. Before her death, she had the satisfaction of seeing equal suffrage granted in four States and a measure of suffrage granted in others. In her will, Miss Anthony left all her savings to continue the cause to which she had devoted her life.

The proposal which I am introducing has the support of 26 women's organizations, representing over 50 million women in the country. Representative HALPERN's identical bill has been endorsed by 32 Members of the House and 17 State Governors. I ask unanimous consent that a copy of the bill along with the names of its supporters be printed in the RECORD at the end of my remarks.

There being no objection, the bill and list were ordered to be printed in the RECORD, as follows:

S. 3022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, in addition to such other currency as he is authorized to issue on the date of enactment of this Act, the Secretary of the Treasury is directed to issue United States currency in the denomination of two dollars and bearing the portrait of Susan B. Anthony in such form and design as the Secretary may determine appropriate.

WOMEN'S ORGANIZATIONS

1. National Council of Women (23 million women).
2. American Business Women's Association.
3. National Federation of Republican Women.
4. Federation of Jewish Women's Organizations.
5. National Council of Catholic Women.
6. American Baptist Women.
7. National Association of Women Artists.
8. Women United For the United Nations.
9. American Association for Health, Physical Education and Recreation.
10. National Council of Administrative Women in Education.
11. Women World War Veterans (2nd).
12. Association for Women's Active Return to Education.
13. International Association of Women Police.
14. Chinese Women's Association, Inc.
15. American Mothers' Committee, Inc.
16. Federation of Women Shareholders in American Business.
17. Women Strike For Peace.
18. National Association of Negro Business and Professional Women's Club, Inc.
19. B'nai B'rith Women.
20. American Medical Women's Association, Inc.
21. Association of American Women Dentists.
22. Unitarian Universalist Women's Federation.
23. Women's Overseas Service League.
24. National Women's Conference of the American Ethical Union.
25. National Association of Women Deans and Counselors.
26. Women's International League for Peace and Freedom.
27. National Federation of Business and Professional Women's Clubs, Inc.

HOUSE COSPONSORS

ALASKA

Nick Begich.

ARKANSAS

Bill Alexander, David Pryor.

CALIFORNIA

Phillip Burton, Augustus Hawkins, Peter McCloskey, Edward Roybal, Victor Veysey, Charles Wilson.

FLORIDA

Claude Pepper.

HAWAII

Spark Matsunaga, Patsy Mink.

ILLINOIS

George Collins.

INDIANA

Ray Madden.

KANSAS

William Roy.

KENTUCKY

Romano Mazzoli.

MAINE

William Hathaway.

MARYLAND

Edward Garmatz, Gilbert Gude, Parren Mitchell.

MASSACHUSETTS

Edward Boland, James Burke, Michael Harrington, Margaret Heckler, Louise Day Hicks, Brad Morse.

MICHIGAN

Martha Griffiths.

MINNESOTA

Donald Fraser, Bill Frenzel.

MISSOURI

Jim Symington.

NEBRASKA

John McCollister.

NEW JERSEY

Dominick Daniels, Henry Helstoski, Peter Rodino.

NEW YORK

Bella Abzug, Joseph Addabbo, Herman Badillo, Mario Biaggi, Shirley Chisholm, John Dow, Thaddeus Dulski, Seymour Halpern, Frank Horton, Jack Kemp, Ed Koch, Norman Lent, Odgen Reid, Bill Ryan, Benjamin Rosenthal, James Scheuer.

NORTH CAROLINA

Walter Jones.

PENNSYLVANIA

Larry Coughlin, Robert Nix, John Ware.

SOUTH CAROLINA

James Mann.

TENNESSEE

William Anderson, John Duncan, Dan Kuykendall.

WASHINGTON

Julia Butler Hansen.

WISCONSIN

Les Aspin.

GOVERNORS

1. Dale Bumpers—Arkansas.
2. John Burns—Hawaii.
3. Milton Shapp—Pennsylvania.
4. Stanley Hathaway—Wyoming.
5. Kenneth Curtis—Maine.
6. Robert Docking—Kansas.
7. Wendell Anderson—Minnesota.
8. William G. Milliken—Michigan.
9. Francis W. Sargent—Massachusetts.
10. Russell W. Peterson—Delaware.
11. Preston Smith—Texas.
12. Jimmy Carter—Georgia.
13. Calvin Rampton—Utah.
14. John C. West—South Carolina.
15. Patrick Lucey—Wisconsin.
16. Arch A. Moore, Jr.—West Virginia.
17. Nelson Rockefeller—New York.
18. Edgar Whitcomb—Indiana.

Mr. CRANSTON. Mr. President, I am pleased to join with my colleague from Indiana (Mr. BAYH) in sponsoring a bill which directs the Secretary of the Treasury to issue the $2 denomination bearing the portrait of Susan B. Anthony.

We introduce this bill today as an effort to rectify just one of the many injustices that have accompanied our legal, social, and economic treatment of women as inferiors. The great men of America have traditionally been honored on our coins and currency. The many great women—whose contributions have been long ignored or belittled—have never been so honored. A portrait of Susan B. Anthony on currency that is frequently used by the general public, as our smaller denominations are, would not only be an important symbolic victory in the fight for equal rights, but would constitute a daily reminder of the outstanding contributions made by the great women of America.

Susan Brownell Anthony devoted most of her 86 years to the fight for equal suffrage. During her earlier years, she fought determinedly for other worthy causes. She organized the Woman's State Temperance Society of New York in 1852, the first organization of its kind ever formed. She continued her efforts for temperance, but met such violent and consistent opposition to women's participation in public affairs that she became convinced that women could be effective workers for social betterment only through equal rights.

She also attended teachers' conventions, being a former teacher herself, where she demanded for women all the privileges then enjoyed only by men. She took a radical abolitionist stand, and in 1857–58 she campaigned under the slogan, "No Union With Slaveholders."

After the Civil War, she was one of the first to advocate Negro suffrage. When the 14th amendment was under discussion, she attempted to have included a provision for extending the franchise to women as well as to male blacks, but was unsuccessful.

In 1852, in commenting on her decision to abandon the Bloomer costume—short skirt and Turkish shorts—which she and her friend Amelia Bloomer had been wearing, she said:

> I found it a physical comfort, but a mental crucifixion. The attention of my audience was fixed upon my clothes instead of my words. I learned the lesson then that to be successful a person must attempt but one reform.

She devoted the balance of her years and her boundless energies to the cause of women's suffrage. In 1869 the National Woman Suffrage Association was organized to secure 16th amendment to the Constitution granting women the franchise. Mrs. Anthony was elected chairman of the executive committee. Another organization, the American Woman Suffrage Association, was formed the same year. The two merged in 1890 to become the National American Woman Suffrage Association, and Mrs. Anthony was elected vice president at large. In 1892, she was elected president and served in this position until 1900 when she retired at the age of 80.

Throughout the many years of her career, Susan B. Anthony encountered opposition and criticism of nearly every kind. But she sustained an unshakable confidence in herself and in the justice of her cause. She never wavered. Before her death, she was rewarded with respect and honor rarely accorded a woman. She lived long enough to see equal suffrage granted in four States and a measure of suffrage granted to others. She died in Rochester, N.Y., in 1906 shortly after celebrating her 86th birthday.

Mr. President, the efforts of women like Susan B. Anthony succeeded in obtaining the vote for women on August 26, 1920, when the 19th amendment was officially proclaimed part of the U.S. Constitution. In the 51 years since that historic breakthrough, however, women have made little progress in their battle for true equality.

Despite substantial gains made in the fight to eliminate prejudice, women remain subject to much legal and institutional discrimination. Racial prejudice, while it still exists, is on the wane because white America is at last admitting its prejudices. Prejudice against women, however, is still socially and legally acceptable. More than half of the population is denied equal rights and responsibilities under the law. The Women's Bureau of the Department of Labor reports that while women constitute 37 percent of the total labor force, they hold only 17 percent of all managerial positions. Their annual average salary is only 59.4 percent of men's. In 1970, full-time women employees averaged a salary of only $5,323, compared to $8,966 for men.

The President's Task Force on Women's Rights and Responsibilities reported in December 1969 that:

> The United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

This task force recommended:

> A national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment . . . is necessary to the growth of our society.

A first major step in this direction would be the approval of the equal rights amendment by the Congress of the United States. This amendment, which passed the House overwhelmingly on October 12, 1971, is simply and effectively stated. It provides that:

> Equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex.

I strongly urge the Judiciary Committee and the Senate to hasten to approve identical language so that the equal rights amendment can move toward ratification without further legislative delays.

Mr. President, this bill I am introducing with Senator BAYH today is a small step toward true equality for women. Its passage would move us a little farther down the road toward the time when men and women can work together without debasing the achievements of each other because of sex, race, national, or religious differences. I hope that our bill will be acted upon favorably by the Senate and that its House counterpart—introduced by Congressman SEYMOUR HALPERN—enjoys early approval.

By Mr. JAVITS:

S. 3023. A bill to amend the Public Health Service Act so as to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes. Referred to the Committee on Labor and Public Welfare.

INTERNATIONAL HEALTH AGENCY ACT FOR 1971

Mr. JAVITS. Mr. President, I introduce the International Health Agency Act of 1971, an amended companion measure to H.R. 10042 introduced by Mr. CAREY and Mr. FRASER and cosponsored by more than 20 Members of the House of Representatives. This legislation is a significant step forward in America's continuing commitment to help developing nations in the battle against disease, malnutrition, and natural disasters and in their critical need for health care.

DESCRIPTION OF BILL

This bill provides:

First, for the establishment of an International Health Agency which would coordinate our fragmented effort to provide health care through organizations such as the Agency for International Development, the World Health Organization, and other private, voluntary, and international agencies. This would permit us to eliminate duplication and secure maximum effectiveness of expenditures for disaster relief so that our Nation, in cooperation with other international agencies, can respond in a more rapid and comprehensive fashion to this problem.

Second, training programs for the health personnel who will serve the developing nations. These programs include intensive language study, cultural studies, and concentration on the variations in medical techniques and philosophy existing all over the world.

Third, assignment of agency personnel to assist host nations in need of mobile medical, paramedical, and technical personnel to assist in health-related environmental projects, epidemic control, specific disease campaigns, immunization campaigns, and other health problems, including alcoholism and drug addiction. With the concurrence of the House bill sponsors, my bill includes health-related environmental projects to enable us to provide broad-ranging health services. Until now, parasitic, contagious and endemic diseases have been treated in a vacuum without their appropriate reference to environmental health. We should not continue to treat episodic physical illness while ignoring its causes.

Fourth, that host country personnel are to be trained to meet that country's own health priorities. This is an essential feature of the bill. It insures that we will assist developing nations to help themselves in accordance with their own priorities. We should not force them to remain dependent upon our medical resources. This modification of the bill also has the concurrence of the House bill's sponsors.

Fifth, authorization of appropriations of $25 million for 5 fiscal years.

SUPPORT FOR LEGISLATION

Among the outstanding international health experts who appeared in support of this legislation at hearings before the House Foreign Affairs Subcommittee on International Organizations and Movements, are: Dr. Kevin Cahill, director, Tropical Disease Center, St. Claire's Hospital, N.Y., Mark Perlman, professor of economics, University of Pittsburgh, Dr. George Lythcott, associate dean and associate professor, Columbia School of Medicine, Dr. John Bryant, director, School of Public Health Administrative Medicine, Columbia, and Dr. Edward O'Rourke, Dean of School of Public Health, University of Hawaii. This legislation also has the support of the National Association for Practical Nurse Education and Service.

PROBLEM OF U.S. HEALTH SHORTAGE

The inadequacies of our own health system do not, I believe, make it at all inappropriate for our Nation to make a strengthened commitment to the health of others who have much less medical care, if any at all. Indeed, to export some badly needed medical manpower, even in a time of domestic need, can be in our Nation's own best interest.

It is only fitting that America make a

commitment to utilize its tremendous medical might to help others.

MEDICAL DIPLOMACY

As Dr. Kevin Cahill, the author of the idea in this bill, so aptly put it—"medicine is our untapped resource." It is a form of aid we can offer that is unique. It cannot be called either political or military aid. This aid is necessarily offered by a new kind of diplomat, the doctor and other health professionals. In a single global community where disease knows no geographic barriers, he is an ideal channel for modern international communication.

Health care is the developing nation's most critical basic need, for the gift of health is the greatest gift of all. This will require redirection of our foreign assistance priorities. To avoid the existing fragmentation and best implement our concern for health assistance, we should establish an administrative structure best suited to accomplish that end. An International Health Agency, as a new and separate executive agency, is the structure that can provide the most unified and coordinated approach.

To attain and maintain peace, man's basic rights such as health care must be guaranteed. One of the primary concerns of a developing nation is the health of its people and this concern is closely tied to the support the people are willing to give to the government. The eminent British statesman Benjamin Disraeli said:

> The health of the people is really the foundation upon which all their happiness, and all their powers as the state, depend.

In the past it has been the practice of our Nation to respond unilaterally to calls for help. However, at this time, strong belief in folk or local practice medicine runs through the developing countries of the world. Therefore, to continue our assistance without full consideration of the prevailing culture and psychology in the host country is not the most effective way and often repels the very country we are trying to help.

SELF-HELP PROGRAMS

Training of the host country's health personnel must be an integral part of every aid program we embark on. In the past it has often happened that a team of our medical specialists have gone into a country, given vaccinations, and then left, only to be called in again when the need occurs. This is not only inefficient health policy, but ineffective foreign policy as well. Programs of medical and technical training must be initiated concurrently with health aid programs. The host countries must be willing to make a contribution in kind and to lend personnel. We must train that personnel to continue to program after we have gone.

It is our responsibility as a technologically advanced nation to aid developing nations to help themselves. I do not believe it is good policy or practice to make these countries continually dependent upon us. Rather, it is significant that we give the initial aid when we can and encourage the host countries' continuance of the program after we have gone.

A self-help program supported and fostered by American assistance as envisioned by this bill will permit the establishment of cadres of host country health personnel which will provide the nucleus of necessary public health and medical leadership.

ENVIRONMENTAL HEALTH

I am also concerned that in the past we have not recognized the significance of coordinated health programs. Rather, parasitic, contagious, and endemic diseases were treated in a vacuum without reference to environmental health problems. A broad-ranging program to reduce the rate of infant mortality is almost ineffectual in some countries without a coordinated effort to increase the nutritional standard. A program designed to thwart an intestinal disease that is caused by poisoned water is ineffective unless there is a coordinated program to try to purify that water, or at least find a new source of it. We cannot continue to do what we have done in the past, treat the episodic physical ills while ignoring their causes.

Health is an integral part of human development as Dr. Cahill shows us by the example of irrigation projects which, when completed, altered the ecology of a region and led to the spread of certain diseases in that region.

CONCLUSION

I would emphasize that, if aid is to be effective and responsive—it cannot be a transfer merely of our goals, priorities, and technological prowess—but also must be an effort to aid the developing countries attain a standard of living and health that will allow them to develop in their own way. My bill seeks to do this by the creation of a new international mechanism to improve health care throughout the developing world.

By Mr. JAVITS (for himself, Mr. DOMINICK, Mr. SCHWEIKER, Mr. TAFT, and Mr. BEALL) (by request):

S. 3024. A bill to amend the Welfare and Pension Plans Disclosure Act. Referred to the Committee on Labor and Public Welfare.

EMPLOYEE BENEFITS PROTECTION ACT

Mr. JAVITS. Mr. President, together with Senators DOMINICK, SCHWEIKER, TAFT, and BEALL, I introduce for appropriate reference the administration bill to amend the Welfare and Pension Plans Disclosure Act. This bill is the subject of the Presidential message transmitted to the Congress on December 8, 1971.

This bill, together with a companion measure introduced today by Senator CURTIS on behalf of the administration, to amend the Internal Revenue Code, to set vesting standards for private pension plans and to provide tax deductions for employee contributions to individual and group retirement programs, constitutes an important step forward by the administration in securing a basic reform and strengthening of the private pension system. It is the first time—and I emphasize this—that any administration has committed itself formally to substantial reform of private pension plans, above and beyond proposing added disclosure and fiduciary standards for private retirement programs.

The administration is, therefore, to be commended for undertaking a significant initiative and one—which I hope—will stimulate and promote a sound legislative policy for private pension plans. Although I have reservations concerning certain aspects of the administration's proposals—which I will describe later—the administration's pension initiative is timely, coming as it does in the midst of a comprehensive and thorough investigation under Senate Resolution 35 by the Senate Labor Subcommittee, of which I am ranking minority member, into the employee benefit area—an investigation which already has had a profound impact with regard to alerting the Government and the public to extensive inequities and inadequacies in the private pension system.

I am pleased to be associated with the chairman of the subcommittee, Senator HARRISON A. WILLIAMS, Jr., Democrat of New Jersey, in this investigation. The chairman and the subcommittee staff, both from the majority and the minority, have pursued this investigation with unusual zeal and diligence, and there can be little doubt that these efforts have been instrumental in generating close attention to the hardships caused to workers under private retirement plans and the critical need for enacting remedial legislation.

I welcome the administration's recognition of the serious problems under employee benefit plans, and their endorsement of fundamental reform. Hopefully, it will not be very long before the American worker gets the pension protection he needs and deserves.

MAJOR ELEMENTS OF ADMINISTRATION'S BILL

The bill I introduce today represents a vast improvement over existing law by greatly strengthening the disclosure requirements for employee benefit plans and establishing stringent fiduciary standards designed to protect the rights of millions of American workers who are covered by employee welfare or pension benefit plans. While, as I shall indicate later, I also favor other types of pension plan reforms, there is no question that the present bill is also vitally needed to remedy serious defects in existing law which have permitted racketeers and other unscrupulous persons to jeopardize the security of thousands of American workers.

Existing law, namely, the Welfare and Pension Plans Disclosure Act, is predicated on a philosophy of disclosure. Congress assumed at the time that act was passed in 1958 that, given adequate disclosure of the facts related to employee benefit plans, employees adversely affected by the acts of plan fiduciaries would be willing and able to take the necessary steps to protect their rights under State law.

Sadly, the facts which have surfaced in recent years as a result of investigation by the news media and by local, State, and Federal Government bodies, including the Senate Permanent Investigations Subcommittee and the Senate Labor Subcommittee, have demonstrated that we were too optimistic in 1958 about the sufficiency of disclosure requirements alone to prevent chicanery by plan administrators and other "parties in interest."

Present law is inadequate for the following reasons:

First, the disclosure required is not sufficiently detailed.

Second, aggravating the lack of specificity in the required disclosure is a definition of "party in interest" which fails to include persons who are not nominally parties in interest—for example, employers, trustees, union officers—but really are under the control of such parties. Thus, transactions between employee benefit plans and wholly owned subsidiaries of contributing employers or relatives of trustees or union officials need not be reported under present law.

Third, under present law, even if the Secretary of Labor suspects misfeasance, he is unable to do anything about it. At most he can investigate and report it, but the burden is left on the participants or beneficiaries to protect their rights under State law. All too often, participants and beneficiaries of plans, out of ignorance or fear or both, have just not been capable of bearing this burden.

Fourth, the State law which applies to employee-benefit plans is usually the common law of trusts, developed over the centuries. These trusts usually involve but a single settler, at most, a relatively small, well-defined class of beneficiaries. In addition, there is a very serious problem arising from the fact that at common law the definition of "trustee" is quite narrow in scope, while in pension and welfare trust administration, the number of persons who handle and exercise control of the funds is much broader. Further, of course, the multistate operations of many such funds make the application of a single State's law often unworkable, and in any event, the "conflict of laws" problems which arise in such cases are often a stumbling block to effective enforcement of State law.

Clearly, this body of traditional trust law, vast as it is, must be applied quite differently to employee benefit plans which are the product of collective bargaining and may cover thousands of employees of many different employers. It is not surprising then that a great deal of uncertainty exists today with respect to the duties, rights, obligations of, and remedies against, plan trustees and administrators; especially in connection with jointly administered plans where the trustees actually represent different parties with possibly opposing interests.

Finally, in the case of plans covering employees and beneficiaries in many States service of process, venue, and jurisdictional requirements compound even further the difficulty facing individual employees who might want to institute a suit to protect their rights under present law.

The administration bill which I am introducing today is specifically designed to remedy these defects, as well as to provide additional protections to plan participants.

Much greater specificity of disclosure would be required, particularly with respect to investments in, and transactions with, "parties in interest," which are defined much more broadly than under existing law.

An annual audit by an independent accountant would also be required.

The new definition of "party in interest" includes those, such as administrators, officers, trustees, contributing employers and unions having members covered by the plan and the officers' agents and employees of such employers or union now included under present law, as well as persons controlling or controlled by contributing employers and relatives, partners or joint venturers with persons now included in the definition. "Relatives" is defined to include all ancestors, descendants, spouses and close in-laws.

The bill also provides a Federal standard of conduct—the "prudent man" rule—for all employee benefit fund administrators and imposes an obligation on cofiduciaries with joint responsibility to prevent and redress breaches of such responsibility by each other. Fiduciaries who breach their responsibility are made personally liable to make good losses to the fund, and exculpatory provisions are rendered null and void.

The bill further specifies that fiduciaries must discharge their duties "solely in the interests of the participants and their beneficiaries" and also specifically prohibits a wide range of conflict-of-interest transactions between the fund and parties in interest subject to certain necessary and reasonable exceptions. Of particular interest is the provision limiting future investments in contributing employer's stock to a total—when combined with previous holdings—of 10 percent of fund assets. This limitation does not apply to profit sharing, stock bonus and similar types of funds.

This provision has been further clarified by the new administration bill to insure that profit-sharing plans are treated appropriately.

Also to be noted is a provision prohibiting payment of compensation by a fund—except reasonable expenses—to persons receiving full-time pay from contributing employers or unions whose members are participants in the fund. Another safeguard is the prohibition for 5 years of persons convicted of certain crimes serving in fiduciary positions on employee benefit funds. This is similar to the prohibition on holding union office contained in section 504 of the LMRDA.

The present bill remedies the defect in existing law relating to enforcement by opening the Federal courts to suits by the Secretary of Labor or plan participants—if the amount in controversy exceeds $10,000. The Secretary may enforce any provision of the act, including the fiduciary standards provisions; plan participants or beneficiaries may sue to enforce their right to copies of reports and other documents required to be made available to them, to recover benefits or clarify their right to benefits under a plan, and, as representatives of a class, to redress breaches of fiduciary responsibility by plan administrators. In Federal court actions, process may be served nationwide.

In view of the problems of service of process and jurisdiction involved in maintaining individual suits against funds or their administrators I have some doubts about the desirability of conditioning access to the Federal courts by individuals on at least $10,000 being in controversy, the provisions of the bill permitting counsel fees to be awarded to successful defendants, as well as plaintiffs, and allowing the court to require plaintiffs to post bond to cover such fees.

In summary, those are the highlights of this important bill. I am convinced that it represents a long step in the right direction of providing adequate protection for the rights and expectations of participants and beneficiaries of employee benefit funds.

RELATIONSHIP OF ADMINISTRATION'S PROPOSALS TO S. 2

I would also like to discuss, briefly, some aspects of the relationship between the two administration bills and the approach I am taking in S. 2, the Pension and Employee Benefit Act, my bill now pending before the Senate Labor Subcommittee.

The ultimate objective of Federal legislation in this field ought to be to insure that employees who are depending on benefit plans to provide them with help in times of sickness or disability or with retirement security ought to receive that to which they are reasonably and lawfully entitled. At a bare minimum this means that employee benefit funds ought to be protected from outright embezzlement as well as the more subtle, but no less insidious, types of malfeasance and breaches of trust that have occurred and to which the administration's bill is directed. S. 2 covers this problem in a manner quite similar to the approach taken by the administration bill, and in fact, many of the concepts in the administration bill, which is similar to the bill the administration offered in the last Congress, are incorporated in S. 2. Although there are some differences, clearly the administration's bill does a most thorough and complete job in this area.

We must also be concerned with the plan participant who loses his benefits because his employment is terminated, frequently for reasons beyond his control, or because his plan is not completely or adequately funded and his employer goes out of business.

With respect to the former, a prelinary study of the Senate Labor Subcommittee released earlier this year, showed, for example that in 51 plans which provided vesting after 11 years of continuous service or more, only 5 percent of all employees who left their plans since 1950 became entitled to retirement benefits. A substantial number of those who lost benefits were longer service employees, many having had more than 15 years service. In July and October of this year, the Senate Labor Subcommittee held hearings in which the severity of employee benefit loss was demonstrated through the testimony of disillusioned employees and the evidence presented by employers, unions and plan administrators.

ADMINISTRATION'S VESTING PROPOSAL

The administration proposes to deal with this problem by amending the Internal Revenue Code to require all plans qualified for tax privileges to provide 50 percent partial vesting when an employee's age and service adds up to 50. The vesting would increase an additional 10 percent thereafter, so that full vesting is achieved 5 years later.

By way of contrast, my bill, S. 2, would require pension plans covering over 25 participants, to provide a 10-percent partial vesting after 6 years of service, regardless of whether the plan is tax qualified. Each year thereafter, vesting would increase by 10 percent, until full vesting is attained with 15 years of service.

There is no doubt that under the administration's proposed formula older workers theoretically would benefit to a greater degree than under S. 2, because they would vest faster and in a larger percentage. Unfortunately, the practical implications of the administration's formula may, in the long run, do more harm than good to older workers.

First, by providing a shorter waiting period for greater vesting, the administration's formula will tend to exacerbate age discrimination in hiring even though such discrimination is illegal if proved. We can argue, of course, as to whether this factor will be significant in light of other important factors that inhibit employers from hiring the older worker. However, to the extent an employer is confronted with choosing from applicants for employment—all other things being equal—he will choose the younger man to avoid the additional costs that stem from vesting the older man so quickly. Naturally, his incentive to avoid hiring the older worker increases as more generous benefits are provided by the plan.

Second, the administration's vesting formula provides an incentive for employers to find ways of separating workers on the verge of qualifying under the "rule of 50." While I doubt that many employers will seek to do this, there is evidence that such things happen now when employers who lack the moral commitment to their employees attempt to reduce costs.

Third, the administration's formula unevenly distributes the costs of vesting among employers. By not requiring an employer to assume responsibility for vesting the younger worker with substantial service, virtually the entire cost burden is transferred to the employer whose plan covers the employee when his age and service add up to 50. I doubt that employers who encounter this burden will appreciate the cost advantages enjoyed by those of their competitors who have found ways to separate younger workers with substantial service and to avoid hiring older workers who would vest quickly.

Finally, by depriving the worker of vesting credit for his service when he was younger, the administration's formula precludes the average worker from putting a sufficient number of vested pensions together from different employers—thus unfairly limiting the amount of ultimate retirement benefit he will receive. For example, a worker enrolled in a plan at age 20, who is separated at age 34, with 14 years of service, receives no vesting credit under the administration's formula.

By way of contrast, none of the foregoing deficiencies would be encountered under the vesting formula provided by S. 2. It treats younger and older workers alike, by tying vesting strictly to length of service. True—it does not provide greater vesting protection to the older worker—but it also does not create the possibility of further age discrimination in hiring, of incentives to separate workers on the verge of vesting, of artificially created inequities in the distribution of employer costs, or of inadequate retirement benefits due to lack of credit for service when young. For these reasons, I believe the formula in S. 2 is to be preferred.

ADMINISTRATION'S FAILURE TO PROPOSE PROGRAMS OF FUNDING AND REINSURANCE

Without adequate funds to back up the employer's promise of retirement benefits, the promise is illusory. When a proposal is made to institute mandatory vesting standards through legislation, and that legislation fails to contain adequate funding requirements to back up the promise of greater benefits to the workers of this country, a highly vulnerable and potentially dangerous policy is set in motion.

S. 2—the bill I have authorized—provides for strengthening funding of pension plans under law, and a program of reinsurance to cover unfunded vested benefits when economic circumstances compel the employer to discontinue the plan before the funding is completed.

The administration's proposal does neither of these things; instead it is indicated that a one year study of these matters will be undertaken jointly by the Departments of Treasury and Labor.

I find it curious that the administration should wait until now to launch such a study, particularly when the existence of these problems have been known for quite some time—certainly since I first introduced my bill in 1967—and especially so in light of the administration's determination to seek vesting reform.

If it is true that the data is incomplete and questionable with respect to loss of benefits due to plan termination—which clearly is not the case with regard to the Studebaker plant closing in 1963, and a similiar case which was the subject of Senate Labor Subcommitee hearings in July of this year—then I think it is incumbent on the administration to proceed with dispatch to gather the data it regards as essential. The administration's resolve to secure effective pension protection will be measured by its ability to develop a meaningful funding and reinsurance program; unnecessary delay in this connection can only serve to create doubts as to the strength of the administration's underlying commitment to pension reform.

TAX DEDUCTIONS FOR EMPLOYEE CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS AND EMPLOYER PLANS

I am quite favorably impressed by the administration's proposals to provide tax deductions for employee contributions to individual retirement savings plans and to employer plans. These proposals would not only rectify an existing tax inequity which favors the self-employed who may presently deduct from tax, contributions to so-called H.R. 10 or "Keough" retirement plans; it also promises to influence favorably the expansion of some type of supplemental private pension coverage to workers who are not presently able to secure the advantages of private pension plans. This idea has been successfully tested in Canada, and I believe that the administration's proposals in this connection constitute an important advance towards solving the problems of inadequate income in old-age.

I also believe it would be desirable to provide some form of "portability" to enable employees to freely transfer their accumulated contributions from plan to plan so that they may derive the maximum benefit in retirement from the retirement savings they have put together. This also is a technique which has been adopted successfully in Canada, and my own bill, S. 2, would provide an appropriate mechanism for handling this approach.

CONCLUSION

Although some of the administration's proposals, particularly its vesting provisions, have been referred to the Committee on Finance as part of amendments to the Internal Revenue Code, it is highly important that these matters be thoroughly explored by the Subcommittee on Labor as well in connection with its forthcoming hearings on comprehensive pension legislation. Because of the critical importance of this legislation to the American worker, I believe it to be essential that the Subcommittee on Labor and the Committee on Finance proceed in such a manner on this subject so as to minimize any potential differences that could arise.

Accordingly, appropriate consultation between the respective committees is highly desirable and should take place as soon as possible with a view toward harmonizing problems which may arise from the differing approaches to the legislation.

Mr. President, I ask unanimous consent that there be printed in the RECORD the full text of the bill, the text of the accompanying letter from the Secretary of Labor, the text of an accompanying explanatory statement, a summary of major changes made to the bill since its introduction in the 91st Congress, as well as a detailed description of these changes, both prepared by the administration.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3024

A bill to amend the Welfare and Pension Plans Disclosure Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to strengthen and improve the protection of participants in and beneficiaries of employee welfare and pension benefit plans under the Welfare and Pension Plans Disclosure Act of August 28, 1958, as amended (72 Stat. 997), such Act is amended as follows:

SECTION 1. Short Title. Immediately following the Table of Contents of such Act is added the title "Short Title", and the following paragraph:

"Section 1. This Act may be cited as the 'Employee Benefits Protection Act'."

Sec. 2(a). The title of section 2 of such Act is amended by adding the word "Declaration of" after the word "and".

(b) Subsection (a) of section 2 of such Act is amended by striking out the words "welfare and pension", and by adding the words "that the operational scope and economic impact of such plans is increasingly interstate;" after the word "substantial;", adding the words "and adequate safeguards" after the word "information", and adding the words "and safeguards be provided" after the word "made".

(c) Section 2(b) is amended by striking out the period at its end and inserting in lieu thereof a comma followed by the words "by establishing fiduciary standards of conduct, responsibility and obligation upon all persons who exercise any powers of control, management or disposition with respect to employee benefit funds or have authority or responsibility to do so, and by providing for appropriate remedies and ready access to the federal courts."

Sec. 3. (a) Subsections 1 through 13 of section 3 of such Act are redesignated by striking out the numbers "1" through "13" and inserting in lieu thereof the letters "a" through "m" respectively.

(b) Sections 3(a) and (b) are amended by inserting the words "or maintained" after the word "established" in both subsections.

(c) Sections 3(c), (d), (f) and (g) are amended by striking out the words "welfare or pension" where they appear in each subsection respectively.

(d) Section 3(m) is amended to read as follows: "(m) The term 'party in interest' means any administrator, officer, trustee custodian, counsel or employee of any employee benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer or such person, or an employee organization having members covered by such plan, or an officer or employee or agent of such an employee organization, or a relative, partner or joint venturer of any of the above described persons."

(e) Section 3 is further amended by adding subsections "n" through "x", to read as follows:

"(n) The term 'relative' means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law.

"(o) The term 'administrator' means—

(1) the person specifically so designated by the terms of the plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is operated; or

(2) in the absence of such designation (A) the employer in the case of an employee benefit plan established or maintained by a single employer, (B) the employee organization in the case of a plan established or maintained by an employee organization, or (C) the association, committee, joint board of trustees, or other similar group of representatives of the parties who established or maintain the plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

"(p) The term 'employee benefit plan' or 'plan' means an employee welfare benefit plan or an employee pension benefit plan or a plan providing both welfare and pension benefits.

"(q) The term 'employee benefit fund' or 'fund' means a fund of money or other assets maintained pursuant to or in connection with an employee benefit plan and includes employee contributions withheld but not yet paid to the plan by the employer. The term does not include: (1) any assets of an investment company subject to regulation under the investment Company Act of 1940; (2) premiums, subscription charges, or deposits received and retained by an insurance carrier or service or other organization, except for any separate account established or maintained by an insurance carrier.

"(r) The term 'separate account' means an account established or maintained by an insurance company under which income, gains, and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company.

"(s) The term 'adequate consideration' when used in section 14 means either (1) at the price of the security prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (2) if the security is not traded on such a national securities exchange, at a price not less favorable to the fund than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer.

"(t) The term 'nonforfeitable pension benefit' means an immediate or deferred pension or other benefit which a participant or his beneficiary would upon proper application be entitled to receive under the provisions of the plan if at the time in question he had terminated his employment, irrespective of any conditions subsequent which could affect receipt of such benefit.

"(u) The term 'accrued benefit' means that benefit which, irrespective of whether such benefit is nonforfeitable, is equal to: (1) in the case of a profit sharing or money purchase type pension plan, the total amount credited to the account of a participant; (2) in the case of a unit benefit type pension plan, the benefit units credited to a participant; or (3) in the case of other types of pension plans, that portion of the prospective benefit of a participant of the Secretary may by rule or regulation provide constitutes the participant's accrued benefit under the plan.

"(v) The term 'security' has the same meaning as in the Securities Act of 1933, 15 U.S.C. 77(a) et seq.

"(w) The term 'fiduciary' means any person who exercises any power of control management or disposition with respect to any moneys or other property of an employee benefit fund, or has authority or responsibility to do so.

"(x) The term 'market value' or 'value' when used in this Act means fair market value where available, and otherwise the fair value as determined in good faith by the administrator."

Sec. 4. (a) Subsection (a) of section 4 of such Act is amended by striking out the words "welfare or pension", "or employers", and "or organizations".

(b) Section 4(b) is amended by striking out the words "welfare or pension", and is further amended in paragraph (3) thereof by adding the letter designation "(A)" after the word "administered" the second time it appears, adding a comma after the word "society" the first time it appears, followed by the words "order or association," adding the letter designation "(B)" after the word "or" the first time it appears, striking out the word "and" the second time it appears and adding in lieu thereof the word "or", and by adding a comma after the word "society" the second time it appears, followed by the words "order, association".

(c) Paragraph (4) of section 4(b) is amended by striking out the period at its end and adding in lieu thereof a comma, followed by the words "except that participants and beneficiaries of such plan shall be entitled to maintain an action to recover benefits or to clarify their rights to future benefits as provided in section 9(e) (1) (B)."

Sec. 5. (a) Subsection (a) of section 5 of such Act is amended to read as follows:

"(a) The administrator of an employee benefit plan shall cause to be published in accordance with section 8 to each participant or beneficiary covered thereunder (1) a description of the plan and (2) an annual financial report. Such description and such report shall contain the information required by sections 6 and 7 of this Act in such form and detail as the Secretary shall prescribe and shall be executed, published, and filed in accordance with the provisions of this Act and regulations of the Secretary."

(b) Section 5(b) is amended, and section 5(c) added, to read as follows:

"(b) The Secretary may require the filing of special terminal reports on behalf of an employee benefit plan which is winding up its affairs, so long as moneys or other assets remain in the plan. Such reports may be required to be filed regardless of the number of participants remaining in the plan and shall be on such forms and filed in such manner as the Secretary may by regulation prescribe.

"(c) The Secretary may by regulation provide for the exemption from all or part of the reporting and disclosure requirements of this Act of any class or type of employee benefit plans, if the Secretary finds that the application of such requirements to such plans is not required in order to effectuate the purposes of this Act."

Sec. 6. Section 6 of such Act is amended to read as follows:

"(a) A description of any employee benefit plan shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this Act.

(b) The description of the plan shall be comprehensive and shall include the name and type of administration of the plan; the name and address of the administrator; the schedule of benefits; a description of the provisions providing for non-forfeitable pension benefits (if the plan so provides) written in a manner calculated to be understood by the average participant, and if the plan does not provide such benefits, a statement to this effect; the source of the financing of the plan and the identity of any organization through which benefits are provided; whether records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported in accordance with regulations prescribed by the Secretary."

Sec. 7. (a) Subsection (a) of section 7 of such Act is amended by adding the number "(1)" after the letter "(a)", and by striking out that part of the first sentence which precedes the word "if" the first time it appears and inserting in lieu thereof the words "An annual report shall be published with respect to any employee benefit plan if the plan provides for an employee benefit fund subject to section 14 of this Act or".

(b) Section 7(a)(1) is further amended by striking out the word "investigation" and inserting in lieu thereof the words "notice and opportunity to be heard", by striking out the words "year (or if" and inserting in lieu thereof the words ", policy or fiscal year on which", adding a period after the word "kept", and striking out all the words following the word "kept."

(c) Section 7(a) is further amended by adding the following paragraphs:

"(2) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, with one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such reasonable information determined by the Secretary to be necessary to enable such administrator to comply with the requirements of this Act.

"(3) The administrator of an employee benefit plan shall cause an audit to be made annually of the employee benefit fund established in connection with or pursuant to the provisions of the plan. Such audit shall be conducted in accordance with accepted standards of auditing by an independent certified or licensed public accountant, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to periodic examination by an agency of the Federal Government or the government of any State. The auditor's opinion and comments with respect to the financial information required to be furnished in the annual report by the plan administrator shall form a part of such report."

(d) Sections 7(b) and (c) of such Act are amended to read as follows:

"(b) A report under this section shall include:

"(1) the amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employeess covered; a statement of assets, liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes; the name and address of each fiduciary, his official position with respect to the plan, his relationship to the employer of the employees covered by the plan, or the employee organization, and any other office, position or employment he holds with any party in interest;

"(2) A schedule of all investments of the fund showing as of the end of the fiscal year:

(A) The aggregate cost and aggregate value of each security, by issuer;

(B) The aggregate cost and aggregate value, by type or category, of all other investments, and separately identifying (i) each investment the value of which exceeds $100,000 or three percent (3%) of the value of the fund and (ii) each investment in securities or properties of any person known to be a party in interest.

"(3) a schedule showing the aggregate amount, by type of security, of all purchases, sales, redemptions and exchanges of securities made during the reporting period; a list of the issuers of such securities; and in addition a schedule showing, as to each separate transaction with or with respect to securities issued by any person known to be a party in interest, the issuer, the type and class of security, the quantity involved in the transaction, the gross purchase price, and in the case of a sale, redemption or exchange, the gross and net proceeds (including a description and the value of any consideration other than money) and the net gain or loss.

"(4) A schedule of purchases, sales or exchanges during the year covered by the report of investment assets other than securities

(A) by type or category of asset the aggregate amount of purchases, sales, and exchanges; the aggregate expenses incurred in connection therewith; and the aggregate net gain (or loss) on sales, and

(B) for each transaction involving a person known to be a party in interest and for each transaction involving over $100,000 or three percent (3%) of the fund, an indication of each asset purchased, sold or exchanged (and, in the case of fixed assets such as land, buildings, and leaseholds, the location of the asset); the purchase or selling price; expenses incurred in connection with the purchase, sale or exchange; the cost of the asset and the net gain (or loss) on each sale; the identity of the seller in the case of a purchase, or the identity of the purchaser in the case of a sale, and his relationship to the plan, the employer, or any employee organization.

"(5) a schedule of all loans made from the fund during the reporting year or outstanding at the end of the year, and a schedule of principal and interest payments received by the fund during the reporting year, aggregated in each case by type of loan, and in addition a separate schedule showing as to each loan which

(A) was made to a party in interest, or

(B) was in default or

(C) was written off during the year as uncollectible, or

(D) exceeded $100,000 or three percent (3%) of the value of the fund,

the original principal amount of the loan, the loan, the amount of principal and interest amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral and other material terms), the amount of principle and interest overdue (if any) and as to loans written off as uncollectable and explanation thereof.

"(6) a list of all leases with

(A) persons other than parties in interest who are in default, and

(B) any party in interest,

including information as to the type of property leased (and, in the case of fixed assets such as land, buildings, leaseholds, etc., the location of the property), the identity of the lessor or lessee from or to whom the plan is leasing, the relationship of such lessors and lessees, if any, to the plan, the employer, employee organization, or any other party in interest, the terms of the lease regarding rent, taxes, insurance, repairs, expenses and renewal options; if property is leased from persons described in (B) the amount of rental and other expenses paid during the reporting year; and if property is leased to persons described in (A) or (B), the date the leased property was purchased and its cost, the date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, the expenses paid for the leased property during the reporting period, the net receipts from the lease, and with respect to any such leases in default, their identity, the amounts in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default;

"(7) a detailed list of purchases, sales, exchanges or any other transactions with any party in interest made during the year, including information as to the asset involved, the price, any expenses connected with the transaction, the cost of the asset, the proceeds, the net gain or loss, the identity of the other party to the transaction and his relationship to the plan;

"(8) If some or all of the assets of a plan or plans are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report shall include a statement of assets and liabilities and a statement of receipts and disbursements of such common or collective trust or separate account and such of the information required under section 7(b)(2), (3), (4), (5), (6), and (7) with respect to such common or collective trust or separate account as the Secretary may determine appropriate by regulation. In such case the bank or similar institution or insurance carrier shall certify to the administrator of such plan or plans, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, the information determined by the Secretary to be necessary to enable the plan administrator to comply with the requirements of this Act. "(9) In addition to reporting the information called for by this subsection 7(b), the administrator may elect to furnish other information as to investment or reinvestment of the fund as additional disclosures to the Secretary."

"(c) If the only assets from which claims against an employee benefit plan may be paid are the general assets of the employer or the employee organization, the report shall include (for each of the past five years) the benefits paid and the average number of employees eligible for participation."

(e) Section 7(d) is amended by striking out the capital "T" in the word "The" the first time it appears in paragraphs (1) and (2) and inserting in lieu thereof a lower case "t".

(f) Section 7(e) is amended to read as follows:

"(e) Every employee pension benefit plan shall include with its annual report (to the extent applicable) the following information:

(1) the type and basis of funding,

(2) the number of participants, both retired and nonretired, covered by the plan,

(3) the amount of all reserves or net assets accumulated under the plan,

(4) the present value of all liabilities for all nonforfeitable pension benefits and the present value of all other accrued liabilities,

(5) the ratios of the market value of the reserves and assets described in (3) above to the liabilities described in (4) above.

(6) a copy of the most recent actuarial report, and

(A) (i) the actuarial assumptions used in computing the contributions to a trust or payments under an insurance contract, (ii) the actuarial assumptions used in determining the level of benefits, and (iii) the actuarial assumptions used in connection with the other information required to be furnished under this section 7(e), insofar as any such actuarial assumptions are not included in the most recent actuarial report,

(B) (i) if there is no such report, or (ii) if any of the actuarial assumptions employed in the annual report differ from those in the most recent actuarial report, or (iii) if different actuarial assumptions are used for computing contributions or payments than are used for any other purpose, a statement explaining same,

(7) a statement showing the number of participants who terminated service under the plan during the year, whether or not they retain any nonforfeitable rights, their length of service by category, the present value of the total accrued benefits of said participants and the present value of such benefits forfeited, and,

(8) such other information pertinent to disclosure under this section 7(e) as the Secretary may by regulation prescribe.

(g) Section 7 is further amended by striking out in their entirety subsections (f), (g), and (h).

SEC. 8. (a) Section 8 of such Act is amended by striking out subsections (a) and (b) in their entirety and by redesignating subsection (c) as subsection (a).

(b) The subsection redesignated as subsection (a) is further amended by striking out the words "of plans" after the word "descriptions", striking out the word "the" before the word "annual" and adding the word "plan" before the word "descriptions".

(c) Section 8 is further amended by adding subsections (b), (c), (d), (e) and (f) to read as follows:

"(b) The administrator of any employee benefit plan subject to this Act shall file with the Secretary a copy of the plan description and each annual report. The Secretary shall make copies of such descriptions and annual reports available for inspection in the public document room of the Department of Labor.

"(c) Publication of the plan descriptions and annual reports required by this Act shall be made to participants and beneficiaries of the particular plan as follows:

(1) the administrator shall make copies of the plan description (including all amendments or modifications thereto) and the latest annual report and the bargaining agreement, trust agreement, contract, or other instrument under which the plan was established and is operated available for examination by any plan participant or beneficiary in the principal office of the administrator;

(2) the administrator shall furnish to any plan participant or beneficiary so requesting in writing a fair summary of the latest annual report;

(3) the administrator shall furnish to any plan participant or beneficiary so requesting in writing a complete copy of the plan description (including all amendments or modifications thereto) or a complete copy of the latest annual report, or both. He shall in the same way furnish a complete copy of the bargaining agreement, trust agreement, contract, or other instrument under which the plan is established and operated. In accordance with regulations of the Secretary, an administrator may make a reasonable charge to cover the cost of furnishing such complete copies.

"(d) The administrator of an employee pension benefit plan shall furnish to any plan participant or beneficiary so requesting in writing a statement indicating (1) whether or not such person has a nonforfeitable right to a pension benefit, (2) the nonforfeitable pension benefits, if any, which have accrued or the earliest date on which benefits will become nonforfeitable, (3) and the total pension benefits accrued.

"(e) Upon the termination of service under the plan of a participant having a right to a benefit, payable at a later date, the plan administrator shall furnish to the participant or his surviving beneficiary a statement setting forth his rights and privileges under the plan. The statement shall be in such form, be furnished and filed in such manner, and shall contain such information, including but not limited to the nature and amount of benefits to which he is entitled, the name and address of the entity responsible for payment, the date when payment shall begin and the procedure for filing his claim, as the Secretary may by regulation prescribe. The statement furnished to the participant or his surviving beneficiary or a true copy shall be prima facie evidence of the facts, rights and privileges set forth therein."

(f) In the event that a plan which is subject to federal vesting standards is exempted or otherwise not required to provide for preretirement vesting in any given year because of financial difficulty or in other circumstances authorized by the Internal Revenue Code, a notice stating that benefits were not required to be vested for such year, written in a manner calculated to be understood by the average participant, shall be furnished to each participant once in each year that the plan is so relieved.

Sec. 9. (a) Subsection (a) of section 9 of such Act is amended by adding the words "sections 5 through 13 of" before the word "this".

(b) Section 9 is further amended by striking out in their entirety subsections (b) through (i) and inserting in lieu thereof subsections (b) through (k), to read as follows:

"(b) Any plan administrator who fails or refuses to comply with a request as provided in section 8 within thirty days (unless such failure or refusal results from matters reasonably beyond the control of the administrator) by mailing the material requested to the last known address of the requesting participant or beneficiary may in the court's discretion be personally liable to such participant or beneficiary in the amount of up to $50 a day from the date of such failure or refusal, and the court may in its discretion order such other relief as it deems proper.

"(c) The Secretary shall have power, when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of this Act, to make an investigation and in connection therewith he may require the filing of supporting schedules of the financial information required to be furnished under section 7 of this Act and may enter such places, inspect such records and accounts, and question such persons as he may deem necessary to enable him to determine the facts relative to such investigation. The Secretary may report to interested persons or officials concerning the facts required to be shown in any report required by this Act and concerning the reasons for failure or refusal to file such a report or any other matter which he deems to be appropriate as a result of such an investigation.

"(d) For the purposes of any investigation provided for in this Act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, records, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

"(e) Civil actions under this Act may be brought;

"(1) by a participant or beneficiary—

"(A) for the relief provided for in section 9(b), or

"(B) to recover benefits due him under the terms of his plan or to clarify his rights to future benefits under the terms of the plan;

"(2) by the Secretary or by a participant or beneficiary (as a representative party on behalf of all participants or beneficiaries similarly situated where the requirements for maintaining a class action are met) for appropriate relief, legal or equitable, to redress a breach of any responsibility, obligation or duty of a fiduciary, including the removal of a fiduciary who has failed to carry out his duties and the removal of any person who is serving in violation of section 15 of this Act; or

"(3) by the Secretary, to enjoy an act or practice which appears to him to violate any provision of this Act.

"(f)(1) Civil actions under this Act brought by a participant or beneficiary may be brought in any court of competent jurisdiction, state or federal.

(2) Where such an action is brought in a district court of the United States, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found.

(3) Notwithstanding any other law, the Secretary shall have the right to remove an action from a State court to a district court of the United States, if the action is one seeking relief of the kind the Secretary is authorized to sue for herein. Any such removal shall be prior to the trial of the action and shall be to a district court where the Secretary could have initiated such an action.

"(g) The district court of the United States shall have jurisdiction without respect to the amount in controversy, to grant the relief provided for in sections 9(e)(2) and (3) in any action brought by the Secretary. In any action brought under section 9(e) by a participant or beneficiary the jurisdiction of the district court shall be subject to the requirement contained in 28 U.S.C. 1331.

"(h) (1) In any action by a participant or beneficiary, the court in its discretion may

(A) allow a reasonable attorney's fee and costs of the action to any party;

(B) require the plaintiff to post security for payment of costs of the action and reasonable attorney's fees.

(2) A copy of the complaint in any action by a participant or beneficiary shall be served upon the Secretary by certified mail who shall have the right, in his discretion, to intervene in the action.

"(i) In any civil action authorized to be brought by the Secretary by this Act, or to enjoin any act or practice, or to collect any penalty assessed by the Secretary, the Attorney General shall represent the Secretary, unless the Attorney General delegates all or part of this authorization to the Secretary.

"(j) Except as provided in this Act, nothing contained herein shall be construed or applied to authorize the Secretary to regulate, or interfere in the management of, any employee welfare or pension benefit plan.

"(k) In order to avoid unnecessary expense and duplication of functions among Government agencies, the Secretary may make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this Act and the functions of any such agency as he may find to be practicable and consistent with law. The Secretary may utilize the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision of a State, including the services of any of its employees, with the lawful consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such information and facilities as he may request for his assistance in the performance of his functions under this Act. The Secretary shall immediately forward to the Attorney General or his representative any information coming to his attention in the course of the administration of this Act which may warrant consideration for criminal prosecution under the provisions of this Act or other Federal law."

Sec. 10. Section 13 of such Act is amended by striking out the word "welfare" after the word "employee" the second time it appears in subsection (a), striking out the words "or of any employee pension benefit plan" after the word "plan" the first time it appears in subsection (a), striking out the words "welfare benefit plan or employee pension" after the word "employee" the second time it appears in subsection (b) and striking out the words "welfare benefit plan or of an employee pension" after the word "employee" the first time it appears in subsection (d).

Sec. 11. Such Act is further amended by renumbering sections 14 through 18 as sections 16 through 20, respectively, and by adding the following new sections:

"FIDUCIARY RESPONSIBILITY

"Sec. 14. (a) Every employee benefit fund shall be deemed to be a trust and shall be held for the exclusive purpose of (1) providing benefits to participants in the plan and their beneficiaries and (2) defraying reasonable expenses of administering the plan.

"(b) (1) A fiduciary shall discharge his duties with respect to the fund—

(A) solely in the interests of the participants and their beneficiaries;

(B) with the care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

(C) in accordance with the documents and instruments governing the funds insofar as is consistence with this Act.

(2) Except as permitted hereunder, a fiduciary shall not—

(A) lease or sell property of the fund to any person known to be a party in interests;

(B) lease or purchase on behalf of the fund any property known to be property of any party in interest;

(C) deal with such fund in his own interest or for his own account;

(D) represent any other party with such fund, or in any way act on behalf of a party adverse to the fund or to the interests of its participants or beneficiaries;

(E) receive any consideration from any party dealing with such fund in connection with a transaction involving the fund;

(F) loan money or other assets of the fund to any person known to be a party in interest;

(G) furnish goods, service or facilities to any person known to be a party in interest, or

(H) permit the transfer of any property of the fund to, or its use by or for the benefit of, any person known to be a party in interest.

The Secretary may by rule or regulation provide for the exemption of any fiduciary or transaction from all or part of the proscriptions contained in this subsection 14 (b) (2), when the Secretary finds that to do so is consistent with the purposes of this Act and in the interest of the fund and its participants and beneficiaries: *Provided, however,* That any such exemption shall not relieve a fiduciary from any other applicable provisions of this Act.

"(c) Nothing in this section shall be construed to prohibit any fiduciary from:

(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the plan under which the fund was established;

(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with the fund: *Provided,* That no person so serving who already receives full-time pay from an employer or an association of employers whose employees are participants in the plan under which the fund was established, or from an employee organization whose members are participants in such plan, shall receive compensation from such fund, except for reimbursement of expenses properly and actually incurred and not otherwise reimbursed;

(3) serving in such position in addition to being an officer, employee, agent or other representative of a party in interest;

(4) engaging in the following transactions:

(A) purchasing on behalf of the fund any security which has been issued by an employer whose employees are participants in the plan under which the fund was established or a corporation controlling, controlled by, or under common control with, such employer: *Provided,* That the purchase of any security is for no more than adequate consideration in money or money's worth; *Provided further,* that if an employee benefit fund is one which provides primarily for benefits of a stated amount, or an amount determined by an employee's compensation, an employee's period of service, or a combination of both, or money purchase type benefits based on fixed contributions which are not geared to the employer's profits, no investment shall be made subsequent to the enactment of this amendment by a fiduciary of such a fund in securities of such an employer or of a corporation controlling, controlled by, or under common control with such employer, if such investment, when added to such securities already held, exceeds 10 percent of the fair market value of the assets of the fund. Notwithstanding the foregoing, such 10 percent limitation shall not apply to profit sharing, stock bonus, thrift and savings or other similar plans which explicitly provide that some or all of the plan funds may be invested in securities of such employer, or a corporation controlling, controlled by, or under common control with, such employer, nor shall said plans be deemed to be limited by any diversification rule as to the percentage of plan funds which may be invested in such securities. Profit sharing, stock bonus, thrift or other similar plans, which are in existence on the date of enactment and which authorize investment in such securities without explicit provision in the plan, shall remain exempt from the 10 percent limitation until the expiration of one year from the date of enactment of this Act.

(B) purchasing on behalf of the fund any security other than one described in (A) immediately above, or selling on behalf of the fund any security which is acquired or held by the fund, to a party in interest: *Provided,* (i) That the security is listed and traded on an exchange subject to regulation by the Securities and Exchange Commission, (ii) that no brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with such transaction, and (iii) that adequate consideration is paid;

(5) making any loan to participants or beneficiaries of the plan under which the fund was established where such loans are available to all participants or beneficiaries on a nondiscriminatory basis and are made in accordance with specific provisions regarding such loans set forth in the plan;

(6) contracting or making reasonable arrangements with a party in interest for office space and other services necessary for the operation of the plan and paying reasonable compensation therefor;

(7) following the direction in the trust instrument or other document governing the fund insofar as consistent with the specific prohibitions listed in subsection 14(b) (2);

(8) taking action pursuant to an authorization in the trust instrument or other document governing the fund, provided such action is consistent with the provisions of subsection 14(b).

"(d) Any fiduciary who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this Act shall be personally liable to make good to such fund any losses to the fund resulting from such breach, and to restore to such fund any profits of such fiduciary which have been made through use of assets of the fund by the fiduciary.

"(e) When two or more fiduciaries undertake jointly the performance of a duty or the exercise of a power or where two or more fiduciaries are required by any instrument governing the fund to undertake jointly the performance of a duty or the exercise of a power, but not otherwise, each of such fiduciaries shall have the duty to prevent any other such co-fiduciary from committing a breach of a responsibiilty, obligation or duty of a fiduciary or to compel such other co-fiduciary to redress such a breach: *Provided,* That no fiduciary shall be liable for any consequence of any act or failure to act of a co-fiduciary who is undertaking or is required to undertake jointly any duty or power if he shall object in writing to the specific action and promptly file a copy of his objection with the Secretary.

"(f) Each employee benefit plan shall contain specific provisions for the disposition of its fund assets upon termination. In the event of termination, whether under the express terms of the plan or otherwise, such fund, or any part thereof, shall not be expended, transferred or otherwise disposed of, except for the exclusive benefit of the plan participants and their beneficiaries. Notwithstanding the foregoing, after the satisfaction of all liabilities with respect to the participants and their beneficiaries under an employee pension benefit plan (and in the case of plans qualified under 26 U.S.C. 401 et seq. in accordance with applicable Internal Revenue Code provisions and regulations promulgated thereunder), any remaining fund assets may be returned to any person who has a legal or equitable interest in such assets by reason of such person or his predecessor having made financial contribution thereto.

"(g) No fiduciary may be relieved from any responsibility, obligation or duty under this Act by agreement or otherwise. Nothing herein shall preclude any agreement allocating specific duties or responsibilities among fiduciaries, or bar any agreement of insurance coverage or indemnification affecting fiduciaries, but no such agreement shall restrict the obligations of any fiduciary to a plan or to any participant or beneficiary.

"(h) No action, suit, or proceeding based on a violation of this section shall be maintained unless it be commenced within three years after the filing with the Secretary of a report, statement or schedule with respect to any matter disclosed by such report, statement or schedule, or, with respect to any matter not so disclosed, within three years after the complainant otherwise has notice of the facts constituting such violation, whichever is later, provided, however, that no such action, suit or proceeding shall be commenced more than six years after the violation occurred. In the case of a willfully false or fraudulent statement or representation of a material fact or the willful concealment of, or willful failure to disclose, a material fact required by this Act to be disclosed, a proceeding in court may be brought at any time within ten years after such violation occurs.

"(i) A fiduciary shall not be liable for a violation of this Act committed before he became a fiduciary or after he ceased to be a fiduciary.

"PROHIBITION AGAINST CERTAIN PERSONS HOLDING OFFICE

"SEC. 15. (a) No person who has been convicted of, or has been imprisoned as a result of his conviction of: robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, kidnapping, perjury, assault with intent to kill, assault which inflicts grievous bodily injury, any crime described in section 9(a) (1) of the Investment Company Act of 1940, 15 U.S.C. 80a–9(a) (1), or a violation of any provision of this Act, or a violation of section 302 of the Labor Management Relations Act of 1947, 61 Stat. 157, as amended, 29 U.S.C. 186, or a violation of Chapter 63 of Title 18, United States Code, or a violation of section 874, 1027, 1503, 1505, 1506, 1510, 1951, or 1954 of Title 18, United States Code, or a violation of the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 519, as amended, 29 U.S.C. 401, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve—

1. as an administrator, officer, trustee, custodian, counsel, agent, employee (other than as an employee performing exclusively clerical or janitorial duties) or other fiduciary position of any employee benefit plan, or

2. as a consultant to any employee benefit plan, during or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, County, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. No person shall knowingly permit any other person to serve in any capacity referred to in clause (1) or (2) in violation of this subsection.

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(c) For the purposes of this section, any person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this section.

"(d) For the purposes of this section, the term 'consultant' means any person who, for compensation, advises or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan."

SEC. 12. (a) Subsection (b) of section 16 of such Act, as renumbered by this Act, is amended by striking out the word "such" the second time it appears and by inserting in lieu thereof the word "the", and striking out the word "calendar" the second time it appears and inserting in lieu thereof the word "fiscal".

(b) Renumbered section 16(d) is amended by striking out the words "rate of $50 per diem" and inserting in lieu thereof the words "maximum per diem rate authorized in the current Department of Labor Appropriation Act for consultants and experts", adding the words "such members are" after the word "when" the first time it appears, and striking out the designation "73B–2" after "5 U.S.C." and inserting in lieu thereof the designation "5703".

(c) Renumbered section 16 is further amended by striking out in its entirety subsection (e).

SEC. 13. (a) Renumbered section 17 is amended by adding a comma after the word "Act" the first time it appears in subsection (a), followed by the designation "5 U.S.C. 551 et seq.", and by adding at the end of subsection (a) the following sentence: "The Secretary, or his delegate, in consultation with the Secretary of the Treasury or his delegate, shall prescribe all necessary rules and regulations for the administration and enforcement of this Act, except that all rules and regulations issued with respect to Section 14 shall be prescribed by the Secretary of Labor or his delegate with the concurrence of the Secretary of Treasury or his delegate."

(b) Renumbered section 17 is further amended by deleting in their entirety subsections (c) and (d).

SEC. 14. Renumbered section 18 is amended to read as follows:

"SEC. 18(a). It is hereby declared to be the express intent of Congress that except for actions authorized by section 9(a) (1) (B) of this Act; the provisions of this Act shall supersede any and all laws of the States and of political subdivisions thereof insofar as they may now or hereafter relate to the fiduciary, reporting, and disclosure responsibilities of persons acting on behalf of employee benefit plans; *Provided*, That nothing herein shall be construed:

(1) to exempt or relieve any person from any law of any State which regulates insurance, banking, or securities or to prohibit a State from requiring that there be filed with a State agency copies of reports, required by this Act to be filed with the Secretary; or

(2) to alter, amend, modify, invalidate, impair, or supersede any law of the United States (other than the Welfare and Pension Plans Disclosure Act of 1958, as amended (72 Stat. 997)) or any rule or regulation issued under any such law.

(b) Subsection (a) of this section shall not be deemed to prevent any State court from asserting jurisdiction in any action requiring or permitting accounting by a fiduciary during the operation of the fund or upon the termination thereof or from asserting jurisdiction in any action by a fiduciary requesting instructions from the court or seeking an interpretation of the trust instrument or other document governing the fund. In any such action:

(1) the provisions of this Act shall supercede any and all laws of the States and of political subdivisions thereof, insofar as they may now or hereafter relate to the fiduciary, reporting, and disclosure responsibilities of persons acting on behalf of employee benefit plans except insofar as they may relate to the amount of benefits due beneficiaries under the terms of the plan;

(2) notwithstanding any other law, the Secretary shall have the right to remove such action from a State court to a district court of the United States if the action involves an interpretation of the fiduciary, reporting, and disclosure responsibilities of persons acting on behalf of employee benefit plans. In determining whether to request such removal, the Secretary shall consider any additional expenses or inconvenience to the parties;

(3) the jurisdiction of the State court shall be conditioned upon:

(A) written notification, sent to the Secretary by registered mail at the time such action is filed, identifying the parties to the action, the nature of the action, and the plan involved; and

(B) the right of the Secretary to intervene in the action as an interested party.

SEC. 15. Renumbered section 20 is amended as follows:

"Sec. 20. (a) The provisions of paragraph (b) (3), and (4) and (5) of section 7 relating to the aggregating of items reported shall become effective two years after enactment hereof.

(b) The amendments made by this Act to the reporting requirements of the Welfare and Pension Plans Disclosure Act shall become effective upon the promulgation of revised report forms by the Secretary.

(c) All other provisions of this Act shall become effective thirty days after enactment hereof.

(d) In order to provide for an orderly disposition of any investment, the retention of which would be deemed to be prohibited by this Act, and in order to protect the interest of the fund and its participants and its beneficiaries, the fiduciary may in his discretion effect the disposition of such investment within three years after the date of enactment of this Act or within such additional time as the Secretary may by rule or regulation allow, and such action shall be deemed to be in compliance with this Act.

SEC. 16. The Table of Contents of such Act is amended to read as follows:

"TABLE OF CONTENTS

Employee Benefits Protective Act

Sec. 1. Short Title.
Sec. 2. Findings and declaration of policy.
Sec. 3. Definitions.
Sec. 4. Coverage.
Sec. 5. Duty of disclosure and reporting.
Sec. 6. Description of the plan.
Sec. 7. Annual reports.
Sec. 8. Publication.
Sec. 9. Enforcement.
Sec. 10. Reports made public information.
Sec. 11. Retention of records.
Sec. 12. Reliance on administrative interpretation and forms.
Sec. 13. Bonding.
Sec. 14. Fiduciary responsibility.
Sec. 15. Prohibition against certain persons holding office.
Sec. 16. Advisory Council.
Sec. 17. Administration.
Sec. 18. Effect of other laws.
Sec. 19. Separability of provisions.
Sec. 20. Effective date."

SEC. 17. (a) Sections 664, 1027 and 1954 of title 18, United States Code, are amended by striking out the words "Welfare and Pension Plans Disclosure Act" and "Welfare and Pension Plans Disclosure Act as amended" wherever they appear and inserting in lieu thereof the words "Employee Benefit Protection Act".

(b) Subsection (a) of section 1954 of title 18, United States Code, is further amended by striking out the words "3(3) and 5(b) (1) and (2)" and inserting in lieu thereof the words "3(c) and 3(o)".

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., December 8, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting herewith draft legislation entitled "Employee Benefits Protection Act," as recommended by the President in his message today. Such draft legislation was also submitted during the last session of Congress, as recommended by the President. I am also forwarding an explanation of the bill's major objectives and its provisions.

The proposal will amend the Welfare and Pension Plans Disclosure Act to impose fiduciary responsibility on persons who exercise powers of control, management or disposition over employee benefit funds. Additional amendments require disclosure of further information concerning the financial operations of such funds. The proposed legislation will provide basic protection for the vast sums now being handled through private welfare and pension funds.

I urge that early and favorable consideration be given to this bill.

Sincerely,

JAMES D. HODGSON,
Secretary of Labor.

EXPLANATORY STATEMENT OF AMENDMENTS TO THE WELFARE AND PENSION PLANS DISCLOSURE ACT

The fundamental purpose of the proposed amendments to the Welfare and Pension Plans Disclosure Act is the broadening and strengthening of the protection of rights and interests of participants and beneficiaries of employee welfare and pension benefit plans. This aim is accomplished in three ways. First, by the addition of two new sections: one setting forth responsibilities and proscriptions applicable to persons occupying a fiduciary relationship to employee benefit plans, including a "prudent man" standard for evaluating the conduct of all fiduciaries; the other barring from responsible fiduciary positions in such plans for a period of five years all persons convicted of certain listed criminal offenses. Second, by additions to and changes in the reporting requirements designed to disclose more significant information about plans and the transactions engaged in by those controlling plan operations and to provide specific data to participants and beneficiaries concerning the rights and the benefits they are entitled to under the plans. Third, by providing remedies through either State or Federal courts to insure that the protections provided by the Act can be effectively enforced.

I. FIDUCIARY RESPONSIBILITY

A fiduciary is one who occupies a position of confidence or trust. As defined by the amendments, a fiduciary is a person who exercises any power of control, management or disposition with respect to monies or other property of an employee benefit fund, or who has authority or responsibility to do so. The fiduciary responsibility section, in essence, codifies and makes applicable to these fiduciaries certain principles developed in the evolution of the law of trusts. The section was deemed necessary for several reasons.

First, a number of plans are structured in such a way that it is unclear whether the traditional law of trusts is applicable. Predominantly, these are plans, such as insured plans, which do not use the trust form as their mode of funding. Administrators and others exercising control functions in such plans under the present Act are subject only to minimal restrictions and the applicability of present State law to employee benefit plans is sometimes unclear. Second, even where the funding mechanism of the plan is in the form of a trust, reliance on conventional trust law often is insufficient to adequately protect the interests of plan participants and beneficiaries. This is because trust law had developed in the context of testamentary and inter vivos trusts (usually designed to pass designated property to an individual or small group of persons) with an attendant emphasis on the carrying out the instructions of the settlor. Thus, if the settlor includes in the trust document an exculpatory clause under which the trustee is relieved from liability for certain actions which would otherwise constitute a breach of duty, or if the settlor specifies that the trustee shall be allowed to make investments which might otherwise be considered imprudent, the trust law in many States will be interpreted to allow the deviation. In the absence of a fiduciary responsibility section in the present Act, courts applying trust law to employee benefit plans have allowed the same kinds of deviations, even though the typical employe benefit plan, covering hundreds or even thousands of participants, is quite different from the testamentary trust both in purpose and in nature.

Third, even assuming that the law of trusts is applicable, without provisions (lacking in the present Act) allowing ready access to both detailed information about the plan and to the courts, and without standards by which a participant can measure the fiduciary's conduct (also lacking in the present Act) he is not equipped to safeguard either his own rights or the plan assets. Furthermore, a fiduciary standard embodied in Federal legislation is considered desirable because it will bring a measure of uniformity in an area where decisions under the same set of facts may differ from State to State. It is expected that courts will interpret the prudent man rule and other fiduciary standards bearing in mind the special nature and purposes of employee benefit plans intended to be effectuated by the Act.

Finally, it is evident that the operations of employee benefit plans are increasingly interstate. The uniformity of decision which the Act is designed to foster will help administrators, fiduciaries and participants to predict the legality of proposed actions without the necessity of reference to varying State laws.

Section 14(a), when read in connection with the definition of the term "employee benefit fund", makes it clear that the fiduciary responsibility provisions apply only to those plans which have assets at risk.

Thus an unfunded plan, such as one in which the only assets from which benefits are paid are the general assets of the employer, is not covered. However, if the plan does have assets at risk, the form in which those assets are held is deemed to be a trust, whether or not a trust agreement exists, and the trust assets may be used only for the two stated purposes: providing benefits for participants and defraying reasonable administrative expenses.

The next two subsections (14(b) and (c)) incorporate the core principles of fiduciary conduct as adopted from existing trust law, but with modifications appropriate for employee benefit plans. These salient principles place a twofold duty on every fiduciary: to act in his relationship to the plan's fund as a prudent man in a similar situation and under like conditions would act, and to act solely in the interest of the participants and beneficiaries of the plan; that is, to refrain from involving himself in situations or transactions where his personal interests might conflict with the interests of the participants and beneficiaries for whom the fund was established. Thus, section 14(b)(1) sets out the prudent man standard and the attendant affirmative duties to discharge responsibilities in conformance with instructions (as set out in the governing plan documents) and solely in the interest of the plan's participants and beneficiaries. There follows a list of proscriptions (section 14(b)(2)) which represent the most serious type of fiduciary misconduct which in one way or another has occurred in connection with some welfare or pension plans. Some of these situations have been found in the administration of the WPPDA. Others have been discovered by congressional investigations, newspaper reporters, audits, and miscellaneous sources. While the magnitude of these improper practices is small in relation to the total number of plans in existence, the seriousness of the improper practices disclosed indicates the need for additional precautions to insure that these specific examples do not become general conditions. The list of proscriptions is intended to provide this essential protection.

The exemption provision which follows the listed proscriptions has been included in recognition of established business practices, particularly of certain institutions, such as commercial banks, trust companies and insurance companies which often perform fiduciary functions in connection with employee benefit plans. The Secretary will provide, by individual or class exemptions, exceptions so that the established practices of these institutions and others are not unduly disrupted, so long as they are consistent with the purposes of the Act.

Next, there are listed transactions in which fiduciaries are expressly allowed to engage. This listing is necessary for reasons similar to those which required inclusion of the exemption provision. That is, the breadth of the proscriptions, while considered necessary for the reasons stated above, would operate in some cases to prohibit transactions which are deemed desirable to the sound, efficient functioning of employee benefit plans. It was therefore necessary to specify that certain transactions, likely to be engaged in by fiduciaries of virtually all plans, will be allowed notwithstanding the proscriptions.

It is emphasized, however, that even with respect to the transactions expressly allowed, the fiduciary's conduct must be consistent with the prudent man standards unless the trust instrument specifically directs investments.

Especially significant among the expressly allowed transactions is that which permits, in most type of plans, investment of up to ten percent of the fund assets in securities issued by the employer of employees who are participants in the plan. Since such an employer will often be an administrator of his plan, or will function as a trustee or in some other fiduciary capacity, this provision creates a limited exception to the listed proscription against self-dealing. The exception is made in recognition of the symbolic relationship existing between the employer and the plan covering his employees. Such investments are commonly made under provisions in a trust agreement expressly allowing them. The ten percent limitation is prospective only, and does not require divestiture by funds already holding more than that percentage. Furthermore, in recognition of the special purpose of profit sharing plans, the limitation does not apply to such plans if they explicitly provide for greater investment in the employer's securities. Subsection 14(c) also recognizes the practice of including in trust instruments various authorizations governing the handling of the fund. Many such authorizations have been inserted by legal draftsmen because of questions in their judgment as to authority and are generally recognized as appropriate.

The next two subsections (14(d) and (e)) are intended to codify, with respect to employee benefit fund fiduciaries, rules developed under the law of trusts. Thus a fiduciary is made personally liable for his breach of any responsibility, duty or obligation owed to the fund, and must reimburse the fund for any loss resulting from such a breach. He must also pay over to the fund any personal profit realized through use of fund assets. Where two or more fiduciaries manage a fund, each must use care to prevent a co-fiduciary from committing a breach or to compel a co-fiduciary to redress a breach. Plan business is to be conducted by joint fiduciaries in accordance with the governing instruments of the plan, or in the absence of such provisions by a majority of fiduciaries and a fiduciary who objects in writing to a specific action and files a copy of his objections with the Secretary is not liable for the consequences of such action.

The requirement (subsection 14(f)) that every plan contain specific provisions for the disposition of fund assets upon termination is necessary to avoid confusion on the part of fiduciaries and participants and beneficiaries alike as to the proper disposition of the fund assets upon termination of the plan. It is essential at such a time that the plan administrator (who is still, notwithstanding the termination, a fiduciary subject to the Act) know how assets remaining in the plan's fund must be distributed and it is important that the distribution plan be specified so that participants and beneficiaries can assess the propriety of the fiduciary's actions when the plan terminates. The requirement that liabilities to particpants and beneficiaries be satisfied before claims on the fund by contributing parties will be heard is inserted to insure that the interests of participants and beneficiaries will be fully protected.

Exculpatory and similar clauses which purport to relieve a fiduciary from any responsibility, obligation or duty when under the Act are expressly prohibited and made void as against public policy. Whatever the validity such provisions might have with respect to testamentary trusts, they are inappropriate in the case of employee benefit plans.

The large numbers of people and enormous amounts of money involved in such plans coupled with the public interest in their financial soundness, as expressed in the Act, require that no such exculpatory provision be permitted.

It is noted that the basic three year statute of limitations (subsection 14(h)) for suits to enforce the fiduciary provisions or redress a fiduciary's breach may be extended up to an additional three years where the breach is not discovered earlier. In no event can a suit be maintained more than six years after the violation occurred. Where there has been a willfully false or fraudulent misstatement or concealment of a material fact, an action may be brought any time within ten years after the violation occurs.

Finally, by subsection (i) a fiduciary is specifically made not liable for violations committed before he became or after he ceased to be a fiduciary.

The second all new section, section 15, prohibits persons convicted of certain listed crimes from serving, for a period of five years after conviction or the end of imprisonment for such conviction, in a responsible position in connection with an employee benefit plan. The prohibition is considered necessary because of the large funds involved and the attendant great risk of a loss affecting a large number of persons. Section 15 is modeled after section 504 of the Labor-Management Reporting and Disclosure Act (LMRDA) which bars persons convicted of certain crimes from serving as union officers. The presence of the LMRDA prohibition is another reason for including a similar provision in the Protection Act. Without such a provision persons barred from serving as union officers might take positions with employee benefit plans. The danger inherent in such a transfer is especially great where elements of organized crime are involved.

The crimes listed have been chosen with reference to three kinds of criminal activity. These are (1) activities which involve a wrongful taking of property, (2) activities which are related to, and often occur in connection with the efforts of organized crime elements in the labor-management and securities fields, and (3) activities of a nature so vicious that involvement in them casts grave doubt on the individual's responsibility. Thus, in addition to the specifically named crimes the list includes crimes described in section 9(a)(1) of the Investment Company Act of 1940 (involving misconduct in the securities field), violations of section 302 of the Labor-Management Relations (Taft-Hartley) Act, certain violations of the LMRDA, violations of chapter 63 of Title 18, United States Code (mail fraud) and violation of sections 874 (kickbacks from public works employees), 1027 (false statements in documents required by the Welfare and Pension Plans Disclosure Act), 1954 (offer, acceptance or solicitation to influence operations of employee benefit plan), 1503 (jury tampering), 1505 (obstruction of government agency proceedings), 1506 (theft or alteration of court record or process; false bail), 1510 (obstruction of criminal investigations) and 1951 (interference with commerce by threats or violence) of Title 18, United States Code. The section contains its own criminal penalty, with a higher fine than that provided for other criminal violations of the Act. It is the same penalty as that specified in section 504, LMRDA.

II. REPORTING AND DISCLOSURE

The underlying theory of the Welfare and Pension Plans Disclosure Act to date has been that reporting of generalized information concerning plan operations to plan participants and beneficiaries and to the public in general would, by subjecting the dealings of persons controlling employee benefit plans to the light of public scrutiny, insure that the plan would be operated according to instructions and in the best interests of the participants and beneficiaries. The Secretary's role in this scheme was minimal. Disclosure has been seen as a device to impart to participants and beneficiaries sufficient information to enable them to know whether the plan was financially sound and being administered as intended. It was expected that the knowledge thus disseminated would enable participants to police their plans. But experience has shown that the limited data available under the present Act is insufficient even though the burden of enforcement has been partly assumed by the Secretary. The Amendments therefore are designed to increase the data required in the reports, both in scope and in detail. Experience has also demonstrated a need for a more particularized form of reporting, so that the individual participant knows exactly where he stands with respect to his plan—what benefits he is entitled to and what steps he must follow to secure his benefits. Moreover, the addition of fiduciary responsibility provisions has increased the need for both generalized and particularized data. On one hand, participants will be able to ascertain whether the plan's fiduciaries are observing the rules set out in the fiduciary responsibility section only if they have access to sufficient data about plan transactions. On the other hand, the prophylactic effect of the fiduciary responsibility section will operate efficiently only if fiduciaries are aware that the details of their dealings will be open to inspection, and that individual participants and beneficiaries will be armed with enough information to enforce their own rights as well as the obligations owed by the fiduciary to the plan in general.

There are three significant changes designed to impart more information about the plan and its operations in general. First, the annual report must include the opinion of an independent accountant based upon the results of an annual audit. Such information will allow better assessment of the plan's financial soundness by administrators and participants alike (the exemption for the books of institutions providing investment, insurance and related functions and subject to periodic examination by a government agency will prevent duplicative audit examinations of these institutions). Second, plans except those which are unfunded must include in their reports information pertaining to leases, party in interest transactions and investment assets other than securities in addition to information about securities, investments and loans. Finally, actuarial information is now required so that participants and beneficiaries can judge the progress of the plan's funding scheme and its overall financial soundness.

Amendments to provide particularized information to individual participants and beneficiaries are found in section 8. In addition to the obligation to make available copies of the plan description and latest annual report, the administrator will be required to furnish to a participant or beneficiary so requesting in writing a fair summary of the annual report or a statement of what benefits (including nonforfeitable benefits, if any) have accrued in his favor or both. This will enable a participant to find out where he stands with respect to the plan at any given time. Administrators must make good faith efforts to supply to a participant (or his survivor) upon his termination of service under a plan, a notice telling the participant or survivor exactly what procedures must be followed to secure his benefits.

Further, the Administrator must furnish to participants and beneficiaries upon request copies of the plan description, annual report, or bargaining agreement, trust agreement, contract or instrument under which the plan is established and operated. He may make a reasonable charge to cover the cost of such copies. If a plan is subject to a Federal vesting requirement and is exempted from providing pre-retirement vesting for benefits earned during a year of financial hardship, good faith efforts will have to be made to inform participants of the lack of vesting in that year.

III. ENFORCEMENT

The changes in the enforcement provisions have been made so that the rights given to participants and beneficiaries elsewhere in the Act will be enforceable in an appropriate forum. The enforcement section reflects the addition of the fiduciary responsibility provisions and provides remedies of two kinds; those designed to rectify fiduciary breaches and those to insure that participants and beneficiaries, and the Secretary, will receive the information required by the reporting and disclosure provisions. Suits to redress breaches of duty by a fiduciary or to remove persons from plan positions serving in violation of the criminal conviction bar may be brought by a participant or beneficiary only as a representative in a class action. Certification by an accountant as a prerequisite to the Secretary's investigation is no longer necessary because the annual audit requirement allows an assumption that the plan report is accurate.

Participants and beneficiaries may sue in any State court of competent jurisdiction.

For actions in Federal courts, nationwide service of process is provided in order to remove a possible procedural obstacle to having all proper parties before the court. Federal and State courts are given discretion to award attorney's fees and court costs to any party in actions brought by a participant or a beneficiary. The court also has discretion to require the plaintiff to post security for court costs and reasonable attorney's fees.

Fiduciary breaches may be rectified through civil suits only. Criminal penalties for such breaches are inconsistent with the principles established under the common law of trusts. However, criminal penalties remain available in cases of reporting violations, and, under Title 18, United States Code, in cases of embezzlement, false statements, bribery and kickbacks in connection with employee benefit plans.

IV. EFFECT OF OTHER LAWS

The Act provides for a uniform source of law for evaluating the fiduciary conduct of persons acting on behalf of employee benefit plans and a singular reporting and disclosure system in lieu of burdensome multiple reports. States may require the filing with a State agency of copies of reports required under the Act. State courts as well as Federal courts are available to provide remedies under the Act and actions in State courts for accountings are expressly allowed. Furthermore, the Act expressly authorizes cooperative arrangements with State agencies as well as other Federal agencies and provides that State laws regulating banking, insurance and securities remain unimpaired.

Summary of Changes Reflected in Administration's "Employee Benefits Protection Act" To Be Submitted in 92d Congress From the Administration's Proposal Submitted in the 91st Congress

The new draft makes a number of minor word and typographical changes. The substantive changes are:

1. On page 16a, section 8 adds a new section 8(f) to provide that in the event that a plan is subject to the new Federal vesting standards (as provided in the draft vesting bill) and is excused or exempted from these requirements because of financial difficulties or other authorized reasons, written notice of such exemption or excuse must be sent to the participant.

2. On page 18, subsection 9(b), amending section 9(e)(2) is changed by making clear that legal action may be brought for removal of non-fiduciaries (as well as fiduciaries) who are serving in violation of section 15 of the bill.

3. Section 11, amending section 14(c)(4)(A), p. 23 is revised in three principal ways. First, under the bill submitted during the 91st Congress, the 10 percent limit on investment in an employer's or an employer's affiliate securities is not applicable to profit sharing plans where such plans have the

requirement that some or all of the plans funds shall be invested in securities of such employer. The new language would allow the exception where the plans "explicitly provide" that the funds may be so invested. It allows a one year grace period during which existing plans may amend their documents to provide explicit reference to investments in the employer or his affiliates. Second, the revision provides that such investments may be made in corporations controlling, controlled by, or under common control with such employer. The language of last year's submission limited such investment to the securities of the employer. Third, it insures that profit sharing and similar plans will not be held to any other diversification requirement (which might arise from the prudent man concept) as regards investments in the employer's securities.

4. In section 11, p. 25 which adds sections 14 and 15, section 14(f) is revised to make clear that upon satisfaction of all liabilities, a non-qualified, as well as a qualified plan, may return remaining fund assets to the contributing employer.

5. Section 14, amending renumbered section 18, p. 28, is revised to make clear that Federal preemption of State law does not preclude actions in a State court for accountings or for requests for instructions by a fiduciary. Such actions are subject to the following conditions:

(1). Federal law governs insofar as the matters relate to fiduciary, reporting, and disclosure responsibilities of persons acting on behalf of the funds (but not with regard to amount of benefits due beneficiaries under the terms of the plan).

(2). The Secretary has right of removal to Federal court.

(3). The jurisdiction of the State courts is conditioned upon notice being given to the Secretary of the action and the right of the Secretary to intervene.

CHANGES REFLECTED IN THE ADMINISTRATION'S "EMPLOYEE BENEFITS PROTECTION ACT" TO BE SUBMITTED IN THE 92ND CONGRESS FROM THE ADMINISTRATION'S "EMPLOYEE PROTECTION ACT" SUBMITTED IN THE 91ST CONGRESS

1. Enacting clause, the "9" in 92 stat. was changed to a "7" so that the amended law will read "(72 stat. 997),".

2. Section 7(b), amending 7(a)(1), page 8, a comma was placed before the phrase "policy or fiscal year on which" so that the amended law will read "calendar, policy or fiscal year on which".

3. Section 7(d), amending 7(b)(2)(A), page 9, "insurer" was changed to "issuer".

4. Section 7(d), amending 7(b)(4)(B), page 10, "leasehold" was changed to "leaseholds".

5. Section 7(d), amending 7(b)(6)(B), page 12, the word "the" was inserted before the word "date" and before the word "expenses".

6. Section 8(c), adding subsections (b), (c), (d) and (e), page 16a, adds new subsection (f), to read as follows:

(f) In the event that a plan which is subject to federal vesting standards is exempted or otherwise not required to provide for preretirement vesting in any given year because of financial difficulty or in other circumstances authorized by the Internal Revenue Code, a notice stating that benefits were not required to be vested for such year, written in a manner calculated to be understood by the average participant, shall be furnished to each participant once in each year that the plan is so relieved."

If, federal vesting legislation which includes a cost-relief provision is enacted, it is important that participants be informed if their plan is exempted from the vesting requirements under such a provision. New section 8(f) is designed to provide such notice.

7. Section 9(b), inserting 9(b) through (k), page 18, subsection (e)(2), the words "and the removal of any person" were substituted for the word "or" between "duties" and "who" in the last line. The clause now reads:

". . . including the removal of a fiduciary who has failed to carry out his duties and the removal of any person who is serving in violation of section 15 of this Act; or . . ."

The purpose is to conform the scope of civil removal suits to match the scope of prohibited positions under section 15(a) (1) and (2).

8. Section 11, amending section 14(b)(2)(H), page 22, a comma was deleted after the words "use by" and a comma was inserted after the words "benefit of".

9. Section 11, amending section 14(c)(2) and (c)(4)(A), page 23, respectively, a comma was inserted after the word "plan" and after the word "with".

10. Section 11, amending section 14(c)(4)(A), page 23, was revised in the last sentence to read as follows:

"Notwithstanding the foregoing, such 10 percent limitation shall not apply to profit sharing, stock bonus, thrift and savings or other similar plans which explicitly provide that some or all of the plans funds may be invested in securities of such employer or a corporation controlling, controlled by, or under common control with such employer, nor shall said plans be deemed to be limited by any diversification rule as to the percentage of plan funds which may be invested in such securities. Profit sharing, stock bonus, thrift or other similar plans, which are in existence on the date of enactment and which authorize investment in such securities without explicit provision in the plan, shall remain exempt from the 10 percent limitation until the expiration of one year from the date of enactment of this Act."

This language embodies three changes in the bill as submitted in the 91st Congress. First, under the bill submitted during the 91st Congress, the 10 percent limit on investment in an employer's or an employer's affiliates securities is not applicable to profit sharing plans were such plans have the *requirement* that some or all of the plans funds shall be invested in securities of such employer. The new language would allow the exception where the plans "explicitly provide" that the funds may be so invested. It allows a one year grace period during which existing plans may amend their documents to provide explicit reference to investments in the employer or his affiliates. Second, the quoted language provides that such investments may be made in corporations controlling, controlled by, or under common control with such employer. The language of last year's submission limited such investment to the securities of the employer. Third, it insures that profit sharing and similar plans will not be held to a diversification requirement as regards investments in the employer's securities.

11. Secton 11, adding sectons 14 and 15, page 25, section 14(f), now reads:

"Notwithstanding the foregoing, after the satisfaction of all liabilities with respect to the participants and their beneficiaries under an employee pension benefit plan (and, in the case of plans qualified under 26 U.S.C. 401 et seq. in accordance with applicable Internal Revenue Code, provisions and regulations promulgated thereunder), any remaining funds assets may be returned to any person who has a legal or equitable interest in such assets by reason of such person or his predecessor having made financial contribution thereto."

The purpose is to make it clear that upon satisfaction of all liabilities a non-qualified, as well as a qualified plan, may return remaining fund assets to the contributing employer.

12. Section 15(a), page 26, "employee welfare or pension benefit plan" was changed to read "employee benefit plan".

13. Section 14, amending renumbered section 18, page 28, to read as follows:

"Sec. 18. (a) It is hereby declared to be the express intent of Congress that except for actions authorized by section 9(e)(1)(B) of this Act, the provisions of this Act shall supersede any and all laws of the States and of political subdivisions thereof insofar as they may now or hereafter relate to the fiduciary, reporting, and disclosure responsibilities of persons acting on behalf of employee benefit plans: *Provided,* That nothing herein shall be construed:

(1) to exempt or relieve any person from any law of any State which regulates insurance, banking, or securities or to prohibit a State from requiring that there be filed with a State agency copies of reports required by this Act to be filed with the Secretary; or, (2) to alter, amend, modify, invalidate, impair, or supersede any law of the United States (other than the Welfare and Pension Plans Disclosure Act of 1958 as amended (72 Stat. 997) or any rule or regulation issued under any such law.

(b) Subsection (a) of this section shall not be deemed to prevent any State court from asserting jurisdiction in an action requiring or permitting accounting by a fiduciary during the operation of the fund or upon the termination thereof or from asserting jurisdiction in any action by a fiduciary requesting instructions from the court or seeking an interpretation of the trust instrument or other document governing the fund. In any such action:

(1) the provisions of this Act shall supersede any and all laws of the States and of political subdivisions thereof, insofar as they may now or hereafter relate to the fiduciary, reporting, and disclosure responsibility of persons acting on behalf of empleyee benefit plans, except insofar as they may relate to the amount of benefits due beneficiaries under the terms of the plan;

(2) notwithstanding any other law, the Secretary shall have the right to remove such action from a State court to a district court of the United States if the action involves an interpretation of the fiduciary, reporting and disclosure responsibilities of persons acting on behalf of employee benefit plans. In determining whether to request such removal, the Secretary shall consider any additional expenses or inconvenience to the parties;

(3) the jurisdiction of the State court shall be conditioned upon:

(A) written notification, sent to the Secretary by registered mail at the time such action is filed, identifying the parties to the action, the nature of the action, and the plan involved; and

(B) the right of the Secretary to intervene in the action as an interested party.

This section is redrafted to make clear that actions in a state court for accountings and the seeking of court instructions by a fiduciary are allowed, subject to the specified conditions.

14. Section 15, amending renumbered section 20, page —, by changing the word "plan" to "plans" in section 20(b) to make it the "Welfare and Pension Plans Disclosure Act".

15. Renumbered section 17, page 30, after the words "Welfare and Pension Plans Disclosure Act" were inserted the words "and Welfare and Pension Plans Disclosure Act, as amended."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 346

At the request of Mr. PEARSON, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 346, a bill to encourage new job-creating industries in rural areas.

S. 662

At the request of Mr. Pearson, the Senator from Michigan (Mr. Griffin) was added as cosponsor of S. 662, a bill to reform and improve penal and post-adjudicatory systems in the United States.

S. 2669

At the request of Mr. Pearson, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 2669, the Federal Child Support Security Act.

S. 2728

At the request of Mr. Byrd of West Virginia, for Mr. Humphrey, the Senator from Illinois (Mr. Stevenson), the Senator from West Virginia (Mr. Randolph), the Senator from Florida (Mr. Chiles), the Senator from Rhode Island (Mr. Pell), the Senator from Minnesota (Mr. Mondale), the Senator from New York (Mr. Javits), the Senator from Oklahoma (Mr. Harris), the Senator from Kentucky (Mr. Cooper), the Senator from Tennessee (Mr. Brock), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 2728, a bill to establish a Citizens' Committee To Study Congress.

S. 2754

At the request of Mr. Inouye, the Senator from South Carolina (Mr. Hollings), the Senator from Utah (Mr. Moss), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 2754, the Export Expansion Act of 1971.

SENATE JOINT RESOLUTION 180

At the request of Mr. Roth, the Senator from Colorado (Mr. Allott), the Senator from Maryland (Mr. Beall), the Senator from Kentucky (Mr. Cooper), the Senator from Arizona (Mr. Goldwater), the Senator from Indiana (Mr. Hartke), the Senator from Maryland (Mr. Mathias), the Senator from New Hampshire (Mr. McIntyre), the Senator from Alaska (Mr. Stevens), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of Senate Joint Resolution 180, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. Brock, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

CONTINUING APPROPRIATIONS FOR FOREIGN AID—AMENDMENT

AMENDMENT NO. 791

(Ordered to be printed and to lie on the table.)

Mr. GURNEY. Mr. President, the House of Representatives today will act on House Joint Resolution 1005, a joint resolution providing for continuing appropriations for foreign assistance and other programs. There is one provision contained in the joint resolution which disturbs me profoundly because that change will destroy the Cuban refugee program not only in Florida but also in many other States.

The administration proposed this year an appropriation of $144,103,000 for the Cuban refugee program. The continuing resolution which will come to the Senate from the House of Representatives, unless it is changed in the House—and I doubt that will happen—would cut $43 million out of the requested funds.

I point out and emphasize to the Senate that this has nothing to do with the Cuban airlift or the Cuban program insofar as getting people from Cuba. This money, practically 100 percent of it, is for financial assistance to refugees, and so large a part of the money goes directly to the school systems.

The school superintendent from Dade County came up to see me this week and pointed out that if this amount was not fully funded in Florida, that as far as the school program is concerned the Dade County school system and, to a large degree, the school system of Florida, would undoubtedly have to do one of two things, either cut back on the school year and be forced to cut down for a portion of the school year or make major reassessments of teachers' salaries and the salaries of personnel in some way to try to cut the cloth to fit the need.

I point out that the Cuban refugee program is a program that has something to do not only with the State of Florida but also with many other States that are concerned with this program. It will have a major impact. The program was a national program started by President Johnson to extend help to Cuban refugees so that they might come here, people who wanted to escape from Castro communism.

This is a national program and requires that large sums of money be expended in the program. The States will not be able to do this within the State budgets unless the Federal Government helps.

I hope that when the continuing resolution comes here, the Senate will see fit to agree to the proposed amendment that I intend to offer to restore those funds to the funds request in the budget.

CHANGE IN THE PAR VALUE OF THE DOLLAR—AMENDMENT

AMENDMENT NO. 792

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (S. 2879) to authorize the President of the United States to agree to change the par value of the dollar.

NOTICE OF HEARINGS ON INDIAN EDUCATION

Mr. JACKSON. Mr. President, I want to announce to the Indian people, the public, and the Members of the Senate that the Committee on Interior and Insular Affairs will conduct 3 days of open public hearings early in the next congressional session on S. 2724, the Comprehensive Indian Education Act of 1971.

Indian and other nongovernment witnesses will be heard on February 8 and 9, 1972, and those from the Department of the Interior and the Department of Health, Education, and Welfare on March 1.

S. 2724 reflects a number of concepts advanced by several Senators as well as the Indian people themselves. It is a very comprehensive measure and holds potential for improving the quality of education for both Indian children and adults.

The open hearings on all 3 days will commence at 10 a.m., in room 3110, New Senate Office Building.

ADDITIONAL STATEMENTS

"FACE THE NATION," AN INTERVIEW WITH MAJORITY LEADER MIKE MANSFIELD

Mr. MANSFIELD. Mr. President, last Sunday, December 12, I appeared on the CBS program "Face the Nation." I ask unanimous consent that the transcript of that program be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Face the Nation

(As broadcast over the CBS Television Network and the CBS Radio Network, Dec. 12, 1971)

Guest: Sen. Mike Mansfield, Democrat of Montana.

Reporters: George Herman, CBS News; James Doyle, Senate Correspondent, Washington Evening Star; Marvin Kalb, CBS News.

George Herman. Senator Mansfield, thank you very much for coming. You have personally introduced or supported legislation to change the size of America's military commitment in Europe, to enforce on the President a date certain for ending the Viet Nam war, even to change the foreign aid program he wants. Why have you refrained in the Senate from even discussing the current world crisis between India and Pakistan?

Sen. Mansfield. Because, frankly, I don't know enough about it and I think the best thing to do is to remain silent and for this country to remain neutral.

Announcer. From CBS Washington, Face the Nation, a spontaneous and unrehearsed news interview with the Senate Democratic Majority Leader, Senator Mike Mansfield of Montana. Senator Mansfield will be questioned by CBS News Diplomatic Correspondent Marvin Kalb, James Doyle, Senate Correspondent for the Washington Evening Star, and CBS News Correspondent George Herman..

Herman. Senator, as you know, some of your Democratic colleagues in the Senate do not agree with you, some of them have already attacked the administration's operation in the India-Pakistan war. Do you think that this has been, as some Republicans charge, a serious action on their part?

Sen. Mansfield. Well, I couldn't say. As far as the action is concerned, I'm sure they are serious, but the point is the decision has been made as to what our policy will be. I don't want to Monday morning quarterback. There is a war going on. The best thing we can do is to use our good offices, if there are any left, to try and bring about a solution to it, and in the meantime remain strictly neutral.

Doyle. Senator, you've used the phrase "our good offices, if there are any left," and one of the controversies has been that we've destroyed our good offices by statements about India being the aggressor and about India's role in this whole thing. Doesn't that make you, as the leader of the loyal opposition—doesn't it give you a responsibility to respond?

Sen. MANSFIELD. Not at all. I'll respond on my own initiative when I think it's in the best interest of the nation, but not as the leader of the loyal opposition, because I'm still a Senator from the State of Montana and that is more important to me.

KALB. Senator, I'm a little puzzled by this. Over the last couple of years there has been a great hue and cry about why the Hill remained quiet when the administration moved in certain areas, in Indochina, for example, and it seems somewhat inconsistent, your desire to remain silent on something where the facts have been quite evident over the last nine months, certainly what's happening in East Pakistan. Why be quiet now? Do you agree with the administration?

Sen. MANSFIELD. I agree with the administration that we should remain neutral, that we should be prepared to offer any humanitarian assistance we can, and, if we can do so, offer our good offices to try and bring about a solution. However, I think that it will be more important if the Chinese and the Russians undertake that initiative because they are indirectly involved and, in a certain sense, directly involved.

KALB. Do you think the administration's rather visible pro-India line—anti-India line, pro-Pakistan, excuse me, is a sign of neutrality?

Sen. MANSFIELD. I think they've backed away from that line. In the last few days they've made explanations indicating that they are neutral.

HERMAN. Well if you feel that this is a too critical a time for the Senate to speak up and review what the administration has done——

Sen. MANSFIELD. Oh, no, I don't think it is too critical a time for them to speak up. Every senator has a right to speak and make his views known, and they have been speaking and they should continue to do so if they desire to.

HERMAN. Well, for one senator named Mike Mansfield then to speak up. Will there come a time, do you think, when you and the Foreign Relations Committee and the Senate as a whole should review the administration's actions leading—in the days before the—in the incidents leading up to this war?

Sen. MANSFIELD. I think that all of the administration's actions in the field of foreign policy are subject to review.

KALB. Do you think that India, as White House Advisor Henry Kissinger said, that India frustrated a peace effort?

Sen. MANSFIELD. Well, I understand the administration has made something like 34 proposals or propositions which seemed to try to point in the direction of preventing a war. Evidently the Pakistanis seemed to be willing to listen. The Indians seemed to have some questions, but then each of those countries has to exercise its own position as a sovereign nation.

HERMAN. Let me have another crack at my question which I asked you before and you answered before. Do you think in this particular case, the events leading up to the India-Pakistan war, that there is something there that would merit a Foreign Relations Committee review of administration actions?

Sen. MANSFIELD. I am sure there are a lot of questions which could be asked, but I don't believe in looking backward too much, and, to repeat, I don't want to be a Monday morning quarterback.

DOYLE. Well, Senator, what about the whole role of this administration toward this question over the years, and specifically has Pakistan had internal problems and acted quite harshly in the past year? I don't think you've had much to say about that.

Sen. MANSFIELD. That's right. I try to confine myself to subjects about which I know a little something. I must admit that I am not as conversant with affairs in that part of the world as I perhaps should be, but it's a big world.

KALB. Do you feel that the administration has alienated India, the most populous democracy in Asia, after all. Is it in our interest to do that?

Sen. MANSFIELD. I think that that's been done. Whether it will be of long standing remains to be seen. I don't think it's in our interest to alienate any nation; we ought to get along with all nations as much as possible, not in a position of leadership, not in the way of telling other nations what to do, but in a helpful, respectful way.

KALB. Well, then, why condemn India as an aggressor?

Sen. MANSFIELD. I'm not condemning India.

KALB. I know. I'm talking about the administration. Ambassador Bush used that term twice.

Senator MANSFIELD. That's right. I would assume that he was acting under instructions from down here, because having served as a delegate to the UN twice, what the UN delegates do, they do under instructions from the State Department or the White House.

HERMAN. Let me ask you one, perhaps last question on this India-Pakistan situation. You have said, I think now two or three times in the course of our questioning, that you don't know a great deal about the India-Pakistan——

Senator MANSFIELD. Not too much, no.

HERMAN. I understand. My question is, is this of sufficient importance to the President—to the, excuse me, the Senate of the United States and to the Foreign Relations Committee so that there should be something undertaken by the Foreign Relations Committee, of which you are a member, to familiarize you with it so that you can make a judgment and act if you feel necessary?

Senator MANSFIELD. Well, first let me say that I am trying to familiarize myself with it more. As far as the Foreign Relations Committee and what it should do now, that remains to be seen. I would say that for the time being we should do nothing but maintain a strictly neutral attitude and do what we can to bring about an end to this conflict if at all possible.

KALB. Would that have been a proper course, do you feel, Senator, back in the early 60's on Indochina?

Senator MANSFIELD. Yes, we should have stayed neutral, stayed out, and I so advocated at that time and before that time.

KALB. I mean in the face of an administration policy moving the nation in a certain direction, for the Hill to remain quiet?

Senator MANSFIELD. No, but then there were some people on the Hill who did not remain quiet and made their views known both on the floor of the Senate and in reports. I think you have some references in your book to that effect.

DOYLE. Senator Mansfield, you began this legislative session by holding a Democratic caucus and putting the caucus on record as wanting an end to the Viet Nam war and involvement in Indochina by the end of this Congress.

Senator MANSFIELD. That's right.

DOYLE. Three times this year the Senate at your direction passed legislation which would have brought that end over six months. Each time the House evaded the question, or the President ignored the legislation. Is there any role left for the Senate in the making of foreign policy in Indochina?

Senator MANSFIELD. Well, there is a role left for the Congress. It's the final step which they can take; that is to cut off appropriations. On that basis, you can assert yourself; on that basis I have voted against the Department of Defense appropriation bill. There is nothing further that I know of that I can do personally, in my capacity as a senator from the State of Montana, to bring about an end to this horrible war in which we have no business and should never have become involved. And one thing I have tried already is to bring a time certain termination to the war with the proviso that the POW's will be released at the same time. That fits in with the President's proposals because a third part of the tripod for withdrawal which he set up was that the government of Saigon should have a reasonable chance to survive. I think they have had that chance now, so we ought to go ahead and take up the proposition presented by the NLF on the basis of Points One and Two of the seven-point program of last June.

KALB. Senator, you've met privately with the President quite often. What does he tell you? Obviously you tell this to him. What does he tell you?

Senator MANSFIELD. No, I don't tell this to him unless an occasion arises. What he talks about are matters which I don't feel that I should discuss in detail, but it's mostly on foreign policy, and it's in part on domestic legislation.

DOYLE. Senator, what good are those meetings if, when—when the Mansfield amendment passes, you have this friendly relationship with the President, he makes a public statement that that amendment has no force in effect, and you seem to accept that?

Senator MANSFIELD. I think that those statements can be made, but the impression has also been made. What the Congress has done, in the policy of Congress portion of the first resolution, and in the policy of the United States government portion of the second resolution, has had an effect and will have an effect even if the amendment itself is not passed in toto.

HERMAN. How about a legal challenge to the President's saying that he will ignore that part of the bill?

Senator MANSFIELD. Who would make the legal challenge?

HERMAN. Well, cannot the Congress, since they passed it and the President says he will ignore it?

Senator MANSFIELD. No, I don't think so; it would take a lot of time and I don't think we have that much time to drag it through the courts.

HERMAN. Well now, that answer, and one that you gave earlier, when you said there's—you know of nothing further that you know that you could do as the Senator from Montana to end the war in Viet nam, gives the impression that you're sort of giving up; you don't plan any new initiatives. Is that because perhaps you think the war is ending, or what is in your mind?

Senator MANSFIELD. Oh, the war is ending. At least it's winding down. You've got about 170,000 troops there at the present time. But it's hard to get across to some of you people just what a senator can do, because you're probing and you're striving and you're trying to find something in an area which doesn't exist. The responsibilities of the Senate and the House—the Congress—are pretty well known. It's a matter of legislating; it's a matter of appropriating. As far as the carrying out of foreign policy is concerned, that of course is in the hands of the President, but we should have a cooperative part.

HERMAN. Well, I asked that question because I got the impression that you sounded a little resigned, a little sad, when you said that you knew of nothing else that you could do to end this terrible war.

Senator MANSFIELD. I am not giving up, but I am distressed and depressed.

DOYLE. Senator, under your leadership this year, the Senate rejected the foreign aid bill and the foreign aid concept and said you wanted a restructuring, and then offered such a restructuring, including another end-the-war amendment. The chairman of the House Foreign Affairs Committee refused to bring that to the floor of the House. Now you——

Senator MANSFIELD. All the conferees on the other side refused to.

DOYLE. Well Senator, you have agreed to bring that to the floor of the Senate, and you say there's a limit to what a senator can do; but as leader, it's up to you to schedule bills, and you could in turn say I refuse to bring that to the floor of the Senate unless you bring it to the floor of the House.

Senator MANSFIELD. Oh no, you've got to differentiate between my responsibilities as a senator from Montana and the Majority Leader. You must remember also that the Majority Leader is the servant of the Senate. And as far as I'm concerned, any legislation reported to the Senate, whether I like it or not, will be brought up so that the Senate can make its own decision.

DOYLE. Well Senator, do you think that Lyndon Johnson would've taken that view when he was Majority Leader?

Sen. MANSFIELD. I'm not Lyndon Johnson.

KALB. Do you feel that the administration has, in effect, beaten the Senate, beaten the Hill on all of these matters that you describe and probably are quite critical?

Sen. MANSFIELD. No, I wouldn't say they'd beaten us. I wouldn't say that they've come out on top. I would say it's been a standoff. Just the resolution that Jim Doyle refers to, I think, has had its effect because it passed the Senate three times, and the issue is alive. I think that it will have an effect on bringing about a further reduction in U.S. troops from Indochina. The thing that disturbs me is not the fact that this reduction is taking place—I approve of that—but I want to see a complete, total, lock, stock and barrel withdrawal.

KALB. Well, do you have the impression that the administration policy is aimed at that lock, stock and barrel withdrawal?

Sen. MANSFIELD. I do not at this time. There's talk about a residual force, which I think would be a mistake—whereas the amendment itself calls for negotiations, agreement, a cease fire, a continued withdrawal, which we're doing now, but at the same time bringing in the POWs and getting them released. Now, they're just increasing in numbers and stagnating where they are.

KALB. Why do you think it's so important for the administration to push this residual idea?

Sen. MANSFIELD. I don't know, unless the Saigon government needs continued logistical and air support from us, but they have an army of one million, one hundred thousand men; we've paid them for 17 years; we've supplied them; we've supported them; we've advised them; there's nothing more we can do. It's their country. It's their destiny. It's their future. They should decide it, not us.

KALB. Isn't it really Korea all over again?

Sen. MANSFIELD. It looks like it, I'm afraid.

HERMAN. Senator, a year ago or so, when we talked on this program, all the conversation seemed to be about the President's bad relations with the Congress. All the news was the Congress defeating the President. The last six months we've had—oh, the President vetoed political contributions; checkoff and it stuck; Mr. Butz has been confirmed; Mr. Rehnquist has been confirmed; Mr. Powell has been confirmed. Almost everything the President do—does in the Congress now seems to work out. Has the balance shifted a little bit between the President and the Congress?

Sen. MANSFIELD. No, I think we're still maintaining our equilibrium, if I may use that four-dollar word. I would point out that the Congress is only half through; we still have another year. I would point out also that many of the issues which the Democrats have been developing, the President has taken over himself.

HERMAN. Well, that's what I was going to ask you. Who has come around? Has the Congress come around to working better with the President? Or has the President begun to shift towards the Congress' point of view?

Sen. MANSFIELD. That's hard to say, but he's taking a lot of the ideas of our candidates and our party.

HERMAN. Such as?

Senator MANSFIELD. Well, the question of wage, price and rent controls, which he was opposed to completely.

DOYLE. Senator, a small number of senior senators have indicated they're going to start a fight, starting tomorrow, to see that the foreign aid bill is not postponed for three months, and follow regular legislative procedure. I'm sure this will delay the adjournment of Congress if it's carried out. How strongly will you support their effort?

Senator MANSFIELD. To the best of my ability.

HERMAN. Who's the key man in that? Have you heard from Senator Proxmire, who has once before served as key man in such a rebellion?

Senator MANSFIELD. No, I haven't heard from any of them, but I understand that some senators have been meeting. Whether Proxmire has been with them or not, I don't know, but I believe that Cranston and Fulbright, Symington and Church—perhaps others—have been meeting to consider what to do when the continuing resolution comes before us.

HERMAN. Well, now, you have said that you would speak with them. Does—do you mean extended speaking? Would you take part in extended——

Senator MANSFIELD. No, I'm not—I don't believe in dilatory tactics. I have stated publicly to the press, on the floor of the Senate, to all my colleagues only on yesterday that I would oppose the continuing resolution and speak against it—and not vote for it.

HERMAN. But you would not join a movement to speak at length against it?

Senator MANSFIELD. No, I don't think I could stand up on that basis, and I don't believe in that kind of deliberation anyway.

HERMAN. Would you help——

Senator MANSFIELD. I'm speaking personally. For other senators, that's their business.

HERMAN. Would you help, or would you stay neutral in an attempt to quash this by a cloture vote?

Senator MANSFIELD. I would help.

HERMAN. You would help a cloture vote?

Senator MANSFIELD. Um-hmm.

HERMAN. Senator——

Senator MANSFIELD. No, wait a while. You mean to—to kill this?

HERMAN. Yes. If Senators Fulbright and Smith, Symington and Church and so forth, start a long conversation——

Senator MANSFIELD. I would not vote for cloture.

HERMAN. You would not——

Senator MANSFIELD. No, and I—I wouldn't vote for any kind—any kind of a continuing resolution, even one which would guarantee the payment of the salaries of the administrative staff.

DOYLE. Senator, this brings up the question of what happens in the last weeks of Congress. We've had a series of conference committees, and what's happened is, the senior members of the Appropriations Committees—and in this case the House leadership—has undone some of the work of the Congress in the past year in the last week as we rush toward adjournment. And Senator Gore, before he was defeated, made a suggestion that conference committee records ought to be put in the Congressional Record, and that they ought to be changed, that the leaders ought to take back the conference committees. How do you react to that?

Senator MANSFIELD. Well, I'd say—I would not be adverse at all making public the records in the conference report. But as far as giving the leaders the—the responsibility to designate the conferees, if the Senate told me to do so, I would be glad to undertake that responsibility, but I would not force that on the Senate because I don't know whether the Senate would agree.

DOYLE. Senator, is it fair to say you take a passive view of your role as leader?

Senator MANSFIELD. That's right.

KALB. Senator, to get into an active area then, the President is seeing many, many world leaders, starting tomorrow in the Azores with French. Do you think that this is going to help him next year during the campaign?

Senator MANSFIELD. I don't think foreign policy will have much effect on next year's campaign, except insofar as Southeast Asia is concerned. These trips, I think, are in the interest of this nation, but politically their effect will be only temporary, and I include the trip to Peking as well. The important factor, as I see it now, is going to be the economy, and if unemployment is up—it is—it was up to 6.1, down to 5.8, now back up to 6 per cent—and if inflation is not controlled, then I think he's going to have a most difficult time getting elected.

KALB. Is that, then, the prime issue as you see it for '72?

Senator MANSFIELD. As I see it, those two are the prime issues.

KALB. Viet Nam and the economy?

Senator MANSFIELD. Yes.

HERMAN. Can I put you out on a limb on your own two ifs there—if employment is down? Will it be down by November of '72?

Senator MANSFIELD. I would hope it would be down; I would hope that employment would be up and unemployment down. I would hope that inflation would be down, because I'd—I'm more interested in the welfare of the country.

HERMAN. I can understand your hopes. I'm asking you to go out on a limb a little bit and say if you think it will be.

Senator MANSFIELD. I don't know. I don't know.

HERMAN. You have no feeling about it?

Senator MANSFIELD. No.

KALB. Senator, on Viet Nam, the administration claims that Viet Nam really is not going to be an issue in '72—anyone who tries to make it will have the rug pulled out, et cetera.

Sen. MANSFIELD. Well, we'd like to have that rug pulled out from under us.

KALB. But why do you think it will be an issue?

Sen. MANSFIELD. On the basis of all I can gather, there will still be a residual force of some consequence in Viet Nam.

KALB. But if American casualties are down to practically nothing, why should that excite the American electorate?

Sen. MANSFIELD. Well, it's something that the American electorate, I think, would like to avoid, not face up to, because they are fed up to the hilt with it, but people are still dying and to me one American is just as important as ten or twenty Americans. People are still being wounded, people are still being forced down in enemy territory; the number of POW's is increasing. I think the longer the war continues, the more we are keeping those POW's incarcerated.

KALB. Do you think it's possible that during the President's trip to China, an atmosphere, as opposed to a specific deal, could be created that would make a negotiated solution possible?

Sen. MANSFIELD. Well, I would hope so, but I doubt it. I think if the question is brought up very likely what Mao Tse-tung or Chou En-lai will say is, "well, this is a matter for Hanoi—to be discussed with Hanoi."

HERMAN. If the prisoners, the American prisoners, are released and if there is no active fighting, will the American people be any more fed up with the troops in Viet Nam than they are now with troops in South Korea.

Sen. MANSFIELD. They would be less fed up if the prisoners were released, but I don't think they would look forward with any anticipation to a Korean-type solution to our intervention in Viet Nam.

Herman. Okay. Let me take you back to one other thing. As Congress comes to an end there is still a shopping list of must items which most people think must be passed. The Defense Department appropriation, will it be passed in time?

Sen. Mansfield. I have every expectation it will.

Herman. All right, how about extension of the Economic Stabilization Act, the bill that gives President Nixon the power to—

Sen. Mansfield. The conferees are meeting tomorrow; that will be extended.

Herman. Do you think that both sides will be able to agree in a short time—

Sen. Mansfield. Yes.

Herman. — and the D.C., the District of Columbia appropriation which is important to all of us who live here?

Sen. Mansfield. Yes.

Doyle. Senator, the cartoon by Herblock in today's newspaper pictures you as Santa Claus giving the President a series of legislative packages for Christmas. What issues other than if the economy continues to falter will you have? What issues do you have out of the 1971 Congress?

Sen. Mansfield. As long as you mentioned that cartoon, why didn't you mention what was in the President's package, and ask me what my position on those matters were?

Doyle. Well, you were against most of them. There were four nominations in there; I think you voted for Secretary Connally but not for Supreme Court Justice Rehnquist or Supreme Court Justice to be. You voted for Powell. I think, and you voted against Butz, I believe.

Senator Mansfield. That's right.

Doyle. But I think the cartoonist was making the point that as leader you helped give the President these gifts by not fighting harder.

Sen. Mansfield. Well, Mr. Herblock is quite a cartoonist.

(Laughter).

Doyle. Well, Senator, what about the question—what issues come after a year of skirmishing with the White House, especially over foreign policy, what issues do you have?

Sen. Mansfield. You still have the Senate resolution on terminating the war, which will not be forgotten. You have the issue of social security, which I suppose the President would agree to. You have the question of H.R. 1, the welfare proposal, which will be brought up next year. You have the question of revenue sharing. You can forget the question of government reorganization, which the President advanced because that was just too much to be expected, in too short a while, although I approved of what he advocated but he hasn't gone through with it. As a matter of fact, before Mr. Butz was confirmed, he announced that the Agriculture Department would be taken out from under the reorganization he had proposed.

Doyle. Senator, you haven't convinced Senator Russell Long to bring up the welfare reform package, which the President wants, and you haven't got the revenue sharing bill on the docket—

Sen. Mansfield. Just a moment, just a moment, Jim. I have had discussions with Long, Talmadge, and others, and they have indicated that around the latter part of February or the first part of March they will report out H.R. 1. As far as the revenue sharing is concerned, we can't do a thing in the Senate, as you well know, until the House acts, and the House hasn't acted. Furthermore, when the President asked for a Phase II and asked for the proposals which have just been passed by the Senate, the tax package and the economic package, he asked at that time that revenue sharing and welfare be postponed. Then he came back and said that though he didn't need it til next year, he'd like the action this year, but as far as H.R. 1 is concerned, it doesn't go into effect until some time in 1973.

Kalb. Senator, I'm told the senators like to talk politics—

Sen. Mansfield. At times.

Kalb. Do you think that—maybe this is a good time—do you feel that President Nixon is vulnerable next year?

Sen. Mansfield. It will depend on the economy and Indochina, in my opinion.

Kalb. Those two issues.

Sen. Mansfield. Yes.

Kalb. And which Democratic candidate do you feel would be the strongest one to take on the President?

Senator Mansfield. I don't know as of now. but as of now, Muskie is the leading candidate and seems to be gathering strength.

Herman. You said, oh, a little over a year ago, I guess, that the Democratic Party hadn't produced any star who you thought could really challenge the President. What do you think now?

Senator Mansfield. I think Muskie is coming out, Jackson is coming up, McGovern is coming up. We have three or four in the wings; I would hope that the number would be minimized.

Kalb. What about Kennedy, whose name always leads these lists?

Senator Mansfield. I have felt for many years that Kennedy did not want to run in 1972, and I still feel that way.

Kalb. Why is he running around then so much?

Senator Mansfield. Oh, you'll have to ask him.

Herman. But my question really is, do you think that now these candidates through publicity have acquired enough star quality so that they can really challenge the President?

Senator Mansfield. I think that Muskie is beginning to acquire that star quality. The others are coming up but not fast enough to achieve that status as yet.

Doyle. Senator, you've indicated to me today, at least, that you are a very vigorous man for a man who's going to be 69 years old next March, and a very well-informed man, but you've been leader for 11 years. Have you thought about relinquishing that job?

Senator Mansfield. Sometime.

Herman. And what do you think when you think about it?

Senator Mansfield. That it would be a good thing to do.

Doyle. When?

Senator Mansfield. I'll decide that. I say, as long as you bring up the 11 years, I will stack the record of the Senate in those 11 years against any other 11 years in the history of the Republic. I think we've made a good record and I think that the Senate has done itself proud, both Republicans and Democrats.

Kalb. Senator, do you think the idea of the Democratic Party having many candidates is a strength or a liability at this point?

Senator Mansfield. A liability.

Doyle. Senator, what are you going to do about truancy in the next year? That's been a problem in the past year and you've admitted that. Who's the truant officer in the Senate?

Senator Mansfield. Well, each senator is a truant officer unto himself; there is no way, no means by which they can be forced to attend; it's up to them individually to decide what to do. May I say that as far as the Presidential candidates are concerned, their attendance has been very very good.

Herman. Senator, we have about 30 seconds left. It is traditional to ask you at this time of the year and this time of the program, when are you all going to go home? When will Congress adjourn?

Senator Mansfield. I don't know, it looks like we'll be in for some days yet.

Herman. One of the rumors is that some of the members' wives want the Congress to stay in session so they can go to the White House receptions this year.

Senator Mansfield. That's just a rumor; there is no foundation to it, forget it, somebody just put that in, it makes interesting reading but it just isn't true.

Herman. Thank you very much, Senator Mansfield, for being with us today on Face the Nation.

Announcer. Today on Face the Nation, the Senate Democratic leader, Mike Mansfield of Montana, was questioned by CBS News Diplomatic Correspondent Marvin Kalb, James Doyle, Senate Correspondent for the Washington Evening Star, and CBS News Correspondent George Herman.

REPORT ON ACTIVITIES OF THE MINORITY IN THE COMMITTEE ON LABOR AND PUBLIC WELFARE IN THE FIRST SESSION, 92d CONGRESS, 1971

Mr. JAVITS. Mr. President, during the first session of the 92d Congress, the Republican minority of the Committee on Labor and Public Welfare, of which I am the ranking member, made a distinctive record of constructive contributions and effective legislative achievement. It is gratifying to note that in a number of instances, the central concepts around which major legislation was built originated on the minority side. These contributions cover all areas of activity of the committee.

I ask unanimous consent that a report I have prepared on these contributions be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report of Activities of the Minority in the Committee on Labor and Public Welfare

HEALTH

(Comprehensive Health Manpower Training Act of 1971 (Public Law 92–157))

The Administration bill, S. 1183, introduced by Senator Javits and cosponsored by Senators Baker, Beall, Bellmon, Bennett, Boggs, Cooper, Dole, Dominick, Fannin, Fong, Griffin, Hruska, Jordan, Pearson, Prouty, Scott, Stevens, Taft, Tower, Weicker and Young, together with legislation introduced by the Chairman of the Health Subcommittee, provided the basis for this Act.

Other Minority provisions written into law are as follows:

First, start-up assistance for new schools of medicine, osteopathy, and dentistry—Senator Javits;

Second, national uniform standards for annual per-student educational cost—Senator Schweiker;

Third, physician shortage area scholarship program—Senator Beall;

Fourth, separate authority for financial disaster relief grants to health professions schools—Senator Javits;

Fifth, grants for computer technology health care demonstration programs—Senator Javits;

Sixth, on-sight inspections to determine plan compliance by schools—Senator Javits;

Seventh, advance funding of appropriations—Senator Javits;

Eighth, project grants for study of the science of nutrition—Senator Percy; and

Ninth, prohibition of sex descrimination—Senator Mathias.

In addition, many minor and technical amendments were authorized by the Minority.

(Nurse Training Act of 1971 (Public Law 92–158))

A bill introduced by Senator Javits, S. 1183, on behalf of the Administration, and Senator Javits' "Nursing Education Act of 1971," S. 1614, cosponsored by Senators Prouty, Beall, Bennett, Brooke, Percy, Schweiker, Stevens and Young, together with legislation introduced by Senator Williams, the Chairman of the Labor and Public Welfare Committee, provided the basis for this Act.

Also included in the Act was a new section authored by Senator Javits authorizing advance funding of appropriations and one by Senator Mathias prohibiting discrimination on the basis of sex.

In addition, many minor and technical amendments were authored by the Minority.

(National Cancer Act of 1971 (Public Law 92—))

The bill to conquer America's most dread disease, cancer, S. 34, introduced by the chairman of the subcommittee Sen. Kennedy and Senator Javits and cosponsored by Republican Senators Schweiker, Bellmon, Brooke, Case, Hansen, Hatfield, Miller, Percy, Scott and Stevens, together with the Administration bill, S. 1828, introduced by Senator Dominick and cosponsored by Republican Senators Javits, Prouty, Schweiker, Packwood, Taft, Beall, Allott, Bennett, Bellmon, Boggs, Brock, Brooke, Case, Cook, Cooper, Curtis, Dole, Fannin, Fong, Griffin, Goldwater, Gurney, Hansen, Hatfield, Hruska, Percy, Roth, Scott, Stevens, Tower, and Young, provided the basis for this Act.

LABOR

(Prevention of National Railway Signalmen's Strike (Public Law 92–17))

Minority amendments written into this law include:

First, extension of the freeze period for additional time to permit coordination of negotiations with other unions—Senator Javits.

Second, provision for payment to the employees of interim wage increase recommended by the Emergency Board—Senator Javits.

MANPOWER AND POVERTY

(The Emergency Employment Act of 1971 (Public Law 92–54))

This Act was developed by Senators Javits and Schweiker together with the Chairman of the Subcommittee to provide employment and related training to unemployed and underemployed persons in times of high unemployment. The Act was based upon the "trigger concept", keying assistance to national unemployment levels, which Senator Javits first proposed in the Manpower Training Act of 1969, S–2838.

HANDICAPPED

Amendments to Wagner-O'Day Act (Public Law 92–28))

This legislation extends the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring however, that the blind will have first preference; and expands the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind a first preference for five years after the enactment of the bill—Senators Javits and Prouty.

SCIENCE

(National Science Foundation Authorization Act of 1972 (Public Law 92–86))

Sections 3, 4, 5 and 7 of this Act are similar to provisions contained in the Administration bill, S-1168, introduced by Senator Prouty.

FUND FOR HIGHER EDUCATION—IN ISRAEL

Mr. CRANSTON. Mr. President, my colleague from California (Mr. TUNNEY) has asked me to have printed in the RECORD a statement by him concerning a charitable organization known as the Fund for Higher Education—in Israel.

I ask unanimous consent that Senator TUNNEY's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the Record, as follows:

FUND FOR HIGHER EDUCATION—IN ISRAEL

Mr. TUNNEY. Mr. President, there is in my constituency a group of individuals whose unusual devotion to education and its importance toward the attainment of the worldwide goal of peace led them in 1969 to establish a charitable organization known as Fund for Higher Education (in Israel). The Fund for Higher Education (in Israel) was conceived to help the broad spectrum of education, rather than to support any one institution. The purpose of the Fund is to provide specialized educational opportunities for educators, scientists and others.

Who are these people? They are Mr. Amnon Barness, Chairman of the Board of one of America's great retail companies, Daylin, Inc., who serves the Fund for Higher Education (in Israel) as Chairman of the Board and President; and Mr. Barness' two co-founders of Daylin, Mr. Max Condiotty, Daylin President and Executive Vice President of the Fund; and Mr. Dan Finkle, Chairman of Daylin's Executive Committee and Fund Vice President.

They are gathering a Board of Advisers and a Board of Trustees who now include men of wisdom and experience to guide the officers and directors toward their goal. The Advisers include Dr. Albert B. Sabin, discoverer of that great boon to mankind, the Sabin Oral Polio Vaccine; Dr. George S. Wise, the first President of Tel Aviv University; Prof. Wm. Haber, distinguished scholar of Wayne University and Dr. Joseph J. Schwartz, whose lifetime of dedication to Jewish cultural development has left a mark in history.

Within months after its organization, a major dinner was held at the Century Plaza Hotel in Los Angeles in which more than 800 people paid tribute to Mr. Max Candiotty and pledged nearly one million dollars to launch the Fund. Moving with alacrity, the Fund now has four buildings under construction in Israel. Three are part of a complex known as The Dave Finkle Residence Center for Health Science Students at Hebrew University in Jerusalem. The other is The Max Candiotty Institute for Science Teaching at the Weizmann Institute at Rehovot, Israel.

Now a third project is in progress.

The Fund will hold its second major fund raising affair on January 8, 1972 at the New York Hilton Hotel to honor a distinguished business leader, philanthropist and an officer of the Fund, Mr. Samuel D. May. It will build the Samuel D. and Isabel May Heart Research Center in a medical facility affiliated with Tel Aviv University. Mr. May is President of the Harry Greenburg Foundation, which for the past ten years has contributed to cancer, heart and arthritis research. He established a cancer research laboratory at the University of Chicago; another cancer facility at the Columbia Presbyterian Medical Center affiliated with Columbia University; and in conjunction with the Miami University Medical School, contributed toward the construction of an arthritis research foundation at Jackson Memorial Hospital. He also participated in the construction of an extended care pavilion at the Miami Heart Institute. The Foundation was a founder of the Albert Einstein College of Medicine in New York as well as the Long Island Jewish Care Center.

In addition to the planned heart facility, there are four specific projects under study which are related to Israel educational facilities and one in the United States, for those who lead this magnificent new charitable enterprise are also mindful of the contributions of American institutions of higher learning.

While it was the executive of one great American company that launched this project, it has spread and will continue to broaden its base to include a wide spectrum of business, civil and communal leaders throughout our country. The Fund for Higher Education (in Israel) has important goals that are not the property of one company, one group of people, one narrow segment of the population. It has ideals that encompass all civilized men and women. It should be given great encouragement and support, both moral and financial.

For this reason I want to commend the organization, wish it well in its undertaking of the Samuel D. May Tribute Dinner on January 8th, and commend its various boards, officers and directors for their dedication and devotion to this major enterprise of their own creation and for the good of the world.

Let the record show that the Board of Trustees of the Fund for Higher Education (in Israel) now includes Jack Benny, actor and philanthropist, as well as Marcus Glaser, Charles Krown and Allan Lazaroff, all business executives and philanthropists of note.

The Officers of the Fund are Amnon Barness, Samuel D. May, Max Candiotty, Dave Finkle, Leon Beck, Alvin M. Levin, Richard J. Segal and Robert L. Hersh.

The Directors of the Fund are Amnon Barness, Max Candiotty, Dave Finkle, Albert B. Glickman, Sidney Kline, Samuel D. May, S. Jerome Tamkin, Charles Watt, Eugene L. Wyman and Boris Young.

The Project Coordinator is J. Norman Alpert and the Public Information Coordinator is Peter Grant.

These devoted individuals deserve the heartfelt thanks of all Americans for their dedication to the important tasks they have undertaken for the benefit of mankind.

"SALUTE TO CASSATT" DAY

Mr. THURMOND. Mr. President, it was a special pleasure for me to attend the "Salute to Cassatt" day held on November 20, 1971, in Cassatt, S.C. On this occasion, the fine citizens of Cassatt were praised for community efforts toward raising their quality of life. Some of their proposals included neighborhood youth centers for sponsoring nurseries, kindergartens, and programs to correct problems of health, malnutrition, and recreation for all the citizens of the community.

I was pleased to share speaking honors with Rev. Luns C. Richardson, dean of admissions and records, and director of basic studies at Benedict College in Columbia, S.C.

The Reverend Mr. Richardson's speech was entitled "Building Upon Our American Heritage Through Education." He called attention to the fact that our Government is geared to respond to the will of the people. Since this is true, as it should be, Reverend Richardson says it is therefore paramount for us to make sure our citizens are as educated as possible.

He says this education should be blended with Christian principles, for knowledge does not guarantee character and integrity. He points out that many criminals have high education.

Because this speech is so timely, and because it touches upon some of the fundamental needs of our society, I would like to share it with my colleagues.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Building Upon Our American Heritage Through Education

To the Honorable Senator Thurmond, Mrs. Ricket, Mr. McIntosh, Mr. Brooks, distinguished platform guests, the fine people of Cassatt, ladies and gentlemen: It is a great pleasure and an honor for me to be able to take part in this great program, this salute to the fine community of Cassatt and the very commendable efforts you are putting forth to improve and make more abundant the lives of all the people in this community. Indeed, this is the American way of doing things. This working together for the common good is what has made America great. Concern for each other's welfare is the fabric of community life. It is the stuff out of which good communities develop and grow.

It is indeed a pleasure and an honor for men to share the speaking honors with His Honor, Senator Thurmond, who has always been deeply interested in the education of all our citizens. My first work, Senator Thurmond, was as a member of the staff of the South Carolina Area Trade School at Denmark, South Carolina (now the Denmark Residential Technical Institute) under the enlightened leadership of the late Mr. L. H. Dawkins. I remember quite well that it was under your leadership and guidance as Governor that the South Carolina State Legislature authorized the establishment of this and other trade schools so that untrained and unskilled young men and women could get an education to fit them for abundant living. I remember distinctly your words to the members of the Legislature as you said in your inaugural address: "The establishment of these schools will convert unskilled labor into much-needed skilled labor." This has been accomplished in a big way. Thousands of graduates of these schools are living abundant lives and are serving as leaders in their communities. This is a living testimony to your foresight, concern, ingenuity, and leadership.

And to Mrs. Rickett, along with all of the other fine people who have worked to make this program and these activities a great success: I am very happy that you have recognized in your planning the need for continuing education and the part it plays in building upon our great American heritage.

The Founding Fathers of our country recognized that if democracy was to prevail, if we were to live abundantly, the citizenry would have to be educated. It would have to understand the government and the issues of the day well enough to choose capable leaders and to direct the government on handling the issues. This was one of the primary reasons for the development of our public education system.

The need for education is even more critical today. First of all, the rights of suffrage have since been extended to all citizens aged 18 and over. Recently, Congress and the courts have taken measures to abolish any remaining inequities in our system of universal suffrage. Since all the people are now responsible for our government, all the people must be educated. But more important, the issues are far more complex and the government's activities involve areas undreamed of 200 years ago. Modern technology, especially in the communications field, tends to work in favor of increased centralization and dictatorship. To maintain democracy today, political leaders at all levels need broad knowledge as well as highly technical skills. And the people in general must be thoroughly educated in order to understand and perform competently the duties of citizenship. Our young people here must exercise their responsibilities in this venture. They must read; they must keep informed of conditions and issues at home and abroad. It is only through an educated, informed, and intelligent mind that you can make a worthwhile contribution to the ongoing of our great American heritage. It is in this way that you can prepare to take the reins of leadership in the days and years ahead. This places no easy burden on the schools of a democracy. The vice-chancellor of the University of York, England, states the problem this way: "The rapidity of the growth of knowledge—the dominant feature of the intellectual history of our time—forces on the educator an ever greater specialization. The needs for an informed citizenship demands an even greater breadth. The reconciliation of those conflicting demands is one of the crucial problems that we have to face."

Governing the United States also requires substantial knowledge about all the other countries of the world. Because of our leadership in world affairs, our government constantly formulates policies affecting, and affected by, international situations. Education in world affairs must produce experts in the field so that those who actually do the work of implementing policy have profound understanding of the many cultures and value systems operating throughout the world. *But again, the people must decide the values and goals for which the government works.* The director of the World Affairs Center at the University of Minnesota asks: "What is the purpose of teaching about world affairs apart from its obvious intrinsic intellectual interest? Only the foolish question the view that in our democracy public opinion influences foreign policy decisions. Therefore, a wise and sound American foreign policy must rest on an informed opinion. This opinion will be formed in large measure through education at all levels and ages of our population. It is further assumed by most that the United States has a tremendous influence on the affairs of all the world, and that therefore, the educated and active American citizen can make a meaningful contribution not only to our own independence and way of life, but to the peace and well-being of the world as a whole."

As life has evolved since the beginnings of our nation, the horizons of the citizen's influence have expanded from the town council to the national forum, to the international sphere, and even beyond. We now live in a time when American citizenship carries with it not only worldwide concerns but truly universal involvement. A former Secretary of State told convening school administrators:

"We can be safe only if our environment is safe. And today the environment which we must try to make and keep safe is not only local or regional or hemispheric—it is worldwide. It includes all the land and the waters and the air of the earth, and reaches as far out into space as man can maintain instruments capable of affecting life on earth."

This brings to mind some of the ideals of the late Wendel Wilkie. During World War Two Mr. Wilkie, with the permission and blessing of President Franklin D. Roosevelt, undertook a trip around the world (1942) to view first-hand the conditions of people all over the world. This great statesman and humanitarian was so moved by what he saw and his sympathies went out so strongly to these people that he was moved to write a book about his travels and what he saw and heard. In his book, *One World*, he said:

"There can be no peace for any part of the world unless the foundations of peace are made secure throughout the world."

"There are no distant points in the world any longer."

"Our thinking in the future must be worldwide."

Mr. Wilkie's words were never truer and never needed more than they are in these times.

To keep our expanding environment safe, we need education of the sort that produces informed citizens and expert leaders. The people of America must remain committed to democracy and must be knowledgeable enough to fulfill that commitment under all the circumstances imposed by modern times. The most effective instrument for providing such knowledge and skills in our society is citizenship education. A study completed at the University of Chicago some years ago reported:

"The school is apparently the most powerful institution in the socialization of attitudes, conceptions, and beliefs about the operation of the political system. While the family contributes much to the teaching that goes into basic loyalty to the country, the school gives content, information, and concepts which expand and elaborate these early feelings of attachment."

"Fundamental to citizenship education is the school's role in orienting the child to the values inherent in our democratic system. There are rules and laws governing our society, and the child learns early that, for both his and socicty's protection, his freedom extends only to the boundaries imposed by the rules. Cicero said, 'We are in bondage to the law in order that we may be free.' It has been a basic truth of free governments since ancient times."

As the child begins to mature, he gains an understanding of the moral basis for a democratic society. Through participation in the routines of school living, through study of various subjects, and through adult models around him, he develops his personal concept of morality.

Certain values and aims have remained constant in our society from the beginning. Others are subject to change with changes in circumstances. Because we live in an open society, we recognize the freedom to question and change. The student who has received basic citizenship education gradually acquires the ability to analyze his values and to reshape them as the situation demands. He also learns that he has a right to influence his government in the reshaping of values. From time immemorial, people have expressed concern over crumbling traditions and weakening morals. The truth is that in the progress of mankind, the critical rethinking of values and goals is a necessary partner of change.

Education is one of the great forces involved in this critical rethinking and reshaping of values and goals. Indeed education is one of the great forces shaping human destiny. Hence, a school is not a luxury to be provided in response to the caprices of personal taste. It is a necessity to be justified by the fruits it bears. One of those fruits must be an educated citizenry, willing, and able to make decisions affecting broad policy matters, and to transmit critically the best of civilization to the next generation.

In this regard I was very impressed with the apparent interest and enthusiasm shown by Mrs. Rickett as she extended the invitation to me to share speaking honors with Senator Thurmond. Her description of proposals for the community of Cassatt is a good example of an intelligent and informed citizenry, attempting to raise the level of life for all people in the community. These proposals include neighborhood youth centers for sponsoring nurseries, kindergartens, and a head-start program to correct problems of health, malnutrition, recreation, etc., for all citizens of the community. They include recreational facilities for the Cassatt and Sanday Grove Communities to improve the health and outdoor life of the people. They also include provision for a pure water supply to every citizen of Kershaw County.

These are all fine examples of community action for improvement of the life of the people. This is a fine example of Americanism in action. This is the way we do things in America. We work together, hand in hand, to raise the level of life for all people; to help each other enjoy life to the fullest. Education is important in this kind of democracy in action. Such education must train and inspire young and old alike to work together, then, to meet the challenge of tomorrow; to pass on to oncoming generations the best of our American heritage.

Our schools, then, must do their very best to meet this ongoing challenge. Our schools must not only help to generally inform the citizenry, they must train more good leaders than ever before. For trained, Christian leadership is essential in every field—religious, educational, political, military, and social. A real leader is the key to every situation. In Old Testament times the Prophets always came on the scene at a critical time and pointed the way out of the dilemmas of their day. Men like Martin Luther, John Wesley, and countless others pointed the way in their day. Men like George Washington, Benjamin Franklin, Thomas Jefferson, Abraham Lincoln, and a host of others came to the front in crises, and through wise and dynamic leadership, turned the tide and set the new nation on the road to power and greatness.

Leadership, then, must be trained; the leader must have a vision of God and a goal to be reached; he must be unselfish; he must have a sense of direction and a sense of mission. He must have a Christian education. The leader must be, in the words of the poet:

"A man whom the lust of office does not kill,
A man whom the spoils of office cannot buy;
A man who possesses an opinion and a will;
A man who has honor, a man who will not lie;
A man who can stand before a demagogue and dam his treacherous flatteries without winking!
A tall man, a sun-crowned man, who lives above the fog in public duty and in private thinking."

For all the problems—local, state, national, and international—facing us today we need such men, for to be merely educated is not enough. To give a man an education without emphasis on moral character and Christian behavior may make him only a greater danger to society. For racketeers, criminals, and thieves today are often highly educated men and women. The only way to safe, sure leadership is to implant the ideals of Jesus into the hearts of men. There is no substitute for honor, integrity, and righteous living.

Our schools, then, in the great American tradition, must continue to concern themselves with the vast problems and ills of these times. They must continue to furnish the leadership that has meant so much to our nation in the years gone by. They must continue to send into the mainstream of American life men and women who are dedicated to the task of making this a better world in which to live—men and women who are dedicated to the Christian way of life.

I am going to close my remarks by quoting an incident in the life of Dr. Karl T. Compton, eminent American scientist, which I think is also fitting for the outlook of the future of dedicated, hardworking communities like Cassatt. Dr. Compton relates this incident: "In thinking of the future, I am reminded of a travel experience I had several years ago. It was late in the afternoon and I was aboard a ship going from Seattle, Washington, toward Victoria, on Puget Sound. It was a day of rare visibility, and I could see Mount Ranier a hundred and twenty miles away, looking up high in the sky like a golden monument, with range upon range of islands and foothills extending, dimly outlined, through the intervening reaches.

"In this way," says Doctor Compton, "I like to think, stands the future of you, my fellow citizens, as you look toward the years ahead, as you continue to build upon our American heritage, a golden future that is accessible to you if you have the skill and the courage to surmount the foothills!

HARMFUL EFFECTS OF THE CANNIKIN NUCLEAR TEST

Mr. GRAVEL. Mr. President, a month has passed since the AEC detonated the Cannikin underground nuclear test. Prior to that test the AEC contended that the harmful after-effects would be minimal.

Evidence is mounting which disputes that contention.

A recent study by two Alaska biologists, Karl Schneider and James Vania, indicates that between 900 and 1,100 sea otters died from effects of the five-megaton test. This estimate far surpasses AEC estimates indicating that the kill would be minimal.

The Bering Sea side of Amchitka Island near the Cannikin bomb test site is virtually devoid of otters. Surveys last summer indicated an otter population of about 1,200 in that vicinity.

I ask unanimous consent to have printed in the Record an article from the Anchorage Daily News which gives the details of the situation.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Anchorage Daily News, Nov. 27, 1971]

Estimate Goes Up on Sea Otter Kill

(By Allan Frank)

The Bering Sea side of Amchitka Island near the Cannikin bomb test site is 80 to 90 per cent devoid of sea otters, according to Jim Estes, a University of Arizona doctoral candidate in biology.

Estes, under contract with the Atomic Energy Commission for a sea otter study, estimates that between 900 and 1,100 otters died from effects of the five-megaton test Nov. 6.

In Juneau, Alaska Fish and Game commissioner Wallace H. Noerenberg released the findings of two state biologists who reported that about 1,000 to 1,100 otters were killed.

Karl Schneider and James Vania, the two state otter experts, said that the kill represents about 15 per cent of the otter population which inhabits the 100 miles or so of Amchitka coastline.

Estes, Vania and Schneider spent more than a week surveying, by helicopter and by foot, the otter population. Similar surveys last June showed an otter population of about 1,200 in the vicinity affected by the blast.

"Now the highest count we can come up with is 155 animals. There's always a possibility that the animals may have left naturally, but there's no biological reason why things shouldn't be the same as before the test," Estes said.

So far, 20 other carcasses have been discovered, including 16 on the Pacific Ocean side of Amchitka in the Aleutian Islands National Wildlife Refuge.

The AEC last week said 18 otter bodies have been discovered.

The biologists say a severe storm immediately following the test blew the otter bodies away from the Bering Coast and out to sea.

Perhaps the key to what happened to the otter bodies lies with a carcass dredged from 35 fathoms of Bering Sea water by the University of Washington fisheries project ship Commander.

Estes said it is unnatural for the naturally buoyant otter to remain on the sea bottom. Apparently, the otter may have been a victim of underpressure, which creates a negative buoyancy and makes bodies act like rock, he said.

Underwater divers sometimes are affected by underpressure when they dive too deep.

Estes hypothesizes that many otters may be permanently trapped somewhere below the surface of the water.

He said that not all the dead otters found showed symptoms of overpressure. "We found some with severe lung and internal damage, but not with ruptured ear drums, which is the first thing you expect to find from overpressure."

Estes said that underpressure caused perhaps by ground acceleration (an immediate upward heaving of the ground and sea of about 10 feet) may account for the large kill.

That phenomenon, called cavitation, creates a partial vacuum in the water as the liquid rises quickly and nothing moves in its place. The cavitation was so great that the AEC pilot circling Amchitka at shot time said, "The ocean was white as far as we could see."

The surface acceleration at ground zero reportedly had the force of 200 gravities, while acceleration at about 3,500 feet was recorded as 42 gravities.

The closest point of six-eight mile strip of beach along the Bering side is about 4,500 feet from ground zero.

Schneider said, "It's obvious from the results that the Battelle Institute (which was responsible for the AEC estimate of 200 as the maximum kill) didn't give us the means to predict this.

"If the kill were spread evenly around the island, then it could be back to normal in about two years. Since it's so localized, it may take five years or so," Schneider said.

Noerenberg estimates that about 800 animals on the Bering side and 200–300 animals on the Pacific side had died.

Vania said, "Our research program will have to take a different tact for a few years. Normally we harvest about 300 otters annually, but we won't be able to harvest for a few years."

The prices for the pelts sold at the Seattle fur auction in January range from $275 to $100 a skin.

The fish and Game commissioner continued, "We've informed the governor and the attorney general and it's up to them to decide whether the state will institute any legal action against the AEC."

Schneider said the state and other scientists will be certain about the effects next June when they will compare last June's census with current counts.

PHASE II IS, TOO, WORKING

Mr. HANSEN. Mr. President, much has been said and written about our country's economic policies and the prospects for success or failure of the administration's efforts to stop inflation.

I am convinced that we are making substantial progress. It is a battle that we must continue to wage. It is an effort that we must win. And we are winning, but the battle is far from over.

In line with that, Donald Rumsfeld, Director of the Cost of Living Council, has indicated that President Nixon's program "has shown sound results," and, he says, "should do even better in the months ahead."

The facts Mr. Rumsfeld calls to our attention are significant, and I am pleased to take this means to call them to the attention of Senators and other interested citizens.

I ask unanimous consent that Mr. Rumsfeld's article entitled "Phase II Is, Too, Working," published in the Washington Sunday Star of December 12, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 12, 1971]

PHASE II IS, TOO, WORKING

(By Donald Rumsfeld)

The prophets of despair seem busy once again. President Nixon's economic policy, they say, is not working—people lack confidence in the President's program it is claimed. They say the Phase 1 90-day freeze was only marginally successful and that the Phase 2 stabilization program is not going to work.

Once again, the handwringers are wrong—dead wrong in my judgment. Not only did the Phase 1 freeze work, but it worked far better than any in or out of government had a right to expect. And it set the stage for what we believe is going to be an equally successful Phase 2 program.

Examine what has happened.

The Consumer Price Index (CPI) for October registered the smallest increase—0.1 percent (seasonally adjusted)—in 4½ years.

The Wholesale Price Index (WPI) dropped 0.4 percent in September and rose only by 0.1 percent in October.

The industrial commodities component of the WPI dropped by 0.1 percent in September, and by 0.3 percent in October (seasonally adjusted)—the October drop was the largest decline in 11 years.

Of 3,885 nonfood prices in the CPI tabulated in a special Department of Labor wage-price freeze survey, 87 percent showed no change in price from August to September during the freeze. Six percent actually declined, while fewer than 8 percent increased.

The rate of inflation as measured by the GNP deflator has been dropping. In the first quarter of 1971 it was at a 5.3 percent annual rate; 2nd quarter, 4.0 percent; and third quarter, 3.0 percent.

Interest rates have been declining over a broad front during the freeze, indicating a lower level of inflationary expectation.

Okay, some of the President's critics charge, things might be better on the price side of the economic ledger, but what about employment and what about business? Hasn't the decline in inflation come at the cost of the jobs and sales on which America's working people depend?

Not at all. The administration's total program, including the Phase I freeze, not only helped to bring down the rate of inflation, but it also created a climate of confidence which has contributed and should continue to contribute to economic expansion.

Look at the figures:

The McGraw-Hill Survey of Plant and equipment Spending Plans for the fall of 1971 shows an anticipated increase in capital spending of 7 percent—representing the first real increase in capital investment since 1969.

Total employment since June increased by a substantial 300,000 jobs from September to October.

The unemployment rate in the survey week in August immediately prior to the freeze was 6.1 percent—in October it was 5.8 percent. The married men unemployment category reached a low 3.0 percent—the lowest in a year.

Retail sales for October ran close to 12 percent over October of 1970.

Extension of consumer installment credit for September reached a $12 billion annual rate—an all-time high record.

Private housing starts in the third quarter were at an annual rate of over 2.1 million. The rate of housing starts in the first 10 months of 1971 is at a higher annual rate than any year in history. This means more sales of consumer goods such as furniture and appliances.

Automobile sales reached a record all-time high during the month of October—more than 1 million new cars sold.

The Sindlinger Consumer Confidence Index shows that consumer confidence is increasing. It was 117.7 immediately before the imposition of the freeze; 120.6 on Oct. 6; 123.0 on Oct. 29; 126.7 on Nov. 3; and 127.9 on Nov. 10. It continues to climb.

Some people, it seems, won't believe the facts when they are staring them straight in the face. They cite the several statistics that are not what we all would want. And there are some. But the facts are there: The American economy is healthy, we are making the transition from an economy keenly impacted by war to peacetime economy, and we are moving on a sensible course toward fulfilling President Nixon's goal of economic prosperity without war and without inflation.

It is time to look at all the facts that are available rather than being cowed by those who substitute derison for constructive commentary. Not all is perfect with the American economy, or with the results achieved thus far. We are not satisfied. But we are convinced that the steps being taken will continue to move us toward our goal of prosperity with peace. President Nixon's program has shown sound results thus far, and—with the continued support of the American people—should do even better in the months ahead.

HOUSING RECOMMENDATIONS: WHITE HOUSE CONFERENCE ON AGING

Mr. WILLAMS. Mr. President, delegates at this year's White House Conference on Aging have written a report worthy of careful attention by Americans of all ages.

In many respects, the delegates were far ahead of President Nixon and the proposals he made in his speech last Thursday to the Conference.

In a gratifying number of cases, the conferees emphatically agreed with the Senate Special Committee on Aging on recommendations offered by that committee in earlier reports.

As immediate past chairman of the committee and now as ranking member, I am pleased by the high incidence of agreement between the delegates and the Senate Committee on Aging.

And as chairman of the Committee's Subcommittee on Housing for the Elderly, I am deeply impressed by the similarity of viewpoint expressed by the conferees and by the committee in two recent reports.

The committee called for a minimum production of 120,000 federally assisted units for the elderly per year. So did the White House Conference.

The committee called for establishment of an Office of Assistant Secretary of Housing for the Elderly. So did the Conference.

The committee asked for reestablishment of the section 202 direct loan housing program for older Americans. So did the Conference.

There are many other similarities. As the author of legislation intended to achieve the objectives listed above—and others—I am very much impressed by this new evidence of public support for my measures.

By the same token, I am very disappointed in the content and the tone of the comments on housing made by President Nixon in his speech to the delegates.

The President asked merely for an administrative action which, he said—

> Will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities.

Mr. President, almost 5 million older Americans live in statistical poverty. Tens of thousands are on waiting lists for public housing in big cities and small communities. Seventy percent own their own homes and are worried, not about condominiums or retirement communities, but how to pay the next property tax bill.

And yet, the only specific proposal offered by the President calls for help to those who can afford condominiums or a lifetime of leisure in retirement communities.

As for the property tax itself, the President correctly described the problems caused by rising rates to those on fixed incomes. He says he is preparing specific proposals to ease this burden for older Americans and for all Americans. He can be certain that those proposals will be given searching scrutiny by the elderly and by the Subcommittee on Housing. I would suggest, however, that he refer his aides to Senate bill 1935, which I introduced on May 24. I proposed at that time that an intergovernmental task force should consider the costs and possibilities of providing relief through the Federal income tax laws, and/or through Federal assistance to those States or political subdivisions which are carrying out realistic programs in mitigation of the financial plight of such persons.

To turn again to section 202 direct loan housing, I am pleased that the delegates called for the release of funds meant for that program, but impounded by the administration. Last year, over administration protest, I led the fight for continuing that program. With bipartisan help, I managed to win an appropriation of $10 million: not much, but enough to keep 202 alive. But the administration insists upon directing funds to the much-criticized 236 interest—subsidy program. White House Conference delegates clearly disagree with the administration on this issue: They describe 202 as a highly effective program, and they call for greater funding, not discontinuance.

Mr. President, the preliminary report of the housing section of the White House Conference on Aging is included in "A Report to Delegates from the Conference Sections and Special Concerns Sessions" issued by the conference directors. It is a lively and farsighted statement of need and proposals for action. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

HOUSING

A national policy on housing for the elderly worthy of this nation must enjoy a high priority and must embrace not only shelter but needed services of quality that extend the span of independent living in comfort and dignity, in and outside of institutions, as a right wherever they live or choose to live.

Of particular concern and priority are the poor, the minority groups, the disabled, and the aged located in isolated rural areas.

Availability of housing in great variety is imperative. Such housing should respond to health and income needs and provide a choice of living arrangements. It should include sales and rental housing, new and rehabilitated housing, large and small concentrations. It should be produced by public agencies and by private profit and nonprofit sponsors, with incentives to encourage such housing in all communities.

Funds to support a massive and varied housing program and mechanisms for assuring appropriate services are imperative to the well-being of the elderly of this nation. A decent and safe living environment is an inherent right of all elderly citizens. It should become an actuality at the earliest possible time.

HOUSING SECTION POLICY RECOMMENDATIONS

1. A fixed proportion of all government funds—Federal, State, and local—allocated to housing and related services, shall be earmarked for housing for the elderly; with a minimum production of 120,000 units per year.

2. Eligibility for the benefits of publicly assisted low and moderate income housing and related services shall be based on economic, social and health needs. Recipients having incomes above an established minimum level shall pay for benefits on a sliding scale related to their income.

3. The Federal Government shall ensure that State, Regional, and local governments and private non-profit groups produce suitable housing for the elderly on the basis of documented need. The Federal Government shall encourage production through the uniform application and use of appropriate incentives.

4. A variety of living arrangements shall be made available to meet changing needs of the elderly. Such arrangements shall include residentially oriented settings for those who need different levels of assistance in daily living. The range shall include long-term care facilities for the sick; facilities with limited medical, food and homemaker services; congregate housing with food and personal services; and housing for independent living with recreational and activity programs.

5. Supportive services are essential in the total community and in congregate housing. Emphasis shall be given to providing more congregate housing for the elderly which shall include the services needed by residents and provide outreach services to the elderly living in adjacent neighborhoods when needed to help older people remain in their own homes.

6. The State or Federal Government shall provide mechanisms to make possible local property tax relief for the elderly homeowner and renter.

7. Every effort shall be made to eliminate red tape and procedural delay in the production of housing for the elderly.

8. Particular attention shall be given to the needs of all minority groups and the hard-core poor elderly. At least 25% of the elderly housing shall be for the hard-core poor elderly, those with incomes at the poverty level or less per year.

9. All Federal agencies dealing with housing for the elderly shall be required to establish multi-disciplinary teams to formulate guidelines for architectural standards based on the needs of the elderly. The multi-disciplinary teams shall also have authority to review and approve innovative proposals.

10. Minority Non Profit Groups shall be encouraged and assisted in developing housing for the elderly.

11. When housing units for the elderly are eliminated for any reason, adequate replacement units must be available and relocation programs provided before such persons are displaced.

12. Congress should revise the definition of a family in the National Housing Act to include single persons 55 and over.

13. The Federal Government shall encourage the preservation of neighborhoods of special character through rehabilitation a selective replacement of substandard dwellings, with new dwellings, with full provision for the elderly of the area to remain in their familiar environment.

14. Housing funds now impounded by the Administration should be released and the highly effective Section 202 of the Housing Act with its special guidelines related to space, design, construction, and particularly favorable financing restored.

New Section 202 projects should be established by recirculating monies now being sent to the United States Treasury from mortgage payments and Section 202 conversions to Section 236 or like programs. Such conversions of current Section 202's should be encouraged by establishing incentives.

The senior housing loan Section 202 administrative component of HUD should have management audit responsibility for all Section 202 projects and all Section 236 elderly projects.

15. The rent supplement program shall be increased in dollars and eligibility.

16. Financial incentives shall be available to families providing housing and related care in their own homes, or in appropriate accommodations, for their elderly relatives.

17. The Federal government shall provide financial incentives to State and local governments to encourage property tax exemption of voluntary, non-profit sponsored elderly housing projects.

18. The inability of the elderly to financially maintain their homes because of high maintenance costs and increasing taxes resulted in the recommendation that interest-free, nonamortized loans be made available, the amount of the loan to be related to income, with repayment either upon the death of the borrower or the transfer of the property. As an additional element of national policy, it is proposed that ways or mechanisms be researched to enable older homeowners to voluntarily utilize the equities in their homes, to increase their discretionary income while remaining in their own homes.

19. Congressional action shall be taken to establish within the Department of Housing and Urban Development an Office of Assistant Secretary of Housing for Elderly. This office shall have statutory authority and adequate funding to provide overall direction toward the implementation of a National Policy and the production of housing for the elderly.

20. Executive action shall be taken to create an Executive Office on Aging within the Office of the President.

21. Congressional action shall be taken to create a Special Committee on Aging in the House of Representatives.

22. The Congress shall enact legislation to safeguard the elderly property owner or purchaser from unscrupulous real estate developers and/or promoters.

23. The Congress shall enact legislation providing special funds for adequate housing and supportive programs to meet the unique needs of rural elderly Americans including those on Indian Reservations.

24. Standards for physical and environmental security should be developed and applied as an integral and basic element of all housing projects serving the elderly.

25. Competent service to the elderly in housing requires sound research widely disseminated and utilized, covering many aspects of their living arrangements. Such research shall be undertaken to cover the health, physical, psychological, and social aspects of environment in urban and rural areas; to delineate the needs of elderly over 80 years of age; to determine the needs of transient elderly; to establish the importance of selecting appropriate locations; and to provide safe and adequate construction. Particular attention is directed to the consequences to vulnerable older people of improper sales methods and inadequate housing arrangements. There also shall be undertaken a well conceived and well-financed program of training for professional and semi-professional staff to develop efficient and competent management in developments for the elderly.

TWENTY-FIFTH ANNIVERSARY OF UNITED NATIONS CHILDREN'S FUND

Mr. CASE. Mr. President, on December 11, 1971, the United Nations Children's Fund celebrated its 25th anniversary. To observe this milestone of constructive work by this important agency in the United Nations family, the New York Times published an editorial entitled "A Future for Every Child." It is such an excellent comment on UNICEF that I commend it to the Senate. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"A FUTURE FOR EVERY CHILD"

On Dec. 11, 1946, there was born perhaps the most successful—and surely the most appealing—of all agencies created by the General Assembly of the United Nations. This was the International Children's Emergency Fund; today, a quarter century later, it is alive and well into its maturity, and known universally as UNICEF.

Totally supported by voluntary contributions from governments, groups and individuals, UNICEF has helped the helpless in no less than 112 countries. It has provided food for the hungry, medicine for the sick, schools for the ignorant. It has brought nutrition to mind and body; it has meant literally new life to countless millions of children regardless of race or color throughout the world. Its work alone would have made the U.N., which created it, worthwhile.

Its usefulness can only expand during the next quarter-century, along with the demands that will be made upon it. UNICEF is one international agency that has only friends, and it deserves them in every corner of the globe.

A NEW FEDERAL FOCUS FOR OLDER AMERICANS: WHITE HOUSE CONFERENCE RECOMMENDATIONS

Mr. EAGLETON. Mr. President, recent organization moves have raised serious questions about the capability of the Administration on Aging to function as an effective advocate for improving and enriching the lives of older Americans.

In 1967 a revamping of the rehabilitation, social and welfare programs in the Department of Health, Education, and Welfare led to the creation of the Social and Rehabilitation Service. Under this new realinement, AOA became one of several component units within SRS.

Further downgrading occurred in 1970 when action was initiated to decentralize the research and training programs to the SRS regional offices. And this year, the foster grandparent and the retired senior volunteer programs were spun off to the new volunteer agency, Action.

Today AOA is left only the administration of the title III community programs on aging and the areawide model projects. Its authority has been systematically stripped away and its program responsibility has been reduced by two-thirds. The net effect has been to so diminish the standing of the Administration on Aging that it cannot function effectively as the focus of Federal activity on behalf of our older citizens.

Last March, as chairman of the Subcommittee on Aging of the Labor and Public Welfare Committee, I joined forces with the distinguished Chairman of the Senate Special Committee on Aging (Mr. CHURCH) in holding legislative review hearings concerning the impact of recent reorganization moves on the role and the status of the AOA. The testimony taken at these hearings lays out in detail the dismantling of AOA and the consigning of its original components to the lower rungs of the vast HEW establishment.

Since the conclusion of these hearings, a series of reports emanating from several sources has cast new light on the questions involved in establishing an adequate and effective voice for the elderly in the Federal Government.

First, a distinguished 20-member advisory council convened by the Special Committee on Aging has recommended that:

An independent Agency for the Aging should be established at the White House level;

The AOA should be under the direction of an Assistant Secretary on Aging in HEW;

Federal agencies administering programs for the elderly should be headed by Assistant Secretaries on Aging; and

An Advisory Council should be created to make a comprehensive annual report on progress made in resolving the problems of older Americans.

Second, the Secretary of the Department of Health, Education, and Welfare named a five-member task force to study the Administration on Aging. This task force recently submitted its preliminary report to provide a springboard for discussion at the White House Conference on Aging. Among its major recommendations:

There should be a standing committee of the Domestic Council with the President's Special Assistant on Aging as a member of the Council and Director of a permanent staff.

The AOA should be raised to the status of an independent agency within HEW, reporting directly to the Secretary.

The role of the advisory council under the Older Americans Act should be broadened to include the monitoring of all programs dealing with the aged.

Third, at the recent White House Conference on Aging, delegates from every State in the Union considered these proposals, as well as other alternatives for providing a central spokesman to represent the elderly in the highest councils of government. Mr. President, I commend the report of the Government and non-Government Organization Section of the White House Conference on Aging to the Senate and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

In a few months—by June 30, 1972—Congress must act on legislation to extend, modify, or replace the Older Americans Act. This decision takes on added meaning because the existing framework for dealing with the problems and challenges of aged and aging Americans is, to a very large degree, fragmented and haphazard. Equally important, streamlined and responsive Government organization will be absolutely essential for the effective implementation of the national policy on aging formulated at this year's White House Conference on Aging.

Mr. President, the Subcommittee on Aging will have the initial responsibility for developing legislation in this area. I am certain that the studies and recommendations I have discussed will be of great assistance to all of the members of the subcommittee as we work to meet this responsibility.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GOVERNMENT AND NONGOVERNMENT ORGANIZATION

INTRODUCTION

The 1971 White House Conference on Aging has been divided into fourteen Sections, ninety-five Subsections and several Special Concerns Sessions, all considering a staggering array of problems and needs of our nation's older population. Whatever their decisions, recommendations and/or proposals, they ultimately must become the concern and responsibility of the Section on Government and Non-Government Organization, if they are to be implemented.

This Section recognizes that the problems of the aging are statewide and nationwide; they require multiple solutions; they must first have local identification; they cannot and will not be met, successfully, without the involvement of all government and non-government agencies concerned with the aging; they demand a cooperative, correlated approach which extends needed services to all older persons; and they must be underwritten, beyond speeches, proposals and laws, by commitments of manpower and sufficient funds.

Further, this Section recognizes that both governmental and non-governmental agencies must act as advocates for the elderly and be held accountable both for what they do and for what they do not do, to advance the interests of older people.

Whatever organizational patterns are established and/or modified must now include focal points of authority and responsibility at each level of government.

Finally, this Section introduces its own proposals with the recognition that society has grown so increasingly complex and interdependent no individual person and no individual agency can provide for the needs of people through independent efforts. The time has come to develop, support and enhance an improved and strengthened moving organizational force which will lead to strong reforms and action whereby every older person in our land shall be privileged to live out his life in decency, dignity and with a sense of personal worth.

POLICY PROPOSALS

1. Public agencies should be empowered, and voluntary agencies encouraged to undertake and/or pursue more vigorously the advocacy of older people's interests, drawing more fully upon direct communications with, and participation by, the elderly and/or their organizations and the general public.

2. At all levels of government a central office on aging should be established in the Office of the Chief Executive, with responsibility for coordinating all programs and activities dealing with the aging, fostering coordination between governmental and non-governmental programs directly and indirectly engaged in the provision of services, and for planning, monitoring and evaluating services and programs. Each operating department should establish the post of Assistant Secretary for Aging with responsibility for maximizing the department's impact in relation to the needs of the older person. A coordinating council should be established in each central office of aging to be chaired by the director of the office and should include the several department assistants on aging.

At the Federal level, this central office should be implemented with the authority and funding levels and full-time staff needed to formulate and administer policy, and should be assisted by an advisory council and should be required to make an accurate and comprehensive annual report on its pro- goals. This White House level office should gress in resolving problems and meeting have enough prestige and resources to assure that it will encourage the development of parallel units at the State and community levels.

3. Relationship between agencies in aging and other public agencies should be characterized by mutual adjustments and cooperation at all government levels and by durable joint agreements of responsibility for research, comprehensive planning and provision of services and facilities, and should be based on and directly responsive to older Americans' opinions and desires at the grass root levels.

4. Governmental responsibility, particularly for providing funds and establishing standards, must be emphasized if the necessary facilities and services are to be made available to older people. The delivery of services should make maximum use of voluntary and private organizations which can meet the standards established by government in consultation with consumers and the providers of service.

5. Overall agency activities in aging should be planned and organized to provide coordination and support in both vertical and horizontal dimensions. Local agencies should participate in the formulation of State plans; State agencies should participate in the formulation of comprehensive plans and national policies. Such inter-relatedness should include governmental and non-governmental organizations, private and voluntary agencies, and representatives of the elderly.

6. Governments, at all levels, should encourage and foster the participation of private enterprise and voluntary organizations, including those whose membership is drawn from among the elderly. Such efforts to meet the needs of older people should include: pilot research and demonstration projects, direct service programs, self-help programs, informational, educational and referral services, planning and training programs.

7. Basic facilities and services should be provided as rights to which all older people are entitled and the opportunity to share these facilities and services ought to be available to all older people, while the adversely circumstanced must be entitled to special consideration.

8. All efforts to meet the needs of older people, whether by governmental or private and voluntary agencies, should be consistent with: (a) the First Amendment Freedoms of Association and Expression; (b) the right to participate in government-sponsored programs free from religious, racial, ethnic and age discrimination; and (c) protection of one's person and property, particularly in institutional settings.

9. The integration of governmental activities in the field of aging should be improved by the Federal agencies showing greater appreciation of the fact that the principle of

accountability applies from the Federal to the State level, as well as from the States to the Federal Administration. Federal accountability to the States should provide sufficient lead time when Federal policy and administrative changes are to be announced, as well as prior consultation regarding changes in appropriations. Federal agencies also should improve their communication with State units on aging to provide advance clearance of direct Federal grants to individuals, organizations and agencies.

10. A special committee on the aging should be established in the United States House of Representatives, functioning in a comparable role to that of the United States Senate Special Committee on Aging.

11. National priorities must be re-ordered so as to allocate a greater share of our nation's resources to meet the needs of its older citizens.

12. Means should be found for a continuing "conference" on the aging to aid in the follow-up of the recommendations of this WHCoA, which also would extend beyond the announced follow-up year of 1972 and even until the next White House Conference on Aging.

SUMMARY

The preceding policy proposals of the Section on Government and Non-Government Organization clearly indicate the need and mandatory responsibility for every level of government, as well as of the private and voluntary sectors, to see to it that the organizational structures are revised to make possible effective implementation of the proposals and concerns of all of the other Sections of the Conference.

The policy proposals repeatedly stress the need for ongoing advocacy at all levels of government and within the private and voluntary sectors. Also, relatedness and communications are recognized as essential ingredients of implementing plans for the elderly. Finally, these proposals place strong emphasis upon a focal point at the top level, within Federal, State and Local governments, which will ensure the most effective support by both the executive and the legislative branches of governments, and thereby of all private and voluntary agencies and organizations.

SECRETARY MORTON CALLS FOR MORATORIUM ON WHALING

Mr. STEVENS. Mr. President, the Secretary of the Interior, Hon. Rogers C. B. Morton, has taken dramatic action to protect whales. He has called for a moratorium on whaling. Whales are an important subsistence item for Alaska's Natives. I applaud Secretary Morton for the action by which he seeks to protect this great international resource.

I ask unanimous consent that Secretary Morton's statement be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

SECRETARY MORTON CALLS FOR MORATORIUM ON WHALING

"We must accelerate the worldwide fight to preserve the great whales," Secretary of the Interior Rogers C. B. Morton said today while commenting on the fact that after 200 years the United States has now stopped all commercial exploitation of whales.

The Department of the Interior's ban on the importation of whale products, including oil, meat, teeth and ambergris, went into final effect last week. Even the import of foreign cars containing whale oil additive in their transmissions will be affected. In line with Interior's stand, the Department of Commerce will issue no licenses after December 31 to U.S. commercial fishermen to take whales on the Endangered Species list.

"The whales are an international resource belonging to the many and must not be exterminated for the few," he said. "This Administration, acting on principle and despite the unfortunate economic hardship it has brought to some firms, has set an example that hopefully other nations will follow."

"We have done everything we can unilaterally. We must now concentrate our efforts on getting the International Whaling Commission to enforce their own regulations and to set realistic catch quotas by individual species and area in order to allow a maximum rebuilding of all whale populations."

At its annual meeting last June, the Commission had agreed unanimously that all member nations should implement the international observer scheme for the 1971–72 whaling season. "I was keenly disappointed that the Soviet and Japanese whaling fleets sailed for the Antarctic in October with no international observers on board," Morton said. "It is clear that time is running out for the whales."

"If the Commission cannot move quickly and surely to meet its international obligations, a moratorium on all whaling is the only solution. Both houses of Congress have passed a resolution calling for a 10-year moratorium and we support it," Morton said.

"As long as man views these magnificent creatures as solely an economic product, we are in grave danger of destroying the complex web of life of which man is an inextricable part."

"In this environmental decade, it would be barbarous to stand idly by while the rest of earth's largest and—next to man—most intelligent creatures are reduced to pet food, face creams and lubricating oils," said Morton. "All whale products have synthetic substitutes and are no longer essential to man's well-being. Yet the rate of killing in recent years has already driven some species to the brink of extinction and now threatens those few remaining species whose populations are still large enough to be commercial exploitable."

It was in an effort to halt this slaughter that Interior last December placed all eight species of great whales on its list of endangered foreign wildlife. This move cut off a U.S. market which had consumed more than 20 percent of the world's whale products.

However, a "hardship clause" in the Endangered Species Conservation Act of 1969 allowed 12 months in which firms that import and use such products could fulfill existing contracts. All special permits issued for this purpose during the past year by Interior's Fish and Wildlife Service expired on midnight of December 1, 1971. The last import permit for whale oil was issued in August and the last for meat products in December 1970.

In September this year the Fish and Wildlife Service denied a request by a major importer for an additional 3,000 long tons of sperm whale oil. Officials said they felt that granting such a request, well above the firm's previous importation levels, could only result in more endangered whales being killed.

"Another valid reason to stop whaling," Morton said, "is the recent discovery by the Food and Drug Administration of excess mercury in whale meat." More than a million pounds of contaminated meat destined for pet food have been seized.

Morton concluded, "Now that the U.S. no longer has any commercial interest in whales, either as harvester or consumer, we are in a position to provide leadership in the worldwide drive to preserve the whale as a vital part of the marine ecosystem."

PROTECTION OF BIG CYPRESS SWAMP

Mr. CASE. Mr. President, the administration is expected to submit to Congress early in the next session legislation to carry out the President's proposal to protect the water supply of the Florida Everglades by acquiring Big Cypress Swamp.

I have been informed that this legislation will be submitted in late January or early February.

This is good news to those of us who for many years have been working to protect the unique ecology of the Everglades and adjacent areas.

As a member of the Senate Appropriations Committee, I worked during the past few years to insure that no premature commitment would be made for construction of a jetport in the Big Cypress Swamp. I am happy that those efforts were successful and the jetport issue now appears to be laid to rest.

At the same time, members of the Interior and Public Works Committees have taken an active role in defending the Everglades from diversion of its vital water supply. Positive contributions toward the protection of the Everglades also have been made by both the Nixon administration and the State of Florida.

During these years, however, the Everglades have been living on borrowed time. There never has been any assurance that water for the western Everglades would not be diverted.

The high quality water needed by the natural environment of the Everglades is provided by Big Cypress Swamp. The quality of the water is maintained only because Big Cypress Swamp has never been significantly invaded by manmade development. But to date this has been merely a matter of fortune; there is nothing to assure protection of Big Cypress Swamp from such development.

Indeed, this year the oil industry has been seeking to undertake exploratory drilling there. Obviously, oil seepage, let alone a major spill, would doom much of the Everglades.

At the same time, projects to drain portions of Big Cypress Swamp for development purposes have been proposed and one drainage canal has been partially excavated.

These developments, if allowed to proceed, would doom the western Everglades and extinguish the public values of the Big Cypress Swamp.

The administration's proposal will establish a Big Cypress National Reserve, consisting of 547,000 acres of the swamp to be acquired by the Federal Government.

Senators on both sides of the aisle have already expressed an interest in legislation designed to accomplish this purpose.

It is my hope that, with this bipartisan support for acquisition of the Big Cypress Swamp, we will be able to act on legislation in this area early in the next Congress.

THE RETIREMENT OF MR. JOHN D. PALMER AS PRESIDENT OF TOBACCO ASSOCIATES INC.

Mr. JORDAN of North Carolina. Mr. President, every Senator is aware of the necessity for maintaining and expanding overseas markets for this country's agricultural products—particularly at a time when we are seeking ways of correcting a substantial trade balance deficit.

Each of us is equally aware of how large a part tobacco has played in establishing the level of farm exports already achieved.

Some of us may be less familiar with the accomplishments of the man who has had a lion's share of the responsibility for development of those foreign markets for American-grown flue-cured tobacco—John D. Palmer, president of Tobacco Associates Inc.

It is appropriate that they be cited now, since he will retire from the post on December 31, although continuing to serve the organization in an advisory capacity thereafter.

I have had the pleasure of knowing and working closely with him both as a friend and in my capacity as a member of the Committee on Agriculture and Forestry during his 7 years in this important and responsible position and so can attest personally to the value of that service.

While his primary mission has been to represent the interests of some 200,000 Flue-cured producers in the Carolinas, Virginia, Georgia, and Florida in development of overseas markets for their product, he also has seen to it that the organization also assumed an active role in various phases of industry activity in this country.

Let me summarize briefly some of those activities and the recognition he has been accorded at various times for those contributions.

Among the honors he has received have been the citation by the Progressive Farmer magazine as "Man of the Year in North Carolina Agriculture" and by the Raleigh News and Observer as "Tar Heel of the Week." The South Carolina Tobacco Warehouse Association presented him its Distinguished Service Award for "a lasting contribution to the tobacco industry in South Carolina and to the entire Flue-cured area."

A notable achievement was in the highly controversial acreage-poundage issue in 1965. Palmer served as chairman of the National Legislative Committee to obtain congressional authorization for a referendum by growers. It was successfully accomplished, whereupon he was named chairman of the National Referendum Committee to obtain grower approval. The referendum carried on May 4, 1965 and it is widely acknowledged that had the effort failed, the tobacco support program might well have been lost. Convinced of that, I was proud to sponsor the legislation under which the new system was implemented.

Early in 1966, Palmer sounded a warning on the threat to our tobacco exports to the European Common Market countries and called for a congressional hearing which was held on February 2 of that year. Its impact on European governments was responsible in large measure in forestalling discriminatory action against our tobacco.

Following the issuance of the Surgeon General's Report on Smoking and Health in 1964, Palmer pledged the wholehearted support of Flue-cured growers in a search for test tube scientific facts in the issue rather than acceptance of allegations and purely statistical conclusions. To that end, Tobacco Associates joined with cigarette manufacturers in funding a $2 million grant to the Washington University School of Medicine in St. Louis, Mo. The university stated that—

> It is the largest research grant ever made by the tobacco industry to a single institution. This unprecedented grant makes possible a major and fundamenal program in an exciting frontier in cancer research.

The success of Tobacco Associates promotional work overseas is reflected in record-breaking sales in recent years of Flue-cured tobacco to Japan, Thailand, and Taiwan, as well as in the all time high auction warehouse averages established for the 1971 crop.

I consider it a privilege to bring to the Senate's attention this record of what John Palmer has accomplished for the betterment of the agricultural economy in North Carolina and the Nation and for which I feel he has earned the thanks of the State and country.

THE STATE PARKS OF ALASKA

Mr. STEVENS. Mr. President, the Governor of Alaska, the Honorable William A. Egan, has released an extract of information taken from a publication issued by the National Conference on State Parks.

Significantly, this publication reveals that Alaska now has the largest State park system in the country. It also provides interesting comparative data on State park systems in other Western States.

I move and ask unanimous consent that Governor Egan's release be printed in the RECORD at this point.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

GOV. WILLIAM A. EGAN'S NEWS RELEASE

JUNEAU.—Alaska now has the largest state park system in the Nation, totaling 941,431 acres, according to a recent publication of the National Conference on State Parks.

The publication, "State Park Statistics 1970," lists the California state park system as the next largest, totaling 762,073 acres. New York was third, with 275,000 acres.

The publication also reports that during 1970, 1.1 million acres were added to state parks nationally, with 907,422 acres of this being added by Alaska. With the 1970 additions, total acreage nationally reached 8.5 million. This includes 2.6 million acres listed by New York as being under the administration of its Division of Lands and Forests and available for public recreation uses but not within the state park system itself.

In the number of park employes and the amount of spending for maintenance and operation, Alaska compares generally with the Western states with the exception of California. Alaska has 22 employes and spends $340,000 a year; Arizona, 39 employes and $334,000 a year; Nevada, 40 employes and $403,000 a year, and Montana, 44 employes and $436,000 a year.

For 1970, Alaska recorded 247,000 overnight visitors in parks; Arizona, 257,000; and Montana, 190,000. Nevada did not report overnight visitors.

Arizona administers 20,358 acres in state parks; Montana, 19,691 acres, and Nevada, 45,254 acres.

A CONTINUING RESOLUTION AND ELIMINATION OF THE ROLE FOR THE SENATE

Mr. SYMINGTON. Mr. President, the approval of a continuing resolution for the foreign aid program that would allow continuation of regular funding of the program until March subverts the role of Congress in our constitutional system.

The functions of four committees in shaping foreign aid legislation is being by-passed by this procedure. It denigrates the responsibilities of the Senate Foreign Relations Committee, the Foreign Aid Appropriations Subcommittee, the House Foreign Affairs Committee, and the House Foreign Aid Appropriations Subcommittee.

The Senate, in particular, loses in the process. The Foreign Relations Committee will lose its policy initiatives in the authorization bill and the Senate Appropriations Committee will be denied the opportunity to have any impact on the many items.

This approach makes a mockery of the legislative process. If followed in the future, such a policy could be used to undermine any conference having difficulty in reaching agreement on policy issues.

The authorizing committees might as well close up shop if the executive branch knows it can count on getting a continuing resolution every time it is trying to kill an item in conference. Clearly it is a powerful club for the executive branch to hold over the heads of any and all authorizing committees.

With a long-term continuing resolution for foreign aid the executive branch gets what it wants—money—and Congress gets nothing in the way of new policy restrictions.

In addition, the agencies will be getting more money than they could normally expect to obtain through a compromise between the House Appropriation figures and what the Senate Appropriations Committee was likely to allow.

In the process in this case, the executive branch will avoid policy restrictions such as:

The Mansfield Amendment;

A ceiling on spending and personnel in Cambodia;

Limiting the President's discretionary authority to transfer aid funds from country to country and to waive congressionally imposed restrictions;

A requirement for a cutback in military missions abroad;

Annual authorizations for the State Department and USIA to make them more responsive to Congress;

Requirements for release of funds impounded for domestic programs.

With a continuing resolution, in effect, the executive branch can have its cake and eat it too. Only Congress loses in the process.

If a full-scale continuing resolution goes through, there will be little prospect for obtaining agreement in conference on an authorizing bill after Congress reconvenes. This would take away nearly all leverage from the Senate conferees.

When the proposed spending authority expires, only 4 months will remain in the fiscal year; and the administration will be pushing for an extension of the continuing resolution for the remainder of the fiscal year, arguing that Congress should turn its attention to an authorization bill for the 1973 fiscal year and look upon the old bill as water over the dam.

If the continuing resolution is limited to money for salaries only, it is obvious that both the House conferees and the administration will be far more amenable to reaching an agreement in January.

The position of the Senate conferees has been reasonable. They have not tried to force the Mansfield amendment on the House, have asked only that the House conferees agree to a procedure which would allow a clearcut vote in the House on that item in the foreign aid bill.

Most other major issues in the bill have been agreed to and few if any problems would remain if an agreement were reached on the Mansfield amendment.

Again, consider the fact that there has never been an up-or-down vote in the House on the Mansfield amendment.

If the continuing resolution is limited to salaries and necessary expenses, but no new program money, the foreign aid program would not come to any halt of any kind. There is still $4.7 billion in the foreign aid pipeline; and we are only talking in terms of a delay of new program authority for approximately 1½ months. After Congress reconvenes in January, it should be possible to reach agreement in conference on the authorization bill and thereupon get the regular appropriation bill through in short order.

In addition, let us remember that military aid—and some economic aid—to South Vietnam, Thailand, and Laos comes out of the Defense Department budget. That aid would not be affected in any way.

Section 10 of the Foreign Military Sales Act, which was enacted into law in January of this year, prohibits the obligation of appropriations for foreign aid or military sales without an authorization.

This provision was designed to prohibit exactly the type of situation that now confronts us, namely, attempts to circumvent the regular legislative processes.

This provision has been waived in earlier continuing resolutions, but except as necessary to pay salaries of employees and other necessary expenses, it should be waived no longer.

In summary, to allow the foreign aid program to go on indefinitely without authorization not only violates the spirit of that provision—a principle the Senate has endorsed overwhelmingly on a number of occasions in recent years—but further limits the constitutional right of the Senate to review foreign policy.

RALPH BUNCHE

Mr. WILLIAMS. Mr. President, I wish to join with other Members of Congress, and with people in every walk of life throughout the world, in expressing the great sorrow I feel at the passing of Dr. Ralph Bunche.

I do not think it is an exaggeration to say that all the peoples of the world owe Ralph Bunche a great debt of gratitude; his tireless efforts to promote brotherhood and understanding, and to bring about peace on earth, have already made our world a better place and will certainly have beneficial effects far beyond the lifetime of one man.

As Americans, we can proudly claim Ralph Bunche as a countryman. However, he was in reality a citizen not of a single country, but of the worldwide community of peoples. Ralph Bunche was an outstanding representative of the developing breed of international civil servants whose duty, allegiance, and responsibility, is to all the people of the world. It was perhaps this special status that allowed Dr. Bunche to be so extraordinarily effective in his work to promote international harmony.

Ralph Bunche will, of course, be best remembered for his work in the United Nations. However, we should not lose sight of the fact that he compiled an impressive record in the U.S. State Department and, during World War II worked in the Office of Strategic Services.

The historic relationship between Ralph Bunche and the United Nations began in 1945 when he was U.S. delegate to the earliest conferences called to establish the international organization; he also served as a delegate to the first part of the first session of the United Nations General Assembly in 1946.

Dr. Bunche worked continuously as a United Nations official after that and, in 1955, was appointed Under Secretary without specific departmental responsibility. In 1957 he became Under Secretary for Special Political Affairs and in 1968 this title was changed to Under Secretary General. He remained in that post until just 10 weeks before his death, at the age of 67.

It was in 1949 that Dr. Bunche achieved widespread international recognition for his efforts to mediate an end to the Arab-Israeli war; those successful efforts won him the Nobel Peace Prize the following year. He later played a key part in establishing a U.N. emergency peacekeeping force along the Suez Canal in 1956, and supervised U.N. operations during the Congo crisis in 1960.

Mr. President, the Secretary General of the United Nations, U Thant, has observed that:

> Dr. Bunche was an international institution in his own right, transcending both nationality and race in a way that is achieved by very few.

Certainly, I would agree with that statement.

Very few men have ever achieved the unique, international position held by Dr. Bunche, or have done so much to help the peoples of the world live in increased peace and understanding; it can be honestly said that his passing has been a great loss for all the world.

NATIONAL SECURITY GOALS OF THE VETERANS OF FOREIGN WARS

Mr. THURMOND. Mr. President, the Veterans of Foreign Wars of the United States has developed a set of goals embodied in a program called Priority National Security and Foreign Affairs Program.

These goals are a representative list of a large number of mandates in the field of national security and foreign affairs which were approved by the 12,000 delegates, representing more than 1.7 million members, at the 72d National Convention of the Veterans of Foreign Wars, which was held in Dallas, Tex., August 13–20, 1971.

A National Security and Foreign Affairs Committee, comprised of outstanding Americans from throughout the Nation, was appointed by VFW Commander in Chief Joseph L. Vicites immediately following his election at the national convention in Dallas. The committee reviewed the national security and foreign affairs resolutions adopted by the delegates and recommended a priority program which has been approved by Commander in Chief Vicites.

These goals, as embodied in the VFW's priority security program, are representative of the intense concerns and aspirations of the Veterans of Foreign Wars in the national security and foreign affairs area.

This program is highly commendable and deserves the attention of the Congress. It calls upon this country to maintain its status as the free world leader and to carry out our commitments throughout the world.

Mr. President, I ask unanimous consent that the program be printed in the Record.

There being no objection, the program was ordered to be printed in the Record, as follows:

THE VFW PRIORITY—NATIONAL SECURITY AND FOREIGN AFFAIRS PROGRAM FOR 1972

PREAMBLE: NATIONAL SECURITY AND FOREIGN AFFAIRS PROGRAM

The United States has always abided by an ethic which extends beyond the immediate, which has in its essence of being a purpose larger than our national comfort and safety. We must now and always strive, in cooperation with other nations, to defend this traditional ethic; attempting to establish an enduring structure of world peace. We must not allow the horrors that we have suffered in Vietnam to deter us from our dedication to international interaction and harmony. A lasting peace can only be achieved through a meaningful dialogue of all peoples.

We must view the Vietnam era of involvement as a valuable experience in our nation's maturation process, and discourage any efforts to isolate the philosophies and strengths of the American way of life. We must encourage any efforts to deliberate the nature of peace and to seek out methods of insuring peace today and in the future we must condemn as intolerable any views which are detrimental to the high standards set by American traditions, or to the efforts of individuals and countries to seek and insure worldwide peace.

The President of the United States speaks as the voice of our nation. U. S. Senators and Representatives, by word and deed, should support this fundamental concept of American democracy and not allow political opportunism to overshadow their inalienable right of dissent. There is very little value which can be attached to the vilifying comments of dissident officials. If what they truly desire is national unity and a responsible approach to ending international conflicts, they must realize that vituperative and derisive remarks about our President and our national policies do not offer the prompt and intelligent solutions we so desperately seek to these problems which are tearing our country apart. Protest is an essential aspect of democracy, but now is the time for more reasonable voices to be heard.

A positive and more reasonable approach to solving our problems of disgreement cannot be found through emotionalism.

Under these circumstances, those espousing a historical perspective are handicapped by a lack of media appeal. True solutions to our problems can only be found through national, as well as international, dialogue, through logic, and through a constant reminder of our American heritage. We must speak as one nation once again, not because we are willing or able to ignore our weaknesses, but because we have a national realization of our great potential!

Is compassion natural in this world where the struggles of superior powers have become the predominate factors? Those who portray themselves as concerned and compassionate must understand that deeds necessarily confirm the intensity of words. Deeds must necessarily provide the American POWs now suffering in the prisons of Southeast Asia with a solace they so desperately need. Without the true compassion of deeds, those men will remain faceless in the annals of humanity. We cannot allow them to be lost in a sea of anonymity.

The Veterans of Foreign Wars of the United States believe in the principles and ethics which have made our nation great. We believe that a national adherence to these principles and ethics can bind the wounds which pain us now, and we pledge our support to them.

The question every American should ask himself is "Do I believe there is a real and dangerous threat to our National Security by a Communist Conspiracy?"

The Veterans of Foreign Wars, having answered that question by an unequivocal and resounding "Yes," herein sets forth our recommendations and goals to meet, repel and remove that threat.

NATIONAL SECURITY

The Veterans of Foreign War advocate peace through national strength by—

1. Requesting immediate strengthening of the Army, Navy, Civil Defense, Marines, National Guard, and Reserve Forces to insure the most effective, well-balanced fighting force in the world.

2. Requesting immediate appropriations and authorization for the development and construction of modern and effective bombers, fighters, and missiles and of naval vessels, particularly aircraft carriers and submarines, with adequate support vessels to insure a first-class, effective fighting Air and Navy Force.

3. Immediate enlargement of an adequate and effective Merchant Marine.

4. Supporting and urging the appropriation of adequate funds for the research and development program for the continued improvement of weapons, missiles, and defense systems for all branches of the service.

5. Using every affirmative means of informing the public of the importance of a first-rate, adequate military posture and urging their support of same as the most effective maintenance of peace.

6. Military forces are to be committed only upon determination of a clear definition of military and political objectives to be secured; and once determined, all necessary military forces and equipment shall be available and utilized to insure a quick and certain victory.

FOREIGN AFFAIRS

1. Call upon the President of the United States to demand immediately of Hanoi an adherence to the principles of the Geneva Convention and to support all efforts throughout the world to attain humanitarian treatment for all prisoners of war; and that we will not withdraw our forces from Southeast Asia until a satisfactory resolution of the POW issue is resolved.

2. Encourage any discussion which would lead to eventual partnership of nations in the Pacific Basin and a self-determined structure of peace and equitable stability throughout Southeast Asia; support action deemed necessary to attain an honorable peace and hasten the return of American fighting men.

3. Support continuation of NATO with adequate military forces and urge European Nations to contribute to the common defense of Europe commensurate with their individual and collective security interests.

4. Urge the Government of the United States to honor its 1954 treaty commitment to defend the Republic of China on Taiwan from attack; we urge continued United States support of the Republic of China on Taiwan sovereignty and territorial integrity; and oppose the representation of the People's Republic of China in the United Nations unless there is some reversal in their present policies.

5. Urge and support an initiative of the Government and people of the United States in developing a program of hemispheric reconciliation, taking into consideration the common heritage of cultural, ethnic, and religious values of the Western Hemisphere.

6. Urge that the United States use its good offices to effectuate a negotiated peace in the Middle East and to that end, we support all efforts of the United States to provide an effective counterbalance to the Soviet influence in the Middle East and any and all efforts of parties who have the will and true desire to arrive at a lasting and equitable peace in the Middle East.

MILITARY MANPOWER AND PERSONNEL

1. Support any efforts to revitalize the strength, spirit, and integrity of our military.

2. Advocate continued treatment and rehabilitation of servicemen identified as drug users by the Department of Defense and the Veterans Administration.

3. Advocate extending the system of selective service to assure the military forces of our nation sufficient strength in the active services and in the reserves.

4. Encourage and support the participation of all qualified colleges and universities in ROTC programs.

5. Eliminate the technical difficulties of proving the offense of desertion from the armed forces, and oppose amnesty to military deserters.

6. Urge a vigorous effort to have benefits and privileges restored to retired military personnel equivalent to those of active duty military personnel.

7. Oppose removal of religious training and character guidance programs traditionally incorporated in the training and development of military leaders and insist on retention of Armed Forces Chaplaincy.

FORCED SCHOOL BUSING

Mr. BROCK. Mr. President, in recent months a high percentage of mail received by many Members of Congress has dealt with the problem of school busing.

My own office has received literally thousands of letters requesting my assistance in remedying the unfair and unnecessary hardship created by forced busing. In response to their appeals and in an effort to protect the integrity of the neighborhood schools, I introduced Senate Joint Resolution 112 in early June. This proposal would amend the Constitution to prohibit use of race, creed, or color in pupil assignment to schools.

Last week the chairman of the House Judiciary Committee (Mr. CELLER) assured that body that his committee would be scheduling hearings on the amendment early in the second session. Prior to this, the distinguished chairman of the Senate Judiciary Committee also announced his intent to hold hearings. I was greatly encouraged by both of these announcements, because I feel that the hearing process will shed considerable light on the various legal and social ramifications and ultimately point to the need for the passage of this amendment.

Unfortunately, it is disappointing to learn that the Senate subcommittee to which my bill has been assigned has given no indication of complying with the intent of its chairman. I would hope, now that the committee chairmen in both Houses agree that hearings are long overdue, there will be no further delay in establishing a "date certain."

It should be the obligation of this Congress to provide careful and determined inspection of the legal and social considerations involved. We owe this to the concerned parents and schoolchildren across the Nation who daily face the very real physical and psychological burdens of forced busing.

GOWDY WORKS AT EXCELLENCE

Mr. HANSEN. Mr. President, the editor of the Football News, Roger Stanton, in his December 6 issue, had some words of well-deserved praise for Curt Gowdy.

Mr. Gowdy, a nationally-known sportscaster, attended the University of Wyoming, where he was an outstanding athlete. He is the owner of radio station KOWB in Laramie.

Curt Gowdy is a very distinguished alumus of the University of Wyoming.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOWDY WORKS AT EXCELLENCE

If you watch sports on television you watch Curt Gowdy. He does it all. Baseball, football, basketball, Wide World of Sports, and anything else that NBC–TV wants him to do and Gowdy is equally excellent in all his work no matter what the sport.

Right now he is in the middle of another red-hot pro football season. On Thanksgiving afternoon he will telecast the Chiefs-Lions game from Detroit all over the nation. On November 28 he'll do the Baltimore-Oakland game, December 4 Jets at Dallas, and Dec. 5 Oakland at Atlanta and Dec. 11 Miami at Baltimore.

NBC assigns Curt and his broadcasting partner Al DeRogatis the number one game of the week on their network. Curt doesn't concentrate on last minute preparation when he gets to the game site one day ahead of time. He has been preparing for his work all year long.

Gowdy, an ex-Wyoming basketball star keeps meticulous files on every pro football team so that he constantly has a wealth of background material available to him. He reads about 18 sports publications religiously including this one, plus 24 out-of-town newspapers.

His day starts early. During the week Curt arises at 6:30 a.m. to make last minute preparations for his daily network radio show which is aired at 6:55 a.m. to hundreds of stations in the U.S. and all over the world on Armed Forces radio. Gowdy has a sports teletype machine in the basement of his home which brings him all the late sports news 24 hours a day. He does his morning show from his home in Wellesley Hills, Mass.

Gowdy prides himself on knowing the football rules. He often spends time with Mark Duncan of the NFL office just talking about football rules. Duncan was a former supervisor of officials. He often gives Gowdy quizzes about pro grid rules. One of Curt's biggest challenges came last January in Miami in the mistake-filled Super Bowl which had a lot of weird plays. His rulebook knowledge helped him immensely that day.

He is of course strictly an impartial telecaster even though he was working only AFL games from 1962 until the time of the merger. Curt saw the fledging league growing up from an organization that was ridiculed and laughed at to one that has the respect of the entire football world. The day that the New York Jets defeated the highly favored Baltimore Colts 16-7 in Super Bowl Number III in Miami in 1969 is one of his greatest sports thrills.

Looking back Curt feels that the AFL turned the corner in 1963 when the College All Stars stunned the Green Bay Packers 20-17 and eight of the All Stars starting offensive line-up joined AFL teams.

For a few seasons in the 1960's Gowdy worked with the late Paul Christman the ex-Chicago Cardinal star. Curt feels that Christman was as good a color man as there ever has been in football. "He was crisp, succinct and yet he said a lot in a few words. He had a wonderful sense of humor." Their partnership was broken up when Paul went to CBS as a color man. He died two years ago.

Curt recalls in the early days of the AFL some of the owners wanted him and Christman fired because they weren't cheerleaders for the new league. "The network wouldn't allow this to happen," Curt chuckles.

Curt loves his home state of Wyoming and returns there as often as his busy schedule permits him. He owns a radio station in Laramie, KOWB which gives him a good reason for going back. His college roommate and lifelong friend Larry Birleffi is a sportswriter and broadcaster in Cheyenne and looks a lot like Curt. Gowdy also owns radio stations WCCM in Lawrence, Mass., and WBBX in Portsmouth, New Hampshire.

Will Curt rest up after the hectic football season before the long baseball season starts? No, he is going to Japan to do their winter Olympics.

THE TRAGEDY OF DRUGS

Mr. JAVITS. Mr. President, the drug epidemic tragically afflicts America's young people without regard to racial or socioeconomic distinction.

Unfortunately, the tragedy of a mother and her teenage daughter—so poignantly described in an article entitled "Saturday's Mother" published in today's New York Times—is being repeated all too often throughout our Nation. As legislators and parents, I believe we must dedicate ourselves to using all our talents and resources to find answers to the heart-rending questions posed by the article. I commend it to the attention of Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Saturday's Mother

(By Anne Levine)

"Ma?"

My heart sinks as I hear my daughter's voice on the phone. One short word and I know that Linda is on pills again. Her voice, usually soft and sweet, sounds hoarse and dully belligerent, which means that she is on "downs." Linda boasts to her friends that her mother knows if she even takes aspirin.

Even though I am positive that she has taken a large dose, I try to speak calmly. I don't want to play games again, she denying that she is high and me insisting that she is. I know Linda too well.

"Linda, where are you?"

"I'm at a friend's house."

"Come home. You don't sound well at all."

"I have no transportation and I have no money."

"Tell me where you are and I will pick you up."

"No!"

"Then why did you call me? Just to worry me?" Now I completely lose control of my emotions. I scream at her: "You promised you wouldn't take pills any more!"

No reply, just a click at the other end of the phone.

A cold, drizzly Saturday morning in April and the weather matches my uneasiness. Where is she? Would she get home safely? I am not angry any more. My heart goes out to my child. In my mind I see her; her face pale, her hair disheveled, her bright eyes now dull and heavy. The pills alter her personality and change her appearance.

An hour later the phone rings. I am afraid to answer it. I sense trouble. It is only my mother. We talk about the rotten weather and she says I sound as if I am upset. I tell her I am probably getting a cold. She asks how Linda is and I say she is fine. So many lies to cover up my daughter's problems. My mother is old. I don't want to worry her. Most important, I don't want pity.

Again the phone rings; my premonition becomes a reality. It is the local hospital.

"Is this Linda's mother?"

"Yes, what happened to my daughter?"

"Linda stumbled in the street and came to the Emergency Room to have her knee treated. She passed out while the doctor was taking care of her. We think she is on drugs. Would you please come to the hospital?"

Strange, I feel no emotion. I don't panic. I don't cry. It is as if my heart closes shop for a while, to let my brain take over so that I can function rationally.

My husband is away on business. I am too ashamed to ask anyone to come with me to the hospital. Every time Linda takes pills I feel as guilty as if I handed them to her. Philosophers may blame society for today's drug scene but mothers blame themselves.

Now the drizzle becomes a morbid downpour, a suitable background for my fear.

I go to the hospital. The nurse leads me to a small treatment room. Linda lies sleeping quietly on a table. The room seems vaguely familiar.

The young doctor is sympathetic. He says that when Linda wakes up she will be sent to the County Hospital for psychiatric examination. It is the law.

This is not the first time Linda has taken an overdose but she always manages to come home. I know she will sleep deeply for about twelve hours as the pills slowly drain out of her body.

I sit down by Linda's side and watch her sleep. I am grateful to feel numb. I want to remain numb; to feel is too painful.

The room is still, only the sound of Linda's gentle breathing. I look around, convinced now that I have been in this room before. And then I remember; many years ago this part of the hospital had been the maternity section. I had labored to give birth to Linda in this very room seventeen years ago. I remember how happy I was then.

Linda woke up in the evening. She looked around and then she saw me quietly sitting there, and in a hoarse voice said, "I feel O.K. I want to go home."

"Linda you can't go home just now. They say you have to go to the county hospital for a psychiatric examination. Perhaps it is for the best. The ambulance will be here soon."

My daughter turned her head away. We were not playing games any more.

Ambulance attendants are businesslike. No one spoke a word as we rode the short distance to the County Hospital.

As the ambulance drove up the driveway and the attendant prepared to open the double doors Linda took my hand. "Mommy, I am so scared. Please stay with me. I'm so sorry."

And then we both cried, at last.

SUMMARY REPORT OF COMMITTEE ON LABOR AND PUBLIC WELFARE, FIRST SESSION, 92D CONGRESS

Mr. WILLIAMS. Mr. President, to date, the first session of the 92d Congress has held 183 sessions. In that period, the Committee on Labor and Public Welfare has conducted 183 days of public hearings, held 40 executive sessions, and met 25 days in conference with the House—for a total of 248 committee meetings.

This is one significant index of the dedication, the diligence, and the devotion to duty of the members of our committee.

Early next year, I will submit to the Senate a full record of the legislative accomplishments of the committee. At this time I wish only to outline briefly the work done by our committee.

The committee has reported and the Senate has passed 18 bills, most of them of major importance. Of these, seven have been signed into law, and the others are either pending in the House or are moving through conference and final congressional approval.

There are presently three bills reported from the committee on the Senate calendar.

The Senate has approved all House-passed bills referred to our committee, as well as two House bills within our jurisdiction that were held at the desk when received by the Senate.

In addition to legislation, the committee has considered and reported to the Senate for confirmation 48 Presidential appointees to high office, all of whom were approved.

Not only has the committee acted on much new legislation, it has also conducted numerous investigations and legislative oversight or review hearings.

We have examined the administration of the Federal Coal Mine Health and Safety Act, the Metal and Nonmetallic Mine Safety Act, and the Occupational Health and Safety Act. We have also examined the implementation of the Alcoholism Act of 1970—Public Law 91–616—the operation of the White House Conference on Children, and the conduct of the White House Conference on Aging.

The investigation of welfare and pension plans, begun in the last Congress, has continued; five public hearings on this complex national problem have been held so far.

Likewise, the investigation authorized last year of the United Mine Workers election of 1969, has been diligently pursued, and confidential findings have been referred to the Justice Department for appropriate action.

The committee has up to now held 8 days of public hearings on national emergency labor disputes, and will continue to study how to resolve this critical issue.

We have conducted 17 days of public hearings on proposals to amend the Fair Labor Standards Act on which we intend to act next year.

The committee has also examined the Nation's health care crisis in 23 hearings throughout the country, and has studied national medical care programs in England, Scandinavia, and Israel.

So far, we have had 11 days of hearings on legislation concerned with health maintenance organizations, on which we plan to act next session.

In addition to reporting a monumental education bill, we have also held 3 days' hearings on the administration's education revenue-sharing proposal.

In the field of narcotics and alcoholism, the committee has conducted a general investigation, including hearings in Pittsburgh, Chicago, and New York. It has examined drug dependence and methods of treatment at three public hearings; it has studied drug abuse in the Armed Forces, both in this country and in South Vietnam; jointly with the Committee on Veterans' Affairs, we have held two hearings on drug abuse and addiction among returning veterans; and we have looked into the use of pep pills and amphetamines by professional truck drivers.

We have studied proposals to establish a National Institute of Gerontology and to promote research in the aging process on which we may act next year.

Finally, hearings have been held as part of our continuing investigation of the condition of farmworkers living in rural poverty.

Among the significant laws enacted this year were the railway labor dispute settlement—Senate Joint Resolution 100—the Emergency Employment Act—S. 31—the Health Manpower and Nurse Training Acts—H.R. 8629 and H.R. 8630—the 10-percent increase in railroad retirement benefits—H.R. 6444—the National Science Foundation extension and expansion—H.R. 7960—and the improvement of the Wagner-O'Day Act for handicapped workers—S. 557.

Both Houses approved the conference report on S. 2007, the OEO extension bill containing the new child development program and the Legal Services Corporation, which was vetoed by the President on December 9. The Senate failed to override the veto by a vote of 51 to 36.

The conference report on the conquest of cancer bill—S. 1828—has been approved by both Houses and is now awaiting the President's signature.

The committee has ordered reported a revised version of the Higher Education Act amendments, with further amendments, which, when approved by the Senate next year, will go to conference with the House.

Pending in the House are Senate-passed bills to provide equal education opportunities—S. 1557—to improve Indian education—S. 2482—to provide nutrition programs for the elderly—S. 1163—to establish a Special Action Office for Drug Abuse—S. 2097—to establish a Commission on Health Science and Society—Senate Joint Resolution 75—to provide for the prevention of sickle cell anemia—S. 2676—and to provide for children's dental health care—S. 1874.

Mr. President, every member of the Labor Committee has made important contributions this year to the well-being of our citizens.

I wish to pay tribute to them and to thank them for their stalwart support. We have a great committee. We have done much this year, and I look forward to an even more productive second session.

NO SHORTAGE OF HOME-HEATING OIL IN NEW YORK-NEW ENGLAND AREA

Mr. HANSEN. Mr. President, now that this first session of the 92d Congress is about to adjourn, I am pleased to report that the serious problem about which many Senators from the New York-New England area have expressed deep concern has turned out to be no problem at all. I refer to the constantly publicized "shortage" of home-heating fuel.

The President recently acted to raise import quotas for home heating fuel from 40,000 to 45,000 barrels daily. This was done in spite of a finding by the Office of Emergency Preparedness that heating fuel supplies were adequate and prices competitive in the New England area. However, some of Senators from the New England area deplored the President's action as woefully inadequate.

I am pleased to learn from the fuel oil dealers that their supplies are not only adequate, but apparently excessive. A special color flyer advises homeowners in the New York metropolitan area that they can "relax" about fuel supplies if they use oil. And it appeals to natural gas users to "look into converting to oil" in the face of a "critical" shortage of gas.

Mr. President, I have heard so much wailing and crying in behalf of the fuel oil dealers that I had begun to suspect that they were all but extinct. However, I have concluded from this very interesting piece of propaganda that they are not only very much alive but are prospering. They have a Madison Avenue agent, Jekyll Communications Inc., which advises in a release that this colorful flyer, by which the fuel oil dealers are trying to poach on the gas utility customers, is a very popular item.

Jekyll Communications says oil dealers have distributed more than 50,000 copies of the leaflet in the New York area, and boasts that the "weekly letter" of the Empire State Petroleum Association—the organization of fuel oil dealers—calls it "an outstanding customer mailing piece that should be in the hands of every oil heat customer in the country."

It is very interesting, Mr. President, that the home-heating oil dealers can be so "flexible" in their contentions as to supplies of their product. They can deplore shortages and high prices, and frequently do. Or they can switch the argument 180 degrees and claim, as in their leaflet distributed this week, that there is "plenty of home-heating oil for everyone," because of "effective long-term planning by the oil industry."

I must confess that I am amazed to read that fuel oil dealers who have persuaded several Members of the Senate that a virtual panic existed as to oil fuel supplies, can now issue a Madison Avenue broadside which declares:

> Utilities that use gas to generate electricity are planning to use more oil. In every situation it's oil that is coming to the rescue of the failing gas industry.

When the fuel oil dealers wish to exploit and undermine the mandatory oil import program, they plead "shortages" and price gouging by the domestic refining industry; when they wish to exploit the current serious energy situation and competitive position of other fuels, they have not only enough oil but an excess adequate to take on the heating problems of all the gas users in New York. I find this to be an astonishing turnabout in tactics.

The fuel oil dealers have been crying "wolf" for years, and the Government has responded with special "hardship" import quotas, and then with temporary followed by permanent import quotas allocations. Now, in a Madison Avenue flyer mailed to 50,000 fuel oil customers, we find the fuel oil dealers are not out of oil after all; that they in fact have excessive supplies of oil to burn and they are inviting one and all to come and please take some oil off their hands.

I believe that the next time, we hear the "wolf cry" that has become so familiar in behalf of the fuel oil dealers, the administration ought to inquire a little more thoroughly into the real nature of their almost habitual distress call.

Mr. President, I ask unanimous consent to have printed in the Record the text of the flyer being distributed to fuel oil users and potential fuel oil users in New York, with the headlines "Oil Plentiful This Winter But Gas Shortage Critical" and "Gas Users Urged To Convert to Oil Heat."

Also, I ask unanimous consent to have printed in the Record the news release, from Jekyll Communications on Madison Avenue, entitled "Statement Stuffer on the Gas Shortage Available for Distribution by Oil Dealers."

I believe, Mr. President, that some Senators who have been persuaded that the dealers in home-heating fuel were facing their last days as a result of the oil import program will be comforted by these documents. They should be reassured by them that the fuel oil business in New York-New England will be able to survive at least during the short period that Congress is adjourned.

There being no objection, the items were ordered to be printed in the Record, as follows:

GAS USERS URGED TO CONVERT TO OIL HEAT

Homeowners with oil heat can relax this winter. But friends and relatives with gas heat have plenty to worry about. While there's plenty of home heating oil around there's a critical shortage of gas and it's expected to get worse.

Government officials, both local and national, are deeply concerned with the gas shortage. A leading gas company is reported in Barron's Weekly to have stated to the Federal Power Commission that if this is an extremely cold winter, some residential housing plants might have to be turned off.

GAS SITUATION CRITICAL

A prominent Congressman told a House subcommittee that thousands of consumers face critical shortages of gas for home heating and cooking, according to a United Press story.

OIL IN ABUNDANT SUPPLY

In contrast to the gas emergency, home heating oil is in abundant supply and spokesmen for the oil industry report there'll be plenty of home heating oil for everyone all winter long. That's because of effective long term planning by the oil industry.

OIL COMES TO THE RESCUE

Large pipeline companies are cutting down on the gas they are supplying. Big users have already received the news that they will get little, if any, gas this winter, and they are now turning to oil. Utilities that use gas to generate electricity are planning to use more oil. In every situation it's oil that is coming to the rescue of the failing gas industry.

Electric heat, of course, isn't even in the running. Not with all the problems of generator breakdowns, power failures and shortages. The public has already been told in some parts of the country to conserve electricity—to save watts. The electric industry is in no position to come to the rescue of gas. Only oil can, and is, filling the breech.

SWITCH TO OIL URGED

Homeowners throughout the area are strongly urged to continue to use oil heat into the future, and if they do not now have oil, to look into converting to oil in the face of the gas shortage that will, according to the American Gas Association itself, get worse in the coming years.

STATEMENT STUFFER ON THE GAS SHORTAGE AVAILABLE FOR DISTRIBUTION BY OIL DEALERS

SUBJECT MATTER FITS ALL SECTIONS OF THE COUNTRY

The nation-wide gas shortage is the subject of an attractive multi-color statement stuffer just created for the New York Oil Heating Association. The headline reads—"Oil Plentiful This Winter—But Gas Shortage Critical". The piece then goes on to reassure oil heat customers that there is sufficient oil to heat their homes this winter, but according to authoritative reports from national and local officials the gas shortage is a reality throughout the nation and gas-heated homes face the threat of being left out in the cold this winter. And it will get worse in the coming years—that's the word from the American Gas Association itself.

The folder is illustrated with a montage of headlines such as "Gas Shortage Hits Capital", "Five Ohio Utilities Limit Gas To Users", "City Disturbed by Gas Shortage" and "Gas Fear Reaches Fever Peak".

The "Weekly Letter" of the Empire State Petroleum Association calls it "an outstanding customer mailing piece (that) should be in the hands of every oil heat customer in the (country)".

Over half a million have already been distributed by oil dealers to customers in the New York metropolitan area.

The stuffers have now been made available to all oil dealers throughout the country. You can receive samples by contacting Jekyll Communications inc., 420 Madison Avenue, New York, N.Y. 10017. Or you can order a supply at once. They cost $17.50 per thousand and are folded to fit a statement envelope.

U.S. NAVAL SHIPS FOR PAKISTAN

Mr. STEVENSON. Mr. President, in the name of neutrality toward India and Pakistan, the administration has called for a cease-fire accompanied by withdrawal of military forces from foreign territory.

It is a strange brand of neutrality that favors one party more than the other. The Bengali victims of a new wave of West Pakistani genocide will not view our policy as neutrality. If the birth of a new nation is aborted, those who have fought and bled for the creation of that nation will not view our policy as one of neutrality. A policy which thwarts self-determination and alienates the largest democratic nation in the world is not neutral, it is utterly wrong.

Others have catalogued a variety of ways in which we have been neutral in favor of Pakistan.

Our professed neutrality is made even more doubtful by the fact that two U.S. Navy vessels are serving with the Pakistani Navy at the present time. One of these vessels, an attack submarine, is on loan without the loan agreement required by congressional legislation.

They are the *Diablo*, a 311-foot, 2,400-ton attack submarine, with 10 torpedo tubes; and the *Mission Santa Clara*, a 530-foot, 16,650-ton capacity, 160-man-crew naval cargo ship. The Pakistanis have rechristened them as the *Ghazi* and the *Dacca* respectively.

These ships were provided to Pakistan under the ship-loan programs of the U.S. Government, through which 295 U.S. Navy vessels are now on loan to 37 nations.

In the case of Pakistan, it is difficult to understand how the loan of these vessels could have been justified, even assuming that it is sound to attempt to counter Chinese and Soviet influence in South Asia by providing Pakistan with military support. The fact is that these vessels were given to a nation which does not share navigable waters with China or the Soviet Union, but does share them with India. The result is not a lessening of Soviet influence in South Asia—quite the contrary. By providing Pakistan with ships, tanks, and other military equipment which can be used only in conflict with India, we enhance Soviet influence in India and create a situation in which the superpowers engage in a vicarious arms race on the subcontinent. As we have seen in recent weeks, it is the innocent people of India and Pakistan who ultimately pay the price.

The loan of ships to Pakistan underscores a serious defect in our entire ship-loan program. If ships owned by the United States are loaned to another nation and subsequently used by that nation in a military conflict, the appearance of U.S. complicity is greater than it would be if the ships had been sold or granted outright.

The countervailing advantage of a loan program is that at a later date we can get the ship back. In practice, however, this advantage turns out to be a theoretical one. Once the recipient nation goes to the expense of refurbishing or reequipping a vessel, it is unlikely that we would insist on the return of the vessel. Even when the legislation authorizing the loan expires, as it has in the case of ships loaned to Chile, Peru, and Pakistan, we have not pressed for the return of the vessels.

We gain nothing by making loans which are not really loans, and there is much to lose. By permitting nations to keep vessels even after the authorizing legislation has expired, we encourage them to disregard other legal obligations to the United States. By retaining ownership but not control, we leave ourselves open to embarrassing incidents. It is not in the interests of the United States for Ecuadoreans to seize U.S. fishing boats with U.S.-owned naval vessels, or for the Pakistani to have U.S.-owned vessels at its disposal for possible use against India.

For all of these reasons, the ship loan program should be subjected to a searching reexamination, with a view toward phasing it out at an early date.

Mr. President, I ask unanimous consent that there be printed in the RECORD, a brief and I suspect, incomplete recapitulation to statutory violations by the Navy's ships loan program.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

I.—STATUTORY VIOLATIONS IN U.S. NAVY SHIP-LOAN PROGRAM

[The following ships, loaned under Public Laws, have expired loans that have not been renewed]

Country	Ship	Authority	Expired
Chile	Ex-U.S.S. Springer (SS-414)	Public Law 85-532 Ext. Public Law 90-224	Jan. 23, 1971
Pakistan	Ex-U.S.S. Diablo (SS-479)	Public Law 87-387 Ext. Public Law 91-682	June 30, 1969
Peru	Ex-U.S.S. Benham (DD-796)	Public Law 85-532 Ext. Public Law 88-437	Dec. 15, 1970
Do	Ex-U.S.S Isherwood (DD-520)	Public Law 85-532 Ext. Public Law 90-224	Oct. 8, 1966

The loan of *Diablo* to Pakistan has not been renewed as authorized by PL 91-682, pending normalization of the situation in Pakistan. The *Springer*, in Chile, is no longer a viable naval unit. The Government of Chile has asked to purchase it for spare parts and to use as a training platform. We presently have Military Assistance to Chile under review and are carefully considering this request.

The USS *Isherwood* (DD-520) was originally loaned to Peru under PL 85-532 in 1961 and is currently in Peru under an expired loan. In December 1967, PL 90–224 authorized the extension of this loan but stipulated inter alia, that:

"Any agreement for a new loan or for the extension of a loan executed pursuant to this Act shall be subject to the condition that the agreement will be immediately terminated upon finding made by the President that the country with which such agreement was made has seized any United States' fishing vessels on account of its fishing activities in international waters, except that such condition shall not be applicable in any case governed by international agreement to which the United States is a party."

The diplomatic note proposing the terms for the loan extension of *Isherwood* was presented to GOP after passage of the law. The Peruvians have not responded.

In view of our experience with the *Isherwood* and the delicate state of our relations with Peru at present, we do not believe it is in the best interest of the United States to press the matter of these loans at this time.

II.—STATEMENT OF FOREIGN MILITARY ASSISTANCE AND SALES DIVISION OFFICE, CHIEF OF NAVAL OPERATIONS

[In House Armed Services Committee Publication 92–32, pp. 7095–6]

Public Law	Act of	Statute	Codified at
88–437	Aug. 14, 1964	78 Stat. 444	50 U.S.C. App. 1878 (y)ff.
90–224	Dec. 26, 1967	81 Stat. 729	50 U.S.C. App. 1878 (tt)ff.
91–682	Jan. 12, 1971	84 Stat. 2066	Not yet codified.

These three Public Laws, under which the four vessels cited in (I) above were authorized to be loaned for periods after the expiration dates, all require loans to be "on . . . terms and under . . . conditions"; to "be for periods"; to be made on at least one specific condition, specified by Congress in the law; and all loans or extensions require that the Secretary of Defense consult with the Joint Chiefs of Staff and determine that the loan or extension is in the best interest of the United States.

These vessels cannot simply be left in the possession of foreign nations without any agreement or extension. The statutes require definite agreements, with definite provisions, and set up a required procedure for a loan or extension to be initiated.

Nevertheless, we see that the *Isherwood* has been in Peru's hands for over five years without an agreement; it was in Peru's hands for over one year without any Congressional authorization which must underlie such an agreement.

The *Diablo* has been in Pakistan's hands for almost 2½ years without an agreement; and it was in Pakistan's hands for 1½ years without Congressional authorization for an extension to be made.

The *Benham* and the *Springer* have been in foreign hands for almost a year without agreements.

III. The Navy statement in (I) above leaves the impression that it is admitting that the *Springer* and the *Isherwood* are in Chile's and Peru's hands in violation of the provision of P.L. 90–224 which requires that loans "be immediately terminated upon a finding by the President that the country . . . has seized any U.S. fishing vessel . . ." (50 U.S.C. App. 1878vv). Because these two vessels are not covered by *any* agreements, however, this Congressional requirement may not apply.

ADDRESS BY SECRETARY OF DEFENSE LAIRD

Mr. BAKER. Mr. President, recently Secretary of Defense Melvin R. Laird, in a speech delivered in San Juan, praised the leadership of Gov. Luis A. Ferre. I share his regard for Governor Ferre and ask unanimous consent that Secretary Laird's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SECRETARY LAIRD

I am indeed delighted to have the opportunity to be with the Navy League Directors here in Puerto Rico and to be with my friend, and now governor, of this great commonwealth. Governor Luis Ferre had the opportunity of coaching me and instructing me about Puerto Rico for a long period of time. I had the opportunity back in about 1952 of serving on the platform committee of the political party to which I belong.

Now that I am in this non-partisan job, I do not necessarily get into direct reference to what that party is, but I think you all know that during a period of some 20 years I learned to love, respect and admire a great advocate of Puerto Rico.

A man that thought he had an idea in that he could do something about this great area of the world. And a man that in the last three years has shown that he can do something as governor of this commonwealth. A man that has brought about a great growth rate to this area of the world, which is the envy of all the world. A growth rate of 10.2 percent in his first year in office, better than 10 percent in his second year in office, and a growth rate in his last year of 10.6 percent.

He has done this because he too believes in people. He believes in the welfare of all the people of this area and he has done something about it to see that their efforts are rewarded, and that there are jobs and opportunities available for them in a growing economy.

I take my hat off to him, and as long as I serve in this position as Secretary of Defense, moving from the Congress, those lessons that he taught me so well about the importance of Puerto Rico, have been taken to my heart. And on some occasions I have been able to help him in his new responsibilities with the many problems that he has.

A man that recognizes the importance of national security, but also recognizes the importance of taking care of his people. As Secretary of Defense I have tried to cooperate with him one hundred percent and I will continue to do so because he is truly a great man in this area of the world.

BYRD OF VIRGINIA AMENDMENT AN AID TO SETTLEMENT

Mr. HANSEN. Mr. President, we all have been encouraged by the news reports on the great progress made in improving relations between the Governments of Rhodesia and Great Britain.

Mr. Clifford J. Hynning, in an article published in the Washington Sunday Star of December 12, took note of the gloomy forecasts made by some prior to the adoption of the chrome ore amendment offered by the distinguished Senator from Virginia (Mr. BYRD). Mr. Hynning pointed out that during the proceedings which finally led to the acceptance of the amendment, there was at least one candle in the tunnel: The late Dean Acheson's statement that the amendment "will move everyone toward a settlement—the British need a good nudge to move away from an untenable position and it will give it to them."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISREPORTING THE BYRD AMENDMENT

(By Clifford J. Hynning)

Straight reporting on southern Africa and on Rhodesia in particular can be found only in a few American newspapers. This can now be readily illustrated in the case of Rhodesian chrome and the settlement of the constitutional crisis between Great Britain and Rhodesia.

Sen. Harry F. Byrd Jr. of Virginia had secured a congressional amendment that provided that the pending embargo on all trade with Rhodesia under a United Nations Security Council resolution shall not apply to chrome as a strategic and critical material in the event that the United States continues to import chrome from any Communist country.

During the time of the consideration of that amendment and subsequent thereto, the press was replete with news stories, guest columns and editorials on the dangerous impact of Sen. Byrd's amendment on the conduct of foreign affairs by the United States. It was widely contended that the amendment would embarrass British diplomacy in the negotiations with Rhodesia evolving toward a settlement. More seriously, Senator Byrd was freely branded an open treaty violator, a breaker of international commitments of the United States.

Events now provide a clear test of performance of news reporting in this area. The test was clearly foreshadowed by the late Dean Acheson in his appearance before the Senate Committee on Foreign Relations on July 7th last. In the event he turned out to be far more prescient than the State Department, the professors of international law, or the journalists when he said that the Byrd amendment on chrome "will move everyone toward a settlement . . . the British need a good nudge to move away from an untenable position and it (the Byrd amendment) will give it to them."

The British government never complained of the Byrd amendment, or so I am informed by the British Embassy here.

The concern that the Byrd amendment would have an adverse impact on British diplomacy turns out in the event to be an illustration of creative reporting.

The contentions of the professors, the diplomats and the journalists that the Byrd amendment on chrome makes the United States guilty of violating international treaties and commitments is equally ill-founded. The Byrd chrome amendment violates no treaty of the United States. The opponents can cite no treaty which by its terms prohibits the United States from importing chrome from Rhodesia.

The only way they can make out a case is to argue that the United States ratification of the U.N. Charter in 1945 meant that when the Security Council in the late 1960s made a formalistic finding that Rhodesia is a threat to the peace and that her foreign trade should be barred by all U.N. members, this prohibition was automatically converted into a treaty commitment of the United States.

Under the U.N. Charter the United States is obligated to respect sanctions against a country only if that country were "a threat to the peace," or more.

It is singularly strange that out of all the countries of the world that have indulged in aggression, or threatened, or broken the peace between 1945 and the present day only Rhodesia has been cited by the Security Council for mandatory sanctions.

Why among all the countries of the world was Rhodesia singled out as "a threat to the peace?" It is difficult to credit the reason given by our State Department—"American policy on Rhodesia rests on the basic principles of self-determination and majority rule (1969 statement). "Sanctions . . . will influence the regime to change its policies and adopt as a basis for international acceptance the fundamental principle of eventual majority rule for over 95 percent of the population which is Black African", (1971 statement). It should surprise no one that Senator Byrd found these reasons "positively ludicrous" and "obviously absurd."

Lastly, it has been contended that the Byrd amendment impairs the credibility of the United States in international affairs.

This may be true so far as U.N. circles are concerned. Their applause may now turn to hisses over Rhodesia.

Perhaps we may witness the further absurdity of a continuation of U.N. sanctions against Rhodesia at a time when Britain has welcomed Rhodesia back into a state of "legitimacy." The U.N., having gone down the road of no return on sanctions against Rhodesia—and these sanctions are formally self-perpetuating—may have no way, legally or logically, to get rid of sanctions except to repeal them.

But repeal would be subject to a veto by the Soviet Union or by Communist China. It might be in the Communist interest to irritate the western world by exercising a veto on the repeal of Rhodesian sanctions and thereby savour the applause for their side. But, as everyone knows, from show-people to diplomats and professors, applause is a wasting asset.

OUR DWINDLING FISHING FLEET

Mr. STEVENS. Mr. President, today I wish to place in the RECORD an article entitled "Why Our Fishing Fleet Is Sinking," that appeared on page 182 of the October 1971, issue of the Readers Digest.

The article graphically illustrates the dire situation faced by our fishing fleet which must contend against far better equipped, larger, more efficient fleets from a number of foreign fishing powers. This situation is especially egregious to Alaskans—many of whom are dependent, directly or indirectly, upon the fishing industry.

The article also indicates the many legal restrictions faced by our fishing industry. I commend it to the attention of Senators.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY OUR FISHING FLEET IS SINKING

(By James E. Roper)

The Russians, among others, are taking fish at our very doorstep, outcatching us two to one. It's past time for government and U.S. fishermen to get together to modernize our whole approach to commercial fishing.

In July 1966, a freshly outfitted commerical fishing boat, the *San Vito*, sailed from Aberdeen, Wash., on a proud mission: to catch the first load of hake for the economically hard-pressed town's new fish-reduction plant. But a dismaying discovery awaited the *San Vito* at the fishing grounds 12 miles offshore. Eighty huge Soviet fishing vessels, 4,500 miles from home, were already there, scooping up hundreds of tons of hake and scattering the rest. The *San Vito*, darting among Soviet ships two and three times as big, could catch only a few fish. "It was a disaster," moaned her captain.

Worse was to come. Before the summer was out, the Soviet fleet swelled to 100 vessels, with 3,800 persons aboard, hungrily ranging the hake fisheries off both Washington and Oregon. At night, lights on the boats twinkled as if a city had risen from the sea.

Off New England, a Soviet fleet has invaded the haddock grounds, causing the American catch to drop from 62,000 tons to probably less than 10,000 tons this year, and forcing a 50-percent rise in U.S. retail prices. This spring, while American boats off Massachusetts refrained from catching yellowtail flounder because of quota regulations, Soviet vessels hauled in tons of the fish for Moscow tables.

With such moves, Soviet fishermen are taking enormous catches from Alaska to California and from Maine to North Carolina, even sending Soviet-sponsored Cuban trawlers into Florida waters where Americans are forbidden to fish.

Nor are the Soviets alone. The Japanese, the Norwegians, the Peruvians have outfished the United States. The world catch has doubled over the last decade, while ours has *fallen* slightly. The United States catch is so inadequate that we have become the world's biggest importer of fish products, which caused a balance-of-payments drain of $921 million last year.

RISE OF THE FLEET

To understand what we're up against, one needs to see a truly progressive fishing nation in action. Take the Soviets.

In 1953, the new Gremlin leaders decided that the cheapest way to provide their people with badly needed animal protein was through massive distant-water fishing. To this end, they purchased models of the best Western trawlers and refrigerator boats, then duplicated them until they had learned to design their own. This done, they began to spend vast sums on the construction of a fishing fleet, port facilities and processing plants.

Today, Russia is investing more than any other country in fishery expansion. It is enlarging its 18,500-vessel fleet with 200 to 300 new craft a year. Its 200 oceanographic-research vessels give it the world's greatest capacity to study the sea. (The information collected is also valuable, of course, for submarine warfare—and the Russians may know more than we do about the waters off our mid-Atlantic states.)

Thirty schools have been established to train ships' officers and technicians, who are attracted by the fact that fishing has become the fourth-highest-paid industry in the Soviet Union. Vast shore facilities have been constructed in the Soviet Far East, and the Arctic Circle city of Murmanski is now the world's busiest fishing port, handling a million tons of fish per year.

NOTHING ESCAPES

The Soviet Ministry of Fisheries directs the operation with naval precision. First, exploratory vessels laden with scientific equipment map sea bottoms, study water currents and temperatures and identify likely fishing grounds. Next, a few boats fish experimentally. If the catch is good, out goes a full fleet, a formidable array ranging up to 300 ships. A veteran U.S. skipper back from fishing off New England reported, "I sailed for 100 miles, never out of sight of a Russian vessel. Some are so big you could put one of our boats on their decks and never see it."

When scout boats using echo sounders and other sophisticated gear locate a school of fish, the Soviet fleet commander radios catcher boats—sometimes a dozen or so lined up shoulder to shoulder—to sweep through the area. "Nothing escapes—nothing!" says a dismayed American fisherman. The trawlers deliver their catch to giant factory ships, where the fish are frozen, canned or otherwise processed at sea. Supply ships ferry out water, fuel and food, even relief crews. The fleet stays at sea for as long as a year.

Sometimes the big Soviet ships over-fish an area, poach in exclusively American waters, break American nets or bully American fishermen in smaller coastal boats. But mostly the Russians follow the rules of the sea. In fact, the U.S. government feels that Moscow is generally coöperative in conserving marine resources. One U.S. official explained: "The Russians know they can catch more than their share of whatever is conserved."

VIGOROUS COMPETITION

Other countries also reap rich sea harvests. Little Peru hauls in the world's largest tonnage, almost all of it anchoveta caught within 40 miles of her coast. Peru grinds the anchoveta into meal for animal feed, then sells much of it to the United States.

The next largest harvest—and most valuable at $2.5 billion a year—is collected by Japan, which, like Russia, sends a huge fleet of catcher and factory ships thousands of miles to distant waters. Since 1962, Japan has doubled her high-seas fishing fleet to 3000 vessels, some even more efficient than the Soviets'. Last May, 320 Japanese ships were off Alaska for the high-seas salmon season. The Japanese fish in vigorous competition with Americans throughout the Bering Sea and, to some extent, off Washington and Oregon, for crabs, herring, pollock, flat fish and other species. They also roam the North Atlantic, although mostly for species that Americans ignore, such as squid.

Japan has 164 major marine research institutions. The government itself operates 497 research vessels, and energetically swaps information with commercial fishermen. Japan has entered about 50 joint ventures in foreign countries, and, according to a Washington analyst, received "substantial benefits to her domestic fishing industry."

Communist China, fishing close to shore, ranks fourth among the world's fishing nations, and Norwegian fishermen, benefiting from a government program to scrap old boats and build new ones, range around the world. They increased their catch 20 percent last year and sold more than $18 million worth to the booming frozen fishstick market in the United States alone.

DISMAL RESPONSE

Instead of rising to this global challenge, the United States has let its own fishing industry stagnate. The fleet and its techniques of locating, harvesting and preserving fish are obsolete. Of the 13,000 U.S. boats larger than five tons, 14 percent are more than 50 years old, 54 percent are more than 20 years old; only 16 percent have hydraulic winches, only eight percent have refrigeration. The crews, too, are old: full-time Boston fishermen, for instance, have a median age of 59. Young men take better-paying city jobs.

The industry itself is much to blame. In American fishing, one person usually owns one boat and operates it with fierce independence—in the tradition the Pilgrims established in 1620. Today this means that one American boat ordinarily does not help another American boat locate fish. The result is that many cannot compete against a foreign fleet operation. And the independent American captain rarely accumulates enough capital to buy a new boat, reequip his old one or pioneer new technology.

Federal and state governments, moreover, impose some curious handicaps, often forcing American fishermen to use inefficient methods. One federal law, in effect since 1793, requires the use of U.S.-built boats. This has been a boon to the U.S. shipbuilding industry for 178 years, but today it means that an American fisherman must pay up to twice as much for a boat as his foreign competitor.

Then, too, an American may not use a net to catch halibut in the North Pacific; he may not use electronic equipment to locate salmon off Washington. All this in the name of conservation.

UNTOUCHED BOUNTY

The most conservative estimates are that the present world catch of fish could be tripled without impairing future resources.

Our National Marine Fisheries Service estimates that the American industry could perhaps quintuple its catch without even leaving American shores. Obviously, then, we should get on with the job of finding economically feasible ways of taking our share of the oceans' harvest.

Numerous fishery authorities see the ultimate solution in a joint government and industry effort, emphasizing these basic points:

The federal government, which has long neglected our fishermen as politically unimportant, must start treating them as vital to the economic and political goals of the United States. It must not sacrifice them automatically to the interests of other groups. Twice the U.S. Tariff Commission has ruled that imports of fish were damaging fishermen, but Washington responded by lowering our tariffs on fish even further in return for foreign tariff concessions on U.S. exports.

The federal government must vigorously support our fishermen in conflicts with foreigners. Congress has finally declared that Americans have exclusive fishing rights within 12 miles of our shores, but we were one of the last major powers to set such a limit. And we still tolerate Peru's and Ecuador's enforcement of their unilaterally declared 200-mile limit. When they haul American tuna boats into port, the U.S. government ends up meekly paying the fines—as much as $155,340.

Washington must centralize its scattered efforts to help: at times, 22 federal agencies have had a say in commercial fishing. The industry must modernize, with government subsidies if need be.

Both government and industry must do more basic research on the seas around us and, specifically, learn better ways to locate, catch, handle and market fish. Dayton L. Alverson of the National Marine Fisheries Service, remembers visiting a Soviet scientific boat in the Black Sea: "It had more electrical equipment than all the Service's vessels combined."

State governments must lay aside local politics and remove the restrictions that make American fishing unnecessarily inefficient.

Most of all, fishermen must cast off their lethargy and work toward becoming efficient enough to face a competitive world without permanent subsidy.

"There is no reason why we cannot be a major exporter of fish and fish products," said the late Wilbert Chapman, nationally known fishing authority and government consultant. "We rail against the Russians for developing fisheries off our coasts. What we refuse to face up to is that a communist society is out-competing us capitalists by applying science and technology to its operations. We must stop crying and do what needs doing."

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. The time for the transaction of morning business has expired.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. I move that the Senate stand in recess until the hour of 2 p.m. today.

The motion was agreed to; and (at 12 o'clock and 43 minutes p.m.) the Senate took a recess until 2 p.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. PEARSON).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. PEARSON). The Chair, on behalf of the Vice President, under the provisions of Public Law 91–452, appoints the following Senators to the National Commission on Individual Rights:

The Senator from Arkansas (Mr. McCLELLAN), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), and the Senator from Delaware (Mr. ROTH).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. PEARSON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of this date at pp. 46791–46801.)

Mr. PASTORE. Mr. President, for the purpose of the RECORD, I will say that the signing of the report was unanimous.

Mr. President, today the Senate has the opportunity to complete a task it initiated almost 1 year ago. Enactment of a comprehensive election campaign law.

In terms of its impact on our democratic system and its potential for good, this legislation is the most significant measure considered in this Congress. By the same standards, I believe it is also a major landmark in the entire history of our legislative process.

As benefiting legislation of such transcendant importance, it is in the highest sense a bipartisan effort. Perhaps, Mr. President, nonpartisan would be an even more appropriate word. Because the Members of both Houses were not motivated by Democrat or Republican interests. Rather they were guided solely by what would best serve the American people and our country.

This, I believe, is the highest tribute that can be paid them. The conference report the Senate considers today, in my judgment, substantially reflects the will of the Senate when it passed S. 382 last August.

To be sure, not everything we of the Senate wished remains, but the same is true for the House. And that is the essence of compromise.

The important thing is that, as reported by the managers, the provisions of the bill will deal effectively with the escalating cost of campaigning for public office, and will require frequent and full disclosure of campaign contributions and expenditures.

Mr. President, I will not take the Senate's time with an exhaustive explanation of the conference report because as I have said, it closely follows what we did last August. Briefly, however, the conferees agreed to the following major provisions:

First. During the 45 days preceding a primary election, and 60 days before a general election, broadcast licensees may only charge candidates their lowest unit rate. Simply stated, a licensee may only charge a candidate the lowest rate he charges anyone else in the same time period; that is, morning, afternoon, prime time, et cetera.

There is no other qualification on the lowest unit rate concept.

Second. At all times, candidates for Federal elective office may be charged no more than comparable rates for other purposes when they purchase space in newspapers and magazines.

Third. A spending limitation of 10 cents times the resident population of voting age for the office in question is placed on the following media for all candidates for Federal elective office in primary and general elections: Broadcast, newspapers, magazines, outdoor advertising facilities, and paid telephone campaigns.

No more than 60 percent of a candidates total limitation may be spent on the broadcast media.

Agent's commissions are also included in computing a candidate's spending limitation.

What that language actually means, and this explanation is for the convenience of Members of the House more than Members of the Senate—and it is quite understandable—the candidate would spend up to 10 cents for the eligible vote in his district, but no more than 6 cents of that 10 cents on broadcasting; but if he chooses to spend all of it on nonbroadcasting, he can spend up to 10 cents.

Fourth. The Senate provision providing that the amount of the spending limitation may be raised to reflect a rise in the consumer price index.

That is more or less an amendment suggested by my colleague and good friend, the Senator from Kentucky (Mr. COOK).

Fifth. The House provision requiring the Secretary of the Senate, the Clerk of the House, and the Comptroller General to supervise and receive the reports and disclosure information required by the legislation.

On this point there was some dispute in conference. The House was adamant that inasmuch as under the Constitution the House and the Senate are the sole judges of the qualifications of their Members, the House conferees insisted it be filed on the part of the Senators with the Secretary of the Senate and on the part of the House with the Clerk of the House; but at the same time we added that it must be filed also with the Secretary of State or an individual of the agency in that State who has comparable responsibility.

Sixth. The Senate's reporting and disclosure requirements with minor modifications made in the House.

I wish to say at this juncture that insofar as disclosure provisions are concerned, the House and Senate were not very much in disagreement. While it was quite involved, their thoughts ran along parallel lines.

Mr. President, these, I believe, are the significant features of the bill as agreed to in conference.

Many of us would also liked to have seen the equal time requirement of section 315 of the Communications Act repealed for President and Vice President in the general election.

Here again, the House was absolutely adamant. We were again given the ultimatum that if we insisted on the equal-time proviso we could forget a bill.

Unlike most elections for other offices, a presidential race attracts numerous candidates and broadcasters have told us they are, therefore, reluctant to give free time to significant candidates because of the equal-time requirement.

Thus, I feel the major reason for exempting the office of the Presidency from this requirement is not present where other offices are concerned, and we should have exempted it from section 315.

I repeat, the House was most adamant on this and there was no place to go except to compromise.

I would hope that the broadcasters in cooperation with the Federal Communications Commission will discharge their public interest responsibility imaginatively, and do their utmost to assure that in keeping with the spirit of this legislation, significant candidates for the highest office in the land will be given ample opportunity to present their candidacies to the American people.

I repeat, that is going to be rather difficult. It is a cliché when we say it. The networks made clear that unless there was an exemption under the law they would be besieged under the equal time rule, resulting, it could be, in giving national hookup time to a half-dozen or even a dozen candidates and the cost would be prohibitive. I cannot blame them. We did this in 1960 and we tried it again.

This is not perfect legislation. In this area I do not think anyone can be perfect but I think it is good legislation. Under the circumstances the conferees did what I would term an excellent job.

Mr. SCOTT. Mr. President, I would have been quite happy with a provision suspending or repealing section 315 of the Federal Communications Act. I see no reason why the use of broadcasting facilities should not be made available to all Federal officials, but that was not the decision of the conference. I have no fault to find with the fact we left it alone. It means we will have to come back to it some day and face it again, but it was the best that could be done under the circumstances. So I rise today with a bit of satisfaction and a bit of reluctance in support of the conference report on the Federal Campaign Act of 1971. This legislation, truly of landmark nature, is long overdue. It represents many, many months of tedious work by the Congress. Yet, in several ways, some of that work was in vain. We simply missed the mark.

For the first time, Congress has clamped a fairly tight limit on the amounts which Federal candidates can spend on communications media. However, in the rush to be all-inclusive, we have included some very ambiguous language with respect to the use of telephones and automated telephone campaigns. We were able to strike out some ill-considered language regarding so-called "computerized mailings," but that other language was retained in modified form reserving what appear to be and are voluntary telephone solicitations. That would not have gone in had it not been for the insistence of the Senate conferees.

I am concerned about the enforceability of this telephone provision, and especially concerned about its obvious first amendment implications. We can almost envision an age of Orwellian snooping when Government agents will bug a candidate's campaign headquarters to find out how many "bootleg" telephones he may be using. In this Philadelphia lawyer's opinion, the "telephone" provision is a legal nightmare.

The conferees also, unwisely, included agents' commissions under the communications media spending ceiling. Here is a perfect example of good intent gone astray. Any candidate who uses an agent to purchase space or time in communications media has to pay a commission, normally in the 10- to 15-percent range. So instead of excluding these fees, they were included. In my estimation, this provision will work to the disadvantage of little-known challengers who may have to use more sophisticated communications techniques and who would thus need the services of a professional campaign consultant.

On the disclosure section of the bill, I do not think we should be requiring the Clerk of the House and the Secretary of the Senate as the repository of reports, to police the compliance of Members. My own campaign reform bill would have created an independent Federal Elections Commission and this was reaffirmed on the Senate floor by a vote of 89 to 2. Our only solace, at this point, is the fact that the bill still retains all of the public availability of records and the functions and duties which the Commission would have had but simply transfers them to the appropriate supervisory officer.

Obviously, there are questions which remain unanswered when we turn to three different repositories—the Clerk and the Secretary for congressional candidates and General Accounting Office for the President and Vice President. For example, some political committees support candidates for all three offices—are they now required to file three separate reports? The language of the bill is not clear on this point and I am hopeful that appropriate guidelines can be issued to clear up some of these gray areas.

The conferees also directed that disclosure reports be filed with the secretaries of State, or comparable officeholders, in each of the States and the District of Columbia. This provision was inserted in lieu of the Senate's wish to have such reports filed with the clerks of the appropriate U.S. district courts. Now, the question is this—where does the Federal Government get the authority to direct these State officeholders to comply with certain Federal directives? This point is unclear and its further implementation will almost have to be left up to court decisions.

During debate in the House of Representatives, there was considerable sentiment for determining, more clearly than ever before, the limits to which labor unions and corporations could go in political campaigns. An amendment was offered in the House, and adopted, which purported to codify existing law on this sensitive point. However, on a closer review of the amendment, I cannot agree with my House colleagues that it is simply a codification of existing law. I regret that the conferees would not agree to modify the House amendment to bring it into closer conformity with the expressed intent of its sponsors.

One new amendment which the conferees approved made the Comptroller General's office a national clearinghouse for the administration of elections. Among the studies and reports it is expected to prepare, I am hopeful that one will focus on the ability of the Clerk of the House and the Secretary of the Senate to comply not only with the letter but the spirit of the law as well. I would also hope that the Comptroller General indicate his preference for an alternative approach, should the Clerk and the Secretary prove to be unable to handle the job.

I am pleased to note that my amendment with respect to the extension of credit to candidates by certain federally regulated businesses was included in the final bill. It was well documented that both political parties were running up huge telephone, telegraph, and airline bills and then, in some cases, reneging entirely on the unpaid balances. My amendment directs the Federal Communication Commission, the Civil Aeronautics Board, and the Interstate Commerce Commission to promulgate new regulations governing the extension of credit to candidates within 90 days of the President's approval of the campaign reform bill. During that period, I intend to call into my office the three chairmen of these independent offices to ascertain their thinking and their intent on this important subject. In any event, I am hopeful that new rules can be in effect in time for the presidential season.

Mr. President, the Congress has come full circle on this important piece of legislation. A little over 1 year ago, I successfully urged the Senate to sustain President Nixon's veto of another political broadcasting bill. At the same time, I followed through on a pledge to introduce a new, comprehensive bill to compensate for the deficiencies in the vetoed bill. In the months which followed, I testified before two Senate committees in support of this new legislation, worked in executive session to report it favorably, and labored on the Senate floor to make this a fair and workable piece of legislation—a model law, if you will. The Senate pretty well succeeded, although the conference bill, while still meritorious, does not measure up to our previous action.

In the final analysis, we have achieved a compromise bill, in the true sense of that word. But I would be remiss if I did not offer my congratulations and commendations to some of the men in this body who made it possible: First, the senior Senator from Rhode Island (Mr. PASTORE), whose diligent efforts, good humor under stress, and sense of cooperation enabled the Senate to produce an excellent bill which does limit campaign spending on communications media. Second, the junior Senator from Nevada (Mr. CANNON), with whom I have the great pleasure of serving on the elections subcommittee, and who made the public reporting and disclosure sections of the bill effective and tough. And, of course, my colleagues, the conferees from both political parties in this body. And, I certainly cannot forget my good friend and compatriot, the senior Senator from Montana, the distinguished majority leader (Mr. MANSFIELD), whose patience and guidance led the Senate through a maze of parliamentary and partisan complications.

Mr. President, we have not produced a great bill, but we have produced a good bill. I urge the Senate to approve the conference report and to send it speedily on its way to the other body so that they, too, may join in the spirit of affirmation. Ultimately, the President may also join us in the approval of this bill which, in my opinion, will greatly improve the operation of the campaign spending laws, which have been so long, and, I think, so justly, criticized.

I may conclude by saying, in regard to campaign spending, that it could certainly be said that we have left undone things we ought to have done, and we have done those things which we ought not to have done, and which was not to our political health. We have tried to proceed in accordance with the Book of Common Prayer. So I join in the prayers for the success of this bill.

I yield the floor.

Mr. DOMINICK. Mr. President, I find myself caught in a rather unenviable position here, as I fear I am going to be in opposition not only to the distinguished Senator from Rhode Island (Mr. PASTORE) but also my own leader (Mr. SCOTT), because I rise in opposition to the haste in which this conference report is being considered by the Senate.

Mr. President, it seems to me that such haste is unwarranted because I understand that the House has already decided not to take up this particular report until they return next January. In the meanwhile we are faced with the prospect of pushing through a major piece of legislation which we have not had an opportunity to consider in any detail, the specifics of which we know of only through newspaper reports of the conference, plus the brief explanation by my two distinguished colleagues.

If we delayed this matter for even 24 hours we could at least get the conference report printed and have a chance to compare what actually was done in the conference with the Senate bill which passed this body last August. We are not given even that privilege.

I understand that this being a privileged matter the Senator from Rhode Island can proceed to bring it up at any time; that there is no requirement in the Senate rules that a conference report must be printed. Rather than appealing on the basis of Senate procedure, Mr. President, I am appealing to the judgment of the Senate in considering such major legislation in this hurried manner. If passed, this bill will relate to expenditure reporting procedures and requirements for the most important elections in the United States—those of the President and of Members of Congress, both Senators and Representatives.

As I understand it, if I read the newspaper reports correctly and if I have listened carefully enough to my colleagues, the bill will determine how often voters in the United States will be able to hear or see or read about the proposed platforms and policies of the various presidential and congressional candidates. The impact of this legislation will be substantial, just in the upcoming election year. We have 33 Senators coming up for election next year—34 counting the distinguished Senator from Vermont (Mr. STAFFORD), who will be running for election in January. We have the President of the United States hopefully running for reelection. We have one Member of the Congress who has announced his intention to run for President. We have at least six Members on the Democratic side of the Senate running for the Presidency, either presently or without having officially declared themselves to be candidates.

It is of enormous importance to the future of all the people in this country to have the opportunity to hear and see what the programs and platforms of the various candidate are, and this bill substantially limits these opportunities, if I understand the newspaper reports correctly. Again I reiterate that nobody has had a chance to study the conference report except the conferees.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. The fact is that we passed that bill in the Senate, and they passed it in the House. The Senator does not have to have the newspaper reports. It is 10 cents in every senatorial district or congressional district, multiplied by the number of people of the age of 18 or over living in that particular area. This is what we determined in the Senate, and we discussed all this for several days, and they did the same thing in the House. So one does not have to read the newspapers to know that. That is the guts of the bill, and it has always been there. And that is what passed in the Senate.

Mr. DOMINICK. It was my understanding that the conference report altered the scope of campaign expense affected.

Mr. PASTORE. Just the telephone expense.

Mr. DOMINICK. Does the conference report expand the coverage of the original Senate bill concerning campaign expenses?

Mr. PASTORE. No, no; the only thing added was what the Senator from Pennsylvania just mentioned, the pay telephones.

Mr. DOMINICK. So pay telephones are within the restrictions also?

Mr. PASTORE. Yes; pay telephones are.

Mr. DOMINICK. What about volunteer telephones?

Mr. PASTORE. They are not. That was the only change we made in that respect.

Mr. DOMINICK. How does the conference report define "pay telephones"?

Mr. PASTORE. No, it means with the telephone bill not being paid by any committee or on behalf of the candidate himself. The Senator knows that there is no such thing as a free telephone bill, because A.T. & T. would be out of business. Let us not be absurd.

What it means is a volunteer; in other words, if someone likes you very much in Colorado, and wants to pick up a telephone, call someone, and say, "Vote for my good friend Pete Dominick," that is not charged up to the candidate. That is a volunteer.

Mr. DOMINICK. But if you have a voluntary group organized to make a telephone campaign, is that covered or not?

Mr. PASTORE. No, it is not. They are still volunteers.

Mr. CURTIS. Mr. President, will the Senator yield to me for the purpose of addressing a question to the manager of the conference report?

Mr. DOMINICK. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. I ask the distinguished Senator from Rhode Island what items of campaigning are included in the 10-cent limitation.

Mr. PASTORE. Electronic media, the newspapers, outdoor advertising facilities, newspapers and magazines, and the House insisted on the telephones. They had had direct mailing in there, too.

Mr. CURTIS. Is direct mail included?

Mr. PASTORE. No, it is not, for the simple reason that it would be unfair to someone running against an incumbent. I resisted that. I mean, the incumbent has his right of franking, and he has his newsletter, which he can use up until election day. I did not want to be accused of making it an incumbent's bill, and, realizing that the frank might be used by some people, I did not want to be in the bind of passing on that, and that is how we compromised. The House conferees listed telephones and computerized mail. Finally the suggestion was made by the Senator from Pennsylvania that he would be amenable to taking the telephone part of it if they took out the mailing part, and that is how it was resolved. I am sorry the Senator from Pennsylvania is not here.

Mr. CURTIS. I ask further, What is the effective date of the measure?

Mr. PASTORE. December 31, or 60 days after enactment, whichever is later.

Mr. CURTIS. Are any transactions prior to the effective date affected in any way by this measure?

Mr. PASTORE. No. I do not think we need fear about that. Does the Senator have in mind that Muskie and the rest of these potential candidates for the presidency are out campaigning a little bit?

Mr. CURTIS. No, I am thinking of Members of Congress who may have entered into contracts, made expenditures, or raised money.

Mr. PASTORE. No. Fundamentally, it does not affect anyone until the day it becomes effective. It is not retroactive.

Mr. CURTIS. I thank the Senator.

Mr. DOMINICK. Mr. President, as long as we are on the subject of what is or is not included, I now have before me for the first time, a print of the conference report defining what is included within the term "communications media." Such term is, in turn, restricted, as I understand it, to 6 cents per voter of the age of 18 or over for broadcast communication media is that correct?

Mr. PASTORE. Well, it is 10 cents, but not more than 6 cents for the electronic media.

Mr. DOMINICK. Ten cents, but not more than 6 cents for the electronic media?

Mr. PASTORE. That is right.

Mr. DOMINICK. Here is what it includes:

> The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, switchboards, paid telephonists, and automatic telephone equipment used by a candidate for federal elective office to communicate with potential voters, excluding any costs of telephones incurred by a volunteer for use of telephones by him.

I do not know why reference to a female candidate was not included in the definition.

Let me pose a hypothetical; suppose we had a bank of telephones in a company's office, whether it be a business or a labor union, and a group of people go down there at night and use those telephones after business hours to carry on a telephone campaign in a candidate's State or district, or nationally. They are voluntarily undertaking the communicating. The question is, if a committee is formed, to pay the expenses of the telephoning, then they would fall within the coverage of the bill; but if the volunteers themselves, without making a formal committee agree to pay for the expense of the telephoning then they are not covered; is that correct?

Mr. PASTORE. That is the way I understand it. Now, the Senator has to realize that that was an amendment that was in the House bill. I would have preferred that it not be inserted, and I made that clear. The Senator has been around here long enough to know that when you go to a conference, you have to give and you have a chance to take. There were some places where they had to give in to us, and some places where we had to give in to them.

I would have preferred to have had telephones out, and to have adopted the Senate version, but when we got to conference they were adamant. They wanted computerized mailing, too, so we talked back and forth, to and fro, and finally we compromised.

Please do not put me in a position of being devil's advocate; I do not like to do that. But what it means is that if a candidate, or any committee on his behalf, sets up telephone or electronic equipment whereby his candidacy is advocated by him or by people who work for him, as distinguished from a volunteer, that activity is covered. It seems that we are obliged to explain that over and over again, but I have to give the Senator the explanation the House conferees gave, because they wrote the language. That is exactly what it means.

To answer the question further, if a group of people get together, let us say, on some college campus in the Senator's State, and set up four or five telephones in one room, and begin calling up people asking them to vote for him, and he did not pay them a quarter, and they did not collect a dime, if they paid for the whole thing themselves, because they like him, they are volunteers. That happens every election. We did not want to discourage volunteers working for a candidate.

Mr. DOMINICK. Mr. President, I appreciate the explanation. I think the explanation has served to indicate the shortcomings and loopholes in this bill. There are other difficulties with the bill which I want to enumerate for purposes of maintaining a proper record.

We are asked today to vote for proposed legislation, without having the opportunity to read or consider the conference report or to compare it with the previously passed Senate bill. As I said before, I find it hard to understand why we must do this today, when in just another 24 hours we could have the conference report printed, compared it with the Senate and House bills, and reasonably debate its merits.

As my colleagues know, election reform is more than a passing interest to me. In a statement to the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, I detailed provisions of S. 382 which I considered detrimental to the entire elective process. At that time I voiced concern—and I still voice concern—for protecting the constitutional free speech rights of candidates whose campaign tactics are strictly limited by this bill. Yet, here we have a bill which will dictate how much television time a candidate can purchase and how much newspaper advertising he can place.

Under this bill, a national candidate can speak at as many afternoon teas or PTA meetings as he or she chooses. But the candidate can only communicate to the voters through the medium of television and radio x number of hours and use x number of billboard or newspaper spaces.

It is also obvious that he can use only x number of hours of telephoning. It is fallacious—and may even be unconstitutional—to distinguished between political activity measured by man-hours and political activity measured by dollars, as these sections do.

A step down the road of limiting political activity, whatever its form, is by and large a step away from the process which we consider democratic in this country. And for what purpose? Mr. Ralph J. Winter, Jr., a professor at Yale Law School, in referring to the dollar limitations, points out that:

> Constitutionally speaking, there is no countervailing interest—preserving the public peace, et cetera—to "balance" against the restriction on speech for the restriction is imposed not to preserve some other legitimate interest of society but solely for the sake of restricting the speech itself, for the sake indeed of affecting the political outcome.

Because of the ineffectiveness of present campaign restrictions, there has been very little Supreme Court activity in this area, and no freedom of speech precedent has been set. Section 610 of the Criminal Code has enjoyed the greatest litigation activity, but on two past occasions the Supreme Court has avoided the constitutional issues which were raised. Section 610 prevents national corporations and labor unions from making any campaign contributions or expenditures in and of themselves. As we all know, this has been gotten around by virtue of establishing political education committees into which money is siphoned, and then the political education committees give the money to various candidates and committees.

The Eighth Circuit Court of Appeals dismissed a first amendment issue last June in United States against Pipe Fitters Local Union No. 562, by a 4-to-3 decision in which the three minority members argued that the prohibitions were in violation of the Constitution. But the case has not yet reached the Supreme Court.

Perhaps the possible constitutional violations could be avoided if the spending limitations in S. 382 could accomplish the purpose of promoting "fair practices in the conduct of election campaigns," but it does not appear that it can.

The premise of limiting campaign expenditures for broadcast and nonbroadcast time is that it somehow equalizes the opportunity to the media and thus equalizes the opportunity for election. At least, that was given as one of the reasons during the previous debate. But in most campaigns, the restrictions will tend to aggravate rather than equalize campaign opportunities.

Consider for a moment the chance an unknown candidate from a sparsely populated State like Montana would have against an incumbent Congressman. I apologize to the distinguished majority leader for using his State in this hypothetical, but I think it is pertinent. Under section 102, a Montana candidate would qualify for the minimum broadcast media limitation of $36,000 with $24,000 left for nonbroadcast media. If he spent the total amount, he would have a total campaign media expense of $60,000. Not only is the incumbent who is running for reelection well known from the last election, but also, he has been benefiting from the publicity received from his day-to-day functions as a legislator. Also, the incumbent has the tangible benefits of a federally paid staff, free office space in Washington, $2,400 for office space in his district, $5,500 worth of office equipment, $3,000 per year for stationery supplies and printing, 35,000 minutes of long distance telephone per term, 480,000 heavy-duty brown envelopes per year, $700 worth of stamps per year, and $2,400 per year for district office supplies.

A great deal of this should and will be expended on constituent problems; but, obviously, it is also going to promote his name and what he is trying to do for the State. In addition, the incumbent has franking privileges, publication allowances, service of radio and television studios, and travel allowances.

To overcome this tremendous identity lag the challenger is limited to about $60,000; or, if he finds that billboard or newspaper advertising is ineffective in Montana, he is limited to $36,000 for television and radio expenditure.

Thus we have the very thing that the Senator from Rhode Island said he was trying to avoid—namely, an incumbent's bill. We might as well admit it. That is what it is. We have all the monetary benefits of the offices we hold, be it in the House or in the Senate—or, for that matter, the President of the United States, if he runs for reelection. We can use these benefits on a national, State, or district basis against an unknown challenger who is now limited, under this bill, as to how much he can spend in order to try to get the voter to listen to what his platform is.

This aspect of the bill causes another serious consequence. We are being asked to vote on campaign restrictions which should be impartial and affect incumbents and challengers alike, but it is not, as I have already pointed out. Should we, in good faith, vote ourselves this rather substantial financial advantage on one hand while restricting the unknown candidate, facing an uphill recognition battle, on the other? I say we should not. We should defer the impact of the bill—we should have done this in August and we should now—for at least 4 years.

As I pointed out in my debate comments on the checkoff provision of the Revenue Act of 1971, we should not allow it to affect this upcoming election. If we are going to do it, we ought to do it for the next one. That is how the checkoff provision was finally determined in the conference, that is, to put over its effects until the 1976 presidential election. But those of us who will be voting on this conference report are putting this into effect right now, giving ourselves an advantage in whatever reelection campaigns we may be participating in. I do not think it is right.

Mr. PASTORE. Mr. President, will the Senator yield on that?

Mr. DOMINICK. I am happy to yield.

Mr. PASTORE. The Senator voted for this bill.

Mr. DOMINICK. I did, hoping that the independent Federal Elections Commission could compel strict disclosures.

Mr. PASTORE. Everything he is complaining about now is in the bill, and he voted for it.

Mr. DOMINICK. Hoping that such strict disclosure would prove adequate for votes policing.

Mr. PASTORE. The arguments the Senator is making now were made at that time and we reached a decision. We crossed that bridge a long time ago. I realize the Senator from Colorado probably feels there should be no restrictions at all on the amount of money to be spent. That is philosophically where we disagree. I think election costs are getting out of whack. It is becoming a national scandal. The idea that a person should spend a half a million dollars or perhaps $5 million to be elected to an office that pays only $42,500 is truly scandalous. The big issue here is, are we going to put public office on the auction block. That is why this legislation is being proposed. I am happy to listen to the Senator from Colorado but please do not tell me that this is an incumbents bill. Incumbency is no guarantee of reelection. Some incumbents are not reelected for the simple reason that they are not good incumbents. If the incumbents do not do a good job, the American people are intelligent enough to know that, and they can throw them out of office.

Mr. DOMINICK. That is true. There are a number who will be looked at quite closely this next fall.

Mr. PASTORE. Let us hope so.

Mr. DOMINICK. I hope so too. But they are not going to be looked at too closely if the challenger's campaign efforts are substantially curtailed. We are not going to have a chance to have reasonable alternatives if the challenger is unable to mount a competitive campaign because of this bill.

What we should be doing, and which the Senator from Rhode Island has resisted tremendously, is to not have any restrictions on campaign gifts or campaign spending but to require explicit reporting and we do not have sufficient reporting controls in the bill.

Mr. PASTORE. Of course we do. That is exactly the purpose——

Mr. DOMINICK. If I may proceed I will explain this further in a second——

Mr. PASTORE. I thought the Senator had not read the bill.

Mr. DOMINICK. I have read everything that was available in the newspaper reports. I have not had a chance to read the conference report.

Mr. President, prior attempted campaign legislation has been totally ineffective. This bill may improve on it a little, I say to my friend from Rhode Island, but not very much. Again, if I understand the explanation of the Senator from Rhode Island and the Senator from Pennsylvania, and the newspaper reports, a person who contributes $100 or less to a candidate or a campaign committee need not report his contribution. May I ask the Senator from Rhode Island whether I am correct on that?

Mr. PASTORE. Will the Senator please repeat that? My attention was distracted for the moment.

Mr. DOMINICK. If a person contributes $100 or less to a campaign committee or a candidate, his name and address need not be reported either by him or the candidate or by the committee.

Mr. PASTORE. That is correct. It has to be $100 or more.

Mr. DOMINICK. Thus, we very well may have a wealthy supporter who contributes $100 to 100 committees. He spends $10,000 for the candidate and he does not report a single thing as the bill does not require it. So if anyone thinks that this is a full-disclosure bill, he is misinformed.

Mr. PASTORE. But the candidates have to report it. So if he gives $100 to a Senator, $100 to a Congressman, and he gives $100 to his Governor, and $100 to his school committee, and $100 to his sheriff, how does that hurt anyone running for the Senate?

Mr. DOMINICK. It does not hurt a thing——

Mr. PASTORE. I do not get the point the Senator is trying to make.

Mr. DOMINICK. If he gives $100 to 100 committees for the same candidate he has given $10,000 to that candidate without having to report.

Mr. PASTORE. All these committees for that candidate have to report the money.

Mr. DOMINICK. Not at $100 or less.

Mr. PASTORE. Oh, yes. The committees have to report every nickel they collect.

Mr. DOMINICK. They do, but not the name and address of the contributor, so we do not know who is contributing. That is the point I am making.

Also, if a committee spends less than $1,000, the committee itself does not have to report it. There is nothing that a political candidate has more extensively than ingenuity and it is not going to be very hard for that candidate, be he running for Congress or the Senate, to set up 1,000 committees and tell each one to hold down their committee spending to $999.99 and do it with every candidate. The net result would be that no committee makes any report. The total of the money spent will be the same as it was before, as though we did not have this bill.

It seems to me that the effort taken by the Senate, the House, and the conference committee is a simplistic one.

Mencken once said that "for every human problem there is an answer, neat, simple, and wrong." This bill provides an answer which is neat, simple, and wrong.

We cannot get campaign reform simply by putting a dollar limitation on what can be spent by a committee or on a candidate, because there are going to be loopholes around which they can move with relative ease. What we need to do is to have full disclosure so that every candidate will receive money and will have to tell the public where it came from. The public can then determine whether they think expensive campaigns are all right, or whether the candidate spent too much money.

Mr. PASTORE. We went all through that in August. I said then, time and time again, that disclosure alone was incomplete and limitation alone was incomplete but we had to have a combination of the two.

This question of the $100 came up at that time and it was voted on by the Senate. I took the Senate version to the conference. The $1,000 the Senator speaks of was voted on in the Senate. I think the Senator from Kentucky made a motion to remove that, and it was voted down by the Senate. I took that to conference, so the Senator is just rearguing the bill all over again. He has that right if he wishes to do so, of course, but I hope he does not expect me to answer all these questions again since I answered them time and again in August. I know that the Senator feels that there should be no limitation on spending—

Mr. DOMINICK. That is correct.

Mr. PASTORE. The Senator made that very clear, but I feel that there should be a limitation on spending and there should be a combination of the two, a reasonable disclosure law and a limitation on spending.

I do not know what may be the eligible population of the Senator's State, but if we take that figure and multiply it by 10 cents, that means a lot of money. There are many capable candidates who do not have that kind of money to spend and they should be given a fair chance to run for public office.

We have had plenty of instances of certain individuals running for public office—individuals who came from wealthy families.

There was an instance in one State where the father said: "My son wants to run for the Senate. If it costs me $1 million, I am willing to pay that $1 million."

My daddy never said that. He never had $1 million. But this generous father happens to have $100 million. So I guess he did not mind spending a measly $1 million to make his son a Senator. That is fine. I am not as lucky as that.

Mr. DOMINICK. If my recollection is correct, that candidate got beaten.

Mr. PASTORE. There you are, with all the money you could command, you can still get beaten. There is an argument for saying he probably overpresented his case. Maybe if he had had a wise limitation on spending money, he might have won. Maybe he spent too much. Overexposure could be deadly.

Mr. DOMINICK. That is exactly what we need, to have full disclosure to an impartial body. I reiterate, I think that limitations in terms of dollars and cents is wrong.

I think it is quite possibly unconstitutional. Let me give an example. Suppose a candidate runs for the Senate who is enthusiastic and dedicated to the welfare of the people. Suppose that he has substantial money behind him, but is brand-new as he just moved into the State, but that man would be restricted from mounting a large campaign while the incumbent would rest on his recognition and campaign assisted by the benefits of his office.

I want to say that it would be a pretty tough situation as far as the challenger was concerned. Unless he spent 24 hours a day in activities during the campaign trying to overcome the incumbent's recognition advantage.

As the Senator from Rhode Island knows, there may be States which are geographically smaller than Rhode Island, but not many.

Mr. PASTORE. No. We are the smallest State. But I can assure the Senator that we vie with all of the States in quality.

Mr. DOMINICK. There was no imputation meant concerning quality. The Senator from Rhode Island is extremely able. And no one is saying that he is not.

I am not saying that strict public disclosure and publication is the answer to all of our election defects but dollars and cents formulas are not.

I voted for the bill originally because I had felt that full and strict disclosures to an impartial independent election commission would overcome many of the minor defects in the bill.

The Senator from Pennsylvania, Mr. SCOTT, added just such a commission to the bill during the process of considera- to police things and compile reports that tion by the Senate. That was the independent election committee. It was to try were due indicating that the necessary rules and regulations were properly administered so that the limitations were being imposed. As the Senator from Pennsylvania mentioned a few minutes ago, this provision was unfortunately deleted. So we are now back to the old situation of filing our reports with the Clerk of the House and the Secretary of the Senate. Both of whom are fine gentlemen who are aware of the situation in the Senate and House whereby they indirectly rely on the Senators and Representatives for their jobs. With a vested interest, they cannot be as effective as an independent commission.

I might say in answer to some of the inferences raised by the Senator from Rhode Island that I have had the honor of running, in the Rocky Mountain region, probably the three most inexpensive campaigns that they have ever had. And I might also say to the Senator from Rhode Island that this was done on purpose.

Some States, because of their geography or population, require expensive campaigns. For instance, in the State of California, in order to get to the people and to be able to express a candidate's philosophy, a considerable amount of money must be spent either on radio, television, or in the newspapers, and probably in all three.

I very much doubt whether this legislation will give any challenger an opportunity at all against any incumbent.

I understand that an amendment adopted by the House which would have restricted the use of labor union funds has also been eliminated in conference. I might ask the Senator from Rhode Island if he could tell me whether Representative CRANE's amendment, which would have restricted the use of labor union funds, was knocked out.

Mr. PASTORE. Mr. President, would the Senator please tell me to which amendment he is referring?

Mr. DOMINICK. I am referring to Representative CRANE's amendment.

Mr. PASTORE. I do not think it was agreed to on the House floor.

Mr. DOMINICK. I thought it was. But I am not certain.

Mr. PASTORE. I do not think it was agreed to.

Mr. DOMINICK. In any event, there is no restriction on the use of labor union funds.

Mr. PASTORE. Mr. President, under the terms of the law, one cannot use labor union funds for a campaign. This was in relation to a voluntary gesture on the part of a worker.

Mr. DOMINICK. That is a good argument. However, it is not true.

Mr. PASTORE. It may not be true in Colorado, but it is true in Rhode Island.

Mr. DOMINICK. No; it is not.

Mr. PASTORE. Do not tell me what the situation is in Rhode Island. Please do not tell me that. I am telling the Senator a fact. I do not know what the situation is in Colorado. Maybe they do not do that there. However, in Rhode Island, we do not use public funds to elect anyone to office.

Mr. DOMINICK. I did not say that. I was referring to taking a portion of the funds and putting that portion into political action activities and using it on behalf of a candidate all over the State. In many cases these are compulsory union dues paid by a man in order to maintain his job.

I have argued this matter with the Senator from Rhode Island before, and we know all about it. I thought this was one thing that had been adopted. I did not know that it had been rejected. I am sorry about that.

Mr. President, I want to summarize briefly here some of the points that I am trying to make and then I will ask one additional question of the Senator from Rhode Island.

First of all, I do not think that the question of frequent or full disclosure has been settled. I do not think we can provide a so-called fair-election procedure by restricting the amounts a candidate can spent and thereby restricting his ability to express and debate his viewpoints before the American people.

It strikes me that we made a mistake in agreeing to the insistence of the House that the Clerk of the House and Secretary of the Senate perform this function.

Ultimately even the so-called restriction on spending limitations can be gotten around rather easily. I do not know yet who will write the rules and regulations on this or what will be done about this matter. However, we can just take the matter of the telephone situation, about which we had a colloquy and indicated the difficulty of interpreting this particular law. I ask the Senator from Rhode Island what happened to section 315, the equal opportunity provision in the bill.

Mr. PASTORE. The Senate put in a provision on the Federal election of officers, and the House knocked it out completely.

They told us in no uncertain terms that if we insisted on the provision, we would come out without a bill.

Mr. DOMINICK. Is section 315 in the bill?

Mr. PASTORE. Section 315 is in effect and is intact.

Mr. DOMINICK. That means that equal time must be given to all people, regardless of party.

Mr. PASTORE. The Senator is correct; and this would be true with respect to presidential and congressional races, senatorial races, and the election of officials, I guess, in many of the States.

I would be very happy to agree with the Senator from Colorado that that is true.

Mr. DOMINICK. That creates problems as I think the Senator from Rhode Island would agree.

I remember, just to strike a personal note on this point, being offered time by a prominent television station during my last campaign on an equal basis with my opponent, without the real knowledge of either myself or my opponent that there happened to be three other separate parties who were also running as candidates.

Among all of them I think it would cover approximately one-half of 1 percent of the vote, but they were unable to give us time without giving each of those fellows time.

Mr. PASTORE. The problem is bad enough in the States. The Senator can imagine how serious it is on a national level. At least there are three prominent candidates. If you give them time you have to give time on a national hookup to the Prohibitionist Party, the Socialist Party, or whatever it may be, and they do not attract altogether more than 1 percent of the vote. The Senator can imagine that inasmuch it runs into a half million dollars to give a national hookup the result is that they would give it to no one. I cannot blame them.

Mr. DOMINICK. I do not either. I wondered how the Senator feels.

Mr. PASTORE. I have discussed this with the networks. They told me in private conversation and they said publicly in the hearings—I have in mind Mr. Goodman, president of National Broadcasting System, Dr. Stanton of CBS and Mr. Goldensen of the other network—that they were willing to give up to 4 hours to each of the candidates on prime time. I thought it was a gift, free. But we were told that perhaps the President would not sign it.

The reason we did it for the Presidency was that only a presidential campaign involved the national networks rather than the individual broadcasters. I had a commitment that the candidate himself could choose the format so it would not be subject to debate. I said that I did not care who the candidate would be, he should not be embarrassed in the debate. There are many things the President cannot say on television and he is put at a disadvantage if the candidate at that level should speak to the American people the way he wants to speak to the American people.

I thought we had that straightened out, but the House said no.

Mr. DOMINICK. The Senator and I totally agree on that point.

I would like to ask the Senator in that connection if there might be some chance to amend that provision next year.

Mr. PASTORE. When the House passes this bill, ask me within 24 hours and I will give the Senator an answer.

Mr. DOMINICK. I understand the House will not take it up until next year.

Mr. PASTORE. That is what they said in our conference. Representative HAYS declared in conference, and I believe it was in the newspapers—he had a press conference after we broke up the conference—that he has an agreement with the leadership that it would not be called up until they came back in January. I said at the time that did not bother me. As far as I was concerned I would rather see it done now. The Senate was to act first on this matter, and I said I was going to present it to the Senate and ask for a vote on it.

Mr. DOMINICK. I understand, and I appreciate the frankness of the Senator.

However, I have great difficulty trying to understand why we should take up this matter this afternoon. The Senator has every right to do it, and I am aware of that. We are not through with our business here, unfortunately; I wish we were, but we are not. In view of that, it would be best to give us a chance to go over this matter and to find out how many Members are here. I understand over one-third of the Members of the Senate are away, and if that is so, on a bill of this magnitude, they should at least have the opportunity to have notice that this is being brought up.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. PASTORE. Nothing was more important in this session than phase II of the President's program. We took care of that matter yesterday. The conference report came over and in a matter of minutes we passed it on a voice vote. I have been here and I have been willing to answer all questions. We had four conferees from the Republican side on the conference. All of them signed the report. The matter has been explained by the Senator from Pennsylvania (Mr. SCOTT) and by me. I hope we do not delay it further. I have been with this for a long time and there is a time when I feel my job is done, too. I do not see what purpose it is going to serve. We may or may not be here tomorrow; maybe tomorrow we will not have a quorum. I hope we can vote this up or down. Frankly, this is pretty much what we passed, with some exceptions. There is section 315—that has been knocked out. We report to the Secretary of the Senate or the Clerk of the House under the same guidelines with the same responsibility we had in the measure for the Federal Election Commission. We have the telephone matter and we have gone through that. There is not much change.

I know how the Senator feels. He does not like the limitation on the amount of money that can be spent in the campaign. The Senator thinks it is unconstitutional. I suppose we will have to wait to have that answer. We have a law on the books now prohibiting a candidate from spending above a certain amount, $3,000 or something like that.

I do not know what the elegible vote is in the Senator's State over the age of 18. What would the Senator say is the total eligible vote in the State of Colorado over the age of 18?

Mr. DOMINICK. I would say probably 950,000, maybe 1 million.

Mr. PASTORE. Then, the Senator can take 1 million times 10 cents and that is $100,000 to spend on time to be bought for radio and television. Do not tell me the Senator needs more.

Mr. DOMINICK. It is not just that. It includes newspapers.

Mr. PASTORE. That is right as well as magazines and outdoor advertising facilities.

Mr. DOMINICK. And direct mail advertising.

Mr. PASTORE. No, not direct mailing.

Mr. DOMINICK. And telephones.

Mr. PASTORE. And telephones outside of volunteers. Do not tell me that is not enough money. That has nothing to do with production costs, travel, headquarters, automobiles, stickers, buttons, and pencils and sundries that are given out. What we are trying to do is to provide that whatever applies to you applies to your opponent.

Mr. DOMINICK. If I were running I would think this is good because it would give me an advantage over an opponent, but I am not up for reelection this year, and neither is the Senator from Rhode Island.

Let me ask the Senator this question. I gather we are again mandating the type charge that can be made either by radio, television, or newspapers to anybody running for public office.

Mr. PASTORE. We are not mandating anything. What we are saying is if a broadcaster establishes a low unit rate for any advertising fo: 45 days before the primary and 60 days before the general election, he cannot charge a candidate for office more than that lowest unit rate he establishes. If he does not like a low rate, he does not have to establish it. The broadcaster has his choice.

Mr. DOMINICK. The lowest unit cost is for an entirely different type of business or advertising program, I take it.

Mr. PASTORE. That is right. Now the Senator is getting down to the crux of the problem. When a man applies for the license, he states that he will conduct himself to the public good. He has to render public service. When he gets that license, he has the pot of gold.

The man who gets that certificate, that license, from the FCC can go to the bank and cash it in for millions of dollars.

To whom do the air waves belong? They belong to the public domain. The Senator should hear applicants when they go before the FCC to get the license. They promise the moon.

What we are saying is that after all the democratic process can only be effective if it is clear and if the people have the proper understanding not only of the candidates but of the issues. All we are asking is that 60 days before the election the broadcasters charge the political candidates no more than the lowest rate established for other advertisers who have the opportunity and the desire to use the facility around the calendar. A political candidate does not do that. The President runs only once every 4 years. Incidentally, this applies to the President. He is entitled to the lowest unit rate, and I think he ought to have it. Then he may not need to have $500 dinners.

Mr. DOMINICK. I think he ought to get the same free time, as the Senator said earlier, in the electronic media. Now he cannot get that unless every Tom, Dick, and Harry is entitled to the same.

Mr. PASTORE. Why does the Senator say he is not entitled to free time? He is entitled to the lowest unit rate.

Mr. DOMINICK. We have already said over and over again—we have said it by law—in this type of race, as long as all the candidates are there they can get the free time from different media.

Mr. PASTORE. We have it in the law, under the Communications Act of 1934. It is provided, under section 315, that the candidate cannot be charged more than the comparable rate. We have already dictated that. All we have done now is to go a step lower.

Mr. DOMINICK. Almost a leap over a cliff. The Senator from Rhode Island and I are in disagreement on a lot of philosophical things.

Mr. PASTORE. The Senator is not kidding.

Mr. DOMINICK. I voted against salary raises for Senators. I have voted against every salary raise since I have been in office. I said what we ought to be doing is granting a pay raise, if needed, next time, not for the incumbent. Over and over again I said we should not raise our own salaries while we are in office.

That is exactly what is being done here. We are mandating expenses a candidate can get so he will be entitled to a commercial rate, and we are doing it when we are in office. I think it is wrong.

Mr. PASTORE. I do not disagree with the Senator's philosophy about a pay raise. I feel as he does about it. But the fact is that pay raises are not related to this bill at all. I do not know who is going to run and who is not going to run.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. CURTIS. I understand that if a committee proceeds to get up to $1,000, it makes no report.

Mr. DOMINICK. As I understand it, that is correct.

Mr. PASTORE. That is correct.

Mr. CURTIS. Is there any restriction as to what that committee can spend that sum for?

Mr. DOMINICK. As far as I know, there is no restriction except for the 10-cent limitation. They cannot spend more than 10 cents on the media.

Mr. CURTIS. How is that going to be authorized if we permit the setting up of committees that file no reports? How is that going to be charged against the candidate?

Mr. DOMINICK. I would not have the faintest idea. This is one of the questions that arise.

Mr. PASTORE. Let me remove the cloud of doubt from the Senator. If the committee went down to the television station in his State in support of the Senator, the committee would have to get his authorization to buy the time, because the time is charged up to the candidate.

Mr. CURTIS. Does the law say that?

Mr. PASTORE. Surely. We went all through that in August. What we are doing here is resurrecting the dead. We went through that in August. It is in the fundamental law.

Mr. DOMINICK. It may be, but it may be well to bring it out again.

Mr. CURTIS. How are we going to control something that we exempt from reporting? If a committee does not have to make a report, how are we going to hold the candidate for something that committee may do?

Mr. PASTORE. Because he has to report to the FCC the amount of money being spent. They have to report it all to the FCC. Before he goes to the FCC, he goes to the broadcaster and says, "I want to buy time for JOHN PASTORE." He is not JOHN PASTORE, and they will want authorization. JOHN PASTORE has to certify that he is not exceeding his time. Otherwise they will not sell him the time, and they do not have to sell him the time. It is as simple as that.

Mr. CURTIS. That applies to broadcasting. How about the other restricted items?

Mr. PASTORE. It applies to the others, too.

Mr. CURTIS. With respect to the other items, there is no report made to the Federal Communications Commission or to any other agency.

Mr. PASTORE. Can I read the law to the Senator?

Mr. CURTIS. I will be glad to have the Senator do so. I tried to get a copy of the conference report. It is not printed.

Mr. PASTORE. The law reads:

> No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such person in writing that the payment of such charge will not violate paragraphs (1), (2), or (3) of subsection (a), whichever is applicable.

Mr. DOMINICK. That means, then, as I understand it, that for every advertisement in any newspaper, and for any radio, or television broadcast, that facility must have a written authorization for that broadcast from the person who is the candidate?

Mr. PASTORE. Or his agent, if he is doing it on behalf of the candidate. If anyone went down to the Providence Journal and said, "I want to run an ad to endorse JOHN PASTORE," the Providence Journal will say, "Do you have his permission?" He would have to bring not only my authorization but my certificate that I am within the limit. If the Senator wants anything tougher than that, let him invent it.

Mr. DOMINICK. All I can say is we are going to have a lot of volunteers out of work this way. What they are going to have to have, as I see it, is a written authorization from the candidate on every single thing that goes on. Is that correct?

Mr. PASTORE. That is about it. That is what the Senator is talking about—full disclosure. The Senator was for full disclosure a moment ago. Now he is complaining about full disclosure.

Mr. DOMINICK. I do not think it is full disclosure to the people. This is just whether or not the candidate stays within the limit. Suppose he does not stay within the limit. What then? Suppose the group goes to the Providence Journal and says, "We want to run an ad for JOHN PASTORE. We are Providence Volunteers for PASTORE—PVP."

Mr. PASTORE. What are those initials?

Mr. DOMINICK. PVP—Providence Volunteers for PASTORE.

Mr. PASTORE. It is beautiful. It is euphonious. That is why I wanted the Senator to repeat it.

Mr. DOMINICK. They go to the Providence Journal and say, "We want to put this in for PASTORE." Now what?

Mr. PASTORE. Now what, what?

Mr. DOMINICK. And if they say, "This is Providence Volunteers for PASTORE" and they put it in, are they subject to penalty?

Mr. PASTORE. The Providence Journal will say, "Have you PASTORE's permission?" "Yes, I have." "Where is his certificate?" "Here it is."

Mr. DOMINICK. All right. What about the first amendment?

Mr. PASTORE. There you go. What about the first amendment? I am not against it. Is the Senator?

Mr. DOMINICK. The Senator sure is in this bill.

Mr. PASTORE. No, I am not.

Mr. DOMINICK. What the Senator is saying is that a person who wants to come in and put an ad in his behalf is not permitted to do so. That is exactly what this bill is going to do and, Mr. President, with that I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, the Senate and House conferees on the Federal Election Campaign Act of 1971 have met to consider their differences on the bills passed by each House and have submitted the conference report. The Senate is acting first and the House will act at a later date.

I am giving my strong support to the conference report because I believe it will set into motion an entirely new and meaningful series of limitations upon spending and requirements for public disclosure which will help to restore the public confidence in the Federal elective process.

In 1925 the Congress passed the Federal Corrupt Practices Act, a 46-year-old law. And the Congress passed the Communications Act of 1934, about 37 years ago. The time has finally come when the Congress has decided to impose realistic ceilings upon expenditures and to demand at the same time that all contributions and all expenditures should be reported to all of the citizens of the Nation.

I regret, Mr. President, that the repeal of section 315 of the Communications Act of 1934 was not approved or accepted by the House because I believe it would have afforded a far greater exposure to the public of the opinions and programs of the candidates with respect to important issues. Citizens have the right to know what their candidates are thinking and, most importantly, what candidates for the Office of President think they may offer to solve domestic and international problems. I believe that the repeal of section 315 pertaining to free time on broadcast stations would have been a significant step in the public interest.

I am pleased that the conferees agreed to accept the "lowest unit cost" concept for candidates during the limited period of 45 days before the date of a primary election and 60 days before the date of a general election. This provision means that all candidates, whether rich or poor, will be given the same right to purchase broadcast time and not be required to compete for time with the big industries and others who buy huge portions of the broadcast time on a regular basis. This, in my opinion, indicates a recognition of the principle that elective office in the United States is a position requiring the support of all of its citizens, and in return carries an obligation to present to the public as much information about the parties and candidates as possible so as to give each voter a fair opportunity to judge for himself the best qualified candidates.

The limitation on expenditures as adopted by the Senate and the House for broadcast and nonbroadcast media is very acceptable to me because it permits candidates for every Federal elective office from any State, as well as for the offices of President and Vice President, to purchase adequate time and space to insure public availability of issues and programs. The base of $50,000, or the amount to be obtained by multiplying 10 cents by the total eligible votes in each State, should be sufficient to meet the needs of all candidates for every office. Additionally, the provision for increases on the basis of price index increases will keep the present law abreast of changes in the cost of campaigning as the years progress. I agree with the formula and believe it will accomplish the goal we have been striving for.

I regret, Mr. President, that the conferees did not agree with my long-time proposals that an independent agency, such as a Federal Elections Commission, or the Comptroller General of the United States, would be a vast improvement over the provisions of the existing law. I know that the Constitution of the United States provides that each House shall be the sole and exclusive judge of the elections, returns, and qualifications of its Members, and that the officers of the Senate and of the House have tried to do a good job in carrying out the duties of existing law. However, the duties imposed upon those officers were inadequate, and, moreover, mounting criticism has been directed toward the control by each House over the financial statements of its Members. Nevertheless, I believe that this Senate and House bill makes it so clear what the exact duties and obligations of the Senate and the House will be to receive, compile, summarize, categorize, and publish for public consumption all of the information submitted in statements of all candidates for the House of Representatives and by candidates for the Senate and committees working in their behalf, that the stanchest critics should be satisfied.

Further, all statements by candidates for the Offices of President and Vice President and committees supporting them, will be filed with the Comptroller General. The Comptroller General will act as a national clearinghouse for this information. Finally, copies of all reports must be sent by candidates to the Secretary of State in each State, or to the equivalent officer, in order to make available on the local level the details of campaign receipts and expenditures by candidates and committees the local citizens are interested in.

I will not attempt to detail at this time, Mr. President, all of the specific provisions of the new act which will constitute a complete change in present election laws, practices, limitations, and reporting; but I want to state very clearly my gratification, personally, that a bill incorporating most of the essential reforms that I have been seeking for many, many years, finally has reached the stage of congressional approval it now has. I am sure it will be signed into law by the President in the very near future.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LUMP-SUM DEATH PAYMENT; PROVISIONS RELATING TO WORK INCENTIVE PROGRAM, INTERMEDIATE CARE FACILITIES COVERAGE UNDER MEDICAID, AND PUBLIC ASSISTANCE INCOME DISREGARD—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HANSEN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of this date at pp. 46769–46772.)

Mr. LONG. Mr. President, the Senate added three amendments to H.R. 10604, a noncontroversial bill providing for the payment of social security lump sum death benefits in certain cases in which the body is not available for burial.

IMPROVEMENT OF THE WORK INCENTIVE PROGRAM

The first of these Senate amendments, introduced by Senator TALMADGE, makes a number of changes designed to improve the work incentive program for welfare recipients under the Social Security Act. I am pleased to say that these provisions were accepted by the conferees with very few changes. As agreed to by the conferees, the amendments would:

Insure that welfare recipients are provided the services they need, including child care, to participate effectively in the work incentive program.

Emphasize employment-based rather than institutional training under the program.

Relate institutional training much more closely to actual jobs available.

Set priorities for participation in the work incentive program, giving high priority to mothers who volunteer to participate in the program.

Ease the fiscal burden on the States by increasing Federal matching from 80 to 90 percent for expenses under the work incentive program and from 75 to 90 percent for child care, family planning, and other services needed to permit an individual to participate in the WIN program. Often States will be able to put up their entire 10-percent matching in kind, so this increase in the matching percent should enable them to make significant progress in developing these needed services.

Increase Federal matching for the public service employment component of the work incentive program to 100 percent for the first year of employment, 75 percent for the second year, and 50 percent for the third year.

Institute an orderly registration procedure for participation in the WIN program and make a number of other changes to improve the operation of the program.

I would like to single out one aspect of the conference agreement for comment because it concerns a matter that is critical to the success of the work incentive program. The major failings of the WIN program at the local level have been due to a lack of coordination between the employment service and the welfare agency. The Senate amendment would have mandated coordination between these two agencies by requiring that they prepare a joint employability plan for each WIN participant.

The Labor Department argued strongly that a joint plan was not feasible. The conferees agreed to drop the statutory requirement, but this was done with the understanding that the lack of coordination which has plagued the program would come to an end. We cannot understand why bureaucratic rivalry should be allowed to undermine a worthwhile program aimed at helping people to help themselves, and I want to assure the Labor Department that we will be following very closely their activities to insure that they make good their promise to make coordination work without a statutory mandate.

One final word on this amendment. As the Senate knows, we will be legislating next year on extensive changes in the welfare system. I have views of my own, as I am sure other Senators do, about what we might do to improve the welfare programs; but in the meantime, I am pleased to see the Congress take this forward step in improving the work incentive program under existing law so that it can be more effective in enabling welfare recipients to become employed. As we know from a number of studies that have been conducted by the Department of Health, Education, and Welfare, most adults in families receiving welfare would prefer to work rather than remain on welfare. It is my hope that the amendments contained in the conference report will help these recipients in their efforts to become independent—efforts that are all too often frustrated today by the welfare system that is supposed to be helping them.

Mr. President, I ask unanimous consent that an exhibit be printed at the end of my remarks showing how this amendment would modify present law.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

INTERMEDIATE CARE FACILITIES

Mr. LONG. Mr. President, the second amendment, accepted by the conferees with two very minor clerical changes transfers coverage of intermediate care from title II of the Social Security Act to title 19. The effect of this would be to cover medically indigent persons in need of such services. The indigent are presently eligible for intermediate care.

Intermediate care is defined as services—other than in an institution for tuberculosis or mental diseases in the case of a person under age 65—in a licensed facility which provides health related care and services to individuals who do not require the hospital or skilled nursing home level of care but who, because of physical or mental condition, require institutional care above the level of room and board.

The facility must meet standards of care and safety established by the Secretary. The intermediate care facility must also meet the standards of safety and sanitation required of nursing homes under State law. This feature is intended to protect against the possibility of substandard and marginal nursing homes, perhaps with fire-safety deficiencies, qualifying as intermediate care facilities. Intermediate care may include services in a public institution for the mentally retarded where the primary purpose of the institution is to provide health and/or rehabilitative services, and where such institutions meet standards prescribed by the Secretary. The mentally retarded individual who would be covered must be receiving active care or treatment, and the public agency operating the facility must agree that it will not reduce non-Federal expenditures for such patients because of the additional Federal financing made available.

The amendment also requires a regular program of independent professional review of each intermediate care patient to assure proper placement.

A skilled nursing home or hospital which meets the appropriate ICF requirements, may also qualify as an intermediate care facility with intermediate care patients paid for on a basis less than that of skilled nursing care patients. The Secretary is expected, however, to require assurances that not more than a reasonable proportion of intermediate care patients may be kept in a skilled nursing home to avoid diluting the quality of skilled nursing care. Further, where such patients are intermingled, the Secretary is expected to require safeguards to prevent a nursing home from agreeing to keep an intermediate care patient only until such time as it can find a skilled nursing patient for the bed.

This amendment would become effective on January 1, 1972.

SOCIAL SECURITY PASS-ALONG

The last Senate amendment extends for 1 year the existing provision assuring that welfare recipients who also receive social security will continue to get the benefit of at least $4 of the social security increase that became effective in 1970. The conferees accepted the Senate amendment without change.

EXHIBIT 1

EXCERPTS FROM TITLE IV OF THE SOCIAL SECURITY ACT AS MODIFIED BY CONFERENCE AGREEMENT ON H.R. 10604

[Delete the matter enclosed in brackets and insert the matter printed in italic]

TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES

PART A—AID TO FAMILIES WITH DEPENDENT CHILDREN

Sec. 401. Appropriation
Sec. 402. State Plans for Aid and Services to Needy Families With Children
Sec. 403. Payment to States
Sec. 404. Operation of State Plans
Sec. 405. Use of Payments for Benefit of Child
Sec. 406. Definitions
Sec. 407. Dependent Children of Unemployed Fathers
Sec. 408. Federal Payments for Foster Home Care of Dependent Children
Sec. 409. Community Work and Training Programs
Sec. 410. Assistance by Internal Revenue Service in Locating Parents

* * * * *

PART C—WORK INCENTIVE PROGRAM FOR RECIPIENTS OF AID UNDER STATE PLAN APPROVED UNDER PART A

Sec. 430. Purpose
Sec. 431. Appropriation
Sec. 432. Establishment of Programs
Sec. 433. Operation of Program
Sec. 434. Incentive Payment
Sec. 435. Federal Assistance
Sec. 436. Period of Enrollment
Sec. 437. Relocation of Participants
Sec. 438. Participants Not Federal Emloyees
Sec. 439. Rules and Regulations
Sec. 440. Annual Report
Sec. 441. Evaluation and Research
Sec. 442. [Review of Special Work Projects by a State Panel] Technical Assistance for Providers of Employment or Training
Sec. 443. Collection of State Share
Sec. 444. Agreements with Other Agencies Providing Assistance to Families of Unemployed Parents

PART A—AID TO FAMILIES WITH DEPENDENT CHILDREN

APPROPRIATION

SECTION 401. For the purpose of encouraging the care of dependent children in their own homes or in the homes of relatives by enabling each State to furnish financial assistance and rehabilitation and other services, as far as practicable under the conditions in such State, to needy dependent children and the parents or relatives with whom they are living to help maintain and strengthen family life and to help such parents or relatives to attain or retain capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this part. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary of Health, Education, and Welfare, State plans for aid and services to needy families with children.

STATE PLANS FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN

SEC. 402. (a) A State plan for aid and services to needy families with children must

* * * * *

(15) provide—

(A) for the development of a program for each appropriate relative and dependent child receiving aid under the plan, and each appropriate individual (living in the same home as a relative and child receiving such aid) whose needs are taken into account in making the determination under clause (7), [with the objective of—

(i) assuring, to the maximum extent possible, that such relative, child, and individual will enter the labor force and accept employment so that they will become self-sufficient, and

(ii)] *for* preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life,

[(B) for the implementation of such programs by—

(i) assuring that such relative, child, or individual who is referred to the Secretary of Labor pursuant to clause (19) is furnished child-care services and] *and for implementing such program by assuring* that in all appropriate cases family planning services are offered them, [and

(ii) in appropriate cases, providing aid to families with dependent children in the form of payments of the types described in section 406(b)(2), and

(C) that the] *but* acceptance [by such child, relative, or individual] of family planning services provided under the plan shall be voluntary on the part of such [child, relative, or] *members and* individuals and shall not be a prerequisite to eligibility for or the receipt of any other service [or aid] under the plan [,]*; and*

[(D) for such review of each such program as may be necessary (as frequently as may be necessary, but at least once a year) to insure that it is being effectively implemented,

[(E) for furnishing the Secretary with such reports as he may specify showing the results of such programs, and

[(F)] (*B*) to the extent that [such programs] *services provided* under this clause or clause (14) are [developed and implemented by services] furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishing of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services;

* * * * *

(19) provide—

[(A) for the prompt referral to the Secretary of Labor or his representative for participation under a work incentive program established by part C of—

[(i) each appropriate child and relative who has attained age sixteen and is receiving aid to families with dependent children,

[(ii) each appropriate individual (living in the same home as a relative and child receiving such aid) who has attained such age and whose needs are taken into account in making the determination under section 402(a)(7), and

[(iii) any other person claiming aid under the plan (not included in clauses (i) and (ii)), who, after being informed of the work incentive programs established by part C, requests such referral unless the State agency determines that participation in any of such programs would be inimical to the welfare of such person or the family;

[except that the State agency shall not so refer a child, relative, or individual under clauses (i) and (ii) if such child, relative, or individual is—

[(iv) a person with illness, incapacity, or advanced age,

[(v) so remote from any of the projects under the work incentive programs established by part C that he cannot effectively participate under any of such programs,

[(vi) a child attending school full time, or

[(vii) a person whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household;]

(A) that every individual, as a condition of eligibility for aid under this part, shall register for manpower services, training, and employment as provided by regulations of the Secretary of Labor, unless such individual is—

(i) a child who is under age 16 or attending school full time;

(ii) a person who is ill, incapacitated, or of advanced age;

(iii) a person so remote from a work incentive project that his effective participation is precluded;

(iv) a person whose presence in the home is required because of illness or incapacity of another member of the household;

(v) a mother or other relative of a child under the age of six who is caring for the child; or

(vi) the mother or other female caretaker of a child, if the father or another adult male relative is in the home and not excluded by clause (i), (ii), (iii), or (iv) of this subparagraph (unless he has failed to register as required by this subparagraph, or has been found by the Secretary of Labor under section 433(g) to have refused without good cause to participate under a work incentive program or accept employment as described in subparagraph (F) of this paragraph);

and that any individual referred to in clause (v) shall be advised of her option to register if she so desires, pursuant to this paragraph, and shall be informed of the child care services (if any) which will be available to her in the event she should decide so to register;

(B) that aid under the plan will not be denied by reason of such [referral] *registration or the individual's certification to the Secretary of Labor under subparagraph (G) of this paragraph*, or by reason of an individual's participation on a project under the program established by section 432(b) (2) or (3);

(C) for arrangements to assure that there will be made a non-Federal contribution to the work incentive programs established by part C by appropriate agencies of the State or private organizations of [20] *10* per centum of the cost of such programs, as specified in section 435(b);

(D) that (i) training incentives authorized under section 434, and income derived from a special work project under the program established by section 432(b)(3) shall be disregarded in determining the needs of an individual under section 402(a)(7), and (ii) in determining such individual's needs the additional expenses attributable to his participation in a program established by section 432(b) (2) or (3) shall be taken into account;

[(E) that, with respect to any individual referred pursuant to subparagraph (A) who is participating in a special work project under the program established by section 432(b)(3), (i) the State agency, after proper notification by the Secretary of Labor, will pay to such Secretary (at such times and in such manner as the Secretary of Health, Education, and Welfare prescribes) the money payments such State would otherwise make to or on behalf of such individual (including such money payments with respect to such individual's family), or 80 per centum of such individual's earnings under such program, whichever is lesser and (ii) the State agency will supplement any earnings received by such individual by payments to such individual (which payments shall be considered aid under the plan) to the extent that such payments when added to the individual's earnings from his participation in such special work project will be equal to the amount of the aid that would have been payable by the State agency with respect to such individual's family had he not participated in such special work project, plus 20 per centum of such individual's earnings from such special work project;] and

(F) that if and for so long as any child, relative, or individual ([referred] *certified* to the Secretary of Labor pursuant to subparagraph [(A) (i) and (iii) and section 407 (b)(2)] (G)) has been found by the Secretary of Labor under section 433(g) to have refused without good cause to participate under a work incentive program established by part C with respect to which the Secretary of Labor has determined his participation is consistent with the purposes of such part C, or to have refused without good cause to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined, after notification by him, to be a bona fide offer of employment—

(i) If the relative makes such refusal, such relative's needs shall not be taken into account in making the determination under clause (7), and aid for any dependent child in the family in the form of payments of the type described in section 406(b)(2) (which in such a case shall be without regard to clauses (A) through (E) thereof) or section 408 will be made;

(ii) aid with respect to a dependent child will be denied if a child who is the only child receiving aid in the family makes such refusal;

(iii) if there is more than one child receiving aid in the family, aid for any such child will be denied (and his needs will not be taken into account in making the determination under clause (7)) if that child makes such refusal; and

(iv) if such individual makes such refusal, such individual's needs shall not be taken into account in making the determination under clause (7);

except that the State agency shall for a period of sixty days, make payments of the type described in section 406(b)(2) (without regard to clauses (A) through (E) thereof) on behalf of the relative specified in clause (i), or continue aid in the case of a child specified in clause (ii) or (iii), or take the individual's needs into account in the case of an individual specified in clause (iv), but only if during such period such child, relative, or individual accepts counseling or other services (which the State agency shall make available to such child, relative, or individual) aimed at persuading such relative, child, or individual, as the case may be, to participate in such program in accordance with the determination of the Secretary of Labor; *and*

(G) that the State agency will have in effect a special program which (i) will be administered by a separate administrative unit and the employees of which will, to the maximum extent feasible, perform services only in connection with the administration of such program, (ii) will provide (through arrangements with others or otherwise) for individuals who have been registered pur-

suant to subparagraph (A), in accordance with the order of priority listed in section 433(a), such health, vocational rehabilitation, counseling, child care, and other social and supportive services as are necessary to enable such individuals to accept employment or receive manpower training provided under part C, and will, when arrangements have been made to provide necessary supportive services, including child care, certify to the Secretary of Labor those individuals who are ready for employment or training under part C, (iii) will participate in the development of operational and employability plans under section 433(b); and (iv) provides for purposes of clause (ii), that, when more than one kind of child care is available, the mother may choose the type, but she may not refuse to accept child care services if they are available;

* * * * *

PAYMENT TO STATES

SEC. 403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall (subject to subsection (d)) pay to each State which has an approved plan for aid and services to needy families with children, for each quarter, beginning with the quarter commencing October 1, 1958—

* * * * *

(3) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

(A) 75 per centum of so much of such expenditures as are for—

(i) any of the services described in clauses (14) and (15) of section 402(a) which are provided to any child or relative who is receiving aid under the plan, or to any other individual (living in the same home as such relative and child) whose needs are taken into account in making the determination under clause (7) of such section,

(ii) any of the services described in clauses (14) and (15) of section 402(a) which are provided to any child or relative who is applying for aid to families with dependent children or who, within such periods or periods as the Secretary may prescribe, has been or is likely to become an applicant for or recipient of such aid, or

(iii) the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

(B) one-half of the remainder of such expenditures.

* * * * *

(c) Notwithstanding any other provision of this Act, the Federal share of assistance payments under this part shall be reduced with respect to any State for any fiscal year after June 30, 1973, by one percentage point for each percentage point by which the number of individuals certified, under the program of such State established pursuant to section 402(a)(19)(G), to the local employment office of the State as being ready for employment or training under part C, is less than 15 per centum of the average number of individuals in such State who, during such year, are required to be registered pursuant to section 402(a)(19)(A).

(d)(1) Notwithstanding subparagraph (A) of subsection (a)(3) the rate specified in such subparagraph shall be 90 per centum (rather than 75 per centum) with respect to social and supportive services provided pursuant to section 402(a)(19)(G).

(2) Of the sums authorized by section 401 to be appropriated for the fiscal year ending June 30, 1973, not more than $750,000,000 shall be appropriated to the Secretary for payments with respect to services to which paragraph (1) applies.

* * * * *

DEPENDENT CHILDREN OF UNEMPLOYED FATHERS

SEC. 407. (a) The term "dependent child" shall, notwithstanding section 406(a), include a needy child who meets the requirements of section 406(a)(2), who has been deprived of parental support or care by reason of the unemployment (as determined in accordance with standards prescribed by the Secretary) of his father, and who is living with any of the relatives specified in section 406(a)(1) in a place of residence maintained by one or more of such relatives as his (or their) own home.

(b) The provisions of subsection (a) shall be applicable to a State if the State's plan approved under section 402—

(1) requires the payment of aid to families with dependant children with respect to a dependent child as defined in subsection (a) when—

(A) such child's father has not been employed (as determined in accordance with standards prescribed by the Secretary) for at least 30 days prior to the receipt of such aid,

(B) such father has not without good cause, within such period (of not less than 30 days) as may be prescribed by the Secretary refused a bona fide offer of employment or training for employment, and

(C)(i) such father has 6 or more quarters of work (as defined in subsection (d)(1)) in any 13-calendar-quarter period ending within one year prior to the application for such aid or (ii) he received unemployment compensation under an unemployment compensation law of a State or of the United States, or he was qualified (within the meaning of subsection (d)(3)) for unemployment compensation under the unemployment compensation law of the State, within one year prior to the application for such aid; and

(2) provides—

(A) for such assurances as will satisfy the Secretary that fathers of dependent children as defined in subsection (a) will be [referred] *certified* to the Secretary of Labor as provided in section 402(a)(19) within thirty days after receipt of aid with respect to such children;

(B) for entering into cooperative arrangements with the State agency responsible for administering or supervising the administration of vocational education in the State, designed to assure maximum utilization of available public vocational education services and facilities in the State in order to encourage the retraining of individuals capable of being retrained; and

(C) for the denial of aid to families with dependent children to any child or relative specified in subsection (a) if, and for as long as, such child's father—

(i) is not currently registered with the public employment offices in the State, or

(ii) receives unemployment compensation under an unemployment compensation law of a State or of the United States.

(c) Not withstanding any other provisions of this section, expenditures pursuant to this section shall be excluded from aid to families with dependent children (A) where such expenditures are made under the plan with respect to any dependent children as defined in subsection (a), (i) for any part of the 30-day period referred to in subparagraph (A) of subsection (b)(1), or (ii) for any period prior to the time when the father satisfies subparagraph (B of such subsection, and (B) if, and for as long as, no action is taken (after the 30-day period referred to in subparagraph (A) of subsection (b)(2)) under the program therein specified, to [refer] *certify* such father to the Secretary of Labor pursuant to section 402(a)(19).

* * * * *

PART C—WORK INCENTIVE PROGRAM FOR RECIPIENTS OF AID UNDER STATE PLAN APPROVED UNDER PART A

PURPOSE

SEC. 430. The purpose of this part is to require the establishment of a program utilizing all available manpower services, including those authorized under other provisions of law, under which individuals receiving aid to families with dependent children will be furnished incentives, opportunities, and necessary services in order for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the participation of such individuals in [special work projects *public service employment*, thus restoring the families of such individuals to independence and useful roles in their communities. It is expected that the individuals participating in the program established under this part will acquire a sense of dignity, self-worth, and confidence which will flow from being recognized as a wage-earning member of society and that the example of a working adult in these families will have beneficial effects on the children in such families.

APPROPRIATION

SEC. 431. (*a*) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare for each fiscal year a sum sufficient to carry out the purposes of this part. The Secretary of Health, Education, and Welfare shall transfer to the Secretary of Labor from time to time sufficient amounts, out of the moneys appropriated pursuant to this section, to enable him to carry out such purposes.

(b) Of the amounts expended from funds appropriated pursuant to subsection (a) for any fiscal year (commencing with the fiscal year ending June 30, 1973), not less than 33⅓ per centum thereof shall be expended for carrying out the program of on-the-job training referred to in section 432(b)(1)(B) and for carrying out the program of public service employment referred to in section 432(b)(3).

(c) Of the sums appropriated pursuant to subsection (a) to carry out the provisions of this part for any fiscal year (commencing with the fiscal year ending June 30, 1973), not less than 50 percent shall be allotted among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to such total as—

(1) in the case of the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, the average number of recipients of aid to families with dependent children in such State during the month of January last preceding the commencement of such fiscal year bears to the average number of such recipients during such month in all the States; and

(2) In the case of the fiscal year ending June 30, 1975, or in the case of any fiscal year thereafter, the average number of individuals in such State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) bears to the average number of individuals in all States who, during such month, are so registered.

ESTABLISHMENT OF PROGRAMS

SEC. 432. (a) The Secretary of Labor (hereinafter in this part referred to as the Secretary) shall, in accodance with the provisions of this part, establish work incentive programs (as provided for in subsection (b) in each State and in each political subdivision of a State in which he determines there is a significant number of individuals who have attained age 16 and are receiving aid to families with dependent children. In other political subdivisions, he shall use his best efforts to provide such programs either within such subdivisions or through the provision of transportation for such persons to political subdivisions of the State in which such programs are established.

(b) Such programs shall include, but shall not be limited to, (1) (*A*) a program placing as many individuals as is possible in employment, and (*B*) *a program* utilizing on-the-job training positions for others, (2) a program of institutional and work experience training for those individuals for whom such training is likely to lead to regular employment, and (3) a program of [special work projects] *public service employment* for individuals for whom a job in the regular economy cannot be found.

(c) In carrying out the purposes of this part the Secretary may make grants to, or enter into agreements with, public or private agencies or organizations (including Indian tribes with respect to Indians on a reservation), except that no such grant or agreement shall be made to or with a private employer for profit or with a private nonprofit employer not organized for a public purpose for purposes of the work experience program established by clause (2) of subsection (b).

[(d) Using funds appropriated under this part, the Secretary, in order to carry out the purposes of this part, shall utilize his authority under the Manpower Development and Training Act of 1962, the Act of June 6, 1933, as amended (48 Stat. 113), and other Acts, to the extent such authority is not inconsistent with this Act]

(d) In providing the manpower training and employment services and opportunities required by this part, the Secretary of Labor shall, to the maximum extent feasible, assure that such services and opportunities are provided by using all authority available to him under this or any other Act. In order to assure that the services and opportunities so required are provided, the Secretary of Labor shall use the funds appropriated to him under this part to provide programs required by this part through such other Act, to the same extent and under the same conditions (except as regards the Federal matching percentage) as if appropriated under such other Act and, in making use of the programs of other Federal, State, or local agencies (public or private), the Secretary of Labor may reimburse such agencies for services rendered to persons under this part to the extent such services and opportunities are not otherwise available on a nonreimbursable basis.

(e) The Secretary shall take appropriate steps to assure that the present level of manpower services available under the authority of other statutes to recipients of aid to families with dependent children is not reduced as a result of programs under this part.

(f)(1) The Secretary of Labor shall establish in each State, municipality, or other appropriate geographic area with a significant number of persons registered pursuant to section 402(a)(19)(A) a Labor Market Advisory Council the function of which will be to identify and advise the Secretary of the types of jobs available or likely to become available in the area served by the Council; except that if there is already located in any area an appropriate body to perform such function, the Secretary may designate such body as the Labor Market Advisory Council for such area.

(2) Any such Council shall include representatives of industry, labor, and public service employers from the area to be served by the Council.

(3) The Secretary shall not conduct, in any area, institutional training under any program established pursuant to subsection (b) of any type which is not related to jobs of the type which are or are likely to become available in such area as determined by the Secretary after taking into account information provided by the Labor Market Advisory Council for such area.

OPERATION OF PROGRAM

SEC. 433. (a) The Secretary shall provide a program of testing and counseling for all persons [referred] *certified* to him by a State, pursuant to section 402(a) (19) (G), and shall select those persons whom he finds suitable for the programs established by clauses (1) and (2) of section 432(b). Those not so selected shall be deemed suitable for the program established by clause (3) of such section 432(b) unless the Secretary finds that there is good cause for an individual not to participate in such program. *The Secretary, in carrying out such program for individuals certified to him under section 402(a)(19)(G), shall accord priority to such individuals in the following order, taking into account employability potential: first, unemployed fathers; second, mothers, whether or not required to register pursuant to section 402(a)(19)(A), who volunteer for participation under a work incentive program; third, other mothers, and pregnant women, registered pursuant to section 402(a)(19)(A), who are under 19 years of age; fourth, dependent children and relatives who have attained age 16 and who are not in school or engaged in work or manpower training; and fifth, all other individuals so certified to him.*

(b)(1) For each State the Secretary shall develop jointly with the administrative unit of such State administering the special program referred to in section 402(a)(19)(G) a statewide operational plan.

(2) The statewide operational plan shall prescribe how the work incentive program established by this part will be operated at the local level, and shall indicate (i) for each area within the State the number and type of positions which will be provided for training, for on-the-job training, and for public service employment, (ii) the manner in which information provided by the Labor Market Advisory Council (established pursuant to section 432(f)) for any such area will be utilized in the operation of such program, and (iii) the particular State agency or administrative unit thereof which will be responsible for each of the various activities and functions to be performed under such program. Any such operational plan for any State must be approved by the Secretary, the administrative unit of such State administering the special program referred to in section 402(a)(19)(G), and the regional joint committee (established pursuant to section 439) for the area in which such State is located.

(*3*) The Secretary shall develop an employability plan for each suitable person [referred] *certified* to him under section 402(*a*) (*19*) (*G*) which shall describe the education, training, work experience, and orientation which it is determined that [each] such person needs to complete in order to enable him to become self-supporting.

(c) The Secretary shall make maximum use of services available from other Federal and States agencies and, to the extent not otherwise available on a nonreimbursable basis, he may reimburse such agencies for services rendered to persons under this part.

(d) To the extent practicable and where necessary, work incentive programs established by this part shall include, in addition to the regular counseling, testing, and referral available through the Federal-State Employment Service System, program orientation, basic education, training in communications and employability skills, work experience, institutional training, on-the-job training, job development, and special job placement and followup services, required to assist participants in securing and retaining employment and securing possibilities for advancement.

(e)(1) In order to develop [special work projects] *public service employment* under the program established by section 432(b) (3), the Secretary shall enter into agreements with (A) public agencies, (B) private nonprofit organizations established to serve a public purpose, and (C) Indian tribes with respect to Indians on a reservation, under which individuals deemed suitable for participation in such a program will be provided work which serves a useful public purpose and which would not otherwise be performed by regular employees.

(2) Such agreements shall provide—

[(A) for the payment by the Secretary to each employer a portion of the wages to be paid by the employer to the individuals for the work performed;]

(A) for the payment by the Secretary to each employer, with respect to public service employment performed by any individual for such employer, of an amount not exceeding 100 percent of the cost providing such employment to such individual during the first year of such employment, an amount not exceeding 75 percent of the cost of providing such employment to such individual during the second year of such employment, and an amount not exceeding 50 percent of the cost of providing such employment to such individual during the third year of such employment;

(B) the hourly wage rate and the number of hours per week individuals will be scheduled to work [on special work projects of] *in private service employment for* such employer;

(C) that the Secretary will have such access to the premises of the employer as he finds necessary to determine whether such employer is carrying out his obligations under the agreement and this part; and

(D) that the Secretary may terminate any agreement under this subsection at any time.

[(3) The Secretary shall establish one or more accounts in each State with respect to the special work projects established and maintained pursuant to this subsection and place into such accounts the amounts paid to him by the State agency pursuant to section 402(a) (19) (E). The amounts in such accounts shall be available for the payments specified in subparagraph (A) of paragraph (2). At the end of each fiscal year and for such period of time as he may establish, the Secretary shall determine how much of the amounts paid to him by the State agency pursuant to section 402(a) (19) (E) were not expended as provided by the preceding sentence of this paragraph and shall return such unexpended amounts to the State, which amounts shall be regarded as overpayments for purposes of section 403(b) (2).]

(4) No wage rates provided under any agreement entered into under this subsection shall be lower than the applicable minimum wage for the particular work concerned.

(f) Before entering into a project under [any of the programs established by this part] *section 432(b)(3)*, the Secretary shall have reasonable assurances that—

(1) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on such project are established and will be maintained,

(2) such project will not result in the displacement of employed workers,

(3) with respect to such project the conditions of work, training, education, and employment are reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant,

(4) appropriate workmen's compensation protection is provided to all participants.

(g) Where an individual [referred] *certified* to the Secretary of Labor pursuant to section 402(a) (19[(A)] (i) and (ii) (g) refuses without good cause to accept employment or participate in a project under a program established by this part, the Secretary of Labor shall (after providing opportunity for fair hearing) notify the State agency which [referred] *certified* such individual and submit such other information as he may have with respect to such refusal.

(h) With respect to individuals who are participants in [special work projects] *public service employment* under the program established by section 432(b) (3), the Secretary shall periodically (but at least once every six months) review the employment record of each such individual while on such special work project and on the basis of such record and such other information as he may acquire determine whether it would be feasible to place such individual in regular employment or on any of the projects under the programs established by section 432(b) (1) and (2).

Incentive Payment

SEC. 434. (*a*) The Secretary is authorized to pay to any participant under a program established by section 432(b) (2) an incentive payment of not more than $30 per month, payable in such amounts and at such times as the Secretary prescribes.

(*b*) *The Secretary of Labor is also authorized to pay, to any member of a family participating in manpower training under this part, allowances for transportation and other costs incurred by such member, to the extent such costs are necessary to and directly related to the participation by such member in such training.*

Federal Assistance

SEC. 435. (a) Federal assistance under this part shall not exceed [80] *90* per centum of the costs of carrying out this part. Non-Federal contributions may be cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

(b) Costs of carrying out this part include costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the Secretary, but may not include any reimbursement for time spent by participants in work, training, or other participation in the program [; except that with respect to special work projects under the program established by section 432(b) (3), the costs of carrying out this part shall include only the costs of administration].

Period of Enrollment

SEC. 436. (a) The program established by section 432(b) (2) shall be designed by the Secretary so that the average period of enrollment under all projects under such program throughout any area of the United States will not exceed one year.

(b) Services provided under this part may continue to be provided to an individual for such period as the Secretary determines (in accordance with regulations prescribed [by the Secretary after consultation] *jointly by him and* with the Secretary of Health, Education, and Welfare) is necessary to qualify him fully for employment even though his earnings disqualify him from aid under a State plan approved under section 402.

Relocation of Participants

SEC. 437. The Secretary may assist participants to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employable and self-supporting. Such assistance shall be given only to participants who concur in their relocation and who will be employed at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for participants, their dependents, and their household belongings plus such relocation allowance as the Secretary determines to be reasonable.

Participants Not Federal Employees

SEC. 438. Participants in [projects under] programs established by this part shall be deemed not to be Federal employees and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Rules and Regulations

SEC. 439. [The Secretary may issue such rules and regulations as he finds necessary to carry out the purposes of this part: *Provided*, That in developing policies for programs established by this part the Secretary shall consult with the Secretary of Health, Education, and Welfare.] *The Secretary and the Secretary of Health, Education, and Welfare shall, not later than July 1, 1972, issue regulations to carry out the purposes of this part. Such regulations shall provide for the establishment, jointly by the Secretary and the Secretary of Health, Education, and Welfare, of (1) a national coordination committee the duty of which shall be to establish uniform reporting and similar requirements for the administration of this part, and (2) a regional coordination committee for each region which shall be responsible for review and approval of statewide operational plans developed pursuant to section 433(b).*

Annual Report

SEC. 440. The Secretary shall annually report to the Congress (with the first such report being made on or before July 1, 1970) on the work incentive programs established by this part.

Evaluation and Research

SEC. 441. (*a*) The Secretary shall (jointly with the Secretary of Health, Education, and Welfare) provide for the continuing evaluation of the work incentive programs established by this part, including their effectiveness in achieving stated goals and their impact on other related programs. He also may conduct research regarding ways to increase the effectiveness of such programs. He may, for this purpose, contract for independent evaluations of and research regarding such programs or individual projects under such programs. For purposes of sections 435 and 443, the costs of carrying out this section shall not be regarded as costs of carrying out work incentive programs established by this part. *Nothing in this section shall be construed as authorizing the Secretary to enter into any contract with any organization after June 1, 1970, for the dissemination by such organization of information about programs authorized to be carried on under this part.*

[Review of Special Work Projects by a State Panel]

SEC. 442. (a) The Secretary shall make an agreement with any State which is able and willing to do so under which the Governor of the State will create one or more panels to review applications tentatively approved by the Secretary for the special work projects in such State to be established by the Secretary under the program established by section 432 (b) (3).

[(b) Each such panel shall consist of not more than five and not less than three members, appointed by the Governor. The members shall include one representative of employers and one representative of employees; the remainder shall be representatives of the general public. No special work project under such program developed by the Secretary pursuant to an agreement under section 433 (e) (1) shall, in any State which has an agreement under this section, be established or maintained under such program unless such project has first been approved by a panel created pursuant to this section.]

TECHNICAL ASSISTANCE FOR PROVIDERS OF EMPLOYMENT OR TRAINING

Sec. 442. The Secretary is authorized to provide technical assistance to providers of employment or training to enable them to participate in the establishment and operation of programs authorized to be established by section 432(b).

Collection of State Share

SEC. 443. If a non-Federal contribution of [20] *10* per centum of the costs of the work incentive programs established by this part is not made in any State (as specified in section 402(a)), the Secretary of Health, Education, and Welfare may withhold any action under section 404 because of the State's failure to comply substantially with a provision required by section 402. If the Secretary of Health, Education, and Welfare does withhold such action, he shall, after reasonable notice and opportunity for hearing to the appropriate State agency or agencies, withhold any payments to be made to the State under sections 3(a), 403(a), 1003 (a), 1403(a), 1603(a), and 1903(a) until the amount so withheld (including any amounts contributed by the State pursuant to the requirement in section 402(a) (19) (C)) equals [20] *10* per centum of the costs of such work incentive programs. Such withholding shall remain in effect until such time as the Secretary has assurances from the State that such [20] *10* per centum will be contributed as required by section 402. Amounts so withheld shall be deemed to have been paid to the State under such sections and shall be paid by the Secretary of Health, Education, and Welfare to the Secretary. Such payment shall be considered a non-Federal contribution for purposes of section 435.

Agreements With Other Agencies Providing Assistance to Families of Unemployed Parents

SEC. 444. (a) The Secretary is authorized to enter into an agreement (in accordance with the succeeding provisions of this section) with any qualified State agency (as described in subsection (b)) under which the program established by the preceding sections of this part C will (except as otherwise provided in this section) be applicable to individuals [referred] *certified* by such State agency in the same manner, to the same extent, and under the same conditions as such program is applicable with respect to individuals [referred] *certified* to the Secretary by a State agency administering or supervising the administration of a State plan approved by the Secretary of Health, Education, and Welfare under part A of this title.

(b) A qualified State agency referred to in subsection (a) is a State agency which is charged with the administration of a program—

(1) the purpose of which is to provide aid or assistance to the families of unemployed parents,

(2) which is not established pursuant to part A of title IV of the Social Security Act,

(3) which is financed entirely from funds appropriated by the Congress, and

(4) none of the financing of which is made available under any program established pursuant to title V of the Economic Opportunity Act.

(c) (1) Any agreement under this section with a qualified State agency shall provide that such agency will, with respect to all individuals receiving aid or assistance under the program of aid or assistance to families of unemployed parents administered by such agency, comply with the requirements imposed by [section] 402(a) (15) and [section] 402(a) (19) [(F)] in the same manner and to the same extent as if (A) such qualified agency were the agency in such State administering or supervising the administration of a State plan approved under part A of this title, and (B) individuals receiving aid or assistance under the program administered by such qualified agency were recipients of aid under a State plan which is so approved.

(2) Any agreement entered into under this section shall remain in effect for such period as may be specified in the agreement by the Secretary and the qualified State agency, except that, whenever the Secretary determines, after reasonable notice and opportunity for hearing to the qualified State agency, that such agency has failed substantially to

comply with its obligations under such agreement, the Secretary may suspend operation of the agreement until such time as he is satisfied that the State agency will no longer fail substantially to comply with its obligations under such agreement.

(3) Any such agreement shall further provide that the agreement will be inoperative for any calendar quarter if, for the preceding calendar quarter, the maximum amount of benefits payable under the program of aid or assistance to families of unemployed parents administered by the qualified State agency which is a party to such agreement is lower than the maximum amount of benefits payable under such program for the quarter which ended September 30, 1967.

(d) The Secretary shall, at the request of any qualified State agency referred to in subsection (a) of this section and upon receipt from it of a list of the names of individuals rereferred to the Secretary, furnish to such agency the names of each individual on such list participating in [a special work project] *public service employment* under section 433(a)(3) whom the Secretary determines should continue to participate in such [project] *employment*. The Secretary shall not comply with any such request with respect to an individual on such list unless such individual has been [referred] *certified* to the Secretary by such agency under such section 402(a)[(15)] *(19)*(*G*) for a period of at least six months.

Mr. LONG. Mr. President, I think we could say that from the Senate's point of view, this was a very successful conference, and I move the adoption of the conference report.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CURTIS. The bill to which these amendments are attached is a bill that relates to a lump-sum benefit, is it not, in case of death?

Mr. LONG. Yes, and there is no real problem involved in that provision.

Mr. CURTIS. The major amendment is what has been identified as the Talmadge amendment?

Mr. LONG. Yes.

Mr. CURTIS. Is it true that the Talmadge amendment has passed the Senate on three occasions before substantially as it was sent to the conference this time?

Mr. LONG. Yes, on three occasions.

Mr. CURTIS. Is it not true that the major objective of the Talmadge amendment was to get people on "workfare," in contrast to welfare?

Mr. LONG. That was the idea, to try to help people who are presently on the welfare rolls to be prepared for and placed in jobs.

Mr. CURTIS. And the other amendment that was added on the Senate floor, which was accepted in conference, related to the pass-on of certain increases in social security to welfare recipients; that, too, is a reenactment of a principle that has been enacted many times before; is that not correct?

Mr. LONG. Yes, we have done that before. The present provision of law will expire at the end of this year unless it is extended. H.R. 1 would also extend the expiring provision, but since H.R. 1 will not be acted on before the end of this year, it is necessary to continue the provision on this bill.

Mr. CURTIS. Mr. President, I join with my distinguished chairman in urging that the Senate agree to the conference report.

Mr. LONG. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House further insists upon its amendments to the bill (S. 2891) entitled "An act to extend and amend the Economic Stabilization Act of 1970"; requests a further conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ST GERMAIN, Mr. MINISH, Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, Mr. J. WILLIAM STANTON, and Mr. BROWN of Michigan were appointed managers at the further conference on the part of the House.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, December 14, 1971, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 176. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

EXTENSION OF DUTY-FREE STATUS OF CERTAIN GIFTS

Mr. LONG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 398, H.R. 8312.

The PRESIDING OFFICER (Mr. HANSEN). Is there objection to the request of the Senator from Louisiana?

There being no objection, the Senate proceeded to consider the bill (H.R. 8312) to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones, which had been reported from the Committee on Finance with amendments on page 1, line 6, after the word "before", strike out "12/31/73" and insert "12/31/72"; and, after line 9, insert a new section, as follows:

SEC. 2. (a)(1) Section 151 of the Internal Revenue Code of 1954 (relating to allowance of deductions for personal exemptions) is amended by striking out "$650" each place it appears and inserting in lieu thereof "$675".

(2) Section 6013(b)(3)(A) of such Code (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out "$650" each place it appears and inserting in lieu thereof "$675" and by striking out "$1,300" each place it appears and inserting in lieu thereof "$1,350".

(b) Section 141(c) of the Internal Revenue Code of 1954 (relating to low income allowance) is amended to read as follows:

"(c) LOW INCOME ALLOWANCE.—The low income allowance is $1,050 ($525 in the case of a married individual filing a separate return)."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1970, and before January 1, 1972.

(d) In applying section 21(a) of the Internal Revenue Code of 1954 (relating to effect of changes) to a taxable year of an individual which is not a calendar year, each change made by subsection (a) in section 151 of such Code shall be treated as a change in a rate of tax.

Mr. LONG. Mr. President, this is a bill to continue the duty-free status of certain gifts by members of the armed services in combat zones. The Finance Committee originally added to this proposal committee amendments which are no longer necessary. That being the case, it is my hope that we can delete the Senate committee amendments and pass the bill without amendments, because this is a meritorious matter that should be disposed of in this session.

The PRESIDING OFFICER. There is a unanimous-consent agreement relating to a limitation of time for debate on this bill. Does the Senator wish to vacate that agreement?

Mr. LONG. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that the Senate act on the Finance Committee amendments en bloc. I would hope that the amendments are rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The amendments were rejected.

Mr. CURTIS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. CURTIS. For the information of the Senate and for the RECORD, this bill relates to what?

Mr. LONG. This is a House-passed bill to continue the duty-free status of certain gifts by members of the armed services serving in combat zones. What it involves, in other words, is continuing the duty-free treatment of Christmas gifts from Vietnam servicemen.

Mr. CURTIS. And the committee amendments which were just rejected were originally offered at a time when there was need for that legislation, but it was taken care of by subsequent legislation; is that correct?

Mr. LONG. Yes. What was sought by the committee amendment has now been accomplished by the big tax bill that we passed just recently.

The committee had proposed adding the 1971 tax reductions to this bill in order to provide certainty so that the Internal Revenue Service could go ahead and print the 1971 tax forms to be mailed out to taxpayers. They have done so, and in the meantime we have passed the tax cut bill itself, and so the 1971 tax cuts are now law. Therefore, the amendments are no longer needed. They are superfluous.

Mr. CURTIS. So the bill as it now stands is identical with the bill that passed the House and could become law without the conference?

Mr. LONG. Without the committee amendments, it is precisely as it passed the House. It requires no conference and may be signed into law immediately.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time and passed.

The PRESIDING OFFICER. Without objection, the title amendment is disagreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Long when he introduced S. 3019 are printed in the Morning Business section of the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

ALASKA NATIVE CLAIMS SETTLEMENT ACT—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Hansen). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of December 13, 1971, at pp. 46583–46591.)

The PRESIDING OFFICER. The time is under control, with 30 minutes to each side.

Mr. BIBLE. I yield myself such time as I may require for my opening statement. I anticipate that it will not take more than 5 or 10 minutes.

Mr. President, in view of the fact that the House of Representatives, which acted first on the conference report, has previously printed the report together with the joint statement of the conference committee, I ask unanimous consent that the separate printing of this report as a report of the Senate be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10367) "to provide for the settlement of the Alaska Native land claims" the conference committee accepted the Senate amendment and agreed to the same with an amendment which is the text of the conference report.

Legislation to settle the Alaska Native land claims has been under active consideration in the Senate for 4 years. In the Congress the Senate passed a settlement measure but no action was taken by the House. During this Congress the members of the Interior Committees of both Houses have given long and careful consideration to this complex and difficult problem. The conference committee alone has met on nine different days since November 30. The resolution recommended by the members of the conference committee is set forth in the conference report.

Mr. President, I ask unanimous consent that a summary of the major features of the conference report be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, is is so ordered.

(See exhibit 1.)

In summary form, the conference committee recommends that the settlement consist of the following major features:

First. The Native people receive a total land grant of 40 million acres. Of this total, the individual Native villages receive 22 million acres; the regional corporations receive 16 million acres; and 2 million acres are set aside to avoid hardship, to preserve cemeteries and historic areas, and to provide land grants for individuals and Native settlements which otherwise might not receive land grants under the bill.

Under the provisions of the conference report, the subsurface mineral estate to all lands located in Naval Petroleum Reserve Numbered 4 is fully protected and remains in the ownership of the Federal Government. The four Native villages located in the reserve would receive title to the surface estate only to the lands around their village. An in lieu selection right is provided for outside the boundaries of the reserve to insure the Native people get their full entitlement to lands.

Second. A total of $962½ million is granted to the Native people under the terms of the conference report: $462½ million is to be appropriated by the Federal Government over a period of 11 years, and $500 million would be received from a 2-percent revenue share in mineral development of the public lands in Alaska.

Third. Native villages must organize as nonprofit or business-for-profit corporations before they are eligible for benefits under the act. In addition, up to 13 regional business-for-profit corporations may be established.

Fourth. A joint Federal-State Land Use Planning Commission would be established to undertake a process of statewide land use planning.

Fifth. The Secretary of Interior is directed to withdraw up to 80 million acres of public lands which are suitable for inclusion or creation as new units of the national park, forest, wildlife refuge, or wild and scenic rivers systems.

Sixth. The Secretary is authorized to withdraw, classify or reclassify any public lands in Alaska to insure that the public lands are protected after the land freeze order which has been in effect since January 17, 1969.

Mr. President, in my view the conference report represents a fair and a just settlement of the longstanding claims of the Alaska Native people. The conference report protects the interests of the Native people, the State of Alaska, and the Federal Government.

SUMMARY OF MAJOR FEATURES OF THE CONFERENCE REPORT

I. GENERAL

A. Introduction

The language agreed upon by the managers is the result of long and careful consideration of the House passed bill and the Senate's amendment in the nature of a substitute to the House passed bill. The House bill and the Senate amendment were in major respects substantially different and the conference report—the compromise between the two measures—is in some respects different from the measures passed by the House and the Senate. The conference report is the final product of nine days of meetings by the conference committee since November 30, 1971.

The conference committee concurs on the relevant history and on the main facts at issue; there is general agreement on the principles of law involved and on the limits within which the formulation of public policies must be conducted; there is general consensus on the structural elements which constitute the settlement; and there is a common recognition that the institutions and machinery of settlement are in large measure dictated by the nature of the problem and the elements of the settlement.

Among individual conferees, and among individual members of the House and the Senate, there are, of course, wide differences of opinions on specific issues: on amounts of money and land; on elements of the settlement; on some of the institutions established; and on emphasis and on detail. The specific resolutions proposed to each of these differences by the conference committee represents a compromise. These compromises were, however, recognized as being essential to the development of a conference report which will do justice to the Native people, insure a viable and economically healthy State government, and allow the fulfillment of the reasonable expectations and legitimate interests of all Alaskans and all Americans.

The conference report reflects a willingness on the part of the individual conferees after careful study of the issues involved to concur in the clear necessity for adoption of a *settlement package,* while reserving the right of all Members of Congress to debate further, at another time and in connection with other legislation, their individual views on some of the specific policies which are of necessity incorporated in this complex omnibus settlement.

B. Major provisions

The major provisions of the conference report are set out below:

1. Land

(a) The Natives will receive title to a total of 40 million acres, both surface and subsurface rights, divided among the some 220 villages and 12 Regional Corporations.

(b) The villages will receive the surface estate only in approximately 18½ million acres of land in the 25 township areas surrounding each village, divided among the villages according to population.

(c) The villages will receive the surface estate in an additional 3½ million acres, making a total of 22 million acres, divided among the villages by the Regional Corporations on equitable principles.

(d) The Regional Corporations will receive the subsurface estate in the 22 million acres patented to the villages, and the full title to 16 million acres selected within the 25 township areas surrounding the villages. This land will be divided among the 12 Regional Corporations on the basis of the total area in each region, rather than on the basis of population.

(e) An additional 2 million acres, which completes the total of 40 million, will be conveyed as follows:

(1) Existing cemetery sites and historical sites will be conveyed to the Regional Corporations.

(2) The surface estate in not more than 23,040 acres, which is one township will be conveyed to each of the native groups that is too small to qualify as a Native village. The subsurface estate will go to the Regional Corporations.

(3) The surface estate in not more than 160 acres will be conveyed to each individual Native who has a principal place of residence outside the village areas. The subsurface estate will go to the Regional Corporations.

(4) The surface estate in not to exceed 23,040 acres will be conveyed to Natives in four towns that originally were Native villages, but that are now composed predominantly of non-Natives. These conveyances will be near the towns, but far enough away to allow for growth and expansion of the towns. The subsurface estate will go to the Regional Corporations.

(5) The balance of the 2 million acres, if any, will be conveyed to the Regional Corporations.

(f) If the entire 40 million acres cannot be selected from the 25 township areas surrounding the villages because of topography or restrictions on the acreage which may be selected from within the Wildlife Refuge System, in lieu selection areas will be withdrawn by the Secretary of the Interior as close to the 25 township areas as possible.

2. Money

The Natives will be paid $462,500,000 over an eleven-year period from funds in the United States Treasury, and an additional $500,000,000 from mineral revenues received from lands in Alaska hereafter conveyed to the State under the Statehood Act, and from the remaining Federal lands, other than Naval Petroleum Reserve Numbered 4, in Alaska. Most of the $500,000,000 paid to the Natives would otherwise be paid to the State under existing law, and the State has agreed to share in the settlement of Native claims in this manner.

3. Corporate Organization

(a) The Natives in each of the Native villages will be organized as a profit or nonprofit corporation to take title to the surface estate in the land conveyed to the village, to administer the land, and to receive and administer a part of the money settlement.

(b) Twelve Regional Corporations will be organized to take title to the subsurface estate in the land conveyed to the villages, and full title to the additional land divided among the Regional Corporations. The Regional Corporations will also receive the $962,500,000 grant, divided among them on the basis of Native population. Each Regional Corporation must divide among all twelve Regional Corporations 70 percent of the mineral revenues received by it.

Each Regional Corporation must distribute among the Village Corporations in the region not less than 50 percent of its share of the $962,500,000 grant, and 50 percent of all revenues received from the subsurface estate. This provision does not apply to revenues received by the Regional Corporations from their investment in business activities.

For the first five years, 10 percent of the revenues from the first two sources mentioned above must be distributed among the individual Native stockholders of the corporation.

(c) Natives who are not permanent residents of Alaska may, if they desire, organize a 13th Regional Corporation, rather than receive stock in one of the 12 Regional Corporations. The 13th Regional Corporation will recieve its pro rata share of the $962,500,000 grant, but it will receive no land and will not share in the mineral revenues of the other Regional Corporations.

4. Other Major Provisions

(a) Land Use Planning

A Joint Federal-State Land Use Planning Commission is established. The Planning Commission has no regulatory or enforcement functions, but has important advisory responsibilities.

(b) National interest areas

The Secretary of the Interior is authorized to withdraw from selection by the State and Regional Corporations (but not the Village Corporations) and from the operation of the public land laws up to, but not to exceed, 80 million acres of unreserved lands which, in his view, may be suitable for inclusion in the National Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems.

(c) Interim operation of the public land laws

The Secretary is authorized, where appropriate, under his existing authority, to withdraw public lands and to classify or reclassify such lands and to open them to entry, location and leasing in a manner which will protect the public interest and avoid a "land rush" and massive filings on public lands in Alaska immediately following the expiration of the so-called "land freeze".

(d) Reservation of easements

Appropriate public access and recreational site easements will be reserved on lands granted to Native Corporations to insure that the larger public interest is protected.

(e) Attorney and consultant fees

Fees to attorneys and consultants are limited to $2 million. All contracts based on a percentage fee related to the value of the lands and revenues granted by this Act are declared unenforceable.

(f) Valid existing rights

All valid existing rights, including inchoate rights of entrymen and mineral locators, are protected.

(g) National petroleum reserve No. 4 and wildlife refuges

No subsurface estate is granted in Naval Petroleum Reserve Numbered 4 or in the National Wildlife Refuges, but an in lieu selection to subsurface estate in an equal amount of acreage outside these areas is provided for the Regional Corporations.

(h) National forests

Appropriate limitations are placed on the amount of lands which may be granted from National Forests to Native villages located in the National Forests.

C. Other issues

1. In sections 7 and 8 of the conference report authorizing the creation of Regional and Village Corporations, the conference committee has adopted a policy of self-determination on the part of the Alaska Native people. The conference committee anticipates that there will be responsible action by the board members and officers of the corporations and that there will not be any abuses of the intent of this Act. The conference committee does not contemplate that the Regional and Village Corporations will allow unreasonable staff, officer, board member, consultant, attorney, or other salaries, expenses and fees. The conference committee also contemplates that the Regional and Village Corporations will not expend funds for purposes other than those reasonably necessary in the course of ordinary business operations.

2. The Senate amendment to the House bill provided for the protection of the Native peoples' interest in and use of subsistence resources on the public lands. The conference committee, after careful consideration, believes that all Native interests in subsistence resource lands can and will be protected by the Secretary through the exercise of his existing withdrawal authority. The Secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect Native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives.

3. Villages located on the Pribilof Islands present a special problem because the fur seals which frequent the islands are the subject of an International Treaty. It is the conference committee's recommendation that the Secretary, after consultation with the Secretary of Commerce, the State and the Planning Commission, reserve the appropriate rights and interests in land to insure the fulfillment of the United States' obligations under the Treaty.

4. Under the provisions of subsection 12 (c)(3) ". . . the Regional Corporation may select only even numbered townships in even numbered ranges, and only odd numbered townships in odd numbered ranges." This language is meant to insure "checkerboard" selections by the Regional Corporations. The State of Alaska would then be permitted to concurrently select lands in the alternate townships not subject to selection by the Regional Corporations.

The effect of this provision of the bill is to limit the selections of the Regional Corporation to townships 2, 4, 6, 8, 10, et cetera, North or South of a principal or special base line, in ranges 2, 4, 6, 8, 10, et cetera, East or West of a principal or special meridian. With respect to odd numbered ranges, East or West of a principal or special meridian, i.e. Range 1 West, Range 1 East, Range 3 West, Range 3 East, et cetera, the Regional Corporation could select from townships 1, 3, 5, 7, 9, et cetera, North or South of a principal or special base line. The numbering system of the townships and ranges is the system used by the United States Land Survey System.

It is recognized that if a principal or special meridian or base line should intersect an area withdrawn for selection, a slightly modified selection pattern might result; however, those cases seemed so limited as to not do substantial violence to the intended "checkerboard" selection system contemplated.

5. Section 20 provides for the compensation of attorneys and consultants for services and expenses in the representation of Natives, Native Villages, or Native Associations in claims pending before any state or Federal court or the Indian Claims Commission which are dismissed pursuant to this Act, or in the preparation of this Act and previously proposed legislation to settle the Alaska Native claims based upon aboriginal title, use, or occupancy. The Chief Commissioner of the Court of Claims must determine the amount of the claims, within the limits of funds authorized. It is intended that payment for such services shall only be compensated from the funds provided therefor by this section, and penalties are provided in the event other reimbursement is paid.

Under the provisions of subsection 20(g), the Chief Commissioner is also authorized to allow and certify for payment such amounts as he determines are reasonable, but not more than $600,000 in the aggregate, for actual costs incurred by Native Association in advancing land claims legislation. Attorney or consultant fees or expenses may not be paid from this sum. The penalty provisions of subsection 20(f) (2) would be applicable to any violation of this section. An attorney or consultant who has already been paid by a Native Association could of course return the payment and submit a claim under the attorney/consultant part of the section.

II. MAJOR DIFFERENCES BETWEEN THE CONFERENCE REPORT AND THE BILL PASSED BY THE HOUSE

1. Land

Both bills provided for a conveyance to the Natives of 40 million acres. In the House bill, the Natives would have first choice of approximately 18½ million acres from the 25 townships surrounding each Village. The State would then complete its selections under the Statehood Act (about 103½ million acres). After that the Natives would select the rest of the 40 million acres, but selections would not be limited to the 25 township areas.

In the conference report, the State does not make its selection before all of the Native lands have been selected, but the State's interests are recognized as follows:

(a) State selections made before the date of the Secretarial Order imposing a "land freeze", amounting to about 26 million acres, are protected against Native selection, except that a Native Village (not the Regional Corporations) may select from the area surrounding the Village not to exceed three townships of the lands previously selected by the State.

(b) The Regional Corporations can select lands within the 25 township areas only on a checkerboard pattern of odd and even numbers, and the State may select the checkerboarded townships not available to the Regional Corporations.

(c) The withdrawal of land to facilitate Native selections will terminate in four years, and State selections will not thereafter be impeded.

(d) State selections may proceed immediately in areas outside the 25 township areas around Native Villages, and lieu selection areas.

2. Money

The House bill provided for a grant of $425,000,000 from the U.S. Treasury over a ten-year period, and $500,000,000 from mineral revenues most of which would otherwise go to the State.

In the conference report, the $425,000,000 grant is increased to $462,500,000, which is half way between the House figure and the Senate figure.

3. Corporate Organization

The Conferees retained the provisions of the House bill providing for twelve Regional Corporations and a Village Corporation for each Native Village, but made one addition and one modification. The addition is the option of the Natives who are not permanent residents of Alaska to organize a 13th Regional Corporation which will receive and administer their share of the $962,500,000 grant. The modification is the restriction of membership in the Village Corporations to Natives, rather than all residents.

4. Land Use Planning

The House bill withdraws all unreserved public lands in Alaska for an indefinite period, and permits the Secretary of the Interior to classify the withdrawn areas and reopen them to entry when he determines that such action is desirable in the public interest.

The Conferees retained the substance of this provision, but made the statutory withdrawal for only ninety days and directed the Secretary to make any further withdrawal that may be needed under his existing authority.

In addition, the Conferees authorized the Secretary to withdraw not to exceed 80 million acres of unreserved public land that he thinks may be suitable for addition to the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems. The withdrawal is for a maximum of seven years. The Secretary must submit recommendations to Congress each six months, for two years, and the lands recommended for addition to the Federal Systems will remain withdrawn until Congress acts, but not to exceed five years. The withdrawal will not affect the right of the Village Corporations and the State to select and get title to lands within the 25 township areas. The withdrawal will prevent the Regional Corporations from getting title to land within the 25 township areas, and the State from getting title to any of the withdrawn areas.

In addition, the Conferees provided for a Joint Federal-State Land Use Planning Commission for Alaska, with a life of five years. The Commission has no regulatory authority.

III. MAJOR DIFFERENCES BETWEEN THE CONFERENCE REPORT AND THE SENATE'S AMENDMENT IN THE NATURE OF A SUBSTITUTE TO THE HOUSE PASSED BILL

Set forth below is a brief explanation of the major differences between the conference report recommended by the conference committee and the amendment in the nature of a substitute to the House bill which was adopted by the Senate. The section references below are to the conference report and the discussion following each section indicates the action taken by the conference committee with respect to the appropriate provisions of the Senate passed amendment.

Section 2. Declaration of Policy

The substance of the conference report language is the same as section 2 of the Senate amendment. Subsection 2(g) of the conference committee does not intend that lands granted to Natives under this Act be considered "Indian reservation" lands for purposes other than those specified in this Act. The lands granted by this Act are not "in trust" and the Native villages are not Indian "reservations."

Subsection 2(e) is from the Senate amendment and makes clear that no change in the present policy with respect to Naval Petroleum Reserve Numbered 4 is intended. Native villages located in the Reserve would receive title to surface estate lands only. All mineral and other subsurface rights within the Reserve remain in the ownership of the United States. To insure that a total of 40 million acres of land in fee title is granted to the Native people by this Act, the appropriate Regional Corporation for these villages is granted the right to select the subsurface estate in an equal amount of acreage outside of the boundaries of the Reserve.

Section 3. Definitions

The language of the Senate amendment defining "public lands" was adopted by the conference committee. This language excludes from the definition lands selections by the State under the Statehood Act, but those lands are specifically dealt with elsewhere in the Act.

Section 4. Declaration of Settlement

The conference report language is, in substance, the same as the language of the Senate amendment. It is the clear and direct intent of the conference committee to extinguish *all* aboriginal claims and *all* aboriginal land titles, if any, of the Native people of Alaska and the language of settlement is to be broadly construed to eliminate such claims and titles as any basis for any form of direct or indirect challenge to land in Alaska. The conference committee added a reference in this section to claims "based upon the laws of any other nation." The purpose of the reference is to extinguish any land claims based upon the laws and legal system of Russia or any other country if any such land claims exist.

Section 5. Enrollment

The conference report language was, for the most part, taken from the House passed bill. The Senate amendment (Section 6) provided for the establishment of an Alaska Native Commission which would prepare the final enrollment, resolve disputes and perform other functions under the Act. The conference report provides that enrollment will be the responsibility of the Secretary of Interior rather than the Native Commission, and that most land and other disputes will be settled by arbitration as provided elsewhere in the conference report.

Subsection 5(c) of the conference report deals with the enrollment of Natives who are not residents of Alaska and provides an opportunity for them to elect to be enrolled in a special thirteenth Regional Corporation if a majority of all eligible non-resident Natives favor the creation of such a corporation.

Section 6. Alaska Native Fund

The conference committee split the difference between the $425 million Federal appropriation in the House passed bill and the $500 million in subsection 5(a) of the Senate amendment, and recommended $462,500,000. The payout schedule for the revenues in the Fund is essentially that of the Senate amendment and insures that the bulk of the Federally appropriated funds will be paid out in the early years, thus greatly increasing the present worth of the right to receive these revenues.

The conference committee also recommended the adoption of the Senate amendment's limitation on the use of funds received by corporations under the Act for political purposes.

Section 7. Regional Corporations

The Senate amendment provided for the creation of two Federally chartered Statewide corporations, one to handle investments, and one to perform social welfare functions and to hold title to the mineral estate of lands granted by the bill. In addition, the Senate amendment required: (a) the establishment of seven business for profit Regional Corporations; (b) the establishment of two corporations to be composed of first, non-resident Natives (the "National Corporation"), and second, urban Natives (the "Urban Corporation"); (c) the incorporation of nonprofit membership corporations for each eligible Native Village; and (d) the creation of an Alaska Native Foundation.

The conference report provides for the establishment of 12 Regional Corporations for resident Alaska Natives and permits the creation of a 13th Regional Corporation for non-resident Natives if a majority of non-resident Natives so elect. This 13th Regional Corporation, if created, would serve the same purposes and functions which were to be performed by the National Corporation in the Senate amendment (section 12).

The conference report language provides that the Regional Corporations shall be organized as business for profit corporations. This requirement is in accord with the Senate amendment. In addition, the investment functions to be carried out by the Alaska Native Investment Corporation under section 10 of the Senate Amendment have been assigned in the conference report to the Regional Corporations. Authority to allow the Regional Corporations to join together, to pool investment funds, and to employ the same business management group for the management and administration of investments is found in subsection 7(k) of the conference report. This general grant of authority parallels the specific authority granted to the Investment Corporation in section 10 of the Senate amendment.

The functions to be performed by the Alaska Native Services and Development Corporation under section 8 of the Senate amendment have, for the most part, been redistributed by the conference committee. The Regional Corporations under the conference report language would receive the title to the subsurface estate of the lands granted by the Act. The Regional Corporations would also perform some social welfare functions of regional benefit, would assist the Village Corporations to organize, and would review and advise on the land transactions of the Village Corporations to insure against fraud and overreaching.

The Regional Corporations provided for in the conference report are authorized to merge with other Regional Corporations. This will provide a means of reducing administrative costs and overhead and improving general corporate efficiency.

Section 25 of the Senate amendment would have established an Alaska Native Foundation to carry on the social welfare functions of the Statewide Services and Development Corporation after the Federal charter for the Services Corporation expired. The conference report does not prohibit the Native people from establishing a charitable foundation at some future date and the Senate conferees receded on this item.

The Senate amendment contained specific language in a number of sections which dealt with conflict of laws questions between the Act and State Corporation law. This potential problem is dealt with in subsection 7(p) of the conference report which provides that the provisions of sections 7 and 8 prevail in the event of any conflict.

The conference committee considered, but decided not to adopt, language from the Senate amendment to guard against any special State legislation which might impair the activities and economic viability of the Corporations established by the conference report. It was the conference committee's conclusion that the State would deal fairly in all respects with Native corporations.

Consideration was also given to language in the Senate amendment authorizing Regional Corporations to contribute to the costs of organizing and maintaining local and borough government in rural areas of Alaska. The language was not adopted for the reason that the conference committee concludes that Regional and Village Corporations as established would have this authority.

Section 8. Village Corporations

This section was drawn from section 11 of the Senate amendment. The House bill provided for land and revenue grants to units of municipal government, or to Village Corporations. Under the conference report, before any lands may be granted an eligible village must organize as a non-profit or business for profit corporation to hold title to lands.

Section 9. Revenue Sharing

Sections 9 and 10 of the conference report, with minor exceptions, are substantially the same as section 18 of the Senate amendment.

Section 10. Statute of Limitations

Section 10 of the conference report is patterned after section 18(g) of the Senate amendment. Congressional authority for enactment of this section and other provisions of the conference report is based, in part, upon section 4 of the Alaska Statehood Act.

Section 11. Withdrawal of Public Lands

The Senate amendment`provided for two optional land grant provisions. The first, in brief, was for 40 million acres (38½ million acres around Villages and 1½ million acres of floating selections). The second was for 50 million acres (20 million acres around Villages; 10 million acres of lands to be selected for economic potential; and 20 million acres of permit lands to provide subsistence use protection). The Natives would select one of the options at an election to be held within one year of the enactment of the Act.

The conference committee concluded that lands granted under the Act should be granted as soon as possible and that the areas from which they would be granted should be immediately identifiable. For this reason, the conference report does not provide for a "free floating" selection.

Section 11 of the conference report withdraws lands around villages, including villages located on lands selected by or tentatively approved to the State. This section also provides for the withdrawal of in lieu lands adjacent to the 25 township area to insure that the land selection rights of Native Villages and Regional Corporations will be fully protected and will not be frustrated by competing State selections or the creation of new interests in lands under the public land laws.

Subsection 11(b) is, in part, drawn from section 13 of the Senate amendment and provides that Native villages not listed in the bill may, if they meet designated criteria, later qualify for benefits under the Act.

Section 12. Native Land Selections

Section 12 of the conference report provides for the selection of lands granted to the Native people. In major respects, it parallels section 14 and subsection 13(k) of the Senate amendment.

Section 13. Surveys

Section 13 of the conference report parallels portions of sections 13 and 15 of the Senate amendment and specifies in greater detail, both here and in subsection 22(j), the manner in which land surveys are to be conducted.

Section 14. Conveyance of Lands

Section 14 of the conference report provides for the conveyance of lands granted by the Act. This subsection parallels in structure and purpose the provisions of section 15 of the Senate amendment.

Section 15. Timber Sale Contracts

Section 15 of the conference report authorizes the modification of timber sale contracts and is similar to language in subsection 23(t) of the Senate amendment.

Section 16. The Tlingit-Haida Settlement

Subsection 16 of the conference report provides appropriate and necessary limitations with respect to land grants to Native villages located in the National Forests in Southeast Alaska which participated in the Tlingit-Haida judgment. The parallel language of the Senate amendment is in Section 23.

Section 17. Joint Federal-State Land Use Planning Commission

Section 17 of the conference report is based upon section 24 of the Senate amendment. Section 17 consists of four major sections and these are discussed below.

1. The Planning Commission has been modified by reducing the membership to ten members. In addition, the regulatory powers found in section 24 have been revised so that the Commission's functions are limited to providing advise, coordination and making recommendations to State and Federal government. The enforcement powers granted under section 24(a) (10) have been eliminated and it is the intent of the conference committee that the Federal government and the State will take such actions as are necessary to administer lands under their respective jurisdictions in a manner which will facilitate a process of joint land use planning in Alaska and permit the attainment of both economic requirements and national and state environmental objectives.

2. Subsection 17(b) of the conference report is substantially the same as section 24(d) of the Senate amendment. This subsection provides for the advance reservation of easements and camping and recreation sites necessary for public access across lands granted to Village and Regional Corporations.

3. Subsection 17(c) of the conference report provides that if the Secretary should withdraw a utility and transportation corridor across the public lands in Alaska, the State and the Village and Regional Corporations may not select lands from the area withdrawn for the corridor. In making the withdrawal the Secretary would be acting on the basis of his existing authority such as the Pickett Act and the President's implied authority.

The language adopted by the conference committee is new. The Senate's amendment, in subsection 24(b), would have withdrawn the corridor for the proposed trans-Alaska oil pipeline, maintained the corridor under Federal jurisdiction, and established a management regime to insure the protection of adjacent public lands and visitors to the area. While the conference report does not contain these specific provisions, many of them will be within the Secretary's authority to achieve if he should decide to withdraw the corridor.

4. Subsection 17(d) of the conference report is patterned, in major respects, after subsection 24(c) of the Senate amendment and, in part, after subsection 9(g) of the House passed bill.

The language adopted by the conference committee provides in subsection (d)(1) for a 90-day withdrawal of *all* unreserved public lands in Alaska from all forms of appropriation except locations for metalliferous minerals. The purpose of this withdrawal is twofold:

First, to permit the Secretary an opportunity to make the withdrawals for National Park, Forest, Refuge and Wild Rivers directed under subsection 2(A);

Second, to permit the Secretary time to determine if there are other public land areas in Alaska which should be withdrawn, classified, or reclassified before they are opened to unlimited and uncontrolled entry, location and leasing under the public land laws. Subsection 9(g) of the House passed bill and subsection 24(c) of the Senate amendment did not limit the time of the withdrawal authority for this second purpose.

The language recommended by the conference committee deals in greater detail with the withdrawal and study of National interest areas and contingencies not dealt with in the House passed bill and the Senate amendment and thus obviates any necessity for providing for a withdrawal of all public lands in Alaska for an unlimited period of time.

The "classification" and "reclassification" authority granted under subsection 7(d)(1) is *new* legislative authority. The authority is limited to Alaska and to the purposes provided for in subsection 17(d). It is, however, a very broad and important delegation of discretion and authority and the conference committee anticipates that the Secretary will use this authority to insure that the purposes of this Act and the land claims settlement are achieved, that the larger public interest in the public lands of Alaska is protected, and that the immediate and unrestricted operation of all the public land laws 90 days after date of enactment—absent affirmative action by the Secretary under his existing authority—does not result in a land rush, in massive filings under the Mineral Leasing Act, and in competing and conflicting entries and mineral locations.

Subsection 17(d)(2) of the conference report directs the Secretary to withdraw up to 80 million acres of unreserved public lands including lands previously classified such as lands within the Iliamna, Copper River, Brooks Range, White Mountain and other classification areas which he deems are suitable for consideration by the Congress for addition to or creation as new units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems. This subsection also provides a procedure and sets time limits for terminating withdrawals, for transmitting recommendations to the Congress, and for in lieu selections by the State and Regional Corporations in the event that Congress enacts legislation setting aside these areas for public use and enjoyment.

Subsection 17(d)(3) of the conference report continues the Secretary's full authority over and responsibility for any lands withdrawn by this section and to make contracts and to grant leases, permits and rights-of-way, or easements over any lands withdrawn under this section by the affirmative action of the Secretary after the date of the enactment of this Act. This authority is necessary to protect the lands involved, to provide for their proper administration, and to insure that the Secretary continues to have the full authority he now possesses under existing law with respect to contracts, leases, permits, rights-of-way, and easements. A similar section on the Secretary's authority to administer lands withdrawn by the operation of this Act is found in subsection 22(f) of the conference report.

A major purpose of both of these provisions is, of course, to insure that the Secretary has the authority to grant any contracts, leases, permits, rights-of-way, or easements which may in the future be necessary in connection with Village and Regional construction and local improvement projects, State or local highways and roads, electrical transmission lines, and other types of activities and projects which may involve the use of some withdrawn areas. This language would also permit the Secretary, if he should so decide in the future, to grant the necessary rights-of-way, permits, and other legal authority necessary for the construction of the proposed trans-Alaska oil pipeline. The conference committee did not consider the proposed pipeline in connection with the resolution of the differences between the bills, nor did the House or Senate Committees consider the proposed pipeline in connection with hearings on this subject. Accordingly, the conference committee takes no position on what action the Secretary should take with respect to the pending application. The conference committee does, however, want it clearly understood that *if* the Secretary should, after full and careful evaluation, and after completion of the environmental impact statement required by the National Environmental Policy Act, decide to grant the necessary permits, nothing in this conference report is intended to, nor should be construed in any manner to limit, diminish, or condition the Secretary's existing authority to take any action required to implement this decision.

Language similar to the provisions discussed above is found in section 24(c)(3) of the Senate amendment and in the House passed bill.

Section 18. Revocation of Indian Allotment Authority in Alaska

Subsection 19 of the conference report is taken from the House passed bill and requires an election by Natives with respect to whether to pursue their allotment or to take under the provisions of the conference report providing for a grant of title to the lands on which their primary place of residence is located. The companion provision in the Senate amendment is section 20.

Section 19. Revocation of Reservations

Subsection 19 of the conference report is, with a few modifications, taken from the House passed bill. The parallel language of the Senate amendment is found in section 22 and, if adopted by the conference committee, would have permitted participation in monetary benefits granted by the Act even if a Native village decided to acquire title to their existing reservation.

Section 20. Attorney and Consultant Fees

Section 20 of the conference report provides for the payment of attorney and consultant fees. The parallel language of the Senate amendment is section 26. The Senate language is substantially the same, except that the total amount of fees granted has been reduced to $2 million. In addition, the conference report authorizes the $600,000 granted by subsection 5(g)(1) of the Senate amendment in this section.

Section 21. Taxation

Section 21 of the conference report provides for the tax treatment to be accorded lands and revenues granted by this Act for the settlement of the Alaska Native claims. It parallels section 27 of the Senate amendment and with some deletions and modifications is substantially the same.

Section 22. Miscellaneous

The conference committee in Section 22 added a miscellaneous section to the conference report to pick up a number of provisions from both the House passed bill and the Senate amendment and to deal with problems created by the action of the conference committee in combining the two. Set out below is a discussion of those provisions which are not self-explanatory.

(a) Subsection (a) provides that none of the revenues or lands granted by this Act may be subject to any contract, present or future, which is based on a percentage fee of the value of all or some of the settlement granted. The purpose is, of course, to protect the Native people. This provision would not apply to future percentage fee contracts which are not related to the value of the settlement and which are to be paid out of investment earnings.

(j) Subsection (j) provides for adjustments in deeds to conform to the United States Land Survey System when the lands conveyed have not been adequately surveyed at the time of conveyance. No similar provision was included in either the House or Senate bill, but the conference committee adopted the language to correct this oversight, and to prevent the delay of conveyance which could occur without this provision. The language was deemed necessary in view of the short period provided for the selection and conveyance of lands to the Natives.

(k) Subsection (k) provides that sales and timber management of lands granted to the Natives from the National Forests shall, for a period of five years, continue to be in accordance with rules and regulations of the Secretary of Agriculture (sustained yield). A similar provision was contained in the Senate bill.

Section 23. Review by Congress

Both the House and the Senate bills provided for an annual report to Congress on the implementation of the Act; however, the Senate bill provided for reports to be submitted on March 1 of each year for thirteen years. The conference report requires an annual report until 1984, but does not specify a reporting date. The conference report requires a final report in 1985 in lieu of 1992 as required by the House bill. The Senate bill contemplated detailed reports from the Alaska Native Commission, but this provision was deleted as unnecessary since the conference report does not provide for the Commission.

Section 24. Appropriations

The provision adopted by the conference committee is a simple authorization to appropriate "such sums as are necessary to carry out the provisions of this Act." It is recognized that the Secretary will require additional personnel and other funds in complying with the directives contained in the conference report, and such sums may be appropriated under this provision. The Senate bill also requested the President to advance moneys from his contingency fund for "start-up" of the various corporations authorized by the Senate bills. Due to the different corporate structure and the provision for a $12.5 million appropriation for 1972, such provisions were not deemed appropriate.

The appropriations for the Federal payments into the Alaska Native Fund are already limited by the provisions of subsection 6(a).

Section 25. Publication

The conference committee adopted the House language as section 25 of its report, which is almost identical to the Senate language, and is of similar intent.

Section 26. Saving Clause

The conference committee adopted the House language as section 26 of its report. The Senate provision contained the statement: "Except as specifically provided for in this Act, nothing in this Act shall be construed as repealing any other provision of Federal law applicable to Alaska." That sentence was eliminated as being unnecessary.

Section 27. Separability

The provisions of the House and Senate bills concerning separability were identical, and are included in the conference report as section 21.

Mr. BIBLE. Now, Mr. President, I yield to the distinguished Senator from Alaska (Mr. Gravel) for such time as he may need

Mr. GRAVEL. I would like to yield to my senior colleague first.

Mr. BIBLE. The Senator from Alaska (Mr Stevens) has 30 minutes.

Mr. STEVENS. I thank the Senator.

Mr. President, before beginning my commentary on this bill, I want to acknowledge the great leadership of the Senator from Nevada (Mr. Bible) and Representative Aspinall of Colorado in making it possible for the conference committee to come to a complete agreement on the unanimous basis of all those present to approve the conference report. It was a real exercise in true leadership that these two Members of Congress have shown in this regard, because we started off miles apart yet ended up with a bill which is fair to all concerned.

I am deeply grateful for the leadership that the Senator from Washington (Mr. JACKSON) has shown over the years, and for the assistance we have received from the Senator from Colorado (Mr. ALLOTT) and the other members of the Committee on Interior and Insular Affairs; but we are particularly grateful to the Senator from Nevada (Mr. BIBLE) for his kindness, patience, and wise advice.

Mr. President, my comments on the bill are related to items which may not be adequately explained by the conference report but which have been prepared so ably by counsel for the committee, Mr. William Van Ness, and Mr. Charles Cook and by the counsel in the House Committee on the Interior, Lewis Sigler and Charlie Leppert. I spent a good amount of time at the Department of the Interior working on legislation and I have never seen men who were able to produce so much, so accurately, in so little time. They are truly the architects of this legislation. I believe that it will go down as a hallmark of Indian legislation.

Going through the bill—the problem we have with regard to some of the lands being conveyed is that they are being conveyed with restrictions. They are being conveyed to Native or regional villages at the very time when some of the Federal programs are becoming operative in Alaska and when they are becoming available to the Native people.

For that reason, the bill wisely contains section 2(g). I think it is important to point out that section because of a restriction in the report that indicates the land can be considered as Indian reservation land for the particular purposes mentioned in that section. I mention the EDA type of projects in particular.

On the loans and grants that are made available through Federal agencies in Alaska for the assistance of our Native people, to help them get started in the economic development program that this bill will make available, I think it is important to note that these lands will be considered as through they are Indian-owned lands for the purpose of these Federal acts.

Second, the greatest and most important single decision the conference committee made, that brought about the agreement, was the provision in section 3(e) by which provision tentatively approved lands in the State of Alaska under the Statehood Act or lands identified for selection by the State prior to January 17, 1969, the date of the formal freeze order issued by the Secretary of the Interior are available to the State. That compromise affects about 26 million acres which will be protected for the State except for Native villages. We have taken out of that section the provision which required that the Federal lands be at least 40 acres, because of the existence of Federal installations such as hospitals. The amount of land not needed for a hospital in a small village need not be 40 acres.

It is important to point out the provisions of the enrollment section, section 5. This section refers to the place where a person resided on the date of the 1970 census but it also refers to a permanent residence.

I ask unanimous consent that at the conclusion of my remarks, material provided by the Department of Commerce, Bureau of the Census, be printed in the RECORD, which sets forth the standards which they have used to determine the place of residence.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

The material referred to follows:

1970 CENSUS OF POPULATION, NUMBER OF INHABITANTS, ALASKA, MAY 1971, PS (1) A3, ALASKA

USUAL PLACE OF RESIDENCE

In accordance with census practice dating back to 1790, each person enumerated in the 1970 census was counted as an inhabitant of his usual place of residence, which is generally construed to mean the place where he lives and sleeps most of the time. This place is not necessarily the same as his legal residence, voting residence, or domicile. In the vast majority of cases, however, the use of these different bases of classification would produce substantially the same statistics, although there may be appreciable differences for a few areas.

The implementation of this practice has resulted in the establishing of residence rules for certain categories of persons whose usual place of residence is not immediately clear. Furthermore, this practice means that persons were not always counted as residents of the place where they happened to be found by the census enumerators. Persons without a usual place of residence were, however, counted where they were enumerated.

Members of the Armed Forces living on military installations were counted as residents of the area in which the installation was located. Members of the Armed Forces not living on a military installation were counted as residents of the area in which they were living. Crews of U.S. Navy vessels were counted as residents of the home port to which the particular vessel was assigned; crews of vessels deployed to the overseas fleet were therefore not included in the population of any State or the District of Columbia. Persons in Armed Forces families were counted where they were living on Census Day (e.g., the military installation, "off-base," or elsewhere, as the case might be). Crews of U.S. merchant marine vessels were counted as part of the population of the U.S. port in which their vessel was berthed on Census Day; or if sailing in inland or coastal waters, either the port of departure or destination, depending on which the vessel was nearest on Census Day. Crews of all other U.S. merchant marine vessels are not included in the population of any State or the District of Columbia.

College students, as in 1950 and 1960, were counted as residents of the area in which they were living while attending college. Inmates of institutions, who ordinarily live there for considerable periods of time, were counted as residents of the area where this institution was located; on the other hand, patients in general hospitals, who ordinarily remain for short periods of time, were counted at their homes. On the night of April 6, 1970, a special enumeration was performed in missions, flophouses, detention centers, etc., and persons enumerated therein were counted as residents of the particular place.

Americans who were overseas for an extended period (in the Armed Forces, working at civilian jobs, studying in foreign universities, etc.) are not included in the population of any of the States or the District of Columbia. On the other hand, persons temporarily abroad on vacations, business trips, and the like, were counted at their usual residence.

Persons in larger hotels, motels, etc., on the night of March 31, 1970, were requested to fill out a census form for allocation back to their homes if they indicated no one was there to report them in the census. A similar approach was used for Americans who left the United States during March 1970 via major intercontinental air or ship carriers for temporary travel aboard. Persons visiting in private homes who gave this kind of indication were also allocated back to their usual residence.

In addition, information on persons away from their usual place of residence was obtained from other members of their families, landladies, etc. If an entire family was expected to be away during the whole period of the enumeration, information on it was obtained from neighbors. A matching process was used to eliminate duplicate reports for a person who reported for himself while away from his usual residence and who was also reported at his usual residence by someone else.

URBAN AND RURAL RESIDENCE

Data on the population of the State by urban and rural residence are shown for the State in table 1 and for the counties, or comparable areas, in table 9. According to the definition adopted for use in the 1970 census, the urban population comprises all persons living in urbanized areas and in places of 2,500 inhabitants or more outside urbanized areas. More specifically, the urban population consists of all persons living in (a) places of 2,500 inhabitants or more incorporated as cities, villages, boroughs (except Alaska), and towns (except in the New England States, New York, and Wisconsin), but excluding those persons living in the rural portions of extended cities; (b) unincorporated places of 2,500 inhabitants or more; and (c) other territory, incorporated or unincorporated, included in urbanized areas.

In censuses prior to 1950, the urban population comprised all persons living in incorporated places of 2,500 or more and areas (usually minor civil divisions) classified as urban under special rules relating to population size and density. The most important component of the urban territory in any definition is the group of incorporated places having 2,500 inhabitants or more. A definition of urban territory restricted to such places, however, would exclude a number of large and densely settled places merely because they are not incorporated. Prior to 1950, an effort was made to avoid some of the more obvious omissions by inclusion of selected places which were classified as urban under special rules. Even with these rules, however, many large and closely built-up places were excluded from the urban territory.

To improve its measure of the urban population, the Bureau of the Census adopted, in 1950, the concept of the urbanized area and delineated, in advance of enumeration, boundaries for unincorporated places. With the adoption of the urbanized area and unincorporated place concepts for the 1950 census, the urban population was defined as all persons residing in urbanized areas and, outside these areas, in all places incorporated or unincorporated, which had 2,500 inhabitants or more. With the following two exceptions, the 1950 definition of urban was continued substantially unchanged to 1960 and 1970. In 1960 (but not in 1970), certain towns in the New England States, townships in New Jersey and Pennsylvania, and counties elsewhere were designated as urban. However, most of the population of these "special rule" areas would have been classified as urban in any event because they were residents of an urbanized area or an unincorporated place of 2,500 or more. Second, the introduction of the concept of "extended cities" in 1970 has very little impact on the urban and rural figures generally.

In all urban and rural definitions, the population not classified as urban constitutes the rural population.

Mr. STEVENS. Mr. President, I call the particular attention of the Senate, for the purpose of establishing legislative history, to the fact that residence under the census concept is not necessarily residence under this bill, because the bill is talking about permanent residence, whereas the Census Bureau counted students where they were in the institutions where they were attending school and they counted persons overseas as not being included in the population of any State or the District of Columbia. Obviously, it is not the standard of the Census Bureau we are talking about in this bill but a concept of permanent residence in regard to section 5.

Mr. President, I invite the attention of the Senator to section 6, particularly section 6(b), with regard to the prohibition against using funds for political purposes that go to the regional corporations of the village corporations. These corporations are subject to the Corrupt Practices Act insofar as Federal elections are concerned. It is clear that the intent is that none of the funds shall be used for any election purposes, State, Federal, or local. This is a prohibition against using these funds from the corporations for any purpose involved in political campaigns.

In section 7, the bill wisely makes the regional corporations profit corporations. They are not government entities, but they are part of a profitmaking picture for the native people of Alaska for the future. I think that the intent is quite similar, and I point out this is mentioned in the report, that these corporations parallel the action of the Senate in regard to the investment corporation that was proposed by the Senate version of the bill. It is important for all to note that these are incorporated under the laws of Alaska to conduct business for profit.

They are not government bodies. We assume that as corporations they are doing business for profit and will not incur debts on behalf of any individual other than those debts that they have been authorized to incur pursuant to the corporate laws of the State of Alaska.

Particularly also I would call attention in that same section to subsection (h)(1), which permits transfer of stock pursuant to a court decree of separation and divorce or child support. It should be clearly identified as an exception to the prohibition against transfer of the stock of any of these corporate organizations for a period of 20 years.

In the same section, subsection (1) permits the regional corporations to withhold money from the villages, moneys that they are entitled to under the formula in the bill, either 50 percent of the money after 5 years or 40 percent during 5 years. These moneys may be withheld by the regional corporation until the village has submitted a plan for the expenditure of their funds.

I call particular attention to the fact that under section 8(b) of the bill, the budgets of the corporation may be reviewed in a period of 5 years. This is not the same power as the power to review the plans for spending; this is the power to request a plan in advance of expenditure but not to approve the village budget—that power is limited to 5 years.

The village corporations under section 8(a) are also corporations which are organized for profit, but they may on decision of the villages, be organized as nonprofit corporations under the laws of Alaska.

Under section 9(a), with regard to the revenue sharing provisions, the so-called 2 percent overriding royalty that applies to all lands in Alaska in Federal title today apply to all minerals that are subject to disposition under the Mineral Leasing Act.

This is one of the provisions of the Senate bill as passed. I am hopeful that that change will be duly noted by those people who administer this act after it has been passed.

In regard to section 10(a), the conference made it very clear that the district court of the district of Alaska is the only court that will have jurisdiction over actions in regard to any challenge with respect to the legality.

In subsection (b) it is clear—and this is a significant change—that only in the event the State initiates litigation or voluntarily becomes a party to the litigation to contest the authority of the United States to legislate on the subject matter or the legality of this act, will all rights of land selection granted to the State by the Alaska Statehood Act shall be suspended.

All of the lands under this act which are conveyed to the Native people of Alaska with the exception of hardship lands and those lands identified as the new lands will be within 25 townships.

I call attention to section 11(a). This is also a very significant compromise on the part of the conferees. It recognizes that the lands around the village areas in Alaska are the lands that the village people have wanted and claim as their own. There are no floating selection rights under the bill.

I would also like to call to the attention of the Senate that the revenue-sharing sections of the bill apply only to the revenues of the State of Alaska received after the date of this act. A very significant word in that section is the word "hereafter" and that is a change that means that the 2 percent overriding royalty will be paid when received from mineral resources of the State of Alaska from revenues received after the date of this act.

There are many significant changes in this bill that have been, I believe, to a great extent explained, and very well explained, I may add by the report that has been filed by the conference committee. I do believe, however, that there are some areas that need further explanation—for instance, section 14(h) regarding the conveyance of fee title to regional corporations for cemetery sites and historical places. I would hope that the manager of the bill would agree with me that the intent of the conferees was not to take the places away from the village, to take away their cemeteries or their historical sites, but merely to place title in the regional corporation as the custodian of places properly identified as such sites. For instance, I refer to some of the old Russian churches and some of the areas preserved by the village people. Title will be conveyed to the village corporations, for instance, of some of such places. It is the intent of the conferees under this act that those areas will be preserved and that they are conveyed to the village corporations for that purpose and not for the purpose of commerical exploitation but to provide for the preservation of the cemeteries and historic sites.

Mr. BIBLE. Mr. President, will the Senator yield to me at that point?

Mr. STEVENS. I yield.

Mr. BIBLE. Mr. President, the Senator from Alaska brought that point up during the conference. It was very thoroughly discussed by him and by the members of the conference. The interpretation he places on the status of the cemeteries and historic sites is exactly correct. There is no intent whatever in the bill to take the last resting places or these historic sites away from the Native people or their village corporations.

That was made very clear in the conference.

I am glad that the Senator clarified it by his discussion.

Mr. STEVENS. Mr. President, I thank the Senator from Nevada.

Lands to be made available under the same section, for areas such as Sitka, Kenai, Juneau, and Kodiak are made available under the particular section relating to hardship areas that treatment does not apply to any other area of the State. These lands are made available pursuant to a decision that these are historic villages that existed before a white man got to Alaska that no longer exist. They are to be included in this hardship category created under this act.

I point out particularly the provisions of section 14(h)(5) which deal with the conveyance of 160 acres of land occupied by the Native as a primary place of residence on August 31, 1971. That is a place of residence outside of village land. The subsurface state in such lands shall be conveyed to the appropriate regional corporations.

Mr. President, I would like to make a comment concerning the provisions of section 17(B), which is a provision that I would refer to as a revised Kyl amendment, does give the Secretary of the Interior the right to withdraw 80 million acres of land within the 9-month period following the date of the enactment of this act. It is the intent of the conferees, I believe, that these are to include the lands previously classified, such as the Iliamna classification, Brooks Range, or Copper River areas and that these lands comprise well over 50 million acres already. We have added land up to 80 million acres so that the Secretary could identify the land to be withdrawn by the Congress at some future date for specific Federal programs that is, national parks, forests, wildlife refuges, and wild and scenic rivers.

This amendment that was contributed to by Representative UDALL, of Arizona, with regard to the provisions of subsection (c) of this amendment, which requires the Secretary to report every 6 months for a period of 2 years his recommendations with regard to these lands the Senator from Nevada has made a most significant contribution. If the Secretary recommends, in 2 years, that land he has identified as being valuable for these for specific programs be added to the areas set aside for those programs in Alaska, the Congress will have 5 years to act. This was another wise and just resolution of the problem that faced us with regard to the great demand for areas needed for conservation purposes.

I again commend the Senator from Nevada for aiding us and for putting together a bill which Representative UDALL and Representative KYL on the other side, and Senator METCALF on this side felt so strongly about. Through this bill we can achieve our respective goals.

In section 21 the statement is made that:

> The receipt of shares of stock in the Regional or Village Corporations by or on behalf of any native shall not be subject to any form of Federal, State, or local taxation.

I assume the manager of the bill would agree that we are talking about shares issued originally by the corporation or issued in the 21st year and not stock dividends in lieu of dividends. Those dividends would be taxable under the existing law.

Mr. BIBLE. Mr. President, if the Senator will yield, the answer, as I understand the question, is "Yes."

ORDER OF BUSINESS

Mr. TOWER. Mr. President, I ask unanimous consent that the Senator from Alaska will yield to me without losing his right to the floor so that I may propound a unanimous-consent agreement.

Mr. STEVENS. I yield.

The PRESIDING OFFICER. The Senator from Texas is recognized.

ECONOMIC STABILIZATION ACT OF 1971

Mr. TOWER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2891.

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate a message from the House of Representatives announcing its disagreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2891) entitled "An Act to extend and amend the Economic Stabilization Act of 1970," and requesting a further conference thereon.

Mr. TOWER. I move that the Senate agree to the request of the House for a further conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. CRANSTON, Mr. TOWER, Mr. PACKWOOD, and Mr. ROTH conferees on the part of the Senate.

Mr. TOWER. Mr. President, this matter has been cleared on both sides. The reason for this action is that an amendment was added in conference, against which there was a point of order raised in the House which was sustained by the Parliamentarian and we are going back to work on the measure now.

I thank the Senator for yielding.

ALASKA NATIVE CLAIMS SETTLEMENT ACT—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

Mr. STEVENS. Mr. President, the miscellaneous provisions in section 22 contain very important decisions. Two of them have not been commented on in the report.

Section 2(b) directed the Secretary of the Interior "to issue patents to all persons who have made a lawful entry on the public lands in compliance with the public land laws for the purpose of gaining title to homesteads, headquarters, sites, trade and manufacturing sites, or small tract sites."

These people are to get their patents immediately, or at least as soon as possible.

The second group consists of those who made a lawful entry prior to August 31, 1971, and although they might not have completed all requirements of the land laws, shall be permitted to continue to meet those requirements, and provided they lawfully entered on the land and were not trespassers, they will be able to continue and receive patents to the land they lawfully entered.

The provisions of subsection (h)(2) pertain, as I understand it, to tentatively approved lands and the withdrawals made within tentatively approved lands, for the purpose of permitting village selections. After 3 years they should go back to the State which should receive patent for such lands not taken by the village in question.

I assume the manager agrees. There is a withdrawal for the villages and even though these lands were tentatively approved under the Statehood Act, a village within by T/A lands could select lands within those tentatively-approved areas. But, once that withdrawal expires there is an understanding that the remaining lands should be patented to the State of Alaska.

Mr. BIBLE. If I followed the Senator's complex question, I think the answer is yes, but I would want to read it first. I think the answer is yes.

Mr. STEVENS. I apprecite the statement of the Senator.

My intent is to make certain that those lands, within T/A lands, withdrawn for the purpose of villages, not used by villages, are to be patented by the State at that time. I want to be sure it is clear we do that.

Mr. BIBLE. As the Senator has restated it, the answer is unquestionably yes.

Mr. STEVENS. In section 22(c) we have provided a section that all lands "conveyed to village and regional corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location under the general mining laws and recorded notice of said location within the appropriate State or local office shall be protected in his possessory right if all requirements of the general mining laws are complied with, for a period of 5 years, and may, if all requirements of the general mining laws are complied with, proceed to patent."

This is a protection for those who have mining claims in Alaska; if they are valid today and if they continue in the development they will have an additional 5 years to proceed to patent. Otherwise they might be cut off by reason of the fact they did not have an opportunity to fully protect their claim under the mining laws prior to this date.

Section 22(k) is a provision that many people have misunderstood. It is my firm opinion that the lands conveyed to the Native people in southeast Alaska will be an immediate asset because they are timberlands from the national forest in Alaska.

For fiscal and other reasons we have delayed the cash settlement and I felt there could be extraordinary pressure on the villages to sell this timber before they would have the money and before they develop the management protections to really treat those timberlands as what they are, a long-term asset of each village. For that reason the bill provides:

> (1) the sale of any timber from such lands shall, for a period of five years, be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and
>
> (2) such lands are managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands for a period of twelve years.

I feel that is something that will result in the preservation of these forest lands for the Native people.

I hope in time that will prove to be the case.

Mr. President, in the past years, many hundreds of people have entered upon the public lands in Alaska to make entries under the public land laws. Because of the imposition of the so-called super land freeze in 1969, many of these individuals have not received a patent, although they may have completed all the requirements stipulated in the public land laws or may have been well on their way to completing these requirements. In addition, many individuals have entered the public lands to stake claims under the general mining laws.

It has been my opinion throughout our consideration of the Native land claims settlement legislation that both types of entries should be protected in the final settlement bill. Such protection is a matter of simple justice. Many hundreds of Alaskans have spent years of effort in satisfying the requirements of the public land laws. Often, they have spent large sums of money in reliance on the fact that they would some day receive a patent in compensation for their labors.

Not only is the protection of entries under the public land and general mining laws a matter of justice, it is also a matter of sound economics. The mineral extraction industry is an essential component of the Alaskan economy. In recent years, mineral resource concerns have invested much capital in our State. This capital has, in turn, generated additional income for Alaskan businesses that are not involved in mineral development. The decision to invest venture capital is dependent upon many factors. One of the most important of these is the certainty that possessory and other valid existing rights will not be disturbed. The mere threat of disturbance is usually enough to deter the investment of venture capital.

It is my opinion that the bill we are considering today does protect rights which have accrued under the general mining and public land laws. This is accomplished in several places in the bill. One of the most important is section 22 (b), which I proposed during conference committee consideration of the settlement legislation. This provision directs the Secretary to promptly issue patents to all persons who have made entry on the public lands in compliance with the public land laws for the purpose of gaining title to homesteads, headquarters sites, trade and manufacturing sites, and small tract sites, and who have fulfilled all requirements of the law prerequisite to obtaining a patent.

In addition, this section provides that any person who has made a lawful entry prior to August 31, 1971, for any of the foregoing purposes shall be protected in his right of use and occupancy until all the requirements of law for a patent have been met. This would be so even if the lands involved have been reserved or withdrawn in accordance with Public Land Order 4582, as amended, or the withdrawal provisions of the settlement legislation. Of course, to qualify for protection under the latter part of this provision, an individual must have maintained his occupancy in accordance with the appropriate public land law.

Similar treatment is also provided to those who have entered the public lands in compliance with the general mining laws. Under section 22(c), which I also proposed, on lands conveyed to villages and regional corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location under the mining laws and recorded notice of his location will be protected in his possessory rights, if all the requirements of the law have been satisfied. This protection will apply for a period of 5 years and, if the mining claimant has complied with the requirements of the mining laws, he will receive a patent. On lands which are not conveyed to village and regional corporations, the August 31, 1971, cutoff date does not apply, and the rights of all those who initiated valid mining claims or locations will be protected in accordance with subsection (c) even if their entries were made subsequent to August 31.

I believe that another aspect of the settlement legislation will have a favorable impact on the Alaskan mining industry. This is the conference committee's treatment of the land freeze. First, metalliferous mining entries are exempted from the further freeze provided in section 17(d). Such an exemption is in keeping with that provided in the Pickett Act and Public Land Order 4582, as amended, and is absolutely necessary to the continuation of an economically viable mineral extraction industry in Alaska. Second, the general land freeze stipulated in the bill is carefully defined and is restricted in time and location, thus, insuring the prudent development of Alaska's land base, which is so essential to the social and economic progress of all our people.

Mr. President, I believe that the conference committee's treatment of rights which have accrued under the mining and public land laws is an excellent accommodation of the various interests involved. The settlement legislation which we are considering today is an historic and significant landmark in our treatment of Alaska Natives. We must also keep in mind that the bill will have a significant impact on the non-Native citizens of Alaska. I believe that the provisions which I have just described and others that have been written into the bill will provide all our people with the opportunity to participate in the development of Alaska.

Mr. President, obviously I have just about used all of our time. On behalf of the people of Alaska I want to express our sincere gratitude to the Senator from Nevada. He suggested that the Congressman from Alaska, the Senators from Alaska, and the Governor of Alaska get together to try to resolve our differences before the conference. We did that, and while our understanding has not been incorporated 100 percent into the bill it led to a substantial resolution of the problems before the conference.

It has been a pleasure to work with the Senator from Nevada, and I appreciate the opportunity to make this explanation.

Mr. BIBLE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 25 minutes.

Mr. BIBLE. I thank the Presiding Officer.

Mr. President, first let me thank the the Senator from Alaska (Mr. Stevens) for his comments. All of us worked as a team on this bill. We did have many complications as we went along on it, but men of goodwill can always, with a little give and take, work out their problems. I think the end product is a fair and equitable bill.

Mr. President, earlier I asked unanimous consent that the printing of the report by the Senate be dispensed with. I would now like to ask unanimous consent that unanimous-consent order be withdrawn, because there seems to be a feeling that there should be a considerable number of these reports made available for the people of Alaska.

The PRESIDING OFFICER. Without objection, the previous order will be vitiated.

Mr. BIBLE. Mr. President, I want, first, to offer for the Record the statement of the chairman of the full committee, the Senator from Washington (Mr. Jackson), who, for reasons which are apparent to everyone throughout the Nation—at least, I hope they are—was unable to be in attendance at every meeting, but attended as frequently as he could and was available for most of the meetings.

I ask unanimous consent that his statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Jackson

Mr. President, I want to commend both the House and Senate members of the Conference Committee on the Alaska Native Claims Settlement Act of 1971 for their dedicated effort and for the constructive and reasonable manner in which the differences between the House passed bill and the Senate amendment were resolved.

I especially want to thank and commend the Senior Senator from Nevada for serving as Chairman of the Senate Conferees during the conference meetings I was unable to personally attend. The Senior Senator from Nevada, who is Chairman of the Subcommittee on Parks and Recreation, did an outstanding job in handling this complex and difficult conference and in protecting the interests of the Native people, the State, the Federal government, and the larger public interest in the resources and the future of Alaska.

I also want to note that because of the senior Senator from Nevada's persuasive arguments on behalf of his Park Study Amendment to the bill when it was considered in the Senate, the Conference Committee adopted the amendment in the Conference Report. This amendment directs that the Secretary of the Interior withdraw up to 80 million acres of land in Alaska which are suitable for inclusion in the National Park, Forest, Wildlife Refuge and Wild and Scenic Rivers System. Future generations of Americans will be thankful for the Senator's foresight and judgment and I am proud to have cosponsored this important amendment in the Senate.

Mr. President, the purpose of a Conference Committee is, of course, to resolve and to compromise the differences between House and Senate passed bills. I endorse and commend the major portions of the Conference Committee's actions. There are, however, some aspects of the conference report on which I have individual views which I advanced in the Conference Committee that are not in accord with the action that was ultimately taken by a majority of the Senate and House conferees.

I want to set forth these views for the *Record* because I believe that my concerns in many of these areas can be handled by the Secretary of the Interior under his existing legal authority and in the administration of the Act.

First, I regret that the Conference Committee did not accept my amendment to require competitive leasing of all public lands in Alaska. It is my view that competitive leasing would result in greater revenues to the United States Treasury and would prevent windfalls to private individuals.

Second, I would have preferred the language of the Bible amendment which I cosponsored to the language in the Conference Report. The amendment of the Senior Senator from Nevada as adopted by the Senate had no limitation on the total amount of acreage which could be withdrawn for park purposes. The Secretary can and, in my view, should withdraw any public lands in Alaska—within the 80 million acre limitation of the Conference Report—which meet the standards for inclusion in, or creation as, new units of the National Park, Forest. Refuge or Scenic Rivers Systems. If this is not done, the last chance to set aside these unspoiled lands for future generations without cost to the American people will have been foregone.

Third, it is my strong conviction that the Joint Federal-State Land Use Planning Commission should have regulatory and enforcement powers as provided for in the Senate amendment, rather than merely being an advisory body to the State and Federal government. The Secretary can, by supporting the Commission and by following the planning priorities the Commission recommends, insure that a national land use policy will be developed for the public lands in Alaska.

Fourth, I would have preferred the adoption of the land formula I proposed in the Senate bill which provided for less lands—30 million acres—but higher quality lands—10 million acres of free-floating lands to be selected for their economic potential. I believe the public interest is better served by granting the Native people less total acreage, but making sure that the lands granted are valuable and will generate a continuing source of revenue.

Fifth, I would have preferred the simplicity and security of *one* Statewide Investment Corporation, competently staffed and subject to appropriate restrictions, to protect the interests of the Native beneficiaries in the revenues granted by the Act to the 13 Regional Corporations provided for in the Conference Report.

Sixth, in my view, the protection of Native subsistence needs and requirements would have been better protected by a special provision in the Act rather than by leaving the matter to Secretarial discretion.

Mr. President, I would like to commend wholeheartedly the efforts of both the House and Senate conferees for their untiring efforts over the nine days of the conference. The *settlement package* is a fair and honorable resolution of the Native Claims—fair to the Native people, to the citizens of Alaska, to the State, and to the national interest.

Mr. BIBLE. I want to single out the Senator from Washington (Mr. JACKSON) for the many days of work that he, and he alone, has spent on the consideration of the Alaskan Native problem. This started in the 90th Congress. In the 91st Congress he devoted at least 6 days in field hearings and in Washington, D.C., to these problems. In addition, he devoted more than 15 days of full committee time to executive sessions. As the record will show, the bill was reported to the Senate after many days of hearings and deliberation. It was passed by the Senate, but did not pass the House of Representatives.

In this Congress, the 92d, the chairman devoted some 3 days to hearings on this bill, another 3 days to executive sessions, and 1 day to floor debate in perfecting the Senate bill and sending it to conference. There were almost 9 full days of meeting in conference. So, in my view, the junior Senator from Washington deserves the major share of the credit for the work that has been hammered into this legislation on the Senate side.

I also want to pay particular tribute to Bill Van Ness, chief counsel to the committee who worked out so many, many problems not only in this session but in the last session, in the Alaska Native claim bill. I do not know what we would have done without his legal and sharp analysis of the problems involved.

I would also like to salute Jerry Verkler, staff director, and likewise Charles Cook, minority counsel. Again as a team, they worked long and hard to bring out a bill which I think is a fair and equitable one.

Now, I would like to yield 5 or 10 minutes, or whatever time he may want, to the distinguished Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. I thank my colleague from Nevada.

Mr. President, before proceeding, I would like to clarify two minor points. According to the bill funds will be appropriated into the Alaska native fund beginning this fiscal year; that is, before July 31, 1972. But no funds will be paid out from the Alaska Native fund to the regional or village corporations until the Secretary of the Interior has completed the Native enrollment. That procedure could take as long as 2 years. It is my understanding that in the interim the appropriated funds will be held in a special fund in the U.S. Treasury. Will there be any interest credited to that account while the funds are withheld pending enrollment?

Mr. BIBLE. The bill does not by its terms provide for interest on the appropriated funds once they are, in fact, appropriated although interest at the rate of 4 percent per annum beginning 6 months after the end of any fiscal year in which Congress fails to make a scheduled appropriation is provided.

As to funds withheld pending enrollment, it is the committee's intention that the Secretary of the Treasury shall use his existing statutory authority to invest and manage the Alaska Native fund pending enrollment and to credit any interest so earned to that fund. When the enrollment is completed, the total balance, including accrued interest will be paid to regional corporations in accordance with the bill.

Mr. GRAVEL. I thank the Senator. My second question concerns revocation of existing reservations. Under the committee bill all reservations in Alaska are revoked, unless the village corporations located within the reservation elect to take fee title to the reservation. If Natives do elect to take title to the reservation, they will not participate in the land selection procedures of the bill, nor share in the monetary settlement.

Some reservations contain two or more Native villages. On page 27, section 19(b) of the conference report, the committee bill states:

> If two or more villages are located on such reserve the election must be made by all of the members or stockholders of the Village Corporations concerned.

Does this language mean that an election in such cases must result in a unanimous vote of all the Natives in order to take fee title to the reservation?

Mr. BIBLE. No, it does not. The language merely provides that where two or more villages are located in the same reservation, then members of all affected villages must participate in the election held to determine whether to retain the reservation. If a majority of all affected Natives vote to take title to the reservation, that election will be effective. The language refers to participation by all affected Natives, not to any requirement of a unanimous vote.

Mr. GRAVEL. Mr. President, last month the Senate passed S. 35, a product of considerable legislative effort on the part of the Senate Committee on Interior and Insular Affairs.

The dedication and leadership of Senator HENRY M. JACKSON and other members of the committee, and the solid legislative craftsmanship of the committee staff under the direction of Chief Counsel William Van Ness, produced an excellent document, worthy of the importance of the Alaska Native land claims.

The House had earlier passed H.R. 10367, which likewise was an impressive document. House Interior Committee members and staff had labored long and hard to reach a compromise of all competing interests.

Both bills essentially took the same approach to settlement. Both included approximately $1 billion in revenue, 40 million acres in confirmed title to the Natives, and a corporate structure for long-term management of settlement funds and land interests, with considerable discretion left to the Native recipients on the disposition and control of these resources.

Nevertheless, the conference between the two Houses was a difficult one, difficult because this was the most important piece of legislation for Alaska since the Statehood Act cleared both Houses in 1958. Provisions of this legislation cut across virtually every economic and social interest in the State of Alaska.

Make no mistake about it, with passage of this legislation Alaska will never be the same. For Alaskans, this legislation will take some getting used to. But once the immediate changes are implemented, and our people become familiar with the new structures and the new interests, I am confident there will be common agreement that the act we consider today will have been extremely beneficial to the individuals concerned and to the State and Federal governments.

Virtually all land in Alaska is presently in public ownership. This legislation will convey at least 40 million acres to Native interests—and that means private interests— and will open the way for additional land selections under the Statehood Act, much of which will ultimately reach private hands. That will be a new element in Alaska life.

Another new element involves Alaska government structure. Most of Alaska's vast land expanse does not fall within the boundaries of regional government. With this legislation we will be creating, in fact, if not in name, government for the many rural regions of Alaska.

The Natives of Alaska have not had and do not have today the economic resources to insure their full equality as citizens of our State or this Nation. Most Native Alaskans over the years have become dependent upon government handouts for all aspects of their health and welfare—oftentimes for their very subsistence. With passage of this legislation some economic resources will be available to the Native population of Alaska. This will not insure dramatic improvements in their way of life, but it will give the Native people an opportunity to build and create on their own, with their own leadership, in their own way, for the first time not dictated to by a non-Native bureaucracy thousands of miles away.

All of this and more will take some getting used to by Alaskans. There will be newly created entities with real economic and social power. There will be new leaders in the mainstream of Alaska's economic and political life. There will be new bases of economic potential for employment, development and investment. There will be new interests to deal with regarding Alaska's land and its resources.

And, hopefully, from this there will be rapid and significant improvement in job opportunities, education, and the general health and welfare of all Alaskans, particularly those who need it most, the people of village Alaska.

The land claims settlement is not welfare legislation. For nearly a century the Federal Government has had an unredeemed debt to the Indians, Eskimos, and Aleuts of Alaska.

Now, a claim has been filed, considered, and, with passage of this legislation, the claim will be paid. It is a just and valid claim, recognized by all branches of the Federal Government. H.R. 10367 is the negotiated settlement of that obligation.

As a consequence of retiring the debt, increased economic opportunities will flow to the recipients. Some non-Natives believe, in all good faith, that the settlement is too much of an advantage for the Native people, particularly when added to other existing Federal programs for the exclusive benefit of Alaska Natives.

The weakness of this argument lies in the kind of conditions existing Government programs have created. We have provided too little in all areas—health, education, housing, employment—as verified by available statistics, and apparent to all who know the nature of village life. We have approached these programs in such a way as to create a demeaning climate of dependency among some of the proudest, most resourceful people on earth.

With this legislation, the Native people of Alaska gain some tools with which to break the cycle of dependency and help shape their own destiny.

Mr. President, this legislation, in my opinion, does justice, to the valid claims of the Native people. I believe most Natives will accept the legislation as a just settlement.

This legislation will produce immediate and significant benefits for all the people of Alaska.

It will open the way for orderly development of our vast resource potential.

It insures that tens of millions of acres of Alaska land will be set aside for parks, wilderness areas, wildlife ranges, and developed recreational areas.

Not every Alaskan, nor every Member of Congress will find happiness with this legislation. In the final analysis it has that common property of all legislation which we enact: it is the work of mortal men attempting to wrestle with urgent problems, acutely aware of present realities, yet with an eye on the vision we hope to build into our future.

I am certain that the immediate reaction in Alaska to enactment of this legislation will not be universal acclaim, but rather a mixed blend of delight, hope, caution, and anger.

But I am also convinced that this is sound legislation, a fair settlement, and a necessary prelude to development and protection of America's last great remaining frontier.

For 5 years I have been personally and actively involved with this problem. As a U.S. Senator I have lived with this legislation for 3 years, often to the exclusion of most other interests. I am satisfied with the result. I am confident of the justice of its provisions, and I urge its passage by the U.S. Senate.

There are two gentlemen whose activities with respect to this legislation stand out. They are the Senator from Washington (Mr. JACKSON), and Representative ASPINALL, both chairmen of the respective Interior Committees of the House and the Senate. Their job, of course, requires that they handle this legislation. But the way these gentlemen conducted themselves over the past 2 years in this problem area demonstrates not only that they did a job they are required to do because of their position, but that they demonstrated a degree of leadership and dedication far in excess of that normally exercised. The Senator from Washington (Mr. JACKSON) melded together various points of view to bring about a decision. The decision to have the Federal Field Committee in Alaska do detail research in this area laid the groundwork for information which opened the way for passage of this legislation.

The Senator from Nevada (Mr. BIBLE) himself, because of the enforced absence of the chairman in the final months, played an unusual role, particularly in the conference committee. We were fortunate that he is gifted with a tempering personality that enabled him to influence other members in bringing about the resolve to push the legislation along.

I am in accord with his statement with respect to Bill Van Ness and Jerry Verkler on the Senate side. I would add to that commendation mention of Lewis Sigler on the House side.

The work necessary to bring this bill together has been a gargantuan task and all who participated deserve the gratitude of all Alaskans.

I want to pay particular commendation to my colleague on the other side of the aisle (Mr. STEVENS). Though we at times have disagreed on some of the facets of this legislation, let me say that I believe his resolve and his dedication to accomplish a solution in this regard are no less than my own, and certainly no less than anyone else's.

This is my second experience with Representative ASPINALL, in conference.

Representative ASPINALL was on this floor earlier. The way he conducted the conference committee was probably the most ideal leadership I will ever experience in my tenure of office in Congress. He was at all times very courteous, at all times very diligent, and I believe, in a personal way, he went out of his way to encourage each individual member to state his views while at the same time moving the process along to a conclusion. I also wish to mention the following House conferees: Messrs. HALEY, EDMONDSON, UDALL, MEEDS, BEGICH, SAYLOR, KYL, STEIGER, and CAMP. Their efforts certainly are noteworthy and their accomplishment great in the passage of this legislation.

Let me say we probably could not have seen a bill this year if it had not been for the Governor of Alaska, William A. Egan, coming forward and adding his voice, adding also a tempering influence, since he knew many Members of the House and the Senate on a personal basis because of his long career of public service. His efforts to arrive at a just settlement were most important in permitting us to reach a legislative solution.

Let me particularly point out the efforts made by Representative NICK BEGICH of Alaska, which added a catalytic influence on the House side and which I am sure helped to bring about the legislation in the House.

Let me just add, in passing kudos, the names of Dr. Douglas Jones, who was appointed to the Federal field committee and joined my staff in the Senate; Byron Mallott, no longer on my staff, but who was here in the beginning, and did significant and important early groundwork, Sam Kito, who advised me in many different areas of this legislation.

Joe Rothstein, my administrative assistant, who is with me on the floor today, has devoted more time to this subject than any other task we could possibly have thought of undertaking during my short tenure. His efforts were important in countless ways that can never be fully appreciated by those who have not lived with the development of this legislation.

There is one other noteworthy ingredient: The Alaskan Native people themselves. They brought to Congress the bill, sought its introduction, and obtained its introduction. When I consider the amount of work we have undergone in bringing about this legislation, and when we realize that the Alaskan people, through their Native organization, hammered out a bill with all the intricacies this one has, I think it is an amazing testimonial to the great democratizing process that has taken place in Alaska. If this bill carries the imprint of any one group of people, it is that of the Alaskan Natives.

The imprint is there. It has been hammered into an amalgam and then into a compromise, which is what we have before us today. I think this compromise is a good one, certainly, within the realm of the ability of human beings to make such a compromise. I can only say that as we go forward from today, the challenge has been met by Congress, we have worked our will, and the challenge rests with the Alaskan Native people and the citizens of Alaska themselves—first, with the citizens of Alaska, in the fact that they must accept this legislation; and second, with the Native people, who must develop from this legislation, a future for themselves.

We can pass as many laws as we will, but if the people who are subject to those laws do not accept them, then the effort goes to naught, and we do representative government a disservice. I hope and pray that the Alaskan community—and I shall do everything in my power, and I am sure my colleagues will, to bring it about—will accept the legislation in the spirit in which it has been rendered, to do justice first to the Natives of Alaska, and second to all the people of Alaska and the people of this Nation. As I have stated, I think we have met our challenge. I am confident Alaska's citizens will meet their challenge, in their acceptance of the legislation, and that the Natives of Alaska will meet their challenge, their great opportunity.

We have done today, Mr. President, probably the most significant thing for Alaska, with the passage of this legislation, since the passage of the Statehood Act, if not since the purchase of Alaska from Russia.

Mr. BIBLE. Mr. President, as we are about to move to the adoption of this conference report, I again wish to pay tribute to the chairman of the full conference committee. I have had many conferences, over my years on the Committee on Interior and Insular Affairs, with Representative WAYNE ASPINALL. I do not recall the number, but it is of a high numerical order. He gives to a conference a balance and a firmness that we do not always find in our conferences. In this conference in particular, which was tedious and involved some misunderstandings, he maintained a balance and retained his sense of humor throughout. The differences, I think, were resolved adequately.

Mr. President, I believe I am now in a position to yield back the remainder of my time.

Mr. STEVENS. Mr. President, if I have any time remaining, I would like to point out that this represents the last settlement for any aboriginal group on a first-time basis. There have been treaties and there have been judicial settlements with other Indian groups, but this is the last of the great aboriginal claims that will be presented to the Congress. This is a historic occasion.

Mr. BIBLE. I think it is, also. Let me add to the statement that Senator STEVENS has just made that it has been a pleasure to work with the Alaska Senators on this matter, and I hope it will be landmark legislation, that will help work out the problems of all concerned. I do not say that this is a perfect bill, but I believe it is the best we can get.

Mr. President, I yield back the remainder of my time.

Mr. STEVENS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HANSEN). All remaining time having been yielded back, the question is on agreeing to the conference report.

The report was agreed to.

QUORUM CALL

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today—and I hope that will be very shortly—it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The only business remaining for today is the conference report on the economic package part of phase II, and we hope to have that momentarily.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HANSEN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of this date at pp. 46844–46848.)

Mr. PROXMIRE. Mr. President, the House objected to the conference report as was agreed to by the conference committee on S. 2891, The Economic Stabilization Act Amendments of 1971. We have since then, Mr. President, appointed new conferees, met and we have now agreed to a revised conference report which removes the language objected to by the House.

The initial conference report contained an amendment to the Senate language authorizing an increase in the maximum pay permitted to certain categories of legislative employees. This provision has been eliminated in the revised conference report, and the language with respect to Federal pay is now identical to the bill passed by the Senate on December 1. It is my understanding that a point of order was made against that particular language, which has now been eliminated completely; so there is no question that this now is in compliance.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. TOWER. The Senator is correct. A point of order was raised to the amendment that was adopted by the conference, and that point of order was sustained; hence the necessity for referring the bill back to conference. Actually, we have the bill in the form that it was passed, with the exception of a very minor amendment.

Mr. PROXMIRE. I thank the Senator. He has described the situation precisely as I understand it.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. McGEE. The "very minor amendment" that the distinguished Senator from Texas alluded to is the McGee amendment to the bill; and in terms of its application, it was not very minor.

Mr. PROXMIRE. I am sure the Senator from Texas was not referring to Senator McGee's amendment, which is a very important amendment. I think he was referring to the fact that this was amended further by the House.

Mr. TOWER. The McGee amendment was amended by the House. At least, they offered an amendment which we accepted, which was relatively minor, relative to the whole amendment offered by the distinguished Senator from Wyoming, which was not minor in any respect.

Mr. PROXMIRE. As a matter of fact, it was major league. I recall saying in committee that, so far as millions of Federal employees are concerned, this is the most important part of the bill.

Mr. McGEE. Indeed, it is. But I think the intent of the Senate, even in the light of the House effort to amend the amendment, is what ought to be made a part of the record, and that is the reason why I wanted to do just that.

The amendment requires the comparability adjustments for Federal employees on January 1, 1972, notwithstanding the provisions of the President's alternate plan submitted to Congress August 31, 1971. Is that correct?

Mr. PROXMIRE. That is correct.

Mr. McGEE. When will those increases take effect?

Mr. PROXMIRE. On the first day of

the first pay period on or after January 1, 1972.

Mr. McGEE. The key to that is "on or after January 1, 1972"?

Mr. PROXMIRE. That is correct.

Mr. McGEE. Does that include employees of the legislative branch of the Government, or just civil service employees?

Mr. PROXMIRE. Yes. Legislative employees are included.

Mr. McGEE. When will their pay be eligible to be increased?

Mr. PROXMIRE. As of January 1, 1972, if the Senator or committee chairman approves the individual increase—the Senator with respect to his own staff and the committee chairmen with respect to their staffs.

Mr. McGEE. Is it the opinion of the chairman of the conference that the bill makes that very specific?

Mr. PROXMIRE. No. The rules of conference prevented us from making the bill that specific, but that is what the conferees on the part of the Senate intended, and certainly it is fair and equitable for employees of the judicial branch and the legislative branch to be treated in the same manner as executive branch employees.

Mr. McGEE. I think that is the point that it is significant to make at this time, in the RECORD—that is, that we did not intend any inequity or discrimination; that once the lines were laid out that this should be subject to the individual Senator or the chairman of the committee, it should be available for those particular legislative employees.

Mr. PROXMIRE. That is correct. This was always called the Federal employees' comparability amendment, and it was my understanding that there was no discrimination here. It would apply to executive employees and judicial and legislative also. If would apply to all Federal employees.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. TOWER. It is my recollection that this legislative history was made at the time the Senator from Wyoming proposed his amendment. That certainly was my understanding at the time.

Mr. McGEE. That is correct.

Mr. TOWER. I think that was the intent of the Senate conferees, in any case. Now we have the amendment offered by the Senator from Wyoming in its pristine form, without having been tampered with.

Mr. McGEE. That is correct. We did not want any misinterpretation of that action subsequently to be resurrected in adverse ways.

Mr. PROXMIRE. I think the Senator from Wyoming is most helpful in engaging in this colloquy. Otherwise, there could be some confusion. After all, the House raised a point of order, and this could be interpreted as meaning that because the point of order was sustained, legislative employees could not be paid the increase. However, I think this colloquy makes it clear that this was not our intention. Legislative employees should be paid the increase; and because the McGee amendment was accepted in toto, it is my understanding that they will be.

Mr. TOWER. If it does not mean this, I would feel some stupidity in going back to my office this evening.

Mr. McGEE. Assured by that, the Senator from Wyoming is delighted—not only that the Senator can go back to his office, but also that he can go home, rather soon.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CREDITS TO INDIA AND PAKISTAN FROM THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. BYRD of Virginia. Mr. President, because of the interest in Pakistan and India, I want to read into the record figures from the annual report of the World Bank and the International Development Association. These figures are as of June 30, 1971.

The total of International Development Association credits to nations throughout the world is $3,340,000,000. Of this total, more than $2 billion has gone to India and Pakiston, $1,507,000,000 to India and $497 million to Pakistan.

It will be noted from these figures that almost two-thirds, actually 60 percent, of all the soft loans—namely, all the long-term credits or grants or giveaways, any way one wants to express it—has gone to India and Pakiston.

These figures are significant in light of what is developing between those two countries. It is significant also, despite the vast amount of public funds which have gone into the World Bank, into the soft loans and into the long-term credits—the bulk of which has gone to India and Pakistan—that this Congress, this Senate, over and beyond the $3 billion in soft loans made by the International Development Association has recently authorized $960 million more for this institution. I am glad to say that the Senator from Virginia voted against that. It is additional evidence that American taxpayers are financing many of the problems developing throughout the world.

I think it is inexcusable for Congress to keep on appropriating tax funds for long-term grants and give-away programs to countries all over the world, particularly in a situation where the two countries that should gain the most by this, are dissipating the funds by fighting each other.

If Congress and the administration are not willing, as a result of what is happening in India and Pakistan, to reappraise its entire foreign aid program, to reappraise its giveaway programs, to reappraise the amount of money Congress is authorizing and appropriating for international financial institutions, then I think Congress and the administration are taking an unsound and unwise view.

I say again that the funds supplied by the American taxpayers have played a part, and maybe a significant part in making it possible for those two countries to fight each other. I do not believe we are doing them any favors when we make it possible for them to engage in warfare against each other.

Mr. President, I hold another document in my hand entitled "Military Assistance and Foreign Military Sales Facts, March 1971, Department of Defense."

On page 12 of that Government document it gives "Deliveries on Excess Defense Articles by Fiscal Years."

The interesting thing about the report is that of all the nations in the world to which we have delivered excess defense articles, the amounts of such articles insofar as India, Pakistan, and Nepal are concerned are classified. But for all the other countries, the figures are supplied. There are no figures for India. There are no figures for Pakistan. There are no figures for Nepal. There is only the insertion in each of those years that the figures are classified data.

Now, Mr. President, why should those figures be classified for India, Pakistan, and Nepal? They are not classified for any other nation.

It shows that this country, by its policies, in supplying military equipment and money, has made it possible for India and Pakistan to fight each other, which could lead to further difficulties for other nations in that area.

I want to express the hope—the very strong hope—that the United States will stay neutral in the fighting between India and Pakistan. We have caused enough damage already by supplying them with military equipment. How much, we cannot say, because the figures are classified.

Yes, there are many countries involved which have received deliveries of excess defense articles through the years—practically every country in Latin America, in East Asia, the Near East, South Asia, Western Europe, and also many countries in Africa. But, I repeat, the only countries with classified data are Pakistan, India, and Nepal.

Why in the world would that be, Mr. President?

So I say again, I hope that Congress will give serious consideration to this new report of the World Bank and the International Development Association, which shows that 60 percent of all of the soft loans and long-term credits have gone to those two countries—India and Pakistan.

Mr. President, I ask unanimous consent to have printed in the RECORD a table entitled "Bank Loans and IDA Credits by Country."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BANK LOANS AND IDA CREDITS BY COUNTRY

[Cumulative total, June 30, 1971—Expressed in U.S. currency—Initial commitments net of cancellations, refundings and terminations]

Country	Bank loans		IDA credits		Total	
	Number	Amount	Number	Amount	Number	Amount
Afghanistan			4	$15, 277, 313	4	$15, 277, 313
Algeria	3	$80, 500, 000			3	80, 500, 000
Argentina	9	509, 102, 049			9	509, 102, 049
Australia	7	417, 730, 000			7	417, 730, 000
Austria	9	104, 860, 083			9	104, 860, 083
Belgium	4	76, 000, 000			4	76, 000, 000
Bolivia	1	23, 250, 000	6	32, 600, 000	7	55, 850, 000
Botswana	1	32, 000, 000	3	9, 100, 000	4	41, 100, 000
Brazil	34	998, 291, 274			34	998, 291, 274
Burma	3	33, 123, 943			3	33, 123, 943
Burundi	1	4, 800, 000	3	3, 280, 000	4	8, 080, 000
Cameroon	5	37, 100, 000	5	30, 000, 000	10	67, 100, 000
Central African Republic			2	8, 500, 000	2	8, 500, 000
Ceylon	8	74, 128, 601	4	19, 646, 000	12	93, 774, 601
Chad			3	8, 100, 000	3	8, 100, 000
Chile	18	232, 537, 762	1	18, 997, 755	19	251, 535, 517
China	14	312, 613, 133	4	13, 073, 716	18	325, 686, 849
Colombia	48	871, 877, 840	1	19, 500, 000	49	891, 377, 840
Congo, Democratic Republic of	5	91, 582, 854	3	18, 000, 000	8	109, 582, 854
Congo, People's Republic of	1	30, 000, 000	3	5, 630, 000	4	35, 630, 000
Costa Rica	11	84, 876, 251	1	4, 550, 243	12	89, 426, 494
Cyprus	6	39, 493, 510			6	39, 493, 510
Dahomey			2	8, 100, 000	2	8, 100, 000
Denmark	3	85, 000, 000			3	85, 000, 000
Dominican Republic	1	25, 000, 000	2	9, 000, 000	3	34, 000, 000
Ecuador	10	71, 300, 000	4	24, 600, 000	14	95, 900, 000
El Salvador	9	57, 918, 024	2	13, 599, 331	11	71, 517, 355
Ethiopia	11	97, 800, 000	6	44, 500, 000	17	142, 300, 000
Fiji	1	11, 800, 000			1	11, 800, 000
Finland	16	276, 526, 846			16	276, 526, 846
France	1	250, 000, 000			1	250, 000, 000
Gabon	4	54, 788, 722			4	54, 788, 722
Gambia, the			1	2, 100, 000	1	2, 100, 000
Ghana	2	53, 000, 000	6	31, 900, 000	8	84, 900, 000
Greece	4	71, 300, 000			4	71, 300, 000
Guatemala	5	50, 500, 000			5	50, 500, 000
Guinea	3	73, 500, 000			3	73, 500, 000
Guyana	4	14, 219, 117	2	5, 100, 000	6	19, 319, 017
Haiti	1	2, 600, 000	1	349, 855	2	2, 949, 855
Honduras	10	58, 085, 959	5	24, 027, 974	15	82, 113, 933
Iceland	8	30, 014, 000			8	30, 014, 000
India	39	1, 051, 248, 279	34	1, 507, 040, 696	73	2, 558, 288, 975
Indonesia			16	227, 400, 000	16	227, 400, 000
Iran	19	612, 146, 457			19	612, 146, 457
Iraq	2	25, 293, 946			2	25, 293, 946
Ireland	3	44, 500, 000			3	44, 500, 000
Israel	7	154, 412, 479			7	154, 412, 479
Italy	8	398, 028, 000			8	398, 028, 000
Ivory Coast[1]	10	75, 991, 567			10	75, 991, 567
Jamaica	8	59, 959, 421			8	59, 959, 421
Japan	31	857, 041, 004			31	857, 041, 004
Jordan			5	16, 015, 502	5	16, 015, 502
Kenya[2]	12	228, 824, 026	11	61, 300, 000	23	290, 124, 026
Korea	6	194, 500, 000	6	64, 938, 129	12	259, 438, 129
Lebanon	1	27, 000, 000			1	27, 000, 000
Lesotho			1	$4, 100, 000	1	$4, 100, 000
Liberia	4	$15, 249, 812			4	15, 249, 812
Luxembourg	1	11, 761, 983			1	11, 761, 983
Malagasy Republic	3	11, 100, 000	4	29, 100, 000	7	40, 200, 000
Malawi			7	40, 000, 000	7	40, 000, 000
Malaysia	16	288, 678, 513			16	288, 678, 513
Mali[1]			2	16, 800, 000	2	16, 800, 000
Malta	1	6, 040, 080			1	6, 040, 080
Mauritania	1	66, 000, 000	2	9, 700, 000	3	75, 700, 000
Mauritius	1	6, 973, 119	1	5, 200, 000	2	12, 173, 119
Mexico	25	1, 053, 446, 438			25	1, 053, 446, 438
Morocco	10	186, 720, 830	2	18, 300, 000	12	205, 020, 830
Nepal			2	4, 200, 000	2	4, 200, 000
Netherlands	10	236, 451, 985			10	236, 451, 985
New Zealand	5	112, 058, 680			5	112, 058, 680
Nicaragua	15	59, 858, 828	1	2, 994, 834	16	62, 853, 662
Niger			4	13, 903, 224	4	13, 903, 224
Nigeria	13	338, 800, 000	2	35, 304, 820	15	374, 104, 820
Norway	6	145, 000, 000			6	145, 000, 000
Pakistan	31	633, 459, 647	38	497, 190, 454	69	1, 130, 650, 101
Panama	6	60, 047, 426			6	60, 047, 426
Papua and New Guinea	3	34, 700, 000	3	11, 000, 000	6	45, 700, 000
Paraguay	6	21, 838, 549	4	21, 400, 000	10	43, 238, 549
Peru	24	244, 102, 066			24	244, 102, 066
Philippines	15	238, 952, 923			15	238, 952, 923
Portugal	5	57, 500, 000			5	57, 500, 000
Rhodesia[3]	3	86, 950, 000			3	86, 950, 000
Rwanda			1	9, 300, 000	1	9, 300, 000
Senegal[1]	2	4, 000, 000	6	24, 150, 000	8	28, 150, 000
Sierra Leone	3	11, 400, 000	2	6, 500, 000	5	17, 900, 000
Singapore	10	114, 243, 457			10	114, 243, 457
Somalia			4	12, 350, 000	4	12, 350, 000
South Africa	11	241, 800, 000			11	241, 800, 000
Spain	8	326, 861, 832			8	326, 861, 832
Sudan	6	129, 000, 000	2	21, 500, 000	8	150, 500, 000
Swaziland	2	6, 950, 000	1	2, 800, 000	3	9, 750, 000
Syria			1	8, 500, 000	1	8, 500, 000
Tanzania[2]	3	42, 200, 000	10	60, 700, 000	13	102, 900, 000
Thailand	22	361, 698, 461			22	361, 698, 461
Togo			1	3, 700, 000	1	3, 700, 000
Trinidad and Tobago	6	49, 390, 424			6	49, 390, 424
Tunisia	11	102, 168, 689	6	44, 762, 598	17	146, 931, 287
Turkey	16	238, 679, 609	10	111, 815, 987	26	350, 495, 596
Uganda[2]	1	8, 400, 000	7	44, 300, 000	8	52, 700, 000
United Arab Republic	1	56, 500, 000	1	26, 000, 000	2	82, 500, 000
Upper Volta[1]			2	7, 000, 000	2	7, 000, 000
Uruguay	9	130, 461, 803			9	130, 461, 803
Venezuela	10	329, 114, 641			10	329, 114, 641
Yemen, People's Democratic Republic of			1	1, 600, 000	1	1, 600, 000
Yugoslavia	19	565, 490, 547			19	565, 490, 547
Zambia[3]	11	168, 250, 000			11	168, 250, 000
International Finance Corporation	1	200, 000, 000			1	200, 000, 000
Total	783	16, 068, 465, 389	274	3, 340, 398, 431	1, 057	19, 408, 863, 208

[1] 1 loan for $7,500,000 shown against Ivory Coast is shared with Mali, Senegal, and Upper Volta.

[2] 6 loans aggregating $162,800,000 shown against Kenya are shared with Tanzania and Uganda.

[3] 3 loans totaling $106,700,000 have been assigned in equal shares to Rhodesia and Zambia.

ORDER FOR RECOGNITION OF SENATOR TAFT TOMORROW

Mr. EAGLETON. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the remarks of the majority and minority leaders, the Senator from Ohio (Mr. TAFT) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

AMENDMENT OF DISTRICT OF COLUMBIA ELECTION ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2878.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate the amendment of the House of Representatives to the bill (S. 2878) to amend the District of Columbia Election Act, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the District of Columbia Election Act (D.C. Code, secs. 1-1100—1-1115), is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1-1101), is amended (A) by striking out in clause (2) thereof the final "and", (B) by redesignating clause (3) as clause (4), (C) by adding a new clause (3) as follows:

"(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and",

and (D) by inserting in clause (4) (as redesignated by this section) "or by ward" immediately after "large".

(2) Pargaraph (4) of section 2 of such Act (D.C. Code, sec. 1-1102), is amended by striking out "a school" and inserting in lieu thereof "an".

(3) Paragraph (2) of section 2 of such Act (D.C. Code, sec. 1-1102), is amended as follows:

(A) By striking out "The term" and inserting in lieu thereof "Except as provided in paragraph (7) of this section, the term".

(B) By striking out in clause (A) "one-year period" and inserting in lieu thereof "ninety-day period" and by inserting at the end thereof immediately before the semicolon ", except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days".

(C) By striking out in clause (B) "twenty-one" and inserting in lieu thereof "eighteen".

(D) By striking out clause (C), and redesignating clause (D) as clause (C).

(4) Section 2 of such Act (D.C. Code, sec. 1-1102), is amended by inserting at the end of that section the following:

"(7) (A) Any person in the District of Columbia who has been convicted of a crime in the United States which is a felony in the District of Columbia, may be a qualified elector, if otherwise qualified—

"(i) at the end of the five-year period beginning on the date he completes the sentence of incarceration imposed upon him for the last such crime committed by him, or in case of a person who is granted parole or probation with respect to such last crime, beginning on the date he begins such parole or probation, if he successfully completes such parole or probation, or

"(ii) at the end of the three-year period beginning on the date he completes such sentence of incarceration, or in the case of a person who is granted parole or probation with respect to such last crime, beginning on the date he begins such parole or probation, if the Superior Court of the District of Columbia, after application made to such court by such person, certifies to the Board that such person has demonstrated such qualities of conduct and character as to warrant the restoration of his right to vote; or

"(iii) on the date upon which he receives a pardon with respect to such crime.

"(B) For the purposes of this paragraph, the term 'felony' shall include any crime committed in the District of Columbia referred to in section 14 of this Act (D.C. Code, sec. 1–1114).

"(C) Nothing in this paragraph shall be construed to grant a pardon or amnesty to any person."

(5) Clause (3) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by inserting immediately before "copy" the word "sample".

(6) Clause (4) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by striking out "school".

(7) Section 5 of such Act (D.C. Code, sec. 1–1105), is amended (A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and (B) by adding after subsection (a) the following:

"(b) (1) The Board shall, on the first Tuesday after the first Monday in May of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which qualified electors therein may express their preference for candidates of each political party of the District of Columbia for nomination for President and may elect delegates, and alternates where permitted by the rules of a particular political party, to a particular political party national convention convened to nominate that party's candidate for President.

"(2) No person shall participate as a candidate for nomination for President in such primary unless there shall have been filed with the Board, not later than the forty-fifth day before such primary, (A) a petition on behalf of his candidacy signed by at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and who are of the same political party as the prospective nominee, and (B) a written statement signed by the prospective nominee affirming that he wants his name listed on the ballot for such primary as a candidate for such nomination.

"(3) No person shall be listed on the ballot in such primary for election as such delegate, or alternate unless there shall have been filed with the Board, not less than the forty-fifth day before such primary, (A) a petition in support of that prospective candidate for delegate or alternate, as the case may be, signed by at least one thousand qualified electors of the District of Columbia registered under section 7 of this Act who are of the same political party as the prospective candidate, and (B) if the prospective candidate is pledged to support a particular presidential candidate, a written statement signed by such presidential candidate affirming that such prospective candidate for delegate or alternate, as the case may be, is seeking that office with the approval of such presidential candidate and that such candidate for delegate or alternate was properly selected according to the rules of his political party relating to the nomination of candidates for delegate or alternate. If such presidential candidate fails to so indicate his approval of a candidate for delegate or alternate, such candidate shall appear on the ballot (if he files the appropriate petition) in such primary as a candidate for election as a delegate or alternate pledged to no presidential candidate.

"(4) The Board shall arrange the ballot for the presidential preference primary so as to enable each voter to indicate his choice for presidential nominee and for delegates, and alternates, pledged to support that prospective nominee with one mark.

"(5) The delegates and alternate delegates, of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected in accordance with this Act, shall be obligated, on the first and second ballots cast at that convention for nominees for President, to vote for the candidate for nomination who received at least a plurality of the votes cast in the presidential preference primary for all such candidates of that party for President held in the District of Columbia at which such delegates and alternates were elected, or until such candidate notifies each delegate in writing that he is no longer a candidate. On subsequent ballots so cast each such delegate shall be free to cast his ballots in his discretion without restriction.

"(6) The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purposes and provisions of this subsection."

(8) Clause (2) of subsection (b) of section 7 of such Act (D.C. Code, sec. 1–1107) is amended by striking out "section 2(2)" and inserting in lieu thereof "paragraphs (2) and (7) of section 2 of this Act".

(9) Subsection (a) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(a) (1) Each candidate for election to the office of national committeeman or alternate, or national committeewoman or alternate, and for election as a member or official designated for election at large under clause (4) of the first section of this Act, shall be a qualified elector registered under section 7 of this Act who has been nominated for such office, or for election as such member or official, by a nominating petition (A) prepared in accordance with the rules prescribed by the Board, (B) signed by not less than one thousand qualified electors registered under such section 7 of this Act, who are of the same political party as the candidate, and (C) filed with the Board not later than the forty-fifth day before the date of the election held for such office, member, or official.

"(2) In the case of a nominating petition for a candidate for election as a member or official designated for election from a ward under clause (4) of such first section, such petition shall be prepared and filed in the same manner as a petition prepared and filed by a candidate under paragraph (1) of this subsection and signed by two hundred qualified electors residing in such ward, registered under section 7 of this Act, who are of the same political party as the candidate."

(10) Subsection (b) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended by striking out "three-year" and inserting in lieu thereof "ninety-day".

(11) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(i) Each candidate in a primary election for the office of Delegate shall be nominated for such office by a nominating petition (1) filed with the Board not later than the forty-fifth day before the date of such primary election; (2) signed by qualified electors registered under section 7 of this Act, who are of the same political party as the candidate, and equal in number to 1 per centum of the total number of such electors in the District of Columbia, as shown by the records of the Board as of the ninety-ninth day before the date of such primary election, or by two thousand of such qualified electors, whichever is less. A nominating petition for a candidate in a primary election for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for the office of Delegate."

(12) Subsection (j) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(j) (1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a nominating petition (A) filed with the Board not less than the forty-fifth day before the date of such general election; and (B) signed by qualified electors registered under section 7 of this Act equal in number to 1½ per centum of the total number of such qualified electors in the District, as shown by the records of the Board as of the ninety-ninth day before the date of such election, or by three thousand of such qualified electors, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election for the office of Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for such office held within eight months before the date of such general election."

(13) Subsection (m) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(m) Designations with respect to the election of officials under clause (4) of the first section of this Act by written communications filed with the Board not later than ninety days before the date of such election."

(14) Subsection (o) of section 8 of such Act (D.C. Code, sec. 1–1108), is amended to read as follows:

"(o) Each candidate in a general election for member of the Board of Education shall be nominated for such office by a nominating petition (A) filed with the Board not later than the forty-fifth calendar day before the date of such general election; and (B) signed by at least two hundred qualified electors who are duly registered under section 7 of this Act, who reside in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least one thousand of the qualified electors in the District of Columbia registered under such section 7. A nominating petition for a candidate in a general election for member of the Board of Education may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for members of the Board of Education, the Board shall arrange the ballot for each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to such office from such ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election."

(15) Section 8 of such Act (D.C. Code, sec. 1–1108), is amended by adding at the end of that section the following:

"(r) Any petition required to be filed under this Act by a particular date must be filed no later than 5 o'clock post meridian on such date."

(16) Subsection (1) of section 8 of such Act (D.C. Code, sec. 1–1108), is repealed.

(17) Subsection (c) of section 9 of such Act (D.C. Code, sec. 1–1109), is amended to read as follows:

"(c) Any candidate or group of candidates may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places and at the place or places where the vote is to be counted for the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Such rules and regulations should provide fair opportunity for watchers for all candidates or groups of candidates to challenge prospective voters whom the watchers believe to be unqualified to vote, to question the accuracy in the vote count, and otherwise to observe the conduct of the election at the polling places and the counting of votes."

(18) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110), is amended to read as follows:

"(a)(1) The elections of the officials referred to in clauses (1), (2), and (3) of the first section of this Act, and of officials designated pursuant to clause (4) of such section, and the primary under section 5(b) of this Act, shall be held on the first Tuesday after the first Monday in May of each presidential election year."

(19) Section 10(a)(7)(A) of such Act (D.C. Code, sec. 1–1110), is amended by striking out "a majority" and inserting in lieu thereof "at least 40 per centum".

(20) Section 10(a)(7)(B) of such Act (D.C. Code, sec. 1–1110), is amended by striking out "a majority" and inserting in lieu thereof "at least 40 per centum".

(21) The first sentence of paragraph (8) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110), is amended by striking out "less than a majority".

(22) Subsection (a) of section 11 of such Act (D.C. Code, sec. 1–1111), is amended by inserting immediately before the last sentence thereof, the following new sentence: "In no case, however, shall the petitioner be required to pay the cost of any recount in any such election if the difference in the number of votes received by the petitioner in connection with any office and the number of votes received by the person certified as having been elected to that office, in the case of an election from a ward, is less than 1 per centum or fifty votes, whichever is less, or in the case of an election at large, is less than 1 per centum or five hundred votes, whichever is less."

(23) Subsection (b) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended by striking out "or delegate" and inserting in lieu thereof "delegate or alternate,".

(24) Subsection (d) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended by striking out "or delegate" and inserting in lieu thereof "delegate or alternate,".

(25) Subsection (e) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended to read as follows:

"(e)(1) Every independent committee or party committee which receives or expends funds on behalf of any candidate or group of candidates in an election for any office referred to in the first section of this Act, or in a primary election held under section 5(b) of this Act, shall have a chairman and a treasurer and shall maintain an address in the District of Columbia where notices may be sent. Each such committee shall register with the Board of Elections as soon as its receipts or expenditures, or the sum of its receipts and expenditures total $100, or within ten days after its organization, whichever first occurs.

"(2) In any election held in the District of Columbia with respect to any office referred to in the first section of this Act, or with respect to a primary election held under section 5(b) of this Act, each candidate for election, and the treasurer of each independent or party committee, shall file with the Board of Elections on the tenth calendar day before, and also within thirty days after, the date on which such primary or general election was held, an itemized statement, complete as of the day next preceding the date of filing, setting forth—

"(A) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount of value, within the calendar year, of $100 or more, together with the amount and date of such contribution;

"(B) The total sum of the contributions made to or for such committee during the calendar year and not stated under subparagraph (A);

"(C) The total sum of all contributions made to or for such committee during the calendar year;

"(D) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

"(E) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under subparagraph (D);

"(F) The total sum of expenditures made by or on behalf of such committee during the calendar year.

"(3) The statements required to be filed by paragraph (2) of this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

"(4) Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing any general or primary election held under this Act, shall file with the Board an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by paragraph (2) of this subsection.

"(5) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

"(1) All contributions made to or for such committee;

"(2) The name and address of every person making any such contribution, and the date thereof;

"(3) All expenditures made by or on behalf of such committee; and

"(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

"(6) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding $10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

"(7) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

"(8) Any candidate, treasurer of any independent committee, or party committee, or other person who willfully violates this subsection shall be fined not more than $5,000 or imprisoned for not more than 30 days, or both.".

SEC. 2. Paragraphs (1), (2), and (3) of subsection (c) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31–101(c)), are amended to read as follows:

"(1) Each member of the Board of Education elected from a ward shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the school election ward from which he seeks election, (B) have, for the ninety-day period immediately preceding his nomination, resided in the school election ward from which he is nominated, and (C) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(2) Each member of the Board of Education elected at large shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the District of Columbia, and (B) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(3) No individual may hold the office of member of the Board of Education and (A) hold another elective office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or (B) also be an officer or employee of the District of Columbia government or of the Board of Education. A member will forfeit his office upon failure to maintain the qualifications required by this paragraph.".

SEC. 3. The provisions of this Act and the amendments made thereby shall take effect as of January 1, 1972.

Mr. EAGLETON. Mr. President, I know that has been cleared on both sides of the aisle, and I, therefore, move that the Senate concur in the amendment of the House to S. 2878, to amend the District of Columbia Election Act, and for other purposes, with amendments that I now send to the desk.

The PRESIDING OFFICER (Mr. STEVENSON). The amendments will be stated.

The assistant legislative clerk read as follows:

On page 4 of the House engrossed amendment, strike out line 11 and all that follows down through and including line 25 on page 6 an insert in lieu thereof the following:

"(b)(1) The Board shall, on the first Tuesday after the first Monday in May of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

"(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than forty-five days before the date of such presidential primary election a petition on behalf of his judiciary signed by the candidate and at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and of the same political party as the nominee.

"(3) Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary held under this Act as—

"(A) full slates of candidates for delegates supporting a candidate for nomination for President if there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate, the candidate for nomination for President supported by the slate, and by at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act and are of the same political party as the candidates on such slate;

"(B) full slates of candidates for delegates not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such slate's candidacy, signed by the candidates on the slate and by at least one thousand qualified electors of the District of Columbia who have registered under section 7 of this Act and are of the same political party as the candidates on such slate;

"(C) an individual candidate for delegate supporting a candidate for nomination for President if there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least one thousand qualified electors of the District of Columbia who have registered under section 7 of this Act and are of the same political party as the candidate; or

"(D) an individual not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least one thousand qualified electors of the District of Columbia who have registered under section 7 of this Act and are of the same political party as the candidate.

No candidate for delegate or alternate may be listed on the ballot unless such candidate was properly selected according to the rules of his political party relating to the nomination of candidates for delegate or alternate.

"(4) The Board shall (A) arrange the ballot for the presidential preference primary so as to enable each voter to indicate his choice for presidential nominee and for the slate of delegates and alternates pledged to support that prospective nominee with one mark, and provide an alternative to vote for individual delegates or uncommitted slates of delegates, and (B) clearly indicate on the ballot the candidate for nomination for President which a slate or candidate for delegate supports.

"(5) The delegates and alternates of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected in accordance with this Act, shall only be obligated to vote for the candidate for nomination who received at least a plurality of the votes cast in the presidential preference primary for all such candidates of that party for President held in the District of Columbia at which such delegates were elected on the first and second ballots cast at that convention for nominees for President, or until such time as such candidate receiving a plurality of such vote cast in the presidential preference primary withdraws his candidacy, whichever occurs first.

"(6) The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purposes and provisions of this subsection."

On page 7, line 16, of the House engrossed amendment, strike out "one thousand" and insert in lieu thereof: "five hundred"; on page 8, line 1, of the House engrossed amendment, strike out "two hundred" and insert in lieu thereof: "one hundred".

On page 9, line 20, of the House engrossed amendment, strike out "No sig-" and all that follows down through and including line 23 on that page and insert in lieu thereof the following: "A nominating petition for such a candidate for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of such nominating petitions."

On page 10 of the House engrossed amendment, strike out lines 8 through 11 and insert in lieu thereof the following:

"(m)(1) Designation of offices of local party committees to be filled by election pursuant to clause (4) of the first section of this Act shall be effected, in accordance with the provision of this subsection, by written communication signed by the chairman of such committee and filed with the Board not later than ninety days before the date of such election.

"(2) Such designation shall specify separately (A) the titles of the offices and the total number of members to be elected at large, if any, and (B) the title of the offices and the total number of members to be elected by ward, if any.

"(3) In the event that a party committee designates members to be elected by ward pursuant to clause (B) of paragraph (2) this subsection, the number of such officials to be elected from each of the wards shall be based on the relative numerical strength of such party in such ward, as compared with the total numerical strength of such party in the District, in each case as measured by the total number of registered voters of such party residing in each ward, (as shown by the records of the Board as one hundred-twenty days before such election) based on the method known as the method of equal proportions, with no ward to elect less than one member. The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purpose of this subsection."

On page 11, line 17, of the House engrossed amendment, strike out the quotation marks.

On page 11 of the House engrossed amendment add after line 17 the following:

"(s) In the case of petitions nominating candidates for the office of Delegate and for member of the Board of Education, they shall be accompanied by a guarantee of $200 in the form of currency, surety, or a bond, at the choice of the candidate. Such guarantee shall be forfeited by the candidate in the event he fails to receive at least 5 per centum of the vote cast in the election for which he has presented a petition to the Board. In the event such candidate received at least 5 per centum of the vote cast, the guarantee shall be returned in full."

On page 13, line 16, of the House engrossed amendments, strike out "five hundred" and insert in lieu thereof: "three hundred and fifty".

On page 13 of the House engrossed amendment, strike out line 20 and insert in lieu thereof: "and inserting in lieu thereof 'delegate, or alternate'."

On page 13 of the House engrossed amendment, strike out line 23 and insert in lieu thereof: "and inserting in lieu thereof 'delegate, or alternate'."

On page 14, line 17, of the House engrossed amendment strike out "tenth" and insert in lieu thereof: "fifth".

On page 17 of the House engrossed amendment, insert after line 6 the following:

(26) Subsection (b) of section 4 of such Act (D.C. Code, sec. 1–1104) is amended by striking "$50 per day, with a limit of $2,500 per annum" and inserting "$75 per day with a limit of $11,250 per annum" in lieu thereof.

(27) Paragraph (2) of subsection (a) of section 5 of such Act (D.C. Code, sec 1–1105) is amended by inserting immediately before the semicolon a comma and the following: "including, upon approval by majority vote of the District of Columbia Council, referendums, advisory elections, and other community elections such as those for model cities programs, as part of any regular election".

(28) Paragraph (6) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking out "paragraphs (1), (2), (3), or (4)" and by inserting in lieu thereof "paragraph (1), (2), or (3)".

(29) Subsection (d) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking "persons not absent from the District but who are physically unable" and inserting "either persons temporarily absent from the District or persons physically unable" in lieu thereof.

(30) Subsection (a) of section 7 of such Act (D.C. Code, sec. 1–1107) is amended by striking in the second sentence "person" and inserting "qualified elector".

(31) Paragraph (1) of subsection (d) of section 7 of such Act (D.C. Code, sec. 1–1107), is amended (A) by striking from clause (A) the words "odd-numbered calendar year and of each presidential election year" and inserting "calendar year" in lieu thereof, and (B) by striking from clause (B) the words "presidential election" and inserting "even-numbered" in lieu thereof, and (C) by inserting in clause (C), after the word "special", the words, "or runoff".

(32) Subsection (c) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(c)(1) In each election of officials referred to in clause (1) of the first section of this Act, and in each election of officials designated for election at large pursuant to clause (4) of such section, the Board shall arrange the ballot of each party to enable the registered voters of such party to vote separately or by slate for each official duly qualified and nominated for election to such office.

"(2) In each election of officials designated, pursuant to clause (4) of the first section of this Act, for election from a ward, the Board shall arrange the ballot of each party to enable the registered voters of such party, residing in such ward, to vote separately or by slate for each official duly qualified and nominated from such ward for election to such office from such ward."

(33) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "August 15" and inserting "the third Tuesday in August" in lieu thereof.

(34) Paragraphs (1) and (2) of subsection (n) of section 8 of such Act (D.C. Code, sec. 1–1108) are each amended by striking out "qualified electors" and inserting "duly registered voters" in lieu thereof.

Sec. 2. Section 302(i) of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 241(1)) is amended by inserting immediately before the period at the end thereof a comma and the following: "and the District of Columbia".

On page 17, line 7, of the House engrossed amendments, strike out "SEC. 2" and insert in lieu thereof: "SEC. 3".

On page 18, line 17, of the House engrossed amendment, strike out "SEC. 3" and insert in lieu thereof: "SEC. 4".

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment with amendments.

The motion was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from New York is recognized.

(The remarks of Mr. JAVITS when he introduced S. 3023 and S. 3024 are printed in the Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ADJOURNMENT

Mr. EAGLETON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 15, 1971, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

CLEVELAND CITY COUNCIL ENDORSES EMERGENCY CRIME CONTROL ACT

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. JAMES V. STANTON. Mr. Speaker, in recognition of the fact that the crisis in crime which now confronts each of our large cities can be resolved only if substantial Federal assistance is provided directly to the cities, the City Council of Cleveland recently endorsed the Emergency Crime Control Act of 1971 introduced on November 16 by Congressman SEIBERLING and myself. I would like to commend to my colleagues the text of this resolution:

CLEVELAND CITY COUNCIL ENDORSES EMERGENCY CRIME CONTROL ACT

The following Resolution was adopted by the Council of the City of Cleveland December 6, 1971.

Res. No. 1866–71.

By Messrs. Garofoli and Sliwa.

An emergency resolution memorializing the House of Representatives to enact legislation to provide greater and more efficient Federal financial assistance to cities with a high incidence of crime.

Whereas, H.B. 11813 introduced in the Congress of the United States by the Hon. James V. Stanton, Congressman from the 29th District, proposes a revision of the method of the distribution of Federal funds to assist the cities in crime control; and

Whereas, the need in the larger urban communities is greatest for financial assistance for two reasons—there is a higher incidence of crime in the nation's major cities and there is also a decrease in the finances with which to abate this crime; and

Whereas, the proposed bill would allocate funds to the various communities based upon their needs properly substantiated and documented so that the funds allocated would be sufficient to fund a program strong enough to control the situation rather than merely delay it; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore.

Be it resolved by the Council of the City of Cleveland:

Section 1. That the Congress of the United States be and it hereby is memorialized to enact into law H.B. 11813 as proposed by Congressman James V. Stanton or any similar legislation which would incorporate the revenue sharing features of Mr. Stanton's proposal.

Section 2. That the Clerk of Council be and she hereby is directed to transmit a copy of this resolution to Congressmen James V. Stanton, William Minshall, Louis B. Stokes and Charles Vanik.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adpotion and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted December 6, 1971.

Effective December 8, 1971.

LEGISLATION TO STEM THE PROLIFERATION OF DISEASED BLOOD

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BROTZMAN. Mr. Speaker, today I am introducing a bill vitally needed to stem a rising health crisis in the United States: The proliferation of diseased blood.

Anyone involved in an injury requiring a transfusion today faces a good chance of contracting serum hepatitis. Last year alone there were over 50,000 cases reported, and estimates of those left unreported run as high as half a million. Transfusions for one out of every 150 patients over the age of 40 will result in death.

This last year has been over 2 million blood transfusions performed in the United States. And yet, we still do not have a comprehensive, effective Federal law regulating the source and handling of this precious, life-sustaining fluid.

Science has shown that the chief source of hepatitis is blood received from paid donors. The chances of their blood carrying the disease is 11 to 70 times greater than that of a volunteer. The paid donor is not screened carefully. Alcoholics, drug addicts, and others who live in conditions that invite hepatitis represent a great number of the persons who sell their blood to commercial blood banks.

Administration of these blood banks is often deplorable. Facilities are not inspected, health policies go unquestioned. One example has even been given where donors are paid in vouchers redeemable only at a local liquor store. It takes little imagination to determine the ultimate use for these proceeds.

This is not to say that all blood is bad. Many voluntary and commercial blood banks run perfectly respectable operations. Indeed, the good ones deserve our commendation for the invaluable service they provide. But, enough of the organizations supplying our doctors are so disreputable that stricter Government supervision is demanded.

At present, the medical profession depends much too heavily on the paid donor. Volunteers seldom lie about their past, they have little reason to. They are generally healthier. But the volunteer is also rare. People simply do not give enough to meet our great needs. Perhaps they do not realize the danger they face should they need wholesome blood some day.

Little is being done at present by the Government to remedy this situation. The National Institutes of Health licenses only 166 of the some 7,000 blood banks across our Nation. Moreover, most of the massive quantities of blood imported by this country every year go without any inspection or regulation at all.

NIH apparently is not the answer. What we need is a strong and enforceable law establishing stringent regulations, and a forceful organization to see them implemented.

This is the purpose of the bill I am today introducing. It would establish a national blood bank program within the Department of Health, Education, and Welfare run by a program director with the authority to inspect, license, and regulate every blood bank in the country. He would be responsible for establishing standards for donor selection, for management of blood inventories aimed at minimizing the risk of disease and outdating, for setting limits on the number of paid donors within any banking system, and for establishing a national donor registry to allow cross-checking by blood banks for hepatitis carriers.

Regulation alone, however, is not the answer. The real key to a good, long-term blood bank program is to encourage more people to contribute. Those donors eliminated by stricter health standards must be replaced. This bill would commit $9 million to a national campaign to recruit volunteers.

Mr. Speaker, the most tragic aspect of the current situation is that hepatitis is almost entirely preventable. I believe that a vigorous national effort to inform the public of the importance of donating blood, combined with adequate supervision of blood banking, could virtually wipe out transfusion hepatitis by 1980.

To be sure, it will take strong action such as this to stamp out serum hepatitis once and for all. This bill provides the energy and strength needed, and I urge its early consideration. We must act to see that patients no longer suffer the threat of diseased blood.

ADDRESS OF MR. D. BRUCE MANSFIELD

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BROWN of Ohio. Mr. Speaker, recently Mr. D. Bruce Mansfield, president of the Ohio Edison Co., addressed the Springfield Chapter of the Ohio Credit Union League. In his remarks Mr. Mansfield discussed several points that I feel can be of interest to some of my colleagues in the House. Therefore, at this time I insert this speech in the RECORD.

REMARKS BY DR. BRUCE MANSFIELD AT SPRINGFIELD CHAPTER OF THE OHIO CREDIT UNION LEAGUE, OCTOBER 15, 1971

I appreciate very much your inviting me to join you tonight and I am delighted to see so many of Ohio Edison people here. Considering the fact that all of you are "money minded" I think I should hasten to assure you that my fee for speaking to you is most modest, as your program chairman, Mr. Jacobs, can verify. This fact gives you two opportunities: (1) When you leave you can say that my remarks were worth exactly what they cost, or (2) you can consider yourself in the position of the women's organization whose chairman, after thanking the speaker for his voluntary appearance, suggested to the group that "next year we shall have twice as much money and can obtain a good speaker."

On the serious side, however, I feel amply rewarded simply in being able to chat with so many of you. Furthermore, I was most interested in learning that the father of the credit union movement in the United States was the great Boston merchant prince, Edward A. Filene, a fact of which I hadn't been aware. His interest in such a movement appears to be typical of his life's goal—the creation of a better economic and social life for men and women who toil for a living. Edward Filene and his brother Lincoln helped their employees establish one of the first organizations with power to arbitrate disputes. They set up one of the first employee health clinics, and developed one of the world's first profit sharing plans. Their store was one of the first to establish a minimum wage for women and girls. They inaugurated Saturday closings in summer months, and their store was the first to adopt a five-day 40-hour week.

Edward Filene's activities in other fields were just as outstanding. He was largely responsible for the beginning of the United States Chamber of Commerce. He fathered the present tourist class business in ocean travel, by suggesting that space be used for lower class fares for students and people of modest income. And he invented the first device for the immediate translation of foreign languages at international conferences.

Edward Filene typified the kind of ingenuity and creativeness that was responsible for making our nation the industrial and commercial power that it is today. Unfortunately for those of us in business and industry, today these vast contributions to our progress and to our exceptionally high standard of living are being downgraded and we are more and more being looked upon as villains. Instead of being recognized as benefactors for the many products we have developed and put on the market—the vast quantities of energy we have made available to relieve the burden of manual labor, the millions of jobs created by industrial exploration and growth—we are now looked upon by many as degraders of the environment and exploiters of defenseless consumers. In spite of the greatest communication system the world has ever known—again a product of our industrial system—we have failed miserably in selling our role as the moving force that makes all the wheels turn.

Factory chimneys belching smoke, that once were welcomed as a sign of prosperity, have become a symbol of all that is allegedly wrong with our system. The wonder drugs and medicines, the insecticides, the packaged foods, the automobiles—all products of industrial ingenuity—are daily being discredited and becoming suspect. The mood of the day is one of suspicion and distrust of the conduct and goals of business and industry—or, as someone stated recently, the greatest discovery of the 1960's is not a new star, or chemical element, or cure for the common cold, but the consumer!

There seems to be an almost reckless effort to convince the American people that these is a conspiracy on the part of business and industry to cheat them, deceive them and foist on them products or services that are unhealthy or unsafe. Increasingly, the integrity of all business is being subtly undermined by inuendo and suggestion. One of the most ingenious devices is the "truth gambit". We have "Truth-in-Lending", "Truth-in-Packaging", truth-in-this and truth-in-that—all suggesting that the element of honesty is completely foreign to our profit system.

In a way, we are again experiencing the loss of faith in our system that we went through in the depression years of the late 20's and early 30's. Then, the great economic machine that epitomized the American Dream collapsed without much warning. Visions of financial security for most families, which seemed so close to realization, lay broken and smashed.

Now, however, our fears seem to have grown out of distrust of our affluence, not the threat of starvation. Our consciences rather than our stomachs are giving us a hard time. We are dusting off all the old villains—condemning them this time for giving us what we demanded—more goods, more services, more conveniences at minimum cost.

Everywhere we hear that our system has let us down; industry is wrongheaded, worthless, and endlessly damaging to society; and we need to shift gears. Do away with growth, curb technology—they say—or our world will self-destruct in two generations.

Heretofore obscure scientists bask in front-page publicity by describing disasters that might occur; politicians hail themselves as defenders of the environment against industrial polluters and crafty consumer exploiters, even while the very government of which they are a part remains one of the most pervasive and immovable polluters of all; and the consumer, as taxpayer, is terribly exploited. Lawyers, acting in what they choose to call the public interest, indulge in a kind of publicity-rich legal guerrilla warfare to put a stop to anything anybody doesn't like, anything that makes a profit and smells of progress. As a result, the confused public is once again ready to believe anything that sounds reasonably logical, especially if it also sounds frightening. I am told that many students have been and are entering our Law schools with this kind of litigation as their principal objective.

It is widely held these days by many environmentalists that we've got to get off this growth kick—that's the new cliche, "get off this growth kick" if we are to survive. We are told we've got to put a stop to "progress". No more power plants, especially nuclear power plants. No SST. No increase in the Gross National Product. No more great technological advances. Curtail the use of energy. If industrial plants pollute, shut them down. If they might present a problem, don't build them. If this throws men out of work, let them find other jobs. Let single-minded officials set ultimate anti-pollution standards and demand instant adherence, whether or not there are yet practical or feasible ways to do it. Put a stop to strip mining coal, prevent the drilling of oil wells, curtail highway construction. Go to court and delay anything that purports to be essential to growth of any description. This, they say, is the only way to upgrade and preserve the world in which we live.

It is a paradox that this loss of faith in our system comes at the very time when business is being marshalled as never before to help solve our many pressing problems. We are asked to assume new social responsibilities; our leadership is sought in attacking problems of education, taxes, crime, urban decay. The very same know-how that made our business system work is now being solicited to solve problems in other areas including our state government.

Somehow or other this know-how and our conviction that our system is the best yet devised and that it is working hasn't been transmitted as widely as it should have been to the public. In spite of the vast array of communication tools at our disposal, no one is listening to what we would like him to hear. Somehow, those of us in positions of leadership need to establish stronger contact with the world outside our immediate range of interest—we need to know firsthand what people think, what motivates them, what they really like and dislike about us.

Critical questions are facing our society. Where are we headed? What are the underlying trends in public opinion which will determine our future? Is even religious faith being endangered by the rising tide of skepticism sweeping over the world?

What do people really feel about the social, economic, and political trends of today?

Are we moving permanently away from the system of economic freedom and individual incentives, the system which has made this country great, and toward a system of outright socialism and dictatorship which has, again and again, demonstrated its inability to feed its own people.

One of the great questions also involves the part of leadership in guiding public opinion. Do the leaders actually lead, and in the new environment which voice will carry the most weight and have the greatest credibility? That of the scholar, the businessman, the politician, the consumer, the labor representative?

We can be particularly concerned about the younger generation, our future masters. The child of today has known nothing but the jet age. To those of us brought up in the horse and buggy days the blasé reaction of a boy to the astounding exploits of the Apollo astronauts is incredible. Today's child has lived a dozen years in experience and knowledge for each year of a child two generations ago.

We are living in an electronic age, in a world of circuits, of space travel, computers and satellite communications. Science has moved so rapidly that its full impact upon human outlook and attitudes has not been adequately calculated or measured, or even generally recognized.

We do know that our society is in a period of painful and momentous transition, that extensive social, economic and political shifts are occurring and that tension and unrest are widespread.

But we need to know much more. Opinions and attitudes taking shape in the hearts and minds of people today, and especially in those of the younger generation, will determine the destiny of tomorrow. There is an urgent need to know how these opinions are being influenced by the new social environment we're living in.

The call goes out for extensive research efforts to interpret more clearly the human meaning of the new environment and to discover the key to the puzzle of public opinion in our world today.

It will not be easy to find that key. It is not as simple as calling upon a group of chemists or physicists to solve a basic scientific problem. It calls for specialists of a completely different kind—anthropologists, social psychologists, semanticists and others of similar skills in human relations. In other words, we need to reorder our priorities to be more knowledgeable of and responsive to the goals and ambitions of our people.

Perhaps we need to adopt more of the techniques and philosophies of successful politicians. No candidate for political office ever won an election without meeting the people he hoped would vote for him. No political candidate was ever successful who didn't read with some degree of skill the mood of his constituents. And no politician ever stayed in office long who didn't respond to those moods.

I have sat in offices of congressmen and watched their work routine with interest. First and foremost comes the task of answering the daily mail from constituents, and then a careful study of the day's newspapers. And, of course, there are very few congressmen who don't spend the weekends at home meeting their constituents.

I sometimes think that those of us who are charged with the responsibility of running a business have kept ourselves too remote from the people we are trying to serve and the agencies that regulate and control our business. We have delegated these responsibilities to our associates and their subordinates—most of whom we think are highly qualified—and have depended upon them to relay to us the playback from their contacts. But something gets lost in the translation and we fail to get that "gut" feeling that comes with personal exposure.

A not uncommon complaint by elected officials and governmental regulators besieged by our critics is that we fail to present our case adequately to the public. On the other hand, our critics speak loudly, long and convincingly—and their voice becomes the voice of the people—the voice to which any astute politican listens. Our voice is heard too late, or not at all, and in this day of increasing governmental control and direction this failure can be fatal. Too often business news originates in the offices of some governmental agency, and when it does it is seldom complimentary. In one year, for instance, the Department of Commerce put out 1,802 news releases, and the Department of Agriculture 3,600.

We are all aware of the mounting concern over the high cost of political campaigning and the threats that soon political office can be "bought" by the best-heeled candidate. It's somewhat ironic that a good share of those funds for campaigning come from people in business and industry and are used to conduct clever, sophisticated and effective communications programs while those same people in businesses and industries fail completely to use the same techniques for presenting their own cause.

We might be well advised to ask ourselves, "What are we going to do about it? What can we do?" Continue to lament and wring our hands? Fight back? Or what?

I think there is a great deal that business can do—on the positive side. It can take stock of its values and demerits. It can project the first and correct the second. It can be sure that the public knows its side of every subject of criticism and attack. It can organize, mobilize and make self-policing a still more meaningful course of action. It can show how it is taking the lead in exposing the gyps and misleaders in goods and services—at worst a small minority but the ones who make all business vulnerable.

Businessmen can raise their voices on TV, radio and in print. They have the facts to present and a right and responsibility to present them.

They will need the open-minded and fair-minded cooperation of the media in getting their story told. And you don't make the top of the news quite so easily with stories of good behavior and vigilant attention to consumer and public interest—not nearly so readily as with sensational half-truths, oversimplification or adverse exaggeration. Some of the white knights will tell you there's no real harm in taking chances with the truth if it's only commercial interest, not the consumer, who will be hurt. We must make it clear that the damage they do by their half-truths is often damage to the consumer's own interest and needs to be so revealed and so treated.

The typical industrialist spends his life developing technologies and perfecting methods to bring down the cost of what he makes to the point where more and more people can afford to buy, and in buying contribute to the flow of funds that creates more jobs and makes higher pay levels possible. Whether anybody likes it or not, that is what our economy is all about. That is why the number of poverty-level people has shrunk from 350 per thousand population in President Franklin Roosevelt's time to about 125 today. That is how poor people get bailed out. In the end, it is the only way—and they know it.

Can we demonstrate that the American tradition of progress, of moving ahead, of aspiring, is not really all that incompatible with lofty social aims and realistic concern over our environment? It is immensely difficult, of course, to present a voice of calm assurance in the storm center of an emotional upheaval.

In times like these there is a district of all the old faces and all the old worlds. It would appear that only the pallbearers of the apparently expired American Dream can get a responsive audience.

Yet a spark of that Dream still exists in the minds of most Americans. What we have known in our hearts for nearly three hundred years, we still know, and we are not likely to forget for long. That spark needs only to be fanned into a flame.

In the vernacular of our youth, we need to tell it like it really is—loud and often.

Thank you.

VOLUNTARY UNIONISM

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. STEIGER of Arizona. Mr. Speaker, several weeks ago I introduced H.R. 11827, a bill that would ban compulsory unionism. At that time I stated:

> This bill is not antilabor but proworkers.

In substantiation of my remark, I would like to call to my colleagues attention a letter to the editor that appeared in the December 5 issue of the Chicago Tribune. The writer concludes by stating:

> Voluntary unionism is the goal of the modern blue collar work.

The text of the letter follows:

[From the Chicago Tribune, Dec. 5, 1971]

VOLUNTARY UNIONISM

CHICAGO.—Protesting the boorish actions of George Meany at the AFL–CIO convention in Miami by writing to a newspaper is fine. However, real constructive action can only come with thousands of citizens bombarding their congressmen with letters urging them to pass a bill written by Rep. Sam Steiger of Arizona. This is the bill to amend the 1935 Labor Relations Act so that there will be an end to compulsory unionism. If rank-and-file union people are given their constitutional right to join unions of their own choice, they will no longer have to contribute to the support of characters like George Meany. Voluntary unionism is the goal of the modern blue collar worker.

BLUE COLLAR WORKER.

AMTRAK

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. HUNGATE. Mr. Speaker, the whole Amtrak experiment may be dumped when funds run out July 1, 1973—leaving most of the Nation without passenger trains. Still running would be commuter trains and profitable longer runs, notably along the Washington-New York corridor—not noticeably helpful to people in northern and eastern Missouri.

Senator VANCE HARTKE, Democrat, of Indiana, who spearheaded establishment of Amtrak in the first place, says one basic problem is that the system does not actually operate its own trains. It has no engineers, conductors, or maintenance men. To make its trains run, Amtrak pays railroads to operate them.

These are the same railroads which by and large Congress considered to be doing such a poor job of running their passenger trains that it established Amtrak to oversee the running. If these railroads could not run their own trains right, why should anybody think they can run Amtrak's properly?

During recent hearings on the Amtrak funding request, Senator HARTKE said flatly that—

> Congress should insist that Amtrak run its own trains with its own people as a condition to receiving additional funds.

There is another kind of employee Amtrak should hire: Auditors, accountants, and others in the financial field. For years critics have accused railroad companies of saying it cost more to run passenger trains than it actually did—thus making passenger trains look more unprofitable than they really were.

There is much distress over the present accounting procedure: Railroads, using their own figures, tell Amtrak how much it owes them for running passenger trains. There is considerable questioning of the railroad figures. How accurate are they?

Under the present contract arrangement "the railroads may be paid on what amounts to a cost-plus basis for operating the trains." Amtrak will be self-sufficient and responsive to customer needs only when "its full-time employees are receiving Amtrak paychecks and are directly accountable to Amtrak supervisors."

TRIBUTE TO THE LATE JUDGE ARCHIBALD M. AIKEN

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. DANIEL of Virginia. Mr. Speaker, on November 27, the city of Danville and its citizens lost a dedicated and conscientious servant and friend, when Archibald M. Aiken, judge of the Corporation Court of Danville, passed away.

Judge Aiken was 82 when he died; an age when most men have long since retired to the rocking chair, to muse on past accomplishments and to mentally dwell in some far-off time. Not so the judge. His life was in the present, his interests were contemporary.

When a public figure of his age who has served his community so honestly and capably passes on, there are usually anecdotes related, stories of exploits and escapades. Judge Aiken was not this kind of man. He was a man of fierce dedication to law and to the rights and responsibilities of man. One of the Danville newspapers which often found itself at loggerheads with the judge summed up the feeling of many when it stated editorially:

> That was the kind of man Judge Aiken was—a man you noticed. A man you listened to. A man you respected.

A man can have no finer eulogy.

I insert the accounts of Judge Aiken's passing and the editorial commentary in the RECORD at this point:

[From the Danville (Va.) Register, Nov. 28, 1971]

JUDGE A. M. AIKEN DEAD AT 82; FUNERAL SET TOMORROW AFTERNOON

Archibald M. Aiken, judge of the Corporation Court of Danville since 1950 died last night at Memorial Hospital. He was 82.

His death ended a career as a lawyer, municipal attorney and jurist that spanned over a half a century.

Judge Archibald M. Aiken was the son of the late Judge A. M. Aiken and Mary Ella Yates.

He received his undergraduate degree from VMI and his law degree from the University of Virginia.

After service with the Coast Artillery during World War I, he returned to Danville and was named attorney for the City.

During that time he was a strong advocate of public power and negotiated with state and federal agencies for construction of the city's Pinnacles hydroelectric dam in Patrick County which still services Danville's electrical system.

In his earliest years of his tenture as City Attorney, he briefly served as the judge of the now-abolished Circuit Court which embraced the city of Danville and Pittsylvania, Henry, Patrick and Franklin counties.

He left the office of City Attorney in 1939 and returned to the private practice of law.

In 1950 he was appointed judge of the Corporation Court to serve the unexpired term of the late Judge Henry Leigh. (Judge Aiken's father held the same post from 1888 until shortly after the turn of the Century.)

He was appointed to his first full eight-year term in 1952 and won successive nominations. His present term was to expire in 1976.

Judge Aiken caught the attention of the national media during the City's civil rights demonstrations in 1963 when he was criticized by U.S. Justice Department officials for wearing a gun.

He was quickly dubbed the "pistol-packing judge" by the national press.

He admitted to wearing the gun for self-protection but said he never wore it while on the bench.

Two years ago he again gained national prominence when he handed down a 20-year prison sentence to a University of Virginia dropout who pleaded guilty to possession of marijuana.

Former Gov. Mills E. Godwin later reduced the sentence and agreed to place the youth under supervision of probation authorities in his home state of Tennessee.

In 1970 City Council honored the jurist by naming the $4.5 million Broad St.-U.S. 86 bridge complex in his honor.

Judge Aiken is survived by his wife, the former Mary Mickley of the residence, and one son, A. M. Aiken Jr., of Leesburg.

Funeral services will be conducted tomorrow afternoon at 2 o'clock from Episcopal Church of the Epiphany by the Rev. Douglas Girardeau.

The body is at Swicegood Funeral Home. The family will be at the residence, 904 Main Street.

[From the Danville (Va.) Bee, Nov. 29, 1971]

JUDGE AIKEN DIES AT 82; RITES TODAY

Last rites for 82-year-old Corporation Court Judge Archibald M. Aiken were conducted at 2 p.m. today at the Episcopal Church of the Epiphany. Burial was in Green Hill Cemetery.

His death Saturday night in Memorial Hospital ended a judgeship that started in 1950 after prior years of service as city attorney.

A tribute to his long service to the community was the 1970 decision of City Council to name the new multi-lane bridge across Dan River in his honor.

He was born in Danville Feb. 12, 1889, a son of the late Mary Ella Yates Aiken and Judge A. M. Aiken who occupied the same Corporation Court bench from 1888 until shortly after the turn of the century, and was graduated from Virginia Military Institute and from the University of Virginia Law School.

It was following his return to Danville after service with the Coast Artillery during World War I that the jurist was named city attorney, a post which he held until 1939 when he returned to the private practice of law.

During this early period he also served briefly as judge of a now-abolished Circuit Court which embraced Danville and Pittsylvania, Henry, Patrick and Franklin counties.

In 1950 he was appointed to the Corporation Court bench to fill the unexpired term of the late Judge Henry Leigh, and two years later was named to his first full eight-year term. Successive renominations followed, and his present term was to have expired in 1976.

In recent years, as the workload of the court increased, Judge Aiken was joined on the bench by Judge Stuart Craig, who announced that the court and its clerk's office would be closed today out of respect for the senior judge.

Judge Aiken's survivors include his wife, the former Mary Mickley, of the residence at 904 Main St., and a son, A. M. Aiken Jr. of Leesburg.

[From the Danville (Va.) Bee, Nov. 29, 1971]

ARCHIBALD M. AIKEN

Archibald M. Aiken, 1889–1971, judge of Danville Corporation Court, 1950–1971, public servant all his adult life. A life compounded of contrasts and contradictions—as seen by some—but one always filled and fueled by deep compassion for his fellow man, no matter at what level.

The deeds and past actions of Judge Aiken are so well imbued into this 20th century of the life of Danville that they need no retelling here. Yet the inner—and less known—man should be revealed at this late date.

He was a law and order man, yet one of deep feelings. He knew the law and enforced it . . . according to the constitution and prescribed by its interpreters. Yet many a time he was not happy, or even in accord, with what the law said he had to do.

Sure he "packed a pistol" when his life was threatened during the 1963 racial inflammation. And he did what the law said he had to do—as then prescribed—in sentencing a young drug courier. But there was that morning, after a sleepless night, with tears welling from red eyes, that he handed down harsh punishment to a youthful bank robber . . . as prescribed by law.

Of course, some of his verdicts were appealed. But seldom were they reversed or even remanded.

Yet, aside from his family and a very few close friends, Judge Aiken was a lonely man . . . almost an isolated man. Members of the bar held him in such deep respect that they dared not give any occasion of currying favor by an even casual conversation.

To the average man, he was The Judge—to be addressed with respect, but not to be engaged with in idle conversation. The weather, maybe . . . but little else.

Among his greatest moments of joy were those occasions when one of those earlier sentenced by him would approach cautiously and, with hat in hand, thank him "for setting me straight."

Reporters, like others, were reluctant to invade the judge's chambers. But when they had to, the conversation would get around to The Judge's favorite team, the Giants. Even having departed from New York, they remained The Judge's team.

The Giants almost made it this year. And with Judge Aiken joined by and with so many who wanted to come closer to him in the past, this vast new section of fans might pull the San Francisco Giants through next year.

At any rate, Judge Aiken will have a grandstand seat for every game.

[From the Danville (Va.) Commercial Appeal, Nov. 29, 1971]

JUDGE AIKEN: A MAN TO RESPECT

No matter what anyone might have thought of Judge A. M. Aiken politically, his death represents the passage of a chapter of Danville's history which was colorful, eventful and full of turmoil.

His judgments, such as his sentencing a young man to 20 years in prison on marijuana possession charges, his treatment of protestors during the 1963 demonstrations and his general hard-line stand where the law was concerned, earned him a state-wide reputation.

Nobody fooled with Judge Aiken.

There will always be some who disagree when anyone takes a hard stand on anything. So there were some who disparaged Judge Aiken and his methods. He was called a pistol-packing judge by members of the federal department of justice.

Others will always try to model themselves after a man of strong convictions.

That was the kind of man Judge Aiken was—a man you noticed. A man you listened to. A man you respected.

Funeral services for Judge Aiken will be held today at 2 p.m. at the Episcopal Church of the Epiphany.

THE DANGERS OF TRADE RESTRICTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. HAMILTON. Mr. Speaker, no one wins a trade war. The United States is the largest trading nation in the world and could wield a big stick in a battle of national trade barriers. Should the United States slide into such a battle, however, the costs would be enormous. Such action would spur inflation, damage the economy, and prompt foreign retaliation.

AID INFLATION AND HURT ECONOMY

Trade barriers are damaging to our efforts to control inflation and detrimental to the strength of our economy.

Restrictive devices such as the 10-percent import surcharge reduce the competitive effect of imports and thereby increase the monopoly power of domestic firms. The result is a seller's market where higher prices can prevail. Economist Edward Fried estimates that present U.S. tariffs and quotas cost consumers $10 to $15 billion a year, a figure equivalent to a 3-percent rise in the cost of living. Additional barriers would greatly increase these costs and would operate in direct opposition to policies attempting to achieve price stability.

The costs of primary materials and components needed by U.S. industry are also increased by trade barriers, thus impairing its ability to compete in export markets. For example, import quotas on petroleum push up fuel costs for our manufacturing industries and the "voluntary" quotas on steel have enabled increases in steel prices to occur which, in turn, raise input costs for our machinery-producing firms. These firms, which are so important to our export trade, are competing at a disadvantage with foreign producers who are able to buy fuel and steel at world market prices. As our firms become priced out of export markets, export sales are affected and domestic income and consumption decline. Thus, trade barriers instituted to protect our economy have the unintended effect of slowing our economic growth.

As the American economy goes, so goes the job market. Trade restrictions can result in a loss of high-productivity, high-paying jobs that will not be offset by a possible increase in low-income jobs. Moreover, since a dollar of increased exports is calculated to create more jobs than a dollar of foregone imports, a decline of even 1 percent in our export trade could offset any employment gain generated by a restrictive device such as the import surcharge.

PROMPT RETALIATION

A big stick trade policy on our part invites retaliation from affected foreign governments. A trade war could be set off with economic and political consequences that would leave all trading nations worse off. The trading gains of the past two decades, including a tripling of American exports from 1948 to 1969, could be reversed and free trade replaced by economic nationalism.

Foreign reaction to a trade barrier like the surcharge could be quite detrimental. Many countries may take, and are certainly able to take, measures directed against U.S. capital. They could tamper with the repatriation of dividends earned by U.S. subsidiaries. Foreign central banks could simply refuse to provide dollars in exchange for local currency profits. Actions like these would hit us in a very soft spot, since our capital account is in a strong deficit position. Our balance of payments would suffer considerably from such moves.

Foreign reaction could affect our merchandise trade account as well. Prime candidates for retaliation by other nations would be those products which now contribute heavily to our export earnings, including chemicals, farm equipment, industrial machinery, feed grains, and soybeans. The last two are mainstays of Indiana's economy and provide income to many of the State's farmers.

Foreign reaction could take the form of substituting markets. European Common Market nations could replace American wheat and soybean exports with those from Canada or Australia.

Alternatively, if the United States buys fewer foreign products, nations like Japan will not have the purchasing power to buy our exports, agricultural commodities included. Not only would this hurt our farmers, but the costs to the American taxpayer for storing agricultural surpluses would increase. The result would be economic losses to both sides.

An effort now to increase the level of our trade barriers would be most untimely since it would jeopardize the goals of realining exchange rates and eliminating discriminatory measures by trade blocs that are being so actively pursued by the administration in cooperation with our trading partners. Loss of these goals because of unilateral American protectionist moves would greatly inhibit improvement in our weak balance-of-payments position.

Mr. Speaker, I have briefly sketched some of the disadvantages to the use of trade barriers. At this point, I would like to insert an article by Sanford Rose in the November 1971, issue of Fortune which discusses this issue in greater detail:

OUR STRANGE NEW HARD LINE ON TRADE

(By Sanford Rose)

When President Nixon exploded his international economic bombshell last August, it appeared for a while that his objective was simply to persuade other nations to help end the chronic U.S. balance-of-payments deficit. In the weeks since then, however, it has often seemed as though the U.S. were seeking a good deal more. We have appeared to be aiming not merely to end a deficit but to assure ourselves a surplus. If that is indeed our aim—if our ambitious demands represent more than a bargaining tactic—then the U.S. may well bring about a new age of mercantilism in the international economy.

The notion that we might be encouraging any such trend would doubtless astound the millions of Americans who have been taught, in elementary economic courses, that mercantilism is a primitive and thoroughly discredited approach to national economic health. Mercantilist doctrine holds that a healthy nation is one with a large trade surplus—one that by selling abroad more than it buys, accumulates substantial hoards of money. Modern economists have generally insisted that mercantilist nations are actually worse off than their customers. Individual producers may benefit from mercantilist policies, but for society as a whole it involves deprivation. The ultimate aim of economic activity, after all, is consumption, not production.

Not that mercantilism is unknown in modern times—or that the U.S. would be alone in bringing it back. In the 1930's there was a rash of competitive currency devaluations as nations strove vainly and unheroically to preserve favorable balances of trade at the expense of their neighbors. Since 1966, another pattern of competitive devaluation has emerged. This time, however, the mechanism has been somewhat different: some nations have devalued, but others have reached a desired state of underevaluation by simply declining to revalue (or not revaluing enough).

The major trading nations of the world have vied with each other to see which could retain the cheapest currency and, therefore, the largest trade surplus. But this was a competition from which the U.S. was excluded. Other nations had control over their exchange rates, while, under the Bretton Woods agreement, the U.S. did not. The value of the dollar was determined by the movement of other exchange rates. This meant that other nations could use the U.S. as a residual market for their products; their undervalued currencies were the equivalent of a subsidy for their exports (and the overvalued dollar was in effect a subsidy for U.S. imports).

All this changed, of course, on August 15. President Nixon's new international program, in one dramatic stroke, changed the rules of world trade. It severed the link between the dollar and gold, imposed a 10 percent surcharge on U.S. imports, and proposed a buy-American policy for capital goods. These actions were designed to force the Japanese and the major European nations to revalue their currencies by undetermined amounts, to remove manifold barriers to U.S. trade, and to share the cost of U.S. military forces stationed abroad.

WHERE THAT $13 BILLION COMES FROM

It soon became apparent that the U.S. was asking for larger currency and trade concessions than the major industrial nations were prepared to grant. The demands have been justified by calculations purporting to show an emerging crisis in the U.S. trade balance. Walther Lederer, an economist and balance-of-payments specialist at the Treasury Department, has produced figures showing that, under conditions of relatively full employment, the U.S. trade deficit could reach $5 billion in 1972. Lederer argues that the U.S. would not only have to eliminate this deficit but would have to generate a trade surplus of about $6 billion to cover other outflows—e.g., for overseas military expenditures, foreign aid, and capital investment. When Treasury officials received this $11-billion estimate they added on an extra $2 billion, presumably as a margin of safety. The result was the much-publicized demand for a $13-billion turnaround on trade.

It is certainly possible that this extreme demand is only a bargaining counter and that it will be modified in exchange for reasonable concessions by other nations. In that case, the hard-line U.S. policy the U.S. has been articulating would have served to end the post-1966 drift to mercantilism. But it is also possible that the demand is real, and that it represents a bold new bid by the U.S., not to end the mercantilist game, but to *compete* in it.

There should at least be no doubt that our demands represent a very hard line. Even setting aside that gratuitous $2-billion addition, it is questionable whether Lederer's figures should be used to support the demands. C. Fred Bergsten, a former economic adviser to Presidential Assistant Henry Kissinger, feels that the figures underestimate the improvement that should take place in U.S. exports as nations like Japan, the U.K., and Canada start to recover from their own business slowdowns. Bergsten and many other economists also criticize Lederer for not taking into account an anticipated decline in U.S. interest payments to foreigners. As other countries revalue their currencies, those U.S. speculators who originally exchanged domestic dollar balances for foreign assets will reverse these transactions in order to take their profits. This will reduce the dollar holdings of foreign central banks in the U.S., and the resulting decline in overseas interest payments will reduce the size of the trade surplus we will require.

Most businessmen and government officials are, of course, unconcerned about, if not unaware of, Lederer's highly sophisticated calculations. They have, however, registered intense concern about the all-too-obvious deterioration in the current trade figures: a trade deficit of about $1 billion to $2 billion is now expected for this year, versus a $2.1-billion surplus in 1970. But it would be a serious error to base any generalizations about the trend on this year's trade performance.

Trade flows during the first eight months of 1971 were seriously distorted by the effects of three potential strikes, the threat of legislative curbs on imports, and, finally, the prospect of exchange-rate changes themselves. Anticipating first a West Coast dock strike, next a steel strike, and then a shutdown of east-coast ports, importers frantically stepped up their buying, lest they be caught short later in the year. For example, during the spring quarter, the U.S. imported 36 percent more textiles than it did in the comparable period of 1970. Hendrik Houthakker, a professor of economics at Harvard University and formerly a member of the Council of Economic Advisers, commented recently that "the trade deficit from April through August reflects many temporary factors, of which the potential dock strikes were the most significant." He added: "I have personal knowledge of the situation in two commodities. Beyond doubt, imports of steel and of meat were substantially accelerated in the first half of the year." And Frank Vargo, a trade expert at the Commerce Department, estimates that U.S. businessmen bought between $1 billion and $1.5 billion more than they normally would have in the first seven to eight months of 1971 *solely* as a hedge against the two dock strikes.

This process, moreover, led to another kind of hedge buying by importers. As the trade data turned ominously bad, beginning April, foreign producers and U.S. importers became persuaded that import controls or exchange-rate changes were inevitable. Since these would raise the price of foreign goods in the U.S. market, importers hurried to make still more purchases, which, under normal circumstances, would have been spaced out over a year or more. In short, the fear of strikes stimulated imports, and inflated imports begat more imports.

WAITING FOR AN UPTURN

Meanwhile, the prospect of exchange-rate adjustments also hurt U.S. exports. Foreign buyers slowed down purchases in the expectation that later they would be able to buy U.S. goods cheaper (because their own currencies would be worth more in dollars). In turn, U.S. exporters may have delayed shipments in anticipation of exchange-rate changes: after a devaluation of the dollar, they would be able to raise the dollar price of their goods somewhat and still expand overseas sales (because the price in foreign currencies would be falling).

Thus imports were being artificially stimulated while exports were being artificially inhibited. It is likely that the trade balance will eventually turn up once hedge buying slackens and exchange-rate changes are made. Jack J. Bame, head of the balance-of-payments section of the Commerce Department, thinks the merchandise-trade figures for the final quarter of the year should show a substantial improvement over the figures for last spring.

The trade picture, though worrisome, hardly justifies the hand wringing and lamentations emanating from Washington. The international position of the U.S. is basically quite healthy. Our net assets abroad have risen from $26.8 billion in 1960 to around $60 billion, primarily because of increases in the book value of our overseas direct investments. The return flow of dividends, fees, and royalties on these investments is beginning to assume very large proportions; last year the total was $7.9 billion. In fact, this income might shortly be large enough to wipe out our balance-of-payments problems once and for all.

The problems have been centered, of course, in the large deficits we traditionally run in certain parts of our international accounts—e.g., from exporting private capital, foreign aid, tourism. Despite these deficits, the Council of Economic Advisers recently projected an $800-million over-all balance-of-payments surplus by 1975. This projection, admittedly tentative, assumed only a $1-billion positive balance on merchandise trade. The primary reason for the Council's optimism is the flow of those dividends, fees and royalties, which are expected to rise to $17 billion by 1975.

ARE WE IMPORTING UNEMPLOYMENT?

But the Administration seems to have its eye on 1972, not 1975. It seems to feel that it needs a large trade surplus as soon as possible, not only for reasons of external balance but, more important, to stimulate the domestic economy. An excess of exports over imports withdraws goods and services from the domestic market while pumping in foreign money. As Americans spend this money, they generate income for other Americans; thus trade surpluses, whether derived from increases in exports or reductions in imports, have a multiplier effect on U.S. income and jobs, much like an increase in business investment. The C.E.A. estimates that every $1 of additional net exports increases the G.N.P. by $2.54 within one year and $3.29 within two years. Conversely, a trade deficit tends to have a depressing effect on income and jobs. Indeed, many Americans feel that other countries have been exporting unemployment to the U.S. by rigging their trade policies or exchange rates in order to produce favorable trade balances with this country.

But, here again, there are reasons to believe that the Administration is misreading the data, and that the employment effect of our trade problems has been much exaggerated. From 1964 to 1969, the U.S. trade surplus dropped from $6.8 billion to $700 million, but unemployment also declined—from 5.2 percent to 3.5 percent. Though the trade balance did exercise a depressing influence, the economy was bouyant enough not merely to absorb any workers displaced by the growth of imports but also to provide jobs for new entrants into the labor force. Since 1969, of course, the economy has been slack and the jobs allegedly lost because of foreign trade have become the focus of unusual attention.

How much unemployment has the U.S. actually been importing? Lawrence Krause, an economist with the Brookings Institution who is regarded as one of the most knowledgeable foreign-trade specialists, has attempted to measure the amount for the period from the first quarter of 1970 through the first quarter of 1971. His analysis, based on detailed data for specific industries, concludes that very little of our unemployment is related to foreign trade. During this period imports increased at an annual rate of about $4.1 billion, while exports rose by only about $3.1 billion. Yet this $1-billion difference did not cause any direct loss of jobs to the economy as a whole. While the rise in imports and the decline in certain categories of exports wiped out 182,200 jobs, the increase in other exports and the decline in a few categories of imports created 182,700 jobs.

Adding in the indirect job effects—that is, the impact on industries that supply parts or intermediate goods either to the export industries or to those that compete with imports—Krause found that the aggregate job loss for the year was a mere 17,000. He notes: "If unemployment had increased only because of trade dislocations, the unemployment rate would have risen from 4.16 percent at the beginning of the period to only 4.18 at the end, rather than to the actual 5.93 percent."

The reason for this minuscule job loss is that many U.S. exports have a higher labor content than the production displaced by U.S. imports. For example, capital goods—which account for about 35 percent of U.S. exports—generally use a far higher ratio of labor to capital than do autos and many other types of consumer goods that represent a large part of U.S. imports.

Having overestimated the problem, the Administration is overreacting in its proposed solution. Perhaps the major reason for being concerned about our reinforcing a trend to mercantilism lies in the weapon we have employed in our attack on trade problems. The weapon, the 10 percent surcharge on imports, will not in fact cut out many imports or create many new jobs in the short run. And as long as it remains in effect, it will certainly delay, or even frustrate, the efforts to achieve a reasonable long-term solution to the international monetary crisis. There are many encouraging signs that the Administration is becoming aware of this fact. And so we can hope the tax may not be around for too much longer.

If the surcharge remains, its impact during the rest of 1971 will probably be minimal. U.S. importers or distributors who have been relying on a foreign source of supply will not fiind it easy to shift quickly to a domestic source without experiencing unacceptable delays in the delivery of merchandise. The importer will continue to buy foreign merchandise and will try to pass the tax on to his U.S. customer. If the customer's demand for imports is relatively insensitive to price changes—because, for example, the merchandise is desperately needed—most, if not all, of the tax can be passed on. But if the customer is actutely sensitive to price changes, the importer will either have to reduce his own profit margin or ask the foreign producer to absorb part of the tax. Whether the foreign producer will agree depends on how interested he is in retaining his share of the U.S. market. And that, in turn, depends on how quickly he can expand sales in his home market or in third markets.

SOME CUSTOMERS ARE INSENSITIVE

For many kinds of imported industrial supplies, customers are relatively insensitive to changes in price. Metals, fibers, and building materials, for example, cannot readily be supplied by domestic producers in large enough quantities to displace imports; thus the customers will continue to buy imported supplies despite the surcharge, which applies to some, though not all, of such items. Therefore the quantity of these imports will fall only marginally, and buyers will end up paying nearly the full amount of the import duty to the U.S. Treasury.

In theory, buyers are much more sensitive to changes in the price of finished manufactures; after all, domestic substitutes for these goods can usually be obtained in sufficient quantities. Thus, one might expect imports of finished manufactures to fall substantially as the surcharge pushes up their prices. But foreign suppliers of these goods will obviously fight to maintain their stake in the U.S. market; indeed, in the very short run—three to six months, say—they may be more interested in preserving market shares than in maintaining profit margins. If so, they will reduce prices, thereby sharing the tax burden with the U.S. customer.

For a while, then, the domestic price of these imports may not change very much, and the quantity of imports will not fall by much. According to an analysis made by the Federal Reserve Board, imports in the last half of 1971 are apt to drop only by $300 million to $600 million as a result of the surcharge. One of the Fed's calculations has imports of industrial supplies declining by only $88 million, those of finished manufactures by somewhere between $278 million and $552 million. On the other hand, imports of foreign cars may actually rise: a modest decline in the sale of Japanese and European cars might be more than offset by a rise in imports of Canadian vehicles, which are exempt from the surcharge and benefit from the abolition of the 7 percent U.S. excise tax.

The surcharge will have a somewhat larger impact in 1972 and, in the unlikely event that it is still with us, a still greater effect in 1973. Foreign suppliers will be increasingly reluctant to absorb any part of the import duty. Japan and Canada, which account for more than 40 percent of the U.S. imports, may be recovering from their own business slowdowns, and so they may use more of their own output domestically and earmark less for export. Producers in these countries will therefore be in a better position to resist pressures to cut prices for the U.S. market. At the same time, suppliers in all countries will have begun lining up alternative market outlets, which means that they will be competing more aggressively with U.S. producers in third markets.

As foreign producers become more reluctant to absorb any appreciable part of the surcharge, there might well be sharp declines of U.S. imports in product categories where demand is highly sensitive to price increases. According to the Fed, the total value of 1972 imports could drop by something like $2.25 billion to $3 billion below previously estimated levels.

A BOON TO THE TREASURY, NOT THE ECONOMY

Those figures sound as though retaining the surcharge might do a lot to stimulate the U.S. economy. Actually, the stimulus would not be particularly great—at least, not in 1972. Although Americans would be cutting down on imports, they would also be paying higher prices for goods they continued to buy. Payments to foreigners would drop by about $2.6 billion, but payments to the U.S. Treasury (i.e., for the surcharge) would rise by an estimated $2 billion. So the private economy could conceivably benefit by only about $600 million. This injection into the domestic income stream would probably create no more than 30,000 or 35,000 new jobs, according to data prepared by the Department of Labor. And even this gain could be jeopardized if rougher competition in foreign markets—which the surcharge itself stimulates—inhibited U.S. export sales. Since a dollar of increased exports creates more jobs than a dollar of forgone imports, a decline of only a bit more than 1 percent in U.S. exports could wipe out the entire 1972 employment gain generated by the import surcharge.

Actually, there is a danger, if the surcharge is retained, that it will be stimulating the economy at a time when things are booming anyway. Frank Vargo of the Commerce Department has calculated that the surcharge will reduce imports by about $2.3 billion in this fiscal year, by $4.4 billion in fiscal 1973, and by $6.7 billion in fiscal 1974. By that time, we may be trying to restrain the economy.

THE POOR WILL GET POORER

And while the surcharge cannot provide much immediate benefit to the U.S. economy, it may have a devastating effect on other countries. Its impact could fall with particular severity on the smaller, less-developed countries rather than on the major industrial powers—at whom it was ostensibly aimed. When countries were ranked according to the proportion of their world exports affected by the surcharge, some of the biggest losers turned out to be Mexico, Korea, Taiwan, Haiti, Hong Kong, Iceland, Israel, Philippines, and Barbados. With the exception of Japan and China, most of the countries the U.S. is trying to pressure into revaluing their currencies are not seriously affected by the import surcharge. For example, only 4 percent of France's global exports will be subject to it.

The major industrial countries, including Japan and Canada, should have no difficulty in "sterilizing" the depressive effect of the surcharge on their own economies. They can use monetary and fiscal policies to restimulate internal demand. Of course, such policies would increase their imports at a time when their exports were declining. But, for the most part, these countries have sufficient international reserves to finance any potential trade deficits. The less-developed countries, on the other hand, have little or no reserves. If they attempt to offset the impact of the U.S. surcharge by expansionary domestic policies, they will fall into acute balance-of-payments crises. They will have to either devalue their currencies or else impose additional controls on imports. Either way, U.S. exports will suffer.

Many countries—both industrial powers and less-developed countries—are likely to react to the surcharge with measures directed against U.S. capital rather than U.S. trade. There is the worrisome prospect that countries will try to tamper with the repatriation of dividends earned by U.S. subsidiaries. Central banks could simply refuse to provide dollars in exchange for local currency profits, or they could provide them at discriminatory rates.

Right now, there is a real hope that the U.S. might shortly earn enough on its overseas investments to solve its international payments problems. But concerted action by foreign countries against U.S. investment income would obviously change matters. The U.S. may not need a large trade surplus by 1975. But if we persist in trying to create too large a surplus in the short run, we may so imperil the earning power of our overseas assets that we would, in effect, "manufacture" the need for the surplus. The Administration would have made a classic self-fulfilling prophecy.

The surcharge has had one possibly beneficial effect. Since August 15, most major countries have allowed their currencies to float upward in relation to the dollar. They might never have agreed to float if the import surcharge had not been imposed—though it is also conceivable that the suspension of gold convertibility alone would have exerted enough pressure to get a float going. Yet even if the surcharge was an essential prod, it should have been removed once the float got under way, both as a gesture of good will and simply for the sake of good economic sense.

AN IMPORT TAX IS AN EXPORT TAX

Although the Administration has hinted that it may remove the surcharge, it has said nothing about another of its proposals that also has a mercantilist look to it: the proposal to attach a buy-American provision to the investment tax credit. The buy-American clause is even more bitterly resented by other countries than the surcharge itself. According to the pending legislation, when a U.S. company buys a piece of equipment that is more than 50 percent of American origin, the company can deduct 7 percent of the cost of the equipment from its corporate tax liability.

Thus a U.S.-made machine that sold for $100,000 might cost the buyer only $93,000. But the buyer gets to take his depreciation deduction as if the equipment had cost $100,000. This would typically reduce the effective cost of the machine to something like $90,000. Meanwhile, if the import surcharge is retained, the price of a $100,000 foreign-made machine could rise to $110,000. Taken together, then, the buy-American clause and the surcharge could give the domestic seller of machinery a theoretical 18 percent price advantage over the foreign supplier (the difference between $110,000 and $90,000).

In practice, the advantage would not be quite that high because the surcharge is imposed on what amounts to the wholesale value of the machine, rather than the higher retail price. In addition, the U.S. company probably would not have considered buying the foreign machine in the first place unless it had been either cheaper or of better quality. Still, the kind of price advantage provided by the surcharge and the buy-American clause could conceivably cut imports of capital goods by about $750 million.

As long as they remain in effect, the surcharge and the buy-American clause work to prevent foreign currencies from appreciating by as much as they otherwise might. For example, a drop in British exports to the U.S. (resulting from the surcharge or the buy-American clause) will inevitably cause a floating pound to decline in value, or, what amounts to the same thing, prevent it from rising in value. This process will raise prices of U.S. goods in pounds, relative to what they would have been. Thus in the last analysis a tax on British exports to the U.S. ends up as a tax on U.S. exports to Britain. Some industries in the U.S. will be more effectively insulated from British competition, but only at the expense of other industries that will find it harder than ever to penetrate the British market.

Meanwhile, it is unrealistic to suppose that the surcharge and the buy-American clause will ensure the continued floating of other currencies. It is highly unlikely, in fact, that the major currencies will continue to float for any sustained period of time. Economists tend to favor fluctuating exchange rates, but practical men abhor them. Since practical men make policy, the return to some sort of par-value system—one with perhaps a little more flexibility—seems assured. Besides, most economists have always said that the transition from a system of fixed rates to one of fluctuating rates will probably be a painful one.

The pain is being aggravated now because acceptance of fluctuating rates is only half-hearted. International traders have no confidence in currently prevailing exchange rates, and many expect that new par values, differing materially from the current exchange rates, will shortly be set. As a result, international business has been seriously affected. In turn, this has reinforced the poor opinion that most businessmen hold of fluctuating rates and has increased the pressure for a quick settlement of currency problems.

THE KICK FROM REVALUATION

The U.S. may have already won all or most of the currency changes that it needs. The changes that have already taken place will powerfully influence the U.S. trade balance and, therefore, domestic income. As of mid-

October, the German mark had appreciated a total of more than 10 percent since the beginning of the year. The Canadian dollar had appreciated by about 7.5 percent since 1970. The Japanese yen had appreciated by close to 10 percent since August 15. The Belgians had gone up by over 7 percent, the British by close to 4 percent, and the Swiss had gone up by about 10 percent.

The effect of exchange-rate changes like these on U.S. exports depends on, among other things, the foreign customer's response to price changes. Estimates of this response—in technical language, the price elasticity of demand for U.S. exports—vary quite substantially. One of the most systematic efforts to calculate these elasticities has been made by Professor Stephen Magee (see the box on page 138). Magee has computed the effects on U.S. trade with the fifteen major trading countries of the world, and also with a sixteenth bloc that includes most of the less-developed countries. He concludes that world demand for U.S. exports is far more sensitive to price changes than most people suppose.

For every 1 percent decline in the price of U.S. goods, expressed in foreign currencies, the dollar value of U.S. exports could rise by as much as 2.74 percent, provided the price of exports in dollars did not change. Thus if the fifteen industrial countries simultaneously revalued by 10 percent, the value of U.S. exports to these countries might rise by over 27 percent. In practice, however, this is most unlikely to happen. In the first place, U.S. producers may be taking advantage of the increased demand for U.S. exports to raise their prices in dollars. As a result, the price of U.S. exports in foreign currencies may not fall by the full amount of the currency revaluations, and this may greatly offset the initial increase in the demand for U.S. products.

Increased demand for U.S. exports will be partially offset in other ways too. When Japan, for example, revalues, its imports will cost less in yen and its exports will become more expensive in dollars. However, as Japanese producers encounter overseas resistance to the higher dollar prices, they will reduce prices of their goods in yen—though perhaps only slightly—in an effort to overcome the resistance. The drop in the domestic prices of both imports and exportable goods, Magee calculates, will lower the Japanese wholesale price index significantly: a 10 percent revaluation would lower it by close to 1 percent. In turn, this fall in domestic prices will gradually moderate wage pressures and increase the competitiveness of Japanese-made goods, thus tending to offset the initial rise in the demand for U.S. exports.

Finally, real income in other countries will tend to fall in the wake of their revaluations. A rise in imports and a decline in exports means that foreign goods are being pumped in while local money is being sent out. In these circumstances, foreigners will buy fewer U.S. goods than would otherwise have been expected. Magee has calculated the initial decline in real income, but he has assumed that the fifteen countries will prevent any multiplier effects.

Adjusting for all the forces that would tend to offset the rise in U.S. exports, Magee nevertheless concludes that a revaluation of these fifteen currencies by 10 percent, or even 5 percent, would give U.S. exporters quite a sizable sales advantage. A revaluation of 10 percent in the industrialized countries will increase the value of global U.S. exports by about 13 percent. On Magee's estimates of final 1971 exports, that would represent an increase of about $5.8 billion. (Based on the tentative projection of 1971 exports made by Walther Lederer, of the U.S. Treasury, the 13 percent rise would represent $5.2 billion.) In turn, a 5 percent revaluation of these currencies would increase U.S. exports by about 6 percent, or between $2.4 billion and $2.7 billion.

The revaluation of foreign currencies will naturally reduce U.S. imports. But, according to Magee's research, a 1 percent rise in the dollar price of U.S. imports will probably reduce their physical volume by only 1.34 percent and their value by only 0.34 percent. Apparently, U.S. demand for foreign goods is less sensitive to changes in price than is foreign demand for U.S. goods. Magee believes that a 5 percent currency appreciation in the fifteen countries would cut U.S. imports from these areas by only $700 million to $800 million. A 10 percent change would cut imports by $1.3 billion to $1.6 billion.

To be sure, the full impact of the currency changes, like those of the surcharge, will not be felt within the first year. Some drop in imports and rise in exports can be expected in 1972, but the full benefits won't be felt before 1973 or 1974.

THE PENDULUM EFFECT

If Magee's findings are accurate—there are, admittedly, many who disagree with them—they suggest a curious paradox. Although the deterioration in U.S. foreign trade in the last few years has been caused by rising imports, the easiest way to arrest this deterioration is not to attack imports per se, but rather to concentrate on increasing our exports. Imports cannot be easily reduced—short of severe measures that engender considerable foreign hostility—whereas exports can be readily expanded by small changes in currency parities.

The Administration, which is apparently relying on very different research findings, and is also responding to political pressure from industries that compete with imports, has unfortunately chosen to restrict imports directly. To the extent that its principal weapons—the import surcharge and the buy-American clause—make it more difficult to secure changes in currency parities, its policies might prove counterproductive. Moreover, these policies will reduce the total volume of U.S. trade, whereas, if Magee is right, changes in the value of currencies would increase U.S. trade.

U.S. international economic policy over the past few years has exhibited a marked pendulum effect. After nearly three years of doing virtually nothing at all about our international payments problems, President Nixon seems in one dramatic action to have done too much. There is evidence that the President was guided by a set of highly questionable statistics that tended to overstate the seriousness of our problems. What is needed now is a program to encourage the unfolding process of exchange-rate flexibility. The suspension of gold convertibility constituted a step in this direction, but our new barriers to the free movement of goods will unquestionably delay the process.

TURNER N. ROBERTSON RETIRES

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. ROONEY of New York. Mr. Speaker, I am pleased to be able to join my colleagues in paying tribute to Turner N. Robertson, majority chief page, who is retiring after 32 years of service to the House of Representatives, 24 of them in his present capacity. I have known Turner here for more than a quarter of a century and have long admired his devotion to his job and to the Members of the House of Representatives. His job has not been an easy one yet he has performed it admirably as we all know. How many countless times have we all sought his help or advice on a problem only to have it solved with courtesy and dispatch.

I think, Mr. Speaker, that we all owe a vote of thanks to Turner, too, for the magnificent work he has done over the years in training and supervising, as well as guiding, our pages. I am sure that the many hundreds of pages who have served here over the years of Turner's stewardship would join us in saluting this very warm, courteous, and honest human being. We shall all miss Turner Robertson very much but we wish him a long and happy retirement which he has well earned.

JAPAN'S VIEWS ON A PROPOSED MORATORIUM ON THE KILLING OF WHALES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FRASER. Mr. Speaker, recently I received a letter from Ambassador Ushiba of Japan in which he gives the views of his Government on certain points made in reference to Japan during a hearing last summer of the Subcommittee on International Organizations and Movements on a proposed moratorium on the killing of whales. House Concurrent Resolution 387 introduced by Mr. BINGHAM, requesting the Secretary of State to call for an international moratorium of 10 years on the international killing for commercial purposes of all species of whales passed the House by voice vote on November 1, 1971.

I am inserting Ambassador Ushiba's letter in the RECORD at this point:

EMBASSY OF JAPAN,
Washington, D.C., November 4, 1971.

HON. DONALD M. FRASER,
Chairman, Subcommittee on International Organizations and Movements, House Committee on Foreign Affairs, Congress of the United States, Washington, D.C.

DEAR MR. CHAIRMAN: In connection with some testimony made by various witnesses during the public hearing held by your subcommittee on House Joint Resolution 706, I would like to state the following views and positions of the Government of Japan regarding certain points raised during the course of the above public hearings. I hope this letter will clear certain misgivings which were voiced by some witnesses. I would be grateful to you if you would kindly make this letter available to the members of your sub-committee and place it on the record in an appropriate manner.

1. The Government of Japan holds the view that it is the common interest of all nations to assure the orderly development of the whaling industry through the proper conservation of whale stocks. Therefore, it considers meaningful the conservation of whale stocks, as it enables us to utilize the whale resources for food or other useful purposes on a continuing basis. On the other hand, it cannot endorse the conservation of whale stocks just for conservation's sake in the manner which would increase the said stocks beyond the level that produces maximum sustainable yield.

2. The Japanese whaling industry, together with its counterpart in the Soviet Union, is the largest in the world. It is no exaggeration to say that the vicissitudes of this industry are to be determined by the availability of whale stocks. Therefore, Japan is

no less seriously concerned about the conservation of whale stocks than any other nations, and has long made enormous efforts to study these resources so as to find out the scientific foundations for the conservation. Furthermore, Japan has cooperated positively in establishing and implemeting whaling regulations for the sake of conservation based upon scientific findings. The positive and cooperative attitude of Japan has been well illustrated by the reactions of Japan toward intensification of whaling regulations in the Antarctic and the North Pacific Oceans, and toward international observer schemes which were discussed in the past annual meetings of the International Whaling Commission.

3. The International Whaling Commission is the only international organization in the world which takes care of whale stocks. The prestige and the performance of the Commission are outstanding in comparison with other international conservation organizations. Therefore, should the function of the International Whaling Commission be denied, it would be extremely hard to find out any alternative measures of conserving the whale stocks of the world. This is the point made by Mr. Roy I. Jackson, Assistant Director-General, FAO, and by American experts who have participated in the work of the International Whaling Commission.

4. The Japanese whaling industry has provided the Japanese with a major source of animal protein; the amount of whale meat production alone accounts for about 10% of total production of animal meat in Japan. Because of the large number of people who engage in whaling and related industries, and the huge amount of capital invested in the said industries, the Government of Japan cannot subscribe to the view that the whaling industry should be terminated or that its catch quota should be sharply reduced without appropriate scientific foundation.

5. In their statements before the sub-committee, Professors Small and McVey assumed that sei, fin, sperm and minke whales are endangered. However, this assumption is contrary to the fact in light of the report of the Scientific Committee of the International Whaling Commission. In addition to that, none of the scientists who participated in the International Conference on Whale Biology stated such an opinion.

6. Both Professors submit that the IWC has never taken any effective measures for the conservation of whales and is not expected to do so. However, since 1960, the IWC has taken a series of regulatory actions, such as the complete prohibition of taking blue and humpback whales, and the drastic reduction of the catch quota in the Antarctic and North Pacific Oceans, etc. And if one looks at the actions and discussions that took place at the annual meeting of the IWC last June, e.g., International Observer Schemes, catch quota by species instead of that based on BWU in the Antarctic Ocean, substantial reduction of catch quota both in the Antarctic and the North Pacific Oceans, etc., it is quite clear that the IWC has adopted effective measures in recent years in order to conserve the resources. And improved activities in this direction can further be expected.

7. Professor McVey stated that uses of whales are limited to lubricants, cosmetics and so on which can be replaced by alternative raw materials. In this connection, the Government of Japan wishes to remind the sub-committee that whale meat has been utilized to the utmost extent as a precious source of animal protein in Japan.

8. Some of the allegations made by Professor Small are utterly unfounded. In particular, the Government of Japan wishes to call the sub-committee's attention to the following points and would be grateful if the record would be put straight on them.

(a) Re: Contention that the Japanese Commissioner on the IWC failed his duty;

The Commissioner who represents Japan in the IWC is not a government official. However, because of his integrity and intelligence, he commands international respect. This is why he was chosen as the Chairman of the IWC. In the IWC, he has strictly followed the instructions of the Government of Japan, and has never been influenced by the interests of the Japanese whaling industry.

(b) Re: Contention that the Japanese Government failed to implement IWC decisions;

According to the domestic legislation, the Government of Japan has enforced necessary regulatory measures so as to assure the faithful fulfillment of the requirements placed by the International Convention for the Regulation of Whaling.

(c) Re: Japanese whaling operations from the land base in Chile;

(1) In the 1967 whaling season, Japanese vessels operated from the land station in Chile. At that time, the Government of Japan took appropriate measures to assure that the Japanese vessels operated in compliance with the regulations incorporated in the Schedule of the International Convention for the Regulation of Whaling which included the prohibition of taking blue whales. There is not even the slightest fraction of truth in the allegation that these Japanese vessels took blue whales. In the same whaling season, there was another operating land station in Chile. It is surmised that the record of taking blue whales in Chile which appears in the statistics of the International Bureau for Whaling Statistics at Sandefjord, Norway, reflects the activity of this land station.

(2) The Government of Japan has never encouraged or permitted the establishment of a joint Japanese-Chilean whaling company.

Sincerely yours,

NOBUHIKO USHIBA,
Ambassador.

LIEUTENANT GOVERNOR REINECKE SPEAKS ON BETTER GOVERNMENT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. GOLDWATER. Mr. Speaker, recently Lt. Gov. Ed Reinecke of California, a former colleague of ours, gave an excellent address to the County Supervisors Association of California. The Lieutenant Governor, along with his many other responsibilities, serves as the chairman of the California Council on Intergovernmental Relations. I would like to present his lucid analysis of how we can better our system of government for my colleagues' benefit:

REMARKS OF HON. ED REINECKE, LIEUTENANT GOVERNOR OF CALIFORNIA

We are faced with the challenge, right now, of preparing our system of government for a new era. The activities and responsibilities of government at every level have increased and accelerated in recent years to the point where every public official must make a genuine personal commitment to work very hard if he intends to make any significant contribution. Government service cannot be a hobby with any of us. It is a tough job. And you are to be congratulated for your willingness to work hard at it. The growth of government activity and responsibility has resulted from several influences and pressures.

1. Our society is more complex than it was just a few years ago. Problems seem more difficult to solve. New discoveries in technology often create just as many problems as they solve.

2. The increase in population in our State has brought with it new resources of talent and manpower, but it has also brought with it more consumers and greater demands for public services.

3. Our citizens themselves are asking the government to do more for them. Their appetite for public services provided by the government has increased enormously. They want government to do more for them, and at the same time, there are greater outcries as they are required to pay for those services.

As public officials I believe that we have a responsibility to not only respond to what the people need, but also to lead them in what we are convinced are the right directions. I believe that in this matter of greater demands for government services, we may have failed as leaders by not trying to talk the citizen out of his demand for more from government. Maybe we would be serving him best by showing him how to help himself, rather than simply appropriating more money from the public treasury, or creating another special agency to handle a new service demanded by the citizen.

4. Finally, government activity has increased because it has allowed itself to become outmoded in some respects. It is always the engine that needs an overhaul that makes the most noise, and spits out the most smoke. Some of the increased "activity" of government is really a lot of noise and smoke. Our government institutions have been allowed to drift into disorganization, inefficiency and sometimes even complete chaos.

When you list these pressures upon state and county government, it is enough to make you want to quit, and go fishing. But we cannot afford to do that. There is too much at stake here. The very existence of our form of democratic government is the real issue. We are faced with the challenge, right now, of reshaping our government for new stresses and strains. This will demand of us the same kind of dedication and sacrifice which our founding fathers pledged when they signed the Declaration of Independence. They were putting their lives, their fortunes, and their honor on the line to get this system of balanced powers and divided responsibilities going. We can't do anything less, if we except to keep it going.

I believe that the eyes of the Nation are upon California. Just as eastern cities, like New York, Boston, Philadelphia, and Chicago have risen in prominence through our history and have exerted national influence upon this Nation in this very crucial time. We have more resources and a greater opportunity to lead the way for the Nation, than any other part of the country has ever had.

The privilege and challenge of this generation of Californians is to prove to the Nation and to the world that this system of federalism will work in a complex, space age, computerized urban society.

I am an engineer. And the way things are put together always interests me most. So, I would like to discuss with you particularly the problems of government structure and organization and how government works. You know it has always been popular among public officials at all levels of government to pass the blame around when something goes wrong. The Federal Government says they cannot get things done because the States and local governments are in the way and clutter up the landscape. The States blame the Federal Government for interfering in their affairs, and by-passing them in dealing directly with local governments. The cities and counties blame both the States and the Federal Government for either not doing enough to help them or else for doing too much and interfering in their affairs. We have real fights going on all over the country between levels and institutions of government.

We seem to have forgotten that while there are several layers of government, there is only one layer of taxpayers. We have gotten so caught up in our own intergovernmental retaliations that we have forgotten the citizen out there who is supposed to be getting some benefit out of being governed. It is time that we realize that we all need each other. Our cooperation is mandatory for our survival, because the good people of this earth have had a habit of disposing of governments that do not work well, and do not do the job. There are several goals we must set for ourselves in working on these problems of government organization:

1. We have to determine which level of government is best suited to do which kind of a job. This is the question of allocation of public service responsibility. We will have to ask some hard questions and make some hard decisions. It may be necessary, in the interests of good government and for the benefit of the citizen, to take some job away from one level of government and give it to another. It may even be necessary to ask hard questions like whether a particular unit of government needs to exist at all. Maybe we should consider consolidation of units of governments, like cities and counties and special districts, and even state departments and commissions.

We will have to re-examine the question of whether certain services should be provided by government at all. Maybe private enterprise can do a better job; or maybe the job doesn't even need to be done in the first place. Much, much too often government agencies and institutions continue to exist even after they have long ago served the purpose for which they were created. We have seen in recent times government agencies created to solve particular problems continuing to exist, even after the problem has gone away. The agency simply finds some new problem, or else manufactures a reason for its continued existence.

We must determine whether the sharing of responsibilities for different government services may not be an answer to our dilemma. There are 40,000 police departments in the United States. They average nine policemen per police chief. That is not efficient law enforcement. Perhaps the county should take over the police operation, or at least some of the operations, of its cities, for the sake of the citizen who pays the bill, and wants public protection and safety.

The Council on Intergovernmental Relations, in my office, is presently making a study of the allocation of public service responsibilities. The study has taken quite a lot of time. We have a new Chairman, Cliff Anderson, for the Council and a new Executive Director, Jim Johnson: and I am going to see that this study is moved along faster. They met here yesterday because we are going to need your help. We are going to ask you to participate fully in this study, and all of its component parts. We are going to ask you to speed up your involvement in this effort. We will have to ask the question about the forms and boundaries of our government structures. Perhaps counties should be consolidated, or should share certain services.

We have seen that regional approaches to some problems can be a good thing. We are faced with public problems like environmental pollution, transportation, crime, housing and health which know no political boundaries or jurisdictions. They cover large areas of this State without regard to which city or county jurisdiction is involved. I want to ask you to take a hard look at this question, and help us find an answer. We are presently in the situation in this State, with regard to regional approaches to problem solving, where we are polarizing into two extremes: on the one hand we see bills in the Legislature which impose and mandate regional organizations upon whole areas of the State. Some proposals call for directly elected governing bodies and specific direct taxing authority, without regard to the powers or existence of the present governments in the areas.

On the other extreme, we see attempts to break up voluntary associations of local governments which were designed to work on areawide problems with everybody going his own way, without regard to their neighbors related problems. I believe there is a middle ground somewhere between these extremes. We need you to help us find it. Perhaps it should be the policy of the State to endorse and encourage voluntary associations of local governments and then to support them or reward them for their efforts in some way. We are asking these questions. Will you help us find the answers? I am convinced that elected local officials, like yourselves, must take the leadership in this effort. We must do everything we can to support and strengthen general purpose government, governed by elected representatives of the people. In our haste to solve pressing public problems we have often given over our responsibility to govern to the so-called specialists or technicians.

There has developed in our country a kind of functional feudalism—governments within governments. The functional specialists in Washington, D.C. only talk to their fraternity brothers in Sacramento, who only talk to their friends and cohorts in your county seat. They run the government the way they want to without regard to who gets elected, or what the people want. They have risen to power because the elected officials have been too busy, or too naive, or too uninformed to prevent it. The functional feudalists have filled a void. We must ask whether there is not a better way to solve the problem. Special units of government have even been created to solve specific problems or provide special services in our State. These special government institutions often operate without much control from the public. Most people do not even know they exist, even though they pay the bills for them year after year.

Can you help us find out if that is the best way to operate? Should counties take over the functions of these special units and districts of government? How can we speed up the process of consolidation or dissolution? How can we get government back into the hands of the elected representatives of the people?

We cannot talk about reallocation of public service responsibilities without talking about allocation of resources to do the jobs. There is no question that government power largely depends upon government finances. The level of government which has the money can get the job done. The question we need to keep before us, however, is should a certain level of government do the work or provide the service just because it has most of the money? Why not change the sources of revenue around, and then give taxing authority to the levels of government that can best do the job.

My former colleague in the House of Representatives, Chairman Wilbur Mills of the House Ways and Means Committee, says he believes that you cannot separate the power to tax and the power to spend the tax dollar. This is the reason he gives for opposing revenue sharing. He doesn't think that the Federal Government should tax, and let the states and local governments spend the federally collected tax dollar.

On the other hand, Mr. Mills proposes that the Federal Government take over the collection of all income taxes, including those now assessed and collected by the states and local governments, and return those revenues to the states. Now, the Federal Government already collects 93 percent of all income taxes in the country, as it is. The income tax is the best source of revenue because it rises with the growth of the economy. But nobody has proven to me that the Federal Government is capable of doing the most efficient job with those tax dollars in serving the people. In fact, there is a lot of evidence to the contrary, which is why the President is proposing revenue sharing. He wants to get the revenues out where he believes a better job can be done in using them for the benefit of the taxpayer.

Mr. Mills' proposal to collect all taxes at the federal level presents problems. In the first place, it is the local government and the state government that is suffering most from the fiscal squeeze these days. They are the ones with most of the problems, but none of the growth revenues. If we want to solve this problem, as Mr. Mills suggests, by not separating the power to tax and the power to spend, then maybe we should consider reversing the proposals for revenue sharing by giving the states the power to collect what is now the federal income tax, and let the states return to the national government what it needs to carry out its constitutionally authorized responsibilities in national defense, foreign affairs, civil rights, the post office and so forth. This would allow us to keep at home, where the greatest need is, the greater revenue resource.

California taxpayers last year paid to the Federal Government $16 billion in income taxes. In return, California's cities, counties, schools, and state agencies, altogether, received back in grants a mere $2.8 billion. This does not include federal salaries and contracts in California, of course, but then those do not come into California to fulfill the purposes and needs of our local governments. They are spent here to do the work of the Federal Government.

If we were to collect that $16 billion in California, and share the revenues with the Federal Government, to enable it to do its job, I believe we could have a lot more resource to help our countries and cities do the job they are called on to do.

The Council on Intergovernmental Relations has prepared for you a "Revenue Sharing Fact Pack" which outlines some of the needs of state and local governments, and also outlines some alternatives to solve the problem.

Let me have your views on this. Together I'm sure we can find the solution. Just a few days ago I met in Sacramento with representatives of the County Supervisors Association to discuss the problems of tax reform in California. That discussion, which included members of my staff, was very significant and worthwhile in my opinion. It opened up some good lines of communication on the problems of tax reform. It also was an education to some state officials who deal with tax problems and fiscal affairs. They had their eyes opened. And I think that your representatives and the state people saw that there is good will on both sides. Let's continue those discussions and work toward a solution.

We must continue the search for additional sources of revenue for local governments, to match the proper allocation of public service responsibility.

We have a legitimate concern that if and when tax reform can be adopted to relieve the burden on the property taxpayer that county governments will not rush in to take up the measure of relief created by a shift from the property tax to some other revenue source. We have to find ways to help you conserve your resources. Now, you know, that is not an easy job. We recognize that there are uncontrollable increases in the budgets of the counties. Substantial increase have been mandated by recent court decisions affecting the operations of the criminal justice system.

Perhaps we should study the allocation of responsibility for segments of the criminal justice system to other levels of government besides the county.

In the area of welfare, we are caught on the same treadmill. Many of our expenses, and yours, are mandated by the Federal Government. We have to keep the pressure on the Congress to do something about welfare, and soon. We have hammered out welfare reform legislation in California. The courts have gotten involved in the implementation of those reforms, and so we will have to wait to see what their impact will be.

But, the simple fact that we have been pushing for reform of the welfare system, and talking about, has had, I think, an influence on the present outmoded system. We have actually had a steady reduction in the number of people going on welfare in this State for the sixth straight month. This is a complete reversal of the trends in the welfare program for the previous three decades. The debate in this State over welfare reform has actually created an atmosphere which seems to discourage people from seeking to go on welfare. Maybe the welfare worker is applying the rules a little more tightly, or exercising more careful judgment before certifying someone for the welfare rolls. We will have to wait to see the full impact of the new laws. Together I believe we can find ways to hold the costs of county and city governments in line. In fact, we must find those answers. We need your help in finding ways to reduce the burden placed on your budget by uncontrollable factors like court decisions, or federal guidelines. The State Legislature will have to re-assess its practice of imposing responsibilities on the local governments without providing a concurrent form of support for that new burden.

Finding relief for the fiscal pinch of local governments will have to involve a close look at the matter of allocation of public service responsibility. We will have to be courageous enough to even ask whether a unit or institution of government should continue to exist. Consolidation of services, and even of governments themselves, may be required. These are hard questions, but they must be asked, and they must be answered.

Frankly, we must look at our government structures and operations with cold objectivity. We must perform a management analysis on them, to see what we are doing wrong, and how we can correct it. I believe that government can be made to operate at a profit, that profit is to relieve the tax burdens of our citizens, and at the same time provide them with *essential* public services.

We in California, and especially those of you who are elected leaders in county government, are being asked to set the example for the rest of the country by leading us into a new era in county government. Your challenge is to take our government system into the 21st Century. That is our challenge and goal in the state government, too. We need each other. We can work together. We can stop passing the blame around, and resolve to pull in the same direction, toward our common goal—of serving the people of California.

There is no limit to the progress we can accomplish, when we work together, if we don't care who gets the credit. It should be enough of a reward just knowing that we have made things work better, and that we have restored peoples' faith in this government of ours.

THE LATE DR. RALPH J. BUNCHE

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. NIX. Mr. Speaker, last Thursday in New York, a personification of the American dream passed from among us. Though he had been ill for some time, it was with a great sadness that I read of the death of Dr. Ralph J. Bunche, former United Nations Under Secretary General for Special Political Affairs and winner of the 1950 Nobel Peace Prize.

Dr. Bunche, who had been with the United Nations since its inception, lived in a world of pressure and diplomacy that was fraught with belligerence, yet he was capable of bringing great harmony to it.

Dr. Bunche was a black man of learning and experience, and a man whose intellect was so many times applied to the extreme problems of war and peace so that he created solutions when many thought no solution possible. He was a man of many talents, perhaps full of paradox and struggle. But by training and temperament, he was, to my mind, an ideal international civil servant.

Perhaps his most triumphal success in the area of negotiating was that of the difficult 1949 armistice between the then new State of Israel and the Arab States. As the architect of this Palestine Accord, he won the Nobel Peace Prize of 1950.

But despite his fame and skill, Dr. Bunche was not one who sought the limelight or needed publicity as a reward for his service.

In fact, according to a number of the accounts of his life, few people, except those closest to him knew of the details of his middle-class adolescence in Detroit, his youth as an orphan in the care of a grandmother, his adventures as a stowaway and seaman, his toil in menial jobs in working his way through college and his real ambition as a young man—that of wanting to be a teacher.

Though he never complained, his young life must have been difficult—and later in life I am sure he was often frustrated by the color barriers he encountered in those days at hotels and restaurants, even as a high official in the Nation's Capital.

But despite any personal frustrations, he was a man who was ruled by the intellect and his diplomatic skills have long since become legendary at the United Nations. In his position as Under Secretary General, he was the highest American figure in the world organization and, I believe, the most prominent black man of his era whose stature did not derive chiefly from racial militance or a cause specifically in behalf of his race. This is not to say he was not sensitive to racial problems, for he reportedly spoke bluntly about them. But his outlook and his intellect kept him above the daily, mundane tribulations of discrimination. He always pushed ahead with optimism toward the solution of a problem, no matter how difficult, and I sometimes think that he may have, more often than not, found that there was an advantage in his blackness in working with the many different races in the world of international diplomacy.

In hearing of his death, U.N. General Secretary U Thant said he had "lost an incomparable friend and colleague," and praised Dr. Bunche as an outstanding example of "that 20th-century breed of international officials who devote all their gifts and their very lives to the service of the community of mankind."

Dr. Bunche first achieved international recognition for his part in hammering out the armistice between Israel and the Arab world, but he also played a key role in the 1956 negotiations that led to the stationing of a U.N. emergency force in Palestine after the Suez crisis. When the Congo erupted in 1960, Dr. Bunche was the first man sent in to oversee the U.N. civilian and military operations.

After he joined the U.N. in 1947 and domiciled in New York, Dr. Bunche gave himself freely to the cause of equal rights for blacks, delivering countless speeches and taking part in civil rights demonstrations. In 1965, he marched alongside Dr. Martin Luther King in the Freedom March from Selma to Montgomery, Ala.

From his childhood, this great man displayed intellectual prowess and stamina that were to become a trademark in his years at the United Nations.

During his teens, Dr. Bunche helped support the family by laying carpets while attending high school, and later worked as a janitor while attending the University of California at Los Angeles. In his 4 years at UCLA, he earned letters in baseball, football, and basketball and graduated summa cum laude. He later earned a doctorate in government at Harvard.

Following his award of this degree, he traveled throughout the world getting a grounding in colonial problems. He did postdoctoral work at several universities under a series of fellowships and then took field trips to Indonesia, Malaya, and central Africa where he lived with the natives. He returned to this country to join the staff of Howard University in 1938 and entered Government service at the start of World War II, when he served as a specialist on Africa in the Office of Strategic Services.

Dr. Bunche conquered life's difficulties through perseverance and a controlled intellect. The grandson of a slave, orphaned and penurious at an early age, he did not complain or spend himself in self-pity, but went on to become an honor student at UCLA. Throughout life, his objectives and his will to serve somehow made hardships unimportant. He was one who enriched the lives of those with whom he came in contact—and his indomitable spirit inscribed another legend on the wall of the never-ending American dream.

LIGHT FOR AIRSTRIP AT QUANHAGAK, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BEGICH. Mr. Speaker, one of the many problems as a result of living in rural Alaska is the difficult and hazardous transportation situation.

Because so many villages are in remote and isolated areas of the State, the only means of transportation is by air. As you can well imagine, the severe weather conditions as well as the scarcity of airport safety controls makes flying throughout the State relatively dangerous. In many areas in Alaska, airports are not equipped with sufficient lighting and service facilities to insure efficient and safe carrier service.

Often an emergency might arise requiring people or an individual to be evacuated immediately. Since situations may occur which require a landing or a takeoff at night and airport facilities do not include equipment to make the arrival or departure safe, provisions should be made for securing nighttime landing equipment. The Village Council of Quanhagak on the Kuskokwim River has forwarded to me a resolution that requests runway lights be installed at the earliest possible date.

I have traveled to Quanhagak many times, and I know of the severe needs of the area. I am including a copy of the resolution which I am sure my colleagues will find most informative:

RESOLUTION

Whereas: The Village Council and its members of Quanhagak who reside in this village on the lower Kuskokwim area and;

Whereas: We have an airstrip, but it does not have runway lights, and;

Whereas: The AVEC has a powerline running towards the airstrip direction and connections can be made to hook up the lights, and;

Whereas: There have been emergencies that arose in the past where quick evacuation was necessary, but because of no runway lights, the aircraft was unable to land. We can anticipate similar situations to arise in the future, so;

Now, therefore be it resolved: by the Village Council officers of Quanhagak, we request runway lights be installed at the earliest date possible to insure quick evacuations and to insure safety to the pilot and his aircraft.

LOS ANGELES' GLAMOROUS NEIGHBORS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. REES. Mr. Speaker, I insert in the RECORD an article entitled "Beverly Hills: Los Angeles' Glamorous Neighbor," contained in the current issue of Travel and Leisure magazine. The city of Beverly Hills is located within the 26th Congressional District and it has been my honor to represent this community for some years now in both the State legislature and the Congress. I think that my good friend, John Weaver, who is the author of the article, has done a remarkable job in capturing the flavor of this exciting city.

BEVERLY HILLS: LOS ANGELES' GLAMOROUS NEIGHBOR—OR HOW A BEAN FIELD WAS RECYCLED INTO A GOLDEN ENCLAVE

(By John D. Weaver)

An outsider coming on Beverly Hills for the first time is struck by the smart, casual look of the bronzed women disappearing into its boutiques and by the tranquility of the residential area north of its commercial heartland. The wide, clean streets lined with neatly skinned palm trees have the deserted look of a plague-stricken city from which the wealthy burghers have just fled. Sightseeing buses lumber past the tile-roofed pleasure domes, the drivers ticking off the names of famous occupants (Lucille Ball, Jimmy Stewart, Rosalind Russell, Groucho Marx, Edward G. Robinson) who are nowhere to be seen.

Some of the homes have been remolded in recent years, but they still constitute an architectural jumble, reflecting the styles affected by English country gentlemen, Arabian princes, Swiss bankers, Italian aristocrats, French winegrowers and Minneapolis dentists. The streets remain quiet and aloof, much as they were in the days of the silent screen.

In 1925 you could drive up North Beverly Drive and take snapshots of the homes of Pola Negri (610) and Ernst Lubitsch (616). Mabel Normand lived at 26 North Camden and Gloria Swanson at 904 North Crescent.

A 5.69-square-mile island afloat in the urban sprawl of Los Angeles, the vest pocket city is bound on the east by the topless-bottomless fleshpots of the Sunset Strip and on the west by the old 20th Century-Fox back lot. The magic wand of corporate capital has turned the studio's false-front New York streets and French village squares into Century City—a real-life complex of shops, restaurants, banks and brokerage offices housed in the geometrical glass-steel-and-concrete towers which remind actor-writer Carl Reiner of "the boxes Disneyland came in."

Until the completion last fall of the new 12-story wing of the Beverly Wilshire Hotel, the city's low-lying, tree-topped skyline was dominated by the small gold cupola atop the Spanish Renaissance city hall that Will Rogers helped dedicate in the spring of 1932. Huddled in the shadow of its high-rise neighbor, Beverly Hills has the incongruous look of a prim, well-kept cottage where an eccentric widow tends her rose bushes, while hard hats tear down the rest of the block to make way for a new skyscraper.

Census takers in 1970 counted 33,416 residents, of whom 348 were black. The faces of the jockey hitching posts in front of some of the city's stately homes have been painted white. There are 4,946 more females than males. Last summer the Recreation Department offered them a class in belly-dancing. Eighty-seven percent of the single-family residences are valued upwards of $50,000. The Catholic Church is referred to as "Our Lady of the Cadillacs."

Some 600 M.D.'s have a Beverly Hills address, but their patients have no local hospital and, should the dark angel prevail over the medicine men, no cemetery. The natives not only have to leave town to be buried, but also to play golf or to see a play. For every 10 human residents, there is one dog, and city hall has come to cherish those infrequent days when their barking fails to provoke a complaint.

"Had to drive down to my yacht to get a decent night's sleep," an indignant citizen grumbled recently, and late last summer, when a prolonged heat spell had put the populace on edge, an attorney decided to circulate a petition calling for a municipal ordinance barring dogs from the city.

In the 1840's, when deer and cattle drank from the streams that rushed down the canyons flanking what is now the Beverly Hills Hotel, the city's present-day acreage was owned by a Spanish soldier's widow whose black grandfather had been one of the 11 founding fathers of Los Angeles. The last Indian raiders were driven off the land in 1852 (the final skirmish took place in what was to become Benedict Canyon), and the Widow Valdez finally sold her ranch in 1854 to a pair of Yankees.

Much of the old ranch, Rancho de las Aguas (Gathering of the Waters), had been planted in lima beans when it was acquired in 1906 by Burton E. Green, president of the Rodeo Land and Water Co. He hit on the name of his new subdivision while reading a newspaper account of President Taft's vacation in Beverly Farms, Massachusetts, and called in a New York landscape architect to lay out a residential area with spacious lots, the streets to be lined with trees (palm, maple, elm, magnolia, oak). His legacy is so jealously guarded that the city council once spent three acrimonious years debating what kind of tree to plant on Wilshire Boulevard. The palm won a split decision over the *ficus nitida*, a form of rubber tree.

Back in the 1920's when Los Angeles mounted an aggressive campaign to annex Beverly Hills ("For God's sake," begged Will Rogers, "don't let them annex my ranch in Oklahoma"), Douglas Fairbanks suggested that the city build a wall around its borders. It was never built, but let a proposed freeway or a high-rise condominium threaten the city's serenity, the safety of its streets, and immediately a wall of indignant residents will materialize in defense of their golden enclave. They have managed to hold onto the freedom Hollywood lost when it let itself be gobbled up by Los Angeles in 1910 because its water supply was running low.

The same water ploy was used on Beverly Hills in 1923 after an influx of film celebrities had swarmed over the recycled bean fields, boosting property values. On the April morning when Beverly Hills freeholders were to go to the polls to vote on annexation, they found bottles of malodorous water deposited on their doorsteps. This, they were warned, was a sample of the tap water they'd be drinking unless they opted to become part of the city of Los Angeles.

It was a familiar scene to such villagers as Douglas Fairbanks, Mary Pickford, Rudolph Valentino, Harold Lloyd and Tom Mix. The frock-coated banker, stroking his mustachio, was trying to wheedle the map to the gold mine from the dead prospector's innocent daughter. A monument on Beverly Hills, a few blocks south of the city's main shopping district, pays tribute to the posse of film stars who led the fight to save the city. The story's ending, unfortunately, isn't altogether happy. The city's water is so foul to the taste that no self-respecting restaurateur will serve it.

A visitor setting out to explore Beverly Hills will need a car to prowl the canyons north of Sunset Boulevard, most of which lie outside the city limits, but the shopping district and the gently sloping residential streets south of Sunset are accessible by foot. (No matter what you may have read, you won't be hassled for walking in Beverly Hills unless, perhaps, the hour is late and your stride is a bit uncertain.)

Santa Monica Boulevard, which cuts diagonally across the city, is the boundary line between the more affluent residents and the tradespeople. The major department stores (Saks Fifth Avenue, I. Magnin, Roos-Atkins, Robinson's) are strung along Wilshire Boulevard, west of the Beverly Wilshire Hotel. Many of the boutiques and restaurants are located in the triangle formed by the confluence of Wilshire and Santa Monica Boulevard. The city's busiest shopping street is North Beverly, its most beguiling, North Rodeo.

South of Wilshire small, white stucco houses and three and four-story apartment buildings, shaded by giant sycamores, shelter the silent, unsung majority of Beverly Hills. Here the widowed and the retired are able to walk to the supermarkets, the movies and the white sales. Here, too, are the young couples and the divorced mothers who have settled in Beverly Hills because of the schools.

Despite its air of worldliness, Beverly Hills is an early-to-bed town. The beds may not always enjoy the sanction of church and state, but by midnight they're in use and the streets are empty, except for stray revelers making their way to such private clubs as

The Candy Store. If you feel the need of a nightcap, you might drop by Ye Little Club or enjoy the good fellowship of the Cafe Swiss bar, but if you're in a mood to raise hell, you'd best duck across the city's border and surrender yourself to the wicked embrace of the Sunset Strip.

For stockbrokers and coupon clippers, the day begins in the darkness before dawn when they grope along the silent, freshly washed streets to posh brokerage houses where they can catch the market's opening in club-like comfort. Around 8:30, just before Madison Avenue leaves for lunch, network and advertising men meet for breakfast at the Beverly Hills Hotel and put television packages together between long distance calls.

In midmorning the shopping district comes alive and parking space disappears. Maids in uniform and housewives in hot pants pinch the fresh fruits at Jurgensen's, cast a critical eye at Phil's sand dabs and replenish their liquor supply at Vendome. If unexpected guests are coming for lunch, chances are their hostess will head for Nate-N-Al's.

In London, where he now feels more at home than in Hollywood, film producer Carl Foreman has learned to make do with what the English call "salt beef," but he still dreams of the corned beef, pastrami and chopped liver served at this Beverly Hills institution. Some of its admirers go so far as to call it the finest delicatessen west of the Hudson.

On "Little" Santa Monica Boulevard (there are two boulevards of the same name in this section of Beverly Hills, one for shops, the other for cars), the new mustard-colored Hot Dog Store fills a cultural need long felt by moviemakers reared within reach of Nathan's incomparable Coney Island hot dogs. Carl Reiner used to have them flown in. Now he can walk down to the Hot Dog Store and eat his fill. The place is a favorite hangout for the sad-faced men who contrive to feed and shelter their young by writing comedy shows for television.

At luncheon the more easily recognizable residents of Beverly Hills are dispersed. Some go to Beverly Hills Hotel to eat alfresco at the Polo Lounge; others turn to the Beverly Wilshire's elegant La Bella Fontana or cross the street for one of The Brown Derby's justly celebrated Cobb salads. A somewhat younger crowd packs Jean Leon's La Scala. If the day is pleasant and you feel the stir of lechery, you might settle yourself at one of The Daisy Club's sidewalk tables, where you can sip the house wine, nibble an exotic sandwich and ogle the bra-less young waitresses while North Rodeo's window-shoppers walk by.

Some years ago one such window-shopper ambled into Harry Levinson's rare book shop, got to talking with its sagacious owner and started collecting. Fifteen years later, faced with a terminal illness, he put a bullet through his head after writing three notes—one to his wife, one to the police and a third to his friend Levinson. In his will, he left Levinson a book worth about $15,000. It was one of some 11,000 volumes valued at half a million dollars.

Beverly Hills, as you can see at a glance, is heavily sprinkled with specialty shops (somebody at the Chamber of Commerce counted 983). One (Jax) deals in women's slacks, another in bikinis, still another in Levi's for any sex or any age ("We're not relying on teenagers—otherwise we couldn't afford the location"). You'll pass display windows crammed with cheese, fat ties, cameras, boots and saddles, old English silver, furs, lingerie, pipes and at Minka's a mind-bending selection of toilet seat devices.

Yves St. Laurent chose the Beverly Hills Rive Gauche for the first complete line of his ready-to-wear accessories. Saks has Jean Patou designs, and by now Amelia Gray is so well-known that the management decorates the front window with flowers instead of frocks. For men, Dick Carroll's is still popular and recently enlarged. Eric Ross's shop for men is an active place where, if you can believe the gossip columnists, Candy Bergen drops by from time to time to buy something for herself.

The liveliest, most hospitable boutique of the moment is Giorgio. "Everybody who walks through that door is our guest," says Frank Maxwell, the affable black majordomo who presides over the bar and its brass-and-copper café espresso machine. You can order a cappuccino or a cocktail on the house, shoot pool or glance through *Variety* and the *Hollywood Reporter*. You can also spend money. In the four years Fred and Gale Hayman have operated the place, annual sales have shot up from $40,000 to more than $2,000,000.

At the end of a day's shopping, you'll have no trouble finding a place to slake your thirst. If you're near Sunset Boulevard, the Polo Lounge will see that you're well taken care of. If you're near Wilshire, take a look at the Zindabad Pub in the new wing of the Beverly Wilshire. Even before the wing was opened last fall this Kiplingesque oasis had come to be known as "the wickedest room in town." It was designed by the vivacious Mexican wife of the hotel's guiding genius, Hernando Courtright.

"Since I never go to bars," explains Marcelle Courtright, "I planned this room entirely around the feeling of what I think a bar should be like if I had to enter one to meet a friend."

For dinner in Beverly Hills, you have a tantalizing choice. The two most elegant rooms in town are the Beverly Wilshire's La Bella Fontana and the Beverly Hilton's L'Es coffier. At La Scala and Au Petit Jean you'll dine handsomely in charming surroundings and see some famous faces. You can also do some discreet stargazing at The Bistro and, if Henry Kissinger has driven up from San Clemente, you may be comforted by the sight of the Secret Service agents on hand to make sure no harm comes to him while he breaks bread with Jill St. John.

If you'd like to sample artfully prepared Norman dishes, book a table at La Chaumière and be prepared for something of a crush. So many devotees have discovered the place and claimed it for their own that it's usually packed. So is La Dolce Vita, where the veal dishes are excellent (try the Veal Fellini). You can also eat extremely well at Maison Gerard, Konditori Scandinavia, Capriccio, Café Swiss and Adriatric (you might try one of the Yugoslav wines). The Luau is a favorite Sunday night family place. The parents dig the Cantonese dishes, the kids the spears, masks and splashing waterfalls.

On the eve of the second World War, a black girl child was born in Charity Hospital in New Orleans. At six she started making her own clothes. At 12 she was helping her mother and father in the kitchen of their restaurant. A dozen years later La Vetta (rhymes with cheetah) was in Beverly Hills designing clothes for, among others, Diana Ross, Lena Horne and Nancy Wilson. Now she runs a charming, intimate Creole restaurant behind her South Beverly Drive boutique. You'll find gumbo, jambalaya and broiled Louisiana red snapper on the menu. If you're watching your weight you may be undone by the homemade banana bread and the sweet potato pie.

Most Beverly Hills restaurateurs, unfortunately, have failed to keep pace with such distinguished Los Angeles colleagues as Kenneth Hansen of Scandia and Raymond Andrieux of The Tower in offering a representative selection of California's finer wines. Trader Vic's, however, has made a point of featuring a splendid sampling of the state's outstanding vineyards. The wines provide an agreeable complement to the restaurant's manifold delights.

When you seek shelter for the night in Beverly Hills, you can pick among numerous hotels. The Beverly Terrace Motor Hotel is situated on North Doheny Drive, the dividing line between the Sunset Strip and Beverly Hills. The Beverly Carlton and the Beverly Crest are south of the main shopping district, and the Beverly Hilton is near the city's western borders, within walking distance of the Wilshire Boulevard department stores. The Beverly Rodeo Hyatt is surrounded by boutiques. The Beverly Hills Hotel has been a local landmark since 1912.

The Beverly Wilshire Hotel (built in 1928), taken firmly in hand by Hernando Courtright 10 years ago, has re-emerged as one of the country's great hostelries. The new wing, with its Italian marble staircase, classic ballroom, two-story suites and baroque rooftop pool, is a monument to the proprietor's confidence that elegance will survive the onslaughts of blue jeans, instant soup and franchised chicken.

Beverly Hills may be living in the past, as many of its young pups keep complaining (the city's median age—47—is 20 years higher than the national level), but its past is not without a certain grace and charm. Once you've committed yourself to the care of the Beverly Wilshire or the Beverly Hills Hotel, you're addressed by name and treated as an honored guest with individual tastes in food and drink rather than as a faceless convention delegate who got in on the group rate. The city's best hotels, shops and restaurants are expensive, often unique and possibly anachronistic. They are all part of the phenomenon that is Beverly Hills, a customized island in a ready made world.

CAREER EDUCATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, not long ago, a person finishing his schooling with a general education could be assured of finding stable, attractive entry-level opportunities without much difficulty. It is clear that this is not the case in today's job market, nor is it likely to be the case in the future. With such factors as the rapid changes in industrial technology, the increasing complexity of international trade, and the impact of changes in government spending, it is likely that persons finishing school today will have to pursue more than one career during their lifetime. As the job market changes, the person may have to periodically intersperse his working years with periods of further education and skill acquisition. Obviously, what we are talking about is the expanded concept of career education.

One of the foremost proponents of career education is Dr. Sidney P. Marland, Jr., the distinguished U.S. Commissioner of Education. In a particularly forceful address on this subject recently in Pittsburgh, Dr. Marland pointed out that schools are now being asked to perform much more challenging functions. Parents and other taxpayers are assuming, quite justifiably, that their schools provide their students not only with self-confidence, love of learning, and social awareness, but self-sustaining career skills that will enable almost all young people to become economically self-sufficient participants in our system.

I highly recommend Dr. Marland's speech to my colleagues and to all persons concerned with the responsiveness of education to the needs of the future:

CAREER EDUCATION—A NEW FRONTIER *

(By Sidney P. Marland, Jr.)

Perhaps because Pittsburgh holds many memories for me, I found myself running my own "This is Your Life" as I prepared my remarks for this sentimental journey.

I found myself going all the way back to my high school days and the teacher who doubled as my guidance counselor. We didn't have full-time counselors in small Connecticut towns when I was coming up. At least we didn't call them that—though they were.

At some point in my junior year she and I sat down to discuss what I should do with my life. As I remember it, she looked at my school records and aptitude tests and said that my abilities were in what I considered some rather unlikely fields—architecture, insurance sales, civil engineering, and the performing arts.

Now that I have spent 30-odd years in education, I realize she was trying to tell me I had the makings of a school administrator. In fact, as most of you know, I rounded out 20 years as a superintendnt right here in the Pittsburgh system. And I must say that, given the assortment of skills that we now recognize as essential for a working superintendent, I would say that my old counselor was light years ahead of her time.

It's good to be back in Pittsburgh—to see so many familiar faces—to recall the solid professional companionship you gave me during my years here as superintendent—and to note with satisfaction that education in Pennsylvania, and Pittsburgh in particular, continues to flourish in an atmosphere of national leadership. For example, I was especially proud recently to call attention before Congress to the landmark legislation in Pennsylvania in support of education of handicapped children.

On this occasion it is not only a pleasure but a privilege to be back in the city. You have asked me to participate in a conference of personnel and guidance people with "Quo Vadis?" as its theme. You have assembled more than a thousand representatives from your own fields, from school and college administration, from industry and civic life—plus enough young graduate students to keep us honest. And you have given me a platform to talk to these decisionmakers and doers about a subject close to my heart.

I want to talk about career education, about coming together as responsible professionals to design renewal of the American educational system so that every young man and woman, no matter where he or she leaves the system, will take from it a proudly held marketable job skill, at any age, at any time.

I want to talk about the need for career education—about designing model programs that will give us directions as to *what* should be done, and about developing strategies that will tell us *how* to do it. I would mention the kind of commitment on the part of everyone involved—from student to teacher to counselor to administrator to legislator and certainly to parents—that is needed if we expect to make career education a reality for young people everywhere. Finally, I would like to suggest fundamental realignments needed in guidance and counseling as we move toward this very large ideal.

If we are going to develop and install a career education system in the 70s—and I think we must if we hope to deal with a significant number of this country's education-related problems from unemployment to drugs to delinquency to alienation—then we need to plot a sober course at the outset, and we all need to have a part in the design. We in Washington certainly have no ambition to blueprint a program, cast in bronze, and deliver it. The program, if it is to be built, will be built by people like you across the land. We in OE will encourage, provide money and technical assistance, but no approved solutions.

Those of you in the personnel and guidance fields, in industry, and in local and State government have particularly vital roles and responsibilities in this undertaking. We at the Federal level earnestly solicit your ideas, your insights, and your support as we undertake very positive initiatives in regard to career education at this juncture in our social and economic history.

But, before I describe what I mean by career education, let me stress what I *don't* mean, and that requires citing a few cost and productivity figures coming out of the educational system we call the world's best.

Education has become the Nation's largest enterprise. It now costs $85 billion a year, which surpasses defense outlays, previously our largest expenditures, by some $9 billion, and figures out at about 8 percent of the gross national product. I might add that education's share of the GNP has doubled since 1954.

Let's take just the cost of elementary and secondary education. That runs to $54 billion annually to teach 52 million children. The per pupil cost is roughly $1,000 a year, or $12,000 to $13,000 to get each youngster through the first 12 grades. Higher education costs, as any parent of a college student knows, are now somewhere in the neighborhood of $2,000 to $4,000 a year.

Along with the intangibles they buy for children with this kind of money, such as self-confidence, love of learning, and social awareness, I think parents and other taxpayers have the right to assume they are also buying appropriate, self-sustaining career skills that will enable almost all young people to be economically independent when they leave the system.

But the statistics don't support the assumption. Of 3.7 million young people leaving formal education in 1970–71, nearly 2.5 million lacked skills adequate to enter the labor force at a level commensurate with their academic and intellectual promise. Many left with no marketable skill whatsoever.

850,000 dropped out of elementary or secondary school during the year. Let's assume on the average they left at the end of the 10th grade. At $8,000 per child to get them that far, total cost to the Nation can be estimated at about $9 billion.

750,000 graduated from the high school general curriculum with little or nothing to offer prospective employers. At $12,000 per student, total cost to the Nation would be $9 billion.

850,000 entered college but left without a degree or completion of an organized occupational program. Let's assume on the average they left at the end of the first college year, which added $3,000 to the $12,000 per pupil outlay through high school. Total cost to the Nation can be estimated at $12 billion.

These three groups of youngsters, then, represent a combined outlay of nearly $28 billion—about one-third of the entire amount spent on education in this country last year. We spend billions to prepare 2.5 million young people for potential disenchantment, aimlessness and failure, year after year after year!

Even more distressing are the losses we cannot calculate in dollars—the loss of confidence and self-esteem, the sense of alienation and drift, the terrible sense of abasement and nonfulfillment that burdens millions of young people as they embark upon their adult lives. The aftermath of these early defections, of course, usually turns up in our unemployment, welfare, and crime statistics.

The other extreme, of course, is the overeducated young person, at least in terms of the career opportunities available when he or she is ready to enter the labor market. This year young American college-level teachers with doctor's and master's degrees are teaching in German *gymnasiums* or Australian high schools because there are not enough teaching opportunities in this country. In some fields there are seven applicants for every opening. And there are disturbing instances where highly qualified but also highly specialized engineers and other technicians, displaced in the aerospace and related industries, have turned in desperation to running hamburger drive-ins or tending bar. Surely America can do better than this. Surely the art and science of counseling and educational planning can do better than this.

Surely a Nation that can meet virtually any material or physical challenge it sets its sights on, and is willing to align its priorities accordingly, can develop a better approach to the whole career education process, designed to make education more real, more humane, and more responsive to the needs of young people. Trying to pinpoint responsibility is a fruitless exercise; there is more than enough to go around. Suffice it to say that for many years now, most noticeably in the post-Sputnik period, educators, parents, industry and government have been obsessed with the notion that a college education is a young person's only ticket to social worth, economic success, and emotional and intellectual wholeness.

Counselors have found it fashionable, personally satisfying and institutionally rewarding to be a part of that historic cycle.

We have provided good high school programs—and good counseling—for the *minority* of students going on to higher education. We have provided vocational training and perhaps adequate counseling—much of it at least very good—for the *minority* of students who were not college-bound and recognized the need for immediate job skills.

But we have shamefully shortchanged the *majority* of students nationally who have taken neither college preparatory nor out-and-out vocational education; those unfortunate youngsters were given a pallid succotash of some mathematics, some science, some social studies in something called the general curriculum. Its victims enter the job market with nothing to offer beyond their diplomas. Even their basic skills in reading, say, or spelling for lack of academic relevance are often weak and unattractive to employers.

High school counselors, unfortunately, have tended to devote most of their attention to students they could steer into college and understandably so, since that's the way a counselor's performance has been gauged in our value system. They have been part of the problem as they have dutifully responded to the mores of our people.

But that game is over, I hope, and I think it is high time we made some binding promises to young people—not to mention financially pressed parents—that we will take the necessary steps to make school meaningful for them, particularly in a career sense. For an educational system that expends $85 billion annually and consumes most of childhood and much of early adult years, we are suddenly being called to account, not only by taxpayers, but by the young.

---

* Before the Third Annual Conference of the Pennsylvania Personnel and Guidance Association, Chatham Center, Pittsburgh, Pennsylvania, Monday, November 15, 1971, 9:15 A.M.

We must guarantee job entry skills for all high school graduates and most dropouts, skills as basic as typing and food preparation perhaps, but undergirded by the sound foundation in mathematics, the social sciences, and English that all of us need to function in virtually any field of employment. I have spent a good bit of my life, as I know you have, attempting to keep young people in school—to reduce the dropout ratio. At the risk of voicing heresy, I must say that those young people who have opted out of our high schools and colleges are not necessarily at fault. It may be that we in the schools and colleges are only now coming to realize that given their choice, they have rejected us. The concept of career education would encourage the opt-out to leave the system whenever he wishes, provided he is ready for satisfying and appropriate work, but he would also be welcomed back into the system cordially and routinely at whatever point he wishes to re-enter and at whatever age. Perhaps career education will set aside forever the whole question of the dropout.

We must provide the option of increasingly sophisticated technical skills for all graduates of two-year colleges and technical institutes, skills moreover for which there is a real demand in the marketplace. Fully half the young people in community colleges should enjoy this option.

We must guarantee relevant career skills for all college graduates with a baccalaureate degree or better. More and more I am impressed with the numbers of young people in our high schools and colleges who seem not to be strongly motivated at this time by economic goals. They seem more to be concerned with helping people and with serving large social causes. I think it should be made clear that lack of economic motivation in no way suggests a disregard for career education, for these very same young people, if they are to serve society well, either at home or abroad, must be equipped with tangible skills and talents. This would include the health sciences, education in all its parts, technology in its infinite array, and certainly the arts and skills of social work.

To deliver on promises of this magnitude—and this has particular reference to guidance counselors—our schools must weigh the impact of two challenging assignments. First, as teachers and counselors we will need to become job market analysts, with a touch of clairvoyance thrown in, for that is the counselor's art, apart from his science. To steer youngsters into fields that promise rewarding jobs when they enter the labor market three to five years hence, you will certainly need to know what opportunities there will likely be three to five years from now—in your community, your State, and nationwide. And I might add that we in the Office of Education are working with the Department of Labor on this—not through simple linear projections of the status quo, and certainly not through what the personnel Vice President thinks he needs next year. Second, you will need to establish a placement service that will actually get young people into jobs. I would like to say a bit about these responsibilities later on; they are an important part of the minimum guarantee I feel the educational system owes our young people.

Last June I met with the Chief State School Officers to outline these minimum student guarantees I believe are essential. I talked about the continuing and largely successful efforts of the Office of Education to improve vocational education programs, to provide graduate fellowships for guidance counselors, to encourage young people to consider careers in technical fields requiring less than a four year college degree, and to provide a number of other career-related services. As you know, some of these programs go all the way back to the Smith-Hughes Act of 1917.

The chiefs, like those of us at the Federal level, are acutely aware of the piecemeal nature of these programs, just as State and local efforts have been piecemeal through the years. I asked them if they, on behalf of their States, could commit themselves to active, even aggressive engagement in the installation of an entirely new approach to career education, from kindergarten through graduate school, that would require new and demanding roles for teachers, curriculum specialists, counselors, and nearly everyone else involved in the educational process.

Their response was a strong and encouraging affirmative. I told them about the four career education models being developed by the research community with Office of Education initiative and which are now ready to be further validated in live situations.

I see the financial assistance, the technical assistance, and most of all the national leadership and support needed to get these models into operation as perhaps the greatest single contribution the Federal government can make to education in the coming decade. But the Federal role as implied earlier must be subordinated to the State and local initiative.

The first of these four career education designs—and the one most pertinent to my discussions with the Chief State School Officers and this audience—is the school-based model. This model calls for the restructuring of our elementary and secondary school curricula to begin to familiarize youngsters with basic information about occupations in the primary grades, to help them get exposure to real work situations in the middle years, and to prepare them in senior high school either to enter their chosen field with a marketable skill at graduation or sooner, or go on for technical or professional training at the college level.

This model eliminates the general high school curriculum altogether. Instead, it builds a career orientation into the basic academic subjects all along the line, and helps every youngster learn about the many career choices available in such fields as manufacturing, marketing, health sciences, communications, public services, the professions and the trades. It gives every young person the necessary preparation to earn a living in a field he selects well before he leaves the educational system. It is not designed for the minority of students who go to college, or the minority who select traditional vocational programs. It is simply for everyone, in varying degrees, according to his maturity and interests—but for everyone.

We in the Office of Education are implementing our faith in this career education concept with some concentrated work and funds; specifically we have launched six pilot projects in communities that represent a cross-section of socio-economic populations. School systems in these districts had already been moving toward career education on their own or with State help. They are located in Mesa, Arizona; Los Angeles; Atlanta; Jefferson County, Colorado; Pontiac, Michigan and Hackensack, New Jersey. And now I have asked each State to launch with Federal funds the planning of at least one model this year.

In addition to the school-based are the other three career education models. One is employer-based, providing a structure for industrial firms, businesses, and government agencies to operate work-training programs related to their own employment needs for students still in school as well as for dropouts. Clearly this is an alternate to conventional school. But clearly there must be counselors in the design—perhaps even more necessary than in the school-based model.

Another, the home-based model, will use TV and correspondence courses among other devices to bring undereducated adults back into the mainstream of formal education or to help them get better jobs than they have. The last of the four we call the rural residential model; its first site is a former Air Force base near Glasgow, Montana, where entire families will live and train together for new and upgraded employment. This site serves six largely rural states.

My meeting with the Chief State Officers was a high point in my first year as Commissioner of Education. As I indicated to you a moment ago, they endorsed the career education concept to a man. To a man they were willing to pledge the resources of their offices and their personal powers of persuasion as we attempt to hammer out the evolving definition and design of this large idea. To a man they assured me that career education is not just another education fad; this is a concept, they held, that must be advanced, and that all schools and their communities must have a hand in the process.

By no means are all of the initiatives on behalf of career education coming out of Washington. In many instances the support of the Chief State School Officers for Federal initiatives is really an extension of convictions and actions already amply demonstrated at State and local levels and among professional associations such as yours. Clear prototypes of this concept were established in Pittsburgh, for example, at least seven years ago. Philadelphia and its Parkway School is a clear prototype of the employer-based option for eager learners.

The Arizona legislature last spring approved $2 million in State funding to launch career education in 15 school systems this year. Other States with outstanding examples of local efforts to install career education programs include Delaware, Georgia, Mississippi, New Jersey, North Dakota, and Wyoming. Large-city systems turning to career education include those of Dallas and San Diego, as well as Pittsburgh and Philadelphia.

I understand that your association has launched some exciting initiatives of your own. Your surveys of local employment markets throughout Pennsylvania, your identification of available job opportunities and salary ranges, plus the 200 or so job descriptions you have put on the desks of every junior high school counselor in the State are the practical, down-to-earth kinds of commitments and initiatives we urgently need. I commend your efforts and hope that many other professional groups will follow with similar initiatives.

So I think it is fair to say that a heartening number of the professionals, be they educators or legislators, are committed to career education. Still open is the question of local citizen commitment.

Career education startup costs are expected to add considerably to the local burden for the first year or two, then taper off to a level somewhat above present expenditure levels for elementary and secondary education. Money will be needed to train school staff to integrate career education concepts into curriculum materials at every grade level, buy tools and more sophisticated equipment for hands-on high school programs, and to hire many more guidance counselors so that counselling or at least job awareness can be brought all the way down to the early grades. Career entry placement, as I noted earlier, should be a new obligation of the schools, and I can think of no better national model for this role than that exemplary humane professional, Rose Lewis Smith of Pittsburgh! While Federal and State funds are sufficient to mount pilot projects, I think major support of school systems will remain primarily a local and State responsibility for the foreseeable future.

I am convinced, however, that once voters understand that their extra tax dollars are buying genuine motivation and career security for their own children, and for every other child in the community, they will support the necessary bond issues and tax increases. For this design moves us a long forward step toward public accountability cost effectiveness.

Those of you in personnel and guidance, in industry, in State and local government will in no small measure determine which way voters go on this proposal—by your own enthusiasm for career education, by your willingness to plead the case in public forum and private conversation, by your ability to demonstrate its long-term cost-effectiveness and by your determination to prevent yet another generation of young people from floundering into the labor market unprepared. And most of all by being part of the planning and design process.

To close on an appropriate "Quo Vadis?" note, let me address several questions, really issues, to those of you working directly in personnel and guidance because you have the key responsibilities in making career education work.

Where do you stand on career education? Which way are you prepared to go? Are you willing to assume a far more demanding and complex role in relation to students, teachers, and the workaday world than you have ever known?

Are you ready to work hand-in-glove with teachers, curriculum developers, industry, and labor, and other professional people to integrate the work concept with academic subjects, from kindergarten through grade 12?

Are you prepared to advise as wisely and well the students who are not going on to college as those who are? Are you willing to undertake for yourself the reorientation—perhaps even retraining—you will need to provide practical advice on up to 20,000 job categories? Because education is the only field most counselors know first-hand, would you accept experience, part-time during the school year or summers, in a drafting shop, factory, salesroom, or hospital? Are you willing to enhance your professionalism by gaining first-hand knowledge in a less than professional position to pass on to students?

Are your contacts in local industry, commerce, and government good enough for you to provide realistic job placement, and followup, for high school graduates and early spin-offs who have a wide variety of interests and abilities?

Are you forward looking enough to keep abreast of job market projections 5 or 10 years ahead?

In sum, are you sufficiently sold on the career education concept to become its advocate in the school system and community, to take on added responsibilities that will complicate your personal life but also, I am convinced, bring a new sense of personal satisfaction? I know of no greater reward for any of us than the knowledge that we have helped other human beings find fulfillment in their lives.

Helping children and young people find their way is the greatest satisfaction of all. As we install career education programs, we will in essence be putting students at the crossroads time and time again, asking them to make a decision, to choose a route. It should be satisfying to know that each time they reach a turning point, you will be there to show them the many options, to advise them on the probable outcomes, and to watch them grow into competent and confident adults.

Perhaps the single most important message of career education is the one best known to guidance counselors—a young person will grow and learn and flourish increasingly as he becomes self-motivated through informed self-determination of his own destiny.

ROCKETDYNE'S RS–21 ENGINE TAPPED FOR MORE AMBITIOUS INTERPLANETARY VENTURE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. GOLDWATER. Mr. Speaker, the company whose rocket engines were instrumental in landing American astronauts on the moon recently proved once again its ability to produce highly reliable propulsion systems for the UW space program. It was an engine produced by Rocketdyne, a division of North American Rockwell Corp., that provided the push to drive the Mariner 9 spacecraft into orbit around Mars last November 13. The tiny rocket engine not much bigger than a football, was responsible for making one of America's most important space goals a reality. This advanced propulsion system enabled the Mariner 9 spacecraft to orbit Mars for a minimum of 90 days during which it will map 70 percent of the planet's surface. The tiny powerplant, designated the RS–21, weighs 17 pounds and delivers a thrust of 300 pounds. It uses pressure-fed storable propellants/nitrogen tetroxide and monomethyl hydrazine. Rocketdyne President W. J. Brennan noted that the RS–21 engine operated for 15 minutes to place the Mariner 9 spacecraft into orbit:

> This was the longest firing time of any rocket engine to date in a NASA mission. The engine achieved this feat some five months after the launch of the Mariner 9 spacecraft by a Rocketdyne-powered Atlas-Centaur launch vehicle. The RS–21 engine functioned farther from earth than any other rocket engine ever built.

The small but potent powerplant is the first space engine built of beryllium, the toughest of space-age metals. The properties of beryllium that make it attractive for thrust chamber construction are its low density, its high heat capacity—four times that of stainless steel—and its relatively high melting point. Simplicity, low cost and much greater durability are other advantages of building beryllium thrust chambers. They can be machined and contoured easily from solid pieces of metal. The use of beryllium metal for the RS–21 allows a new cooling principle to be applied in which liquid fuel is sprayed on the inside wall of the engine to absorb heat flowing through the wall from the hot nozzle throat. The cooled beryllium engine concept, co-invented by Joseph Friedman, Rocketdyne RS–21 program manager, and Lewis Glenn, and patented by Rocketdyne, represents a major engineering breakthrough. The Nation's leading builder of high thrust liquid propellant rocket engines has built 10 RS–21 engines to date. Because the RS–21 engine performed so well in the Mariner 9 program it has been tapped for a more ambitious interplanetary venture. The existing RS–21 engine will be upgraded and used on the two Viking orbiter missions scheduled in 1975. During its 16 years of operation, Rocketdyne has delivered more than 2,700 large rocket engines to the U.S. Government. Almost 80 percent of all U.S. ballistic and space flights have been launched with Rocketdyne powerplants. All of the some 50 astronauts who have flown in space have done so with Rocketdyne engines.

THE NEED FOR GOOD AND PROPER DAY CARE CENTER LEGISLATION

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. LLOYD. Mr. Speaker, I fully and enthusiastically support the continuation of Federal assistance for day care centers to assist working mothers and to respond to other proven needs of many low-income families. I have made many personal visits to the federally financed day care centers in my district and have been impressed by the quality of service and the outstanding work of so many of those teachers and aides working in this vital field. I support appropriate growth of day care centers to render service in cases of need, but this growth must follow responsible procedures. We can ruin the program or seriously cripple its proper growth and public image if we flood it beyond its capacity or present public acceptance, if we improperly invade the home, or if we deliver the service in an inefficient and inappropriate manner. For that reason I believe it was proper for the President to request the Congress to pass a better bill than the one we recently acted upon and which I voted against. Meanwhile, present day care centers will continue to operate under Federal appropriations.

The President's veto of the bill has been alternately praised and damned by newspapers across the country, usually according to a pattern of whether the newspaper was conservative or liberal. The Salt Lake Tribune does not fall into either category. The Tribune is essentially objective with a healthy respect for facts and evidence. I therefore believe the Tribune's editorial of December 11 is significant to our evaluation of legislation pertaining to day care centers.

The editorial follows:

[From the Salt Lake Tribune, Dec. 11, 1971]

PRESIDENT'S VETO STRUCK THE MANNER NOT CONCEPT OF PUBLIC DAY-CARE

Day-care for U.S. children is about to become a full-blown public issue. It has for some time simmered patiently among new proposals for increased government assistance, but President Nixon's recent veto of a bill that contained lavish day-care provisions will bring it to the front burner.

As usual, parties on both sides of the question stresses their desire to see right and justice protected. In this case, Congress and the administration have agreed that every young American must be assured a right to fully participate in the nation's opportunities. Mr. Nixon, however, rejects the method Congress adopted to advance that guarantee.

The President did say in a 1969 message to Congress: "So critical is the matter of early growth that we must make a national commitment to provide all American children an opportunity for healthful and stimulating development during the first five years of life." But he was plugging for a relatively modest program that would embody a careful planning for such services as day-care.

Day-care for the children of working mothers has rapidly loomed as a serious public concern. For a variety of reasons, groups and individuals anxious to improve the self-reliability of widowed, abandoned or divorced mothers have campaigned for government-supported baby-sitting.

The most persuasive reasoning behind the idea is that since government, through welfare programs, already supports countless families with dependent children, why wouldn't it be more economical and humane in the long run to assist these women find work so they can be less dependent on the dole? In fact, President Nixon has accepted this proposition and has included it in his overall welfare reform bill.

Congress, while bottling up the reform measure, proceeded to pass its own day-care program, which is so comprehensive it is expected to cost $2 billion the first year with an eventual price-tag of almost $20 billion. More than supervision of pre-schoolers is involved. There are nutritional benefits for expectant mothers as well as activities for teenagers.

All such provisions may be the logical result when the total concept of day-care is accepted, but Mr. Nixon is correct when he says the national discussion on this matter has not been sufficient to conclude that Americans are ready yet to buy the full idea. There is another critical flaw. The bill as vetoed permitted applications for day-care funds by cities of 5,000 or more population. Local groups and states could also participate, but the Department of Health, Education and Welfare was supposed to give first preference to cities. In any case, the avalanche of applications from the many towns and cities qualified would stretch the money too thin to benefit enough families and children.

President Nixon acted responsibly in vetoing this poorly prepared, briefly considered legislation. There needs to be national day-care policy, but not as the result of political maneuvering and fiscal recklessness.

ADMINISTRATION OF PRESENT FEDERAL WELFARE PROGRAM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, December 13, 1971

Mr. BYRD of Virginia. Mr. President, the Nashville Banner of November 3 contains a brief but pointed editorial concerning the weaknesses in the administration of the present Federal welfare program.

The editorial points out that in New York City, at the time of a survey earlier this year, 1,000 welfare families were being housed in New York hotels.

I ask unanimous consent that the editorial, entitled "Help," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

HELP!

If on your way to the bank—to church, to work, or anywhere else—somebody stuck a gun in your ribs and took from your pocketbook $763 (or more or less) you would realize you had been robbed, and the least you would do about it would be to call for help.

Sen. Harry F. Byrd Jr., of Virginia, disclosed on the Senate floor the other day that one of the features of the present "Welfare" program was the prevalence of cases in New York City in which whole families on relief are put up in hotels there, at taxpayer expense. That of course means that you are helping foot that precise bill.

Said Senator Byrd:

"One evidence of the difficulty of administration (of welfare) is this: In New York City at the present time 1,000 welfare families are being housed in New York City hotels.

"I wrote the Department of HEW to ascertain the average monthly rental being paid by the taxpayers for those families.

"I was informed in a letter from HEW; that the average monthly rental per family is $763."

Help!

FOREIGN ASSISTANCE APPROPRIATIONS, 1972

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. PEPPER. Mr. Speaker, I urge approval of this foreign aid appropriation. Whatever deficiencies the measure may have, it is necessary that we continue to give essential support to our allies who, whatever their deficiencies, help us in the defense of freedom in the world.

The tiny State of Israel is one country among these which not only defends freedom but practices it. It not only symbolizes democratic freedom; it is the only expression of real self-government in the Middle East. We cannot but do everything necessary to assure this bastion of freedom of the means to defend itself and to defend the cause of freedom.

I had the moving experience last week of hearing one of the great personages of the world, Prime Minister Golda Meir, present the appeal of her country for understanding by the Government and the people of the United States that giving Israel adequate planes and military equipment is the best, if not the only, way that Israel can survive; there can be peace in the Middle East; and the United States will not become directly involved in war.

I think our Government should understand that, with Russian missiles located in Egypt within perhaps less than 5 minutes of Israel's cities and with Russian Mig fighters within 10 to 15 minute range of Israeli cities, that the only way Israel can survive and aggression will not be begun is for all to know that Israel has operational manned aircraft and weapons adequate to assure her defense in case of war.

Even if the United States were to offer that, with our forces, we would go to her defense if Israel were attacked, she would already be conquered, if she is not able to defend herself, before we could get there with our forces; and our having to send our forces would mean we would be involved in war.

All these things one clearly understands when listening to Israel's great Prime Minister. That is the reason I have long favored the Jackson amendment that was put in the defense appropriation bill in the Senate. I urge the House conferees to accept that amendment to fund the $500 million credit previously authorized to enable Israel to buy the weapons she needs, including more Phantom jets.

This bill includes funds which could give Israel both economic and military assistance, and we should move ahead with it. But this is not sufficient, if we do not also approve the military assistance credit in the defense appropriation bill which would clearly enable Israel to buy the sophisticated jets she needs to protect her tiny nation of 3 million people in a sea of 100 million hostile Arabs.

Favorable action on these measures and recognition by the administration that we must give Israel clear military superiority if she is to survive are essential, in my opinion, if we are to preserve peace in the Middle East and keep the United States out of a war which might turn into a world conflagration.

HEROIN EXACTS A CRUEL TOLL

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BROOMFIELD. Mr. Speaker, every day across the United States, heroin exacts a cruel toll in human misery and suffering. It has been estimated that over a quarter of a million of our citizens have been entrapped by this addictive murderer. These addicts pay over $400 million each year for the right to shoot this drug into their bloodstream. They pay to be slowly alienated from and outlawed from society.

The cost of heroin is not restricted to terms of human suffering for the addict and his loved ones. It reaches out and touches each one of us no matter how remote or distant. Crimes which are caused or related to the need to purchase drugs cost our society as much as $3½ billion annually.

Mr. Speaker, these growing figures demonstrate conclusively that heroin addiction is truly a problem of national dimensions. President Nixon recognized this only last June when he declared this situation to be a national emergency.

I share these sentiments and therefore stand to introduce today legislation to promote research and development of a cure for addiction to heroin. This bill would allocate $50 million toward this goal.

By way of contrast, Mr. Speaker, let me point out that at present a mere $2 million is being spent by the Federal Government toward this end. At the same time, almost 200 times that amount is spent treating the effects of addiction in the form of hospitalization, incarceration, and rehabilitation.

NATIONAL HEALTH INSURANCE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HOGAN. Mr. Speaker, the Committee on Ways and Means recently concluded hearings on national health insurance legislation.

As a sponsor of both the National Catastrophic Illness Protection Act and the Health Care Insurance Act, I had the opportunity to testify in support of these measures before the committee.

Mr. Speaker, I insert my statement on national health insurance in the RECORD at this point:

STATEMENT OF THE HONORABLE LAWRENCE J. HOGAN IN SUPPORT OF NATIONAL HEALTH INSURANCE LEGISLATION, NOVEMBER 1971

Mr. Chairman, as the sponsor of two national health insurance measures pending before this Committee, I appreciate the opportunity to present my views in support of H.R. 817 and H.R. 4963.

I would like to discuss these two bills in reverse order, citing first the more general plan of which I am a co-sponsor with numerous of our colleagues in the House and Senate. Certainly, the members of the Committee have already received the testimony of the original sponsors of "The Health Care Insurance Act," or the Medicredit Plan as it is more commonly known. I do not want to belabor the committee with further explanations of the effect of this legislation. I would simply like to offer my support for the type and scope of health insurance provided in this bill as opposed to some of the other measures pending before this Committee.

The Medicredit Plan envisions a Federal Government program which would pay health insurance premiums for the poor, and allow income tax credits for all others toward the purchase of private health insurance plans. In doing so, this approach is, I believe, more rational, more realistic, and more palatable to the American taxpayer than some of the other measures which have been proposed.

Mr. Chairman, formulating a national health insurance program that will satisfy all sectors will be a massive undertaking for this committee and for the Congress. I would simply hope that the committee will give full consideration to the views of the many House co-sponsors of this Medicredit bill that this is a sound approach.

More importantly, however, I would like to bring to the committee's attention a bill which I originally introduced in the 91st Congress. While the overall national health insurance debate may straggle on and on, I think it is imperative that this committee act on the need for catastrophic illness insurance protection. Although one medical writer has suggested that enactment of a catastrophic health proposal would be catastrophic because it would curtail the momentum for passage of a national health insurance measure, I have to disagree. As a co-sponsor of both the Medicredit Plan and the National Catastrophic Illness Protection Act, I am convinced that they are not mutually exclusive concepts. Naturally, I would prefer to see a national plan reported including a title on catastrophic illness insurance.

Briefly, I would like to give some background information on this major piece of legislation. I originally introduced this bill on June 30, 1970, and subsequently reintroduced it with 14 House co-sponsors. Simultaneously, it was introduced in the Senate. This year we have 17 cosponsors on H.R. 817 and 4133 before this Committee and we have three sponsors of S. 191 in the Senate.

Mr. Chairman, I first became interested in the need for this kind of medical coverage after witnessing the personal tragedy of a good friend and former business associate. He suggested the idea for this legislation after watching a rare, catastrophic illness strike and ravage his young son.

The National Catastrophic Illness Protection Act of 1971 would, if enacted, allow our Nation's families to protect themselves against the scourge of catastrophic illness. The bill would provide the mechanism for such protection in a manner which could involve a very small Federal expenditure.

Catastrophic illness, by definition, would comprise those illnesses which require health-care expense in excess of what normal basic medical of major medical coverage provides protection for. Once a family finds itself faced with having to pay for health-care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend.

Imagine, if you will, what it means to finance for years hospital care which will run between $80 and $100 a day after your routine insurance has been exhausted. For middle-income Americans who earn too much to receive welfare and who are not rich enough to even begin to meet such obligations, the result of catastrophic illness is instant poverty. The family is driven to its knees.

Such a family, which has probably already watched one of its members incapacitated and perhaps destroyed medically, also finds that its financial stability has disintegrated. Usually, private hospitals cannot afford to provide care after the family can no longer afford to pay for the hospital's services. This means that the afflicted member of the family must be transferred to whatever public facility exists to treat patients under such circumstances. Unfortunately, these public institutions are often understaffed underequipped, and horribly overcrowded. All too often they become depositories where families must leave their children or other loved ones, because the doors of all other possible assistance have been slammed in their faces.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a step ladder in a home, a highway accident, or even the untimely sting of a bee, which cost one family over $57,000. It is anything that happens to any of us that causes medical expense in excess of what the actuaries tell us we should expect. Virtually every family becomes medically destitute when that point is reached. Fortunately, only a small portion of medical cases are of such magnitude. But for the thousands of families who, through no fault of their own, find themselves pummeled into such an abyss, there is—currently—no hope.

While catastrophic illness is nondiscriminating in whom it attacks, when it attacks and where it attacks, it seems that a tragically high number of these cases involve children. When a child is the victim, the parents are often young marrieds who find themselves depriving their healthy children of a wholesome family life in order to finance the health care of sick child. Often, the havoc is so great that the young couples must watch their dreams go down the drain as all present and future planning is marshaled toward the single goal of finding the money to pay for their ill child's care. While nearly all of the pediatric diseases that are catastrophic are individually rare, in the aggregate they afflict more families than most of us would imagine. The list of obscure diseases such as Tay-Sachs disease, Niemann-Pick disease, Baucher's disease, Fabrey's diseases, metachromatic-leukodystrophy, leukemia, muscular dystrophy, myasthenia gravis, and the scores and scores of other maladies that destroy our people at enormous emotional and financial cost to their families appears endless.

Obviously, when catastrophic illness strikes the head of a household—the breadwinner—the disaster is compounded.

We are too great a nation to stand idly by—leaving our families that are victimized by catastrophic illness to their own devices. They have no devices. They are alone.

The National Catastrophic Illness Protection Act will go a long way toward militating against the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—or extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses would be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families who choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would only be when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable—especially as more and more of our citizens availed themselves of its protection.

In developing this legislation I have met with many individuals uniquely experienced in the problems of catastrophic illness. I have discussed this proposal at great length with members of the medical community and have consulted leading members of the insurance community. More important, I have met with families that have been victimized by catastrophic illness. I have studied their plight in great detail. I know that it is wrong that these families are, in effect abandoned—almost as a small boat adrift in stormy water.

I know that we can do something to help them and we do not have to spend ourselves into Federal bankruptcy to do it. All we need to do is utilize a concept that has been tested successfully in other analogous areas.

Mr. Chairman, for the Committee's further information on this complex legislation I am attaching a copy of the section-by-section analysis of the measure.

Finally, Mr. Chairman, I would hope that in its deliberations on these various proposals the members of this committee would give due consideration to the need for mental health provisions in whatever measure is finally reported by the committee. Although in recent years mental health coverage has been added to many private health insurance policies, in many instances there are sharp limitations as to scope and duration of coverage. A national health insurance program should not carry forward this type of dscrimination against the mentally ill.

I appreciate the opportunity to present this statement of my views on national health insurance and catastrophic illness protection.

McDADE DOES IT

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. COUGHLIN. Mr. Speaker, last Sunday morning the Scrantonian, published in the city of Scranton and one of the distinguished Sunday newspapers in the Commonwealth of Pennsylvania, heaped editorial praise on our distinguished colleague from the 10th Congressional District of Pennsylvania (Mr. McDade), calling him "the most effective Representative in the House at Washington that our area has ever had."

What occasioned the editorial was the culmination of a successful fight, led by Mr. McDade, to win a production contract for the Chamberlain Corp. in Scranton in the amount of more than $22¼ million. You may well imagine, Mr. Speaker, the impact of such a contract on an area which has suffered so tragically from unemployment in the past, but which has now come well down the road to a new industrial growth.

In paying tribute to the leadership of Mr. McDade, the Scrantonian commended also our other distinguished colleague (Mr. Flood) and our two distinguished Senators, Mr. Scott and Mr. Schweiker, for the able help they gave in this fight.

All of us in this House, and most particularly all of us in the Pennsylvania delegation, are vitally interested in the welfare of each portion of our home State. As the editorial remarks:

> Everyone interested in the region's welfare can be gratified by this happy turn of events, and can join in commending our Congressman, and those who assisted him in bringing it about.

I am sure that you, Mr. Speaker, and all of our colleagues will join me in saying to Mr. McDade a hearty: Well done.

Mr. Speaker, I append the editorial from the Scrantonian to my remarks:

McDade Does It

Cong. Joseph M. McDade's stature as the most effective representative in the House of Washington that our area has ever had has been further enhanced by the decision which awards a disputed $22 million contract to the Chamberlain Corp.

An original award of the contract to Chamberlain, influenced to some degree because our area is one of substantial unemployment, was challenged by an Alabama firm which argued that it, too, was in a sector of high joblessness.

The challenge set the stage for a fight in which the Chamberlain cause was espoused by the congressman, the state's U.S. Sens. Hugh Scott and Richard Schweiker and Luzerne Cong. Daniel Flood. They were arrayed against Alabama's two U.S. Sens., John J. Sparkman, a former Democratic vice-presidential nominee, and James B. Allen.

An argument by Congressman McDade that the claim of the Alabama firm citing the unemployment factor was not made until after the bids were opened—and so was "untimely"—evidently persuaded the government to the justice of the case made for Chamberlain.

The successful effort is rich in meaning for Chamberlain, its employes and the economy of the area. The contract award translates into jobs for some 1,100 persons for the next 15 months. Loss of the contract would have been a tremendous blow to Chamberlain, which already is feeling the effects of the nation's withdrawal from the Vietnam fighting.

Leadership of the International Association of Machinists, the union which represents Chamberlain workers, accepted a contract recently offering provisions less than the union desired, but did so in the interest of safeguarding jobs. The union's business agent, Martin Corbett, has hailed McDade's successful fight.

Everyone interested in the region's welfare can be gratified by this happy turn of events and can join in commending our congressman and those who assisted him in bringing it about.

THE MARVELOUS HONEY BEE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, the importance of the honey bee is often overlooked in our automated society. Buster Ashmore of Rogers, Ark, president of his high school senior class, has summarized the honey bee's contributions to agriculture in a speech with which he has captured many public speaking honors.

After having won the Arkansas Future Farmers of America public speaking contest, Buster traveled on to the tristate competition in Memphis where he placed second among participants from Tennessee, Arkansas, and Mississippi.

Buster is a beekeeper himself. He is the son of Col. and Mrs. B. H. Ashmore of Rogers, Ark.

With pride I commend to my colleagues Buster Ashmore's prize-winning speech, "The Marvelous Honey Bee":

The Marvelous Honeybee

Never have so few owed so much to so many—nature's pollinator, the honeybee. A honeybee is not even as long as your thumbnail. Its brain is hardly larger than the head of a pin. Yet this midget is one of the world's most valuable animals.

It would be difficult to find another which has worked so hard or contributed as much to man's development and well-being through the centuries as the little honeybee.

In the United States alone, honeybees produce honey and beeswax valued at $55 million annually; but even more significant, the annual value of crops that require bee pollination exceeds $1 billion.

Americans consume an average of 285,000,000 pounds of honey every year. That means a fantastic amount of work for millions of little honeybees. There is no harder worker anywhere in the world. The average life of a worker bee is about six weeks, after which the bee, its wings literally worn to shreds from flying, simply dies from exhaustion. It takes 556 worker bees flying 1⅓ distance around the world to produce one pound of honey.

Honeybees are essential for a sound and permanent agriculture. It has been estimated that 80 percent or better of the pollination of our fruit and seed crops in the United States is accomplished by honeybees. A few of these fruit crops are: apple, blackberry, pear, and strawberry. At least 50 agricultural crops are either dependent upon honeybees for production or yield more abundantly when bees are plentiful, these include: alfalfa, buckwheat, clover, and vetches.

Honeybees are necessary for soil conservation purposes. There are two fundamental requirements of any soil conservation program. (1) the control of erosion or to keep the soil in place. (2) to keep the soil fertile and productive. In the first requirement, the honeybee is a factor in maintaining the native plants that cover watersheds and prevent erosion. This provides food for wild and domestic animals. The second requirement cannot be accomplished without the use of the honeybee as a conservationist in pollinating the legume crops. Bee pollination makes it possible to utilize legumes to increase the protein content in pasturelands and dry forage as well as to restore nitrogen to the soil which together would have perhaps a conservative value of $100,000,000.

Bees must exist in colonies. A fairly strong colony will contain from forty to seventy thousand bees, or even more. In the United States alone there are more than 5 million colonies.

When one observes or studies the bees, he can only marvel in amazement at these little creatures. They are accomplished architects. Their cities of wax are wonders of strength and lightness. The cell walls of the comb are only two thousandths of an inch thick—the same thickness as the diameter of the hairs on your head. Yet, one pound of comb will support at least 25 pounds of honey.

The bee lives in a silent world, for it has no ears. The great compound eyes formed of thousands of six-sided lenses, are color-blind to red but can see ultraviolet light that is blackness to us.

Most animals have a system of warning each other of the possible presence of danger. Man shouts and birds screech. The worker honeybee chiefly resorts to emitting an alarm odor. The alarm substances are produced by glands that are associated with the sting apparatus and the mandibles.

Bees need two types of food. Protein that comes from pollen, and fuel for energy which they find in nectar, both found in flowers. Nectar is merely the raw material of honey. You might collect a ton of nectar and never have a drop of honey. You need the bee to produce the transformation. As many as 37,000 loads of nectar go into making a pound of honey, which may contain the essence of 2 million blossoms.

An average-sized colony of honeybees will need between 50 and 100 pounds of pollen a year. This means bees must harvest between two and four million loads of pollen. Bees do not swallow pollen as they collect it. Rather they mold it into a solid mass which is attached to the outer side of their hind legs. As the bee gathers this pollen, she also becomes completely dusted with it on her body. In its flight from flower to flower, the bee inevitably leaves some pollen on the stigma of the next flower visited. This helps to pollinate it.

The more we learn about the bee, the more amazing its life becomes. Honeybees can tell other bees where nectar can be found by going through a series of honey-dances. Each bee that returns from an ample supply of nectar performs a dance on the comb, circling first in one direction and then the other, and making a straight run across the comb where the circle meets, its tail wagging vigorously. Other bees crowd all around it, smelling with antennae the perfume of the particular flower it has visited. Then they leave the hive in the direction indicated by the tail-wagging run.

The bee uses the sun as its central guidepost and the rays of the sun as landmarks. If the tail-wagging run is upward on the comb, the source of the nectar is on the side of the hive toward the sun; if the bee descends the comb during its run, the nectar is located on the side away from the sun.

The study of the honeybee in relation to its environment becomes more important as we become more dependent on honeybees for pollination.

Bees too are victims of our changing ecology. The use of pesticides has killed thousands of colonies of bees all across the country. Bees too must be protected.

This is just a brief look at the honeybee and her ever important contribution to our well being. Wherever you observe this diligent worker remember her place in the scheme of things and above all respect her. For, she walks softly and carries a mighty sting, this friend of ours—the marvelous honeybee.

THE LOOMING THREAT OF AGRI-BUSINESS: FACT OR FARCE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. PRICE of Texas. Mr. Speaker, we have heard increasing talk about the looming threat posed to the family farm by corporate farming enterprise. We all recognize that the number of farm families is decreasing in relation to the population as a whole, and we have tended to place the blame or responsibility for this phenomenon on the corporate farm. As the story is popularly told, superlarge corporate farming interests are invading the countryside, gobbling up family farms one by one and decimating the population of rural America in the process.

But, is this story the whole truth or even the partial truth? As food for thought, I wish to share with my colleagues a most interesting article appearing in the November 28 Des Moines Sunday Register which suggests that corporate farms are not the great economic ogre they are purported to be, and that the family farm in modified form lives on. The article is as follows:

CORPORATE FARM "INVASION" MOSTLY MYTH

(By Lauren Soth)

Many farmers and United States senators are fearful that huge agri-business corporations are gobbling up farmland, driving the family farmer off his land and taking over farm production.

These fears came out in the Senate hearings on the nomination of Earl Butz as U.S. secretary of agriculture, because Butz has been closely affiliated with several large agri-business corporations. Also, in hearings of the monopoly subcommittee of the Senate Committee on Small Business, Senator Gaylord Nelson (Dem., Wis.) gave an alarming report about the "intrusion by giant corporations and conglomerates into farming."

An associate of Ralph Nader talked about how "family farmers have suffered from unfair competition from vertically integrated conglomerates which can write off production losses in agriculture against huge profits in their manufacturing or retail operations."

In reality, the small family farm is not being taken over by big industrial corporations but by the large family farm.

8 PERCENT OF SALES BY CORPORATIONS

A U.S. Department of Agriculture survey conducted in 1968 found 13,300 farming corporations (about 1 per cent of commercial farms) operating 7 per cent of U.S. farmland. California and Florida accounted for about one-third of the total, including some of the largest corporate farming enterprises.

Nearly two-thirds of the farming corporations are family corporations and essentially family farms. In 1967, about 8 per cent of the sales of farm products from all farms were sales by corporations. Only about one-tenth of the corporations sold $500,000 worth of products or more.

USDA found that farming was the only business activity for nearly two-thirds of the farming corporations. The remaining third had nonfarm business interests, and about half of these were in farm-related businesses such as farm supplies, marketing or processing of farm products. The nonfarm-related interests were mostly local businesses such as automobile dealerships, groceries and real estate firms.

In short, the image of the huge conglomerate swallowing up American farming cannot be sustained by the facts. It is true that in some highly specialized farming operations, mainly Florida and California, fruit and vegetable raising, large corporations are dominant. But in the big bulk of agriculture, which is grain and livestock production, the family farm is overwhelmingly dominant.

But the large-scale family farm is rapidly displacing the small, self-sufficient family farm, which many 60-year-olds remember as so admirable from their boyhood days. This is the basic change occurring in American agriculture and not a "takeover" by gargantuan nonfarm business firms.

If the senators want to stop the growth in size of farms and halt the vanishing of the small family farm, they need to look for other "villains". The chief "villain" is advancing technology which displaces labor and makes larger production units feasible for a single family. It is heavily financed by government and vigorously promoted by government.

FARM BUSINESS OFTEN FAILS

It's true that the federal tax laws have tended to favor people with large nonfarm incomes who invested in agriculture. The 1969 tax reform removed a good deal of this favoritism, but further correction in this aspect of the tax laws may be needed.

People who worry about tax-favored corporate giants taking over agriculture notice whenever a firm sets up a large cattle feeding, hog raising or some other "industrialized farming" operation. They don't notice so often when such businesses fail, and quite a few of them have in recent years.

The tendency for agri-business corporations to go into farm production bears watching. But at this point that is not the most significant structural adjustment in agriculture. In most kinds of farming, the family farm with very little hired labor is superior in efficiency to any industrialized type of farming and holding its own very well.

What the senators could better spend their time on is what to do with the people who are displaced from family farms and who cannot find jobs in rural communities.

HOW MANY DOCK STRIKES?

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. KUYKENDALL. Mr. Speaker, on November 29, 1971, the Memphis Press-Scimitar carried a lead editorial dealing with dock strikes in this country. In this editorial the Memphis newspaper praised President Nixon's decision to invoke Taft-Hartley on the east coast and pointed to the need for comprehensive transportation labor legislation. Such comprehensive legislation is presently pending in the Transportation and Aeronautics Subcommittee of the House Commerce Committee. I would like to join the Memphis Press-Scimitar in expressing to my colleagues on the Transportation Subcommittee to report out this legislation at the earliest possible date.

The editorial follows:

HOW MANY DOCK STRIKES?

The court-ordered return to work of 45,000 striking longshoremen is new testimony to the failure of collective bargaining on the docks.

President Nixon had no other choice than to invoke the Taft-Hartley Act again and try to repair (at least temporarily) some of the economic damage caused by the 57-day walkout on the East and Gulf Coasts.

The nation is headed toward a $2,000,000,000 trade deficit this year and two long dock strikes in recent months have hampered efforts to reverse the trend.

The October deficit was $821,000,000, the worst trading month in history for the United States.

Only seven weeks ago the President was forced to take court action against the 100-day West Coast dock strike, and the 80–day "cooling off" period now in effect will be followed by a new strike Dec. 24 unless the shippers and union soon get together.

The East Coast strike has been particularly galling because it shut off American exports to Europe and encouraged our customers abroad to find other sources of supply.

The Mid-South has been especially hard hit by damaging blows to industry and the agriculture business.

The issues in these strikes range from the usual pay, pensions and welfare contributions to a dispute over who should unload cargo (on the West Coast) and whether shippers in the New York area should continue to pay a guaranteed annual wage they say is costing too much.

But the most important issue is whether we can still afford the luxury of long strikes that paralyze trade and put thousands of persons out of work in trade-related businesses.

It seems clearer than ever that the nation needs a strong bargaining and arbitration law that applies to all vital transportation industries—railroads, airlines, trucking and shipping.

The President proposed such a law nearly two years ago. How many more dock strikes before Congress gets the message?

"NADER'S RAIDERS" LOSE A FRIEND

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. RHODES. Mr. Speaker, recently "Nader's Raiders" released a much publicized denunciation of the U.S. Bureau of Reclamation. The report was so obscurantistic that Bert Hanna, a former staff writer for the Denver Post and a man thoroughly familiar with reclamation and water resources and development in the West, came out of retirement just to comment.

I insert Mr. Hanna's excellent article so that the works and efforts of the Bureau of Reclamation may be put in proper perspective:

[From the Denver Post, Nov. 28, 1971]

"NADER'S RAIDERS" LOSE A FRIEND

(By Bert Hanna)

I'm sadly disillusioned with Ralph Nader and his "Nader's Raiders."

Up to now, I've saluted the Nader effort to protect consumers and taxpayers and to challenge opportunistic and predatory politicians and special interest groups in and out of government.

But I'm beginning to think he's a phony.

What triggers me is the report of a Nader task force indicting and condemning the U.S. Bureau of Reclamation.

The report says, in effect, that Western water projects of the bureau, launched in the early years of this century, were a waste of taxpapers' money, "based on contrived estimates of benefits to be gained . . ."

The report says that on the basis of the federal government's own estimates, reclamation projects have resulted in major environmental changes, whose costs are never calculated in justification of reclamation works, etc., etc. And victims of these wasteful policies, among others, have been Indians, the report maintains.

I think it's a specious, foolish report predicated upon superficial analysis by a group of theorists who never bothered to examine background or conduct field studies, but relied only on prejudiced informants.

It's really so ridiculous as to warrant no reply from anyone in the West familiar with what reclamation has accomplished. But I suppose it will receive a lot of credence from zealous environmentalists and the uninformed.

The report—or at least the report briefings—pays absolutely no attention to the income contributed to the gross national product by Western reclamation and the development of Western communities based on precious water supplies.

The report pays no attention to history.

It ignores the fact that most reclamation projects have been self-liquidating, returning money to the treasury for what has been spent, building economies and a tax base in areas that would be impoverished without water.

It ignores, or glosses over, the fact that dams not only produce water for arid lands and municipalities and industries, but also produce a vast amount of hydroelectric power that repays their cost.

Free flowing water. Electricity. No pollution. Think of that in contrast to the pollution from electric energy derived from thermal plants. Think of the tremendous power interties of the Pacific Northwest and the Southwest made possible by reclamation dams.

I don't think the Bureau of Reclamation is sacrosanct or without flaws. I know the bureau has made mistakes. I know that some projects, advocated and pushed through Congress by horse-trading politicians, have been marginal. I know that some projects on the drawing boards shouldn't be built.

But let's take an overall look.

In my last years as a reporter on The Denver Post prior to retirement, I spent much time looking at reclamation projects, not just at a desk but in the field. I investigated their financing, construction and operation.

I found defects, many things that could be criticized and were criticized.

But, on the whole, I must conclude that Western reclamation has justified every penny put into the program.

I would like to ask the Nader task force what Phoenix, Ariz., would be today without the early Salt River Project that made a desert bloom into an oasis.

I would ask what would have happened to the Umcompahgre Valley in western Colorado had it not been for a project launched in the administration of a great conservationist, Theodore Roosevelt, who was actually the father of reclamation. The project converted a useless prairieland into a viable, strong, productive community.

What about the Imperial and Coachella Valleys in California? Had it not been for Hoover and Parker-Davis dams, most of this vast national food basket would be undeveloped today and most of southern California's growth would have been stagnated.

Las Vegas, Nev., would still be a dry, dusty, little desert town. Perhaps that would have been better, the Nader group might say.

Let's take a concrete example close to home.

The Colorado-Big Thompson multiple-purpose reclamation project which brings water into Colorado's rich northern agricultural counties was completed in 1951 at a cost of $162,675,904.

Since its completion, the cumulative value of crops derived from this supplemental water supply has been placed at more than $1.5 billion.

The project also provides water to towns and cities with a population of 200,860. Where would these people be without that water?

One thing apparently paid scant attention by the Nader group is recreation. The "Big Tom" reservoirs in the mountains collectively have 120 miles of shoreline, most of which have proved highly desirable for recreation developments worth millions of dollars.

Moreover, this project, besides providing a very important source of taxes for support of federal, state and local governments, is paying for its cost in the form of water sales and power revenues.

The great Central Arizona Project (CAP) shouldn't be built, according to the Nader theorists, because it will benefit only a bunch of irrigators. Nonsense!

The CAP must be built to relieve a terrible water crisis affecting the economy of all of Arizona. The Arizona ground water table has dwindled to near zero. Without new water supplies from the Colorado River—Arizona's appropriate share under compact—Arizona's future will, indeed, be bleak.

Nader's task force has charged that Colorado, in exchange for its support of the CAP, bargained for a group of projects in western Colorado, approved in the overall CAP package bill.

But, at least, by gaining approval of these projects, Colorado established its rights to waters it legitimately claims as its own, rather than relinquishing the water rights to be gobbled up by lower Colorado Basin states. Someday, the water will be put to beneficial uses, whether for diversified agriculture or municipal and industrial uses.

Indians?

I can't conceive of any reclamation projects that have meant deprivation for Indian water users. As a matter of fact, many Indian irrigators in the West have benefited from reclamation.

Two major projects authorized by Congress that would be of inestimable benefit to Indians have been delayed by the cost squeeze and curtailment in funding. One, the San Juan-Chama-Navajo, development in southern Colorado and New Mexico would irrigate a vast arid area of the Navajo Reservation in New Mexico. The other, the Animas-La Plata Project in southwestern Colorado, would provide water for a large area of the Ute and Navajo reservations in the Four Corners region.

What the Nader task force hopes to accomplish by arousing Easterners and Southerners to fight future reclamation works already has been largely accomplished by the Nixon administration's drastic curtailment of funds. Hardly enough money has been provided for continuation of going projects, let alone new starts on projects long-authorized.

GLACIER BAY NATIONAL MONUMENT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BEGICH. Mr. Speaker, recently, the National Park Service held hearings regarding the issue of whether or not to convert the Glacier Bay National Monument to a wilderness area.

During those hearings, Gov. William A. Egan presented testimony requesting at least a 2-year abeyance on the proposal to allow the State to evaluate the proposal more carefully.

The people of Hoonah, Alaska, have forwarded to me a petition expressing their strong support for Governor Egan's testimony and requesting that the National Park Service honor the request to delay the action on the proposal for a minimum of 2 years to allow the State and the people of Hoonah to study the proposal.

At this time I would like to insert a copy of the resolution into the RECORD.

The resolution follows:

MEETING ON GLACIER BAY WILDERNESS RESERVE, DISCUSSION OF PROPOSAL, NOVEMBER 30, 1971

Whereas, The National Park Service has held hearings on the Glacier Bay National Monument for purposes of soliciting public opinion on their proposal for converting the Glacier Bav National Monument to a "Wilderness Area" in Juneau, Alaska; and

Whereas, the community of Hoonah is geographically closer to Glacier Bay than any other community of similar size; and

Whereas, the majority of the people of Hoonah are Tlingit Indians who are direct descendants of Tlingit Indians who have historically made their homes in Glacier Bay; and

Whereas, the Hoonah people have historically used the Glacier Bay area for gathering food and other subsistence purposes; and

Whereas, The Wilderness Act of 1964 requires that the National Park Service hold hearings regarding any proposed Wilderness Area in an area or location or locations convenient to the area affected; and

Whereas, Hoonah is a location which will be affected by the proposed Glacier Bay Wilderness Area; and

Whereas, The Honorable William A. Egan, Governor of the State of Alaska, has presented testimony in a hearing on the Wilderness Areas in Juneau, Alaska on November 20, 1971, requesting at least a two-year abeyance on the proposal to allow the State to evaluate the proposal; and

Whereas, the Central Council of the Tlingit and Haida Indians of Alaska supports the Governor's testimony;

Now therefore be it resolved: that the City of Hoonah strongly supports Governor Egan's testimony and requests that the National Park Service honor the request to delay the action on the proposal for a minimum of two years to allow the State of Alaska and the people of Hoonah to study the proposal; and

Be it further resolved; that the National Park Service hold public hearings on the proposed Glacier Bay Wilderness Area in Hoonah, Alaska on some future date to be determined by the people of Hoonah and the Governor's Office.

LOW-INCOME HOUSING IN FOREST HILLS, N.Y.

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BADILLO. Mr. Speaker, in recent weeks, considerable controversy has been generated over the construction of a low-income housing project in Forest Hills, N.Y., in the Borough of Queens. It is a matter which has created divisions within the community and within the New York congressional delegation.

Last week, two members of our delegation used the pages of the CONGRESSIONAL RECORD to set forth their point of view in opposition to the project. In view of this, I feel constrained to present the other side of the issue, for it holds major implications not just for the future of New York City, but for every major urban area in our Nation.

I present for inclusion in the RECORD, the text of my December 2 letter appearing in the Village Voice in rebuttal to an article opposing the Forest Hills project, a November 25 article from the New York Times, reporting on support for the project from 16 local civic groups and the Anti-Defamation League of B'nai B'rith, and excerpts from a speech I delivered before the Ethical Culture Society of New York on December 5.

THE FOREST HILLS AFFAIRS: BEYOND STEREOTYPES

(By Herman Bradillo)

Clark Whelton, in last week's issue, raised the spectre of the destruction of Forest Hills if a low-income housing project under construction there is completed. He also leaves one with the presumably irrefutable notion that this project will contain such large numbers of crime-ridden minority group families that the neighborhood will be overwhelmed by crime, urban decay, and declining property values.

The facts just don't bear up Whelton's arguments, which he has buttressed with numerous informational errors and distortions.

Linking the size of the proposed Forest Hills project to the fear about too many poor tipping the neighborhood, for example, is the worst form of exaggerated fear-mongering when the facts of the situation are closely analyzed.

To begin with, Forest Hills is not the bucolic community of small homes that so many imply. It houses ten of thousands of families, many of whom live in high-rises just a few blocks away from the 108th Street site, so at best 840 units are hardly enough to tip it.

But even this over-generalization also fails to take into account that of the 840 units, in addition to the 40 per cent already set aside for the elderly, preference on the remainder is also being given to Queens residents, which includes a number of eligible poor white families. When you consider that the Housing Authority has already received more than 400 applications from Forest Hills residents alone, you realize that the charge of the community being flooded with outsiders is patently untrue.

What the Housing Authority figures show is that the project will be nearly 65 per cent white, which means that only about 275 units will be occupied by Blacks and Puerto Ricans. This must be compared to the nearby Latimer Gardens Project in Flushing, where more than 200 minority group families already live. Even Congressman Rosenthal concedes that Latimer Gardens has been successfully integrated into the community, and neighbors have praised the new tenants.

Thus what Congressmen Koch and Rosenthal would have us believe is that while more than 200 miniority group families in nearby Flushing have had no negative impact on the neighborhood, 275 similar families in nearby Forest Hills, which is larger, are going to overwhelm and destroy the neighborhood.

Not only is the number of future minority group tenants exaggerated, but the nature of the prospective tenants is subject to the most dangerous kind of misinformed stereotyping.

It is true that too many troubled families in one place, such as a ghetto, breed extra problems and higher crime rates. But to extrapolate these figures and to use them to infer that any grouping of Black and Puerto Rican families will therefore bring large amounts of crime is stereotyping at its worst. It certainly has not been borne out in places like nearby Latimer Gardens, for example. In addition, New York Police Department statistics show that crime rates within housing projects are about three times lower than the city-wide crime rate.

Another distortion is the assumption that most Blacks and Puerto Ricans, in the projects or out of them, are on welfare. In fact, not only is the percentage of welfare families in city projects only 16 per cent (and I invite Congressman Koch to present figures to the contrary), but in middle-class neighborhood projects that figure drops to eight per cent.

The post office strike of a few years ago should have made more people realize that it is possible to have a full-time breadwinner in the house and still remain at a subsistence level, in white as well as Black homes.

When we look at the Housing Authority's tenant selection more closely, we see that not only will the Forest Hills project have less than 35 per cent minority group families, but those families that are accepted will be carefully screened in advance. Far from the Forest Hills residents having a complaint on this score, I think Blacks and Puerto Ricans in this city should be outraged, for it is clear that the city has bent over backwards to accommodate Forest Hills at their expense.

Contrary to Whelton's argument that the city has thrown in no sweetners to the community, it has already made 11 major concessions, including the 40 per cent reserved for the elderly, the decision to build on only 15 per cent of the land in order to provide a community park and the decision to provide a large day care center that will serve the whole neighborhood.

Claims of the strain on existing facilities caused by this project are similarly exaggerated. Time and time again, when I was Borough President of The Bronx as well as Relocation Commissioner, I heard people make the same arguments against low-income housing in their neighborhoods. When I called them on this, and asked specifically what new services they felt the city should provide so that I could do something about it, they were stumped. It's a great argument to raise, but the community leaders and elected officials cannot be taken seriously unless they are willing to do something concrete beyond talking to TV cameras. In this case, the proper procedure would be to hold local community planning board meetings and public hearings so that specific requests could be brought up, discussed, and voted upon by the community itself. Such recommendations as they agreed upon could then be submitted to the City Planning Commission and the Board of Estimate for action. *But in Forest Hills the local community planning board has never met for this purpose.* Therefore, I suggest that the issue of strained services is really a straw man.

It's like Congressman Koch's claim that "it is absolutely rational to believe property values will decline in the area of a high-rise housing project." There's just no evidence to support this supposition, and in places like Pomonok Houses in Fresh Meadows, the opposite seems to be true.

Congressmen Koch and Rosenthal are also quoted as saying that integrating people at different economic levels is "practically impossible," and a seemingly confirming quote by Eleanor Holmes Norton, chairman of the Human Rights Commission, is tacked on for support. In fact, Mrs. Norton's quote was taken out of context from blockbusting hearings in communities which were already economically as well as racially integrated, such as Laurelton in Queens, and where many whites accept the existing racial economic mix and are fighting to preserve it. This is the same economic argument people raised in the South when they didn't want their children to go to school with poor rural Blacks. We saw the same angry pickets then that we are seeing now in Forest Hills. But our public officials stood firm, and the schools which were integrated did not collapse.

But the school struggle revealed that integration cannot be decided by majority vote. Now the very Northern liberals who supported the findings of the Kerner Commission and the implementation of its recommendations are changing their tune because of the same irritational fears on the part of some of their constituents. Congressman Koch is suddenly the same fellow who absented himself from the busing vote in the House, and then shows up in New York to oppose housing integration as well.

Based on the facts in their proper context, it is clear that the issue in Forest Hills is not only a racial one, but a distorted one in which fears are being allowed to multiply and spread without proper rebuttal. But if we ever hope to achieve integrated healthy cities, we are going to have to break down the barriers that continue to exist between the minority poor and the white middle class. This must be done partly by addressing ourselves; to real community problems, but it must include a breaking down of the group stereotypes that Whelton perpetuates, and a growing acceptance of Blacks and Puerto Ricans as individuals.

Since the Housing Authority has stated that it will know the prospective tenants at least a year before the project is completed, there is no reason why the Forest Hills community organizations cannot set up informal meetings at that time to become acquainted with their future neighbors as individuals. Then perhaps they will realize that the new residents are not aliens, but are people who although from different backgrounds, in some cases, nevertheless share many of their hopes and aspirations.

Sixteen Civic Groups and Defamation League Support Housing Project in Forest Hills

(By Murray Schumach)

Strong endorsement for the controversial low-income housing project just started in Forest Hills, Queens, came yesterday from 16 civic and community groups that work in Queens and Long Island.

Jewish, Catholic and Protestant clergymen joined, as did blacks and whites, in support of the project with a statement that the development would not, as many residents of the middle-class area say, threaten the almost entirely white and heavily Jewish area.

"No community can morally justify barring from its midst those who seek to escape the ghettos," said the joint statement read by a rabbi at a session of the group representatives at Automation House, 49 East 68th Street.

LEAGUE SUPPORTS PLAN

And upstate, in Grossinger, N.Y., the Anti-Defamation League, a major Jewish human relations organization, voiced overwhelming support of the project, which will cover 8.46 acres with three 24-story buildings for 840 apartments.

At City Hall, Mayor Lindsay, who has pressed for the project, observed in a statement that while there were sometimes conflicts between community and citywide goals, the overriding priority in this case was for the policy of scatter-site housing, whereby low-income projects are built in middle-class areas to break down racial hostilities.

"No city-assisted housing proposal," said the Mayor, "can be implemented without full and public community consultation, affirmation by the City Planning Commission and approval by the Board of Estimate.

"It is, at the same time, always the duty of city officials to be guided also by citywide priorities and policies. It is in reconciling these two sometimes conflicting points of view that responsible government is put to its most severe test."

As these statements were made, several dozen residents of Forest Hills continued to picket at the site, where Jerry Birbach, head of the Forest Hills Residents Association, said the campaign to gather signature for Mayor Lindsay's impeachment would begin tomorrow.

The meeting of the 16 civic groups—four of which were from Forest Hills—erupted into strong disagreement when the head of the Queens Liberal party, Stanley Shaw, while endorsing the project, criticized Simeon Golar, chairman of the city's Housing Authority, and Mayor Lindsay.

Mr. Shaw called Mr. Golar "a totally inadequate administrator" and said the Mayor was at fault in failing to consult with the Forest Hills community on the project and "ramming it down their throat."

Mr. Golar was defended by Herbert Kahn, head of the Queens Council for Better Housing, who was chairman of the meeting. This organization is an umbrella group to which many of the organizations represented belong.

The joint statement of the meeting, read by Rabbi I. Usher Kirshblum, past president of the Queens Rabbinical Assembly, said the meeting was called because "it is now vital to make a beginning toward clearing away the misunderstandings and factual misrepresentations."

"In supporting this project," he read, "We are not blinding ourselves to the problems that must be faced, nor are we ignoring the fears of the community. Indeed, our major purpose in coming together today is to make a new beginning toward uniting the community in a most constructive approach toward solving the problems and allaying the fears.

At a news conference later, Rabbi Kirshblum, when asked if it was true that a large majority of residents of Forest Hills were against the project, replied:

"This is a moral issue and such issues are not decided by a majority or minority vote. It is not governed by the vote of who is for or against it. We feel we are fighting for a moral issue."

Mrs. Joan Rosenthal of Forest Hills, who said she was appearing as an individual, not as an officer of the National Council of Jewish Women, Forest Hills, conceded that support of the project "is not a popular view" in the community, but she said it "will be accepted."

The Rev. Robert Kennedy, Social Action Director of the Roman Catholic Diocese of Brooklyn, said there was a great need for public housing and "everyone wants it someplace, but not next door."

Mr. Kahn said that many residents of Forest Hills who were not opposed to the project, were fearful of saying so. He argued that "the city has to function as a city."

The Rev. Timothy Mitchell, chairman of the drug advisory board to Chancellor Harvey B. Scribner, and pastor of the Ebenezer Baptist Church, Flushing, Queens, ridiculed the idea that the housing project in the area bounded by 108th Street, Horace Harding Boulevard, Colonial Avenue and 62d Drive, would destroy Forest Hills.

Mayor Lindsay, in his statement, denied an article in The New York Times yesterday that top city officials had discussed the possibility of reducing the size of the project. That article had quoted the Mayor's press secretary as having said he had no knowledge of such discussions and a denial by Mr. Golar that such discussions had taken place.

The Mayor also denied an article in The New York Post that "plans" for a smaller project had been worked out and vetoed by the Mayor.

Queens Borough President Donald R. Manes, who has called for a smaller project, said that so far as he knew, no plan had been detailed. He declined to comment on reports that he and Mr. Golar had discussed the possibility of scaling down the size of the project.

B'nai B'rith Backs Project

GROSSINGER, N.Y., November 24.—The Anti-Defamation League of B'nai B'rith voiced its "overwhelming support" today of the controversial Forest Hills low-income housing project and urged that more such projects be built to achieve racially and ethnically balanced communities.

In a resolution, the Jewish agency, which is devoted to safeguarding civil and religious rights, deplored the confrontation, that had developed in Forest Hills over the project.

The league called on the Federal and city governments to continue "to implement low- and moderate-income, scatter-site, public housing programs."

Specifically, the resolution singled out such projects as the one in Forest Hills—which is a heavily Jewish community—to accomplish such integration.

Introducing the resolution at the closing session of the league's 58th annual meeting, Lawrence Peirez, chairman of the agency's fact-finding committee, asserted that those who opposed the low-income and moderate-income housing plan "have been agitated out of all proportion into baseless fears that their neighborhoods will be destroyed."

"High crime and violence," he said, "are problems for the police, not for housing developers."

Mr. Peirez said "that if the community fears a sudden epidemic of crime, representation should be made to police authorities not to the builders of badly needed housing."

We find that here we have a project in Forest Hills which was approved at the time I was Borough President of the Bronx in 1966. I was a Member of the Board of Estimate and voted for the project. I was present at the public hearings of the project. I was present when Mr. Cariello (then Borough President of Queens) recommended the project. As a result of discussions he had with elected officials and community leaders in Queens, he recommended it and he voted for it. And then in the ensuing five years, not once has there been any proposal by the Community Planning Board or by the elected officials, including the successive Borough Presidents of Queens, to suggest that more community facilities were necessary so that when the people moved into the project they would be able to have true community life.

Now, when construction begins, all of a sudden community facilities are required—after five years of inaction. Even assuming community facilities are required, the project itself will not be built for about two or three years. There's plenty of time now to call in the Community Planning Board to recommend the community facilities, to submit them to the City Planning Commission, to bring them before the Board of Estimate and have them approved and have the community facilities built.

Certainly the lack of community facilities is not to say let's *not* build anything. Let's build the housing, and let's build the community facilities as well. But this is not being proposed.

The other argument being heard is that people are being moved into areas where no one knows them, no one knows what their backgrounds may be or what criminal records they may have or what instability they may have within their homes. Of course, the same people who make that argument are also aware that the New York City Housing Authority is not going to pick people out of nowhere. They have a tenant selection procedure. Out of the 800 families involved, 40 percent will be elderly people which in this town is a euphemism for saying "white." You say "elderly" because it is known that 98 percent of the elderly are white. After all, the Puerto Rican community is the youngest community in the City. The median age of Puerto Ricans is 19 years. I'm only 42 years old, and I'm considered the eldest statesman of the Puerto Ricans. So one of the ways of avoiding the question of Blacks and Puerto Ricans is to say "elderly."

Therefore, the Housing Authority has already said that 40 per cent of the 800 families for the Forest Hills project will be elderly. Then the Housing Authority says that 30 per cent of the remaining 60 per cent will be residents of Queens, which is another euphemism for saying white, because while there are some Blacks and Puerto Ricans in Queens, the understanding is that when you pick from Queens, you're picking from a white population. When you pick from Manhattan, the Bronx and Brooklyn, you're picking Blacks and Puerto Ricans.

Now you have 70 per cent who are white. What does that leave? It leaves 30 per cent Blacks and Puerto Ricans who will be chosen from Manhattan, Bronx and Brooklyn. Those 30 per cent will be identified about a year before the project is completed, so if anybody is concerned about the nature of the families, whether they have a criminal record, whether the kids are behind in school, whether there's a husband in the family, whether they're on welfare, those who are protesting the project can go and meet the families. They can ask them to come to

Forest Hills and can introduce them at community meetings. They can help the kids with tutoring. They can make them feel welcome. There's absolutely no need to worry about the unknown because everything will be *known* well before occupancy takes place.

Another argument that has been brought forth when all of this is spelled out is that government should not move low-income people into middle-income areas—that while nobody is against Blacks or Puerto Ricans as such, people are against economic integration. They say if you were to move middle-class Blacks and Puerto Ricans into a middle-class area, there would be no problem, but because you are moving even a small number of low-income Blacks and Puerto Ricans into a middle-class area, you are interferring with a basic American *right*—that the programs of government should not provide for economic integration. I think it's time that that particular argument be met and met very directly. I don't think that any group has the right to say that a neighborhood should be set aside just for one economic group. I don't know of any place where that right is mandated to any group in our society.

Government officials have clearly said that no group has the right to use any part of the city as their turf. Just as the Black Muslims cannot ask that they be given a part of Harlem because they're Black, or the Young Lords cannot demand they be given a part of the South Bronx, so a community, because of its middle-class population, cannot, in my opinion, claim they are entitled to that turf and that only a certain kind of housing shall be provided there and only a certain kind of people shall be moved into the neighborhood.

That argument has got to be met and has got to be discussed and has got to be resolved, because it is the one argument that most of the people have been avoiding in this discussion. It isn't enough to say in answer to the argument that we are going to oppose economic integration because the majority of the people in the district oppose it, because that's precisely the problem: of course the middle-class people are going to say that they don't want low-income people moved in. Of course the middle-class people are going to say, "Sure we used to live in a slum in Brooklyn, and we worked our way up and now that we're middle-class, we don't want to live next to low-income people."

If you're going to take it to a vote, you will end up with a City that has one group of poor on one side, and one group of middle-class and upper-class on the other. So why not carry it to its logical extreme: if the Black Muslims say they want total community control, give it to them. And start giving away pieces of the City to every group that says they have a right to it. One group says that they have a right to their turf because of their economic standing. Another one says they have a right to their turf because of the color of their skin. What is the difference? Are we going to have a society in which every little community is going to decide by majority rule what it wants, and then we step back and say that's what the majority wants?

This is the issue we have to confront in the City today, and we must begin to think about it *not* from the point of view of the minority. When people ask, "Can representative government work?" and when they talk about the rights of the minority and the power of the majority to override the rights of the minority, everyone begins to think about the *minority*. Everyone says, "We should do something for the poor Blacks and Puerto Ricans and the minority. It isn't right that most of the laws passed in this country are for the benefit of the majority. We should go out of our way and do something—not too much—but something."

That's the feeling I get in the Congress. Most of the Congressmen, senior Congressmen in particular, are very sympathetic towards the minority. They come to me and say, "Herman, we understand the problems you have. We know New York City has terrible problems, and you're a good spokesman for the City and your people, and we would like to help you." But I get the impression that they feel towards me the same way they feel about Mrs. Gandhi in India. She has a lot of problems, and we'd like to help her because so many people in India need help, but we're not going to send billions of dollars to India—and they're not going to send billions of dollars to New York City.

So while you may get a little amount of money, or you might get a low-rent housing project built, you are not going to move towards a resolution of the problem—not as long as the majority insists upon looking at the problem from the point of view of the minority. It's not a problem for the minority, but for the *majority*.

Bear in mind when the *Southerners* began this process a long time ago, at first being opposed to busing, and then being opposed to housing integration, they had a clear national strategy in mind. The national strategy was that if they made life impossible for the Black man in the South, the Black man would come North. The strategy worked very well because there has been a migration of the Blacks in the past twenty-five years to the Northern cities. The migration has been encouraged by the policies of the Southern Congressmen, many of whom are there now sitting next to me. These same Southern Congressmen are today advising our Northern friends that they should follow the same policies they did. They prepare the same resolutions and they tell them how it all worked twenty-five years ago. But the difference is if we in the Northern cities now come out against busing, against low-income housing in middle-income neighborhoods, and against integration, the Black man has no place to go. There's no other Northern area to go to. He can't go to Canada. This is the end of the line.

So if we support the policies the Southerners followed, the white majority is the one that's going to have to go, because the Blacks can't go anywhere. The Puerto Rican can't go anywhere—they already came here from Puerto Rico. Insisting upon the rigid separation of the groups—the poor, the Black, the Puerto Rican and the white other groups—is only going to guarantee precisely what the Kerner Report talked about: that we will move in the North towards two separate and unequal societies. The ones who will be the losers will not be the Blacks and Puerto Ricans because they will take control of New York City.

Every indication is that in the next 10–15 years, New York City will become well over 50 per cent Black and Puerto Rican if the present trends continue. That of course has happened in Newark and in Cleveland, and will happen in every city in the North. However, whether or not New York City becomes Black and Puerto Rican is not the problem of the Black and Puerto Rican. It's the problem of the other groups that are leaving. By insisting on drawing lines and fighting to the end, you're going to polarize the situation. You are only bringing about precisely what the fears *are*—that it will become a totally poor city, a Black and Puerto Rican city.

From the point of view of the majority, it is therefore not a question of whether government can do it or whether the Congressmen can do it because unfortunately it is perfectly clear that the Congressmen say they are *representatives*, that they believe in the concept of majority rule, that they will vote the way the majority wants them to vote. So if you want to have change, don't look to your congressman. Don't say we have to change the Congressman. *You* are the ones who have to change. The way to bring about change is not by changing the individual representatives but by changing the people who vote for them. The people who elect the representative must believe that we should have a government, *not* for the benefit of the majority, but a government for all, a government that protects the majority *and* the minority. Until everyone that votes believes in that concept, we are not going to have true representative government, a government which is supposed to be a government for all.

OTEPKA AND ELLSBERG

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. ASHBROOK. Mr. Speaker, on July 5, 1971, Mr. William B. Macomber, Jr., Deputy Under Secretary of State for Management, appeared before a nationwide television audience on the NBC Today Show and said with reference to the 7,000 Government documents turned over to the New York Times by Daniel Ellsberg that little if any sensitive material from the Pentagon papers had appeared in print. Mr. Macomber credited the Times with restraint.

Since then many stories have been published, and a large number of them have been put into the Congressional Record, suggesting that Mr. Ellsberg is a national hero and it would be unfair to punish him. It has been reported that Mr. Ellsberg was honored at testimonial dinners and luncheons and he has made public speaking appearances and written articles for which he received large fees. Recently the prestigious Saturday Review reported that nearly a thousand Government employees in Washington voiced unanimous adulation for Mr. Ellsberg at a luncheon in his honor sponsored by Government personnel. Collections have been taken to defray his legal expenses.

I think it is fine that the public has been given an expert opinion by the State Department's chief housekeeper to allay its concern about the gravity of Mr. Ellsberg's offense. But the Department's apparent tolerance of Mr. Ellsberg's actions seems rather confused and contradictory in comparison to the position it took with respect to Mr. Otto F. Otepka, the Department's former chief security evaluator and now a member of the Subversive Activities Control Board.

In 1963, Mr. Macomber's predecessor as chief housekeeper, Mr. William J. Crockett, unsuccessfully sought to get the Justice Department to prosecute Mr. Otepka for espionage. The only basis for demanding this stringent punishment for Mr. Otepka was that during his testimony before a congressional committee he furnished two—I repeat, only two—classified documents to the committee. These documents had no connection with our foreign policy objectives. They did not involve military plans. They had no bearing on the national security whatsoever. Mr. Otepka did not make them public. He furnished the documents in executive proceedings. They were provided on the committee's request in order to prove—and they did prove—that two State Department officials had lied under oath about Mr. Otepka before the committee.

Before the present administration elevated Mr. Macomber to his present post, he served under the previous administration as Assistant Secretary for Congressional Relations. While he was in that capacity I requested the Department's assistance in answering 11 questions relative to the mutilation of documents and the tapping of telephones by certain persons who were involved in efforts to malign Mr. Otepka with a wrongdoing he did not commit. Mr. Macomber replied to my letter.

Mr. Macomber did not answer any of my questions. He gave me a brushoff. On January 30, 1968, I had our exchange of correspondence placed into the RECORD. I made it clear that I tried but could not get any information from the State Department as to who the real culprits were in the Otepka case.

When the State Department began its long and weary attempts to fire Mr. Otepka for furnishing information to Congress, the New York Times was in the front row applauding. On November 14, 1963 it editorialized against Mr. Otepka and Congress with these words:

> Orderly procedures are essential if the vital division of power between the legislative and executive branches is not to be undermined. The use of underground methods to obtain classified documents from lower-level officials is a dangerous departure from such orderly procedures.

Today, the shoe is on another foot. The same newspaper which condemned Mr. Otepka after he told the truth to Congress, clandestinely obtained thousands of classified papers from a lower-level former employee of a Government contractor. Apologists for Mr. Ellsberg's actions now want to establish a separate standard for him and future Ellsbergs who do not observe orderly procedures.

The same men in the State Department who hounded and harassed Mr. Otepka for properly responding to a summons of a congressional committee have condoned the serious derelictions of other employees. Mr. Otepka did no more than his duty in complying with the committee's request. All nine members of the Senate Internal Security Subcommittee before whom Mr. Otepka had testified commended him for his forthrightness. All signed a letter to Secretary Rusk deploring the attempts to fire him, insisting that a committee of Congress has a right to obtain the truth without impediments when wrong doing in the Government service is involved.

Mr. Otepka simply was made the victim of dominant forces who resented his uniform application of the Department's personnel security regulations to every applicant and employee regardless of rank, or station, or the extent of the person's political influence.

President Nixon felt that Mr. Otepka had been unjustly accused and demoted and he therefore appointed him to the Subversive Activities Control Board in 1969 in order that Mr. Otepka could continue in the profession in which he was best qualified. But entrenched holdovers who previously charged that Mr. Otepka did not observe proper channels when he proved that there were liars in the State Department, brazenly continued their vendetta against Mr. Otepka from their vantage point in the State Department. For almost a year after Mr. Otepka's entry on duty these holdovers mailed out letters to Members of the House and Senate and they distributed printed statements to the public and the press suggesting that Mr. Otepka had committed a security violation while he was in the State Department. They implied he had been dismissed for that reason. The New York Times and the Washington Post found these statements most helpful in writing frequent editorials urging Congress to abolish the Subversive Activities Control Board.

I received some of the Department's statements about Mr. Otepka myself. I found that Mr. Macomber had signed many of them. Late in 1970 I complained to the Civil Service Commission that the statements were false and misleading and destructive to Mr. Otepka's long and honorable career. In addition they were an insult to every member of the Subversive Activities Control Board who, like Mr. Otepka, is a Presidential appointee approved for his position by the U.S. Senate. I pointed out that the Commission had an oversight responsibility to correct this kind of personnel policy.

Commission Chairman Robert Hampton agreed that the statements were improper and I was promised that they would be corrected. I thought the matter was ended until I read the recently published testimony of Pulitzer Prize-winning columnist Clark Mollenhoff before the House Government Operations Subcommittee on Information, given on June 30, 1971. I saw where Mr. Mollenhoff complained to the subcommittee about the Department's misstatements regarding Mr. Otepka. His complaint resulted in a subcommittee letter to Mr. Macomber. The relevant question asked was answered by Mr. Macomber on September 17, 1971.

Mr. Macomber's reply is phrased in typical bureaucratese gobbledygook. He says that although the Department's form statement was accurate "it was excessively long and detailed and modification was in order." The translation of that Aesopian language is "We were wrong, but cannot admit it."

As I stated in the RECORD on February 19, 1970, I find it hard to register surprise or shock at new revelations of doubledealing and duplicity issuing from the State Department. Regardless of the administration in power the hierarchy at State continues on its merry, self-perpetuating way, laughing at feeble congressional attempts at administrative oversight. Presidents from Herbert Hoover to the present day have publicly expressed the need for overhauling this Department, but the job has never been done.

Mr. Speaker, on November 11, 1971, veteran newsman Willard Edwards of the Chicago Tribune, who is another very competent observer of Foggy Bottom intrigue, wrote that Mr. Otepka's powerful enemies in the State Department held over from the Kennedy and Johnson administrations, are trying to entomb Mr. Otepka's pending nomination for another term on the SACB, by the petty and spiteful contention that his 1963 testimony before Congress is analogous with Mr. Ellsberg's leaking 7,000 papers to the New York Times. They want Mr. Ellsberg cleared first.

Since the RECORD has been filled with material in defense of Mr. Ellsberg, including his interviews with the noted Walter Cronkite and articles that Mr. Ellsberg has written in his own behalf, it is only fair to Mr. Otepka that I include relevant data about the false analogy in order to balance the issue involved.

At this point, I submit various material relating to my discussion:

[From the Orlando (Fla.) Sentinel,
June 27, 1971]

TIMES HASSLE A PLOY?

EDITOR: In all the hassle about the Times publishing the stolen secret papers, one must remember that the Times, through the Herbert Mathews articles, sold Fidel Castro to the country. There was also connivance in the State Department.

This, along with who is really responsible for the Vietnam war is brought out in "The Ordeal of Otto Otepka" by William J. Gill, published by Arlington House.

Anyone who is interested in what we are headed for might spend 15 cents with the Superintendent of Documents, Washington, D.C., and get Department of State Publication 7277, Disarmament Series 5, released September 1961.

They might also inquire of their senators about the Status of Public Law 87-207, 87th Congress H.R. 9118 Sept. 26, 1961. This is the Arms Control and Disarmament Act.

The confirmation of Otto Otepka to the Subversive Activities Control Board will come up on the floor of the Senate before long and it is vital to the security of the country that he be confirmed to this position.

Mr. Otepka was separated from the security control section of the State Department because he would not pass for employment in sensitive positions men who had Communist affiliation or association in their background.

This Times hassle might just be a ploy to draw attention from Mr. Otepka.

S. B. JIM CROWE,
Sanford.

[From the Sunday Bulletin, June 27, 1971]

PUBLIC NEEDS TO HEAR MANY MORE SECRETS

(By Clark Mollenhoff)

WASHINGTON.—It is time for the public and the news media to become concerned about the people's right to know on some issues that are as basic as the right of the New York Times and the Washington Post to print material from papers carrying a designation of "Top Secret-Sensitive."

The Nixon administration has a right and duty to prosecute in criminal and civil court every violation of this classification of "Top Secret." Likewise, the federal courts have a right to rule that the administrators of the Pentagon and the White House have gone beyond their authority in classifying such papers.

DOZENS OF CASES

There are dozens of other cases in government today that represent the same kind of arbitrary interference with the people's right to know as the deception and outright lies of President Johnson, Defense Secretary Robert S. McNamara and Secretary of State Dean Rusk.

In closed hearings and through withheld records, the rights of individual government employees have already suffered irreparable harm from the arbitrary decisions of executive branch officials.

Civil Service Commission Chairman Robert Hampton is imposing secrecy on the hearings into the firing of cost analyst A. Edward Fitzgerald, the man who exposed the huge cost overruns on the C-5A cargo plane. Fitzgerald wants an open hearing, and he says he cannot receive a fair hearing behind the closed doors of the Civil Service Commission.

CLAIMS A FRAME

Fitzgerald claims his superiors in the Air Force framed him by filling his file with "smears" about "conflicts of interests" and then simply abolished his job as one of the alternatives for getting rid of him.

Also, the Civil Service Commission is responsible for failing to provide an open hearing for Kenneth S. Cook, a 57-year-old Air Force weapons analyst. Cook's troubles started when he complained in 1966 that his commanding officer, Lt. Col. Roderick W. Clarke, was distorting scientific reports on the defenses against Intercontinental Ballistic Missiles.

Cook claims he has been denied access to information about reports filed about him. He also claims he was railroaded by a medical report by a base doctor who was a close friend of his commanding officer.

FOUR-YEAR ORDEAL

It has been a more than four-year ordeal for Cook, and it would have been settled in a few weeks if he had been afforded an open hearing and access to his record.

The State Department personnel office stalled for nearly two years before giving John Hemenway, a career foreign service officer, a grievance hearing. He is getting it after many protests.

He contends the department's personnel office has struck out paragraphs in a memorandum that support his charge that he was framed, lied about, and railroaded by superiors. His problem started over a policy difference with his superiors in the German affairs section. Both of his superiors were promoted.

SECURITY BREACH

Stephen Koczak also was selected out of the foreign service ostensibly because he had not been promoted. He had reported a serious security breach by a superior, who then was allowed to write the rating report on which Koczak's chances of promotion were based.

Later, Koczak forced an admission that the superior should not have been permitted to rate him. But the low rating report remains in his file and he has been refused the opportunity to review his entire file. Both of Koczak's superiors were promoted also.

The case of Otto F. Otepka, a former State Department evaluator, is one for special mention in connection with the New York Times decision to print "Top Secret-Sensitive" documents. The Times was highly critical of Otepka a few years ago for delivering three "confidential" documents to a Senate committee to prove he was telling the truth about lax security in the State Department.

IRREPARABLE INJURY

The Times found a "dangerous departure" from normal procedures in Otepka's delivery to a Senate staff lawyer who was cleared for security matters. Otepka didn't make the papers public. His only deviation from proper procedures is that he did not clear the delivery of the three documents with the man he was proving was a liar.

The ultimate in irreparable injury was sustained by the family of Charles W. Thomas, a brilliant 48-year-old foreign service officer, who was the victim of one bad rating by a superior. An inspector general's report, correcting the rating officer's report, was misfiled in the folder of a man with the same name at the State Department personnel office. Thomas was without a job for almost two years before he committed suicide last April.

[From the Oregonian, June 30, 1971]

OTEPKA IGNORED

TO THE EDITOR: Almost lost in the sound and fury over the recent New York Times disclosures was a tiny item (at the bottom of page 15, June 18 edition) about President Nixon's nomination of Otto Otepka for a full term on the Subversive Activities Control Board. Otepka, though but few remember, was ousted in 1953 for allegedly—get this—turning over confidential documents to the Judiciary Committee's internal security unit.

Thursday, June 17, the Senate Judiciary Committee approved the President's nomination against the objections of Sens. Ted Kennedy, Birch Bayh and Phil Hart. Come now, fellas, just what's the objection? Ted Kennedy, as you might expect, is loudly screaming for "full disclosure no matter what happens" of the illegally obtained documents already partially published by The Times. Otepka, charged in 1963 with unauthorized disclosure of information, has long since been cleared. What is the big fat problem, gentlemen? Could it be that Otepka doesn't have a liberal-leftist union card, and is probably a Republican to boot? Surely all patriotic Americans—like Kennedy and his liberal friends—would be for full disclosure of all classified information as soon as possible, legally or otherwise, wouldn't they?

JOHN A. MELROSE,
Stevenson, Wash.

EXCLUSIVE

JULY 2, 1971.

This week's Supreme Court decision okaying publication of top secret Pentagon papers was not the "set-back for the Nixon Administration" that has been portrayed in the press. For one thing, the majority on the Court did not deny federal authorities the right to prevent publication of all classified government documents. Only a four man minority (Justices William O. Douglas, Hugo Black, William Brennan and Thurgood Marshall) took the hard line First Amendment stand of insisting that there can be no government censorship of the press. The three more conservative members of the Court (Chief Justice Warren Burger and Associate Justices Harry Blackmun and John Harlan) saw no reason why publication of the secret Pentagon study should not be prevented at least until lower courts have tried the case and decided whether the published material would endanger national interests. The deciding votes were cast by Justices Potter Stewart and Byron White who took a qualified stand in behalf of freedom of the press. The secret documents under study in this case, they said, were not sufficiently sensitive to outweigh the importance of the First Amendment privilege of free publication. They warned, however, that the Court decision does not mean that newspapers "will be immune from criminal action" if they publish all the documents in the Pentagon's Vietnam archives.

In addition, the Court ruling left the door wide open for the Justice Department to prosecute those persons who were responsible for "leaking" the classified documents to the press. The only one who has been charged with such a breach of security regulations thus far, is Dr. Daniel Ellsberg, a 40 year old senior research associate at the Massachusetts Institute of Technology, who surrendered to federal authorities in Boston last Monday. He was released on $50,000 bond without surety until a July 15 hearing which will consider whether he should be removed to California to face the federal charges.

In the wake of the 6 to 3 Court decision, the Justice Department is likely to ask Congress for new laws increasing the penalties for stealing or disclosing government secrets. Another result of the Court ruling is that many of the 20 million government documents that are currently classified will be declassified soon unless they contain information of a clearly sensitive nature. Such a step is undoubtedly in the public's interest since the vast bulk of those government papers which are presently impounded have been classified, not because they contain national security secrets, but because they contain information which could be embarrassing to some bungling bureaucrat. They are protecting themselves, not the nation, by classifying these documents.

In addition, the White House is well aware of the fact that further newspaper publication of the Pentagon papers in question cannot possibly reflect badly on the policies of the Nixon Administration regarding Vietnam. The study does not even cover the Nixon era—it relates primarily to the behind-the-scenes war decision of the Kennedy and Johnson Administrations. The thrust of the Pentagon report is that both Democrat leaders seriously deceived the American people regarding the Vietnam story and the extent of U.S. involvement in the war. Politically speaking, then, President Nixon will probably benefit indirectly from continued publication of the documents.

Finally, the Supreme Court ruling opens the door for the deliberate declassification by the Nixon Administration of other secret government papers which relate to the wheeling-dealing actions of Democrat officials—some of whom may try to play a role in defeating Nixon next year.

Although both the New York Times and the Washington Post were bitterly critical of the government's actions in the pentagon papers case, neither publication has attempted to reconcile their current anti-censorship stand with their earlier position in the Otepka case. In 1963, when State Department security officer Otto Otepka furnished a Senate subcommittee with two classified documents to prove that certain of his superiors had lied under oath regarding him and Department security procedures, both the Times and the Post lambasted Otepka. In an editorial titled "The Congressional Underground" the Times declared: "Orderly procedures are essential if the vital division of power between legislative and executive branches is not to be undermined. The use of 'underground' methods to obtain classified documents from lower-level officials is a dangerous departure from such orderly procedures."

The Post labeled what Otepka did "unlawful" and "unconscionable." It declared: "He gave classified information to someone not authorized to receive it. . . . He had no authority to give it. . . . If any underling in the State Department were free at his own discretion to disclose confidential cables or if any agent of the Federal Bureau of Investigation could leak the contents of secret files whenever he felt like it, the Executive branch of the government would have no security at all."

By those standards, the leaking of the top secret Pentagon papers to the press would constitute perhaps the most "unlawful" and "unconscionable" breach of security in modern history—and yet neither the Times nor the Post seems the least bit concerned.

[From Human Events, July 3, 1971]

TIMES' CURIOUS VIEW OF U.S. SECURITY

While the New York Times may deny there's anything harmful in printing those stolen, top-secret Pentagon documents, that opinion is not shared by Paul C. Warnke, former Defense official who had over-all responsibility for the preparation of that Pentagon study.

Warnke, a liberal and a dove, said in a press conference last week that there were "certain elements of unpublished portions of the study that could adversely affect the national interest if prematurely revealed." As one example, he cited the section of the 47-volume study that concerns the secret diplomatic initiatives taken during the Administration of President Johnson.

Though an outspoken war critic, Warnke also deplored the unauthorized publication of the Pentagon study. The release of top-secret documents, he stressed, could set a "very mischievous precedent."

In sharply criticizing the publication of the study, Warnke said the man who leaked the documents—ex-Times man Sidney Zion has publicly accused Daniel Ellsberg, a charge Ellsberg refuses to deny—"violated not only a law, but a trust. If we can't count on the trust being respected, then the conversations and debates on major issues within the government will be severely restricted."

When Otto Otepka was a top security evaluator for the State Department, he was whiplashed by the Times for turning over classified material—none of it affecting the national security—to a duly constituted congressional subcommittee. Moreover, the subcommittee had demanded the material—three documents in all—to see whether Otepka or his superiors were telling the truth. The documents proved conclusively that Otepka's superiors had lied in important areas. Yet the Times termed this turnover of material to Congress as a "dangerous departure" from normal precedent. In countless editorials and articles the newspaper repeatedly tried to convince its readers that Otepka had committed a crime, even though this was clearly not the case.

The Times also waxed self-righteous back in 1962 when it bitterly condemned Stewat Alsop and Charles Bartlett for revealing Adlai Stevenson's superdovish role in the Cuban missile crisis. In an editorial called "Breach of Security," the Times commented:

"Whether or not Mr. Stevenson is the latest victim of a Washington vendetta is less significant than the apparent fact that the secrecy of one of the highest organs of the United States government (the National Security Council) has been seriously breached. This organ was, during the Cuban crisis, the top-level advisory group to the President of the United States.

"How is it possible to believe that the opinions expressed therein can have any value if they may appear in the public press the next day, or the next month? . . . How can anyone be expected to advance positions that may be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era and the McCarthy technique?"

The only trouble with the Times' fulmination on the subject was that the "highest organs" of the U.S. government had not been breached. President Kennedy, himself, had "declassified" that piece of information on Stevenson.

Thus the Times, one must believe, is entirely hypocritical on the subject of security. The concensus in Washington is that the paper, far from possessing lofty sentiments, released our top secrets for the purpose of sabotaging President's Nixon's Vietnamization program and selling newspapers.

[From the Boca Raton (Fla.) News, July 11, 1971]

OTEPKA WAS ONLY DOING HIS JOB

TO THE EDITOR: The attempt by the UPI's Mr. Roy McGhee (The News, July 8th) to compare the actions of Daniel Ellsberg in stealing classified government documents and giving them to certain newspapers with those of Otto Otepka in connection with his testimony before a committee of the United States Senate boggles the mind.

There is no comparison between the two cases.

Ellsberg, a private citizen, took it upon himself to copy classified documents and publicize the information contained therein to the entire world. He seems to have given little or no thought to the implications of his actions vis-a-vis the security of this nation.

Mr. Otepka, a State Department official, on the other hand, delivered to the Senate Internal Security sub-Committee, an authorized functionary of the United States government, certain documents vital to his testimony before that body.

On November 16th, 1961 Mr. Otepka, along with two other security officials of the Department of State, was called to testify before the sub-committee on the matter of lax security procedures in the department.

In this and in subsequent appearances before the sub-committee, all of them authorized by the department, Mr. Otepka painstakingly documented the dismemberment of the security program by department officials.

Other State Department officers were called to testify. In many cases, their testimony was widely at variance with that of Mr. Otepka. Clearly, somebody was perjuring himself.

That somebody turned out to be Mr. John Reilly, Otepka's New Frontier superior.

Jay Sourwine, sub-Committee counsel called upon Mr. Otepka to refute Reilly's testimony. In his own office in the Department Mr. Otepka, fully knowledgeable of the fact that his office was "bugged" and that his words were being overheard by his superiors, dictated a memorandum of some thirty-nine pages, which gave the lie to Reilly's testimony. Mr. Otepka then attached to his memorandum some thirty-six documents meant to support his own testimony and refute that of Mr. Reilly.

Twenty-five of the documents were completely un-classified: six were classified "Official Use Only"; three "Limited Official Use"; and two "Confidential". Most of the documents had been classified by Mr. Otepka himself.

Otekpa, one of the most knowledgeable security officers in the entire government, then studied each document to be certain that he was "not giving any information which would be prejudicial to the national security if it were to be published by the Senate sub-committee. The two papers marked 'Confidential' were only transmittal memorandums that referred to certain attachments." Mr. Otepka did not supply these attachments—the reason for the "Confidential" classification to begin with, to the subcommittee even though the information contained in them has already been published by various congressional committees.

Mr. Otepka proved his case. Reilly had lied. Exit Mr. Reilly from the Department of State.

In his story, Mr. McGhee states that Mr. Otepka had been "cashiered out of government service". Not true. Mr. Otepka, before his testimony, had been subjected to harassment by his new superiors because he refused to grant waivers of security clearance to a whole slew of prospective appointees whose backgrounds demanded thorough investigation. The harassment continued. They "bugged" his office, tapped his phone, cracked his safe, spied upon him, gave him meaningless jobs, demoted him, transferred him, and lied about him to the subcommittee. For nearly eight years they had him in what he used to call "limbo".

But they never fired him. In the end Dean Rusk, then Secretary of State, disciplined him by demoting him, moving him out of the security field where he was best qualified, and cutting his salary.

During those seven years and some months I was very close to Otto Otepka. It was a moving personal experience to have been associated with him. He refused to buckle under the enormous pressure his superiors continued to subject him to. His sole concern during all of that time was the security of his nation and his belief that it was being undermined.

Interestingly enough, the people who look the worst in the Pentagon study were among those who Otepka refused to clear by waiver.

No, Otto Otepka cannot be put into the same classification as Ellsberg. He was doing his job, fulfilling his oath of office as a government official. Ellsberg, on the other hand, was merely playing God.

PHILIP V. BRENNAN, Jr.

[From the Vermont News, July 11, 1971]

TIMES FACES LIBEL SUIT ON OTEPKA

(By Edith K. Roosevelt)

WASHINGTON.—The New York Times, which faces possible prosecution under espionage statutes for publishing top statutes for publishing top secret documents on the Vietnam war is already involved in another law suit regarding its controversial approach to security matters.

Otto F. Otepka, a former State Department security chief and now a member of the Subversive Activities Control Board, has filed a $4 million libel suit against the Times, charging the newspaper with conducting a "malicious program . . . to discredit and defame him."

Specifically, Otepka objected to a passage in the Times article of March 15, 1970, by Robert Sherrill, Washington editor for The Nation magazine, which said:

"Otepka was charged with, and on Nov. 5, 1963, dismissed for, violating three regulations governing the release, declassification and mutilation of Government document."

Otepka has contended that Sherrill did not explain that the State Department had changed its presentation to the remaining charge concerning his delivery of documents to a person outside the State Department, namely, J. G. Sourwine, Chief Counsel of the Senate Internal Security Subcommittee. The Times has retracted Sherrill's false statement about Otepka.

The documents which Otepka had produced at the request of Senators revealed that George Ball, then Under Secretary of State, and Harlan Cleveland, then Assistant Secretary for International Organizations, sought to appoint Harding Bancroft, Executive Editor of the New York Times, to a State Department Advisory Committee on International Organizations without the required security procedures.

Since Bancroft would have had access to classified information, the regulations required a preappointment background investigation by the FBI.

Otepka's superiors had told the Senate Internal Security Subcommittee under oath that he had never discussed Bancroft's derogatory background with them but when Otepka was called back to testify he produced memoranda signed by his superiors acknowledging receipt of Otepka's admonition about Bancroft and others.

Otepka refused to waive the investigation of Bancroft because there were unresolved allegations about the New York Times editor's close, sympathetic association with Alger Hiss, the convicted perjurer who lied about his espionage activities before a Grand Jury.

Also, Loy Henderson, former Ambassador and Deputy Under Secretary of State for Administration, had expressed his distrust of Bancroft because Bancroft had sided with the Soviet Union when it refused to withdraw its troops from Iran at the end of World War II. Bancroft was at that time a division chief in the State Department dealing with the United Nations, a position for which he had been selected by Hiss.

Over Otepka's strong objections, Bancroft was appointed to the State Department Committee. After that, Bancroft and other members of the Committee drafted an Executive order advocating the elimination of security checks for American employes of governmental international organizations. This Executive Order was blocked by Otepka.

Interestingly enough, about the same time that the Executive Order was proposed, the New York Times published a letter from Leonard Boudin, a New York attorney, which advocated the elimination of security checks for American members of international organizations. This was the same Leonard Boudin who had represented numerous individuals fired from the United Nations because they took the Fifth Amendment before Congress in refusing to reveal whether they had ever been or were then Communists.

Boudin's name is now in the news as the attorney for Dr. Daniel Ellsberg, the former State Department and Pentagon employee who stole the top secret documents on the Vietnam War and gave them to the New York Times.

The name of George Ball has also surfaced again in the Ellsberg affair. Ball's statements defending Ellsberg for giving the Times top secret information have been widely quoted in the press.

Yet only a few years earlier, Ball made several trips to Capitol Hill to try to stop the publication by the Subcommittee of Otepka's statements regarding Bancroft. However, the Subcommittee found that the testimony given by Otepka was not related to national security and voted unanimously to release it together with corroborating documents.

Although this published material disclosed that Otepka's superiors had lied under oath, nonetheless the State Department demoted Otepka to an inferior job.

While he was preparing his case for Federal Court, appealing his reprimand and demotion by the State Department, Richard Nixon emerged as a victor in the 1968 Presidential race. After promising that "Justice will be done Otepka," Nixon appointed him a member of the Subversive Activities Control Board. Otepka is presently awaiting Senate confirmation for a new term on the board.

Meanwhile, questions raised by the publication of the secret papers on the Vietnam war have prompted charges in Administration circles that a double standard exists concerning the Times attitude towards security.

The Republican National Committee noted in its publication entitled Monday, dated June 28, 1971, that both the Times and the Post had lambasted Otepka for furnishing the Senate Subcommittee the documents that it had requested. In an editorial referring to Otepka entitled "the Congressional Underground" the Times declared:

"The use of 'underground' methods to obtain classified documents from lower-level officials is a dangerous departure. . . ."

Yet, the Republican National Committee observed, that Times Publisher Arthur Ochs Sulzberger has cavalierly dismissed the Government's claim that publication of the Vietnam papers is destroying the faith of foreign governments in this country's ability to keep diplomatic confidences. The Committee noted that the New York Post of June 19, 1971 had quoted Ochs as saying:

"Oh, that's a lot of boloney. I mean really."

In noting that there has been a 180 degree policy change by the New York Times and Washington Post in its so-called "Vietnam Papers caper," The Republican National Committee declared:

"As far as the Times and Post are concerned it appears that there are good security leaks and bad security leaks. It all depends on who is leaking what to whom."

[From Counterattack, July 12, 1971]

It Depends on Whose "Ochs" Is Being Gored

In the not too distant past the editors of The New York Times condemned the action of one Otto Otepka, a patriotic State Department employee, for making available copies of classified documents to a subcommittee of the Committee of the Judiciary of the United States Senate. Now The New York Times in the possession of stolen property consisting of secret Government documents has ignored its responsibility to report the larceny to responsible public officers. This duty rests on taxi drivers, bank guards, hotel employees, and even The New York Times. After The New York Times clandestinely devoted a period of three months examining the 47 volumes that came into its unauthorized possession, it began publishing selected material from these volumes. It now appears that this distinguished newspaper evidently has experienced a change of position on the use of classified reports which it had criticized in the Otepka case. Perhaps the Times' new position is motivated by the self-serving cliche, "It depends on whose 'Ochs' is being gored."

As lawyers, we are in agreement with the majority decision of the United States Supreme Court which upheld the strong First Amendment policy against prior restraints on publication. We do not believe in government by injunction. Attorney General Mitchell has stated that the Justice Department will institute criminal prosecution to determine if violations of the United States Criminal Code, in particular the Espionage Act, have been perpetrated by the ones who purloined the documents and the alleged Fagins who received and kept the stolen government property.

Of the many appointments President John F. Kennedy made during his term of office, the most effective was the Supreme Court designation of Byron R. (Whizzer) White, a former college All American and an outstanding professional football player. One Sunday afternoon in New York's Polo Grounds in the late 30's we heard Steve Owen, the coach of the defeated New York Giants, become laudatory over Whizzer White (who ran wild with the hipper dipper handoffs from Dutch Clark) by saying, "We lost to the team with the National League's greatest all around back. For the Giants' sake let's hope he makes haste in becoming a lawyer." Mr. White followed Stout Steve's advice and became a lawyer's lawyer. The logic and wisdom of Mr. Justice White's concurring opinion in the New York Times case strengthens our belief that this distinguished jurist has now emerged as a judge's judge. Counterattack is pleased to publish his definitive opinion which is a legal treatise and not a primary critique in social science.

"I concur in today's judgments, but only because of the concededly extraordinary protection against prior restraints enjoyed by the press under our constitutional system. I do not say that in no circumstances would the First Amendment permit an injunction against publishing information about Government plans or operations. Nor, after examining the materials the Government characterizes as the most sensitive and destructive, can I deny that revelation of these documents will do substantial damage to public interests. Indeed, I am confident that their disclosure will have that result. But I nevertheless agree that the United States has not satisfied the very heavy burden which it must meet to warrant an injunction against publication in these cases, at least in the absence of express and appropriately limited Congressional authorization for prior restraints in circumstances such as these.

"The Government's position is simply stated: The responsibility of the executive for the conduct of the foreign affairs and for the security of the nation is so basic that the President is entitled to an injunction against publication of a newspaper story whenever he can convince a court that the information to be revealed threatens 'grave and irreparable' injury to the public interest; and the injunction should issue whether or not the material to be published is classified, whether or not publication would be lawful under relevant criminal statutes enacted by Congress and regardless of the circumstances by which the newspaper came into possession of the information.

"At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publications by the press. Much of the difficulty inheres in the 'grave and irreparable danger' standard suggested by the United States. If the United States were to have judgment under such a standard in these cases, our decision would be of little guidance to other courts in other cases, for the material at issue here would not be available from the Court's opinion or from public records, nor would it be published by the press. Indeed, even today where we hold that the United States has not met its burden, the material remains sealed in court records and it is properly not discussed in today's opinions. Moreover, because the material poses substantial dangers to national interests and because of the hazards of criminal sanctions, a responsible press may choose never to publish the more sensitive materials. To sustain the Government in these cases would start the courts down a long and hazardous road that I am not willing to travel, at least without Congressional guidance and direction.

"It is not easy to reject the proposition urged by the United States and to deny relief on its good-faith claims in these cases that publication will work serious damage to the country. But that discomfiture is considerably dispelled by the infrequency of prior restraint cases. Normally, publication will occur and the damage be done before the Government has either opportunity or grounds for suppression. So here, publication has already begun and a substantial part of the threatened damage has already occurred. The fact of a massive breakdown in security is known, access to the documents by many unauthorized people is undeniable and the efficacy of equitable relief against these or other newspapers to avert anticipated damage is doubtful at best.

"What is more, terminating the ban on publication of the relatively few sensitive documents the Government now seeks to suppress does not mean that the law either requires or invites newspapers or others to publish them or that they will be immune from criminal action if they do. Prior restraints require an unusually heavy justification under the First Amendment; but failure by the Government to justify prior restraints does not measure its constitutional entitlement to a conviction for criminal publication. That the Government mistakenly chose to proceed by injunction does not mean that it could not successfully proceed in another way.

"When the Espionage Act was under consideration in 1917, Congress eliminated from the bill a provision that would have given the President broad powers in time of war to proscribe, under threat of criminal penalty, the publication of various categories of information related to the national defense. Congress at that time was unwilling to clothe the President with such far-reaching powers to monitor the press, and those opposed to this part of the legislation assumed that a necessary concomitant of such power was the power to 'filter out the news to the people through some man.' 55 Cong. Rec. 2008 (1917) (remarks of Senator Ashurst). However, these same members of Congress appeared to have little doubt that newspapers would be subject to criminal prosecution if they insisted on publishing information of the type Congress had itself determined should not be revealed. Senator Ashurst, for example, was quite sure that the editor of such a newspaper 'should be punished if he did publish information as to the movements of the fleet, the troops, the aircraft, the location of powder factories, the location of defense works and all that sort of thing.' 55 Cong. Rec. 2009 (1917).

"The Criminal Code contains numerous provisions potentially relevant to these cases.

Section 797 makes it a crime to publish certain photographs or drawings of military installations. Section 798, also in precise language, proscribes knowing and willful publications of any classified information concerning the cryptographic systems or communication intelligence activities of the United States as well as any information obtained from communication intelligence operations. If any of the material here at issue is of this nature, the newspapers are presumably now on full notice of the position of the United States and must face the consequences if they publish. I would have no difficulty in sustaining convictions under these sections on facts that would not justify the intervention of equity and the imposition of a prior restraint.

"The same would be true under those sections of the Criminal Code casting a wider net to protect the national defense. Section 798(e) makes it a criminal act for any unauthorized possessor of a document 'relating to national defense' either (1) willfully to communicate or cause to be communicated that document to any person not entitled to receive it or (2) willfully to retain the document and fail to deliver it to an officer of the United States entitled to receive it. The subsection was added in 1950 because pre-existing law provided no penalty for the unauthorized possessor unless demand for the documents was made. 'The dangers surrounding the unauthorized possession of such items are self-evident, and it is deemed advisable to require their surrender in such a case, regardless of demand, especially since their unauthorized possession may be unknown to the authorities who would otherwise make the demand.' S. Rep. No. 2369, 81st Cong., 2d Sess., 9 (1950). Of course, in the cases before us, the unpublished documents have been demanded by the United States and their import has been made known at least to counsel for the newspapers involved. In Gorin v. United States, 312 U.S. 19, 28 (1941), the words 'national defense' as used in a predecessor of Sec. 793 were held by a unanimous court to have 'a well-understood connotation'—a 'generic concept of broad connotations, referring to the military and naval establishments and the related activities of national preparedness'—and to be 'sufficiently definite to apprise the public of prohibited activities' and to be consonant with due process. 312 U.S., at 28. Also, as construed by the Court in Gorin, information 'connected with the national defense' is obviously not limited to that threatening 'grave and irreparable' injury to the United States.

"It is thus clear that Congress has addressed itself to the problems of protecting the security of the country and the national defense from unauthorized disclosure of potentially damaging information. Cf. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585–628 (Frankfurter, J., concurring). It has not, however, authorized the injunctive remedy against threatened publication. It has apparently been satisfied to rely on criminal sanctions and their deterrent effect on the responsible as well as the irresponsible press. I am not, of course, saying that either of these newspapers has yet committed a crime or that either would commit a crime if they published all the material now in their possession. That matter must await resolution in the context of a criminal proceeding if one is instituted by the United States. In that event, the issue of guilt or innocence would be determined by procedures and standards quite different from those that have purported to govern these injunctive proceedings."

The following is the text of the Supreme Court order in The New York Times, Washington Post Pentagon papers case:

"We granted certiorari in these cases in which the United States seeks to enjoin the New York Times and the Washington Post from publishing the contents of a classified study entitled 'History of U.S. Decision-Making Process on Viet Nam Policy'—U.S.—(1971).

"Any system of prior restraints of expression comes to this court bearing a heavy presumption against its constitutional validity" (Bantam Books, Inc. v. Sullivan, 372 U.S. 58, 70 (1963); see also Near v. Minnesota, 283 U.S. 697 (1931). The government 'thus carries a heavy burden of showing justification for the enforcement of such restraint' (Organization for a Better Austin v. Keefe,—U.S.—(1971). The District Court for the Southern District of New York in the New York Times case and the District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit in the Washington Post case held that the government had not met the burden. We agree.

"The judgment of the Court of Appeals for the District of Columbia Circuit is therefore affirmed. The order of the Court of Appeals for the Second Circuit is revised and the case is remanded with directions to enter a judgment affirming the judgment of the District Court for the Southern District of New York. The stays entered June 25, 1971, by the court are vacated. The mandates shall issue forthwith.

"So ordered."

In retrospect it is now obvious that the Johnson Administration sacrificed candor in foreign affairs for the purpose of achieving its domestic program of the Great Society. The logical straightforward course in 1965 was to follow the military advice of the Joint Chiefs of Staff, to ask Congress for a declaration of war, mobilize the reserves, raise taxes to pay for the war, and control inflation by imposing wage and price controls. Victory in the Vietnam War and the war on poverty was never achieved since government by guile was substituted for traditional honesty.

As the aftermath of this disillusionment, there is still nothing wrong with our economy or our national defense that a miracle couldn't cure.

Sursum corda.

[From Twin Circle (National Catholic Weekly) July 18, 1971]

HIGH COURT VALIDATES THIEVERY

(By Dale Francis)

When I saw the Spanish moss hanging from the trees, I thought of Charlie Sample and took a detour off my route to follow the dirt road that leads to the general store at Public Opinion, North Carolina, the place where Charlie holds court on the front stoop.

He was sitting there, leaning back in a chair, his feet on the railing, when I drove up and he didn't move when I came up to him.

"Haven't seen you in a coon's age," Charlie said, motioning to a chair nearby. "You come with questions again I suppose."

"Yep," I said, "just want to get the viewpoint of a Sample of Public Opinion."

He grimaced at the pun, the way he always does. "So what is it you're wondering about now?"

"Well, I was wondering what you think about the Pentagon Papers." He was silent so I spoke up again, "You have heard of the Pentagon Papers, haven't you? how The New York Times and the Washington Post and all those other papers published them?"

REFORMING PURPOSE

"Oh, sure," he said. "I heard of them. Seems to me they served a great reforming purpose."

I was puzzled. "What do you mean?"

"Well, I remember a few years back when Otto Otepka decided there were some executive papers that a Senate committee should see. So he passed on those papers to the Senate committee and all those newspapers that printed the Pentagon Papers, they liked to have a conniption, said all sorts of unpleasant things about him."

He took his feet off the rail and sat up straight in his chair and looked at me direct. "Then along comes this man Ellsberg; he doesn't just quietly pass on information to a Senate committee, he passes it out for public distribution, for newspapers to publish, a far more serious thing than Otepka did, and he's a great hero, a patriot. All those newspapers were totally reformed, changed completely."

"Perhaps they thought there was a difference?"

FIT EDITORIAL VIEWS

"Oh, there was, there was. What Otepka did was something that was designed to expose leftist elements. It just didn't fit into the editorial policies of those papers. What Ellsberg passed on to them fit their own editorial aims. That was the difference."

"Are you trying to say all those papers are leftists?"

He shook his head. "No, I'm not trying to say they are all leftists, I'm just saying they are mighty selective and they are able to adapt principles to fit their particular viewpoints."

"But surely there must be freedom of the press."

VALIDATES THIEVERY

He smiles. "Yes, of course, but there's no freedom without responsibility. The way I figure it what is called the free press has done real damage to the freedom of the press. What they done was to validate thievery.

"All this talk, even the Supreme Court decision, has set us up for a situation where any man with access to secret documents and a copying machine is given the right to pass on secrets to any newspaper and that newspaper has the right to print it. That's what has been set up. Any man, any paper, they got the right now."

I argued with him, "But they can be prosecuted if they reveal secrets dangerous to the nation."

He spat over the rail. "A fat lot of good that will do after it is done. No, son, what's been done can bring a heap of trouble."

I shook my head. "You're going against the viewpoint of a lot of important people, Charlie. Most people aren't going to like what you say at all."

He lifted his feet back on the rail, leaned back, smiled over at me, and said, "That just worries me almost plumb out of my mind."

[From the Washington Star, July 22, 1971]

JOURNALISTIC FLIP FLOP

SIR: Discussion of the publication by the New York Times of the stolen Pentagon papers has paid little attention to the Times' sudden flip-flop on the subject of secrecy breaches, real and imaginary.

Remember the Times' extensive fulmination at Otto Otepka for revealing to a duly authorized congressional committee three documents needed to nail down some lies told by a superior in an earlier hearing denying lax security practices in the State Department? Providing such information (never mind that it was perfectly legal and moral) was a "dangerous departure," the Times proclaimed.

Again, the Times agonized at the possibility that a thorough study, finding links between the anti-Vietnam war movement and Hanoi (as well as various pro-Hanoi organizations), might get published despite the Johnson administration's decision to keep it secret, for fear of starting a wave of recriminations ("McCarthyism," you know).

And, of course (to mention only the third of many possible examples), The Times was considerably upset about the leak exposing Adlai Stevenson's appeasement-minded attitude during the Cuban missile crisis, calling it a serious breach of secrecy for some reason, rather than supporting the public's right to know.

But now, suddenly, the Times worries no more about the classification category of stolen documents, obtained from ideologically berserk individuals, who pilfered them. Instead, it prints them enthusiastically.

One might argue that the Times has honestly changed its mind, except that it has not yet retracted what it said about Otepka (for one), not by a long shot! Hence, one cannot help but conclude that it is the ideological lust of the Times' editors rather than their considered judgment, that makes them recklessly ignore the grave consequences to national security in order to rationalize its monomanic delusions about our alleged "aggression" in Vietnam. John Kreuttner was right; it's "All the News that Fits the Tint."

TALIVALDIS L. SMITS,
Cheverly, Md.

[From the Richmond News Leader
July 27, 1971]

The Apotheosis of Ellsberg

Contemporary America has a penchant for elevating the lowest sorts of persons to the status of neo-saints—witness what happened, and is happening, to such dismal souls as the Rosenbergs and Angela Davis. And now, in what Newsweek calls "the pilgrimage of Daniel Ellsberg," the nation seems on the verge of making a martyr-hero of a man who purloined goverment documents and, in consequence, styles himself a patriot.

Daniel Ellsberg has made no pretense of innocence in the affair of the Pentagon Papers. He has admitted publicly that he stole them—or, in the euphemism of Huck Finn, that he borrowed them. He has justified his theft of the documents in the name of higher truth. "I felt as an American citizen, a reasonable citizen," he said, "that I could no longer co-operate in concealing this information from the American people . . . I took it for granted that I would be subject to successful criminal prosecution. . . . Ten years in prison is very cheap if that would contribute to ending this war."

But these days truth is as accommodating as a weathercock. Ellsberg and his apologists demand truth only when truth serves their purposes; they are content with less than the truth when it does not. In the name of truth, for example, they justified the filching of files from the office of the late Senator Thomas Dodd, and from the office of the FBI in Media, Pennsylvania. But they have been selectively—and conveniently—blind to the cause of truth in the case of Otto Otepka, whose only alleged transgression was to exercise his right to tell a Congressional committee what he thought about security practices at the State Department. And they have been curiously quiet in demanding that truth be served by releasing the full report of the Warren Commission.

Ellsberg did not play by the rules, just as the priests, Daniel and Phillip Berrigan, did not: They spilled animal blood on draft papers in Baltimore, and they are charged with conspiring to kidnap Henry Kissinger and to blow up Federal heating systems. For such morally dubious acts, these holy terrorists have been elevated to high plateaus of respectability. And so it probably will be with Daniel Ellsberg. Breaking the law these days has become relatively respectable, relatively safe. Ellsberg seems destined to be regarded by many as a latter-day Robin Hood—one who steals for the public good. Such exoneration is possible in a country in which more and more persons play by the rules less and less.

The French poet and philosopher, Paul Valery, wrote: "Truth is a means. It is not the only one." Daniel Ellsberg has presented himself to the nation as one of truth's disciples—deliberate, dour, and driven by his own notions of right and wrong. He defends his thieveries with the fervor of a convert tormented by his mistakes. He is a premeditating practitioner of civil disobedience—indeed, of civil disobedience gone mad. Yet many persons would have the nation acquiesce in his convoluted truths as a means to his apotheosis.

The nation should say, No. It should support the government's prosecution of the case against him on charges of illegal possession of secret documents. If Daniel Ellsberg had the "courage" to steal from the government, then the nation must have the courage to put him behind bars. This is not a particularly cozy view. Yet the nation should resist the temptation to tolerate its Daniel Ellsbergs. For the Daniel Ellsbergs—the malicious and the merely mischievous alike—would do this nation in by the salami technique, slice by slice. Such a fate is justified only for nations that would rather eat baloney than grapes. Daniel Ellsberg "took it for granted" that he would be successfully prosecuted. The American people should see that he is.

[From the Chicago Tribune, Aug. 2, 1971]

What About Otepka?

CHICAGO.—It is strange that no one has pointed out the curious double standard that has been applied in the case of Daniel Ellsberg. This man is praised for supplying documents [for an admittedly political purpose] secret—stolen documents—to a prime administration critic, the New York Times.

Where were these defenders of the public's right to know when Otto Otepka was fired by the State Department for testifying before a Senate committee?

Liberals in such situations are praised and defended by everybody from the American Civil Liberties Union to Mother Goose. But conservatives are dismissed, because of their political views, as not being members of the human race and as unworthy of anything save editorial denunciations.

DANIEL JOHN SOBIESKI.

[From the Chicago Tribune, Nov. 11, 1971]

Foes Stall Otepka Confirmation

(By Willard Edwards)

WASHINGTON.—Some quality in Otto F. Otepka—perhaps it is his invincible calm under fire—has always provoked his opponents to extremes.

The former security chief of the State Department was the victim of isolation, surveillance, phone-tapping and perjured evidence during his successful six-year fight [1963–1969] against dismissal on trumped up charges.

He seemed to have won vindication in 1969 when President Nixon nominated him to a short term on the Subversive Activities Control Board and the Senate confirmed the appointment, 61 to 28, in June.

But when that term ended Aug. 9, 1970, and Nixon reappointed Otepka to a full five-year term, his foes began engaging in obstructive tactics which have prevented the Senate, ever since, from recording its will.

Nearly six months ago, the Senate Judiciary Committee, after hearings, recommended Otepka's confirmation. Customarily, such committee indorsements are submitted to the Senate for a vote within a few days.

This one has remained on the Senate calendar and will remain there, according to reliable report, perhaps not to be acted upon before the November, 1972, elections when, Otepka's antagonists hope, a successor to Nixon will be elected.

Dilatory maneuvers are not new to the Senate and sometimes command approval, but this one, under scrutiny, lacks a practical purpose since it does not prevent Otepka from continuing to serve. The law insures his tenure until a successor is provided.

The delay, thus, is regarded by many in the Senate as a petty and spiteful exercise. It merely serves to keep in a kind of legalized limbo an official who made powerful enemies during the Kennedy and Johnson administrations who are still in the State Department under the Nixon administration.

Sen. Mike Mansfield [D., Mont.], the majority leader and technically responsible for entombment of the Otepka nomination, is evasive when asked for the identity of senators responsible for denying the Senate a vote on it. One of those under suspicion is Sen. Edward M. Kennedy [D., Mass.], his brother, Robert, the late attorney general, was one of the first to tangle with Otepka over security procedures eight years ago.

Altho the anti-Otepka campaign began more than a year ago, his opponents are now privately advancing a new excuse for delaying a Senate vote. They compare the Otepka case to that of Daniel Ellsberg who announced that he gave classified documents [the Pentagon Papers] to newspapers and who is now under indictment for this act.

Unless and until Ellsberg is cleared, a small group of senators is reported arguing, no Senate vote on Otepka should be permitted.

What are the facts in this Ellsberg-Otepka analogy?

Ellsberg, by his own account, leaked to the press an estimated 7,000 pages of classified information. It was published without government knowledge or approval. A grand jury labeled this act "conversion to private use of government documents."

Otepka, called upon the Senate Internal Security Subcommittee to provide evidence in answer to sworn testimony disparaging his character, supplied two confidential papers, eight pages in length, to prove the testimony was false. These papers, entrusted to recipients officially qualified to receive them, were examined in closed session. They were not publicized.

Otepka, by the State Department's own testimony, never violated security. The courts will eventually determine if Ellsberg did.

Meanwhile, on the basis of claimed similarities between the two cases, the Senate is being deprived of the right to vote its judgment on a Presidential nominee recommended for approval by one of its own committees.

Statement of Clark Mollenhoff Before House Government Operations Subcommittee on Foreign Operations and Government Information

Mr. MOLLENHOFF. Now, the case of Otto Otepka, who is a former State Department evaluator, is one for special mention here with the New York Times decision to print this top secret sensitive document.

The Times was highly critical of Otepka a few years ago for delivering three confidential documents, administratively confidential that he had classified himself, to a Senate committee to prove he was telling the truth. The pointed issue here—the Times found dangerous departure from normal procedure in Otepka's delivery of the documents to a Senate Staff lawyer who had been cleared for security.

Otepka didn't make the papers public. His only deviation from proper procedure is that he did not clear the delivery of the three documents with the man he was proving to be a liar.

Now, what is there is harsh, but it's all proven now. There are circumstances for the three documents—we can discuss them now—we couldn't at the time. One of the three documents was a memorandum that proved that Otepka had told his superior what he told his superior, and it had been initialed by the superior.

The second was a memorandum his superior had written to another person signed by the superior, and the third was simply typical handling of a personnel file with no derogatory information. There was no real problem of security involved in any one of these documents, and all he was doing was proving he was telling the truth, his superior lied. Who was his superior? John F. Riley, who is now down with the Federal Communiactions Commission.

They had to get rid of him at the State Department, but they moved him over to the Federal Communications Commission.

Now, you might say on that point, that is probably a good place for him, because he took part in illegal eavesdropping and wiretapping against Otepka and others at the State Department. This was proven. This was admitted.

Initially he lied under oath. He denied that he had anything to do with this, or knew anything about it. A few months later, then he said, oh, yes, oh, I just forgot. We did listen in on that wire, but we didn't get anything but static, so I thought it was all right to deny.

Then, a little later, it comes out that there were at least a dozen recordings made on that line. Each of these is a fallback position on a lie. He is over at the Federal Communications Commission now, and I would think probably this committee might want to call him up and start to find out all about how this whole thing came about back there in 1963, 1964, and 1965. This is the man who brought the charges against Otepka, for having delivered the three documents to a committee that was authorized to receive them.

This has never really been explored properly in the press. I blame the press as well as the Congress for the fact that these conditions have been permitted to arise.

Now, the State Department has been sending out false information, even recently, to persons who have written asking them about the Otepka case, and has given the impression that he was fired as a security violator.

Otepka was appointed to the Subversive Activities Control Board, a $36,000-a-year job, by President Nixon. However, the Secretary of State continues to permit his name to be signed to letters indicating a security violation. It does not make much sense to me.

STATEMENT OF WILLIAM B. MACOMBER, JR. BEFORE HOUSE GOVERNMENT OPERATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS AND GOVERNMENT INFORMATION

Question 18. "Another well-publicized case mentioned by Mr. Mollenhoff is that of Otto Otepka, a former State Department employee. Would you comment on his charge that Secretary Rogers is still signing letters in response to inquiries that present an alleged erroneous account of the Otepka case."

Answer. Earlier this year it was brought to our attention that certain questions were being raised regarding the Department's standard answer to inquiries relating to Mr. Otepka. Upon review we determined that although our answer was accurate it was excessively long and detailed and modification was in order. Appropriate changes were made in late February and the Department's proposed response to any inquiries on this subject would be a brief factual statement (copy attached) of the procedural steps taken in this case. We do not believe there is any question about the accuracy of this statement. Since this revised statement was prepared, however, the Department has not had occasion to respond to a single inquiry on this subject.

In 1963 Mr. Otepka was charged with violation of a 1948 Presidential order which requires that "Reports, records, and files relative to the (employee loyalty) program be preserved in strict confidence." The Department found that Mr. Otepka delivered copies of classified memorandum and an investigative report to a person outside the Department (Chief Counsel of the Senate Internal Security Subcommittee) without authority, in violation of the Presidential order, and ordered his dismissal. The decision was later changed after review by the then Secretary of State in favor of reduction in grade, reprimand, and transfer to other duties. This adverse finding was appealed initially to the Civil Service Commission's Appeals Examining Office, and subsequently to its Board of Appeals and Review, which upheld the Department's action on September 25, 1968.

Mr. Otepka indicated his intention to pursue the matter further in the Federal Court, and the Department expressed its willingness to facilitate court consideration by extending additional leave to Mr. Otepka to prepare for it, by assuming the cost of reproducing the record of the administrative proceedings in the case, and by considering further his status pending completion of court action.

In March 1969, Mr. Otepka was nominated by the President to serve as a member of the Subversive Activities Control Board, and on June 24, 1969, the nomination was confirmed by the Senate. He took the oath of office for his new position on June 30, and his employment by the Department of State was terminated as of the previous day.

A PRESIDENTIAL VETO OF THE CHILD DEVELOPMENT PROGRAM

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I am deeply concerned over the veto of S. 2007, the Economic Opportunities Amendments of 1971. This veto, if allowed to stand, will not only threaten the continued existence of the program of the Office of Economic Opportunity, but will thwart the desires of millions of people across the country for quality child development programs for their children.

The child development program which would be established by S. 2007, has as its objectives the provision of a full range of health, education, and social services essential to the achievement of the full potential of the Nation's children.

The program would build upon the demonstrated success of the Headstart program. It would give priority to the provision of services to those groups most in need of them. Special emphasis would be placed on preschool programs for economically disadvantaged children and for children of working mothers and single parent families. This latter point is most important since one of the major hurdles facing the poor family is how to care for children while both parents, or in many cases, the only adult in the household, seek full-time employment.

In addition, the program would provide services for the steadily-increasing number of children whose mothers choose to continue to work. In these cases, however, fees would be charged to all but low-income families.

As a member of the Committee on Education and Labor, I have strongly supported Federal funding for children's day-care centers which would give supportive services but not compulsory service.

There is a need for these centers to give quality care in quality facilities to the children while giving peace of mind to the working parent.

President Nixon in 1969 pledged "a national commitment to provide all American children an opportunity for healthful and stimulating development during the first 5 years of life." I am shocked that President Nixon does not match his eloquency with action.

There has been opposition to this bill because of deliberate misrepresentations of what the child care provisions of this bill really are.

There is nothing in the conference report that would require compulsory preschool education for all children—there is neither compulsion or Government control of children. The rights of parents have been absolutely protected. For example, the conference report reads that:

1. Comprehensive child development programs "should be available to children whose parents or legal guardians *shall request them* . . ." (Sec. 501)

2. ". . . that decisions on the nature and funding of such programs be made at the community level with the full involvement of parents . . ." (Sec. 501)

3. References to "universally available" child care *were specifically* deleted from the bill.

4. All child development councils and project policy councils shall be constituted so that "not less than one-half of the members of such council shall be parents of children served in child development programs under this part . . ." (Sec. 514) (Sec. 516)

5. Financial assistance for programs and services may be provided *"only for children whose parents* or legal guardians have requested them. . . ." (Sec. 515)

6. Part E of title V provides for research and demonstration projects. In order to protect the children from unwanted research being done with them the conference report specifically provides that any parent or guardian must be informed if any research is contemplated and may, as a matter of absolute right, insist that his child not participate in it. (Sec. 580)

7. Finally, in recognition of parental responsibility for children, the conference report states that "nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor shall any section of this title be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law. (Sec. 581)

I find this veto even more surprising in view of the wide-spread support that has been given to this proposal. Since this type of program was proposed in the House in August of 1969, numerous witnesses have appeared before House and Senate committees to testify to the need for a comprehensive approach to child development.

The 1970 White House Conference on Children considered this area and the delegates voted as their top national priority the provision of comprehensive family-oriented child development programs, including health services, day care, and early childhood education.

One of the major reasons given in opposition to this bill is the lack of a significant role for the State in its administration. Traditionally, States have not been significantly involved in the child development field and most of what the Federal Government did, at least until recently, grew out of a direct Federal-local relationship, particularly through the Headstart program.

Aside from this, though, the bill does require State involvement at every stage: creation of prime sponsors, formation of comprehensive child development plans and project operation. Up to 5 percent of operating funds will be available to States to carry out their functions.

It is hard to support an argument that the States have been overlooked when the statement of findings and purpose expresses Congress' intent that the planning and operation of child development programs be a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government.

To give more muscle to the State's role, the legislation gives the Governor a minimum of 30 days in which to review applications from other organizations that wish to be designated as a prime sponsor, to offer his recommendations to the applicant and to submit his comments on the application to the Secretary of Health, Education, and Welfare. The State which fails to extend its influence on programs undertaken within its boundaries will do so because of its own lack of interest and not through any failing in the legislation.

I do feel, however, that the emphasis given to the local community and to parent participation is most important. The community-based decisionmaking offers an opportunity for the deep involvement of communities, families, and individuals with each other and their children's destinies.

The legislation, therefore, assures that the programs will be accessible and responsive to the concerns of parents, and will avoid the danger of remote governmental control.

Cost also has been pointed to as a reason to oppose this program. However, in view of the great need and the fact that the program would build up gradually over the next 2 years as the capability to implement it is developed, I feel that this argument loses its importance. Moreover, the bill meets the administration's request that free services be provided only to children in families having an income below the family assistance eligibility cutoff of $4,320 for a family of four. We must be willing to pay the reasonable costs of providing for the needs of our children for after all, they are the future of our country.

In summary, Mr. Speaker, I urge that this House take prompt action to override this veto and provide a much-needed program of comprehensive child development for the children of our land.

CHRIS CHRISTENSON

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GROSS. Mr. Speaker, I take this occasion to join with other Members of the House of Representatives in expressing genuine regret that Chris Christenson is retiring from his work in the House coincident with sine die adjournment of this first session of the 92d Congress.

Through the years that Chris has been an employee of the House, none has served more capably or with greater dedication. His presence will be missed by all.

Not only has Chris been unfailing in his work, but he is a true gentleman. It has been my pleasure when the House was not in session, to go fishing with him and I can say that never have I had a finer fishing companion.

And so, Chris, as you embark upon retirement may you and Mrs. Christenson have many years of good health, and may you have many days of good fishing on the Rappahannock River or in any other water where your rod and reel indicate the elusive members of the finny tribe may be found.

U.N. CHARTER REVIEW RESOLUTIONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. HUNGATE. Mr. Speaker, in view of the renewed interest in the United Nations and its charter, I would like to call the attention of my colleagues to U.N. Charter review resolutions sent to me by Mr. Walter Hoffmann, president, New Jersey branch, World Federalists, U.S.A.

The resolutions were developed by the Committee on United Nations Charter Review of the World Peace Through Law Center. Mr. Hoffmann served on the committee which met in March 1971 to prepare these resolutions for the Belgrade — Yugoslavia — World Peace Through Law Conference July 21–25, 1971, which I had the privilege to attend.

With regard to charter review, excerpts of the committee's resolutions follow:

EXCERPTS OF THE RESOLUTION

I

Outlawing of War: . . . the preamble of the United Nations Charter be amended to provide specifically that war is no longer tolerable or permissible as a means of settling international disputes.

II

Membership in the United Nations: . . . the United Nations Charter be amended to provide:

1. Every state, by virtue of its existence, shall be a member of the United Nations. No member shall have the right to withdraw from the United Nations, nor shall any member be expelled from the United Nations.

2. In the event of a question or dispute arising as to whether an entity is a state, or as to the persons entitled to represent that state, the question or dispute, at the instance of the United Nations or any member, shall be referred to the International Court of Justice which shall decide the matter.

III

Voting procedures in the General Assembly and Security Council: . . . the United Nations Charter be amended to provide for a revised system of voting in the General Assembly whereby the voting power exercised by various members will better reflect significant aspects of the world situation. Such a revised voting system might retain the existing "one nation-one vote" formula, reflecting the principle of sovereignty and sovereign equality of states, with respect to certain types of decisions, while adopting a form of weighted voting or proportional representation, based on the facts of relative population, wealth, or other potentially relevant factors, as to other types of decisions. Consideration should also be given to . . . . direct popular election of at least some United Nations delegates.

. . . serious consideration be given to . . . . abolish(ing) the "veto power" of the permanent members of the Security Council.

IV

United Nations Revenue System: . . . supplement the present system of financing the United Nations through assessments and voluntary contributions of members as set forth in Article 17 of the Charter; that this be done under a system of financing which will give the United Nations adequate powers, subject to proper safeguards, to raise, both through collaborative arrangements with member nations and through independent and direct sources, such as revenues related to exploitation of the resources of the sea and other sources, sufficient and reliable revenues to assure the fulfillment of its responsibilities.

V

International Courts: . . . urges all members to take appropriate measures, through amendment of the United Nations Charter, by other multilateral conventions, or by other means, to strengthen the role of the International Court of Justice and other international judicial tribunals by providing, inter alia, that:

1. The International Court of Justice shall have compulsory jurisdiction to decide any question or dispute involving international law, including matters arising under the United Nations Charter or involving the interpretation or application of any treaty. Any issue as to whether a particular question or dispute involves international law shall be decided by the International Court.

2. The United Nations, and any other public international organization, shall have the right to bring an action involving a question of international law in the International Court of Justice, or in other international judicial tribunals, against any state, or, where appropriate, against any person.

3. A person shall have the right to bring an action involving a question of international law in the International Court of Justice, or in other international judicial tribunals, against any state.

4. The International Court of Justice, or some other international judicial tribunal, shall be vested with jurisdiction over international crimes, including those specified under the Nuremberg principles.

5. The international judicial system should be expanded through provision for regional courts, international trade courts, and a system of international appellate jurisdiction culminating in the International Court of Justice.

6. Every state shall be obligated to comply with the decisions of the International Court of Justice and any other international judicial tribunal of final resort. All states shall likewise comply with decisions of regional international courts unless such decisions are enjoined pending an appeal to the International Court of Justice. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by such court, the other party shall have recourse to such United Nations organs or agency as shall be empowered to take measures necessary to ensure compliance with such judgment.

VI

International arbitration: . . . Article 33 of the United Nations Charter be amended by adding the following additional paragraphs:

"3. If the dispute is not resolved under paragraphs 1 and 2 of this Article by other specific means of settlement, any party to the dispute may request that the matter be settled by arbitration.

"4. The party requesting arbitration shall notify the Secretary-General of such request. Thereupon the Secretary-General shall notify the other party of such request; such notice shall state that a request for arbitration has been made, and that the other party should respond by agreeing to arbitrate or to submit the dispute to the International Court of Justice. The other party must respond to such notice and make its selection of a panel member within sixty (60) days after receiving the notice.

"5. If arbitration is selected as in paragraph 4 above, the Secretary-General shall submit the dispute to a Board of Arbitration composed of three (3) qualified members. Each party to the dispute shall appoint a member to represent it on the panel. The Chairman of the panel, who shall not be a national of either party, shall be selected by mutual agreement of the arbitrators selected by the parties. If the arbitrators selected by the parties shall fail within sixty (60) days to select a Chairman, the Secretary-General shall appoint the Chairman. The decision of a majority of the panel shall be binding on the parties.

VII

International Human Rights: . . . the United Nations and all states take prompt action, through amendment of the Charter and otherwise, to strengthen the international protection given human rights and fundamental freedoms, and that such action include, *inter alia*, the following:

1. Article 7 of the United Nations Charter should be amended, with such other amendments as may be appropriate, to establish, as new organs of the United Nations, a Human Rights Council, an independent High Commissioner for Human Rights, and a Human Rights Commission made up of independent experts.

2. A Universal Court of Human Rights should be established . . . steps should be taken to strengthen the competence, powers, and procedures of existing international judicial tribunals and specialized international human rights machinery so as to permit the widest possible access to international forums for the vindication of human rights.

3. The right and remedy of World Habeas Corpus should be made available to all persons throughout the world either by amendment of the United Nations Charter or through conclusion of an independent multilateral convention, with provisions for implementing the right through appropriate international judicial machinery.

4. Every person should have the right to bring an action in such Universal Court of Human Rights, regional human rights tribunals, or other international tribunals against his own state for violations of fundamental human rights and freedoms, as well as other violations of international law. However, it is understood that any person seeking relief before an international tribunal on such grounds shall normally first have exhausted his available local remedies, provided that such local remedies are prompt, adequate and effective.

5. The United Nations Charter should be amended to provide expressly that the United Nations is itself prohibited from interfering in any way with human rights and fundamental freedoms.

VIII

Disarmament and an International Police Force: . . . governments and international organizations . . . take appropriate action to ensure that, parallel with the process of Charter revision and the establishment of procedures for the settlement of international disputes, the international community adopts and implements a process of general, complete and enforceable disarmament under United Nations supervision, inspection and control.

IX

Aid to Developing Nations: . . . all states and international organizations . . . take appropriate action (through Charter amendment or otherwise) to establish a World Development Authority. The World Development Authority should be adequately financed (with not less than two (2) percent of the aggregate Gross National Product of all member nations) and empowered to make grants-in-aid and loans for the furtherance of projects which will create conditions of stability and well-being, as envisaged by Article 55 of the Charter . . . emphasis be placed in the future on programs under which economic assistance is extended within a multilateral framework rather than through unilateral grants-in-aid and loans by individual nations.

X

Environmental Protection: . . . the United Nations Charter be amended to provide that all human beings share a right to a decent and ecologically balanced environment, and . . . the United Nations and all member nations take appropriate action to establish, under Article 68 of the Charter, a Commission on the World Environment. This Commission shall have responsibility for making appropriate studies of the global environment, for setting international standards as appear necessary to protect this environment, including particularly the purity of the air and waters of the world, and for bringing appropriate sanctions to bear against any state which fails to comply with such standards or to control the poisons which its citizens inject into the atmosphere and oceans upon which mankind depend for life.

XI

ECOSOC and the Specialized Agencies: . . . urges that the United Nations and its member states consider actions (through Charter amendment or otherwise), designed to facilitate coordination of the activities of the United Nations Economic and Social Council, its various subordinate organs, and the various Specialized Agencies and to make their collective operations more effective, and . . . consider measure . . . designed to broaden and enlarge the right of the various accredited international nongovernmental agencies to participate in a nonvoting capacity in the work of the United Nations Economic and Social Council, its several subordinate organs, and the various Specialized Agencies, including the right to present observations and proposals with respect to issues before these bodies.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

PROSPERITY FOR EVERY AMERICAN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. MAZZOLI. Mr. Speaker, I would like to ask that the following letter, which I received from a constituent, Mr. William C. Gaines, of Louisville, Ky., be inserted in the RECORD.

I would like to point out that Mr. Gaines has concerned himself with a problem that we face, in one form or another, each and every day here in the Congress. His approach is a fresh one and one well deserving of our attention.

The letter, in which Mr. Gaines discusses his plan for "Prosperity for Every American," follows:

Dear Congressman Mazzoli: People want out of poverty right now, and the Nation needs and wants a solution *right now*. That is why I have written you this letter—to attract more immediate and widespread attention to the availability of a solution.

The subject of this letter is the problem of poverty and a proposed solution.

There is a saying: "If you give a man a fish, you feed him for a day. If you teach him to fish, you feed him for life."

It can be inferred that "Teach him to fish" includes improvement in functioning in all areas of the student's life which lead to self-support. If we could teach all the people who now live in poverty to "fish"—in that complete sense—we would advance toward solution, but to accomplish that much teaching on a nation-wide scale would require more taxes. Also, with direct tax-supported teaching/training, one suspects that it is impractical to guarantee completely efficient results.

Yet, people are thinking that solutions can and should be found to problems even those previously thought to be unsolvable.

People say, "If we can go to the moon why don't we . . .?"

It has been said that if there is cash profit in doing a thing, that thing always gets done. Dangerous, financially risky, enormous in scope, opposed, called impossible by all "experts"—no matter, it gets done. Profit, what a power!

The following proposed solution to the problem of poverty applies that power directly.

The nitty gritty is:

How do we make it profitable for companies to eliminate poverty? and how can this be done by lowering taxes? and how can the Congress guarantee results?

Picture this scene:

Board of directors meeting, U.S. Steel Corporation.

SECRETARY. "The vote is unanimous. (Reading:) It is resolved that this corporation will *choose* one man who is now living in poverty and offer to him assistance in all areas of his life necessary to:

Develop his untapped potential into a bright future of satisfying employment, earned income and a good life as defined by him, Educate/train him; which shall include the essential teaching of success-creating habits, and, if he accepts, will assign a team of managers, nutritionists, motivation specialists, etc. to the chosen man to achieve these resolutions—with sufficient funds allocated, and continue to provide assistance in any necessary area of his life, when requested by him, for the remainder of his entire career."

What on earth coulld cause such a vote at U.S. Steel? For a reasonable number of people living in poverty, they would do it altruistically. However, to make such an extensive commitment to much larger numbers of people, any company would require a reasonable probability of extensive profitable income.

Where and how will the money be raised? Remember, this solution lowers taxes. The money will come from the future earnings of the chosen people or, more precisely, from the taxes thereafter paid by the chosen people.

In the above case, U.S. Steel will receive 100% of the federal income taxes thereafter paid by the chosen man.

(All other taxpayers will save the tax cost of welfare payments, and other poverty-related costs.)

Such receipt can be arranged to be simple and nearly costless (to the taxpayer) to administrate. The chosen man will pay his taxes directly to U.S. Steel by normal procedures such as paycheck deductions where he works. A sufficient percentage of receipts will be forwarded by U.S. Steel to an Internal Revenue Service account for use by IRS only in making tax refunds for overpayment. The Federal Government will insure adequacy of this account.

Above, you have read of effectiveness with profit lower taxes guarantee.

Furthermore, all rights of the chosen people must be protected against the potential that U.S. Steel and other "sponsors" could become "1984" style "big brothers". This is covered by "Title IV" of the following sketch of the proposed

Act of Congress:

I. QUALIFICATIONS AND FEES

Any qualified legal entity which sponsors a person (who qualified as being chronically unemployed and who willingly agrees to be sponsored by that entity) and thereby assists that person to change from a tax burden to a tax payer shall receive (as payment for the services thereby rendered to said person and to the Nation) a fee equal to 100% of the federal income taxes thereafter paid by said person.

II. ADMINISTRATION

The federal government organization known as ——— (Note: Suggest that a bureaucracy be selected which will experience a gradual reduction in welfare administration workload as this solution gradually removes people from the rolls) shall determine which individuals are qualified for said sponsorship because of their status; shall assist persons who request help in evaluating offers of sponsorship; and shall administrate the operation of this act in the interests of the sponsored persons, the sponsors, and the public—according to guidelines of Title V.

III. TAX PAYMENTS

Persons so sponsored shall file tax returns and pay all federal income taxes according to the laws, schedules and regulations governing such payments but shall make said payments directly to their respective sponsors. Any entity employing a sponsored person shall not discriminate against him by reason of his being so sponsored nor by reason of his making said payments, and shall withhold federal income taxes from his salary and wages and remit said taxes in the normal manner but directly to the sponsoring entity. A percentage (determined by IRS) of all said payments shall be deposited by the sponsor in an account set up by IRS for use by IRS only for making tax refunds.

IV. PERSONAL RIGHTS PROTECTION

All rights of all persons so sponsored shall be protected against potential abridgement by sponsors. In the event of a law-suit by a sponsored person against his sponsor, or an entity attempting to become his sponsor, regarding matters covered by this act, and in the event that judgment comes down against said sponsor or attempting sponsor, said sponsor or attempting sponsor shall pay all of the sponsored person's (a) damages as determined by the courts, and (b) all reasonable legal fees, court costs, and all other costs—such as travel, parking, lost wages, etc.—reasonably required pursuant to the case. After all court actions have been taken, sponsor or his lawyer shall submit to the court in which the case was originally filed, an itemized list of said costs. Said court will determine the amount to be paid, and said amount shall be paid within ten calendar days after said determination, appeals of said determination notwithstanding. No sponsor shall assist or influence, directly or indirectly, any sponsored person in determining the amount of any of his taxes, or filling out or filing his tax return. Violation of this prohibition shall subject sponsor to triple damages.

A PART OF AMERICA DIED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BIAGGI. Mr. Speaker, the policemen of our Nation are entrusted with a difficult task of keeping peace at a time of great internal conflict. We call upon them to put their lives on the line in defending every citizen from the criminal elements in our society.

Eddie Arnold recently recorded a tribute to the Men in Blue on the RCA label, which I believe deserves the attention of my colleagues. For their benefit I am including the lyrics of this record in the RECORD at this point:

A PART OF AMERICA . . . DIED

Somebody killed a policeman today
And a part of America died.
A piece of our country he swore to protect
Will be buried with him at his side.
The suspect who shot him will stand up in court
With counsel demanding his rights,
While a young widowed mother must work for her kids
And spend many, long, lonely nights.
The beat that he walked was a battlefield too,
Just as if he'd gone off to war,
Though the flag of our nation won't fly at half mast.
To his name they will add a gold star.

Yes, somebody killed a policeman today,
Maybe in your town or mine;
While we slept in comfort behind our locked doors,
The cop put his life on the line.
Now his ghost walks the beat
On a dark city street
And he stands at each new rookie's side;
He answered the call, of himself, gave his all,
And a part of America died.

PRESIDENT NIXON'S VETO OF CHILD DEVELOPMENT PROGRAM UNDERMINES AMERICAN FAMILY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. DRINAN. Mr. Speaker, I find it more and more incredible that President Nixon should have vetoed on December 9, 1971, the bill S. 2007, an act to provide for the continuation of programs authorized under the Economic Opportunity Act. I find it particularly unbelievable to read that the President has stated that the proposed child development program contains "family weakening implications" and that it is the "most radical piece of legislation to emerge from the 92d Congress."

We can only hope that the President in due course will reverse himself as he did after his veto of the Employment and Manpower Act just about a year ago. This act was designed to provide public service employment for the jobless. The President's message vetoing that particular bill made it perfectly clear that he had not read and did not understand the legislation he was rejecting. It was only 7 months later that he signed the Emergency Employment Act which provided public service employment in a manner almost identical to that in the bill which the President had vetoed a few months earlier.

The veto message of President Nixon with regard to the child development program contained in the bill extending the Economic Opportunity Act indicates that he and his advisers understood little if anything of the testimony given by 166 witnesses during the period 1969–71 to a subcommittee of the House Committee on Education and Labor.

President Nixon states that the child development program would put the "National Government on the side of communal approaches to child rearing over against the family centered approach." The President goes on to state that there is a "respectable school of opinion that this legislation would lead toward altering the family relationship." The President did not state a single person or a single argument from that alleged "respectable school of opinion" from which he presumably learned that certain provisions of this bill had "family weakening implications."

Mr. Speaker, I want to repeat as emphatically as I can that there is nothing—absolutely nothing—in S. 2007 that would weaken the family relationship. There is nothing in this bill that would lead to communal ways of child rearing.

I feel that I can speak on this subject with authority since I am a former chairman of the Section of Family Law of the American Bar Association and a chairman of the section of family law Quarterly published by the American Bar Association. In addition, I have been a professor of family law for a decade and the chairman of the Family Law Committee of the Massachusetts Bar Association as well as the chairman of the Committee on Family Law of the Association of American Law Schools.

As a person who has taught, lectured, and written in the area of family law for more than 10 years, I find it frightening, incredible, and indeed appalling that the President of the United States would state that this bill, endorsed by the National Council of Churches and the United States Catholic Conference, would "lead toward altering the family relationship."

In February 1969, President Nixon told Congress that—

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

On August 11, 1969, President Nixon, in proposing his welfare reform bill, stated:

> The child care I propose is more than custodial. This administration is committed to a new emphasis on child development in the first five years of life.

It is indeed unbelievable that the President who is the author of these two statements could state in his veto message of December 9 that—

> Neither the immediate needs nor the desirability of a national child development program of this character has been demonstrated.

President Nixon's veto message is filled with contradictions of his previous promises and commitments. His veto message is, furthermore, replete with contradictions implicit in the nine reasons offered for his rejection of the child development plan.

The assertion by the President that H.R. 1 will meet the day care needs of the children of this Nation is simply false. Under the President's welfare plan day care and custodial care will be available only to the recipients of welfare. Consequently the family of four which earns more than $4,300 would, in virtually all cases, be ineligible for day care assistance under H.R. 1.

The bill which President Nixon vetoed was designed to offer a tremendous opportunity to the children in the 5.5 million households headed by women who must work. The bill vetoed by the President was designed to provide adequate child care facilities to meet the needs of the 6 million children of preschool age in this country for whom only 700,000 positions are available in licensed child care centers.

The veto of the President is an affront to the Child Welfare League of America, the National Education Association, the Academy of American Pediatrics, the League of Women Voters, the National Council of Churches, and the United States Catholic Conference—responsible and intelligent national groups—all of whom endorsed the child care provisions of S. 2007. It is surely an affront of monumental and unprecedented proportions for the President of the United States to tell the members of all of these groups that they have endorsed a bill which goes contrary to "good public policy" which "requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed and religious and moral principles are first inculcated."

It is, moreover, more than an affront for the President of the United States to tell the 63 Senators and 210 Congressmen who voted for the conference report on S. 2007 that they have supported a bill which "would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family centered approach."

The absurd allegations of the President constitute, of course, a rebuke to the Republican leaders of the Senate who voted for this bill. Senator HUGH SCOTT of Pennsylvania, Senator ROBERT GRIFFIN of Michigan, and the chairman of the Republican National Committee, Senator ROBERT DOLE of Kansas, all voted for the child development bill. Now these leaders are told by the President that title V, "Child Development Programs," is "certainly laudable" but that is "overshadowed by the fiscal irresponsibility, administrative unworkability, and family-weakening implications of the system it envisions."

Apparently Senators SCOTT, GRIFFIN, and DOLE understood the President better than I did since on December 10, 1971, they all voted to sustain his veto.

Mr. Speaker, I think it fair to conclude from the veto message of President Nixon that he is endorsing the principle of requiring poor people to put their children in day care centers while he is against permitting middle-class people to do so.

The incredible veto of President Nixon, in the name of family solidarity, is in itself the most lethal blow against that family solidarity which the child development program was designed to foster.

Mr. Speaker, the League of Women Voters of the United States stated in their endorsement of S. 2007 on November 30, 1971, that—

> The League believes that it is absolutely essential for this Nation to provide comprehensive care for children. Every year of delay is a year's opportunity denied to millions of children.

Mr. Speaker, I feel compelled to state that President Nixon's veto has denied countless opportunities for medical, educational, and social enrichment to millions of children.

Mr. Speaker, I insert in the RECORD editorials denouncing the President's veto of day care from the New York Times of December 11, 1971, and the Washington Post of December 12, 1971:

[From the New York Times, Dec. 11, 1971]

ABANDONED COMMITMENT

President Nixon explained his veto of the child development program by calling this plan too costly, administratively unworkable, professionally ill-prepared and designed to undermine the American family. The sweeping nature of this attack cannot obscure the fact that the concept of child care and development enjoys broad popular support across most of the traditional divisions of politics, class, economics and race.

The arguments put forth in the veto message are not convincing. Initial costs would not have been high. By limiting free services to the welfare level of poverty, Congress had already responded to the Administration's budgetary objections. Contributory fees could have readily been revised later, when operations would have provided a clearer picture of the extent of voluntary participation.

The President's vague reference to an unworkable bureaucracy reflects the Administration's apparent preference for control and management by the states, hardly the best administrative level for action that must be geared to local communities and neighborhoods. Participation by a wide variety of public and non-profit private agencies was one of the attractive features of the plan.

The President's charge that day care weakens the family ignores the realities of much of modern family life. Poor and working-class families normally have to leave their children improperly supervised or entirely unattended for much of the day; families at virtually all other income levels rely heavily on baby-sitters and, in the upper brackets, a variety of domestic help.

Mr. Nixon is justified in his concern over the lack of trained personnel, but much of the bill's first-year expenditure was to be devoted to the necessary training. The veto suggests that the President's concept of child care is limited to welfare cases and is only custodial at that. This approach reduces the chances that disadvantaged children will be lifted out of their debilitating environment at an early age.

In his message, Mr. Nixon observed that the proposal "points far beyond what the Administration envisioned" when it made its earlier commitment of providing healthful and stimulating development for all American children during the first five years of life. But in the absence of a positive program, his veto has reduced that supposed commitment to mere political rhetoric.

BIG STRAW IN A MILD WIND

Senator Muskie's still undeclared Presidential candidacy got one of those lifts this week that are as important for what they say about a man's prospects as they are for any actual benefits they may bring him. The man from Maine has won the endorsement of Senator John V. Tunney of California—a freshman Senator but a power in his state's Democratic party. California will have 271 delegates, the second-largest bloc at the Miami Beach convention—and they will be chosen in a winner-take-all primary.

What gives the Tunney endorsement a special flavor is the fact that he is close to Senator Edward M. Kennedy. The prevailing view among political theorists has been that Mr. Kennedy—or at least his ardent supporters—want nothing so much as a dead heat between Mr. Muskie, the front-runner, and Senator Humphrey of Minnesota—a development made to order for a draft of the Senator from Massachusetts. But that script could hardly be squared with the pronouncement from Mr. Tunney.

What might possibly be squared with such a pronouncement is a belief that Senator Muskie is still clearly in the lead and is not likely to be headed off. If the party's potential angels in California are typical of their kind, they are reluctant to waste their gifts in a free-for-all primary, only to be called on for heavier contributions in the November elections. Better to settle in advance on the likeliest candidate if that is at all possible. Senator Tunney's move is probably a reflection of just that strategy.

Viewed in this light, the California development, which also includes the commitment to Mr. Muskie of Robert Moretti, powerful Speaker of the California Assembly, may be read as an authoritative gauge of the direction the political winds are blowing. It is a better gauge, on the whole, than opinion polls, which sometimes allow as much for whim as for wind.

AND HUMBLE OF THE RIGHT

New York's Conservative party, disturbed by what it believes to be President Nixon's leftward drift, is at least tentatively withholding its support for his re-election. Its executive committee's announcement to this effect follows preliminary action by an elite band of conservative chieftains, already known as the "Manhattan 12."

Eyeing the Democrats' script of 1968 as a possible guide to action, the right-wingers would play McCarthyite rebels to the President's Lyndon Johnson. And they would use the New Hampshire primary to fire their opening volley.

No doubt Mr. Nixon, as candidate for re-election, is eager to conciliate this segment of his normal following; the language of his veto message on the child development program (see above) suggests something of that concern. But it would be surprising if he were genuinely alarmed by the rebellion. The differences between the situation of the Democrats in 1968 and that of the Republicans today are greater than the resemblances.

First, the Democratic rebels of four years ago did not find shopping for a candidate quite so difficult, even allowing for Senator Eugene McCarthy's indecisiveness in the early stages of the game. Nor did they have the least qualm about characterizing their activity as a "Dump Johnson" movement.

This year's mutinous conservatives appear to have fixed their sights on Representative John M. Ashbrook of Ohio, whose chief claim to their regard is that he has opposed the Nixon Administration's foreign policy moves more than 80 per cent of the time. Putting off a decision until next week, Mr. Ashbrook reports himself "leaning a little more against" the idea than for it.

Even less likely to fire up the Republican masses of New Hampshire than the ambivalence of the invited leaders is that some of the conservatives' own top figures, Senator James L. Buckley will have nothing to do with the movement to back another candidate. His brother William, one of the party's founders, was likewise opposed to it when it was launched. Mr. Ashbrook candidly divides his fellow-conservatives between "those who want to get the President's attention and those who want to beat him"—and includes himself among the former.

This is hardly the stuff to promise a brawling convention at San Diego next summer. It would be surprising, in fact, if it even proved enough to stir up the voters of New Hampshire.

THE STRANGE CASE OF EDGAR SMITH

The legal odyssey of Edgar H. Smith Jr., who was released from prison after 14 years in death row for the murder of a 15-year-old girl in 1957, has left a trail of unanswered questions about the processes of justice. Paradoxically, Smith was convicted when he protested his innocence and freed when he admitted his guilt. He had gained national fame from a book written in prison as an exposé of alleged injustice.

Smith's release was the result of a judicial deal. The choice left to him was either to confess guilt in return for a prison sentence limited to the time already served, or stand a new trial. Judicial trades, through the device of letting the accused "cop" a plea in return for clemency, is a common legal maneuver to forshorten the complex trial process, particularly when it leads to exposure of more serious crimes at the price of forgiving lesser ones.

But in the Smith case the only plausible explanation is that the judge, having been ordered by a Federal court to bring the case to a conclusion, felt that Smith would not be convicted of first-degree murder in any new trial. For a crime of either passion or panic, as this one perhaps was, the penalty might not have exceeded the time already served. These may have been among the considerations that led Smith to choose the course that would avoid another lengthy and costly trial.

Despite these rationalizations, the judicial process emerges tranished. The initial flaw was reliance on a confession, subsequently renounced and invalidated because it had been obtained through illegal police interrogation. Although there may well have been sufficient evidence to convict for second-degree manslaughter, the prosecution triggered years of inconclusive legal battles in the effort to obtain the death penalty.

In the aftermath of Smith's release, further ambiguities cast a shadow of doubt once again over the case. Rushed from prison to television studio, Smith was encouraged to go half-way toward repudiating his latest confession, thus exposing himself to possible perjury charges.

In the face of so many contradictions, justice would have been better served not by grandstanding appeals to public emotion but by evidence accepted or rejected in court. Now, until and unless Mr. Smith explains in detail what happened 14 years ago, if he can, the mystery is only deepened and new suspicions aroused about guilt, innocence and flawed judicial procedures.

THE VISIT OF GENERAL MÉDICI

President Nixon put his talks with President Médici of Brazil in the context of the "vitally important" consultations he is conducting with this country's "closest friends" prior to his visits next year to China and Russia. It was the kind of recognition and association Brazil has long sought from Washington.

Brazil has valid claims to such recognition. As Mr. Nixon noted, it is far and away "the largest country in South America," with 92 million people and half the land mass of that continent. In many respects the old crack that "Brazil is the country of the future—and always will be" is dramatically out of date. The Army-led Government has presided in recent years over spectacular, if uneven, industrial development and an economy growing at an annual rate of 9.5 per cent

But Mr. Nixon's placing of Brazil among this country's "closest friends" will be taken in Latin America as bestowing Washington's blessings on the less attractive aspects of the junta's record as well as on the unexceptionable. General Médici seems to have forgotten his promise on taking office in 1969 that he would lead Brazil back to democracy before his term expired in 1974. There was serious retrogression last month when the President signed an edict empowering him to issue secret decrees. Hundreds of Brazilians remain deprived of their political rights; and the use of torture on political prisoners is well documented. Many Americans still reject the notion that economic development can be achieved in Brazil only at the cost of basic freedoms.

A FUTURE FOR EVERY CHILD

On Dec. 11, 1946, there was born perhaps the most successful and surely the most appealing of all agencies created by the General Assembly of the United Nations. This was the International Children's Emergency Fund; today, a quarter century later, it is alive and well into its maturity, and known universally as UNICEF.

Totally supported by voluntary contributions from governments, groups and individuals, UNICEF has helped the helpless in no less than 112 countries. It has provided food for the hungry, medicine for the sick, schools for the ignorant. It has brought nutrition to mind and body; it has meant literally new life to countless millions of children regardless of race or color throughout the world. Its work alone would have made the U.N., which created it, worthwhile.

Its usefulness can only expand during the next quarter-century, along with the demands that will be made upon it. UNICEF is one international agency that has only friends, and it deserves them in every corner of the globe.

[From the Washington Post, Dec. 12, 1971]

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion; that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated." . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

ANOTHER BRAVE FIGHTING MAN IS KILLED

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Pfc. Richard R. Kapsha, of Glassport, Pa., who was killed in Vietnam on November 6.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Private First Class Kapsha, I wish to honor his memory by placing in the RECORD the following article:

RICHARD KAPSHA

Pfc. Richard R. Kapsha, 20, of 710 Detroit Ave., Glassport, was killed on Nov. 6, in Vietnam. He was son of Rudolph A. Kapsha of Clairton and Mrs. Genevieve M. Wibel Anuszkiewicz of Glassport.

Pfc. Kapsha was a graduate of South Allegheny High School. Before enlisting Feb. 4, 1971, in Pittsburgh, he was a bricklayer apprentice at U.S. Steel's Irvin Works. He was a member of St. Cecilia Church, Glassport.

Survivors, in addition to his parents are a sister, Mary Joyce Kapsha, and a brother, Mark Allen Kapsha at home; and grandparents, Joseph P. Kapsha of Clairton, Peter Wible of Homestead and Mrs. Mary H. Wible of McKeesport.

THE SEARCH FOR THE TRUTH ABOUT DAY CARE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. QUIE. Mr. Speaker, when the OEO conference report was debated in the House, I urged the House to defeat it because of its defective delivery system and go back to work and report out a reasonable, rational bill which will truly meet the needs of our Nation and its children.

Because so many questions were raised as to the actual benefits as well as the effects of child care legislation, it is my hope that as we renew our efforts to produce legislation in this area that we give special attention to considering ways the legislation can be revised so that one of its main purposes will be to strengthen the family as well as to care for children of working mothers.

I think many questions are still being asked as "The Search for the Truth About Day Care," by Sheila Cole, which appeared in the New York Times Magazine on December 12, 1971, indicates:

[From the New York Times Magazine, Dec. 12, 1971]

THE SEARCH FOR THE TRUTH ABOUT DAY CARE

(By Sheila Cole)

Waiting lists at day-care centers in some areas are eight times the capacity, and new centers—good to indifferent—are opening all over the country. But despite all this apparent enthusiasm, day care has its doubters—including many of this country's most respected child-care experts.

I first became aware of their doubts when a group of which I was a member tried to start a day-care center in the Rockefeller University-New York Hospital community. We believe that day care would be good for our children. Certainly better than baby sitters who plung them down in front of the television set. Maybe even better than the narrow confines of the Manhattan nuclear family and its few selected friends.

Our group invited the chief of child psychiatry at New York Hospital to talk about the psychiatric aspects of planning a center. The doctor had written a proposal for a day-care center for the hospital two years before, and he told us that he was interested in our efforts.

Much to our surprise, he had little good to say about day care. Instead, he talked at length about the dangers of separating young children from their mothers and placing them in group settings. He made some of us feel that we would be damaging our children if we left them every day to go to work and that we would compound that damage if we placed them in a day-care center.

Day care dangerous? That was hard to believe. The children in the day-care centers I had visited in Moscow and New Haven seemed healthy, happy and extremely well cared for. As far as I was concerned, day care had something to offer to just about everyone: children, mothers, employers and society.

A few months later, two women from the New York City Health Department, which is in charge of licensing day-care facilities, came to discuss proposed sites for a day-care center with our group, all middle-class, all professionals, The conversation was warm and friendly until one of the women from the Health Department finally caught on: "Do you mean you are going to put your children in the center, too?" Taken aback we answered, "Yes." The conversation turned cool.

Did the woman from the Health Department mean that she wouldn't place her children in a day-care center? Or that day care was a good solution only for mothers who had no other choice?

My faith in day care began to waiver. These women were experts; maybe they knew something I didn't. I decided to look into the matter.

What I found was that most experts in the field of child development think that the ideal place for the preschool child is home—with mother. One of the main sources for this belief is Dr. John Bowlby, an English psychiatrist. In the nineteen-fifties, Dr. Bowlby reported on his findings that children who lived in institutions not only seemed to be less intelligent than children raised by their families, but many of them also displayed physical and emotional defects.

More recently, it has been discovered that the child needs special stimulation to develop intellectually. Appropriate stimulation is normally provided by the mother as she cares for and plays with her child. Baby needs a familiar person who will respond to his smiles and gurgles, smile back and make noises and occasionally add a small variation to the game. And he plays an active role in getting his mother to provide him with the necessary stimulus.

In an institution or group-care setting where one caretaker has several babies to watch over and where several people care for each child, it is difficult to provide adequate and appropriate stimulation for each child. Psychologists have reported extreme cases of children in institutions who have withdrawn stopped making any demands on the people around them, stopped reacting and eventually grown up to be intellectually and emotionally stunted.

Another potentially dangerous consequence of disrupting the mother-child relationship is that the child's attachment to his mother forms the basis for a great deal of his later development. In trying to please his mother, the child will behave as she wishes and will tend to accept her values and attitudes.

Reviewing these studies, one finds it easy to understand the New York Hospital psychiatrist's fears about day-care centers. It is clear, however, that the child-care experts talk in extremes. They pit *ideal* situations against miserable ones.

In the typical woman's magazine child-care articles, the mothers with whom young children stay at home are portrayed as very special. They are story-book mothers—patient, kind, gentle, intelligent, resourceful, alert, tolerant, always available and always responsive. Their sole function is to minister to the needs of their families. And that family is assumed to be emotionally healthy and financially provided for by the husband. These are women without worries, tensions, interests, or desires that might conflict with their availability to their children.

While the child development experts were discussing *ideal* situations, the fact that large segments of the population live and grow in far from ideal circumstances has been seeping into the public consciousness. It was all very well for the experts to maintain that young children should be at home with their mothers, but what if they had no mother? Or if their mother had to work to support them? Or she was sick? Or incompetent? Some professionals who work with children, like the women from the New York City Health Department, cautiously began recommending day care as a stopgap measure. Others suggested that day care might help poor children break out of the "poverty cycle." They argued that day care could reach children early enough to help them succeed in school; and if they succeeded in school, then maybe they would no longer be poor. For everyone else, though, the experts still recommended the traditional mother-child setup.

Nevertheless, several million working mothers began to consider day-care centers as the solution to their child-care problems. The discussion within the Government of day care both as a way of "breaking the cycle of poverty" and as a way to getting women off welfare roles has inevitably raised the question with many mothers who do not claim to be poor: Why not us too?

With this new climate of opinion and the resulting demand for day care, it should be no surprise that the research on the effects of maternal deprivation has come in for reexamination; the dire predictions about the consequences of separating mother and baby are now couched in such terms as "day care *may* be dangerous," rather than "day care is dangerous."

A World Health Organization monograph, written a decade after Bowlby's influential work, concluded that whether or not a child is emotionally scarred by being separated from his mother depends on a great variety of factors—certainly a long way from the statement that separation invariably has a bad effect on the child's development.

In one of the few studies that have been done directly to test the hypothesis of maternal deprivation and its applicability to day care, 2-year-old children attending a day-care center were compared with 2-year-olds in a residential nursery who were separated from their families for periods of time ranging from a few weeks to six months. It was found that although the quality of substitute care in both situations was similar, the reactions of the children were substantially different. The children attending the day-care center seemed to behave normally, while those in the residential nursery seemed to be upset. In addition to crying and asking for their mothers repeatedly and then withdrawing, the children in residential care were sick more often, regressed in their speech and toilet behavior, and were more hostile than the children in day care. These findings support Bowlby's contentions about maternal deprivation in residential institutions, but separate such situations from day-care arrangements.

The authors of this study concluded that the major factor was the *total* absence of the mother for the residential nursery children. But even the damage of residential care does not appear to be necessarily permanent. In one study, 2-year-olds who lived in a "home management house" (orphanage) for four months before being adopted were compared with children who had lived in foster homes for four months before being adopted and with children of the same age who had been raised by their natural families. No significant differences were found among the three groups.

So the worst prognoses of the maternal-deprivation theorists do not seem to apply to day care. But does that mean that day care is a trouble-free solution to our preschoolers' child-care needs? As a concerned mother, I wanted more than just an assurance that day care would not harm my children. I wanted to know if it was good for them. And if not, why not?

I asked Jerome Kagan, the Harvard psychologist who has played a prominent role in the discussion of day care, what were the real effects on children. He was more than modest about what psychologists actually know about the consequences of placing small children in day-care centers.

He did point out that day-care centers can occupy more than 8,000 hours of the child's first seven years—approximately two full years of his waking hours. With so much time, a center cannot help but teach social values and beliefs, as well as care for the child's physical needs and encourage his intellectual and emotional growth.

An important question that should be asked when planning day-care facilities is what cultural values the institution should foster. This is an ethical question which should not be left up to the professionals, Kagan warned. Psychologists can be asked to help carry out the will of society, but they should not decide what society should be.

I asked him what kind of day-care program he would recommend if, for example, we wanted a day-care center to foster the values already held by our society.

To begin with, Kagan emphasized that children under 2 years of age and preschoolers have different needs. The baby and toddler should not be cared for by more than two or possibly three people, and these people should have a continuous and emotionally satisfying relationship with him. The very young child needs a predictable environment with a certain amount of carefully paced variation.

The preschooler is much different from the child under 2. He no longer needs the one-to-one relationship with his mother; he needs to explore, to try new things and work at them until he can do them successfully. Kagan thinks that day-care centers might even be superior to many mothers when it comes to building up the preschool child's confidence and permitting him to explore. To support this, he cited a recent study which found that mothers said "no" to preschoolers on an average of eight times an hour, because they were afraid that the youngsters would hurt themselves, make a mess, or damage something. In a good center a child is rarely told not to do something, because most dangers have been eliminated. He is allowed to test his powers and explore the equipment and social activities of the center. The day-care center may also be a better environment for the older preschool child who is learning to deal with symbols and intellectual problems because it frees him from parental pressures and anxieties.

Day-care centers, Kagan fears, might have some difficulties, in providing children with role models. A preschooler needs to have people to imitate, and to identify with. Day-care centers tend to separate children from adults and older youngsters who might serve as role models. "A child makes an assumption that things have to be as they are. He sees certain kinds of behavior and accepts them as right," Kagan said. "To the extent that the child learns his values and moral standards from his peer group in the day-care center, rather than from his parents, these values probably will be more flexible and easier to change because of the number of different values and standards the child is exposed to in a group. Such a child would probably be more flexible in his moral code. If the child has strong adult role models at home, his home environment will counterbalance the values learned from other children."

Another expert worried by the consequences of age-group segregation is Prof. Urie Bronfenbrenner of Cornell University. "No doubt day care is coming to America," says Bronfenbrenner. "The question is what kind?"

He has studied socialization, the process by which children are molded to become adult bearers of their parents' cultural traditions, in the United States, the Soviet Union, Isreal and Switzerland. The cultural question, he says, is whether the day care we provide separates the child from his family and reduces the family's feelings of responsibility, or whether it helps the family maintain its role as the "primary and proper agent for the process of making human beings human.

"If children are placed in the hands of female professionals, I see some real problems for society," Bronfenbrenner says. "In a society which has explicit, clearly stated character goals, those goals can be built into a day-care program. But in our society there no agreed-upon goals that can be part of a day-care program. Segregating children into homogenous age groups in the care of professionals locks them out of the process in which socialization naturally occurs." This process takes place in everyday family life, where children are surrounded by people with whom they can identify and from whom they learn skills, attitudes and values.

"I would like to see day-care centers where everyone was welcome. Where parents, grandparents, older children, neighbors and people who work in the neighborhood could drop in and play with the children, show them how to do things. In this way the children would grow up as part of a community, rather than being alienated from it."

After talking with Kagan and Bronfenbrenner, I felt with some certainty that I could put my children in a day-care center. Not any day-care center, but one in which I and other parents who shared my values and concerns were involved. One that had a warm, good teacher who shared our attitudes.

It has become clear to me that there is no simple or single answer to the question: Is day care good for children? Like all other human institutions, it has good aspects—and bad. The dangers do not warrant excluding day care from our society. That would leave us where we were before, with a picture-book mother and child who are not part of real life.

THE PRINCETON ALUMNI COLLEGE: "A THRIVING POPULATION IN A SHRINKING WORLD"

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. RYAN. Mr. Speaker, in June 1970, Princeton University successfully offered its first Alumni College. For 3 days alumni and their families lived on campus and attended lectures and seminars relating to the theme "The Challenge of a Deteriorating Environment."

This year, the Alumni College was expanded in both size and curriculum. It took place from Monday, June 7, through Friday, June 11. One series of seminars afforded a comprehensive study of our environmental problems. It was entitled: "A Thriving Population in a Shrinking World."

It was a great pleasure for me to moderate one of the panels on this subject, specifically dealing with the problems of "Power Generation—A Study of Present Resources in Relation to Population Growth."

Participating in this panel were three distinguished experts in the field of energy resources: Robert C. Axtmann, Mobil Professor of Chemical Engineering for Nuclear Studies, Princeton University; Robert G. Mills, senior staff and head of engineering and development division, Plasma Physics Laboratory, Forrestal; and Clyde Ruffle, director of environmental affairs, Public Service Electric & Gas Co., who presented a statement which had been prepared by Edwin H. Snyder, director and consultant of the Public Service Electric & Gas Co., Newark, N.J. Mr. Snyder was unable to attend.

In view of the serious national concern

with energy resources, power generation and powerplant siting, and pending congressional legislation, I include in the RECORD the remarks of the panelists who participated in the forum on "Power Generation—A Study of Present Resources in Relation to Population Growth," at the Princeton University Alumni College on June 9.

POWER GENERATION: A STUDY OF PRESENT RESOURCES IN RELATION TO POPULATION GROWTH

(Introductory Remarks of Congressman WILLIAM F. RYAN)

For years we have considered the United States a vast country, unlimited in resource. Now, we are beginning to realize that our resources are finite and that this country—indeed the entire planet—is endangered by the exploding dimensions of the environmental crisis.

The question we must face today is whether the many demands created by a burgeoning population, consumer and service-oriented, with a huge appetite for energy, will prove too much for an environment already overburdened.

For years it has been assumed that this appetite must be satisfied; that the interests of the economy and progress demand growth: more industry, more consumer goods, more energy. But at last, the very obvious results of unplanned, irrational growth have begun to overwhelm the land, the cities and the people.

Demand continues to increase. The supply of electrical energy has doubled every ten years, growing at the annual rate of seven percent.

The nation will require 250 new power plants in the next 20 years. A report to the Federal Power Commission states that between now and 1990 the eleven Northeast states will require four times as much electric generating capacity as has been provided in the 80-year history of the industry.

The time has come to initiate a long-range comprehensive plan for the development, allocation and use of our energy resources. The time has come to stop and take a good look at our concepts of growth, progress and consumption. We must have a national policy on power conservation.

This plan should include a national grid for the transmission of power, a power plant siting policy, reliability standards, and a program for conserving energy and energy resources—all of which must be compatible with the environment.

Planning decisions should be made on a regional basis, considering the needs of a whole region, not just a single community. This would simplify permit and licensing procedures—which currently overlap. There should be a single form of judicial review so that utility, governmental and public interests may be considered in an orderly fashion.

Research and development must be greatly increased, both by federal agencies and utilities. Two primary needs are research into improving fossil fuel facilities, which will be needed for years to come; and research to make power production more efficient.

Other areas which badly need more intensive research are undergrounding transmission lines; improving transmission capacity and ability (so that mine-mouth and other locations remote from population centers may be used); improving present pollution control methods and finding new ones; researching effects of pollutants and methods of preventing or treating these effects. Projects to develop new sources of energy must receive more support and funding; one form of energy cannot be abandoned in favor of another until both the supply and environmental problems have been solved.

While we develop a system for planned growth that will satisfy the population's basic needs and protect the environment, it may be necessary to make some sacrifices—reduce current use, delay new uses, restrain demand, even ration electricity.

The design and implementation of long-range plans for orderly growth of power generation and demand will take time and require the cooperation of all levels of government. Environmentalists, conservationists, all the scientific disciplines and citizens must be involved. While a long-range management system is being developed, some interim measures will be necessary to prevent further environmental damage, brown-outs or blackouts, disorderly and constant rate increases, and inequitable distribution of supplies.

In view of the detrimental impact upon the environment caused by power generation, the environmental protection abilities of the Federal government should be strengthened immediately. The generation of power results in a high degree of pollution—sulfur dioxide, nitrogen oxides, carbon dioxides, and particulates foul the air. Solid waste (ash) despoils the land. Waste heat affects our lakes and rivers. Even the best technological controls cannot eliminate all pollutants.

An extensive campaign must be considered to reduce the demand for electricity, especially in areas where demand is outstripping supply. The waste of electricity is so great in our affluent society that such a campaign could relieve utilities of much of the pressure to produce more power immediately. Utilities could include with each billing statement a reminder to save electricity, with a list of how-to suggestions, and could advise customers on avoiding unnecessary use during peak periods.

Large commercial users could find ways to reduce their demand: using fewer lights at night (is it necessary that all the skyscrapers in Manhattan blaze with light all night?); using less air conditioning; changing work hours to redistribute power loans which also redistribute passenger loads on mass transit facilities.

A public education program, via all media, should advise the consumer of the problems, of the necessity for changing attitudes and habits, and of the necessity of paying for pollution control and other environmental costs for supplying power demands. But it's difficult to convince consumers not to purchase products after they have been manufactured and a desire for them stimulated through advertisings. Therefore, we must ask for voluntary restraints on the part of manufacturers. Population growth is great enough to provide markets for necessary appliances without manufacturers producing fad and gimmick items that wear out quickly (creating a waste disposal problem).

Manufacturers should also apply their design abilities and technology to improving products, especially with respect to the amount of electricity they require for operation—rather than changing the design or adding more buttons. A good example is the electric blender. Designers and manufacturers keep increasing size and adding buttons, instead of increasing efficiency and reducing noise. Impetus for this sort of design could be supplied by federal regulation: a requirement for labelling appliances to show how much electricity is required to operate them and how much the cost would be per month.

I cannot emphasize too strongly the need for, restraint and new attitudes on the part of manufacturing, industrial and other commercial users. Per capita consumption of electric power is increasing three times faster than population growth; this means that people are being stimulated to use more and more electricity. If manufacturers do not assume responsibility for slowing this trend, they will be overtaken by the ecology movement, and find themselves with growing inventories of unsold appliances.

Rate structures should be revised to reflect costs of land use and environmental damage. Promotional rates for large users stimulate waste. Perhaps rates should go *UP* as use goes *up*, to properly reflect the cost of the service rendered or the product manufactured and serve as a disincentive for wasting electricity.

If demand cannot be substantially lowered by such means, consideration should be given to limiting or even banning certain uses that do not satisfy an essential social or life-supporting need. For instance, illuminated billboards not only blight the landscape and pose a danger to safe driving, but they needlessly consume electricity.

However, none of these measures will be sufficient if our population continues to grow at present rates. Some observers contend that population growth is not a part of the electric supply problem, but I believe it is related in various ways.

The people of the United States have been for some time migrating to urban centers. At present, 53% of the population lives in 13% of the total land area. This concentration alone presents problems: in densely settled areas, like the New York-New Jersey metropolitan area, there is such a high demand for services and products that the sheer number of power plants required to meet the electrical need produces an intolerable burden of pollution. With more people moving to urban centers, this aspect of the problem will intensify.

Increasing population, and accompanying demands for goods and services, especially among affluent people, create an ever higher consumption of goods. Families once owned a family car; then it became two cars; now it is not at all uncommon for both parents as well as one or more children to own and drive cars, creating physical congestion and adding to air pollution.

Each new member of the population becomes a consumer. And every purchase offers the possibility of using more electricity: hair dryers, electric tooth brushes; electric carving knives and can openers; electric mixers, blenders, juicers, toasters—all these appliances are promoted unceasingly. Considerable amounts of electricity are used in the factories to produce them; more is used in the TV industry to sell them; more is required for their use at home. Most of these could be classed as non-essential uses.

We have to learn to choose, to say no, to give up the luxury of unlimited choice. We have no alternative but to turn away from uncontrolled economic and technological growth.

It is essential that we re-examine all the basic factors—population, demand, sources, environment—that shape our energy policies. What is needed is a comprehensive assessment of the long-range outlook for energy in general—for the purpose of establishing a broad national program to guide future energy development, allocation and use, consistent with society's overall needs and nature's overall limitations.

TECHNOLOGICAL METHODS FOR CONSERVING ENERGY

(By Robert C. Axtmann)

Before we begin the discussion today, I thought it would be worth while to review some well-known and some not so well-known facts about the electrical utility industry. I've been asked to discuss technological methods for conserving energy—and I think it important that we establish some of the reasons why this is a desirable thing to do. And I'm grateful that Clyde Ruffle is here to keep me honest and to correct me if I slip a decimal place here or there.

First of all, I'd like to point out that electricity is one of the biggest bargains available. According to the 1970 issue of the *Statistical Abstract of the United States* (hereinafter *SA*), the average residential monthly bill for 500 kilowatt-hours in 1940 was $10.55 (*SA*, p. 350). In 1969 the average bill for the same amount of power was 23¢ less than it was 30 years earlier. In the meantime the Consumer Price Index (which includes electricity) had increased from 49 to 128—almost a factor of three. To reverse the argument, in terms of 1940 dollars, the price of electricity has decreased to a bit over one-third of what it was just before World War II.

The reasons are not hard to find. First, the utilities have been able to buy equipment that is much more efficient, i.e., that will produce more electricity from the same amount of fuel.

Second, the coal mines have automated to the point that mining is more efficient. Finally (and this is less well-known than the previous factors), the railroads have improved their methods drastically for transporting coal from the mines to the power plants.

So the very cheapness of electricity is one of the reasons—a psychological one—why voluntary methods for power conservation are difficult to encourage.

A second aspect of the electrical industry is widely known—that the consumption of electricity has doubled approximately every ten years since World War I. This has not occurred without the vigorous encouragement of the industry itself. I was about to say connivance, but Clyde sits too close. Until very recently, the industry has actively encouraged, even boosted the sale of their product. Barely 18 months ago Clyde Ruffle and I attended a conference of utility executives and engineering educators with the joyous title "Energy Times 21"—a title that derived from the projected increase in the demand for electrical energy that would occur over the working lifetime of a young man entering the power industry from the graduating Class of 1969. I recall circulating around at a cocktail party at the conference gently asking some of the executives if it might not be environmentally more responsible to have a less ambitious goal. I also recall some rather stony glances and even a suggestion that perhaps I might better avoid the bar for awhile. Times have changed, at least locally, with Con Edison's "Save a Watt" campaign—but Charles Luce is widely regarded as an apostate amongst his peers and it is certainly true that his campaign does not derive from environmental consideration alone.

Thirdly, it cannot be denied that the power industry is the largest single source of many sorts of pollution. It accounts for a full 75% of all thermal pollution in the U.S. (cf. *Thermal Pollution: Status of the Art* by Frank L. Parker and Peter A. Krenkel, Vanderbilt University, 1969). The percentage is also high for sulfur dioxide, for particulate matter, and although I have no hard data, I suspect also for the oxides of nitrogen. Nuclear power, which provides an opportunity for reducing all of these types of pollution except for thermal pollution (where it will actually increase the thermal load on the troposhere), has its own environmental problems. More significantly, for the present discussion, nuclear power currently accounts for only 2% of U.S. power production and while that percentage will rise as time goes on, fossil fuel plants are still being built and will continue to be built for many years to come.

Finally, it is worthwhile recalling that alone among American industries, the power industry irreversibly consumes valuable natural resources. When coal or oil or natural gas or uranium is burned to produce power, the fuel is irretrievably lost. Lost to us and to future generations. When we consume other mineral resources, say aluminum (of which I'll have more to say in a moment) or iron or titanium or lead, in principle at least we can recover them for reuse. And we will reuse them when it is economic to do so. For many years, for example, lead has been recycled—that's why Sears will pay you $2.00 for your old automobile battery. In fact, over 40% of all lead marketed last year in this country was reused. Not so for aluminum, although it may some day be so. Aluminum is being recycled in Princeton Township, but only because hordes of well-meaning people are volunteering their labor.

To summarize what I've said so far: the power industry is a major source of pollution; there are historical forces at work (that ten-year doubling time of power demand) which indicate that it will become an even more serious source of pollution; the very act of producing electric power by present technologies involves the irreversible loss of valuable natural resources; and, finally, the present low price of electricity is not likely to impede the demand for or the use of electricity. I do not mean to imply by this rather selective description of the power industry that I find it villainous. Far from it. But it is within the context of this description that we must look for ways and for reasons to decrease the consumption of power.

Before I proceed, however, I'd like to make a few remarks on the relationship between population and the growth of power demand, for it is population that is the main topic of the Alumni College. Many economists and some population biologists ("population biologist" is a word that *real* ecologists use to describe themselves now that the rest of us think of ourselves as ecologists) like to separate the growth in power demand between that due to population growth alone and the increase in the per capita use of power. When this distinction is drawn, the conclusion if often drawn that population growth *per se* is a relatively minor factor. Being neither an economist nor a population biologist, I find the distinction between per capita consumption and the number of capita somewhat artificial, not to say arbitrary. I can illustrate why with one of Barry Commoner's hobby horses—the aluminum industry.

Aluminum, as many of you know, is refined from ore through an electrolytic process known as the Hall Process. There is no economically competitive process that does not involve the use of electricity. It takes approximately 6.5 times as much energy to produce a pound of aluminum as it does a pound of steel. Since 1940 the total aluminum production in this country has risen by a factor of almost twenty while the production of steel has risen barely a factor of two. The aluminum industry now accounts for approximately 10% of the total industrial use of electricity. The point is that the rapid increase in the use of aluminum is not related to the growth of population (which surely didn't rise by a factor of 20 since 1940) or even to the per capita use of power. Rather it is a result of an aggressive marketing operation on the part of the aluminum industry. Nor, as Commoner is fond of pointing out, does it represent any increase in real affluence. One can see this if one considers the aluminum beer can. If the latter represents increased affluence, it is surely the beer rather than the can that is the affluent quantity. But even here we run into contradiction because the per capita consumption of beer hasn't changed appreciably in the last 25 years.

To summarize this point, then, we find that a very substantial component in the consumption of electricity is related not to population, perhaps not even to per capita consumption, but rather to a technological choice to substitute one metal (aluminum) that is environmentally unfortunate—it does not corrode rapidly and therefore does not automatically return itself to the environment—for another, iron, which does. Before leaving the point I simply point out that it's a reversible decision (with possibly unfortunate consequences for those involved in aluminum manufacture) but a reversal will require the sort of coalitions that are driving tetraethyl lead and supersonic transports from the marketplace.

And now to move on to ways and means for conserving energy. There are lots of little ways. A recent report published by an environmental subcommittee of the New York chapter of the American Institute of Architects pointed out a half-dozen things architects could do in the design of buildings to minimize the consumption of electricity. Things like fighting down the urge to light every square foot in the building with artificial light of sufficient intensity that a racing form can be read. Or using natural ventilation in some areas rather than relying on air conditioning. Or cutting down on nonessential lighting such as that used for advertising. Or using incandescent lights where fluorescent lights could be used. These are important, and I hope the architects take them seriously, but I would prefer to spend the moments here on schemes of greater total impact.

Then there is a whole series of proposals having to do with mass transportation. Typical of these is the use of flywheels in subway trains to be used as brakes. The forward momentum of the train, instead of being dissipated as heat in brake shoes, would be absorbed in setting a heavy flywheel in motion. Then when the train is ready to start up again, the energy stored in the flywheel can be used to overcome the inertia of the train and conserve the heavy drain of electrical current normally required to put the train in motion once again. It sounds good on paper but the idea makes me despair a little because (a) there are very few subways in North America and (b) the research that would be necessary to develop the scheme would undoubtedly have to be paid for by John Lindsay and Lindsay doesn't have enough money to pay motormen on the trains let alone sponsor research programs. And again, the overall impact on the nation's energy problems would be fairly miniscule.

So instead of describing piecemeal approaches to energy conservation, I'd prefer to spend my remaining time on a technological process with the promise of real impact on the problem.

Earlier I mentioned that one of the reasons electricity is as cheap as it is is because the efficiency of power plants has been raised substantially in the past few decades. Further significant advances in efficiency now seem quite unlikely given the basic design of power plants (both nuclear and fossil fuel) which involve the heating of water to steam and the use of steam to spin turbines which generate the electricity. There are theoretical limits on such processes and we're about as close to them as we are likely to get.

To obtain more kilowatt-hours for a given amount of fuel will require completely new technologies. Dr. Mills will be describing my favorite candidate—controlled thermonuclear power—in a matter of minutes. But my second choice, the process with impossible name of magnetohydrodynamics, which happily can be abbreviated to MHD, is one which can in the opinion of many experts be developed much more quickly, much more cheaply and (at least in principle) be adapted to the power plants that are already in existence. If successful, it could increase the efficiency of fossil-fueled plants by as much as 40 to 50%. When you consider the annual fuel bill for power plants (something on the order of 6 billion dollars per year), increases like this seem worth pursuing.

MHD is a process that permits a much more direct conversion of heat energy into electrical energy than does the steam-turbine cycle I described a moment ago. Instead MHD involves the transformation of the energy in hot, moving molecules which are ionized—that is, electrically charged—into electricity. No moving parts such as a turbine are involved. The principles of MHD have been known for a long time, but no really serious attempts have been made to apply them to electrical power production. Approximately once every three years someone in the federal government organizes a study panel to examine MHD. I have three such reports in my office. They all conclude that MHD has great promise, that the power utilities cannot be expected to do the research to reduce it to practice because of the expense involved, that the electrical equipment manufacturers cannot be expected to perfect the process for the same reason and that the government should embark on a wide-scale program. Last year, the federal government invested exactly $300,000 in MHD, according to a report entitled "Electric Power and the Environment" published by the President's Office of Science and Technology. That same report estimated that a total effort of $500,000,000 would be required to do the job.

To recapitulate, an investment of a half-billion in MHD has the potential of saving billions of dollars *per year* in fuel costs. It is tempting to compare these numbers with the experience in developing nuclear power where several billions have already been invested in the development of the current generation of nuclear reactors and three more billion are projected for the development of the next (breeder) generation. And all this to produce power that is barely competitive with the technologies that have been in existence for years.

Why has MHD been ignored? The answer is complex, but let me try. There is no central energy authority in Washington. No agency with the technical clout, political backing and thrust to take on MHD. The Atomic Energy Commission is constrained by law to develop only the peaceful uses of atomic energy. While the Nixon administration has recently proposed, as one component of its governmental reorganization plan, an overall Energy Commission (with the concommitant partial but substantial dismantlement of the AEC), this proposal has met with instant hostility by influential members of Congress—particularly those members of the Joint Committee on Atomic Energy whose power and influence would undoubtedly recede if the AEC were to be reduced in size and budget. Perhaps Congressman Ryan will have a more authoritative, and hopefully a more optimistic report, on the future of this proposal.

Research and development on advanced technologies is simply one component of an overall energy policy for the nation. The area of energy policy reaches far and includes, for example, such difficult and complex subjects as depletion allowances, import quotas, freight rate schedules, mine safety regulations and many others. And I repeat, there is no central agency charged with developing and presiding over a coherent, overall energy policy. When one considers that the yearly bill for electrical power is now over twenty billion dollars, the magnitude of the problem comes into focus.

There have been a few encouraging signs. Late in the Johnson administration, a section of three men was set to work on the energy problem in the President's Office of Science and Technology. And as recently as last year a new division of the National Science Foundation was set up to fund, with pitifully limited funds, a few new research efforts in this vastly important area. The decisions which effect energy policy, as nearly as I can determine, tend to be made by the faceless men in what was once called the Bureau of Budget. I personally think we deserve better. And I urge you to join with me in pressing for a change. Thank you.

Power Generation—A Study of Present Resources in Relation to Population Growth

(Presented by Clyde Ruffle)

Good morning ladies and gentlemen: On the original program for Princeton Alumni College '71 I am listed as "Alumnus from utilities industry." It is true that I have spent my adult lifetime working in the utility industry—Public Service Electric and Gas Company—but I must confess that I am not an alumnus of Princeton University although I should feel honored to be one. I welcome the opportunity of telling this audience about some of the problems which face our industry and more specifically of giving my personal views on the outlook with respect to power generation and fuel resources as related to population growth.

I should like to say at the outset that I am convinced that in the future, we in the United States, will be able to produce and distribute the electric energy required to satisfy the needs of all the population and with steady abatement of the undesirable environmental impacts in which all of us are so deeply interested.

Being an engineer, I am certainly not qualified to forecast the timetable of reduction in population growth as proposed by the advocates of Zero Population Growth, but I am satisfied that it is not necessary to consider this factor in our discussions today. Its impact at best will not be significant within the period of the long range growth forecast upon which the utility industry bases its plant expansion plans. This view is expressed in an article in the Conference Board Record of May 1971, Dr. Phillip M. Hauser, Professor of Sociology and Director of the University of Chicago Population Research Center said "But sometimes I fear that the public relations people on the Zero Population Growth front have not made clear that we will probably not achieve that condition in this nation for at least 80 years."

The electric utility industry is a high capital intensive industry, requiring the installation of very large plant facilities such as generating stations and transmission lines planned well in advance of the increments of growing load. Consequently, for many years we have made load forecasts 10 to 20 years in advance.

Population growth interestingly has not been the most important factor in the increase in use of electric power in the past as is indicated by the fact that the nation's population since 1882 has grown at a rate of 1.6% per year, equivalent to doubling every 40 years, while electric power use has grown at an annual rate of 7%, equivalent to doubling about every 10 years. Thus, it is evident that the demand for goods and services, increase in personal income, and individual preferences as to how the available income will be used, and technical developments, are more important factors in the growth of electric power use than is the basic population growth.

In the future we see environmental improvement activities as a new factor that increases the use of electric power. For example, a comprehensive survey of regional sewage treatment facilities required to clean up the major rivers of the United States indicates that this program could require additional electric power supply of several million kilowatts. Other programs to improve the environment such as solid waste recycling and new or expanded mass transit systems will also add materially to the nation's future power requirements quite apart from population growth.

All of us are concerned with the adequacy of supply of fuels for power generation in the face of vastly expanded electric power needs in the future. In connection with the 1970 National Power Survey now in the final stages of preparation by the Federal Power Commission, the Northeast Regional Advisory Committee estimates that power needs in this region will require a power supply of 2.7 to 3.5 times the present level by the year 1990.

People are concerned that at this rate of growth we may soon run out of fuels for the generation of electric power, and as a matter of fact, the supplies of some fossil fuels are indeed limited. However, in my opinion we need have no fear of running out of fuel for the following reasons:

Natural gas and oil reserves within continental United States are low, being estimated at 13 years, and 9 years, respectively, while coal reserves are estimated at 400 to 1,400 years at present rates of usage by industry and utilities. In the field of nuclear fuel, uranium for conventional fission reactors is estimated to be adequate for about 13 years, and the development of a practicable breeder reactor now under intensive research and development could extend the availability of fissionable material substantially. Fossil fuel and uranium supplies from foreign countries will, of course, augment these domestic reserves.

Beyond this, the exciting promise of a massive new fuel source for the long pull lies in the development of a commercially feasible controlled nuclear fusion reactor. Five or six major research projects on controlled fusion are under way in the United States and there are a number elsewhere in the world. Estimates of time required to reach commercial operation range from 20 to 30 years. Since the fuel for such reactors is heavy hydrogen, which occurs in the ocean, lake and stream waters of this planet, the supply of this resource can be considered as virtually unlimited.

One of the most promising research efforts in controlled nuclear fusion is being carried out here at the Princeton Plasma Physics Laboratory. I am sure you will be most interested to hear what Dr. Robert Mills has to tell us on this vitally important subject.

From the above remarks it is obvious that fossil fuels, except for coal, will not be available to take a large share of growth in power production. Coal reserves are substantial, but the problems of fly ash and sulfur dioxide emissions from coal burning plants are serious.

Uranium reactors which are just coming into widespread use are our best hope for the near future. They emit no fly ash or combustible gasses. However, the need for breeder reactors to expand the usable reserves of uranium is very pressing and research and development work must be carried forward as rapidly as possible. It is estimated that commercially practicable breeders will be available in the early 1980s and this expanded source of fuel will tide us over until the 1990s when, hopefully, fusion reactors will be available.

What will we do to reduce air pollution from fossil fired plants during the progression to widespread use of the essentially pollution free nuclear plants? Much has already been done. For example, the record in New Jersey to date is impressive. By the end of 1971 my company will have reduced the discharge of fly ash by 76% and of sulfur dioxide by 63% since 1966. We are proud of this record and we are working to continue the downward trend which is most important in the face of increasing use of electric energy.

I am sure you must know that the substantial reduction in the quantity of pollutants is an expensive undertaking which today requires the use of high cost low sulfur fuel to reduce the sulfur dioxide emission and the installation of highly efficient electrostatic precipitators to take the fly ash out of the flue gas stream. Incidentally, every boiler that my company has installed since 1937 has been equipped with electrostatic precipitators, so this technique of pollution control is nothing new to us. However, there have been ever increasing requirements under the air pollution control code in New Jersey. It is now necessary to install precipitators having an efficiency of at least 99%, whereas in the earlier days 85% to 90% efficiency was considered adequate.

You no doubt have heard some say that the proper way to reduce pollution is to curtail the use of electricity by various methods, such as by charging a higher price per kilowatt hour for higher usage, or by placing a stiff sales tax on important appliances such as house heaters, air conditioners, TV sets, etc., or by passing legislation prohibiting home owners from connecting more than one of each heavy use appliance to his service. All of these moves are negative steps. They would seem to discriminate against the economically disadvantaged. They would encourage the use of energy in other forms which would have a more deleterious effect on the environment. Some of these moves would be difficult to implement, and of course would be contrary to our free society.

I do not believe that we in America have reached the point where we no longer have the determination, the ingenuity and the technology to meet the needs of our people for such necessities as additional lost cost housing, improved mass transportation, reasonably priced food and clothing and ample electric energy and to meet these needs without serious impairment of the quality of our environment. To curtail our efforts in any of these areas would be a serious blow to the future of this nation. A negative course cannot solve the problem. We must continue to strive to achieve a reasonable balance between environmental quality and sufficient electric power for all of our requirements.

In these introductory remarks, time does not permit me to discuss all of the environmental problems facing the utility industry in building an adequate plant to meet the growing load, while at the same time designing and operating the system to provide an ample and reliable supply of electric power at a reasonable cost to the consumer.

I have discussed the problems of minimizing air pollution in some detail, as we consider this to be the most important area of our impact upon the environment. We consider of next importance the problem of thermal effects on the rivers which supply the condensing water needed for our steam turbine generators. Nuclear plants require relatively large amounts of cooling water. My company's first nuclear plant is under construction on the Delaware River near Salem, N.J. The Army Engineers' model at Vicksburg, Miss. was used to duplicate conditions under various tidal flows and inlet and outlet designs from which the optimum arrangement was selected and is now under construction. Also, we retained Dr. James H. Carpenter of Johns Hopkins University to make exhaustive studies of stream flow and water discharge patterns to determine temperature rise in the river at this location.

In addition to this we have retained Dr. Edward Raney of Cornell University and as many as 30 marine biologists to make an unusually comprehensive survey and study of marine life and radiation levels at and above and below the plant site so that a basis of comparison between conditions prior to and after operation of the plant can be determined. The study was started in 1968 and will continue until at least five years after the first unit is started in 1973. This is the most extensive indepth ecology survey ever undertaken prior to the erection of a nuclear generating station.

I should like to say at this point that I believe the intrusion upon the environment brought about by the operation of electric power systems can be clearly classified into three categories. First, the possible effects on the health of human beings. Second, effects on the ecology of the area, such as plant and marine life, and third, aesthetic impacts.

I have discussed to some extent the first and most important of these, the effect of air pollution on the health of human beings, and I reiterate that we are making every effort to minimize these effects and to comply with the criteria of the various codes that have been established to serve as a basis of comparison.

We are also very conscious of ecological effects as illustrated by the extensive studies being made of aquatic life at Salem nuclear generating station. Here, too, there are criteria, for example, a temperature-rise limit established by the Delaware River Basin Commission. Our new plant will fall well within the prescribed limit.

The third category, aesthetic considerations, is most difficult to deal with, because of disagreement as to what is or what is not an acceptable design of tower line, power plant or substation. The design of a power plant or tower line which meets the approval of Community A may not be acceptable in Community B. The increased interest in our designs on the part of individuals and groups makes the process of arriving at choices very difficult and time consuming. We are, however, working very hard to meet the desires of people in our area regarding the location and design of these essential facilities. This problem is nationwide but is more acute in densely populated areas such as the State of New Jersey.

We make a practice of giving advance notice of our general plans followed by discussions with municipal, county and state bodies and frequently by public hearings to obtain agreement where possible on the most acceptable plan. People generally are reasonable when our needs are put before them but often the response is "sure we need electric service but why don't you put that substation in the next town."

In line with our efforts to improve the appearance of our facilities, we are continuing our long-established program of putting heavy distribution lines underground, giving special architectural treatment to structures, landscaping our facilities, using specially designed towers and dynamic color schemes for our structures. These measures, together with expenditures for air and water quality control have required expenditures totaling 96 million dollars, of which about 55 million dollars has been spent in the last 4 years.

Now, let me conclude by summarizing briefly a few of the things that have been said:

Energy requirements in the northeast part of our country may, by 1990, increase up to as much as 3½ times present levels.

Population growth will not be the most important factor in this increase, but other factors, such as improving the nation's health, education and environment, and its standard of living in general, will make up the significant part of this increase.

The increase in available electric energy will be accomplished by shifting from the fossil fuel technology to nuclear and possibly other technologies; and, by the end of the century to fusion energy itself.

The resources to meet the increased requirements for electric energy are available.

As indicated today, the utilities are on a descending curve of environmental impact. The effect per unit of energy is being drastically reduced. This trend will unquestionably continue.

Consequently, I am convinced that this country has the present and foreseeable technology and natural resources to produce and distribute the electric energy to satisfy the needs of its people for many years with a minimum impact on the environment.

The real question mark in the nation's ability to obtain sufficient electric energy may well be whether it has the appropriate political and social mechanisms for this achievement. For the short run, the threat to sufficient quantities of electric energy may lie in the onrush of environmental codes and regulations, some of which are unattainable, and with the regulatory agencies whose jurisdictions at times are overlapping, inconsistent and competing.

June 9, 1971

THE PROMISE OF CONTROLLED THERMONUCLEAR POWER

(By R. G. Mills)

I. INTRODUCTION

There has been a striking growth in recent years in public interest in all the aspects of population pressure on our environment and all the secondary symptoms that we must begin to deal with if life is to remain pleasant on our planet. This has generated a great deal of talk, and I am proud to be able to tell a Princeton audience that Princeton is no Johnny-come-lately to the problem; nor is it simply a talker rather than a doer. One part of Princeton University, namely the Plasma Physics Laboratory on the Forrestal Campus, has been working on one of the fundamental problems of mankind for almost twenty years. This laboratory is actually the largest single element of Princeton University. Today I want to tell you about what we are doing out there, but first I want to describe the problem.

II. THE ELECTRICAL POWER DEMANDS OF THE NATION

In round numbers we have 300,000 megawatts of installed electrical generating capacity, and the demand doubles in ten years. The increase in demand comes partially from increased population and partially from new uses for electricity. This accelerating growth will not continue for very long. One way or another the population will be stabilized, and the rate of rise in power use per capita will slow, but that does not alter the fact that today the load is increasing at this rate, and it must be met. Every ten days this nation needs to add a new 1000 MW plant to its system. This is a fact of mid twentieth century life. There are those among us who offer to meet the resulting environmental problems by putting economic pressure on large power users by inverting the price structure with respect to the cost structure, by special taxes, or by rationing, but I submit that these measures show very little imagination. At best they would be palliatives merely slowing the development of the problem; at worst they would be counterproductive preventing amelioration of environmental problems. As one example of the latter consider the situation that would meet the development of low cost batteries and high performance electric automobiles. The automobile is today's worst offender, and the electrical automobile would be a tremendous boon. It would, of course, boost the demand for electric power. Many things could be done better electrically if that marvelously clean and quiet form of energy were cheaper.

However the electrical system as a whole is *not* clean. That new 1000 MW plant that we need every ten days may burn 9000 tons of coal every day of its productive life after it goes into operation. Getting that coal and getting rid of the wastes is a dirty problem. To really solve it we need a brand new technology, not a tinkering with the old system to patch it up and make it a little better, but an innovation that eliminates the problem. Such is the promise of controlled thermonuclear power, the task our laboratory is working on. If we can tap the enormous energy reserves of the heavy hydrogen (deuterium) in the oceans, mankind will have an inexhaustible supply of fuel of negligible cost, distributed throughout the world and capable of clean, low cost power.

Coming back once again to that 1000 MW plant, let us compare the fuel consumption and waste production from a coal plant with those of a fusion plant. The accompanying chart gives the numbers. Note that the numbers are not only bigger; so are the units. We are talking about tons of fuel and waste for coal plants whereas we have pounds of fuel and waste for fusion plants. Furthermore, the "waste" of a fusion power plant is ordinary helium gas, a valuable commodity that may be in short supply in subsequent decades.

The primary fuels are deuterium and lithium, with tritium (triply heavy hydrogen) burned directly in the nuclear "boiler", but regenerated from lithium in the power plant.

DAILY FUEL CONSUMPTION, DAILY WASTE PRODUCTION

(1,000 Mw)

Coal plant	D-T Fusion plant
Fuel: 9,000 T. Coal	1 lb. D_2. 3 lb. Li^6. ($1\frac{1}{2}$ lb. T_2).
Waste:	
30,000 T. CO_2 600 T. SO_2 80 T. NO_2	4 lb. He^4.

III. THE FUSION POWER PROCESS

It would be inappropriate this morning to get into a very technical discussion of the subject, and believe me, it is one of the most technical subjects imaginable; but let me give you just a flavor of the complexity of harnessing fusion power by a brief description of what must be done to produce a nuclear fusion fire.

Just as in the burning of coal where we must arrange things to bring atoms of carbon in the coal into close proximity with atoms of oxygen from the atmosphere, so in nuclear fusion we must bring nuclei of deuterium into close proximity to nuclei of tritium. However, nuclei carry positive charges and vigorously repel each other; so it is extraordinarily difficult to get them close together. The answer is to hurl them together with sufficient velocity that their momentum allows them to collide despite their strong mutual repulsion. When the arithmetic is all done it turns out that the secret of fusion power is to build a container in which we can heat a gas of fusible fuel to a temperature of 100,000,000° C.

No material wall can be used, and laboratories throughout the world are making use of magnetic fields as a tool for confinement of these hot gases, known as *plasmas*.

IV. PRINCETON'S PART IN THE WORK

Since this is a Princeton audience, I shall describe only our work, but I should make it clear that essentially every industrial nation has mounted a large research effort directed toward the goal of commercial fusion power. In the United States the work up to now has been supported predominantly by the Atomic Energy Commission. This support has gone principally to four laboratories: Los Alamos in New Mexico, Oak Ridge in Tennessee, Livermore in California, and the Princeton Plasma Physics Laboratory. The annual national budget in recent years has been about $28 million.

Our laboratory employs almost 400 people. Of these 400 about 100 are professional scientists and engineers. The work is expensive and requires large amounts of equipment. To generate the high magnetic fields used to confine the plasma high power is required. We have three large motor generator sets each with a 96 ton flywheel. It is flanked on either side by modified steel mill motors operated as dc generators. Each shaft is driven by a 7000 horsepower electric motor. The peak power output of this system for two seconds is 200,000 kW, enough power for a city the size of Trenton. For economy the system is operated cyclically so that our average power is only 15,000 kilowatts, a load similar to that for the town of Princeton. This power supply feeds a wide variety of experimental machines.

V. THE PRESENT STATUS

During the past 17 years there have been periods of optimism sandwiched between periods of disappointment. In the past the optimism was generally associated with the appearance of fresh, new ideas that appeared full of promise. In contrast, today's high optimism is based on solid experimental results that make the proof of scientific feasibility appear imminent.

The excitement had its origin in 1969 when it became clear that the Russian T-3 Tokamak experimental machine was heating its plasma to somewhat higher temperatures and maintaining its confinement for ten times longer than similarly shaped machines had accomplished in the past. The Russian results at first were viewed with some skepticism in the west where it was thought that their measurements of high temperatures might be explained by a two-component plasma of moderate temperature plus a group of high energy electrons. These alternate interpretations can be discriminated between by instrumentation by laser equipment. In 1969 the Russians didn't have suitable laser apparatus available in Moscow, but such equipment was available in England. The English offered to take their equipment to Moscow to make the measurements. The Russians welcomed this assistance and in September of 1969 at the conference in Novosibirsk, the thermonuclear fraternity was greeted by the news that the T-3 plasma was really hot, indeed somewhat hotter than the original claim.

This news stimulated the laboratories of the world to determine why the Tokamak did better than other toroidal containers, and a number of laboratories undertook fabrication projects. Princeton decided in November to modify its Model C stellarator into a Tokamak by cutting out the straight section and moving the two U-bends together to form a circle, and had the ST (Symmetrical Tokamak) operating in May of 1970. During the past year we have confirmed the Russian results and extended measurements to a more detailed knowledge of the plasma structure and behavior.

The important aspect of this work is not merely that higher temperatures and longer confinement times have been achieved; more important is the fact that for the first time conditions are improving as the temperature rises, rather than deteriorating. We already have demonstrated in the laboratories a low enough diffusion rate to make a reactor possible. The next step is to show that we can maintain this as we raise the temperature to reactor conditions. In these machines we have electron temperatures of 15,000,000°C, and ion temperatures of 5,000,000°C. We need to improve these by about a factor of ten, and the key to doing this is to have a larger machine.

VI. THE FUTURE

More powerful machines mean larger and more costly equipment. It is significant that several different design studies of machines to demonstrate the scientific feasibility of fusion power cost in the range of 25–30 million dollars each, approximately the present national AEC budget for the entire program. Fortunately, as the recent successes attract attention, more interest in the program is generated, and it appears that the budget may be increased. It is especially gratifying to us that the public utility industry is very interested in the program. The Public Service Electric and Gas Company of New Jersey was the first to contribute financial backing to our efforts, and others have followed suit. This is a most important development and is a first step toward the day when the cost of developing fusion power will be shifted from the government to industry.

The questions always arise of how long will it take and how much will it cost. Predicting the future is hazardous, but in broad terms it looks like the proof of scientific feasibility will come during the seventies, demonstration plants will operate in the eighties, and commercial fusion power will be a reality in the nineties. The costs should average $100 million per year until the new industry is born.

What does this promise? Simply a permanent solution to the energy problems of mankind. Inexhaustible, low cost fuel; an inherently-safe generating system that is clean and quiet enough for location within regions of high population density, and a substantial improvement in the problem of waste heat.

U.S. CONTROL OF CARIBBEAN VITAL TO THE NATIONAL DEFENSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. RARICK. Mr. Speaker, continued U.S. control of the Panama Canal and the Canal Zone, as well as of our naval base at Guantanamo Bay in Cuba and our military installations in Puerto Rico is vital to the military defenses of this country.

I view with grave concern the present negotiations with Panama involving our sovereignty over the Panama Canal Zone and the failure of the executive branch to respond vigorously to the blatant vituperations by the Communist spokesmen for Soviet Russia and Cuba condemning our presence in Guantanamo Bay and openly stating their intention to remove American presence there. While our naval stations at San Juan and Roosevelt Roads have not been subjected to such verbal threats, there is a separatist movement for nationhood underway by those in Puerto Rico who would socialize that island and nationalize all industries.

The Panama Canal is at the strategic maritime crossroads of the Western Hemisphere and is of great importance for interoceanic commerce in peacetime and the security of the United States in time of war. Under no circumstances should we allow it to come under the control of any other nation or of any international agency such as the U.N.O.

The demands by Panamanian officials for complete sovereignty by Panama over the Canal Zone are unreasonable and without legal justification. Three treaties form the legal basis for U.S. sovereignty over the Panama Canal and the Canal Zone. The Hay-Pauncefote Treaty of 1901 with Great Britain acknowledged the sole right of the United States to build the canal.

The Hay-Bunau-Varilla Treaty with Panama of 1903 granted to the United States in perpetuity "the use, occupation and control" of the Canal Zone territory for the "construction, maintenance, operation, sanitation, and protection" of the Panama Canal with full "sovereign rights, power and authority" within the zone to the "entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority." This treaty not only binds the United States in perpetuity to maintain, operate, and defend the Panama Canal but also binds Panamá to recognize the validity of the treaty. Also the United States was given "all rights, power, and authority" over a strip of land 5 miles on each side of the canal extending the approximately 50-mile length of the canal from the Atlantic to the Pacific.

The third treaty legalizing America's sovereignty over the Panama Canal is the Thomson-Urrutia Treaty of 1922 whereby Colombia recognized ownership of the Canal as "vested entirely and absolutely in the United States of America."

These three treaties to protect America's interests were hammered out by wise and realistic negotiators. The main concern of those presently bargaining with the Panamanians seems to be placating America's enemy. Our early negotiators realized that Panama was a politically unstable country plagued with recurrent revolutions. So, they insisted that U.S. soveignty over the Canal Zone and over operation of the canal be granted in perpetuity. In perpetuity means forever.

Guantanamo Bay, which is located at the crossroads of the Caribbean Sea, commands the Windward Passage from the Atlantic to the Caribbean and serves as a sentinel in defense of the Panama Canal.

By a Treaty of Relations between the United States of America and the Republic of Cuba of 1903 as renegotiated in 1934, this country has the right to retain the naval base at Guantanamo. The agreement cannot be abrogated without the consent of the United States—not by treaty but by an act of Congress as provided in article 4, section 3, clause 2 of the U.S. Constitution.

Another factor to consider in any claim by the present regime in Cuba of its right to Guantanamo is that the treaties of 1903 and 1934 were made by freely elected representatives of the Cuban people. There have been no free elections in Cuba since Castro seized power in 1959.

And then there is the treaty of 1904 between the United States and Cuba wherein the United States relinquished claim of title to the Island of Pines in consideration of the use by the United States of Guantanamo as a naval station. The United States has just as much right to claim the Isle of Pines as Cuba does to claim Guantanamo.

In 1960, both Castro and Khrushchev condemned the United States for being in Guantanamo, claiming that it rightfully belonged to the Cuban people.

President Eisenhower issued a forceful statement letting the world know that the United States had no intention of giving up Guantanamo and of our intention to take whatever steps might be appropriate to defend it.

On November 1, 1971, Castro and Kosygin, at the end of the latter's visit to Cuba, issued a joint communique which proclaimed:

> The Soviet side highly appreciated the achievements of the people of the Republic of Cuba in building the foundations of socialism. It condemned again the imperialist blockade practiced by the United States of America against Cuba and different U.S.-encouraged hostile actions, including piratic actions and violations of air space, as well as expressed itself against the unlawful presence of the North American military base of Guantanamo in Cuban territory.

While in Chile a few weeks ago, Castro boasted that he would soon make a claim for Guantanamo, and that the United States would surrender the base without a shot being fired.

On December 10, 1903, Armed Forces of the United States entered Guantanamo for the first time. Cuban Dictator Fidel Castro this past Friday, the 68th anniversary of American occupation of Guantanamo, utilized the occasion to verbally blast the United States, stating that our presence in Guantanamo was illegal and that the stubborn attitude of the United States of remaining in Guantanamo would provoke a conflict.

Mr. Speaker, I deem it imperative that the United States make it clear to the world that U.S. sovereignty over the Panama Canal Zone and the Panama Canal are nonnegotiable, that this Nation declare again as did President Eisenhower its intent to take whatever steps as may be necessary to defend Guantanamo, and that we beef up our defenses to be prepared for any foreseeable eventuality in the Caribbean area.

If the United States ever gives up its base at Guantanamo, it should be given to the free Cubans as a base for liberating their homeland.

I insert at this point in the RECORD a report by Roberto E. Socas entitled "U.S. Naval Base, Guantanamo Bay, Cuba, Background Analysis," and the texts of the 1903 and 1934 treaties concerning Guantanamo and the treaty of 1904 regarding the Isle of Pines between the United States and Cuba.

[From the Library of Congress Legislative Reference Service]

U.S. NAVAL BASE, GUANTANAMO BAY, CUBA—BACKGROUND ANALYSIS

(By Roberto E. Socas)

INTRODUCTION

On January 3, 1961, the United States severed diplomatic and consular relations with Cuba. This step followed a series of increasingly hostile actions by the Cuban Government. Cuba had expropriated almost $1 billion in United States-owned property. It had consistently followed a policy of vilification of the United States and its leaders. It had accused the United States before the United Nations of intervention in Cuba and of aggression against Cuba. Cuba had drawn closer to the Sino-Soviet bloc and continued to receive quantities of military and other forms of assistance from that bloc.

In view of the present state of relations between Cuba and the United States the position of the U.S. Naval Base at Guantanamo Bay, Cuba, has been the subject of grave concern to Americans. This paper provides background on the situation of the Guantanamo Naval Base. It notes the legal right of the United States to lease the area upon which resides the Guantanamo Base. It describes the physical characteristics of the Base. It draws together differing estimates of the military-strategic and political importance of Guantanamo to the United States. Finally, it outlines United States, Cuban and Soviet policies toward the Base.

I. BACKGROUND TO UNITED STATES ACQUISITION OF GUANTANAMO NAVAL BASE

The United States originally acquired the area upon which it established the Naval Base at Guantanamo Bay, Cuba, through a lease agreement negotiated between the United States and Cuba in 1903. While recognizing that Cuba retained ultimate sovereignty over the leased area, the United States was granted "complete jurisdiction and control" for as long as it retained use of the area. By a further agreement that year, the United States agreed to pay Cuba $2000 in gold annually for the use of the leased area. By the Treaty of Relations of June 9, 1934, Cuba and the United States reaffirmed the provisions of these lease agreements.

In addition, an Executive Order signed by President Franklin D. Roosevelt on May 1, 1941, established Guantanamo Bay as a "Naval Defensive Sea Area" and a "Naval Air Space Reservation." This order, which is still in force, closes Guantanamo Bay to foreign warships and aircraft, as well as to commercial shipping and aircraft, except vessels engaged in Cuban trade.

II. A DESCRIPTION OF GUANTANAMO NAVAL BASE

The Guantanamo Naval Base, on the southeast tip of Cuba roughly 500 miles from Miami, encompasses 19,621 acres of land and 9,196 acres of water. This 45 square mile area of land and water is enclosed by 27 miles of perimeter fence inland and on the seaward side by 9 miles of waterfront. On the land side it is surrounded by red clay hills and high jungle land, all suitable for Cuban artillery emplacement.

This United States Base represents an investment of some $76 million, contains harbor, docking and ship repair facilities, communications, medical, supply, ordnance stowage, training, and administrative installations. There are two airfields with associated shop and hangar facilities, including a 5000-foot runway at McCalla Field for conventional aircraft and an 8000-foot strip for jets at Leeward Point. In addition, on-base housing and recreational facilities are provided for American personnel.

The Base is a self-contained entity except for the water and part of its electric supply. Water must be pumped from a pumping station on the Yateras River more than four miles outside the Base; part of the Base's power needs are supplied by a Cuban power company. In the event that essential utilities are cut off, alternative emergency sources could be resorted to if usage were strictly rationed.

In recent months, military personnel has included about 250 officers and 3000 enlisted men. Two hundred sixty United States civilians are employed in a Civil Service status and resident on the Base. Dependents total about 2770. In addition, close to 3600 Cubans are regularly employed on the Base, most of whom live outside the naval installation.

Current annual maintenance and operating costs total $8.3 million. Of this about $7 million is in the form of wages to the 3600 Cuban workers at the Base, and $500,000 in the form of purchases of fresh provisions and other commodities from Cuba. Since the Base presents about the only major opportunity for employment in the area and the land is too arid to cultivate, the Base provides a welcome livelihood for thousands of Cubans who might otherwise fare badly on that part of the island.

From the above it can be seen that the Base contributes $7.5 million annually ($7 million in wages and $0.5 million in purchases) to the Cuban economy. In addition, Cuba has been receiving $3,386.25 since 1934, in place of the $2000 in gold coin originally agreed to.

Defense preparations are reported to be thorough. The naval, marine and air contingents regularly stationed on the Base, along with the weapons at their disposal and high wire fences and land mines, have been placed in readiness to combat any direct assault. In addition, reinforcements are readily available from our bases in nearby Puerto Rico, the West Indies, Florida, and our Caribbean naval forces which are steaming in the Vicinity of the Base.

III. ITS IMPORTANCE TO THE UNITED STATES

A. Military-strategic importance

The Base at Guantanamo Bay with its deep water harbor and its excellent climate, has a variety of strategic uses.[1]

Lying at the crossroads of the Caribbean, Guantanamo commands the Windward Passage from the Atlantic to the Caribbean and serves as an outer defense post for the Panama Canal. It is an important link in the chain of bases protecting the Caribbean. Guantanamo's central location and extensive facilities make it a staging base for military fighter, bomber and supply-carrying aircraft bound for Central and South America, as well as for any surface or troop activities in the Caribbean.

In view of growing Soviet submarine strength, including atomic submarines, it is argued that Guantanamo is important is assisting in the search for and identification of Soviet submarines and that it therefore discourages Russian submarine incursions along the Eastern seaboard and the Caribbean. Its training facilities are deemed excellent, particularly for anti-submarine warfare and for practice in amphibious strike exercises.

From the logistical viewpoint Guantanamo's value lies in its unique ability to support naval and other operations in the Caribbean. Its many and varied facilities are considered to be invaluable by the naval authorities who hold that they cannot be duplicated elsewhere except at great cost in money and time.

It has been further argued that Guantanamo has a negative strategic value. So long as the United States occupies it, the Base is denied to international Communism. Were Cuban relations with the Soviet bloc to become even more intimate and were the United States to withdraw from the Base, Castro might feel free to turn the Base over to Soviet control. Such an eventuality would speed the penetration of international Communism into this Hemisphere and, by affording a haven to Soviet submarine craft, would pose a closein threat to the Western Hemisphere.

Some commentators, on the other hand, have questioned many of these views. They feel that fixed bases are outdated in the age of modern missile artillery. One leading naval spokesman, for example, has stated that with the increase in range of ballistic missiles, the growth in the power of their warheads and the development of greater precision and accuracy of the guidance systems of these missiles, if military forces are to survive an attack, they must seek greater dispersion, mobility and be more effectively concealed.[2] Although he did not explicitly apply this judgment to Guantanamo, it might be agreed that "Gitmo" shares these limiting characteristics of fixed bases.

Hanson W. Baldwin, *New York Times* military analyst, admits that Guantanamo, though highly important in any limited war, is "probably not vital" from the strategic viewpoint. He adds that "For all-out nuclear war, Guantanamo Bay, with its present facilities, is useless."[3] Others agree with this analysis, pointing out in terms of global strategy that Guantanamo "has only marginal value," or that Guantanamo "is a military convenience, not a necessity."[4] *Life* Magazine observed that "with the increasing mobility and endurance of modern armament, military men concede that Gitmo is no longer absolutely essential to American defense."[5]

Finally, critics note that the whole problem of the value and role of United States overseas bases is being reassessed by policy makers, from the viewpoint of their strategic utility, of the political difficulties they usually arouse, and the balance of payments drain they represent.

In this context it is argued, unlike other United States overseas bases Guantanamo is not located near the front lines of defense against Soviet and Communist Chinese advance. As such it is held to offer little deterrent value to that potential enemy.

B. Political importance

1. *Political importance to the United States of retaining Guantanamo*

a. *As a symbol of United States interest in Caribbean affairs*

It has been contended that Guantanamo is politically important to the United States as a symbol of our continued interest in developments in the Caribbean and throughout the Western Hemisphere. In his Inaugural Address, President Kennedy has affirmed this interest and the desire of the United States to "let every other power know that this hemisphere intends to remain master of its own house." Some argue that our continued use of this Base unambiguously confirms this intent while any other policy would seem to deny this intent.

b. *As a symbol of United States strength and prestige*

Those who stress the political importance of retaining Guantanamo argue that any concession to a Communist-controlled regime is seen by Moscow or Peking as a sign of weakness. Any evidence of a readiness on the part of the United States to withdraw from the Base, some argue, may only invite Castro to be more hostile and provocative and ease his passage to a closer intimacy with the Soviet Union.

Many observers feel that a withdrawal from Guantanamo would symbolize a sharp decline of United States power and influence throughout the Caribbean and, therefore, at the least, throughout the Hemisphere and probably throughout the world. As Hanson W. Baldwin has summarized this view:

"Gitmo, important militarily, is even more important as a symbol of the United States' position in the world today, and as a sanctuary of freedom in a land where freedom is dying. We retreat at our peril."[6]

c. *Policy toward Guantanamo and precedent*

Some argue that any policy adopted toward Guantanamo will be taken as a precedent of United States policy toward other bases. Should the United States abandon Guantanamo, where our right is clear, it is argued that a dangerous precedent may be established which could apply with even greater validity to bases where our position is not as clear nor our rights based on such historic treaty arrangements. Some argue, therefore, that withdrawal from Guantanamo will imperil the entire structure of United States overseas bases ranging from the Panama Canal Zone to our European, African and Asian outposts.

d. *Guantanamo as a link to the Cuban people*

With the break in diplomatic relations and the absence of many other opportunities for contact between the peoples of Cuba and those of the United States, communications between those two nations may suffer, misunderstandings arise, images become distorted, Some argue that our naval forces and their excellent behavior in the Base seen clearly by the Cuban workers there give lie to the claim that we are a nation of imperialistic ogres and warmongers. Guantanamo can be seen as one of the last links between the American people and the Cuban people. Consequently, it serves as a sign of our support for the aspirations of the Cuban people and as a symbol, perhaps the last remaining one, of freedom in Cuba.

2. *Political importance of withdrawing from Guantanamo*

There are some, on the other hand, who argue that more is to be gained than lost if the United States should withdraw from Guantanamo. These critics contend that: (a) Guantanamo is now of relatively low strategic importance; and (b) there are real risks in retaining the Base, particularly if the Cuban Government should provoke a campaign of active harassment. They are concerned about the blow that could be dealt to United States prestige abroad should the United States, in defending the Base, be forced to injure or perhaps even cause the death of misguided but innocent Cubans involved in agitation against the Base. Furthermore, were the United States to withdraw, Guantanamo no longer could serve Castro as a scapegoat nor could it be denounced before the world as a focus of United States interventionary action against Cuba.

In addition, these advocates contend that a policy of withdrawal has certain positive aspects. They argue that: (a) by withdrawing voluntarily, the non-imperialist nature of United States foreign policy would be made unambiguously clear; and (b) withdrawal would improve relations with Castro.

Critics of these views stress what they feel to be the political importance of retaining Guantanamo. They argue that United States-Cuban relations are influenced not only by what United States policy is toward Guantanamo but more by a complex of United States-Cuban differences, particularly those caused by the expropriation of United States-owned property, the anti-United States campaign waged by Castro, and the close relation of Cuba with the Sino-Soviet bloc.

IV. UNITED STATES POLICY TOWARD GUANTANAMO

In late September 1960, Admiral Arleigh A. Burke, Chief of Naval Operations, expressing the nation's concern over developments in Cuba, declared the intention of the United States to defend Guantanamo by force should the need arise. The following month Admiral Burke stated his objection to any attempt at unilateral abrogation of the lease agreement by Cuba.

In November 1960, as relations with Cuba appeared to deteriorate further, President Eisenhower enunciated United States policy on Guantanamo in a special statement.[7] The President stressed the legal right of the United States to retain the Base and gave notice of United States unwillingness to abrogate the Treaty. In addition, he reaffirmed the United States intention to defend the Base should the need arise.

---

[1] The principal United States justification for the strategic role of the Guantanamo Base is to be found in a statement by Admiral Arleigh A. Burke, Chief of Naval Operations, at the Hearings on Defense Appropriations held by the Subcommittee of the House Committee on Appropriations, January 21, 1960, p. 168ff. The key excerpts are reproduced in Appendix I.

[2] Statement made by Admiral Russell, Vice Chief of Naval Operations, on February 2, 1960, at Hearings on *U.S. Relations with Panama*, before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, 86th Congress, 2nd session, p. 93.

[3] "Clouds over Guantanamo," by Hanson W. Baldwin, *New York Times Magazine Section*, August 21, 1960.

[4] "At Guantanamo Base: Quiet—and Danger." *U.S. News and World Report*, October 31, 1960, p. 70. Also "Cuba—Stakes at the Base," *Time*, March 28, 1960. p. 38.

[5] "Communism's Take Over in Castro's Cuba," by Keith Wheeler, *Life*, July 18, 1960. p. 21.

[6] "Guantanamo—Ours or Castro's?" *Saturday Evennig Post*, September 24, 1960. p. 72.

[7] Appendix II: White House statement delivered November 1, 1960.

After the severance of diplomatic and consular relations with Cuba in January 1961, concern was evidenced in official circles of the effect this might have on Cuba's policy toward Guantanamo. To avoid misunderstanding of the United States position, President Eisenhower authorized a statement which noted that the diplomatic break had no effect at all on Guantanamo. It asserted that United States treaty rights could not be abrogated without the consent of the United States.

These statements of policy stress the United States resolve to retain the Base and to resist, with force if need be, any Cuban attempt either to abrogate the lease agreement or to force a United States withdrawal from the Base.

The United States position on Guantanamo is further defined by the official naval evaluation of the strategic importance of Guantanamo[8] and by considerations of the political importance of the Base, both discussed above. To this should be added: (a) the assertion of the right of "complete jurisdiction and control" over the leased territory in Cuba, as granted by the 1903 lease agreement and as reaffirmed by the 1934 Treaty; (b) well-publicized shows of United States strength in the Caribbean, and specifically at Guantanamo; and (c) the reiteration by the United States of its policy of non-interference in Cuban internal affairs.

V. CUBAN POLICY ON GUANTANAMO

For the present it appears that Castro and the other Cuban leaders are seeking to demonstrate that they are temporarily permitting the United States to retain the Guantanamo Naval Base. In addition, they take pains to reiterate that Cuba will not attack the Base. Behind this policy, however, lies the stated threat that Cuba may adopt alternative policies.

In the early months of the Castro regime, from January to October 1959, while stressing his desire to establish friendly relations with the United States, Castro had emphasized his intention to allow the United States to retain the Base. However, with the growth of United States-Cuban differences in October 1959, Castro began to challenge the United States right to retain Guantanamo and the Base became one other object of his hostility toward the United States.

Since then he has charged that the Base is the focus of "Yankee intervention" against Cuba. Castro has threatened (a) to request the United States to withdraw; (b) to refer to an international court the question of the legal right of the United States to retain the Base; or (c) to unleash a campaign of harassment and incidents against the Base.

Yet Castro has not carried out any of these threats. It may even be possible to argue that the Cuban Premier has acted in a comparatively restrained manner, confining himself to occasional charges against the Base in order to keep before the people the issue of a United States base on Cuban soil. The moderation of his tone is surprising when contrasted with the passion of Cuban attacks on other United States interests and policies.

Even after the United States severed diplomatic relations with Cuba and United States-Cuban relations deteriorated still further, Cuba's indignation over this step did not appear to affect its policy toward Guantanamo. References to the Base made as late as ten days after the break reaffirm this spirit of restraint. At that time, Castro merely stated that the Base is a "headache for the United States" and that "the legal position of the United States with respect to the base is becoming untenable."

The clearest exposition of Cuban policy is a three-page passage contained in the 21-page speech Castro delivered before the United Nations General Assembly on September 26, 1960. It serves to point out the official Cuban line on Guantanamo, one which Cuban President Dorticos, Foreign Minister Raul Roa, Ernesto "Che" Guevara and other Cuban leaders follow consistently in their mentions of Guantanamo. The themes in this speech comprise the main element of Cuba's stated policy toward the Base thus far:

(1) The Base belongs to the Cuban people. It was the United States that took advantage of a weak Cuba to impose an unfair lease agreement on her.

(2) Cuba will not commit any act of aggression against the United States. This stand is difficult to follow, however, because of the United States policy of "self-aggression." This Castro defines as the design of the United States to have Castro precipitate an incident against the Base which will give the United States justification for invading Cuba.

(3) The Base is a source of United States intervention against Cuba. It is a "springboard of aggression," a "dagger pointed at the heart of Cuba," a military staging point from which "counter revolutionaries" can embark on an invasion of Cuba.

(4) Cuba fears involvement against her will in an atomic conflict between the United States and the Soviet Union merely because it tolerates the presence of a United States Base. This, Castro argues, is all the more unfair since Cuba does not want the Base on her soil.

(5) Cuba is willing to let the United States keep the Base until "the moment when that country has become a threat to the security and tranquility of our people." At that time Cuba will then demand withdrawal or refer the matter of withdrawal to an international court. Then, Castro argued, justice will prevail and the United States will be forced to leave in obedience to "the canons of international law."

At this point, it may be well to inquire into what considerations appear to influence Cuban leaders in developing this particular policy.

(a) Considerations that may affect the shaping of Cuban policy on Guantanamo

The following considerations may play an important role in the shaping of Cuba's policy toward Guantanamo:

(1) Reiterated United States intentions to defend the Base against Cuban attack. Cuba realizes its military weakness as compared to United States defensive preparations at the Base and overall United States military capabilities in the Caribbean.

(2) Fear that a vigorous Cuban campaign of harassment against the Base might lead to incidents which would give the United States an excuse to intervene.

(3) Uncertainty about the extent, if any, of future Soviet assistance against the United States were Cuba to be the object of military action by the United States.

(4) Because of the urgent need in Cuba for dollars, the $7.5 million contributed in the form of wages and local purchases annually by the Base to the Cuban economy, is sufficiently important to justify continuing the present arrangement.

(5) Guantanamo has value to the Cuban leaders as a scapegoat, a "whipping-boy," a symbol of "Yankee imperialism" in Latin America. The presence of the Base on Cuban soil and its military forces provide Castro with an excuse to decry before the United Nations, alleged United States "interventions" stemming from the Base. It serves Castro as a justification for seeking help from extracontinental powers against the "warlike" Base and from the "Yankee aggressions" emanating from the Base. Castro is thus able to seek the approval of many Cubans for closer relations and contacts with the Soviet world.

(6) Finally, Castro may be unwilling to show overt hostility at the present moment with the advent of a new United States Administration in Washington.

(b) Alternative policies available to Castro

Among possible courses of action open to Castro are these:

(1) Use of force to gain control of the Base. Many believe this to be unlikely in view of Castro's awareness of United States military preparedness at Guantanamo and United States intention to defend the Base.

(2) Formally request United States withdrawal from the Base.

(3) Formally bring the question of the legal right of the United States to retain the Base before an international court.

(4) Demand more annual rent from the United States for the Base. At present, the United States pays $3,386.25 annually for Guantanamo. To many Cubans this seems very little by comparison to the millions the United States makes available in military and economic aid to other nations in exchange for permitting the United States to maintain bases on their territory.

(5) Begin a policy of harassment. In view of the tension between the two countries it is truly remarkable that up to the present no incidents of a serious nature have occurred. This possibility, however, is always there. As a United States officer put it:

"What if there is a peaceful invasion, which Castro has suggested—a march of women and children? We have mob control devices, but what if somebody shoots? Is that an incident or a war?"[9]

These harassments could include: (a) inciting mass protest movements; (b) effecting a general strike against the Base and preventing Cuban Base employees from going to work there; (c) cutting off the Base water supply as well as the power that comes from the Cuban power sources; (d) encouraging labor agitation at the Base among the Cuban workers; and (e) fomenting sabotage at the Base by the Cuban workers.

VI. SOVIET POLICY ON THE GUANTANAMO BASE

In view of the close ties between Cuba and the Soviet world, Soviet policy on Guantanamo deserves some mention.

At the news conference of July 12, 1960, at which he contended that the Monroe Doctrine was dead, Premier Khrushchev attacked the United States retention of the Guantanamo Base. He referred to the treaty sanctioning the lease of the Base from Cuba as "a treaty without a time limit on terms enslaving to a small nation—that is sheer inequity." The Soviet leader ridiculed charges that the Soviet Union wanted or needed military bases in Cuba by asserting that Soviet rockets based in the Soviet Union could hit any part of the world. At the meetings of the U.N. General Assembly in the Fall of 1960 friendship between the USSR and Cuba appeared to have been further cemented.

Since then, however, there have been signs that Soviet support for Castro is not all-out. The Soviet Premier has not visited Cuba as he had promised to do. Khrushchev's offer to launch Soviet rockets against the United States were it to intervene against Cuba has been lately explained as having a "symbolic" meaning, rather than being a real military commitment. Furthermore; some contend that Khrushchev is becoming increasing perturbed about being associated with an ally of such unpredictability and instability as Castro. Others argue that in view of the identification of Castro with international Communism, the prestige of the Communist world would be hurt if Castro were to fall.

---

[8] See Appendix I and Section on Strategic Importance of Guantanamo.

[9] "Crisis on our doorstep—How long Castro?" *Newsweek*, January 16, 1961.

Since Castro's position, in this view, is not secure, it is to Soviet interest to dissociate itself to some extent from Castro's future. Others contend that since Khrushchev is presently attempting to appeal to all groups in the underdeveloped world, he wishes to dissociate himself from Castro in order to reassure those who find Cuban solutions too radical.

Finally, there are certain indications that the Soviet Union is attempting to ameliorate US-USSR relations with the advent of a new Administration in Washington. It may be that the Soviets would consider desisting from interference in the Western Hemisphere as a necessary step toward better relations with the United States.

VIII. CONCLUSION

United States policy toward Guantanamo has remained steady and firm. In general, most United States analysts surveying the Guantanamo problem, have supported the present United States policy of retaining and, if need be, defending the base. They have argued a variety of grounds for its importance to the United States. The few voices recommending immediate withdrawal have remained a small minority. However, some attention is being paid to the risks of retaining Guantanamo in the face of a possible Cuban campaign of harassment and incidents.

Guantanamo can be examined as another United States overseas base and its usefulness or obsolescence weighed on primarily military grounds. Many analysts surveying the problem, however, see important political implications to United States policy toward Guantanamo. Any final policy determination must be the result of a proper blending of the different and sometimes contradictory considerations.

APPENDIX I

Statement of Admiral Arleigh A. Burke, Chief of Naval Operations, at the Hearings on Defense Appropriations held by the Subcommittee of the House Committee on Appropriations, on January 21, 1960, on strategic role of Guantanamo Naval Base.

(a) Guantanamo Bay is a part of the base complex consisting of Panama, Trinidad, Roosevelt Roads, and Guantanamo Bay, required to support combatant naval forces in the defense of the Caribbean Sea area, to carry out ASW operations, to defend the Panama Canal, and to protect shipping between the Caribbean and eastern Atlantic-South American ports.

(b) The naval installation in the Guantanamo area provides an important contribution to the defense of the United States. The base at Guantanamo provides excellent year-round training facilities for U.S. naval forces. The installation also provides an important support base for wartime naval operations to insure control and protection of the Caribbean area. Denial of these facilities to the United States could have far-reaching effects on the overall political and military stability of the area. The base is in no way obsolete and will be required in the foreseeable future for support of units of the Atlantic Fleet. Retention of these facilities provides assurance of a continuing U.S. military and political position of strength in this potentially critical area. Development of similar alternate facilities in the area would require extensive expenditures from U.S. resources.

(c) In summary, the U.S. Navy has a continuing requirement for the naval base at Guantanamo Bay to insure that essential fleet training may continue in an orderly and uninterrupted basis, and, in the event of war, that it may be used in support of essential naval operations to insure control of the vital Caribbean Sea area.

In addition, Admiral Burke listed the following as strategic values of the Base:

(a) *Controls the Windward Passage.*—The Windward Passage is one of the main entry points to Caribbean. It is on the direct shipping route from Europe and South America to the Panama Canal.

(b) *Base for anti-submarine warfare operations.*—Fine natural harbor and well-developed facilities for basing and logistic support of ASW forces covering the trade routes, Caribbean Sea, and lower Atlantic.

(c) *Base for defense of inter-American shipping.*—Is a midlink in chain of key points, Key West, Guantanamo, Puerto Rico, Trinidad, for providing air and surface protection of shipping engaged in the transport of strategic materials from South America to the United States.

(d) *Controls air routes from the east coast of the United States to the west coast of South America.*—Is located midway on over-water routes.

(e) *Base for training ships and crews.*—Fine natural harbor and well-developed installation for training ships and crews both in war and peace.

(f) *Damaged ship haven.*—Centrally located as a haven for recovery and repair of ships suffering war damage incident to anti-submarine warfare and convoy operations along the intra-America shipping lanes.

(g) *Key point for operations in defense of Panama Canal.*—Provides centrally located base for surveillance and patrol of sea approaches to the Panama Canal.

APPENDIX II

Statement by President Eisenhower on Guantanamo delivered November 1, 1960.

While the position of the Government of the United States with respect to the Naval Base at Guantanamo has, I believe, been made very clear, I would like to reiterate it briefly.

Our rights in Guantanamo are based on international agreements with Cuba, and include the exercise by the United States of complete jurisdiction and control over the area. These agreements with Cuba can be modified or abrogated only by agreement between the two parties, that is, the United States and Cuba. Our Government has no intention of agreeing to the modification or abrogation of these agreements and will take whatever steps may be appropriate to defend the Base.

The people of the United States, and all of the peoples of the world, can be assured that the United States' presence in Guantanamo and use of the Base pose no threat whatever to the sovereignty of Cuba, to the peace and security of its people or to the independence of any of the American countries. Because of its importance to the defense of the entire hemisphere, particularly in the light of the intimate relations which now exist between the present Government of Cuba and the Sino-Soviet bloc, it is essential that our position in Guantanamo be clearly understood.

SELECTIVE BIBLIOGRAPHY ON U.S. NAVAL BASE, GUANTANAMO BAY, CUBA

I. UNITED STATES POLICY ON GUANTANAMO

1. *U.S. Naval Base, Guantanamo Bay, Cuba,* 6-page study prepared under the direction of the Director, Politico-Military Policy Division, Office of the Chief of Naval Operations, 26 January 1960. This describes treaty rights, description of Base, and its strategic importance.

2. *The History of Guantanamo Bay,* by Rear Admiral Marion Emerson Murphy, DPPO, Tenth Naval District, U.S. Naval Base, Guantanamo Bay, Cuba, 1953.

3. Policy statements by Admiral Arleigh A. Burke, Chief of Naval Operations, found in:

(a) Hearings on the *Department of Defense Appropriations for 1961* before the Subcommittee of the House Committee on Appropriations, 86th Congress, 2nd Session, Part II, pp. 168ff, on January 21, 1960. (Also Appendix I)

(b) Interview appearing in *U.S. News and World Report,* October 3, 1960, pp. 70ff.

4. Statement by Admiral James S. Russell, Vice Chief of Naval Operations, issued at Hearings on *U.S. Relations with Panama,* before Subcommittee of Inter-American Affairs of the House Committee on Foreign Affairs, 86th Congress, 2nd Session, on February 2, 1960, p. 91ff.

5. *Facts Concerning Relations between Cuba and the United States:* A reply to allegations made in the United Nations by Prime Minister Fidel Castro of Cuba. U.S. Delegation to the General Assembly, October 13, 1960, pp. 4, 19–20.

6. President Eisenhower's *Declaration on Guantanamo,* see U.S. press on November 1 and 2, 1960. (Also Appendix II)

7. For diplomatic break and reassertion of United States rights on Guantanamo, as well as for articles on the Base, see U.S. press on January 4 and 5, 1961.

II. CUBAN POLICY ON GUANTANAMO

1. Most complete exposition of official Cuban policy on Guantanamo presented in Premier Castro's speech before the U.N. General Assembly, September 26, 1960. See U.S. press, UN Documents, or *UN Review* issue of November 1960.

2. For Cuban reaction to United States declarations and policy statements see U.S. and Cuban press (*Revolucion, Hoy, Mundo*) on days above cited.

3. Further insight into Cuban thinking provided by C. Wright Mills' book, *Listen, Yankee,* (1960), see pp. 20–21, and 94–95.

III. UNITED STATES-CUBAN LEASE AGREEMENTS OF 1903 AND TREATY RELATIONS OF 1934 BETWEEN UNITED STATES AND CUBA REAFFIRMING THE LEASE AGREEMENTS, REPRODUCED BY FOREIGN AFFAIRS DIVISION, LEGISLATIVE REFERENCE SERVICE, LIBRARY OF CONGRESS. AVAILABLE ON REQUEST

IV. SELECTED ARTICLES ON THE GUANTANAMO NAVAL BASE

(a) "Cuba—stakes at the Base." *Time,* March 28, 1960.

(b) "In Castro's Cuba—a U.S. base in trouble 500 miles from home." *U.S. News and World Report,* April 11, 1960.

(c) Two installment series on Guantanamo Naval Base, by John G. Norris, July 7 and 8, 1960, *Washington Post.*

(d) "Communism's take-over in Castro's Cuba," by Keith Wheeler, *Life,* July 18, 1960.

(e) "Clouds Over Guantanamo," by Hanson W. Baldwin, *New York Times, Sunday Magazine Section,* August 21, 1960. Condensed version appears in *Readers Digest,* December 1960.

(f) "Guantanamo: ours or Castro's?" by Hanson W. Baldwin, *Saturday Evening Post,* September 24, 1960. Spanish version appears in *Bohemia Libre,* January 1, 1961.

(g) "At Guantanamo Base: Quiet—and danger." *U.S. News and World Report,* October 31, 1960.

(h) "Cuba's invasion jitters," by Carleton Beals, *The Nation,* November 12, 1960.

(i) "Cuba—crisis on our doorstep." *Newsweek,* January 16, 1961.

(j) "What shall we do about Cuba?" by Kyle Haselden, *The Christian Century,* February 1, 1961.

[From the Library of Congress Legislative Reference Service]

RELATIONS: TREATY BETWEEN THE UNITED STATES OF AMERICA AND CUBA

(Guantanamo Naval Base Agreements, Texts—1903 and 1934, Treaty Series No. 866)

Signed at Washington, May 29, 1934.

Ratification advised by the Senate of the United States, May 31, 1934 (legislative day of May 28, 1934).

Ratified by the President of the United States, June 5, 1934.

Ratified by Cuba, June 4, 1934.

Ratifications exchanged at Washington, June 9, 1934.

Proclaimed by the President of the United States, June 9, 1934.

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas a Treaty of Relations between the United States of America and the Republic of Cuba was concluded and signed by their respective Plenipotentiaries at Washington on the twenty-ninth day of May, one thousand nine hundred and thirty-four, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Republic of Cuba, being animated by the desire to fortify the relations of friendship between the two countries and to modify, with this purpose, the relations established between them by the Treaty of Relations signed at Habana, May 22, 1903, have appointed, with this intention, as their Plenipotentiaries:

The President of the United States of America; Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

The Provincial President of the Republic of Cuba, Senor Dr. Manuel Marquez Sterling, Ambassador Extraordinary and Plenipotentiary of the Republic of Cuba to the United States of America;

Who, after having communicated to each other their full powers which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I

The treaty of Relations which was concluded between the two contracting parties on May 22, 1903, shall cease to be in force, and is abrogated, from the date on which the present Treaty goes into effect.

ARTICLE II

All the acts effected in Cuba by the United States of America during its military occupation of the island, up to May 20, 1902, the date on which the Republic of Cuba was established, have been ratified and held as valid; and all the rights legally acquired by virtue of those acts shall be maintained and protected.

ARTICLE III

Until the two contracting parties agree to the modification or abrogation of the stipulations of the agreement in regard to the lease to the United States of America of lands in Cuba for coaling and naval stations signed by the President of the Republic of Cuba on February 16, 1903, and by the President of the United States of America on the 23d day of the same month and year, the stipulations of that agreement with regard to the naval station of Guantanamo shall continue in effect. The supplementary agreement in regard to naval or coaling stations signed between the two Governments on July 2, 1903, also shall continue in effect in the same form and on the same conditions with respect to the naval station at Guantanamo. So long as the United States of America shall not abandon the said naval station of Guantanamo or the two Governments shall not agree to a modification of its present limits, the station shall continue to have the territorial area that it now has, with the limits that it has on the date of the signature of the present Treaty.

ARTICLE IV

If at any time in the future a situation should arise that appears to point to an outbreak of contagious disease in the territory of either of the contracting parties, either of the two Governments shall, for its own protection, and without its act being considered unfriendly, exercise freely and at its discretion the right to suspend communications between those of its ports that it may designate and all or part of the territory of the other party, and for the period that it may consider to be advisable.

ARTICLE V

The present Treaty shall be ratified by the contracting parties in accordance with their respective constitutional methods; and shall go into effect on the date of the exchange of their ratifications, which shall take place in the city of Washington as soon as possible.

In faith whereof, the respective Plenipotentiaries have signed the present Treaty and have affixed their seals hereto.

Done in duplicate, in the English and Spanish languages, at Washington on the Twenty-ninth day of May, one thousand nine hundred and thirty-four.

CORDELL HULL,
SUMNER WELLES,
M. MARQUEZ STERLING.

And whereas, the said Treaty has been duly ratified on both parts, and the ratifications of two Governments were exchanged in the city of Washington on the ninth day of June, one thousand nine hundred and thirty-four;

Now, therefore, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this ninth day of June, in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D. ROOSEVELT.

(By the President: Cordell Hull, Secretary of State.)

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND CUBA

(Treaty series, No. 418, lease of coaling or naval stations)

Signed by the President of Cuba, February 16, 1903.

Signed by the President of the United States, February 23, 1903.

AGREEMENT

Between the United States of America and the Republic of Cuba for the lease (subject to terms to be agreed upon by the two Governments) to the United States of lands in Cuba for coaling and naval stations.

The United States of America and the Republic of Cuba, being desirous to execute fully the provisions of Article VII of the Act of Congress approved March second, 1901, and of Article VII of the Appendix to the Constitution of the Republic of Cuba promulgated on the 20th of May, 1902, which provide:

"Article VII. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations, at certain specified points, to be agreed with the President of the United States."

have reached an agreement to that end, as follows:

ARTICLE I

The Republic of Cuba hereby leases to the United States, for the time required for the purposes of coaling and naval stations, the following described areas of land and water situated in the Island of Cuba:

1st. In Guantanamo (see Hydrographic Office Chart 1857). From a point on the south coast, 4.37 nautical miles to the eastward of Windward Point Light House, a line running north (true) a distance of 4.25 nautical miles;

From the northern extremity of this line, a line running west (true), a distance of 5.87 nautical miles;

From the western extremity of this last line, a line running southwest (true) 3.31 nautical miles;

From the southwestern extremity of this last line, a line running south (true) to the seacoast.

This lease shall be subject to all the conditions named in Article II of this agreement.

2nd. In Northwestern Cuba (see Hydrographic Office Chart 2036).

In Bahia Honda (see Hydrographic Office Chart 520b).

All that land included in the peninsula containing Cerro del Morrillo and Punta del Carenero situated to the westward of a line running south (true) from the north coast at a distance of thirteen hundred yards east (true) from the crest of Cerro del Morrillo, and all the adjacent waters touching upon the coast line of the above described peninsula and including the estuary south of Punta del Carenero with the control of the headwaters as necessary for sanitary and other purposes.

And in addition all that piece of land and its adjacent waters on the western side of the entrance to Bahia Honda included between the shore line and a line running north and south (true) to low water marks through a point which is west (true) distant one nautical mile from Pta. del Cayman.

ARTICLE II

The grant of the foregoing article shall include the right to use and occupy the waters adjacent to said areas of land and water, and to improve and deepen the entrances thereto and the anchorages therein, and generally to do any and all things necessary to fit the premises for use as coaling or naval stations only, and for no other purpose.

Vessels engaged in the Cuban trade shall have free passage through the waters included within this grant.

ARTICLE III

While on the one hand the United States recognizes the continuance of the ultimate sovereignty of the Republic of Cuba over the above described areas of land and water, on the other hand the Republic of Cuba consents that during the period of the occupation by the United States of said areas under the terms of this agreement the United States shall exercise complete jurisdiction and control over and within said areas with the right to acquire (under conditions to be hereafter agreed upon by the two Governments) for the public purposes of the United States any land or other property therein by purchase or by exercise of eminent domain with full compensation to the owners therof.

Done in duplicate at Habana, and signed by the President of the Republic of Cuba this sixteenth day of February, 1903.

T. ESTRADA PALMA.

Signed by the President of the United States the twenty-third of February, 1903.

THEODORE ROOSEVELT.

CUBA—LEASE OF COALING OR NAVAL STATIONS TO THE UNITED STATES

(Lease to the United States by the Government of Cuba of certain areas of land and water for naval or coaling stations in Guantanamo and Bahia Honda)

Signed at Habana July 2, 1903.

Approved by the President October 2, 1903.

Ratified by the President of Cuba August 17, 1903.

Ratifications exchanged at Washington October 6, 1903.

The United States of America and the Republic of Cuba, being desirous to conclude the conditions of the lease of areas of land and water for the establishment of naval or coaling stations in Guantanamo and Bahia Honda the Republic of Cuba made to the United States by the Agreement of February 16/23, 1903, in fulfillment of the provisions of Article Seven of the Constitutional Appendix of the Republic of Cuba, have appointed their Plenipotentiaries to that end.—

The President of the United States of America, Herbert G. Squiers, Envoy Extraordinary and Minister Plenipotentiary in Havana.

And the President of the Republic of Cuba, Jose M. Garcia Montes, Secretary of Finance, and acting Secretary of State and Justice, who, after communicating to each other their respective full powers, found to be in due form, have agreed upon the following Articles;—

ARTICLE I

The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of two thousand dollars, in gold coin of the United States, as long as the former shall occupy and use said areas of land by virtue of said agreement.

All private lands and other real property within said areas shall be acquired forthwith by the Republic of Cuba.

The United States of America agrees to furnish to the Republic of Cuba the sums necessary for the purchase of said private lands and properties and such sums shall be accepted by the Republic of Cuba as advance payment on account of rental due by virtue of said Agreement.

ARTICLE II

The said areas shall be surveyed and their boundaries distinctly marked by permanent fences or inclosures.

The expenses of construction and maintenance of such fences or inclosures shall be borne by the United States.

ARTICLE III

The United States of America agrees that no person, partnership, or corporation shall be permitted to establish or maintain a commercial, industrial or other enterprise within said areas.

ARTICLE IV

Fugitives from justice charged with crimes or misdemeanors amenable to Cuban Law, taking refuge within said areas, shall be delivered up by the United States authorities on demand by duly authorized Cuban authorities.

On the other hand the Republic of Cuba agrees that fugitives from justice charged with crimes or misdemeanors amenable to United States law, committed within said areas, taking refuge in Cuban territory, shall on demand, be delivered up to duly authorized United States authorities.

ARTICLE V

Materials of all kinds, merchandise, stores and munitions of war imported into said areas for exclusive use and consumption therein, shall not be subject to payment of customs duties nor any other fees or charges and the vessels which may carry same shall not be subject to payment of port, tonnage, anchorage or other fees, except in case said vessels shall be discharged without the limits of said areas; and said vessels shall not be discharged without the limits of said areas otherwise than through a regular port of entry of the Republic of Cuba when both cargo and vessel shall be subject to all Cuban Customs laws and regulations and payment of corresponding duties and fees.

It is further agreed that such materials, merchandise, stores and munition of war shall not be transported from said areas into Cuban territory.

ARTICLE VI

Except as provided in the preceding Article vessels entering into or departing from the Bays of Guantanamo and Bahia Honda within the limits of Cuban territory shall be subject exclusively to Cuban laws and authorities and orders emanating from the latter in all that respects port police, Customs or Health, and authorities of the United States shall place no obstacle in the way of entrance and departure of said vessels except in case of a state of war.

ARTICLE VII

This lease shall be ratified and the ratifications shall be exchanged in the City of Washington within seven months from this date.

In witness whereof, we, the respective Plenipotentiaries, have signed this lease and hereunto affixed our Seals.

Done at Havana, in duplicate in English and Spanish this second day of July nineteen hundred and three.

H. G. SQUIERS,
JOSE M. GARCIA MONTES.

I, Theodore Roosevelt, President of the United States of America, having seen and considered the foregoing lease, do hereby approve the same, by virtue of the authority conferred by the seventh of the provisions defining the relations which are to exist between the United States and Cuba, contained in the Act of Congress approved March 2, 1901, entitled "An Act making appropriation for the support of the Army for the fiscal year ending June 30, 1902."

THEODORE ROOSEVELT.

WASHINGTON, *October 2, 1903.*

CUBA, 1904: TREATY FOR THE ADJUSTMENT OF TITLE TO THE OWNERSHIP OF THE ISLE OF PINES

(Signed at Washington, March 2, 1904; ratification advised by the Senate, with reservation, March 13, 1925; ratified by the President, March 23, 1925; ratified by Cuba, March 18, 1925; ratifications exchanged at Washington, March 23, 1925; proclaimed, March 24, 1925)

(Treaty Series, No. 709; 44 Statutes at Large, 1997)

The United States of America and the Republic of Cuba, being desirous to give full effect to the sixth Article of the Provision in regard to the relations to exist between the United States and Cuba, contained in the Act of the Congress of the United States of America, approved March second, nineteen hundred and one, which sixth Article aforesaid is included in the Appendix to the Constitution of the Republic of Cuba, promulgated on the 20th day of May, nineteen hundred and two and provides that "The island of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title of ownership thereof being left to future adjustment by treaty;" have for that purpose appointed as their Plenipotentiaries to conclude a treaty to that end:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of the Republic of Cuba, Gonzalo de Quesada, Envoy Extraordinary and Minister Plenipotentiary of Cuba to the United States of America;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I. The United States of America relinquishes in favor of the Republic of Cuba all claim of title to the Island of Pines situate in the Caribbean Sea near the southwestern part of the Island of Cuba, which has been or may be made in virtue of Articles I and II of the Treaty of Peace between the United States and Spain, signed at Paris on the tenth day of December eighteen hundred and ninety-eight.

ARTICLE II. This relinquishment, on the part of the United States of America, of claim of title to the said Island of Pines, is in consideration of the grants of coaling and naval stations in the Island of Cuba heretofore made to the United States of America by the Republic of Cuba.

ARTICLE III. Citizens of the United States of America who, at the time of the exchange of ratifications of this treaty, shall be residing or holding property in the Island of Pines shall suffer no diminution of the rights and privileges which they have acquired prior to the date of exchange of ratifications of this treaty; they may remain there or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions being subject in respect thereof to such laws as are applicable to other foreigners.

ARTICLE IV. The present treaty shall be ratified by each party in conformity with the respective Constitutions of the two countries, and the ratifications shall be exchanged in the City of Washington as soon as possible.

In witness whereof, We, the respective Plenipotentiaries, have signed this treaty and hereunto affixed our seals.

Done at Washington, in duplicate, in English and Spanish this second day of March one thousand nine hundred and four.

JOHN HAY,
GONZALO DE QUESADA.

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas a treaty between the United States of America and the Republic of Cuba for the adjustment of title to the ownership of the Isle of Pines was concluded and signed by their respective Plenipotentiaries at Washington on the second day of March, one thousand nine hundred and four, the original of which treaty, being in the English and Spanish languages, is word for word as follows:

[Here follows the English text of the treaty]

And whereas the said treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-third day of March, one thousand nine hundred and twenty-five;

Now, therefore, be it known that I, Calvin Coolidge, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of March in the year of our Lord one thousand nine hundred and twenty-five, and of the Independence of the United States of America, the one hundred and forty-ninth.

CALVIN COOLIDGE.

(By the President: Frank B. Kellogg, *Secretary of State.*)

SENATE RESOLUTION ADVISING AND CONSENTING TO RATIFICATION

IN EXECUTIVE SESSION, SENATE
OF THE UNITED STATES,
March 13, 1925.

Resolved (*Two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the Treaty with Cuba signed at Washington, D.C., on the second day of March, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the High Contracting Parties so as to make it plain that this condition is understood and accepted by each of them:

1. That all the provisions of existing and future treaties, including the Permanent Treaty proclaimed July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. The term "other foreigners" appearing at the end of Article III shall be construed to mean foreigners who receive the most favorable treatment under the Government of Cuba.

Attest:

GEORGE A. SANDERSON,
Secretary.
By H. W. CRAVEN,
Chief Clerk.

[Exchange of notes]

[*The Secretary of State to the Ambassador of Cuba*]

DEPARTMENT OF STATE,
Washington, March 17, 1925.

Excellency: I have the honor to inform you that on March 13, 1925, the Senate advised and consented to the ratification of the Treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the following reservation and understanding to be set forth in an exchange of notes between the high contracting parties so as to make it plain that the reservation and condition are understood and accepted by each of them:

1. That all the provisions of existing and future treaties, including the Permanent Treaty, proclaimed July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. The term "other foreigners" appearing at the end of Article III shall be construed to mean foreigners who receive the most favorable treatment under the Government of Cuba.

I am glad to assure you, by direction of the President, that this note will be considered as sufficient acceptance by the Government of the United States of the reservation and understanding quoted, and I beg to express the hope that they will also be accepting by your Government. An acknowledgment of this note, accepting, by direction and on behalf of your Government, the said reservation and understanding, will be considered as completing the required exchange of notes and the acceptance by both Governments of the reservation and understanding.

Accept, Excellency, the renewed assurance of my highest consideration.

FRANK B. KELLOGG.

His Excellency Señor Don Cosme de la Torriente, *Ambassador of Cuba.*

[*The Ambassador of Cuba to the Secretary of State*]

[Translation]

EMBASSY OF CUBA,
Washington, D.C., March 18, 1925.

Excellency: I have the honor to acknowledge the receipt of Your Excellency's note dated March 17, 1925, in which you were pleased to inform me that on the 13th day of this month of March the Senate advised and consented to the ratification of the Treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines, subject to the reservation and interpretation which is set forth in your note, the translation of which follows hereinbelow.

I take pleasure in informing Your Excellency that, being duly authorized thereto by the Senate of Cuba, the President has empowered me to accept in behalf of my Government, as I hereby do, the following reservations to the above-mentioned Treaty, thus completing the exchange of notes required in this case, namely:

1. That all the provisions of the existing or future treaties, including the permanent Treaty proclaimed on July 2, 1904, between the United States of America and the Republic of Cuba shall apply to the territory and the inhabitants of the Isle of Pines.

2. That the term "other foreigners" appearing at the end of Article III [of the said treaty concerning the Isle of Pines] shall be construed to mean "foreigners who receive the most favorable treatment under the Government of Cuba".

I avail myself of the opportuntiy to renew to Your Excellency the assurances of my highest consideration.

COSME DE LA TORRIENTE.

His Excellency Mr. Frank B. Kellogg, *Secretary of State.*

PAKISTAN IN PERSPECTIVE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. SIKES. Mr. Speaker, the Honorable Benjamin Hilborn Oehlert, Jr., former Ambassador to Pakistan, is recognized as one of the foremost American authorities on that country. He is a careful student of the Pakistanis, their government and country, and his work as Ambassador was widely hailed in diplomatic circles. On October 19, he delivered a speech on Pakistan to the Downtown Rotary Club of Jacksonville, Fla. There are so few in America who can speak intelligently and without bias on the subject of Pakistan that I feel his remarks are particularly apropos. His comments will be interesting and worthwhile to the membership of Congress, and I submit his speech for reprinting in the RECORD.

PAKISTAN IN PERSPECTIVE

(By Benjamin Hilborn Oehlert, Jr.)

A few months ago a friend from Naples, Italy, was visiting my wife and me. She told us that a new clinic had recently been opened in Naples—a clinic devoted exclusively to the transplant of brains. One day a citizen decided that he needed a new brain so he went to the clinic to examine the merchandise. Three of the brains in stock looked interesting enough to price. One was $100, another $200 and the third was $1,000. "Why is that one so expensive?" the customer inquired. The salesman responded: "Well, you see that one belonged to an American diplomat—so its never been used."

The story seems particularly applicable to me at this time and place. If I were using my brain, I wouldn't be here. How can a fellow expect a sympathetic audience from Rotarians when he himself has been thrown out of two Rotary Clubs? But whatever you may think of me, I hope that you'll keep an open mind about my subject for I do hope to arouse your sympathy for the most maligned country in the world—Pakistan.

When the British Raj withdrew from the sub-continent of Asia in 1947, two independent nations were created out of what had been British India.

One, the "Islamic Republic of Pakistan", was composed of most of the predominantly Muslim areas of old India. The other, made up of the predominantly Hindu areas and the rest of the Muslim areas, we still call "India".

"Pakistan" was a coined name in which "P" stood for the Punjab; "A" for Afgania (North-West Frontier Province); "K" for Kashmir; "S" for Sind and "TAN" for Baluchistan.

Today, more than twenty years later, "India" is a household word in the United States while Pakistan was relatively little known—'til unhappily called so graphically to our attention by nearly concurrent natural and political storms—despite the fact that, population-wise, it is the fifth largest country in the world. Its population is exceeded only by those of the United States of America, the Union of Soviet Socialist Republics (Russia), Bharat (India) and the People's Republic of China (Red China), in that ascending order.

There are many reasons why Pakistan and its people should be better known and better understood than India here in the United States.

Religiously, it is very close to us.

Islam, or "Mohammadanism" as it is called in the West, is monotheistic, where Hinduism is a religion of many Gods, some being naturalistic, such as cows and other animals, or rocks and stones, and others being imaginary like the ancient Gods of Greece and Rome.

Not only to the Moslems worship only one God, but he is the same God of the Judeo-Christian religion, and they accept nearly every important doctrine of both the Old and New Testaments, except the virgin birth and divinity of Christ. They even recognize Jesus as one of their own prophets—"The Greatest except for Mohammed."

Many of their given names are Biblical. There are Ibrahim (Abraham), Ayub (Job), Yakub (Jacob), Yusef (Joseph) and a host of others.

Their religious ethics and moral codes are the same as ours save only for plural marriages—and that custom is rapidly disappearing. Although still acknowledged by the faith, secular laws have severely limited or eliminated it in most Moslem countries including Pakistan.

But religion marks only one of our many common interests with Pakistan. Economically, they are staunch supporters of the Free Enterprise System—usually called by them "The Private Sector". There again is a contrast with India, which is an avowed Socialist State.

Language is little if any barrier between Pakistan and ourselves. Although it is a country of several "Mother Tongues" (not nearly as many as India), all of the educated classes speak fluent English, which is their official language of higher education, of the judicial system, of their Parliament and of their foreign office and other Central Government departments. The predominant language of East Pakistan is Bengali. That of West Pakistan is Urdu.

For years, Pakistan was called "The Most Allied of our Allies."

Her men, then in the British Indian Army, fought shoulder-to-shoulder with ours in World War II. General Agha Mohammed Yahya Khan, now President of Pakistan, was captured in the Italian Campaign, but effected an heroic escape.

She was, and is, a member of CENTO (The Central Treaty Organization).

She was, and still is, a member with us of SEATO (The South-East Asia Treaty Organization) and offered to send a military medical team to Korea.

She was the only Asian country to join both those pacts.

She was, and still is, a member of UNCURK (The United Nations Commission for the Unification of the Republic of Korea).

We had, and still do have, a mutual bilateral defense agreement with her under which we agree to come to her aid in case of attack, even with our own arms and men.

She furnished us with an invaluable communications base, the ten year lease on which has recently expired.

She furnished us with a U-2 base in Peshawar for the surveillance of Russia. It was from that base that Gary Powers flew his ill-fated mission over Russia. In fury over this, Khrushchev threatened Pakistan with nuclear attack if she did not substitute neutrality for her alliance with us, but Pakistan stood firm.

In the many confrontations at the United Nations, Pakistan could be counted on to be at our side.

All of this is remarkable when one considers Pakistan's geo-political location. Pakistan has a common border with Red China and is saparated from Russia only by a narrow panhandle of Afghanistan.

But she cast her lot with us at frightful risk and exposure.

In the last eleven months, Pakistan has suffered three tragic blows.

The first was a ferocious cyclone and a monstrous tidal wave which struck the delta area of East Pakistan on the night of November 12–13, 1970.

The second was that most terrible of all wars—Civil War—which broke out only three months after the cyclone-tidal wave.

The third and greatest tragedy of all was the misunderstanding in this country of the first two tragedies.

The cyclone-tidal wave tragedy wreaked the greatest havoc of any natural disaster in the world for at least the last century, if not indeed in all recorded history. 500,000 people are believed to have lost their lives. Millions were maimed and millions of others remained homeless—without shelter, clothing or food. The human suffering was impossible to describe.

One would have thought that this would have aroused the sympathies of the United States, pricked its conscience and stimulated a great outpouring of help. But the private response to the relief effort was seriously blunted by unfortunate and inaccurate stories which appeared in our press. This development can be laid to the facts that no American reporters were on the scene, and that therefore, the stories came either out of India—Pakistan's long and implacable enemy—or from American Indiaphiles or from Pakistani instigators of the incipient revolution which was even then about to break. A real witches brew.

The limitations of time will permit me only to mention briefly a few of the canards which circulated.

One was that the Pakistanis had not bothered to use a costly warning system which had been financed in part by AID funds and that, had it been used, the loss of life would have been avoided. But the system was used in timely fashion. The trouble was first that so few people heard it—after all not many Bengali peasants have transistor radios. Second, most of those who did hear the warnings, or hear of them, assumed either that the predicted storm wouldn't be as bad as indicated or that they could ride it out if it was. The "it can't happen to me" psychology is at least as prevalent in the Eastern mind as it is in the Western. Third, even had the warnings been universally heard and universally heeded, it is highly unlikely that many could have escaped such an unprecedentedly severe blow which built up with such rapidity. It must be remembered that, in that entire area, there are no roads such as we know them, no motor transport, no railroads, and no airports. Travel is by river boat and except for a pitifully few of modest size, all might be described as manually operated dug-outs. Where could the people have gone and how could they have gotten there?

A second false story was that President Yahya was so disinterested in the calamity that he didn't even visit East Pakistan for thirteen days. His first trip from Islamabad, the capital, to East Pakistan was thirteen days after the storm, but that was his second trip there. He had been abroad when the storm struck. He flew directly to the scene, spent two days organizing the relief effort, went to Islamabad to consult the diplomatic community and then went back to East Pakistan. The Press conveniently forgot his first trip.

A third story was that it took six days to get helicopters from West to East Pakistan to help in the relief effort. True. But the only way to get them there was to overfly India and it took six days to get the necessary permission from the Indian government.

Press stories like those caused millions of Americans who might otherwise have contributed generously to the relief effort to shrug their shoulders and say: "Why should I send my hardearned money to the Pakistanis when they themselves don't give a damn?"

So the people who started the stories falsely criticizing the Pakistan Government for its alleged inhumanity, actually contributed more than anyone else to the inadequacy of the relief effort.

Pakistan was still struggling to extricate itself from the devastation of wind and wave when a second and even more tragic storm broke—a storm of words and swords—a storm of bloody revolution which had been brewing for some time.

Our liberal press, especially the New York Times, the Washington Post, Time Magazine and Newsweek, from which much of the rest of the press draws its stories, burst into a shrill and frantic denunciation of the Pakistan government for having the effrontary of trying to preserve its sovereign integrity from the rebels. But this was not surprising to people knowledgeable about the sub-continent of Asia.

India had never been reconciled to the existence of Pakistan. From the time of partition on August 14, 1947 to the present day, her leaders have made repeated public statements to the effect that India would some day, somehow, bring Pakistan back into India.

The Achilles Heel of Pakistan has been East Pakistan, separated from the west by 1000 miles of hostile Indian territory, whose people more closely resemble the West Bengalis of India than they do the people of West Pakistan, except for the important element of religion. Consequently, the Indians have mounted a continuous barrage against the loyalty of East Pakistan—using clandestine radio stations and infiltrating arms and guerrilla fighters. If this seems strange behaviour by "Pacifist India" remember her use of force with respect to Kashmir, Hyderabad, Jungadah, Mangrol and Goa.

Our liberal press always favored India over Pakistan despite Pakistan's alliances with us and despite India's constant preferment of Russia over us. While admittedly an oversimplification, that attitude can be explained by the simple fact that India is socialistic whereas Pakistan is capitalistic.

Consequently, the liberal press took out after Pakistan in a big way when martial law was declared in March of 1969. President Yahya was described as a "military dictator" even though he early on removed the previously existing restrictions on political parties and political activities.

He was ridiculed when he promised free elections at an early date. It was predicted that no elections would be held. When it became apparent that they would be, the cry was that the elections would be rigged.

The elections were held, less than two years after martial law had been declared, and their results were such that not even the worse fanatic could claim that they had been rigged. There had been wide-open political campaigning for nearly a year. The Pakistan People's Party of Zulfikar Ali Bhutto, no darling of the military won a smashing victory in West Pakistan. The Awami League of Sheikh Mujibur Rahman, the greatest of all thorns to the military, won an even more smashing victory in East Pakistan—giving it a clear majority of all the seats in the National Assembly.

The military accepted the results and President Yahya publically described Mujibur Rahman as "the future Prime Minister of Pakistan." And so he would have been except that success went to his head. Although he had the whole country in his hands, even before the National Assembly could meet to frame a new Constitution, he began to make impossible demands which would have meant the dismemberment of Pakistan. He demanded separate currencies for east and west. He demanded that the Central Government should have no authority to levy or collect taxes. He demanded that East Pakistan should be allowed to conduct separate foreign relations in the negotiation of foreign trade and aid.

Obviously these were conditions which no sovereign government could accept, so the date for convening the National Assembly was postponed to allow a period for negotiations among the political leaders.

Mujibur then became even more intransigent. He refused to meet with the other leaders. He called for general strikes. He ordered government workers to absent themselves from work. He closed banks and other financial and business establishments. He ordered all schools closed. He ordered the people not to pay their taxes. On March 7, he announced plans for running a parallel government. He began to speak of East Pakistan as a separate country called "Bangla Desh." He had a Flag. Even Time Magazine—on March 15, 1971, quoted Mujibur as having told its correspondent, Dan Coggin, that "Pakistan, as it stands today is finished." Mujibur was totally indifferent to the twin facts that this was revolution and that the people who had voted for him had given him no such mandate.

But he was not content with revolutionary words. As the crescendo of words mounted to the point of a declaration of independence, the words were accompanied by a rising crescendo of violence. Time will not permit me to chronicle this violence, but it may be summarized as follows: It consisted of loot, rape, murder, arson and other acts of vandalism. It consisted of ambushing police and troops and raiding police stations and military posts for arms. Telephones and telegraphs were closed down. Trains were derailed and looted. Bridges were destroyed. Government funds were confiscated. Homes, government offices, business establishments were bombed. Whole villages were massacred. Genocide was directed at Hindus and at Muslims who had emigrated from West Bengal. In Santahar more than 15,000 persons were surrounded and systematically murdered. Women were paraded naked in the streets and mothers were forced to drink the blood of their own children. In Chittagong, over 10,000 people were bayonetted to death and in Sirajganj, 350 women and children were locked in a hall which was set on fire and the inmates roasted to death.

It is estimated that more than 100,000 innocent civilians lost their lives in such outbursts. They were reported in the world press, even in the Indian Paper "Statesman" of New Delhi. Reporting in the New York Times of May 10, 1971, Malcom Browne stated that: "The impression, based on the testimony of hundreds of witnesses, is that when it seemed that the Awami League was about to come to power, Bengalis in some communities looted and burned Bihari houses and slaughtered their occupants."

The military exercised remarkable restraint throughout these dreadful happenings. Hoping against hope for a political settlement, the troops were kept in their barracks except for one forray on March 1 when they were called out in aid of civil power.

Mujibur declared March 23 to be "Republic Day" and ordered "Bengla Desh" flags to be flown throughout the province. He took the salute at an armed march past his residence at which the "Bengla Desh" flag was ceremonially unfurled. He appointed Ex-Colonel Usmani as "Commander of the Revolutionary Forces." Plans were adopted for an armed uprising to begin on a signal from the Awami League. It was not until then, on the night of March 25–26, that the Army moved in to quell the revolt.

When the Army did move, it moved with vigor. People were killed. Refugees fled to India. But both the loss of life and the number of refugees were grossly exaggerated. And I doubt that any other government or Army ever waited so long or so patiently to suppress such an obvious and such a vicious rebellion.

As Malcom Browne reported in the New York Times of May 10, 1971: "The European Manager of a local bank said: 'It was fortunate for every European living here that the Army arrived when it did; otherwise I would not have lived to tell the tale.'"

There are millions of refugees in India. Their plight is desperate and deserving of help. But let us keep in mind that there are not nearly as many as claimed; that many of them fled the terrorists rather than the Army; that many others fled because of their guilty association with rebellion; that all have been invited back; and that full amnesty has been declared even for the guilty ones.

There is left to consider India's role in this latest tragedy. Ample evidence is available from Indian and other news media that she has encouraged the seccessionists by every means short of actual war. She has massed troops on the Pakistan Border. She has trained and supplied guerillas. She has infiltrated arms and men. Her Prime Minister and Foreign Minister have traveled all over the world begging other governments to cut off all supplies, even economic aid to Pakistan. Her Prime Minister moved and her Parliament passed a Resolution insuring the Secessionists that "Their struggle will receive the whole-hearted sympathies and support of the people of India."

The General Secretary of the West Bengal Unit of the All India Congress Committee, K. K. Shukla said on April 4th: "Sheikh Mujibur Rahman is fighting India's War."

On March 30, the Bombay "Indian Express" openly advocated India's armed interference, stating: "It is a truly historic moment, and the time to act is NOW."

On April 7, Mr. Subramaniam, Director of the India Institute for Defence Studies, said that: "What India must realize is the fact that the break-up of Pakistan is in our interest and we have an opportunity the like of which may never come again."

In an article in "Motherland" on June 15, it was stated that: "The break-up of Pakistan is not only in our external security interest, but also in our internal security interests. India shall emerge as a super-power internationally and we have to nationally integrate our citizens for this role. For this the dismemberment of Pakistan is an essential pre-condition."

And also on June 15, Mrs. Indira Ghandi, the Indian Prime Minister declared: "India would not for a moment countenance a political settlement which meant the death of Bangla Desh."

If you doubt the perfidy of India in this instance, ask yourself why, despite her loud protests against the flood of refugees and her cries for help to feed them, she has steadfastly refused a United Nations offer of a neutral team to supervise the care of the refugees and their repatriation. Pakistan accepted the offer with alacrity. What does India have to hide?

It is passing strange that Pakistan has been so severely criticized for resisting dismemberment by violence and genocide while India has had the benefit of such sympathy even though she has fostered the revolt in direct violation of the Charter of the United Nations and even though she has turned her back on United Nation's efforts to help alleviate the problem. With her begging bowl and fake olive branch, she has managed to hoodwink us while playing footsie with Russia. I hope I have aroused your interest enough to cause you to wonder if we haven't misplaced our sympathies. Pakistan is no paragon of virtue but neither is she a pariah. She is entitled to less condemnation and more understanding and sympathy.

A TRIBUTE TO I. F. STONE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. HARRINGTON. Mr. Speaker, the writing of I. F. Stone seldom, if ever, appeared in the Congressional Record, but I would like to take this opportunity to insert a tribute to this journalist by the Washington Post's Nicholas von Hoffman.

Known as a "journalist's journalist," Mr. Stone had the unique ability to read through pages and pages of boring Government documents, usually printed in agate type, and find the contradictions that pointed to a mistaken official policy. He was easily one of the first to point out the mistakes which brought us the Vietnam war, a fact duly noted last year by an issue of the Columbia Journalism Review.

Last spring, Mr. Stone took the time to speak to a group of interns in my office. That afternoon, he showed what real commitment is through his own personal ideals of what Government should strive to be.

At 63, Mr. Stone is ending his biweekly reports to work for the New York Review of Books because he feels putting out his biweekly is too demanding. His rest is well-deserved, but just the same, there will be thousands of subscribers across the country who will miss reading what he has to say every week—whether they agreed with his opinions on that issue or not. At this point I wish to insert Mr. von Hoffman's article into the Record.

The article follows:

IZZY STONE: "PREMIER INVESTIGATIVE REPORTER OF HIS TIME

(By Nicholas von Hoffman)

I. F. Stone's Bi-Weekly won't be coming in the mail anymore. Izzy has folded it after 19 years, during which the few readers became many, and marginal influence became major. With the last issue, which Izzy is hiding out and working on, he will have reached a unique preeminence, as perhaps the most respected reporter, especially investigative reporter, of this time period.

Although in the last couple of years Izzy has gotten rather famous—Dick Cavett loves him and has him on his show—his real following is among a smallish group of left/liberals and his fellow journalists. For us he's been a model.

As an investigative reporter, Izzy hasn't bothered with small scandals. He hasn't spent his time getting the evidence on sticky-fingered city councilmen or larcenous zoning commissioners. Izzy has been investigating the true stories of war and other major catastrophes. From Korea to Vietnam, Izzy's readers got the straight story first, not days or months but often years before the readers of other, better-known publications.

Izzy, the premier investigative reporter of his time, did it without a congressional press pass. "I used to have all those press cards when I worked for PM but I lost them when I started the newsletter. They said I wasn't eligible because we didn't have advertising. So I swapped an ad for a suit with a tailor named Brooks—not Brooks Brothers—but then they said the publication had to be substantially supported by advertising in order to get credentials. Still, I was given the courtesy of the press gallery. They were very nice to me, although I was barred on the days when the President came. I suppose I was a security threat."

Izzy was barred from everything. As he says, "I owe my eminence as a reporter from being barred from State Department briefings. It saved me so much time."

Izzy isn't one for briefings. As he puts it. "If I were standing outside a bank which had just been robbed, and there was Johnson with a suitcase waving for a cab, and I asked him what he was doing and he answered that he was trying to get a taxi, what would you call that? A lie or an incomplete briefing?"

As much as any single person, it has been Izzy and his skeptical way of working that his undercut the old way of covering national and international politics. The people who thought covering the news was covering what highly placed government officials say have missed all the big stories. Izzy, the pariah, carefully going over the records, studying the federal budget, sifting through evidence like a scholar going after the historical dead, was the guy who got the story first and printed it.

In the process he showed that all the stuff about the Washington press corps and their inside sources of information was just that—stuff, the stuff of the legend that what we print is the news. Izzy demonstrated that you can send a copy boy to cover the White House; a reporter you need for more valuable tasks.

This attitude kept Izzy out of the daily commercial press for a long time. Things have changed now so that any, even halfway intelligent editor would slobber to get him. Not that he applied for work. He knew once he left PM, that remarkably innovative New York paper of the early 40s, that he'd never have the freedom he needed. "The only way to get the truth is to be irresponsible, so to speak. And if you do that you know you'll lose 365 papers who won't print you. So you save your fire for when you can get results, and that's usually like reforming a whore house by getting the maid to put paper cups in the latrine."

So Izzy has always gone his own way, and he has been left alone by Washington. Neither the IRS nor the FBI have ever bothered him; no congressional committee has tried to expose him. How could they? As he says, "How do you expose Gypsy Rose Lee? I've always had it all off."

Naturally they don't invite him to any of those famous Washington parties where the inside poop journalists get all that useless information, but as he says, "Being shut out gives you a chance to read and think for yourself."

But don't feel sorry for Izzy. He's loved it. "You do it because you enjoy it. You don't want to be a jerk and work for the rich and the powerful. My boyhood picture of a newspaper man was a cross between Galahad and William Randolph Hearst. I've done it because I love it. I don't expect Nixon to call me up and say, 'Hey, I read your newsletter and I've changed my mind.'"

Things have never gone so well for Izzy. Why they even invited him to a diplomatic dinner recently. He said it was so dull that on the way out he was moved to remark, "I never did catch the name of the deceased." Nor is he going into a premature retirement. "I'll be writing for The New York Review of Books and I'm going to haunt the Pentagon. Maybe they'll make me a general, so if you see me with three stars on my shoulder, don't salute."

Many of us would like to salute Izzy now but this latter-day fame and adulation is beginning to bug him. "It's about time I get exposed. Somebody ought to attack me."

Not today, Izzy, we owe you too much.

SALUTE TO BOB HOPE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. GOLDWATER. Mr. Speaker, much has been said about the tremendous work that Bob Hope has done for the American serviceman. Since the Christman season is almost upon us, I would like to pause and salute this truly great American who, I am happy to say, is a constituent of mine.

One of the finest tributes to Bob I have ever read appears in this month's edition of the U.S. Army magazine, Soldiers. I wish to present the following article written by Sp5c. Tom Bailey:

Where There's Hope

At the rear of an otherwise empty stage Les Brown cranks up his "Band of Renown" with a nostalgically familiar rendition of "Thanks for the Memory." Then pandemonium. Striding from a door at one side of the platform, golf club in hand, Bob Hope stops before the microphone at stage center.

His hair looks thinner. His gait is still strong but a little stiffer than before. His wit has not changed. "With all the troop withdrawals I'm surprised to see any of you here." The line draws guffaws and hoots from Long Binh soldiers. "It's nice of you to wait just to see me," he closes solidly. Laughter, cheers.

Hope has found the key to laughter among a generation much more selective of their humor than those past. Airing highlights of his Christmas shows nationwide has become an annual event, TV screens crowded with laughing, cheering, clapping GIs.

Despite the occasional moments of uneasy silence following World War II-type jokes that young audiences no longer think funny, Hope never falters. The longer he confronts the young soldiers the better he gets. That is the mark of a master. Hope the patriot, epitome of establishment, still draws standing-room-only crowds and standing ovations from young troopers because he can read young military audiences and adapt to their brand of humor.

In this day of dissent, of rebellion against the established heroes and stars with whom this generation of soldiers has grown up, Hope remains afloat and shows no signs of taking water. Vietnam veterans who have witnessed several of Hope's Christmas shows say the lines were the same as in years past—only the endings are changed to meet local situations. But that's all that's needed. Hope gives GIs something to identify with; he sympathizes with them, chides them and pokes fun at their leaders—and they love it.

VETERAN TROUPER

Hope and the Armed Forces have gone a long way together. In other wars and even during early Vietnam years, Hollywood stars flocked to the battle zones to entertain our troops. But as Vietnam wore on and dissent grew, one by one the stars declined requests to perform for soldiers. However, even in this most unpopular of wars, Hope has continued to respond.

He still isn't having to go begging for audiences—either in Vietnam or among the World War II generation. His January 1971 program was number one TV show of the year, drawing almost 60 percent of the viewing audience.

Whenever he is asked why, at his age (68 last May) and with his busy schedule, he still does military shows, Hope characteristically replies, "I guess I'm hooked on the box lunches."

On a more serious note he explains: "There are many reasons but it all boils down to one—like the time when we arrived in Bayonet Bowl (Korea). It had been snowing all night and we found the guys sitting out there in the snow. They had been there since dawn."

Every year Hope says he thinks that particular military show will be his last. It never is. The Department of Defense continues to ask him to entertain and he continues to respond.

BOUNCING BOY

It is hard to pinpoint Hope's motivating force. He has been before the public so long it seems that his public and private lives are enmeshed.

He was born Leslie Townes Hope in Eltham, England, the fifth of a stonemason's seven sons. Hope became a citizen of the United States by virtue of his father's naturalization in 1920, a few years after the family moved to Cleveland, OH. His acting career began with a Fatty Arbuckle dancing skit back when vaudeville was big. Since then he's made 53 movies and taped more than a thousand programs.

Before breaking into show business Hope tried many jobs. He worked as a delivery boy, soda jerk, shoe salesman and for an auto company. He tried amateur boxing under the name Packy East and describes that career as akin to Rembrandt—too much time on the canvas! He was also a journalist and a dance instructor.

Hope's early entertainment career wasn't all roses. In his first appearance at the Palace in New York "I was numb," Hope recalls. "Not just scared, numb." At least one critic agreed: "They say Bob Hope is the sensation of the Midwest. If that's so, why doesn't he go back there?" stated a review in the now defunct "Daily Graphic."

Today Hope's public relations office calls him "King of Comedy." They aren't far from correct. His technique with topical and personal jokes has been a phenomenal success. Two qualities in this brand of comedy, nurtured during years of vaudeville, legitimate stage, radio, movies and television, seem to stand out and directly relate to his success.

One is his versatility—his ability to range from white tie and tails at a dinner show to fatigues at a Vietnam base camp. Whether he is delivering his incisive one-liners in dapper dark suit before the cameras or clowning with Phyllis Diller on a sandbagged hillside, he is master of the comic situation.

The other is his timing. He describes it this way: "At times I have good material; at other times I have great material. But I know how to cover up the merely good and make it sound better by timing.

"I know how to snap a line, then cover it, then speed on to the next. You have to get over to the audience that there's a game of wits going on and if they don't stay awake they'll miss something . . ."

The Nation's needler spares no one with his prods—least of all himself: "They gave me the USO award the year I *didn't* leave the country. They gave me an Oscar for being a humanitarian. And the B'nai B'rith gave me an award for being Christian. I can hardly wait to break a leg—it might mean the Nobel prize!"

Hope's ribbing never hurts, however. He jokes with and about presidents and kings but casts his barbs in fun—never in spite or with harmful intent. He's been friends with every president since Franklin D. Roosevelt and has kidded them all.

Nobody laughed harder than the new president when, after the 1968 election. Hope announced, "I'm going down to Whittier this weekend. I understand they just finished building the log cabin that Nixon was born in."

Harry Truman kept under the sheet of glass on his desk a wire Hope sent after Truman defeated Dewey in the 1948 election. Hope had signed his name to one word, "Unpack!"

MILITARY MEMORIES

It was a spring afternoon, 1941, at March Field, CA, when Bob Hope did his first show for the military. Before the show some GIs took him for a plane ride—a real barnstormer. Afterward Hope asked, "How come you were wearing the safety belt, not me?" The pilot answered, "They *need* me."

Three decades have passed since that first GI show and Hope's still standing ready. Somewhere along the line Hope got the idea that maybe they didn't *need* him but they could *use* him.

The tradition of touring military bases got into full swing with the 1941 peacetime mobilization. Hope took his radio show to camps and air bases all over the country. Then when war broke out he packed a bag and took off for England, the Continent, North Africa, the South Pacific, Alaska, Iceland—whatever soldiers were training or fighting.

There was one night in North Africa he remembers particularly well. "Tony Romano, Jack Pepper and I were riding along in a jeep and suddenly an air raid alarm sounded," Hope recounted. "We decided to head away from Bizerte and drove across the desert until we came to a place our driver said looked like a good place to stop. After we had sat there about 20 minutes lights came on all around us. We were parked in the middle of an enormous ammunition dump.

"When World War II was over and we went on into Korea I went there too with another USO troupe," continued Hope, recalling yet another battlefield adventure. "When I reached Japan I told the boys in Tokyo, 'I know it's not on our schedule but I'd like to do a show for the First Marines.'

"We went from Seoul to Pyongyang, did a show, then took off for Wonsan where the First Marine Division was scheduled to be. As we flew into Wonsan we saw a lot of shipping in the harbor and small boats headed toward shore," he said. "That's nice, I thought, they're coming to see our show. But when we arrived at Wonsan airport there wasn't a soul in sight. We went over to the hangar and finally some brass showed up.

" 'When did *you* get here?' they asked. 'We've been here for 20 minutes,' I told them," continued Hope. " 'Twenty minutes!' they exclaimed. 'You beat us to the beach! we've just landed!'

"They'd been attacking the place but it turned out to be a bloodless invasion," Hope concluded. "When we landed at the airport there were guerrillas all around us but we didn't know it. The fact that we beat the Marines to the beach made the AP wire."

OFF AGAIN

Hope has been making his annual Christmas pilgrimage to Vietnam since 1964. Even after the explosive reception he received some years back he keeps returning. "Everyone has heard about our experience in Saigon when the Viet Cong blew up the Brink's officers' quarters across from our hotel. We thought we were being given one hell of a reception when we saw all the crowds in the street," he quipped. "I spent the next several hours cowering under my bed wondering what was going to happen next."

Humorist Stan Freberg comments: "Audiences love Bob because he provides situations which enable him to laugh at himself. This is the basis, I think, of true American humor."

Freberg also explains how the 68-year-old trouper can withstand the physical and mental strains of these trips year after year: "He's got the energy of 10 men, the talent of 20 . . ."

These trips begin each year with a request from the Defense Department "usually in August." Then an itinerary is drawn up and a cast selected. "I just ask myself—what do the guys want?" said Hope. "And I always come up with the same answer—girls!

"In addition to the cast, our show needs a production staff of about a dozen people and a number of technicians," he continued. "One big thing—we like to get a lot of in-the-spot background material from the locations where we expect to entertain because the guys like to hear lots of local stuff in our gags.

"Another thing is the timing of the shows—considering a number of personnel and amount of equipment we carry. In combat areas the Department of Defense allows us to stay only a certain length of time—it's called 'reaction time'—the amount of time it would take the enemy to discover we're there and take action," he explained. "We are required to make fast stops and quick getaways so we can cover as much territory as possible. Also, where we go is classified—not even we know until we're on our way."

The military goes even further to see that Hope and his troupe are safe. "They usually have a whole ring of MPs around us. That's to protect the girls," he said. "They usually give me a slingshot.

"There's really no basic difference in entertaining in a combat zone and New York or Hollywood," he said. "I was trained in vaudeville. I've been ducking ever since.

"Seriously," he added, "soldiers are the best audience in the world. They know that you came to see them and they really show their appreciation."

Unlike the premature landing at Wonsan and the bombing in Vietnam, there are many unpublicized stories about the long walks Hope has taken through miles of hospital wards shaking hands, cheering up drooping chins, taking addresses with the promise of calling loved ones when he gets back home.

It really doesn't make much difference why Hope makes military tours. The fact remains that he continues to make them. He is willing, for whatever the reason, to give his time and efforts so that soldiers might find a little light in an otherwise bleak situation. And that's something that many other celebrities won't do for any reason.

THE PROBLEMS OF THE JEWISH POOR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BIAGGI. Mr. Speaker, I have frequently commented here on the stereotyping of various ethnic groups and the grave detrimental effects such stereotyping has on these groups. Perhaps no group is more affected than the Jewish people.

Most Americans—including many Jewish people as well—do not think of Jews as being a deprived group. Yet as a recent editorial from the Jewish Week points out, there are many very poor Jewish people. Yet because of the stereotyped image of all Jews as wealthy people, those that are living in poverty have great difficulty obtaining assistance.

Mr. Speaker, so that my colleagues may have the benefit of the thoughts expressed in the editorial, I am including it at this point in the RECORD:

JEWISH POOR ARE DENIED THE PITIFUL PRIVILEGES OF ANTIPOVERTY PROGRAMS

Would it make sense to "frame" an accused person when there is ample truthful evidence?

This is precisely what is being done by the restless and revolutionary critics of the "Jewish Establishment." False and wild accusations are being made, yet the most substantial sin of ommission of the American Jewish community has scarcely been sensed, let alone stressed.

When a local employee of a certain national organization was disclosed to have shown an FBI agent the courtesy of furnishing a clipping from a local newspaper, critics went so far as to proclaim that "informing" in Jewish tradition was punishable by death!

Yet, the most strident accusers have not expressed any concern over the greatest sin of omission of the American Jewish community—the utter abandonment of the Jewish poor.

It is a fact that the Jewish poor exist in great numbers and that they are being discriminated against both by officialdom and by non-Jewish poor on the ground that Jews are not a disadvantaged ethnic group!

This has now been going on for years in New York, a city with as large a Jewish population as the whole of Israel, yet no effective voice has been raised against such terrorist discrimination either by the Jewish community or by the presumably liberal administration governing the city of New York. Yet the facts are indisputable. An official federal report confirming these facts is due to the released September 1.

Will the Jewish community then wake up to its responsibility?

NO ONE HAD THE FACTS

The editors of The Jewish Week had long sensed that there has been massive Jewish poverty despite the reputation of Jews for affluence. Our very first journalistic enterprise when we began publishing our New York edition last October was to look into the Jewish poverty situation. We naturally inquired of all the redoubtable Jewish organizations for information. No facts were available.

Searching elsewhere, we discovered an old study of ethnic poverty in New York under auspices of Columbia University, that included some statistics on Jewish poverty. Projecting these figures to the present time by allowing for apparent economic and population trends, we published articles last November suggesting that more than one-fourth of a million Jews in New York were living below the recognized poverty level. By going into neighborhoods, we discovered that many Jews submerged in poverty were being discriminated against in a most hostile manner because it was felt that other ethnic groups had better claims.

Subsequently, one of the great national Jewish organizations showed a belated interest in Jewish poverty and, using the quite inadequate material we had surfaced, published a paper that came up with the exaggerated conclusion that one-million Jews in America were living below the poverty level. We then felt obliged to dispute that report, pointing out than one-half million would be closer to the truth, since Jewish poverty in the provincial cities and towns was less, proportionately, than in the by-passed Jewish neighborhoods of Brooklyn, the Bronx, Miami Beach and Los Angeles.

Such is the low quality of the Jewish Community's interest in the problems of the Jewish people who have been left behind in the general upward economic movement of the Jewish people!

AN ATTITUDE OF DISDAIN

It is but fair to note that the Jewish Establishment is not out of step with the sentiment of its constituents in ignoring the existence and sorry plight of the Jewish poor. It is not, as might be suspected, merely a case of elitist aloofness. There was a time around the beginning of the century when the Jewish community consisted of a Central European elite, and an East European mass. Then the affluent were greatly concerned to provide for their problem people, so that they should not become a bad reflection on them. Today, the great majority are known for affluence and social generosity, and they tend to be more contemptuous than concerned for their brethren who have straggled and strayed behind in the rise of American Jewry.

The prevalent attitude towards the Jewish poor has been one of disdain that they should persist in living in poor neighborhoods and become an ugly issue of contention in the fierce competition of the insurgent ethnic groups. When demogogues lay all the sufferings of the Black people to their "exploitation" by Jewish neighborhood grocers who toil longer hours for less earnings than their "victims", the most kindly Jewish reaction is to suggest that the Jewish storekeeper be rescued by making him a charity client. The right of a poor Jewish person to earn his livelihood in his own way is not only undefended, but scorned. Nor are the wildly exaggerated accusations against Jews in the ghettos seriously questioned. Jewish poverty is so offensively reflective on the Jewish success myth that it acquires the sinister aspect of obvious guilt.

Still, there are many scores of thousands of Jewish poor and they are surely no poorer genetically than those of us who think we have arrived. Given a chance to struggle with life, they may be fully as precious to the Jewish future as their more prosperous but assimilative fellow-Jews.

It is, we agree, important for our Establishment to fight for the right of Jews to a place in the executive suite. But is it not far more important to fight for the right of a poor Jew to share fairly in the crumbs provided for the poor?

When will those segments of the Jewish Establishment that have been foremost in fighting the cause of non-Jewish minorities extend a little understanding and help to the most disadvantaged of all the poor—the Jews who are denied the pitiful privileges of poverty?

EMPLOYEE BENEFITS PROTECTION ACT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. QUIE. Mr. Speaker, President Nixon's new pension program represents a dramatic breakthrough in our efforts to assure an adequate retirement income for the Nation's elderly. No problem is more vexing than the problem of guaranteeing that our Nation's senior citizens will be able to live in dignity; no one has suggested a more comprehensive solution than the one the President has presented to the Congress.

Old age should be a time of purpose and meaning, a time in which the wisdom of the years can be used for the benefit of one's fellow man. Too often it is a time of misery, of struggle, of need.

That is why I am confident that the Congress will recognize the imperative of the program the President has announced and support his effort to assure our citizens that their retirement years will truly be golden years of promise and opportunity.

CLEVELAND'S 175TH ANNIVERSARY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. VANIK. Mr. Speaker, this year marked the 175th anniversary of the founding of the city of Cleveland—the sesquicentennial celebration of the city of Cleveland.

During the course of this year, the city conducted a complete year of celebration and festivities. The city streets were filled with music and friendship; the merchants explored attractive methods of developing a carnival-entertainment atmosphere on the main streets of the city.

The entire community was filled with pride for the city's heritage and plans were proposed for things to be done during the remainder of the 20th century.

One of the outstanding events which occurred was the sesquicentennial dinner which was held in the lobby of the Palace Theater—one of the most beautiful chambers in America. This theater was built by B. F. Keith with artifacts representing all of the ethnic cultures comprising the Greater Cleveland community. The dinner was chaired by Kay Halle of Cleveland and Washington, D.C., who organized the dinner for 175 Cleveland men and women of exceptional achievements. Among the honorees were such famous Clevelanders as entertainer Bob Hope, orchestra leader Sammy Kaye, Olympic medal winner Stella Walsh, several of the former mayors of the city of Cleveland, former Congresswoman Francis Bolton, former Under Secretary of the Treasury H. Chapman Rose, and conductor Mabel Cisissle.

It was only appropriate that Miss Kay Halle should chair this important event, since she has been the patroness and guiding force of two important projects: first, to restore the cultural spirit of the Playhouse Square area of Cleveland and rehabilitate the theater district—one of the finest in the United States, and second, to develop a permanent residence for whoever serves as mayor of the city. These are extremely exciting and popular projects. Following is a complete statement which was made by Miss Kay Halle on July 24, 1971, to celebrate the 175th anniversary of Greater Cleveland.

The statement follows:

Opening Remarks of Kay Halle—Toastmistress and Chairman of the Dinner for 175 Cleveland Men and Women of Exceptional Achievements—To Celebrate the 175th Anniversary of Greater Cleveland

On this 175th Anniversary of Greater Cleveland for a Greater Cleveland, I speak for the Super Sesqui Commission in saluting you, who have come here—some from afar—our honored guests who are deeply associated with Greater Cleveland, either by birth or significant years of residence. Your exceptional achievements have brought honor and fame to our city by the national and international recognition you have earned.

As I look over this gifted assembly in this glorious Grand Hall of the Palace Theatre—soon to celebrate its 50th birthday—I am reminded of the evening when President John F. Kennedy addressed a group of Nobel and award winning Americans at a dinner in the White House when he said, "There never has been such a concentration of brains and talent under this roof, except perhaps the evening when President Thomas Jefferson dined here alone."

As it was my happy task to help select and shepherd those gifted national and international award winning Americans invited to President Kennedy's Inaugural, I was delighted to discover that out of the final Honor List of 168, Cleveland had contributed more than any other city.

You may wonder why we awakened this sleeping beauty, the Grand Hall of the abandoned Palace Theatre from her slumbers over our past achievements, to serve as the setting for this dinner of celebration.

For one thing we felt it might evoke the inspiration that animated the birth of our great founding days with its cultural and scientific achievements and the creation of our diversified industries which earned us the titles, "the Athens of the Western Reserve," and "the best location in the nation." This Grand Hall echoes not only with the voices of Elsie Janis, Ina Claire, Ethel Barrymore, Danny Kaye and a host of others who performed here, but with promises of further advances generated by you, whose exceptional talents, and achievements are being honored here tonight.

The treasures that surround us in this Great Hall came from abroad, as did so many of our citizens who settled here. Look up at the crystal chandeliers, exact copies of those from Louis XIV's Palace of Versailles. They came from Czechoslovakia.

The superb marble columns that support the Grand Hall are from Carrara, Italy.

From France the bronzes and a painting by Corot that once hung here. From India and yes, China, the great rugs and vases—all symbolic of the variety of nationalities that compose the mosaic that is Greater Cleveland. We are a true blend of a United Nations which we are painfully striving to become—if we are to survive.

On our 175th birthday our watchwords might be, *A United Greater Cleveland For A Greater Cleveland*. United is the operational word. It is not what Cleveland may be in 175 years from now that should divert us, but what it will be 5 years from now that should absorb our waking hours.

Living as I do between my native Cleveland and our nation's capital, I am in accord with a letter I received from Sir Winston Churchill after he learned that a statue of him by Cleveland's Bill McVey was to be placed before the British Embassy with one foot on American, the other on British soil. "Be assured," he wrote, "that I will stand firmly on both feet."

At times, perhaps, one can see a bit truer from the outside looking in than the other way around to evaluate true worth.

Not far from me in Washington stands the Pre-Columbian Museum, a part of Dumbarton Oaks. Designed by Cleveland's world famous architect Philip Johnson, attracting admiring visitors from all over the world.

The other evening I listened with pride to three ex-Ambassadors to the Soviet Union, Averell Harriman, Llewelyn Thompson and Charles Bohlen extol the expert translation of *Khrushchev Remembers* by Strobe Talbot, a Clevelander still in his twenties. And the author-director of "Godspell' the smash musical hit in New York is Cleveland's John Tebelak, a youth of 22 years.

The economist in the White House with the Office of Management and Budget is Cleveland's Arthur Laffer. This is to mention only a few of our giants-at-large.

In winter at night-time when I look from my window out on the unparalleled Lincoln Memorial bathed in a veil of light, I draw pleasure from knowing that its architect, Henry Bacon, also designed downtown Halle's.

It is also reassuring to review some of our innovative firsts as a challenge for tomorrow. One of our city's founders, Jeptha Wade, gave to the world the Western Union system of communications and to Cleveland its series of green lungs—Wade Park.

Charles Brush's discovery of the arc light resulted in Cleveland's streets and the Hollenden Hotel being first in the world to be electrified.

Out of two small basement rooms, one at Case, the other at Western Union some 96 years ago, Doctors Michelson and Morley measured the motion of the earth through space with the aid of light waves revealing the failure of any motion. All this led to Einstein's theory of relativity depending on the motion of the observer—which in turn opened up the atomic age!

It was an official of the United States Postal Service in Washington who reminded me that 108 years ago Joseph Briggs, a Cleveland window delivery postal clerk carried the first letter from the Post Office to its destination. For his innovative act President Lincoln's Postmaster General, Montgomery Blair, called Mr. Briggs to Washington to set up a delivery system for the nation!

It was Cleveland's Florence Allen, from whom I first learned Latin, who became the first woman judge appointed to the Ohio State Court and later as Judge of a U.S. Circuit Court of Appeals. A founder of the Cleveland Clinic Dr. George Crile performed the first successful blood transfusion on a human being. When blood donors were being sought at the beginning of World War II, Dr. Crile was invited by a national network to be interviewed on his discovery. On learning that the blood of black people was not being accepted he condemned the ban as wholly unscientific and refused the interview. We have come quite a long way.

What other major city can boast of our imaginative Cultural Gardens or our Emerald necklace of Parks. And it was Cleveland the first major city in the nation that united to elect a black Mayor, Carl B. Stokes.

Recently, walking up Euclid Avenue from the Public Square to Playhouse Square with Judge Earl Hoover, a distinguished historian of the Western Reserve, we stopped to read a bronze placque tucked on the side of a building which noted that it was in a room above that Archibald Willard painted his celebrated "Spirit of '76."

It brought home to us the urgent need to devise some system for those who live in the affluent doughnut of the suburbs, to join hands and forces with the Center City in order to form "a more perfect union" in "The Spiirt of '71."

May I suggest that we begin to plan for the greater needs and enjoyment of Greater Clevelanders by honoring the milestones we are celebrating with some residual gifts—some lasting expressions.

Let us allocate a permanent space in the heart of downtown Cleveland, patterned after Copenhagen's Tivoli Gardens, where different expressions of entertainment and the talents of all groups that compose Greater Cleveland could be enjoyed.

Let us bring life once again to Playhouse Square which possesses such potential cultural riches as the Allen, State and Palace

Theatres—now idle. Had they been standing along Pennsylvania Avenue in Washington it might not have been necessary to erect the Kennedy Center for the Performing Arts.

Indeed if anything we suffer from an embarrassment of riches of which we were vividly reminded, in 1932 after the economic crash, by Winston Churchill's words to an audience of 2,000 Clevelanders, "We are stripped bare by the curse of plenty!"

And lastly let us create an official residence for future Mayors of Cleveland in the historic Mather Mansion now part of Cleveland State College, once the home of Samuel Mather, brother-in-law of John Hay, President Abraham Lincoln's Private Secretary who later became Secretary of State. Once again let Cleveland assume its historic role of innovator by instituting a participating alliance in the Mansion between the Mayor and selected College students and their professors in political science, history, urban affairs, etc. To establish and service a special Situations Room in the Mansion for the Mayor, to brief and keep him up to date on city, county, state, national and international developments. The mansion's ballroom could serve as a setting for the entertainment of distinguished visitors to Cleveland where the Mayor could invite various of Greater Cleveland's gifted music, ballet and theatre groups to perform.

Much lies ahead to be done, and it can be done. Samuel Johnson put it best, "Depend upon it, Sir, when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully."

Let our 175th birthday then remind us that we call ourselves Clevelanders. Well then, let us "concentrate our minds wonderfully" and become, in fact, Greater Clevelanders.

LUIS QUERO CHIESA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BIAGGI. Mr. Speaker, Luis Quero Chiesa was recently elected chairman of the board of higher education in New York City. His accession to that position is greatly significant in that he was the first Puerto Rican member of the BHE and the first to be elected its chairman.

An award winning artist and writer, Mr. Quero Chiesa is with Blumenthal International Association, Inc. His short stories appear in anthologies and in readers used in the Puerto Rican schools. His paintings, using native Puerto Rican motifs, have been shown in San Juan, in New York, and as a part of a traveling exhibit of American art shown throughout the hemisphere. Under his leadership as president of the Institute of Puerto Rico in New York, an extensive cultural program has been carried out and a youth group organized.

Mr. Quero Chiesa has served as second vice chairman of the board of higher education, which governs the City University of New York. CUNY now enrolls more than 200,000 students.

In the last several years Mr. Quero Chiesa has devoted particular energy to the Committee on Expanded Educational Opportunity, which he chairs. The committee deals with the special programs developed for disadvantaged students, including SEEK, College Discovery, and the paraprofessional programs conducted for employees of schools, hospitals, and social agencies.

Mr. Quero Chiesa has been an advocate of bilingual education. Speaking of children in the schools, he says,

> The head start which Puerto Ricans have because of their knowledge of Spanish can be used to teach them English more effectively as a second language.

Mr. Quero Chiesa, 60, was born in Puerto Rico and completed high school there. He is a graduate of the Parsons School of Design in New York City, and has studied art in Mexico. He is a corresponding member of the Hispanic Society of America.

Mr. and Mrs. Quero Chiesa live in Flushing, Queens. They have two daughters, Mrs. Frank Nappa, a fashion designer, and Mrs. Rafael Cuello, a physician.

Mr. Speaker, his success is but another example that discrimination on the basis of race, creed, or country of origin can be eliminated in this Nation. His work has brought about a tremendous improvement in the educational opportunity for Spanish-speaking Americans in New York City. His life should serve as a model not only for Spanish-speaking Americans, but for all. I wish him great success in his new position.

1971 ANNUAL REPORT

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, December 14, 1971

Mr. JAVITS. Mr. President, in offering this, my 23d annual report to the people of New York State on my own activities as well as on the work of the first session of the 92d Congress, I am struck by the fact that 1971 was pivotal for the destiny of our Nation and the future of all nations.

Some bold initiatives taken by the President and by the Congress will help to secure better international understanding and more promise of world peace, but there were also some serious steps backward at home and abroad.

The dramatic turnaround in U.S. policy toward mainland China—first in the President's announcement of his forthcoming trip to Peking and later in our support of entry of the People's Republic of China to the United Nations—represents the first real hope that our relations can be normalized with the world's third power with which we have been at sword's point, including a war, for nearly three decades. So, too, does the President's planned trip to the Soviet Union in 1972 hold out the hope of a further easing of tensions with our most serious—and dangerous—world competitor. And the President's Vietnamization policy—while not achieving complete disengagement from Southeast Asia currently—is winding down the war which remains the single most destructive influence on our Nation's unity, motivation, and destiny.

But countering this forward momentum has been a growing protectionist and isolationist tide evidenced in some disturbing and potentially perilous efforts to erect special self-defeating trade barriers, cut back foreign aid, hedge on our moral and humanitarian commitments to the United Nations, reduce precipitously our participation in NATO and view narrowly our vital national-security interests in the Middle East.

Another pivotal situation for our Nation and the world has been the President's announcement of the most sweeping changes in economic policy since the New Deal, seeking to curb inflation, reduce unemployment, and restore a favorable balance of trade and international payments. And, as we approach the new year, we begin to see the first promising signs that his stabilization plan—phase II—now authorized by Congress, may be taking hold.

On the domestic front, as in the international sphere, 1971 leaves us with something of a mixed bag: On the one hand, we have the promise of the President's welfare reform, revenue sharing, and environmental-protection proposals, as well as the progress made in the Congress toward greater consumer protection, draft reform and a massive drive on cancer. But—due largely to the continued imbalance between our defense and domestic priorities—we made precious little progress in combating crime and violence, reducing the traffic in and abuse of narcotic drugs, eradicating hunger and poverty, fighting urban decay, assuring low- and moderate-income housing and national health care, promoting civil rights and liberties, and equal educational opportunity in all sectors of our society and achieving meaningful governmental reform. And we even suffered some setbacks, such as the failure to establish a national child development program.

I have found it most challenging and gratifying to be engaged in seeking solutions to our great international and domestic problems as a member of the Foreign Relations Committee; as ranking Republican member of the Labor and Public Welfare Committee, the Joint Economic Committee of the Congress, and the Select Committee on Small Business; as second-ranking Republican member of the Select Committee on Equal Educational Opportunity, and as a ranking member of the Government Operations Committee.

I look ahead with hope and confidence to 1972 as a year in which so many initiatives begun this year to achieve world peace, social justice, and general prosperity can come to greater fruition.

ECONOMIC STABILIZATION

On August 15, 1971, President Nixon announced a series of far-reaching steps in domestic and international economic policy which probably will be remembered as a major turning point in our Government's economic activity, as well as in Republican economic philosophy. That day marked the beginning of the wage/price freeze leading to the system of "phase II" controls which are with us as we enter 1972. At the same time, the President announced a series of tax proposals designed to stimulate business activity, increase consumer spending, and reduce unemployment.

As the ranking Republican Senator on the Joint Economic Committee of the Congress, I had a unique opportunity to review and influence administration economic policy. Long before August 15, I sought to warn the administration as to the consequences of failing to adopt an "incomes policy" for restraining wages and prices. In April, I specifically urged the establishment of a wage and price board and introduced legislation to that end. In May, I urged the closing of the U.S. "gold window" as the best means to stop the drain on our remaining gold stock. In July, I urged a wage/price freeze as a first step to setting up such a wage/price board. On August 4, I was joined by 13 other Republican Senators in introducing legislation for a wage/price board and which, among other things, would have forbidden Government contracts to be awarded to firms violating the wage and price guidelines. I was pleased that the President adopted many of these policies as part of his Economic Stabilization program.

I supported most of the administration's measures for stimulating the economy, including personal income tax reductions and the investment tax credit. I also felt that we needed more policies designed to directly stimulate jobs and reduce unemployment. Therefore, I proposed an incentive job development tax credit based on the number of jobs actually created by each employer-taxpayer.

We should give priority attention to the problem of improving the productivity of our labor force. Accordingly, last spring I introduced legislation—now becoming law—to begin an expanded productivity drive by using Federal funds to encourage the establishment of plant and local-level productivity councils similar to those used so successfully during World War II.

TAX LOOPHOLES

The Federal Government loses over $40-billion annually through special tax provisions. Many of these special provisions are desirable as incentives or relief measures; some might be regarded as loopholes. Because I believe it is most important that these revenue losses be regularly reported to and reviewed by the Congress, I introduced legislation which passed the Senate requiring estimates of such losses to be itemized in the annual budget. The Department of the Treasury has now agreed to publish these estimates annually.

LOCKHEED LOAN

I voted for the $250-million emergency loan guarantee to the Lockheed Corp. to meet the emergency of a sudden loss of productivity and jobs and confidence that would accompany the failure of a national defense producer.

TRADE, GOLD, AND FOREIGN AID

It was an enormously difficult year for the international economic relations of the free-world nations. Shortly before the President's August 15 announcement of his new economic policy—freeze—I urged that the "gold window" be closed while allowing the dollar to float temporarily pending a reform of the monetary system.

I later urged the administration to accept a modest change in the price of gold in terms of the dollar, or a widening of "gold points," as part of a substantial realinement of the major currencies against the dollar to achieve an interim settlement of the monetary and trade crises—I introduced legislation to this effect. Over the longer term, I have urged that we strengthen the role of special drawing rights—SDR's—as an international reserve asset and correspondingly downgrade the role of gold.

I supported the President's 10-percent surcharge on imports as a necessary short-term measure to strengthen the bargaining position of the United States. However, I also warned that the maintenance of the surcharge and the "Buy America" discriminatory provision of the investment tax credit beyond the end of 1971 could unnecessarily strain our domestic economy as well as the vital economic relations among the nations of the free world. The ultimate danger in these measures was a world recession leading to trade wars and mitigating against securing the desired currency realinements.

I also opposed the regrettably successful efforts on the Senate floor to write protectionist trade legislation into the Revenue Act of 1971. This legislation gave the President almost unlimited authority—which he did not want—to impose import quotas and import surcharges. The Senate-House conference struck these unwise provisions.

Closely related to the Senate's growing protectionism the assault made on our foreign aid program. I was successful in managing the fight in the Senate against the attempt to reduce our voluntary contributions to the United Nations by more than $100 million, and in organizing the bipartisan coalition in the Senate Foreign Relations Committee which revived a meaningful development assistance and security assistance program following the initial Senate defeat of the AID bill.

I strongly supported the continuing effort to channel more of our development assistance resources through multilateral institutions such as the World Bank, the Inter-American Development Bank and the Asian Development Bank to assure that there will be greater burden sharing with the other major donor nations and that long-range development, not short-term political gain, is the driving force behind our aid programs.

CRIME AND DRUGS

The impact of high rates of violent crime and the closely related problem of drug addiction continued to have a devastating effect upon life in urban America—notably in New York City. Many of our people live in an environment of fear and hopelessness.

I proposed and supported legislation seeking to strengthen law enforcement capabilities, identify and deal with the causes of crime, lower the high rate of recidivism among those leaving prisons, and to control the supply and availability of handguns.

I actively supported efforts to increase to $250 million the funds available to relieve the pressures building up within our correctional and prison systems. These funds were used in many States and localities to develop and operate community-based corrections facilities, including diagnostic services, halfway houses, and probation and work-release programs under the direction of the Law Enforcement Assistance Administration.

I was successful in obtaining a new federally sponsored correctional manpower training program, sponsored by the New York City Board of Education and located at the Rikers Island Reformatory.

By the year's end, I prepared—for introduction in 1972—three major bills designed to have a significant impact upon the crime problem by first, assisting large cities where crime rates are highest; second, conducting innovative programs—with emphasis on the involvement of the private sector—in the rehabilitation of offenders by means of manpower-training programs in pretrial and correctional situations, and third, formulating an explicit set of national standards and criteria for reform of correctional systems throughout the country.

I again supported vigorously legislation to achieve a national registry of all guns and licensing of all gun owners—moves which I feel are essential to combating violent crime, but which do not jeopardize the rights of sportsmen and others who have legitimate use of firearms.

I was a primary sponsor of the most comprehensive drug-abuse legislation ever to pass the Senate. The Drug Abuse Office and Treatment Act of 1971 which authorizes $1.5 billion in new funds to establish a national policy and program for combating drug abuse. To reverse the rapid trend toward addiction-related crime, I authorized legislation to launch large-scale methadone-maintenance programs as an interim measure—for the treatment of heroin addicts on a nationwide basis.

In seeking to deal with the tragic problem of addiction among our fighting men in Vietnam, I coauthored legislation—which was for the most part enacted—to assist in the identification and treatment of drug- and alcohol-dependent members of the armed services.

During this session, I again sponsored a resolution for a New York-New Jersey compact which would create an airport commission authorized to exercise powers at the New York metropolitan area airports in an effort to curb the high incidence of cargo theft.

FOREIGN AFFAIRS

WAR POWERS

On December 7, 1971, the Senate Foreign Relations Committee, of which I am a member, unanimously reported out to the Senate a proposed War Powers Act. This potentially historic measure was my bill sponsored with Senator STENNIS of Mississippi and Senator EAGLETON of Missouri and others, which seeks to restore the Constitutional balance between the legislative and executive branches of Government by establishing clear restraints over the initiation and conduct of undeclared wars unless specifically authorized by Congress. This bill was the focus of extensive hearings conducted by the Foreign Relations Committee and attracted considerable attention and comment from academic experts, legal and constitutional authorities as well as in the press; and is expected to receive favorable consideration by the Senate early in the next session. If enacted into law, the war powers bill will be truly historic because it not only would provide strong safeguards against tragic involvement in future Vietnams, but should also go far toward restoring confidence in our political system among the many Americans who have been so disillusioned by Vietnam.

SOUTHEAST ASIA

The Vietnam war continued to be a highly divisive issue, weakening our Nation at home and abroad and draining vital resources urgently needed elsewhere. I continued to bend my efforts to bringing U.S. involvement in this tragic war to a swift and complete end, and I shall continue to do so until this goal is achieved.

While President Nixon's policy of Vietnamization and withdrawal reduced the tempo of the fighting and significantly diminished the scale of U.S. combat involvement in Vietnam, the war continued and no date was fixed for complete U.S. withdrawal. My visit to Vietnam in May reaffirmed my conviction that Congress must continue to press for an early date for full U.S. withdrawal; thus, I supported all Senate measures toward this end, namely the unsuccessful Hatfield-McGovern amendment which I cosponsored, and the Mansfield amendment, which passed the Senate on three different occasions in 1971. But the latter measure, which sought to establish a 6-month withdrawal deadline, was weakened in its final legislative form as a result of action by the House of Representatives.

I supported successful Senate amendments placing ceilings and restrictions on the level of U.S. involvement in Laos and Cambodia. My own amendment—first adopted in 1970 and again adopted as part of the Foreign Assistance Act passed by the Senate—established legislatively that assistance to Cambodia does not constitute a U.S. commitment to Cambodia's defense.

CHINA AND JAPAN

1971 was a watershed year in our relations with the two most important nations in Asia—China and Japan. President Nixon made bold and imaginative initiatives toward normalization of our relations with mainland China. They were in close accord with the policy I have publicly advocated over the past several years including 1970 as a U.S. delegate to the U.N.

On February 2, I introduced a Senate resolution calling on the administration to adopt a new policy in the U.N. favoring admission of mainland China while also seeking to preserve representation for the Republic of China on Taiwan. That policy later became that of the Nixon administration, although efforts to preserve Taiwan's seat were defeated in the U.N. General Assembly. I considered the General Assembly's action to expel the Taiwanese Government most regrettable, but I successfully opposed efforts in the Senate to retaliate by sharply cutting U.S. voluntary contributions to United Nations humanitarian programs.

My visit to Japan in May, when I had discussions with Prime Minister Sato and other Japanese leaders, reinforced my conviction that continued close U.S.-Japan relations should be the basis of our post-Vietnam policy in Asia and was a prerequisite for peace and prosperity there. Accordingly, I supported the treaty to restore full administrative rights over Okinawa to Japan, and continued to work hard to prevent overall United States-Japan relations from being adversely affected by trade and monetary disagreements.

INDIA AND PAKISTAN

The outbreak of full-scale war between India and Pakistan constituted a danger to world peace. I urged that the efforts of the United States be directed toward halting the bloodshed and helping to alleviate the massive human suffering caused, in the first instance, by the repression in East Pakistan and increased manifold by war between India and Pakistan. As there was at least some measure of blame on both sides, I urged our Government to maintain political neutrality while concentrating on peacemaking and humanitarian relief of the millions of refugees from East Pakistan in India.

NATO AND EUROPE

Pointing up how crucial 1971 was for the future of the NATO alliance were the continuing efforts in the Senate, led by Majority Leader MANSFIELD, to effect large, unilateral cuts in the U.S. troop levels among NATO forces in Europe. I opposed these efforts because I felt that any weakening of NATO could undermine the good prospects for opening negotiations with the U.S.S.R. for mutual and balanced force reductions in Europe as well as for the ongoing active negotiations on nuclear arms limitation, on Berlin and the convening of a European Security Conference. At the same time, I favor a greater sharing of the NATO military burden by other member nations.

At the October 1971, meeting of the North Atlantic Assembly—formerly the NATO Parliamentarians—in Ottawa, I stepped down as chairman of the political committee to accept the chairmanship of a new ad hoc committee of "Nine Wise Men" commissioned by the Assembly to undertake a thorough review of the Atlantic Alliance—NATO—and to make recommendations by November 1972, on its future.

WORLD COURT

I introduced a resolution to strengthen the World Court as an instrument of achieving international peace by encouraging the submission of a greater number of international disputes by the United States to the Court.

MIDDLE EAST SOVIET JEWS

Although the cease-fire along the Suez continued in effect, the Mideast situation remained ominous and there were renewed threats of war emanating from Cairo. The Soviet Union continued to supply aircraft, missiles, and other sophisticated weapons to Egypt, and a large number of Soviet military personnel—including combat pilots—were stationed in there. U.S. efforts to promote a negotiated settlement, including an interim partial settlement to reopen the Suez, were frustrated by demands which were incompatible with Israel's vital security requirements and continued Egyptian threats to resume the shooting.

I took the lead legislatively on several measures to bolster Middle East security by bolstering Israel's self-defense capabilities. I was a principal sponsor of Senate Resolution 177—ultimately cosponsored by 78 Senators—which called for the resumption of arms shipments, specifically Phantom jets, to Israel. I authored in the Foreign Relations Committee an amendment to provide $85 million in defense support to Israel, in recognition of the enormous strain which the defense burden places on Israel's limited budgetary resources. I also was a principal author of the amendments to authorize $300 million in credits to Israel to purchase Phantom jets and other military equipment under the Foreign Military Sales Act. Also, I worked actively with Senator JACKSON of Washington to provide $500 million in credits to Israel for military purchases, including $250 million specifically earmarked for the purchase of Phantom jets.

In a closely related area, I continued to work actively against the mistreatment of Jews in the Soviet Union and the denial of their rights including the right to emigrate—many of them to Israel. I also continued to work actively in seeking an end to the persecutions of Jews in Iraq, Syria, and in other lands where they have lived in peace for centuries.

As a member of the Foreign Relations Subcommittee which closely investigated the constitutional and legal implications of the International Convention on the Prevention and Punishment of the Crime of Genocide—the so-called Genocide Convention—I was instrumental in having the Convention favorably reported to the full Senate by a vote of 10 to 4 on March 30. I hope ratification will come early in 1972.

POVERTY, SOCIAL SERVICES

Foremost among the initiatives to come to grips with the poverty affecting some 24 million Americans was the President's historic family assistance program. For the first time, a minimal national income level would be established along with incentives to reduce the welfare rolls and ease the burden on State taxpayers by providing a national Federal takeover of welfare costs. I strongly supported this basic approach and introduced amendments, with Senator RIBICOFF of Connecticut, to strengthen the proposal, particularly from the viewpoint of such large industrial States as New York. Senate action on this House-passed bill is expected in the spring.

A number of initiatives which I proposed became law:

In July the President signed into law the Emergency Employment Act, which I coauthored with Senator NELSON of Wisconsin. This represented the first postwar public service jobs proposal and authorized approximately $2.25 billion over a 2-year period for the creation of more than 100,000 public service jobs for unemployed and underemployed persons.

The President signed into law on May 25, a special supplemental appropriation of $105 million which I sought for the Neighborhood Youth Corps summer job programs to deal with the special problem of youth unemployment in the summer months. I also led the fight for the $44 million funding of manpower programs to assist disadvantaged youth and older persons.

Regrettably, the President vetoed the Economic Opportunity Amendments of 1971, providing a 2-year extension of the crucial antipoverty program and establishing a new child-development program for preschool services for poor and other children on the local level, which was patterned basically on my proposal the year before for a comprehensive Community Child Care Act. The bill also included a new community economic development section based upon a bill coauthored by Senator KENNEDY with me to combine the efforts of the poor with those of public and private resources toward eliminating poverty in low-income areas, as has been demonstrated so successfully in the Bedford-Stuyvesant section of Brooklyn. The economic opportunity amendments also contained a vital provision which I proposed to have Puerto Rico regarded as if it were a State for the purpose of receiving assistance under the Antipoverty Act.

Although the Nixon administration has advanced further than any other in providing assistance to the hungry and malnourished, I expressed my concern to the President that the funding of the school lunch program was inadequate and voted for the legislation which increased funding for free lunches to insure that all those who needed them would get them. Nor was I satisfied with the limits the Department of Agriculture placed on eligibility requirements for food stamps and I continue to work for their revision.

A crucial problem affecting the poor, as well as all citizens, is the matter of administrative abuse by Federal, State, and local government. I introduced the Administrative Ombudsman Experimentation Act of 1971, to provide a 2-year test of the ombudsman "watchdog" concept in combating administrative abuse at all levels of government. I am hopeful that hearings will be held in the near future.

EDUCATION

The Congress reaffirmed its priority interest in education by appropriating $5.024 billion—an increase of some $539 million over last year's appropriation. This included increases in student assistance and other higher education programs, as well as in vocational education, education of the handicapped, programs for the disadvantaged, bilingual students and adults.

The Senate approved two major education bills which must now await resolution by a House-Senate conference—of which I will be a member—before they can be signed into law. The first of these, unanimously approved by the Senate, was a comprehensive higher education measure which I cosponsored. In addition to continuing and expanding existing higher education programs, it established a landmark student assistance and by means of a program of basic educational opportunity grants. Assistance is also provided for institutions of higher education—many severely pressed by lack of funds—and for expansion of work-study and loan programs.

Included in the bill were several provisions of which I was the principal sponsor, including establishment of the National Foundation for Postsecondary Education to stimulate innovation in higher education; authorization of matching grants to the States for State scholarship programs; inclusion of half-time students in educational opportunity grant programs; establishment of Educational Opportunity Centers to counsel poor and others on entering college; permitting developing institutions to receive two-thirds Federal funds for construction grants; establishment of a Bureau of Occupational and Adult Education within the U.S. Office of Education, and inclusion of at least one student on the governing board of the National Foundation for Postsecondary Education.

The other major bill awaiting conference action—the Emergency School Aid and Quality Integrated Education Act of 1971—passed the Senate by a 74 to 8 vote, having gained the support of southern Senators who sought Federal assistance for court-ordered integration programs in their States. It would authorize $1.5 billion in financial assistance to encourage the establishment and maintenance of stable, quality integrated schools, to assist in eliminating minority-group isolation in public school systems throughout the Nation, and to aid schoolchildren in overcoming the educational disadvantages of minority-group isolation.

HEALTH

I introduced the National Health Insurance and Health Services Improvement Act of 1971 to extend the present medicare hospital and physician coverage to all citizens, while simultaneously expanding the range of health-care benefits. To implement a national health insurance system and rationalize medical care services and facilities, I introduced as a companion measure, the Local Comprehensive Health Services Systems Act of 1971, as well as the administration's Health Maintenance Organization Assistance Act of 1971.

A comprehensive new law, Public Law 92–157—to increase the supply and improve the use and distribution of physicians, dentists, nurses, and other health manpower—was in large measure based on health manpower legislation I introduced for the administration and on provisions I authorized. Also enacted into law—Public Law 92–158—was legislation I authored and cosponsored to provide a balanced program of support to nursing schools and nursing students.

To wage a new war against cancer—the major health concern of the American people—I offered with Senator KENNEDY a landmark bill to accelerate and vitalize the war on cancer which, in large measure was enacted into law.

The treatment of other dread—yet, tragically, neglected—diseases also received my concern and careful attention. I cosponsored the Senate-passed bill to combat sickle cell anemia and Myasthenia Gravis. I also cosponsored legislation to provide new innovative programs of dental care and to establish programs of Federal support for water fluoridation.

THE HANDICAPPED

Congress enacted into law legislation I authored amending the Wagner-O'Day Act. This legislation extends the special priority in the selling of certain products and services to the Federal Government—heretofore reserved exclusively for the blind—to the other severely handicapped, assuring, however, that the blind will have first preference.

ENVIRONMENT

In 1971, the Environmental Protection Agency was established and it moved forcefully and effectively in the areas of air and water pollution to enforce and implement stricter standards throughout the Nation.

On August 6, the Senate passed a bill which I sponsored to establish the Gateway National Recreation Area for the New York City metropolitan area, encompassing Great Kills Park in Staten Island, Breezy Point and Sandy Hook in New Jersey, and Jamaica Bay. This legislation is expected to become law very early in 1972.

On November 2, I joined in the Senate's 86-to-0 vote to pass the Water Quality Standards Act (S. 2770), which would provide $14 billion over the next 4 years for the construction of sewage treatment facilities throughout the country. The Senate bill contained a provision which could bring approximately $1 billion to New York State by reimbursing States and localities for moneys morally but not legally owed to them by the Federal Government.

In 1971, I again introduced a bill to provide a bounty on abandoned automobiles to help eliminate a serious litter problem in many areas in New York State and the Nation. In another effort to combat the solid waste problem, I introduced legislation to require all those contracting with the Federal Government to use a certain percentage of recycled materials in the performance of their contracts. I will press for enactment of both measures in 1972.

HOUSING

The year 1971 saw construction of the largest total of subsidized housing—in excess of 400,000 units. Despite this increased effort, the housing shortage for low- and middle-income families remained severe throughout New York State, especially in the large metropolitan centers.

I was again active in efforts to secure increased funding for Federal housing programs and was instrumental in increasing the appropriation to $200 million for the section 236 subsidy program in fiscal 1972—the program through which most of the federally subsidized housing in New York State is constructed.

I introduced a community development bill (S. 609) to provide supplementary

Federal grants to local governmental units which seek to develop programs for increased low-cost housing and to deny Federal assistance to those localities which—by means of restrictive land practices—exclude such publicly assisted housing. I hope for enactment early in 1972.

I also introduced a bill, S. 1859, to create a National Institute of Building Sciences to propose nationally accepted standards for local building codes and to serve as an authoritative source of information on latest advances in construction.

In addition, continuing our efforts to produce new housing, we must adopt fresh initiatives to preserve and upgrade our existing housing stock to stem the alarming rate of deterioration in "transitional areas." Accordingly, I urged a new preservation strategy to expand and improve existing programs and establish new programs to allow for refinancing and modest rehabilitation of existing properties. I also recommended a 90-percent Federal grant for improvement of such essential neighborhood services as police, sanitation, and lighting.

TRANSPORTATION

Concerned with the beleaguered state of urban mass transit in our State and Nation, I urged the President fully to obligate all funds the Congress has authorized for the development and improvement of mass transportation. I was disappointed that the administration planned to hold in reserve $300 million for the next fiscal year; I will make every effort to have those funds released.

I coauthored an amendment to the Revenue Act of 1971 which would have diverted a portion of the highway trust fund for urban mass transit purposes. The amendment was narrowly defeated but I will continue the fight.

I introduced a bill to authorize $1 billion over a 5-year period for specific operational subsidies to mass transit systems. If this bill passes next year, it would offset the shortage of funds caused by defeat of the New York State transportation bond issue.

To improve our Nation's railroads, I cosponsored legislation to provide additional funds to improve the railroad roadbeds and rights-of-way along our urban corridors. I am supporting legislation to increase the funds available to the National Railroad Passenger Corporation, "Amtrak," so that the quality of our intercity rail travel can become a viable alternate method of transportation.

LABOR

During 1971 the country again found itself faced with several railroad strikes which—in the absence of effective legislation, fair to workers, to safeguard the Nation's health and safety—led to a temporary state of near-paralysis. In May, a strike by the railway signalmen began; at the request of the administration and as ranking minority member of the Committee on Labor and Public Welfare, I introduced a resolution, Senate Joint Resolution 98, which would provide for a temporary extension of the status quo under the Railway Labor Act. After the adoption of two amendments. I offered—one extending the legislation's terminal date to October 1, 1971, the other providing for payment of the wage increases recommended by the Emergency Board which had been convened to deal with the dispute—the resolution passed both the House and the Senate, and was signed by the President on May 18.

While the other significant railroad disputes of the year were settled without the need for legislation, the long and debilitating longshoremen's strikes on both our east and west coasts finally forced the President to seek 80-day injunctions.

I introduced a bill (S. 594) to establish a permanent mechanism for dealing with labor disputes that threaten the national or regional health and safety.

Hearings were held by the Subcommittee on Labor to discuss this as well as other bills I introduced to deal with this serious perennial problem. Hopefully, some measure with the cooperation of labor will be enacted into law early next year.

The Subcommittee on Labor continued its investigation of the United Mine Workers election of November 1969. Much of the subcommittee's investigative material has already been utilized by the Department of Labor as evidence in its suit to set aside the election.

The Labor subcommittee also conducted extensive hearings on the need for legislation to amend the Fair Labor Standards Act for the purpose of increasing the minimum wage and expanding its coverage. I believe the basic minimum wage should be increased to at least $2 per hour.

PENSION REFORM

In January I introduced a bill (S. 2) to provide comprehensive and sorely needed protection of the pension rights of 30 million American workers. My bill, currently the subject or hearings by the labor subcommittee, would provide protection for employees against loss of their pension benefits in the event that they lose or change their jobs, or that their employer goes out of business or moves away. In addition, it would establish a new commission—similar in structure and objectives to the Securities and Exchange Commission—to supervise pension plans so that their $130 billion in assets are properly managed in the worker's interests. I am confident that appropriate and adequate legislation will be forthcoming before the end of the 92d Congress for improving and protecting private pension plans.

CONSUMER PROTECTION

I again worked actively for the passage of legislation to establish a Federal Consumer Protection Agency as a ranking member of the Senate Government Operations Committee. This year, the House as the Senate did in 1970, passed legislation which would create such an agency but which varied significantly from the bill I introduced. I am confident that differences between the bills will be worked out, and I expect that this legislation will pass during the next session of Congress—thereby establishing a Federal Consumer Protection Agency and authorizing grants to State and local governments for consumer protection programs.

The Senate passed a bill to establish minimum Federal standards for warranties. I strongly supported this legislation, and am hopeful that the House will act favorably.

CIVIL RIGHTS AND CIVIL LIBERTIES

The most significant civil rights legislation considered by Congress this year was a bill to give the Equal Employment Opportunity Commission enforcement power similar to that enjoyed by other Federal administrative agencies and to expand its jurisdiction to afford more comprehensive equal employment opportunity protection to all our citizens.

I voted with a majority of the Senate last year in favor of a strong equal employment bill, while the House unfortunately failed to act on a similar one of its own. This year, the House passed a bill and the Senate Labor and Public Welfare Committee reported a strengthened version for Senate action early next year.

WOMEN'S RIGHTS

The House passed an equal rights amendment guaranteeing equality in law between the sexes. The Senate will probably consider this amendment next year. Meanwhile, I introduced a resolution, which the Senate passed, amending the Senate rules to permit the appointment for the first time in history of girls as Senate pages. I then appointed a New Yorker, Paulette Desell, as the first such girl.

18-YEAR-OLD VOTE

A constitutional amendment guaranteeing the vote to 18-year-olds, which I cosponsored, was ratified by the States this year. This amendment, which applies to all elections, supplements a statute enacted by Congress last year which the courts held to cover Federal elections only. I also cosponsored legislation to allow 18-year-olds to serve on Federal juries, and to provide uniform absentee-voter registration and balloting.

SPANISH-SPEAKING PEOPLE

To insure that the Cabinet Committee on Opportunities for Spanish-Speaking People fully represented the Puerto Rican community, I opposed the nomination of the chairman until I was assured that the Puerto Rican community was equitably represented on the staff and in the programs. I will continue to assure that the Cabinet Committee is beneficial to the Puerto Rican community.

SUPREME COURT

Two Presidential nominations to the Supreme Court were considered by the Senate this year. Justice Lewis Powell, nominated on October 22, was confirmed 89 to 1 on December 6, with my support. The second nomination made by the President on October 22, that of William Rehnquist, was far more controversial, and he was not confirmed until December 10 by a vote of 68 to 26. While there was never any dispute about Justice Rehnquist's professional qualifications or integrity, I believe his record indicated a lack of concern in the vital areas of civil rights and civil liberties and that for a lifetime job on the Supreme Court

I had the right to judge this question. I, therefore, voted against Justice Rehnquist's confirmation.

SELECTIVE SERVICE, DRAFT REFORM

In 1971, Congress extended the Selective Service Act for 2 years. As an advocate of the principle that an army in a democratic nation should be composed of a true cross-section of its citizens—and that a volunteer army does not meet this criterion—I was among the supporters of this legislation.

I cosponsored with Senator KENNEDY of Massachusetts a number of amendments which were incorporated into the final draft reform legislation; namely, amendments to raise military pay in accordance with the recommendations of the Gates Commission, to limit the number of men who may be drafted during the coming 2 years, and to guarantee registrants the right to a personal appearance and other procedural safeguards in classification proceedings before local and appeal boards.

Senator KENNEDY and I also sent a letter—signed by 20 other Senators—to Selective Service Director Curtis Tarr, citing defects in the new regulations and urgently calling for changes to insure procedural due process rights to registrants.

GOVERNMENTAL REFORM

I vigorously supported and promoted the landmark legislation proposed by President Nixon totally to reorganize the executive departments of the Federal Government around its basic purposes. Better resolution of our problems in human resources, economic development, community development and natural resources is the essential objective of this proposal. Unfortunately, this legislation made little headway in 1971, but I intend to join in the push for its enactment in 1972.

RULE XXII

Once again, the legislative year began with an unsuccessful fight to modify filibusters by amending rule XXII—the Senate rule which requires a two-thirds vote to cut off debate. I cosponsored a rules change having wide support which would have allowed three-fifths of the Senate to end a filibuster. Unfortunately, this rules change itself was filibustered and after 6 weeks the Senate failed to end the filibuster. I will try again.

SOCIAL SECURITY FOR THE AGED

I cosponsored bill, S. 1173, to expand the definition of "disability" under title II of the Social Security Act, thus giving consideration to distance required to travel for gainful employment, and liberalizing the criteria for a disability qualification. I supported, as part of the Revenue Act of 1971, a tax credit to elderly Americans for property taxes paid on their homes or for rental payments; unfortunately, however, this measure was dropped in the House-Senate conference. I also cosponsored S. 1163 to provide the elderly with low-cost, nutritionally sound meals served in their local communities; it was approved by the Senate.

SMALL BUSINESS, MINORITY ENTERPRISE

As ranking Republican member of the Select Committee on Small Business, I gave my active support to legislation expanding the powers of the Small Business Administration to assist this Nation's 5 million small businessmen. In 1971, Congress increased the lending authority of the SBA, making possible an expansion of its direct loan program. The Senate also passed an omnibus bill permitting payment of interest subsidies to certain necessitous small businesses and establishing a loan priority for the installation of pollution control equipment. I have long advocated the development and expansion of programs to bring minority businessmen into the economic mainstream, and in this connection I supported the President's announced $60 million annual budget increase for the Office of Minority Business Enterprise as an important step in the right direction.

VETERANS, CIVIL SERVICE

I supported three important bills during 1971 which were enacted into law to provide: First, improved medical care for disabled veterans—Public Law 92–69; second, direct home, farm, and business loans to veterans at prevailing mortgage market conditions—Public Law 92–66—and third, authorization for the Administrator of Veterans' Affairs to provide mortgage-protection life insurance for seriously disabled veterans—Public Law 92–95.

In early December I gave my support to the Senate's passage of two additional bills to increase payment of veterans' disability and death pensions and to increase payment of veterans' dependency and indemnity compensation.

FEDERAL PAY

I supported the President's plan to defer scheduled Federal pay increase to July 1, 1972, because it was in line with phase I of his wage-freeze. However, once phase II was to be implemented, I supported the amendment giving comparability pay raises to Federal employees, effective January 1, 1972.

POSTAL REFORM

1971 saw the implementation of the postal reorganization bill in the establishment of the U.S. Postal Service as a semiautonomous, quasi-public corporation. I am hopeful that the end product will be a much more modern and efficient handling of the mail.

As both a father and as a public official, I am pleased to note a sharp curtailment this past year in the receipt of unsolicited obscene materials through the mails. I will continue to do all I can in the Congress to help enact constitutional and enforceable laws to deal with this problem.

AGRICULTURE, RURAL LIFE

I continued my strong efforts to have the support price of milk set as close to 90 percent of parity as possible. Because the dairy industry is important to the economy of New York State, I was pleased the administration eventually decided to maintain the support price at a level similar to that of last year. I supported passage of the Farm Credit Act, which has not yet become law, and the Rural Telephone Bank Act.

I supported the nomination of Dr. Earl L. Butz as Secretary of Agriculture after being assured by him of a deep and abiding interest in an effective Federal antihunger program and a sensitivity to such other key agricultural policy matters as the viability of rural communities and small farms, consumer protection, and environmental needs.

NEW YORK STATE

Although New Yorkers pay Federal taxes of nearly $23.6 billion a year, total annual Federal aid to New York State and local governments amounted to only about $2.5 billion—a return of only 11 cents for every Federal tax dollar paid by New Yorkers. To meet this obvious inequity to New Yorkers, I strongly supported President Nixon's revenue-sharing proposal to share a greater portion of Federal revenues directly with State and local governments. I also introduced amendments to the President's revenue-sharing bill to double the amount of money to be shared and to accelerate the start of this program. I will seek prompt congressional approval of this important legislation. I will also pursue a Federal tax credit to individuals for the payment of specific State and local taxes.

As part of my New York office's program of bringing better basic services to neglected communities, I helped organize the South Bronx Community Housing Corp., to act as a major housing delivery system, and the South Bronx Overall Economic Development Administration, to undertake major commercial and industrial development activities. I also helped promote project rehabilitation activities in New York involving thousands of dwelling units and various new construction projects, including the East Harlem pilot block. I also sought to improve the Federal response to educational problems in the Puerto Rican community.

I will continue to fight for larger grants for New York under State and local aid formulas, and, most important, to rewrite formulas that now discriminate against New York and other populous States.

My offices in Washington, New York City, and Buffalo continued to maintain a fine record in assisting constituents whose letters and calls are always welcome.

EBENEZER SCROOGE LIVES: OR, NIXON'S NEW ASSAULT ON FEDERAL WORKERS; PHASE II

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. BRASCO. Mr. Speaker, in the past several years, the administration has made a series of economic decisions that have borne bitter fruit. Retreating in confusion from the devastating consequences of these mistakes, the administration has taken refuge in punitive actions on the economic front. Some of these have worked temporarily. However, significant groups of Americans have had to take it on the chin throughout all this travail. No single group has been singled out for worse treatment than the Federal worker. It is no exaggeration to state that the Nixon administration has created and maintained a permanent open season on the Federal work force. This has taken many forms.

First and foremost, these millions of Americans and their families have been pictured as public parasites who are somehow fattening off the public while giving nothing in return. Again and again the administration has encouraged statements lending credence to such a conclusion. These people are pictured as lazy, set in their ways, bitterly opposed to progressive reforms of any type and determined to gain financially at the public expense while giving the minimum in return.

They have been pictured as the ultimate featherbedders, who hold the taxpaying public in supreme contempt. In their desperate attempts to gain some sort of equity in terms of wages and working conditions, some have gone on strike. Seizing this opportunity, the administration has utilized its entire battery of public relations hacks to strike a pose of outraged defender of the commonweal against the nasty striking Government workers. All of this is a crude, despicable sham.

In reality the average Government worker is trapped in one of the most vicious circles of American history. This is especially true of those who must struggle to earn livings in major cities where the cost of living is out of sight and climbing in spite of the freeze, which is more of a slush.

Their plight is truly heart-rending. As business profits and interest rates skyrocket, their pay scales and hopes for minimum raises, already enacted by Congress, remain frozen. No one is holding the bankers' feet to the fire of public responsibility. Hence, interest rates rise. No one is asking the major corporations to limit their profits. Not on a bet. For these are the fat cats who are swelling the administration's campaign bankroll.

While patting these poor, barefoot millionaires on the back, the administration turns around with solemn mein, declaring that pay raises for Government workers are against the public interest and must be deferred, even after the freeze-slush has run its course. And as for granting to these same workers the retroactive pay raise dating from August 15 of last year; why we cannot have that. Even though such pay raises were negotiated before imposition of the freeze, and were to go into effect during the period of the freeze, we just cannot allow that, says the administration.

Raises for Government and nongovernmental workers were negotiated in good faith by both sides before the administration in desperation slapped on the freeze. Because the game plan came a cropper the innocent working people of the Nation are to be made to absorb the economic consequences of the failure at the top.

The administration has taken a piously aggressive stand against this act of elementary justice and economic reality. Well, the average worker should understand. After all, he does not have to struggle along with White Houses in Washington, California, and Florida. All he has to do is feed, clothe, educate, and house his family. All he has to do is count his pennies in the stores as he shops. All he has to worry about is whether or not the family will be able to afford an extra cut of meat, some new shoes, or tuition for a child next semester at a college.

Mr. Speaker, the average worker, particularly the Federal employee, has been thrust viciously to the bottom of the economic ladder by the very Government he and she serves so loyally. They struggle to survive in a nightmare of staff cuts, facility closings, and punitive bureaucratic actions. All are unprecedented since establishment of the civil service system in the last century.

First, last, and foremost, come the political interests of this administration. Because of their trapped status and anguished public outcries, they have become a useful scapegoat. Goaded beyond endurance by stringent economic realities, these workers and their organizations have sought merely the granting of pay raises already approved.

A mere cursory reading of the press reveals that the administration's Pay Board is approving a series of price hikes for most of the Nation's major industries. Autos and steel have just been the most recent recipients of such largesse. These workers are going to have to absorb the consequences of administration generosity. Inexorably, prices are continuing their rise, further eroding the precarious economic status of these poor people. It is outrageous in the extreme for them to receive a public battering, because of their efforts.

Whether the administration admits it or not, this Nation owes these relatively unsung public servants an enormous debt. Every day they perform innumerable functions and render us services we require. If they halted their efforts we would be in desperate straits. If they did not function effectively, things indeed would become intolerable.

Statesmanship and generosity are called for, and all we see is cheap political opportunism and favoritism at the expense of helpless, voiceless people. Has there been any attack upon some of the unprincipled industry and financial leaders who have reaped ever larger profits in these times of distress? None.

This is the state of affairs existing today. Who says Ebenezer Scrooge is dead?

FAILURE OF EMBARGO ON TRADE WITH RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 14, 1971

Mr. BYRD of Virginia. Mr. President, the Lynchburg News of December 10, contains an excellent column by Mr. John Chamberlain concerning the failure of the United Nations policy of imposing an embargo on trade with Rhodesia.

Mr. Chamberlain points out that the Rhodesian economy has thrived despite the sanctions which have been in effect against that nation since 1966. The African countries of Zambia and Malawai, despite strong opposition to the Rhodesian Government, carry on trade with Rhodesia.

Now that a settlement has been reached between the British and the Rhodesian negotiators, I hope that the ill-advised boycott against Rhodesia will be abandoned.

I ask unanimous consent that the column, entitled "U.N. Boycott Boomeranged," be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

U.N. BOYCOTT BOOMERANGED

The so-called "sell-out" agreement between the British and Rhodesia to put an end to their differences will be the subject of much vituperation in the United Nations, but, in the end, most of the African countries will accept it for the simple reason that they are not yet ready to go against immediate economic interests. From their point of view, the sad fact is that the British-instigated UN boycott of Rhodesia has worked in reverse. It has actually resulted in changing Rhodesia from a dependent part of the British Commonwealth, a colony in everything but name, to a self-sufficient nation in which all the old vestiges of economic and social subservience to London have been stamped out.

In the course of learning to stand upon their own feet, the Rhodesians have made themselves indispensable to their neighbors, and it would be self-destructive for President Kenneth Kaunda, of Zambia, who is just next door, to try to raise a revolution to topple the white minority that still runs the Rhodesian political system.

Last summer, Kaunda had to reach what he himself referred to as a "painful decision." He had had crop failures, and his people were facing starvation. Rhodesia, forced to shift much of its agricultural production out of tobacco as a result of the UN boycott, had an abundance of maize it was prepared to sell to Zambia. Swallowing his pride, Kaunda put in a 1,500,000-bag order for Rhodesian grain. The first truckload crossed the border in August, and the "great maize lift" will continue until May of 1972. Much of it is being carried by a Rhodesian-based haulage company. This is one aspect of the current reality that has made the UN boycott of Rhodesia a joke.

I have talked with a number of recent visitors to the Rhodesian capital of Salisbury, and everyone has been struck by the "internationalization" of the local economy that has resulted from the boycott. Before the nations of the UN agreed to cut off trade with Rhodesia, British-made automobiles had held the local market. Today the streets of Salisbury are live with Japanese and French cars.

Someone is being hypocritical. As for petrol to run the cars, Rhodesia has had no difficulty in importing it from South Africa despite the official British blockade of oil terminals in nearby Portuguese Mozambique. And, of course, the Russians all along have been buying the Rhodesian chrome ore that the U.S. and Britain have piously refused to take.

In 1970, the Rhodesian manufacturing industry jumped its product by some 28,000,000 Rhodesian dollars, the biggest annual increase since 1960. The Gross National Product of the country made an 8.5 per cent rise in 1970. Textile production has doubled in six years. Despite the shortage of foreign exchange, the local Rhodesian shops are, on the testimony of returned travelers as diverse as Professor David Rowe of Yale University in America and Dr. Walter Henderson of Australia, filled with consumer goods imported from UN countries that are not supposed to be trafficking with the "wicked" Rhodesian white minority.

Besides Zambia, the neighboring country of Malawai has disregarded the UN boycott of Rhodesia.

UNIQUE EXHIBIT OF PRACTICAL EDUCATIONAL TECHNOLOGY

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I wish to call your attention today to a unique exhibit of practical educational technology now on display at Sixth Street and Maryland Avenue SW., in Washington, D.C. Supported by funds appropriated by this Congress and administered through the U.S. Office of Education, the land-grant university in the great Commonwealth of Pennsylvania has developed a new computer-based delivery system for educational services. This system includes 15 student stations and a computer housed in an expandable mobile van. For the past year the vehicle and its small resident staff have been providing refresher training to elementary school teachers in rural Pennsylvania at the rate of 1,000 course completions per year.

The present course of instruction called Care is designed to teach educators to recognize and refer children who are handicapped in one way or another to appropriate ameliorating services. The essential idea behind the Care program is to provide inservice training to teachers in ordinary classrooms so that they will be able to make an early identification of youngsters who have one or more physical or mental handicaps.

This program, initiated at the Computer Assisted Instruction Laboratory of the Pennsylvania State University, can meet the retraining needs of thousands of women teachers who are far removed from higher education facilities, and because of their dual roles of teacher and homemaker are unable to meet residence requirements on a campus for purposes of earning graduate degrees.

I hope many of you will be able to take advantage of the opportunity to see this outstanding exhibit which will be open weekdays from 8:30 a.m. to 5:30 p.m. until December 23, 1971. The staff at the facility includes many members of the faculty at the university who will be glad to talk with you about educational applications in your home State or area. For my part, I believe the product of the partnership between the Federal Government and a dedicated university team will be seen as a significant development in the advancement of education. I commend it to your attention.

WITHHOLDING INFORMATION FROM CONGRESS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. BROOKS. Mr. Speaker, executive branch information malpractices—including denial of essential facts and reports to Congress and the American people—are of increasing concern to the Joint Committee on Congressional Operations.

Our committee already has underway a series of studies dealing with the capability of Congress to acquire, process, and apply policy-relevant information. We are now planning hearings early in the next session on executive branch implementation of provisions of the 1970 Legislative Reorganization Act which were designed to improve delivery of fiscal and budgetary data to congressional committees.

We will most certainly take note of the bureaucratic arrogance demonstrated by HEW—and its implications for the development of adequate legislation—on the Public Health Service facilities closing issue.

Meanwhile, so that all Members may familiarize themselves with this latest departmental attempt to carry out a strategy of deceit, I include at this point an internal memorandum on HEW plans for closing Public Health Service hospitals.

I call to your attention particularly the following paragraph, with emphasis added, from the memorandum signed by Mr. James B. Cardwell, Assistant Secretary, Comptroller:

> The enclosed transmittal letter is designed to be as innocuous as possible. You will note that it does not propose any formal briefing of Congressman Rogers, et al. It is quite clear that we will eventually have to go up and explain both the proposals and our decisions concerning them to Rogers and other key Members and/or Committees. *Primarily at Steve Kurzman's suggestion, we decided that the better part of valor at this time would be to offer them as few materials as we can get away with and hold off for as long as possible a confrontation concerning what we will or will not do vis-a-vis each of the hospitals.*

Finding solutions to our pressing national problems requires mutual confidence and trust between the executive and legislative branches of the Federal Government. These are poorly inspired by such petty deceits.

Following is the full text of the HEW memorandum and also news stories from the Washington Post and the Evening Star, which provide additional details of this classic example of executive branch information malpractice:

ACTION MEMORANDUM

ISSUE

We promised a number of Members of Congress that we would brief them and employee and beneficiary unions this fall on the PHS Hospital conversion. Some, if not all, of these Members know that, in addition to the actual proposals, we have consultant reports on the proposals and have asked for both.

FACTS

As a result of the discussion with you on October 28, we have decided to send the Congressmen and the unions summaries of the proposals and summaries of the consultants' recommendations with an offer of the actual proposals on request. We would not release the actual consultants' reports if there is any way to avoid it because they include unsolicited comments which would tend to open up the larger policy question again. Drs. DuVal, Wilson, and Zapp have participated in the development of these materials.

The enclosed transmittal letter is designed to be as innocuous as possible. You will note that it does not propose any formal briefing of Congressman Rogers, et al. It is quite clear that we will eventually have to go up and explain both the proposals and our decisions concerning them to Rogers and other key Members and/or Committees. Primarily at Steve Kurzman's suggestion, we decided that the better part of valor at this time would be to offer them as few materials as we can get away with and hold off for as long as possible a confrontation concerning what we will or will not do vis-a-vis each of the hospitals.

Meanwhile, we believe it is very important to move ahead and make prompt decisions concerning the two hospitals that seem to have the best potential for conversion (Boston and San Francisco). Hopefully, decisions about these two cases will be made prior to any further detailed discussion with key elements of the Congress. We will do everything we can to urge Vern Wilson to proceed quickly with respect to these two cities.

It is also important to demonstrate to OMB that we are definitely going to do something about the two cities in question—this year—here and now. As you can appreciate, OMB is hesitant to base their employment ceiling policy on an assumption that the hospitals will be converted. It would seem to be to our advantage to do everything possible to make such an assumption a part of the final employment ceiling decision. In short, all this means that we cannot postpone for very long identification of Boston and San Francisco for early conversion. This means, of course, that we have to round out the proposals affecting those two cities immediately.

Meanwhile, our idea is to submit the enclosed material and wait for Rogers, et al., to make the next move, hoping, in the meantime, that we can make further progress concerning Boston and San Francisco.

RECOMMENDATION

That you sign the enclosed letter (Tab A) and authorize the signing of identical letters to the Members of Congress and unions on the enclosed list (Tab B). Please have Mr. Rogers' letter returned after signature, to be sent out along with letter to addressees on Tab B.

JAMES B. CARDWELL.

[From the Washington Post, Dec. 11, 1971]

HEW CHARGED WITH DECEIT IN HEALTH REPORTS TO HILL

(By Stuart Auerbach)

In a classic confrontation between Congress and the executive, Rep. Paul G. Rogers (D-

Fla.) accused federal officials yesterday of "premeditated deceit" in summarizing for his health subcommittee reports from outside consultants.

The officials of the Department of Health, Education and Welfare said they didn't supply the subcommittee with full reports because of "gratuitous and unsolicitated comments" that opposed the HEW position.

At issue is whether the federal government should continue to operate 8 Public Health Service hospitals and 30 clinics. HEW wants to either close them or transfer them to local control; Rogers, backed by congressional resolution, wants the government to keep running them.

"I thought that those reports would be used to the disadvantage of the public interest," said HEW Assistant Secretary and Comptroller James B. Cardwell.

"They (the reports) gratuitously said, 'Congressman Rogers is absolutely right'," continued Cardwell, who wrote a secret memo to HEW Secretary Elliot L. Richardson last month recommending that Congress be told as little as possible about the administration's plans for the hospitals.

Rogers said the memo showed "an arrogant contempt of the committee and the Congress."

HEW Under Secretary John G. Veneman denied, however, that the memo was designed to conceal information from Congress and chided Rogers for his attack on HEW officials.

"If anyone can read anything but deception and deceit from this memo they can't read the written word," said Rogers, interrupting Veneman.

Veneman again denied the memo was deceitful, but Rogers shot back.

"It's an obvious conspiracy to keep Congress from getting information."

Cardwell acknowledged that "the memo does display a bad attitude." He said that attitude developed because HEW officials felt their opinion would not receive "a fair and full review" from the subcommittee.

He said HEW consultants had been asked to merely judge between various local proposals for using the hospitals.

Instead, the consultants said they thought the hospitals should remain under federal control. This is the information that Cardwell wanted kept from Congress.

"You are afraid to come forth with that information," charged Rogers.

"We didn't want to drag in those things that were not germane for fear that they would color the basic issue," replied Cardwell.

"That is the issue," said Rogers. "Whether we close the hospitals or not."

The secret memo, attached to an "innocuous" letter drafted for Richardson to send to key congressmen, was released Wednesday by Rogers, who was leaked a copy. The memo said HEW should keep the full reports secret as long as it could.

"If we have any intent to conceal these reports from Congress," commented Steven Kurzman, HEW's assistant Secretary. for Legislation, "this is a very inept way to do it."

[From the Washington Star, Dec. 11, 1971]

House Panel Angered by Secret HEW Memo

A confidential Nixon administration memo on tactics in dealing with Congress that fell into hostile Congressional hands has intensified an already bitter battle over the future of the federal hospital system.

"If anyone can read anything but deception and deceit from this written memo," Chairman Paul G. Rogers, D-Fla., said yesterday as he read it to his House Public Health subcommittee, "I don't think they can read the English language."

The fight centers on whether to keep the hospitals in control of the Public Health Service or to find community-level organization interested in using the facilities, an idea being explored by the administration. Rogers favors PHS control.

HOT ISSUE

A memo meant only for eyes inside the Health, Education and Welfare Department somehow got to Rogers.

Written by James B. Caldwell, assistant secretary and comptroller of Health, Education and Welfare, it referred to plans for giving Congress an update on the status of the "conversion process," a hot item on Capitol Hill.

Five HEW witnesses headed by Undersecretary John G. Veneman were called to defend themselves in light of the memo, which said it had been decided "the better part of valor at this time would be to offer them (congressmen) as few materials as we can get away with and hold off for as long as possible a confrontation concerning" the issue.

The confrontation prompted by the memo was climaxed when Rep. James W. Symington, D-Mo., told the witnesses, "Hell hath no fury like a congressional committee scorned."

Rogers said the memo showed a conspiracy to violate the freedom of information law by withholding essential material from Congress. He said the memo reflected an "obvious policy of premeditated deceit."

NOTHING "IMPROPER"

But Veneman replied neither HEW Secretary Elliot Richardson, "nor I think anything improper occurred, and we frankly resent any suggestion that this memorandum evidences an effort by anyone in HEW to deceive the Congress."

Veneman maintained no "final decision" has been made "concerning any hospital, including Boston and San Francisco." They were the two mentioned in the Nov. 10 memo as being those "that seem to have the best potential for conversion" from federal to community operation.

The memo from Cardwell to Richardson suggested that summarizes of proposals and of consultants' recommendations be sent to Congress. But, it added, there should be no release of the actual consultants' reports "if there is any way to avoid it because they include unsolicited comments which would tend to open up the larger policy question again."

The hearing came a day after Congress formally asked the administration to keep the PHS system's eight hospitals, 30 outpatient clinics and the Lexington, Ky., center open and under PHS control until mid-1972.

TRIBUTE TO CURTIS CHRISTIANSON

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ROONEY of New York. Mr. Speaker, for 42 years Curtis Christianson, "Chris," has worked for the House of Representatives and now we are losing him to a well earned retirement. We shall all miss our assistant chief tally clerk and his many years of dedication and loyalty to the House of Representatives and its Members. At the same time we must all be a little saddened today, for the kind of devotion to duty embodied in Chris is indeed a rare thing and will be extremely hard to replace. I join with my colleagues in wishing Chris many, many happy years of retirement. He has been a true and loyal friend.

OPERATION DRUG ALERT

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. STEIGER of Arizona. Mr. Speaker, local efforts to control drug abuse can be quite effective.

The article follows:

Operation Drug Alert

PULLING TOGETHER

Paul M. Armstrong, chairman of the Operation Drug Alert Committee of the Kiwanis Club of Malpais, Flagstaff, Arizona, is a man who knows what he wants and how to get it.

One of the first things he did after being appointed chairman was to approach various Flagstaff groups who were interested in combating drug abuse and offer his club's help in warning young people about the dangers of drug abuse.

To his surprise he discovered that there was no coordinated effort among interested groups such as the police department, health department, school district, or the local university to end the problems of drug abuse. "I appointed myself the job of getting these groups coordinated," said Paul. "Everyone had to pull together."

Paul sought the help of the health department and with its cooperation a meeting was called of both government and private agencies—all groups that came in contact with Flagstaff's drug problem were invited. From this conference a speakers bureau was formed, a plan to intensify drug education in the schools was implemented, and a treatment and referral service was initiated.

Thanks to chairman Paul and the Malpais club, Flagstaff is fighting its drug problems on several fronts and is winning. First, the speakers bureau has brought the problem to every important civic group in the city. The physicians and health officials of the speakers bureau also go to the schools where their talks reinforce the lessons taught in health and science classes. Chairman Paul said no scare tactics are used—only the straight truth.

Since drug education encompasses the entire community, the coordinated group makes a special effort to get as much drug information material to Flagstaff as possible. For example, anyone doing research on the problems of drug abuse need only ask the referral service for its catalog, which contains a list of all available materials found in the city. The referral service also reviews all medical journals and any articles on drug abuse are condensed and mailed to all physicians in the county.

Another front that is being worked on is that of treating young people who are overdosed on drugs. A volunteer emergency squad was formed so that these people could be treated on the way to the hospital. Once they get to the hospital, the overdose cases are taken to a special detoxification room where they are kept calm and observed until the overdose has passed. All overdose patients are later referred to psychologists who attempt to straighten these young people out. Chairman Paul said the psychological referrals have had good results so far.

Flagstaff hasn't rid itself of its drug problem, but it is making inroads. Much of its success is due to the public spirit of its volunteer youth workers and the enthusiasm generated by the Malpais, Flagstaff, Kiwanis club. With an attitude like that, it's not hard to see how an entire community can pull together.

NATIONAL CONFERENCE ON THE STATUS OF HEALTH IN THE BLACK COMMUNITY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. DIGGS. Mr. Speaker, this past weekend I attended the National Conference on the Status of Health in the Black Community. I was impressed with the involvement of all the participants as they drew up a program of action which sought to improve the health care of blacks and other minorities. The number of those attending was so great that some had to be turned away: the total number of those attending was 649 from 31 States.

I would like to call to your attention the keynote address which was delivered by my distinguished colleague from Illinois, the Honorable RALPH H. METCALFE, chairman of the congressional black caucus subcommittee on health. The speech follows:

SPEECH BY THE HONORABLE RALPH H. METCALFE

Distinguished guests, ladies and gentlemen, we have come here today from all sections of our country, from different walks of life, bringing with us different levels of expertise, varying levels of concern: and representing many types of organizations and programs: Yet, we are all unified in the belief that urgent action is required to analyze the status of health in the Black community. In a real sense, we are unified in pursuit of a goal which becomes complete only when a definitive plan of action has been issued.

The tasks before us are immense, but we have faced many obstacles as a people simply surviving in even more perilous times of the past. Today, however, the challenge we face is to apply the considerable resources of the United States to promote a quality of life for all Americans which insures that sickness that is preventable is prevented; that life which can be prolonged will be prolonged—not merely for the sake of prolongation, but for the maintenance of human life within a framework that insures the basic usefulness of an individual.

It is clear that Black health is Black wealth. It is equally clear that a Nation's health is its wealth. On both counts, we are in serious difficulty; for neither is the Nation healthy, nor is the Black community healthy. In point of fact, I am certain that the Black community fares as poorly as any given segment of the American population. However, in analyzing the problem of the Black community in health, we must do so in a context that the principles which we develop will most likely be applicable to other segments of the population, including the wealthy. That is true because dollars alone are not enough to do the job we must do. More basic than dollars is commitment: A commitment that every American has a right to life, liberty, and the pursuit of happiness: But that right cannot be secured without an equally fundamental right to have access to good quality health care: the mere declaration of that right as a National policy alone is not enough: The more commitment must be underpinned by those programs that are required to insure that that right is achieved by each individual citizen of our country. Therein lies our struggle. The struggle for the basic right to first class health care is reminiscent of a struggle which still goes on in our quest for freedom.

The Black man's quest for freedom is an unending struggle in which many battles have been fought, many allies have been made and many victories have been won. But the struggle for dignity and freedom, is a continuing one, regardless of the nature of the problem.

We witnessed the campaign to stop the terror and death of lynchings: A campaign that was led by and won by the Black press. Dr. Martin Luther King, Jr. moved us another step toward our goal by supporting Mrs. Rosa Parks. Blacks developed a togetherness that was unprecedented when they boycotted the Montgomery Bus Company—they joined car pools—they walked—they sacrificed—they stimulated our youth to sit in—to take abuse: they marched behind Dr. King: they captured the support of most people around the world with the "March On Washington"—our Nation's Capitol. In the hundreds of thousands of faces one could find lettered college professors and laborers—the learned—the unlearned—the poor—those not so poor: men, women and children—youth and senior citizens.

We also came to realize the power of the ballot and we had the massive voter registration drive: we elected Black officials to carry out our mandate until today there are over 2,000 Black elected public servants. With the 92d Congress, the Black community witnessed the formation of the Congressional Black Caucus. It is an organization of 13 Congressmen from various states. We came together because we realized that we had a common bond and a common objective to effectively represent, not only our own district but 24 million Black people, the poor and all minorities. Each member of the Congressional Black Caucus, is also a Congressman-at-Large for those whose interests are not effectively articulated on the National level in the formation of National policy.

We worked to build our Black banks and Black businesses to serve the needs of the entire Black community. Although many batties were started at different times and with different degrees of fervor, it should be unmistakably clear that we must move on all fronts simultaneously. That is one of the chief reasons why we are here today—we now come to another battle which is a fight for the basic quality of life itself.

The increasing tenor of the National debate on health care does not harmonize with the bass voice which we must bring to bear concerning the special needs and concerns about health in the Black community. Today, Black people are in the midst of a new struggle: a fight to end misery and death far worse than even the lynchings of past years. Malnutrition is a reality which annually destroys the minds of hundreds of thousands of young Black ghetto children who cannot be expected to learn. A family structure cannot be maintained when children are unable to learn and their parents are unable to earn a basic livelihood. In short, the morbidity occasioned by preventable and controllable disease leads to early and untimely death for many. Any one of them could have contributed to the spectacular progress of this Nation were they permitted to reach the height of their individual capability.

The major struggle that we are involved in has many facets. It is a struggle to end the physician shortage in the Black community. It is also a struggle against ill-equipped and inadequate hospital facilities and clinics. It is a struggle against the death and suffering from diseases peculiar to the Black community, such as sickle cell disease which has been ignored by most researchers. It is a struggle against a systemized approach to health care questions that are anachronisms of the past. This means that charity medicine is dead. It means that no longer can we have an approach to the care of our less fortunate through a system which perpetuates sprawling monstrosities called county or city hospitals. It means that new and innovative ways must be discovered to insure that what is good for one is good for all. Whatever the level of economic circumstances wherewithal, it means that health maintenance organizations must be designed to recognize that our urban ghettoes and rural pockets of poverty do not have an independent financial base to create the new and innovative facilities and services which will be proposed at this conference. It means that self-sufficiency can only be achieved when that degree of economic stability comes to the community through programs unrelated to health which, in the final analysis, will determine a community's ability to have first class care. But today's battle, ladies and gentlemen, can and must be won.

The battle cannot be won by any single group alone. We must be together. Our collective planning efforts must reign supreme. For that reason, the political efforts of the Black Caucus have merged with the professional and non-professional expertise of the Black community. Dedicated professional men, representing the National Medical Association, the National Dental Association, Meharry Medical College, Howard University, and representatives of numerous community and national organizations concerned with the well-being of our people are all here today. We must be as concerned about the great efforts of an Ollie Neal and his colleagues in Marianna, Arkansas, as we are concerned about Brother James Haughton and his colleagues at Cook County Hospital in Chicago.

Similarly, we must be as aware of the problems at the Federal level as we are with the problems at the state and local level. We must remove elements of destructive competition from the health care system as we proceed along an aggressive course to insure that we are all of the same spirit of dedication. Such a circumstance will enable us to maintain and/or develop the fundamentals of human decency through cooperative efforts directed toward mutual goals. Countless hours have been spent by all members of our planning committee in the development of this conference in the short period of two months. Many hours of deliberation will be spent by the hundreds of you here today in pursuit of a provocative "Health Plan." The future of millions of people is at stake. You must represent them effectively. I am sure you agree with me that the urgency of the task required the uncommon zeal that has been demonstrated by the men and women who worked so feverishly to bring us up to the moment. In this connection, I would like to pay special tribute to Mr. Albert Berry, Special Assistant to President Lloyd Elam of Meharry Medical College; for the task fell upon him to coordinate the local arrangements for this outstanding collection of individuals whom you represent here today.

The unity which has been displayed by members of our planning committee has spilled over to involve each of you. Such unity is essential if we are to achieve our objective, and yet, unity of goal does not imply complete agreement on methods for achieving our basic goal. But we can uniformly agree that we have here a real coalition of spirit, a spirit which embraces every conceivable opinion, a spirit of dedication. That coalition of spirit warms my heart. There is another coalition—a coalition of forces which includes not only physicians and dentists, but other health professionals vitally concerned with the health care of our Nation. It also includes men and women who know from their experiences what type of problems we face, and who, through calm deliberation, carefully analyzing the problems presented, evaluating the ideas generated and finalizing a plan of action. Through this route a "Health Plan" will be designed to improve the quality of life of all of our people through the perceptive eyes of each of us who, although a consumer today, may be a patient tomorrow. New definitions of various types concerning various components of the health care system must be developed. Thus, it is useful to recall the basic definition used by the world health organization for health:

"Health is not merely the absence of disease, but the physical, mental and emotional well being of the individual."

In applying this definition, we must look at the problems very perceptively and have a full range of discussion on them. We must not ignore the studies of the past as we explore the programs for the future. For example, I recall the report of the National Advisory Commission on Civil Disorders of three years ago which stated:

"The residents of the racial ghettos are significantly less healthy than most other Americans. They suffer from higher mortality rates, higher incidences of major diseases, and lower availability and utilization of medical services."

Those conclusions are still valid today. Recent congressional hearings have focused the attention of the Nation on the fact that health care in this country is inadequate. Four men present today have not only played key roles with our conference planning committee, but have testified before many congressional committees regarding the plight of the health of Black people in America. Dr. Emerson Walden, President of the N.M.A., Dr. Andrew Thomas, Director of Project 75 of the N.M.A., Dr. George Tolbert, Chairman of the N.M.A. on Rural Health Systems and Dr. Harvey Webb, Chairman of the Legislative Committee of the National Dental Assn., Dr. John Kenny, Chairman of the Legislative Committee of the N.M.A. Each of you here today also have peculiar insights into the problem and we must address ourselves to the solutions. In addressing ourselves to those solutions, we must remember that the resources are present to implement those solutions.

This Nation has a gross national product of 974 Billion Dollars. Yet, we have recently passed a defense appropriation budget of 70 Billion Dollars. Clearly, we are able to provide adequate health care for all of our citizens, but a reordering of priorities must be made. The leadership must be shared by government in concert with the private sector. We must bring into full fruition the "partnership for Health" that was legislated several years ago. We must bring government to the people and take people to the government in order that we understand that government, necessarily, must be sensitive to the two way street which must exist to meet the needs of our people. It is a national disgrace that certain problems afflicts our needy. And hence, the necessity that we reorder our priorities with great urgency.

For example, among 20 industrial nations in 1967, the United States ranked 14th in infant mortality with 22 deaths for 1000 persons. For the United States this represents 22 deaths too many. It is useful to wonder whether the statistical data and reporting systems within our own country need to be adjusted in order to better reflect the truth. I am concerned that 22 deaths per 1000 births is a statistic that does not truly reflect the situation in the Kenwood-Oakland community in Chicago which is in my district. Where there are 45 deaths per thousand live births in an area, that is 10 blocks by 10 blocks in breadth and length. Perhaps, a more relevant statistic is the fact that infant death rates are 80% higher for minority group members than they are for whites: 35.9 deaths for 1000 live births for non-whites as against 19.7 for whites. It becomes clear, therefore, that racism is more than a matter of civil rights. It also is evident that the poor are much sicker than the non-poor when we review the extent of activity-limiting illness by family income. One fourth of all people with a family incomes under $3,000 have activity limiting chronic conditions. Persons in the poorest income classes were nearly four times likely to have an activity-limiting chronic condition as those in the highest income class of $10,000 dollars and over.

A person in the highest income category is 3½ times more likely to have a routine physical examination and 4½ times more likely to visit a pediatrician or an obstetrician-gynecologist than persons in a lower income group. Although most babies are now delivered in hospitals, as much as ⅓ to ½ of the women that deliver in public hospitals have had no prenatal care. For a woman who is poor, the cost of prenatal care may be prohibitive and access to a clinic may be difficult even where there are clinics that are accessible. They are usually not adequately equipped nor do the programs guarantee human dignity and provide a truly high standard of care.

Although medical costs during the last four years between 1966 and 1970 have risen at an extremely high rate, we are aware that, in part, it represents the break from a system of virtual feudalism where the workers at hospitals had been underpaid too long. Thus, the 71.3% increase for hospital daily service charge during the period cited reflected many things. For example, the alarming rate of inflation demonstrates that the 19.7% increase for all consumer items has a significant impact on health costs. We must seek ways to avoid economic difficulties such as these.

This group has double responsibility during the course of this conference. First, we must analyze the health care needs of our Nation and make concrete recommendations for change. Secondly, we must initiate those needed changes by making others in and out of Government aware that health care for our people is inadequate and, in the process, make everyone aware that no longer will delay in implementation be tolerated.

We have to let all Americans know that—

No longer will Black men and women sit by and do nothing while their brothers suffer and die needlessly because of inadequate health care;

No longer will they die because their mothers are receiving no prenatal care;

No longer will Black children suffer the crippling effects of malnutrition because of the inadequacy of diets;

No longer will hypertension continue to be a major cause of death to our women while, in many cases, they do not know that they suffer from this disease; and

No longer will sickle cell anemia continue to be a mystery because of lack of research money.

But to move toward solutions, we must understand that sound programs must be developed for overcoming these innumerable obstacles. We must understand questions concerning the development of allied professional fields so that we can train more minority members to pursue such occupations. We must structure manpower training programs to make upward mobility possible and eliminate dead end positions. We must increase the number of minority physicians to correct the present inequities where less than 3% of the Nation's 300,000 physicians are from Black and other minority groups; especially those who, like Blacks, are under-represented in medicine, such as Chicanos, Indians, and Puerto Ricans.

Testimony before recent hearings of the Ways and Means Committee of the U.S. House of Representatives, indicates that many individuals have no health insurance at all, and, in fact, that some 20% of the civilian population under 65 are still uninsured. Some families have their entire life savings wiped out whenever major illnesses hit their families.

Group sessions have been arranged to encompass eight broad sections enabling us to cover the wide range of questions necessary to develop a systematic problem solving approach. The individuals participating cannot be viewed as having all of the answers: Rather, they will play the role of "Devil's Advocate" and discussion facilitators. This will enable each of you to apply the widest latitude of imagination in raising issues and proposing solutions. Our job at the conference is immense and we are constrained with severe limitations of time. Thus, our concern must be at a basic level to enable us to discover basic solutions. I am hopeful that the dialogue between the professionals and nonprofessionals will be conducted in an atmosphere that will promote real achievement for this conference.

There is little question that the United States has the capability to do the job. But as mentioned earlier, the ordering of priorities is the key issue. I think our group today, through the various organizations and the Congressional Black Caucus, should attempt to induce what I call a crisis of conscience. A crisis of conscience to alert our fellow citizens that they are responsible for the physical agony and death of our brethren, if we sit down and do nothing. We must bring home to legislators, local, state and Federal, and to all those in decision-making positions that they are derelict in their duties if they are expending anything less than their maximum effort.

With the concerted efforts and only with the concerted efforts of us here today, we will fight and win the struggle against the genocide of Black people through neglect. For every Black man, woman and child in the United States, it is indeed a matter of life and death.

CURTIS A. CHRISTIANSON

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ARENDS. Mr. Speaker, at the end of this session of Congress, Curtis A. Christianson, our very able Tally Clerk, is retiring after over 40 years of Federal service, most of which has been with the Congress. As chairman of the Committee on Minority Personnel, and for myself personally, I should like to express to him our very real appreciation of his diligent and loyal service on one of the most demanding of all staff assignments. It will not be easy to find his successor.

In saying this I am sure I speak for all Members, certainly for our side of the aisle. We wish him every joy in his richly deserved retirement.

Prior to becoming associated with the Congress, Curt, as we affectionately know him, served with the Legislative Reference Service of the Library of Congress. He subsequently served as secretary to three Members of this House: Robert Jones, of Ohio; Henrik Shipstead, of Minnesota; and Ralph W. Gwinn, of New York.

Curt left Capitol Hill to enter the military service during World War II. He served as a liaison officer between the

U.S. Navy and Norway. He served in this capacity with such distinction that he was awarded the King Frehits Medal by Norway.

In the Republican 80th Congress, Curt Christianson was made Tally Clerk. He was also Tally Clerk in the Republican 83d Congress. In the successive Congresses when the Democrats had the majority, Curt has been Assistant Tally Clerk, the position he presently holds. As between Tally Clerk and Assistant Tally Clerk insofar as the work is concerned, I think it can be said that they constitute a distinction without a difference.

I know this: They are two of the most exacting positions in the House. The Tally Clerks are in charge of the House Calendar. They keep the tally on all rollcall votes and are responsible for the voting records of each of us. It is a position that requires both speed and accuracy under great pressure and involves considerably more work than many realize.

Curt Christianson has proved to be an excellent Tally Clerk. To him we say "well done." He takes with him in his retirement our very best wishes.

TURNER ROBERTSON RETIRES

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, as we close the first session of the 92d Congress, I want to express my deep gratitude and appreciation to a man who, although he was never elected to the Congress, is as much a part of this great institution as any man could be. Indeed Turner Robinson has been a loyal aide of the House of Representatives for 32 years, having served in the House longer than all but eight Members.

Starting as an elevator operator he was engaged in almost all of the House services, including the folding room, post office, Capitol Police, as librarian of the House and finally as chief page of the House of Representatives. There are few men who know this great institution and the great men who have been a part of it as well as Turner Robertson.

There are few services more important to Members than the page service. I know of no Member who does not realize how much he depends upon the efficiency. The pages provide a necessary and critical means of communication for each Member of Congress with all other House and Senate offices as well as with the other administrative support services. Without an efficient page service it would be impossible to effectively serve our constituents or provide for the smooth administration of the Congress.

I am, therefore, sad to learn that my good friend is leaving the House. I counted him among my good friends here. While I shall sorely miss him, I wish him well. Turner deserves the opportunity to relax and do with his time what he likes, as he likes.

THE MINIMUM WAGE: A RE-EVALUATION

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. LLOYD. Mr. Speaker, it appears we will be asked to approve new legislation raising the minimum wage from $1.60 to $2 per hour or more, soon after the New Year.

There are those who assume that by raising minimum wages, all employees are automatically offered better lives. To others, it is becoming increasingly evident that there has been faulty evaluation in the past of the total impact. I know from long, personal experience representing retail grocers, that unrealistic minimums can result in reduced employment, reduced opportunity for young people and part-time workers, and reduced income for other employees of a firm who would be earning more on merit if the employer were not tied to an artificial and unrealistic minimum arbitrary in its effect.

I submit an economic evaluation contained in the December letter of the First National City Bank.

THE MINIMUM WAGE, OR HOW NOT TO HELP THE POOR

The impact of minimum wage legislation has gone a long way toward proving that the road to hell is paved with good intentions. No matter how well-meaning the motives of those who supported previous increases in the minimum wage, the result has been monotonously consistent—the low-paid and unskilled have been forced into the ranks of the unemployed.

Despite a plethora of statistics supporting this perverse result, Congress apparently has not got the message. Another increase in the minimum wage has quietly moved through the appropriate Congressional committees. And once again, its proponents appear to be looking only at one side of the labor balance sheet—the income side—and ignoring the other side: employment.

While it is true that those who remain employed receive higher wages, fewer are in fact employed. The higher minimum leads employers to replace unskilled labor with machines and skilled workers, thus increasing the unemployment of the most disadvantaged portion of the labor force and increasing employment opportunities for the more mobile, skilled sector. For example, if widget makers are faced with a 25% increase in wages because of a rise in the minimum wage, they may very well invest in automatic widget machines and lay off part of their work force. This will increase the demand for skilled workers to run the widget-making machines and increase the demand for workers to produce them. But most likely the increase in employment of skilled workers will be smaller than the decline in employment of the unskilled. Furthermore, by decreasing employment possibilities, the higher minimum narrows the opportunity for on-the-job training—a route whereby the unskilled can become skilled.

Women, teenagers, nonwhites and particularly nonwhite teenagers are especially hard hit. Before 1956, when the minimum wage was 75¢, the quarterly unemployment rate among nonwhite teenagers ranged between 13% and 18%, several percentage points above the rate for whites. However, within two years, after the minimum wage went up 33%, the unemployment rate for white teens rose to 14% while the rate for nonwhite teens jumped to 27%. Since then, three more increases in the minimum have been introduced. And the nonwhite teenage unemployment rate has risen to over 30%, more than twice that for whites.

Part of the rise in the teenage unemployment rate since the middle and late 1950s is attributable to the accelerated growth of the teenage labor force, as the postwar baby crop reached working age. Rigidities and frictions in labor markets have limited the ability of the economy to immediately absorb this flood of young workers.

The relatively high teenage unemployment rates today are partly due to the considerable slack in the economy. Some of the increased unemployment can be attributed to changing cultural values—new attitudes toward work and leisure—among teenagers. But it is difficult to ascribe all of the rise in teenage unemployment in the past 15 years to these demographic, cyclical and cultural forces. The widening unemployment differential between white and black teenagers cannot be ascribed simply to "structural" changes in the labor force. Econometric research on the impact of minimum wages is quite consistent in its findings—the impact on nonwhite teenagers is both large and negative.

In spite of this large and growing body of evidence, Congress is considering two bills, both of which would increase the minimum wage over the next two years. The Williams bill would increase the minimum from the present $1.60 per hour to $2.00 the first year and to $2.25 thereafter, while the Dent bill would increase it to $1.80 and then to $2.00. More importantly, both bills increase substantially the number of workers to be covered by minimum-wage legislation. The combined impact could add several more percentage points to the teenage unemployment rate.

DOUBLE STANDARD—OR NONE?

Congress probably will pass one of these bills, though the Nixon Administration seems to have some trepidation about the effect. Apparently officials are sufficiently impressed with the shockingly high unemployment rate of nonwhite teens and with the effects of past changes in the minimum on this group that they have made it clear that while they favor the increases included in the Dent bill, they would like to see the rate for workers 18 and under remain at $1.60.

There is ample evidence that such a differential, in this case 20% after one year, would have a significant effect in fostering employment opportunities for teenagers. A 1970 study by the Bureau of Labor Statistics found that the evidence from a variety of sources, including experience in foreign countries, suggests that "a substantial differential between youth and adult rates would increase job opportunities for teenagers." The study went on to say that 20% was a substantial differential.

But if one accepts the logic that the minimum wage makes the unemployment rate higher for some groups than it would otherwise be, and the evidence for this appears to be overwhelming, then why not go all the way and eliminate the legal minimum entirely. Clearly this alternative would run contrary to a strongly held article of political faith. The minimum wage has become an integral part of the conventional wisdom in the fight against poverty and an extensive reeducation program would be required to remove it. Nevertheless, elimination of this legal floor under wages would ease the transition from school to employment and preserve job opportunities that would otherwise disappear. However, abolishing the legal minimum would in no way mean abandoning the fight against poverty. There are more direct means of providing a sufficient income level for all families—if that is what Congress is truly interested in doing.

If that is the case, Congress should seriously consider the advice of Professor James Tobin, a former member of the Council of Economic Advisers under President Kennedy, who wrote: "People who lack the capacity to earn a decent living should be helped, but they will not be helped by minimum-wage laws, trade-union pressures or other devices which seek to compel employers to pay more than their work is worth. The likely outcome of such regulations is that the intended beneficiaries are not employed at all."

Legal minimum wages, in other words, only complicate the already difficult task of eliminating poverty.

NATIONAL TEXTILE WEEK

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. GALIFIANAKIS. Mr. Speaker, one of mankind's most basic, useful, ancient, and honorable endeavors is the spinning of fibers and yarn into the fabric required by the human race for clothing, and for shelter.

Our giant, modern day textile industry can trace its origins to the very dawn of recorded history, and its development down the centuries makes a fascinating tale.

Even before the days of the ancient Pharoahs, people in India were spinning yarn from cotton they called "vegetable lamb." In the ancient world for many thousands of years, flax was cultivated, and its fibers spun into yarn in Assyria, Mesopotamia, and Egypt.

Over 2,400 years before the birth of Christ, Chinese people were assiduously cultivating the silkworm, and devising methods of spinning thread from its cocoon in the silk manufacturing process.

The textile industry as we know it today is a product of the 19th century industrial revolution. Much of it is centered in the South and in New England, but it is truly a national industry, as well, with over 7,000 manufacturing plants producing in 42 of the 50 States.

In my own State of North Carolina, textile manufacturing ranks with tobacco as one of the two most significant industries. Thousands upon thousands of Tar Heel citizens are employed either in the direct manufacturing process, or in one of the many closely related industries.

In all, across the face of our Nation, some 3.4 million people gain their livelihoods from textiles, or in related industries.

The textile industry is the sole customer of 200,000 wool growers, and the major customer of 675,000 cotton farms. The industry annually produces some 17 billion square yards of fabric.

From this information, Mr. Speaker, I believe you, and our colleagues, can gain an added appreciation of the importance, and scope of the textile industry in our Nation, and the essential role it plays in our lives.

I am, therefore, honored to join my distinguished North Carolina colleague from the other body, Senator SAM ERVIN, Jr., in introducing a joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the period from April 23, 1972 through April 29, 1972 as "National Textile Week."

It is appropriate, I believe, for all Americans to join together in tribute to an industry which throughout recorded history has contributed so very much to the basic needs of the human race—needs, which in this work-a-day-world we so often take totally for granted.

Mr. Speaker, I am including the text of the joint resolution I am introducing today in the House be printed in the RECORD at this point.

The resolution follows:

NATIONAL TEXTILE WEEK

S.J. Res. 178. Joint resolution to authorize and request the President to issue a proclamation designating the period from April 23, 1972, through April 29, 1972, as "National Textile Week". Referred to the Committee on the Judiciary.

Mr. ERVIN. Mr. President, from the earliest days of recorded history, man has twisted plant and animal fibers into yarns for baskets, nets, and fabrics which have given him the clothing and shelter necessary for survival.

The making of yarn, fabric, and clothing has been an integral part of all cultures as far back as anyone can determine. We know, for example, that in ancient India, people spun yarn from cotton they called "vegetable lamb" and wove cloth from it even before the time of the ancient Egyptians. For thousands of years, flax was cultivated in Mesopotamia, Assyria, and Egypt and its fibers were spun into yarn. In China, silk manufacture began sometime around 2640 B.C. when the people experimented with the culture of silkworms and tested the practicability of using the thread from the cocoon for yarn which could be woven into fabric.

Here in the United States, an infant textile industry was spawned during the Industrial Revolution, and ever since then, it has served us well both as a provider of jobs and the clothing and shelter which has contributed to our high standard of living.

Today, textile manufacturing is one of our most basic and essential industries, providing employment for nearly 1 million people, directly, and another 2.4 million in apparel and related industries. Textile and apparel manufacturing today account for one of every eight manufacturing jobs in this country and provide an annual payroll of $10 billion.

The textile industry is the major customer for our 675,000 cotton farms and the sole customer for 200,000 wool growers. In addition, 112,000 jobs in the manmade fiber industry depend on textiles.

The textile industry has helped make our Armed Forces the best clothed, housed, and protected in the world. The industry has been called second only to steel in military importance.

While many of our textile mills are concentrated in the Southeast and New England States, textiles is, in a very real sense, a national industry. There are some 7,000 textile manufacturing plants in 42 States turning out annually some 17 billion square yards of fabric for use by industry and consumers.

While the textile manufacture is steeped in tradition, it is one of the most modern of our American industries, contributing significantly to our exploration of outer space and a higher standard of living throughout the world.

It is, therefore most appropriate that our Nation should recognize this industry and the contribution to a better way of life it is making day in and day out.

I am, therefore, introducing a joint resolution authorizing and requesting the President to issue a proclamation designating the period from April 23, 1972 through April 29, 1972 as "National Textile Week."

All Americans should join in paying tribute to an industry which has throughout our history contributed so much to the betterment of mankind and his comfort, convenience, and prosperity.

Mr. President, I ask unanimous consent that the text of the joint resolution which I am introducing today on National Textile Week be printed at this point in the RECORD together with a copy of an article entitled, "A World Without Textiles," which appeared in the fall 1971 issue of the Phi Psi Quarterly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 178

Joint resolution to authorize and request the President to issue a proclamation designating the period from April 23, 1972, through April 29, 1972, as "National Textile Week"

Whereas several million workers in the United States are employed directly or indirectly in the textile industry; and

Whereas textile manufacturing historically has been one of the basic industries of the United States and has for decades contributed substantially to the economic strength of the Nation; and

Whereas the continued strength and growth of the textile industry in the United States is vital to the economic stability of this country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the period from April 23, 1972, through April 29, 1972, as "National Textile Week", and calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

A WORLD WITHOUT TEXTILES

(By Donald F. Flathman)

We live in a world of textiles. You don't believe it? Then think for a minute what life would be like in a world *without* textiles.

We'd all be naked! No clothes. No underwear. No stockings or socks. Not even shoes!

Animal skins would be no substitute. We'd soon kill off all the animals for their fur and hides and even then only a few people would be clothed . . . probably no one you know.

Of course, there's always the trees and bushes. We could strip all the foliage bare to make grass skirts, and fig leaf shorts . . . but what would we do when winter comes?

No, skins and leaves are no substitutes. We'd all have to move South just to survive. Think what tremendous over-crowding that would produce! I think a world without textiles would be a world without so many people on it . . . maybe without *you!*

In a world without textiles our homes would be bare too. No rugs on the floor, or drapes on the windows. No window shades! Or even venetian blinds! Our chairs would all be hard wood. Our beds would be boards, cushioned only by straw or leaves. We'd have no blankets. No sheets. No pillows! We'd have to wash with our bare hands and shake ourselves dry.

In a world without textiles we'd ride to work on a horse, or in a wooden-wheeled wagon pulled by a horse. There'd be no automobiles because there'd be no air-filled tires;

no water hoses to cool the engine; no wires to carry the spark to the piston! No upholstered bucket seats. No rugs on the floor boards. No convertible tops. No padded dash or even, in some cars, air scoops, bumpers, or fenders!

In a world without textiles baseball wouldn't be played . . . not even on real grass! There'd be no football, no soccer, no basketball. No tennis, no volleyball, no badminton. Croquet would be the game . . . a wooden ball struck by a wooden mallet!

In a world without textiles there'd be no space program. No astronaut could survive without his space suit. Nor could he return without the heat shield on his rocket, or even the parachute to slow his descent! Once in the water, how would he stay afloat without the flotation collar or, in an emergency, the life raft or even his own life jacket! The fact is, he'd never leave on a space flight without hoses for fueling; wires and cables for control; seat belts to hold himself in; even the seats themselves!

In a world without textiles many people would die without bandages; sutures; sterilized gowns and masks. Damaged or diseased arteries and wind pipes would stay damaged or diseased and the patient might die because there'd be no Dacron replacement. The "iron lung" wouldn't have saved so many polio victims. The kidney machine wouldn't be keeping so many others alive today. And the artificial heart would probably be impossible!

In a world without textiles there'd be few libraries, because there'd be few books . . . because there'd be only hand-made paper. Without hundreds of thousands of tons of cheap, ready paper there'd be no newspapers, no computers, no banks, no stocks, *no business!* . . . except that which could be done directly, like trading a bushel of potatoes for a sack of wheat . . . except there'd be no *sack* in the world without textiles.

In a world without textiles we wouldn't have progressed very far beyond the caveman, even after hundreds of thousands of years. Man's discovery of iron may have been important, but without the even earlier more important discovery of textiles and the simple textile process of weaving reeds or twisted grasses into mats and cloth, we'd all be wearing iron underwear, and that doesn't sound like much fun.

Just what is a textile? Anything woven or knitted or made with a fiber. Not just from cotton or wool or silk or man-mades, like nylon or rayon or polyester. But fireproof suits made with asbestos fiber! Supersonic airplane parts made with cabon fiber. Space suits made with glass fiber. Artificial tendons made with stainless steel fibers. And *even* more fantastic things yet to come!

Yes, we live in a world of textiles . . . and the world we live in, we live in *because of* textiles!

CURTIS A "CHRIS" CHRISTIANSON

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GERALD R. FORD. Mr. Speaker, Curtis A. "Chris" Christianson, one of the most loyal, faithful, and devoted employees ever to serve us in the House of Representatives, is retiring at the end of this session.

We will miss Chris, with his ever-present grin and his eagerness to do his job of assistant tally clerk to the best of his ability. The kind of dedication we have found in Chris Christianson is a rare quality these days.

Chris came to Washington from Minnesota in 1930 and spent 10 years in the Legislative Reference Service of the Library of Congress. He then served as a secretary to Congressman Bob Jones, of Lima, Ohio, and later was secretary to Senator Henrik Shipstead, of Minnesota, for 2 years.

When World War II broke out, Chris served in the Navy as liaison with the Norwegian Navy and did his job so well that he was presented with the King Frehits Medal by King Haakon, of Norway.

After the war, Chris returned to Washington and took up duties in the House of Representatives. He was tally clerk during the 80th and 83d Congresses, when the Republican Party controlled the House.

Mr. Speaker, every Member of the House applauds Chris Christianson for his long and untiring service. And we all wish him good health and happiness as he enters upon his retirement years.

NIXON DRUG BILL ASSESSED

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. HUNGATE. Mr. Speaker, in view of the current crisis in our Nation regarding drugs, I am inserting a series of articles analyzing the pros and cons to determine what legislative action would be appropriate.

First, our colleague, PAUL C. ROGERS, of Florida, a man with great legislative experience in this field, has commented as follows:

[From the New York Law Journal, Dec. 6 1971]

NIXON DRUG BILL ASSESSED

(By Paul G. Rogers)

More than a decade ago the American public was given and quickly accepted a new and somewhat technical vocabulary as this nation's space flight program jumped off the drawing boards into our living rooms via the six o'clock news.

Trajectory, apogee, lunar modules. From the first A-OK to the time that the first man circled the moon, the nation was fed technical jargon that entered the language as we entered a new world—the world of space flight.

This was the result of a national program of which all Americans were keenly aware.

WORLD OF DRUGS

And during the past five years the American public has seen the uncovering of yet another world—an underground world, yet one they are now eminently more familiar and involved with—the world of drugs.

Five years ago a parent who knew the meaning of "pot" was either an adult whose children had a run-in with the law, living in the ghetto, or someone in the professional area of drugs.

The vernacular now runs to acidheads, speed freaks, mainlining, uppers, downers, narcs and on and on. The difference now is that Americans are on speaking acquaintances with these terms because we are in the midst of a national crisis involving the use of drugs.

Parents now familiar with the terms of the drug subculture are not necessarily parents of children involved with drugs. But one can be assured that the parent of a child past the age of ten in a major metropolitan area has the fear of this subculture adding his child to its growing population.

Laws were examined and at first were amended to make them more punitive. Then the question of what marijuana really did to the individual was posed and the scientific body was split at best on its estimates of the harm done by this ancient product. Some state laws were relaxed and the Congress relaxed federal penalties for possession. A Presidential Commission on Marijuana and Drug Abuse was formed to afford the question of marijuana a truly scientific examination.

MORE FRIGHTENING

But hardly had this effort got off the ground when lines of communication from the subculture started throbbing a new and much more frightful story.

Heroin, an absolute tyrant over man's body and mind, was spreading and spreading fast.

Unlike marijuana, there was no question about heroin. Marijuana is relatively cheap, a take-it-or-leave-it item. But a man embarking on an adventure with heroin is doomed to a slavery more insidious than anything practiced 100 years ago.

Reports from Asia indicated that large numbers of American servicemen were becoming addicts. And because of inadequate treatment and rehabilitation, these men were being sent back into society with "a monkey on their backs." The overwhelming number of heroin addicts must turn to crime to support their habit and no matter what statistics are used, this amounts to millions of dollars and thousands of crimes against society.

GI USE STUDIED

I and other members of the Subcommittee on Public Health and Environment went to Vietnam earlier this year to investigate the extent of heroin addiction among our servicemen stationed there. Our findings were not encouraging. We found that heroin addiction has crippled from 15 per cent to 40 per cent of some units.

Heroin became a recognized national problem. The President, on June 1, sent to the Congress a legislative proposal to create a Special Action Office to combat this situation and the bill was referred to the House Subcommittee on Public Health and Environment.

Congress and the President recognized heroin as a national problem, and earlier in this session of Congress, legislative proposals designed to combat the admittedly fragmented and under-funded attempts to treat and rehabilitate addicts were improved.

SHADOWY DIRECTIONS

Essentially, the bill called for a director to coordinate the various agencies already responsible for the educational programs, treatment and rehabilitation of the addicts and gives him somewhat shadowy direction to effect policy on military activities in the area of drugs, but is silent on law enforcement effort activities.

I believe efforts to coordinate treatment and rehabilitation are necessary, and I support the concept of the formulation of a Special Action Office to assist in this effort. Nevertheless, I view the President's legislative proposal as an interim measure which principally attempts only one sector of the approach necessary if an effective national effort is to be mounted.

To me this represents a totally "after-the-fact" attack. This office would treat and rehabilitate, but it would not go on the offensive to mount an effective national program against drugs.

An addict represents the final product of drug operations. To halt the use of drugs, the problem must be attacked prior to the addiction stage where treatment is required. The addict represents the evidence of an unsuccessful effect to combat drug traffic.

There could be no addict without an addicting drug. We know where heroin is grown and refined. Should not then a national strike force program include provisions which would allow us to direct efforts at halting the growth of heroin which is grown exclusively abroad?

UTILIZING THE FBI

The second step in the heroin chain is the distribution system which carries it from the fields to the street corner. Should not a national effort have as part of its machinery provisions for increased detection and enforcement? A ready asset exists through use of the FBI, with its thousands of highly trained agents and vast expertise, in addition to the current force within the Bureau of Narcotics and Dangerous Drugs. Under the existing proposal the FBI is not called upon to act in this national effort, and the BNDD would be outside the guidance of the special action office.

Naturally, education, rehabilitation and treatment are necessary. But I do not think we can call a coordinated treatment-rehabilitation program a national effort against drugs. If we are to find a solution to this nation's drug crisis, coordination efforts must include not only treatment and rehabilitation, but also controls over international aspects of narcotics production and trafficking and domestic law enforcement. The legislation proposed by the President, if enacted unchanged, would be more correctly titled "Special Action Office for Coordination of Treatment and Rehabilitation of Drug Addicts."

CHAIN OF COMMAND

A diagram of the program which I envision as necessary would have a director in a box with lines going directly down to three other boxes. These lower boxes would represent deputy directors for Enforcement, Rehabilitation, and International Affairs.

This program would not take from existing departments and agencies their drug-related activities. The Bureau of Narcotics and Dangerous Drugs would not be lifted from the Department of Justice. Nor would the FBI, nor the Immigration and Naturalization Service. Nor would the Bureau of Customs be removed from the Treasury Department.

The deputy in each of the boxes would not have absolute power over these areas. But they would have responsibility in these areas and provisions for proper budgets would come under the director's purview.

As an example, the Deputy for International Affairs would meet with those in the Department of State who are on the Far East Desk. He would oversee their efforts at negotiations to reach agreements with the governments of Laos, Thailand, Burma and Vietnam to halt the production, refining and trafficking of heroin.

FUNDING ACTION

This might require financial commitment, and the deputy would recommend this to the director for approval and budgetary action.

If we are determined to organize a strike force against drugs, then we will have to do more than simply go to the area of rehabilitation. For such an effort would soon collapse under the weight created by non-action in the area that produces the addicts.

The Subcommittee on Public Health and Environment is now writing the final legislation in response to the President's recommendations. I believe that we will give the President the authority he has requested to coordinate treatment and rehabilitation programs. But I also believe that the subcommittee will make it clear that this is to be viewed as an interim measure—and only a partial attack on heroin.

The final measure must represent a total commitment to this fight, marshaling the total resources of this nation.

A GHOST TOWN IS A GHOST TOWN EVEN WITH SEWERS AND WATER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. ZWACH. Mr. Speaker, when a giant corporation moves into the agricultural production business, it generally means the death of family farms in the area. But the family farm is not the only one who suffers.

A study in South Dakota showed that while the State was losing 6,027 farms in one 5-year period, there were 1,101 business establishments closed.

The corporate farm is bad news to all of rural America.

Mr. Speaker, this was very clearly pointed out in a recent editorial in the Lamberton News quoting the NFO reporter.

I would like to insert this editorial in the CONGRESSIONAL RECORD to give my colleagues a clear picture of what is happening to rural America as we lose our family farms. And I would like to point out that we have the same dire results whether we lose the farms because of the competition from a corporate giant or because they can no longer continue because of lack of parity for what they produce.

The editorial follows:

A GHOST TOWN IS A GHOST TOWN EVEN WITH SEWERS AND WATER

"The thought of one giant corporation controlling all of the agriculture wealth of Sumner County should provide a lifetime of nightmares for our merchants. Small town insurance firms wouldn't have anyone to insure. Realtors wouldn't have anything to sell to anyone. Implement dealers could forget it. Petroleum dealers would go out of business or out of town, or like most of us, both." From the Wellington, Kansas, Daily News.

The editorial paragraph above has been widely quoted in the press, and by a United States Senate Committee, to put into a verbal capsule the importance of the corporate invasion of agriculture to small business.

As farmers disappear, so do businesses in communities serving the farmers, including the franchised retail outlets like Penney's, Western Auto, Gambles, etc.

The Department of Commerce, in a survey in South Dakota, showed that while the state was losing 6,027 farms in one five year period, there were 1,101 business establishments closed. The study confirmed what the manager of the Custer, S.D., Chamber of Commerce had long contended, all the way from his home town to Washington, D.C., that the fight to save family farming is just as much the rural townsmen's fight as it is the farmers' themselves.

The Senate Small Business Committee recently cited as an example of what happens when a big corporate operation moves in a $250,000 farm equipment purchase by the Shinrone Corp. of Sac County, Iowa. It was bought from factories at Brantford, Canada, Detroit, Mich., and Algoma, Wisc. No one in Sac county ever got to bid on it.

The studies pile up which show that giant farms will destroy, not just opportunities for American citizens to have farm enterprise of their own, but also opportunities in every town and city that serves agriculture.

One of the first such studies was made a quarter of a century ago by Walter Goldschmidt in the towns of Arvin and Dinuba, California, two communities of about the same size surrounded by Central Valley farming resources of comparable capacity. One area was peopled by family farmers, the other by corporate farming giants.

The small farm community had 62 businesses compared to only 35 in the other. Retail trade ran $4.4 million from the family farmers but only $2.5 million from the big farm wage hands.

The quality of life contrasted equally sharply. Housing, streets, schools, churches, business and social clubs, were better and more numerous where the family farms predominated.

The fight to stop corporate integration or take-over of agriculture by giant conglomerates is not one for family farmers alone. Main Street has an equally direct stake in it.

Multi-billion dollar rural development schemes—sewer and water loans and grants, rural housing grants, etc.—are all very well. But unless there is farm income in the hands of family farmers who do business close to home, instead of Brantford, Canada and Detroit, the small town businessmen, as the Wellington, Kansas Daily News has said, may just as well forget it.

A ghost town with sewers and running water is still a ghost town.—NFO Reporter.

GOALS OF THE SOUTHERN REGIONAL GROWTH BOARD

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. PREYER of North Carolina. Mr. Speaker, recently a meeting was held in the Research Triangle Area of my State as the beginning of an effort toward regional planning which can have a great importance in the South and the States beyond that part of our country. As a result of initial steps taken at that gathering a number of States, under the interim leadership of Governor Holton of Virginia, are forming a Growth Policy Board which will work toward the maximum development of human and natural resources in the American South. We in North Carolina are proud of the leadership of Governor Scott and former Gov. Terry Sanford in this program and grateful for the encouragement of other leaders of our region, particularly Governors Carter of Georgia and Moore of West Virginia and Lieutenant Governor-elect Winter of Mississippi—all of whom participated in this initial meeting. The goals of this historic movement are best summarized in the following speech made by Terry Sanford, who is now the president of Duke University:

ADDRESS BY TERRY SANFORD

A series of remarkable inaugural speeches this year by Southern governors has preceded this meeting. Now I am aware of the pitfalls in quoting governors out of context but in this instance I defend that sometimes troubling practice for it seems to me that these excerpted thoughts represent the reason we are here today.

Governor Jimmy Carter of Georgia said: "No poor, rural, weak, or black person should ever have to bear the additional burden of being deprived of the opportunity of an education, a job, or simple justice . . ."

Governor John West in his inaugural speech said: "We can, and we shall, in the next four years eliminate hunger and malnutrition and their attendant suffering from our state. WE can, and we shall, in the next four years initiate new and innovative programs which in our time will provide adequate housing for all our citizens. We can, and we shall, this year initiate far-reaching programs to provide more doctors, nurses and health personnel as well as better systems for delivery of health care to each citizen . . ."

Governor Linwood Holton said: "It is clear that problem solving . . . has become the focal point of politics, both in Virginia and in the nation . . ."

There is agreement then in this series of statements. On the one hand, there is identification of problems. On the other, there is assertion that solving problems is principally the responsibility of government.

Against this background, there are other quotations which establish a different point of view. After the governors' conference of two weeks ago. David Broder of the Washington Post wrote that the governors are being ". . . put down by the other wielders of power in American society . . ."

And of that same conference, D. J. R. Bruckner wrote in the Los Angeles Times ". . . Talking with and listening to America's governors during their annual conference, you had to wonder whether it is a good idea to continue state government at all . . . Governors like to say that they could govern better if they had access to more revenues, but that is doubtful. The functions of national life that most affect people have simply outgrown the capacity of states . . . In terms of function, the states are already in fact being abolished . . ." so said Bruckner.

Mark Twain was in London in 1897 when he read his obituary from American wire service. He cabled the Associated Press that reports of his death had been greatly exaggerated.

And I think we are assembled here today in the belief that state governments are not only unready for the mortician, but they are in fact, it seems to me, a singular source of government innovation. There can be this and more. Functioning cooperatively they, the states, can constitute a rational and decisive response to complexity and change. The difference in state government and Mark Twain is that he knew where to send the wire asserting that he was still alive. Our difficulty would be in finding the right addressee. And so I'm suggesting that we send this telegram to ourselves.

There is no question that the relationship between the federal government and the cities is highly visible. There is no question that through this conduit moves the response to crises. Ten days ago the familiar litany repeated itself in a report from the National Urban Coalition's Commission on the Cities. The report said that housing is still the national scandal it was four years ago, schools are more tedious and turbulent, rates of crime and unemployment and disease and heroin addiction are higher, welfare roles are larger. The commission found that the most disturbing point is lack of faith in the system as a protector or a provider.

The cities with massive federal assistance must confront the crises, but how do we avoid the build-up of the crises? How do we keep a Newark or a Detroit or a Los Angeles from happening? We look in vain for the joint city-federal mechanism in the United States with the capacity to anticipate crises and to impose order on the growth of population and technology.

What government warned of, or planned for, the massive movement of people from the farm to city that has altered our patterns of life so radically? What goverment foresaw the consequences of random industrialization that begrimes our air and makes our water unusable? It is imperative that we develop the capacity to see in advance the results of our actions—or inactions.

It is not necessary in this audience to itemize governmental inadequacy. That is the agenda which sits on your desks with brutal regularity. Our purposes here are to confront a horizon that is more restricted, and hopefully more intelligible, than American cities. **The horizon we face is the South,** and we meet at a time of powerful possibilities for the Southern region.

"It can be argued." wrote Dr. Thomas Naylor, of the Center for Southern Studies at Duke, "that Southerners have had very little to do about their own destiny at any time in the past one hundred years . . ." And this is true and can be demonstrated—but our future, it seems to me, is at last in our hands.

The South is the most written about part of America, and yet so little is really known. The South is no longer hypnotized by the war we lost and the era of destruction we suffered. The new leadership across the board is looking forward; not backward.

In the last ten years something unique has happened to our region. We have made industrial progress and we have brought in new industry; we have reversed the out-migration trend and our per capita income has moved up to 78% of the national average; but that kind of material progress has been experienced before by other parts of the nation and is still going on elsewhere. It is true also that we have made more progress in schools, leading the rest of the nation in complying with the requirements of desegregation, raising in a decade the number of high school graduates from one-third of the adult population to one-half, and almost doubling per pupil expenditure; but this is also the general direction of the rest of the country. What, then, is unique?

In the past ten years the unique development in our region has been both in the way we view ourselves and perhaps more important, in the way the nation looks at us. There is a rising participation of the black citizen in the political affairs of every state in the South. The mood, the rhetoric, the policies and the character of every Southern institution has been sensitized to the needs of the poor, black and white, and concerned with the individual aspirations of people in ways that we have never seen before. A new cast of governors is moving to the forefront, shunning the dishonest demagoguery that pits race against race, that capitalizes on bitterness and meanness and that has sapped the energies of the region for decades; and they are now responsive to new issues like abolishing hunger, promoting decent housing for all, and opening opportunities in education and employment; issues that earlier politicians denied even existed at all.

Perhaps it might be said that the very term "Southerner" has changed—no longer white and defiant, but black and white and committed to the South and demanding a saner future. The South is no longer the step-child of America—called bigoted and outlandish, often a captive of its worst spokesmen, too often its image painted by the writers who were enthralled by the stereotypes. The unique change is that we view ourselves differently and we have much to offer a troubled nation that is in need of much. As the North struggles against the time-bomb of sullenness and despair ticking away in its cities, the South is about to catch the wind for the horizon. Our destiny at last belongs to us.

Population growth underlies much of what is to come. I suggest that our stance is not that we are seeking growth—we are attempting to cope with it. Although this country and this region are apparently blessed with smaller numbers than other nations and regions, there is small comfort to be drawn from this ostensible advantage. Every child born in the United States will use 30 times more of the basic life support systems of the earth than the average child born in India. Are we to wait until this relentless increase overtakes our finite resources?

A bewildering acceleration of forces and events is about to come upon the South, as it has long since fallen upon the urban industrial areas of the North. We know there are lessons we can draw from their errors of experience.

Our need is to analyze our problems and design our approaches and make useful findings common knowledge among the states of the region. We can help shape our own destiny, and perhaps even contribute, by the example of our search, to solutions of the nation's problems as well.

Now in looking at our future and in deciding what to do and the approaches that we might want to consider we can each decide to go it alone, each city bouncing from crisis to crisis and crying for federal funds to alleviate and correct but hardly to prevent crises breeding more crises.

We can go it alone as individual states, with limited resources to see the future results of present policy decisions and actions.

We can go it alone with the starts and stops that are part of the democratic process in each individual state, or we can put together a means and a way that will provide continuity for the region and for each state within it.

I know that all of us care deeply about meeting the future well. We have been through too much together to do less than we can now. We have moved through one-crop farming, low skill, low paying industry; through periods of taxing our own poor to offer incentives to industrialists to come without regard first for social consequences.

But now we have before us, in this diversifying region, a wonderfully open field on which to build an economy and a style of life. With our minds impressed by the mistakes of others—and ourselves—let us determine that when we have put our land and our cities to their full use, there will be a quality of development here that can serve as a model.

That is why it has become increasingly clear to me that we should not go it alone, but we should build our joint hopes on our common heritage, setting up a Southern Regional Growth Board (or maybe we should call it the Southern Growth Policy Board) that would bring the resources of all our states to bear upon those questions that are bound to affect us generally in the coming changes. Such a board would need and have no power to act. Instead, it would undertake or coordinate fact-gathering and research, studies and analyses, to make available to all the states of our region the best information on matters of basic concern that the best minds in the South are capable of assembling. Ultimately it could be the clearinghouse and data bank to serve the informational needs of governors and legislators for facts, forecasts, ideas and common experience.

The scope of this board's inquiry could be as broad as the common regional interests—transportation, tax structure, population groupings, health, industrial location. It could operate as specifically and limited as a research examiner compiling comparative policies governing cable television, or as broadly and theoretically as a task force assessing innovative tax and social policies to resist the trend toward bankrupt cities housing only the poor.

The board's objective would be to make available information and practical thought on the widest range of problems the region's leadership can perceive; not to be so much as just a brain bank as a sleeves-up participant in the search for answers to the hardest problems, and a preventive agent for trauma before it happens. In sum, the proposal is to bring the combined mind of the South to bear on the expression and fulfillment of its destiny.

The elected leadership of the Southern states can work cooperatively in deciding what sort of future we want and need, how to get there, and then get on with the business of getting there. I think this is the difference between what we now look to and the early efforts made in the South and the region, particularly by Howard Odom. Then it was not possible to involve the elected leadership in planning for this kind of future. Now it is possible and that is the difference. It is possible to put the task on the elected leadership with full confidence that they have the capacity, that they have the spirit, to look to the future. This interstate compact organization, run by elected officials, will establish a forum, a convening authority, a broker between knowledge and action. It will serve to harness the intellectual resources of our region to the problems of our region. And through the Board, this knowledge will be politicized, become part of the governmental world of action; action guided by the best knowledge and the best of organized forethought.

We need to gain insights from others' experience as we look to what this board can do and that's communication. We need to know what our problems are before the deluge of symptoms overwhelmes us—that's research. We need to know what we are about and what our goals are and that's priority setting. We need to know what the mechanisms and programs are, or might be, to aid us in achieving these priorities—that's programming. And we need to know how to translate all this into effective government action—that's politics.

Communication, research, priority setting, programming and politics are the elements of what the Growth Board is about. It is all these as an aid to the states. It is all these as the salvation for emerging cities. It will be for the governors and the legislatures, the mayors and the city councils, the county commissioners and the school boards to carry out the activities of government—with the added resource which a Growth Board can provide.

The compact as drawn in tentative form to be considered this afternoon charges the Board with preparing and keeping current a Statement of Regional Objectives. The Objectives will not be easily formulated, but they will form the heart of the Board's mission, as these Objectives will keep before the South's leadership mutually agreed upon goals and values that all the states feel must guide the South. The Statement of Regional Objectives will provide the framework for the Board's activities, and will give rise to the hope that governmental activities in the South, be they state, or federal, or local, will be guided by these set principles. To answer the question of whether we as a people in a democracy have control over where we are going, this Statement and its continuing re-evaluation may go far in providing the proof that we can provide sensible, sensitive, responsive, responsible government by the people.

The Board will also be charged with the power to make or commission studies and investigations—without any real constraints on the subjects to be covered. The tenor of the compact document, our discussions to date, the needs of the Southern states, suggest that there are few limits on agenda. It is in this area that I see the real opportunity for the Board to marry knowledge and action, and in doing so, equipping the political process for the decisions it must make. I see task forces of Board members and academies, jointly exploring the issues we need to understand better. These task forces can focus the issue, seek the goals, develop the alternatives and suggest the answers—and, because of the nature of the task force membership, carry their experience back to their institutions and governments so that both the world of action and the world of knowledge can be enriched.

There is today, in spite of all the problems, in spite of all the people that are disillusioned, there is no call to resign ourselves to the drift of men and power into tightening knots that threaten to strangle the life Americans want to live. There is a better way. We can break down the components of the problem now so clearly evident and begin to solve them piece by piece here in the South where we still have time to think before we follow along a troubled path.

It is an article of faith that we can find ways in America to have green grass and pure water; good schools and clean houses; food enough for a child to eat and wages enough for a father to clothe and shelter him without despair; parks to play in and streets to walk in without alarm; ways to move from one place to another without the waste of delay; means to shield one's family from illness. All this, and more. It is one of our title deeds that we can, through effort, keep a brotherly regard for one another in this land, and improve the lot in life for each by improving the quality of life for all.

That is what this proposal for a common instrument of inquiry is about. We have the time, if we have the will, to think and to plan. Still facing our great period of industrialization which is coming on we do have many advantages. But as Joel Fleishman of Duke's Institute of Policy Sciences has noted, "To the extent that our (Southern) cities are different from other cities in the country, and to the extent that these differences are potentially advantageous to us, the main reason for the difference is time . . . what time has given, time itself will take away."

If we see the time we have, the answers we get, the policies we suggest, the programs we create may lead us, as the South, into a truly post-racial society. And we in the South can show the way to the nation, and for that matter the world, to put aside the biterness that divides us, and build on the strengths at our command. It is time for the South to lead, not to follow.

C. A. "CHRIS" CHRISTIANSON

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BROYHILL of North Carolina. Mr. Speaker, at the end of this month, C. A. "Chris" Christianson leaves the employ of the House of Representatives after 42 years of Government service.

I have known Chris since I first came to the House in 1963. He has always been attentive to his duties and I have been impressed with his diligence in carrying out his assigned duties. Chris is a storehouse of knowledge on House rules and procedures. Each time I have asked him a question, he has given me prompt and accurate information.

All Members who have come to know him are sorry to see Chris leave, but we respect this personal decision he has made to seek a quieter life with less pressure. I want to extend to him my very best wishes for many, many more years of happiness and fulfillment and to express my thanks to him for a job well done.

TYRANNY'S TIMETABLE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. SCHMITZ. Mr. Speaker, on November 28, the lead editorial in the largest newspaper in my district, the Santa Ana, Calif., Register, entitled "Tyranny's Timetable," made a chilling prediction for the next 12 years in America—from now until 1984, the future year already made famous in George Orwell's well known novel.

I am not sure the predictions in "Tyranny's Timetable" are accurate. Certainly I hope they are not. But in view of what has already happened this past year, in view of this House's action December 10 in extending the President's power to control our Nation's trillion-dollar economy with just 33 votes cast against it, I believe this editorial deserves the most serious and thoughtful consideration. If every Member of this House read it carefully and thought long and hard about what it says, there would be a much better chance that its predictions will not come true.

TYRANNY'S TIMETABLE

In the interest of history, we suggest parents clip this editorial and preserve it for their children.

We are persuaded now that a timetable for the complete replacement of American freedom by a dictatorship can be diagrammed with reasonable accuracy. We do not mean a camouflaged dictatorship, but an open, brazen establishment of rule by supreme edict.

When the Nixon years are reviewed by future historians, he will be characterized as the architect of the "New America." He will not actually establish the new order completely, but his trail-blazing actions will mark the path for his successor who may be the last duly elected President of the U.S.A.

Mr. Nixon has already fearlessly shown that the American President may disregard the traditions of his party and his country. He may repudiate his promises, and by executive order replace the freedom by control boards whose members received not a single vote from American tax payers.

And he has proven it can be done with scarcely a whimper from the people.

The major obstacle remaining is the powerful labor union bosses who see their own demise in the new scheme of things. But minor concessions will be made to this power base until Mr. Nixon is secure in his second term.

The myth of "success" which will be ballyhooed effectively during the second Nixon term, will bring other "phases" and it will be effectively shown that labor unions, as such, will be obsolete.

With the complete reorganization of the Federal government, a new kind of Presidential cabinet will provide a bureaucracy to establish not only wage and price limits, but job placements with Federal work cards directing who shall work at what job and when and where . . . after all, why should there be two people seeking the same job?

Individual determination will be "proven" wasteful and not in the national interest. This program will start among the unemployed, move into the common labor pool and progress eventually to the professions including doctors and lawyers. Lawyers will be the last to go.

Industry, already feeling tighter government controls, will quietly fall into line. Initial steps will be Presidential orders eliminating "costly competition."

Newspapers, of course, will have to be brought into the age of enlightenment, and this transition can be smoothly engineered through government control of the manpower. Critical newspapers will be permitted to survive for a few years as effective barometers to test the mood of the people.

Americans, already moving to such countries as Australia, Canada and Israel will begin to move in larger numbers until "in the interest of national security," a Presidential order will prohibit such departures.

Meanwhile, as Nixon's current economic phase anesthesizes the public, a group of U.S. senators is currently at work to set aside the two-term limit for Presidents. It will be effectively "proven" that by limiting a President to only two terms, he becomes a "lame duck" in the second term and therefore loses effective influence.

This will be such a great idea that Representatives and Senators will become "lifetime public servants," just as are Federal judges.

The people who demand elections are reactionaries. It's a waste of money and energy to stage these charades every two years. After all, when you have a "good man" in office, why try to change?

With those little technicalities out of the way, Mr. Nixon will bow out of office, and with tears and appreciation of a grateful nation, he will call for continuing efforts to move America ahead along the enlightened pathway he has courageously established.

The election of the new President will be a vigorous drama in which failure to vote will bring criminal indictment. The new President will call for renewed sacrifices to keep America aggressively active in the rebuilding of the world community, hand in hand with our gallant allies in the Soviet Union and the People's Republic of China.

By the end of his second term, it will be effectively "proven" that the madness of periodical elections is costly and unnecessary. After all, congressmen and judges serve for life, do they not?

The taxes which pay for major party campaigning can be eliminated simply by accepting the idea that the President should continue in office so long as he wishes to so sacrifice his personal life.

And there you have it.

The elapsed time in this schedule is approximately 12 years.

Does that seem too soon?

The date will be 1984.

CURTIS CHRISTIANSON

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ZWACH. Mr. Speaker, although I have been a Member of this body for only 5 years, in that period of time I have developed a deep respect for the dedicated and efficient work of a man from my Minnesota Sixth Congressional District, Curt Christianson, our loyal and conscientious tally clerk.

Curt has worked for the U.S. Government for 42 years, including 2 years in the U.S. military service. Truly, he is deserving of a rest.

But hard work is no stranger to the Christianson family. Curt was one of seven children born on a farm near Dawson, Minn.

A brother Theodore, a newspaper publisher in Dawson, served as Governor of Minnesota for three terms and in the House of Representatives here in Washington for two terms.

I join with my many colleagues in wishing Chris and his charming lady the best of health, happiness, and continued success in his retirement years. He most certainly deserves them. His leaving will be a great loss to the Congress he has served so well. His legion of Minnesota friends join me in this tribute.

THE SPIRIT OF CHRISTMAS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, the words of Alfred Tennyson suggest something of the beauty with which the advent of Christmas is clothed. As Christmas comes down to us today, it is a rich heritage of customs, traditions, folklore, and legend, drawn from every age and time, and from many lands and peoples. To unravel its mystery is a fascinating and inspiring experience—the story, in essence, of the deepest desires of the human heart, that universal longing for spiritual renewal and refreshment. The words are:

"The time draws near the birth of Christ.
The Moon is hid; the night is still;
The Christmas bells from hill to hill
Answer each other in the mist."

The idea of celebrating on or about December 25 was born among ancient peoples long before the birth of Christ, peoples who were close students of astronomy and who knew that the last days of December were the time of the winter solstice when the sun dwindled and the powers of darkness seemed to be gaining over the forces of light. December 25 was the turning-point at which the sun began to reassert itself, and its power gave new promise of life and fruitful harvests. In Rome, it was the dies natalis invieti solis—the birthday of the unconquered sun.

Inevitably, the Christian community found this venerable symbolism highly appropriate for heralding the coming of Christ, the "light of the world" which has overcome the darkness of despair. So it was that gradually the light of Christ in men's hearts and minds found its expression in the customs of the sun-feast, now transformed and hallowed by the faith and prayer of the Christian commonwealth.

In the same manner, other customs, originally of pagan origin, have been assimilated into our Christmas heritage—the decorative tree, the glowing candles, the stories of Santa Claus, stockings by the fireplace, greeting cards, yule logs—all are now associated with the birthday of Christ.

In our own day the keeping of Christmas has often been commercialized beyond recognition of its spiritual essence and identity. Yet, while allowing for the excess that exists in any institution or custom, the Christmas commerce we so often deplore does, in fact, mean a livelihood for millions of people and often the difference between success or failure in business. Christmas is, when all is said and done, the birthday of Jesus who spent much of his life in honest commerce as a carpenter, sharing, we may presume, in the economic support of his family. Like the very parables he told, His life is an example of an earthly story with a heavenly meaning. So it is with Christmas. Whatever the excesses of its commercialization, it has probably stimulated more people to help the poor and to care for others than has any other holiday in the calendar. So long as Christmas serves to make children happy, the presence of Christ will hallow it.

It was one of Christianity's wisest moves to maintain the older midwinter festival and to transform it in the spirit of Christ. The variety of ways in which Christmas is celebrated tells us that its appeal is universal. Even those outside the Christian faith are able to share in the spirit of Christmas in the generosity of giving, the exchange of greeting and song, the sense of life to be renewed. For Christians, the feast has a special and precious meaning, set forth in the old carol:

"God rest ye merry gentlemen; let
nothing you dismay;
Remember Christ Our Saviour was
born on Christmas Day . . .
O tiding of comfort and joy!"

May the spirit of Christmas enter our hearts and bring us all "even unto Bethlehem" to behold his birth and to heed the ancient song of "peace on earth, good will to men."

OPERATION NOEL

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. BEVILL. Mr. Speaker, quoting "Service Stripe," Walter Reed Hospital's newspaper:

> You can always tell when the Christmas Season is bearing down. That's the time when "Operation Noel" gets underway and Congressional secretaries hurry to complete plans for a gala patient party.

Last Wednesday evening, Operation NOEL held its third, biggest and best Christmas party for servicemen in Washington area military hospitals. Many of us were there, joining with military leaders to wish our servicemen "Merry Christmas." I came away from the party, as I am sure my colleagues did, with a special feeling that this is what Christmas is all about—showing others that we care about them.

Operation NOEL could not be the success it is without the help of some very outstanding people, and I would like to share with my colleagues just a few of the hundreds who gave of themselves to insure that last Wednesday there would be "No One Ever Lonely." The officers of Operation NOEL worked extremely long hours and deserve our sincere thanks—Joe Westner, HUD's congressional office; Fran Westner, secretary to JOHN Y. MCCOLLISTER, Nebraska; Kathy Pierpan, secretary to BOB BERGLAND, Minnesota; and Jayne Gillenwaters and Pat Rinaldi, secretaries to JOHN SCHMITZ, California.

Their efforts, however, would have been in vain without the support of the Members of Congress and their staffs, and I particularly want to say a special "Thank You" to JOHN MCCOLLISTER. The text of a telegram sent by the President says it best:

Hon. JOHN Y. MCCOLLISTER:

Mrs. Nixon joins me in sending our warmest best wishes to you and your colleagues in the Congress as you express, in a very personal way, this Nation's gratitude to our hospitalized servicemen.

In this season of giving, we become especially aware of the great gifts of those who have served our Country at the cost of personal sacrifice. Regardless of one's views on the cause they served, there can be no disagreement on the honor they have earned. And, as Operation NOEL suggests, there must be no question in their minds that we will continue to remember and to honor them.

This thoughtful Christmas party is one way of saying "Thank You" to our brave men. In addition, all of us must pledge them our continuing efforts to build a world of peace and goodwill which is worthy of their sacrifices.

RICHARD NIXON.

Operation NOEL, as a nonprofit charitable organization, is solely dependent upon the good will of people at Christmas, and their fundraising efforts this year have had tremendous success. Thanks to H. Ross Perot, of Dallas, Tex.; Anheuser-Busch; the American Medical Association; Mutual of Omaha; Communications Satellite Corp.; 116, Inc.; Hal Brown, Jr., of Los Angeles, Calif.; Julius Lansburgh Co.; Giant Food; and Narragansett, for their very special support.

Last but certainly not least are the hundreds of congressional secretaries who were hostesses the night of the party. These charming young ladies, selected by Chris Negley on the staff of BENJAMIN ROSENTHAL, of New York, made sure that there was No One Ever Lonely the night of the party. And a special thanks goes to Joe Dougherty, a Capitol policeman who brought special cheers to the servicemen as he portrayed Santa Claus for the second year.

Not many of us are aware that after the party, Operation NOEL prepares 1,500 gift packages for distribution to the hospitals in this area, as another way of saying "Merry Christmas."

The most suitable way to end my remarks, Mr. Speaker, would be to quote from a letter written to Joe Westner, president of Operation NOEL, by Adm. T. H. Moorer, Chairman of the Joint Chiefs of Staff:

Unfortunately, I was unable to attend as I was in Europe on NATO business. It goes without saying that, except for this commitment, I would certainly have been on hand for this wonderful tribute to our hospitalized servicemen. Please express my deep appreciation to all who give so much of their time and effort to make this splendid project a success.

MULTIPLE-USE MANAGEMENT IN OUR NATION'S FORESTS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. JOHNSON of California. Mr. Speaker, a short time ago a two-part series of articles was published in the New York Times followed by an editorial concerning the management of the 187 million acres of Federal forest lands contained in the national forest system and administered by the U.S. Forest Service, an agency of the Department of Agriculture. These articles which raised serious questions about the manner in which the forests are being administered contained information which, I personally believe, was misleading and certainly was subject to a great deal of misunderstanding.

The points raised by the New York Times in the series were clarified by Forest Service Chief Edward P. Cliff in the letter to the Times dated December 1, 1971. I felt that Chief Cliff has set the record straight on many of these issues and since the original articles were published in the CONGRESSIONAL RECORD of November 29, I thought it appropriate to share Chief Cliff's comments with my colleagues in the Congress, because I know well of their interest in all aspects of multiple-use management of the national forest system.

Therefore, I place in the RECORD at this time the complete text of Mr. Cliff's reply of December 1, 1971, to the New York Times articles:

WASHINGTON, D.C., *December 1, 1971.*

EDITOR
New York Times,
New York, N.Y.

DEAR SIR: During the past few years, the public has been awakened to the cause of conservation, largely as a result of a growing national concern for the quality of our environment. The U.S. Forest Service encourages and supports this concern. There has been good in-depth reporting on today's issues of environmental concern, but there has also been much reporting based on emotional statements, not fact.

Such is the case, I believe, with much of the content of the articles about National Forest management that appeared in the New York Times on November 15 and 16, and an editorial of November 21.

I agree with you that "It is necessary to get the facts better known." The articles and editorial did not achieve that goal.

Through the liberal use of quotations based on opinions of others, your reporter has done a good job of identifying the wide diversity of interests in the National Forests and the simultaneous mounting pressures for more timber and a better environment. Unfortunately, some statements are incorrect or quoted out of context and need correcting.

For the sake of brevity, I will only cite a few:

In one article, the writer says: "Bulldozers and tractors are boring into some of the last remnants of pristine wilderness." Obviously implied in the imminent disappearance of wilderness because of roads and logging.

The Forest Service took the first steps to establish wilderness areas, and, today, 9.9 million acres of the 10.1 million National Wilderness Preservation System are in the National Forests, administered by the Forest Service.

Adding primitive areas and other specially designated areas set aside in National Forests as restricted from commercial development, the total soars to more than 15 million acres. These 23,400 square miles cover a bigger area than the combined expanses of Vermont, New Hampshire, and Massachusetts. Hardly a "last remnant."

Nor will the establishment of wilderness in National Forests stop with the reclassification of primitive areas. The Forest Service is currently reviewing all undeveloped areas in the National Forests to select those which should have future intensive study for possible new wildernesses. The public has been invited to participate in these reviews.

Your reporter also says: . . . "The only Federal land permanently dedicated to public use is the 28 million acres in the National Parks." His implication is that this is the only Federal acreage set aside for noncommercial public use, and that recreation is the only legitimate public use of public lands.

This, of course, is not the case. The Congress clearly stated in the Multiple Use-Sustained Yield Act of 1960 that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, and fish and wildlife programs—all for the public benefit. The National Forests provide more public recreation use, measured in man-days, and in greater variety than any other of the Federal lands.

The writer also stated flatly that clearcutting was adopted in 1964. Actually, clearcutting has been used for many years in the western United States and there are literally thousands of examples where the reproduction which followed has produced excellent new forests. Clearcutting was applied in the East in the early 1960's after extensive research showed that this method could provide satisfactory reproduction.

Again through the reporter's use of quotes, he attempts to establish the point that National Forest timber is being over-harvested, and that multiple use management is not being practiced.

These general implications are not true. Annual allowable cuts are established area-by-area on the basis of conditions in each National Forest, not on national averages as implied in the article. These cutting ceilings are adjusted at least every 10 years to account for changes, such as tree planting, losses from fire or other causes, increased growth from improved forestry measures, withdrawals for wildernesses or other uses. In the very few instances where "overcutting" has been done to combat insect epidemics, salvage of fire-killed or windblown timber, or for other reasons, it is compensated for in subsequent planning periods.

Increases in timber harvest that occurred over the years were justified, by better utilization, improved technology, and increased growth.

Land-use planning is not a precise science, but the Forest Service system of multiple use planning is as advanced as any system, applicable to large land areas, in use today. As a result, the National Forests are producing more goods and services for the use and enjoyment of the American people, and in greater variety, than ever before.

The Times editorial contains a basic flaw also. Completely unfounded is the implication that President Theodore Roosevelt and Gifford Pinchot—the fathers of American forest conservation—would have endorsed efforts to diminish the intensity of multiple use forest management. Farthest from their minds was, as Pinchot himself described it, "forest preservation." He faulted the forestry associations of the time for giving very little attention to the forest as "a permanent producer of timber."

Later, he adds in his book, "Breaking New Ground:" "It had not dawned upon them that timber can be cut without forest destruction or that the forest can be made to produce crop after crop for the service of man."

Despite the dismissal by the Times of recent efforts of the Forest Service to bring its programs and policies into line with current public demands, they are aggressive efforts, subject only to budget limitations. The public is being brought in on every sensitive front to assist in reaching management decisions. Research is devoting massive efforts to improve means of harvesting and regeneration. Long-term efforts to get balanced funding for all uses of the forest are beginning to achieve results. Because forestry is a discipline dealing in decades and centuries, the evidence on the ground of these actions is still not dramatically seen, but it is coming rapidly.

Forests, like air and water, are a national heritage that must be used, improved, and conserved in balance. All three are subject to damage by excessive use resulting from unlimited population growth. The Forest Service is dedicated to managing the Nation's forests wisely, enhancing their amenity values so that future generations can continue to benefit from their use and enjoyment.

I would be pleased to discuss all matters relative to these subjects with you and your writers at any time.

Sincerely,

EDWARD P. CLIFF,
Chief.

PRESIDENT ANNOUNCES LANDMARK PENSION PROGRAM

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. ARENDS. Mr. Speaker, almost every American has an older loved one who, through no fault of his or her own, has become a burden on his or her family. That is why I am so pleased by the landmark pension program President Nixon has just announced. By assuring every citizen of the opportunity to create for himself a serviceable pension program, it will relieve the burden so many families now face when their parents and grandparents become unable to continue working.

Helping those who help themselves has gone out of style in many parts of America. I am glad that it has not gone out of style in the Nixon administration. Because this latest program follows in that fine tradition, I am pleased to give it my fullest support.

SENATE—*Wednesday, December 15, 1971*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, King of Kings and Lord of Lords who hast made the weak to confound the strong and the small to redeem the great, may the spirit of Bethlehem's babe pervade the whole earth. May His spirit, enthroned in men's hearts, break down all barriers which separate man from man. As His spirit radiates throughout the world may justice and good will prevail. Now rule in our hearts and claim our love. And may our gift to Thee be clean minds and pure hearts, steadfast in faith, wholly dedicated to Thee.

In the name of the Prince of Peace. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 184) extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

The message also announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

S. 2429. An act to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal Law, and for other purposes; and

H.R. 8312. An act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones.

The enrolled bills were subsequently signed by the President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 14, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the statement of the distinguished Senator from Ohio (Mr. TAFT), there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Ohio (Mr. TAFT) is now recognized for 15 minutes.

DEFENSE DEPARTMENT'S RADIATION STUDY ON CANCER

Mr. TAFT. Mr. President, the investigation by the Health Subcommittee staff of the University of Cincinnati's radiation treatment program for certain terminal cancer patients has raised many immediate and disturbing questions.

I am reluctant to discuss these issues in the absence of the distinguished chairman of that subcommittee (Mr. KENNEDY); however, I believe that a public statement is warranted before the Congress recesses.

In mid-October, staff members visited the University of Cincinnati Medical Center on behalf of the Health Subcommittee and shortly thereafter the distinguished chairman of our subcommittee labeled this program "an incredible infringement of individual liberty." I ask unanimous consent to have printed in the RECORD an article from the New York Times of October 12, entitled "Medical

Center in Cincinnati Defends Full-Body Radiation in Cancer Care," and an article from the Washington Post of the same date, entitled "Pentagon Radiation Study Defended."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PENTAGON'S RADIATION STUDY DEFENDED

CINCINNATI, October 11.—A Pentagon-funded research program that has exposed seriously ill cancer patients to "whole-body" radiation was defended here today by doctors helping to administer the program.

Dr. Eugene L. Saenger, head of radiology at the University of Cincinnati Medical Center, said that 81 patients given whole-body radiation under a contract with the Pentagon's Nuclear Defense Agency were told the Defense Department would benefit from their treatments. Dr. Saenger also said the patients were told how much help they might expect from the treatments.

"In each case the patient is advised the information obtained through his treatment may be used by the military," Dr. Saenger said. "Each patient is fully informed about the treatment and usually interviewed before treatment with a member of his family present."

Dr. Saenger said that "insofar as we have been able to tell, none of the patients died as a result of the treatment. These patients had a life expectancy of less than two years when they entered the program."

Dr. Saenger made the comments in answer to a story in last Friday's Washington Post which said that 111 cancer patients had undergone whole-body radiation treatment at the University of Cincinnati over the last 11 years. The Washington Post said that the treatments had been paid for by the Pentagon "to understand better the influence of radiation on the combat effectiveness of troops."

The story in The Washington Post said that the Nuclear Defense Agency had paid the University of Cincinnati $850,000 since 1960 to keep the study going. The Washington Post was told by Dr. Saenger that the Pentagon was "just about" the sole support for the project over the last 11 years.

Dr. Edward A. Gall, University of Cincinnati vice president and director of the medical center, denied that the Pentagon provided the only funds for the project. Dr. Gall said that the project had been under way for five years before the Pentagon learned of it.

The $850,000 paid to the University by the Pentagon, Dr. Gall said, amounted to only 40 percent of the total cost of treatment and hospital care for the patients. Dr. Gall would not explain where the other 60 percent came from or what it paid for.

Dr. Gall said that 111 patients were included in the study, but that only 81 received radiation treatments for their cancers. He said 27 patients were dropped "for medical reasons" before they were irradiated.

Dr. Saenger said that six of the 81 patients are still alive.

The Washington Post's story said that all but three of the cancer patients treated in the project were charity patients with six years of schooling and had IQ's that averaged a below normal 86 (average is 100).

"Of course those in the study will reflect the types of patient we have in the General Hospital," Dr. Saenger said. "The sole method of selection is the fact of advanced cancer."

MEDICAL CENTER IN CINCINNATI DEFENDS WHOLE-BODY RADIATION IN CANCER CARE

CINCINNATI, October 11.—Officials of the University of Cincinnati's Medical Center said today that a center program of applying whole-body of partial-body atomic radiation to terminal cancer patients—a technique that is relatively rare—has had some positive results.

They also said that they would continue with the program and supply research information to the Pentagon, which has had a contact with the center on the program.

The Medical Center has been involved in controversy following an article last Friday in The Washington Post describing the program and containing criticism of the radiation process voiced by several medical authorities.

The article also says that the contract between the university and the Pentagon makes the prime purpose of the study to "understand better the influence of radiation on the combat effectiveness of troops."

SECRECY IS DENIED

The three officials at the meeting today were Dr. Clifford G. Grulee Jr., dean of the College of Medicine; Dr. Edward A. Gall, director of the Medical Center, and Dr. Eugene L. Saenger, professor of radiology and leader of the project since 1955.

Defense Department spokesmen have defended the Pentagon's funding of the project. They said that the research was part of the Pentagon's "continuing support of medical research" but noted that the department did not decide what kind of treatment should be used.

Senator Edward M. Kennedy has called the project "an incredible infringement of individual liberty" and has threatened to investigate the program through his Senate Health Subcommittee.

However, in a 70-minute news conference this morning, three officials of the Medical Center defended the program's techniques and its goals and said that the Pentagon was merely sharing "spin-off" information from an existing project.

They verified that the Pentagon had paid $850,000 over the last 11 years for information on the program, which began in 1955.

Of the 81 patients treated so far, six are still alive, Dr. Gall said. Without that treatment, he said, he was certain they would not be alive today.

Three of the living are children, who have survived from one and a half to three years after total-body radiation. One of the children reportedly won a basketball competition recently in Indiana.

"Our goal is to improve the life tenure of these terminal cancer patients," Dr. Gall said. "I imagine the Pentagon has its own specialists who analyze our findings."

Dr. Gall, who is also a vice president of the municipal university, said that the project was not classified or secret. He said that the findings had been published in "reputable" medical journals several times.

He also said in an interview today that the program had been approved several times as recently as last spring, by a human research committee at the Medical Center. Such a committee must approve all research before the projects receive any financial aid.

Public knowledge was limited, however, until The Post reported:

"To understand how irradiated troops might function on the battlefield, the university . . . has chosen to irradiate cancer patients who could no longer be helped by surgery. The patients were given the same kind of 'total body' or 'partial body' radiation combat troops might expect to receive in an exchange of tactical nuclear weapons."

The method used in Cincinnati consists of aiming cobalt 60 radiation at all or part of the body.

Whole-body radiation is used in the treatment of leukemia, and radiation of all the lymph nodes is used in the treatment of Hodgkin's disease.

LIKE ATOMIC ACCIDENT

With these exceptions, said Dr. Seymour Hopfam, a radiologist at the Sloan-Kettering Memorial Cancer Center in New York, "nobody to my knowledge is using this [whole-body radiation] as a therapeutic measure."

"It approaches what happens in an atomic accident," he said.

Other doctors said that body radiation was used mainly against Hodgkin's Disease and leukemia, which spread throughout the body. It was used more frequently in the nineteen-fifties, but its use has reportedly declined because of the effects that make the patients temporarily uncomfortable, and the increase in the use of drugs to treat the disease.

But Dr. Gall—noting that he is a pathologist, not radiologist—said:

"There are many ways of treating a problem. This is our method. As to the over-all thing, we ask if this is beneficial. We have treated 20 cases of colon cancer with basically the same survival term as 60 colon cancers treated another way at another center. So we didn't do more but we didn't do any harm, either."

Another matter of contention was the discomfort suffered by the patients who agreed to be treated. Dr. Saenger said that patients treated with the "total-body" radiations had experienced nausea and vomiting. But he said that this was typical of any type of radiation treatment—even the localized treatment normally given most cancer patients.

The Post article also said that all but three of the patients were charity patients from the Cincinnati General Hospital, with an average length of schooling of six years and an intelligence quotient of 86 (100 is considered average).

University officials said that low I.Q. patients had not been sought out as guinea pigs but that the I.Q. level merely reflected the I.Q. of patients at a public hospital. They also said that patients were given a full explanation of the process before signing for the treatment.

Mr. TAFT. Mr. President, I contacted officials at the university and have attempted to gain a better understanding of this program.

In the 1950's when the present study was initiated, it was universally appreciated that there was no successful treatment for advanced and widespread cancer, especially when unpredictably distributed in the body. It seemed rational to utilize whole- or partial-body cobalt 60 radiation for this purpose. Prior animal and human studies suggested that this type of radiation treatment might offer a means of control. The entire procedure was reviewed and approved by knowledgeable members of the medical faculty unassociated with the study.

Certain side reactions were anticipated but every effort was made to avoid or correct these. It was expected that the patient's bloodforming organs might be affected, but it became possible to minimize this adverse effect by withdrawing a quantity of the patient's bone marrow before treatment and reintroducing it after treatment had been administered.

Patients, all with advanced tumors, were offered the method of treatment; the existence of cancer of this extent was the sole basis for inclusion. In discussion with the patient, the experimental nature of the therapy was fully explained on at least two occasions, after which the patient was given a statement, which he signed, indicating an understanding of the course to be followed. In most instances one or more members of the family were also advised, and this was always the case when the patient was a minor. Only those individuals whose general condition was so advanced that no treatment was possible or who declined the treatment were not entered into the study.

After reading about this study in the newspaper I immediately contacted the Department of Defense and received a letter dated October 14 from Mr. Rady A. Johnson, assistant to the Secretary for Legislative Affairs. I ask unanimous consent that his letter to me, together with a fact sheet which he enclosed, be printed in the RECORD.

There being no objection, the letter and fact sheet were ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, October 14, 1971.

Hon. ROBERT TAFT, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TAFT: This letter responds to questions concerning the Defense Nuclear Agency's contract with the University of Cincinnati, relayed from Miss Doris Huddleston of your staff to the Office of Chief Legislative Liaison on 12 October 1971. The attached fact sheet was prepared in response to the many inquiries received on this same subject. The following paragraphs address directly the questions posed by your query.

1. Q: How is the money appropriated for the University of Cincinnati research?

A: This program was funded under Research, Development, Test and Evaluation, Defense Agencies, for the Defense Nuclear Agency under its Nuclear Weapons Effects Development Program Element 6-27-04H.

2. Q: Were hearings conducted?

A: Yes. Defense Nuclear Agency testimony is presented to the Armed Services and Appropriations Committees of the Senate and the House of Representatives. The Record of the Senate Hearings before the Committee on Appropriations, 91st Congress, Second Session states:

"The major objective is to define and evaluate human response and vulnerability to the effects of nuclear weapons and to prevent, mitigate, or delay that response through improved understanding of the mechanism of injury and advances to prophylaxis, diagnosis, prognosis, and treatment of three basic types of injuries produced and the many variant degrees and combinations that would occur in the free and nonfree field environment."

Sincerely,
RADY A. JOHNSON,
Assistant to the Secretary,
for Legislative Affairs.

FACT SHEET

This fact sheet answers a number of questions received from members of Congress and the news media concerning Department of Defense contractual arrangements with the University of Cincinnati in connection with whole body radiation research.

Department of Defense funds have been used for many years to gain supplementary research information from ongoing therapeutic programs of medical centers conducted by qualified physicians who are investigating areas of potential significance to national defense needs. The radiation therapy program at the University of Cincinnati is an example. The Department of Defense appreciates the support and the funds provided over the years for these projects by the Congress.

A radiation therapy project for the treatment of cancer under the cognizance of the University of Cincinnati, commencing at least as early as 1955, existed for some five years prior to the Department of Defense involvement. Department of Defense participation, starting in 1960, resulted from an unsolicited proposal from Dr. Saenger, a staff member of the University of Cincinnati Hospital.

Cost of the University program in therapy and patient care is borne entirely by the General Hospital. No DOD funds have been applied to these costs. The DOD funds are used to pay for supplemental laboratory analyses of patients who have received total body radiation therapy. Thus, no patients have received irradiation as a result of DOD funding.

The University of Cincinnati obtains voluntary consent statements from potential patients. A copy of the consent form is attached. Dr. Saenger reports that two separate interviews are used to discuss this therapy with the prospective patients and that in addition, whenever available, relatives are included in the discussions.

The current contract is for $70,000 and the total for the last three years is $244,601. The total funds obligated throughout the period 1960 to the present is $651,482.79. This includes years 1960 and 1961 in which funds were made available through the Office of the Surgeon General, Department of the Army as well as the funds in all subsequent years provided by direct Defense Nuclear Agency (formerly Defense Atomic Support Agency) contracts.

The rationale underlying support for this DOD project has been to obtain data to correlate the biochemistry, physiological and more detailed equivalent data obtained from animal tests. The motivations for obtaining these data are:

a. to assist in the prediction of the response of military personnel under conditions of possible operational environments.

b. to provide data which potentially may make possible the development of treatments of military personnel or civilians exposed to such environments or prophylactic treatment before encountering such radiation fields. Such fundamental research data are believed to be potentially useful in treating civilian casualties from any massive nuclear exposure.

The decision to fund this project at the University of Cincinnati was made because of the existence of the ongoing University of Cincinnati radiation therapy program.

The design of the DOD funded portion of the project followed the original proposal by Dr. Saenger as modified by both medical personnel of the DOD and their civilian medical peers. It consists of detailed biochemical analysis of hemotological and urine samples and psychological evaluation of the patient undergoing treatment.

We refer you to Dr. Edward Gall of the University of Cincinnati Medical School for further information about their radiation therapy program.

Mr. TAFT. Mr. President, I have continued to examine the charges that have been made relative to this program. I inquired of the distinguished chairman of the subcommittee (Mr. KENNEDY) as to the nature and status of the subcommittee's activities. On December 11, 1971, I received a letter from him which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 11, 1971.

Hon. ROBERT TAFT, Jr.,
U.S. Senate,
Washington, D.C.

DEAR BOB: This is in response to your inquiry regarding the Health Subcommittee investigation of the University of Cincinnati research project involving whole body radiation of human subjects.

This investigation is part of a general series of studies we are conducting into the problems of Health, Science, and Human Rights. These studies are related to the concerns which recently led to Senate passage of S.J. Res. 75, to establish a National Advisory Commission on Health Science and Society.

The particular investigation of the Cincinnati human radiation project was precipitated by a Washington Post news article on October 8, 1971, which asserted that the Defense Department was sponsoring research on radiation effects on human beings, without adequately informing the individuals involved of the military purpose of their irradiation.

Following this report, the hospital officials involved held a news conference in which they denied various of the allegations and implications in the Washington Post story, and provided justification for other of the points which they admitted as facts. Since October 8, we have also received extensive information relevant to the project from a variety of other sources. This information contains some significant discrepancies with the official account of the project. Accordingly, I dispatched two staff members to Cincinnati on December 6 to meet with the hospital officials in order to get at the facts of the case.

Despite their extensive discussions with the hospital officials, there still remain significant conflicts of fact about the project. Our analysis has also raised substantial questions of national policy and procedure with regard to the conduct of experimentation involving human subjects. I, therefore, consider it important to complete the investigation so that we can firmly establish the facts of the case and hopefully shed light on the significant policy issues involved.

I realize that the extensive press interest in this situation has been a matter of concern at the University of Cincinnati. But as long as the project remains under a cloud of suspicion, that problem will persist. I am hopeful that the Health Subcommittee inquiry into the case will not only aid in the development of relevant legislation, but will also contribute to the long-run benefit of the University.

I will, of course, keep you informed of further developments in the investigation, and will be happy to have my staff meet with members of your staff to discuss the project in more detail.

Sincerely,
EDWARD M. KENNEDY,
Chairman, Subcommittee on Health.

Mr. TAFT. Mr. President, on December 11, I replied to the distinguished subcommittee chairman, requesting that hearings by the Health Subcommittee be scheduled. I did so because I do not believe that charges as serious as these should be simply made and forgotten; neither do I believe that such charges should be covered over. When a leading university medical center is accused of running what is inferred to amount to little more than a death camp for cancer patients, I believe that the public has a legitimate interest in a full and complete inquiry. I ask unanimous consent that my letter to the distinguished chairman of the Health Subcommittee (Mr. KENNEDY) dated December 11, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. Senate,
Washington, D.C., December 11, 1971.
Hon. Edward M. Kennedy,
Chairman, Subcommittee on Health, U.S. Senate, Washington, D.C.

Dear Ted: Thank you for your letter of December 11th regarding the total body low radiation research project at the University of Cincinnati.

Ever since the original story broke in the Washington Post on October 8th, I have been extremely disturbed about the matter and have been in discussions with the responsible medical officials at the University. I hope to have a comprehensive report from them in the very near future.

If there is one thing in which I am in complete agreement with you, it is that the matter must be pursued fully by the Health Subcommittee and a report on it must be issued. As a matter of fact, after my discussions with the University of Cincinnati, I was awaiting only their comprehensive report before demanding that this be done. This is not only necessary, as you indicate, to carry out the responsibilities of the Health Subcommittee and the National Science Foundation Committee, but it is also vital in order to answer responsibly and repair any unjustified damage that may have been done to the reputation of highly skilled medical doctors and research personnel, as well as to the institution, which is a top flight one.

I will, therefore, be most happy to have my staff meet with yours. Unless the entire matter can be resolved satisfactorily through the issuance of a statement of approval of the program, I think it is essential that Health Subcommittee hearings on the subject be scheduled.

As to further matters discussed in your letter, I can only make the following comments. You state that the investigation was precipitated by a Washington Post news article on October 8th. My understanding, which may or may not be correct, is that the Washington Post news article was precipitated by information from staff members.

My protest to you yesterday occurred because I understand that staff members in Cincinnati last week (again, I do not know whether they are your staff or the Subcommittee's) demanded of the University medical personnel the right to interview patients who had received or are receiving total body low radiation treatment. Plainly, this not only raises serious questions with regard to the doctor-patient relationship, but it also raises serious questions as to the possible adverse medical effect upon such patients who are terminal cancer patients. It would seem to me extremely unwise and possibly cruel to proceed with any such policy until a great deal more is known, and certainly any assessment of the program should be made by qualified independent experts rather than by Congressional staff.

I shall continue to get further information on the matter from the University of Cincinnati, and I will appreciate having my staff fully briefed by your staff on the matter.

Sincerely,
Robert Taft, Jr.,
U.S. Senator.

Mr. TAFT. Mr. President, on December 13, the distinguished Senator from Massachusetts (Mr. Kennedy) in his capacity as chairman of the Subcommittee on Health, wrote a letter to Dr. Bennis, president of the University of Cincinnati, requesting that subcommittee staff members be allowed to make direct contact with the patients involved. I ask unanimous consent that this letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., December 13, 1971.
Dr. Warren Bennis,
President, University of Cincinnati,
Cincinnati, Ohio.

Dear Dr. Bennis: This letter concerns the investigation which the Senate Health Subcommittee has been conducting into Dr. Saenger's research project on whole body radiation of human subjects.

In their meeting with Dr. Gall and Dr. Saenger on December sixth, the Committee staff requested the opportunity to meet with the surviving subjects of the experiment, under conditions which would not be inimical to the health or rights of the individuals concerned. The followup letter of December seventh specifically requested that the meetings commence during the week of December thirteenth.

The request was discussed further with Dr. Gall in phone conversations on December ninth and tenth. Dr. Gall stated that he had discussed the matter with various of his colleagues, and that he had serious reservations about the propriety of providing the Committee with access to the individuals involved.

We have discussed the matter with a number of authorities on medical ethics and the administration of medical research, and have concluded that it is perfectly appropriate that we have direct communication with the individuals involved. It is our view that meetings with the individual subjects are essential to effective completion of the Committee inquiry, and that such meetings can be conducted in a manner which will not injure the health or rights of the individuals concerned, none of whom is currently hospitalized. I believe strongly that the eleveen adults and the parents of the three children involved should have the opportunity to make up their own minds as to the extent of their cooperation with the Committee inquiry.

Since we would like to initiate the meetings as soon as possible, hopefully before December 23rd, I would greatly appreciate it if you could direct your personal attention to this matter and reply to my request at your earliest convenience.

Sincerely,
Edward M. Kennedy,
Chairman, Subcommittee on Health.

Mr. TAFT. Mr. President, the way in which I believe this matter should be handled is by a review of the experts. It should be handled in an open hearing. There should be authority from the subcommittee, together with any demands being made. I find, unfortunately, that this is not the case, although there is a peer review procedure of a national group of radiologists underway.

Mr. President, I believe that this matter raises many serious questions. Some of these questions can be resolved by full and complete hearings on the part of the Subcommittee on Health and I hope that these hearings will be scheduled promptly.

Other questions, I believe, relate to the procedure which has been employed by the staff of the Subcommittee on Health. For example, this investigation was launched in Cincinnati without my knowledge, without any resolution adopted by the Health Subcommittee and without the knowledge of the minority staff. The minority counsel to this subcommittee has informed my office that he was entirely unaware of this investigation on the part of majority staff members until after these findings and charges were made public in the newspaper. I question the propriety of having investigations such as this launched without giving the minority an opportunity to participate. More importantly, I question the propriety of issuing public statements on the basis of a field trip by majority staffers when no hearings have been held and there has been no opportunity for the officials of the university to present their case.

I think that it is entirely improper for these staff members to go out and attempt to contact patients, and for public charges to be made, when the safeguards of hearing procedures have not been followed. I would hope that we can conclude this chapter of the investigation and immediately undertake full and complete hearings so that all parties can be heard, the public interest fully protected, and the pressures being put by the majority staff members, with no participation by the minority and no information given to the minority, can be stopped forthwith.

Mr. President, I yield back the remainder of my time.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with each Senator's statements limited to 3 minutes.

Is there morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN MILITARY AND ECONOMIC ASSISTANCE TO INDIA AND PAKISTAN

Mr. BYRD of Virginia. Mr. President, I have prepared certain figures with regard to the U.S. aid to India and Pakistan.

In regard to the economic assistance; namely, loans and grants under the AID program, the amount of economic assistance furnished to India over the years is $9.123 billion including $4.54 billion under Public Law 480.

Mr. President, the economic assistance through AID for Pakistan has been $4.01 billion, which includes Public Law 480 assistance totaling $1.52 billion.

This does not include, Mr. President, military assistance grants or military sales. It does not include those items, because those figures are classified. Just why such figures as those should be classified, the Senator from Virginia does not know. However, I have dispatched a telegram to the Secretary of Defense asking for such information.

The telegram to Secretary Laird reads:

Hon. MELVIN LAIRD,
Secretary of Defense,
Department of Defense,
Washington, D.C.:

Please furnish to me as soon as possible the amount of total military assistance (both grant and military sale) which the United States has furnished to India and to Pakistan. It is further requested that these totals be in an unclassified form so that they may be utilized in debates concerning this vital issue before the United States Senate.

HARRY F. BYRD, Jr.,
U. S. Senate.

Mr. President, I repeat that these two countries of India and Pakistan over a period of time have received assistance from the United States in the amount of more than $13 billion in economic assistance and Public Law 480 funds. And this amount does not include military sales or grants. It does not include the amounts received by India or Pakistan through the international financial institutions.

India has received $2.5 billion through these institutions. Pakistan has received $1.2 billion through these institutions.

Mr. President, in connection with all of the military and economic assistance and other assistance that the foreign aid program of the United States has extended, I have prepared tabulations showing the very severe financial situation in which the United States finds itself.

Our Government had a $30 billion deficit last year, and it will have at least a $35 billion deficit this year.

Mr. President, I ask unanimous consent that a tabulation which I have prepared dealing with the Government spending and deficit be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

FISCAL TABLES—OCTOBER 1971

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods, in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1970	10.7	14.5	43.3
August 1971	10.1	12.1	[1] 46.0

[1] Estimated figure.
Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1963-72 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Deficit (—)	Debt interest
1963	83.6	90.1	—6.5	10.0
1964	87.2	95.8	—8.6	10.7
1965	90.9	94.8	—3.9	11.4
1966	101.4	106.5	—5.1	12.1
1967	111.8	126.8	—15.0	13.5
1968	114.7	143.1	—28.4	14.6
1969	143.3	148.8	—5.5	16.6
1970	143.2	156.3	—13.1	19.3
1971	133.6	163.8	—30.2	20.8
1972[1]	143.0	178.0	—35.0	21.3
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

TABLE 3.—FEDERAL FINANCES, FISCAL YEAR 1971

[Billions of dollars]

	Revenues	Outlays	Deficit (—) or surplus (+)
Federal funds	133.6	163.8	—30.2
Trust funds	54.7	47.8	+6.9
Unified budget	188.3	211.6	—23.3

Source: U.S. Treasury Department.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 557, H.R. 3304.

The PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I do not know what this is about. I am sorry. For the time being I object.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BYRD of West Virginia. I object.

The PRESIDENT pro tempore. Objection is heard.

The second legislative clerk resumed the call of the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

AMENDMENT OF THE FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 557, H.R. 3304.

The PRESIDENT pro tempore. The bill will be stated by title.

The bill was read by title as follows:

Calendar No. 557, H.R. 3304, a bill to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, this bill (H.R. 3304) is necessary for the wise conservation and management of many ocean types of marine life, including fish and marine mammals and their products. I strongly support this legislation and urge its passage by this body.

H.R. 3304 would amend the Fishermen's Protective Act of 1967 (68 Stat. 883, as amended: 82 Stat. 729) by adding a new section 8 at the end.

Section 8 (a) provides that whenever the Secretary of Commerce determines foreign nationals are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, he must certify this fact to the President of the United States. The President is then authorized, but not required, to direct the Secretary of the Treasury to prohibit the importation into the United States of any or all fish products of the offending country for such time as he, in his discretion, believes warranted, and to the extent sanctioned by the General Agreement on Tariffs and Trade—GATT.

At this point, I believe it is important to note that such importation prohibition as permitted by the act is not limited to the particular fish product taken in violation of a particular fish conservation program. For example, although a given country, I use Denmark as an example, violates an international fisheries conservation program, such as the International Convention for the Northwest Atlantic Fisheries—ICNAF, the President may prohibit the importation of all fish products from the offending country, not only salmon. This is important, because it multiplies the effect of a violation manifold. As mentioned in the House report on this bill:

> In the case of Atlantic Salmon, Danish exports to the United States totaled 54,365 pounds in 1970 worth $63,844.00. Import of all Danish fish products totaled 32,656,000 pounds valued at $10,543,298.00. The impact of loosing a 10 million dollar market as opposed to a 63 thousand dollar market is obvious.

Section 8(b) of the act requires the President within 60 days after the certification to notify Congress of any action he takes. He must also notify Congress should he fail to direct the Secretary of the Treasury to take action and also must explain his reasons therefor.

Section 8(c) makes it unlawful for any person subject to the jurisdiction of the United States to knowingly bring or import into the United States any fish products so prohibited.

Section 8(d) subjects violators to a $10,000 fine for the first offense and a $25,000 fine for each subsequent offense. In addition, all fish products thus illegally imported are subject to forfeiture or the money value thereof must be paid to the U.S. Government and in general customs laws relating to the seizure, judicial forfeiture, and condemnation of cargo violations are applicable.

Section 8(e) vests enforcement responsibility in the Secretary of the Treasury and authorizes U.S. judges of the district courts and Commissioners to issue warrants and other services of process necessary for the enforcement of the act and regulations issued thereunder. It also provides the persons authorized to enforce the provisions of the act may execute warrants and other processes, make arrests, conduct searches of vessels, and seize illegal fish products.

Section 8(f) defines the terms used in the act.

Mr. President, this bill has had extensive hearings both in the House and recently in the Senate Commerce Committee on November 22 and 24. Those hearings on November 22 were chaired by the Senator from Virginia (Mr. Spong) and attended by the Senator from Oregon (Mr. Hatfield) and me. The Senator from Oregon (Mr. Hatfield) and I were present at the November 24 hearings. Last Saturday the Commerce Committee passed this bill out to the floor. To these other Senators, and to the other members of the Senate Commerce Committee, and particularly, to our distinguished chairman (Mr. Magnuson), who took a personal interest in the legislation, I would especially like to extend my personal thanks for their swift action on this legislation. Without them there would be no bill before us today.

Many able witnesses appeared before our committee and were generally quite favorable to the bill. It also appeared that witnesses before the House committee were similarly favorable and, when they did have any objection, the House bill was accordingly amended.

Mr. President, many arguments have been advanced for this legislation. If indiscriminately fished on the high seas, the great anadromous fish which form a substantial portion of the economic backbone of our fishing industry, particularly along the east coast, in New England, and in the Pacific Northwest, including, of course, Alaska, may become extinct. For this reason, international fisheries conventions have sought to limit and control these high seas fishing activities. Several signatory nations to ICNAF, most principally Denmark, have failed to agree to all the provisions protecting Atlantic salmon. Although they have agreed in the future to limit catch levels to approximately the 1969 level, this is nothing but a smoke screen which permits Denmark to continue fishing at an already dangerously high level. This life cycle of the Atlantic salmon is approximately 6 to 7 years. Therefore, the full impact of such exploitation will not be felt until 1975. At that time, it will be too late to save the fish and our fishing industries.

Such conventions, if they have no teeth, also work to disadvantage of those nations which agree to abide by them. These nations are put at an economic disadvantage and can only sit by and helplessly watch while other nations which have not signed continue to reap vast harvests completely unchecked.

It is apparent how vast the economic effect of such indiscriminate fishing practices is when the number of people employed not only as fishermen, but also in subsidiary industries throughout the coastal areas of this country and others is considered. And, as one witness before our committee pointed out,

> All this is being caused by a Danish high seas salmon fleet of about ten trollers manned by less than 100 fishermen! And the landed value of the salmon is worth only about several million dollars.

To many expert sports fishermen, the salmon is the finest sports fish in the world. Unfortunately it is as good on the dinner table as it is on the end of the line. And therein lies the tragedy.

This bill is not limited to one species of fish or marine mammals. It applies equally to fishery conservation programs in all areas of the world to which this country is a signatory party. It will, therefore, also put needed teeth into our Pacific fishing conventions, which are so vital to the fishing industry in my part of the country.

I therefore urge the passage of this legislation.

The PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on third reading.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I ask unanimous consent that the consideration of S. 2191 be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Griffin). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Receipts and Disbursements to Appropriations From Disposal of Military Supplies

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on receipts and disbursements to appropriations from disposal of military supplies, equipment and material and lumber or timber products, as of September 30, 1971 (with an accompanying report); to the Committee on Appropriations.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Contract Award Procedures and Practices of the Office of Economic Opportunity Need Improving", dated December 15, 1971 (with an accompanying report); to the Committee on Government Operations.

Proposed Medical Device Safety Act

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices (with accompanying papers); to the Committee on Labor and Public Welfare.

Report on Special Bridge Replacement Program

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on special bridge replacement program, dated November 1971 (with an accompanying report); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRIFFIN (for Mr. Magnuson), from the Committee on Commerce, without amendment:

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes (Rept. No. 92–584).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STEVENSON (for himself, Mr. Bayh, Mr. Case, Mr. Eagleton, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Packwood, Mr. Pell, Mr. Ribicoff, Mr. Scott, Mr. Tunney, and Mr. Williams):

S. 3025. A bill to prohibit records of deeds from giving implicit recognition to racially restrictive covenants, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN (by request):

S. 3026. A bill to establish a fund for activating authorized agencies, and for other purposes. Referred to the Committee on Government Operations.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 3027. A bill to designate certain lands in San Luis Obispo County, California, as wilderness. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON BILLS AND JOINT RESOLUTIONS

By Mr. STEVENSON (for himself, Mr. Bayh, Mr. Case, Mr. Eagleton, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Packwood, Mr. Pell, Mr. Ribicoff, Mr. Scott, Mr. Tunney, and Mr. Williams):

S. 3025. A bill to prohibit recorders of deeds from giving implicit recognition to racially restrictive covenants, and for other purposes. Referred to the Committee on the Judiciary.

Mr. STEVENSON. Mr. President, on behalf of myself and Senators Bayh, Case, Eagleton, Harris, Hart, Hughes, Humphrey, Kennedy, Magnuson, Mc-

Govern, Metcalf, Mondale, Packwood, Pell, Ribicoff, Scott, Tunney, and Williams, I introduce legislation which will strip racially restrictive covenants of the aura of legitimacy they continue to possess because they are uncritically accepted for recordation by public officials.

Racially restrictive covenants are relics of an era when whites felt no need to disguise their intent to deny housing opportunities to blacks and other minorities. One such covenant, which was involved in a recent lawsuit, is typical:

> No part of the land hereby conveyed shall ever be used, or occupied by, sold demised, transferred, conveyed unto, or in trust for, leased, or rented, or given, to Negroes, or any person or persons of Negro blood or extraction, or to any person of the Semitic race, blood, or origin, which racial description shall be deemed to include Americans, Jews, Hebrews, Persians, and Syrians, except that; this paragraph shall not be held to exclude partial occupancy of the premises by domestic servants. . . .

Fully 23 years ago, the Supreme Court in the landmark case of Shelley against Kraemer unanimously ruled that racially restrictive covenants in real property deeds are void and unenforceable. Notwithstanding this clear ruling, only four States have passed legislation which might arguably restrict the recordation of deeds containing restrictive covenants. I ask unanimous consent that a memorandum on this subject, prepared by the Library of Congress, be inserted at this point in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

The Library of Congress,
Congressional Research Service,
Washington, D.C., December 6, 1971.

To: Hon. Adlai E. Stevenson III
From: American Law Division
Subject: State Laws against Racially Restrictive Covenants

This is in response to your request for a survey of state laws which may bar recordation of a written instrument relating to real estate which contains a racially restrictive covenant.

Four states have passed laws which nullify the effect of, or restrict the use of racially restrictive covenants. Massachusetts has a law (Mass. Gen. Laws Ann., Chap. 184 §23B (Supp. 1971)) which declares such covenants void. New Jersey's statute (N.J. S. A. 46:3-23 (Supp. 1971)) provides that racially restrictive covenants are void and that they cannot be "listed as a valid provision affecting such property in public notices concerning such property." Nevada Rev. Stats., 111.237 (1967) gives a grantee the power to remove such covenants on his property from the land records by filing an affidavit with the office of the county recorder declaring such covenants to be void. Finally, Minnesota Stats. Ann. 507.18 (Supp. 1971) provides that no written instrument thereafter made, affecting real estate, shall contain any racially restrictive covenant.

Mr. STEVENSON. Mr. President, this issue has apparently been overlooked by Federal as well as State law. Last month the U.S. Court of Appeals for the District of Columbia Circuit held in the case of Mayers against Ridley that neither the Constitution nor Federal law was breached by the "ministerial" act of recording a deed containing restrictive covenants. The court did, however, condemn restrictive covenants in the strongest terms, and it urged Congress to enact new legislation dealing with the problem.

The bill we offer today places two new restrictions on recorders of deeds. First, recorders may not henceforth record or copy an instrument containing a restrictive covenant unless the instrument is accompanied by a notice stating that the covenant is void and unenforceable. Second, recorders of deeds must cause a notice stating that restrictive covenants are void and unenforceable to be displayed on every liber volume or other journal in their custody which contains deeds or other real property instruments.

Recorders of deeds should have no difficulty complying with these reasonable requirements. As the dissenting judge in Mayers against Ridley pointed out, little more than a rubber stamp will be needed.

Mr. President, it is impossible to determine how many American home buyers are humiliated or discouraged by racially restrictive covenants, but even one is one too many.

Introduction of this legislation does not constitute approval of the Mayers against Ridley ruling that section 804(c) of the Civil Rights Act of 1968 does not reach the recordation of instruments containing restrictive covenants. Rather, the bill is designed to eliminate the existing uncertainty by providing a clear and specific remedy for a clear and specific problem.

Mr. President, I ask unanimous consent that the text of the bill and the opinion of the court of appeals be printed at this point in the Record.

There being no objection, the bill and opinion were ordered to be printed in the Record, as follows:

S. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. The Civil Rights Act of 1968 (P.L. 90-284) is amended by adding the following immediately after Section 804:

"Sec. 804A. Recordation of Instruments Containing Restrictive Covenants

"(a) As used in this Section—

(i) The term 'Recorder of Deeds' means any public official in any State whose duties include the recordation of instruments relating to the conveyance or ownership of real property;

(ii) The term 'restrictive covenant' means any covenant, clause, provision, promise or other written representation purporting to restrict the right of any person to possess real property on account of that person's religious faith, race, creed, color, or national origin.

"(b) No Recorder of Deeds shall comply with any request to record or copy any instrument relating to the conveyance or ownership of real property containing a restrictive covenant unless a notice stating that the restrictive covenant is void and unenforceable is imprinted on or affixed to the instrument.

"(c) Every Recorder of Deeds shall cause a notice stating that restrictive covenants are void and unenforceable to be displayed on every liber volume or other journal in his custody in which instruments relating to the conveyance or ownership of real property are kept."

Sec. 2. The provisions of this Act shall take effect 90 days after the date of enactment.

Sec. 3. This Act may be cited as "The Restrictive Covenant Repudiation Act".

[U.S. Court of Appeals, for the District of Columbia Circuit, No. 71-1418]

Appeal From the U.S. District Court for the District of Columbia

(Daniel K. Mayers, et al., appellants v. Peter S. Ridley, et al.)

(Decided November 15, 1971.)

Mr. Michael J. Waggoner, with whom *Messrs. Jack B. Owens* and *Ralph J. Temple* were on the brief, for appellants.

Mr. Ted D. Kuemmerling, Assistant Corporation Counsel for the District of Columbia, with whom *Messrs. C. Francis Murphy*, Corporation Counsel, and *Richard W. Barton*, Assistant Corporation Counsel, were on the brief, for appellees.

Before Wilbur K. Miller, *Senior Circuit Judge*, and Wright and Tamm, *Circuit Judges*.

Opinion filed by Tamm, *Circuit Judge*.

Dissenting opinion filed by Wright, *Circuit Judge*.

Tamm, *Circuit Judge:* Appellants, homeowners in the District of Columbia whose deeds contain racially restrictive covenants, brought a class action suit in the District Court against the Recorder of Deeds and the Commissioner of the District of Columbia[1] on their own behalf and on behalf of all District of Columbia homeowners similarly situated. They alleged that the Recorder's actions in accepting for filing, and maintaining public records of restrictive covenants was in violation of the Fifth Amendment and Title VIII of the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 *et seq.*

They sought the following relief: (1) a declaration that their rights were infringed by the practice of the Recorder of Deeds in accepting for recording and filing public records containing racially restrictive covenants; (2) an injunction barring the Recorder from accepting for recording and filing any deed or instrument containing a racially restrictive covenant and from providing copies of such deeds or instruments without clearly identifying them as containing void and unenforceable racially restrictive covenants; and (3) an injunction requiring the Recorder to affix to every liber volume in his custody a notice that any racially restrictive covenants contained in the deeds or instruments therein were void and unenforceable.

In denying the requested relief, the District Court granted appellees' motion to dismiss, whereupon this appeal was noted. We affirm. First, we shall examine the nature of the office of the Recorder of Deeds and then proceed to a discussion of the statutory and constitutional issues.

I

Congress has provided that the Recorder of Deeds shall ". . . record all deeds, contracts, and other instruments in writing affecting the title or ownership of real estate or personal property which have been duly acknowledged and certified;" D.C. Code § 45-701 (1967). He is further required to "perform all requisite services connected with the duties prescribed" in regard to the filing of instruments and to "have charge and custody of all records, papers, and property appertaining to his office." D.C. Code § 45-701 (3), (4) (1967).

Interpreting the statute shortly after enactment this court stated:

"Undoubtedly, the recorder of deeds is in the category of ministerial officers, and has no jurisdiction to pass upon the validity of instruments of writing presented to him for record. It requires no elaboration of law or of the authorities to sustain this contention." *Dancy v. Clark*, 24 App. D.C. 487, 499 (1905).

We pointed out that although the Recorder does have ministerial discretion to determine whether a document is of the type appro-

---

Footnotes at end of article.

priate for filing, "[h]e is by the law required to receive and file . . . such instruments as have been duly executed, and which purport on their face to be of the nature of the instruments entitled to be filed. . . ." *Id.* In short, the nature of the office bars the relief which appellants seek.

The Recorder of Deeds is a ministerial officer. The authority of a ministerial officer is to be strictly construed as including only such powers as are expressly conferred or necessarily implied. *Youngblood v. United States*, 141 F. 2d 912 (6th Cir. 1944). A decision as to whether to file a deed containing a restrictive covenant involves discretion. Indeed, the Recorder is not even permitted to correct obvious typographical errors despite the consent of all the parties thereto.

Furthermore, the Recorder is not empowered by the statute to determine the legality, validity or enforceability of a document to be filed. Determining whether a covenant in a deed is a racially restrictive covenant demands a legal judgment. The clerical staff of the Recorder certainly does not have the knowledge, capacity or acumen to perform the tasks asked of them by appellants.

In many respects the Recorder's function is similar to that of the clerk of a court. The clerk of a court, like the Recorder is required to accept documents filed. It is not incumbent upon him to judicially determine the legal significance of the tendered documents. *In re Halladjian*, 174 F. 834 (C.C.Mass., 1909); *United States v. Bell*, 127 F. 1002 (C.C.E.D.Pa. 1904); *State ex rel Kaufman v. Sutton*, 231 So.2d 874 (Fla.App. 1970); *Malinou v. McElroy*, 99 R.I. 277, 207 A.2d 44 (1965). In *State ex rel. Wanamaker v. Miller*, 164 Ohio St. 176, 177, 128 N.E.2d 110 (1955), the court commented upon the function of its clerk in the following manner:

"It is the duty of the clerk of this court, in the absence of instructions from the court to the contrary, to accept for filing any paper presented to him, provided such paper is not scurrilous or obscene, is properly prepared and is accompanied by the requisite filing fee. The power to make any decision as to the propriety of any paper submitted or as to the right of a person to file such paper is vested in the court not the clerk."

The Recorder is a neutral conservator of records. The entire purpose and value of his office is that he preserves the precise documents presented to him. To give the Recorder the power to do what appellants ask would not only be in violation of the statute creating his office, but would functionally distort the office into a hydra-headed monster.

Even though the acts of the Recorder are ministerial in nature, they may not violate with impunity the statutes of this land, nor may they contravene the constitution. We must therefore continue our inquiry. First, we turn to the relevant statute.

II

Title VIII of the Fair Housing Act of 1968, 42 U.S.C. § 3604(c) (1970), makes it unlawful "[t]o make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, *with respect to the sale or rental of a dwelling* that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination." (Emphasis supplied.)

On its face the statute clearly does not apply to the Recorder of Deeds. The Recorder does not offer property for sale or rent, nor is he in any way connected with the commercial real estate market. He merely functions as a neutral repository. The "notice" or "statement" the statute speaks of is that made by the offeror or his agent in the market place.

The legislative history bears out this interpretation. After a careful search of the hearings, debates and testimony, we find only that the depth and dearth of legislative history stands in sharp contrast to the shallowness of appellants' position. The thrust of the statute is clearly directed towards advertising in the market place. As a principal witness at the hearings stated: "I think it outlaws advertising that is racial in nature."[2] Furthermore, while testifying on a substantially similar bill former Attorney General Katzenbach catalogued the parties and acts which the statute was intended to cover. The Recorder is nowhere mentioned. He stated:

"The title applies to all housing and prohibits discrimination on account of race, color, religion, or national origin by property owners, tract developers, real estate brokers, lending institutions, and all others engaged in the sale, rental, or financing of housing."[3]

III

Although the Fair Housing Act of 1968 does not prohibit the Recorder's actions, those actions must be enjoined if they are violative of the due process clause of the Fifth Amendment. As the states are prohibited from racial discrimination by the Fourteenth Amendment, so the District of Columbia and its agents, including the Recorder of Deeds, are prohibited from discrimination on the grounds of race by the due process clause of the Fifth Amendment. *Bolling v. Sharpe*, 347 U.S. 497 (1954).

The Supreme Court has declared racially restrictive covenants void and unenforceable. *Shelley v. Kraemer*, 334 U.S. 1 (1948). The question presented here is whether the Recorder of Deeds, by recording and filing deeds containing racially restrictive covenants, deprives appellants of constitutional due process.

A prerequisite to recovery under the Fifth Amendment is a showing of (1) harm done appellants (2) by the Recorder. We find these essential elements lacking.

The Recorder of Deeds, impartial in thought as well as action, is not giving the approbation of the state to the substantive contents of the deeds filed. The Recorder, the cold steel safety deposit box of the real estate industry, merely preserves documents. Although he acts on behalf of the government, he acts as a studiously *neutral* repository.

The concept of neutrality plays an important role in constitutional law. Where the government is under no affirmative obligation to act and is merely neutral, there can be no due process violation.[4] In a related area of the law courts have found insufficient state involvement in private discrimination to constitute a constitutional violation where the state merely played a neutral part.[5] We find these cases most instructive.

The most developed area of law for our purposes is the administration of estates and trusts.[6] If the state probates a discriminatory will through the use of its legal machinery,—*i.e.*, Recorder of Wills and Probate Court—the courts have held that the government is merely acting in a nonsignificant neutral capacity which does not constitute state action under the Fourteenth or Fifth Amendments. *See U.S. National Bank v. Snodgrass*, 202 Ore. 530, 275 P.2d 860 (*en banc* 1954); *Gordon v. Gordon*, 332 Mass. 197, 124 N.E.2d 228, *cert. denied*, 349 U.S. 947 (1955). *See also Wilcox v. Horan*, 178 F.2d 162, 165 (10th Cir. 1949).

Speaking for the Court in *Evans v. Newton*, 382 U.S. 296, 300 (1966), Justice Douglas stated:

"If a testator wanted to leave a school or center for the use of one race only and in no way implicated the State in the supervision, control, or management of that facility, we assume *arguendo* that no constitutional difficulty would be encountered."

If, however, in the administration of an estate or trust the government takes an active non-neutral role by supervising, managing or controlling, there is state action within the confines of the Fourteenth Amendment. *See Pennsylvania v. Board of Directors of City Trusts*, 353 U.S. 230 (1957), *Pennsylvania v. Brown*, 392 F.2d 120 (3rd Cir. 1968), *cert. denied*, 391 U.S. 921 (1968).

In *Evans v. Abney*, 396 U.S. 435 (1970) the Supreme Court found no state action in the Georgia state court's application of the doctrine of *cy pres* to a racially discriminatory trust. The Court reasoned that the Georgia court was merely enforcing trust laws which were "long standing and *neutral* with regard to race." *Id.* at 444. (Emphasis supplied.) The court reached this conclusion despite the fact that a state is involved in a racially discriminatory trust in the following ways: (1) the state attorney general enforces the trust on behalf of the public; (2) the courts supervise the administration of the probate estate and trust; (3) the trust enjoys tax exempt status; and (4) the doctrine of *cy pres* as well as other state statutes often apply to the trust.

In the instant case appellants urge that the mere neutral act of recording deeds constitutes state action in violation of the Fifth Amendment. In light of the above precedents, we cannot agree. In the final analysis, the evil of which appellants complain lies not in the office of the Recorder, but in the soul of man.

Appellants have also failed to demonstrate any harm resulting from the recordation of racially restrictive covenants. These covenants are clearly unenforceable and may be easily repudiated.[7] In addition, these covenants do not constitute a cloud on title or affect the marketability of the property. As the learned District Judge stated:

"It is stretching too far to say that the presence of the offensive language in a deed in the custody of the Recorder is going to frighten a would-be buyer. We must face the practicality that buyers do not begin their negotiations by examining the records maintained by the Recorder of Deeds. That function is performed by brokers, attorneys and title insurance companies making the record searches. Brokers, lawyers and title insurance companies are fully aware that racially restrictive covenants are not enforceable. Slip Op. at 2–3."

Appellants, nevertheless, rely upon *Bryant* v. *State Board of Assessment of State of North Carolina*, 293 F.Supp. 1379 (E.D.N.C. 1968) and *Hamm* v. *Virginia State Board of Elections*, 230 F.Supp. 156 (E.D.Va. 1964), *aff'd per curiam sub nom. Tancil* v. *Woolls*, 379 U.S. 19 (1964(for the proposition that where records are maintained with unconstitutional racial identifications the maintenance is unconstitutional per se requiring no demonstration of harm. Appellants have misread these cases. In these cases state officials listed Negro and White citizens separately on voting, property assessment and divorce records. In voiding these laws, the *Bryant* court found that citizens were harmed because the opportunity for discrimination in jury selection was present. No such potential exists here. Furthermore, there is no list maintained here which classifies individuals by race, for restrictive covenants appear on deeds owned by persons of all races. Moreover, in each of those instances the lists were compiled and maintained by affirmative action of the state. A situation we again do not have here.

IV

We reach our decision somewhat reluctantly. Not reluctant in the law we expound, for we know it to be right; but, reluctant in the conclusion some may draw, and the interpretation others may glean, from our deci-

---

Footnotes at end of article.

sion. We firmly believe the *legal* result in this case to be correct. We are convinced that the ministerial nature of the office of Recorder of Deeds bars the remedy sought. We also can find no statutory or constitutional violation in the actions of the Recorder of Deeds. This, however, is not to say there is no remedy for an unfortunate situation. It merely means the remedy sought is beyond the ken of the judiciary.

Congress has a panoply of power as well as a plethora of resources at its disposal to create the legal machinery to deal with this problem. We note that the courts have given an expansive reading to Congressional power in the eradication of discrimination from the fibre of our society. *See Jones v. Alfred H. Mayer Co.,* 392 U.S. 409 (1968); *United States v. Guest,* 383 U.S. 745 (1966). We urge the Congress to gather together representatives from among the bankers, brokers, title insurance companies and land developers for a serious attempt at a solution. Restrictive covenants, born of a racist mileu, exorcised by the white-sheeted ghosts of a not too distant past, do not find favor with this court. We exhort the Congress to extricate the nation from this quagmire of inequality by excising these atavistic anachronisms from the legends of our culture.

V.

The vigor of our dissenting brother requires us, reluctantly, to point out, respectfully, his unfortunate failure to distinguish between the facts in this record and the fluency of his self-created rhetoric upon which he bases his erroneous conclusion. By frequently incanting "restrictive racial covenants", "constitutional" and "individual rights", as if the mere utterance of these words had some secret power to dictate an only conclusion, the dissent is obviously and completely hubristic of the factual situation to which the record confines us. There is no evidence of "governmental participation in . . . an illegal endeavor—. . ., maintenance of a segregated housing market" or of Government becoming a "co-conspirator in an illegal scheme."

The Recorder, as we point out, is neither "publishing nor circulating" racial covenants. The Recorder has not made a "policy decision to consider illegal, racist covenants as documents affecting the title or ownership of real estate," nor is he giving "deliberate and manifest encouragement of private discrimination." The Recorder does not put "Government's seal of approval" on the documents he files any more than the clerk of this court puts judicial approval on the documents he accepts for filing. Obviously the filing of documents with the Recorder does not in any manner, means or way establish their legitimacy. These strained contortions of the meaning and nature of the record in this case, illustrate again the unfortunate practice of some members of this court of attempting to wrench far-reaching social changes without regard to the facts, the law or precedents in a particular case, and in absolute disregard of the principle of separation of powers.

The practice of choosing the philosophically eclectic rather than the established legal precedents is unfortunately a pursuit of abstract liberalism for its own sake rather than an adjudication of the law governing an individual case. The dangerous illusion that the courts, upon the pretext of ruling upon a particular case may articulate with great sympathy and understanding upon all of the social evils of the nation, is implausibly fashionable in some areas of judicial rulings, with a resulting horrible economy of law.

Somehow, these judicial proclamations, be they in medicine, economics, ecology, political science, religion, domestic relations or crime, are presumably made more acceptable by using such euphemisms as "civil rights", "constitutional rights", "discrimination" and "public interest", regardless of the fact that the record before the court is devoid of factual data supporting the resulting judicial legislation. That we thereby evade the legal truth in a particular situation is self-justified, apparently in the view that we have homogenized the life-blood of society. Without praying for, or dreaming of a consensus on every issue, we regret the suggested disposition of this, or any case for that matter, on a philosophical rather than a legal basis.

Affirmed.

Wright, *Circuit Judge, dissenting:* Almost 25 years ago, *Shelley* v. *Kraemer,* 334 U.S. 1 (1948), declared judicial enforcement of restrictive racial covenants in land deeds unconstitutional. Five years after *Shelley* Mr. Justice Minton, speaking for a majority of the Justices in *Barrows* v. *Jackson,* 346 U.S. 249 (1953), thought he was dealing with "the unworthy covenant in its last stand" and "clos[ing] the gap to the use of this covenant, so universally condemned by the courts." *Id.* at 259. Yet today the majority upholds a practice of the District Columbia Recorder of Deeds which places the official imprimatur of the state on the same racist covenants which were facing their "last stand" 18 years ago.[8] In the words of Mr. Justice Douglas, we are observing still again the "spectacle of slavery unwilling to die." *Jones* v. *Alfred H. Mayer Co.,* 392 U.S. 409, 445 (1968) (concurring opinion).

Appellants in this action are a group of District of Columbia residents representing the class of homeowners whose property is burdened by illegal racist covenants. They instituted this suit in order to enjoin the Recorder from accepting such covenants for filing in the future. Moreover, they seek certain corrective measures which would withdraw state approval from restrictive covenants already on file. When the District Court dismissed their complaint, they renewed their arguments in this court.

For decades, the Recorder's office has accepted these covenants for filing and maintained them as public records. Appellants contend that this official legitimization of racist agreements so deeply involves the state in private discrimination as to violate the due process clause of the Fifth Amendment. *See Bolling v. Sharpe,* 347 U.S. 947 (1954). *Cf. Hurd* v. *Hodge,* 334 U.S. 24 (1948). Moreover, appellants argue, even if the Recorder's actions are constitutional, they are clearly impermissible under the Fair Housing Act of 1968.[9] Section 3604(c) of that Act makes it unlawful, with certain exceptions, "[t]o make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or any intention to make any such preference, limitation, or discrimination."

In response, appellees decline to meet appellants' constitutional argument. Instead, they contend that exclusion of restrictive covenants is not required by the Fair Housing Act, that such an exclusionary rule would be burdensome to administer and beyond the Recorder's statutory authority, and that in any case appellants suffer no harm because of the void covenants. For the reasons stated below, I find each of these arguments unconvincing. Although they can be attacked separately on their respective merits, it is worth observing at the outset that in the aggregate they amount to no more than the sort of lame excuses for denial of racial justice which the Supreme Court rejected long ago. *See, e.g., Griffin* v. *County School Board of Prince Edward County,* 377 U.S. 218, 234 (1964); *Cooper* v. *Aaron,* 358 U.S. 1 (1958); *Barrows* v. *Jackson, supra,* 346 U.S. at 257–259.

The evils emanating from governmental acceptance of housing discrimination permeate our entire society. Generations of governmental participation in racial zoning have yielded a bitter harvest of racially segregated schools, unequal employment opportunity, deplorable overcrowding in our center cities, and virtually intractable racial polarization. See Hearings Before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking and Currency on S. 1358 etc., 90th Cong., 1st Sess., at 46–47 (1967); Report of the National Advisory Commission on Civil Disorders 204, 244–245 (N.Y. Times paperback ed. 1968). It is too late in the day to argue that it is burdensome to correct these historic wrongs, or that government officials lack the statutory authority to do so. These are the sorts of arguments which "have no place in the jurisprudence of a nation striving to rejoin the human race," *Jones* v. *Alfred H. Mayer Co., supra,* 392 U.S. at 449, n.6 (Mr. Justice Douglas, concurring), and which we accepted at the peril of incurring a racial holocaust.

I. Appellants' statutory argument

In its opinion accompanying dismissal of Appellants' complaint, the District Court found that the "plain import of the words used" in Section 3604(c) of the Fair Housing Act prohibited no more than conventional advertising indicating a racial preference. "[T]he language cannot reasonably be tortured to embrace anything more." With due respect to Judge Corcoran, it seems clear to me that no "torturing" is required to extract more than this rigid result from the statutory language. On its face the Act prohibits any *"notice, statement,* or advertisement" indicating a racial preference. (Emphasis added.) Unless the words "notice" and "statement" are to be treated as surplusage, they must mean that the Act prohibits at least some communications which cannot be classified as advertisements.

Although the legislative history of this section is sparse, it indicates beyond doubt that, as the words themselves suggest, Congress intended to go beyond advertising to reach other sorts of "notices" and "statements" as well. *See, e.g.,* Hearings Before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on S. 1026 etc., 90th Cong., 1st Sess., at 125–127 (1967); Hearings Before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on S. 3296 etc., 89th Cong., 2d Sess., at 1105 (1966).

True, there is nothing in the legislative history tending to either support or refute the interference arising from the language that the Act prohibits statements of racial preference emanating from the Recorder's office. In all likelihood, few congressmen even addressed their thinking to this particular problem. But no court has ever held that Congress must specifically indicate how a statute should be applied in every case before the judiciary can go about the business of applying it. The whole purpose of having statutes is to establish a series of general normative rules which the judiciary can then apply on an empirical, case-by-case basis.

Congress has clearly stated that the purpose of this rule is "to provide, within constitutional limitations, for fair housing throughout the United States." 42 U.S.C. § 3601. Reading Section 3604(c) to forbid the Recorder from frustrating this purpose by placing the authority of government behind illegal housing discrimination is perfectly consistent with ordinary canons of statutory construction. It is well established that civil rights statutes should be read expansively in order to fulfill their purpose. *See Griffin* v. *Breckenridge,* 403 U.S. 88, 97 (1971); *Daniel* v. *Paul,* 395 U.S. 298 (1969). There is no reason why our reading of Section 3604(c) should not comport with this rule.[10] Since the Recorder is presently in the business of

---

Footnotes at end of article.

making, printing and publishing notices and statements indicating a racial preference with respect to the sale of housing, his actions should be enjoined.

The contrary reading of the statute adopted by the District Court leads to anomalous results indeed. Such a reading authorizes governmental participation in what is now universally conceded to be an illegal endeavor—*viz.*, maintenance of a segregated housing market. It need hardly be pointed out that the strongest sort of public policy considerations argue against a construction of the statute which would permit government to become a co-conspirator in this illegal scheme. *See Elkins* v. *United States*, 364 U.S. 206 (1960). *Cf. Tank Truck Rentals, Inc.* v. *Commissioner of Internal Revenue*, 356 U.S. 30 (1958).

Moreover, the District Court's reading of the statute would carve out a narrow exception to the statutory provision for the benefit of government officials. If private individuals attempted to publish and circulate racial covenants, their activity would clearly violate Section 3604 (c). *See, e.g., United States* v. *Lake Lucerne Land Co.*, N.D. Ohio, Civil Action No. C69–885, January 19, 1970 (consent order). Yet the District Court would have us believe that here, because it is a government official who violates the statutory command, his activity is somehow insulated from judicial control. This position turns the old "state action" controversy on its head. Ever since the Civil Rights Cases were decided almost a century ago, it has been thought necessary to show some degree of state involvement before private discriminatory decisions could be judicially controlled.[11] *See Civil Rights Cases*, 109 U.S. 3 (1883). Yet now the District Court seems to say that judicial control is impossible for the very reason that the state is involved. Whatever one thinks of state action as a viable limiting principle on the constitutional command of equality, it should be at least be clear that the most outrageous deprivations of equal rights are those perpetrated by the state itself. Surely Congress must have been aware of this principle—sanctified by 100 years of "state action" litigation—when it voted to enact Section 3604(c). I am unwilling to believe that the legislators who voted for that Act intended to exempt the most serious offenses from its coverage.

II. Appellants' constitutional argument

In my view, the Fair Housing Act of its own force prohibits appellees' conduct. Thus it would normally be unnecessary for me to discuss appellants' constitutional contentions. However, since the majority has rejected both the statutory and the constitutional arguments advanced by appellants, I think it appropriate for me to add a few words about the constitutional problems raised by appellees' activities. In the constitutional context, the question is whether the official registration of these racial covenants constitutes state action denying black citizens equal protection of the law. To me, the answer—certainly ever since *Shelley* v. *Kraemer, supra*—is clearly yes.

Any discussion of state action and equal protection must begin with a delineation of the core concepts which have defined controversies like this since Reconstruction. On the one hand, *Civil Rights Cases* makes clear that "[i]ndividual invasion of individual rights is not the subject matter of the [Fourteenth] amendment." 109 U.S. at 11. At the other extreme, cases like *Virginia* v. *Rives*, 100 U.S. (10 Otto) 313, 318 (1880), teach that "a State may act through different agencies,—either by its legislative, its executive, or its judicial authorities; and the prohibitions of the [Fourteenth] amendment extend to all action of the State denying equal protection of the laws, whether it be action by one of these agencies or by another."

Of course, it is no easy matter to determine where "action of the State" leaves off and "[i]ndividual invasion of individual rights" begins. As governmental responsibility for racism was more clearly perceived, the old "state action" formulation ceased to provide a bright-line test for the limits of constitutional equality. *See, e.g., Hunter* v. *Erickson*, 393 U.S. 385 (1969); *Reitman* v. *Mulkey*, 387 U.S. 369 (1967); *Evans* v. *Newton*, 382 U.S. 296 (1966), *affirmed after remand, sub nom. Evans* v. *Abney*, 396 U.S. 435 (1970). Indeed, the Supreme Court itself has now conceded that "to fashion and apply a precise formula for recognition of state responsibility under the Equal Protection Clause is an 'impossible task' which 'This Court has never attempted.'" *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, 722 (1961).

This difficulty in formulating precise, principled rules for the limits of state action[12] has led numerous commentators to suggest that the concept be jettisoned altogether, to be replaced by some test which balances individual interest in equality against competing interests in privacy. *See, e.g.*, Black, *The Supreme Court, 1966 Term, Foreword: "State Action," Equal Protection, and California's Proposition 14*, 81 Harv. L. Rev. 69 (1967); Henkin, Shelley v. Kraemer: *Notes for a Revised Opinion*, 110 U. Pa. L. Rev. 473 (1962); Williams, *The Twilight of State Action*, 41 Tex. L. Rev. 347 (1963). "State action," these commentators argue, fails to dictate decisions in close cases.

Fortunately, it is unnecessary to mediate this scholarly dispute, since this is not a close case. Whatever that vagaries of "state action" at the margin, the core concepts remain clear. When the state acts directly and unambiguously in a discriminatory manner, it violates the basic command of the Fourteenth Amendment. *Cf. Commonwealth of Pennsylvania* v. *Brown*, 3 Cir., 392 F.2d 120, 125, *cert. denied*, 391 U.S. 921 (1968). We are not dealing here with a case where tangential state involvement is used to implicate otherwise private activity with "state action." *See, e.g., Burton* v. *Wilmington Parking Authority, supra; Simkins* v. *Moses H. Cone Memorial Hospital*, 4 Cir., 323 F.2d 959 (1963); *Green* v. *Kennedy*, D. D.C., 309 F.Supp. 1127, *appeal dismissed, sub nom. Cannon* v. *Green*, 398 U.S. 956 (1970). Nor is it even a situation in which a facially neutral government statute or policy has the effect in certain situations of denying racial justice. *See Hunter* v. *Erickson, supra; Reitman* v. *Mulkey, supra*. The Recorder of Deeds is a state official; and the activities of the Recorder's office are a state responsibility. The Recorder has made a policy decision to consider illegal, racist covenants as documents "affecting the title or ownership of real estate."[13] If the concept of "state action" has any meaning at all, then that decision is a state decision for which the state is fully responsible.

The fact that private individuals initiated the discriminatory conduct neither explains the Recorder's actions nor expiates his responsibility. The Recorder's deliberate and manifest encouragement of private discrimination is offensive to equal protection quite apart from the activity of private citizens who seize upon his actions to justify their illegal conduct. The state is not permitted to "[furnish] a vehicle by which racial prejudice may be so aroused as to operate against one group because of race and for another." *Anderson* v. *Martin*, 375 U.S. 399, 402 (1964).

By accepting restrictive covenants for official filing, the Recorder puts government's seal of approval on racist documents deeply offensive to black citizens and thereby "affect[s] their hearts and minds in a way unlikely ever to be undone." *Brown* v. *Board of Education*, 347 U.S. 483, 494 (1954). Moreover, this court should be willing to take judicial notice of the fact that the official recording of these documents is likely to give them a legitimacy and effectiveness in the eyes of laymen which they do not have in law. It is certainly not beyond the realm of possibility that a black person might be reluctant to buy a home in a white neighborhood where government itself implicitly recognizes racially restrictive covenants as "affecting the title or ownership of real estate." Indeed, the lily white character of that part of the District where recorded racist covenants abound stands as mute testimony to their continued effectiveness.

Finally, even if the subtle but real damage described above is considered too remote or speculative to receive judicial recognition, it still cannot be said that appellants have failed to make out a constitutional claim. "The vice lies not in the resulting injury but in the placing of the power of the State behind a racial classification that induces racial prejudice * * *." *Anderson* v. *Martin, supra*, 375 U.S. at 402. Such classifications bear a "heavy burden of justification," *Loving* v. *Virginia*, 388 U.S. 1, 9 (1967), and it has never been thought necessary to prove that actual harm derives from them before they can be invalidated. *See Bryant* v. *State Board of Assessment of N.C.*, E.D. N.C., 293 F. Supp. 1379 (1968); *Hamm* v. *Virginia State Board of Elections*, E.D. Va., 230 F. Supp. 156 (1964). Instead, the burden of proof is on government to demonstrate some compelling reason which justifies the classification. *See McLaughlin* v. *Florida*, 379 U.S. 184, 196 (1964); *Lee* v. *Nyquist*, W.D. N.Y., 318 F. Supp. 710, 719 (1970).

Here, the only possible reason for accepting the covenants for filing is to give them some legal effect. Such a purpose is violative of both the Fair Housing Act[14] and the Fourteenth Amendment.[15] If the courts cannot enforce racial covenants in the exercise of their general common law powers, *Shelley* v. *Kraemer, supra*, then surely the Recorder cannot effectuate them by administrative fiat.[16]

The best that can be said for the Recorder is that his approval of these racial classifications serves no purpose—that his actions are no more than a thoughtless, noninvidious consequence of bureaucratic inertia. But bureaucratic inertia is hardly a compelling justification for the preservation of this relic from an age which should have been long dead. The racism which continues to haunt this country is perpetuated by those who do not care as well as by those who hate. It provides scant comfort to blacks trapped in the slums of our inner cities to know that their jailers are thoughtless rather than heartless.[17]

III. Appellees' Contentions

If I understand appellees' position correctly, they wisely do not contest the validity of the constitutional arguments made above. But whereas one would think that this concession would make an end of the case, appellees go on to raise a number of supposed practical and technical difficulties which, they contend, preclude the relief requested. Given the overwhelming constitutional and statutory imperatives which dictate a contrary result, it is hardly surprising that these arguments barely rise to the level of makeweight.

A. Appellees first argue that, whatever the constitutional injury suffered by blacks because of the Recorder's actions, the white appellants in this case are not harmed. Since the racial covenants are a legal nullity, it is contended, the Recorder's publication of them in no way affects appellants' titles and thus deprives them of no rights.

But while such an argument might have some validity in a different context, it ignores the Supreme Court's willingness to relax rigid standing requirements when dealing with restrictive covenants. In *Barrows* v. *Jackson, supra*, for example, the Supreme Court explicitly held that it would

---

Footnotes at end of article.

permit white homeowners whose land was burdened by racial covenants to assert the constitutional rights of prospective black buyers. "Under the peculiar circumstances of this case, we believe the reasons which underlie our rule denying standing to raise another's rights, which is only a rule of practice, are outweighed by the need to protect the fundamental rights which would be denied by permitting the damages action to be maintained." 346 U.S. at 257. *See also Sullivan* v. *Little Hunting Park, Inc.*, 396 U.S. 229, 237 (1969).

Moreover, it is inaccurate to say that white homeowners suffer *no* injury caused by the recording of these covenants. A certain percentage of blacks no doubt refuse to buy property with such recorded covenants either because they are under a misapprehension as to the legal effect of the covenants or because they do not want to go where they appear to be unwanted, whatever their legal rights. To the extent these blacks decline to bid for title to appellants' property, the marketability of that property suffers. *Cf. Buchanan* v. *Warley*, 245 U.S. 60 (1917). Nor is it relevant that this diminution of marketability is caused by extralegal factors. It has never been thought that a cloud upon one's title had to constitute a valid legal claim before a court sitting in equity could remove it.

Indeed, the whole purpose of a traditional action to quiet title was to clarify the status of putatively *invalid* claims. *See e.g., Barnes* v. *Boyd*, S.D. W. Va., 8 F. Supp. 584, 597, *affirmed*, 5 Cir. 73 F.2d 910 (1934), *cert. denied*, 294 U.S. 723 (1935). Surely if our courts possess the institutional competence to wrestle with contingent remainders and the Rule Against Perpetuities in such an action, they can also vindicate basic constitutional rights.

B. Next, appellees contend that they are statutorily barred from instituting the relief requested. The Recorder, they argue, is a ministerial officer who is bound to accept all deeds tendered to him without exercising any independent discretion.

With all respect, it seems to me this uncharacteristic declaration of bureaucratic modesty is entirely misplaced. Indeed, as I read the relevant statutes, the Recorder has no choice but to reject deeds which indicate a racial preference. The statute authorizes the Recorder to accept only those deeds "affecting the title or ownership of real estate." 45 D.C. Code § 701 (1967). But at least since 1948 when *Hurd* v. *Hodge, supra*, made the rule of *Shelley* v. *Kraemer, supra*, applicable to the District of Columbia, racial covenants have been judicially unenforceable and, hence, have had no effect on the "title or ownership of real estate." It follows that the Recorder exceeds his statutory authority when he accepts these legal nullities for filing.

It is true that the ancient case of *Dancy* v. *Clark*, 24 App. D.C. 487 (1905), states that "the recorder of deeds is in the category of ministerial officers, and has no jurisdiction to pass upon the validity of instruments of writing presented to him for record." *Id.* at 499. But that case was decided years before it was imagined that state involvement with restrictive covenants was a wrong of constitutional magnitude. It stretches credulity to the breaking point to suppose that the *Dancy* court was able to foresee the 65 years of constitutional history which have transpired since its decision. Nor is there anything in *Dancy* to support the proposition that the Recorder is bound to accept a document even when, by doing so, he commits an injury of constitutional proportions. Indeed, the *Dancy* court itself recognized that in extreme cases, where a document was facially invalid, the recorder would be justified in refusing it.[18] Of course, restrictive covenants have been facially invalid since *Shelley* v. *Kraemer, supra*, was decided in 1948.

Moreover, there is a more basic response to appellees' contention which I would have have thought so elemental as to hardly require elucidation. Even if we suppose that the Recorder is acting under statutory compulsion when he records racial covenants, this fact alone does not insulate his conduct from constitutional review. *Compare Strauder* v. *West Virginia*, 100 U.S. (10 Otto) 303 (1880), *with Ex parte Virginia*, 100 U.S. (10 Otto) 339 (1880).

The local statute which sets out the powers of the Recorder of Deeds can hardly be supposed to preempt the Fair Housing Act of 1968 and the Fifth Amendment of the United States Constitution. If a part of the District of Columbia Code really forces the Recorder to violate appellants' constitutional rights, then that portion of the Code is *pro tanto* unconstitutional. It has been clear at least since *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137 (1803), that Congress lacks the power to direct executive officers to perform unconstitutional acts. Surely this salutary rule is not to be modified at this late date for the exclusive benefit of the District's Recorder of Deeds.

C. Finally, appellees contend that it would be inconvenient and burdensome for them to implement the relief requested and that full implementation might require employment of some additional personnel. We can all join in sincerely regretting the fact that recognition of appellants' constitutional rights may impose some additional burdens on the Recorder's office. But surely appellees do not mean to contend that they can go on violating the constitutional rights of black citizens because such violations suit the Recorder's administrative convenience. Seventeen years of bitter and continuing struggle over school desegregation have made clear that vindication of constitutional rights is not always easy. But we do not have a constitutional system of government because that is the easiest or most efficient means of running a country. The guarantees of the Fifth and Fourteenth Amendments were written into the Constitution for the very purpose of preventing some future government official from ignoring the demands of equality for the sake of short term "convenience." *Cf. Cooper* v. *Aaron, supra*, 358 U.S. at 16–17; *Buchanan* v. *Warley, supra*, 245 U.S. at 81.

Moreover, it should be noted that the parade of horribles to which appellees point is largely imaginary. Appellants have scrupulously and conscientiously tailored their requested relief so as to minimize interference with the Recorder's normal routine. Appellants are not asking the Recorder to go through the thousands of deeds presently on file in a search for restrictive covenants. Nor are they requesting that the tenor of any recorded deed be changed. Instead, they ask only that *in the future* the Recorder not accept deeds with restrictive covenants in them. With respect to deeds already on file, appellants wish the Recorder to attack a notice indicating that restrictive covenants are void to the liber volumes in which such covenants might be found and to copies made of recorded deeds containing such covenants. So far as I can see, the latter elements of this relief could be effectuated by the purchase of a large rubber stamp—surely not too great a price to pay for vindication of constitutional rights.

It is true that, with respect to future deeds, someone in the Recorder's office would have to read the documents to determine whether they contain any illegal covenants. But these deeds must be read in any event to ensure that they are written in English, clearly identify the parties, and contain no obscenities.[19] The vast majority of deeds filed today contain no racial agreements[20] and hence could be routinely approved for filing. Most deeds which do contain such covenants incorporate agreements drafted in an earlier era before it was fashionable or necessary for racism to be coy. These provisions are brutally and disgustingly frank[21] and could easily be filtered out by middle level personnel without extensive legal training.

Thus only a very few deeds with ambiguous or borderline provisions would have to be referred to a lawyer for a legal determination. In any case where really serious doubt arose, declaratory judgment procedures are available to secure a binding judicial determination of the document's tenor. It is therefore difficult to escape the suspicion that the so-called burdens to which appellees point are in reality no more than feeble excuses invented as a *post hoc* justification for bureaucratic intransigence.

IV. CONCLUSION

Finally, the majority here suggests that appellants should address their complaints of racial discrimination to the political branch of government and that attempting to "wrench far-reaching social change" from the judiciary disregards the principle of separation of powers. But while we must, of course, maintain proper respect for the jurisdiction of coordinate branches of government, under our law the judiciary too has the obligation of enforcing constitutional rights. As shown in Part II of this dissent, the due process clause of the Fifth Amendment prohibits the official recording of restrictive covenants.

It therefore becomes the duty of the judicial branch to enforce appellants' constitutional rights by enjoining this practice. The fact that Congress also possesses the unquestioned power to enforce constitutional rights by appropriate legislation has never been thought to relieve the judiciary of its responsibility in this area. Indeed it was the Framers 'fear of majoritarian pressure on the political branch that has resulted in the judiciary becoming the primary guardian of the Bill of Rights. "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections." *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624, 638 (1942).

Moreover, it seems to me that the argument for awaiting congressional action overlooks the fact that Congress has acted in this field. It acted in 1866 when it passed sweeping civil rights legislation guaranteeing to all United States citizens the "same right * * * as is enjoyed by white citizens * * * to inherit, purchase, lease, sell, hold, and convey real and personal property." 42 U.S.C. § 1982 (1964). It acted again in 1868 when it adopted the Fourteenth Amendment, thereby establishing universal citizenship and equal rights under law. And it acted most recently in 1968 when comprehensive fair housing legislation was written into law for the purpose of "provid[ing], within constitutional limitations, for fair housing throughout the United States." 42 U.S.C. § 3601.

Now, the time has come for the courts to act. We have already waited entirely too long to wipe out the last vestiges of the official discrimination which has tainted the housing market from time out of mind. I would therefore reverse the judgment of the District Court.

I respectfully dissent.

FOOTNOTES

[1] The Commissioner is empowered to appoint, supervise, and control the Recorder. D.C. Code §§ 45–701(a), (c) (1967).

[2] Hearings on S. 1026, S. 1318, S. 1362, S.

1462, H.R. 2516, H.R. 10805 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary, 90th Cong., 1st Sess., at 233 (1967).

[3] Hearings on S. 3296 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary, 89th Cong., 2nd Sess., pt. 1, at 84 (1966).

[4] Government inaction as well as action may result in a constitutional violation. Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961). However, the government must have a duty to act and the failure to so act must result in state supported or encouraged discrimination. The instant case is clearly inapposite.

[5] State action appears to exist here. This is not a case where a plaintiff brings suit against a *private* individual and alleges state involvement in private discrimination. Here plaintiff is suing the *state* and asserting that the state is involved in discrimination. The case is certainly unusual in this sense. If, however, we were to ignore this factor and analyze the case in terms of whether there is state action which encourages private discrimination, we would find none, for the state action complained of is merely a neutral one.

It must be recalled that not all governmental action is state action within the purview of the Fifth Amendment. The action must "significantly" involve the state in private racial discrimination. Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961). This is a logical conclusion. Any other result would open unfathomable breaches, for surely it cannot be gainsaid today that the government is not to some extent involved in every facet of our lives.

In Reitman v. Mulkey, 382 U.S. 369 (1966), the Court suggested three factors to consider in determining whether state action is present. The first—immediate objective of the act—and the third—historical context and conditions existing prior to the act—are clearly inapposite. The sole purpose of the statute creating the office of the Recorder, and the actions of the Recorder, is to facilitate and insure the safe transfer of realty. The Recorder is a neutral repository. He is not an advocate. The second factor—ultimate effect of the act—likewise indicates no state action to discriminate. Contrary to appellants' allegations no substantial harm is caused by the actions of the Recorder. See discussion in text.

Clearly then, the relevant factors set forth in *Reitman* indicate no state action. Furthermore, the neutral aspect of the governmental action which we have discussed in the text precludes a finding of state action within the terms of the Fourteenth Amendment. *See* Evans v. Abney, 396 U.S. 435, 444 (1970); footnote 6, *infra*.

[6] Neutral state involvement in many other forms of discrimination have been placed outside the scope of the constitutional guarantees. *See* Waltz v. Tax Commission of the City of New York, 397 U.S. 664 (1970) (religious tax exemption); Black v. Cutter Laboratories, 351 U.S. 292 (1956) (state court enforcement of contract clause); Williams v. Howard Johnson's Restaurant, 263 F.2d 845 (4th Cir. 1959) (licensing by the state).

[7] The homeowner need only file a corrective deed with the Recorder and pay a nominal fee.

[8] One gets an impression of just how noxious these covenants are by perusing some of the examples provided in appellants' complaint. One covenant provides that "no part of said land shall be sold to any negro or person of African descent or with negro or African blood in their veins." Appellants' complaint at 3. Another promises that "[n]o part of the land hereby conveyed shall ever be used, or occupied by, sold, demised, transferred, conveyed unto, or in trust for, leased, or rented, or given, to negroes, or any person or persons of negro blood or extraction, or to any person of the Semitic race, blood or origin, which racial description shall be deemed to include Armenians, Jews, Hebrews, Persians and Syrians, except that; this paragraph shall not be held to exclude partial occupancy of the premises by domestic servants." *Ibid*. These are not ancient documents unearthed from a now forgotten racist past. They are contained in modern deeds involving land transactions occurring today in this city.

[9] 42 U.S.C. §§ 3601–3619 (Supp. V 1965–1969).

[10] Thus it is not surprising that the few courts which have thus far dealt with § 3604 (c) have construed it broadly light of its purpose. *See United States* v. *Hunter*, D. Md., 324 F. Supp. 529 (1971). *Cf. United States* v. *Bob Lawrence Realty, Inc.*, N.D. Ga., 313 F. Supp. 870 (1970); *United States* v. *Mintzes*, D. Md., 304 F.Supp. 1305 (1969).

[11] Of course, this generalization does not apply to legislative or judicial action to remove badges and incidents of slavery under the Thirteenth Amendment. *See Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409 (1968).

[12] *Compare, e.g., Reitman* v. *Mulkey*, 387 U.S. 369 (1967) and *Hunter* v. *Erickson*, 393 U.S. 385 (1969), *with Evans* v. *Abney*, 396 U.S. 435 (1970), and *Palmer* v. *Thompson*, 403 U.S. 217 (1971).

[13] The governing statute charges the Recorder with the duty of recording "all deeds, contracts, and other instruments in writing affecting the title or ownership of real estate or personal property which have been duly acknowledged and certified." 45 D.C. Code § 701 (1967).

[14] *See* 42 U.S.C. § 3604(a):

[15] *See Shelley* v. *Kraemer*, 334 U.S. 1 (1948).

[16] Cases cited by the majority such as *U.S. National Bank* v. *Snodgrass*, 202 Ore. 530, 275 P.2d 860 (1954) (*en banc*), and *Gordon* v. *Gordon*, 332 Mass. 197, 124 N.E.2d 228, *cert. denied*, 349 U.S. 947 (1955), are thus totally irrelevant to the issue here. These cases, decided almost two decades ago, uphold the power of the state to probate wills with discriminatory provisions over equal protection attack. Even if they can still be said to represent good law, they are limited to the situation in which the state is aiding private conduct which is not itself illegal. Since no statute prevents a testator from devising his property in a discriminatory fashion, it could conceivably be argued that a state probate court has no legal basis for refusing to participate in this legal, private discrimination. Private discrimination in the sale of housing, however, has been illegal since *Jones* v. *Alfred H. Mayer Co., supra* Note 4. Thus the only justification for the Recorder's acceptance of racial covenants is to effectuate conduct which is wholly illegal. It goes without saying that this is in fact no justification at all.

[17] "Whatever the law was once, it is a testament to our maturing concept of equality that, with the help of Supreme Court decisions in the last decade, we now firmly recognize that the arbitrary quality of thoughtlessness can be as disastrous and unfair to private rights and the public interest as the perversity of a willful scheme." *Hobson* v. *Hansen*, D. D.C., 269 F. Supp. 401, 497 (1967), *affirmed, sub nom. Smuck* v. *Hobson*, 132 U.S.App.D.C. 372, 408 F.2d 175 (1969) (*en banc*).

[18] *Dancy* v. *Clark*, 24 App.D.C. 487, 499 (1905). Moreover, "even if a paper on its face appears to have been regularly executed so as to entitle it to record, and the recorder had exceeded his authority in refusing to receive and record it, yet the court will not, by writ of mandamus, coerce his action, if it appears upon consideration of the contents of the paper that it is invalid under the law, for, in that event, to coerce his action and to command the receipt and record of the paper would be a nugatory thing in law." *Id.* at 500.

[19] Apparently the Recorder presently screens all deeds submitted to him to ensure that they meet these requirements. Appellants' assertion to this effect, in their brief at 19, is not challenged by appellees.

[20] At the request of the Justice Department, the major title companies have agreed not to report the existence of racial covenants appearing in the records of title on property for which they issue title insurance. *See* Exhibit A attached to "Plaintiffs' Memorandum of Points and Authorities on Opposition to Defendants' Motion to Dismiss the Complaint." At oral argument we were informed that these companies are responsible for about 95% of the deeds presented to the Recorder for filing.

[21] *See* Note 1, *supra*.

By Mr. McCLELLAN (by request):

S. 3026. A bill to establish a fund for activating authorized agencies, and for other purposes. Referred to the Committee on Government Operations.

Mr. McCLELLAN. Mr. President, I introduce, by request, a bill to establish a fund for activating authorized agencies, and for other purposes.

This legislation was requested by the General Services Administration and I ask unanimous consent to have inserted a letter from the Assistant Administrator of the General Services Administration to the President of the Senate, explaining the need for this legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

General Services Administration.
Washington, D.C., Nov. 24, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith, for referral to the appropriate committee, a daft of legislation "To establish a fund for activating authorized agencies, and for other purposes."

The General Services Administration provides, on a reimbursable basis, administrative support services to a constantly increasing number of newly established commissions, committees, task forces, boards, and small agencies, the funding of which is not otherwise provided for.

The experience of GSA with these entities reveals a recurring problem—a lack of access to an initial fund source to enable them, during the interim period immediately following their authorization and the time their appropriations become available, to begin carrying out their assigned missions. The hiatus problem with which these bodies are now obliged to cope, arises from the delay inherent in the budget and appropriation processes. However caused, time is lost to the point of jeopardizing in some instances the meeting of prescribed time limitations. We cite as a recent example of crippling delay the establishment of the Aviation Advisory Commission (P.L. 91–258, approved May 21, 1970) required to present its report and recommendations by not later than January 1, 1972. Appropriations were not enacted for the funding of this Commission until May 25, 1971.

We believe it desirable to remedy by legislation the funding dilemma which confronts these types of organizations in their early stages. The draft bill submitted herewith would achieve the needed result by authorizing the establishment of a fund for activating authorized agencies. The fund would be administered by GSA which currently performs administrative support services for more than 40 small commissions and committees. Advances from the fund would be subject to approval by the Director of the Office of Management and Budget.

We urge prompt introduction and enactment of the draft bill.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation to the Congress, and its enactment would be in accord with the program of the President.

Sincerely,

HAROLD S. TRIMMER, Jr.,
Assistant Administrator.

S. 3026

A bill to establish a fund for activating authorized agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established on the books of the Treasury a fund, which shall be administered by the General Services Administration. The fund may be capitalized at not to exceed $3,000,000 and shall be available, without fiscal year limitation, for advance funding to activate boards, commissions, committees, small agencies and other Federal organizations established by act of Congress or by Executive Order of the President, the funding of which is not otherwise provided for, and until such time as appropriations therefor have been made by the Congress. Such advances shall be subject to approval by the Director, Office of Management and Budget.

SEC. 2. Any advances from the fund established by this Act shall be fully reimbursed (without interest) from any appropriations made available for purposes for which the funds were advanced. The fund will also be credited with all reimbursements, and refunds or recoveries relating to personal property and services procured through the fund.

SEC. 3. There is hereby authorized to be appropriated, without fiscal year limitation, as initial capital to the fund created by this Act, an amount not to exceed $3,000,000.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3027. A bill to designate certain lands in San Luis Obispo County, California, as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to designate certain lands in San Luis Obispo County, Calif., as the Lopez Canyon National Wilderness Area. I am delighted that my distinguished colleague from California (Mr. TUNNEY) has joined me as cosponsor of this bill.

The area of 21,500 acres is rugged and wild highland with numerous outcroppings of rock. Elevations vary from High Mountain's summit of 3,180 feet to Huff's Hole Creek at 750 feet. The area is dominated by Lopez Creek and its tributaries—all perennial streams. It also is the home of California black bear, beaver, golden eagle, and bald eagles.

The Acting Regional Forester of the U.S. Department of Agriculture has stated that Lopez Canyon "is by far the most attractive area between two existing wildernesses, the San Rafael and Ventana.

Lopez Canyon features outstanding groves, and individual large trees, of canyon oak, tan oak, maple, sycamore, bigcone pine, and manzanita, and the only stand of knobcone pine between Monterey and the San Bernardino Mountains. At least 12 species of fern also have been noted there.

The late Dr. Robert Hoover, professor of botany at California State Polytechnic College and an acknowledged authority on plants in San Luis Obispo County, described the area as follows:

> Only stand of knobcone pine between Monterey and San Bernardino Mountains.
>
> One of the most extensive stands of Bigcone pine in existence, including some picturesque individual trees in rocky, windy places.
>
> Very extensive stands of two species of manzanita, one of which is apparently entirely restricted to the area.
>
> Particularly fine groves, and large individual trees, of canyon oak, tan oak, maple and sycamore.
>
> Unusually extensive development of white siliceous shale, including in places some unusual rock scenery, and picturesque "barrens" with scattered pines and manzanitas.
>
> In canyon bottom, limestone spring deposits in which imprints of leaves are being fossilized.
>
> At least 12 species of ferns, more than half of the entire number in San Luis Obispo County.
>
> In the upper end of the canyon, and probably in some of the tributaries, magnificent natural gardens including Woodwardia ferns, Aralia, maidenhair ferns, leopard-lilies, and wild orchids. Accessibility of the area to great numbers of people could only lead to destruction of this priceless and irreplaceable heritage. Those who appreciate this unique beauty enough to think it worth a long, hard walk are the people who should be privileged to see it. Most travelers on a road would be indifferent to it and careless of its preservation.

There are a certain number of manmade imperfections within the boundaries I am proposing. These include a 70-kilovolt power transmission line, several miles of four-wheel drive road, and some firebreaks and helicopter landings—these latter used in fire suppression. I do not believe that any of these items should preclude the designation of the wilderness. With the exception of the transmission line, none of these uses detract measurably from the primitive environment.

The western border of this unique and beautiful wilderness is only 12 miles from a growing urban center, the city of San Luis Obispo.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3027

A bill to designate certain lands in San Luis Obispo County, California, as wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b), the following lands located in San Luis Obispo County, California, and consisting of approximately 21,500 acres, are hereby designated as wilderness:

Legal description of proposed Lopez Wilderness Area

	Approx. acreage
T. 29 S., R. 13E., MDB&M:	
Sec. 31. SE¼ of SE¼, W½ of SE¼	120
Sec. 32. SW¼ of SW¼	40
T. 30 S., R. 13E., MDB&M:	
Sec. 5. Lots 4 thru 12 (being NW¼ of NW¼ & S½) S½ of NW¼	440
Sec. 6. E½ of E½	160
Sec. 7. NE¼ of NE¼	40
Sec. 8. All except Lots 13, 14	560
Sec. 9. Lots 3, 5 thru 12 (being the SW ¼ of the NW¼ and the S½)	360
Sec. 10. S½ of the SE¼	80
Sec. 13. SW¼ of the NW¼; W½ of the SW¼; SE¼ of the SW¼; SW¼ of the SE¼	200
Sec. 14. SE¼ of the NE¼; E½ of the SE¼; SW¼ of the SE¼; W½ of the W½; SE¼ of the SW¼	360
Sec. 15. All	640
Sec. 16. All, except N½ of the NW¼	560
Sec. 17. All except portion lying westerly of East Cuesta Ridge Road and portions within 50 feet of center line of spur road to and installation on Mt. Lowe	300
Sec. 21. Portion lying easterly of Existing East Cuesta Ridge Road	540
Sec. 22. All	640
Sec. 23. All	640
Sec. 24. All	640
Sec. 25. All	640
Sec. 26. All	640
Sec 27. All except SW¼ of SW¼	600
Sec. 28 Portions of Lots 1, 2, 7, 8, and 9 lying easterly of East Cuesta Ridge Road	180
Sec. 35. N½	320
T. 30 S., R. 14 E., MDB&M:	
Sec. 19. All, except NE¼	480
Sec. 28. All lying southerly of Hi Mountain Road	20
Sec. 29. W½	320
Sec. 30. All	640
Sec. 31. All, except San Luis Obispo County Assessor Parcel Nos. 70–461–1; 70–461–2; and 48–011–1 (irregular)	740
Sec. 32. All lying southerly of Hi Mountain Road (irregular)	800
Sec. 33. All lying southerly of Hi. Mountain Road (irregular)	600
Sec. 34. All, excepting portion lying northeasterly of Hi Mountain Road	450
Sec. 35. All that portion lying southerly of Hi Mountain Road	160
Sec. 36. All that portion lying southerly of Hi Mountain Road	50
T. 31 S., R. 14 E., MDB&M:	
Sec. 1. All excepting portion 50 feet from centerline of spur road to and installation on Hi Mountain	450
Sec. 2. All (irregular)	580
Sec. 3. All (irregular)	580
Sec. 4. All (irregular)	540
Sec. 5. Lots 1 thru 8	240
Sec. 9. N½ of the NE¼; SE¼ of the NE¼	160
Sec. 10. All excepting portion lying Southerly of Country Road (irregular)	580
Sec. 11. All	640
Sec. 12 All	640
Sec. 13. All (irregular)	500
Sec. 14. NW¼; E½; NW¼ of SW¼	520
Sec. 15. E½ of the NE¼	80
Township lot No. 48. (All lying easterly of Lopez Canyon Road)	160
Township lot No. 49. (All lying easterly of Lopez Canyon Road)	160
T. 31 S., R. 15 E., MDB&M:	
Sec. 5. Lots 3 and 4	80
Sec. 6. All (which includes an irregularly surveyed township lot numbered 42)	560
Bureau of Land Management Land	
Sec. 7. All (irregular)	425
Sec. 8. S½ of the NW¼; SW¼ of the NE¼; N½ of the SW¼; SW¼ of the SW¼; NW¼ of the SE¼	280

Sec. 17. All except NE¼ of the NE¼; and except S½ of the SW¼ - 620
Sec. 18. All, except S½ of the SE¼ and SE¼ of SW¼ ---------------- 520

(b) Any non-Federal lands included within the area described under subsection (a) of this section shall not be considered as wilderness until such lands have been acquired by the Secretary of Agriculture pursuant to subsection (c) of this section.

(c) The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, exchange or condemnation any or all non-Federal lands located within the exterior boundaries of the area described under subsection (a). Such lands, on and after their acquisition, shall be administered as wilderness lands in accordance with section 2 of this Act.

(d) Lands designated as wilderness by this Act, including lands acquired pursuant to subsection (c), shall be known as the "Lopez Canyon National Wilderness Area".

SEC. 2. The wilderness area established by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map of the wilderness area established by this Act with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. There are authorized to be appropriated such sums as may necessary to carry out the provisions of this Act.

INTRODUCTION OF S. 3023

Mr. JAVITS. Mr. President, through an inadvertence the text of S. 3023 was omitted from the RECORD when I introduced the bill on December 14, 1971.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3023

A bill to amend the Public Health Service Act so as to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XI—INTERNATIONAL HEALTH CARE

"SHORT TITLE

"SEC. 1101. This title may be cited as the "International Health Agency Act of 1971."

"FINDINGS; DECLARATION OF POLICY

"SEC. 1102. The Congress hereby finds and declares that the improvement of health services and assistance on an international basis in in the finest heritage of the United States and clearly indicates our humane interest in the peoples of the developing world. It is in the interest of the United States, in cooperation with other governments and international organizations, to provide assistance to those developing nations working to help themselves provide needed health services which will be available to all their people. It is, therefore, necessary and desirable for the United States to aid health professionals and activities in the developing areas in the battles against disease, malnutrition, and natural disasters. We must clearly identify our national commitment to this effort.

"ESTABLISHMENT OF PROGRAM

"SEC. 1103. (a) The President, acting through an agency created by him, to be known as the "International Health Agency" (hereafter in this Act referred to as the "Agency"), is authorized to carry out programs in furtherance of the purposes of this Act on such terms and conditions as he may determine.

"(b) The President shall appoint, by and with the advice and consent of the Senate, a Director of the Agency and a Deputy Director of the Agency.

"(c) The Director of the Agency may promulgate such rules and regulations as he may deem necessary or appropriate to carry out the functions vested in the Agency by the President under this Act, and may delegate to any of his subordinates authority to perform any of such functions.

"(d) The President shall prescribe appropriate procedures to assure coordination of Agency activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission. It is within the intent of this Act to assist and support the activities of private voluntary agencies in the field of health services consistent with the purposes of the Act and nothing in this Act shall be construed to limit United States assistance and support of such activities.

"(e) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this Act, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

"SEC. 1104. (a) The President may utilize such authority contained in the Foreign Service Act of 1946, relating to Foreign Service Reserve officers, Foreign Service staff officers and employees, alien clerks and employees, and other United States Government officers and employees apart from Foreign Service officers as he deems necessary to carry out functions under this Act.

"(b) In each country or area in which individuals employed under this Act serve abroad, the President may appoint a representative of the Agency to have direction of other employees of the Agency abroad and to oversee the activities carried on under this Act in such country or area.

"(c) The President shall make provision for such training as he deems appropriate for each individual employed under this Act. In the case of individuals serving abroad, such training shall include intensive language study, cultural studies, and concentration on the variations in medical techniques and philosophy from those practiced in the United States.

"(d) Experts and consultants or organizations thereof may, as authorized by section 3109 of title 5, United States Code, be employed by the President for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of the per diem equivalent of the highest rate payable under section 5332 of title 5, United States Code, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standardized Government Travel Regulations, while so employed.

"SEC. 1105. (a) The President shall assign personnel of the Agency at the invitation of host countries in need of mobile medical and paramedical, technical, and subtechnical personnel. The personnel of the Agency so assigned shall assist in health-related environmental projects, epidemic control, specific disease campaigns, and mass immunization programs. Host country personnel shall be trained to carry out priority health tasks among the people of the host country.

"(b) The personnel of the Agency so assigned shall not be concerned solely with infective and epidemic scourges, but shall also direct their attention to other health problems, including alcoholism and drug addiction, which is a problem calling for increased identification and treatment.

"(c) The President shall, acting through the Agency, coordinate disaster relief in such a manner that the United States, as a nation, can respond in a more rapid and comprehensive fashion than has been possible heretofore. The President shall, acting through the Agency and in cooperation with the International Red Cross, encourage other nations and international organizations to join with the United States in committing medical and material resources as expeditiously as possible and in anticipation of related problems likely to occur under known conditions.

"AUTHORIZATION OF APPROPRIATION

"SEC. 1106. There is authorized to be appropriated to the President to carry out the provisions of this Act not to exceed $25,000,000 for each of the fiscal years ending June 30, 1972; June 30, 1973; June 30, 1974; June 30, 1975; June 30, 1976; and June 30, 1977."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, on January 27, 1971, I introduced S. 325, a bill which would establish a survivor annuity program for widows of military personnel.

Thirty Members of the Senate are cosponsors of this measure, and I am pleased that the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. TUNNEY), and the Senator from Hawaii (Mr. INOUYE) have joined in cosponsorship.

I ask unanimous consent that at the next printing of the bill, their names be added as cosponsors.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

S. 2981

At the request of Mr. AIKEN, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2981, a bill to provide for environmental improvement in rural America.

S. 1521

SAXBE SPONSORS LIFTING TV BAN

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the senior Senator from Ohio (Mr. SAXBE) be added as a cosponser of my bill to ban the television blackout of home sports contests when tickets are no longer available to the general public.

I welcome Senator SAXBE's cosponsorship and honor his efforts to get the National Football League and the ownership of the Cleveland Browns to voluntarily lift the television ban of an American Football Conference playoff game in Cleveland later this month.

Mr. President, I ask that Senator SAXBE's name be added as a cosponsor of S. 1521, a bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out.

The issue, Mr. President, is coming to a head. The playoffs have brought to a white-heat the intense interest in professional football. Over the entire country, with but few exceptions, fans have difficulty buying tickets for regular season games. Still they cannot, for the most part, get TV coverage of home games even though televising equipment is in the stands. Besides, 20 of the 26 stadiums are public owned, as are the airwaves. Bill S. 1521 would not harm the owners financially. Fans would not lag in buying tickets, for only a relatively few are available for each game because of the great sales of season tickets. Real fans want to see their teams in person. Weather does not bother them, as witness the Cowboys-Packers Super Bowl game in Green Bay a few years back, when the temperature was 13 below zero at game time.

Mr. President, the fans want nothing more than to be able to see their team on TV when they are unable to buy tickets, regardless of their financial standing.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2812

At the request of Mr. NELSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2812, to provide for establishment of a national drug testing and evaluation center, and for other purposes.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Florida (Mr. GURNEY), was added as a cosponsor of S. 2994, to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 2828

At the request of Mr. NELSON, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2828, to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly, and for other purposes.

SENATE JOINT RESOLUTION 171

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. DOLE), and the Senator from Colorado (Mr. ALLOTT) were added as cosponsors of Senate Joint Resolution 171, to designate March 1972 as "Exceptional Children's Month."

SENATE JOINT RESOLUTION 181

Mr. BEALL. Mr. President, on December 6 I introduced Senate Joint Resolution 181 to establish a Joint House-Senate Committee on Aging.

In addition to its other responsibilities, this committee would be given the specific assignment of following up on the White House Conference on Aging. I am pleased to announce that the following Senators have agreed to cosponsor this measure and I ask unanimous consent that their names be added at the next printing of the bill: LLOYD BENTSEN, ROBERT DOLE, MARK HATFIELD, EDWARD KENNEDY, JOHN TOWER, and MILTON YOUNG.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

CONTINUING APPROPRIATIONS FOR FOREIGN AID—AMENDMENT

AMENDMENT NO. 793

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment, intended to be proposed by him, to the joint resolution, House Joint Resolution 1005, making further continuing appropriations for fiscal year 1972.

NOTICE OF FIELD HEARINGS—SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

Mr. HART. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I announce that the Senate Subcommittee on Administrative Practice and Procedure will conduct field hearings in New Mexico, Arizona, California, and Nevada as part of its continuing inquiry into Federal administrative protection of Indian rights and resources. These hearings will take place during the first week in January 1972.

In 3 days of hearings this fall in Washington, D.C., the subcommittee heard extensive testimony from witnesses representing Indian tribes and organizations and from representatives of the Department of the Interior and the Department of Justice. The field hearings will allow the subcommittee to obtain additional direct information and will afford an opportunity of participation in the hearings to tribal and local officials who are most aware of the context in which the Federal administrative difficulties arise. Precise times and locations of the hearings will be announced during the congressional recess.

ADDITIONAL STATEMENTS

THE ROLE OF CONGRESS IN FOREIGN POLICY

Mr. TAFT. Mr. President, the New York Times this week editorialized on the role of Congress in foreign policy and the prospect for a truly bipartisan approach. I share strongly in the views expressed and ask unanimous consent that editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 14, 1971]

TOWARD BIPARTISANSHIP ABROAD

Under the Constitution, only the Congress can declare war and pay American troops. But the President, as Commander in Chief, can commit the armed forces to combat on his own. In an era of undeclared wars, this ambiguity has led inevitably to executive encroachment on Congressional prerogatives.

Efforts by the Congress to resist the trend now encounter the argument that Congressional debate is a luxury that cannot always be enjoyed in the nuclear age, when split-second reactions may be vital to avoid the nation's destruction. But it is not the nuclear contingency that is in fact at issue. It is the relatively limited military engagement—such as the Dominican intervention or the Indochina conflict—that has most eroded Congressional control over the war-making powers. And it is essentially the no-more-Vietnams syndrome that is spurring current efforts in the Senate to increase the Congressional role in future military decisions.

The legislative formula recently approved by the Senate Foreign Relations Committee to restrict the war-making powers of the Presidency is not and cannot be water-tight. It is recognized that the Congress cannot and probably should not attempt to prevent the Commander in Chief from engaging the nation in hostilities in certain emergency situations. The intention is to prevent military action from continuing more than thirty days without Congressional approval.

The thirty-day clause is the heart of the proposed legislation, rather than the attempt to define the circumstances under which the President would be authorized to use the nation's military power. The bill would indeed authorize armed force to repel or to forestall an attack on the United States or on American forces stationed abroad. While the President's constitutional powers could not be limited to such contingencies by legislation the Congress can insist on its participation in decisions to extend or enlarge a conflict beyond the measures taken in the initial emergency period.

This approach undoubtedly involves some disadvantages. The need to sway the Congress could conceivably impel a future Administration to escalate low-key military moves and to attempt to arouse popular emotion. The Congress itself is not impervious to an exigent President and can be misled, as the Tonkin Gulf resolution demonstrated in 1964.

But such risks are smaller than those revealed by unrestricted exercise of the Presidential war-making powers. What would chiefly be restricted would be the President's power to take the nation into a large-scale war without its consent, explicitly expressed by its elected representatives.

Instead of resisting the proposed legislation, the Nixon Administration would be well advised to embrace it and to go beyond it to create a new atmosphere of cooperation with the Congress in foreign policy generally. With a necessarily divisive Presidential campaign approaching, it is imperative to restore some semblance of the old tradition that politics stops at the water's edge.

As a first move to restore a bipartisan foreign policy, Mr. Nixon could well invite the Senate majority and minority leaders to accompany him to Peking and Moscow—and to the summit meetings with allied leaders that will precede these historic voyages. Although it is too late for the talks under way with President Pompidou of France in the Azores, Senators Mansfield and Scott would be valuable additions to the American delegation for the projected meetings with the leaders of Britain, West Germany and Japan. Now that he has wisely if belatedly moved to take the allies into his confidence, Mr. Nixon can afford to make the same gesture toward the Congress.

CREDIT FOR THE GOVERNMENT EMPLOYEES PRIVACY BILL

Mr. ERVIN. Mr. President, last week the Senate passed S. 1438, the government employees privacy bill. The bill seeks to guarantee by law that the Federal Government, as the employer of millions of Americans, has claim only to the personal services of its employees, and not to their entire lives and beings. It sets forth some simple and very basic prohibitions against the intrusion by the government into the private thoughts, the personal relationships, and the outside activities of those Americans who work for their government.

Very few will argue against the principles behind this legislation. Unfortunately, the executive branch has seen fit to quibble about details in the legislation, and thus for 5 years it has effectively delayed it from becoming law.

Now that the Senate has passed the bill three times, the last two without objection, it is my profound hope that at long last the House will also act. When they do, the citizens who work for the executive branch, and by extension all Americans, will gain an important added measure of protection for their privacy and individual rights.

Although the bill has come to be known as the "Ervin Bill of Rights," much of the credit must go to members of the staff of the Subcommittee on Constitutional Rights, past and present, who have worked hard and long on it. William Creech was subcommittee chief counsel during the early period when the subcommittee was gathering evidence and conducting preliminary hearings to show the need for the legislation.

His successor as chief counsel, George Autry, participated in the drafting of the first bill, S. 3703, introduced in 1966, and helped to guide it to a 90–4 vote when it passed the Senate in 1967. Lawrence M. Baskir, the present chief counsel, and Paul Woodard, his predecessor, also deserve a large measure of credit for the bill and its acceptance by the Senate. In addition, I wish to thank Lewis Evans, Angelina Gomez, Mrs. Lydia Grieg, Helen Lyles, Carol Sanders, Ruth Hill, and Elaine Butler, each of whom assisted over the years in the subcommittee's privacy and Government employee work.

Most of all, credit must go to Marcia MacNaughton, who, as the subcommittee's professional staff member in charge of our work on privacy, has done the most to shepherd this legislation through Congress. Miss MacNaughton has labored many long days and nights and even weekends in the cause of individual privacy and the right of Government employees. By right, this bill should be known as the "MacNaughton employee rights bill." The millions of Americans whose rights this legislation seeks to protect owe the success of the bill to her. When it finally becomes law, as I hope it soon will, it will be due in immeasurable degree to her dedication and efforts.

NIXON POPULATION STATEMENT

Mr. PACKWOOD. Mr. President, on November 17, 1971, the National Academy of Television Arts and Sciences, in conjunction with the Population Communication Center of New York, conducted an all day population conference for industry leaders, producers, writers, and performers in Los Angeles. The title of the conference was "Population As A National Issue: The Critical Role of Television."

Those scheduled to speak before this important conference included Gen. William H. Draper, Jr., Dr. Dennis Meadows of MIT, Mr. Walter Hickel, Dr. Joseph Beasley, chairman of Planned Parenthood, Mrs. Ellen Peck, author of the book, The Baby Trap, Mr. Douglas Stewart, director of community relations for Planned Parenthood, and Mr. Hugh Downs, formerly of the Today Show. Although I had also planned to address the conference, Senate business kept me here and I was unable to attend.

As one can see from looking over the list of speakers, some excellent statements were presented on the critically important subject of population growth and its relationship to the meaning and quality of life for future generations.

In addition, President Nixon took this opportunity to once again express his views on population growth, and the impact of population growth on this Nation's future. His statement was read by Gen. William H. Draper, Jr., the distinguished chairman of Population Crisis Committee. It reflects, I believe, the President's continuing interest in and concern over population growth, which he originally expressed in his population message in July 1969. Because of the significance of the President's recent statement, I commend it to Senators for their reading, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

MESSAGE FROM PRESIDENT RICHARD M. NIXON

LADIES AND GENTLEMEN: It is a pleasure to extend my greetings to you today and to offer congratulations to the National Academy of Television Arts and Sciences for bringing the vital issue of population to the attention of the television community.

This issue has been a continuing concern of mine and of this administration. In 1969 I sent a message to the Congress on population which detailed the domestic and world population situation together with recommendations for action. In that message I said, "I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans. In fact, since 1945 alone, some ninety million babies have been born in this country. We have thus had to accomplish in a very few decades an adjustment to population growth which was once spread over centuries and it now appears that we will have to provide for a third hundred million Americans in a period of just thirty years."

I noted that our growing population faces us with questions of urban growth, housing, natural resources, quality of environment, education, and employment for which we must find answers. I declared my belief that no American woman should be denied access to family planning assistance because of her economic condition and I established as a national goal the provision of adequate family services within the next five years to all those who want them but cannot afford them. This program is now in being.

At my request the Congress last year authorized the National Commission on Population Growth and the American Future. This Commission has already made an important interim report and next year will complete its studies and deliver its recommendations to me and to the Congress.

In addition, the Congress last year passed and I signed into law the Family Planning and Population Research Act. This law is now being carried out. Research for better methods of fertility control has high priority as well as extension of family planning services.

Another matter of great interest and deep concern to this administration and to me personally which I noted in my 1969 population message are the burdens imposed by rates of population growth much greater than our own—which occur in the less developed areas of the world.

The Congress has provided strong bipartisan support in moving to meet these problems overseas. In 1966 this country was giving four million dollars annually for the support of programs outside this country. In the last fiscal year the Congress made available one hundred million dollars for this purpose. We are now engaged in bilateral assistance through the United States Agency for International Development to over thirty countries which have asked for our assistance. In addition, we are also working through and supporting international agencies. The period since my message has seen the establishment of the United Nations Fund for Population Activities, whose constructive program we have actively supported. We have also supported the private voluntary movement in the population field, that is, International Planned Parenthood Federation, which is doing excellent work through its member organizations in 79 different countries.

I believe we can take reasonable satisfaction in the progress the government is making to meet the challenge which population growth poses to all people. But as I noted in my 1969 message to Congress, the questions posed by the population issue cannot be answered by "government alone, nor can government alone turn the answers into programs and policies." Those are questions which must be faced by all serious Americans.

Television is man's most pervasive medium of communication. The skills and imagination of the writer, the perception and vision of the director, the ideals and the ability of the producer, the sensitive interpretation of the actor, and the dedication and conscience of the executive—all these must contribute to enable this great medium to provide responsible leadership in helping Americans of all walks of life consider and find answers to these questions.

So I send congratulations to you and to the leaders of the Academy for placing yourselves and your industry in the forefront of those who are taking this issue seriously. It is important that you do so, for few subjects will so deeply affect the lives of this and future generations as the challenge of population growth. It is important also that we recognize the need to meet this challenge with an extreme sense of urgency. The momentum already built into the world's population growth means that delay in acting now will greatly increase the burden of the problem which must be borne later.

But if our people, with your educational help, and if all the peoples of the world will join in doing what is needed without delay, then mankind may indeed successfully surmount this serious challenge.

Otherwise, I truly fear the consequences for all humanity. And so I conclude this message to you by quoting a great American leader and former President, Dwight D. Eisenhower, who said, "If we now ignore the plight of those unborn generations which, because of our unreadiness to take corrective action in controlling population growth, will be denied any expectations beyond abject poverty and suffering, history will rightly condemn us."

WEATHER MODIFICATION

Mr. PELL. Mr. President, over the past several years, scientists, international lawyers, and others have expressed a serious concern about the growing possibilities for manipulating weather and other environmental components for military purposes. For over 25 years the Department of Defense has been conducting research and development programs relating to the various forms of weather modification. One of the more fruitful fields of research has been the investigation of precipitation augmentation, or rainmaking. Experiments have demonstrated that when the proper meteorological conditions prevail, it is a relatively simple matter to increase the amount of rainfall by 30 to 50 percent. The military effects of such increases could be devastating if applied to areas of heavy rainfall, such as the monsoon areas of Southeast Asia.

The field capabilities of the Department of Defense have been utilized successfully on several occasions.

In 1969, at the request of the Government of the Philippines, the Department of Defense conducted a 6-month rainmaking project in the Philippine archipelago. The project was so successful that the Philippine Government has subsequently taken steps to acquire an independent capability to annually augment their rainfall. A similar 1-month project was recently undertaken in Texas at the request of the Governor of that State. The operation appears to have been moderately successful in alleviating Texas' severe water shortage.

These projects, although directed toward a humanitarian end, indicate the proficiency with which the military is able to modify the weather. If the Air Force can bring rain to a parched, drought area in the American Southwest, then it can, in turn, create flood conditions in the monsoon areas of Southeast Asia. It is because of this potential that I urge the administration to take immediate action.

Rainmaking as a weapon of war could lead to the use of vastly more dangerous environmental techniques whose consequences may be unknown and may cause irreparable damage to our global environment. When we begin to interfere with the global circulation to achieve a military objective, we take the chance of adversely affecting the well-recognized characteristics of the atmosphere and subsequently threaten the survival of all mankind. Before going down this path, the United States must carefully examine the implications for national policy and for science.

From a pragmatic point of view, the military use of meteorological techniques could undermine those present peaceful scientific programs which are designed to benefit mankind, such as the Stockholm Conference on the Human Environment, the Global Atmospheric Research Program, and the International Hydrological Decade. Such activities could very well lead to another international weapons race which, in the end, would reduce national security.

At this point in time the United States should consider all possible preventative courses of action. As opposed to its official silence, or actions condoning a gradual drift into environmental warfare, the administration should explore both the advantages of a renunciation of such operations and the possible benefits stemming from an initiative for a multilateral "no first use" agreement. Experience in arms control has demonstrated that a distinct barrier is best accomplished by a blanket prohibition of activities likely to lead to the development of a new weapons category. In the absence of such a ban, the way is left open to the planning development and eventual prosecution of some form of deliberate environmental warfare. It is imperative that restraint be exercised early in the developmental stages before irretrievable precedents are set.

The United States has been preeminent in developing the field of weather modification in applying it for civilian benefit and in publicizing work in progress. The continued lead exercised by the United States in international scientific collaboration, especially in areas involving hydrologic cooperation and long-range weather forecasting, would be seriously jeopardized by unexplained or secret programs. In fact, if the United States followed such a course, we might be more vulnerable to foreign accusations of having contributed to natural environmental or climatic disasters. It is not unlikely that the United States would be suspected of using open scientific programs as covers for military research, experimentation, and operations.

In addition, and this is most important, we should have learned by now that exclusive possession, dominance, and even superiority in military technology is not a permanent state. What we can develop, other nations such as Russia or China also may have developed or be developing. That has been the experience in atomic weaponry, missilery, and space technology.

Indeed, we can have no assurance that other nations have resisted the temptation to develop expertise in this field, lacking any general agreement that geophysical and atmospheric modification will not become weapons in the arsenal of war.

It is not necessary, for the development of environmental warfare, that any nation eagerly seek to develop this terrible new dimension in warmaking. Rather, it will be sufficient cause if one or more nations feel compelled by distrust and suspicion to move in that direction.

It is necesary, therefore, that the United States take the initiative in the development of some form of international agreement governing weather-modification activities.

Similar appeals have been voiced in the past. The late John von Neuman, the noted scientist and member of the Atomic Energy Commission, stated in 1965 that—

> Present awful possibilities of warfare may give way to others even more awful. After global climate control becomes possible, perhaps all our present involvements will seem simple. We should not deceive ourselves; once such possibilities become actual, they will be exploited. It will, therefore, be necessary to develop suitable new political forms and procedures.

In June 1965 then Assistant Secretary of State Harlan Cleveland stated quite aptly that:

> We won't want other nations modifying our weather, and so we will certainly have to accept some restraints on our freedom to modify theirs.

Similarly, Secretary of State William P. Rogers stated on January 26, 1971 that—

> We are anxious to apply weather modification technology, as it becomes operational, to the problems of developing countries. We are also alert to the need to consider international arrangements to deal with the implications of this new phenomenon.

Therefore, I sincerely urge the President, in keeping with the traditional U.S. position, to make an announcement dedicating all geophysical and environmental research to peaceful purposes. I also urge the United States, as Cochairman of the United Nations Disarmament Committee, to take the initiative in framing and introducing to the conference a broad treaty imposing a prohibition on all forms of geophysical and environmental warfare. By these actions, the United States would enhance world order and stability, and encourage a greater sense of openness in the application of new technologies to environmental problems of global concern.

In order to further this objective, I hope to submit a resolution early in the next session setting forth a draft treaty on this subject. I hope that the resolution will generate discussion and action in this area.

NICHOLAS V. PETROU, DISTINGUISHED MARYLANDER

Mr. BEALL. Mr. President, I invite the attention of Senators to the outstanding accomplishments of a distinguished business and civic leader.

Nicholas V. Petrou is such a man.

Mr. Petrou is a living example that the American dream of opportunity is still alive. Born and growing up in a ghetto, Mr. Petrou made his own way to the presidency of Westinghouse Defense and Electronics Systems Center, the second largest employer in the State of Maryland.

In addition, Mr. Petrou finds time from his busy schedule to participate in many community affairs.

Mr. President, I ask unanimous consent to have printed in the Record a profile on Mr. Petrou written by Don Otenasek, the financial editor of the News American. I believe that my colleagues will find the story of Mr. Petrou's success inspiring.

There being no objection, the article was ordered to be printed in the Record, as follows:

Petrou: From Ghetto to Top Westinghouse Post

(By Don Otenasek)

America has Spiro T. Agnew and Westinghouse has Nicholas V. Petrou. Both are of Greek heritage and proud of it.

Mr. Petrou is president of the huge Westinghouse Defense and Electronic Systems Center at Friendship Airport. In this capacity he heads up the state's second largest firm employing 10,500.

This profile is a classic example of Greek boy makes good.

Born to a poor ghetto family in Springfield, Mass. in 1917, Mr. Petrou's early life was full of challenges. His father was a short-order cook and young Nickolas at the age of 10 set out to help the family financial situation by shining shoes.

Always wanting to be a research engineer, Mr. Petrou had to work his way through Northwestern University and Harvard receiving engineering degrees from both. He managed to support himself by working as an orderly in a Springfield mental hospital, by being a foreman in a lamp factory supervising all women, and as a maintenance man at a Westinghouse radio division—his first association with his present company.

It is perhaps through this wide diversity of jobs and the appreciation of work that was available to him that Mr. Petrou developed compassion for fellow employes and a deep understanding of their problems.

As president of the Westinghouse facility here and as a corporate vice president, Mr. Petrou expounds a strong employe philosophy. He developed and implemented what is known as Dialogue '71—a program unique not only to Westinghouse, but to industry in general.

He scotched the time-honored tradition of chain-of-command whereby an employe could not go above the department manager. "Under Dialogue '71 I want employes to make their ideas, thoughts and questions known . . . I'm attempting to breakdown the rigid lines of communications . . . I want the employe to speak to whoever he needs to better do his job," Mr. Petrou said.

The Westinghouse chief said it was his job to create the best possible employment climate which he said also means that employes can see and speak to him whenever necessary.

A relatively conservative dresser who prefers to work in shirt sleeves in his large, modernistic office, Mr. Petrou said he didn't care how his employes dress providing they conform to safety standards.

Heavily involved in community affairs such as the National Alliance of Businessmen, National Conference of Christians and Jews, Governor's Jobs for Veterans Commission, United Fund, Red Cross, Boy Scouts, just to name some, Mr. Petrou does not believe in forcing employes to participate in such activities. "I believe it is more important to set-up the proper climate that employes feel it is an honorable thing, rather than an obligation, to participate in civic and community affairs," he said.

A highly-articulate executive, Mr. Petrou's post-college employment has been only at Westinghouse. Upon completion of military service in 1946 (with rank of captain), he held positions of engineer, group engineer and section manager at the Special Product Development Engineering, Air Arm Division, Baltimore. Mr. Petrou was appointed engineering manager here in 1956 and in 1961 was named general manager of the Aerospace Division (formerly Air Arm Division).

In 1963 he was named vice president of the renamed Defense and Space Center and was appointed president of the facility and elected a corporate VP in 1966.

Although an engineer by training, he completed the advanced management program at the Harvard Business School and implemented his know-how in running Westinghouse here.

Mr. Petrou organized the Center into autonomous divisions with each divisional manager reporting directly to him.

He describes his own duties on the management level as assuring the right atmosphere so the divisional manager can perform his particular responsibilities properly and thus aiding the overall profit and sales objective of the Center.

"We sit down together and establish monthly objectives and goals for the balance of the year and review past month activities," he said.

Mr. Petrou is a strong believer in operating the company in an open and relaxed atmosphere and manages by objectives.

This busy executive spends about 3 days a week traveling throughout the U.S. and the world visiting Westinghouse customers. When questioned on his important contribution to Westinghouse, Mr. Petrou replied: "It is maintaining a profitable business in Baltimore and providing necessary technology in people which permits them to transfer to other phases in the corporation."

Mr. Petrou commented that he believes Westinghouse is now stabilized in terms of employment here. He said that in the past the basic efforts have been defense products. Now Westinghouse is diversifying from defense into related government areas.

Despite his tight schedules, Mr. Petrou still finds time to play tennis, squash and golf in addition to a little hunting. He also dabbles in oil painting . . . "I often do my thinking while painting."

Mr. Petrou lives with his wife in a modest home in Potts Springs, Timonium. He has one son in college and another in the Army.

And that very briefly, is the executive profile of Nicholas Vasilios Petrou—the son of Greek immigrants who made his way, on his own, from the ghetto to a top job at one of America's blue chip corporations.

NATIONAL PROFESSIONS FOUNDATION

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to an impressive article by Prof. Allen B. Rosenstein on the complex and interrelated problems of the human environment. Professor Rosenstein, in the engineering systems department at the University of California, presents an imaginative and far-reaching proposal to address these problems rationally and comprehensively through the establishment of a national professions foundation.

In an article on this subject appearing in the November 1970, issue of Engineering Education, Professor Rosenstein argued that "the collective power of the professions to influence man and control his environments has not been recognized," primarily because the professions themselves have not accepted their share of responsibility for the greatly expanding demands of a dynamic society that have created environmental problems requiring multidisciplinary solutions.

The necessity for a comprehensive approach in addressing the deterioration of physical and social conditions, in both rural and urban areas, has been increasingly recognized by universities as well as State and local governments. It is the approach I have strongly advocated for the establishment of decisive national growth policies to meet the critical and complex needs of the future. And we have recently awakened to the great potential for applying advances in the fields of science and engineering in the systematic analysis of the increasingly complex problems of the human social condition.

Professor Rosenstein cites the precedents of the creation of the National Science Foundation and the National Foundation on the Arts and Humanities, in which it was my privilege to be directly involved, as a mechanism for concentrating national effort and support in addressing needs of great social, economic, and political importance. And he discusses the appropriate distinctions between the concerns of these foundations and that of the national professions foundation, concentrating on the spectrum of man's environments.

Mr. President, I ask unanimous consent that the article by Professor Rosenstein, entitled "A National Professions Foundation," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A NATIONAL PROFESSIONS FOUNDATION

(By Allen B. Rosenstein)

The crises of these times may properly be called the crises of the professions—not the professions individually, but the professions collectively. The nation's environmental problems are characterized by their demand for multidisciplinary solutions. Little progress can be made toward substantially improving man's environments until it is recognized that these problems are of such magnitude and are so multidisciplinary that viable answers cannot be found within a single traditional discipline.

At the same time, the collective power of the professions to influence man and control his environments has not been recognized. Actually, the professions can now resolve almost any environmental problem which can be properly defined and to which society is willing to devote adequate resources.

The professions and their professional organizations, as well as education for the professions, have lagged far behind in accepting responsibility for burgeoning demands of a dynamic society. The ever-accelerating rate of social and technological change is generating pressures that can only be relieved by a quantum change in the organization of the professions. A mechanism is needed to anticipate continuously long-term demands upon man's environments and to marshall the professional resources to meet them. In this article, it is proposed that the need for concerted national environmental efforts on a multidisciplinary-multiprofessional basis can best be satisfied by the early creation of a *National Professions Foundation* (Rosenstein, 1968).

SOCIETY AND THE PROFESSIONS

Implicit in this section is a set of assumptions of the unique role and function of the professions as the environmental decisionmakers of society. Basically, the assumption is made that the environments of man are created by, or are subject to extensive modification by, the decisions of men performing in a socially recognized professional capacity.

Historians have observed that famine, inadequate water supply, disease, etc., were the major elements that characterized problems faced by past generations. And while the present crisis includes many of the same elements, it is unique in terms of massiveness, extensiveness, and rate of change. It is important, therefore, to ask what factor underlies the major problems of today's society and why it threatens to become a potential danger.

The basis of the present situation is not obvious, nor has it been experienced by other societies. It may be called the crisis of the professions. Single purpose answers no longer suffice. Indeed, in documented case after case, the supposedly optimum disciplinary solution has ultimately led to environmental disaster. In emerging countries around the world, improved sanitation and disease reduction have drastically reduced overall living conditions by creating a population explosion. The freeway solution to traffic congestion has created a smog problem. Chemical control of insects threatens all animal life.

The magnitude and the multidisciplinary nature of environmental problems is unique. The crises of the professions can be illustrated by imagining the plight of a two-dimensional creature being harassed by a three-dimensional opponent. Regardless of intelligence, the creature can only propose solutions to the chance intersection of his opponent with his plane.

In a similar fashion, the professions will never become effective in solving the multidisciplinary problems of socety if each persists in operating in an independent, one-dimensional mode. A professional man with a traditional education has been prepared to recognize only those areas where his discipline intersects the problem; he has not been educated to perceive or even consider the ultimate effects of other dimensions and other disciplines upon his plane and the effects of his decisions upon the entire environment.

In theory, the professions take care of the social needs of citizens, for by definition they are society-oriented. This dependency is expressed in the general feeling that the medical profession is taking care of health, the legal profession protects civil liberties, and engineers are engaged in cooperative actions to banish smog, traffic congestion, etc. The fallacy lies in the assumption that the professional, who has the training to solve social problems—and he is the only one educated to solve them—will automatically and knowingly determine the full social consequences of his decisions and act unselfishly in the greatest public interest. This is simply not the case. The professional does not assume responsibility for society, nor has he been educated to anticipate the social consequences of his decisions. In reality, he is client-oriented, recognizing his responsibilities to his client, but he has not been prepared to consider larger implications. Collectively, the social visibility of national professional societies has not proven significantly better.

It can be argued that the professions have always been client-directed and that somehow the public welfare has been served. The public looks to its government to meet old demands and solve new problems. In turn, politicians and government representatives rely upon specialists and professionals for direction in making appropriate decisions to serve the public. In these cases, the government has become the client of the professional, who is now directed to apply his expertise in the public welfare. Generally, public out-cry arouses the politician to seek advice only when a particular activity seems out of hand.

In a few areas such as food and drugs, sanitation, and building, continuous abuse has forced the government to establish permanent monitoring agencies to protect the public. Agencies have stood the public in good stead and will continue to protect it. However, they are not structured to cope with the new massive crises of these times, nor can any reactive machinery move fast enough to deal with the forces at work in contemporary society. There is no longer time to rely upon the "trial and error" approach, whereby public response initiates a political corrective system. Costs can become prohibitive when this stage is reached. The resources required to clear smog from the cities, for example, may be greater than the public can afford.

The nature of the problems faced by the professions has changed drastically in the last three decades. The elements of society are now so interdependent, the social systems so large and costly, and the possibility of catastrophic failure so real, that the demands upon the professions for reliable performance have become orders of magnitude greater than ever before. Performance and absolute reliability must be assured in advance; the costs of failure are becoming too great. Today we have the constant threat of man-created irreversible phenomena. Man can literally change the face of the earth and the composition of his environment before the public and its protective agencies are aware of pending danger.

The multidisciplinary characteristics of environmental problems extend well beyond the mere physical environment. Consideration must be given to man's many environments—all of which are interrelated and require a multidisciplinary treatment. Solutions to the problems of the cities, for example, will require massive coordinated action by educators and engineers, social workers and business administrators, politicians and physicians.

The new complex of demands that will be, or should be, placed upon the professions requires entirely new solutions. Crucial changes in the responsibilities of the professions—and in the direction of education for the professions—are required to cope with the dynamics of contemporary society. The tide of human affairs leaves the professions no choice except to assume social as well as technical leadership. Those who possess the knowledge required to direct the course of society must accept the challenge.

The professions, individually and collectively, must accept public responsibility for the effects of their decisions upon the public environments. The problem is too large for one individual or even one professional society. What is needed is the permanent organization of a single national body. Adequately financed and with quasi-official standing, it must be designed to anticipate the pressing professional problems of the future and to direct attention to their timely solution. In the same sense that the National Science Foundation has worked to improve the quality of the science of the nation, this new body would also improve and maintain the quality of the nation's professional endeavors.

Recommendation: A National Professions Foundation should be established to provide direction for the discharge of the social responsibilities of the professions and to function in parallel with the National Science Foundation and the new National Foundation on the Arts and the Humanities.

PROFESSIONS FOR ENVIRONMENTAL DECISIONS

With the interests of such a National Professions Foundation centered upon improvement and maintenance of the public environments, the public professions to be served by the NPF would become those professions that provide the decisions that create and maintain essentially the entire environment. These would range from the architects, city planners, and engineers who make the decisions for much of the man-made physical environment, to medical and public health professionals who directly influence the health environment, and lawyers and politicians who affect the civil environment.

Principal characteristics of the public professions of the National Professions Foundation stem from the requirements for responsible decisionmaking and are: (1) a recognized responsibility for the decisions affecting the quality of some significant portion of the public environments; (2) education and experience that uniquely prepares the members for successful public environmental decisionmaking.

In view of the current reassessment of social priorities and increasing pressure for changes in the social structure, any listing of public professions must be subject to reevaluation and correction. The list below is subject to more efficient regroupings. It does not include newly created interdisciplinary interests, nor does it show the increasing interdependence of these professions.

The public professions:

1. Accounting.
2. Agriculture.
3. Architecture.
4. Business administration.
5. Dentistry.
6. Education.
7. Engineering.
8. Journalism and public information processing (including library).
9. Law.
10. Medicine.
11. Mental health.
12. Nursing.
13. Politics and public administration (including criminology).
14. Public health.
15. Social welfare.
16. Urban planning.

Only partially revealed by the above list are the needs for new professions and the strengthening and extension of existing professions that would be implemented by the National Professions Foundation. In the broad field of social institutions, the need for professionals who have been educated to create new social organizations, as well as to maintain and improve existing social structures is becoming increasingly apparent. A broader mandate for social welfare and the development of new professional schools for social planning will require national support and long-term financing. There is an increasing requirement for professional specialization not only in depth, but in breadth. To educate professionals who can break out of their single discipline mold in an increasingly compartmentalized university environment, machinery must be introduced to provide the funding and academic respectability for the public environment professions that the National Science Foundation has created for the sciences. An obvious vehicle is the National Professions Foundation.

FUNCTIONS OF NATIONAL PROFESSIONS FOUNDATION

Creation of the National Professions Foundation would mark a major step toward closing a significant gap in the social institutions. Continuous scrutiny of the full spectrum of man's environments, with particular emphasis upon the requirements of the future would be a major function of the Foundation. Because of its multidisciplinary composition, the National Professions Foundation would provide an excellent conduit for the professional environmental decisionmakers, the public, and its representatives. Thus, the National Professions Foundation would advise Congress and the public, while acting to improve the quality of the public professions by working with the professional societies and the universities. The functions of the National Professions Foundation may be summarized as follows:

1. Initiate studies of man's environments—physical, social, political, civil, business, educational, medical, etc.
2. Initiate studies to anticipate future crises that might threaten any facet of man's environments.
3. Support studies to assess the future needs of the total environment and the resources necessary to produce or maintain the desired results.
4. Advise Congress and the public upon courses of action to improve and maintain man's environments.
5. Institute studies of methods by which the professions may assume leadership, responsibility, and accountability for decisions that affect the public environments.
6. Develop and encourage the pursuit of a national policy for the promotion of basic

studies and education in the public professions.[1]

7. Support students of the professions at the graduate and postgraduate levels.

8. Support programs for students at the undergraduate level and training institutes for teachers of the public professions at all levels.

9. Aid teachers of the professions at all levels.

10. Help to improve and update the content of courses for the public professions.

11. Promotion of public understanding of the public professions through support of lectures, seminars, conferences, etc.

12. Make grants and loans for investigations of the total environment and for applied research in the public professions, with the concepts:

(a) That grants be made on a institutional basis to attack major environmental problems (following the example of agriculture).

(b) That a mechanism be established to suggest potentially useful areas of research to the NSF.

13. Undertake applied military research for national defense.

14. Award scholarships and graduate fellowships for study in the public professions.

15. Foster the interchange of information among and between the public professions in the United States and other countries.

16. Correlate programs of the public professions with both private and public environmental improvement and research projects.

17. Maintain a roster of professional personnel (cf. NSF), publish data, and act as a clearinghouse for information for the public professions.

OPERATIONS OF NATIONAL PROFESSIONS FOUNDATION

In searching for effective operational modes for the NPF, it is useful to review the patterns of existing organizations that have made major social contributions—both discipline-oriented and problem-oriented operations.

Significant advances in the national science effort during the past two decades can be attributed directly to the National Science Foundation. However, the discipline-centered methods most conducive to the pursuit of knowledge for knowledge's sake have not been equally productive in solving the nation's growing environmental problems (Steinhart and Cherniack, 1969; NSF, 1969). On the other hand, the continuing success of agriculture is a phenomenon that cannot be ignored. Here in a completely mission-directed environment, the activities of education, public information dissemination, production, and applied research have been coordinated with unparalleled success through the efforts of the schools of agriculture, the agricultural experiment stations, and the county agricultural agents.

The food-production industry has thrived with the cooperation of educators, farmers, and governmental advisors and assured federal support of the programs. The same problem orientation, cooperative activity, and federal support are necessary to achieve significant improvement in the multidisciplinary multiprofession problems of man's environments. To avoid the disciplinary failures of the past, it is expected that grants by the National Professions Foundation would stress provisions for multiprofessional-multidisciplinary attacks upon major environmental questions. Thus, in the case of university grants, funding would be problem-centered and institutional, to associate the program with the institution instead of with individuals or disciplines.

Creation of the National Professions Foundation would require an act of Congress to establish a new quasi-government agency. This raises questions of potential conflict. Would the National Professions Foundation endanger NSF by competing for limited public funds? Would the quality and quantity of U.S. scientific endeavors suffer as a consequence? What effect would the NSF have upon the ecology of the American university?

It is my premise that a problem-oriented, environmentally directed NPF would fill a vital role among the social organizations. Establishment of the NPF would be a long overdue step toward achieving a healthier balance in the forces acting upon the university and as such would provide part of the additional mechanism required to reestablish a rapport between the programs of the university and the long-term needs of the society that supports the university .

Emphasis on disciplinary activities during the past three decades has established a movement toward greater compartmentalization in the American university that, in turn, has made it more and more difficult for the university to respond to the multidisciplinary needs of society. Yet, study of the public professions and their educational requirements reveals three primary intellectual foci in the university that are fundamental to the well-being of contemporary society (Rosenstein, 1968). The first of these is the search for knowledge or truth. This activity encompassing the social, physical, and life sciences has been admirably served by the National Science Foundation. The second is the search for better environments and the education of the decisionmakers of society whose decisions will build the social environments. This activity provides the only valid reason for any professional school to justify its existence in the university and requires the type of support that can be provided by the National Professions Foundation. A third focus, and one which gives full meaning to the others, is the search to preserve and build upon man's cultural heritage, i.e., the cultural environment, and to lay the foundation for social value systems. The humanities and fine arts have long been an academic cinderella whose time has hopefully now arrived as a consequence of the recent establishment of the National Foundation on the Arts and Humanities.

If the concept is valid that an advanced society requires a National Science Foundation to serve the sciences and a National Arts and Humanities Foundation to serve the arts and humanities, consideration should be given to a National Professions Foundation to provide balance among the essential social activities.

Proposals for a new body inevitably raise questions about relations with older organizations. Relations between the NPF and NSF would draw upon the long history of exemplary performance by the NSF in attempting to provide maximum support to the engineering profession. In turn, it is my firm conviction that NPF funding would enhance rather than restrict support for the other foundations. More specifically, and contrary to conventional wisdom the needs of technology would stimulate basic research rather than follow it (Brooks, 1968).

In the same manner, the efforts of the National Professions Foundation to improve the environments and the environmental professions, could not succeed without extensive research contributions from the physical, social, and life sciences. Organized efforts of the professions to solve environmental problems must inevitably create a rising demand for basic research to support the environmental inventions that are required. Recognition of the pressing need to improve man's environments has become so evident to legislators that financial support would be assured in the coming decades. Thus, the NPF would be a vital part of a mechanism that would provide a long-term source of research support for all sciences on a large scale.

The search for better social environments will require not only knowledge from the sciences, but meaning from the arts and humanities. Unique answers to professional problems can only be found in terms of the value systems of the society in which the problem is embedded. Consequently, there must ultimately develop a triangular relationship of three unique foundations with independent but socially interrelated functions.

As a final benefit, the National Professions Foundation public education programs would strip away the cloak of anonymity of the environmental decisionmakers. The impact of the decisions or lack of decisions by the professions upon the environments would then become public knowledge. Confusion over the roles of scientist and professional would be resolved, so that the scientist would no longer be berated for decisions of the professions that may involve laws or phenomena of nature. For example, smog composition can be determined by chemical analyses, but the generation of this waste product is the direct consequence of the choice of transportation systems and is a professional rather than a scientific question. To expect the scientist to police the knowledge he generates is as foolish as it is to ask the thermodynamicist to stop investigating combustion rates because the internal combustion engine is producing an undesirable waste product. The scientist cannot be held responsible for the consequences of decisions that have long been made by members of the public professions. The visibility provided by the National Professions Foundation would establish the final meaning of the concept of a *public profession*, characterized by public acceptance of responsibility and accountability for the effect of the profession upon the public environments.

IMPLEMENTATION

Study of the origins of the National Science Foundation and the National Arts and Humanities Foundation reveals a common implementation pattern with the basic elements of public need, recognition and support, a position report, and Congressional action. The need for a foundation gradually developed until widely respected organizations undertook the responsibility for further definition of the problem. For both foundations, this took the form of reports presenting the case and calling for the creation of suitable foundations. Submission of the reports to Congress for hearing and formulation of appropriate legislation were the final step. The bill for a science foundation passed Congress within two years after the science reports were presented to President Truman; barely one year elapsed between the issuance of the report and President Johnson's signing of the Arts and Humanities Act.

With growing public recognition of the magnitude and complexity of the nation's environmental problems, the need for new social instruments does not require further justification. To obtain support from the national professional societies, formation of a Committee for the National Professions Foundation is now underway, with members drawn from each of the public professions. A final report and recommendations are being prepared for submission to Congress by the end of 1970.

REFERENCES

1. Brooks, Harvey, "Physics and Polity," *Science*, April 20, 1968, pp. 396–400.

2. National Science Foundation, Special Commission on the Social Sciences of the National Science Board, *Knowledge into Action: Improving the Nation's Use of the Social Sciences*, the Foundation, Washington, D.C., 1969.

3. Steinhart, John S., and Cherniack, Stacie, *The Universities and Environmental Quality—Commitment to Problem Focused Education*, report to the President's Environmental Quality Council, Superintendent

---

[1] Functions 6 through 17 parallel the NSF charter.

of Documents, U.S. Government Printing Office, Washington, D.C. September 1969.

4. Rosenstein, Allen B., *A Study of a Profession and Professional Education,* University of California, Los Angeles, report no. EDP 7–68, December 1968.

NATIONAL OBSERVANCE OF CLEANER AIR WEEK

Mr. TAFT. Mr. President, in February of this year, I introduced Senate Joint Resolution 22 calling for the national observance of Cleaner Air Week. Mr. Charles N. Howison, executive secretary of the Air Pollution Control League of Greater Cincinnati, was the originator of what has become a very widely observed and most worthwhile week in October. A well-deserved tribute was paid to Mr. Howison in the Cincinnati Enquirer on October 23, 1971, for the leading role he has played and continues to play in the fight against air pollution.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cincinnati Enquirer, Oct. 23, 1971]

CLEANER AIR WEEK

No American is more obviously entitled to a proprietary interest in Cleaner Air Week, which gets under way across the nation this weekend, than Cincinnati's Charles N. Howison, executive secretary of the Air Pollution Control League of Greater Cincinnati. For Mr. Howison was crusading against air pollution years before the cause became a fashionable one.

It was in 1948 that the first Cleaner Air Week was proclaimed. We suspect, however, that it generated interest only among those with a specialized interest in fighting pollution. Today, on the other hand, the basic message of Cleaner Air Week is one of direct, personal concern to every American.

President Nixon, in issuing his formal proclamation of Cleaner Air Week, touched on these concerns.

"Fortunately," he said, "there is a great deal that each of us can do. The businessman in his everyday decisions can take into account the effects on the environment of his alternatives and act in an environmentally responsible way. The housewife can make choices in the marketplace that will help discourage pollution. Young people can undertake projects in their schools and through other organizations to help build a better environment for their communities. Parents can work with the schools to help develop sound environmental teaching throughout our educational system.

"Every community in the nation," Mr. Nixon went on, "can encourage and promote concerned and responsible citizen involvement in environmental issues, an involvement which should be broadly representative of the life styles and leadership of the community."

Even though it was this thorough-going community awareness that Mr. Howison sought to generate in promoting Cleaner Air Week a generation ago, he has not chosen to rest on his laurels. Indeed, he is working more aggressively than ever to give Greater Cincinnati an environment in which its people can work and live.

No American can observe Cleaner Air Week without saluting the pioneers whose labors the occasion brings to mind. Charles N. Howison unquestionably is among them.

PREDATOR CONTROL

Mr. HART. Mr. President, a major unresolved environmental issue in this country is the massive, federally-run campaign against predatory animals, particularly in the West.

According to a Defenders of Wildlife report, this crusade against the native species of that region in a recent year, 1969, wiped out 74,199 coyotes, 8,578 bobcats, 380 bears, 142 mountain lions, 4,098 badgers, 10,374 foxes, 4,651 opposums, 2,147, porcupines, 6,507 raccoons, 7,732 skunks, 586 beavers, and 562 other animals.

For the past two Congresses, the distinguished Senator from Wisconsin (Mr. NELSON) has introduced proposed legislation to cut back drastically the predator control program and halt its use of deadly poisons througout the West.

In recent testimony before a Senate appropriations subcommittee hearing on this issue, Senator NELSON also proposed pilot programs of direct compensation to ranchers for losses from predators, as a possible substitute to the current approach of widespread poisoning.

Senator NELSON urged the filing of a comprehensive environmental impact statement of the predator control program as required by the National Environmental Policy Act.

Mr. President, I ask unanimous consent that Senator NELSON's statement on this important issue be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GAYLORD NELSON ON PREDATOR CONTROL AT HEARING BY SENATE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE, ENVIRONMENTAL AND CONSUMER PROTECTION, DECEMBER 14, 1971

Mr. Chairman, thank you for the opportunity to testify here today on predator control. Your hearings on this matter this week and earlier this year are an important public service in educating all Americans to this environmental issue and are a major contribution to the dialogue necessary to find some answers.

I would like to summarize quickly the points in this statement:

First, if the final environmental impact study required by the National Environmental Policy Act on the predator control program is not available by next year, Congress should delay appropriating any further predator control funds until such a report is submitted.

Second, it is already clear that fundamental changes are going to have to be made in the predator control program. Legislation I have introduced for the past two Congresses, S. 273, would put a halt to the use of the poisons out West and drastically reduce the present predator control program.

Three, an alternative to the current war on predators would be direct compensation or insurance to cover a rancher's losses from predators. In January, I intend to introduce an amendment to my predator control bill to provide for pilot programs for direct compensation.

For the pilot projects, parts of one or two Western states could be set aside as "non control" areas. In these test areas, instead of poisoning predators, ranchers would receive compensation for livestock losses.

Current predator control agents would verify the livestock losses, providing the facts needed for compensation.

And comparable areas would be provided where predator control efforts would continue as before. By comparing losses in the pilot project "non control" areas with those in the similar areas where the poisoning was still going on, we would determine whether current predator control is really effective and whether it is needed at all.

Four, other possible alternatives to present predator control include the so-called "Missouri Plan," an extension service program in Missouri and Kansas emphasizing selective predator control through trapping, an approach which could be followed under my bill, S. 273.

As noted in the 1964 Leopold report, some other possible approaches include the development of repellants, fences, and scare devices, hunting, and the use of less toxic poisons.

For more than half a century now, the American taxpayer has been shelling out steadily increasing funds for the so-called "predator control" program carried out by the Division of Wildlife Services in the Department of the Interior's Fish and Wildlife Service.

As was evident by the outcry nationwide over the recent criminal slaughter out West of more than 500 bald and golden eagles, symbols of our nation's heritage, these senseless campaigns of death have rapidly become an important environmental issue.

And the fact that the predator control program has been allowed to continue and expand for decades as a reckless orgy of killing is a sad monument to the indifference of Congress and until recently, an apathetic American public.

The evidence in favor of a dramatic change in predator control policy is clear and overwhelming—and has been for years.

In 1964, the report of the Leopold Committee commissioned by the Interior Secretary to review the program concluded: ". . . the program of animal control . . . has become an end in itself and no longer is a balanced component of an overall scheme of wildlife husbandry and management."

Despite some steps cited as implementing the Leopold report's recommendations, the fact is that more money is being spent this year on the predator control program than ever before. Since 1964, the Federal share has increased nearly $900,000. With state and other matching funds, the predator control program total this fiscal year has reached $8,275,000, including $3,615,000 in Federal dollars. A small army of some 600 agents carries out the war on predators.

On July 17, 1970, nearly a year and a half ago, I wrote to Russell Train, chairman of the President's Council on Environmental Quality, inquiring as to the status of the environmental impact statement obviously required for the predator control program by the National Environmental Policy Act passed in late 1969.

Mr. Train confirmed that such a statement be filed, and after further correspondence I was assured in an Interior Department letter dated November 13, 1970, more than a year ago, that such a report was being prepared.

Mr. Chairman, I ask that a copy of this correspondence be printed in the hearing record at the end of these remarks.

As yet, no final environmental impact statement has been filed.

Early last July, a special task force to review the predator control program was established by the Interior Department and the Council on Environmental Quality.

At that time, the final report of that committee was expected by November 1. Almost a month and a half after that deadline, the report has not been filed.

My office has obtained a copy of what is described as a "draft" environmental impact statement prepared in the Department of the Interior and dated November, 1970.

This document, supposedly reviewing the

environmental implications of this mammoth and far-reaching program, is only 10 pages long.

Of the predator control crusade, the draft statement says: "No permanent adverse environmental effects have occurred or are anticipated."

It adds: "There are no cumulative impacts nor will the uniqueness of present environments be significantly affected."

Yet seven years ago, the Leopold Report said, in direct contradiction: "It is the unanimous opinion of this Board that control as actually practiced today is considerably in excess of the amount that can be justified in terms of total public interests. As a consequence, many animals which have never offended private property owners or public resource values are being killed instantly."

I ask that the draft environmental impact statement be included in the hearing record at the end of these remarks.

Without comprehensive environmental reviews providing the necessary facts on the damages and the alternatives in the predator control program, Congress and the public are in no position to assess the predator control effort and make decisions regarding its future.

As a start, the final environmental impact statement required by the National Environmental Policy Act should be submitted with the Administration budget request to Congress in January for annual predator control funds.

And if the final statement is not available by the time Congress begins consideration of the predator control budget next year, I will urge that Congress delay the appropriation until the full and complete report is submitted.

As I pointed out earlier in this statement, it is already clear that fundamental changes are going to have to be made in the predator control program.

Legislation I have introduced for the past two Congresses, S. 273, would put a halt to the use of the poisons out West and drastically reduce the present predator control program. A similar bill is in the House.

Because there may be some need for predator control under circumstances that have been carefully evaluated and are carefully controlled, the bill authorizes a limited program using means other than poisons.

An alternative to the current war on wildlife in the West would be direct compensation or insurance to cover a rancher's losses from predators.

This approach could be tried out as a pilot project. Portions of one or two Western states could be set aside as "non control" areas. In these test areas, instead of attempting to eliminate predators, ranchers would receive compensation for their losses.

The agents who under the current program distribute the poison would in the pilot project, investigate and verify reports of livestock losses from predators, providing the facts needed for compensation.

Comparable areas would be provided where predator control efforts would continue as before. Careful investigations of livestock losses would be carried out in these areas, too.

By comparing losses in the pilot project "non control" areas with those in comparable areas where the poisoning was still going on, we would determine whether current predator control is really effective and whether it is needed at all.

As it is now, we do not have any real idea how much livestock damage predators are causing or how effective the predator control program is.

Mr. Chairman, I am preparing a legislative proposal for such a pilot program of compensation for livestock losses from predators and intend in introduce it in January as an amendment to my predator control bill, S. 273.

Another possible alternative to present predator control would be the so-called "Missouri Plan, an approach which could be followed under my bill. This plan has been in effect for over 20 years in both Kansas and Missouri.

Essentially, this system is aimed at controlling the specific animal causing the damage. This means that so-called "non-target" wildlife would not be obliterated to remove these few pest animals.

The "Missouri Plan" emphasizes trapping as its means of control, because in Missouri and Kansas, this has been accepted as the most effective way of catching the target animal and is felt to be more selective than the poison baits and poison "guns" used in the Western programs. The plan is implemented through extension service agents who train landowners.

Over the period the Missouri Plan has been in operation, trained farmers have reduced their predator damage losses an average of 80 percent.

The system works on the large ranches of Western Kansas as well as on the small farms of Eastern Kansas and Missouri. And cost analyses have shown that annual operation expenses were much less than the annual coyote bounty payments that preceded adoption of the plans.

Regarding other possible predator control alternatives, the Leopold Report in 1964 urged emphasis on finding more specific controls, and the development of repellants, fences, and scare-devices which would preclude the necessity for any killing at all.

Without arguing their merits at this point, other alternatives that have been mentioned include hunting, or the use of less toxic poisons.

Paradoxically, while the predator control budget goes up, and the total number of sheep being kept declines because of other problems in the industry, the total sheep deaths claimed to be caused by predators continues to rise.

One observer of the situation, familiar with the numerous ways available to inflate the count of livestock lost, said, "If we counted the votes like the sheep growers count sheep killed by the predators, the head of the wool growers would be elected President in no time."

Though figures of predators killed have been somewhat below earlier totals, Defenders of Wildlife reports that for a recent year, 1969, the tally still showed predator control had wiped out 74,199 coyotes, 8,478 bobcats, 380 bears, 142 mountain lions, 4,098 badgers, 10,374 foxes, 4,651 opposums, 2,147 porcupines, 6,507 raccoons, 7,732 skunks 586 beavers and 562 other animals.

In 1970, the Public Land Law Review Commission said in its comprehensive report on the nation's public land policies: "We are convinced that predator control programs should be eliminated or reduced on Federal public lands in furtherance of wildlife management objectives stated above. While these programs may have been of some benefit to livestock operators in reducing cattle and sheep depredations by coyote, puma, cougar, and bear, they have upset important natural mechanisms for the population control of other species."

Most of the people who are protesting will never see the eagles or the other wildlife involved. But that is not the point. This systematic destruction of the natural species of the American West has come to represent the ultimate danger posed to all living things: Says author Jack Olson, who has written so eloquently on the predator control abuse, "We animals of the earth are a single family, and the death of one only hurries the others toward the final patch of darkness."

And ironically, much of the destruction is being carried out on lands owned and being managed by the Federal government supposedly on behalf of the U.S. citizen.

Between overgrazing and indiscriminate use of predator control poisons, these lands aren't being rented—they are being destroyed, a public resource being sold and disposed of like a raw commodity. It is a tragic abuse of the public trust, and a shame on the Federal agencies that have served as enthusiastic accomplices and actual promoters in the destruction.

PROFESSIONAL GEOLOGISTS SUBMIT VIEWS ON ENERGY CRISIS

Mr. HANSEN. Mr. President, some of my colleagues may grow weary of my continued efforts to impress them with the gravity of the Nation's energy situation but I want to be sure that I have done everything possible to present the most reliable information available to them.

One of these sources is the American Association of Petroleum Geologists which has a membership of some 15,000. Officials of this professional organization came to Washington last June to present their views on the energy crisis to Federal officials in the executive branch and in the Congress.

Bill Curry of Casper, Wyo., who was then AAPG president said at the time that without exception, from White House energy advisers to legislative leaders and staff members, they were greeted with great interest in having the professional explorationists' story heard.

Concerned with what they termed the looming spectre of dropping from an energy "have" to a "have less" nation, the group conferred with key Government officials in the White House and the Department of the Interior as well as Senate and House Members and committee staff people who are conducting or planning energy studies.

> We found extreme interest at being better informed on the skills and economic risks involved in the search for new reserves required by the U.S. to head off a dangerous shortage.

Bill Curry told me.

> It seemed to be almost beyond the comprehension of the people we conferred with in Washington that the U.S. could soon experience a real energy crisis.

The statement AAPG submitted for the record of the recent symposium on energy policy and national goals reemphasizes their concern that an adequate domestic supply of fuels must provide the energy this Nation has to have for its very survival. Without this domestic source of energy, this great Nation could be brought to its knees because of an ever-growing dependence on foreign energy sources.

I ask unanimous consent that the statement submitted to the Senate Interior Committee on energy policy and national goals be printed in the Record.

Also, I ask unanimous consent that a speech by Bill Curry entitled "Oil Is Found (or Not Found) in the Minds of Men" be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Oil Is Found (or Not Found) in the Minds of Men

(By William H. Curry, president, the American Association of Petroleum Geologists)

With due apologies to one of our most revered leaders of petroleum exploration, Mr. Wallace Pratt, Oil is Found (or Not Found) in the Minds of Men—but not the same men. While geologists are being urged by colleagues and supervisors to be imaginative and to probe deeper waters or unconventional provinces, theoretical economists and self-styled watchdogs of the public good, threaten and impede the progress of exploration for oil and natural gas.

For some time, the oil and gas industry has been beating the drums for our domestic industry in order to emphasize the need for safe and secure supplies of oil or gas for our own needs as well as to insure production, in case of war or other great demand. We have all seen the folly of too much dependence on foreign oil, yet our eastern critics wave this off with comments on the availability of Canadian and Venezuelan supplies. However, we cannot commandeer Canadian production, and Venezuela, while imposing sharp new taxes, implies overwater transportation. Risks of one sort or another cannot altogether be avoided; so industry must take its calculated chances and the American public also will have to understand that future supplies of light, fuel, and power cannot be guaranteed without risk of cost increases, environmental changes, and pollution dangers, as well as dry holes. These challenges can be met with good management and good field practice, but we simply cannot guarantee a risk-free society. Even life itself has its uncertainties. These risks, together with other uncertainties of the future, must have prompted someone in Washington to ask, Just *what is* the future of the domestic industry and *where is* it?

At the request of the Secretary of Interior, the National Petroleum Council initiated a study of the Nation's oil potential, the results of which will be published by June 1971 by AAPG under the title, *Future Petroleum Provinces—Their Geology and Potential.* This investigation of all the continental areas of the United States, as well as Alaska and the contiguous shelf regions, indicates a vast potential of undiscovered, as well as unproduced, oil and gas. Estimates of possible future producible oil in the United States are between 107 billion and 199 billion barrels, depending on differing estimates of recovery rates, along with more than 911 trillion cubic feet of gas. How much of this potential can be realized will depend on extraneous factors promulgated in the minds of the politicians and regulators.

The American Association of Petroleum Geologists makes a compilation of exploratory drilling statistics each year to record the total of such wells, accumulated footage, and success ratios. For the year 1969, more discoveries were made as a result of more exploratory drilling. Nationally, exploratory drilling was up 9.3 percent, while the success ratio improved from 14.6 percent in 1968 to 17.5 percent in 1969. Overall, total drilling was off .3 percent.

With the advent of the stratigraphic trap, geologists and particularly the independents, have been advocating more drilling as a means of finding more oil and gas. Many of our exploratory leads are subtle developments in the subsurface, found only as a result of drilling, with its attendant logging and testing. When one views the oil provinces volumetrically, the known oil and gas accumulations are contained within hundreds of cubic miles of sediments. To probe the unknown portion of our basins and productive potentials, volumes in the order of thousands of cubic miles of sediment will be involved. The magnitude of exploratory effort is thus immediately apparent—it is enormous.

And it will be costly. Latest figures released by a joint study by API, IPAA, and the Mid-Continent Oil and Gas Association show total costs of drilling up 8.4 percent from 1968 to about $2.6 billion. Costs for oil wells average $19.28 compared to $18.63/ft. in 1968 and average costs for gas wells at $25.85 contrast with $24.05 in 1968. Average depths were also greater; 4,486 feet for oil wells; 6,024 feet for gas wells; and 5,307 feet for dry holes. Average cost for dry holes was $13.23 per foot and average cost for wells, of all categories was $88,554.

The thesis that more drilling results in more oil and gas is difficult to deny. As a case in point, in my home state of Wyoming, exploratory drilling was at a level of 300–350 wells per year with an annual production of 140 million barrels prior to 1968. After the Bell Creek discovery, exploratory drilling increased 60 percent to 500–550 wells per year, most of the increase being in the same Powder River Basin. Statewide production in 1969 was an all time high of 155 million barrels; 1970 set a new record of 160 million barrels. This increase in wildcatting led to major discoveries at Kitty, Recluse, Hilight, and a total of fifteen new Muddy sand fields for total reserves (primary and secondary) of between 250–300 million barrels as of April 1970. Between January 1967 and April 1970, there were 720 exploratory wells in this district and 860 development wells. A total of exploration and development costs estimated at $150 million were expended to establish 250–300 million barrels of recoverable oil. The Muddy sand play in Wyoming has been good business, and has found oil as a result of an active drilling campaign. Not all wildcatting is this lucrative, of course, and there will be leaner years ahead. But if we do not venture wildcatting, we never know.

Although we geologists believe a potential supply of oil and gas exists, and in our minds, we can find it, the distrust of our industry in the minds of many in Washington and the public at large deters us. Threats of nationalization, price control, and restrictive leasing practices—all in addition to tight money—curtail our drilling. Conservationists in some cases have become extremists. Ridiculous statements about melting polar ice caps to flood our cities as a result of arctic oil spills, and offshore ecological imbalances due to drilling, do nothing but alarm the public. Such suspicion renders honest dialogue impossible and darkens the industry's sincere efforts to correct errors. With the predicted shortages of gas reserves as a result of FPC pricing policies countered by such statements as its being an "energy myth," how can we get through to the public? Why should we not speak out forcefully and tell the public "We told you so"?

This forthrightness should go into our councils when we discuss tax legislation, Public Land Law Review matters, and continental shelf regulation. We geologists have a great stake in the future of these matters because this is our land and, as citizens, we have a responsibility to employ our talents for a better national programming of energy matters.

The Public Land Law Review Report carries restrictive threats to the explorationist and the industry. In the Public Land States of the West, the recommended change from simultaneous filings to competitive bidding for leases on public land would be disastrous to the small operator and independent. It would raise the floor of leasing costs and invalidate original and individual exploration plays. The suggestion of substituting in lieu of tax payments to the Western states instead of the present income from royalty on production would hurt Wyoming and New Mexico. Today, Public Land states receive 37½ percent of the one-eighth royalty on federal land, which for Wyoming now amounts to about $20 million per year. The new system would return only one-sixth of this amount or about $3.5 million; you can guess who will be called upon in the future to make up the deficit.

The continental shelves are the greatest potential for new big oil and gas deposits. The onshore geological conditions often continue for many miles seaward and again, new sediments, structures and reefs appear offshore. Difficult as this exploration and development is, the Federal Government insists upon making it more expensive and restrictive. The request for raw data and the purchase of independent seismic records for pre-sale evaluations add to the overall costs. The government cannot establish "value" by these methods because that comes only with drilling. What is really being talked about is price of leases in the market place.

The arbitrary cut-off of sovereignty at the 200 meter depth line proposed by the President, is an arbitrary and unrealistic boundary. Sovereignty and exploration should go to the outer edge of the shelf—to the toe of the slope. It will be more logical to extend exploration into deeper water on definite seismic features than to chance the uncertainties of stratigraphic trap exploration in shallower water. Though that may come later.

Explorationists also need freedom of organization. The Federal Trade Commission has instigated an investigation into monopolistic tendencies in the energy fields. Implications are that companies wish to control all energy fuel sources for the benefit of higher prices and control of the market. Here, again, we professional geologists must be concerned because our exploratory disciplines cross the lines between searching for oil, gas, uranium, and coal. Certain common denominators apply across the board to all sedimentary mineral exploration. For instance, the petroleum geologist and the uranium explorationist both speak the common language of core drilling, facies changes, sand permeabilities, stratigraphic traps, ground water circulation, and tectonic history. It is obvious and natural for us to move back and forth in our professional lives from one sedimentary mineral to another. So, with water, coal, and other non-energy minerals, for that matter.

Another point of logic and commonality is that, often, exploration for several energy minerals may be on the same land. Core drilling for coal may turn up structure for oil or gas. And so with uranimum. Therefore, it seems logical for a single company to move its technical personnnel from one field of exploration to another, rather than fractionate into separate organizations.

AAPG estimates that 15 percent of its members are now working on "other" minerals, and we are inviting sedimentary explorationists to join our ranks.

As for monopoly, the large numbers of companies who are in sedimentary mineral exploration are comparable to those in the highly competitive gasoline business. It would seem that the free play of competition would insure fair prices to the consumer. Moreover, the Government's offshore pre-sale evaluations and leasing practices are forcing sales prices so high that cooperative efforts are necessary for companies to share the risk and cost. Thus, the Federal Government and certain Washington legislators are crying monopoly on the one hand and forcing togetherness on the other. The high lease sale prices—even Wyoming coal is now selling for $500 per acre—being forced on the Industry are certainly inflationary and cost increasing. Yet there is the criticism of product prices.

In order to combat these various and sundry threats, restrictions, and limitations to our business we must have an enlightened profession. Steps are being taken by AAPG, along with other professional groups, to equip their members (and it is hoped, their management) for greater exploration efforts and capabilities. Continuing education and distinguished lecture series are providing up-to-date thinking and techniques. An awareness of the environment and our responsibility to it are being established by an ad hoc Environmental Geology Committee. Geologists are keenly aware of environment because it and the consequences of change are expressed throughout the geologic column in fossilization, facies changes, rock types. Moreover, we are the first of our industry to go on the land and the first to produce in a drill stem test—if we are lucky. In order to go on to other exploration sites, we must properly take care of our first efforts to maintain the environment as we found it. Most of us were attracted to geology in the first place by our love for the outdoors and a desire to keep it natural. Geologists are in a total relationship with the earth, its mineral resources, and its people.

AAPG is encouraging other sedimentary mineral explorationists to participate in professional affairs, to become knowledgeable on current events, and to join our ranks in promoting what we believe to be fair and right. Along with other professional groups, we are recommending a self-certification program to our members as a means of safeguarding the public and insuring our own inhouse sufficiency. We are practicing our right to speak out on the issues of the day, hoping to help in the overall benefaction of the industry that supports our profession.

In spite of the wishful thinking about "cheap foreign oil" and the threats of uncontrolled imports and offshore production, extraneous factors are inexorably forcing us to look inward. Nationalization of properties abroad, excessive foreign taxes, tanker shortages, all, should make Washington and the public realize that we must not forsake onshore America in future exploration and development planning. The nitty-gritty of future supplies may well depend on fuel production from oil shale and coal, as well as deeper drilling and the potential of new provinces. The long lead time of research and pilot plant operations must be figured into the future. One doesn't just wish these things into production; they must be legislated into positive action now for future use.

Finally, we must say that the full weight of responsibility for the nation's future supplies of natural gas, gasoline, and fuel oil rests largely in the minds of nonprofessionals and nonindustry influences.

The weakness of our position in this dialogue is, that we are attempting to answer irrationality, emotion, accusation, and political prejudice with reason and logic. It is an uneven dialogue. The facts are that the industry's troubled position and the public's insecurity have been brought about largely by politics—which means votes. We have been told that there are more consumers than there are producers; and, in our political system, where the consumers are is where the muscle is. Thus, we need the weight of public opinion on our side.

To those who are distrustful, suspicious, and unconvinced of our efforts, may I say that the minds of the professionals are ready, willing, and able to do the job ahead if the free enterprise tenets of competition, fair market practice, and unrestrictive legislation are permitted to prevail. Future estimates of demand certainly indicate that the market will be there.

Statement by the American Association of Petroleum Geologists at a Symposium on Energy Policy and National Goals—October 20, 1971

(Pursuant to Senate Resolution 45, "A Study of National Fuels and Energy Policy," before Senate Committee on Interior and Insular Affairs.)

The American Association of Petroleum Geologists, as the world's largest geological organization, represents more than 15,000 members, most of whom are professional exploration geologists, employed by major companies, independent companies, and as consultants, in the daily application of scientific principles to the search for oil and gas and other energy fuel resources. It is obvious that the successful efforts of these professional scientists are vital to the welfare of the United States and of fundamental significance to the study of national fuel and energy policy now before this Committee.

Most of the discussion of future energy sources to date has dealt with supply, very little with reserves, or with the exploration that leads to finding resources of oil and gas. "*Supply*" means sources readily at hand. "*Reserves*" means resources definitely located and evaluated but not immediately available.

Supplies cannot be had unless a reserve has been developed previously. It will do no good to open the spiggot unless there is an adequate reserve behind the spiggot.

Reserves of oil and gas have been developed only by a lengthy and expensive process of exploration. There is a delay averaging about five years between the start of an exploration project and the marketing of whatever petroleum and natural gas is ultimately discovered.

In addition to time, exploration to develop a reserve requires money and the technological skill. Publicized sources have estimated that during the decade 1975–1985, an annual capital investment of twenty-five billion dollars will be required to fill demand for energy supplies. We geologists foresee a decline in petroleum exploration during that decade, and a consequent dangerous lowering of reserve with relation to supply. This will most certainly be true unless there are new economic incentives to put capital into the risky business of exploration.

Reserves of oil and gas are not discovered by accident, but by the application of the skill and training of geologists and geophysicists who gather data on underground conditions and evaluate the risks of drilling exploratory wells.

The supply of geologists, like the supply of petroleum, cannot be turned on overnight unless there is a reserve of geological talent active in the industry. It takes years of academic training plus much experience in actual exploration to develop the technological skill for developing new reserves.

Unless there is an active, expanding petroleum industry employing geologists and other earth scientists in exploration work, there will be no one trained in oil-finding. As matters stand today, there is already a crisis in exploration.

Representing The American Association of Petroleum Geologists, we believe it is fitting that the American people recognize the successful accomplishments of the petroleum geologist and their effect upon the betterment of the welfare of the individual and society as a whole. We also believe that an understanding of the relationship of exploration to the development of natural resources reserves is essential to effective planning and action, and will ultimately be instrumental in assuring a realistic fuels policy for national energy goals.

Sherman A. Wengard,
President.
William H. Curry,
Past-President.
James E. Wilson,
President-Elect.

THE GENOCIDE CONVENTION: ANOTHER STEP FOR WORLD PEACE

Mr. PROXMIRE. Mr. President, American ratification of the Genocide Convention is in the best interests of our country. Modern communications and transportation are daily decreasing the size of our world. We are being forced into closer and closer proximity with each other. It is certainly in our best interests to make this arrangement as peaceful and orderly as possible. The Genocide Convention is an instrument that will help to insure world peace.

The massive horrors of genocide can not be readily confined to one country. They overflow national boundaries and affect everyone nearby. There is a close connection among ethnic hatred, national combat and world peace. Ethnic hatred can lead nations to fight one another and so endanger world peace. Every breach of international peace carries with it the danger of thermonuclear war between the superpowers.

The Genocide Convention, by helping to prevent outbreaks of ethnic hatred, will help to preserve world peace. This treaty requires each signatory nation to enact legislation, in accordance with its constitution, to prevent acts of genocide. The time has come for the United States to do its part. The Genocide Convention is in our own best interests because it will help to preserve peace.

Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

PUBLIC TRANSPORTATION AND URBAN AREAS

Mr. HUMPHREY. Mr. President, in a recent issue of Traffic Quarterly, Walter S. Douglas examines the entire issue of public transportation as part of the urban transportation problem. He correctly points to the systematic, interdependent effects of transportation on the way people live, the kinds of jobs they have, and where employment is located. He recognizes something that transportation policymakers are just beginning to realize: that the character and quality of transportation will be a major determinant of both the standard of living of urban citizens and the price they must pay for that standard of living.

In many ways, the urban areas of this Nation have functional problems that are circular. Transportation shapes our living habits and our living habits in turn shape the mode of urban transportation. Transportation planning, therefore, must also be comprehensive; it must be cognizant of the needs of the urban population as they presently exist and as those needs will change in the future.

Public transportation, as Mr. Douglas correctly notes, has rapidly deteriorated, both in quantity of service and quality of service. Many of our Nation's buslines are operating at less than one-half capacity; and the continued operating loss of our urban transit systems only means greater demands on the tax dollars of city and metropolitan governments.

What is needed to correct this imbalance, besides resources, claims Mr. Douglas, is a precise definition of objectives of public transportation. And, once the objectives are fully specified, decisions can be made as to what mode of transportation can best accomplish this task.

To stimulate our thinking, Mr. Douglas has outlined a set of objectives for public transportation in urban areas. I commend this article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Public Transportation as Part of Total Urban Transportation

(By Walter S. Douglas)

Mr. Douglas is senior partner in the firm of Parsons, Brinckerhoff, Quade & Douglas and is recognized as one of the nation's foremost authorities in the planning and design of urban and regional mass transportation systems. In addition to his original planning of the $1.3 billion San Francisco system now nearing completion, he has directed the preparation of plans for public transportation systems serving Atlanta, Baltimore, Chicago, Detroit, Pittsburgh, Southern New Jersey, St. Louis, and Caracas, Venezuela. He has been awarded the James Laurie Prize of the American Society of Civil Engineers for his contributions to the field of transportation and was elected in 1967 to the National Academy of Engineering. In 1970 he received the MOLES annual award for "outstanding achievement in construction."

An understanding of urban transportation, both public and private, must begin with recognition that transportation systems will vitally affect the urban environment and, in turn, requirements for transportation will be dictated by that environment. It is equally important to understand that within the urban environment, the character and quality of transportation will be major determinants of both the standard of living of urban citizens and the price that they must pay for it.

Transportation is undoubtedly the most significant single influence on the shape of a metropolitan region. As long as the places at which we conduct our daily activities are separated from each other and from the houses we live in, it is absolutely vital that we be able to move from one place to another easily and without discomfort. It seems, with the passing of each day, that the places which we must, or want to, visit become more numerous, more distant, and more widely scattered. This is not only because the locations themselves are changing but also because the activities in which we desire to engage are becoming more numerous and more varied. With the growth of these activities and of the additional space that they require we are experiencing at the same time a more concentrated use of space in some areas, and entirely new development in areas once only pasture or marsh. The activities referred to, and for which every metropolitan region is expanding to find room, are the housing, shopping, manufacturing, educational, and institutional functions which a rapidly expanding population requires.

These simple but fundamental observations, which are quoted from the 1956 report to the San Francisco Bay Area Rapid Transit Commission, are as pertinent today as they were then, when the San Francisco system, now nearing completion, was being formulated.

Thus, urban transportation not only shapes the distribution of homes and activities in a metropolitan area, but is, in turn, shaped by it. This interrelationship does not, however, generate the only impact of transportation on the urban environment. Inevitably, the structures over or within which transportation operates form important elements in the urban visual and functional scene. When sympathetically designed, they are in harmony with their surroundings and may be the focus of attractive developments, may serve to integrate and unite other facilities, and may offer opportunities to meet other urban needs by joint use of rights-of-way and air rights.

There are many examples of these impacts and opportunities. An elevated highway, for instance, through a densely developed area is often out of scale with surrounding structures and may seriously impair the general appearance of an area. If, on the other hand, such a highway, though at substantially greater cost, were built depressed with intersecting streets carried on bridges above it, the visual effect on the area concerned would be minimal. Freeways in Detroit are a good example.

Underground rapid transit in Stockholm, Montreal, and Mexico City, and particularly the stations, is sympathetically designed. The stations of these systems are handsome. The designers exploited opportunities for joint development by creating underground shopping complexes, pedestrian walkways, special access to major buildings, and attractive visual features such as fountains, displays, and planting. Similar developments are being incorporated into the San Francisco Bay Area station complexes.

Joint use of rights-of-way have been exploited in the Congress Street and other freeways in Chicago, where rapid transit occupies the median strips. Similar opportunities have been developed in San Francisco and are contemplated in other metropolitan areas. In Baltimore, joint development of interstate freeway rights-of-way is planned for parks, schools, and housing.

Still another consequence of urban transportation is receiving special emphasis these days. In several major cities, dense concentrations of automobiles are emitting exhausts which the enveloping air unable to adequately dilute or dissipate. Air pollution is the result, and public transportation, particularly electrified rapid transit, may become very important in ameliorating such conditions.

But it is not only through its impact on the distribution of homes and activities, on regional aesthetics, and on air quality that transportation affects the quality of living of the metropolitan citizen. Other aspects of his standard of living within the environment are greatly affected also. If he must travel an hour or more each way to work and back on every working day, he is forced to devote to commuting at least one-third and sometimes one-half of the time available to him after working, eating, and sleeping. It is only this residual time that he can devote to education, sports, hobbies, entertainment, and leisure; and it is its availability and use that so markedly affects his contentment and enjoyment of life. It is also true, however, that for these aspects of living he must have not only time but also available income.

In today's dispersed living, few people reside within walking distance of their points of employment. Where such is the case, which is dominant in most American urban scenes, and if bus service is either inadequate or unattractive, it is necessary or desirable to use the private automobile. If, in a single-automobile family, the use of the automobile is required throughout the week for the exclusive purpose of going to and from work, then the housewife is seriously limited in her ability to get around, except during weekends. It is this restraint, or the requirement of a car to get to her job, if she works, that has led to increasing numbers of two-car families. As a consequence, a serious economic burden is thereby placed upon them. Any calculation of minimal real cost of owning and operating an automobile equals or exceeds $1,500 per year. If two cars are required for transportation, then twice that sum becomes unavailable for the important educational and leisure activities noted above. On the other hand, if public transportation is available and attractive, only one car may be necessary for the family. The wife may drive her husband to and collect him from a public transportation station or stop; or if both work, they may park their car at the station. Thus, their transportation costs may be almost halved. There is a dividend also for those who must use their cars in any case because the use of public transportation by those for whom it is convenient may abate for other delays caused by motor vehicle congestion.

All that has been noted thus far in this review has been directed toward demonstrating the immense impact of transportation on the quality of the urban environment and upon the standard of living of the metropolitan citizen. No attempt has been made to limit the discussion to the influence of public transportation only; rather, recognition has been given to the fact that public and private transportation are, and must be, intimately interwoven. Their influence is joint and several. The role of public transportation in its environmental impact and in its economic and financial impact, as will be noted below, derives from the part it must play in the total transportation system.

THE ROLE OF PUBLIC TRANSPORTATION

In considering the role of public transportation it is of compelling significance that income generated from the operation of transportation facilities is not adequate to recover interest and amortization of capital costs and, particularly with respect to bus operations, is rapidly becoming inadequate to recover operating costs. Construction and operation of urban public transportation facilities is therefore becoming increasingly, and eventually may be exclusively, carried on through what economists refer to as the public sector. Interest and amortization of capital costs certainly, and the cost of operations in some cases, must be supported by taxes. Thus, public transportation is in competition for the tax dollar with such other vital elements of the public sector as schools, waste collection and disposal, water supply and distribution, flood control, irrigation, power, police protection, fire protection, federal, state, and municipal administration, medical care, aid to the needy and indigent, and a host of other public needs.

It may be argued that the financial prospect outlined above for public transportation is not true for private transportation because income generated by user taxes for vehicles operating over highways has, in general, been adequate to recover the cost of both construction and maintenance. In a broad sense, this is true, because highway development has, almost from its inception, wisely been considered on a total system basis. The justification for each element of a highway system has derived not from income generated by taxes on fuel, tires, and other items consumed on the individual section of highway but rather from the role it plays in the total system. While it is true that user taxes on roads and streets and urban centers built many years ago and, in some cases, maintained out of municipal budgets have been the source of much of the income to build intercity, intrastate, and interstate systems, nevertheless the American people have strongly desired an efficient, pervasive total highway complex and have been content to pay for it in that fashion. The difficulty with transpotration in our major urban centers comes not from the systems concept of highway development and financing but rather from a failure to recognize that the same total system should include within its complex the vital elements of public transportation, particularly along regional corridors and in regional centers where space limitations make it impossible, and environmental considerations make it undesirable, for the private motor vehicle to do the whole job.

I hope it is clear from what has been outlined above that the nature and quality of urban public transportation will depend not upon cost benefit calculations, though they are useful, but rather upon the understanding that the public may have of the issues at stake in terms of the quality of the urban environment and upon the standard of living within that environment. Assuming such understanding and recognizing the necessity of taxes to support urban public transportation systems, the amount to be invested to create and operate such systems will depend upon the priority given to favorable transportation development by the public, in its total shopping list for the public sector. In the final analysis, such investments and subsidies will depend upon what share of the tax dollar will be allowed for tranportation, taking into account the various other public needs.

OBJECTIVES AND FORMS OF PUBLIC TRANSPORTATION

A professional in the field of transportation planning, particularly in the field of public transportation planning, is therefore inevitably confronted with casting his judgment, or providing analyses upon which others can cast theirs, as to resources which the public and its agents will make available for public transportation. Taking into account all the factors already briefly outlined, it is believed that the current decision-making process will arrive at the following specific objectives:

The first fundamental derives from the immense investment the public has in its automobiles and its street and highway system and the fact previously emphasized that public transportation will require subsidy of capital costs and, in the case of surface bases, probably of operating costs also. It follows inevitably that, within the total urban transportation system, public transportation should be provided only when clearly required, and should be limited to the following specific objectives:

1. To provide reasonable regional access to jobs, in particular, and also to regional commercial and recreational activities for those who do not own or have access to a private automobile;

2. To supplement the private automobile and bus along principal travel corridors to major metropolitan areas in order to provide an attractive, competitive alternative to traffic congestion;

3. To sustain and enhance desirable existing regional developments and to stimulate and orient other developments to insure an attractive environment in a viable metropolitan region.

The first of these objectives will require extensive surface bus and, in a few cases, trolley systems. This is hardly debatable. To serve those who do not have access to private automobiles, a transportation system extending within practical walking distance of their homes is required. The cost of subways for such comprehensive service would be out of all proportion to the need for funds for other public service.

On the other hand, all those experienced in community reaction to transportation structures know that no extensive elevated system of any kind will be tolerated in residential areas. In light of the state of the art today, or that which will prevail at least in the next two decades, extensive surface bus systems in dense urban areas will be a necessity.

It will not be useful to attempt to express standards for bus systems in terms of specific figures for duration of allowable access walking time, headways, express service, air conditioning, or other comfort features. Service and features will depend, in each metropolitan area, on finding a reconciliation of extent and quality of service, and tolerance of subsidy, by tax support. Engineers and professionals may provide facts and figures; the public's representatives and, in some cases, the public itself in referendum, must make the policy decisions.

The fulfillment of the second objective—the provision of an attractive public transportation alternative to traffic congestion along a region's major circulation corridors and in its major centers—is a necessity to make surface transportation, be it by private motor car or bus, work. An inherent, and as will be brought out later, a desirable characteristic of most major metropolitan areas is a concentration of jobs in major centers. It is travel to and from these jobs that creates the familiar traffic congestion during the morning and evening periods of peak traffic. The first requirement under such conditions is a limited-access highway network, supplemented by parking lots and garages and modern programs of traffic signaling and management. The limited-access highway becomes available for private motor car and bus alike, and off-street bus terminals may fulfill the same function as do parking facilities for the private motor vehicle.

As a region approaches and exceeds one million persons in population, the limited-access highways, center city streets, and parking facilities themselves become congested. In most cases, a second network of limited-access highways becomes impractical, partly because of community response to yielding the necessary land for rights-of-way, and partly because the streets of major city centers are already surfeited with automobiles and can receive no more without intensifying already serious congestion.

In these cases, and particularly for regions rapidly expanding in population and activity, a grade-separated rapid transit system—a true express public transportation system—will be necessary. By this means only can a practical alternative to traffic congestion be offered to commuting citizens. The standards of such an express public transportation system must be predicated upon the concept of a practical alternative to traffic congestion. They may be broadly summarized as follows:

1. Speed averaging 40 to 50 miles per hour, including time for station stops. This will necessitate a completely segregated and grade-separated right-of-way.

2. Practical interface with both private motor vehicles and buses by parking lots, pick-up and delivery points for cars driven by such chauffeurs as wives and others, and bus transfer loading and unloading platforms.

3. Stations within walking distance of the largest concentration of jobs, employment, and commercial activities. This will require a series of stations rather than the single terminal of commuting railroads.

4. Comfort and convenience, including short headways, air conditioning, and other features comparable in attractiveness to those offered by the private motor vehicle.

5. Route and station locations and design and noise levels harmonious with the neighborhoods traversed.

The third objective for public transportation, which is to sustain and enhance desirable existing regional centers and activities and to stimulate and orient new growth and development, is at least as important as the first two. Its fulfillment is, in fact, necessary to make practical the bus and rapid transit facilities required by the first two objectives. In turn, the latter are necessary to mold and orient regional growth.

In this era, dispersion of homes throughout a metropolitan area is inevitable. Some prefer inner city apartment living, but many—in fact, most—seek single-family homes in suburban neighborhoods. Relatively few of those residing in such suburbs will arrive from their homes at rapid transit stations of a major metropolitan area by walking. Most will arrive by private motor car or bus and will have to transfer. It is very important, therefore, that those who do have to transfer at a rapid transit station do not have to transfer to another local system to reach their final destination. In order to avoid this, jobs and commercial activities should be clustered around rapid transit stations within convenient walking distance. To avoid an impractical number of jobs and activities around a single station, distribution in major city centers should be provided by a series of stations.

It should be emphasized that it is neither necessary nor desirable for jobs and activities to be clustered in a single city center only. Such massive concentrations, as may be witnessed in some of our older cities, induce congestion no matter what measures are adopted to relieve it. It seems clearly preferable that jobs be clustered in various centers in a metropolitan region. These centers may be connected to each other by rapid transit and to the homes by stations in the intervening residential areas which the system will traverse. This is neither dreamy nor impractical. To a degree, commuting railroads did this in an earlier era and their impact on regional land use remains with us in many of today's suburbs. But, most commuting railroads no longer meet standards that permit them to compete effectively with the automobile. Regional rapid transit, however, can do this.

From all the considerations outlined in this review is derived the concept of optimum regional development and transportation development in the form of clusters of jobs and commercial and industrial activities, connected by express transportation in the form of regional freeways and rapid transit with interchanges and stations serving the intervening residential areas, supplemented by comprehensive local transportation in the form of roads and streets for private automobiles and buses. Let there be added certain forms of transportation often overlooked—walking and perhaps increased use of bicycles, both made possible by the orientation of activities around rapid transit stations.

It is also within such a framework that opportunities for joint development and for enhancement of regional aesthetics, as described earlier in this review, will be possible.

CRITERIA FOR NEW TRANSPORTATION FORMS

This discussion of urban public transportation would not be complete without some consideration of the search for some new and different type of grade-separated public transportation system—some breakthrough in the form of a type of system not now in general operation. Dozens—perhaps hundreds—of different systems for vehicles have been and are being proposed for this purpose. In evaluating their desirability, a point of reference is essential. Since modern automatically controlled rail transportation is the only fully proven and fully developed facility for a complex regional system, it should be considered as a standard for comparison of all current proposals. In this connection it can be stated unequivocally that modern rail transportation can fulfill all requirements for speed, comfort, and convenience and can be made acceptable to the community with respect to environmental impact, including noise. In addition, it is highly adaptable for operations on the surface, on elevated structures, or in subways. It is reasonable to state, therefore, that proposals for other systems should be compared to modern rail transportation and should offer opportunities to reduce costs. One such system is the bus, operating on its own grade-separated right-of-way, in itself a form of rapid transit. This is a desirable development in the median strips of freeways and a possible development on roadways devoted exclusively to buses. Such facilities should be considered where peak long-range volumes are less than 10,000 to 12,000 passengers per hour.

There is one development involving guided vehicles, automatically controlled, which, though not fully developed at this time, does deserve bona fide research, testing, and development. This is the Tracked Air Cushion Vehicle, powered by a linear motor. This does offer the possibility of operating economically due to the minimizing of friction, the elimination of the wheel, and the low vehicle configuration which that elimination may make possible. However, conclusive opinions cannot be formulated in advance of a serious and extensive research program. Of the many other proposals advanced, several are physically practical. None, so far, has offered lower cost, improved useful speed, comfort, or convenience, or any other compelling advantage over modern rail. Most involve much more awkward switching than is available for rail. Some cannot run over the ground and some are expensive in subways. Others are expensive in operation. None offer the elevated construction that will be desirable in residential areas or in high rise commercial areas.

The search for technological improvement must continue, but it should be continued with a clear concept concerning in what characteristics improvement is sought.

SECRETARY STANS ANSWERS

Mr. GRIFFIN. Mr. President, in light of remarks made on December 13 by the distinguished junior Senator from Alaska (Mr. Gravel) concerning Secretary of Commerce Stans, I ask unanimous consent that certain questions submitted to Mr. Stans by the Associated Press and his responses be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

Answers From Secretary of Commerce Maurice H. Stans to Questions Submitted by Sandy Schwartz, Associated Press

Prior to your confirmation in 1969, you outlined to the Senate Commerce Committee arrangements you were making "in order to devote full time and attention to the duties of office and avoid circumstances which might imply any potential conflict of interest." You told the committee, however, that you were retaining control of the Stans Foundation. In July 1969 the foundation acquired an interest in the Siam Kraft Paper Co. which was operating on a $14 million Ex-Im Bank loan.

Siam Kraft Paper has continued to benefit not only from that still-outstanding loan, but also other government activities, including the assistance and interest of Ex-Im Bank officials and State Department personnel some of whom also from time to time look out for Commerce Department interests in Thailand.

1. Doesn't the fact this company benefits directly from U.S. government assistance, including cash and various other activities of U.S. officials, constitute a conflict of interest for you?

Answer. I own no holdings in Siam Kraft Paper Company. The Stans Foundation, which is a non-profit, charitable organization, owns a very minor interest, most of which it acquired in 1968. The Foundation owns only 2,667 shares, out of a total of 2,000,000 shares outstanding.

There is nothing whatsoever in this situation that could conceivably involve a conflict of interest for me. I have no personal holdings in the company and I have never discussed its affairs with anyone in the United States Government.

2. In a larger sense, Thailand itself is heavily dependent on U.S. military and economic assistance. Therefore, wouldn't a conflict of interest situation automatically exist for a U.S. government official who had any investment there, regardless of whether the company benefited directly?

Answer. Since I have no investment of any kind in Thailand, there can't possibly be a conflict of interest situation for me there.

3. Although you told the Commerce Committee you drew no income from the foundation, isn't it true there are numerous tax benefits available directly to you because of the foundation?

Answer. I can't conceive of any tax benefits available to me because of the activities of the Stans Foundation. The Stans Foundation pays me no compensation, and I have had no transactions with the Foundation for years.

4. Isn't it also true that one benefit available to you, at least prior to passage of the 1969 Tax Reform Act, was the payment of safari expenses by the Nature Museum in Rock Hill, S.C., which in turn is supported in part by the foundation?

Answer. The Stans Foundation has never paid my safari expenses, either directly or through the Nature Museum in Rock Hill, South Carolina. I have personally paid all of my safari expenses.

INDIAN CLAIMS COMMISSION AWARD TO BLACKFEET TRIBE

Mr. METCALF. Mr. President, one of the pending bills that is apparently not going to be resolved is S. 671, providing for the disposition of funds to pay a judgment in favor of the Blackfeet Tribe as awarded by the Indian Claims Commission.

The bill as passed by the Senate related only to the judgment funds of the Blackfeet Tribe. A related bill, H.R. 9325, passed by the House of Representatives, provided for the disposition of the judgment funds of both the Blackfeet and the Gros Ventre Tribes of the Fort Belknap Reservation in Montana.

The Senate Committee on Interior and Insular Affairs has not held any hearings nor has it received any recommendations on the disposition of the Gros Ventre settlement. It would be difficult to go to conference on this part of the bill without additional evidence from the administration and the Gros Ventre tribal leaders.

The Blackfeet Tribe has written me objecting to portions of H.R. 9325. So even the Blackfeet settlement should be the subject matter of additional consideration.

I ask unanimous consent that the letter from Robert E. Howard, director of the community action program of the Blackfeet Tribe, be included in the Congressional Record at the conclusion of these remarks.

A serious disagreement between S. 671 and H.R. 9325 is the provision for offset of the individual award money for welfare payments. The Senate bill provides that the per capita payments as a result of the claims award are to be exempt in determining eligibility for public assistance. When the Department of the Interior report on S. 671 was made, this feature was not mentioned and apparently met with administration approval.

On the other hand, the Secretary of the Interior in his report on H.R. 9325 objected to such an exemption on the House side and the House bill does not contain this exemption. Mr. Howard discusses this problem in his letter, which I previously inserted in the Record.

I have talked to Senator Jackson, our committee chairman, about this legislation. He is anxious to have it cleared and has assured me that early hearings will be held next session on the differences between the Senate and House bills. It could well be that as a result of the testimony adduced, the Senate could agree to the House version of the Gros Ventre settlement. The whole area of exemption from public assistance payments can be explored. It may or may not be necessary to ask for a conference. Perhaps an amendment agreeable to the House would be adequate. But all these solutions depend upon additional hearings and committee resolutions.

Therefore, with the assurance from Senator Jackson that S. 671 and H.R. 9325 are going to have high priority in the second session and hoping to quickly resolve the differences between the two bills, I am not going to ask that they be sent to conference at this time, but assure the members of the Blackfeet and Gross Ventre Tribes that their claims settlement will be resolved early next year.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Blackfeet Tribe of the
Blackfeet Indian Reservation,
Browning, Mont., December 8, 1971.

Hon. Lee Metcalf,
Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

Dear Senator Metcalf: I have this date received a position paper that was utilized in drafting amendments to H.R. 9325 since passed. This position paper was drafted by the Bureau of Indian Affairs and signed by Mr. Harrison Loesch, Assistant Secretary of the Interior. The paper recommended changes that are *not* in the best interests of the Blackfeet-Gros Ventre Tribes and do *not* reflect their wishes.

Let me point out the incomprehensibility of the portion objected to:

Mr. Loesch, and I quote from his position paper, states: "We also recommend that section 3 be deleted as it has no relevance to the disposition of the current award and that successive sections be renumbered appropriately." End quote.

May I address this quote before going on to another section of this paper. Mr. Loesch is despairingly ignorant of the social and economic conditions of the Blackfeet and Gros Ventre Tribes when he unqualifiedly states that this award and the waiver of welfare income provisions of the State and Federal Government have no relevancy! They are importantly relevant. On the State level, as a member of the State Board of Public Welfare, we have been exploring all avenues that may offer the State and the Indian people a solution to the uniqueness of their income resources. At the present time, for instance, we have submitted to H.E.W. a request for a special study program for research purposes while providing for a disregard until all facts are in. This document and project title is "Disregard of Indian Income". A copy is attached. These two factors are also relevant in that these claims funds are *not* regular, established sources of income; the funds are from the heritage of the people and are as a result of the Federal Government's recognition of the tribes under special legislation, but let me continue with the balance of Mr. Loesch's position paper.

Mr. Loesch continues in another paragraph, which is quite lengthy, and which I will again quote:

"We believe Indians should be in the same status as other citizens with respect to obligations for just debts and eligibility to participate in welfare programs, unless factors such as isolation, abject poverty, illiteracy, and other social problems have hampered an Indian group from developing sensible purchasing habits and left them easily victimized by unscrupulous merchants when a per capita distribution of judgement funds is contemplated. These factors do not appear to be present to any significant extent among the Blackfeet or Gros Ventre Indians who will share in the judgement funds, and therefore we cannot support any exemptions of funds distributed except that pertaining to Federal and State income taxes." End quote.

How preposterously naive can an agency be which is purportedly the trustees for Indian policy! We do not argue that we should not assume the same status as all citizens enjoy pertaining to just debt obligations. We also follow the same eligibility criteria for welfare as any other citizen, *but* we are *not* asking for any general absolution. We are simply requesting that these monies that represent a special type resource under a special Tribe-Governmental relationship carry special provisions for use. Mr. Loesch has turned around the intent of the welfare provision of the original bill to make this point and if carried further would raise the same question about all Indian funds for whatever source. More importantly, Mr. Loesch seems to pluck information from sources that do not reflect conditions on either reservation.

As an example, Glacier County in Montana, according to revised statistics from the Employment Commission, indicate a 15.8% unemployment rate. Of this rate, the Blackfeet Reservation is the source for the greatest amount of the figure. Our unemployment rate is currently estimated to be between 25% and 30%. The welfare statistics for the State place Glacier County fifth in the State for categorical assistance. These statistics indicate that the reservation, which makes up 85% of the county, provides the preponderant share of these statistics and caseloads. The hard to recognize facts are that the Blackfeet Reservation has an estimated per capita income of less than $1200 per annum. Severe weather in this rural, mountainous country creates its own isolation with only two major highways. Abject poverty is prevalent, Mr. Loesch's statements notwithstanding. Prices in the stores have already begun to rise, first for the proposed advance per capita for Christmas and, again, in anticipation of a larger payment later. We already have higher living costs than our off-reservation neighbors which can be documented.

Mr. Loesch, by his paper has revealed another block to what we call Indian Self-Determination. The Interior Department has already received the off-sets so what is the basis for their objections to including sections to a bill that are proposed by the Indian community? Can we not have the opportunity to assist in drafting a bill that we want Congress to act on without the B.I.A. or Interior Department interjecting their distorted purview?

Senator, the welfare provision as you well know, has been supported by the State Indian Tribes and has the tacit approval of the welfare department.

Although the Blackfeet enjoy a better income level, as a tribe, they are far from "well off" individually. The Gros Ventre tribe is economically much less fortunate than the Blackfeet in that they have almost no industrial, recreational or tourism capabilities in sight.

For these reasons, we cannot understand Mr. Loesch's comments nor can we but disagree vehemently with his observations.

Please assist the tribes in this all-important area by re-establishing the welfare provision and establishing who has the authority to make the payment.

Your continued and past assistance is greatly appreciated.

Sincerely,

ROBERT E. HOWARD,
Director, Community Action Program,
Blackfeet Indian Reservation.

UNIVERSITY OF UTAH FOOTBALL TEAM GOES TO JAPAN

Mr. GRIFFIN. Mr. President, I ask unanimous consent that remarks prepared by the distinguished Senator from Utah (Mr. BENNETT) concerning the Utah State University football team be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

USU FOOTBALL TEAM GOES TO JAPAN

(Statement by Senator BENNETT)

Today the Utah State University football team leaves for Japan where it will be the first American collegiate football team to play overseas.

We in Utah are proud of the football tradition of USU, which has no less than 17 alumni in the professional ranks in the United States and Canada—including, notably, Phil and Merlin Olsen who anchor the Los Angeles Rams defense from their tackle slots—and it is fitting that the school establish a historical first by this trip.

Violence generally breeds enmity between nations. However, in using their special brand of violence on the gridirons of Japan, the Big Blue of USU will be ambassadors of good will as well as a fine football machine.

USU will play two games in Japan. The first will be against the Japanese college all-stars from Tokyo on Sunday in the Tokyo National Stadium. The second will be against another college all-star team in Osaka the day after Christmas.

Under Coach Chuch Mills, Utah State will take a team with a record of eight wins and three losses the past season and is loaded with pro prospects. Lined up against the team will be two Japanese squads whose offensive and defensive lines average 165 to 170 pounds, and whose backfields will be manned with players averaging about 150 pounds.

I am sure that no objective football fan on either side of the Pacific Ocean believes the games will be much in doubt. Most American college teams average well over 200 pounds per man on the line and something approaching 200 pounds in the backfield. However, I am confident that Japanese spectators will get their money's worth in watching football American-style, and that players from both USU and Japan will have a memorable experience.

In addition to the two scheduled games, USU players and coaches will be conducting football clinics and giving instructions to both Japanese coaches and players. At this time, football in Japan is well behind its development in this country, with coaches being volunteer rather than paid, and with the sport attracting far less enthusiasm than, for example, baseball.

Mr. President, although I am sure I express the sentiments of the Senate in wishing the USU football team a safe and pleasant trip, I cannot help but feel somewhat sorry for the millions of Japanese housewives who may one day, like their American counterparts, lose their husband to the Sunday afternoon football games.

ACHIEVEMENTS OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS DURING FIRST SESSION OF 92D CONGRESS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Alabama (Mr. SPARKMAN), I ask unanimous consent to have printed in the RECORD a statement by him and an insertion relating to the achievements of the Committee on Banking, Housing and Urban Affairs during the first session of the 92d Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SPARKMAN

During the first session of the 92d Congress, the Senate acted favorably upon all of the 16 bills which were handled by the committee. Of these, 9 have become public law, and 3 are at the White House awaiting approval.

RÉSUMÉ OF BILLS HANDLED BY THE COMMITTEE

S. 581 (Mr. Sparkman); passed Senate April 5, 1971; P.L. 92–126; amends the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements for the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes. (S. Rept. 92–51, March 31, 1971; passed House July 8, 1971; approved August 17, 1971.)

S. 670 (Mr. Sparkman) passed Senate February 18, 1971; authorizes further adjustments in the amount of silver certificates outstanding, and for other purposes. (S. Rept. 92–3, February 11, 1971.)

S. 1181 (Mr. Sparkman); passed Senate March 19, 1971; P.L. 91–19; removes certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes. (S. Rept. 92–37, March 16, 1971; passed House May 17, 1971; approved May 27, 1971.)

S. 1260 (Mr. McIntyre); passed Senate May 3, 1971; P.L. 92–16; amends the Small Business Act. (S. Rept. 92–90, April 29, 1971; passed House May 5, 1971; approved May 18, 1971.)

S. 1700 (Mr. Sparkman); passed Senate May 13, 1971; P.L. 92–45; amends sec. 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. (S. Rept. 92–102, May 11, 1971; passed House June 30, 1971; approved July 2, 1971.)

S. 2871 (Mr. Sparkman); passed Senate 21, 1971; clarify and extend the authority of the Small Business Administration, and for other purposes. (S. Rept. 92–129, May 19, 1971.)

S. 2216 (Mr. Bennett); passed Senate August 6, 1971; P.L. 92–165; amends the Investment Company Act of 1940, as amended. (S. Rept. 92–344, August 3, 1971; passed House November 15, 1971; approved November 23, 1971.)

S. 2781 (Mr. Sparkman); passed Senate November 4, 1971; amends sec. 404(g) of the National Housing Act. (S. Rept. 92–420, November 2, 1971.)

*S. 2891 (Mr. Sparkman); passed Senate Dec. 1, 1971; extends and amends the Economic Stabilization Act of 1970. (S. Rept. 92–507, November 20, 1971; passed House December 10, 1971.)

H.R. 4246 (Mr. Patman); passed Senate May 3, 1971. P.L. 92–15; extends certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes. (S. Rept. 92–89, April 29, 1971; passed House March 10, 1971; approved May 18, 1971.)

H.R. 8432 (Mr. Patman); passed Senate August 2 1971; P.L. 92–70; authorizes emergency loan guarantees to major business enterprises. (S. Rept. 92–270 on S. 2308, July 19, 1971; passed House July 30, 1971; approved August 9, 1971.)

*H.R. 9961 (Mr. Patman); passed Senate November 24, 1971; provides Federal credit unions with two additional years to meet the requirements for insurance, and for other purposes. (S. Rept. 92–449, November 11, 1971; passed House November 1, 1971.)

S.J. Res. 52 (Mr. Sparkman); passed Senate July 15, 1971; increasing the authorizations for comprehensive planning grants and open-space land grants. (S. Rept. 92–254, July 14, 1971.)

S.J. Res. 55 (Mr. Proxmire); passed Senate March 4, 1971; P.L. 92–8; provides a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization. (S. Rept. 92–24, March 2, 1971; passed House March 29, 1971; approved March 31, 1971.)

S.J. Res. 167 (Mr Sparkman); passed Senate October 27, 1971; Public Law 92–150; extends the authority conferred by the Export Administration Act of 1969 (S. Rept. 92–406, October 27, 1971; passed House October 28, 1971; approved October 30, 1971.)

*S.J. Res. 176 (Mr. Sparkman); passed Senate November 20, 1971; extends the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes. (S. Rept. 92–448, November 11, 1971; passed House December 6, 1971.)

EXEMPTION OF NEWS MEDIA FROM PRICE AND WAGE CONTROLS

Mr. PACKWOOD. Mr. President, during consideration of the legislation to extend the President's authority to continue price and wage controls one of the paramount issues discussed was whether or not the news media should be exempt from the controls. Lengthy debate ensued in the Senate on this specific subject.

Arlen Large, of the Wall Street Journal, wrote an excellent article capsulizing the problems posed by the possibility of the news media exemption. The article was so good that the Washington Post, with permission of the Wall Street Journal, reprinted the article in its entirety on December 8, 1971.

So that all readers of the Congressional Record might know the arguments presented on this issue, I ask unanimous consent that the article as reprinted in the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Instead of Loopholes for Favored Groups, How About—An Exemption for Everyone

(By Arlen J. Large)

Last year when the clowning Democrats in Congress gave the President wage-price control authority he would never use, the Senate didn't even take a formal roll-call vote on the question. A wage-price control bill sent over from the House was accepted in a thin chorus of ayes.

Nobody is clowning now. As is the way of Presidents, Mr. Nixon has used that power to the hilt and then some. Everybody is finding out what it's like to live in a shackled peacetime marketplace, and last year's political put-on is already in its second somber phase and counting. Yet when the Senate last week had a chance to call the whole thing off, only four free-enterprise [Advocates] voted against continuing the control law into 1973. They were an odd mixture: Proxmire, Goldwater, Harris, Fulbright.

With varying expressions of reluctance, all the other senators voted to let the anonymous strangers on the Pay Board and Price Commission keep sitting in judgment on other people's money problems. How hard that job is several of the lawmakers learned very well themselves right on the Senate floor. Snap judgments were made there on the pay status of the New York Yankees, Ed Sullivan, Mort Sahl, Jane Fonda and the switchboard operator at The New York Times. The proceedings would have made a funny stage skit about senators burlesquing themselves, but these were grown men making a real law, and it became a frightening preview of what to expect in Phase, say, 15.

The existing Phase 2 law at least has the virtue of applying to nearly everybody; though enforcement techniques are different, price controls must be obeyed equally by General Motors and Jerry's Garage. Any attempt to apply controls to some people and not others automatically means trouble, and that's what got the Senate in a fix last week when it decided to exempt book publishers, newspapers and broadcasters.

There is precedent for that kind of special treatment. The press was exempt from price controls during World War II and the Korean war. And book publishers are in a special bind. They keep old plates from which new editions are printed from time to time. "Mammals of Wisconsin," for example, was first published in 1961 to sell for $12; a new edition printed from the same plates would have to cost $17.50 for the publisher to make money, a 46 per cent increase that would horrify the Price Commission.

Above all, there's the First Amendment to the Constitution, forbidding Congress to make any law that would abridge the freedom of the press. Various Supreme Court rulings have insisted that the First Amendment likewise protects freedom of expression by broadcasters, movie makers and playwrights. A law under which a newspaper must ask federal permission to raise its advertising rates or salaries to employees theoretically could inhibit free speech. Would a publisher whose rate increase is pending dare print the Pentagon Papers? Would an editorial writer whose salary is a federal case dare let John Connally have it between the eyes?

All this led Sen. Alan Cranston (D-Calif.) to propose an amendment to the Phase 2 extension law. He would have exempted from price or wage controls all publishers of newspapers, periodicals and magazines, plus radio and television broadcasters and operators of "a motion pictures or other theater enterprise." Senator Cranston was backed up by Sen. Sam Ervin (D-N.C.) the Senate's resident authority on the Constitution.

Other senators, though, immediately found fault. You mean, Senator Cranston was asked, that a movie star making a quarter of a million could ask for a half million, while some impoverished fourth-grade teacher remains under the federal thumb? Mr. Cranston conceded that was so. And who works in those "other" theater enterprises? "Cooch dancers"? They get rich, while schoolmarms starve? It was too much, and Senator Cranston's amendment was beaten.

The next day, however, he was back again with the exemption erased for cooch dancers and other entertainers. But still proposed for the book, newspaper and broadcasting people. At that point, the normally mild-spoken first-term Republican from Oregon, Robert Packwood, started slashing away with questions that showed how hard it is for anyone—senators or Pay Board bureaucrats—to translate economic control legalisms into equitable treatment for people in different lines of work.

What about a switchboard operator who works for a newspaper, Senator Packwood asked. Would her pay be exempted from controls? Senator Ervin, a former judge, immediately ruled that the exemption would apply because "a switchboard operator may get news and disseminate it." The same would go for a TV station's mechanic who repairs a mobile camera truck: He assists in collecting the news.

What about the lumberjack who cuts down trees for pulp to make newsprint for The New York Times? He wouldn't be exempted, Senator Ervin ruled, because the exemption applies only to people working with paper, not trees. And not acorns.

Mr. Packwood. What about Fritz Peterson?

Mr. Cranston. What?

Mr. Packwood. Fritz Peterson.

Mr. Cranston. What?

Mr. Packwood. Fritz Peterson, the pitcher owned by the New York Yankees. CBS owns the Yankees.

Mr. Cranston. No.

Mr. Packwood. Why?

Mr. Cranston. Because he is not engaged in the presentation or the dissemination of information.

Mr. Packwood. Where does the bill say that he has to be engaged in the dissemination of information?

Mr. Cranston. We did not intend to put in the amendment language to answer every question in advance that would come up. The answer is obvious.

The Senator from Oregon said he didn't think the answer was obvious at all, and he resumed the questioning. If entertainers aren't exempted under the new Cranston amendment, what about Ed Sullivan? Senator Ervin ruled this way: "In a strict sense, Ed Sullivan would qualify technically as an entertainer, even though I did not always find him entertaining."

What about Mort Sahl? Senator Ervin, a man of astonishing breadth who's interested in everything and knows everything, had to confess he couldn't place Mort Sahl.

Mr. Packwood. He is basically a satirical comedian. He goes in for commentary on political issues of the day. He is an entertainer.

Mr. Ervin. I would leave that up to the courts to decide. I will not decide that. If his function is to amuse, he would be subject to the freeze. If his function is to inform, then he would be exempt.

Mr. Packwood. All right. Then we have the talk show at night, and Jane Fonda talks about her views on the war. Is she an entertainer?

Mr. Ervin. To many she is very entertaining, but I think her fundamental purpose is to express her views about the war, which is a public matter. When she expresses her opinions about the war, she would be exempt.

If Congress really enacts Senator Cranston's exemption, the job of deciding the status of lumberjacks, switchboard operators and Jane Fonda would switch from the Senate floor to the 15-member Pay Board. One of their main guides for interpreting the law would be the "legislative history" made during the casual Packwood-Ervin-Cranston col-

---

*Awaiting Presidential approval.

loquies of last week, and deciding when somebody is either frozenly amusing or unfrozenly informative might be difficult indeed.

Senator Packwood summed up the problem: "We are not carving out a freedom of the press amendment; we are carving a great, gaping hole for a whole variety of crafts, careers and occupations that have no conceivable relation to the gathering of news, the dissemination of news or the freedom of the press." The same point could be made against any other loophole for a given class of people; around the loophole there will always be a penumbra of small businessmen who aren't really small or aren't really businessmen, or teachers who really don't teach, or coach dancers who in real life are lady stock brokers.

Mr. Packwood's arguments did not prevail Whether Senators had lofty constitutional motives or just wanted to curry favor with the press, or both, they voted 50 to 36 to approve Senator Cranston's amendment. The question now must be decided by the House. If it agrees to a press loophole at all, it can at least correct some of the Senate's sloppy definitions.

At no point, however, did Senators Cranston and Ervin prove that the Phase 2 rules pose a tangible threat to journalism's natural right to raise hell. A newspaper with gumption is going to be ready to take care of itself in any fight, financial or otherwise, with the government. Instead of making special loopholes for the press or other favored groups, Congress might consider using its power to make a Phase 2 exemption for everybody. There is a name for it: the free market. There is ample precedent: most of the life of this nation.

THE B–1 BOMBER ATTACKED AGAIN

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Arizona (Mr. GOLDWATER) and an insertion, both relating to the B–1 bomber.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GOLDWATER: THE B–1 BOMBER ATTACKED AGAIN

Mr. President, the distinguished Senator from Wisconsin (Mr. Proxmire) continued his sniping at the B–1 bomber program by placing a recent anti-B–1 article in the Record of Saturday, December 11, 1971. The article came from the Saturday Review of December 11, and undoubtedly was read by numerous people who would have no way to judge the validity of its contents—unless they happened to be particularly knowledgeable about the source material that the author relied upon when writing his piece. That source material primarily was the report on the B–1 bomber issued by the Members of Congress for Peace Through Law on May 4, 1971.

The Senator from Wisconsin (Mr. Proxmire), in his remarks on December 11, congratulated himself and the authors of the MCPL report for "one of the most intelligent, useful, comprehensive, and thoughtful reports by anyone on any weapons system which I have seen." He went on to say that the Air Force has not answered the MCPL's case against the B–1 bomber.

I, for one, hope that the Air Force does not waste the time and effort to make a point-by-point rebuttal to that MCPL report, but I would like to point out that I placed my own analysis of it into the Congressional Record on June 9, 1971, on page 18886. My analysis pointed out 35 glaring errors in the MCPL report on the B–1. If I can go through their report and find 35 mistakes, then I am sure the Air Force could locate many more, but, as I said before, I believe it would be a waste of time which could be more productively spent in working to insure that the B–1 program stays on cost, on schedule, and on performance.

Nevertheless, it is interesting that a segment of the American public will be exposed to an article in the Saturday Review, based on the MCPL analysis of the B–1 program containing at least 35 factual errors. Unfortunately, very few of the readers will be aware of the validity of the source material about which they are reading.

I am bringing this matter to the editor's attention with the following letter. I also would like to say to my colleagues in Congress that I reviewed the B–1 program and full-scale mock-up at the North American Company's plant yesterday in California, and the program is going extremely well. My own rebuttal to the many erroneous statements in the MCPL report still is valid, and the program currently is in fine shape. I am confident it will stay this way as it is so vital to the future of this Nation.

U.S. SENATE,
Washington, D.C., December 15, 1971.

The EDITOR,
Saturday Review,
New York, NY.

DEAR SIR: Your issue of December 11, 1971, carried an article entitled "The B–1 Bomber—The Very Model of a Modern Major Misconception" by Berkeley Rice. The article is slanted very much against the B–1 program.

The primary source of factual information used by Mr. Rice is a report dated May 4, 1971, by the Members of Congress for Peace through Law, which also attacked the B–1.

I have enclosed a copy of my speech of June 9, 1971, on the Floor of the Senate in which I pointed out 35 basic errors in the facts and reasoning in the MCPL report. I believe that a reader would reach different conclusions about the B–1 program if exposed to these correct facts.

I would appreciate it if you would publish this letter and my speech of June 9, 1971, as a rebuttal to Mr. Rice's article. Your readers have a right to see the other side to this issue and learn the truth about this program, which is so vital to our nation's security.

Sincerely,

BARRY GOLDWATER.

U.S. INTERVENTION IN INDO-PAK WAR?

Mr. EAGLETON. Mr. President, why is the U.S. carrier *Enterprise* in the Bay of Bengal? Why is an American task force reportedly steaming toward Asia's newest shooting war?

The fact that the *Enterprise* is in the Bay of Bengal seems indisputable. Marvin Kalb of CBS, so reported this morning. The administration's official comment remains "no comment," and under the circumstances this can only be taken as confirmation.

Secretary Laird, in his Monday statement that he would not comment on ship movements, did allude to "certain contingency plans that would cover evacuation situations." At first reading, one would normally take this to mean evacuation of Americans, and no one disputes the President's established right of rescue.

The Americans remaining in Dacca, however, apparently are there voluntarily. This morning's New York Times reports that—

> Forty-seven Americans were among the foreign nationals who had chosen to remain in Dacca instead of joining air evacuation of foreigners from the beseiged East Pakistan capital.

Perhaps there are other Americans elsewhere in East Pakistan who might need to be rescued.

But could the Secretary have had reference to the evacation of other American citizens? Is the *Enterprise* steaming toward East Pakistan with contingency plans for the rescue, for example, of West Pakistani troops?

This might sound like an act of mercy at first blush, although one could ask where the administration's mercy was when these same soldiers were butchering Bengalis in East Pakistan. Actually intervention to rescue Pakistani soldiers would be an act of war against India, which doubtless wants to hold as many captives as possible as a pawn for later negotiations.

Whatever the Pentagon's intentions regarding the rescue of Pakistani soldiers, Mr. President, I would like to point out that the Pakistani high command undoubtedly thinks and hopes the presence of the *Enterprise* will somehow relieve its garrisons in East Pakistan—which means that these garrisons will be ordered to hold out—which means that there is certain to be more killing than necessary. Would it not have been more humane to stay out of this situation completely, and press the Indians to accept the good offices of the Red Cross for the protection of any and all Pakistani prisoners they may capture?

Let us ask a further question: Is the *Enterprise* in the Bay of Bengal to "show the flag" to offset the increasing Soviet influence in India? If this is what the Commander in Chief has in mind, how far is he willing to go?—to enter the war against India?—to attack Russian ships in the area? If not, are we not engaged in an exercise in paper-tigerism?

Mr. President, I should like to point out that increasing Russian influence in India stems from an Indo-Soviet friendship treaty signed last summer when this administration had persistently refused to address itself to the situation in East Pakistan. Eight to 10 million refugees have fled to India, placing an insupportable burden on her scant resources. Did the President not have enough influence with his friends in West Pakistan to impress upon them the futility of their repression? If we had strongly condemned Pakistan's actions rather than standing silent, could we not have helped forestall the present conflict?

When India needed friends, the Russians were there and we were not. As war on the Indian subcontinent became more and more inevitable, we took no significant steps to prevent it.

Mr. President, it appears that we are taking actions which at best can only prolong the agony of East Pakistan and which at worst may involve Americans in a further shooting war in Asia.

We have acted too late to do the people of East Pakistan any good—too late to help preserve the peace—but just in time to risk turning a local war in Asia into a big-power confrontation.

It is hard, I admit, to imagine that we might now become involved, even peripherally, in another Asian war. It would be inconsistent with the President's Guam doctrine and with his hopes for a "generation of peace." I still cannot believe that the administration wants to become involved. I am relieved that there has been no effort to invoke our treaty relationships with Pakistan, which would, in any case, require congressional approval.

But as I have watched our policy toward Pakistan and India ricochet from mistake to mistake, I have to wonder if we have the skill to avoid an accidental involvement.

The President obviously takes the Soviet role in South Asia most seriously—seriously enough so that "a high White House official" has raised the possibility the President might cancel his cherished trip to Moscow. Moreover, the dispatch of the *Enterprise* is a most serious step, whatever the motivation.

So my purpose today is to raise some warning flags before Members of Congress and before the American people—before we once again find that it is too late.

CALIFORNIA SENATORS OPPOSE EL PASO GAS BILL (S. 2404)

Mr. HART. Mr. President, the distinguished Senators from California (Mr. Tunney and Mr. Cranston) recently detailed their reasons for opposing S. 2404, a bill to legalize a merger by the El Paso Gas Co. which the Supreme Court has ruled illegal.

As one who opposes the bill, I welcome the views of Senator Tunney and Senator Cranston. I ask unanimous consent that their joint statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Purpose of the Antitrust Laws

We start with the proposition that the Congress of the United States long ago made a series of firm judgments in the Sherman and Clayton Acts that economic competition is fundamental to the economic health of the nation. The basic purpose of the antitrust laws is to preserve to the maximum extent possible a range of choices in our economy by preventing concentration of economic power in the hands of a few large entities.

Thus, in the present case, Section 7 of the Clayton Act was invoked in 1956 to prevent an increase of monopoly power in the supply of natural gas to the West Coast, particularly in California. The basic reason for the antitrust suit was quite simple: in 1956 El Paso Natural Gas Company bought 99.8 percent of the stock of its only potential competitor in the Western United States, Pacific Northwest Pipeline Corporation.

El Paso was taken to the Supreme Court four times in the last 14 years. Each time, in language stronger than before, the Court ruled that El Paso was in direct violation of the anti-trust laws and must be forced to give up its unlawful acquisition "at once."

In the face of that history and in the face of the clear cut holding of violation, representatives of El Paso now come to the Congress seeking a gigantic private relief bill. They tell us that fourteen years of litigation and four Supreme Court decisions must be set aside. And they come at the very point when that litigation finally appears near an end. They argue that—whatever this legislation does for El Paso—it will do far more for the consumer. But the bottom line is this: Congress must step in and end this self-inflicted anti-trust nightmare because fourteen years after an unlawful acquisition, El Paso is now about to lose its case. It doesn't phrase it quite that way, of course. Instead we are told that due to the critically short supply of natural gas, El Paso must be preserved as a strong vigorous, undivested company to search for gas for the West and, therefore, El Paso must be granted an exemption in the anti-trust laws.

This argument is not unprecedented. Congress has, on past occasions, granted such exemptions for reasons of public policy. But they are not lightly granted, and they require a powerful showing of public benefit—a benefit which substantially outweighs the public benefit from strict application of the anti-trust laws.

In addition, we must recognize that enactment of this legislation would be an enormously important precedent. It would represent a strong signal to every other anti-trust defendent in the federal courts.

On these facts, a heavy burden must rest on those seeking the exemption. We believe El Paso must establish by clear and convincing evidence that consumers will be materially and substantially harmed unless this bill is enacted. After examining all of the evidence we have concluded that El Paso has not met this burden of proof.

We recognize that men of the highest integrity and good will believe that this legislation is essential, both to the Pacific Northwest and to California. For that very reason we have invested a considerable amount of time and effort in studying the issues presented by this case. We believe there has been entirely too much political invective involved in this case. The interests of the people of California would not be well served by a knee jerk reaction to this legislation in either direction.

For that reason, although considerable pressures have been placed upon us for an earlier expression of position, each of us felt that it was essential to consider all of the information which could possibly be obtained. We requested further hearings and solicited additional testimony, and Senator Tunney spent the better part of two days sitting with the Committee in those hearings.

The analysis of the proposed legislation, which follows, is based upon those hearings and a detailed review of a monumental amount of documents.

We are particularly appreciative of the willingness of Senator Magnuson to allow us the opportunity to participate in the hearings held at our request and in delaying consideration of the bill by the Commerce Committee until we had a opportunity to present our views.

A further point which should be stated publicly is that we fully understand the issues presented by this case in the Pacific Northwest and Senator Magnuson's deep and legitimate concern for this legislation. As it happens, we disagree on the merits.

It is our belief, however, that each man who joined in introducing this bill did so in what he determined to be the best interests of his constituents. We have never found any evidence to the contrary. In particular, Senator Magnuson's action yesterday in announcing a full investigation of the various charges raised in the hearings demonstrates his deep concern with truth. His action is evidence of the fact that he will not allow a cloud of suspicion to linger over this legislation, the Committee or the U.S. Senate. We think this type of action represents the standard of fairness and honesty that has always characterized the career of the distinguished Chairman of this Committee.

PRESENT STATE OF GAS RESERVES

The starting point in our consideration of this case is the present state of supplies of natural gas for California and the West. The available evidence indicates that existing supplies of deliverable natural gas may indeed be low. That fact is of considerable importance to us, because millions of Californians rely heavily on natural gas fuels. It is one of the relatively pollution-free fuels available to us in a state deeply concerned about pollution.

The El Paso case therefore presents to us this question—how can we best assure an adequate supply of this important resource, and is this legislation essential to accomplish it?

In making a judgment on this question, however, we are also aware that the present shortage of gas may be temporary. The District Court in Denver just four months ago made an extensive examination of that precise issue and said:

"As the evidence disclosed a drastic decrease in the ability of domestic supplies and reserves to meet increasing demands in the short time since the 1967–68 hearings, so also does the evidence disclose the possibilities of a very substantial increase in domestic supplies and reserves.

"The evidence reveals that the domestic areas which have traditionally served to supply the Western United States have a gas supply potential of 180.5 trillion cubic feet (TCF), almost four times their present proved reserves. The Bureau of Mines has estimated that 317 TCF are contained in formations along the Rocky Mountains which may be susceptible to recovery by nuclear stimulation. It is estimated that recoverable coal reserves in the United States contain a potential of 12,000 TCF of synthetic pipeline gas and that the processing of oil shale reserves in Colorado alone would yield about 6,000 TCF of pipeline gas. In addition to the potential domestic gas supplies and reserves, Western Canada and the Arctic Islands have a potential of over 530 TCF, and Alaska's estimated potential is about 420 TCF.

"The transportation of liquified natural gas by ocean tanker may well render vast quantities of overseas supplies physically available to American markets.

In addition, there is at least some argument that even the present reserve situation is not as bad as currently portrayed.

But assuming that there is a critical shortage of gas, as we concede there may be, we repeat that the critical question for California is how we are to go about securing additional gas supplies for California.

COMPETITION FOR NEW RESERVES

Most observers seem to agree that the major source of new gas supplies for California in the short term future will be the far northwest—i.e., Canada and Alaska. Most observers also agree that such gas is going to be considerably more expensive than the relatively cheap gas now available from the southwestern United States.

Here we reach the center of the problem. El Paso tells us that the fight for reserves in Canada is a cut-throat poker game with the highest of stakes and that only a strong company like El Paso can fight effectively for those reserves for the West Coast. Such may indeed be the case. But it is also clear that California's gas utilities would much prefer to have two strong companies searching for gas.

POSSIBILITY OF A STRONG COMPETITOR

The real question comes down to this: would divestiture of the Pacific Northwest system result in two weak and ineffective competitors for gas supplies? At the present time there appears to be no reason to make such a conclusion, particularly since the court has yet to select a successor to El Paso. And, therefore, we believe El Paso has not met the burden of proof for the exemption. Furthermore, we believe there is ample justification to conclude just the opposite, that divestiture may well result in precisely what it is designed to do—provide California with two strong companies looking for gas.

First, testimony from a number of applicants in the recent hearings demonstrated that several multi-million dollar companies, whose executives have substantial experience in the natural gas field, are attempting to secure the right to operate the Northwest system.

Second, El Paso itself told the District Court on June 18, 1971, that the New Company would in fact be a very strong company.

"The evidence is that New Company will be an extremely healthy pipeline by today's standards and that it [will be] a much stronger competitor than Pacific Northwest was in 1957 or than El Paso is today."

Third, after divestiture, El Paso will remain strong. After divestiture it will have $1.6 billion in assets, and will be the second largest pipeline company in the country.

Furthermore, we think it is highly unlikely that El Paso will be weakened by the disastrous tax consequences it fears. It is by no means clear that a cash sale resulting in such tax consequences will be required by the District Court.

Similarly, El Paso's claim of higher costs to the consumer from New Company because of higher borrowing costs for that company also appear speculative at this point. The Court might permit New Company to take some of El Paso's existing debt structure.

An examination of the gas supply situation over the long term adds to our conclusion that legislation is inappropriate. First of all, we have the testimony of the California Public Utilities Commission that it cannot predict whether, over the long-term, California would be the better or the worse if this legislation were adopted. In the words of the Commission's witness:

"Well, what we now have is everyone using their own crystal ball. I think we could live even if there were a divestiture . . . I would prefer not to get out on a limb as far as the long term benefits or detriments."

In other words, there is no way to judge whether competition in the future might not provide greater advantages than the short term advantages which the Commission foresees from the bill.

Furthermore, as the District Court indicated, there are major known reserves in the Rocky Mountain area which could serve California if methods to deliver these resources can be developed.

Thus divestiture seems to be in the interests of California even in the time of gas supply shortage. In short:

(1) El Paso has not been as good for California and the West as it claims.

(2) New Company may well be a strong competitor for new reserves.

A look at El Paso's record indicates that California and the West Coast might well be better off if El Paso had some competition from a divested Northwest system. More than one witness has testified that El Paso has increasingly looked to new markets for major efforts to supply gas. The most obvious example is the plan to spend hundreds of millions of dollars to bring liquefied natural gas from Algeria to the Southeastern United States, an area not previously served by El Paso. Even the testimony of El Paso's major customer in California, Pacific Lighting Service Company, indicates a belief that El Paso has strayed in its efforts: "But they should be worried about the West. They are not putting their full effort in out there. We have to end that."

In addition, as we stated previously, it is entirely likely that the New Company formed from the divestiture may be a very strong competitor in seeking and developing new gas reserves for the West. We have already cited the testimony of witnesses to that effect, including El Paso's own admission of the likely strength of the New Company. The one thing we have learned is that competition, whenever it has been present, has been of benefit to California. The Supreme Court found in the early 60's that competition from the old Pacific Northwest company resulted in lower rates for California in at least one instance. In addition, testimony in the hearings revealed that the attempt by another gas company (Tenneco) to build a new pipeline to California and compete with El Paso caused El Paso to increase its level of service to California. Thus, we do not believe that the benefits to California from competition should be lightly disregarded.

We admit the competition is now a different kind—for new reserves instead of new customers. But the benefits remain substantial. We think California and the West will be far better off with two companies competing to find new gas reserves and to develop ways to tap known reserves such as those in the Rocky Mountain area. Nuclear stimulation, coal gasification and other techniques may well result in vast new quantities of gas from the Southwest and Rocky Mountain areas.

On the basis of this analysis we think it likely that divestiture could result in substantial benefits to California and the Pacific Northwest by creating two strong companies, each competing to develop new sources of gas reserves for the West Coast.

In addition, there is another answer to El Paso's arguments on this point.

Most of El Paso's claims are basically speculations which will be answered when the District Court renders its decision. All of the testimony indicates that that decision is expected very shortly—perhaps February or March at the latest. And for that reason, we can see no reason to anticipate imagined dangers which may or may not prove real. If, in fact, the court's decision is as bad as El Paso claims it could be, there will be ample time to consider legislation at that point.

NO REASONS TO INTERVENE AT THIS POINT

The question we are, therefore, left with is whether there are other reasons which demand action now, even though we do not know the full measure of the court's decree.

The proponents of the legislation say yes. They say that regardless of how good a divestiture decree might be, there will certainly be appeals back to the Supreme Court and many more years of delay before New Company is operating. They say that during that time other companies will have tied up new reserves for other parts of the country. And, finally, they tell us that from what we now know of the decree regarding the allocation of El Paso's present reserves, there is enough reason to act.

We have examined those arguments and have concluded they do not provide sufficient grounds for intervention by the Congress. Just as there are those who believe that the case may drag on again in the courts, there are those who feel that it is nearing a final resolution. There is considerable doubt that there will be any appeals, and, furthermore, whether the Court will agree to hear an appeal even if one is taken.

In any event, the parties must file appeals within 30 days of the District Court's decision and thus by April or May of next year it seems likely that there will be a final resolution of the case.

In addition, we find it highly unlikely that whatever delay which does occur will cause the loss of Canadian gas for California. Testimony at the hearings revealed a number of facts in this connection: first, the vast majority of gas exploration and development is carried on by independent producers, not pipeline companies. One witness estimated as high as 90 percent. Second, it is clear that many companies, including California gas distribution companies, are pursuing new sources of gas in the far Northwest, simply because that is where the action is. To say that El Paso will opt out of the fight for Canadian reserves seems unrealistic when it is prepared to invest hundreds of millions of dollars to bring in gas from Algeria.

We, therefore, have concluded that the consequences of whatever delays there may be over the next few months do not provide a strong enough basis for an anti-trust exemption.

The final argument is that from what we have already seen in the District Court's decision of this past June regarding reserve allocation, California will suffer. Proponents tell us that the provisions in the reserve decree limiting El Paso from offering new service in California until three years after New Company is certificated by the FPC will harm California consumers. This is admittedly a difficult point, and one which we do not lightly disregard.

Yet on the evidence as we have it, El Paso has already refused to expand service, and the District Court in Denver found that El Paso would not be in a position to compete for new demand in the California market "unless and until it obtains additional gas supplies and reserves over and above those necessary to assure continued service of its present commitments under the Southern division."

Furthermore, the Court has fashioned the decree so as to allow El Paso to make such commitments if it divests additional gas reserves to New Company or if New Company has begun delivering gas to California in a specified amount.

In addition, the PUC witnesses testified that "We are not that frightened by the three year reserve life that they have now, because we do feel they can acquire at least for a while, enough gas to continue meeting their existing contract requirements."

Finally, the court retains jurisdiction to modify that decree at any time. Thus if any of the dire predictions of El Paso come true, the Court can easily revise the terms of the decree.

CONCLUSION: WE OPPOSE THE BILL BOTH AS TO TIMING AND ON THE MERITS

The sum of all of this admittedly complex analysis can be stated simply: First, we do not think the evidence, as we have it at present, warrants the extraordinary step of a specific Congressional exemption for El Paso from the antitrust laws which have protected the consumers of this country since the beginning of this century. If the District Court's decree turns out to be as bad as some would have us believe, there is ample time to consider the situation at that point. Action at the present time is clearly premature.

Second, and in addition, we do not believe that the present evidence shows sufficient grounds to merit legislation even after the decree is handed down by the District Court. Thus, we also oppose the bill on the merits, as well as on grounds of prematurity.

If, in the future, new evidence should arise, contradicting the evidence upon which we are now relying, we would of course be prepared to consider that evidence. We would apply at that time the same basic test we have applied in this statement—What is in the best interests of the people of California and the Pacific Northwest?

We make this point not to indicate any uncertainty about the present legislation but to make it clear that we do not intend to foreclose ourselves from consideration of the situation at some future time. The basic problem with this case, as we have said repeatedly, is the speculative nature of many of the arguments on both sides. It is entirely possible that, at some future time, many of the present speculations will become actual facts. Therefore, we do not foreclose any opportunity for future review.

AMENDMENTS PROPOSED BY CALIFORNIA ATTORNEY GENERAL

On the question of the California Attorney General's amendments, we have these comments.

First, we have concluded on the merits, that the legislation is not necessary or appropriate. Thus for all practical purposes, the question is moot. There is, however, the question whether the bill, with all of the proposed amendments, would be a better proposition for the public than no bill at all. We do not think so. The advantages to be gained from the Attorney General's amendments are not substantial enough to outweigh the arguments against the bill as a whole. Aside from some technical amendments which we put aside, the key element in the amendments is the requirement that El Paso spend $300 million, in addition to normal expenditures, to develop new gas supplies for its existing service areas. The attorney General's explanation of this amendment suggests that of the $300 million, $100 million must be equity risk capital and that the entire amount would not be charged to consumers until gas is delivered from it.

This amendment has considerable surface appeal, but it does not outweigh the arguments against the bill as a whole. Furthermore, there is considerable doubt whether it does not simply require expenditures which will be produced otherwise by competition—and at a lesser cost.

In other words, the market for gas is such that there is no lack of incentive for any pipeline company to spend whatever amounts are necessary to secure gas reserves. The amendment we believe simply places a dollar amount which El Paso must aim at, and in fact, it might produce an unintended result of wasteful expenditures simply to meet the required minimum amount. Furthermore, despite the explanatory language in the Attorney General's letter, nothing in the amendment requires that the $100 million figure be equity risk capital. Thus, it does not impose the cost of exploration and development upon El Paso's shareholders. Under the proposed amendment financing could be secured from any source except predelivery charges upon consumers. Finally, the consumer ultimately will pay the cost when gas is finally delivered—no matter how high the cost. Competition, on the other hand, would provide the necessary stimulus for efficiencies and technological innovation keeping unnecessary costs to a minimum.

In effect, the $300 million figure is simply a measurement of how much it is worth to El Paso to retain its monopolist position, for El Paso has indicated it could and would meet this expenditure requirement.

For all these reasons, we have determined that any marginal benefits to California for these amendments are not sufficient to alter our basic decision against the legislation.

FEDERAL PAY

Mr. McGEE. Mr. President, the passage of the Economic Stabilization Act—the phase II bill—includes language requiring an increase in Federal salaries generally related to the 5.5-percent pay increase authorized for employees in the private sector of the economy. I sponsored the Senate amendment which made that increase possible, and I was glad that the Senate, by a near unanimous vote, approved the amendment; and that the House concurred with the Senate provision.

Unfortunately, there have been two brief discussions on the floor of the Senate and the House of Representatives which have misrepresented just exactly what the language of the McGee amendment does, or does not do. And so, as the author of the amendment, as well as the chairman of the Committee on Post Office and Civil Service, I should like to clarify precisely what the bill does so that any officials in the executive branch who are responsible for the administration of Federal pay will not be led to believe that the language of Public Law 91-656 has somehow been replaced by a colloquy between Members of Congress.

The Federal Employees Salary Act of 1971, Public Law 91-656, revised the pay provisions of title 5 to require an annual adjustment in the statutory Federal pay systems, that is, the general schedule, the Foreign Service schedule, and the Veterans' Administration medical schedules to reflect the rates of pay in the private sector of the economy for similar positions and levels of responsibility, as determined by an annual survey made by the Bureau of Labor Statistics and made effective by the President of the United States after consultation with interested parties.

Under the provisions of section 5305 of title 5, the President was further authorized to submit to the Congress an alternate plan to modify such an increase under certain unusual conditions—a national emergency, for instance. August 31, 1971, seemed to the President to present such a national emergency, and he did submit an alternate plan, to the effect that the January 1, 1972, increase, determined to be about 5.6 percent, should be postponed until July 1, 1972. Congress acquiesced in that judgment at the time by rollcall votes in both Houses.

Since the end of the wage price freeze on November 13, the attitude of Congress has been changed by events. Because of the establishment of a 5.5-percent wage increase guideline for the private sector of the economy, and also because of several significant exceptions made by the Pay Board, the Senate voted to make the Federal employees' increase effective January 1, 1972, thus overriding the President's alternate plan. The language of the amendment, enacted as section 3 of the Economic Stabilization Act, provides that, notwithstanding the provisions of section 5305 of title 5, as enacted by Public Law 91-656, and notwithstanding the provisions of the alternate plan submitted by the President, the pay increase will take effect on the first day of the first pay period occurring on or after January 1, 1972, but that—and this is the language which ties Federal rates to private rates—the Federal increase cannot exceed the 5.5-percent wage guidelines established by the Pay Board.

That means that civil service employees subject to the statutory schedules will receive a 5.5-percent increase in January, and that other Federal employees, except Wage Board employees, will receive a similar 5.5-percent increase in January. That would include employees in agencies in the executive branch who are paid by administrative direction rather than being subject to the general schedule, and employees of the legislative branch and judicial branch, who, of course, are not subject to the statutory schedules.

Although not specified in the amendment, it was the intent of the Senate, as was made crystal clear in our consideration of the amendment, that this would unlock the freeze on Wage Board increases for blue-collar Federal workers, and that they would be eligible to receive, and will receive whatever increase in pay the prevailing rate survey for their area indicates is appropriate.

The colloquy on the floor of the Senate and House which raised some questions relates to the effect, if any, which the January increase will have upon the next comparability increase authorized by Public Law 91-656. I ask unanimous consent to have printed at this point in the RECORD a portion of the CONGRESSIONAL RECORD for Tuesday, December 14, 1971, relating to the effect of this increase.

There being no objection, the portion was ordered to be printed in the RECORD, as follows:

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Michigan, the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I think it is important to clarify the effect of the Pay Board amendment to the legislation before us, to ask the distinguished gentleman from New Jersey if the 5½ percent increase is on an annual basis?

Mr. WIDNALL. In answer to your question—yes—the objective of this amendment is to treat Government employees the same as employees in the private sector.

The Pay Board has promulgated a 5½ percent annual guideline and, therefore, for the calendar year 1972 Federal employees will receive a 5½ percent increase under this amendment and there will be no October 1, 1972, pay adjustment.

Mr. GERALD R. FORD. To further clarify the question, will these guidelines be applicable to all, and I emphasize all Federal employees?

Mr. WIDNALL. Yes. Although the amendment does not specifically apply to Wage Board employees, the administration is expected to accord equal treatment to statutory pay employees and Wage Board employees. Therefore, Wage Board employees will be affected by the same 5½-percent guidelines. It would be totally inequitable to treat one group of Government employees differently from other Federal employees.

Mr. McGEE. Mr. President, with all due respect to my colleagues in the House of Representatives who engaged in this conversation, I must point out that the conclusion they reached is not accurate. The language of the law, Public Law 91-656, specifically provides that there shall be a 1972 salary adjustment in accordance with the BLS survey, to be made effective on the first day of the first pay period beginning on or after October 1, 1972. The only method by which that increase can be changed, delayed, modified, increased, or otherwise affected is through the submission by the President of an alternative plan to Congress not later than August 31, 1972. This procedure is spelled out in Public Law 91-656.

The Federal employee pay increase for January 1, 1972, is related to employees in the private sector in the economy in one respect, and one respect only—that the wage increase for Federal employees may not exceed the 5.5-percent guideline established by the Pay Board. Otherwise, the pay of Federal employees is not affected. The Cost of Living Council specifically exempted Federal salaries and

Federal employees from any jurisdiction by that Pay Board because Federal employees are subject to another system, established by law, and subject to the power of the President to submit an alternate plan. I am sure that if such a plan is submitted next year, Congress will give the President's recommendations very careful consideration.

SUPREME COURT NOMINATIONS: A PERSONAL POSTSCRIPT

Mr. HART. Mr. President, the Senate has now completed its role in the appointment of two more Justices to the Supreme Court. But before the recent confirmations are consigned to history, and while last week's events are still fresh in our mind, I would like the Record to reflect a few final observations.

Several aspects of this episode should be welcome to all Senators, whatever their final vote. The ridiculous notion that the Senate would not confirm a qualified southern nominee has been laid to rest. Moreover, after his initial choices for these vacancies were found unqualified by the bar, the President was forced to make good on his earlier commitment that he would seek only men and women of unquestioned stature and legal excellence for the Court—a commitment which will not be reversed lightly.

Second, I should like to take note of the contribution made by the Senator from Indiana (Mr. Bayh) in his continued insistence that the Senate perform its great constitutional obligation as thoroughly as possible. His past roles in the Senate's performance of this duty are well known. But reading the Record of the last 2 weeks, particularly the statements of those Senators who supported one of the nominees with express reservation, it is evident once again that all of us are indebted to the Senator from Indiana for this effort—whether we ultimately voted for or against Mr. Rehnquist.

In the heat of battle, undeserved criticism of his labors suggested that he was obstinately filibustering on an open-and-shut issue. I am confident that students of the Court, and the Senate, who read the committee reports on the nominations and the floor debate will reach quite different conclusions: that the Senator from Indiana conscientiously sought to develop a sufficient record and to insure sufficient time for Senators to apprise themselves of the facts and analysis upon which they could make a considered judgment. He sought to deal responsibly with serious charges and, at the same time, to explore thoroughly the profound questions about the roles of the Court and of the Senate which this nomination raised.

The Senator from Indiana, to use an overworked but here accurate phrase, displayed much grace under pressure during the last few weeks, and I salute him.

The consideration of these nominations was complicated by the press of the ending session. But certainly the Senate of the United States need not apologize for devoting 3 days of discussion to a permanent nomination, which may last 30 years, for one of the dozen most influential positions in the Nation. That is hardly excessive debate. There was certainly no precedent for the precipitate cloture attempt; it should not be confused with the Fortas nomination to be Chief Justice when cloture was required at the outset by a filibuster against the nomination even being made the pending business of the Senate. And even in that case, 8 days had elapsed between the motion to make it the pending business and the vote on cloture.

Mr. President, it affords no pleasure to any of us, I am sure, to scrutinize another man's career so closely. It has been accurately observed that few of us would look forward to such a grueling experience. Are we, then, in danger of deterring desirable candidates from allowing themselves to be considered for our highest court? It is hard to know the answer. We can hope that those of caliber commensurate with that great honor will, by the same token, revere the Court and appreciate the importance of the Senate taking its responsibility very seriously. That responsibility requires us to develop a nominee's record and his views and to follow up the information brought to the attention of the Judiciary Committee by those concerned about the future of the Court. Hopefully, prospective nominees will agree that, in the long run, public respect for both the Senate and the Court will be strengthened if we continue to investigate and evaluate before we advise and consent.

THE WAR BETWEEN INDIA AND PAKISTAN

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the Record a statement prepared for delivery by the Senator from Florida.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The statement follows:

Statement by Senator Gurney on War Between India and Pakistan

The recent outbreak of hostilities between India and Pakistan represents a major threat to the peace and stability of South Asia. In my opinion, it also represents a serious rebuff to United States foreign policy, particularly that part of it labeled foreign aid. Here we have a country—India—which the United States has assisted with huge sums of money, obstinately refusing to heed our requests to negotiate a just settlement of the conflict. Moreover, U.S. efforts to bring about peace have witnessed ugly hostility and bitter denunciations from Indian leaders and people alike. The Indian attitude towards the U.S. is plainly evident: "If you aren't all for us, you are against us no matter how much you might have helped us in the past." But maybe this is for the best, for now the true position of India is plain for all to see and the futility of our foreign assistance program to the country all too evident.

By way of background, from 1947 to 1970, the United States, according to official aid figures, has pumped some $8.7 billion in economic assistance into India. Military assistance during the same period has been roughly estimated at an additional $90 to $100 million, with most of this aid being provided since 1962.

Thus, estimates on the total amount of foreign aid granted India, from the end of World War II to the present, place the figure at close to $10 billion, making India one of the largest recipients of U.S. foreign assistance. Last year alone, India received an estimated $700 million in development and economic assistance. And, during the famines of 1966 and 1967, U.S. Public Law 480 assistance made huge quantities of wheat—10 million tons of it in 1966—available on very short notice, thus saving millions of Indian people from starvation. However, neither the fact of all this help nor the prospect of another $220 million in developmental assistance—which does not include PL–480 aid—seems to make much difference to India. The evidence is all too clear that India prefers Russian first aid—that is, military aid—to American foreign aid.

If one looks at the contrast between U.S. aid to India, which has been almost entirely economic and humanitarian, and Russian foreign aid to India, which has been almost entirely military, the problem comes into clearer focus. It is estimated that Russian aid to India since 1956 has totaled approximately $1 billion, while our aid to India since World War II has been 10 times as great. Second, Soviet aid has mostly been in the form of miltiary hardware—tanks, bombers, jet fighters, submarines and missiles—while our aid has been almost exclusively in the form of money, food and equipment to promote economic development.

To illustrate, let me cite a few figures. An article in the November 24 issue of the Washington Post, utilizing an item that appeared in the London Observer, states that the Indians have seven squadrons of Soviet MIG–21's, five squadrons of Soviet SU–7 fighter bombers, 450 Soviet medium tanks—out of a total force of 1,200—50 Soviet SA–2 missile complexes, four Soviet submarines, and five Soviet destroyer escorts. In addition, the Soviets have helped the Indians set up a MIG plant. By way of contrast, the only U.S. military hardware listed in the Indian arsenal are 250 old World War II type Sherman tanks. But despite the high ideals behind, and the great extent of U.S. aid, the events of recent weeks have made all too clear that India has decided to cast its lot with the Soviet Union.

However, we shouldn't be too surprised that the Indians are playing ball with the Soviet Union. In fact, it is nothing new. In 1965, India, which now shows such "concern" over oppression in East Bengal, voted against a U.N. General Assembly resolution calling for withdrawal of Soviet forces from Hungary. In 1968, they refused to condemn the Soviet invasion of Czechoslovakia, more recently they voted to oust Nationalist China from the U.N. and now they have signed a friendship treaty with the Soviet Union. In the maneuvering concerning Vietnam, India has been far more sympathetic to Hanoi's Communist cause than to the cause of the United States and South Vietnam. It should be remembered that the India that is about to complete with no justification, its bloody military occupation of East Pakistan is the same India that advocated the ending of the bombing of North Vietnam, that called for a cease- fire in Vietnam, that believed that U.S. troops should be withdrawn from Vietnam as a necessary step to peace, that opposed our assault on the Communist sanctuaries in Cambodia, and whose Prime Minister was quoted as saying (see Washington Star, February 14, 1968) that the Viet Cong and the North Vietnamese are fighting in "self protection" against "aggression."

All of this leads to the obvious question—what are the real motives of India for fighting this war against Pakistan, the third such conflict since 1948. If India really believed we should not have bombed North Vietnam, why are they bombing Dacca; if they really believed in a Vietnam cease fire, why will they not agree to a cease fire with Pakistan, to which Pakistan is agreeable; if they believed American troops should unilaterally withdraw from Vietnam, why will they not agree to a mutual withdrawal of forces as Pakistan has; and, if they are concerned about the morality of a big country beating up a small one, why did they attack at all. If the refugees were such an economic burden, why didn't they close their borders and prohibit them from entering, or why didn't they cooperate a little more with the United States, which was willing to provide $250,000 million in aid for East Pakistan refugees, and thus alleviate the situation. Or if the refugees were still too much of a burden, why didn't they send them back to Pakistan and let us help them there. The answer is that it was not in their interest: Being consistent would upset the rationale for attacking Pakistan and solving the refugee problem would eliminate the pretext for doing so. Let's face it, India wants to do away with Pakistan as it now exists and since that goal is also in the best interests of the Soviet Union, the two have combined to make the attempt. If this were not the case, why has India refused to consider the favorable—to her—accommodations that the United States has gotten Pakistan to agree to, concerning East Bengal and even more significant, why would India engage in a war that is economically counter-productive and which has strained relations with the nation that, for the last twenty five years, has been her biggest benefactor.

The real meaning of all this is that, while the United States has been generously contributing money to aid in the economic development in India, the Indians have been more concerned with preparing for war with Pakistan at the urging of the Soviet Union. It is the Russians who have really come away with the marbles in this game: they increase their influence and control over India while at the same time eliminating, if the Indian forces are successful, a less subservient Pakistan. Therefore, I see no reason why the United States should resume aid to a country that embarks on a Soviet supported venture at the expense of one of our SEATO allies—a venture that can only pay large dividends to the Soviet Union. Let the Soviets take over the burden of economic assistance. Let them start really supporting Indian economic development. Let them supply wheat when famine or shortages strike. And let them reap the hostility that so often comes when foreign aid begins to be considered a means of foreign exploitation or domination. Since the Russians are going to get the benefits no matter what we do, they might as well be saddled with the liabilities.

This does not mean, however, that the United States should discontinue its efforts to bring about peace between India and Pakistan. What it does mean is that, in the future, we should thoroughly reassess our attitude towards India. From that standpoint, this outbreak of hostilities, tragic as it is, is, perhaps, the best thing that could have happened. For now we know where India really stands; that it is not a nonaligned neutral as it has so long professed, but that it is a close friend of the Soviet Union. We should react accordingly.

And while we are reassessing our attitude towards India and the future of foreign aid to that country, we should also recognize the failure of many of our foreign aid programs either to promote peace and progress or to be effective as a tool of diplomacy. Money won't necessarily buy friendship or respect; to spend money in the hopes that it will, particularly in our present economic situation, simply is not justified. If such a realization emerges from the aftermath of this unfortunate conflict between India and Pakistan, then something will have been accomplished. Hopefully, in the future it will not take a war to awaken us to the pitfalls of, and futility of, foreign aid.

EQUAL RIGHTS FOR WOMEN

Mr. HATFIELD. Mr. President, when I was in Oregon recently, I talked with Mrs. Virginia Fuller, president of the Eugene Business and Professional Women's Club, about equal rights for women. She was most articulate in her expression of support for the equal rights amendment.

I received an excellent letter from Mrs. Fuller reflecting her views, which I would like to share with all Senators. I am a cosponsor of the equal rights amendment and strongly support Mrs. Fuller's stand.

I ask unanimous consent that her letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Eugene Business and Professional Women's Club,
Eugene, Oreg., November 12, 1971.

Hon. Mark O. Hatfield,
Eugene, Oreg.

Dear Senator Hatfield: I have been asked by the President of our National Federation, the President of our Orgeon Federation and members of my club to contact you personally tonight and urge you to vote "yes" on the House-passed version of the Equal Rights Amendment to the Constitution, with no amendments whatsoever; not so much as a comma being changed.

This amendment is part of the Republican platform; women have been working for and demanding this legislation for more than 50 years; it has been before Congress more than 25 times. We believe we are, at this point, nearer achieving our goal than we have been ever before, if there are no crippling amendments attached to the bill.

It seems almost criminal that in this period of our country's history when so much attention is being given to social rights for every American citizen, women, who constitute 53% of the electorate of the land, must expend so much effort to gain equal legal and economic rights denied to us by the mere accident of our sex. As full citizens of this country all those rights should logically be ours without the need to do battle for them. At this time in our history when the multitude of problems that face this nation are going to require full concentration and effort of every single citizen, America has everything to gain by encouraging and permitting its women—a majority of the citizenry—to participate fully in the rights and the responsibilities inherent in those rights toward the best possible solutions to the needs of our nation.

We ask that you sustain our faith in your fairness and sense of logic by supporting our request on November 19 when this bill is scheduled to come before the Senate.

Sincerely,

Virginia Fuller,
President.

SAMUEL LEFRAK PROPOSALS ON HOUSING

Mr. HUMPHREY. Mr. President, in a speech at the Pratt Institute in Brooklyn, Samuel Lefrak, president of Lefrak organization, called for a merger of the aerospace and housing industries to rebuild our cities. The Lefrak speech contained a forward-looking approach to the twin problems facing our cities: unemployment and housing shortage. He outlined a plan whereby unskilled, semiskilled workers could be trained to produce industrial housing and paying these workers—as well as the construction workers—a guaranteed annual wage.

Mr. President, the aerospace industry has been a continuing source of unemploment; and a myriad of Government officials are looking for ways to utilize highly skilled talent that is out of work. At the same time, Mr. Lefrak correctly points out that this Nation will need almost 28 million housing units. "Let's marry them," says Lefrak.

Mr. Lefrak's company has succeeded in the housing field; and his proposals for utilizing unemployed talent have already been written and examined. Factory-built housing can be and is one answer to our critical housing problems. But there will have to be changes—changes that Lefrak is cogently aware of. For one, there will have to be Government involvement. For another, the entire housing code law will have to be reexamined.

Mr. President, I ask unanimous consent that Samuel Lefrak's address to Pratt Institute be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech by Samuel J. Lefrak

President Saltzman, Dean Abercombie, Professor Sigman, Professor Graves, Members of the Faculty—and fellow students—fellow Frontiersmen:

I call you "fellow" students because, like you, I'm still learning every day. I call you fellow "Frontiersmen" because, like you, I recognize that New York City is a most important frontier in America . . . frontier for new ideas.

Victor Hugo placed a proper value on new ideas. He said, "Greater than the tread of mighty armies is an idea whose time has come."

Never has America so desperately needed new ideas . . . new directions. America, today, is like the story of the late Supreme Court Justice Oliver Wendell Holmes, who once found himself on a train, but he couldn't locate his ticket. While the conductor watched, smiling, Justice Holmes searched through all his pockets, without success. Of course the conductor recognized the distinguished Justice, and so he said: "Mr. Holmes, don't worry. You don't need your ticket. You will probably find it when you get off the train, and I'm sure the Pennsylvania Railroad will trust you to mail it back later."

The Justice looked up at the conductor with some irritation and said: "My dear man, that is not the problem at all. The problem is not . . . where is my ticket? The problem is . . . where am I *going?"*

And that is America's problem as we enter 1972 . . . with both Democrats and Republicans searching for a winning presidential ticket . . . with the same question haunting Wall Street, Main Street and Pennsylvania Avenue: "Where are we going?"

Sometimes history can help a wise leader guide his nation through a stormy sea. And certainly today is a historic day: December 7th, Pearl Harbor Day. What can President Nixon learn from President Roosevelt's failure to prepare Pearl Harbor against a sneak attack?

The lesson of Pearl Harbor is clear: Know your weakness and strengthen it.

The most critical weakness of America today is not in Saigon, Peking or Moscow. Our weakness is in the heart of every major American city. It is all around us here in Brooklyn; slums and deterioration . . . the American ghetto!

In the heart of Brooklyn there is Bedford-Stuyvesant and Brownsville-East New York, more battered than Pearl Harbor . . . looks more like Berlin or Hiroshima after World War II.

When the late Senator Robert F. Kennedy looked for a place to plant the seeds of new hope for the slums of America he chose Brooklyn's Bedford-Stuyvesant. And he chose wisely!

We have followed in his path. The Lefrak Organization has pledged its resources to produce 50,000 turnkey Housing units for low income families in the ghettos of New York City. This week we have started to deliver the first Housing Units. We will be producing from here on in 2 homes a day.

Tonight, I invite you to join a crusade . . . a crusade that needs and welcomes your generation. A program that will call upon all the skills you developed at this great Brooklyn institution of learning: Engineering . . . Architecture . . . Art . . . Design . . .

We call this crusade "Manhattan Project #II." Manhattan Project #I marshalled all the resources, all the brainpower . . . of America, to produce the Atomic Bomb, the ultimate weapon which won the war that began at Pearl Harbor. Today our target for Manhattan Project #II is no alien enemy. It is a homefront enemy; The Slums of America. Manhattan Project #II will be used, not for destruction, but for the rebuilding of our cities.

The late Adlai Stevenson once described with great eloquence the indomitable American "can do" spirit. He wrote, "Americans have always assumed, subconsciously, that all problems will be solved; that every story has a happy ending; that the application of enough energy and money and good will can make everything come out all right." In view of our happy history so far, this assumption is natural enough. As a people, we Americans have never encountered any obstacle that we could not overcome. "The Pilgrims had a rough first winter—but after that, the Pilgrim Colony flourished.

"Valley Forge was followed naturally by the British surrender at Yorktown. Daniel Boone always found his way safely through the frontier forest. We crossed the Alleghenies and the Mississippi and the Rocky Mountains with an impetus that nothing could stop. The wagon trains got through; the Pony Express delivered the mail; in spite of Bull Run and the Cooperheads, the Union was somehow persevered. We never came across a river we couldn't swim or bridge, or a war we couldn't win." Ladies and Gentlemen, this, too, is a war we aim to win.

The naysayers and defeatists are everywhere. But don't let them grind down your generation. They love to say that the cities are not worth saving. And when you mention the hope of Industrialized housing they love to remind you of the ill-fated Lustron house and the Alside house and Buckminster Fuller's Dymaxion house which goes back to the mid-30's. They love to tell you about the companies in factory-built housing that have stumbled and gone broke in the past few years. They love to point out the obstacles in building codes and union resistance.

I suggest they read a little history. I suggest they look at the automobile industry in the 1920's and find there the counterpart of the industralized housing industry today.

Alfred P. Sloan, Jr., in his book, "My Years with General Motors," said, "The automobile presented one of the greatest industrial opportunities of modern times." Well, ladies and gentlemen, I suggest to you that industrialized housing can do for the American economy in the 70's what the automobile and aerospace industries did for it in the 60's.

Sure, we're going to lose a few Hupmobiles and Stutz Bearcats and maybe even a few Packards and Rolls Royces along the way. But by 1980, I promise you, the industrialized housing industry will probably equal—and maybe even surpass—the automobile industry's contribution to the American economy.

But when industrialized housing swings into full gear, its products won't be polluting the air, eating up valuable living space with parking lots and roads, and aiding the exodus from our cities. Its products will be breathing new life into our ailing cities by providing not only the housing that is so desperately needed, but also the jobs.

Industrialized housing is here, and I urge you to seek your piece of this action. This is where the truly imaginative architect or interior designer or land planner or engineer can make a real contribution. Don't be turned off by some of the poor examples of factory-built housing you may have seen. Real talent, young talent, fresh ideas are desperately needed in this fledgling industry. Remember that wonderful old Chinese proverb: "It is better to light one candle than to curse the darkness." If each of you here today will light just one candle, make one small contribution to the emerging state-of-the-art, just think what a lovely light your combined input may one day cast!

To understand why factory-built housing is the wave of the future, it is necessary to understand some of the reasons why it has not worked well in the past.

Operation Breakthrough, commendable as it is, is not a new idea. Right after World War II, Wilson Wyatt, the George Romney of the Truman Administration, tried to enlist U.S. industrial know-how in the housing process. There was a desperate shortage of housing. Very little had been built in the past 15 years. Returning veterans by the millions were getting married and moving in with the in-laws and friends.

Then, as now, big companies responded to the challenge. Douglas, Chrysler, Consolidated Volte, were among those making plans to go into factory-built housing. But the ends of controls came in 1947, and they scrapped those plans.

A few other attempts sputtered and fizzled out—partly because what they produced was unpalatable to the American taste, and partly because there was no real mechanism for delivering and marketing it. The additional handicaps of local labor resistance, chronic materials shortages, and the proliferation of building codes made it virtually impossible to produce a uniform product that could be sold over a broad area.

Today, however, there is no materials shortage. In fact, we have a lot of exciting new materials to work with—lightweight aggregates, expanded carbonized wheat, styrofoam, laminates, space-age materials for a space-age market. And we have a lot of new components and equipment designed specifically for the factory-built market. Bucky Fuller designed a modular bathroom for the Dymaxion House in 1935, but it took 36 years for it to come to market.

This time, too, the codes are responding to the need. By the end of this year, I am told, over 30 states will have passed some type of state-wide factory-built housing code. Ultimately, of course, we will have a federal national building code. And, I urge the passage of such a code now. Today we have federal control with the F.C.C., F.T.C., F.A.A. I call for an F.B.C. a Federal Building Code. We already have, for the first time, the very real prospect of a truly national housing market.

Labor unions, too, have seen the handwriting on the wall. Now I would not exactly say they have been real pussycats about it. But dozens of factory contracts have been signed with the industrial divisions of our major building trades unions. As long as that product bears a union label, the skilled trades that work on-site will sooner or later go along.

Skilled labor, and the increasing shortage of it, is one of the principal reasons why factory-built housing needs top priority in the 70's. We are dealing with an aging labor force, ladies and gentlemen. Each year, more skilled craftsmen leave the building trades than enter them through apprenticeship programs.

Two years ago, the National Assn. of Home Builders estimated a need for 400,000 new workers annually in the building trades through 1975. Not even 10% of that number enters an apprenticeship program each year.

Those that remain seek and get outrageous increases in wage rates and fringe benefits with each new contract—and with no increase in productivity. The wage-price freeze has temporarily grounded that skyrocket, but does anyone doubt that these demands will resume when the freeze is eased or lifted?

The unions say these demands are justified by the fact that weather prohibits their members from working more than eight months of the year in most areas. Well, it makes no more sense to me to employ *only* two-thirds of available construction time than it does to idle one-fourth of our productive capacity at a time when the need is so great.

Most of you know the numbers. Within this decade there will be 27-million more Americans needing housing. The number of households will increase by 14-million, or 39%. In addition, we'll be scrapping or abandoning some 8.4 million housing units; 2.3 substandard units will be replaced or rehabilitated; and demand for second homes will double to more than 2.3 million in the 70's.

All this adds up to a minimum housing demand in this decade of 28.6 million units. Now how in hell are we going to produce that number with an even smaller crew than turned out 17.8 million units in the sizzling 60's.

I'll tell you how we are going to do it.

We're going to take semi-skilled, even unskilled workers—We're going to take women who have never been part of the construction industry—and train them to produce housing on an assembly line. They're going to produce it all-year-round, 24 hours a day in three eight hour shifts—just the way we produced aircraft and tanks during World War II; and they're going to enjoy something the building trades never had—a guaranteed annual wage.

We're going to cut costs through mass purchasing power, greater productivity, and by sub-assembling components and whole rooms so that main assembly lines can move along as briskly as the ones in Dearborn or River Rouge.

We're going to produce continuously, rain or shine. And if weather shuts down sitework, we're going to stack our output in protected staging areas from which it can be moved swiftly and efficiently when sitework starts up again.

We're going to drastically reduce the cost of construction financing by producing our structures in the factory at the same time the site-work is being done. And by doing 80% or more of the work in a factory, we're going to reduce or eliminate one of the greatest costs in construction today—on site vandalism and theft.

I am told there already are some 600 companies that say they are in factory-built housing. They include many of the giants of American industry—General Electric, Westinghouse, Olin, U.S. Steel, Celanese, Hercules, Fruehauf.

One publication estimated that existing capacity this year could produce 150,000 units, though it will actually turn out only half that amount. And there's a lot more capacity coming onstream in the next year. Mr. Romney suggests that by 1980 some 80% of our housing will be factory-built.

Now where, you may ask, are we going to put all this housing?

There's a lot of talk about new planned communities. It's a lovely idea, and I'm sure we will have more of them one day—with the help of God, Uncle Sam, and a few billion dollars. I've got a few on my own drawing boards.

But I'm basically a city man. I believe in the future of our cities, and that's where I'm placing my bet.

At the turn of the century, Henry Ford the First stood beside his Model-T and shook his fist at New York City and Wall Street and Washington and snarled a curse:

"Cities are finished," said Ford the First. And since that time, the cars that Ford and the rest of Detroit spawned have almost made his prediction come true.

Not just the cities; automobiles also killed small towns, killed Main Street. In American history, cars have killed more Americans than all our wars. And now cars choke our cities, driving people and industry to the suburbs to live and work and shop.

Three years ago, the Kerner Commission—the National Advisory Commission on Civil Disorders—cited slum housing as a major cause of the riots in our cities.

More recently, the National Urban Coalition, updating the Kerner Report, found that little had been done.

"In 1971," this report stated, "housing is still the national scandal it was then. Schools are more tedious and turbulent. The rate of crime and unemployment and disease and heroin addiction are higher than ever. Welfare rolls are larger. And, with few exceptions, the relations between minorities and the police are just as hostile as ever. If such trends continue, most cities by 1980 will be predominantly black and brown, and totally bankrupt."

At the bottom of that "shame of the nation" is housing.

The American city slums breed drug addiction and compulsive crime and surrender to welfare and a third generation of despair.

If there were only 100 cases of cholera anywhere in the United States, President Nixon would declare a national emergency and quarantine the infected areas.

The slums should be quarantined, and cured. By all of you out there. You are the doctors. And you have the tools. The new technology. The government programs.

This is not a wound to heal with band-aids or spot-renewal. We need more drastic, more dramatic measures—something that will lift the spirits of slum-dwellers and give them real hope of a better life.

We won't solve the ills of the cities by tearing down slums before we have built housing for the people who live in them. The new housing must come first.

We must make use of the air rights over railroads and highways and waterfront properties, build platforms over them, and erect housing and schools and offices and factories and shops—quickly and economically, using the industrialized methods we all believe in. Then you can move people out of the slums and right into this new housing. Tear down the slums and replace them with parks and recreation areas—recycle them and do a transplant, in effect, to provide attractive new vistas to people who have seen little beauty in their lives.

This is no hare-brained scheme, ladies and gentlemen. My company already has submitted proposals to do exactly that. One, which we designed, would build a $1-billion community over the Penn Central tracks in Harlem. Another would build 17,000 housing units and a new home for Manhattan's garment industry over the Sunnyside Yard tracks in Queens. And we are currently negotiating to build 5,000 housing units on air rights over the former subway barn at the old Flushing World's Fair site.

But where, you may ask, are you going to produce this housing in such quantities? And how are you going to deliver it to the cities?

Ladies and gentlemen, I'm a great believer in recycling. Ten years ago, I recycled a 40-acre dump in Queens into a community that now houses 25,000 people: Lefrak City.

Today, I want you to join with me in a crusade that could save the American city by recycling one of its major industries: aerospace.

I want to propose a "wedding" between Aerospace and Housing. Let's ask President Nixon to perform the ceremony at the White House. Maybe we could persuade George Meany, that sweet-tempered pillar of American labor, to be best man. And may I suggest that a fitting "dowry" would be a massive transfusion of funds for existing federal housing programs.

Subsidies are an established fact of life in the American economy, but for some reason people still find something slightly immoral about subsidized housing. Back in Wilson Wyatt's day, he called them "premium payments for production," and got Congress to authorize a $400-million program for housing.

Does anyone have any illusions about the extent of federal subsidy that automobiles and shipping and airlines and railroads have enjoyed over the years—in highways and mail subsidies and land grants for railroad rights-of-way? And how about the depletion allowance for the petroleum industry?

The massive Interstate Highway System, conceived under President Roosevelt as a hypo for the depression years, and launched under President Eisenhower as a transition transfusion after Korea, has already cost more than $50-billion of an ultimate $70-billion to bypass and hence to drain more than a hundred urban centers.

Some of the things I say may sound wild—but I'm not foolish. I know that we need government as a partner in any Manhattan Project #11. And we need to convince the financial community that the building industry is technologically the bankers on our team.

If we can arrange the marriage between aerospace and housing, we won't need to waste our limited resources on new factories. A lot of companies have spent millions on new production facilities for factory-built housing only to discover that it takes a very long time to make everything work, and to match your production schedules to completion of onsite work and government approvals. In New York City, for example, we must go through 72 steps at the local level before we talk to Washington.

While all these wrinkles are being ironed out, the company is absorbing a helluva front-end-load—meeting payrolls, paying for materials, and amortizing that damn plant.

The Department of Housing and Urban Development wasted $100,000 of taxpayers' money on a crazy proposal that would convert old Liberty Ships into floating housing skilled technicians are on unemployment each.

In the meantime, millions of sq. ft. of production space in aerospace industry is lying idle. Hundreds of thousands of highly skilled technicians are on unemployment lines.

In wartime, President Roosevelt called on Henry J. Kaiser to make Liberty Ships, General Motors to build tanks, Ford to make bombers. Old dogs can learn new tricks—when they have to.

General Electric already is producing housing in an old bomber factory in Apple Valley, California. And a company in Louisville, Unex Building Systems, Inc., is turning out housing in a factory that once assembled Ford cars. Why do you think so many aerospace companies participated in Operation Breakthrough? They know what they've got: they want in.

Think about it, ladies and gentlemen. It's a natural trade-off. The technology of Aerospace can teach Housing what it needs to know—about systems and new materials and procurement and the use of massive R&D appropriations from Congress.

Housing can help Aerospace develop new jobs for its tested skills. Sure, the tolerances of aerospace are far greater than we need, but the needs of housing are greater than we can meet.

The more you think about it, the more sense it makes. Aerospace factories are scattered all over the country near major urban centers—Grumman in New York—McDonnell-Douglas in St. Louis—Boeing in Seattle—United Aircraft in Hartford. Lockheed has today 75,000 employees in 26 states.

They have the production space and capability, the staging areas, the talent, the access to transportation. And what we can't ship conveniently on flatbed trucks or trains or barges could be carried to the sites with skycranes traveling mostly over water.

Let's look at it again:

Aerospace has the technical skill to produce massively in the factory.

Aerospace has the ability to produce swiftly—under the gun.

Aerospace has learned to produce vast structures—using the lightest and strongest modules.

Aerospace is virtually dormant. Its vast brainpower and manpower and production power is lying fallow.

We surely don't need Aerospace to build aircraft for a war that is being phased out or a commercial business that is plagued with over-capacity, or a space program that strikes more and more people as a repetitious waste of painfully extracted tax money. But we do need to preserve its might and its brainpower against the day we all pray will never come—when it might be needed again to defend this nation.

Ladies and gentlemen, a partnership between housing and Aerospace could be dynamite—blasting away slums and replacing them with decent living space.

But Aerospace will need strong partners in housing. Strong national builders—or national alliances between strong regional builders—and financial institutions with the courage and vision and, most of all, the capital to underwrite the New America. Out of this may well come that General Motors of housing that everyone has been looking for so long.

I want to serve notice right now that the Lefrak Organization aims to reach for the title. Maybe we'll only be the Ford or the Chrysler of housing, but we're a billion dollar company right now, so we have a big head-start.

We want to work with local builders all over this country to start carving away the cancer of slums from the vitals of American cities. Come to us with your ideas. We're ready. We're eager. We need your help. We offer you ours. We are looking hard for able partners all over America, associates, joint ventures—the formula will vary with the city and the men who want to work with us. Between us, we can build the kind of America that will mark its 200th birthday in 1976 with pride and accomplishment.

I know of no other generation of Americans who ever had so great an opportunity and so great a responsibility. For Better or for Worse the world today is committed to accelerated change. Radical, wrenching, erosive of both traditions and old values. You, its inheritors, have grown up with rapid change and are better prepared to accommodate this change than any young men and women in history.

Dynamic growth, not stagnation, must be our country's destiny. Persistent, industrious and imaginative efforts can transform and revitalize our cities and assure our continuing greatness, progress and prosperity.

The pioneer spirit that made this country so great is still with us. Let us not forget or foresake our heritage as we build for a great today and an even greater tomorrow.

RESIGNATION OF JOHN S. NOLAN, DEPUTY ASSISTANT SECRETARY FOR TAX POLICY

Mr. MATHIAS. Mr. President, John S. Nolan, Deputy Assistant Secretary for Tax Policy, is leaving the Treasury Department to return to his private law practice. Jack has been my personal friend for a number of years. He has been known on Capitol Hill, and in his private life, as a man of candor and expertise. His careful thinking has been reflected in the voluminous testimony he has presented to the Congress, most recently on the Revenue Act of 1971.

Even though I shall miss Jack Nolan's counsel as an outstanding public servant, I hope to benefit from his advice as an informed public citizen. We have gained much from Assistant Secretary Nolan's high degree of expertise and the industrious and forthright manner in which he carried out his important work. He has set a high standard of public service toward which all Government officials may aspire.

I ask unanimous consent to have printed in the RECORD a New York Times article of July 30, 1971, announcing Jack's intention to return to private life. It is a measure of the man that he responded to the President's call of August 15, and delayed his departure to provide invaluable assistance in the enactment of the Revenue Act of 1971. We wish him well.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TREASURY AIDE IS QUITTING POST

WASHINGTON, JULY 29.—John S. Nolan, Deputy Assistant Secretary of the Treasury and one of the main architects of the 1969 tax reform bill, has resigned. He will leave the Treasury at the end of August.

Mr. Nolan, whose resignation was supposed to have been announced next Monday, said his reasons for resigning were "simply family and finances."

Persons familiar with the tax side of the Treasury said, however, that the real reason for his departure was a feeling that his abilities were not being used or likely to be used by the Nixon Administration. He was said to feel that the Administration did not really intend to try to improve the tax laws but wished to make dramatic, and unrealistic, reform proposals for political purposes.

Mr. Nolan was recently passed over for Commissioner of Internal Revenue, which went instead to Assistant Attorney General Johnnie M. Walters.

CONFLICTING VIEWS

At that time, it was announced that a special new position within the Treasury would be created for Mr. Nolan, possibly a new assistant secretaryship. No such action has been taken.

Mr. Nolan was said to have been rejected for the Internal Revenue job because of views he held on a number of issues that had brought him into conflict with the White House staff.

Although Mr. Nolan is an economic conservative and has strongly advocated such policies as a reduction in the corporate tax, he has also advocated termination of many special tax privileges accorded specific businesses and wealthy individuals.

Mr. Nolan also drew the disapproval of the White House recently when it was disclosed that he wrote a memorandum last year expressing doubts that the Administration could legally do something that it subsequently did—liberalize the methods by which businesses calculate their depreciation deductions to reduce business taxes by $3 billion annually.

HE SUPPORTED ACTION

After the memorandum had fallen into the hands of Senator Edmund S. Muskie, Democrat of Maine, who made it public, Mr. Nolan said that it had represented a preliminary opinion, not based on much research, and that he subsequently told the White House that he had changed his mind.

Throughout a long controversy and public hearings on the depreciation change, Mr. Nolan supported the Administration's action.

It was learned that Secretary John B. Connally Jr. and Under Secretary Charls E. Walker had attempted to persuade Mr. Nolan to remain at the Treasury.

The Senate Finance Committee is considering Mr. Walker's nomination as Internal Revenue Service Commissioner tomorrow, and there were some fears that word of Mr. Nolan's designation might cause some delay in the confirmation.

Mr. Nolan, who was formerly a partner in the Washington law firm of Miller & Chevalier, said he had no plans.

OFFICE OF ECONOMIC OPPORTUNITY, THE SOUTHERN RURAL COOPERATIVES, AND EVALUATIONS

Mr. HUMPHREY. Mr. President, during the Alabama hearings of the committee on Agriculture's Subcommittee on Rural Development, Mr. John Brown of the Southeast Alabama Self-Help Association testified on his organization's programs to promote economic development and self-reliance among the poor of Alabama. I was impressed by Mr. Brown's programs. I believe that they are a step in the right direction for bringing a share of the economic wealth of this Nation to the poor.

Since those hearings, I have kept in constant touch with SEASHA and the much larger Association of Cooperative Directors. Lately, a critical and important problem they face has come to my attention. The Office of Economic Opportunity has embarked on an evaluation of these rural cooperatives—a rather expensive evaluation to be conducted outside the normal framework of OEO in-house monitoring, and apparently without the support or the participation of the cooperatives.

OEO apparently believes that this evaluation is necessary to effectively scrutinize and judge the performance of the cooperatives. The cooperatives, however, believe that the evaluation will just be used as an excuse for OEO to get out of the business of funding cooperatives.

On December 9, I sent a letter to Office of Economic Opportunity Director Philip Sanchez asking him to see that the evaluation is conducted with the participation and support of the cooperatives.

I ask unanimous consent that a copy of my letter to Mr. Sanchez, a copy of the letter from Mr. John Brown, who is serving as chairman of the Southern Cooperative Directors, and a position paper of the cooperatives be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH EAST ALABAMA SELF-HELP
ASSOCIATION, INC. (SEASHA),
Tuskegee Institute, Ala., December 1, 1971.
Mr. PHILLIP V. SANCHEZ,
Director, U.S. Office of Economic Opportunity
Washington, D.C.

DEAR MR. SANCHEZ: The Association of Cooperative Directors in the South East (those cooperatives that are members of the Federation of Southern Cooperatives), met with Mrs. Carol Khosrovi on November 30, 1971, to discuss a proposed evaluation of rural cooperatives to be conducted by ABT Association.

At the invitation of Mrs. Khosrovi, we met in good faith and listened for more than an hour to Mrs. Khosrovi and other members of her staff talk "AT" us about decisions which had already been made relating to the study. After their presentations, we presented, in writing, our position with regards to the study, (see attached copy). However, before there was ample opportunity for the discussion of our position, we were grossly insulted by Mrs. Khosrovi. As a result, we felt it necessary to withdraw from the meeting.

Our major concern, Mr. Sanchez, is that we be intimately involved at all levels in all major decisions which affect the lives of our members. We are therefore requesting a conference with you and others whom you may wish to invite to discuss our position as stated in the attached document. We all could arrange to meet with you on or after December 9, 1971.

We would appreciate your prompt response to this request.

Very truly yours,
JOHN BROWN, JR., *Chairman.*

DECEMBER 9, 1971.

Mr. PHILIP SANCHEZ,
Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. SANCHEZ: Last summer, my Subcommittee on Rural Development was privileged to hear from Mr. John Brown of the Southeast Alabama Self-Help Association. I was impressed by Mr. Brown's sincerity and dedication to his work and his members. The program initiated by SEASHA—the Feeder Pig Co-op, credit union, business and industrial development, and community organization—has proved to be of benefit to the economic environment of Southeast Alabama. The problems of SEASHA are many; but the spirit of the people has convinced me that similar ventures such as SEASHA are valuable—they help people help themselves. And, after all, that is one purpose and one thrust of OEO.

On balance, support from OEO has been encouraging. Changes of course can and should be made—grants for staffing and program operation could be increased, multi-year funded instituted, and a more sensitive response from the OEO bureaucracy—these kinds of changes are necessary.

But, I would like to address your attention to one specific problem, a problem affecting not only SEASHA but all southern rural economic development cooperatives. I understand that OEO is about to make an evaluation of the various cooperatives in the Federation of Southern Cooperatives. This proposed evaluation apparently will be conducted without the viable participation of the Cooperatives. It seems to me that rather than embark on an evaluation of considerable cost, it would be of much more value to utilize consultants to provide assistance in program development. The Federation has pointed out to you in their Position Paper presented in Washington on November 30, 1971:

a. With respect to an evaluation of the cooperative concept and its viability, we submit that OEO's in-house mechanisms for evaluation are quite adequate. Moreover, we have submitted to OEO many proposals and requests for funding over the years, in which the problems of our cooperatives have been set forth in detail; in addition, during the same period we have submitted a hundred or more quarterly and annual progress reports to OEO detailing our needs, our strengths, our failures, our successes, etc.

b. Surely, in light of the absence of general expertise in the area, our own objective appraisals coupled with those of OEO's monitors and evaluators are much more credible than any which could be obtained from outside evaluators to whom the concept is totally foreign. Moreover, our expertise comes *free of charge,* and we offer it willingly.

Some have charged that this evaluation is to be used as the basis for eliminating the funding of rural cooperatives, because OEO wants to "get out of the co-op business." I do hope that these rumors are totally unfounded. Programs that help people—that help the poor become economically self-sustaining—ought not be emasculated. And, an agency originally established as an advocate for the poor ought not become a vehicle for dismembering worthwhile efforts of the poor.

I urge that you exercise your authority to see that if the evaluation is conducted, it is conducted with the participation and support of the Federation, and that funding for rural cooperatives is not reduced.

Sincerely,

HUBERT H. HUMPHREY.

PROPOSED EVALUATIVE STUDY OF COOPERATIVES AS A PLAUSIBLE APPROACH TO THE ELIMINATION OF RURAL POVERTY

We have been invited to this meeting today as representatives of rural cooperatives which are to be "involved" in a study of cooperatives, to be conducted by a private consultant firm, "to discuss and resolve any questions and issues" which have not been otherwise resolved.

We have carefully considered the matter of the proposed study and have decided that such a study could serve no useful purpose and would constitute a virtual waste of precious funds.

Our opposition is predicated upon several factors, among which initially was OEO's motives for proposing the study. Our very candid opinion is that the study is to be used to justify OEO's decision to discontinue the funding of rural cooperatives. It is based upon:

1. Statements made to us by OEO Washington representatives that OEO was desirous of "getting out of the Co-op business."

2. "The August 1971 edition of O.E.O. Digest Vol. I, No. 6 states that all programs (under a detailed earmarking formula) may be prorated downward in 1972 by 20%. It further states, "a major effect of the Senate Committee's bills is to direct that approximately $60.7 million be added to the O.E.O. 1972 budget request to increase certain specific programs, including Emergency Food and Medical Services, Alcohol Counseling and Recovery, Local Initiative, and a new Title VII established to cover Special Impact programs. These increases will necessarily have to be funded from off-setting reductions in other programs which under the earmarking formula exceed their minimum allocations."

"The areas hardest hit by the requisite reductions include the developmental health (Comprehensive Health, Family Planning, and Narcotics Rehabilitation) *and general research and demonstration programs of O.E.O.*

"The scope of reductions necessary in these areas is such that all new programs initiative would be eliminated and many ongoing activities would be abandoned. Reduction in some areas may approach 50% of the total program level."

"O.E.O. Director, Frank Carlucci, has ordered that a review of all research and development activities both planned and underway be undertaken immediately to consider possible elimination, curtailment or termination earlier than scheduled."

3. We have been informed that the present cooperative-grantees will, in the future, be transferred and funded from OEO regional offices which would mean, no doubt, decreased funding.

However, in light of Title VII of the Economic Opportunity Act of 1964, it appears that Congress has expressed a contrary intent, thus, what we perceive as OEO's initial motives are no longer relevant. In any event, we give OEO the benefit of any doubt regarding its motives (though not much remains) and base our opposition to the proposed evalulative study upon additional grounds.

Our basic concern has to do with the most efficient and productive utilization of the meager funds which are presently appropriated to rural, self-help economic development programs. We do not dispute the fact that 7 million dollars have been expended over the past five years by OEO to develop rural cooperatives, (as indicated in Mr. Albert E. Abrahams, Assistant Director for Congressional and Public Affairs letter to persons and groups who had written to Mr. Phillip Sanchez, Acting Director of OEO, expressing concern over this proposed study and evaluation). Yet when viewed in the context of the massive problem sought to be solved, that amount could not be said to manifest a true commitment. While we sympathize with OEO's budget problems, we think that in light of the fact that only 1.4 million dollars per year, on the average, has been expended within the last five years, the $385,000.00 proposed for the evaluative study could be better spent.

We have been told that the purpose of the proposed study is generally to determine the efficacy of cooperatives as instruments of the rural economic development of communities of poor people. The issue seems to have been resolved by the Congress with its enactment of Title VII. This is clearly reflected in the legislative history of Title VII, the following being illustrative thereof:

"Cooperatives—that have proven so effective for millions of Americans—are also effective economic arrangements for assisting poor farmers.

The committee believes that the program (of providing loans to cooperatives) ought not be abandoned, but rather transformed into an effective rural economic development program providing grants, loans and especially adequate technical assistance to both small farmers and rural cooperatives". (Report, Senate Committee on Labor and Public Welfare, p. 76)

Indeed the history of the economic development of this country shows cooperatives to be vital aids to rural residents, and that federal government participation was vital to the existence of rural cooperatives.

Over 5½ billion dollars in loans have been made to some 1200 electric and telephone cooperatives alone through the Rural Electrification Administration. Surely, food, clothing and shelter and the ability to provide them are just as important to rural residents as are telephones and electricity. In short, cooperative organizations have been the only viable mechanisms for the development of rural communities, with the possible exception of direct subsidies to farmers which have only benefited a few.

Because of our demonstrated and long-standing commitment to the economic development of the poor, rural South, we propose that funds appropriated for use in the proposed evaluation be better utilized toward the recognized goal of helping poor people help themselves. We propose that our partnership with OEO continue in an effort to find effective ways of meeting the needs of thousands of other people who are not touched by present programs.

We believe that over the decade of our involvement in the application of cooperatives and cooperative principles to the problems of the rural poor, we have developed a body of expertise in the area that is unequaled. Banded together under the Federation of Southern Cooperatives we are in contact with some 30,000 families, most of which are poor by any standards. We have had successes and failures and we have learned from them; we know our weaknesses and our strengths. Thus, we come here to offer to OEO, our partnership in the elimination of rural poverty, the benefit of our vast and varied experiences, with the hope that together, we can begin to formulate affirmative approaches toward exploiting our strengths and remedying our weakness to achieve our common goal.

We could greatly utilize the services of consultants, not to evaluate a concept which is proven, but rather to provide specific programs for the use of technical assistance in problem areas already identified by us. We know, for example, that we have a present need for expertise in the areas of marketing, production, management and financial planning. Why not engage consultants either to provide these services directly, or to help us develop a comprehensive program for the specific utilization of such technical assistance?

With respect to an evaluation of the cooperative concept and its viability, we submit that OEO's in-house mechanisms for evaluation are quite adequate. Moreover, we have submitted to OEO many proposals and requests for funding over the years, in which the problems of our cooperatives have been set forth in detail; in addition, during the same period we have submitted a hundred or more quarterly and annually progress reports to OEO detailing our needs, our strengths, our failures, our successes, etc. Surely, in light of the absence of general expertise in the area, our own objective appraisals coupled with those of OEO's monitors and evaluators are much more credible than any which could be obtained from outside evaluators to whom the concept is totally foreign. Moreover, our expertise comes *free of charge,* and we offer it willingly.

We have resolved to oppose the evaluative study, recognizing that it will probably result in reprisals in the form that discontinued funding of our programs. We would rather not prolong the inevitable. It seems certain, however, that no credible evaluation can be produced by any consultants without the cooperation of the subjects of that evaluation.

We hope our position communicated today will be received in the spirit in which it has been presented; that it has been discerned that our opposition to the evaluative study is not made merely for the sake of being opposed. We have attempted to express what, in our opinion, are genuine and legitimate concerns on our part; and we have come as a group because our interests are identical.

It is our sincere desire that as a result of our meeting today, our partnership with OEO will be both renewed and strengthened and that new direction will be given toward the attainment of our common goal—the elimination of rural poverty.

Therefore, what we are hereby requesting is that OEO accept our experience and expertise in rural economic development; and that together we sit down and work out a plan of action designed to strengthen the rural cooperative movement.

HOW OREGON FARMS ARE CHANGING

Mr. HATFIELD. Mr. President, much has been said in this Chamber recently about the plight of America's farms, farmers, and the agriculture industry in general. I am pleased that our commitment to improve the economic position of our country's farmers knows no political label or ideology. I hope that 1972 can be a year that will stand out as a year when significant progress is made toward this goal.

In my State of Oregon, one of our newspapers enjoying considerable readership among the agriculture community is the Capital Press, in Salem. I do not always agree with its editor, Mr. Dewey Rand, but I do always enjoy his columns and editorials. In the December 3, 1971, issue, the Capital Press illustrated in rather dramatic terms the agriculture situation in Oregon. Mr. Rand provided a real service for his readers, and his editorial will be helpful to me here in the Senate.

I hope that in 1972, efforts will be renewed in the area of investment tax credit in rural areas, which was dropped, regrettably, from the tax bill in conference. I was pleased to join with my good friend and colleague from Kansas (Mr. PEARSON) in attempts to offer this additional incentive. I hope we can secure passage of this, or a similar proposal, next year.

There are other areas I could comment on today, but I will not. I only hope that we can reverse trends of recent years, and improve the quality of life on America's farms. I have found in Oregon that people want to live in our smaller towns, but that the lack of a growing and healthy economy prevents any real growth. My colleagues here today have heard me before discuss the situation in our rural water and sewer systems, and how I think the Federal Government should move more agressively in the area.

In conclusion, Mr. President, I think Mr. Rand's thoughts are worthy of our study and our reflection. I ask unanimous consent that his editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW OUR FARMS ARE CHANGING

At long last, statistics from the 1969 U.S. Department of Agriculture Census are available. The Oregon State Department of Agriculture received the figures only last Friday from the survey taken by USDA nearly two years ago.

There is nothing unexpected in the results. We have already observed farms become fewer and larger, particularly in the past decade.

In the last five years we have lost nearly 28% of our farms in the state. The 1969 census tells us there are now 29,063 farms of all kinds in Oregon. In 1964 there were 39,757. A decade ago, in the 1959 census there were 42,573.

But the amount of acres in farms, predictably, showed a lesser decline. It was 20,509,500 in 1964 and 18,017,850 in 1969. The average size of farms in Oregon in that period rose from 515.9 to 619.9 acres.

While there is no comparative figure available, approximate value of land and buildings among Oregon farms was listed as a whopping $2.7 billion according to the 1969 census. The report said average per farm value in the five-year period jumped from $59,079 to $93,134, nearly double.

The number of farms in Oregon having sales of $40,000 or over during 1969 rose almost one-third. In 1964 only 2,301 farms reported sales in this category while in 1969 3,058 listed this amount. There was a slight increase in the number of farms with sales from $20,000 to $39,999, but in all other categories down to only $2,500 there were declines.

Oregon growers are moving off the farm too. According to the Census 36,343 said they resided on their farms in 1964 while only 23,313 reported this status in 1969.

There's little change in the age of farmers in the state. Average age is 51.9 years, down from 51.5 in 1964. We had over 7,000 growers over age 65 in the state in 1964 and less than 5,000 two years ago. Those on the farms under 25 years of age varied little during the five-year period. From age 26 through 64, they seem to be leaving the farm gradually, about 5% per year from 1964 through 1969.

USDA says farm production expenses in Oregon hit nearly $467 million in 1969, and while comparative data is not available in all categories, cost of hired farm labor alone went from $54 to $69 million.

The Survey also lists comparative figures for inventory and sales in production. Livestock and poultry, grains, vegetables, tree fruits, nursery and greenhouse products, and forest products are listed. In most categories, production is up with a notable exception in strawberries which were down nearly 29 million pounds. Potatoes were up about five million pounds.

A new category for which no comparative data is offered is the growers' use of commerical fertilizer, lime and chemicals. Over $37 million worth of fertilizers and chemicals were used by some 13,586 farms. Nearly 60,000 tons of lime were spread, sprays, dusts, fumigants to control insects on hay crops amounted to some $3.7 million.

Statistics for each of Oregon's 36 counties are reported in a detailed itemization. Similar figures are available for other states. (We will be covering the data on Washington in a future issue.) To give an overview of the number of farms in Oregon as reported, note the following table:

NUMBER OF FARMS IN OREGON BY COUNTY

County	1969 agriculture census	1964 agriculture census
Baker	626	736
Benton	575	858
Clackamas	2, 801	4, 116
Clatsop	258	486
Columbia	547	1, 149
Coos	700	1, 058
Crook	293	325
Curry	194	263
Deschutes	503	775
Douglas	1, 203	1, 922
Gilliam	166	186
Grant	286	282
Harney	276	279
Hood River	538	641
Jackson	1, 035	1, 556
Jefferson	356	422
Josephine	395	823
Klamath	826	1, 072
Lake	283	343
Lane	1, 840	2, 893
Lincoln	258	504
Linn	1, 742	2, 434
Malheur	1, 357	1, 737
Marion	2, 800	3, 388
Morrow	347	338
Multnomah	623	918
Polk	1, 056	1, 235
Sherman	209	221
Tillamook	469	716
Umatilla	1, 284	1, 502
Union	678	802
Wallowa	423	525
Wasco	542	599
Washington	1, 976	2, 468
Wheeler	110	129
Yamhill	1, 488	2, 056
Total	29, 063	39, 757

Clackamas county has maintained its lead as the largest agricultural county in Oregon in total number of farms, but Marion closed the gap considerably in retaining the number 2 spot. Washington has edged out Lane for the number 3 spot, Malheur has topped Douglas for number 7 and Umatilla has moved ahead of Jackson.

Those counties which showed appreciable drop in number of farms include the 11 which led the state in the 1964 census.

A few, such as Gilliam, Harney, Lake, Morrow, Sherman, and Wasco had minimal drops in number of farms.

Only two counties in Oregon, Grant and Morrow reflected an increase. Morrow picked up only 9 farms and Grant 4.

Of course there are bound to be some variations in the total agricultural census picture. Respondents filled out questionnaires for the 1969 census on a volunteer basis. They were surveyed in person during 1964. There appears to be considerably more data in the most recent census the volume of which could lend itself to error.

But the census reflects how our farms are changing. There have been enough other indicators to tell us the direction in which the industry is going.

Regretably, this most recent census data is already obsolete. There have been many changes in the past two years, which indicate even fewer and larger farms. But we hope in the next agricultural census, slated for 1974, sophisticated data processing equipment and methods will bring us a more timely picture of this vital industry.

CONTROLS NEEDED TO COMBAT FISH DISEASES

Mr. HATFIELD. Mr. President, I was pleased to join with the distinguished Senator from Utah (Mr. MOSS), in cosponsoring S. 2764, a bill to authorize Federal programs and regulations necessary to protect our fish resource from the spread of fish diseases.

I asked the Bureau of Sport Fisheries to prepare some statistics on the situation regarding fish catch and propagation in the West. I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATISTICAL NOTES

California, Idaho, Oregon, and Washington sport catch of salmon and steelhead in 1970:

Total catch 2,022,000 fish:	*Percent*
Coho salmon	43
Chinook salmon	30
Steelhead	17
Other salmon	10

Catch in Oregon waters: 422,000.

Sport catch of salmon and steelhead in Columbia River Estuary and adjacent oceans:

Oregon:	
Chinook salmon	21, 635
Coho salmon	66, 489
Washington:	
Chinook salmon	66, 000
Coho salmon	203, 199
Total	357, 323

COMMERCIAL SALMON CATCH, 1970 (PRORATED)

	Million pounds	Millions
California	15.6	$7.4
Oregon	18.7	8.9
Washington	29.1	13.9
Total	63.4	30.2

TROUT STOCKED BY STATE AND FEDERAL FISH HATCHERIES, 1970

[In millions]

	State	Federal
California	41.4	1.5
Idaho	32.3	4.2
Oregon	33.6	1.4
Washington	39.2	2.2
Total	146.5	9.3

NUMBER OF COMMERCIAL FEDERAL AND STATE FISH HATCHERIES IN THE NORTHWESTERN STATES

	Commercial [1]	Federal	State
California	209	1	19
Idaho	26	3	17
Oregon	36	1	30
Washington	71	9	50
Total	342	14	116

[1] Estimated.

ACHIEVEMENTS OF THE FIRST SESSION OF THE 92D CONGRESS—(S. DOC. NO. 92–52)

Mr. MANSFIELD. Mr. President, the first session of the 92d Congress convened on January 21, 1971. Since then, the Senate has met on 184 days and has been in session in the neighborhood of 1,060 hours. It has passed almost 600 measures and has taken a total of 421 rollcall votes. The Senate has also given its advice and consent to ratification of 15 treaties and confirmed some 49,000 nominations including those of a new Secretary of Agriculture and two new Associate Justices of the U.S. Supreme Court.

Among the Senate's major legislative achievements this session have been the following:

AGRICULTURE

A Farm Credit Act has been approved, a rural telephone bank established, and child nutrition and school lunch program bills enacted into law.

CRIME-JUDICIARY

The Juvenile Delinquency Prevention and Control Act was extended for another year. And, in a long-overdue move, Congress also repealed the Emergency Detention Act of 1950.

DEFENSE

The Senate passed military construction and military procurement bills and, after extensive consideration, a bill extending the military draft for 2 years and increasing military pay. The Senate has also gone on record on several occasions for a prompt end to the Vietnam war.

DISTRICT OF COLUMBIA

The Senate again gave its endorsement to a District of Columbia home rule bill. Another major bill acted upon by the Senate was the revenue bill authorizing a principal Federal payment to the District of Columbia of $173 million for fiscal year 1972 and of $178 million for fiscal year 1973.

ECONOMY

In regard to the Nation's economy, Congress has approved a number of highly significant bills. The Appalachian Regional Development Act and the Public Works and Economic Development Act were extended. A consumer product warranties bill was passed. Legislative measures providing for disaster relief, emergency loan guarantees, export expansion, an interest equalization tax extension, small business, a 10-percent social security increase, and extended unemployment compensation benefits were approved. Regrettably, the President vetoed the antipoverty bill which Congress passed, a bill which included programs of comprehensive child care and legal services for the poor.

Among measures initiated by Congress to help the economy was an Emergency Employment Act. Congress also extended the wage and price control authority it had earlier made available to the President and on the basis of which the effort to control inflation is now being made. After the President decided in late summer to utilize that authority, Congress gave several months of careful consideration to legislation on the second-phase program intended to alleviate the Nation's economic ills. A few days ago, the President signed into public law the Revenue Act of 1971 which contains the first package of the President's economic proposals. The second package extending and amending the Economic Stabilization Act has now been approved by Congress and awaits the President's signature into law.

EDUCATION

In education, the Senate approved a comprehensive higher education measure and an emergency school aid and quality integrated education bill which will receive further consideration next session.

GENERAL GOVERNMENT

Congress took final action on a long-needed Alaska Native claims settlement bill. The Senate initiated landmark legislation which culminated in the right to vote being accorded to the Nation's 18-year-olds. Congress also acquiesced in the President's reorganization plan establishing a new executive branch agency for volunteer programs. And it extended until April 1, 1973, the President's authority to propose reorganization plans.

HEALTH

Again emphasizing the importance it places on health as an item high on the list of national priorities, the Senate has approved the Cancer Act, a children's dental health bill, the Health Manpower Training Act, the Drug Abuse Office and Treatment Act, and the Nurse Training Act. Concern that Public Health Service hospitals and outpatient clinics continue in operation and not be closed down was expressed by Congress through the adoption by both Houses of Senate Concurrent Resolution 6. The Senate has also approved a nutrition program for the elderly and a program to combat sickle cell anemia, and a few days ago the Senate passed a wholesome fish and fishery products bill.

INDIANS

Recently the Senate adopted a concurrent resolution declaring it to be the sense of Congress that a government-wide commitment shall be made to enable Indians to determine their own future to the maximum extent possible.

INTERNATIONAL RELATIONS

The Senate approved legislation authorizing additional U.S. contributions to three multilateral lending institutions—the Asian Development Bank, the Inter-American Development Bank, and the International Development Association. It rejected one foreign aid bill and subsequently passed separate military and economic assistance bills. Agreement with the House of Representatives on the nature of new authorizing legislation with respect to foreign aid has not yet been achieved.

Among the treaties to which the Senate gave its advice and consent are an aircraft hijacking convention, several treaties relating to oil pollution, several tax conventions, a treaty with Mexico resolving boundary differences, and the treaty providing for the reversion of Okinawa to Japan.

RESOURCE BUILDUP

The Senate has approved legislation for the establishment of additional national parks, a riverway, a national river, recreation areas, wilderness areas, and an historic site. The Senate's concern for the Nation's environment has also been evidenced in a strong antiwater pollution measure which was approved.

SPACE AND ATOMIC ENERGY

Authorizations to continue the Nation's space and atomic energy programs have been enacted into law.

TRANSPORTATION

Coast Guard and maritime authorization bills have been approved. The Senate also passed a motor vehicle information and cost savings bill.

VETERANS

A number of important measures designed to assist veterans have been enacted into public law or else are awaiting the President's signature.

Also, I am most delighted to note, agreement between the Senate and House conferees was reached on a landmark election campaign reform bill which will seek to place some sensible limits on campaign expenditures. Moreover, congressional endorsement has been given to the principle of allowing a taxpayer, if he wishes, to check off $1 for the political party of his choice in a presidential election campaign instead of paying it in income tax. This new system—when it becomes fully effective in the 1976 election—will remove the need for a candidate to rely on personal fortune or large investors in his campaign who, in return, invariably feel they have a vested interest in the candidate. It is in every sense an essential in keeping the highest office in the land open on the basis of integrity to Americans of humble means.

I ask unanimous consent that at the conclusion of my remarks there be printed a summary of the legislative accomplishments of the first session of the 92d Congress.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that a summary, and my accompanying statement, be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. In conclusion, Mr. President, I wish to express my appreciation to the distinguished minority leader (Mr. SCOTT) for his able assistance and cheerful cooperation, without which it would not have been possible for the Senate to move its legislative program along in such an orderly way. He is a "pro" among "pros" if I may use that designation in a most affectionate and respectful sense. Also, I wish to extend my sincerest thanks to my colleagues on both the Democratic and Republican sides of the aisle for their cooperation and willingness throughout the year to accommodate themselves to the schedules of the Senate. I also point out, in particular, that our work could not have been handled so expeditiously had it not been for procedures initiated in the early part of the year at the suggestion of a bipartisan group of freshmen Senators. I also think special thanks are due to the chairman of the Senate Appropriations Committee (Mr. ELLENDER) and the ranking Republican member of that committee (Mr. YOUNG) for their efforts to insure prompt Senate committee action on appropriations bills. Their leadership in this regard has been outstanding.

Naturally, next year the Senate will continue the work of the 92d Congress. When the Senate returns in January, the calendar will not be bare. Measures relating to equal rights for men and women, equal employment opportunities for American workers, voter registration, and coastal zone management are among the items on the calendar on which the Senate could not act prior to adjournment because there was insufficient time. Many new measures will also reach the Senate calendar, of course. A war powers resolution has been ordered reported and will be on the calendar soon. As I have indicated before, it is very likely that H.R. 1, the measure containing social security and welfare proposals, will be one of the major pieces of legislation the Senate will proceed to consider in the early part of 1972. I feel confident, Mr. President, that the Senate's significant legislative achievements of the first session will be surpassed in the sum of the achievements it will attain next year.

EXHIBIT 1—SENATE DOCUMENT 92–52

SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, FIRST SESSION

(By Senate Democratic Policy Committee)

Symbols: P/H, Passed House; P/S, Passed Senate.

Following is a brief summary of major Senate activity.

AGRICULTURE

Burley tobacco

Extended the time for proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971. Public Law 92–1.

Burley tobacco—poundage quotas

Provided for poundage quotas, without acreage allotments, for burley tobacco; provided for a referendum of burley tobacco growers to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for the next 3 crop years; increased to 15,000 pounds the amount of quotas a farmer may lease; provided that farm quotas cannot be reduced more than 5 percent in any year; prevented allotments of ½ acre or less from being cut more than 2½ percent in the years 1972 and 1973. Public Law 92–10.

California peaches

Added California-grown peaches to the list of commodities for which paid advertising provisions may be included in marketing orders under the Agricultural Adjustment Act. Public Law 92–120.

Child nutrition programs

Authorized the use of $35 million in section 32 funds for the National School Lunch Act in fiscal year 1971 and $100 million in section 32 funds to carry out the provisions of that act regarding free and reduced price meals to needy children in fiscal year 1972; extended the authorization for the school breakfast program for fiscal years 1972 and 1973 and authorized therefor $25 million for each fiscal year and the authorization for the special food assistance program for children for fiscal years 1972 and 1973 and authorized therefor $32 million for each fiscal year; authorized the use of up to $20 million of section 32 funds for the supplemental food program in fiscal year 1972; and contained other provisions. Public Law 92–32.

Citrus exports

Called on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community (EEC) with respect to citrus fruits and, should such efforts not succeed, to exercise within 60 days his authority to increase United States import duties or impose other import restrictions against products entering the United States market from the EEC. S. Res. 89. Senate adopted April 1, 1971.

Communicable animal diseases

Expands the present authority of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard all communicable diseases of animals, to encompass Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada. Public Law 92–152.

Consolidated Farmers Home Administration Act of 1971 Amendments

Amends the Consolidated Farmers Home Administration Act of 1971 to increase the maximum loan and grant under section 306 (for water or waste disposal facilities and other specified purposes) to $10 million (from $4 million); to extend the planning grant authority to all waste disposal systems (now limited to "sewer" systems); to extend the authority of the Secretary to insure loans to October 1, 1975 (from October 1, 1971); to increase the maximum amount of loans which may be made by the Secretary from the Agricultural Credit Insurance Fund and held by him at any one time for sale as insured loans to $500 million (from $100 million); to transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans), and abolish the direct loan account; to authorize insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act of title III of the Bankhead-Jones Farm Tenant Act; to increase the ceiling on operating loans to $50,000 (from $35,000); and to authorize insurance of operating loans (of the type now authorized to be made as direct loans). S. 1806. P/S5/11/71.

Cotton ginners reports

Amended the census law to provide that reports by cotton ginners as to the county in which each bale ginned is grown shall be made at the completion of the ginning season, but not later than the March canvass, rather than at the March canvass. Public Law 92–143.

County committees

Amends the Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to consolidate counties or parts of counties for county committee purposes; contains other provisions. S. 1670. P/S 6/21/71.

Crop insurance

Requires Federal crop insurance to be made available to persons between 18 and 21 years of age. S. 1139. P/S 7/26/71.

Egg Product Inspection Act exemption

Required the Secretary of Agriculture, through December 31, 1971, to exempt from specific provisions of the Act any plant processing egg products which is located in the noncontiguous areas of the United States where the owner has been unable, despite good faith effort, to bring the plant into full compliance with the act. Public Law 92–67.

Eminent domain pool allotments

Repeals the existing requirement that acreage allotments established from the eminent domain pool be "comparable with allotments determined for other farms in the same area." S. 1545. P/S 6/21/71.

Extension of loan insurance authority

Permanently extends the authority to insure loans under the Consolidated Farmers Home Administration Act of 1961. Public Law 92–133.

Farm Credit Act

Provided further for the farmer-owned cooperative system through which credit is made available to farmers and ranchers and extended its operations to provide for housing loans to rural residents and loans to others providing services upon which farming operations are dependent in order to provide a modernized system to meet current and future rural credit needs; and contained other provisions. Public Law 92–181.

Farm payment subsidy limitation

Calls for a report to the Congress by the Secretary of Agriculture on his finding on the operation and administration of the current $55,000 farm subsidy payment limitation. S. Res. 153. Senate adopted 7/15/71.

Farmers insured emergency loans

Authorized the Secretary of Agriculture to make insured emergency loans of the type now authorized to be made as direct loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961. Public Law 92–173.

Feed grain bases or domestic wheat allotments for certain sugar producers; wheat history preservation

Authorizes (1) the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operation on or after January 1, 1971, and (2) the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1971 to be considered as devoted to feed grains or wheat for the purpose of preserving acreage history. S. 795. P/S 3/25/71.

Marketing quota review committee members

Permits farm marketing quota review committee members to be appointed from any county in the State instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties. S. 1131. P/S 5/11/71.

Meat and poultry inspection costs

Increases the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent. S. 1316. P/S 7/29/71.

National forest law enforcement

Authorized the Secretary of Agriculture to cooperate with any State or political subdivision in the enforcement of local law on lands within the national forest system. Public Law 92–82.

Peanut allotments

Amended the Agricultural Adjustment Act of 1938 to set new criteria for apportionment of acreage allotments among new peanut farms. Public Law 92–62.

Perishable Agriculture Commodities Act amendments

Amends the Act to require than an opportunity for a hearing be provided in a reparation proceeding only if the amount claimed exceeds $3,000 (instead of $1,500 as at present), and contains other provisions. S. 1838. P/S 10/6/71. H. Cal.

Potatoes

Makes permanent the existing exemption of potatoes for processing from marketing orders. S. 2672. P/S 11/16/71.

Rural telephone bank

Provided a source of supplementary financing to meet the growing capital need of rural telephone systems through establishment of a rural telephone bank to furnish assured and viable sources of supplementary financing, which bank shall originally be a wholly owned government corporation until 51 percent of the Class A stock has been retired and then be a mixed-ownership government corporation, subject to annual government audit but not budgetary review. Public Law 92–12.

School lunches

Directed the Secretary of Agriculture to use section 32 funds to the extent necessary to assure every needy child of the free or reduced-price lunches he is entitled to under the National School Lunch Act; provided that the maximum per lunch limitation on the amount States may reimburse schools for such lunches shall not be fixed by the Secretary at less than 40 cents or cost, whichever is less; and contained other provisions. Public Law 92–153.

Tobacco allotments

Permitted the transfer across county lines, in the same State, of Virginia Fire-cured tobacco type 21 and Virginia Sun-cured tobacco type 37 allotments, which previously could be transferred only from one farm to another in the same county. Public Law 92–144.

Wine promotion activities

Amended section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, to remove the restriction on foreign market promotion activities for domestic wine. Public Law 92–42.

APPROPRIATIONS: 1971

Continuing appropriations

Continued, through June 30, 1971, funding for the Department of Transportation and related agencies, appropriating $2,404,134,605 in new budget authority for fiscal year 1971 and $150 million in fiscal year 1972 advance funding for the Washington Metropolitan Area Transit Authority. Public Law 92–7.

Second supplemental, 1971

Appropriated $7,028,195,973 in supplemental funds for fiscal year 1971. Public Law 92–18.

Supplemental—Labor

Appropriated $50,675,000 for unemployment compensation for Federal employees and ex-servicemen. Public Law 92–4.

Urgent supplemental

Appropriated $1,037,872,000 for urgent supplemental appropriations for fiscal year 1971 for the Defense Department (claims, defense); the Veterans' Administration (compensation and pensions, and readjustment benefits); the Labor Department (Wage and Labor Standards Administration, salaries and expenses); Department of Health, Education, and Welfare, Environmental Health Service and Occupational Safety and Health Review Commission; the Small Business Administration (Disaster loan fund); funds appropriated to the President (Disaster relief). Public Law 92–11.

1972

Agriculture-environmental and consumer protection

Appropriated $13,276,900,050 for the Agriculture-Environmental and Consumer Protection programs. Public Law 92–73.

Continuing appropriations

Made continuing appropriations for several departments, agencies, corporations, and other organizational units of the Government to avoid interruption of continuing government functions until the enactment into law of the regular annual appropriation bills for fiscal year 1972 or until the expiration of this joint resolution on August 6, 1971, whichever occurs first. Public Law 92–38.

Made further continuing appropriations for fiscal year 1972 for the period from August 6 to October 15, 1971. Public Law 92–71.

Made further continuing appropriations for fiscal year 1972 for the period from October 15 to November 15, 1971. Public Law 92–139.

Made further continuing appropriations for fiscal year 1972 for the period from November 15, 1971, to December 8, 1971. Public Law 92–162.

Defense

Appropriated $70,518,463,000 for the various military departments and other activities of the Department of Defense. H.R. 11731. Public Law 92– .

District of Columbia

Appropriated $932,512,700 for the District of Columbia, including a Federal payment of $166 million. H.R. 11932. Public Law 92– .

Housing and urban development-independent offices

Appropriated $18,339,738,000 for the Department of Housing and Urban Development for space, science, veterans, and certain other independent executive agencies, boards, commission, and offices. Public Law 92–78.

Interior and related agencies

Appropriated $2,223,980,035 for the Department of the Interior and related agencies. Public Law 92–76.

Labor, and Health, Education, and Welfare, and related agencies

Appropriated $20,804,662,000 for the Department of Labor, the Department of Health, Education and Welfare, and related agencies. Public Law 92–80.

Labor Department—Emergency employment assistance

Appropriated $1 billion to the Department of Labor for emergency employment assistance. Public Law 92–72.

Legislative branch

Appropriated $529,309,749 for the Legislative Branch. Public Law 92–51.

Military construction

Appropriated $2,037,097,000 for military construction for the Department of Defense for fiscal year 1972, and contained other provisions. Public Law 92–160.

Office of Education and related agencies

Appropriated $5,146,311,000 for the Office of Education and related agencies. Public Law 92–48.

Public Works—Atomic Energy Commission—Independent offices

Appropriated $4,675,125,000 for public works for water and power development, the Atomic Energy Commission, and related independent agencies and commissions. Public Law 92–134.

State, Justice, Commerce, Judiciary

Appropriated $4,067,116,000 for the Departments of State, Justice, and Commerce, the Judiciary and related agencies. Public Law 92–77.

Supplemental

Appropriated $3,406,385,371 in supplemental funds. H.R. 11955. Public Law 92– .

Supplemental—Labor

Appropriated $270,500,000 for unemployment compensation for Federal employees and ex-servicemen and trade adjustment allowances. Public Law 92–141.

Transportation

Appropriated $2,905,310,997 for the Department of Transportation and related agencies. Public Law 92–74.

Treasury, Postal Service, and general government

Appropriated $4,752,789,690 for the Treasury Department, the United States Postal Service, the Executive Office of the President and certain independent agencies. Public Law 92–49.

Urgent Agriculture appropriations

Appropriated $17 million to the Department of Agriculture for the summer program of the non-school feeding programs for children. Public Law 92–35.

ATOMIC ENERGY

Atomic Energy Commission authorization

Authorized $2,325,187,000 for the Atomic Energy Commission for fiscal year 1972. Public Law 92–84.

CONGRESS

Commission on Art and Antiquities of the Senate

Expands the authority of the Commission on Art and Antiquities of the United States Senate to enable it to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Building, or in rooms, spaces or corridors thereof. S. Res. 95. Senate adopted 4/1/71.

Federal Election Campaign Act of 1971

Required broadcasters to charge all candidates (Federal and State) no more than the lowest unit rate in the same time period for 45 days before primaries and 60 days before general elections; provided that a person selling space in any newspaper or magazine to candidates for Federal office may not make a charge in excess of the charges made for comparable use of such space for other purposes; imposed a limitation on expenditures for the use of communications media by candidates for Federal office of the greater of (1) 10 cents times voting age population, or (2) $50,000, but not more than 60 percent of the overall limitation can be spent for the use of broadcasting stations; provided that no candidate for Presidential nomination can spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy, a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been available to him had he been a candidate for the office of Senator from that State; provided that the communications media expenditure limitations shall be increased in proportion to increases in the Consumer Price Index, with the base period being calendar year 1970; provided that the States may make the broadcasting spending limit applicable to State-wide elections, and made the limitation applicable to any money spent by a candidate or on his behalf; required broadcasters selling time on the behalf of a candidate to obtain a written certification that the amount to be spent will not put the candidate over the limitation, and applied the same requirement to spending for non-broadcast media; made the provisions of the act respecting disclosure of Federal campaign funds applicable to every elective process, every candidate, and every political committee (national, state or local) which accepts contributions in a calendar year in excess of $1,000; provided that responsibility for receiling, compiling, and publishing financial statements of contributions and expenditures for candidates and political committees shall be vested in the Secretary of the Senate with respect to candidates for Senator, the Clerk of the House of Representatives with respect to candidates for Representative, and the Comptroller General in other cases; and contained other provisions. S. 382. Public Law 92– .

Female appointees

Permits the appointment for the Senate of pages, elevator operators, post office employees, or Capitol policemen without discrimination on account of sex. S. Res. 112. Senate adopted 5/13/71.

Joint Committee on the Environment

Provides for the establishment of a 22-member Joint Committee on the Environment to consist of 11 Members each of the Senate and the House. S.J. Res. 17. P/S 3/16/71. H.J. Res. 3. P/H 7/20/71.

CRIME-JUDICIARY

Additional judicial district in Louisiana

Creates an additional judicial district in Louisiana by dividing the present eastern district into two districts, the eastern and middle districts; and contains other provisions. H.R. 3749. P/H 5/18/71. P/S amended 11/23/71.

Civil Rights Commission authorization

Increased the annual authorization for the Commission on Civil Rights from $3.4 million to $4 million. Public Law 92–64.

Copyright protection

Extended until December 31, 1972 the duration of copyright protection in certain cases. Public Law 92–170.

Detention camps—prohibition

Restricted the imprisonment or other detention of citizens by the United States to situations in which statutory authority for their incarceration exists and repealed the Emergency Detention Act of 1950 which authorized the establishment of detention camps and imposed certain conditions on their use. Public Law 92–128.

Federal Court jurors

Amends the Jury Selection and Service Act of 1968 to change from 21 years to 18 years the minimum age qualification for service on grand juries in the district courts of the United States. S. 1975. P/S 12/1/71.

Juvenile Deliquency Prevention and Control Act amendments of 1971

Extended the Act for 1 year, until June 30, 1972, and authorized $75 million for fiscal year 1972 for programs and projects under the act; authorized an increase from 60 to 75 percent in the Federal share of funding for juvenile rehabilitation projects to make such funding consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968; authorized grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies; and established an Interdepartmental Council to coordinate all Federal juvenile delinquency programs. Public Law 92–31.

Limited copyright in sound recordings

Provided for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings. Public Law 92–140.

Patent Office

Provides for several miscellaneous amendments of title 35, United States Code, and for an adjustment of the organization of the Patent Office within the Department of Commerce. S. 1254. P/S 4/22/71.

PATENTED AND TRADEMARKS

Afforded patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date of which the application was received by the Patent Office. Public Law 92–34.

Authorized the United States to make voluntary contributions to such organizations as the United International Bureau for the Protection of Intellectual Property and the Committee for International Cooperation in Information Retrieval Among Patent Offices in order to defray the cost of studies and other projects in connection with international patent and trademark matters. Public Law 92–132.

Suits to adjudicate disputed land titles

Permits the United States to be named a party in a civil action brought by any person to quiet title to land claimed by the United States and gives the district courts original jurisdiction to entertain these actions. S. 216. P/S 12/11/71.

U.S. District Court

Authorizes the United States District Court for the Northern District of West Virginia to hold court at Morgantown, West Virginia. S. 230. P/S 4/21/71.

DEFENSE

Assistant Secretary of Defense—additional

Provides for an increase from 9 to 10 in the number of Assistant Secretaries of Defense, with the new Assistant Secretary to be designated for telecommunications. H.R. 8856. Public Law 92– .

Dependents' special allowances for emergency evacuation

Made permanent the legislation authorizing the payment of special allowances to dependents of members of the uniformed services to assist in defraying the expenses incurred as a result of emergency evacuations. Public Law 92–176.

Disposals from national and supplemental stockpiles

Authorized disposal from the national and supplemental stockpiles of various materials, as follows:

Abaca: 25 million pounds. Public Law 92–114.

Amosite asbestos: 32,839 short tons. Public Law 92–104.

Antimony: 6,000 short tons. Public Law 92–105.

Celestite: 12,270 short dry tons. Public Law 92–111.

Chromite, Chemical grade: 324,500 short dry tons. Public Law 92–107.

Chromium metal: 4,238 short tons. Public Law 92–103.

Columbium: 5,010,716 pounds. Public Law 92–109.

Diamond tools: 64,178 pieces. Public Law 92–102.

Industrial diamond crushing bort: 18,912,000 carats. Public Law 92–83.

Industrial diamond stones: 4,961,000 carats. Public Law 92–108.

Iridium: 256 troy ounces. Public Law 92–98.

Kyanite-mullite: 4,820 short dry tons. Public Law 92–116.

Magnesium: 78,000 short tons. Public Law 92–113.

Manganese, battery grade: 4,805 short dry tons. Public Law 92–101.

Manganese, metallurgical grade: 4,424,840 short dry tons. Public Law 92–100.

Mica: 5,026,987 pounds. Public Law 92–91.

Quartz crystals: 330,000 pounds. Public Law 92–97.

Rare earth materials: 8,233 short dry tons. Public Law 92–106.

Selenium: 475,000 pounds. Public Law 92–110.

Shellac: 2.9 million pounds. Public Law 92–99.

Silicon carbide: 166,453 short tons. S. 754. P/S 6/21/71.

Sisal: 100 million pounds. Public Law 92–115.

Thorium: 210 short tons. Public Law 92–96.

Vanadium: 1,200 short tons. Public Law 92–112.

Vegetable tannin extracts: 46,263 long tons. Public Law 92–89.

Zinc: 515,200 short tons. S. 766. P/S 6/21/71.

Health care benefits for certain surviving dependents

Permitted surviving military dependents of Armed Forces members who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday. Public Law 92–58.

Marine Corps subsistence allowances

Provided subsistence allowances to certain Marine Corps officer candidates while they are pursuing a baccalaureate degree. Public Law 92–172.

Military construction authorization

Provided construction and other related authority for the military departments, and the office of the Secretary of Defense, within and outside the U.S. and provided authority for construction of facilities for the Reserve components, in the total amount of $1,986,323,000; and contained other provisions. Public Law 92–145.

Military pilot rating requirements

Repealed sections 3692, 6023, 6025, and 8692, of Title 10, U.S.C., so as to eliminate specific flying hour requirements and certain obsolete provisions, and added a new section to the same title to permit military pilots to be trained in a manner consistent with up-to-date pilot training techniques. Public Law 92–168.

Military procurement authorization

Authorized $21,316,870,000 for fiscal year 1972 for major procurement, and research, development, test, and evaluation by the Department of Defense; provided military construction authority for facilities in connection with the Safeguard anti-ballistic missile system; authorized the personnel strengths for fiscal year 1972 for the Selected Reserve of each of the Reserve components of the Armed Forces; declared the policy of the United States to be to terminate at the earliest practicable date military operations in Indochina, and provided for withdrawal therefrom of U.S. forces at a date certain, subject to release of all American prisoners of war and an accounting for all Americans missing in action; and contained other provisions. Public Law 92–156.

Military selective service—military pay

Extended the military draft for 2 years until July 1, 1973; increased military pay; authorized military active duty strengths for fiscal year 1972; declared it to be the sense of Congress to terminate all U.S. military operations in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and subject to an accounting for all Americans missing in action; and contained other provisions. Public Law 92–129.

National Guard technicians

Increased the ceiling for National Guard technicians from 42,500 to 49,200 in fiscal year 1972 and to 53,100 for fiscal year 1973 and beyond. Public Law 92–119.

ROTC scholarships

Increased the number of ROTC scholarships and placed certain restrictions on the use of these scholarships in the ROTC program. Public Law 92–166.

ROTC subsistence allowances

Raised the subsistence allowance for ROTC cadets from $50 to $100 a month to meet increased costs of room and board. Public Law 92–171.

Service academies—appointments

Makes eligible for competitive Presidential appointment the sons of members of the Armed Forces who are prisoners of war in Vietnam or who are otherwise in a missing status as presently defined by law, and increases from 40 to 65 the number who can compete for such appointment. S. 2945. P/S 12/10/71.

Survivor benefits

Provided that promotions of personnel in a missing status are valid for all purposes, including Federal benefits to survivors, even when the date of death of the missing member is later determined to have occurred prior to the promotion date. Public Law 92–169.

DISTRICT OF COLUMBIA

Administration of estates

Amended the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates. Public Law 92–88.

Administrative improvements

Provides authority for several needed improvements relating to the administration of government in the District of Columbia. S. 2204. P/S 12/1/71.

Assaults on District of Columbia firemen

Provided the same criminal penalties for assaults on firemen in the District of Columbia, and for interfering with such firemen in the performance of their official duties, as are presently provided by law for assaults on and interference with police officers in the city. Public Law 92–92.

Charitable trusts

Amended title I of the D.C. Code to facilitate the amendment of the governing instruments of certain charitable and split-interest trusts, and certain corporations which are subject to the jurisdiction of the District of Columbia and which are treated as "private foundations" for Federal tax purposes, in order to conform to the requirements of Sec. 508 of the Federal Internal Revenue Code. Public Law 92–177.

Commission on the Organization of the Government of the District of Columbia—extension

Extended the life of the Commission on the Organization of the Government of the District of Columbia 6 months (from September 22, 1971 to March 22, 1972). Public Law 92–25.

Consumer Credit Protection Act

Provided maximum interest ceiling rates in connection with direct installment loans and direct automobile installment loans; established maximum credit service charge rates for revolving credit accounts; made revisions relating to garnishment of wages; and provided an exemption from the usury statute for mortgage banking and real estate investment trusts and made retroactive the present exemption of life insurance companies and Small Business Investment Companies. S. 1938. Public Law 92– .

Decedents' estates—minor's share

Facilitated the distribution of a minor's share in the personal property of an estate whenever such share is of the value of $1,000 or less, and the minor is not otherwise under a legal disability and does not have a duly appointed and qualified guardian. Public Law 92–85.

Election Act amendments

Amends the D.C. Election Act to redefine qualifications for qualified electors; provides for referendums, advisory elections and community elections on the ballot; establishes a presidential preference primary and establishes procedures for electing delegates to political party national conventions; provides requirements for reporting campaign funds; and contains other provisions. S. 2878. P/S 11/20/71. P/H amended 12/13/71. Senate agreed to House amendments with amendments 12/14/71.

Freeway Airspace Utilization Act

Allows fuller utilization of space over and under freeways by making available for private and public purposes such airspace as will not impair the full and safe use of freeways. S. 1367. P/S 12/1/71.

Healing Arts Practice Act amendments

Revises the makeup of the Commission on Licensure; provides for temporary licensure of certain physicians and osteopaths; and broadens the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia. H.R. 8589. P/H 6/14/71. P/S amended 8/6/71.

Home rule

Provides for enactment of a District of Columbia Charter Act providing, among other things, for an elected Mayor and City Council and requires the District to conduct a referendum within 4 months after the date of approval of this legislation to determine whether the registered voters of the District accept the Charter Act. S. 2652. P/S 10/12/71.

Incorporating professions

Authorizes individuals in the District of Columbia rendering professional services which, under existing law, custom, or standards of professional conduct or practice, may not be rendered through a corporate structure, to join in the formation of a corporation. Public Law 92–180.

Memorial to Mary McLeod Bethune

Extended for 2 additional years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune, a prominent Negro educator. Public Law 92–57.

Metropolitan Police Department band

Permitted members of the District of Columbia Fire Department, the Executive Protective Service, and the United States Park Police force to participate in the activities of the Metropolitan Police Department band. Public Law 92–124.

Paralyzed Veterans of America

Granted a Federal charter of incorporation to the Paralyzed Veterans of America. Public Law 92–93.

Payment of medical expenses for police and firemen retired for total disability

Authorized the District of Columbia government to pay the necessary costs of medical, surgical, hospital, or related health care services for officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, and the United States Secret Service, who are retired subsequent to the date of enactment of this legislation for total disability incurred in line of duty and which expenses are incident to the injury or disease which is the cause of such retirement. Public Law 92–121.

Police commendations

Commends the Chief of the Metropolitan Police Department and other law enforcement personnel for their efficient action during demonstrations in the Nation's Capitol in May. S. Res. 119. Senate adopted 5/10/71.

Potomac River reservoirs

Gives broad authorization to the D.C. Commissioner to enter into contracts to provide for payment to the United States of the District's equitable share of the non-Federal costs of any reservoir which may be authorized by Congress for construction on the Potomac River or any of its tributaries which would benefit the D.C. water supply. S. 1362. P/S 12/1/71.

Public utilities

Standardized procedures for the testing of utility meters; added a penalty provision to enable certification to meet the requirements of the Natural Gas Pipeline Safety Act of 1968; and authorized joint cooperative action by the D.C. Public Service Commission with State and Federal regulatory bodies on matters of joint interest. Public Law 92–94.

Regulating employment of minors

Extensively revises the existing child labor laws of the District of Columbia, enacted in 1928, to reflect present demands by youth for jobs, and to eliminate obsolete and restrictive provisions which hinder the employment of minors. H.R. 2592. P/H 6/14/71. P/S amended 8/6/71.

Residency requirement of electors

Establishes a 90 day residency durational requirement in order to be a qualified elector in the District of Columbia, with a 30 day requirement for election of electors of the President and Vice-President; and provides that a qualified elector must be 18 years of age. S. 2495. P/S 9/15/71. P/H amended 9/28/71. Senate concurred in House amendment with an amendment 10/6/71.

Retirement benefits for totally disabled policemen and firemen

Provided that former members of the Metropolitan Police force, the U.S. Park Police, the Executive Protective Service, the U.S. Secret Service, and the District of Columbia Fire Department who were retired prior to October 1, 1956, for service-incurred disability which was rated at 100% at the time of their retirement, shall have their annuities computed on the same basis as are those for members who retired for service-incurred disability subsequent to that date. H.R. 2600. Vetoed by President 8/17/71.

Revenue Act

Authorized a Federal payment of $173 million for fiscal year 1972 and of $178 million for fiscal year 1973 and succeeding fiscal years and, in addition, authorized $6 million for fiscal year 1972 and $12 million for fiscal year 1973 and succeeding fiscal years for use only to pay D.C. officers and employees (other than teachers, policemen, and firemen) increased compensation required by comparability adjustments made after January 1, 1972; increased the D.C. motor vehicle fuel tax, unincorporated business tax, and corporate income tax; delegated to the D.C. Council certain taxing authority of Congress; and contained other provisions. H.R. 11341. Public Law 92—.

School fare subsidy

Extended the subsidy for the transportation of school children in the District of

Columbia for three years to August, 1974. Public Law 92-90.

Sickle cell anemia—prevention

Authorizes programs in order to conduct voluntary screening, counseling, and public education regarding sickle cell anemia, and to aid in increased research in the prevention and treatment of the disease. S. 2677. P/S 12/9/71.

Substitute teachers retirement credit

Makes creditable for the purposes of computing civil service retirement annuity benefits certain service by substitute teachers in the D.C. school system rendered after July 1, 1955. S. 1031. P/S 12/9/71.

Unemployment Compensation Act amendments

Implemented provisions of the Employment Security Amendments of 1970 (P.L. 91-373) which made amendments to the Social Security Act and to the Federal Unemployment Tax Act. S. 2429. Public Law 92—.

ECONOMY-FINANCE

Adjustment of outstanding currency:

Permits the writeoff of Federal Reserve bank notes, national bank notes, and silver certificates issued after June 30, 1929 when the Secretary of the Treasury determines they have been lost or destroyed, or are held in collections and will never be presented for redemption. S. 670. P/S 2/18/71.

Airport and Airway Development Act amendments:

Amended the Act to clarify the intent of Congress regarding the expenditure of aviation user tax revenues from the Airport and Airway Trust Fund established by that law. Public Law 92-174.

Appalachian Regional Development Act and Public Works and Economic Development Act—extensions:

Extended for 2 years until June 30, 1973 the Public Works and Economic Development Act and authorized therefor $800 million for each of fiscal years 1972 and 1973; authorized the continuation of the general program portions of the Appalachian program for an additional 4 years with biennial authorizations for $282 million for fiscal years 1972 and 1973 and $294 million for fiscal years 1974 and 1975; added a 4-year, $40 million Appalachian airport safety improvements program; and made other changes. Public Law 92-65. (A similar bill—S. 575—but one which would have reactivated the Public Works Acceleration Act and authorized $2 billion for the fiscal years beginning after June 30, 1970 for grants for state and local public works, was vetoed by President Nixon on 6/29/71. The Senate sustained the veto on 7/14/71.)

Assistance for U.S. citizens returned from abroad—continuation

Extended for 2 years (to June 30, 1973) the authorization for the provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances. Public Law 92-40.

Consumer product warranties

Sets forth in Title I disclosure and designation standards for written warranties on consumer products costing more than $5 each; defines federal content standards for full warranties, and provides consumer remedies for the breach of written wararnty and written service contract obligations; in Title II, improves the Federal Trade Commission's ability to deal with unfair consumer acts and practices "affecting" interstate commerce by providing the Commission with power to seek preliminary injunctions, to initiate actions in Federal district court seeking specific redress for consumers injured by unfair or deceptive acts or practices, and to secure civil penalties for knowing violations of the Federal Trade Commission Act; and provides for promulgation of rules by the Commission defining acts and practices which are unfair or deceptive to consumers. S. 986. P/S 11/8/71.

Disaster relief—Medical care facilities

Amended the Disaster Relief Act of 1970 to authorize Federal assistance for the repair, reconstruction or replacement of any private, nonprofit medical care facility damaged or destroyed by a major disaster after January 1, 1971. S. 1237. Public Law 92- .

Duty-free status of certain gifts by Armed Forces members serving in combat zones

Extended until December 31, 1972 the existing suspension of duties on gifts sent from servicemen serving in combat zones to the United States. H.R. 8312. Public Law 92- .

Duty-free treatment of certain products

Provided for the permanent duty-free treatment of calcined bauxite, bauxite ore, aluminum hydroxide and oxide, TNT and blends of TNT and ammonium nitrate, generally called Amatol, and tinned sheets used in the manufacture of maple sap evaporators. Public Law 92-151.

Duty suspension of certain metal scrap

Continued for 2 years (until July 1, 1973) the existing suspension of duties on certain metal waste scrap provided by item 911.12 of the Tariff Schedules. Public Law 92-44.

Duty suspension of certain spun silk yarn

Continued for 2 years, until November 7, 1973, the suspension of duties on certain classifications of spun silk yarn. Public Law 92-161.

Economic Disaster Relief Act of 1971

Amends the Disaster Relief Act of 1970 to include economic as well as natural disasters; modifies the definitions of a "major disaster" to include the existence of an unemployment rate 50 percent above the national average for six of the preceeding twelve months or a 100 percent increase over twelve months to a rate higher than 6 percent; provides expanded unemployment compensation benefits in a disaster area; provides relocation assistance to unemployed individuals in disaster areas; expands the aid to major sources of employment in such areas to include loans to certain enterprises; and contains other provisions. S. 2393. P/S 8/5/71.

Economic opportunity amendments

Authorized $6 billion through fiscal year 1973 for the anti-poverty programs authorized in the Economic Opportunity Act of 1964, as amended, and three new programs in the areas of comprehensive child care, legal services, and community economic development. S. 2007. President Nixon vetoed 12/9/71. Senate sustained veto 12/10/71.

Economic Stabilization Act amendments

Authorized the President to issue orders and regulations to stabilize prices, wages, rents and salaries at levels not less than those prevailing on May 25, 1970, except that prices may be stabilized at levels below those prevailing on such date if necessary to eliminate windfall profits or to carry out the purposes of this legislation; authorized the President to issue orders and regulations to stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth; directed the President to issue standards to serve as a guide for determining levels of wages, salaries, prices, rents, interest rates, corporate dividends, and similar transfers; provided enforcement procedures and provisions for administrative and judicial review and necessary authority for the effective operation of the economic stabilization program; contained certain limitations on wage, salary, and price controls; authorized, effective January, 1972, comparability adjustments in the rates of pay of each Federal pay system covered by the Federal Pay Comparability Act of 1970, with the amount of such increases not to exceed 5.5 percent; and contained other provisions. S. 2891. Public Law 92- .

Emergency Loan Guarantee Act

Authorized a maximum of $250 million for emergency loan guarantees to major business enterprises, designed, in particular, for the Lockheed Aircraft Corporation, subject to the approval, under certain conditions, of an Emergency Loan Guarantee Board composed of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Securities and Exchange Commission. Public Law 92-70.

Export Administration Act

Provided a temporary extension of the Export Administration Act to October 31, 1971. Public Law 92-37.

Provides a temporary extension of the Export Administration Act to May 1, 1972. Public Law 92-150.

Export Expansion Finance Act of 1971

Excluded the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempted the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; increased from $3.5 billion to $10 billion the amount of outstanding guarantees and insurance the Bank may charge on a fractional reserve basis against its overall limitation; increased the overall limitation on the amount of loans, guarantees, and insurance the Bank may have outstanding at any one time from $13.5 billion to $20 billion; extended the life of the Bank for 1 year to June 30, 1974; precluded the Bank from guaranteeing, insuring, extending credit, or participating in the extension of credit to any nation with respect to which the President determines that such transaction would be contrary to the national interest; directed the Bank to offer financing in support of U.S. exports that is competitive with that being offered by the government agencies of the other principal exporting nations; and contained other provisions. Public Law 92-126.

Home mortgage loan by federally insured bank to a bank examiner

Provides a narrow exclusion from the general prohibition of current law against any dealings between Federal bank examiners and federally insured institutions that they either examine or have power to examine so as to permit the making and accepting of a home mortgage loan between these parties, subject to certain restrictions. S. 2262. P/S 12/3/71.

Interest equalization tax—extension

Extended the interest equalization tax for 2 years from March 31, 1971 to March 31, 1973; provided discretionary authority to the President to extend the tax to debt obligations with maturities of less than 1 year; restricted the tax-free rollover privilege of existing mutual funds to investments in the funds prior to March 24, 1971; and made other changes. Public Law 92-9.

Interest rates and cost-of-living stabilization—temporary extension

Provided a temporary extension until June 1, 1971 of certain provisions of law relating to interest rates and cost-of-living stabilization. Public Law 92-8.

Investment Company Act amendments

Amended sec. 27(f) of the Investment Company Act of 1940, as amended, to provide that the refund rights contained in that section apply to any periodic payment plan other than a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 percent of such payment. Public Law 92-165.

Lost or stolen securities

Authorized the Secretary of the Treasury to replace for their owners lost or stolen bearer securities of the United States prior to their maturity. Public Law 92–19.

Public debt and interest rate limitations

Increased the permanent debt limitation from $380 billion to $400 billion and provided for a temporary increase (until July 1, 1972) from $15 billion to $30 billion; provided that long-term U.S. obligations, in an aggregate amount not exceeding $10 billion, may be issued without regard to the statutory 4¼ percent limitation on the interest rate on long-term bonds; and provided that U.S. Government obligations issued after March 3, 1971 having a market value below face value cannot be redeemed at face or par value in payment of any U.S. tax. Public Law 92–5.

Purchase of U.S. obligations by Federal Reserve Banks

Extended for a 2-year period, from June 30, 1971 to June 30, 1973, the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 92–45.

Renegotiation Amendment of 1971

Amended the Renegotiation Act of 1951 to extend the Act for 2 years until June 30, 1973, to modify the interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be erroneous, and to provide the Court of Claims with exclusive jurisdiction of renegotiation cases; and contained other provisions. Public Law 92–41.

Revenue Act

Provided a 7 percent job development investment credit; repealed the 7 percent excise tax on passenger automobiles and the 10 percent excise tax on light-duty trucks; increased the personal exemption deduction for 1971 from $650 to $675 and to $750 for 1972 and thereafter and increased the low-income allowance for 1972 and thereafter from $1,050 to $1,300; provided for a child care deduction; provided tax deferral for export income of Domestic International Sales Corporations (DISC's); allowed tax incentives for political contributions to candidates for public office; provided for public financing of presidential election campaigns, effective with the 1976 presidential election, with an optional tax checkoff of $1 on income tax returns to be used for campaign funds of the party of one's choice; and contained other provisions. Public Law 92–178.

Small Business Act amendment

Amended the Small Business Act to increase by $900 million (from $2.2 billion to $3.1 billion) the amount of certain loans, guarantees, and other obligations or commitments outstanding in any one time from the business loan and investment funds of the Small Business Administration, thus permitting a continuation of five SBA programs through fiscal year 1972. Public Law 92–16.

Small Business Amendments Act of 1971

Expands existing Small Business Act (SBA) programs which encourage participation in the financing of small business by private capital; establishes a new program of grants to reduce interest costs to small business; amends the Small Business Investment Act to recognize the development of Minority Enterprise Small Business Investment Companies and to clarify SBA's guarantee authority with respect to debentures issued to Small Business Investment Companies; amends the SBA to establish four new programs to assist businesses which affect or are affected by environmental regulations and pollution; and provides reimbursement, on a limited basis, for certain out of pocket costs presently being met by volunteer groups. S. 1905. P/S 5/21/71.

Social security amendments

Increased social security benefits by 10 percent across-the-board retroactive to January 1, 1971; increased by 5 percent special payments to certain persons age 72 and over; and provided for an increase in the taxable wage base from $7,800 to $9,000 effective January, 1972 and a 5.15 percent increase in the tax rates in 1976 and thereafter. Public Law 92–5.

Social security provisions; WIN program; medicaid

Provided the social security lump-sum death payment for equitably entitled individuals to the extent that they incur expenses customarily connected with a death, even though the body may be unavailable for burial; provided for improvements in the Work Incentive Program; extended through 1972 the provision of the Social Security Amendments of 1969, as amended, enabling recipients of aid to the aged, blind, and disabled to keep at least a portion of the social security benefit increases that were provided effective in 1970; and included under Medicaid care in intermediate care facilities. H.R. 10604. Public Law 92– .

Sugar Act amendments

Extended the Sugar Act through December 31, 1974, and fixed foreign quotas for 1972, 1973, and 1974; increased quotas for domestic producing areas; made expropriations occurring on or after January, 1961 eligible for relief through Presidential action, and provided for a special tax on sugar from the offending country for reimbursement purposes; and contained other provisions. Public Law 92–138.

Transfer of trust funds to the Philippines

Provides for the transfer to the Philippine Government of money the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934. S. 1330. P/S 3/25/71.

Unemployment compensation

Extended for an additional 10 years the period during which States may obligate, for administrative purposes, certain funds transferred from excess Federal unemployment tax collections; provided for up to 26 weeks of additional unemployment compensation benefits to persons who have exhausted benefits in States where unemployment rates exceed 5 percent, such emergency compensation generally to be payable only for weeks which end before July 1, 1972. H.R. 6065. House adopted conference report 12/15/71.

Wage and price controls and ceilings on deposit interest rates—extension of authority

Extended until July 1, 1973, the authority of the Federal bank regulatory agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by commercial banks, mutual savings banks, and savings and loan associations; extended on a permanent basis the President's authority to initiate a program of voluntary credit controls; and extended for 1 year, until May 1, 1972, the President's authority to establish mandatory price and wage controls. Public Law 92–15.

EDUCATION

Education amendments

Revises the Higher Education Act of 1965 to constitute a single law including all continuing higher education financial assistance programs, and, in general, extends the authorizations for higher education programs through fiscal year 1975; amends the Vocational Education Act of 1963, and extends authorizations for funds for programs thereunder through fiscal year 1973; establishes an Education Division within the Department of Health, Education, and Welfare to include the present Office of Education and the newly created National Foundation for Secondary Education and National Institute of Education; and contains other provisions. S. 659. P/S 8/6/71. P/H amended 11/4/71.

Emergency School Aid and Quality Integrated Education Act

Authorizes $1.5 billion between the date of enactment and July 1, 1973, for a project grant program attempting to deal with problems arising out of minority group isolation in public schools. S. 1557. P/S 4/26/71. H.R. 2266. H. Cal. Provisions contained in S. 659. P/S 8/6/71. P/H amended 11/4/71.

GENERAL GOVERNMENT

Alaska Native Claims Settlement Act

Provided for a final legislative settlement to the claims of the Alaska Native people to the lands which now comprise the State of Alaska; extinguished all Native claims to lands in Alaska; provided that the Natives will receive title to 40 million acres divided among the some 220 villages and 12 Regional Corporations; provided for the organization of village and regional corporate enterprises to administer funds and lands granted; authorized an appropriation of a $462.5 million payment to be paid over an 11-year period; provided a right to the Native people to share in revenues derived from the mineral resources of Alaska until $500 million has been received; and contained other provisions. H.R. 10367. Public Law 92–

American Revolution Bicentennial Commission

Authorized $670,000 for the Commission for fiscal year 1971. Public Law 92–33.

Authorizes $4.3 million for the Commission for fiscal year 1972; enlarges the Commission representation from 37 to 50 members; and contains other provisions. S. 1857. P/S 12/2/71.

Assistant Secretaries of the Interior

Established within the Department of the Interior the position of an additional Secretary of the Interior to replace the new existing position of Assistant Secretary for Administration. Public Law 92–22.

Establishes within the Department of the Interior the position of an additional Assistant Secretary of the Interior intended to perform duties relating to Indian affairs. S. 291. P/S 8/5/71.

Bureau of Mines Research Center, Utah

Authorizes the establishment and maintenance of a new Bureau of Mines research center as a replacement facility for that now located and established on the campus of the University of Utah, and provides for the sale of the fixed improvements and the conveyance of certain lands to the University. S. 978. P/S 12/8/71.

Civil service retirement

Permits an employee or Member of Congress eligible for an immediate retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date; provides that the survivor annuity of an employee or Member who dies after the cost-of-living increase date would not be less than it would have been had it commenced on or before the effective date. S. 1681. P/S 5/14/71. P/H amended 5/17/71.

Civil service survivors annuities

Defines "child" for the purposes of a survivor annuity to include children living with an adoptive parent and makes them eligible for a survivor benefit if the child is in the process of being adopted at the time of death of the employee or annuitant and the adoption process is later completed by the surviving spouse. S. 2896. P/S 12/3/71.

Commission on Government Procurement

Provided the Commission on Government Procurement with additional time to complete its assigned mission by extending its final reporting date until December 31, 1972. Public Law 92–47.

Comprehensive Drug Abuse Prevention and Control Act of 1970 amendment

Amended the Act to provide an increase from $1 million to $4 million in the authorization for the Commission on Marihuana and Drug Abuse. Public Law 92–13.

Constitutional conventions

Provides the procedural machinery necessary to effectuate that part of article V of the U.S. Constitution which authorizes a convention called by the States to propose specific amendments to the Constitution. S. 215. P/S 10/19/71.

Credit unions

Made provision for Federal credit unions to be given two additional years to meet the requirements for Federal share insurance. H.R. 9961. Public Law 92– .

Depository libraries

Authorizes the Public Printer to designate the library of the highest appellate court in each state as a depository library. S. 2227. P/S 7/16/71.

Discrimination in Federal employment

Designed to eliminate discrimination against women under certain Federal statutes which now grant preferences or benefits to males but do not clearly grant similar benefits to females. H.R. 3628. Public Law 92– .

Federal employees' pay

Enabled approval of the President's alternative plan for pay adjustments for Federal employees which he submitted to Congress on August 31, 1971, thus delaying pay adjustments from January to July, 1972. S. Res. 169 (disapproval resolution). Senate rejected 10/7/71. H. Res. 596 (disapproval resolution). House rejected 10/4/71.

Federal overtime pay

Provided overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours a week. H.R. 8689. Public Law 92– .

Foreign claims settlement commission

Changes the term of office of Commission members from 3 years to a term at the pleasure of the President and reduces the present full-time membership of 3 members to 1 full-time member and 2 part-time members. S. 1206. P/S 6/23/71.

General Accounting Office positions

Authorized the Comptroller General to fix the compensation for five positions in the General Accounting Office (GAO) at rates not to exceed the rate prescribed by law for level IV of the executive schedule under section 5315 of title 5, United States Code, when he considers such action necessary because of changes in the organization, management responsibilities, or workload of the GAO. H.R. 9442. Public Law 92– .

Lowering the voting age to 18

Proposed an amendment to the constitution of the United States extending the right to vote to citizens 18 years of age or older. S.J. Res. 7. Became effective as 26th amendment to the Constitution June 30, 1971.

Mail advertising

Imposed restrictions on certain advertising and promotional matter in the mails to curtail the mailing of articles which present a hazard to postal employees, mail processing machines and other equipment. H.R. 8548. Public Law 92–

Metric system study

Authorizes $144,000 for fiscal year 1972 to complete the metric system study authorized by the act of August 9, 1968. S. 1257. P/S 7/30/71.

Migratory bird hunting stamps

Gave the Secretary of the Interior discretionary authority to increase the cost of the duck stamp from $3 to $5. H.R. 701. Public Law 92–.

National Advisory Committee on the Oceans and Atmosphere

Provided for the establishment of a 25-member National Advisory Committee on the Oceans and Atmosphere to be primarily responsible for advising on the progress of the efforts of the U.S. in the fields of marine and atmospheric sciences and to advise the Secretary of Commerce on National Oceanic and Atomspheric Administration programs. Public Law 92–125.

National Science Foundation authorization

Authorized for the National Science Foundation $655,500,000 for fiscal year 1972, including $3 million in foreign currencies for fiscal year 1972. Public Law 92–86.

Postal Savings System

Authorized the Secretary of the Treasury to distribute among the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam, their pro rata share of the balance of unclaimed postal savings deposits on hand. Public Law 92–117.

Protecting privacy and rights of Federal employees

Prohibits indiscriminate executive branch requirements that employees disclose their race, religion, or national origin, that they attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their work; that they report on their outside activities or undertakings unrelated to their work, and that they submit to questioning about their religion, personal relationships or sexual attitudes, or that they support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions or to require him to make certain financial disclosures; provides the right of counsel and the right to a civil action in certain instances; and establishes a Board on Employees' Rights. S. 1438. P/S 12/8/71.

Public buildings amendments

Amends the Public Buildings Act of 1959 and the Federal Property and Administrative Services Act of 1949 to update certain limiting and technical provisions in the public buildings law; requires individual Federal departments and agencies to account in their annual budgets for the approximate commercial value of their office space for a fiscal year; and creates in the U.S. Treasury a new Federal buildings fund, to be composed primarily of rental equivalents to be paid by the departments and agencies; and contains other provisions. S. 1736. P/S 11/1/71.

Railroad retirement annuities

Amended the Railroad Retirement Act of 1937 to provide a temporary 10 percent increase in railroad retirement benefits retroactive to January 1, 1971, to terminate, along with the present 15 percent increase, on June 30, 1973, and to extend for 6 months, until December 31, 1971, the date by which the Commission on Railroad Retirement is to submit its report to Congress and the President. Public Law 92–46.

Reorganization plan authority extension

Extended until April 1, 1973, the authority of the President, under chapter 9 of title 5, U.S.C. (executive reorganization), to submit reorganization plans to the Congress proposing reorganizations in the executive branch; and contained other provisions. Public Law 92–179.

Reorganization Plan No. 1 of 1971

Established in the executive branch a new agency, Action, to be responsible for administering the following volunteer programs: Volunteers in Service to America, Auxiliary and Special Volunteer Programs now in the Office of Economic Opportunity, the National Student Volunteer Program, Foster Grandparents, Retired Senior Volunteer Program, Service Corps of Retired Executives, and Active Corps of Executives. Additional contemplated transfers to Action after its establishment are the Peace Corps program, the functions carried out by the Office of Voluntary Action, and the Teacher Corps. S. Res. 108 (disapproval resolution). Senate rejected 6/3/71. Plan became effective 6/4/71.

Spanish-speaking people

Authorized funds for the Cabinet Committee on Opportunities for Spanish-Speaking People for fiscal years 1972 and 1973. Public Law 92–122.

Star route mail contracts

Clarifies the provisions of the Postal Reorganization Act of 1970 regarding the authority of the Postal Service to renew a star route contract for the transportation of mail to permit renewal of such contracts with subcontractors who are supplying services satisfactory to the Postal Service. S. 1989. P/S 8/5/71.

Texas land addition

Gave the consent of Congress to consider the land acquired by the United States as a result of the Convention between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land. Public Law 92–36.

Trust Territory of the Pacific Islands

Authorized an ex gratia contribution of $5 million to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951; established a Micronesian Claims Commission to determine the validity of such claims; and authorized $20 million for claims payments. Public Law 92–39.

Virgin Islands—Amendment of Revised Organic Act

Amended the Organic Act of the Virgin Islands to give the Attorney General discretionary authority to appoint more than one assistant U.S. attorney for the Virgin Islands. Public Law 92–24.

Weather modification reporting

Required all persons engaged in non-federally sponsored weather modification activities in the United States to report those activities to the Secretary of Commerce. H.R. 6893. Public Law 92– .

HEALTH

Cancer Act

Enlarged the authorities of the National Cancer Institute and the National Institutes of Health (NIH) in order to advance the national effort against cancer; provided that the Director of the National Cancer Institute shall coordinate all of the activities of NIH relating to cancer with the National Cancer Program and that he shall submit directly to the President for review and transmittal to Congress an annual budget estimate for the program and shall receive directly all funds appropriated by Congress for the Institute; authorized the establishment of 15 new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer; authorized $20 million, $30 million, and $40 million for fiscal years 1972, 1973, and 1974, respectively, for cancer control programs, and authorized for other cancer programs $400 million, $500 million and $600 million for fiscal years 1972, 1973, and 1974, respectively; and contained other provisions. S. 1828. Public Law 92–

Children's Dental Health Act

Authorizes $25 million, $48 million, and $39 million in fiscal years 1972, 1973, and 1974, respectively, for pilot dental care projects providing preventive, corrective, and follow-up care to disadvantaged children, assistance to communities and schools which wish to fluoridate their water supplies, training of dental auxiliaries, and training of dentists and dental students how to best utilize dental auxiliaries; provides for the appointment of a Dental Advisory Committee; and contains other provisions. S. 1874. P/S, 12/10/71.

Comprehensive Health Manpower Training Act of 1971

Authorized a total of $3 billion for purposes of the act; extended for 3 years the grant assistance provided for construction of research and teaching facilities under Title VIII of the Public Health Service Act, and added loan guaranty and interest subsidy authority for teaching facilities; provided grants for construction of facilities for training for the health professions, and established a program of loan guarantees and interest subsidies for such construction; authorized funds for a student loan program and provided for grants, based on enrollment, to schools for graduate medical and dental education; provided for grants to schools in financial distress; added a new program of grants to health or educational entities for training in family medicine; and contained other provisions. Public Law 92–157.

Drug Abuse Office and Treatment Act

Strengthens and improves the administrative structure within the Department of Health, Education, and Welfare (HEW) through which the Secretary of HEW is responsible for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services; establishes a Special Action Office for Drug Abuse Prevention in the Executive Office of the President; establishes a National Institute on Drug Abuse within the National Institute of Mental Health to administer certain authorities assigned to the Secretary; and provides for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. S. 2097. P/S 12/2/71.

Health professions student loans and scholarships—extension

Amended the Public Health Service Act to extend for 1 year until June 30, 1972, the loan and scholarship provisions for students of the health professions. Public Law 92–52.

National Advisory Commission on Health Science and Society

Establishes a National Advisory Commission on Health Science and Science and Society to be composed of 15 members, which is to undertake a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology. S.J. Res. 75. P/S 12/2/71.

Nurse Training Act of 1971

Authorized a total of $700 million for purposes of the act; amended title VIII of the Public Health Service Act to extend for 3 years the program of assistance to schools and students of professional nursing; authorized construction assistance; extended and broadened the program of construction grants for nursing education facilities and added authority for loan guarantees and interest subsidies; extended and broadened the authority for special project grants for improvement in nurse training; authorized a new program of capitation grants to schools of nursing to replace the present formula grant authority; extended and broadened the authority for nursing scholarships for needy students; and contained other provisions. Public Law 92–158.

Nutrition program for the elderly

Amended the Older Americans Act of 1965 to authorize $100 million for 1973 and $150 million for fiscal year 1974 in grants to the States for establishing and operating nutrition projects to provide low cost, nutritionally sound meals to individuals 60 years of age or older and their spouses. S. 1163. P/S 11/30/71. H. Cal. amended.

Public Health Service hospitals and outpatient clinics

Expressed the sense of Congress that Public Health Service (PHS) hospitals and outpatient clinics, and the clinical research center at Lexington, Kentucky, remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and Congress should explore the resources and capabilities of these facilities to determine which ones should continue to be operated by PHS, which ones should be converted to community operation, and which facilities, if any, should be closed. S. Con. Res. 6. Senate agreed to conference report 12–7–71. House agreed to conference report 12/9/71.

Sickle cell anemia

Establishes a national program to control, to conduct research, and to improve procedures in the treatment of persons suffering from sickle cell trait or sickle cell anemia; authorizes grants and contracts to public and nonprofit private agencies, organizations, or institutions to assist in establishing and operating voluntary sickle cell anemia screening and counseling programs; and contains other provisions. S. 2676. P/S 12/8/71.

Wholsome Fish and Fishery Products Act

Provides that the Food and Drug Administration (FDA) develop good processing practices for establishments and vessels engaged in fish processing; that the FDA certify all establishments and vessels engaged in the processing of fish or fishery products that are in compliance with the good processing practice regulations; that the FDA inspect vessels and establishments engaged in the processing of fish and fishery products; that the FDA cooperate with the States in the development of intrastate inspection programs, and that the Federal government take over inspection of intrastate establishments if state programs are deficient; and that the FDA conduct programs for the surveillance of dangerous materials in food. S. 2824. P/S 12/2/71.

HOUSING AND URBAN DEVELOPMENT

Housing, banking, and urban development—Extension of certain laws

Extended flexible interest rate authority for 6 months until June 30, 1972; extended authority for emergency implementation of the flood insurance program for 2 years to December 31, 1973; provided for a temporary waiver of certain limitations applicable to the purchase of mortgages by the Government National Mortgage Association; increased the authorization for the comprehensive planning program by $50 million and for the open space program by $100 million; and contained other provisions. S.J. Res. 176. Public Law 92–.

Land use planning

Increases authorizations for comprehensive planning grants and open space land grants from $420 million to $470 million and $560 million to $660 million, respectively. S.J. Res. 52. P/S 7/15/71.

National Housing Act amendment

Amends section 404(g) of the National Housing Act to prevent an unintended call for prepaid premiums to the Federal Savings and Loan Insurance Corporation by member savings and loan associations. S. 2781. P/S 11/4/71.

INDIANS

Blackfeet and Gros Ventre Tribes, Montana

Authorizes division and disposition of judgment funds awarded to the Blackfeet Tribes of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671, P/S 3/11/71. P/H amended 12/6/71.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

Authorizes disposition of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. S. 602. P/S 8/2/71. P/H amended 12/6/71.

Coeur D'Alene Indian Reservation, Idaho

Authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interest in such lands; also provides authority for long term leasing of trust lands up to 99 years. S. 345. P/S 12/6/71.

Indian Education Act

Establishes three new programs to: assist local educational agencies in meeting the special needs of Indian students; provide funds for special programs and projects to improve Indian educational opportunities; and support the improvement of adult Indian education; establishes an Office of Indian Education in the Office of Education and a National Advisory Council on Indian Education; and contains other provisions. S. 2482. P/S. 10/8/71.

Iowa Tribes of Oklahoma and of Kansas and Nebraska

Authorized division and disposition of judgment funds awarded to the Iowa Tribes of Oklahoma, Kansas and Nebraska. Public Law 92–29.

Kalispel Indian Reservation, Washington

Gives the Kalispel Indian Community additional land management authority within the Indian reservation. H.R. 8391. Public Law 92– .

National American Indian policy

Declares it to be the sense of Congress that a governmentwide commitment shall be made to enable Indians to determine their own future to the maximum extent possible and that this statement of policy replaces that set forth in House Concurrent Resolution 108 approved by the 83rd Congress on August 1, 1953; that Indian self-determination and development shall be a major goal of our national Indian policy; that there should be a recognition of Federal responsibility to assure that Indians residing beyond the areas served by special Indian programs receive equal consideration with other citizens for services through other Federal, State, and local agencies; and that Indian property and identity will be protected and Indians brought to a social and economic level of full participating citizens; and contained other provisions. S. Con. Res. 26. Senate adopted 12/11/71.

Navajo Community College

Authorized a Federal financial contribution to the construction and operation of the Navajo Community College, which is a college established and operated by the Navajo Tribe. H.R. 5086. Public Law 92– .

Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada

Provides that two tracts of public domain land will be held in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon County subject to the right of the United States to use, without compensation, for so long as necessary, as determined by the Secretary of the Interior, 4 acres for irrigation canal purposes; and contains other provisions. S. 1115. P/S 12/6/71.

Pembina Band of Chippewa Indians

Authorized distribution of judgment funds awarded to the Pembina Band of Chippewa Indians. Public Law 92–59.

Pueblo of Laguna, N. Mex.

Authorized the disposition of judgment funds awarded to the Pueblo of Laguna, New Mexico. Public Law 92–164.

Reno-Sparks Indian Colony, Nevada

Grants to Reno-Sparks Indian Colony the beneficial interest in and to certain land the colony has been using and occupying since it was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians; and contains other provisions. S. 1218. P/S 12/4/71.

Shoshone-Bannock Tribe of Idaho; Shoshone Tribe of Wyoming; Bannock Tribe and the Shoshone Nation or Tribe

Authorizes disposition and distribution of judgment funds awarded to the Shoshone-Bannock Tribes of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; and the Bannock Tribe and the Shoshone Nation and Tribe of Indians. S. 101. P/S 6/8/71. P/H amended 12/6/71.

Shoshone Tribe

Authorized distribution of judgment funds awarded to the (1) Shoshone-Bannock Tribes of the Fort Hall Reservation, (2) the Shoshone Tribe of the Wind River Reservation, and (3) the Northwestern Band of Shoshone Indians. S. 2042. Public Law 92– .

Snohomish Tribe, Upper Skagit Tribe, and Snoqualmie and Skykomish Tribes

Authorized distribution of judgment funds awarded to the Snohomish Tribe, the Upper Skagit Tribe, and the Snoqualmie and Skykomish Tribes. Public 92–30.

Sisseton and Wahpeton Tribes of Sioux Indians

Authorizes distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of judgment funds awarded to the Mississippi Sioux Indians. S. 1462. P/S 6/8/71.

Summit Lake Paiute Tribe

Provided that all right, title and interest of the United States in 600 acres, more or less, of public domain land, together with all improvements thereon, will be held in trust for the Summit Lake Paiute Tribe; and contained other provisions. S. 952. Public Law 92– .

INTERNATIONAL

Asian Development Bank—U.S. contributions

Authorizes the Secretary of the Treasury, in his capacity as U.S. Governor of the Bank, to agree to a U.S. contribution of $100 million in two installments to the Bank's Consolidated Special Funds and authorizes appropriations therefor of $60 million and $40 million for fiscal years 1972 and 1973, respectively. S. 749. P/S 10/20/71.

Foreign economic and humanitarian assistance authorization, 1972

Authorizes $1,144,000,000 for fiscal year 1972 for certain economic and humanitarian foreign assistance programs; calls for shifting more of the economic aid to a multilateral basis and requires a phasing-out of the bilateral loan program; ties the release of funds appropriated for foreign aid and military sales funds to prior release of impounded funds for domestic programs; suspends all assistance and military sales to Pakistan, except humanitarian relief; calls upon the President to take appropriate action to bring about a reduction of the U.S. regular assessments for the United Nations to not more than 25 percent of the total U.N. budget; and contains other provisions. H.R. 9910. P/H 8/3/71. S. rejected 10/29/71. S. 2820. P/S 11/10/71. In conference.

Foreign military and related assistance authorization for 1972

Authorizes $1,503,000,000 for fiscal year 1972 for foreign military assistance, military credit sales, and supporting assistance; declares a national policy that all U.S. forces be withdrawn from Indochina within six months, subject to release of prisoners of war; provides for funding of military aid to Thailand from the regular Military Assistance Program beginning July 1, 1972; imposes a ceiling of $341 million on obligations and expenditures in or for Cambodia for fiscal year 1972; and contains other provisions. H.R. 9910. P/H 8/3/71. S. rejected 10/29/71. S. 2819. P/S 11/11/71. In conference.

Inter-American Development Bank (IDB)—U.S. contributions

Authorizes the Secretary of the Treasury in his capacity as U.S. Governor of the IDB to pay to the Fund for Special Operations two annual installments of $450 million each; authorizes appropriations therefor; and contains other provisions. S. 748. P/S 10/19/71.

International Development Association (IDA)—U.S. contributions

Authorizes the Secretary of the Treasury, in his capacity as the U.S. Governor of the Association, to contribute to the IDA three annual installments of $320 million each, and authorizes appropriations therefor. S. 2010. P/S 10/20/71.

Northwest Atlantic Fisheries Act amendment

Brought the Northwest Atlantic Fisheries Act of 1950 into accord with two new protocols which amend the International Convention for the Northwest Atlantic Fisheries. Public Law 92–87.

Passport fees

Authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport. Public Law 92–14.

Peace Corps authorization

Authorized $77,200,000 for the fiscal year 1972 operations of the Peace Corps. Public Law 92–135.

Radio Free Europe and Radio Liberty

Authorizes $35 million for fiscal year 1972 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 18. P/S 8/2/71. P/H amended 11/19/71. In conference.

Wheat price negotiations

Requests the President to ask the International Wheat Council to request the Secretary General of UNCTAD to convene a negotiating conference with a view toward the negotiation of suitable provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat. S. Res. 136. Senate adopted 7/12/71.

Treaties

Additional protocol II to the treaty for the prohibition of nuclear weapons in Latin America: Designed for signature of States possessing nuclear weapons, the protocol commits the United States, subject to its clarifying interpretations, to respect the aims and provisions of the treaty, not to contribute in any way to the violation of the treaty, and not to use of threaten to use nuclear weapons against the Latin American States for which the treaty is in force. Ex.H (92–2). Resolution of ratification agreed to 4/19/71.

Aircraft Hijacking Convention: This convention for the suppression of unlawful seizure of aircraft deals with the extradition of prosecution of hijackers, with each State obliged to make hijacking punishable by severe penalties, and applies to hijacking of all civil aircraft, whether engaged in an international or domestic flight. Ex.A (92–1). Resolution of ratification agreed to 9/8/71.

Amendments to the 1954 Oil Pollution Convention: Changes substantially existing rules and regulations governing the intentional discharge of oil at sea and requires such discharge to conform to a specific rate-of-discharge formula. Ex.G (91–2). Resolution of ratification agreed to 9/20/71.

Bryan-Chamorro Treaty of 1914—Termination: Ex. L (91–2). Resolution of ratification agreed to 2/17/71.

Convention relating to intervention on the high seas in cases of oil pollution casualties: Establishes, with appropriate safeguards, the right of a coastal nation to take whatever action it deems necessary "to prevent, mitigate or eliminate" the threat of oil pollution arising from a maritime accident. Ex. G. (91–2). Resolution of ratification agreed to 9/20/71.

Extradition treaty with Spain: Covers 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. Ex. N (91–2). Resolution of ratification agreed to 2/17/71.

International wheat agreement, 1971: Replaces the International Grains Arrangement of 1967, which expired on June 30, 1971, with a new Wheat Trade Convention to continue international cooperation in wheat trade and a new Food Aid Convention to continue the commitment whereby parties contribute food aid to developing countries. Ex. F (92–1). Resolution of ratification agreed to 7/12/71.

Locarno agreement establishing an international classification for industrial designs: Ex. I (92–1). Resolution of ratification agreed to 12/11/71.

Nice agreement, as revised, concerning the international classification of goods and services to which trademarks are applied: Sets up an organization which will establish an international classification of goods and services to which trademarks are applied. Ex. M (91–2). Resolution of ratification agreed to 12/11/71.

Okinawa reversion treaty: Provides for the reversion of Okinawa to Japan. Ex. J. (92–1). Resolution of ratification agreed to 11/10/71.

Protocol to amend International Civil Aviation Convention

Increases the membership on the Council of the International Civil Aviation Organization from 27 to 30 representatives. Ex. K (92–1). Resolution of ratification agreed to 12/11/71.

Tax convention with Japan

Replaces an income tax convention with Japan dated April 16, 1954, as modified and supplemented by protocols of May 7, 1960, and August 14, 1962. Ex. E (92–1). Resolution of ratification agreed to 11/29/71.

Tax protocol with France

Extends to certain United States residents the benefits of a tax credit available under French law to residents of France who receive a dividend from a French corporation. Ex. O (91–2). Resolution of ratification agreed to 11/29/71.

Treaty with Mexico providing for the recovery and return of stolen archaeological, historical and cultural properties

Ex. K (91–2). Resolution of ratification agreed to 2/11/71.

Treaty with Mexico resolving boundary differences

Settles three specific boundary problems relating to (1) the Presidio-Ojinaga Tracts, (2) the Horcon and Beaver Island Tracts, and (3) the boundary between the United States and Mexico; provides a procedure for minimizing problems brought about by future changes in the channels of the Rio Grande and Colorado Rivers; and contains other provisions. Ex. B (92–1). Resolution of ratification agreed to 11/29/71.

LABOR

Blind and other severely handicapped—Sale of products and services

Amended the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference, and to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after enactment; authorized $200,000 for each of fiscal years 1972, 1973, and 1974. Public Law 92–28.

Emergency Employment Act of 1971

Provided for programs of public service employment for unemployed persons and authorized therefor $750 million for fiscal year 1972 and $1 billion for fiscal year 1973, which funds shall cease to be obligated when the national rate of unemployment recedes below 4.5 percent; established a Special Employment Assistance Program to be used for public service jobs in local areas where the unemployment rate is 6 percent or more and authorized therefor $250 million for each of fiscal years 1972 and 1973; and contained other provisions. Public Law 92–54.

Railway labor-management dispute

Designed to end a nationwide railroad strike by extending until October 1, 1971, the period for negotiations with respect to an existing railway labor-management dispute and by providing retroactive wage increases for employees concerned in the dispute. Public Law 92–17.

MEMORIALS AND TRIBUTES

Audie L. Murphy Memorial Veterans' Hospital

Designated the new Veterans' Administration hospital in San Antonio, Texas, as the Audie L. Murphy Memorial Veterans' Hospital in honor of the most decorated soldier of World War II. H.R. 1120. Public Law 92– .

Harry S. Truman

Saluted former President Harry S Truman for his extraordinary record of national service, and extended the best wishes of the Senate for a happy eighty-seventh birthday. S. Res. 118. Senate adopted 5/6/71. H. Res. 422. House adopted 5/5/71.

President Nixon's proposed journey to the People's Republic of China

Commends the President for his outstanding initiative in U.S. foreign relations by deciding to undertake a "journey for peace" to the People's Republic of China and offers Congress' full support to him in seeking the normalization of relations with that country. S. Con. Res. 38. Senate adopted 8/2/71.

Richard B. Russell Federal Building

Designates the Federal office building and U.S. courthouse to be constructed in Atlanta, Georgia, as the "Richard B. Russell Federal Building." S. 861. P/S 10/29/71.

Samuel R. McKelvie National Forest

Renamed the Niobrara division of the Nebraska National Forest, redesignating it the Samuel R. McKelvie National Forest. Public Law 92–142.

NOMINATIONS (ACTION BY ROLL CALL VOTE)

Nomination of Earl L. Butz, of Indiana, to be Secretary of Agriculture

Nomination confirmed 12/2/71 (51–44).

Nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States

Nomination confirmed 12/6/71 (89–1).

Nomination of William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States

Nomination confirmed 12/10/71 (68–26).

PROCLAMATIONS

Human Development Month and Voluntary Overseas Aid Week

Authorized the President to designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971 as "Human Development Month" in recognition of the 25th Anniversary of the American voluntary foreign aid programs and the International Walk for Development. S. Con. Res. 22. Senate adopted 4/29/71. House adopted 5/5/71.

International Book Year

Authorizes and requests the President to proclaim the year 1972 as "International Book Year." S.J. Res. 149. Public Law 92– .

Medical Library Association Day

Authorized the President to issue a proclamation designating June 1, 1971, as Medical Library Association Day. Public Law 92–23.

National Beta Club Week

Authorizes and requests the President to proclaim the week which begins on the first Sunday in March 1972, as "National Beta Club Week." S.J. Res. 153. P/S 11/18/71.

National Moon Walk Day

Requested the President to designate July 20, 1971, as "National Moon Walk Day." Public Law 92–55.

National Peace Corps Week

Authorized the President to issue a proclamation designating the week beginning on May 30, 1971 and ending June 5, 1971 as "National Peace Corps Week" and to invite the Nation's Governors and mayors to issue similar proclamations. Public Law 92–20.

National Star Route Mail Carriers Week

Authorized the President to designate the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calls upon the Postal Service to observe such week with appropriate recognition to those carriers. Public Law 92–26.

National Week of Concern for Prisoners of War/Missing in Action

Authorized the President to designate the week beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action." Public Law 92–6.

Smithsonian Institution

Authorized the President to issue a proclamation announcing the occasion of the celebration of the 125th anniversary of the Smithsonian Institution and to designate September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution. Public Law 92–130.

Trial Lawyers Week

Designated the week commencing August 1, 1971, as "American Trial Lawyers Week." Public Law 92–61.

Volunteers of America Week

Authorized the President to proclaim the second week of March 1971 as "Volunteers of America Week." Public Law 92–3.

Year of World Minority Language Groups

Authorized the President to designate 1971 as the "Year of World Minority Language Groups." Public Law 92–123.

Youth Appreciation Week

Provided for the observance of "Youth Appreciation Week" beginning the second Monday in November, 1971. Public Law 92–43.

RESOURCE BUILDUP

Arches National Park, Utah

Provided for the establishment in Utah of the Arches National Park to consist of some 73,234 acres. Public Law 92–155.

Buffalo National River

Establishes the Buffalo National River in the State of Arkansas, said area to include not more than 95,730 acres. S. 7. P/S 5/21/71.

Canyonlands National Park, Utah

Provided for the extension of the boundaries of the Canyonlands National Park in Utah to include certain areas omitted when the park was established in 1964, by the addition of four additional tracts totaling approximately 79,618 acres. Public Law 92–154.

Capitol Reef National Park, Utah

Provided for the establishment of the Capitol Reef National Park in Utah, for a total park area of 241,671 acres. S. 29. Public Law 92– .

Connecticut Historic Riverway

Establishes a Connecticut Historic Riverway along the southernmost section of the Connecticut River in the State of Connecticut, consisting of some 23,500 acres near concentrations of urban population along an 11-mile stretch of the scenic Connecticut northward from Old Saybrook to East Haddam. S. 36. P/S 12/9/71.

Fish protein concentrate

Extends the authority granted by Public Law 89–701, regarding the development of a fish protein concentrate, an additional year until June 30, 1973, and extends the appropriation authorization to June 30, 1971. S. 1273. P/S 10/29/71.

Fishery conservation programs

Authorized the President to prohibit, upon certification by the Secretary of Commerce, the importation of fishery products from nations which conduct fishing operations in a manner that diminishes the effectiveness of international fishery conservation programs. H.R. 3304. Public Law 92– .

Gateway National Recreation Area in New York and New Jersey

Authorizes the Secretary of the Interior to establish in the vicinity of Metropolitan New York City the Gateway National Recreation Area to be comprised of not more than 26,250 acres. S. 1852. P/S 8/6/71.

Glen Canyon National Recreation Area, Utah and Arizona

Provides for the establishment of the Glen Canyon National Recreation Area in Arizona and Utah to comprise approximately 1,285,310 acres of land and water. S. 27. P/S 6/21/71.

Golden Eagle passport program

Establishes a uniform Federal fee system to defray some of the expenses incidental to the establishment and operation of Federal recreational facilities, and continues the "Golden Eagle Passport' annual permit for entrance to designated recreation areas. S. 1893. P/S 11/22/71.

Gunboat "Cairo"

Provides for the display for the benefit and education of the visiting public of a restoration of the original gunboat in a visitor-center type construction near the National Cemetery in Vicksburg National Military Park, Mississippi. S. 1475. P/S 12/6/71.

Horses and burros

Provided protection to wild free-roaming horses and burros on public lands; placed the animals under the jurisdiction of the Secretary of the Interior for the purposes of management of the animals as components of the public lands; and contained other provisions. S. 1116. Public Law 92– .

International peace garden

Increases the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota. S. 538. P/S 11/9/71.

Interstate compact to conserve oil and gas

Consents to an extension and renewal of the interstate compact to insure oil and gas. S.J. Res. 72. P/S 8/6/71.

Kortes Unit, Missouri River basin project, Wyoming

Permitted the Secretary of the Interior to operate the Kortes unit so as to maintain sufficient flows in the North Platte River below Kortes Dam to enhance fisheries. Public Law 92–146.

Lincoln Back Country, Lewis and Clark and Lolo National Forests, Mont.

Directs the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests in Montana. S. 484. P/S 4/5/71.

Lincoln Home National Historic Site, Ill.

Authorized the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange, the former home of Abraham Lincoln, in Springfield, Illinois. Public Law 92–127.

Marine Protection and Research Act

Regulates the dumping and transportation of waste material in those parts of oceans, coastal and other waters beyond the territorial jurisdiction of the United States; directs the Secretary of Commerce to initiate a comprehensive program of research on the effects of ocean dumping; and contains other provisions. H.R. 9727. P/H 9/9/71. P/S amended 11/24/71. In conference.

Middle Snake River—Prohibition of licensing of hydroelectric projects

Suspends until September 30, 1978, the authority of the Federal Power Commission to accept applications or grant licenses or permits for construction of hydroelectric projects on the Middle Snake River below Hells Canyon Dam along the Idaho-Oregon and Idaho-Washington borders. This will provide time for studies of the highest and best future development of the Middle Snake River. S. 488. P/S 6/28/71.

Minam River Canyon, Oreg. wilderness area

Provides for adding approximately 80,000 acres of the Minan River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, which was established by the Wilderness Act of 1964. S. 493. P/S 6–4–71.

Mining and Minerals Policy Act amendments

Amends the Act to support research and training centers through the authorization of matching grants to each State of $100,000 in fiscal year 1972, $150,000 in fiscal year 1973, $200,000 in fiscal year 1974, and $250,000 in fiscal year 1975 and succeeding fiscal years; authorizes additional funds for special mineral resource research projects; and contains other provisions. S. 635. P/S 7–19–71.

National Environmental Center

Establishes a National Environmental Center and constituent laboratories to provide a process whereby the entire range of environmental research and analysis can be viewed and assessed as a systematic whole. S. 1113. P/S 12–7–71.

National park system

Increases ceilings in appropriations for land acquisition at eight areas in the national park system; increases ceilings on appropriations for development at three areas; and authorizes boundary revisions at nine areas. S. 2601. P/S 11–19–71.

Oregon Dunes National Recreation Area

Establishes the Oregon Dunes National Recreation Area of 32,237 acres within and adjacent to the Siuslaw National Forest in Oregon. S. 1977. P/S 11–4–71.

Pacific Coral Reefs

Amends Public Law 92–427, which provides for the conservation of coral reefs, and a "Crown of Thorns" starfish study and control program, to place joint responsibility with the Smithsonian Institution for the administration thereof in the Secretary of Commerce rather than in the Secretary of the Interior. S. 1733. P/S 9/27/71.

Pine Mountain Wilderness, Arizona

Establishes the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, Arizona, comprising an area of 19,569 acres. S. 959. P/S 8/2/71.

Preservation of historic monuments

Assists State and local governments to acquire surplus Federal property for use as historic monuments by allowing the property, pursuant to explicit criteria and Federal approval, to be used for revenue purposes. S. 1152. P/S 9/28/71.

Preservation of historical and archæological data

Amends a 1960 law under which the Secretary of the Interior, through the National Park Service, conducts archeological salvage programs at reservoir construction sites, to include within the scope of such activity all Federal or federally assisted or authorized construction projects, such as major airports, roads, and public housing projects, and other construction which alters the terrain; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; and contains other provisions. S. 1245. P/S 8/5/71.

Reclamation investigation costs

Made the costs of investigations of potential Federal reclamation projects nonreimbursable. Public Law 92–149.

Reclamation project feasibility studies

Authorizes the Secretary of the Interior to undertake feasibility investigations of ten Federal reclamation projects. S. 2248. Public Law 92– .

River basin projects

Provided increased authorizations for 14 comprehensive river basin plans previously approved by Congress and provided for additional modifications of existing authorizations. S. 2887. Public Law 92– .

Saline water conversion program

Extended the Federal saline water conversion program for 5 fiscal years after fiscal year 1972 and authorized $27,025,000 for fiscal year 1972; redirected and extended the Federal research and development program; and contained other provisions. Public Law 92–60.

Sante Fe, Gila, Cibola, and Carson National Forest boundaries, New Mexico

Extends the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, New Mexico, to include certain public and private lands. S. 447. P/S 8/2/71.

Shooting animals from aircraft

Made it unlawful, subject to certain exceptions, for anyone while airborne to shoot or attempt to shoot for the purpose of capturing, killing, or harassing any bird, fish, or other animal, and provided criminal penalties. Public Law 92–59.

Small Reclamation Loan Program Act

Removed the requirement that irrigation be the primary purpose of a project; increased the limit on the total cost of each eligible project; increased the amount of loan funds authorized for each proposal; and increased the total authorization for program appropriations from $200 million to $300 million. Public Law 92–167.

Sycamore Canyon Wilderness, Arizona

Designates 46,500 acres as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, Arizona. S. 960. P/S 8/2/71.

Upper Snake River reclamation project

Authorizes construction, operation and maintenance of the potential Salmon Falls division of the Upper Snake River reclamation project in south-central Idaho, which would provide irrigation water and minor fish and wildlife conservation benefits. S. 432. P/S 6/28/71.

Washakie Wilderness and the Shoshone National Forest, Wyoming

Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S 5/31/71.

Water Pollution Control Act Amendments

Establishes a policy that the discharge of pollutants should be eliminated by 1985, that the national chemical, physical, and biological integrity of the Nation's waters be restored and maintained, and that an interim goal of water quality providing for the protection of fish, shellfish, and wildlife and for recreation in and on the water be achieved by 1981; changes the enforcement mechanism of the Federal water pollution control program from water quality standards to effluent limits; balances the Federal-State effort in the pollutant discharge permit system; authorizes $14 billion during fiscal years 1972 through 1975 for Federal grants to communities for construction of sewage treatment facilities; and contains other provisions. S. 2270. P/S 11/2/71.

Water Pollution Control Act extensions

Extended for 3 months (through September 30, 1971) authorizations for administration of the Federal Water Pollution Control Act. Public Law 92–50.

Extended for an additional month (through October 31, 1971) authorizations for administration of the Federal Water Pollution Control Act. Public Law 92–137.

Extends for an additional month (through November 30, 1971) authorizations for administration of the Federal Water Pollution Control Act. H.R. 11423. P/H 10/28/71. P/S amended 11/3/71.

Water Resources Planning Act Amendments

Placed an authorization ceiling of $1.5 million annually on administrative expenses of the Water Resources Council and retained the existing authorization ceiling of $6 million annually on funding for river basin commissions. Public Law 92–27.

Water resources research

Amended the Water Resources Research Act of 1964 to increase the amount authorized to support a water resources center in each of the States; provided for information retrieval and dissemination activities at each research center; and contained other provisions. Public Law 92–175.

Whales—Moratorium on killing

Requests the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. S.J. Res. 115. P/S 6/29/71. H. Con. Res. 387. House adopted 11/1/71.

SPACE

National Aeronautics and Space Administration authorization

Authorized $3,354,950,000 for NASA for fiscal year 1972 as follows: $2,603,200,000 for research and development; $58,400,000 for construction of facilities; and $693,350,000 for research and program management. Public Law 92–68.

TRANSPORTATION AND COMMUNICATIONS

Amateur radio operators

Amended the Communications Act of 1934 to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. Public Law 92–81.

Barge cargo

Reciprocally permitted foreign-flag specialty barges, specifically designed for carriage aboard a barge carrying ship in foreign trade, to carry export or import cargo between U.S. points which has been transferred from one barge to another, for the purpose of obtaining for U.S.-flag companies the operating flexibility in foreign waters necessary for the efficient and economical operation of barge carrying ships. Public Law 92–163.

Boat Safety Act

Provided a coordinated national boating safety program involving both the Federal Government and the States; required manufacturers to provide safer boats and boating equipment to the public through compliance with safety standards to be promulgated by the Secretary of Transportation; authorized federal grant-in-aid incentive payments to States which have an accepted State boating safety program or indicate an intention to establish such a program; and contained other provisions. Public Law 92–75.

Cargo Commission Act

Provides for a coordinated national approach toward the solution of the cargo theft problem through the establishment of a Presidentially appointed Commission on security and safety of cargo to conduct an inquiry into cargo security matters and develop a program for maximum cargo safety. S. 942. P/S 9/8/71.

Coast Guard authorization

Authorized $239,210,000 for fiscal year 1972 for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; and contained other provisions. Public Law 92–118.

Federal-State Communications Joint Board

Established a Federal-State Joint Board to consider matters regarding jurisdictional separation of communications common carrier property and expenses between interstate and intrastate operation. Public Law 92–131.

High Speed Ground Transportation Act extension

Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S 6/15/71.

Maritime authorization, 1972

Authorized $229,687,000 for acquisition, construction, or reconstruction of vessels and construction differential subsidy and cost of national defense features incident to the construction, reconstruction, and reconditioning of ships; $239,145,000 for payment of obligations incurred for operating-differential subsidy; $25 million for research and development activities; $4,318,000 for reserve fleet expenses; $7.3 million for maritime training at the Merchant Marine Academy at Kings Point, N.Y.; and $2,370,000 for State marine schools. Public Law 92–53.

Maritime lien

Permitted a supplier who furnishes necessaries to a vessel to acquire a lien on a chartered vessel for such necessaries despite a "prohibition of lien" clause in the charter party. Public Law 92–79.

Motor Vehicle Information and Cost Savings Act

Requires the Secretary of Transportation to set property loss reduction standards for passenger motor vehicles; establishes an Automobile Consumer Information study to determine how to provide consumers with meaningful information about the operating costs and safety characteristics of particular vehicles; establishes demonstration projects to test the design and feasibility of diagnostic test inspection facilities; and establishes a national policy against odometer tampering. S. 976. P/S 11/3/71.

Rail passenger system review

Directs the National Railroad Passenger Corporation to make a study with respect to expanding the basic national rail passenger system; authorizes therefor $100,000; and requires a report thereon to Congress by June 15, 1971. S.J. Res. 92. P/S 5/11/71.

Sonic booms—regulation

Prohibits, with certain exceptions, operation of civil aircraft at a speed greater than sound (Mach 1) over the United States except by authorization of the Federal Aviation Administration; provides that supersonic transport (SST) prototypes comply with existing noise standards applicable to new subsonic jets; and requires the Secretary of Transportation to submit to Congress and the public a report covering all aspects of the prototype program when it is completed. S. 1117. P/S 3/19/71.

Supplemental maritime authorization

Authorized an additional $80 million (from $193 million to $273 million) in supplemental appropriations for fiscal year 1971 for payment of obligations incurred for operating-differential subsidy by the Maritime Administration of the Commerce Department. Public Law 92–21.

Uniform Time Act of 1966 amendment

Permits a State split by time zones to exempt that area of the State lying within a given time zone from the provisions of the Uniform Time Act of 1966 providing for the advancement of time (daylight saving time) between 2:00 a.m. on the last Sunday in April and 2:00 a.m. on the last Sunday in October. S. 904. P/S 5/18/71.

Vessel Bridge-to-Bridge Radiotelephone Act

Required a radiotelephone on certain vessels in order to reduce vessel collisions and other mishaps. Public Law 92–63.

VETERANS

Dependency and indemnity compensation

Provides cost-of-living increases in dependency and indemnity compensation benefits to widows, children, and needy parents of veterans who died as a result of service-incurred disabilities. H.R. 11652. Public Law 92– .

Disability and death pension

Increases maximum annual income limitations; provides an average 6.5 percent cost-of-living increase in the pension rates schedule; provides a new formula approach for the payment of pensions; protects individuals receiving "old law" pensions against loss of reduction of pension because of the recent social security increases; and contains other provisions. H.R. 11651. Public Law 92– .

Group mortgage insurance

Authorized the Administrator of Veterans' Affairs to purchase a commercial policy to provide mortgage protection life insurance for seriously disabled veterans—principally service-connected paraplegic and quadriplegic veterans—who have received grants for specially adapted housing. Public Law 92–95.

Medical information exchange program

Extended the authority of the Administrator of Veterans' Affairs to carry out a program of exchange of medical information and authorized such sums as may be necessary through fiscal year 1975. Public Law 92–69.

National service life insurance

Authorized holders of policies of national service life insurance on which dividends are payable to use their dividends to purchase additional paid-up insurance. H.R. 11334. Public Law 92– .

Authorize the conversion or exchange of national service life insurance to a new policy of insurance on the modified life plan under the same terms and conditions as it provided under existing law for modified life plan insurance except that the reduction of the face value by one-half occurs at age 70 instead of age 65. H.R. 11335. Public Law 92– .

Sale of direct loans

Authorized the Administrator of Veterans Affairs to sell at prices which he determines to be reasonable under prevailing mortgage conditions direct loans made to veterans pursuant to chapter 37, title 38, United States Code. Public Law 92–66.

Servicemen's Group Life Insurance

Defined the terms "widow," "widower," "child," and "parent" for Servicemen's Group Life Insurance purposes to provide uniform definitions instead of the present variance under differing State laws. H.R. 9097. Public Law 92– .

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972 — CONFERENCE REPORT (H. REPT. NO. 92–754)

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GRIFFIN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 14, 1971, at pp. (46884–46885).

Mr. ELLENDER. Mr. President, the Department of Defense appropriation bill for fiscal year 1972, as it passed the Senate, provided appropriations totaling $70.8 billion—$70,849,113,000—which included $500 million for military credit sales to Israel.

Since the foreign assistance continuing resolution, which will be considered in the very near future, provides funds for the Israel military credit sales program, the Senate receded on the amendment providing $500 million for this purpose in the Department of Defense appropriation bill.

The report of the committee of conference provides appropriations totaling $70.5 billion—$70,518,463,000—which are—over 1971 appropriations by $937,761,750, below the budget requests by $3,025,366,000, below the House bill by

$529,550,000, and below the Senate bill by $330,650,000.

The action of the committee of conference with respect to each appropriation item in which the Senate bill differed from the House bill is explained in detail in the "Joint Explanatory Statement of the committee of conference" included in the conference report—House Report No. 92–754—that is available to each Member.

I intend to comment briefly on several items that I consider to be of special interest to the Senate. Then I will be glad to respond to any questions on any item.

The Senate disallowed funds included in the House bill for three ships in the Navy's shipbuilding and conversion appropriation. These items were—first, advance procurement for an additional nuclear attack submarine, $22,500,000, second, fleet replenishment oiler, $56,500,000, and third, conversion of a surveying ship, $12,300,000.

The House conferees insisted on the inclusion of funds for all of these ships, and after considerable discussion, the conference committee agreed to the restoration of $22.5 million for the advance procurement for the additional nuclear attack submarine and $56.5 million for the construction of the fleet replenishment oiler. I want to call attention to the fact that the funds provided for the nuclear attack submarine were not included in the budget. I personally feel that funds provided for the procurement and construction of major weapons systems should be in response to specific budget requests submitted by the President. This has been the position of the Committee on Appropriations in considering the bills for the past 2 years. However, the responsibility of a conference committee is to reconcile differences between the two Houses, and the Senate conferees had to recede on funds for these two ships.

The House bill included $5.8 million for advance procurement to support a possible buy of the Air Force's A–7D aircraft in fiscal year 1973, even though the Department of Defense has not made a decision to continue the procurement of this aircraft in fiscal year 1973. However, the House conferees insisted on the inclusion of these funds, and the Senate conferees agreed, after being assured that these funds would, for the most part, be obligated for engines and electronic components that can be used to support existing aircraft in the Air Force inventory in the event there is a decision made not to continue the production of this aircraft. In other words, there is no possibility of the funds being wasted in the event we do not continue the production of A–7Ds.

It will be recalled that, in acting on the bill, the House terminated the Army's XM–803/MBT–70 tank development program and provided $20 million for the initiation of a new prototype tank program. The Senate provided $50 million for the Army tank program and imposed on the Secretary of Defense the responsibility for determining whether the XM–803 program would be terminated. The conference committee agreed to an appropriation of $40 million which is to be used for—

First, termination of the XM–803/MBT–70 tank program, and

Second, initiation of a new Army prototype tank program.

The question of a new main battle tank for the Army has been discussed on the Senate floor on several occasions. It is my personal view that the Army's XM–803 program would not provide for the development of a new tank at a cost that will permit quantity production. The committee was advised that the cost of this tank would run around $1 million each, compared to about $300,000 for the current M–60 tank. It was the view of the conference committee that, in view of these recent cost estimates, there is nothing to be gained by continuing the XM–803 program, and for this reason the Senate conferees agreed to the termination of the XM–803 program and the initiation of a new Army prototype tank program. It is my hope that the Department of Defense and the Army will initiate this new tank program with the objective in mind of developing a new tank at a reasonable cost and still permit the Army to perform its mission.

The junior Senator from Massachusetts (Mr. BROOKE) offered an amendment, which was adopted by the Senate, to restore $600,000 for the Army's food research program. I regret that the Senate conferees were not successful in their efforts to retain these funds.

The conference committee devoted considerable time to the Navy and Marine Corps program for the development of a lift helicopter for the shipboard mission. The House disallowed all funds requested for this program and also directed that $2 million available from prior years for this program be used for other projects. The Senate restored this $2 million, because it was felt that the plans of the Navy and Marines did not conflict with the plans of the Army to develop a crane-type heavy lift helicopter. The conference committee agreed to the Senate restoration, but directed the Department of Defense to consider again the possibility of developing one helicopter that can meet the heavy-lift requirements of the Army, Navy, and Marine Corps. This directive reads as follows:

> The committee of conference recommends the appropriation of $2 million for the heavy lift helicopter development program of the Navy as proposed by the Senate. The House deleted all funds for this program.
>
> In approving the initiation of the development of a heavy lift helicopter by the Navy, the conferees make no commitment to the procurement of any heavy lift helicopter.
>
> The Department of Defense is directed to revise the heavy lift helicopter program of the Army so that the Army HLH is suitable for shipboard use by the Navy and Marine Corps. The two HLH development programs, the Army's and the Navy's, should be conducted as competitive prototype development programs with the objective of the procurement of a single HLH for use by the Army, the Navy, and the Marine Corps.

During consideration of the bill in the Senate, the junior Senator from Colorado (Mr. DOMINICK) offered an amendment to increase funds for the Navy's surface effects ship program from the $15.4 million allowed by the House and recommended by the Senate Committee on Appropriations to $27.7 million—an increase of $12.3 million. The conference committee retained $6.3 million of this increase. Of the increase, $1.5 million is for a test site associated with the testing of the existing two 100-ton prototype surface effects ships, and $4.8 million is for associated technology. The conferees have made it clear that no funds are provided for the initiation of work on the design or construction of the proposed 2,000-ton surface effects ship.

The Senate bill provides for restoration of the $5 million general reduction made by the House in funds for the Advanced Research Projects Agency. These funds were restored by a floor amendment by the junior Senator from New Hampshire (Mr. MCINTYRE). The conference committee retained $2 million of this sum.

It will be recalled that the Senate bill provided for a general transfer authority of $900 million, which was an increase of $300 million over the transfer authority provided in the House bill. The Senate bill also expanded the scope of this authority. The conference committee agreed to provide transfer authority of $750 million and accepted the expanded scope provided in the Senate bill. In other words, we compromised by agreeing to add $150 million over the House.

Mr. President, I will be glad to respond to any questions Members may have on the conference report.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I wish to associate myself with the remarks made by the distinguished chairman of the Appropriations Committee.

This bill certainly does not contain all of the money that the Defense Department believed was necessary, but I believe it will meet their highest priority needs, and they can live with it for another year. I am hopeful, with the chairman, that next year we can pass a Defense appropriation bill much nearer the time it should be passed. When we pass a bill of this magnitude 5 months late, it is a costly business for the Department of Defense, and it presents a real problem for us.

I should like to say a word about one item. As one of the Senate conferees, I was committed to the $500 million put in the bill for credit sales to Israel. It was taken out of this bill only because the House had already put some $500 million in their continuing resolution, which will be before the Senate soon. The Senate Appropriations Committee reduced the amount to $300 million, but I think this could easily be increased to the $500 million that was in the Defense bill to start with that is if a good case were made for the increase.

I want to say that Senator ALLOTT, one of the conferees who is necessarily absent today, felt strongly about the $500 million. I believe that he and the other people interested will be satisfied with the action we took. I can see no other course that we could follow.

Mr. ELLENDER. As the Senator recalls, I preferred leaving it in the foreign assistance bill, where it has been provided previously. There would be no trouble in keeping it in there.

Mr. YOUNG. This is a military sales bill. It really belongs in the foreign aid bill.

Mr. ELLENDER. The Senator is correct.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation giving the 1971 appropriation, the 1972 budget request, the House allowance, the Senate allowance, and the conference committee allowance for each appropriation included in the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 11731)

TITLE I—MILITARY PERSONNEL

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Item	1971 appropriation	Fiscal year 1972 budget estimate	House allowance	Senate allowance	Conference agreement	Increase (+) or decrease (−) conference agreement compared with—			
						1971 appropriation	Fiscal year 1972 budget estimate	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Military personnel, Army	$8, 502, 450, 000	$7, 483, 137, 000	$7, 315, 637, 000	$7, 319, 837, 000	$7, 315, 637, 000	−$1, 186, 813, 000	−$167, 500, 000		−$4, 200, 000
Military personnel, Navy	4, 711, 547, 000	4, 594, 111, 000	4, 555, 071, 000	4, 562, 071, 000	4, 558, 571, 000	−152, 976, 000	−35, 540, 000	+$3, 500, 000	−3, 500, 000
Military personnel, Marine Corps	1, 408, 608, 000	1, 343, 810, 000	1, 332, 550, 000	1, 332, 550, 000	1, 332, 550, 000	−136, 058, 000	−11, 260, 000		
Military personnel, Air Force	6, 504, 135, 000	6, 521, 413, 000	6, 470, 283, 000	6, 470, 283, 000	6, 470, 283, 000	−33, 852, 000	−51, 130, 000		
Reserve personnel, Army	360, 600, 000	386, 139, 000	385, 084, 000	385, 084, 000	385, 084, 000	+24, 484, 000	−1, 055, 000		
Reserve personnel, Navy	155, 983, 000	183, 011, 000	182, 791, 000	182, 791, 000	182, 791, 000	+26, 808, 000	−220, 000		
Reserve personnel, Marine Corps	56, 400, 000	57, 448, 000	57, 368, 000	57, 368, 000	57, 368, 000	+968, 000	−80, 000		
Reserve personnel, Air Force	92, 950, 000	101, 756, 000	102, 616, 000	101, 716, 000	101, 716, 000	+8, 766, 000	−40, 000	−900, 000	
National Guard personnel, Army	426, 584, 000	486, 444, 000	485, 954, 000	485, 954, 000	485, 954, 000	+59, 370, 000	−490, 000		
National Guard personnel, Air Force	118, 600, 000	134, 700, 000	134, 620, 000	134, 620, 000	134, 620, 000	+16, 020, 000	−80, 000		
Total, title I—Military personnel	22, 397, 857, 000	21, 291, 969, 000	21, 021, 974, 000	21, 032, 274, 000	21, 024, 574, 000	−1, 373, 283, 000	−267, 395, 000	+2, 600, 000	−7, 700, 000

TITLE II—RETIRED MILITARY PERSONNEL

Retired pay, Defense	$3, 391, 032, 000	$3, 777, 134, 000	$3, 777, 134, 000	$3, 777, 134, 000	$3, 777, 134, 000	+$386, 102, 000			

TITLE III—OPERATION AND MAINTENANCE

Operation and maintenance, Army	$6, 521, 006, 000	$6, 864, 619, 000	$6, 735, 662, 000	$6, 598, 012, 000	$6, 661, 212, 000	+$140, 206, 000	−$203, 407, 000	−$74, 450, 000	+$63, 200, 000
Operation and maintenance, Navy	4, 935, 618, 000	5, 058, 740, 000	5, 039, 040, 000	5, 021, 240, 000	5, 021, 740, 000	+86, 122, 000	−37, 000, 000	−17, 300, 000	+500, 000
Operation and maintenance, Marine Corps	405, 268, 000	364, 991, 000	360, 553, 000	360, 077, 000	360, 553, 000	−44, 715, 000	−4, 438, 000		+476, 000
Operation and maintenance, Air Force	6, 342, 574, 000	6, 309, 001, 000	6, 274, 381, 000	6, 211, 323, 000	6, 224, 881, 000	−117, 693, 000	−84, 120, 000	−49, 500, 000	+13, 558, 000
Operation and maintenance, Defense Agencies	1, 203, 207, 000	1, 244, 419, 000	1, 197, 465, 000	1, 208, 565, 000	1, 202, 465, 000	−742, 000	−41, 954, 000	+5, 000, 000	−6, 100, 000
Operation and maintenance, Army National Guard	311, 265, 000	365, 961, 000	369, 961, 000	365, 961, 000	369, 961, 000	+58, 696, 000	+4, 000, 000		+4, 000, 00
Operation and maintenance, Air National Guard	358, 037, 000	395, 128, 000	413, 428, 000	402, 328, 000	413, 428, 000	+55, 391, 000	+18, 300, 000		+11, 100, 000
National Board for the Promotion of Rifle Practice, Army	102, 000	106, 000	122, 000	106, 000	122, 000	+20, 000	+16, 000		+16, 000
Claims, Defense	39, 000, 000	39, 000, 000	39, 000, 000	39, 000, 000	39, 000, 000				
Contingencies, Defense	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000				
Court of Military Appeals, Defense	817, 000	869, 000	869, 000	869, 000	869, 000	+52, 000			
Total, title III—Operation and maintenance	20, 121, 894, 000	20, 647, 834, 000	20, 435, 481, 000	20, 212, 481, 000	20, 299, 231, 000	+177, 337, 000	−348, 603, 000	−136, 250, 000	+86, 750, 000

TITLE IV—PROCUREMENT

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Item	1971 appropriation	Fiscal year 1972 budget estimate	House allowance	Senate allowance	Conference agreement	Increase (+) or decrease (−) conference agreement compared with—			
						1971 appropriation	Fiscal year 1972 budget estimate	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Aircraft procurement, Army	$257, 000, 000	$124, 400, 000	$90, 400, 000	$90, 400, 000	$90, 400, 000	−$166, 600, 000	−$34, 000, 000		
Missile procurement, Army	991, 800, 000	1, 101, 100, 000	1, 040, 820, 000	940, 820, 000	940, 820, 000	−50, 980, 000	−160, 280, 000	−$100, 000, 000	
Transfer from other accounts				(100, 000, 000)	(100, 000, 000)	(+100, 000, 000)	(+100, 000, 000)	(+100, 000, 000)	
Procurement of weapons and tracked combat vehicles, Army	261, 500, 000	204, 600, 000	145, 500, 000	145, 500, 000	145, 500, 000	−116, 000, 000	−59, 100, 000		
Procurement of ammunition, Army	940, 371, 000	1, 696, 300, 000	1, 496, 300, 000	1, 418, 300, 000	1, 418, 300, 000	+477, 929, 000	−278, 000, 000	−78, 000, 000	
Transfer from other accounts	(50, 000, 000)		(200, 000, 000)	(200, 000, 000)	(200, 000, 000)	(+150, 000, 000)	(+200, 000, 000)		
Other procurement, Army	457, 829, 000	593, 000, 000	527, 400, 000	597, 300, 000	512, 300, 000	+54, 471, 090	−80, 700, 000	−15, 100, 000	+$5, 000, 000
Procurement of aircraft and missiles, Navy	3, 017, 900, 000	4, 069, 100, 000	3, 05, 000, 000	3, 855, 000, 000	3, 855, 000, 000	+837, 100, 000	−214, 100, 000	−50, 000, 000	
Transfer from other accounts	(100, 000, 000)		(50, 000, 000)	(100, 000, 000)	(100, 000, 000)		(+100, 000, 000)	(+50, 000, 000)	
Shipbuilding and conversion, Navy	2, 465, 400, 000	3, 327, 900, 000	3, 017, 500, 000	2, 926, 200, 000	3, 005, 200, 000	+539, 800, 000	−322, 700, 000	−12, 300, 000	+79, 000, 000
Transfer from other accounts				(5, 000, 000)	(5, 000, 000)	(+5, 000, 000)	(+5, 000, 000)	(+5, 000, 000	
Other procurement, Navy	1, 487, 300, 000	1, 795, 103, 000	1, 702, 803, 000	1, 637, 803, 000	1, 641, 603, 000	+154, 303, 000	−153, 500, 000	−61, 200, 000	+3, 800, 000
Transfer from other accounts			(50, 000, 000)	(110, 000, 000)	(110, 000, 000)	(+110, 000, 000)	(+110, 000, 000)	(+60, 000, 000)	
Procurement, Marine Corps	175, 900, 000	128, 700, 000	118, 100, 000	103, 100, 000	103, 100, 000	−72, 800, 000	−25, 600, 000	−15, 000, 000	
Transfer from other accounts			(10, 000, 000)	(25, 000, 000)	(25, 000, 000)	(+25, 000, 000)	(+25, 000, 000)	(+15, 000, 000)	
Aircraft procurement, Air Force	3, 219, 300, 000	3, 116, 500, 000	2, 933, 800, 000	2, 899, 000, 000	2, 899, 000, 000	−320, 300, 000	−217, 500, 000	−34, 800, 000	
Transfer from other accounts		(58, 700, 000)	(108, 700, 000)	(158, 700, 000)	(158, 700, 000)	(+158, 700, 000)	(+100, 000, 000)	(50, 000, 000)	
Missile procurement, Air Force	1, 377, 200, 000	1, 837, 400, 000	1, 633, 700, 000	1, 633, 600, 000	1, 633, 700, 000	+256, 500, 000	−203, 700, 000		+100, 000
Transfer from other accounts	(50, 000, 000)		(50, 000, 000)	(50, 000, 000)	(50, 000, 000)		(+50, 000, 000)		
Other procurement, Air Force	1, 338, 700, 000	1, 620, 998, 000	1, 510, 998, 000	1, 478, 998, 000	1, 478, 998, 000	+140, 298, 000	−142, 000, 000	−32, 000, 000	
Transfer from other accounts			(50, 000, 000)	(90, 000, 000)	(90, 000, 000)	(+90, 000, 000)	(+90, 000, 000)	(40, 000, 000)	
Procurement, Defense Agencies	38, 910, 000	66, 559, 000	62, 971, 000	52, 971, 000	52, 971, 000	+14, 061, 000	−13, 588, 000	−10, 000, 000	
Transfer from other accounts				(5, 000, 000)	(5, 000, 000)	(+5, 000, 000)	(+5, 000, 000)	(+5, 000, 000)	
Total, title IV—	16, 029, 110, 000	19, 681, 660, 000	18, 185, 292, 000	17, 688, 992, 000	17, 776, 892, 000	−1, 747, 782, 000	−1, 904, 768, 000	−408, 400, 000	+87, 900, 900

DEPARTMENT OF DEFENSE APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 11731)—Continued

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army	$1,607,889,000	$1,951,456,000	$1,769,656,000	$1,796,256,000	$1,787,656,000	+$179,767,000	−$163,800,000	+$18,000,000	−$8,600,000
Transfer from other accounts			(25,000,000)	(51,900,000)	(51,900,000)	(+51,900,000)	(+51,900,000)	(+26,900,000)	
Research, development, test, and evaluation, Navy	2,151,421,250	2,431,419,000	2,358,319,000	2,352,319,000	2,352,319,000	+200,906,750	−79,100,000	−6,000,000	
Transfer from other accounts			(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)	(+20,000,000)		
Research, development, test, and evaluation, Air Force	2,750,322,000	3,017,044,000	2,892,944,000	2,875,944,000	2,887,944,000	+137,622,000	−129,100,000	−5,000,000	+12,000,000
Transfer from other accounts			(25,000,000)	(25,000,000)	(25,000,000)	(+25,000,000)	(+25,000,000)		
Research, development test, and evaluation, Defense agencies	444,564,000	499,443,000	440,843,000	442,143,000	441,143,000	−3,421,000	−58,300,000	+300,000	−1,000,000
Transfer from other accounts			(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)	(+5,000,000)		
Emergency fund, Defense	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000				
(Transfer authority)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)				
Total, title V—Research, development, test, and evaluation	7,004,187,250	[4] 7,949,362,000	7,511,762,000	7,516,662,000	7,519,062,000	+514,874,750	−430,300,000	+7,300,000	+2,400,000
(Transfer authority)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)				

TITLE VI—COMBAT READINESS, SOUTH VIETNAMESE FORCES, DEFENSE

Combat Readiness, South Vietnamese Forces, Defense	$300,000,000					−$300,000,000			

TITLE VII—SPECIAL FOREIGN CURRENCY PROGRAM

Special foreign currency program	$2,621,000	$12,300,000	$12,000,000	$12,000,000	$12,000,000	+$9,379,000	−$300,000		

TITLE VIII—GENERAL PROVISIONS

(Additional transfer authority, sec. 736)	($600,000,000)	($1,000,000,000)	($600,000,000)	($900,000,000)	($750,000,000)	(+$150,000,000)	(−$250,000,000)	(+$150,000,000)	(−$150,000 000)

TITLE IX—ANTI-BALLISTIC MISSILE CONSTRUCTION

Military construction, Army	[5, 6] $325,200,000	$172,500,000	[6] $93,300,000	$98,500,000	$98,500,000	−$226,700,000	−$74,000,000	+$5,200,000	
Family housing, Defense	[5] 8,800,000	11,070,000	11,070,000	11,070,000	11,070,000	+2,270,000			
Total, title VIII—Anti-ballistic missile construction	[5, 6] 334,000,000	183,570,000	[6] 104,370,000	109,570,000	109,570,000	−224,430,000	−74,000,000	+5,200,000	
Grand total	69,580,701,250	73,543,829,000	71,048,013,000	70,849,113,000	70,518,463,000	+937,761,750	−3,025,366,000	−529,550,000	−330,650,000
(Transfer authority)	(950,000,000)	(1,050,000,000)	(650,000,000)	(950,000,000)	(800,000,000)	(−150,000,000)	(−250,000,000)	(+150,000,000)	(−150,000,000)

TITLE X—AIRCRAFT AND OTHER EQUIPMENT FOR ISRAEL

Aircraft and other equipment for Israel				$500,000,000					−$500,000,000

---

[1] Includes amendments as follows:

H. Doc. 92–93:

Military personnel, Army	$385,607,000
Military personnel, Navy	246,211,000
Military personnel, Marine Corps	73,610,000
Military personnel, Air Force	345,413,000
Reserve personnel, Army	21,239,000
Reserve personnel, Navy	10,611,000
Reserve personnel, Marine Corps	3,148,000
Reserve personnel, Air Force	5,356,000
National Guard personnel, Army	29,244,000
National Guard personnel, Air Force	7,900,000
Total, military personnel	1,128,339,000

[2] Includes amendments as follows:

H. Doc. 92–93:

Operation and maintenance, Army	112,320,000
Operation and maintenance, Navy	78,914,000
Operation and maintenance, Marine Corps	4,791,000
Operation and maintenance, Air Force	86,888,000
Operation and maintenance, Defense Agencies	48,919,000
Operation and maintenance, Army National Guard	7,861,000
Operation and maintenance, Air National Guard	5,828,000
Rifle practice Army I	4,000
Court of Military Appeals, Defense	38,000
Tota', operation and maintenance	345,563,000

H. Doc. 92–133:

Operation and maintenance, Army	$18,199,000
Operation and maintenance, Navy	2,826,000
Operation and maintenance, Air Force	11,113,000
Total, operation maintenance	32,138,000

[3] Includes amendments as follows:

H. Doc. 92–133:

Other procurement Navy	$405,000
Other procurement, Air Force	182,000
Total, procurement	587,000

H. Doc. 92–150:

Shipbuilding and conversion, Navy	—$1,000,000
Aircraft procurement, Air Force	[a] 219,000,000
Missile procurement, Air Force	—107,000,000
Total procurement	111,000,000

[a] In addition $58,700,000 to be derived by transfer from Air Force stock fund.

[4] Includes amendment as follows: H. Doc 92–133: Research, development, test and evaluation, Army $1,500,000

[5] Funds provided in the Military Construction Appropriation Act for fiscal year 1971.

[6] In addition $31,800,000 in fiscal year 1971 and $20,500,000 for fiscal year 1972 for which permanent authorization is available are provided in Military Construction Appropriation Acts.

[7] Includes $300,000,000 provided for combat readiness, South Vietnamese Forces, Defense, for fiscal year 1971.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the requirement that the conference report on the Department of Defense appropriation bill, 1972, H.R. 11731, be printed as a Senate report be waived, inasmuch as the report has been printed as a report of the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, first, I should like to make a brief reference to an item or two in the bill as handled by the conferees.

One is that there are no funds in here now for a continuation of the tank known as the MB–70. This is a matter I have followed for several years, and I bring it up now not in criticism of what the conferees did, but to underscore that we still do need, in the opinion of the Senator from Mississippi, a tank that carries the technology that has been developed since our last usable model.

Also, I want to underscore that we have had fair warning about the tank as a project; and I say now that the Senate Armed Services Committee is going to try to keep a constant surveillance over this new start, so that we will track from year to year just what this money is spent for. I think some good will come from the research on the MB–70, which has to be abandoned. As I recall, we spent more than $400 million trying to carry out the mission of the Army having a tank that carries the modern technology. It got into this field, costing approximately $1 million each, as the Senator from Louisiana has pointed out, which is an extremely large sum for a tank. I was concerned about that; and my position was that if they did not come forth with something more constructive and positive during this fiscal year, I would be in opposition to a continuation of the project.

I would have liked to see Mr. Packard at least have a chance to further his work on it, but Mr. Packard resigned during the conference on this bill and that part of it was out. But we are certainly going to have someone competent in this field represent the Armed Services Committee, as the Army pursues this new concept, this new start on the tank.

I also want to back up the Senator from Louisiana and the Senator from North Dakota in their actions with reference to the matter of funds for Israel. I signed the report unconditionally, and it is no repudiation of what the Senate had done here with reference to that matter; but there is another way to take care of whatever the needs of Israel may be.

Mr. President, I use this occasion to point out the outstanding work that has been done this year by the chairman of the Committee on Appropriations, the Senator from Louisiana (Mr. ELLENDER). I know personally of the work he has done, day and night. He had plenty of help from many other Senators, both on the majority side and the minority side, but he was the spearhead, the driving force, and he is in large measure responsible for most of the appropriation bills being signed into law as early as August 1971—early August—which is really just 30 or 40 days after the beginning of the new fiscal year. That is an extraordinary achievement in itself, considering the volume of work that goes with it and the many problems that come up. For example, I know that as late as July 31, 1971, the administration was recommending to the authorization committee new budget requests for a new ship system that cost more than $2 billion. This shows how we have gotten into the habit here of carrying on these considerations in an entire year.

I believe that the President has signed all these bills or they are on his desk. I believe he has signed all except Defense and the District of Columbia and the last supplemental. Of course, the foreign aid bill has been tied up and is yet to be considered.

This is an extraordinary achievement. Not only has the Senator from Louisiana shown skill and splendid judgment, but also, he has demonstrated an enormous amount of energy in bringing this about. It is a great credit to the Senate. It took more vigor and personal stamina and endurance than I have.

On this particular bill, as well as other bills, the Senator from North Dakota has been right in stride all the time, with the same objectives, the same dedication, and the same effectiveness. As the ranking minority member of this subcommittee, the Senator from North Dakota has worked long hours, and has done highly creditable work. Few Members of the Senate could fully know the magnitude of the work involved in the Department of Defense Appropriation bill, and few members of the public have a chance to realize what goes into it.

I am not in the habit of extending compliments as an exercise but I want to mention the outstanding work that I have observed over the years that has been done by the chief staff member connected with this bill, Mr. William Woodruff. The extraordinary knowledge he has of the workings and machinations of all these accounts and items in the Department makes his services highly valuable and is one of the most valuable men on Capitol Hill. He has been assisted effectively and ably by Mr. Francis Hewitt, a valuable member of the staff, as well as our friend over here, representing the minority, Mr. Edmund L. Hartung. I have observed his work and he deserves the finest kind of commendation, which I extend to him.

I am especially thankful that they could get this bill concluded for this year. I know that the Senator from Louisiana and the Senator from North Dakota have special plans to get it out even earlier next year. As chairman of the Armed Services Committee we have to handle authorization items for over one-third of this bill, and we will certainly redouble every effort to get the authorization bill completed and on the President's desk next year even earlier than in 1971.

This year there were 7 weeks of debate on the draft bill which had a lot of policy questions in it, and then later there were 4 weeks of debate on the procurement bill, followed by 3 or 4 weeks in active conference on the procurement bill. It was hard to get the bill before the Appropriations Committee for consideration.

I thank all Senators once more.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. YOUNG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEW APPROPRIATIONS PROCEDURE

Mr. ELLENDER. I wish to thank my good friend from Mississippi. He has worked very hard and nobly in assisting us to expedite action on this and other appropriations bills.

I have been discussing early action on appropriations with the leadership of the Senate as well as some of the leaders in the House and I wish to say that next year we hope to have all of the major appropriations bills reported earlier. This is no idle talk.

I am hopeful that we can pass every major appropriation bill and have it on the President's desk on or before June 30.

I think that can be done. The reason we were detained this year and in years past is that quite a few of the bills could not be completed because authorizations were delayed.

In discussing the matter with the leadership, it has been decided to present to the Senate early nekt year a program whereby all authorizing bills must be enacted on or before June 1, if those are to be funded in the regular appropriation bills.

All programs authorized after June 1 will be funded in a supplemental bill. Of course this bill will be a big one, but there is absolutely no excuse for us not to have all the regular bills on the President's desk on or before June 30, the end of the fiscal year.

I pledge that I will do all that I can. I know that I will get the full cooperation of every member of the committee, because we discussed the matter with most of them, particularly with my good friend from North Dakota, and we have been promised by the leadership that next month there will be a joint statement made asking full cooperation from other committees, particularly the authorizing committees, such as the Senate Armed Services Committee, which my good friend from Mississippi (Mr. STENNIS) is chairman, and the House Armed Services Committee, of which my colleague and friend EDDIE HÉBERT, is chairman.

If we can get the authorizing committees to work with the Appropriations Committees, and if we work as we did this year, there is absolutely no doubt in my mind that we can get the bills out on or before June 30.

Mr. YOUNG. Mr. President, I want to thank the distinguished Senator from Mississippi (Mr. STENNIS) for his comments awhile ago.

I could not help observing that this year the Senator spent more than 2 months on the Senate floor defending two authorizing bills.

I believe that few men in this body possess the kind of endurance, patience or as much effectiveness as the Senator from Mississippi. I do not know how one man could have mustered the stamina, the resourcefulness, and the knowledge necessary to have carried these bills through during those 2 months.

During the nearly 27 years I have served in this body, I have voted for cloture only twice until this year. Watching the proceedings of the Senate this summer convinced me that we are going to have to have more limits on debate if the Senate is going to conduct its business.

Observing what the distinguished Senator from Mississippi had to go through to get these two bills through this summer, I know that I shall be voting for cloture more often in the future.

Mr. BYRD of West Virginia. Mr. President, I join my colleagues in expressing not only gratitude but also admiration for the distinguished Senator from Louisiana (Mr. ELLENDER) who, as chairman of the Appropriations Committee, has performed a very, very remarkable job this year.

I join him, too, in expressing the hope that, next year, action on all regular appropriation bills can be completed and they can be on the President's desk for his signature prior to July 1, the beginning of the new fiscal year.

I have marveled at the tenacity and the determination of the distinguished chairman. I salute him for a job extremely well done.

I also want to compliment the distinguished Senator from North Dakota (Mr. YOUNG), the ranking Republican member on the committee, and all other members of the Appropriations Committee.

The Appropriations Committee is the salt mine of the Senate. There is enough work on any one of its subcommittees to keep a Senator busy full time, if he wants to give that much time and attention to it. He cannot, of course, because he has so many other duties to perform as well.

I hope that the distinguished chairman will be able to realize his goal. He will have on his side all the members of the Appropriations Committee and the leadership, certainly, on both sides of the aisle. But, what about the House? What are the prospects for cooperation on the part of the House leadership, so that the Senate can work its will and have the bills on the desk of the President for his signature by July 1.

Mr. ELLENDER. Mr. President, I want to say to my good friend, the Senator from West Virginia, that I have been discussing plans with the chairman of the House committee, my counterpart, and I have no doubt that he will also put his shoulder to the wheel.

I have also discussed the matter with our majority leader as well as with the Speaker of the House. I have also discussed it with the Senator from Pennsylvania, the minority leader (Mr. SCOTT), and he is in agreement. We will try to have a meeting, if possible, as soon as we return next month, to formulate a precise proposal to lay before the Senate.

I might say to my good friend, the Senator from West Virginia, that for the past 34 years I have found time on various weekends and holidays to visit every parish of my State.

I really believe, if we do our work, we ought to be able to adjourn by July 31, without any question.

Mr. BYRD of West Virginia. Mr. President, I share the opinion of the Senator from Louisiana. If I might ask a question, do I understand that the joint statement to which the Senator from Louisiana has alluded will be a statement joined in by the leadership of the other body?

Mr. ELLENDER. Oh, yes.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator from Louisiana.

NEW HEARINGS ON OVERALL BUDGET

Mr. ELLENDER. In this connection, Mr. President, last February I initiated hearings by the full committee on the overall budget estimates for fiscal year 1972. This was prior to the time the various subcommittees scheduled hearings and began their respective line-by-line deliberations. This year's session was limited to testimony from the Director of the Office of Management and Budget, the Secretary of the Treasury, and the Chairman of the Council on Economic Advisers. They were all witnesses in support of the administration budget presentation. Considerable testimony was elicited concerning economic prospects, the public debt increase, gross national product projections, the budget deficit, and administration proposals for economies and reforms. It was a very valuable opportunity for members of the committee to question and probe these and allied matters, such as foreign trade, the balance of payments, unemployment, inflation, interest rates, and tax reform proposals.

These hearings were instructive and most interesting. But their scope was limited by the 2-day period. Therefore, it is my intention to convene the full committee early next year for a more protracted session. It may be 4 or 5 days, maybe longer if it seems advisable as we progress. I also intend to invite not only governmental witnesses, but qualified public witnesses as well. We will ask them to present their views on national goals and priorities as reflected in the new budget document, which will have been submitted to the Congress by that time. These comments could be related to the final appropriation figures for the fiscal year 1972 and/or the new fiscal year 1973 budget. This testimony could include recommendations for program reductions or increases. We would welcome witnesses representing organizations concerned with national issues, as opposed to local issues. We would invite them to testify on general goals and priorities, rather than on specific appropriation line items. The line items will be considered by the subcommittees at a later date.

In summary, it would be my hope to direct attention toward realistic alternatives, to some of the administration requests.

Mr. President, a formal announcement of these hearings will be made very early in the next year. Interested public witnesses will be given time to prepare their presentations.

We are optimistic that these public hearings can make a substantial contribution to our thinking in these days of rapidly changing priorities.

These open hearings should give our committee and the entire Senate a stronger voice in the spending process. We all have seen evidence of our declining role in this area. We must reverse that trend.

The Congress is given the responsibility of making appropriations. But too often we are exposed to only the administration thinking on overall priorities and national goals. For too many years we have limited our thinking in the Congress to how money should be spent within the major budgetary areas. It is time we expand our scope to take an overall look at spending practices. These hearings should help us measure our domestic appropriations against our foreign spending—our social and welfare programs compared to our defense programs—our total spending against our total revenues, and against our total debt. These public hearings may help remind us, especially during an election year, that there is more to changing priorities than just spending additional money. When you owe over $400 billion as we do, we must keep in mind that changing priorities areas, plus cutting back spending in other areas. These hearings next year can help us make these important decisions. I will appreciate the cooperation of the entire Senate in this new undertaking.

Mr. STENNIS. Mr. President, I applaud the efforts of the Senator from Louisiana and the Senator from North Dakota. I point out, though, that there is a problem here with reference to the military authorization bill, which has to precede the military appropriation bill. And I am not complaining in the least. Every Senator knows that I believe in all Senators having all of his rights, including his full right to offer and debate amendments.

The authorization bill for military weapons has to precede the appropriations bill. And if we continue to use that measure for extended debate on matters that are related, but are primarily policy questions, after all—and, as an illustration, I might refer to the end-the-war amendment—and if we continue to add amendments to the military procurement authorization measure and then have to go through cloture to get the conference report approved, that course will cause much delay. That is my only comment, and this not critical of any Senator. However, that process does take time.

This year the military procurement bill, after 7 weeks of debate here, stayed in an active Senate-House conference for 4 weeks. Then, when it came back to the Senate, it took an additional 2 weeks to resist a motion to table the conference report. Afterwards, it took the imposition of cloture to get to a vote and approve the conference report.

My only point is that this all takes time. If an amendment, such as the troop-withdrawal-from-Europe amendment—which is a related military matter, but it does involve a policy question—had been tied to this appropriation bill, I do not know whether you would have been back yet with a conference report. But that was excluded from the bill. It is not going to be easy to do this pattern as outlined for earlier passage of appropriation bills. We have to have self-discipline in order to do it.

I will certainly cooperate with the distinguished senior Senator from Louisiana and will try to expedite the work of the Armed Services Committee.

I, also, think that the Members of the Senate need more time at home to mix and mingle and to go around among the people they represent.

I know that for the past 3 years, with the exception of last August, we have not had time to do so. Just visiting among our constituents is something that we need to do. It is a great principle of representative government. This requires more contact than I have been able to have with the people in Mississippi whom I am honored to represent. I hope that we will have a chance to do this in the years ahead.

Mr. BYRD of West Virginia. Mr. President, if I might add one postscript with respect to our need to return home and visit with our constituents, I join with what the Senators have had to say. I think it would be good for the people back home if Congress were to be out of session for 3 months every year.

I think it must be said, to the credit of Congress—and the majority leader will go into this in more detail—that Senators have worked hard. We would have been able to adjourn long before this had it not been for the phase I and phase II legislation that was dumped into the hands of the House and Senate, and quite appropriately. I do not say this as a reflection on the President. Something had to be done, and it is our responsibility in the Congress to respond to the needs that arise. The Senate has responded. However, had it not been for these matters and for the two vacancies on the Supreme Court, on which the Senate had to act—which were unforeseen and occurred very late in the session—Senators would have been back home among their constituents long before this.

I want to say further that I appreciate the splendid cooperation that Senators on both sides of the aisle have given all during this year with respect to time agreements on legislation, all of which have helped to expedite the work of the Senate.

The Members are to be congratulated on the fine way in which they have worked with the leadership on both sides of the aisle. The majority leader may go into detail at an appropriate time with respect to what the overall accomplishments have been. However, I want to express this word of thanks to all Senators for the courtesy and cooperation they have extended to the leadership and the fine work which they and all committees have done.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I join in the colloquy and express my thanks to the Senator from Louisiana for his tenacity and his dedication to the public service in his role as chairman of the Appropriations Committee. Some of us have been around here for a goodly number of years. I do not think there has ever been a time that the Appropriations Committee has done a better job and has been more on target than in this particular session of the 92d Congress.

The chairman of the committee, the distinguished senior Senator from Louisiana (Mr. ELLENDER), is known and respected in this body as a tremendous worker, and a man of great stamina and perseverance.

I have come to him with problems in areas in which he may not always have the most personal interest, and he has always responded in a helpful and friendly way. I want him to know this and I thank him publicly, as well as having told him in private.

One of the most difficult assignments of a Senator is to be chairman of any committee.

One always gets criticism if things do not work out, and if a good job is done everyone kind of expects it and one seldom gets a pat on the back.

The Committee on Appropriations is the committee that carries a tremendous load in this body. I know the Senator from Louisiana has been fortunate in having a truly fine, cooperative, and friendly associate from the minority side, the Senator from North Dakota (Mr. YOUNG). I happen to have a great personal friendship for the Senator from North Dakota (Mr. YOUNG). That friendship is of many years' standing, and it is known by Democrats and Republicans alike in North Dakota and in Minnesota.

So I salute the Senator from Louisiana and I thank him for a good job and for really giving leadership to expediting the work of the Senate insofar as appropriations are concerned. That is true not only in the Senate, but also it should be noted that he has taken leadership in both bodies and has done a fine job.

Now, I wish to say to the majority whip that he has had to carry a tremendous burden here to keep this body moving. He has always been respectful of our rights. I thank him for his cooperation, recognizing that it is not always possible to please everybody on every occasion. But we do pass a lot of legislation and the Senate is vitally interested in matters of concern to the future of this Republic.

We are going through a period of discussion, debate, and dialog on the respective roles of the executive branch and the legislative branch that is of historical significance. This is not going to be settled quickly. We Americans do not have a plan of action, so to speak; we do not live by doctrine or dictation, but we are very pragmatic and practical people, and we will debate these matters through amendments—that is a vehicle we use in the Senate to precipitate debate—to redefine the power of the respective branches of Government or get a better focus on it.

In the second session we will take up the war powers of the President. This is a matter of tremendous importance that has been precipitated by not only the war in Vietnam but also the accumulation of power over the years since World War II. I think that the debate which will take place on the so-called war powers of the President will be one of the most historic debates in the history of Congress since the mid-1800's. It will take time and I do not think we should apologize for the fact we take some time. These things need amending, and they need to be discussed, and the time used is a valuable asset. It is the time that is not used that is a waste. So we will move along and I think next year will be a productive year.

I see a number of items which will be carried over and we should get those items out of the way soon.

Mr. President, I salute the chairman of the Committee on Appropriations.

Mr. ELLENDER. I thank the Senator.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ADDITIONAL ROUTINE MORNING BUSINESS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the session of the Senate today, at such times as conference reports or other business is not before the Senate, morning business be in order with statements by Senators, limited each to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 5419) for the relief of Corbie F. Cochran, Jr.

The mesage also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes; and that the House receded from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 33 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

A RÉSUMÉ OF THE HEARINGS HELD BY THE COMMITTEE ON ARMED SERVICES

Mr. STENNIS. Mr. President, at this point in the session I am reluctant to take the time of the Senate. I think I should give Senators a brief sketch, however, on general hearings held recently by the Senate Armed Services Committee on the process through which we buy modern weapon systems.

In the period of December third through ninth, the Armed Services Committee heard nine witnesses on the weapon system acquisition process. I stress that we have been examining the process. We have not tried to hunt Pentagon scapegoats or tarnish the reputation of industries which have helped to make the United States and its strength respected in all the world.

We heard Mr. Gilbert Fitzhugh, chairman of the board of the Metropolitan Life Insurance Co. and chairman of President Nixon's blue ribbon defense panel. Then we talked with Dr. John S. Foster, Jr., who, as Director of Defense Research and Engineering, oversees the Pentagon's weapon development.

The committee asked Mr. Jacob Stockfisch of the Rand Corp. about operational test of weapons and test evaluation. We heard Dr. Fredric M. Scherer, an economist from the University of Michigan, review the evolution of the weapons acquisition process and the structure of industry and the Government arsenals here in the United States.

Then we asked two researchers from the Rand Corp.—Mr. Robert Perry and Mr. Arthur J. Alexander—to talk to us about the procedures under which weapons are bought by European nations including the Soviet Union.

We talked to Dr. William B. McLean, a Navy weapons engineer, about the development of the highly successful Sidewinder missile and we asked Mr. Pierre Sprey, a former Pentagon official, to talk to us about simpler weapon systems.

Finally, we heard Adm. Hyman G. Rickover, developer of the nuclear submarine, comment in his own inimitable way about procurement process.

I want to make two points about these hearings, Mr. President. In the first place, these witnesses, with a couple of exceptions, are not now actively involved in the weapon acquisition process. All have expertise, and some insight, on the problems—but they were not, for the most part, in-house witnesses.

Secondly, and, as I have said, quite intentionally we tried to focus on process and procedure. A great number of controversial weapon systems were mentioned in passing, but the committee centered on what the process is and what happens in the process.

I need not say, Mr. President, that after 5 days of hearings, the committee has barely scratched the surface with respect to weapons acquisition. It is a subject which asks for continuing attention, and I think our committee wants to provide it.

I believe, however, that I can report a very carefully qualified optimism. I think it is an instance where we can make significant improvements, if we have the will.

Reporting on the procurement bill, in September, the committee said that:

> If the geometric cost increase for weapon systems is not sharply reversed, then even significant increases in the Defense budget may not insure the force levels required for our national security.

A number of our witnesses underscored that concern.

In their testimony, however, they said that there are techniques—strategies, if you like—to reverse or at least restrain these cost increases and obtain better weapons in the process.

For example, the committee was told that:

First. More realistic and less detailed specifications, less burdensome documentation, and authentic independent operational testing would reduce some of our weapons procurement costs, and increase effectiveness.

Second. Smaller weapons development teams can produce simple and effective weapons. This is being done, in some cases, in the United States as well as in Western Europe and in Russia.

Third. Deputy Defense Secretary David Packard is beginning to work toward a strategy which will incorporate these elements.

As I have said, Mr. President, much more attention must be addressed to this subject. I think it is fair to conclude, however, that alternative procedures are available to us.

We can minimize overlap—concurrency—between research and development on the one hand and production on the other.

We can make wider use of prototypes in the development process instead of generating studies by our computers.

We can simplify our weapons, and our weapon specifications, and make use of smaller, less costly development teams to work more effectively.

We can have the best weapons in the world, and our fighting men deserve nothing less.

Mr. President, the Armed Services Committee will decide, in the weeks ahead, how to proceed with this study. I know we will want to get information from industry leaders and from other experts as we examine weapons acquisition.

As our hearings go forward, we will provide further reports to the Senate.

SOUTH ASIA: A WORLD CRISIS

Mr. HUMPHREY. Mr. President, I wish to take a few minutes of the Senate's time to talk about the very critical situation which exists and persists in South Asia, which I consider to be a matter of world crisis.

Mr. President, the votes have been cast in the United Nations, the President has cut U.S. military and a good portion of economic assistance to India, and our Government has enunciated what it claims to be a policy of absolute neutrality between Pakistan and India. Does the curtain now close; do we all applaud and leave, praising or condemning the actors depending upon our own viewpoint? Is what we are witnessing in south Asia really a play?

The facts certainly belie this impression. One report comes in more devastating than the other. First came the welcome news of the general elections in Pakistan offering the promise of the installation of a genuinely democratic form of government in both East and West Pakistan. In East Pakistan the almost total support for the Awami League was virtually a referendum for the autonomy of East Bengal, or East Pakistan. Failing to recognize a movement that had its embryonic beginnings at the time of the formation of Pakistan in 1947, President Yahya Khan tried to reverse at an irreversible stage the decision of the East Pakistani electorate.

On March 25, the date scheduled for the transfer of power to the elected leaders and the constituent assembly, the ax fell. Sheikh Mujibur Rahman, head of the Awami League, was accused of treason and incarcerated. Roughly 80,000 West Pakistani troops were deployed in East Pakistan. East Pakistan then became an army garrison and the Bengali people became prisoners. Those who escaped flowed over into India at the rate of over 50,000 people per day to become citizens of refugee camps. Their refuge has been overcrowded camps and the open air where survival is a daily question.

Mr. President, I must pause here in this brief rundown of events to stress the portent of this fact. Fifty thousand refugees per day brought a total of over 8 million East Pakistanis in India by the end of August. Now the figure is somewhere in the range of 10 million, a figure almost too startling to imagine in human terms. For those of us who tried to grasp what this meant in human suffering and in international tension, there was a realization of the ominous urgency of this problem. At stake were people's lives, the dynamic stability of both Pakistan and India, and the fragile foundation of international cooperation.

At this point the judgment that the crisis in East Pakistan had become a matter of international concern could no longer be disputed.

A number of Senators in this body have visited Pakistan or East Pakistan and have brought us reports underlining the seriousness of the situation, calling to our attention that the crisis in East Pakistan had, indeed, become a matter of international concern.

Any hesitation on the part of our Government to become involved for geopolitical reasons or ostensibly for avoiding another Vietnam was totally inexcusable.

The fear of another Vietnam was and remains unfounded. If we were to go through the historical exercise of our involvement in Vietnam, we would conclude that the situation is completely different in the subcontinent. No one was talking about intervention militarily. Some of us were, however, hoping for intensive diplomatic involvement at all levels.

If the specter of Vietnam is supposed to require passive restraint in every world crisis, then we have learned little from our brutal experience in Southeast Asia. The way to avoid future Vietnams is to have a clearer sense of where our true interests lie and what we can do to improve man's lot throughout the world. We have to behave in a way that combines national and human interests. In South Asia we acted on another principle—the pursuit of geopolitical gain—which has led us astray. We have not yet realized the full implications of Vietnam in terms of our own foreign policy.

Clearly, the undertaking of a Presidential visit to Peking was not worth the stand-off posture that the United States assumed—a posture which soon enough became identified with support of Pakistan. I contend that this visit, and the subsequent normalization of relations between the United States and China would not have been endangered by a different policy, actively engaged in working out a political settlement which fully recognizes the realities of the situation and our own interests. Paradoxically enough, the Chinese government has learned to view issues *separately*, despite their revolutionary dogma of universal application. When the United States mistakenly pressed for the acceptance of its resolution on Taiwan, Dr. Kissinger was talking with Chou En-lai in Peking. When the President was making commitments to Taiwan, Peking was working out details for the President's visit. Taiwan, we had thought, was the king pin in any easing of relations between the United States and Peking. It has not been.

The Chinese have accepted an acting principle of international relations of separability and coincidence of interests. The United States apparently has not.

How else can we explain the administration's policy than out of its concern for the successful completion of the President's trip to China. The "Nixon doctrine" has openly accepted the theory of linkage, and here is an example of how it works. If we offend Pakistan, a close ally of China through public and private entreaties to end martial rule in East Pakistan and to release Sheik Mujibur as a step towards a true political settlement, then the China trip may be jeopardized. I cannot agree with such a sequence.

In the middle of the Pakistani crisis, our Government remained motionless. Despite the public outcry, military shipments to Pakistan continued to trickle in. Militarily, as the administration has been quick to point out, the amount of equipment actually shipped to Pakistan was of trifling importance to the campaign of repression the West Pakistani Army was raging in East Pakistan.

Politically and diplomatically, the effect was significant mainly because of the contradictory statements coming from the State Department, Department of Defense, and the White House. At one point we were denying the existence of continued arms shipments; at another we were discounting amounts being shipped. Throughout this whole affair, there has been no single, dependable expression of our Government's position. In Indian eyes and in many other parts of the world, no matter what the tally of the vote in the General Assembly, we were guilty by association and deceptiveness, our contradictory statements were confusing our silence was condemning.

The story with respect to other forms of assistance is worse. It was Congress initiative, not the President's, that recognized the importance of remaining absolutely neutral by withholding any form of assistance to Pakistan. It was members of the Congress including myself, who first called for relief assistance for the refugees run under international auspices. Not once has President Nixon made a public declaration outlining our Government's position. Not once has he drawn attention to the plight of the refugees, the likes of which have never before been witnessed in history.

It was only in the last instance that our Government took the question to the Security Council. However, before the actual outbreak in major hostilities between the Pakistani and Indian armed forces, I had urged the President to take the matter to the Security Council. To insure fair representation of the issues involved in the present crisis, I urged, and would still urge, the President to call for the participation of members of the Bangla Desh movement in the Security Council sessions. Other Members of Congress, of course, have done the same. Almost as if succumbing to outside pressure, instead of taking the initiative on his own, the President finally turned to the United Nations—in this instance, as the place of last resort.

Once we got there, our handling of the situation was almost like a charade. We were going through the motions without believing in them. We introduced our resolutions out of a policy of strict neutrality, except that we called India the aggressor, holding major responsibility for the crisis in South Asia. In this way, we defied all rules of diplomacy, sacrificing any chance of being effective.

We submitted the latest resolution before the Security Council in this same spirit. Once again we violated the rules of effective diplomacy. We apparently hoped to incorporate in this resolution calling for a cessation of hostilities, a clause reprimanding India. At the same time, rumors are becoming louder and louder that the United States is moving the *Enterprise*, a nuclear-powered aircraft carrier and a navy flotilla assigned to the 7th Fleet off Vietnam, to the Bay of Bengal. Noises are also being made of the Soviet presence in the Indian Ocean. Secretary Laird, when asked about this story, said he could not disclose any contingency plans of an operational nature. Far from reassuring, this statement and the studied silence of the President only raises more doubts in an extremely tense situation. Official briefings do not help either. Dr. Kissinger's comments the other day were most notable for what remains undisclosed rather than for what is revealed.

What we should expect from the United States and the other powers concerned is responsible behavior. In this regard, I urge the Soviet Union to assume a less intransigent position and use its influence to secure a cessation of the present conflict. I hope that the rumors of Chinese troop movements on the Chinese-Indian frontier are as unfounded as those about the U.S. and Soviet Navies. Our only recourse for resolution of the conflict comes from the United Nations, or among the parties directly involved, not through gunboat diplomacy or a massive troop movement tease.

Now that we are at the point where Dacca is about to fall, Dr. Malik, Governor of East Pakistan, has just resigned, and news reports indicate that Lieutenant General Niazi is about to resign.

Also, groups within the West Pakistani government have given indications of a readiness to reach a settlement. This situation, however unsettling it may appear at face value, offers great room for negotiations. I would hope that India might now demonstrate the flexibility necessary to obtain a cease-fire and conclude a satisfactory settlement. Because the situation remains extremely precarious, with a full-scale war still going on, there is no point in continuing the game of accusation and counter-accusation. Clearly, both sides share the blame. Certainly the United States, the Soviet Union, and China are also at fault.

To reach this conclusion does not mean that the curtain is dropped and the play is at an end. Mr. President, the war is still going on and the conditions that sparked things off still remain unresolved. There are still 10 million refugees in India. The West Pakistani army is still in East Pakistan, and until they leave, the war will continue. I, therefore, call upon the United States to reverse its past policies and take a more active role in establishing a settlement. I call upon all parties involved to concentrate on restoring peace and security in the subcontinent.

In this spirit, I would suggest that any settlement must take account the fact that Bangla Desh exists de facto, if not de jure. For this reason, I call upon the United States to consider the possibility of extending recognition to the government of Bangla Desh in the near future.

In order to effectuate a settlement as rapidly as possible, the first item to be worked out is the implementation of a cease-fire on all fronts, followed by troop withdrawals from East Pakistan. During the time of withdrawal, the United Nations could have an important role to play. U.N. peacekeeping forces as provided under article 43 of the U.N. Charter, could be charged with the responsibility of enforcing a cease-fire and assisting in troop withdrawals.

On the political agenda, there are a number of steps which must be taken. First, Sheikh Mujibur Rahman, as the elected leader of the Awami League and the most popular political figure in East Bengal, must be released from prison. Securing the status and government of Bangla Desh will provide the basic incentive necessary for the repatriation of refugees. But their repatriation will undoubtedly be a long and delicate process. Here again, the United Nations can play an important part by helping to provide the additional incentives necessary to induce the refugees to return to East Bengal.

My point, however, Mr. President, is that the United States must use its resources and its influence within the the United Nations to bring about action from the United Nations.

The United States also can play an important part by taking initiatives under the United Nations and other international organization auspices. Stepped-up international assistance programs should begin promptly. We must make certain that relief assistance from the United States will be forthcoming no matter what the legal change in the status of East Pakistan. The Congress has authorized money for this purpose, so it is up to the administration to make it available.

In fact, our Government should do all it can to encourage a reconstruction program for Bangla Desh run through the specialized agencies of the United Nations. Throughout this crisis critics of the U.N. have said "See, we told you so. When faced with a threat to international peace and security, the U.N. is just not prepared to handle it." Admittedly, the U.N.'s performance has not been as effective as we would like up to this date, but the solution is not to disband this great organization or return to the bilateral nation-state principle of diplomacy. I maintain, as a firm proponent of the United Nations, that it is a workable institution if we use it properly.

The PRESIDING OFFICER (Mr. NELSON). The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I yield the Senator from Minnesota my 10 minutes.

Mr. HUMPHREY. Mr. President, I have no time limitation.

The PRESIDING OFFICER. The Senate is operating under a 10-minute limitation.

Mr. HUMPHREY. I was unaware of that. I thank the Senator from West Virginia.

It is truly regrettable that the administration has chosen to forego this chance so far, but the proposals I am offering today would give the United Nations the support it needs for its programs to be effective. There is no doubt that the U.N. could handle peacekeeping operations or a Bangla Desh reconstruction program. What is more doubtful, is whether the great powers like the United States and Soviet Union are prepared to endorse this effort wholeheartedly. I urge our Government to take this initiative.

A rehabilitative program for Bangla Desh offers a truly constructive opportunity. Amidst all this fighting, the deleterious effect on the people of East Bengal has somehow eluded our attention. It we want to be certain that Bangla Desh does not become a mere client state or a pawn in international politics, then it would be most worthwhile for us to begin thinking along the lines of international rehabilitative assistance for East Bengal. After all, the principal cause of this conflict has been the movement for independence in East Bengal. Assuming that Bangla Desh will eventually become an independent legal entity, the United States also helps it in this way to become a viable state in the international community.

There are additional matters of concern which will have to be settled. Account in any settlement must be taken for the Bengali population in West Pakistan which may be desirous of returning to East Bengal and of the West Pakistani Army and minority populations who choose to live in West Pakistan. Finally, consideration should be given to the settlement of differences on the western border. This question becomes more important each hour, as the battle in East Bengal hastens to an end. It could also lay the foundation for a more permanent understanding between India and Pakistan.

The steps which I have outlined are intended to serve as guidelines. They are intended to clarify, not to confuse. My interest is that peace be restored to South Asia and that we take the initiative as peacemaker; that the plight of human beings be attended without further delay; and that the United States, through the U.N., assume the role of an actively concerned neutral power, ready to assist in any way possible. Mr. President, I have no other concern, and among those I have listed, none is stronger than my desire to alleviate human suffering.

Mr. President, I yield the floor.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1972 — CONFERENCE REPORT (H. REPT. 92-755)

Mr. INOUYE. Mr. President, I submit the long-awaited report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11932) making apppropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today at pp. 47139–47141.)

Mr. INOUYE. Mr. President, the amount agreed to in conference was $272,597,000 in Federal funds which is $16,600,000 below the revised budget estimate, $4 million over the amount recommended in the House bill and $13 million below the Senate bill.

With reference to District of Columbia funds, the amount agreed to was $932,512,700 which is $112,769,000 less than the budget estimate, $41,450,000 less than the House bill and $50,472,000 more than the Senate bill.

Mr. President, while the Senate did not obtain everything which it felt essential for maintaining necessary District of Columbia services, the results of the conference are as good as could be obtained under the circumstances.

I ask unanimous consent to have printed in the RECORD a statement showing the major increases recommended by the Senate and as approved by the conference committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Major increases recommended by the Senate and sustained in conference

Under "General Operating Expenses":	
6 additional positions for the Office of Public Affairs	$95,000
10 additional positions (includes 8 attorneys) for the Office of the Corporation Counsel	140,000
3 positions for the Office of Consumer Affairs	29,400
2 positions for the Commission on the Status of Women	25,000
2 positions for the Commission on the Arts	30,000
7 positions for the Board of Labor Relations	89,000
Under "Public Safety":	
22 positions for the Narcotics Control Project under Department of Corrections	265,900
Under "Education":	
Additional positions and related cost for:	
Special education	900,000
Federal City College	3,000,000
Washington Technical Institute	900,000
Under "Human Resources":	
Additional welfare funds to cope with	
Increased caseload	3,000,000
Income supplementation (WIN Program)	500,000
Quality control investigative positions (45)	$203,800
Under "Capital Outlay":	
Additional funds to finance the Psychiatric Treatment Center, a project planned by the Health Services Administration	1,200,000
Total	10,378,100

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the conference report on H.R. 11932, the District of Columbia appropriations bill for 1972, not be printed as a Senate report in view of the fact that the other body has printed it as a report.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$166,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$58,757,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$168,275,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken out and inserted by said amendment, insert:

SEC. 16. No part of any funds appropriated by this Act shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Commissioner of the District of Columbia, Chief of Police and Fire Chief), or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Commissioner of the District of Columbia, Chief of Police and Fire Chief). No part of any funds appropriated by this Act, in excess of $12,000 in the aggregate, shall, in any fiscal year, be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Commissioner of the District of Columbia, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Commissioner of the District of Columbia.

Mr. INOUYE. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 1, 3, 4, and 33.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, the Senator from Minnesota wishes to include at this point in the RECORD his congratulations to the distinguished Senator from Hawaii for his splendid work as chairman of the Appropriations Subcommittee on the District of Columbia.

The PRESIDING OFFICER. What is the pleasure of the Senate?

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT TO THE PEOPLE OF MISSISSIPPI FOR 1971

Mr. STENNIS. Mr. President, once more, as the end of a calendar year approaches, it becomes my privilege to make a report to the people of the State of Mississippi. I wish to tell them of those matters on which I have been working during the first session of the 92d Congress, that I think are of particular interest to them. Primarily this is a report to my constituents for the year 1971 of my stewardship of the responsibilities they have vested in me.

This also constitutes an opportunity for me to thank my constituents for the trust they have placed in me, and for their assistance, support, and encouragement. No man could have better friends for whom to work. To the other members of the Mississippi delegation I also owe a debt, for their unfailing assistance and for their strong spirit of cooperation. My colleagues in the Senate have been very generous in their courtesies to me, and in the support of legislation of importance to my State. My office staff has been dedicated and loyal in their efforts, as have been the committee staffs with whom I work. My gratitude for all that has been done for me is warm and deep.

Our country and our people have had many difficult problems imposed upon them during the course of 1971, and commonly accepted solutions to collective problems have not always been achieved. However, as our part in the war in Southeast Asia draws to a close, I believe we can begin again to move toward a greater spirit of national unity. We also need and can hope for a national resurgence of moral and spiritual values, so that the country may attain again the national qualities that have strengthened us for 200 years.

The circumstances during the year have been difficult, but constructive work has been done. Of those matters in Congress in which I have had a part, I submit this report, under the following headings, to the people of Mississippi.

SCHOOL DESEGREGATION

Over the last several years, I have been speaking regularly on the Senate floor regarding the dual standards of school desegregation that exist in our country. I have pointed out the destruction of effective school systems in the South, undertaken in the name of obliteration of de jure segregation, while racial isolation in schools continued in the North on a massive and increasing scale, and was left untouched because it was said to be de facto segregation. I have said that in many places in the North and West, this racial isolation is really de jure segregation because it originated in actual official actions of school boards and local governments, although sometimes, subtle and disguised, in establishing school district lines, housing programs, and the like. I have also said that if and when the time should come that the citizens of the North and West should be required to accept the enforced racial balance that is imposed on southern schools, they would reject it out of hand, and would make their views known to Congress. I have expressed the hope and belief that this national hypocrisy will in due time give way to a single national policy; and that, because everyone will have to follow it, it will have to be moderate, practical, sensible, and aimed at the true purpose of schools, which is to educate children.

On February 18, 1970, the Senate by a vote of 56 to 31 passed an amendment which I had introduced to the Elementary and Secondary Education Act. It provided that it is the policy of the United States that guidelines and criteria shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. The amendment was lost, in effect, in conference, by the changes made in it.

I offered the same amendment in 1971, this time to the emergency school aid bill. It passed the Senate on April 22. On November 4, the House of Representatives passed the amendment but deleted references to title VI of the Civil Rights Act of 1964 and the Elementary and Secondary Education Amendments of 1966, making it applicable only to the Emergency School Aid measure. It now is in conference committee, awaiting action to resolve the differences between the Senate and House bills.

Since school began this fall it has been clear that school busing for racial balance is a very intense issue in the North. This has come about because Federal courts have ruled in a number of cases that segregation in northern cities has been deliberate in nature, and have ordered northern school districts to bus their children to obtain a racial mix. There has been an immediate reaction from many northern Members of Congress, seeking legislative relief from these very unpopular court orders. There is a growing interest in Congress in a constitutional amendment that would prevent assignment of children to schools on the basis of race, color, or creed, aimed at restoration of the concept of neighborhood schools. When the time is appropriate we shall move to limit the jurisdiction of the courts and thus prevent the courts from assigning or busing children on the basis of race.

The confusion, turmoil, and unhappiness among parents, children, and other citizens of Pontiac, Detroit, and other cities in the North and West were inevitable. Unfortunately, those in other parts of the Nation could not realize what the Supreme Court of the United States and the Congress had forced upon those in the South and what irreparable damage was being done to our schools and to our communities until they in the North and West could see and feel at least a small token of the same serious problem.

These busing disputes mean the dislocation of children from their schools, unhappiness for the children and their families, lost time, lost money, and lost educational opportunities. I say only that the time had to come when the dispute would occur in the North and the West. The people are not going to like it. They have shown they do not like it in San Francisco, Pontiac, Boston, and elsewhere. There should be no need for any violence in showing their displeasure. It would be deplorable, and it is entirely unnecessary. These are areas of great political strength in our country, and they can make their voices heard, according to established democratic processes, as they are presently doing in Congress. I believe that when the full strength of their voices is heard, we are going to be on our way back to neighborhood schools and spending the money to make those schools the very best this country can afford.

REVITALIZATION OF RURAL AREAS

The Agriculture Act of 1970, passed last October, said:

> The Congress commits itself to a sound balance between urban and rural America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

There is no doubt that the rural areas of our country need assistance to maintain or recover their economic vitality. There is presently and has been for some time a widespread trend of migration toward the big cities. For the most part, of course, the people who leave the country for the city do so in search of opportunity. Many are young people, who may not wish to leave home, but are forced to do so if they hope to prosper.

Of the more than 3,000 counties in the United States, over half lost population between 1960 and 1970. Our State increased moderately in population between 1960 and 1970, by about 1.8 percent. Nevertheless, of the 82 counties in Mississippi, 48 declined in population. These are rural counties, of course, for we are, in general, a rural State, and it means that over half our counties are in economic difficulty.

The great migration to the large urban areas has caused many problems in the big cities. They include almost every aspect of community life—high costs of living, poor transportation, poor schools, deteriorating housing, and bankrupt local governments. They all are related to the overcrowded conditions.

This situation is directly related to the declining vitality of rural areas. Fortunately, the two problems can be solved to a large degree by the same program. That program is an all-out, massive project to rebuild our rural communities and thus stop our people from having to leave them because of lack of money and business opportunities. Of course, I am interested also in building them up to such a degree that those who have already left through necessity over the last 10 to 20 years will come back.

The people go where the jobs are, and the rural areas need jobs. I agree with the President's Report on Financial Assistance to Rural Areas, where it says that:

> Rural development is primarily dependent upon expansion in non-farm job opportunities in rural areas.

In 1970, farm people received only 78 percent as much income as nonfarm people, and almost half of the farm population's income was from nonfarm sources.

It is obvious that if rural areas are to be revitalized by providing new job opportunities, they must be made attractive to light industry, to new businesses, and new commerce. This means providing incentives, and making it possible for people who are willing to invest in rural areas to get the capital that is needed to make those investments.

There are two bills presently under consideration in committees of the Senate that are aimed toward those two objectives. I am a cosponsor and a strong supporter of both.

One bill was introduced by Senator McCLELLAN, and is in the Government Operations Committee. It is intended to provide incentives for a more even distribution of industrial growth throughout our country. Preference would be given to rural areas in Federal grant programs and in awarding Federal contracts; and manpower training programs would be used to provide the necessary trained work force in the rural areas.

The other bill is in the Senate Agriculture Committee. It was introduced by Senator TALMADGE of Georgia and is called the Rural Development Act. Its intent is to provide capital for rural areas to finance public facilities, and business and industrial development. It would set up a system which would work like the Federal Land Bank, and eventually be owned by the borrowers themselves, and it would not interfere with the Farm Credit Administration, or the Farmers Home Administration, or any other funds presently available to farmers. Ten regional rural development banks would be set up, with the Federal Government subscribing money for them for the first 10 years. The banks would sell debentures, loan the money to rural development borrowers, who in turn would buy some stock in the banks. The regional banks would work through existing multi-county planning agencies. We have 10 such agencies in Mississippi, seven under the Economic Development Administration and three under the Appalachian Commission, covering all 82 counties. The whole idea is to provide capital, at reasonable rates and terms, so that public facilities can be built and businesses established in rural areas.

In addition to what may be accomplished in rural areas by new legislation, it is necessary to take full advantage of existing programs, a number of which are discussed in other sections of this report. In general, I think Mississippi is doing pretty well at this.

However, there is much more that needs to be done. Rural areas are entitled to a chance to have good standard of living, for they are willing to work for it. Means must be found to provide them with the opportunity and to give them a greater control over their own destiny. This subject is very much in the mind of Congress today, and in mine, and I intend to press for suitable legislation aimed at the revitalization of rural areas.

WORK INSTEAD OF WELFARE

In our country today, a crisis situation exists with respect to welfare. The numbers of people on welfare rolls, and the costs of welfare programs, are growing so rapidly that there literally is a danger to our ability to operate a financially sound government.

In addition, as too many American citizens know, the situation is worsened by the fact that the rate of unemployment is very high. I am afraid that the years ahead are going to continue to present unemployment problems. Over the past 30 years, our economy has been strong, but it must be remembered that it was stimulated by three wars and that this was a period of great increase in industrial technology. The unfortunate people who desire work, but are unable to obtain it, need and deserve help in getting employment. I view this as a problem that is going to be with us, in varying degrees, for a long time.

Even more disturbing, however, is the welfare situation, which if abuses continue will threaten the character of our Nation. I want to say in the strongest terms that welfare costs in this country are absolutely out of hand, and promising to get worse.

Last December the Secretary of HEW was proposing a minimum family income of $1,600 for a welfare family of four. Within a short time, the administration had changed the figure to $2,200. Now the amount proposed is $2,400, and a bill has passed the House that would provide this amount. The bill is presently in the Finance Committee of the Senate for consideration. In October, 18 Senators joined in introducing a new bill that is backed by a coalition of Governors, mayors, and various private organizations. This bill would provide a minimum family income of $3,000 a year now, and would increase it to $3,920, plus intervening cost-of-living increases, in 4 years.

Also, in the last 2 months, five Senators cosponsored a bill that would pay a minimum family income to a welfare family of four of $4,000 now, and step it up to $6,500 by 1976. It is certain that every election would bring pressures for further increases in welfare payments.

All of this is occurring in a fiscal atmosphere that leads thinking men to very grave concern. Last year the Federal deficit was $30 billion, and it will be $35 billion this year. A deficit of $65 billion in 2 years is facing us, yet the administration welfare bill would increase the number of people on welfare from about 13.5 million to 26 million, and increase welfare costs by $5 billion, to $14.9 billion a year, all out of the taxpayers' pockets.

I say let us provide jobs for these people and pay them to work at constructive tasks. One way to do this, as at least a partial remedy, is through a large, long-range program of public works, to provide work for people who are looking for it, and to take the able bodied off the welfare rolls. The regular public works program makes a substantial investment in our Nation's future by developing our rivers, harbors, and waterways; by flood prevention; and by land and water conservation measures. I would like to see a standby plan, over and above the regular public works program, for the Federal Government to develop parks, lakes, reservoirs, and recreation projects; to combat pollution and clean up the environment; and to provide essential public facilities at the local level that will stimulate prosperity as well as take care of environmental problems.

This standby plan would be used by successive Presidents, when required by the situation. It would provide work for those who through unfortunate circumstances are out of work, and also to provide useful work for those who are on welfare. A program of this kind would require widespread support of the people as a whole, and of the President, the Congress, and State and local officials. It would do four things. It would provide work for those who are looking for employment. It would provide useful work for those who are on welfare but are able to work. It would develop and protect our natural resources and environment for the benefit of generations to come. And over a long period it would stimulate each local economy, providing a growing tax base and increased payrolls, all to the benefit of future regional and national prosperity.

I intend to continue to work toward the adoption on a national scale of a plan of this nature.

RURAL WATER WORKS AND WASTE SYSTEMS

One of he most important Federal programs, from the point of view of the prosperity and health of rural areas, is the rural water works and waste program of the Farmers Home Administration. Nonprofit organizations or local public bodies can obtain loans and grants to construct water and sewer systems in rural areas and in towns of less than 5,500 population.

It has been difficult to achieve adequate funding for this valuable program, for the needs are great, and much of the membership of Congress, particularly in the House, is oriented toward the problems of the big cities rather than the countryside.

There are over 30,000 small communities in the United States that do not have adequate water and sewer systems. It would cost over $11 billion to provide currently needed systems in these areas.

I am glad to say, however, that in recent years it has been possible to steadily increase the FHA funds for this purpose. Our State is the leading user of these funds, on a per capita basis, and in total loans and grants made to date ranks second among all the States.

In 1971, the Farmers Home Administration made 128 loans for water and sewer systems in Mississippi, totaling $18,444,000. There were 44 grants, amounting to $2,176,800. This makes a total investment of over $20 million this year, as compared with about $14 million in 1970, and $7.4 million in 1969.

I am pleased to have had a part in obtaining additional money for the FHA programs, and I intend to press for increased funds for rural water works and waste systems year after year. They constitute one of the most effective means of attracting industry to come to rural communities, as well as providing for the comfort and health of rural families, and are a most valuable investment. A great part of these funds is repaid as to both principal and interest.

URBAN WATER AND WASTE SYSTEMS

For towns larger than 5,500 in population, there are programs similar to the Farmers Home Administration program in rural areas to provide Federal assistance for waterworks and waste systems. The urban programs are administered by the Department of Housing and Urban Development, by the Economic Development Administration, and by the Environmental Protection Agency. All are being used in Mississippi to good effect.

In 1971, the HUD urban grants made available in Mississippi, as a Federal share in new water and sewer projects, amounted to $1,210,500. Loans to cities for this purpose amounted to $2,153,000.

The Economic Development Administration assists in the development of the economy, in areas that need such help by making loans for industrial facilities, or by assisting the local governments by making grants and loans for public works, such as waterworks and waste systems that will encourage new industries or businesses to locate in that area. EDA disbursements for these purposes in Mississippi in 1971 totaled $6,882,038.

A Federal agency deeply involved in maintaining the quality of water and air throughout the country is the Environmental Protection Agency, into which was incorporated, about a year ago, the Federal Water Quality Administration. The Environmental Protection Agency works closely with our State agencies, with the objective of furthering the construction of waste treatment plants, so that our streams can remain unpolluted. The Federal contribution toward such plants can be as much as 55 percent of the cost, if both State and local funds are also provided. Obligations in Mississippi in 1971 by the Environmental Protection Agency totaled $16,305,000, which was a very substantial contribution toward necessary waste treatment plants to keep our streams and rivers clean.

The quality of our water and air in Mississippi is extremely important for our future. We are very fortunate in having relatively low pollution levels at this time, and we must take all necessary precautions to maintain high standards for the future.

APPALACHIA PROGRAMS

The 20 northeast counties of Mississippi are eligible for economic benefits of the Appalachian Regional Development Act of 1965. The original act did not include any part of the State in the Appalachian Region, but in 1967, when additions under the act were being examined, I offered a Senate amendment that gave the start in adding this area under criteria set forth in my amendment.

In the subsequent 4 fiscal years, projects costing a total of $40,133,178 were undertaken under the authority of this act. Of this total, $12,754,151 was Appalachian Regional Commission money, $10,836,077 was other Federal money, and $16,542,980 was from the State, county, or local money. The projects were of many types, but all were aimed at economic development, educational improvements, or health facilities. They included university, junior college, and vocational school facilities, rural water systems, airports, hospital facilities, and library buildings. Also, during this time, 26 access highways for economic development have been built, at a cost of $9,256,406.

In the past 12 months, Appalachian funds amounting to $4,500,000 have been obligated in Mississippi. I expect the program to continue actively in our State in coming years, bringing economic benefits of both a local and regional nature.

I have an opportunity to review in detail the activities in the Appalachia program, for these funds come under the Senate Appropriations Subcommittee on Public Works of which I am chairman. For fiscal year 1972, I have been able to add a substantial amount to the program, for very worthy projects throughout the Appalachian region, and I intend to press for continued growth of the program in the future. It means a great deal to our State.

PUBLIC WORKS PROJECTS

In January 1971, I became the chairman of the Public Works Subcommittee of the Senate Appropriations Committee. I had served for many years as a member of this subcommittee, and prior to that as a member of the Senate Public Works Authorization Committee, so I have been privileged to have a direct role in the entire public works program throughout the United States.

However, as chairman of the subcommittee that acts on the funding of each project, each year, I have a greatly increased responsibility, which I welcome, for I view the public works program as one of the primary keys to the conservation of our natural resources and the continued economic prosperity of our Nation.

My subcommittee has jurisdiction over the programs of the Corps of Engineers rivers and harbors and flood control work, the Tennessee Valley Authority, the Bureau of Reclamation, the Atomic Energy Commission, the Appalachian Regional Commission, the Federal Power Commission, all of the regional power adminstrations, and a number of independent boards and councils that work in the public works field.

After hearings are conducted, the subcommittee acts on the appropriation bill, and makes specific recommendations to the full Appropriations Committee. When the bill comes to the floor of the Senate for debate, I am the floor manager of the bill, and when it is sent to conference to resolve differences between the Senate and House bills, I act as chairman of the Senate conferees.

This year, for the Army engineer project, Tallahala Creek Lake, the appropriations bill, as finally passed, provided $300,000 for engineering design, an increase of $70,000 over the budget request. This makes a total of $600,000 allocated to this project to date. If the budget request for next fiscal year provides the $400,000 to complete design of the project, I hope to be able to add money in Congress so as to initiate, in fiscal year 1973, the construction of this fine project, which is needed to prevent flooding in Laurel, and to provide municipal and industrial water supply.

The flood control project on the Tombigbee River and its tributaries, which is just getting well started, was funded at $1,300,000 which was the maximum amount the engineers could use. Next year I expect their capability to be considerably increased and hope to increase the funding for this very necessary work. The Tennessee-Tombigbee Waterway project constitutes a special problem, and I will discuss that project in a separate section of this report.

Much of the Army engineer work in our stream basins that drain to the westward is done under the authorization called "Mississippi River and Tributaries," or M.R. & T. for short. This work is very essential to us, for it includes the work on the mainstem of the Mississippi River and the reaches of the tributaries that are subject to backwater flooding from the main River. M.R. & T. had a budget request for $80,966,000, which also was the figure passed by the House. The Senate raised the amount to $91,501,000. We were able to hold half of the increase in conference, for a total of $86 million.

I am glad to say that the increases provided additional money for the Vicksburg Harbor study; for levee, channel, and revetment work on the main river; for the Greenwood project, and a substantial amount for the work on the Yazoo backwater project, which protects that basin from water which, at high stages on the main river, backs up the Yazoo River behind the main Mississippi River levees.

For the Tennessee Valley Authority, the Senate provided $67,250,000, rather than $56,600,000 as set forth in the budget request, and I am glad to say that most of it was held in conference. The appropriation included $1,250,000 for our Yellow Creek project in Tishomingo County, as well as a number of other TVA activities that are of regional importance in our area.

This year, for the first time in several years, it appears that most of the public works money added by Congress will not be impounded by the administration. Practically all of it was apportioned to the agencies by the Budget Office in November.

I am totally dedicated to the premise that a continued active public works program is absolutely essential to the future welfare of our Nation. It can be carried out in harmony with the concept of preservation of the environment, and it must be done for the sake of preserving our basic natural resources of soil and water, and thus is one of our soundest and most beneficial investments for the present and future generations.

THE TENNESSEE-TOMBIGBEE WATERWAY

Last year, after many years of effort, we obtained $1 million to start construction of the Tennessee-Tombigbee Waterway, which would provide barge navigation between the Tennessee River at Pickwick Lake and the Port of Mobile, by way of the Tombigbee River. This year, $6 million was added, making a substantial sum available to start work on this vast project, which can provide such a tremendous economic stimulation for our entire region. The President presided at the official groundbreaking for the project, in May of this year, and it appeared that work would finally be underway.

However, an environmental organization filed suit in district court in Washington, D.C., to halt the work, and the judge has issued a temporary restraining order against proceeding with construction, until the merits of the complaint can be examined in court. This is only one of many projects that have been brought to a halt by such suits, throughout the country, and some of them are in advanced stages of construction. Environmental litigation has become something of a fad in this country, with superficial attractiveness as an indicator of social conscience or civic responsibility. The fact is that litigation of this kind is becoming a real and present danger to the continued orderly growth and prosperity of this country.

Water resource development, when properly planned and carried out with the cooperation of local, State, and Federal governments, can bring growth without pollution, and prosperity without destroying the environmental values that make rural areas attractive. And it is in the rural areas of America, such as in east Missisippi and western Alabama, that economic stimulation is needed.

Water resource projects are normally built in rural areas, with relatively rare exceptions, such as in the case of flood control projects in urban areas. It is natural that the best water resource development should occur where nonpolluted water is available, and where other kinds of development have not escalated land values to the point where resource projects would be prohibitive in cost.

Once built, water resource projects in rural areas attract business, and attract people, so that they promote more uniform distribution of population and of prosperity. When you stop to think about it, this is perhaps the only Federal program that does not tend to concentrate population. It is a program of tested effectiveness, for we have all watched what has occurred along the Ohio River, the Mississippi, the Tennessee, and is occurring along the Arkansas.

There are very few Americans anymore who are not aware of environmental problems, and genuinely interested in preserving environmental values. The most interested of all are those who live in a river basin that is underdeveloped, and intend to go on living there, and want prosperity without environmental destruction. They do not need citizens' organizations from elsewhere to make their judgments for them, and, of course, most of these court suits are filed by such organizations.

It is very true that there have been abuses of environmental values in this country, and it is true that these must be stopped. The fact that these abuses have suddenly become recognized, however, is not a valid reason to take a negative attitude toward the future and condemn all development for environmental reasons. If acceptance of unsubstantiated assertions, half truths, and emotional outcries is to be substituted for rational and scientific analysis, then we are going to be in trouble. Development, but also there probably would be a halt. Eventually, there would come a realization that there had been abuse of environmental litigation. Then the country would not only have lost a period of work on environmentally sound development, but also there probably would be a backlash effect that would harm the essential efforts of those who base their efforts to protect our water, soil, and air on fact and not rhetoric. We can have sound programs both to develop our resources and to protect our environment for our descendants.

I hope that the Government will proceed as rapidly as possibly toward trial of this court case on its merits, and resolve the matter. Then we can get on with the Tennessee-Tombigbee Waterway, and bring prosperity to that area of the South.

REORGANIZATION OF THE EXECUTIVE BRANCH

In his state of the Union message of January 22, 1971, the President proposed a reorganization of the executive branch of the Federal Government. Under the proposal, four new Departments would be created: the Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs. Seven old Departments would be abolished, and their functions divided between the news ones. The Departments abolished would be Agriculture, Interior, Commerce, Transportation, Labor, Housing and Urban Development, and Health, Education, and Welfare. Only four present Departments—Defense, State, Treasury, and Justice—would remain.

This is a very far-reaching proposal, with many serious implications. To give it complete consideration in Congress will require much time. Hearings have been held, but many more will be necessary. I do not wish to prejudge the President's proposal but from the beginning I have had serious reservations about it.

In particular, I have been opposed to any reorganization of the executive branch that would abolish the Department of Agriculture, scattering its functions between the four new Departments. We were told by the administration that the new organization will be better because it is functional in nature, and it will be easier to fix responsibilities.

I maintain that of all the Departments of the executive branch, the one that is already very functional in its composition, and the one where there is no doubt as to who has what responsibility, is the Department of Agriculture.

I am genuinely amazed that it would even be proposed that this Department be abolished. It is possible that the way it came about cast Agriculture in the unfortunate role of the innocent bystander. I can readily understand why some of the programs of Health, Education, and Welfare, Office of Ecoonmic Opportunity, and Housing and Urban Development should be subjected to close scrutiny and found guilty of overlap, duplication, or conflict. These are new departments of government, and their missions appear to contain some intangibles. This is certainly not the case, however, with the Department of Agriculture.

In our State of Mississippi, agricutural pursuits and agriculture-oriented industries are dominant in the economy. The Department of Agriculture, its programs, and its people are of tremendous importance to us. I am unalterably opposed to doing away with this organization. It has been functioning since 1862, and on the whole has been doing a very good job in a broad and highly specialized field of activity.

I venture to say that the average person in this country has a very meager grasp of all the ways that the Department of Agriculture aids the farmers. The programs are many and varied, and they are a crucial part of rural life in America. There are the rural development and conservation programs of the Farmers Cooperative Service, the Farmers Home Administration, the Soil Conservation Service, the Forest Service, and the Rural Electrification Administration.

There are essential marketing and consumer services, and agricultural economics services. Agricultural research and extension service are extremely well done. The Agricultural Stabilization and Conservation Service is absolutely essential to farm production, and the latter is about as important to this country as any single factor that can be named. It is crucial to the city people, whose very lives depend upon the survival and success of a small and usually underpaid group of independent rural businessmen—our farmers.

The dedicated employees of the Department of Agriculture know the farmers' problems. They are trained to help the farmers solve them, and they do it well. They know their business and they are in an organization that is admirably suited to its mission. They should be left where they are, and given the means to do what is required. To break up the organization would create chaos for many years.

I have been very pleased to note within recent weeks that spokesmen in the administration have indicated that the intent to abolish the Department of Agriculture is being dropped from the reorganization plan. I hope this will prove to be the case, and I will continue to oppose any effort to revive the idea.

There are various other aspects of the reorganization plan which in my view are undesirable, such as combining all public works water resources work in a Department of Natural Resources, transferring to it the Forestry Service, and various other drastic proposals. A far-reaching reorganization of most of our Cabinet Departments deserve careful and detailed examination by Congress, and as far as I am concerned, I intend that this shall be done.

THE RESPONSIBILITY OF CONGRESS IN DECLARING WAR

For many years I have been concerned over a constitutional and policy question that in my judgment is one of the most important that faces this Nation today. The question concerns the power of Congress to declare war, as provided in the Constitution, an action that has not been taken since World War II.

In May 1971, after extended consideration of the problem and possible solutions to it, I introduced a Senate joint resolution, which if passed by the Congress would reaffirm the power of the Congress to declare war, and in the absence of such a declaration would limit the President in the commitment of our Armed Forces.

My introduction of this measure is not intended to have anything to do with the war in Indochina, how we got into it, or the procedures the President is following to end our part in that war. The resolution expressly provides that it shall not apply to the war in Indochina. I believe that we are entering a postwar era, and my intent is that for future purposes, the powers of the Congress and of the President should be defined with complete clarity.

I might add that when the United States first sent troops to South Vietnam I opposed that action. In the adoption of mutual defense treaties I repeatedly stressed the necessity for a declaration of war by Congress before we would be committed to a war. After we became involved in Vietnam, I fully supported the President in the pursuit of that war, but I make the point that my position has always been that placing the United States in a state of war is a joint responsibility between the executive and legislative branches.

The decision is too great a responsibility for the President, as one individual, to make alone. Also, it is a decision that, if made by the President, could occur on a step-by-step basis, rather than as a single, total step.

Further, I think we have learned that without the debate and passage of a declaration of war in Congress, the people are denied a sense of participation, and, therefore, a feeling of involvement and commitment to the fulfillment of personal obligations. Peace for our country in years to come will be easier attained, I believe, if we are on the one hand militarily prepared to defend ourselves if attacked, and on the other are committied to the policy that our Nation will not go to war unless the Congress makes a declaration of war.

The legislation I have introduced safeguards the necessity of the President to take emergency actions to meet contingencies, but reserves to the Congress the making of a declaration of war. This, I am convinced, is intended by the Constitution, and it is a principle that should be reaffirmed by specific law. I introduced my resolution this session, and testified on it before the Senate Foreign Relations Committee, with the intent of stimulating thought and discussion on the subject this year, rather than seeking immediate passage. It is a matter that will require careful deliberation, but it is a subject that I consider timely and appropriate, as we approach what we will hope will be an era of peace.

SUPREME COURT JUSTICES

I am very pleased with the appointment of Mr. Lewis Powell of Virginia and Mr. William Rehnquist of Arizona to the Supreme Court. The confirmation of Mr. Powell by the Senate lacked only one dissent from being unanimous. Mr. Rehnquist's confirmation was voted by a wider margin than had originally been expected. These two distinguished lawyers are considered to be conservatives, as the last two appointees, Chief Justice Burger and Justice Blackmun.

The impact of additional conservatives on the decisions of the Supreme Court is bound to be felt. I do not mean that Justices could or should render decisions based on personal opinions. Nevertheless there is room within the law for the expression of a conservative philosophy, and it seems probable that when the new members of the Court become accustomed to the procedures, and the preparation of opinions, we will begin to see this expressed.

It is not just learning in the law that makes a capable member of the Court. The measure of the contribution of a member to the Court's work is the application of the law to a given set of facts. Both of the new Associate Justices are unusually well qualified because of extensive law practice. The trial courtroom is the place where judicial competence is grown, and each of the new Court members has had the benefit of much experience in the courtroom.

I hope and expect that in due time we will see reflected in the Court's decisions an increased concern for the safety of the public, and less preoccupation with the rights of those who violate the law. We need a more practical and realistic approach to criminal law. People who obey the law need more protection from those who imperil their lives and safety, on the streets and in their own homes. Those who attack all of society in anarchistic assaults heedless of the rights of the public also need to be dealt with sternly.

I think that it is absolutely necessary that the Supreme Court make a ruling at an early date on school desegregation cases in northern schools. In my view this is an essential element in arriving at a practical and moderate policy on busing and the concept of neighborhood schools. Perhaps now that the Court is restored to full membership by the two new appointments, we can hope for action in this important question, which is causing turmoil in schools and homes throughout the land.

Finally, I hope and believe that we are well on our way back to the kind of a Supreme Court that confines itself to interpreting the law as passed by Congress, rather than expanding the law into what the Court members think it should be.

MISSISSIPPI TEST FACILITY

For years, since the phasing out of the Saturn rocket program of the National Aeronautics and Space Administration, I and other members of the delegation have spent considerable effort in interesting various Federal agencies in locating some of their scientific activities at the Mississippi Test Facility in Hancock County. To close out this facility would have been uneconomical from the government point of view and would have had serious economic impact on that area of our State.

The concept has been to utilize the support capabilities of the NASA organization, together with the highly developed physical facilities of MTF, to attract government operations that can mutually share and utilize scientific activities and information.

We are continuing to be successful in this endeavor, and look forward to further future increases in personnel and activities at MTF. Presently there—or in the process of moving there—are elements from many Federal departments and agencies, including the Environmental Protection Agency, the U.S. Geological Survey and other Department of Interior activities, certain tests of the U.S. Army Corps of Engineers, several activities of the National Oceanic and Atmospheric Administration, and others—as well as NASA itself. Mississippi State University and Louisiana State University have programs at MTF, and as the facilities are more and more adapted to scientific investigation, we hope that other universities will be attracted. Additional Federal agencies are examining the site for their possible use, including the Department of Agriculture. The State governments of Mississippi, Louisiana, and Arkansas have established full time liaison with MTF.

The opportunity is present to build up a thriving community of scientific activity at MTF, and I intend to do all I can toward that end. Also, of course, I intend to take full advantage of any elements of future space programs of NASA that can be carried out at MTF.

THE GUNBOAT "CAIRO"

On April 1, 1971, I introduced a bill, together with Senator EASTLAND, to authorize the National Park Service to reconstruct, restore, and exhibit the gunboat *Cairo*, at the Vicksburg National Military Park.

The delegation from Mississippi introduced an identical bill in the House of Representatives on March 23.

The Union gunboat *Cairo* was sunk by naval torpedoes in the Yazoo River, Mississippi, during the seige of Vicksburg in 1862. It sank quickly—with its cargo, weapons, equipment and fittings almost intact. It was covered deeply by silt and for over a hundred years was preserved with remarkably little deterioration. It was raised during the period 1960 to 1963, with money contributed privately by interested individuals together with county and State funds. It is now at a shipyard at Pascagoula, where intensive care is necessary to prevent deterioration prior to restoration.

The Department of Interior has looked carefully at the gunboat, and concludes that it is restorable, and would be a very valuable adjunct to the National Military Park at Vicksburg, as a naval museum. It is estimated that visitation to the *Cairo* will be heavy, and that the income to the Federal Treasury from additional admission fees would be applied toward amortizing the initial investment, as well as covering operating costs. Needless to say, the exhibit will be a tremendous attraction to tourists, and should attract many to Mississippi.

In 1966, the Mississippi Legislature passed an act providing for an agreement with the National Park Service for the project. Since that time, the Legislature has provided funds to cover the cost of preserving the *Cairo* prior to restoration, and the amounts have been substantial.

We had hoped for some years that the project could be funded under existing broad authorizations, but it was finally necessary to seek specific authorization this year. In the Senate, after hearings at which I testified, the Subcommittee on Parks and Recreation, of the Interior Committee, has made a favorable report on the project, and passage of the bill early in the next session appears to have excellent prospects.

This historic vessel, with its many artifacts, will be a unique exhibit of great historic value. The vast numbers of Americans, from all areas of our country, who visit it in the years to come will have a highly interesting and educational experience in viewing this chapter from our Nation's past.

HIGHWAY PROGRAMS

For fiscal year 1972, the apportionment of Federal-aid highway funds to Mississippi totals $52,892,324. This very substantial sum will enable our State to continue the improvement and construction of our highway systems. These include primary, secondary, urban, and interstate highways; primary and secondary rural highways; and forest highways.

These funds, together with very substantial amounts from the State have an impact in every country, and are enabling us to attain the highway network that is so essential to our rapidly growing economy. In the half year ending June 30, 1971, for example, the expenditures authorized on the Federal-aid system in Mississippi totaled $54,446,792, of which over $40 million was in Federal funds. These amounts were to do work on 233 miles of road and 45 bridges.

Also, the National Highway Traffic Safety Administration is spending $558,000 in our State in 1971, on behalf of the safety of the public on our highways.

A number of studies have been made, in 1971, by the Department of Transportation, assisting in transit problems in our cities. These were done on our gulf coast, in Jackson, and in Hattiesburg, at a cost of about $100,000. Grants to assist in improving our airports totaled about $3,650,000 for the year.

WATERSHED PROJECTS

The Department of Agriculture, through the Soil Conservation Service, provides a means of undertaking land treatment and structural measures for flood prevention, water supply, fish and wildlife development, and recreation in upstream watersheds. Technical assistance and financial help can be obtained from the Federal Government for these projects, which have been used extensively in Mississippi, with consistent success.

This year, $7,293,000 has been obligated in Mississippi, for watershed projects, by the Soil Conservation Service. These Federal funds will pay big dividends in conserving our land and water resources, and in contributing toward assured future growth of our economy.

I expect this program to continue to grow in Mississippi. It will receive my strong support and my close attention, as a means of meeting some of the needs of rural areas, and at the same time conserving two natural resources, soil and water.

EDUCATION FUNDS

The Federal funds for education obtained in 1971 were very substantial in amount and covered a great variety of programs. The total was over $122 million in Mississippi.

The largest part of this went for grants for elementary and secondary education, in the amount of $37 million. Over $4 million more was spent for school assistance in federally affected areas, and almost $10 million in addition in emergency school assistance.

Vocational and adult education programs totaled about $8,300,000, and higher education about $11,500,000.

HEALTH PROGRAMS

I am particularly interested in insuring that our health programs in Mississippi receive their fair share of the money available under the various programs. I am fortunate that my membership on the HEW Subcommittee of the Senate Appropriations Committee gives me a very good opportunity to do this. The figures that follow all are for calendar year 1971, and indicate the scope of some of the programs in our State.

We received about $14 million from the Health Services and Mental Health Administration, and I am glad to say that about $4 million of this was for hospital construction. Substantial sums went for comprehensive health services and regional medical programs, as well as for many other very worthy and valuable general health programs. Funding under the National Institutes of Health, for various specialized programs, was a little over $4 million.

Other HEW programs, especially that of the Social Security Administration, spent very large sums in our State in 1971. About $52 million each was spent on hospital insurance and disability insurance payments, and $23 million on medical insurance. Old-age and survivors insurance benefit payments came to about $132 million. These programs are very expensive, but they are essential to the elderly, and those who are ill.

COMMITTEE WORK

The matters I have discussed in the preceding sections of this report are primarily those that have direct effects on the people of Mississippi, and that I think are of the most interest to them. They represent a large part of my work here in the Senate, but there are, of course, many other legislative responsibilities in which I am involved. Every Senator, by reason of his committee assignments, participates in the formulation and passage of legislation of national importance.

I welcome my committee assignments as an opportunity to serve our Nation, as well as our State, and I am fortunate enough to have membership in committees that provide excellent opportunities for constructive contributions on my part. These assignments take time and hard work, but they perform essential functions in important areas of activity of our government. I serve as chairman of the Senate Armed Services Committee, a major committee of the Senate, which deals with all military affairs including the security and military protection of the people of our Nation. Our committee works with much vital legislation and I have the privilege of being floor manager during the debates. Besides purely military matters, the committee deals with conservation of strategic and critical materials, and petroleum resources; with aeronautical and space activities of military application; and which has committee jurisdiction of the Panama Canal and the Canal Zone. I also chair the Preparedness Investigating Subcommittee of the Armed Services Committee.

As chairman of the full Armed Services Committee, I have held hearings and been floor manager in long debates on several bills that became law this year. The draft bill took 32 days of debate—54 rollcalls—plus another 7 days of debate after a month-long conference with the House. The weapons procurement bill required 13 days of debate and 21 rollcalls. Those two bills were pending for more than 2 months on the Senate floor.

As floor leader and as chairman of the committee, I felt it was my clear responsibility to press very vigorously and unremittingly for those bills. I felt—and still feel—that the military draft is vitally necessary under present circumstances. I think we need weapons, and weapons development on about the present scale—at least until there is some change in international affairs.

In these debates, I have tried to facilitate an orderly U.S. withdrawal from Vietnam. I have resisted a premature, unilateral withdrawal of U.S. forces from Western Europe. I want to thank all those who have, as supporters or opponents, accommodated me in these and other efforts.

I strongly favor, and in fact vigorously insist that we stay out of this conflict—the India-Pakistan war. We have no role there except to urge settlement. I greatly deplore the conflict, of course.

I am chairman of the Select Committee on Standards and Conduct of the Senate, and I serve on the Aeronautical and Space Committee, a major committee.

Membership on the Appropriations Committee, which is the third major committee on which I serve, affords special opportunity to take part in the early stages of the appropriation of funds for specific programs and projects. Many of these actions are particularly important to Mississippians, and membership on this committee is especially useful to me. As I mentioned previously, I chair the Subcommittee on Public Works of the Appropriations Committee, and I am a member of five other subcommittees, which deal with the money for funding the programs for agriculture, environmental, and consumer protection matters; defense; housing and urban development; space and science; labor, health, education, and welfare; and transportation. Membership on these subcommittees also permits me to serve on the conference committees which resolve appropriation differences between House and Senate bills, and which have much to do with the substance of these bills as they are signed into law. All of my committee assignments, but especially the work on the Appropriation Committee, give me the chance to insure that our State has a fair part in the national programs. I welcome the opportunity to serve on these committees.

CONCLUSION

The year 1971 brought many significant events, and complex problems to confront our people and the Congress. I sense, however, that it was a less tumultuous year than 1970, with perhaps a little more national unity of thought on some problems. There has been constructive work done in the Congress, and there is much more to do in 1972, the second session of the 92d Congress.

With gratitude to the people of Mississippi for giving me the privilege to serve them in the Senate and with warm thanks for sustaining me with their support, confidence, and assistance, I look forward to 1972 as a new challenge, to which I will devote my most vigorous efforts.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF THE OFFICE OF ALIEN PROPERTY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–185)

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the Judiciary:

To the Congress of the United States:

I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1970, in accordance with section 6 of the Trading With the Enemy Act.

RICHARD NIXON.

THE WHITE HOUSE, *December 15, 1971.*

REPORT OF NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–185)

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Pursuant to Public Law 89–794, I have the honor to transmit herewith the Fourth Annual Report of the National Advisory Council on Economic Opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *December 15, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HANSEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of Senate proceedings.)

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, not to extend beyond 3 p.m. today.

The motion was agreed to; and (at 1:52 p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3 p.m., when called to order by the Presiding Officer (Mr. HANSEN).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, December 15, 1971, he presented to the President of the United States the following enrolled bills:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury; and

S. 2429. An act to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 3:01 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 4:49 p.m., when called to order by the Presiding Officer (Mr. AIKEN).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not beyond 6 p.m.

The motion was agreed to; and (at 4:50 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 5:57 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1005) making further continuing appropriations for fiscal year 1972, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1005) making further continuing appropriations for fiscal year 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not beyond 7 p.m. today.

The motion was agreed to; and (at 5:58 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:17 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

UNEMPLOYMENT COMPENSATION—CONFERENCE REPORT

Mr. CURTIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 14, 1971 at pp. 46775–46776.)

Mr. CURTIS. Mr. President, H.R. 6065 is a noncontroversial bill extending for a period of 10 years during which the States may use certain unemployment insurance funds for administrative purposes. There is no controversy about this matter. It is just something that had to be done in the statute.

The matter making a conference necessary was the unemployment compensation amendment offered by the distinguished Senator from Washington (Mr. MAGNUSON). The Senator from Washington appeared before the Senate Finance Committee and pointed out the need for an extended period of unemployment compensation in his State and in other States where the unemployment was quite severe. Later on that amendment was offered on the floor of the Senate to the tax bill. A rollcall vote was had, and it was carried by a substantial vote.

Mr. President, in that conference the House conferees declined to accept any amendment that was not an amendment to the Internal Revenue Code, so thereafter it was placed as an amendment to H.R. 6065 on the floor. That bill did deal with unemployment compensation.

The amendment offered by the Senator from Washington (Mr. MAGNUSON) provided for an additional period of unemployment compensation for 26 weeks, financed as the present program is to a certain extent. The House did not hold hearings on this matter. It is true that the Senator from Washington (Mr. MAGNUSON) made a statement before the Committee on Finance but hearings were not held in the sense that parties were invited to testify.

There was some objection on the part of employers that their tax would be increased and that the period of unemployment would be increased without their testifying, and that was one of the matters concerning the conference. As a result the Senate conferees did not come back with House approval of the amendment as passed by the Senate. A compromise was made which will benefit the States which are interested, to a considerable extent. These important changes were made in the conference.

There is no additional tax placed on the employers. The proposal expires on July 1, 1972, in other words in just 6 months. It will provide an opportunity for hearings in depth, should it be decided to have them. There will be 13 weeks of benefits instead of 6; and additional benefits are provided when a State's unemployment reaches 6.5 percent rather than the 6 percent fixed by the Senate.

I said awhile ago there would be no additional tax on employers. This tax would be financed out of general funds. It is not intended that that should be a permanent arrangement, but this was the compromise entered into so that something might be done; that a short period of time be provided wherein they would draw the benefits and still provide an opportunity for the Committee on Ways and Means in the House to look into it further, should they decide to do so.

Mr. President, the distinguished chairman of the Committee on Finance (Mr. LONG) has submitted a statement urging that the conference report be adopted. I send the statement to the desk and ask that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CURTIS. Mr. President, as it stands now, H.R. 6065, as amended, as agreed to by the conference committee, will provide some additional unemployment compensation benefits for the following States: Alaska, California, Connecticut, Maine, Massachusetts, Michigan, New Jersey, Oregon, Puerto Rico, Rhode Island, Vermont, and Washington. I understand the cost is estimated to be $150 million.

Mr. President, I have no further remarks. I urge that the conference report be agreed to.

EXHIBIT 1

STATEMENT BY SENATOR LONG

The Senate made no change in the text of the House bill H.R. 6065, a non-controversial bill extending for ten years the period during which States may use certain unemployment insurance funds for administrative purposes.

The Senate did agree, however, to an amendment offered by the distinguished senior Senator from Washington. The Magnuson amendment provided for a temporary program of additional unemployment compensation benefits, expiring July, 1973. Under the amendment, these benefits would have been payable for up to 26 weeks to individuals having exhausted their right to regular and extended unemployment insurance benefits in States where the rate of insured unemployment, adjusted to include the average number of persons exhausting their unemployment benefits, exceeded 6.0 percent.

The Senate amendment would have been funded by an increase of 0.09 percent in the Federal unemployment tax in 1972 and 1973.

The conferees agreed on a compromise version which will provide up to 13 weeks of additional extended benefits in States where the rate of insured unemployment, adjusted for exhaustions, exceeds 6.5 percent. Under the conference agreement, the program would expire at the end of June, 1972; before that time the Secretary of Labor is required to submit a report on this new program to serve as the basis for possible Congressional action to extend the program.

The conference agreement would pay for the additional benefits by authorizing the appropriation of general funds which would have to be paid back ultimately by the States from amounts they would otherwise receive under the law from excess Federal unemployment tax collections.

I urge the Senate to adopt the conference report.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MAGNUSON. Mr. President, I thank the Senator for his consideration of this bill. The Senator from Nebraska and I are hopeful that employment will go up and, therefore, some of these emergency costs will go down. This is what we hope for, regardless of who handles it.

These people are out of work; they have tried to get jobs. I think the Senator from Nebraska has helped them to have a better Christmas.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, not to extend beyond 7 p.m. today.

The motion was agreed to; and (at 6:24 p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled (at 6:41 p.m.) when called to order by the Presiding Officer (Mr. ALLEN).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, and 14 to the amendment of the House to the bill (S. 2878) entitled "An Act to amend the District of Columbia Election Act, and for other purposes."

The message also announced that the House had disagreed to the amendments of the Senate numbered 6 and 7 to the amendment of the House to the bill, and that the House had agreed to the amendment of the Senate numbered 12 to the amendment of the House to the bill, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes, and the joint resolution (S.J. Res. 184) extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

The President pro tempore subsequently signed the enrolled bill and joint resolution.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONAL STATEMENT

Mr. MANSFIELD. Mr. President, just a few moments ago, I was informed that I had reneged on some sort of agreement and that the distinguished minority leader was the one who supposedly had made that statement. I understand that calls have been made to various individuals asking whether this was true. I understand that the distinguished minority leader's office has denied it, and I would like, therefore, to make a statement at this time which I have had on my desk for a number of days.

Mr. President, how Senators act with regard to any issue is up to each of them individually. What they do, they do by choice. As one Senator, I have my responsibilities, and I try to meet them to the best of my ability. With that said, I would like to address for a moment the matter of the so-called Mansfield amendment in the Senate foreign aid bill. It would seem tc violate no confidence to lay before the Senate this entire situation from the standpoint of one who happened to find himself, if not in the middle, then not far from the epicenter.

By way of background, let me note that the going for foreign aid this year has not been without difficulty and complexity. There was the bill that passed the House; but just barely. There was the bill the Senate defeated—by a substantial vote. There were two bills the Senate later passed and then, later still, there was the appropriations bill passed by the House. To date, there is no fiscal year 1972 authority for the bulk of the foreign assistance programs. For several weeks, at least, there have been two main themes running on how to handle the matter—if it was to be handled at all—during the closing days of this session.

First, there has been a series of conferences between the respective authorizing committees in both the House and the Senate. They have met in an effort to iron out the differences between all versions of the proposed foreign aid authorizations and matters related thereto. As of a few days ago, the conferees from the Senate Foreign Relations Committee and the House Foreign Affairs Committee had agreed on all points in dispute save the so-called Mansfield amendment, to terminate the military involvement in Vietnam within 6 months, and the Cambodian amendment. Those amendments were in the Senate version of the authorization but not in the House bill.

As a way around the impasse, I suggested that, since the Senate has three times approved the terms of the amendment on withdrawal from Vietnam and has done so overwhelmingly, and since the House has never faced the issue directly, the most equitable way to settle the matter would be to take it before the full House for an up or down vote. That would have been an honest test of the matter. May I say that I would ask for no more on the Vietnamese question at this time.

In response, however, the House conferees were adamant. For whatever reasons, they insisted that the Mansfield amendment would not be taken back to the House for a straight up or down vote. Thereafter, in other quarters, the drums began to beat louder, urging the Congress to forget the authorizing legislation and pass just an appropriation for foreign aid.

While such a practice may be tolerated in the House, it is not to be tolerated here. In my judgment, it is an invitation to reduce the function of the two Houses of Congress to money shoveling. If it comes to that, a handful of foremen in Congress will stand over the pick-and-shovel representatives of the Nation, and that handful, together with the executive branch, will decide on the disposition of the people's intent.

In particular, bypassing the regular legislative process in that manner perverts the integrity of the Senate. If I have anything at all to say now or hereafter, the Senate will not go the way of the House of Lords. It will remain—the entire membership will remain—wedded to their responsibilities to the people and do half of the legislative business of this Nation with respect to foreign aid or whatever. An appropriations process begun in the House and concluded without final action on a prior authorization by Congress violates the institutional integrity of the Senate. It throws doubts on the relevance of the work of 16 of 17 standing committees of the Senate. So the regular appropriations bill on foreign aid; when it arrived here without prior authorization, was consigned to where it belongs—to the pigeonholes of the Senate Appropriations Committee, and there it rests today.

The drums for foreign aid without authorization, nevertheless, continued to beat in some quarters, next in connection with an extension of the continuing resolution—the law which is designed to permit agencies to spend on a stop-gap basis in order to carry on government programs. The practice is not a good one, but it is unavoidable where authorizations and final appropriations have not yet been approved and where there is little doubt of the intent in both Houses.

Strictly speaking, the legislative situation with regard to foreign aid may fit the use for which the continuing resolution was intended. However, as one Senator, I opposed even that approach from the start and said so publicly from the start, because I believe there are ample funds in the foreign aid programs to keep them going for a long time even without further authorizations. To run through another continuing resolution, in this instance, therefore, seems to me to say to the people of the Nation that Congress simply cannot face up to the question of setting a deadline on trying to get out of the military involvement in Vietnam. Rather than reach a decision on that question, the Congress says that it will go on accepting, as is, the waste and the distortion and corruption of the purposes of foreign aid. But a majority of the Senate is prepared to face the question of Vietnam withdrawal. Indeed, the Senate has already faced the issue and acted on it several times.

Therefore, to express that point of view to the House, which is where the reluctance is to be found, I prepared a memorandum last Wednesday, December 8, for discussion with various Members. The main points in the memo were as follows:

First. I am opposed to any authorization for foreign aid which does not contain the amendment to end the involvement in Vietnam within 6 months;

Second. The quickest and the cleanest answer to the foreign aid hangup between the two Houses is for an up-and-down vote in the House on the Vietnam amendment which is in the Senate's version of the foreign aid bill; if the vote is obtained—win or lose—that would be the end of it;

Third. The Appropriations Committees should go ahead immediately on the District of Columbia supplemental and the defense appropriations conference reports and, thus, reduce what is standing in the way of adjournment to this one issue of Vietnam withdrawal and the Cambodian question.

The proposals did not end the stalemate. Late last week, therefore, I was approached to discuss a possible solution in terms of dropping the Mansfield amendment to the foreign aid authorization in order to salvage other parts of the bill which represent an improvement—a decided improvement—in the present foreign aid program. There is, for example, the matter of regaining congressional initiatives in other areas of foreign affairs, the question of trying to put additional limits on the Cambodian involvement, and of requiring; the release of funds bottled up by the executive branch for needs at homes if there is to be continued spending abroad. All of these new additions to the foreign aid program are most important. But none of them, in my judgment, equals at this time the question of Indochina, the release of the U.S. prisoners and the return of recoverable missing in action.

Moreover, the other meritorious additions to the foreign aid authorization bill are not scuttled by holding them in abeyance. They can be dealt with along with Indochina and whatever else is contained in the authorization for foreign assistance in the future. I could not concur, in good conscience, therefore, to dropping the amendment to end the Vietnamese involvement, might or might not have then been blocked and delayed by some other tactic in the House.

Its sacrifice by compromise now, even in the name of salvaging some other part of the foreign aid bill, however meritorious, would be a prohibitive price to pay. So long as the involvement continues, the amendment to end it will also continue before the Congress. The issue of Vietnam may be deflected but it will not disappear.

Late last Friday, the distinguished minority leader (Mr. SCOTT) and I met with the leadership of the House, including the Speaker, the Democratic majority and the Republican minority leaders to discuss the question of a continuing resolution which would prolong foreign aid, as is, for another interim period. Once again, there was no compromise, no decision on my part to abandon the amendment or to bypass it in any way, shape, or form. Nor was I asked to change my position. There was a good all-around understanding on our respective differing positions.

At the moment, however, I have no difficulty in reading the facts before me. A continuing resolution on foreign aid will soon be pending. I will not vote for it. But I will not resort in this matter any more than any other to parliamentary shenanigans in order to prevent it. The Senate runs on the basis of mutual consideration, mutual restraint, and mutual civility. I know of no other way, on foreign aid, civil rights, or on the whole gamut of controversial legislation which has passed through this body during the past decade. That has been the practice of the Senate leadership and it is not going to change now, notwithstanding my deep concern with the Vietnam amendment.

No, Mr. President, insofar as I am concerned, the continuing resolution on foreign aid will get, in the Senate, what the Vietnam amendment did not get in the House, a vote. If the resolution is adopted, by the Senate, it will be the Senate's decision. The decision will postpone for several weeks the issue of the foreign aid authorization and related matters but it will not resolve them. It will also postpone for several week—and only for several weeks—the obligation of this Congress to face up to the question of Indochina.

If adopted, I repeat, the underlying issue of the Vietnam amendment will not be ended as it may well have been, by default, had the Senate agreed to its abandonment in the conference on the aid-authorization. The issue of Vietnam will arise at a different time, under the same and, perhaps, also in different circumstances. But Vietnam will not be out until this involvement is cut loose from the life of this Nation.

Mr. President, I hope that explanation suffices for all the rumors which I understand are spreading around the Capitol this evening.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PROXMIRE, from the Committee on Appropriations, with an amendment:

H.J. Res. 1005. A joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes. (Rept. No. 92–585.)

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 1005.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

H.J. Res. 1005, making further continuing appropriations for the fiscal year 1972, and for other purposes, reported with an amendment.

The PRESIDING OFFICER. Is there objection to consideration of the joint resoution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PROXMIRE. Mr. President, previous obligational authority for those agencies and activities authorized by the Foreign Assistance Act and other departments whose appropriations had not been previously enacted expired on December 8—last Wednesday, a week ago.

House Joint Resolution 1005, as passed by the House, would continue Foreign Assistance Act activities generally on the basis of an annual rate of $3,100,932,000 and other agencies normally receiving appropriations in the foreign assistance and related agencies appropriation bill at an annual rate of $330,906,000. Thus, the continuing resolution, as passed by the House—the one before us—would continue all agencies normally included in the Foreign Assistance Act and related agencies appropriation bill at a grand total annual rate of $3,431,838,000.

On the other hand, the amended version of the resolution, as reported by the Senate Appropriations Committee, would continue Foreign Assistance Act activities at an annual rate of $2,698,552,000 and other agencies and activities at an annual rate of $204,600,000, for a grand total annual rate of $2,903,152,000 all agencies and activities normally included in the foreign assistance and related agencies appropriation bill.

Thus, continuing authority for all of these agencies is $528,686,000 less in the Senate version of the continuing resolution than under the version as passed by the House of Representatives.

In addition, the continuing resolution, as reported by the Senate committee, would provide for continuing authority to spend at annual rates indicated previously until: First, enactment into law of an appropriation which is available for any project or activity provided for in this joint resolution; or second, enactment of the applicable appropriation act by both Houses without any provision for such project or activity; or third, March 1, 1972, whichever occurs first.

The latter date of March 1 is accelerated from the March 15 date included in the House version of the continuing resolution.

In addition, the Senate version of the continuing resolution provides advance appropriations to extend unemployment compensation which is presently in arrears to the States by $61 million. It is estimated that the extended unemployment compensation account owed the States would be $233 million by June 30, 1972. Further explanation of this matter is contained on page 3 of the Senate report. Also included is continuing resolution authority for first, administrative operations for emergency school assistance activities; second, activities in support of Radio Free Europe, Inc., and Radio Liberty, Inc.; and third, activities of the American Revolution Bicentennial Commission.

Mr. President, I would just add in conclusion that to be frank with the Senate, I opposed this resolution in the Appropriations Committee. I voted against it. I strongly support the sentiment just expressed by our distinguished majority leader. I think he is absolutely right. I think a continuing resolution undermines the function of our authorization committee. The Senate must rely on its authorizing committee. The committee has not been able to reach agreement with the House.

The principal issue dividing the Senate and House is the Mansfield amendment. That amendment passed the Senate repeatedly. It never had a chance for an up and down vote in the House. Normally, when we have conference committees in disagreement, the solution is to go back to the other body to get their instruction and permit them to vote on the matter in disagreement. The House has refused to do that.

I think that if the Senate is going to pass the continuing resolution—as I expect it will do tonight—it will tend to undermine the Senate authorization committee on the principal issue dividing the House and Senate on the foreign aid authorization bill. This is the reason I voted against the measure. The chairman of the committee, the Senator from Louisiana (Mr. ELLENDER) has asked me to report the measure to the floor, and I do so.

The PRESIDING OFFICER. Before recognizing the Senator from Arkansas (Mr. FULBRIGHT), the Chair asks the clerk to state the committee amendment.

The assistant legislative clerk read as follows:

On page 1, line 4, after the words "further amended" strike out "as follows:

"(1) Section 102 is amended to read:

" 'SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation which is available for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provisions for such project or activity, or (c) March 15, 1972, whichever first occurs.'

"(2) Section 108 is amended to read:

" 'SEC. 108. Except as hereinafter provided in this section, and notwithstanding the provisions of any other sections of this joint resolution, obligations incurred hereunder for foreign economic assistance, military assistance and sales, security supporting assistance, the Overseas Private Investment Corporation, and activities provided for in titles III and IV of H.R. 12067, 92nd Congress, shall not exceed the lowest of (i) the rate for operations which would be authorized under H.R. 9910, 92nd Congress, as passed by the House, (ii) the rate for operations which would be authorized under S. 2819 and S. 2820, 92nd Congress, both as passed by the Senate, or (iii) the rate for operations which would be provided by H.R. 12067, 92nd Congress, as passed by the House: *Provided,* That military credit sales to Israel may be conducted at not to exceed the rate for operations provided for under section 101 (d) of this joint resolution: *Provided further,* That foreign military sales activities (other than with respect to Israel) may be conducted at a rate of operations not exceeding $175,000,000: *Provided further,* That activities for the Indus Basin development fund (loans), administrative and other expenses (other than section 637(a)), the Overseas Private Investment Corporation, the Peace Corps, Ryukyu Islands administration, assistance to refugees in the United States, migration and refugee assistance, the Inter-American Development Bank, and the Export Import Bank of the United States may be conducted at not to exceed the rates which would be provided for under H.R. 12067, 92nd Congress, as passed by the House.'

"(3) by adding a new section as follows:

" 'SEC. 109. Notwithstanding section 102 of this joint resolution, as amended, emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, may continue to be conducted at a rate for administrative operations not to exceed the fiscal year 1971 rate.'

"SEC. 2. This joint resolution shall take effect December 9, 1971." and insert "(1) by striking out 'December 8, 1971' in clause (c) of section 102 and inserting in lieu thereof 'March 1, 1972'; (2) by adding at the end of section 108, before the period, the following proviso: ': *Provided further,* That, of the sums made available for foreign military credit sales herein, $300,000,000 shall be available for such sales to Israel'; and (3) by adding at the end thereof the following new sections: 'Sec. 109. For making the repayable advances authorized to be appropriated to the extended unemployment compensation account in the Unemployment Trust Fund by section 905(d) of title IX of the Social Security Act or any other provision of law, such sums as may be necessary to enable the Secretary of Treasury to make such advances until June 30, 1972. The Secretary of Treasury shall make such repayable advances at such times as he may determine, in consultation with the Secretary of Labor, that the amount in the extended unemployment compensation account is insufficient for the payments required by law to be paid therefrom to States.'; and

" 'Sec. 110. Notwithstanding section 102 of this joint resolution, as amended, (a) administrative operations for emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, (b) activities in support of Radio Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Act of 1948, as amended (22 U.S.C. 1437), but no other funds made available under this resolution shall be available for these activities, and (c) activities of the American Revolution Bicentennial Commission, may continue to be conducted at rates for operations not to exceed the fiscal year 1971 rates or the rates provided for in the budget estimates, whichever may be lower.'

"Sec. 2. This joint resolution shall take effect December 9, 1971."

Mr. FULBRIGHT. Mr. President, before I offer an amendment to the resolution I want to say with regard to the comments of the majority leader that I do not understand how any rumor got around the Capitol. His position has been very clear. I have joined in his position, and I think I am correct in doing so.

I think the position of the conferees of the Senate has been most reasonable and I do not understand why any rumors should have been circulated. Certainly the majority leader is one of the most reliable and one of the most honest men I have ever encountered.

Mr. President, I offer for the Record an amendment which I had intended to offer tonight. I only offer it for the Record to make it clear what my intentions were prior to some negotiations which have taken place. I ask unanimous consent that the amendment be printed in the Record with a statement explaining it.

There being no objection, the material was ordered to be printed in the Record, as follows:

On page 3, strike out lines 19 and 20, and insert in lieu thereof the following: " 'March 1, 1971'; (2) by amending section 108 to read as follows:

"Sec. 108. Notwithstanding any other provision of this joint resolution, obligations for foreign economic and military assistance and sales may be incurred hereunder only in such amounts as may be necessary to (1) pay the compensation and allowances of personnel of the United States Government employed to carry out the provisions of the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and (2) pay the administrative and other expenses necessary to administer programs under such Acts for which appropriations have heretofore been made; but obligations for such purposes may not exceed the rate at which obligations were incurred for such purposes from November 15, 1971, to December 8, 1971: "Provided,"."

STATEMENT BY SENATOR J. W. FULBRIGHT

I offer an amendment which would limit the funding of foreign aid and military sales activities to salaries and necessary expenses. It would, however, retain the provision in the resolution which provides $300 million for military credits to Israel.

It seems to have become an annual ritual for Congress to end the session with an attempt by the House to force an objectionable foreign aid package down the Senate's throat. Last year they tried to get a $200 million appropriation for military credit sales while the authorization bill was still in conference. The year before they tried to get $54 million for jets for Taiwan, above the amount authorized. This year it is the same story. Executive Branch and the House have teamed up to try to make an end run around the conference on the Senate's foreign aid authorization bills.

This is a rather unusual amendment. But the Senate is faced with an unusual proposal which has been handled in an unusual way. The Appropriations Committee voted to report this continuing resolution before it actually passed the House and without the measure being formally before the Committee members. At the time the Committee acted it was not even aware of what it was voting to continue, since neither the Defense or District appropriation bills had cleared conference.

This resolution would allow spending for foreign aid at a rate of $2.7 billion annually without an authorization and in complete disregard of the spirit of a provision of law which says that any appropriations made for foreign aid cannot be used unless there is an authorization. The two foreign aid authorization bills approved by the Senate last month are hung up in conference because of the refusal of the House conferees to allow the House to have a straight up-or-down vote on the Mansfield amendment. Passage of this continuing resolution, in the form approved by the Appropriations Committee, will take away the only leverage available to the Senate conferees to bring this matter to a satisfactory conclusion. You will probably kill the Senate's work on the foreign aid legislation—to the delight of the House and the Executive Branch—if you approve this proposed new spending authority for foreign aid.

Approval of this resolution undermines the responsibilities of the Senate Foreign Relations Committee, the Senate Foreign Aid Appropriations Subcommittee, the House Foreign Affairs Committee, and the House Foreign Aid Appropriations Subcommittee. The Senate's role in shaping foreign aid policy is particularly affected; the Foreign Relations Committee will lose its policy initiatives in the authorization bill and the Senate Appropations Subcommittee will be denied the opportunity to work its will on the money items.

This approach destroys the traditional legislative process. If it is followed in the future, it could be used by the Executive Branch to undermine any conference which is having difficulty in reaching agreement on policy issues. If the Executive Branch knows it can count on getting the money it wants, it can kill any controversial item in conference. It is a powerful club for the Executive Branch to hold over the head of all authorizing committees.

If the Senate approves this resolution as is, the Executive Branch will get its money and Congress will get nothing in the way of new policy restrictions. And the Executive Branch will get more money than they could normally expect to get through a compromise between the House Appropriation figures and what the Senate Appropriations Committee is likely to allow. And, I point out that, the spending level allowed by this procedure is $400 million more than Congress appropriated for the 1970 fiscal year. Nineteen seventy-one is not a fair benchmark because the Executive Branch sent up a $1 billion supplemental near the end of the last session, as a follow-up to the Cambodian incursion.

In the process the Executive Branch will avoid policy restrictions such as these that are contained in the Senate authorization bills in conference:

MILITARY AND RELATED ASSISTANCE

1. Declares a national policy that all U.S. forces be withdrawn from Indochina within six months, subject to release of prisoners of war.

2. Provides for funding of military aid to Thailand from the regular Military Assistance Program beginning July 1, 1972.

3. Imposes a ceiling of $341,000,000 on obligations and expenditures in or for Cambodia in FY 1972 and puts a ceiling of 200 on the number of American civilian and military government personnel in Cambodia.

4. Requires the President to submit to Congress a country-by-country list of foreign aid allocations within 30 days after passage of the appropriation bill and permits a maximum 10% increase in aid in each category and country by transfer of funds from other countries or programs without advance notice to Congress.

5. Requires advance notice to Congress before use by the President of the transfer, waiver, and certain other special authorities available to him under the Foreign Assistance Act.

6. Requires a 25% cutback by September 30, 1972 in the number of U.S. military personnel assigned abroad to military advisory missions or similar groups.

7. Requires 25% payment in foreign currency for U.S. military grant aid.

8. Prohibits waiving by the President of the ceilings on military aid and sales to Latin America and Africa.

ECONOMIC AND HUMANITARIAN ASSISTANCE

1. Calls for shifting more of our economic aid to a multilateral basis and requires a phasing-out of the bilateral loan program.

2. Ties the release of funds appropriated for foreign aid and military sales funds to prior release of impounded funds for domestic programs.

3. Provides for annual authorization of appropriations for the Department of State and the United States Information Agency.

4. Authorizes $125,000,000 for population control activities.

5. Authorizes operations by the Overseas Private Investment Corporation in Yugoslavia and Romania.

It is not likely that the conference will be able to reach an agreement after Congress reconvenes if this resolution goes through. Its passage will take away the Senate conferees' leverage. This resolution will expire only four months from the end of the fiscal year. The Administration will, no doubt, seek an extension of the continuing resolution for the remainder of the fiscal year. It will argue that Congress should turn its attention to an authorization bill for the 1973 fiscal year and forget about the bills in conference. But both the House conferees and the Administration will be far more willing to compromise in January if the continuing resolution is limited only to money for salaries and necessary expenses.

The Senate conferees have been reasonable. They have asked only that the House conferees allow a clearcut vote in the House on the Mansfield amendment. There has never been an up-or-down vote in the House on it. Practically all other major issues in the bill have been agreed to. No serious problems will remain after an agreement is reached on the Mansfield amendment.

The foreign aid program would not come to a halt if no new program money is provided in this resolution. There is still $4.7 billion in the foreign aid pipeline. Congressman Passman says that there is a total of $24.5 billion in all of the various pipelines for foreign aid. I also remind my colleagues that military aid (and some economic aid) to South Vietnam, Thailand, and Laos comes out of the Defense Department budget and will not be affected in any way.

But we are not talking about a permanent halt—only a delay of new program authority for approximately 1½ months. We should be able to reach agreement in conference on the authorization bill and get the regular appropriation bill through in short order after Congress reconvenes in January—if the Executive Branch is denied new program money.

Last January there was signed into law section 10 of the Foreign Military Sales Act which prohibits the obligation of appropriations for foreign aid or military sales without an authorization. The pertinent part reads:

"SEC. 10. (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law. . . .

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this section which specifically repeals or modifies the provisions of this section."

This provision was designed to prohibit precisely the situation that is confronting the Senate today—attempts to circumvent the regular legislative processes. Although this provision has been waived in earlier continuing resolutions it should not be waived any longer, except for salaries and necessary expenses. This resolution violates both the spirit of that provision, and a principle that the Senate has endorsed overwhelmingly on a number of occasions in recent years. Just last December 30th, by a vote of 60 to 12, the Senate opposed an attempt by the House to appropriate funds for the military sales program while the authorization bill was still in conference, stymied because of the Cooper-Church amendment.

Only six weeks ago, by a vote of 41 to 27, the Senate rejected the foreign aid program proposed to be financed by this resolution. Two weeks afterwards, it started on the path toward creating a new program, geared to the realities of today's world and our own domestic situation. Now you are being asked to vote for a resolution which will have the effect of erasing all that. You are being asked to continue the same old discredited foreign aid program that the Senate rejected. If you want to continue a "business as usual" foreign aid program, vote for the continuing resolution before you. If you want to get the Senate's policy changes enacted and continue down the road to reshaping this program, vote for my amendment.

Mr. President, I do not like to delay adjournment. I know that my colleagues are anxious to terminate this session and join their families and constituents during this holiday season. But it is just at times like this, when members are too anxious to call it quits that grievous errors are made which, later, are regretted. There is much at stake in this spending resolution. This matter involves serious institutional questions which go to the heart of both our system of checks and balances and the traditional procedures of Congress. I hope that my colleagues will vote to uphold the normal legislative processes by adopting my amendment.

One final point, I have received word on good authority that the Executive Branch has started to make plans for a committee shopping operation next session which will involve an effort to transfer all foreign military aid matters from the Foreign Relations Committee to the Armed Services Committee. Apparently, this would be on the theory that military aid would receive less scrutiny by members of the Armed Services Committee and, thereby, get more favorable treatment. That such a possibility is being considered in the Executive Branch is an insult to members of that Committee and is derogatory of Congress as a whole. If the Executive Branch is allowed to go committee shopping, as lawyers go judge shopping, when its proposals are subjected to close scrutiny by the committees with jurisdiction, there is little hope for maintaining any semblance of checks and balances between the two branches. If such an attempt is made next year, I shall do what I can to prevent it and I hope the Senate will not allow such an emasculation of its role to take place.

AMENDMENT NO. 794

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment to the committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 3 of the committee amendment strike out lines 19 and 20, and insert in lieu thereof the following: "February 1, 1972"; (2) by amending section 108 to read as follows:

"SEC. 108. Notwithstanding any other provision of this joint resolution, obligations incurred hereunder for foreign economic and military assistance and sales shall not exceed by more than one half the rate provided for under this joint resolution during the period from November 15, 1971, to December 8, 1971, except that obligations may be incurred hereunder at the full rate provided for under this joint resolution during such period to (1) pay the compensation and allowances of personnel of the United States Government employed to carry out the provisions of the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and (2) pay the administrative and other expenses necessary to administer programs under such Acts for which appropriations have heretofore been made: *Provided*,".

Mr. FULBRIGHT. Mr. President, this is a very simple amendment as the clerk has read it. What it does, in effect, is to provide for a continuing resolution at one-half the rate which existed on December 8 when the continuing resolution elapsed except for the compensation for the employees and administrative expenses of the program.

The other amendment which I had intended to pursue simply provides for the continuation of administrative expenses without any provision for obligations during that period. I merely explain this to show that this would be for a short time. The difference between that period is not very much. The difference between this provision and the other measure is somewhere in the neighborhood of $150 million.

Mr. PROXMIRE. The Senator means at an annual rate.

Mr. FULBRIGHT. The Senator is correct, assuming that we meet about February 1.

Mr. PROXMIRE. The annual difference would be about $1.5 billion.

Mr. FULBRIGHT. The Senator is correct.

Mr. PROXMIRE. And because it would be operating for about one-tenth of the year under the continuing resolution, it would be $150 million.

Mr. FULBRIGHT. The Senator is correct. It is a minimal amount. However, from the point of view of the committee and the legislative process, I think this goes very far toward meeting at least this emergency. However, it will still make it necessary for us to have an authorization bill early in the next session.

I think this bill on numerous occasions has come under the kind of criticism that we have seen here recently. It never has gone quite as far as the Senate did in defeating the bill.

We seek to develop a legislative bill in order to provide the alternative to a continuing resolution. That was the reason I introduced the bills, and they were passed by the Senate. They are still in conference.

The distinguished majority leader has already explained the major differences. There is a difference that involves the limit on the ceiling authorized for Cambodia. I expect that can be resolved. I am very reluctant really to proceed with the compromise. However, after long negotiations with the distinguished chairman of the Appropriations Committee and others, I have agreed to support this continuing resolution.

I do think the pending resolution tends to subvert—it not only tends to but it also does subvert—the function of the Senate and Congress generally. It short circuits all of the legislation. One example is in the bill that I very much dislike. It is the continuing resolution for Radio Free Europe and Radio Liberty. Only last week we passed an appropriation, but with the proviso that it was subject to an authorization. We are now undoing that and passing a resolution without an authorization, because that bill authorized these radio programs. It is in conference and has not been resolved. The Senate passed a bill and the conferees have been appointed. However, we have never been able to have a conference. The House passed the bill very recently. There has not been a lot of time, and other matters have intervened.

I would hope that very early in the next session we can have a conference on that bill and pass authorizing legislation.

The amounts authorized are very similar. They are practically the same as in the Senate-passed bill.

I think that operation should be terminated. It is another product of the cold war. Its real purpose is to continue the cold war and to continue inciting and inflaming the differences between Eastern and Western Europe.

I think that is too bad. However, I am not going to object to the resolution because I think that if we can agree on the amendment I have offered, that will resolve the present difficulties and we can have an opportunity to agree on authorizing legislation early in the next session of the Congress.

I do not expect it to be agreed upon before February 1, but that is the limit.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PROXMIRE. First, I think that many Senators and the public are concerned about military sales to Israel. How would that be affected by the amendment?

Mr. FULBRIGHT. That is earmarked in this resolution at the annual rate of $350 million for Israel. That is in the resolution from the committee. My amendment would not affect that.

Mr. PROXMIRE. The amendment would not affect that?

Mr. FULBRIGHT. No.

Mr. PROXMIRE. These other agencies to which the Senator referred, which are outside of the amounts which are in the authorization, would not be affected?

Mr. FULBRIGHT. My amendment does not affect any of the other agencies.

Mr. PROXMIRE. The Cuban refugees, Radio Free Europe, and Radio Liberty are not affected?

Mr. FULBRIGHT. It does not affect any of them.

Mr. PROXMIRE. This would reduce the amount available for foreign aid but does so for a definite clear-cut purpose, not with any notion that this is the amount that should be available for foreign aid during the year, but because this is the one way the Senate can continue these programs on an emergency basis. Is that right?

Mr. FULBRIGHT. That is right.

Mr. PROXMIRE. And at the same time provide incentive for a meaningful basis and have the House vote up or down on the Mansfield amendment.

Mr. FULBRIGHT. That is the purpose, and I think it will have that effect.

Mr. PROXMIRE. I thank the Senator, and I shall support his amendment.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. The purpose, I understand, is not only to have a situation develop where there would be an up and down vote in the House on the Mansfield amendment, but also the purpose is to have the opportunity to consider other reforms of foreign aid that the Committee on Foreign Relations has been deeply interested in, such as reducing the President's ability to transfer funds from one place to another, placing a limit on funds for Cambodia, and a limit on funds for USIA. Is that correct?

Mr. FULBRIGHT. The Senator is correct. The reason we feel so strongly about the authorizing legislation is the reforms, aside from the amount. The amount is not the biggest problem, as to the provisions which have been agreed upon by conferees of the House and the Senate. That is the main reason we get legislative authorization.

Mr. CRANSTON. Another aspect of this relates to the incredible situation in a distant place between India and Pakistan and the United States. I do not know what the President is up to in Pakistan. I ask in the name of God and decency what he is doing. He seems to be involving us in a war in which we have no right to be involved.

The move we seek to accomplish is another way to get at that situation. We will be closing off funds that the President would be free to turn over to aid Pakistan, if he wishes to do so, unless we end the President's ability to switch funds from one program to another.

We have reports of American ships there ostensibly for the purpose of extricating Americans but, according to some reports, for the purposes of evacuating Pakistan armed forces as well. This could be the pattern that leads us to a direct involvement in a war that we should not be in. When the Senate comes back we may be able to close off the administration's option to involve U.S. forces in a way that might lead us into a war in which we should not be involved.

The President earmarked with one stroke of the pen money for Cambodia in 1970 and he could earmark funds for Pakistan in the same way. Is that correct?

Mr. FULBRIGHT. In the bill itself, the authorization limits that.

Mr. CRANSTON. That is another reason we have to get through as fast as we can.

Mr. President, I ask again: What, in the name of God and sanity is the administration doing in South Asia?

If President Nixon had conscientiously set out on a deliberate program to alienate every friend of democracy in the region, and in the process, to guarantee the establishment of a permanent Soviet military presence in the Indian Ocean, he could not have done a better job.

In the past year, the world has seen a repressive military dictatorship in Pakistan disregard the results of a free election, clap the winner of that election in jail, and then systematically destroy his supporters in East Pakistan in a bloody massacre that has killed upward of 200,000 people last March and that has driven 10 million refugees into neighboring India.

In the 9 months that followed the beginning of the blood bath, India attempted to feed, clothe, and house this growing tide of refugees, almost single-handedly, while Pakistan systematically continued to pursue policies designed to keep them flowing into India. When fighting between India and Pakistan at last broke out on December 3, it was Pakistan that initiated the first bombing raids on eight Indian cities.

What did the United States do in those 9 months?

The administration did not make a public peep about the massacre of March 25.

It has not made a single public protest about the summary jailing of Sheikh Mujibur Rahman, who is accused of treason, but whose real crime against the Pakistani state was to win an election.

The administration persisted in continuing shipments to the Pakistani Government of arms used to suppress Mujib's supporters, at the same time that it denied it was shipping arms. Then, when it became clear that arms shipments were indeed continuing, the administration declared it had signed no new agreements but was only fulfilling the terms of the old ones.

When war between Pakistan and India began, the United States immediately condemned India as the aggressor and cut off all economic and humanitarian aid to India.

This astonishing charge has now been followed by a much more ominous development: The United States has dispatched a naval task force, led by the aircraft carrier *Enterprise,* to the Bay of Bengal, purportedly to stand by in case American and other foreigners in Dacca need to be evacuated. But other reports suggest that the *Enterprise* may have a more ambitious mission: To intervene actively in the war and rescue the remnants of the Pakistani Army in Dacca which are about to be rounded up by the Indian forces.

The latest, equally incomprehensible administration action has been to compound the damage that the mission of the *Enterprise* has already done by calling on the Russians to "exercise a restraining influence" on the Indians; otherwise, it is suggested, the President may reconsider his visit to Moscow.

The White House now denies that President Nixon is contemplating cancelling his Moscow trip, but the charge that Moscow should "restrain" its client has not been denied.

Mr. President, I am 100 percent behind the distinguished minority leader, Mr. SCOTT, when he calls on the administration to observe strict neutrality in this situation. I agree that the administration must reverse its position. But because the United States has so obviously not been neutral, it will be difficult to undo the damage. Nonetheless some positive steps can be taken.

The most immediate is the prompt removal of American warships from the Bay of Bengal. If there are American nationals to be evacuated from Dacca, gunboat diplomacy is not the way to achieve it.

Second, we must adopt a public position of true neutrality and nonintervention. It is fatuous to condemn the Indians as aggressors for sending troops into East Pakistan after lifting not a finger about the use of troops by West Pakistan over the preceding 9 months and after Pakistan had initiated air raids on India on December 3.

Third, the administration must recognize that a monumental job of relief and reconstruction lies ahead. Like it or not, India appears to have succeeded in helping to create the independent state of Bangla Desh. It should not have happened by force, but it is a fait accompli. Millions of homeless and hungry people there must be fed and housed, not only these dispossessed by the fighting, but the 10 million refugees who are already beginning to return to East Bengal. The economy of the area is in disarray; technical and economic assistance, if it can still be offered, will be badly needed. I fear, however that offers of assistance from any nations other than the Soviet Union will be rejected. But it is possible that a sizable effort led by the United Nations could be mounted. It would be welcomed, both in East Bengal and in West Pakistan, which will have lost economically as well as militarily by this self-inflicted wound.

The Nixon administration would do

well to begin now exploring the prospects for a United Nations relief program in all the areas of the subcontinent affected by the war.

Finally, the administration has no business belaboring the Indians. The process of undoing the damage that has been done to United States-Indian relations is immense. But in the long run democracy has no better friend on the subcontinent. If that fact is not recognized and acted upon immediately, we may live to regret the consequences for many years to come.

We in the Congress also have a solemn responsibility in this crisis and we must expect the Congressional power of the purse to block the administration from escalating its policy of "gunboat diplomacy" in the India-Pakistan war.

The dispatch of a naval task force to the Bay of Bengal could be followed by millions of dollars worth of arms for the Pakistanis unless we beat down the continuing appropriation resolution now before it. As much as $4.7 billion is now in the foreign aid pipeline which the administration could tap and use as it wished.

The administration, which has been openly supporting the cause of the Pakistani military dictatorship, could supply Pakistan with millions of dollars worth of military and economic assistance from this source despite Congress' insistence that the United States remain neutral in the South Asia dispute.

Each of the three foreign aid bills passed earlier by the House and Senate expressly prohibits any military or economic aid to Pakistan until the situation there returns to normal.

For all that, the President could once again thumb his nose at Congress by using money appropriated by Congress to implement policies which Congress disapproves. That would be nothing new. He has already thumbed his nose at Congress by announcing that he would ignore the Mansfield amendment to the military procurement bill and by freezing $14 billion in domestic funds appropriated by Congress.

The administration will claim that pipeline funds are already obligated and cannot be used for other purposes. But the fact is they can be "deobligated" and the administration does not hesitate to do just that when it suits its purpose.

The President "deobligated" $100 million in foreign aid funds supposedly firmly earmarked for other purposes to finance the Cambodian invasion in May 1970.

He did it once, he can do it again. All it takes is a stroke of his very busy pen.

All it takes to put a halt to this is action by the Congress—now, or as soon as possible, denying to the President the right to switch foreign aid money about, from one program to another, as he sees fit.

Adoption of the Fulbright amendment now will give us the opportunity to do just that very soon.

Mr. President, the implications of the administrations' incomprehensive actions are manifold. We have alarmed our friends throughout the world, and dismayed and disillusioned many Americans.

The Washington Post this morning reports that many Americans in India are astonished by the administration's position and that at least one high-ranking American embassy official is on the verge of resignation. Other Americans who have worked in India and Pakistan in recent years are equally shocked by the position the administration has taken.

One group of such Americans, specialists in South Asian affairs at the University of California, has recently prepared an informative analysis of the current crisis, which I believe Senators will find most interesting. I ask unanimous consent that their statements of December 8 and December 14, be placed in the Record. I also ask that several news articles relating to the U.S. position also be inserted in the Record at this time.

There being no objection, the material was ordered to be printed in the Record, as follows:

Berkeley, Calif.,
December 8, 1971.

As specialists in South Asian studies at the University of California at Berkeley, we find ourselves profoundly disturbed by U.S. government statements and policy concerning the current conflict in South Asia. We are particularly dismayed by the Administration's failure to relate recent events to the continued campaign of suppression since March 25, 1971 by the Pakistan government against the people of East Bengal and their elected representatives.

Administration statements that a political solution of the Bangla Desh issue was in the offing, and that it was sabotaged by the Government of India, are not warranted by available evidence. Indeed the following facts support the opposite conclusion: (1) recent continued atrocities against unarmed villagers in the vicinity of Dacca which have been reliably reported by Western journalists; (2) the farcical, uncontested "elections" to the National Assembly conducted in the last month by the Pakistan government; and, (3) the continued imprisonment of Sheikh Mujibur Rahman and refusal to negotiate with him as the acknowledged leader of the Bangla Desh movement and the East Bengal people. These facts challenge the administration's perception of the situation. Additionally, public statements of the Bangla Desh leaders, both in India and abroad, clearly indicate that a political settlement on acceptable terms to them was not in sight.

American policy, no matter how it is rationalized in terms of an attempt to exercise a restraining influence on the Pakistan government, has in effect clearly served the interests of the military regime in Pakistan. It permitted the massive use of force by the Pakistan government while denying the legitimate right of self-defense to the Bengali people. The Administration's concurrence in the continued shipment of military equipment to Pakistan until November, 1971, and its failure to criticize publicly the brutal repressive actions of the Pakistan Army in East Bengal belie professions of neutrality and have undermined the U.S. government's credibility in India. In the face of this, it is not possible for the Indian government to rely on the Administration's professed efforts to secure a political solution.

The most unfortunate effect of the Administration's policies and actions is that it has prevented the U.S. from playing a constructive role in the present conflict contributing to the resolution of these tragic events. Our partisanship has been not only unwise, indeed, immoral, but contrary to U.S. national interests. The Administration's actions have estranged from us the people and government of India, the world's largest democracy, and at the same time have jeopardized our future relationships with the people of Bangla Desh, with a population of seventy-five million.

Even at this late date, we urge the President to reconsider our present policies in Southern Asia to take into consideration the vastly changed circumstances in the subcontinent. Bangla Desh is a reality and will have to be recognized as such if American policy in this region is to be realistic and effective. Only in this way will we be able to implement our professions of humanitarian concern.

LIST OF SIGNERS

Gerald D. Berreman.
Kenneth Bryant.
Belle L. Cole.
Robert H. Cole.
Robert P. Goldman.
Alice S. Ilchman.
Warren F. Ilchman.
Usha Jain.
Mark Juergensmeyer.
David Mandelbaum.
Barbara Metcalf.
Thomas Metcalf.
Ralph Retzlaff.
Leo Rose.
James Schubert.
J. F. Staal.
Barend van Nooten.
Joanna Williams.

Background to the Crisis

The anonymous statement issued by the State Department and presumably ordered by the President constitutes a gross distortion of recent history, wantonly squanders America's credibility and influence in India, and betrays a self-destructive insensitivity to the moral issues involved. The statement alleges that "India bears the major responsibility for the broader hostilities that have ensued" since the Indian army began entering East Pakistan to silence artillery positions firing on Indian villages, refugee camps and Bangla Desh staging areas. The statement, read together with the abortive U.S. effort to have the Security Council call for a cease fire, makes clear that the President continues to regard the ruthless use of force in East Pakistan as irrelevant to the outbreak of hostilities between Pakistan and India.

The use of force in East Pakistan repudiated the results of Pakistan's first and only national election held 24 years after independence. Organized and conducted by the Yahya Khan government, the electorate chose a national assembly to form a government and to write a new constitution. The Awami League, led by Sheikh Mujibar Rahman, won a majority of 167 seats in an assembly of 313. President Yahya Khan referred to Rahman as the "future prime minister."

The election result surprised and threatened those accustomed to rule East Pakistan as a dependent and exploited province. East Pakistan, with a majority of Pakistan's population and a claim to a larger share of development expenditure because of its relative poverty, was in fact drained of $2.6 billion over the first three five year plans. The industrialization and relative prosperity of West Pakistan is in considerable measure the result of this transfer of resources. In 1960, only 13 per cent of central government employees were from East Pakistan. The army, which has ruled Pakistan since 1958, is a West Pakistani (primarily Punjabi) force. While some efforts have been made in recent years to reduce the exploitation and domination of East by West Pakistan, the East Bengali's massive vote in support of the Awami League's call for autonomy in the December 1970 election made abundantly clear that nothing less than a fundamental re-adjustment of provincial relationships could save the nation.

It was this re-adjustment that the extremists in the army and among West Pakistan politicians were unwilling to accept. In an effort to save the situation, President Yahya Khan prior to the convening of the assembly called for private negotiations between Rahman and Z. A. Bhutto, leader of the People's Party, which emerged as the largest party in West Pakistan. The West Pakistan military and political leadership in fact called upon Rahman to repudiate his mandate and capitulate to Bhutto *before* the national assembly met by agreeing to abandon key elements of his autonomy program. President Yahya Khan and his advisors pressed this scenario even though the President had reserved to himself the authority to modify or reject the constitution that was to be written within 120 days. Instead of allowing deliberation and bargaining to occur in the assembly itself the Yahya Khan government in fact asked Rahman to enter the assembly in an emasculated condition. Bhutto warned his People's Party representatives that he would call for the use of people's violence against any of them who participated in assembly sessions prior to Rahman's repudiation of key elements in the autonomy demand (e.g. provincial control of public finance and foreign exchange). Extremists in the army no doubt privately issued threats of a like kind. Faced with the choice of disciplining Bhutto and extremist army elements or disciplining Rahman, Yahya Khan postponed, then cancelled the convening of the national assembly. Next, the army fired on an Awami League mass demonstration, killing hundreds. In reply, Sheikh Rahman called for a general strike that clearly demonstrated the Pakistan government legitimacy in East Pakistan depended upon an accommodation with Rahman; the civil adminstration, police and para-military force as well as the electorate were behind the Awami League leader.

Instead of convening the national assembly and encouraging dialogue and bargaining the Yahya Khan government allowed the army to attempt to reestablish its authority by the massive, ruthless and bloody use of force. The result was the murder or exile of Awami League leaders and cadres, the death of thousands of civilians, the wholesale destruction of towns and villages, and the flight of millions to sanctuaries in India.

India's response to these events was to care for the millions of refugees now crowding her borders and draining and disrupting her economy and to attempt to generate international support for achieving a political solution (i.e. the release by the Pakistan government of Sheikh Rahman and negotiations with him) that would recognize East Pakistan's autonomy and thus create conditions under which the refugees would return to their homes. Instead of responding positively to these efforts, the U.S. government continued until very recently to supply arms to the Pakistan government whose army it had equipped with over 2 billion dollars worth of American weapons, to attempt to suppress the International Bank's report (based on an on-the-spot survey between May 30 and June 11, 1971) that documented a reign of terror and to continue to provide economic aid after the other 10 of 11 aid giving nations cut off their's. The U.S. government had the means via the International Bank's report and recommendations and its own command of influence and resources to help achieve a political solution in Pakistan. Instead, it chose to continue to support the suppression through the use of military force and terror of a struggle for provincial autonomy.

It became increasingly clear to India that no meaningful international assistance was forthcoming to help care for the millions of refugees within her borders and that, with the exception of Russia, no nation was prepared to bring meaningful pressure to bear on Pakistan to produce a political settlement with Sheikh Rahman.

What had been possible to define as a struggle for provincial autonomy was being rapidly recast into a struggle for national liberation.

The success of the struggle for Bangla Desh will not only solve India's refugee problem but also will contribute to India's security by establishing India as the dominant power in South Asia region. But to reduce the history of the struggle for Bangla Desh to a maneuver to enhance India's security as the President seems intent on doing, would be to make a traversty of India's conduct in relationship to the unfolding events within Pakistan, within India's borders and in the international community.

During the past few weeks India has moved from providing help to refugees and Bangla Desh freedom fighters on Indian soil to sending elements of its army into Pakistan to silence artillery firing on refugee camps, villages and staging areas. The Pakistan response was air strikes in the east. India responded by larger and more lasting military incursions. Faced with a losing strategy in the East, the Pakistan government turned to air and ground attacks in the West. India replied in kind in the West and with a large scale effort to defeat the Pakistan army in the East.

The state department statement of December 4, by arguing that "since the *beginning* (italic mine) of the crisis Indian policy, in a systematic way, has led to the perpetuation of the crisis, a deepening of the crisis . . ." can be translated as "India has made it difficult if not impossible for the Pakistan army to crush the Bangla Desh political movement and military struggle." Does this reveal what America's position has been and now is? Talk of helping Pakistan in order to maintain our "influence," with the implication that our influence was being directed toward convincing the Pakistan government to negotiate a political settlement with Sheikh Rahman, is exposed as hypocrisy.

The effort by anonymous State Department sources to suggest during the week of December 6 that Indian military action disrupted an American inspired plan to produce a "political solution" to the Bangla Desh crisis is remarkably disingenuous. As discussed publicly in West Pakistan, it called for appointing Nurul Amin, a Bengali, as Prime Minister, and Z. A. Bhutto, the People's Party leader whose refusal to recognize the Awami League majority helped bring on the civil war, as Deputy Prime Minister. Bhutto's characterization of the situation revealed its strictly cosmetic character; Nurul Amin, Bhutto said, represents nobody but himself while I represent West Pakistan. Bhutto added that of course the arrangement was "temporary," an expedient to meet the needs of the immediate situation, since nobody would accept Amin's credentials as a permanent Prime Minister. A political solution that does not involve the release of Sheikh Mujibur Rahman, the leader of the majority Awami League party, and negotiations with him, is not likely to stop the civil war and struggle for national liberation.

Press Release, December 14, 1971

American policy in South Asia—based on several erroneous assumptions and factual errors—is fixed on a tragic course. At stake are the U.S. capacity to play a constructive role in South Asia and the very future of this vitally important area. The administration admits that the vital national interests of the peoples of West Pakistan, East Bengal, and India are involved; but denies that the United States has the ability to significantly influence the course of events. It publicly proclaims a desire to play a neutral role; but both by word and deed, we have intervened in a manner which is clearly partisan.

This intervention has resulted in destroying the legacy of a quarter century of good-will in South Asia. It has needlessly heightened India's dependence on the Soviet Union. It has also encouraged those in Pakistan who have sought to stifle the legitimate aspirations of the majority of their own population through brutal and repressive measures. While professing concern for the preservation and extension of democratic institutions, the United States has also placed considerable strain, through economic pressure, on the continued functioning of democratic institutions in India.

We still have the opportunity, as well as an obligation, to play a constructive role in South Asian affairs. We urge the President to reconsider our present policies and to take into account the vastly changed circumstances in South Asia. Our old policy, predicated upon maintaining a balance of power between India and Pakistan was never valid. Bangla Desh is a reality and will have to be recognized as such if American policy is to be effective. Economic and humanitarian aid, to the entire region, must be restored and enhanced in order to meet the compelling needs occasioned by the events of the past eight months. In addition, we should seek to play a constructive role in the repatriation and rehabilitation of all persons displaced during the current conflict. Only in this way will we be able to implement our professions of neutrality and humanitarian concern.

[From the Washington Post, Dec. 14, 1971]

United States, Soviet Vessels in Bay of Bengal

(By Jack Anderson)

A dangerous confrontation is developing between Soviet and American naval forces in the Bay of Bengal.

President Nixon has ordered a naval task force into those troubled waters as a restraint upon India. Now heading for the Bay of Bengal are the aircraft carrier Enterprise, amphibious assault ship Tripoli, guided missile frigate King, and guided missile destroyers Parsons, Decatur and Tartar Sam.

At the same time, Soviet naval ships have been spotted steaming into the Bay of Bengal ostensibly to bolster India.

Even more ominous, intelligence reports claim that Soviet technicians are aboard Indian naval craft that have attacked Pakistani harbor and shore installations. U.S., British and other foreign merchant ships have been hit in these attacks.

Rockets fired from under the ocean have also been tracked. The Pakistani Navy has urgently requested U.S. help in determining whether the rockets could have been launched from a Soviet submarine.

Inside the White House, meanwhile, the President has made no attempt to hide his favoritism for Pakistan. He has developed a close personal relationship with Pakistan's dynamic President Yahya Khan.

Mr. Nixon, accordingly, has ordered his crisis team, known formally as the Washington Special Action Group, to find ways short of direct intervention to help Pakistan. The hush-hush group, headed by presidential policymaker Henry Kissinger, has been meeting almost daily in the White House's fabled secret Situation Room since the Indian-Pakistani outbreak.

NIXON'S SECRET IRE

At the Dec. 3 meeting Kissinger snorted: "I'm getting hell every half-hour from the President that we're not being tough enough on India. He has just called me again. He doesn't believe we're carrying out his wishes. He wants to tilt in favor of Pakistan. He feels everything we do comes out otherwise."

Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, reviewed the military situation. CIA Chief Richard Helms also reported what his agents had found out about the fighting. Then Kissinger brought up the United Nations.

"If the U.N. can't operate in this kind of situation effectively," he growled, "its utility has come to an end, and it is useless to think of U.N. guarantees in the Middle East."

"We'll have a recommendation for you this afternoon," promised Assistant State Secretary Joseph Sisco.

"We have to take action," pressed Kissinger. "The President is blaming me, but you people are in the clear."

"That's ideal!" retorted Sisco cheerily.

There was discussion about a statement that had been prepared for Ambassador George Bush to deliver at the U.N. Kissinger thought it was "too evenhanded" and ought to be tougher on India.

To maintain a diplomatic balance, Sisco suggested that economic steps could be taken against India but that similar moves against Pakistan should be announced as "under review."

"It's hard to tilt toward Pakistan," grumped Kissinger, "if we have to match every Indian step with a Pakistan step."

UNITED STATES TOO GENTLE?

At the next secret meeting on Dec. 4, Kissinger reported that the President was still fuming over the gentle treatment U.S. spokesmen were giving India.

"The President is under the 'illusion' that he is giving instructions," said Kissinger, "not that he is merely being kept apprised of affairs as they progress."

Mr. Nixon, meanwhile, has disregarded several secret, urgent appeals from Kenneth Keating, the American Ambassador in New Delhi, that the U.S. should be careful not to alienate India.

He reported that he had received personal assurances from Indian Foreign Minister Swaran Singh not only that the populace welcomed the liberation of East Pakistan but that India had no intention of annexing the conquered territory. India had no wish, said Singh, to provide "even a semblance of Indian administration" but would permit the Bengalis to rule themselves.

In another secret message, Keating sharply disputed a story put out by the White House about the Indian-Pakistani developments.

"I have made the foregoing comments," he concluded, "in the full knowledge that I may not have been privy to all the important facts of this tragedy. On the basis of what I do know, I do not believe those elements of the (White House) story either add to our position or, perhaps more importantly, to our credibility."

It would be ironic if Richard Nixon, who mounted the political soapbox in times past to accuse the Democrats of "losing" China to the Communists, should be responsible for pushing India into eager Soviet arms.

Indians Irate Over U.S. Stand on War

(By Laurence Stern)

CALCUTTA, December 14.—Indian official and public opinion has reached a boiling point over what is seen here as open intercession by the Nixon administration favoring Pakistan in the war on the Subcontinent.

From Prime Minister Indira Gandhi to the most extremist of Communist factions here, there is a unifying and pervasive anger at the American role fueled by a latent Indian mistrust—bordering on paranoia—of the United States.

In this politically volatile city there has been a beginning of organized demonstrations against the visible trappings of American presence—the U.S. consulate, the United States Information Service library, a Pan American airline office, and the Bank of America.

The protests, organized by student groups embracing the middle-of-the-road ruling Congress Party as well as various shades and splinters of Communist activism have been on the whole orderly and mild by Calcutta standards.

Some of the cadre delivered warnings today to the Bank of America, the American Express office and the First National City Bank office that unless they publicly denounced the Nixon administration stand there would be violent actions against them on Wednesday.

But this is only a beginning and worse is expected by those experienced in these matters.

American consul Herbert Gordon is followed about the city by a radio-equipped police van and his home is heavily guarded. Gordon was recently informed by police of a kidnapping threat against him.

Today, hours were sharply curtailed at the U.S. Information Service library and the American University center at Calcutta University, a seedbed of radical political activity here.

This is symptomatic of the general state of dismay with Washington's current posture on the war, both in action and words, and particularly the reported dispatch of the U.S. Seventh Fleet toward the Bay of Bengal.

It is a reaction that is not restricted to Indians. Yesterday, the president of the Indo-American Chamber of Commerce, A. I. Taylor, in behalf of 370 American and Indian businesses, cabled President Nixon and called for a reappraisal of U.S. policy toward India.

"The stand taken by the Nixon administration flouted the democratic traditions of the U.S.A. and violated basic humanitarian principles," the cable said.

Even within the American diplomatic establishment there is strong but privately expressed bafflement at Washington's foreign policy objectives on the Subcontinent which seems to have put the United States in the position, if nothing else, of supporting a loser and deeply antagonizing the prospective winner.

One highly respected embassy official was authoritatively reported to have been on the verge of resignation because of what were considered misrepresentations by White House briefers of India's position in secret negotiations to end the war.

Ambassador Kenneth Keating has secluded himself from the press since the outbreak of the present crisis.

The Times of India today gave the most restrained expression of governmental and private feeling that can be heard in polite circles here. In an editorial entitled "Mr. Dulles Rides Again," the Times said:

"From every point of view, American performance has been a spectacle of stupidity and ignorance incredible on the part of a government that must be assumed to have learned something from its Vietnam experience.

"In the result, Washington has alienated 75 million people in Bangla Desh, bewildered and angered the people of India, closed its eyes to the facts and reality of a new state, aligned itself with a discredited military regime, sanctioned by silence the attempted Pakistani genocide in Bangla Desh, and exposed to ridicule its pretentions to promoting democracy in Asia."

Indians also feel acutely the political irony of Washington's association with China in support of India's enemy. The most visible sign during a recent anti America demonstration in New Delhi was "down with the Mao-Nixon-Yahya conspiracy."

Suspicions are flourishing here that the United States is giving surreptitious military support to the Pakistanis and that there may be an attempt to evacuate what remains of Pakistan's army in East Pakistan on U.S. Navy ships. At a briefing today an Indian correspondent asked in a serious tone about reports that two American nuclear submarines were approaching the Bay of Bengal off the potential Pakistani evacuation route of Chittagong harbor.

In a refugee treatment center on the outskirts of Calcutta, a retired Indian physician, who recently volunteered his services to treat 400 desperately sick and starving patients a day, said the refugees were fearful at reports of American intervention in behalf of Pakistan.

"They were ready to go back to Bangla Desh when India was helping them. Now they have heard that a certain powerful country is coming to Pakistan's aid. They are once again afraid to go back. They have heard about the United States Seventh Fleet."

From the Indian standpoint this has been a debacle for American foreign policy. India has been driven into far closer association with the Soviet Union and East European bloc, which have defended it in the United Nations. At the same time that India is emerging as the clearly dominant influence on the Subcontinent, its relations with the United States have sunk to perhaps an unprecedented low point.

[Several hundred university students marched to the U.S. consulate in Calcutta today to protest what they called an "ugly U.S. conspiracy" against the people of India and Bangla Desh and the reported presence of American warships in the Bay of Bengal, UPI reported. The students shouted "go back Seventh Fleet" as they marched down one of the city's major shopping boulevards.]

Moscow Warned on India—1972 Nixon Visit May Hinge on War Restraint

(By Stanley Karnow)

The Nixon administration warned the Soviet Union yesterday that the President may reconsider his forthcoming trip to Moscow unless the Russians exercise a restraining influence in the war between India and Pakistan.

The warning was contained in a background briefing given by presidential adviser Henry A. Kissinger to a pool of reporters that accompanied Mr. Nixon on his return from two days of talks with French President Georges Pompidou in the Azores.

Kissinger indicated that the President will observe Soviet behavior in the South Asian crisis over the next few days in order to determine whether the Russians intend to use their influence to curb the Indians.

In the event that the Soviet Union fails to urge restraint on India and continues to encourage Indian military action, Kissinger suggested, plans for the President's trip to Moscow might be changed.

Such a development, Kissinger went on, could lead to a reassessment of the entire relationship between the United States and the Soviet Union.

White House spokesman Ronald L. Ziegler, apparently seeking to reverse the thrust of reports stemming from the Kissinger briefing, said last night that the President had not considered cancelling his Moscow trip. Ziegler was not aboard the aircraft carrying the President and Kissinger.

Summoning reporters on their return from the Azores, Ziegler said that "no U.S. official was suggesting or intending to suggest that the United States was considering cancelling the United States-Soviet summit."

The substance of the administration's warning to the Russians was reportedly conveyed to the Soviet Union through diplomatic channels before it was made known here.

Although administration officials declined to disclose details, it is known that the U.S. ambassador to Moscow, Jacob Beam, explained the President's views to Soviet Foreign Minister Andrei Gromyko on Monday in what was described as "unmistakable terms."

The President is scheduled to visit Moscow in late May, following his seven-day trip to Peking beginning on Feb. 21.

The doubt being cast over the President's Moscow trip is believed to have been inspired by his view that the Soviet Union has been deliberately uncooperative until now in helping to bring about peace in South Asia.

Kissinger reportedly referred with sarcasm to the Soviet effort to restrain India, saying the Russians had repeatedly vetoed United Nations Security Council resolutions calling for a ceasefire and mutual withdrawal of Indian and Pakistani troops.

The White House aide estimated in his briefing that the Soviet attitude toward the South Asian conflict is apparently aimed at humiliating the Chinese by demonstrating to the world that they cannot protect their Pakistani allies.

Meanwhile, in another move evidently calculated to discourage the Russians, the administration is deploying a naval task force in the Bay of Bengal. The task force includes the aircraft carrier Enterprise.

Secretary of Defense Melvin R. Laird declined on Monday to discuss the deployment of the task force. But informed sources intimated yesterday that the deployment is related to the buildup of the Soviet fleet in the Indian Ocean. "It's a question of showing the flag," the sources said.

Speaking to reporters yesterday, Indian Ambassador Lakshmi Kant Jha said that any effort by the U.S. task force to evacuate American or other personnel from East Pakistan would be viewed with the "deepest concern" by the government of India.

Jha convoked the news conference after meeting with Assistant Secretary of State Joseph Sisco, head of the State Department's Bureau of Near Eastern and South Asian Affairs.

The Indian ambassador insisted that he was not issuing a warning but "only spelling out the dangerous potential" in the situation.

Jha said he had been prompted to make his statement after his government had received a report that the objective of the U.S. naval task force was to evacuate not only U.S. personnel but also Pakistani officers and men as well as "civilians who might feel insecure."

Kissinger's warning to the Soviet Union apparently reflected President Nixon's growing irritation with what he regarded as Russian efforts to gain advantages from the South Asian war rather than support peace initiatives.

In a background briefing on Dec. 7, Kissinger voiced the hope that the Soviet Union would "subordinate short-term advantages to the long-term interests of peace."

Kissinger's briefing was made public last week when it was read into the Congressional Record by Sen. Barry Goldwater (R-Ariz.).

Nixon May Review Trip Unless Soviet Curbs India

By James M. Naughton

Washington, December 14.—The White House is letting it be known that President Nixon will reconsider his planned trip to Moscow unless the Soviet Union uses its influence with India to bring about a cease-fire in her war with Pakistan.

This Administration view was made known to news correspondents today by a high White House official. He said that the President, disturbed by Soviet vetoes of cease-fire resolutions in the United Nations Security Council, believes that Moscow is seeking to humiliate Peking by demonstrating that China—a supporter of Pakistan—cannot prevent Pakistan's defeat.

Meanwhile the Indian Ambassador to Washington, L. K. Jha, charged this afternoon that his Government had information from "a reliable source" that the United States nuclear-equipped and powered carrier *Enterprise* was sailing toward East Pakistan with contingency orders that included the evacuation of Pakistani personnel bottled up by the Indians in Dacca.

Ambassador Jha said that he had raised the matter with Joseph J. Sisco, Assistant Secretary of State for Near Eastern and South Asian Affairs, this afternoon and had not received a categorical denial.

He declined to reveal his sources, but said that such a plan would be regarded in New Delhi as "a very serious matter."

Officially, neither the State Department nor the Pentagon would comment on the charge. But Administration officials said privately that the Enterprise, four destroyers and an amphibious ship carrying two dozen helicopters were under orders to sail from Singapore into the Indian Ocean. They said that no orders had yet been given to proceed from there.

ZIEGLER COMMENTS

Ronald L. Ziegler, the White House press secretary, first learned of the widespread reports of the President's attitude toward Moscow when he arrived in Washington several hours after Mr. Nixon and his official party returned from the Azores.

"The United States is not considering canceling the U.S.-Soviet summit and no U.S. Government official intended to suggest this," Mr. Ziegler insisted.

Despite the clear impressions received by those who heard the official express the White House viewpoint, Mr. Ziegler said that the accounts were "highly speculative and taken out of context."

According to Mr. Ziegler, the official was discussing a "highly hypothetical situation."

"If the Soviets continued to support Indian military action and the Indians should move into West Pakistan, this could very well affect future relations with the Soviet Union," the press secretary said. "But we have no reason to suspect this will occur. We have every expectation the fighting will stop in South Asia."

NIXON BACK FROM AZORES

The White House intention to link the President's Moscow trip to Soviet willingness to promote a cease-fire between India and Pakistan became widely known upon Mr. Nixon's return late today from the Azores, where he conferred with President Pompidou of France on the deteriorating situation on the Indian subcontinent and other international matters.

It was the latest indication that the White House regards India as the aggressor in the war with Pakistan and that Mr. Nixon is disturbed by the lack of evidence that Moscow wants its allies, the Indians, to honor a United Nations General Assembly call for a cease-fire.

The President was said to regard the Russians as capable of restraining the Indians but to believe that if they did not do so within the next few days he would have to reassess the entire relationship between Washington and Moscow.

Unless the Russians indicate quickly that they will seek to restrain India's military thrust into East Pakistan and her combat efforts along the border with West Pakistan, Mr. Nixon will seriously consider holding off attempts to reach a detente with Moscow, it was understood.

DIPLOMATIC EFFORTS CITED

The senior Administration official told reporters the United States is still working on a variety of diplomatic fronts to bring the war to a close. He complained, as officials of the State Department had yesterday, that the Soviet Union had not played a constructive role—"to put it mildly."

The official said that the White House was trying to prevent not only the dismemberment of Pakistan but any military threat to West Pakistan.

Asked if Pakistan could be a viable state should the central Government lose control of East Pakistan, as now seems likely, the official said that the United States view was that Pakistan could survive if there were certain unspecified changes in the eastern region.

The President had tried to win France's support for the cease-fire resolutions at the United Nations. The Pompidou Government has abstained, however, from voting on the issue.

An official familiar with the talks between Presidents Nixon and Pompidou said that the French apparently decided there was nothing to be gained in taking a stand on the cease-fire issue because the resolutions were sure to be vetoed by the Soviet Union in the Security Council.

PREVIOUS COMMENTS NOTED

At a briefing for newsmen last week, Henry A. Kissinger, the President's adviser on national security affairs, said that the White House felt the Soviet Union had not used its influence on the Indians. The briefing was provided on the condition that Mr. Kissinger not be publicly identified. But his identity was subsequently made public by Senator Barry Goldwater of Arizona.

The President's increasing dissatisfaction with Moscow—as it was made known here today—thus represented a low-key attempt to send a signal to the Soviet Union without directly attributing it to Mr. Nixon himself.

Meanwhile, the American carrier Enterprise rendezvoused with the five other Navy ships yesterday off Singapore. It would take the convoy three to four days to travel the 1,600 nautical miles to East Pakistan.

Ambassador Jha said that the Indian Government and the Bangla Desh (Bengal Nation) insurgents in East Pakistan had insured the safety of all foreign nationals in East Pakistan and that all Americans who wished to leave had already done so.

Mr. AIKEN. Mr. President, I think it most unfortunate that a small group in the House did not permit its membership to vote on the Mansfield amendment so that they could register an opinion on that. I hold no brief for them, but I think it would be equally wrong for the Senate to refuse to take a position, or to take a position which would jeopardize or put in question the agreements we have with 50 or more countries around the world.

Therefore, as much as I dislike continuing resolutions and as much as I had expected to oppose the continuing resolution, I feel two wrongs do not make a right, and if we fail to enact continuing legislation we would be even more culpable than the House.

I have just read the amendments proposed by the Committee on Appropriations and also the amendment to the amendment proposed by my able chairman, the Senator from Arkansas. The first question that comes to my mind is the question of the date, the length of this continuing resolution. I would go along with the date of March 1, which was agreed to by the Committee on Appropriations. That would give us about 5 weeks after the start of our second session, but about 2 weeks of that will come out because of Lincoln's Birthday, Washington's Birthday, Jefferson's Birthday, and maybe the birthday of some of the Members of this body. I do not know about that.

But I feel if this continuing resolution gives only about 10 days; and although

Congress expects to come back January 18, if I know my colleagues, and if I know the Members of the other body, it will be January 20 before we get back into working conditions, and that would leave only a few days in which to reach an agreement.

We have already been working for months trying to reach agreement with the House and we have come to this impasse, a very deplorable impasse. I would say it is not too commendatory to Congress as a whole, but we want to get this matter settled. In a bill the Senate agreed to, the foreign aid programs is to be phased out in the next 4 or 5 years. That is about 20 percent a year. But I do not believe we can cut the amount down to one-half of what the House is proposing—roughly $3 billion, and cut it to $1.5 billion at this time, and still keep our understandings with the foreign countries.

If the Senator from Arkansas would make the amount $2 billion instead of $1.5 billion I would go along with him on that; and I would want it thoroughly understood that when this goes to conference, the total amount agreed to be no larger than the amount the Senate has agreed to or about $2,650 million. I would hope my chairman would make the date March 1 instead of February 1 with respect to the time when the continuing resolution would terminate.

Also, as I stated, I think the amount should be $2 billion instead of $1.5 billion. I feel sure cutting the amount to $1.5 billion would create considerable misunderstanding throughout the world.

Mr. PROXMIRE. As far as the date is concerned, I think the suggestion of the Senator is logical. February 1 may be too soon.

One of the reasons the informal meeting of the committee felt February 1 would be desirable is the House has a March 15 date.

Mr. AIKEN. I know.

Mr. PROXMIRE. We felt if this very limited amount of funds—which I agree is not enough, and has to be changed rapidly—persuades the administration and the House that we should act rapidly on it they might prefer to have an earlier date. I shall be a conferee. As far as I am concerned, this is something to compromise. If the House feels strongly about this and prefers a later date, we might well go to March 1, but if the Senate amends it tonight and makes it March 1, we have no leeway. We have no discretion.

Mr. AIKEN. I would hope this extension of time might run until the President makes his February 1 announcement, relating to further troop withdrawal at which time I hope he will pull the rug out from under the Senator from Montana and also for an early date for pulling us out of Indochina lock, stock, and barrel.

Mr. PROXMIRE. Which would make the Senator from Montana very happy.

Mr. AIKEN. Yes, it would make him very happy as he well deserves to be. Also the President, by March 1, will presumably have returned from his trip to China. I do not know what will come from that journey. I do not think that may have too much bearing, but the February 1 announcement will be very important.

I want to go on with the foreign aid program. I think the credibility of our Nation depends upon keeping the agreements which we have now, even though we have been advising the other countries that we are trying to help, that we are not going to keep up the aid program forever. That includes Europe, too. But we should let them know we intend to fund it over a period of time and then proceed to do exactly what we said we intend to do.

Mr. PROXMIRE. It is hard to argue the merits with the Senator, because there is a great deal to be said for the 1st of March date, but it may be, from the viewpoint of the conferees, that they might want a date like February 1, or something between February 1 and March 15, if the House felt that they wanted to get action on this rapidly. It is subject to leeway.

Mr. AIKEN. I think if the conferees agreed on a date between February 15 and March 1—not later than March 1—instead of the 15th of March the House has asked for, that would be very well; but I would like to see this matter cleared out of the way until our birthday celebrations in February are over. But I will trust the conferees to reach a fair agreement on that. Sometimes I think that—well, I guess I will not say what I think. It is better not to.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I agree with what the Senator has said. I originally had March 1. It is my own feeling we can get an agreement on the bill——

Mr. AIKEN. Why does not the Senator make it February 15 and let the conferees agree on March 1?

Mr. FULBRIGHT. The conferees will have to agree to resolve the difference.

I think one other point to make is that if the House, in view of the reduced amount, does not wish it to run too long, it would have no opportunity to have a shorter time if they wanted it. So that gives the conferees some leeway. The House may say that if we are going to make the amount that small, it wants the period for a short time so that they can get the authorization at the proper level, and they ought to be able to do that. I think the Senate would restrict our own conferees by insisting on a later date. They can fix any date between February 1 and March 15, if we leave it as it is. I changed that date in order to give the conferees some discretion on a date. We do not know what the House will do.

I would suppose the Senator, as a conferee, knows to what extent we had agreed on amounts and other matters, and I would hope we could get a bill very early in the next session, provided we leave the amount at this level. If we make the amount close to what it is in the bill, there will be no incentive to have another bill, because they will be satisfied to continue it at that level. The intent we have is to preserve the legislative process and also to get a bill which has legislation in it which is significant and important to the Congress, in my opinion.

I do not agree with the Senator's suggestion that this is not a commendable action on the part of the Senate. I think the least commendable action is to always defer to the wishes either of the other body or of the administration. I think it is not only within the right of the Senate but its responsibility to assert itself on occasion. This is more in accord with what the Senate did in past actions.

After all, do not forget that the Senate rejected the whole program. It rejected the bill completely in October.

Mr. AIKEN. The Senator's argument is very persuasive. I think the conferees probably will exercise their best judgment in arriving at a date somewhere between February 1 and March 15. However, I do believe that the amount ought to be $2 billion rather than $1.5 billion. Then if they compromise—and we hope they will compromise very rapidly—they could compromise on an amount approximately that which the Senate has already voted to authorize.

Mr. FULBRIGHT. I will say to the Senator that this matter was discussed at considerable length. I could not accept that, because it would end up at about what they have, which would not give them an incentive to enact legislation. One of the important elements is to preserve some incentive for both the administration and the House to arrive at a decision on the legislation itself.

I do not wish to continue these continuing resolutions. I think it completely subverts the legislative process and the Senate. I could not accept that at all. We discussed that, but I personally would not accept that amount. If this goes to conference and they pass a bill which is close to the amount that they passed, I shall oppose it.

Mr. AIKEN. No one dislikes to vote a continuing resolution at this time any more than I do, and I do not absolve the House for their unwillingness to follow the established legislative procedures, but I think it would be even more difficult to swallow if the Senate took any action that put in question, even for a period of 2 months or 2½ months, all of the agreements which we have with many countries of the world, particularly at this time. So I will vote for a continuing resolution, but I would like to vote for the kind of continuing resolution that would be helpful in arriving at a reasonable solution to the foreign aid problem.

Mr. FULBRIGHT. There is $4.7 billion in the pipeline for the servicing of any agreements we have made. Congress has made no agreements. There are no outstanding agreements that are not already funded or agreed to be funded out of the existing authorizations. This is new money that has not been authorized and has no basis whatsoever in any agreement. I do not know what agreements the Senator is talking about.

Mr. AIKEN. It is very difficult to explain to 50 or 60 or 70 other countries that there is no understanding or no implied agreement between us and those small countries that we are trying to help.

Mr. FULBRIGHT. If there are any agreements, they are unauthorized.

Mr. AIKEN. And even though the President has made considerable gains in the field of international relations, I think that we ought not to let these understandings with other countries be questioned at this time. Perhaps during the coming months we may decide to cut it considerably more for the next year. I expect we will. But I think we ought to go through the implied understandings—let me put it that way—that may not all be in writing.

Mr. McGEE. Mr. President, I wanted to express a thought or two on this matter at this late hour of this particular session of Congress for a reason. We spent a lot of time marching up the hill, and back down and then back up and then back down the hill, on the very contentious issue of foreign assistance. Some of us think it ought to be more. A great many of our distinguished colleagues think it ought to be much less. What we have been groping for here is something that comes close to what the Senate has expressed itself on.

My distinguished chairman of the Foreign Relations Committee continues to mention that the Senate voted down much more than this one tonight, but we restored it, and somewhat after, we were shamed by the public lack of acclaim for what we had done.

The Senate's latest action of record was to restore a very minimal foreign assistance figure, and that is where the Senate stands now. That is the last action by this body. Now we are caught in a bind because of the clear will of the Senate that the Mansfield amendment be accepted also as a part of the bill that has been in conference for a very long time. The Senate has made its position very clear on that. But we now find ourselves the hostage of the oncoming Christmas season, and the desire of a great many not only to go home, but a desire that has already been carried out by perhaps too many Members of this body: There is some question, as I understand it, whether there is even a quorum present in town.

Are we to be denied the measure of where this body stands by not having a rollcall vote, not having an up or down vote to determine who it is that is going to stand for the Senate position, and who is not? I need to know that. I need to know what the intention is. There has been a conference going on. I did not know about it until I was taken away from dinner and summoned over here in a hurry.

So I make the plea again to my colleagues in this body that in the Appropriations Committee yesterday we tried to arrive at what was regarded as the closest to a consensus that we could attain. We had several alternatives. McGEE and several others favored a much larger bill, about like the measure now being considered by the House, and that is still low. We are starting out low in this field in terms of what I regard as our proper responsibilities. But I lost. I was voted down in the committee, and that is what this business is all about.

So we had another proposal made to the committee, a proposal advanced by the distinguished chairman of the Committee on Foreign Relations, for a figure of $1.5 billion; and that was not agreed to by the Appropriations Committee. We groped for the best and closest figure to a middle ground that we could find, that would win the support of the committee, and that vote in support was on the lowest of the figures pending under any guise of ratification by the Members of Congress, including the Senate. That figure was the amount of the continuing resolution that had expired on December 8 and the sums appropriated under that bill.

That figure came, as I recall—I have not had time to assemble my materials here—but to about $2.704 billion, as I recall. And that was not only the majority opinion in the Appropriations Committee yesterday, but it was voted out, as I remember, 16 to 4. That was the committee's recommendation, in groping, not for a new foreign aid bill, but for a way to resolve the differences between guys like the Senator from Wyoming on the one hand and gentlemen like the Senator from Arkansas on the other, who are miles apart on this question.

We honorably arrived at a middle ground. Having arrived there, in our urgency for getting out, I would have hoped that after the discussion of our differences here on the Senate floor, and the expression of the fact that we disagreed on that figure—I disagreed with it, too, but I supported it as a good guy trying to find a way to get out of session—that we might sustain the committee.

But now we are being confronted by an effort to slash it clear back to that which has already been rejected by the Appropriations Committee in its own vote, and almost cutting in half even what has been authorized by the Senate—what was authorized by the vote of the Senate of the United States when we returned from the Thanksgiving recess. That figure, as I recall, was about $2.6 billion-plus. I have forgotten the exact figures.

So I implore my colleagues, in the interest of moving along a continuing resolution—this is not an appropriation bill per se, now—why can we not honor the attempt to find a compromise ground between those who think differently on this question?

That is what I thought we had voted out, although there was a clear expression in the meetings that it did not bind anyone to have to vote for it on the floor.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGEE. But it certainly, it seems to me, reflects the closest approximation to a compromise among gentlemen who honorably disagreed.

Mr. PROXMIRE, Mr. President, will the Senator yield?

Mr. McGEE. And that is why I would hope that we will turn down this amendment that is pending at the moment, and that we will sustain the chairman of the committee and the vote of the Appropriations Committee on the continuing figures that prevailed in the continuing resolution which expired on December 8.

That is still different from the House figure, and we will have a chance to talk about those differences with our friends in the House of Representatives. But I just cannot permit this kind of an action to proceed without every protest that I can mobilize, in view of the action of the Senate in full session on this floor last November 30 or 31, whenever it was, when we voted to authorize the funds for foreign aid, and the action of the Appropriations Committee yesterday to compromise on a middle figure.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGEE. Yes; I am glad to yield to my colleague from Wisconsin, who is the chairman of the subcommittee.

Mr. PROXMIRE. The Senator from Wyoming knows far more about that position than I do. He was chairman of the subcommittee last year and the year before, so he has carried this bill several times, and is extremely well-informed on it.

But I ask the Senator, is it not true that in committee there was no vote rejecting $1.5 billion or any other figure? The only vote taken was a vote to report the bill out; and if the Senator will recall, it was rather humorous that when Senators were called on for their votes, Senator after Senator said, "This does not bind me to vote for the bill on the floor; I have reservations on it and will probably vote against it on the floor."

So this was not any broad consensus that $2.7 billion was just the right amount, or anything of the kind. It was suggested that this was a proper amount to be recommended if we were to have a bill out on the floor, but there was no notion that we did not want to go less than that. No one was bound in any way, shape, or form to feel that he had to support a $2.7 billion figure instead of a lower figure; is that not right?

Mr. McGEE. No, not quite. A similar expression, in an informal way, showed that the Senator from Rhode Island, for example, said, "I cannot buy a lower figure; we have to go for something a little closer to the mark." The Senator from Nevada—I do not see him here now—made a similar statement. But a counting of noses told us that the measure was finished at $1.5 billion, that there was no change, and therefore the Senator from Arkansas reserved the right, as he should have and did, to say that he was going to try the amendment on the floor.

The committee found its consensus on the $2.7 billion figure, which I did not like. I thought we ought to stand by the House figure on a continuing resolution, and get out of here. That was not the figure I thought we ought to have gone along with, in order not to have to wrestle with the House about what we ought to do in the respective areas of foreign aid. But we did arrive. The consensus that was voted out 16 to 4 was the result of a great deal of consensus informally, as the Senator will recall.

Mr. PROXMIRE. There was a great deal of informal conversation, and there were some Senators who indicated that they might accept $1.5 billion. There was no vote other than the vote to report a bill out.

Mr. McGEE. No, that is right. The vote was on the lefthand column of figures.

Mr. PROXMIRE. That was it.

Mr. McGEE. Totaling $2.704 billion.

Mr. PROXMIRE. But that did not indicate that this was the figure that the Appropriations Committee did not want to go below. In fact, I think, if you put any credence at all in the remarks of the members of the committee when they voted on the bill, the feeling was that the figure must be much too high; otherwise, why would so many of the Senators have said they had great reservations, and would probably vote against it on the floor?

Mr. McGEE. Those remarks were also a little ambiguous in separating those who said they were opposed to foreign aid and would vote against foreign aid from those whose reservations involved opposition to a continuing resolution on the agreement that we reached in the committee. So those who made such statements were also split.

Mr. PROXMIRE. Just one further point on this, and that is that nobody, including, I am sure, the Senator from Arkansas, would feel that this is the right figure, or anything like it, for foreign aid for the rest of the 1972 fiscal year. The figure represented by this amendment offered by the Senator from Arkansas, of $1.5 billion, is a figure we arrived at as a basis for securing a conference on the authorization bill. That is its purpose.

So, to argue that this figure is too low, the Senator from Wyoming can make a very strong argument on that. I think many Senators would feel it is too low if it is going to continue until June 30 and that is all that is available.

I was one of the minority who voted for foreign aid at the time it was defeated in the Senate, and I think there is much good in the program. But I think if we are going to get any real, effective results in dealing with the House, a figure like this is the kind of figure we must take to conference. If we have a higher figure, it seems to me—as the Senator from Arkansas has said very persuasively—you are not going to get action on the authorization bill; and I think we have a duty to our own Foreign Relations Committee to support them.

Mr. McGEE. I am on the Foreign Relations Committee, too, and I know all we went through on the committee to try to arrive at a figure; and we arrived at what we all thought was a working figure. Even in the authorization, some votes were 8 to 7 one way and 8 to 7 the other way. It was not a lopsided figure, even there.

I am mindful of the bargaining position that is needed on the Mansfield amendment in the conference on the authorization. But that is the problem of the confrontation in the authorizing conference. We are on the Appropriations Committee, and we are asked somehow to resolve our impasse for the purpose of getting out of here until the 18th of January in order to resume this kind of operation. It is as simple as that.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FULBRIGHT. What the Senator's argument overlooks about the bill that was reported is all the policy changes or reforms. I recall that the Senator from New Jersey, in particular, is responsible for a number, but other Senators are, also. But those were very important to the continuation of the program.

This is the evil of a continuing resolution. It deals only with amounts, and the amount is only one aspect of this overall program. There were limitations and changes, and so on, in that bill. That is why it is so important to get it out of the conference.

So it is a little like dealing with horses and rabbits. Here we talk only about amounts in the continuing resolution because there is no possibility of inserting in this kind of legislation, amendments with which the House agreed that are in that bill.

The Senator from Wisconsin has said, properly, that the amount here is not the significant part. It is the parliamentary situation which will allow us, if we take this figure, to get a bill early I think—before the end of January. I think these other differences will be resolved.

Due to the circumstances of the lateness of the session and everything else, this is the way, in the wisdom of the chairman of the committee and others, with the best possibility of getting over this rough place, to get the authorizing legislation. It is that simple. It is a stopgap, pragmatic way to approach a difficult problem.

What is the alternative to this? Does the Senator wish to precipitate a long, delayed action here, for several days, as we had last year? I do not wish to do that; although, if necessary, I would not object. The Senator from Wisconsin rendered a great service to this country last year by doing that very thing. I supported him then, and, in retrospect, I think it was even wiser than I thought. Everything would indicate that that was a great service to the country.

All we are trying to do here is to get over a difficult situation, looking toward the enactment of legislation in the regular way. I think the regular procedures are very important.

The Senator mentions all this action in the Appropriations Committee. Since he has brought it up, the fact is that the Committee on Appropriations took action before the House had taken any action. They took action most informally before a continuing resolution had been reported by the House. There was no absolute assurance that there would be any continuing resolution. We just took it on faith and acted before they acted, which is a little irregular under the usual rules. I do not make any point about it, but that is what has been going on in order to get through a very difficult period with a very controversial bill.

I preferred an amendment that would provide only for administrative expenses, simply because that would make it even more certain that we would get a bill at the earliest opportunity in January, which I would think could well be the 20th, 22d, or 23d of January, because we have gone over all the matter.

Only one or two things, as the Senator knows, are in disagreement. The amount of money, actually, when you reduce it to this short period, is not much. I do not know whether the Senator was here, but the staff has calculated roughly that, reduced to this one-tenth of the difference, it only amounts to approximately $150 million, between taking this amount and the amount in the Senate version of the continuing resolution—reduced to this period of a little more than a month. So it is not such an awful amount. It looks big if one is talking about a full year; but reduced only to a month, it is not such a big difference.

Mr. McGEE. I appreciate the comments of the chairman of the Foreign Relations Committee. I respect him very much in these matters, even though we have very sharp disagreements on some of them. It is the sharpness of those disagreements that requires that men compromise. I thought we had come pretty close to a very good compromise in the meeting yesterday, that it came closest to the record that this body had already written in its last vote on this great question.

Mr. FULBRIGHT. But the Senator is ignoring all the policy questions, all the restrictions and limitations.

Mr. McGEE. I do not agree with that. I am not ignoring those. Those are very important policy limitations. They are in the realm of authorization, and they belong in the conference on authorization. Our problem is to try to get this body out of session through a continuing resolution, not through continuing authorization, not through policies. That is for the new agreement, whenever it is reached. It has nothing to do with the sums under which we already have been operating, under the preceding continuing resolution.

So I do not think we ought to muddy the water with the very able resolutions that are indeed pending. But they are still pending, and because they are still pending, we have to have a continuing resolution. One does not approach a continuing resolution by putting the pending matter that cannot be resolved into a continuing resolution. Therefore, we have to start where we are, and where we are is with the figures on which we were operating on the 8th of December. I do not like those figures. I think they are beneath our responsibility as a great power. Nonetheless, that is where we are, and we have disagreements on that.

I do not buy this pipeline business. The Senator knows much better than I that pipeline moneys are indeed committed. They are the bona fide which the negotiations with individual nations, for whatever the project is, are undertaken; and we dare not play lightly with those sums just because they are in the pipeline. Those are commitments and articles of good faith in the negotiations underway.

For that reason, if we go less than the operating figure, the effect is to slash mercilessly below the figure for foreign aid that we were even operating under before or that we authorized under the leadership of the chairman of the Committee on Foreign Relations. Thus, I think we come back again to the hard rock, which is the position of the Senate that we voted, which is closer to the position of this body, which it corrected after it had been called into question very seriously by many of the responsible voices around the Nation, after the earlier vote on this matter.

So I just cannot agree with my chairman on that matter. I disagree very sharply. I disagree really with what we are doing in the continuing resolution and the figure we are suggesting. I think we are shirking our responsibility. When we go to conference with the House, we ought not go to conference with the House with a disgraceful figure that we would not be willing to stand up for in its own right. You do not dare go into a bluff and not be prepared to back it up.

One of the dirtiest tricks I remember was one year when we went into conference in which the House was asserted to have said that they deliberately lowered a figure because they knew the Senate would raise it, and that would bail them out, and we did not raise it. They scrambled around in frantic antics.

Mr. PROXMIRE. So far as the continuing resolution is concerned, those figures we will stand by, so far as I am concerned. The figure of $1.5 billion can be justified. I am saying, on a full-year basis, it is too low. We expect the continuing resolution to be in effect only a few weeks. We hope it will be in effect only until February 1. On that basis, it may make an adjustment, as the Senator from Arkansas has said, of $150 million below——

Mr. McGEE. We play the numbers game when we do that.

Mr. PROXMIRE. I am not saying we will not have to fight for it in conference, to get that figure in conference that can be justified for that period.

Mr. McGEE. No use to fight over it if it cannot be justified for a limited period, not with the vote of this body that issued its desires or its "druthers" in the new authorization. That was $2.6 billion. That is where we are playing hanky-panky with this question, by this maneuver. We are not coming to grips with the question to which we committed ourselves. That is why I am asking this body to stand up for what it voted for, or we will look like fools running up and down the hill two or three times.

Mr. PROXMIRE. I know the Senator does not involve himself in strategy but if we provide in the foreign aid bill the $2.7 billion and then the House provides about $3 billion, they compromised in between, so where is the incentive for passing an authorization bill? They are better off to have a continuing resolution until July 1. Where is the incentive?

Mr. McGEE. We cannot cross every bridge with all of its pitfalls for the next 6 months or the next 6 years, or we would quit tonight. We have to cross one bridge at a time. How is the Senate going to look before the world, how is the world going to look before its own people, when we have not taken the action we have committed ourselves to?

Mr. CRANSTON. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. CRANSTON. I would like to say to the Senator from Wyoming, with whom I have worked closely on many matters, that, in all earnestness, what has been proposed by the Senator from Arkansas represents a compromise.

It represents a compromise on money where the Senate has gone on record. It represents a compromise on the policy matters attached to the earlier authorization bill which has gone through the Senate. That also represents the position of the Senate.

The approach I would have preferred was the original one, the Senator from Arkansas' plan to provide money only for staff and administrative purposes until we resolve the matter. The Senator from Wyoming prefers the $3 billion-plus. So do others. We have hit a midway figure. The other matter is the policy issue.

Tonight, some of us would prefer to be able to come to grips with the Mansfield amendment and get a vote in the House tomorrow at once on that.

Tonight, we would like to agree to a ceiling on Cambodian money.

Tonight, we would like to limit the President's ability to switch money from one program to another. That is urgent tonight in view of the Pakistan situation.

Tonight, we would like to limit the money that goes unilaterally and move to multilateral programs.

Tonight, we would like to get acceptable agreement for annual authorizations for State and for the USIA.

Tonight, we would like to cut back on military missions abroad and begin that process.

Tonight, we would like the Senate to require the President to release the money he has impounded for domestic programs. Others would like that never to be voted on. Others do not want the Mansfield amendment to be brought to a head, or the other policy provisions.

If we accept what the Senator from Arkansas is suggesting, we will have adopted an approach that will give us an opportunity—not tonight, not never, as some would like, or the next time when we get to appropriating next year—but in February, or before February, or if we change the date it can be in March. This is a compromise between two positions. The Senate has approved the larger amount. The Senate also approved each one of the policy provisions. So we are deserting the Senate in one field totally if we stand by the Senate totally in another field. Therefore, we compromise. What we have had is a series of authorizing bills which are part of the process supposedly equal to the appropriating process in this body.

First, we have an authorizing bill from July 1 to August 6. Nothing definitive and final about it. Then another one from August 15 to November 15 and then another from November 15 to December 8. Now again we are being asked to provide enough for them to keep going on the program if the administration wants it. Next they will say, "Why argue about these policy matters now for only a 3-month period. Let us do it in the next year." That would mean there would be a whole year of foreign aid with the Committee on Foreign Relations bypassed and no real authorization measure fully considered by the Congress. Then, when we come to July 1 next year, the same process would start all over again and we would get a continuing resolution, and we would never come to grips with it—Why not adopt the amendment proposed by the Senator from Arkansas?

We have a compromise that permits each of us to come to grips with what we want to see done, but for such a decisionmaking process to start earlier next year, I believe, represents a great compromise. I would like to see all this happen tonight.

Mr. McGEE. I could not agree more with my friend from California. I would like to see it all happen tonight. I would be delighted to see it all happen tonight. Unfortunately, we do not know what the mechanics of the past have been over the machinery of government. They did not give the wise ones over here control over the mechanisms in the House of Representatives. They are the masters of their own house. We are stuck with that operation. We are in an impasse with them over the authorization.

We made a compromise in this body but we made it by the votes of the Senate. We made a compromise on the continuing resolution. They were compromises in the proper procedure. Now, after we have made a compromise twice, not once, which in the authorization represented the best judgment of the majorities as they could be obtained, that was a compromise figure. The compromise out of the committee was an adjustment to the lower figures available through the legislative process of both Houses of Congress, not produced out of the air in one proposal as an amendment, as my colleague from Arkansas is proposing tonight, but by action of Congress we took the lowest figure. That was a compromise. It was not an easy rollover. It was a compromise. The compromises have already been made. Now we are being asked to forfeit, in effect, the foreign aid process in this country by holding us hostage to the end of the session. This did not need to wait that long. We could have got at it earlier. If it had been some other kind of bill we have always managed to come to grips with it. It came last because it is a kind of tradition, when it is a foreign aid bill, somehow, that it should come last.

I play that game, too, with my leader. It is the last thing we consider. But I would think that we could stay hinged on the compromise agreements that we arrive at along the way. We have come a long way down the road in this session. One of those landmarks is compromise — compromise — compromise — on foreign aid. We have got those figures. The committee reported those figures. I do not understand the attempt, then, to assault even that last compromise.

Mr. ELLENDER. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am very glad to yield to my other chairman.

Mr. ELLENDER. Mr. President, I have been wearing out the soles of my shoes going to and from the Senate and House trying to get some accommodation on the amounts involved in the pending resolution.

Before the Thanksgiving holidays, we were operating on a continuing resolution that expired on November 15, 1971.

In order to extend that resolution, meetings were called. In this connection, the President called some of us concerning an extension of the date. The House adopted a resolution providing for the date to be the date Congress adjourned sine die. The Committee on Appropriations provided for the date of December 1, 1971. It was solemnly agreed that by December 1 this whole matter should be resolved.

When the Committee on Appropriations fixed the date of December 1—and that was the date that I suggested—we did not know that the House of Representatives was going to take a 10-day recess before Thanksgiving. That is why I agreed with the other conferees to change the date of the extension from December 1 to December 8, again with another solemn understanding and obligation that this matter would be settled. It is now, December 15, and it is not yet settled.

I did my best to get the House Members to agree to a figure of around $2 billion. But I did not have any success.

In order to get this matter before the Senate, I proposed that we have the figure fixed at the one that was fixed in the resolution that we extended to December 8 merely to bring the matter before the Senate.

Now, my good friend from Wyoming says that the vote was 12 to four.

Mr. McGEE. The total was 16.

Mr. ELLENDER. Whatever it was, I would say that almost half of the Members voted with reservations. I know that I did.

Mr. McGEE. So did I. I voted with reservations.

Mr. ELLENDER. As the Senator knows, I have not voted for a foreign aid bill in almost 20 years. I was instrumental in quite a few cases in chipping away at the amount.

I thought the program should end, but I was never successful in reaching that goal.

The Senator from Vermont just stated a moment ago that he thought that the amount should be fixed at around $2 billion. To approach that figure of $2 billion, in my opinion I believe we ought to make the amount lower than $2 billion.

I suggested that figure to the House Members yesterday. I pointed out that this lower amount was an expression of the views of the Senator from Arkansas (Mr. FULBRIGHT) and others. I stated that it was impossible to get as much as $2.6 billion, in the circumstances. However, my plea fell on deaf ears. They proceeded to vote out the $3,100,932,000.

If we are to get a continuing resolution, I believe that if the figure that is now proposed by the Senator from Arkansas is agreed to, that in the conference we might be able to bring it up to the figure of $2 billion, which I believe the Senator from Vermont just talked about.

So, I believe that if the Senator from Wyoming would permit this figure to be voted on with the proposed expiration date, in conference with the House I feel confident that we can reach a figure of at least $2 billion and a date that would be suitable.

Mr. GRIFFIN. Mr. President, will the Senator yield to the Senator from Vermont?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I think that I have the floor. However, I would be glad to yield to the Senator from Vermont.

Mr. ELLENDER. Mr. President, first, I would like to point out that this includes, of course, only title I and title II of the foreign assistance bill. There are other funds amounting to $204 million, which would be in addition to the $2 billion the Senator from Vermont mentioned.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. McGEE. Mr. President, I will yield to the Senator from Vermont in a minute.

Mr. ELLENDER. Mr. President, I just thought I would state that although I am opposed to the bills, I felt as chairman that the resolution should be voted out so that the Senate could work its will.

Mr. McGEE. Mr. President, I appreciate the comments of my chairman. I must add that over my many years in the Senate no person or no committee of persons in the Senate has visited as many of the aid areas involved in the appropriations each year and no one person has clamped down harder and in a more responsible way than has the senior Senator from Louisiana.

That is one of the reasons why the program is really a much more responsible program than it once was in the loose days when we were beginning to learn a great deal from the Senator from Louisiana.

However, the point still is that we stand before the world tonight and we do not dare stand before the House of Representatives and say, "Look, the lousy vote we had in the Senate was not the will of the Senate. We were just playing games with the Members of the House. They are stubborn."

We are going to be judged on this. The Senate went up and down the hill once before. We got a lot of complaints from all over the United States for the way in which we approached the question.

I am only pleading that we be responsible tonight. We have made our will known. That is the reason I cannot buy this new compromise figure. We will compromise ourselves right out of the ball park.

Mr. GRIFFIN. Mr. President, will the Senator from Wyoming please yield to give the Senator from Vermont an opportunity to make a correction?

Mr. McGEE. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I want to make it clear that when I mentioned the figure of $2 billion, I was suggesting $2 billion as an amendment to the amendment offered by the Senator from Arkansas and not as an amendment to the figure of the Appropriations Committee.

Mr. McGEE. I understood it that way.

Mr. AIKEN. I felt that if this body agreed to $2 billion, when the conferees met they could then arrive at a figure not far below what the Senate has already authorized. And I believe the Appropriations Committee recommended an appropriation of approximately $2.7 billion. If that figure happens to come down another $100 million—and $100 million is not what it used to be.

Mr. McGEE. I would not know. I never had that much.

Mr. ELLENDER. Mr. President, as the Senator knows, the House figure was $3.1 billion.

Mr. AIKEN. That is too high.

Mr. McGEE. Does that not include a carryover of about $456 million and other items in title III and IV? It really is not that much. It is about $2.7 billion.

Mr. ELLENDER. That includes the carryover.

Mr. McGEE. Yes. The Senator is correct.

Mr. AIKEN. The Senate authorized $2.658 billion; and the Committee on Appropriations agreed on $2.698 billion. That is a cut of about 20 percent from what was provided a year ago. It seems to me if we cut this 20 percent a year and if we could cut other appropriations accordingly in other parts of the world perhaps we might be in a little better condition internationally than we are now.

Mr. McGEE. Mr. President, I am ready to yield the floor.

Mr. COOPER. Mr. President, I oppose the amendment of the chairman of the Committee on Foreign Relations and for a moment or two I would like to give my reasons.

I have served on conference committees and I know the myriad of subjects that have to be dealt with are difficult and compromises have to be made.

I think for the rest of us who are not on that committee I should say we have some duty to try to approximate, if we can, the sense of the Senate as expressed in a vote on this subject.

In writing a continuing resolution there are two questions involved. The first question is the amount and the other question is time.

The Senate expressed itself in the first foreign aid bill, which was defeated, and then, there was the second bill which was laboriously worked out in the Committee on Foreign Relations. The chairman of the committee gave us fine leadership in working out that bill and it was reported unanimously by the Committee on Foreign Relations in two parts and it was adopted by the Senate.

Those two bills, according to the figures which have been given me by Mr. Marcy of the Committee on Foreign Relations indicate that the authorization of those two bills was $2.347 billion. So the Senate did vote for two bills authorizing $2.347 billion.

I think we should be guided by that. In our last conference, where we struggled for days, we made progress all along, except on the amendment of the distinguished Senator from Montana. I believe all of us, even those of us on the minority side, stood by him; we did not retreat, we supported him.

However, it was agreed in committee that we try to resolve at least on a tentative basis the other sections of the bill, hoping we could come to a final resolution on the Mansfield amendment.

I might say the House receded or tentatively receded on practically every other section of the bill.

I made the suggestion in conference that we settle on $2.7 billion. The House conferees opposed it strongly. We took a vote and the committee voted for $2.7 billion. That was the action of the Committee on Foreign Relations, but the Senate did vote earlier and voted for an authorization of $2.347 billion. I think that should be considered.

The chairman gave his point of view that if we want to vote a foreign aid program we can vote the continuing resolution, but if we are to have one we have to have one with some substance to it.

The Senator from Arkansas would authorize one-half of the amount which was authorized under the last continuing resolution, and that would be approximately one-half, or about $1.350 billion.

The report also states that $300 million shall be available for "such sales to Israel." If $300 million were used there would be about $1 billion left for the foreign aid program. I would say that would completely destroy and abrogate the foreign aid program.

I followed the advice of my minority member as to the amount it should be, that should be agreed upon; but I do not think it should be less than $2 billion. I wanted to make my position clear.

I could suggest an amount myself, as could any other Member, but the only guide we have is what the Senate did when it voted on the foreign aid program at $2.347 billion.

Mr. GRIFFIN. Mr. President, I wish briefly to indicate that I agree wholeheartedly with what the distinguished Senator from Kentucky has said, and his evaluation of the pending amendment offered by the distinguished Senator from Arkansas. I also wish to indicate my support for the remarks and the position taken by the distinguished Senator from Wyoming (Mr. McGEE).

So far as the Senate is concerned, I believe some progress has been made in reaching the point where we find ourselves now. But it is obvious that we cannot reach agreement tonight and that we will not be able to adjourn sine die this evening. The House has already gone home for the day, and will be back in session tomorrow.

Obviously, there is strong opposition to the amendment offered by the Senator from Arkansas. The Senator from Vermont (Mr. AIKEN) made a suggestion which, it seems to me, is worthy of overnight consideration. Perhaps something will come of it. I would like to suggest that we have arrived at a point where it might be best to go home for the day and come back in tomorrow. Perhaps we will be ready then to come to an agreement.

Mr. MANSFIELD. I think there is a good deal of merit in what the distinguished acting minority leader said.

I wonder, though, if it would be possible, rather than to have a vote tonight, which would have to be completed automatically tomorrow, if it might not be better to come in at 10 a.m., let us say, rather than 9 a.m. tomorrow, and vote on the pending amendment at 11 a.m.

Mr. FULBRIGHT. I cannot consent to any agreement to vote. I wanted to say to the Senator that this is an unusual situation. I agreed to this reluctantly. As I said, I had a different one. I was only seeking to move the Senate along. If this is to be debated in the regular course as if we were deciding on the merits, that is another thing, but I do not want to mislead anyone to think I would accept $2 billion. I think under the conditions that prevail there are enough of us to see that it is not accepted.

We are dealing with a difficult situation. I was trying to cooperate with the Senator from Louisiana, the chairman of the committee, and other Members of the Senate, so I agreed to this procedure. It does not bind anyone who was not there. Anyone can do as he sees fit, as the Senator from Wyoming has done. But it should be clear under the existing circumstances it is going to be difficult for us to discuss a full scale program. I think it will be very difficult. As a practical matter, being pragmatic about it, in order to move this along and get to a time when we could get a bill, this amendment is about all that can be gotten through under the circumstances now. I think that should be understood. I am not going to accept $2 billion or $2.5 billion, and so on. I am not the only one. I think I speak for a number of Senators.

Mr. McGEE. Will the Senator be willing to leave that to the judgment of this body rather than to his own action? I think that is the question at stake.

Mr. FULBRIGHT. This Senator will abide by the rules of the Senate and do what he thinks is his responsibility. I feel it is my responsibility to do everything in my power to see that the legislative process is not subverted by a continuing resolution. I am a chairman of a legislative committee and I feel my responsibility as much as he feels his.

He has already outlined the differences of view. Within the rules of the Senate, we are entitled to certain privileges of debate, and I do not see, at this late hour, that we are under any illusions. I think it would be unwise to prolong the agony, because I do not see that there is any possibility of getting anything except by unanimous consent under existing circumstances.

Mr. MANSFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. Mr. President, I ask that a Senator relieve the distinguished Senator from Missouri (Mr. EAGLETON) from his duties in the Chair so he can come down here while we are discussing some matters and present an unobjected-to measure affecting the welfare of the District of Columbia.

AMENDMENT OF THE DISTRICT OF COLUMBIA ELECTION ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2878.

The PRESIDING OFFICER (Mr. CRANSTON) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate numbered 12 to the amendment of the House to the bill (S. 2878) entitled "An Act to amend the District of Columbia Election Act, and for other purposes," which was on page 8 of the Senate engrossed amendments, strike out lines 7 through 13 inclusive, and insert:

> (27) Section 13 of such Act (as amended by paragraph (25) of this Act) is amended by adding after subsection (e) the following new subsection:
>
> "(f) (1) Subsection (e) of this section shall not require—
>
> "(A) registration under subsection (e) (1) of any independent committee or party committee which is registered as a political committee under section 303 of the Federal Election Campaign Act of 1971.
>
> "(B) filing of any statement under paragraph (2) of such subsection (e) with respect to an election for Federal office by a candidate or committee required to file a report with respect to such election under section 304 of the Federal Election Campaign Act of 1971, or
>
> "(C) the filing of any statement under paragraph (4) of such subsection (e) with respect to any election for Federal office by any person required to file a report with respect to such election under section 305 of the Federal Election Campaign Act of 1971.
>
> "(2) Paragraphs (5), (6), and (7) of subsection (e) of this section shall not apply to any committee which is not required to register under subsection (e) (1) of this section.
>
> "(3) For purposes of this subsection, the terms 'election' and 'Federal office' have the same meaning as such terms have under section 301 of the Federal Election Campaign Act of 1971.
>
> "(4) This subsection shall take effect on the date on which title III of the Federal Campaign Act of 1971 takes effect."

Mr. EAGLETON. Mr. President, I move that the Senate recede from its amendments numbered 6 and 7 to the amendment of the House to the bill (S. 2878), to amend the District of Columbia Election Act, and for other purposes, and that the Senate concur in the amendments of the House to the amendment No. 12 of the Senate to the amendment of the House to the bill (S. 2878), to amend the District of Columbia Election Act, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

FURTHER CONTINUING APPROPRIATIONS, 1972

The Senate resumed the consideration of the joint resolution (S.J. Res. 1005) making further continuing appropriations for the fiscal year 1972, and for other purposes.

Mr. FULBRIGHT. Mr. President, if this amendment is voted on, itself, and if it carries, of course that ends the matter. If it is defeated, of course the other amendment which I had would be in order, as I understand it. The other amendment is one which I have not offered, but which I have sent to the desk, and it would be in order.

Mr. MANSFIELD. Yes.

Mr. FULBRIGHT. And it would be understood that any agreement on limitation of time on disposition of that I will not agree to, or any other amendment.

Mr. MANSFIELD. That is all right.

Mr. FULBRIGHT. If it is only on this amendment, to vote it up or down, I would not object to voting at 10 o'clock in the morning, if the Senator wishes.

Mr. MANSFIELD. Mr. President, I hope, with the concurrence of the acting minority leader, that it would be possible to vote on the amendment at 11 o'clock tomorrow morning and come in at 10 o'clock.

Mr. GRIFFIN. Mr. President, reserving the right to object, I would rather not agree to it tonight, I will say to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FULBRIGHT. Mr. President, reserving the right to object——

Mr. MANSFIELD. To put something in the RECORD.

Mr. FULBRIGHT. I offered to agree to this. If we are going to go this route——

The PRESIDING OFFICER. There is no right on the part of a Senator to reserve objection.

Mr. FULBRIGHT. The Senator asked unanimous consent to withdraw the quorum call. I have the right to object.

The PRESIDING OFFICER. The Senator does not have the right to reserve the right to object. He has the right to object.

Mr. FULBRIGHT. I object.

Mr. MANSFIELD. Mr. President, will the Senator withhold that?

The PRESIDING OFFICER. Objection has been made. The clerk will resume the call of the roll.

The second assistant legislative clerk resumed the call of the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, in order to have an insertion in the RECORD, and that it then be resumed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SUMMARY OF APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, I ask unanimous consent that there be placed in the RECORD at this point a summary of appropriation bills in the Senate reflecting the hearing workload and chronological information relating to the dates of the bills' receipt, referral, reporting, and passage by the Senate.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF APPROPRIATION BILLS IN THE SENATE (JAN. 21-DEC. 9, 1971)

Hearing	Number of days of hearing	1st date of hearing	Number of witnesses	Date bill received and referred to committee	Date bill reported by committee	Date bill passed Senate
FISCAL YEAR 1971						
Continuing Resolution (SST) (H.J. Res. 468)	2	Mar. 10	43	Mar. 19	Mar. 19	Mar. 24
Labor Supplemental (H.J. Res. 465)	1	Mar. 15	6	Mar. 16	Mar. 16	Mar. 16
Second Supplemental (H.R. 8190)	25	Mar. 31	382	May 13	May 13	May 19
Urgent Supplemental (H.J. Res. 567)	6	Mar. 15	30	Apr. 22	Apr. 23	Apr. 23
FISCAL YEAR 1972						
The Budget of the United States	2	Feb. 18	11			
Agriculture-Environmental-Consumer Protection (H.R. 9270)	16	Mar. 30	390	June 24	July 14	July 15
Predator Control (H.R. 9270)	4	June 2	19	(1)	(1)	(1)
Food Programs—Urgent (H.J. Res. 744)				June 24	June 25	June 28
Defense Department (H.R. 11731)	30	Mar. 15	264	Nov. 18	Nov. 18	Nov. 23
District of Columbia (H.R. 11932)	17	do	160	Dec. 2	Dec. 2	Dec. 3
Foreign Assistance (H.R. 12067)	13	June 8	54	Dec. 9	(2)	(2)
Housing and Urban Development-Space-Science-Veterans' Administration (H.R. 9382)	10	May 18	113	July 6	July 15	July 20
Interior (H.R. 9417)	19	Feb. 19	221	June 30	do	July 16
Labor and Health, Education, and Welfare (H.R. 10061)	21	June 9	273	July 28	July 29	July 30
Office of Education (H.R. 7016)	13	Mar. 30	163	Apr. 14	June 8	June 10
Emergency Employment Assistance (H. J. Res. 833)	1	July 27	6	Aug. 5	Aug. 5	Aug. 6
Supplemental (H. J. Res. 915)	1	Sept. 30	5	Oct. 7	Oct. 7	Oct. 8
Legislative Branch (H.R. 8825)	3	June 7	55	June 7	June 18	June 21
Military Construction (H.R. 11418)	7	June 3	58	Oct. 28	Nov. 2	Nov. 3
Public Works-Atomic Energy Commission (H.R. 10090)	38	Mar. 9	1,160	July 30	July 30	July 31
State-Justice-Commerce-Judiciary (H.R. 9272)	8	June 24	174	June 28	July 15	July 19
Transportation (H.R. 9667)	6	June 12	162	July 15	July 20	July 22
Treasury-U.S. Postal Service-General Government (H.R. 9271)	11	Apr. 27	73	June 28	June 28	June 29
Drug Abuse Control and Prevention (H.R. 9271)	1	June 25	5	(1)	(1)	(1)
Supplemental (H.R. 11955)	11	Oct. 13	[3] 250	Dec. 2	Dec. 2	Dec. 3
Total	266		[3] 4,077			

[1] Budget request considered under regular appropriation bill.

[2] Bill (H.R. 12067) passed in House of Representatives Dec. 8, 1971, and referred to Senate Committee on Appropriations Dec. 9.

[3] Estimated.

TABULATION SHOWING BUDGET REQUESTS AND ACTIONS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. ELLENDER. Mr. President, I ask unanimous consent that there be placed in the RECORD at this point a summary tabulation showing the budget requests considered by the House, amounts approved by the House, budget requests considered by the Senate, amounts approved by the Senate, and amounts enacted and increases or decreases, comparing amounts enacted with budget estimates to the Senate.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS, U.S. SENATE

BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 92D CONG., 1ST SESS. AS OF DECEMBER

[Does not include any "back-door" type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year (1)	Budget requests considered by House [1] (2)	Approved by House (3)	Budget requests considered by Senate [1] (4)	Approved by Senate (5)	Enacted (6)	(+) or (−), enacted compared with budget requests (7)
A. BILLS FOR FISCAL 1972						
1. Education (H.R. 7016)	$5,068,343,000	$4,800,088,000	$5,153,186,000	$5,615,918,000	$5,146,311,000	[3] −$6,875,000
2. Legislative (H.R. 8825)	455,744,595	449,899,605	535,439,607	532,297,749	529,309,749	−6,039,858
3. Agriculture-Environmental and Consumer Protection (H.R. 9270)	12,104,813,850	12,423,896,050	12,104,813,850	13,621,677,050	13,276,900,050	[2] +1,172,086,200

COMMITTEE ON APPROPRIATIONS, U.S. SENATE—Continued

BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 92D CONG., 1ST SESS. AS OF DECEMBER—Continued

[Does not include any "back-door" type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year (1)	[1] Budget requests considered by House (2)	Approved by House (3)	[1] Budget requests considered by Senate (4)	Approved by Senate (5)	Enacted (6)	(+) or (−), enacted compared with budget requests (7)
A. BILLS FOR FISCAL 1972—Continued						
4. State-Justice-Commerce-Judiciary (H.R. 9272)	4, 204, 997, 000	[4] 3, 684, 183, 000	4, 216, 802, 000	4, 098, 083, 000	4, 067, 116, 000	−149, 686, 000
5. Treasury-Postal Service-General Government (H.R. 9271)	4, 780, 576, 000	4, 487, 676, 190	4, 809, 216, 000	4, 752, 789, 690	4, 528, 986, 690	−280, 229, 310
6. Interior (H.R. 9417)	2, 164, 569, 035	2, 159, 508, 035	2, 194, 594, 035	2, 226, 023, 035	2, 223, 980, 035	+29, 386, 000
7. HUD-Space-Science-Veterans (H.R. 9382)	17, 457, 017, 000	18, 115, 203, 000	17, 457, 107, 000	18, 698, 518, 000	18, 339, 738, 000	[3] +882, 721, 000
8. Transportation (H.R. 9667)	3, 007, 550, 997	2, 733, 369, 997	2, 860, 237, 997	2, 958, 929, 997	2, 905, 310, 997	+44, 983, 000
Fiscal year 1972 amounts only	(2, 833, 229, 997)	(2, 559, 048, 997)	(2, 686, 006, 997)	(2, 784, 608, 997)	(2, 730, 989, 997)	(+44, 893, 000)
9. Labor-HEW (H.R. 10061)	19, 942, 996, 000	20, 361, 247, 000	20, 123, 637, 000	21, 018, 317, 000	20, 704, 662, 000	+581, 025, 000
10. Public Works-AEC (H.R. 10090)	4, 616, 082, 000	4, 576, 173, 000	4, 616, 082, 000	4, 716, 922, 000	4, 675, 125, 000	+59, 043, 000
11. Military construction (H.R. 11418)	2, 129, 805, 000	2, 012, 446, 000	2, 129, 805, 000	2, 002, 312, 000	2, 037, 097, 000	−92, 708, 000
12. Defense (H.R. 11731)	73, 543, 829, 000	71, 048, 013, 000	73, 543, 829, 000	70, 849, 113, 000	70, 518, 463, 000	−3, 025, 366, 000
13. District of Columbia (Federal funds) (H.R. 11932)	289, 197, 000	268, 597, 000	289, 197, 000	285, 597, 000	272, 597, 000	−16, 600, 000
14. Emergency employment assistance (H.J. Res. 833)	1, 000, 000, 000	1, 000, 000, 000	1, 000, 000, 000	1, 000, 000, 000	1, 000, 000, 000	
15. Summer feeding programs for children (H.J. Res. 744)		17, 000, 000		17, 000, 000	17, 000, 000	+17, 000, 000
16. Federal unemployment benefits and allowances (H.J. Res. 915)	270, 500, 000	270, 500, 000	270, 500, 000	270, 500, 000	270, 500, 000	
17. Supplemental, 1972 (H.R. 11955)	[5] 769, 341, 154	[5] 786, 282, 654	3, 254, 924, 371	3, 998, 045, 371	3, 406, 385, 371	+151, 461, 000
18. Foreign assistance (H.R. 12067)	[6] (4, 342, 635, 000)	[6] (3, 003, 461, 000)				
Total, bills for fiscal 1972	151, 805, 361, 631	149, 194, 082, 531	154, 559, 280, 860	156, 662, 042, 892	153, 919, 481, 892	−639, 798, 968
B. BILLS FOR FISCAL 1971						
1. Supplemental, Department of Labor (H.J. Res. 465)	50, 675, 000	50, 675, 000	50, 675, 000	50, 675, 000	50, 675, 000	
2. Continuing resolution (Transportation) (H.J. Res. 468)		[7] −55, 000, 000		[7] −55, 000, 000	[7] −55, 000, 000	[7] −55, 000, 000
3. Urgent supplemental (H.J. Res. 567)	1, 042, 294, 000	1, 037, 872, 000	1, 042, 294, 000	1, 037, 872, 000	1, 037, 872, 000	−4, 422, 000
4. 2d supplemental (H.R. 8190)	[8] 7, 746, 078, 149	[8] 6, 889, 152, 545	[8] 7, 879, 740, 077	[8] 7, 285, 468, 973	[8] 7, 028, 195, 973	−851, 544, 104
Total, bills for fiscal 1971	8, 839, 047, 149	7, 922, 699, 545	8, 972, 709, 077	8, 319, 015, 973	8, 061, 742, 973	−910, 966, 104
C. Total for the session	160, 644, 468, 780	157, 116, 782, 076	163, 531, 989, 937	164, 981, 058, 865	161, 981, 224, 865	−1, 550, 765, 072

[1] The Budget for 1972, as submitted Jan. 29, tentatively estimated total new budget authority for 1972 at $267,437,000,000 gross ($248,965,000,000 net of some $18,472,000,000 interfund and and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $97,946,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, various trust funds, etc. already provided for in various basic laws. The remainder, $169,491,000,000 is for consideration at this session (mostly in the appropriation bills). About $17,200,000,000 of the $169.5 billion was shown in the January budget as being "for later transmittal" for new or expanded legislation, pay increases, and contingencies, and about $38,114,000,000 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically.

[2] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown the amount in the House approved bill is in effect a net increase of $131,745,000 over the budget requests considered by the House; the Senate approved bill on the same basis is $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[3] There was $1,000,000,000 in the budget as a proposed supplemental for special revenue sharing, or one-half year funding in certain housing and urban development programs. Taking into account that $850,000,000 of that amount was for the HUD-Space-Science-Veterans bill the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests. Taking into account the remaining $150,000,000 of the proposed supplemental which was for the agriculture-environmental and consumer protection bill, the House bill is $169,082,200 above the budget requests; the Senate bill is $1,366,863,200 above the requests; and the enacted figure is $1,022,086,200 above the requests.

[4] Excludes $325,715,000 because all maritime programs and one judiciary item were struck by House floor points of order.

[5] Excludes $2,001,021,000 for programs under Economic Opportunity Act for lack of authorization.

[6] The foreign assistance appropriation bill (H.R. 12067) passed the House with a figure of $3,003,461,000, a reduction under the budget estimate of $1,339,174,000. The bill has not been reported by the Senate Committee on Appropriations because there is no authorization for the economic and military assistance programs. The authority contained in a continuing resolution as reported to the Senate will continue the programs until Mar. 1, 1972.

[7] The budget requests for fiscal 1971, as reflected in the 1971 transportation appropriation bill considered by the Congress during the 2d sess., 91st Cong., of $2,553,816,437, were reduced by $95,681,832 by actions of Congress during the 2d sess., 91st Cong. The amount carried in the fiscal 1972 budget for the 1972 transportation appropriation bill reflected such reductions. It is estimated that congressional action at the current session on 1971 appropriations for the Department of Transportation (killing the SST in H.J. Res. 468) further reduced the amount available for fiscal 1971 by $55,000,000.

[8] Includes advance appropriation of $100,000,000 for 1972 for cancer research.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I ask unanimous consent that the order that the Senate convene at 9 o'clock tomorrow morning be vacated and that when the Senate completes its business this evening, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 1972

The Senate continued with the consideration of the joint resolution (H.J. Res. 1005) making further continuing appropriations for the fiscal year 1972, and for other purposes.

Mr. FULBRIGHT. Mr. President, do I understand that there is objection to the proposed agreement to vote on this amendment at 11 o'clock?

Mr. GRIFFIN. Mr. President, if the Senator from Arkansas will yield, does the request pending cut off any amendments to the amendment of the Senator from Arkansas?

The PRESIDING OFFICER. No amendment to the amendment of the Senator from Arkansas is in order. It is in the second degree.

Mr. GRIFFIN. What about other amendments that I understand the Senator from Arkansas intends to offer? For example, I understand he has one that would limit the resolution, in effect, to administrative expenses? Is he willing at this time to agree to a limitation of time on that amendment?

Mr. FULBRIGHT. No, not at this time.

Mr. GRIFFIN. No other limitations of time?

Mr. FULBRIGHT. Not at this time.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. AIKEN. Mr. President, if the Senator will yield, if we vote on the amendment to the amendment which is offered by the Senator from Arkansas and that is defeated, I shall be glad to propose an amendment making the amount $2 billion. If the amendment of the Senator from Arkansas carries, of course, that is it.

Mr. MANSFIELD. Mr. President, how much will that be under the amount voted by the commitee?

Mr. McGEE. $700 million.

Mr. MANSFIELD. That would be $700 million less.

Mr. AIKEN. Mr. President, that is my idea of a compromise, but sometimes the compromiser gets caught in the middle.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, it does not appear that we can get anywhere tonight. So first let me suggest the absence of a quorum, with the understanding that it will not be live and that I will be recognized at its conclusion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Michigan.

CLOTURE MOTION

Mr. GRIFFIN. Mr. President, I send to the desk a cloture motion and ask that it be stated.

The PRESIDING OFFICER. The motion will be stated.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.J. Res. 1005), making further continuing appropriations for fiscal year 1972.

1. Hugh Scott.
2. Robert P. Griffin.
3. Marlow W. Cook.
4. J. Glenn Beall, Jr.
5. Clifford P. Hansen.
6. Roman L. Hruska.
7. Jack Miller.
8. Robert Taft, Jr.
9. Strom Thurmond.
10. Carl T. Curtis.
11. Bob Packwood.
12. Edward J. Gurney.
13. Peter H. Dominick.
14. Gale W. McGee.
15. Robert C. Byrd of West Virginia.
16. Milton R. Young.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, this is the first time in my nearly 27 years that I have signed a cloture motion. For the first 25 years I voted for cloture only twice.

We have now come to a situation where practically everything is filibustered and there is no chance of coming to any solution so as to enable the majority will to prevail. There is no other solution, I think, than to invoke cloture. That is why, for the first time, I have signed a cloture motion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I do not know why cloture is needed when I said I was perfectly willing to vote tomorrow morning, and the minority leader said he did not want to.

Mr. YOUNG. The Senator will agree to a vote on the first amendment, but he has a half dozen other amendments he will filibuster on.

Mr. GRIFFIN. Mr. President, I believe the situation has been described very well by the Senator from North Dakota. We all understand what the situation really is.

ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, in hopes of achieving peace and harmony and a better feeling of cooperation tomorrow, I move that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 8 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Thursday, December 16, 1971, at 10 a.m.

NOMINATIONS

Executive nomiations received by the Senate December 15, 1971:

DEPUTY SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

William Rinehart Pearce, of Minnesota, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador.

DIPLOMATIC AND FOREIGN SERVICE

Matthew J. Looram, Jr., of the District of Columbia, a Foreign Service Officer of Class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

ACTION

Kevin O'Donnell, of Maryland, to be an Associate Director of Action; new position.

HOUSE OF REPRESENTATIVES—*Wednesday, December 15, 1971*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Fear not: for, behold, I bring you good tidings of great joy, which shall be to all people.—Luke 2: 10.

O Thou who art the source of every noble desire and the inspiration of every worthy devotion, draw us together into a unity of spirit as we worship Thee in spirit and in truth.

May this advent season mark the beginning of a new life for us and for our Nation. Grant that the spirit of Him born on Christmas Day may move in our hearts and in the hearts of our countrymen as we strive to lift our Nation to greater heights of altruistic achievements and patriotic fervor.

Amid the stress and strain of daily toil may the peace of Thy presence abide within us. In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8312. An act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10367) entitled "An act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 2878. An act to amend the District of Columbia Election Act, and for other purposes.

CONFERENCE REPORT ON H.R. 11731, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

The SPEAKER. The unfinished business is the question on the adoption of the conference report on the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The question was taken.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 293, nays 39, answered "present" 1, not voting 98, as follows:

[Roll No. 466]

YEAS—293

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baring
Begich
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Carney
Carter
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord

Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Monagan
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Railsback
Rarick
Reid, N.Y.
Rhodes
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zablocki
Zwach

NAYS—39

Abourezk
Abzug
Aspin
Badillo
Bingham
Burton
Carey, N.Y.
Dellums
Dow
Drinan
Eckhardt
Edwards, Calif.
Hechler, W. Va.
Helstoski
Hungate
Koch
Madden
Metcalfe
Mikva
Mitchell
Mosher
Nix
Obey
O'Konski
Podell
Rangel
Reuss
Roybal
Scheuer
Schneebeli
Seiberling
Stanton, James V.
Stokes
Talcott
Vanik
Waldie
Whalen
Wolff
Yates

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—98

Anderson, Tenn.
Andrews, Ala.
Ashley
Baker
Barrett
Belcher
Biaggi
Blatnik
Bolling
Brooks
Cabell
Caffery
Camp
Casey, Tex.
Cederberg
Chisholm
Clancy
Clay
Conyers
Cotter
Crane
Derwinski
Diggs
Dowdy
Dwyer
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Flynt
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gaydos
Goldwater
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Hagan
Hall
Hansen, Wash.
Harrington
Hawkins
Hébert
Hicks, Wash.
Horton
Jacobs
Kastenmeier
Kee
Landrum
Lujan
McClory
McCloskey
McClure
McKinney
McMillan
Macdonald, Mass.
Martin
Miller, Calif.
Mink
Mollohan
Montgomery
Morse
Moss
Nedzi
O'Hara
O'Neill
Pelly
Pirnie
Poage
Pucinski
Quillen
Randall
Rees
Robison, N.Y.
Rosenthal
Rousselot
Ryan
St Germain
Sarbanes
Schmitz
Sisk
Smith, Calif.
Springer
Staggers
Stratton
Sullivan
Teague, Tex.
Thompson, N.J.
Veysey
Waggonner
Wiggins
Wyatt
Young, Tex.
Zion

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Thompson of New Jersey against.
Mr. Waggonner for, with Mr. Kastenmeier against.
Mr. Moss for, with Mrs. Chisholm against.
Mr. O'Neill for, with Mr. Diggs against.
Mr. Teague of Texas for, with Mr. Conyers against.
Mr. Biaggi for, with Mr. Rosenthal against.
Mr. Evins of Tennessee for, with Mr. Ryan against.
Mr. Smith of California for, with Mr. Fraser against.
Mr. Martin for, with Mr. Clay against.
Mr. Horton for, with Mr. Hawkins against.
Mr. Stratton for, with Mr. Harrington against.
Mr. Staggers for, with Mr. Green of Pennsylvania against.
Mr. Ashley for, with Mr. William D. Ford against.
Mr. Robison of New York for, with Mr. Rees against.
Mr. Cederberg for, with Mr. Nedzi against.
Mr. Williams for, with Mr. McCloskey against.

Until further notice:

Mr. Miller of California with Mr. Gubser.
Mr. Young of Texas with Mr. Derwinski.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Fuqua with Mr. Pelly.
Mr. James V. Stanton with Mr. Crane.
Mr. Sisk with Mr. Goldwater.
Mr. Caffery with Mr. Belcher.
Mr. Andrews of Alabama with Mr. Hall.
Mr. Macdonald of Massachusetts with Mr. Morse.
Mrs. Griffiths with Mr. Pirnie.
Mr. Poage with Mr. McClure.
Mrs. Hansen of Washington with Mr. Wyatt.
Mr. Brooks with Mr. Springer.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. St Germain with Mr. Clancy.
Mr. Gray with Mr. McKinney.
Mr. Kee with Mr. Veysey.
Mr. Hicks of Washington with Mr. McClory.
Mr. O'Hara with Mr. Esch.
Mr. Flynt with Mr. Quillen.
Mr. Blatnik with Mr. Eshleman.
Mr. Randall with Mr. Camp.
Mr. Cabell with Mr. Rousselot.
Mr. McMillan with Mr. Schmitz.
Mr. Montgomery with Mr. Zion.
Mr. Gaydos with Mr. Lujan.
Mr. Casey of Texas with Mr. Fulton of Tennessee.
Mr. Cotter with Mr. Sarbanes.
Mr. Hagan with Mr. Pucinski.
Mrs. Mink with Mr. Jacobs.
Mr. Mollohan with Mr. Landrum.

Mr. NIX changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MISTAKE TO PROHIBIT PROFICIENCY FLYING BY STUDENTS

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, yesterday, late, while considering the conference report on the Defense appropriations bill, I asked several questions and was not satisfied with the answers. We adjourned suddenly because a quorum was not present.

The conferees have prohibited proficiency flying for students. I am distressed; the Navy is worried; OSD is concerned about the possible demise of proficiency flying.

This little, almost hidden provision, in section 715, will clip the wings of our air defenses in the Army, Navy, Air Force, and Marines. This prohibition will seriously degrade our airpower—which as everyone must know is our most effective defensive arm. Airpower—of all the services—was our most effective tactical, strategic, and logistic force in Southeast Asia. Airpower is our most effective deterrent with NATO—nuclear weapons will not be used, as we know. Airpower will be the most likely weaponry used in the Middle East—it is now our best deterrent of a hot war. Aircraft from the land or sea, or both, will be our forte—and everyone in the service, on all sides, knows this.

In spite of this, we are ending proficiency flying for all intents and purposes. This is cutting the heart out of our air defenses.

Proficiency flying is flying by rated personnel, primarily pilots, who are temporarily assigned to nonflying duties. It is designed to keep pilots "up to speed," to maintain their special skill, to keep their "feel" and motivation for operational flying.

Those who need and desire proficiency flying most are pilots selected for special courses of advanced study, including technical, scientific, and postgraduate schools.

Personnel selected for advanced education are those with the most ability and potential for leadership. They are mostly the brightest, most talented "upward bound" officers. They are the "top of the breed"; they are the future leaders of our defense forces.

The elite of those chosen for advanced education are the rated personnel—all of whom expect to become operational commanders after they accomplish their advanced education.

This small, extraordinary group of potential leaders, already identified for leadership roles, are the most adversely affected by the proposed prohibition of proficiency flying for students.

This is a grave mistake. I believe the committee is making this grievous error on bad advice.

Every aviation expert—in all of the services, and in commercial aviation as well—concurs that proficiency flying is essential to maintain flying skills and motivation.

I no longer fly, but I believe I can understand the expert aviators' universally held conviction that proficiency flying is essential to a pilot's career and the readiness of the air arm of our defense forces.

Every expert in postgraduate education for rated personnel concurs in the need for proficiency flying.

I am no longer active in formal postgraduate work or study, but I believe I can understand the expert academicians' universally held conviction that proficiency flying is essential in attracting the brightest upward bound, junior rated officers to postgraduate schools.

Everyone who has a skill understands the need for maintaining his proficiency.

Ask any athlete, for instance, what happens to his skills and desire if he is unable to maintain his "game"—golf, football, boxing, anything.

Ask any surgeon as another example what happens to his skill if he must interrupt his practice.

A similar degradation of skill befalls the pilot when he is prohibited from flying.

Actually three phenomena occur: First, the pilot will not resume flying; or second, he may try and "rack up" his aircraft or crew in the attempt; or third, he will not accept a nonflying assignment in the first instance even though it would be personally beneficial to his career advancement.

In every case the armed services and our national defenses lose heavily.

Some reference was made to the costs of proficiency flying. The figure mentioned was inaccurate and exaggerated. Actually, the true costs have never been developed by the committee.

I, too, want to reduce costs—and will vote for every true reduction of costs recommended by this committee.

I resent the offhand insinuation by the gentleman from Ohio (Mr. MINSHALL), in yesterday's colloquy with me when he suggested my interest in proficiency fllying was affected by the naval auxiliary landing field at Monterey, which adjoins the naval postgraduate school in my district.

I want to maintain proficiency flying whether NALF remains or not. NALF is a minor military base in my district. A civilian tenant would be much more acceptable to our civilian community. I am strongly and actively urging the deactivation of two military bases—Camp Roberts and San Luis Obispo—in my district.

I have joined the reclama of Secretary of Defense Melvin Laird addressed to Chairmen MAHON and ELLENDER dated November 24, 1971, which urges the continuation of "proficiency flying" even on the condition of closing NALF.

I have written the distinguished chairman of our committee, the gentleman from Texas (Mr. MAHON), with copies to the conferees, including the gentleman from Ohio (Mr. MINSHALL), on December 6, 1971, again urging the retention of proficiency flying for students, yet acceeding to the elimination of NALF. The gentleman's comment is not well taken.

The "costs" of proficiency flying are substantial—and every effort should be made to reduce costs and minimize waste. I have some recommendations to achieve this objective.

The "costs" of prohibiting proficiency flying could be enormous—in degradation of the careers of most talented young officers, in the diminution of our air readiness, in the disruption or the disdain for postgraduate study by rated officers.

There is another "cost" which is certain to follow the prohibition of proficiency flying by students—a cost which every airman dreads. When these students are ordered back to operational flying, after 2 years of study or other nonflying duty, there will be accidents, crashes, deaths, injuries, destruction of aircraft and facilities, extra costs in attempting to retrain and refresh and requalify these pilots who have not been flying. There will be wasted valuable time and a long lag in regaining proficiency before they can be useful to an operational unit. In case of any emergency the "cost" of their "lack of readiness" could be horrendous.

No, I do not mind talking about costs. No, I do not mind reducing costs and eliminating waste. I will help the committee do this. I'm willing to help carry out the admonition of retiring Assistant Secretary of Defense David Packard who suggested that we could close a billion dollars of unneeded military bases. But I doubt very much that Assistant Secretary Packard would recommend the elimination of proficiency flying for students. I believe he understands the value of our rated officer, the value of maintaining their special skills, the value of post graduate work, the need for motivation of the brightest, most skilled young officers we have in the services.

I believe the expense of proficiency flying can and should be reduced. I have some suggestions to achieve this proper objective.

But you do not always save money by simply eliminating a program.

Too many members of the committee are mixing apples and oranges. They have mixed flight pay with proficiency flying; but they are different. I carry no torch for flight pay without flying. I carry no torch for proficiency flying by those who are not intending to return to operational flying. I carry no torches for those who may have abused the concept of proficiency flying but joyriding or using proficiency craft for nonproficiency flying. The abuses and excesses, if any, in the administration of proficiency flying could and should be eliminated without eliminating proficiency flying.

I really do not blame the committee for their mistake. I believe they have been misled by a GAO report and their own investigative staff report, both of which were incompetently and inadequately prepared by persons who have never been in a cockpit, never been in aerial combat and never been to a post graduate school and have no appreciation for the essentiality of proficiency flying but know that any high cost item is a certain welcome target for budget cutters. I believe we have to use more discretion and judgment.

Everyone knows that pilot training is expensive—maybe the most expensive training in the armed services. It is one of the most exacting of all skills, particularly with the new, sophisticated weapons, avionics, and aviation devices and instruments.

These highly skilled and expensively trained "upward bound" potential leaders should not be degraded.

The conference report is clipping the wings and degrading the most important arm of defense forces.

I voted against the conference report to protest this ill-advised action; to call attention to the fact that the prohibition of proficiency flying by students is opposed by the experts in aviation and postgraduate work and commercial aviation. I am confident that my concern is well substantiated. I believe that the committee should review its action at the earliest possible time so that no further jeopardy is caused to the air arm of our defense forces.

AUTHORIZING SPEAKER OR SPEAKER PRO TEMPORE TO DECLARE RECESSES TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that at any time during the remainder of the day it may be in order for the Speaker or the Speaker pro tempore to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, and I have no intention of objecting, I would like to ask the distinguished majority leader if he could give the Members of the House his best appraisal of what the agenda will be for today.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOGGS. I am happy to inform the House that the stalemate that has existed for a time in the conference on the District appropriation bill has been resolved, which means that the conference report on the District of Columbia appropriations is the next order of business.

We plan to follow that with the bill which was originally scheduled to be called up from the Committee on Ways and Means yesterday, having to do with the extension of unemployment compensation in certain distressed areas.

The continuing resolution for foreign aid will then be considered.

It may be that other matters will be sent to us by the other body. We do not know what those matters might be or how many but I do not anticipate very many. But so far as our calendar is concerned, that is it.

Mr. GERALD R. FORD. After the continuing resolution or any other matters that the other body might send to us, we would anticipate sending over to the other body the resolution for sine die adjournment.

Mr. BOGGS. We would anticipate at least informing the other body that we are prepared to adopt such a resolution.

Mr. PASSMAN. Mr. Speaker, reserving the right to object, and of course I shall not object, I notice that the majority leader referred to the continuing resolution as foreign aid. There are many other items in the continuing resolution—it is not just foreign aid.

Mr. BOGGS. I appreciate the gentleman from Louisiana explaining that. But it has been referred to simply as a continuing resolution for foreign aid. But, of course, it does contain a significant number of other items. I did not think it was necessary to list the whole number of items at this time. Perhaps the chairman of the Committee on Appropriations might want to make a statement at this time.

Mr. MAHON. Mr. Speaker, further reserving the right to object, the continuing resolution is necessary because the previous continuing resolution expired on December 8.

The continuing resolution will validate actions of the Department of Defense and of the District of Columbia and several other Government agencies and activities from December 8, pending the time when the President signs this bill into law. So, the extension resolution is urgent regardless of the foreign aid aspect. It is imperative that it pass before this session of Congress adjourns.

Mr. BOGGS. I appreciate the gentleman's explanation.

Mr. GROSS. Mr. Speaker, further reserving the right to object, among the numerous rumors floating around the House Chamber, I have heard the rumor that there may be an extended recess in order to accommodate some kind of briefing at the White House. Is it possible that is what this request for a recess is designed to accommodate?

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course, I yield.

Mr. BOGGS. It is the intention of the Speaker, the majority leader, that is, myself, and other Members of the House to attend a briefing at the request of President Nixon at noontime. The House will not recess for the briefing.

Mr. GROSS. We will not recess?

Mr. BOGGS. The House will continue to be in session at this time.

Mr. GROSS. That is the best news I have heard for quite awhile.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CONCERN OVER DELETION FROM DEFENSE APPROPRIATION CONFERENCE REPORT OF MILITARY AID FOR ISRAEL

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, the House will vote today on the defense appropriation conference report on H.R. 11731. As one of the House conferees of this important bill, I want to take this opportunity to express my concern over deletion of an amendment appropriating $500 million for the sale of military equipment including F–4 Phantom aircraft, to Israel.

I have officially excepted from the conference report action on this amendment—No. 70—in order to record my opposition to this deletion of the Israel military credit sales provision from the Defense appropriation bill. The explanation given by the chairman of the House Appropriations Committee is that funding for such sales to Israel will be included in the continuing resolution on military foreign assistance to be voted on by the House later today.

I have excepted from the deletion of this appropriation from the defense appropriation bill because I prefer to include this funding authority in the Defense bill for fiscal 1972 instead of the continuing resolution on foreign assistance which only remains in effect until March 1972. The ultimate fate of the foreign aid bill is not yet predictable and in my opinion the sale of jet aircraft to Israel is too important and urgent an issue to be left in doubt.

When the continuing resolution of foreign assistance is brought before the House, I will support that measure and I urge my colleagues in the House to join me in voting for that bill which includes funding for military credit sales to Israel. We must also prepare for the debate over extension of this funding authority when Congress reconvenes in January. As a member of the Appropriations Committee I will make every effort to include funding for military sales to Israel in appropriation bills drafted early next year.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair asks the indulgence of Members not to use the 1 minute this morning which is ordinarily permitted.

PRISON REHABILITATION

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, this week representatives from the Federal City College Lorton Project met with members of the Task Force on Prison Reform for an informal discussion of this new concept in "prisoner rehabilitation" through higher education and community organization.

The Lorton project is unique among rehabilitation programs in that it takes as its purpose the development of manpower to serve the needs of the community. It is designed to help convicts redefine their roles and to supply the much needed resources in the struggle to improve the urban condition.

One aspect of the Lorton project which particularly impressed me was ING—the intensive narcotics group. This group was formed because of the crying need for a responsible and successful drug rehabilitation program at Lorton.

ING has rejected the use of methadone treatment for those already addicted to drugs. This currently popular treatment is viewed by ING as a trap which will be physically harmful to the addict and will not solve the economic and psychological problems which, in part, caused the addiction.

It is interesting that in rejecting methadone ING has taken a position which has been advocated by a number of highly regarded medical authorities.

I believe that methadone can possibly serve as an effective tool in moving some addicts in the direction of total abstinence from drugs. With some small number of unfortunate victims of drug addiction, methadone maintenance may be the lesser of two evils. However, programs utilizing methadone should be operated under the most strict medical and psychological supervision, and, I feel, with the hope that those on maintenance can ultimately be moved to total abstinence.

The mere substitution of one drug for another, however, does not even begin to restore to the addict the self respect and potential for a full and socially useful life which the Lorton project offers. If our society turns to methadone because it is the cheap way out and we abandon the numerous addicts in this country to a life of legal drug dependency, we will have reached a new level in the dehumanization of man.

CONFERENCE REPORT ON H.R. 11932, DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 172, and for other purposes:

Conference Report (H. Rept. No. 92–755)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11932) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18, 19, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 36.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, and 23, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$171,517,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$182,402,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$255,878,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,231,900"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert: "17"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert: "18"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 3, 4, and 33.

William H. Natcher,
Robert N. Giaimo,
David Pryor,
David R. Obey,
Louis Stokes,
K. Gunn McKay,
George Mahon,
Frank T. Bow.
Managers on the Part of the House.

Daniel K. Inouye,
Joseph M. Montoya,
Allen J. Ellender,
Charles H. Percy,
J. Caleb Boggs,
Milton R. Young,
Thomas F. Eagleton.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to appropriate $166,000,000 instead of $162,000,000 as proposed by the House and $179,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

Amendment No. 2: Corrects citation as proposed by the Senate.

GENERAL OPERATING EXPENSES

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $58,757,000 instead of $58,860,000 as proposed by the House and $58,967,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

PUBLIC SAFETY

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $168,275,000 instead of $169,167,000 as proposed by the House and $169,033,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

EDUCATION

Amendment No. 5: Appropriates $171,517,000 instead of $166,970,000 as proposed by the House and $175,890,000 as proposed by the Senate.

RECREATION

Amendment No. 6: Appropriates $12,611,000 as proposed by the Senate instead of $12,658,000 as proposed by the House.

HUMAN RESOURCES

Amendment No. 7: Appropriates $182,402,000 instead of $181,378,000 as proposed by the House and $190,139,000 as proposed by the Senate.

The managers on the part of the House and Senate have allowed 45 positions and $203,800 for the District of Columbia social services Department of Human Resources only for the purpose of hiring investigators to identify and eliminate ineligible welfare recipients. The managers direct that this be done immediately and a detailed report be provided the respective committees in connection with the District's next supplemental or annual budget presentation. Further necessary supporting staff shall be financed from available funds.

HIGHWAYS AND TRAFFIC

Amendments Nos. 8, 9, and 10: Provide for the rental of one vehicle for the use of the Commissioner as proposed by the Senate instead of three vehicles for the use of the Commissioner, the Deputy Commissioner, and the Chairman of the City Council as proposed by the House.

Amendments Nos. 11, 12, and 13: Appropriate $20,202,000 of which $13,833,000 shall be payable from the highway fund (including $728,000 from the motor vehicle parking account) as proposed by the Senate instead of $20,500,000 of which $13,850,200 shall be payable from the highway fund (including $728,200 from the motor vehicle parking account) as proposed by the House.

SANITARY ENGINEERING

Amendments Nos. 14 and 15: Appropriate $39,274,000 of which $11,445,500 shall be payable from the water fund as proposed by the Senate instead of $39,505,000 of which $11,446,300 shall be payable from the water fund as proposed by the House.

CAPITAL OUTLAY

Amendment No. 16: Inserts citation as proposed by the Senate.

Amendments Nos. 17, 18, 19, 20, and 21: Appropriate $255,878,000 instead of $301,328,000 as proposed by the House and $192,328,000 as proposed by the Senate of which $7,723,000 shall be payable from the highway fund as proposed by the House instead of $1,786,000 as proposed by the Senate, $9,565,000 from the water funds as proposed by the House and stricken by the Senate, $63,400,000 from the sanitary sewage works fund as proposed by the Senate instead of $64,510,000 as proposed by the House, and $10,200,000 from the metropolitan area sanitary sewage works fund as proposed by the House and stricken by the Senate.

The managers on the part of the House and Senate view with alarm the projected impact of the District of Columbia's highly ambitious program of capital improvements on its operating budget as can be identified in the rapid escalation of carrying costs under the appropriation for Repayment of Loans and Interest. The District which had no indebtedness in the General Fund prior to 1962 now finds itself with a yearly cost of $23 million in this year's bill for the amortization of existing loans. This amount would increase to some $63 million per year to underwrite the cost of projects approved prior to action on this year's bill. In addition, a still further increase of $8 million will be required for each $100 million in borrowings required to fund the capital outlay program approved in this and future years.

It is, therefore, strongly recommended that strict District-wide priorities be established and adhered to in the proposal of future projects and that the entire capital outlay program proposed for fiscal year 1973 be held to no more than $150 million.

Although certain Capital Outlay projects for repairs, maintenance and replacement of equipment have been approved in the instant bill, the managers agree that it is unwise and fiscally unsound to finance such projects with thirty-year borrowings from the Federal Treasury. Henceforth, it is suggested that all repairs, improvements and replacement of equipment which have a useful life of less than thirty years not be included with capital improvements and that they be financed from operating funds or means other than thirty-year loans from the Federal Treasury.

The following capital outlay projects were allowed in conference:

Project title:	*Conference allowance*
PUBLIC SCHOOLS	
Permanent improvements to existing buildings	$4,550,000
Amidon Elementary School addition	1,183,500
New Elementary School, Pomeroy and Erie Sts., SE	6,436,000
PUBLIC LIBRARY	
Deanewood Branch Library	288,000
Air conditioning—various branches	682,000
RECREATION	
Wheatley Playground	56,800
Bald Eagle Playground development	24,000
Benning-Stoddert Playground	769,500
Park View Playground	23,600
Rosedale Recreation Center	909,300
Benning Park Playground	2,194,000
Recreation Center for the mentally Retarded	130,000
Campsite development, Scotland, Md	115,000
Activity lighting	1,100,000
Repairs and improvements to existing buildings	776,600
Highland dwellings development	500,000
Senior Citizens Center	292,400
Morgan Playground	688,000
WASHINGTON TECHNICAL INSTITUTE	
Equipment	140,000
Permanent campus	13,620,000
HUMAN RESOURCES (HEALTH SERVICES ADMINISTRATION)	
Air conditioning remaining buildings, D.C. General Hospital	250,000
Psychiatric Treatment Center	[1]1,200,000
DEPARTMENT OF CORRECTIONS	
Meat processing plant	45,500
Perimeter and interior lighting	10,000
Perimeter roads	70,000
Renovate culinary units	346,500
Shops improvements	90,500
Conversion from coal to oil-gas	374,000
HUMAN RESOURCES (SOCIAL SERVICES ADMINISTRATION)	
New Receiving Home for Children	[2]—3,930,000
Permanent improvements	793,000
Air conditioning various buildings, D.C. Village	453,000
DEPARTMENT OF HIGHWAYS AND TRAFFIC	
Street lighting and communication extensions	1,157,000
Street improvements	2,300,000
Highway planning, programming, and survey	400,000
East leg—Inner Loop Freeway	700,000
Cover on Federal aid streets	905,000
Heater on Federal aid streets	492,000
Safety improvements and realignment of intersections	100,000
Northbound 14th Street Bridge, deck repair	30,000
Chain Bridge, safety guard rail deck repair	114,000
Pennsylvania Ave. Bridge over Rock Creek Park	25,000
Anacostia Freeway—Kenilworth Ave	95,000

Footnotes at end of table.

Anacostia Freeway Bank Stabilization	6,000
Overpass fencing	35,000
Highway Beautification	5,000
Traffic operations control center	730,000
DEPARTMENT OF SANITARY ENGINEERING	
Water Pollution Control Plant	10,200,000
Service watermain extension	975,000
Trunk and secondary watermain	220,000
Trunk watermains, special projects	4,455,000
Replacement of Fort Reno pumping station	1,500,000
Automatic data logging at Bryant Street Pumping Station	120,000
WASHINGTON AQUEDUCT	
Shops and storehouses, Dalecarlia	1,410,000
Water treatment plant extension and improvements	885,000

[1] Provides total of $1,332,000 including $132,000 allowed by House.

[2] Provides total of $6,000,000 as proposed by Senate instead of $9,930,000 as proposed by House.

Amendment No. 22: Provides that $9,231,900 shall be available for construction services instead of $10,607,100 as proposed by the House and $5,807,800 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 23: Deletes limitation on expenditures for expenses of travel and payment of dues proposed by the House and stricken by the Senate.

Amendment No. 24: Restores proposal of the House stricken by the Senate prohibiting the use of funds for studies by the Public Service Commission on the use of meters in taxicabs.

In considering the subject of meters in taxicabs the managers on the part of the House and Senate feel that a study of the matter is in order and that such should be conducted by the Legislative Committees on the District of Columbia.

Amendments Nos. 25, 26, 27, 28, 29, 30, 31, and 32: Restore section numbers as proposed by the House.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment changing the section number and deleting chauffeurs or drivers for the Assistant to the Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council, and reducing the limitation on funds to pay the compensation of chauffeurs or drivers from $30,000 to $12,000. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 34: Changes section number and inserts a limitation on funds that may be used to pay the cost of overtime or temporary positions of 5 percent of the total of all funds appropriated for personnel compensation, as proposed by the Senate.

Amendment No. 35: Changes section number and inserts a limitation on the total expenditure of funds for travel and per diem costs outside the District of Columbia, Maryland, and Virginia of $300,000 as proposed by the Senate.

Amendment No. 36: Deletes section number proposed by the Senate.

Conference total—with comparisons

Federal funds:	
New budget (obligational) authority, fiscal year 1971	$135,263,000
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	289,197,000
House bill, fiscal year 1972	268,597,000
Senate bill, fiscal year 1972	285,597,000
Conference agreement	[1] 272,597,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+137,334,000
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	−16,600,000
House bill, fiscal year 1972	+4,000,000
Senate bill, fiscal year 1972	−13,000,000
District of Columbia funds:	
New budget (obligational) authority, fiscal year 1971	707,171,562
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	1,045,281,700
House bill, fiscal year 1972	973,962,700
Senate bill, fiscal year 1972	882,040,700
Conference agreement	[1] 932,512,700
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+225,341,138
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	−112,769,000
House bill, fiscal year 1972	−41,450,000
Senate bill, fiscal year 1972	+50,472,000

[1] Includes amounts in amendments reported in technical disagreement.

William H. Natcher,
Robert N. Giaimo,
David Pryor,
David R. Obey,
Louis Stokes,
K. Gunn McKay,
George Mahon,
Frank T. Bow,
Managers on the Part of the House.

Daniel K. Inouye,
Joseph M. Montoya,
Allen J. Ellender,
Charles H. Percy,
J. Caleb Boggs,
Milton R. Young,
Thomas F. Eagleton,
Managers on the Part of the Senate.

Mr. NATCHER. Mr. Speaker, I call up the conference report on the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceeding of the House of today.)

Mr. NATCHER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

(Mr. NATCHER asked and was given permission to revise and extend his remarks and include certain comparative tabulations.)

Mr. NATCHER. Mr. Speaker, as you know, the budget for the District of Columbia for fiscal year 1972 when presented to the House contained $901,476,700. This was the largest budget ever submitted for approval by the Committee on Appropriations. The total amount includes $649,061,000 for operating expenses, $23,573,700 for loan amortization, and $228,842,000 for capital outlay.

The Federal grants which will total some $267,997,000 which are not a part of the overall $901,476,700 and not under the control of the Appropriations Committee when added to the amount in the District of Columbia budget brings the total to $1,169,473,700. As you know, Mr. Speaker, the population for the District of Columbia under the 1970 census was 756,510. According to the Census Bureau the population figure for the District of Columbia at this time is estimated to be only 741,000. For a population of 741,000 the total amount of money for the District of Columbia for fiscal year 1972 of $1,169,473,700 is a right sizable amount.

The Federal payment approved by the House was $162 million. This was $8 million less than the $170 million authorized in the 1971 revenue bill as it passed the House.

The House approved $228,842,000 for capital outlay. This was the largest amount ever recommended for capital outlay for the District of Columbia.

During the hearings before the committee in the other body, and also before our Subcommittee on the District of Columbia Budget, it developed that there were a number of chauffeurs for automobiles in use in our District of Columbia government which had never been authorized or approved by the Congress. This matter has been corrected, Mr. Speaker, and a provision has been placed in the bill which provides that only the Commissioner, the Chief of Police, and the Chief of the Fire Department shall have chauffeurs and automobiles. The conference report before the House at this time includes the following:

> Amendments Nos. 8, 9, and 10: Provide for the rental of one vehicle for the use of the Commissioner as proposed by the Senate instead of three vehicles for the use of the Commissioner, the Deputy Commissioner, and the Chairman of the City Council as proposed by the House.

No other District official or employee of the District of Columbia operating in any capacity shall have a chauffeur and an automobile assigned to said official and employee. No employee of the District of Columbia shall operate as a chauffeur or in any capacity to avoid this provision of the law, and, Mr. Speaker, this provision must be strictly complied with by the District of Columbia officials. The conference report further includes the following, Mr. Speaker:

> Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment changing the section number and deleting chauffeurs or drivers for the Assistant to the Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council, and reducing the limitation on funds to pay the compensation of chauffeurs or drivers from $30,000 to $12,000. The managers on the part of the Senate

will move to concur in the amendment of the House to the amendment of the Senate.

The conference report now before the House includes $932,512,700 in District of Columbia funds. This is $41,450,000 less than the amount contained in the House bill.

The conference report now before the House contains the sum of $255,878,000 for capital outlay. The House bill contained $301,328,000 and the Senate bill contained $192,328,000.

The House bill and the Senate bill complied with the limitation of 39,619 employees for the District of Columbia government. In the conference report before us now, Mr. Speaker, this figure is strictly adhered to and we are within the limitation set in the District of Columbia revenue bill.

Mr. Speaker, as you know, the $72,486,000 for rapid rail transit is a part of this bill. This is the amount requested for the District of Columbia share for the fiscal years 1971 and 1972.

We must have freeways, express buses, and a rapid transit system. In order to meet the tremendous day-by-day growth of traffic the freeway system must be carried out, along with the present rapid rail transit system that is now under construction. The Highway Acts of 1968 and 1970 are the law and must be complied with. Both systems must proceed together.

President Nixon has emphatically stated time after time that we must have a balanced system of transportation for our Nation's Capital and that the Highway Acts of 1968 and 1970 will be enforced. On August 12, 1969, President Nixon directed the following letter to me:

Dear Bill: Your diligent efforts through the years to ensure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.

The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act.

A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the $18,737,000 deleted from the Supplemental Appropriation bill together with the $21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.

With cordial regards.

Sincerely,

Richard Nixon.

Still maintaining that the Highway Acts of 1968 and 1970 are the law and must be enforced, the President on April 27, 1971, directed the following letter to me:

Dear Bill: The regional rail rapid transit system (METRO) project stands today at a critical point in its history. Construction work is evident in downtown Washington. The first suburban construction will begin this summer. Interruption in the downtown construction work now underway penalizes both residents and merchants, the latter of whom have already suffered business losses due to METRO construction, and delays the first day of operation.

Unfortunately, previous delays and inflationary pressures in the economy have increased the original construction cost estimates by approximately $450 million. In my recent message to the Congress on District affairs, I have reaffirmed my commitment to METRO and proposed a plan which would solve its new financial problems without increasing the net financial drain on the Federal Treasury.

I know of your commitment for a balanced transportation system for the nation's capital. I fully share that commitment. Because of this concern, I have reviewed the status of the D.C. interstate highway projects mandated by the Federal Aid Highway Acts of 1968 and 1970. My review indicates that the District Government is in full compliance with the requirements of these Acts within the constraints of judicial actions. I reaffirm my pledge to you to insure that the Federal agencies involved with these projects continue to work diligently to facilitate progress on these interstate projects. I have asked the Secretary of Transportation to make a presentation to you and other interested Members of the Congress at your earliest convenience as to the current status of the Three Sisters Bridge and other projects named in the 1968 and 1970 Highways Acts. We are taking, and will pursue, all necessary and appropriate action within the law to expedite the construction of the Bridge.

I believe these actions provide tangible evidence of both the District and Federal Governments' commitment to complete these highway projects. I request that your Subcommittee give favorable consideration to the $34.2 million fiscal year 1971 supplemental for the District's contribution to METRO.

Sincerely,

Richard Nixon.

On November 18, 1971, the President issued the following statement concerning the rapid rail transit-freeway impasse. The statement is as follows:

Late in its second century of life as the Nation's Capital, the Washington metropolitan area is suffering severely from hardening of vital transportation arteries. The nearly three million people in the District of Columbia and its Maryland and Virginia suburbs are acutely aware of this worsening problem as they struggle to move about the area pursuing business or pleasure or the work of government. So are the eighteen million visitors who come here each year from across the country and around the world, expecting magnificence—and finding it, but finding also, in the simple matter of getting about the city, more frustrations than they deserve in the Capital of a Nation that has sent men to the moon.

In recent months, though Washingtonians have also become increasingly aware that something *is* being done about the transportation tangle Metro—our superb area-wide rapid rail transit system of the future—is already a fact of life for all who use the downtown streets, as construction pushes ahead on the first 8 miles of the project. Streets are dug up, ventilation shafts have been dropped, tunnels are being bored. Over $863 million has already been committed by the eight participating local jurisdictions and the Federal Government. At the same time, a coordinated interstate highway system for the region is progressing toward completion, as many thousands of detouring commuters know.

We need these freeways, and we need the Metro—badly. I have always believed, and today reaffirm my belief, that the Capital area must have the balanced, modern transportation system which they will comprise. Yet now, almost incredibly in light of the manifest need for both of them, the future of both is jeopardized by a complex legal and legislative snarl.

To save them, here is what has to happen:

1. The local highway actions mandated by the Federal-Aid Highway Acts of 1968 and 1970 must go forward immediately.

The question whether the District of Columbia and the Federal Government, in their efforts to carry out this mandate, are presently in compliance with statutory requirements, has been the subject of lengthy litigation. The U.S. Court of Appeals for the District of Columbia has recently ruled that they are not yet in compliance, in the case involving the Three Sisters Bridge. But I am convinced that they are. Accordingly, I have ordered the Attorney General to proceed with the filing of a motion for rehearing *en banc* before the Court of Appeals. I have also instructed him, if that fails, to file a petition for certiorari with the Supreme Court.

2. The Metro system must move toward completion and operation as rapidly as possible.

Not only do delays in METRO work cost taxpayers heavily; they might even erode confidence and cooperation seriously enough to consign the entire project to an early grave, with all the sad consequences that could have for metropolitan development in the years ahead. I strongly urge the Congress, therefore, to take appropriate action at once to end the present delay and to prevent any more such derailments of METRO progress.

We have come to a critical juncture. Obedience to the law is at stake. A huge investment is at stake. The well-being of the Capital area is at stake. It is time for responsible men to join in responsible action and cut this Gordian knot.

Mr. Speaker, I believe that President Nixon will carry out the commitments set forth in the letters and the statement and that the Department of Transportation, the Attorney General, and the District of Columbia officials should immediately join with the President in carrying out the mandate of the Congress set forth in the Highway Acts of 1968 and 1970.

Mr. Speaker, it is a distinct pleasure for me to serve on this subcommittee with the Members on this side and the Members on the other side. Mr. Davis of Wisconsin, Mr. Scherle of Iowa, Mr. McEwen of New York, and Mr. Myers of Indiana are all outstanding Members of the House. They attended all of the hearings and were present at the markup of the bill. All of the members of the subcommittee are interested in the operation of our Capital City.

Mr. Speaker, we submit this conference report for the approval of the House.

I include the following table:

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1972 (H.R. 11932) CONFERENCE SUMMARY

Agency and item (1)	New budget (obligational) authority, fiscal year 1971 (2)	Budget estimates of new (obligational) authority, fiscal year 1972 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bil' (5)	New budget (obligational) authority recommended by conference action (6)	Conference action compared with—			
						New budget (obligational) authority, fisca year 1971 (7)	Budget estimates of new (obligational) authority, fiscal year 1972 (8)	New budget (obligational) authority recommcnded in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
FEDERAL FUNDS									
Federal payment to the District of Columbia:									
General fund	[1] $131,000,000	[2] $181,600,000	$162,000,000	$179,000,000	$166,000,000	+$35,000,000	−$15,600,000	+$4,000,000	−$13,000,000
Water fund	2,506,000	2,572,000	2,572,000	2,572,000	2,572,000	+66,000			
Sanitary sewage works fund	1,432,000	1,514,000	1,514,000	1,514,000	1,514,000	+82,000			
Total, Federal payment to the District of Columbia	134,938,000	185,686,000	166,086,000	183,086,000	170,086,000	+35,148,000	−15,600,000	+4,000,000	−13,000,000
Loans to the District of Co'umbia for capital outlay (from the U.S. Treasury):									
General fund		72,486,000	72,486,000	72,486,000	72,486,000	+72,486,000			
Highway fund		9,000,000	8,000,000	8,000,000	8,000,000	+8,000,000	−1,000,000		
Water fund		6,000,000	6,000,000	6,000,000	6,000,000	+6,000,000			
Sanitary sewage works fund		15,600,000	15,600,000	15,600,000	15,600,000	+15,600,000			
Total, loan appropriation to District of Columbia		103,086,000	102,086,000	102,086,000	102,086,000	+102,086,000	−1,000,000		
Total, Federal funds to the District of Columbia	134,938,000	288,772,000	268,172,000	285,172,000	272,172,000	+137,234,000	−16,600,000	+4,000,000	−13,000,000
Commission on the Organization of the Government of the District of Columbia	325,000	425,000	425,000	425,000	425,000	+100,000			
Grand total, Federal funds	135,263,000	289,197,000	268,597,000	285,597,000	272,597,000	+137,334,000	−16,600,000	+4,000,000	−13,000,000
DISTRICT OF COLUMBIA APPROPRIATED FUNDS									
Operating expenses:									
General operating expenses	55,350,735	60,997,000	58,860,000	58,967,000	58,757,000	+3,406,265	−2,240,000	−103,000	−210,000
Public safety	163,106,000	174,177,000	169,167,000	169,033,000	168,275,000	+5,169,000	−5,902,000	−892,000	−758,000
Education	161,727,800	178,558,000	166,970,000	175,890,000	171,517,000	+9,789,000	−7,041,000	+4,547,000	−4,373,000
Recreation	11,773,600	12,826,000	12,658,000	12,611,000	12,611,000	+837,400	−215,000	−47,000	
Human resources	168,570,900	206,962,000	181,378,000	190,139,000	182,402,000	+13,831,100	−24,560,000	+1,024,000	−7,737,000
Highways and traffic	20,989,000	21,359,000	20,500,000	20,202,000	20,202,000	−787,000	−1,157,000	−298,000	
Sanitary engineering	39,060,500	40,700,000	39,505,000	39,274,000	39,274,000	+213,500	−1,426,000	−231,000	
Settlement of claims and suits	45,634	23,000	23,000	23,000	23,000	−22,634			
Total, operating expenses	620,624,169	695,602,000	649,061,000	666,139,000	653,061,000	+32,436,831	−42,541,000	+4,000,000	−13,078,000
Repayment of loans and interest	15,563,000	23,573,700	23,573,700	23,573,700	23,573,700	+8,010,700			
Capital outlay	70,984,393	326,106,000	301,328,000	192,328,000	255,878,000	+184,893,607	−70,228,000	−45,450,000	+63,550,000
Grand total, District of Columbia appropriated funds	707,171,562	1,045,281,700	973,962,700	882,040,700	932,512,700	+225,341,138	−112,769,000	−41,450,000	+50,472,000

[1] Excludes $8,000,000 special 1-time payment to finance fiscal year 1970 pay increases for policemen, firemen, and teachers, but includes $5,000,000 special 1-time payment to finance court reorganization costs.

[2] Includes $55,600,000 in H. Doc. 92-179. Estimates in House and Senate reports ($170,000,000) reflected additional $44,000,000 authorized in revenue bill as passed by House, and were subject to revision on submission of formal amendment above, dated Dec. 2, 1971.

At this time, Mr. Speaker, I yield to my distinguished friend the minority leader of the House (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, at the outset let me congratulate the gentleman from Kentucky and the gentleman from Wisconsin. I believe that they and their subcommittee have done an excellent job in a most difficult area.

I basically agree with the recommendations of the subcommittee, aside from the subway problem. I applaud the strong attitude they have taken in trying to make some sense out of District of Columbia fiscal affairs. It has been a most unfortunate and regrettable last 48 hours trying to find an answer so that the Congress could adjourn, and this conference report was one of the problems.

Because I have such deep sympathy for the gentleman from Kentucky and the gentleman from Wisconsin and their associates, I believe the House owes them a real round of applause.

I know that next year we are going to have the same kind of a problem. I will support them then as I have tried to support them this year. In the meantime, the officials of the District of Columbia, from top to bottom, had better understand that we are not going to tolerate a lack of responsibility on the part of the District of Columbia to meet its own fiscal responsibilities. They have not met their fiscal responsibilities.

Let me give one answer out of many. They should have increased real estate taxes not by 10 cents, but by 30 cents. It was inexcusable that they failed to meet that responsibility. If they had acted properly, the deficiency in funds would not have appeared as it did in this conference report.

To the extent that I can, I am putting District officials on warning that they have to get their taxation program in order. They have to get their fiscal affairs in order, or they are going to have more trouble next year than they have had this year.

I do not think they want that. I appreciate the willingness of the gentleman from Kentucky to yield to me. Again I pay my respects to him and to his associates. I think they have done a fine job and they deserve the plaudits of the House.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Minnesota.

Mr. NELSEN. First, may I express my thanks to the gentleman from Kentucky (Mr. Natcher) and his subcommittee, and to the gentleman from Wisconsin (Mr. Davis), for their diligent job.

However, there is one thing I want to clear up and that is the new Superior Court Building. Do we make available proper amounts to take care of the crime bill that was passed here—that this will take care of that situation?

Mr. NATCHER. Mr. Speaker, I would like to say to the distinguished gentleman from Minnesota that the matter pertaining to the $3 million for the design of the building—and the $757,900 for additional judges and supporting staff—has been deferred. These requests will come back before this subcommittee before too long and I say to the gentleman that careful consideration will be given to them.

Mr. NELSEN. I just want to comment to the effect that I think in our authorization bill on the floor we included the money that the gentleman mentioned. I am concerned about this deletion. I hope we will attend to this important matter on our return after the recess, because I know of the very deep concern of this Congress with reference to the crime bill and the procedures of the new court, the additional judges that we would need. I think everyone agreed this was a must. However, I am comforted by the assurance that attention will be given after the recess. The difference between the authorization figure and that which is included here is very little less than the figure you now anticipate will be added later.

But, Mr. Speaker, I wish to thank the gentleman for yielding.

Mr. DAVIS of Wisconsin. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member, the gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Speaker, I signed this conference report with some reluctance. I am not satisfied with all of the items which are contained in the bill. However, I thought it was rather necessary that we have a conference report and dispose of this matter. I do resent some of the things that have been said about a very distinguished committee, and distinguished members of the subcommittees who have worked long and hard on this District of Columbia bill, and who went to conference in an attempt to confer with the other body, and they did confer.

Let me say this, Mr. Speaker, if we had taken the Senate bill there would have been no new schools, there would have been no new recreational areas in the District of Columbia, and there would have been no street repairs in the District of Columbia.

In the conference the House conferees worked this out so that there will be schools where they have been authorized, and they will have recreational areas for the people in the District of Columbia. As I said, these would not have been included if we had accepted the bill of the other body.

But I would like to point out one other thing, Mr. Speaker. Every member of the subcommittee went to conference, and they were there meeting together, trying to adjust these matters, but in the other body one Senator on the majority side, and one on the minority side handled the entire conference. That is not a conference. If all of them had attended the conference as our members did I think this matter could have been resolved much sooner than it was.

I congratulate this subcommittee, and the Members on both sides, for their efforts to bring about a conference. We have read and seen things in the paper, and heard things on the radio about this House committee that just are not factual. I listened last night to one radio program that said that the distinguished chairman of this committee (Mr. MAHON) and the distinguished minority leader, the gentleman from Michigan (Mr. FORD), and myself were deep in a little room here in the Capitol trying to connive some way to keep the Metro funds out of this bill. There is absolutely no truth in that, absolutely none, because we have all agreed that this House worked its will and the Senate theirs, and the Metro funds are here. Some of us may not have liked that, but it was the will of the House. We never at any time did anything in an attempt to keep the Metro funds out of this bill. So that the irresponsibility of some people who go on the air and make reports of that kind I think should be criticized. It is not fair to the House of Representatives, the people who irresponsibly make statements of that kind.

So again, Mr. Speaker, I agree with the distinguished minority leader, the gentleman from Michigan (Mr. FORD) that the officials of the District of Columbia ought to be on record, and I would urge that if there is another authorization which is necessary that it get in here in time so that we can consider it and work these things out properly.

This committee was held up for an authorization. If that authorization bill had been in sooner we would not be here today facing this hiatus that we have had over this bill.

Again, Mr. Speaker, I do appreciate the work that was done by this subcommittee.

Mr. DAVIS of Wisconsin. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, it has been a real pleasure plus valuable experience to work with the distinguished and knowledgeable chairman of the committee, the gentleman from Kentucky (Mr. NATCHER), and the able ranking member, the gentleman from Wisconsin (Mr. DAVIS). These two men are more versed with District of Columbia problems than any other Members of Congress. However, I do want the Members to know that I did not sign the conference report. I attended every single meeting, and heard every single witness with such a deplorable track record. In good conscience I could not sign this report. Sitting through the hearings and listening to testimony leading to such reckless, wasteful spending on the part of the District of Columbia officials was unbelievable. There is no way that I could have agreed to increase the initial appropriation of $162 million. As Members of this House we voted for that amount when the bill was up for consideration. I offer my compliments to the District officials for their dexterity and ability in using the old shell game.

Those Members who vote to approve this bill grant the District of Columbia government another $40 million in direct Federal payments. Thus we are granting this body more than a 30-percent increase in direct Federal funds over what the Congress approved last year. This is on top of the fact that Federal funds for Washington, D.C., on a per capita basis are more than five times what the State of Iowa, and most other States receive.

All too often those of us on the minority side of the subcommittee learned of mismanagement and shuffling of funds from local newspapers and other media reports rather than from the District of Columbia government. The local public officials have not been frank or honest with this subcommittee.

The reciprocal tax scare tactic and the failure to increase the real estate taxes were nothing more than a subterfuge to bludgeon this Congress into granting the District additional money with no promise of efficiency, just more money.

This bill as passed by the House was an opportunity for us to force some fiscal responsibility on the Federal budget. The House was extremely generous in the amount of money that we appropriated this time. I am not going to dwell a great deal on some of the fiascos that were revealed to us as members of the subcommittee. All I ask you to do is to read the hearings. You will be shocked to find out that any department could deliberately spend the amount of money they did with such reckless abandonment. They threw caution to the wind knowing that this House in its generosity would give them more money the next time around—which we have done.

Do not be surprised the next time the District of Columbia budget request comes up, because it is going to be just as big as this one. Where is the end going to be as far as the amount of money that we have to appropriate consistently to the District? As a Member of this body representing 470,000 people in the southwest part of my State of Iowa, I resent the duplication of effort, the overlapping and the reckless spending that has been perpetrated by this District in a number of years. Yet no fiscal restraint is placed upon them.

Do not take my word for it—read the hearings. The record will speak for itself. Hold on to your hat, because when you see the budget request next year, it is going to be a lot larger than this one—well over $190 million.

Mr. BOW. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, I would be the last one to minimize the difficulties that confront the Committee on Appropriations in its work with the District of Columbia budget.

As has been pointed out time and again, the District government constitutes both a State and county government as well as a municipal government. I do not think we can forever accept this as an excuse for continually appropriating additional funds and yet more additional funds.

As a member of the legislative committee for the District of Columbia I have been deeply concerned that we are not certain that the structure of the city government is such that the Committee on Appropriations can be assured that the appropriations requested are going to be utilized with full effectiveness and efficiency.

The ranking member of our committee, Mr. NELSEN of Minnesota, is head of the Little Hoover Commission for the District of Columbia, I am hopeful and confident that the work of this Commission will develop proposals for streamlining the District of Columbia government so it can operate in an economical manner to which the taxpayers are entitled. Many of the criticisms which have been discussed here today can be ascribed to the house-that-Jack-built structure of the present city government.

I look forward to the Little Hoover Commission, under Mr. NELSEN's leadership, uncovering overlapping duplications and inefficiencies which not only produce inflated budgets, but make the task of the Appropriations Committee an extremely difficult task.

I thank the ranking member of the committee very much for yielding.

Mr. BOW. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, and Members of the House, as one of the new members of this subcommittee—and there are several on the subcommittee who are new members—I, and I am sure we all, approached the task this year with some trepidation, some misunderstanding, and some expectation that we might be able to help the District of Columbia. We met diligently and faithfully. We heard the testimony. We were not against the administration of the District of Columbia, the Mayor, the Deputy Mayor, the City Council, or any member of this fine administration. They are all very conscientious people, trying to do a very fine job, and they need help. For myself I say I approached my responsibility with the attitude that I would try to give them some help. They inherited a situation in the Nation's Capital which was very difficult. I think they need our help.

As everyone will recall, the revenue bill passed by the House contained a Federal payment of $162 million. Our chairman, Mr. NATCHER, who does an excellent job, did not mean to mislead you, but we have heard the statement in several questions in the House that the conference now comes in with less than the House version. I think we should make clear that the conference came in—and let me say that I did not sign the conference report either—with something less than the authorization from the District of Columbia Authorization Committee, but the amount is still $4 million more than the House approved a few weeks ago.

A number of allegations have been made about the conference, most of which are unfounded.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the ranking member of the committee, the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I think the Members should know, too, that this is really not $166 million for the Federal payment. It is really $168.2 million in Federal payment, because there is also $2.2 million without any validation that could come from us, from our staff, or from anywhere else to explain why $2.2 million representing the payment of patients of St. Elizabeth's Hospital was not included. We know we will have to meet that amount when those bills for payment come in. It is really $168.2 million.

Mr. MYERS. I thank the gentleman for his contribution. Even though perhaps we should not talk about it, I think that later we will be faced with a request for a supplemental appropriation because of improper allocation of funds in this particular bill.

The gentleman says the amount is $168.2 million and, of course, this also includes the Federal Government paying for services, which the Federal Government should. I do not think there is a one of us here who will take exception to the principle that we should pay for the use of the sewers in the city of Washington, and we should also pay for the water we consume. There is no argument there.

Let us go through some of the figures. I hate to belabor this subject further. I know we went through it before. But we should set the record very clear here today.

Back in 1970 the General Accounting Office said that the District of Columbia would receive an all-Federal contribution, that the funds that would be coming from you, the taxpayers, your constituents, back home, would amount to $483,970,000. That is more than 13 States received in all contributions, city and State contributions alike. That was in 1970.

In 1971 we went up a little bit from $483 million. At that time all contributions made by the Federal Government to the District of Columbia amounted to $540,154,000, or a per capita amount of $730. No other State and city combined in the Nation receives that much per capita; $730 each person received here from your taxpayers. Again, I am not saying that we do not have some responsibility. This is our Nation's Capital. Frankly, they tried to reclaim it, saying it is not our Capital, that it belongs to the people who live here. But let us take a look at what this is going to do this year. What are the estimates of total contributions? Not the $166 million in this bill nor the $168.2 with the other contributions, but total contributions, grants-in-aid, loans, and so forth, that will never be paid back

In contributions outright from the Federal Treasury it will amount to $650 million. That is pretty sizable. It is a tremendous amount of money. So what I am saying is that this is our Nation's Capital, it is something everyone of us certainly has a great love for. For the four of us who did not sign this, it does not mean we did not want to help the city of Washington, our Nation's Capital. It does not mean we want to see the blind go without payments, or the hungry. This was charged once in a while, that some of us wanted to see people going hungry. But as long as we allow this thing to continue in the District of Columbia, it is not going to improve.

It seemed to some of us we were the last stand.

Someone had to make a stand and say to the Welfare Department that when they have one welfare worker, that is a person administering funds working in the welfare agency, for every 56 constituents, that means one worker is taking care of 56 accounts.

Does anyone know of any place in the country that has statistics like that, where we have one welfare worker working for every 482 people living in the District of Columbia?

Those are tremendous figures. It is just unbelievable that a city of this size would have 1,543 people administering welfare.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, a moment ago the gentleman from Wisconsin (Mr. DAVIS) pointed out that the St. Elizabeths Hospital provision would have to come in later, which really made the figure $168 million plus.

The question I wish to put to the gentleman is on the new superior court on which we worked so hard last season, a 450-page bill which everybody pleaded for. It is my understanding that this will be taken care of, but if it were in the bill, we would very nearly approach the figure I submitted in the authorization bill which included the court. Does the gentleman have any observation as to the court?

Did the committee discuss this and what will be the future action by the committee in dealing with it, because I am sure we all agree this is a necessary move? Will it be taken care of in the next session?

Mr. MYERS. The committee considered this in quite some length, and the conferees. The committee is pretty sympathetic with the need for additional judges and staff, but at this particular time, it became a matter of priority as to what was most necessary today to solve the city's problems. This is the reason it was put aside. I cannot promise what the committee will do next year, but there was complete sympathy for this.

Mr. NELSEN. If the gentleman will yield further, in our deliberations on the new court and the problem of crime in the District of Columbia, I think figures showed about 3,000 or 4,000 cases untried, with people out on bail on the streets repeating crimes. I can think of nothing more important than doing something about the judicial process in the hope of curbing crime in the District of Columbia. I do want to say in my judgment, in my view one of the high priority items would have been to deal with the court. I hope the committee will soon do that.

Mr. MYERS. Let me say to the gentleman I believe the chairman has advised us this will be one of the first items considered next year.

Mr. NELSEN. I thank the gentleman.

Mr. MYERS. But if the gentleman from Minnesota will recall, this was not to come on until January 1, but Judge Green in his testimony before our subcommittee testified it was going to be difficult to recruit the attorneys or judges as well as the more than 270 staff. Now here we are at almost the 1st of January, so I think it will be practically a physical impossibility for them to recruit the number of people needed before April or May, so really I do not think we will run into any great problem. But we are sympathetic. I think I speak for every member of the subcommittee on this. Certainly we are sympathetic.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, we are very interested in the figures the gentleman has given as to the exceptionally large per capita expenditures which the Federal Government is making to the District of Columbia. That would lead one to believe the District of Columbia has a low income per capita. A few years ago I had occasion to go into the matter, discovered that the District of Columbia had one of the highest incomes per capita in the United States, considerably larger than the State we live in. Is the gentleman aware of that?

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, in response to the gentleman's question, yes, the District does have one of the highest per capita incomes. On the other hand, the employment figures provided for the District of Columbia show unemployment was 2.6 percent. That is 2.6 percent. Who here in this body has an unemployment rate in his home district of 2.6 percent? Yet we have one of the highest figures, 11 per hundred, for people on welfare here. The figures just do not jibe.

Mr. Speaker, we have gone a little further than any of us intended to on this particular bill—and possibly also timewise.

It seemed to me something had to be done, but in the interest of getting home it was signed.

I shall not vote for it. I am asking any other Member not to vote for it.

I do leave you with one warning. I hope I am wrong, but I am sure I will not be. The authority next year is for $190 million contribution by this Government to the District of Columbia. So today, as we vote for this or vote against it, whichever you choose, you should be prepared for a much larger contribution that will be asked for next year.

Very honestly I say I do not believe we are helping the District of Columbia, with these kinds of statistics.

Mr. NATCHER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I rise in support of the conference report.

I want to express my appreciation to my chairman, the gentleman from Kentucky (Mr. NATCHER) who throughout this entire struggle has recognized the necessity for coming forth with an appropriation for the District of Columbia.

I do not believe there is any man in this House who understands the problems of the District of Columbia more than the gentleman from Kentucky (Mr. NATCHER).

It is no secret that the gentleman and I disagree on some things, though not many. One was the Metro. I believe very seriously that this great city of ours must have a Metro system.

But certainly the gentleman from Kentucky (Mr. NATCHER) understands the problems involved in running the city of Washington and the District budget.

I believe this is a good conference report. I do not believe anyone can be 100 percent satisfied with the result of a conference. The essence of going to conference is to compromise our disagreements, particularly the dollar values between this body and the other body.

Because of the fact that we had reasonableness, we have met many long hours and many days, and because of the understanding of the gentleman from Kentucky (Mr. NATCHER) and the other conferees, we have reached a compromise.

I certainly want to express my appreciation to the gentleman from Ohio (Mr. BOW) who also understood the importance of having an appropriation for the District of Columbia, and to the gentleman from Texas (Mr. MAHON), the chairman of our committee.

Through the efforts of these three men, at long last, we are able to come forth with a good budget, one with which the District can live.

There is one other thing. On this matter of welfare and on expenditures for the District of Columbia, I say again today, as I have said many, many times, the District of Columbia is the Capital City of all Americans, of each and every one of us, from wherever we come. I for one take great pride in this great city of Washington. I want to see it the great Capital that it is, not just for the people who live here but for the millions and millions of Americans who visit this city year in and year out and who have a tremendous love for it. We must do everything possible to make this not only a great city but also the greatest city in the world, the greatest Capital City in the world.

Because of that and other reasons we have so many of these inordinate expenditures, tremendous expenditures.

In the area of welfare, I want to see a tightening up in welfare.

I want to see some investigation of welfare abuses. I assure this House that I shall work with my chairman to see to it that we do have an investigation. I certainly serve notice on the people administering this city government that they have to do some investigating in the field of welfare.

But let me serve up one word of caution. It is so easy to fool ourselves suggesting that investigations will get the chiselers off the welfare rolls, but that will not solve the problem. It will not to a great degree. Welfare is a much more complicated matter, because basically the great problem of welfare is made up of children, old people, blind people, disabled people, and sick people. There is not an American alive today who does not want to do what is right for people in these desperate situations.

Why do the welfare rolls grow? You can blame it on the law and the decisions of the Supreme Court involving residency. It is due to the fact that those decisions were all-encompassing. I happen to disagree with them, but when the Supreme Court knocked down the residency requirement it meant that people could move from one place to another and immediately go on the welfare rolls. Naturally, people will leave the hinterlands and move into the District of Columbia where the living and the environment is better and where the welfare payments are much better. Until we resolve this great problem, we will have increasing expenses in welfare.

We compromised many figures in this budget, but I think we took care of everything that had to be done immediately. There is money included for the Federal City College, which will enable it to start its 4-year program and obtain accreditation. There is money for welfare and for other important necessities in the District bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NATCHER. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GIAIMO. Some appropriation requests we have had to defer. The question of the additional seven judges under the court reorganization system was deferred, not because anyone on the subcommittee, to my knowledge, was against it—and certainly I know my chairman was not against it—but it was one of those things that was deferred in the conference. I am sure that when we come back in the early winter and have a supplemental appropriation we will work this out, because we must have a much more efficient and able and enlarged judiciary system, as we will have.

In conclusion, let me say after many days of conferring and many days of trying to compromise and settle our differences, I again want to express my appreciation to all of those who have made this conference possible, particularly to the chairman, the gentleman from Kentucky (Mr. NATCHER), the chairman of the full committee, the gentleman from Texas (Mr. MAHON), and the ranking minority member, the gentleman from Ohio (Mr. BOW).

Mr. NATCHER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. DAVIS of Wisconsin. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. DAVIS of Wisconsin moves to recommit the conference report on H.R. 11932 to the Committee of Conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 260, nays 79, not voting 92, as follows:

[Roll No. 467]

YEAS—260

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Aspin
Aspinall
Begich
Bell
Bergland
Betts
Biaggi
Biester
Bingham
Boland
Bow
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Carey, N.Y.
Carney
Carter
Celler
Chamberlain
Chappell
Clark
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conte
Corman
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Dellums
Dent
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Fish
Flood
Flowers
Foley
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lennon
Lent
Link
Long, Md.
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Minish
Minshall
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Passman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Railsback
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
Sandman
Saylor
Scheuer
Schwengel
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Whalen
White
Whitehurst
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—79

Abbitt
Abernethy
Archer
Ashbrook
Baring
Bennett
Bevill
Blackburn
Bray
Burke, Fla.
Camp
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Daniel, Va.
Davis, S.C.
Davis, Wis.
Denholm
Dennis
Devine
Dickinson
Duncan
Findley
Fisher
Goodling
Griffin
Gross
Grover
Haley
Harsha
Hays
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, N.C.
King
Kyl
Landgrebe
Lloyd
Long, La.
McCollister
McEwen
Mann
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Mizell
Myers
Nichols
O'Konski
Powell
Price, Tex.
Rarick
Robinson, Va.
Runnels
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Skubitz
Spence
Steiger, Ariz.
Talcott
Terry
Thompson, Ga.
Thomson, Wis.
Ware
Whalley
Whitten
Williams
Wydler
Young, Fla.
Zion

NOT VOTING—92

Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Ashley
Badillo
Baker
Barrett
Belcher
Blanton
Blatnik
Boggs
Bolling
Brooks
Byrnes, Wis.
Caffery
Casey, Tex.
Cederberg
Chisholm
Clancy
Conyers
Cotter
Crane
Derwinski
Diggs
Dowdy
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Ford, Gerald R.
Ford, William D.
Fulton, Tenn.
Fuqua
Gaydos
Goldwater
Grasso
Gray
Griffiths
Gubser
Hagan
Hall
Hansen, Wash.
Hawkins
Hébert
Hicks, Wash.
Horton
Jacobs
Kastenmeier
Kee
Landrum
Lujan
McClory
McCloskey
McClure
McMillan
Macdonald, Mass.
Martin
Miller, Calif.
Mills, Ark.
Mink
Mitchell
Mollohan
Montgomery
Moss
O'Neill
Patman
Pelly
Pettis
Pirnie
Pucinski
Purcell
Quillen
Randall
Rees
Robison, N.Y.
Rosenthal
Rousselot
St Germain
Sarbanes
Schmitz
Sisk
Smith, Calif.
Springer
Stratton
Sullivan
Thompson, N.J.
Veysey
Waggonner
Widnall
Wiggins
Wyatt

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. O'Neill with Mr. Quillen.

Mr. Waggonner with Mr. Crane.

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Moss with Mr. Gubser.

Mr. Gray with Mr. Springer.

Mr. Macdonald of Massachusetts with Mr. Lujan.

Mr. Barrett with Mr. Widnall.

Mr. Patman with Mr. Derwinski.

Mr. Evins of Tennessee with Mr. Baker.

Mr. Badillo with Mr. Conyers.

Mr. Mills of Arkansas with Mr. Hall.

Mr. Fuqua with Mr. Clancy.

Mr. Rees with Mr. Smith of California.

Mr. Stratton with Mr. Horton.

Mr. Hébert with Mr. Byrnes of Wisconsin.

Mr. Jacobs with Mrs. Chisholm.

Mr. William D. Ford with Mr. Mitchell.

Mr. Ashley with Mr. Diggs.

Mr. Hawkins with Mrs. Mink.

Mr. Andrews of Alabama with Mr. Belcher.

Mrs. Hansen of Washington with Mr. Wyatt.

Mr. Sisk with Mr. Schmitz.

Mr. Kee with Mr. Pelly.

Mrs. Grasso with Mr. Robison of New York.

Mr. Randall with Mr. McClure.

Mrs. Sullivan with Mr. Pirnie.

Mr. Anderson of California with Mr. Rousselot.

Mr. Blatnik with Mr. Cederberg.

Mr. Gaydos with Mr. Eshleman.

Mrs. Griffiths with Mr. Hicks of Washington.

Mr. Hagan with Mr. Martin.

Mr. Miller of California with Mr. Goldwater.

Mr. St Germain with Mr. McClory.

Mr. Rosenthal with Mr. McCloskey.

Mr. Purcell with Mr. Veysey.

Mr. Mollohan with Mr. Wiggins.

Mr. Anderson of Tennessee with Mr. Kastenmeier.

Mr. Blanton with Mr. Landrum.

Mr. Brooks with Mr. McMillan.

Mr. Caffery with Mr. Montgomery.

Mr. Casey of Texas with Mr. Pucinski.

Mr. Sarbanes with Mr. Cotter.

Mr. Flynt with Mr. Dowdy.

Mr. Fulton of Tennessee with Mr. Pettis.

Messrs. LLOYD and KING changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 1, line 9, strike out "$162,000,000" and insert "$179,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$166,000,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 3, line 17, strike out "$58,860,000" and insert "$58,967,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$58,757,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: Page 5, line 6, strike out "$169,167,000" and insert "$169,033,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$168,275,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33: strike out:

SEC. 16. None of the appropriations in this Act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council: *Provided,* That none of the appropriations in this Act shall be available for the payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council which exceeds in the aggregate 25 per centum of the annual rate of basic pay applicable to such employee."

And insert in lieu thereof:

"SEC. 15. No part of any funds appropriated by this Act shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, Chairman of the District of Columbia Council, Chief of Police, and Fire Chief), or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, Chairman of the District of Columbia Council, Chief of Police, and Fire Chief). No part of any funds appropriated by this Act, in excess of $30,000 in the aggregate, shall, in any fiscal year, be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Commissioner of the District of Columbia, the Assistant to the Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council."

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"SEC. 16. No part of any funds appropriated by this Act shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Commissioner of the District of Columbia, Chief of Police and Fire Chief), or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Commissioner of the District of Columbia, Chief of Police and Fire Chief). No part of any funds appropriated by this Act, in excess of $12,000 in the aggregate, shall, in any fiscal year, be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Commissioner of the District of Columbia, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Commissioner of the District of Columbia."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL STATEMENT

Mr. RYAN. Mr. Speaker, on roll 466 I am paired against the conference report on H.R. 11731. I was unavoidably absent because I was aboard the Eastern Airlines shuttle plane which departed from La Guardia Airport in New York at 10 a.m. and was scheduled to arrive at National Airport in Washington at 11 a.m. Unfortunately, due to bad weather that plane, having been held in a holding pattern over Washington, did not land until 11:46 a.m. after the vote on the conference report. I regret that the leadership adjourned the House last night in order to postpone the vote on the conference report which was then pending. I had delayed my departure for New York, where I had scheduled business, so that I could cast my vote against it as I did against the bill when it passed the House on November 17.

CORBIE F. COCHRAN

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5419) for the relief of Corbie F. Cochran, Jr., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "Junior,".

Page 1, line 12, strike out ", Junior,".

Page 2, line 8, strike out "Junior,".

Amend the title so as to read: "An Act for the relief of Corbie F. Cochran".

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Are the papers at the desk representing—and I cannot give the Chair the number of the bill as filed yesterday by the gentleman from Arkansas (Mr. MILLS), chairman of the Ways and Means Committee—the bill being a bill from the Ways and Means Committee? I am speaking of the conference report, Mr. Speaker, on H.R. 6095. Are those papers at the desk?

The SPEAKER pro tempore. Does the gentleman have reference to the bill H.R. 6065?

Mr. GROSS. Yes, Mr. Speaker, H.R. 6065.

The SPEAKER pro tempore The papers are at the desk.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Is it proposed now to recess the House with the conference report and the papers pending at the desk?

The SPEAKER pro tempore. The Chair was just about to announce a recess, but the Chair will withhold that announcement in order to recognize Members for unanimous-consent requests.

Mr. GROSS. I thank the Speaker.

PERSONAL ANNOUNCEMENT

Mr. CHAMBERLAIN. Mr. Speaker, I am unrecorded on rollcall No. 641. I wish to state for the RECORD that had I been present I would have voted "nay."

RECESS

The SPEAKER pro tempore (Mr. PRICE of Illinois). Pursuant to the unanimous-consent request agreed to earlier today, the Chair announces a recess of the House subject to the call of the Chair; and the Members will be notified by the ringing of the bells 15 minutes prior to reconvening.

Accordingly (at 1 o'clock and 12 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 21 minutes p.m.

The SPEAKER. The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLS of Arkansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 468]

Abourezk
Abzug
Alexander
Anderson, Tenn.
Andrews, Ala.
Ashley
Badillo
Baker
Barrett
Belcher
Blatnik
Bolling
Brooks
Buchanan
Caffery
Casey, Tex.
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clay
Conyers
Cotter
Crane
Derwinski
Diggs
Dowdy
du Pont
Dwyer
Edwards, La.
Eilberg
Eshleman
Evins, Tenn.
Flynt
Ford, William D.
Frey
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Giaimo
Goldwater
Grasso
Griffiths
Gubser
Hagan
Hall
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hays
Hébert
Hicks, Wash.
Horton
Jarman
Jonas
Kastenmeier
Kee
Kemp
Kluczynski
Kyros
Landrum
Long, La.
Lujan
McClory
McCloskey
McClure
McMillan
Macdonald, Mass.
Martin
Michel
Miller, Calif.
Mink
Mitchell
Mollohan
Montgomery
Moss
O'Hara
O'Neill
Pelly
Pepper
Pettis
Pirnie
Preyer, N.C.
Quillen
Randall
Rees
Robison, N.Y.
Rousselot
Ruppe
St Germain
Sarbanes
Saylor
Scheuer
Schmitz
Seiberling
Sisk
Smith, Calif.
Springer
Stokes
Stratton
Stuckey
Sullivan
Teague, Tex.
Thompson, N.J.
Tiernan
Veysey
Waggonner
Wiggins
Wilson, Charles H.
Wolff
Wyatt

The SPEAKER. On this rollcall 316 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on December 10, 1971, the President approved and signed bills of the House of the following titles:

H.R. 6283. An act to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organizations, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 10947. An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11932) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to amendments of the Senate numbered 1, 3, 4, and 33 to the foregoing bill.

The message also announced that the Vice President, pursuant to Public Law 91-452, appointed Mr. McCLELLAN, Mr. ERVIN, Mr. GURNEY, and Mr. ROTH as members, on the part of the Senate, of the National Commission on Individual Rights.

CONFERENCE REPORT ON H.R. 6065, UNEMPLOYMENT COMPENSATION

Mr. MILLS of Arkansas. Mr. Speaker, I call up the conference report on the bill (H.R. 6065) to amend section 903(c) (2) of the Social Security Act, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 14, 1971.)

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement on the part of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the Senate made no changes in the provisions of the bill as passed by the House. The basic provisions of the bill extend for an additional 10 years the period during which excess funds transferred in the past to the States from the Federal unemployment trust fund may be used for administrative purposes.

The Senate amended the bill by including a new title establishing a program of emergency unemployment compensation for workers who have exhausted their rights to basic and extended unemployment compensation in states that have a certain rate of unemployment. Under the Senate amendment, emergency unemployment compensation would have been payable for up to 26 weeks. The program would have "triggered in" states that have an unemployment rate of 6 percent. This unemployment rate would include the insured unemployment rate and the rate of exhaustions of regular benefits. The program would have lasted under the Senate amendment until July 1, 1973, and would have been financed by raising the Federal unemployment tax rate from 3.2 to 3.29 for calendar years 1972 and 1973.

The conference committee agreed to the essentials of the Senate amendment but made several major changes in it.

Under the conference agreement, the period during which an individual could receive emergency unemployment compensation is reduced from 26 weeks to 13 weeks. The conference agreement also modified the trigger point at which a State becomes eligible to participate in the emergency unemployment compensation program, increasing it from 6.0 percent to 6.5 percent.

The conference agreement also modified the Senate amendment by limiting the period during which the program would be in operation. Under the Senate amendment the program would have run through July 1, 1973. Under the conference report, no emergency unemployment compensation would be paid for any week which ends after June 30, 1972, except in the case of individuals eligible to receive emergency compensation for a week ending before July 1, 1972. In the case of such individuals who were eligible to participate in the program prior to its general expiration date, payments could continue subject to the 13-week limitation through the end of September 1972.

The conference committee also modified the method of financing the program. The Senate amendment would have financed the program by a 2-year increase in the Federal unemployment tax rate. The conference report provides for financing the emergency unemployment compensation by repayable advances to the extended unemployment compensation account from the general funds of the Treasury. The amounts of benefits paid in any State would be repaid by such State through withholding future excess Federal unemployment tax funds which would otherwise be paid to such State.

Mr. Speaker, under the program agreed to by the conference committee, approximately 538,000 workers who will have exhausted their basic and extended unemployment compensation will be paid emergency benefits under the new program. It is estimated that the amount of these benefits paid to these workers will be $274 million.

As agreed to by the conference committee, the emergency unemployment compensation program is a short-term program designed to assist workers who are the victims of long-term unemployment due to unusual circumstances. The conference report directs the Secretary of Labor to make a comprehensive study of the operation of the new program and to submit a report before May 1, 1972, including recommendations with respect to the operation and funding of the program and the desirability of extending it beyond June 30, 1972.

As Members will recognize, the amendment is designed to furnish some additional relief in States that have been particularly hard hit by cutbacks in national programs, including the defense and space programs. In certain areas, these industries are the backbone of the local economy. The Federal Government bears a share of the responsibility for the unemployment existing in these States, since it is the result of Federal action. For example, more than 200,000 workers are unemployed in the Los Angeles area alone. In the State of Washington, the insured unemployment rate is running at approximately 10 percent.

These States have operated their unemployment insurance programs on a basis that was fiscally sound and prudent and had, at the beginning of this long period of unemployment, substantial reserves. However, they experienced such high rates of unemployment for so long a period of time, that their own resources are depleted and they cannot provide benefits such as these on their own.

The enactment of this legislation will, to some degree, help to prevent the families of these unemployed workers from going on the welfare rolls. Any action that we can take to prevent an increase in welfare families, is a step in the right direction.

We have taken a number of steps in the present session of Congress to boost the national economy. The amendment we are now considering, is designed to do something for those who were largely overlooked in these other measures. The recently approved tax legislation, for example, contained a number of provisions to assist taxpayers and businesses. Hopefully, the measures already taken will help to alleviate the high rate of unemployment, which is the specific target of this amendment. It will be some time before the effect of these other measures will be felt, however. In the meantime, this provision is designed to do something specifically for those who have been particularly adversely affected by problems in the national economy which are largely the responsibility of the Federal Government.

Mr. Speaker, I urge the House to adopt the conference report on H.R. 6065.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, the basic bill passed by the House was, more or less, a simple housekeeping amendment to the Unemployment Compensation Act. It was a good bill, but there is nothing that requires any urgency in its enactment. No tears are going to be shed, it seems to me, if this conference report is voted down and the bill itself is not enacted into law at this time.

We sent this innocuous little bill over to the other body, which added to it a Rube Goldberg-type discriminatory welfare program in the guise of an extended unemployment insurance program.

Now, Mr. Speaker, I come from a State that pioneered in developing an unemployment insurance program. I think it is a sound program. I am a strong believer in the program.

And precisely because I believe strongly in the program, I must oppose any action that would undermine it. This conference report, it seems to me, would do a real job of undermining the insurance concept in our basic program of unemployment compensation.

Let us understand this point: Unemployment compensation as such is not a welfare program. It is an insurance program which pays benefits as a matter of right to the individuals involved. The premiums are paid by the employers, and these premiums are related to their unemployment experience. The States use what is called experience rating in determining how much tax an employer will pay into the fund in order to have money to pay benefits to his workers who become unemployed. It is truly an insurance concept. The proposal before us, however, Mr. Speaker, is purely and simply a welfare program. Benefits will come 100 percent from the general fund of the Treasury.

I am amazed that the chairman of the committee is supporting this proposal. I have heard him say time after time that he would never agree to paying money out of the general fund without a needs test. But here we would be paying out of the general fund without a needs test. The only test is whether the individual has been unemployed for a certain period of time. We would be paying $274 million out of the Treasury which is so far in the red that it should scare each and every one of us.

This is really a dole that is paid not on the basis of need, as is the case with other welfare programs, but solely on the basis of whether the individual has been unemployed and only to those who are eligible for benefits under the insurance program. This whole scheme is a monstrosity.

Now, I am not unmindful of the problems of the unemployed, no matter where they are, and I realize that we have in some States a very high level of unemployment. But let me review a little history of how we have, in the past, approached this matter of providing some assistance where there has been a persistent and rather high level of unemployment.

In 1958, and again in 1961, we provided temporary extended unemployment compensation programs. In each case the program was financed through taxes on employers. It was tied directly to the same responsibility that exists under the basic Unemployment Compensation Act. But each program was enacted hurriedly, and the chairman and I both felt this was an unwise procedure, that there should be a permanent provision in the law so that when there is a high level of unemployment and prolonged period of unemployment, there would be a system to trigger benefits.

So what did we do? We called upon the Department of Labor, upon representatives of organized labor and businesses, and spokesmen for the Interstate Conference of Employment Security Administrators in the various States, to help develop permanent legislation, so that it would be on the books with triggering devices and a methodology for building up a fund to pay for extended benefits.

This effort came to fruition with the extended benefit program enacted into law a year ago—August of 1970. It was part of an overall updating and revision of the unemployment insurance program.

It is interesting to note that the extended benefit program we enacted then has not been fully implemented and is not to be fully implemented until January 1972, a couple of weeks from now.

Yet, even before that program is permitted to operate fully, we are handed this monstrosity which we are to piggyback on top of it.

So I am sure the Members can see the preposterous situation in which we are placed by reason of the action of the Senate and the House conferees. Let me say that while the conference report was signed and agreed to by three House Members of the conference, there were two Members who did not sign it—and I was one of them.

Let me point out also that under the act we passed in 1970, we will bring approximately 5 million more people under coverage. After they have been working for a sufficient length of time they will become entitled to basic unemployment compensation benefits.

Now these 5 million, who will not be added until January 1, will not get any of the benefits under the proposal before us today. These people, we say, are entitled to unemployment compensation. But no matter where they are, they will not get any benefits under this program. Nor, Mr. Speaker, will the 12 million workers who still will not be covered, even after the 5 million are added to the eligible group.

That, to me, certainly is discriminatory. This compensation is to be taken from the general treasury and paid to certain people because they are out of work. These people will get benefits for the 13 weeks, but the poor fellow who is a worker, but whom Congress has not yet covered under the Unemployment Compensation Act, or who will not be covered until January 1 will get no benefits. By the time the 5 million to be added in January qualify for benefits, if they do draw some benefits, this program will be out of existence. It expires June 30, as the chairman has said, under the change made by the conference committee.

How can we vote to pay general funds, from all taxpayers, to a select group, and ignore the needs of other poor people?

One of my main points is that we do provide today for extended benefits in a well designed system completely consistent with the basic unemployment insurance program. Yet before we have had any real experience under it, this conference report would graft onto it an entirely new and inconsistent system.

How this can be called unemployment compensation or insurance, when it is financed out of the general fund, I just cannot understand.

The Lord only knows, Mr. Speaker, who designed it. We do know that it was introduced in the other body by one of its Members. We do know that no hearings were held by any committee of the Congress on the legislation. It was adopted as an amendment on the Senate floor. It was added in connection with the other body's consideration of the Revenue Act of 1971. This was just another one of the ornaments, they put on the Christmas tree at that time, but it was turned down in conference, not on its merits, but on the basis that it was not germane to a tax bill.

The only thing we have on this proposal of any significance other than the vote in the Senate, is an adverse report from the Department of Labor. Yet despite that, the conferees from the House accepted this amendment which makes very substantial changes in concepts, and which in my judgment undermines one of the reliable and necessary systems this Government has developed to take care of problems of the unemployed.

Yes, it was adopted in the conference. Those House Members who signed the report, three out of the five, adopted it with little more than a half hour of discussion. The skids were greased.

The SPEAKER. The gentleman from Wisconsin has consumed 15 minutes.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 10 additional minutes.

I wonder, Mr. Speaker and Members of the House, if this is the kind of responsibility for which the Ways and Means Committee now wants to become noted. Is this the kind of action for which this Congress wants to be noted? I would hope not.

To show what a hodgepodge this proposal is, let me describe the method of financing. It took some mental gymnastics to come up with it. What the net effect of it will be I do not know, and I am not sure that anybody knows, except that general Treasury funds are going to be reduced by $274 million.

Under this proposal, the 13 weeks extended benefits are to be paid out of the extended unemployment compensation account. This is the account we set up to handle the extended benefit program which we adopted a year ago and to receive the revenue from the increased net Federal payroll level we imposed at that time to build up that fund. But, as I say, the program really has not become fully operative, and yet that fund is broke. But that is the fund out of which we are going to pay for these benefits. It is $60 million short already. It owes the States $60 million because of what has happened.

Under the law we told the States that those who elected to make it effective before January 1, 1972, when it would become applicable in all States, could do so. We said it was all right for States to put it in effect ahead of time.

Some States have put it into effect. In some States, it went into effect for a while and then went out when the unemployment situation improved.

Now, what has happened is this: Because there was not enough money in the extended unemployment compensation account, the States were told—and the Department approved this—to go ahead and pay extended benefits, and because the Federal share under this program is 50 percent, when there is sufficient money in the extended unemployment compensation account, the Federal Government will pay to the States the 50 percent that it owes them.

We now owe the States some $60 million and that is going to be growing within the next year. It will grow until we get in a situation where the taxes coming in exceed the benefits going out.

So, then, what does this do? It says that money will be paid out of an account in which there is no money. The account itself is broke. However, the report says that we will have the general fund of the Treasury reimburse the extended benefit account, so appropriations have to be made for that purpose from the general fund.

Now we come to the real gimmick. And I am amazed at my chairman for even mentioning that it exists in this bill. It is so ludicrous. It says that the money will be paid back from excess funds that would otherwise be returned to the States under the Reed Act.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. I yield myself 5 additional minutes.

But let me tell you what the Ways and Means Committee report on this bill said about the possibility of any money being returned to the States under the Reed act. You will find this on page 2 of the report, and I quote:

> Since 1954, however, several changes have occurred such as the demands that were made on the loan fund (Federal Unemployment Account) and the creation of the Employment Security Administration and extended unemployment compensation accounts. All three accounts must be built up to a prescribed level before funds can be transferred to the States. Consequently funds were credited to the States only in three calendar years, 1956, 1957, and 1958.

Now here is the heart of it. This is the real gimmick, and I say to the chairman of the Committee on Appropriations it is really an outstanding one. It looks as if money would be borrowed from the general fund, but committee report filed on this bill says, and I quote—

> No additional transfers are anticipated in the foreseeable future.

And everybody admits we cannot foresee the time when we will have enough money in the various accounts to cover all of the various costs and permit a return of funds to the State from which these mythical "loans" can be paid back. The General Fund of the Treasury will be left holding the bag, and we all know and expect this.

Now, Mr. Speaker, you can call this unemployment compensation, but it is not really unemployment compensation when you finance it in that manner.

But let me show the hybrid nature of the amendment. While the general taxpayers pay for the benefits, the administrative costs are going to be charged against the employment security administration account, which is funded by taxes on employers throughout the Nation. This is not welfare because welfare is generally based upon need. It is not unemployment compensation because that is based upon an unemployment tax. We pay this out of the general fund, but we have the costs of administering the benefits that will be paid by employers through the payroll tax. Where are we going?

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I had wanted to complete my statement before yielding but, yes, I yield to the gentleman from Iowa.

Mr. GROSS. I would not want to ascribe politics as having played any part in this bill, but I do know that a couple of presidential aspirants are directly involved.

Mr. BYRNES of Wisconsin. Well, I am not even going to try to speculate as to what brings us to this most odd situation.

Let me just add a few more points on the incongruity and the inequity that is going to occur here.

How can you justify paying extended unemployment benefits out of the general fund? You could justify it where employers are to pay additional benefits reasonably related to part employment. But how can you justify saying you will pay for 13 weeks of additional benefits in one State because it has a combined unemployment rate of 6.5 percent and not pay anything in the adjoining State because it has a rate of only 6 percent?

The SPEAKER. The time of the gentleman has again expired.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself an additional 6 minutes.

The SPEAKER. The gentleman from Wisconsin is recognized for 6 additional minutes.

Mr. BYRNES of Wisconsin. Mr. Speaker, State B may have a 6-percent level which has persisted longer than the 6.5-percent level in State A. But under this proposal you would be taking money out of the Treasury, and giving to individuals in State A an additional 13 weeks of compensation.

You would be paying a full year of benefits to a man in one State. But what would you do for the guy in the next State with a rate of 6-percent unemployment? Nothing; nothing.

If you want to take the taxpayers' money and send it to some State that maybe has five-tenths percent more unemployment than yours, and neglect your own people, that is up to you. But, Mr. Speaker, I am not going to vote for something which is that discriminatory.

You are also going to be paying more, for instance, in the State of Washington and some other States, to secondary earners and people who have seasonal jobs.

I am not too sure but that the very nature of this program, which should be designed to help correct the long-term unemployment problem, dictates that there should be more stringent eligibility conditions than are contained in this bill. Also, I do not believe that more weeks of benefits are necessarily the answer to long-term unemployment. They actually, in some respects, may retard rather than promote employment.

Resistance to moving from one area to another retards an individual's chance of reemployment. Consequently any program that contributes to this resistance by sustaining him over an inordinate period of time adds to the problem rather than helps to solve it.

These are just some of the things I think you ought to consider seriously as you look at what you are doing here.

Many individuals, particularly those in States with low qualifying earnings requirements, and with the uniform duration for all claimants, will receive more money in benefits than they had earned as a basis for those benefits.

Mr. Speaker, as a friend of unemployment compensation, as one who wants to see it work, as one who along with the chairman, did his best to try to get a system written into the law that would take care of these unusual periods of higher-than-usual unemployment over extended periods of time, I think this is a poor amendment that is going to plague us if we adopt it today, and I would urge you to turn down this conference report.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, did the gentleman from Wisconsin say that this program was financed through the General Treasury, but that it would be subject to repayment from the FUT tax?

Mr. BYRNES of Wisconsin. No, it is not. That is the point. That is not what it says. And the gentleman is experienced in this field of unemployment compensation, and I believe the gentleman is a former administrator of the tax.

Mr. PICKLE. That is correct.

Mr. BYRNES of Wisconsin. This would be reached only in the event a State got a return of FUTA collections under the Reed act.

But the report of the Ways and Means Committee, says there is not going to be any money to be distributed under the act. That is the only way it is paid back under this bill. Should a State, let us say the State of Washington, somewhere down the line be eligible for some Reed act money, that would have to be credited against it.

Mr. PICKLE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the unemployment insurance program was built on the principle of insurance. It has worked well for us for some 40 years. Each State is allowed to establish its own weekly benefit amounts and to run its own State program if they meet certain Federal requirements.

If we approve this bill today, we will, in effect, be paying for unemployment insurance to insured workers from the General Treasury. This is a departure from the method always used, with possibly one exception, in meeting the cost of the unemployment insurance program. Indeed, it is true when we pay for these benefits from the Federal Treasury, we are close to making this a welfare program.

Now none of us want to see unemployed workers possibly go without receiving their benefits. The workers involved here have had 13 additional weeks, and this bill would give them an additional 13 weeks. If we allow this extra time, it should be paid for by an employer tax, or some other means, and not taken from the Federal Treasury.

I have asked the gentleman from Wisconsin to explain to us again exactly how these funds would be repaid to the general Treasury. I must say, it is almost impossible to understand or to believe that these funds would ever be repaid to the unemployment insurance program. We are told that none of these moneys would come from the Reed Act, but I question that. At least there is considerable doubt how it is proposed that any of this money would ever get back to the Treasury or how it would come from the Extended Benefit Act. I think we are kidding ourselves to think that this would be repaid.

Conceivably, if we had a high rate of employment—and very little unemployment—for 4 or 5 years straight, then we might be able to get a surplus in these funds. That is not likely to happen and none of us ought to believe that it will.

I would much rather consider giving 13 additional weeks to these 11 States and Puerto Rico under a program of welfare or a direct unemployment insurance tax instead of seeing it put under an unemployment insurance program and under the guise that funds will be repaid.

I, therefore, will vote no on the resolution on the measure because I think this bill, as well intended as its supporters may be and as much as some unemployed workers may need the benefits, violates the principles of the unemployment insurance program.

I have served as a State administrator and am proud of the record that the State unemployment programs make. I do not want to adopt anything that weakens this program.

Mr. MILLS of Arkansas. Mr. Speaker, I yield 10 minutes to the gentleman from Washington (Mr. ULLMAN), a member of the conference committee.

Mr. COLLIER. Mr. Speaker, would the gentleman yield for a unanimous consent request?

Mr. ULLMAN. Mr. Speaker, I yield to the gentleman from Illinois.

(Mr. COLLIER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COLLIER. Mr. Speaker, I rise in strong opposition to this conference report, because, among other things, it rapes even the semblance of the orderly and responsible legislation. It once again points to the bleeding need for correcting the abominable and inexcusable legislative procedure in the Senate. Unless this is done, I predict that the people of this country will lose all respect for the operations of the highest legislative body in the country. Certainly they are justified in doing so.

But we here in this House can serve notice on the other body that we do not intend to condone or play any part in this irresponsible means of legislating.

Mr. ULLMAN. Mr. Speaker, the reason, and the only reason we are here today with the legislation, is because the country has a recession problem. The fact that it is somewhat spotty and somewhat segmented in the country really is beside the point. We are in a serious economic situation. In the States that would be immediately affected by the amendment, 538,000 employees will have exhausted entirely their basic and extended unemployment compensation benefits.

Now, always, when that situation occurs, Congress has reacted here, and I think it always will.

Back in 1958 we adopted a temporary program providing an additional 13 weeks. In 1961 when we had another unemployment problem, and we again provided for an added 13 weeks.

Then in 1970, you will remember, last year, realizing that the country was moving into a recession, we passed legislation that gave us a permanent standby program of extended benefits.

But now even with the extended benefits that we provided last year, we have many hundreds of thousands of people who have completely exhausted their benefits and somehow they are going to have to be taken care of. The only question before the Congress is—how is best to do it. Do you want to put these people on welfare? They are legitimate employees. They are people who want to work and who want jobs that are not available. They are not welfare material, believe me, they are people who want to work.

The only question is, Are you going to provide some method in unemployment compensation legislation, as we have always done in the past to take care of this critical problem or are you going to force them on welfare?

There are some 12 States immediately involved in the triggering device. The gentleman from Wisconsin made an issue of the triggering device. You cannot implement an emergency program without some kind of triggering device. The legislation now on the books that we passed last year for extended benefits had a triggering device in it, both a Federal triggering device and a State triggering device. All that we have done here is to try to provide some reasonable vehicle to "trigger in" these benefits where the situation is most urgent. We went from a 6-percent, as proposed by the Senate, to a 6½-percent factor in the conference. That is made up of existing insured unemployment plus exhaustions during the past year.

Under this formula, at the present time, there are 12 States involved. But certainly after the first of the year, there will be more States involved than that. We know of at least two or three that will almost certainly come under it.

Now the gentleman from Wisconsin made a great issue of the point that the fund is in the red. Well, let me tell you why it is in the red. It is in the red because the executive branch, this administration, has refused to request the funds that we authorized last year under the extended benefits program. If the administration would request the funds—if they would be provided—the fund would not be in the red. I know the gentleman from Wisconsin knows that that is the situation.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. BYRNES of Wisconsin. If the fund needs advances from the General Treasury to get an advance, that proves it is in the red and that it is not sound. That is the situation when the receipts are less than the benefits.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. MILLS of Arkansas. Let us not confuse what we have before us. What the gentleman is talking about is the extended benefit program that the Federal Government has not financed and that is being paid for in areas where it is in effect 100 percent out of the States' unemployment benefits account. The Federal Government has not paid its 50-percent share. That is not involved in this bill at all. That is a matter relating to the legislation that we passed last year, and it has not been funded. That is what the gentleman from Oregon was referring to.

Mr. BYRNES of Wisconsin. If the gentleman will yield further, you say it is this account—but this account does not have any surplus. It has to go to the general fund to get it.

Mr. MILLS of Arkansas. Of course, it cannot have any surplus when you have 6 percent or 6½ percent of the people unemployed.

Mr. BYRNES of Wisconsin. Right.

Mr. MILLS of Arkansas. But it will have a surplus when unemployment is less.

Mr. BYRNES of Wisconsin. We hope that eventually we will have that.

Mr. MILLS of Arkansas. We hope that unemployment is going to go down sometime and you know and I know that then there will be a surplus in the account.

Mr. BYRNES of Wisconsin. It does not make any difference whether there is a surplus in that account or not in determining the question of whether the general fund is ever reimbursed. Not only the extended benefits account, but the employment security administrative account and the loan account would all have to be filled to their statutory limit before any funds would be returned to the States. The thing is so confused, it is difficult to understand.

Mr. MILLS of Arkansas. These are the funds I am talking about. I expect to see these funds built up when we get a lower level of unemployment. It has had moneys in the past when we have had low levels of unemployment. We have permitted the States to use those moneys for administrative purposes.

Mr. BYRNES of Wisconsin. Mr. Chairman, why, then, did the committee report itself state that there is no expectation in the foreseeable future of there ever being a surplus in funds under this Reed Act? Why did you sign the committee report in connection with the very bill that we sent over to the Senate in which that statement is contained?

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the chairman.

Mr. MILLS of Arkansas. The gentleman from Wisconsin makes a whole lot to-do about the possibility that these people may receive unemployment compensation benefits for a 13-week period out of the general fund of the Treasury. But the gentleman from Wisconsin joined me in helping to pass through the Congress a program of adjustment assistance to workers who lost their jobs as a result of imports, and we are paying benefits to them to the tune of 52 weeks out of the general fund of the Treasury. The gentleman knows as well as I do that the unemployed we are talking about are also unemployed as a result of the action of the Federal Government in taking away contracts and in cutting back on work. What is the difference between unemployment as a result of imports and unemployment as a result of cutting back on military and similar expenditures?

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. The difference is, Mr. Speaker, that under the adjustment assistance you identify the particular group of employees and specifically relate the unemployment to governmental action. You do not cover every employee in a State who happens to have been employed in a plant that was affected adversely by imports. That is the distinction. This bill covers everyone, including the seasonal worker and everyone else.

Mr. MILLS of Arkansas. That is another technicality that the gentleman injects. But it still is no answer to the man who knows that he is out of a job in the State of Washington, California, Connecticut, or somewhere else as a result of the Government cutting back on procurement of materiel.

Mr. ULLMAN. Mr. Speaker, the fact of the matter is that the States will be charged for the amounts used when this program is triggered. I know the gentleman from Wisconsin is not trying to say that we are going to be in a period of prolonged unemployment on down the line. We are going to get back into an era of prosperity, God help us, and when we do there will be moneys in these funds. When we do, the employers of those States will be the ones who will pay the bill for the moneys used under this program. Just as sure as we are here, we eventually are going to go into a period of prosperity. When we do, we know there will be surpluses in these funds and the excess funds that would then be paid to the States where these emergency benefits are paid will be used to repay the amounts borrowed from the General Fund of the Treasury. In this manner the employers in those States will be the ones who will be paying the bill.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield the gentleman from Oregon 5 additional minutes.

The SPEAKER. The gentleman is recognized.

Mr. BYRNES of Wisconsin. Mr. Speaker, I know the gentleman wants to be fair. Will he yield further?

Mr. ULLMAN. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I assume the gentleman would label the years of the 1960's rather prosperous, would he not?

Mr. ULLMAN. Well——

Mr. BYRNES of Wisconsin. The 1960's—was that a prosperous period? Because even during that period there was surplus in any year that was returned to the States. That is what you are relying on.

Mr. ULLMAN. What the gentleman falis to realize is that in 1970 we increased the tax in order to take care of this problem, and in addition to that, under the extended benefits program the Federal Government was responsible for Federal moneys going into the funds, and the fact of the matter is the administration has not requested funding under this program. These are some of the reasons we have problems of funding today. But under the next tax rates imposed the last year, in a period of prosperity there will be funds building up in this account, and the employers in the States will be the ones who will be paying.

Mr. BYRNES of Wisconsin. Will the gentleman let me agree with him on a point? That tax was put on and was increased in order to build up a fund to take care of the special extended benefit program that we enacted into law. But this is not expected to produce funds reverting to the States to pay back the General Treasury for these emergency benefits. Let us at least be fair about this thing.

Mr. ULLMAN. But quite obviously even last year when we passed the extended benefit program we could not anticipate the levels of unemployment that we have today. We are in a serious national situation or we would not be here asking for these benefits.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, the gentleman from Wisconsin is right. The first charge against the new tax was the extended benefit program, but there are amounts over and above those required for the extended benefits, and the gentleman knows they went next to the Reed fund. It finally goes back to the Reed fund.

Mr. BYRNES of Wisconsin. If the gentleman will yield, they will go back to the Employment Security Administration Account, from which we pay administrative costs and various other things. And finally, way down at the bottom, it might go to the Reed Act.

Mr. MILLS of Arkansas. Wait a minute—let us make it clear to all: Finally it will go back to the State fund, and then whenever it gets back to the State fund, but a State fund cannot receive any excess revenues until this debt is paid back.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, funds are raised through the unemployment tax and disbursements are made from the trust fund. The appropriation process does not necessarily come into play. But I am wondering if we are not going to be called upon to make appropriations to the trust fund in order to carry out this program.

The SPEAKER. The time of the gentleman from Oregon has expired.

Mr. MILLS of Arkansas. I yield the gentleman from Oregon 1 additional minute.

Mr. MAHON. Mr. Speaker, if the gentleman will yield, I understand we will be asked by the Senate in connection with the continuing resolution to agree to certain language pursuant to this program.

Mr. MILLS of Arkansas. Mr. Speaker, if the gentleman will yield, the chairman knows and I know we are called upon to make funds available for the unemployment compensation program, and for other funds. The budget has asked, for 1972, for better than $6.2 billion to be available for unemployment compensation. Is that not correct?

Mr. MAHON. But this would be in addition to that.

Mr. MILLS of Arkansas. That is right, and because there is no money available within the fund charged with this, because the administration has not yet even asked for 50 percent under the extended benefit program, advances will have to be made from the general fund of the Treasury, until these moneys can be paid back into the general fund. This is not the first time that has been done. My friend, the gentleman from Texas, knows that.

The SPEAKER. The time of the gentleman from Orgeon has expired.

Mr. FRENZEL. Mr. Speaker, the conference report on H.R. 6065, which originally passed the House on a voice vote, contains a whole new section authorizing extended unemployment benefits for an additional 13-week period—over and above the 13-week extended benefit previously authorized—or 50 percent of the compensation due in the claimant's most recent benefit year.

This country's unemployment compensation programs have been successful and necessary to the Nation's economic health and to the welfare of our wage earners. The systems have been based on the experience ratings of covered employers. So far all of our programs have been financed out of the trust funds which consist solely of employer contributions and interest earned thereon.

This bill makes an important deviation in that it provides for financing of these temporary additional unemployment benefits from the Treasury. What this means is that taxpayers of the State of Minnesota, individual and corporate, must finance unemployment compensation claims from other States while claims of Minnesota's unemployed are financed solely by Minnesota employers.

It seems to me, Mr. Speaker, that if we are going into the general funds for unemployment benefits, our programs ceases to be a standard unemployment program and becomes strictly a welfare program. If we operate it that way, we ought to call it a welfare program.

In this bill we are doing approximately what we did in the black lung bill passed earlier this year. We are using the general revenues of the United States of America to subsidize a difficult situation in a few States to the disadvantage of all of our citizens, many of whom may be in equally difficult situations, in the other States.

What we have here is an inequitable bill which uses a temporary expedient to solve a problem for a few of our citizens. I believe this conference report should be defeated and that the Ways and Means Committee should be encouraged to strengthen our unemployment compensation programs in a uniform and equitable manner.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise to register my strong objection to title II of the conference report called up by the gentleman from Arkansas (Mr. MILLS), the distinguished chairman of the House Committee on Ways and Means. While I have grave reservations about the substantive merits of this amendment, I object even more strongly to the cavalier manner in which the proponents of this measure have completely ignored normal legislative procedures in both the Senate and the House. To begin with, this proposal has not received 1 minute of hearings by the tax committee of either body. Second, it was tacked on as a rider to the revenue bill in the Senate, and then almost completely rewritten in conference. Finally, it comes to the floor of this body after both the reading of the conference report and the statement of the managers has been dispensed with, so that very few Members have even the remotest idea of what is being proposed.

Now, if the amount of money involved were only on the order of a few hundred thousand or perhaps a million dollars, the cause for alarm might not be so great. But this is not the case at all. The chairman of the Ways and Means Committee (Mr. MILLS) has stated that nearly a quarter of a billion dollars would be involved. If we continue to treat our fiscal affairs so lightly, will there ever be any hope of drying up the rivers of red ink that now seem destined to flow out of the Federal budget well into the middle of this decade?

Mr. Speaker, I realize that this proposal addresses itself to a serious problem indeed; but that is precisely why it is incumbent upon this body to produce a serious, carefully considered and developed response. Is it any wonder that the American people "are fed up with government at all levels" to quote from the President's state of the Union address, when we enact major new programs—and this clearly is one—in the haphazard fashion that has characterized the development of this particular piece of legislation.

Mr. Speaker, as I stated previously, I also question the substantive merits of this amendment. First, as the ranking minority member of the Ways and Means Committee, Mr. BYRNES, has forcefully pointed out, the unemployment compensation program is an insurance program financed by a contributory tax, but the measure proposed here would be financed out of general revenues. In the past, Congress after Congress has gone on record strongly reaffirming the principle that the unemployment compensation program should remain an insurance program and should not be financed in such a manner. Why should we now abandon that important principle? What has occurred since we last improved and updated the unemployment compensation program in August of 1970 that requires we set a precedent for financing this program out of the general fund?

Mr. Speaker, let me remind this body that earlier this year we approved a $1 billion public service employment program designed to cope with the very same kind of problem that proponents of this measure have used to justify the proposed 13-week benefit extension: Namely, long-term unemployment due to the conversion of our economy from war to peace. Would it not be prudent in light of the severe strain already on the Federal budget to see whether that public service employment program can do the job before we piggyback another costly program on top of it?

Mr. Speaker, I also have philosophical reservations about the wisdom of continually extending the duration of unemployment benefits. This proposal would make individuals eligible for an entire year, and if the trend continues that eligibility may soon be extended to 15 months, 18 months, 2 years. But let us recall the reason for enactment of this program in the first place. Was it not the case that we were attempting to protect individuals and their families and to maintain purchasing power during periods of cyclical downturn? Was not the basic idea simply that unemployment compensation could provide an "automatic stabilizer" that would prevent the economy from slipping into another great depression like the one we suffered during the 1930's?

In light of this, let us consider the kind of unemployment that currently prevails in places like southern California or Seattle—the areas of the country that would get the lion's share of the funds made available under this program. The unassailable fact is that the unemployment in these areas is not cyclical unemployment stemming from the recent economic downturn, but secular unemployment, to use the jargon of the economists, that has resulted from long-term and permanent shifts of productive activity in the economy. In this case, the cause is conversion from war to peace, but the same kind of secular shift can occur when an industry migrates from one part of the country to another, as occurred in the New England textile industry, or when domestic production is replaced by foreign production, as is now occurring in the area of consumer electronics, or when new technological innovations replace labor intensive production with capital intensive production, as occurred in the coal industry after World War II.

Mr. Speaker, in all of these cases of secular unemployment, the workers directly displaced are certainly entitled to aid and assistance. But the point is this: unemployment compensation is not the answer because it was designed for a totally different purpose and is geared to meeting different circumstances. Unemployment compensation is designed to maintain the purchasing power of workers and their families until the renewed economic activity of the cyclical upswing allows them go back to their previous job or employer. But in the case of secular unemployment, workers can never go back to the old job because it has been permanently displaced. Therefore, what we need in these cases of secular unemployment or permanent job displacement is a broad program aimed at helping and encouraging workers to find new jobs.

Mr. Speaker, we have a precedent for this kind of program in the Trade Adjustment Assistance Act. In its current form it is very deficient and niggardly to be sure. But it does provide realistic aid to a worker permanently out of a job through an integrated package of retraining, relocation, job development and income maintenance assistance. In my view there is no reason why this kind of program cannot be upgraded and expanded to deal with all types of secular unemployment, not just the trade-related variety. Instead of just adding one more patchwork program that will not solve the problem of those unemployed in Seattle, southern California, and similar areas, it seems to me that this kind of broad manpower adjustment program is what we ought to be seeking to develop.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. BYRNES of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 193, nays 149, not voting 89, as follows:

[Roll No. 469]

YEAS—193

Abourezk
Adams
Addabbo
Anderson, Calif.
Annunzio
Aspin
Aspinall
Badillo
Begich
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Brademas
Brasco
Broomfield
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chamberlain
Clark
Clausen, Don H.
Clay
Collins, Ill.
Conte
Corman
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Gray
Green, Pa.
Grover
Halpern
Hamilton
Hanley
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Holifield
Hosmer
Howard
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Keith
Koch
Kyros
Latta
Leggett
Link
Long, Md.
McCormack
McDonald, Mich.
McFall
McKay
McKinney
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
Patten
Pepper
Perkins
Peyser
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Rangel
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
Saylor
Scheuer
Seiberling
Shoup
Shriver
Skubitz
Slack
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stubblefield
Symington
Teague, Calif.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Widnall
Wilson, Bob
Wolff
Yates
Yatron
Young, Tex.
Zablocki

NAYS—149

Abbitt
Abernethy
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baring
Bennett
Betts
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Camp
Carter
Chappell
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Coughlin
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Findley
Fisher
Flowers
Fountain
Frelinghuysen
Frenzel
Frey
Galifianakis
Gettys
Goodling
Green, Oreg.
Griffin
Gross
Gude
Haley
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Henderson
Hull
Hungate
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Keating
King
Kuykendall
Kyl
Landgrebe
Lennon
Lent
Lloyd
McCollister
McCulloch
McDade
McEwen
McKevitt
Mahon
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Minshall
Mizell
Myers
Nelsen
Nichols
Passman
Patman
Pickle
Pike
Poage
Poff
Powell
Price, Tex.
Purcell
Quie
Railsback
Rarick
Rhodes
Roberts
Robinson, Va.
Runnels
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Sikes
Smith, N.Y.
Spence
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—89

Abzug
Alexander
Anderson, Tenn.
Andrews, Ala.
Ashley
Baker
Barrett
Belcher
Blatnik
Bolling
Brooks
Caffery
Casey, Tex.
Cederberg
Chisholm
Clancy
Conyers
Cotter
Crane
Derwinski
Diggs
Dowdy
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Ford, William D.
Fulton, Tenn.
Fuqua
Goldwater
Grasso
Griffiths
Gubser
Hagan
Hall
Hanna
Hansen, Wash.
Hawkins
Hays
Hébert
Hicks, Wash.
Horton
Kastenmeier
Kee
Kemp
Kluczynski
Landrum
Long, La.
Lujan
McClory
McCloskey
McClure
McMillan
Macdonald, Mass.
Martin
Michel
Miller, Calif.
Mink
Mitchell
Mollohan
Montgomery
Moss
O'Neill
Pelly
Pettis
Pirnie
Podell
Quillen
Randall
Rees
Robison, N.Y.
Rousselot
St Germain
Sarbanes
Schmitz
Sisk
Smith, Calif.
Springer
Stratton
Stuckey
Sullivan
Thompson, N.J.
Veysey
Waggonner
Wiggins
Wilson, Charles H.
Wright
Wyatt

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Pelly for, with Mr. Crane against.

Mr. Waggonner for, with Mr. Martin against.

Mr. Horton for, with Mr. McClory against.

Mr. Cederberg for, with Mr. Eshleman against.

Mr. Thompson of New Jersey for, with Mr. Derwinski against.

Until further notice:

Mr. O'Neill with Mr. Hall.

Mr. Hébert with Mr. Pirnie.

Mr. Evins of Tennessee with Mr. Baker.

Mrs. Grasso with Mrs. Dwyer.

Mr. Macdonald of Massachusetts with Mr. Lujan.

Mr. Kluczynski with Mr. Springer.

Mr. Charles H. Wilson with Mr. Goldwater.

Mr. Podell with Mr. Robison of New York.

Mr. Moss with Mr. Smith of California.

Mr. St Germain with Mr. Kemp.

Mrs. Griffiths with Mr. Quillen.

Mr. Fuqua with Mr. Belcher.

Mr. Hays with Mr. Clancy.

Mr. Hanna with Mr. Gubser.

Mr. Barrett with Mr. Michel.

Mr. Stratton with Mr. McClure.

Mr. Sisk with Mr. Rousselot.

Mr. William D. Ford with Mrs. Abzug.

Mr. Miller of California with Mr. Veysey.

Mr. Blatnik with Mr. Diggs.

Mrs. Sullivan with Mr. Wiggins.

Mr. Caffery with Mr. Pettis.

Mr. Hawkins with Mr. McCloskey.

Mr. Mollohan with Mr. Wyatt.

Mr. Alexander with Mr. Dowdy.

Mr. Andrews of Alabama with Mr. McMillan.

Mr. Ashley with Mr. Conyers.

Mr. Anderson of Tennessee with Mr. Landrum.

Mr. Rees with Mrs. Chisholm.

Mr. Brooks with Mr. Flynt.

Mr. Fulton of Tennessee with Mr. Hagan.

Mr. Mitchell with Mrs. Mink.

Mr. Casey of Texas with Mr. Kee.

Mr. Wright with Mr. Stuckey.

Mr. Cotter with Mr. Randall.

Mrs. Hansen of Washington with Mr. Sarbanes.

Mr. Montgomery with Mr. Long of Louisiana.

Mr. Kastenmeier with Mr. Hicks of Washington.

Messrs. MONAGAN, BROWN of Michigan, HOGAN, GROVER, BOB WILSON, FISH, YOUNG of Texas, WIDNALL, HUNT, HEINZ, and SAYLOR changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just considered.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 742 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 742

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1005) making further continuing appropriations for the fiscal year 1972, and for other purposes, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be considered as having been read for amendment. No amendment shall be in order to said joint resolution except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for one hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 742 provides a closed rule with 1 hour of general debate for consideration of House Joint Resolution 1005 making further continuing appropriations for fiscal year 1972. The resolution also provides that all points of order are waived against the joint resolution.

Public Law 92–38, the fiscal year 1972 continuing resolution, which was extended three times, expired on December 8. An extension is needed to cover the Defense appropriation bill, the District of Columbia appropriation bill, and the foreign assistance appropriation bill. In addition, authorizations and appropriations have not been finalized for Radio Free Europe and Radio Liberty, the American Revolution Bicentennial Commission, and the Emergency School Assistance Activities.

The effective date of House Joint Resolution 1005 is December 9 and all points of order are waived for the reasons set forth above.

The gentleman from Texas (Mr. MAHON) has inserted a complete explanation of this crisis in the CONGRESSIONAL RECORD of December 13, 1971.

I urge adoption of the rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

This is a completely closed rule; is it not?

Mr. YOUNG of Texas. Yes.

Mr. GROSS. On line 3, page 2, of the proposed rule there must be a typographical error, in that this designates the Committee on Appropriations. What did the committee mean by that? These closed rules, of course, always come from the Committee on Ways and Means. Did the committee mean the Ways and Means Committee or did it mean the Appropriations Committee?

Mr. YOUNG of Texas. I must say it is not a typographical error. The Appropriations Committee explained before the Rules Committee that it felt it had to have a closed rule, to bring this session of Congress to a termination before the first of the year.

Mr. GROSS. Whatever the reason, is this not creating something of a precedent, to give the Appropriations Committee a "gag rule?"

Mr. YOUNG of Texas. It will be a precedent between now and adjournment, which we hope will be before long.

Mr. GROSS. Then it is not a typographical error?

Mr. YOUNG of Texas. No.

Mr. GROSS. It is deliberately done for the benefit of the Appropriations Committee?

Mr. YOUNG of Texas. Yes. The gentleman is correct.

Mr. GROSS. Would the gentleman have any idea as to what committee will come next in the line obtaining a "gag rule" for consideration of legislation by the House?

Mr. YOUNG of Texas. No. I do not believe there will be any more this year—I hope.

Mr. GROSS. I hope so, too. I hope for the best and I certainly fear the worst.

Mr. YOUNG of Texas. I thank the gentleman.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. ROGERS), who wishes to speak out of order.

(By unanimous consent, Mr. ROGERS was allowed to speak out of order.)

Mr. ROGERS. Mr. Speaker, this House has consistently passed appropriations designed to implement the mental health program of this Nation, and until now, all indications were that the Office of Management and Budget was not going to release funds necessary to an effective program.

I became extremely concerned about this and have been in contact with the Secretary of HEW. I am pleased now to report to the House that the Secretary has just notified me that he has been in touch with the Office of Management and Budget twice within the last 24 hours and has received a commitment that the Office of Management and Budget has reversed itself and released much-needed funds for the training of psychiatrists, for children's projects and for staffing and construction of community mental health centers. This is welcome news, as it indicates that the strong congressional mandate for the continuation and expansion of this Nation's efforts against mental illness is being implemented.

If my information is correct OMB has been persuaded to release $56.5 million in withheld funds for vital psychiatric programs and services. This includes $10 million for children services, $6.7 million for residency training, $30 million for staffing additional comprehensive mental health centers, and $9.8 million for construction of additional centers.

I congratulate Secretary Richardson, Assistant Secretary DuVal and National Institute of Mental Health Director Brown on their efforts to secure release of these funds. This is a great victory for the Congress over the accountants at OMB and, more importantly, a great victory for the American people. I hope this represents only the beginning of a trend to adequately fund this country's health programs.

Mr. YOUNG of Texas. Mr. Speaker, I yield now to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of House Resolution 742 and would urge its adoption by the House in order that we may proceed to the consideration of the continuing resolution.

I think much as any of us in this Chamber may regret the necessity of concluding the business of this first session of the 92d Congress on the note of yet another continuing resolution, it should be pointed out, perhaps, at least, that this continuing resolution has had the benefit of hearings.

Just a moment ago this House debated action on a bill that will obligate the Federal Treasury at the rate of $274 million in 1972, I understand, and without a moment of hearings before any committee in either body.

I would say at least in connection with this resolution on Monday last we had the benefit of testimony by the distinguished chairman of the Committee on Appropriations of the House, the gentleman from Texas (Mr. MAHON) the ranking minority member, (Mr. BOW) and the chairman of the Subcommittee on Foreign Operations (Mr. PASSMAN) who explained the necessity for proceeding in this manner to conclude the business of this Congress.

I think it is important to note that this resolution will amend the date retroactively of the expiring continuing resolution so that it will be effective as of the 9th of December. Obviously that action is necessary to validate some of the actions that have been taken by the agencies and departments affected by this resolution whose actions otherwise might well be illegal because of the lack of any authorization or appropriation bill.

I share the concern of the gentleman from Iowa which he expressed a moment ago at the presentation of a closed rule from the Committee on Appropriations. I would repeat I do not think it constitutes any precedent by that committee to present similar requests in the future.

Given the exigencies of the situation, it was necessary to provide for a closed rule to prevent, I think, a rather extended debate on some rather controversial programs which only quite recently were litigated on the floor of the House. I refer, of course, most particularly to the foreign assistance appropriation bill.

Mr. GROSS. Will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I wish to say only this: The necessity or the apparent necessity for this kind of a gag rule is at one and the same time a sad commentary on and an indictment of the conduct of the business of the House of Representatives. That we should come down to this point with a gag rule in order to put through legislation, that ought to have long ago been disposed of by the House and put it over into the next year, I say, is a sad commentary.

Mr. ANDERSON of Illinois. I am certainly disposed to agree with the gentleman, and say that I am disposed to concur with the judgment that has been passed on this Congress by the gentleman from Iowa.

I have heard the distinguished chairman of the House Appropriations Committee rather ruefully, I would say, make the comments before the Rules Committee in the last few weeks that something does seem to be wrong with both the authorization and appropriation process when you come down to the end of an extended session of Congress and find literally billions of dollars of programs that have neither been authorized nor for which appropriations have been made in the normal process.

I think this is a subject that ought to have some real attention given to it on the other side of the aisle as well as Members on both sides of the aisle.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Illinois yield to me at this point?

Mr. ANDERSON of Illinois. Yes, I yield to the gentleman from New York.

Mr. ROONEY of New York. I thank the gentleman. I should like to say to my friend, the distinguished gentleman from Iowa (Mr. Gross), that that fine speech he made just a few moments ago should have been made by the gentleman to the other body and not here in the House of Representatives.

The delay in concluding appropriation bills has always been caused by the other body rather than here in the House.

The gentleman from Iowa certainly should know that.

Mr. GROSS. Mr. Speaker, will the gentleman from Illinois yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from New York (Mr. Rooney) has been around here a little longer than I have and the gentleman from New York (Mr. Rooney) knows that some of the authorizing bills did not clear this body until a few days ago.

The gentleman from New York knows that, does he not?

Mr. ROONEY of New York. Those are just a few of the bills, but not involving general delays such as the one on authorizing foreign aid.

Mr. GROSS. All right.

Mr. ROONEY of New York. Mr. Speaker, if the distinguished gentleman from Illinois will kindly yield further, I suggest that what is preventing us from adjourning sine die at the moment is taking place over in the other body.

The distinguished gentleman from Iowa harangues us all the time, and sometimes with justification. I happen to be an exception to his haranguing. The gentleman has not done that to me in recent years. The gentleman generally speaks very well with reference to the appropriations bills that we bring in here and the amount of money we saved. So I would suggest to the distinguished gentleman to just take it easy. The Appropriations Committee of the House has worked its hardest year this year in all of the 27 years that I have been a member of that committee.

Mr. GROSS. If the gentleman from Illinois will yield further, I thought the gentleman from New York knew of the esteem and respect in which I held him. I am not taking umbrage at anything the gentleman from New York has done.

Mr. ROONEY of New York. I know that the distinguished gentleman from Iowa is my friend and I said so at the outset. I thank him sincerely.

Mr. GROSS. But the gentleman from New York must know too that the other body is controlled by a Democrat majority as is this body, the Democrat majority representing his party.

Mr. ROONEY of New York. When it comes to appropriations——

Mr. GROSS. And, it is up to that majority to move legislation, whether it be in this body or the other body.

You are in charge. You have the troops to get the legislation through in orderly procedure rather than resort to a gag rule such as confronts us at this moment.

Mr. ROONEY of New York. My bill was concluded long ago. It was passed by both bodies in the heat of last summer.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes; I yield to the gentleman from California.

Mr. WALDIE. I thank the gentleman from Illinois for yielding.

There is a story on the wire services to the effect that the Secretary of Defense was on the floor of the House yesterday and today apparently lobbying on behalf of this measure that we will be considering.

I want to simply comment, as a Member of the legislative branch, although I recognize the fact that the Secretary of Defense is also a former Member of this body and, therefore, has the privileges of the floor, it does seem to me it is at least the custom, one that is sound and proper involving the constitutional separation of the powers of the branches of Government that forbids the executive branch from appearing on the floor of the Congress without an invitation on the part of the leadership and the Members of the Congress and the House of Representatives.

Mr. ANDERSON of Illinois. May I say in response to the statement of the gentleman from California I noted the presence on the floor earlier this afternoon of the distinguished Secretary of Defense, our former colleague, Mr. Laird; and I, in fact, had some conversation with him but it related merely to exchanging season's greetings. I did not hear any conversation that in any way indicated he was abusing his privileges as a former Member of this body.

I will, of course, also say that he might well have been here with respect to his interest in the conference report on the Department of Defense appropriation bill. But, that, of course, has passed this body. It is not the subject of this continuing resolution that is before the House.

I would certainly reject any charge that the Secretary of Defense in any way has engaged in any improper activities on the floor of the House.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California.

Mr. WALDIE. Mr. Speaker, I make no charge, I only comment that it does seem to me that this is a matter that the House should consider in terms of the extent of extending invitations to members of the executive branch insofar as appearances here on the floor of the House are concerned. And this would, it seems to me, extend also to former Members of the House who are now members of the executive branch, be they members of the Presidential Cabinet or what.

I simply want to make the statement that the Secretary of Defense was on the floor during a period involving legislation with which he is concerned.

Mr. ANDERSON of Illinois. Now, let me say in connection with the remarks of the gentleman from California—and I do not intend to extend the debate—that I would certainly hope that the gentleman would not persist in that view that there was anything improper in the appearance of our former colleague, who is now the Secretary of Defense, appearing on the floor. I think we are all glad to see him, indeed, as we are all of our former colleagues.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I saw our former colleague, who is now the Secretary of Defense, on the floor. I visited with him momentarily.

He was also in my office in the Committee on Appropriations. I visited with him there also.

The gentleman did not say anything, or make in any way any reference to the conference report on the defense appropriation bill. I did say to him, "I hope you can live with what we did." He responded that he would have to. The Secretary is always agreeable and cooperative.

That was the extent of his contact with me. Insofar as the continuing resolution, or anything in this legslation, he said not a word about it in our conversation. I for one feel that if he were lobbying with anybody he certainly would be lobbying with me.

He did say one other thing. He said: "George, when you have time I want to give you more information in regard to some of the developments in the India-Pakistan matter," which did not relate in any significant way to the legislation which is before us.

So, Mr. Speaker, in fairness I feel compelled to make that statement.

Mr. ANDERSON of Illinois. Mr. Speaker, I commend the gentleman from Texas (Mr. Mahon) for the contribution he has just made. I am sure that it will help to remove any doubts that might have arisen in anyone's mind about the propriety of our former colleague, Mel Laird, appearing on the floor of the House.

Mr. MINSHALL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Speaker, I am quite surprised and shocked that the gentleman from California (Mr. Waldie) would make such an aspersion against a former Member of this body who now holds the very important post of Secretary of Defense.

I know why Mel Laird was up here yesterday, and why he has come to the floor of the House. He has traditionally gone to the Longworth House Office Building to get his hair cut. He got his hair cut yesterday, and when he was here he walked by to say hello to us, as he likes to do. He did not lobby to me one bit about any legislation.

I think the gentleman from California not only owes the Secretary of Defense an apology, but that he should apologize to the gentleman.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am absolutely certain that the Secretary would have done nothing other than what is absolutely correct. He is entitled to the floor of the House, as a former Member.

Quite frankly, I think this body could learn a little from the British Houses of Parliament, where it is possible to have Members of the executive branch answer questions posed by Members of the Parliament. I see nothing improper in that. I think our Government would benefit.

I believe the gentleman from California owes the Secretary an apology.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California.

Mr. WALDIE. Mr. Speaker, I simply suggest that I do not intend to apologize to the Secretary, nor did I intend to cast any aspersion on the Secretary. I cast doubt upon the custom of permitting Cabinet members, not alone Secretary Laird, for whom I have the highest respect and affection. If I believed an apology were necessary I would extend an apology to the Secretary.

But I raised the question as to the custom of former Members who are now members of the executive branch appearing on the floor. The custom of the House is that the President can be on the floor of the House only with the invitation of the House. That is the question that I raised.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1005), making further continuing appropriations for the fiscal year 1972, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1005), with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes and the gentleman from Ohio (Mr. BOW) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when we return to the House I shall ask unanimous consent for all Members to have 5 legislative days to revise and extend their remarks.

RÉSUMÉ OF THE APPROPRIATIONS MEASURES OF THE SESSION

Mr. Chairman, I think it would be appropriate, in briefest summary, to give the House a capsule view of the appropriations business of the session, since the pending resolution is the last appropriation measure to be processed by the House at this session.

Mr. Chairman, with the passage of the pending continuing resolution, the House will have disposed of all the appropriation measures of the session, including the foreign assistance appropriation bill which, however, will not be acted upon by the other body before adjournment; the pending resolution provides a temporary substitute for that bill. Members are familiar with the deadlock on the related authorizing legislation.

Counting all bills and resolutions, we have dealt with a total of 27 measures; namely, 14 regular bills for fiscal year 1972; four emergency and supplemental appropriation measures relating to fiscal year 1972; five continuing resolutions; and four bills and supplemental appropriation measures relating to fiscal year 1971.

MEASURES WITH RESPECT TO FISCAL YEAR 1972

Mr. Chairman, with respect to the appropriation bills dealing with budget requests for the current fiscal year 1972, Congress has concluded action on 13 regular annual bills, three special resolutions dealing with emergency public jobs, summer school feeding programs for children, and Federal unemployment benefits, and the usual session-end supplemental bill. Only the foreign assistance appropriation bill remains unfinished, plus, of course, the pending continuing resolution.

In these 17 measures in respect to the fiscal year 1972, the President's budget requests for new budget obligational authority totaled $154.4 billion. A total of $153.7 billion has been approved, a net reduction of $640 million. Of the 17 measures, eight are above the related budget requests; seven are below the related budget requests; two are at the budget amount.

The foreign assistance appropriation bill, as passed by the House, was reduced $1.340 billion below the budget requests.

On this tentative basis, therefore, in all appropriation measures relating to fiscal year 1972, the specific reductions in the appropriations considered aggregate about $2 billion—specifically, $1.980 billion.

The net overall decrease, as I mentioned, in these 17 measures—that is, excluding foreign aid—is $640 million. However, taking into account the net decrease of $600 million from first, the $1 billion in the budget as a proposed supplemental for special revenue sharing for one-half year funding in certain housing and urban development programs where we, in the Appropriation Act, made full-year provision for present programs, and second, the $400 million not included in the education appropriation bill, but requested in the budget—and accounted for as a budget item in the bill—for purchase of student loans from colleges and universities contingent upon legislative authority not yet enacted, the net overall decrease would be $600 million more, or $1.240 billion. Legislation for the $1 billion item and for the $400 million item has not been enacted, but substitute provisions were made in the appropriation bills for on-going programs to which they relate.

Adding the $600 million net adjustment for these two items that were in the budget for special revenue sharing for housing and certain education programs proposed as new legislation, but for which substitute provisions were made in the appropriation bills, results in an overall reduction of $2.580 billion from the overall budget totals.

These figures refer to new budget obligational authority—appropriations, for all practical purposes—not budget expenditures. The President's original appropriations budget—which has of course been supplemented and amended from time to time—was about a quarter of a trillion dollars. His original spending budget was about $229 billion, which has been revised upward by the administration to about $232 billion. The expenditure budget of course, in addition to expenditures from new budget authority, include billions of dollars of expenditures from carryover balances of appropriations made in previous years, and also expenditures from certain so-called permanent appropriations, such as interest on the public debt and a number of trust funds which Congress is not required to act upon at each session.

I should note further in respect to the appropriations budget that while the original total request was about one-fourth of a trillion dollars, about $80 billion—figured on a net basis—does not require annual action by Congress. These are the so-called permanent appropriations, encompassing most all the social trust funds and such Federal funds items as interest on the public debt.

FISCAL YEAR 1972 BILLS IN THE HOUSE

Mr. Chairman, in the appropriation bills the House, while we increased some bills above the budget, we made sharp cuts in others, especially in foreign assistance, and defense. The overall House cut was $4 billion. Let me cite the totals in respect to the fiscal year 1972 appropriation measures:

	In billions		
	Budget	House	Net reduction
17 measures (not counting foreign aid)	$151.7	$149.0	−$2.7
Foreign aid	4.3	3.0	−1.3
Totals, House, fiscal year 1972	156.0	152.0	−4.0

FISCAL YEAR 1972 BILLS IN THE SENATE

The Senate, in addition to considering the same budget requests as the House, also considered later supplements and amendments and certain regular budget items deferred by the House for lack of legislative authorization—notably health manpower programs and the economic opportunity program. But even allowing for this factor, the other body raised the appropriations in a number of significant amounts in relation to the House bills and budget requests. Excluding the foreign assistance appropriation bill on which the Senate plans to defer action until next year, the overall picture as to Senate actions on the fiscal year 1972 bills is about as follows:

	In billions		
	Budget	Senate	Net increase
17 measures for fiscal year 1972	$154.4	$156.5	+$2.1
Foreign aid (not yet considered)	4.3	?	?
Total, Senate, fiscal year 1972	(158.7)	?	?

The Senate approved nine of the appropriation bills at amounts above the budget; six in amounts below the budget; and two at the budget amounts.

FISCAL YEAR 1971 APPROPRIATION MEASURES AT THIS SESSION

Mr. Chairman, at every session we deal with supplemental appropriations relating principally to 2 fiscal years—in this session, fiscal years 1971 and 1972.

We had four such supplemental measures this session dealing with fiscal year 1971. They involved about $8.9 billion. Congress reduced them by about $910 million.

COMPREHENSIVE BUDGET SCOREKEEPING

Mr. Chairman, while most of the spending side of the budget on which Congress annually acts is handled in the appropriation bills, congressional actions—and inactions—on budget proposals in certain legislative bills significantly affect the budget and fiscal picture—as to obligating authority, as to expenditures, and of course as to revenues. These actions are reported on frequently in the so-called budget scorekeeping reports of the Joint Committee on Reduction of Federal Expenditures.

It is a bit early to say precisely what the final scorekeeping report for the session will show, but probably in all its actions—

First. Congress will show a substantial net reduction in relation to the Executive recommendations in respect to new budget obligational authority.

Second. Congressional actions in their impact on the spending budgetary recommendations of the Executive may well be about a standoff.

Third. In respect to revenue proposals by the Executive, congressional actions and inactions may vary to some extent, but in the overall, the figures will probably not be too far apart.

HIGHER APPROPRIATIONS, BIGGER SPENDING, RISING DEFICITS

Mr. Chairman, every year the authorization totals exceeds the year before. Congress continues to authorize and appropriate beyond the revenues in hand or in sight. Budget deficits and rising debt to meet the shortfalls are the inevitable result. Presidential budgets continue to be submitted on a deficit basis.

In the 18 appropriation measures relating to fiscal year 1972—counting foreign assistance in the form as it passed the House—the appropriations exceed the fiscal year 1971 level by about $11 billion.

On a Federal funds basis, the deficit in fiscal 1970 was $13.1 billion.

The Federal funds budget deficit for fiscal 1971—last year—was $29.9 billion.

In September, the Federal funds deficit was officially calculated to be about $33 billion for the current fiscal year 1972. I would estimate it may range between $35 billion and $40 billion.

The fiscal year 1973 budget will be submitted early in the next session. I believe it entirely safe to say that for the 4 fiscal years, 1970–73, the Federal funds deficit will probably exceed $100 billion.

Mr. Chairman, I include two tables on the appropriation measures for fiscal year 1972 showing further details in support of some of the total figures I have cited:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, 1972, AS OF DEC. 15, 1971

[Note.—As to fiscal year 1972 amounts only]

Bill	Budget requests considered	Approved	Change (+) or (−)
IN THE HOUSE			
1. Education	$5,068,343,000	$4,800,088,000	[1]−$268,255,000
2. Legislative	455,744,595	449,899,605	−5,844,990
3. Agriculture-Environmental and Consumer Protection	12,104,813,850	[2] 12,423,896,050	[2] +319,082,200
4. State-Justice-Commerce-Judiciary	4,204,997,000	3,684,183,000	[3] −520,814,000
5. Treasury-Postal Service-General Government	4,780,576,000	4,487,676,190	−292,899,810
6. Interior	2,164,569,035	2,159,508,035	−5,061,000
7. HUD-Space-Science-Veterans	17,457,017,000	[2] 18,115,203,000	[2] +658,186,000
8. Transportation	2,833,229,997	[4] 2,559,048,997	[4,5] −274,181,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor-HEW	19,942,996,000	20,361,247,000	+418,251,000
10. Public Works-AEC	4,616,082,000	4,576,173,000	−39,909,000
11. Military construction	2,129,805,000	2,012,446,000	−117,359,000
12. Defense	73,543,829,000	71,048,013,000	−2,495,816,000
13. District of Columbia (Federal funds)	289,197,000	268,597,000	−20,600,000
14. Foreign assistance	4,342,635,000	3,003,461,000	−1,339,174,000
15. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
16. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270,500,000	270,500,000	
18. Supplemental, 1972	769,341,154	786,282,654	+16,941,500
Total, House bills	155,973,675,631	[6] 152,023,222,531	[6] −3,950,453,100
IN THE SENATE			
1. Education	5,153,186,000	5,615,918,000	[1] +462,732,000
2. Legislative	535,349,607	532,297,749	−3,051,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,752,789,690	−56,426,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	[2] 13,621,677,050	[2] +1,516,863,200
5. Interior	2,194,594,035	2,226,023,035	+31,429,000
6. State-Justice-Commerce-Judiciary	4,216,802,000	4,098,083,000	−118,719,000
7. HUD-Space-Science-Veterans	17,457,017,000	[2] 18,698,518,000	[2] +1,241,501,000
8. Transportation	2,686,006,997	[4] 2,784,608,997	[4] +98,602,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor-HEW	20,123,637,000	21,018,317,000	+894,680,000
10. Public Works-AEC	4,616,082,000	4,716,922,000	+100,840,000
11. Military construction	2,129,805,000	2,002,312,000	−127,493,000
12. Defense	73,543,829,000	70,849,113,000	−2,694,716,000
13. District of Columbia (Federal funds)	289,197,000	285,597,000	−3,600,000
14. Foreign assistance			
15. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
16. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270,500,000	270,500,000	
18. Supplemental, 1972	3,254,924,371	3,998,045,371	+743,121,000
Total, bills cleared Senate	154,384,959,860	[6] 156,487,721,892	[6] +2,102,762,032

Footnotes on following page.

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, 1972, AS OF DEC. 15, 1971—Continued

[Note.—As to fiscal year 1972 amounts only]

Bill	Budget requests considered	Approved	Change (+) or (−)
ENACTED			
1. Education	5,153,186,000	5,146,311,000	[1] −6,875,000
2. Legislative	535,349,607	529,309,749	−6,039,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,528,986,690	−280,229,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	[3] 13,276,900,050	[2] +1,172,086,200
5. State-Justice-Commerce-Judiciary	4,216,802,000	4,067,116,000	−149,686,000
6. Interior	2,194,594,035	2,223,980,035	+29,386,000
7. HUD-Space-Science-Veterans	17,457,017,000	[2] 18,339,738,000	[2] +882,721,000
8. Transportation	2,686,006,997	[4] 2,730,989,997	[4] +44,983,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor-HEW	20,123,637,000	20,704,662,000	+581,025,000
10. Public Works-AEC	4,616,082,000	4,675,125,000	+59,043,000
11. Military construction	2,129,805,000	2,037,097,000	−92,708,000
12. Defense	73,543,829,000	70,518,463,000	−3,025,366,000
13. District of Columbia (Federal funds)	289,197,000	272,597,000	−16,600,000
14. Foreign assistance			
15. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
16. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270,500,000	270,500,000	
18. Supplemental, 1972	3,254,924,371	3,406,385,371	+151,461,000
Total, bills enacted	154,384,959,860	[6] 153,745,160,892	[6] −639,798,968

---

[1] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown, the amount in the House approved bill is in effect a net increase of $131,745,000 over the budget requests considered by the House; the Senate approved bill on the same basis is $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[2] There was $1,000,000,000 in the budget as a proposed supplemental for special revenue sharing or ½ year funding in certain housing and urban development programs. Taking into account that $850,000,000 of that amount was for the HUD-Space-Science-Veterans bill, the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests. Taking into account the remaining $150,000,000 of the proposed supplemental which was for the agriculture-environmental and consumer protection bill, the House bill is $169,082,200 above the budget requests; the Senate bill is $1,366,863,200 above the requests; and the enacted figure is $1,022,086,200 above the requests.

[3] $352,715,000 of this figure is apparent, not real, because all maritime programs and one judiciary item were struck by floor points of order.

[4] House bill does not include $248,000,000 floor addition to "Federal payment to airport and airway trust fund" since, technically, it is not new budget authority until appropriated out of the trust fund. Senate bill adds another $219,800,000 to this "Federal payment" account. Conference report adds $239,000,000 to the budget for this "Federal payment."

[5] Includes $235,000,000 related to prior decision to terminate the SST.

[6] Considering footnotes 1 and 2 ($400,000,000 for the purchase of student loan notes from colleges and universities and $1,000,000,000 for the proposed supplemental for special revenue sharing), the House bills are $4,550,453,100 below the budget requests; the Senate bills are $1,502,762,032 above the requests; and the enacted figure is $1,239,798,968 below the requests.

Note: Prepared Dec. 15, 1971, in the House Committee on Appropriations.

APPROVED FISCAL YEAR 1972 APPROPRIATION MEASURES, AS OF DEC. 15, 1971

[Note.—Fiscal year 1972 new budget (obligational) authority only]

Bill	Total approved	Over or under fiscal year 1971	Over or under fiscal year 1972 budget requests
1. Education	$5,146,311,000	+$563,104,500	[1] −$6,875,000
2. Legislative	529,309,749	+86,405,430	−6,039,858
3. Treasury-Postal Service-General Government	4,528,986,690	−1,038,472,210	−280,229,310
4. Agriculture-Environmental and Consumer Protection	13,276,900,050	+3,727,992,500	[1] +1,172,086,200
5. State-Justice-Commerce-Judiciary	4,067,116,000	+243,763,700	−149,686,000
6. Interior	2,223,980,035	+189,759,135	+29,386,000
7. HUD-Space-Science-Veterans	18,339,738,000	+1,342,850,000	[1] +882,721,000
8. Transportation	2,730,989,997	−253,630,608	+44,983,000
Advance 1973 appropriation	(174,321,000)	(+174,321,000)	
9. Labor-HEW	20,704,662,000	+3,149,983,500	+581,025,000
10. Public Works-AEC	4,675,125,000	+210,140,000	+59,043,000
11. Military construction	2,037,097,000	+333,023,000	−92,708,000
12. Defense	70,518,463,000	+937,761,750	−3,025,366,000
13. District of Columbia (Federal funds)	272,597,000	+137,334,000	−16,600,000
14. Foreign assistance	[2] (3,003,461,000)	(−808,796,000)	(−1,339,174,000)
15. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	+1,000,000,000	
16. Summer feeding programs for children (H.J. Res. 744)	17,000,000	+17,000,000	+17,000,000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270,500,000	+270,500,000	
18. Supplemental, 1972	3,406,385,371	+1,036,780,371	+151,461,000
Gross subtotal, 17 measures	153,745,160,892	+11,954,295,068	−639,798,968
Net adjustment of $600,000,000 to the budget requests (that is, a combination of (1) an amount which should be excluded from fiscal year 1972 budget requests—$400,000,000 not included in the education appropriation bill but requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted, and (2) an amount which should be included in fiscal year 1972 budget requests—$1,000,000,000 which was a proposed supplemental for special revenue sharing which was to make up for only ½ year funding requested in the budget for certain housing and urban development programs but for which Congress, revenue sharing not having been adopted, funded on a regular 12-month basis)			−600,000,000
Net total, 17 measures	153,745,160,892	+11,954,295,068	−1,239,798,968

---

[1] These amounts are the ones affected by the net adjustment of $600,000,000 detailed near the end of the table.

[2] Total approved by House.

Note: Prepared Dec. 15, 1971, in the House Committee on Appropriations.

THE PENDING CONTINUING RESOLUTION

Mr. Chairman, this afternoon we grapple again with that unpopular monster called the continuing resolution. I am sure all of us have heard enough about it at this session. We regret that the Congress through its appropriate committees has not found it possible to authorize some programs in time for appropriations to be made during the period of say May, June, and July. That has not been done in many cases and that is the difficulty here today: the foreign aid authorization which has never been finally enacted.

Now we are considering this resolution under a closed rule. It is for the convenience of the House that we requested a closed rule.

With respect to foreign aid, we are simply asking you to reenact in broad outline the foreign aid appropriation bill which was passed by the House on December 8. The House is just being asked to do the same thing that was done with respect to this matter just last week.

But the House is also asked to do something vastly more than that in this measure.

The previous continuing resolution which expired on December 8 has not been supplanted by other legislation and several agencies and activities such as the District of Columbia and the Department of Defense and others have continued really without authority.

It is absolutely necessary that we pass this continuing resolution in order to validate and legalize the operation of these agencies from the 8th day of December through the period until the President affixes his signature to the pertinent bills. A hiatus exists which must be bridged. It is imperative that this be done before the end of this Congress.

When this bill goes to the other body, it will undoubtedly be amended to some extent. I hope it will be amended in only a relatively limited way but highly controversial matters may be attached to it. Members may be tempted to leave Washington after this long session, but it seems to me that we cannot as a responsible body afford to depart this city until we make sure that we have validated certain operations of the Government—the portion of the Government which is affected by this continuing resolution.

The foreign aid program must be provided for in some form. I do not know what the other body may do in this respect. In the measure before you, as in the measure which you approved on December 8, we are about $1.3 billion below the budget estimates.

We are $833 million below last year's appropriations in this resolution. In this measure we are $24 million below the so-called Passman appropriation bill, which the gentleman from Louisiana so well presented to the House on December 8. I would hope, in view of the fact that we have been over this ground in the authorization bill and in the appropriation bill quite recently, it will not be necessary to discuss this aspect in great detail.

As I see it, regardless of one's views on foreign aid—and many of us have voted for sharp cuts in foreign aid—this measure must be enacted into law. To do otherwise would be irresponsible. We cannot go home and leave a very important and essential function of the Government stranded.

For example, we would leave stranded the Export-Import Bank. This measure provides for the continuation of the Export-Import Bank, which is so essential to American labor, American business, American agriculture, and American export trade generally. That is one of the reasons why this bill must be enacted. One of our major economic problems is the unfavorable balance of payments and the unfavorable balance of trade position in which we find ourselves. As all Members know the dollar is under heavy pressure. This is just one of the many reasons to vote for this measure.

Under the leadership of the gentleman from Louisiana (Mr. PASSMAN) and the leadership of the gentleman from Kansas (Mr. SHRIVER) we have reduced this measure as best we could under all the circumstances at this time.

The gentleman from Ohio (Mr. Bow) the ranking minority Member, and I have worked closely on this measure. We have held it to the best total we could, let me say to the so-called conservatives. And let me say to the so-called liberals that we could not go higher without using bad judgment and without jeopardizing the passage of this joint resolution.

Let me mention Israel. Not to exceed $500 million is provided for the continuation of military credit sales to Israel. We took it out of the Defense bill and put it with the foreign aid programs where it belongs. But do not be excited by thinking the whole $500 million will be spent momentarily. This authority has existed for more than 4 months, but the executive branch has, in the 4-month period since the beginning of this fiscal year, obligated only about $30 million. I hope that much of this sum can be saved.

I do hope and believe that in the administration of these funds the best interest of the United States and the cause of peace, will be served. Let me emphasize that the action taken in connection with foreign aid is only temporary. Congress will reconvene early next year. This resolution only extends until March 15, and we can do whatever may appear to be necessary in the interim.

We extended this resolution beyond February 27, because that is when the President is scheduled to return from Peking. We did not want to be in the midst of another continuing resolution at that time. We have set the expiration date at March 15.

I wanted to tell the Members more about what we have done and I will place in the RECORD a more expansive statement about the measure at this time

EXPLANATORY STATEMENT ON THE HOUSE JOINT RESOLUTION MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE PERIOD DECEMBER 9, 1971–MARCH 15, 1972

THE UNFINISHED APPROPRIATIONS BUSINESS

The fiscal year 1972 continuing resolution—Public Law 92-28—as thrice extended, expired last Wednesday, December 8. An extension is needed to cover—

First. The defense appropriation bill, H.R. 11731, awaiting final conference action early this week.

Second. The District of Columbia appropriation bill, H.R. 11932, likewise awaiting final conference action early this week.

Third. The foreign assistance appropriation bill, H.R. 12067, which passed the House December 8—but which is not scheduled for Senate action until early next session because of a conference deadlock on the related authorizations, S. 2819 and S. 2820.

Fourth. Fiscal year 1972 authorizations and appropriations that have not been finalized for the following ongoing programs that have been operating since July 1 under the continuing resolution—

First. Radio Free Europe and Radio Liberty—$32.2 million in final supplemental but contingent on enactment of authorization legislation still pending.

Second. American Revolution Bicentennial Commission—$1.4 million in final supplemental but contingent on enactment of authorization legislation still pending.

Third. Emergency school assistance activities—operating at not to exceed last year's rate; authorization legislation passed House as part of H.R. 7248, Higher Education Act Amendments, but still pending.

PROVISIONS IN THE CONTINUING RESOLUTION—OTHER THAN FOREIGN ASSISTANCE

Section 2 mends the gap between the time the previous resolution expired—December 8—and the date of approval of this new resolution by making it effective December 9.

Subparagraph (1) rewrites section 102 to incorporate the new expiration date of March 15, 1972, in clause (c) and by adding the words "which is available" in clause (a), assuring interim continuation of Radio Free Europe and Radio Liberty and the American Bicentennial Revolution Commission.

Radio Free Europe and Radio Liberty would continue, for the time being, at not to exceed last year's rate of $31.6 million, as compared to the $32.2 million in the supplemental bill. The Bicentennial Commission would continue, for the time being, at not to exceed last year's rate of $670,000, as compared to the $1.4 million in the supplemental bill.

Subparagraph (3) would add a new section 109 to permit emergency school assistance activities to continue to operate, for the time being, at not to exceed last year's rate—but limited to administrative operations only—pending final disposition of the question of authorization. They have operated since July 1 under the continuing resolution at not to exceed last year's appropriation rate of $75 million. We are advised that approximately $73 million has been obligated this year. Section 109 does not enlarge the interim appropriation; it merely extends its time period.

CONTINUATION PROVISIONS FOR FOREIGN ASSISTANCE

Subparagraph (2) rewrites section 108 of the expired resolution to incorporate a new set of ground rules with respect to the interim rates for operations for foreign assistance and related activities for which provision would be made in the foreign assistance appropriation bill, H.R. 12067, passed by the House last Wednesday, December 8.

From July 1 to November 15, these activities basically operated at not to exceed the lower of the fiscal year 1971 rate or the fiscal year 1972 budget estimate rate—section 101(b) of the continuing resolution. Under section 101(d) of the continuing resolution, military credit sales to Israel were authorized to be conducted at not to exceed the fiscal year 1971 level which was $500,000,000, that had been appropriated in the Supplemental Act for 1971, Public Law 91-665, based on authority in section 501 of Public Law 91-441.

From November 16 to December 8, the interim rate for operations was stepped down by roughly $700 million through addition of section 108 in the last extension of the continuing resolution. Section 108 cranked into the "lower of" formula the authorization bills passed by the two Houses—H.R. 9910 and S. 2819 and S. 2820.

The new continuing resolution, in the rewritten section 108—with the exception of military credit sales to Israel, and several items not dealt with in pending authorization bills, discussed below—drops any reference to the fiscal year 1971 rate or the fiscal year 1972 budget rate and instead hitches the interim rates to the lowest of—

First. The applicable rate in H.R. 9910, the House authorization bill.

Second. The applicable rate in S. 2819 or S. 2820, the Senate authorization bills, or

Third. The applicable rate in H.R. 12067, the House foreign assistance appropriation bill.

The interim rates for items not involved in pending authorization bills are hitched to "not to exceed" the rates that would be permitted under H.R. 12067, the appropriation bill as passed by the House. They are:

Indus basin development fund, loans—sharply below budget; slightly below last year.

State administrative expenses—below budget; slightly above last year.

OPIC—same as budget; slightly over last year.

Peace Corps—sharply below budget and last year.

Ryukyu Islands administration—below budget; below last year.

Cuban refugee program—sharply below budget; below last year.

Migration and refugee program—same as budget; above last year.

Inter-American Development Bank—sharply below budget and last year.

Export-Import Bank—same as budget; sharply above last year.

These items are dealt with in the last proviso of section 108.

MILITARY CREDIT SALES

The new continuing resolution has these two provisos:

> *Provided*, That military credit sales to Israel may be conducted at not to exceed the rate for operations provided for under section 101(d) of this joint resolution: *Provided further*, That foreign military credit sales activities (other than with respect to Israel) may be conducted at a rate of operations not exceeding $175,000,000:

The first proviso merely continues unchanged, for this interim period, the authority that has been in the continuing resolution since July 1, which authorized a fiscal year 1972 rate of "not to exceed" the fiscal year 1971 appropriated rate; namely, $500 million—worldwide, including Israel, the total fiscal year 1971 appropriation was $700 million.

The fiscal year 1972 budget estimate is $510 million, worldwide, with no separate earmarking for Israel. The amount tentatively programed by the executive branch for Israel exceeds 50 percent of this sum and since this is considerably less than the $500 million authorized rate in the continuing resolution, the program of the executive branch is considerably below the authorized rate.

It should be pointed out that while the executive branch under the pending resolution is authorized to proceed during the interim period at the level not to exceed $675 million for worldwide military credit sales, the House foreign aid authorization bill, H.R. 9910, provided for only the budget estimate of $510 million.

The House appropriation bill, H.R. 12067, provided an appropriation of $510 million.

The Senate authorization bill provided for an authorization of $400 million for worldwide military credit sales.

Nevertheless, as stated, under this resolution the maximum interim rate available to the executive branch is $675 million for military credit sales worldwide. This is not to say that the rate will be at that level because the executive branch is proceeding at a rate of about $300 million for military credit sales to Israel despite the availability of an authorized level not to exceed $500 million.

It must be borne in mind that funds expended during the life of a continuing resolution are always charged to the final appropriation bill whenever it is enacted into law. And this will determine the final total of funds which may be available for expenditure for military credit sales during the current fiscal year.

It should be pointed out that the continuing resolution as amended expired on November 15. It was renewed effective as of that date. In the renewed continuing resolution, section 108 was added which had the effect of setting an interim rate for military credit sales worldwide of not to exceed $400 million. Such resolution, of course, expired as of December 8 and for this interim of 23 days the maximum rate for military credit sales worldwide was $400 million.

As of October 31 only $30 million had been obligated for military sales. This is typical of the operation of the sales program. Usually the authorization and appropriation come late in the fiscal year and normally obligations for the program fall heavily in the latter part of the fiscal year.

FOREIGN ASSISTANCE TOTALS IN CONTINUING RESOLUTION

Rates for operation are determined by applying the "lower of" ground rules and the special provisions on an individual program and activity basis in line with the appropriation structure. The aggregate appropriation rate with respect to this new continuing resolution—December 9–March 15 period—as it relates to foreign assistance and related programs is $2,648,255,000 with respect to titles I and II of H.R. 12067, which deal with foreign economic, supporting, and military assistance and sales, and $2,979,161,000 for the resolution as a whole.

This is $24,300,000 below the total of H.R. 12067.

It is $1,255,000 above the Senate authorization totals.

It is $1,363,474,000 below the budget requests.

And it is $833,096,000 below last year's appropriations.

Pertinent comparisons are:

[In thousands of dollars]

	Titles I and II	Other	Total
This resolution	2,648,255	330,906	2,979,161
The appropriation bill	2,672,555	330,906	3,003,461
House authorization	3,443,350	(1)	(1)
Budget estimate	3,595,218	747,417	4,342,635
1971 appropriation	3,142,685	669,572	3,812,257

[1] Not available.

For simplicity and ease of identification, these amounts are the specific new authorizations or new appropriations and thus exclude certain estimated receipts, reimbursements, and reobligational resources available for operations, principally—though not entirely—in development loan programs. The agency had this type authority last year; it was proposed in the budget estimates; it has been available this year under the continuing resolution; H.R. 12067 would continue it; and it is intended that it continue to be available, as usual, during the interim covered by this extension resolution. Very roughly, something like $447 million is involved this year.

FOREIGN ASSISTANCE ALLOCATIONS UNDER THE CONTINUING RESOLUTION (NEW OBLIGATIONAL AUTHORITY)

Item	Fiscal year 1971 appropriation (includes supplementals)	Fiscal year 1972 estimate	House authorization levels	Senate authorization levels	Appropriation bill as passed House	Continuing resolution
TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES ECONOMIC ASSISTANCE						
Worldwide, technical assistance	$166,750,000	$232,929,000	$183,500,000	$175,000,000	$150,000,000	$150,000,000
Alliance for Progress, technical assistance	82,875,000	129,745,000	90,750,000	75,000,000	75,000,000	75,000,000
International organizations and programs	103,810,000	141,000,000	143,000,000	139,000,000	41,000,000	41,000,000
Programs relating to population growth	(100,000,000)	(100,000,000)	100,000,000	(125,000,000)	50,000,000	50,000,000
American schools and hospitals abroad	12,895,000	10,175,000	30,000,000	15,000,000	17,200,000	15,000,000
Suez Canal (special foreign currency program)			(1)	(10,000,000)		
Indus Basin Development Fund, grants	4,925,000	15,000,000	5,000,000	15,000,000	7,500,000	5,000,000
Indus Basin Development Fund, loans	6,980,000	12,000,000			6,000,000	6,000,000
United Nations Relief and Works Agency:						
(Arab refugees)	1,000,000		1,000,000	(included above)		
Special foreign currency program			(1,000,000)	(1,000,000)		
Contingency fund	22,500,000	100,000,000	30,000,000	30,000,000	30,000,000	30,000,000
Refugee relief assistance (East Pakistan)		250,000,000	100,000,000	250,000,000	175,000,000	100,000,000
Alliance for Progress, development loans	287,500,000	235,000,000	287,500,000	150,000,000	150,000,000	150,000,000
Development loans	420,000,000	400,000,000	400,000,000	250,000,000	250,000,000	250,000,000
Administrative expenses:						
AID	51,000,000	60,200,000	57,600,000	45,000,000	54,600,000	45,000,000
State	4,100,000	4,555,000			4,255,000	4,255,000
Subtotal, economic assistance	1,164,335,000	1,590,604,000	1,428,350,000	1,144,000,000	1,010,555,000	921,255,000

Footnotes at end of table.

FOREIGN ASSISTANCE ALLOCATIONS UNDER THE CONTINUING RESOLUTION (NEW OBLIGATIONAL AUTHORITY)—Continued

Item	Fiscal year 1971 appropriation (includes supplementals)	Fiscal year 1972 estimate	House authorization levels	Senate authorization levels	Appropriation bill as passed House	Continuing resolution
Military assistance	$690,000,000	$705,000,000	$705,000,000	$452,000,000	$552,000,000	$452,000,000
Security supporting assistance	569,600,000	764,614,000	800,000,000	[2] 651,000,000	575,000,000	575,000,000
Subtotal	2,423,935,000	3,060,218,000	2,933,350,000	2,247,000,000	2,137,555,000	1,948,255,000
Overseas Private Investment Corp., reserves	18,750,000	25,000,000			25,000,000	25,000,000
Inter-American Social Development Institute (limitation on obligations)	(10,000,000)	(11,000,000)				
Total, Title I, Foreign Assistance Act activities	2,442,685,000	3,085,218,000	2,933,350,000	2,247,000,000	2,162,555,000	1,973,255,000
TITLE II—FOREIGN MILITARY CREDIT SALES						
Foreign military credit sales	200,000,000	510,000,000	510,000,000	[3] 400,000,000	510,000,000	175,000,000
Military credit sales to Israel	500,000,000					[4] 500,000,000
Total, Title II, Foreign Military Credit Sales	700,000,000	510,000,000	510,000,000	400,000,000	510,000,000	675,000,000
Total, Titles I and II	[5] 3,142,685,000	[6] 3,595,218,000	3,443,350,000	2,647,000,000	[6] 2,672,555,000	[6] 2,648,255,000
TITLE III—FOREIGN ASSISTANCE (OTHER)						
Peace Corps	90,000,000	82,200,000	77,200,000	77,200,000	68,000,000	68,000,000
Limitation on administrative expenses	(31,400,000)	(28,400,000)	(28,400,000)	(28,400,000)	(24,000,000)	(24,000,000)
Ryukyu Islands, Army, administration	6,736,000	4,564,000			4,216,000	4,216,000
Assistance to refugees in the United States (Cuban program)	112,130,000	144,103,000			100,000,000	100,000,000
Migration and refugee assistance	5,706,000	8,690,000			8,690,000	8,690,000
Asian Development Bank (paid-in capital)	20,000,000					
Inter-American Development Bank:						
Paid-in capital	25,000,000	75,000,000			13,240,000	13,240,000
Callable capital	200,000,000	136,760,000			136,760,000	136,760,000
Fund for special operations	50,000,000	50,000,000				
Subtotal, IDB	275,000,000	261,760,000			150,000,000	150,000,000
International Bank for Reconstruction and Development:						
Paid-in capital		24,610,000				
Callable capital		221,490,000				
Subtotal, IBRD		246,100,000				
International Development Association	160,000,000					
International Monetary Fund (quota increase)	(1,540,000,000)					
Total, Title III, Foreign Assistance (other)	669,572,000	747,417,000			330,906,000	330,906,000
TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES						
Limitation on program activity	(4,075,483,000)	(7,323,675,000)			(7,323,675,000)	(7,323,675,000)
Limitation on administrative expenses	(7,048,000)	(8,072,000)			(8,072,000)	(8,072,000)
Total, Title IV, Export-Import Bank of the United States	(4,082,531,000)	(7,331,747,000)			(7,331,747,000)	(7,331,747,000)
Grand total, Titles I, II, III, new budget (obligational) authority	3,812,257,000	4,342,635,000			3,003,461,000	2,979,161,000

[1] Sums as necessary.

[2] Includes $85,000,000 separate item for Israel.

[3] A credit ceiling of $550,000,000 has been set and $300,000,000 of this total ceiling is earmarked for Israel.

[4] Represents extension of outside ("not to exceed") ceiling in section 101(d) of the existing continuing resolution, which is hitched to the fiscal year 1971 rate. Final amount for fiscal year 1972 is subject to determination whenever H.R. 12067 (the fiscal year 1972 appropriation bill) is enacted. S. 2819, the authorization bill, says that of the $550,000,000 credit sales ceiling, "not less than" $300,000,000 shall be made available to Israel only.

[5] In addition, certain estimated receipts, reimbursements, and reobligational resources.

[6] In addition, certain estimated receipts, reimbursements, and reobligational resources are available for operations. This amount is estimated to approximate $450,000,000 in fiscal year 1972.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I was pleased to hear the statement of the able chairman about the aid included in this resolution making available certain military assistance to Israel. I merely want to know if those funds will be available to Israel if the President decides to allow them to purchase Phantom jets.

Mr. MAHON. Funds would be available for that purpose or for any other military sales credit purchase.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is a good continuing resolution. I think it should pass. I would like to see it pass as soon as possible.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kansas.

Mr. SHRIVER. Mr. Chairman, I will speak very briefly to urge all of you to support this very important continuing resolution.

To me, this continuing resolution, at least the foreign aid part of it, is an "end the war" resolution. It is a "bring the boys home" resolution. We as a Nation have invested nearly 50,000 American lives and billions of dollars in Vietnam. The relatively small investment in building up South Vietnam's own defense and economic resources which is included in this resolution is needed so that our larger and tragic investment will not be in vain.

Our foreign aid program will have no authority to continue if this resolution is not passed. This aid program finances over half of South Vietnam's badly needed imports which make up for the loss of foreign exchange earnings which had been coming indirectly through our Armed Forces presence in that country. If this support is lost, South Vietnam's economy and war efforts in its own behalf will collapse. It is obvious to all that this would not be in our own national interest.

This bill also will provide funds to continue assistance to the forces of Cambodia, which have been so instrumental in the protection of American troops during our withdrawal. This assistance must be continued in the face of increased North Vietnamese pressure. Not to do so would seriously endanger not only the Cambodian future, but the lives of our American boys.

This continuing resolution is also needed to enable our Government to assist Israel in its struggle against its aggressive neighbors. We can argue about when additional weapons sales should be allowed to build up the Israeli defense, but without continued authority to make such sales, the President will have no choice but to halt these sales.

It has been made clear in testimony before our committee that Israel is qualified for assistance under the supporting assistance provisions which would be continued under this resolution. It is becoming more apparent that as the Soviet Union greatly increases its economic and military support to Israel's neighbors, we must do our part to keep Israel strong enough to maintain a reasonable balance of power in that crucial and explosive region. World peace is at stake.

Continued authority for the Export-Import Bank to make loans and aid our balance of payments position is also in this resolution. The demise of AID would result in the loss of $900 million worth of commodity purchases and 50,000 jobs in our already depressed economy in the first year and probably twice that in later years.

There are many reasons to vote for this resolution: Vietnamization; continued withdrawal of American troops; humanitarian relief; UNICEF; population control; world drug abuse control activities; American schools and hospitals abroad; Cuban and iron curtain refugee assistance programs.

This is not the best way to legislate the continuation of these programs. But at this point in the year, there is no rational alternative. I strongly urge you to vote yea on this resolution.

It is practically the same bill passed a week ago. In fact it is $24 million less.

Mr. BOW. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I thank the distinguished ranking minority member for yielding.

Mr. Chairman, I would merely say I have noted in this report that there are $32 million in funds provided herein for Radio Free Europe and Radio Liberty.

I have discussed this matter with both the ranking minority member and the chairman, in the light of the fact that 75 percent of these funds are spent overseas, mostly in Germany where both stations have their broadcasting studios and some of their transmitters, and that therefore they have to be converted into deutsche marks. Because there is a 13-percent short fall, and because wage levels in Germany have risen by about 4 percent, I would merely note tonight that this may bear watching in the future to guard against any substantial reduction either in programing or in personnel for the radios.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a question?

Mr. BOW. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman have any idea as to how many billions of dollars are covered under the continuing resolution, or involved, I should say, rather than covered? Does the gentleman have any estimate? I realize it must be an estimate, and I am talking about all phases.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Texas.

Mr. MAHON. The continuing resolution, of course, covers to some extent the $70 billion in the defense bill which is necessary because the bill has not been signed into law. Also covered to the same extent are the funds for the District of Columbia and a number of other items.

The amount in the continuing resolution, insofar as foreign aid is concerned, would be in the area of $2.9 billion to include everything.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, this, of course, goes far beyond the foreign handout program.

Mr. BOW. The amount for foreign aid itself, $2,648 million, is less than the total, but other chapters have been added, for the Export-Import Bank and others.

Mr. GROSS. I was just trying to get some horseback estimate as to how much we are dealing with in this continuing resolution. I realize the question is difficult to answer under the circumstances. There is the Export-Import Bank and the Inter-American Development Bank. An education appropriation apparently is also contained in this. At least it is mentioned.

I am not sure just what other funding is covered.

Mr. BOW. As I say, in addition to the foreign aid of $2,648 million there have been added other chapters, other than the bill of the gentleman from Louisiana. I cannot give the exact figure for a total.

Mr. GROSS. I understand.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Subcommittee on Foreign Operations Appropriations, the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Thank you, Mr. Chairman. Since we discussed the regular foreign aid appropriation bill in such great detail only 1 week ago, I feel it is unnecessary to repeat essentially the same statements this afternoon. I therefore have no comments to make at this time on the resolution.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield to answer a question?

Mr. PASSMAN. I yield, and I will try to answer the question of the gentleman from New York.

Mr. SCHEUER. I appreciate the gentleman's yielding. I am particularly concerned about the matter of appropriations for family planning. I should like to ask the distinguished chairman of the subcommittee whether, in view of the fact that we have been constantly increasing our appropriations for family planning—from $35 million in fiscal year 1968 to $50 million in fiscal year 1969 to $75 million in fiscal year 1970 and to $100 million in fiscal year 1971—we are to understand that this continuing resolution which seems to fund the House-passed authorization of $100 million at only $50 million, is in effect going to force us to halve our operations abroad in the essential field of family planning? Can the subcommittee chairman enlighten us?

Mr. PASSMAN. Did the gentleman make a statement or ask me a question?

Mr. SCHEUER. I asked a question.

Mr. PASSMAN. The fact is that in the other body they have been insisting the Agency spend more money for family planning than they could intelligently spend. This caused them to waste money. Even this year they have considerable undistributed funds for their programs.

As I understand it, we are not moving on any authorization at this time because we have no authorization bill. But the Senate, in its authorization measure, did not provide any funds for family planning as such.

The Senate indicated that $125 million, out of the total provided for foreign, aid should be spent on family planning but they did not designate out of what account this amount should be taken. The House Appropriations Committee thought, inasmuch as we had a family planning program, there should at least be a line item in the bill so that we could keep up with the family planning program. Therefore we reduced the technical aid program to $150 million, and placed a line item in the bill for $50 million for family planning.

We have no idea as to what the future holds for this item or whether or not there will be increases or decreases. This is only a continuing resolution. I can assure the gentleman that this committee, as far as I am concerned and I am sure that others on the committee feel the same way about it—will be completely fair about funding the family planning program, but we will be very careful in not forcing the people to spend more than they really need and cause waste.

Mr. SCHEUER. Would it be the intention of the conferees at least to maintain the current level of spending for family planning?

Mr. PASSMAN. We do not know what the requests will be. We cannot say what figure we will come back with. It all depends on what can be justified when we have a look at it and what the Members of the other body say they want to do with it. However, in regard to the regular appropriation bill, we will try to do what we think is proper.

Mr. SCHEUER. I appreciate the gentleman yielding.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from New York to ask a question.

Mr. DOW. Mr. Chairman, this Congressman sympathizes with those in the other body who want to see the end of the war amendment attached to the foreign aid legislation. Some of us also harmonize with expressions in the other body that would reduce the military spending in foreign aid bills, because such spending is a needless contribution by this Nation to the shedding of blood in many distant lands.

Moreover, the President's recent concession that the dollar must be devalued is the most convincing admission that our military outlays overseas, which have yielded us nothing, are a major cost to us, indeed.

Time and again, a minority of us in this Chamber have come before you to plead for an end to our Indochina involvement. It is incomprehensible, truly, to a number of us why Members of this body appear to have no sympathy with the thousands of Indochinese in the several nations who are constantly suffering and dying due to American bombs, and no perception of how this strikes down men, women, and children alike.

It is a kind of cold, Anglo-Saxon judgment that we are handing down from a lofty position upon these tragic people. It is a judgment made without understanding their efforts for liberation from foreign influence, without understanding their culture, and one that is executed only because we have the steely weapons to carry it out, while they do not have means to counter. It is a raw manifestation of might makes right.

Moreover, the outcome in Indochina is growing constantly more obscure to the point where any likelihood of eventual solution that realizes the original American desires is well nigh unattainable. What is the purpose of our actions in far-off Laos? What is the purpose of our actions in far-off Cambodia? Even our purposes in South Vietnam are vanishing fast.

We have to appeal again to you gentlemen to rethink your attitudes, to face the futility of America's further involvement in Indochina, to recognize the cost and how it has bled our economy, and especially to question the humanity of our military activities in far-off Indochina.

I do not particularly urge the defeat of this foreign aid appropriation, although I will vote against it myself. But I do hope you will be more attentive to questions about our Indochina involvement and more tolerant of leaders in the other body who are attempting somehow to free our Nation finally from the fetters of a colossal mistake.

Mr. MAHON. Mr. Chairman, I cannot yield further to the gentleman at this time. All Members will have permission to revise and extend their remarks.

We are all familiar with the gentleman's views, which are sincerely held. I think we all want to see the war brought to an early and favorable conclusion in the best national interest and under conditions which reasonable men would call honorable.

I hope we can now vote on the continuing resolution.

Mr. GALLAGHER. Mr. Chairman, I am concerned that the continuing resolution provides only $100 million for Bangla Desh refugee relief. I appreciate that the Appropriations Committee arrived at the $100 million by taking the lower of three figures—$250 million authorized by the Senate, $175 million appropriated by the House, and $100 million authorized by the House. That is the way continuing resolutions work. However, $100 million is hardly sufficient to meet refugee relief and rehabilitation needs on the Indian subcontinent over the next 3 months.

I understand that there was some possibility that the continuing resolution would reflect this urgent need by specifically earmarking $175 million—rather than $100 million—for refugee relief. This certainly would represent the will of the House. The $175 million is the later of the two figures for refugee relief enacted by this Chamber. And $175 million itself hardly would be sufficient. The administration requested $250 million before the outbreak of war on the subcontinent. Clearly, the requirement is greater than that today.

Unfortunately, other sources of funds for refugee relief have about been exhausted. There is $30 million available in the contingency fund. But $18 million in contingency funds have already been used for refugee relief. And much of the balance is now committed. So the contingency fund is no answer.

Nor is much authority available to commit foreign assistance funds under the Migration and Refugee Assistance Act. Up to $10 million can be transferred and used under this authority. And already $5 million—or half—has been drawn down.

This is why it is so important that the administration rely on its authority under section 632(g) to use funds available in other accounts for refugee relief. The understanding, of course, is that these accounts will be replenished by the end of the fiscal year. A substantial amount of money programed for India and Pakistan is now available for refugee relief. AID requested a total of $330 million to finance new loans to India and Pakistan. It also asked for about $20 million in technical assistance for both countries. With the cutoff of aid this money is now available for refugee relief. And it can be used under this transfer—and payback authority.

There is another authority available whereby AID can transfer funds between accounts—in this case on a permanent basis. It is section 610. Up to 10 percent of the funds in any account can be shifted to another account, so long as the other account's funds are not increased by more than 20 percent. So development assistance programed for India and Pakistan, for instance, could be shifted to the contingency fund or to supporting assistance to finance refugee relief.

I would hope that—when and if we get an appropriations act for foreign assistance—it provides something in the order of $250 million for refugee relief. For one thing, any funds transferred under section 632(g) have to be replenished by the end of the year.

In addition, the need for such relief for the refugee camps in India is obvious. There are also refugees in Bangla Desh who need help now. And, of course, there is the massive rehabilitation and reconstruction task ahead in Bangla Desh to be undertaken under the continuing resolution.

The CHAIRMAN. Under the rule, the joint resolution is considered as having been read for amendment.

The joint resolution is as follows:

H.J. Res. 1005

Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of July 1, 1971 (Public Law 92-38), as amended, is hereby further amended as follows:

(1) Section 102 is amended to read:

"Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation which is available for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) March 15, 1972, whichever first occurs."

(2) Section 108 Is Amended To Read:

"Sec. 108. Except as hereinafter provided in this section, and notwithstanding the provisions of any other sections of this joint resolution, obligations incurred hereunder for foreign economic assistance, military assistance and sales, security supporting assistance, the Overseas Private Investment Corporation, and activities provided for in titles III and IV of H.R. 12067, 92d Congress, shall not exceed the lowest of (i) the rate for operations which would be authorized under H.R. 9910, 92nd Congress, as passed by the House, (ii) the rate for operations which would be authorized under S. 2819 and S. 2820, 92nd Congress, both as passed by the Senate, or (iii) the rate for operations which would be provided by H.R. 12067, 92nd Congress, as passed by the House: *Provided*, That military credit sales to Israel may be conducted at not to exceed the rate for operations provided for under section 101(d) of this joint resolu: tion: *Provided further*, That foreign military sales activities (other than with respect to Israel) may be conducted at a rate of operations not exceeding $175,000,000: *Provided further*, That activities for the Indus Basin development fund (loans), administrative and other expenses (other than section 637(a)), the Overseas Private Investment Corporation, the Peace Corps, Ryukyu Islands administration, assistance to refugees in the United States, migration and refugee assistance, the Inter-American Development Bank, and the Export-Import Bank of the United States may be conducted at not to exceed the rates which would be provided for under H.R. 12067, 92nd Congress, as passed by the House."

(3) by adding a new section as follows:

"Sec. 109. Notwithstanding section 102 of this joint resolution, as amended, emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, may continue to be conducted at a rate for administrative operations not to exceed the fiscal year 1971 rate."

Sec. 2. This joint resolution shall take effect December 9, 1971.

The CHAIRMAN. No amendments are in order except amendments offered by direction of the Committee on Appropriations.

Are there any committee amendments?

Mr. MAHON. There are no amendments, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1005) making further continuing appropriations for the fiscal year 1972, and for other purposes, pursuant to House Resolution 742, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MYERS

Mr. MYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. MYERS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Myers moves to recommit House Joint Resolution 1005 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 234, nays 86, not voting 111, as follows:

[Roll No. 470]

YEAS—234

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Aspin
Aspinall
Badillo
Begich
Bergland
Betts
Biaggi
Biester
Bingham
Boggs
Boland
Bow
Brademas
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey, N.Y.
Carney
Carter
Chamberlain
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conte
Corman
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellums
Dennis
Dent
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frenzel
Gallagher
Garmatz
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Gude
Halpern
Hamilton
Hanley
Harrington
Harsha
Harvey
Hastings
Hathaway
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Hosmer
Howard
Hull
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kazen
Keating
Keith
Koch
Kyl
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Mills, Md.
Minish
Minshall
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
Obey
O'Hara
Passman
Patman
Patten
Pepper
Perkins
Peyser
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Rodino
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
Scheuer
Schwengel
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—86

Abbitt
Abernethy
Abourezk
Archer
Ashbrook
Baring
Bennett
Bevill
Blackburn
Blanton
Bray
Brinkley
Burke, Fla.
Byron
Camp
Clawson, Del
Colmer
Curlin
Daniel, Va.
Denholm
Devine
Dickinson
Dorn
Dow
Edwards, Calif.
Fisher
Flowers
Fountain
Frey
Galifianakis
Gaydos
Gettys
Goodling
Gross
Grover
Haley
Hammerschmidt
Hechler, W. Va.
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Jones, Tenn.
Landgrebe
Latta
Lennon
McCollister
Mann
Mathis, Ga.
Miller, Ohio
Mizell
Myers
Natcher
Nichols
O'Konski
Pickle
Pike
Poage
Price, Tex.
Rarick
Roberts
Rogers
Roush
Runnels
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Smith, Iowa
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Stephens
Stubblefield
Taylor
Thompson, Ga.
Waldie
Whalley
Wylie
Young, Fla.
Zion

NOT VOTING—111

Abzug
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Baker
Barrett
Belcher
Bell
Blatnik
Bolling
Brooks
Burton
Caffery
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Collier
Collins, Tex.
Conable
Conyers
Cotter
Crane
Delaney
Dellenback
Derwinski
Diggs
Dowdy
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Fascell
Flynt
Ford, William D.
Frelinghuysen
Fulton, Tenn.
Fuqua
Giaimo
Goldwater
Grasso
Griffiths
Gubser
Hagan
Hall
Hanna
Hansen, Idaho
Hansen, Wash.
Hawkins
Hays
Hébert
Hicks, Wash.
Horton
Kastenmeier
Kee
Kemp
King
Kluczynski
Kuykendall
Landrum
Long, La.
Lujan
McClory
McCloskey
McClure
McDonald, Mich.
McMillan
Macdonald, Mass.
Martin
Michel
Miller, Calif.
Mink
Mitchell
Mollohan
Montgomery
Moss
O'Neill
Pelly
Pettis
Pirnie
Podell
Quillen
Randall
Rees
Robison, N.Y.
Roncalio
Rousselot
Ruppe
St Germain
Sandman
Sarbanes
Schmitz
Sebelius
Sisk
Smith, Calif.
Springer
Stratton
Stuckey
Sullivan
Thompson, N.J.
Ullman
Veysey
Waggonner
Wiggins
Wilson, Charles H.
Wright
Wyatt
Wydler

So the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Moss for, with Mr. Waggonner against.

Mrs. Abzug for, with Mr. Randall against.

Mr. Barrett for, with Mr. Kastenmeier against.

Mr. Ashley for, with Mrs. Chisholm against.

Mr. Celler for, with Mr. Evins of Tennessee against.

Mr. Fascell for, with Mr. Andrews of North Dakota against.

Mr. Frelinghuysen for, with Mr. Rousselot against.

Mr. Thompson of New Jersey for, with Mr. Quillen against.

Mr. Podell for, with Mr. Martin against.

Mr. Hays for, with Mr. King against.

Mr. Horton for, with Mr. Baker against.

Mr. Robison of New York for, with Mr. Schmitz against.

Mr. Bell for, with Mr. Goldwater against.

Mr. Macdonald of Massachusetts for, with Mr. Eshleman against.

Mr. Mitchell for, with Mr. Collier against.

Mr. St Germain for, with Mr. William D. Ford against.

Mr. Blatnik for, with Mr. Dowdy against.

Mr. O'Neill for, with Mr. Crane against.

Mr. Hanna for, with Mr. Clancy against.

Mrs. Hansen of Washington for, with Mr. Michel against.

Mr. Kluczynski for, with Mr. Montgomery against.

Mr. McClory for, with Mr. Kuykendall against.

Mr. Pirnie for, with Mr. Smith of California against.

Mr. Brooks for, with Mr. Pettis against.

Mr. Diggs for, with Mr. Collins of Texas against.

Mrs. Griffiths for, with Mr. Belcher against.

Mr. Miller of California for, with Mr. McMillan against.

Mr. Sisk for, with Mr. Long of Louisiana against.

Until further notice:

Mr. Stratton with Mr. Cederberg.

Mr. Anderson of Tennessee with Mr. Dellenback.

Mr. Burton with Mr. Conyers.

Mr. Delaney with Mr. Hall.

Mr. Fuqua with Mr. Sebelius.

Mrs. Grasso with Mrs. Dwyer.

Mr. Hawkins with Mr. Charles H. Wilson.

Mr. Andrews of Alabama with Mr. Hansen of Idaho.

Mr. Caffery with Mr. Conable.

Mr. Roncalio with Mr. McClure.

Mr. Giaimo with Mr. Sandman.

Mr. Wright with Mr. Springer.

Mrs. Sullivan with Mr. Gubser.

Mr. Daniel of Virginia with Mr. Pelly.

Mr. Rees with Mr. Wiggins.

Mrs. Mink with Mr. McCloskey.

Mr. Flynt with Mr. Kemp.

Mr. Casey of Texas with Mr. Lujan.

Mr. Kee with Mr. Wydler.

Mr. Cotter with Mr. Ruppe.

Mr. Fulton of Tennessee with Dr. Derwinski.

Mr. Hicks of Washington with Mr. Wyatt of Oregon.

Mr. Hébert with Mr. Veysey.

Mr. Ullman with Mr. McDonald of Michigan.

Mr. Hagan with Mr. Stuckey.

Mr. Landrum with Mr. Mollohan.

Messrs. HELSTOSKI, ROY, and DELLUMS changed their votes from "nay" to "yea."

Messrs. CURLIN and LATTA changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just adopted and that I may include in my remarks certain extraneous as well as tabular material.

The SPEAKER. Is there objection to the request of the gentleman from Texas.

The was no objection.

AMENDING DISTRICT OF COLUMBIA ELECTION ACT

Mr. MIKVA. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2878) entitled "An Act to amend the District of Columbia Election Act, and for other purposes," with Senate amendments to the House amendment to the bill, and consider the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Page 4, of the House engrossed amendment, strike out all after line 10 over to and including line 25 on page 6 and insert:

"(b) (1) The Board shall, on the first Tuesday after the first Monday in May of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

"(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than forty-five days before the date of such presidential primary election a petition on behalf of his candidacy signed by the candidate and at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and of the same political party as the nominee.

"(3) Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary held under this Act as—

"(A) full slates of candidates for delegates supporting a candidate for nomination for President if there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate, the candidate for nomination for President supported by the slate, and by at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act and are of the same political party as the candidates on such slate;

"(B) full slates of candidates for delegates not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such slate's candidacy, signed by the candidates on the slate and by at least one thousand qualified electors of the District of Columbia who have registered under section 7 of this Act and are of the same political party as the candidates on such slate;

"(C) an individual candidate for delegate supporting a candidate for nomination for President if there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least one thousand qualified electors of the District of Columbia who have registered under section 7 of this Act and are of the same political party as the candidate; or

"(D) an individual not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least one thousand qualified electors of the District of Columbia who have registered under section 7 of this Act and are of the same political party as the candidate.

No candidate for delegate or alternate may be listed on the ballot unless such candidate was properly selected according to the rules of his political party relating to the nomination of candidates for delegate or alternate.

"(4) The Board shall (A) arrange the ballot for the presidential preference primary so as to enable each voter to indicate his choice for presidential nominee and for the slate of delegates and alternates pledged to support that prospective nominee with one mark, and provide an alternative to vote for individual delegates or uncommitted slates of delegates, and (B) clearly indicate on the ballot the candidate for nomination for President which a slate or candidate for delegate supports.

"(5) The delegates and alternates, of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected in accordance with this Act, shall only be obligated to vote for the candidate for nomination who received at least a plurality of the votes cast in the presidential preference primary for all such candidates of that party for President held in the District of Columbia at which such delegates were elected on the first and second ballots cast at that convention for nominees for President, or until such time as such candidate receiving a plurality of such vote cast in the presidential preference primary withdraws his candidacy, whichever occurs first.

"(6) The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purposes and provisions of this subsection."

Page 7, line 16, of the House engrossed amendment, strike out "one thousand" and insert "five hundred".

Page 8, line 1, of the House engrossed amendment, strike out "two hundred" and insert "one hundred".

Page 9, line 20, of the House engrossed amendment, strike out all after "less." down to and including line 23 and insert: A nominating petition for such a candidate for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of such nominating petitions.

Page 10, of the House engrossed amendment, strike out lines 8 to 11, inclusive, and insert:

"(m) (1) Designation of offices of local party committees to be filled by election pursuant to clause (4) of the first section of this Act shall be effected, in accordance with the provision of this subsection, by written communication signed by the chairman of such committee and filed with the Board not later than ninety days before the date of such election.

"(2) Such designation shall specify separately (A) the titles of the offices and the total number of members to be elected at large, if any, and (B) the title of the offices and the total number of members to be elected by ward, if any.

"(3) In the event that a party committee designates members to be elected by ward pursuant to clause (B) of paragraph (2) this subsection, the number of such officials to be elected from each of the wards shall be based on the relative numerical strength of such party in such ward, as compared with the total numerical strength of such party in the District, in each case as measured by the total number of registered voters of such party residing in each ward, (as shown by the records of the Board as of one hundred and twenty days before such election) based on the method known as the method of equal proportions, with no ward to elect less than one member. The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purpose of this subsection."

Page 11, line 17, of the House engrossed amendment, strike out "date." and insert "date".

Page 11, after line 17, of the House engrossed amendment, insert:

"(s) In the case of petitions nominating candidates for the office of Delegate and for member of the Board of Education, they shall be accompanied by a guarantee of $200 in the form of currency, surety, or a bond, at the choice of the candidate. Such guarantee shall be forfeited by the candidate in the event he fails to receive at least 5 per centum of the vote cast in the election for which he has presented a petition to the Board. In the event such candidate received at least 5 per centum of the vote cast, the guarantee shall be returned in full."

Page 13, line 16, of the House engrossed amendment, strike out "five hundred" and insert "three hundred and fifty".

Page 13, line 20, of the House engrossed amendment, strike out "delegate or alternate," and insert "delegate, or alternate".

Page 13, line 23, of the House engrosed amendment, strike out "delegate or alternate,". and insert "delegate, or alternate".

Page 14, line 17, of the House engrossed amendment, strike out "tenth" and insert "fifth".

Page 17, after line 6, of the House engrossed amendment, insert:

(26) Subsection (b) of section 4 of such Act (D.C. Code, sec. 1–1104) is amended by striking "$50 per day, with a limit of $2,500 per annum" and inserting "$75 per day with a limit of $11,250 per annum" in lieu thereof.

(27) Paragraph (2) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by inserting immediately before the semicolon a comma and the following: "including, upon approval by majority vote of the District of Columbia Council, referendums, advisory elections, and other community elections such as those for model cities programs, as part of any regular election".

(28) Paragraph (6) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking out "paragraphs (1), (2), (3), or (4)" and by inserting in lieu thereof "paragraph (1), (2), or (3)".

(29) Subsection (d) of section 5 of such Act (D.C. Code, sec. 1–1107) is amended by striking "persons not absent from the District but who are physically unable" and inserting "either persons temporarily absent from the District or persons physically unable" in lieu thereof.

(30) Subsection (a) of section 7 of such Act (D.C. Code, sec. 1--1107) is amended by striking in the second sentence "person" and inserting "qualified elector".

(31) Paragraph (1) of subsection (d) of section 7 of such Act (D.C. Code, sec. 1–1107) is amended (A) by striking from clause (A) the words "odd-numbered calendar year and of each presidential election year" and inserting "calendar year" in lieu thereof, and (B) by striking from clause (B) the words "presidential election" and inserting "even-numbered" in lieu thereof, and (C) by inserting in clause (C), after the word "special", the words, "or runoff".

(32) Subsection (c) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(c) (1) In each election of officials referred to in clause (1) of the first section of this Act, and in each election of officials designated for election at large pursuant to clause (4) of such section, the Board shall arrange the ballot of each party to enable the registered voters of such party to vote separately or by slate for each official duly qualified and nominated for election to such office.

"(2) In each election of officials designated, pursuant to clause (4) of the first section of this Act, for election from a ward, the Board shall arrange the ballot of each party to enable the registered voters of such party, residing in such ward, to vote separately or by State for each official duly qualified and nominated from such ward for election to such office from such ward."

(33) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "August 15" and inserting "the third Tuesday in August" in lieu thereof.

(34) Paragraphs (1) and (2) of subsection (n) of section 8 of such Act (D.C. Code, sec. 1–1108) are each amended by striking out "qualified electors" and inserting "duly registered voters" in lieu thereof.

SEC. 2. Section 302(i) of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 241(1)) is amended by inserting immediately before the period at the end thereof a comma and the following: "and the District of Columbia".

Page 17, line 7, of the House engrossed amendment, strike out "SEC. 2" and insert "SEC. 3.".

Page 18, line 17, of the House engrossed amendment, strike out "SEC. 3." and insert "SEC. 4.".

Mr. MIKVA (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments to the House amendment be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois to consider the Senate amendments to the House amendment?

There was no objection.

MOTION OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. MIKVA: Mr. MIKVA moves that the House concur in the Senate amendments except Senate amendments numbered 6, 7 and 12.

The motion was agreed to.

So Senate amendments numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 13 and 14 were concurred in.

The SPEAKER. The Clerk will report Senate amendment No. 6.

The Clerk read as follows:

Senate amendment No. 6: Page 11, line 17, of the House engrossed amendment, strike out "date." and insert "date".

MOTION OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MIKVA moves that the House disagree to Senate amendment No. 6.

The motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment No. 7.

The Clerk read as follows:

Senate amendment No. 7: Page 11, after line 17, of the House engrossed amendment, insert:

"(s) In the case of petitions nominating candidates for the office of Delegate and for member of the Board of Education, they shall be accompanied by a guarantee of $200 in the form of currency, surety, or a bond, at the choice of the candidate. Such guarantee shall be forfeited by the candidate in the event he fails to receive at least 5 per centum of the vote cast in the election for which he has presented a petition to the Board. In the event such candidate received at least 5 per centum of the vote cast, the guarantee shall be returned in full."

MOTION OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MIKVA moves that the House disagree to Senate amendment No. 7.

The motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment No. 12.

The Clerk read as follows:

Senate amendment No. 12: Page 17, after line 6, of the House engrossed amendment, insert:

"(26) Subsection (b) of section 4 of such Act (D.C. Code, sec. 1–1104) is amended by striking '$50 per day, with a limit of $2500 per annum' and inserting '$75 per day with a limit of $11,250 per annum' in lieu thereof.

"(27) Paragraph (2) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by inserting immediately before the semicolon a comma and the following: 'including, upon approval by majority vote of the District of Columbia Council, referendums, advisory elections, and other community elections such as those for model cities programs, as part of any regular election'.

"(28) Paragraph (6) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking out 'paragraphs (1), (2), (3), or (4)' and by inserting in lieu thereof 'paragraph (1), (2), or (3)'.

"(29) Subsection (d) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking 'persons not absent from the District but who are physically unable' and inserting 'either persons temporarily absent from the District or persons physically unable' in lieu thereof.

"(30) Subsection (a) of section 7 of such Act (D.C. Code, sec. 1–1107) is amended by striking in the second sentence 'person' and inserting 'qualified elector'.

"(31) Paragraph (1) of subsection (d) of section 7 of such Act (D.C. Code, sec. 1–1107) is amended (A) by striking from clause (A) the words 'odd-numbered calendar year and of each presidential election year' and inserting 'calendar year' in lieu thereof, and (B) by striking from clause (B) the words 'presidential election' and inserting 'even-numbered' in lieu thereof, and (C) by inserting in clause (C), after the word 'special', the words, 'or runoff'.

"(32) Subsection (c) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

" '(c) (1) In each election of officials referred to in clause (1) of the first section of this Act, and in each election of officials designated for election at large pursuant to clause (4) of such section, the Board shall arrange the ballot of each party to enable the registered voters of such party to vote separately or by slate for each official duly qualified and nominated for election to such office.

" '(2) In each election of officials designated, pursuant to clause (4) of the first section of this Act, for election from a ward, the Board shall arrange the ballot of each party to enable the registered voters of such party, residing in such ward, to vote separately or by State for each official duly qualified and nominated from such ward for election to such office from such ward.'

"(33) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out 'August 15' and inserting 'the third Tuesday in August' in lieu thereof.

"(34) Paragraphs (1) and (2) of subsection (n) of section 8 of such Act (D.C. Code, sec. 1–1108) are each amended by striking out 'qualified electors' and inserting 'duly registered voters' in lieu thereof.

"SEC. 2. Section 302(i) of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 241(1)) is amended by inserting immediately before the period at the end thereof a comma and the following: 'and the District of Columbia'."

MOTION OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MIKVA moves that the House concur in Senate amendment No. 12 with the following amendments:

On page 8 of the Senate engrossed amendments, strike out lines 7 through 13.

On page 8 of the Senate engrossed amendments, insert immediately after line 6 the following:

"(27) Section 13 of such Act (as amended by paragraph (25) of this Act) is amended by adding after subsection (e) the following new subsection:

"(f) (1) Subsection (e) of this section shall not require—

"(A) registration under subsection (e) (1) of any independent committee or party committee which is registered as a political committee under section 303 of the Federal Election Campaign Act of 1971,

"(B) filing of any statement under paragraph (2) of such subsection (e) with respect to an election for Federal Office by a candidate or committee required to file a report with respect to such election under section 304 of the Federal Election Campaign Act of 1971, or

"(c) the filing of any statement under paragraph (4) of such subsection (e) with respect to any election for Federal office by any person required to file a report with respect to such election under section 305 of the Federal Election Campaign Act of 1971.

"(2) Paragraphs (5), (6), and (7) of subsection (e) of this section shall not apply to any committee which is not required to register under subsection (e) (1) of this section.

"(3) For purposes of this subsection, the terms "election" and "Federal office" have the same meaning as such terms have under section 301 of the Federal Election Campaign Act of 1971.

"(4) This subsection shall take effect on the date on which title III of the Federal Campaign Act of 1971 takes effect."

Mr. MIKVA (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the House amendments to the Senate amendment No. 12 be dispensed with and that they be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, the first item—part of amendment No. 12—approved by the Senate as an amendment to S. 2878, as amended by the House, which the House is requested to disagree to, deals with the question of voter registration. The Senate amendment to present law would permit the Board of Elections by regulation to register persons temporarily absent from the District. Present law permits the Board to register persons not absent from the District but physically unable to register in person. Under the Senate amendment, the Board could register "either persons temporarily absent from the District or persons physically unable" to register. The House District Commitee disagrees to the Senate amendment.

The second item—amendment No. 7—approved by the Senate as an amendment to S. 2878, as amended by the House, provides as follows:

In the case of petitions nominating candidates for the office of Delegate and for member of the Board of Education, they shall be accompanied by a guarantee of $200 in the form of currency, surety, or a bond, at the choice of the candidate. Such guarantee shall be forfeited by the candidate in the event he fails to receive at least 5 per centum of the vote cast in the election for which he has presented a petition to the Board. In the event such candidate received at least 5 per centum of the vote cast, the guarantee shall be returned in full.

The House amendment contained no such provision. In fact, the House bill itself deleted requirement for filing fee, and the House District Committee disagrees with the foregoing Senate provisions as to guarantee required of each candidate.

The third item—amendment No. 6—is a technical amendment.

SUMMARY OF SENATE AMENDMENTS TO HOUSE AMENDMENT TO S. 2878 CONCURRED IN BY THE HOUSE

Following is a résumé of the amendments as made by the Senate to S. 2878 as amended and passed by the House:

(1) *Compensation of Board Members.*—The Senate added a provision increasing the compensation of Members of the Board of Election from $50 a day, with a maximum of $2500 per year, to $75 per day with a maximum of $11,250 per year. The House amendments had no such provision for increase in compensation.

(2) The Senate added a provision permitting the Board of Election, with approval by a majority vote of the District of Columbia Council, to conduct referendums, advisory elections, and other community elections such as those for model cities programs, *as part of any regular election.* Such authority is presently given to party officials who may in their party elections include such as the foregoing. The Senate amendment thus transfers the authority from the party machinery to the Board of Elections, subject to the approval of a majority vote of the City Council.

(3) *Petition for presidential candidate.*—The Senate amendment provides that any petition circulated for a presidential candidate in the District of Columbia must be signed by the candidate. The House provision had only required that the petition be accompanied by a written statement affirming the candidacy of the person in question.

Also, as to presidential preference primary and delegates to the presidential convention, the Senate provision included authority for committed slates, uncommitted slates, committed individuals and uncommitted individuals. The House provisions had left this up to party rules and regulations.

(4) *Nominating petitions for party officials.* The Senate provision required nominating petitions for national committeemen and party members and officials, elected at large, to contain 500 signatures, and those for members elected from a ward 100 signatures of ward residents. The House required 1000 signatures for those elected at large and 200 signatures for those elected from a ward.

(5) *Procedure for designating officials to be elected.* The Senate provisions specifically designated what political party offices were to be filled by election, whereas the House had left this up entirely to the political parties in question.

(6) *Recount and Cost thereof.* The Senate amendment provides that a petitioner of a recount would not be required to pay cost thereof in the case of an election at large, where the difference is less than 1% or 350 votes, which ever is less. The House amendment similarly exempted a petitioner from payment of cost, in case of election at large, where the difference is less than 1% or 500 votes, which ever is less.

(7) *Campaign expenditures and report thereof.* The Senate amendment adopted the provisions of the House amendment with respect campaign reports and filing thereof except to require a campaign treasurer and candidate to file within 5 days before an election and within 30 days after election the itemizations, etc. required. The House amendment had required that such reports be filed on the 10th day before the election and within 30 days after an election.

Mr. MIKVA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. Boggs).

(Mr. BOGGS asked and was given permission to proceed out of order.)

FIRST SESSION OF THE 92D CONGRESS

Mr. BOGGS. Mr. Speaker, I take this time for the purpose of making an announcement and also for the purpose of extending thanks and gratitude to a great many people in the House of Representatives.

Now, that the House, with the adoption of this continuing appropriations bill and several other matters of a rather minor nature, has completed its work for this first session of the 92d Congress, I believe we can say that this has been a productive session of Congress.

Despite the fact that my party, the Democratic Party, has controlled both Houses of Congress and the opposition party has controlled the executive branch of Government, our record has been a very constructive one.

I am proud to say that the Congress itself has initiated a great many pieces of constructive legislation. On that list are such measures as the Economic Stabilization Act, the constitutional amendment for the 18-year-old vote, the constitutional amendment providing equal rights for women, the Emergency Employment Act, the Consumer Protection Act, and the Federal Election Reform Act. I shall catalog all of the actions of the House following these remarks, and ask unanimous consent to include that material in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I want to especially commend and congratulate you on the manner in which you have conducted the high office of Speaker of the House of Representatives. This is indeed the greatest representative body in the world. It is one that all of us come to after great difficulty, and most of us do our very best to stay here because we admire and love this institution and what it stands for.

I would say, Mr. Speaker, that you have performed in the highest tradition of the office of Speaker of the House of Representatives, and I commend you as we conclude this first year under your administration, the first session of the 92d Congress. [Applause, the Members rising.]

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I am deeply grateful to the distinguished majority leader for yielding. The applause which has just occurred commending the Speaker I think accurately reflects the views of the Members of the House on both sides of the aisle in our opinion of the Speaker, as a person, and our opinion of him as the Presiding Officer. He has been an extraordinarily fine Speaker of the House, and all of us are pleased and honored to serve under him.

Mr. Speaker, I would like to take one moment, if I might, to make an observation and comment about the record of this Congress. I am proud of the record of the House of Representatives. In my judgment the House, even though controlled by the gentleman's party, has responded, particularly in a constructive way, in the matter of foreign policy. We have had our differences on some domestic issues, but even in those areas we have not divided necessarily on partisan lines.

I say these things about the House, but add a reservation about the record of the Congress as a whole, because of some differences I have with the record with the other body. I will not elaborate beyond that, but I think that view is shared by a good many people in the House itself.

I would like to reiterate what I have said before, and what the gentleman from Louisiana (Mr. Boggs) has said, and that is this body, the House, is the people's House. It is closest to the 205 million Americans of any legislative body in the whole world, and what we do is a true reflection of the feelings of our constituents as a whole in meeting their problems, in responding to their needs, and with their wishes our record has been an excellent one this year, and I am sure it will be in 1972.

Mr. BOGGS. Mr. Speaker, I appreciate the very generous remarks of the gentleman from Michigan. I would like to say that the gentleman from Michigan has been, in his capacity as minority leader, extremely helpful to the Democratic leadership, and we are very grateful to the gentleman for his unfailing cooperation.

Mr. Speaker, we have tried, in our roles as leaders of this great body, to be as helpful as possible to the Members of the House on both side of the aisle. For the first time this year we attempted to set forth a program for the session, and we were able to establish a schedule of recesses and holidays, including the summer holiday and the Thanksgiving holiday. I believe this has been very helpful to the Members in enabling them to plan trips to their districts and to handle the many tasks that they must perform.

I might say that we break a precedent this afternoon in announcing the program for the forthcoming second session of the 92d Congress, and that session will convene, as most of you know, on January 18, which is a Tuesday.

We expect to consider that week conference report on S. 382 the election reform bill, which is ready for consideration. The conference report has been approved by the conferees. We also expect to consider the bill, H.R. 8787, providing nonvoting delegates to the House from Guam and the Virgin Islands.

It is of course customary for the President to deliver his state of the Union address during that week.

Finally, let me say this, Mr. Speaker: That all of us connected with the leadership are most grateful for everyone who works with us, and that includes, of course, the new majority whip, Thomas "Tip" O'Neill, and his deputy and assistant whips, and the minority leader, Mr. Gerald R. Ford, and his whip, Mr. Les Arends, and their deputy whips; our Parliamentarian, without whom none of us could function, the great Lewis Deschler, and his staff, the Chaplain, the Clerk, the Sergeant at Arms, the Doorkeeper, the Postmaster, and their able staffs the Official Reporters of Debate, and the page boys and their retiring Chief Turner Robertson and Bob Rota in the cloak room, all of whom are dedicated to this institution.

Certainly not last and not least, the people with whom we do business every day—those hardworking reporters who sit in the press gallery and with whom we sometimes disagree but with whom we are really never disagreeable.

Finally, let me say a word about the Members who stay here each evening to adjourn the House, sometimes after many special orders that run late into the evening. That is a special type of dedication. So I would like to thank the gentleman from South Dakota (Mr. Denholm) who performed this task 32 times and will make it 33 tonight; and the gentleman from Utah (Mr. McKay) who performed this task 18 times; and the gentleman from South Carolina (Mr. Davis) who performed this job 17 times. The gentleman from South Carolina (Mr. Davis) came here late, but he almost caught up with the others.

To all of you, to your families, and to all who work so closely with all of us, may I wish all of you happy holidays, a very, very Merry Christmas and a Happy New Year.

The record of the House in the first session of the 92d Congress follows:

Record of the House of Representatives, 92d Congress, First Session

AGRICULTURE

Sugar Act extension (P.L. 92–138)

On October 4, 1971, the 92d Congress passed the Sugar Act of 1948, as amended, which extended the act for three years through December 31, 1974, and adjusted the production quotas for foreign and domestic producers. The Sugar Act is designed primarily to protect the domestic sugar industry and as such guarantees domestic sugar growers a large share of the U.S. Market. The remainder is assigned to foreign countries who are most eager to receive quotas since the U.S. price is normally higher than the world price. Thirty-four foreign countries received sugar quotas in this act. Three nations, Paraguay, Malawi and Uganda, received quotas for the first time, although the Malawi quota will not take effect until 1973.

The extension act also increased the allotments for domestic producers by about 300,000 tons, while the relative share of several of the largest foreign suppliers were reduced.

Strategic Storable Agricultural Commodities Act (H.R. 1163 and H.R. 8290)

This year's record crop reflects the response of farmers to the threat to corn supplies by corn blight which did not materialize to the degree expected. Because the farmers responded by planting extra acreage to assure adequate supplies of feed grain at home and abroad, the big crop has brought a sharp drop in the corn prices. Twenty years ago in 1951 corn was selling for $1.66 a bushel. Today the price is 92 cents. If corn prices had kept pace with the rest of the economy during these two decades, 1971 prices would be about $2.60 per bushel.

On November 8, the House passed H.R. 1163 and H.R. 8290, to establish, maintain, and dispose of a separate strategic reserve of soybeans, corn, grain sorghum, barley, oats and wheat, and provide a 25 percent two year boost in minimum loan rates for protecting producers' incomes when rebuilding reserve stocks of wheat or grain feeds. The maximum price for the feed grains and wheat would be not more than the previous 5-year average price received by farmers. The bill also authorizes the reserve to be used in any distress area or disaster area in the United States and Virgin Islands so designated by the President.

The cost of acquiring the grain under H.R. 1163 would be $1.45 billion with an annual storage and handling cost of $215 million, and the estimated cost of the loan program will be $28 million for fiscal year ending June 30, 1972.

The aims of these bills is to prevent a depression in the Farm Belt and to close the gap between the income of farmers and the rest of our Nation.

Farm Credit Act of 1971 (S. 1483)

In order to achieve better distribution of our population and a more balanced economic growth between rural and urban America, the 91st Congress passed S. 1483 the Farm Credit Act of 1971 which expands the activities of the Farm Credit Administration of the Department of Agriculture.

In particular it authorizes the federal land banks and production credit associations to loan 15 percent of their outstanding funds to rural non-farm residents for housing. Rural areas were defined as communities of 2,500 or less. In order to insure that farmers receive preference over non-farm residents the legislation provides that in tight-money periods farmers will receive preference.

The act also allows the federal land banks to make loans in amounts up to 85 percent of the appraised value of the borrower's farm, rather than 65 percent as under the existing law. Moreover, the legislation authorizes the banks to loan money to cooperatives if 80 percent of its stock was held by farmers, rather than the 90 percent requirement in the existing law.

This act is part of a broad rural development program which has as its design to encourage farm families to stay in rural areas and for urban citizens to move to rural areas.

State and local law enforcement in National Forests (P.L. 92–82)

The sheer number of people trying to enjoy our national forest land, and recreational facilities has created a temporary law enforcement problem and a strain on State and local law enforcement agencies to provide adequate protection to the visitors and the forests. For example, the total population of Alpine County in California is 484 persons. However, in 1970 the national forests in that county (which comprises a majority of the land of the county) was visited by the equivalent of 1,113,000 1-day tourists.

This bill authorizes the Secretary of Agriculture to cooperate with any State or political subdivision in the enforcement of local law on lands within the national forest system. This cooperation may include reimbursement for expenditure where necessary.

Cooperative animal disease control (P.L. 92–152)

In an effort to prevent the spread of communicable disease of animals the 92nd Congress passed a law to extend the authority of the Secretary of Agriculture to cooperate with 10 countries in the Western Hemisphere in the prevention and control of communicable diseases of animals and poultry.

The need for this authorization became very apparent when the horse sleeping sickness which has existed in Venezuela since 1935 spread to Brownsville, Texas this year. The 10 countries included in this law are Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada.

This law will insure American consumers that they can continue to consume meat and poultry products of the highest standards.

COMMERCE AND INUSTRY

Small Business Administration (S. 1905; S. 1260, P.L. 92–16)

Two bills affecting the Small Business Administration have received attention by Congress during this session.

S. 1905, passed by the Senate and now under consideration by the House, broadens SBA responsibility to include a new program of grants to reduce interest costs to small business, expansion of existing SBA programs, establishment of four new programs to assist businesses which affect or are affected by environmental regulations and pollution, and authorization for research into the causes of small business failures.

S. 1260 (P.L. 92–16), enacted into law this session, increased by $900 million (from $2.2 billion to $3.1 billion) the amount of loans, guarantees, and other obligations or commitments which may be outstanding at any one time from the business loan and investment fund of the Small Business Administration.

CIVIL RIGHTS

Additional authority for the U.S. Equal Employment Opportunity Commission (H.R. 1746)

On September 16, 1971, the House passed H.R. 1746, a bill which authorizes the EEOC to seek enforcement of equal employment opportunity through the Federal courts. Under this bill the Commission, in the event that conciliation fails, could bring a civil action 30 days after the filing of a charge in Federal district court for an order granting an injunction against discrimination and requiring affirmative action on the part of the respondent who has discriminated, including payment of back pay for up to two years. H.R. 1746 preserves the right of an aggrieved person to file a civil suit in Federal district court—he may do so 180 days after he has filed a charge with the EEOC if the Commission has not resolved his charge by conciliation or has failed or refused to bring his case to court. The court may permit the Attorney General to intervene in such a private suit if the Attorney General certifies that the case is of general public importance. H.R. 1746 gives the EEOC authority to go to court as soon as a charge is filed to obtain a preliminary or temporary injunction against discrimination if delay in receiving judicial relief would mean "substantial and irreparable injury" to the plaintiff.

Among other provisions, H.R. 1746 obliges the EEOC to notify an employer, employment agency, or labor union of a charge against it within five days after the charge has been filed. The bill prohibits class actions under Title VII—it limits judicial relief to persons named in charges—but preserves the right of the Attorney General to bring "pattern-or-practice suits" to combat institutionalized discrimination. H.R. 1746 makes Title VII the exclusive remedy for denial of equal employment opportunity rights.

The Senate had yet to vote on the measure as of December 6.

Increases in authorized appropriations for the U.S. Commission on Civil Rights (H.R. 7271, P.L. 92–64)

On May 17, 1971, the House passed H.R. 7271, which raises the authorized appropriation for the U.S. Commission on Civil Rights from $3.4 million to $4 million for fiscal year 1972 and for each year thereafter until January 31, 1973, the expiration date of the Commission. The Senate subsequently passed the bill without amendment, and H.R. 7271 became P.L. 92–64.

Repeal of the Emergency Detention Act of 1950 (H.R. 234, P.L. 92–128)

On September 14, 1971, the House passed H.R. 234, a bill which repeals Title II of the Internal Security Act of 1950 and which prohibits detention by the Federal Government of any citizen except pursuant to an act of Congress. The Senate subsequently passed the bill without amendment, and H.R. 234 became P.L. 92–128.

Title II of the Internal Security Act of 1950 was the Emergency Detention Act. It authorized the Attorney General in event of an "internal security emergency" to arrest anyone "as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage." The Act empowered an administrative hearing officer to order the detention of a detainee for the duration of the emergency. The detainee's first appeal was not to a court but to an administrative tribunal called the Detention Review Board. Only after the Board had reviewed his case could he appeal to a U.S. court of appeals. The detainee was accorded the right to counsel and the right to cross-examine witnesses. But at every stage of proceedings—before the hearing officer, before the Board, and even before the appeals court—the Attorney General could withhold evidence or witnesses and thereby deprive the detainee of due process of law. And the detainee could have been incarcerated for an indefinite period of time not for having committed espionage or sabotage but merely on the belief that he might do so. It is little wonder that many people in the country and many Members of Congress were indignant and apprehensive because the Executive Branch had such power to deal arbitrarily and unjustly with individuals.

The Emergency Detention Act involved not only deprivation of due process of law but possible inhibition of the exercise of First Amendment rights as well. If a man knows that in event of a national emergency he may be put in a concentration camp merely on suspicion of disloyalty he may feel constrained to avoid political activities which would render him suspect in the eyes of the Justice Department.

One advantage of the Emergency Detention Act was that it regulated the manner in which the President could detain people in a time of emergency. If Congress had merely repealed the Act the President would not be so regulated and he could incarcerate whole groups of people as the President did in ordering the relocation of Americans of Japanese origin in World War II by an exercise of his war powers. In order to avoid repetition of such executive arbitrariness and injustice Congress provided in P.L. 92–128 that at no time shall any citizen be detained or imprisoned by the Federal Government except in accordance with a law enacted by Congress.

Equal rights amendment

On October 12, 1971, the House of Representatives passed an Equal Rights Amendment (H.J. Res. 208) to the United States Constitution, which provides:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"This amendment shall take effect two years after the date of ratification."

It is expected that the Senate will consider the measure early in the Second Session.

Introduced each year for 48 years, the Amendment was passed by the House for the first time in the 91st Congress, following a successful drive to release the bill from committee by means of the discharge rule. The Senate attached two amendments to that measure, then laid it aside.

Under the Amendment, men and women would share equally, under the law, the rights and responsibilities of American citizenship.

COMMUNICATIONS

Rural Telephone Bank (P.L. 92–12)

On March 24, 1971, the House passed S. 70 (passed by the Senate on March 1st) and established a government-sponsored rural telephone bank to provide capital for financing telephone cooperatives and companies serving rural areas. This rural telephone bank act is patterned after the federal land banks. After an initial government financing, the telephone bank will eventually be privately owned and controlled. The primary aim of the act was to bring funds from the private money market into the rural telephone program in order to augment existing Rural Electrification Administration loans. It was noted during House floor debate that "communication in many rural areas would be almost nonexistent if it were not for rural telephone associations or cooperatives. And the job of providing area-wide service, which the cooperatives undertook in spite of distances and few customers per mile, could not have been done without 2 percent loan money" from the Government.

Communications Act of 1934—Aliens eligible to operate radio stations (Public Law 92–81)

On August 2, 1971, the House passed S. 485 which amended the Communications Act of 1934 to permit the Federal Communications Commission to issue licenses for operation of amateur radio stations to aliens who have been admitted to the United States for permanent residence and who have in addition, filed a declaration of intention to become citizens of the United States. Moreover, the act permits the FCC to issue a license for an amateur radio station to an alien who has filed a declaration of intention to become a citizen of the United States.

This act will enable potential U.S. citizens to engage in radio broadcasting on an amateur basis and as such provides them with the freedoms and liberties available to all American citizens.

CONSUMER AFFAIRS

Consumer Protection Act of 1971 (H.R. 10835)

One of the most important pieces of consumer legislation to come before a vote in the House has been the Consumer Protection Act of 1971 providing extensive coverage for the American consumer through representation and protection of consumer interests.

The House consumer legislation authorizes programs of consumer education and information; procedures for handling consumer complaints and making those complaints available to the public; a limited amount of product testing in connection with the consumer representation and safety functions and the dissemination of test results; and studies of household product safety. All Federal agencies are required in taking actions within their responsibility to give due consideration to the interests of consumers. Provisions are also contained in H.R. 10835 prohibiting the disclosure of trade secrets and other confidential information, as are requirements for fair and equitable procedures in implementing the objectives of the measure.

Title I establishes within the Executive Office of the President an Office of Consumer Affairs, with a director and deputy director appointed by the President and confirmed by the Senate. The Office is delegated the responsibility of aiding the President in coordinating federal programs affecting consumers, assuring that consumers' interests were observed in setting policy and operating programs, making recommendations to the President and Congress on improvement in consumer programs, investigating consumer problems not being dealt with by other federal agencies, aiding consumer education and counseling programs, aiding research on consumer matters, providing technical assistance to state and local governments on consumer matters, working with private enterprise in the promotion and protection of consumer interests and publishing a consumer register or other publication in non-technical language.

Title II creates a Consumer Protection Agency with an administrator and a deputy administrator appointed by the President and confirmed by the Senate. The Agency is authorized to represent consumers in formal proceedings conducted by other federal agencies and in certain court suits. It is empowered also to intervene as a party in or institute a court review of a proceeding by another federal agency in which it participated, and the Administrator may request another federal agency to initiate a proceeding or take an action in the interest of consumers. The Agency is required to encourage and support testing of consumer products by other federal or non-federal agencies and to study a system of tagging products to inform consumers of pertinent information.

Flammable Fabrics Act appropriations (H.R. 5066)

In order to continue the enforcement and administration of the Flammable Fabrics Act, the House in April passed H.R. 5066 authorizing $4 million for fiscal 1972. Previous authorization of funds for administration expired at the end of fiscal 1970.

The Flammable Fabrics Act was first enacted into law in 1953, in response to increasing consumer complaints over flammable products. That act applied to wearing apparel only. In 1967, the act was amended to apply to all articles of wearing apparel and to interior furnishings used in homes, offices and other places of accommodation. Under the 1967 amendments, the Secretary of Commerce was authorized to determine appropriate flammability standards where he determined a need to protect the public from unreasonable risk of fire. While the Department of Commerce sets standards, the Department of Health, Education and Welfare is authorized to conduct studies and analyses of injuries and burns resulting from burning fabrics, and the Federal Trade Commission is charged with enforcement of standards.

DISTRICT OF COLUMBIA

The Congress continued competently to execute its Constitutional and statutory responsibilities for the Nation's Capital. The 1st Session of the 92nd Congress was witness to House activity on five major bills, all profoundly associated with the economic development, social welfare, and expanding electoral opportunities of Washingtonians.

District of Columbia Revenue Act (H.R. 11341)

The Congress generously responded to the pressing revenue problems facing the District government by authorizing a record increase in the Federal payment for the fiscal year beginning July 1, 1971. The $173 million authorization represents an increase of $47 million over the Federal payment figure in the District budget of the past fiscal year. An additional Federal payment authorization of $6 million for District employee salaries was included, should Congress approve a pay raise for government workers.

The House and Senate District Committees took the unprecedented step in this Congress of approving in advance a Federal payment authorization of $178 million for the fiscal year beginning July 1, 1972, plus an additional $12 million to cover the full year cost of an anticipated increase in the pay of government employees. This action was taken in an effort to enable the District government to better plan and formulate its next budget. In the past, the District government had submitted its spending requests to the Office of Management and Budget and the Congress and then asked for an increase in the Federal payment or new taxing authority to balance the budget requests.

The District revenue bill (H.R. 11341) also contained a provision authorizing the District government to deduct rent payments from monthly welfare checks, if recipients withhold their payments. The District would then pay the rent directly to the landlord if it was determined that no code violations existed in the rented units involved.

Additionally, in a major House action the Congress demonstrated its continued support of rapid rail transit development in the District by authorizing a $72 million payment to the Washington Metropolitan Area Transit Authority. This action was greeted with renewed enthusiasm by Washington metropolitan area residents and assures that a large part of the Metro subway system will be operating in time to convey the massive influx of visitors expected in the Capital for the 1976 bicentennial celebration of the Nation's birth.

District Government organization (Public Law 92–25)

The House has long been concerned with providing the District of Columbia with an efficient, effective, and responsive government, and toward this end the House on June 4 approved H.R. 5765 (P.L. 92–25). This legislative action extends through March 1972 the operational life of the Commission on the Organization of the Government of the District of Columbia (established by the 91st Congress). This Commission, commonly called the "Nelsen Commission" (after its chairman, Representative Ancher Nelsen) or the "Little Hoover Commission," is studying the operation of the District government and must report its findings and recommendations to Congress by April 1972. An interim report outlining its areas of study was included in the House Report on the D.C. Revenue Act (No. 92–598) as Appendix A.

District election law reform (S. 2495)

Another legislative action by the House during the 92nd Congress, the passage of S. 2495 in September, represents a significant step forward in the effort to reform District election laws; this legislation could also aid in altering a major inadequacy of the Federal Corrupt Practices Act. The bill contains reforms on D.C. residency requirements, procedures for getting candidates and public issues on the ballot, and provisions for a tax credit on campaign contributions. Another provision of this bill would consider the District as a State for purposes of enforcement of the Federal Corrupt Practices Act. Such legislative action would make it mandatory for any campaign funding organization operating in the District to file annual financial reports. Currently, many such groups accept and make contributions for candidates in Federal elections through offices located in the District, thereby escaping existing Federal reporting requirements.

EDUCATION

The House passed S. 659 which would authorize $19 billion in federal aid to post-secondary education in fiscal years 1972–1975; extend existing programs of federal aid to colleges and college students and vocational education programs through fiscal 1975 and establish as a primary tenet of federal policy that every qualified and needy student had a right to federal aid in meeting the expenses of a post-secondary education.

As approved by the House, S. 659 authorized $24 billion in federal aid for institutions of higher education and college students for fiscal year 1972–1976, and for desegregating school districts for fiscal years 1972–1973. House passed bill forbade the use of funds in the desegregation aid program to pay the cost of busing.

Bills are in Conference.

ENVIRONMENT AND NATURAL RESOURCES

The preservation of our environment is of paramount concern in the Nation today. Almost every agency of government today with any remote connection with environmental problems is placing this matter foremost in their budgets and justifications to Congress. The problems of our environment, however, are myriad. Yet, never before has there been such a period of environmental concern and, nowhere has this concern been more evident than in Congress.

This Congress has passed major legislation to protect and preserve our environment, legislation to protect our waterways, both inland and off our ocean shores, to preserve endangered wildlife, to encourage reuse of our natural resources, and to guarantee the environmental quality for all, balanced with the continued progress of our country.

National environmental data system (H.R. 56)

In response to a vital need for coordinated information services concerning the environment, the House passed legislation providing for the establishment within the Executive branch of the National Environmental Data System. H.R. 56, passed May 17, authorizes $1 million for fiscal year 1972, $2 million for fiscal year 1973 and $3 million for fiscal year 1974, for a central facility to serve as a clearing house for new and existing information on environmental matters. The legislation specifies that this information be gathered from the Federal Government, state and local governments, private institutions, including educational institutions, and foreign sources. Data is to be made available to Congress and to Federal, state and local governments without charge and to private individuals and groups at a reasonable fee.

Presently, there are numerous and diverse studies, programs, and projects generating date on the Environment. There is, however, the need to establish a system to collect, assimilate and disseminate such information to those concerned Federal agencies, local governments and private citizens in light of the increasing commitment of Congress toward the goal of an enhanced environment. Not only should the date be readily available for analysis and evaluation, but there should be the means to insure that all available scientific and technical information affecting the environment be quickly located and evaluated by responsible parties.

This legislation amends the National Environmental Policy Act of 1969 to add a new title III to the act to be called the National Environmental Data System. In addition to providing for the collection and dissemination of date, H.R. 56 provides for the position of National Environmental Data System Director, required to serve full time to (1) administer and manage the operations of the date system under the guidance of the Council on Environmental Quality; (2) institute a study to evaluate and monitor the methods on information technology and utilize new and improved techniques for accomplishing the purposes of the act; (3) utilize knowledge developed during the study to develop criteria and guidelines to govern to selection of data, including the development of predictive ecological models; (4) develop and implement a plan to establish and maintain an environmental information network; (5) develop procedures and standards by which existing and new information systems would be integrated; and (6) develop and publish from time to time environmental quality indicators.

Each department and agency of the Federal government would be required to make available to the data system all information as soon as possible for possible incorporation in the system. In addition, all Federal agencies providing financial assistance would be required to take such steps as necessary to insure that environmental information, knowledge, or data resulting from their assistance be made available to the data system.

Joint Committee on the Environment (H.J. Res. 3, S.J. Res. 17)

In the field of environmental protection we find that there is an incredibly broad range of topics and jurisdictions involved. This Congress both Houses have taken steps to provide not only the legislative branch but the executive branch and the general public with a long-range overview of environmental problems. The House in July and the Senate in June passed legislation creating a Joint Committee on the Environment offering the chance to stand back, to assimilate, organize and offer plans for the future in the whole environmental field. Although the committee will not have legislative power, it will play a vital role in furnishing information to other committees to help insure effective action on short as well as long term environmental problems which come under their jurisdictions.

The Committee would continually study future environmental changes and their effect on population, communities, and industries, giving consideration to the effects of environmental changes on the need for public and private planning and investment in such areas as water, resources, pollution control, housing, food supplies, education, fish and wildlife, forestry, mining, transportation and power supplies. Second, this Committee will study ways to use financial and technical assistance to create and maintain conditions in which man and nature can live harmoniously while fulfilling our social and economic needs. Moreover, the Committee will seek to develop policies to encourage maximum private investment in ways to improve environmental quality.

Saline water conversion (Public Law 92–60)

Congress has approved legislation authorizing a continuation of the saline water conversion program, a program that has proven very successful and useful. Public Law 92–60 provides for this authorization under the Secretary of the Interior who is required to continue programs of research, development and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use.

A program of research projects for the desalting of saline waters has been underway since 1952, the year in which the program was initiated by Congress. Existing authority for the Saline Water Conversion Act provides for continuation of the program through fiscal year 1972. The new act, however, extends the basic authority for the program to reflect experience with the program in recent years to conform to the current needs of the Nation. The most significant objectives of the new language is to bring the desalting effort into closer coordination with ongoing conventional water resources planning efforts and to accelerate work leading to development of a large-scale prototype desalting plant. A total of $27,025,000 has been authorized for fiscal year 1972 to carry out the provisions with $15,675,000 for research and development; $7,385,000 for design, construction, acquisition, operation and maintenance of saline water conversion test beds and test facilities; and $1,450,000 for administration and coordination programs.

Water Resources Planning Act
(Public Law 92–27)

Both Houses have approved legislation, now Public Law 92–27, amending provisions of the Water Resources Planning Act which imposes a ceiling on the annual appropriations authorized for the administration of titles I and II of the act. The amendment places a limitation of $1,500,000 annually on the combined appropriations for the administrative expenses of the Council on Water Resources. It is the Council which has responsibility to maintain an assessment of the Nation's water resources, review and establish standards and procedures for Federal water resource development, and review comprehensive river basin plans. The continued funding will maintain the establishment of joint Federal-state river basin commissions, created to perform comprehensive water resources planning for various regions and to coordinate water resource development activities in these regions.

Marine Protection, Research, and Sanctuaries Act of 1971 (H.R. 9727)

The volume of waste dumping is growing rapidly, and with many major cities running out of landfill areas, they will be looking more and more toward the oceans as a depository for wastes. It has been estimated that in 1968 alone slightly over 48 million tons of waste were dumped at sea off the shores of the United States. Congress has been continually aware of the fact that we have had no policy for the protection from dumping for coastal zones, which have significant ecological, environmental, and biological values.

Recognizing the need for regulation, the House and Senate have passed legislation to control the dumping of waste materials into coastal and offshore waters. Legislation providing strong and effective measures aimed at regulating ocean dumping is long overdue, for the ever increasing pollution of waterways is a constant threat to the health and welfare of us all.

H.R. 9727 vests the Environmental Protection Agency with final authority to regulate this dumping of waste and foreign material in coastal zones. To this end, Congress gives the Administrator of the Environmental Protection Agency, and the Secretary of the Army, the power to issue permits for ocean dumping only under specific circumstances. Penalties would then be provided for persons dumping material into waters without such a permit. The bill also provides for termination of the depositing of radiological, chemical and biological warfare agents into the ocean, and authorizes the Secretary of State to seek effective international action and cooperation through the United Nations to insure the protection of the marine environment by all nations.

Title I of this legislation authorizes the Administrator of EPA to issue permits for the transportation and dumping of material and requires a determination by the Administrator that such dumping would not unreasonably harm the environment or human health. The Administrator is required to establish criteria for evaluating permit applications which would take into account the effect on the marine environment and human welfare and an evaluation of alternative locations and methods of disposal. Any persons giving information leading to conviction under the act would be paid part of the criminal fines, subject to an overall limitation of $2,500 per offense.

Title II requires extensive monitoring and research on the effects of ocean dumping activities permitted under title I. It authorizes the Director of the National Science Foundation to undertake a comprehensive program of research on global and long-range effects of man-induced changes to ocean ecology. Such studies are essential, as our knowledge, however rapidly expanding, of the consequences of our actions in ocean dumping is still very limited.

Title III requires that marine sanctuaries be established for the purpose of preserving or restoring for their conservation, recreational and ecological values in areas of oceans, coastal waters and the Great Lakes. These sanctuaries will immediately preserve vital areas of our coastline from further damage.

Permits are to be handled through the Secretary of the Army for dredged or fill material, and through the Administrator of the Environmental Protection Agency for all other materials. When an application for a permit is received, the responsible officer is to review the application in accordance with the established criteria and require the applicant to furnish such information as may be necessary. The permit applicant is to be required to furnish all necessary information, and this information is to be a matter of public record, subject to public inspection through every stage of the evaluation. In establishing criteria, the Administrator of EPA will take into account the need for the proposed dumping, its effect upon the area in which it is to take place, including the living resources and the marine ecology, as well as the permanence of those effects and the volume and concentration of the particular proposed dumping. The criteria also cover appropriate locations for the dumping and available alternate methods of disposal.

While the actual cost of permit processing and enforcement will vary according to the number of permit applications, it is estimated that the cost of Title I during fiscal year 1972 will be $3.6 million. These costs are expected to increase to $5.5 million in fiscal year 1973; $5.9 million in fiscal year 1974, and thereafter it should gradually decrease as the need for dumping in the ocean decreases.

Water Resources Research Institutes
(Public Law 92–175)

An amendment to the Water Resources Research Act of 1964, increasing the authorization for water resources research institutes has been passed by both Houses. H.R. 10203 makes a number of improvements in the act on behalf of more effective and efficient program administration, authorizes the creation of three additional research institutes for jurisdictions where there now are none, and, most important, increases the amount authorized to be appropriated for the annual allotment grant program from $100,000 to $250,000.

Authorizations will assist in fulfilling the needs of the fifty-one water resources research institutes established in the 50 states and Puerto Rico, pursuant to the Water Resources Research Act of 1964 for additional funds for annual grants, simplification of fiscal aspects of their programs, changes in accounting procedures, and simplification of methods by which the institutes can acquire excess Federal property used by them in this work. The bill also fulfills the needs of the District of Columbia, the Virgin Islands and Guam for the establishment of research facilities for water related problems by adding those three areas to the list of States and territories authorized to receive grants under the act for water resources research.

The District of Columbia and the territories have land-grant colleges that would, under this bill, be eligible for research and training programs. In fact, the District of Columbia has two such institutions that would qualify, the Federal City College and the Washington Technical Institute. These areas have water related resource requiring research unique to each locality and they have the prerequisites necessary to qualify as recipients under the act.

Section 2 makes mandatory by congressional action the dissemination of information developed as a result of these federally supported research projects. Section 3 requires better consultation among the states and Federal government in the development of research activities and programs, insuring that funds expended through the Office of Water Resources Research will be spent on the most relevant and practical studies possible. Section 4 simplifies the accounting procedures of the various institutes participating in the program. Section 5 requires annual reports to Congress on the program, providing Congress with a more effective oversight and insuring that the overall program is kept in its proper perspective.

The bill retains the cooperative Federal-State concept and nature of water resources research grants and improves that relationship by providing for simplification of State programs and project proposal budgets and providing for reduced record-keeping. In order to increase the effectiveness of research programs of the several research institutes, the bill requires that programs funded through allotment grants be created in consultation with State or jurisdictional water resource officials. It is hoped that this requirement will increase results by adding an additional measure of practical direction to research undertaken by these institutions.

Timely resolution of these jurisdictions' water resources related problems demands that a research capability be created in each jurisdiction and that adequate funding be provided. This amendment provides an important step in fulfilling that need. The new amendment will also facilitate a wider distribution of the output of Research Institutes, so that their findings can be quickly available to all interested parties for study and implementation.

Federal Environmental Pesticide Control Act of 1971 (H.R. 10729)

Regulations on the manufacture and use of pesticides such as DDT which have been assistance to farmers and homeowners but often a hazard to health and the environment have been approved by the House. H.R. 10729 requires approval by the Environmental Protection Agency of new pesticides and would empower the Agency to suspend their use if they are later found harmful. The 60,000 different pesticide products would be divided into two categories of use, general and restricted, with highly toxic pesticides in the restricted category available only by a certified expert. Criminal penalties have been provided for issue.

Use of pesticides to kill harmful insects and other pests prevents crop losses estimated at $20 billion each year. In addition, there are also about 75,000 cases of pesticide poisoning causing about 1,000 deaths each year. In fact, a court suit brought by private environmental groups has forced the Environmental Agency to conduct hearings on whether the use of DDT should be forbidden altogether. Under the bill, states would be permitted to enforce their own pesticide laws if they are tougher than Federal standards. Finally, provision is made for the federal government to pay users and manufacturers for stocks on hand if a pesticide, after first being approved by the Agency, was later ordered withdrawn.

H.R. 10729 specifies that restricted use of pesticides could be used only or under the supervision of a certified pesticide applicator or subject to other regulatory restrictions. New Procedures are set for the EPA administrator to register and suspend registration of all pesticides. A committee on the National Academy of Science would be required to advise on scientific matters. Penalties for violations of the act are set at up to $5,000 per violation. Violation by private applicators would be punishable by fines of up to $1,000. In addition, the Environmental Protection Agency is authorized to engage in pesticide research and to establish a national plan for monitoring pesticides. Open-ended authorizations for fiscal years 1972 through 1974 are set for administration of act.

Extension of Federal Water Pollution Control Act (Public Law 92–50)

Since June 30, 1971, the programs and authorizations under the Federal Water Pollution Control Act have been carried out and continued under the authority of three temporary resolutions. Both Houses approved early in the session legislation extending through September 30, 1971 authorizations for these expiring federal water pollution control programs. Public Law 92–50 authorized grants for state water pollution control programs at $2,500,000 and construction grants at $500 million for the three month period. Fiscal 1970 authorizations for the programs had been set at $1.25 billion annually. Final total authorizations approved in Public Law 92–50 were set at $1,500,000. Subsequently, the fiscal 1972 agricultural-environmental and consumer appropriations bill approved by Congress in July contained appropriations for fiscal 1972 for construction grants at $2 billion.

Water Pollution Control Act extension—One month (Public Law 92–137)

The Senate on September 29 and the House September 30 passed S. 2613 extending authorizations for federal water pollution control programs for one month. Public Law 92–137 was the second interim extension of water pollution control programs in 1971. Authorizations were increased by the act by $150 million to $650 million for grants to local governments for constructing water treatment facilities. Under the previous extension $500 million was authorized for the three-month period from July 1 through September 30. Other authorizations to cover the month of October included an increase of $7 million for research under the jurisdiction of the Environmental Protection Agency and $1.5 million for state water pollution programs.

Federal Water Pollution Control Act extension (H.R. 11423)

A third extension of the Federal Water Pollution Control Act until January 31, 1972 was passed by the House in October and the Senate in November. Section 1 of H.R. 11423 extends section 5 of the act and provides an additional authorization of $20 million for the four month period for research, investigations, training, and information programs. Section 2 authorizes $7 million in addition to funds previously appropriated this year for financing research and development grant programs. Section 3 provides an additional $6 million for continuation program planning by the states. Consequently, this makes a total of $10 million for the seven-month period ending January 31, 1972 for state program planning. Section 4 increases the authorization for the basic grant program for waste treatment facilities to $1,250,000,000. In addition, section 4 provides for extending the eligibility requirement to certain states to be reimbursed for the Federal share on such projects as have been financed under the provisions of the act.

National Advisory Committee on the Oceans and Atmosphere (Public Law 92–125)

For more than a decade there has been a growing concern among Members of Congress and among segments of the general public that the Nation has been deficient in addressing attention to the vast resources of the oceans and the development of inland water bodies. That concern culminated in the Marine Resources and Engineering Act of 1966, in which congressional intent was made clear that a coordinated and vigorous national ocean program was of major importance and that it should be developed promptly.

As a part of the act, a Commission on Marine Science, Engineering and Resources was established to develop background information and to propose recommendations upon which the program could be based. One of the major recommendations to be made by that body was the creation of an advisory body to serve as a link between the Federal government, on the one hand, and state and local governments, private industry, and the scientific and academic communities, on the other.

During this session Congress has formalized this recommendation by approving H.R. 2587, new Public Law 92–125, creating the National Advisory Committee on the Oceans and Atmosphere. The act provides for the creation of a 21 member body to be appointed by the President primarily to assist executive agencies in policy and program formulation. Each department and agency of the Federal government concerned with marine and atmosphere matters is to designate a senior policy official to assist in the committee's work and to serve as a point of liaison with their agencies.

The Committee is authorized to perform a continuing review of the progress of the marine and atmospheric science and service programs of the country, and to advise the Secretary of Commerce with respect to implementing the purposes of the National Oceanic and Atmospheric Administration. Finally, the Committee is to submit an annual report which will hopefully reflect the broad experience of the members by the inclusion of specific recommendations which will insure the most practical approach to the thorough and expeditious implementation of a complete and coordinated national ocean program.

Preservation of Pacific coral reefs (S. 1733)

Authorizations for the study and preservation of the Pacific Coral Reefs was approved by the Senate in September. S. 1733 amends Public Law 91–427 to provide support for the coordination in the National Oceanic and Atmospheric Administration of existing research and control efforts which have been or are being conducted by diverse agencies and institutions at the national and local levels. Public Law 91–427, approved September 26, 1970, established the National Oceanic and Atmospheric Administration (NOAA) with the purpose of coordinating oceanic activities of the Federal Government. S. 1733 places joint responsibility with the Smithsonian Institution for administration of Public Law 91–427 in NOAA under the Secretary of Commerce rather than the Secretary of the Interior. That act has provided for the joint administration of the Crown of Thorns starfish study and control program by Secretary of the Interior and the Smithsonian Institution. This new legislation authorizes the appropriation of $4.5 million for the period ending June 30, 1975 and provides for cooperation with and assistance to the State of Hawaii and the territories and possessions of the United States in their study and control of the Crown of Thorns starfish.

International moratorium on killing of whales (H. Con. Res. 387, S.J. Res. 115)

In response to the plea for an end to the appalling slaughter of whales, the House and Senate have passed separate legislation calling for a temporary moratorium on the killing of all species of whale, porpoise and dolphin. Both bills, H. Con. Res. 387 and S.J. Res. 115, provide for a moratorium of ten years, during which time international accord on future conservation and utilization of the world's whale population could be pursued. Both are designed to protect the whale from complete annihilation at a time when their numbers are in rapid decline. In one year alone, in 1969, it is estimated that a total of 200,000 whales were killed by the Japanese whaling industry alone. In 1940, it is further estimated that the blue whale numbered about 100,000. Today, however, fewer than 3,000 remain alive. The population of the finback whale has also decreased, from an estimated 400,000 to approximately 100,000. Only the grey whale has managed to increase its population, and that was achieved by the joint efforts of the United States and Mexican Governments to protect it from total extermination. In view of the rapidly depleting numbers of the whale family from the oceans and the impending dangers from fishing and massacre which confronts them, these resolutions will assist us in avoiding the disaster that the whale's extinction would represent.

Hunting animals from aircraft (Public Law 92–159)

Both Houses have approved legislation amending the Fish and Wildlife Act of 1956, providing a criminal penalty for the shooting at birds, fish and other animals from aircraft. Public Law 92–159 calls for a fine up to $5,000 and up to a year in prison for killing animals from the air without special permission. The prohibition against shooting, however, is not applicable to any person carrying out duties in the administration and protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, if such a person is an employee, authorized agent or operating under license or permit of any state of the Federal government. While many states have already enacted legislation or regulation to regulate the use of hunting while airborne, this act supplements these state laws by establishing nationwide uniform regulations.

Protection of wild horses and Burros on public lands (Public Law 92——)

A clearly justified concern for the protection of wild horses and burros roaming on public land in the Western states has increased at a time when there is virtually no protection for these animals. The House, with the Senate concurring, has passed S. 1116, now Public 92——, authorizing the establishment of ranges for wild horses and burros, providing for the elimination of old, sick, or weak animals, and setting penalities for anyone selling, harming, killing, or harassing wild horses and burros. It totally prohibits the processing into commercial products any wild horse or burro. Importantly, the law provides that no wild horse or burro may be destroyed by anyone except agents of the Secretary of the Interior. In such instances, the destruction of old or ailing animals may occur only if it is deemed necessary by the Secretary as the only practical means of removing excess animals from an area which cannot sustain them. A fine of $2,000, imprisonment of up to one year, or both penalties, may be prescribed for anyone violating any of the provisions of the bill.

This legislation provides for not only the protection of wild mustangs and burros, but for their management and control as well. The Secretary of Interior is authorized to establish and maintain at least 12 ranges for these animals and it is so stipulated in the law that the ranges should be managed so as to attain and maintain a sound, natural environment. The Secretary is further directed to establish a nine-member Joint Advisory Board to advise him on the care and protection of these animals.

It has been estimated that the number of wild horses roaming the western grasslands has been reduced from an estimated 2 million to fewer than 17,000 since the beginning of the century. This decimation has resulted from their being hunted down for sport and slaughtered for pet food, as well as from epidemics of disease and starvation. Wild horses and burros may face extinction within a few years without controls, protection and proper care. This new law answers this need for action by offering sound protection and preservation in their habitat without undue interference or unnecessary confinement.

Fishermen's Protective Act amendment (H.R. 3304)

In October, the House approved and sent to the Senate H.R. 3304 known as the Fishermen's Protective Act, to conserve and protect Atlantic salmon of North American origin. As passed, the bill authorizes the President of the United States to prohibit the importation into this country of fishery products from nations that do not conduct their fishing operations in a maner that is consistent with international fishery conservation programs. Although the bill would cover all species of fish, it is designed to protect mainly the salmon.

H.R. 3304 amends the Fishermen's Protective Act of 1967 by adding a new section providing that whenever the Secretary of Commerce determines that nationals of a foreign country are conducting fishing operations in a manner which diminishes the effectiveness of an international fishery conservation program under an agreement to which the United States is signatory, the Secretary of Commerce would be required to certify this fact to the President of the United States. Upon receipt of such certification, the President, in turn, would be authorized to direct the Secretary of Treasury to prohibit the importation into the United States of any or all fish products of the offending country for such duration as he may deem appropriate and to the extent such prohibition is sanctioned by the General Agreement on Tariffs and Trade.

This legislation makes it unlawful for any person subject to the jurisdiction of the United States to knowingly bring or import into the United States any fish products prohibited by the Secretary of the Treasury. Violators would be subject to a $10,000 fine for the first offense and a $25,000 fine for each subsequent offense. In addition, all fish products illegally imported into the United States would be subject to forfeiture or the monetary value thereof and, in general, all provisions of law relating to seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws would be applicable. Enforcement responsibilities would be vested in the Secretary of Treasury and judges of the United States district courts and United States Commissioners would be authorized to issue warrants or other processes as would be necessary to enforce the provisions of this act.

Protection of the salmon in high seas crossing territorial and international boundaries requires full cooperation of all nations involved if these species of fish are to be preserved for future use and enjoyment. H.R. 3304 accomplishes this purpose, not only with the Atlantic salmon, but with other species of fish that may be covered by an international agreement to which the United States is signatory. The authority set forth in this legislation will prove invaluable in our Nation's attempts to stop the exploitation of the fisheries resources off our coasts, while hopefully providing the means to effectively enforce international fishery conservation programs.

Alaska Native land claims

(H.R. 10367)

Congress approved H.R. 10367, providing for the settlement of certain land claims of Alaska natives. The legislation has one main purpose: to settle native land claims by terminating all native claims of aborginal title, in return for which the natives are to be granted a certain acreage and a specific payment. Since 1867, when Alaska was purchased from Russia, the United States has held the responsibility for the natives, to leave undisturbed the native's possession, use, and occupancy of Alaskan land. Congress reserved to itself the determination of their title. The Alaskan native people, however, have no clear legal remedy or recourse to advance their claims except as is specifically provided by Congress. Following the passage of the Alaska Statehood Act, the State of Alaska began to select land from the 103 million acre land grant that had been accorded by Congress. These State land selections together with private development, under the public land laws, brought increased pressures on the native people. Beginning in 1961, a series of protests based upon the doctrine of aborginal rights were filed with the Bureau of Land Management protesting the granting away of lands claimed by native groups to the State and to others. In April 1968, there were 296 million acres subject to the land claim protest.

Amending the Small Reclamation Loan Program Act (Public Law 92–167)

The House and Senate have both approved legislation amending the Small Reclamation Projects Act of 1954 by removing the requirement that irrigation be the primary purpose of a reclamation project and by increasing the limit on the total cost of each eligible project under the act. Public Law 92–167 further increases the amount of loan funds authorized for each proposal and increases total authorization for program appropriations.

In permitting assistance for nonirrigation projects, the new act is consistent with the present trend from rural to urban development. The term "project" in the 1954 act has been interpreted to mean any complete water development having irrigation as a purpose authorized to be constructed pursuant to the Federal reclamation laws. This preserves the basic purpose of the 1954 act of assisting small irrigation projects, while at the same time giving the Secretary of the Interior flexibility for approval of projects having environmental, recreational and other public benefits and avoiding possible duplication of other Federal programs for municipal and industrial purposes.

The existing limit of $10 million on the maximum construction cost of an eligible proposal under the act is amended to provide for cost indexing to reflect price level changes since 1956. The present limit of $6.5 million on the amount of Federal financing for a single proposal is increased to 65 percent of the current indexed maximum cost. Such indexing costs are based on engineering cost indexes.

FOREIGN AFFAIRS NATIONAL DEFENSE

Extension of the draft (H.R. 1653, P.L. 92–129)

Criticism of the draft system led the President to request that Congress approve an all-volunteer armed forces by mid-1973. His proposals were based, in part, on the report of the Advisory Commission on an All-Volunteer Armed Force, issued in February 1970, which stated that the draft could be abolished by mid-1971. The Senate and House, however, deferred judgment on that proposal and agreed only to extend the draft for another two years.

After three days of debate the House approved, on April 1, a two-year extension of the draft.

The Senate completed action on the House bill on June 24. As cleared for the President's signature, the bill provided a two-year extension of the draft, pay increases and other types of compensation for servicemen, a lottery selection system, authority to draft college students entering school after the spring of 1971, expanded procedural rights for draft registrants, drug treatment and alcoholic treatment programs for the military, ceilings on active duty forces and the number of draftees for fiscal 1972, an extension of statute limitations for those failing to register for the draft, and a sense of Congress resolution urging the President to negotiate a Vietnam cease-fire and withdrawal of U.S. troops at the earliest possible date. The measure was signed into law, P.L. 92–129, on September 28.

Concerning the war powers of the President and Congress (H.J. Res. 1)

Hearings held in the 92d Congress have centered around the constitutional roles of the President and the Congress in foreign affairs. The House, August 2, approved H.J. Res. 1, reflecting this concern. The resolution provides that the President will report to Congress when, without specific prior authorization by Congress, he commits United States military forces to armed conflict.

This legislation would codify procedures for consultation and reporting in certain extraordinary and emergency circumstances. It would require not only that the President consult with Congress before committing troops, but that consultation should continue on a periodic basis for the duration of the conflict. It would further require that the President promptly submit a full and formal report to Congress setting forth the circumstances necessitating his action, and any other information he may deem useful to the Congress in the fulfillment of its constitutional responsibilities.

While the resolution recognizes the prerogative of the President to defend the Nation without prior congressional authorization, it also expresses congressional consensus that the Legislative Branch must reassert its constitutional role in the decision-making process as to whether the country should go to war.

Our foreign policy cannot be effectively and responsibly conducted if that relationship does not exist between the President and the Congress. H.J. Res. 1 is a step in the right direction.

Approved by the House on August 2, H.J. Res. 1 provides that the President seek appropriate consultation with the Congress before involving U.S. forces in conflict. Prior authorization of Congress is not required, according to the resolution, when the President shall submit to the Congress a report on the reasons for the action, the authority for the action, scope of the activities and any other pertinent information.

Other defense actions

On October 4 the House, by a 369–0 rollcall vote, passed a resolution, H. Con. Res. 374, calling for the humane treatment of American servicemen held prisoner by North Vietnam and its allies and endorsing efforts to win their release.

The Congress passed a measure, H.R. 8311 extending the life of the Renegotiation Board for two years through June 30, 1973. The legislation was signed into law, P.L. 92–41, on July 1.

The House also has before it a bill, H.R. 10422, which limits the ways in which a person may be discharged from the military under conditions other than honorable. The measure passed the House on October 4.

International finance (S. 748, S. 749, H.R. 5013, H.R. 5014)

On October 19 the Senate passed a bill, S. 748, adding a provision to the Inter-American Development Bank Act which authorizes the U.S. Governor of the Bank to pay to the Fund for Special Operations two annual installments of $450 million each. On the following day the Senate passed a measure, S. 749, authorizing U.S. contributions to the Special Funds of the Asian Development Bank. Related bills in the House, H.R. 5014 and H.R. 5013 respectively, have been approved by the House Banking and Currency Committee but have not been reported.

International trade (S. 581, P.L. 126; H.R. 7117; H.R. 9181, P.L. 92–87)

On August 17, 1971, the Export Expansion Finance Act of 1971 was signed into law, P.L. 92–126. S. 581 passed the Senate on

April 5, 1971. The House passed its version of the bill, H.R. 9181, on July 8.

The legislation amends the Export-Import Bank Act of 1945 to exclude Bank receipts and expenditures from the Budget and exempt them from budget outlay limitations. It also makes certain changes in the Banks' guarantee and insurance authority, aggregate transaction authority, credit transactions, and statutory life.

On August 2, the House passed a measure, H.R. 7117, to amend the Fishermen's Protective Act of 1967 to expedite reimbursement of United States vessel owners in cases of illegal seizure of ships by foreign countries. No action has been taken on the bill in the Senate.

On August 11 the Northwest Atlantic Fisheries Act Amendment, H.R. 9181, became P.L. 92–87. The legislation passed the House on July 6 and was approved in the Senate two weeks later. The amendment makes certain clarifications and extensions in the Northwest Atlantic Fisheries Act which concerns regional fishing rights and regulation.

GENERAL GOVERNMENT

Each year we pass legislation which concerns, in general, the operations of the Government. This can include Congressional operations, executive branch reorganization, federal employees, legislative-executive relationships, and the like.

In this section of the report are summarized those bills passed by both Houses, or just one of them, during this session in this area.

Campaign financing (S. 382, H.R. 11280, H.R. 11060, H.R. 11231)

During the 91st Congress we passed S. 3637, a bill to limit expenditures for radio and television advertising by political candidates. The President vetoed that measure, citing, among other reasons, that it unfairly singled out the broadcasting industry to bear the brunt of the effort to limit campaign costs.

That abortive effort, however, was instrumental in making campaign finance regulation and expenditure limitation one of the priority items of debate in the 92d Congress. Hearings on the subject were held by the Senate Commerce and Rules and Administration Committees and by the House Administration and Interstate and Foreign Commerce Committees.

The Senate-passed bill, S. 382, provides for: (1) repeal of the equal time provision of the Communications Act for all major party candidates for Federal office; (2) the lowest unit cost for TV and radio advertising time for political candidates during the 45 days preceding a primary election and the 60 days preceding a general or special election; (3) the same for non-broadcast media (newspaper, magazine, periodical, and billboard advertising); (4) a limitation of 5¢ per eligible voter for non-broadcast spending, or $60,000, whichever is larger, with provision to transfer up to 20 percent from one category to the other; (5) each candidate to be responsible for all spending on his behalf and (6) the limitation in presidential primaries to be the eligible voting age population in the entire State.

S. 382 also rewrites the Corrupt Practices Act to broaden coverage to include all elections and virtually all political committees. It requires fuller disclosure of contributions received and expenditures made by candidates, and their commitees, for Federal office. A Federal Elections Commission would be established to oversee reporting and to publicize the data.

In addition, the Senate bill would place a ceiling on the contributions which can be made by any candidate or his immediate family to his own campaign as follows: President, and Vice President $50,000; Senator, $35,000; and Representative, $25,000.

Finally, the Senate version provides for the Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commisison to promulgate regulations with respect to the extension of credit without collateral to or in behalf of any candidate for Federal office.

In the House three bills were reported to the floor for consideration: H.R. 11060 from the House Administration Committee, H.R. 11231 from the Interstate and Foreign Commerce Committee, and H.R. 11280 identical to the Senate bill.

After nearly eight hours of debate the House passed S. 382, as amended, November 30. The major changes in the Senate bill which were made are: (1) to require that reports be filed with the Secretary of the Senate and the Clerk of the House for House and Senate candidates, and with the Comptroller General for presidential candidates, rather than with a Federal Elections Commission; (2) to eliminate filing of contributions and expenditures reports with local Federal District Courts; (3) to eliminate the requirement that $100 contributors be identified in reports; (4) to eliminate the requirement for the lowest unit cost; and (5) to eliminate repeal of the equal time provision.

Conferees will report to the House early next year.

Public funding of presidential elections (H.R. 10947)

Attached in the Senate to the Revenue Act of 1971 (H.R. 10947) was provision for public funding of presidential elections. Essentially the old Presidential Campaign Fund Act of 1966 was resurrected. That Act has lain dormant on the books since 1967 when the Senate refused to fund it.

The new Fund would not be effective until the election of 1976. Money for the Fund would come from taxpayers who will have the privilege of earmarking $1 of their taxes owed for the Fund. The taxpayer may designate the party to which he wishes his dollar to go or may choose to have it go into the general fund. Minor parties which poll a sufficient vote can qualify for assistance.

The amount which a candidate of a major party can draw from the Fund is determined by multiplying 15 cents times the eligible voting age population. Major party candidates would receive equal amounts if each chose public financing. A candidate can refuse public funding. The House accepted this in conference with deferment of implementation until 1976.

FEDERAL EMPLOYEES

Bills which affect Federal employees have once again caught the interest of Congress. The House has passed legislation to liberalize the civil service retirement system with regard to cost of living increases (S. 1681, amended, May 17, 1971), to eliminate some of the unnecessary reporting requirements subsequent to employee training (H.R. 134, July 19, 1971), and to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits and separate maintenance allowances in foreign areas (H.R. 3628, August 2, 1971). The more than 2.8 million Federal employees will benefit from these measures, which await Senate action.

There are two other areas of major fiscal concern to Congress. These are salary increases for Federal classified employees and establishing a prevailing rate pay system for Federal blue-collar employees.

Federal employees salary increases, disapproval action (H. Res. 596 and S. Res. 169)

Public Law 91–656 provided President Nixon with the authority to increase salaries of Federal classified employees on January 1, 1972. If the President determined that a national economic emergency existed, he could submit an alternate plan to Congress. Congress then would have thirty days in which to disapprove the alternate plan.

The alternate plan submitted by the President on August 29, as a result of his New Economic Program, provided for a delay of the salary increases until July 1, 1972. Many Members felt that this plan imposed an unfair burden on employees of the Federal Government. Resolutions of disapproval were introduced in both the House and Senate. H. Res. 596 failed of passage October 4, 1971. S. Res. 169 met the same fate October 7, 1971.

When the wage freeze was lifted, several Members introduced bills to allow the January 1 salary increase for Federal employees to take effect with the limitation that the rate of increase be held to that prescribed by the Pay Board for the private sector. The Senate and House have acted to add this provision as an amendment to the Economic Stabilization Act of 1971 (S. 2891 and H.R. 11309). About 2.8 million Federal employees will receive an increase of approximately 5.5 percent on January 1, 1972.

Federal blue-collar wages (H.R. 9092)

The House, on July 28, passed H.R. 9092, which would establish an equitable statutory system for fixing and adjusting the rates of pay for Federal prevailing rate employees. On January 1 of this year President Nixon vetoed similar legislation approved by the 91st Congress. More than 800,000 Federal employees have their wage rates set under a system which has been established and administered by the executive branch alone. We in Congress agreed with the unions that all Federal employees should have their salary systems covered by statute. If the Senate concurs this will be effected. And at the same time, the 140,000 employees of non-appropriated fund activities of the armed forces will be included in the prevailing rate system as they have not been in the past.

Extension of Reorganization Act (H.R. 6283; P.L. 92—)

Over twenty years ago the Congress approved the Reorganization Act of 1949, which gives the President authority to submit reorganization plans in order to accomplish certain needed organizational changes in the executive branch of the government. The plans become effective automatically within 60 days unless rejected by either the House or the Senate. The rationale for enacting this kind of legislation (which some critics have referred to as a "reverse method of legislating") was to provide the President with an effective and relatively rapid means by which certain internal reorganizations could be effected. The original act ran for four years; since then it has been extended usually for two years at a time. This allows the Congress to review the reorganization authority periodically to determine whether it should be modified in some ways. Changes have been made in the act over the years, refining it and shaping it better to conform to Congressional intent.

The Reorganization Act was extended in 1969 to April 1, 1971. The question of a further extension thus arose during this first session of the 92nd Congress. On February 1 the Office of Management and Budget, on behalf of the President, requested a two-year extension of the President's reorganization authority to April 1, 1973, "to help the President continue with a never-ending task of providing sound machinery to administer our laws." Hearings were held by the Legislation and Military Operations Subcommittee of the House Committee on Government Operations on March 25 and 29, 1971. The House Committee reported the bill on April 22, with three major amendments: (1) to extend the authority from April 1, 1971 to April 1, 1973; (2) to limit the number of plans the President may submit to Congress to not more than one within any period of 30 consecutive days; and (3) to prohibit the submission of a plan that deals with more than one logically consistent subject matter. The bill was approved, as reported, on May 3, 1971.

The Subcommittee on Executive Reorganization and Government Research of the

Senate Committee on Government Operations held hearings on this legislation on March 24 and subsequently reported out the House-passed bill on November 17 with three amendments: (1) to change from 10 calendar days to 20 calendar days the period the committee has to consider a disapproval resolution before a discharge petition may be filed; (2) to revise language in the original law to simplify and clarify its provisions without effecting any substantive changes; and (3) to amend certain language in the statute relating to the Board of Commissioners of the District of Columbia to reflect the change in the District's government from the board to a single commissioner. The bill, as amended, was passed by the Senate on November 19, cleared for the President by the House on December 1.

The Reorganization Act of 1949, as amended, is one of the essential tools the President has to manage the executive branch and to insure that the laws enacted by Congress are implemented as efficiently and effectively as possible. It has been granted to, and used by, every President since Herbert Hoover in some form. Although some Members of Congress over the years have maintained that it is an unconstitutional delegation of legislative authority, from a practical point of view it has been useful in allowing the President to make certain organizational changes in executive agencies that he thinks are necessary. And, of course, the Congress can always exercise its option to reject a particular plan or to amend the use of the reorganization authority as it sees fit when the act is being considered for extension.

Reorganization Plan No. 1 of 1971—Action

The only reorganization plan submitted by the President during 1971 was sent to Congress on March 24, shortly before his reorganization authority lapsed on April 1. The purpose of the plan was to consolidate various volunteer programs operating in different agencies into one new, independent, agency to be called Action. Programs involved were: Volunteers in Service of America (VISTA) and Auxiliary and Special Volunteer Programs for OEO; Foster Grandparents and Retired Senior Volunteer Program (RSVP) from the Administration on Aging, HEW; and Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) from the Small Business Administration. The President also declared that if the plan were approved, he would delegate the principal authority for the Peace Corps (from State) and for the Office of Voluntary Action (from HUD) to the new agency.

The rationale for this reorganization was to consolidate the several existing voluntary citizen service programs, to systematize volunteer service, to expand innovations in voluntary actions, to develop new opportunities for volunteer service, to combine domestic and foreign voluntary programs, and to provide for a more effective system of recruitment, training, and placement of citizen volunteers.

Some valid questions about the workability of this plan were raised by various Members of Congress. They were fully explored in hearings held by the Legislation and Military Operations Subcommittee of the House Government Operations Committee on April 29, May 3, and 4, 1971. A disapproval resolution (H. Res. 411) was unfavorably reported by the Committee on May 20, and the resolution was rejected (so that the plan was approved) on May 25.

The Senate Subcommittee on Executive Reorganization and Government Research of the Government Operations Committee held hearings on the plan on May 5 and 6, reported unfavorably a disapproval resolution (S. Res. 108) on May 26, and approved the plan by rejecting the resolution on June 3. The plan and the creation of Action became effective on July 1, 1971.

OBSCENE MAIL

H.R. 8805, a bill to prohibit the use of the mails to send obscene matter to minors, and to protect the right of privacy of others by defining obscene matter, passed the House July 7, 1971, by a 356–25 roll call vote.

This measure has three purposes: (1) to create a new category of nonmailable obscene matter with respect to minors; (2) to define the term "obscene" with respect to matter that is mailed; imported, broadcast, or transported in interstate commerce; and (3) to provide mail patrons with a means not to receive unsolicited "potentially offensive sexual material." Present provisions in the law relating to the mailing of obscene matter have been ineffective, primarily because no provision of Federal law provides a definition of "obscene." H.R. 8805 establishes definitions of "obscene" matter that will be nonmailable to minors under the age of 17, and provides a definition of "obscene" matter for general application to distribution of matter through the United States mails.

Rules of the House (H. Res. 5)

With passage of House Resolution 5 on January 22, 1971, the House re-adopted the rules of the 91st Congress together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, especially by the Legislative Reorganization Act of 1970. In addition, H. Res. 5 made the following changes: (1) the Select Committee on Small Business became a permanent select committee; (2) committees shall adopt written rules; (3) committees shall provide in their rules of procedure for the application of the five-minute rule in interrogating witnesses, until each committee member who so desires has had an opportunity to question the witness; (4) the minority party on any standing committee is entitled to fair consideration in the appointment of committee staff; (5) the Resident Commissioner to the United States from Puerto Rico, in his committee assignments, shall possess the same powers and privileges as other members; and (6) the Delegate from the District of Columbia shall be elected to serve on the Committee of the District of Columbia and other committees and shall possess in all committees on which he serves the same powers and privileges as other members.

Lowering the Voting Age to 18—26th Amendment (S.J. Res. 7 and H.J. Res. 223)

The 26th Amendment became part of the U.S. Constitution on July 1, 1971 when the Ohio Legislature ratified the amendment. This action culminated recent efforts to lower the voting age. In the 91st Congress Title III of the 1965 Voting Rights Act Amendments provided that 18 year olds could vote in all elections. Immediately following passage of the Act it was brought before the Supreme Court to test its constitutionality. On December 21, 1970 the Supreme Court ruled that Congress could statutorily lower the voting age for Federal elections but not for State and local elections. Thus, a problem of a dual voting and registration system resulted which would have added an undue burden on the States. This prompted quick Congressional action to pass a Constitutional Amendment in the 92nd Congress. The Senate resolution, S.J. 7, was passed on March 10 and the House resolution, H.J. Res. 223, (identical to S.J. Res. 7) passed on March 23, 1971.

Ratification of the 26th Amendment was made in the record time of 99 days. As a result of this Amendment 11 million 18-20 year olds will be eligible to vote in the 1972 elections. Of these newly enfranchised 18-20 year-olds the Bureau of the Census said, 900,000 are in high school, 4 million in college, 4.1 million working full time, 1 million housewives, 800,000 in the armed services, and the rest in hospitals, prisons or other institutions. As we stated in the report of the Constitutional Amendments Subcommittee to the Senate Committee on the Judiciary: "It is right to extend the vote to 18 year olds in all elections: because they are mature enough in every way to exercise the franchise; because they have earned the right to vote by bearing the responsibilities of citizenship and because our society has so much to gain by bringing the force of their idealism and concern and energy into the constructive mechanism of elective government."

HEALTH AND HEALTH INSURANCE

Black lung benefits (H.R. 9212)

This legislation amends the black lung benefit provisions of the Federal Coal Mine Health and Safety Act of 1969. The bill provides benefits for the 2000 children who are double orphans and whose father died of black lung. It exempts the benefits from black lung payments from the computation of income for the purpose of drawing social security benefits and removes the requirement that X-ray evidence, or the lack of it, be the sole determining requirement in the affirmation or denial of black lung benefits. Benefits are extended to miners who work above the ground (strip miners). It also extends for two years the timetable for transfering the black lung program from the Federal Government to the States.

The Comprehensive Health Manpower Training Act of 1971 (H.R. 8629, P.L. 92–157)

The mounting health-care crisis in this country is a matter of concern to all of us. Access to quality health care is a right for all Americans, as Congress has recognized for a number of years by authorizing Federal funds to enable Amercans to purchase health care. It is now imperative that we improve the capacity of the health-care system to meet the rising demands for service.

One element in the growing imbalance between the demand for quality health-care services and the ability of the health-care system to respond is the shortage of health-care personnel, especially for millions of Americans living in rural and inner-city areas. On November 9th, Congress completed action on a landmark bill which seeks to meet this need. It includes grants for producing both new kinds and levels of health-care personnel and provides special incentives to encourage health professionals to work in underserved areas.

The Comprehensive Health Manpower Training Act of 1971, P.L. 92–157, authorizes a total of $2.9 billion over a three year period for construction grants, student loans, and scholarship funds and grants. This legislation acknowledges a basic Federal role in support of health professions education by authorizing an institutional grant to schools based on a formula subject to annual review. The formula considers: the number of students enrolled; the increases made in enrollment; and the school's efforts to shorten medical education. This approach will provide the schools with a level of support that will stabilize their finances and direct their energies to responding to the needs of our Nation. The schools must assure substantial increases in their enrollment by September 1972, a provision which guarantees an increase in the amount of qualified health personnel.

The health profession schools are encouraged to develop new types of health professionals, such as physicians' assistants and dental therapists—careers requiring less costly and lengthy training than is now the case. The legislation offers incentives to health professionals who will work in underserved areas through a loan forgiveness provision, scholarships, recruiting efforts to attract people from shortage areas, and support for family medicine and other primary care programs in hospitals, because of the relative success of such programs in sending graduates into shortage areas.

A new grant program is authorized to encourage the use of computer technology for the processing of biomedical information in the provision of health services and for research to determine those functions provided by physicians which could be appropriately transferred and performed by other trained personnel.

The Nurse Training Act of 1971 (H.R. 8630, P.L. 92–158)

Nursing is required on a more intensive basis over a longer period of time than any other single kind of health service. There is an estimated shortage of 150,000 nurses at the present time. By 1975 it is projected that we will need 300,000 more nurses than are currently available if we are unable to increase the rate at which we train nurses.

The Nurse Training Act of 1971, P.L. 92–158, seeks to meet this need by authorizing $855.5 million over a three-year period for special project grants, financial distress grants, institutional support by means of a capitation formula, grants for the establishment of new nurse training programs, traineeships for advanced training, scholarship grants, and other innovative features.

The legislation contains provisions for strong institutional support through capitation grants which will provide incentives to increase enrollments, to shorten curriculums and to develop new types of health professional assistants and nursing specialists. Provision is made for the recruitment of individuals with a high potential for training, who because of economic or socially disadvantaged backgrounds would not without special encouragement seek training in the health professions. Nursing schools are required to submit with their applications for institutional support a plan citing at least three innovative programs they intend to undertake in the succeeding 2 years. These innovative projects could include training for new roles, types, or levels of nursing personnel, programs to promote the full utilization of nursing schools, or the development of curriculum improvement with a view towards assuming greater patient care responsibility.

Medical care facilities; disaster relief amendments (S. 1237)

This legislation is designed to provide Federal assistance for the repair, reconstruction, and rebuilding of private nonprofit medical care facilities that have been destroyed by a major disaster after January 1, 1971. It also provides that if a medical facility is under construction at the time of the disaster, a Federal grant will be made of 50% of the net cost of restoring the facility to substantially its condition prior to the disaster, and of 50% of any construction completion cost increases resulting from the disaster. A medical facility which has been fully constructed would benefit under this legislation by 100% of the cost of replacement paid for by Federal grants. The bill was passed by the House on December 6 and by the Senate on December 8.

Conquest of Cancer Act (S. 1828); National Cancer Attack Act (H.R. 11302)

House Concurrrent Resolution 675, passed by the House last year, expressed the unanimous sense of the Congress that the conquest of cancer is a national crusade, and stated that the Congress should appropriate the necessary funds so that the citizens of this land and other lands might be rid of this terrifying disease. This year both Houses of the Congress enacted legislation designed to carry through on the policies expressed in that concurrent resolution.

On July 7th, the Senate passed S. 1828, the "Conquest of Cancer Act." This bill would amend the Public Health Service Act to establish a Conquest of Cancer agency as an independent agency within the National Institutes of Health. The National Cancer Institute would be the nucleus of the new agency. The Director of the Cancer Agency would be directly responsible to the President, and would submit the Agency's annual budget directly to the President. A National Cancer Advisory Board, consisting of 19 regular members, would replace the existing National Advisory Cancer Council. The Advisory Board would advise the Director of the Conquest of Cancer Agency on the formulation of a comprehensive program, evaluate the Agency's annual budget, and maintain high standards of review. The Conquest of Cancer Agency would be authorized to make grants and contracts; encourage private industrial research; strengthen existing cancer centers and establish new ones; emphasize a multidisciplinary approach to research and teaching; establish a cancer data bank; and support the production of needed specialized biological materials. Finally, the Agency will be authorized to support foreign cancer research; and to support manpower training programs.

The National Cancer Attack Act of 1971, H.R. 11302, was passed by the House on November 15th. This bill proposes the establishment of a national cancer attack program which provides for increased organizational efficiency for the National Cancer Institute within its present framework as part of the National Institute of Health. The Director of the National Cancer Institute, who would be appointed by the President, will report directly to the Director of the NIH. The Director will send the budget of the National Cancer Institute directly to the President; the Director of the National Institutes of Health and the Secretary of HEW have the right to comment, but not to change such budgetary requests as he may make. The existing National Cancer Advisory Council would be continued.

The legislation provides for a Cancer Attack Panel, consisting of three persons appointed by the President. This Panel shall meet not less than 12 times a year, in order to monitor the development and execution of the National Cancer Attack program. The Panel is authorized to report directly to the President any delays or blockages in rapid execution of the program.

The bill expedites procedures for the approval of grants by authorizing the Director to make grants in amounts not to exceed $35,000 after appropriate review for scientific merit by a peer group only and to make grants in excess of $35,000 after appropriate review for scientific merit and recommendation by the National Cancer Advisory Council.

H.R. 11302 authorizes the establishment of 15 new centers for clinical research, training, and the reactivation and expansion of cancer control programs which were phased out a year ago.

The Conference Committee reported the legislation on December 7th, accepting the House version, with the exception of the provision relating to the National Cancer Advisory Council. The conferees accepted, with minor revisions, the Senate's provision that a National Cancer Advisory Board replace the existing National Cancer Advisory Council. The House passed the legislation on December 9th; the Senate was scheduled to vote on the bill on December 10th.

Medicare and medicaid amendments (H.R. 1)

Among other things, H.R. 1 provides for two major changes in the Medicare program that will directly affect the protection afforded beneficiaries. Medicare coverage would be broadened to include persons entitled to disability benefits under the Social Security and railroad retirement programs, after they have been disabled for at least two years.

A second important feature would prohibit increases in premiums for Medicare part B, which covers physicians' service, and other medical services unless there is a parallel increase in Social Security cash benefits.

H.R. 1 also increase the annual deductible attributable to part B from $50.00 to $60.00, adds a coinsurance fee of $7.50 for each day of hospitalization from the 31st through the 60th days, and doubles the "life-time reserve" of Medicare beneficiaries. The expanded Social Security benefits and hospital insurance program would be financed in large part by increasing Social Security taxes.

Other amendments to the programs are designed to improve efficiency, increase operating effectiveness, and remove inequities and abuses in the programs. These amendments range from Federal matching for mechanized claims processing and information retrieval systems under Medicaid to authority to experiment with alternative Medicare reimbursement formulas providing greater incentives for economy and efficiency.

Public Health Service hospitals, outpatient clinics and clinical research centers (H. Con. Res. 70; S. Con Res. 6)

Both Houses passed resolutions expressing the sense of Congress that all public health service hospitals and clinics should remain both open and within the Public Health Service during the fiscal year 1972. The House version specifically includes the narcotic addict facilities at Lexington, Kentucky and at Fort Worth, Texas. The intent of this resolution is to provide time for the Congress and the administration jointly to study the operation of these hospitals and clinics with a view to determining what their future mission and role should be.

The Conference report incorporated the House version, except that all references to the facility at Fort Worth, Texas, have been deleted in view of the transfer of that facility to the Bureau of Prisons which has already taken place.

The Senate approved the conference report December 7th, and the House December 9th.

Amendment to the Narcotic Addict Rehabilitation Act of 1966 (H.R. 9323)

H.R. 9323 amends the definition of the word "treatment" contained in each of the first three titles of the Narcotic Addict Rehabilitation Act of 1966 so as to encompass methods of therapy which are designed to control, but not necessarily eliminate, a narcotic addict's dependence on addicting drugs. The amendment, passed by the House on November 1, defines "treatment" as including confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction.

HOUSING

Authorizations for comprehensive planning grants and open space land grants (S.J. Res. 52)

None of the major housing and urban development proposals introduced this session has yet passed the Senate or House. In July, however, the Senate passed S.J. Res. 52, pertaining to the authorizations for comprehensive planning and open space land grants. S.J. Res. 52 would increase the authorization for comprehensive planning grants under the Housing Act of 1954 from $420 million to $470 million, and increase the authorization for open space land grants under the Housing Act of 1961 from $560 million to $660 million. In effect, the resolution provides adequate authorizations to match the Administration's fiscal 1972 budget request for funds for comprehensive planning and open spaces.

INDIAN AFFAIRS

Establishment within the Interior Department the position of Assistant Secretary for Indian Affairs (S. 291)

S. 291, to establish the position of an Assistant Secretary for Indian Affairs in the Interior Department, passed the Senate on

August 5, 1971. The House has as yet taken no action.

Grants for Navajo Community College (H.R. 5068)

H.R. 5068 passed the House November 15, 1971. The purpose of this bill is to assist the Navajo Tribe in providing education to the members of the tribe and other qualified applicants through a community college, established by that tribe, known as the Navajo Community College. The Secretary of the Interior is hereby authorized to make grants to the Navajos, to assist them in the construction, maintenance, and operation of the college. H.R. 5068 passed the Senate on December 6, 1971.

Provision of financial assistance for Indian education (S. 2482)

S. 2482 passed the Senate on October 8, 1971.

As reported by the Senate Labor and Public Welfare Committee and the Senate Interior Committee, S. 2482:

Amends the law (P.L. 81–874) authorizing federal aid to impacted areas to provide new funds for special Indian education programs and to provide for increased Indian participation in planning the use of the impact aid so that it is used to meet the educational needs of the Indian children.

Adds a new section to the Elementary and Secondary Education Act of 1965 (ESEA) to authorize grants for planning, pilot and demonstration projects and programs to improve the educational opportunity afforded Indian children and to upgrade the quality of educational personnel dealing with Indian children. The bill authorizes $25-million in fiscal 1973 and $35-million for fiscal 1974 and for 1975.

Extends for one year, through fiscal 1973, authorization for transfer of funds under other already authorized education programs from the Office of Education to the Department of Interior for children attending schools run by the Bureau of Indian Education.

Amends the Adult Education Act to authorize grants for planning, dissemination of information, about and evaluation of adult education programs for Indians. The bill authorizes $5-million for fiscal 1973 and $8-million for each of fiscal 1974 and 1975.

Establishes an Office of Indian Education with bureau status within the Office of Education and provides for appointment of a National Advisory Council on Indian Education.

LABOR

Railway strike prohibition (P.L. 92–17)

In May the country was faced with a railroad strike that threatened to paralyze the railroads as well as the Nation's economy. Congress was faced with emergency legislation for a temporary settlement of the striking workers. The unions on one hand were demanding a 54 percent pay increase, while the railroads were willing to give 36 percent. The strike called for by the union on March 5 was postponed temporarily March 4 when the President, under authority of the Railway Labor Act, established an emergency board to study the case and recommend a settlement.

The walkout was called for again May 17 and more than 500,000 rail workers began a strike that shut down all trains except those kept running by supervisory personnel.

Congress and the President on May 18 approved the emergency legislation, Public Law 92–17, directing striking railmen to return to work, while providing for a 13½ percent wage increase, and prohibiting future railroad strikes through October 1, 1971. It is hoped that during this Congress we can enact permanent legislation in order to deal with these problems.

Railroad retirement benefits (P.L. 92–46)

Congress provided for a ten percent increase in retirement benefits for railroad employees. Public Law 92–46, signed July 2, provides for the benefits to June 30, 1973, and retroactive to January 1, 1971. The act also extends to June 30, 1972, the reporting date of the Commission on Railroad Retirement created to study the railroad retirement system.

By extending the reporting deadline of the Commission, whose work had been delayed due to organizational problems, Congress will have more time to consider the Commission's final report before expiration of the ten percent increase.

LAW ENFORCEMENT AND CRIMINAL PROCEDURE

The Juvenile Delinquency Prevention and Control Act Amendments of 1971 (S. 1732, P.L. 92–31)

The Juvenile Delinquency Amendments Act was passed by the Senate June 21, 1971. It was signed into law on June 30, 1971.

The problem of juvenile crime in this country has skyrocketed in the past decade. During the 1960's, violent crime by children under 18 and auto theft increased by 85 percent.

Despite all the efforts being made to curtail delinquency, the recidivism rate for offenders under the age of 20 is 74 percent. While children between the age of 10 and 17 make up only 16 percent of the national population, they account for more than 48 percent of all arrests for major serious crimes. This is the largest percentage of any age group is the entire country.

Juvenile crime takes an enormous toll each year. Last year alone, the material cost was more than $4 billion. Even more costly were the immeasurable losses in human terms by both the victims of juvenile crime and by the juveniles themselves. The intangible effects in terms of public fear and private despair are even greater.

In response to the growing crisis of juvenile crime, Congress enacted the Juvenile Delinquency Prevention and Control Act in 1968. The act provided a sound structure for a coordinated Federal approach; its relative ineffectiveness in its 3 years of operation has been a result of weakness in administration rather than of faulty conception.

The Secretary of Health, Education, and Welfare and the Attorney General have agreed that HEW will concentrate its efforts on children who are outside of or who have been diverted from the traditional juvenile justice system, and LEAA will focus its efforts on programs administered by the traditional juvenile system. It is intended that such a realinement of emphasis will avoid past duplication and facilitate a coordinated Federal response to the problem.

In addition a structured coordinating mechanism is provided for by one of the amendments. It establishes an interdepartmental council consisting of representatives of Federal agencies involved in the area of juvenile delinquency. The council will meet on a regular basis to review the efforts of the various agencies in combating juvenile delinquency and make certain the overall Federal effort is coordinated and efficient.

This law extends for 1 year the Juvenile Delinquency Prevention and Control Act of 1968, which expired on June 30, 1971, and strengthens its operation by making the Federal share of funding for juvenile rehabilitation projects uniform for all activities in title I of the act and consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968, by authorizing grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies and by providing adequate funding.

Congress has a responsibility to see that the original 1968 act is made to work as it was intended, and to take whatever steps are necessary to insure that it operates successfully in the future. By extending that act for 1 year, Congress will be able to review carefully the operation of the act, assess the roles of HEW and LEAA, and make whatever changes appear necessary to insure its effectiveness. Extension of the act beyond the 1-year period will depend on actual performance rather than on mere good intentions.

The 1971 Amendments to the Act are as follows:

Section 1 contains a short title to reflect the amending of the Juvenile Delinquency Prevention and Control Act of 1968.

Section 2(a) amends section 112 of the act to authorize the Secretary of Health, Education, and Welfare to make grants not to exceed 75 percent of the cost of rehabilitative projects and programs for delinquent youth. This represents an increase in the Federal funding share of 15 percent over the existing requirements of 60 percent in the act. It makes the Federal share of funding under this section consistent with those provisions in the Omnibus Crime Control and Safe Streets Act of 1968 which are concerned with juvenile delinquency prevention and control.

Section 2(b) amends section 113(a) of the act to provide for the Federal funding of rehabilitative projects or programs for delinquent youth, as a part of an overall State plan, of nonprofit agencies or organizations. This amendment makes this section of the act consistent with other provisions of the act which do provide such funding for juvenile delinquency prevention programs and projects.

Section 3 amends section 402 of the act to authorize funds to be appropriated in the amount of $75 million for the fiscal year beginning on July 1, 1971, through June 30, 1972. This enables the Department of Health, Education, and Welfare to fund programs and projects authorized under the act for 1 additional year at the same level authorized under the 1968 act.

Section 4(a) amends section 407 of the act to establish an interdepartmental council charged with the responsibility of coordinating all Federal juvenile delinquency programs.

Section 4(b) amends section 407 of the act by specifying the members of the interdepartment council to be the Attorney General, the Secretary of Health, Education, and Welfare, or their respective designees, and representatives of other Federal agencies as the President shall designate.

Section 4(c) amends section 407 of the act by providing that the chairman of the council shall be appointed by the President. The first meeting of the council occurred within 30 days of the passage of these amendments.

Section 4(d) amends section 407 of the act by providing that the council meet at least six times a year. This section also requires that the activities of the council be included in the annual report required under section 408(4) of the act.

Section 5 provides that the amendments made to the act shall be effective with respect to appropriations for the fiscal year beginning on July 1, 1971.

Amendment to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (H.R. 5674, P.L. 92–13)

H.R. 5674 passed the House on April 28, 1971, and the Senate on May 4, 1971. It provides an increase in the appropriations' authorization for the Commission on Marihuana and Drug Abuse, not to exceed $4,000,000.

Amendment to the Omnibus Crime Control and Safe Streets Act of 1968 (H.R. 8389)

H.R. 8389 passed the House on November 1, 1971, and is pending before the Senate Committee on the Judiciary. The bill provides for the development and operation of treatment programs for certain drug abusers who are confined to, or released from, correctional institutions and facilities.

Removal of certain limitations on granting relief to owners of lost or stolen bearer securities (S. 1181, P.L. 92–19)

S. 1181 passed the Senate on March 9, 1971 and was approved by the House on May 17, 1971. It became Public Law 92–19 on May 27, 1971. The Act authorizes the Secretary of the Treasury to grant relief on account of the loss, theft, destruction mutilation, or defacement of any security identified by number and description. The term "security" is defined by the Act as "any direct obligation of the United States issued pursuant to law for valuable consideration," including bonds, notes, certificates of indebtedness, and Treasury bills.

MANPOWER TRAINING, JOB OPPORTUNITY, AND REGIONAL DEVELOPMENT

Emergency Employment Act of 1971 (S. 31, P.L. 92–54)

With unemployment continuing at close to the 6 percent mark, Congress passed the Emergency Employment Act of 1971, which is designed to provide approximately 150,000 jobs in areas such as recreation, education, health, housing, public safety, and environmental improvement. The Act was signed into law (P.L. 92–54) by President Nixon July 12, 1971.

This legislation authorizes $750 million for fiscal 1972 and $1 billion for fiscal 1973 and provides that these funds be released when the national unemployment rate reaches 4.5 percent for three consecutive months. The Act also authorizes $250 million for fiscal 1972 and $250 million for fiscal 1973 for a "special employment assistance program" for local areas where the unemployment rate is 6 percent or higher, regardless of the national unemployment rate.

The Secretary of Labor is authorized to approve applications from State and local governments for assistance under P.L. 92–54. Eighty percent of the funds are to be divided among the States in proportion to the percentage of unemployed persons in a State as compared to the national average. Twenty percent will be distributed at the discretion of the Secretary of Labor. Each State will receive a minimum allotment of $1.5 million. From these funds the Federal Government is to cover 90 percent of the cost of providing the jobs and the local government is to pay the other 10 percent. However, the Federal Government will cover the full cost if the Secretary of Labor determines that a local government is unable to pay the 10 percent.

Only 15 percent of authorizations may be used for training or administrative purposes. The other 85 percent of funds must be used for wages and direct job benefits to persons employed under the bill. Average annual cost per job is expected to be between $5,000 and $6,000. Persons employed under the Act are to receive not less than the prevaling minimum wage for similar occupations in the locality, but no person may be paid more than $12,000 annually from Federal funds. As many as one-third of the public service jobs created may be for unemployed professionals, but the $12,000 limit guarantees that these professionals will not exhaust the funds available for the total program. Veterans of the Korean and Vietnamese wars are to be given preference in filling all jobs.

The Emergency Employment Act stipulates that jobs offered are not to be of the "dead-end" or "make-work" variety. These jobs should offer prospects for advancement, training, and continued employment, and every effort will be made to move workers out of public service employment and into permanent positions in the public or private sectors as soon as possible.

The 150,000 jobs to be created under P.L. 92–54 will not be a panacea for our ailing economy. But it is hoped that they will provide at least a partial economic boost while returning self-sufficiency and pride to 150,000 workers and their families.

The Public Works and Appalachian Regional Development Act amendments, (S. 575—Vetoed)

Another bill passed by Congress to create jobs was S. 575, which authorized $5.661,500,000 for accelerated public works projects and regional development programs. The jobs were to be designed so as to perform much needed work at State and local government levels. It was estimated that some 2.5 million people would have been affected by this Act.

Title I would have authorized $2 billion for the extension of programs under the Public Works Acceleration Act of 1962. Almost $2 billion was to be authorized under Title II for the extension of programs under the Public Works and Economic Development Act of 1965. Title II also authorized $1.8 billion for extending programs under the Appalachian Regional Development Act of 1965.

This Act, however, was vetoed by the President on June 29, 1971.

Public Works and Economic Development Act Amendments of 1971 and Appalachian Regional Development Act Amendments of 1971 (P.L. 92–65, S. 2317 and H.R. 9922)

Another version of the vetoed Public Works and Regional Development bill was passed by Congress and signed by the President on August 5, 1971. Public Law 92–65 includes the Public Works and Economic Development Act Amendments of 1971 as Title I, and the Appalachian Regional Development Act Amendments of 1971 as Title II. Total authorizations are set at $3,992,500,000.

Title I extends the Public Works and Economic Development Act of 1965 through June 30, 1973. It authorizes $2.4 billion for two years for public works, business loans, and other projects managed by the Economic Development Administration, an agency whose purpose is to provide Federal financial and technical assistance, in cooperation with the States, for the creation of new jobs and the development of private enterprise.

Direct grants of up to $800 million annually through fiscal 1973 are authorized for public works and development, and unused authorizations for which funds are not appropriated in fiscal 1972 may be carried over to fiscal 1973.

"Redevelopment areas" are redefined to include "special impact areas" such as regions with large concentrations of low income persons, rural areas with substantial out-migration, and areas with severe economic stress due to unemployment. An amount not less than 25 percent, nor more than 35 percent, of appropriations for the two fiscal years could be spent in special impact areas. Thus a proper balance is to be maintained between projects to provide urgently needed employment and projects deemed necessary for long-term development. In special impact areas grants-in-aid for local public works involving local cost sharing could be made to cover up to 80 percent of the costs, but a 100 percent grant may be made if it is determined that a State or local government has exhausted its taxing and borrowing capacity for such purposes.

Title I also includes in its authorization $305 million through fiscal 1972 to continue the work of five regional development commissions, and $500,000 through fiscal 1972 for the Federal Field Committee for Development Planning in Alaska.

Title II of P.L. 92–65 extends the Appalachian Regional Commission for four years. It authorizes funds for Appalachian highway systems and access roads, airport safety improvements, mine drainage pollution control, and reclamation of strip mine areas. Additional assistance is provided in making low- and moderate-income housing available by subsidizing site development costs through grants and loans to non-profit, limited dividend, or cooperative organizations. Title II also permits funds appropriated for it to be used with other federal funds in child-care programs.

MONETARY, BANKING, TAX, AND FISCAL POLICIES

The economy of the country has been of prime concern to the Nation, the President and the Congress during 1971, as it has been for the past few years.

In a surprise move in August the President abandoned his previous economic gameplan for controlling the twin problems of inflation and unemployment and instituted wage-price-rent freezes for a period of three months. We are now beyond this so-called Phase I of his plan and into Phase II.

The President's new program was instituted under authority of laws enacted by the Congress. Summaries of these laws are herein provided, along with a summary of the revenue act which grew from a Presidential request submitted subsequent to the August freeze.

Wage-price controls and extension of interest rate provisions (S.J. Res. 55, P.L. 92–8)

Senate Joint Resolution 55 provided for a temporary extension, from April 1, 1971, to June 1, 1971, of the President's authority under section 206 of the Economic Stabilization Act of 1970 to implement controls on prices, wages, salaries, and rents in order to facilitate cost-of-living stabilization. Also extended from March 22, 1971, to June 1, 1971, was the President's authority to regulate the rate of interest on savings deposits paid by lending institutions. Senate Joint Resolution 55 passed the House of March 29, 1971, and became Public Law 92–8 two days later.

Wage-price controls and extension of interest rate provisions (H.R. 4246, P.L. 92–15)

H.R. 4246 extended, once again, the President's discretionary authority to impose controls on wages, prices, salaries, and rents through April 30, 1972. As enacted into law on May 18, 1971, it further extended, through March 31, 1973, the authority of the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to establish ceilings on interest rates paid by financial institutions on time and savings deposits.

Also included in the law were provisions that prohibited the President from applying wage and price controls to a single industry unless he determined that wages and prices in that industry had increased in a grossly disproportionate rate compared to the economy as a whole; and a provision that granted permanent authority to the President to initiate a program of voluntary credit controls to be implemented by the Federal Reserve Board.

Extension of 1970 Economic Stabilization Act (S. 2981, H.R. 11309)

In light of the serious economic ills of the Nation, President Nixon on August 15, 1971, announced a New Economic Program. Acting under the authority of the 1970 Economic Stabilization Act (84 Stat. 799), as amended, the President issued Executive Order No. 11615 which established a 90-day freeze on all wages, prices, salaries and rents. This part of President Nixon's economic stabilization program was called Phase I. Executive Order No. 11615 also created a Cost of Living Council which had primary responsibility to administer the stabilization program. The Council was also required to recommend to the President additional policies to permit an orderly transition from the 90-day freeze to a more flexible system of economic restraints.

President Nixon announced his post-freeze economic program in a nationwide speech on October 7, 1971. Eight days later President Nixon issued Executive Order No. 11627, superseding his earlier Executive Order. It authorized the continuation of the Cost of Living Council while creating for the first time a Pay Board, a Price Commission, and several other bodies. The Administration's post-freeze economic program is called Phase II. Its purpose is to provide for flexible controls with certain exemptions and authority for adjustments to bring about equity rather than across-the-board freezes on wages, salaries, rents and prices.

The controls' authority first granted the President by P.L. 92–8 and P.L. 92–15, expires April 30, 1972. President Nixon, however, sent a message to Congress on Octber 19, 1971, asking that the Economic Stabilization Act be extended one year. On that same day, S. 2712, an Administration-sponsored bill, was introduced in the Senate and referred to the Committee on Banking, Housing and Urban Affairs. That Committee heard testimony on the President's request and agreed, on November 18, 1971, to report a clean bill, S. 2891, to the floor.

On December 1, the Senate passed S. 2891 by a roll-call vote of 86 to 4. This bill would extend the President's controls' authority to April 30, 1973. Additionally, S. 2891 incorporates such additional features as (1) exempting the publishing, television and radio broadcasting industries from wage and price controls; (2) granting a pay raise for Federal employees, effective January 1, 1972, rather than on July 1, 1972, as the President had proposed; (3) requiring Senate confirmation of newly appointed members of the stabilization boards in the future; (4) authorizing retroactive payment of scheduled wage increases deferred by the wage-price freeze unless they are unreasonably inconsistent with guidelines established by the Pay Board; and (5) establishing a judicial review system to hear appeals against rulings of the controls' agencies.

The House Banking and Currency Committee held hearings on H.R. 11309, a bill to amend the 1970 Economic Stabilization Act, in October and November. That Committee voted on Dec. 2, 1971, to send H.R. 11309 to the floor.

The Conference Report was approved in the House on Dec. 14, 1971.

Interest Equalization Tax Extension Act of 1971 (H.R. 5432, P.L. 92–9)

This Administration proposal, which became Public Law 92–9 on April 1, 1971, extended the interest equalization tax for two years, until March 31, 1973. The present interest equalization tax, in effect, provides the equivalent of a three-quarters percentage point per annum rise in interest costs for foreigners obtaining capital from U.S. sources, either from the sale of debt obligations with a maturity of one year or more or from the sale of stock. The discretionary authority presently available to the President enables him to vary this tax between zero and an interest equivalent of up to 1½ percent per annum should he find this necessary in order to carry out national balance-of-payments objectives.

The interest equalization tax, first effective in 1963 and subsequently used in conjunction with the limitations on extensions of credit and direct investments abroad, has contributed significantly to our balance-of-payments position by causing a reduction in foreign securities purchased by United States citizens. In view of the current deficit in our balance-of-payments and the increased amount of borrowing in the United States by foreigners that would occur if the tax expired, both Houses of the Congress agreed that a two-year extension was necessary.

Public debt limit, increase (H.R. 4690, P.L. 92–5)

Public Law 92–5, enacted on March 17, 1971, raised the statutory debt limitation from $380 billion to $400 billion, with a temporary addition of $30 billion until July 1, 1972. It also provides for the sale by the Treasury Department of $10 billion in long-term bonds without regard to the existing 4.25 percent interest ceiling, and it closes a tax loophole under which it was possible to use Government notes and bonds at their face value to pay Federal taxes even if the bonds' current market price was lower than the face value. The bill was amended by the Senate to provide a 10 percent across-the-board increase in social security, retroactive to January 1, 1971; a raise in the minimum monthly social security payments to $70.40; a 5 percent increase (retroactive to January 1, 1971) in special benefits payable to individuals 72 and over who were not insured for regular benefits; an increase in the taxable wage base to $9000, effective January 1, 1972; and an increase in the tax rates on employers and employees to 5.15 percent in 1976.

THE REVENUE ACT OF 1971

The Revenue Act of 1971, signed into law on December 10, 1971, represents a balance between tax reductions for individuals and tax incentives for business. It provides a job development investment credit, reduced individual income taxes, repeal of certain excise taxes, and provides for other changes in our tax laws. In another section of this report I will discuss the Revenue Act as it relates to tax assistance for Presidential election campaigns.

When this bill reported out on the House side, the Ways and Means Committee explained that it was designed to "put our present lagging economy on the high growth path," increase employment, relieve the hardships imposed by inflation on those with modest incomes, provide tax incentives to promote the modernization of our productive facilities, increase exports, and improve our balance of payments.

To accomplish these objectives, the Revenue Act of 1971 provides for a 7-percent job development investment credit. It also modified the liberal depreciation system (Asset Depreciation Range) which the Administration had announced in January. The modification of ADR removed an element providing additional depreciation for assets in the first year of their use (referred to as first-year convention).

Significant reductions to income taxes were provided for individuals who are hardest hit by inflation, and where the greatest impact on increased consumer spending can be anticipated. For 1971, all personal exemptions were increased from $650 to $700 effective for one-half the year (or $675 for the entire year). The minimum standard deduction was also modified to provide additional relief in the lower income tax brackets in 1971. For 1972 and subsequent years, the personal exemption is moved up to $750 and the minimum standard deduction is increased from $1,050 to $1,300. The percentage standard deduction, which was already scheduled to go to 14 percent with a $2,000 ceiling in 1972, was increased to 15 percent.

The 7-percent manufacturers excise tax on passenger automobiles was repealed. In the case of taxes paid for the period back to August 15, 1971, consumer refunds or floor stock refunds were provided. The bill also repealed the 10-percent excise tax on light-weight trucks (those weighting 10,000 pounds or less gross vehicle weight), wtih consumer refunds or floor stock refunds for the period after September 22, 1971. Moreover, we repealed the tax on trailers used in connection with light trucks.

Tax deferral was provided for one-half of the export profits of domestic international sales corporations (DISC's), effective with the calendar year 1972. The tax deferral does not apply to DISC profits which are invested in foreign plant and equipment. To allow tax deferral on amounts invested abroad would have been inconsistent with the primary purpose of the DISC proposal, which was to encourage our exports abroad.

The Revenue Act of 1971 also provided for a series of structural improvements and clarifications in the tax law. These include a limitation in certain cases on the standard deduction of individuals receiving trust income, a limitation on carryovers of unused credits and capital loses in the case of certain changes in ownership, a revision in the definition of a net lease, a modification in the application of the farm loss provision in the case of subchapter S corporations, a modification in the case of capital gain distributions of accumulated trusts, a clarification of the application of the minimum tax to foreign capital gains on which little or no foreign tax is imposed, and a clarification of the right of taxpayers to bring cases into courts under tax treaty provisions.

SOCIAL SECURITY AND PENSION PLANS

Mr. Speaker, several bills introduced during the 92d Congress contain provisions to amend the Social Security Act of 1935. H.R. 10604, as passed by the House November 17, 1971, would amend the Act to permit a lump-sum death payment. The three bills having the greatest bearing on the social security system are discussed more fully below.

Public Law 92–46 (H.R. 6444), approved July 2, 1971, which increases railroad annuity benefits is discussed in the "Labor section of this report.

Assistance to citizens returned from abroad (H.R. 3813, P.L. 92–40)

Public Law 92–40, approved July 1, 1971, extends to June 30, 1973 a provision of the Social Security Act which authorized the Secretary of HEW to provide temporary assistance to U.S. citizens returning to this country under special circumstances. These citizens are identified by the Department of State as being without resources and returning to the United States because they are destitute, ill, or because of war, invasion or other international crises.

The provision was originally enacted in 1961 and has been extended periodically. The numbers of cases referred by State to HEW has been limited. There were 342 referrals in fiscal 1968, 440 in fiscal 1969 and 376 in 1970.

Old-age, survivors, and disability insurance (H.R. 4690, P.L. 92–5)

When it established the Social Security system in 1935, Congress set the taxpayer's contribution at 1 percent of his salary. Since that time the individual's contributions have been steadily raised. Public Law 92–5, approved March 17, 1971, provides for an across-the-board 10 percent increase in Old Age, Survivor and Disability Insurance benefits retroactive to January 1, 1971. To cover the cost, Congress raised the base wage on which the payroll tax is assessed by $1200, to $9000. The tax rate beginning January 1, 1972 will be 5.2 percent for wage earners and 5.2 percent for their employers. Further rate increases set by P.L. 92–5, will set contributions at 6.05 percent in 1987.

Welfare, social security (H.R. 1)

As passed by the House June 22, H.R. 1 provided further benefit increases to be financed by raising the taxable wage base to $10,200, from $9,000 under PL 92–5, and by a series of future rate increases. The taxpayer in 1972 would contribute 5.4 percent and by 1980 his contribution would be 7.4 percent. The benefits would increase by 5 percent in January 1972, and future benefit increases would be based on the cost-of-living.

Other provisions in H.R. 1 pertaining to the social security system would entitle widows and widowers to a benefit equal to the full amount their deceased spouses would have received if they were still living, and would increase from $1680 to $2,000 the amount a retiree could earn without losing Social Security benefits. Also, it would extend insurance protection to disabled persons entitled to cash benefits under Social Security and railroad retirement programs after they had been disabled for at least two years.

See the "Health and Health Insurance" and "Welfare" sections of this report for the discussion of other provisions of H.R. 1.

TRANSPORTATION

Air Development and Revenue Act amendment (P.L. 92–174)

On November 16th, Congress completed action on legislation aimed at clarifying the intent of Congress as to priorities for airway modernization and airport development. The bill prohibits diversion of trust fund monies to administrative and operational expenses of the Department of Transportation except those directly related to airport and airway improvement. The Federal Aviation Administration was granted authority to set standards and requirements in the issuance of airport and airway operating certificates; the deadline for certification of air facilities, including safety equipment at airports, was extended until May 20, 1973.

Bus width limits (H.R. 4354)

H.R. 4354, passed by the House on July 21, amends Title 23 of the United States Code to permit the operation of buses on the Interstate System up to a width of 102 inches. This is an increase of 6 inches over the present limit. The buses would operate only on lanes of the Interstate System which are 12 feet wide and only after extensive safety studies are conducted by the Department of Transportation.

VETERANS' AFFAIRS

The record of the 92d Congress reflects the concern we all share for those Americans who have served our country in the military forces. Eight bills of major importance benefiting veterans and their survivors have been passed by the House so far this year.

Military drug treatment and rehabilitation (H.R. 9265)

Proposals have been submitted in the 92d Congress to treat drug addiction among veterans of the Vietnam era. In a report issued May 27 by the House Foreign Affairs Committee, it was estimated that 10 to 15 percent of U. S. servicemen in South Vietnam are addicted to heroin in one form or another. Aware of the problems posed as these men return home, the House on July 10 voted to loosen eligibility standards for veterans for drug treatment programs operated by the Veterans Administration.

Under the provisions of H.R. 9265 all veterans would be eligible for VA drug treatment programs. Such facilities could also be used by active-duty servicemen with an addiction problem. U.S. district courts would be given the option of committing a veteran to the facility if he is judged an addiction by the court. Once a person is committed to any program, he may not be released by the VA until his duty addiction conditions had been determined to be stabilized, or upon written statement that the individual refused to continue the program.

No Senate action had occurred on this bill as of December 9.

Assistance for medical schools (H.J. Res. 748)

On July 19, the House, reacting to the critical shortage of medical personnel within the United States generally, authorized in H.J. Res. 748 grants of $15 million per year for the next seven years to medical schools and other institutions of higher learning that cooperate with Veterans Administration programs.

The Senate had yet to act on this measure as of December 9.

Medical benefits extended (H.R. 10880)

The House, but not yet the Senate, has passed H.R. 10880, to extend pre- and post-hospital medical services when such care is necessary to obviate the need for hospital admission. Another section of this bill encourages the training of health personnel. The bill also extends medical care benefits to the wife or child of a totally and permanently service-connected disabled veteran or to survivors of same.

Nursing homes (H.R. 460)

Government subsidies for disabled veterans in private nursing homes would be extended from six to nine months by H.R. 460, passed by the House on March 1. Estimated cost of the bill for the first year is set at $6.9 million. The Senate had not acted by December 9 on this measure.

Mortgage life insurance (H.R. 943, P.L. 92–95)

Congress, in passing H.R. 943 (P.L. 92–95), has acted to protect home mortgages of paraplegic and quadriplegic veterans in case of their deaths by providing government-backed mortgage protection life insurance for such service-connected disabled veterans who purchase specifically adapted housing. Coverage, up to a maximum of $30,000, will be automatic unless the eligible veteran elects, in writing, not to participate. About 10,000 veterans will be affected initially. The yearly cost to the Government will be about $1.2 million.

Direct home loan program (H.R. 3344, P.L. 92–66)

In an effort to revive the direct loan program for housing, we authorized the Administrator of the Veterans' Administration to make direct loans to veterans. Most veterans are eligible for a Government guarantee on a home loan under the GI loan guarantee law. However, in counties where commercial credit is tight, veterans are eligible for a direct loan from the Government if private financing is not available.

However, the program has been suspended by the VA. The fact remains that 20 percent of the veterans in our country live in credit-tight areas and are therefore eligible for the direct loan but unable to get one. This legislation directs the VA Administrator to make direct loans available.

Pension purchasing power protected (H.R. 11651, H.R. 11652)

The House, but not yet the Senate, also has acted to protect the purchasing power of pensions paid to veterans or their survivors. H.R. 11651 and H.R. 11652 grant cost-of-living increases to approximately 1.6 million veterans and widows receiving non-service-connected pensions and to approximately 176,000 widows and 46,000 children of veterans who died as a result of service-incurred disabilities.

WELFARE AND RELATED AREAS

Both in the 91st Congress and the 92d the issue of welfare reform has been given great emphasis. It is an issue of importance to the Administration. Mr. Nixon has listed it as one of his "six great goals" and has asked that Congress take action quickly. H.R. 1 was introduced toward that end and passed by the House June 22, 1971.

The Economic Opportunity Act Amendments of 1971 (S. 2007, H.R. 10351) and the School Lunch Program (H.J. Res. 923, S.J. Res. 157) are two controversial measures also discussed in this report.

Welfare, social security (H.R. 1)

A comprehensive welfare reform package, supported by the Administration, was passed by the House during the 91st Congress. That legislation failed passage in the Senate. The first bill introduced in the 92d Congress (H.R. 1) was a package dealing with welfare, Social Security, Medicare and Medicaid. (Discussion of the Social Security, Medicare and Medicaid provisions of H.R. 1 will be found in the Health and Health Insurance and the Social Security sections of this report.)

The purpose of the legislation is to solve the serious social problems posed by the exploding number of broken families which are becoming increasingly dependent on welfare for all their needs. As the costs for supporting them soar, all the levels of government have been confronted with difficult fiscal problems. In its report, the House Ways and Means Committee described the bill as establishing "a new welfare system, based on a sympathetic understanding of the needs of the helpless and the conviction that all those who are capable of participating in the economy of this country should have the opportunity and the responsibility of doing so."

As passed by the House June 22, H.R. 1 would create a new assistance program for needy aged, blind and disabled persons. The existing federal-state programs would be repealed and federal administration would be effective July 1, 1972. 6.2 million persons would be eligible to receive benefits in the first year of the new program and in fiscal 1975, when the ultimate benefit level is reached 7.1 million persons would receive $5.4 billion in benefits.

If enacted, H.R. 1 would create an Opportunities for Families Program. The Program would include families with an employable adult, not excluding families where the father is working full-time for low wages. The Department of Labor would administer the Program for approximately 2.6 million families. A principal requirement for participation is that employable adults register for work or training. Among the supportive services to be established are child care, public service employment, manpower training, placement activities, minor medical services and transportation.

Another family program which would be established is the Family Assistance Plan. The Plan, to be administered by HEW, would include eligible families headed by women with pre-school children or families in which the only adult members are incapacitated or otherwise exempt from registering under the Opportunities for Families Program. The principal features of the Plan would be assistance benefits computed at the rate of $800 per year for the first two family members, $400 for the next three members, $300 for the next two members and $200 for the next member. This would provide $2,400 for a family of four, and the maximum amount which any family could receive would be $3,600 per year.

Other provisions of H.R. 1 are for an assurance to the states that their welfare costs would not increase over 1971 levels because of the new programs, for an increased child-care tax deduction and for a tax credit for the elderly increasing the maximum amount on which the credit is based.

Economic Opportunity Amendments of 1971 (S. 2007, H.R. 10351)

President Nixon, on December 9, vetoed the Economic Opportunity Amendments of 1971 (S. 2007). In his veto message, Mr. Nixon stated that he objected to the program costs in general, to the creation of the Legal Services Corporation because the controls built into the already existing OEO legal services program would be eliminated, and to the comprehensive child development program.

S. 2007, as passed by the Senate and House, would provide for a two year extension of the activities of the Office of Economic Opportunity with an annual authorization of about $2.3 billion. Final Congressional approval December 7 included the creation of a separate Legal Services Corporation and a comprehensive child development program.

The Legal Services Corporation would be an independent non-profit organization to replace the legal services program presently under the Office of Economic Opportunity. The Corporation would be headed by a seventeen-member board of directors appointed by the President with the advice and consent of the Senate. The membership would be composed of six members from the general public, and two members each from names submitted by the Clients Advisory Council, the Judicial Conference of the U.S. and the Project Attorneys Advisory Council. The remaining five members would be nominated, one each, by the American Bar Association, National Bar Association, Legal Aid and Defender Association, American Trial Lawyers Association and the Association of American Law Schools.

The most controversial section of the legislation is that creating a new comprehensive child development program. The program would build on Head Start and other child care programs to provide health, nutrition and education services, free to the poor (families of four with annual incomes below $4,320). Families with incomes between $4,320 and $5,916 would pay 10% of income above $4,320, while those families with incomes between $5,916 and $6,960 would pay 15% of their income over $5,916. The Secretary of HEW would set a fee schedule for incomes beyond $6,960. The new program would provide day care for children of working mothers far beyond mere custodial care.

This bill unfortunately was vetoed.

School lunch program (H.J. Res. 923, S.J. Res. 157, P.L. 92-153)

Public Law 92-153 (H.J. Res. 923, S.J. Res. 157), approved November 5, 1971, states that it is the intention of the Federal Government to ensure that every needy school child receive a free or reduced-price lunch.

The law authorizes a reimbursement to the states of six cents for every meal served whether it is full-price, free or reduced-price. It also establishes a minimum federal reimbursement rate to the states of 40 cents for every free and reduced-price meal served and permits a higher reimbursement rate when a school can satisfy the state that additional funds were necessary to feed needy children.

The Secretary of Agriculture had published revised eligibility requirements October 6. A majority of members of the Senate wrote to President Nixon October 15 urging cancellation of those standards. October 18, the standards were rescinded. Public Law 92-153 specifically requires that the eligibility standards used in implementation be those in effect prior to October 1 and prohibits a change in those requirements over the period of a year.

AUTHORIZATIONS AND APPROPRIATIONS

The passage of the annual authorization and appropriation acts constitutes one of the major items on the agenda of Congress each year by financing the entire spectrum of the Government's activities. These acts, together with supplemental appropriations to meet emergency needs, serve as the financial check by the people's representatives.

For the benefit of Members, this report summarizes in tabular form those authorizations and appropriations for the first session of the 92nd Congress. District of Columbia foreign aid and defense appropriations figures, not available at this time, are not included.

Concern for the economy has dominated our consideration of these measures. Congress has made a consistent effort to stem inflation by economizing on Government expenditures wherever possible. At the same time, the necessity has been recognized to fund adequately programs meeting our pressing social problems and national defense needs.

APPROPRIATIONS BILLS[1]

Bill	Administration request[2]	Amount passed by House		Amount passed by Senate		Final amount approved	
		Date	Amount	Date	Amount	Public Law and date	Amount
Fiscal 1971, supplemental:							
H.J. Res. 465, Department of Labor	$50,675,000	Mar. 16, 1971	$50,675,000	Mar. 16, 1971	$50,675,000	Public Law 92-4, Mar. 17, 1971	$50,675,000
H.J. Res. 567, urgent supplemental	1,042,294,000	Apr. 22, 1971	1,037,872,000	Apr. 23, 1971	1,037,872,000	Public Law 92-11, Apr. 30, 1971	1,037,872,000
H.R. 8190, 2d supplemental	7,879,740,077	May 12, 1971	6,889,152,545	May 19, 1971	7,285,468,973	Public Law 92-18, May 25, 1971	7,028,195,973
Fiscal 1972, supplemental: H.J. Res. 915, Department of Labor.	270,500,000	Oct. 6, 1971	270,500,000	Oct. 8, 1971	270,000,000	Public Law 92-141, Oct. 15, 1971	270,000,000
Fiscal 1972, regular annual:							
H.R. 7016, Office of Education and Related Agencies.	5,153,186,000	Apr. 7, 1971	4,800,088,000	June 10, 1971	5,615,918,000	Public Law 92-48, July 9, 1971	5,146,311,000
H.R. 8825, legislative branch	535,349,607	June 4, 1971	449,899,605	June 21, 1971	532,297,749	Public Law 92-51, July 9, 1971	529,309,749
H.R. 9270, Department of Agriculture, Environmental and Consumer Protection:							
agriculture	5,856,970,850	June 23, 1971	5,260,771,050	July 15, 1971	5,878,484,050	Public Law 92-73, Aug. 10, 1971	5,867,630,550
rural development	671,867,000		932,847,000		962,982,000		943,943,000
environmental protection	2,916,664,000		3,467,255,000		3,505,362,000		3,490,477,500
consumer protection	2,659,312,000		2,763,023,000		3,274,849,000		2,974,849,000
Total	12,104,813,850		12,423,896,050		13,621,677,050		13,276,900,050
H.R. 9271, Treasury Department, Postal Service, and general government:							
Treasury Department	1,594,419,000	June 28, 1971	1,523,490,000	June 29, 1971	1,561,080,000	Public Law 92-49, July 9, 1971	1,554,330,000
Postal Service	1,471,722,000		1,217,522,000		1,433,922,000		1,217,522,000
Executive Office of President	141,485,000		137,407,000		141,407,000		140,657,000
Independent offices	1,601,590,000		1,608,870,000		1,615,993,500		1,616,090,000
Claims			387,190		387,190		387,190
Total	4,809,216,000		4,487,676,190		4,752,789,690		4,528,986,690
H.R. 9272, Departments of State, Justice, and Commerce; the judiciary and related agencies;							
Department of State	509,598,000	June 24, 1971	491,673,000	July 19, 1971	505,539,000	Public Law 92-77, Aug. 10, 1971	495,363,000
Department of Justice	1,587,806,000		1,552,696,000		1,563,990,000		1,563,322,000
Department of Commerce	1,258,120,000		892,811,000		1,204,775,000		1,190,674,000
The judiciary	178,679,000		100,877,000		170,233,000		169,531,000
Related agencies	682,699,000		646,126,000		653,546,000		648,226,000
Total	4,216,802,000		3,684,183,000		4,098,083,000		4,067,116,000
H.R. 9382, Department of Housing and Urban Development; Space Science, Veterans, and other independent offices:							
Department of HUD	2,557,177,000	June 30, 1971	3,206,324,000	July 20, 1971	3,532,324,000	Public Law 92-78, Aug. 10, 1971	3,274,824,000
Space, Veterans, and certain other independent offices	14,814,840,000		14,868,879,000		15,081,194,000		15,002,414,000
Federal Home Loan Bank Board	85,000,000		40,000,000		85,000,000		62,500,000
Total	17,457,017,000		18,115,203,000		18,698,518,000		18,339,738,000
H.R. 9417, Department of Interior and related agencies:							
Interior	1,567,834,000	June 29, 1971	1,515,084,000	July 16, 1971	1,561,021,000	Public Law 92-76, Aug. 10, 1971	1,560,989,500
Related agencies	626,760,035		644,424,035		665,001,535		662,990,535
Total	2,194,594,035		2,159,508,035		2,226,023,035		2,223,980,035
H.R. 9667, Department of Transportation, and related agencies.	2,686,006,697	July 14, 1971	2,559,048,997	July 22, 1971	2,784,608,997	Public Law 92-74, Aug. 10, 1971	2,730,989,997
H.R. 10061, Department of Labor, HEW, and related agencies:							
Department of Labor	1,340,083,000	July 27, 1971	1,310,913,000	July 30, 1971	1,322,163,000	Public Law 92-80, Aug. 10, 1971	1,315,913,000
Department of HEW	18,787,490,000		19,056,191,000		19,700,100,000		19,392,695,000
Related Agencies	96,054,000		94,143,000		96,054,000		96,054,000
Total	23,598,753,000		20,461,247,000		21,118,317,000		20,804,662,000

Footnotes at end of table.

APPOPRIATIONS BILLS [1]—Continued

Bill	Administration request [2]	Amount passed by House		Amount passed by Senate		Final amount approved	
		Date	Amount	Date	Amount	Public Law and date	Amount
H.R. 10090, public works/AEC:							
AEC programs	2,338,212,000	July 29, 1971	2,270,000,000	July 31, 1971	2,308,720,000	Public Law 92-134, Oct. 5, 1971	2,294,380,000
Water resource programs	2,277,880,000		2,306,173,000		2,408,202,000		2,380,745,000
Total	4,616,082,000		4,576,173,000		4,716,922,000		4,675,125,000
H.J. Res. 833, Department of Labor: Emergency Employment Assistance.	1,000,000,000	Aug. 4, 1971	1,000,000,000	Aug. 6, 1971	1,000,000,000	Public Law 92-141, Sept. 22, 1971	1,000,000,000
H.R. 11418, military construction	[3]2,313,375,000	Oct. 27, 1971	2,012,446,000	Nov. 3, 1971	2,002,312,000	Public Law 92-160, Nov. 18, 1971	2,037,097,000
H.R. 11731, Department of Defense:							
Personnel	25,067,103,000	Nov. 17, 1971	24,799,108,000	Nov. 23, 1971	24,809,408,000		
Operations and maintenance	20,647,834,000		20,435,481,000		20,212,481,000		
Procurement	19,681,660,000		18,185,292,000		17,688,292,000		
R.D.T. & E.	7,949,362,000		7,511,762,000		7,516,662,000		
Special foreign currency	12,300,000		12,000,000		12,000,000		
ABM construction	183,570,000		104,370,000		109,570,000		
Total	73,543,829,000		71,048,013,000		[4]70,849,113,000		
Fiscal 1972, supplemental: H.R. 11955, 1972 supplemental.	[5]3,254,924,371	Dec. 2, 1971	786,282,000	Dec. 3, 1971	3,998,045,000		
Fiscal 1972, regular annual:							
H.R. 11932, District of Columbia	[6]289,197,000	Dec. 2, 1971	[6]268,597,000	Dec. 3, 1971	[6]285,597,000		
H.R. 12067, Foreign Assistance:							
Economic/military assistance	3,085,218,000	Dec. 8, 1971	2,162,555,000				
Military credit sales	510,000,000		510,000,000				
Peace Corps, international finance institutions, etc.	747,417,000		330,906,000				
Total	4,342,635,000		3,003,461,000				
H.R. 4724, [S. 981], Maritime Administration:							
Acquisitions	229,687,000	Apr. 20, 1971	229,687,000	May 26, 1971	229,687,000	Public Law 92-53, July 9, 1971	229,687,000
Operating subsidy	239,145,000		239,145,000		239,145,000		239,145,000
R. & D	25,000,000		25,000,000		25,00,000		25,000,000
Other	13,818,000		13,818,000		14,138,000		13,988,000
Total	507,650,000		507,650,000		507,970,000		507,820,000
H.R. 5208, [S. 1223] Coast Guard	99,500,000	Apr. 29, 1971	219,750,000	July 22, 1971	235,960,000	Public Law 92-118, Aug. 13, 1971	239,210,000
H.R. 7109, National Aeronautics and Space Administration:							
R. & D	$2,517,700,000	June 3, 1971	$2,667,600,000	June 29, 1971	$2,543,200,000	Public Law 92-68, August 6, 1971	$2,603,200,000
Construction	56,300,000		58,630,000		56,300,000		58,400,000
Research and Management	697,350,000		706,850,000		681,350,000		693,350,000
Total	3,271,350,000		3,433,080,000		3,280,850,000		3,354,950,000
H.R. 7960, [S. 720], National Science Foundation	622,000,000	June 7, 1971	622,000,000	June 28, 1971	706,500,000	Public Law 92-86, August 11, 1971	655,500,000
[S. 939] H.R. 8687, military procurement:							
Procurement	14,054,000,000	June 17, 1971	13,105,800,000	Oct. 6, 1971	13,301,600,000	Public Law 92-156, Nov. 17, 1971	13,413,900,000
R. & D	7,950,700,000		7,963,300,000		7,605,200,000		7,793,400,000
Total	22,004,700,000		21,069,100,000		20,906,800,000		21,207,300,000
Military construction safeguard	172,500,000		172,500,000		98,500,000		98,500,000
Family housing safeguard	11,100,000		11,100,000		11,100,000		11,100,000
Grand total	22,188,300,000		21,252,700,000		21,016,400,000		21,316,900,000
H.R. 9388, [S 2150], Atomic Energy Commission:							
Operating	1,980,751,000	July 15, 1971	2,025,571,000	July 20, 1971	2,029,571,000	Public Law 92-84, Aug. 11, 1971	2,029,571,000
Plant and capital equipment	303,226,000		295,616,000		295,616,000		295,616,000
Total	2,283,977,000		2,321,187,000		2,325,187,000		2,325,187,000
H.R. 9844, military construction	[7]2,259,444,000	July 22, 1971	2,144,348,000	Aug. 5, 1971	2,008,652,000	Public Law 92-145, Oct. 27, 1971	1,986,323,000
S. 2819, Special Foreign Military and Related Assistance Act of 1971:							
Aid and supporting assistance			(8)	Nov. 11, 1971	1,103,000,000		
Credit sales			(8)		400,000,000		
Total			(8)		1,503,000,000		
S. 2820, Special Foreign Economic and Humanitarian Assistance Act of 1971:							
Bilateral assistance			(8)	Nov. 10, 1971	695,000,000		
Humanitarian and multilateral assistance			(8)		449,000,000		
Total			(8)		1,144,000,000		
H.R. 9910, foreign aid: [9]							
Development loans and assistance		Aug. 3, 1971	1,371,750,000	(10)			
Military/security assistance and grants			1,505,000,000				
Administrative			57,600,000				
Foreign military credit sales			510,000,000				
Total			3,444,350,000				
S. 2260 [H.R. 9166] Peace Corps	82,200,000	Sept. 23, 9171	77,200,000	Aug. 2, 1971	77,200,000	Public Law 92-135, Oct. 8, 1971	77,200,00

---

[1] Amounts given represent new budget authority which includes appropriations (but excludes appropriations to liquidate contract authorizations), reappropriations, contract authorizations and authorizations to expend debt receipts. Not included in this tabulation are permanent appropriations (Federal or trust) which do not require congressional review but which become available automatically under previous statutory authority.

[2] Represents the most recent revised budget estimates considered.

[3] H.R. 11418, as reported in the House, does not include an amount of $183,570,000 for Safeguard construction and family housing which was included in the budgeted request (which totaled $334,000,000 for such construction). Those requests were considered in H.R. 11731.

[4] Not shown under the Senate-passed items for H.R. 11731, yet reflected in the total is $500,000,000 added as a new title IX to the bill to enable the President to provide military assistance to Israel, including $250,000,000 for F-4 Phantom aircraft.

[5] Budget request submitted to the House was $769,341,154.

[6] Amount of Federal outlays only.

[7] Administration request included $183,570,000 for ABM-related construction, later transferred by the Senate to the military procurement bill (H.R. 8687, supra). The net reduction by the conferees of the administration request is therefore $89,107,000, rather than $272,677,000 as it would appear from these figures.

[8] House-passed version of H.R. 9910 substituted for these bills, Nov. 18, 1971.

[9] H.R. 9910, as reported, also authorizes funds to permit the foreign assistance programs to continue through June 30, 1973, authorizing an additional total of $3,494,350,000 for fiscal year 1973. Direct comparison between this bill, as reported, and the amount requested by the administration is not possible since the requested amount includes various authorizations extending over more than 1 year.

[10] Failed, Oct. 29, 1971.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. MIKVA).

The motion was agreed to.

So the Senate amendment numbered 12, as amended, was concurred in.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

UNITED STATES OF AMERICA VERSUS JOHN DOWDY, ET AL.

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
December 15, 1971.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena duces tecum that was issued by the United States District Court for the District of Maryland. This subpoena is in connection with the case of the United States of America v. John Dowdy, et al.

The subpoena commands the Clerk of the House to appear in the said United States District Court for the District of Maryland, Baltimore, Maryland, on the 16th day of December, 1971 at 10:00 o'clock A.M., for the purpose of identifying and explaining certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may attend either voluntarily or in obedience to a subpoena without the consent of the House being first obtained.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

[U.S. District Court for the District of Maryland, No. 70–0123]

UNITED STATES OF AMERICA v. JOHN DOWDY

(Subpoena to produce document or object)

To: Clerk of the House or his designated representative, United States House of Representatives, Washington, D.C.

Serve on: Paul Wohl, Counsel to the Clerk.

You are hereby commanded to appear in the United States District Court for the District of Maryland at 421 Post Office Building, Calvert and Fayette Streets in the city of Baltimore on the 16th day of December 1971 at 10:00 o'clock A.M. to testify in the case of United States v. John Dowdy.

The Purpose of the required testimony is to identify certain voting records of the House of Representatives, certified copies of which are now in possession of this Court (tally sheets and reading clerk's notes pertaining to roll calls #314–318, inclusive, of September 22, 1965) and to explain the roll call procedures of the House of Representatives which pertain to those tally sheets and to those reading clerk's notes.

This subpoena is issued upon application of the United States.

December 14, 1971.

Barnet D. Skolnik, Assistant U.S. Attorney, 421 P.O. Bldg., Baltimore, Md.

Phone: (301) 962–4626 or 962–2043.

PAUL R. SCHLITZ,
Clerk.
CHARLOTTE WILLIAMS,
Deputy Clerk.

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 749

Whereas in the case of the United States of America against John Dowdy, et al. (criminal action numbered 70–0123), pending in the United States District Court for the District of Maryland, a subpena duces tecum was issued by the said Court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him or his designated representative to appear as a witness before the said court at 10:00 antemeridian on the 16th day of December 1971: Therefore be it

Resolved, That W. Pat Jennings, the Clerk of the House of Representatives, or his designated representative is authorized to appear in response to said subpena as a witness in the case of the United States of America against John Dowdy, et al.; and be it further

Resolved, That a copy of this resolution be transmitted to the said court as a respectful answer to the subpena beforementioned.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF THE OFFICE OF ALIEN PROPERTY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1970, in accordance with section 6 of the Trading With the Enemy Act.

RICHARD NIXON.

THE WHITE HOUSE, *December 15, 1971.*

FOURTH ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–185)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

Pursuant to Public Law 89–794, I have the honor to transmit herewith the Fourth Annual Report of the National Advisory Council on Economic Opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *December 15, 1971.*

RALPH J. BUNCHE: A CITIZEN OF THE WORLD, A SEEKER FOR PEACE, A GREAT AMERICAN

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, I know I share the feelings of peace-loving people throughout the world in expressing sorrow over the death of Dr. Ralph J. Bunche.

Dr. Bunche's service to the United Nations, most recently as Undersecretary General for Special Political Affairs, demonstrated a commitment to peace that goes far beyond the expression of a desire for a peaceful world. Ralph Bunche worked diligently for peace. For his efforts in bringing about a settlement of the Palestine war in 1949, he won the Nobel Prize for Peace.

In the years that followed, Ralph Bunche took on the most difficult international problems, translating the respect and confidence world leaders had for him personally into a tool for averting international violence. More often than the world had reason to hope, he succeeded.

Dr. Bunche visited my State of Hawaii on a number of occasions, and served on the panel of international advisers to the East-West Center at the University of Hawaii. But he belonged, not only to Hawaii and America, but to the world. As a black man who found himself confronting racism in his own country, he nevertheless acknowledged in a speech that he was, in fact, a biased man himself:

> I have a number of very strong biases. I have a deep-seated bias against hate and intolerance. I have a bias against racial and religious bigotry.
>
> I have a bias against war, a bias for peace. I have a bias which leads me to believe in the essential goodness of my fellow man, which leads me to believe that no problem of human relations is ever insoluble. And I have a strong bias in favor of the United Nations and its ability to maintain a peaceful world.

God grant us more such biased men like Ralph J. Bunche.

FEDERAL FUNDS OF $283,000 TO HARVARD PSYCHOLOGIST B. F. SKINNER TO WRITE "BEYOND FREEDOM AND DIGNITY"

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I rise today in the closing hours of the first session of the 92d Congress to discuss events and trends which may well eventually see the permanent closing of the Congress itself.

The specific fact I wish to disclose to my colleagues this afternoon is that the National Institute of Mental Health has granted to Dr. B. F. Skinner the sum of $283,000 for the purpose of writing "Beyond Freedom and Dignity." The NIMH grant description says this grant is to free Dr. Skinner from teaching or research responsibilities so that he may pursue "scholarly activities." While the grant covers a 10-year period, to end in 1974, certainly the major "scholarly activity" of that time for Dr. Skinner was to write his book and now to appear all over the country on television and at symposiums to talk about it.

Why should a Member of the Congress rise to discuss one of the most widely read and influential books of the fall 1971 literary season? To put that another way, why should we have any concern here in the Congress with the manner in which Federal agencies spend the money we have authorized and appropriated? I think the obvious answer to the second question provides an answer to the first.

B. F. Skinner is chairman of the Psychology Department at Harvard University and his 1948 novel "Walden Two" has over a million copies in print. In a recent Johns Hopkins University poll, psychology faculties and graduate students around the Nation named Skinner as the most respected social scientist alive. A Southern Methodist University poll found that he was the only living man among the 10 great minds in the history of psychology.

Mr. Speaker, these simple facts reveal two important things. First, when Dr. Skinner speaks millions of our fellow citizens take him very seriously; and second, Dr. Skinner is not exactly a charity case who depends on Federal funds to keep him in business.

Let me now briefly discuss what is contained in "Beyond Freedom and Dignity." I am not, of course, a literary scholar nor am I a trained psychologist, but for 7 years I headed the Special Subcommittee on Invasion of Privacy within the Committee on Government Operations and we studied and explored many similar academic proposals and attitudes. Indeed, our very first set of hearings in 1965 was on psychological tests and we learned a very important fact: To prove you were adjusted, you had to prove it on the terms of the psychologists who created the test. By that I mean that these dedicated scientists produced tests whose results defined mental health in terms which they would approve of. This is essential to any consideration of Skinner's work.

In addition, I led the fight here in the Congress to discredit the 1970 proposal of Dr. Arnold F. Hutschnecker to give every young child in the country predictive psychological tests to determine his future criminality. This monstrous thought, advanced in the very highest levels of our Government was abandoned after the Privacy Subcommittee threatened to hold hearings.

What Dr. Skinner proposes in "Beyond Freedom and Dignity" is to alter modern life by conditioning the behavior of each citizen by positive or negative reinforcements. He proposes, quite simply, to choose what is decent behavior and then reinforce it by rewards and, should that not be totally successful, he would then punish negative behavior.

A question, of course, leaps to mind: Who is to decide what is decent behavior? Obviously, Mr. Speaker, this choice is not to be left to the democratic political system because it is based on such outmoded concepts as freedom and dignity. No, it will be an elite, composed of mirror-images of Dr. Skinner, who will make this choice so absolutely essential to our future.

As I mentioned, the fictional utopia of "Walden Two" was published in 1948 and what Skinner really has in mind can be found, in my opinion, by rearranging the numbers—1984.

I certainly believe that Dr. Skinner has every right, both as a citizen and as a distinguished academic, to publish his ideas and to speak for them in any way he can. But what I question is whether he should be subsidized by the Federal Government especially since, in my judgment, he is advancing ideas which threaten the future of our system of government by denigrating the American traditions of individualism, human dignity, and self-reliance.

Writing some 10 years ago, Edward Shils said of American social psychologists that they had a "hostility toward contemporary society" and a "hatred of individualism." In July of this year, the distinguished expert of Soviet affairs, Victor Zorza, described the growth of massive computerized information systems in Russia. He describes the manner in which the planners of the Soviet computerized systems intend to use it as a weapon of thought control. Zorza writes:

> But the main purpose of any such system would be to prevent any disloyal ideas from even taking shape in the heads of Soviet citizens . . . the full records of his psychological characteristics and actions could be used to devise an approach that would quickly persuade him . . . that his best interests require him to confirm to the political guidance of his spiritual advisor at the KGB.

Mr. Speaker, what better description of Skinner's "technology of behavior"? I have spoken frequently of the ability of the computer to compile virtually every thought and every action, and then to coerce the individual into officially approved behavior. The new technology, symbolized by computer power, can be the operative arm of Skinner's "technology of behavior."

The power of computerized information systems, coupled with mood-creating or altering biochemical discoveries, provide an overwhelming new tool for those who, like Skinner, feel that social engineering is more important than individual freedom. In my opinion, these technical developments answer those who would dismiss Skinner's ideas as being impossible to implement and are the basic reason why those of us in the Congress should take him very seriously.

And yet we permit 283,000 of the tax dollars of the American people to be used to propagandize our society. I would remind my colleagues that we have been very careful to prevent the U.S. Information Agency from distributing their products domestically. Even such a magnificent celebration of American life as the film on the life and death of President John F. Kennedy was not widely seen in the United States.

And yet we permit 283,000 of American's tax dollars to be used to advance ideas which seem to me to contain the seeds of our own destruction.

Mr. Speaker, I am today focusing on the specific grant to Dr. Skinner, but, in my judgment, this merely represents the tip of the iceberg. Information forwarded at my request from the General Accounting Office discloses 70,000 grants and contracts within the Department of Health, Education, and Welfare; 10,000 grants and contracts within the Manpower Administration of the Department of Labor, and God alone knows how many behavioral research grants and contracts funded by the Department of Defense.

Journalists who cover the behavioral research field tell me that they have no way to determine the full range of this expenditure of Federal funds. This is confirmed by the General Accounting Office. When I called for a review of Federal funds to Dr. Kenneth Clark, president of the American Psychological Association, and for an audit of all funds given for psychological research, they reported that the task I had set for them was virtually impossible.

I repeat: The Congress has authorized and appropriated every single dollar in these grants and contracts; yet, for the most part, we are unaware of how they are being spent. Certainly, we must have a continuing body within the House which has the technical sophistication to deal with this expenditure of Federal funds which advances prestigious proposals to determine how our people live and whether the American experience survives.

Mr. Speaker, during the 7 years I headed the Privacy Subcommittee, I was often critical of bureaucratic or academic proposals which, while they promised short-term gains by maximizing efficiency and economy, would have undermined the cohesiveness of our society by eroding guarantees of the Bill of Rights. Perhaps the most far-reaching proposal by social scientists I ever uncovered was to bug each room of a federally financed low-cost housing project. In order to find out why some people remained at a poverty level, these dedicated social scientists would have analyzed every sentence uttered in this building and tried to determine life styles which were unsuitable for success in modern America. I objected strongly when I learned of this idea at an academic symposium, and it was not carried out.

But at that symposium, my humanist doubts, based on the privacy protection amendments in the Bill of Rights, were criticized as being naive and anti-intellectual. It is quite likely that this allegation which arose at the beginning of virtually every area covered by the Privacy Subcommittee, may be raised when I question this grant of Federal funds to a scholar as prestigious as B. F. Skinner.

Let me respond by quoting the words of a man who created the utopian novel "Brave New World" which has been held up as a workable model by behaviorists. Aldous Huxley wrote:

> Who will mount guard over our guardians, who will engineer the engineers? The answer is a bland denial that they need any supervision . . . Ph. D.s in sociology will never be corrupted by power. Like Sir Galahad's their strength is as the strength of ten because their heart is pure; and their heart is pure because they are scientists and have taken six thousand hours of social studies.

Right on, Mr. Huxley.

And, Mr. Speaker, the Congress should move "right on" itself to be able to confront the dangers represented by the Skinner proposal and so many others which are cloaked in the mystique of science and the purity of the academy. The groves of academe produce profitable fruit, for whether we in the Congress or many disenchanted young people like it or not, the Federal grant and contract system has inextricably intertwined colleges and universities with moneys authorized and appropriated by the Congress. I mean to imply no suggestion of a lessening of academic freedom in the Nation, but I do suggest that the Congress should at the very least be fully informed and, if need be, have the tools and expertise at our own disposal to counter antidemocratic thoughts launched with Federal funds.

Mr. Speaker, I am now going to state a very personal note. The amount given to B. F. Skinner is approximately four times greater than the amount given by the Committee on Government Operations to the Privacy Subcommittee during our 7 years. We were pursuing means to make freedom and dignity relevant to technological sophistication and, until the committee declared the Privacy Subcommittee outside its jurisdiction in March 1971, I believe it is fair to say that we had had considerable success. We began the concern over the computer and invasion of privacy by hearings on the proposed National Data Bank in 1966; we initiated congressional consideration of the credit-reporting industry in 1968; and we disclosed in 1970 that at least 250,000 American grammar-school children are receiving behavioral modification drugs, most often the amphetamines or "speed" as they are commonly called. The committee report released in 1968 entitled "Privacy and the National Data Bank Concept," based on the computer hearings, was called "a gem" by computer specialists and on the floor of the other body, Senator SAM ERVIN referred to it as "a concise classic."

But the insights and attitudes which produced these accomplishments, and many others, are now denied the Congress. I have offered a proposal to create a Select Committee on Privacy, Human Values, and Democratic Institutions. This proposal, which has passed the Committee on Rules and will be brought to the floor of the House after we return in January, has as its principal cosponsor our distinguished Republican colleague, Representative FRANK HORTON, and is designed to deal specifically with the type of threats to our Constitution, our Congress, and our constituents which are contained in the thoughts of B. F. Skinner.

Perhaps here would be a good place to mention its basically nonpartisan work. Not only did the majority of our actions take place under Democratic administrations, but the continuing grant to B. F. Skinner took place 8 years ago. This highlights, in my view, the lamentable fact that, while we authorize and appropriate billions of dollars to the executive branch, we seem unwilling to authorize funds to keep the Congress itself relevant, informed, and a vital part of the decisionmaking process.

CONCLUSION

Mr. Speaker, I am "negatively reinforced" by B. F. Skinner, to borrow some of "Beyond Freedom and Dignity's" jargon. This, in itself, is no reason why Dr. Skinner's Federal grant should be canceled or even why the Federal Government should not spend millions more on advanced behavioral research. However, based on the material in this speech and in the documents I am inserting in the RECORD, it does seem to me that the Congress desperately needs a formal and continuing body to assure that the twilight of the 20th century does not see the total eclipse of the legislative branch.

[Provided by the General Accounting Office, Dec. 14, 1971]

INFORMATION ON GRANT BY NATIONAL INSTITUTE OF MENTAL HEALTH TO PROF. B. F. SKINNER

The information presented herein was developed at the request of Mr. Charles Witter of Congressman Gallagher's office in connection with the request dated September 10, 1971, by the Congressman for certain information on Federal funds being paid to psychologists. The incidence of Mr. Witter's request was a book "Beyond Freedom and Dignity" by Professor Skinner in which he acknowledged that a grant by NIMH made it possible to write the book.

Grant K6–MH 21775 was awarded to Professor B. Frederic Skinner by NIMH on February 18, 1964, under the Research Career Program, to carry out a research project in Behavioral Analysis of Cultural Practices. Although the award was made for a 5-year period, from July 1, 1964, through June 30, 1969, provision was made for funding on an annual basis, subject to periodic review to ensure that the award continued to promote the objectives of the program. The amounts awarded during the 5-year period were as follows:

Year number, period, and amount

First year, July 1, 1964 to June 30, 1965	$26,024
Second year, July 1, 1965 to June 30, 1966	26,082
Third year, July 1, 1966 to June 30, 1967	27,562
Fourth year, July 1, 1967 to June 30, 1968	28,814
Fifth year, July 1, 1968 to June 30, 1969	28,814
Total	137,296

The grant was extended for an additional 5 years on May 28, 1969, to run from July 1, 1969, through June 30, 1974. As in the initial 5-year period, funding was to be made in one-year increments. The amounts awarded and estimated during this period were as follows:

Year number, period, and amount

6th year, July 1, 1969 to June 30, 1970	$28,814
7th year, July 1, 1970 to June 30, 1971	30,288
8th year, July 1, 1971 to June 30, 1972	30,547
9th year, July 1, 1972 to June 30, 1973	*28,284
10th year, July 1, 1973 to June 30, 1974	*28,284
Estimated total	146,217

*Estimated amounts.

According to the grant file, the purpose of the grant was to permit Professor Skinner, who is a recognized authority in the field of behavioral science, to study the broader implications of an experimental analysis of behavior for government, economics, psychotherapy, sociology, and anthropology, or the relevance of behavioral processes in an analysis of culture. The objective was to advance knowledge in response to the questions of how cultural practices originate, what are cultural values, what determines the survival of specific cultural practices or values, and how psychological principles could affect cultural practices.

To carry out this analysis and study, Professor Skinner was to read extensively in such areas as government, political science, economics and psychiatry; to discuss ideas with specialists; and to organize and analyze material in accordance with experimental findings. It was anticipated that he would publish papers at various stages of the project and probably lecture to selected audiences and teach small groups of students. In summary, the grant was intended to free Professor Skinner from teaching and from experimental research activities in order to devote his time to scholarly activities, the consolidation of his theories, and the consideration of their application to the problems of society.

During the course of the grant, Professor Skinner has written three books and numerous articles and papers. He has also given many lectures. In addition to his book "Beyond Freedom and Dignity," which was published in 1971, he has written two other books, "Contingencies of Reinforcement: A Theoretical Analysis" (published in October 1969) and "The Technology of Teaching" (published in 1968). His papers include such titles as "Teaching Science in High School—What is Wrong?" (published in 1968) and "Man and Machine" (published in April 1969). Although no specific evaluations of his publications were included in the grant file, we noted that Professor Skinner's request for a 5-year extension of the grant was approved unanimously by the professional review committee, which would indicate that his work was considered to be in accordance with the grant objectives.

The terms and conditions of the grant are as stated in the Policy Statement, Grants for Training Projects, Public Health Service, Department of Health, Education, and Welfare, revised July 1, 1967, which states the following with respect to Copyrights:

"Except as otherwise provided in the conditions of the award, when publications, films, or similar materials are developed from work supported by the Public Health Service, the author is free to arrange for copyright without approval. Any such copyrighted materials shall be subject to a royalty-free, nonexclusive, and irrevocable license to the Government to reproduce them, translate them, publish them, use and dispose of them, and to authorize others to do so."

Recently continuance of the grant to Professor Skinner was questioned within NIMH in light of current constraints on funds for research and a critical review of the book, "Beyond Freedom and Dignity," which appeared in the Book World section of the Washington Post of October 10, 1971.

GALLAGHER CALLS FOR TOTAL LIST OF FEDERAL FUNDS USED BY AMERICAN PSYCHOLOGICAL ASSOCIATION—CALLS APA PRESIDENT KENNETH CLARK'S PROPOSAL FOR ANTIAGGRESSION DRUGS TO POLITICAL LEADERS "ANOTHER DREARY EPISODE IN THE CONTINUING AGGRESSION BY POWERFUL INDIVIDUALS AGAINST BOTH PEOPLE AND POLITICS"

Congressman Cornelius E. Gallagher, who headed the Special Subcommittee on Invasion of Privacy for seven years, today announced in a speech on the House Floor that he had asked the General Accounting Office to investigate all Federal contracts and grants given to the American Psychological Association. The first investigation of Gallagher's Privacy Subcommittee in 1965 was into psychological testing, and he was sharply critical today of the most recent manifestation of the psychologists, as disclosed by incoming APA President Kenneth Clark's proposal to intervene in the political process by drugging political leaders, allegedly to remove war-like impulses.

"This proposal might seem absurd on its face," Gallagher said, "but it represents another dreary episode of what I call the technocratic elite's campaign against the human spirit." Gallagher listed several examples which his Privacy Subcommittee had investigated:

1. Dr. Arnold Hutschnecker proposed to give all six to eight year olds in the country a predictive psychological test for criminal potential. Those who flunked the tests—which had been shown to provide a successful prognosis (as distinct from diagnosis) in approximately fifty percent of the cases—were to be sent to a "rehabilitation center in a romantic setting out west" as Hutschnecker phrased it. Gallagher branded those centers "American Dachaus" and after hearings were threatened, HEW reported back to the White House that the proposal had no merit.

2. Hutschnecker also proposed that all political leaders be given psychological tests to determine their mental health. This thought had been endorsed by a number of international scientific conferences and Gallagher commented, "I don't know many politicians who could pass such a test. With all the difficulty holding public office brings these days, you have to be a little unbalanced even to offer your name."

3. In September 1970 Gallagher's Privacy Subcommittee held a hearing into the administration of amphetamines and other stimulants, such as Ritalin, to modify the behavior of so-called hyperactive children. Gallagher learned that some 300,000 children were receiving drugs now, and that experts predicted a "zoom" in the treatment. A "Blue ribbon" panel was announced two weeks after the hearing and the panel's report of March 1971 repeated many of Gallagher's criticisms, particularly about drugging normally active and intelligent children who found themselves bored in the classroom.

4. In March 1971 Gallagher released an exchange of correspondence with Navy Assistant Secretary Robert Frosch over the Navy's testing program, Personnel Technology, which has cost some $1.5 million. Gallagher had been particularly critical of a Purdue study entitled "The Value of Human Life: An Initial Analysis" which had aroused concern because it tested attitudes as to whether "have or have not" civilians should survive in a crisis situation.

"These programs, and dozens like them, are spreading fast throughout our society and are being endorsed by influential citizens and organizations. In my judgment, they reveal a loss of faith in both people and politics." Gallagher said. The sheer number of these antihumanist suggestions are a special reason why the House should establish a Select Committee on Privacy, Human Values, and Democratic Institutions, which has already been approved by the Rules Committee and which should be acted upon by the full House in the near future.

"I want to know the extent of Federal support for the American Psychological Association to see whether President Clark's thought was merely an aberration or whether tax dollars are being spent to implement it," Gallagher continued. "I certainly believe in sophisticated research into human behavior but the examples with which I am familiar suggest an emerging pattern which will radically alter the values and the traditions of our Nation, and with them our freedom. The logical conclusion of this proposal must be a dictatorship under the control of those who would pop pills into world leaders. As one always must keep in mind when phychologists are discussed, who will test the testers?

"If this were not so serious," Congressman Gallagher concluded, "and happening on such a broad scale, it would be ridiculous. But lately, no one in the Congress even raises a voice when the Nation's most important newspapers continue to carry such stories on the front page, stories which will result in American freedom eventually on the obituary page."

Technology and Society: A Conflict of Interest?

(Speech of Congressman Cornelius E. Gallagher before the Institute of Management Sciences, Chicago Chapter, March 26, 1969)

America has produced the richest and most complex society the world has ever known. The major impetus toward our unparalleled prosperity has been our ability to harness our resources and to use the gifts we have received as a nation for the benefit of our citizens. It is not an overstatement to say that technology has created America; at least in the sense that the applications of science have created the life led by most Americans. The fundamental premise of this speech is that technology should be morally neutral—it should have no values itself other than the manner in which society chooses to apply it.

Immediately, however, there can be seen numerous objections to such a premise. For example, it has often been stated that technology opens doors for man, but does not compel him to enter. Yet, it must be realized that in the real world of free enterprise, a logic is imposed which strips such technological advance of its ideal neutrality. The first application of a new technology—the first organization through the door—is likely to make the most money while the last is likely to find it slammed in its face. Risktaking by industry is motivated by the profit factor: thus, whatever neutrality a technology may have is already diluted by the financial facts of its development and the rush for its deployment.

When the decision is made to exploit a new technology, major social and institutional change follows. It is impossible to predict the range or the character of that change. A development and deployment decision is made solely upon the first-order effects, which are customarily profit, institutional advantage, or national policy in the case of federally inspired innovation. The evaluation of the second or third-order effects, such as social costs and value dislocations, only takes place after a technology has been established.

What occurs then is a virtually dictated application of an innovation and the impact upon the rest of society only becomes visible after the technology has become operative. It is only by the time a sizable investment of money, resources, and commitment have coalesced that society can know what it has really done. The innovation itself becomes a powerful reason for continuing in that direction and the difficulties and the dangers must be, in large measure, either ignored or rationalized. To put it bluntly, the problems have been transferred from ones of engineering to ones of public relations.

To illustrate the current status of technology in America, let us imagine that technology is a heathen idol and that Americans are primitives. What have we, as a society, offered this God in the way of sacrifice?

First, we nave given him our air. Our cities form the bottom of an airborne cesspool. Our atmosphere is now so polluted that natural temperature inversions threaten every single person living in large metropolitan areas. For that simplest and freest of commodities—a breath of fresh air—we must depart from our homes and our jobs. The pilgrimage to Mecca for the infidels of America is the summer vacation to a place where man has not despoiled his heritage.

It is interesting to note in this connection that we have saved the whooping crane by creating wild-life sanctuaries and imposing the strictest rules and regulations for the preservation of this species. But man, who emulates the cry that gives the whooping crane its name by his pollution inspired cough, has not been so fortunate. As columnist Arthur Hoppe has suggested, it may be necessary to establish human-life sanctuaries to assure the continuation of Homo Sapiens.

The next sacrifice we have made to the God of technology is our water. All forms of pollution are dumped into our rivers and lakes, and a fresh, pure stream near an urban area is as rare today as a polluted one was earlier in our history. Raw sewage is dumped into rivers from which downstream communities take their drinking water. Lake Erie, according to many observers, can never be reclaimed from technology's abuse. Bodies of water which have existed practically since time began, are now being ruined in a few years.

I would like to call your attention to the recent problem with offshore oil drilling near Santa Barbara. To the best of my knowledge, the crucial social question was never asked: did America need this source of oil? Was it essential to deploy such a risky procedure at this time or could the development stage have continued without deployment? It is my hope that we will learn a great deal from this catastrophic experience. But if past history is an indication, the only lesson will be to cast doubt on the validity of the old cliche: "To spread oil on troubled waters."

In addition to our air and our water, we have not hesitated to make human sacrifices to the idol of voracious technology. Our nation's highways are nourished by the blood of our children and the reports of the mangled victims of auto accidents make even the carnage of Vietnam seem insignificant. In sheer numbers, slaughter on the highways was approximately five times as great last year as were our losses in the tragic Vietnam conflict. In theory, we commit our youth to Vietnam in pursuit of a noble ideal; we destroy our young men and young women on their way to the neighborhood drive-in.

Over all the world hangs the ultimate symbol of the God of technology—the mushroom cloud of atomic holocaust. Mankind genuflects to that God every time we say we coexist on our planet because of a "balance of terror."

I have never felt that there is any true balance of terror, it is only the product of a universe that is out of balance.

How truly irrational we have become may be seen in the following hypothetical example. It is a basic assumption of the cold war, at least in some quarters, that should the American way of life be fatally threatened, we should incinerate those who oppose us. This would, of course, result in our own incineration and quite probably the fallout would make our globe uninhabitable. Yet, those who advocate this course of future action are acclaimed as realists and patriots.

But any man who would propose that all industry stop and all autos be taken from the highways in order to make our atmosphere habitable, would immediately be branded as insane.

So it is sane to destroy the whole world and yet it is crazy to take extreme action to make the world livable. The "balance of terror" has certainly unbalanced something.

The bomb, as terrifying as it is, merely promises the extinction of life. All men, be they free or enslaved, have come to some individual understanding with the fact of eventual death. But the latest visitation from the God of technology promises to make us less than human and threatens to make us slaves.

The computer demands that we poor dumb savages offer up our individuality, our dignity, and our privacy.

It provides a new priesthood with a tool to drive us to our knees, to manipulate our actions, to petrify our past mistakes, and makes the sword of Damocles dangle, gleaming with its promise of eventual destruction, in every American's future.

It is extremely important to emphasize that the computer and its applications not only threaten those who are guilty or who wish to conceal their past. The computer threatens us all; yes even that man who must exist somewhere who has never done anything he could not put on his résumé.

The computer is not only a super fast adding machine; it is more than an automated filing cabinet; it is even more than the heart of far-flung communication systems. The application of computer technology, in its most frightening aspect, has perhaps best been described by Erich Fromm in his recently published *The Revolution of Hope; Toward a Humanized Technology:*

"A specter is stalking in our midst. . . . A completely mechanized society, devoted to maximal material output and consumption, directed by computers: and in this social process, man himself is being transformed into a part of the total machine, well fed and entertained, yet passive, unalive, and with little feeling. With the victory of the new society, individualism and privacy will have disappeared. . . ."

The shattered schemes of all the dewy-eyed utopians which litter the shores of history are now conceivable. All the beautiful idealisms which so quickly turned into ugly forms of fascisms can now be engineered and implemented. Technology has made the world so small and the computer has given men such a powerful instrument of social control, that individual dreams, which became local nightmares, can now be worldwide **catastrophes.**

Dr. Ida Hoos, of the Space Sciences Laboratory at the University of California, has called my attention to a poem by Martyn Skinner which says it all:

"Gone are the days when madness was confined
By seas or hills from spreading through mankind;
When, though a Nero fooled upon a string,
Wisdom still reigned unruffled in Peking;
And God in welcome smiled upon Buddha's face
Though Calvin in Geneva preached of grace,
For now our linked-up globe has shrunk so small,
One Hitler in it means mad days for all."

To put it bluntly, all our eggs are in one basket. We can describe where we are by borrowing the terms of one of man's truly great technological triumphs: we are all passengers on "Spaceship Earth," following a most uncertain orbit.

This then is the context in which we must consider technology and American society. Ramifications of our actions reverberate in the Capitols of the world; we truly live in a "Global Village".

Understanding that we are talking about all men, let us consider what has already happened to many among us who have surrendered totally to the machine and inhuman value systems. Fromm described technological man in these chilling terms: ". . . (H)aving lost compassion and empathy, they do not touch anybody—nor can they be touched. Their triumph in life is not to need anybody. They take pride in their untouchability and pleasure in being able to hurt . . . Whether this is done in criminal or legitimate ways depends more on social factors than on psychological ones."

With the reins of computer technology in such hands, we may very well be racing to our own destruction. Certainly a free spirit is the most obvious victim of such breathing robots, and free government is not far behind.

Dr. F. A. Hayek, who was professor of moral and social science at the University of Chicago from 1950 to 1962, puts the ultimate threat in these terms:

"Man owes some of his greatest success to the fact that he has not been able to control social life. In the past the spontaneous forces of growth asserted themselves against the organized coercion of the state. With the technical means of control now at the disposal of Government, such assertion may soon become impossible."

The assertion of which Dr. Hayek speaks is not only that of organized groups striving to control policy; it is also individual man himself yearning to be a part of the world and to influence the course of events which affect and alter his times. Fromm makes the extremely valuable point that if man were infinitely malleable, if social pressures could force man into any mold, there would never have been any revolutions. Man, however, simply is not made that way. Fromm describes man in these terms:

"The dynamism of human nature inasmuch as it is human is primarily rooted in this need of man to express his faculties in relation to the world rather than in his need to use the world for satisfaction of his physiological necessities. This means: because I have eyes, I have the need to see . . . because I have a heart, I have the need to feel . . . in short, because I am a man, I am in need of man and of the world."

The countervailing force which technology and the computer put at the service of repressive interests has been described by a New Left critic of the American scene. I certainly do not endorse the totality of Paul Goodman's ideas, but he does make a number of provocative points. In *Like a Conquered Province*, Goodman says:

"Human beings tend to be excluded when a logistic" (that is, a computer-oriented) "style becomes universally pervasive, so that values and data that cannot be standardized and programed are excluded, when function is adjusted to the technology rather than technology to function . . . when there develops an establishment of managers and experts who license and allot resources, and which deludes itself that it alone knows the only right method . . . then common folk become docile clients, maintained by sufferance, or they are treated as deviant."

Fromm and Goodman are suggesting a crucial point to those of us in this room. We all have a sizable stake in America as it is today; while we do not oppose change and are undoubtedly not reactionaries, yet we are all, I would suspect, conservatives in the sense that we believe we must build upon the past. Riot and rebellion are obnoxious to us all and we would unite in condemning violence as an instrument of social change. But the question must be asked: does our emphasis on the manipulations of technological culture deny man the opportunity to express himself? Has the erection of intricate social systems which demand, at the very least, the acquiescence of the minority, placed roadblocks in the way of the rational use of human beings? In my view, Fromm and Goodman are implying that imposing a mechanistic culture between man and his needs to affect the world creates rebellion.

Here may indeed be the roots of the violence we see around us. Articulate and aggressive segments of our society are clamoring for increased participation in the decision-making process. Blacks, hippies, students, ghetto parents, and members of the dissenting academy are united in demanding a greater piece of the action or, at the very least, a heightened sense of personal involvement in and control over their own destinies. All around us we see real anger, spreading disenchantment with the political process, and a frequently hysterical assault against the bastions of orthodoxy. Let me make it clear: I believe there is no validity in violence, but in condemning the action of others we must ask ourselves if we do not bear some of the responsibility for creating an environment which, by its inhuman systems approach, contributes to the creation of violence.

When I began my studies of privacy over five years ago, I felt that the reaction of man to a depersonalized atmosphere could be expressed by a quotation from Alfred North Whitehead:

"Men might sink into mere routine repetition of habitual acts and accustomed social processes at a fairly low level, almost brainless, as certain insects can run a stable society though they have no brains."

But seeing problems by the light of the burning ghettos must force a re-examination of all our concepts and a re-evaluation of social and political modes. In any event, it is perfectly apparent that not all "common folk" have become the "docile clients" envisioned by Goodman.

Robert Theobald is concerned with the impact of science and technology on society and the economy. He has written extensively on the problems of modernization, technological change, and economic growth patterns. In 1964, he made a statement which I feel is quite relevant to the issues I am discussing with you this evening:

"Whether increasing violence and social disorder can fairly be laid at the door of the computer is, however, peripheral to the possibility of the development of a police state . . . the generalized use of the computer as a means of societal control threatens to destroy at least the right of privacy, and very probably *all* the present rights, of the individual . . ."

Theobald is not given to making such statements lightly and it is interesting to note that he underlined the "all" in that quotation.

Two years later, in July 1966, my Special Subcommittee on Invasion of Privacy was presented with a proposal which probably would have done exactly what Theobald warned might happen. This was the Bureau of the Budget suggestions for a National Data Bank. Those hearings have been so widely discussed that I do not feel I should go into the full story now.

Privacy and Freedom, a brilliant 1967 book by Dr. Alan Westin, and the soon to be published *The Death of Privacy,* by Dr. Jerry Rosenberg have lengthy sections which describe the ramifications of our hearings.

The general problem of computer privacy is now receiving influential attention. The American Academy of Arts and Sciences' Committee on the year 2000 has a working party on "The Social Implications of the Computer." The Director, Dr. R. M. Fano of M.I.T., has informed me that at least a dozen papers will be published this year. The National Academy of Science recently formed a Computer Science and Engineering Board. One of its major undertakings will be to conduct a heavily financed study of computers, data banks, and privacy. Finally, the Harvard University Program on Technology and Society will publish a collection of papers this summer under the title *Information Systems and Democratic Politics*. My 1966 speech, "Science, Privacy, and Law—The Need For a Balance" is to be included.

There is one point I made at the 1966 hearings on "The Computer and Invasion of Privacy," which seems generally misunderstood. I said that we could not be sure that the data contained in such a National Data Bank system would always be used by benevolent men or for benevolent purposes.

Some people felt I was questioning the integrity of officials connected with federal statistical programs: that is certainly not true. In fact, I have a great deal of respect for federal officers involved in data collection and publication but my point was, and continues to be, that we cannot guarantee the level of responsibility of the future users of federally compiled dossiers on Americans.

In addition, it is certainly not a matter solely of integrity. Let me quote a statement made by Supreme Court Justice Brandeis in 1928:

"Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evilminded rulers. The greatest dangers to liberty lurk in the insidious encroachments by men of zeal, well-meaning but without understanding."

Erich Fromm provides yet another insight about decently motivated social planners:

"Precisely because the more conventionally minded managers do not lack good will, but rather imagination and vision of a fully human life, they are even more dangerous, from the standpoint of humanistic planning . . . in fact, their personal decency makes them more immune to doubts about the methods of their planning."

A viable democracy depends on an atmosphere in which people can go their own way for the vast majority of their daily experiences and satisfactions. Freedom from either subtle or overt coercion is the birthright of our citizens. In a nation as large and as complex as America, which contains so many different ethnic and cultural heritages, no one class of men—no matter how well educated or how nobly motivated—can impose the standards of their group on the remainder of American society.

I would like to illustrate this from first hearings conducted by my Special Subcommittee on Invasion of Privacy. In 1965, we investigated in-depth the premises, principles, and procedures of those who create and administer psychological tests. These were decent liberal men whose goal was to understand our society and to move toward a sound, scientific explanation of interpersonal relationships. Yet, they created tests which virtually mirrored their own preconceptions. To prove you were adjusted, you had to prove it on their terms.

For example, in one widely used test, a preference for Lincoln over Washington is marked as an exhibition of a feminine characteristic. When I put the question to the experts who were testifying that Sonny Liston would undoubtedly prefer Lincoln because he had freed the Negro people from slavery, I was met with a stunning lack of understanding. I pressed the question and innocently inquired which of the experts before me would care to be the one who informed Sonny Liston that he was unmasculine; there were no volunteers.

Another question which was asked on this test was "Do you believe in the second coming of Christ?" This was placed in the test, I was informed, to determine the depth of religious feeling in the person taking the test. I inquired if this question were removed from tests administered to Jews and other religious groups, since they did not accept Jesus of Nazareth as the Messiah. It was hardly conceivable to my expert witnesses that anyone could have values totally different from their own and I was met with all sorts of stylish evasions.

This points up a very real danger of standardization and social rigidity which might flow from such a powerful instrument as a National Data Bank. The very same people who are actively lobbying for a truly effective statistical center, containing individual identifying information, are those who devised tests which characterize Sonny Liston effeminate and Rabbi Wise irreligious.

I would now like to describe a plan I heard proposed in absolute sincerity by some of the most respected social scientists in our nation.

It is widely believed that successful Americans must know how and why some Americans have failed. Perhaps I should put that a little differently and say that some Americans just cannot understand why other Americans are not carbon copies of themselves.

Be that as it may, one way in which America is meeting the problem of poverty is to assist in the construction of low-cost housing. This is certainly socially beneficial and I have cast many votes in the Congress to attempt to insure each American a decent place to live. Yet, the social scientists, in their zeal to discover more and more about the disadvantaged citizen, proposed to use low cost housing as a great pool of research and those who lived in it as guinea pigs. They seriously proposed to bug each room in each apartment of a federally sponsored low-rent project. They would then feed every single sentence uttered by the apartment dwellers into a computer. This computer would then deliver a profile of these Americans and their habits and compare the statistical profiles to Americans who have "made it."

I was outraged when I heard this suggestion and it was not carried out. The casual willingness to turn a citizen's life into a fishbowl did not concern these social scientists; valuable research could be gained and, while the Bill of Rights certainly protected their privacy, it was not relevant to the subjects of the research.

This brings to mind the words of Aldous Huxley: "Who will mount guard over our guardians, who will engineer the engineers? The answer is a bland denial that they need any supervision . . . Ph.D.s in sociology will never be corrupted by power. Like Sir Galahad's their strength is as the strength of ten because their heart is pure; and their heart is pure because they are scientists and have taken six thousand hours of social studies."

No matter from what source they may come, unwarranted invasion of privacy must be identified and resisted. Liberty under law is our foundation as a stable nation and it is my conviction that a suffocating sense of surveillance will restrict liberty and, ultimately, undermine law.

Let me speak briefly about the Bill of Rights and praise, yet again, the brilliance of those who drafted it. While privacy is not mentioned by name, the first ten amendments to our Constitution contain provisions guaranteeing rights to the individual which covered completely the range of privacy invasion known in the 18th century. A man cannot be compelled to give us his home to quarter troops; a man cannot be forced to give testimony against himself; a man has the right to face his accuser in an adversary proceeding with the advice of legal counsel. Most important, is one of the most beautiful concepts rendered into the English language. The Fourth Amendment states simply: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause . . ."

In perhaps its most powerful recent manifestation, Justice Douglas, speaking for the Supreme Court in the *Griswold* Case in 1965, cites a number of constitutional guarantees and proclaims; ". . . The Bill of Rights have penumbras formed by emanations from those guarantees that help give them life and substance." Sections of the First, Third, Fourth, Fifth, and Ninth Amendments create "Zones of Privacy," according to Justice Douglas.

Commenting on the *Griswold* Case in *The Wisconsin Law Review* in 1966, Princeton's Cromwell Professor of Law, William Beaney, states: ". . . It should be made clear that the privacy to which all persons may lay claim is not a sterile or outmoded individual assertion. It is not a claim restricted to an aristocratic class, or to a few eccentrics who might prefer to resign from the human race . . . A freedom to determine the extent to which others may share in one's spiritual nature, and the ability to protect one's beliefs, thoughts, emotions, and sensations from unreasonable intrusions are of the very essence of life in a free society."

We see then that the Constitution of the United States provides a bulwark against those who would turn America into a total surveillance society. But there are always forces at work to invade privacy in an allegedly noble pursuit or for other less admirable reasons. At the very beginning of the American experience many saw a threat to our infant free republic in the proposed Alien and Sedition Laws. In the debate over those laws in the 5th Congress, Representative Edward Livingston made a ringing declaration of what would happen to society should the Federal Government be empowered to strip away protections of the individual. In a passionate speech, he made one of the most accurate predictions of the consequences of future actions against freedom. In *1798*, Livingston said:

"The system of espionage being thus established, the country will swarm with informers, spies, delators, and all the odious reptile tribe that breed in the sunshine of despotic power. The hours of the most unsuspected confidence, the intimacies of friendship or the recesses of domestic retirement will afford no security. The companion whom you most trust, the friend in whom you must confide, are tempted to betray your imprudence; to misrepresent your words; to convey them, distorted by calumny, to the secret tribunal where suspicion is the only evidence that is heard."

Let me repeat; that was *1798*, not *1984!*

To make the Bill of Rights a living entity in a technologically sophisticated world requires unceasing vigilance. The dangers described by Representative Livingston in the 5th Congress are still facing those of us in the 91st Congress. For the United States now has the capacity to establish a system of strict records surveillance which was, and is, the hallmark of European totalitarian states and which was specifically rejected by our Founding Fathers. The files of federal, state, local and private agencies bulge with dossiers on Americans. A perfectly understandable thrust toward making the operation of these agencies more efficient and economical has encouraged the use of computerized information systems. The most recent investigation of my Special Subcommittee on Invasion of Privacy brought forth the statement that one private credit organization confidently expects to have the record of every man, woman, and child in the country within its computerized system in five years. An individual's credit history can be retrieved and read anywhere in the country within two minutes after the request is initiated.

This tremendous ability to store and retrieve data has a basic effect on America. Throughout history, we have been known as the nation of the second chance. Immigrants flocked to our shores because we offered a new beginning for people who found other societies frustrating and repressive. Yet, the ability, to recall every event of a person's past, threatens to make this a one chance society.

In the same sense, we witnessed an internal migration in the 19th century. Our growing population could expand throughout our unused lands within the borders of America. The concept of a frontier was an essential precondition to the expansiveness of the American society and, as Frederick Jackson Turner pointed out, helped shape the American character.

New space for the body created a new life for the mind.

This brings me to the final portion of my speech this evening and to what I would regard as its most significant section. The argument over privacy is frequently confused by the belief that it is space alone that is the subject under discussion. This narrow emphasis permits the legitimate objection that man is a social creature and that he demands interaction with his fellows.

If privacy merely refers to a physical area, this view is perfectly correct. Everyone knows that city life lacks many of the comforts and graces of rural life, and yet urbanization is perhaps the central fact of population movement throughout history. So it would be foolish indeed to ignore the absolute necessity for man to seek the company of neighbors. Yet, most observers have found an equally powerful counterforce and that is withdrawal from society for certain periods.

In 1961, Sociologist Erving Goffman described this basic conflict in these terms:

"Our sense of being a person can come from being drawn into a wider social unit; our sense of selfhood can arise through the little ways in which we resist the pull. Our status is backed by the solid buildings of the world, while our sense of personal identity often resides in the cracks."

The concept of space for the health of the societies of lower animals was the subject of a brilliant book by Robert Ardrey. Published in 1966, *The Territorial Imperative* sets forth example after example of animal behavior which suggests that the physical ordering and control over a space is a basic drive. This powerful instinct in lower animals is shown to precede mating and is demonstrated as the major way in which one individual differentiates itself from the rest of his species. Ardrey makes a compelling argument that demands the conclusion that what operates so universally in animals is relevant to understanding human nature as well.

I would like to suggest to you that the personality needs a psychological living space just as the body insists upon an area of physical autonomy. I believe that The Territorial Imperative in lower animals has a counterpart in man which I call The Intellectual Imperative. The Intellectual Imperative is as essential to mental health as The Territorial Imperative is to a sense of physical security. In my view, psychological integrity is as important as bodily integrity. A stable society cannot be constructed or maintained if illegal searches and seizures are permitted through a man's ideas and beliefs while his papers and effects are protected by law.

When I first raised questions about the validity of the use of the polygraph five years ago, I called it "mental wiretapping." Of course, the fact that lie detectors just did not work at any reliable level of accuracy was important to my opposition as well as the fact that the training of the polygraph operator was frequently so incredibly sloppy. But, basically, what I objected to was that there is a portion of man that no one can invade without the full approval of the individual. In no case should it be a precondition for employment at lower or clerical levels, which was the situation I uncovered in certain federal agencies in 1964.

In 1958, Pope Pius XII made this statement: "And just as it is illicit to appropriate another's goods or to make an attempt on his bodily integrity without his consent, so it is not permissible to enter into his inner domain against his will, whatever the technique or method used."

Similarly, the spread of information about a man must be under his control. Naturally, in the pursuit of a stable society, law must be maintained and the tools that science and technology have provided us must be used to preserve the rights of those who obey the law. But, as I believe I have demonstrated, technology frequently operates by its own laws which are occasionally peripheral, at best, to the purposes of society. To conduct a normal, healthy life a man must have privacy and this means that he must have areas where he is assured of protection from what Livingston called "the odious reptile tribe."

Professor Charles Fried of the Harvard Law School puts the need for privacy in extreme terms. He says:

"Privacy is the necessary context for relationships we would hardly be human if we had to do without—the relationships of love, friendship, and trust. Intimacy is the sharing of information about one's actions, beliefs, or emotions which one does not share with all and which one has the right not to share with anyone. By conferring this right, privacy creates the moral capital which we spend in friendship and love."

In my concept of The Intellectual Imperative, man may choose those in whim he wishes to confide. He may discuss any issue in any terms he may desire and be assured that an indiscretion of phrase or even an indecency of thought will remain private. A space of pyschological control permits ideas to be discussed freely and openly within his territory and with the guarantee that strict public accountability will not follow. It is just this blurring of the public and the private which makes invasion of privacy so obnoxious to personal integrity and to civilized society. No idea springs, like Athena from the head of Zeus, fully formed. The translation of idea into insight, of knowledge into wisdom, follows as many different courses as there are individuals who think. It is impossible to produce a flow chart which can predict or channel the maturation of a thought.

This leads to the psychological truth that the betrayal of intimacy is, in essence, the greatest invasion of privacy. But it is equally harmful to society if the experiences of private life become shallow. If you cannot reside in an atmosphere of security, if you must remain guarded—suspicious of those in whom you confide—you diminish the commitments of private life. And without something to defend, without relationships of trust and love in your private life, you are going to have little reason to strongly defend the public welfare.

What I am saying is that The Intellectual Imperative permits man to strengthen his belief in abstractions like patriotism by creating personal realities like friendship and trust. I believe that my concept of the Intellectual Imperative leads to the point that you cannot love anything, if you are afraid to reveal yourself to another.

The control of the flow of information about yourself, about your actions, about your beliefs, is then seen as a crucial aspect of a dynamic society. Urban mass culture has destroyed for most of us the opportunity to exercise freely The Territorial Imperative; the advance of computer and other technologies threatens The Intellectual Imperative. Physically, we are constantly in a crowd; intellectually, technology has provided devices to make our forgotten actions and our unacknowledged thoughts known to the crowd. This is, I believe, what is meant by depersonalization and dehumanization and, as I have tried to suggest earlier, may be a root cause for the violence in our nation.

The American use of technology has made man immense—within the next few months, a human footstep will be on the surface of the moon. Yet technology has also diminished man and threatens to make him less than human. While every computer card received from a large organization as a bill, a financial statement, or a summation of personal history carries the warning "Do not fold, mutilate, or spindle," individual man receives little assurance from the sender that he himself will not be folded, mutilated and spindled.

There are those who say that anyone who criticizes the forms taken by the new technology is somehow against technology and, therefore, progress. There is the implication that the expression of some of the views I have given you this evening would have caused me to oppose the use of indoor plumbing because it destroyed a society based around the village pump. This is simply not true. To paraphrase Shakespeare, I come to praise the new technology, not to bury it. But at the same time, we must praise man and see that he is not buried under computer-generated data. Computer professionals by and large know the limitations of their machines and they know that the output of a computer is dependent on the quality of the data fed in. The standard acronym is GIGO: Garbage In: Garbage Out. My purpose is to disabuse nonprofessionals of the notion that it really means Garbage In, *Gospel* Out.

At the beginning of this speech, I constructed a slightly facetious example of technology as God, and man as humble penitent. Some of the most vocal defenders of the unevaluated use of technology sound very much as if they truly believe they are theologians and that they are justifying the operation's immutable laws, which are unchangeable because they are the dicta of divinity.

I take quite the opposite view. Tools are for the use of man and their valid use does not harm man; only their abuse does. Although I may be widely known as a computer critic, I firmly believe that the forceful assertion of privacy need not be contradictory to the fullest exploitation of the miracle of electronic data processing. The computer is as vital to efficient government as civil liberties are to the citizen's confidence in democratic government. This search for a balance, the attempt to isolate and control the toxic elements in the tonic of technology, is now a major challenge. For, basically, it challenges our faith in ourselves, it challenges our ability to use our skills in the service of man.

John Diebold has probably coined more money from the new technology than any other man; he even coined the word "automation." In 1964, he made the statement with which I would like to close my speech:

"The problem of identifying and understanding goals to match the new means that technology provides us is the central problem of our time—one of the greatest problems in human history. Its solution can be one of the most exciting and one of the most important areas for human activity. And the time is now."

In 1969, even more than ever, the time *is* now.

SPEECH OF CONGRESSMAN CORNELIUS E. GALLAGHER, CHAIRMAN, RIGHT TO PRIVACY INQUIRY, BEFORE NEW JERSEY STATE AFL–CIO AT TRAYMORE HOTEL IN ATLANTIC CITY, N.J., JUNE 4, 1970

I deeply appreciate the opportunity to address again the New Jersey State Convention of the AFL–CIO. In the past, we have met together in happier times and a particularly sorrowful note today is the tragic death of that great man of labor and America, Walter Reuther, it is hard to think of a time in our Nation's history when men of such compassion and wisdom are more necessary. Walter Reuther was a great leader of organized labor, but perhaps more important, he exercised a powerful moral leadership in our Nation.

I think it is entirely appropriate to consider the direction in which organized labor is going to move in the last third of the 20th century. I propose to discuss with you today a source of particular concern to me and why I believe it is of especially vital importance to labor's future. I will direct my remarks today to invasion of privacy and the very real threat posed to union members, collective bargaining, and the union movement by the new technology.

Let me illustrate this by a description of the actions of the Federal Government in dealing with F. Lee Bailey's leadership of the recent air controller's "sick out." One does not have to approve or disapprove of Mr. Bailey's conduct to be appalled at the weapons of the new technology which were used against labor by the Government.

The Federal Aviation Agency assembled records of Mr. Bailey's past public appearances, including news and television film, and requested Government psychiatrists and psychologists to create a personality profile on him. In addition, they collected Mr. Bailey's records of his dealings with Federal agencies in the past, specifically his school reports and the evaluations of teachers and counseling personnel. Armed with this collection of fact and fiction, of hard data and loose opinion, the Government's management people concluded that Mr. Bailey's major strengths and weaknesses could be played to, or manipulated by, the Government's bargainers.

It may have been a "sick out" by the controllers, but it was a "sick in" at the FAA.

This was the first formal recognition, to the best of my knowledge, that such traditional issues as wages and working conditions were less important than the personality and psychological makeup of a union's chief negotiator. Since the Federal Government sets the policy for private industry in so many areas, I regard it as perhaps one of the most significant turning points in the history of American labor relations.

With the approval of the Federal Government now given to such tactics, with the world's largest employer now endorsing the worst possible uses of the new technology in its relations with its employees, it is not at all hard to predict that virtually every labor negotiation will now have a "wild card" in it.

What is that "wild card?" It is the personal background and private characteristics of labor's representatives. It is the easy incursion into the allegedly secret planning sessions of the union's leaders. Ultimately, it is the destruction of the effectiveness of those who speak for the union.

And, naturally, if your elected representatives are stripped of their power to move aggressively and creatively in your own best interests, what will happen to the individual labor union member?

I say that he will be left defenseless against a united front of management which will be free to probe and pry into every part of his life. I think we may well see the return of a peephole in the wall of every latrine and a great increase in the use of such things as lie detector tests for even maintenance employees.

Truly, I suspect that the dawning of the Age of Aquarius will really be the dawning of the Age of Aquariums, in which everybody has to live most of his life in a fish bowl. And most American citizens will be entirely naked as their thoughts will be open to psychological testers, their beliefs open to lie detectors, and where even their blood can damn them forever.

"Come on, Gallagher," you may say at that point. Even their blood?

Unfortunately, I am telling you the truth, $300,000 in Federal funds are being used in a Maryland study to determine which young men have a XYY chromosome in their blood. There is a faint suspicion that type of blood is bad blood and that it leads to aggressive and anti-social behavior. Let on by the flimsiest possible evidence, your tax dollars are now being expended to take blood tests which may possibly show young men who someday may commit a crime.

Now, let us be very sober about this. We all know that some criminal behavior is not explained by the personal surroundings in which a young man may grow up. Some of our richest children turn to crime and delinquency and so if the bad blood could be identified as a trigger to such behavior, it might disclose young men who could be helped at any early age and diverted from future violence.

All well and good. But how has this program been administered? It seems that those now in the research phase, who may be identified as having the XYY, are not to be protected from the release of their names into the criminal justice system. It may be eventually conceivable that such a prediction of behavior, based on bad blood, may be reliable, but at this point in the study even the chief investigators in the program have told me that results of previous tests have shown nothing.

So based upon absolutely no solid fact, a cloud of suspicion is going to be spread over the future of any young man who has the XYY. In addition, the parents or guardians of these children were not informed of the purpose of the tests. It was only after my Privacy Subcommittee had expressed outrage that a consent form was employed

But the misapplications of advanced research can always be used by unscrupulous men and their allegations that they base their opinions on science can dispel most traditions based on law and humanity. I would only ask you to consider how much more powerful the Government could have been in its negotiations with the air controllers, had it been able to whisper around the information that the aggressive F. Lee Bailey had the bad blood.

After all, based upon the opinions of doctors who had never even seen him in the flesh, the FAA did whisper around the fact that the guiding force of his career was "to destroy authority." How much more powerful such a description would have been if they could have added the fact that he had the XYY.

Surely here we can find one answer to that old question: "If you have nothing to hide, why be concerned about invasion of privacy?" You may not know it, but you or your children may have the XYY chromosome to hide. And I regret to say that the dangers of dictating an American's future by a drop of his blood are rivaled by what you or your child might see in an inkblot.

Again, I can hear many of you saying, "Come on, Gallagher." What possibly could be the danger to me or my children in what we see in an inkblot?

And once again, I regret to tell you that I am telling the truth. Yes, my friends, you have another real and personal reason to become friends of privacy, for the most recent success of my Privacy Subcommittee has been to put the finishing touches on discrediting a proposal to psychologically test every single 6-year-old child in the Nation for possible criminal potential.

Every 6-year-old in the country was to be tested and, should he flunk, he would be subjected to massive psychological manipulation and, should he continue to be suspected of some sort of deviation, he would be sent off to a special camp for close order drill in conformity.

The greatest single difficulty we had in scuttling this bizarre thought was that most people regarded it as a joke. But it was forwarded, on White House stationery, to the Secretary of Health, Education, and Welfare. I am sure you will agree with me that you just cannot get any more serious than that in America.

I could go into great detail on this plan and about its proud parent, Dr. Arnold Hutschnecker. I could point out that the tests upon which he would have relied, including the inkblot, have been shown to be accurate only slightly more than 50 percent of the time. I could refer to the 1965 investigation of my Privacy Subcommittee and our discovery that certain tests would have concluded that Sonny Liston was effeminate and any leader of the Jewish faith was irreligious. I could point out that Dr. Hutschnecker has no children of his own and does not treat children in his practice.

But what I want to emphasize is that those were your own children Dr. Hutschnecker was proposing to rip from your wife's arms and send to "a romantic setting out West," as he describes it. It sounds more like an American Dachau to me.

By testing tots, the good herr doktor was really going to mop up moppets. He was seriously proposing to use an allegedly objective application of science to make very sure that only a certain kind of man, with a certain kind of outlook and background, could have any kind of influence in America.

This cast of his mind was revealed when he endorsed the concept that every man who holds or seeks a position of power—such as a Congressman or a union leader—in America should first get a mental health certificate. This would weed out anyone who deviated from somebody's norm and would assure that only one kind of person could ever be choosen by his fellow men to lead them.

I objected most strongly to that proposal because it would directly deny the diversity which is America's strength and also because I rather suspect that no one worthwhile could get such a Government stamp of approval. With all the troubles which holding public office brings, you have to be slightly unbalanced these days even to offer your name for a position of leadership.

When the Federal Aviation Agency's personality profile on Mr. Bailey was first uncovered, I immediately thought of those hospital and doctor movies we have all seen. I imagined the following phrase coming over the administration's intercom: "Calling Dr. Hutschnecker—Dr. Hutschnecker, report to the FAA, please."

For here was living proof that while his specific proposal may have been abandoned, the basis for its eventual widespread application already existed and a significant part of it was already in practice.

And so another specific answer is suggested to the question: "If I have nothing to hide, why should I be concerned about invasion of privacy?" You or your child may have had bad dreams the night before you faced the inkblot and without vigorous and effective concern over privacy, your family might have learned whether Dr. Hutschnecker was right in calling the camp "a romantic setting out West," or if I was right in describing it as "an American Dachau."

In fairness to the Doctor, I must mention that he is not the only man in America working on plans to freeze out the sense of personal freedom and achievement which is so precious in our society. For example, several years ago, I attended a seminar in which some of the most respected social scientists in our Nation seriously proposed to bug every single room in a federally sponsored low rent housing project. I strongly objected to that massive invasion of citizen's privacy and it was not done.

There is another point which must be made before this group and that is the broad range of threats against collective bargaining and the very existence of strong, effective labor unions. Every individual American and every union member has a real and vital stake in the preservation of his own privacy, but I contend that this is equally true for organizations as well.

As I have shown, the effectiveness of your leaders can be fatally damaged by invasions of their personal privacy, but there is also the question of the privacy of the discussions which must take place before the bargaining session begins. We all know that the first offer is not the final offer and the original demand may only hint at the direction in which a union's demands will go. These eventual positions must be secret for if they are known by the other side, you may be engaging in collective bargaining but the industry will destroy it by knowing everything in advance.

And the new technology can penetrate anything, anywhere, anytime.

The dawning of the age of aquariums means that rooms are really fishbowls and that something far more deadly than the Beatles' "Yellow Submarine" can surface and put its periscope into a supposedly private meeting. Wiretapping, eavesdropping, electronic surveillance, bugs, parabolic microphones, closed circuit TV cameras, remote control miniature satellites, the infinity transmitter—the range of the intrusive devices spawned by the new technology is immense, and powerful organizations can and have employed them to learn what they feel they must know.

It is interesting to recall that most of these devices have been developed for military and foreign intelligence-gathering operations. I am sure that most of you remember the not-too-far-distant days when the labor movement was considered an internal enemy. It is not at all far fetched to imagine a domestic version of the *Liberty* or the *Pueblo* cruising in those fishbowls I have mentioned.

Indeed, the whole thrust of the surveillance mentality which is now so powerful in Government and industry circles, seems to be to regard the American people as the enemy. Pointing to a fuzzily defined version of national security and playing upon popular fears, they push toward finding the criminal tendency in every American, just as Dr. Hutschnecker said he was "focusing on the criminal mind of the child."

This is not based on mere conjecture on my part. I was truly appalled to notice the other day that an Administration witness testified before a House committee that the total amount spent on foreign and military intelligence was $2.8 billion. Especially chilling was that this incredible figure did not include the budget of the CIA and the Department of State.

Let me repeat that amount: $2.8 billion, excluding the CIA and the Department of State. You don't have to be a radical or a militant to be outraged at that figure. All you have to be is an American concerned about the future of democracy and free government.

Let me expand further on what seems to be the war on our children and try to put invasion of privacy into a little broader frame. All of us who are parents have probably followed a very similar procedure as our own children matured. When our child was very small, he either slept in the same room with us or the door to his own room was always wide open. As he became older, we permitted more and more privacy until he would finally regard another room as his own and, in most families, had the right to firmly shut the door against even his own parents at certain times.

But the surveillance mentality thinks that that door must always be open and regards that room as always subject to spying eyes and all-hearing ears.

A compassionate mother and father have become a vindictive big brother. And big brother treats the rest of us exactly like babies.

So, if we want to be men and have the right to associate with other men in organizations such as labor unions, we are going to have to insist upon the right to close that door against the increasingly nosey, demanding, and dictatorial big brothers in our society.

This, then, suggests the final answer to the question: "If I have nothing to hide, why should I be concerned about invasion of privacy?"

We can only assure our hard won status as functioning adults and the victories won by organizations working for us, by slamming shut that door against the privacy invaders.

And I have succeeded in slamming shut that door against some of the privacy invaders in the past and I have been warning against these threats for many years. I was especially pleased to note that organized labor has commissioned a privacy study. The results from your work, so far, have reinforced my feelings about the lie detector and confirmed the facts disclosed by another investigation of my privacy inquiry: the incredible mass of records on the financial, social, and moral life of Americans now in the hands of the credit reporting industry.

So some people are listening to the often solo cry I have been raising for 8 years. But far too few share our concerns, my friends, and so I would appeal to you to communicate with your own representatives in the legislature and in the Congress.

For of all the many threats which face America, I continue to believe that invasion of privacy will affect each of us to a greater degree than any of the other great issues of our times.

If we are going to survive as a nation of free, mature, and independent men and not become a nursery of helpless, wailing babies, we must fight for our own privacy and for the privacy of our own organizations.

Let me remind you once again that it is your's and your children's beliefs that will allegedly be discovered by lie detectors; it will be your's and your children's future that will be destroyed by allegations of the XYY and bad blood; it will be your's and your children's opinions and thoughts allegedly uncovered by psychological testing.

And it will be your own leaders and your own unions which will be rendered powerless by a Government or a business firm which does not care for privacy. Let me again point out that the new technology allows them to listen in on a whole office, a whole factory, and even a whole city.

And our old friend, the computer, has now developed the capacity to weed a single conversation among thousands, a single voice among millions, and to make public a hushed, supposedly private conversation.

And so I appeal to you today to care for privacy—it is yours, and if you lose it, you will have lost everything. And all of us will have lost a great Nation.

[From Trans-Action magazine; published by Rutgers University, July/August 1971]

DRUGGING AND SCHOOLING

(By Charles Witter)

Minimal brain dysfunction (MBD), one of at least 38 names attached to a subset of learning disabilities, can significantly hinder a grammar school student of average or above-average intelligence from achieving his full potential. Hyperactive, often loud and demanding and little responsive to the feelings of others (or himself), the MBD child can be seen as the very model of the uncontrollable student. Then, 30 years ago, it was discovered that amphetamines, stimulants and/or tranquilizers could calm the hyperactive child who was so often disruptive in class or at home. Amphetamines and stimulants such as Ritalin have a "paradoxical effect" in the prepubescent child: instead of being "speed," they actually slow him down, make him more tractable and teachable and permit calm to be restored for the harassed parent and overburdened teacher.

Such was the conventional wisdom on 29 September 1970 when Congressman Cornelius E. Challagher (D–New Jersey) convened a hearing of his House Privacy Subcommittee. This article is a critique of the hearing and an urgent appeal for social scientists to assert humanist concern in a world increasingly reliant on biochemical manipulation.

For the child who is very carefully tested by a team of neurologists, pediatricians, psychologists and educators, the symptoms of MBD can be masked by drugs in as high as 80 percent of the cases, according to some authorities. Others say 50 percent, while dissenters state that the good results are either the result of increased personal attention received by the child or the magical properties the child ascribes to the drug. A careful reading of Department of Health, Education, and Welfare (HEW) testimony at the Gallagher hearing suggests that 200,000 children in the United States are now being given amphetamine and stimulant therapy, with probably another 100,000 receiving tranquilizers and antidepressants.

All the experts agree, however, that the use of medication to modify the behavior of grammar school children will radically increase—"zoom" was the word connected with the man most responsible for the promotion of the program at the National Institute of Mental Health (NIMH). Already specialists in this therapeutic method state that at least 30 percent of ghetto children are candidates, and this figure could run as high as four to six million of the general grammar school population. The authoritative *Journal of Learning Disabilities* puts it bluntly: "Disadvantaged children function similarly to advantaged children with learning disabilities."

Not all children with the ill-defined, perhaps indefinable, syndrome are likely to be treated with medication, but it must be recognized that drugs are a cheap alternative to the massive spending so obviously necessary to revitalize the public school system. Lest there be any doubt about whether leadership in America would be reluctant to embrace quick, inexpensive answers to social problems, consider the plan of the president's former internist, Dr. Arnold Hutschnecker, who would give all six- to eight-year-olds in the nation a predictive psychological test for their criminal potential. Those who flunked these tests—which have been shown to provide successful individual prognosis slightly over 50 percent of the time—would be sent to rehabilitation centers "in a romantic setting with trees out West," as Hutschnecker phrased it. This late, unlamented proposal was sent on White House stationery to the secretary of HEW with a request for suggestions on how to implement it. Once again, Mr. Gallagher's was the only congressional voice raised in opposition, and he branded those camps "American Dachaus." After hearings were threatened, HEW reported unfavorably, and the White House dropped the idea. Many other plans have gone forward, but the Hutschnecker proposal is important because of its high-level endorsement and encouragement, and the distressing impact it would have had on virtually every American family.

The National Institute of Mental Health, which studied the Hutschnecker plan for some three months, has granted at least $3 million to study drug therapy. The clearest statement on the reality of minimal brain dysfunction, however, has come from Dr. Francis Crinella, a grantee of the Office of Education. He said that MBD "has become one of our most fashionable forms of consensual ignorance." No simple medical examination or even an electroencephalogram can disclose the presence of the disorder; "soft" neurological signs seem to be the only physical manifestation.

PASSING THE BUCK

Dr. John Peters, director of the Little Rock Child Study Center of the University of Arkansas, testified that the only way to separate the active child from the hyperactive one was to have had his long experience in seeing thousands of normal and "deviant" children and then making a personal judgment. In Omaha, where the drugging was first discovered by the *Washington Post's* Robert Maynard, the doctors are not even that confident. How else does one explain the lines, reported also by Nat Hentoff, from the *Bulletin of the Omaha Medical Society:* "The responsibility of the prescription was not that of the doctor, but rather of the parent. The parent then vests responsibility in the teacher."

Wow! One could say with equal validity that the facts in a book are not the responsibility of the author; rather, he has vested responsibility in the researcher, who in turn has relied solely on secondary sources.

The conclusion must be that it is behavior and behavior alone that creates the diagnosis of MBD, and this behavior can only be found in the classroom or at home. Mark Stewart, who received NIMH support, wrote in the July 1970 *Scientific American:* "A child who has been described by his mother as a demon may be an angel when he comes to a psychiatrist's office. Most hyperactive children tend to be subdued in a strange situation and to display their bad behavior only when they feel at home. The explanation may lie in a stress-induced release of morepinephrine in the brain cells. Thus, a *state of anxiety may produce the same effect as a dose of amphetamine—through exactly the same mechanism"* (emphasis added). With relentless logic, Stewart then discusses the behavior of lobotomized monkeys.

Two points on the physical aspects of drugs demand emphasis. First, John Oates of Vanderbilt University has found that "chronic use of amphetamine in small doses may produce symptoms which very closely resemble paranoid schizophrenia." Second, Stewart discredits the alleged "paradoxical effect" by pointing out that "it has been found that amphetamine has a somewhat similar effect on the performance of normal adults who are assigned a boring or complex task."

Would it then be unduly provocative and aggressively argumentative to phrase the question: "Does a long-term dosage of amphetamine and/or Ritalin induce stress in the bored child, producing a perfect student, whose anxiety-ridden behavior may be paranoid schizophrenic and resemble that of a lobotomized monkey?"

It was to speak to a considerably less loaded version of that question that Gallagher invited the provocative educator John Holt. Holt's contempt for orthodox teaching is well known; he compares today's schools to maximum security prisons. Gallagher had phrased his concern, "I fear there is a great temptation to diagnose the bored but bright child as hyperactive, prescribe drugs, and thus deny him full learning during his most creative years," and he introduced Holt's testimony as putting the discussion in the most important context, that of the child.

Holt's response did nothing to lower the issue's hyperbolic content:

"We take lively, curious, energetic children, eager to make contact with the world and to learn about it, stick them in barren classrooms with teachers who on the whole neither like nor respect nor understand nor trust them, restrict their freedom of speech and movement to a degree that would be judged excessive and inhuman even in a maximum security prison, and that their teachers themselves could not and would not tolerate. Then, when the children resist this brutalizing and stupefying treatment and retreat from it in anger, bewilderment and terror, we say that they are sick with 'complex and little-understood' disorders, and proceed to dose them with powerful drugs that are indeed complex and of whose long-run effects we know little or nothing, so that they may be more ready to do the asinine things the schools ask them to do."

Unfortunately, there are those of us who have either forgotten our own grammar school experiences or who think that only an in-depth, scholarly, jargonized study can yield an accurate description of reality. As a result, Holt's testimony needs reinforcement. This was made distressingly clear to me when, during the weeks prior to the hearing, I would describe our witness list and state: "John Holt, a former grammar school teacher." Invariably, the reply would be, "Yes, but what are his credentials?"

Among the abundance of supportive evidence of Holt's findings is that contained in Charles Silberman's recently published *The Crisis in the Classroom*. This study, commissioned by the prestigious Carnegie Corporation, found today's schoolrooms to be "grim" in hyperkinetic diagnosis and its concomitant drug therapy will not be used against precious childhood joy? Has Hutschnecker become institutionalized within the medical-educational complex? Have we put the Dachaus in the pill and then put the pill in the kid?

Dr. Rada Dyson-Hudson of Johns Hopkins University begins a letter to Gallagher: "As an anthropologist with a background in genetics and biology who is also the parent of a hyperactive son," and goes on to describe how her family moved to a rural setting to avoid being mangled by urban society. Based on her own personal observations, she says, "Where there are important, tiring or responsible physical jobs to do, a hyperactive child is a joy to have around." But a hyperactive child is no joy in overcrowded city classrooms or to the modern housewife.

Dyson-Hudson's professional judgment is also fascinating. She suggests that the prevalence of MBD in the population could mean that it is an inherited trait, has a selective advantage and, therefore, should not be regarded as pathological. She says that the selective advantage must be quite large, in order to counterbalance the higher mortality rate in hyperactive children. This is confirmed in dozens of letters to Gallagher that describe the MBD child as a mass of bandages and stitches, and Mark Stewart finds that many of the children he has studied have been victims of accidental poisoning.

On the other side, a recent New Jersey report states that in 80 children studied, four times as many children who show learning disabilities are adopted than those not adopted. But Dyson-Hudson's point demands further extensive research for two reasons.

First, pediatricians, psychiatrists and educators, particularly school administrators, contend that parents of hyperactive children are excitable, have a history of alcoholism and instability and fail to provide the child with a warm and loving upbringing. (This point is directly denied by hundreds of letters disclosing a real agony in parents who must finally go to drugs as a last resort.) With that sort of finding buttressing the experts' faith in themselves, it is easy automatically to write off the complaints of a child's parents and to coerce them into acquiescing to or embracing drug therapy.

Second, it is fair to speculate that hyperactivity may well be a considerable advantage for children, especially for ghetto kids. The latter truly have no childhood; they are instantly forced to match wits with hustlers, gang leaders, police and antipolice violence and an entire milieu where the prize of physically growing up goes to the toughest and the shrewdest. Theodore Johnson, a black chemist from Omaha, testified to the problems of coming of age in the ghetto and listed causative agents that could produce MBD-like behavior. In the school, he mentioned racist attitudes among teachers and administrators, inferior and outdated textbooks, irrelevant curriculum and inadequate facilities; and for the child, he found malnutrition, broken rest patterns, unstable home environment and physical fatigue.

On a larger social plane, it is possible to speculate that the use of drugs to make children sit perfectly still and reproduce inputs may once have had some functional purpose. Schools formerly trained the vast majority of students to become effective cogs in giant factories, and they were designed so that assembly line learning would result in assembly line production during working years. Yet, it is now obvious that service-oriented businesses are rapidly replacing manufacturing as the major source of employment. It is not unreasonable to suggest that children no longer need to be preconditioned for the rigid regimentation involved in earning a livelihood; an inquiring mind in an inquiring body is now marketable.

There would be far less need for many additional McLuhanesque probes into MBD drug medication if we could rely on the testimony of the Department of Health, Education, and Welfare before the Gallagher Privacy Subcommittee. If that testimony could stand up under informed scrutiny and if it reflected a conscientious effort to understand and to disclose all the facts, this article would also be unnecessary.

When the federal government sends officials to the Congress to defend a program of such impact, one has a right to expect that rigorous research and rigid control have gone into the decision. In my judgment, both were lacking, and several examples will illustrate my conviction that this massive technological incursion into the sanctuary of the human spirit operated on intelligence just as faulty as that surrounding last winter's Laotian sanctuary incursion.

First, with $3 million from NIMH alone, and with at least 300,000 children and 30 years' experience in the program, it could be expected that hundreds of studies could be cited to show the long-term effect on the children who have been given drugs. Yet, only in 1970 had funds been granted for this essential study, and the man selected to follow up on 67 children was Dr. C. Keith Conners. The HEW witnesses bristled when Gallagher offered the comment that Conners was engaged in evaluating "his own thing," but it is a fact that, prior to the grant for evaluation of these specific children, Conners had been given $442,794 in grants beginning in 1967 to test the effectiveness of drugs on children. Those studies were cited by HEW witnesses as confirming the validity of the treatment.

WANTED: SCIENTIFIC DEDICATION

So, as we zoom up to and beyond six million grammar school children on drugs, we are offered a study of 67 cases that was begun in 1970, is now only in its preliminary data-gathering phase and is being carried out by a man whose professional career has been spent proving how effective the therapy is. One can scarcely imagine the cries of rage that would greet any mayor or governor proposing to evaluate road construction in this manner, but one can only assume that scientific research rises above such petty considerations as conflict of interest. In fairness to the selection of Connors, Ronald Lipman, Ph.D. (chief, Clinical Studies Section, National Institute of Mental Health), pointed out at the hearings: "I think one of the reasons why there have been so few followup studies is that they are so very difficult to do. They involve going back into medical records that are very difficult to come by. They involve tracking down people after a period of 20 years. This is very difficult logistically. *It requires a certain kind of scientific dedication that you just don't find too many people have"* (emphasis added).

Other testimony confirmed Lipman's pessimistic view of his colleagues. Dr. Dorothy Dobbs, director of the Food and Drug Administration's Division of Neuropharmacological Drug Products, and HEW's chief witness, Dr. Thomas C. Points, deputy assistant secretary for health and scientific affairs, booth testified that they had conducted "cursory" investigations of the administration of these drugs in Omaha and that nothing was wrong. Later in the hearing it was disclosed that Dr. Byron Oberst, the program's primary proponent in Omaha, was unaware that the Food and Drug Administration (FDA) had listed two of the drugs he was using as "not recommended for use in children under 12." Dr. John Peters, director of the Little Rock Child Study Center, was found to be equally in the dark about FDA guidelines on one of the drugs he dispensed. (It must be mentioned that FDA has no authority to insist that drugs not be used; it has a formal mechanism that permits just about anything to be administered under a doctor's prescription.)

Two points are crucial, however: 1) the HEW witness did not volunteer the information that the department had communicated with Oberst pointing out his oversight;

and 2) leading practitioners of drug therapy were unaware of FDA's recommendations.

Moreover, while the HEW witnesses cited some 40 studies conferring validity on the use of drugs to mask hyperactive behavior, they did not refer to Crinella's Office of Education study referred to earlier—"one of our most fashionable forms of consensual ignorance" is a line certainly worth repeating—nor did they mention HEW's own studies by John Oates and Mark Stewart. But perhaps most compellingly, we heard nothing of the June 1970 statement of the American Academy of Pediatrics Committee on Drugs. In light of the supposedly wide support within the medical community for the efficacy of drugs, the academy's words are particularly significant:

"An accurate assessment of the effectiveness of the chemotherapeutic approach poses enumerable difficulties. These stem from factors such as 1) the lack of uniform terminology, 2) marked variability in methodology for evaluation, 3) the absence of standardized requirements for precise diagnosis and classification of the symptomatology constituting learning impediments, and 4) the paucity of long-term, properly controlled studies. As a result, a valid evaluation of response and objective comparison of the effectiveness of drugs administered in an attempt to mitigate or lessen learning impediments becomes impossible."

Finally, the HEW testimony dismissed any possible connection between children relying on drugs during grammar school and the incredible problem of drug abuse in high schools and in the rest of society. The hearing ran for approximately eight hours, and Gallagher hammered away all day long on this most obvious "paradoxical effect," but it was only during the questioning of Sally Williams, chief of the School Nurse Division of the National Education Association, that a glimmer appeared. She had strongly supported the use of behavior modification drugs (controlled, naturally enough, by the school nurse), but, almost as an afterthought, she disclosed that ten students at her school were now on Ritalin at their own discretion. Her exact testimony is most revealing: "They were taken off the medication and they still came back to the 'springs inside,' the inability to control their behavior. So the doctor has put it on a PRN, which means when necessary, so because they are senior high school students they come up to the health office and come to me and say, 'I think I need my Ritalin now.' "

Apparently, the administration shared some of these doubts, because two short weeks after the hearing, the director of the Office of Child Development at HEW announced his intention to form a "blue ribbon" panel to consider the problem. Dr. Edward F. Zigler's statement of 12 October is very different from the tone of the HEW testimony of 29 September: he said the panel would "inform educators that perhaps it is as much a problem of the kind of schoolroom children have to adjust to rather than what is wrong" with the nervous systems of the children. On 10 March 1971 the panel issued its report, and Gallagher commended it for approximately one-half of his remarks in the Congressional Record of that day. He singled out two sentences:

"It is important to recognize the child whose inattention and restlessness may be caused by hunger, poor teaching, overcrowded classrooms, or lack of understanding by teachers and parents. . . . Variation in different socioeconomic and ethnic groups must be considered in order to arrive at better definitions of behavior properly regarded as pathological."

In light of the evidence we gathered that drug company salesmen were huckstering their products' wonder-working capabilities at PTA meetings and at professional educational society gatherings, Gallagher also praised this stern warning: "These medicines should be promoted ethically and *only* through medical channels" (emphasis in original).

Unfortunately, the second half of Gallagher's statement was not reflected in media reports. He was sharply critical of the panel's failure to do any independent investigation; they had only produced a compendium, in layman's terms, of existing studies. Moreover, while the report reiterated many of the criticisms surfaced by the Privacy Subcommittee, the report made no comment on the desirability of having a mechanism within the federal establishment to encourage sensible caution at the local level. Gallagher said that "the suspicion still exists that these programs will be used to modify the behavior of black children to have them conform to white society's norms," and that "as admirable as the recommendations in the report are, they will be nothing but high sounding platitudes unless supervision of local schools can assure that they are given the attention I think they deserve." He called for the Office of Child Development to become the mandated overseer of the increasing nationwide use of behavioral modification drugs.

Assumption of this responsibility became absolutely essential when the Privacy Subcommittee was abolished by its parent Committee on Government Operations on 31 March 1971. Along with a special panel under Congressman Benjamin Rosenthal (D-New York) that had a remarkably effective record of protecting the consumer, the new committee chairman, Chet Holifield (D-California), decreed, as was his right with subcommittees without direct jurisdiction over specific federal agencies, that these issue-oriented studies were outside the committee's ambit. (Holifield has been either chairman or vice-chairman of the Joint Committee on Atomic Energy since its inception. At the risk of being labeled hyperactive myself, it is disquieting that the man who now says there is no valid reason for concern over privacy or consumer matters in the House has consistently stated that there are no dangers from nuclear power plants.)

It would be possible to continue to discuss privacy generally and behavior modification therapy specifically at a length only slightly less than that of the collected works of Dickens, but a brief reference to the National Education Association (NEA) is essential. It has become one of the most effective lobbies in the legislative and executive ambits in Washington, and its proposals often quickly turn into public policy. For that reason, it is important to find out just what it has in mind for future generations of American children. A particularly relevant example comes from the *NEA Journal* of January 1969 in an article entitled "Forecast for the 1970's." Two professors of education at Indiana University point to a radically altered school environment, but one of their statements says it all: "Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration, and memory. The application of biochemical research findings, heretofore centered on infra-human subjects, such as fish. . . ."

Fish? Fish! Gallagher has long been concerned with the privacy-invading aspects of credit bureaus, electronic surveillance, the computer and psychological testing, and he has said that the Age of Aquarius will become the Age of Aquariums, in which all our lives are lived in a fish bowl. His assumption, up until the investigation of drugging grammar school children, was that there would still be ordinary water in those aquariums; now the concern must be that human rights will be drowned in an exotic brew of biochemical manipulators, stirred and watched by an untouchable medical-educational complex.

The implications and ramifications to our future were well expressed in June 1970 by America's most highly placed social critic. Social scientists would do well to take action on the words of the former president of the Baltimore County Parent-Teacher Association, Spiro T. Agnew: "We as a country have hardly noticed this remarkable phenomenon of legal drug use, but it is new, it is increasing, and the individual and social costs have yet to be calculated."

ADDRESS OF HON. DAVID ROCKEFELLER

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, I would like to bring to the attention of my colleagues the extremely cogent remarks of Mr. David Rockefeller, honorary chairman of the Council of the Americas, at the council's seventh annual meeting.

Mr. Rockefeller has been deeply involved over the years in continuing efforts to achieve a viable government-business cooperation in Latin America, in order to coordinate the flow of technical skills and investment resources from the U.S. private sector so that human existence throughout the Americas might become something more than a mere struggle for survival. His close contact with developing Latin American countries has provided Mr. Rockefeller with a unique opportunity to witness the changing outlooks on foreign assistance in Latin America and in our own country, and to understand why the Alliance for Progress, which started with such promise, has become a relic of the past. His remarks on the decline of the Alliance offer, in my opinion, a realistic and thoughtful analysis of the changing conditions which have caused the Alliance to flounder, and warrant the close attention of us all.

Perhaps even more important, however, is Mr. Rockefeller's outline for a new alliance—an "Alliance for Development"—which would draw together all elements of society and address itself to the political, social, and cultural, as well as the economic dimensions of the development process. I have long maintained that economic assistance alone cannot and will not effect real change, and that more than capital, manpower, and technology are needed for a truly effective development program. I am pleased, therefore, that the Council of the Americas has designed a program for 1972 based on an understanding of the need for a well-planned, coordinated, and concerted effort, which would synthesize all of the varied elements necessary for significant development. I firmly believe that the council's program described by Mr. Rockefeller reflects an approach which we in the Congress should encourage.

I insert Mr. Rockefeller's address at this point in the Record:

Remarks by David Rockefeller

Seven years ago this week, I was one of a group of businessmen who had an appointment with the President of the United States. We were to discuss ways in which the U.S.

Business Group for Latin America could help to realize the goals of an ambitious program—an Alliance between the free and independent countries of the Southern and Northern continents of America to assure the economic and social advancement of all the people.

President John F. Kennedy was unable to keep that appointment, having decided at the last moment to go to Dallas. The next day, he met his tragic end; so that our group never did meet with President Kennedy. Although the idea of government-business cooperation in Latin America was picked up and actively pursued by President Johnson and his Administration.

Regrettably, the main thrust of his Alliance for Progress, which started with such promise, has since been blunted, deflected and largely dissipated by a steadily rising demand for nationalization in Latin America and, more recently, by a short-sighted reversion to "Fortress America" sentiment here at home. Nevertheless, the Alliance in its conception, despite its critics then and now, was a significant move in the right direction.

That Alliance bound us together for a while in a single purpose—to make human existence throughout the Americas something more than merely scratching out inadequate food from the barren soil of the hills. It held out the hope that being alive in the Americas need not mean the wail of hungry children or the unbearable knowledge that there would not be enough schools or enough jobs for them even if they managed to survive and grow.

The Alliance was to have coordinated a flow of technical skills and investment resources from the U.S. private sector—in cooperation with our own and Latin American governments—to create jobs, modernize agricultural techniques, stimulate manufacturing and increase international trade in Latin American nations. To understand why an Alliance founded on these worthy objectives has fallen into its present disarray, we will have to consider—without the emotions that usually surround it—the rise of chauvinism and nationalization in many countries of Latin America.

To a considerable extent their striving for self-identity and self sufficiency, however premature from an economic viewpoint, is understandable, especially when one takes into account the extreme youthfulness of the people of Latin countries. Because of their high birth rate and rapid population growth, nearly two-thirds of the Latin American population is less than twenty-five years old. As Eduardo Frei Montalvo, former President of Chile, has pointed out, "This youthful mass is in a deeply critical mood, like their peers in the rest of the world." Consequently, he concludes, "headquarters, both for ideas and for actual change, are . . . the universities and student groups."

If that sounds familiar, it is because we, in the United States, have been responding to the same passionate involvement and political concern of our own young people who are playing a growing role in public issues. In response to their concerns, we amended our Constitution to lower the voting age to eighteen. As a nation, we should have little trouble in recognizing and accepting the reality of comparable changes in other countries. But many of us are reluctant to accept the consequences.

When these youthful nations express their independence of thought and purpose through aggressive action affecting our interests, we find many of our own legislators are tempted to respond in kind with punitive and retaliatory measures.

But neither an arbitrary, uncompensated expropriation of foreign investments, nor a resort to violence in retaliation, is an acceptable assertion of self-determination in the context of today's world. In the long run, ill-considered expropriation is bound to be self-defeating for those nations that have not as yet accumulated sufficient capital or managerial depth to plan and carry out self-sustaining programs for internal development. On the other hand, in view of our own revolutionary origins as a nation, there are many other expressions of the new rising nationalism in Latin America to which we should be able to comprehend and accept with patience and insight.

This breach in our hemispheric alliance, caused in large part by the growing spirit of independence in Latin America, is further widened by a growing indifference here at home. As we approach 1972, we are preoccupied with the problems of our own people and our own nation. The young and the radicals among us, the disadvantaged minorities, the affluent and the conservative are all asking if we shouldn't solve our own internal problems of the cities, of our economy, of our youth and of our educational system before we worry about others outside our borders.

But even if it were possible to solve all our own problems without concern for and in total isolation from the rest of the world, it would prove an empty victory to emerge as an island of prosperity in a sea of misery. The truth is, of course, that we share too many common interests, cultural ties, and mutual dependencies with other nations ever to return to "Fortress America." Whether we like it or not, we live in one world and we have to act accordingly.

When I spoke before this Council one year ago, I expressed the earnest hope that we would be able to prevail on Congress, our State Department and the Executive Branch generally to respond more fully to that mutuality of interests especially as it concerns our neighbors to the south. Now, a year later, we must regretfully acknowledge that the need is greater than ever. But we can temper our disappointment by reflecting that on a number of fronts progress has been made in meeting the goals of the Alliance.

As a result of cooperative efforts over the past decade, I know of tens of thousands of miles of new roads—thousands of new schools—millions of children going to them—falling death rates—more jobs—more income—and hope that was not there before. But in the face of rapidly rising populations, the question remains, how can more progress be accomplished? The record, as revealed in case after case, seems to indicate that government-to-government programs alone never really affect the root problems of development. What is needed is the total involvement of all sectors . . . governmental and private.

In the United States, the business sector from the beginning has been an integral part of our own highly successful development process and so, we realize that it must play a comparable role in helping other nations now in the process of development. The faith that this gives the Council of the Americas a noble mission which we must not abandon. It has been part of our credo from the beginning.

In my years as Chairman, I saw many U.S. companies offer their help, their manpower, their technology and their skills to the governments and people of Latin America. They were "citizens first and businessmen second." They did this without publicity or full-page advertisements boasting of their involvement. As appropriate as this modesty may have been, the lack of publicity about what U.S. companies were doing, has often resulted—even in the business community itself—in ignorance of the facts. This in turn has sometimes drawn the criticism that perhaps the Council was not fulfilling its primary mission and I fear that no detailed accounting of the impact of the U.S. private investor in Latin America, such as Herbert May's study for the Council of the Americas last year will convince the unconvinced. But even though more has been done than is generally recognized, I still do not believe the full potential of the private sector has been tapped—either by local businessmen or by foreign investors. For this reason, I hope the Council programs for 1972 which you have heard this morning will be pursued aggressively by all of us.

The U.S. business community must make the case in the most forceful terms that development depends not only on capital, manpower, technology, and skills, but on a willingness to employ every opportunity that presents itself. Development is not the exclusive goal of one political system—or of one economic system. It can best be achieved by an eclectic synthesis of whatever works, regardless of its origin.

The Council program for 1972 calls for a heightening of business-to-government and business-to-business missions. It does not call for confrontation, but rather for cooperation. And planning for the future, it requires genuine appreciation by all of us of the necessary elements of development, and a continuous dialogue between those who desire development assistance and those who believe they can provide it. This calls for a new Alliance, if you will—not one pronounced by governments but one agreed to by the participants.

Societies and economies, like people, must grow. They cannot simply be conceived and executed by the fiat of an outside government or by the spontaneous inspiration of an academic theorist. Only governments within the developing nations must be the ones to engage in the long-range and sustained planning necessary for their own lasting development.

On the other hand, I do not find that governments anywhere are accomplishing development entirely by themselves. Certainly the Soviet Union and the other nations of Eastern Europe are not recognizing the necessity for private initiative, but they are approaching the great companies of the West to become involved in their development process.

But curiously as the Marxist countries in the Soviet orbit are opening their doors to Western technology, Western capital and Western know-how, some countries in Latin America are slamming their doors against such foreign assistance. That is but one paradox in a "continent of paradoxes." Another is that many Latin American nations which openly admit their need for the free enterprise elements of development, adopt regulations, sign mutual investment codes, and create a climate of uncertainty by expropriation which inevitably militate against the very investments they concede they must have.

There is still another paradox which relates to attitudes in this country. Latin America represents an enormous actual and potential market to U.S. businessmen. And yet, we find many, both in business and in government, who through neglect and by actions that discourage trade seem prepared to place our Latin trade in jeopardy.

These paradoxes do not have to remain forever unsolved. They are not riddles wrapped in mysteries inside enigmas. They are quite simply differences of outlook. Just as business no longer looks to the countries of the development world as mere stockpiles of raw materials for Western industry, Latin governments, however youthful and impetuous, should not look at business as sinister and exploitative. To resolve these misunderstandings, I believe there should be a new Alliance—an Alliance for Development. It should embrace political development, economic development and social development. To accomplish this far reaching goal, it would have to draw together business and governments—organizations and people—universities and international agencies. Only through such concerted effort can it expect to overcome the common and interrelated problems that have stalled true development as one sector or the other sought domination.

What I have described is what the Council will be attempting to do in 1972—coalesce all those who are sincere in their desire for true development, into a well-planned, coordinated, thoroughly expert and professional effort—an all-out Alliance which has the will and capacity to help.

I urge that you engage yourselves wholeheartedly to that new Alliance for Development and that you support the Council of the Americas as it seeks to lead the way.

THE NEED FOR EXTENDED SHIPPING SEASON ON THE GREAT LAKES

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUPPE. Mr. Speaker, Senator ROBERT GRIFFIN, with his extraordinary foresight and wisdom, recently noted on the Senate floor the need for a 12-month shipping season on the Great Lakes. Senator GRIFFIN was one of the earliest supporters of an extended shipping season—an idea which would greatly stimulate the economy of the Great Lakes area.

All of us in the Great Lakes region are indebted to Senator GRIFFIN for his efforts in behalf of an extended shipping season. I would therefore like to insert into the RECORD a recent editorial from the Marquette Mining Journal of Marquette, Mich., which commends the esteemed Republican Senator from Michigan on his speech to his Senate colleagues in support of extended shipping on the Great Lakes.

[From the Mining Journal (Mich.),
Nov. 19, 1971]

LONGER SHIPPING SEASON

The need for an extended shipping season on the Great Lakes and the St. Lawrence Seaway was discussed on the Senate floor by U.S. Sen. Robert Griffin, R-Mich., last week.

Griffin pointed out that restrictions on the number of ships entering the seaway would be necessary after Nov. 12 in order to minimize the possibility of ships being trapped in the seaway after the Dec. 12 closing date.

There are 215 vessels in the seaway system at present, almost double the number at this time last year. Lack of restrictions on entering the seaway could mean that as many as 100 ocean freighters could be locked in for the winter.

"The increase in seaway shipping, due in part to dock strikes on the East Coast, is both welcome and disheartening," Griffin pointed out. It is welcome, he said, to the people of the Great Lakes region who recognize the economic potential of the seaway and have been striving to develop its potential.

"It is most disheartening, however, to see shipping growth limited because our nation's most important inland waterway is out of service approximately four months each year," he said.

In his plea for support for a Congress-authorized $6.5 million, 3-year program to demonstrate the feasibility of extending the Great Lakes and seaway navigation system, Griffin quoted an article which appeared in the summer issue of Seaway Review, John Volpe, U.S. Secretary of Transportation, said in the article:

"One fact is all-important in understanding the seaway. The industry and businesses served by this waterway account for an incredible 43 per cent of our gross national product. This is, indeed, the industrial heart of America. And the prosperity and good health of the whole nation.

"This area and its industrial capacity is a national asset. And there's the rub. We find indications, unfortunately, that the economic health of this area is suffering. There are traces of economic erosion. This erosion must be halted. This is the basic premise of our transportation planning in the area.

"It is the ability of the seaway to give added value to the products of this Midwest area. Any enlargement of seaway capacity—through extending the season, for example—will contribute more to the economic well being of this area. This then, is our purpose—to expand the economy of this area and thereby increase the standard of living of those who live and work here."

The economic impact which year-round shipping on the Great Lakes would have on the Upper Midwest is obvious. And studies have demonstrated that shipping through the winter months is within the realm of possibility.

All efforts to further this objective should be unanimously endorsed by our citizens and lawmakers.

WAGE-PRICE LEGISLATION ADOPTED

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, the Congress, through the adoption of the conference report on the wage-price legislation, has put to rest many of the controversies which have plagued the economic stabilization program for many weeks.

We dealt forthrightly with the question of retroactive and deferred payments which had been agreed to prior to August 15. This means that millions of teachers and workers, who were legally entitled to raises, will get their money because of the congressional initiatives.

Mr. Speaker, the resolution of this problem was achieved despite the bitter opposition of the administration. The Congress resisted the pressures from the administration and, as a result, equity has been restored to the stabilization effort.

Much of the credit for this should go to our Colleague from New Jersey (JOSEPH MINISH) who led the fight in the Banking and Currency Committee, on the floor of the House, and in the conference committee to make certain that this pay problem was dealt with fairly.

Mr. MINISH first offered this amendment in the Banking and Currency Committee on November 4—and over great odds and much opposition—the amendment stayed in the bill which reached the floor of the House last week. The amendment was modified on the floor, but the conferees were able to combine this version with the Senate provisions and in the end we have a very strong section on retroactive and deferred pay.

Mr. Speaker, the people of America I know are grateful to Mr. MINISH for his retroactivity amendment, and I know that the millions of consumers in America are grateful for my amendment to protect them on overcharges. This bill is a stronger bill because it has these amendments on behalf of all of the working people of America and the consuming public. It is a bill that is not special interest legislation—it provides protection for all groups that comprise this great Nation.

For after all, this is what legislation is all about—many, many months of hard work and bitter fights in the committee—but in the end, the Chairman of the Banking and Currency Committee, WRIGHT PATMAN of Texas, presented to this Congress a bill that included both the retroactivity amendment and the consumer amendment. The amendment exempting newspapers, the news media, and the movie picture industry was deleted, so that no special favors were extended to anyone.

In our effort to combat inflation, it is the responsibility of all Americans, regardless of the industry and regardless of the union and regardless of the hardship it might inflict on any group, to join and work together to halt the inflation that is eating at the very roots and at the very heart of our economy.

I congratulate all of the members on the conference committee for the outstanding job that they did in bringing this bill before the House. I especially congratulate JOE MINISH for his hard work and I hope that from this point on unemployment will decrease, that the fires of inflation will be halted, that prices will come down or be held in line, and that the American economy will be stimulated so that America can once again become productive.

We must restore a measure of tranquillity in our land, so that this needless hardship being caused by the existing imbalance in our economy can be corrected. In a healthy economy, we must have consumption, production, wages, and prices harmonize with each other. When we can achieve this in our economic system, we can restore America to its rightful healthy economic position both at home and abroad.

THE MARY E. SWITZER MEMORIAL BUILDING

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I count it a privilege to introduce today legislation honoring the late Mary Switzer, one of the outstanding women of our time.

The bill, which has been introduced in the other body by the distinguished junior Senator from Minnesota, the Honorable HUBERT H. HUMPHREY, designates the south building of the Department of Health, Education, and Welfare in Washington, D.C., as the "Mary Switzer Memorial Building."

Mr. Speaker, the name of Mary Switzer stands for dedicated service to human beings. I can think of few other persons whose distinguished career as a civil servant better merits public recognition. If the bill that Senator HUMPHREY and I have introduced is approved it will, I understand, mark the first time that a Federal building has been named in honor of a woman.

Mr. Speaker, I think it most appropriate that we symbolize in this way our appreciation for Mary Switzer's devotion and efforts on behalf of the handicapped and disadvantaged.

Miss Switzer contributed 48 years as a devoted Federal civil servant; for 20 years she headed the Federal-State program of rehabilitation for the handicapped and was more than qualified to become the first person to head the new agency— the Social and Rehabilitation Service in the Department of Health, Education, and Welfare. As Administrator of the Social and Rehabilitation Service, she carried out the largest administrative responsibility of any woman in Government and supervised the expenditure of over $8 billion in Federal programs for the aged, the poor, children, youth, and the disabled.

Mr. Speaker, although a powerful "bureaucrat," as she often referred to herself, Mary Switzer never forgot the people for whose benefit those programs were created. On many occasions when testifying before the Education and Labor Committee, Miss Switzer, when asked questions regarding budgetary matters and positions of administrations she served—and she served during the administrations of eight Presidents—she would look committee members in the eye and say that we all knew how she felt and would then elaborate, often defying dictates from the Bureau of the Budget.

When Miss Switzer retired in 1970, she had received 16 honorary degrees and over 40 awards in recognition of her compassionate service to others.

Her deep commitment to the welfare of others earned her the tribute of former Secretary of Health, Education, and Welfare, Arthur Flemming, when he called her "one of the 10 career civil servants who has rendered the most to the Nation throughout its entire history."

Mr. Speaker, the keen mind and loving heart of Mary Switzer will continue to be an ideal for all who knew her. I hope that Congress will recognize this extraordinary service by approving the bill that Senator HUMPHREY and I have introduced.

A CALL FOR MUTUAL UNDERSTANDING IN UNITED STATES-JAPAN TRADE RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, since my election to Congress nearly 10 years ago, one of my primary objectives in the field of foreign affairs has been to promote better relations between the United States and our good neighbors in Asia and the Pacific area. During that decade, the nation of Japan, a key member of the Asian and Pacific Affairs Council—ASPAC—has proven to be one of our stanchest allies, a fact that is in large measure due to our wise postwar policy of friendship and support.

Today, on the eve of President Nixon's precedent-shattering meeting with the leaders of the People's Republic of China, our stanch allies fear that this wise and effective policy has been abandoned by the United States. Their fears, based on the fact that the President of the United States had acted unilaterally, without consulting its allies in the Pacific, were reinforced by the almost simultaneous announcement that the United States was unilaterally adopting new trade policies. To the Japanese, our new policies, announced without prior consultation, appear to be punitive and aimed directly at them.

With the thought that my colleagues will be equally interested in the reactions of Japan and other Pacific nations to our recent policy shifts, I am submitting for inclusion in the RECORD a recent address entitled, "Trade, Tension, and Turbulence," which was delivered to the Japanese Chamber of Commerce of Honolulu, Hawaii, by Mr. Nobuo, vice president of Japan Air Lines. Mr. Matsumura, a prominent businessman who is deeply interested in international relations, concluded his remarks with a call for a "steadily increasing exchange of goods, people, and ideas—conducted honorably with mutual regard." This is a call to which we in the United States can favorably respond and which we can issue ourselves in hopes of mutuality. In any event, the exchange of views is essential to a resolution of differences which do exist between the two nations, and it is in this spirit that Mr. Matsumura's speech is offered for inclusion in the CONGRESSIONAL RECORD. His speech follows:

TRADE, TENSION AND TURBULENCE

(By Nobuo Matsumura, November 9, 1971, Japanese Chamber of Commerce, Honolulu, Hawaii)

It is always a pleasure for me to visit these beautiful islands, which have undergone such phenomenal expansion since the years when I first came here. You and the other business leaders of this thriving community, a mecca of tourism and trade, must have a deep feeling of gratification at all you have accomplished.

Situated at the crossroads of the Pacific, you must also be highly sensitive to conditions and changes taking places at both extremes of your vast ocean . . . conditions and changes not necessarily of your own making but which can have substantial effects upon the well-being of these islands.

I greatly apprecitae your invitation to discuss with you Japanese reactions to the changing economic and political conditions in the United States and to the corrective actions taken recently by your government.

I gladly share with you my observations but I hasten to add that what I have to say does not necessarily reflect the views either of the Japanese Government or of my company. After all, Japan Air Lines is in the international travel business, not in the business of formulating international policy or determining economic relations.

On the other hand, like each of you, JAL is directly affected by international policy and the ups and downs of economic relations.

Japan has become a household word in the United States, largely due to the flood of articles in the press about economic differences. In principal, public attention is to be desired, to the extent that it enhances mutual understanding and is constructive.

The world's press, however, gave wide coverage to what we in Japan call the mid-July and the mid-August "shocks." I refer, of course, to the President's unexpected decision to visit Peking and his still more abruptly announced economic programs.

The press has accurately indicated that the Japanese experienced traumatic reactions to the American moves. But unfortunately, the press has reported very little on the "why" of those reactions—the traditions and special sensitivities, as well as the political and economic realities, which motivated the shock waves through our Diet, our metropolises, our businesses, even our farmlands and villages.

What is often called "the miracle of Japan" should in actuality be a source of great pride to Americans. While Japan's development as the second strongest economic power in the free world is primarily a Japanese achievement, accomplished by a united populace with a singleness of purpose born of necessity, great credit is due to the wisdom—and the generosity—of American friendship and support in post-war years.

In the realm of foreign policy, Japan developed and maintained especially close ties with her ally across the Pacific.

From my viewpoint as a private citizen, Japan's foreign policy in past years has virtually paralleled that of the U.S. and the leaders of my government came to appreciate—even expect—close consultations with Washington before either nation reached a decision so broad in scope as to directly affect the well-being of the other.

Hence, I do not think I can overemphasize the extent of the surprise that hit Japan when President Nixon made known to the world his plans to visit Peking before any advance notice was given to Japan.

While it must be borne in mind that in recent years there have been strong business pressures and political undercurrents in Japan for initiating some degree of formal accord with the People's Republic of China, these sentiments were always subjugated in favor of the America-inspired pro-Taiwan policies. Surely it was to the interest of Japanese industry to support trade with Taiwan and its political autonomy, but it has also become increasingly difficult for us to forestall overtures to open direct trade channels and diplomatic relations with the government of the most populous nation in the world, and a neighbor—both culturally and geographically—as well.

The Japanese people, as I judge their reactions, were in full accord with the American decision to conduct summit-level talks with Peking. It is my conviction that our mutually held objective—detente in Asia and a lessening of world tensions—will be served by a re-establishment of relations with the People's Republic of China and as graceful an end as possible to that country's long isolation from non-Chinese thought and intercourse.

Dealing as we are with human nature, whatever hope was generated by the Nixon announcement for a more peaceful world atmosphere was more than momentarily overshadowed by public emotion at the realization that Japan's primary ally had planned a bold move in its China policy without taking Japan into American confidence.

Consequently, the ruling party of Japan, having assured the people that the U.S. would consult with Japan in advance of any major policy change, became the brunt of unmerciful domestic attack and was caused serious political embarassment. At the same time, many Japanese people felt their trust in the U.S. had been shaken.

Time tempers all crises and the China venture is no exception. Today the people of Japan earnestly hope the President's approach to Peking will prove meaningful and productive. Our own businessmen and diplomats believe that an open U.S. relationship with China's 800 million people can only contribute to more universal economic and social improvement.

I believe Japan Air Lines is fairly representative of Japan's international business establishment in its thirst for more information and its eagerness to develop cordial relations with Mainland China while preserving its traditional strong ties with Taiwan. We have, for example, developed an initial program to familiarize our flight and ground staffs with the cities, government and people of the People's Republic of China.

While there is much more that could be said about the importance of the China issues, I will take the time only to emphasize Japan's interest in a rational solution and to underscore that our government continues to support the objectives of the United States in this regard, despite the Nixon "China shock", upon which it is senseless to dwell.

The second emotional jolt to Japan, of course, was the abrupt announcement by President Nixon in mid-August of his emergency program to defend the dollar. Again, shock resulted not from an unawareness by the Japanese of the severity of the problem, but from the absence of frank advance consultations with my government. Actually, the implications of the new economic policies become increasingly—rather than less—disturbing as the weeks pass.

Again, too, I hasten to point out that as a people the Japanese have been not only aware, but highly concerned with the critical decline of the strength of the dollar and the serious American balance of payments and trade deficits. More than 95 per cent of our foreign transactions is conducted in dollars, so our sympathy is motivated as much by practicality as by friendship.

I needn't remind you, I'm sure, that the Japanese government has repeatedly demonstrated its willingness to cooperate with the U.S. in alleviating some of the economic strains. Japan, unlike other nations which were rapidly converting their dollar reserves into gold despite the declining reserves held by the U.S., made no effort to do so and even now holds only a modest gold stock.

The government, moreover, has embarked upon a constant and progressive program of trade and investment liberalization, complying as rapidly as they deem it possible with the desires of American businessmen to sell and invest more freely in Japan's economy. Indeed, today only forty items remain on the list of restricted imports, which is comparable to or even more liberal than the protected lists of other major trading nations.

The same is true in the realm of capital induction, with only seven sectors of the economy being barred to anything short of automatic approval for foreign participation in new ventures.

As additional testimony of Japan's efforts to cooperate, I remind you that numerous exports from Japan, including steel and cotton textiles, are voluntarily restricted by mutual agreement with the U.S., and the recent tetxile accords were ratified by Japan's government over resounding protests of our textile industry, which, as you may know, is so opposed to the agreement that its representatives have filed suit for reversal. I mention this to you as an indication of the depth of the Sato government's commitment to and desire for a strengthened American economy.

As to the revaluation of currencies, Japanese financial experts are quoted as agreeing that a reasonable revaluation of the yen is in order. We hear talk of somewhere between 6 and 10 per cent.

I gather that my government is prepared to take reasonable measures in regard to the value of our currency. But, and this is an important "but", there must also be a realignment of all of the other major currencies, including that of the United States. It is hoped that coming meetings of the Big Ten will somehow bring about accord in the world's monetary crises.

While you as a group are sophisticated in the background of U.S.-Japan relations and aware of these fluid economic developments, I find that one of the most common—and I feel unjust—American misunderstandings about Japan stems from the belief that we have conducted our trade and investment activites selfishly and short-sightedly vis-a-vis this country.

Vital as trade is to the Japanese economy, it is difficult for me to conceive of my countrymen as overly one-sided in their trade and business relations. And while there has been frequent publicity of charges of Japanese dumping and unfair trade restrictions, in fact few charges have been substantiated and, as I have said, Japanese trade and investment liberalization has proceeded at a steady and even accelerated pace.

Nonetheless, important sectors of Japan's business community feel that Mr. Nixon's remedial measures were aimed punitively and directly at the Japanese, and similar to their reaction to the China announcement, many felt betrayed and that they were being cut off from traditional American markets.

In fact, Japan more than any other country is being adversely affected by the ten per cent surcharge imposed by the President on most imports into the United States. Roughly thirty per cent of our exports are to the United States, and about 95 per cent of these are subject to the surcharge. Early estimates are that the surcharge will cost Japan as much as $1.5 billion in exports during the second half of this fiscal year.

Compounding the difficulties is the fact that the floating yen and the uncertainty surrounding it has resulted in a drastic decline in new orders which could bring total export losses to as much as $3 billion. In the month following August 16, for example, only one-tenth the export contracts signed last year were concluded.

Perhaps hardest hit in my country are the small and medium-sized enterprises which operate on low profit margins and suffer as well from stiff competition from the developing countries which now enjoy Japan's new preferential tariff rates. These firms employ more than 60 per cent of the Japanese labor force, and I personally know of several already facing bankruptcy. Unfortunately, the effects of the surcharge are also being felt by Japan's large corporations, many of which are cutting back both production and employment.

I share these discouraging facts with you not because I wish to complain or criticize, but to emphasize that the American measures may very well be self-defeating. Japan, presently experiencing her own business slump, will most probably be unable to increase her purchases from the United States or elsewhere while her export sales are shrinking.

The President made it clear that the aim of these measures is not protectionist but imperative if equilibrium is to be restored to the American economy. Since that time, the questions of surcharge and realignment of exchange rates have been discussed in conferences of the IMF, GATT and other world bodies, but no final solution has emerged.

Meanwhile, the stoppage of convertibility of the dollar to gold forced many nations to unwillingly float their currencies and was executed without IMF sanction. It and the surcharge, which likewise is contrary to the principles of GATT and the concept of free trade, has created serious problems not only for the Japanese but for many trading nations and most regrettably, especially for the less developed ones.

While cries of possible trade wars and economic retaliation have been heard frequently whenever a nation violates the accepted mores of free trade, I doubt that the threats are taken as seriously any more as they ought to be. I can tell you that the danger is a very real one, and I would remind you that it was just the 21st of October that the government of Denmark boldly announced the imposition of a ten per cent surcharge on virtually all imports, emulating the action of President Nixon.

While a "staggering economy and a balance of payments deficit" were the reasons cited for this move, it takes little imagination to project what would happen when and if other nations attempt to pursue a similar course. In fact, one can reasonably wonder "who will be next?"

World economists question whether such a program is actually directed at the true causes of payments deficits, and many, as you know, have concluded that it is not. Briefly, they credit America's economic woes to a weakened labor-management and wage structure, the cost of the Viet Nam war and an outflow of dollars attributed to expenditures abroad of multinational companies.

While we ponder these criticisms, all of us must be aware of the possible "snow-ball" effect of restrictive thinking. Already many American labor leaders have claimed that the surcharge will not be effective enough and that additional and broader controls must be instituted. Just recently, for example, a piece of legislation known as the Foreign *Trade and Investment Act of 1972* was quietly introduced in Washington. Should it ever become law it would virtually put an end to America's world trade and foreign investment activities as we know them today. Another example is the buy-American provision of the President's tax proposals. Those of us so vitally concerned with the preservation—indeed the expansion—of trade, both here and abroad, must view these as symptoms of a deteriorating world trade climate and must examine and re-examine what we as individuals, through our firms and businesses, and through our governmental representatives can do to keep a check on fallacious protectionist thinking and to enhance existing commercial bonds. Please do not misunderstand me; parochialism is by no means an American phenomenon, and we in Japan must continue to be as watchful and as militant as you here if trade is to be expanded in this decade of rapid transition.

I would not want to leave you with the impression that the Japanese are inflexible and unbending in their thinking, responding as we did with shock and alarm to the surprise announcements of the past months. Perhaps, as some of our foremost thinkers have pointed out, these shocks were "a blessing in disguise," for they have literally forced us to sit back and take inventory of our economy, our politics, our relationship with the U.S. and our inevitable role of increased responsibility in Asia and in the world arena.

As we undergo this introspection, I hope that Americans, too, will take a closer look at Japan, her people and the Japanese role vis-a-vis the American economy.

It would become apparent that the relationship has been a mutually rewarding one, and that there are in fact Japanese interests which have contributed more to the American economy than they have taken out. I am proud to say that Japan Air Lines is one of those enterprises.

An analysis of JAL's purchases from more than 2,000 U.S. suppliers reveals that she paid $444 million in the last five years alone for American-made aircraft, fuels, engines and parts, $63 million for wages for American personnel and an additional $70 million for passenger services and meals, communications, office expenditures and advertising. In total, she invested more than half a billion dollars in the U.S. economy during a period in which her total American passenger and cargo revenues reached just $207 million.

Japan Air Lines will continue (we have ordered more American 747 jumbo jets than any non-U.S. carrier) to invest heavily in the U.S. market, for we have found it profitable to do so.

Perhaps this is a key to reducing the tensions which face our two great nations today. With international relationships shifting so rapidly, I submit that more than ever before a steadily increasing exchange of goods, people and ideas, if conducted honorably and with mutual regard, will contribute to world harmony and will enrich us both.

Thank you very much.

A VA HOSPITAL FOR QUEENS COUNTY, N.Y.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, at present there are 7,000 veterans waiting to be admitted to hospitals. 1970 records show VA hospitals rejected about 400,000 of the more than 1 million veterans who sought admission to hospitals. How can we, with a clear conscience, ask these citizens who have so well served the interests of the United States to wait for urgently needed medical care? Medical care cannot wait. It was with this in mind that I introduced H.R. 3814, on February 8, 1971, calling for the construction of a Veterans' Administration hospital of 1,000 beds in Queens County, N.Y.

There is currently no veterans hospital in Queens County. There are only three general VA hospitals serving the whole New York City area, a veteran population of 1,902,000. This is more than 6 percent of the total U.S. veteran population. How do we explain the discrepancy of providing 3.5 percent of the total number of VA hospital beds to 6 percent of the veterans?

Every day the number of veterans needing medical care is increasing. There are 275,000 wounded in the Vietnam war alone. The number of Vietnam veterans needing care for drug abuse is staggering. The advancing age and increasing need for medical care of the veterans of World War I, World War II, and the Korean conflict is adding to the already lengthy waiting lists. We owe these veterans a great debt. Do we repay it by closing the hospital doors in their faces?

All of us are aware of the urgent need for veterans hospitals. This was recently demonstrated in Congress by the overwhelming approval of increasing the proposed Veterans' Administration hospital budget. The response to this heartless cutback in the VA budget is indicative of the concern over the direction which the VA hospital program seems to be taking. Mr. Ralph J. Rossignuolo, legislative director of Amvets, stated the problem very concisely in the 1970 hearings before the Subcommittee on Hospitals, Committee on Veterans' Affairs:

> Amvets is concerned and becoming increasingly more alarmed at what it sees happening with the VA medical program. We see developing an insidious erosion of the once famous VA medical program that gave considerable leadership in the field of hospital treatment.

It is time to stop this trend, time to provide the facilities we owe the veterans. It is evident we recognize the need; let us now do something about it.

There is a desperate need for a hospital in Queens County. Queens County veterans must now use the VA hospital in the Bronx, Brooklyn or in Manhattan. The Bronx hospital is hopelessly outdated and overcrowded. The two main buildings date to the turn of the century—eight quonset huts are left from World War II. There is inadequate space for storage and sitting rooms besides the atrocity of visitor and other traffic having to pass through active operating areas. It would be impossible to remodel existing building—the need is for a completely new, completely modern hospital in the area. With the advances in medical technology new and miraculous lifesaving devices and rehabilitation services could be offered by construction of new facilities. The Brooklyn hospital is overcrowded and has a long waiting list. They are operating at an incredible 104-percent patient turnover rate. The Manhattan hospital is also operating at full bed capacity with a 95-percent patient turnover rate. What other evidence could possibly be needed to illustrate the need for a new hospital in Queens County?

Our veterans deserve the finest, most modern, most complete services available. How can we spend $80 billion on the defense budget and leave our wounded veterans on the hospital steps? With the new advances in medical care the man in Vietnam has twice the chance of surviving as he did in Korea and World War II. This means more crowding of already bulging hospitals. I am especially concerned about the plight of the Vietnam veteran. I again refer to Mr. Ralph J. Rossignuolo, legislative director of Amvets:

> The treatment of the Vietnam veteran is unique and offers rewarding challenges to the VA hospital system in that the Vietnam veteran is young, more seriously impaired, and is the victim of a cruel war, a war that makes him wonder if his sacrifice was in vain. Yet, his competency is far greater than his counterpart of World War II and Korea. He is not prepared for the old system of rehabilitation; he is anxious to return as quickly as possible to the mainstream of life. Moreover, he has experienced the expert and speedy medical service of the Armed Forces; he is carried from the very jowls of battle via helicopter and jet plane to the antiseptic hospital thousands of miles away in the span of several hours. Now we expect him to while away his precious time with outmoded rehabilitation techniques.

I ask you, what good will the best in field care and service hospitals do when the veterans are sent to inadequate rehabilitation hospitals—or worse, none at all?

My bill, H.R. 3814, would provide the desperately needed hospital facilities, facilities which would enable the veterans to return to normal, productive lives.

Mr. Speaker, let us not be known as a nation deaf to the pleas of her wounded veterans. Let us be responsive to their needs and provide the care they so richly deserve.

AMTRAK SHOULD KEEP WATER LEVEL ROUTE OPERATING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, once again, railroad passengers are threatened with a major curtailment of service. It is incredible that this could occur so soon after the Congress has organized and funded Amtrak for the express purpose of providing modern passenger service in areas where it is most needed.

Amtrak—the National Railroad Passenger Corporation—has announced that it will discontinue trains 60 and 61, the "Lake Shore," operating between New York, Buffalo, Cleveland and Chicago, effective January 5, 1972, unless the States begin supplying two-thirds of the train's losses as provided for in section 403 of the Rail Passenger Service Act of 1970.

Amtrak contends that the service, instituted on May 10, was for a 6-month period to provide time for States to pass necessary legislation to fund the operation. After 7 months, none of the States have come up with the money.

My most immediate reaction has been to ask Amtrak for an additional 90 days in order to provide a reasonable period for States to consider this discontinuance threat. With the holidays approaching, most of the State legislatures have recessed and are unable to act. January 5 is also an unreasonable date because this is the time of year when harsh weather hits the Great Lakes and upper New York State areas. It is conceivable that Amtrak's trains would be discontinued when the airports and highways are snowed in, thereby preventing new customers from trying out the refurbished Amtrak trains.

Mr. Speaker, this is an urgent situation that will not slip by the Congress at this very hectic time. Twenty two Members of Congress, from the States concerned, including New Jersey, New York, Ohio, Indiana, Illinois, and Michigan, have cosigned letters to Roger Lewis, President of Amtrak, and George Stafford, Chairman of the Interstate Commerce Commission.

The letters are self explanatory and I include them at this point:

CONGRESS OF THE UNITED STATES,
December 14, 1971.

Hon. GEORGE STAFFORD,
Chairman,
Interstate Commerce Commission.

DEAR GEORGE: We the undersigned respectfully request your assistance in persuading Amtrak not to give public notice to discontinue service on January 5, 1972 from New York to Chicago via Cleveland. We have enclosed a copy of our letter to Roger Lewis explaining our position.

We know that the I.C.C. felt that the above named route should have been made part of the basic system. Second, we feel that the I.C.C. would have the statistics to support our position which calls for a balanced, long-range transportation program for the population along the water level route of over 25 million.

We feel a letter from you to Roger Lewis will be most helpful as we are confident the view of the I.C.C. will be given most serious attention by Amtrak. Please advise us of your thinking on this most urgent problem.

Sincerely,
John Anderson, Herman Badillo, Mario Biaggi, Clarence Brown, Charles Diggs, John Dow, Thaddeus Dulski, Marvin Esch.
Seymour Halpern, Jack Kemp, Edward Koch, Norman Lent, Alexander Pirnie, Walter Powell, Ogden Reid.
Robert Roe, Edward Roush, John Seiberling, Henry Smith, Louis Stokes, Samuel Stratton, John Terry.

CONGRESS OF THE UNITED STATES,
December 14, 1971.

Hon. ROGER LEWIS,
President,
Amtrak,

DEAR ROGER: This is in reference to the letter from Gerald Morgan dated December 1, 1971 indicating that Amtrak proposes to give public notice that service on the New York-Chicago route via Cleveland will be discontinued on January 5, 1972. We the undersigned respectfully request that you delay this action for 90 days.

We feel your letters to the Governors of the States involved come at a most inappropriate time. First, the States, between December 1 and January 5, if they are in session, will be restricted in the legislation they can consider in that period of time. Second, as you know, the House Committee on Interstate and Foreign Commerce has been holding hearings on Amtrak financing. It is reasonable to assume that legislation directly affecting the New York-Chicago route will be reported in the near future. To cut off service which could be restored by Congress a short time later seems to be arbitrary and capricious.

In addition, there are two other experimental and temporary routes which Amtrak has initiated that were not included in your termination notice. Therefore, we feel Amtrak's action of singling out the New York-Chicago route is discriminatory.

We would appreciate your very serious consideration of our request which we feel will be in the best interests of the public and Amtrak.

Please advise us of your decision.

Sincerely,
John Anderson, Herman Badillo, Mario Biaggi, Clarence Brown, Charles Diggs, John Bow, Thaddeus Dulski, Marvin Esch.
Seymour Halpern, Jack Kemp, Edward Koch, Norman Lent, Alexander Pirnie, Walter Powell, Ogden Reid.
Robert Roe, Edward Roush, John Seiberling, Henry Smith, Louis Stokes, Samuel Stratton, John Terry.

Mr. Speaker, while my most immediate request is for a delay in the discontinuance, I am more concerned about Amtrak's long-range attitude. Amtrak has endeavored to rebuild the image of rail passenger service by taking a new name, by outfitting train crews with snappy uniforms, and by posting colorful signs. Amtrak has also made an effort to clean up the trains. However, the gains that have been made through such efforts are sure to be wiped-out by such a negative and backward step as discontinuing service between Buffalo, Cleveland, Toledo, and Chicago.

Amtrak's image would not suffer if it refrained from issuing discontinuance threats. The Buffalo-Cleveland-Chicago route should have been a part of the basic national system from the beginning. Omission of this route from the basic system is a violation of the spirit, if not the letter, of the congressional mandate in the act to provide a basic system of passenger service.

The population of the major cities along this route between New York and Chicago via Buffalo for 1970 totaled 25.2 million people. This corridor by sheer numbers alone exhibits great passenger volume potential on an efficiently run railroad. It has been identified by experts as one of our emerging megapolitan regions. Discontinuance of this service west of Buffalo could result in the cutting off of the entire population of upstate New York from a convenient train outlet to Chicago and the west. Potential exists for fast corridor trains to connect between Milwaukee and Chicago, Detroit and Toledo, Cleveland and Columbus, Cleveland and Pittsburgh, and Toronto and Buffalo. In committee hearing and floor debate on this legislation, there was repeated emphasis placed on the undisputed proposition that the real volume potential for rail passenger service is in corridors through and between our densely populated areas. Excuses given for discarding this line do not stand up.

Since these trains should have been operated from the beginning as part of the basic national network, it follows that Amtrak erred in demanding State funds as a condition for their operation. Accordingly, I cannot criticize the States for waiting until Congress amends the basic act. Even on routes where State assistance is appropriate, States should not be forced to pay more than 33 percent of the deficit. I have sponsored, along with 51 of my colleagues, Joint Resolution 796 which reduces the State's share of the deficits from two-thirds to one-third. This is a more realistic appraisal of the ability of our States to finance public transportation services. The resolution also provides an additional $290 million for Amtrak. Clearly, in light of all its problems, Amtrak needs more money.

I am not surprised to learn that ridership on these trains has been relatively modest up to now. For the 15 years prior to Amtrak, Penn Central and its predecessor, New York Central, downgraded service and discouraged patronage. Amtrak cannot turn this around in 6 months.

Amtrak has spruced up the cars, but has done little else to increase the train's ridership. For example, there has not been an intensive radio or television advertising campaign along this route equivalent to the effort of the airlines and bus lines. Fares have not been lowered. And the terminals leave much to be desired. The December 6 issue of Transport Central magazine said the Buffalo railroad station "is so huge that any practical use for it is unforeseeable. Perhaps the Corporation might locate nearer the city center, possibly near the old Lackawanna or Lehigh Valley facilities."

Ironically, Amtrak plans to abandon one of the most ideally suited railroad stations along the route—the Cleveland Union Terminal—even if the trains remain in service. Amtrak claims that operating expenses of the Cleveland Union Terminal are excessive. These alleged high costs are in all probability due to obsolete working practices and joint facility contracts which the railroads have made no effort to correct because they have planned to get out of the passenger business. We have no evidence that Amtrak has tried to reduce expenses through hard renegotiation of old contracts.

What makes the Cleveland terminal so attractive is the connections available to the rapid transit lines that feed into the terminal from suburbia and the airport. Cleveland already has the "intermodal" facility that many other cities are eager to establish.

In addition, Mr. Speaker, I, along with Congressmen DULSKI and SMITH and Senators BUCKLEY and JAVITS just received the following telegram from David Mahoney, chairman of the American Revolution Bicentennial Commission.

AMERICAN REVOLUTION
BICENTENNIAL COMMISSION,
Washington, D.C., December 14, 1971.

Hon. JACK F. KEMP,
House of Representatives,
Washington, D.C.:

With great pleasure, I wish to advise you that the American Revolution Bicentennial Commission today, December 10, 1971, in Washington, D.C., has given official recognition to Niagara Falls as a bicentennial city under the multi-city concept and that it has been awarded use of the official ARBC symbol.

The entire Commission shares the enthusiasm which you and your constituents have for this recognition which will be a significant part of the observance of the 200th anniversary of our great Nation.

David J. Mahoney,
Chairman.

Mr. Speaker, it is obvious the railroad passenger travel to Buffalo and the area during our bicentennial year will be fantastic. Sightseers and vacationers will be traveling to Niagara Falls by the thousands. A 1957 New York Central schedule points out that there were six trains a day from Buffalo to Niagara Falls to handle the passenger traffic. The tracks are still there.

By tying in the Buffalo to Niagara Falls route with the New York-Chicago route by way of Cleveland a balanced system of travel will prevent undesirable results regarding bicentennial travel. For example, I was just informed that Disney World in Florida had to be shut down because automobile traffic going there backed up for 30 miles. I hope some of our transportation planners are thinking ahead. At this point I include the 1957 schedule previously mentioned.

Schedules shown on this page are in terms of "LOCAL TIME" (standard or daylight) as observed by each city

NEW YORK CENTRAL SYSTEM

The Water Level Route—You Can Sleep

Table 53—BUFFALO, NIAGARA FALLS AND SUSPENSION BRIDGE

687 ◆	685 ◆	683 ◆	207 Will not run May 31, June 1, July 5, 6 or Sept. 2.	217 Will also run May 31, June 1, July 5, 6 and Sept. 2.	681 ◆	Mls.	*April 28, 1957*	680 ◆	358	682 ◆	684 ◆	246	686 ◆
PM	PM	AM	AM	AM	AM		(*Eastern "Daylight Saving" time.*) LEAVE] [ARRIVE	AM	AM	PM	PM	PM	PM
*5 33	*3 00	*11 25	†8 10	§7 55	*5 45	0	+ **Buffalo** (*Central Terminal*)	7 42	9 45	1 30	4 57	10 25	11 25
5 40	3 07	11 32	8 19	8 03	5 52	3.0	lve. + **Buffalo** (*Exchange Street*) arr.	7 35	●9 37	1 23	4 50	10 17	11 18
y5 53	y3 19	y11 45	y8 31	y8 15	y6 05	6.9	arr. +Black Rock lve.	y7 23	-------	y1 11	y4 38	-------	y11 06
6 04	3 31	11 56	8 48	8 32	6 16	14.1	arr. +North Tonawanda lve.	7 10	●9 06	12 57	4 25	9 55	10 53
6 12	-------	-------	:8 56	:8 40	-------	20.1	arr. La Salle lve.	7 02	-------	-------	-------	-------	-------
Beeliner -------	Beeliner -------	Beeliner -------	y9 01	y8 45	Beeliner -------	22.9	arr. Echota lve.	Beeliner -------	-------	Beeliner -------	Beeliner -------	-------	Beeliner -------
6 24	3 51	12 16	9 10	8 54	6 36	25.1	arr. +**Niagara Falls** lve.	6 51	8 43	12 39	4 06	9 30	10 34
6 29	3 56	12 21	9 30	9 15	6 41	26.9	**Suspension Bridge**	*6 46	*8 33	*12 34	*4 01	*9 05	*10 29
PM	PM	PM	AM	AM	AM		ARRIVE] [LEAVE	AM	AM	PM	PM	PM	PM

°Daily; † daily, except Sunday; ‡ daily, except Saturday.
† Daily, except Monday; § Sunday only.
▪ On Sundays and May 31, June 1, July 5, 6 and September 2 leaves Buffalo 6:20 a.m.
ƒ Stops on signal to receive or discharge passengers.
ħ Stops regularly to discharge passengers only.
ʏ Stops on signal to receive or discharge revenue passengers only.
: Stops on signal to discharge revenue passengers only.
● Stops on signal to discharge revenue passengers from beyond Suspension Bridge.
* All seats reserved.
◆ This train does not carry checked baggage.

★ Beginning September 29, train times at this station will be one hour earlier than shown, as this community will return to Standard time.
C.D.T.—Central "Daylight Saving" time.
C.S.T.—Central Standard time.
E.D.T.—Eastern "Daylight Saving" time.
E.S.T.—Eastern Standard time.
+ Coupon stations.
Note ħ—Via connecting Limousine service between Ogdensburg and Canton daily, except Sunday and holidays. Railroad tickets from or to Ogdensburg only accepted on Limousine.

Mr. Speaker, if Amtrak wants ridership to increase, it must do more than run a few freshly scrubbed cars through musty terminals. Amtrak must energetically carry out a full-fledged program to operate a top-notch train. A real commitment is needed to make up for the years of Penn Central's deliberate downgrading of passenger service to make a case for discontinuance. In my study of this line, I have found specific examples which are quite illuminating. Take the cases of trains Nos. 27, 28, 63, 65, 51, and 98. Before Amtrak took over on May 1, they all ran between Buffalo and Chicago along the southern shore of Lake Erie through Cleveland. Trains Nos. 51 and 98 formerly carried "through" coaches which were interchanged at Buffalo between the subject trains and trains that ran to New York City. However, Penn Central eliminated these through coaches, and passengers were then required to change trains, with their luggage, at the Buffalo station. Many cases exist where Penn Central would not even show connecting schedules in its timetables.

Another complaint about Penn Central was poor on-time performance. Reports brought to my attention indicate in altogether too many instances the delays were attributable to defective equipment and facilities, slow orders, holding passenger trains for freight trains, and other similar causes.

Amtrak is operating much like Penn Central did. Amtrak's own figures show that during the period between May 1 and November 27, the two New York-Buffalo-Chicago trains have a 64.9-percent on-time performance record. The other 35.1 percent of the time, the trains were late an average of 41 minutes per train. To say the least, this is not a spectacular performance.

Many people mistakenly believe that train travelers are not time-conscious. Such is not the case. Most riders aboard a late train worry about their friends and family waiting extended periods of time in a semi-deserted, dark railroad station for a late train. How many persons arriving behind schedule have vowed never to travel again by train—Amtrak or no Amtrak?

Even when Amtrak has reasonable acceptable on-time performance, it sometimes is achieved through somewhat dubious means. A fine example is between New York and Buffalo, where the on-time performance factor is 83.3 percent. Because of deteriorating track conditions between New York and Buffalo, Amtrak trains had been running late. Amtrak solved the problem by lengthening out the schedules of all its trains by 40 minutes. The New York-Buffalo trip now takes 8 hours and 10 minutes. Back in 1956, trains were making this run in as little 7 hours and 25 minutes.

The point I wish to make is that Amtrak still has not proven itself to be the savior of the railroad passenger train. I am certain that Amtrak's management is working hard but the corporation is drastically underfunded and I am not surprised to see continued deficits, late trains, and low patronage.

I would like Amtrak to become more visionary. To think in terms of added service and super-railroads and Autotrains. A good start would be to retain the Buffalo-Cleveland-Chicago train—with or without State aid—and operate it with pizzazz. All talk about train discontinuances should cease.

Mr. Speaker, at this point I include extraneous matter previously referred to:

POPULATION

The population of the major cities along this route between New York and Chicago via Buffalo for 1970 are as follows:

New York City area	11,448,420
Albany, Troy, Schenectady area	710,602
Utica area	335,809
Syracuse area	629,190
Rochester area	875,636
Buffalo area	1,334,485
Erie area	136,000
Cleveland area	2,043,389
Toledo area	685,455
South Bend area	135,000
Chicago area	6,892,509
Total	25,226,555

AMTRAK DECEMBER SCHEDULES

NEW YORK/ALBANY/SYRACUSE/BUFFALO—Connecting Service to Toronto

Train Number→		71	681	73	683	75	685	61	687
Train Name→			Silver Star					Lake Shore	
Frequency of Operation→		Daily	Daily	Daily	Daily	Daily	Daily	Daily	Daily
Type of Service→	Miles from N.Y.	Y	Y	Y	Y	Y	Y	X★	Y
NEW YORK (Grand Central), N.Y. Dp	0	8 30 a	10 30 a	12 30 p	2 30 p	4 30 p	6 30 p	8 00 p	9 30 p
Croton-Harmon (NOTE)	33	9 22 a	11 22 a	1 22 p	3 22 p	5 22 p	7 22 p	8 52 p	10 22 p
Poughkeepsie (NOTE)	73	10 00 a	12 00 n	2 00 p	4 00 p	6 00 p	8 00 p	9 30 p	11 00 p
Rhinecliff	88	10 15 a	12 15 p	|	4 15 p	6 15 p	8 15 p	|	11 15 p
Hudson	114	10 35 a	12 35 p	|	4 35 p	6 35 p	8 35 p	|	11 35 p
ALBANY-RENSSELAER Ar	142	11 10 a	1 10 p	3 10 p	5 10 p	7 10 p	9 10 p	10 40 p	12 10 a
Colonie-Schenectady	151	11 31 a		3 31 p		7 31 p		11 01 p	
Amsterdam	177	11 58 a		3 58 p		7 58 p		|	
UTICA	237	1 00 p		5 00 p		9 00 p		12 28 a	
Rome	250	1 16 p		5 16 p		9 16 p		|	
SYRACUSE Ar	284	2 07 p		6 07 p		10 07 p		1 27 a	
ROCHESTER	370	3 23 p		7 23 p		11 23 p		2 46 a	
BUFFALO Ar	436	4 40 p		8 40 p		12 40 a		4 10 a	
Fort Erie, ONT Ar		5 20 p							
Welland		5 40 p							
HAMILTON		6 35 p							
TORONTO Ar		7 45 p							

BUFFALO/SYRACUSE/ALBANY/NEW YORK CONNECTING SERVICE FROM TORONTO

Train Number→		60	680	682	70	684	72	686	74
Train Name→		Lake Shore							
Frequency of Operation→		Daily	Daily	Daily	Daily	Daily	Daily	Daily	Daily
Type of Service→	Miles from Buf.	X☆	Y	Y	Y	Y	Y	Y	Y
TORONTO, ONT Dp									10 35 a
HAMILTON									11 40 a
Welland									12 35 p
Fort Erie									12 55 p
BUFFALO, N.Y. Dp	0	2 20 a			5 50 a		9 50 a		1 50 p
ROCHESTER	66	3 30 a			6 52 a		10 52 a		2 52 p
SYRACUSE Dp	152	4 50 a			8 15 a		12 15 p		4 15 p
Rome	186	|			8 51 a		12 51 p		4 51 p
UTICA	199	5 48 a			9 07 a		1 07 p		5 07 p
Amsterdam	259	|			10 13 a		2 13 p		6 13 p
Colonie-Schenectady	285	7 13 a			10 48 a		2 48 p		6 48 p
ALBANY-RENSSELAER Dp	294	7 45 a	7 20 a	9 20 a	11 20 a	1 20 p	3 20 p	5 20 p	7 20 p
Hudson	322	|	7 45 a	9 45 a	|	1 45 p	|	5 45 p	7 45 p
Rhinecliff	348	|	8 05 a	10 05 a	|	2 05 p	|	6 05 p	8 05 p
Poughkeepsie (NOTE)	363	8 45 a	8 20 a	10 20 a	12 20 p	2 20 p	|	6 20 p	8 20 p
Croton-Harmon (NOTE)	403	9 30 a	9 05 a	11 05 a	1 05 p	3 05 p	5 05 p	7 05 p	9 05 p
NEW York (Grand Central) Ar	436	10 25 a	10 00 a	12 00 n	2 00 p	4 00 p	6 00 p	8 00 p	10 00 p

PENN CENTRAL APRIL SCHEDULES

PENN CENTRAL

Table 6.

NEW YORK-ALBANY/RENSSELAER-BUFFALO

Miles	*March 3, 1971.*	No. ♦71 Daily	No. ♦81 Daily	No. ♦73 Daily	No. ♦83 Daily	No. ♦75 Daily	No. ♦61 Daily	No. ♦85 Daily	No. 63 Daily	----------	----------
	(Eastern time.)										
0	Lve. **New York** (*Grand Central Term.*). +	8 30 A M	10 30 A M	12 30 P M	2 30 P M	4 30 P M	6 30 P M	8 30 P M	10 30 P M	----------	----------
33	Lve. **Croton-Harmon** +	#9 22 "	#1122 A M	#1 22 "	#3 22 "	#5 22 "	#7 22 "	#9 22 "	#1122 P M	----------	----------
73	Lve. **Poughkeepsie** +	#1000 "	#1200 Noon	#2 00 "	#4 00 "	#6 00 "	#8 00 "	#1000 "	----------	----------	----------
88	Lve. **Rhinecliff▲** +	----------	12 15 P M	2 15 "	4 15 "	6 15 "	----------	10 15 "	----------	----------	----------
114	Lve. **Hudson▲** +	10 35 "	12 35 "	----------	4 35 "	6 35 "	----------	10 35 "	----------	----------	----------
142	Arr. **Albany-Rensselaer** +	11 10 A M	1 10 P M	3 10 P M	5 10 P M	7 10 P M	9 10 P M	11 10 P M	1 25 A M	----------	----------
142	Lve. **Albany-Rensselaer**	11 15 A M	----------	3 15 P M	----------	7 15 P M	9 30 P M	----------	2 00 A M	----------	----------
152	Lve. **Colonie-Schenectady▲** +	11 30 "	----------	3 30 "	----------	7 30 "	9 45 "	----------	----------	----------	----------
175	Lve. **Amsterdam▲** +	11 55 A M	----------	----------	----------	7 55 "	----------	----------	----------	----------	----------
237	Lve. **Utica** +	12 45 P M	----------	4 45 "	----------	8 45 "	11 05 "	----------	3 35 "	----------	----------
251	Lve. **Rome▲** +	----------	----------	5 00 "	----------	----------	----------	----------	----------	----------	----------
286	Arr. **Syracuse** +	1 35 P M	----------	5 35 P M	----------	9 35 P M	11 50 P M	----------	4 25 A M	----------	----------
286	Lve. **Syracuse**	1 40 P M	----------	5 40 P M	----------	9 40 P M	11 55 P M	----------	4 50 A M	----------	----------
371	Lve. **Rochester** +	2 50 "	----------	6 50 "	----------	10 50 "	1 10 A M	----------	6 30 "	----------	----------
402	Lve. **Batavia▲**	3 25 "	----------	----------	----------	----------	----------	----------	----------	----------	----------
437	Arr. **Buffalo** (*Penn Central Station*) +	4 00 P M	----------	8 00 P M	----------	11 59 P M	2 35 A M	----------	7 45 A M	----------	----------

Table 6.

BUFFALO-ALBANY/RENSSELAER-NEW YORK

March 3, 1971.	No. ◆62 Daily	No. ◆80 Daily	No. ◆70 Daily	No. ◆82 Daily	No. ◆72 Daily	No. ◆84 Daily	No. ◆74 Daily	No. 64 Daily
(*Eastern time*)								
Lve. **Buffalo** (*Penn Central Station*)	2 30 AM		6 30 AM		10 30 AM		2 30 PM	10 00 PM
Lve. **Batavia▲**								
Lve. **Rochester**	3 30 "		7 30 "		11 30 AM		3 30 "	11 15 PM
Arr. **Syracuse**	4 45 AM		8 45 AM		12 45 PM		4 45 PM	12 40 AM
Lve. **Syracuse**	4 50 AM		8 50 AM		12 50 PM		4 50 PM	12 55 AM
Lve. **Rome**			9 15 "				5 15 "	
Lve. **Utica▲**	5 30 "		9 30 "		1 30 "		5 30 "	1 50 "
Lve. **Amsterdam▲**			10 20 "		2 20 "			
Lve. **Colonie-Schenectady▲**	6 45 "		10 45 "		2 45 "		6 45 "	
Arr. **Albany-Rensselaer**	7 10 AM		11 10 AM		3 10 PM		7 10 PM	3 30 AM
Lve. **Albany-Rensselaer**	7 20 AM	9 20 AM	11 20 AM	1 20 PM	3 20 PM	5 20 PM	7 20 PM	4 20 AM
Lve. **Hudson▲**		9 45 "		1 45 "		5 45 "	7 45 "	
Lve. **Rhinecliff▲**		10 05 "		2 05 "	4 05 "	6 05 "		
Lve. **Poughkeepsie**	#8 20 "	#1020 "	#1220 PM	#2 20 "		#6 20 "	#8 20 "	
Arr. **Croton-Harmon**	#9 05 "	#1105 AM	#1 05 "	#3 05 "	#5 05 "	#7 05 "	#9 05 "	#6 05 "
Arr. **New York** (*Grand Central Terminal*)	10 00 AM	12 00 Noon	2 00 PM	4 00 PM	6 00 PM	8 00 PM	10 00 PM	7 00 AM

ANNOUNCEMENT BY PAY BOARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, 2 weeks ago, the Pay Board announced its surprising decision that merit increases in excess of 5.5 percent would be allowed only under previously negotiated contracts by unions. In effect, a premium has been placed on belonging to a union, or on forming a union for future such situations.

The Pay Board has completely rationalized its decision. They state in a press release of December 3:

> The reason is that merit plan ranges under labor agreements generally are narrow, rigidly controlled and do not involve substantial increases in pay. However, merit plan ranges and increases under salary administration plans, not part of labor agreements, are generally wide, flexible, discretionary, and do involve substantial increases in pay. In the latter case, the increases often constitute an individual employee's entire wage increase for a given year.

I disagree—5.5 percent is less than "over 5.5 percent" in any way it is examined, whether the "over 5.5 percent" includes additional health benefits, pension plans, or whatever. Furthermore, what happens to the employee who in April was informally promised a substantial pay raise in October. Is he not being penalized because he is not a union member and a formal contract was not signed?

The precedent is dangerous. Is it to the benefit of our economy to encourage union membership? Some feel that one of the major causes of our inflationary problems has been substantial increases for unionized workers over the past years.

Today, I am introducing legislation which states that under the Economic Stabilization Act of 1970 "no action taken pursuant to authority contained in this section shall result in disparate treatment between employees covered by collective bargaining agreements and employees who are not so covered."

At a time when the Nixon administration is under constant and heavy attack from big labor leaders, I find myself somewhat amazed that it is cooperating with policies that are driving nonunion workers into the hands of big union bosses. This reminds me of the activities of John L. Lewis during World War II, who had more to do with increasing gas and oil consumption than any person, through the coal strikes which he engineered.

The question comes to my mind: Is the White House aware of what the policies announced by the Pay Board are going to do; that is, drive nonunion workers into the hands of big labor union bosses?

INDIA OPENS A PANDORA'S BOX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, it is impossible not to view the continuing military activity of India against Pakistan with alarm. What is being attempted, apparently with success, is the deliberate dismemberment of one country by its neighbor. India, of course, is much the bigger country and with far greater military strength, so the developments are not surprising.

It is most disheartening, however—indeed astonishing—that the world just stands by and watches this process. Although an overwhelming majority of the member nations of the U.N. are understandably opposed to this use of military force and seek a cease-fire and mutual troop withdrawal, it has not yet been possible even to get a statement of policy adopted by the U.N. Security Council.

Some argue, Mr. Speaker, that since it is inevitable that East Pakistan will become independent eventually, that India should be excused for hastening this process. I for one cannot accept this reasoning. To me India's actions are clearly aggressive in nature. They should not be condoned. By her decision to use force against her traditional enemy she has opened up a Pandora's box of troubles, for herself and the community of nations.

PRESIDENT'S PROPOSED PENSION REFORM PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I wish to commend President Nixon for the foresight and public concern he has displayed in his proposed pension reform program which will serve to enhance the retirement security of America's work force.

The President has drafted a 5-point plan that would provide new incentives and rewards for America's workers to encourage them to make substantial contributions to private pension funds, thus assuring them of future economic security and self-reliance. In addition, the pension reform plan will insure that, upon retirement, the participants will receive the full amount of accrued benefits.

The pension reform program includes three new legislative proposals, a renewed endorsement of an earlier proposal, and a major study project which could lead to further legislation. Specifically, the program entails the following recommendations:

First. Employees who desire to save independently for retirement or to supplement employer-financed pensions would be allowed to deduct for income tax purposes those amounts set aside as savings for the future, up to $1,500 per year or 20 percent of their annual income, whichever is less.

Second. Self-employed persons who invest in pension plans for themselves and their employees would be given an increased tax deduction of $7,500 annually or 15 percent of their income, whichever is less, as opposed to the deductions allowed under current law of $2,500 or 10 percent of their annual income.

Third. A formula for the vesting of the right to pension payments would be established to allow an employee to retain the right to receive pension payments regardless of whether he leaves his job before retirement.

Fourth. The proposed Employee Benefits Protection Act, which guards against carelessness, conflict of interest, or corrupt practices in the administration of pension funds, should promptly be enacted into law. The workingman needs the protection now.

Fifth. The Departments of Labor and Treasury are directed by the President to undertake a 1-year study to determine the extent of benefit losses under pension plans which are terminated. I believe there is a need for this study.

Mr. Speaker, I realize this program may not be devoid of faults and that it may be subject to alteration or improvement by committee action, but it appears to contain a most workable plan for committee consideration. With this stipulation I am joining with the gentleman from Michigan, the Honorable GERALD R. FORD, in introducing the pension bill.

Too often there is a tendency for Government to neglect or take for granted the American workingman who represents the backbone of our strength as a free nation. However, by enacting the proposed legislation contained in the President's pension reform program, Congress can make a significant contribution to the cultivation of independent responsibility and the maintenance of the self-reliant pursuit of life as a continuing and flourishing aspect of the American experience.

M. P. VENEMA SPEAKS UP FOR FREE ENTERPRISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, for too long American businessmen have tended to apologize for their successes, to sit by silently as capitalism was attacked by those who argued that, somehow, Government control of the economy would produce a more "equitable" sharing of the Nation's resources.

They failed, in too many instances, to point out that capitalism was simply freedom applied to economics, that under a system of free enterprise it was the consumer, the individual, who voted with his dollars in the marketplace and determined in this manner exactly what would be produced in the economy. In the socialistic, communistic, and fascistic econnomies supported by the advocates of collectivism it is a small band of bureaucrats who make this decision.

Under capitalism people not only decide for themselves what the economy is to produce, but they are able to procure for themselves a far larger share of that production than under any other system. Capitalism is the best economic system for those at the lowest level as well as for those at the highest. In fact, those at the lowest levels in our own country and in the capitalist societies of Western Europe and of Japan would find themselves in the upper levels of collectivist societies—where a radio, a television, and indoor plumbing are still considered to be luxuries.

Finally, businessmen are beginning to speak in forceful and affirmative terms. One such businessman is M. P. Venema, chairman of the board and chief executive officer of Universal Oil Products Co., of Des Plaines, Ill. Recently, he was installed as 1972 chairman of the board of directors of the National Association of Manufacturers.

In his acceptance remarks he stated that—

> It is time we stopped apologizing for being businessmen and begin to talk about the vital facts of business life: the need for fair profit, the need for parity at the bargaining table, the need to stimulate greater productivity, the need to develop working capital.

He noted that—

> Profits are necessary in order to build new plant and equipment, to create new jobs, to support research and to enable us to solve some of the environmental problems. Wages must be pegged to productivity.

In urging that the National Association of Manufacturers make its goals and legitimate needs known to "every segment of our society," Mr. Venema has stepped into what has been an unfortunate vacuum in our public life and in public debate. Now, it is to be hoped, the voice of business will be heard.

I wish to share Mr. Venema's thoughtful remarks with my colleagues, and insert them in the RECORD at this time:

ACCEPTANCE REMARKS BY M. M. VENEMA, CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER, UNIVERSAL OIL PRODUCTS CO., DES PLAINS, ILL., ON THE OCCASION OF HIS INSTALLATION AS 1972 CHAIRMAN OF THE BOARD OF DIRECTORS OF THE NATIONAL ASSOCIATION OF MANUFACTURERS, WALDORF-ASTORIA HOTEL, NEW YORK, FRIDAY, DECEMBER 3, 1971

Thank you, Ed Dwyer. Thank you, ladies and gentlemen.

In accepting this office, I pledge my dedication to the high purposes of this great Association.

I am honored to join the distinguished company of leaders—a number of whom are seated at this table today—who have given up fully of themselves to the demanding tasks required of the Chairman of the National Association of Manufacturers.

Ed, the honor you have bestowed upon this office and the tireless devotion you have given to this Association during the past twelve months constitute an inspiring example for those who are asked to carry on this important work. You have set high standards that any man would be pressed to equal. I shall seek your active help and wise counsel in the months ahead.

In Shakespeare's "Julius Caesar," there occurs a pre-dawn dialogue between Brutus and Cassius as they await sunrise and the fateful Battle of Phillipi. One memorable line goes as follows:

"There is a tide in the affairs of men which, when taken at the flood, leads on to fortune."

The same may be said of the American business community and its principal national spokesman—our NAM—as we await the challenges of 1972 and the years to come.

Few years of this century have appeared more shrouded with uncertainty than the one which arrives four weeks from now. This Congress of American Industry has focused on some of the most pressing situations: a crucial national election, economic uncertainty and turmoil at home and abroad and adjustment to a period (short-lived, we trust) of strong governmental presence in the nations wage and price structures.

To these we must continue to list the as yet unsolved problems of our cities, the struggle to regain control over our environment, the disenchantment of our youth and a lack of confidence among some American people in the American Free Enterprise system.

Finally, there are those global issues beyond the immediate power of the business community to shape, but impacting upon our capabilities and opportunities, none-the-less: the war in Indochina, the entrance of Mainland China into the family of nations, the inscrutable goals of the men in the Kremlin, the tissue-thin peace in the Middle East and the untested stamina of emerging nations around the world.

Not all of these problems will find solutions in 1972. Perhaps none of them will, in any lasting sense. But all will wax or wane in their intensity. And therein lies the tide we must find and channel to the greater good of all people.

This is, I submit, a collective task. Its scope far transcends the ability of even the giants among us to accomplish, acting solely within their corporate entities. The preeminent purpose of an association—whether it be of individuals, organizations, or groups of industries—is to achieve those things by working together that no single entity could achieve by itself. So I suggest to you that the hope of industrial America in making an impact on the many crucial problems rests largely with a strong, vigorous and resourceful National Association of Manufacturers.

Here we are—The NAM: more than 12,000 individual business enterprises of every size and description, located throughout the length and breadth of our nation; furnishing employment to more than half the industrial work force of the country and responsible for industrial output of comparable proportions.

I suggest it is time we stopped apologizing for being businessmen and begin to talk about the vital facts of business life: the need for fair profit, the need for parity at the bargaining table, the need to stimulate greater productivity, the need to develop working capital.

Profits are necessary in order to build new plant and equipment, to create new jobs, to support research and to enable us to solve some of our environmental problems. Wages must be pegged to productivity.

It is time to encourage the NAM to realize its full potential as the strong, united voice of the business community.

We need to make known our goals and our legitimate needs to every segment of our society: to government, at all levels; to labor; to teachers, clergymen, housewives, young people, and all the rest. We must take our message to them all, for we cannot succeed without the confidence and support of all segments of the American society.

This is the task that NAM is so uniquely qualified to perform. There isn't a community of any appreciable size anywhere in this country that does not have one or more NAM members. Thus we have a ready-made communications network, all across the land, and it is up to all of us to make it an effective communication channel to friends and critics alike.

The NAM can continue to influence the course of the nation, as it has for so many years, by cooperating in areas where the expertise of our membership is helpful. We can assist in bettering the educational process and strive for better representation in government.

Acting in concert with Mr. Gullander and the professional staff, we can do much to shape the course of future events. It will require much more of each of us than authorizing dues increases—important as this is. The stakes for which we are playing demand the very best we can muster, in service and spokesmanship as well as in dollars.

I have dealt in broad strokes today. In my NAM travels in the coming year, I will get into the specifics and seek your help in developing and applying them in the quest of our great goals.

PROFESSIONAL SPORTS AND ANTITRUST LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SMITH) is recognized for 15 minutes.

Mr. SMITH of New York. Mr. Speaker, my colleague, Mr. JACK KEMP and I are very much concerned about the fact that so far during 1971 at least 18 bills have been introduced dealing with professional sports as they relate to possible anti-trust laws. We think it is extremely important, Mr. Speaker, that our colleagues in the House and Senate have the benefit of points of view that are not readily available in many cases, and to this end we wish to include the transcript of the University of Buffalo Roundtable, chaired by Dr. Joseph Shister, the outstanding chairman of the Department of Industrial Relations at the State University of New York at Buffalo. Dr. Shister, along with Mr. Robert Swados, vice president of Buffalo Sabres hockey team and Dr. Howard Foster, assistant professor, industrial relations, State University of New York at Buffalo on November 14, 1971, discussed the relation of antitrust law to professional sports.

These men have made a fine contribution to the dialog currently going on with regard to the future of professional sports and because of my interest and JACK KEMP's past association as president of the American Football League players union, and because of our belief that professional sports have contributed a great deal to our community and our country, we would like to have as many colleagues as possible to have the benefit of their debate.

UNIVERSITY OF BUFFALO ROUNDTABLE

Participants:

Dr. Joseph Shister, Chairman, Dept. of Industrial Relations, State University of New York at Buffalo; Robert O. Swados, Attorney, Vice President and Counsel, Buffalo Sabres; and Dr. Howard Foster, Asst. Professor of Industrial Relations, State University of New York at Buffalo.

J. S. Now that the Supreme Court has accepted *certiorari*, that is to say, agreed to hear the Flood case in baseball, it is fairly obvious that either directly or indirectly or both all professional sports will come in for careful scrutiny as to whether or not the anti-trust laws should apply to them and how it should apply to them. To discuss this general question this morning we have with us Mr. Bob Swados, one of our distinguished attorneys in the area and also Vice President of Buffalo Sabres and Dr. Howard Foster, Assistant Professor of Industrial Relations, State University of New York at Buffalo.

Mr. Swados, let me begin with you. What is the relation of the anti-trust law to professional sports?

R. O. S. Well, I think first of all it should be understood that as the law now stands, the anti-trust laws technically apply to all sports, that is, all professional sports, with the possible exception of certain activities of baseball and certain permissions that are given to sports in the area of television; for example, that one can black out the home city when you are playing at home. But generally speaking they do apply. Now, the question that is often put is, should they apply; I say as a technical matter they do apply. If one would think of applying the anti-trust laws to major league sports leagues the way you would apply them to, let's say, IBM or General Motors, then I would have to say they make no sense as applied to a major league sports league. If what one is talking about is the abuse of power, the unfair use of whatever monopoly powers major sports leagues have, then I should say in that area, of course, there should be an application. But I would have to say as a general proposition that the anti-trust laws, so called, whether you're talking about the organization of leagues or the rights as between players and owners, when applied to major league sports don't make sense. If there are abuses it is my opinion the abuses should be corrected by direct action on the abuses but not by attempting to apply the anti-trust laws, which are a kind of blunderbuss scatter-shot, buckshot type of law that's aimed at a big trust, a big industry. They don't apply and shouldn't apply to the special types of relationships that you have in major league sports generally.

J. S. Dr. Foster, do you share Mr. Swados' qualified response to my question?

H. G. F. I think I would probably be inclined to qualify even a little bit more. It is, of course, correct that in a technical sense the anti-trust laws do apply to most professional sports with the exception of baseball and perhaps with the hearings of the Flood case even that exemption may be removed. To say that they apply, however, isn't really the end of the story because for a long time the courts have recognized with respect to the anti-trust laws that there is such a thing as a rule of reason that all activities of any particular company or individual that might have a tendency to restrain trade are not necessarily violative of the anti-trust laws; that certain activities have to be allowed and for the good of the industry in order to enable the industry to survive, if it were to take the extreme case. So my inclination would be to say that the anti-trust laws perhaps should be applied somewhat more stringently than they seem to have been up till now to professional sports, that some activities of the various games obviously cannot be subsumed under the anti-trust restrictions: such things as scheduling, having a league structure and a first place team that will therefore win a championship and hence play-off against another first place team. This sort of cooperation among teams, which could in a very narrow technical sense be construed as a restraint of trade, clearly should be exempted from condemnation under the anti-trust laws because it is a reasonable restraint of trade. It's the unreasonable restraints of trade that the anti-trust laws have historically attempted to deal with and I think it's along those lines that any meaningful discussion has to be pursued.

J. S. What are some of the unreasonable things that now prevail in sports thanks to the inapplicability in a de facto sense of the anti-trust laws?

H. G. P. Again, I am not sure if they are really applicable.

J. F. I said de facto.

H. G. F. Well, okay. In the sense that nobody has really made a case of it, in that sense, right.

R. O. S. There is a lot of litigation, you know. This is the favorite pastime of, let's say, one might characterize them as the prima donnas in sports, who believe that they should be like Dean Martin; that they should be able to negotiate for themselves, and run their own affairs, shop themselves around to whatever club they choose to shop themselves to, without regard for some of the things that you've mentioned which are essential to major league sports—that is, that you have competition, that you have a balanced league so that everybody gets a fair chance over a reasonable time to have a contending team, that you have cooperation among the league members so that a team that is suffering financially as in all sports, can be given succor, given help. So I wouldn't say, it isn't correct to say that the anti-trust weapon has not been raised; it's being raised right now down in Congress, in rather mad and bizarre terms.

J. S. The man in the street reads about the so-called reserve clause, in some sports, not in all sports, that the man belongs to some particular organization such as baseball—he's there 'til they either release him or fire him.

R. O. S. Let's make a point right here. (And let me say that my observations here are my own observations and not to be attributed to the Sabres or anybody else.) You've got to make a distinction as to the practices of different sports. They are not all the same and what you're talking about is basically the idea, which the term "reserve clause" means—I suppose in a general way, that when you sign a player to a contract that you have some opportunity to make sure that the player continues to play for you. Now that opportunity and that right has a rather different range depending upon what sport you're talking about. In baseball it is substantially a lifetime option and there are very few relief provisions in connection with it. In basketball, the basketball people apparently in the Rick Barry case sort of conceded they only had a one-year option. In football a fellow has the right to play out his option. That is, he says I'm not going to play for you next year, I'm not going to sign a contract next year, I will play for one year, and usually his compensation is fixed at some percentage of what his salary was—90% or 80%—and then, if somebody else picks him up the following year the commissioner can say, oh oh, you picked this fellow up, you've got to compensate the club from which he came. And then finally, there is hockey, where we have an element which none of the other sports have, and that is that we have compulsory arbitration of the player's salary, so that we don't say you've got to play for us and therefore, and here is your salary or your salary is 80 or 90 percent. We say you are required to play for us unless someone else drafts you or somebody else takes you away from us, but your salary is to be fixed by an arbitrator chosen by the player's representative and our representative. Now I would say I have pretty firm views on this. I would say very flatly, that if there were not some kind of option clause, some way by which a team like the Buffalo Bills or the Buffalo Sabres or the Buffalo Braves know that somewhere along the line it's got the opportunity of getting another young player and holding on to him, if there were not that opportunity, in my opinion, there would be no professional football, hockey or basketball in the city of Buffalo. Now I will expound on that later if you wish. I feel that that is an essential ingredient for the healthy continuance of major league sports the way we know it today.

H. G. F. Well I think that this is perhaps a prime example of what we might term as an unreasonable restraint of trade with respect to the relationship between the teams and the player. It is frequently said, as Mr. Swados just asserted, that the absence of any kind of tie between the individual player and the individual team could spell the death of professional sports, as we know it. That is yet to be shown to me empirically in any way, perhaps because we have never given it a chance to.

R. O. S. I just told you that no one would have invested in any one of those three sports in the city of Buffalo if we did not have some such arrangement.

H. G. F. There are still a number of questions that I think might be raised. In the first place, there is no guarantee, obviously, even with the reserve clause and with its companion the draft, and the option clause, that you will get a fairly even distribution of talent. That's presumably the reason why it is said that the absence of the reserve clause results in the death of sports.

J. S. I think we ought to spell out that it is the rationale of Mr. Swados' remark, mainly that, I gather, it's if you don't have some kind of reserve clause, call it what you will, some kind of control over the player, possession of the player by a given team, then the richest team would win away this talent and there would be no competition.

R. O. S. That's right. This is historically what has happened. That is, the economic power of the clubs in the major market is so much greater than the economic power in the small market, that there is no way that a club in the city of Buffalo could, in the long run, ever compete for player talent with a club in the city of New York, the city of Chicago or the city of Los Angeles.

J. S. Isn't it true that the economic health of say the New York Rangers or the New York Knicks, or any of the New York teams is also dependent upon the economic and also professional health of the teams that they compete against?

R. O. S. That is why you have the draft. To make sure—which is also being attacked.

H. G. F. But the point is, over long periods of time you have wide dispersions of talent, you have even with the present system, you take teams like the New York Yankees that for decades dominated play despite all these protections that you name.

R. O. S. There's one basic distinction there—that baseball never had a real, honest to goodness, draft and to this day doesn't really have a draft.

H G. F. Let me raise this question, Mr. Swados. It has been argued that in terms of enlightened self-interest the richest teams would see to it that they don't dominate the towns because theoretically you take the richest team or two or three richest teams, they could have all the talent, there would be no real competition, there would be no league.

R. O. S. I think the best answer is the example you just mentioned—the Yankees dominated the American baseball league for more than a decade. So much so, that Kansas City A's which were supposed to be a partner in the American Baseball League, were almost a farm team of the Yankees. The Yankees had over that period, I think the figure is at least a million dollars more a year in radio and television revenue than any other club in the league. And they used that to swipe talent, to snip off the talent, and the theory was much like the theory of Bill Bradley or Oscar Robertson, the theory was we're the Yankees, wherever we go people will come to see us play. It's not so important that you be able to compete with us. *We're* going to be playing in your park. Well, my answer to that is what I stated earlier—that nobody today will invest in major league sports unless he has an assurance that somewhere down the line he can get a Simpson and hold on to him, he can get a Perrault and hold on to him, he can get an Elmore Smith and hold on to him. If you can't do that, then nobody wants to be in this precarious, very very difficult, demanding business.

H. G. F. What's the mechanics, what's the sort of logical mechanics that you would use to verify the assertions that a team would not be in the absence of the reserve clause or the draft, the compulsory draft, the team would not be able to hold on to any talent whatsover. Isn't there any marginal law for getting too much talent on a team? Isn't there any, not to mention the business interests of the richer clubs.

R. O. S. What you're suggesting is there are other areas where this could be helped. If you had a limited roster, and this is what we have in hockey—not as limited as Buffalo would like—but it's still limited. In other words, if you had a rule that said that you should only be able to keep the minimum number of players, and those other players are available to the other members of the league, either through draft, or waiver, then you might be able to moderate this problem and in hockey we do have this. Every June every hockey club has to freeze a certain number and everybody above that number is available for draft by the other members of the league. Now, I would like to go back to your suggestion—let's look at the empirical proof: I think it could be pretty well argued—and I haven't spoken to anybody on the Bills about this—but I think that during the days when the American football league and the National football league were competing with each other and this is in some testimony that I read by Pete Rozelle, Commissioner of the National Football League, that there were anywhere from 3 to 5 years, he says 5 years, during which certain teams in the American Football League did not sign a single No. 1 draft choice—they didn't either have the economic power or the dollars to do it, or they were unwilling to do it. And I think it could be well suggested that that's one of the reasons we have our troubles on the Bills today—it's not perhaps the coaching—it's that over a period of 4 or 5 years the Bills, faced with this tremendous competition in the player market, couldn't or wouldn't put up the money.

J. S. Is that a struggle for consideration or is that a particular situation? The Kansas City Chiefs in the American Football League, Oakland Raiders in the American Football League. . . .

R. O. S. They managed to stay in there, and I think it's probably because they did put up money for their drafted players.

H. G. F. But there's been a common draft for years in football. Even for at least 1 or 2 years prior to the merger, the merger itself is what, 4 or 5 years old, so we're talking about a period of 6 or 7 years. I don't think we can attribute the problem of the Bills right now. . . .

J. S. You earlier said, Mr. Swados, that there had been abuses in terms of this reserve clause.

R. O. S. I said abuses in the way that major league sports had conducted itself. I did not say in terms of the reserve clause. The point I would like to make there, very briefly, I will make it very briefly, there is a distinction between one sport and the other. Now in hockey and baseball we have tremendous investments in the development of players. Football and basketball, every year there are competent, well promoted, well known players coming out of the colleges. That's not true in hockey or baseball.

H.G.F. It's getting much more true in baseball.

R. O. S. Let me just say this—it's not true in hockey. In hockey we spent, the league as a whole, last year, I would say the figure is in excess of 2 million dollars * in helping amateur sports in hockey, in developing amateur hockey players and it probably is in the neighborhood of 4 million dollars if you count the losses in the minor leagues that we incur. Now when you have that kind of consideration, and when you have a type of player who cannot be brought, except in rare instances, directly into the major league, then you have, it seems to me, a reasonable basis for giving such a club the right to hold onto a player for a given time.

J. S. I have to interrupt here. I will address it to both of you because both of you have indicated there have to be some changes, or changes are warranted in the way the anti-trust laws should be applied in de facto not only de jure. What changes would you suggest?

H. F. I think an important thing, I don't really buy the notion that a total reversion to the free market within professional sports would spell the death of professional sports as a whole. It seems to me that professional sports have become a business, that the people running professional sports are perhaps primarily interested in at least not incurring losses and there are a variety of incentives on the part of each team in the league to prevent the overloading of talent on any individual team. If we go back to the point that Mr. Swados made about training, there's no reason that this training, it seems to me, couldn't be done through the league itself. This is an area of cooperation.

J. S. Are you suggesting the establishment of a free market in sports as we have it in some industries.

H. F. Pretty much so, yeah. Free labor market. There are other areas, by the way, that we haven't even touched on like moving franchises.

R. O. S. I think that's where the most gross abuses have been, the move of the Washington franchise, the move of the Milwaukee franchise, the conduct of the baseball expansion in 1968 with which we were intimately and painfully connected. Those are situations where I would characterize gross abuse of power and where some kind of regulation is justified.

H. F. I think the whole structure of the sport might have been more healthy if in fact expansion were limited by invocation of the anti-trust laws. Instead of having expansion of the existing league you could have development of new leagues as we're having now in hockey—we're having now a world hockey league being developed and we're probably going to see the same kind of competition developing as has happened in football and basketball. It seems to me that the type of competition that exists between the leagues can serve at least to take the players out, it's primarily the players who are hurt by this, it's primarily the players who are not able to compete as they might be selling their services to the highest bidder as they could in virtually any other industry.

R. O. S. I just want to make one point on that. I don't know if anybody can see this chart, but this is some of the testimony by Mr. Robert Nathan before Congress on the pending merger between the American Basketball Association and the National Basketball Association. As I interpret this chart, the chief beneficiaries of the war between the two leagues have been the top 3 players. That's this heavy bar here. The journeyman player, the playmaker, the guy who is the guard in the back court, he hasn't benefited anywhere near to the extent that the warmakers have.

H. F. Why shouldn't the anti-trust laws serve to protect the top 3 players just as much as anybody else.

R. O. S. I'm not saying that they shouldn't protect both sets of players. What I'm saying is that the arguments that are being made to prevent the merger of the NBA and ABA—where you have a sick league financially (I think at least ¾ of the members of that league are showing cash losses)—the arguments that are being presented to oppose that merger are being presented primarily by the guys who have reaped most of the benefits from the war and they are using this club of the reserve clause. They are practically saying we won't go along with the merger unless you make us free agents from the word go. And in my opinion if the NBA or the ABA goes for that the only thing that will happen is not necessarily the destruction of major league basketball but you'll find that most of the clubs won't be able to stand the financial gaff and you'll end up with a loss of a number of clubs and you'll end up with a number of cities in the country that won't have the basketball clubs that they have now. Let's not forget the fans!

Dr. Foster. It seems to me that if the club simply can't absorb the salaries that would be commanded by the better players all gravitating toward these new teams, they simply won't pay it. Just as it seems like the Los Angeles Lakers have found problems along these lines by having an overloading of super stars as they did under the present system, they won't pay it, they won't be able to pay it, and therefore some of the players will then go to the other teams. And if the other teams run out of money then perhaps some other group will come in to take over.

---

* Note: These figures got a little garbled in translation. The actual NHL data are 1966–67 through 1971–72 seasons: direct and indirect payments for amateur hockey $1,200,000 plus losses in player development clubs (minor league operations) of as much as $300,000 per club per year, aggregating $6,500,000.

R. O. S. Then the economist would say that we should only have a natural monopoly of say 10 clubs—we shouldn't have 24 or 28 clubs—well that's not really in the interest of the public. Its in the interest of the public that a city like Buffalo, which is a smaller community, be able to run a successful major league sport on a smaller economic base; and the only way it can do that is by giving that club the right to draft a new young, good player and hold onto him.

J. S. Let me ask you Dr. Foster, why do you want a strict applicability or I should say strict application of the antitrust law and return to a free labor market or competitive labor market? What can be gained? And for whom?

H. F. Well, I really don't think the burden of proof is placed on my position. We have the anti-trust laws which say you may not have—it is against the public interest to have an illegal restraint of trade in an industry, in a business, I don't think there is any argument now that professional sports has become a business and therefore fall under that particular category. (ROS: No argument about that.) Therefore it seems to me that the whole thrust of the anti-trust law is such that rendered this type of activity unacceptable unless it can be shown that it is in the interest of the industry as a whole, that the whole structure cannot survive, without some kind of restraint similar to the one we have now. This to me has not been shown either empirically or through argument.

J. S. I wish we could go on but our time is up. We're just getting into the thick of it. Ladies and gentlemen, our panelists are in disagreement as to whether and how the anti-trust laws should be applied to professional sports. There is an agreement on one point, that professional sports has become big business, anyway, and the owners of these various teams in basketball, football, hockey, etc., are out to make a profit or at least not to make a loss. But beyond that there is significant disagreement. Mr. Swados points out first of all one has to differentiate between different sports, which is, of course, true. As a general statement he indicates unless a team is assured of being able to get hold of a player and then being able to hold onto him, under reasonable conditions, you just couldn't have organized sports. He mentions specifically that a city like Buffalo with a relatively small market simply couldn't and wouldn't invest unless they were assured they would be able to get somebody and be able to hold on to them in a fair and equitable fashion. But basically he argues that if we apply the anti-trust laws to major league sports as they are supposed to be applied in non-sports industries, this would be the death knell of professional sports generally, for reasons that he elaborated.

Dr. Foster, on the other hand, argues that there is no evidence that, either empirical or deductive, if I may use that term, that that would in fact happen. It might very well be that through enlightened self interest the richer teams would hold off a little and let the poorer teams get some good players for the sake of continued competition in the league. And also argues this might be a philosophical argument if you will, that since professional sports is a business, there is no reason why the anti-trust laws should not be applied, as stringently to professional sports as they are to other kinds of industry. And Mr. Swados finally points out that in terms of public interest—that is, how many teams there would be and whether certain cities would have teams or not, the strict applicability of the anti-trust laws would make that very, very difficult.

Now next week.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 15 minutes.

Mr. VEYSEY. Mr. Speaker, on October 21, because of official business in my district, I was unable to be present for rollcall No. 318. Had I been present I would have voted "yea" to provide a Delegate to the House of Representatives for Guam and the Virgin Islands.

On November 1, I was unavoidably in my district on official business. On rollcall No. 338, motion to adjourn, I would have voted "yea." On rollcall No. 336, passage of H.R. 11232, the Farm Credit Act, I would have voted "yea." On rollcall No. 335, H.R. 7854, to Amend the Small Reclamation Projects Act, I would have voted "aye." On rollcall No. 333, H.R. 9323, to amend the Narcotic Addict Rehabilitation Act, I would have voted "aye." On rollcall No. 332, H.R. 9180, to provide temporary assignment of U.S. Magistrates from one district to another, I would have voted "aye." On rollcall No. 331, H.R. 8389, to develop treatment programs for drug abusers, I would have voted "aye." On rollcall No. 329, to suspend the rules to pass the Emergency School Aid bill, I wound have voted "nay." On rollcall No. 330, to provide insurance on Federal Credit Union accounts, I would have voted "aye."

On November 2, rollcall No. 341, motion to adjourn, I would have voted "yea."

On November 10 and 11, I was in my district on official business with a leave of absence. Had I been present I would have voted "aye" on rollcall No. 375, to alter disability payments under social security to black lung miners; on rollcall No. 376, to strike out language that continues the time for an additional 2 years for the States to assume responsibility for providing black lung benefits, I would have voted "aye." On rollcall No. 377, final passage of H.R. 9212, to extend black lung benefits to orphans whose fathers die of pneumoconiosis, I would have voted "nay." On rollcall No. 378, to halt all funding for the Department of Defense after November 15, I would have voted "no." On rollcall No. 379, to remove the embargo on the importation of chrome ore from Rhodesia, I would have voted "aye."

On November 11, rollcall No. 380, the rule to the District of Columbia Revenue Act, I would have voted "yea." On rollcall No. 382, to reduce the Federal payment to the District of Columbia by $44 million, I would have voted "no." On rollcall No. 383, to reduce the Federal payment to the District of Columbia by $25 million, I would have voted "no." On rollcall No. 384, to bring truck drivers in the District under the Minimum Wage Act, I would have voted "no." On rollcall No. 385, final passage of the District of Columbia Revenue Act, I would have voted "yea."

On November 19, I was unable to be present because of a commitment in my district. On rollcall No. 410 to provide assistance to Radio Free Europe and Radio Liberty, I would have voted "yea." On rollcall No. 409, the rule to the above, I would have voted "yea."

On December 10 I was unavoidably absent on official business with an official leave of absence. On rollcall No. 455, on an amendment to the Economic Stabilization Act that altered the retroactive pay section to include as a prerequisite that prices have been advanced, taxes have been raised, or funds have otherwise been raised or provided to cover such increases, I would have voted "aye" on rollcall No. 456, which would have called for the disclosure of information of the National Productivity Commission, with the exception of trade secrets or confidential information, I would have voted "no."

On rollcall No. 457, which would have allowed the President to review pension and other retirement plans which qualify for special tax treatment, I would have voted "aye." On rollcall No. 458, final passage of the Economic Stabilization Act, I would have voted "yea." On rollcall No. 459, conference report on H.R. 11341, District of Columbia Revenue Act, I would have voted "yea."

On December 13 I continued in my district on official business. On rollcall No. 461, to authorize grants and loan guarantees for construction or modernization of hospitals and other medical facilities in the District of Columbia, I would have voted "nay."

On December 14, rollcall No. 465, conference report on H.R. 10367, to provide for the settlement of certain land claims of Alaska Natives, I would have voted "yea."

SENATOR GRIFFIN ONE OF NATION'S MOST BRILLIANT LEGISLATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE) is recognized for 15 minutes.

Mr. RUPPE. Mr. Speaker, the State of Michigan is, indeed, fortunate to have as one of its representatives in the Congress Senator ROBERT GRIFFIN. As assistant minority leader of the Senate, Senator GRIFFIN has continued to distinguish himself as one of our Nation's most brilliant legislators.

Citing just one example of Senator GRIFFIN's effective leadership, I would like to bring to the attention of my colleagues a recent editorial published by the Evening News of Sault Ste. Marie, Mich., which praises the Republican Senator from Michigan for his diligent work in behalf of the city of Sault Ste. Marie:

SENATOR GRIFFIN'S EFFORTS INSTRUMENTAL IN BLOCKING REDUCTIONS AT SOO LOCKS

Sen. Robert Griffin's tireless efforts in blocking a planned government manpower reduction at the Sault Locks is another classic example of his influential congressional statesmanship.

Sen. Griffin's style is to get things done quietly—but to get them done well. He has worked hard, spoken softly, performed well in a job of crushing responsibility.

His all-out movement to vigorously oppose reductions at the vital government installation here started months ago after reviewing a government efficiency team's survey report regarding manpower requirements.

While others may dawdle, Sen. Griffin does his homework. His effective behind-the-scenes maneuvering in opposing and eventually halting the manpower cut testifies to his tenacity.

After a painstaking review of the government's survey reports, Sen. Griffin believed a manpower cut would seriously impair efficient and safe handling of thousands of vessels at the Sault Locks.

Sen. Griffin took a solid stand, opposing the reduction, and stuck with it despite considerable opposition.

Sen. Griffin's case was well documented. In fact, the Under-Secretary of the Army was so impressed, he took a personal interest in reviewing the manpower needs at the Sault Locks.

While dealing with so many problems throughout the state and nation, it would be relatively easy for a busy Senator to lose sight of the everyday grass roots interests of our area. Not so with Griffin. He has provided far more than lip service to the betterment of eastern Upper Peninsula.

By avoiding political demagoguery Sen. Griffin has compiled an impressive list of accomplishments since his election to Congress in 1956 at the age of 32. After 10 years in the House of Representatives, he was appointed to the senate in 1966 by then Gov. George Romney, to fill the vacancy created by the death of Sen. Patrick McNamara.

Six months later Griffin was elected to the Senate for a full (six-year) term by the largest plurality (nearly 300,000) given a Republican senatorial candidate in Michigan since the election of Arthur Vandenberg in 1946.

While still in his first term as Senator, Griffin was chosen assistant minority leader (the whip) by his GOP colleagues. He was the first Michigan senator in either party to be elevated to such a leadership position.

Griffin has been an activist. He is a congressman who takes the initiative in attempting to control and shape events rather than merely reacting to them.

Sen. Griffin has dedicated and committed himself to total participation in the area's economic problems, and has contributed immensely to making a better life for our citizens.

He has served the state and nation well. His sense of balance in troubled times is an asset to our country.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The following thought-provoking editorial appeared in the December 9 Athens (Ohio) Messenger:

Don't Count Country Out

One of America's great stockbrokerage firms ran a full page ad in several metropolitan newspapers recently. The last line of the ad read: "Let others count this country out, if they wish. At Merrill Lynch, we are bullish on America."

Earlier, the ad said, "We hold no brief with those who take a dim view of America . . . We are bullish on America. Now and for the long haul."

Then it gave some key indicators from the report of the firm's own economists, reports that gave impressive support to their optimism. And repeated in sum, "We hold no brief with those who take a dim view of America. Let others count this country out . . . We are bullish on America."

What strikes us about this ad is that it makes sense. Too many people do take a dim view of America. Somewhere along the line a large number of our young people, and too many of us who are not young, have gotten the idea that there is a better country somewhere, where living is better for a higher percentage of its people. A certain number have even departed this land for such Shangri-Las and are happy while the sun shines. But watch them scurry home to get under America's umbrella when there's a sign of trouble!

Our country isn't perfect. Our country has much which needs to be improved and we must do our best to improve it. Meanwhile, it is merely the best country on earth.

PRAYER IN THE SCHOOLS—A LOST OPPORTUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 15 minutes.

Mr. CLEVELAND. Mr. Speaker, recently the House of Representatives voted on a constitutional amendment to allow voluntary prayers in public schools.

Though the vote on the resolution was 240 to 162, it failed to get the two-thirds majority needed for passage. Because the issue is one that has interested many people, I am taking this opportunity to discuss it.

The resolution would have added the following amendment to the Constitution:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer or meditation.

This proposed amendment would have restored the first amendment to what it was until the early 1960's, when the Supreme Court in a number of actions effectively rewrote the meaning of the first amendment.

Mr. Speaker, I signed the petition to discharge the Committee on the Judiciary from consideration of this resolution. I voted for passage of the resolution. The American people want prayers in our schools and I might add that a good many American schools are standing in the need of prayer. The first amendment allowed prayers in our schools for 171 years, until Supreme Court decisions, in effect, took them out. It is my opinion that any attempt to divorce this great country from belief and faith in divine guidance is hopelessly unrealistic. Proof of my point is written into the concluding verse of our national anthem, "The Battle Hymn of the Republic," and "America." It is stamped on our coins. It is emblazoned behind the rostrum of this very House. It is written into our covenants of freedom. It is embedded in our hearts and heritage.

THE FIRST AMENDMENT

The first amendment to the Constitution provides that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

We have come to a situation where the courts of this country read this amendment to prohibit children in school from saying any prayer even though it is nondenominational, and even though it is completely voluntary. Our Founding Fathers never meant this when they wrote the first amendment.

How did this situation evolve?

In 1962 when I was campaigning for my first term in Congress, the Supreme Court ruled in *Engle* v. *Vitale*, 370 U.S. 421 (1962), that it was unconstitutional for the State of New York to require schoolchildren to say a prayer which had been composed by the board of regents of that State. This was a State-written prayer that was required by the State to be said by all students. At that time I publicly stated my opinion that the Supreme Court was right in its holding. I felt that this was indeed a "law respecting an establishment of religion."

Having made that decision, the Court then let its logic carry it further. The first step along that road was the case of *Abington* v. *Schempp*, 374 U.S. 203 (1962) in which the Court held unconstitutional State laws requiring readings from the Bible and authorizing the saying of the Lord's Prayer, in public schools. This case could have gone either way, but was not as clear as the Engel case.

Since that time, the Supreme Court has not handed down a decision involving school prayers. However, based on those two decisions, lower courts have gone to absurd extremes. The Supreme Court has consistently refused to grant certiorari on these cases, thereby in effect affirming them.

One of these lower court decisions held unconstitutional the saying on a strictly voluntary basis of nondenominational prayers, *Stein* v. *Oshinsky*, 348 F. 2d 999 (1965). Another decision, *State Board of Education* v. *the Board of Education of Netcong*, 270 A. 2d 412 (1970), held unconstitutional a practice by which students were allowed to voluntarily come to school early, and go to the gymnasium for voluntary prayer. Furthermore, the prayers recited were from the previous day's CONGRESSIONAL RECORD—they were the prayers of the Chaplain of the House of Representatives, which had been said before this very body. Other courts have handed down similar decisions as they attempt to follow the logic and words of the Supreme Court.

As a practical result of these decisions by various Federal and State courts, all of which the Supreme Court refused to review, confusion reigns in America's schools. Principals and teachers want to permit their students to say a voluntary prayer, or to have a period of voluntary silent meditation, but too often are afraid to do so because of these court decisions.

My vote for the prayer amendment was to clarify this situation; not to rewrite the Constitution, but to reaffirm what I am convinced was its original and correct meaning.

Ironically, the best hope for clarification of this situation at this time may be the Supreme Court. Following Senate approval of President Nixon's latest two nominees to the Court, it may be that the Justices will grant certiorari on a future decision in this troublesome area.

A concluding observation may be in order. I note with interest that many who strongly opposed congressional action on the prayer amendment are the same people who are in other areas urging a stronger and more representative Congress, or one that will stand up for the people and stand up to the President. As a longtime advocate of a stronger Congress, I believe we should also, on occasion, stand up to the Court.

SUBVERTING OF COLT'S QUALITY CONTROL PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, on November 10, I released seven affidavits by Colt Industry employees and former Colt employees detailing charges against Colt accusing the company of subverting its own quality control program.

On the basis of an impressive amount of new evidence, I have written to Chairman F. Edward Hébert of the House Armed Service Committee requesting public hearings to openly and thoroughly investigate the charges against Colt Industries in the manufacture of the M–16 rifle. I am releasing today two additional affidavits and a letter from a U.S. Army general.

So many more people have called so many aspects of Colt's M–16 program into question that I believe that only extensive public hearings, not a closed door investigation, can clear the air of charges.

The letter from the Army general that I am releasing today indicates that the Army has never approved the practice of bending rifle barrels by hand or by pounding them on the ground. According to the affidavits, senior military officials have seen rifle barrels bent by hand. Yet, the Army has done nothing about this obvious contradiction. Either the Army should allow the practice and explain why it is permissible or it should make sure that the bending of rifle barrels stops.

The affidavit by a Colt worker that I am releasing today indicates that Colt workers were given special orders, in direct violation of Government regulations, to place illegal stamps on rifles to avoid retesting after defects had been found. Government specifications indicated that when almost any part has been replaced, the rifle should be returned for a special firing test series. However, under the orders of a Colt official, workers were forced to stamp adjusted traveler cards on the rifles, avoiding the special firing test series.

The second affidavit, written by a former Government inspector, alleges that he "repeatedly informed superiors, verbally and in writing, of findings of mischief by Colt's employees during performance tests. No action was taken to assure tougher quality control."

Mr. Speaker, I do not know if these allegations are correct or not but the American people have a right to know the full story. I am afraid the military cannot be expected to adequately investigate improper practices in what they have been involved. The only way to get to the bottom of this is through a full congressional hearing. Therefore, I am requesting the chairman of the Armed Services Committee (Mr. Hébert) to hold public hearings to permit a full and open discussion of all the allegations and charges.

The affidavits and two letters follow:

Affidavit

I, Salvatore R. Chilone, Jr., do hereby swear that all the following information is the absolute truth to the best of my knowledge.

I am a citizen of the United States, and I reside at 204 Flatbush Avenue, Hartford, Connecticut. I am forty-two years of age.

I was first hired by Colt's Firearms in October 1966, as an assembler of M–16's in the West Hartford plant. Six months later I became a rifle repairman for the M–16. I repaired rifles that company inspectors rejected prior to range testing. In April 1968 I became a range repairman. I worked in this capacity until November 1969, when the second shift, on which I worked, was discontinued, and I was transferred to the main plant. My duty as range repairman was to fix M–16's rejected by range workers. Rejections might be necessitated by any number of performance failures, including failure to fire, sticking triggers, and the like.

My supervisor was range master Cliff Allen. I worked in the range repair room, which was separate from the range and from the main building. Louis Rodriquez and I worked alone in the room on the second shift, from 3:30 in the afternoon until midnight. Government inspectors periodically visited the repair room to check on our work and to determine what sorts of problems were cropping up.

When rifles were sent to range repairmen, at our discretion we could either adjust malfunctioning parts or replace them. We were supposed to stamp the gun's traveler card to indicate which action was taken, and which of us did it. An "adjusted" stamp in effect over-ruled the "rejected" stamp of a range worker. A gun with such a new marking could be sent directly to the final inspection area to join guns already range tested, accepted, and washed. If we replaced a part, and stamped "rep." on the card, we were supposed to consult a government specification sheet which was posted in the repair room. The spec sheet said that when certain parts were substituted, the rifle was to be returned to the firing range for retesting.

Cliff Allen gave us special orders to be followed when parts were replaced: if the problem wasn't major, we were to stamp the traveler card "adjusted" rather than "replaced" and send the gun directly to the final inspection area. Thus weapons which were supposed to go through a whole special firing test series with their new parts were being sent for packing with cards that falsely identified them as having been performance tested.

Under Allen's standing orders, I falsified traveler cards every day, many times a day. Parts which were replaced and which were treated in such a manner included firing pins, cam bolts, charging handles, flash suppressors, selectors (for full or semi-automatic fire), and buffers. All these parts were listed on the government spec sheet, indicating that all the weapons affected were supposed to have been sent to the range for performance tests.

Barrels which I rejected were stockpiled and shipped back to the main plant in Hartford. I was told that these barrels would be put on the commercial models of the M–16.

On the second shift, we never got many inaccurate barrels from the range targeting and accuracy tests. Bending was done after midnight, so usually the day shift repairmen got the bent barrels on the following day. The few we got were those that failed to respond to inrange hand bending. Our orders were to scrap all such barrels; we never tried to repair them. The bending machine which the company installed in the range for the targeters to use was strictly for show, for the Government's eyes only. The process would take 4 to 6 hours, and the barrel that was bent in it would probably return to its inaccurate shape under heat of rapid fire.

After range testing and acceptance, and washing, the weapons were sent to the final inspection room, where company inspectors made visual checks prior to delivery. If they suspected guns to be substandard, the inspectors were told to isolate the weapons in a special two-tiered rack in the middle of the floor. The decision whether or not to reject these guns was to be left to the quality control inspector. On many occasions, toward the ends of months, I saw quality control officers Ed Foley, or range masters Cliff Allen or Gordon Johnson, indiscriminately approve every tag on the more than 200 guns that filled the rack—without inspecting a single gun.

I was UAW shop steward for department 183, including inspectors and range workers, from 1967 through 1969, including the night that M–16 targeter Shaun Brown demonstrated hand barrel bending to a group of visiting Army and Navy officers. Cliff Allen had asked me to accompany the tour through the range. When Brown demonstrated the crude procedure the senior Army officer ordered that the range be shut down immediately until he had time to make an investigation. Brown was fired on the spot by Cliff Allen. I expected all hell to break loose the next day. Instead, not a word was said about the process, and bending at the firing mounts continued as always.

On the basis of range targeters' complaints about bending, I filed at least three union grievances with the company during my union office term.

Affidavit

I, Richard K. Clark, do hereby swear that all the following information is the absolute truth to the best of my knowledge.

I am a citizen of the United States, and I reside at Hampden Road, Somers, Connecticut. I am forty-eight years of age.

From 1950 until 1960 I worked at the Springfield Ordinance District as a tool and gauge checker. I was transferred to Boston, then back to Springfield where I worked for the government in the Springfield Armory. In 1966 I went into the Defense Contract Administration Service in Hartford as a quality assurance inspector assigned to Colt's Firearms. I worked at Colt's in this government capacity through September 1969, when I transferred to the W. Sickles Co. where I enjoyed the same title.

My supervisors at Colt's were Quality Assurance Representatives Herb Hanson and, in 1967, Christo Kantany. I started at the main plant in Hartford but went to the West Hartford facility in February, 1967. I was frequently assigned to the M–16 firing range where I had occasion to observe the endurance test; I also was assigned to the interchange test.

During my years at Colt's I repeatedly informed my superiors, verbally and in writing, of my findings of mischief by Colt's employees during performance tests and of my concern for the integrity of the quality control system. I have some documented evidence of my observations and reports and I have volunteered this information to Federal authorities and private researchers. In 1970 I pointed out these discrepancies in letters addressed through channels to the Director, Defense Supply Agency, DSAH–K and to Whitey Perrin, Acting Chief, Quality Assurance Division, Hartford District, DCAS. No action was taken to assure tougher quality control.

The endurance gun test was not always honestly performed. Test guns, which represented lots of some 10,000 M–16's, would be test fired during the day. When the maximum number of allowable malfunctions was approached and the company representative feared the gun might be rejected before the test's conclusion, he would stop the test, and schedule the remaining portion for the following day. On one occasion I saw that parts had been switched over night. A fresh bolt carrier group had been substituted, covertly, in an attempt by company personnel to secure approval of the test and acceptance of the whole shipment. On many occasions I specifically objected to the company having access to endurance weapons over-night. Although the test guns were locked in the government office, this incident alone proves that Colt's employees could and did tamper with the weapons in the office. I recommended to my superiors that the weapons be locked in a special combination safe or cabinet; this was not done.

Another time I found that the endurance test was being undermined by Colt's personnel during the periodic wash periods that are part of the test. When the weapon was removed to the wash room, another government inspector and I studied the bolt, and noted its distinctive markings. After the wash we again studied the part, and positively agreed that we were looking at a new bolt assembly, one that had been switched to replace the worn assembly, during washing. We were observed discussing this switch by a Colt's employee. We decided to wait and see whether the company people would actually fire the weapon with the new bolt—we were sure we had a positive, provable case of deceit. To our great surprise a second switch was performed and the original bolt assembly was reinstalled before the weapon was returned to the firing area. This sleight-of-hand was obviously the result of our being observed inspecting the illicit part. At least one other government inspector remarked to me that he had first hand knowledge of similar parts switchings on endurance weapons.

Endurance test weapons, after being selected at random from a shipment, were driven to the main plant in Hartford for velocity testing prior to West Hartford range performance tests. The essence of the quality control program was for government inspectors to retain custody of selected test weapons throughout test procedures, thus assuring test integrity. Under Mr. Hanson, government agents accompanied the weapons to and from the main plant velocity test. Under Mr. Kantany the requirement that we accompany the guns was waived. I objected to this reversal of surveillance procedure, as it permitted company personnel the opportunity to inspect the endurance weapons and prepare them for the reliability test in any manner they saw fit. The random selection aspect of the test would be defeated if these weapons were in any way adjusted during transit.

I worked at the interchange test perhaps once a month. Once an interchange retest was necessitated due to a light firing pin indent. The pin didn't penetrate a brass test cylinder deep enough. In the retest a similar defect was found. I noted the serial number of the defective weapon. The three Colt's men (Bruce Kennedy was one) examined the mechanism and offered an excuse for the test results. I allowed them to test the gun again. *This* gun met the requirements. But on checking the serial number, I found the weapon to be other than the one I had found defective. I personally retrieved the gun with the proper serial number from the rack where Colt's personnel had placed it; I checked it, and found it to be deficient as originally noted. I rejected the test group. My rejection determination was over-ruled by Mr. Carr who signed for Mr. Kantany. This occurred on November 15, 1967.

I strongly objected to the presence of additional M–16 parts in the interchange room. I complained to Mr. Kantany and to the Colt's people who were conducting the tests. Nothing was done to remove the extra parts from the test area.

I was over-ruled on occasions when I rejected parts or tests that failed to meet quality assurance program standards. When I worked in the main plant, I rejected a shipment of bolts for extractor stop surface's excessively out of tolerence. This is a critical dimension. Colt's production personnel agreed to screen out the defective parts. The following day I learned that Dan Grove, Colt's Quality Assurance Manager, waived the screening and sent the bolts to the West Hartford assembly line for the M–16's. When I informed Mr. Kantany of this, he said, "He can't do that." Mr. Kantany went into Mr. Grove's office. That was the last I heard of the issue. The bolts were not retrieved from the assembly area.

I never saw bending of any assembled M–16's at the firing range. However, following the 1968 Shaun Brown incident, I was told by some government personality that the bending was approved when performed with special bending machines installed at the range.

Richard K. Clark.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: This is in reply to your recent inquiry concerning "Quality Program Requirements" MIL–Q–9858 pertaining to repair of material, specifically in connection with barrel straightening of assembled M–16 Rifles in need of barrel repair after target testing by the manufacturer.

MIL–Q–9858 is a document stating general "Quality Program Requirements". MIL–Q–9858 does not contain any particular requirements for barrel straightening. Implementation of MIL–Q–9858 provides that repair of material by a contractor must be in accordance with documented procedures acceptable to the Government. In addition, repair or replacement of a part after final inspection or testing necessitates reinspection and retesting of affected characteristics to assure conformance with applicable quality performance requirements.

No contractor has submitted to the Government for approval, nor has the Government approved, in accordance with implementation of MIL–Q–9858, any procedures for straightening barrels on M–16 Rifles in the final assembly configuration.

Sincerely,
Henry A. Rasmussen,
Major General, U.S. Army,
Commanding.

House of Representatives,
Washington, D.C., December 13, 1971.
Hon. F. Edward Hébert,
Chairman, House Committee on Armed Services, Washington, D.C.

Dear Mr. Chairman: Enclosed are nine affidavits that detail a series of charges against Colt Industries' firearms division in Hartford, Connecticut. Also enclosed is a letter from an Army general. These affidavits and the letter, I believe, constitute an impressive amount of evidence detailing charges against Colt Industries' management of the M–16 Quality Control Program.

I am writing to request public hearings by the full committee or an appropriate subcommittee in order to openly and thoroughly investigate these charges against Colt in the manufacture of the M–16 rifle. I have no knowledge as to whether or not these allegations are correct. However, so many people have called so many aspects of Colt's M–16 program into question that I believe that only an extensive public hearing, not a closed door investigation, can clear the air of the charges.

Several of the allegations I would like to call to your attention. First, according to the affidavits, the Army has apparently known since 1968 that Colt workers bent the rifle barrel by hand or by pounding it on the ground. An Army general wrote that the Army does not approve of such a practice, but nothing has been done to stop it.

Second, an affidavit by a Colt worker, which I have enclosed, alleges that Colt workers were ordered, in direct violation of government action, to illegally stamp rifles to avoid retesting them after defects had been found and parts changed.

Third, a government inspector, whose affidavit is enclosed, claims he has tried for years to correct alleged Colt cheating. His charges have never been satisfactorily answered.

I am asking to call hearings because I believe the American people have a right to know the full story. The military cannot be expected to adequately investigate improper practices in which they have been involved. The only way to get to the bottom of this is through a full Congressional hearing.

I thank you for your cooperation.

Sincerely,
Les Aspin,
Member of Congress.

A CLOSER LOOK AT GUN CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Runnels) is recognized for 15 minutes.

Mr. RUNNELS. Mr. Speaker, as crime increases there is always a renewed effort in the Congress to legislate more laws to prohibit the ownership of pistols and for the registration of all guns and gun owners.

At first glance there might appear to be some relationship between the increase of crime and the increase of firearms ownership, but further study reveals this reasoning to be superficial and deductively erroneous.

The American Bar Foundation, in a research paper published in 1967, made the following statement:

> A fundamental assumption of those who support the drive for stricter regulation of firearms is the belief that easily available weapons are stimulus to crime and that absence of the weapons would significantly reduce criminal activity . . . In our own inquiry we have discovered no convincing evidence on the question. However, the opinions of knowledgeable people suggest that considerable caution be used in hypothesizing a close and casual relation between firearms and the commission of crimes. In the published materials and in our interviews, there is a respectable body of opinion that legal restraints on weapons have little effect on crime and criminals.

In support of the above conclusion, we can look at a few statistics from the State of New York that I think prove that those who have advocated strict gun control laws are barking up the wrong tree. Instead of trying to control guns, we should be advocating stiffer laws and more stringent penalties to control the criminals.

Both New York State and the city of New York are the paragons of strong gun control measures, with the New York pistol law, better known as the "Sullivan law," dating back to 1911.

Despite this law, in 1967 the Uniform Crime Reports show both New York City and the State of New York ranking high in crime. The State ranked second, generally, in both violent and property crimes; and was approximately midway in the ranking of States in criminal homicides, tied with California, where gun laws are a good deal less strict.

In 1966, unlicensed handguns accounted for 83.4 percent of all gun crimes in New York State and 86.16 percent of all gun crimes in New York City. It is true that 10.4 percent of the State gun crimes in 1966 were committed with licensed handguns, but in the city of New York no licensed gun was used in a gun crime. Also, in 1966, rifles and shotguns accounted for 6.8 percent of State gun crimes in New York and 4.95 percent of the gun crimes in New York City.

Since 1968, when a new gun law required the registration of all firearms, no legally owned rifle or shotgun has been involved in a homicide in New York City, despite the fact that, according to a recent newspaper article, there are in the city's five boroughs 400,000 legally registered rifles and shotguns and 23,000 permits to own pistols.

One thing that stands out more from the New York statistics than anything else is that criminals do not register their guns. The law-abiding citizens register their guns, but let us face it, these are not the people who should have to do so.

I know that gun control is an emotional issue to many people, and if new and stronger Federal gun laws were passed, those who plead for such laws would probably heave a sigh of relief. They would believe, erroneously I feel, that a great victory had been won and that all U.S. citizens would at last be saved from any would-be assailants.

Those who feel this way would undoubtedly be in for a great shock. Strong gun laws would not make much difference to murderers, armed robbers, and thugs. The main difference is that their victims would be less likely to be armed.

Finally, let us examine the effects of total registration and licensing of another lethal weapon—the automobile.

All cars are prominently tagged, sales are regulated, and every purchasing transaction is noted in official records. Also, every person who drives an automobile is required by law to successfully demonstrate his ability to operate a vehicle by passing a driver's test.

Even under all of these strict government controls, automobile operators kill over 50,000 people annually. Facts and figures verify that the registration and regulation of automobiles does not keep them out of the hands of those who are incompetent to drive.

In conclusion, I think we can say that laws in themselves do not prevent crime, but are only instruments for punishing crime; thereby removing criminals from society and stopping would-be criminals by the law's threat of punishment.

We must correct our approach to gun control by concentrating legislation against those who are committing the crime and not mistakenly against the inanimate instruments of their crime.

Therefore, I am today introducing a bill to repeal the Gun Control Act of 1968 and to reenact the Federal Firearms Act, thus making the use of a firearm to commit certain felonies a Federal crime.

The text of my bill is as follows:

H.R. 12353

A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 44 of title 18 of the United States Code, known as the Gun Control Act of 1968, is hereby repealed.

SEC. 2. (a) The Federal Firearms Act is hereby revived and reenacted as in effect immediately before its repeal.

(b) Chapter 53 of the Internal Revenue Code of 1954 (relating to machine guns and certain other firearms) is amended to read as in effect immediately before the enactment of the Gun Control Act of 1968.

SEC. 3. (a) Part I of title 18, United States Code, is amended by adding immediately after chapter 115 the following new chapter:

"CHAPTER 116.—USE OF FIREARMS IN THE COMMISSION OF CERTAIN FELONIES

"Sec.
"2401. Definitions.
"2402. Use of firearms in the commission of certain felonies.

"§ 2401. Definitions

"As used in this chapter—

"'Firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device.

"'Destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter."

"§ 2402. Use of firearms in the commission of certain felonies.

"Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, or

"(3) uses a firearm to commit any felony, or carries a firearm unlawfully during the commission of any felony, which use or carrying for that purpose is unlawful according to the law of the State in which it occurs, shall, in addition to the punishment provided for the commission of the felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, that person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend this sentence in the case of a second or subsequent conviction of that person or give him a probationary sentence, nor shall the term of imprisonment imposed upon this subsection run concurrently with any term of imprisonment imposed for the commission of the felony."

(b) The analysis of part I of title 18, United States Code, is amended by inserting immediately before the last item the following:

"116. Use of firearms in the commission of certain felonies........ 2402".

SEC. 4. This Act shall apply only with respect to those felonies committed after the date of the enactment of this Act.

VOTING RECORD ON ENVIRONMENTAL LEGISLATION OF HON. CHET HOLIFIELD OF CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 5 minutes.

Mr. HOLIFIELD. Mr. Speaker, I receive many inquiries from the citizens of the 19th Congressional District of California asking, "What is Congress doing, and what are you doing about environmental problems?"

I have researched my voting record on environmental legislation which has been passed by the House of Representatives since I was first seated in this House in January 1943. I find that I have voted "aye" on more than 211 major environmental laws and amendments.

I offer a list of these environmental measures and include it in the RECORD at this point:

VOTING RECORD OF CONGRESSMAN CHET HOLIFIELD ON ENVIRONMENTAL LEGISLATION

IA. AIR AND WATER POLLUTION CONTROL (CLEAN AIR)

Holifield Vote

Air Pollution Control Act: July 14, 1955, Yea.

Clean Air Act:
Pub. L. 89–272 October 20, 1965, Yea.
Pub. L. 89–675 October 15, 1966, Yea.
Pub. L. 90–148 November 21, 1967, Yea.
Pub. L. 91–137 December 5, 1969, Yea.

Clean Air Act Amendments of 1966: Pub. L. 89–675 October 15, 1966, Yea.

National Emission Standards Act: Pub. L. 90–148 November 21, 1967, Yea.

Air Quality Act of 1967:
Pub. L. 90–148 November 21, 1967, Yea.
Amendments, December 18, 1970, Yea.

National Gas Pipeline Safety Act of 1968: Pub. L. 90–481 August 12, 1968, Yea.

National Environmental Policy Act of 1969: Pub. L. 91–190 January 1, 1970, Yea.

National Advisory Committee on the Oceans and Atmosphere: August 5, 1971, Yea.

IB. AIR AND WATER POLLUTION CONTROL (CLEAN WATER)

Saline Water Conversion Act:
July 3, 1952, Yea.
June 29, 1955, Yea.

Saline Water Demonstration Act:
Pub. L. 85–883 September 2, 1958, Yea.
Pub L. 87–295 September 22, 1961, Yea.

Water Pollution Control Act Amendment of 1956: July 9, 1956, Yea.

Water Pollution Control Act:
June 30, 1948, Yea.
July 17, 1952, Yea.
July 9, 1956, Yea.

Federal Water Pollution Control Act Amendments of 1961: Pub. L. 87–88 July 20, 1961, Yea.

Anthracite Mine Water Control Act: October 15, 1962 Pub. L. 87–818, Yea.

Oil Pollution Act, 1961:
Pub. L. 87–167, Yea.
Pub. L. 89–551, Yea.

Federal Water Project Recreation Act: Pub. L. 87–88 July 20, 1961, Yea.

Oil Pollution Act, 1924: November 3, 1966 Pub. L. 89–753, Yea.

Water Quality Act of 1965: Pub. L. 89–234 October 2, 1965, Yea.

Clean Water Restoration Act of 1966: Pub. L. 89–675 October 15, 1966, Yea.

National Water Commission Act: Pub. L. 90–515 September 26, 1968, Yea.

Water Quality Improvement Act of 1970: Pub. L. 91–224 April 3, 1970, Yea.

Water Pollution Control Act: September 20, 1970, Yea.

Saline Water Conversion Act of 1971: July 15, 1971, Yea.

Water Resources Research Act of 1964: October 4, 1971, Yea.

Regulation of Ocean Dumping: September 9, 1971, Yea.

II. FLOOD CONTROL AND WATER CONSERVATION

Flood Control Act of 1944: December 22, 1944, Yea.

Soil Conversion and Domestic Allotment Act Amendments, 1944, 1946, 1947, 1948, 1950, 1952, 1954, 1955, 1956, 1957, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1969, 1970, Yea.

Boulder Canyon Project Act: March 6, 1946, Yea.

Boulder Canyon Project Adjustment Act: April 30, 1947, Yea. May 14, 1948, Yea. June 1, 1948, Yea.

Flood Control Acts: July 24, 1946, Yea. January 19, 1948, Yea.

River and Harbor Act of 1945: March 2, 1945, Yea.

Flood Control Act of 1950: May 17, 1950, Yea.

River and Harbor Act of 1950: May 17, 1950, Yea.

Soil Conservation and Domestic Allotment Act Amendments, 1950–1970, Yea.

Submerged Lands Act: May 22, 1953, Yea.

Flood Control Act of 1954: September 3, 1954, Yea.

Water Facilities Act: August 17, 1954, Yea. August 25, 1958, Yea.

Watershed Protection and Flood Prevention Act: August 4, 1954, Yea. Amendment, 1956, 1958, 1960, 1961, 1962, 1965, 1968, Yea.

Water Supply Act of 1958: Pub. L. 85–500, July 3, 1958, Yea. Pub. L. 87–88, July 20, 1961, Yea.

Flood Control Act of 1958: Pub. L. 85–500, Yea.

River and Harbor Act of 1958:

Pub. L. 85–500 July 3, 1958, Yea.

Pub. L. 89–298 October 27, 1965, Yea.

River and Harbor Act of 1960:

Pub. L. 86–645 July 14, 1960, Yea.

Pub. L. 89–298 October 27, 1965, Yea.

Pub. L. 91–611 December 21, 1970, Yea.

Flood Control Act of 1960:

Pub. L. 86–654 July 14, 1960, Yea.

Pub. L. 91–611 December 31, 1970, Yea.

Wetlands Act of 1961:

Pub. L. 87–383 October 4, 1961, Yea.

Flood Control Act of 1962:

Pub. L. 87–874 October 23, 1962, Yea.

Water Resources Research Act of 1964:

Pub. L. 88–379 July 17, 1964, Yea.

Pub. L. 90–547 October 2, 1968, Yea.

Flood Control Act of 1965:

Pub. L. 89–298 October 27, 1965, Yea.

River and Harbor Act of 1965:

Pub. L. 89–298 October 27, 1965, Yea.

Shore Line Erosion Protection Act:

(Public Property)

October 27, 1965 Pub. L. 89–298, Yea.

Water Resources Planning Act:

Pub. L. 89–90 July 22, 1965, Yea.

Pub. L. 90–547 October 2, 1968.

Flood Control Act of 1966:

Pub. L. 89–789 November 6, 1966, Yea.

Land Water Conservation Act of 1965:

Pub. L. 88–578 September 3, 1964, Yea.

Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969:

Pub. L. 90–479 August 12, 1968, Yea.

Public Works for Water, Pollution Control and Power Development and Atomic Energy Commission Appropriation: Pub. L. 91–144 December 11, 1969, Yea.

Water Bank Act: Pub. L. 91–559 December 13, 1970, Yea.

Public Works for Water, Pollution Control and Power Development and Atomic Energy Commission Appropriation Act of 1971: Pub. L. 91–439 October 7, 1970, Yea.

River and Harbor Act of 1970: Pub. L. 91–611 December 31, 1970, Yea.

Water Bank Act: Pub. L. 91–599 December 13, 1970, Yea.

Flood Control Act of 1970: Pub. L. 91–611 December 31, 1970, Yea.

III. FISH AND WILDLIFE CONSERVATION

Wild Life Restoration Act:

July 24, 1946, Yea.

August 3, 1950, Yea.

August 12, 1955, Yea.

July 2, 1956, Yea.

August 1, 1956, Yea.

October 23, 1970, Yea.

Black Bass Act:

July 30, 1947, Yea.

July 16, 1952, Yea.

August 25, 1959, Yea.

December 5, 1969, Yea.

Fish and Wildlife Coordination Act:

August 14, 1946, Yea.

September 2, 1958, Yea.

October 4, 1961, Yea.

May 20, 1964, Yea.

July 24, 1965, Yea.

June 12, 1970, Yea.

August 24, 1970, Yea.

Insecticide Act: June 26, 1947, Yea.

Whaling Convention Act of 1949: August 8, 1950, Yea.

Tuna Conventions Act of 1950: September 7, 1950, Yea.

Northwest Atlantic Fisheries Act of 1950:

September 27, 1950, Yea.

July 24, 1968 Pub. L. 89–753, Yea.

Alaska Salmon Fisheries Act: March 16, 1955, Yea.

Fish and Wildlife Act of 1956:

August 8, 1956, Yea.

September 2, 1958, Yea.

October 4, 1961, Yea.

May 20, 1964, Yea.

July 24, 1965, Yea.

June 12, 1970 Pub. L. 91–279, Yea.

August 24, 1970 Pub. L. 91–387, Yea.

Great Lakes Fishery Act of 1956: June 4, 1956, Yea.

Pesticides Research Act:

Pub. L. 85–582 August 1, 1958, Yea.

Pub. L. 86–279 September 16, 1959, Yea.

Pub. L. 89–232 October 1, 1965, Yea.

Pub. L. 90–394 July 11, 1968, Yea.

Federal Insecticide, Fungicide and Rodenticide Act:

August 7, 1959, Yea.

May 12, 1964, Yea.

October 15, 1970, Yea.

Commercial Fisheries Research and Development Act: Pub. L. 88–309 May 20, 1964, Yea.

Federal Laboratory Animal Welfare Act: Pub. L. 89–544 August 24, 1966, Yea.

Laboratory Animal Act of 1966: Pub. L. 89–544 August 24, 1966, Yea.

Marine Resources and Engineering Development Act of 1966:

June 17, 1966, Yea.

Pub. L. 89–688 October 15, 1966, Yea.

Pub. L. 90–242 January 2, 1968, Yea.

Pub. L. 90–477 August 11, 1968, Yea.

Pub. L. 91–15 May 23, 1969, Yea.

Pub. L. 91–414 September 25, 1970, Yea.

Migratory Bird Hunting Stamp Act: October 15, 1966 Pub. L. 89–669, Yea.

National Sea Grant College and Program Act:

Pub. L. 89–688 October 15, 1966, Yea.

Pub. L. 91–349 July 23, 1970, Yea.

National Wildlife Refuge System Admin. Act of 1966: Pub. L. 91–135 December 6, 1969, Yea.

Anadromous Fish Conservation Act: Pub. L. 91–249 May 14, 1970, Yea.

Bald Eagle Protection Act: October 24, 1962, Yea.

IV. PARKS, FORESTS, WILD RIVERS, RECREATION AND HISTORICAL SITES

Cumberland Gap National Historical Park Act:

May 26, 1943, Yea.

July 26, 1961, Yea.

Clarke-McNary Act (Reforestation):

September 21, 1944, Yea.

October 26, 1949, Yea.

Everglades National Park Act:

December 6, 1944, Yea.

October 10, 1949, Yea.

July 2, 1958, Yea.

September 14, 1959, Yea.

October 16, 1969, Yea.

September 14, 1959, Yea.

September 26, 1970, Yea.

Forest Pest Control Act: June 25, 1947, Yea.

Fort Vancouver National Historic Site Act: June 19, 1948, Yea.

De Soto National Memorial Act:

March 11, 1948, Yea.

September 8, 1960, Yea.

Federal Property and Administrative Services Act of 1949: June 30, 1949, Yea.

Joshua Tree National Monument Act:

September 25, 1960, Yea.

June 30, 1961, Yea.

Cooperative Forest Management Act:

August 25, 1950, Yea.

September 25, 1962, Yea.

National Capital Planning Act of 1952:

July 19, 1952, Yea.

September 25, 1962, Yea.

Multiple Use Law:

August 13, 1954, Yea.

December 24, 1970, Yea.

Jefferson National Expansion Memorial Act:

May 17, 1954, Yea.

October 19, 1965, Yea.

Recreation Act of June 14, 1926:

June 4, 1954, Yea.

June 20, 1966, Yea.

Fort Danielson National Battlefield: Publ. L. 86–738 September 8, 1960, Yea.

Haleakala National Park Act: Pub. L. 86–744 September 13, 1960, Yea.

Cape Cod National Seashore Act: Pub. L. 87–126 August 7, 1961, Yea.

Shenandoah National Park Acts: June 30, 1961 Pub. L. 87–71, Yea.

Padre Island National Seashore Act: Pub. L. 87–712 September 28, 1962, Yea.

Point Reyes National Seashore Act:

Pub. L. 87–657 September 13, 1962, Yea.

Pub. L. 89–666 October 15, 1966, Yea.

Pub. L. 91–223 April 3, 1970, Yea.

Carlsbad Caverns National Park Act: December 30, 1963 Pub. L. 88–249. Yea.

Canyonlands National Park Act: Pub. L. 88–590 September 12, 1964, Yea.

Roosevelt Campobello International Park Act: Pub. L. 88–363 July 6, 1964, Yea.

Wilderness Act: Pub. L. 88–577 September 3, 1964, Yea.

Assateague Island National Seashore Act: Pub. L. 89–195 September 21, 1965, Yea.

Delaware Water Gap National Recreation Area: Pub. L. 98–158 September 1, 1965, Yea.

Historic Sites Buildings and Antiquities; October 9, 1965 Pub. L. 89–249, Yea.

Nez Perce National Historical Park Act: Pub. L. 89–19 May 15, 1965, Yea.

Spruce Knob-Seneca Rocks National Recreation Area Act: Pub. L. 89–207 September 28, 1965, Yea.

Bighorn Canyon National Recreation Area Act: Pub. L. 89–664 October 15, 1966, Yea.

Cape Cod National Seashore Act: Pub. L. 87–126 August 7, 1966, Yea.

George Rogers Clark National Historical Park Act: July 23, 1966, Yea.

Indiana Dunes National Lakeshore Act: Pub. L. 89–761 November 5, 1966, Yea.

Mount Rogers National Recreation Area Act: Pub. L. 89–438 May 31, 1966, Yea.

National Museum Act of 1966:

Pub. L. 89-674 October 15, 1966, Yea.

Pub. L. 91-629 December 31, 1970, Yea.

National Park Foundation Act: Pub. L. 90-209 December 18, 1966, Yea.

Pictured Rocks National Lakeshore Act: Pub. L. 89-668 October 15, 1966, Yea.

San Juan Island National Historical Park: Pub. L. 89-565 September 9, 1966, Yea.

Wolf Trap Farm Park Act: Pub. L. 89-671 October 15, 1966, Yea.

River Basin Monetary Authorization Act: Pub. L. 90-17 May 12, 1967, yea.

National Trails System Act: Pub. L. 90-543 October 2, 1968, Yea.

River Basin Monetary Authorization Act: Pub. L. 90-483 August 13, 1968, Yea.

Wild and Scenic Rivers Act: Pub. L. 90-542 October 2, 1968, Yea.

Volunteers in the Parks Act of 1969: Pub. L. 91-357 July 29, 1970, Yea.

Gulf Islands National Seashore: December 29, 1970, Yea.

V. MASS TRANSPORTATION AND URBAN GROWTH

High-speed Ground Transportation Act: Pub. L. 89-220 September 30, 1965, Yea.

New Communities Act of 1968: Pub. L. 90-448 August 1, 1968, Yea.

Urban Mass Transportation Act of 1964: Pub. L. 88-365 July 9, 1964, Yea.

Amendments, 1965, 1966, 1967, 1968, 1969, 1970, Yea.

Urban Growth and New Community Development Act of 1970; Pub. L. 91-609 December 31, 1970, Yea.

VI. POPULATION

Commission on Population Growth and the American Future: Pub. L. 91-213 March 16, 1970, Yea.

Family Planning Services and Population Research Act of 1970: Pub. L. 91-572 December 24, 1970, Yea.

VII. ALTERNATE SOURCES OF ELECTRICAL ENERGY

Geothermal Steam Act of 1970: Pub. L. 91-581 December 24, 1970, Yea.

Atomic Energy Act of 1946: Placing this new energy source under civilian control, Yea.

Atomic Energy Act of 1954: Provided for private ownership of nuclear reactors and opened the way to development of clean, abundant and cheap nuclear electrical power plants, Yea.

Numerous annual authorization and appropriations bills for research and development of nuclear reactors including fission reactors, fast breeder reactors and the fusion process, and the use of these reactors to convert sea water to fresh water.

VIII. OTHER GENERAL ENVIRONMENTAL LAWS

Environmental Education Act: Pub. L. 91-516 October 30, 1970, Yea.

Resource Recovery Act of 1970: Pub. L. 91-512 October 26, 1970, Yea.

Environmental Data System: May 17, 1971, Yea.

Joint Committee on the Environment: July 20, 1971, Yea.

Noise Pollution and Abatement Act of 1970: Pub. L. 91-604 December 31, 1970, Yea.

Weather Modification: September 28, 1971, Yea.

CONGRESS RESPONSIBLE ROLE ON GOLD AND THE INTERNATIONAL MONETARY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, the Congress can be proud of the constructive role it has played in promoting a better world monetary system. A large part of that credit must go to the Subcommittee on International Exchange and Payments of the Joint Economic Committee, and to its chairman, the gentleman from Wisconsin (Mr. REUSS).

Let me review some recent international monetary history.

In late 1967 the dollar was under severe attack from international speculators who were bidding up the price of gold in an effort to bring the dollar down. Congressman REUSS took the floor of the House on December 12, 1967, and suggested a method to prevent the collapse of the international monetary mechanism—CONGRESSIONAL RECORD, volume 113, part 26, page 35957.

> Mr. REUSS. Mr. Speaker, there are a variety of ways open to the free world to make sure that foreign gold speculators in the end will be left holding the bag.
>
> One way is to "pedigree" gold—to keep the present $43 billion of gold now in the hands of central banks, and to provide that members of the International Monetary Fund will purchase or sell gold only from or to each other, and not from or to the private market. The price of gold on the outside market can then fluctuate up or down.

In March 1968—3 months later, the leading nations adopted the so-called two-tier gold agreement—precisely the "pedigree" arrangement suggested. The two-tier agreement has operated well to protect the international monetary system against gold speculation.

But the deterioration of the U.S. balance of payments has continued. By last August, it was clear that the dollar was in fundamental disequilibrium. On August 6, the Subcommittee on International Exchange and Payments of the Joint Economic Committee issued its trail-blazing report, recommending that the U.S. "take unilateral action to go off gold and establish new dollar parities."

The administration immediately issued a statement denouncing the joint subcommittee's report. But 9 days later, on August 15, President Nixon very wisely took unilateral action to go off gold and to establish new dollar parities after an interim float, as recommended by the subcommittee.

In mid-September our principle trading partners—France, West Germany, Italy, the Netherlands, Belgium, Luxembourg, Japan, Canada, Great Britain, Sweden, and Switzerland—agreed on a monetary accord in which they accepted the principle of a realinement of currencies, provided that—

> Such a realignment should include the currencies of all the countries concerned, including the dollar.

The U.S. Treasury immediately let it be known that it refused to include dollar devaluation as part of any bargain the United States might be willing to consider.

This was the situation on September 21, 1971, when Representative REUSS made a floor speech entitled "Raising the Bookkeeping Price of Gold: A Way Out of Our Dilemma." In that speech he advocated a modest increase in the bookkeeping price of gold in order to obtain a satisfactory realinement agreement. He said:

[From the CONGRESSIONAL RECORD, Sept. 21, 32566-32568]

> In the interests of American industry and workers, we must seek the earliest possible resolution of the current impasse.
>
> I suggest we strike a bargain with our major trading partners that includes the following provisions:
>
> First. A real realinement of the foreign exchange value of the dollar by an amount sufficient to enable the United States to terminate balance-of-payments deficits, as measured on the official settlements basis, within the next year, by a combination of an increase in the dollar price of officially held gold, and appropriate decreases in the yen, mark, Swiss france, and other foreign currency prices of gold—in other words, by a combined devaluation of the dollar and revaluation of other major currencies.
>
> Second. At no time in the future will free convertibility between the dollar and gold be reestablished; the Treasury's gold window will remain closed.
>
> Third. The March 1968, two-tier gold price agreement should be strengthened such that the aggregate physical quantity of gold reserves held by the International Monetary Fund and the member countries remain constant at the current level with no further purchases by monetary authorities from gold producers or in the free market.
>
> Fourth. The band within which the exchange value of each currency is permitted to fluctuate should be widened to permit greater fluctuation on either side of parity.
>
> Fifth. The governors of the IMF should instruct the managing director and executive directors to assume the responsibility of recommending exchange rate changes to industrial, as well as developing countries, to prevent the entrenchment of persistent payments disequilibria. These recommendations would have the sanctions of refusing to loan to deficit countries that fail to follow the recommendations, and of invoking the scarce currency clause against recalcitrant surplus nations.
>
> Sixth. The other major industrial countries should give their assurances that they will negotiate promptly and constructively on the mutual reduction of tariff and nontariff trade barriers.
>
> Seventh. Japan and the members of NATO similarly should agree to negotiate an appropriate redistribution of the costs of mutual defense. In these negotiations the principle that no country's balance of payments should either benefit or suffer from its contribution to the mutual defense should be observed. . . .
>
> The United States vitally needs, for the health of our own domestic economy and for the preservation of equitable trading and monetary relationships internationally, quick agreement on a set of exchange rate changes sufficient to once again establish a strong U.S. balance of payments. The failure to reach an agreement on exchange rate realinement and the unreasonable continuation of the import surcharge, imposes totally useless and fruitless sacrifices on American industry and workers.
>
> First. A substantial decline in foreign exchange value of the dollar would stimulate sales of merchandise exports and services abroad. Obviously the greater these sales, the more employment in the United States will increase.
>
> Second. An appropriate realinement would check the flood of undervalued imports we are now experiencing. Since the average exchange rate change required is more than the 10-percent surcharge now in effect, even with the surcharge, imports are larger than they would be in the event of successful exchange rate realinement.
>
> Third. The surcharge has absolutely no effect upon international purchases and sales of services. Thus in the absence of the exchange rate changes that are needed, the present course of action encourages American tourism abroad and the use of foreign-owned airlines and ocean shipping companies. Similarly, foreign tourists are discouraged from visiting the United States.
>
> Fourth. The maintenance of an unreasonably high external value for the dollar discourages foreign portfolio and direct investment in the United States. Given an adequate shift in exchange rates, Wall Street

would find its business nicely stimulated by a revival of foreign interest in the purchase of U.S. stocks and bonds. As long as the cost of building a factory and purchasing capital goods in the United States remains above its true level, foreigners will postpone any commitment to make direct investments in the United States. A higher level of foreign direct investments could help reduce unemployment and bring the benefits of foreign-developed technology to this country. The assumption that America is and will always be technologically superior in all respects helped instill the complacency that led us to today's sorry state.

Fifth. The maintenance of untenably high dollar exchange rates reduces the cost of, and thus encourages, U.S. direct investment abroad. Thus American technology is transmitted to other nations more rapidly than it might otherwise be, and U.S. citizens are deprived of jobs.

Sixth. The longer the surcharge is retained, the greater is the threat of retaliation from other nations. The surcharge is clearly illegal under the GATT. Thus, if other nations do resolve to introduce retaliatory measures, the United States will have no legal alternative but to passively accept these punitive actions. Retaliation would also curtail American sales abroad and thus depress domestic employment.

The import surcharge was introduced under the rationale of producing early concessions from foreigners on the problems that the administration believes have been crucial in weakening the international economic position of the United States. If an agreement is not reached soon, the rationale for this measure will have collapsed. In the meantime, the protectionist package of the surcharge, a discriminatory investment tax credit, and DISC is hardly a benefit to American industry and labor.

Collectively these measures would further impoverish low-income Americans, and do less to ease the domestic problems resulting from international economic disequilibrium than would a substantial realinement of exchange rates. As a consequence, domestic output lags, the capabilities of our businessmen and industrialists are not fully exercised, and employment fails to receive the stimulus it would from a rational solution for our international economic ills. Under the guise of doing something to help American industry and labor, the administration has produced something that hurts American industry.

The increase in the dollar price of gold I have suggested as a means of breaking the current impasse is—because of the accompanying conditions—merely an accounting manipulation. But, if this concession can help to break the deadlock and bring the benefits of significant exchange rate realinement to American businessmen and workers, this is the least we can do.

Ultimate responsibility to establish the dollar value of gold resides, of course, with the Congress. Before the Congress acts, I would want to see agreement upon all of the points included in the package outlined above. In the event of such agreement, I believe the Congress would be willing to give its assent without delay. I have discussed the matter with Speaker ALBERT, Majority Leader BOGGS, and Ways and Means Committee Chairman MILLS. I believe they share my views.

I urge the Treasury to promptly reopen its discussions with our major trading partners and quickly secure an agreement on the program I have outlined. Next week's IMF meeting here in Washington offers the proper participants, time, and place.

By making the dollar price of gold negotiable, we can obtain a satisfactory compromise without delay, and lift the burden of disequilibrium exchange rates from U.S. industry and labor. If our representatives apply themselves diligently to the task, they should be able to reach an agreement by the conclusion of next week's International Monetary Fund meetings.

Once again, the administration denounced the Reuss proposal, saying that it had no intention whatever of devaluing the dollar. Fortunately, cooler heads have now prevailed. President Nixon's announcement on December 14 of his acceptance of a package along the essential lines of the Reuss proposal of September 21 is welcome news.

This record of the constructive leadership of our distinguished colleague from Wisconsin, the Honorable HENRY REUSS, is one of which Members on both sides of the aisle may well be proud.

MEDICARE COSTS TO SKYROCKET FURTHER?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to call the attention of this House to a report which appeared in yesterday's Wall Street Journal, to the effect that the administration is about to announce some staggering increase in medicare premiums under part B. The report not only confirms what some of us have been predicting all along, but more important, underlines some of the inherent contradictions in the administration's price control policies. Clearly, such policies will not succeed unless medicare costs are included in these controls. I hope that the soon to be announced policies of the Price Commission for dealing with these problems will have the necessary teeth to do the job.

The need for such action is apparent. Not only because of today's news about a likely increase in medicare premiums, but in view of the publicity surrounding the recently announced increases in the Blue Cross-Blue Shield health care plans for Federal employees. Not only is it ineffective, but it is unjust to hold down incomes of employees while at the same time failing to exert adequate controls over one of the most important cost ingredients in their budgets—health care costs.

As I said before to no avail when HEW announced its increase in medicare deductibles, I hope the Secretary reconsiders the wisdom of announcing any significant increase in medicare premiums under part B. The damage such an announcement will have on the morale of those who have been taking the administration at its word on wage and price controls will be incalculable. It is time for all agencies of the Government to translate words into deeds and set a good example for the whole economy. The article referred to above follows:

[From the Wall Street Journal, Dec. 13, 1971]

RISE REQUIRED IN MEDICARE PREMIUM IN 1972 POSES PROBLEMS FOR PRICE-WAGE POLICIES

(By Jonathan Spivak)

WASHINGTON.—An increase that will be required next year in the Medicare premium paid by 20 million old folks poses problems for the Nixon administration's price-and-wage policies.

Social Security Administration experts say there isn't any way to avoid an increase in the $5.60-a-month Part B premium, which covers doctors' services under the health insurance for the aged program. Actuaries currently are working on the precise figures, but if the program's past policies are followed, it could range as high as 50 cents a month.

The new rate won't take effect until next July 1, but under law must be issued by the Health, Education and Welfare Department before year-end. The Medicare premium, which must cover the full cost of operating the program, has risen steadily from its initial rate of $3 a month in 1966, mainly because of increases in physician fees and greater use of the program. The contribution by the aged is matched by the government, so the prospective rise could mean additional outlays of $75 million to $125 million in HEW's budget for the year that starts July 1.

Social Security experts say a projected 2% increase in the use of Part B services, including use of more expensive medical procedures, will automatically increase premium costs as much as 20 cents a month. The big uncertainty is how much physician fees will be allowed to increase under Medicare, and officials anticipate major problems in dealing with this issue.

BASED ON CUSTOMARY CHARGES

Currently, Medicare's 80% reimbursement of physicians is based on their resasonable and customary charges for the calendar year 1970. As the program has operated in the past, the new Part B premium rate for July 1972 through June 1973 would be based on charges for calendar 1971, which government experts figure have risen about 6.2% from 1970.

Thus, any wage-price controls issued to hold down medical costs in the future wouldn't restrain the premium increase. The only way to hold down the doctor-bill payments would be to continue to limit the reimbursement to the 1970 level, or at least some level lower than current charges. This, of course, would bring anguished howls from the doctors and could precipitate a bitter political battle.

The Social Security Administration fears that the Part B premium may be forced up beyond the 5.5% Phase 2 wage guideline. A 30-cent increase would be at about this level, while a 50-cent increase would equal 8%. "All of it is fraught with public-relations problems," says a Social Security aide. "The great salvation which I hope for and don't expect is that the actual increase won't be any more than what is completely consistent with the guidelines," he adds.

Moreover, the Medicare premium rise is likely to be compared with the 2.5% Phase 2 price target, resulting in even greater criticism of a large boost. And, in any event, the Part B premium increases anticipated from the very beginning of the program have always been bitterly criticized by consumer advocates on Capitol Hill and by organizations for the elderly.

NEW ECONOMIC POLICIES

The Price Commission is expected to announce new economic policies for controlling health costs by the middle of this week. The commission hasn't yet fully grappled with the complexities of the Part B premium, and when it does it may not find any easy solutions. "It seems very doubtful that they could order the (HEW) Secretary to promulgate a rate that's actually inadequate to cover the cost of the program," says one HEW official.

One saving factor could be that the current $5.60 a month is more than enough to cover the program's current costs. Hospitalization rates, an important factor in the use of doctors' services, haven't been increasing as they have in the past, and there hasn't been a flu epidemic to increase costs. If the actuaries conclude that the $5.60 rate has produced savings for the program, this would decrease the size of the coming premium rise. Final figures haven't been developed but it's clear that any savings won't be enough to prevent a boost next year.

The pending welfare reform bill, which is likely to be enacted next year, would provide some protection to the aged against this prospective premium increase. The bill provides that the aged wouldn't have to pay more for their Part B coverage than the percentage rise voted by Congress in their retirement benefits, expected to be 5%. The government would pick up the balance.

The Part B premium has produced persistent financing problems for HEW. An attempt to hold the premium at an unrealistically low level of $4 two years ago almost broke the fund. The fund currently totals $300 million and the agency's actuaries say it should be gradually built up to $800 million to cover accrued obligations.

REPRESENTATIVE GARMATZ INTRODUCES LEGISLATION TO REQUIRE 50 PERCENT OF ALL OIL IMPORTED INTO THIS COUNTRY TO BE CARRIED IN AMERICAN-FLAG SHIPS

(Mr. GARMATZ asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GARMATZ. Mr. Speaker, I am today introducing a bill which would require 50 percent of all oil imported to this country be carried in American-flag ships.

The Committee on Merchant Marine and Fisheries has been conducting hearings for the past 12 months with respect to the problems involved in securing more cargo for American vessels. We all know that the Merchant Marine Act of 1970, which passed this House overwhelmingly last year, was designed to encourage the construction of 300 merchant vessels over the next 10 years. This legislation was proposed by President Nixon and subsequently endorsed by all segments of labor and management. I still think it is an excellent law and that in time the objectives sought to be accomplished will in fact be achieved.

However, at the time this legislation was being considered, many of us in the Congress felt that implementation of this law would be attended by many difficulties. And during the past year, some of those problems materialized. Indeed, the shipbuilding program itself has been slow in developing.

One of the most pressing problems confronting not only the maritime industry but the Nation today involves oil tankers. For the past 20 years or more, we have had no American-flag tankers—I repeat, no American-flag tankers—in the foreign trades of the United States. At one time we did have a viable fleet of tankers in the domestic trade plying the routes between Texas and the North Atlantic. However, early in the 1960's, the Colonial pipeline was built, and this displaced a considerable number of those tankers. Indications today are that pipelines will be expanded and extended.

Our imports of oil are increasing at a rapid rate. In 1950, imports averaged 850,000 barrels per day, or 12.6 percent of our total oil supply; by 1970, imports had risen to 3.3 million barrels per day, representing 22.4 percent of our supply During that period, total supply doubled, while imports quadrupled.

This situation was graphically described to the committee by a representative for all maritime labor and by a representative of the independent tanker owners. Granted that these parties have a subjective interest in participating in the trades involving the importing of oil to the United States, I am prompted much more by the dangerous threats to our national security which this situation poses. Other maritime nations in the world, I am advised, have taken steps to guard against this danger. France, for example, has a statutory stipulation that two-thirds of the crude oil imported for internal consumption must be carried in French ships or chartered ships approved by the French Government. By administrative action Japan also insures a massive participation of its own vessels in oil import movements. In my opinion, this country should do no less.

The bill would amend the existing cargo preference law, which has been on the books since 1954. Our existing law applies only to Government-sponsored cargoes, and some will say that this amendment is a drastic step in that it would extend our cargo preference system to commercial imports brought in under a quota system. And they are right—it is a drastic step, but the danger I see calls for drastic measures. The national security demands it.

SALARIES IN AMTRAK

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, just 7½ months ago we established a new semipublic corporation called Amtrak. Its assignment: to save what was left of rail passenger service in the United States. We provided $40 million in seed money.

That obviously was not enough. Amtrak is now back asking Congress for $170 million more. Our Committee on Interstate and Foreign Commerce will consider new authorizing legislation early in the second session.

It is too early, of course, to pass judgment on Amtrak's success or failure. Indeed, many of our railroads had permitted passenger service to decline so sadly that only time, new equipment, better roadbeds and a massive redirection of policy can hope to recapture a traveling public so long accustomed to abuse.

Yet it is not too early to venture some conclusions concerning the scale of values reflected in Amtrak's board of directors. Selected from the upper echelons of industry and finance, these men appear to follow the "trickle down" theory of economics—to feel that the matter of first importance in a new undertaking is to set fat executive salaries.

Roger Lewis, the Amtrak president, is paid $125,000 a year.

In all likelihood, that is less than Mr. Lewis made in his previous job as president and chairman of General Dynamics Corp.

But it is big money by Government pay standards. On the regular Federal payroll, only the President of the United States makes more than Mr. Lewis. Cabinet members, at $62,500, earn just half as much.

High pay may have become the rule for top executives in America's deficit-ridden private railroads, like Penn Central. But so far as I can learn, there is not a single official of the publicly operated, highly successful railroads of Europe or Japan who draws as high a salary as Roger Lewis.

The following table indicates, six of Mr. Lewis' subordinates receive more than $36,000, which is the top bracket for Federal supergrade employees:

Roger Lewis, president	$125,000
Gerald Morgan, vice president, Government affairs	50,000
David Watts, Jr. vice president planning	37,500
Sydney Sterns, controller	40,000
Harold Graham, vice president, marketing	50,000
Harold Wanaselja, vice president, operations	55,000
Robert Medvecky, vice president, general counsel, secretary	55,000

Is it not strange that an organization losing so much money can be so generous toward its key personnel? With Amtrak now looking for another $170 million under the Christmas tree, we should insist that the money be used to improve service—not for more executive gravy.

Clearly, Congress was at fault in failing to set salary limitations for this new public corporation. As a member of the authorizing Commerce Committee of this House, I accept my share of blame. I hope to see that the oversight is corrected.

Nor is it merely the matter of pay that concerns me. I have surveyed biographical material on its top executives, and feel moved to wonder—is Amtrak a vehicle for preserving a balanced transportation industry, or is it some sort of elephants' graveyard?

On balance, Amtrak seems overweighted with men who developed their reputations, and who became seasoned in other fields, some unrelated to transportation.

I wonder whether Amtrak really needed so many men from high finance—or, preferably, people at the top who can read a timetable.

And might it have been wiser to seek out men still on the way up, rather than in the closing phase of their careers?

Discussion of age and experience leads inevitably into sensitive areas and possible disagreement. I hope that to raise questions will not be deemed an affront to any of the men concerned—none of whom I know personally.

Roger Lewis, who is 59, became Amtrak's top officer after an extended career as an aerospace executive.

Gerald Morgan, now 63, is remembered as an aide to the late President Eisenhower, and as a Washington attorney.

Sydney Sterns, 53, served a quarter-century in the business office of corporations ranging from meat packing to electric power.

Robert Medvecky, a relatively youthful 40, has spent most of his life working with the Southern New England Telephone Co.

Harold Graham, 54, is a former executive with Pan American Airways.

Two of Amtrak's top-paid officials—David Watts, Jr., and Harold Wanaselja, both in their early forties—can claim prior experience in running a railroad. I hope it will not be unkind to note that they served the B. & O. and New Haven roads, respectively. Neither line earned plaudits for recent efforts on behalf of passenger comfort or convenience.

Amtrak has accepted responsibility for operating 185 passenger trains over 20,000 miles of track. Its initial appropriation, $40 million, was clearly insufficient for that enormous job.

What is less clear is how much of the $170 million now being sought should be authorized, and what conditions, if any, should be attached to the authorization.

As a minimum, we should insist that executives earn their keep, at amounts commensurate with other top-level Government pay, Amtrak must not enter the downshill race with Penn Central, which inflated executive payrolls while holding service to a minimum. If that happens, Amtrak is headed down the wrong track for sure.

But considering those salaries, it should reach the poorhouse in real style.

PESTICIDE REMARKS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, there has been great concern among the American people over the serious problems related to highly toxic and persistent pesticides in the environment. In my own State of Maryland, the ecology of the Chesapeake Bay—the Nation's largest estuary—is threatened by the accumulation of these chemicals. Small amounts of PCB's have been detected in the bay's soft shell clams. Various chlorinated hydrocarbons have caused reproductive failure in certain birds and other area wildlife species. The bald eagle, our national symbol, are not as abundant in the bay area as they were.

On Sunday, December 12, there appeared in the New York Times magazine an excellent article entitled, "Last Hope for the Ospreys on Long Island Sound." It tells the story of Paul Spitzer, a 25-year-old graduate student, whose research and efforts are directed toward saving the remaining ospreys in the sound area. His studies show that these birds are rapidly diminishing in number as a direct result of a chemical known as DDE, a breakdown product of DDT, dieldrin and PCB's. It is a tragic situation brought on by man's negligence.

Recent efforts of the Congress to control the use of chemical pesticides have been only moderately successful.

A decade ago scientists indicate that DDT has played a major role in the diminishment of their numbers.

The Federal Environmental Pesticide Control Act of 1971, passed earlier this year, is a step in the right direction in that it serves to demonstrate, to some degree, congressional recognition of the problems involved here. I do not believe, however, that this act is strong enough to deal with the situation.

For example, it leaves the burden of proof of a pesticide's harmfulness up to the Government rather than demanding that the manufacturer prove his product's safety.

Clearly, chemical pesticides do cause environmental damage. Equally as clear is that fact that our farming community must have effective tools with which to deal with agricultural pests.

I am convinced that only by taking a positive approach to finding alternate pest control methods will we find the solutions we seek. I am introducing legislation designed to specifically earmark $4 million annually for the Department of Agriculture and the National Science Foundation to carry out pilot field research programs for the control of agricultural and forest pests by integrated biological control methods. This money would be appropriated for at least 5 years in order to build a solid base upon which these methods can be used in the future as alternatives to the single method use of chemical pesticides so predominant today.

The Agriculture Research Service has for a number of years conducted research in this field and the results have been most promising. In fact, prior to the advent of World War II and the advent of DDT, integrated biological control methods showed the most promise of any other type of insect control. Among those insects which have been effectively controlled by the integrated biological method are the Japanese beetle, the sereu worm—a serious cattle pest—the Oriental fruit fly, the green peach aphid, and the alfalfa weevil.

I believe that this research must be continued and greatly expanded, taking full advantage of the resources of the National Science Foundation and the Forest Service, so that our foolhardy reliance on dangerous chemical controls can be ended.

Mr. Speaker, action in this area is vital. I include at this point in the Record the Times magazine story as a clear example of the need for action and, further, request that the text of the legislation be included in the Record.

Last Hope for the Ospreys of Long Island Sound

By David R. Zimmerman

A desperate, last-ditch effort is in progress to save the doomed ospreys of Long Island Sound. The experimental project, now in its fourth year, is apparently the first attempt to forestall the death of a pesticide-burdened bird population. It commands attention because there is growing evidence that not just a few but many kinds of birds are similarly threatened. This puts a premium on the development of methods for preserving those birds that human populations deem worth saving. The ospreys are a first test of whether and how this can be done. The project's success, however, is not certain; there are long odds against it.

Saving Long Island Sound's ospreys was the idea of a college boy, Paul Spitzer. Now a graduate student at Cornell University, he is continuing the experiment as part of his doctoral research requirement. Spitzer is a resident of Old Lyme, Conn., which once had one of the world's largest colonies of breeding ospreys, and he is a neighbor and protégé of Roger Tory Peterson, the artist-ornithologist and field-guide editor.

For Peterson, who first kindled Spitzer's interest in the osprey, this regal, chocolate and white raptor is a favorite. "Of all the birds that fish," he says, "the osprey is the master." He thus describes one that worked the Connecticut River estuary near his home:

"Cruising over its fishing grounds, it checked itself 40 or 50 feet above the water and hovered on laboring wings in one spot. Scanning the ripples below, it took a bead on its quarry, then plummeted, its needle-sharp talons thrown far forward and its head in line with them. This falconlike thrust plunged the big bird completely out of sight in a splash of spray, but a moment later it reappeared to flap off with a fish. As it almost invariably does, it carried its prey nose forward live a silvery torpedo."

Paul Spitzer is a slight, smooth-faced young man whose casual agreeable manner contrasts sharply with his deep sense of commitment to nature and to the redemption of America's troubled environment. He affects none of the current youth fads, yet privately he wonders if he may be a part of that new consciousness that has been identified with America's greening.

The summer he was born—1946—was the first in which DDT was widely used in American agriculture. There were then more than 1,100 active osprey nests in southern Long England and on Long Island. This past spring, in a meticulous census, Spitzer could find only 105 active nests—which produced 64 native fledglings.

The principal cause of the osprey's decline is chemical pollution. Although adult birds apparently have not been killed outright by it, their ability to lay viable eggs has been virtually destroyed. Some eggs have shells that are too thin and crack. Others, with apparently adequate shells, contain embryos that fail to develop. Some eggs are defective both inside and out.

The exact mechanisms underlying this destruction are less well understood for ospreys than for some other species, but the causes seem clear. Infertile eggs contain high levels of DDE, a breakdown product of DDT, and/or similarly high residues of Dieldrin and/or PCB' (polychlorinated biphenyls). The PCB's are industrial compounds, used in electrical equipment, paint and many other products. They resemble DDT chemically, and are believed to be dispersed in the environment when objects made with them are burned as trash. In the United States, PCB's are made only by Monsanto, DDT only by Montrose Chemical and Dieldrin, another common pesticide, only by Shell.

The 64 fledgling osprey on Long Island Sound this year represent significantly fewer than one bird per active nest. Actuarial data indicate that for an osprey colony to survive each active nest must produce at least one fledgling each year. The prepesticide norm was almost two birds per nest each year.

This year, perhaps just at the threshold of final decline, the Long Island Sound birds exhibited abnormal traits that have rarely, if ever, been seen. Females outnumbered males in some places. Lone females built nests and laid eggs without regular mates. Bigamous relationships developed, in which one male copulated with and then brought fish to two brooding females. For the first time on record, an immature, 2-year-old male was taken as mate by a mature female.

Now that the bald eagle is gone, the osprey (*Pandion haliaëtus*), or fish hawk, is the last great eaglelike bird that breeds within easy access of the 20 million or more Americans who live in New York City and along the shores of Long Island Sound. Because it was more common, and far more accommodating to man's presence, than the bald eagle and other great predators like the peregrine falcon, the osprey has been far more affectionately regarded. It used to nest in trees or on low, man-made platforms along roads and railways, and, occasionally, even in places as close to man as rural dooryards and chimneys.

"Yet, it remained constantly vigilant, always a wild creature," Spitzer says. "No one who saw the bird hunt, or heard its piercing cry could doubt that." To Spitzer "the osprey is the primer, the elementary lesson, the 'popularizer.' . . . The salt marsh is beautiful and productive, part of the countryside and part of New England's heritage, but [it is] the osprey [that] gives it animation. . . . Marsh areas provide recreation for the people of the supercity which threatens to stretch uninterrupted from Washington to Boston. There, people can still see an osprey—vanishing symbol of the 'country' they seek. . . . The dying osprey is part of the agony of the dying river and marsh. . . ."

It well may be that only Paul Spitzer stands in the way of the birds' disappearance. This is what he is doing:

Each spring for the last four years, he has obtained, with Government help, osprey eggs and chicks taken from nests along the Chesapeake Bay, where pesticide pollution and reproductive failure have been less severe than around Long Island Sound. Eggs and young birds have been carried by car or plane to Connecticut and Long Island. There, they have been put under brooding ospreys, which, with remarkable tolerance, have almost invariably accepted and nurtured them as their own. In the four years, transferred eggs and chicks have accounted for almost a quarter of the young ospreys fledged from nests on Long Island Sound, with the exception of those on Gardiners Island (whose remnant osprey population is doing better than elsewhere, though still not holding its own.)

Ospreys winter around the Caribbean and in South America, and studies of banded birds show that they customarily return to breed in the place where they were fledged. Spitzer believes each bird acquires its "home" sense early in life, on its early flights around the nest and its initial migration. If this is true, his transferred birds should return to Long Island Sound rather than Chesapeake Bay when the time comes to mate. And since ospreys indigenous to Long Island Sound rarely interbreed with ospreys to the north or south, from which they are separated by 50 or so urbanized miles of coastline, success, for Spitzer, is narrowly defined: his transferred birds must return to the coast of Long Island Sound.

Normally, ospreys first breed when 3 years old—that is, in their fourth spring. Thus only 14 birds, sucessfully transferred in 1968, the first year of Spitzer's experiment, were due to breed this year. Of these only four or five were actually expected back, since it has been calculated that two-thirds of all ospreys die of natural causes before reaching the breeding age. All the transferred birds were tagged with jesses—brightly colored leg bands—before they left their nests, so that they could be identified in flight. Disappointingly, none of the first-year transfers were spotted last spring. Close to a dozen are due back next year, which could provide the critical test of Spitzer's project.

To preserve the osprey population of Long Island Sound, Spitzer must, of course, sacrifice the purity of the native birds' gene pool. Fortunately, while ospreys inhabit all continents except the Antarctic, they are so alike that they are considered to belong to a genus consisting of just one species. Populations living as close together as Chesapeake Bay and Long Island thus may be genetically quite alike.

Transferring ospreys to Long Island Sound, of course, cannot cure the underlying problem. These birds, too, can be expected to lay thin-shelled, nonviable eggs when they eat the same poisoned food as the birds they have replaced. At best, Spitzer is buying time in the hope that pesticide and PCB pollution will abate—which it thus far shows little sign of doing. For him effective control of pollution at its many sources is essential to success.

Spitzer's experiment is apparently the Long Island Sound ospreys' last hope and these birds are far from alone in their perils. Also threatened, Spitzer says, are virtually all North American predatory birds that feed at the top of long food chains. (In a food chain each successive predator absorbs, and thus concentrates, the poisons in its prey. Algae in a river may have DDT only in the ratio of a few parts per trillion, but worms that eat algae may have a few parts per billion; fish that eat them, a few parts per 100 million or 10 million; and ospreys, at the top of the chain, enough parts per million to addle their eggs.) Spitzer's estimate reflects recent finds of one of his mentors, Dr. Joseph Hickey, a bird-population specialist of the University of Wisconsin.

"We've found eggshell changes in most of the larger birds of North America that we've studied," Hickey says. "But these changes are not necessarily critical; it remains to be seen how cirtical they are." And he adds: "With the exception of rough-legged hawks and broad-winged hawks and the whooping crane, eggshell thinning seems to be fairly widespread among fish-eating birds and raptors.

Except for the peregrine falcon, Hickey says, no species or subspecies is about to vanish from its entire North American range. Rather, specific residential populations are disappearing, the areas of illness and health varying from bird to bird. The bald eagle, for example, is failing on the East Coast, in Florida, Maine and the Lake Superior region. But it is doing well in central Minnesota and Alaska. Conversely, the double-crested cormorant is holding its own in Maine, but Hickey anticipates it will be the next bird to become extinct in his home state, Wisconsin.

In New York State, field ornithologist John Bull of the American Museum of Natural History says most of the hawks have been hard hit. "Cooper's hawks and sharp-shinned hawks (which eat birds) have decreased significantly in the last decade. Mammal-eaters, like the broad-winged and red-tailed hawks are doing all right here because they don't feed as high up on the food chain. Red-shouldered hawks are doing badly. They feed on frogs and snakes and other aquatic things that might be affected by pesticide runoff into streams."

Information on the small, hard-to-count songbirds is sparser, but there is at least a suggestion, based on field censuses, that they too may be down in numbers. "I'd say that in general the insect-eating birds are the ones we should worry about, because they feed on the land—which is where we put our poisons." This is the view of Dr. Edgar Reilly, zoology curator of the New York State Museum in Albany and currently president of the New York Federation of Bird Clubs. "My observation," he says, "is that the populations of warblers and vireos are down. And over the last five or six years, so are the thrushes."

This belief that the songbirds may be declining is shared by Robert Arbib, editor of the National Audubon Society's American Birds, a periodic compilation of sightings by field ornithologists and bird watchers all over the nation. "I think pesticides are a factor," Arbib says. "I think loss of habitat is in many species more important. And there are a large number of bird kills on TV towers and buildings, and there are road kills by cars. Birds are sometimes hard put; if natural causes don't do them in, then man finds a way."

What man hopes to preserve, he therefore must save. One might imagine that by now—a quarter of a century into the DDT era, a decade past Rachel Carson's "Silent Spring"—myriad techniques would have been developed to sustain endangered birds. Nothing could be further from the truth. The number of such projects, experts indicate, can be counted on one's fingers; Paul Spitzer and his ospreys are in the vanguard.

The lag perhaps partly reflects the fact that ornithologists heretofore were trained to *study* birds. No one conceived of a need to protect birds from ubiquitous, invisible poisons. So, it took a generation for these scientists to discover—and allow themselves to see—the pesticide problem.

Even now, perhaps only the more courageous among them will accept that much of their wild "study material" has been profoundly, perhaps irrevocably, changed by toxic artifacts of man. Perhaps only a new generation of wildlife workers, who have grown up with the pesticide threat as a fact of their lives, will be free enough from shock to face the situation as it exists.

This could explain why it is that Paul Spitzer, now 25 years old, is conducting one of the first important experiments to determine whether endangered birds can be preserved within their ecologic niches in nature. His head start in the coming generation's labors grew out of his fortuitous early association with one in the present generation who saw, more clearly than most, the magnitude of the pesticide danger.

Spitzer, born in Brooklyn, lived in and around New York City until he was 10, when his family moved to Old Lyme. He soon met Roger Peterson, who had come to Old Lyme a few years before "because of the many ospreys." "I estimated," Peterson says, "that there were roughly 150 nests within a 10-mile radius of our home. Some [birds] were living in wild, undisturbed areas; others were right in the town, even on telegraph and private poles. In fact, the attitude toward the osprey was very much like that of Europeans toward their storks: no persecution whatsoever." Accommodatingly, one osprey family had built its nest on a ridge within view of Peterson's studio window.

It was in the summer of 1957 that Peterson made the discovery that something was amiss with the ospreys. He had rowed to Great Island, a long, low piece of land at the mouth of the Connecticut River where there were many osprey nests. Surprisingly, on that July day the adult birds were present—but Peterson could find no young in the nests. He recalls that he at once guessed why: "The bald eagle was in trouble in Florida because of pesticides. It was logical that if the bald eagle, which eats dead fish, was in trouble, then the osprey, which eats live ones, would also be in trouble."

In 1960 the Petersons and several of their colleagues and friends started an informal osprey study group, and young Spitzer was invited to take part. What it seemed possible to do to help, the group did. They built raccoon-resistant nest platforms, and the birds used them. But raccoons were not the ospreys' destroyer, and the study group soon became a dead watch. In 1960, there had been 71 active nests, fewer than half as many as a few years before. In 1961, there were 31 nests; in 1965, 13 nests. (Peterson has predicted that 1973 will be the last year ospreys will nest on the Connecticut River. This past spring there were three nests, which produced two viable native young.)

Each year a different member of the study group took charge of the osprey project. "In 1968, it was my turn," Spitzer says. "The year before, all we'd done was watch and count."

Could more be done? Were there important scientific data to be gathered—quickly, before the evidence vanished—by a more active approach to the dying osprey colony? "I was fascinated," Spitzer says, "that you could watch the birds go. I was fascinated that even then there was a chance to learn, from the field situation, what was going on."

That winter he entered his senior year at nearby Weselyan University, and elected a biology tutorial, for which he was required to design and carry out an original research project. The tutorial provided added incentive—and structure and direction.

There was one key question—of possible widespread scientific interest—that he and Connecticut's dying ospreys might help to resolve: Why were the eggs failing to hatch? Was the ultimate defect an *intrinsic* one, inherent in the eggs? Or, was it an *extrinsic* factor, perhaps something in the parent birds' behavior? Human interference might contribute to this latter possibility. Or, as others suspected, pesticides might derange the parent birds so that they did not adequately brood their eggs.

Mulling over these alternatives, Spitzer realized that the question of intrinsic or extrinsic damage could be resolved by exchanging eggs from Connecticut osprey nests with eggs from osprey nests elsewhere. If the Connecticut eggs hatched well under faraway birds, while the eggs of these birds did poorly in Connecticut, then clearly an extrinsic factor—the Connecticut birds' behavior—was responsible. But if the Connecticut eggs failed elsewhere, while imported eggs hatched, then it was an intrinsic factor: the eggs themselves were defective.

At a conscious level, his plan initially was to *study* the birds, not save them. "I'd been thinking about ospreys all winter," he recalls, "and one day in January, I wrote down the egg-transfer experiment. Then a week later, the other idea—the attempt to stock a faltering colony with fertile eggs—came to me." Unconsciously, the conservation idea perhaps had been in his mind from the start.

Having won the approval of his biology tutor, Dr. Austin Platt, Spitzer drafted a proposal for the experiment and sent off copies, under covering letters from Peterson, to a dozen research biologists and ornithologists, including Dr. Tom Cade at Cornell University and Dr. Hickey at Wisconsin.

Cade wrote back: "Your idea of substituting eggs from a normally reproducing colony of ospreys to provide your Connecticut birds with 'good' eggs should prove fruitful, if the transfer can be made without damage to the eggs. . . . It would also be worthwhile, and easier, to substitute downy young for overdue eggs." Spitzer incorporated Cade's suggestion into his plans.

Hickey, too, was impressed with the proposal and asked Spitzer's permission to present the idea to a small group of osprey researchers who were scheduled to meet soon in Madison. Spitzer agreed. One participant at the meeting was Dr. C. Eugene Knoder, an ecologist of the U.S. Fish and Wildlife Service's Patuxent Research Center in Maryland, which approves and administers Federal studies on pesticides and birds.

"Dr. Knoder was in Madison," Hickey wrote to Spitzer a week later. "We had an extended discussion of your research proposal, and he assured me that his bureau could guarantee the safe transportation of viable osprey eggs from Chesapeake Bay to Connecticut. This gives you a real chance to pull off the experiment that you have in mind. I assume that Knoder will get in touch with you."

At Knoder's urging, and with help from a co-worker, biologist Dr. William Krantz, Patuxent entered the picture. Money was provided; osprey eggs and young were promised, and Spitzer was hired as a Federal biological aid to conduct the project. Later, funding was provided through grants from the Audubon Society and the Northeast Utilities Company.

Stiff logistic problems had to be solved so the two-way transfers could be accomplished within prescribed limits of a single day. Eggs and young birds collected in Maryland at dawn would be flown to Connecticut by plane. The eggs would be carried in an insulated case, which a biologist would carry on his lap so his body would insulate them from motor vibrations that might damage the embryos. Spitzer would meet the plane and hand over the eggs he had collected in Connecticut to be taken to Maryland. Then he would distribute the Maryland eggs and young among nests in Old Lyme and nearby Niantic.

With the return of spring came the ospreys. Events moved quickly. In April of 1968 Spitzer was able to state in a biology tutorial report (for which he received an A minus) that 22 intact Maryland eggs had been placed in seven Connecticut nests and 21 Connecticut eggs had been placed in seven nests in Maryland. By summer, he could write to Hickey that he had resolved the question of whether hatching failure was due to the eggs or the parent birds:

In Connecticut nests, 41 per cent of the Maryland eggs (eight chicks) hatched—a rate identical to that of Maryland eggs that had never been moved. Of the Connecticut eggs moved to Maryland, however, only 5 per cent hatched, which was about the same as if the eggs had remained in Connecticut. Clearly, intrinsic damage to the eggs was to blame.

Besides the research findings, the experiment yielded initial results that were encouraging from a conservationists' viewpoint. In addition to the eight chicks hatched from Maryland eggs and raised by Connecticut parents, seven young birds were also transferred from Maryland, and of these six were successful fledged in Connecticut nests.

"The flexibility of the adult birds in accepting introduced young is almost beyond belief," Spitzer reported enthusiastically. "In one case I received from Maryland three young birds. 5, 10 and 12 days old, and had no Connecticut nests with young less than 18 days old. I [temporarily] removed young aged 18 and 23 days from a Connecticut nest, [and] replaced them with the three Maryland birds ... [which] had been without food for 18 hours, and began to demand it as soon as the female returned to the nest. Without hesitation she began to feed them from the same piece of fish she had been using to feed the two older birds a few minutes earlier.

"By introduction of eggs and young birds, we built up the number of young in four nests on Great Island to three birds apiece.

... The successful introduction of eggs and young birds into Connecticut nests has convinced Gene Knoder and Bill Krantz to cooperate with me in attempting to maintain the Connecticut River ospreys."

Since that first year, the wild birds' extraordinary tolerance of human interference in their family lives has allowed the transfer experiment to continue and to achieve a modest, partial success. As of July this year, more than 50 transferred birds had been fledged from Long Island nests in four breeding seasons.

What happens next? A critical juncture comes next spring. The number of active nests will probably drop below 100 for the first time. But, for the first time an appreciable number—perhaps a dozen—of the transferred birds are due back as breeders. At the same time, Spitzer's Audubon grant will expire, and the transfer experiment, which already has provided the answers it was explicitly designed to produce, will end.

Directly, or by default, a decision will be made—in part by Spitzer, in part by the Audubon Society, the U.S. Fish and Wildlife Service and the public; ospreys are low on the list of national priorities, and he who wants to preserve them will have to pay out of pocket to do so. The decision to be made is whether to stop and let Long Island Sound's ospreys disappear or, on the basis of Spitzer's final results, to transform the transfer experiment into a conservation program.

A key problem would be to find an adequate supply of uncontaminated osprey eggs and/or young. To maintain the Long Island Sound population at the level of 100 active nests might require 150 eggs, or 75 chicks or an equivalent combination of the two each year. Providing full clutches of three young for each nest would require considerably more.

There is serious question as to whether these resources exist. On Chesapeake Bay, pesticide residues are now overtaking the ospreys. Last year one of Spitzer's collaborators, Stanley Wiemeyer, a Patuxent biologist, found that ospreys at the mouth of the Potomac were no longer sustaining the maintenance rate of one fledgling per active nest. This spring he declined to provide eggs for transfer. On the Maryland Eastern Shore the fledgling/nest ratio is at the danger point. On Virginia's Eastern Shore, where corn is a primary crop and DDT a primary crop spray, only 25 per cent of the osprey nests produced young this spring; the number of nestlings is down by half from last year. Elsewhere in Virginia, the birds are doing better, according to Robert Kennedy, a graduate student in biology at William and Mary College, who has been one of Spitzer's suppliers. But Kennedy adds: "I'm kind of leery about the transfer experiment because we're getting to the point where every young bird produced in Virginia should stay in Virginia—if we're going to have any around!"

It thus is at his suppliers' doors that Spitzer's quest may fail. But in the drama of survival upon which he and the ospreys are embarked, it also just may be that it is Virginian Robert Kennedy who will save the day. Knowing that transferable young are now needed in his own state as well as Long Island Sound, he recently decided to try to exploit a trait of osprey behavior that was remarked upon 35 years ago by the great American ornithologist, Arthur Cleveland Bent:

"Only one brood is raised in a season, but, if the eggs are taken, a second set will usually, though not always, be laid."

To verify this observation, Kennedy removed the entire first clutch of eggs from the nests of three pairs of Virginia ospreys that were relatively "clean" in terms of pesticide exposure. The birds, as predicted, remated and laid more eggs, while Kennedy put their first sets in an incubator, carefully controlling the temperature and humidity during the month-long gestation. The experiment was surprisingly successful—four eggs hatched; the fifth baby bird died while trying to break out of its shell. Kennedy successfully transferred two of the incubator babies outdoors to osprey nests.

The parent birds, meanwhile, had laid their second clutches. When Kennedy tallied their total productivity for the season, he found that the three pairs had produced 3.5 young per nest, about double the normal rate for healthy Virginia ospreys. He had thus demonstrated a possible new method of doubling each year's production of young ospreys.

The birds' second clutches were numerically slightly smaller than their first ones, but this deficit was compensated for by a higher proportion of viable eggs. Kennedy has a hunch that production of a second clutch may provide a reproductive bonus: unhealthy birds may deposit enough of the pesticide from their bodies in early eggs for the fifth or sixth egg of a season to be "clean" enough to survive. In fact, a "dirty" female that previously had produced only dead eggs this year produced one live one in a second clutch, after Kennedy had taken her first clutch away.

Kennedy is excited by the possibility that his second-clutch and incubation technique could provide enough young birds to turn Spitzer's original transfer experiment into a practical conservation method. By producing two clutches from 50 osprey pairs next year, he believes he could obtain enough incubator-born young to fill Virginia's barren nests—with the possibility, if everything works perfectly, of having enough left over to ship 50 or more viable eggs north for Long Island Sound. Such a possibility could strongly influence any decision about abandoning Spitzer's egg-transfer work or expanding it into a full-scale osprey-conservation program.

Whether osprey conservation will work is another question. Roger Tory Peterson is pessimistic. He points out that the land continues to be "sour" from pesticides and industrial poisons. The Federal Government has not yet banned DDT, Dieldrin and similar poisons, although it has restricted their use. Monsanto has voluntarily cut back the uses for which it will sell PBC's. But toxic spills continue to occur.

Once the ospreys have disappeared from Long Island Sound, their breeding grounds could conceivably attract ospreys from other regions, but considering the condition of the Sound today, Dr. Hickey considers this doubtful. "New birds will not come into an area unless it is very attractive," he says. "If it is marginally attractive, the old birds will come back—but new ones will not come in."

It might also be possible to restock the area with cage-reared ospreys. Recently there has been some success with attempts to breed other types of threatened hawks in captivity. The hope is that like Elsa the lion, these birds, or their descendants, could be hand-trained by falconers to hunt so that they could be released in the wild to be "forever free." Thus far, however, there have been only a handful of instances in which cage-reared birds made the transition back to nature satisfactorily. No one knows how to teach such birds dependable migratory behavior. And adult wild birds that are brought into a new area rarely return there from a migration.

Neither Paul Spitzer nor his co-workers are eager to discuss the odds they face; neither, however, are they ready to accept the irrevocable loss of the ospreys. Despite its inherent problems, Spitzer's plan may yet be the most promising. Although his Patuxent collaborator, biologist Stanley Wiemeyer, takes a highly qualified view of the venture, he says nonetheless: "It would be much more difficult to reintroduce the birds than to maintain the population—assuming that we have a good source eggs and young birds."

For Spitzer, the apparent odds against success might well be cause for thought. He has won his colleagues' approval for a successful *scientific experiment;* should he risk that approval on a long-range *conservation program* that well might fail? Will he remain faithful to the statement he made only a few years ago as a college youth:

"If I, as a scientist, do not treat the osprey as something rare and precious, I cannot expect others to do so. . . . If possible, the trend toward extinction must be reversed. . . . Perpetuation of ospreys in an area where they appear doomed has beauty, and an element of defiance, as well as scientific merit."

H.R. 12338

A bill to authorize pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture is authorized and directed to carry out, through the Agricultural Research Service and the Forest Service of the Department of Agriculture, pilot field-research programs for the purpose of (1) developing and testing the control of agricultural and forest pests by the employment of integrated biological-cultural methods, (2) determining the economic and environmental consequences of predicting and modifying agricultural and forest pest populations through utilization of multidisciplinary and integrated biological-cultural methods, and (3) developing methods of collecting, handling, and interpreting data obtained from such field research.

(b) The Secretary of Agriculture is authorized to reimburse farmers and ranchers for any losses sustained by them as a result of any research authorized under this Act being conducted on their lands, crops, or livestock.

(c) There are hereby authorized to be appropriated to the Secretary of Agriculture to carry out the provisions of this section during the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years.

Sec. 2. There are hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1972, the sum of $2,000,000. and such sum as may be necessary for each of the five succeeding fiscal years for the purpose of expanding its fundamental research on integrated biological-cultural principles and techniques to control agricultural and forest pests.

POUNCE ON POLLUTION

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, in today's nationwide effort to protect, restore, and enhance our environment, what could be more appropriate than the entrance of a popular, nationally known and influential figure into the picture to take up the cause.

As many of my colleagues are already aware, Snoopy—fighter pilot, author, former Head Beagle, star infielder, and illustrious star of Charles M. Schulz's comic strip "Peanuts"—recently announced that he will "pounce on pollution" as a full partner with Johnny Horizon in the Department of the Interior's environmental program.

I commend the Interior Department for warmly welcoming Snoopy as an integral part of the pollution-fighting team. I know that he will provide much-needed impetus in the continuing struggle to save our environment. Snoopy's flying secretary, Woodstock, asks people to "Bend a little—pick up a lot." We could all take heed.

Bob Lorimer, farm editor of the Idaho Statesman in Boise, recently commented on Snoopy's new mission. I am including Mr. Lorimer's comments as part of my remarks and commend them to the attention of my colleagues:

Snoopy Joins Ecology Fight

(By Bob Lorimer)

The Forest Service no more than came out with the announcement that a Smokey Junior has been obtained to carry on the duties of his illustrious namesake, Smokey the Bear, than the Department of the Interior comes up with a bomblike announcement with a similar earth-shaking impact.

Johnny Horizon, the conservative leader of the department's environment program, now has a far-from-conservative partner, none other than the famed fighter pilot and head beagle of Charles Schultz' "Peanuts," Snoopy.

Interior Secretary Rogers C. B. Morton responded to the announcement with:

"We are proud to have Snoopy as a Johnny Horizon partner. He is one of the nation's most celebrated adventurers and is easily one of the finest infielders ever to wear a baseball uniform in any league. Now, as he seeks even greater accomplishments, I am confident that Snoopy will distinguish himself as a peerless and faithful leader in the federal government's efforts to halt pollution and improve the environment."

Well, if he can't do it no one can.

CONGRESSMAN ORVAL HANSEN, OF IDAHO, INTRODUCES H.R. 12325, THE HOMEMAKING SERVICES FOR THE ELDERLY ACT OF 1971

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 12325, which will amend that part of the Vocational Education Act of 1963 which authorized appropriations for grants to the States for consumer and homemaking education. Unlike other sections of the 1963 act, these programs are not necessarily focused upon gainful employment outside the home. However, one-third of the funds must be used for programs of consumer education or to help improve home environments and the quality of family life in low-income areas. My understanding is that this is proving to be a very useful feature of the program. I propose a further earmarking of one-third of the funds for special programs for the elderly.

Thus far in the hearings of the Select Subcommittee on Education on the problems of the aging, several problems have emerged as common to most elderly persons. Among these are nutrition, loneliness, and personal isolation. These are closely interrelated in many instances, as isolation leads to indifference to food preparation and eating. Many elderly persons, moreover, could, with a little help, live independent lives at home rather than be consigned to institutional care at great public expense and loss of personal dignity. My bill is designed to provide that kind of help at least for those who would be reached by this program. I think it would be a useful and rewarding experience for the home economics teachers and students and for the old persons it might reach. In my judgment, it would strengthen the small portion of the home economics program affected by Federal funding and set a good example for most of the programs which are dependent on State and local support.

I am pleased to welcome as cosponsors to my bill 24 of my colleagues in the House of Representatives. They are: Mrs. Abzug, Mr. Bevill, Mr. Dellums, Mr. Eilberg, Mr. Fulton of Tennessee, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Hosmer, Mr. Johnson of California, Mr. Kemp, Mr. Matsunaga, Mr. McDade, Mr. Metcalfe, Mr. Morse, Mr. Rangel, Mr. Roe. Mr.

SCHWENGEL, Mr. SHOUP, Mr. STOKES, Mr. TALCOTT, and Mr. WYMAN.

It is my belief that this bill would be a significant step in implementing the hope which was frequently expressed at the recent White House Conference on Aging. This hope is that support must be generated at all levels of government for positive programs and actions that will be truly responsive to the needs of our elderly citizens. When enacted, my bill will insure more dignity, meaning, and enrichment to our Nation's 20 million elderly citizens.

As a part of my remarks, I wish to include the text of my bill, H.R. 12325:

H.R. 12325

A bill to amend section 161 of the Vocational Education Act of 1963 to utilize a portion of the funds for homemaking and consumer education programs to assist the elderly

Be it enacted by the Senate and House of of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Homemaking Services for the Elderly Act of 1971."

SEC. 2. Subsection (d) of section 161 of the Vocational Education Act of 1963 is amended by inserting "(1)" immediately after "(d)" and by inserting at the end thereof a new paragraph as follows:

"(2) At least one-third of the Federal funds made available under this section shall be used for special consumer and homemaking programs for the elderly (who for the purposes of this section shall be defined as persons sixty years of age or more who are in need of such services) designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation."

DR. JASPER W. CROSS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, under leave to extend my remarks, I would like to include an article from a recent issue the St. Louis University magazine by Dorothy Hite Claybourne about the late Dr. Jasper William Cross. Dr. Cross was a friend and scholar and it was my privilege to have known him for some 20 years. He was a professor of history at St. Louis University until his untimely death early this year.

It was in the course of my work in the Congress that I met Dr. Cross while he was on a 1-year leave of absence from his work at the university. During this time, he came to Washington to serve as administrative assistant to our former colleague, the Honorable Peter F. Mack, Jr. Dr. Cross was a dedicated public servant and an outstanding student of government. He took a great interest in the affairs of our State and participated in many major problems confronting our Nation. After returning to the university upon completion of his year of Government service, he continued to take an active part in public affairs and was elected, himself, as city councilman in the city of Ferguson, Mo., where he resided with his wife and family. Dr. Cross was a credit to his country, his family, and his profession, and he leaves behind a rich heritage.

The article is as follows:

JASPER W. CROSS—A TRIBUTE

(By Dorothy Hite Claybourne)

On February 4, 1970, Dr. Jasper W. Cross died suddenly of a heart attack. A sharp-witted, laconic, iconoclastic personality, he was the gadfly of the University's administration, "the voice of the faculty" on the University Council and the Executive Committee of the Arts Faculty. He was celebrated for his clever articulate assaults on the things he knew and loved best—the University, his country, and his church were his chief targets. He has with justification been compared at one time or another with William Buckley and Mark Twain, by Dr. Rita Adams of the history department, and said to be a direct descendant of Benjamin Franklin, Will Rogers, and H. L. Mencken, by Victor P. Staudt of the English department. An acute critic with great erudition and discriminating taste, controversy was his native ground. He was a contemporary man, deeply rooted in America's historic past, with a strong streak of mid-western conservatism, yet capable of flexibility and change.

The only child of Jasper and Emma (Irvin) Cross, Jasper William Cross was born in Reserve, Wisconsin, the Lac Court Oreilles Indian Reservation, on August 25, 1916. His father was an agent with the U.S. Bureau of Indian Affairs. A gifted child, Jay, as he was known to his family and colleagues, was taught to read at four years of age by the Sisters who ran the missionary school on the reservation. He was the only white child in the school, and it was not, in fact, until his high school days that he associated with other white children. This early education, furthered by his father in an almost private tutorial situation, emphasized social responsibility and community service.

When Jay was seven years old his father was appointed agent to the largest Indian reserve in Kansas, the Potawattomi reservation, at Mayetta. By the time he had graduated from Mayetta High School at 15 years, his family had moved to another reservation in Oklahoma and back again to Mayetta. He probably could have entered a university after graduation but he did not apply; instead he worked for a year in a grocery store at Mayetta. By this time the Depression was taking its toll among the Indian agents, and the Cross family came back to Southern Illinois which had been their earlier home. They settled down in Carbondale because there was a university where Jay could continue his education. The elder Cross obtained work with the Illinois Central Railroad.

In 1937 Jay earned his B. Ed. degree from Southern Illinois University, and then he enrolled at the University of Missouri to study for his M.A. degree which was awarded two years later. At the same time he taught history, government, and economics at Hannibal-LaGrange Junior College in Hannibal, Missouri, commuting back and forth between the two towns. He then sought his Ph.D. degree at the University of Illinois which was conferred upon him in 1942. In the same year he married Catherine Mack and joined the faculty of Our Lady of the Lake College in San Antonio, Texas as an instructor in history.

Dr. Gross enlisted in the armed forces in 1943. After he received the second highest GCT score ever made to that date, he was sent to the U.S. Army Intelligence School in Maryland. Until 1945 he served as an intelligence officer first in England and then in the European Theater. For a short time after the war he taught at the University of Shrivingham where G.I.s were able to work for college credit while awaiting orders to return to the States.

After World War II he resumed his teaching duties as assistant professor at Our Lady of the Lake College for one year. In September 1947 he arrived on the Saint Louis University campus to begin his tenure of almost 23 years. He was promoted to associate professor in 1951, and was granted a one-year leave of absence to serve as administrative assistant to U.S. Representative Peter F. Mack, Jr., of the 21st District (Illinois), while the Congressman made his celebrated solo friendship flight around the world in 111 days in a small twin-engine plane. He became full-professor in 1961.

A scholar in U.S. history in the Civil War and postbellum period, Cross was also an expert in the age of big business. Among his colleagues and students he was known for the scrupulous care that he brought to the analysis and preparation of his classes and to his research direction. Rev. John F. Bannon, S.J., history department chairman, characterized him as a "pillar of stability and continuity." Others have described him as "brilliant," "an inspiring teacher," "a thorough, methodical, and highly organized professor," and "a dedicated educator." *The University News* wrote: "Dr. Cross was admired by his students for his fairness and his clear, precise lecture methods. His classes were conducted in a relaxed manner, punctuated by his dry humor and polished rhetoric." He was always available to counsel students whom he swiftly put at their ease. Dr. J. M. Sanchez recalls sitting in his office about a week before he died, when an angry student knocked on his door. "Dr. Cross," he said. "I don't think I deserved that F you gave me. " Jay, who was extremely fair to students, looked at him coolly and replied. "I didn't think so either, but that's the lowest grade we have."

Father Bannon asserts: "He was extremely cooperative and helpful in the affairs of the department. Since 1965 he handled ten Ph.D. candidates, something of an achievement. A fine research director, he trained his people well to meet the meticulous demands of scholarly writing." Rev. William B. Faherty, S.J., who served on a number of graduate committees with him, has another viewpoint: "A fellow examiner would always see new facets to American development whenever he served with Dr. Cross on an examination board. With him examinations were truly learning-experiences for all concerned. He set high but consistent and reasonable standards."

During part of the first semester of this academic year he headed a departmental search committee for several vacancies on the faculty. He was responsible for screening more than 200 applicants, and was very successful in his study, for the first three choices for the three openings recently returned signed contracts.

At one time it was his brief ambition to become a journalist and hence an editor, but this goal was soon displaced by his attraction to teaching. For eight years, from 1948 to 1956, he served with *The Historical Bulletin*, as a member of the editorial board or as associate editor. In addition to his articles and book reviews for that quarterly, his published writings appeared in the *Journal of the Illinois State Historical Society*, the *Missouri Historical Review*, and the *Missouri Historical Bulletin*. A voracious reader, he began in 1964 to review several books each year on history, government, and politics for the *St. Louis Globe-Democrat*.

He was a member of several professional organizations, including the American Historical Association, the Organization of American Historians, and the Southern Historical Association.

Father Reinert's appointment of Cross as a director of the Harry S Truman Library as representative for the University occasioned no surprise among the faculty. Beginning on February, 1969 the connection was one which he especially enjoyed.

Jay and Catherine Cross had four children: Bill (Jr.), a junior in the School of Commerce and Finance; Kelly, their only daughter, an Arts freshman; Marty, a high school sophomore, and Jack who attends grade school. They live in Ferguson where he was active civilly for several years. When the Cross family first moved to that municipality they were urged by the Sisters to remove their children from the crowded parochial schools to the public schools. They did this, and at the first meeting of the P.T.A. the subject of the budget and its allocation came up. It was reported that a rather considerable sum was spent on shrubbery but only $75.00 for books for the school library. Cross rose and delivered a commentary on the importance of first things first and the disparity between values and actions. A week later he was asked to run for councilman and was elected.

Early in his career at Saint Louis University he established himself as a master of dry humor and incisive wit. When relaxing among friends at home or on the academic scene, he was a lively conversationalist and an outrageous punster. Dr. Chauncey Finch relates an example: "Once at a coffee break a group of faculty were discussing how they were going to spend their sabbatical-summer leaves. Several said they were going to travel and otherwise enjoy themselves, but the majority replied that they intended to do research and write. Jay's comment, 'As I read the Bible it says that the Lord after creating the world in six days said that he was taking the seventh day off for rest and not taking a sabbatical leave to do research!'" Another sample comes from Dr. Edwin G. Eigel, Jr., Dean of the Graduate School. "In a conversation on the subject of birthplaces, Jack Malone remarked that he had come from Wichita, Kansas. Jay replied: 'Wichita? I spent a week there one day'" (An amusing aside to this anecdote is the fact that the town where Jay Cross was born, Reserve, Wisconsin, is no longer in existence!) Rev. B. T. Lukaszewski tells: "Jay Cross and his daughter Kelly were faculty-picnic regulars (Jay himself usually served on the picnic committee.) At one particular picnic Kelly outran all the other girls—she ran really fast—kinda floated along. Later I accosted Jay: 'You know that kid is really a terrific runner! Maybe we ought to consider training her for the Olympics or something.' Jay's rejoinder was: 'Ah, she's too lazy!'"

Dr. James Cronin reminds us that Jay was the person who named Father Henle "The Burning Bush," and gave Dr. Donald S. Ousterhout that it was he who gave Father Reinert the nickname "The Great Bald Eagle." Another academician remembers that he called his salary "the monthly insult." Dr. Irvin Arkin retells about the time recently when he told Jay that he was going to offer a course in introductory Egyptian hieroglyphics to the Free University. Jay's response: "You know, if you want any students to enroll you'd better list the course as "Egyptian Hieroglyphics and the Urban Crisis."

"At a Council meeting, a proposal to increase the number of student representatives from five to ten was under consideration." Dr. Gerald Dreifke tells. "Dr. Finch called attention to the fact that, though there was no restriction on their qualification, faculty members had to be full-time and ranked to be eligible. He therefore proposed an amendment that student members should be full-time and ranked as upperclassmen or graduate or professional students. His motion was immediately seconded by Dr. Cross but voted down after considerable discussion. Dr. Cross made a motion that restriction of Council membership to full-time faculty be eliminated, stating 'I don't intend to vote for my motion, but I think it should be in the record.' When someone inquired the reason for his motion, he answered, 'Parity, just simply parity.' His idea was to never let the students get ahead of the faculty!" Dr. Dorothy Feir reports this happening at the recent Graduate Faculty Assembly: "There was a discussion on the subject of the faculty teaching load, and Dr. Cross asserted: 'As you all know, the history department has recently suffered from untimely illnesses, administrative promotions, unusual marriages, and other catastrophes.'" He never thought that before long he would be adding to that decimated department's difficulties.

Competitive by temperament and athletically inclined, he admired physical fitness. His interest in sports included basketball, softball, baseball, and tennis; one of his own favorite pastimes was golf. He was varsity tennis coach for several years and was also instrumental in developing a junior tennis program in Ferguson. From 1955–63 he was official scorer for the Billiken basketball team. Dr. George Wendell, who was assistant scorer during the same period relates details of his friend's own basketball playing: "Jay was not the most polished player but there was one spot on the court where he was deadeye in his accuracy to sink the ball; it was the defense of the faculty regulars to keep him off the spot." Dr. Paul Steinbicker, currently on leave of absence at the University of Dayton, refers to him as "a maddening golfer" who frustrated not only his opponents but also his partners with his ability to bounce his ball on the hard, mud-caked old Creve Coeur course almost the same distance as the others drove theirs.

A convert to Roman Catholicism about the time of his marriage, he liked the solidity and positiveness of the old Church. A member of the Law School faculty tells of a talk about the movement for ecclesiastical reform and renewal. "Jay had originally been a Methodist and he commented: 'I could have just stayed where I was and they would have moved over to me!'"

Jay's first interest in politics at the grass-roots level took place when Peter F. Mack, Sr., his father-in-law, ran for the first of three unsuccessful times for Congress. The entire family was active throughout the three campaigns as they were in working for his brother-in-law's election in 1948 and his subsequent reelections for each successive Congress until 1962. This was the year Mack was gerrymandered out of office to Jay's complete outrage.

Of slight build, he was five feet ten inches tall and weighed about 155 pounds. His eyes were blue, and his hair, worn crew cut, was a graying brown. He dressed conservatively with the ever present bowtie. In the summer of 1966 he had a serious heart attack and his doctor advised curtailing his activities. He, therefore, gave up his work on the Council in Ferguson, reduced his writings to book reviewing, cut down attendance at outside meetings, and limited his indulgence in such sports as tennis (although he still played on rare occasion).

On the day before he died, it was announced that James E. Higgins, professor emeritus of law, had passed away. Mr. Higgins had joined the faculty in 1922 and for five years had been Registrar of the Law School; he had retired from active teaching in 1961, yet someone asked Jay who he had been. Jay's reply was: "I have the feeling a man could be here 25 years and leave, and no one would ever miss him." The following day he took up the cudgels on behalf of the faculty in his usual friendly and masterly way. His classes met as scheduled. He went home and made his special martini, the ritual act that went with the evening newscast. At 10 P.M. this man who gave tone and integrity to his profession was unexpectedly dead. He is buried in Dahlgren, Illinois, in a small cemetery where most of the graves bear the names of "Cross" and "Irvin."

MY DEAD FRIEND

He was certainly
Dead there
The old mockery
Gentled further
So we watched him
Our eyes
Trembling their
Wet ambiguities
Our lips
Straightened
In half smiles
Of dread
While the old
Toughness
Flickered still
About the mouth
Gentled into
Certain death

—By Dr. Elias J. Chiasson
Professor of English

THE HOLY PLACES OF JERUSALEM

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SANDMAN. Mr. Speaker, it has come to my attention that the Jordanian Government may soon introduce a resolution at the United Nations to censor Israel for the so-called Judaization of Jerusalem.

Such an effort, in historical perspective, staggers even the wildest imagination.

Could the world have forgotten the fate that befell the once vibrant Jewish Quarter of the Eternal City during the Arab occupation?

As a reminder to us all during the time of the year when people of all faiths pause for religious observances, an article written by Leonard E. Whartman is worthwhile reading. He is head of the Middle East Bureau of Mutual Broadcasting System of Jerusalem, and is a native of Atlantic City, N.J., in my district.

Mr. Speaker, I insert this article by Mr. Whartman in the RECORD:

TO FAITHFULLY GUARD THE HOLY PLACES

(By Eliezer Whartman)

"The Royal Hashemite Kingdom of Trans-Jordan will allow free access to the Holy Places and cultural institutions, and use of the cemetery on the Mount of Olives."

Article 8, Para. 2, General Armistice Agreement, April 3rd, 1949.

"We had been prepared for almost anything, but this staggers the imagination. The human mind is unable to grasp the scope and barbarity of this willful, savage destruction of our homes, schools, synagogues and cemeteries," murmured a shaken Levi Eshkol, then Prime Minister, as he toured the Old City of Jerusalem and the burial grounds on the Mount of Olives a week after the Israeli troops had taken the area.

I was with him and dazedly we made our way through what had once been the thriving Jewish Quarter of the Eternal City. Many of the homes were now hollow shells, the stones ripped from them and used for construction in the adjoining Moslem Quarter.

Of the 58 synagogues that had graced the Old City for centuries, not one remained intact. Some of these buildings were among the most ancient and venerated of Jewish holy places. The synagogue in the name of

Rabbi Yohanan Ben Zakkai, a treasure house of Jewish ritual art, had stood in the Jewish Quarter for four centuries, and the Karaite Synagogue, also in the Jewish Quarter, was more than a thousand years old! Gaping holes, littered with garbage and human feces, were all that were left of the holy arks. The ashes of burnt Scrolls of the Law littered the floors. We went to look for the Hurva Synagogue whose domed roof had been a landmark on the Jerusalem skyline for a hundred years. Not a trace of the building remained. Tiferet Israel Synagogue with its silver chandeliers, each one of which contained 150 candles, and its library of rare and ancient books on the Cabala and Hassidism, had also disappeared. What had once been houses of prayer were now dumping grounds, stables, poultry runs and public latrines. Many of the yeshivas, some of them dating back hundreds of years, had also simply vanished.

We made our way to the sacred Mount of Olives where Jews, since Biblical days, lay entombed near the site of the Temple Mount. Horror gave way to nausea as we surveyed the scene of vast desolation: a sea of broken tombstones piled grotesquely along the narrow paths, as though a giant rake had been pulled through the area, leaving stone ripples behind; tens of thousands of unmarked graves, their headstones and supporting masonry missing; stark empty holes which had once been the final resting places of Jews whose last wish had been to lie next to the tombs of the Kings, Prophets and Sages; skeletal bones and ash strewn as shoulder filling for three asphalted roads, hacked through the heart of the cemetery, leading to Jericho, nearby Silwan village, and the plush Intercontinental Hotel that crowns the Mount of Olives.

Fifty years of virulent hatred preached in mosques and schools, over the radio and through newspapers, had produced this result. It provided a terrifying glimpse of the fate which would have befallen the Jewish population of western Jerusalem had the fortunes of war gone the other way. But as we mournfully looked out over this ocean of carnage, we did not dream that this ghoulish vandalism had been deliberately, systematically planned and executed by the Jordanian government and army. The mind, even today, still boggles at the thought; but the facts, inconceivable as they may seem, speak for themselves . . .

On July 21, 1967 an inter-ministerial commission consisting of representatives of the Ministries of Justices, Foreign Affairs, and Religious Affairs, was appointed to look into the atrocities committed against the cemeteries on the Mount of Olives and in Hebron, the holy city where the patriarchs and matriarchs lay buried. The commission discovered that approximately 38,00C of the 50,000 graves on the Mount of Olives had been violated. Most of the tombstones had been broken; thousands more had simply disappeared.

Where had they gone?

A search of the area produced some results. The nearby King Hussein village had been constructed in a large measure of the pilfered tombstones. Walls, floors, stables, chicken runs and even kennels had been built with them. Most of the villagers had fled at the approach of Israeli troops. Those who remained, when confronted by the commission, professed astonishment at the discovery of the stones in their homes. All swore by Allah that they were newly arrived residents and hadn't any idea how the stones had come there or where they were from.

The search led on to other nearby villages: the same discoveries, the same astonishment, the same protestations of ignorance. The stones led the commission to as far away as Jericho.

But the greatest horror was yet to come. "Possibly the most shocking spectacle," notes the report, "was the coldly calculated manner in which the [Jordanian] army made use of the pilfered tombstones, for in eight camps discovered by the commission, wherever one turns he encounters tombstones used for paths, the flooring of installations and tents, walls, trenches, storage pits, even latrines."

Tourists visiting the Holy Land will pass a small, unobtrusive road sign as their bus speeds along the road from Jerusalem to Jericho. The sign, located a few miles east of Jerusalem, reads simply: "Azariya (Bethany)—Site of Former Arab Legion Camp." Few people take the trouble to enter. Those that do reel at the sight.

The camp, preserved by the Ministry for Religious Affairs as a monument to man's barbarity to man, was constructed of tombstones ripped from the cemetery on the Mount of Olives. Its floors, walls and paths still clearly bear the names of Jews who, even in death, were not permitted the dignity denied them in life by their Arab neighbors. Most gruesome of all are the two latrines, probably the only ones in the world built of tombstones.

A frequent visitor to this camp, which was hastily evacuated before battle was joined, was King Hussein, a close friend of the former Beduin commander. Apparently the taste of the coffee served the King by his host was not affected by the fact that in order to enter the commander's home, the monarch had to climb a flight of steps constructed of tombstones, and walk on this interesting flagstone arrangement from the garden to the house.

The same sight met the commission at the camps on Mount Zion, where above the tombstone steps leading to a neatly tended garden were inscribed the words: "Long Live King Hussein, the Redeemer"; at Ras el Amud, where the stones were used, for instance, to pave the terrace of the local police station; at Abu Tor, where they made excellent supports for recoilless rifles; in King David's Tower in the Old City wall, the former Legion Intelligence headquarters; and in camps in the American Colony and the Batei Makhseh area.

How did the stones get there?

The watchman of the Mount of Olives Cemetery, Sader Khalil, who had been appointed by the Jordanian government, had, unfortunately, fled to Jordan, but his 33-year-old son, Khalil ibn Sader Khalil, remained and was able to provide an explanation:

Q. "What was your father's job?"

A. "He was supposed to see to it that private individuals did not take out tombstones or other stones without a permit from the government. There were several merchants who held concessions that allowed them to trade in stones from the cemetery. We would chase away all the rest . . ."

Q. "Who paid your father's salary?"

A. "The City did. Mayor Anwar el Khatib sent the checks . . ."

Q. "How were the graves mutilated?"

A. "Workmen came during the day and pulled apart the stones and the tombstones, and at night the army trucks came, loaded up the stones and drove off. The rest were taken by the merchants."

Ali Mohammed Ali is part-owner of a filling station located not far from the two-acre parking lot which the Jordanian government had constructed from part of the cemetery. His testimony, too, proved revealing:

Q. "Did you know about the defacement and destruction of graves?"

A. "Everybody knew. Anybody who needed building stones used to go to these merchants and buy stones from the Jewish graves . . ."

A touch of sardonic humor was unconsciously provided by Mohammed Sayek of Abu Tor, the watchman for the "Congregation of Jerusalem Burial Society."

Q. "How did you perform your duties as watchman?"

A. "What could I do? If I had spoken out against the government, they would have shot me on the spot . . . And I expect the burial society that hired me, to pay me now what they owe me for all these years. It's not my fault that the government decided to destroy the cemetery."

'The destruction," notes the report, "was absolute and total." It was repeated in Hebron, long the scene of Arab vandalizing of Jewish tombstones, where much of the cemetery made up of some four thousand graves was leveled, and an area of an acre containing, among others, the mass grave of the 59 victims of the 1929 pogrom, was turned into a tomato patch. Abasi Taleb whose home and stable were constructed in part of the tombstones, informed the commission that before he put the field under the plow he had requested permission from the Kadi of Hebron, who had promptly granted it. Still unsure of the title, Taleb turned to the Jordanian governor of the area who confirmed the Kadi's authorization.

Summing up its findings, the commission reported: "The vandalism began immediately after the war in 1948, but reached its peak in 1962 with the construction of the approach road to the Intercontinental Hotel. (The owners, Pan-American World Airways, disavow responsibility for the road's construction.) Hundreds of dwellings in the West Bank are presumed to have been built from material taken from the cemetery. Supervisors, paid by the [Jordanian] Jerusalem Municipality, oversaw the work of destruction, and ensured that private persons would not remove any stones without government permission.

"It is difficult to imagine that the [Jordanian] Ministries of Interior, Transport, Tourism and Labor had not been partners in the paving of the three roads which resulted in the destruction of a considerable section of the cemetery, a project which involved scores of architects, engineers, surveyors and contractors, and hundreds of workers. A fact which gives rise to many misgivings is that the Jerusalem-Jericho road was a joint effort of the Jordanian and the U.S. governments . . .

"The most shocking aspect of all was absence of any sensitivity to fundamental human values on the part of the Jordanian army. It is impossible to grasp how human beings could stoop to such degradation. The desecration was on such a scale that only one conclusion remains: it was undertaken at the highest level of the army. The desecration was carried out systematically, and always at night, indicating that the army was aware of the nature of the deed.

"The higher army officers who carried out this foul act were personally appointed with the knowledge and consent of King Hussein, as were the senior civil servants, including the Mayor of [Jordanian] Jerusalem, and all actions undertaken by them had to be cleared by the government in Amman.

"Did the King actually see the tombstones everywhere in the camps he visited regularly? It is difficult to conceive of his not having seen them. There can be no other conclusion than that he was well aware of what had taken place.

"The Jordanian authorities—civilian as well as military—bear the full and clear responsibility for all the acts of abomination and desecration carried out in the cemeteries on the Mount of Olives, at Hebron, and in the various camps of the Jordanian army. It is established beyond all doubt not only that these authorities knew of the acts of defacement and devastation, but that these acts were the direct result of systematic, deliberate and careful planning in the highest echelons of the Jordanian government."

The report concludes with a question that has not yet been answered: "The Jordanian sector of Jerusalem was filled with the consulates of foreign countries; numerous churches, monasteries and religious orders are located around the Mount of Olives cemetery and other Holy Places They could not have avoided seeing what was occurring. Why were they silent? How *could* they have remained silent?"

The Ministry for Religious Affairs has been recovering the stolen tombstones wherever they have been found, and, with the help of maps, has restored many to their original graves. The search goes on.

The parking lot and approach roads leading to Silwan village and the Intercontinental Hotel have been closed, and an effort has been made to identify and restore the graves buried beneath them, most of which, unfortunately, have been entirely obliterated. The Jerusalem-Jericho road is still in use, and it is presumed that hundreds of graves still lie beneath it.

Human bones and ash have been collected and placed in two mass graves over which monuments, constructed in part of broken tombstones, have been erected. The cemeteries on the Mount of Olives and in Hebron have been fenced off.

The Legion camp at Azariya has been left as it was, like Auschwitz, an eternal witness to the world of the depravity of human beings supposedly cast in the image of God.

A postscript must be added.

On August 24th, 1967, in a speech given in Beirut, King Hussein of Jordan demanded the return of the Old City of Jerusalem. He asserted "the right to faithfully guard the Holy Places which our Arab hand has faithfully guarded these thousand years and more."

CAN WE STABILIZE TODAY'S ECONOMY?

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on April 20, 1951, the Honorable Francis P. Whitehair, distinguished attorney and citizen of Florida, formerly Under Secretary of the Navy, as General Counsel for the Economic Stabilization Agency spoke before the Commonwealth Club of California in San Francisco. Mr. Whitehair's address on the stabilization of the economy in 1951 is immeasurably helpful in understanding the problems of the present economic situation and in designing programs to meet them. Mr. Whitehair is one of the ablest attorneys in the Nation and I commend his fine address to my colleagues and all those who will read this RECORD. I ask, Mr. Speaker, that Mr. Whitehair's address appear immediately following my remarks in the RECORD.

CAN WE STABILIZE TODAY'S ECONOMY?

(A Speech by Francis P. Whitehair)

Distinguished citizens of California—my fellow Americans:

Those of us who live East of the Mississippi are fully aware of the signal honor which flows from an invitation to address the Commonwealth Club of California. And, some of us realize the heavy responsibility of measuring up to your expectations. But, now and then, I hope you go in for a bit of diversification in talent and quality. However, if you do not, you have done so today, for you are looking at a person who possesses little or no background in education or achievements. In fact, your speaker can boast of nothing really great, unless you would agree that being a country lawyer and farmer for thirty years, the father of three fine children, married to one and only one red-headed woman for 27 years, serving in two world wars, and managing to accumulate enough of the worldly goods, as a citizen of Florida, to pay-as-you-go—is greatness.

My tour of duty in government, aside from that of a soldier and bluejacket, consists of nearly five of the longest months of my life. Thus far I do not have ulcers—that takes, so they say, 6 months; but I confess I am one of the many victims of Washingtonitis which I understand is an abnormal accumulation of hot air crying out in the language of Patrick Henry "Give me liberty or give me death."

So please, I beg of you, be patient as I proceed in the role of General Counsel of the Economic Stabilization Agency to discuss those popular subjects: higher taxes, more restricted credit, a tighter lid on industrial, commercial and agricultural prices, a severe ban on wage increases, and, in short, a series of sacrifices by every member of the American community.

In the distant land called Florida, I have lived not only in the sunshine of that glorious state, but in a climate of individual freedom and resistance to the centralization of power. I have heard it said that we Floridians are not more than a century behind you in most things, except popularity contests. However, I wonder what kind of a popularity contest I could win on the job at hand. I pray for courage, for I do not conceive it to be one of our functions to seek popularity. Many times I have heard the Administrator, Mr. Eric Johnston, say to his staff "Our job is to stabilize the American economy—and NOW—so that our nation will be prepared to withstand any and all external attacks on the democratic way of life—come what may."

Your question: "Can we stabilize Today's Economy?" is answerable by two short, but *very important* words: the first is "yes;" the second is "if." *Yes*, we can succeed, *if* we are able to overcome unprecedented obstacles occasioned by a period unparalleled in the history of America. I know we *can* do so; I firmly believe that we *will* do so.

Although I have been warned not to go far afield of the subject assigned, it is essential to state some of the problems which confront us foremost, everything must give way to the defense production effort. And, we are told that defense production and defense demand will be on the incline for at least two years. The full extent of the defense demand is not publicly known; but, we do know that by the end of the present calendar year about one-third of many of America's basic materials will be channeled to the expanding defense program.

Despite the personal feelings which you and others may entertain on the question of present necessity for stabilization, almost all will agree that the problems are more difficult now than in 1940, because, then, there were idle plants, idle manpower and materials which were readily available to the defense effort. However, since our present economy has been running full blast, the defense program must draw men and materials, as well as plants, away from existing peacetime uses and normal peacetime production.

As a consequence, inflationary pressures will mount with indescribable intensity. And, unless such pressures are met head on, production will be stifled—public confidence, the value of the dollar, the value of savings will all be impaired, and an intolerable burden imposed upon fixed income groups.

By the enactment of the Defense Production Act of 1950, which became a law of the land on September 8 of that year, and by the issuance of Executive Order 10161 on the following day, the Congress and the President declared war on inflation. To successfully carry on the campaign, we have already discovered many internal enemies. Perhaps the most serious one now confronting us is a *psychological barrier* to the stabilization program. In effect, I mean that the American people are not ready to freely accept controls, and we cannot succeed unless we have the support of the American people—not merely passive acquiescence but active cooperation. To obtain the necessary active support, under a half-war, half-peace environment is new to Americans and thus made very difficult.

It is my firm belief that today's inflation is primarily the result of a scarce philosophy that overcame the American public at and after the outbreak of the Korean war, and certainly after the Red-Chinese crossed the Yalu river, in force, on November 27. Since June, 1950, the cost of living index has risen some 8 percent; the cost of war materials has increased at an even greater rate. These increases can be attributed in large part to the fact that following June 25 of last year, there were heavy consumer purchases for fear of future shortages, there was destruction of savings by both business and the consumer in order to purchase goods in anticipation of price rises, there was hoarding, speculation, price boosts in anticipation of price ceilings, and just plain profiteering. The cost to the American people has been staggering. And yet all this psychological pressure was exerted before any genuine economic pressures set in. The Director of Defense Mobilization, Mr. Wilson, in his report of April 2, 1951, states: "Production of most consumer items during the first quarter of 1951 actually exceeded production during the same period of 1950." Now, mind you, as of this time, only seven percent of our national production was devoted to defense materials. By the middle of 1952 almost three times this percentage will be so used. A conservative estimate by the Joint Economic Committee of Congress indicates that as of the middle of 1952, there will have built up an excess of consumer purchasing power over available consumer goods of some 16.3 billions of dollars. Just picture the problem if the economic pressures make themselves fully felt before the psychological pressures are removed.

The converse of the scare buying is the pollyanna-ish response of the public to small bits of good news. If controls are to be effective this attitude is as much a threat as the one already described. An example is at hand. On April 1, 1951, one section of an eastern newspaper revealed that prices received by farmers had risen 26 percent since June 1950, while farm costs had increased by less than 10 percent during the same period. On that same day, another section of the same newspaper contained the following headline: "Farm Price Dip of Nearly 1% as Costs Rise Seen Easing the Demands for Sharp Curbs." The reaction of the financial and commodity markets to the news from Korea affords another example.

So long as the American public thus views the stabilization program as a day-to-day, week-to-week, month-to-month job, and does not recognize that it is a long-term undertaking which will exist so long as civilian goods production is not sufficient for civilian goods demand, the program is in jeopardy. We have recently observed and I predict that we will see, in the very near future, a decline in most retail prices. If I am correct, the decline will be due in part to the pressures exerted by tightening credit on the holders of inventory thus forcing goods onto the market, in part of temporary cutbacks on military orders, and in part to the fact that the fear psychology is wearing off to a degree and consumers—individual and commercial—may start living on their accumulated supply rather than buying more.

If the public assumes this price decline as a demonstration that controls are no longer needed—that inflation is licked, it will be deluding itself at a fabulously high cost. Because, the ratio of consumer goods to demand is bound to grow smaller and smaller and, the inventory liquidation will be a very short term break in the inflationary pressures.

Still another psychological barrier is the "Let George do it" attitude that has been adopted by vital segments of our economy. To illustrate: Labor says it will accept limitations on wages, but not until prices have been effectively brought under control. Business and management will accept price controls, but not until it is first assured that wage increases have been eliminated. The farmer indicates that he will accept price limitations on his products, but not until the other segments of our economy have been stabilized.

I can understand this attitude, because each factor in our economy must receive equal treatment, but, the circle and the upsurging spiral must be broken. To achieve this end, many will be hurt perhaps, but only temporarily, and the alternatives would be disastrous to those who protest.

Undoubtedly, our greatest difficulty at present is the failure of many people to comprehend or accept the fact that we are truly at war.

Were we in a widespread "shooting war" as in 1942, controls would be accepted and sacrifices made. I am sure of that. The problem today is that the American people are not sufficiently aware of the threat to American democracy from the "small shooting war" in Korea and an even more serious "cold war" all over the world.

The repercussions of these psychological problems are twofold. First, we all know that we cannot successfully impose controls on a people who do not understand the necessity for them. The so-called "noble experiment" of the Eighteenth Amendment provides a painful example of such a fatal error. Second, the existence of a stabilization program depends on the support of Congress and that support may not be forthcoming if the people indicate to the Congress their unwillingness to cooperate with the most necessary limitations on their right to increased prices, profits and wages and unlimited discretion and freedom in spending their income.

It is the duty of all of us personally to undertake our share of the burden of this problem. As Mr. George A. Sloan said in a recent speech:

"If you want any substantiation of this, study the inflation experiences in Germany, in China, in France, in Italy. The after-effects of inflation in Germany helped in producing Hitler; it gave China Mao Tse-tung; to Italy Mussolini and to France an unhappy parade of cabinets that require a score card to keep track of. But more than this, inflation destroyed confidence everywhere in these countries. And even here in America, it has and is steadily undermining the confidence of our people.

"Inflation is Stalin's best ally. Next to Soviet imperialism this is the most difficult problem facing America and our friends abroad."

Insofar as hoarding, speculation and profiteering continue to enervate the stabilization program, the answer may have to come through inventory controls, increased margin, requirements, and consumer rationing and the like. None of these is pleasant to contemplate; they will not be necessary unless the people of this country place their own comforts above the safety of the nation and refuse to accept responsibility for membership in the American community.

Assuming that the people are ready and willing to enlist in the campaign against inflation, what are the measures necessary, first, to remove the pressures of excess purchasing power, and, second, at the same time to assure that each segment of the public shares equitably in the consumer goods which are available.

As Mr. Wilson stated in his first quarterly report, there are two methods for combating inflation:

"1. To get demand and supply in better balance.

"2. To prevent the normal effects of an unbalanced demand and supply situation by regulating prices and wages."

Of course, the most desirable way to bring civilian demand and supply into better balance would be to increase production of civilian goods. And every effort is being made and will continue to be made toward that end. But, if a substantial increase in civilian production is not adequate at all times the blame must be placed where it belongs, on Mr. Stalin and the Politburo.

Even though we will greatly increase our civilian production during the next two years, the problem of inflation will remain with us. So long as twenty percent of our goods and services are to be devoted to defense—as called for by current plans—we will be placing into the economy twenty percent of the buying power which cannot be used for civilian goods. That additional income over and above civilian production will always remain an inflationary threat, which must be met by one or more of the authorized means of control.

Since increased production alone will not lick inflation at the time, the answer must lie in a means of cutting down demand. The principal methods are taxation, credit curbs, and increased savings. These must be used immediately to drain off over sixteen billion dollars worth of purchasing power from the American community.

TAXATION

Let's look first at taxation.

Every March 15th takes two years off my life, and it is only the most painful and inescapable logic that has made me an advocate of higher taxes. But I am fully convinced that the economic health of the Nation necessitates tax increases. Increased taxes present this apparent dilemma: Taxes must be high enough to permit the Government to pay for the defense program as we go along; they must also dry up a substantial part of the excess purchasing power. But they must not be so high as to destroy the initiative for increased production.

The Treasury has proposed a plan to raise taxes by some ten billion dollars. In essence the Treasury proposal will mean an 8 percent rise in corporation incomes taxes, a 4 percent increase in individual income taxes and an additional $3 billion in excise taxes secured primarily by increased rates.

Increased corporate taxes are necessary both for revenue and as a matter of equity. Heavy purchases by corporations are as inflationary as purchases by individuals, and large dividends are thrown into the civilian market by their receipients. They also cause inflated security values. Further, the public will not accept higher individual taxes, nor wage earners ceiling on their earnings, while corporate profits remain at unprecedented levels.

The shouts of pain from corporate officials about such tax increases will have to be taken with a grain of salt. In spite of the high taxes of 1950, corporate net profits fared very well. To illustrate: It was announced on April 3, 1951 that, A Manufacturing Co. Sees 1951 Net at New High—B Steel Reports for 1950 Record Net of $10.53 a Share—C Food Company 1950 Net Sets New High at $9.07 a Share—D oil 1950 Net Rose to $2.97 a Share from $1.77 in 1949—E Airlines' Net in 1950 Equaled $2.19 a Share for New High—X Railroad 1950 Net Rose to $4.49 a Share from $2.42 in 1949. I think no comment is necessary on these figures—for all of you see them almost every day.

Individual income taxes are to be increased uniformly by 4 percent. The C.I.O. complains that this is contrary to our tax philosophy of paying taxes according to ability to pay. Admittedly, the impact will be most heavily felt by the lower and middle income tax paying groups. This is necessary for two reasons: First, because there is not much room left for increases at the upper levels and any additional tax returns would be very small. Second, and more important, the inflationary pressures come from the lower and middle income tax paying groups and the tax must meet inflation at this level.

Another suggested excise tax is a 1% tax on loans to be paid by the borrower. The merit of such a tax lies in discouraging the expansion of credit in our economy as well as for the large financial return to the Government, draining off purchasing power at the very place where it is being used.

Another tax suggestion finds sponsorship from both business and labor—that the Federal tax exemption now granted on interest payments by state and municipalities on bonds be eliminated. The existing tax exemption enables state and local governments to borrow and spend money today for purposes and activities which are questionable—as necessities. Money spent by government—whether federal, state or local—exerts just as much inflationary pressure as that spent by business or the consumer.

Finally, I subscribe to the proposals of the Committee for Economic Development that "all possibilities of reducing tax avoidance and tightening up tax enforcement should be thoroughly explored. One step in this direction would be a requirement for withholding part of the individual income tax on dividends at the source."

CREDIT RESTRICTIONS

Let me say just a word about the second weapon in the arsenal of fiscal policy—the use of credit restrictions. Probably the most effective steps yet taken to curb inflation have been by this means.

In September of 1950, the Federal Reserve Board issued Regulation "W" which increased the down payment required for purchases of durable consumer goods and cut down the period of time for payment. As a result, consumer credit was decreased by $287 million in January and an additional $392 million in February.

The Federal Reserve Board adopted a similar policy on the purchase of homes by increasing down payments and requiring tighter mortgage terms. Credit terms on commercial construction were also stiffened.

Probably of wider effect in cutting down credit was the raising of the rediscount rate from 1½% to 1¾% and raising the reserve requirements of the member banks. The increased margin requirement of 75% instead of 50% was principally a preventive measure. And finally, in March, after vigorous efforts, the FRB succeeded in withdrawing support from the Government bond market, thus decreasing the available bank credit throughout the country.

In addition, the Federal Reserve Board and private financial institutions have set up tougher standards for borrowers. The cooperation of private lending institutions has been most successful, and is an example of what can be accomplished by voluntary action in the anti-inflation campaign.

The Federal Reserve Board has the necessary power to cut back much of the available credit. Thus far it has sponsored a policy of realistically fighting inflationary trends and it is to be anticipated that it will continue this program. Assuming that the same approach will be taken by Government lending institutions—though such a policy has not yet been manifested—we will win the battle on this front.

SAVINGS

Savings is the third element of fiscal control necessary to win the battle against inflation. The importance of savings cannot be over-estimated, both to decrease inflationary pressures now and to provide a cushion against deflation should that time ever come. Unfortunately, we are not saving out of current income, and, in fact, are rapidly consuming past savings and throwing additional dollars into the consumer market. As a single example, the excess of redemption of savings bonds is running at the rate of $1 billion per year—a billion dollars that will either have to be removed by taxes and credit controls or result in increased prices. And there are now outstanding some $50 billion, par value of series E, F, and G bonds which are payable on demand. This explosive element alone could blast our economy to Kingdom come.

If the Government is to get cooperation by the public in a savings program, the Government must set an example. Every effort must be made by *defense agencies* as well as non-defense agencies to cut down. Several plans have been suggested. For example, the Committee on Federal Tax Policy and the Committee for Economic Development have each suggested ways of economizing under the federal budget. The former states that $8¼ billion might be saved; the latter more realistically suggests a savings of from $3 billion to $6 billion. Here again, however, the same people who shout for economy in government shout even louder when that economy cuts down on government benefits of their own. Did you ever hear of a Government official favoring economy which would cut his budget? Yet anyone who has ever served in the Government, whether in civilian or military capacity, knows that there is waste and unnecessary spending which should be eliminated.

Another step is to stimulate greatly increased purchases of government savings bonds. I am one who believes, however, that there must be more incentive than Government urging to encourage people to invest in savings bonds. Such a program must demonstrate that savings through the acquisition of government bonds is a good solid investment which will not disappear in the future.

Can taxation, credit controls and savings stop inflation without price and wage controls? My economist friends tell me that the answer to that question depends upon whether you belong to the "equilibrium" or "disequilibrium" school of thought. My short period with the Government has taught me that economists use just as much gobbledygook as lawyers. In any event, there is no need to answer that question now, for full fiscal controls have not yet been put into effect and, when such a day arrives, it will be time enough to determine whether it will be necessary to continue anything but very selective wage and price controls.

At this moment, however, price and wage controls are a very necessary element in the campaign against inflation. As Eric Johnston recently stated, we have not met with the best of success in this field so far, due in part to problems of organization, and in part to experimenting with the new problem of peacetime controls. But the time has come to correct past errors and issue really effective price-wage controls.

At the very heart of any price-wage policy must be a basis for fixing and holding a line of prices. For if prices ooze out from under controls, it will be impossible in a non-war economy to keep a lid on wages and the destructive spiral will be on its way upward once more. Following the general price freeze of January 26 last, there have been issued a series of price regulations which, for the most part, were necessary to adjust the inequities resulting from arbitrarily fixing business relationships during the base period. As a result, prices in general have been moving slightly upward.

Of necessity, the date of the general freeze was arbitrarily chosen. But since controls were put into effect at that time, it has become a base date for future action. The first of the principles of a price policy is that there shall not be, except in extraordinary cases, any price increases over the general freeze date price. Should the seller be faced with increased costs, he will be required to absorb the increased costs at least to the extent that he can fairly be called on to do so.

This policy alone is not sufficient, however, for in the period between June 1950 and January 25, 1951, many sellers had taken advantage of the war hysteria, the buying panic and the opportunity to profiteer. Such increases in prices over the level for the month preceding Korea which are extraordinary and unwarranted must and shall be rolled back. Otherwise, the profiteer would benefit from his actions at the expense of businessmen who followed decent standards. Of course, increases of hardships or inequities, or where there are other compelling reasons of public policy, relief will be readily granted.

As soon as ceilings have been established effective by a compliance program which has under these principles, they must be made two goals: one shall be the education of both the seller and buyer as to the ceilings established; the second shall be punishment for those who willfully violate the price ceilings. There are sufficient civil and criminal sanctions provided in the Defense Production Act to make violations not only unpopular but unprofitable.

Basic to a wage policy, as it is to a price policy, shall be an attempt to maintain wages, salaries and other forms of compensation at the level reached on January 25—the freeze date.

Insofar as prices have continued upward and are allowed to remain above the prices of January 25, it will be necessary to permit wages to exceed the January ceilings. And insofar as it can be demonstrated that the so-called fringe benefits sought by labor do not add to the inflationary pressures, such benefits may be sought. Health, welfare and pension plans may very well assist in the savings program, rather than add to the money in competition for consumer goods.

With the lid on inflation through price and wage controls, and the pressure being reduced by fiscal controls, the inflationary evil can successfully be controlled.

The Congress is about to consider whether the Defense Production Act needs to be amended in order to give to the defense agencies sufficient tools to do the job. It would be presumptuous to suggest what Congress should do. But I will point out just a few of the big questions that will come before them.

First is the question of rent control over both housing and commercial properties. Rent represents one of the biggest items in the household budget as well as in the businessman's budget. If the family income is limited by wage ceilings and a limit placed over prices to be charged by businessmen, should the rent item be permitted to eat into family or commerical income? If there were no shortages of housing—especially in highly industrialized areas—and if there were no shortages of commercial space, no rent control would be necessary. But these shortages still exist. And the shortages are likely to increase rather than decrease as a result of shortages of critical materials.

Secondly, there is the difficult problem of the parity floor under prices for agricultural products. In the law as it now stands, ceiling prices cannot be lower than parity, and parity still permits many price increases leading to a rising cost of living, which in turn might justify wage increases. As a farmer myself—I raise the best citrus fruit in the world in my Florida groves—I have a selfish interest in keeping the present parity limitation. But there might be some difficulty in maintaining effective price control with a floating parity limiting the prices that can be set on important cost-of-living items.

A related question is whether subsidies should be permitted to relieve extraordinary stresses and strains in the supply of agricultural commodities. No one likes to advocate subsidies, although the Government has been granting them in some fields for many years. But when price controls are imposed, subsidies may be the only alternative to rationing and black markets where demand far exceeds supply, as might be the case with meat. Or subsidies might be the only alternative to passing on to consumers an extortionately high price in foreign markets, which multiplies in effect as the goods pass through the distributors.

These are but a few of the problems of controls still unanswered. In the meantime, the program must advance with the tools at hand, for there will always be some problems that remain unanswered among the complexities of imposing controls upon the free economy of this nation.

CONCLUSIONS

I have talked to you of the unpleasant methods which are necessary to secure economic stability. I have talked to you of sacrifices. I have talked to you of the enormous price, in absolute terms, that we have to pay in our fight for peace. But you must keep in mind, too, the things we secure by these efforts. Peace and prosperity are expensive items, but their alternatives come far higher.

In response to your question then, I quote Mr. Wilson: "With the fullest degree of drive and unity, we can do this job by 1953. By that date our readiness to enter upon total mobilization should be sufficient; and production, in addition to meeting current military needs, should support a civilian economy at or above pre-Korean levels."

In the interim we will not be suffering any pangs of austerity. Civilian consumption will still be far greater, perhaps 25 percent greater, than in 1940. By comparison with the standards of living anywhere else in the world, ours can only be described as luxurious. It will remain so only if we defeat inflation.

I earnestly beseech your aid and assistance to successfully secure this country from the physical ravages of war and the economic ravages of inflation. If we succeed, we can keep America really free—free to criticize—free to think—free to change, and at the same time free to survive. That is sufficient reward for any effort required of us.

A PEN IN THE SERVICE OF LIBERTY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the very successful Spanish-language daily newspaper in my district, Diario Las Americas, recently published a tribute to an outstanding Washington newspaperwoman who has a special understanding of and concern for all of the peoples of the Western Hemisphere. I call the attention of my colleagues to this article by Uva A. Clavijo, which appeared under the title "Virginia Prewett, A Pen in the Service of Liberty," on October 1, 1971:

VIRGINIA PREWETT, A PEN IN THE SERVICE OF LIBERTY

(By Uva A. Clavijo)

In today's newspaper in a little two line filler that appears in one of the inside pages, I read that 17 persons arrived from Cuba in a boat including 6 children who were given ice cream popsicles.

Ice cream popsicles when they come asking for liberty! How much tragedy, suffering, and history those 17 people must have and how easy it is to reduce it to two sentences devoid of feeling! This is the way the American press frequently treats the case of Cuba. We could bitterly lament how often the history of our country has been misrepresented—intentionally or not—, but we have also observed that among newspaper people we have had those who have defended our cause as if it were their own. Among them, Virginia Prewett has especially distinguished herself. Two recent articles, one last week in reply to the insipid proposal of Senator Fulbright to the effect that the United States should resume relations with Cuba, and another today, regarding Soviet bases in Cuba, are indisputable proof that Virginia Prewett does not accept our cause as lost.

Virginia Prewett stands out in the newspaper world as the only woman in the City of Washington who writes regularly on politics. Since 1959, when the column first appeared, hers is the only one to be published regularly on the subject of Latin America. But Virginia Prewett excells in the humanitarian field as well as in the newspaper field. She has always been known to attack all dictatorships, be they to the right or to the left, and to defend noble and just causes. Her belief in human rights, in systems of government based on democracy and equality for all, on socio-economic reforms that achieve a more equitable distribution of goods, is genuine, and as such, more pragmatic than idealistic. Virginia Prewett is aware that in fighting communism in the neighboring nations to the south, she is also defending the future of her own Country.

Born in Gordonsville, Tennessee, a town founded by her Scottish ancestors, Virginia pursued her studies in Cumberland University and New York University. After a brief apprenticeship with the American newspapers, she went off to Mexico in 1940. There she began to publish in newspapers and magazines and wrote the book "Reportaje sobre Méjico" [A Report on Mexico]. Her trips through South America produced a second book, "The Americas and Tomorrow" and also articles that appeared regularly in "The Washington Post" in 1943 and 44. As correspondent for the Chicago Sun from 1944 to 1947, her column, written from all the corners of the hemisphere, was published in more than 100 newspapers.

In Latin America Virginia Prewett did more than observe. She succeeded in participating. She bought land in Brazil: virgin land, in the heart of the jungle. There she lived for a year and with her machete in her hand and five peasants to help her, she worked the land. The three harvests she had while keeping "Fazenda Chavante" yielded more than corn and rice. In 1953 she published "Beyond the Great Forest". In this book the authoress made reference to human and international relations like "The New Frontier", "La Nueva Frontera" [The New Frontier]. Years later, using the phrase in a similar sense, President Kennedy made it famous.

It was in Argentina that Virginia Prewett met William R. Mizelle, United Press correspondent at that time and later, New York Times correspondent, whom she married in 1949. Mizelle is now President and Executive Director of H.O.A.S.A. (Hemisphere and Organization of American States Association).

Currently, Virginia Prewett travels frequently through Latin America, not only through cities, but also penetrating the continent to its most distant corners.

She knows Spanish perfectly, as well as French and Portuguese. But this American newspaper woman who handles the machete in the jungle as skillfully as a pen on paper, knows more than our languages. She knows our rich virgin soil. She knows our children, too often hungry for a better future. She knows our anxieties, our pride, our nationalistic sentiments. She has drunk sugar-cane liquor and eaten corn griddle cakes. She knows our customs, our defects, our ideals. She likes our painting, the rhythm of our music, which is the pulse beat of our soul. We are not just the object of study for her; we are a people, a people searching for itself and a better tomorrow.

Perhaps because the January cold, the bare trees, the snowy scenery, always tend to depress me and make nostalgia for the tropics all the more acute, last winter, after reading an article by Virginia Prewett on conditions of the political press in Cuba, I could not contain the impulse to write her. In a few lines I expressed my admiration for her newspaper work and as a Cuban woman, my gratitude for her devotion to our cause. Soon I received a call from her, and a few days later my husband and I visited her in her apartment on New Hampshire Avenue and 20th Street in Washington.

The warmth of the apartment struck us, decorated with many typical things from our countries. Virginia's study struck us, where the characteristic disorder reigned that surrounds all artists. We were taken with her husband, Mr. Mizelle, who speaks Spanish like an Argentinian . . . and shares our political ideology. We were taken with Virginia, no longer merely a newspaper woman and writer, but also a cordial personality.

Then it is not surprising that before leaving, it seemed as if we were taking leave of old friends. Something similar must have occurred to them since Virginia said to us: "You know, the same thing always happens when I am depressed, or the work load is heavy, some Cuban shows up, with this natural affection you have, and gives me strength and motivation to carry on."

Carry on, Virginia Prewett, carry on tirelessly in your fight for truth. Defend liberty and human rights. Fight with your skilled pen all that oppresses the liberty of man.

You have been our lawyer and friend in the difficult years of our exile. In the Cuba of tomorrow—because there will be such a Cuba—they will put up a monument to you as a token of our gratitude. In the heart of every Cuban, the monument already exists.

HYMIE MARKS' DEATH RECALLS KEY WEST OF BYGONE YEARS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, when a good man dies there is a great loss not only for his family and friends, but for innumerable other people. Recently a great and good man who left a distinguished and devoted family and an honored memory and innumerable friendships passed away in Miami. He was Herman—popularly known as Hymie—Marks. Hymie Marks' career is a typical American success story. He was born in Rumania and came with his family to Key West in 1892. He made a business success, but more importantly he made countless friends. He reared a family, the members of which have honored their State and country. Everywhere Hymie Marks went he cast a glow of warmth, of heart, kindness, helpfulness, and friendship. Such a man has left a better world behind him. I join in honoring his memory and his family. Mr. Speaker, I include a very fine article about Mr. Marks, appearing in the Key West Citizen of October 28, in the Record following my remarks:

Hymie Marks' Death Recalls Key West of Bygone Years

Herman (Hymie Markovitz) Marks, 88, died Wednesday morning in Cedars of Lebanon in Miami after a long illness.

Born in Jassi, Rumania, Dec. 19, 1882, he arrived in Key West with his mother and two brothers, Charles and Phillip, in 1892.

They joined here the husband and father, Jacob Markovitz, who came to Kew West in 1890. This family name (which means son of Mark) was to be changed in later years by Herman and members of his family to Marks.

Herman's father had a cattle ranch in Rumania and when about to be drafted in the Army for another war with Bulgaria sneaked out of the country at night. He made his way to New York and later to Key West.

He peddled scarves, clothing, etc., on city streets and saved enough to send for his family to come to Key West. He eventually opened a dry goods store and later a grocery store at Angela and Duval Streets.

About 1900, Herman opened his own grocery store at the corner of Greene and Duval Streets where the Le Mistral restaurant is today. From the day he opened its doors the place was known as "Hymies."

The elite families of Key West depended on Hymie for their celery, lettuce, strawberries, pears and apples.

Sales, however, as far as fresh vegetables and fruits to Key Westers were not enough to provide a living for Hymie and his family. He negotiated a contract to supply all Naval vessels visiting this port as well as the Naval Station, Marine Barracks and Marine Hospital with their fresh vegetables and fruits.

His sons the late Max, well known as a baseball player, and Paul, a practicing attorney of Miami and president of the Flagler Federal Savings and Loan Association of Miami, would help in the store after school and during vacation times.

Deliveries were first made by a horse-drawn truck owned and driven by Ivan Elwood, who later was to become Chief of Police. After Elwood joined the police force a picturesque character by the name of Bill Fagin made the deliveries.

Around the turn of the century the corner of Duval and Greene was a busy one. Wolkowsky's Men's shop was on one corner. Across from Hymie's where Sloppy Joe's is now was the Victoria Restaurant and Wolfe's Smoke Shop was directly in back of Hymie's on Greene Street. The City Electric System's office was on the other corner.

City Hall officials on their way to Pepe's Coffee Shop, next to Hymie's on Duval Street, would drop in to Hymie's for a chat and a free fruit. He sometimes would joke and say he could have been a millionaire if he could have collected for all the free fruit politicians and friends would pick up and eat while talking to him, or strolling by.

A close friend of Hymie's the late T. T. Thompson, one-time part owner of The Citizen, was one of the culprit's who would remove a strawberry, or cherry and thereby ruin the box display.

One day Hymie put some hot pepper on the top layer of strawberries in one of the boxes. "TT," as he was known, picked up one of the strawberries and plunked it into his mouth. He never again took a fruit from Hymie's.

A friend, the late Harry Gwynn, who operated a meat market, one month entered a bid with the Navy for fruits and vegetables as well as groceries and meats. The next month Hymie bid all items at cost to him. This resulted in a closer friendship between the two, and Gwynn never again bid on vegetables and fruit.

After the Navy ceased operation here, Hymie moved to Miami in 1925. He went broke in 1926 after the boom busted and a hurricane did considerable damage to that area. He started all over in the grocery business and did well for himself.

In 1904, Hymie married Peppi Rosenthal. The ceremony took place on the second floor of the building now occupied by the West Key Bar. They moved into a frame dwelling which stood where the main office of The Citizen office is today.

Hymie as well as his sons, Maxie and Paul, and daughters, Rose and Evelyn, never could shake the sand from their shoes. Evelyn, who died in 1965, and Rose both attended the Convent of Mary Immaculate, and Paul graduated Key West High School in 1925. Later Paul was to serve as attorney for the Overseas Road and Toll Bridge District.

When Hymie's father died, The Citizen head over the obituary said: "End of an Era." The passing of Hymie, or Herman as he was known in Miami, is the end of another era—a beloved old time Key Wester, who was part of the political and fun life of Key West back in the early years of this century.

Funeral services will be held at 2 p.m. Friday at Riverside Memorial Chapel, Alton Road, Miami Beach. Burial will be in Graceland Cemetery.

THE DREW PEARSON FOUNDATION AWARD

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, at the National Press Club on December 13, which would have been the 74th birthday of Drew Pearson, the Drew Pearson Foundation Award for the Best Investigative Reporting of the Year was given to Mr. Neil Sheehan of the New York Times, for his reporting of the Pentagon papers. This was a momentous event in publishing history and led to one of the critical legal controversies of our Nation's history.

It will be recalled that the Department of Justice for the first time in the history of the United States attempted to enjoin the prepublication of material which the New York Times and other publications had determined to publish. Hearings were held in the U.S. District Courts and in Courts of Appeal of this country and finally the authoritative decision against such prepublication injunction was rendered by the Supreme Court of the United States.

It took courage and dedication on the part of a reporter to take the primary responsibility of reporting to his fellow citizens the Pentagon papers, which were assembled by representatives of the Department of Defense by the direction of the Secretary of Defense as to how the United States got into the Vietnam war. It took courage and dedication to a publisher's high duty for the New York Times and other newspapers to publish the material which the Government of the United States was attempting to prevent their publishing.

We all now agree that such publication was in the public interest, not inimical to the Nation's well-being. So again a free press, guarded by the first amendment to the Constitution of the United States, has served the national interest as our forefathers expected it to do and protected it in doing.

The response of Mr. Sheehan to the award reflected the character and the competence of the man who received the award. Such men, such publishers, are among America's heroic great. It is fitting that they be rewarded for such patriotic endeavors.

It is the consensus of all who were privileged to attend this moving ceremony, at which Mrs. Drew Pearson was present and movingly spoke, that this award was in the high tradition of dedicated, investigative reporting of which Drew Pearson was long the acknowledged master in our country. So it was gratifying to see the fearless and gallant spirit of Drew Pearson living in others who carry on the great tradition of fearless, dedicated investigative reporting after him.

Mr. Speaker, I am privileged to offer my colleagues and my fellow countrymen Mr. Neil Sheehan's address in response to the Drew Pearson Foundation Award, and that it be incorporated in the RECORD immediately following my remarks:

SPEECH FOR PEARSON AWARD CEREMONY, DECEMBER 13, 1971

Ours is not the highest of callings. We do not serve humanity with the selflessness of the priest or the life-saving gift of the physician. We frequently do evil. We publish falsehood, our own and that of others. We bring pain and embarrassment to those who are named in our often erroneous accounts of events. In his decision in June of 1971 upholding our right to publish the Pentagon Papers, Judge Murray Gurfein of New York spoke of "a cantankerous press, an obstinate press, a ubiquitous press." These are not pleasant words and I suspect that Judge Gurfein did not mean them to be entirely complimentary. Yet I choose to regard them as one of the finest compliments that can be paid free journalists. For those words imply that, whatever our faults, we seek, when we can, to do our duty as we see that duty to the best of our ability. Those words imply that whatever evil we do, we do a greater good. Drew Pearson was such a newspaperman—a cantankerous journalist, an obstinate journalist, a ubiquitous journalist. This award in his name therefore has special meaning to those of us who attempt to live by the same code that he did.

It is said these days that this code should be practiced at the pleasure of those in authority. We are told that in writing the First Amendment, that "Congress shall make no law . . . abridging the freedom of speech, or of the press," the Founding Fathers meant to give us a mere privilege to report and publish, a license that can be revoked or restricted when those who govern us see fit to revoke or restrict it for what they believe to the greater good of the nation. Those who hold this view will learn that journalists who take their work seriously will reject it, regardless of the personal consequences. The Founding Fathers did not give a privilege, a license that is held at the convenience of government. Rather, in writing the First Amendment, they imposed upon us a duty, a responsibility to assert the right of the American people to know the truth and to hold those who govern them to account. In the pursuit of this responsibility some of our colleagues, a number of them my friends, have given their lives in Vietnam. No one intimidated them and no one is going to intimidate us. When *The New York Times* printed the Pentagon Papers my publisher and my editors also sought to do that duty, to fulfill that responsibility. I can take great pride in this award today, not just because of my own contribution to the publication of these documents, whatever that may have been, but because in honoring me the Drew Pearson Foundation honors my newspaper and all of my colleagues who work for *The Times* for seeking to live up to the ideals of our craft. And I accept this award in their honor.

Some would have us believe that in publishing the Pentagon Papers we committed theft and treason. Words like theft and treason have a certain tiny ring in courtrooms and from political platforms. I believe that in publishing this history of the Vietnam war we gave to the American people, who had given to those who governed us 45,000 of their sons and $100 billion of their treasure, a small accounting of a debt that can never be repaid. But if to report now be called theft, and if to publish now be called treason, then so be it. Let God give us the courage to commit more of the same. Thank you very much, Mrs. Pearson.

CUTTING COSTLY REDTAPE IMPEDING WORLD TRADE

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. GIBBONS. Mr. Speaker, I am a stanch believer in the benefits that accrue to consumers and producers alike when we increase trade, and believe that we should remove every impediment that tends to decrease or hinder our international trade. In recent weeks, I have taken out special orders to discuss the benefits of world trade, and the costs and dangers involved in pursuing restrictive trade policies. I have spoken on the U.S. stake in world trade and continued international cooperation.

It was not until recently that I learned of a serious paperwork impediment to world trade—and that is the tremendous amount of redtape that is involved in complying with regulations in the export and import business. Apart from tariffs, quotas, preference systems, or other nontariff barriers, the sheer cost of documentation in our import and export trade has proven to be a serious impediment.

Documents for every type of trading transaction are demanded by the Government, by banks, insurance companies, and shipping firms in addition to the regular invoices, orders, and other papers, required by manufacturer, seller, and buyer.

Today more than a 1,000 different customs, credit, insurance and other documents are in use in the United States.

An average overseas shipment requires 360 copies of 46 separate documents.

Our total import and export trade creates 6.5 billion copies a year of 828 million documents.

These documents comprise 7.5 percent of the value of all our import and export shipments. The cost is around $6.5 billion a year.

These devastating statistics are so overpowering that one could scarcely believe them, were they not to be found in a 2-year study undertaken jointly and just released by the U.S. Department of Transportation—DOT—and the National Committee on International Trade Documentation—NCITD—30 East 42d Street, suite 1406, New York City.

The basic question of this study: "Paperwork or Profits?" is whether the paper barrier in international trade is becoming such an encumbrance as to inhibit many firms from participating in foreign trade or in reducing profits to an excessive extent.

Twenty-eight recommendations are proposed for cutting redtape by drastically reducing the documentation and by simplifying procedures.

I am all in favor of reducing the paper barrier in the interest of expanding our international trade and increasing our profits.

I insert to have printed in the CONGRESSIONAL RECORD the article "Ways To Cut Paperwork Listed," by Arthur E. Baylis, national director of the NCITD, and published by the Journal of Commerce on November 15, 1971.

[From the Journal of Commerce,
Nov. 15, 1971]

JOINT INDUSTRY-GOVERNMENT STUDY—WAYS TO CUT PAPERWORK LISTED

(By Arthur E. Baylis)

Be sure to attach a large question mark to any expected profits whenever a lot of paperwork is involved. In international trade, where papers often seem to outweigh the cargo, the paper barrier can be likened to an "iron curtain" both in restraining this trade and in making it unprofitable.

International traders have long recognized the need to reduce paperwork and the procedures and processes that result. But, because of the complexities caused by the many parties involved, age-old habits, geographic separation of the parties, government laws and practices, and the different individual requirements, any progress toward increasing profits by reducing paperworks has been too slow to be recognized.

NEW STUDY POINTS WAY

Now, at last, there may be a better chance to solve the international paperwork problem by fully identifying what it is. Such identification is contained in the results of a two-year research study just completed by the National Committee on International Trade Documentation and the office of facilitation of the United States Department of Transportation (DOT).

The title of this study "Paperwork or Profits?—In International Trade" raises the fundamental question, i.e., do you want paperwork or do you want more profits? Equally important for those companies that have found international trading to be too complex and risky to be attractive, the report aims at offering assistance through simplifying the papers and the procedures that they activate.

The study carefully analyzes 125 types of documents that were involved in the shipments studied. Such an analysis exposes each one of these documents in such a way as to identify each party that participated in the document, the high, the low, and the average dollar and man-hour costs for preparation and processing, and the specific other documents that were inter-related with the one being analyzed.

DROP 85 OF 125

The report concludes with the grouping of documents most frequently used, those less frequently used, and those used for special purposes. In such groupings the study concludes by identifying those documents recommended to be eliminated. These total 85 documents out of the initial 125 and result in total savings of about $1,165, representing the total cost for a single time use of each of the documents classified as being unnecessary.

The report contains 28 specific recommendations, and each are discussed in detail, and are followed by a list that shows the party or parties most responsible for implementing each recommendation. The summary of recommendations is listed in three categories: (1) General, (2) Government, and (3) Industry. In these categories, the summary of recommendations is as follows:

GENERAL

1. Accelerate programs in industry and governments to adopt the U.S. Standard Master format for trade and transportation documentation.

2. Develop a standard transportation commodity description and code system and apply the system to government and commercial international shipments.

3. Provide a designated area within each data block of the U.S. Standard Master and aligned forms for insertion of appropriate standard commodity and other codes.

4. Encourage countries requiring consular invoices to relax their requirements and accept authenticated commercial invoices instead.

5. Eliminate, by mutual consent, requirements for translation of information contained on documents into the language of destination country and agree that the language of the originating country will be accepted by consultates, customs, consignees, banks and other interested parties.

6. Apply the time required for preparation and processing of documents as one criterion in a program designed to simplify and eliminate documents.

7. Encourage exporters, shippers, forwarders and carriers to make wider use of the Department of Commerce's simplified export statistical reports.

8. Use a standard control number to identify documents throughout a transaction.

9. Replace the government bill of lading with the commercial bill of lading which now is aligned with the U.S. Standard Master for International Trade.

10. Review, sponsor and approve all existing, new or revised transport documents on a centrally coordinated basis.

11. Sponsor and encourage programs of statistical exchange between the U.S. and other countries on a bi-lateral basis to reduce documentation and simplify collection of import—export data.

12. Promote inter-government programs to eliminate "counter-documentation" imposed by one country in response to actions taken by another country.

13. Encourage other governments to grant reasonable tolerances between import license and actual shipment data.

14. Simplify, combine, standardize, and align import entry documentation with the U.S. Standard Master for International Trade to reduce the complexity of import documentation.

15. Increase the dollar ceiling for informal entry of merchandise.

16. Examine customs forms, practices and procedures involved in administering drawback to: (a) simplify the method by which applicants can qualify; and, (b) provide for payment of drawback to certified recipients on a current basis.

17. Provide that customs adopt commercially acceptable methods of payments for import duties.

18. Replace all special AID international forms with standard commercial documents.

19. Simplify regulations and procedures for the issuance of export licenses by the Office of Export Control.

20. Continue to align documents with the U.S. Standard Master, and update related procedures.

21. Permit certification statements on the sale or transport documents as substitutes for preparing separate documents.

22. Expand NCITD's role as industry's focal point for evaluating and coordinating new or revised trade and transportation documentation proposals.

23. Review prescribed documents and procedures with those introduced by new international transportation techniques to obtain maximum simplification, standardization and consolidation.

24. Develop compatible automated data processing (ADP) coding systems for data transmissions for international traffic.

25. Consolidate letter of credit documents and related procedures and use credit formalities based on financial criteria rather than on reliance on transportation documents.

26. Provide that financial and insurance interests establish modern documentation standards that will satisfy their requirements without reviewing shipment transport papers and without requiring originals of underlying papers.

27. Authorize using of copies of bills of lading for aircraft, ocean carrier and container outbound and inbound cargo manifests in lieu of separately prepared manifests.

28. Permit the seller, rather than the buyer, to assume major transport and commercial documentation responsibilities.

It may be of interest to describe why, at substantial expense, it was found to be necessary to embark on such a two-year tedium in the first place.

Just as an ailing individual may often be shunted from one specialized doctor to another in the process of diagnosing a physical problem, an international shipment, or a cargo, must pass the inspection and careful diagnosis of many "doctors" before its health, as shown by its safe and accepted delivery, can be assured.

MANY UNKNOWNS

Total human diagnosis is now routine, no matter how many doctors it may take, but international cargo diagnosis, up to now, has never been consolidated, and the total knowledge and expense of all that happens in the international paperwork sphere has never been catalogued.

In the attempt to identify all of the moving parts to any international transaction, each specific action that creates papers or causes them to be processed must be identified and analyzed. It was in an attempt to do this that the study was started. NCITD, representing all types of commercial interests, and the DOT, representing the governmental interests, had a common desire for complete information. This led NCITD and DOT to conduct the study jointly.

Through the employment of field research teams, a large number of individual cases representing specific shipments provided the input data for the study. The input data of the shipments studied was continued until all major world trade markets had been sampled on both U.S. exports as well as imports. This sampling also covered a broad spectrum of the major commodities moving in world trade. The shipment cases sampled included participation by many NCITD member companies as well as those who are not members, and in addition many U.S. government shipments were included.

In each case studied, attempts were made to analyze each piece of paper and its related procedures that resulted from the time an order was received until the shipment was delivered at destination. Such an analysis sought to find answers to such questions as: who prepared and processed the papers; what trade practices or procedures caused the papers to be necessary; what did they accomplish; how many others did they overlap or duplicate; and how much did they cost in dollars and man-hours?

Following such scrutiny of many thousands of papers and processes, the study then sought to consolidate all of the activity and to show how many of the papers and practices could be combined with others or eliminated entirely.

PAPERWORK DETAILED

Some of the startling statistics resulting from the study show that:

A total of 46 different types of firms and government agencies regularly are involved in international trade. . . . As many as 28 of these parties may have participated in a single export shipment.

A total of 125 different types of documents are in regular and special use. . . . The 125 types of documents represent more than 1,000 separate forms. . . . A total of 80 types of documents are in a regular as opposed to 45 in special use.

> Average shipments involve 46 separate documents, with an average of more than 360 copies a shipment being employed. . . . U.S. international trade annually creates an estimated 828 million documents and these generate an estimated 6.5 billion copies.
>
> Average export and import shipments, totaled together, required 64 man-hours to prepare and process, with 36½ man-hours needed for an average export shipment and 27½ man-hours for an average import shipment.
>
> Average documentation cost per international shipment amounts to $351.04, $375.77 for exports and $320.58 for imports. . . . On the basis of current shipping volumes, total documentation costs aggregate almost $6.5 billion a year, and represent 7.5 per cent of the value of the total U.S. export and import shipments.
>
> In this publication, "Paperwork or Profits? in International Trade," there appears to be something for everyone that is involved, or who wishes to become involved, in world trade. All of the data contained in the report is based on cases studied and therefore reflects accurately the true picture of what is happening with documents and paperwork procedures today.
>
> Conclusions drawn from the facts developed, like all conclusions, may be subject to differences of opinion. They are not intended to be infallible, but instead have been presented in an effort to stimulate effective action.
>
> Likewise, the resulting 28 recommendations may not be all-inclusive, but are believed to represent the framework around which progress is eliminating and simplifying documents can be made.
>
> The guidelines set up in this new report may indeed provide the keys through which the annual documentation costs of U.S. international trade, now running more than $6.5 billion each year, can be drastically reduced and the procedures so simplified as to afford full advantage of modern systems of data transmission and high speed transportation.

BRIAN'S SONG

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Speaker, I want to call to your attention an extraordinary film that was telecast on November 30 over the American Broadcasting Co. network. The film was "Brian's Song," and it told the true story of two Chicago Bears football players. One was white—Brian Piccolo, a southern boy out of Wake Forest College—the other was black, Gale Sayers from Kansas. While they were rivals for the same position they became the first players of different races to room together. They came to know one another as human beings—as members of the human race.

Two years ago, as their careers and friendship blossomed, Piccolo was tragically struck down by cancer. He died leaving a widow and three young daughters.

The Screen Gems production which told this story of death was, ironically, full of life. It was beautifully written by William Blinn. Its characters were fully-developed people facing real problems, and they were portrayed magnificently by two young actors, James Caan and Billy Dee Williams.

Leonard Goldberg, the vice president in charge of production for Screen Gems, his producer Paul Junger Witt and the director Buzz Kulik, are to be commended for this fine film.

We see and hear so much about hate on television, in dramas as well as in newscasts—it is time a few stories about friendship and love were told, too. Perhaps "Brian's Song" will encourage more young people to realize that there is love and compassion in America, if you seek it.

Screen Gems is to be commended, as is its parent corporation, Columbia Pictures, Inc., for having lavished such tender love and care on what is one of the truly moving television and screen achievements of recent years.

CONTRIBUTIONS OF DAVID PACKARD

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is with sincere regret that I take note of the resignation of David Packard as Deputy Secretary of Defense.

In the 3 years he has served in this vital position I have come to know Dave Packard as a dedicated and patriotic American whose every waking moment has been devoted to the strengthening of our Nation.

That he is leaving us now for personal reasons is a severe blow to all of those who have worked with him and have seen in his strength and his great contributions an inspiration for all of us to make the extra effort to keep our Nation free.

In his years as the No. 2 man at the Department of Defense, Dave Packard has left a record of distinguished service. The work he has done enables our Nation to obtain more defense, at less cost, than otherwise would be the case. The Defense Department works better because Dave Packard has worked so hard. The military defense of the United States is in a better positon to face the daily task of keeping us free than it was in the days before Dave Packard gave so fully of himself in the important work entrusted to him.

So, it is with sincere regret that I see Dave Packard leave his desk at Defense. It can truly be said that his service stands as a hallmark and he will be missed in government.

THE FIRST 1,000 DAYS—ONE LEGISLATOR'S VIEWPOINT

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, on April 8, 1957, Senator BARRY GOLDWATER rose on the Senate floor to criticize the spending policies of the Eisenhower administration. At that time, the $71.8 billion budget was the largest peacetime budget in history. In the book, "Portrait of an Arizonan" by Edwin McDowell, he is quoted as saying:

> I felt badly about it but it was something I felt I had to do. After all, we Republicans had promised a change from the big-spending policies of the Democrats and we were simply promising more of the same.

There is a concern among many of us today just as Senator GOLDWATER felt and expressed in 1957.

Mr. Speaker, my concern today is even greater. The world is far different from what it was in 1957. Our military superiority has dwindled. Inflation, only warned about then, is a reality. We are virtually on bended knees asking concessions from our erstwhile allies. Yet, the administration today charts a course much different than the change we promised in 1968, even though we promised changes a weary electorate sought.

The evidence to back this contention is extensive and well-nigh irrefutable, and the object of this speech in part will be to set this evidence on the record. At home and abroad, the Nixon administration has continued and even accelerated the drift of national policies to the left in many areas rather than moving the Nation toward a moderate conservatism which supporters of the President in 1968 had been led to expect. The President has made occasional forays to the right and been free with conservative language, but the record overall supports the celebrated dictum of liberal Senator HUGH SCOTT of Pennsylvania:

> We get the action, and the conservatives get the rhetoric.

From the President's announcement of a revolutionary welfare program in a conservative-sounding speech to John Mitchell's advice to civil rights leaders to "watch what we do, not what we say," presentation of liberal policies in the verbal trappings of conservatism has become a distinguishing mark of this administration.

It is difficult at this stage to recall the statements the President made about domestic and foreign policy during the 1968 campaign—so abruptly has he departed from so many assertions and so great has been the alteration in political climate as a result of his reversal. Among other things, in 1968, Mr. Nixon said repeatedly that we needed a dispersal of Federal power, demanded restraints on Federal spending, flatly opposed wage and price controls, called for abolition of the Job Corps, attacked the idea of a guaranteed annual income, promised an end to the surtax, and so forth. Given the various nuances and balancing phrases, his domestic presentation was strongly conservative.

In foreign affairs, the story was much the same. Mr. Nixon attacked the idea of defense parity with the Soviets and said America must strive for strategic superiority, opposed credits to nations dealing with North Vietnam, recommended a tightening economic quarantine on Cuba, said Communist China should be neither admitted to the United Nations nor granted American recognition until it proved itself a law-abiding power, and in general assailed the incumbent administration for policies of cold war weakness. His stand on these issues, despite a softening of the old anti-Communist image, was in keeping with his reputation as a knowledgeable opponent of communism and attuned to the concerns of his conservative supporters.

On most of these issues, the President as of 1971 has reversed his stands of 1968. In matters of domestic policy, the most notable feature of President Nixon's performance has been his readiness not merely to continue but to expand upon the social and economic programs of his Democratic predecessors.

During the early phases of his administration, the President attempted marginal restraints on Democratic spending policies and concomitant long-term expansion of the money supply. Even here, however, the effort was half-hearted at best—an attempt to practice economy around the edges while refusing to challenge and, therefore, tacitly sanctioning the revolutionary domestic programs launched by the two previous administrations.

The first 3 years of this administration have produced enormous budgetary deficits which will amount by current estimates to something like $60 billion—a peacetime record for the American Government. Administration brochures boast that we are for the first time spending more money for social welfare than for defense. And, earlier this year, the President himself asserted that—

> I am now a Keynesian in economics.

The $229 billion Federal budget and potential $30 billion deficit for this fiscal year are not, it should be stressed, immutable facts of nature which the administration is powerless to change. While spending authorizations must be voted by Congress, the administration has many weapons at its disposal—including its original budget recommendations, its lobbying and liaison activities on the Hill, its influence with Republican Congressmen, and the Presidential veto. With only sporadic exceptions such as the veto of the child development program, these weapons have not been used in behalf of economic conservatism; on many occasions, indeed, they have been thrown into the balance to insure that radical-liberal programs were continued or strengthened.

Thus administration pressures have been deployed to salvage such New Frontier-Great Society programs as OEO, model cities, and other projects which many of my conservative colleagues have pointed out are often little more than fronts for leftward politics.

Also, the President has proposed what only can be termed a radical family assistance plan which could double the number of people on welfare. He has come up with his own variant of "national health insurance"; launched a determined effort to override local zoning and building codes; and proposed an enlargement of Federal aid programs in a variety of fields, including higher education. We are informed that in several of these cases the President himself was indifferent to what happened to such programs—or even mildly opposed to their continuation—but that such administration appointees as Donald Rumsfeld, George Romney, and Daniel Moynihan insisted that the programs be continued and that the President simply acquiesced in these urgings, a passive victim of zealous subordinates. Since the subordinates were there because the President appointed them, however, this explanation does not alter the responsibility for what happened or conceal the fact that the President's campaign pledges on such issues have been flagrantly violated.

The President has capped the performance with his program of peacetime wage and price controls—a scapegoating tactic historically employed by inflationist governments to blame their own malfeasance on private citizens, a policy which he himself had repeatedly denounced on previous occasions. Nothing I am afraid better symbolizes his flight from conservative principle than this basic reversal of policy. The best commentary on the whole program is provided, in fact, by the President's statement of June 17, 1970:

> Now, here is what I will not do. I will not take this nation down the road of wage and price controls, however politically expedient that may seem. Controls and rationing may seem like an easy way out, but they are really an easy way in—to more trouble, to the explosion that follows when you try to clamp a lid on a rising head of steam without turning down the fire under the pot. Wage and price controls only postpone a day of reckoning. And in so doing, they rob every American of a very important part of his freedom.

The area of domestic performance in which this administration has represented a clear improvement is in the realm of the "social issues"—law and order, social engineering, permissiveness, and so on. By far the most widely acclaimed of the President's initiatives has been his approach to the Supreme Court. Warren Burger and Harry Blackmun, his first two appointments, appear on the record to date as moderate "social issue" conservatives, and Nixon's more recent appointees, Lewis Powell and William Rehnquist, seem even more so, There is no question that court nominations by a Democrat President would have been far to the left of those selected by President Nixon, and this is an obvious consolation to conservatives. The court is exhibit A in the argument that conservatives should support the President.

Unfortunately, exhibit B is hard to come up with.

For example, while the President has talked against busing, the Justice Department has pressed suits requiring busing and the Department of Health, Education, and Welfare has issued orders requiring school districts to adopt racial balance formulas.

If the President's domestic performance is bad, the foreign policy record, save possibly for Vietnam, is far from what we had a right to expect in 1968. The principal impact of the President's cold war conduct has been to confirm and deepen the illusion of detente—again in direct defiance of his statements across the years and many specific pledges made when running for the Presidency 3 years ago. Considering the fact that his public reputation was made as a tough and knowledgeable anti-Communist, this has been his principal apostasy. And, because it involves the question of our national survival, it is also the most frightening.

Again, there are aspects of the administration's policy with which conservatives have found themselves in agreement—chiefly his refusal to bow to frenetic pressures for an immediate pullout in Vietnam and his limited foray into Cambodia and Laos for the sake of Vietnamization. While the Vietnamization formula seems successful at the present time, one cannot help but wonder how long it will remain viable as the administration begins to conciliate Red China and permits that Communist monolith to enter the power vacuum being created by our rapid withdrawal of forces from Southeast Asia.

The truly disturbing item, however, is the President's apparent belief that he can somehow cut a deal with the rival Communist powers of Red China and Russia as is evidenced by a multitude of actions, including his scheduled summit meetings in Peking and Moscow, and the SALT talks.

Stepping up of the volume of our trade with Communist countries everywhere, including a truck factory for Moscow, presiding over a further deterioration of our nuclear defense arsenal; standing by while Communist China entered the United Nations and Nationalist China was expelled; and in general extending the strategy of conciliation and retreat which constituted the Kennedy-Johnson foreign policy would be some of the actions we cannot possibly defend.

During the 1968 campaign, Mr. Nixon said of the Soviet Union, Communist China, and the Communist nations of Eastern Europe:

> I believe, as far as those countries are concerned, the United States should not provide any credits or anything that could be treated as, or classified as, aid to those nations if they persist in trading or aiding the enemy in North Vietnam.

Now, in a $140-million deal with Moscow, his administration is providing food grains to the Soviets at less than the cost of production. On a trip to the U.S.S.R., Commerce Secretary Maurice Stans told Red trade officials:

> Restrictions have been reduced greatly in the last year and we are in the constant process of reducing them.

That statement is supported by estimates that U.S. licenses for export of potentially defense-related items to the Soviets increased tenfold in 1971—$1.2 billion compared to $118 million the previous year.

Of particular interest, in view of the President's statement about Soviet bloc aid to North Vietnam, has been the administration's effort to secure construction of a massive truck factory complex by American firms for the Soviets. The Commerce Department has issued a host of licenses for this deal, despite stated objections to such transactions by the Pentagon and despite the fact that, according to an estimate last spring by U.S. News & World Report, the Kremlin is supplying some 350 trucks a month to Hanoi—trucks used to transport the materials of war down the Ho Chi Minh Trail for use in combat against American forces.

While building up its trade with the Communists, this administration continued the Johnson-instituted boycott of anti-Communist Rhodesia. This policy, allegedly required to keep faith with Britain and adhere to the dictates of the United Nations, had the result of cutting off American access to Rhodesian chrome, a metal necessary to our defenses. The deficiency was supplied by purchasing chrome from the Soviet Union—at vastly inflated prices. The absurdity of the procedure prompted a bipartisan majority in Congress to vote through a commonsense requirement that importation of materials from an anti-Communist nation could not be barred so long as the same materials were imported from a Communist one. Until Congress moved, our administration had done nothing to alter this self-defeating policy.

Add to this the disaster area of our China policy—the master strategem by which the President and his chief foreign policy adviser, Henry Kissinger, managed to exalt Communist China in the councils of the world, acquiesce in Peking's admission to the United Nations, and permit our ally Nationalist China to be ousted. In the wake of this debacle, the administration helped inspire a surge of anger against the world body—anger which was thoroughly justified, but which, from the President's standpoint, had the advantage of diverting public displeasure from himself.

The administration's responsibility is manifest on several counts: The general softening of U.S. policy toward Peking, initiated by the President; the administration's acquiescence in Red China's entry, ignoring all legal questions concerning Peking's inadmissibility; its capitulation on the legal issue of whether the veto power could be used to block Red China's admission; Mr. Nixon's refusal to use our considerable economic leverage to bring the U.N. into line and, finally, the exquisite timing by which Mr. Kissinger was dispatched on yet another prestige-conferring trip to China precisely at the time the U.N. was getting ready for its crucial vote.

These maneuvers have been explained to unhappy conservatives as an example of realpolitik necessary to serve our self-interest. Just how our interests or those of the free world have been served, however, is difficult to determine. On the readings to date, our China policy has undercut the effective anti-Communist forces in Asia—not only the regime of Chiang Kai-shek on Taiwan, but also the anti-Communist Sato government in Japan and in South Korea. The President's strategy has dispirited anti-Communist leaders throughout the Pacific, and given the friends of Communist China enormous impetus. The administration has handed the Communists a monumental victory, gratuitously and with barely a sign of struggle.

If the China debacle has been the President's most specular cold war failure, it may not be the most serious. The most grievious default of the administration has apparently occurred in the realm of defense. Again inspection shows that the White House has made marginal gestures to conservative opinion, but these have been marginal indeed. The substance of his defense policy has been fully in keeping with the liberal approach to matters of defense and, insofar as such things are measurable, to the left of the stance assumed by President Johnson.

Long since abandoned in the administration's defense policy is any mention of "superiority" or strategic "edge." Instead, the talk is of "sufficiency"—a notion difficult to distinguish from the Johnsonian concept of "parity" attacked in 1968. Little if anything has been done to upgrade the condition of our arsenal which, as pointed out in a special study compiled by Dr. William Schneider for the American Conservative Union, represents in its delapidation a clear and present danger to American security.

As Dr. Schneider notes, our Strategic Air Command is the merest shadow of its former self—some 450 long-range bombers compared to 2,200 medium and long-range planes a few years back. There has been a simultaneous slowdown in the development of our missile technology, particularly antimissile defenses.

In the two previous administrations, disarmament theoreticians like Walt Rostow, Jerome Wiesner, and a coterie attached to the Institute for Defense Analysis devised the notion that we must get rid of weapons systems "provocative" to the Communists or "destabilizing" to the cold war balance of terror. The major point of this theory was that we should not try to be more powerful than the Communists, and that anything we could do to avoid the strengthening of our defenses was all to the good. Considered particularly anathema in this conception were manned bombers—first strike weapons and therefore "provocative"—and antimissile defenses, which by protecting our own people from potential destruction would make the Communists uneasy. Far better, from the standpoint of the disarmament buffs, to reassure the Communists by not protecting our own people from potential annihilation—a move which has the added benefit of keeping our population terrorized and therefore receptive to disarmament.

These notions are so close to clinical lunacy that it is hard to believe any administration, even one controlled by liberal Democrats, would predicate a national policy upon them. Still harder to believe, but true nonetheless, is that a supposedly conservative and anti-Communist administration would adopt such ideas and make them the basis for its policy as well. This is clearly indicated by the President's stance on ABM, formulated exactly along the lines of disarmament lobby reasoning. The President in his March 14, 1969, statement announcing replacement of the Johnson Sentinel program with the Safeguard system stressed that we were forsaking population defense and that Safeguard therefore was not "provocative." The point was driven home by former Deputy Secretary of Defense David Packard in an appearance before the Senate Foreign Relations Committee.

Safeguard, Mr. Packard asserted, had nothing to do with population defense. It was planned instead "to emphasize defense of our retaliatory forces. Further, those Safeguard sites planned for initial deployment in ICBM fields defend some of the most sparsely populated portions of the United States." As for protests against multiple-targeted reentry vehicles, Mr. Packard pointed out that—

> The small size of the MIRVed warheads resulted in a lower capability in our forces to destroy Soviet retaliatory forces than could otherwise have been the case.

Moreover, he disclosed, "this administration made a deliberate decision not"—note, not—"to improve the accuracy of our MIRV . . . to what was and is technically possible."

Thus we make certain our population is not protected from enemy attack, while simultaneously insuring that our own weapons cannot inflict too much damage on the enemy. Thus we talk of standing firm against Communist aggression in Asia, while moving to provide the Kremlin with implements required to prosecute that aggression. And thus we speak of peace and international amity while presiding over the admission of the world's principal aggressor into the United Nations.

Spokesmen for the President attempting to explain such matters to distressed conservatives have a fairly stock set of answers, all of which boil down to the assertion that what the President is doing is the best conservatives can expect and they should be well content with the policies we have enumerated.

It is argued that while the President shares conservative concerns on the issues, he is faced with intractable conditions. He must confront, in the first place, a hostile Congress which wants to go much further in the liberal-left direction than does the administration, and the administration's half-measures are intended to prevent even worse things from occurring. In addition, there is the fact that certain things must be done for political reasons even though President Nixon himself may not like them. There is the further fact that the President has to face up to hostile pressure from the media and from marching mobs, and that some of these things must be done to placate these forces. The invariable clincher is that any imaginable alternative to what the President is doing would be infinitely worse, so conservatives should back the President even as he is heading to the left.

On examination, each of these extenuations for the President's policies appears to be mistaken. It is not true, for example, that many of the Chief Executive's leftward initiatives are forced on him by a hostile Congress. On several occasions, indeed, as my colleagues are well aware, there have been indications that Congress was quite willing to take a conservative stand on some issue and representatives of the administration have stepped in to prevent such an outcome.

This is exactly what happened in 1969 when there was considerable sentiment here in Congress for permitting Governors to have effective veto power over poverty projects in their States. Heavy lobbying by Donald Rumsfeld and a resulting cross-over of some Republican votes prevented this reform from occurring. As a result of the administration performance, according to my esteemed colleague from Oregon (Mrs. GREEN):

> Congress did not achieve a single change in the . . . program in terms of administration—in terms of structure—in terms of all the abuses that have occurred—and in terms of what I think are outright violations . . . of congressional intent . . . The only change in the bill was to say to OEO, "We will give you an additional $295 million to spend in the way you want to spend it."

Equally to the point, Mr. Nixon has repeatedly failed to use the considerable leverage of his office in other ways. Assuming a continuing tension between the White House and Congress, the obvious course for a President seeking maximum conservative results would be to make vigorous demands—a total end to OEO, deep slashes in Federal spending, a "thick" ABM, and so on. The resulting compromise with the legislature would fall somewhere between the President's view and that of Congress. This administration's course has been quite different—the White House proposes its own variant of liberalism to be matched against the liberalism of Congress, with the resulting compromise being a matter of administrative detail rather than of substance.

The nature of this process has been well stated by the National Observer, which comments that—

> Unlike earlier conflicts of ideology in Washington, there is now no fundamental dispute over commitments, only a narrow haggling over techniques. There are artificial liberal positions and less liberal positions, with the pulling and hauling largely between Senate Democrats and the White House, but the conservatives have been foreclosed from debate. Because the liberals have been surprisingly efficient in organizing the loyal opposition, congressional conservatives have no choice but to join in support of the somewhat "less liberal" White House.

The argument that the President must head left for political reasons is even less persuasive. If the things he is doing are what the American people want, and if these are imperative steps for a presidential politician—why did he not campaign on them? Or, conversely, since he campaigned on exactly the opposite premises while his Democrat opponent campaigned on issues approximating the President's current stand, why did not the American people elect the gentleman from Minnesota?

The excuses offered for this administration's performance leave out yet another factor, perhaps the most important of all—the factor of presidential leadership. While on certain matters like taxation and rising prices public attitudes seem relatively stable, on others they are responsive to cues provided by the White House. This is particularly true on foreign policy and defense questions where information levels are low, issues complex, and the whole business remote from the man in the street. On issues such as these, strong presidential advocacy can shape and alter public opinion.

In the case of Red China, to take the obvious instance, there was little or no pressure of public opinion on this administration to pursue a course of appeasement. To the extent that the American people had any settled notions on the issue, they were decidedly the reverse. And, of course, on the defense philosophy professed by the President and outlined in detail by former Deputy Defense Secretary Packard, there would be massive consternation among the American people if they clearly understood that their leaders were leaving them exposed to potential attack in order to "reassure" the Soviets.

The net effect of these observations is to deny the assertion of administration spokesmen who attempt to justify the President's policies to conservatives by saying that the President shares conservative principles and is doing the best he can amidst difficulties to put them into practice. The emerging perception is something different: That, whatever the reason for his performance, and whatever the affirmations of his heart of hearts, he clearly does not share conservative convictions—or what I would call traditional Republican convictions—on a day-to-day operational basis. And for every realistic purpose, that unfortunately is the perception which counts. Feelings the President has which do not issue in public policy are regrettably beside the point.

One sad consequence of the administration's policies has been the effective silencing of all but a small handful of conservative spokesmen in the Congress. I have spoken out often but, unfortunately, I have been joined very few times, particularly on the other side of the Capitol. What many viewed with alarm under President Johnson they now seem willing to point with pride to under a Republican President. This, I fear, is one of the basic reasons why the public places us in such collective low esteem. I still believe it is in the best American tradition to speak out, even when it is in criticism of your own party's actions. I have not and will not retreat from that role, regardless of the consequences.

If a Democratic administration, for example, had proposed the family assistance plan, one could have counted on most Republicans in Congress—and certainly all of the conservatives—to have opposed it solidly, and in combination with the Southern Democrats perhaps to have brought about its defeat. With the same proposal coming from a Republican President, GOP opposition was largely nullified and the measure passed the House with the majority of my Republican colleagues voting in its favor, 93 to 83 to be exact.

What has happened here in the House—and in the other body—has happened on a broader front to the conservative movement. In terms of public debate and articulate leadership, the Nixon administration has nearly decapitated American conservatism. By promoting its own variant of liberal proposals and foreclosing Republican opposition, this administration has gone far to stifle ideological debate. When a Republican President proposes FAP, or a form of national health insurance, or a softening stance toward Communist China, the fundamental point the liberals want to make is removed from the realm of controversy. Since both Democrats and Republicans are suddenly wedded to liberal assumptions, the phenomenon noted by the National Observer emerges: The liberals win the point of principle by default.

This effect is nowhere more apparent than in the silence of conservatism's political leaders. This result, of course, cannot be blamed entirely on the President. Conservative leaders could speak out against his policies if they chose to do so, but they have chosen otherwise. While each has voiced muted disagreement with administration programs here and there, the sum total of this dissent has amounted to very little. My good friend, Senator GOLDWATER, for his part, has not only generally endorsed the President's moves but gone out of his way to criticize rank and file conservatives who speak up in opposition. In a political sense, therefore, this administration has left American conservatives bereft of big-name political leadership. There have been some countervailing efforts here in the House and freshman Senator JAMES BUCKLEY of New York has made a notable effort to speak out on some of the principal issues on which the White House has veered left, but at this point such efforts can hardly overcome the almost unanimous silence of other conservative leaders.

The assumption of the congressional and other leaders who tell conservative rank and filers to support the President appears to be that, by staying close to the administration, withholding criticism, and not breaking party ranks, they can maximize their influence and help steer the White House on a conservative course. While that approach may be useful in getting occasional appointments for political friends, where larger policy questions are concerned it would on the record seem to be almost completely mistaken. With the evidence we have concerning the decisionmaking process in the White House, such an approach amounts indeed to a virtual suicide pact for conservatives.

Two episodes detailed by Rowland Evans and Robert Novak in their new book, "The Nixon Years," give some good insight into the workings of this administration. One concerned the announced White House policy on food stamps which were supposedly to be abandoned under FAP. However, the President's consultant on hunger, Prof. Jean Mayer, threatened to quit the administration unless food stamps were restored; he made similar threats concerning a conference on hunger the administration wanted to avoid. In both cases, the Nixon regime backed down under the threat of Professor Mayer's attack.

A similar story on a larger scale was written at the time of Cambodia-Kent State when the President went on the air with his "tough" line, followed up by describing some student demonstrators as "bums." He then changed course under the onslaught of the marchers and the liberal media. He ended up attempting to "rap" with "the kids" during a dawn foray to the Lincoln Memorial and asserting in a press conference that—

> I agree with everything that they are trying to accomplish.

The hard line turned to soft line overnight, only to wander back to hard line again when the immediate pressures eased. These are, I think, instructive episodes.

They tell us, for one thing, that the do-not-make-waves approach of conservative political leaders is precisely wrong. The President's continued assurance that he will have the support of these leaders, no matter what, makes it certain he will move left to absorb the insistent pressures pounding in from that quarter. Since almost all of the noted conservative leaders have virtually stated they will not jump ship even when the President engages in the most overt liberal initiatives, the President may assume he has the conservatives in his pocket. He is free to move as far left as he wishes in order to placate the liberals. The performance of the conservative leaders is thus, in itself, a major contribution to the leftward drift of the administration.

There is also another curious phenomenon here in the Washington landscape: The pervasive defeatism which afflicts the administration and its congressional Republican supporters. There is plenty of evidence to suggest such defeatism is unjustified. There is to begin with the fact that Richard Nixon and George Wallace in 1968, both running on emphatically antiliberal platforms, between them secured no less than 57 percent of the vote. That outcome was universally and correctly interpreted as a stinging repudiation of the liberal way of doing things in Washington and a mandate for moving the country back to the right. If we had nothing but that statistic to go on, we would have reason to believe that Washington's assumption of inevitable liberal victory is mistaken. But in fact we have much more.

There are many other indices which show liberalism to be a declining political force, but a few examples will have to suffice. We may note, for one thing, the explosive growth of the suburbs and their army of homeowning, taxpaying voters who do not want handouts from Government, but who do want restraint on Government spending. In the 1970 census, for the first time in our history, the suburban population outstripped in total size the population of the central cities. Repeated election results show these suburban voters can be successfully appealed to by a Republican Party which stands for econ-in Government and low taxes.

We may note as well the complementary fact that members of labor unions are more and more susceptible to conservative appeal on economic as well as "law and order" grounds. Much of the suburban population explosion involves members of unions, and an AFL-CIO survey in the late 1960's disclosed no less than 50 percent of the union's members now live in the suburbs, and that as economic status and place of residence have changed so have political attitudes. Anyone who works with union members on a regular basis can testify to this alteration from his own experience. The political opportunities for an effective conservative appeal presented by this change are truly enormous.

These demographic generalizations are fully supported by recent surveys of public opinion. Americans are up in arms against excessive spending, welfarism, and taxation—to the point where seven out of 10 would sympathize with a tax revolt and Louis Harris surmises that—

> The prevailing mood of New Deal days . . . has now reversed almost 180 degrees.

That conclusion is underscored by the surveys of Dr. Gallup, which show the level of popular anxiety over big government as "the biggest threat to the country in the future" more than tripled during the decade of the 1960's—from 14 percent in 1960 to 49 percent in 1967.

Harris and Gallup surveys likewise reveal a steady increase in explicitly conservative sentiment in the country. In the wake of the 1968 election, Harris found his respondents choosing the designation "conservative" to describe themselves by a 2-to-1 margin over the designation "liberal"—38 to 17 percent. In the spring of 1970, Gallup found for the first time in 30 years that the self-designated conservatives in his poll results far outdistanced the self-designated liberals. In Gallup's inquiry, the conservatives outstripped the liberals by a margin of 52 to 34.

Such data, taken together, present a major opportunity to the Republican Party and the conservative cause. With effective leadership they could be molded into a powerful political majority, and it was widely assumed that the President as politician would sense this fact and act to assemble the constituent elements of the latent new majority. The result of such leadership could well have been a period of conservative and Republican ascendancy to match the Democratic era that followed upon the victory of Franklin Roosevelt. Instead, the net result of this administration may be to frustrate for years to come the emergence of the conservative majority.

The lessons to be drawn and the course of policy for rank-and-file conservatives are nonetheless clear. It is apparent first of all that conservatives do have the power even now to alter the conduct of our Government for the better—if they will use it. Exercise of that power depends on throwing off the delusion that the American conservative right must be bound hand and foot to this administration. The hope of conservatism, and of the Nation in turn, rests not in supporting the President's liberal policies but in opposing them through all effective and proper political means.

There will be criticism of any course of action which criticizes this adminstration, even I fear, from many who nonetheless know that the future of our party and of the Nation demands our earnest efforts to reassert our basic historic party mandate, our principles, platforms, and promises. Recall the words of a great man who properly noted not too long ago:

> Robert A. Taft: "If you permit appeals to unity to bring an end to criticism, we endanger not only the constitutional liberties of our country, but even its future existence."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Eshleman (at the request of Mr. Gerald R. Ford), for today, on account of illness.

Mr. Adams, for December 16, on account of official business.

Mr. Hagan (at the request of Mr. Van Deerlin), for today, on account of official business.

Mr. Kastenmeier (at the request of Mr. McFall), for today, on account of illness in the family.

Mr. Kee (at the request of Mr. Boggs), for Wednesday, December 15 and Thursday, December 16, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Matsunaga, today, for *15 minutes*, and to include extraneous material.

(The following Members (at the request of Mr. Steele), to revise and extend their remarks, and to include extraneous matter:)

Mr. Halpern, today, for 5 minutes.

Mr. Kemp, today, for 15 minutes.

Mr. Blackburn, today, for 5 minutes.

Mr. Frelinghuysen, today, for 5 minutes.

Mr. Edwards of Alabama, today, for 5 minutes.

Mr. Don H. Clausen, today, for 15 minutes.

Mr. Crane, today, for 5 minutes.

Mr. Smith of New York, today, for 15 minutes.

Mr. Veysey, today, for 15 minutes.

Mr. Ruppe, today, for 15 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Cleveland, today, for 15 minutes.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes today.

Mr. Aspin, for 5 minutes, today.

Mr. Runnels, for 15 minutes, today.

Mr. Holifield, for 5 minutes, today.

Mr. Vanik, for 10 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Yates and to include extraneous matter in two instances.

Mr. Vanik in five instances and to include extraneous matter.

(The following Members (at the request of Mr. Steele) and to include extraneous matter:)

Mr. McKinney in three instances.

Mr. Derwinski in five instances.

Mr. Zwach.

Mr. Halpern in three instances.

Mr. Hosmer in four instances.

Mr. Esch.

Mr. McDonald of Michigan in two instances.

Mr. McCloskey in two instances.

Mr. Scott.

Mr. Wyman in six instances.

Mr. Steiger of Arizona.

Mr. Miller of Ohio in four instances.

Mr. Jonas.

Mr. Johnson of Pennsylvania in two instances.

Mr. Schmitz in two instances.

Mr. Arends in two instances.

Mr. Morse in two instances.

Mr. Don H. Clausen in six instances.

Mr. Horton in six instances.

Mr. Coughlin in two instances.

Mr. Crane in five instances.

Mr. Scherle in 10 instances.

Mr. Whitehurst in two instances.

Mr. Lloyd.

Mr. Veysey in two instances.

Mr. Reid of New York in three instances.

Mr. Ashbrook in three instances.

Mr. Broyhill of Virginia in two instances.

Mr. Shriver in two instances.

Mr. Michel.

Mr. Mailliard in two instances.

Mr. Kemp in 10 instances.

Mr. Broomfield in five instances.

Mr. Schwengel.

Mr. O'Konski in seven instances.

Mr. Anderson of Illinois in five instances.

Mr. Price of Texas in two instances.

Mr. Talcott in five instances.

Mr. Harvey in five instances.

Mr. Gross.

Mr. Sandman.

Mr. Bell in two instances.

Mr. Hutchinson.

Mr. Gerald R. Ford.

Mr. Carter in two instances.

Mr. Hunt in two instances.

Mr. Frenzel.

Mr. Hansen of Idaho.

Mr. Duncan in three instances.

Mr. Whalley.

Mr. Brown of Ohio.

Mr. Mayne in two instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Minish.

Mrs. Hicks of Massachusetts in two instances.

Mr. Corman.

Mr. Culver in seven instances.

Mr. Carney.

Mr. Bevill in two instances.

Mr. Gonzalez in two instances.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Metcalfe in two instances.

Mr. Patman in five instances.

Mr. Jones of Tennessee in eight instances.

Mr. Alexander in five instances.

Mr. Jacobs in five instances.

Mr. Rodino in seven instances.

Mr. Long of Maryland in five instances.

Mr. Vanik in eight instances.

Mr. Drinan in two instances.

Mr. Thompson of New Jersey in four instances.

Mr. Fraser in five instances.

Mr. Johnson of California in three instances.

Mr. Harrington in three instances.

Mr. Hungate in four instances.

Mr. Dingell.

Mr. Brasco in two instances.

Mr. Brooks.

Mr. Preyer of North Carolina.

Mr. Patten in three instances.

Mr. Delaney in two instances.

Mr. Burke of Massachusetts in three instances.

Mr. Gallagher.

Mr. Fascell in four instances.

Mr. Diggs in five instances.

Mr. Anderson of Tennessee in four instances.

Mr. Begich in five instances.

Mr. Hébert.

Mr. Stokes in two instances.

Mr. Kyros.

Mr. Nix in five instances.

Mr. Dellums in five instances.

Mr. Smith of Iowa in four instances.

Mr. Dulski in six instances.

Mr. Badillo in five instances.

Mr. Fisher in three instances.

Mr. Seiberling in 10 instances.

Mr. Mazzoli in two instances.

Mr. Waldie in six instances.

Mr. James V. Stanton.

Mr. Donohue in six instances.

Mr. Ryan in three instances.

Mr. Kluczynski in two instances.

Mr. Murphy of New York in two instances.

Mr. Pickle in five instances.

Mr. Bingham in five instances.

Mr. Sarbanes in three instances.

Mr. Rangel in two instances.

Mr. Edwards of California.

Mr. Evins of Tennessee in two instances.

Mr. Daniels of New Jersey in two instances.

Mr. Abbitt.

Mr. Baring.

Mr. Rooney of Pennsylvania in five instances.

Mr. Eilberg.

Mr. Purcell in two instances.

Mr. Moorhead in five instances.

Mr. Davis of South Carolina in three instances.

Mr. Matsunaga in five instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8312. An act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

S. 2429. An act to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes;

S. 2891. An act to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes; and

S.J. Res. 184. Joint resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8312. A bill to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Thursday, December 16, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1363. A letter from the Associate Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to transfer the Teacher Corps to Action; to the Committee on Education and Labor.

1364. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

1365. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 27, 1971, submitting a report, together with accompanying papers and an illustration, on Indian Pass, Apalachicola Bay, Fla., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted September 24, 1965 and May 5, 1966; to the Committee on Public Works.

1366. A letter from the Secretary of Transportation, transmitting the first annual report on the special bridge replacement program, authorized by the Federal-Aid Highway Act of 1970, pursuant to 23 U.S.C. 144; to the Committee on Public Works.

1367. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

1368. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of Federal Prison Industries, Inc., Department of Justice, for fiscal year 1971 (H. Doc. No. 92–186); to the Committee on Government Operations and ordered to be printed.

1369. A letter from the Comptroller General of the United States, transmitting a report that improvements are needed in the contract award procedures and practices of the Office of Economic Opportunity; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee of conference. Conference report on H.R. 11932. (Rept. No. 92–755). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARMATZ (for himself, Mr. Clark, Mr. Dingell, Mr. Downing, Mr. Leggett, Mr. Pelly, Mr. Grover, Mr. Keith, and Mr. Bray):

H.R. 12324. A bill to amend the Cargo Preference Act of 1954, for certain purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN of Idaho (for himself, Mrs. Abzug, Mr. Bevill, Mr. Dellums, Mr. Eilberg, Mr. Fulton of Tennessee, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Hosmer, Mr. Johnson of California, Mr. Kemp, Mr. Matsunaga, Mr. McDade, Mr. Metcalfe, Mr. Morse, Mr. Rangel, Mr. Roe, Mr. Schwengel, Mr. Shoup, Mr. Stokes, Mr. Talcott, and Mr. Wyman):

H.R. 12325. A bill to amend section 161 of the Vocational Education Act of 1963 to utilize a portion of the funds for homemaking and consumer education programs to assist the elderly; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. Hawkins, and Mr. Wolff):

H.R. 12326. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BRADEMAS (for himself, Mr. Donohue, Mr. O'Neill, Mr. Danielson, Mr. Hungate, and Mr. Adams):

H.R. 12327. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. DELLUMS:

H.R. 12328. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

H.R. 12329. A bill to amend section 161 of the Vocational Education Act of 1963 to utilize a portion of the funds for homemaking and consumer education programs to assist the elderly; to the Committee on Education and Labor.

By Mr. DELLUMS (for himself and Mr. Conyers):

H.R. 12330. A bill to terminate the exploitative activities of the U.S. business concerns in the Republic of South Africa, South-West Africa, Rhodesia, or any African territory under Portuguese control and to end certain violations of the United Nations Universal Declaration of Human Rights by such businesses, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DELLUMS:

H.R. 12331. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

H.R. 12332. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. Byrne of Pennsylvania, Mr. Coughlin, Mr. Eilberg, Mr. Flood, Mr. Johnson of Pennsylvania, Mr. Rooney of Pennsylvania, Mr. Vigorito, Mr. Ware, Mr. Whalley, and Mr. Yatron):

H.R. 12333. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 12334. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ECKHARDT (for himself, Mr. Wright, and Mr. Young of Texas):

H.R. 12335. A bill to authorize the establishment of the Big Thicket National Park in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 12336. A bill to allow certain service with international organizations to be considered creditable service for Federal retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. Quie, Mr. Gerald R. Ford, and Mr. Dent):

H.R. 12337. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. GUDE:

H.R. 12338. A bill to authorize pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods; to the Committee on Agriculture.

By Mr. HANSEN of Idaho (for himself and Mr. Fraser):

H.R. 12339. A bill to amend section 161 of the Vocational Education Act of 1963 to utilize a portion of the funds for homemaking and consumer education programs to assist the elderly; to the Committee on Education and Labor.

By Mr. JOHNSON of California (by request):

H.R. 12340. A bill to provide for the establishment of the Guam National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 12341. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

H.R. 12342. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

H.R. 12343. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Burton, Mr. Forsythe, Mr. Helstoski, Mr. Thompson of New Jersey, and Mr. Stokes):

12344. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. McKEVITT:

H.R. 12345. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, education assistance, and special training allowance paid to eligible veterans and persons, and to automatically adjust educational assistance and training assistance upward annually, to provide a cost-of-living subsistence allowance for certain veterans; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA:

H.R. 12346. A bill to amend the National Labor Relations Act to make its provisions applicable to certain additional territories of the United States; to the Committee on Education and Labor.

By Mr. MICHEL:

H.R. 12347. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. MILLS of Maryland (for himself and Mr. Hogan):

H.R. 12348. A bill to authorize the Secretary of Commerce to designate areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation, resource and scientific values of and related to such areas; to the Committee on Merchant Marine and Fisheries.

By Mr. NICHOLS:

H.R. 12349. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on Ways and Means.

By Mr. PERKINS (for himself, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Meeds, Mr. Burton, Mr. Gaydos, Mr. Clay, Mrs. Chisholm, Mrs. Grasso, and Mr. Mazzoli):

H.R. 12350. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 12351. A bill to amend the Occupational Health and Safety Act of 1970 to exempt certain small nonmanufacturing businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 12352. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 12353. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 12354. A bill to amend the Manpower Development and Training Act of 1962 to assist the development of manpower in the field of corrections; to the Committee on Education and Labor.

By Mr. SPENCE:

H.R. 12355. A bill to amend title 10 of the United States Code in order to deem certain defense-related civilian service during World War II as "active duty" for purposes of eligibility for retired pay for nonregular service; to the Committee on Armed Services.

By Mr. TERRY (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Halpern, Mr. Hastings, Mr. Hosmer, Mr. McCollister, Mr. McDade, Mr. Roy, Mr. Ruppe, and Mr. Williams):

H.R. 12356. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, and to require the establishment of certain standards for schoolbuses; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 12357. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 12358. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 12359. A bill to designate the Department of Health, Education, and Welfare South Building in Washington, D.C., as the "Mary Switzer Memorial Building"; to the Committee on Public Works.

By Mr. DANIEL of Virginia:

H.R. 12360. A bill to amend the Occupational Safety and Health Act of 1970 to exempt nonmanufacturing businesses, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. McCORMACK (for himself, Mr. Adams, Mr. Begich, Mr. Foley, Mr. Bergland, and Mr. Meeds):

H.R. 12361. A bill to establish the Cougar Lakes Recreational Area, to provide for a study of the potential of Mount Aix and surrounding lands within the Snoqualmie and Gifford Pinchot National Forests in the State of Washington for inclusion in the national wilderness preservation system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 12362. A bill to protect the public health, safety, and welfare from the deteriorating effects of prolonged cessation or disruption of the normal flow of maritime interstate commerce between the State of Hawaii and the continental United States as the results of strikes, lockouts, or other forms of labor strife or discord in either the maritime or longshore industry; to the Committee on Education and Labor.

By Mr. NIX:

H.R. 12363. A bill to provide for the control of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 12364. A bill to amend the Urban Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCHEUER:

H.R. 12365. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and education assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of said title; to apply automatic cost-of-living increases to subsistence allowances; to authorize advance education assistance allowance payments to eligible veterans, and establish an optional work-study program for repayment; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DELLUMS:

H.J. Res. 1014. Joint resolution to assure continued eligibility of recipients of food stamp benefits and to maintain present levels of bonuses for these recipients; to the Committee on Agriculture.

By Mr. PRICE of Texas:

H.J. Res. 1015. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. Scheuer, Mr. Pryor of Arkansas, Mr. Preyer of North Carolina, Mr. Betts, and Mr. Hicks of Washington):

H.J. Res. 1016. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. DENT (for himself, Mrs. Hicks of Massachusetts, Mr. Jonas, Mr. Kemp, Mr. Mann, Mr. Nix, Mr. Rarick, Mr. Roy, Mr. Sandman, Mr. Saylor, Mr. Schmitz, Mr. Scott, Mr. Snyder, Mr. Waggonner, Mr. Wolff, and Mr. Yatron):

H. Con. Res. 493. Concurrent resolution expressing the sense of Congress respecting Federal expenditures; to the Committee on Government Operations.

By Mr. DENT (for himself, Mr. Baring, Mr. Biaggi, Mr. Blackburn, Mr. Brinkley, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Collier, Mr. Daniel of Virginia, Mr. Daniels of New Jersey, Mr. Denholm, Mr. Derwinski, Mr. Donohue, Mr. Gaydos, Mr. Halpern, and Mr. Hechler of West Virginia):

H. Con. Res. 494. Concurrent resolution expressing the sense of Congress respecting Federal expenditures; to the Committee on Government Operations.

By Mr. ANDERSON of California:

H. Res. 750. Resolution to express the sense of the House of Representatives that U.S. fishing industry representatives be included in the U.S. delegation to the 1973 United Nations Law of the Sea Conference; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Hungate, Mr. Mikva, and Mr. Fauntroy):

H. Res. 751. Resolution to amend the Rules of the House to create a Select Committee on the District of Columbia; to the Committee on Rules.

By Mr. HELSTOSKI (for himself, Mrs. Abzug, Mr. Dellums, Mr. Eilberg, Mr. Leggett, Mr. Mitchell, and Mr. Rees):

H. Res. 752. Resolution expressing the sense of the House of Representatives relative to the crisis in South Asia; to the Committee on Foreign Affairs.

By Mr. ROE:

H. Res. 753. Resolution calling for peace in northern Ireland and the establishment of united Ireland; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of the rule XXII,

290. The SPEAKER presented a memorial of the Assembly of the State of California, relative to the national transportation planning study, which was referred to the Committee on a Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H. Con. Res. 495. Concurrent resolution relating to the status of Sylva Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. HORTON:

H. Con. Res. 496. Concurrent resolution relating to the status of Sylva Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. KOCH:

H. Con. Res. 497. Concurrent resolution relating to the status of Sylva Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

MRS. KREMER'S KITCHEN MAGIC

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. HUNGATE. Mr. Speaker, the first issue of a new quarterly magazine called Missouri Today contains an article about an interesting place and some interesting people in my district.

The article follows:

Mrs. Kremer's Kitchen Magic

(By Muffie Wheeler)

Mrs. Theresa Kremer lives alone in a small, white, two-story house in Westphalia, Mo. But almost every evening she has about 70 dinner guests—and she does all the cooking.

Her day begins like many homemakers. She sweeps and dusts, washes and waxes, undisturbed except by an occasional phone call. But rather than an old friend wanting to chat, her callers usually are asking for dinner reservations at Kremer's Place.

Many of the guests will travel miles to sample her country cooking. And while they're getting ready for the drive to Westphalia, Mrs. Kremer is scurrying around her kitchen getting ready for them.

"After I finish my chores I go right to the kitchen," she smiles. "My light and dark bread takes a while to make." And with two large dining rooms, each seating 35 people, she has a lot of table-setting to do.

But Mrs. Kremer doesn't cook anything except the side dishes until her guests actually arrive. "Food is much better hot—right off the stove," she explains.

After her guests arrive and give their orders to one of the three waitresses, Mrs. Kremer starts frying country ham and chicken, using "nothing but good old lard."

In a short time, waitresses are piling the tables with large bowls of mashed potatoes and steamy vegetables, heavy platters of fried chicken and ham, and plates with tall stacks of homemade bread.

If she's not too busy, Mrs. Kremer slips out of the kitchen about halfway through the meal to welcome her guests.

"I used to greet all my guests at the door," she says. "I just can't get good cooks anymore, though, so when I do it all myself, I can only come out to see everybody when things aren't too busy."

If the idea of "doing it all herself" boggles the mind, understand that Mrs. Kremer's been cooking since she was 13. She developed her knack for country cooking by watching and helping in the kitchen of her family's Westphalia farmhouse. Later she married "Buddy" Kremer. He bought the hotel in Westphalia, and she started cooking three meals a day for hotel guests.

In 1935 she began her business in the house she has now. People have been coming for dinner ever since.

"About 10 years ago I was having one of my busiest nights," she remembers. "A man had called for reservations and I told him I just couldn't take any more people. He came anyway, and brought Stan Musial and Joe Garagiola, too. I was so nervous!"

"I guess everything worked out, though . . . they said they had a nice time." Now a picture of Musial hangs with others in Mrs. Kremer's house.

Another satisfied customer was John M. Santi, executive chef of the Waldorf Astoria Hotel in New York.

After he finished his meal, Santi asked a waitress to give Mrs. Kremer his calling card. On the back he had written, "Your food is the best I have had in a long time. I will remember it for a long time, Santi!"

Mrs. Kremer keeps the card and many other memories in the top drawer of a large mahogany chest in one of the dining rooms. She calls the drawer her "lost and found." In it are the remnants of many forgetful folks: baby bottle nipples, golf balls, playing cards, old newspaper clippings, gloves with no mates.

Looking at the odd assortment of leftovers, Mrs. Kremer remembers names, dates, faces and how much she likes her customers. Apparently her customers like her too, because they keep coming back and sending their friends, and that drawer of memories keeps filling up.

JAMES FULTON

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. ESCH. Mr. Speaker, it is with sorrow and profound respect that I speak of the loss of our esteemed colleague, Jim Fulton. His loss to this country, to the people of Pennsylvania, and to his colleagues in the House of Representatives is a great one. His dedication and unswerving devotion to his duties and responsibilities to the people of his district and to the larger interests of this country made him a most vital and concerned legislator.

Jim Fulton was the ranking Republican on the Science and Astronautics Committee and it was there that I had the honor of serving with him and experiencing first-hand his enthusiasm and interest in the growth of space age knowledge and technology. Our association was a most valuable and worthwhile one for me. His expertise and concern over the space program and the development of the sciences in this country communicated itself to all of us on the committee.

Jim Fulton was a most unusual man. His interests ranged over a broad spectrum of questions which confront our society today. He was seldom what one might call orthodox. He examined and probed every issue and never accepted the simple or easy answer. He was never afraid to voice his thoughts or to propose solutions which he thought just and right.

Jim Fulton had a great asset in his sense of humor. It helped to brighten the darkest hours and to lighten the easy ones. This combination of humor and diligence, perception and dedication served his district and his colleagues in the House.

Jim Fulton served his country well. His deep appreciation of the importance of scientific development, his interest in journalism which earned him several awards for scientific writings, his tireless concern for the people of his district, and his dedication to this country have earned him a place of high standing in our Nation's history. He served his people well and his loss will be a great one for us all.

NURSES' HOME AT BOSTON CITY HOSPITAL NAMED IN HONOR OF HARRIET JOYCE McCORMACK

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, all Bostonians grieve over the death of the late Harriet Joyce McCormack, beloved wife of Speaker Emeritus John W. McCormack, and in many ways, attempt to express their respect and admiration for a great lady.

The Boston City Council on December 6, 1971, adopted the following resolution:

City of Boston in City Council

Whereas, the Boston City Council observes with profound sorrow the passing of Harriet Joyce McCormack, the beloved wife of the Hon. John W. McCormack, former Speaker of the House of Representatives; and

Whereas, Harriet Joyce McCormack for fifty years was the constant companion and devoted wife of John W. McCormack; and

Whereas, Harriet Joyce McCormack was always at his side with words of cheer and encouragement and was a constant source of inspiration to him during the many dark and troubled moments that men in public life suffer and endure; and

Whereas, the married life of John W. and Harriet McCormack was an exemplar of what constitutes an idyllic marriage; and

Whereas, the memory of Harriet Joyce McCormack will ever remain green to those who knew and loved her; now, therefore, be it

Resolved: That the Boston City Council in meeting assembled this day does extend to the Hon. John W. McCormack, his loved ones and his legion of friends and admirers, its sincere condolences on the death of a charming, gracious lady, a devoted helpmate and a loving wife, and prays that Almighty God will grant him solace and comfort in this hour of bereavement.

And, with the knowledge that the prime concern of both Congressman and Mrs. John W. McCormack is the welfare of all mankind, the city council most appropriately adopted on December 8, 1971, the following resolution:

City of Boston, in City Council

Whereas, the Department of Health and Hospitals of the City of Boston is now engaged in the construction of a home for nurses at the Boston City Hospital complex; and

Whereas, this long-awaited, much-needed structure will be a tremendous asset to the City of Boston in the recruitment of the vitally needed nurses to staff the patient facilities at Boston City Hospital; and

Whereas, the construction of this beautiful building was in no small way due to the instrumentality of the Honorable John W. McCormack, Speaker of the House of Representatives, United States Congress; and

Whereas, for many years, the Honorable John W. McCormack has been concerned with the needs of the poor and unfortunate, more especially in the area of medical services; now, therefore, be it

Resolved: That the Board of Health and Hospitals be requested through his Honor the Mayor to name the new nurses' home presently under construction at Boston City Hospital, the Harriet Joyce McCormack Memorial Home for Nurses in honor of the late wife of the distinguished Speaker of the House of Representatives.

I commend the members of the Boston City Council for their actions and endorse these resolutions.

No more fitting a tribute to Mrs. McCormack would be the naming of the nurses' home presently under construction at the Boston City Hospital, in the honor of Harriet Joyce McCormack.

MRS. RUBY COOLEY, REGIONAL "TEACHER OF THE YEAR"

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. JONES of Tennessee. Mr. Speaker, I want to take this time to pay tribute to a very special person from my district. Mrs. Ruby Cooley, mathematics instructor at Dyersburg High School, has officially been named the Regional "Teacher of the Year." Mrs. Cooley has an exceptional reputation throughout the State of Tennessee. Her classroom expertise and devotion to her students are near legend in Dyer County and west Tennessee.

The Dyersburg Mirror carried the following article which I insert at this point in the Record:

Mrs. Ruby Cooley

Mrs. Cooley, who teaches Algebra II, Geometry and Advanced Mathematics at DHS, has been an instructor there for the past 14 years. Before coming to Dyersburg, Mrs. Cooley taught in Newbern, as well as at other Dyer County schools and in Dyess, Ark.

Even as a child, Mrs. Cooley wanted to be a teacher. When only an eighth grader, she began "teaching" by gathering the younger children of her neighborhood in her front yard and forming a "class"—not a "play school." She taught the children facts and concepts that "placed them far ahead of the other first graders when they began attending regular school."

Although Mrs. Cooley's education was interrupted at various times by her marriage and the arrival of her four children, she never lost her desire for completing her studies and her intense desire for teaching. Following her husband's death, she began taking summer courses at Memphis State University, planning to major in English. At that time, she was already teaching during the regular school year.

During World War II, Mrs. Cooley was asked to teach mathematics and found that she liked the subject so much that she began taking math during her summer session courses at MSU. She received her BS degree in 1947 with majors in both mathematics and English and a minor in history.

Her desire to keep on learning and to prepare herself to do the best possible job impelled her to enter graduate school at Memphis State for more summer sessions to earn her master's degree in education, and to take fifteen additional semester hours in mathematics.

When singer Johnny Cash, known as "J. R." to her, was asked by an interviewer, "who is your favorite teacher?" he named Mrs. Ruby Cooley. She appeared on national television last spring on "This Is Your Life: Johnny Cash." Students and former students all over Dyer County and parts of Arkansas watched their television sets and beamed. They loved her.

Even Mrs. Cooley's "extra-curricular" activities are related to her teaching. Mrs. Cooley is a member of the United Methodist Church and has taught Sunday School classes for many years. She belongs to the Women's Society of Christian Service in her church and takes an active part in the work of this organization. She belongs to Alpha Delta Kappa, International Sorority of Women Educators. She supports our educational organizations, and is a member of DEA, WTEA, TEA, AND NEA. She belongs to both the regional and the national Association of Mathematics Instructors. She encourages her students to enter mathematics contests and spends extra time preparing them for participation in these contests, where their performance is consistently a credit to the Dyersburg School System. In spite of a busy schedule, she is faculty sponsor of the Dyersburg High School Math Club, and she is never too busy to stay after school to help any student who needs help.

As Mrs. Cooley looks back over her years of service, she says, "If I had my life to live over, I would still want to be a teacher."

TRIBUTE TO TURNER ROBERTSON

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GRIFFIN. Mr. Speaker, it is a genuine pleasure for me to take this opportunity to comment on one who has served this body long and well: my friend, Turner Robertson.

Turner has given years of steadfast, capable, and selfless service to this body as an institution and to its Members as individuals. As he enters a well deserved retirement, it is fitting and appropriate that those of us who have known him well recognize his extraordinary contributions to this House.

Turner came to Washington in April of 1939 beginning his career as an elevator operator. Later, he joined the Capitol Police Force and left that position to become a doorman. From that he stepped up to become Assistant Librarian and then Librarian of the House.

On June 1, 1949, Turner was appointed Chief Page of the House and has held that position with great distinction until the present. He has brought an unusual native ability and sense of integrity to that work and, above all, has been the available source of information to Members with regard to the schedule and program of the House.

I have frequently said that Turner is he most useful floor employee of the House.

More importantly, though, Turner gave stable leadership and firm guidance to every young man who has had the honor to serve under him as a Page. Supervising this large group of high-spirited young men is certainly a task requiring great patience and good sense and Turner has consistently met this challenge with competence and grace. The House, its Members and the young men have benefited from it.

We will miss Turner. There never were many men of his integrity and loyalty and they are few and far between.

Perhaps the greatest tribute we can pay him is to admit that we can find a successor but not a replacement.

Good luck and God's blessings to you Turner.

THE CRUEL PROBLEMS OF AMERICA'S AGING

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. DRINAN. Mr. Speaker, I had hoped that the White House Conference on Aging concluded on December 2, 1971, would have brought much more extensive commitments by this administration and by our Nation to the more than 20 million Americans who are over the age of 65.

Because of my disappointment in the failure of this administration to face up to the tremendous problems of our senior citizens I reproduce here an address which I gave just before the White House Conference to the American Association of Retired Persons and the National Retired Teachers Association. I have the hope that the Congress of the United States will bring to the aging of America that commitment which the White House Conference has failed to fulfill. I hope in short that the Congress will no longer allow every 10th American who is old to remain as the last, the lowest and the least in American society.

The address follows:

THE CRUEL PROBLEMS OF AMERICA'S AGING

Almost every day brings to us revelations of the shocking, scandalous and almost desperate state of the more than 20 million Americans who are retired simply because they are over the age of 65.

The most incredible and the cruelest thing which happens to older persons is that, for the first time in their lives, they enter the ranks of the poor. Almost five million or over a quarter of the elderly live below the official poverty line. Most of these aged poor became poor only upon reaching retirement age.

In 1969 the median income for older persons living alone was the unbelievably low sum of $1,865!

The incredible poverty of the aged is, even more unbelievably, virtually unknown to most Americans. Most people who dwell in the United States probably think that older Americans probably constitute, as they did in 1900, some three million individuals or about 4% of the population at that time. Even if, however, Americans do appreciate the fact that every tenth American is over the age of 65 they do not realize that 20% of all of the poor people in America are 65 or over!

It is seldom realized, moreover, that Americans who are now at the age of 65 have an average life expectancy of 15 more years. All of us therefore must recognize that the problems of the 10% of Americans who are the oldest, poorest and most disadvantaged of any group in the United States must be given the highest possible priority.

A NEW MORAL COMMITMENT FOR THE AGING

When events converge to induce the United States to make a moral commitment to a particular objective or to a class of citizens the results are almost spectacular. The United States made, for instance, a commitment of this nature to the veterans of America's wars. Generous programs of education and retraining as well as a chain of veterans' hospitals across the land are the tangible evidences of a solid commitment.

During the 1930's the Congress of the United States made a commitment to the farmers of America. The many Federal programs which eventuated from that commitment now cost at least 4 billion dollars a year in subsidies and can to some extent be open to legitimate criticism. After World War II the United States made a commitment to have adequate hospitals for its citizens; there resulted the Hill-Burton Act which, along with supporting legislation, has made hospital care reasonably available to most Americans.

The Federal government is now at various stages of fulfilling similar commitments to the improvement of the environment, the increase of the availability of nurses and the financing of medical schools. It is to be hoped also that the Federal government is about to make a moral commitment to deal with the pervasive problem of drug abuse.

Any moral commitment of this nature requires leadership of an extraordinary nature. I have the hope that the White House Conference on Aging scheduled for November 28–December 2, 1971 will furnish the occasion at which the entire executive and legislative branches of our Federal government will make an unparalleled and unique moral commitment that the problems of the aging will, during the years of the 1970's, be given a priority above and beyond anything given to any other social problem in this country!

That commitment will not be credible and indeed it may not really exist unless it is accompanied by a dramatic and extraordinary generous act which symbolizes and signifies that America at long last has committed itself to treat its Senior Citizens as its first citizens.

I would suggest that a very meaningful commitment could be made to the aging if this nation sought to alleviate its enormous problems of inflation and unemployment by giving purchasing power to the Senior Citizens of this nation with the right to buy at prices that would not be inflationary.

At this time the administration in Washington proposed to diminish unemployment by giving a "handout" of some $200 to the 8 million Americans who will be wealthy enough this year to purchase a new car. The repeal of the 7% Excise Tax on new automobiles has been proposed as a device by which industry could be stimulated and employment in the automotive and related industries could be increased.

This proposed repeal of a 7% Excise Tax will in general give a benefit to the most prosperous persons in America and those least in need of a savings of $200 in taxes. At the same time the proposed repeal will mean that the Federal government will lose at least $1.6 billion in taxes.

Could not the Federal government propose the repeal of excise and other taxes of up to $200 per year which the aging in America now pay at great sacrifice. The repeal of the 5% excise tax on telephone use would benefit all of us. The repeal of Federal taxes for the aging on such items as travel, gasoline or car tires would bring new income into the hands of Senior Citizens and would presumably stimulate the economy just as much as new income in the hands of the most affluent people in the nation would do.

The Federal government might, moreover, consider the undeniable fact that unemployment in the past has caused the benefits of countless recipients of Social Security to have lower dividends now than they would have had if full employment had been available during all of their working lives. The Federal government could, for example, extend to those whose benefits are lower because of substantial unemployment in the past, credit for quarters of years during which the person could not secure employment. The Federal government might also think of alleviating unemployment by extending educational and cultural services to Senior Citizens and thereby employing poor persons who are out of work. The offer of such services would be most useful to all aging Americans but particularly those ten million people over 65 who never completed elementary school.

Another way of alleviating unemployment while simultaneously benefiting Senior Citizens would be to provide for positions for jobless persons, both skilled and unskilled, doing tasks for the 5% of Senior Citizens, or more than one million Americans, who live in institutions. Aside from furnishing employment and doing constructive work for the disabled aged a national plan to bring Federally subsidized employees into nursing homes and other institutions might have a salutary effect in informing all of America about the sometimes appalling conditions which too often exist at institutions for the elderly.

The Federal government could initiate a very creative program for the economic conversion of unemployed scientists and engineers, now out of work because of the cutback in funds for aerospace and defense spending, in planning and implementing the best possible scientific and technical services for the aged during the remaining three decades of this century. The length of the period of retirement continues to grow. It seems self-evident that the highly trained persons, so skilled in space and satellite programs, could and should divert their many talents to prepare a national program which would meet the total needs of the aged including medical, residential, social, economic and psychological services.

The economic crisis of the nation could also be turned to the benefit of the elderly if some of the energy and resources of unemployed individuals and corporations seeking to convert to new fields could be utilized to develop a new program of housing for the elderly.

Since the aging of America constitute at least 20% of the nation's poor they need from 120,000 to 162,000 housing units per year. Sections 231 and 202 are the only two programs designed exclusively for the elderly. Despite the progress made under these programs older Americans continue to have very limited opportunities to change their housing to suit their needs. The avenue of home purchases in later life is virtually impossible with the small exception of mobile homes and sometimes with a purchase under Section 235 of the Federal Housing Act.

The vast resources of underemployed individuals and underutilized companies could profitably be turned to housing research on which part during 1970 this nation spent only 30 million dollars. This small sum was allocated at a time when the government is attempting to implement what it describes as the most impressive and significant housing program in its history called "Operation Breakthrough".

I would therefore strongly urge all older Americans, both individually and collectively, to insist that this administration and this Congress utilize the present economic crises in America for the benefit of that group of Americans who, because they have given their lives and their families to this country, deserve more than any other class immediate remedies for the many rights which have been denied to them. I would hope that the White House Conference on Aging of 1971 would formulate a milestone principle to the effect that all governmental measures in the future designed to alleviate unemployment caused by economic recessions be required to furnish programs for the elderly as one of the fundamental ways of relieving unemployment and stimulating business.

I feel ever more strongly that the aging in America should demand a pledge from their elected leaders that every governmental program designed to regulate the economy in some way should be carefully investigated prior to its implementation as to the direct or indirect impact which this particular program may have on the elderly. This provision would be similar to the requirement now imposed on every Federal agency of checking through and protecting against the environmental hazards of any program under the jurisdiction of this particular agency.

I think also that the time has come for the Federal government to enact a uniform and comprehensive law by which every worker would know what rights he would have under an existing or a contemplated pension plan carried out by any private firm. The aging of America today—and indeed all of those approaching retirement—are all too often the victims of a pension plan which leaves them without adequate benefits because no state or Federal law has ever made it necessary for a company to disclose to its employees the nature and amount of accrued benefits whether vested or not.

I could continue with examples of services which could be offered to Senior Citizens as a part of a national program of economic stabilization. I want to state vigorously, however, that in my judgment the present initiation of a multi-faceted program to correct the worst inflation in our history and to provide employment for the more than six million Americans out of work could have and should have included in that program relief and remedies for the aged. The absence of such measures is but another manifestation of the fact that the Federal government is content to allow every tenth American who is old to remain as the last, the lowest and the least in American society.

ALLIANCES WHICH SENIOR CITIZENS SHOULD FORM

I recognize that it is not always easy for Senior Citizens to make alliances with other groups of voters. At the same time the aging in America should recognize that in 1970 they cast 17% of all the votes registered in America. I like to dream that the 20 million Americans over 65 would form an alliance with the 25 million young people who will be voting for the first time on November 7, 1972. If anyone in America would sympathize with the grievances of the elderly it is the idealistic young people of this country who believe in true equality with a passion unrivaled by any previous generation. If Senior Citizens feel powerless the young people feel even more so. If both groups recognize that the phenomenon which has brought the elderly in America to poverty and brought the young in America to alienation from government it is the continued spending over the past several years of some 80 billion dollars on the military. This astronomical spending has been one of the major causes of the inflationary spiral which has cheated the elderly of the real value of the benefits to which they contributed over 35 or more years of their working lives.

I spoke recently with a woman now 65 and retired whose father fought in the First World War, whose husband fought in the Second World War and whose grandson is now in Vietnam. This woman recognized that the fantastic expenditures of these three wars had not merely brought untold suffering into her life but had also turned her into practically a pauper as she approached what we like to call "The Golden Years".

I would urge all Senior Citizens therefore to form alliances with the young, the poor and with every group that will listen to the tale of shame and horror by which America has so mismanaged its economy and so squandered its resources that now every tenth American who at the age of 65 looks forward to 15 more years of life not with the high expectation that could be his but rather with apprehension, misgiving and sheer naked fear.

I exhort and entreat older Americans to become the most active and militant force and voice in America. Older Americans have more credibility than any other group of American citizens. This nation *will* listen to its fathers and mothers, its grandfathers and its grandmothers. But right now the nation has succeeded in isolating the aged from the mainstream of existence just as America has banished the retarded, the mentally ill and the racial minorities.

Older Americans must rise in revolt against the unconstitutional requirement that they may not earn any more than $1,680 a year. The elderly of America must cry out that it is unconscionable to require that they pay out of their meager benefits for prescription drugs and for some 50% of all of their medical benefits. The elderly must also insist that adequate transportation is a basic need of which they cannot and should not as Americans be deprived. Similarly the many nutritional needs of the elderly must be provided for.

At this particular moment of crisis in America when the President and the Congress will be searching for ways to stabilize the economy and diminish radically the massive unemployment which plagues the land the elderly of America must insist that their needs be given paramount concern in all plans and programs to bring about a healthy economy and a stable monetary situation.

The aging of America have an overwhelmingly powerful case. They have been locked out of the labor market by an anachronistic law. They are required to maintain themselves as retirees on benefits which continually diminish in real value. They are daily being cheated of benefits which should be theirs in housing, medical care and even in food.

Yet the long series of broken promises should not induce in the elderly of America a feeling of powerlessness. If any minority will be listened to in America surely the minority of every tenth American over the age of 65 possesses the voice that will at last arouse the conscience of America to remember, recognize and reward those over 65 in the manner which they rightfully and richly deserve.

TRIBUTE TO ELLEN SUGGS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. RODINO. Mr. Speaker, the following memorial to a dear friend and rare individual aptly describes the dedication and the warmth conveyed to those who knew her and those who had the privilege of being touched by her selfless dedication and generosity.

[From the Verona-Cedar Grove Times (N.J.), Oct. 27, 1971]

Ellen Suggs

(By Philip Sosis)

I knew her as an antagonist
I knew her as a friend
I came to know her
As a warm human being

A lovely lady
With a love for people
All kinds of people but
Especially working people.

She had a way,
A political skill
For organization,
A drive to build.

She was a builder
Of political promise
Of better tomorrows
In the traditions

Of the Democratic Party
Whose heritage
She leaves with us
To carry on . . .

Now she is gone
Rising above those odds
That took her breath
Leaving a void . . .

We are her memorial
To build and expand
To seek and grow
On her foundation . . .

SUPPORT FOR PROPOSED BOYCOTT OF FRENCH PRODUCTS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. MINISH. Mr. Speaker, our growing heroin epidemic is of acute concern to all citizens, particularly to parents whose children are confronted with easy access to this drug with all its tragic consequences. The fact that addiction is the greatest single cause of death among the 15 to 35 age group in New York points up the enormity of the traffic, most of it from France.

Nonetheless, the French Government arrogantly refuses to assume any responsibility for ending this infamous traffic although it entered into an agreement to cooperate with the United States on February 26, 1971. Since the French Government obviously places financial considerations above moral obligations, it is time for the American people to take meaningful retaliation by boycotting French goods. The United States imported nearly $1 billion worth of goods from France and American tourists spent $160 million there in 1970. When the cost of a boycott exceeds the benefits France derives from the drug traffic, the French Government will finally live up to its pledges.

I am pleased that my resolution for a boycott has received the endorsement of the Board of Chosen Freeholders of Essex County, representing more than 930,000 residents of the State of New Jersey. The resolution on the issue adopted by the board on December 3, 1971, follows:

Support Proposed Congressional Boycott of French Products

Resolved, that the Board of Chosen Freeholders of the County of Essex of the State of New Jersey, hereby endorses the action of Congressman Joseph G. Minish in introducing House Concurrent Resolution No. 453 calling upon the American public to boycott all French made products until such time as the President of the United States determines that the Government of France has taken successful steps to stop the process of heroin within its borders and to stop the illicit transport of heroin to the United States.

SHEPHERD LEADING SHEEP TO SLAUGHTER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. ASPIN. Mr. Speaker, I would like to include in the Record today a speech by Prof. Hugh H. Iltis, professor of botany at the University of Wisconsin at Madison. Mr. Iltis' speech, delivered before the annual meeting of the National Association of Biology Teachers, is a thought provoking piece.

In it Mr. Iltis discusses both environmental crises we face in general and also has some specific insights on the Alaska pipeline question. While I do not agree with everything Mr. Iltis says, I find this an interesting and challenging speech which my colleagues may find of interest. It follows:

Shepherd Leading Sheep to Slaughter: The Biology Teacher and the Mad and Final War on Nature

Ladies and Gentlemen: Botanist that I am, walking the streets of Chicago this morning I wished for a few more flowers, and a few less people. For after all, my topic today—and one of the main concerns of your Association—is the mankind-environmental equation. And there is no better place to perceive the staggering imbalance so typical of modern civilization, than in downtown Chicago.

I was reminded of Marston Bates' witty comment, that "Human population growth is like cancer. The yearly annual increase is now about 70 million a year, 6 million a month—the equivalent of the population of Chicago. And whatever one may think of Chicago, a new one every month seems a little excessive."

Excessive, too, is the general unawareness of the significance of all the environmental turmoil, the popular view that man can, in fact, adapt to pollution and crowding.

There is a cartoon in *The New Yorker* of two business men walking down 5th Ave. Says one to the other:

"I guess we have to pay for the higher standard of living by a lower quality of life".

The irony may not be lost on you, but it seems to have all but missed the sociologists. Indeed, even the famous Prof. Hauser of the University of Chicago sees nothing incongruous about giving up a biologically rich and decent environment for one with more high rise apartments and shiny new cars.

Says Prof. Hauser (and I quote an interview): (International Wildlife, March-April 1971, 15–17):

"The romantic nostalgia that some town and country planners have espoused is utter nonsense. Ferdinand the Bull sitting under the trees and smelling the pretty flowers just won't work in the modern world of the present or the future. This could be accomplished only at the expense of lower productivity and lower levels of living."

But the problem of nature cannot be so callously and cavalierly dismissed as it is done by Dr. Hauser, who shows an unfortunate misunderstanding of the human biological condition. It is this kind of misunderstanding that allows the construction, here in Chicago, of a 9 story high school for 3000 students, and without any windows. It is this kind of misunderstanding which points up the modern problem of man's inescapable genetic needs, frustrated to madness in the giant city, and of man's optimum environment, being destroyed before his very eyes.

Let me quote to you the French Theologian Jaques Ellul, who put it well in his masterpiece, the Technological Revolution:

"The milieu in which (man) now lives is no longer his. He must adapt himself, as though the world were new, into a universe for which he was not created".

"He was made to have contact with living things, and he lives in a world of stone". p. 325.

It is the population explosion and the inevitable environmental crisis that has thrust you, the biology teacher, into a position of crucial responsibility and fateful power. Who among you would have dreamt, 10, 20 or 30 years ago, when you were catching your first frog, or collecting your first flower, that the very survival of beast and flower, and of man, would depend on the biology teachers the world over. For no chemist or physicist, no historian or sociologist should understand biology as well as you, or defend the living world as effectively.

Look at it as you may, no technological fix, no political panacea will extricate us from the environmental crisis—

But your biological insights, the acceptance of evolution and ecology by your students, and by the population at large, just possibly might.

Indeed it is the biologists that fate seems to have selected to lead a sick, confused and insane world back to health.

Take just one example, the training of medical doctors. . . . You biologists are the ones who will teach evolution and ecology to medical students, the very people who, for better or for worse, will be the acting human ecologists all over the world. Not only that, but in medical school, your presentations will be the only ones in which these future MD's will ever hear of evolution, of diversity, yes, I hope, of beauty and wonder as well, and of the long and tortuous winnowing and sifting of natural selection, which produced man and mouse alike.

I must say I like the spirit of the NABT—you are my friends, and allies in these difficult times. Your articles in your journal are stimulating, from the brilliant essays of Bentley Glass to the shortest book reviews.

Yet, in all your concern for environmental teaching, two topics are covered by thunderous silence: Politics and extinction. To these I would like to address my remarks this morning.

Let me first talk about politics and environment.

Two things must be obvious to anyone with environmental sensitivity:

(1) The first is that continued development and economic growth are one thing, preservation of the environment and steady-state ecology are another. It should be quite clear that for the most part development and preservation are two mutually exclusive concepts. You can't have your cake and eat it too. You cannot get something for nothing. These are two cliches, to be sure, but they represent the most fundamental of ecological laws. Prudence dictates that choices today be immediately redirected towards long-range aims: more outright preservation and strictest restraint in using

resources. This is what Earth Day was all about. This is what ecologists must expect from intelligent and responsible leaders.

(2) My second point is this: The present leadership of the United States refuses to accept this ecological law. Lip service notwithstanding, the power-structure, political, financial, and military, including the present administration, is primarily committed to those exploitive industrial interests that wish to make big money at all costs, and not to those that wish to protect the environment and its ecosystems.

We are still at war, 80 billion dollars worth, and not at peace.

We are still waiting for the 5-year birth control program demanded of HEW by Congress.

We are still dragging our feet on pollution, and the 20 billion dollars a year it will take each of the next 5 years to clean up past messes is not forthcoming.

We are still squandering resources as if they had no end, and are destroying large parts of the earth to get them.

The anti-environmental mood in the administration is becoming stronger, and was most clearly reflected by the president in his appearance before the Economic Club of Detroit (on Sept. 23, 1971), when he promised the industrialists, in brazen sincerity, that "We are not going to allow the environment issue to be used in a demagogic way to destroy the industrial system that made this country great".

No wonder they applauded wildly! Free license to continue to exploit, to develop, how nice for them! But how bad for us!

Nixon's comments are only too typical of a dangerous movement gaining momentum: the current counter revolution against the environmental movement, the cynical denigration of the ecologist, the continual bombardment of the public by misleading ads in magazines and newspapers, the deliberate circumvention of laws by managers and officials, and the naive cornucopic pronouncements of the technological bamboozlers such as Buckminster Fuller or Doxiadis and of many innocent, well-meaning scientific experts, all contribute towards a simplistic assessment of the crisis. They all are pushing "progress", "growth" and money and the sweet nonsense that we can have both unlimited development and preservation. For how long, ladies and gentlemen? For how long can we afford to be this innocent? What if the diversity of life gets to be less and less, and the options for sound eco-management become fewer?

What if the experts are wrong? It is no accident that experts are the butt of jokes: they are so wrong so often.

You know what an expert is?

(1) He is a man from out-of-town with slides;

(2) He is a man whose ignorance is superbly organized; and finally

(3) He is, and this is Marshall McLuhan's definition, he is a man who does not make the slightest error on the road to the grand delusion.

Yes, what if we stumble, what if we make a mistake?

What if the grand delusions of unlimited energy, unlimited wealth, unlimited growth and development and unlimited human adaptability prove to be wrong, as every ecologist knows. What then?

There are only 2 things that are unlimited, said Einstein, the universe, and human stupidity!

What if we stumble and make a mistake? What if Nixon is wrong? And what if, in fact, the environment should come first, and the economists second?

There are a few exceptions in government, like the Environmental Protection Agency. Russell Train, Bill Ruckelshaus and Lee Talbot have attempted to do a fine job, but more often than not they are being sabotaged in the White House, and elsewhere. These men in the present administration are almost an accidental anomaly. And where they have succeeded, it was only because of public backing, your backing, and not because of the administration, but in spite of it. This is to these men's great credit.

It is well also that we have the courts, where citizens and organizations alike now are suing in ever-increasing numbers, ("suing the bastards", to quote Victor Yannacone), to insure that their government does the *environmentally right*, the *humanly moral thing*. Judge Wright's decision in Calvert Cliffs vs. the AEC, where he shook that blindly powermad organization to its very foundation, and demanded that it behave responsibly towards the environment, restores one's faith and gives one hope.

But it is, nevertheless, crucial for biology teachers to explain and for their students to know, why the environment is continuing to go to pot, why we continue to permit short-term profit and long-term disaster, and why solutions *are* not forthcoming. *The powers that be don't want to lose money. And the powers that be are not very bright.*

There are thus other factors as well, such as the men that lead us. *Alicc in Wonderland* might be easier to explain to students than Mr. Nixon's cabinet.

Thus as biologists we should be concerned that our Secretary of Commerce, Maurice Stans, is a great white hunter in Africa, who gets himself photographed with dead leopards, and other species close to extinction, such as Sable Antelopes.

Our Secretary of the Treasury, likewise, is a great hunter. His African Safari just after he left the Texas governorship was well-illustrated in all the Texas newspapers—photographs of mountains of dead bleeding meat and the rest of it, including Mr. Connally.

Is this appropriate in 1970? Should people with environmentally destructive hang-ups run the economy of this great country? We could barely put up with this butchery in Teddy Roosevelt's day, when there was much game and few people. But today it reflects a moral callousness, an elegant corruptness, at best, a blind foolishness, which is not lost on our students. Hunting, yes! But nearly extinct species, which others say need rigid protection? Should such people run the government of the United States? Should such men, which lack any environmental or social commitment except to their own power, be our leaders?

Leaders should lead by good example!

Small wonder, then, that our leaders in government are still talking about putting "economic impact" ahead of "ecological impact", including the president and the Secretary of Commerce.

Says Mr. Stans: "Isn't it time for someone to say 'Wait a minute' "? He chides the "vocal" and "impatient" eco-alarmists that jobs are at stake, that plants will be shut down if we enforce the laws. He says we need a slowdown on banning of DDT, of phosphate detergent, of polluting automobile emissions, on banning new power plants and off-shore oil drilling. Should anyone, who knows of Mr. Stans' propensities in Africa, be surprised at these and similar sentiments? But again, should this type of man have the power that he has?

The one ray of hope in Nixon's cabinet was Walter Hickel, a tough, outspoken and honest man, who got fired, ostensibly for writing a letter, a thoughtful, courageous letter defending today's disenchanted college students. Hickel is a self-made Alaskan, who grew in his job almost from the day he arrived in Washington, and who threatened to become one of the best Secretaries of the Interior since Harold Ickes, and a defender of the public trust. And that fact alone was intolerable to the president, and especially to the oil industry. Hickel had to go for exploitation to stay.

I wish to publicly apologize to Mr. Hickel, whose new book, "Who Owns America?" ought to be required reading in our schools. I fought his appointment with letters and phone calls, for he looked like a typical environmental exploiter. But most of his actions as Secretary of Interior were courageous and honest, and reflected a deep concern for nature, a love for the land and its people. When a man can say, as in the case of the California Condor controversy, "it was a choice between rare birds and pumping oil, and I chose the birds"—that is quite something!

He is not perfect. Both he, and now Mr. Morton, support the Alaskan oil pipeline—clearly an environmental monstrosity that must not be built. May I here suggest to both of these gentlemen and to the President, who are all so anxious to have the oil come out, that there is a simple alternate solution to the Alaskan oil problem, a solution which is both ecologically sound and economically prudent: And that is, Let Us Nationalize the Alaskan Oilfields and lock them up for 100 years.

(1) Nationalization will solve many problems. We do not need the oil now, but given our chemical, especially plastic industries, which are so dependent on oil, in 100 years they will be desperately oil-hungry, and glad to have this rich field available.

(2) Nationalization will prevent the pollution of the Arctic Ocean, or of Alaska, which, with our present insufficient technology, is sure to follow. But in 100 years we might have the technology to get the oil out without harm to the Alaskan ecosystem.

(3) Nationalization will prevent us from sending the oil to Japan, for which most of Alaska's oil is slated, which in turn might slow down their insane, yet deliberate economic growth, and avoid the collision course with the United States on which it is set, and the spectre of World War III.

Finally, it is time to defend ecological right over financial might. To use the title of Mr. Hickel's book—"Who Owns America?"—Indeed, who owns Alaska's oil? This arctic oil is on publicly owned land,—a public resource on public domain—why then not under public ownership and administration for long-range public benefit and use. Surely, the oil can wait, safe in the ground. Nationalization, a national oil resource park, is the answer that today makes ecological sense.

Nevertheless, despite his misguided stand on Alaskan oil, Mr. Hickel is a decent man that has shown great capacity to learn. I wish Mr. Hickel well in all sincerity. I hope that he will learn all the ecology and biology that he must. For his is a very important voice. He has given both students, and biologists, as well as the public, faith that even this government might possibly work or might change, given an honest and remarkable man. Abraham Lincoln was made of similar rough stuff, and he became a great and honest president.

We will never get at the root of our environmental crisis by picking up tin cans. Only by changing the very institutions that have allowed our crisis to develop, by placing men into high government office that have an honest ecological concern, is there hope for our plants and animals, and us, to survive.

Let the National Association of Biology Teachers become politically active. Let it join with the Sierra Club and EDF and others to fight the smoke screen of the anti-environmental campaign.

The NABT *must* speak out. It should hire representatives in Washington, eco-lobbyists who would represent your voice. The issues are not only questions of politics or biology, *but of simple human decency*. Ladies and gentlemen, you are the ones, more than any other group, who have the answers. You must not remain silent.

THE EXTINCTION OF SPECIES—THE DESTRUCTION OF ECOSYSTEMS: MAN STRIDES ACROSS THE LANDSCAPE AND DESERTS FOLLOW IN HIS FOOTSTEPS

The second concern I wish to bring to you is the widespread and castastrophic extinction of species and ecosystems occurring on all continents, but especially in those areas previously untouched by technology: the tropics, the developing nations, the oceans. To stop this biotic destruction has today acquired an urgency absolutely beyond belief. If you pick up Vincenz Ziswiler's *Extinct and Vanishing Animals* (Rev. English Editor, Springer, 1967), Fisher, Simon and Vincent's *The Red Book of Wildlife in Danger* (Collins, 1969), or any of the many similar studies, you will find pages on pages listing major animal species close to extinction, with many of the major mammals or birds listed there down to very few individuals: Blue Whales 500; Mountain gorilla 1000–5000? The Philippine Tamarau 200; Florida Key Deer 235; Giant Sable Antelope 500; Sumatran Rhinoceros 150; Indian Rhinoceros 600; Indian Tiger 1700; and so on into the night of everlasting extinction. Plants are equally vulnerable, and, as a new book edited by R. Melville of the International Union for the Conservation of Nature and Natural Resources shows, there is no time to lose!

Not only are individual species by the thousands threatened with an extinction as irrevocable as that of that marvelous bird, the Dodo, but whole major ecosystems of great ecological and economic value and interest are being "developed"—a euphemism for exploitation with hardly a thought to the future.

One can just shudder at the destruction of western Australia and Africa, and especially of the vast Amazonian Rain forests recently written up in *Time* magazine (Sept. 13, 1971 p. 36–39). Here, in Transamazonia, is Brazil's last frontier, as well as *the richest ecosystem the world has ever seen:* 30,000 species of flowering plants, of which 5000 are trees (!), ca. 200,000 insects, and a diversity that staggers the imagination. (A very large number, in some animal groups 80%, of species are yet to be described!) Yet, Peru, Venezuela, Colombia and Brasil are all at it.

Says a Brazilian minister "We have to conquer Brasil completely and (building road and cutting the forest) will do it." With U.S. support, and no doubt much industrial interest from U.S. Steel (the world's largest deposit of iron ore is here) Amazonia may cease to exist. Unbelievable? Read what Wm. Denevan, a University of Wisconsin geographer, recently wrote in a paper entitled "Development and the Imminent Demise of the Amazon Rain Forest".

"Within one hundred years, probably less, the Amazon rain forest will have ceased to exist. It will have been replaced, for the most part, by grassland and scrub savanna, with some second growth forest. The prospect seems inconceivable to those of us who have flown over the endless vastness of Amazonia, but I believe it is just a matter of time given current and projected trends in Amazonian development".

No matter if a Brazilian geographer warns that "a disaster of enormous proportions" is imminent; no matter if the lateritic soils are poor and will lose nearly all their fertility in a few years (as has been shown again and again in the tropics of both the Old and the New Worlds); no matter if mankind will lose an incalculable biological resource—there has been no voice raised in protest in the biological establishment, nor in the NATB, or AAAS. (The politics discussed in part I make objection quite difficult!).

But surely, man may need butterflies and wild flowers, mountain lions and caribou, blue whales and pelicans, and prairies and deserts, and Amazonian forests with parrots, monkeys and morpho butterflies, all that blooms and flies and crawls, to be happy, and to have some perspective . . . Our grandchildren will need them too. Surely, preservation of nature must be the prime concern of mankind, and especially of biology teachers,—from now until the end of all time—to make sure that Nature's diversity survives and that its protection and preservation is sanctified and codified into law.

"FREEZING" THE GENETIC LANDSCAPE—THE PRESERVATION OF DIVERSITY IN CULTIVATED PLANTS AS AN URGENT SOCIAL RESPONSIBILITY OF THE PLANT TAXONOMIST

Another extinction, of great importance to man, is the subtle disappearance of diversity in cultigens and their relatives, both wild and weedy.

Natural selection, and thus the continuation of evolution, is dependent on the amount of variability present in a population. Variability in cultivated plants allows selection for valuable goals, such as disease resistance or high yield, and, considering man's absolute dependence on his food plants, needs absolute protection.

In a cultigen, variability is usually greatest in its evolutionary "cradle region", where wild, weedy, and primitive cultivated forms tend to mingle in highly heterozygous hybridizing populations. These have irreplaceable scientific and practical value. In primitive societies, these nodes of variability persisted unimpaired for millenia, even after a crop became highly evolved elsewhere. Today, "progress-oriented" agriculture, the "Green Revolution", and massive technology, often blindly conspiring with greed, hunger, population pressures and ignorance, deliberately replace this low-yielding primitive diversity with high-yielding inbred uniformity. The corn blight of 1970 is but an omen of the disasters such crop uniformity may bring to man in the future.

Biologists must counteract these ill-advised trends, by not only doing sound work, but by explaining the biological issues to the scientific and lay public and by urging drastically new approaches to the preservation of genetic variability. The widely supported "freezing" of diversity in cold-storage gene banks, as in the government seed collection at Ft. Collins, Colorado, has short-term utility for research but is easily susceptible to accidents such as power failures and to loss of seed viability. The only way we can save the dynamic evolutionary potential of a crop is to protect the diversity of its "ancestral" genotypes in its cradle region from modern agricultural interference. In the case of truly wild "ancestral" species, we can preserve them by protecting, and in some cases, manipulating their habitats as in a wildlife preserve. Only by such deliberate and permanent local preservation, i.e. by "freezing" selected genetic landscapes, is there any hope for long-range success of continuing the evolution of our crops.

This clearly is scientifically justified, politically negotiable, and should be internationally subsidized. By placing specific geographic regions "off limits" to agricultural aid, one to several for each crop, the slow processes of primitive cultigen evolution would be allowed to continue without marked loss of variability.

"The introduction of modern potato varieties and clean cultivation methods to the Andean potato fields may someday have a deleterious effect upon the future development of our own varieties. If the primitive Andean potato stocks are lost, our modern artificially produced varieties will become completely isolated from their ancestral base, and it may then require extraordinary efforts to keep our higher-yielding but more inbred clones free from extinction. Although it is inevitable perhaps that some native potato populations will be lost in future years, it is vital that we at least preserve the more critical or ancient centers of potato variability, and guard these against the encroachment of the modern varieties" (Don Ugent, Science 170: 1165. 1970).

Thus in the case of potatoes, one could set aside the whole Lago Titicaca basin of Peru and Bolivia as an International Potato Diversity Preserve, protecting here not only the potato fields of the Indians, with their 500 named cultivars, but their adjoining weedy and wild potato populations from agricultural experts who "push" the introduction of uniform strains. That does not mean that one is condemning the local population to poverty. It simply means, that only this one crop will here be retained in primitive condition.

In the case of corn, there is need to protect several local regions of high diversity in Mexico and Peru from improvement and hybrid corn. There is in addition the urgent need to protect also the 5 major races of Zea (Euchlaena) mays mexicana sensu lato, one or several of which once gave rise to cultivated Zea mays. Here as can be shown, erroneous taxonomic doctrine produced a veritable maize "mystique" which so confused evolutionary understanding that the highly valuable ancestral taxa were considered nothing but inconsequential weedy hybrids, and are still being treated as such. Many local populations are close to extinction, none are now under protection, and in fact these wild grasses are considered weeds to be gotten rid of. Yet we cannot even measure their eventual and probably immense value, for their genetic potential may well be the key to successful corn breeding of the future.

Whether corn or rice, potato or wheat, it is clear that a neglect of the genetic gold mine which these unassuming wild plants represent would be a great mistake. Here, again, we must change our values and our ways, especially as to our well-intentioned, but short-sighted foreign aid programs.

The protection of specific regional genetic landscapes (or World Genetic Resource Areas) (cf. G. W. Wilkes, Science 171:955, 1971), should get top priority in international agricultural planning. Only then will man be able to preserve the vast array of potentially valuable genotypes and phenotypes and give crop breeding a solid future. The biology teacher has here indeed a crucial and indispensable role.

Let us end with a quote from your eminent president, Dr. Glass, who in his book Science and Ethical Values (p. 33–34) pleads for our concern:

"In the second and third chapters of Genesis is the story of the Garden of Eden and the Fall of Man.

"Too much dust has already been stirred by debates about its historical origin, for in such controversy the deeper moral truths the story reveals usually lie forgotten.

"The tree whose fruit Man was forbidden to eat was not the Tree of Life . . It was the Tree of Knowledge of Good and Evil. For indeed, in his ignorance, man was once innocent.

"Yet 'when, in the agelong evolutionary ascent, man came to foresee the consequences of at least some of his actions, when he could distinguish the good from the evil and the better from the worse, then it became to him sin to choose the evil, to do the worse'."

"One thing is certain. We cannot turn the clock back. We cannot regain the Garden of Eden or recapture our lost innocence. From now on we are responsible for the welfare of all living things, and what we do will mold or shatter our own heart's desire."

You, who are teachers of biology, who love your plants and animals; you, who care for your students, have a tremendous responsibility of leading a sick and insane world back to health. The watershed is here, now. And it is now or never! And the problem is yours, because it is so largely biological. It is yours also because you care for nature, this love affair of yours that led most of you into Biology in the first place. By making students instruments of your love and your wisdom, by teaching them the implications of evolution; by showing them the evil and greed, as well as the good of technological power, and its political and biological implications, you will give them the judgment they will need to preserve diversity and beauty on this earth.

But I say to you clearly and loudly: If you and your organization insist on being pollyannas, if you continue to ignore the touchy subjects of politics, of war and the anonymous monster of the technological corporate state; if you neglect to inform your students, the very students who care and who are our only hope, of the price we pay for our affluence, and of the price the rest of mankind pays for our greed; then may all the fates help us and you. Because then you will be guilty, guilty of being but careless shepherds leading innocent sheep to slaughter.

O'HARA TESTIFIES BEFORE WORKMEN'S COMPENSATION COMMISSION

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, it has long been my pleasure to be closely associated with my colleague, the gentleman from Michigan (Mr. O'HARA) in a great many legislative efforts. He has served with, I may say, distinction on the subcommittee I now have the honor to chair—the Special Subcommittee on Labor.

But through the inexorable workings of the seniority system, the gentleman from Michigan now has his own subcommittee, of which I happen to be a member.

Mr. O'HARA's subcommittee has recently concluded hearings on the proposal that farmworkers might legitimately be compensated for the injuries and illnesses that befall them as they labor in their very hazardous working environment. Our State and Federal system of workmen's compensation laws benefit Federal civil servants, movie, stage and television actors, steelworkers and carpenters for injuries received in the course of their employment.

But with farmworkers, as usual, they seem to have been forgotten—or something—when most workmen's compensation laws were being written. And so, in an industry where they are exposed to dangerous machinery, extremes of climate and long hours, highly lethal pesticides and the hundred and one other dangers that make farmwork idyllic only for those who do not do it, the farmworker is almost nowhere adequately protected. Mr. O'HARA believes, and I share his belief, that this should not continue to be the case. Hence the hearings on legislation which we have both introduced to cure this defect.

But my colleague from Michigan has not put all his hopes in one remedy. He has now twice testified before the National Commission on State Workmen's Compensation Laws—the second time at the unsolicited invitation of the Commission. He has vigorously urged that the National Commission—which was mandated by the Occupational Safety and Health Act of 1971 to review and make recommendations for improving our State laws in this field—push strong and effective action to bring farmworkers under the protection and coverage of State workmen's compensation laws. I am proud to have the opportunity to insert the statement of my chairman before the Commission at this point in the RECORD:

STATEMENT BY REPRESENTATIVE JAMES G. O'HARA BEFORE THE NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS, DECEMBER 13, 1971

Thank you very much for this opportunity to present views to the Commission.

My own limited experience with workmen's compensation stems in some part from having been floor manager for the last general revision of the Federal Employees' Compensation Act, which, incidentally, I earnestly commend to your attention as a model for workmen's compensation legislation.

But today I come to ask your careful consideration of a different aspect of the workmen's compensation field—one which will, I believe, require the earnest and urgent efforts of both Federal and State authorities if we are to wipe out a basic injustice from the statute books.

The problem to which I refer is the almost total exclusion of farm workers from the benefits of workmen's compensation programs in the states in spite of the fact that these workers are part of an industry with an extremely high accident rate—and an industry whose industrial health situation is equally appalling.

Exclusion from the benefits of workmen's compensation, is not, of course, an unusual or unique deprivation for the people who put our food on our tables and our clothes on our backs.

They are systematically excluded from almost all of the social benefits which workers in other industries have come to take for granted as part of a civilized industrial society.

The farm worker—only recently given any minimum wage coverage at all—is only entitled to a lower minimum wage than other workers and he is entitled even to *that* only under conditions which differ from those which entitle his fellow worker in other fields—and the enforcement of what restricted second-class coverage the law gives him is a bad joke.

The farm workers' children are not kept out of the fields even though those fields are more hazardous than the factories and mills other children have been kept out of for decades—in no small part because of the hazardous conditions that prevail there.

The farm worker is wholly denied unemployment compensation in most states, and the nation's labor-management relations statutes have excluded him from coverage for years—although now that employers are discovering they can use those laws to prevent farm workers from organizing, they are suddenly reversing their field and demanding the coverage they bitterly opposed for so long.

So, as I say, the farm workers exclusion from workmen's compensation is only part of the dismal picture in which the farm worker continues to be left behind as legislatures, State and Federal, improve the conditions of other working men and women.

So I come before this Commission, not to suggest that workmen's compensation is the major area of injustice where farm workers are concerned, but merely because it is the one injustice to which you have a mandate to address yourself.

Hearings by the Agricultural Labor Subcommittee of the House have served to sharpen our awareness of the misery experienced by farm workers hapless enough to be disabled by injury or disease in a State where provisions for compensating them are inadequate or where there are no such provisions at all.

These hearings have also served to confirm my conviction that workmen's compensation protection for agricultural employees that is nationwide in application is needed now.

It very soon became apparent in the hearings that statements regarding the number of States whose laws provide workmen's compensation protection to farm workers can be quite misleading unless the restrictions that many of the legislatures have managed to attach to such coverage are explored.

Even where the scope or nature of coverage of employees in agriculture does not differ substantially from that given workers in other industries, the laws may not be adequate to protect farm workers who face perils peculiar to their kind of labor and the way of life it often entails.

No one will be surprised to learn that no State provides workmen's compensation protection to farm workers that is more favorable than that given employees in other industries. The laws of fewer than half of the States provide any coverage, either elective or compulsory, for farm workers.

In only a handful of those States is the coverage of agricultural workers compulsory and in all respects the same as for employees in other industries.

In the States whose laws do not provide elective or compulsory coverage of farm workers, their employers may voluntarily provide for such coverage, except for Alabama and the District of Columbia, where even that is forbidden.

In many States where farm workers are covered by workmen's compensation laws, the protection extends only to persons whose employers have a specified number of workers—often a significant number.

It must be disheartening for a person disabled by an injury suffered on a small farm to learn how much better off he would be if he had had his bad luck on a larger spread!

He hurts just as much.

He and his family are just as hungry.

He worries a lot more—and that doesn't do much to speed his recovery.

The range of this exemption numbers game runs from 3 to 9.

Laws like Ohio's for example, provide no compulsory coverage for farm employers *regularly* having *less than* three employees.

Florida's law provides for compulsory coverage of all agricultural workers except those performing agricultural labor on a farm in the employe of a bona fide farmer or association of farmers employing 9 or fewer regular employees and fewer than 20 other employees at one time for seasonal employment.

There are other fascinating legislative variations to be found in the States' laws applicable to farm workers, all of which share the common characteristic of stacking the deck against the fellow least able to shoulder an additional economic burden—the disabled employee.

Minnesota's and South Dakota's laws provide for compulsory coverage of farm workers, without numerical exemption, but only if the employees are commercial threshermen or balers or operators of grain combines, corn shellers, cornhuskers, shredders, silage cutters, or seed hullers.

Arizona's law is similar but includes a numerical exemption as a further restriction.

Coverage under the laws of Louisiana and Wyoming is like that provided by Minnesota's and South Dakota's statutes, except that the coverage is elective rather than compulsory.

Coverage under Kentucky's law is also only elective and limited to workers operating machinery, and includes a numerical exemption as well.

In Michigan, compulsory coverage is provided for regularly employed farm workers employed by someone having 3 or more regular employees 35 or more hours a week for a period of 13 or more weeks during the preceding 52 weeks.

Eligibility rules under New York's and Wisconsin's statutes are just as involved, in their own ways.

Coverage under Maryland's law, which just this year was made compulsory as to farm workers, applies only where a farmer has at least 3 full-time employees or an annual payroll of at least $15,000.

Exempted from coverage altogether are migratory farm workers who do not operate machinery or equipment.

Laws providing for protection of farm workers only if they are operators of machinery betray a long-held but entirely incorrect assumption that the only way you can get hurt on a farm is by falling off a tractor.

Now, it is certain that a person can be injured or even killed that way.

But it is also true that people working nearby are susceptible to disabling mishaps when they become entagled with or overrun by the mammoth equipment used to plant, tend and harvest agricultural products.

And these mechanical hazards are not even in the same league with the increasing perils from agricultural chemicals.

The State of California has rather definitive safety standards for the application of pesticides on farms and orchards.

Nevertheless, outbreaks of pesticide poisoning of farm workers have occurred—even where an untoward amount of pesticide was not applied at one time—because too much of it was applied over a period of time within the legal sanctions adopted by the State.

A witness at one of our hearings, a professor of medicine at the University of Miami, has found in his studies that farm workers and their families suffer additional pesticide pollution as a consequence of the overcrowded and unsanitary living conditions they must endure, where the use of cheap pesticides to control vermin is common.

I really cannot tell you have many agricultural workers are without workmen's compensation protection as a result of the numercial exemptions in the various State laws.

I do not believe that anyone can give you an accurate count of them.

They just don't show up in the statistics.

That is not to say, of course, that they are not being injured and disabled.

It just means that under the present laws they are ignored.

Even in the very few States, like California, where the laws do not exempt agricultural employees and they are covered in the same manner as other workers, the protection that the system is intended to afford them can be illusory.

A young orthopedic surgeon who appeared as a witness at one of our hearings has been on the staff of a clinic for farm workers in California for the past year and a half.

One of the problems the doctors there encounter again and again is the lack of cooperation on patients' parts in carrying out instructions concerning therapy and convalescence.

They sometimes do not stay at rest and away from work for the period recommended by their doctors and they sometimes fail to return for follow-up appointments.

The staff at the clinic attribute this primarily to two causes.

First, the patient believes, with or without justification, that he must return to work in order to keep his job.

Second, the patient must return to work prematurely because his economic situation leaves him no choice.

Even a single day off the job represents a great financial loss.

Explaining this second point, the doctor testified:

"The problem of financial crisis during periods of unemployment relating to compensation injuries is quite major.

"The compensation claims, themselves, often take several months to be settled and in the meantime the patient is without any income whatsoever.

"The usual situation for a farm worker is an unending succession of bills and loan payments that continually threaten his existence on an almost daily basis.

"The agricultural worker has no reserve on which to draw so that a three-day injury may represent financial disaster to him in much the same way that a three-month injury might represent a comparable situation for you or me.

"Other methods of interim financing for his large family during the period of convalescence have been less than satisfactory.

"The patient is ineligible for social security disability payments following a workmen's compensation injury until six months have passed and state disability payments often take weeks before starting and then are too small to match the needs of the patient and his family."

The doctor recommended that statutes prescribe mandatory recuperation periods and require a worker to obtain a physician's certification before returning to work prematurely.

These provisions would have to be accompanied, of course, by effective job security rules and would necessitate a system for disbursing some form of regular, frequent and early payments to the injured worker during his period of convalescence.

Another problem relating especially to workmen's compensation protection for farm workers is that of cumulative health injuries, particularly to backs.

What may seem to be an actual back injury is all too often the culmination of years of chronic strain leading up to the final event which is the patient's acute disabling back condition.

In theory, the patient had sustained a compensable injury at each stage of his work with each employer.

But, at the present time, it is the worker's current employer and his insurance carrier who bear the burden for the disabling injury.

Another particular concern to the farm worker is his exceptional vulnerability to disabling disease or injury in the living quarters furnished him as part of his emolument.

When asked at one of our hearings to describe such camps, a doctor on the staff of a clinic in Florida ended his answer to the question saying, "I know from my own experiences when I go out and look at them I am horrified but the next day I can't describe them any more and I have to go back and look again to really appreciate what is going on."

In his prepared statement the doctor said: "Our program has to pay a premium rate for Workmen's Compensation because we have personnel who go into the labor camps and into the homes.

"The insurance company considers this high risk."

Workmen's compensation coverage of farm workers ought to extend to disabilities resulting from injuries and diseases suffered in the unsafe and unsanitary housing furnished the employees.

It is clear, Mr. Chairman, that adequate coverage of farm workers under the laws of all of the States is not likely to be realized soon enough.

It is certain that we cannot rely on good will.

The prospect is not good that we will see in the near future the progress that States have been unable to achieve in a half century of workmen's compensation laws.

The solution lies in Federally required coverage for farm workers on the same basis as for employees in other industries.

I believe this should be a recommendation of the Commission.

THIS IS OUR ARKANSAS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. ALEXANDER. Mr. Speaker, recently I had the opportunity of hosting in Arkansas, a Delegate to the French Assembly. His introduction to our State began at the site of the Louisiana Purchase Marker, from which that area was surveyed.

To commemorate the occasion, Miss Lily Peters recited a poem which she wrote, and I would like to share it with my colleagues in Congress:

THIS IS OUR ARKANSAS

(By Lily Peters)

This is our Arkansas—a lovely land
of rivers and lakes, mountains blue in the distance,
sunny hillslopes, woodlands, prairies, deep-shaded
bayous in the Delta country: loveliness
has been here from the beginning of our history,
whose origins go back to within the fifth decade
following the notable voyage of Columbus.

Let us return to those early beginnings and see
what manner of men were the first to come to this region
and leave here the imprint of their dreams and ambitions:
Hernando de Soto, who discovered the Great River
and opened for the first time the gates of the lands of the Akancas;
the Sieur de la Salle and Henri de Tonti, who came
nearly a century and a half later, securing
the land in friendship with the Indian tribes.

Of all the fifty States, the entrance of Arkansas
into history is the most dramatic and picturesque,
meshed in the medieval pageantry of Spain.
Hither came knights in armour, with the feudal trappings
of the noblest blood of the Iberian peninsula,
with panoply of blade and buckler and caparisoned horses,
on an incredible journey of adventure
and hardships beyond belief, following their indomitable
Governor, Francisco Sorred Hernando de Soto
de Castenada y Gutierrez, that man
of fire and lightning, April hyacinths and brimstone,
with five hundred years of Spanish pride in his marrow,
his stamina hardened by the subconscious memories
of three thousand years of conquest that Spain had known,
his mind ablaze with the dream of a country of his own,
a flowery dominion by a summer sea,

its borders lying along the Gulf of Mexico,
to be his when he had fulfilled in honor his solemn
promise of bringing to his Emperor, Charles the Fifth,
the treasure he believed to be found in this new land.
But De Soto, the bearer of the Dream, was doomed to be buried
in the waters of the Great River that he had discovered,
and of the Dream itself, there was only the bright stain left.
In August of 1541, these adventurers
from Spain and Portugal, with their commander, De Soto,
after crossing the Great River and Phillips and Monroe
Counties, came to the region in Arkansas County
of the Indian town Aquiguate, the largest town
they had seen on the Island of Florida, the explorers said,
near where Arkansas Post now stands, and they lingered there
for a fortnight, in their records praising the beauty
of the shadowy, green land with its rich river margins.

To the place of Arkansas Post in 1682,
then the Indian town of Assotoue of the Arkancas,
came Rene Robert Cavelier, the Sieur de la Salle,
a French aristocrat and a genius of vast intellect,
an empire builder whose ideals were founded on peace,
a man of extraordinary presence and intrepidity,
seconded by his faithful lieutenant, Henri de Tonti.

De Tonti was descended from an Italian family
who could claim as their inheritance the traditions of Rome
when that city ruled on three continents. De Tonti
was cast in a heroic mold: a man
of the highest character, chivalrous, courageous, honorable
in all of his dealings with the Indians. They, in turn,
gave to him freely their respect and their admiration.
His deeds among the Indians became a legend,
and he was known as the Great Peacemaker among the tribes
from Canada to the mouth of the Mississippi.

Seldom have two strong leaders been so well matched.
As Arkansans, we may well be proud of our first citizens,
who, in winning the friendship of the Indians in the Valley,
made possible the framework of French empire in America,
that more than a century later came to fruition
in the Louisiana Purchase, which gave to our country
the base for its reach from the Atlantic to the Pacific.

Arkansas has been destined for greatness from the beginning,
De Soto's chroniclers praised its resources. La Salle,
who later received the Great River Valley in fief
from Louis XIV of France, on his first journey
down the Mississippi, took possession of this new domain
in a stately ceremony where now stands Arkansas Post,
his perceptive mind seeing this land of the Akancas
as the keystone of the arch of continental dominion—
a land of such beauty no pen could describe it, De Tonti
tells us, building his Poste de Akancas on the fief
given him in feudal fashion by his friend, La Salle,
who, like De Soto, found death instead of the Dream.

The man who could win the hearts of the savage Indians
and plan an empire was shot down in cold blood
by two of his own men he had come to rescue.

So does the great Dream for a time seem lost
and wholly forgotten; but the Dream is our immortality.
It cannot die so long as the human spirit
is willing to cherish its substance. In this hour
of the twentieth century, the Dream these strong men cherished
and died for, has come down to us as our heritage,
a magnificent gift of courage and inspiration,
for which we should thank God each day we live to enjoy it.

Fellow Arkansans, ours is a gift of Arkansas!
Think of it as these men did, as the noble keystone
of the arch that is our country. It is in our power
to create in Arkansas a fulfillment of all the endeavors
that lift men into greatness. Let us accept
this challenge, in the hope that wisdom may dwell in our speech,
goodwill in our hearts, kindness in our thoughts, courage
in our hands for the worthy work that each of us can do
to enhance the beauty of our State, to enrich its prospects
in keeping with the original meaning of the name,
in the ancient language of the Quapawa, "Ugakh-pa—Arkansas,
The Place of the Handsome Men," remembering the homespun
adage, that Handsome is as Handsome does!

This is our Arkansas—this gift of destiny,
this land of showery prairies and sunlit mountains,
this flowering country of trees and shining rivers,
lakes like jewels, vine-shaded bayous, a country
of Dream, the great Dream of the past centuries,
now in our hands to be molded and shaped to reality!
This is our Arkansas, a lovely land!
let us cherish it, love it, and keep it lovely forever!

DAVID SARNOFF

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. REID of New York. Mr. Speaker, David Sarnoff was a man of astounding vision.

As a pioneer in the field of broadcast media, he gave us the high quality of news broadcasting that we all too often take for granted today. He was respected nationwide as one who could understand the complex language of the scientists and engineers involved in new broadcasting techniques, and yet who could also translate this into meaningful operations benefiting the entire world—even in their own living rooms, in color, and in quality that represents the very best in our lives.

Aside of course from his brilliant career in broadcasting and his deep and rare understanding of corporate finance, David Sarnoff worked diligently during World War II in the headquarters of General Eisenhower in Europe as a communications consultant, where he was promoted to a brigadier general in 1944.

To the very end, David Sarnoff was an active citizen, interested in important domestic issues at home and especially involved in the field of foreign relations.

Mrs. Reid joins me in extending our deepest sympathies to Mrs. Sarnoff, to David's son, Robert, who is carrying forward the memory of his father, to his two other sons and to all others in his family whom we are thinking of at this time of sorrow.

A NEW BOOST FOR ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. McDONALD of Michigan. Mr. Speaker, section 241(f) of the Immigration and Nationality Act has been so broadly interpreted by the ninth U.S. circuit court of appeals that fraud could be the new vehicle for an illegal alien to achieve permanent residence in the United States.

The section states that anyone who enters the United States "by fraud or misrepresentation" cannot be deported if he was "otherwise admissible" at the time of entry and subsequently married or had a child.

Immigration officials advise me that unless the Supreme Court reverses the circuit court in a fraud case involving a Mexican woman, the floodgates may be open and our immigration laws rendered useless.

In this particular case, a Mexican woman came to an American hospital for prenatal care on a nonimmigrant visa. She bore a child and overstayed her time, then told Immigration she had really intended to come into the United States for permanent residence. She went to court, and the court ruled that because she bore a child, an American citizen, she could stay.

The ninth circuit's ruling sets up these interesting possibilities for fraud:

First. An individual who enters with false documents cannot be deported if he or she marries or becomes a parent.

Second. An individual who obtains a visa or other document fraudulently is protected from deportation in the same circumstances.

Third. An individual who enters the country as a false citizen, whether by oral declaration or with fraudulent documentation, is protected if he was "otherwise admissible" and attained a family status.

These words—"otherwise admissible"—neatly circumvent immigration quotas under the ninth circuit's interpretation.

I am advised by Immigration officials that there have been numerous cases involving Chinese, particularly from Hong Kong, who are brought in this way by Chinese-American organizations.

Many would be "otherwise admissible" but cannot come in because of quota restrictions. And so the court now says they may stay, even though they claim false relationship to an American. because they could have come in legally under the quota.

Joseph Sureck, southwest regional counsel of the Immigration and Naturalization Service, says this interpretation of law "has resulted in a phenomenon strange to the enforcement of immigration laws. Suddenly many aliens who are in the United States as nonimmigrants, or in illegal status, but who have the requisite family ties, have come forward to admit that they allegedly committed fraud at the time of entry into the United States. Thus, many hundreds of aliens who have, or shall acquire, a citizen or resident spouse, parent or child, may acquire nondeportable status upon their self-serving statements admitting fraud without subjecting themselves to the careful scrutiny of an American consul abroad—as do thousands of aliens similarly situated."

Sureck concludes:

> It is anomalous that aliens otherwise eligible for its benefits may even be "inventing" deception to place themselves within reach of Section 241(f). It appears that as far as this subsection is concerned, fraud has become a virtue.

THE FOGGY FELLOWS OF FOGGY BOTTOM

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. BRASCO. Mr. Speaker, the State Department has recently announced that it is their conclusion that further shipment of American fighter bombers to Israel at this time is unnecessary because the Russians have exercised "restraint" in arms shipments to the Arabs, particularly Egypt.

Fairy tales used to commence with, "Once upon a time," or "The Pentagon today announced,". Yet perhaps the most fanciful tales of all start with: "The State Department acknowledged or said today,".

In the past several years, the State Department has sought to do for the Russians and Arabs diplomatically what those two unholy friends have so long failed to accomplish on the battlefield: Hasten the erosion of Israel's hard-earned position of strength in the Middle East.

Today Israel is our only reliable friend in the Middle East. She stands astride the geographical linchpin of three continents, denying to a resurgent Soviet naval presence the swift access to the Indian Ocean so long sought by the rulers of Russia. An ever-growing Soviet merchant marine would benefit immeasurably from opening of the Suez Canal and eventual control of the access route leading from it into the Indian Ocean. Already a Soviet base has been established on an island in this area.

Yet the U.S. State Department has persistantly sought to undermine the determination of Israel not to give ground there. Like some blind beast, it butts its head against the wall of reality, determined to show that it can make stupidity conquer all.

Geopolitical reality and morality remain unknown phrases to them. Soviet threats and growing military leverage in the eastern Mediterranean are ignored. Arab bad faith and intransigence are also left in limbo. What belongs to the enemies of Israel and the United States is theirs. But what is ours and Israel's is negotiable, under the handbook utilized by Foggy Bottom. Secretary Rogers seems to have swallowed this garbage to the ultimate degree. In the name of what he sees as statesmanship, he stumbles blindly trying to press one nonsensical plan after another upon the hardheaded leaders of Israel, who have lived too long with Arab perfidy and Russian duplicity to yield their strategic advantage.

All the State Department and this administration can see is what Israel should give up. The only question they seem to continue to ask is: "How many miles back will Israel move as a starter?" Not a word about guarantees of Israel's borders. Not a word about an arms balance in the area. Not a word about Israel's battle to live. Not a single strong effort to raise a worldwide storm of indignation over Russia's Jews and their outrageous treatment. Only a persistent, mindless effort to undermine the one strong position occupied by our only ally in the most important geographical crossroads in the world.

Meanwhile, the Soviets and Egypt have just signed a major treaty providing for massive commitments over a lengthy period. Yet we see this and other developments as a sign of restraint, according to the foggy minds of Foggy Bottom.

Their rhetoric toward Israel's desperate efforts to obtain more planes underlines the hypocrisy of their true feelings. The gentlemen down there have never harbored anything but hostile feelings to the "inconvenience" that Israel has traditionally posed to them.

They are constantly "studying" her requests. They are always "considering" her positions. They are usually "reviewing" her needs. In each case we may as well call them what they are. Weasel words designed to mask deliberate efforts at sabotage of this tiny nation and her efforts to survive. Israel just will not go away, and the foggy fellows of Foggy Bottom refuse to accept this fact. It would appear that their secret solution to the Middle East dilemma would be destruction of Israel by her circle of foes. They will never admit it, but nonetheless, their actions point in that direction. But, of course, oh, so discreetly, old fellow.

The latest refusal of our Government, acting on State Department advice, to deny further Phantom jets to Israel, is a body blow to long-range American interests in that part of the world. It is a classic example of how the foggy thinking in Foggy Bottom can effectively do Russia's work within the Federal Government. It is almost a classic betrayal of a brave, sturdy ally by an unfeeling, unthinking bureaucracy.

Our State Department has rarely enjoyed a positive image in the eyes of the Nation at large and Capitol Hill in particular in the past 25 years. Yet up to now it has not sunk too low. Now I would say that the foggy fellows of Foggy Bottom would have to stand on tiptoe to touch bottom.

MULTIPLE SCLEROSIS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. JACOBS. Mr. Speaker, recently I received a letter from my friend and constituent, Mr. John L. Gigerich, vice president of the Indiana National Bank in Indianapolis. Because of the eloquence with which John Gigerich points up the sad plight of half a million victims of multiple sclerosis in this country—especially in view of the paltry Federal effort in this critical area—I urge my colleagues to consider his words, which follow:

INDIANAPOLIS, IND.,
December 2, 1971.

Hon. ANDREW JACOBS,
House of Representatives,
Washington, D.C.

DEAR ANDY: A personal tragedy of some magnitude has invaded my complacent environment. I was recently informed that my wife Margaret, whom you have met on several occasions, has multiple sclerosis. The first reaction to something such as this is, of course, shock, dismay and bitterness; however, once I had regained control of my emotions, I began a rather systematic research into this dreaded disease. What I have found is shocking.

It is estimated, Andy, that 500,000 people, or one out of 400 citizens of this country, suffer from M.S. The disease apparently strikes 70% of its victims between the ages of 20 and 40—in effect, young mothers and young fathers who usually have children and financial responsibilities. The disease is a chronic, non-curable disorder which cripples and robs one of all motor functions.

It is easy to assume that victims of this disease and ther families, particularly when the victim is the breadwinner, must rely on public assistance and welfare to provide their basic necessities.

As of yet there is not even a constructive therapy and/or drug treatment for this disorder; however, when reviewing the status of the research into this disorder, it is very encouraging. For example, research as funded by the Multiple Sclerosis Society has successfully induced an M.S.-type disease into test animals and has been successful in preventing this disease in animals. They have identified the basic protein and bio-chemical reactions involved in this test disease and feel that it might have direct applications to humans.

As the above thumb-nail sketch indicates, medical research is narrowing in on this disorder; however, I find it extremely shocking that since 1946, the last 25 years, this organization has been able to fund only $14,000,000 in research projects, or approximately $1 of research per year for every known victim of the disease. I also find it extremely disturbing that our government can provide a proposed foreign aid budget in excess of $2,000,000,000 for military weapons, hardware and means to kill, but provide no funds for this type of basic medical research. In every booklet and fact sheet I have been able to obtain from the M.S. Society, they all contain one simple statement: "We are confident that we are asking the right questions and are investigating the right characteristics of the disease to find a cure and preventative, but we lack adequate funds to accomplish it within a reasonable time." It is hard for me as a taxpayer to understand why the government cannot fund this type of research.

For example, a $10,000,000 Federal grant to the M.S. foundation in the next fiscal budget would be a contribution by our government of $20 per patient. It is easy to assume that the on-going cost of public assistance to families where the wage earner is stricken and the medical cost of caring for a large number of patients who tend to be bedridden by their disease would be much more than the proposed grant to find a cure. It seems a cheap price to place on good health to be asking $20 per patient; however, when reviewing the progress that has been made in researching the disease on a limited budget of $14,000,000 over the last 25 years, a one-time allotment of $10,000,000 may be all that is required to eliminate another of man's great afflictions.

I would appreciate a reply from you on this matter. I realize you are but one of 400 plus congressmen; however, you are the one I know, the one I believe in, and the one I trust. My motivation in writing this letter, of course, is my wife's condition; however, it seems so unreconcilable to me that out of the $100,000,000,000 plus we spend per year, some of it on utter nonsense, we cannot afford a minor amount such as $10,000,000 for research into a dreaded disease which afflicts a half million Americans in the prime of life. I hope your reply to me is in the form of a proposed and passed bill authorizing the funding of M.S. research during the next fiscal year.

Sincerely,

JOHN L. GIGERICH.

HOWARD ROCK, EDITOR OF TUNDRA TIMES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. BEGICH. Mr. Speaker, one of the many men who have contributed to the direction and force of the Alaska Natives' future is the editor and publisher of the Tundra Times, Mr. Howard Rock.

Mr. Rock has been editor and publisher for more than 10 years of the Native newspaper with the largest circulation in Alaska. Because of his great abilities in the field of journalism, Howard has had the opportunity to bring news and opinion to the villages in Alaska. While one might imagine that the dissemination of news information is not a difficult task, the unique problems of Alaska make his achievements more enviable. His newspaper enjoys a weekly circulation of more than 45,000 and brings Native news and culture to the villages and cities of Alaska.

Recently, the Anchorage Daily News published an article which I believe captures the talents and strength of Alaskan editor Howard Rock. At this time, I insert a copy of the article as it appeared in the Anchorage Daily News of November 14, 1971.

HOWARD ROCK—EDITOR, ARTIST, THINKER, ESKIMO

(By Allan Frank)

The world of Howard Rock is pervasive.

The influence emanates from his dual talents as newspaperman and artist.

In Fairbanks, he edits and publishes the weekly Tundra Times, a Native newspaper with a circulation of one in London, England and about 4,500 in Alaska.

But an equally long-lasting and certainly more diffuse influence may be his oil paint recordings of Eskimo culture. Designs etched by Rock years ago have given people everywhere some of their popular artifact knowledge of the Eskimo.

The newspaper he has run for 10 years really began as a digression from his art, which he fueled from childhood experiences.

Brown eyes alight, Rock recounts the early days in Point Hope, where Episcopalian missionaries made Eskimos Christians and neglected to keep birth records.

"For a whole week at Christmas time, we had great feasts with dancing and dog racing. My parents used to tell me that the oldtimers had similar celebrations before Christianity was introduced there.

"It was about the same time of year when the sun began to return and the elders had a holiday week," Rock says.

White people had no culture shock effect on Rock, because they had been there before he was born. In fact, he even had a Korean playmate who was the adopted son of a missionary.

When Rock talks glowingly of his favorite childhood event, the annual coming of the U.S. Coast Guard cutter Bear. now immortalized in a Rock painting hanging at the University of Alaska, the isolation of Point Hope becomes vivid.

"I remember getting my first orange from the crew on the Bear. It was so sweet, I just ate a section a day . . . We were used to white men, but when I was 6, I saw my first Negro on the cutter Bear.

"He was apparently a cook. He had a great big smile and he gave me some roast beef which I liked very much. He was a nice man. We got along very well," Rock says.

By Aug. 10, 1911, when he came into being as the fifth of eight children, the missionaries had already changed his father's Inupiat Eskimo name, Weyakok (meaning rock) to Sam Rock and his mother Keshorna to Emma.

His parents had named him Siqvon after his maternal grandmother, but he soon was tabbed Howard. "It's just a name," he says easily.

The Weyakok-Rock clan still rings Arctic bells as one of the renowned sea mammal hunting families; his late brother Allen caught one of the largest whales ever harpooned in the Chukchi Sea. His little sister Ruth, now Mrs. Bernard Nash, even captained a whaling boat last season.

His brow furrowed with the smiles of decades, Rock remembers: "When I was a youngster, I hunted whales with my father's crew. We looked for bowheads and baleens.

"The whales are just beginning to come back to their former numbers. Many of them were killed off during the 1890s when baleen was used for women's corsets," he says.

But Rock forsook whaling for life as an artist. "I worked my way out on the B.I.A. boat North Star during the summer of 1934. I haven't lived steadily in Point Hope for a long time," he says.

"I went away to school, then worked in jewelry places designing Alaska-type things," he says modestly.

Rock attended missionary grade school in Point Hope and a Bureau of Indian Affairs high school at White Mountain before one of his teachers recommended that he go to Trail, Ore., for more formal art training.

In Trail, he studied with Max Simes, Belgian artist who also was a retired U.S. Navy chief petty officer. "I got my lessons in return for cooking and that kind of thing—cutting the grass type jobs."

After Simes' expert tutelage, Rock touched canvas at the University of Washington art department. "I studied for three years before I ran out of money. The government loan of $900 a year was too thin."

He then was employed by several Seattle jewelers who kept him busy designing plates, carvings and miniatures.

One white friend of Rock's says rather indignantly: "Howard got paid for his work, but his designs weren't patented or anything. It's a disgrace.

"I can take you window shopping in Fairbanks or Anchorage and every store will have some design of Howard's or a copy. His Alaska designs are copied all over the world."

Somehow, while doing that commercial artwork, Rock also painted more than 100 quality Alaskan canvases, which now hang as far away as Texas, Hawaii and Florida.

In the early 1960s, one of his last paintings sold for $1,000 at a smash one-man show in Fairbanks that helped finance his budding career as a newspaperman.

His transition to typewriter and printers' ink was marked by his last drawing, the "flag" of the Tundra Times, which portrays the meeting of the Eskimo and Indian cultures.

His pursuit of art had drawn him to Point Hope in June, 1961, where he planned a leisurely summer, sketching life on the beach. The vacation also was billed as a reunion with his family, whom he had seen at home only in 1948.

Instead of a peaceful arctic village, he found his people gravely concerned about Project Chariot, an Atomic Energy Commission plan to build an underwater harbor by exploding five nuclear bombs.

The AEC had appropriated 70,000 acres of land dear to the Eskimos of the Cape Thompson region who knew little of land claims.

The village elders, heated about settling land claims, were infuriated by AEC indifference to their traditional hunting and fishing grounds. They demanded an explanation and the AEC sent a missionary to "inform" them.

When that failed and several University of Alaska professors began discovering extensive radiation in the Eskimo food chain, the AEC sent in a team of scientists to convince the Eskimos Project Chariot was "safe."

Naturally Howard Rock served as a village spokesman at the hearings, and in the fall of 1961 was approached by the Arctic Slope Native Association to form a newspaper.

"Who says Eskimos can't talk back . . . When we first started tackling radiation, it was a hush-hush deal. Now it's a worldwide concern," Rock says almost gleefully.

At its organization meeting in Barrow. The new Arctic Slope Native Association also asked Tom Snapp, then a white reporter for the Fairbanks News-Miner, Miss LaVerne Madigan of the American Association of Indian Affairs (AAIA) and Guy Okakok of Barrow to start a newspaper.

Snapp, now editor of the All-Alaska Weekly, remembers: "I said you want a newsletter and they said, 'No, we want a newspaper.' They knew the difference and they wanted a full-fledged newspaper because they couldn't get their issues (land claims, the AEC and subsistence hunting, and fishing rights) covered in other papers."

Snapp and Rock returned to Fairbanks where they thought they could track down money by writing to foundations.

"The problem was either the foundations didn't fit or they wanted proposals that required several thousand dollars to prepare. Of course, we didn't have any money," Snapp says.

A transplanted Virginian, Snapp talks with a soft, full Southern accent. "We did something we weren't really supposed to do. Miss Madigan told us who the five richest people on the AAIA board were.

"Dr. Henry S. Forbes of Milton, Mass. who's related to Ralph Waldo Emerson, headed that list. Howard wrote a long time, then sent him a formal, stilted letter. We didn't hear anything for a long time. Then he called and asked us to send him our reasons why we needed a newspaper and what the issues were," Snapp says.

"I wrote all night long—must have been 85-100 pages. He called back to say that he was prepared to back the paper with $35,000 for the first year with the stipulation that Howard would be the editor and I would be his assistant," he says.

Rock remembers. "The desk man at the Nordale Hotel got me out of the little back room where I was living to take the call. Dr. Forbes told me he would back the paper under one condition: That I become editor."

"I tried to make excuses. I told him I didn't know anything about journalism. He persisted. I had to accept to get the paper for the people.

"We started out very cold, but I was fortunate to get Tom Snapp, who showed me journalism as we went along," he says.

"It was a huge challenge for me, but after I learned a little bit about it, I was very much fascinated," Rock declares.

Within a year, Rock and Snapp set up shop and began printing an eight page newspaper which has continued ever since. The Tundra Times was born on Oct. 1, 1962, with an initial free distribution of 5,000 copies to villages.

"We had one subscriber, Mrs. Deva Ahvankana from Barrow, who sent in her money five days before we printed," Rock says.

The twosome began to roam the streets of Fairbanks with Rock's artist eye and Snapp's guiding hand melding the best in journalism.

"Howard's a painter. He had never written a word for print in his life," Snapp says.

"I just disregarded conventional means of teaching journalism. We would just sit down and we would write. I'd ask Howard what he was proud about and what he wanted the paper to contain," he says.

"It was fantastic. We'd go into a supermarket and see cranberries in a plastic bag. Howard would say, 'That's not new; we've been doing it for years-with intestines'," Snapp recounts.

Howard would sit down and write about it. "Did you know that they make raincoats out of intestines. That's right, raincoats. Been doing it for years," he says.

"He wrote for months about Arctic survival and it ought to be reprinted. It's got some fantastic stuff in it," Snapp insists.

"When I wrote editorials, I would tend to be dramatic and overstate. Although he was a little rough at first, Howard was a master from the start of the understatement," Snapp says.

"There's a natural feel to his writing. Howard writes really effective editorials by real marked understatement. He follows the same thing in news.

Amidst the curios in the Tundra Times office, two citations from the Alaska Press Club salute Rock for the "best continuing column" in 1962 and 1963.

Characteristically, Rock says of the early day: "I learned what the printed word can do. I've got two good reporters. I've been lucky to have trained people, starting with Tom Snapp."

"I've been able to get things pretty well done by being truthful and firm, rather than shouting. By doing it that way, you can get the same or better results," Rock philosophizes.

The Tundra Times' most concrete accomplishment was the 1965 abolition of "semi-servitude" for the people of the Pribilof Islands, Rock and Snapp say.

"In those days, the Bureau of Sport Fisheries controlled the Pribilofs. It was kind of a company store arrangement where the hunters were paid in kind for their seal skins. They had to barter with the government," Rock says.

After a Tundra Times "expose series," that took about 18 months to prepare, Rock says, "Sen. Bartlett and the governor got a hold of the thing. The senator introduced a bill in Congress and the governor appointed a commission, including me, to investigate there for a week."

"The commission looked like it was going to whitewash things, and Willard Bowman and myself opposed it. We threatened a minority report and called a press conference in Juneau. Some people practically called us and our reporter Communists," he says.

The Tundra Times series apparently had some impact since the reserve status of the islands was changed, and 69 people received social security benefits that they hadn't gotten before.

"By golly, St. Paul and George (in the Pribilofs) are really charming places," he says quietly. "I guess they're a little better now."

The Tundra has been getting results for about ten years now. Throughout its history, Rock has harped quietly about Native land claims, rural housing, education, sanitation, the AEC and fishing and hunting rights.

The paper's only continuing hurdle is financial; getting 4,500 copies printed costs more than $1,000 a week.

Even with a $10 subscription fee, the Tundra Times must rely on its annual banquet and Eskimo Olympics to pay modest salaries to Rock and his staff of seven.

The banquet, which started in 1964 with Joe Rothstein, then executive editor of The Anchorage Daily News as guest speaker, has become an institution for Tundra Times supporters.

Seeress Jean Dixon, who donates her weekly column to the TT, was keynoter this year for a packed house of 500, who paid $15 apiece to boost the newspaper banquet.

Other speakers have included actor Vincent Price, columnist Jack Anderson and in 1968, then Secretary of Interior Stuart Udall.

Udall made national news at the Tundra Times banquet by announcing a land freeze to protect Alaska Native land claims. A fitting act, since Rock has been one of the most consistent and certainly the most widely circulated spokesman for land claims.

A gentle graying 60, Rock has earned his rank as the elder statesman spiritual grandfather to a growing band of young turks among Native leaders.

He dreams of the day when the Tundra Times might become a statewide newspaper and he can turn the reins to Thomas Richards Jr., a 22-year-old Kotzebue Eskimo who will leave the U.S. Navy next year.

"I don't do much writing now, except the editorials. I've got several good writers and I just do the layout," he says.

Snapp and Richards offer a somewhat different assessment of the editor's performance on Tuesday, the day the paper goes to press.

"Howard's an artist who makes his page layouts perfect," says Snapp.

Richards says: "Watching Howard on Tuesday is some kind of pain. It's like he's giving birth and he's tough to get along with. The rest of the week, we got along fine."

After the paper is put to bed, Rock leaves his second story office on Fairbank's Second Ave. and stops at his informal office, Tommy's Elbow Room, where he holds court many evenings before walking another block to his home.

After a pert barmaid brings him a liquid tribute to Jim Beam bourbon with a splash of water—known locally as "The Howard," Rock begins exercising his crystal clear memories for the people assembled to listen at his special table.

Before a sip is lifted, someone at the table interrupts: "Tell us how you almost became the Conrad Hilton of North Africa."

Shades of Bogart.

"I was drafted into the Air Force during the Second World War. I knew colors and I wanted to be a camouflage artist. They gave me a test and said I could work on instruments or radio operations," he begins.

"After Florida and South Dakota, I spent 18 months in North Africa."

"One night in Tunis, I went into a French bar, Le Royale. I was having some muscat wine, when three ladies, one tall, one medium and one short, walked in," the 5-foot-7½ Rock says. "They were talking French and the tall one leaned over," he says while lapsing into French, Excusez-moi, monsieur. Avez-vous une cigarette Americain?"

"I gave her a Camel. Then the little one leaned over and said 'My friend is very rude.' Pretty soon we were talking and she left me a little note with the address of her hotel on it," Rock says with a roguish half-smile.

"On my day off, I went to the address and there she was. Her name was Madoline Falcon and she owned two hotels. I stayed there 14 months.

"They kind of taught me French. I would say something, they would laugh and encourage me to say more. I asked why it was so funny. They said because I talked like a French bebe.

"I went back to Seattle and became an artist . . ."

Somebody else interrupts, "Do you ever get the feeling that you want to be an artist again?"

"I get a little itchy now and then. I doodle sometimes. I'll tell you one thing—knowing what I know now, I could paint a lot better," Rock says.

COORS BEER ACTIVE FOR BETTER ENVIRONMENT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. COLLINS of Texas. Mr. Speaker, since I do not drink beer, I am no authority on any brew. But when I heard the story of what the Coors Brewery was doing on environment I was impressed. The Coors Beer Co. has undertaken a positive program of action that is a tribute to American industry.

The Coors environmental program centers upon a total commitment to aluminum packaging and recycling. President William Coors says:

> Recycling is the key to a good environment for America. Aluminum has high salvage value—ten times more than tinplate. That makes aluminum recycling realistic, and consistent with quality environment.

Coors new aluminum cans will be made by a division of Coors Porcelain Co., headed by Joseph Coors.

The Coors Co. plan calls for any group or individual to be paid 10 cents per pound for aluminum containers—which means every 24 cans collected is worth a dime. And redemptions are not limited to Coors aluminum cans, but include any aluminum containers.

Along with the recycling plans, Coors has developed a second project for environmental control. The company is introducing a new six-can package to be known as a Stik-Pak which will feature cans held together by drops of glue, so that no carton or wrapping of any kind is required. The new package also will eliminate the ring-pull opener, which Coors said has become a growing source of environmental concern. In its place will be a press-tab opening device which folds into the can.

In addition to the cash-for-cans program and the new packaging for its beer, Coors began last January 1 paying 1 cent each for all Coors bottles returned to any Coors distributor or cooperating retailer. In September, 64 percent of all Coors bottles marketed that month were returned.

The benefits to America of such programs as Coors Brewery has introduced are unlimited. In 21 months of the cash-for-cans program, Coors has paid out more than $1.8 million dollars, which represents more than 444 million cans returned for recycling. Along with environmental benefits, civic and service organizations, students, youth groups, and a variety of community causes are all benefiting from the program.

Members of a Boy Scout Troop in Platteville, Colo., have added $75 to its camping supply fund through redeeming aluminum cans and Coors beer bottles. The fire department in Denver is collecting aluminum cans for KHW–35–TV, the department's closed circuit television station used in the televised training of Denver firemen and policemen. Cash-for-cans has helped fund the United Cerebral Palsy Association through the wives of the California Angels baseball; it provided hot meals for elderly shut-ins in Tucson; it funded a film on coastal conservation by the Sierra Club of Carmel, Calif.

Mr. Speaker, the Adolph Coors Co. is truly a leader in American industry in its projects for protecting our environment. Coors has begun a great program. With industrial leadership like Coors, we can look for America to be more beautiful tomorrow.

VICTIMS OF THE BLOOD LOTTERY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. VEYSEY. Mr. Speaker, we often hear statistics documenting the severity of a given disease, or the extent of a problem, and the need for action is demonstrated on the basis of these statistics. But numbers cannot really relate the grief they try to represent.

I recently introduced a bill which aims to prevent the suffering caused by serum hepatitis. This disease is contracted by patients who receive blood carrying the hepatitis virus. This virus does not immediately affect the patient, but often attacks when the individual is well on the way to recovery. Imagine the effect on a family when a member begins to return to an active, normal life after successful surgery, only to return to the hospital, stricken with transfusion hepatitis. These families are the losers in the deadly blood lottery, involuntarily played by all blood recipients.

Since I introduced my bill, I have received letters from all over the country from people who have lived with the trauma of serum hepatitis. A sample of these letters follows:

DEAR REPRESENTATIVE VEYSEY: This is just a note to thank you for your efforts to introduce legislation to regulate blood banks and its licensing.

My husband is one of those in the over-forty group; and is a victim of serum hepatitis. Three years ago he had a bleeding duodenal ulcer and because of respiratory problems had to have eight (8) pints of blood—it wasn't thirty days until he was desperately ill with the hepatitis. He has suffered irreparable liver damage (medical terminology being "chronic actine hepatitis and hepatic cirrhosis").

In 1969 he was off from work nine months, 1970 six months, this year he has worked since January, we keep our fingers crossed and are grateful for every day he can get around.

We hope and pray this bill will pass and be rigorously enforced.

Our doctor tells us that every pint of blood received after the first one, the chances of one contracting hepatitis were greater and almost a surety.

May I suggest that every person that is a donor be required to have a certificate of clean bill of health from his or her doctor before being allowed to donate blood, because there are hepatic carriers just the same as there are typhoid and diphtheria carriers or tuberculosis. Thank you.

Sincerely,

MRS. S. D. ANDERSON.

GARDEN GROVE, CALIF.

DEAR REP. VEYSEY: I read with interest your introducing legislation urging controls on blood banks.

My wife has just recovered from hepatitis, which I will always believe came from blood she received after recent surgery. I understand 90% of the cases of hepatitis are contacted this way.

We were on vacation when she became ill and was hospitalized in a Texas hospital. She could have died. All this was costly not only in mental and physical anguish, but financial as well. I had to leave my wife and drive home. When she was able to travel, she flew home.

I feel that we have government regulations covering our food and many other things, why are we so careless about our blood donors? I can't help but believe all these things my wife had to go through would not have happened if the donor had been checked before accepting his blood.

I back you 100% in your endeavor to control blood banks and am sending a copy of this to my Representative in hopes he will back you, also.

Sincerely yours,

JULIAN S. OGBURN, Jr.

RICHMOND, VA.

SIR: I support your bill on blood bank control to curb hepatitis. My father died in April after having open heart surgery in December at the Veterans Hospital in Washington, D.C. He was doing good until March. There is a murder around, in my opinion, so I hope and pray it passes.

RICHARD GAUGHAN.

CUMBERLAND, MD.

DEAR CONGRESSMAN VEYSEY: Many thanks for offering legislation in Congress to regulate blood banks.

Thousands of Americans have felt the need for this restriction for a long time.

Many of us have relatives who have suffered because of having received bad blood following operations.

In Los Angeles, one of the leading newspapers (L.A. Times) carries a daily advertisement in the personal column offering $4.00 per pint for blood—residents of "skid row" are the main contributors.

One of my nephews underwent open heart surgery last February. He is still in the hospital suffering from serum hepatitis which he contracted through blood transfusions received during the operation. He has been actually fighting for his life.

Congratulations on your interest, and I certainly hope your bill is adopted.

Sincerely yours,

MARY F. HEYMAN.

NORTH HOLLYWOOD, CALIF.

TELEMEDICINE AND TELEEDUCATION

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, in the face of the many perplexing changes taking place in our Nation today science and technology have become dirty words. At least to a seemingly increasing number of concerned individuals and groups.

What we perhaps need to recognize more fully is that it is the way we utilize science and technology that makes these dimensions of progress good or evil. We need to sharpen up our imaginations on how to apply our abundant and growing technology to fields of human social concern—toward an improved quality of life on earth. We led the world in the industrial revolution and in the technological revolution. Our challenge now is to lead the world in applying our industrial and technological capacities to the benefit of all mankind. This is the last remaining vacuum into which the United States can move—not only to solve its own problems—but to recapture a suitable international leadership position and a measure of worldwide esteem.

Mr. Speaker, recently I had the opportunity to be briefed by Mr. Raymond Welsch of the bioscience department of the General Electric Co. on one of the more important benefits of space spinoff, and the tremendous potential for applying existing space technology toward alleviating earthly needs.

Specifically, the application of modern telecommunications, including the use of relay satellites, can be made to improve the quality of medical education, consultation, and diagnosis, as well as the actual delivery of health care to rural or urban areas which are remote to a core medical facility.

The capability exists today to interconnect city medical schools and hospitals and to extend this integrated capability to suburban hospitals and into outlying area clinics. The overall system consists of two major subsystems: teleeducation and telemedicine.

Teleeducation is the extension of standard teacher/student relationships to an environment which is independent of the distance between them. This is accomplished by extending the coverage of a specific teacher by providing two-way audio/video communication between lecturer and a remotely located class.

Telemedicine provides a capability for consultation between doctor and a remote patient via two-way television hookup and telemetry of patient data. Such a system counteracts the unequal distribution of doctors which creates regions of inadequate medical care. Specific examples of the application of telemedicine include remote or ghetto clinics manned by paramedics for specialist consultation with a major medical center. Remote hospitals comprise another example.

Such a program has been initiated in northeastern Pennsylvania, using the facilities of the Hahnemann Medical College and Hospital as a core center which will be linked to Wilkes College and other area institutions in the northern areas of the State of Pennsylvania. The inauguration of this program is due principally to the foresight of our distinguished colleague from Pennsylvania (Mr. Flood); Mr. Wharton Shober, president of the Hahnemann Medical College; and the bioscience department of the General Electric Co.

It is my hope that the Pennsylvania plan will become a blueprint for a nationwide effort to utilize existing space technology in a way which will extend needed medical and other services to all Americans regardless of geography or economics, and eventually to the entire world.

In such efforts I see a new American dream—one that can excite our countrymen—one that can be fulfilled.

HON. CHARLES C. DIGGS, JR., ACTION MANIFESTO—SOUTH AFRICA, GUINEA-BISSAU, AND CAPE VERDE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. FRASER. Mr. Speaker, the gentleman from Detroit (Mr. Diggs) completed this summer an important factfinding trip to several areas of Africa. Included on his itinerary were Guinea-Bissau, Cape Verde, and South Africa.

Tuesday, December 14, Mr. Diggs held a news conference at which he released a document of great importance. As chairman of the House Foreign Affairs Subcommittee on Africa, our colleague's views on United States African policy rate close attention. His "Action Manifesto as a Result of My Trip to South Africa, Guinea-Bissau and Cape Verde" contains Mr. Diggs' recommendations concerning U.S. policies. My hope is that these recommendations will be read and acted upon in this Congress and by the Nixon administration.

The material follows:

Action Manifesto as a Result of My Trip to South Africa, Guinea-Bissau and Cape Verde

(By Hon. Charles C. Diggs, Jr., chairman, Subcommittee on Africa Committee on Foreign Affairs)

PROLOGUE

This prologue which is drawn from my Press Statement of September 15, upon my return from the fact-finding mission to several African countries, including Guinea-Bissau, Cape Verde and South Africa, is designed to provide a background for this Action Manifesto which consists of a number of recommendations for United States Policy resulting, for the most part, from the trip. In view of the immediacy of concern on the proposed Heath/Smith settlement, and in view of the action which was announced last week by this government of the agreement on the Azores, recommendations have been added on these two subjects.

The visit to Guinea-Bissau and Cape Verde was extremely informative, both on the stark racism of the Portuguese Government and on the tenuous situation of the Portuguese in Guinea-Bissau. Guinea-Bissau is an armed camp, and the Portuguese are indeed beleaguered. At the same time, it was obvious that a consideration of the effect of the PAIGC must include not only its military gains and its concomitant efforts to improve conditions in the liberated areas, but even the housing, health and educational programs currently being undertaken in the Portuguese-held areas in Guinea and on Cape Verde.

The basic fact which I found on the fact-finding mission to South Africa was the indomitable spirit and the unquenchable will of the people of South Africa to be free. I have returned with the conviction that majority rule in South Africa is inevitable and the rest of the world, particularly the United States, has no choice but to get on the side of freedom.

I am not prepared to start predicting when or how, but the countdown has begun.

Our government, at present, decries violence as a means of liberation, without condemning the violence which the South African Government uses to enforce the subjugation of the majority of the people. The United States must recognize that any means are legitimate so long as the recalcitrance of the South African Government continues.

For, despite some questioning among some of the white elements in South Africa, the situation of the African is worsening. He has no right of political participation in the government, no right of movement, no right to work or even to live with his family. We found no evidence either that the inhuman, all pervasive restrictions on the majority of the people, or that the repressive laws—applicable against anyone, black or white, who opposes the system—are being mitigated one iota. In fact, the resettlement projects, the Terrorism Act trials, the detention, the tortures, the deaths in detention and the bannings by unchallengable executive fiat continue. The pass laws, under which 2,500 Africans are arrested each day, symbolize the tyranny and the repression.

In my opinion, the United States, as the leading power in the world, must act to avoid the holocaust which will otherwise surely come. The government must reform its own employment practices in its enterprises, including the embassy and consulates in South Africa.

There is positively no justification, under present administration policy, whereunder black foreign service officers are not assigned to South Africa. Such assignments must be made without delay. The city of Soweto has nearly a million blacks, there should be a USIS office there.

In my discussions with various U.S. business managers in South Africa, as well as in my visit to NASA, I found an utter lack of realization that blacks are human beings. The United States Government, in its own enlightened interest, must end its complicity with apartheid, and work towards the peaceful and expeditious termination of minority rule in South Africa.

It is incontroversible that U.S. business, representing the second largest foreign investment in South Africa and concentrated in the manufacturing and dynamic sectors, buttresses the South African economy and, therefore, the present government and apartheid. Its presence not only renders the U.S. hostage to apartheid, it provides a stake in the status quo. Because of the innumerable policy and legal difficulties in forcing U.S. business to disengage, I am directing present efforts against the exploitation of the blacks by U.S. business, which uses the apartheid system as an excuse for slave labor practices.

The United States Government must use every legitimate means to bring U.S. business to dedicate itself to the principles and effectuation of fair employment practices with respect to wages, training and educational programs, fringe benefits, and special services and programs for the African. American firms must push beyond the limits of the permissible and end their racist practices. The signs—Whites Only—and the segregated facilities and the discrimination in jobs which we witnessed both in U.S. plants in South Africa and at the NASA facility there must be eliminated.

I have long opposed the sugar quota for South Africa, and frankly, I was shocked when I visited the sugar estates and actually witnessed the blatant racism of the Sugar Association and the deplorable conditions of employment for the sugar workers—the wages, the housing, the diet, and the long hours of work.

The potential of a free South Africa, with its tremendous natural, industrial, and human resources for all of its people, indeed, for all of Africa, is unlimited.

South Africa is not isolated from the tide of self-determination and freedom which has revolutionized the world in the middle of this century. Through the Charter of the United Nations, majority rule, self-determination and human rights have become recognized legal obligations of all member countries, including South Africa *and the United States*. The international community has been transformed from independent powers and dependent areas to communities of sovereign and independent states. This tide of freedom is a surging undertow in South Africa that will overcome.

We must utilize all our resources for its early realization; for although in the final analysis the resolution is coming from the people themselves, external forces and external assistance can make a vast difference in the way in which their freedom will be won.

I have thus issued this Action Manifesto with recommendations to the Secretary of State and to Dr. Kissinger for United States Government action.

1. That the United States take meaningful steps, as spelled out below, (1) to end its complicity with apartheid, (2) to implement its pronouncements of adherence to the principle of self-determination and of abhorrence of apartheid with concrete actions towards their realization, (3) to comply with United States obligations under Articles 1, 2, 55, and 56 of the United Nations Charter, and

(4) to act in accordance with the moral and legal standards of the Constitution.

That the United States Government show cause why it should not, as an earnest of its position on human rights and self-determination, downgrade its representation in South Africa and Portugal to the Chargé level.

3. That the United States condemn the violence with which the Government of South Africa and Portugal perpetuate their rule of these countries.

4. That the United States cease its condemnation of the efforts by the majority of the people of these areas to achieve their freedom by the only means available to them, and in reaffirmation of the principles enunciated in the Declaration of Independence—principles which gave birth to the American Revolution and to the United States of America—acknowledge the sacred right of these peoples to use, so long as the recalcitrance of those governments continues, whatever means are necessary to achieve self-determination and to win their freedom.

5. That the United States contribute to the United Nations Trust Fund. The Fund is made up of voluntary contributions and is used for:

"(a) Legal assistance to persons persecuted under the repressive and discriminatory legislation of South Africa;

"(b) Relief to such persons and their dependents;

"(c) Education of such persons and their dependents;

"(d) Relief for refugees from South Africa." (General Assembly Resolution 2397 (XXIII) of 2 December 1968).

The General Assembly Report of October, 1971 listed the following contributions as received during the previous 12 months: Austria, $5,000; Belgium, $20,149; Bulgaria, $1,000; Cyprus, $242; Denmark, $66,796; Finland, $25,000; France, $20,000; Ghana, $1,000; Ireland, $2,750; Jamaica, $840; Japan, $20,000; Khmer Republic, $1,000; Liberia, $1,000; Morocco, $3,972; Norway, $35,000; Pakistan, $3,000; Saudi Arabia, $2,400; Sweden, $77,369; Yugoslavia, $1,000. Note, there was no contribution by the United States.

6. That United States NATO contributions to Portugal should be suspended until Portugal recognizes its obligations under the United Nations Charter with respect to the self-determination of the people of Guinea-Bissau, Angola and Mozambique, and until Portugal ceases its expenditure of a disproportionate amount of its budget to fight a colonial war in Africa. This recommendation is underscored by (1) the absence of any significant military reason for such contribution (the United States NATO contribution to Portugal amounts to "approximately one-fourth of one percent of Portuguese military expenditures") and (2) Portugal's expenditure of almost 50% of its budget for military purposes.

7. That the United States suspend *all* sales to the Portuguese armed forces until such time as Portugal takes the two actions specified in Recommendation 6.

8. That again, until Portugal takes the two actions specified in Recommendation 6, the United States suspend all sales to the Government of Portugal or to Portuguese buyers, whether such sales are public or commercial, of the following:

(a) Aircraft which can be used for troop transport;

(b) Arms, ammunition, and items of a weapons nature;

(c) Items for the use of, or by, the Portuguese armed forces;

(d) Spare parts and third party componentry for any of the above.

9. That United States export licenses for the sale of any of the items listed in the prior two paragraphs be denied. The present arms embargo against Portugal not only raises questions of adequacy of enforcement; it continues a military partnership with Portugal without regard to either Portugal's violations of the rights of the people of those territories or to Portugal's obligations under international law, and indeed without regard to our own obligations under the United Nations Charter. Regulations of the Department of Commerce (validated and G-dest license controls) and State Department (Munitions Control) should be amended accordingly.

10. That the United States suspend all Export-Import Bank facilities to Portugal until such time as Portugal takes the two actions specified in Recommendation 6.

11. That the United States pursue a positive program for bringing Portugal to rethink its obdurate position on Guinea-Bissau and Cape Verde.

12. That the United States cease its obstruction of efforts by other NATO countries to place on the agenda an item to reconsider NATO assistance to Portugal and that the United States Government use every effort to have this item placed on the agenda for the next NATO Council meeting.

13. That the United States take whatever steps are necessary, including amending its validated license regulations, to prevent the sale of defoliants to Portuguese buyers.

14. That the United States clearly and publicly state its support for self-determination for the people of Guinea-Bissau and Cape Verde.

15. That the United States either bilaterally, or through the United Nations, give humanitarian aid to the PAIGC and other liberation movements. (The feasibility of such aid is attested by the program of the Swedish Government which has an on-going assistance program to liberation movements and, in the calendar year of 1971 will contribute to the PAIGC 1,750,000 kroner in kind for humanitarian or educational purposes.)

16. That the United States Government welcome the leaders of the PAIGC and other liberation movements for visits to this country and that United States officials meet with such leaders.

17. That the United States endeavor to get the two sides, the PAIGC and other liberation movements, and the Government of Portugal, together to the conference table on the basis of the Lusaka Manifesto, the principles of which the United States generally endorsed.

18. That the United States support multilateral and/or bilateral programs of humanitarian support to the liberation movements, through the provision of educational and reading materials, as well as medical supplies, to people in the liberated areas and to refugees.

19. That the United States adopt a positive and substantial program of assistance to Southern African refugees.

20. That our foreign policy towards South Africa be completely revamped. Our present foreign policy towards South Africa is based on pronouncements of abhorrence of apartheid on the one hand, and coexistence with, and even support of, its adherents on the other. In our own enlightened interest, this must be changed, and we must come to grips with the fact of change in South Africa due not to the largesse of the whites, but to the determination of the majority to achieve self-determination. To this end, the United States should affirmatively adopt a policy, attuned to and supporting the majority and their rights.

21. That the United States clearly and publicly state the legal position on the Bantustans, namely, that (1) they are illegal under international law, and (2) that international law requires the right of political participation in the Government of South Africa by all the people without distinction as to race, color, sex, language or religion.

22. That the United States establish substantial contact with the majority in South Africa through the opening of USIS offices in Soweto and in other large black communities.

23. That the government reform its own enterprises in South Africa and terminate the apartheid practices I observed there, and that the embassy and consular staffs be integrated at all posts and at all levels in South Africa, and specifically:

(a) That the United States assign black personnel without delay to the embassy and consulate staff and to the USIS staff in South Africa on all levels, and

(b) That local blacks be employed by the diplomatic and consulate staff at each post and in all categories.

24. That guidelines be established for the United States Embassy and Consulate Post for (1) the use of segregated facilities in South Africa, and (2) for entertaining by United States Government personnel on a non-racial basis, and (3) for their attendance at segregated functions. (I cannot accept the position of the Department of State that (a) it gives maximum discretion to our Ambassador in regard to the "delicate problem of having to maintain adequate relations with the authorities while continuing to support and project our abhorrence of apartheid and dedication to multiracial principles" and (b) it permits the Ambassador to exercise "this discretion in tailoring the nature of his entertainment and that of his staff to fit the needs of the occasion." Under these vague standards, spelled out in Mr. Abshire's letter to me of July 26, 1971, our Ambassador gave a large, segregated reception which has subjected the United States to much criticism in South Africa and in the United States. Our policy interests require the establishment of functional and legal guidelines for embassy, consular and all official United States Government personnel in South Africa as to their participation at official and social functions and their use of segregated facilities).

25. That the agreement with South Africa for tracking stations in South Africa (T.I.A.S. 4562 of September 13, 1960) be terminated according to its terms and, in the interim, (1) that NASA be required to end its apartheid policies and racist practices and (2) that there be no discrimination in either the conditions of labor and employment or in the facilities available to employees. The callous racism and apartheid which I found at the NASA Tracking Station near Johannesburg must be ended.

26. That the role of the Commercial Attaché and Economic Officer be reexamined and their functions of encouraging United States businesses in South Africa be terminated.

27. That the United States Government take a stand against business expansion in South Africa until such time as South Africa ceases its racial policies, and implement effective disincentives to United States business investment in South Africa.

28. That the United States advise businesses that, if they decide to stay in South Africa, they do so at their own risk; and in the event of difficulties with liberation elements, the United States Government will not support them or afford protection.

29. That the United States Government actively and publicly use its power and influence to cause and assist United States businesses in South Africa to:

(a) Close the communications gap between United States headquarters and their subsidiaries and branch offices in South Africa;

(b) To pay equal pay for equal work;

(c) To get on with the task of training and whatever else is necessary so that blacks, coloreds and whites are performing equal work on a substantial scale;

(d) To throw off local coloration and give respect to all employees;

(e) In sum, to establish fair employment practices and to refuse to adhere to racial policies and practices.

30. (a) That Executive Order No. 10925 be amended so that, with respect to those United States businesses in South Africa, fair employment practices in their South African enterprises be a condition for their eligibility for government contracts. I am also planning to introduce legislation for this purpose.

(b) In accordance with Executive Order 10925 requiring nondiscrimination by government contractors and in view of Pan-Am's exclusion of Black Americans from its African runs, each United States Government agency having a contract with Pan-Am should review such contract under section 301 (6) concerning sanctions and remedies for noncompliance with the discrimination clause.

31. That an appropriate mechanism be established within the executive departments to investigate the practices of American firms in South Africa, to report to the Executive and Congress thereon, and to advise as to those firms which are not implementing fair employment practices.

32. That the United States Government establish an Honor Roll of those firms who are implementing fair employment practices, and are providing substantial educational, counseling and training for their African employees.

33. That the United States Government end all Export-Import Bank facilities and services for South Africa. As brought out in our hearings of June 3, 1971, at which the Vice President of the Export-Import Bank appeared before the Subcommittee, the following services of the Export-Import Bank are allowable under present guidelines for South Africa:

(1) Short-term FCIA [Foreign Credit Insurance Association] insurance.

(2) Medium-term FCIA insurance. As of April 30, 1971, $9,882,000 insurance was authorized.

(3) Guarantees of loans by United States financial institutions to South African purchasers of United States goods or services.

(4) Guarantees of loans by non United States financial institutions to South African purchasers of United States goods or services.

Export-Import Bank has informed the Subcommittee that as of April 30, 1971, $20,246,000 guarantees were authorized as medium-term guarantees, but did not indicate the nationality (i.e., United States or South African) of the exporter bank.

(5) Exim discount loans to South African purchasers. In his statement on May 20, 1970, before the Subcommittee, a State Department witness had listed the Exim Bank exposure in South Africa as confined to medium-term and short-term insurance and guarantees, adding that no Exim loans or credits have been issued for transactions with South Africa since 1959. However, four discount loan commitments to South African companies were approved by Exim between October 20, 1969 and February 25, 1971 for export sales to South Africa, indicating a change and relaxation of policy by this Administration. (Two of these transactions were cancelled by the borrowers).

(6) The facilities of the Foreign Credit Insurance Association for insuring political risks in South Africa.

(7) The Export Expansion Facility for insuring higher risks transactions.

(8) Guarantees of non United States loans to cover local costs related to United States purchases.

(9) The re-lending credit program.

(10) The provision by Exim Staff of guidance and information to South African importers and United States exporters to South Africa.

(11) And the availability to South Africa of Exim's program of providing direct loans to a foreign government suffering temporary dollar shortages was not stated outside of present guidelines by the Exim Bank witness before the Subcommittee on June 3.

34. That Section 307 of the Tariff Act of 1930, 19 U.S.C. 1307, prohibiting the importation into the United States of goods produced by forced labor be enforced. This provision reads:

"All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

" 'Forced labor,' as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. (June 17, 1930, ch. 497, title III, section 307, 46 Stat. 689)."

35. That the sugar quota for South Africa be terminated; and that in no circumstances should South Africa be permitted an increased allocation so long as the benefits of the quota do not inure to the majority of the people. I personally witnessed the blatant racism of the South African Sugar Association and the deplorable conditions of employment of the workers as to wages, housing, diet, and hours of work. To this end, I recommend:

(a) That the President, acting pursuant to Section 202 (d) (1) (B), suspend the continuation of the sugar quota for South Africa. This section provides:

"(B) Whenever and to the extent that the President finds that the establishment or continuation of a quota or any part thereof for any foreign country would be contrary to the national interest of the United States, such quota or part thereof shall be withheld or suspended, and such importation shall not be permitted. A quantity of sugar equal to the amount of any quota so withheld or suspended shall be prorated to the other countries listed in subsection (c) (3) (A) (other than any country whose quota is withheld or suspended) on the basis of the quotas then in effect for such countries."

(b) That South Africa not be eligible for the benefits of the provisions of Section 202 (d) (2) (A) of the Sugar Act. This section provides:

"(2) (A) Whenever the Secretary finds that it is not practicable to obtain the quantity of sugar needed from foreign countries to meet any increase during the year in the requirements of consumers under section 201 by apportionment to countries pursuant to subsections (b) and (c) and the foregoing provisions of this subsection, such quantity of sugar may be imported on a first-come, first-served basis from any foreign country, except that no sugar shall be authorized for importation from Cuba until the United States resumes diplomatic relations with that country and no sugar shall be authorized for importation hereunder from any foreign country with respect to which a finding by the President is in effect under paragraph (1) (B) of this subsection: Provided, That such finding shall not be made in the first nine months of the year unless the Secretary also finds that limited sugar supplies and increases in prices have created or may create an emergency situation significantly interfering with the orderly movement of foreign raw sugar to the United States. In authorizing the importation of such sugar the Secretary shall give special consideration to countries which agree to purchase for dollars additional quantities of United States agricultural products. In the event that the requirements of consumers under section 201 are thereafter reduced in the same calendar year, an amount not exceeding such increase in requirements shall be deducted pro rata from the quotas established pursuant to subsection (c) and this subsection."

36. That the arms embargo against South Africa include:

(a) All sales to, or for, the South African military, including the provision of spare parts, componentry and repairs. The relaxation of the arms embargo by the present Administration to permit certain sales of aircraft to the South African military must be ended.

(b) All sales of light aircraft, military or civilian, destined for South Africa. The significance of this recommendation is indicated by the structure of the South African military forces, in which all physically qualified white males must serve and in which Africans cannot serve—a structure such that the "citizen forces" and citizen "air commandos" form an integral part of the defense force of the country. Thus, planes sold for civilian use are in fact available for military purposes.

(c) Training to South African military, including correspondence courses and participation in conferences.

(d) Cooperation in, and the transfer of, research, development and/or military know-how, including the testing of military equipment. At the Subcommittee hearings of November 12, 1971, the Department of Defense testified that the United States had tested, in the United States, weapons (surface-to-air missiles) developed by joint South African-French participation, while dealing only with the French firm, to which we had provided money for the testing.

37. That the role of the military attaché in South Africa be reviewed and cause be shown why these functions not be terminated. (Note, information supplied by the Department of Defense at the November 12 hearings before the Subcommittee indicated that there are more United States military attaché assigned to South Africa than to any other African country).

38. That the United States institute an expanded educational and cultural program with the South African majority as a primary target and with those institutions and individuals working for change to majority rule as a secondary target.

39. That the United States facilitate private efforts and programs to provide legal and humanitarian assistance to the victims of the repressive legislation of South Africa.

40. United States cooperation with South Africa in the field of nuclear energy should be ended and, in no event, should there be a new agreement or an amendment to the present agreement to provide for an increase in the amount of uranium enriching services which the United States can supply South Africa. (South Africa has allegedly developed a new uranium enrichment process which the Prime Minister estimates (Speech of August 3, 1971) may bring South Africa $336,000,000 a year in foreign exchange). Any support of South Africa in this effort would thus significantly undergird apartheid economically and militarily. South Africa has not signed the Non-Proliferation Treaty.

The Chairman of the South African Atomic Energy Commission has been quoted (Rand Daily Mail, 12 April 1971) as saying that:

"With its uranium enrichment process, South Africa is theoretically in a position to make its own nuclear weapons, whereas before, it was not practical to make the bomb from plutonium since that would have to be imported from abroad and the installation would be subject to international inspection."

41. That United States policy in international financial organizations be consistent with a policy of supporting change in South Africa and not of economically undergirding the status quo.

42. That the United States visa policy towards South Africa be based on "quid pro quo" considerations.

43. That, in conformity with the international legal obligations of the United States and in accordance with the acceptance by the United States of the Advisory Opinion of the International Court of Justice on the "Legal Consequence for States of the Continued Presence of South Africa in Namibia, notwithstanding Security Council Resolution 276," the United States:

(a) Recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of and concerning Namibia, and

(b) Refrain from any acts and in particular any dealings with South Africa implying recognition of the legality of, or lending support or assistance to, South Africa's illegal presence and administration of Namibia, and in patricular

(1) that United States firms doing business in Namibia not be allowed tax deductions or tax credits for monies paid to the South African Administering Authority (see also (5) (V) below);

(2) that grants, concessions, titles, licenses, privileges or interests of any kind granted by the South African Government in regard to Namibia, Namibian products, goods or property of whatever kind be declared invalid (see also (5) (IV) below);

(3) that the importation of goods originating in Namibia into the United States on the basis of rights or interests purported to be granted by the South African Authority be prohibited;

(4) that the United States not apply the provisions of any treaty with South Africa on behalf of, or concerning, Namibia (see also (5) (III) below);

(5) that the United States implement without delay the recommendations of the American Committee on Africa, as presented to Ambassador George Bush on November 4, specifically those regarding:

(I) American diplomatic and consular accreditation to South Africa;

(II) Preventing South African representation of Namibia in international affairs;

(III) No invocation of treaties extended to Namibia;

(IV) Invalidity of South African concessions and other acts;

(V) Treatment of American businesses in Namibia;

(VI) Political asylum for Namibian refugees;

(VII) Actions which should be taken by the United States through the United Nations.

(c) Cooperation with the legal Administering Authority for Namibia by joining a reconstituted Council for Namibia and seek to implement practical measures to end South Africa's illegal occupation of Namibia. (See (5) (VII) above).

44. That Recommendations 26 through 32 regarding United States policy and its implementation with respect to United States investment and business involvement in South Africa also be applied to United States investment and business involvement in the Portuguese territories.

45. That all investment-incentive programs of the Overseas Private Investment Corporation (OPIC) in, and for, the Portuguese territories be terminated and that the United States Government adopt an affirmative policy proscribing OPIC programs for the minority-ruled areas of Africa.

46. That American companies operating abroad, directly or indirectly, be required to furnish to the Departments of State, Commerce and Labor and to the appropriate committees of the Congress an annual, detailed comprehensive statement on their employment and wage practices. I also intend to introduce legislation to make this a statutory requirement.

47. That the United States support in the United Nations and all other appropriate forums, as well as bilaterally in our relations with South Africa and Portugal, the application of the Geneva Conventions of 1949 to the freedom fighters, and participants in resistance movements and to the civilian population. The status of, and treatment as, prisoners of war should be accorded to the freedom fighters. The humanitarian provisions of these conventions should be extended to the combatants as well as the civilians in conflicts arising from the struggle for the liberation and self-determination of the minority-ruled areas of Africa.

48. That the United States (1) place increased emphasis on the majority-ruled states of Southern Africa, particularly through economic and technical assistance and educational and cultural programs, and (2) assist their efforts to resist South African domination.

49. That the United States should encourage and assist feasibility studies into the mineral resources of the majority-ruled countries of Southern Africa in order to lessen the dependence of those countries on South Africa.

50. That the United States look for an effective means to encourage greater interest in the majority-ruled states of Africa from United States investors and businesses.

51. That the United States cease its hypocrisy, dissimulation and legal dishonesty and recognize that the situation in Southern Africa is within the purview of Article 39 of the United Nations Charter. This section provides:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Article 41 and 42, to maintain or restore international peace and security."

In order that the Security Council can get on with the task of considering appropriate measures to be taken, the United States must acknowledge that the situation in each of the minority-ruled areas of Africa—the situation in South Africa, the situation in Namibia, the situation in the Portuguese territories, as well as the situation in Southern Rhodesia—that each of these presents a threat to the peace.

52. That a Special Task Force on Africa be created:

(a) Composed of ranking members of the Departments of State, Commerce, Defense and other pertinent agencies, and of recognized experts on Africa including members of Congress, academicians, journalists and businessmen;

(b) Charged with the task of making a comprehensive review of our policies towards Africa; and

(c) Established on the principle that its recommmnedations will be effectively implemented.

53. Finally, that the United States recognize the validity of, and take appropriate action on, the following recommendations and findings of the United Nations Association—United States of America National Policy Panel on Southern Africa:

(a) That "the 'rightness' of any particular course of action should be judged on the basis of its ability to assist in the realization of racial equality and representative government in South Africa"; and thus that "a boycott in sports and a strengthening of exchange programs may both be helpful in promoting change." (page 41 of Panel Report of December 2).

(b) That (in addition to those points made in Recommendation 29) United States businesses in South Africa institute the following:

(1) "providing hot lunches, improved medical care, pension programs, and disability insurance" (page 45);

(2) facilitating the organizing of black workers (page 45);

(3) "that American companies cease making financial contributions to the South Africa Foundation" (page 57);

(4) "that American companies appoint as managers of their South African affiliates only those who are willing to work for change and are committed to the implementation of fair labor practices" (page 46).

(c) "That all United States groups and organizations concerned with apartheid and racial discrimination—and particularly the American labor movement in its tradition of active concern with the betterment of working conditions throughout the world become concerned with the need for American companies to adopt a program of fair labor practices in their South African operations" (page 47).

(d) "That concerned stockholders take advantage of the annual stockholders' meetings to bring to public light the matter of employment practices and conditions in South Africa" (page 47).

(e) That "each American company operating in South Africa should assess the use to which its products are employed in terms of the government's apartheid policy. Any products used directly or indirectly in support of apartheid or racial discrimination—particularly those used by the police or military—should be withdrawn from the South African market" (pages 47–48).

(f) That "United States business should not, within the framework of its own domestic labor practices and in the context of its social responsibility, rely on racially discriminatory labor practices in other parts of the world to make a profit" (page 48).

(g) "That United States banks and other financial institutions refuse to accord any financing to South African Government subsidiaries or to government-sponsored commercial or military projects" (page 48).

(h) "That the United States Government review questions concerning the impact and future of international companies operating in South Africa with other investing nations. The United States might initiate such discussions in GATT and the OECD as well as in the United Nations" (page 50).

(i) That the United States assist the Government of Botswana, Zambia and Tanzania in their programs "for the thousands of political refugees from Southern Africa whose needs are great in terms of housing, education and health care" (page 76).

54. That the United States, cognizant of its obligations under the United Nations Charter, and specifically Articles 1, 2 (2), 25, 55 and 56;

(a) Recognize that the Heath/Smith "Proposals for a Settlement" do not secure to the people of Zimbabwe majority rule, self-determination, human rights or the enjoyment of the totality of their rights as set forth in Article 73 of the United Nations Charter.

(b) Recognize that the situation in Zimbabwe continues to constitute a threat to the peace.

(c) Support the authority of the Security Council with respect to Zimbabwe.

(d) Recognize the legitimacy of the struggle of the people of Zimbabwe to secure their rights.

55. (a) That the United States Government must be required, and is herein called upon, to explain the enormous, unprecedented and anomalous commitments which

the United States is making to Portugal in connection with the Agreement to extend U.S. base rights in the Azores—an Agreement under which Portugal is to receive in the next two years (the Agreement expires on February 3, 1974) the following quid pro quo:

$15 million in P.L. 480 agricultural commodities;

The loan of a hydrographic vessel at no cost;

$1 million for educational development program;

$5 million in drawing rights for non-military excess equipment;

The waiver of MAAG support payments ($350,000) for the MAAG (Military Assistance Advisory Group) to Lisbon;

$400 million of Exim loans and guarantees for development projects.

(b) That specifically, the government is called upon to address each of the following points:

1. From the point of view of U.S. interests, the new Agreement with Portugal represents an unusual and anomalous commitment. There is no apparent justification for the quid pro quo in the new Agreement.

a. The general availability of funds for foreign economic assistance has been diminishing since 1967. In that year, funds for economic assistance totalled $5,120 million. In 1968, they were $4,634 million. In 1969, they were $4,067 million. Last year, they totalled $4,711 million. The Export-Import Bank is an exception to the rule; its funds have been increasing in the last few years. But the question must arise why loans and credit guarantees to Portugal are arising at a moment when federal funds are so scarce, and when total appropriations for economic assistance are falling.

b. The funds projected for commitment to Portugal are out of all proportion to previous development commitments through the Export-Import Bank to either Europe or Africa. The total of Export-Import Bank loans to Africa in the whole period 1946–1970 was less than $358 million. The total of long-term economic loans to Europe from the same source in that period was only $753.7 million.

c. The projected commitment is also out of proportion to any previous commitments to Portugal itself. That country received less than $50 million in the whole period from 1946–1970 through the Export-Import Bank. The present Administration is proposing to provide more than four times this amount in the next two years alone.

d. The projected new commitments would constitute a tremendous drain on the funds of the Export-Import Bank. They would represent about 10% of the average annual commitments to all countries from the Bank in the last few years; and this does not even take into consideration the $200 million in Exim credit guarantees.

e. The question which remains to be answered, therefore, and it is a most important question, is why a small nation of 8.6 million people should receive such extraordinary special treatment.

2. The United States, furthermore, is now going through the worst balance of payments crisis in its history. We now have the largest deficit on record. Unemployment has risen to high levels as a consequence of deflationary measures designed to remedy that situation. In this context the Administration has undertaken an Agreement with a small European country which will lead to a substantial increase in the foreign exchange costs of our economic assistance. Again, the question must arise why Portugal should qualify for such special treatment.

3. Total U.S. dollar flows to Portugal and its overseas territories now exceed $400 million. (See Table below). These flows are important to that country's balance of payments. The Administration is now proposing a substantial increase in these flows through the loans provided for in the new Agreement.

Portugal and overseas territories: Gross flows of funds from North America, 1969 [1]

[In millions]

Imports from Portugal and overseas territories	$166
Freight and insurance on merchandise	3
Other transportation	11
Travel	79
Investment income	29
Other government	6
Other private	24
Unrequired transfers (pension remittances, etc.)	89
Nonmonetary sectors: Direct investment	6
Total	413

[1] These figures refer to flows from the U.S. and Canada. U.S. funds account for almost the whole of the total.

Source: IMF Balance of Payments Yearbooks, August 1971, vol. 22.

4. The Portuguese are now running a trade deficit of just under $500 million. This deficit is, to an important degree, the result of the drain on Portugal's economy created by the pursuit of three colonial wars in Africa. Additional, and substantial, assistance to Portugal in this context will have the effect of helping it to continue those wars at the very moment when it is being forced to consider seriously whether it ought to withdraw from its overseas territories.

5. It should be noted that parts of the new Agreement can easily become open-ended commitments. The expanded commitment under P.L. 480 may well be increased still further when the Agreement is reviewed two years from now. The provision dealing with excess equipment is *already* open-ended. Secretary Rogers' letter clearly states that $5 million for this purpose is not to be considered a maximum ceiling.

6. Dollar flows to Portugal, from both the private and the public sector, are already on a scale amounting to "economic intervention that might just decide the outcome of the colonial war." The new Agreement increases that indirect assistance by a substantial amount and changes the character of our commitment to Portugal.

7. The political context cannot be ignored. Particularly:

The liberation forces control large areas of Angola, east and south of the Central Plateau.

In Mozambique the liberation forces control several provinces and operate freely south of the Zambesi River.

In Guinea-Bissau, the PAIGC have forced the Portuguese to leave the countryside and to retreat to the urban areas and a few scattered military bases.

The obvious effect of the Azores Agreement is to enable Portugal to continue waging the three wars in Africa.

8. There is nothing to indicate that the military value of the Azores is of overriding importance to U.S. security so that it merits such an inordinate expenditure. Further, the fact that the base Agreement remained dormant for the past 10 years (since 1962) indicates this.

9. The injection of huge sums for economic and educational assistance, as well as aid in kind, into the Portuguese economy, in the existing internal situation of considerable domestic unhappiness with, and criticism of, wholly disproportionate budgetary expenditures on colonial wars, will greatly assist the Caetano Government in dampening the domestic antipathy to the wars and thus to continue their prosecution.

(c) That, if the Administration cannot provide a statement of compelling reasons for making this Agreement, it must be considered as admitting that it is the intention of the Administration to directly assist Portugal in waging these wars against the peoples of Guinea-Bissau, Angola and Mozambique.

(d) That the United States Government respond to the following questions:

1. What projects were reviewed, or are contemplated for Exim loans?

2. Are these projects in Portugal, that is in so-called "metropolitan Portugal" as distinguished from Guinea-Bissau, Angola and Mozambique.

3. Are similar increases in Exim loans being considered (i) for South Africa, (ii) for majority-ruled African countries?

(e) That, in view of the implications of this Agreement for the United States internally, the Administration explain why this Agreement was entered into by the executive agreement route rather than as a treaty and submitted to the Senate for its advice and consent to ratification.

(f) That the Administration explain the discrepancy between its claimed lack of funds to assist Black business in the United States, with its 23 million Blacks, on the one hand and, on the other, its expenditure of tremendous sums to assist the economy of Portugal, a country with only 8.6 million people, and thus to assist the waging of wars against Black people in Africa. According to its reports to the Congress, the Federal Government is now giving only $213.8 million in loans to minority businesses in this country (including Blacks and Spanish-speaking Americans), whereas the sums projected for Portugal in this Agreement are more than double that amount.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

PITTSBURGH BLACKS TURN THE LAW ON POLICE HARASSMENT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. CLAY. Mr. Speaker, white police harassment of blacks has become a commonplace occurrence in most American cities. Too often police commit crimes and go unpunished. A recent article in the St. Louis Post-Dispatch focuses on this problem and shows what can be done to rectify such injustice.

Fourteen blacks in Pittsburgh, defended by the Neighborhood Legal Services Association, took their case to court and won a preliminary injunction against six officers. Their case stems from police harassment and the stories which they told in court are reprehensible. The brutal force enlisted by these so-called defenders of the law against innocent victims must cease.

U.S. District Judge Rabe F. Marsh issued a preliminary injunction against six police officers, "ordering them to stop harassing, threatening, intimidating, and beating black residents and black visitors to the city." The article continues:

> The judge in Pittsburgh ruled that the police actions described by 20 witnesses on September 16 and 17 constituted a pattern of racism over a nine-month period.

Judge Marsh also noted that the blacks have suffered irreparable harm from these unconstitutional acts on the part of the police.

This case has set a precedent which I hope will be continued throughout the country. Too often we are confronted with these heinous tales of police brutality. It is about time this situation is corrected so that no one will fall victim to these unwarranted assaults being carried out under the banner of "law and order."

I commend this article to the attention of my colleagues. The article follows:

[From the St. Louis Post-Dispatch, Nov. 28, 1971]

PITTSBURGH BLACKS TURN THE LAW ON POLICE HARASSMENT

(By Robert L. Joiner)

PITTSBURGH, November 27.—Walter Lee Laney, Willy Thompson, Kevin Green, Mrs. Lillie Johnson and 10 other blacks finally found someone who would listen to their charge of harassment by white members of the Pittsburgh Police Department.

United States District Judge Rabe F. Marsh listened to testimony they gave in his court, heard little rebuttal, and, on Nov. 18, issued a preliminary injunction against six officers, ordering them to stop "harassing, threatening, intimidating and beating" black residents and black visitors to the city.

The 14 blacks got their day in court because the Neighborhood Legal Services Association was available to consolidate their grievances and file the unusual action.

Detective Sgt. Francis Quinlan, head of the Fort Pitt Lodge, Fraternal Order of Police, which represents most of the 1700 officers in the department, said the legal services association had exceeded its purpose. It was supposed to provide legal assistance to indigent persons, not intimidate police, he said.

John B. Leete, a young Legal Services lawyer, denied Quinlan's charge, then added:

"Quinlan doesn't understand that we are for real. He and the police don't understand that our function goes beyond holding people's hands. We're here to try to change, through legal processes, some unjust things in this society."

One after another, the witnesses took the stand and told the court about incidents that had occurred this year.

Laney an employe of Westinghouse Electric, said he had been driving home from a barbershop early on the evening of May 8 when he had parked and had started walking toward a store.

"A policeman hollered at me," he said, "and when I stopped to find out what he wanted he yelled, 'When I tell you to get off the street, you get off the street!' I told him I hadn't done anything and went inside the store.

"The policeman arrested me and said, 'I'm going to teach you that when the night shift is on, you do what you're told.' "

The policeman then began hitting him, Laney said. He was booked and then taken to a hospital, where he was treated for injuries to his face, arms, back and legs.

Thompson said he had been standing in a bus zone when two men in street clothes, who later identified themselves as policemen, approached in an automobile.

"The driver asked me, 'Have you seen any niggers hanging out here?' " Thompson said. "I answered, 'No—and no whites either.' The driver said, 'Nigger, you've had it.' "

Thompson said he had shouted for help to a uniformed policeman up the street.

"The driver got out of the car and grabbed me," Thompson said. "I hit him. The uniformed cop came up and apparently recognized the two men in the car. He turned to me and said, 'Why did you hit an officer?' "

Thompson said the uniformed man had assumed the plainclothesmen had a warrant for his arrest and that he had been struggling with them. The driver handcuffed Thompson, borrowing the handcuffs from the uniformed man, and put through a "trouble" call on a nearby police phone.

"They shouted racial slurs as they put me in a police wagon," Thompson said. "Inside, they threw me on the floor and kicked and hit me. One of the officers appeared to be drunk."

Thompson was charged with disorderly conduct, resisting arrest and assaulting a police officer. After being booked, he was taken to a hospital for X rays because of chest pains and a headache. In addition, his mouth was cut.

Green, 12 years old, said he and two friends had been caught stealing toys from a Sears Roebuck & Co. store last Jan. 2. He said four officers had come to his home and one had made a derogatory remark about his mother.

He replied in kind, he said, and the officer handcuffed his arms behind his back, spraining one of his arms. He was treated for the injury at a hospital.

Mrs. Johnson testified that she had been in a crowd of about 30 persons who had gathered after a police car struck a bridge abutment last Aug. 13, injuring a passenger. Somebody in the crowd laughed and one of the officers walked into the crowd, asking who it was.

"Somebody pointed toward me," Mrs. Johnson said, "and he hit me in the face with a blackjack, knocking me down. I told him nobody was laughing at the accident. I explained that my niece had been holding her dress over her face because of smoke from the damaged car and my nephew was laughing at her.

"The policeman knocked me down again and kicked and beat me."

Mrs. Johnson said the officer had not arrested her and apparently had made no report of the incident. The policeman took the stand and said he had no recollection of such an incident.

He was the only policeman to offer a rebuttal.

Attorneys for the Neighborhood Legal Services Association said Marsh's restraining order would help blacks to gain confidence in the legal system. Similar suits may be filed against policemen in other cities, they said.

Leete called the suit filed by his group a new approach for civil rights lawyers.

"The precedent has been set," he said. "As a result, judges in other cities will not be reluctant to take action against individual policemen. Lawyers throughout the country are requesting copies of the injunction."

Detective Sgt. Quinlan's view was somewhat different.

"The injunction will affect the morale and duties of every police officer and jeopardize the public welfare," he said. "If the public allows this to continue, the hands of the police will be tied and the death knell of law enforcement shall be rung."

Persons affiliated with the Neighborhood Services Association are gathering additional data for the appeal and possibly for trials if the defendants challenge the injunction.

The original suit was narrow in its scope of protection. The group had asked for protection of blacks in the Fifth District, in which the six officers were stationed.

However, after the suit was filed, the policemen were transferred to other districts. Consequently, Marsh expanded the order to make the court protection city-wide.

(In 1969, a similar suit was filed in U.S. District Court in St. Louis by representatives of civil rights and antiwar groups. But Judge Roy W. Harper dismissed the suit for lack of evidence.)

The judge in Pittsburgh ruled that the police actions described by 20 witnesses on Sept. 16 and 17 constituted a "pattern of racism" over a nine-month period, beginning last November.

The witnesses testified that the six officers repeatedly had used racial slurs and had administered beatings with nightsticks and leadweighted gloves on the streets, in police vans and at the district station.

Marsh rejected the arguments of defense attorneys that the federal court did not have jurisdiction over the complaint and that the plaintiffs had failed to prove that they were entitled to an injunction.

He said the plaintiffs and other black persons in Pittsburgh "have suffered irreparable harm as a result of the unconstitutional actions" of the six policemen.

In five specific prohibitions, Marsh protected black residents or visitors from beatings or physical mistreatment; from the use of excessive force; from harassment, threats or intimidations; from arrest or imprisonment without sufficient cause and search and from seizure without adequate cause.

The judge supported his decision with a quotation from former Supreme Court Justice Louis Brandeis: "If the government becomes the lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."

THE UNITED STATES GETS BAD NAME

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. MICHEL. Mr. Speaker, it is clear to even the most casual observer that in some foreign countries the image of the United States is not as desirable as we would prefer it to be. In many cases, however, this judgment is quite unfair for often our country is considered to be responsible for projects or programs which are not really American sponsored.

An article appearing in the Beacon-News of Aurora, Ill., on November 23, 1971, discussing the Inter-Continental Hotel in Bucharest, Romania, came to my attention and I include it in the RECORD at this point. This represents a classic example of an enterprise which many think to be operated and managed by American businessmen but is in fact the responsibility of the Romanian Government. I know that my colleagues will read this with interest:

[From the Aurora (Ill.) Beacon-News, Nov. 23, 1971]

THE UNITED STATES GETS BAD NAME

(By Dumitru Danielopol)

WASHINGTON.—In pre-war Eastern Europe, America had a reputation for perfectionism. It was merited because any enterprise they started was outstanding. They hired the best local talent and trained them thoroughly so they could carry on the operation with fewer and fewer American experts.

In the Communist days, however, things are different.

The Reds know it all and don't accept advice. The results are lamentable particularly to brave new American investors.

Take for example the hotel Inter-Continental in Bucharest, Romania. It opened last spring. For all intents and purposes it is an American enterprise although neither Pan American airways nor its subsidiary Inter-Continental Hotels Co. (IHC) have made any investment. It was built on a "franchise arrangement" and the Romanian Reds used local talent architects, engineers, decorators, etc.

They refused American technical advice from the start.

For instance IHC recommended a recognized and proven air conditioning installation. This was rejected and the contract was given to a German firm. On opening day the air conditioning was not functioning. It has sputtered on and off ever since. American experts say the equipment is too complicated for the hotel personnel.

IHC can only offer technical assistance when asked by the management. This never happens because the Romanians don't want to spend hard currency. They hope to "muddle through" somehow.

Who suffers? The guests. The management and the personnel don't seem to care and they can't do much to improve things because most of the employes are from the security police.

The general manager Gheorghe Leonte has no experience in hotel management as his appointment is political.

It is presumed that every room and every table is bugged, that every conversation is recorded.

In fact, the hotel is used by the Romanians first as a source of hard currency and second as a spy operation.

Hard currency guests must pay in dollars which at the rate of 18 per dollar make everything exorbitant. The food is described by guests as mediocre and not always safe because sanitation operations are haphazard and lax.

One practice is to discourage customers who order foreign wines and force on them local wines. This saves foreign currency and gives the Romanian a chance to rook the customer.

The hotel reportedly charges exorbitant prices for inferior beverages.

Who loses on all this?

We do.

Romanian mismanagement of this "American" enterprise gives the United States a bad name.

A COMMONSENSE APPROACH TO UNITED STATES-CANADIAN RELATIONS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. CULVER. Mr. Speaker, I was privileged last week to preside over a hearing held by the Subcommittee on Foreign Economic Policy which sought to explore the effects of the President's new economic policy on Canada as well as the longrange economic issues affecting United States-Canadian relations once there is realinement of currencies and removal of the surcharge.

All of us recognize that Canada has a special status in its relationship with the United States. This is evident by the interlocking nature of our economies, by the trade patterns between them, and by the common efforts we have made to establish a working federal system on a continental scale. However, this special status very often invites neglect, acceptance of the status quo, and an easy confidence that no serious difference can divide us. In recent years, especially during the Nixon-Trudeau era, and even more since the announcements of August 15, such a psychological and political equation no longer works.

The policy changes which President Nixon announced on August 15 badly match the policy prerequisites in our relations with Canada. In no country, except possibly Japan, has the new economic policy had such immediate and potentially far-reaching consequences as in Canada. The effects were probably heightened by the fact Canada has not been a conspicuous practitioner of the trade discriminations and monetary dislocations to which the new economic policy addressed itself.

Canada had already floated its dollar for more than a year; it was not manipulating its reserve assets to our disadvantage, or causing special strain on our own reserves. Its tariff and trade practices—except in some minor respects—measure up well against our own. The specific grievances and points of issue between our two countries which will require negotiations, such as modification of the Automotive Pact, the Michelin deal, and the effort to liberalize customs limits for Canadian travelers returning from the United States, hardly justified the full sanctions of the countermeasures which we have taken against the people and Government of Canada.

It was obviously encouraging that at the very time this hearing was taking place that President Nixon and Prime Minister Trudeau and their respective senior advisers were beginning to set differences into a workable perspective. It was also valuable to learn that the conditions for the general removal of the surcharge appear to have been defined more precisely so that the removal of may, in fact, occur in the next weeks.

As far as Canada is concerned, it offers no obstacles on proper monetary realinement, and it has long championed the renewal of multilateral trade negotiations. Indeed, Canada faces in heightened form some of the very same problems which we do—the emergence of a common market which includes Great Britain, the European Community's restrictive agricultural trade policy, and the expansion of their preferential trade agreements. In addition, Canada, which relies proportionately five times more than we do on its foreign trade and whose own domestic market is much narrower, is almost the only other large trading nation which looks as much to the Pacific as to European markets.

In whatever steps we take in international economic negotiations Canada is likely to be our closest collaborator rather than our antagonist or a regressive influence in removing existing trade barriers. In fact, Canada generally has been in advance of this country in seeking new markets, as well as in probing new political relations in Asia and other parts of the world.

However, we must be very careful that even as the current monetary crisis resolves itself that we do not again simply lapse into a condition in which we take Canada for granted, or in which we simply assume that Canada has no options other than to weld its economic and political policies with ours. That day has passed, and there are issues on the horizon even now which make it certain that Canada should stay in the forefront of our policy concerns. It is already becoming evident that in the next decade some very delicate but decisive negotations will be joined in the field of energy—not just oil, but also natural gas, water, hydropower and uranium. We are mistaken if we believe that we can present a shopping list of policies which the Canadian Government and people have to accept. In this area, Canada has bargaining power of its own and no solution which does not have in it elements of real reciprocity is likely to occur. The long negotiations preceding the Columbia River treaty in the previous decade offered convincing evidence of this.

Finally, no policy toward Canada will be durable if it does not take into account the historic and psychological movement which is now taking place in Canada. Almost all Canadians in varying degrees and different ways are seeking greater national identity, and all want to avoid a policy which is simply submissive to or derived from U.S. policy. Clearly this creates, at times, ambiguities and paradoxes, but on our part also we are at the moment experiencing a split view as to our own role in world affairs. Therefore, part of any Canadian policy must have in it the simple ingredient of better understanding and visible interest even at times when open crisis have abated.

BELLMAN OF THE YEAR

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, Bob Hellmund, bell captain at the Crystal City Marriott, has been selected "Bellman of the Year" by the American Hotel & Motel Association. This is a national recognition which goes to the top bellman in the country based on a careful screening of each entry.

Mr. Hellmund and his wife went to Atlanta, Ga., to receive the award at the A.H. & M.A. Convention, Friday, December 10, 1971, and he is to be honored by Marriott Corp. executives at a reception tomorrow, December 15, at the Crystal City Marriott.

As I am proud to have Bob Hellmund as a constituent, and am proud of the outstanding job he is doing for a new and prosperous business in my northern Virginia community, I insert in the Record the brief story of his background which was read during the award ceremony in his honor:

Bob Hellmund—Background

Bob Hellmund, a self-styled "boy from Brooklyn," has shaken hands with President Nixon, and Linwood Holton, talked over football plays with the late Vince Lombardi, and traded small talk with David Frost.

He has also carried a lot of baggage. Hellmund is the bell captain at the Crystal City Marriott in Arlington, Virginia, where the care and feeding of VIPs is a specialty of the house.

However, as far as the Marriott Corporation is concerned, Bob Hellmund's main claim to fame is his ability to train courteous and efficient bellmen, and get them to keep their hair trimmed—above the collar line.

In the past four and a half years, Hellmund has trained more than 500 bellmen from Boston to Arlington. "I've stopped counting now," he says, but he hasn't put the lid on his enthusiasm for the job.

"A bellman is a potential salesman," said Hellmund. He must sell the house (the hotel facilities) and he must sell himself, and if he does both well, it pays off—in tips.

But it aso pays off career-wise in the Marriott Corporation. Hellmund's recent successes include a new member of sales staff, Craig Conlon, a former bellman whose "selling" ability was spotted, and a current bellman Sam Watson, now in training to be a desk clerk.

"I couldn't buy the experience I've had as a bellman," said Hellmund who started out at Key Bridge Marriott in 1963. His career was interrupted by Uncle Sam in the form of Army duty between '63 and '65, but then he returned to Marriott to be made bell captain at Twin Bridges. Since then he has opened hotels in Boston and the Crystal City Marriott in Arlington where he has been for the past year and a half.

Quick thinking as well as honesty can make for a good bellman maintains Hellmund who told about an experience one of his men had when a Mexican visitor left $1,800 in a suit he had given a bellman to take to the cleaners. The money was found and returned to its owner pronto.

Not all of Hellmund's experiences have been so gratifying, but training men is a matter of pride with him now. And he expects to instill this same "pride" in the new men he trains for Marriott. "Take the matter of appearance—we go for the new styles, sideburns and the like . . . but the hair over the collar look . . . that's out."

Hair . . . It's one of Hellmund's biggest problems!

NEEDED—NEW DRUG TREATMENT METHODS

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, the Attorney General of the United States recently delivered in New York an address entitled "To Heal, and Not To Punish." This is an address providing some enlightened thinking relative to dealing with public alcoholism in the United States. As the title implies, the theme of the Attorney General's remarks is that society has an obligation to place first emphasis on developing effective methods to cure alcoholism as a disease.

An even more pressing problem facing our Nation is to develop safe and practical effective cures for heroin addiction. I have recently received an article by Dr. Albert A. LaVerne on the subject of carbon dioxide treatment of heroin addiction. I have been advised that a similar procedure might be effective in helping to cope with the problem of the disease of alcoholism. I understand that the Department of Justice has recently committed $1,000,000 for pursuing narcotics treatment programs including methadone modalities here in the District of Columbia. In any event, it seems that immediate further evaluation of the LaVerne procedure should be made with a view to obtaining the earliest possible scientific analysis.

Under unanimous consent, I ask that the speech of the Attorney General and the article by Dr. LaVerne be included in the Record.

To Heal, and Not To Punish

(An address by John N. Mitchell)

It is a privilege to be asked to participate in this banquet honoring Brinkley Smithers. I have known and admired him for many years, and I am delighted to be able to say so to this audience tonight. I'm also pleased to bring him the good wishes of the President of the United States, who is thoroughly aware and appreciative of his leadership in the movement to control alcoholism.

I believe it is fair to say that no person in the history of this movement has approached Brinkley Smithers in the generosity of his support. Through the Christopher D. Smithers Foundation, which he founded in honor of his father in 1952, he has made repeated gifts to this cause over the past two decades.

Last July he made a personal grant of $10,000,000 to Roosevelt Hospital in New York City for treatment and rehabilitation of alcoholics. This is the largest single gift ever made in this field, and I do not except even the various grants made in recent years by the Federal Government. I must confess that when I first read about this magnificent grant I thought some typesetter might have inadvertently added a cipher or two. It is a most extraordinary example of dedication to a cause, even by the generous standards of Brinkley Smithers.

Nor have the contributions of our honored guest been confined to financial values. He has given just as unstintingly of his own time and energies. If you read a list of the national and New York organizations to combat alcoholism, you will almost be reading a list of the organizations that he has founded or headed.

So I must say tonight, without fear of contradiction in this assembly of experts on the subject, that among the many world leaders in the crusade against alcoholism, no one casts a longer shadow than Brinkley Smithers.

The other reason I am happy to be here is that it gives me the chance to talk about an aspect of alcoholism that I feel needs to be addressed by a law enforcement official.

I refer to the fact, acknowledged now by all professionals in the field, that alcoholism as such is not a legal problem—it is a health problem. More especially, simple drunkenness *per se* should not be handled as an offense subject to the processes of justice. It should be handled as an illness, subject to medical treatment.

Now, this may seem fairly obvious to you here in this room, who are thoroughly informed on this subject. But it is not generally recognized throughout the country.

In all but a few of the states in the Union, public drunkenness is an offense punishable by a fine or jail sentence or both.

In other words, our knowledge in the field far surpasses our action. The result is that in most of the cases which come to public attention, a major disease is not being treated by doctors, therapists or medical technicians. The disease is being treated by policemen, judges, and jailers.

This is no reproach to the latter group of professionals, many of whom know from distressing experience that this system is wrong. It is a serious misuse of their time, abilities and resources. It is likewise a failure to use the skills of the medical practitioners who are the ones qualified for this work. And it is a desperate injustice to the victims of the disease.

I feel strongly about this situation partly because of its unnecessary drain on the resources of the criminal justice system. At least one-third of all arrests in the United States are for public drunkenness. In some cities the proportion runs as high as three-fourths. The commitment of police on the street and for processing at the station house, the commitment of jail space and facilities, the commitment of time by judges, court administrators and courtrooms—all this constitutes an enormous drain on a justice system that is already overtaxed by felony cases. This misuse of tax-supported resources is bad enough, and constitutes a problem crying out for solution.

But still more important is the fact that this system is absolutely ineffective as a lesson or deterrent. Those who have witnessed the arraignment of drunk arrests in the lower courts of any large city can testify that it is, indeed, a revolving door. A study in Los Angeles showed that in a given year about one-fifth of the people arrested for drunkenness accounted for two-thirds of the total drunk arrests. In one typical case in another city, a homeless alcoholic was arrested every other day that he appeared on the street over a four-month period.

The so-called "drying out" accomplished during such overnight jail terms has not, to anyone's knowledge, ever reformed an alcoholic. It has often, however, contributed further to any health infirmity he might have been suffering from, and has demeaned him still further with overcrowded conditions devoid of the barest human facilities.

In the process it has also demeaned the courts and the administration of American justice. Drunk arrests in big cities are often, if not usually, brought before the judge *en masse*—10 to 20 at a time. The typical defendant is almost never represented by counsel, which means that the procedures are often perfunctory, without any real consideration of guilt or innocence.

It is not surprising that many if not most of the policemen and judges involved know full well that this system is a distortion of legal processes. But in most localities they also know that it is all we have for dealing with public alcoholism. They therefore tend to develop a benevolent paternalism toward their charges—taking care of them the best they can within the limits of their authority and resources. It would be the same if the police and the judges were forced by law to take care of accident victims; as compassionate human beings they would do their best, but they could not help knowing that the system was senseless.

So we cannot blame the police or the courts for the system, and in many cases we must commend them for making the best of a bad situation. The blame must be faced by the public at large, which after all is the master of its own government. And if the public is unaware of this gross injustice, then it is the public that needs to be educated.

Fortunately, as many of you know, progress has been made in recent years. In 1966 the District of Columbia Circuit of the United States Court of Appeals ruled in the *Easter* case that the public drunkenness of a homeless alcoholic was involuntary. Therefore, he could not be held accountable before the law. In the same year another Appellate Court made a somewhat similar ruling in the *Driver* case.

In 1967 the United States Supreme Court heard a similar case—*Powell* v. *Texas*. While it ruled that the defendant was accountable for being drunk in public because he did have a home to go to, a majority of the justices also expressed an opinion that coincided with that of the two appellate decisions—that a homeless alcoholic is not accountable for his act.

The important point is that the courts have decided what the experts had been saying for years—that alcoholism in itself is involuntary and therefore is not a legal offense in the ordinary sense.

Unfortunately, these cases have not been heeded as they should be, and the constitutionality of the related laws in most states has not been challenged.

However, the court rulings were taken into account by two commissions investigating the criminal justice system—the District of Columbia Crime Commission and the United States Crime Commission. They both reported in 1967 that public intoxication should be treated by public health services rather than as a criminal offense.

In turn, these recommendations influenced Congressional thinking, and new laws were forthcoming to establish this change of policy in the District of Columbia and encourage it in the states. Thoroughly associated with much of this legislation is the name of Senator Harold E. Hughes of Iowa, who of course is with us tonight. Among other things, the latest Federal legislation established an Institute on Alcohol Abuse and Alcoholism, within the Department of Health, Education, and Welfare. President Nixon has shown his deep interest in this organization by asking for and receiving from Congress an additional seven million dollars of health initiative funds for its work.

At the same time, the court cases and the Crime Commission recommendations have been noticed by the legislatures of a few states. They have changed their laws to provide for health treatment of one kind or another, and some of them have repealed the legal sanctions against alcoholism. But the rest of the states and most of the localities have not yet responded, although some legislatures are considering the matter. Throughout most of the country the situation remains as archaic as ever.

In fact, even in some states where the approach has been changed, new questions have arisen.

What is the role of the policeman?

If he can no longer make a drunk arrest, can he forcibly remove a subject to a health care center?

If the subject cannot be incarcerated, can he be committed to any kind of treatment against his will?

Fortunately, answers to some of these questions have recently been offered by several commissions that have carefully drawn up proposed model state laws on the subject. The latest and most important is the work of the National Conference of Commissioners on Uniform State Laws, which adopted a Uniform Alcoholism and Intoxication and Treatment Act last August. Among many other provisions are the following:

First, a person appearing to be incapacitated by alcohol must be taken into protective custody—not an arrest—by the police or a special emergency service patrol. He is to be taken to a public health facility for emergency treatment.

Second, if the subject has inflicted physical harm on another or may do so, he may be committed for emergency treatment for up to five days on the certificate of an independent physician.

Third, for a longer period up to 30 days, and with extensions for a maximum of seven months, his commitment must be made by a court.

So as a result of developments in the past five years we have made several important strides.

We have won an opinion from the courts that alcoholism in itself is involuntary, and should not be subject to legal sanction.

We have secured legislation by Congress and by a few states supporting this principle and establishing civil medical treatment as an alternative.

We have a carefully drawn uniform law on the subject that can serve as a model for the states. And I would note the fact that the Commission drawing up this Act is composed of a representative from each state, and he is obligated to see that the act is introduced in his legislature.

Finally, we have gained enough experience from the operation of forward-looking laws in the District of Columbia and some of the states to uncover some sound operating principles.

For instance, we know that it does little good to remove alcoholism from the purview of the law if you do not substitute a full-dress medical treatment—not only a detoxification process, but a thoroughgoing program aimed at recovery from the illness of alcoholism.

Again, the program must include the closest cooperation and communication starting at the top level between the public health officials and law enforcement officials. The police must have an understanding that their role continues—not in an arresting capacity, but in one of helping subjects to the designated health center, voluntarily if possible, involuntarily if necessary.

Finally, the program must make a strong appeal to voluntary enrollment. We know that the street alcoholic who in the past has been the subject of most drunk arrests actually represents only from 3 to 5 percent of the alcoholics in this country—what we might call the tip of the iceberg. We know that some of the others who may still be living in a home environment do account for many of the arrests—perhaps one-third, as the Los Angeles survey seems to indicate. It is not only to these, but to the many more who are not arrested, that the civil treatment program must appeal if we are to reach the rest of the iceberg.

With these kinds of guidelines, and with the opportunities we now see ahead, we can perhaps venture some real hope in a field that for too long has been marked by frustration. Through the processes now at work, the public itself may come to realize that our task is not to punish, but to heal. And in such a climate of belief, the work of people like Brinkley Smithers will be assisted, not by a relative few, but by all.

Carbon Dioxide Treatment of Heroin Addiction

(By Albert A. LaVerne, M.D.)

WHAT IS A "HEROIN ADDICT?"

A composite of chemical, psychological, neuro-physiological factors create what is known as a Heroin Addict.

The most significant behavioral symptom complex in the addict is the craving, both physiological and psychological, with which he is unable to cope. He is then compelled to perpetuate the procurement of the drug at any cost in order to survive. Exhortation and persuasion are of no avail. The addict is devoid of free will or choice and is literally enslaved by the needs of his chemistry for the drug. Now his mind and his will turn him into a defenseless automation with an irresistible craving for Heroin that must be promptly satisfied or he shall perish. In effect, the addict has become a monster, created by society, without will or reason, a most dangerous predator that must prey upon society to survive.

Heroin addiction is the most addictive of any disease known. The search for the control of this disease must continue in precisely the heroic manner as defined by Jerry Finkelstein in his recent editorial in the New York Times of September 11, 1971.

WHAT IS THE IDEAL TREATMENT?

What comprises the ideal treatment for the control of this disease? What are its attributes? What objectives must it achieve? What are its assets and liabilities? Firstly, it must be a treatment that is safe for the patient, practical in its application and feasible. Secondly, this treatment must be more effective than any other currently used modality, since none have yet scratched the surface of the problem. Thirdly, the results must be sustained and long lasting rather than temporary or transient.

WHAT ARE THE GOALS OF SUCH A TREATMENT?

The treatment must firstly eradicate the unbearable withdrawal symptoms that have created the anti-social and dangerous behavior as reflected in the addict. These symptoms requiring immediate attention are drug craving, both physical and mental, experienced by the addict as a result of having an inadequate supply of Heroin that his body cells demand for mere survival. This is the most unbearably painful stage experienced by the addict as a result of abruptly discontinuing the drug. Secondly, the ideal treatment should induce a permanent physiological, chemical and psychological change in the personality so that there will not be a recurrence of the addiction given the conditions that would ordinarily have created it in the first place. Thirdly, the ideal treatment should induce what is known as maturity in all levels of adjustment of human relationship; intellectually, emotionally and spiritually. Finally, this ideal treatment should enable the patient to be able to develop his underlying potentials that will not only make him a respected member of the community but also one who shall become productive and creative, a desirable goal for the patient and society.

CARBON DIOXIDE THERAPY, RAPID COMA TECHNIQUE (CDT) MAY BE THE IDEAL TREATMENT

Of all of the modalities of treatment in medicine that have been utilized in the treatment of Heroin addiction, in my clinical experience, only one appears to have fulfilled the prerequisites elicited above. That treatment is the Rapid Coma Technique of Carbon Dioxide Therapy (CDT). Description of this inhalation technique is described under Methodology. It is emphasized that CDT does not replace corrective rehabilitative and socio-economic factors in the environment. Parental and familial guidance, occupational, social, educational and other rehabilitative activities that mold and influence health, personality and character are also necessary. These services must be made available as needed to the addict, for after he has been stabilized by CDT and has been rid of the craving for Heroin, he must continue to live as a functioning and productive member of the community.

IMPLEMENTATION OF CDT TREATMENT FOR THE ADDICT POPULATION

A physician training center shall be set up where physicians from various parts of the country involved in the treatment of Heroin addicts shall be trained in the administration of CDT, who in turn shall return to their own clinics and hospitals and administer it to local patients. The out-patient treatment of Heroin addicts is the most practical aspect of this CDT, since it is not necessary to hospitalize all patients except those who are on excessively high doses of Heroin, or those who for various reasons are unable to remain on an out-patient basis initially. Out-patient treatment at the onset is also the most economical and most practical for the patient, since not having to be hospitalized is most reassuring for the patient. However, in such an out-patient program there is a higher relapse rate and a slower clinical recovery. Nonetheless, it is still the most desirable plan if the nation's addiction problem is to be effectively and pragmatically resolved.

CONGRESSMAN BRADEMAS SPEAKS ON ENGINEERING EDUCATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. BRADEMAS. Mr. Speaker, recently I had the privilege of addressing the College-Government Conference of the American Society for Engineering Education. The purpose of the conference was to present substantive information about the relations between engineering education and government, and to stimulate engineering educators to thinking about the role of their discipline in a rapidly changing world.

I hope that my remarks, on the subject of "New Dimensions in Engineering Education," contributed in some small way to the success of the conference.

Mr. Speaker at this point I would like to insert to text of that address in the RECORD.

REMARKS OF CONGRESSMAN JOHN BRADEMAS BEFORE THE AMERICAN SOCIETY FOR ENGINEERING EDUCATION

In 1919 the great economist Thorstein Veblen expressed the conviction that engineers sit at the right hand of Good, or, at any rate, nearby. In his book, *The Engineers and the Price System,* there appears the following passage:

"These expert men, the engineers, make up the indispensable General Staff of the industrial system; and without their immediate and unremitting guidance and corrections the industrial system will not work . . . The material welfare of the community is unreservedly bound up with the due working of this industrial system, and, therefore, with its unreserved control by the engineers, who alone are competent to manage it."

Gentlemen, it is fifty-two years later. I am a Congressman who has devoted most of his legislative attention over the past thirteen years to education. I am here—appropriately during National Education Week—to talk with you about our mutual concerns in that field. You are in the midst of a productive conference. And so I fear, in such pleasurable circumstances, to pass on the bad news: Thorstein Veblen was wrong.

Unless there are changes in the education of future engineers, no longer will men and women of your profession make up the "General Staff" of the industrial system.

Unless there are changes in the education of future engineers, the material well-being of this country may no longer be tied to that industrial system.

And, if some alarmists are right, unless there are changes in the education of future engineers, the American industrial system as we know it may not be around much longer.

Frankly, gentlemen, I don't believe these dire predictions will come about. But there are enough who do think so that the prospect cannot be disregarded. Charles Reich is one of them. In his book, *The Greening of America,* he lays out the agenda for change:

"There is a revolution coming. . . . It will not be like revolutions of the past, it cannot be successfully resisted by violence . . . (This revolution) must be understood in light of the betrayal and loss of the American dream, . . . and the way that the state dominates, exploits, and ultimately destroys both nature and man. Its rationality must be measured against the insanity of existing "reason"—reason that makes impoverishment, dehumanization, and even war appear to be logical and necessary. Its logic must be read from the fact that Americans have lost control of the machinery of their society and only new values and a new culture can restore control. Its emotions and spirit can be comprehended only by seeing contemporary America through the eyes of the new generation."

I must tell you that I do not agree with Reich, but I am not afraid of him either, for I have faith in the capacity of our governmental and industrial systems, and in your profession among others, to withstand this crisis of confidence and to be changed—for the better, I hope—but not destroyed.

And yet I am prompted to ask why? Why has it all come about, this shaking up of America?

Today from my perspective on Capitol Hill, I propose to offer some of the answers as I see them. I want to identify some of the pitfalls we have all fallen into as we think about modern technology. I want to suggest ways in which you can overcome the suspicions of modern technology and make it, to use an overworked but nonetheless useful term, more "relevant." And I hope to talk of how we in Congress can more effectively relate to you in engineering.

First, let me talk of some of the pitfalls.

I. FALLIBILITY OF TECHNOLOGY

Figuratively speaking, you engineers have scaled many mountains. You have done so on the backs of burros and in the cockpits of jet helicopters. Each mountain appeared another milestone on the road to total mastery over nature. As time passed, and each new feat of engineering surpassed the other in size and superiority, it became commonplace to suggest that there were no objectives man could not reach.

What we have rarely seemed to realize is that great achievements often carry with them the seeds of future failures. Successes such as the Apollo project may lead us to mistaken supposition that technology can accomplish anything, even rescue society from unlimited foolhardiness—as, for example, a long-continued population explosion, or nuclear war, or world hunger.

In his essay on *Technology and Values,* P. G. Burke underscored this point with eloquence: He said:

"Progress is . . . an elusive value. The notion that science and technology can create a society characterized by health, wealth and leisure is questionable on historical grounds, since we know that under our present system of distribution these benefits have not accrued to all members of society. . . . It is therefore extremely doubtful that scientific knowledge and technological capability can solve all of our complex social problems. . . . In a qualitative sense, moreover, our preoccupation with progress has blinded us to the seriousness of the situation we now face.

Technological progress may indeed be the most important product of our industrial society. Of that progress you can rightly be proud. But we must all be humbled as well in the face of the numerous doors to which science yet has no key, and perhaps never will.

II. SPILLOVER EFFECTS

A second pitfall into which we have fallen in our approach toward modern technology is to ignore the spillover effects of technological innovations.

For too long we have assumed that the end products of technology are necessarily good, and that the bigger those products, the better. The size of engineering works, like the Verrazano Narrows Bridge or the Hoover Dam, is equated with their contribution to humankind. Until recently, few engineers appeared to recognize that each feat of engineering creates its negative byproducts; and often the bigger the end result, the more numerous and hazardous those byproducts. It is true that we can change the ratio of resources used to waste produced. But the inexorable laws of conservation of matter and energy that Einstein taught us so well will never allow waste or pollution to be reduced to zero.

It is imperative, therefore, that you remember that each new project you embark upon will result in spillovers of which, as an engineer, you may have been previously unaware. For example, the building of dams carries the threat of heavy damage to health, although building dams is certainly a purely technical matter as far as design and use are concerned. Large parts of Africa, Asia and South America are today ravaged by schistomiasis, a disease transmitted by worms that breed only in still waters. The construction of dams provides plentiful breeding grounds. And so the schisto worms have destroyed the health of millions and effectively defeated the best attempts at technological development in large areas.

It is now painfully plain that *every* engineering artifact leaves its mark on a further universe. This realization has led some to the conclusion that government should permit no changes in the environment unless it can first be conclusively proven that the result will be an improvement in the quality of human existence.

In the past, engineers have shied away from such normative judgments. In the future, if our system is to survive and prosper, your students will be required to make such judgments virtually every day. And you, as engineering educators, must teach them how.

III. NO INTEGRATION OF GOALS

Still a third pitfall into which we have fallen in our view of modern technology is to regard each field of technology as a body of truth unto itself, separate from all others.

In the past such thinking may have been valid. Engineering designs were based on the assumption of a closed system—such as the civil engineering problem of building a dam. However, the spillover effects of which I have spoken find no solution in just one field of technology.

If present population trends continue—and we have every reason to believe they will—by 1980 the population of the world will be four billion. That of the United States will be 240 million. Never mind the problems of social interaction in that context. These are such large numbers that some biologists wonder about the capacity of the planet to operate at all. The increasing integration caused by the large scale of almost any engineering work—such as a dam that results in widespread disease, or pesticides that afflict far-flung victims—will only get worse with the growth in population. What is the role of engineering in such crises?

As I see it, the fundamental issue you as engineers must face is how the technology you represent can be brought into equilibrium with the increasing demands of this exploding population. What I am saying is nothing new. The eminent ecologist, Dr. Barry Commoner, among others, has repeated the same admonition for years. His newest book, *The Closing Circle*, serves to underscore the obvious: that, from now on, each technological change will have to be measured against a set of long-term equilibrium objectives.

You will agree, I am sure, that this determination requires a new kind of engineering, and a new breed of engineer. It demands that you engineers break out of the narrower confines of your discipline to assess the full effect of each design and project.

The new engineer cannot install sophisticated air conditioning equipment in an African hospital only to discover that power failures occur frequently there.

The new engineer cannot establish health care delivery systems that reduce infant mortality rates and increase life spans, and then find that the food supply in the area makes starvation inescapable. If the new engineer makes such mistakes, he will soon discover that all the advances of modern technology, if not judiciously applied, are still no match for nature.

These are the kinds of lessons you must help teach him.

IV. THE PROBLEM OF PRIORITIES

We fall into a fourth pitfall when we consider modern technology apart from the social priorities and goals which it serves.

Determining acceptable priorities for engineering projects is likely to be very difficult, indeed. But you gentlemen make such decisions every day. Within a narrow range of constraints you must decide, for example, how to build a faster and lighter airplane, using materials within cost limitations, to be amortized within a fixed time. But, clearly, our country's engineers must now broaden the criteria for evaluation of proposed engineering advances to include broader constraints and much less precise objectives—social, economic and environmental.

For example, engineers may more and more be involved in the planning of water delivery systems and their consequent effects on the ecology of an area, its residential pattern, agricultural output, health standards, and total economy. This job—of relating strictly engineering judgments to broader social considerations—will be enormously complicated. It will require the contribution of a broad range of disciplines heretofore viewed as wholly unrelated to engineering. But it can be done; indeed it must be done if we are to avoid the melancholy Malthusian prophesies of doom of some authorities.

Let me at this point give you some examples of the kind of problems amenable to such new methods.

One is the whole question of water resources in this country. It has always been scarce in our Southwest, and estimates are that it would cost $100 billion to transport sufficient water for the Southwest down from Canada and the Arctic. It may sound absurd to talk in such figures, but let us remember that this country at one time spent $50 billion a year on Vietnam. If we ever come to the day when we dispense with that debacle, we are only talking about a few years of effort. As soon as one has said this, the possibilities that loom are of a scale never before contemplated by man.

Another problem that must be attacked more vigorously with such an integrated approach must be transportation. An analytical base has never been developed for looking at the system as a whole. Meanwhile, major bus systems are losing millions of dollars weekly, and mass transit systems, such as those in Washington and San Francisco, are years behind scheduled completion.

"NEW" DIMENSIONS FOR ENGINEERING EDUCATION

I have been delineating the dimensions of the challenge. Let me now turn to the dimensions of change in engineering education—to some ways by which you can, hopefully, avoid the four pitfalls to which I have been referring. I shall as well cite some ways in which we in government can be of help to you in engineering.

For if engineering practice is to be changed at its roots, the education of the engineer must first be changed. It seems imperative to me, therefore, that engineering curricula acquire these new dimensions of which I speak.

Our objective should not be to make a philosopher of the engineer. He can study Plato or A. J. Ayer on his own time. Rather, we must aim to make engineers capable of dealing with the variety of global problems I have been discussing with you.

In the past several sessions of Congress, my own congressional subcommittee has considered, and Congress as a whole, has passed, such "new dimensions" for engineering education. These are programs the significance of which you may wish to consider as you reevaluate engineering studies.

A. ENVIRONMENTAL EDUCATION ACT

The first possible "new dimension" is the Environmental Education Act, of which we mark the first anniversary this week. Under this law, Federal funds are authorized to support elementary and secondary education courses in environmental studies; adult education and community conferences on ecology; and curriculum development and teacher training in environmental studies.

When I first introduced the bill almost two years ago, Donald A. Buzzell of the Consulting Engineers Council sent me a letter, endorsing the bill and commenting on its significance for the engineering profession:

"Engineers are keenly aware of the need for some general educational effort of the type proposed in this bill. Most engineers . . . share in inherent appreciation of the need for some massive and effective response to the problems we are creating for ourselves . . . We (therefore) wholeheartedly endorse the aims and objectives of this legislation."

During hearings on the bill, Elvis Stahr, now President of the National Audubon Society, formerly Secretary of the Army and President of Indiana University indicated American education for doing, as he put it, a "demonstrably miserable job" of teaching about the fundamentals of man's relation to nature and the balance of nature.

Dr. Stahr blamed this failure on the kind of fragmentation of which I have earlier spoken. "Nature," he said, "is broken into little bits—botany, astronomy, zoology, bacteriology, physics, etc. Scarcely anywhere in academies are the pieces put back together."

The Environmental Education Act aims at helping to put those pieces back together. While the program is focused on secondary school programs, the stimulus the act represents for a multi-disciplinary approach to environmental studies is applicable on the university level. Indeed, this view was the major thrust of a report done for the President's Environmental Quality Council by Dr. John S. Steinhart of the Institute of Environmental Studies at the University of Wisconsin and presented before my subcommittee in hearings on the Environmental Education Act.

The Steinhart report recommends that there be schools of the human environment at colleges and universities, schools whose purpose should be "problem-focused education and research directed toward people—their needs and desire for a satisfying life in pleasant surroundings."

Affirms the report:

"Such schools can begin the task of providing trained professionals to work on environmental problems, help to define what is possible and how to get it, and provide opportunities for the justifiable desire of many young people to devote their attention to environmental problems."

Clearly, such an approach would be a new—a radically new—dimension in education, but assuredly a dimension consistent with the philosophy and aims of the Environmental Education Act.

B. NATIONAL INSTITUTE OF EDUCATION

A second "new dimension" for engineering education might come from the activities of the proposed National Institute of Education, which I am sponsoring in Congress.

The NIE is still a dream; I am hopeful that the President will soon sign the bill creating it, to make the Institute a reality. Briefly, the purpose of this new Institute will be to support research on new and better ways of teaching and learning at every level of education—from preschool through postgraduate school.

The NIE will support basic research into the learning process.

It will give attention to certain crucial national problems in education, such as the education of the disadvantaged.

It will, among other tasks, study curriculum development and educational technology.

It will assign high priority to strengthening the links between research and development institutions, on the one hand, and schools and universities on the other.

The new National Institute of Education will, in general, undertake virtually any kind of research aimed at improving the quality of American education. Certainly engineering education should be among the concerns of the NIE. As the Institute takes shape, I therefore strongly urge your Society to keep close track of its activities.

C. INTERNATIONAL EDUCATION ACT

A third "new dimension" for engineering education is represented by the International Education Act of 1965. This Act authorizes grants to colleges and universities for teaching and research in international affairs at both the graduate and undergraduate levels.

Although Congress has not yet appropriated funds under the Act, the need to strengthen international education in all fields is clearer than ever. Talk of neo-isolationism is foolish. Obviously, the United States must continue to play a major role in the world. In fact, key elements of American commerce and academia are all expanding their international activities, not pulling back. And, most noteworthy for engineering, urgent domestic programs such as urban development, pollution control, and race relations all have aspects that require cooperation across international frontiers.

Part of my own graduate education was at an overseas university. England is a country as close to ours in custom and convention as a country can be. Yet Oxford was in many ways a world away. There I learned that, no matter how advanced we Americans are or consider ourselves, we have much to learn in the laboratories and in the lecture halls of other nations, both advanced and underdeveloped.

Indeed, I wonder how the levees at New Orleans or Natchez would stem the tides today if we had not the benefit of centuries of Dutch trial and error with dikes. Or how well the mid-Continent Canal would carry its cargo had there been no Suez or Panama before it? Who here will say we have nothing to learn from the Japanese about urban mass transit? And who can deny that we shall be crossing national boundaries in our efforts to cope with a wide variety of problems with which our society, and its engineers, must deal.

The International Education Act symbolizes, then, another "new dimension" for engineering education.

D. NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

A fourth possible, though at first glance implausible, "new dimension" in engineering education might be the activities of the National Foundation for the Arts and Humanities.

One historian has called John F. Kennedy "a dreamer with a keen sense of double entry bookkeeping." Many engineers can keep books; some of you are even CPA's. But, sadly, too few engineers in my experience have never learned to dream. Someone told them in childhood that a man who reaches for the stars oft' tumbles on a straw—and they believed it. It is fortunate for the rest of us that Leonardo da Vinci and Michaelangelo never got the news.

The National Foundation for the Arts and Humanities is an independent agency of the Federal government whose purpose is to encourage and support programs in the humanities and the arts. The Foundation does so by grant-in-aid, by scholarship, and by the partial financing of productions of cultural or artistic merit.

You may find it hard to imagine that you gentlemen will ever have much to do with the National Foundation for the Arts and Humanities. But there are signs stirring of linkups between the technological community and the arts. The Art and Technology Project of the Los Angeles County Art Museum is one. This enterprise joined scientists and engineers from 28 major industrial companies with painters and sculptors for the purposes of creating works of art. Using all the resources available to the corporations, including laser beams and computers, the artists have created striking sculpture, some of which may well endure as outstanding art.

A decade from now, if anything more than stale memorabilia remains of this innovative project, I hope it will be an awareness by the participating companies that esthetics and design should be both a part of product development and an everyday concern. If you spend money to build a bridge, it should, hopefully, be a beautiful bridge. A fortune spent on a building can result not only in a building, but in a work of art.

By no means do we in Congress have a right to chastise you in engineering for paying insufficient attention to esthetics. If the Rayburn House Office Building is any illustration of congressional leadership to promote esthetics in this country, we Congressmen should feel less than comfortable speechifying about new standards for art and architecture. Though it cost three times as much as the Longworth Building next door, the Rayburn Building fails sadly to qualify as art.

While hopefully mending our own ways, we in Congress can ask that, for the good of our society, you in engineering education expose future engineers to esthetic values as well as economic ones. Such an awareness will help assure products that are beautiful as well as functional.

NEW DIMENSIONS FOR HIGHER EDUCATION

Let us also look beyond these possible "new dimensions" for engineering education to new dimensions for higher education as a whole. Today in this country we are in the midst of an earnest reassessment of the purposes of higher education, a reassessment reflective of our economic system, and, indeed, about the direction society is bound. Perhaps more than any place else, the American campus has come to be the focal point for the expression of an often legitimate din of discontent with the status quo.

We hear from the campus loud and clear that minority groups want to be freed, that women want to be liberated, and that students want more than diplomas; they seek understanding as well. The alumni find their knowledge obsolete and seek continuing education. And all these groups blame the university for its failure to lead them to their respective promised lands.

If American education is going to lead anyone anywhere, it must be responsive to this constituency—society at large—and it must adapt. If our schools of engineering are to be responsive to their constituencies—the builders, the shapers, and the movers of our industrial structure—they must adapt no less. There must be more black engineers, more Chicano engineers, more women engineers, more engineers with a non-establishment point of view willing to undertake non-establishment kinds of projects.

Gentlemen, it says something about engineering in America that tonight, in this gathering of several hundred people, there are no black engineers, no women engineers and—unless I am wrong—no Chicano engineers. If there can be public interest lawyers and missionary doctors, surely you can graduate at least some engineers who will pioneer in moving society as well as moving mountains.

CONCLUSION

My remarks this evening were not intended to be exhaustive, but rather to stimulate your thinking and imagination. I have always taken to heart John Galsworthy's admonition: "If you do not think about the future, you cannot have one."

From here on into that future, I trust you will do even more creative thinking about the scope and dimensions of your profession. For if you do, you will discover far more exciting prospects than I, a layman, ever could. That engineers need to do so, I hope these remarks have made apparent.

When Charles Reich writes of a coming revolution, he means a bloodless, but nonetheless decisive, overthrow of a depersonalized technological society. You gentlemen, with your talents and training, and influence over virtually hundreds of thousands of students, can forge a revolution of your own. You have the chance to demonstrate that technology need be neither brutal nor uncivilized, the opportunity to invest engineering education with broader humanistic considerations.

The great historian, Plutarch, who chronicled the greatness of ancient Greece, in these words wrote of what makes a civilization great: "Not houses finely roofed," he said, "or the stones of walls well-built, nay nor canals and dockyards, make the world, but men able to use their opportunity."

The opportunities of which I have spoken are before you gentlemen. I sincerely hope you seize them.

REAP FUNDS NEEDED NOW

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. OBEY. Mr. Speaker, as we all know, this has not been an especially good year for farmers. Farm prices are low, surpluses are high, and according to many experts more of the same is expected in 1972.

These economic problems of rural America are hardly helped by an obvious unwillingness by the administration and its Office of Management and Budget to release funds appropriated by the Congress for various agricultural programs. Included are funds for pollution control, waterway improvement, soil enhancement, waste management, and other rural environmental improvement programs. The failure of the administration to announce their intentions in respect to these programs—or to do so very late in the year—compounds the situation even further.

What especially concerns many of us is the $55.5 million freeze of funds for the rural environmental assistance program—REAP. This freeze was implemented despite the directive of the House Appropriations Committee, in its report for the Department of Agriculture 1972 budget, which states:

> The Committee strongly condemns the failure to administer the full $195.5 million called for by Congress (for REAP) in 1971. . . . For 1972, the Committee has directed that the Secretary (of Agriculture) announce a program of $195.5 million, the same level as authorized in 1971.

Mr. Speaker, I think that makes the intent of Congress quite clear. Furthermore, those instructions were given for good reason. Consider for a moment what the $55.5 million cut means. It means that OMB is asking Congress to forgo over $150 million worth of conservation programs, two-thirds of which will be paid for by individual farmers. It means that we are not going to employ the time, labor, and funds that hundreds of thousands of farmers are willing to make available for forestry development, erosion and sediment control, stream bank and shore protection, wildlife habitat improvement, and solid waste disposal management.

If this administration is truly concerned about our environment, as it has indicated on a number of occasions, I can think of no better program to support than REAP. Yet, for the second straight year, we see millions of dollars appropriated for this program being withheld from farmers who want and can effectively use these funds for environmental enhancement.

Is this administration really trying to kill REAP? There are indications they are. But I hope the opposite is true, and I know I speak for the over 4,000 farmers in my district who participate in REAP programs yearly. These farmers have placed over 200,000 acres in conservation programs in the past two years. Our environment is better off for it. I only wish the Office of Management and Budget understood that.

In an effort to bring this matter to their attention, I have written the following letter to George Shultz, Director of the OMB.

DECEMBER 9, 1971.

GEORGE P. SHULTZ,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. SHULTZ: I am writing to protest the fact that $55.5 million is now being frozen by the Office of Management of Budget for conservation programs under the Rural Environmental Assistance Program (REAP).

As you well know, the Congress appropriated $195.5 million for REAP programs for 1972. OMB has decided that only $140 million of these funds be available for use. I consider that decision unwise. Furthermore, it is clearly in violation of the Congressional directive, contained in the House Appropriations Committee Report for the Department of Agriculture's 1972 budget, that a program be announced for this year at the $195.5 million level.

I fear that somehow OMB considered the 1971 freeze of $45.5 million in REAP funds as a precedent for severely restricting this program in 1972 and future years. If this is true, you should realize that OMB is completely disregarding the intent of the Congress with regard to the REAP program.

Last year the Administration's unilateral decision to change the direction and scope of the Agriculture Conservation Program by converting it to REAP was used as justification for freezing the funds. I am not convinced this change was necessarily wise. It is diminishing the flow of dollars to small farmers who wish to maintain their conservation programs, like those farmers, for example, who have used ACP funds in the past for liming practices. But even this new program has been in existence for a year. What is the justification for the freeze in 1972 funds?

When the President introduced the REAP program, he pledged to "focus upon preserving our environment and the demonstrating of good environmental enhancement practices." I believe our ACP and REAP programs have done just that.

Over the past 35 years, the ACP and REAP programs have placed and maintained over 200 million acres in water storage reservoirs, terraces, stripcropping systems, permanent sod waterways and trees and shrubs. In Wisconsin last year, *millions of acres* of soil were protected and improved. Nationally, this program attracts the labors and the money of over one million farmers. In fact, for each $1 contributed by the federal government, farmers contribute $2.25 of their own money for conservation programs. In short, REAP is a program which meets the needs of rural environmental development at the lowest possible cost.

By refusing to allocate $55.5 million in REAP funds appropriated by Congress, your office has halted over $150 million in agricultural conservation programs. Farmers who wait for these funds will soon be forced to completely eliminate or delay their plans for environmental enhancement. Already seasonal conditions prohibit the use of this year's funds in the upper Midwest for terracing, liming, tree planting and most other soil practices. As winter engulfs more of the country, the funds farmers have held for agricultural conservation will be spent on production improvements. If funds are not released now, they may go unused—not because farmers did not want or could not use REAP money, but because you prohibited the money from being spent as Congress intended.

In recent years, Congress has provided incentives for industries and small businesses which must deal with pollution abatement. Grants have been provided to local units of government to help them deal with pollution problems without overwhelming economic hardships. The present Administration supported these measures. Why then, are farmers now being asked to carry the full cost of their enivronmental improvement practices.

The Congress did not intend it to be this way. We have made it clear we support the
you to follow that Congressional intent.
full allocation of REAP funds. I strongly urge

Sincerely,

DAVID R. OBEY,
Member of Congress.

TRIBUTE TO MAESTRO FAUSTO CLEVA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. RODINO. Mr. Speaker, on August 5, 1971, death claimed one of America's foremost men of music, Maestro Fausto Cleva, mainstay of the Metropolitan Opera for more than 50 of his 69 years.

Maestro Cleva was considered one of the greatest of operatic conductors. He received his early training in music in Trieste, Italy, his birthplace, and he continued it in Milan. At the age of 17 he was appointed associate conductor at the Teatro Carcano when that was the only one functioning in Milan. In 1920, he was selected to become assistant chorus master at the New York Metropolitan Opera Co., and held that post with great distinction until 1942. In 1939, after conducting the Metropolitan Auditions of the Air, he was appointed an associate conductor as well.

In 1951, Fausto Cleva opened the Metropolitan Opera season with a new production of "Aida." In all, Maestro Cleva conducted 657 performances of 27 difference operas at the Metropolitan Opera.

When not conducting at the Metropolitan, Maestro Cleva represented the United States with great distinction as guest conductor in some of the leading opera houses in the world; the Swedish Royal Opera, Stockholm; Edinborough Festival, Scotland; Vienna State Opera, Vienna; Arena di Verona, Italy; and the Vancouver International Festival, Canada.

The first complete opera ever televised in English in the United States was conducted by Maestro Cleva when Verdi's "La Traviata" was aired by the American Broadcasting Co. In 1944 the Cincinnati College of Music honored Cleva with its doctor of music degree. Many internationally renowned artists had been privileged to make their American or Metropolitan debuts with the maestro at the Metropolitan Opera in New York or other leading opera houses in America; some include Maria Callas, Franco Corelli, Tito Gobbi, Jerome Hines, Dorothy Kirsten, Jan Pierce, Lyontine Price, Renata Tebaldi, and Richard Tucker.

In 1958, the Italian Government awarded Fausto Cleva the "Commenda Della Republica Italian," its highest civilian award.

In August 1971, Maestro Cleva went to Greece, representing the United States in the Athens Music Festival where he conducted Gluck's "Orfeo and Euridice." As he took the podium for the third performance to a standing ovation, he succumbed to a massive coronary. He died as he had lived, dedicated to the art and world of music.

Truly it can be said that Fausto Cleva, adopted son, was a name synonomous with grand opera in the grand tradition wherever it was performed in the world. Fausto Cleva will not, cannot, be replaced. But he will be missed.

TRADE WITH COMMUNIST COUNTRIES—SOME PROFIT WHILE OTHERS DIE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. RARICK. Mr. Speaker, the news educational-media is saturated with the great expectations of profit by the capitalist industrial barons from trade with Communist Russia.

Someone stands to gain but it certainly will not be the American taxpayer, farmer, laborer, or the small business man.

The readiness of the Communist Party structure in Russia to do business with the capitalists of the United States means more than the Russian leaders' admitting to the bankruptcy of their system and their admitted failure to meet the needs of their people. It means that our leaders have agreed in turn to import Soviet goods which will undercut our own economy—more unemployment and less opportunity for Americans.

This is reminiscent of the free trade era with Japan before World War II. Many American men remember being hit with "Made in U.S.A." hardware during World War II that was sold for profit before the war.

While the American taxpayers continue to pay for foreign aid to protect foreign countries from Communist aggression, American men continue to die from Russian guns, SAM missiles, and Mig fighter craft; and our American leaders boast of trading with the enemy as being good for business. What an Alice-in-Wonderland environment.

Related newsclippings follow:

[From the Washington Post, Dec. 10, 1971]

Soviets Hoping To Buy U.S. Farm Machines

(By Marilyn Berger)

The Soviet Union is interested in purchasing American grain for years to come, Minister of Agriculture Vladimir Y. Matskevich said yesterday.

In an unusual press conference at the Soviet embassy marking the start of an 11-day visit to the United States, Matskevich also said he hopes to investigate prospects for importing U.S. farm machinery and for purchasing licenses for the production of combines and tractors in the Soviet Union.

The Soviet minister spoke of industrializing agriculture, improving livestock breeding and increasing the production of fruits and vegetables. "We know that the United States has achieved some significant results in this sphere," he said. "So as not to invent this for a second time we are ready to share our experiences and get something from the achievements of the United States."

He added: "We hope this will be in our mutual interest."

Matskevich said "the purchase of grain, especially corn, will continue for a long time." He later defined "a long time" as meaning 5 to 10 years. But he said this would depend on "many factors, on the general atmosphere good understanding and willingness to cooperate."

The agriculture minister explained that what the Soviet Union "needs badly" is "fodder for livestock breeding," in which corn is particularly important. He said that while the Soviet Union has 220 million hectares of land under production only 5 million hectares are usable for corn production.

He indicated that if the livestock production lives up to expectations, the Soviet Union could never be self-sufficient in corn because of climatic conditions. The United States has had a record corn crop this year.

The current grain deal with the Soviet Union will involve between $135 million and $190 million worth of corn, barley and oats. Matskevich said the Soviet Union would be increasing its own production of barley and oats. A major question in the United States has been whether the current sale would turn out to be a one-shot deal or the first in a continuing arrangement.

Matskevich said that he, personally, is most interested in obtaining credits for purchases of agricultural machinery and chemicals He said the Soviet Union wants to import certain small farm machinery such as those for sowing sugar beet seeds and for removing cotton seeds. But he said that his government also wants to purchase licenses for manufacture in the Soviet Union of mass production machinery like combines and tractors. Commerce Department officials said yesterday that such arrangements have been made in the past but that they are rare.

The press conference yesterday was part of an increasingly evident Soviet drive to focus public attention on the potentials for trade with the United States. This was spotlighted by the unprecedented invitation extended to Secretary of Commerce Maurice H. Stans and his delegation during a recent visit to Moscow to attend a meeting of the Supreme Soviet, a visit that was publicized by the Soviet Union in widely distributed photographs.

Stans held a press conference yesterday to discuss his trip which he described as an "exploratory mission" to "consider the roadblocks and obstacles on trade . . . and to get a fix on the viewpoint of the Soviets and their desire of working with the United States."

He said he found an interest in developing joint ventures, in which U.S. technology would be exchanged for raw materials. He explored prospects for importing liquefied natural gas and the possibilities of U.S. participation in the Kama River truck and automobile project.

While speaking in positive terms about future U.S. Soviet trade prospects, Stans made it clear that there are hurdles to overcome—the credit hurdle, for example.

The Soviet Union still owes the United States large sums from the World War II lendlease program and until that matter is cleared up there is doubt that Congress would grant the Soviet Union "most favored nation" status. Without that status and without credits from the Export-Import Bank (which the President must approve) U.S.-Soviet traders might have difficulty financing their transactions.

Last year, U.S. exports to the Soviet Union were valued at $118.4 million. Soviet imports to the United States were valued at $72.2 million.

[From the Washington Star, Dec. 10, 1971]

Soviet Farm Chief Proposes Large-Scale Buying in United States

(By Bernard Gwertzman)

The Soviet minister of agriculture has held out the prospect for large-scale Soviet purchases of American feed grain, agriculture machinery and technology.

At a news conference yesterday at the Soviet Embassy, Minister Vladimir V. Matskevich said the Soviet Union, which recently bought nearly $140 million worth of feed grains from the United States, wanted to continue purchases of corn over a long-term period of at least five to 10 years.

He indicated that the Soviet Union, which is seeking to modernize its agriculture and boost its meat and dairy output, also was very interested in purchasing specialized agricultural machinery and licenses from American concerns for use in producing high-quality tractors, combines and other equipment "by the millions" in his country.

CONFERS WITH BUTZ

Matskevich arrived here yesterday at the invitation of the Agriculture Department. He met with the new Agriculture secretary, Earl Butz.

His official visit was the latest sign of the improving mood in Soviet-American relations marked especially by recent steps to increase trade.

At a separate news conference yesterday, Secretary of Commerce Maurice H. Stans, who returned recently from a high-level trade mission to the Soviet Union, said that American trade with the Russians could rise from its current $200 million yearly turnover to billions of dollars in coming years if trade obstacles can be overcome.

GAS DEAL STUDIED

Stans, who met in Moscow with Premier Alexsei N. Kosygin and other Soviet officials, noted that the Russians had suggested a multibillion dollar deal involving the export of liquified natural gas to the United States.

Under this plan, which he stressed was only in a very preliminary stage, U.S. business would develop untapped Soviet gas fields, supply the pipeline, help build a port, construct a liquification plant, and build refrigerator ships.

The Russians would supply about a billion dollars worth of gas a year in payment for the American investment, he said.

[From the New York Times, Dec. 10, 1971]

Soviet Aide, in United States, Indicates Likelihood of Big Farm Deals

(By Bernard Gwertzman)

Washington, December 9.—The Soviet Minister of Agriculture today held out the prospect of large Soviet purchases of feed grain, agriculture machinery and technology from the United States.

The Minister, Vladimir V. Matskevich, said at a news conference at the Soviet Embassy that his country, which recently bought nearly $140-million worth of feed grains here, wanted to continue purchases of corn over a period of at least 5 to 10 years.

He indicated that the Soviet Union, which is seeking to modernize its agriculture and to increase its output of meat and dairy products, was also very interested in purchasing specialized agricultural machinery and licenses from United States concerns for the production in the Soviet Union of tractors, combines and other equipment "by the millions."

Mr. Matskevich, who is 62 years old, arrived with a delegation of farm experts last night at the invitation of the Agriculture Department. His visit was the latest sign of the improving mood in Soviet-American relations, marked especially by recent steps to increase trade.

STANS NOTES POSSIBILITIES

In a separate news conference, Secretary of Commerce Maurice H. Stans, who returned recently from a trade mission to the Soviet Union, said that American trade with the Russians could increase from its present $200-million yearly to billions of dollars a year if trade obstacles could be overcome.

Mr. Stans, who met in Moscow with Premier Aleksei N. Kosygin and other officials, noted that the Soviet Union had suggested a multibillion dollar deal involving the export of liquefied natural gas to the United States.

Under this plan, which he stressed was only in a very preliminary stage, United States concerns would develop untapped Soviet gas fields, supply the pipeline, help build a port, construct a liquefication plant, and build refrigerator ships. The Soviet Union would supply about a billion dollars worth of gas a year in payment for the American investment, he said.

Crucial to a long-term expansion of trade would be the ability of the Soviet Union to find credits in the United States for its purchases, since there is no prospect at this time that it could balance its imports from the United States with exports to this country.

Trade talks would begin in Washington on Jan. 6 between Soviet and American trade experts. Presumably the problem of credits will be discussed then.

President Nixon can authorize the Export-Import Bank, an independent Government agency, to extend or guarantee credits to the Soviet Union. It is believed that Mr. Nixon, who extended Export-Import bank credits to Rumania recently, might authorize them for the Russians as part of a trade package to be negotiated either before or during his scheduled visit to the Soviet Union next May.

Mr. Matskevich headed an agricultural delegation to the United States in 1955 in the first such exchange between the two countries following Premier Nikita S. Khrushchev's decision to improve relations with the United States.

WON'T PLACE ANY ORDERS

At his news conference today, Mr. Matskevich said that his delegation planned to visit agricultural enterprises in various states, but indicated that he was not here to place any orders. He, too, pointed to coming negotiations as important for an increase in trade relations.

Both Mr. Matskevich and Mr. Stans linked expansion of trade to the political relations between the two countries.

Mr. Matskevich said that whether the Soviet Union bought corn over a long term depended "on the general atmosphere, good understanding, and a willingness to cooperate."

[From the Washington Star, Dec. 13, 1971]

STANS FOUNDATION OWNS SHARE IN U.S.-AIDED FIRM

(By H. L. Schwartz III)

A private foundation controlled by Commerce Secretary Maurice H. Stans has acquired since he took office an interest in a Thailand paper company which directly benefits from U.S. government cash and other assistance.

In response to written questions from the Associated Press, Stans called the $24,302 investment in Siam Kraft Paper Co. "very minor," said he gets no income from the Stans Foundation, and "couldn't conceive" of any tax breaks normally associated with such foundations as being available to him.

Disclosure of Stans' involvement in the Thai company, founded in 1965 on a $14 million loan from the U.S. Export-Import Bank which was extended last year, marks the second time in recent months that questions have been raised about the secretary's financial holdings.

In February it was disclosed he held a $318,000 interest in a Penn Central subsidiary at the time his department was engaged in secret negotiations to save the railroad from bankruptcy.

At that time, Stans said he had disqualified himself from efforts to help Penn Central after attending one high-level meeting.

Tax returns for the Stans Foundation, which list Stans as president, and his wife and four children as directors, show it acquired 2,667 shares of Siam Kraft in 1969 when the company was chaired by a Thai major general, managed by an American consulting firm and headed for large initial operating losses.

It got the shares from another Nixon appointee, Henry Kearns, president of the Export-Import Bank.

INVESTMENT GROWTH

The foundation, Kerans and a New York investment firm, then headed by Stans, had been partners for a year in a separate real estate venture, Thai Industrial Estates. A spokesman for Kearns and an officer of the investment firm, Glore-Forgan-Wm. R. Staats, said no real estate ever was purchased or developed although tax returns for the foundation show its $4,143 investment had grown to $20,851 by the end of 1968.

James Lynch, Glore-Forgan vice president, said he didn't recall when the partnership was dissolved, but that Siam Kraft shares were distributed in July 1969 to pay off the real estate investment.

Kearns founded Siam Kraft in 1965 with the Export-Import Bank loan plus backing from four American Banks, an insurance company and the General Electric Pension trust.

Questioned closely by the Senate Banking Committee about his $750,000 interest in the company, which produces paper bags, Kearns pledged to put his holdings in a blind trust and divorce himself from any Export-Import Bank efforts to help the firm.

Stans also put his personal stocks and bonds into a blind trust, but retained personal control of the foundation.

The foundation, established in 1945, increased in net worth from $501,000 in 1962 to $1.39 million by the end of last year, according to its tax returns. The returns show a $319,514 increase in 1970.

Siam Kraft's annual report to shareholders in October listed a $4.28 million loss for the year ended in June. But the company report said extension of the Export-Import Bank loan, plus advice and assistance from officials of the bank and the U.S. Embassy in Bangkok, had brightened company prospects.

Douglas Smith, a project officer for the bank, said the payment date on the $14 million loan was extended from 1976 to 1993.

[From the Washington Post, Dec. 13, 1971]

STANS SEES UNITED STATES-SOVIET TRADE GAINS

Commerce Secretary Maurice H. Stans said yesterday that American private capital may some day be used for commercial developments in the Soviet Union if the political and trade climate between the two nations continues to improve.

Stans said he discussed such "joint ventures" with Soviet officials during his just-completed visit to Russia.

Under this type of venture, American capital, equipment and technology would be supplied for development of Soviet natural resources and in exchange the American firms would get an interest on their investment plus long-term, fixed-price contracts to buy some of the production from the facilities, Stans said. However, the American firms would have no ownership in the production property.

Stans, discussing the proposal in a copyrighted interview with U.S. News & World Report, said Russian officials expressed interest in joint ventures for development of natural gas, oil, timber, pulp and a range of nonferrous minerals including copper, nickel, platinum, titanium and zinc.

The Commerce Secretary said such schemes were relatively far in the future, however, and that normalization of more usual types of trade and technological exchanges must come first.

Stans said that among other matters, the issues of fuller travel freedom for Americans, better tourist and visitor accommodations, and the still-unsettled Russian debt for U.S. lend-lease in World War II must be dealt with. But he expressed optimism that U.S.-Soviet trade would be rapidly expanded within a short time.

[From the Washington Post, Dec. 13, 1971]

BUTZ HOPES FOR SALES TO CHINA

(By Hedley Burrell)

Secretary of Agriculture Earl L. Butz said yesterday he hopes the United States will be able to sell food to China as a result of President Nixon's February visit to Peking.

He also said he favored selling more farm products to the Soviet Union.

"I think the sale of farm products to Russia was a good deal for the American farmer and a good deal for America," Butz said on "Meet the Press" (NBC, WRC).

Maritime labor unions recently agreed to removal of a requirement that 50 per cent of feed grains sold to the Soviets be shipped in U.S. vessels, thus paving the way for sales that could run as high as $185 million. No U.S. grain had been sold to the Soviet Union since 1964 because the Soviets had been unwilling to pay the extra cost that would have resulted from the shipping restriction.

Asked about trade with China, Butz commented:

"In recent years China has bought Canadian wheat. They spent Canadian dollars for it and they are about as hard to come by as American dollars and if the diplomatic relationships can be worked out so trade can be carried on, I am sure I would be delighted to see a sale of American foodstuffs to China."

He said he hoped this would be a natural follow-up to Mr. Nixon's visit to China.

On other matters, Butz said:

Use of the secondary boycott by Caesar Chavez's United Farm Workers Organizing Committee "is in my opinion not a justified tactic for organization of workers."

It would be impossible to feed 206 million Americans with health food.

"Without the modern input of chemicals of pesticides, of antibiotics, of herbicides, we simply couldn't do the job . . . Before we go back to an organic agriculture in this country somebody must decide which 50 million Americans we are going to let starve or go hungry and I don't want to make that decision."

"To blame the Secretary of Agriculture for the decreasing number of farmers is akin to blaming the Census Bureau for the increase in population.

"When I said we were going to have upwards of a million fewer farmers by 1980, that didn't mean necessarily that I approved of that. I simply was reporting what is going to happen. I think it is inevitable."

THE NATIONAL PRIORITIES DEBATE: A REPUBLICAN PERSPECTIVE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. WHITEHURST. Mr. Speaker, on December 6, 1971, my colleague (JOHN ANDERSON) delivered a remarkable treatise to the Brookings Institution. For those who believe that there is an inexhaustible cornucopia of Federal resources to fill economic and social needs, JOHN ANDERSON'S paper should be required reading, because it shatters that myth.

Mr. Speaker, I am pleased to insert this speech in the RECORD, and I commend it to all of my colleagues:

THE NATIONAL PRIORITIES DEBATE: A REPUBLICAN PERSPECTIVE

The pervasive feeling that we need to reorder our national priorities is a basic fact of political life in the United States today. No doubt much of this "national priorities" consciousness stems from unease about the results of our military intervention in Southeast Asia during the last decade, from a growing concern about the deteriorating state of our environment, from the stridency of new groups bidding for a more active role in our political life, and from a growing feeling that as a nation we are earning more but enjoying it less, to paraphrase the President's observation in his 1971 State of the Union address. But whatever the source, the concern about national priorities is not to be dismissed lightly. It demands a serious response from those of us who believe that our current system has served us well and should be preserved.

Unfortunately, the national priorities issue has, in my view, been all too often preempted by those who do not really understand the dynamics of our socio-economic system, and who are not sufficiently sensitive to the limits of its ability to absorb change and governmental intervention without losing its capacity to function effectively. To put it another way, the terms of debate have been largely shaped by what I consider to be a faulty analysis of the nature of our great domestic problems and an analysis that is leading us, as I hope to demonstrate in a moment, in a direction that does not bode well for the future.

For the sake of convenience, I want to call this erroneous formulation of the national priorities question the "Galbraithian dichotomy". In using the name of the distinguished Harvard professor, I should make clear, I do not imply that he has singlehandedly led the nation in untoward directions, although he has never been loathe to take the credit for other feats of similar magnitude. Rather I use this label because much of the current discussion of re-ordering national priorities does not go much beyond the argument developed by Professor Galbraith, in a book called the *Affluent Society,* almost a decade and one-half ago.

His argument in essence was that there are two distinct spheres or sectors, the public and the private, that the two are in a constant struggle for the given quantity of national resources, and that we are an "affluent society" only in the sense that the private sector has been victorious in the struggle for resources. In the years since publication of "The Affluent Society," war games strategists have popularized the notion of a zero-sum game in which one side's gain is inevitably the other side's loss, and in the Galbraithian view this is precisely what is involved in the question of national priorities. If ghetto kids cannot read, if low income citizens cannot find decent housing, if the United States has far worse infant mortality or life expectancy statistics than other industrialized countries, if our central cities decay, it is all because the "public sector" has been starved by the private sector monopoly on national resources. Re-ordering national priorities then, means to begin channeling massive amounts of resources heretofore claimed by the private sector, into new government programs designed to alleviate these symptoms of social distress and breakdown.

Over the past few years, scores of legislative proposals have been introduced by adherents of the Galbraithian doctrine to facilitate this transfer of resources from the private economy to the Federal budget; they are all directed toward the solution of very real problems that allegedly stem from the starvation of the public sector-problems that, although severe, will be readily remedied if we can summon the national will to accomplish the transfer. If selfish interests which profit from the current dominance of the private sector stand in the way, so this view goes, the public only needs to be educated and mobilized in support of its real interests. Senator Kennedy's running debate with the AMA presumably exemplifies this heightened struggle between the private and public sectors over national resource allocation.

Now I assume that you here today are not disposed to accept this formulation of things, nor, I suspect, are many of those who support individual programs designed to alleviate particular problems or meet particular unfilled needs. But taken together, these social spending programs imply the kind of massive transfer to the public sector implicit in the "Galbraithian dichotomy". And unless those of us who believe in a vigorous, decentralized and pluralistic private socio-economic system with a minimum of Federal intervention can develop an alternative frame of reference, we are going to be left, I am afraid, to fight a rearguard battle over spending levels for programs put on the national priorities agenda by others.

While I doubt that many of you need convincing about the impact of a series of massive new social spending programs on our private socio-economic system, I think it is nevertheless instructive to consider in concrete and quantified terms the direction in which this Galbraithian formulation of the "new priorities" question is taking us. In order to facilitate discussion, we have developed a hypothetical budget for FY 1974, which incorporates major new public sector initiatives now under serious discussion in Congress and in the nation, and also various measures to raise the revenues to finance these new programs proposed by the same individuals and groups. This hypothetical budget is shown in full below, but it is the broad conclusions and implications that should concern us this morning. I should also say that these figures are based on some pretty reasonable assumptions, and in many cases on estimates and studies by various Federal departments, but they are certainly not precise enough to satisfy OMB's computers. Rather they are "ball park" estimates that I think can be quite useful if we treat them as such.

Table I contains FY 1974 incremental cost estimates for a number of programs currently under serious discussion, or at least by those who believe the nation ought to adopt the kind of *new* priorities approach I have just discussed. Now I want to make clear that I do not for a moment deny that every one of these programs point to an area of need, to problems that demand more attention than they are now receiving. But we must also make clear just exactly what it would cost to look for "public sector" solutions to *all* of these problems, and frankly their proponents are seldom candid enough to do this on their own accord. I think that the $163 billion figure which is an estimate of the total added cost of these proposed programs is clear evidence that we are indeed talking about a massive resource transfer—over 15% of current GNP.

Let me just run through them briefly. The first is based on a bill recently introduced by Congressman Seiberling (D-Ohio), but the ideas have been advanced by many others. Both the notion of substantially higher social security benefits and partial funding from general revenues have long been supported by those who feel that this public program should provide the preponderant share of retirement income.

The second item carries a pretty high price tag but provides for benefit levels considerably below the $6900 level advocated by the Black Caucus, the National Welfare Rights Organization, Senator McGovern and the liberal wing of the Democratic party. Unfortunately, the advocates of these levels of income maintenance have not been very forthright about spelling out the costs. And if anyone should have the notion that we are spending too much on welfare already, I should stress that this is an *incremental* cost in addition to current outlays.

The fourth item, national health insurance, has a cost of $40.8 billion, but this is only the cost of the portion to be financed out of general revenues. The actual cost to the Federal government of the Kennedy plan, according to recent H.E.W. estimates, would be double that, with the difference financed by sharply increased payroll taxes.

The remaining items concern proposals for greatly stepped-up funding of programs already on the books. The notes in Table VI make reference to the sources of these proposals and the estimates for budgetary impact. It is perhaps worth noting that none of them have been proposed by groups struggling to keep from falling off the far end of the political spectrum.

Table II merely puts in budgetary perspective the total costs of these programs. The GNP and federal expenditure estimates at current program levels were cranked out of the Brookings Institution Computers last winter, so we would be ill-advised, I think, to question those figures considering the auspices under which we are meeting today! The bottom line (preliminary deficit) suggests the magnitude of the resource reallocation that would be required to keep the Federal government solvent if these proposals were to be adopted.

Table III focuses on three sets of measures commonly advocated as means to finance massive new social spending: 1) plugging so-called "tax loop-holes;" 2) expenditure reductions in areas like national defense, farm subsidies and highway construction; and 3) higher taxes on those best able to pay. While they might well close most of the revenue gap, I think most of you would agree that the consequences for our private economy, for the rate of savings and capital formation, and for our national defense posture would be intolerable, to say the least. I will say more about these consequences or "costs" in a moment.

The first set of measures for obtaining additional revenue have been variously proposed by the AFL-CIO, tax reformers like Phillip Stern in his popular book entitled the *Great Treasury Raid,* and at one time or another have been strenuously advocated before the tax committees of both Houses. However ill-advised any or all of these measures may be, the important point is that despite the assurances of those who favor massive new social spending, closing the tax loopholes even through draconian measures like these will not go very far toward paying the government's bills. In fact, as this hypothetical budget indicates, tax "reform" would close less than 25% of the revenue gap.

A second popular approach to paying for new programs is based on the assumption that there is considerable room in the current budget for expenditure re-allocations. But once you get past the defense budget and the farm subsidy program, the opportunities for wielding the budgetary meat-axe are pretty slim indeed. Most of these expenditure reductions were proposed in the Urban Coalition's *Counterbudget,* published last spring, with which some of you may be familiar. The key point is that once you have set aside their proposed cut in the defense budget, which is totally unrealistic and irresponsible, the possible expenditure reductions are pretty meager in relation to the needed fund.

It is probably gratuitous to proceed from this point, as it is clear that less than 50% of the revenue gap could be closed even if we adopted all of these tax "reform" and expenditure reallocation proposals. Since it is unlikely however, that any Congress in the near future will reverse the recently enacted tax cuts for low and middle income groups, part C is designed only to show that corporate profits and upper income groups would have to be taxed almost to the point of wholesale confiscation in order to close the remaining revenue gap; and even then, there would be a 22.5 billion deficit when under conditions of full-employment (on which the Brookings GNP estimate is based) most economists agree that we need to run a surplus in the order of $15 billion.

Now my point in developing this "new priorities" budget has not been to scare a group of concerned business executives out of their wits with a fiscal horror show. Obviously, the nation is not going to be stampeded into adopting either the new spending proposals or the revenue measures contained in this budget in one fell swoop. Nevertheless, it illuminates the direction in which we are heading, in part because those of us who believe in our current system have not been creative enough to propose more viable alternatives for the solution of some very real problems. Yet this is a course in which the public sector could swell to close to 50% of GNP, as indicated by Table V, a course in which substantial portions of the population would be dependent on the Federal government for income and services, in which strong dis-incentives for saving and capital formation would undermine economic growth, and in which inefficient public bureaucracies would squander scarce national resources in unbridled fashion. In all, not a very happy scenario to contemplate.

Let me in my remaining time sketch the outlines of what I believe to be a more viable approach to the question of national priorities. The fundamental point of departure is an explicit disavowal of the "Galbraithian dichotomy"; the notion that there is a distinct "private" and public sector, that the two are locked like Tarantulas in a jar in a zero-sum battle over allocation of national resources, that unmet social needs are proof positive that the public sector has been starved, that a massive resource transfer is therefore in order and that once this transfer is accomplished, the problems will be readily resolved. In my view this analysis is wrong nearly from beginning to end. Therefore, let us try to reconstruct the issue along somewhat different lines.

First, it should be clear from this analysis that although we are a wealthy society, our resources are not unlimited. In fact, we may well be approaching the limit already as to the amount of GNP that can be channeled through the Federal budget without impairing the functioning of the private economy. In other words, the pie is not so large that we only need to decide how to slice it; if we try to force a slice of the magnitude contained in this budget into the public sector, we may be worse off than if we had done nothing at all.

Secondly, concern about unmet social needs does not necessarily lead to the Galbraithian conclusion that we need to pump more resources into the public sector and that government must take on new operating functions. Unmet social needs may mean, instead, that private or traditional delivery systems have broken down and that they need to be repaired, re-organized or augmented. This means that rather than being locked into a zero-sum struggle for national resources, the relationship between government and the private sector is more like what the game theorists call a mixed-interest situation; and the best results will be obtained if each sector does only what it can do best. Concretely, only government can intervene to restore equilibrium when markets have gotten out of kilter and are beyond reasonable hope of self-correction. I think this is true today of the health care market, the private pension field, the housing sector, the low skill job market, the pollution control area and many others.

But the aim of intervention should be structural reform designed to re-organize private markets, not replace them with public spending programs and public bureaucracies. By the same token, private enterprise, spurred by the need to remain solvent and produce profits, can best organize resource inputs efficiently and deliver outputs that are responsive to consumer preferences. Government monopolies, like any other, leave the consumer no choice and are under no imperative to perform efficiently, whether the function is trash removal, education or the delivery of health care.

Thirdly, to use an old maxim, "there ain't no such thing as a free lunch." If there is a limit on the resources that can be made available for social purposes without undermining our capacity for economic growth and progress, then we have to have some method for allocating them. The price system is the best mechanism that has yet been devised. If we remove that restraint, the check of competing demands is eliminated. The resource allocation process is shifted from the decentralized coordination of supply and demand in the marketplace, to the political arena in which suppliers and providers have an inherent advantage over consumers and taxpayers because they are more readily organized and mobilized. As a result, allocation decisions often reflect more what providers and bureaucrats think consumers ought to want, than what they may actually want.

Finally, I think we must accept the truth that prices may sometimes be barriers and that the market may sometimes not be capable of producing services at costs that those most in need can afford. For this reason, I think *income maintenance* must be the second prong of a social strategy aimed at filling unmet needs and demands. The aim must be to insure that every citizen has sufficient purchasing power to play an effective role in the market, and be capable of obtaining at least a minimum level of the goods and services needed to live in decency and dignity. But it would be far preferable to provide this kind of support through direct income transfers tied to strong work incentives than through a whole array of direct service programs. Government simply cannot provide these efficiently or effectively. Moreover, income transfers can be targeted to those with the greatest need, whereas direct service programs like National Health Insurance, child development and the like, have a tendency to be universalized because no one liked to be just above the cut-off line. The experience of Great Society direct service programs like Head-Start and Medicaid provide ready examples of this problem.

In conclusion, let me say that this kind of market-incomes strategy will not be easy to sell to the public. It cuts directly across the grain of our current approach to solving social problems based on direct service programs and an everexpanding role for the public sector. But the effort must be made, or one day soon this hypothetical budget may no longer be so hypothetical at all.

Hypothetical budget for FY '74 follows:

THE FISCAL IMPLICATIONS OF NEW SOCIAL SPENDING PROGRAMS

TABLE I.—*Major social spending proposals: Incremental budget costs, fiscal year 1974*

(In billions)

1. Higher social security benefits (⅓ financed from general revenue) *	$24.0
2. $5,000 annual income floor (family of four)	52.0
3. Comprehensive child development	15.7
4. National health insurance (Kennedy/Corman-Griffiths plan)	40.8
5. Low and middle income housing assistance	8.0
6. Public service employment (750,000 jobs)	3.15
7. Urban redevelopment	3.7
8. Water pollution control	2.1
9. General aid to education (⅓ Federal financing)	15.4
Total	162.9

* Assumptions and sources corresponding to each number given in Table V.

TABLE II.—*Preliminary fiscal projections, fiscal year 1974*

(In billions)

10. GNP	$1,380.0
11. Estimated Federal expenditures at current program levels	266.0
12. Estimated Federal revenue at current rates	260.0
Expenditures with table I program proposals	428.9
Preliminary deficit	168.9

TABLE III.—*Proposals for closing the revenue gap, fiscal year 1974 impact*

(In billions)

A. TAX "REFORM" MEASURES: ELIMINATION OF—

13. Foreign income preferences	$0.525
Individuals	.080
Corporations	.444
Mineral preferences	2.384
Exploration and development expensing	.489
Percentage depletion	1.895
$100 dividend exclusion	.376
Capital gains	12.753
Individuals	12.168
Corporations	.585
Investment incentives	7.797
Job development credit	3.960
ADR	3.837
Excess bad debt reserves (banks)	.782
Medical expense/insurance deduction	4.279
State and local debt issue exemption	6.305
Home mortgage and property tax deduction	6.305
Revenue gain	42.0
Remaining gap	126.9

B. EXPENDITURE REDUCTIONS, FISCAL YEAR 1974 IMPACT

14. National defense	−$35.5
15. Farm price support program	−3.0
16. Reclamation and conservation projects	−.371
17. Maritime subsidies	−.242
18. Inland navigation (Corps of Engineers projects)	−.122
19. Space (NASA)	−1.50
20. Highway construction	−1.478
Total expenditure reduction	42.2
Remaining gap	84.7

C. INCREASED TAXATION ON BUSINESS AND UPPER-INCOME GROUPS, FISCAL YEAR 1974 IMPACT

(1. 40% surtax on corporate income tax liabilities)

21. Estimated corporate tax liability at current rates	$50.0
22. Corporate tax liabilities with Table III A "reforms"	60.0
Corporate liabilities with 40% surtax	84.0
Revenue gain from surtax	24.0
Remaining gap	60.7

(2. 40% surtax on individual income tax liabilities in AGI classes above $15,000)

23. Estimated liability under current rates	$73.06
24. Liability with table III A "reforms"	95.46
Liability with 40 percent surtax	133.64
Revenue gain from surtax	38.2
Remaining gap	22.5

TABLE IV. *Final fiscal projections, fiscal year 1974*

Estimated expenditures at current program levels	$266.0
Minus $42.2 billion expenditure reduction	223.8
Plus new program costs (table I)	389.7
Plus 50 percent of NHI cost financed by payroll taxes	427.5
Estimated revenue at current rates	260.0
Plus tax "reform" revenue gain	302.0
Plus individual and corporate surtax	364.2
Plus NHI payroll tax ($40.8 billion)	405.0
Total Federal expenditures	427.5
Total Federal revenue	405.2
Deficit	22.5

TABLE V.—*Current and projected national tax burden*

	Percent
Federal expenditures as percent of GNP, fiscal year 1970	19.8
Total Government expenditures as percent of GNP, fiscal year 1970	31.1
Federal expenditures as percent of GNP, fiscal year 1974	31.0
Total Government expenditures as percent of GNP, fiscal year 1974	43.6

TABLE *VI.—Assumptions and sources*

1. Based on H.R. 11944 introduced by Congressman Seiberling; would raise minimum monthly benefits to $100, increase benefits 25% across-the-board, and finance ⅓ of total Social Security costs out of general revenue. $24 billion is his estimate of cost to general fund.

2. Cost, net of current welfare expenditure by Federal government, estimated by Edward Moscovitch in Jan./Feb. 1971, New England Economic Review; assumes 50% off-set rate.

3. Estimate based on assumption of total subsidization of $1600 annual cost for 2.5 million children under 5 in families below the poverty line and 50% subsidization for 14.6 million children under 5 above the poverty line.

4. Based on H.E.W. estimate of $81.6 billion cost of H.R. 22 (Corman-Griffiths bill) after netting out current programs that would be folded in; 50% to be financed out of general fund.

5. Brookings Institution estimate of meeting cost of 1968 housing subsidization goals.

6. Estimated on creation of 750,000 jobs slots at annual cost of $4200.

7. Based on Urban Coalition's Counterbudget recommendation for $3.7 billion increase in spending above current levels for urban redevelopment; includes expanded model cities, community action and urban renewal programs.

8. Annual cost of Senator Muskie's 5 year water pollution abatement bill.

9. Based on Federal assumption of 33% of national elementary and secondary education costs; total costs of $66.6 billion in 1974 based on assumed growth rate of 10% from 1970 $45.7 billion base; 1974 budget increment equals 33% of $66.6 billion, net of current 8% expenditure level.

10. Brookings Institution projection contained in Setting National Priorities: The 1972 Budget.

11. Brookings Institution projection.

12. Brookings Institution projection, net of 1971 Revenue Act (House version).

13. Extrapolated from Treasury Department "tax expenditure" figures for 1968 and 1969, except for ADR and job development credit; average 1968–69 ratio for each tax expenditure applied to Brookings estimate of $1138 national income in 1974; figures for ADR and job development credit based on current Treasury calculations.

14. Defense spending reduction figure equals difference between $84 billion level assumed in Brookings FY 1974 budget forecast and Counterbudget recommendation of $48.5 billion for 1974.

15. Based on Counterbudget's projected impact of recommendation for phase-out of farm price support program.

16, 17, 18. 1974 impact of Counterbudget recommendation for reductions in these programs.

19. Assumes 50% cut from current spending levels.

20. Based on budget impact in FY 1974 of Counterbudget recommendation for stretch-out and curtailment of Federal highway program.

21. Estimate based on application of 1970 effective corporate tax rate to Brookings projection of $140 billion corporate profits in FY 1974, net of FY 1974 impact of 1971 Revenue Act.

22. Includes revenue impact of all tax "reforms" in Table III A falling directly on corporations; corporate share of ADR and job development credit based on Treasury estimates contained in the Ways and Means committee report on the 1971 Revenue Act.

23. Extrapolation from 1966–69 moving average ratio of tax payments of 7 AGI classes above $15,000 to national income for each year, net of impact of 1968–69 surcharge.

24. Based on 70% attribution of non-corporate share of Table III A tax "reforms" to AGI classes above $15,000.

CBS ANALYSIS OF "THE SELLING OF THE PENTAGON" CONTROVERSY: PART I

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. REID of New York. Mr. Speaker, in view of the widespread interest in the controversy over the Columbia Broadcasting System's production of "the Selling of the Pentagon" I believe my colleagues will be interested in reading a detailed analysis of the main issues in dispute which has been prepared by the staff of CBS. This document, which was presented to me by Chet Casselman, president of the Radio-Television News Directors Association, is quite lengthy and for that reason I propose to present it in two installments. I ask unanimous consent that this first installment be printed in the RECORD.

The first installment follows:

MEMORANDUM: CRITICISM OF "THE SELLING OF THE PENTAGON"

The CBS News documentary, "The Selling of the Pentagon," was broadcast on February 23 and rebroadcast, with commentary, on March 23. The broadcast stirred a storm of controversy, was sharply attacked, and strongly praised. On the one hand there were charges that CBS News had set out deliberately to hatchet the Defense Department through contrived editing. On the other the documentary won George Foster Peabody, *Saturday Review* and National Academy of Television Arts and Sciences awards for distinguished journalism.

The sole purpose of this broadcast, which was the result of nine months of investigative reporting, was simply to expose to public scrutiny some of the public relations activities of the most far-flung and expensive operation of the Federal government—one that touches the life of every American. It sought to provide information which the public has an essential right to have and the press a fundamental responsibility to disclose.

No one has refuted the basic veracity of "The Selling of the Pentagon." We are confident that, when passions die down, it will be recognized by all—as it already has been by many—as an important contribution to the people's right to know. At the same time, we do not claim that this—or any other news broadcast—is or should be immune from criticism. Nor do we shrink from conscientious examination of our efforts, just as we ourselves practice continuous self-examination of our standards and practices.

In this spirit we discuss herein the major criticisms that have come to our attention, primarily from three sources: (1) an article by Claude Witze in the April 1971 issue of *Air Force Magazine;* (2) answers provided by Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, to numerous questions posed by Representative F. Edward Hébert, Chairman of the House Armed Services Committee; and (3) a pamphlet about the broadcast, distributed by the Defense Department. These have been widely quoted or reprinted, and typify the range of criticism we have heard or read.

THE BROAD ISSUE

"Representative F. Edward Hébert, Democrat of Louisiana, chairman of the Armed Services subcommittee on military waste, disclosed meantime that he had asked the Defense Department to supply him with a list of all public relations personnel on duty at the Pentagon. *'It is about time the American public be informed as to the identity of the individuals and what it costs the taxpayers to maintain and support this gigantic and colossal propaganda machine on the banks of the Potomac,'* he said. 'Since the expose of waste in the military and its effect on the taxpayers' pocketbook has been so vividly brought to the attention of the American people by the committee which I head,' he added, 'all the faucets have been turned on by the Pentagon propagandists, alibi artists and apologists," (*The New York Times*—February 26, 1952) [emphasis added].

"This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society. In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. *Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together*" (President Eisenhower—January 17, 1961) [emphasis added].

"Public attitudes depend on public information, and the military establishment is a powerful and effective advocate on its own behalf. *Critical comment and evaluations of the establishment must be made publicly available for genuine debate*" ("The Military Establishment"—A Twentieth Century Fund Study published in 1971—page 419) [emphasis added].

"The Selling of the Pentagon" was produced in the spirit of these statements. It discusses serious issues of national importance which deserve a sober, factual assessment on the merits.

EDITING

Perhaps the most frequent and strongest criticisms of "The Selling of the Pentagon" involve the editing of several interviews and speeches, i.e., the selection of the excerpts to be broadcast. CBS News discusses below the necessity of editing in general, and then the specific instances in the broadcast which have been criticized.

1. The necessity of editing

The problems which make it necessary and desirable to edit speeches, statements and interviews are shared by all journalists, electronic and print. In all media, it is usual to collect more material with respect to an event that can be fit into the available space. Additionally, the material is frequently rambling, disjointed and awkward, with pertinent facts obfuscated, concealed or separated by irrelevancies. Consequently, it is often desirable (for the reporter, for the public, and for the person whose words are being reported) that the available material be edited and condensed to present the pertinent facts as clearly and as sharply as is consistent with accuracy and fairness. In all media, this frequently involves omitting portions of, or combining excerpts from, speeches, statements or answers. If this editing process is performed honestly and competently, it is an acceptable and essential journalistic practice.

Judge Learned Hand described this practice in a notable decision:

"News is history; recent history, it is true, but veritable history, nevertheless; and history is not total recall, but a deliberate pruning of, and calling from, the flux of events. Were it possible by some magic telepathy to reproduce an occasion in all its particularity, all reproductions would be interchangeable; the public could have no choice, provided that the process should be mechanically perfect. But there is no such magic; and if there were, its results would be immeasurably wearisome, and utterly fatuous. In the production of news every step involves the conscious intervention of some news gatherer, and two accounts of the same event will never be the same. Those who make up the first record—the reporters on the spot—are themselves seldom first-hand witnesses; they must take the stories of others as their raw materials, checking their veracity, eliminating their irrelevancies, finally producing an ordered version which will evoke and retain the reader's attention and convince him of its truth. And the report so prepared, when sent to his superiors, they in turn 'edit,' before they send it out . . .; a process similar to the first. A personal impress is inevitable at every stage; it gives its value to the dispatch, which without it would be unreadable."

Many editing decisions were made in the production of "The Selling of the Pentagon"—and questions have been raised as to the accuracy and fairness of a few of them. Certainly, those that have been questioned could have been handled differently. Editing, as Judge Hand indicated, is a subjective procedure. It involves the selection of significant details from a large amount of material and reasonable men can readily reach different conclusions as to what is significant. But it *is* clear that the questioned decisions did not substantially affect the substance of the broadcast; and it is a fact that those decisions were made by intelligent, conscientious journalists applying their best professional judgment with the intent only to condense and focus a vast amount of material. CBS News is confidently willing to let the reader judge on the basis of the facts.

2. Colonel MacNeil's speech

a. The Composite Paragraph

One of the criticisms is directed toward the broadcasting of five sentences excerpted from different portions of a long speech by Colonel MacNeil at a seminar in Peoria, Illinois. Mr. Witze, in his *Air Force* article, stated:

"If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis."

The Defense Department pamphlet on the program states:

"The broadcast included improperly edited excerpts from a speech by Colonel MacNeil."

The statement in question was broadcast as follows:

"Well, now we're coming to the heart of the problem—Vietnam. Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam. If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia. I think if the Communists were to win in South Vietnam, the record in the North—what happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population of the South. The United States is still going to remain an Asian power."

Colonel MacNeil's speech, lasting approximately an hour, dealt with the general subject of Southeast Asia. Scattered through the speech, and separated by discussions of unrelated subjects, were individual statements dealing with the foreign policy implications of American involvement in Vietnam. The broadcast sought to illustrate the nature and extent of the Colonel's concern with foreign policy. Since it was not feasible to include in the broacast his entire speech or substantial portions of it, CBS News selected, from five different points in the speech, six representative statements dealing with foreign policy and edited them together. Each sentence, as used in the composite statement, meant exactly what it meant in the portion of the speech from which it was taken. Its meaning was not confused or distorted in any way. The statement, as broadcast, put into clear, sharp and accurate focus the Colonel's discussion of foreign policy in Southeast Asia. Each sentence in the statement, except the first, was taken from the speech in chronological order. The first sentence was taken out of order merely because it served as a lead-in to the other sentences—a lead-in which left their meaning intact.

b. The Attribution to Souvanna Phouma

More specifically, the composite statement has been attacked by critics with the charge that two of the sentences were actually quotations from Souvanna Phouma, the Prime Minister of Laos, yet CBS News edited out this attribution. Mr. Witze stated the accusation as follows:

"The statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its viewers think Colonel MacNeil said it."

Following is the text of the relevant portion of Colonel MacNeil's speech from which these two sentences were excerpted. The two sentences that were broadcast are italicized:

"Now Souvanna's position on North Vietnam was pretty thoroughly stated in November 1967. He said that we can count forty thousand North Vietnamese soldiers in our country. On his visit here last year, he raised the figure to sixty thousand. But they fight besides the fifteen thousand Pathet Lao who are armed, paid, trained and encadred by North Vietnam.

By what right, what moral do they assume the right to liberate us. *If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia.*"

It is obviously difficult, from the text of the whole passage, to untangle when Colonel MacNeil is directly quoting Souvanna Phouma, when he is paraphrasing Souvanna Phouma, and when he is stating his own views. In the second and third sentences, the Colonel appears to be reporting indirectly what Souvanna Phouma said. The fourth sentence could well have been any of the three alternatives. The fifth sentence looks like a direct quotation. One is left totally to conjecture about the last two sentences (those in question), which could have been any of the three alternatives.

On this point, in an April 28, 1971, letter to Representative Harley O. Staggers, the Federal Communications Commission concluded:

"As Mr. Salant observed in his March 23 rebuttal, it was 'difficult to tell where Souvanna Phouma left off and the Colonel started.'"

Whatever the intended context of the particular two sentences in question, the substantive point made by the CBS News broadcast remains true: it is clear that Colonel McNeil's presentation sought to justify to his audience the need for a continued presence in Vietnam. At times the Colonel may have been using Souvanna Phouma or others to support his conclusion, but at other times he made the same point in his own words. The fact that Colonel MacNeil expressed his own views, not just those of Souvanna Phouma, was apparent to the Federal Communications Commission in its review of this incident. The Commission's letter, cited above, stated:

"Later in the course of his remarks, Colonel MacNeil did return to the 'domino theory' and *he did affirm it in virtually the same words as the Laotian Prime Minister*" [emphasis added].

3. The Henkin interview

Criticism has also been directed toward the editing of Roger Mudd's filmed interview with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. Mr. Witze contended in his *Air Force* article that "The producer of 'The Selling of the Pentagon' was less interested in responsive answers that made sense that he was in portraying Mr. Henkin as a bureaucratic buffoon." Mr. Henkin in his March 4, 1971, letter answering questions posed by Congressman Hébert cited four examples of remarks "taken out of context by cutting and rearrangement."

Others have made similar criticisms, although in a May 19 letter to Chairman Harley O. Staggers of the House Interstate and Foreign Commerce Committee Mr. Henkin, while repeating his comment, stated that "I have at no time questioned the integrity of CBS News."[1]

The interview with Mr. Henkin extended over approximately 42 minutes. Approximately 60 questions were asked. The broadcast excerpts ran slightly more than two minutes and used four questions and six answers in part or in whole. Since Mr. Henkin was only one of many people and subjects to be covered on the broadcast, it was obviously not feasible to include all, or even a substantial portion, of his lengthy interview.

In his March 4, 1971, letter[2] to Congressman Hébert, Mr. Henkin describes the following four examples of edited answers and assesses the impact of the CBS News editing procedures on the substance of what he said:

Example No. 1

The following statement and answer, as edited, were broadcast:

"MUDD. We asked the man in charge of all Pentagon public relations, Assistant Secretary of Defense Daniel Henkin, if he thought the press did a good job covering the Defense Department.

"HENKIN. I believe that it does. From time to time of course it gives me some headaches and I give the press some headaches. We understand that. We act professionally, as a professional relationship, not only with the Pentagon press and other members of the Washington news corps, but with newsmen who cover military activities around the world."

Mr. Henkin's assessment:

"This constitutes about half the original answer. The meaning and intent were not changed substantially."

Mr. Henkin's complete answer (set forth in the Appendix) was lengthy. The first portion, which is included in the broadcast, answers the question directly and fully. The balance of the complete answer was deleted from the broadcast because of its length, because, to some degree, it was repetitive and because (as Mr. Henkin seems to confirm) the deletion did not change the substance of the answer.

Example No. 2 (the only example mentioned specifically by Mr. Witze).

The following question and answer, as edited, were broadcast:

"MUDD. What about your public displays of military equipment at state fairs and shopping centers—what purpose does that serve?

"HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. I believe that the American public has a right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces. What are we doing about the racial problem in the armed forces, and we do have a racial problem. I think the public has a valid right to ask us these questions."

---

[1] Hearings, Special Subcommittee on Investigations, House Interstate and Foreign Commerce Committee, "Subpoenaed Material Re Certain TV News Documentary Programs," page 261.

[2] The letter was inserted in the CONGRESSIONAL RECORD by Representative Hébert on March 8, 1971 at pages 5402-5407. It included a transcript of the entire interview prepared by Mr. Henkin. (See Appendix.)

Mr. Henkin's assessment:

"Only the first sentence of the original answer was used. The remainder of the material was taken from another question and answer. The modification alters the tenor of the response from attracting volunteers to problems in the armed forces." (In his letter to Mr. Staggers, Mr. Henkin said deletion of his reference to recruiting was a "significant omission" and that the editing "leaves an implication that I feel shopping mall displays make a significant contribution to informing the public about a broad range of subjects.")

The answer in Example No. 2 is a composite which includes portions of replies by Mr. Henkin to two related questions. Following is the first question and the "original answer" to which Mr. Henkin refers; the portions that are included in the broadcast are italicized:

"MUDD. But aside from your meetings in which you disseminate information, *what about your public displays of military equipment at State Fairs and shopping centers? What purpose does that serve?*

"HENKIN. *Well, I think it serves the purpose of informing the public about their armed forces.* It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

The first sentence of the "original answer" is used in the broadcast (as the first sentence of the composite answer) because it is directly responsive to the question. It describes, in general terms, the information function of public displays of military equipment. It omits specific details.

The remainder of the material in the composite answer was intended by CBS to furnish these specific details, i.e., to explain what Mr. Henkin meant by his general reference to "informing the public about their Armed Forces." It was drawn from his answer to a subsequent question which dealt not only with military displays but also with military speakers. The end result was a statement, in general and specific terms, using Mr. Henkin's own words, of the public information function of military displays.

Upon review, one might judge that a fuller answer could have been broadcast by including, in the composite answer, the second sentence of the "original answer" (relating to recruiting). However, Mr. Henkin himself referred to the recruiting function as merely ancillary to the function (the dissemination of information) then being discussed; and even so, it was not a statement of fact. It was a statement only of Mr. Henkin's hope with respect to a function (recruiting) that was not within his jurisdiction or responsibility. In the opinion of CBS News the omission of the recruiting reference was not unreasonable. Since editing involves subjective judgments, it is understandable that there are contrary opinions. Whatever one's conclusion about the soundness of the editor's handling of this sentence, the intent was to condense and clarify, not to deceive.

Example No. 3

The following question and answer, as edited, were broadcast:

"MUDD. Well, is that sort of information about the drug problem you have and the racial problem you have and the budget problems you have, is that the sort of information that gets passed out at state fairs, by sergeants who are standing next to rockets?

"HENKIN. No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now there are those who contend that this is propaganda. I don't—do not agree with this."

Mr. Henkin's assessment:

"Only the first sentence of Mr. Henkin's original answer is used. CBS then added two sentences which were lifted from the middle of an earlier question. Mr. Henkin's comment referred to data on the increasing Soviet threat." (Mr. Henkin told Mr. Staggers he felt the editing left "a completely misleading impression.")

Mr. Henkin had been addressing himself to a criticism mentioned by Mr. Mudd, i.e. that "the display of military equipment in the country and the instant availability of military speakers" creates "in the mind of the citizen a dependence, or an acceptance of the military and what it represents, as a way to solve problems." Mr. Henkin had answered this criticism by reciting a specific list of the various kinds of information to which, in his judgment, the public is entitled. At this point in the interview, he denied that dissemination of this information (including, *but not limited to,* information about the "increasing Soviet threat") constitutes propaganda. And, a little further on in the interview, he indicated that it can be disseminated by "sergeants" stationed at public displays of military equipment—as well as by military speakers.

The answer in Example No. 3 is a composite answer. The editing which produced this composite was intended to reflect, in Mr. Henkin's own words, the substance of what he said, as it is summarized in the last two sentences of the preceding paragraph.

Example No. 4.

The following segment, as edited, was broadcast:

"HENKIN. We're trying our best to provide information. There undoubtedly have been times when certain actions have been staged. I think this is true of all TV news coverage. After all, this interview is being staged.

"MUDD. How so?

"HENKIN. Well, props were set up; arrangements were made. You and I just did not walk into this room cold. Arrangements were made for it.

"MUDD. Well, we wanted to film in your office. But your people said let's go in the studio. So we didn't stage it."

Mr. Henkin's assessment:

"This segment on staging is inserted without narration immediately following Demiter's claim that newsfilm released by DOD is staged. Mr. Henkin qualified his statement that the interview was 'staged,' the qualifying line, 'as one might say' was cut. The deletion changes a statement into an accusation." (In his letter to Mr. Staggers, Mr. Henkin objected to deletion of his comment: "No, I am not accusing you of staging it; I made no accusation at all.")

The words "as one might say" were deleted because Mr. Henkin had turned his head away and down as he spoke them and they were rather indistinct. Since they were difficult to hear, their inclusion might possibly have been confusing. Their omission, at the time, did not seem to change the substance or tenor of Mr. Henkin's answer. This was particularly so because the question and answer in the broadcast which immediately followed Mr. Henkin's reference to staging made it quite clear that he was not really accusing CBS News of anything other than making normal and acceptable arrangements for an interview.

THE "TEAM OF COLONELS"

Critics have made a variety of charges against references in the broadcast to a team of officers from the Industrial College of the Armed Forces in Washington, which presents lectures and conducts seminars at different cities around the country.

1. The foreign policy issue

One of the issues involves statements in the broadcast that the officers "lecture on foreign policy" and that "The Army has a regulation stating: 'personnel should not speak on the foreign policy implications of U.S. involvement in Vietnam.' "

One critic, Mr. Witze, acknowledges that discussion of foreign policy implications of Vietnam would be in violation of Army regulations, but denies that the officers actually spoke on this subject. In his *Air Force* article, Mr. Witze stated:

"The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign policy implications of our involvement in Vietnam, which would be in violation of Army regulations."

On the other hand, Mr. Henkin in his letter answering questions from Representative Hébert, inserted in the *Congressional Record* on March 8, states that "there is no Army regulation specifically prohibiting statements on foreign policy by Army personnel." He adds that the "applicable directive" is AR 360–5, paragraph 9, that this merely requires material to be "cleared for accuracy, propriety and consistency with national policy," that the other services have similar directives, and that "all presentations by the faculty group" were cleared by "appropriate government agencies."

The following statements by the military members of the team, which were included in the broadcast, make it clear that they *did* speak in Peoria (at the only seminar filmed by CBS News) about the "foreign policy implications of our involvement in Vietnam":

"Colonel MACNEIL. In the Chinese view only one country has been liberated from colonialism, and that is North Vietnam. The others will not be considered liberated, in the Chinese viewpoint, until each and every one has a Communist government."

"Colonel MACNEIL. Well, now we're coming to the heart of the problem—Vietnam. Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam. If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia. I think if the Communists were to win in South Vietnam, the record in the North—what happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population of the South. The United States is still going to remain an Asian power." (This is a composite statement which is discussed on pages 2, 3, and 4.)

"Colonel SERRELL. . . . the bloodbath, the indications at Hue during the Tet offensive as to what might be in store for people who would otherwise have some semblance of freedom or individuality, if we did stay and protect their interests, as well, admittedly, as our own."

"Colonel MACNEIL. Some say there are no interests at stake today, some say we had none in the beginning. I feel when we put half a million men in there [Vietnam], at least we placed national interest at stake when we did that."

The "approved text which served as a basis" for Colonel MacNeil's Peoria speech, a copy of which was made available to CBS News by the Department of Defense, includes additional foreign policy statements (not in the broadcast) such as, for example, this discussion of the domino theory:

"Prominent Americans sit back here in the United States and say that it is all right to let the Communists take over South Vietnam, that it would not affect the rest of Southeast Asia, and they scoff at the domino theory largely because they don't have to live there. Ask this domino Lee Kuan Yew what he has to say. He says that 'the United States is buying time for all Asians who want self-determination.' He also says that if the Americans pull out of Vietnam all of Southeast Asia is lost."

The question of whether discussion of foreign policy implications is against Defense Department regulations is resolved by reference to the pertinent regulations.

Navy Public Affairs Regulation A–1002d provides that "[i]n public discussions, all officials of the Defense Department should confine their remarks to Defense matters. In particular, discussion of foreign policy, a field reserved by long-established principle to the President and the Department of State, will be avoided." Army Regulation 350–5b provides that "[i]n public discussions, all officials of the Department of the Army should avoid discussions which are the responsibility of other Governmental agencies, i.e., foreign policy is a responsibility of the Department of State." Section A–1002d of the Marine Corps Manual provides that "[i]n public discussions, all officials of the Department of Defense should confine their remarks to defense matters. In particular, discussion of foreign policy, a field reserved by long-established principle to the President and the Department of State, will be avoided."

Mr. Witze writes, in justification of the statements by the officers, that "material used must be cleared for accuracy, propriety and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations." Mr. Henkin's comments (above) also emphasize clearance. The issue is whether the statements by the military members of the team (quoted above) constitute a discussion by them of foreign policy in violation of governmental directives which were then in effect. Clearly, they do.

2. Sponsorship of "Tour"

Mr. Witze also questions each phrase in the statement in the broadcast that "the Pentagon has a team of Colonels touring the country to lecture on foreign policy."

a. He states that the "team comes from the Industrial College of the Armed Forces in Washington." The Industrial College of the Armed Forces is a component of the Defense Department. The military officers on the team are under the control and jurisdiction of the Pentagon. Consequently, failure to mention the specific Pentagon component involved, i.e., the College, does not negate in any way the statement that "the Pentagon" has a team.

b. Mr. Witze seems to imply that the reference to "a team of *Colonels*" is inaccurate, since the team included a Navy captain and a State Department foreign service officer.

The team comprised four Colonels—two from the Army and one each from the Air Force and the Marine Corps—a Navy captain (equivalent in rank to a Colonel) and a foreign service officer from the State Department (a Lt. Colonel, USMCR, in the Ready Reserve). "Team of Colonels" is a substantially accurate characterization of this group.

c. Mr. Witze denies that members of the team are "touring the country." Instead, he states, "they have a briefing on national-security policy that is given seven times a year, no more and no less." The basis for this distinction is not clear.

Colonel Donald Spiece, of the Industrial College of the Armed Forces, informed CBS News, during the production of the broadcast, that, in addition to an initial, abbreviated seminar in Washington, D.C., there were seven briefings (or seminars) in 1968–69, and eight in 1969–70, with seven scheduled for 1970–71. The locations visited by the team are widely dispersed geographically around the country. The team remains at each location, other than Washington, D.C., approximately 11 days during which it delivers more than 30 speeches in addition to panel discussions and individual appearances before local groups.

d. Mr. Witze states that the team also talks about subjects other than foreign policy. The fact that there are other subjects is not in dispute. The broadcast merely questions the nature, extent and desirability of the team's involvement in foreign policy discussions. The extent of the team's involvement in non-military subjects is indicated in a letter, dated April 26, 1968, from Colonel Robert L. Goerder (on the staff of the Industrial College of the Armed Forces) to Captain Paul A. Haberkorn in connection with the Peoria seminar which points out that the seminars deal with the "interrelationship of the military, *political*, economic and social factors affecting our national security" [emphasis added].

3. Military or civilian audience

Mr. Witze states that "[t]he ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the Armed Forces, not primarily for the general public."

The broadcast says nothing to the contrary. Whatever the design, the fact is that the Pentagon urges and welcomes "the largest possible participation by the civilian community;" and the Reserve officers "represent perhaps one-fourth of what we [the Pentagon] hope would be our audience" (see Colonel Goerder's letter quoted, in part, immediately below):

"The National Security Seminar is a course of instruction conducted by the Industrial College of the Armed Forces for military reservists and *civilians representing a cross section of industry, agriculture, labor, business, the professions, relation, education, women's organizations, and civic community life.*

"As mentioned above, the 'hard core' of Seminar attendance is the 100–150 or more Reserve officers, but with a sizable auditorium available *we encourage and welcome the largest possible participation by the civilian community. This does not just happen but requires the combined efforts of the Attendance and Publicity Committees.* In talking with potential sponsors, it should be emphasized that the National Security Seminar is not a convention. The several hundred military reservists who come to town do represent a substantial economic shot-in-the-arm, *but they represent perhaps one-fourth of what we hope would be our audience. It is the civilian attendance that keeps the sponsor(s) solvent*" [emphasis added].

4. The word "found"

Mr. Witze wrote, "Here we have a use of the word 'found' that would not be permitted by a competent newspaper copy editor."

Mr. Witze has reference to this statement in the broadcast—"We found them [the ICAF team] in Peoria, Illinois, where they were invited to speak to a mixed audience of civilians and military reservists." His point seems to be that it was not necessary for CBS News to *find* the team in Peoria because it had been told the team was going to be there. He is correct. There was no intention to imply the contrary—and CBS News did not anticipate that such an intention would be inferred from the use of "found." By hindsight, this unintended inference might have been avoided if "filmed" had been used instead of "found."

5. The reference to Caterpillar Tractor

Mr. Witze states that "The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. A spokesman for the Association said his group shared the sponsorship with the 9th Naval District." The Defense Department pamphlet on the broadcast also observes that the Colonels "were using auditorium facilities provided by the Association of Commerce (not the Caterpillar Tractor Company, as the program states) . . ."

The broadcast does not state that the auditorium facilities were provided by the Caterpillar Tractor Company. The broadcast states that "the invitation [for the Peoria seminar] was arranged by Peoria's Caterpillar Tractor Company . . ." This statement is based on an interview by CBS News with Herbert N. Johnson, an official of the Peoria Association of Commerce. Here are excerpts from that interview:

Q. "What are the firms that are here, or what firm that has played a major role in bringing the seminar here?

A. Well, we have two chairmen. One is a military chairman which we have nothing to do with. That's handled by the military. But we have a civilian chairman, Mr. Charles Leber, who is Vice President of the Caterpillar Tractor Company. And he and his associates have been extremely helpful to us in heading up the Committee, *and making all the necessary arrangements* [emphasis added].

Q. You say the Caterpillar Company, can you tell us a little about it? What does it make, what do they do?

A. Caterpillar Tractor Company is a manufacturer of tractors, track-type tractors, earth moving equipment, and allied equipment. They are the largest exporter in the State of Illinois—with their equipment. And, of course, they have plants located throughout the entire world. And their home office is here in Peoria. They have around twenty-eight thousand employees in the Peoria area.

Q. And they played a major part in helping the National Security Seminar to come to Peoria?

A. Yes, and without their help we would not have had the civilian success that we have experienced."

The broadcast did not state that the Peoria seminar was "sponsored" by the Caterpillar Tractor Company. The nominal sponsors were known to be the Association of Commerce and the 9th Naval District.

DEFENSE PUBLIC RELATIONS SPENDING

Some critics raised questions about references in the broadcast to the results of President Nixon's memorandum calling for elimination or curtailment of certain promotional activities and about references to the costs of Defense public relations.

1. Nixon memorandum

Congressman Hébert's questions to Mr. Henkin included:

"Mudd says that the President ordered curtailment of public information activities but that the Pentagon has not cut anything. What cuts have you made in recent years in response to Congressional action and Presidential directives?"

Pentagon Answer: Congressional reductions totaled $5 million in fiscal year 1970 and $7 million in fiscal year 1971. A further reduction of $5 million for fiscal year 1972 was directed by the Office of Management and Budget. There was a reduction of 690 positions in fiscal year 1970. There will be a reduction of 1,535 positions in fiscal year 1972.

Mr. Mudd does not state in the broadcast that "the President ordered curtailment of public information activities but the Pentagon has not cut anything." Rather, after referring to the November 6, 1970 Presidential memorandum which ordered a curtailment of "broadcasting, advertising, exhibits and films" and an end "to inappropriate promotional activities," Mr. Mudd states:

"We were told there will be cuts in personnel, not activities. There may be some disagreement, of course, over just what constitutes 'an inappropriate promotional activity.' *But to date* [February 23, 1971] *not a single activity shown on this broadcast has been eliminated*" [emphasis added].

2. Public relations spending

Congressman Hébert, in the *Congressional Record* of April 21, 1971, stated:

"We have another CBS misrepresentation. The $190 million figure is the opinion of an individual researcher and not the opinion of the Twentieth Century Fund. CBS used the Twentieth Century Fund to add authenticity and credibility to its statement that the Pentagon spends $190 million a year on public affairs, when in fact the Fund takes no responsibility for that figure and the published report financed by the Fund did not use it."

The pertinent statement in the broadcast is:

"A special, still *unpublished* report *for* the prestigious Twentieth Century Fund estimates the real total [annual Pentagon expenditures for public affairs] as $190 million" [emphasis added].

These facts were confirmed in the April 16, 1971, letter to Representative Hébert from M. J. Rossant, Director of Twentieth Century Fund, which was inserted in the *Congressional Record* by Representative Hébert:

"This Fund study was published prior to the airing of the Columbia Broadcasting System's program to which you referred, and did not contain the $190 million figure you mentioned. However, the Fund has ascertained that *such a figure appeared in research done for the study*. As the Fund grants independence to its research directors and other personnel who work on our studies, insisting only that statements submitted for publication are justified, *it is common practice in all of our projects to compile material that does not necessarily appear in published form*" [emphasis added].

On the question of trying to determine the actual costs of public affairs activities of the Defense Establishment, the published study of the Twentieth Century Fund, entitled "The Military Establishment," had this to say (pages 196–197):

"These operations [the Pentagon's informational, educational, and propaganda machinery] by their nature tend to be varied, diffuse, and frequently difficult to identify or classify. Defense Department officials prefer to talk in terms of categories or compartments, to separate the direct information function ('Public Affairs') from many other activities. The recruiting process, for example, does not fall under the heading of public affairs, but it may exert a definite subliminal influence in extolling the military life and the necessity for large standing forces. The educational and self-promoting activities which the armed services mount in local communities, in the school and university systems, with veterans' and civic organizations, even though not labeled 'public affairs' activities, are indeed that. So, too, the widespread public circulation of Defense Department and service films, radio and TV programs, printed material, and visual exhibits. The armed forces' extensive liaison activities with the Congress and some state legislatures may not be labeled as such, but they, too, perform the function of furthering the military's affairs with the public. The exact costs of this public relations complex have never been determined; when asked for details, one high-ranking Army information officer estimated that it would cost $85,000 to track down the figure on the size of the public relations force for his service alone."

The Defense Department pamphlet stated:

"The program said that the Department of Defense is spending 'ten times what it spent to tell people about itself just 12 years ago'."

Pentagon Comment: "CBS probably justifies the statement by comparing the $2.8 million estimate of public information costs in fiscal year 1959, with the $30.4 million limitation on public affairs costs in fiscal year 1971. The comparison is not valid. The $30 million figure includes the costs of all community relations activities at all levels of military structure, a substantial figure when one considers that a significant share of public contact falls into this category, particularly at installation level. The $2.8 million figure *specifically exempted* community relations activities as well as other costs associated with activities not unique to public informaton, but common to all staff sections, such as administrative costs, policy, planning, and programming costs" [emphasis added].

The pertinent statement in the broadcast is:

"In December, Congress cut the appropriations for this division [Pentagon public relations], but, according to the Pentagon, it will still spend $30 million this year on public affairs, an amount more than ten times what it spent to tell people about itself just 12 years ago."

This 12-year comparison was based on the cost limitation for fiscal year 1959 established by Public Law 85–724, Section 619:

"Funds provided in this Act for public information and public relations shall not exceed $2,755,000."

The Act, signed into law on August 22, 1958, does not "specifically" exempt any public information or public relations activities or costs. CBS News found nothing in the legislative history of the Act that year, or in the legislative history of similar acts for the seven preceding years, to indicate that Congress intended to provide for any such exemptions. It seemed reasonable to conclude, therefore, that $2,755,000 was an overall limitation imposed by Congress on all public information and public relations costs, and that it was comparable to the $30 million Pentagon estimate for fiscal year 1971.[3]

Following the comment in the Defense Department pamphlet, CBS News endeavored to ascertain the basis for the statement that the $2,755,000 limitation enacted in 1958 did not cover all public relations activities of the Defense Department. In testimony the *following year*, on March 23, 1959, Errett P. Scrivner, who was then Special Assistant to the Assistant Secretary of Defense (Comptroller) and a former member of the House Defense Appropriations Subcommittee which imposed the limitation, told the Subcommittee:[4]

"As a member of this subcommittee, I joined in voting for the limitation, but frankly, I was never fully advised of all the activities other than 'news' carried on in offices of information of the services, such as troop information and training, public inquiries and community relations, among others."

At a later point, Mr. Scrivner testified:

"In my consideration, 'Public Information' and 'News' were synonomous. None of the hearings ever fully, concisely, compactly, and clearly detailed all of the other activities which had nothing to do with 'news,' such as we had today from Secretary Snyder . . . When the limitation was imposed, in absence of a definition of 'Public information and public relations' it became necessary for the Defense Department to formulate directives, revised from time to time to define the limited activities."

Mr. Scrivner then presented the Subcommittee with a copy of Defense Department Instruction No. 7210.1 showing the accounting procedures by which the Pentagon had exempted a number of activities from the $2,755,000 statutory limitation.

These exemptions were based *not* on specific provisions in the applicable Act, but rather on definitions and accounting procedures established unilaterally by the Pentagon, i.e., the Pentagon decided "from time to time" (as Mr. Scrivner stated) which of its activities involved public relations or public information for the purpose of the statutory limitation on the cost of such activities. In any event, however, the testimony by Mr. Scrivner, further illustrates the difficulty of ascertaining the complete cost of the broad range of public information and public relations activities of the Defense Department.

HÉBERT-ROWE INTERVIEW

Critics made a number of charges in connection with the use on the CBS broadcast of a filmed interview by Congressman Hébert with Major James N. Rowe.

The pertinent part of the CBS News broadcast states:

"Mudd. Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting. War heroes are made available for the taped home district TV reports from pro-Pentagon politicians. Here Representative F. Edward Hébert of Louisiana asks Major Rowe, a Green Beret and former POW, what keeps the Viet Cong fighting."

1. Origin of the interview

Major Raymond E. Funderburk, in an article in the *Army Times* of April 7, 1971 (reprinted in the *Congressional Record* of April 20), discussed the CBS News use of the Hébert interview of Major Rowe, and stated:

"Furthermore, CBS showed the Hébert film as an example of what the Department of Defense produces for the public. Such a statement is too ludicrous and obviously false to mention."

The broadcast does not state or imply, directly or indirectly, that the Hébert-Rowe film was produced by the Department of Defense.

Congressman Hébert charges in a March 3, 1971 press release that:

"Anyone who states that this program [the Hébert-Rowe interview] was produced at the Pentagon's suggestion or produced by any of the military services, or produced with military funds, or produced as an attack on the networks, is telling a clear falsehood and misrepresenting the facts."

"The Selling of the Pentagon" made none of these statements. It did imply that Major Rowe was made available to Mr. Hébert by the Pentagon.

Congressman Hébert further charges that the broadcast deliberately created the false impression that Major Rowe was supplied to Mr. Hébert by the Pentagon.

The Hébert-Rowe program contains this statement addressed by Mr. Hébert to Major Rowe:

---

[3] Similar comparisons were made by "The Military Establishment," the Twentieth Century Fund study referred to above:

"In 1959, public affairs costs acknowledged by the Office of the Secretary of Defense and the military services were $2,755,000. In a decade—by 1969—they had increased more than ten fold." (page 197)

and by Senator Fulbright:

"Ten years ago, Congress for the last time placed a limitation on the amount which the Department of Defense could spend on public relations and public information. The limit at that time was set at $2,755,000—a substantial sum nonetheless which could be used to promote what was then a $43 billion defense establishment. In the years intervening between fiscal 1959 and this past fiscal year, the overall defense budget has almost doubled to more than $76 billion, including supplementals. During that same time, the Defense Department public relations funds lacking any legislative restraint by limitation, had soared by last year to at least $27,953,000, according to figures supplied me by the Office of Secretary of Defense and the three military services. That represents a tenfold increase over 10 years ago. . . ." Congressional Record, vol. 115, pt. 27, p. 36129.

[4] Hearings, Department of Defense Appropriations for 1960, Subcommittee on Department of Defense Appropriations, House Appropriations Committee, Part 4, Operations and Maintenance, page 1034.

"I want to pause momentarily now to express to you my very deep appreciation and to our mutual friend, Colonel Scooter Burke, a Congressional Medal winner, and we are proud of him on the Hill, for *bringing you to me* and allowing you to come down to talk with us and meeting the folks down in New Orleans" [emphasis added].

Colonel Scooter Burke is Colonel Lloyd Burke, Pentagon liaison with the House Armed Services Committee. An article by Bernard D. Nossiter in *The Washington Post* on November 23, 1969, which reports the circumstances under which Major Rowe participated in recorded interviews with various Congressmen, refers to "Colonel Lloyd L. Burke, an Army legislative liaison officer and Rowe's immediate sponsor."

Congressman Hébert charges that the broadcast deliberately created these "clear inferences" each of which was a "falsehood": that the Hébert-Rowe program was the Pentagon's idea, that it was planned by the Pentagon to counter network TV reporting and that the Pentagon "used" Mr. Hébert for the program because he was "sympathetic."

It was clear from the broadcast that the program on which Major Rowe appeared was one in a regular series of home district reports by Mr. Hébert. The broadcast did not state or imply that this series was "the Pentagon's idea," or was "planned by the Pentagon." But, as already noted, Major Rowe was, in Mr. Hébert's own words, brought to him by Colonel Burke, a Pentagon representative. Mr. Mudd's phrase "using sympathetic" Congressmen was warranted by the facts. As to whether the Hébert-Rowe interview was intended to "counter TV network reporting," the interview did include this statement by Mr. Hébert which was reported in "The Selling of the Pentagon:"

"I am one of those who believes that the most vicious instrument in America today is network television."

2. *The charge of "false pretenses"*

Congressman Hébert charges that the Hébert-Rowe program was obtained from his office "under false pretenses."

The substance of this charge is that the taped Hébert-Rowe interview was delivered to CBS News by Mr. Hébert's office on the basis of a false representation by CBS News that it was to be used in a POW documentary.

In the summer of 1970, Bernard Seabrooks, a CBS News production manager, asked Lou G. Burnett, the Congressman's press aide, for a tape of the Hébert-Rowe program. Mr. Burnett forwarded the tape to Mr. Seabrooks on July 6, 1970, with the following letter of transmittal which mentioned neither restrictions on its use nor prisoners of war.

JULY 6, 1970.

Mr. BURNEY SEABROOKS,
CBS News Department,
New York, N.Y.

DEAR MR. SEABROOKS: I am sending you under separate cover the film of Congressman Hébert and Major Rowe.

It is most important, however, that we get the film back, and I would appreciate your returning it as soon as possible.

I trust it is not necessary to cut the film to obtain what you need because it goes to the Congressman's library and he would like the film to remain in tact.

Please feel free to use any portion of the film as the Congressman has given his permission to do so.

With kindest regards,

Sincerely,

LOU GEHRIG BURNETT,
Press Secretary to Rep. Hébert.

About 16 weeks later, in October 1970, James Branon, a researcher for CBS News who was working on "The Selling of the Pentagon," had a telephone conversation with Mr. Burnett (*his first*) in which he asked for the names of other Congressmen who had interviewed Major Rowe. The Nossiter article in *The Washington Post* (quoted above) had mentioned 20 Congressional interviews with Major Rowe but had listed only eight names.

On January 19, 1971, Mr. Branon had another telephone conversation with Mr. Burnett in which he asked for the names of *any* servicemen (in addition to Major Rowe) who had been interviewed by Mr. Hébert, such as other *returned prisoners of war,* Vietnam veterans, or members of the Son Tay rescue team. During the course of this conversation, Mr. Burnett volunteered a description of Mr. Hébert's extensive prisoner of war interests and activities. At about the same time, and for the same purpose, Mr. Branon made similar requests to Representative Fisher and to the press aides for Representatives Dickinson, Buchanan and Winn.

There was no effort to conceal or camouflage the subject of the program in any way. On March 26, 1970, Peter Davis, the producer of the broadcast, wrote to Daniel Z. Henkin, Assistant Secretary of Defense (Public Affairs), informing him that "CBS News is beginning preparations for a proposed *documentary on public information activities in government.*" On the same day, similar letters were sent to Herbert G. Klein, Director of Communications for the White House; Alvin Snyder, Assistant to the Director of Communications for the White House; Robert J. McCloskey, Deputy Assistant Secretary for Press Relations, Department of State; and Michael Collins, Assistant Secretary of State for Public Affairs.

By the end of May 1970, six sequences dealing with military information activities and involving military personnel had already been filmed. On July 2, 1970, Norman Hatch, Chief, Audio-Visual Division, Directorate for Defense Information, circulated a memorandum to 27 DOD personnel, including the "Public Affairs Officer for the Assistant Secretary of Defense (Legislative Affairs)." The subject of the memorandum was "CBS Documentary on Governmental Information Activities." The memorandum said in part:

"Mr. Peter Davis and a staff of CBS researchers are developing a television special on the subject of public information activities with the Department of Defense. Extensive research and some filming are being carried out by Davis and his staff. This memorandum is offered as guidance in handling inquiries or requests from CBS in this effort. All information officers are requested to grant Davis or his representatives normal press courtesies in assisting him to gather information about DOD information services or activities, and to photograph public displays, demonstrations, briefings, or other information activities that are open to the press, within limits that do not involve Government expense or serious interference with the activity. . . . Some of Mr. Davis' staff working on this project include researchers Helen Moed and Susan Seglist and Mr. James Brannen [Branon]."

It is clear, therefore, that early in the 10-month production period, and before Mr. Hébert's office delivered the Hébert-Rowe program to CBS News, the subject matter of the broadcast and the identity of its production staff were widely known.

Messrs. Seabrooks and Branon, the CBS News personnel who discussed recorded interviews with the offices of Mr. Hébert and the other Representatives mentioned by him, state flatly that they did not, at any time, represent that the interviews were to be used in a POW documentary. On the contrary, they state they disclosed that the documentary was concerned with the public relations activities of the Pentagon. In the light of the widespread knowledge of the nature of the documentary in Washington, at the Pentagon and on Capitol Hill, it is difficult to believe they would have done otherwise. Months *after* the Rowe-Hébert program was delivered to Mr. Seabrooks, Mr. Branon contacted Mr. Hébert's office and the offices of other Representatives to obtain information with respect to additional Congressional interviews with Major Rowe and other military personnel, including other former prisoners of war. It is at this point, seemingly, that the confusion began. The focus on additional Rowe interviews and other POW interviews may well have been the genesis of the misunderstanding which arose.

WELCOMING MAJOR LEAGUE HOCKEY TO LONG ISLAND

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. HALPERN. Mr. Speaker, I would like at this time to express my admiration for the great spirit and traditions of that grand Canadian invention, the game of ice hockey, which is moving into the life of all America, with wild exuberance and furious enthusiasm.

As a Representative from Long Island, I am pleased to note the inclusion of my area in the world of major league hockey, by recent edict of the National Hockey League.

It is a great moment for Long Island, and a tribute to her growing significance in the overall structure of the State of New York.

Refined from the ancient European game of bandy, a formless free-for-all that 19th-century Canadians took up to ward off the winter cold, ice hockey has become a hot commodity, commercially, over the past decade. Rival leagues are vying for the right to produce the game in major population centers throughout the United States and Canada, and the National Hockey League has extended its influence to the Pacific coast.

The appeal of the game is electric and contagious, and once an area has become involved with it, there is a strong tendency to addiction. In Toronto, the Maple Leafs of the National Hockey League have filled their 14,000-seat rink for every game since 1946, and have a waiting list a mile long for season tickets.

All across Canada, each Saturday night from October to April, 650,000 citizens—one third of the national population—watch National Hockey League games on television. It is a sacred tribal rite, rapidly spreading to tribes in other lands.

Thirty years ago, the Soviet Union had no hockey players. Today, she boasts 500,000, and crowds of 50,000 often pack Moscow's huge open-air rink, at temperatures of 30 below. Second only to soccer in popularity in Sweden, hockey has become the game in Czechoslovakia and Finland. When the World Amateur Hockey Tournament was held in Yugoslavia a few years ago, most of the important matches were sold out a year in advance. They are even playing hockey in Mexico and Japan, and with all-weather, artificial ice ranks in such unfrozen places as Memphis, Tenn., and Houston, Tex.

Of all team sports, hockey is perhaps the roughest. When two teams square off, each armed with curved hickory sticks and intent on firing the flat, vulcanized rubber puck into the other's goal, the action is usually violent. Accordingly, there are rules against slashing, tripping, punching, and such. If a player's offense is noticed by the referee, he is banished to a penalty box for 2 minutes or more, and his team must play shorthanded. While team owners often deplore rough play and fisticuffs, the fans are entertained by them. A Toronto official observed after one rousing brawl:

> If we don't stamp out that sort of thing, we'll have to print more tickets.

Easy to understand, hockey is possibly the hardest of all sports to master. A big-league player needs speed, split-second reflexes, agility, balance, and strength—plus an instinct known as "hockey sense." Above all—in the manner of knights of old—he must shrink not from pain or the sight of blood. A true professional in the hockey game can be recognized by the stitch-marks in his face and by his pearly dentures.

As recently as 15 years ago, the great mass of players in the National Hockey League were Canadians and the number of Americans totaled exactly one. As of today, the number of Americans is considerable and Europe is represented as well. As the game's excitement continues to spread, the day may come when we will see a truly world playoff for the Stanley Cup, the 73-year-old National Hockey League championship bowl. If a cup playoff should ever pit the Russians against our pros, or the Canadians, it probably would not qualify as a replacement for Brotherhood Week. For the Soviets play, in the words of Sports Illustrated, "as though the future of the Communist world depends on their sticks and blades."

And so it is for hockey players everywhere. It is a game seemingly of life and death, a game of fury and of passion, and a game that inspires the audience wherever it appears.

As a Representative from Long Island, I am pleased and proud to welcome to our front yard the glories of this enterprise. We extend our best wishes to the National Hockey League and to our own team, and wish them the best of all possible success to their collective endeavors.

CAREFUL STUDY OF VALUE-ADDED TAX NEEDED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. VANIK. Mr. Speaker, the newspapers have recently reported that a value-added tax may be proposed by the administration in the next session of Congress.

The imposition of such a tax has undoubtedly been made more necessary to the administration because of the multi-billion dollar corporate tax cuts contained in the Revenue Act of 1971. The individual taxpayer will soon be called upon to make up for this tax give-away to a special group of taxpayers. The billions of dollars given away to a few special taxpayers will have to be collected from all of the taxpayers when we come to our senses after the politics of 1972.

A value-added tax is essentially a national sales tax. It is a regressive tax which taxes consumption of goods rather than income accumulation. It is a tax which completely disregards the ability of the taxpayer to contribute his fair contribution to the cost of the Government.

I believe it valuable for my colleagues to consider the following two articles, from the Wall Street Journal of June 17, 1969, and from the Harvard Business Review of November–December 1970. When former Assistant Secretary Stanley Surrey and an editorial of the Wall Street Journal both caution against imposition of this new tax, I feel we in Congress should study the proposal carefully. I enclose both of those articles for the Record.

The articles follow:

[From the Wall Street Journal, June 17, 1969]

A Tax of Dubious Value

Since the Federal tax structure is far from flawless, it's probably healthy that there is talk of sweeping revision. One current proposal, however, seems to us to be of limited merit.

The proposal is that the U.S. institute a "value-added tax," of the sort now imposed by France, Germany and a few other countries. In general, the idea is simply that each businessman pays a tax on the value that his operations added to a product. Since it would add up to a percentage of the price of the product, it is, in other words, a variant of a general national sales tax.

At the moment the value-added levy is being urged by a number of economists and businessmen and has been getting at least some consideration in the councils of the Federal Government. A strong plea for VAT is advanced by Richard W. Lindholm, dean of the University of Oregon's Graduate School of Management and Business, in the Tax Foundation's Tax Review.

As Professor Lindholm points out, a value-added tax would make is possibile to reduce income tax burdens for both individuals and corporations. There's more than a little question, though, whether any such substitution of tax sources would be politically possible, even if it were economically desirable.

For better or for worse, U.S. tax theory is firmly wedded to at least some progressivity—in other words, a system that bases taxes on the taxpayer's ability to pay. The system doesn't work quite as intended (witness the current Administration proposal to assure that the very wealthy pay at least some tax) but the idea remains durable despite faulty implementation. And the value-added levy plainly isn't progressive, since the amount it added to prices would not vary with the incomes of the purchasers.

Professor Lindholm sees this "neutrality" as a virtue. If the Government wants to grant special favors to unprofitable businesses or the poor, he notes, it can do so in other ways. Yet even if this political obstacle were overcome, the case for the value-added tax would not be especially persuasive.

One of the weaker arguments for the levy is that it appears to be workable in Europe. But many European nations long have leaned heavily on indirect, sales-type taxes—not because they think such levies are necessarily best but because they have so much trouble imposing, and collecting, income taxes. The success of the U.S. self-assessment income tax still astonishes many Europeans.

Another argument is that European nations can rebate VAT to exporters and impose it on imports; the tax thus allows them to systematically subsidize exports and penalize imports. The contention is that a U.S. value-added levy would put this country on an equal competitive footing—it would permit the U.S. to retaliate.

One trouble with that is the Europeans in all probability would not regard the new competitive footing as equal; they might very well take added steps to discriminate against imports from the U.S. and in favor of their own exports, touching off a new war of protectionism. If the U.S. is truly interested in free trade, it should instead continue trying to get Europe to minimize its discriminatory use of VAT.

Whatever happens to that effort, it would be foolish for the U.S. to adopt a new national tax system solely to aid its exports, which after all account for only about 5% of its Gross National Product. The overriding consideration should be how any such system fits the nation's domestic situation.

In the domestic economy, the value-added tax doesn't look especially attractive. It's true that VAT would permit an income tax reduction, but it would by no means assure it; unfortunately, governments with rising revenues from new sources have a way of finding all sorts of new expenditures. It's probably also true, as Professor Lindholm says, that the technical difficulties of the value-added levy are surmountable. But the difficulties exist, and they would further complicate a vastly complicated tax law.

VAT, moreover, is in a way a hidden tax, which usually would be paid by consumers in the prices of products. As such, it might be less subject to public control than income levies and even the usual retail sales taxes, which are so painfully visible to everyone.

Speaking of retail sales levies, the value-added tax would be a major invasion of a revenue area that now is largely the province of state and local governments. Even with their present tax sources, many states and localities are leaning ever harder on Washington, and VAT could further weaken their economic viability.

The Federal tax system surely should continue to be discussed and debated. All things considered, however, VAT seems a tax of dubious value.

[From the Harvard Business Review, November-December 1970]

Value-Added Tax: The Case Against

(By Stanley S. Surrey)

FOREWORD

In stating the case against the VA tax, this expert on taxation argues that the adoption of this regressive tax would not only worsen our present domestic tax situation, but also fail to bring us any significant international trade advantages. He further says: "There is no need for the United States, with an already effectively functioning retail sales tax structure at the state level, to have at the federal level a value-added structure that collects, in more complex fashion, the amounts which could otherwise be collected under a retail sales tax."

Mr. Surrey is the Jeremiah Smith, Jr. Professor of Law at the Harvard Law School, where he teaches taxation. From 1961 to 1969, he served as Assistant Secretary for Tax Policy in the U.S. Treasury Department.

Writers of tax articles have recently found a new topic for discussion—or what they appear to indicate is a new topic—namely, "Should the United States have a value-added tax?" The question, when so phrased, does appear to be a new one, since most readers do not know what a value-added tax is and are led to believe it is a novel form of taxation. But if the question were phrased more accurately as, "Should the United States adopt a national sales tax?" the reader would at once be on familiar ground.

This question has been discussed for four decades or more in the United States—and the answer has been consistently in the negative. A value-added tax is just a general retail sales tax collected in a different way.

It is interesting that advocates of the value-added tax generally go out of their way to avoid mentioning this. Indeed, articles urging the VA tax are written without once using the words "sales taxation" or "retail sales tax." Many other people, however, such as public finance experts and the Europeans who have such taxes, are quite clear on the sales tax classification of the value-added tax.

There is nothing wrong in once again debating a question we have considered a number of times before in the United States. Any tax system must constantly face up to continued scrutiny. Nevertheless, we should maintain our perspective in talking about a value-added tax, and constantly keep in mind that it is no more than one way of collecting a retail sales tax.

Moreover, and this is important, we should recognize that many who wish to add a national sales tax to our tax system hope to find a new and stronger urgency for their position by pushing this variant of the usual retail sales tax under a name that is generally novel to our ears and, even more significant, that does not reveal its basic character. They also seek thereby to capitalize on the current wave of adoption of value-added taxes in the European Economic Community.

Let us, therefore, first look at that background and see how a VA tax functions. Then in succeeding sections, I shall discuss the domestic and international considerations, and present my judgment that the United States should not adopt a national sales tax and that, in any event, the typical retail sales tax is preferable to the value-added tax variation.

VA TAX BACKGROUND

What is new in the world today is that the European countries are in the process of adopting value-added taxes. France has had one since 1954; Denmark adopted one in 1967; Germany adopted one in 1968; The Netherlands, Sweden, and Belgium, in 1969; Norway, in 1970; and so on. But a word of perspective is in order.

All of these countries have for many years had a national sales tax of one form or another, usually the inefficient turnover tax. The main topic for them, therefore, was not whether to have a national sales tax. Rather, in seeking to replace the undesirable turnover taxes and to harmonize their tax systems under the European Economic Community, the consideration was whether they should adopt the VA form of sales taxation or some other form of sales tax as the common denominator.

For reasons growing out of their political and tax histories, which in some countries involved the inability to effectively collect a mass income tax, they had already chosen to utilize high-rate sales taxes. The significant point is that they were concerned with the subtopic—namely, the form of a sales tax which would be superior to the turnover tax and would achieve harmonization—and not the main topic: Should there be a sales tax at all? They had answered that question, as I have said, many years before, for their national sales taxes go back at least to post-World War I days. As for the present, they are choosing the value-added tax, partly for political reasons and partly because of worries about collection problems under the retail sales tax. I shall present more on this point later.

How it works

We all know what a retail sales tax is—44 of our states and some of our cities have this tax. We also know what a wholesale sales tax is and what a manufacturer's sales tax is. What, then, is a value-added tax? A VA tax is merely a different method of collecting a retail sales tax. Moreover, it is a more complex method. Using the recent German tax as a model—and that is the type urged for adoption in the United States—let us see how a VA tax works.

The German tax is imposed at an 11% rate on almost all sales of goods (and some services) by any business. Take the case of a manufacturing company: it applies an 11% rate to its total sales to find the preliminary tax due. From this, the company subtracts the 11% taxes it has paid on its purchases; the net is payable to the government.

In essence, the tax is computed on the value-added by the manufacturer, as represented by the difference between the values of the company's total sales and its total purchases. The latter includes all components, either as raw materials or semiprocessed goods; capital goods, such as plant machinery and equipment; goods used up in manufacture; business furniture; and so forth. The manufacturing company, of course, bills its wholesale customers for the 11% tax on the sales price of the articles it sells, just as it was earlier billed 11% on its purchases from suppliers. The tax is invoiced separately on all sales and is thus not hidden in the sales price.

The process is repeated at the wholesale stage—the wholesaling company pays the government 11% of its sales, less the taxes the company has paid previously on its purchases, and then bills the 11% tax to its customers. No pyramiding should occur with the VA tax—in contrast to the turnover form of sales tax—since the taxes paid by the wholesaling company are kept apart from the price of the goods it purchased, and it can subtract this tax cost. The process is repeated once again at the retail stage, with the retailer charging its customers for the 11% tax.

The process ends there if the retail sale is for personal consumption, as in the case of a family automobile, household furniture, clothing, and food. But if the article is purchased for use in a business—say, a company automobile or office desk—the process begins again, and the company subtracts the tax on the car or desk from the taxes it collects on its sales.

There is one additional important facet to note. Under the German system, the tax payment is due each month. Suppose, then, that a company has paid more tax on its purchases than it has collected on its sales to customers (e.g., sales may be slow. In that case, the government makes a refund of any excess tax paid in any given month; thus the cost of carrying the value-added tax is not borne by the company beyond a month or two.

All this clearly adds up in economic effect and intended result to an 11% retail sales tax on personal consumption. The 11% VA levy is designed to be passed all along the processing line to the consumer who buys from a retailer and is left with the tax. The 11% tax is not intended to enter into the price structure until the final sale. Prior to that time, it is a tax item that accompanies each sale, it is kept separate on the books, and it is so indicated. If the tax item is not promptly moved along the business chain, the government refunds the amount promptly.

(Economists refer to this form of value-added tax as a consumption type. It is the form used by all European countries that have adopted the tax. There are other forms—for example, the income type, which allows only depreciation of a producer's capital goods purchased and has the effect of a proportional income tax. But the consumption type is the one that advocates of a value-added tax have in mind for the United States.)

The obvious question that one familiar with an effective retail sales tax would ask is: "Should the government bother with the preliminary steps when it can get the final 11% tax at retail?" The response is presumptively, "Don't bother with the preliminaries that occur under a value-added tax; just have the retail sales tax." Indeed, this was the reply given by the Canadian Royal Commission on Taxation, which did pose the question for itself. I shall return later to this aspect.

DOMESTIC CONSIDERATIONS

Against the preceding background, we can return to the main question I posed at the outset of this article: Should the United States adopt a national sales tax? Proponents of this tax have followed two courses. One is to argue that we should have a sales tax right away, and it should be substituted for part of the present income tax, usually the corporation income tax. The other course is to assert that if, as a nation, we decide to increase our tax payments, the sales tax should be utilized to raise the additional revenues.

While, in the eyes of sales tax proponents, these two courses of action embody the view that the VA tax is clearly superior to all other taxes, in part the courses raise separate issues. Let us first consider the substitution of a sales tax for part of the corporate tax.

Substituting a sales tax

A 1% national retail sales tax would yield about $5 billion. Similarly, six percentage points of the corporate income tax would yield about the same revenue. Hence should we, for example, reduce our 48% corporate income tax to about 30%—proponents of a value-added tax do not say how much of a substitution they desire—and make up the $15 billion loss of revenue through a 3% sales tax? What would the United States gain through this change?

Aspect of neutrality: Certain virtues are claimed for the value-added tax in the name of "neutrality." There is no such thing, however, as a really neutral tax; some transactions or people must in the end be taxed and not others.

The VA tax is said to be neutral because it applies in the same way to all types of business. Thus the tax is said to be a cost for every business—whether a business makes or loses money, whether efficient or inefficient whether in corporate form or proprietorship form, whether labor-intensive or capital-intensive, whether debt-financed or equity-financed, and so on. We are left with the impression that here is a really neutral tax *imposed on businesses* which we are substituting for the corporate income tax.

But this just is not so. The value-added tax is neutral as to businesses because it does not apply to businesses; rather, it is a retail sales tax on the consumers of goods and services, and not a tax on the producers or sellers of goods and services. For the business sector, the neutrality of the VA tax simply means the *neutrality of the nontaxpayer,* because it casts the business firm in the role of a collector of taxes from the ultimate consumer.

Nor should we view a VA tax as a neutral tax on consumers. A VA tax would be neutral only if it taxed *all* consumer goods and services at the *same* rate. But no such tax actually exists in Europe, and none would exist here. The French tax, for example, has four rates: a normal rate; an increased rate for luxury items; an intermediate rate for certain utilities, such as hospital care and some food stuffs; and a reduced rate for widely consumed foods, tourist hotels, and so forth. The German tax has two rates—a general 11% rate and a 5.5% rate for most agricultural products—and other countries generally also have at least two rates.

Some systems exempt food, and many exempt a large variety of services, financial activities (banking and insurance), newspapers, nonprofit institutions (schools and governments themselves), and so on. Some favor small businesses. Other systems avoid differential rates, but reduce the tax base for certain sectors of the economy (e.g., construction) by taxing only a percentage of the sales price. The list of separate rates, differentials, exclusions, and discriminations is endless. No mass tax can be a simple, neutral tax, as anyone acquainted with a state retail tax will agree, and a value-added tax is more complex than a retail tax.

Advocates arguments: Some supporters of a VA tax say that the United States should derive a larger portion of its revenue from indirect taxes—that is, from sales taxes. This argument is usually associated with the idea that substituting a tax on sales to raise part of the revenue now provided by the corporate income tax would stimulate economic growth through enhancement of investment in corporate equity. Foreign tax systems are often cited as evidence to support this view.

But if one looks at the components of the tax systems of various industrialized nations over a period of time and relates them to the growth rate of their economies, there seems to be no observable relationship between the two. We have been doing pretty well in the United States in the last decade, and we do not have a national sales tax.

Arguments as to the "fairness" of taxing corporate income will continue so long as there is a corporation tax. Far be it from me to deny that a separate tax on corporate profits does not have distributional and incentive effects. It does, but so does every tax, and some of these effects could be corrected by appropriate revisions in our corporate tax rules. The real question is whether there are advantages to corporate profits taxation which offset the disadvantages. I believe there are.

The history of corporate income taxation in this and other industrialized nations has shown that there is a significant tax-paying capability inherent in the corporate structure. Moreover, many approve of the distribution of the corporate tax by income classes. And the taxation of corporations and their dividends hardly seems to put a damper on the long-run advantages that investors find in corporate equities. Some economists, of course, would like to see the corporate income tax integrated with the individual income tax—by regarding the corporate tax as a preliminary withholding tax on shareholders and the latter taxed on their shares of all corporate income—and capital gains made fully taxable on an accrual basis as far as possible; but this is a step which is rarely urged by advocates of a VA tax.

If we desire to adjust our income tax structure to tilt it, or rebalance it, or what you will, so as to favor investment, there are ways to accomplish this (e.g., investment credit) without having to resort to an entire new tax.

Inasmuch as proponents of a VA tax for the United States so often refer to the tax systems of foreign countries as model for the use of indirect taxes, I wonder why, if they are so worried about the level of our corporate tax, they so conveniently ignore the corporate tax rates in those countries. Heavy reliance of a country on indirect taxation does not mean low corporate rates.

For example, both Germany and France have a rate of over 50% on undistributed corporate profits, and the United Kingdom's rate is in the 40% bracket. The experience of U.S. companies with international operations and U.S. Treasury data on the foreign tax credit indicate that the effective rate of European corporate income taxes generally is quite comparable to that of the United States.

Moreover, it is on top of these high corporate rates that European countries have their value-added taxes, also at high rates. Thus the top French rate is 23%; the Swedish rate, 15%; and the German rate, 11%. No European country has reduced its corporate tax as a result of having adopted a value-added tax.

I thus can find no persuasive reasons to shift from the corporate tax—or any other existing tax—to a national sales tax. The Conference Report of the National Bureau of Economic Research and the Brookings Institution in 1964, on the subject of "The Role of Direct and Indirect Taxes in the Federal Revenue System," ends with the same conclusion: "It is hard, then, to find much support for more reliance on indirect taxation in the record of the conference, even though some participants came, and left, with a disposition toward this view."[1]

Detractors' objections: There are a number of persuasive reasons against a shift from the corporate tax to a sales tax. It would mean the substitution of a regressive tax for a progressive tax, and on equity grounds this would be a distinct step backward. A Bureau of Labor Statistics Study contrasts the distribution of consumer expenditures as a percentage of income with the distribution of corporate dividends, also as a percentage of income.[2] Consider:

The consumer expenditures range downward from over 100% of income in the lowest brackets to 80% at the $10,000-to-$15,000 level, and 62% in the brackets over $15,000.

The dividends hover around 0.6% to 0.7% of income until the $10,000-to-$15,000 bracket, where they are 1.9%, while in the over-$15,000 bracket they are 6.7%.

The groups under $10,000 accounted for 82.5% of overall consumer expenditures, but only 29.3% of the total dividends.

The groups over $15,000, which included only 2% of the consumer units in the country, made 5.7% of the expenditures but received 41.6% of the dividends.

The value-added tax is levied on the consumer expenditures, whereas the corporate tax, in effect, reaches the dividends. If one believes in progressivity in our federal tax system, one would oppose the substitution of the VA tax for the corporate tax.

Proponents of the VA tax seek to meet this objection in several ways. One course is to argue that the corporate tax itself is shifted forward, so no change in regressivity would be involved.

(This argument assumes that on reduction of the corporate tax there would be pro-tanto, a deshifting which, coupled with the effect on prices of the value-added tax, would leave prices unchanged. However, the deshifting is a result one could well be skeptical about, even if one felt that there had been some previous shifting of the corporate tax. If there is no deshifting, then the price structure will of course rise with the imposition of the value-added tax.)

The economic aspects of the incidence of the corporate tax are very involved, and economists are in varying stages of disagreement on the theoretical arguments and statistical analysis. But if they were put to the crucial and operative question, "What should a legislator, in deciding how to vote on tax issues, assume as to who bears the corporate tax?" I believe most economists would answer, "The legislator shall assume the tax is borne by the shareholders." Further, if put to the same form of question on a retail sales tax, or a VA tax, I believe they would answer, "The legislator should assume the tax is borne by the consumer."

Another course of the proponents of a VA tax is to seek to minimize the regressivity effect, either by raising income tax exemptions and increasing welfare payments, or by granting exemptions from the sales tax—say, for food. Perhaps the burden of a VA tax on the very poor can be moderated in this way. But the VA tax, including the added load of the increased welfare payments, must be paid—and it will be paid—through a shift of the tax burden from the upper to lower brackets.

A third course is to acknowledge some increase in regressivity, but to consider this disadvantage outweighed by the purported advantages of the tax in fostering economic growth and giving corporate investors more "reasonable" tax treatment. However, this defense is only as good as those purported advantages, and they, in my view, do not carry the needed weight.

In the end, the arguments come down to the fact that most of those who advocate a VA tax simply have a distinctly lower regard for progressivity and tax equity as factors in shaping a tax system.

The substitution of a sales tax would cause prices of consumer goods to rise, which is the underlying purpose of the tax. This rise in price would, in all likelihood, set off a round of wage increases as the price index rose, and thus the substitution of the tax would have an inflationary potential. The addition of a new mass federal tax also would have its costs in taxpayer compliance and IRS administration. A proposal for a value-added tax would involve a political and legislative battle of the first order. The country would not be well served by provoking such a battle for a tax that has so little to offer to our tax system.

Raising additional revenue

Let us turn to the question of what should be done if the country decides that additional revenue should be raised. The previous discussion indicates that a national sales tax should not be the first measure to turn to for the additional funds. Recently, $10 billion in additional taxes was raised by a 10% income tax surcharge without any adverse consequences or administrative problems. This indicates that, if additional revenue is needed, the first course should be to raise income tax rates to higher levels.

Along with this should come further steps toward reforming the income tax. Target areas could include a stronger minimum income tax, income taxation of appreciated capital assets at death, withholding on dividends and interest, elimination of the maximum tax on earned income, wringing out the "tax water" in our tax preference subsidies (state and local bonds, real estate, oil exploration, timber, farm losses), and strengthening the estate and gift tax laws.

Thus, given the revenue increase likely to be needed—if it is indeed needed—for economic stabilization reasons or voted by Congress for expenditure purposes, we would not be faced with the question of whether we were using our existing tax system beyond safe limits, and a new mass tax would thus not be required. Moreover, and I shall consider this later, *if* such a tax becomes necessary, a retail sales tax is preferable to a value-added tax.

(Some economists, seeking far larger revenues for social purposes, see a national sales tax as part of a revised tax structure with a strengthened income tax, especially as to appreciation in capital assets whether or not realized by sales; increased taxes on wealth through stronger estate and gift taxes and perhaps a net wealth tax; a progressive expenditure tax for well-to-do spenders; and a strong negative income tax or income maintenance arrangement to protect the poor. But most of the advocates of a value-added tax are not found here, for they see only the sales tax ingredient.)

INTERNATIONAL ASPECTS

The preceding discussion states the view that, on the basis of domestic considerations, the adoption of a national sales tax is not desirable. If one accepts this conclusion, the next question is: Should the answer nevertheless be altered because of international considerations?

---

[1] *Role of Direct and Indirect Taxes in the Federal Revenue System* (Princeton, Princeton University Press, 1964), p. 313.

[2] Bureau of Labor Statistics, *Survey of Consumer Expenditures, 1960–1961,* "Supplement 3—Part A to BLS Report No. 237-93," May 1966.

Many proponents of a value-added tax would reply in the affirmative, and indeed rely on international considerations to differentiate the latest discussion of the need for a sales tax from the previous debates on that subject in this country. This reliance on international considerations is based on the structure of a VA tax as applied to international trade.

A country with a value-added tax, while recognizing the effect of the tax on domestic prices, prevents the tax from increasing export prices. It does so by exempting a manufacturing company (or other exporter) from paying a VA tax on its exports. The country also rebates to that company the VA taxes it has paid to its suppliers so that it does not incur those tax costs for its exports.

At the same time, the country brings imports under the value-added tax by imposing a border tax on the imports equal to that tax, thereby subjecting imports to the same sales tax system as domestically produced goods. There is nothing mysterious or tricky in this approach. We do the same in the United States in the case of our single-stage manufacturer's taxes on automobiles, cigarettes, alcohol, and so on—namely, rebate the tax (if previously paid) on that part of the output which is exported and collect an equivalent excise tax on imports.

Inadequate arguments

Why, then, is is said that a country having a VA tax is favored in its international trade? Some business firms and groups have a simple, first-level answer. They say that a German company exporting machine tools, for example, is exempted from an 11% VA tax if it sells for export, but not if it sells domestically, so that those German exports are favored by the 11% differential.

This simply means, however, that a German exporter of machine tools does not pay a sales tax in Germany, and the tax does not increase his price; but neither does a U.S. exporter of machine tools pay a sales tax in the United States. Hence both, in this respect, are already on the same basis.

They also say a German exporter receives a rebate of 11% of the cost of his purchases, while the American exporter does not. But the German exporter has paid a sales tax equal to that 11% rebate, while the American exporter has not. Thus, in this respect, they also end up on the same basis—selling in world markets free of a domestic tax.

And so it is with imports. Machine tools coming into Germany must pay an 11% tax because machine tools produced and sold in Germany are subject to that tax. Machine tools coming into U.S. domestic markets do not face a border tax in the United States because machine tools produced in the United States are not subject to such a tax.

Clearly, we must look beyond this erroneous first-level contention to see if there is an international trade effect. Some proponents of a VA tax assert that while this system of border tax adjustments keeps that tax from affecting international prices, the United States does not have comparable border tax adjustments to reflect the corporate income tax. But this argument has validity only if the corporate tax is shifted forward in prices and thus, without the rebate, would affect the export price. This is a point considered earlier, and we took the view that the corporate tax should, for legislative policy purposes, be considered as not shifted forward. Moreover, since the principal European countries also have corporate taxes at about the same effective level as ours, they are in the same posture in this regard, and this argument thus has no weight.

Let us move from these clearly inadequate arguments of the proponents of a value-added tax to try another avenue of analysis. As noted earlier, the VA tax is passed forward in an accounting sense and is expected also to be shifted forward in an economic sense through a price rise.

Suppose, however, that it is not fully shifted forward in domestic prices because of market conditions. Then a manufacturing company will be forced to absorb some of the tax effects on its domestic sales and thus reduce its profits, since it is only realistic to assume that wages cannot be reduced.

But the company would not have the consequence of reduced profits on its exempted export sales; therefore, it would perhaps turn more of its energies to exporting and thereby enlarge the country's international trade. Similarly, foreigners exporting the same product to the value-added tax country would suffer lower profits and be less induced to push those exports.

If this be so, a country with a VA tax would have some trade advantage through such an incentive to export and the disincentive to import. The situation could vary from product to product, depending on supply-and-demand elasticities.

But, given full employment, the absence of full forward shifting in price of the VA tax would presumably be due to a reasonably tough monetary policy that did not allow domestic prices to rise to absorb the tax. If it takes such a tough policy to produce the trade advantage when a sale tax is introduced, then presumably the advantage could also be obtained by the same monetary policy and its deflationary effect on domestic prices without resorting to a value-added tax.

Finally, for the trade advantage to be at all significant, the rate of the VA tax must be quite high, at levels commensurate with the European rates. But a VA tax applied in the United States at such levels would swamp our existing tax system. For example, even a 10% rate would mean a revenue yield considerably greater than that from our total corporate tax.

The conclusion which emerges from this examination of international aspects is this: if the United States were to decide, on domestic considerations, that it should not adopt a national sales tax, it should not change that decision because of international considerations. The international considerations are either neutral or so minor in their effect that the final decision should rest on domestic policy considerations alone.

PREFERABLE ALTERNATIVE

In regard to the major question of whether the United States should adopt a national sales tax, my answer is *no*, at least in the foreseeable future, whether the sales tax would be offered as a substitute for an existing tax or as a method of raising any additional revenues needed. But even if the answer were *yes*, why should the value-added tax be chosen by the United States? Why not the familiar retail sales tax?

Effective structure exists

In the United States, with 44 states having retail sales taxes, over 97% of our population live in states with retail sales taxes, and 97% of our retail establishments are located in states having such taxes. The usual rate is around 5%, with some rates as high as 8%. Thus, today, a retail sales tax is being successfully administered in the United States. Therefore, if the federal tax system is to have a national sales tax, why not simply use the retail tax structure we already have functioning and adopt a national retail sales tax?

What is to be gained by having a VA tax rather than a retail sales tax? As far as I can see, the answer is more paper work and administrative chores, and greater temptations for exemptions and special rates.

The end result of a VA tax, as we noted earlier, is that the retailer collects the tax from his customer. Let us compare the effects of a 5% retail sales tax and a 5% VA tax. Under the retail sales tax, a retailer collects 5% of the sales price from his customers and pays the full 5% to the government, that is the end of the matter. Under a value-added tax, however, a retailer first pays 5% to his wholesaler on goods purchased, then collects 5% from his customers on the retail price, and pays the net difference to the government.

For example, if the wholesale price is $70 and the retail price is $100 before tax, the retailer pays the wholesaler $3.50, later collects $5.00 from its customer, and pays $1.50 to the government. The government is thus collecting the $5.00 in bits and pieces: $1.50 from the retailer; say, $1.00 from the wholesaler (if the manufacturer's price is $50, the wholesaler collects $3.50 from the retailer but has paid the manufacturer $2.50, leaving a net of $1.00); say, $1.50 from the manufacturer; and the rest from various suppliers of the manufacturer.

While the government gets part of the $5 earlier, it has the administrative problems of dealing with all the other units in the productive process. These units, in turn—wholesalers, manufacturers, and suppliers—are all involved in paper work under the VA tax, whereas they are less encumbered under the retail tax. The retailer also has an additional burden under the VA tax, for he must keep track of both purchases and sales, whereas only sales records are involved with a retail sales tax.

Of course, under a retail sales tax most businesses would probably be registered, since some nonretailers do have sales at retail. Also, such registration may be relied on to administer the exemption for sales of a producer's goods and goods to be used in further manufacture, with a registered seller being permitted to sell such goods on an exempt basis to a registered buyer. In addition to some direct exemptions, the exclusion of such goods could, of course, also partly be handled under a system of refunds to the exempt purchaser, which is essentially the way a VA tax does it.

Overall, however, the paper work and back-and-forth tax payments and credits or refunds would be considerably less under the retail sales tax. Moreover, the exclusion of various classes of business organizations, rate differentials, and the like—and surely there would be these—are considerably more difficult to handle under a VA tax (e.g., where a company not required to collect the tax, because it is exempt, has paid tax on its purchases) than under a retail tax.

We must remember that the Europeans developed the VA tax because they (a) did not believe that they could effectively handle a retail sales tax and (b) were improving a turnover tax system under which they had been taxing all sectors of manufacturing and distribution, and hence tended to think of all sectors as still playing a role in the sales tax process. The Europeans, especially with their high rates of sales tax, said that if the retailers would cheat and not collect a retail sales tax, then under a VA tax the government at least would get the tax on the wholesale price, provided the wholesaler played his role.

Even this view disregards two aspects: (1) typical retailer cheating—that of understating the retail price for tax computation purposes—which is not reached by either tax; and (2) retailer cheating that hides some sales entirely or cuts below the wholesale price, which can be reached under a retail tax by using wholesaler sales records without requiring wholesaler tax collections. In short, both types of tax require effective government auditing programs.

Hence there is no need for the United States, with an already effectively functioning retail sales tax structure at the state level, to have at the federal level a value-added structure that collects, in more complex fashion, the amounts which could otherwise be collected under retail sales tax.

Crucial interrelationships

Our federal system adds a special reason to have the same structure for the national tax as that used in our states. Clearly, our states are not going to give up their retail sales taxes as a revenue factor; more likely, they would oppose a national sales tax as an encroachment on their tax preserve.

But if we are to have a national sales tax, we should at least use it to work in the direction of uniformity in the sales tax field. This could best be achieved by letting the states "ride" the federal tax—that is, add their rate to the federal rate and have the federal government pay over to a state the amounts collected on its behalf.

The states cannot, however, without a great deal of confusion, ride a VA tax and end up with the same revenue allocations among them as exist today.

Retail sales taxes in a federal system essentially allocate their revenues to the state of final sale, i.e., the state of destination of the goods. In the absence of border adjustments, a value-added tax allocates its revenues in part to the state of origin, in part to any states having terminated wholesalers, and in part to the state of final sale. Indeed, since the Europeans desire for the period ahead to allocate revenues within the Common Market to the country of destination, they must retain their border adjustments among themselves.

In the United States, under current Supreme Court decisions, the states cannot apply a sales tax on an origin basis, and hence the states have adopted a different method of allocation. On the one hand, it would seem difficult to change that method, because a federally imposed minimum state sales tax would be required to prevent interstate competition. On the other hand, it would seem confusing to accommodate a VA tax to that method, while still obtaining a uniform sales tax structure with its total rate made up of national and varying state, and even city, rates.

Indeed, *if* the United States is to have a national sales tax, it would appear that this federal-state-city interrelationship is a crucial aspect requiring full exploration.

The prudent course, *if* we are to have a national sales tax in the United States, would be to build on our already functioning retail sales tax structure and to see if any difficulties turn up which cannot adequately be coped with under that structure. We should explore the known, rather than the unknown of whether a value-added tax offers any expectation of better meeting those difficulties without incurring new problems.

CONCLUDING NOTE

In varying degrees, our existing federal tax system provides equity, incentives, certainty, and familiarity. It is by no means perfect, but any change should be in the direction of improvement, balancing the various goals the system seeks to achieve. Consider:

Viewed from the standpoint of domestic considerations, the addition of a national sales tax would clearly not improve our present federal tax system; rather, it would make it distinctly worse.

On the international side, a national sales tax would not bring the United States any advantages which would alter a policy decision against the tax made for domestic reasons.

Finally, *if* a national sales tax were ever deemed desirable in the United States, it should take the form of a retail sales tax and not a value-added tax.

In this light, the case against a value-added tax for the United States is very strong.

OVERSEAS PRIVATE INVESTMENT CORPORATION PROTECTS SPECULATORS IN FOREIGN LANDS WITH TAXPAYERS' DOLLARS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. RARICK. Mr. Speaker, the average American man on the street cannot understand why the U.S. capitalists would trade with the Soviet Union, Red China, and other Communist countries and take the chance of losing their investments. Especially is this so after the great losses inflicted on American capital in Chile and in Bolivia.

The average American is not advised that his tax dollar in foreign aid and Export-Import Bank deals is being used to entice American investments and development in foreign countries. Nor is the average American advised that his tax dollars are being used to pick up losses suffered by American industry if their foreign operation is seized or nationalized by a foreign state.

Congress in 1969 guaranteed foreign investments by establishing an overseas private investment corporation to "insure" U.S. capitalist operations in foreign countries.

Section 237(c) title IV of the Foreign Assistance Act of 1969 provides that the full faith and credit of the United States of America is pledged for the full payment and performance of obligations incurred by OPIC under its insurance and guarantee contracts. Thus, if claim settlements are in excess of available reserves, OPIC will be required to request supplementary funds from the Congress to pay the claims.

And as additional investors' guaranty, the Internal Revenue Service has ruled that U.S. companies whose overseas property is seized by a foreign government without promise of payment may write off their losses as an income tax deduction.

Who could devise a more ingenuous operation whereby capitalism of our country can use the full faith and credit of the U.S. taxpayers to develop Communist countries around the world without any worry of loss of their investment or income?

The American industrialist cannot lose; the foreign governments stand to gain. So, everyone should be happy except the U.S. taxpayer who has not yet seen through the shell game.

I include excerpts from H.R. 12067, the foreign aid appropriation bill of 1972; a newsclipping; and data from the OPIC annual report for fiscal 1971:

H.R. 12067 FOREIGN AID APPROPRIATION BILL OF 1972

OVERSEAS PRIVATE INVESTMENT CORPORATION

Fiscal year 1971 appropriation	$18,750,000
Fiscal year 1972 estimate	25,000,000
Recommended in the bill	25,000,000

The Committee recommends the full budget estimate of $25,000,000, which is an increase of $6,250,000 above the fiscal year 1971 appropriation.

The Overseas Private Investment Corporation (OPIC) is authorized to insure investments against inconvertibility, expropriation and war risks, to guarantee loans and other investments of eligible investors (not to exceed 75 percent of such investment), to make loans to firms privately owned or of mixed private and public ownership (excluding loans for mining or other extraction operations) and to encourage and support the promotion of private investment opportunities.

The Foreign Assistance Act of 1969 created the Corporation and authorized the sum of $40,000,000 for the capital of the Corporation to be derived from repayments of prior development loans. This sum would be used as a direct investment fund to make loans directly to borrowers.

At the time the hearings were held in April, no loans had yet been made from this fund. In fact on June 21, 1971 in testimony presented by Dr. John Hannah, Administrator for the Agency for International Development, the following exchange was recorded (page 65, part 2 of the FY 1972 hearings):

Mr. PASSMAN. Also OPIC makes loans for American business people who want to open businesses abroad?

Dr. HANNAH. Yes; but they have a very minimal amount of money. They have not loaned any yet.

Mr. PASSMAN. From little acorns big trees grow.

Dr. HANNAH. It could.

Mr. PASSMAN. It does. The record shows how all of these programs get started. Look at the prior years' appropriations and what they requested this year. Their purposes, their intent and the legislation sets them up as a lending agency as well as a guarantee investment agency, does it not?

Dr. HANNAH. Yes; it could Mr. Chairman. I am only saying so long as I am the chairman of the board of OPIC we are not going into the loaning business.

Mr. PASSMAN. Doctor, you are very fair, but have I made a fair statement: under the legislation they had a request in for loans, did they not?

Dr. HANNAH. Yes; they did but they withdrew it. They have a small sum of money.

Despite the above testimony, the first loan was signed on June 30, 1971 for $2,000,000. The Committee has also been told that OPIC is presently processing additional loan applications and several are nearing the approval stage. The loan was made to the Private Investment Company for Asia which is incorporated in Panama and domiciled in Tokyo. The following fact sheet is supplied concerning this loan:

PRIVATE INVESTMENT COMPANY FOR ASIA S.A. (PICA)

Amount of loan: $2,000,000.

United States—Directors:

Eugene R. Black.

Emilio G. Collado,* Executive Vice-President, Standard Oil Company (New Jersey)

Mark C. Feer, General Partner, Kuhn, Loeb & Co.

Jacques G. Maisonrouge, President, IBM World Trade Corporation.

George S. Moore, Chairman of the First National City Bank.

Stanley de J. Osborne,* Partner, Lazard Freres & Co.

Rudolph A. Peterson,* Chairman of Executive Committee, Bank of America.

Purpose of the Corporation: It is a multinational corporation organized to make and facilitate private capital investments in developing countries of Asia.

Where located: Main office is in Tokyo, head office is in Panama City, Panama and they have a regional office in Singapore.

When started: They have been in operation for two years as of this past December 31, 1970.

---

*Member of Executive Committee.

Capitalization: Initial authorized capital was $40,000,000. As of December 31, 1970, $24,000,000 had been paid-in.

It appears that OPIC is providing loans to foreign corporations when U.S. businesses are having a difficult time obtaining similar loans from the Federal Government.

According to material provided to the Committee, the total potential contingent liability of OPIC as of September 30, 1971, exceeds $8,500,000,000 if all the programs administered by OPIC are considered separately. The potential contingent liability amount is broken down as follows:

Contracts issued under previous authorities:	
Current coverage	$3,194,366,891.35
Standby options	3,130,313,034.61
Total	6,324,679,925.96
Contracts issued by OPIC:	
Current coverage	924,983,489.77
Standby options	1,252,971,053.95
Total	2,177,954,543.72
Grand total contracts outstanding:	
Current coverage	4,119,350,381.12
Standby options	4,383,284,088.56
Total	8,502,634,469.68

In this connection, it should be pointed out that the present potential claims possible as a result of the actions taken by the country of Chile amount to about $270,000,000 while the total insurance reserve which can be applied to these claims is estimated to total a maximum amount of $152,000,000 on June 30, 1972. The total potential claims of this one country would liquidate the entire insurance reserve of OPIC which has been built up for the last twenty years and a short fall of $118,000,000 would result.

The Committee feels OPIC is becoming overextended in its financial commitments around the world. This can certainly be documented by the fact that the Overseas Private Investment Corporation has a total potential liability of over $8,500,000,000 when all programs administered by OPIC are considered separately and the total maximum reserves are estimated to amount to only $222,000,000 on June 30, 1972. In addition, if the situation in Chile went completely down the drain, OPIC's reserves would not be adequate to meet all the potential claims for this one country alone. The U.S. must slow down these programs.

[From the Washington Evening Star, Dec. 13, 1971]

RULING MAY CUT COPPER FIRM'S SEIZURE LOSS

The Internal Revenue Service has ruled that U.S. companies whose overseas property is seized by a foreign government without promise of payment may write off their loss as an income tax deduction.

The decision would appear to allow the Anaconda Co. and Kennicott Copper Corp. to recover part of the value of their copper holdings expropriated in July by the government of Chile.

Chile's President Salvadore Allende said the companies will receive no compensation since they owe the government more in "excess profits" and damaged equipment than their property is worth.

As is customary in government tax rulings, no companies or individuals were named. But the IRS outlined a situation in which a foreign government takes over the assets of a U.S. company and later expropriates them "without any promise of indemnification."

Under the ruling, the taxpayer would have a tax loss at the time the foreign officials intervened in the management of the business instead of the time formal expropriation actually takes place.

Anaconda has placed the value of its three copper mines in northern Chile at $430 million. In its 1970 annual report, Kennicott said its single huge mine in southern Chile was worth $140.7 million.

A third U.S. firm, Cerro Corp., also is involved in the expropriation but the Allende government promised to pay Cerro about $13 million compensation on the mine it owns jointly with a Chilean corporation.

It was not immediately clear if the IRS interpretation would allow Cerro to file for a tax loss on the remaining amount.

All three companies are insured against expropriation by the Treasury Department's Overseas Private Investment Corp.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., November 30, 1971.

TO THE BOARD OF DIRECTORS,
Overseas Private Investment Corporation.

Our examination of the statement of financial condition of the Overseas Private Investment Corporation (OPIC), as of June 30, 1971, and related statements of net income, changes in the investment of the United States Government, and source and application of funds for the year then ended, was made in accordance with generally accepted auditing standards and included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. To a significant extent, our examination relied on prior audits performed by the Auditor General, Agency for International Development (AID) of the financial statements of AID's Investment Guaranty Program, the predecessor of OPIC. We reviewed the work of the Auditor General and found it to be acceptable.

OPIC insures and guarantees United States Investors against the potential risks of loss of their overseas investments due to expropriation, inconvertibility of currency, and war, revolution, or insurrection. As of November 1971, OPIC's management believed that potential claims under its insurance contracts totaled $236.3 million (see note 5 to the financial statements). This amount includes an $11 million claim by The Anaconda Company for losses due to expropriation of its investment in mines in Chile. The amount does not include potential claim by The Anaconda Company and its subsidiaries for large additional expropriation losses in Chile. OPIC, on advice of outside counsel, believes that it has no liability for the additional claims. (See note 6 to the financial statements.)

Due to the many imponderable factors affecting the foregoing potential claims, as well as those affecting the contingent liability that OPIC has incurred as a result of its other contracts of insurance and guarantees in force (see note 4 to the financial statements), we are not able to express an opinion on the adequacy of the amount reserved for losses OPIC may suffer as a result of its insurance and guarantee contracts.

Section 237(c) Title IV of the Foreign Assistance Act of 1969 provides that the full faith and credit of the United States of America is pledged for the full payment and performance of obligations incurred by OPIC under its insurance and guarantee contracts. Thus, if claim settlements are in excess of available reserves, OPIC will be required to request supplementary funds from the Congress to pay the claims.

The statements of financial condition and net income for fiscal year 1970 are those of the program as administered by AID. They were not prepared on a full accrual basis and do not include many of the expenses applicable to insurance and guarantee programs; thus, they should not be used for comparative purposes.

In our opinion, subject to the above comments relating to the potential claim liability, the accompanying financial statements present fairly the financial position of OPIC at June 30, 1971, and the results of its operations, the changes in the investment of the United States Government, and the sources and applications of its funds for the year then ended, in conformity with generally accepted accounting principles and applicable Federal laws.

ELMER B. STAATS,
Comptroller General of the United States

STATEMENT BY THE CHAIRMAN AND PRESIDENT

The Overseas Private Investment Corporation is the United States Government's principal catalyst for stimulating U.S. private investment in the developing nations. Congress created this independent, new Government Corporation to achieve this goal.

OPIC came into being on January 19, 1971. The Corporation inherited from the Agency for International Development an $8.4 billion portfolio of outstanding insurance against political risks issued to U.S. investors over a 23-year period. It also assumed loan guaranties totaling $169.7 million, as well as responsibility for local currency lending and investment promotion.

OPIC incorporates important new features. A majority of its Directors are from the private sector, prudent risk management of its portfolios is required, economic and social benefits to the host countries are mandatory, it may make direct loans from its capital, and its operations must benefit the United States. In short, OPIC is a flexible instrument designed to reduce the risks of U. S. private investment in the development of low-income countries by providing a wide range of creative investment banking and insurance services.

OPIC's net income reached a record high of $26 million in fiscal 1971, compared with $21 million in the previous year. This income was derived from a variety of sources, the largest of which was insurance premiums. These premiums reached a new high of $24 million in 1971.

The insurance program has operated successfully since 1948, insuring investors in developing countries against the political risks of expropriation, war and inconvertibility. Insurance premiums have amounted to over $130 million during this period. In fiscal 1971, OPIC insured $695 million of investment which mobilized approximately $1 billion of combined U.S. and foreign private investment in developing countries. Of this amount, $428 million was in Latin America, $27 million in the Near East and South Asia, $230 million in East Asia and $10 million in Africa and elsewhere.

Income from loan guaranties also reached a record level of $1.6 million compared to $710 thousand in fiscal 1970. Loan guaranties totaling $8.7 million were issued to support total investments of $80 million, as compared to $96.4 million in fiscal 1970 to mobilize total investments of $251.8 million. The decline of loan guaranties was caused by a variety of factors, including the decrease in U.S. business in general and the stricter review of projects by OPIC.

The Direct Investment Fund made its first loan late in the fiscal year. Issued on commercial terms, it consisted of $2 million to assist U.S. businesses in East Asia. Additional loans have been committed since the end of the fiscal year assisting private U.S. investors in Indonesia, Korea and Brazil. Income from the DIF will be utilized to augment OPIC's insurance and guaranty reserves, as well as providing additional working capital for the Corporation. Since the funds are loaned at commercial rates and often with a profit participation in the company, it is hoped the revenues from these investments can be of substantial assistance in meeting OPIC's obligations in the years ahead.

On behalf of AID, OPIC administers the Cooley loan program of lending local currency funds. The equivalent of $163 million of these loans is outstanding to U.S. and other eligible foreign enterprises. AID reimburses OPIC for all its expenses in connection with this program. Over the life of the Cooley program, $355 million of local currencies has been loaned. At the close of the fiscal year $742 thousand had been written off and potential losses were estimated at $9.4 million, or about three percent of the total principal funds. This record shows not only the need for such financing programs in the developing countries but that, if administered properly, the profits can be substantial and losses minimal.

RESERVES

When OPIC was formed in January of 1971, its reserves totaled $156.1 million. This was the remainder after Congress allocated $50 million of insurance premiums earned to the AID Housing Guaranty Program in fiscal 1970, and after it rescinded in fiscal 1968 the $200 million borrowing authority that had been established to back up the insurance program. As of June 30, 1971, our reserves totaled $167.7 million. The Board allocated $70 million to the guaranty reserve which, by law, is required to have a minimum of 25 percent funding, and $70 million to the insurance reserve which was increased to $85 million after the end of the fiscal year, leaving $12.7 million unallocated. The insurance reserve has been adequate to meet all claims since the first U.S. political risk contract was written in 1948. However, the insurance reserve was not intended by the Congress to cover large extraordinary losses, such as when a country, heavily endowed with foreign investment, nationalizes, as a matter of policy, all private investment without fair compensation in disregard of international law and practice.

Looking ahead, if OPIC's earnings currently at $26 million, continue to grow as rapidly as they have in the past, its reserves should increase to the point where they could cover even a large extraordinary loss. If, simultaneously, OPIC is able to reinsure some of its risks, the prospect of becoming independent of public funds seems realistic.

CLAIMS

Claims paid out since the inception of the insurance program amount to $4.1 million, of which a portion has been recovered from the sale of assets received.

In 1971, a number of U.S. companies were expropriated in Chile or forced to sell to the Chilean Government. OPIC is making every effort to protect its insured investors and to work out equitable settlements where possible.

The President of OPIC made a personal visit to Chilean President Allende to urge him to reach fair and equitable agreements with U.S. investors. Settlements have been reached by some companies. OPIC has made payments to some other companies to compensate them for their insured losses or has extended coverage to the settlement.

The major settlements have yet to be achieved. The most significant case still under negotiation is between International Telephone and Telegraph and the Chilean Government, and involves an investment by ITT of over $150 million of which approximately $108 million is insured by OPIC. At this time, it is not known what compensation the Chilean Government will make to ITT. Until the election of the present Government, ITT's investment in Chile was a welcome contributor to that country's economic and social development.

The Controller General of Chile announced on October 11, 1971, that no compensation, except for modest amounts in the cases of two smaller properties, would be paid for the U.S. copper mining equity investments expropriated on July 16. The copper companies are appealing these findings. If no satisfactory settlements are reached and the Chilean Government also refuses to honor its debt obligations to the companies involved, OPIC may have to pay claims amounting to approximately $110 million—$84.6 million to Kennecott Copper Company on its debt investment in the El Teniente mine, $14.2 million to Cerro Corporation on its debt investment in the Andina mine, and $11 million to Anaconda Copper Company for its equity investment in the Exotica mine.

Bolivia's previous administration expropriated two tin mining companies resulting in insurance claims of $13 million. The new Government is negotiating with the two companies in an attempt to reach satisfactory agreements.

ECONOMIC NATIONALISM

Economic nationalism and the confiscations by Chile have had a severe effect on the flow of private investment to several Latin American countries. In late fiscal 1971, there was a dramatic shift of investment away from some Latin American countries to other nations. The number of new investments insured by OPIC in Latin America in 1971 fell from 50 percent of OPIC's total world volume in 1968 to less than six percent in the last half of fiscal 1971. Even more significant, OPIC insured only $8 million of new U.S. investments in the region during the last quarter of fiscal 1971 against an average level of $100 million for each quarter of the preceding four years. As Secretary of State William P. Rogers pointed out, confiscatory treatment of foreign investment in Chile "could jeopardize flows of private funds and erode the base of support for foreign assistance, with possible adverse effects on other developing countries. The course of action which the Chilean Government appears to have chosen, therefore, could have an adverse effect on the international development process." OPIC's new investment registrations indicate that this is already happening in much of Latin America.

U.S. investment, assisted by OPIC, is growing in many countries outside of Latin America, particularly in Indonesia, South Korea and Singapore. As developing nations compete for investment in a world already short of capital, a decline in investment in some Latin American nations can delay the economic betterment of their people.

PUBLIC SUPPORT ACTIVITIES

In addition to its lending and insurance operations, OPIC administers several other public support activities.

Community credit guaranty program. The establishment in 1971 of the Community Credit Guaranty Program, designed to provide credit without the usual collateral to the rural workers and cooperative groups in Latin America, may lead to a major breakthrough in encouraging development through private lending. OPIC, on a pilot basis, initiated programs in four countries—Guatemala, Honduras, Brazil and Panama—and will be operating in a fifth country shortly. This program is designed to make small loans averaging a few hundred dollars each to people who have never before had a loan from any commercial bank or enterprise. It proved to have great appeal. The Guatemalan Government recognizing the value of the OPIC program, established its own similar program and within a few months received over 30,000 applications. The experience gained from these pilot projects may enable OPIC to expand the program after making a full report to Congress.

Investment promotion. OPIC takes an active role in helping U.S. firms find, plan, and develop potential investment projects by providing background information on investment conditions in developing countries, by investigating potential projects in the field, by advising on the financial structure of projects, and by sharing the investors' costs of field reconnaissance and feasibility studies. In addition, OPIC funds the investment survey program of the Agribusiness Council, Inc., a non-profit association of U.S. leaders in the food industry whose objective is to identify opportunities to expand food resources in the developing countries.

International Executive Service Corps. The IESC, a private organization directed and managed by leading American businessmen, is partially funded by the Agency for International Development. Its program, administered by OPIC, provides management-experience and services of seasoned American business executives to advise locally-owned enterprises in developing countries. During the past fiscal year, a record of 586 projects, for businesses large and small, was undertaken in 48 countries. The program enjoys worldwide acceptance by businessmen and governments overseas.

LEADERSHIP

OPIC is providing the leadership in encouraging U.S. private investment in the developing nations. Its example has been followed by the governments of eleven other developed countries which realize that private investment benefits not only the developing countries but also their own economies. Their programs, like OPIC's protect their nationals against the political risks of war, expropriation and currency inconvertibility. Some also join in the financing of investments. They are expanding their programs rapidly, and several of them offer significantly more incentive than OPIC. Japan's investment insurance program projects a ten-fold increase in its business over the next five years, particularly to ensure access or control of mineral resources essential to the Japanese economy. The German counterpart to OPIC's Direct Investment Fund has financed over 110 projects and its success has led its Government to plan substantial increases in the capital of the corporation and to expand the number of investments in which its nationals have ownership.

OPIC cooperates with these other bilateral programs and works with them on specific projects. OPIC now shares insurance coverage with these agencies on a substantial amount of multinational investments. As the competitive race sharpens, the U.S. investor must continue to have equal opportunity and protection.

NEW INITIATIVES

Immediately after OPIC was formed, the Board of Directors and Management instituted a full review of OPIC programs, policies and administrative procedures. As a result, new initiatives are being taken to meet changing political and economic conditions, to reduce OPIC's risks, and to find imaginative ways of helping the developing nations and U.S. private business. Some of the more significant steps now being taken are:

Negotiating with reinsurance organizations in the United Kingdom, United States and Latin America to reinsure a portion of OPIC's expropriation insurance, thereby multinationalizing the risks involved and lowering OPIC's exposure.

Devising improved insurance contracts to provide special coverage for large or sensitive projects, particularly in the mining and extractive industries.

Implementing criteria for measuring the investment contribution of economic and social development.

Utilizing excess or inconvertible currencies in developing countries for loans to U.S. businesses.

Reducing risk exposure by diversifying OPIC's portfolio by country and industry, by establishing country concentration guidelines, and by close monitoring of countries to identify incipient claims early to facilitate their satisfactory resolution.

Exploring ways of reducing interest costs of loan guaranties.

Instituting a Small Business Program to provide special incentives for U.S. companies and a program to facilitate the participation of U.S. Cooperatives in overseas investment.

Extending OPIC's insurance and finance programs to Yugoslavia and Romania if an amendment to the Foreign Assistance Act is authorized by Congress. Following up on President Nixon's initiative, the President of OPIC and one of its Directors visited Yugoslavia and Romania to determine how OPIC could assist U.S. private enterprise in these countries.

Returning OPIC insurance fees to 1966 levels to enlarge OPIC's reserves and increasing financing fees to assure OPIC a portion of profits commensurate with the commercial risks involved.

Instituting policies to assure that OPIC programs do not assist projects which could hurt the U. S. economy. These policies explicitly prevent assistance to runaway industries, textile projects exporting to the U. S. and other investments which seriously threaten U. S. employment.

Hiring and promoting outstanding executives to head OPIC departments.

OPIC today is a going concern. An experienced staff is assembled and is administering operations in a businesslike manner. The Board and Management are moving the Corporation toward the objectives which Congress established. The challenges ahead can be met. Private investment can further U. S. goals, assist the developing countries, and expand the U. S. share of world markets.

BOARD OF DIRECTORS

Dr. John A. Hannah, Chairman, Administrator, Agency for International Development.

Mr. Bradford Mills, President & Chief Executive Officer, Overseas Private Investment Corporation.

Mr. Paul Volcker, Under Secretary of Treasury for Monetary Affairs.

Mr. Nathaniel Samuels, Deputy Under Secretary of State for Economic Affairs.

Mr. Harold B. Scott, Assistant Secretary of Commerce for Domestic and International Business.

Mr. Gustave M. Hauser, Vice President, General Telephone & Electronics International, Inc.

Mr. James A. Suffridge, President Emeritus, Retail Clerks International Association.

Dr. Allie C. Felder, Jr., Director, Outreach Division, Cooperative League of the U.S.A.

Mr. Daniel Parker, Chairman, Parker Pen Company.

Mr. Robert F. Buck, Senior Vice President, National Bank of Commerce of Seattle.

Mr. Clifford Yee, President, Finance Factors Ltd.

OFFICERS

Bradford Mills, President & Chief Executive Officer.

Herbert Salzman, Executive Vice President.

Marshall T. Mays, General Counsel.

William A. Pistell, Treasurer.

Harry L. Freeman, Vice President for Corporate Planning.

Joseph H. Price, Vice President for Insurance.

Thomas S. Sedlar, Vice President for Public Affairs.

Richard P. Whitney, Vice President for Financing.

THE HUMAN PROBLEMS OF ECONOMIC CONVERSION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. DRINAN. Mr. Speaker, as we work toward legislative solutions to the acute national problems which have resulted from cutbacks in military related and technological spending, we must not lose sight of the human implications of economic conversion.

Recently, a distinguished engineer from my district, Mr. Robert M. Fraser of Lincoln, Mass., testified before the Senate Special Subcommittee on the National Science Foundation with respect to the problems which he and others have confronted as the result of cutbacks in technological spending.

Because Mr. Fraser's statement is highly relevent and effective, I take this opportunity to bring it to the attention of my colleagues. The statement follows:

STATEMENT OF ROBERT M. FRASER

I am Robert Fraser of Lincoln, Massachusetts. I have been an engineer for thirty-three years; in 1937 I began my career as a development engineer in the television broadcasting industry, and twenty-one years later, in 1958, shortly after Sputnik was orbited, I moved into the newly created space industry, applying my knowledge of television and motion picture technology to the problems of getting pictures back from space vehicles which were not coming back.

I am a Fellow of the Society of Motion Pictures and Television Engineers, Senior member of the Institute of Electrical and Electronic Engineers. I have held office and served on committees of these organizations. Most recently I have been active in the formation of the Association of Technical Professionals, a politically oriented organization seeking solutions for the problems facing the engineers, scientists and other technical professionals in the New England area.

Very few years ago I had little reason to doubt that for the relatively few years remaining before I reached the age of legal senility, I would be gainfully employed building up my company pension and savings for a relaxed retirement. Last year, in July, 1970, that dream became a nightmare, when, because of the lack of work, I became unemployed for the first time in my many years of experience.

The lay off was swift and cruel. I was given one week's notice, which turned out to be only four days, since the following Friday was a holiday on the Fourth of July weekend. I was told that I would lose a day's pay, since I would be terminated on Thursday. I was given eight weeks pay for my twelve years with the company and asked to sign documents, among which was one that stated that I had put in my notebooks which I was required to leave behind, all my patentable ideas. At the time of my termination I had two patents pending. Both have been issued since, assigned to the company, and in which I will receive no benefit as the inventor. I am sure that you will understand my interest in legislation which will protect the interest of the inventor in his patents, particularly when faced with involuntary termination of employment.

My layoff was not unexpected. For the previous year I had seen colleagues depart as they finished their work when government contracts were completed or cancelled. During this year I spent my time writing proposals for projects that were not funded. The company was cutting overhead, which made the older engineer with seniority as vulnerable, if not more so, as his younger colleague, since the older man was more expensive, both in salary and the cost of fringe benefits. What few projects were being funded were being staffed by younger men in order to hold costs down, as well as possibly reflecting the prejudices of the program manager who was responsible for selecting his project team.

Although expected, the impact of the situation after termination was traumatic. I realized for the first time, the great dependence that I had placed over the years on fringe benefits, health and hospital insurance, group life insurance, and the pension plan. These were terminated along with my employment. The costs of converting the health and life insurance to individual policies were so high as to be prohibitive. With over ten years of employment, I had vested rights in my pension including company contributions. However the amount that I will now receive compared with that I would have been entitled to if I had been permitted to work until retirement age is less than half.

In the sixteen months of unemployment I have used up my severance pay, unemployment benefits, and am now using savings that were to have provided for retirement years.

I am naturally interested in re-establishing a source of income. To that end I have sent out over two hundred resumes, registered with numerous employment agencies, and answered more advertisements than I can remember. The result of all this activity has been one interview, and a cold feeling that, while many companies may be looking for someone with my background and experience, they require that he be 35 years old, no older.

In the Boston area, with an estimated 12,000 technical professional people out of work, there have been organized a number of self-help groups, meeting regularly to seek, individually and collectively, solutions to the nightmarish situation that government policy has inflicted upon the area. During the 16 months that I have been unemployed, I have visited many of these groups. I have been impressed with the fact that the majority of those attending these meetings, are, like myself, in the category of the gray-haired engineer. Among my unemployed colleagues who have passed the half-century mark, I know of only one who has found a job and very few who have even been extended the courtesy of an interview. Younger engineers join our groups; however they seem to find work within a few months, while a majority of the older people have been looking for over a year.

Two professional societies have joined to provide assistance to the unemployed in writing resumes and conducting interviews. One of the points made in these courses is, "do not reveal your age, you may be able to get an interview." This is subterfuge! Why is it necessary? I think the answer is obvious.

In the courses conducted this past spring in the Boston area, 45% of the attendees were over the age of 45, while only 20% were under 35. If one were to examine the age grouping of project teams which are working on the few projects still being funded, I believe the ratios would be reversed.

Age discrimination is a serious problem which is not unique to the unemployed technical professional. Arthur Miller in his play "Death of a Salesman", written over twenty years ago, tells of Willy Loman, who after 28 years on the road for his company, asks for a transfer to a desk job. Instead he is fired. After fruitless search at the age 58 for new work, Willy commits suicide by crashing his car so that his family will have the proceeds of his life insurance.

The writing off of the older generation is a sickness typical of our times.

The older individual, whatever his occupation, must be guaranteed the right to his means of livelihood. Incentives must be found to induce the employers to hire and to hold on to their senior people. If incentives do not work, then penalties must be used.

A cruel 19th century economic theory which holds that the cost of living can be controlled by putting people out of work, applied in the past two years to this modern complex world has caused personal tragedy to many people. It is time to renounce the use of unemployment as an economic control, or let him who espouses it be the first to lose his job.

Thank you.

U.N. PEACEKEEPING: ONLY TO ADVANCE INTERNATIONAL COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. RARICK. Mr. Speaker, again and again we see evidence appearing indicating the futility of the United Nations as a peacekeeping organization.

The United Nations Organization is not now, and never has been, an organization capable of keeping peace. The only evident facts of history indicate otherwise—both Korea and Vietnam were and are U.N. wars.

The solution, Mr. Speaker, is not a reduction of U.S. contributions to this international sinkhole—it is absolute and total withdrawal from this Communist-dominated organization. Three times the U.S. Government has offered resolutions calling for a cease-fire in the India-Pakistan conflict; three times this resolution has been vetoed by Soviet Russia.

Certainly the implication is clear. Now that Red China occupys a seat on the Security Council, we can expect that one or the other of the two Communist powers will veto U.S. resolutions—unless we ourselves submit to their control and offer resolutions in keeping with their avowed drive for Communist world domination.

No, Mr. Speaker, the answer is not a reduction in U.S. appropriations to the U.N. It is total and complete withdrawal from the U.N. and its related agencies.

I say again to our colleagues, this can be accomplished by signing discharge petition No. 10, which I have at the Speaker's desk, calling H.R. 2632 from the consideration of the House Committee on the Judiciary and forcing a floor vote on continued U.S. membership in this international Communist debating society.

I include related news articles dealing with the third Russian veto of a U.S. resolution calling for peace in India at this point:

I particularly call our colleagues' attention to the second article that indicates that the British—acting like Nero who fiddled while Rome burned—continue to sell arms to India. Some U.N. members seemingly find the Soviet veto profitable.

SOVIETS AGAIN VETO U.N. DEMAND FOR INDO-PAKISTAN CEASE-FIRE

(By Anthony Astrachan)

UNITED NATIONS, December 13.—The Soviet Union again vetoed a U.S. resolution tonight calling for a cease-fire and troop withdrawal in the war between India and Pakistan.

It was the third Soviet veto in nine days in the Security Council. The resolution was almost identical to one passed in the General Assembly Dec. 7, but regretted India's failure to comply with the assembly resolution. The same resolution was vetoed in the council Dec. 5.

The United States had called the council into urgent session yesterday to demand Indian compliance with the assembly resolution. It appeared then that the resolution was heading for a Soviet veto, but U.S. Ambassador George Bush denied that he was seeking a veto for propaganda purposes.

[In the Azores, where President Nixon was conferring with French President Georges Pompidou, White House press secretary Ronald L. Zeigler said: "The United States cannot but regret the failure of the Soviet Union to join the vast majority of the membership of the United Nations to call for an immediate cease-fire and withdrawal of forces from foreign territories."]

The United States revised its resolution at the request of Japan before the vote, deleting a clause that called on India to comply with the U.N. resolution before asking both countries to cease hostilities. The veto was still forthcoming.

The vote on the U.S. draft was 11 to 2 with two abstentions. Britain and France have abstained on all resolutions so far to end the conflict.

Italy and Japan then introduced a new resolution that called on "all parties concerned" to take measures to bring about an immediate cessation of hostilities. This appeared to be a concession to India's insistence that there could be no cease-fire unless the secessionist Bangla Desh government was a party to it. Previous resolutions have mentioned only India and Pakistan.

The new resolution also calls for an immediate opening of negotiations and appoints a committee of three Security Council members to assist India and Pakistan in bringing peace to the area.

Pakistani Foreign Minister Zulfikar Ali Bhutto was also active behind the scenes, promising free elections in East Pakistan if the United Nations would act to keep his country from being dismembered.

Soviet and Indian diplomats expressed the view that the offer came too late. Pakistan disregarded the results of a free election a year ago in which East Pakistan elected 167 representatives out of 169 on an autonomy platform. Many of these representatives have identified themselves with Bangla Desh, which India has recognized as a state.

In the council meeting, Soviet ambassador Yakov Malik raised the question of a hearing for a Bangla Desh representative. Foreign Minister Solomon A. J. Pratt of Sierra Leone, serving as council president, interpreted the rules as meaning that the council could not hear representatives of a state not recognized by the world community. He did say that the council could hear an individual qualified to speak on the matters before it.

Malik then suggested that Justice Abu Sayeed Chowdhury be heard as an individual. He is the chief Bangla Desh representative in New York.

China and Argentina objected and Pratt said he would have to put the matter to a vote. Malik then said he had never proposed pressing the matter to a vote and withdrew the request to hear Chowdhury.

BRITAIN TO CONTINUE ARMS SALES TO INDIA

Britain announced yesterday it will fulfill its military contracts to India despite the war but made it clear that all military supplies will be subject to close supervision.

Foreign Secretary Sir Alec Douglas-Home told the House of Commons that any Pakistani orders for military supplies in Britain would be given the same consideration but he noted that Britain for some years has not been a regular arms supplier to Pakistan.

In New Delhi, an Indian Foreign Office spokesman yesterday reported the detection of Chinese troop movements and said they were apparently designed "to show political solidarity with Pakistan."

However, an Indian defense ministry spokesman said later that intelligence assessments of the report were incomplete and that it was too early to tell whether the information was "a plant or a fact."

In Moscow, D. P. Dahr, senior Indian foreign policy planner, met for 3½ hours with Deputy Foreign Minister Nikolai Firyubin to discuss the war.

According to Indian sources, the two men discussed events leading up to the conflict, the progress of military operations and international reaction to the war.

In Peking, Pakistani diplomatic sources said they were continuing their contracts with Chinese officials. Western diplomats believe that while China is watching war developments with concern, it is being extremely careful about committing itself to giving more than the military and other aid that Pakistan is at present receiving from Peking.

MORATORIUM ON WHALING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. DINGELL. Mr. Speaker, Secretary of Interior Rogers C. B. Morton, in a statement released by his office on December 12, 1971, called for a moratorium on whaling.

So that my colleagues will have an opportunity to be aware of the Secretary's views on this matter, I insert the text of the statement at this point in the CONGRESSIONAL RECORD:

SECRETARY MORTON CALLS FOR MORATORIUM ON WHALING

"We must accelerate the worldwide fight to preserve the great whales," Secretary of the Interior Rogers C. B. Morton said today while commenting on the fact that after 200 years the United States has now stopped all commercial exploitation of whales.

The Department of the Interior's ban on the importation of whale products, including oil, meat, teeth and ambergris, went into final effect last week. Even the import of foreign cars containing whale oil additive in their transmissions will be affected. In line with Interior's stand, the Department of Commerce will issue no licenses after December 31 to U.S. commercial fishermen to take whales on the Endangered Species list.

"The whales are an international resource belonging to the many and must not be exterminated for the few," he said. "This Administration, acting on principle and despite the unfortunate economic hardship it has brought to some firms, has set an example that hopefully other nations will follow."

"We have done everything we can unilaterally. We must now concentrate our efforts on getting the International Whaling Commission to enforce their own regulations and to set realistic catch quotas by individual species and area in order to allow a maximum rebuilding of all whale populations."

At its annual meeting last June, the Commission had agreed unanimously that all member nations should implement the international observer scheme for the 1971–72 whaling season. "I was keenly disappointed that the Soviet and Japanese whaling fleets sailed for the Antarctic in October with no international observers on board," Morton said. "It is clear that time is running out for the whales."

"If the Commission cannot move quickly and surely to meet its international obligations, a moratorium on all whaling is the only solution. Both houses of Congress have passed a resolution calling for a 10-year moratorium and we support it," Morton said.

"As long as man views these magnificent creatures as solely an economic product, we are in grave danger of destroying the complex web of life of which man is an inextricable part."

"In this environmental decade, it would be barbarous to stand idly by while the last of earth's largest and—next to man—most intelligent creatures are reduced to pet food, face creams and lubricating oils," said Morton. "All whale products have synthetic substitutes and are no longer essential to man's well-being. Yet the rate of killing in recent years has already driven some species to the brink of extinction and now threatens those few remaining species whose populations are still large enough to be commercially exploitable."

It was in an effort to halt this slaughter that Interior last December placed all eight species of great whales on its list of endangered foreign wildlife. This move cut off a U.S. market which had consumed more than 20 percent of the world's whale products.

However, a "hardship clause" in the Endangered Species Conservation Act of 1969 allowed 12 months in which firms that import and use such products could fulfill existing contracts. All special permits issued for this purpose during the past year by Interior's Fish and Wildlife Service expired on midnight of December 1, 1971. The last import permits for whale oil was issued in August and the last for meat products in December 1970.

In September this year the Fish and Wildlife Service denied a request by a major importer for an additional 3,000 long tons of sperm whale oil. Officials said they felt that granting such a request, well above the firm's previous importation levels, could only result in more endangered whales being killed.

"Another valid reason to stop whaling," Morton said, "is the recent discovery by the Food and Drug Administration of excess mercury in whale meat." More than a million pounds of contaminated meat destined for pet food have been seized.

Morton concluded, "Now that the U.S. no longer has any commercial interest in whales, either as harvester or as consumer, we are in a position to provide leadership in the worldwide drive to preserve the whale as a vital part of the marine ecosystem."

THE ADL AND ITS STRANGE ENTERPRISES; TAX-SUPPORTED AND TAX-EXEMPT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. RARICK. Mr. Speaker, I previously called the attention of this body to the sinister activities of a little-publicized, private spy organization, the Anti-Defamation League.

Since my speech of last Monday, I have had several inquiries from people indicating that they had never heard of the ADL and who found it difficult to believe that an organization of such magnitude could be assembled in this country, let alone be concealed so successfully from the public.

I was also reminded by another caller that the ADL was so influential in "proper" circles that, despite or perhaps because of the ADL's being a private gestapo, it was even able to be the recipient of Federal funds under the LEAA—Law Enforcement Assistant Act—to teach human relations to police forces. One such instance goes back as far as 1966 when the Anti-Defamation League, with three different addresses—varying from 315 Lexington Avenue, New York City, to 535 Gravier Street, Suite 806, New Orleans, to 41 Exchange Place SE., Atlanta, Ga.—were paid $7,434.17 for books, speakers, and project consultant's fee for teaching human relations to the New Orleans Police Department.

Of course, the ADL, having an image, where known, of brotherhood, human rights, and supposedly an announced purpose "to seek justice and fair treatment to all citizens alike" might appear to the liberals as an appropriate organization, if any is needed, to teach the police tolerant law enforcement. After all, many might question what harm could befall a community by having a quasi-religious organization, even if it is in the gestapo business, as teachers of our police.

To those in the business of spying, selling influence, and promoting professional pressure, the answer should suggest itself. There is a lot of blackmail data to be obtained around a police department headquarters, including the knowledge of what officers can be influenced with bribes and special favors.

The events as outlined, according to the New Orleans Times Picayune newspaper and a news report by Richard Cotten's Conservative Viewpoint, occurred in 1966. Payment vouchers of the city of New Orleans substantiate a partial payment of $400 as a project consultant's fee to a Mr. A. I. Botnick of the Anti-Defamation League of New Orleans.

The next time the public hears of the same Mr. A. I. Botnick, director of the ADL's regional office in New Orleans, is in a news story by one Jack Nelson that broke in the Los Angeles Times. The news account revealed that the ADL in New Orleans had raised $36,000 to ambush and execute two alleged members of the Ku Klux Klan in Meridian, Miss., in June 1968. Reportedly used in the planned execution were FBI and police officers hired by a private gestapo—the Anti-Defamation League.

The reaction to "murder for hire" was so repulsive that in 1970 the American Friends Service Committee and the American Civil Liberties Union called for a Justice Department probe, which was suddenly abandoned, perhaps because they found out that the project was ADL ordered and financed.

I bring these events to the attention of our colleagues only to show the power and influence that the mysterious little-publicized ADL exercises outside its myriad of files and so-called educational ventures.

It is strange behavior indeed for an organization which claims ultimate purpose "to secure justice and fair treatment to all citizens alike"; and this may not be the only successful murder enterprise.

I reiterate my original statement that in comparison with the ADL, the FBI, the CIA, and military intelligence are tinkertoys.

I insert related material at this point in the Record.

Richard Cotten's Conservative Viewpoint. Script Number 122–125 Broadcast on May 23–25, 1967.

Vol. 5, No. 22, Section 2, P.O. Box 1808, Bakersfield, California, 93303, May 27, 1967.

"BRAINWASHING" OF NEW ORLEANS POLICE

CHAPTER I

On November 26, 1966, the New Orleans Times Picayune published a story under the headline "Police To Study Human Relations." Due to the courageous efforts of one devout Christian patriot in the area, we are now in a position to unfold a story that should shake the nation to its very foundation. It will take four days broadcasting to develop even the outline of what transpired as the New Orleans Police Force was compelled to study "Human Relations." You will not find it boring! Furthermore, less anyone feel that what happens to the Police Force in New Orleans is not relevant to their own community, I refer you to the Release from the Department of Justice statement by the then Attorney General Nicholas deB. Katzenbach, before the Subcommittee On Executive Reorganization of the Senate Committee On Government Operations (report Aug. 17, 1966). I quote from page eight:

LEAA INVOLVED

"None of our studies under the Act" (let me say that "The Act" refers to the Law Enforcement Assistance Act, otherwise known as the LEAA, ed.) "None of our studies under the Act has been more central to the Department of Justice and the Crime Commission than those for police-community relations. These, too, have been broad in range—from a three-week management seminar for 40 police chiefs in large cities taking place now at the Harvard Business School to a police-community relations course for the entire city police force of New Orleans, plus 100 key police officials from four surrounding parishes.

"Today I am happy to announce that we are able to begin a new Law Enforcement Assistance plan by which special grants will be available to cities of over 150,000 population for planning and developing police-community relations programs. These grants, totalling $1,000,000, underscore the fact that the man on the beat is, for many citizens, the only real link with local government and even organized society. Likewise the average policeman needs, and wants, a greater understanding of the people in his community, neighborhood by neighborhood.

"The need here is so widely felt that we anticipate rapid applications from at least 60 cities in all parts of the country." End of quotes from Mr. Katzenbach establishing that what happened in New Orleans is to happen to an estimated 60 cities in all parts of the country. Therefore, what I tell you in the following broadcast, as I document the forces behind this "police-community relations" business, you will see that it can reach you as well, wherever you may be living.

You will have noticed that Mr. Katzenbach expressed the belief that the "average policeman needs, and wants, a greater understanding of the people of his community." It is strange that the policemen, who were forced to take the course, expressed themselves as believing they were being exposed to "brainwashing." Our broadcast will endeavor to establish the direction this "brainwashing" was taking, and we will even undertake to reveal what the real force is behind this entire bit about "human relations" in your community.

POLICE "BRUTALITY"

For background we have to recognize that the police force in every community is under attack by various "liberal" groups as being bigoted and racist. The cry of "police brutality" rings loud and clear with little or no attention given to the long suffering policeman who no longer finds the citizens in his community looking upon him as a figure demanding instant respect, but instead all too often as a figure suitable for their abuse, vilification, and murder, muggings, and knifings. The policeman certainly realizes that the "man in the street" is still "with him in spirit," but after a few gang beatings while the "law abiding" citizen stands on the sidelines and watches, it is not too difficult to conclude that this average policeman might become convinced that his work is not only increasingly hazardous but, even worse, quite degrading.

With all emphasis on coddling the criminal, even at the expense of the law abiding citizen, the role of the "man on the beat" is increasingly difficult, even to the point that you and I and other average "Mr. and Mrs. Americas" should be eternally thankful that they haven't left the force in droves leaving us to the tender mercies of the "mob," composed of hate-filled and inflamed minorities. So you can imagine how the captive police force in New Orleans viewed their first paid speaker as they underwent their compulsory instructions in "Human Relations," who also happened to be the Executive Director of the Louisiana Association for Mental Health, when his "message" included the following:

INSTRUCTION OR "BRAINWASHING"

"The role of a police officer as a law enforcer, is rapidly diminishing, and his role as an advisor or caretaker of the public has grown . . ."

Let's take a minute and show you some of the hog-wash that this captive audience was exposed to. Incidentally, this is not from our own possibly "prejudiced" reporter on the scene, but rather from the columnist, Jack Dempsey, in the New Orleans States Item on December 6, 1966. Listen closely:

"Thursday night's lecture was delivered by George Saporito, executive director, Louisiana Association for Mental Health.

"He called it "Looking at Yourself," and outlined a series of what he labeled "Pressure Points" in a policeman's life. They are:

"1. The public versus private life of an officer. He said it's quite difficult at times for the policeman to separate them. Sometimes the officer is 'noble,' and other times he is 'frustrated and arrogant.'

"2. Aspect of danger and suspense. This, said the speaker, is the most unique part of an officer's being—the immediacy of possible danger and death.

"3. Cool head. Saporito pointed out that most of the people with whom the policeman has dealings become emotional and give the patrolman a rough time. The officer must try to maintain a cool head, in handling such persons.

"4. Trying to be objective. The lecturer conceded that this was one of the most difficult aspects of a policeman's life. 'Trying to be fair,' he said, 'and genuinely interested in the plight of the public in automobile accidents and the like can be quite trying for a policeman'." (I assume he has some such picture in mind as the traffic accident where the criminally drunk driver has just killed the child in the school crossing, or where the young mother has just been raped, tortured and murdered by the just-released sex offender—yes, sometimes it must be hard to "keep a cool head" and he is undoubtedly correct that it is hard to be "fair" in certain circumstances. Now comes the meat:

"5. Manifestations of prejudice in the community. The speaker stressed that oftentimes the officer is inclined to choose sides in prejudicial matters. A good officer, he said, must remain neutral at all times."—Now isn't that priceless! On the one hand you have the culprit who has just clubbed the store owner over the head, threatened his wife, and fled with the day's receipts. On the other hand you have the culprit, who, let us assume, is only a three or four time repeater and again is caught by the "man on the beat." Our man must remain without prejudice, must remain "neutral at all times." Thus reasons this paid director of the "Mental Health" processes in the State of Louisiana—a typical example of the bleeding-heart who feels that the only reason for the criminal act is that somehow society has been unfair to the culprit, and therefore must pay.

"6. Exposure to morbid situations—no need to amplify, and on to the final—

OUTMODED LAW ENFORCEMENT

"7. Care-giving role of police. Saporito described the policeman's service to the community caring for abandoned children, rendering assistance to people in distress, taking care of mental cases and drunks. 'The role of a police officer as a law enforcer,' he said, 'is rapidly diminishing, and his role as an advisor or caretaker of the public has grown.' " . . . Due to the legal restrictions imposed by recent high court decisions, the policeman's role has changed from that of catching robbers and other criminals to caring for people, offering service to the public. Maybe this trend will change your image with the public..

Now I don't know just how this leaves you feeling as an individual, but to me this smacks of brainwashing as we read about it in Korea. A captive audience of New Orleans policemen being treated to typical bleeding-heart sympathies with the criminal, and telling the policeman his role as an enforcer of the law is rapidly diminishing! And that he is to become a "caretaker and advisor to the public," now that he can no longer catch robbers and other criminals due to the legal restrictions imposed by high court decisions! Wouldn't you expect that it was about time for some of these men, the finest in fact, to turn in their badges? Well, as they left the meeting, some of them were quoted as follows; maybe you will find this encouraging:

Columnist Jack Dempsey stated, "Although one of the speakers stressed, 'we are not trying to brainwash you here,' that's nevertheless the opinion that many of the men held. . . . When it came time for the men to sound off at the round table, many of them did exactly that." Our reporter also talked to some of the officers who attended and their response included, "Until they can show me different, this course is Communist run." It's nice to see that these fine men are thinking.

Time is running out on this day's broadcast; it is also running out for the nation unless we awaken in a hurry. I will spend the remaining few minutes trying to establish what we are covering in this and the following few broadcasts, and I hope you'll be sure tomorrow to have some friends listening.

SUMMARY

It amounts to this: A certain element in our society has succeeded in painting a picture of our police forces being brutal, bigoted, and cruel to minorities. At the same time this propaganda has been expanding across the nation, similarly motivated "liberals" have painted a picture of the criminal as being the victim of society. Mind you, the purpose of "society" is to protect its citizens, its institutions, its physical property. No longer is "law enforcement" being allowed to do so, however; no, now, according to this spokesman of the "Mental Health" field whom we have been quoting, now there are legal restrictions so that the policeman's role as a law enforcer and police officer is diminishing, and his role as an advisor or caretaker of the public is growing proportionately! Let me make this clear! This was not some casual crackpot sounding off about his outlandish theories, it was a "symposium" receiving the blessing of the Attorney General of the United States, paid for by the U.S. taxpayers through the "law enforcement assistance act," and, as we will develop in subsequent programs, actually in compliance with the express ambitions of a very small but vocal, and deeply entrenched, minority. Eighteen hours of mandatory instruction (I would prefer the more honest word, "brainwashing") for ". . . every member of the New Orleans Police Department" took place in compliance with a program pioneered three years previously, in Amarillo, Texas, under the auspices of B'nai B'rith's Anti-Defamation League! I don't make this statement lightly. Nor do I prepare this broadcast for any frivolous objectives. But as we develop this picture, it should stand revealed that so-called "brotherhood" is indeed a religion in itself, and it is going a long way toward destroying Christianity.

ANTI-DEFAMATION LEAGUE

Now when I speak of the Anti-Defamation League (and I will document anything I have to say on this and subsequent broadcasts) realize I speak of an organization that is presently suing the Federal Communications Commission in the U.S. District Court of Appeals in Washington, D.C., because the F.C.C. granted a station a license that carries our broadcast even though it has found disfavor with the Anti-Defamation League! The A.D.L. hides behind the smear-term, "anti-Semitism," and demands that my criticism of its activities be removed from the airwaves! As for the "fairness doctrine," they refuse all offers of "equal time" and claim that my "blatant anti-Semitism" is not subject to debate! Well, I have news—this is still the land of the free! There is still an element of free speech. And I intend developing the picture of the Anti-Defamation League's involvement in "brainwashing" your local police.

CHAPTER II

For three or more days we will be dealing with the "Human Relations" symposium held in New Orleans, where attendance was compulsory for every New Orleans policeman. We will develop that this was funded by your tax moneys, confiscated by your government and then dished out in accordance with the will of the Attorney General of the United States. These moneys come from appropriations for the Law Enforcement Assistance Act and not only New Orleans but sixty major cities are going to have these "symposiums" on Human Relations unless we can awaken the nation immediately.

BEHIND THE SCENES

There is a "guiding hand," naturally. In this instance, as we will develop, it would appear to be the Anti-Defamation League. Furthermore, and I realize we are far down the road to acceptance of the term "brotherhood," it is not unrealistic to say that under the *guise* of "brotherhood" or "humanism" we are destroying Christianity. If because I am FOR Christ there are those who would describe me as AGAINST all forces that are ANTI-Christ, I plead guilty. Christianity does not teach the "brotherhood of man" but rather the fellowship of the kindred souls, those who truly *BELIEVE*. Our nation is founded upon certain principles and inherent in these is the concept of Man as answerable to His Creator, *NOT* to the all-powerful state. Thus we find a battle between "Socialism" (or welfare-stateism) and the forces of historic Christianity. I regret that I must add "historic" but the simple fact is that "Humanism" and the "Brotherhood of Man" are replacing the message of the Trinity. Now this is not irrelevant to the subject at hand because, as I will develop, the guiding hand behind the "symposiums" was the Anti-Defamation League. I suggest that this is not only a "religious organization" but that this religion is in fact "humanism" or "brotherhood" and having little or nothing to do with "Judaism," "Talmudism," or "Pharisaism" or whatever the proper term might be. Very shortly I will expand on this theme.

The New Orleans Police Force underwent a course in "indoctrination" into a particular philosophy. This underlying philosophy is contrary to all that "law enforcement" would normally teach. The opening day of the 18-hour course found this captive audience being addressed by the Executive Director of the Louisiana Association for Mental Health and some of the things he said were most revealing.

"NEUTRALIZING" THE POLICE

"The role of a police officer as a law enforcer is rapidly diminishing, and his role as an advisor or caretaker of the public has grown . . . Due to the legal restrictions imposed by recent high court decisions, the policeman's role has changed from that of catching robbers and other criminals to caring for people, offering service to the public." Isn't this just about the wildest idea of which you can conceive? This is part and parcel of a new philosophy. Only it isn't new at all, it dates back almost two hundred years in history. In essence, those who now would "brainwash" our police forces, believe that the criminal is not "guilty," but is the end result of a heartless society. He no longer steals or rapes or murders because he is a thief, rapist, or murderer; no, now it is because he has been "rejected" by society! Always the victim, a member of society, is at fault, because somewhere down the years, this poor misunderstood perpetrator of what once was openly called a "crime," had been rejected, or misunderstood, by "society."

Now this is just one statement by the first speaker at a series of lectures which lasted literally for weeks. Every man and woman in the police department, including the civilian employees, was required to attend two hour sessions for a total of eighteen hours, sometime within a period of eighteen weeks. And the men themselves, thank goodness, recognized that it was brainwashing! But they didn't know what was behind the scenes.

In the next few minutes I am going to involve the Anti-Defamation League. Rather, I should say, since this is their project, not mine, I am going to tie them in to the scene.

A.D.L. SUBVERSIVE?

You may or may not agree with such men as Congressman Rankin who had the courage, in 1949, to enter House Resolution 6519 to prohibit membership in, or participation in, the activities of the Anti-Defamation League. The bill, which was referred to the Committee on Un-American Activities included the following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that it shall be unlawful for any individual to be a member, or to participate in the activities, of the un-American subversive organization known as the Anti-Defamation League."

The A.D.L. was not as powerful in those days as it is now; they had not developed the concept of the "Brotherhood Award" to such an exact science, but nevertheless they were powerful enough that we now find Congressman Rankin gone, and are faced with a still-flourishing Anti-Defamation League.

You may or may not agree with the founder of the California Senate Fact Finding Subcommittee, Senator Jack B. Tenney, with his intimate knowledge of the Anti-Defamation League. His excellent, though suppressed, book, "Tenney Report on World Zionism," includes the following:

"The Anti-Defamation League of B'nai B'rith is referred to in many quarters as the 'Jewish Gestapo'. While it is obvious that its activities are concerned with spying and snooping, ferretting out 'anti-Semitism,' it is unfair to label it 'Jewish.' Very few American Jews know much about the actual operation of the Anti-Defamation League."

I could go on with other "sources" but this should suffice for the moment. The A.D.L. is not without its critics—criticism with which you may or may not agree. I do not think, however, that at this late date anyone can be completely blind to the fact that behind "race-mixing," bedestroying Bible reading in our schools, behind "integration," and behind a great deal that is done in the name of "civil rights" we find the Anti-Defamation League. With this broadcast I will establish that the A.D.L. has now, not only run its own "Human Relations Seminar" for the benefit of our police forces as was done in the case of Amarillo, Texas, in 1963, but that now their activities are one and the same as the Justice Department activities, operating through the Law Enforcement Assistance Act, spending your tax dollars to brainwash the captive police of our cities.

RELIGIOUS ORGANIZATION

Let's have it clearly understood that the A.D.L. is a Religious Organization. Herein lies the key. The very same organization which demands that Bible reading be taken out of our schools, and similar situations relating to the "separation of Church and State," is actually preparing the text-books and furnishing the lecturers for brainwashing sessions with our police!

Can you imagine what the hue and cry would have been had the Knights of Columbus undertaken to prepare the text-books and furnish the lecturers for this Symposium, even though New Orleans is predominately Catholic? How the "liberals" would scream! Yet, in this instance, and we will develop this in detail, the Justice Department of the United States, furnishes the funds for the City of New Orleans to train its police in "Human Relations" (otherwise known as "how to fail to protect life and property without even trying") and behind the scenes we find text-books and lecturers furnished by the religious organization—The Anti-Defamation League!

Now who says "The religious organization, the Anti-Defamation League?" Is this something I dreamed up? No, it isn't! I have it before me. The men I am about to quote could hardly speak with more authority. Benjamin R. Epstein is the National Director of the Anti-Defamation League. Arnold Forster is the General Counsel of the Anti-Defamation League. These two men wrote the book entitled "Some Of My Best Friends," which they described as the "first fully documented story of a shocking evil in American life, furtively practiced and pervasive." These same two men are better known to our current conservatives for the book, "Danger on the Right," which was a violent attack on the so-called Right Wing. In any event, I assume that the National Director and the Chief Counsel of the Anti-Defamation League speak with authority. So, in the Chapter dealing with the "public spirited bigot" (page 61 of the book, "Some Of My Best Friends"), I find the following:

"Unlike the Shrine, both B'nai B'rith and the Knights of Columbus are frankly and avowedly religious organizations!

By this time you should see where this inevitably leads. If the National Chairman of the A.D.L. says they are a religious organization, and if the Chief Counsel says they are a religious organization, I assume it IS a "religious" organization, and the next question would be, what religion? And the next question would be, what are they doing brainwashing our police?

A.D.L. INVOLVEMENT

I should get down to business. There will be more tomorrow, but having said the the A.D.L., a self-avowed religious organization was the guiding hand behind this brainwashing of our police, I had better produce the evidence. Like the following:

"City of New Orleans public voucher, to Theodore Freedman, Southern Director of the A.D.L., $58.85 for his air travel, $34.32 for his hotel, and $240.00 in speaking fees. Total paid, $333.17.

"City of New Orleans public voucher direct to the A.D.L. of New York, for the services of Sol Littman, in training the New Orleans police. $701.30.

"City of New Orleans public voucher, direct to the A.D.L. for the services of (catch this)—for the services of the Project Consultant's Fee." The A.D.L. is being paid for furnishing a Project Consultant—hardly "behind the scenes"—and this was for the services of a Mr. A. I. Botnick. $400.00 (carefully marked "partial fee." This implies there is more that has not yet seen the light of day).

And now to top all the foregoing, $14,400 books, purchased from—you guessed it—the Anti-Defamation League! Now this isn't child's play, folks, this is a big business! They are listed as $8,820 gross amount, with a discount of $2,820, leaving a net amount of $6,000 paid for books, to the Anti-Defamation League—a self-avowed "Religious Organization" just like the Knights of Columbus, if you please!

There were twelve titles on the A.D.L. invoice, but each policeman only received eleven which I just happen to have also received! Tomorrow's broadcast will tell you about the contents.

None of this is a matter of "opinion," it is a matter of fact, stated, if I do say so, clearly!

Our government is going to pour money into these Symposiums in our principal cities; they do this through the Justice Department administered LEAA or "Law Enforcement Assistance Act." The actual mechanics of the project as we have just established, complete with speakers, project consultants, and all the text-books, are safely in the hands of the self-avowed religious organization—the Anti-Defamation League. Folks, this is happening! And it will happen in your cities! Unless we can overcome the "fear of the smear" of being called "anti-Semitic" and get right down to cases and study! I know a lot about the Anti-Defamation League. I consider it completely un-American and, above all, it should not be fair to have taxpayers' moneys available for it to exert its "brotherhood" concepts on the police in our major cities!

Does the A.D.L. quit there? You know better! It paid good money to establish that two-thirds of the nation is either openly or silently "anti-Semitic"! And then it has the gall to endeavor to take the F.C.C. into Court, because it refused to be a party to destroying free speech!

The A.D.L. furnishes their material to your radio stations. The A.D.L. furnishes their material to your school systems. I presume they are entitled to do this in the land of the "free". But—and here is the major distinction—we are now dealing with the administration of a Federal Project to work with the Police in our major cities. And who do we find furnishing the direction, the speakers and the text-books? We find the religious organization—the Anti-Defamation League!

CHAPTER III

Today brings us to part III of a four-day broadcast dealing with the "brainwashing" of the New Orleans police.

The Federal Government is taking the taxpayers' money to fund the Law Enforcement Assistance Act, otherwise known as the LEAA. Former Attorney General Katzenbach bragged openly in his memorandum last August 17th, that up to sixty cities with population of over 150,000 were prepared to undertake the identical program with the one being developed for the city police force in New Orleans.

PIONEERED IN AMARILLO

What appears to have been an identical pioneering Human Relations Seminar had been conducted in Amarillo, Texas, in September of 1963, the difference being that the Amarillo Seminar was under the auspices of the Anti-Defamation League.

With this for background, and assuming that most of you have been with us for the two previous days, let's get right at these text-books that were selected by the Anti-Defamation League for use in this Police-Human Relations program of instruction for the New Orleans Police, that just happened to have a Project Consultant who was also—you guessed it—an employee of the Anti-Defamation League.

A.D.L. PROPAGANDA

The city of New Orleans was invoiced for 14,400 books, the Anti-Defamation League Invoice No. R 5080 says 12 titles but insofar as we can determine, only 11 were received. Ignoring this for the moment, let's take a look at the titles, the subject, and who published each of the eleven of these.

We start with a tall, thin booklet, black cover, solid black, with an outline of the most sinister policeman I have ever seen. This evil-faced officer is shown only head-and-shoulders, and under his picture is the title, "With justice for all." It's published by the Anti-Defamation League. It starts with the assumption that police officers carry anti-Negro prejudices which interfere with the performance of their duty. Illustration shows whites to be bigoted and Negroes to be kind and understanding. They are told that (quote) "Wherever there is racial friction on the adolescent level, some police officers tend to be far more severe with the Negro children than they are with whites." Also, "I think that the delinquency rate is not as high in respectable Negro homes as it is in respectable white homes," says a police captain in a leading Southern City. "It is common knowledge among the officers responsible for handling of juveniles that many Negro parents are more solicitous of the welfare and the conduct of their children than are some white parents."

There is a great deal just like that. Analyze those sentences carefully. They are carefully worded. "Many . . . Negro parents . . . are more solicitous than some white parents." A sentence like that has absolutely no meaning other than brainwashing. We could also say, "Many Negro families are richer than some white families." Or many Negro families are larger, or smaller, or nicer, or meaner, or anything you want. As long as they stay with the "many are more than some," the statement can be true, but the inference isn't. "Some police officers tend. . . ." Of course, some police officers "tend" to almost anything you can imagine. But the emphasis on the book was that police are brutal, bigoted, prejudiced, and unfair to Negro Minority groups and most of us know this is nothing short of brainwashing.

Let's see what else the A.D.L. published for these officers in the New Orleans Police: Book #2 is authored by the National Director of the A.D.L., Benjamin Epstein, and Arnold Forster, the General Counsel of the A.D.L. It is entitled "The Report on the John Birch Society 1966." It is copy written by the Anti-Defamation League, this self-avowed religious organization that is undertaking the brainwashing of our police forces. I can't begin to give you the contents; it is a typical smear of the "right-wing" so-called by this group that has determined that one-third of the nation is openly anti-Semitic, that another one-third is also anti-Semitic but doesn't like to talk about it, and that this two-thirds of the nation are bigots who are not entitled to free speech! I can't begin to go into detail regarding this book. I would say that if the A.D.L. would have spent more time and energy in writing an expose about the extent of communism in the civil rights movement, or in helping to clean out subversives from high places in our government, they would serve a far better purpose than to attack those who are trying to educate others to the dangers facing the Republic.

MORE BRAINWASHING

A third book entitled "Prejudiced—How Do People Get That Way?" is published by—you'll never guess it—the Anti-Defamation League! We learn in this book (quote) "Religion insists that all men are brothers." (Mine doesn't). It calls on "all people to live in peace and harmony." (Mine doesn't—certainly not live together in peace and harmony with Bolsheviks). "The message of your religion is not a message of hate" (mine is to hate evil), "intolerance, hostility, violence. It is a message of brotherhood, charity, humanity, and love. Your religion rejects prejudice." End of that particular section. I have news for the A.D.L.! I just don't know exactly what religion they are talking about, but mine would have me hate evil, to "come out from among unclean things." Mine determines that righteousness has no fellowships with the works of darkness, it does not teach me to be "tolerant" of evil, and the only "brotherhood" expressed in the Christian religion is the brotherhood of believers. The book tells us that "prejudice is learned, not inherited," that in fact we have to be "taught to hate."

Nowhere did the book suggest that as the end result of a pattern that is repeated and repeated, the individual comes to realize that a given situation is best avoided, thus seeming to result in our being "prejudiced." I am "prejudiced" against New York subways late at night (or Philadelphia or Chicago) and assume I will stay that way until law and order return to the nation. I am not ashamed to suggest that I carry all sorts of "prejudices" or "pre-conceived ideas" as to what will happen in a given set of circumstances. And if, as a result of our ability to observe and reason and reach logical conclusions, we are to be labeled as "prejudiced" I assume that is something that we can learn to live with.

A fourth book, "Crisis Without Violence—A Story of a Hot Summer" is also published by the Anti-Defamation League, and is written by their National Community Relations Director. Here we learn that ". . . Negro leaders were haunted by the possibility of Goldwater in the White House and Governor Wallace's shadow over it." We learn that ". . . when a policeman is arrogant and too free with his club or gun, he is often motivated by fear as by prejudice." The author places himself "front and center" including his role in the New Rochelle Human Rights Commission. Naturally, the need for a Civilian Review Board was indicated. I assume that now Governor Wallace's shadow is doing some more "haunting" and if this be so, behind the scenes, we have to realize that there was an organization doing its level best to heighten "tensions."

WILLIAM O. DOUGLAS

A fifth book, "A Living Bill of Rights," deals with the "Philosophy or Point of View" of Supreme Court Justice William O. Douglas. Published by the Anti-Defamation League—by this time I bet you guessed it! I wish I had time to read this little gem on Justice Douglas's "philosophy." We learn he questions loyalty oaths; we learn that he finds ". . . some police officers still regard it (torture) as useful . . ." He singled out Chiang Kai-shek in Formosa as having jailed an individual who tried to organize an opposition party. He expressed his opinion about allowing Communists to hold key positions in government service; he appears to grant that possibly it is well that the government can remove them from key positions but they could then be retained in a non-sensitive position. He insists that "all religions" must receive equal treatment by the government. He states that there can be no discrimination by government, either in favor of or against, any particular religion, however popular or unpopular. He points out that "religion" embraces all faiths, Hinduism, Buddhism, and the Islamic faith, but also includes atheism and agnosticism! In other words, to believe there is no God, also becomes a religion! I am surprised he didn't include witch doctors, cannibalism and fetish worshipers; surely those, compared with atheism, carry more of the hallmarks of a "religion."

Nowhere did he suggest that the Supreme Court, which he now dishonors, has determined, in times past, that this is a Christian Nation. Nowhere did he suggest that our articles of Confederation, or original United States Constitution and our Bill of Rights are all signed "In the Year of Our Lord." I assume this would be repugnant to Mr. Douglas. But enough of this; imagine it being a text-book for the New Orleans Police Force! Let me continue.

MORE BOOKS

There are six books left to describe and I am running out of time to do so. Can you guess by now who is the publisher? Right the first time! Five of the six are published by the A.D.L., and the sixth is copywritten by them. Eleven out of eleven of the "text-books" used in this Brainwashing Session, conceived of by the Anti-Defamation League but financed by you, the American Taxpayers, were text-books by the Anti-Defamation League! Every one, by my standards, was designed to spread more unrest and create rather than curb, tensions and racial hatreds. The remaining titles include "Social Change and the Negro Problem," written by Arnold Rose who, with Gunnar Myrdal, authored the "American Dilemma." As to the contents, I leave it to your imagination. "Epitaph for Jim Crow" appears to be designed to make the white man hate himself endlessly. "What We Know About Race" tells us that we are all pretty much alike and that ". . . skin color is believed to be one form of adaptation to environment." The books suggests that "race" is not an adequate description and they make reference to the Jews being neither "a racial nor a national entity, but persons who adhere to the Jewish religion—Judaism, Israelis are nationals of Israel, they are not necessarily Jews, and they represent many different physical types." A great deal is made of the fact that intelligence differs within ethnic groups, and seemingly we are "racists" if we speak of "race" but the term "ethnic group" is to be tolerated at least.

It is a typical book by a typical social anthropologist, as opposed to the scientific study, "physical anthropology." The author takes great delight in telling us of the skill at checkers of the Australian Aboriginal, (he doesn't suggest exactly why they still prefer to crawl on all-fours and only recently, after thousands of years, have learned the "cause and effect" of child-bearing). He does suggest that anthropologists prefer to call "primitive peoples" "non-literate peoples," because they are not really "primitive," etc. Yes, you paid for this one, too, you lucky little taxpayers, through the connivance of the A.D.L., the cooperation of the Justice Department, and the funding of the Law Enforcement Assistance Act. You turned this loose on the helpless, captive police force of the city of New Orleans, and it is going to be repeated in sixty key cities across the United States!

I'm out of time, and I imagine you're out of patience. These books don't get any better, I simply had to establish that the entire $6,000 worth of books furnished by the A.D.L. for this "Symposium" were published by, or copywritten by the Anti-Defamation League—and these became the books furnished the captive policemen. I will be on this subject one more day and will establish that the current "Human Relations" compulsory 18 hours of instruction are modeled after the

1963 Anti-Defamation League pioneer project in Amarillo, Texas. The difference is that now they have a pipeline into your pocket—the taxpayer—and into the U.S. Treasury. I will reaffirm that this is a "religious organization" that compares itself with the Knights of Columbus, but still feels it is alright for them (the A.D.L.) to brainwash your local police. Separation of Church and State has never been disregarded more blatantly. Furthermore, and I cannot develop this theme in the limited time I have, but nevertheless, I am compelled to recognize that the "brotherhood" of which they speak is itself a "religion," the religion of "humanism" where we will all be "equal" except some will be "equaller" than others. It will be the end of Christianity.

CHAPTER IV

We have been dealing with the Police Department of New Orleans and a study course they were compelled to attend that can only be described as "brainwashing." Behind it stands the Anti-Defamation League. This, in itself, is not unique; their pilot project almost identical in content took place in Amarillo, Texas in 1963. But now you and I pay for the privilege of having them brainwash our police. It is done through the Justice Department and the Law Enforcement Assistance Act, otherwise known as the LEAA. It must be exposed for what it is.

A.D.L.—RELIGIOUS ORGANIZATION

The best authority for their being "religious" (and it is my opinion that their religion is "brotherhood," not Judaism, not Tolmudism, not Pharisaism) is to be found in the statement of the National Director of the A.D.L., Benjamin Epstein, and their General Counsel, Arnold Forster. I quote from their book, "Some Of My Best Friends." The chapter dealing with the "public spirited bigot," page 61, taking the paragraph from the beginning: "Unlike the Shrine, both B'nai B'rith and the Knights of Columbus are frankly and avowedly religious organizations. . . ." Now let's proceed.

It is foolish to suggest that any of us are without our "bias," it simply reflects the sum total of what we believe. It is no secret what the A.D.L. believes. It is endlessly and publicly on record that the "Far Right" or the "Radical Right" is a threat to our "Democracy." Having established that theirs' is a "religious organization" I sometimes wonder just what it is that they believe. I know they are in harmony with the self-proclaimed Zionist, Arthur Goldberg. In fact, he is on the National Commission of the Anti-Defamation League. So, too, is Jacob Javits. Presumably, their "religion" is in the minority in America, yet this group appears to have no qualms in presenting their beliefs to a captive audience in the form of the New Orleans Police. In Amarillo, Texas, in September of 1963, the same program was frankly and openly presented to the Police by the Anti-Defamation League. This was questionable, but at least it only concerned the local community. We now have a program, identical in content and direction, coming to us through a Federal Agency, the Justice Department, and we are told by the Attorney General of the United States that this is but a pilot (the New Orleans affair) for what will occur in sixty of our large cities. It becomes important to learn what it is that the A.D.L. believes.

I have developed this over a period of three days and am sorry to have to repeat; nevertheless, let me re-affirm that the A.D.L. was paid for furnishing a "Project Consultant," was paid for furnishing several of those who lectured, and was paid $6,000 for furnishing 11 text-books that appear to be all that were ever received.

WHY A.D.L. MATERIAL?

The able reporter who uncovered this kettle of fish endeavored to learn why all the books were furnished by the Anti-Defamation League. The coordinator of the program denied that *he* chose the books, said that he only ordered them! He said he came into the program in its final stages and that these pamphlets were in the proposal as submitted to the Federal Government! The Police Superintendent guessed that he would have to share the responsibility (for ordering the books) and thought that it was ". . . one of the mistakes we have made." The coordinator, questioned as to why no other books were used except A.D.L. Books replied, "I admit it is a weakness, and if we could come up with some good other literature on the same subject, we would distribute it." The Police Superintendent stated that it had been a mistake to use only the 11 publications of the A.D.L. and that he had only realized this when people began to complain of it. He said that a man from the John Birch Society has showed him the A.D.L. publication being uesd, "Report on the John Birch Society 1966."

COUNTERATTACK

This might be as good a time as any to tell you that Richard Cotten's Conservative Viewpoint furnished several hundred copies of Senator Jack B. Tenney's Report on the Anti-Defamation League; also our broadcast material entitled "The A.D.L. Attempts to Muzzle Free Speech" and "Who or What Does the A.D.L. Represent?" This was, of course, distributed without any official blessings but the police made it clear (if unofficially) that they approved mightily.

So this is pretty much the package. It narrows down to whether or not we are going to sit still for having our police forces indoctrinated by a religious organization that believes in many things directly in opposition to what most of us believe.

BROTHERHOOD VERSUS CHRISTIANITY

"Brotherhood" is the antithesis of Christianity. All concepts of "social justice" depart from our concepts of free enterprise and private property. Furthermore, even as "brotherhood" may believe in total integration and feel free to term any one who disagrees a "bigot" or "racist," another individual's religion can believe in segregation just as firmly. The very fact that all but a few of our States have historically taken the position that it is illegal for the white race and the Negro race to marry, proves that our nation is undergoing a social change that is altering it radically.

There is no sound reason why those who believe in "segregation" and in racial purity should be abused in this so-called land of the free. If the truth were known, these beliefs are held by the vast majority. The social experimentation that is coming in the wake of the Brown Case is shaking the nation to its foundations. Tempers are being strained, lawlessness by anti-white "racists" is increasing enormously. Yet, while the great majority of our citizens are pretty well "sitting it out on the sidelines," some of us are beginning to see. It is a revolutionary change that is taking place, and when the dust settles we will no longer be free. We will be a "brotherhood" no matter what we believe. Freedom of speech will be allowed . . . as long as we all "agree." But if we disagree? Why, we will be labeled "racist" and "bigot" and locked up for the good of society.

The opening speaker who addressed this captive audience in New Orleans informed these policemen of their "diminishing role as a law enforcer" and their new role as an "advisor or caretaker." He said this was due to the fact that there were "legal restrictions" imposed by recent high court decisions and that the policeman's role had changed from that of catching robbers and other criminals to caring for people, offering service to the public." I trust that you begin to see.

These statements were made by the Louisiana Association for Mental Health Director. It was some years ago that I read the fantastic statements attributed to the founder of our "Mental Health Movement" to the effect that we needed "preschool schools for our children (you will notice we now have "Operation Head Start") so that they could "overcome the narrow nationalism and religious bigotry foistered upon their innocent minds by the parents." We are seeing that this concept of "mental health" means nothing less than regimented conformity.

"CULTURE" AND RELIGIOUS BELIEFS

Every nation has a culture which reflects its "religious" beliefs. The entire Western civilized world is based upon a system of values predicated upon the worth of the individual in the sight of God. This finds expression in the Magna Carta, in English Common Law, and in our Constitution, the Bill of Rights, and similar documents. There are exactly two pillars that have upheld our Republic—one is the Constitution, the other Christianity. When we compromise our beliefs and talk about the "World's great religions" as though they have something in common, we are turning our back on Christianity. I didn't make the rules. Scripture did. To be a "Christian" is to be a follower of Christ. He spoke clearly and told us that He and the Father are One, that he who has seen Me (Christ) has seen the Father, and that none shall come into the Kingdom except by Me. (Christ speaking). He also told us to have no fellowship with the works of darkness, but to hold out the gift of salvation to as many as would believe. Now this is basic. I don't make this up, this is what a Christian purportedly believes! It is one thing to have religious freedom in our nation, it is quite another to turn the brainwashing of our police forces over to an agency of a self-avowed "religious organization," particularly when we examine just what it is that this organization believes.

"BROTHERHOOD"

There is nothing new in the teaching of "brotherhood" or "humanism"; this occurs endlessly in the effort to destroy Christianity. One of the eleven A.D.L. text-books used in this course of required study by the New Orleans police, was entitled "With Justice For All," a book that makes quite a point of white police officers showing discrimination in the arrest of whites, etc. But quite pointedly, the author refers to "leaving it to the sociologists to answer" some of their quandaries. This is the very root of the matter, we have to know what the study of "sociology" leads the adherents to believe!

SOCIOLOGY

We find, by enough digging, that "sociology" was a term coined by Auguste Kumpt and he deemed it to be a "religion," this worship of Humanity. Mind you, this was back in the 1800's and Kumpt was able to say, following student rioting that he had instigated, "I have dealt the Old Education a death blow. . . . The worship of humanity would be the only religion. . . . Positivism is really a religion . . . The object of its worship is Humanity. All religious denominations now dimly perceive the trend of the times, and are gradually omitting theology from their teachings and taking on ethics and sociology." This is from Elbert Hubbard's "Little Journeys to the Homes of Great Philosophers," and it gives us the roots of this "sociology."

Just a bit more, this by Elbert Hubbard, personally. Listen closely: "There is a new religion . . . without shoutings, without argument, agitation or violence. This new religion is slowly conquering the world . . . aye, without the realization that it exists . . . its adoration is humanity . . . it teaches man that his success lies in making peace with his neighbor . . . the new religion is not a 'revealed' religion . . . it has been born to the multitude and the businessmen of the world are its chief promulgators . . . It recognizes the Brotherhood of Man . . . This new religion tends to eliminate fear, doubt, hate, prejudice . . . The chief characteristic of this new religion is its antiquity. It has always been known to the elect few." End of comment by Elbert Hubbard about this "new religion—dating back to antiquity." Humanism, or the end product of "sociology."

Brandeis has stated, "One can hardly escape the conclusion that a lawyer who has not studied economics and sociology is very apt to become a public enemy." Here again we find "sociology." As long ago as 1907 the Chief Justice of the Supreme Court of the United States declared, "We are under a Constitution, but the Constitution is what the Judges say it is . . .!" No wonder we have departed from the Faith of our Fathers, and the sound, Constitutional precepts that made our nation great. We have been sold out for a mess of "pottage," under the guise of the "Brotherhood of Man," we are creating a Socialistic Police State, the organized Church has become apostate, and we are destroying historic Christianity. And who do we find with the big stick stirring this concept? We find the Anti-Defamation League!

CONCLUSION

A self-proclaimed religious organization with a pipeline to the U.S. Treasury, endeavoring to "brainwash" their captive audience, our major cities' police. Isn't it pertinent to want to learn just what are their "religious beliefs?" Surely if we recognize that they are "religious," we should be concerned about the separation of "Church and State?" The A.D.L. leaders, themselves, liken their organization to the Knights of Columbus. Can you imagine the uproar if we found the KC's undertaking to brainwash our police?

Above all, however, just what are these "religious" beliefs? It is my contention that the "Brotherhood of Man" is itself a religious belief. It is not any part of Christianity. It reeks of Socialism and Equality. It does not respect free enterprise and private property.

This entire area is due a thorough Congressional investigation and the instigation for it should come from the police. I have every confidence that they do not believe that "black is white"—to use a somewhat questionable simile. They undoubtedly did resist this brainwashing session manfully. But if we comment? Why, we are immediately either "bigoted," "racist," or "anti-Semitic." Enough to try men's souls, times such of these.

This is all I have time for on this series of four broadcasts. I cannot doubt but what there will be an uproar, but that is how it should be if we believe in free speech. We have uncovered what would appear to be a blatant attempt to have the Federal Government finance, through the Law Enforcement Assistance Act, seminars that are safely under the direction of the Anti-Defamation League. We must, above all, come to understand the Anti-Defamation League.

ADDENDUM TO PROGRAM ON "BRAINWASHING" OF NEW ORLEANS POLICE

In the foregoing material, Richard Cotten's Conservative Viewpoint has stated that the Anti-defamation League "pioneered" a Community—Human Relations Seminar in Amarillo, Texas, in September of 1963 which embraced remarkable points in common with the Community-Human Relations Seminar held for the New Orleans Police. In support of this contention, we submit the following:

A Staff Reporter of the Amarillo Globe-Times under date of September 16, 1963, reported at some length on what was determined to be a "pioneering" concern in the field of human relations . . . a . . . seminar . . . sponsored by the Amarillo Police Department in cooperation with the Arthur Bluhm Lodge of B'Nai B'Rith and the lodge's Anti-Defamation committee.

The report described a seven-week human relations seminar with the courses to include the following: (note the similarity)

The policeman looks at himself.
Minority groups.
Mob behavior and psychology.
Minority groups and the law.
Juvenile delinquency.
Clinical sessions.
Problems of effective communications.

The "Course in Human Relations for the Law Enforcement Officer" conducted in New Orleans had been expanded to nine subjects, described in the following:

The policeman looks at himself.
Minority groups.
Mob behavior and the policeman.
Minority groups and the law.
Extremist movements in the United States (1966 textbook on the JB Society. ed).
Youth and police (note: Juvenile delinquency, renamed?).
The police and emotionally disturbed citizens (note: clinical sessions, renamed?).
Problems of effective police communication.
Police professionalism.

Additional points of similarity can be developed including the use of similar texts, also the involvement of specific officers of the Anti-Defamation League, active in both instances but now being paid for their services out of the United States Treasury. This is a self-avowed Religious Organization, brainwashing your police.

[From the Washington Post, Feb. 13, 1970]

FBI USED CASH FROM MISSISSIPPI JEWS—$36,500 PAID TO AMBUSH KLAN

(By Jack Nelson)

MERIDIAN, MISS.—The FBI and the Meridian police, bankrolled by an alarmed Jewish community, paid $36,500 to two Ku Klux Klan informants to arrange a trap to catch two young Klan terrorists in a bombing attempt, The Los Angeles Times has learned.

The trap, sprung in Meridian on June 30, 1968, when the Klan members tried to bomb a Jewish businessman's home, resulted in a gun battle in which a Klanswoman was killed and a Klansman, a policeman and a bystander were wounded. The wounded Klansman received a 30-year prison sentence.

The trap was sprung by law enforcement officials frustrated over their failure to solve a series of 17 bombings and burnings that had terrorized the Jewish and Negro communities in the Jackson and Meridian areas of Mississippi in 1967 and 1968.

Despite the visciousness of the Klan terror, some observers believe the Meridian incident raises serious questions as to the proper means to be used by police and the FBI to solve crimes of violence.

Evidence strongly indicates that the Klan members who made the bombing attempt, Thomas Albert Tarrants III, 21 at the time, and his companion, Kathy Ainsworth, 26, a school teacher, were lured into the bombing attempt by two other Klansmen who were paid a total of $36,500. A former FBI agent who acted as an intermediary was paid $2,000.

Policemen who sprang the trap say they expected a gun battle and never thought either Klan member would be taken alive. They had expected two men to attempt the bombing and did not know a woman would be involved until 45 minutes before it was carried out.

Most of the nightrider attacks in Mississippi were directed against Negro homes and churches, but the Jewish community became a target in the fall of 1967 with the bombings of a synagogue and a rabbi's house in Jackson. Jewish leaders, greatly alarmed by the violence, began raising a reward fund to try to solve the crimes.

Despite the reward money and intensive investigations, lawmen were unable to solve the crimes and the wave of violence continued.

On May 27, 1968, a bomb shattered a synagogue at Meridian. Reports that the FBI knew of Klan discussions about plans to bomb a synagogue with women and children inside added to an atmosphere of fear and tension.

Finally, the FBI and the Meridian police decided to use the reward money to pay the informants to arrange the trap, rather than for information leading to the arrest and conviction of the terrorists, as originally intended.

TERROR IS ENDED

The reign of terror ended after the shootout. There has been hardly any violence in Mississippi since. And the White Knights of the Klu Klux Klan has virtually disbanded. At one time in 1968, law enforcement officials in Mississippi said the White Knights were suspected of committing nine murders and 300 other violent acts, including bombings, burnings and beatings.

Before the Meridian incident the situation in Mississippi was considered so grave by the Jewish community that A. I. Botnick, director of the Anti-Defamation League's regional office in New Orleans, helped raise funds to pay the informers and participated in the original discussion about the trap with the FBI and the police. The ADL is a highly respected organization whose charter cites an immediate objective of fighting anti-Semitism and an ultimate purpose "to secure justice and fair treatment to all citizens alike . . ."

The Times, in checking rumors that the Klan members had been "set up" for the trap, interviewed Botnick in April, 1969. He acknowledged his part in helping execute the trap, but said he could not "morally blow the whistle" on the FBI and the Meridian police, who had helped curb Klan violence.

Botnick said it was "logical" that someone had paid to set up the two Klan members, but he declined to say how much money was paid and said he would not want to see the ADL "involved" in a story about the Meridian incident. "Four guys know I was in on the original planning," he said. "It was a trap—you know that."

At that time Botnick said he had listened to FBI recordings of a Klansman talking about blowing up synagogues full of people—including women and children. And he quoted one Klansman as saying, "Little Jews grow up to be big Jews and kill them while they are young."

Discussing his own part in raising funds to arrange the trap, Botnick said, "We were dealing with animals and I would do it again." However, he acknowledged that when he learned a woman had been killed (the plan called for two men to be in the car) it made him sick: "I threw up when I heard what happened that night."

Recently, after learning details of how the trap was arranged, the Times interviewed Botnick again. He said that he could not recall much about the earlier interview, but said that the reporter's recollection (from typewritten notes) was "incorrect." Told of some of the details uncovered by the Times in a lengthy investigation, Botnick said, "It's fantastic—like something out of Orwell's 1984."

However, the Times has documented the arrangements for the trap through police records and statements by some of the police officers involved. The arrangements were made in a series of secret meetings between a Meridian detective and two FBI agents with two Klansmen and an intermediary which began within two weeks after the Meridian synagogue bombings.

The informants were brothers—Raymond and Alton Wayne Roberts, both members of the White Knights of the Ku Klux Klan. Since October, 1967, Alton Roberts has been under a 10-year sentence, having been convicted of a federal civil rights violation in connection with the 1967 lynching of three civil rights workers in Philadelphia, Miss. (His case and those of five other White Knights convicted at the same trial are now on appeal before the U.S. Supreme Court.)

Besides receiving $36,500, the Roberts brothers demanded and got written assurances that they would be given immunity from prosecution in several cases of the church bombings.

The original deal called for the brothers to share a total of $69,000 and for the intermediary to receive $10,000, if Tarrants and Joe Danny Hawkins, who the FBI believed to be the top two "hit men," attempted the bombing. After Mrs. Ainsworth took Hawkins' place, the amount of the payment was reduced.

PROOF LACKING

Although Tarrants and Hawkins were suspected of being responsible for much of the violence that had rocked Mississippi, lawmen had been unable to prove that either man had committed any of the crimes and had been unable to find Tarrants to arrest him on a fugitive warrant involving an illegal gun charge.

(Meridian police contended that even though Hawkins was not at the scene of the bombing attempt, Tarrants' use of a car registered to Hawkins and other evidence linked him to the crime. Hawkins was indicted on a charge of placing a bomb, but has never been brought to trial.)

The frustration of lawmen was reflected in comments made by Roy Moore, special agent in charge of the FBI office in Jackson, shortly after a synagogue in Jackson was bombed on Sept. 18, 1967.

Kenneth Dean, director of the Mississippi Council on Human Relations, recalls Moore saying that money was needed to solve the crimes because "explosions destroy the evidence and the crimes usually are committed in such a way that there are no witnesses."

Dean quoted Moore as saying that "somebody connected with the bombings will be willing to talk for a price," but that some juries did not think well of testimony from paid informers.

COMMENT DECLINED

Moore declined to comment publicly on the case, but he expressed the belief that a story disclosing the tactics used by the FBI and police would jeopardize their system of informants and hurt the cause of law enforcement.

Meridian detective L. L. Scarbrough, a principal figure in the negotiations with the informants, cooperated in helping the Times develop the facts. But after a reporter tried to interview Moore, Scarbrough wrote the reporter a registered letter saying that "any release of this case should have come from Mr. Moore or the chief of police, Mr. (Roy) Gunn."

The fact was that in an interview Chief Gunn already had confirmed some of the major facts of the story and had expressed concern about only one thing the possible disclosure of the informants' names. Gunn had arranged for Scarbrough to cooperate with the Times reporter.

Scarbrough wrote the reporter "You are writing about vicious bloodthirsty Klansmen who are waiting for certain names to be made public and there will be retaliation by them. You told me that you knew who the informers were, but in case of a libel suit there are only three people who actually know and we would have to testify that we never received any information from them.

"There is never a good way to handle a case of this type, but this one was handled in the only way possible . . . I sincerely hope you will see and understand my position."

The fact is that other Klansmen have been informed for some time of the role of the Roberts brothers in arranging the trap. Tarrants' father, a Mobile real estate salesman, has investigated the case and almost from the day of the bombing attempt has asserted that his son was illegally entrapped and has told several people that the Roberts brothers were the informants. Joe Danny Hawkins also has said he knew the brothers were the informants.

[From the Washington Post, Feb. 14, 1971]

BOMB EXPLOSION SETS OFF PLOT AGAINST KLAN TERRORISTS

(By Jack Nelson)

(NOTE.—On June 30, 1968, police in Meridian, Miss., ambushed and killed a Klanswoman, Kathy Ainsworth, and wounded Klansman Thomas Tarrants III while the two apparently prepared to bomb the home of a Jewish businessman. It was the climax of a series of resolved killings and bombings of Negroes and Jews in that area. This is the second of three articles on the case.)

A bomb that wrecked Temple Beth Israel in Jackson, Miss., late on the night of Sept. 18, 1967, sparked the first drive for reward money to be used to solve the crimes. On the night of Nov. 21, another bomb shattered the Jackson home of Rabbi Perry Nussbaum. He and his wife, both asleep at the time, narrowly escaped injury.

After each bombing, A. I. Botnick went to Jackson to discuss the situation with Jewish leaders. Botnick was New Orleans director of the Anti-Defamation League.

Scattered violence against Negroes continued, but it was not until late on the night of May 27, 1968, that another anti-Jewish act occurred—the dynamiting of a synagogue in Meridian. Botnick rushed to the city and talked to Jewish leaders and other civic figures about the necessity of raising money to help the FBI solve the bombings. For some reason the FBI did not want to use money from its own fund for paying informants.

(For many years the FBI has used this fund to buy information about the Ku Klux Klan; the system has paid off in convictions of Klansmen in several killings, including the Philadelphia, Miss., lynching the nightrider slayings of Vila Liuzzo in Alabama, Col. Lemuel Penn in Georgia and Vernon Dahmer in Mississippi. In the case of Mrs. Liuzzo, a white civil rights worker slain after the Selma to Montgomery march, the principal witness was an FBI informant who was in the car with the killers when they shot her.)

Kenneth Dean, a young native Southerner active in civil rights recalls that he and his wife discussed the Mississippi bombing cases with Botnick at the New Orleans airport on June 9, 1968, and that Botnick "became very anxious and said that something almost beyond belief had happened."

Dean said Botnick told of being asked if he would "make a contact somewhere in the Youth, such as Chicago, to have two Klansmen (the Roberts brothers) liquidated."

Dean said Botnick told him it was believed that Raymond and Alton Roberts were the source of much of the violence in the Meridian area and that was why they should be killed.

"Botnick said he was assured that if he could arrange the Roberts brothers' liquidation, there would be no investigation." Dean said, "Botnick said he could not do this." When the Times asked Botnick about the incident, he denied it occurred. "That's the wildest thing I've ever heard," he said.

In any event, by early June, the Meridian police department had adopted a policy of harassing the Klan. The day after the bombing of the synagogue Meridian police detective L. L. Scarbrough noted in a written report that he had learned that the state had a "squad capable of causing a lot of harassment to hate-type groups and individuals who are chief suspects in acts of violence . . ." Two days later he wrote of discussing the situation with Meridian Police Chief Roy Gunn and, assuring him "that there would be no innocent persons injured in any way." (Scarbrough cooperated with the Times in developing the facts of the case.)

"Realizing the tasks we were facing, Chief Gunn gave us his approval on this," Scarbrough wrote. "After already stressing that we had a free hand, and could go to any extreme to solve this case and other like cases . . . we did not hesitate a moment in making arrangements to ask the state for help."

The same day Gunn wrote a letter to state Public Safety Commissioner Giles W. Crisler asking for investigative assistance and reporting that since Jan. 15 the Meridian area had experienced terrorist attacks on eight Negro churches, two Negro homes, a white home and a synagogue.

Early in June a former FBI agent began negotiating with the FBI and the Meridian police on behalf of the Roberts brothers. Detective Scarbrough said the intermediary "came to us and . . . told us that for the money I think we can find out who did it and we met with him and arranged a meeting with the informants."

Scarbrough said the intermediary wanted $10,000 for himself and $69,000 for the informants. At that time, the Jewish community and others in Mississippi had pledged rewards totaling $79,000 for the arrest and conviction of the terrorists.

The intermediary first approached FBI agent Frank Watts of Meridian, according to Scarbrough, and said he would work with Scarbrough but with no one else in the police department. "And as long as it was kept very confidential—he didn't want to be involved at all," Scarbrough said. "He was just wanting to be a go-between."

MET WITH GO-BETWEEN

On June 10, 1968, Scarbrough noted in his file on the case:

"Met with our intermediary and told him that we were ready to do business. He asked us about the money and we told him that we had met with a man (in an interview Scarbrough identified the man as Botnick) and he assured us that the money was available. He then called Wayne (Roberts) and told him that we were ready to do business. Wayne told the intermediary that he would go out to the shop and talk with Raymond.

"Raymond told us that it would take about three days to set up another job in Meridian . . . He stated that when the next job is set up we would have to stake out three different places and said there is always two alternates besides the real thing. The reason for this being 'goddamn pimps' like me.

"He stated that we would have to hide these stake-out men real good because we would be dealing with professionals and they are sharp as hell. Raymond asked me if I could get some of the pressure taken off him and I told him that I did not set the policy, just investigated, but commonsense would tell them if they cooperated with us the pressure would let up."

WE WANTED TO KNOW

(In an interview, Scarbrough was asked if he could recall the conversation with the informants when the possibility of another bombing in Meridian was first discussed. He paused for several seconds, then said. "Here's the way it went. We told 'em that if anything happened in Meridian we wanted to know about it. Regardless of what it was, we wanted to know where it was gonna happen. We had to do that to stay out of entrapment."

The following day Scarbrough and FBI agents Watts and Jack Rucker met with Botnick, who, according to a Scarbrough memo, told them a group of interested citizens had arranged to fly $25,000 in $20 bills to Meridian.

"Met with our intermediary and advised him that other negotiations were being made and if they did not 'come around' quickly they would lose the money and any leniency that could be offered by the court for state's evidence" Scarbrough wrote in the memo. "I told him that Raymond Roberts was dead and the only thing that would save his life would be to join forces with us and turn full state's evidence."

FIRST MEETING

On the night of June 11, Scarbrough, FBI men Watts and Rucker, the intermediary and the Roberts brothers held the first of a series of meetings in a house trailer at Scarbrough's farm in Vinville, about 10 miles from Meridian.

During these meetings, the FBI agents participated in all negotiations for information and in all payments to the Roberts brothers, according to Scarbrough.

Scarbrough said he and the agents took a briefcase crammed with $25,000 in $20 bills to the June 11 meeting and "scattered it around" so that it would look like the full $79,000.

Scarbrough said the informants were given $1,000 as "good faith" money, but that in the beginning they provided little information. Scarbrough got a handwritten receipt for the payment which read: "June 12, 1968, received this date from Luke Scarbrough the sum of $1,000 for services rendered." It was signed "Bobby Komoroski," a pseudonym for Alton Wayne Roberts.

On June 12 Scarbrough filed a memo quoting the intermediary as saying he was going to try to get the informants to testify for $150,000. However, the Roberts brothers refused. Moreover, the FBI expressed doubt that any terrorists could be convicted on paid testimony according to Scarbrough.

The next day one of the informants met with suspected terrorist Joe Danny Hawkins, who "showed informant two houses that had been shot into and a house with a sign stating 'peace' on it where they intended to commit a Number 4 (Klan code for a murder). White people and colored people live in this house."

IMMUNITY SOUGHT

On June 18 Scarbrough reported that the informants had met with Hawkins "to plan a 'Number 4' in Meridian in the near future. Informants stated that if we would give them full immunity they would tell us who is responsible for all the church bombings," Scarbrough reported. "Informants wanted a written commitment concerning immunity which was given to them and signed by myself." Scarbrough later said, "I'd have signed anything—to have caught Tarrants. 'Cause he wasn't worth a damn anyway. They had me signing all kinds of crap, but who in the hell can they show it to."

The receipt for the second payment read: "June 18, 1968, received this date from Luke Scarbrough the sum of $850 for services rendered." It was signed by Al Rose, a pseudonym for Raymond Roberts.

On June 20 the informants called Scarbrough and said that they had contacted Hawkins and that the home of Jewish businessman Meyer Davidson had been selected as a bombing target for the next week. Davidson had been a leader in raising the reward.

The next day Scarbrough wrote, "After a lengthy session informants stated that they want $10,000 each this date. I promised them we would talk to the people involved and see if we could arrange it and turn the money over to the intermediary."

By now the FBI and the Meridian police were holding daily strategy sessions, making plans for evacuation of the Davidson family for a stake-out of the Davidson home and for a demolition team to be on hand to disarm the bomb.

The informants reported that Hawkins had said he planned to use 28 sticks of dynamite with a timing device and place the bomb in the carport of the Davidson home. It would be placed at about 11:30 p.m. and would be timed to explode at 4:30 a.m.

The FBI, working through the Office of Naval Intelligence, arranged to have a demolition team come to Meridian. The team arrived at the Naval air station there on June 23.

Two days later the informants reported the bombing was scheduled for Thursday, June 27. The FBI and police staked out the Davidson home that night, but nothing happened.

The next day Scarbrough reported: "Tarrants and Hawkins came to Meridian and picked up informer and stated that the reason they did not pull the job was because they have been pressed for time and they had to get some money. They stated that they are going to Alabama to pull a job. (Tarrants and Hawkins) asked the informer why he was in such a hurry for this job in Meridian and he stated that he is going to be indicted by grand jury on Monday and they said they would pull the job before Monday and it will probably be Sunday night."

(In arranging the bombing attempt, Raymond Roberts mentioned being under pressure because of the violence in the area, according to Scarbrough, and told Hawkins he needed him to carry out the bombing to get the "heat" off himself.)

[From the Washington Post, Feb. 15, 1971]

Klan Terrorists Drive Into Ambush—And One Is a Woman

(By Jack Nelson)

(Note.—Early in the morning of June 30, 1968, police in Meridian, Miss., ambushed and killed a Klanswoman, Kathy Ainsworth, with wounded Klansman Thomas Tarrants III while the two apparently were preparing to bomb the home of a Jewish businessman. It was the climax of a series of unsolved killings and bombings of Negroes and Jews in that area. This is the final article on the case.)

On Saturday night, June 29, 12 Meridian policemen dressed in black waited in the darkness for the terrorists' arrival. Also stationed at strategic points in the general area—for observational purposes, not for participating in an arrest or gun battle—were eight to 10 FBI agents.

About midnight, Tarrants and Mrs. Ainsworth picked up Raymond Roberts and drove by the Meyer Davidson home for a final checkout, then let Roberts out at a nightclub so he would have an alibi. Roberts, a fellow klansman hired as a police informer, obviously was surprised to see Mrs. Ainworth instead of Joe Danny Hawkins, believed by the FBI to be a top klan "hit man." When Roberts was let out at the nightclub, he quickly called the police at a special telephone installed in a house near the Davidson home.

Hawkins apparently decided against participating in the bombing attempt because he felt he was under close FBI and police surveillance, and Tarrants decided to take along Mrs. Ainsworth instead. She was a woman who many people later described as a dedicated school teacher, well liked by students and their parents—apparently a Jekyl and Hyde personality—a teacher by day, a terrorist by night.

By the time Roberts notified the police that a woman was in the car, the plan was so far in motion, Meridian detective L. L. Scarbrough said, that the decision was made to go ahead. At that time, he said, neither the police nor the FBI knew anything about Mrs. Ainsworth's background.

Tarrants drove up and parked near the Davidson home about 12:55 a.m., got out and walked toward the short driveway. With him he carried a bomb made of 29 sticks of dynamite.

What happened next is a matter of dispute between the police and Tarrants. Tarrants claims he was fired upon without warning.

Detectives L. A. Willoughby and Ralph McNair, testifying at Tarrants' trial in November, 1968, said that Tarrants got out of the car, a pistol in one hand, the bomb in the other, and walked to the driveway where he put down the bomb. They said that an order to "halt" was shouted and that Tarrants whirled and fired twice in their direction.

Scarbrough said he shouted the order to halt, then saw "two flashes—he (Tarrants) shot twice."

Scarbrough, Willoughby, McNair and another officer opened fire from an embankment 35 to 40 feet from Tarrants. Scarbrough said Tarrants was still holding the dynamite, but then dropped it on the driveway.

Although badly wounded, Tarrants managed to get back to the car. Police said Kathy Ainsworth was killed when she leaned over to open the door for Tarrants and a bullet struck her spine.

Tarrants sped off in his bullet-riddled car but crashed less than a mile away. He jumped from the car as a pursuing patrol car pulled up, according to police, and opened fire with a sub-machine gun, hitting Officer Mike Hatcher in the heart and also seriously wounding a sailor who stepped out on a porch of a nearby house.

Tarrants then dropped the tommy gun and ran behind a house, where pursuing officers opened up on him at close range with shotguns. In an interview, Sgt. L. D. Joyner, who has been given community awards and honored by the International Association of Chiefs of Police for playing a leading role in springing the trap, said that he and three other officers chased Tarrants behind the house. Joyner said they saw Tarrants try to climb a fence, hit an electrically charged top strand and dive into a clump of bushes.

"We figured he still had the machine gun and a hand grenade," Joyner said, "and we opened up on him. All four of us were firing shotguns from about 15 feet away. We had in mind killing him, I don't mind telling you. We dragged him out of the bushes and figured he was dead, but the son of a gun was still alive.

"We knew we had to stop them," Joyner said of the encounter with the Klan members. "We knew they were planning to bomb synagogues with people in them. We had no intentions of losing the shootout with them."

Joyner confirmed that the police harassed Klan members, explaining, "We harass 'em all, that's our job.

"They're in constant force, we got somebody set up now," Joyner said. "We keep 'em scared to death."

Joyner was interviewed jointly with Officer Hatcher, who returned to duty after recovering from the bullet wound in the heart. Both officers agreed that fear of police was a factor in the decision of Raymond Roberts and his brother, Alton Wayne, to cooperate in arranging the trap—for a price.

Hatcher said, "That's what broke the case—fear—not the money." Joyner agreed. "He (Rayond Roberts) believed we were going to kill him," Joyner said. "We helped him believe it. We acted like we were going to do it."

On July 2, two days after the shootout, Scarbrough filed a report saying the Roberts brothers had contacted Sam Bowers (imperial wizard of the Klan), in Laurel, Miss., and "Bowers stated that he had lost a good soldier—Kathy Ainsworth". He stated that she was as good as "Tarrants or anybody else he had." (Bowers, like Alton Roberts, is under a 10-year federal sentence in the Philadelphia, Miss., lynching case.)

The Scarbrough report noted that the informants "were highly upset" because they did not get the $79,000 put up by the Jewish community as a reward, but he added, "I gave them $10,000 as we started to leave.

"Informers are unhappy at this point," the report continued, "and stated that they will not talk any more unless we keep our end of the bargain and for us not to contact them again unless we have the money. An offer of $150,000 was made for testimony—and refused."

During the interview Scarbrough said that Jewish interests had pledged to make $150,000 available for testimony linking Bowers to the terrorist attacks.

The receipt for the July 2 payment read: "Received this date from Luke Scarbrough, the sum of $10,000 for services rendered." It was signed, "Al Rosenbaugh, a pseudonym used by Raymond Roberts.

On July 10 Scarbrough paid out an additional $10,000—$8,000 to Raymond Roberts, who signed the receipt "Alfred Rosenburg," and $2,000 to the intermediary, who signed the receipt "James Overlaugh."

The FBI and the police were still using the Roberts brothers as informants at this time, but the two were becoming increasingly irritated because they had not been given the money they claimed they had been promised.

An Aug. 12 memo by Scarbrough noted that he persuaded the intermediary to talk with the informants in an effort to get them to testify in court against Bowers. But the memo continued, "Upon interviewing informers they were very hostile because we did not have the long promised money for them. Informer stated that he was going to call the Jews and also that if he were Meyer Davidson he would get his money and go back to Israel.

Scarbrough wrote that it was decided each informer should be paid $10,000 for testimoney and "If they were not agreeable to this there would be no further money paid to them."

The intermediary also became upset and on August 27 Scarbrough wrote that "he wanted his money . . . And said that he had been double-crossed."

Although the intermediary never received another payment, three Jewish businessmen from Jackson drove to Meridian and gave the Roberts brothers $17,000 as a final payment, according to Scarbrough.

In November, 1968, Tarrants pleaded innocent by reason of insanity, but a Meridian jury found him guilty of placing a bomb. Sentenced to 30 years, he appealed the case to the Mississippi Supreme Court.

Several days ago Tarrants, who is confined to the state prison at Parchman, wrote a letter to the Supreme Court asking that his appeal be withdrawn and that his attorneys, Roy Pitts of Meridian and Thomas M. Haas of Mobile, be dismissed. The attorneys told the court that the appeal should not be withdrawn, that they should not be dismissed, and that the court should not consider the request of an "insane man." The court has the matter under consideration.

Meanwhile, Danny Joe Hawkins remains free in Jackson, but his activities are under intensive investigation.

Since the Meridian incident, Hawkins has been arrested and tried twice—once for bombing a Jackson real estate office and once for robbing a Memphis bank. The Jackson trial resulted in an acquittal, the Memphis trial in a hung jury and mistrial.

The Roberts brothers still live in Meridian, where they sometimes lead an anxious life. When Tarrants escaped from Parchman last July 23, Raymond Roberts frantically called the Meridian police for protection. (Tarrants was recaptured two days later.) Raymond Roberts lives in a house surrounded by a high chain-link, fence and well-illuminated at night by several bright outside lights. A huge sign on the gate warns: "Beware of dog." The fence was erected about two months after the Meridian incident when Roberts began to get nervous about his role as an informant.

The police and the FBI had cautioned the Robert's brothers not to immediately spend much of the money they had been paid. ("Hell, we preached to the informants day and night not to do it." Scarbrough said). But Raymond bought a Thunderbird and Alton bought a Cadillac, which made other Klansmen more than a little suspicious.

Tarrants' father, who still is trying to prove, his son was entrapped, has run afoul of the law in Meridian three times since the bombing attempt.

On July 14, 1967, he was charged with driving under the influence after his car was involved in an accident. After arresting Tarrants, the police went to his hotel room, searched it, and went through his briefcase.

In early July, 1969, Sgt. Joyner arrested Tarrants at his motel in Meridian and charged him with "disorderly conduct." In mid-July, Tarrants returned to Meridian to search for additional evidence and to stand trial on the "disorderly conduct" charge.

The night before the trial was to be held, Officer Hatcher, who had returned to duty after being injured in the gun battle, appeared at Tarrants' motel in plain clothes, and tried to arrest Tarrants. Tarrants resisted and was badly injured in a struggle with Hatcher and several other officers.

[In an interview, Meridian Police Chief Roy Gunn said that Tarrants had been "mouthing off" about the police and causing trouble and that Hatcher "beat hell out of him at the Downtowner."]

Tarrants, who before his Meridian experiences had no police record except for traffic violations, was treated at a hospital in Meridian then jailed on charges of disorderly conduct; disturbing the peace and resisting arrest. He was released on bond, then entered a Mobile hospital where he remained for a week, recovering from injuries suffered in the scuffle with police.

City Court Judge Roscoe Nettles heard the evidence against Tarrants and found him guilty on all charges. He was fined $50 on each charge. The verdict was appealed to the county court.

Tarrants' attorney in Meridian, Roy Pitts, said that when he went to the City Hall to get Tarrants released on bond on the charges resulting from the arrest by Hatcher, Meridian Mayor Al Key, Chief Gunn and Sgt. Joyner called him into the chief's office for a conference.

"They were real nice about it," Pitts recalled, "but they urged me to get Tarrants to stay out of town because he was going out causing trouble and threatening the policemen and somebody was going to get hurt. I told them I would urge him to try to avoid any controversy with the police."

[From the Philadelphia Inquirer, Apr. 8, 1970]

Probe Sought in Shooting of Two Klansmen

(By William Vance)

Washington, April 7.—Two civil rights groups, acknowledging that their request is like "asking the angels to investigate God," called Tuesday for a Justice Department probe of the FBI.

Ironically, the request from the Philadelphia-based American Friends Service Committee and American Civil Liberties Union comes in behalf of a common foe—the Ku Klux Klan.

Spokesmen for the AFSC and ACLU told newsmen they are trying to "bring back into public focus" the shooting of two suspected Klan members by police and FBI agents in Meridian, Miss., on June 30, 1968.

BIZARRE ALLEGATIONS

Bronson Clark of Philadelphia, AFSC executive director, reviewed the bizarre allegations first aired last February by the Los Angeles Times.

Quoting newspaper accounts, Clark said the FBI and Meridian police paid $36,500 to two Ku Klux Klan informants to arrange a trap to catch two young Klan terrorists in a bombing attempt . . . police who sprang the trap . . . say they expected a gun battle and never thought either Klan member would be taken alive."

"MISUSE OF POWER"

One—Thomas Albert Tarrants 3d—was taken alive, although seriously wounded. The other—26-year-old Kathy Ainsworth, a native of Miami—was shot to death. A policeman and a bystander also were wounded during the gun battle.

In a joint statement, the AFSC and ACLU called the incident "a clear misuse of police power" and "an erosion of the rights guaranteed every American."

[From the National Laymen's Council of the Church League of America, Aug. 15, 1971]

Anti-Defamation League of B'nai B'rith

1968:

Total contributions, gifts, grants, etc	$5, 152, 132. 21
Less expenses of raising that amount	—694, 052, 25
Left to spend	4, 458, 079. 96
How spent:	
Salaries	2, 853, 205. 27
Personnel Welfare	313, 628. 01
Meetings and Conferences	182, 043. 01
Travel	162, 648, 89
Gifts to Like-minded outfits	90, 000. 00

Note: Out of more than 5 million dollars raised more than ⅔ rds was used for salaries and personnel welfare.

Question: How much was left for an educational program, since this organization received its tax-exempt status under "educational" from the IRS?

Answer: Exactly $701,345.09 out of $5,152,132.21. Salary of "National Director" Benjamin R. Epstein, co-author of the smear book attacking the conservatives, danger on the right, $40,000.00 for the year, plus expenses. Seems like running a tax-exempt business can be most profitable when it comes to salaries!

1969:

Total contributions, gifts, grants, etc	$5, 629, 279. 00
Less expenses of raising that amount	—897, 554. 00
Left to spend	4, 731, 725. 00
How spent:	
Salaries	3, 097, 255. 00
Personnel Welfare	398, 088. 00
Meetings and Conferences	178, 735. 00
Travel	169, 494. 00
Gifts to Like-minded outfits	102, 770. 00

Note: Out of more than 5 and a Half million dollars raised more than ⅔ rds was used for salaries and personnel welfare.

Question: How much was left for "educational" projects, the purpose under which the organization got its tax-exempt status from IRS?

Answer: Exactly $849,849.00 out of $5,629,279.00. Mr. Epstein, the National Director, got a salary raise of $7,500.00 for the year, totaling $47,500.00, plus expenses!

We know of no Right organization taking in this kind of money annually or paying its "Director" or Chief Administration officer such money out of gifts from contributors.

Institute for American Democracy, Inc. (A Department of the Anti-Defamation League) Continues to list its address on IRS Form 990–A as 30 Broad Street, New York, New

York 10004. It is not located at that address, however and hasn't been. It is situated in Washington, D.C., office, furniture, telephones, etc.

1968:

Total contributions, gifts, grants, etc	$135,861.00
Less expenses of raising that amount	−39,179.00
Left to spend	96,682.00
How spent:	
Salaries	53,919.00
Remainder for "educational" program, including travel, research, public information, office expense	44,450.00

Note: The major contributor to IADI is the ADL of BB. Salary of Charles Baker, Executive Director, is $22,500.00 per year, plus expenses. President in 1968 was the radical and modernist Methodist minister, Franklin H. Littell.

1969:

Total contributions, gifts, grants, etc	$90,678.00
Less cost of raising that amount	−7,185.00
Left to spend	83,493.00
How spent:	
Salaries	48,302.00
Remainder for "educational" program, including travel, research, "loss out of Petty Cash," etc	28,408.00

Note: Major contributor to IADI still the ADL of BB. Salary of Mr. Baker remained the same, $22,500.00 per annum. New President Lawrence Phillips replaced Littell. Littell dropped from Board of Directors, also.

The IADI, which posed as a *new* organization in 1966, was thoroughly exposed by the Church League of America as having been organized in 1943 in the State of New York by the ADL, and was declared a department of ADL by the New York Attorney General at the time the ruling was made, Jacob Javits, now U.S. Senator from New York. The bulk of its program has been the smearing of conservative and patriotic organizations and leaders in America, mainly through its publication Homefront, edited by former Walter Reuther publicist Charles R. Baker, who is the above named $22,500.00 per year Executive Director.

We repeat: "It's a good business!" Especially when it comes to salaries and expense accounts. The Right organizations should have it so good! But, no!

PHILHELLENIC NOMENCLATURE IN AMERICAN PLACE NAMES

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. KYROS. Mr. Speaker, recently I had occasion to read an extremely interesting and informative research paper, which I would like to call to the attention of my colleagues. Written by John and Helen Sfondouris, postgraduate students of history, it is entitled "Philhellenic Nomenclature in American Place Names: 1584–1970." This paper is yet another example of the deep roots of philhellenism in the United States, and for that reason, I insert it in today's Congressional Record:

Philhellenic Nomenclature in American Place Names: 1584–1970[1]

(By Helen Antoniou Sfondouris and John N. Sfondouris)

Colonial and later American students were educated in the European education, stressing classical languages and emphasizing ancient literatures. Consequently, they acquired a sentimental devotion for the Greeks, then considered the direct descendants of Pericles and Socrates.

The devotion for antiquity, as well as classical mythology and literature, is broadly expressed in American philhellenism. Mainly nourished by Hellenism, influenced by the New Testament, reinforced by pro-Greek poetry, and heightened by the Greek Revolution (1821–1831), philhellenism captured the imagination of many cultivated Americans, as well as Europeans.

Despite the non-political intercourse between the enslaved Greece and the free United States, Greece as a national entity within the Turkish Empire was not forgotten in the cultivated circles. In classical studies and in philhellenic poems, philhellenism created an urgent obligation for the United States to restore liberty to Greece as a kind of payment for the civilization which Hellas had given to the free world.

For obligatory, descriptive, associative, possessive, connotative, melodic, commemorative, commendatory, and transfer reasons, Americans[2] immortalized their cities and towns, post office stations and branches, lakes and reservoirs, rivers and brooks, parks and valleys, mountains and peaks, railroad stations, counties and parishes, mines and fields, districts and townships, and colleges and universities with classical Greek names borrowed from the ancient mythology, history, literature, alphabet, philosophy, law, language, architecture, astronomy, and the Bible.

By studying and consulting the various American and British cartographic sources,[3] American place names have been named after classical Greek gods, goddesses, heroes, legends, nympths, personages, districts, straits, volcanoes, rivers, Biblical cities, and geographical places. Philhellenic nomenclature has been a widespread practice in 49 states, except in Hawaii. Approximately 770 place names bear classical Greek names, except Argos, Aura, Corfu, Dardanelle(s), Galena, Morea Colliery, Lepanto (Naupactus), Navarino, Scio (Chios), Salona (Thessalonike), Theba (Thebes), Leucadia, Tripoli (Thipolitsa), Ypsilanti, and Zoe.

By state count, New York ranks first with 63 philhellenic place names; Ohio, second with 56; Pennsylvania, third with 41; Illinois, fourth with 34; Texas, fifth with 33; Michigan, sixth with 32; Kentucky, seventh with 28; Missouri, eighth with 27; Indiana, ninth with 22; California, and Kansas, tenth with 21; Colorado, Minnesota, and Virginia, eleventh with 18; Arkansas, twelfth, with 17; Alabama, and Tennessee, thirteenth with 16; Washington, and Wisconsin, fourteenth with 15; North Carolina, fifteenth with 14; South Carolina, and Maine, sixteenth with 13; Alaska, Florida, and Georgia, seventeenth with 11; Montana, Nebraska, Oregon, and Vermont, eighteenth with 10; Maryland, Mississippi, New Jersey, North Dakota, and South Dakota, nineteenth with 8; Idaho, and Utah, twentieth with 7; Nevada, and Wyoming, twenty-first with 6; Oklahoma, twenty-second with 5; Arizona, and New Hampshire, twenty-third with 4; Massachusetts, New Mexico, and Rhode Island, twenty-fourth with 3; and Connecticut, and Delaware rank last with 2 philhellenic place names.

By place name frequency, Troy the city in Homer's *Iliad*, has been the most popular name in the United States occurring in 24 states; Aurora (Latinized Eos), the goddess of morning, in 18; Arcadia, the poetic land of rural simplicity and loveliness in Peloponnesus, in 18; Eureka ("I have found it."), the phrase of Archimides, in 16; Athens, the imperial city of Pericles, in 16; Paris, the son of Priam and Hecuba, in 15; Alexandria, the name of several Hellenistic cities, in 13; Sparta, the martial city of Leonidas, in 13; Alexander, the ancient Greek proper name, in 13; Homer, the Great Bard, in 11; Delta, the fourth letter of the Greek alphabet, in 11; Helena (Latinized Helen), in 9; Phoenix (Phenix), the mythical bird, in 9; Alpha, the first letter of the Greek alphabet, in 9; Odessa (Odessus), the town on the Pontus Euxinus, in 8; Acme, in 8; Akron (Summit), in 8; Cypress, the island in the Mediterranean, in 8; Etna (Aetna), the place for Zeus' Aetnaea, in 7; Syraeuse, the Corinthian and Dorian colony in Sicily, in 7; Clio, the Muse of history, in 7; Antioch, the city in the New Testament, in 6; Eolia (Aeolus, the god of winds, in 6; Smyrna, the city in the New Testament in 6; Marathon, the narrow passage in Attica, in 6; Laconia (Lacon, Lacona), the district in southern Greece, in 6; Attica, the district in Greece, in 6; Corinth, the city in the New Testament, in 6; Philadelphia, the synthetic name, in 5; Hector, the chief defender of Troy, in 5; Galena (Stillness of the Sea), in 5; Ionia, the district on western coast of Asia Minor, in 5; Nome (Nomos), in 4; Castalia, the spring sacred to the Muses at Delphi, in 4; Annapolis (synthetic), in 4; Echo, the goddess of sound, in 4; Academy, the public gardens in the suburbs of Athens, in 4; Ulysses (Latinized Odysseus), the king of Ithaca, in 4; Eudora (Generous), in 4;

---

[1] Philhellenic place names have been verified in Wililam R. Shepherd, *Historical Atlas* (New York: Barnes and Noble, Inc., 1964); A. A. M. Van Heyden and H. H. Scullard (eds.), *Atlas of the Classical Literature and Antiquities* (New York: Cooper Square Publishers, Inc., 1965); N. G. L. Hammond and Scullard (eds.), *The Oxford Classical Dictionary* (Oxford: Clarendon Press, 1970); James H. Martinband (ed.), *Dictionary of Greek Literature* (New York: Littlefield, Adams and Company, 1963): J. B. Bury, *A History of Greece* (New York: Modern Library, n.d.); Gustav Schwab, *Gods and Heroes* (New York: Pantheon Books, Inc., 1946); and in Clarence E. Lovejoy (ed.), *Lovejoy's College Guide* (New York: Simon and Schuster, 1970).

[2] The philhellenic place names have been credited to: State Surveyors, State Governors, Territorial Generals and Governors, Commissioners of the Land Office, Geographical Survey, Forest Service, U.S. Geographic Board, Government Printing Office, Census Bureau, Biological Survey, Railroad Industry, the State, War, Treasury, Commerce, Interior, Navy, Post Office, and Agriculture Departments, the Library of Congress, the Smithsonian Institution, Town Meetings, Colonial Assemblies, Land Speculators, Classic Readers and Scholars, Frontier Schoolmasters, City Fathers and Town Developers, U.S. Coast and Geodetic Survey, Real Estate Agents, Local Picnics, American Poets, Clergymen, Methodist Missionaries, Archaeologists, and Colonial Explorers and Discoverers.

[3] *National Zip Code Directory* (Washington, D.C.: U.S. Post Office Department, 1968); *The Times (London) Atlas of the Americas* (Boston: Houghton Mifflin Company, 1957), V; *Road Atlas* (Chicago: Rand McNally, 1970): *These United States* (New York: Reader's Digest Association, 1968); *Road Maps* (1970); and *Directory of Post Offices* (Washington, D.C.: U.S. Postal Service, 1970).

Ida, the sacred mountain of Cybele (Rhea), in 4; Rexford, in 4; Mentor, the friend of Odysseus, in 4; Euclid, the mathematician of Alexandria, in 4; Midas, the mythical Phrygian, in 3; Emporia, (Emporium), the place for wholesale sea commodities, in 3; Solon, the Athenian law-giver, in 3; Atlas, "the thinker of mischief" in *Odyssey*, in 3; Delphos (synthetic), in 3; Eunice (Happy Victory), in 3; Crete, the home of Minos, in 3; Berea, the Macedonian city in the New Testament, in 3; Myra (Myron), the city in Lycia, in 3; Homer City, in 3; Galatia, the Biblical country in Asia Minor, in 3; Corinna (Corrina, Corinne), the poetess of Thebes, in 3; Metropolitan (synthetic), in 3; Minneapolis (synthetic), in 3; New Paris, in 3; Tripoli (Tripolitsa), in 3; Plato, the Athenian philosopher, in 3; Ithaca, the birthplace of Odysseus, in 3; Adelphi (synthetic), in 3; Scio (Chios), the island in the Aegian, in 3; Leander, the proper name, in 3; Argo, the ship of the Argonauts, in 3; Helen, the wife of Menelaus and mistress of Paris, in 3; Dardanelle(s), the strait between Greece and Asia Minor, in 2; Eureka Springs, in 2; Nymph Lake, in 2; Mesopotamia (synthetic), in 2; Hesperia, the Greek poetic name for Italy, in 2; Omega, the last letter of the Greek alphabet, in 2; Delphia (synthetic), in 2; Rex (King), in 2; New Athens, in 2; Xenia (Hospitality), in 2; Philo, the Athenian architect, in 2; Ypsilanti, the patriot in the Greek Revolution, in 2; Oceana (Latinized Oceanus), the son of Heaven and Earth, in 2; Corfu, the island in the Ionian Sea, in 2; Niobe, the goddess of bereavement, in 2; East Troy, in 2; Galen, the Greek physician, in 2; Spartanburg, in 2; East Corinth, in 2; Irene, the goddess of peace, in 2; Croton, the Achaean colony in Italy, in 2; Delta County, in 2; Mesa (Messa), the town and harbor in Laconia, in 2; North Troy, in 2; Sardinia (Sardon), in 2; Meno, the pupil of Aristotle, in 2; Nyssa (Nysa), the village on the slopes of Helicon (Jordia), in 2; Olympia, the plain in Elis, in 2; Achille (Americanized Achilles), the teacher of the centaur Chiron, in 2; Ophelia (Ophelion), the Athenian comic poet, in 2; Patmos, the island in the New Testament, in 2; Troy Mills, in 2; Tyro, the daughter of Salmoneus and Alcidicé, in 2; Sophia (Wisdom), in 2; West Alexandria, in 2; Alexander County, in 2; Argus, the all-seeing mythical personage, in 2; Cadmus, the founder of Thebes, in 2; Navarino, after the naval battle in 1827, in 2; Athena, the goddess of warfare and wisdom, in 2; Media, the dramatic subject in Euripides' plays, in 2; Homerville, in 2; Neapolis, the Greek colony in Italy, in 2; Electra, the daughter of Agamemnon and Clytemnestra, in 2; Castor (Pollus), the protector of sailors, in 2; Kyrene (Americanized Cyrene), the district in north Africa, in 2; Arkadelphia (synthetic), in 2; Rhea, the goddess of fertility, in 2; and lastly, Rhodes, the colony of Tlepolemus, occurring in 2 states.

Together with the place names borrowed mainly from ancient Greece, Americans coined Greek names to designate their place names. By actual count, there are more than 36 synthetic names in the United States: Demopolis (Ala.), Coperopolis (Calif.), Illiopolis (Ill.), Teutopolis (Ill.), Metropolis (Ill.), Indianapolis (Ind.), Argonia (Kans.), Kalvesta (Kans.), Opolis (Kans.), Mediapolis (Ia.), Kanopolis (Kans.), Calista (Kans.), Adolphus (Ky.), Telos Lake (Me.), Nestoria (Mich.), Cassopolis (Mich.), Cosmos (Minn.), Micro (Ill.), Adelphia (N.J.), Gallipolis (O.), Lithopolis (O.), Kalida (O.), Uniopolis (O.), Coraopolis (Penn.), Zelienople (Penn.), Pinopolis (S.C.), Kosmos (Wash.), Cosmopolis (Wash.), Triadelphia (W. Va.), Leopolis (Wisc.), East Thermopolis (Wyo.), Gallipolis Ferry (W. Va.), Layopolis (W. Va.). and North Philadelphia (Penn.).

Along with the most popular philhellenic place names in the Union, there are other ancient Greek names on the United States map with single designation. These are: Alexander City, Styx River, and Daphne (Ala.); Aurora Lodge, Delta River, Echo Cliffs, and Homer County (Alas.); Lepanto (Naupactus), Parthenon, Mount Ida, and West Helena (Ark.); Hercules (Latinized Heracles), Leucadia, Nestor, Olympic, Olympic City, and Taurus Lake (Calif.); Mount Eolus, Paonia, and Ypsilon Mountain (Colo.); Macedonia Brook State Park (Conn.); Apollo Beach, Cypress Gardens, Cypress Lake, Lake Helen, Marathon Shores, Olympian Heights, Panacea, and Zephyrhills (Fl.); Enigma (Aenigma), and Mesena (Messna) (Ga.); Ajax Mountain, and Notus (Ida.); Marissa, Meredosia, North Aurora, Orion, Plato Center, Solon Mills, Thebes, and Troy Grove (Ill.); Argos, Delphi, Hymera, Orestes, and Paris Crossing (Ind.); Arion, Ida County, Ida Grove, Macedonia, and Rhodes (Ia.); Dione, Krypton, Muses Mills, and Zoe (Ky.); Eros, Iota, Evangeline Parish, Sicily Island, and Urania (La.); South Paris, and Smyrna Mills (Me.); Annapolis Junction, and Rhodes Point (Md.); Thermopylae (Mass.); Aura, Epsilon, Ionia County, Laurium, Leonidas, Oceana County, New Troy, and Rhodes (Mich.); Acropolis, Heron Lake, and Elysian (Minn.); Delta City, Delta State College, and Eupora (Miss.); Herculaneum, Samos, and Zeta (Mo.); Amazon, Heron (Hero), and Trident (Mont.); Mount Helen, Troy Park, and Zephyr Cove (Nev.); Candia (Crete in Italian), and East Candia (N.H.); Athenia, and Troy Brook (N.J.); Alexander Bay, Croton Falls, Croton-on-Hudson, Crotona Park, Cypress Hills, Delphi Falls, Delta Reservoir, East Aurora, East Homer, East Pharsalia, East Syracuse, Esopus (Asopus), Greece (post office branch), Ilion, Ithaca College, Macedon, Minoa, Mycenae, North Greece, North Syracuse, New Croton Reservoir, Pharsalia, and West Athens (N.Y.); Alexander Mills, Calypso and Pactolus (N.C.); Argusville (N.D.); Athens County, East Akron, Cassandra, East Sparta, Mentor-on-the-Lake, Pandora, South Solon, South Euclid, and West Akron (O.); South Sparta (Oreg.); Academia, Morea Colliery, Muse, New Alexandria, Phoenixville, New Tripoli, North Apollo, and Parnassus (Penn.); Mount Hygeia (R.I.); Pelion (S.C.); Aurora County, and Trojan (S.D.); Cypress Inn, Helenwood, Medon (Codrus), and Theta (Tenn.); Cypress Circle, Cypress Mill, Damon, Era, Elysian Fields, Eustace, Galena Park, Melissa, Penelope, Thalia, West Odessa, and Zephyr (Tex.); North Hero (Heron), and South Hero (Vt.); Deltaville, Hylas, Hyacinth, Paeonian Springs, and Phoebus (Va.); Aeneas, East Olympic Mountain, Olympus, Pandora Reefs, and Sappho (Wash.); Chloe, Nestorville, and Philippi (W. Va.); Auroraville, Cornucopia (Amalthea), Marathon County, Siren, Solon Springs, and Troy Center (Wisc.), and finally, Odyssey Peak, and Stygian Caves (Wyo.).

Philhellenic nomenclature influenced the naming of American colleges and state universities in 20 states. About 43 community colleges and state universities bear classical Greek names, usually coinciding with city designations. In Alabama, for example, Athens College is named for Athens, the Attic and American city; in Arizona, Phoenix College; in Illinois, Eureka College; in Indiana, Indianapolis Regional Campus; in Kansas, Berea College; in Massachusetts, Hellenic University Foundation; in Michigan, Delta County Community College; in Minnesota, Metropolitan State Junior College; in Mississippi, Delta State College; in Missouri, Metropolitan Junior College District; in New York, Syracuse University; in Ohio, University of Akron; in Pennsylvania, Philadelphia College; in South Carolina, Spartanburg County Technical Education Center; in Texas, Odessa College; in Vermont, Antioch-Putney Graduate School; and in Washington, Olympic College.

Despite their foreign flavor, philhellenic names have been influenced by classical education, then and now. Of the 770 American place names, 748 have been inspired by classical Greece; 15 by modern Greece; and 8 by Biblical Greece. By direct or indirect borrowing, ancient Greek names have been a source of inspiration and of idealism in the United States, beginning in 1584 and continuing to the present. The Greek classical element in American civilization is permanent and real; it gives a flavor to American geography; it perpetuates classical tradition; it contributes to euphony, suggestiveness, and poetry. At best, philhellenic place names are truthful witnesses to the Graeco-American classical heritage.

WELFARE PROPOSAL OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 15, 1971

Mr. BYRD of Virginia. Mr. President, the St. Joseph, Mo., News-Press of November 20, contains an interesting editorial about the welfare proposal advocated by the Department of Health, Education, and Welfare.

The editorial points out, as I have done in the past, that the HEW proposal would greatly increase the cost of welfare and lacks adequate work incentives.

Even more important, it notes that under thet HEW plan the number of persons on welfare would rise from 12 to 26 million.

I ask unanimous consent that the editorial, entitled "Senator Byrd's Question," be printed in the Extension of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR BYRD'S QUESTION

According to the Congressional Record of Oct. 21, this year, Senator Harry Byrd of Virginia posed an interesting question to his fellow members of the Senate.

Concerning the new welfare proposal submitted by the Department of Health, Education and Welfare, Senator Byrd pointed out that the program would raise from 12,000,000 to 26,000,000 the number of persons on welfare.

"I want to ask the 99 other members of the Senate today—I would like just one member of the Senate to tell me—how we are going to reverse the trend of the welfare state by doubling the number of people on welfare . . ." No one among that august body could provide an answer.

Senator Byrd has put his finger on one of the key problems of government, that of approving greater and greater expenditures without knowing where the money will come from. The HEW proposal will cost an additional $5 billion. More than that, it could very well kill work incentives because it makes welfare more attractive.

THE BILL OF RIGHTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. WALDIE. Mr. Speaker, a "great" newspaper is a rare newspaper. It is one that reports fairly and that editorializes fearlessly. There are not many "great" newspapers. The Los Angeles Times is one.

The recent Times editorial, "The Bill of Rights" is in the classic tradition of a great newspaper. I suppose the Nation always needs constant reminders of the tenuous nature of its citizen's liberties and of the fact that the magnificent Bill of Rights stands as the most significant protector of those liberties. But, today, I think in this climate of fear and anxiety, in a Nation and in a State whose Chief Executives are quite insensitive to individual liberties, it is proper to remind all of them of the absolutes contained in the Bill of Rights. That the danger to liberty the Bill of Rights seeks to curtail is a danger that presents itself in the respectable guise of officialdom—the Presidents, the Governors, the Congressmen, the many possessors of power over men—these are the "respectable people" who possess the dangerous power to trample on individual Americans. These are the threats to liberty that the Bill of Rights constantly restrains.

Mr. Speaker, I thank the Los Angeles Times for this excellent editorial and I include it as part of my remarks.

[From the Los Angeles Times, Dec. 15, 1971]

The Bill of Rights

The great pillars of American liberty still stand.

The Bill of Rights has weathered the storms of 180 years since the original states adopted the first 10 amendments to the Constitution on Dec. 15, 1791.

Barely 4 million Americans, striving to create a nation after the long war for independence, came under the protection then of the Bill of Rights. Today, Dec. 15, 1971, the old charter of freedom, combined with the guarantees of liberty in the body of the Constitution, shields 210 million citizens of a nation of unparalleled power spanning a continent.

After nearly two centuries of tumultuous history, we are more secure now in our individual freedoms than we have ever been. Yet we often take them for granted, while tyranny, as it always has, rules in most of the world. We scarcely pause to reflect that freedom has existed only a wink of time in history and then only for a few of all the human beings who have ever lived.

This is a day to call the roll of our freedoms: Freedom of religion uncoerced by the state, and freedom, if we choose, from religion. Freedom of speech and press, both reinforced and extended in this decade by Supreme Court decisions. Freedom to petition the government. Freedom from the midnight knock on the door by the police. Freedom from self-incrimination and from cruel and unusual punishments, strengthened by the right of public trial by jury. All these we have, and other liberties that through the development of constitutional law protect citizens from the arbitrary power of the states as well as from the central government.

These inalienable rights have been violated frequently in our history, sometimes by government, sometimes by private coercive action. Congress passed the Alien and Sedition Acts only seven years after the Bill of Rights was ratified. The notorious Palmer raids followed World War I, and the McCarthy era scarred the nation 30 years later after the second great war.

Government is often loath to extend the guarantees of freedom to unpopular dissenters, and especially to those who question the fundamental assumptions of society but who do not hesitate to claim its protections. Majorities, assuming without question their rights, can be intolerant of minorities who invoke the same privileges.

But all these challenges, from the time of the Alien and Sedition Acts to the present, have been beaten off, but threats to freedom rise in different forms and under varied guises and always will. Each generation in turn must act to protect its birthright, and each must discover anew that freedom is indivisible, that if the rights of any among us are taken away, the liberty of all is in danger.

Our liberties turn not alone on majestic principles, but on legal procedures and how fairly they are applied to the heretic, the criminal, the rebellious. Yet such procedures often are attacked by the unknowing or the authoritarians as "mere technicalities."

Justice Felix Frankfurter had something to say to them 28 years ago. "The history of liberty," he declared, "has largely been by the observance of procedural safeguards." He went on to emphasize that the "two great objectives of the procedural guarantees of the Bill of Rights" are "the attainment of justice and the containment of power."

The law and the courts that interpret the law are part of the armament of freedom, but the great underpinning of the Constitution and the Bill of Rights is social justice. Without a society dedicated to that goal, our charter of liberty would become a lifeless, ceremonial document.

The Civil War decided that the United States would not perish from the earth as a free nation of unified people. The issue was decided then—but not for all time, nor can it ever be.

We are now engaged, more than a century later, in another awakening, another struggle. The descendants of the slaves that Lincoln freed and the nation forgot are pressing their long-delayed claims. They seek to achieve, with other minorities, nothing less than the reality of freedom.

If we stand with the men of 1791, if we stand with Lincoln, we will broaden our heritage to take in the disinherited of our time. We can then bequeath a greater legacy of freedom to future Americans, a legacy that will not assure their liberty, but will assure them the opportunity to claim it if they will.

WELL DONE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. McCLOSKEY. Mr. Speaker, Elgen M. Long, of Woodside, Calif., a commercial airplane pilot, recently performed the amazing feat of flying a light plane solo over the North and South Poles, and touching down on all seven continents, while also flying over all eight quadrants of the globe.

For the information of my colleagues, I insert in the Record a comment by the Regional News Service, of San Francisco, on Mr. Long's feat, entitled "Well Done":

Well Done

A measure of the distance aviation has come in recent years is the outstanding achievement of Capt. Elgen M. Long, Woodside, Calif. flyer.

Long, a commercial pilot, using his own money and on his own time, flew solo in a light twin-engine plane over the north and south poles and the intersections of the equator with the zero and 180th meridians, both in mid-ocean, and touched down on all seven continents in doing so.

He flew this grueling flight with better than time-table punctuality, being forced to deviate from his flight plans only by adverse winds as he headed home across the Pacific from Japan and Hawaii.

Until someone comes along to surpass it, the success of this imaginative feat, conceived and financed by one man, with the help of his wife and possibly others, should entitle him to be the Charles Lindbergh of the second half of the 20th century.

Just short of 45 years ago, Charles Lindbergh touched off aviation's greatest explosion of daredevil flights by flying the Atlantic solo in single-engine plane from New York to Paris. For years thereafter, flyers attempted everything possible and much impossible with the crude flying equipment at their disposal.

Long must share his phenomenal achievement, which should entitle him to the Distinguished Flying Cross of every nation on earth, with his dependable plane, its dependable engines and its superior navigational instruments.

The man who put it all together and made it work is entitled to the world's acclaim. Well done, Captain Long.

ARKANSAS—LEADER IN RIVER TRANSPORTATION

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. ALEXANDER. Mr. Speaker, since the beginning of the 19th century Arkansas has been a leader in river transportation. H. K. "Big Daddy" Thatcher has continued our great legacy with a keen sense of dedication. Recently, the Arkansas Gazette reported his success. I recommend that article to my colleagues in the Congress:

[From the Arkansas Gazette, Dec. 5, 1971]

H. K. Thatcher—"Mr. River Development"

(By Janice Clark)

"I have learned that in dealing with water resources improvements it takes a long time to secure the authorization and completion of projects. The job cannot be done by the work of any one individual, or even one organization."

This statement last year by H. K. Thatcher, executive vice-president of the Ouachita River Valley Association (ORVA), perhaps explains more concisely than anything else the reason for his effective service in development of Arkansas's waterways. He also added on that same date, "Because they are so interrelated, it is difficult to say whether any one single water resource project (with which I have been involved) can stand out above the others; but, perhaps the nine-foot navigation project in the Ouachita River is the biggest and has been the most difficult."

Surely, in the 21-year fight for the nine-foot channel project, Thatcher has had to demonstrate the patience of a saint, coupled with the tenacity of a bulldog, along with the special genius of a choreographer in bringing to bear on the project the devoted effort, varied talents and special influence of many individuals and organizations.

It is thus fitting that as he approaches his 81st birthday in February, he sees the wheels turning on all fronts toward completion of the nine-foot channel which will bring commercial navigation as far up the Ouachita as Camden, providing a transportation system which, as he says, "under modern barging practices, makes every river port an export-import shipping center."

The rich icing on this birthday cake is the addition of a 65,000-acre wildlife refuge to be established by the Department of Interior in the Felsenthal Basin in Arkansas, with an additional 12,000-acre refuge along the navigation channel in Louisiana.

Thatcher was employed 21 years ago as executive director of ORVA, following the announcement by the Corps of Engineers that they would close down the locks and dams on the Ouachita River because there was insufficient commercial navigation on the river to warrant their operation.

To measure the concern of the urban and industrial complexes which have developed along the Ouachita since the present six-foot navigation channel "organized" the flow of water, one needs only to listen to those who remember it before the present seven locks and dams were built in 1924.

Mrs. Charlie Woods of Crossett, who has fished in the Ouachita River for over 60 years, says, "I've waded it many a time. In the fall of the year during the dry season sometimes the river would be no more than four feet wide, and the water didn't more than come up to my knees. There weren't any dams or anything to hold the water. And then when the rainy season came the water would come clear out to the hills. There wasn't any road to El Dorado then, and the water would stretch as far as you could see—to the hills on the other side—about 20 miles."

Industries which have developed with that water source as a determining factor in their growth became justifiably alarmed over the prospect of its being returned to its old fluctuation from sluggish stream to rampaging flood.

Sportsmen were upset because the Ouachita provides some of the finest fishing in the state, and literally thousands of boating enthusiasts find weekend recreation on its waters. Countless brightly-painted houseboats provide regular "vacations" for mill workers and their families, fishing boats find small bays and sloughs to tie up for quiet angling, and faster boats tow skiers down the river's channel. Sand bars offer stop-off points for skiers to rest and groups to picnic, and Audubon Society members gain entry to unpeopled parts of the bordering woodlands from its waters.

The Ouachita's willow-edged banks backed by great forests, maintained by woods-products industries, make it one of the most beautiful rivers in the nation. The National Geographic magazine once declared it to be the third most beautiful river in America, and there are thousands whose recreational life is centered on the Ouachita who would agree. In fact, at the time when the closing of the locks and dams was threatened, the mill workers of Crossett Lumber Company signed a petition measuring 100 feet in length which they sent their congressmen, pleading for the life of the river around which their recreation was centered.

When employed by ORVA, Thatcher was already highly respected in the economic and water resources development of Arkansas. Members of ORVA and the Engineers had agreed that a nine-foot channel in the river would be necessary to handle modern barge traffic. Thatcher was 60 years old when he came into the organization, and it was expected that his job would be over in five years with the completion of the navigation channel. This would have dovetailed nicely with Thatcher's 65th birthday—and retirement age.

However, the Korean War caused dried up funds for the project and it was shelved until 1962, when the plans were dusted off and revised. Rather than digging the nine-foot channel, it was agreed that higher dams to raise the water would be more practical and less expensive.

And here is where the bulldog qualities of Thatcher and his saintly patience kept him on his job long after he had earned the right to lie around in the sun reviewing his life of considerable achievements, recollecting his frequent dealings with many of the "greats" on the political scene during a life that spans memories of Mark Twain, Theodore Roosevelt, Woodrow Wilson, Franklin D. Roosevelt, Harry Truman, an afternoon of fishing with Herbert Hoover, listening to Albert Einstein speak, and our present VIPs on the national and local scene.

He was instrumental in drawing industrial and community leaders the length of the Ouachita River and all over the states of Arkansas and Louisiana into the work or saving the river, each bringing his own special skill, influence and effort toward the creation of a useful commercial navigation channel.

When the money freeze thawed, Louisiana went right to work to obtain the land for their dam sites and any increased property necessary for the spread of water created by the deeper channel. However, the river banks in Louisiana are relatively high, so there was little additional land needed for the navigation pools. The locks and dams have been built at Jonesboro and Columbia, and the Louisiana part of the total project will be dedicated in July or August of 1972.

The low banks of the Felsenthal Basin brought about a real land-acquisition problem. The raising of the water level from six to nine feet resulted in the creation of a minimum navigation pool of 14,500 acres, almost triple its present size. This was more land than the state could find the money to buy.

As Thatcher says, "The job cannot be done by the work of any one individual, or even one organization." Many individuals and a number of oragnizations were drawn into the effort. However, the central figure in the 20 years of progress—halt-inch ahead-fall back-turn and twist-push and pull—was the one-time Olympic athlete, H. K. Thatcher.

Thatcher had a noted record as an athlete, incidentally. He was named to Walter Camp's All American track team as a discus thrower and was also named to the Olympic squad. However, because of his father's serious illness, he was unable to make the trip to Stockholm. He was captain of the track team at the University of Missouri, however, in 1914 and played football there as well.

His 65th year is now 16 years behind him. He stoops a bit when he stands too long. But he retains all of the craft of a master team captain as he stubbornly coaxes, pleads, bullies and table-thumps to bring this 21-year-old vision for the Ouachita River and those who have settled on its shores to a reality.

The major land acquisition problem was solved early this year when the Department of Interior was authorized to buy lands for wildlife refuges. The Wildlife Federation of Arkansas along with the congressional delegations of both Arkansas and Louisiana were helpful in bringing a commitment from the Department to purchase some 65,000 acres of land in Arkansas and 12,000 acres in Louisiana for wildlife refuges, specifically for migratory water-fowl havens.

With the blessings of Governor Dale Bumpers and the Arkansas legislature, the Arkansas Game & Fish Commission has allocated $200,000 for the lands on which the locks and dams will rest, and for navigation channel cut-offs to eliminate major bends in the river which would interfere with barge traffic.

And so—with the dedicated work of many men and many organizations, carefully choreographed by the doggedly tenacious and incredibly patient H. K. Thatcher—the completion of the $111,500,000 nine-foot channel for the Ouachita River and the 100-square-mile wildlife refuge is expected within the next five years.

Thatcher's words hold significant meaning: In the course of the years it has become abundantly clear that "it takes a long time to secure authorization and completion of water resource improvements," and also that "the job cannot be done by the work of any one individual, or even one organization."

TO UPHOLD PRINCIPLE OF NEIGHBORHOOD SCHOOLS—RESOLUTION OF BAPTIST GENERAL ASSOCIATION OF VIRGINIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 15, 1971

Mr. BYRD of Virginia. Mr. President, the Baptist General Association of Virginia, meeting in Arlington on November 11, adopted a resolution firmly upholding the principle of neighborhood schools.

The resolution points out that recent attempts to create racial balance in the schools by means of forced bussing have worked extreme hardships on children of all races and have resulted in unjustifiable expenditures for transportation of pupils.

The association makes it clear that this is not a racial issue. The resolution reaffirms the previous commitment of the association to the principle and practice of racial equality.

I commend the association for its forthright stand on this issue and ask unanimous consent that the text of the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, we believe that the public school system has made a vital contribution to the greatness of our nation and to the openness and freedom of our democratic way of life and that the continued operation of a healthy public school system is essential to the well-being of our nation; and

Whereas, recent attempts to bring about racial balance in our public schools by means of forced busing have brought about confusion, hardship, emotional suffering of both black and white children, and undue expense for taxpayers and parents; and

Whereas, the quality of education has been greatly lowered in many schools in recent years, and

Whereas, we are sincerely concerned because these circumstances have brought many able and dedicated teachers to the point of discouragement, frustration and even resignation;

Therefore, be is resolved by the messengers comprising the Baptist General Association of Virginia in session in Arlington, Virginia on November 11, 1971, that

1. We commend educators, legislators and all others who seek to overcome prejudice

and to establish attitudes and practices of fairness to people of all races.

2. We reaffirm our previous commitments to the principle and practice of the acceptance of all persons, regardless of race or color, as being of equal worth and as possessing equal rights, privileges and responsibilities.

3. We urge the U.S. Department of Health, Education and Welfare and state and local school officials to give top priority to quality education for every child in every school.

4. We express our conviction that assignment of pupils to schools solely on the basis of race is contrary to the rights of American citizens as guaranteed by the Constitution of the United States of America; and that the coercive element involved in the policy of racial balance and the consequent forced busing is contrary to the best interests of education and of all children.

5. We urge the Congress and the courts to use every proper means to make it possible for every child, regardless of race, to attend neighborhood schools. We likewise support open housing for all people in any neighborhood to make our support of neighborhood schools rest on Christian foundations.

A JOB WELL DONE, HENRY O. KRUEGER

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HARVEY. Mr. Speaker I am certain that all Members of the House, particularly those with legal background, have a great deal of respect and admiration for those dedicated public servants who toil so capably but seldom, if ever, receive public recognition. One such man is Henry O. Krueger, who has announced his retirement after 30 years as the official court reporter of the 4th Judicial Circuit—Huron and Sanilac counties within the Eighth Congressional District. It has been both my pleasure and privilege to have known Henry during the time I formerly practiced law. There were none better as a court reporter, and if he had so desired, Henry could have pursued a most successful career as a practicing attorney.

The uniqueness of this man and his capabilities is shown by the fact that despite the lack of higher educational accomplishments, he was able to write and successfully pass the Michigan State Bar Association examination in 1934. Foregoing any complete retirement, Henry plans to establish a part-time practice of law following his retirement.

His law colleagues will be hosting a dinner for him this week, and I am certain old experiences will live again. Our judicial system is losing an outstanding man as a court reporter, but gaining a fine attorney with experience and compassion second to none.

At this time, I would like to insert a very fine feature story by Mr. Richard W. Carson, news writer for the Huron Daily Tribune, Bad Axe, Mich., on Henry Krueger's career and retirement. The December 10, 1971, story follows:

Court Reporter Henry Krueger Retires After 30 Years

(By Richard W. Carson)

During a time when his schoolmates might have played hookey for an afternoon swim or another try at the old fishing hole, Henry O. Krueger cut classes at Sandusky High School to attend a sensational murder trial at the county courthouse.

His attraction to the proceeding was not to watch the attorneys in their battle of wits to prove the defendant's guilt or innocence, but rather to look on as the little-noticed court reporter, Miss Harriet G. Unkenholz, skillfully wielded her quill and recorded the testimony in shorthand.

The prohibition-era trial, which lasted five weeks, made a lasting impression on the 17-year-old Krueger who observed with great respect, "the style and grace with which she (Miss Unkenholz) wrote in shorthand."

Miss Unklholz, then a woman in her sixties encouraged the youthful Krueger toward a career that will draw to a close at the end of this month.

After 30 years as the official court reporter of the 24th Judicial Circuit (Huron and Sanilac Counties), Henry Krueger will retire to a part-time practice of law he plans to establish in a small office on Heisterman Street.

At 64, Kruegr has lost none of the enthusiasm that originally sparked him to take up his pen and document the proceedings of circuit court trials under 25 different judges.

Born in Snover, northwest of Sandusky in Sanilac County, Krueger was one of seven children. His parents farmed and could not afford to send him to college.

Despite his lack of university training, Krueger successfully wrote and passed the State Bar Exam in 1934 to become a lawyer. Studying through extension courses and gathering every bit of information he could through practical experience, Krueger realized his childhood dream of being a court reporter in 1941 when, a week before Christmas, he was appointed as court reporter for Huron and Sanilac counties.

By his own description, he has enjoyed "a fascinating, public career."

The element of human drama inherent in many of the trials he has worked on remains vivid to Henry Krueger. "I have reported many interesting court cases in which every facet of human emotion is involved—hatred, anger, and joy," he recalls.

"You can read the faces of the jurors when they return with a verdict and know how they have reacted to a case," the veteran reporter confides.

Shorthand is a vanishing skill, according to Krueger, who notes that his successor will probably take down proceedings through the use of a stenotype machine. Relatively few of the active court reporters in Michigan still use shorthand as a method to make trial records. A serious shortage of court reporters exists across the United States today.

Krueger looks upon shorthand as an art; one which he developed after much practice. For 12 years, from 1928–40, he worked as reporter of justice court and workmen's compensation proceedings in Sanilac County.

During his spare time, he would test his speed and accuracy by reporting the great speeches as they were broadcast over the radio. Winston Churchill's great speech of the Fall of France and Madame Chiang Kai-shek's historic plea on behalf of her people before the United Nation were among those that Henry Krueger took down in shorthand and transcribed as a young man.

As a student at Sandusky High School, from which he graduated, Krueger received two years of stenographic training which helped him in his early job placements.

In 1928, Krueger took a job with the Sanilac County Prosecutor where he received valuable experience in criminal law by taking pre-trial exams and drawing warrants. In his free time, he studied law by correspondence. He also worked for some years as an employee of the Sanilac Probate Court.

Krueger's appointment in 1941 as reporter for the circuit courts of Huron and Sanilac County was made by then-Governor Murray D. VanWaggoner on the recommendation of the late Judge X. A. Boomhower.

For the past 18 years, Henry Krueger has served under Judge Arthur M. Bach. The judge speaks well of the association with his reporter and traveling companion during literally hundreds of trips to court in Sandusky.

Krueger worked under a number of different judges when Judge Boomhower became ill suddenly six months into his final six-year term. As a result, a number of visiting judges were assigned to cases in the circuit courts at Bad Axe and Sandusky.

The Lord brothers murder case stands out as the most sensational of Henry Krueger's 30-year career. The three brothers were charged with murdering their uncle, Peck auctioneer, Charles Lord, during a robbery at the latter's home in 1937.

After the murder, the brothers fled to Flint where one was apprehended. He was subsequently tried and sentenced to a life term. The two others escaped to New Mexico, but were soon implicated in two murders there and sentenced to die in the electric chair.

Through a series of legal maneuvers and good fortune, the brothers cheated the death sentence and were paroled in 1950 at which time they were returned to Sandusky to stand trial for the murder of their uncle.

Krueger recalls the case which pitted Sanilac County Prosecutor Charles W. Rigney against Howard J. Clyne, a lawyer from Yale who handled the defense. The case was "exceedingly well tried," Krueger remembers, as both men were expert trial lawyers.

Following a five-week trial, the Lord brothers were convicted of first-degree murder and sentenced to life in prison.

For sixteen years, the brothers were confined at Southern Michigan Prison at Jackson. In 1966, however, a new supreme court ruling was handed down and the confession, which played a major part in their conviction, was declared inadmissible.

Because all of the witnesses in the murder case were dead, a new trial was impossible and the prison doors swung open for the Lord brothers, who not only eluded the death penalty in New Mexico, but finally skirted the maximum sentence for the murder of their uncle.

Henry Krueger has submitted his resignation to Gov. William G. Milliken to become effective December 31. Next week his law colleagues are hosting him at a dinner in his honor.

Krueger is married to the former Hazel Parrish of Sandusky, a skilled pianist and teacher of piano. The Krueger's are members of the Bad Axe Presbyterian church. They have two daughters, Mrs. J. Robert Crofoot, Endwell, N.Y., and Miss Barbara Krueger, Bad Axe, an elementary teacher at Harbor Beach.

Active as a Mason, Krueger has served as the head of all four Masonic orders.

"When I write up a transcript of a trial, I experience the complete retrial of the case." Henry Krueger speaks these words today with the same vitality that drew him from the drabness of his afternoon classes at Sandusky High to the crowded circuit courtroom a few blocks away. His career as a court reporter really began with the dip pen of Harriet G. Unkenholz in 1926 and will end when his successor begins to record testimony at Bad Axe or Sanduskv on a sleek, new stenotype machine.

FORTHRIGHTNESS AND HONESTY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HALPERN. Mr. Speaker, over the past 3 years, Vice President Spiro Agnew has conducted several tours of the country. He has been working assiduously to create and consolidate popular support for the domestic and foreign policies of this administration, and to help elect candidates who will back the President's goals.

Due to his forthrightness and honesty, as well as his willingness to handle any difference of opinion in a frank, head-on confrontation, the Vice President has incurred the disfavor of a number of citizens—some of whom have resorted to expressing their hostility in a manner far below the ethical standards of rational debate.

It is to the Vice President's credit that he has consistently succeeded in maintaining his image as a competent and dedicated advocate of administration policy by refusing to stoop to the level of his most rabid critics.

Just prior to his departure abroad, earlier this fall, as the President's personal representative, Mr. AGNEW stopped off in Buffalo to make an appearance in support of Congressman JACK KEMP. Anne McInenney Matthews subsequently wrote a column in the Buffalo Courier-Express which describes that evening's festivities, and gives a revealing picture of the real SPIRO T. AGNEW. I submit this article to the RECORD:

A GREAT RECEPTION

(By Anne McIlhenney Matthews)

It is like the detractors who carp at Liberace—and the answer that those who deride his glitter coats and candle-lit performances envy him all the way to where he banks the big dough.

I am referring to those who were less than enthusiastic about the "Veep," Spiro T. Agnew, who visited Buffalo last week to praise Congressman Jack Kemp as "one of the brightest stars in Washington and for whom I predict an exciting and brilliant future."

Some in the media didn't think the Veep was wonderful. But all the people in the ballroom of the Hotel Statler Hilton and in the Terrace Room across the way did!

"I don't see how he could close his right hand," said GOP Chairman Al Bellanca. "I never saw anyone write so many autographs in one session in my life. And all the while he was laughing and talking personally to people and shaking hands. The crows adored him!"

Agnew reciprocated. He thought Buffalo—and Buffalonians—were great. He admired the glittering Uncle Sam hat on a pedestal in the lobby and complimented Joe Petrella on this and all the other decorations. When he heard that there was an overflow crowd in the Terrace Room across the lobby who had to be contented to see him and hear him on closed circuit TV he huddled with Bellanca on "ways and means."

"I never knew there was a sort of secret way to get over across the way through service tunnels and kitchen areas," said Bellanca. "It was 40 minutes of intensive argument with the Secret Service officials but finally Agnew prevailed and we went up to the balcony of the main ballroom and then down various 'service stairs' underneath the lobby and up into the Terrace Room across the way.

"The crowd there went wild, Jack Kemp and Agnew were surrounded in a minute. There was such warmth and friendliness that you could almost cut it with a knife. They wanted to shake hands with both Kemp and Agnew. The autographs started and the line of hand-shaking wound around and around.

"It made the heart of a chairman of a major party—me—feel proud. I don't think anybody in the main ballroom knew we had left. But it certainly made the evening for those in the overflow crowd in the Terrace Room!"

In the main ballroom the flash bulbs were busy. For the many top politicians in town that day, and the decision of the Court on the Attica Prison situation, almost all of the major networks were on hand.

Press passes were hard to come by and when I got mine from Lou Rotterman's office I felt that I had been given a saliva test and was racing in the fifth at Batavia. Rightly so, I believe.

Anyway Peter Gust Economou kept to his usual average and had his own photographer take a picture of himself with the Vice President. This means that he has been photographed with every prominent Greek who has come to this country in the past 50 years, and that includes the King and Queen and Crown Prince, Onassis and the Premier.

Prior to the big dinner session for Agnew and Kemp, Peter Gust had staged a big luncheon meeting of every prominent Greek-American in Buffalo to beat the tom toms for the Agnew dinner. Honor guests were Alphonso Bellanca, Jim Dillion and Joe Brocato, all of the GOP Chairman's Club. They wanted support for the big meeting—and they got it.

Despite the tight security, despite the ring-around-the-rosy of special police and Secret Service, the Vice President came across loud and strong. When he smiled his eyes bubbled and almost disappeared in his head—and he smiled often.

He talked about his major sales products—Kemp and Nixon—and he sold them well and truly. His charm and personality projected from the podium and it was returned "in kind."

If this is politics—I'm for it!

TRIBUTES TO O. BENJAMIN MARBLE

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BELL. Mr. Speaker, I would like to call attention to two very eloquent tributes paid O. Benjamin Marble, the late vice president of McDonnell Douglas Corp.

The first tribute was delivered by Donald W. Douglas, Jr. at the memorial services for Ben at the Westwood United Methodist Church; the second by George Pardee, Jr., president of the Crescent Bay Area Council, Boy Scouts of America, at the council's 1971 annual recognition dinner.

It would be redundant for me to try to elaborate on their accounts and praise of Ben's outstanding accomplishments in the many fields to which he contributed so significantly.

The texts of the tributes follow:

REMARKS OF DONALD W. DOUGLAS, JR., AT MEMORIAL SERVICES FOR BEN MARBLE

There is a sadness upon us today, an inevitable sadness, certainly, and perhaps an inescapable one. But latent in that sorrow is the equally inescapable knowledge that Ben would not have wished it so. For the only sorrow he knew was not, forever not, for himself, but only for that which he found reflected in the countenance of his fellowman. And this Ben Marble was wont to dispel on the spot . . . ready with an act of kindness and an understanding heart to battle gloom and despair and unhappiness in any form . . . for these elements of the human condition were the only enemies Ben Marble ever knew.

Surely we can accord him no better, as beloved wife, sons, kin and friends, than to go forth from this day of farewell reflecting that unquenchable spirit of faith and good-will and all's-right-with-the-world-happiness which we found in the handshake, the embrace, the bigger than life smile of universal love that was Ben Marble. And to help sustain us as we go forth today, let us hear the words of a man from whom Ben drew much, perhaps, of his own special spirit and character . . . a man whom he called friend, and whom he befriended, for half a century, my own father, Donald W. Douglas . . . I read to you now his words.

"O. Benjamin Marble, best known as Ben. He leaves an adoring and lovely wife, three heart-broken, fine sons, a brother always his warm companion, and hundreds, if not thousands of close friends and admiring associates.

"While he has left this world before his brilliant career was completed, he accomplished more while amongst us than most men manage in a long lifetime. And always with the greatest ease, humor, and completely joyful attitude toward everyone he met.

"His unbounded energy, his brilliant accomplishments, his healthy competitive feelings in both business and his many outdoor sports, were facets of this most attractive person's admirable characteristics.

"From the ice and cold at the South Pole to the steaming jungles in many Southern lands, Ben brought to his work for his company, ideas and accomplishments that had great impact on his successful career.

"Literally, at the drop of a hat (which he rarely wore) he would be gone on projects in some far land, that were dangerous but rewarding, exciting but important. Imagination, energy, and charm were outstanding characteristics of this vital American. Always extremely competitive, but never in bad taste or with malice.

"Ben was a real individual whose like we will probably never know again. The only comfort for those who knew and loved him is that our pleasant memories of him will never fade—indeed—they will always be with us to brighten dull and sad days."

Let our memories, indeed, brighten our dull and sad days.

From the camps in Scammon's Lagoon to the Rockies in Wyoming we have been bunk mates—grizzly bears to quail we were hunting pals—over the golden hills of California to the aspen of the North Platte in Wyoming we were saddle mates. From San Pedro to the Molokai Channel we were shipmates, a scout and brother in all sense of the word. Whenever we ride, hunt, fish, sail or camp we will always have a smiling companion around the campfire warming our hearts.

GEORGE PARDEE

I would ask everyone to rise for one minute of silent prayer in memory of one of the most dedicated scouters and humanitarians to serve the Crescent Bay Area Council, O. Benjamin Marble.

(Prayer.)

Attending tonight is Ben's life partner and widow, Bea Marble, and his 3 sons Brian, Bradley, and Buzz Marble. To illustrate the kind of lady Bea is, when Jack Smith, our Recognition Dinner Chairman invited her and their sons to attend, she said, "Yes, Jack, Ben and I were planning to attend and Ben would want me to." That is the spirit that Bea Marble has. Our Council will sorely miss Ben and his dedication in that spirit. We are hoping the Executive Board of the Council will approve the use of some of the funds contributed by Ben's many friends to educate a young man from our Council to become a professional scouter. We will direct this young man into the American Humanics Foundation program . . . training for youth leadership.

Just distributed to you is a copy of the beautiful tribute delivered by Donald Douglas, Jr. at Ben's memorial service. It speaks for itself. We hope you will read it in-depth so that you may know the greatness of Ben Marble. It is a tribute and a challenge to all of us to carry on the torch that Ben has passed on.

Bea, as a token of our esteem and love, I am pleased to present you with this 14K gold Silver Beaver charm. Again, thank you for attending.

MEL CLIFFORD LEAVES CITY HALL

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to call to the attention of the Members of the U.S. Congress the news about the retirement of Mr. Melvin B. Clifford after over a quarter of a century of service to the city of Brockton, Mass. Mel Clifford as he is affectionately known by his friends retired as city clerk.

Serving with a devotion and dedication that endeared him to all those who have a profound appreciation of excellence in public service. I have known Mel Clifford back to the time when I served as City Registrar of Boston and while I was a member of the City Clerks Association of Massachusetts. Mel Clifford was the epitome of fair and impartial service to the public. He was a great city clerk. Like many others in the Commonwealth of Massachusetts I hold Mel Clifford in high esteem. I am indeed proud that such an exemplary gentleman as Melvin Clifford is a resident of the 11th Congressional District of Massachusetts. I know that in retirement Mel Clifford will continue to show a real concern for his fellowman.

I include in the RECORD at this time, a recent news article, November 30, 1971, which appeared in the Brockton Enterprise.

The article follows:

MEL CLIFFORD LEAVES CITY HALL

(By Bruce F. Smith)

This morning we asked City Clerk Melvin Bernard Clifford, who retires today after 20 years of service to the city in four capacities, what his thoughts were on leaving City Hall.

"I view my departure with mixed emotions," said Mel, who has over the past quarter of a century been a councilor-at-large, mayor, acting city manager and city clerk. He is unique in being the only person in the city's history to have served in all these capacities.

Mr. Clifford said he is looking forward to a long vacation. "I will certainly miss the people whom I have been associated with, particularly the clerks in the City Clerk's office and the Board of Registrars of Voters office whose valuable and knowledgeable assistance helped tremendously in my carrying out my duties," he declared. We sat down with him in the deserted City Council chamber where he has served as clerk to the council since 1956.

He added he would also like to publicly thank "the many wonderful people who helped along every step of the way" in all four positions he has held.

BEEN REWARDING

"My years of service to the city have been very rewarding. The people of Brockton have been very good to me and I have tried hard to repay them for their faith in me. In any event, I have done my best and I hope my best has been good enough. I wish the city itself and everyone in Brockton well," he concluded.

Marking the veteran official's retirement was a luncheon Monday noon in the Board of Registrars office. Attending were the girls of the registrars' and city clerk's offices, Mel's successor, J. J. Lyons; City Solicitor Joseph I. Sousa, Registrar Raymond Olson and Henry Hanson, a longtime friend and former registrar of voters.

Mel was presented with a purse of money and other gifts from city employes.

KEEP ON WORKING

This morning from 10 to noon and again from 2 to 4 this afternoon "open house" was held in his office under the chairmanship of Mrs. Mary Ann Good of the city clerk's office. Mel received the best wishes of a host of friends and associates at his desk, where he characteristically continued to perform last day tasks between handshakes. A wide variety of refreshments was served on tables set up near his desk in his decorated inner office by new members of his office staff.

Several officials and long-time associates at City Hall commented on his impending departure from public service. Among them was Mayor-elect Richard L. Wainwright, who said:

"His invaluable contribution to city government will always be remembered by the citizens of Brockton of both political parties.

"He has always been able to work with the elected officials of both parties, which is the key to a successful administration in city government."

WILL BE MISSED

Miss Julia Yakavonis, chairman of the Board of Assessors and a municipal colleague for 36 years, commented: "I'll miss his wise counsel. His meticulous services to the city will be sorely missed."

Miss Mildred M. Lipper, veteran city auditor who has worked closely with Mel, declared: "His retirement is going to be a big loss to the city. We've worked together very well all these years."

This afternoon Miss Lipper presented him gift certificates from the city department heads as well as a gift from the Flower Fund.

Also on hand for the open house this morning was Mrs. Catherine Kenney, retired assistant city clerk.

GREAT BOSS

Her commentary: "Congratulations to the greatest of bosses. Your retirement (although you will enjoy it) is a loss to the City of Brockton. You served the city as city clerk with dignity and dedication always."

Also remarking on Mel's departure was City Solicitor Joseph I. Sousa. He declared: "During my four years as city solicitor I want to state that I have found him most co-operative and most knowledgeable in the areas of municipal law and parliamentary law."

He commended Mr. Clifford for his "exemplary service to the city generally" and particularly for the aid he has given him in fulfilling his duties as city solicitor.

Council Pres. Louis R. Columbo had this to say: "When I was first elected, the late Councilor 'Bud' Hallisey told me that Mel Clifford was the most knowledgeable and cooperative official at City Hall.

IT WAS TRUE

"I found this to be completely true during my four years as a city councilor and especially during the past year while I have been president of the council. We'll certainly all miss his presence at City Hall and I hope that he will not be a stranger in the years to come."

Mel, as just about everybody at City Hall calls him, first came to the building as a councilor-at-large in 1948 and he served one two-year term. His debut in politics came at the urging of two long-time, close friends, the late Warner A. Morse and the late City Clerk J. Albert Sullivan.

In 1949, he decided to run for Mayor, again at their urging, and was victorious. He served for one term and was defeated in his bid for re-election in a close race by C. Gerald Lucey.

Mel returned to City Hall in 1956, when he was appointed to the position of city clerk to succeed Thomas J. Mullins. He has served in this capacity ever since. For eight months in 1961 he served in the dual role of city clerk and acting city manager following the ouster of City Manager William A. Gildea.

WITH CLASS

Mel came to City Hall with class at the behest of two good friends and today, 24 years later, he leaves with class.

He has always cherished the brief comment made by the late Steve Dalton in the Enterprise upon his leaving office as Mayor. Steve said that Mel "retired with honor." We can make the same observation today.

During his long stay in the city clerk's office it has been his consistent policy to treat all alike—Democrat or Republican, the rich and the poor, the political novice and the seasoned veteran of municipal life. His counsel has been sought by many and the advice given found to be sound and forthright—even if it hurt.

He's going to be missed.

"WHAT PROMISES—WHAT OPPORTUNITIES" IS HEARTENING THEME OF JUDGE MAXWELL'S DISCUSSION ON REAL WORTH OF AMERICA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 15, 1971

Mr. RANDOLPH. Mr. President, some Americans have been looking too hard and too long at the mirror held up to them by their carping critics. The constant drum of doomsayers and faultfinders have served to diminish the once bright optimism of the young, the sense of confidence of the middle-aged, and the feeling of well-being among our older citizens.

There are among the critics of America, fortunately, those who see the glass half full, who correctly assess the real worth of this country. They do it in a forthright, factual manner befitting the real patriot—the citizen who is concerned and works to bring solutions to problems.

One such stirring statement was contained in a recent article in the Inter-Mountain of Elkins, W. Va. It is an account of a speech by U.S. District Judge Robert E. Maxwell at the annual Elks Lodge memorial service.

The Elkins jurist said:

> In a republic, we can only assess and maintain our community through the generous exercise of mutual comity, sincere, and genuine cooperation and tolerance of dissent.

He added that good humor and respect

are necessary attitudes for those in American society who "mold, modify, and decree our life style."

Turning specifically to the memorial service, Judge Maxwell noted that the departed members of the Elks Lodge have "left with us the problems and the issues of the day as well as the future. We accept that responsibility. They also left with us the legacy of accomplishment and getting the job done. We will be true to that legacy."

Mr. President, I commend to the Senate the observations of Judge Maxwell on American life today and ask unanimous consent that excerpts from the news report on his speech be printed in the Extensions of Remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

WHAT PROMISES—WHAT OPPORTUNITIES

Using the text, "What promises—what opportunities," Judge Maxwell observed the historical truism that "some people and some issues will prevail and some will not prevail," and advised the sizeable audience that "we must always conclude our discussion with good humor and respect."

Turning to the areas of evaluating citizenship, personal involvement, today's assets, including youth and older generations, the memorial speaker said, in part:

"In paying our respects during this memorial, we do so by evaluating our civilization as well as assessing our personal stewardship. The civilization of which I speak spans the earth, yet is as personal as your home. The stewardship to which I refer invades the office, the factory, the school, the church, our courts, the Congress, the White House and the United Nations.

"In short, this is the time and place for us to look into the mirror of our mind. This is the time for constructive criticism of our individual life style and to objectively report to our individual conscience whether or not we measure up.

"In times of fatigue we are inclined to despair the occasions of massive unrest, the general signs of a mood of violence, the evidence of darkening influences on the world's economic, military, diplomatic and social affairs and the increasing appearance of apathy in every walk of life.

"But in times of quiet reflection when we deal with both the positives and the negatives, there are substantially more pluses than minuses, considerable more good than bad and, on balance, our land is still a land of promise and opportunity.

"When we as a people begin to talk seriously about our civilization and the place our society holds in the orderly fraternity of man, the first positive step forward has been taken.

"Our nation today has a substantial asset with which to meet the problems that confront only our country but the world. This asset did not exist even one generation ago. The asset is our nation's youth. The present generation of young Americans not only gives us reason, enthusiasm, energy and imagination, but taken as a whole, the youth of America today are more mindful of the seriousness of our nation's problems than any previous generation. This is true because of the scientific and technological breakthroughs that have contributed to a meaningful dissemination of current events—indeed, instantaneous reporting of current events from around the world.

The youth of today are strong in spirit but tender hearted. They place proper value on human needs. They possess the courage to combat cruelty and injustice. They shy from hypocrisy and avoid artificiality. Religion is a way of life. They as a whole adopt worthwhile moral and spiritual principles and are ready to sacrifice for what they consider a philosophical conviction.

Continuing the **evaluation** of **today's** events Judge Maxwell **concluded:**

The middle aged and older generation are also thinking, philosophying and acting in ways that will bring great and lasting changes to our country as well as the world. In spite of the period of upheaval that has swept our nation—the world—in the past decade, the basic institutions of our land are intact. It is fair to assume that the people of our society are simply trying to make these institutions more meaningful and more contributing to the American ideal."

Sunday's Elks Memorial Services began at 2 p.m. James Parsons, acting Exalted Ruler, opened the program and presided over the schedule of events. Acting Chaplain Richard Paul delivered the opening prayer as well as the closing benediction.

Soloist was Henry Sipe and pianist Miss Virginia Boyer.

John H. Neale, a trustee of the local lodge, presented the eulogy which recognized the passing during the past year of the following members: **W. Grady Whitman, Waymon G. Malcolm, Keith Cunningham, Fairfax Brown, Osco Dale Hayes and Parker Fink.**

Judge Maxwell was introduced by Phil W. Ware.

VOICE OF AMERICA INTERVIEWS RAYMOND H. MULFORD

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. O'KONSKI. Mr. Speaker, all of us know how important it is that business corporations, as well as individuals develop and work toward a social conscience.

Raymond H. Mulford, chairman of the board of Owens-Illinois had an interview on the Voice of America program. Mr. Mulford is chairman of the committee for economic development, which recently published a report on the social responsibilities of business corporation.

I recommend the remarks of Raymond Mulford as a must reading for every Member of Congress and for every American citizen, for that matter.

Mr. Speaker, I insert the remarks of Raymond H. Mulford as a part of this Extension of Remarks:

VOICE OF AMERICA INTERVIEWS RAYMOND H. MULFORD

(Spontaneous responses to probing questions on one of the most controversial subjects in the news today—social responsibilities of business—are reproduced in this transcript of a Voice of America press conference featuring Raymond H. Mulford, chairman of the board of Owens-Illinois, Inc., and chairman of the Committee for Economic Development's Subcommittee on Business Structure and Performance. The interview was taped on August 6, 1971, and was broadcast on September 4, to audiences in Asia, the Middle East, Europe, Africa and Latin America through the world-wide facilities of Voice of America.)

From Washington the Voice of America brings you Press Conference, U.S.A., an unrehearsed discussion program. Each week at this time reporters interviews an interesting personality in the news. To introduce our guest this week and our correspondents, here is Les Higbie, this week's moderator of Press Conference, U.S.A.

Increasing attention has focused recently both within and outside the business community on ways to provide a better quality of life for all our citizens. Among those studying this question are the businessmen members of The Committee for Economic Development (CED). A CED Subcommittee has just published a 74-page report entitled "Social Responsibilities of Business Corporations." Our guest today is the chairman of that Subcommittee, Raymond H. Mulford, chairman of the board of Owens-Illinois, Inc., Toledo, Ohio. Mr. Mulford is a native of San Francisco, and is a graduate of Stanford University and Harvard Business School. He has served Owens-Illinois in several executive positions since 1933 and became chairman of the board in 1968 after seven years as president. He is a director of several other companies, is a trustee of the Toledo Museum of Art, and of the National Cystic Fibrosis Foundation, Mr. Mulford, welcome to Press Conference, U.S.A.

Thank you, Mr. Higbie.

Now will our panel of correspondents identify themselves.

Haynes Johnson, The Washington Post.

Murray Seeger, The Los Angeles Times.

Courtney Sheldon, The Christian Science Monitor.

Mr. Johnson, would you take the first question please.

Question by Mr. Johnson:

Mr. Mulford, I was struck by two sentences in this report of your Committee. One says that there is now pervasive feeling in the country that the social order, somehow, has gotten out of balance and that greater affluence amid a deteriorating environment and community life does not make much sense. You say that also applies to American business. The large corporations are undergoing the largest, most extensive self-examination about their own roles in the American society since the 1930's. I would like to ask you a general question. Just what do you see as the great problems facing the country and the role of business in doing something effective about them?

Answer by Mr. Mulford:

Well, I think that through the efficiency and effectiveness of our business organizations we have made great achievements in terms of providing a reasonable level of affluence to the greatest percentage of our citizens in comparison to any other country in the world. We have done reasonably well from the standpoint of providing material necessities. In spite of that, however, with our growing population and with the increase in the move toward metropolitan centers, I think industrialism and the effects of living so close together in such large groups have created conditions which people find not so attractive as they were in a simpler type of economy. I think we must address ourselves to improving those conditions. I don't think we can turn the clock back in terms of our ability and our obligation to meet the needs of people—not only of maintaining a reasonable standard of affluence but eventually eliminating such poverty as does exist in the country. And some poverty does exist. We must continue with our efficiency in production in these respects but we must also give considerable attention to the by-products which have been unpleasant to a lot of people.

Question by Mr. Johnson:

Let me ask you a more specific question now about business in general. While coming to the studio I heard a radio broadcast about a corporation in Baltimore that said it would have to shut down its plant if it were forced to spend $2 or $3 million extra on antipollution devices. What's your feeling about a corporation that takes that stand in this whole question?

Answer by Mr. Mulford:

I think there have to be some trade offs. I think the attention which environmentalism has received on the whole is constructive. I do think there are some aspects of it, however, which are emotional and overrated. To try to fully satisfy all the demands of the most extreme ecologists would mean a diversion of capital, a diversion of effort, and a diversion of our total capability that probably would be unjustified because we have so many other pressing problems.

Question by Mr. Seeger:

Mr. Mulford, I'm reminded that Professor Friedman of the University of Chicago, an economist who a lot of businessmen pay attention to, has suggested that businesses have no business going into the social area at all. He also has said that business is not equipped to deal with social issues and that the best thing business could do for the country would be to strive for efficiency, good profits, and a strong economy. Why do businessmen get into these social problems at all?

Answer by Mr. Mulford:

Well, one of the reasons I think our study was undertaken is because there has been so much dialogue and such a wide diversity of opinion in relation to the actual social responsibility of business. We are very familiar with the views of Professor Friedman, who is at one end of the pendulum. As you said, he really believes that the business of business is business, and that we should concentrate on making profits and leave other aspects of society alone. On the other hand, there are those who seem to attribute all the ills of society to business. We feel that probably the proper answer is somewhere in between these two. This is the reason we undertook this rather extensive four-year study. But we did involve academicians, politicians, and other people who had a point of view we thought would be worth considering, and we did have representation of the Friedman philosophy in our discussions. In the final analysis, however, the report was determined, designed, and approved by businessmen themselves.

Question by Mr. Seeger:

Are your recommendations weakened by trying to get a concensus report from a group of businessmen who have a wide diversity of interests and pressures on them?

Answer by Mr. Mulford:

Probably to some extent. I think an individual with positive conviction would give a more clear cut, a more specific, a more forceful presentation. There obviously are some compromises. On the other hand the opportunity to involve so many people with constructive points of view probably gives these compromises some merit.

Question by Mr. Sheldon:

Mr. Mulford, in your report you suggest that if competing corporations can't get together and shoulder equal social responsibilities particularly in the area of pollution that they should ask the government to step in, presumably with some kind of regulations. Can you see this as being very practical or being very widespread?

Answer by Mr. Mulford:

Yes, I believe I can. I'll use a collective we, speaking for those who were a part of this report. We feel that every effort should be made by business to do as much as as it can on a voluntary basis—to be realistic, to be progressive, to recognize the social aspects of their operations. However, you frequently run into situations in which—because of Justice Department regulations and because of the impracticalities from a competitive standpoint—we think it would be advisable to have specific government regulation applying equally and equitably to all companies involved in a given line of commerce. We would hope that the constructive attitude of business and its own efforts would be such that government would want to involve responsible business executives in designing such regulations.

Question by Mr. Sheldon:

Isn't it pretty much a fact of life that the more a corporation or a business spends on social programs and antipollution programs, the more they will charge for their products in the end? Or are corporation's profits or business' profits higher than they should be?

Answer by Mr. Mulford:

I think you bring up a very important, a very realistic point. In the final analysis the consumer, the general public, is going to pay the cost of whatever money is diverted to environmentalism. I don't think there is any other possibility, and, unfortunately, I don't think the average citizen completely realizes this. Now there are some aspects to what I suppose you would call environmentalism which are actually constructive in themselves from a productive standpoint. As an old factory manager, I've used one example of this many times. Consider a plant that has a high level of good housekeeping, a high level of cleanliness, and concurrently with that a high level of safety, which has used all of its expertise in not only guarding equipment but creating an attitude and an atmosphere within the plant which is conductive to safe working habits. Inevitably such a plant will be a more efficient plant than a sloppy plant. I think there are many aspects of this thing we call environmentalism. I think of the attention which companies now are giving to the aesthetic values of their plants. I think of many of their community activities which have a reflection in the kind of cooperation they get from the communities in which they operate. Those activities are reflected in the morale of the people within the company and to an extent these things are actually constructive in achieving efficient production. I think they are helpful.

Question by Mr. Johnson:

I guess we've all been talking about the same thing for many years. About national priority and problems on the agenda facing American and it always comes back to one hard problem. That is money. Where are you going to get the money to reach all these fine goals such as health care, which we hear is going to double in cost in this country over the next four years. At the same time we have an economy that is going through some distress. Are we able to pay the price? Are we able to raise the money and divert it to these social aims we need and you think are good? How does the business community feel about that?

Answer by Mr. Mulford:

Although we are the wealthiest country in the history of civilization I think we have reached the point where our desires exceed our current ability to fulfill them. This matter of setting priorities is probably one of the most important problems that the country faces. I think they hesitate and particularly their political leaders too frequently hesitate to face up to it. I think the reason that we're involved in an unfortunate inflationary situation at the present time is a direct reflection of the fact that we refused to face priorities several years ago.

Question by Mr. Johnson:

Well that leaves two questions, I suppose. What would you say is the first priority facing this country, and what do you do about this economic spiral of inflation? What should we be doing that we're not doing?

Answer by Mr. Mulford:

Well, this is a difficult question, and I don't know that I'm fully competent to answer it. Let me go back to the time that I think was the start of our problem. This is some few years ago in the Johnson administration, and let me say at the outset that I'm very much in favor of practically everything that Mr. Johnson espoused. My problem with his conduct of the situation is that we just couldn't do everything. But at that time we were accelerating a war which was very expensive. We had an extremely affluent society in general and we were devoting ourselves to what Mr. Johnson called the Great Society, which meant the elimination of poverty and the correction of the problems of the inner city. Frankly, we were not wealthy enough to afford all of them at the same time, and at that time I was very much in favor of—although I was a minority as I am so often in these things—substantially increasing taxes. Substantially increased taxes would have reduced the level of our affluence and I think that was the measure that was indicated, but in trying to maintain all of these programs we inevitably got into a situation where the value of the dollar decreased.

Question by Mr. Seeger:

Mr. Mulford, in your statement from the CED one of the things that jumps out at me is this proposal for a stronger business-government partnership to attack the social problems of this country. It scares me a little bit because there are a lot of people in this country who are not very happy about the way the government has been meeting the social problems and they also are afraid of big business. There are also enemies of this country who think business and government are already in a conspiracy against everybody else in the country. Who else, is there another partner in there beside business and government?

Answer by Mr. Mulford:

Well, of course, when we think of government we think of the political institution as the only institution which represents all the people. This is the reflection of the desires of society as a whole, of the people as a whole. As I appraise business operations in the Free World—and our Company is very broadly involved in Europe, South America, and the Orient, so we get a good look at the situation—that as business is conducted in the United States we probably have more freedom of action than is true in any other country in the world. In other words, we are less far down the road to Socialism. On the other hand, business and government in the United States are constantly in an adversary position. In many other countries of the world, Japan being an outstanding example, business and business institutions are in an important partnership with government and are an important instrument in national policy. In the United States we seem to be continually fighting each other. I think actually rather than people being concerned about collusion between business and government, perhaps people should be concerned about this adversary situation. Because we do feel that in meeting some of our major social problems, certainly the problems of the inner city, the problems of the deterioration of the inner city, that government must be the leader in developing the strategic plans and that business probably can be extremely helpful in implementing the plans. But plans which involve the use of eminent domain, plans which maybe involve the disruption of existing patterns even though they are designed to produce very much better patterns, can be developed only by the specific representatives of the people as a whole. Again I say I think the function of business is to effectively implement the programs which government designs.

Question by Mr. Seeger:

One of the things that strikes me when we talk about the problems of the inner city is that a lot of those problems have been created because business abandoned the central cities. They have built new factories outside the cities. They have built new factories in other parts of the country rather than the urban East and the older Northern and Eastern cities are left with the remnants. They're left with the unemployed;

they are left with empty factory buildings. What can business do about that?

Answer by Mulford:

Well, I think one of the great things about our country has been, generally speaking, the mobility of our society as contrasted with other countries. Actually I'm not so sure that it isn't advisable for business to build their operations on the perimeter or even farther out. The congestions that we have in our metropolitan areas now is awful. At best there is going to be some air contamination, some effluent from business activity, which preferably should not occur in the middle of a very congested area. I think one thing that business has been constructive in and active in is a problem for society as a whole. One of our greatest problems is the subject of freedom of movement, of open housing if you will. In my own case I participated very actively in a losing campaign in Toledo in which I advocated open housing. I think you will find the most responsible businesses advocating as strongly as they can the complete freedom of movement of our population. But as long as society directly or indirectly imposes restrictions on the movement of people I think you're going to have a kind of deteriorating situation that you referred to.

Question by Mr. Sheldon:

Mr. Mulford, does your concept of social welfare responsibility of a corporation extend to refusal to do business in a country like South Africa because of its segregation policies?

Answer by Mr. Mulford:

No. As a matter of fact we have a minor interest in South Africa. We have thought this problem through very carefully, not only as it relates to South Africa but even before that as it relates to doing business in certain sections of the United States where moves were such that it was almost impossible, and was impossible in some instances, for us to conduct our operations in the manner that we felt was completely right. Our feeling has been that we are more constructive in involving ourselves in such societies so that we can lean against those things which we think are unfair. We made it very clear when we made our association with this company in South Africa that we were completely opposed to racial discrimination; completely opposed to apartheid as we understand it, and to the extent that we could develop any credibility as an industrial citizen of South Africa we would align ourselves with those people who oppose those policies. This is our position. We think that by boycotting you actually solidify the opposition.

Question by Mr. Sheldon:

I'd like to turn to rather a general question on the business outlook. What would you say is the prospect for checking inflation and also the unemployment rate, and what would you advise President Nixon to do at this point?

Answer by Mr. Mulford:

Well, I have felt very strongly for the past couple of years, advocated it publicly, represented it in the councils of the CED and any place else where they would listen, that this inflation which started as a brush fire back in the latter 1960's has reached forest fire proportions, that it is feeding on itself, that it has changed from a so-called demand pull to a cost push sort of situation, and that it is an emergency situation and that we should take emergency measures. I think for a specific period of time, not longer than three years certainly, that we should impose mandatory wage and price controls so that we can stop the rampant inflation, catch our breath, and concentrate on improving the economic position of people by increasing the value of the dollar they have rather than by giving them more dollars which constantly deteriorate in value.

Question by Mr. Johnson:

As you're well aware, one of the things that the critics, the most vocal critics, have said over and over again is that the system itself, our system of government, our system of business is far too slow to respond to change. It takes too long, we put out studies and the rest but nothing really seems to take place. Would you address yourself to that question? You say it took four years to compile this report from business and the government has made many reports of this kind, and yet the tensions in the country certainly have not diminished and the attitudes, if anything, are a feeling of a lack of faith that we're able to do the job.

Answer by Mr. Mulford:

No. I don't agree with that hypothesis. I think actually some of the brakes that we've built into our system, the check and balance system, which seems to be so ineffective at times over the long run, have proved to be very sound. I think that major changes are necessary on occasion but I think they should be very carefully thought through. I think they should stand the test of a continuing desire over a period of time. I think there is a much greater danger of taking precipitous action under an emotional sort of an atmosphere than there is in the careful, considered and, granted, slower method of procedure.

Question by Mr. Seeger:

Mr. Mulford, in your report that you talk about giving direct subsidies to business to accomplish some of these social programs, I think that's admirable because if you see the subsidies right out in the budget then you know what the priorities are. Would you also be in favor of eliminating some of the hidden subsidies that various parts of business now get to strengthen the tax base of the country? I'm thinking of the various tax gimmicks that certain industries enjoy over other businesses.

Answer by Mr. Mulford:

I guess I haven't enjoyed them as much.

Comment by Mr. Seeger:

No. I don't think the manufacturing sector gets them as much as the natural resources and minerals areas do.

Answer by Mr. Mulford:

Well, I think this is a serious question. You're referring in this case to the depletion allowance which the oil industry enjoys. I happen to be on the board of a principal oil company and I am very conscious of the tremendous gambles they take in attempting to develop additional sources of petroleum, of energy, which is so terribly important to the whole world and specifically important to our country. I wouldn't agree that they are unjustified subsidies so I guess we come apart a little bit there. But let me say this. I agree fully with your thesis. I think one of the real dangers in this country, one of the real unfair things, is hidden tax. I would be very much in favor of making any form of taxation direct and obvious so the people know what they are paying.

Question by Mr. Seeger:

I'm thinking of the same thing for subsidies. In other words, instead of giving someone a subsidy out the back door through a favorable tax treatment why not give it to them out the front door?

Answer by Mr. Mulford:

Well, I think generally speaking I would agree with you. In terms of its practical application I do think there are times when such a tax relief as the investment credit is very much justified. Now I don't know whether you would consider that a hidden subsidy or not but it is a credit which resounds to the advantage of the company investing heavily in new capital equipment.

Question by Mr. Sheldon:

Mr. Mulford, do you approve of the Government's support of Lockheed in its financial affairs, and if your company were in a position similar to that of Lockheed would you have made a similar appeal to the Government? What are the precedents here, good or bad?

Answer by Mr. Mulford:

I honestly don't know that I understand all the aspects of that situation well enough to have a well considered opinion. Now I don't mean to evade it. Generally speaking I would say this, I am opposed to government, either Federal or local, subsidizing private enterprise to the disadvantage of competitors who pay the full tote. To me this is a fundamental consideration and I think I would apply it to Lockheed. However, there were factors in the Lockheed situation—after all, their business was almost 100 percent with government—and whether in the administration of all the contracts that were involved there was a consistency and a fairness on the part of government I don't know. I just don't know enough about the situation in total.

Question by Mr. Sheldon:

Mr. Mulford, are corporations really too big and too diverse to develop concerted and meaningful social welfare programs that are anything more than window dressing?

Answer by Mr. Mulford:

I think not. I think, of course, that when you talk about social programs you have to consider that business is a part—an integral part—of society. It isn't something separate. When we talk about social responsibility we're talking about not what business does in terms of productivity, but *how* it does it, and I think this is tremendously important. I think it makes its greatest social contribution by conducting itself constructively in relation to the basic ethic of the country in the means by which it does its production job.

Mr. Higbie:

I'm sorry, gentlemen, our time is up. Thank you, Mr. Mulford. Thank you, members of the press. Our guest has been Mr. Raymond H. Mulford, chairman of the board of Owens-Illinois, Inc. Correspondents on our panel included Haynes Johnson, Washington Post; Murray Seeger, Los Angeles Times; and Courtney Sheldon, Christian Science Monitor. This is Les Higbie in Washington.

CURTIS CHRISTIANSON

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DELANEY. Mr. Speaker, I want to join my colleagues in paying tribute to Curtis A. Christianson, who since 1946 has faithfully and conscientiously performed the exacting and demanding duties of tally clerk of the House of Representatives.

The hard work of someone unseen, who is loyal and dedicated, can keep any business or any enterprise working on an even keel. Chris has been ever present, doing his work in a most efficient manner. I have found him to be one of the best informed and courteous men on the Hill. On any question, when asked for advice or information, he has given of his time freely, willingly, and diligently to be of help, and always with a smile.

Like all other Members I regret to hear that he will not be with us next year and I join in wishing him first, good health, then a happy and contented retirement.

We will miss him greatly.

THE 15TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. GERALD R. FORD. Mr. Speaker, the 15th anniversary of the Hungarian Revolution has come and gone but it has not gone unnoticed or unmarked. The American Citizens Committee for the Commemoration of the 15th Anniversary of the Hungarian Revolution and the Hungarian Freedom Fighters Federation observed the anniversary of this heroic uprising with a dinner at the National Press Club Building on October 23, the date when thousands of freedom-loving Hungarians gave their lives in a desperate attempt to throw off the yoke of the oppressor. I am privileged to serve as honorary cochairman of the American Citizens Committee. In that capacity, I am keenly aware of the splendid work being done by the committee and its national chairman, Representative FRANK HORTON of New York.

The American Citizens Committee was chiefly responsible for the moving tribute paid to Hungarian Freedom Fighters at the anniversary dinner last October 23. In the aftermath of that observance, it seems appropriate to include in the CONGRESSIONAL RECORD an article written by Dr. Andras H. Pogany, national chairman of the Hungarian Freedom Fighters Federation, U.S.A., and an article which appeared recently in the Guardian of Liberty, the semiofficial publication of the Hungarian Freedom Fighters World Federation, edited by its cochairman, Tibor Tollas. The articles follow:

[From the Edmonton Journal, Oct. 20, 1971]

FREEDOM FIGHTER PLEADS—"MOSCOW, WE WANT ONLY SELF-DETERMINATION"

(By Dr. Andras H. Pogany)

Mr. David Lawrence of the U.S. News and World Report, in one of his recent editorials, bluntly questioned the practical validity of the principle of self-determination of peoples, and he is right indeed.

Although the Vietnam War is supposedly fought for the self-determination of the Vietnamese people, and the whole world applauded the formation of independent republics in Africa, in Europe the freedom of small nations is still just a dream. East-central and Eastern Europe is ruled by a single dictatorship in Moscow.

Although the drive by the Nazi dictatorship of Hitler against those same nations initiated the Second World War, almost 30 years have passed by since the Russian domination of that area and no world power has tried seriously to restore freedom to the peoples of East-central and Eastern Europe.

Fifteen years ago Hungary and her 10-million people tried to do something about this lamentable situation in the heart of Europe. They tried to put an end to those shameful double standards in international relations, and to create a reality out of the myth of self-determination. All they asked for Hungary was that which is due all peoples: the right to live peacefully and without the fear of foreign oppression.

On November 4, 1956, not only was the Hungarian Revolution crushed by Soviet military might, but the principle of self-determination as well. The rest of the world, while voicing protests, made no serious effort to save Hungary from Russian oppression.

OPINION

What about world opinion? Asks Mr. Lawrence, with impressive sincerity. If a long, bloody and expensive war could be waged in Vietnam for protecting the people's rights to self-determination, why should the same right for Hungary and for other oppressed peoples be disregarded? Fourteen United Nations resolutions between 1956 and 1962, corroborated the right of self-determination for Hungary, calling upon the Soviet Union and the present authorities in Hungary to respect Hungary's liberty and political independence. In 1966 the U.S. Congress adopted a resolution, which states, in part:

"The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the charter of the United Nations and is an impediment to the promotion of world peace and co-operation. . . . All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural and religious development. . . ."

Needless to say, all of these resolutions were completely disregarded by the Soviet Union.

It is said that we live in an era of negotiation, instead of confrontation. This may well be, but still it does not change the basic immorality of present-day international relations. The answer is not another war, but a persistent demand by the Free World in general, and the United States in particular, for the principle of self-determination to be honored and maintained in any dealings with the Russians.

The Soviet Union should be made aware of the importance of this principle and the right to self-determination. The protection of basic human rights should be a *condition sine qua non* of all negotiations concerning the touchy problem of the European security so fervently demanded by the Soviet Union and its satellites.

STATUS QUO

If the Russians want peace and co-operation with the west on the basis of the *status quo*, they can have it with the understanding that the *status quo* means an order of the world based on human rights and self-determination for all peoples as it was conceived in the Atlantic Charter, in the text of the Yalta Conference and in the United Nations Charter formally accepted but later on, *in fraudem legis*, shamelessly misused by the victorious Soviet Union.

The time has come for the Russians to realize that without the acceptance of the principle of self-determination, they cannot have a peaceful world and a safe European "hinterland" for themselves. It is the undeniable duty, obligation and self-interest of the Western great powers, but first of all of the United States, to demand this from the Soviet Union as a price of any negotiations concerning the future security of the world and especially of Europe.

They all were signatories to the documents above and misused by the Russians in the past 25 years. They are all responsible for the present international chaos, and by demanding the fulfilment of the original agreements, the Western powers and the United States would only fulfil their treaty obligations toward all oppressed European nations.

In view of the present world situation, a persistent and logical demand my have a chance, with the Soviet Union facing an entirely different world today than it did in 1945.

A peaceful and safe Europe and a normal relationship with the west seem to be of great importance to them, and they might be willing to pay a small price for it to the West. If so, Hungary shall be neutral and free from foreign oppression and will be permitted—along with other oppressed nations—to choose their own form of government.

For Hungary and all captive nations this is what self-determination really means on this Fifteenth Anniversary of the heroic Hungarian revolt.

[From the Guardian, Aug.-Sept., 1971]

REFLECTIONS ON A TRAGIC ANNIVERSARY

October 23 marks the 15th anniversary of the Hungarian people's heroic attempt to rid themselves of a Communist dictatorship of the cruellest Stalinist mould and to be free of the Soviet Union's grip.

That this spontaneous uprising failed, crushed by the most brutal use of overwhelming Soviet military power, or because Hungary today may present a superficial picture of normality—and even prosperity by Communist standards—cannot in any way detract from the significance of this tragic anniversary.

For history has an unending habit of repeating itself—as was shown when Czechoslovakia, under Alexander Dubcek, attempted at least to liberalise the more oppressive and inefficient aspects of Communist rule in 1968, only to suffer the same fate.

And now in 1971, the outside world watches with growing anxiety as the familiar stormclouds gather over Rumania, another East European country which has been showing an increasing determination to go her own way.

Yugoslavia, the first and only East European nation to break loose of the Kremlin's hold, owes her continued survival largely to her vigilance and courage—and a happy accident of geography.

Now, however, the question will always be asked: Would Dubcek's attempt to bring "Socialism with human face" to Czechoslovakia have been stifled if the Soviet Union had not been allowed to silence with impunity the cry for freedom and human dignity which rose from Hungary in 1956?

For although the world at large heard this cry and was stirred almost beyond words by this small nation's heroism, the Hungarians were left to fight on alone.

From Budapest the coalition government which had been set up appealed to the United Nations and the great Powers to help defend the new Hungary's neutrality.

But the Soviet Union's veto rendered the Security Council impotent. And although, between November, 1956, and September, 1957, the UN passed 14 resolutions on the "Hungarian question", branding the Russians as aggressors and calling on them to withdraw, all these injunctions were totally ignored.

Seldom, before or since, have the limitations of this world authority been so pitifully exposed.

Instead, at least 20,000 Hungarians died, either in the fighting against the Soviet forces or in the grisly aftermath of executions and other brutalities which followed, while another 200,000 fled into exile.

Did these victims of Soviet oppression, like others, die in vain?

As the anniversary of the Hungarian uprising approached, the distinguished Spanish writer, Salvador de Madariaga,[1] reflected on this question and these are his conclusions:

---

[1] This eminent writer on international affairs has lived in exile since France came to power following the Spanish Civil War more than 30 years ago. Formerly he was his country's Minister of Education and Justice and, from 1931–36, its chief delegate to the League of Nations, the UN's predecessor. While in exile he has also held university posts in Mexico and Britain.

Was it for this? The question rises like a ghost on the battlefield of the soul. It is a terrible question, and the most shaking, indeed paralysing, that can be raised.

Was it for this that those splendid youngsters died in Budapest in 1956? Was it in order that another set of splendid youngsters should die in Prague in 1968? Will a third wave of splendid youngsters die in Bucharest in 1971? Was it for this?

Who would dare answer such a forbidding question at 85? Handling ideas,—good and evil, better or worse, useful or useless, sterile or fertile—in the quiet of a comfortable study can hardly be equated with thinking on such things while facing a machine-gun, or lying under the wheels of a tank under the windows of one's home? Can a man, young or old, shuffle ideas like packs of cards at the time when he has taken his life in his hands and is shouting his last breath out in a vociferous cry: "Down with tyranny".

You say: That youngster whose very last breath shouted: "Down with tyranny" was not uttering a conclusion he had arrived at there and then. He was carrying out a decision he had taken long before, after examining the facts, and feeling that he was determined to die fighting rather than to live on his knees.

And who would deny that? But I doubt even if that is the end of the matter.

I suspect that beyond and below, or possibly above, that analysis of the mind, that conclusion and that decision take on the look of forms of life whose neat shape, both in themselves and in their relations, suggests a mechanical perfection rather than that perfectly-fitting imperfection which is the hallmark of life.

I suspect that they are all the end rather than the beginning of a resolve which, rather than a conclusion, suggests a mood, a posture of the self. And in that posture there is a part of determination and a part of inability or impossibility to accept what life brings at that hour.

The soul says: "Rather die than that" because first it has said, "never that."

And this, I find, solves our problem: How to answer our terrible question. It presents us with an answer born not in the brain of the observer, but found by him in nature. To the question: Was it for this? we answer, "No."

But this answer, as we find it in the streets and squares of Budapest and Prague, is more general than it seems at first.

It actually says: "No." It was not for this, nor was it for that nor for anything else. It just was. The youngsters of Budapest and Prague fought and died because death was the shape of their life at that hour.

But did they die in vain? Nothing that happens does so in vain. Life is not a chain of useful actions, each justified by the next.

Life is its own justification at the time it happens, and so is death, as the part of life which it is.

The body of Jan Palach (the Prague student who burned himself to death in protest against the Soviet-led invasion of Czechoslovakia) is not burning in order to illumine the ugliness of the Husak regime. Yet it does illumine it.

And if, tomorrow, its light falls on a free Eastern Europe, Palach will not have died in order to bring it about. But the fact that he lit the sky with truth over a Prague shaking with Soviet tanks will have been one of the causes of the liberation of Russia's victims and of Russia herself.

It was not essentially, therefore, to free Hungary that the young Hungarians fought in 1956. It was to be themselves, even to the death of themselves.

And so we see that no country can be truly free whose sons are not ready to stand by what they are. It is not what we say, not even what we do—but what we are that makes history.

In 1956 in Budapest, men were. And because they were, they are and they will be forevermore.

A CURE FOR HEROIN ADDICTION

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BROOMFIELD. Mr. Speaker, every day across the United States, heroin exacts a cruel toll in human misery and suffering. It has been estimated that over a quarter of a million of our citizens have been entrapped by this addictive murderer. These addicts pay over $400 million each year for the right to shoot this drug into their bloodstream. They pay to be slowly alienated from and outlawed from society.

The cost of heroin is not restricted to terms of human suffering for the addict and his loved ones. It reaches out and touches each one of us no matter how remote or distant. Crimes which are caused or related to the need to purchase drugs cost our society as much as $3½ billion annually.

Mr. Speaker, these growing figures demonstrate conclusively that heroin addiction is truly a problem of national dimensions. President Nixon recognized this only last June when he declared this situation to be a national emergency.

I share these sentiments and therefore stand to introduce today legislation to promote research and development of a cure for addiction to heroin. This bill would allocate $50 million toward this goal.

By way of contrast, Mr. Speaker, let me point out that at present a mere $2 million is being spent by the Federal Government toward this end. At the same time, almost 200 times that amount is spent treating the effects of addiction in the form of hospitalization, incarceration and rehabilitation.

I propose that it is high time we begin attacking this problem at its roots rather than concentrating on its effects. The research money now available is outrageously inadequate. It is not surprising then that scientists have termed our understanding of addiction as primitive. Indeed, the recidivism rate, the number of users who return to heroin after treatment, proves it.

Mr. Speaker, this measure contains a sensible method to appropriate research money in order that it may produce optimum benefits. It stipulates that the Federal Government will pay up to 90 percent of the cost of all drug related research initiated by private industry. These grants would be repaid should the drug eventually become marketable and show a profit.

In this way we can bring the best qualified and experienced drug researchers of private industry to bear on this desperate problem. Efficiency of time and money demands that we utilize the talents and facilities of our drug industry rather than trying to develop an independent governmental effort.

Mr. Speaker, this bill contains the necessary provisions to stimulate the machinery of private industry toward a cure for heroin. Till now they have hesitated because of the slim chances of success and in turn profit. I am proposing that the Government incur the financial risk because in the final analysis it is the Government and her people who have the most to lose unless a cure is discovered.

I would remind my colleagues that only last June this Government failed to allocate funds for this kind of research. It was and remains a tragic mistake—a mistake that this legislation can rectify.

TRIBUTE TO TOM MURRAY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. EVINS of Tennessee. Mr. Speaker, certainly we were all saddened to learn of the recent passing of our beloved colleague and friend, former Representative Tom Murray of Jackson, Tenn., who for 24 years represented the Seventh Congressional District of Tennessee—and I want to join other colleagues in paying a brief but sincere tribute to his memory and record of public service.

I served with Tom Murray in the Congress for many years, and he was a dedicated and conscientious representative of the people and the public interest.

He represented his district, State, and Nation faithfully and well.

Tom Murray was chairman of the Post Office and Civil Service Committee and contributed much to constructive legislation in this field.

He was a strong Democrat, and on one occasion when his vote on a certain issue was challenged, he said:

> I am a Democrat and I was named for the greatest Democrat of all, Thomas Jefferson.

Thomas Jefferson Murray was a teacher, attorney, soldier, district attorney general, and a member of the staff of the Solicitor of the Post Office Department in Washington.

He was elected to the 78th Congress in 1943 and served until his retirement in 1967.

My wife Ann joins me in this expression of our deepest and most sincere sympathy to the members of the Murray family.

JOINT COMMITTEE ON AGING NEEDED

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. PRICE of Texas. Mr. Speaker, some months ago I joined the distinguished gentleman from Arkansas (Mr. PRYOR) in sponsoring legislation to establish a House Committee on Aging, a committee charged with the special responsibility of studying the complex problems of aging and suggesting appropriate legislative remedies to this body.

This afternoon I am expanding my structural efforts in this area and am introducing legislation to create a Joint Committee on Aging. Under the terms of my proposal this committee would be composed of 22 Members, half from the House and half from the Senate. It would be given the special responsibility of reviewing the problems of older Americans, analyzing these problems in terms amenable to legislative action, and recommending to the Congress target bills designed to focus the instrumentalities of government upon the resolvable problems of aging.

I am taking this broad-based approach in an attempt to provide Congress with a means by which it can center the wide ranging and cumbersome machinery of the legislative branch on the whole area of aging, an area of such breadth that it encompasses approximately 20 million Americans. The magnitude of this number and its implications for our society become apparent when it is realized that in 1930, there were only 7 million persons in this category, and it is recognized that only one-fourth of the nations in the world have a population as large as that of our elderly. In fact, of the more than 100 so-called Western nations, only 16 have as many as 20 million people in their entire population.

To deal effectively with the immense problems of the aging will take the careful coordination of public and private resources and a dedication to the task ahead similar to that demonstrated in this Nation's drive to put a man on the moon.

Mr. Speaker, President Nixon has recognized the immensity and the range of the problems accompanying aging by establishing a Special Cabinet Committee on Aging. This special committee will operate as a part of the Domestic Council and will be the means by which the executive branch will coalesce its far flung and fragmented programs that deal with aging. Not only should the President be commended on his initiative, Congress should follow suit and set its legislative house in order so that the legislative branch can join with the executive branch in a full scale and coordinated attack on the critical problems of aging. Barring such an approach, the problems of 20 million Americans will probably continue to be denied the attention or the action they deserve.

For millions of Americans, growing old means a time of isolation and economic deprivation. Fully one-fourth of our senior citizens live below the poverty line—that is 5 million people. An additional 5 million live below the near poverty line. For the average working man, growing old and retiring means that he stands a 50–50 chance of becoming poor for the first time in his life. This is no reward for his contribution to the American dream and a lifetime of sweat and toil.

If our society does not collect its wits and solve the resolvable problems of aging, it will have no one to blame and nowhere to turn for an excuse, for there will be no excuse.

PUBLIC INFORMATION AND GOVERNMENTAL PUBLIC RELATIONS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. MOORHEAD. Mr. Speaker, the information function of the Federal Government today is of increasing importance because of the thousands of federally funded programs that affects the lives of every American. Information about these programs, often administered at the State or local governmental levels, is of vital concern to the public and the Congress.

The Foreign Operations and Government Information Subcommittee of the House Government Operations Committee will conduct extensive hearings into the policies and practices of Government information efforts being carried on by executive departments and agencies early next year. These hearings will include a review of the operations of the Freedom of Information Act (5 U.S.C. 552) as well as other related subject areas.

In this connection, I would like to call attention to an interesting and informative article from the October, 1971 issue of the Journal of the Public Relations Society of America entitled "Neither Pinkertons Nor Publicity Men." The article was written by Mr. Joseph S. Rosapepe, currently on the administrative staff of the Internal Revenue Service in Washington. The article provides much useful information on the historical background of public information activities in the Federal Government and discusses the impact of the Freedom of Information Act since it took effect on July 4, 1967.

Mr. Speaker, under leave to extend my remarks I include the text of Mr. Rosapepe's article at this point in the appendix.

NEITHER PINKERTON'S NOR PUBLICITY MEN

(By Joseph S. Rosapepe)

(NOTE.— *Joseph S. Rosapepe is on the administrative staff of Internal Revenue Service, Washington, D.C.*)

At first glance, it seems to be against the law to practice public relations in Government.

Federal law doesn't explicitly say public relations is illegal. Nor does it mention public relations as such. What it does say—and has said since October 22, 1913—is

"Appropriated funds may not be used to pay a publicity expert unless specifically appropriated for that purpose."

This is the way Section 3107 of Title V of the U.S. Code reads today. Since, in the lexicon of most laymen, publicity experts and public relations men are one and the same, you may find public relations officers in state and municipal agencies, but not one in the Federal Government. However, since Uncle Sam, like everyone else, needs public understanding and public acceptance for his programs—whether they come out of the executive, legislative, or judicial branch—he has people to do what has to be done. In both the military and the civilian units, these people are called information officers, public affairs officers, communications officers, press secretaries—anything but public relations men.

Before getting to the problem of the Government information man and what can be done about him, let's review the Pinkerton dilemma caused by another law enacted by our Senators and Representatives.

While Section 3107 of the U.S. Code refers to publicity men, the section immediately following, Section 3108, has said since March 3, 1893:

"An individual employed by the Pinkerton Detective Agency, or similar organization, may not be employed by the Government of the United States or the government of the District of Columbia."

The Pinkertons, it seems, acquired a bad reputation back in the days of labor wars, and taxpayers' money was not to be used to break strikes. But the law still mentions them by name, and always in the paragraph right after the one dealing with publicity men.

Despite section 3107, however, some branch of Government has periodically complained that taxpayers' money was being used to influence the public. Yet in 1966 Congress enacted, and the President signed, a so-called Freedom of Information law, which requires Government agencies to give the public more information about their actions than ever before. This law, promoted by editors and publishers, was signed on July 4, 1966, by President Lyndon Johnson, who repeatedly had been accused by the press of keeping too many things secret too long.

The FOI law was passed by heavy majorities, since it was in a class with motherhood and apple pie, by the legislators who, at the same time, advocated cutting down the number of information men and the compensation they could be paid.

The question remains: how did this situation come about, and what can be done about it—not only in the interest of trained and dedicated information men in or out of government, but in the real public interest.

Any course of action leading to change in the status quo calls for a clear understanding of how the situation arose in the first place. Digging into the history of the past 60 years reveals continually recurring criticism of, and opposition to, public relations in Government.

Contrary to the feelings of some public information officers that Congress innately opposes public relations and those who practice it, the reality is altogether different. A little probing into the legislative history of attempts to reduce or eliminate the funds used to inform the public shows that the objection has not been against the publicist, but against the information he was disseminating.

In other words, the situation is very similar to the legend of the Persian rulers who lopped off the heads of emissaries who brought bad news. From Representative Frank Mondell (Wyoming) in 1910 to Senator William Fulbright (Arkansas) in 1970, the pattern has been very much the same, some observers say. While these legislators objected to the policies of the chief executive, they vented their dissatisfaction toward the public relations men who were informing the public about policies the legislators opposed.

Congressman Mondell, in his day, objected to the powerful Forest Service's attempt to preserve the lush forests of the West from commercial utilization but he took it out on the Service's press bureau. Senator Fulbright, frustrated by the continuing war in Vietnam, made four speeches in four days against the information activities of the Army, Navy, Air Force, and Marines. His comments were followed by his book, *The Pentagon Propaganda Machine*.

On February 1, 1910, Mr. Mondell took up most of the afternoon assailing the Forest Service for its "scandalously extravagant use" of Government money to engage in propaganda work through newspapers and magazines. He attacked the press bureau of the Service for spending $87,000 to send out "thousands and thousands" of bulletins to a mailing list of 750,000 with allegedly self-laudatory material.

By February 1913, the anti-publicity feeling again began to build up in Congress. The issue arose when Representative James R. Mann (Illinois), urged that funds be provided for wider distribution of certain bulletins by the Public Health Service.

In urging wider dissemination, Mann said the PHS was:

"Issuing some bulletins of popular value, in a language which the ordinary person can understand, bulletins of great service, which ought to be rather widely distributed for the purpose of preventing disease and telling people how to maintain better sanitary conditions."

When Mann submitted an amendment to the $190,000 item supplying the funds, Representative Harvey Helm (Kentucky) countered with another amendment which said, "No part of this sum of money shall be expended for the printing of any matter not authorized by law." The issue brought forth an angry torrent from Mr. Helm similar to the force of Senator Fulbright's comments against the Pentagon. Said Helm:

"I have a suspicion that well-nigh amounts to a conviction that this sum of money can be used by way of employing a press bureau or a press agency to promulgate or scatter abroad the views of the officers of the Army on any particular legislation affecting the War Department.

"I hold in my hand a pamphlet . . . entitled 'Three years enlistment for the Army'. . . . If the War Department favors an Army of 600,000 men, it can use this $190,000 for . . . promoting the scheme. If the Navy wants to create sentiment throughout the country for big navies . . . it can do the same thing.

"These enormous sums of money for printing and publications . . . are sometimes used . . . to create sentiment in favor of big navies and big armies, but it is significant that more is seen in print about the time an Army or Navy appropriation is under consideration."

Seven months later, on October 9, 1913, during a debate on an appropriations bill for the Interstate Commerce Commission, Representative Frederick H. Gillette (Massachusetts) submitted a "publicity expert" amendment:

"No money appropriated by this or any other act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose."

Gillette explained that he was impelled to submit his amendment because of a circular issued by the Civil Service Commission announcing an examination for a "Publicity Expert—Male" for the Office of Public Roads in the Department of Agriculture.

Congressman John J. Fitzgerald (New York), who also had been concerned about the press bureau in the Forest Service, and Congressman Ashbury F. Lever (South Carolina) joined with others in the 1913 debate.

GILLETTE. The different departments . . . certainly are not very modest in finding men and means to put before the country in the press the duties and purpose of their administration. I think they can do so without the employment of a man like this, who is avowedly simply a press agent. . . . In the ordinary work of the department, anything which requires the knowledge of the public certainly finds its way into the press. . . .

FITZGERALD. I should be very much surprised at any attempt to employ what is known as a publicity agent in any department of the Government.

LEVER. I take it that the gentleman from New York would not object to a department employing experts or editorial writers for the purpose of making our farm bulletins more readable to the public.

FITZGERALD. That is an entirely different matter. . . . My purpose is that no service . . . should employ a man whose duty is to prepare press matter in order to extol . . . the work of the service with which he is connected. That will be best advertised by the efficiency with which the work is performed.

LEVER. But I do believe we ought to have men in the various departments to make available the work of those departments, so as to reach the mind of the average reader.

FITZGERALD. If they are competent to do their work, they ought to be able to tell about it in plain, ordinary English.

Not until 34 years later was a serious investigation made again of the number and activities of information men in government. That was in 1947. In January, Representative William J. Miller (Connecticut) introduced a resolution to set up a nine-man committee "to study the operations and workings of people engaged in the Federal agencies to turn out so-called propaganda." Miller attacked the "wasting of hundreds of thousands, and perhaps even millions, of dollars each year by the executive departments of our Government in publishing, under the guise of reports, pure propaganda documents.

It soon became clear that, once again, publicity was not the real target. In Miller's case it was the Federal Housing Administration: "Many thousands of dollars are being spent right now to popularize certain provisions of the Wagner-Ellender-Taft Bill; to popularize the work of the Federal Housing Administration." When taken to task by Representative John McCormack (Massachusetts), later Speaker of the House, Miller admitted he was opposed to certain provisions of the bill. And, when McCormack asked Miller to define "propaganda," the Connecticut Congressman said:

"What I mean by propaganda are those things that come out with expensive lithographed illustrations, glamorizing housing projects in Podunk or Turkey Hollow."

After criticizing the Commerce Department, War Assets Administration, Veterans Administration, Department of Agriculture, Miller attempted to balance his views:

"Let me make it abundantly plain that I am not attacking the theory that Government needs information specialists to help the radio and press get the facts. Nor am I criticizing press and radio for utilizing such services. Beyond any doubt there is a need in Washington for a limited number of such information specialists."

To determine the number of publicists needed, in May of '47 Congress set up a Subcommittee-to-Investigate Publicity and Propaganda in the Executive Agencies, headed by Representative Forest A. Harness (Indiana).

During a debate on tax reduction, in July, Congressman Harness reported on his committee's work by exhibiting a pile of government releases received by one newspaper during a single week. Harness said, "It is apparent . . . that the publicity output of the Federal agencies is tremendous," and then added:

"The highest priced publicity staff in the world, employed by the Federal Government, is swamping newspaper offices with an unprecedented flood of news releases. Some of this material, of course, contains useful information. But a lot of it also is sheet propaganda designed to influence public thinking and to bring pressure on Congress. And much of it is just pure "hog wash."

"It took money to prepare this material—a surprising amount of money. The latest available estimates place Federal expenditures for publicity purposes at about $75,000,000 a year. And it was estimated that around 45,000 Federal employees were engaged either part time or full time in the preparation of publicity material; and, I might say here, this is typical of a lot of New Deal spending."

Harness attacked the "ever-increasing tendency of the Federal agencies . . . to misuse the funds which have been appropriated to them, to propagandize people to bring pressure upon Congress for the passage of specialized legislation." He listed the "propaganda" activities of the Public Health Service and the Social Security Board "in behalf of socialized medicine"; efforts of the War Department "in advocacy of universal military training"; work by the Agriculture Department in "propagandizing against reductions in appropriations"; and finally "the propaganda of the State Department in favor of the so-called Marshall Plan for the rehabilitation of Europe."

When Harness completed his report, Representative Harold D. Cooley (North Carolina) expressed the reaction of other Congressmen when he said: "My recollection is we have a law which makes it unlawful for a Government official or for a person on the Government payroll to use the services and the time of the Government in propaganda activities."

Cooley was referring to Section 201 (now Section 1913) of Title 18 of the U.S. Code which says, "No part of the money appropriated by an enactment of Congress shall . . . be used directly or indirectly to pay for any personal service" intended to influence a member of Congress to favor or oppose legislation.

In 1948 Representative Frank R. Havenner (California) cited a complaint made to the Attorney General that "the War Department, its personnel, and civilian employees" engaged in propaganda "in support of universal military training," but no action had come from the Justice Department.

By 1949 the government information man again was in the middle as the result of a report by the Hoover Commission dealing with "self-serving propaganda emanating from agencies of the Federal Government."

Asserting that the old law of 913 prohibiting payment to "publicity experts" obviously was not effective, the Hoover Commission focused on the 1919 law (Section 201) in which Congress had specifically constituted it a criminal offense to use appropriations to pay for personal services to influence members of Congress to favor or to oppose legislation.

The Washington *Star*, commenting on the Hoover Commission Report, said "Some agencies . . . do not seem to understand the difference between objective publicity and bureaucratic propaganda." The editorial suggested, "The best curb on biased Federal publicity is unbiased congressional publicity exposing bureaucratic propagandizing whenever and wherever it occurs."

A serious threat to the function of public information in Government arose in June 1951 when Senator Harry F. Byrd (Virginia) proposed that Government expenditures for publicity be cut.

Byrd reviewed the history of "abuses" in

Government propaganda, quoting a report by the Brookings Institution which said that "employment of publicity experts is forbidden . . . publicity experts are . . . appointed under other designations and one of the results has been an increasing flood of press releases."

To "correct the abuses" once and for all, Byrd, a newspaper editor and publisher, stated specifically that he intended to limit:

"(1) functions performed by a person designated as an information specialist, information and editorial specialist, publications and information coordinator, press relations officer or counsel, photographer, radio expert, television expert, motion picture expert, or publicity expert, or designated by any similar title, or

"(2) functions performed by persons who assisted persons performing the functions described in (1) in drafting, preparing, editing, typing, duplicating, or disseminating public information publications or releases, radio or television scripts, magazine articles, photographs, motion pictures, and similar material."

Although Byrd acknowledged the need for Government information, he claimed that the "reduction would not in any way affect the legitimate effort of agencies in disseminating information." Yet in urging enactment of his amendment, the Senator revealed that his concern was not merely publicity, but the publicizing of "political programs such as the Brannan (farm subsidy) plan."

During the debate, Senator Clinton Anderson (New Mexico), who had been Secretary of Agriculture, questioning the Byrd proposal, defended the information men at the land grant colleges and said the Department "carries to the farmer himself the actual information which the farmer requires."

"Many Senators who are supporting this amendment are partially motivated by confusion over the use of the word 'publicity,' and by a misunderstanding of the extent to which funds allotted go into publicity activities as such . . . in contrast to general activities . . . in the field of education and instruction."

Byrd's amendment passed the Senate 60–10, but died when it failed to get approval in the Senate-House Conference Committee.

The debate on the Byrd amendment, however, had brought out the need for information officers, while clearly revealing the varied agencies and specific administration policies.

Senator Homer Ferguson (Michigan) referred to a Senate report which said it was not the intent of Congress "to curtail dissemination of information" by the FBI, CAA, Immigration and Naturalization Service, National Bureau of Standards, or the Coast and Geodetic Survey, but "to cut down the flood of publicity releases."

Senator Blair Moody (Michigan), the only working newsman in the Senate at the time, said:

"It would be very, very bad business to chop away, for the sake of saving a very small amount of money, those men whose responsibility it is to keep the channels of information open. . . . I am merely pointing out that it is not possible to provide adequate information without having information officers to attend to it."

During the next two decades attention shifted away from Government information officers and "propaganda," and moved to the broader issue of "freedom of information," a phrase which was first used by Herbert Brucker of the Hartford (Connecticut) *Courant*.

In 1955 freshman Congressman from California John E. Moss hit a stone wall in trying to get some information from a Government agency. The episode resulted eventually in the setting up of a subcommittee on Government information (of the House Committee on Government Operations) with Moss as chairman. After 12 years of work, scores of hearings, hundreds of interviews, and thousands of speeches to gain public and press support, the Freedom of Information Act was passed.

In the Senate a parallel effort was initiated by the late Senator Tom Hennings (Missouri), and then continued by his successor, Senator Edward V. Long. The new law superseded the Administrative Procedure Act of 1946, which was supposed to accomplish the same goals. Experience had shown that legal language permitting "secrecy in the public interest," and giving information only to "persons properly and directly concerned," or releasing it "for good cause found" had been used to withhold information from the public.

The 1966 law shifted the burden of proof to the Government, requiring officials to come up with a legal basis for withholding information. It also established a formal appeals procedure and provided for judicial review.

Samuel J. Archibald, staff director of the subcommittee from its inception in 1955 until passage of the Act in 1966 and now head of the University of Missouri FOI Center, says the mere threat of a suit influences Government agencies to take a second look at their information practices, and often results in disclosure.

This was confirmed by Robert L. Saloschin, head of a Justice Department unit set up to coordinate Federal response to the FOI Act. "The act is having a real effect on Government," Saloschin says. The Justice unit handles cases based on requests from "business firms, unions, news media, various non-profit groups such as Ralph Nader's, and individual citizens."

In four years there have been nearly 150 cases. More than half have been settled, and of the remainder court decisions have been divided about evenly between Government and plaintiff.

Meanwhile, both committees of Congress with jurisdiction over FOI have been monitoring its progress. The House subcommittee, now headed by Representative William S. Moorhead (Pennsylvania), is planning hearings later this year on the effectiveness of the act. It is also preparing a directory of Government PIO's and a transcript of the hearings it held on the "Pentagon Papers." In the Senate, the Administrative Practices subcommittee, headed by Senator Edward Kennedy (Massachusetts), is studying the court decisions in terms of possible changes that might be needed in the FOI law after five years of operation.

Most importantly, as Archibald pointed out (*PR Journal*, June 1967), the new law recognizes the value of the public information function in Government, which means that the public information officer who carries out that function is legally recognized.

The importance of the public information function was vigorously established in the debate that preceded enactment of the FOI law. Many Senators and Representatives asserted the "right to know" of the public. Among the most articulate proponents were Representative Dante Fascel (Florida), Representative Ogden Reid (New York), Representative Melvin Laird (Wisconsin), Representative Donald C. Rumsfeld (Illinois), and Representative Robert Dole (Kansas). Typical were the remarks by Rumsfeld, now an assistant to the President, who said: "Our democratic society . . . is based upon participation of the public who must have full access to the facts of Government to select intelligently their representatives to serve in Congress and in the White House."

Despite statements like Rumsfeld's and one last spring by Senator Jack Miller (Iowa) who said, "A democracy works best when the people have all the information that the security of the nation permits," the role of the information officer is changing only slowly.

Earlier this year, the Government Information Organization (GIO) was formally established in Washington after 20 years' existence as an unorganized luncheon group. One of its first announced goals was to seek the cooperation of the Public Relations Society of America and the Federal Editors Association in repealing the 1913 law.

But some observers feel that repeal of the ban on "publicity experts," with the confusion of the layman concerning public relations, will be only a first step in upgrading the function and professionals who are engaged in its practice.

The issue still remains clouded by a popular misconception that was articulated in 1963 by Representative Glenn Cunningham (Nebraska) who claimed:

"For 30 years the clash of ideas between the executive branch and the legislative branch has dominated our political history. . . . It is also apparent that in this battle of ideas and approach to government, the legislative branch is badly outnumbered in getting its ideas to the people."

Asserting that "over 100,000 employees in the executive branch are in the business of supplying information to the public," Cunningham said "this huge propaganda, publicity apparatus is being used consciously or otherwise to promote the legislative program, economic and political theories and odd ideas . . . of the executive branch."

Besides having to function in the unenviable middle position between the legislative and executive branches, the information officers have been subject to the numbers game. Back in 1948, one Congressman said: "Estimates in recent years as to the size of the information and/or publicity staffs in executive agencies range from 1,400 to over 100,000. . . . In my judgment there are at least 100,000."

Actually the Moss committee in 1966 reported 5,192 Federal employees, including professional and secretarial, engaged in public relations work. And in 1967 the Associated Press reported 6,858. This range was confirmed by figures in the *National Journal*, quoting the Office of Management and Budget which estimated 6,144 in the field in 1970. This numbers ping pong has engendered a confusion that has militated against any measures to improve the situation in the public interest.

Much remains to be done by leaders in the Government and in public relations if the convictions of many responsible public figures are to be realized. Senator Robert Dole (Kansas), for example, has said that "in a democracy, the public must be well informed if it is to intelligently exercise its franchise."

Wilbur Cohen former Secretary of the Department of Health, Education, and Welfare, stated the problem succinctly in *The Voice of Government:* "Explaining the Government's programs to the people who must pay for them is as essential in a democracy as developing the programs and carrying them out."

COMPARISONS OF THE U.S. CODES ON EMPLOYMENT OF "AGENTS"

Then

§ 53. Detective agency employees not to be employed.

No employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia. (Mar. 3, 1893, ch. 208, 27 Stat. 591.)

Now

§ 3108. Employment of detective agencies; restrictions.

An individual employed by the Pinkerton Detective Agency, or similar organization, may not be employed by the Government of the United States or the government of the

District of Columbia. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 416.)

Then

§ 54. Publicity experts not to be employed without specific appropriation.

No money appropriated by any act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose. (Oct. 22, 1913, ch. 32, § 1, 38 Stat. 212.)

Now

§ 3107. Employment of publicity experts; restrictions.

Appropriated funds may not be used to pay a publicity expert unless specifically appropriated for that purpose. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 416.)

ORDER OF THE ROSE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. CARTER. Mr. Speaker, around the first of September, I had an occasion to speak with the majority leader, Hon. HALE BOGGS, on the floor of the House of Representatives, and he presented me with a rose. He stated that if I stood up for the United States of America and would risk my life in defense of my country, I was then and there made a member of the "Order of the Rose." Other Members noticed the rose, and asked what it symbolized. I told them it was for those of us who stood up for the United States of America, and were willing to risk our lives in defense of the United States. They then expressed their desire to become members. I was pleased to place on their lapels the rose symbolic of the organization "Order of the Rose" and, thus, they became members.

Since this time, hundreds and hundreds of this most beautiful and durable of all American flowers are worn by many Members of the House of Representatives and citizens throughout the United States, as evidence of the fact that they willingly stand up for America and will risk their lives in its defense. Research has been done on the rose as an emblem of patriotic societies in the United States. It has been found that the rose was perhaps first worn in 1784 by James Otis, who was wounded in the Battle of Bunker Hill and lost his life as a result.

At this time our country is confronted with many difficult problems, but 95 percent of the citizens of the United States believe in America, long for the opportunity to stand up for America, and are willing to risk their lives in defense of the greatest and most compassionate country our world has ever known.

I include for the RECORD an article on this subject:

ORDER OF THE ROSE

In the United States, the first reported organization based on the Rose is said, by folklore, hearsay and very little concrete hard evidence, to have been the Order of the Rose or the Society of the Rose in the period between 1774 and 1784. In that this was a "revolutionary" group of men, whom we are told was made up of no more than 125 at its largest, almost nothing is known by way of written record, except that such an order or society did exist.

The Order's, or Society's motto or pledge has been alternately claimed to have been "Where Liberty is, there is my Country," and "I am determined to sacrifice estate, ease, health, applause, and even life itself, to the sacred calls of my country." In that both of these sayings are also closely identified with James Otis (1725–1783), a fiery orator, lawyer and colonial legislator, it is alleged that he played a major role in this "Society of the Rose," or "Order of the Rose," whichever story/title you believe.

The organization's members were allegedly identified by the insignia they wore, which consisted of a pink silk ribbon, both ends terminating in Four points, signifying one nation from sea to sea (or Two points, totaling four, for the four corners of the new nation), and bearing a small Rose in its center.

Members of the organization reportedly met at regular intervals around a circular table, signifying that none was the greater or the lesser of his brother. They are alleged to have sworn themselves to be brave, loyal, generous to a fallen foe and reverent to God, and are said to have bound themselves to a pledge to protect the weak from the strong, to restore peace where it had been disturbed, to serve each other as fellow members and brothers, and to protect the Freedom of the Nation and its people, without regard to personal sacrifice. You will note that these later words are identified closely with the statements of James Otis and John Hancock (who, much later, reworded Otis' statement to the extent . . . "Patriotism, this noble affection which impels us to *sacrifice everything dear, even life itself, to the sacred calls of our country.*")

If, indeed, James Otis was the founder of such an organization of patriots, they could not have had a better leader or founder. He was a true United States statesman, a law graduate of Harvard University, who was appointed Massachusetts Advocate General in 1756, because of his legal brilliance and oratory. However, he resigned this post in 1761 to seek, and win, a seat in the state legislature. While in the legislature, he vigorously opposed the Crown's Writs of Assistance, which were warrants allowing Crown officers to search any ship or home for any reason whatsoever. This, and his introduction of the Stamp Act, moved the Governor of the State of Massachusetts to remove him from the state legislature. He carried on his fight against the Writs of Assistance in the Colonial Courts of Massachusetts. And while his appeals against them (he argued that they were in direct violation of Magna Carta, the British Constitution) were rejected in these courts, it is interesting to note that other courts in the land, based on his arguments, which were circularized, began refusing to issue these Writs. Reading these arguments many years later, John Adams said of James Otis, "American independence was then and there born."

James Otis was a close friend of Samuel Adams and John Hancock, all of whom were identified by the British as "New England Radicals." Otis fought at the Battle of Bunker Hill. A sabre wound to the head rendered him somewhat enfeebled and he retired from public life to a farm. In 1783, while tending his farm, he was struck by lightning and killed.

Like the Bible and many other stories of years before our time, much of what we know about early history is based on folklore, tales told by fathers to their children, and their children's children, hearsay and a degree of truth, magnified by time and teller. If, however, there was an Order of the Rose or Society of the Rose founded by America's founding fathers and patriots, those of us, who like Otis and Hancock are willing to sacrifice all that is dear to the sacred calls of our country, can wear the Rose on our lapels with pride.

The rose has been chosen as an insignia by many groups because of its hardihood, its ability to grow and flourish in the most adverse conditions, its ability to be subjected to all kinds of mistreatment and harshness, only to re-grow stronger the next year; and because, while beautiful, its thorns can sting those who mishandle, misuse, or abuse it.

BALTIMORE POLICEMEN OF THE YEAR HONORED

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. SARBANES. Mr. Speaker, there are few problems of greater concern to the American people than our Nation's rising crime rate and the loss and heartbreak it measures. Yet far too frequently we fail to fully appreciate the dedication and courage of the men and women who are most directly responsible for protecting our society from crime—our local police. Such is not the case in Baltimore, however. There we have a truly fine police force, a force which reflects the firm, enlightened leadership of Baltimore Police Commissioner Donald Pomerleau. Each year the policeman whose service is most exemplary is honored by the Baltimore Sunpapers with its Policeman of the Year Award. The award is presented in cooperation with the Baltimore Chamber of Commerce. In providing this tangible evidence of our city's appreciation for the outstanding effort Baltimore's Police make on behalf of the people of Baltimore, the Sunpapers and the chamber perform a most necessary and valuable public service.

This year, Mr. Speaker, the award went to two police officers, Patrolmen Leonard V. Santivasci and Robert E. Cohen, whose service exemplifies the very highest standards of police professionalism. Working as a team out of the same cruiser, these two officers handled 352 cases this year alone, and they have established a remarkable record which includes arrests in three homicides, two rapes, 40 burglaries, and 75 narcotics offenses, including one in which $150,000 worth of narcotics was seized. But their record goes beyond their superb crime-fighting statistics. They have also demonstrated a concern for the people they serve which is so important if police work is to be successful. Perhaps the most telling example of this concern was the role they played in saving the life of a 4-year-old boy who drank his father's methadone, mistaking it for orange juice.

The Sunpapers award this year has gone to two outstanding citizens, Mr. Speaker, men who are a tribute to the force on which they serve, to their city, and to our Nation. I should like to join the Sunpapers and the chamber of commerce in offering my thanks and congratulations.

Mr. Speaker, I include an article and editorial printed in the Baltimore Sun concerning this award in the RECORD at this point:

POLICEMAN OF THE YEAR AWARD

The selection of the *Sunpapers* Policeman of the Year Award goes to two winners this year and reflects the highest degree of professionalism. The recipients, Patrolman Leonard V. Santivasci and Robert E. Cohen, joined the city force in the late 1950's and have served together nearly the entire time. Their dedication is not just to routine crime detection, but to community involvement as well. During award ceremonies at the Chamber of Commerce, the officers noted their most fulfilling act came not from any of the countless cases they worked or numerous arrests they made. Rather it came from their role in saving the life of a 4-year-old boy who lay apparently dead after mistakingly ingesting a dose of methadone.

The Eastern police district, one of the largest in the city, is a sprawling collection of tenements, low and middle-income row houses, heavy industries, neighborhood shopping centers, gawdy used car lots, markets, retail stores and discount centers. Crime is its hidden neighbor. Fortunately for the residents and businessmen in East and Northeast Baltimore, however, men like Patrolmen Santivasci and Cohen are dutifully on patrol. Their remarkable achievements include arrests in 3 homicides, 2 rapes, 40 burglaries and 75 narcotics offenses, including 1 in which $150,000 worth of heroin was seized.

The interesting aspect of their selection is that they are a team. Only once since the *Sunpapers* established this award have two men been selected the same year, and both were from separate stations. Patrolmen Santivasci and Cohen, moreover, underline what reliability and friendship can accomplish. They are two men, operating out of the same cruiser, cooperating in a common cause and serving the larger community. The results they've achieved seem to say it all.

TWO EASTERN DISTRICT PATROLMEN GET SUNPAPERS POLICE AWARD

Two Eastern District patrolmen were honored by the Chamber of Commerce yesterday with the *Sunpapers* Policeman of the Year award.

Leonard V. Santivasci, 42, and Robert E. Cohen, 38, received the silver plate and checks for $500 each from Judge Dulaney Foster, chief judge of the Supreme Bench, at a luncheon at the Lord Baltimore Hotel.

Working as a team, the pair handled 352 cases this year, including 3 murders, 32 holdups and 134 narcotics violations.

They also arrested three escapers from a South Carolina chain gang and helped save the life of a 4-year-old boy who drank his father's methadone after mistaking it for plain orange juice.

Patrolmen Cohen and Santivasci were credited with making the largest seizure of narcotics in the state of Maryland in 20 years when they uncovered $150,000 worth of heroin and cocaine in a raid October 22. In February, they arrested a major narcotics merchant and confiscated $10,000 worth of heroin.

Capt. Bishop L. Robinson, commander of the Eastern District, also cited their capture of a murder suspect May 21, after they chased him five blocks, and the arrest of two men wanted for an armed robbery of a grocery.

Patrolman Santivasci, who has more than 14 years service in the department, has received the Bronze Star, 28 commendations and 10 letters of commendation. He is married and has three children.

Patrolman Cohen, with 13 years service, has 15 commendations. He is also married and has two children.

Robert L. Tate, president of the Chamber of Commerce, said this was the first time since the *Sunpapers* award was established in 1959 that a team of policemen had won. Two officers in separate stations were co-winners in one previous year.

"MOM AND POP" SMALL BUSINESSES

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. KLUCZYNSKI. Mr. Speaker, I have been a small businessman for over 50 years and I am well acquainted with many of the struggles and hardships which face the very small business—the "mom and pop" stores. These are the people who have worked many hard and long hours to make a success of their business. It has been said that it is the "mom and pop" store which made it possible for this Nation to become great, and I would certainly endorse that belief.

As chairman of the Subcommittee on Small Business Problems in Smaller Towns and Urban Areas of the Select Committee on Small Business, it has been my privilege to be a partner in the Congress efforts to assist small business. Under the outstanding leadership of our chairman, JOE L. EVINS, our committee has made every effort to foster and champion the cause of small businessmen all across the country.

Therefore, it is indeed heartening to learn in a recent article by Colman McCarthy, in the Washington Post, that one family-owned small business here in Washington, D.C., has been successful even in the face of strong competition from large chainstores.

Mr. McCarthy points out that although the number of family-owned small businesses have been gaining in recent years, such numbers do not tell the whole story. " 'Mom and pop' establishments," writes Mr. McCarthy "Are holding their own, according to the Census Bureau, even gaining a little. In 1958, couples ran 532,000 of them; in 1967, the figure was 666,000. But the numbers tell little about how fast mom and pop's heart beats when a shopping center moves in, or how high the rents are being pushed or how many extra hours the stores must be kept open to keep a little ahead. This is private information, to be kept behind the dark curtains or on the second floor."

Because of the interest of my colleagues and the American people in this most vital subject, I am placing the article in the RECORD at this point.

The article follows:

THE FAMILY STORE—WINNING THE STRUGGLE TO STAY OPEN

(By Colman McCarthy)

The Christmas shopping season, which throws many otherwise sensible people into a type of commercial free fall, is now in its full crush. Business Week magazine reports that the marketplace is busy, especially the large department stores. But tucked away into the quieter corners of American commerce are the small businesses—the family-owned operations—that still rely only on quality service as the means of attracting and keeping customers and not on holiday peaks, catchy ads, "specials," or reduced-rate come-ons. Every neighborhood has a few shops left, although some neighborhoods, paved over with roads and bad intentions, have fewer left than others.

Inevitably, the family store—often a husband and wife adventure spreading back over the years, like a long-term warranty—offers a richness of charm and taste nowhere to be found in the neon world of mass-produced goods. Where the department store offers the smell of plastic polyethylene carpeting, the family store lets you whiff the ragout stew cooking all day in the curtained-off back. There is no customer relations department, because instead of "relating" to a customer there is still the quaint practice of talking with him. As for advertising, the best ad is a satisfied customer.

One family-owned operation that appears to be winning the struggle to stay open is the photography studio of Julius and Lili Hahn. For the past 14 years, since coming to America from Germany, they have had a shop on Wisconsin Avenue, a few blocks short of Western Avenue on the District side. They live on the second floor and work on the first. The old-styled curtain is there, lighting is by 75-watt bulbs and the only musak is a monotone hum pumped in by traffic on Wisconsin Avenue. When a customer opens the door to the shop, a buzzer sounds in the back—it rings for a few moments, Mr. or Mrs. Hahn turns it off and in a minute or two one of them comes out front. While waiting, the visitor has the controversial social-criticism paintings of Mr. Hahn to look at, reminders that his business often takes second place to his art.

As with many neighborhood stores, such as grocers who wake one morning to find a new 7–11 down the street, or a Giant, Safeway or A&P up the street, the Hahns are now close to several large department stores that have photography studios. "At first," says Mrs. Hahn, "we were uneasy when they branched into this. Little fish always tremble when big fish swim in. We had visions of customers leaving us, especially when we couldn't match mass-production prices and were selling mostly our talent. But it didn't happen. The old customers stayed. In fact, a few who tried the department stores later came back to us, more loyal than ever."

The loyalty is returned. "When we first came here and opened our shop," says Mr. Hahn, "a number of our newly-made American friends advised us to squeeze and gouge the customer for all he was worth. But that wasn't the way we knew it in the villages of Europe. The customer is not an adversary. You gave him the best and he would return again and again. A personal friendship grew."

Often the relationship goes beyond the door. The Hahns occasionally spend evenings with couples who originally came to the store to sit for a portrait. Among those with whom a friendship has grown is Eugene McCarthy. A few years ago, the Hahns wrote a letter inviting him to come to their home and studio. McCarthy, then a senator, called and said he would be over. The Hahns photographed him—the portrait was hung out front for a long time, until the weather and exhaust fumes did it in—and spent the rest of the afternoon talking about Rilke, Robert Lowell and other celebrated poets. Among the prized additions in the Hahn library since then are two autographed volumes of McCarthy's poems, "And Time Began," and "Other Things and the Aardvark."

As with many who live in America by choice and not by accident of birth, the Hahn's earlier life contained tragedy. Mr. Hahn is a Jew who was captured by the Nazis in 1941 and sent to Auschwitz. Of his family, he was the sole survivor, all the others gassed. Early in the war, he took refuge in a small Bohemian village but the people turned him in. Mrs. Hahn, from Frankfurt, was jailed by Hitler in 1936 but was released after a few months on an amnesty. Half Jewish, she worked in the German resistance, or what there was of it. For the past few years, she has been working on a novel about the Third Reich.

Unlike captains, colonels and generals of industry, the Hahns meet the customer face to face. A small profit is made, but a further compensation is a large backlog of stories. "Americans are hard to photograph," says Mrs. Hahn. "I remember a psychiatrist who came in one day. He was a tense one, every muscle in him strung tight. We took a few photographs of him but he stayed frozen like a statue. An hour passed. He was still a statue. We gave him a drink to loosen up. It finally took three or four hours, but at last we had the best possible portrait. He stopped looking on himself as a great man—the statue pose—and saw himself as just another human being."

The camera used by the Hahns is neither gadgetry or new. Occasionally, salesmen from the large camera companies come in and try to convince the couple that they need "the newest and best" equipment. "What for?" asks Mr. Hahn. "It's as though they were selling Van Gogh's paint brush or Michaelangelo's chisel. In someone else's hand, they do nothing. The magic cannot be transferred. It's the same with the camera. A steady, reliable machine is plenty. The artist makes the difference, not the speed shutters or the light gauge."

"Mom and Pop" establishments are holding their own, according to the Census Bureau, even gaining a little. In 1958, couples ran 532,000 of them; in 1967, the figure was 666,000. But the numbers tell little about how fast mom and pop's heart beats when a shopping center moves in, or how high the rents are being pushed or how many extra hours the stores must be kept open to keep a little ahead. This is private information, to be kept behind the dark curtains or on the second floor.

It is not known whether the Hahns discussed with Eugene McCarthy the work of Ezra Pound. He would have been apt, because one of his best poems, "Lake Isle," was about the small shop.

O God, O Venus, O Mercury, patron of thieves,
Give me in due time, I beseech you, a little tobacco shop,
With the little bright boxes, piled up neatly upon the shelves
And the loose fragrant cavendish and the shag,
And the bright Virginia loose under the bright glass cases,
And a pair of scales not too greasy,
And the whores dropping in for a word or two in passing
For a flip word, and to tidy their hair a bit.
O God, O Venus, O Mercury, patron of thieves,
Lend me a little tobacco-shop or install me in my profession
Save this damned profession of writing, where one needs one's brains all the time.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CURING THE ILLS OF THE NONMETROPOLITAN AREAS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. ALEXANDER. Mr. Speaker, as this session of the 92d Congress draws to a close with no major new legislation enacted for the specific purpose of curing the ills of the nonmetropolitan areas, I find myself growing evermore apprehensive about the future of our Nation. Generally, agreement has been reached among many responsible national leaders that the needs of the small towns and counties must receive immediate attention.

But, as yet, we have not backed our convictions with legislation. I would like again today to share some testimony from my community development needs hearing in Walnut Ridge, Ark. I would hope that during this time for taking stock of the job which remains to be done, that what these municipal officials have to say will bring greater concern for the small town. The witnesses whose testimony is presented today are Mayor O'Neal Kellim, of Walnut Ridge, Mayor S. Lavelle Clark, of Portia, Mayor A. N. Moon, of Swifton, and Mr. Albert H. Miller, president of the Newport, Ark., area chamber of commerce.

The testimony follows:

TESTIMONY FOR WALNUT RIDGE, LAWRENCE COUNTY, ARK., AT HEARING OCTOBER 23, 1971

Mr. Chairman: Lawrence County has been losing population for the past 40 years, as reflected by the U.S. Census of 1940, 1950, 1960 and 1970. We must face the fact that this decline is perhaps continuing in view of a June, 1971 manpower survey which indicates that 13.7% of Lawrence County's over 16 year population is available for employment.

The involuntary migration of our people from Lawrence County is solely due to the lack of jobs. In 1930, over 5,000 Lawrence countians, not including youngsters, were engaged in farming. By 1960 this figure dropped to 1,475 and the University of Arkansas Industrial Research Center reports this figure fell to only 925 in 1970.

These figures are dramatic proof of the economic situation which has forced our people to leave. Yet, a 1968 Gallup poll showed that 56% of the people in this nation would choose a rural life.

Our most urgent need, therefore, is for more industrial jobs. To attract industry, we cite the following areas where changes are needed to offer inducement to industry or to upgrade our community to the level desired by most industry:

Investment Tax Credit—An additional tax credit could be made available to industries locating in rural areas with high rates of unemployment.

Training Programs—Additional on-the-job training programs, with less red tape, would be an inducement to industry in rural areas.

Transportation—It is a proven fact that industry will most often choose a new site because of transportation facilities. To permit rural areas to compete with the cities, a system of modern 4-lane highways with a network of collateral arteries must be developed in East Arkansas to transport raw materials and the finished product from the factory to major national transportation facilities. It is also recommended that navigation on the White River from its mouth to Black Rock on the Black River be effected as proposed by the White River Comprehensive Basin Study.

Industrial Bonds—We recommend that Arkansas Act 9 revenue bonds, authorizing municipalities and counties to issue special obligation revenue bonds for industrial purposes be granted a tax exempt status for an amount up to $5,000,000, with the removal of the existing three-year limitation for a second issue.

Housing—The City Planning Division of the University of Arkansas, in a survey last year, determined that 294 homes out of 1,293 in Walnut Ridge were deteriorating and an additional 43 were delapidated. There were only 26 vacant structures, mostly delapidated. Walnut Ridge has no low rent housing. The Housing Authority has made application to HUD for 300 low rent units. The application has been approved but funds are being held in Washington. This project would relieve our problems tremendously. We expect our housing needs to become even more pressing in the next few months.

Water and Sewer—1. The Walnut Ridge sewer system desperately needs to replace and extend existing sewer lines, in a major part of the city, which are over fifty years old. The area referred to is completely over loaded and jeopardizes the health of the citizens by overflowing at any time of moderately heavy rainfall. The City Water Commission has had a study of this problem completed by competent engineers, and has been provided a plan to correct this situation by the installation of interceptor lines and lift stations in two phases, at an estimated total cost of $142,000.00.

2. The water supply at the Walnut Ridge Municipal Airport, which is the site of the Walnut Ridge Industrial Park, is in dire need of a great amount of work in order to provide adequate water pressure for industrial purposes. An extensive study should be made of the existing system to establish specifically what steps should be taken, but it would appear that a new stand pipe and booster pumps will be required to get the needed results, along with several new water mains. The cost of this is conservatively estimated at approximately $100,000,00.

3. The sewer system at the Municipal Airport is in, perhaps, even more dire need of immediate corrective work. Again, an extensive study should be completed to establish the necessary corrective steps, but the primary problem at the present time is the over loading of the station. A very conservative estimate of the cost of the improvements needed to the Airport sewer system is approximately $75,000.00.

4. There are many areas in the City of Walnut Ridge where new water lines are needed. The main system is more than 50 years old, and it has been most difficult to maintain the existing system while trying to finance required expansion. There is an urgent need to loop the water line from the county hospital, from its Southeast corner, back into the main water system. An additional sewer line around the east side of town is sorely needed to accommodate growth presently accruing in that area.

5. The total revenue of the water and sewer system is presently, from a practical standpoint, totally committed to the reretirement of indebtedness and performing required maintenance. Therefore, matching funds, even at a very small percentage, are almost impossible for the water and sewer department to obtain.

Drainage and Flood Control—1. The Cache River-Bayou Deview Project is imperative to the development of this entire area. Flooding of Cache River causes millions of dollars of damage each year. This loss is offset by no other benefit, economic or otherwise, from this river. The price, both in economic loss and in human misery, is too great to pay for preservation of mosquito habitats.

2. Village Creek is a small stream which causes undue flooding damage in Walnut Ridge and Hoxie. It is impossible for the Village Creek District to provide bridges and other improvements, right-of-way, maintenance, plus 30% of construction costs. Provisions must be made to dig Village Creek so as to provide flood relief without the impossible financial burden to the district. The district could afford to provide right-of-way and maintenance but no more. A way must be found for the government to pay the rest of the costs of this most needed project. The City of Walnut Ridge will never drain properly until Village Creek is dug. The corporate area of Walnut Ridge contains 1,154 acres of land. Of this an amazing 47% is listed by city planners as in the flood plain of Village Creek because of poor drainage and flood conditions. Adequate draining of Village Creek would free more than 300 acres of land for developing.

3. The Running Water Project has been delayed for years for lack of funding. Our county has given up millions of dollars to flooding on Running Water. The project needs to be started at the earliest possible time.

Health Care—Lawrence County has one doctor for every 4,000 residents. The national average is one physician to every 750 people. The Lawrence County Nursing Home, with 55 beds, has a waiting list of 25 persons. To this date in 1971, only seven people have been admitted to the nursing home. Our requirements are a minimum of 50 additional nursing home beds. A complete coronary care unit is needed at the Lawrence Memorial Hospital. The nursing home and coronary care additions would provide at least 100 more jobs and could be completed in the very near future if money could be made available. A few more doctors and the project completions would provide good medical care for our people.

Education—Many factors have bearing on an industry's decision to re-locate away from an urban area. Possibly one of the most important of these factors is the vicinity's ability to furnish an adequate, trained work force. It is an evident fact our rural communities historically have had few skilled tradesmen. To attract industry it is imperative that we provide some type of vocational training to equip our people to perform skilled tasks. The few vocational schools now operating in Arkansas are providing this service for the communities in which they are located, but the influence of these schools has proven to be only beneficial to the immediate area surrounding it.

Approximately 70% of our school children have no additional formal education after high school graduation. This represents the majority of our future labor force. We have a serious obligation to provide this large number of citizens with some type of means in which to earn a livelihood. Since high school presently is the most advanced education received by over two-thirds of our people, the logical place to provide them with vocational training is in our high schools.

Our school systems are doing an excellent job in providing the pre-college students with a good background, but sorely need a concentrated schedule offering various vocational courses.

A program of this nature requires equipment, facilities and qualified personnel. The sponsorship and funding of these projects in our local schools could provide the small town with the kind of people industry is seeking.

Parks and Recreation—The need for parks and recreation facilities is obvious. Federal money is readily available for construction of parks and the like, but the expense of maintaining these facilities falls on the municipalities, which are restricted as to their source of income with which to support such facilities. We suggest that people be allowed a tax credit on their federal return for the amount of money contributed for support and maintenance of city parks and recreational facilities. This would place the money directly into the area it is most needed and sidetrack the federal filtering process, which is slow and costly.

FARMING FOR FUN?

Because of mechanization of farm operations, one man can now till the same number of acres that required the efforts of many a generation ago. In a discussion of heavy immigration from the rural area, one basic fact is often overlooked.

This fact, in opinion, is that the farmer simply does not reecive a fair price for his products in relation to the price he must pay for his goods and services.

Quite frankly, I do not pretend to have the answer to the problem of farm prices. I wish that I did have a solution to offer. However, I submit that more equitable prices for farm products would slow down the outmigration from rural areas and would help create a sounder economy in the local area. Given a stronger economy the non-metropolitan areas would be more able to help finance the development of their own areas.

The difference between parity prices and prices received by farmers is worthy of note. On Sept. 15 of this year, the prices received by farmers as compared to parity prices were:

Beef cattle	$29.10	$34.70
Cottonseed	58.40	80.50
Rice	5.05	7.85
Soybeans	2.95	4.01
Wheat	1.26	2.94

Is the farmer farming for fun? He must be, for in all too many cases he is making little or no profit even though he fills a vital role in the economic life of our country.

Respectfully submitted,

O'NEAL KELLIM,
Mayor of Walnut Ridge.

COMMUNITY DEVELOPMENT, PROGRAM HEARING, WALNUT RIDGE, ARK., OCTOBER 23, 1971

PORTIA, ARK.,
October 12, 1971.

Hon. BILL ALEXANDER,
Cannon House Office Building,
Washington, D.C.

DEAR BILL: The following are needs that we deem Important to this particular locality:

1. Sanitary Sewer System:

Estimated cost Oct. 1970 was $136,000.00.

Revised Estimate May 71 was $152,783.00 or an increase of approximately 12%.

This system would serve approximately 150 customers.

The Farmers Home Administration says there is no money available for grants at this time.

2. Natural Gas System:

We have no estimated cost at this time. However this would serve approximately 150 customers if we could get it. Our Town is made up of primarily Elderly persons who are retired. I believe they should be able to live out their lives in as much comfort as we can provide for them.

After all, didn't they work to establish this land of ours? Could not some of the funds that are being channelled into Foreign lands be better spent at Home raising our standard of living? I believe that our Country should come first.

3. Industrial park:

We have plenty of available land for a factory site.

Our Town is Centrally located.

4. Housing Development:

We are in need of a small, (20 Unit) Housing project.

There are approximately 20 homes in a Slum Condition that need to be replaced.

These are just a few of the things that our Town could use if such a Development Fund could be arranged.

Thank you for the opportunity to Testify on these matters.

Very truly yours,

S. LAVELLE CLARK,
Mayor of Portia.

OCTOBER 8, 1971.

Hon. BILL ALEXANDER,
House of Representatives,
Washington, D.C.:

The most urgent needs of the City of Swifton, Arkansas, as related to social and economical development are:

1. Improvement of the existing streets and storm drainage systems.

2. Extension of the city sewerage and water supply systems. There are residences, of the city, and areas adjacent to the City, who need these facilities, yet, it is not economically feasible to extend the existing services to their property.

3. Establishment of a solid disposal area and acquisition of equipment to collect, haul and dispose of solid waste. Solid waste disposal has become a major problem in Swifton. A disposal area, collecting equipment, and machinery to dispose of the waste is needed.

4. Funding for police protection. The City revenue is inadequate for hiring a full time policeman. The need for this service increases daily.

5. Upgrading of existing fire fighting equipment. Existing facilities are inadequate.

The capabilities, of the City of Swifton, for funding these projects are limited.

The average family income in Jackson County is $2,677.00 per year. Swifton's residence would probably be in a much lower bracket since we do not have job opportunities related to manufacturing processes which usually pay a higher per hour rate, for services rendered, than can be obtained from agriculture employment. The minimum funding needs to initiate these programs are:

1. Streets and Storm drainage	$80,000.00
2. Extension of water supply and sewerage systems	110,000.00
3. Solid waste disposal	36,000.00
4. Police protection, $10,000.00 annually	10,000.00
5. Fire fighting equipment	40,000.00
Total	276,000.00

We have extended our credit rating to the limit with the recent installation of water supply and sewerage systems. The systems are paying their way; however, it is doubtful that additional conventional financing could be obtained to extend them to new construction.

The citizens of Swifton are willing to accept their share of the responsibility for funding these projects; however, high interest rates, high administrative cost, consultive fees, and the lack of borrowing power renders it an impossibility for them to undertake any additional improvement projects in the near foreseeable future.

The common thinking of governmental officials, representing small cities like Swifton, is that most present federal programs are too complicated in organization to be of benefit.

The problems facing rural America are many. The funds available to solve these problems are limited and usually too difficult to obtain. Your consideration for making a strong, new source of money available for local county and municipal governments is appreciated.

Respectfully,

A. N. MOON,
Mayor, Swifton, Arkansas.

TESTIMONY OF CITY OF NEWPORT PRESENTED TO CONGRESSMAN BILL ALEXANDER AT WALNUT RIDGE, ARK., OCTOBER 23, 1971

My name is Albert H. Miller, President of Newport area Chamber of Commerce and I am here representing the City of Newport. Mayor Robin Stamps and the Board send their regrets for being unable to attend but want to thank you for allowing us to make this presentation. I would like to introduce the other members of the Delegation at this time. State Senator Robert Harvey, State Representative Tom Collier, Mr. Percy Copeland, Mr. Bill Heard, Mr. Iverson Cameron, Mr. Roy Evans, also Mr. Morris Bowman who is representing Jackson County Judge R. L. Harper, Jr. Mr. Bowman is to be on the program later.

The City of Newport is located on White River approximately Eighty Five (85) miles northwest of Memphis, Tennessee and Ninety (90) miles northeast of Little Rock, Arkansas on U.S. Highway 67. It is the County Seat of Jackson County and has a population of approximately Eight Thousand (8,000) people. Our motto has been "Progress Is Our Project" and we have made progress as far as our financing ability has allowed us to go. We have undertaken several projects in the area of community development. I will attempt to present some examples which will indicate why some means for obtaining funds for financing community development projects is needed.

One of the urgent needs of our town is adequate streets and drainage facilities. Our problem is that we have a flat topography which allows for slow run-off of rain water. We are surrounded by levees on the low sides and the surface water must flow out through the flood gate structures. When the White River is at high stages the flood gates are closed and there is no way for the water to run out by gravity, therefore the water must be pumped. The City realized that we had a problem and we tried several solutions. (1) The City used their funds as far as possible in order to try to make what improvements they could with their own forces. (2) An engineering study was then made and it was estimated that the cost of the complete drainage project would be approximately One Million Dollars ($1,000,000.00). The sources of financing available at that time were as follows: (a) *Federal Government*: Urban Renewal appeared to be the only means of financing this type of project and we were not involved in Urban Renewal at that time. (b) Another source of financing would be an *Improvement District*: Investigation was made and we were unable to do this because of the difficulty of arriving at equal cost per property owner. (c) The only course left was a *Local Bond Issue*. Fortunately we had enough millage left by law to finance approximately Two Hundred Thousand Dollars ($200,000.00). An election was held and the bond issue passed. The bonds were sold (only one bidder bid on the bonds). The construction is now complete. What is our resulting situation as a result of this inability to complete the project? Approximately One Fifth (⅕) of the project is complete and there is no source of funds available to complete the remaining Four Fifths (⅘) except for some areas that are in the Neighborhood Development Program under Urban Renewal. The rain still floods streets and causes water damage to some areas. Unless a means is found to finance the complete project, the initial investment will not be fully utilized.

Another great need of our community is a Community Center. Our problem is that there is a great need in our area for such a project. One of the greatest needs of the people in our urban and rural areas is cultural enrichment. Presently in Newport there is no facility for the people to see a play, hear a symphony orchestra, see an art display or to have community meetings except at our local high school auditorium which was built during the 1930's or the National Guard Armory. There is no place for the children to go swimming in a nice swimming pool unless they belong to a private club. Just this week if facilities had been available more of our citizens could have enjoyed the Arkansas Art Mobile provided by the Arkansas Art Center.

Realizing this problem we attempted to solve it. The only source of Federal Funds available to us appeared to be through the Department of Housing and Urban Development. This source required Twenty Five percent (25%) matching funds. The cost estimate was made and it was estimated that the cost of a community facility would be approximately Five Hundred Thousand Dollars ($500,000.00), the cities share being One Hundred Twenty Five Thousand Dollars ($125,000.00). Since the city did not have money available for their matching share it was attempted to find some property that could be obtained either as a gift or at a low price in hopes that the appraised would be high enough to use for our matching share. This was not accomplished and therefore we could not proceed because of lack of funds. What is the resulting situation? It is possible that through the Neighborhood Development Program that within the next Five to Ten (5–10) years that we might realize such a facility. The need is great and the citizens are urgently requesting that something be done. Unless a feasible source of funds is available the city is unable to go any further at this time.

Another urgent need of improvement in our area is at our Airport and Industrial Park. The problem is that we have a residential area and industrial sites located on an Airbase built during World War II. The water system is in urgent need of repair and improvements. Presently the State Health Department is requiring that all drinking water be boiled. The sewer flows into an open ditch and the streets are in need of repair. There are Ten (10) industries located here employing approximately Six Hundred Fifty (650) people and they need railroad facilities, fire protection, police protection and other municipal services. Runway improvements are needed and an Airport terminal building is needed. Realizing the problem we attempted to solve it. An engineering study was made and it indicated that a cost to complete the project would be approximately One Million Five Hundred Thousand Dollars ($1,500,000). This area is unique in that it is not in the city limits but it is administered by the City of Newport. Therefore financing by the Farmers Home Administration is not possible. An application was made to the Economic Development Administration for assistance. This method of a financing requires a local Twenty Five percent (25%) share with approximately Seventy Five percent (75%) Federal Funds. The application was terminated because of the inability of the city to obtain its share. What is the resulting situation? The city is trying to do what small portions of the projects it can as they can afford it. Some improvements have been made such as new fire pumps, a new water supply well is planned and some runway patching. However, unless some source of financing is available to us we will not be able to complete the project in the foreseeable future.

Another great need of our community is sewer addition and improvements. We have approximately One Hundred (100) homes not presently served by sanitary sewer because of their distance to collection lines and to serve them would require a pumping station. This area has septic tanks and the soil is not suited for septic tanks and health hazards result. The city must do something to protect the health of the citizens. Realizing this problem again the city tried to solve it. A study was made and it was found that the cost would be approximately One Hundred Thousand Dollars ($100,000.00) to serve this complete area. Some funds were available from the Environmental Protection Agency and the cities share would be approximately Eighty Thousand Dollars ($80,000.00). In the past the two local banks have aided in financing some sewer projects when they were feasible. However, due to the cost and the number of users the local banks could not participate in this project. What is the resulting situation? The city will try to do what portions they can with their own crews and with the funds they do have available. Application will still be made for Federal assistance where possible but the portion constructed by the city wtih their own crews will not be eligible for any Federal participation. Unless some means is found to finance this whole project, it will be several years before we can provide complete sanitary sewer to this area of our town.

Another need of our city is a day care center. Our problem is there are approximately Two to Three Hundred (200–300) working mothers and the local industries are unable to underwrite the difference between the Federal snare and the mothers ability to pay for the day care services. If the city could provide space and rent at a reasonable rate the project could be made feasible. Unless some source of financing is obtained this again is not possible.

Our community and city has many other needs for community development but I will not go into them in detail. Some of these items are solid waste disposal facilities, new jail, new court house, new municipal building and expanded library facilities, new parks and recreation facilities.

In summary I would like to say that Newport's accomplishment of local projects with Federal assistance has been good. Thanks to the help of Congressman Bill Alexander and our Congressional Delegation we have been able to take advantage of the sources of Federal Funds available to us. Presently under the Interim Assistance Program temporary streets and drainage facilities have been constructed. With the institution of the Neighborhood Development Program a great help should be obtained in upgrading the old part of town. However, as indicated in this report, there is much still to be done in other areas.

The prospects for funding these additional needs and projects at the local level is remote.

The local taxpayers attitude toward funding of projects is good as mentioned herein, but the amount of money available through this source is limited by state law. I might say that our citizens have not rejected a tax increase that would improve the community, to my knowledge. Just recently a One Million Dollar school construction bond issue was passed by our community. Many other bond issues in the area of community development and improvement have been approved by the citizens.

The effect of out migration is demoralizing to any community and this has had an effect on Jackson County which lost a population of approximately Ten percent (10%) during the last Ten (10) years. During this same period of time Newport gained a population of approximately Three percent (3%). This increase in population against put more of a demand on municipal services that must be provided.

The bond market atmosphere for funding any local bond issue depends upon whether or not the bonds are tax free. At present Arkansas has a limit of Six percent (6%) on municipal bonds, therefore bonds need to be tax free to attract the buyers.

It appears to us that some means must be found for financing community development projects over a long period of time at a reasonable interest rate. It seems that the Federal Government will have to share in either guaranteeing these loans or supplementing interest rate. Unless some means for financing these projects is found we see no way that the cities the size of Newport, Arkansas can further their accomplishments in community development.

We appreciate this opportunity to appear at this hearing and will be glad to try to answer any questions.

TESTIMONY OF THE HONORABLE WILLIAM HOLLIS COOK, MAYOR OF THE CITY OF GRUBBS, ARK.

(Prepared for the community development proposal hearing October 23, 1971, for the First Congressional District of the State of Arkansas at Walnut Ridge, Ark.)

Honorable Congressman Alexander and members of the hearing committee. It is my sincere belief that if we are ever to stop migration of peoples from rural to urban areas, and curb the plight of non-urban communities, we must support legislation which will provide money and means to build a better rural America, and help save the health, welfare and sanity of this nation and its peoples.

With your permission I wish to list in chronological priority six urgent needs of small rural counties and cities.

No. 1. First I believe we urgently need something that will attract labor to the rural areas and spread thin the masses of humanity over this vast land of ours. I would suggest small or subsidiary factories. This could be done by requiring each major industrial complex to invest in the smaller communities. I would suggest huge grants like to Lockheed be distributed to say over 10,000 communities.

No. 2. Would be housing. People would need some help in building a home. Preferably one they could own. This would develop pride in home ownership. Loans with small interest rate and small payments would help solve this.

No. 3. The building of houses and congregating of people would make water, sewage and paved streets the 3rd priority. Grants and loans to supplement local initiative, 25%—75% basis could be managed on a low interest, long term basis.

No. 4. The improvement of education and community recreational facilities for youth in the small towns. This could be financed as No. 3 loans, grants and local initiative with labor and in-kind contributions.

No. 5. We urgently need Doctors, clinics and medical facilities in the rural areas. This could be done by having a board other than Doctors to admit pre-medical students to enter medical school and screen them in, instead of out of medical practice. Pre-med scholarships and supplements for rural medical Doctors. Thousands of most capable men and women are screened out of the field of medicine each year by the A.M.A. While many of our people go diseased, unhealthy and dying. Yet the A.M.A. ask recently for the federal government to spend $10,000,000 to help improve the Doctors image. ? ? ?

No. 6. I would list police and fire protection to help sustain law, order, life and property. This could be done by even a small amount of money to small local fire and police departments. Most could be done on a 50%-50% basis with the local people supplying both cash and non-cash contributions.

Now gentlemen, I have listed six urgent needs and given ways that they may be financed.

You will next ask what the people think about supporting these needs by taxation.

I believe that people in America are always willing to pay for what they get, and if you devise plans to show them a better life they will gladly buy it. What they are against is taxation without representation.

Gentleman think seriously on these matters and act wisely. You are in a position to help the people of this nation.

Respectively submitted,

Mr. Speaker, this is the 12th insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my research into ways to assist community development in nonmetropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORDS of September 22, pages 32740–32741; October 1, pages 34505–34506; October 6, 35409–35410; October 13, pages 36133–36135; October 21, pages 37358–37361; October 28, 38121–38123; November 3, pages 39156–39158; November 11, pages 40813–40815; November 17, pages 41882–41884; December 3, pages 44696–44699, and December 9, pages 45763–45766.

NEW IRRIGATION TECHNIQUE COULD MAKE EAST AND WEST JORDAN RIVERS FERTILE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. MOORHEAD. Mr. Speaker, many Members of Congress have been greatly distressed about the continuing plight of refugees in the Middle East. Recently, a plan to assist these refugees was called to my attention through an article in War/Peace Report published by the Center for War/Peace Studies of the New York Friends Group, Inc. It was contained in the November 1971 issue and was written by Mr. Roy L. Prosterman, distinguished professor of law and chairman of the graduate school committee on conflict studies at the University of Washington in Seattle, and Mr. Charles A. Taylor, his graduate research assistant.

The essence of the plan is to make both the East Bank and the West Bank of the Jordan River fertile through the new technique of trickle irrigation using numerous shallow wells and saline water heretofore useless for agricultural purposes.

I would like to call the attention of the Members of the House, especially those who serve on the Committee on Foreign Affairs to this plan for their study and consideration.

The text of the article follows:

SALINITY AND SERENITY: A PLAN FOR THE PALESTINIANS

(By Roy L. Prosterman and Charles A. Taylor)

A meeting that would seem incredible to the uninitiated is a fairly common occurrence on the West Bank of the Jordan River: an Israeli agro-economist, a Jordanian agricultural extension agent, and a native West Bank farmer are engaged in a discussion of agricultural and marketing techniques, with the objective of helping the farmer to maximize his income. Political questions seem to be of little importance; the three men part in a friendly manner, with the Israeli and Jordanian setting off to visit another farm, while the Palestinian Arab farmer returns to his field.

Besides having encouraging political implications, such meetings are significant for other reasons as well, for in them one can glimpse the seeds of a solution to the complex and vexing Palestinian refugee problem.

First, let us examine the contours of the refugee problem itself. Of the approximately 1.4 million people included in the broadest definition of the term "Palestinian refugee," there is virtually universal agreement—even among those most concerned with the *physical* welfare of the refugees—that about 400,000 persons (80,000 families) are considered to be still substantially dislocated in a social and economic sense. The remaining 200,- merchants now living comfortably in Beirut or Cairo or Amman to oil workers currently drilling in Kuwait—have been substantially reintegrated into their new communities and are *generally* better off than they were in their pre-refugee status, whether such status refers to a period prior to 1948, 1956 or 1967.

The bulk of the hard-core refugee population is clearly to be found in the Gaza Strip, a 140-square-mile area packed with approximately 55,000 "classic" refugee families and 25,000 indigenous Gazan families. In the Gaza Strip, it is virtually impossible to determine who is a refugee and who is not by means of economic distinction; almost the entire population of the Strip is desperately poor. In fact, the refugees are better off in one sense: they can rely on the United Nations Relief and Works Agency dole for food and medical care.

Given the nearly intolerable conditions in the Gaza Strip, it comes as no surprise that the problems of guerrilla-type terrorism are far more serious there than in any of the Israeli-occupied territories. The greater guerrilla activity there can be attributed to the desperate social and economic conditions of the area, just as desperate poverty fed the fires of revolution in Mexico, Russia, China, Vietnam and Cuba. In each of those countries, it was a largely landless peasant population that became the chief source of recruits, supplies, "safe houses" and the other prerequisites of revolutionary warfare.

As Mae Tse-tung has said, guerrillas must "swim like fish in the sea"; the support of the grievance ridden population of the Gaza Strip gives the guerrilla movement the strength and secrecy essential to its continued operation. It follows logically, then—as the United States has learned so painfully in Vietnam—that the preferred method of dealing with the *fedayeen* guerrila movement in the Gaza Strip (and the entire Middle East) is the removal of the grievances that motivate the population to support the guerrilla movement. While both the Israelis and the U.N.R.W.A. have supplied significant ameliorative measures (minimum food, minimum housing, job retraining for some), the resources available to them have been far short of what is neded to reach the bulk of the Gaza Strip's 390,000 people.

Using data from a recent sociological survey, it appears that between 40 and 50 per cent of the Strip's refugee families made their pre-refugee living from agriculture, and an equal number were engaged in light industry and supportive agricultural services; and virtually all refugees would accept a self-supporting vocation as an alternative to life on the U.N.R.W.A. dole. (Indeed, on a recent research trip to the Middle East, we encountered no refugee in the Gaza Strip unwilling to accept this option.) In other words, all the ingredients for communities based on agriculture-combined-with-local-supportive-industry are present in the population of the Gaza Strip, although not sufficiently in the land and other resources of the Gaza Strip, taken by themselves. The same potential exists for the 25,000 refugee families that remain substantially dislocated in Jordan and elsewhere. Thus, if almost any randomly selected group of 50–250 refugee families (but preferably selected as a group, carrying intact their community structure from their former village or as developed within a larger refugee camp) has the potential of developing into a new and productive village, if given the opportunity, one must ask the question: how can such opportunities be provided, and at what cost?

The now-Israeli-occupied West Bank of the Jordan River—with a population density one-tenth that of the Gaza Strip—provides a natural outlet for the population pressures of the Strip. A program to create settlement opportunities there, together with intensive development of the Strip itself, would seem to hold out the most realistic possibilities for solving the problems of the "hard-core" refugees. Historically, however, any extensive development of the Jordan Valley has been stymied by a major obstacle: there is little rainfall, and both the southern reaches of the Jordan River and most of the wells drilled in the valley reveal a lack of "sweet" water, that is, water containing less than 300 parts-per-million (p.p.m.) of chloride. Over the past four decades, this difficulty has given rise to a variety of ambitious plans to make the Jordan Valley "bloom." These were some of them:

The Ionides Plan, 1939, sought to irrigate 75,000 acres on the East Bank (Transjordan) but revealed a basic dilemma, namely, that a single source of water was insufficient to irrigate both the Negev and the Jordan Valley; for this reasons, it remained unimplemented.

The Lowdermilk Plan, 1944, would have established a Jordan Valley Authority to take charge of water-related matters. The plan divided the flow of the Yarmuk River between Palestine and Transjordan, but it had not been agreed to when partition came in 1947, and Israeli leaders began to develop the Negev with some of the unutilized waters which flowed across their borders.*

The Hayes Plan, 1948, proposed to irrigate approximately 625,000 acres in Palestine and Jordan, with cooperation from Lebanon and Syria; this was permanently tabled after the outbreak of the 1948 war.

The All Israel Plan, 1951, involved Israeli construction in a demilitarized zone and was consequently stopped by the U.N. Security Council.

The Main Plan, 1953, was an engineering study based on the premise that all previous plans could be combined into one joint project (requiring both Israeli and Arab approval) that would make efficient use of the area's water resources. Disputes over water allocation sealed the plan's doom, but the study provided much valuable information on the water resources of the entire Middle East.

The Unifier Plan, 1955, was another synthesis of the (by now) seven previous plans but required Arab-Israeli agreement and fell apart over the issue of international supervision.

Since 1955, four unilateral (two Arab, two Israeli) plans have been initiated; of these, one Jordanian and one Israeli plan have been carried out, both largely aimed at groups other than the refugees.

Possibly, development will ultimately be achieved by joint Israeli-Jordanian efforts—at least these two parties would have to agree, if there were to be the really large-scale development, with extensive dam-and-canal building, visualized in the more grandiose of the plans. Or, development may ultimately come through further unilateral efforts, depending on complex political factors.

But one thing which is now clear is that any renewed international *planning* for development can take account of new Israeli techniques which *increase the total amount* of usable water available to all parties, especially in the southern part of the Jordan Valley, both East Bank and West Bank. These techniques also allow an approach to water utilization—chiefly through simple wells which tap underground saline waters rather than canals, and without dams—which would facilitate inexpensive unilateral development by Israel and Jordan, each on one side of the river.

It is the new agricultural technique, "trickle irrigation," which largely circumvents the difficulty of saline water. Trickle irrigation is a method which uses plastic pipe laid along the ground between rows of plants, with nozzles spaced in such a manner so that only the roots of the plants are irrigated. It is already well beyond the testing stage and in commercial use. The Israelis have achieved impressive results with this technique. For example, they are obtaining per-acre yields of vegetables *greater* with saline water and trickle irrigation than with sweet water and sprinkler irrigation. The present limit of the effective use of saline water is currently 800 p.p.m. chloride, but the Israelis expect to be able to use water with 1000–1200 p.p.m. chloride with further experimentation. Furthermore, this technique appears to be suitable for use by the average farmer, if he is given sufficient credit and extension services.

PROMISING RESULTS

Through the use of saline waters and trickle irrigation, it appears that at least an additional 20–25,000 acres of land on the western side of the Jordan Valley could be brought into cultivation, utilizing water which was previously useless for agriculture. Judged by the standard of yields typical of trickle irrigation, this quantity of land would be adequate to sustain farming by 10,000 families. Related development of non-agricultural enterprises and agricultural-supportive industry should be able to provide a livelihood for at least another 10,000 families, based on existing ratios of agricultural and non-agricultural employment on the West Bank. If these alternatives were offered to the hard-core refugee population of the Gaza Strip and accepted by the refugees and there is good reason to believe that the response of most families would be positive—then the bulk of the problem could be solved. Naturally, such a program, and refugee response, would first be tested with a few hundred families; one of the beauties of a program that depends on wells rather than dams is that one can proceed piecemeal. Reduction of the refugee population of the gaza Strip by 20,000 families (approximately 100,000 persons) would help enormously in resolving the economic and social problems of the Strip, when coupled with parallel development measures within the Strip itself.

The irrigation of 25,000 acres in the West Bank and additional lands in the Strip (where saline water is also a problem) would, of course, be only the first step in the development program. It would be a crucial first step, however, for land provides many of these families with a livelihood that they understood and desire, and without water the land cannot be farmed. Other measures must include:

Extension services. Additional Arab extension agents must be trained to help the 10,000 new families on the valley floor to get the most out of their land, as well as to help 50,000 existing agricultural families who live chiefly on the West Bank. (A parallel need exists for the smaller amount of agricultural land found in the Strip.) This would seem to be politically possible. A previous example of "taking agriculture out of politics" was the permission given by Arab governments to allow scores of Cairo-trained Jordanian agricultural technicians to return to the West Bank last year. *Pari passu*, the Israelis allow West Bank farmers to market their products on the Jordanian-held East Bank.

Credit. Even minor improvements in seed and farming techniques, the result of combining credit with extension services, can achieve marked improvements in output. Many Arab farmers throughout the Mideast grow only a fraction of what their land could produce—one demonstration of this is the 600 percent increase in yields achieved by the 40,000 families of small Arab farmers who have remained in Israel since 1948. Some West Bank credit is currently being provided by the Israelis, and the Arab repayment rate is running a splendid 97 percent of principal.

Land reform. Some measures of acquisition and subdivision of large Arab holdings should be undertaken both on the valley floor and in the Gaza Strip. Tenant farmers are typically less likely than small owner-operators to risk, or to have the authority or the resources to risk, the adoption of improved agricultural techniques requiring new investment. Moreover, whether the ultimate political governance of these areas is to be Israeli or Arab, tenant farmers have been one of the classic repositories of support for violence and insurgency. Vietnam being a textbook example.

Community development. Wherever new villages are established, schools and clinics must be built, basic structures erected, and cooperatives and other facilities for the farmers developed. For non-farm families, enterprises involving processing, packing, canning or freezing may be added to traditional roles such as merchant, drayman or teacher. For existing refugee camps in the Strip, the thinning out of population should be accompanied by measures such as electrification and dispersal of housing.

Marketing. One of the advantages of the Jordan Valley, climate is that—with a little extra "greenhouse" protection added by transparent plastic spread over the growing crops—a whole range of succulent fruits and vegetables can be grown in the dead of winter and harvested just in time to command the highest prices on the European market. The Israelis are already urging the local Arab farmers in this profitable direction.

Garden plots. For those refugee families in the Strip who do not get a farm, a desirable addition to both nutrition and status can be provided by a small garden plot. Saline water irrigation will permit cultivation in the Strip of enough new land so that every family that wishes should be able to have a few thousand square feet (perhaps the area covered between successive 10-yard markers, across the width of a football field). In Puerto Rico and elsewhere, projects have shown that the symbiosis between man and land is such that *owning* even such a small garden plot can give a family a needed sense of self-sufficiency and of having a stake in society.

The gross cost of this entire package of development measures, affecting most of the 390,000 present residents of the Strip, can be estimated at around $330 million. Some of this cost figure—for example, in the credit program—would be recovered. A parallel program on the East Bank, under Jordanian control, could benefit most of the 100,000 hard-core refugees who remain on Jordanian soil and now lend themselves readily to the *fedayeen*-nurtured cycle of poverty, desperation and violence. This would carry a gross cost of around $150 million.

While such costs may be well beyond the internal resources of the Israelis or Jordanians, they are assuredly not beyond the capacity of the international community. They are about what the U.S. spent on one week of the Vietnam War at 1969 levels, for example; and the costs of this *permanent settlement* project are *less* than the amounts that have been siphoned through the U.N.R.W.A. by a consortium of donors over the past two decades to support the minimal daily dole to the refugees.

It is a sad comment on the involutions of Mideast politics that only wild optimism

---

*Any unilateral development of water that is potentially in short supply raises, of course, the kind of classic water rights issue that has plagued American law: the contest between the "appropriation" doctrine, under which the first user of theretofore unused water gets to use that quantity from that time forward; and the "riparian rights" doctrine, under which lands bordering on bodies of water are taken to have certain "inherent" rights to their use whether or not *actual* use is being made of them.

could predict the immediate implementation of this full-scale program. Nonetheless, the prospects may be considerably better now than for years past: Jordan and other countries in the Arab world have reached a realization that the *fedayeen* are a two-edged sword. Frustrations may be vented against the nearest government, not just against Israel, and still-largely-feudal societies must beware lest their own impoverished peasantry take fire from the brand being waved by radical Palestinians. Determined non-solution of the refugee problem is no longer a political plus with no attendant minuses for the established Arab states.

Viewed objectively, the welfare of the hard-core refugees should be both a humanitarian concern and a political concern to *all* powers of the region, and to a world community which has more than once been brought to the brink of major conflict by actions in which the wilder *fedayeen* had a hand. It would seem that the major source of support for uncontrolled and unpredictable violence, at least, could be removed from the Mideast situation if the bulk of the hard-core refugees can find satisfaction in permanent and productive new lives in the West Bank and Gaza Strip (both, incidentally, are parts of pre-1947 Palestine, and were annexed, respectively, by Transjordan and Egypt in 1948). Certainly the 400,000 Arabs—200,000 rural and 200,000 urban—who have remained and prospered in Israel since 1948 have posed no threat to world peace.

It is perhaps not too optimistic to hope that a development plan of the suggested scope could, at least, serve four immediate purposes:

First, to remind the world community that the refugee problem is *not* insoluble, given even a modicum of imagination and resources;

Second, to serve as the basis for small-scale pilot projects on both banks of the Jordan, on the grounds that it would make great good sense at least to test this option for Gaza Strip and East Bank refugees, and see whether it appeared capable of satisfying significant numbers of them;

Third, to provide a basis on which more detailed planning for the solution of the refugee problem could proceed, at least against the day when political settlement might loom. (The worst possible scenario would be one in which an otherwise-negotiated political settlement falls apart because no one is prepared to answer the question: "Now, gentlemen, what is to be done with the refugees?")

And finally, a program such as the one described could, in effect, act as a pilot for larger projects of irrigation and agricultural development in many semi-arid regions of the world.

It is perhaps time that the international community come to the recognition that, objectively, the refugee problem is not one of the hardest, but one of the easiest issues to resolve in the Mideast. At the same time, its non-resolution is one of the most likely causes of major conflict.

SEX AND SANITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. SCHMITZ. Mr. Speaker, I would like to call to the special attention of my colleagues in the House, a particularly sound and excellent book recently published on a subject whose literature in the last few years has been for the most part anything but sound and excellent. The book is entitled "Sex and Sanity." The author is Dr. Melvin Anchell, who practices psychiatry and internal medicine in Los Angeles. I have had the opportunity of working with Dr. Anchell on a number of occasions, notably as a witness before committees of the California State Legislature, and have been much impressed by his clear thinking, professional competence, and independence of mind.

Dr. Anchell's book is described on the cover as "a counterrevolutionary sex manual." As Robert Breitmann says in his review of "Sex and Sanity" in the San Francisco Examiner of November 26:

> Counter-revolutionary it is. Some might even call it old-fashioned. Why, Anchell even makes a case for virginity before marriage. And it's definitely old-fashioned in that, unlike most of the sex books that have been huge best sellers in recent years, it is generally well-written.

Dr. Anchell charges the new hierarchy of sexperts with misusing Freud to give "a false aura of scientific sanction to the cult of free love." He vigorously condemns the psychological venereal diseases that perverted minds are currently spreading through mass media. In a chapter entitled "Child Molesters," he states bluntly that some current television shows and movies are engaging in the sexual seduction of children.

We may expect the "sexperts" and their allies whom Dr. Anchell is criticizing, to respond to his impressive indictment in their usual manner when anyone dares to question them: First they will try to ignore him and his book, and when that becomes no longer possible, they will launch an all-out attack on him and on his professional reputation. The one thing we can be reasonably sure they will not do is to try to answer his arguments and refute his evidence on any rational or moral basis.

This book is much too good and too important to be ignored. It bears directly on the type of educational programs we are being and will be asked to help finance through the Federal aid to education program, and the type of morally offensive material we are being and will be asked to allow to be freely distributed and shown. I recommend it most highly, and warn in advance against the calumny sure to be directed against this book and its author, once it begins to receive the attention it deserves.

ABOUT THE ADMINISTRATION'S PROTECTIONIST SWAGGER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. LONG of Maryland. Mr. Speaker, my distinguished colleague from Wisconsin (Mr. Reuss) chairman of the International Exchange and Payments Subcommittee of the Joint Economic Committee, recently wrote a penetrating article for the New York Times entitled "About the Administration's Protectionist Swagger." Mr. Reuss' incisive analysis should be read by every Congressman. Is it too much to hope that it will also be read by the Nixon administration?

The article follows:

About the Administration's Protectionist Swaggers

(By Henry S. Reuss)

Washington.—Prior to Aug. 15, 1971, the Administration's economic policy was one of benign neglect. At home, unemployment was allowed to increase and growth to stagnate in the misguided belief that this would cure inflation. Instead, it produced both 6 per cent unemployment and 6 per cent inflation.

Abroad, the policy was to consider the dollar invincible. Foreign central banks would continue to accept endless dollar deficits, no matter how badly over-valued the dollar was. No fundamental realignment of currencies, nor reform of the international monetary system, was necessary.

But then came Aug. 15 and the New Economic Policy which the President has encumbered with obeisances to the false gods of trickle-down at home and protectionism abroad.

At home, the price-wage freeze was accompanied by a tax-reduction program which has now been substantially enacted by the Congress. In essence, the tax program gives corporations and their stockholders an $8-billion a year annual tax reduction, mainly through the 7 per cent investment tax credit and rapid depreciation. After the first year, the tax program gives the above-poverty-level wage-earner no tax reduction whatever.

The mischief caused by the Nixon tax program is three-fold:

(1) By obviously discriminating against the wage earner, it destroys the social contract upon which effective wage-price controls must be founded. Labor's increasing unwillingness to go along with meaningful wage restraints is due in large measure to the inequality of sacrifice brought about the tax bill.

(2) The nation's "fiscal dividend," out of which was to be paid the cost of health and education and environmental control and revenue-sharing in the decade of the seventies, has been effectively wiped out by the permanent fracturing of the revenues implicit in the tax-reduction bill.

(3) The corporate tax reductions will do very little to combat our close to 6 per cent unemployment. The five million unemployed include vast numbers of unskilled and semi-skilled people, mostly young and disproportionately black, who could be helped by a vigorous program of providing 500,000 public service jobs immediately. The $3 to $5 billion to fund such a program simply is not available if we are to dissipate the revenues by unwarranted tax reductions.

So, on the domestic side, the Administration is forgoing most of the benefits of the freeze by favoring corporations. In fact, the tax bonanza to corporations is not even in their real interest. Though it will reduce taxes on corporate profits by as much as 20 per cent, corporations and their stockholders would have been much better off under a program to increase consumer spending by immediately reducing unemployment.

Having subverted the domestic program by undue obeisance to the corporate interest, the New Economic Policy then proceeded to subvert the international program by undue obeisance to the protectionist interests.

The Administration's protectionist measures have prevented the needed prompt realignment of currencies—both by masking the proper amount of such realignment and by causing the Treasury to delay an agreement lest the resulting repeal of the 10 per cent import surtax offend the protectionists.

Indeed, the Treasury appears quite happy to live for a while with protectionism. It has to date turned down a reasonable offer of the Group of Ten, made in September, to effect an over-all realignment, provided only that the United States played its part by something like a 5 per cent devaluation of the dollar.

Since such a partial devaluation would involve only a technical, bookkeeping increase in the price of gold (because further gold purchases outside the system would be banned and the U.S. gold window would remain closed), it would in no real sense contribute to a rebirth of gold as a reserve medium.

The tax bill, unfortunately, will go through. And this means the United States will be doing very little about decreasing the rate of unemployment—both because the loss of tax revenues will foreclose an adequate emergency re-employment program, and because consumer nervousness at the unemployment rate will continue to inhibit adequate consumer spending and the resulting capital investment. Wall Street is likely to continue to reflect this basic confusion and lack of confidence.

I envisage that the Administration will soon have to drop its protectionist swagger. If the U.S. is so foolish as to dilly-dally indefinitely, it will run into recessions in one or more European countries which will make a currency realignment impossible.

A realignment deal, accompanied by a broadened 3 per cent band in the International Monetary Fund and the removal of our protectionist import surtax and buy-American measures, must come first.

SOLO ROUND-THE-WORLD FLIGHT

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. MAILLIARD. Mr. Speaker, I bring to my colleagues' attention an editorial from the San Francisco Examiner praising the solo round-the-world flight of a fellow Californian, Elgin M. Long:

DREAM COME TRUE

When San Francisco solo flier Elgen M. Long landed his round-the-world light plane here Friday afternoon with a flight bag full of remarkable aviation records, he expressed a sentiment many of us would like to say in our own behalf:

"I've completed my dream. I've done just about everything I wanted to do."

Long's flight hit seven continents. His was the first solo flight over both poles, the first crossing of the Equator at the Greenwich meridian and International Dateline, the first solo flight across Antarctica, the first Antarctica-Australia solo and the first Class C plane flight around the world at the poles and the equator.

He touched down at Anchorage, Stockholm, the African bulge, Rio de Janeiro, Punta Arenas, Chile, the South Pole, Sydney, Fiji, Wake Island, Tokyo and Honolulu.

Such a record is indeed an adventurer's dream. Many harbor Mitty-like visions like that, but that's exactly what they remain: visions.

Long proceeded with personal risk and technical skill to make fact of a dream. It is possible to cheer him wholeheartedly and still indulge in a little forgivable touch of envy of a man who has done just about everything he wanted to do.

QUICK END TO MONEY CRISIS?

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. VEYSEY. Mr. Speaker, today's lead news story is the Azores agreement between Presidents Nixon and Pompidou to devalue the dollar. No details are spelled out, but the U.S. official announcement treats the event as a step toward early settlement of the crisis plaguing world monetary markets since midsummer.

Let us hope that the "Group of Ten" do reach a speedy solution in realining their currencies. Still, it may be instructive to review what happened 40 years ago when the major powers attempted to cope with a similar crisis.

The September 1971 issue of Freedom & Union reprinted excerpts from the League of Nations World Economy Survey—1931–32, which I insert below:

WHEN BRITAIN FLOATED OFF GOLD 40 YEARS AGO—AS UNITED STATES NOW—QUICK SUCCESS TURNED TO ASHES

(By the League of Nations World Economic Survey—1931–32)

"Example is of first importance in politics," Acton said, "because political calculations are so complex that we cannot trust theory if we cannot support it by experience." This applies no less to monetary-economic policy. The example nearest the U.S. "New Economic Policy" on its international side, was set by Britain 40 years before when it stunned the world by ceasing the bold backing that had made its pound the key world currency then, as the dollar since—and let its value float.

(That decision, too, came after trade and budgetary deficits, with gold reserves and exports falling, in a declining world economy. The main avowed motive then also was nationalistic—to gain the competitive advantage devaluation gives (initially) by making the nation's goods cheaper for foreigners and theirs dearer for its own people. Both times an unavowed aim was to hang on to the nation's remaining gold, reserves.

(There were differences, of course: Prices were falling then, not rising. The Reparations-War-Debts complex played a role then no counterpart does now. London added no higher import costs when it left gold (it did later) nor a wage-price freeze.

(Happily for those who learn from past experience, a fairly objective on-the-spot account of the immediate and later results is available, thanks to the "World Economic Survey 1931–32" which the League of Nations economic and financial secretariat started then as an annual. It was written by B. Condiffe, a highly competent New Zealander, previously Professor of Economics at the University of Michigan.

(In 1931, as now, the first effect for the devaluer was a stock market boom and other signs of recovery, while other nations seethed. Thereafter, it is a sobering account of every nation's hopes of recovery by national action crushed to earth, only to rise and be crushed lower, again, again, again. In early 1933 this spiral put Hitler in power, closed all U.S. banks, "ended" unemployment by an arms race, culminating in World War. The devaluing nations (and others) paid dearly for ephemeral gains.)

In the spring of 1931, as in the spring of 1930, there seemed to be a definite easing of economic and financial conditions. The early months of the year were calm, there was some return flow of capital to Germany and of gold to Great Britain, security prices rose somewhat in most countries in the spring, and money-market rates were extremely easy in the chief financial centers. The Bank of England rate stood at 3 per cent in January, the rates in Paris and Zurich were lowered to 2 per cent in that month, and on May 7th, the New York rate, which also had stood at 2 per cent, was further lowered to 1½ per cent, enabling the Bank of England to reduce its rate again to 2½ per cent, the lowest point since the war.

In *past crises*, such conditions in the principal money markets have *always* been the precursor of recovery from depression; *but* in 1931 the financial weakness of the borrowing countries, and of borrowers within the industrial countries, was such that improvement did not follow. It is significant that none of the debtor countries, except Rumania, was able to reduce its discount rate. The financial crisis which followed made it abundantly clear that it was the plight of the debtor countries, at once a main cause and the consequence of falling commodity prices, that was the darkest spot in the almost universal depression.

The plight of the borrowing countries, reinforced by their failure to secure new capital imports, was inevitably reflected in considerable shrinkages of their national incomes and purchasing power. This caused a further decline in their imports and neutralised the possibility of industrial revival in the creditor countries, whose conditions were further affected by the steadily growing volume of unemployment. * * * Savings piled up but investment fell off, and very large amounts of credit were held at low rates of interest on short term. Long-term rates of interest remained relatively high.

Failure to correct these maladjustments negatived the hopes that had been placed upon the progressive cheapening of short-term credit. The New York discount rate remained at 1½ per cent, the lowest rate ever quoted, from May 8th to October 9th, 1931, gold reserves were ample and the expansive possibilities of the Federal Reserve system undiminished, but it did not prove possible to "pump credit into the markets."

Several factors blocked the way, of which probably the most important were political insecurity, leading to fear for the safety of international investments; the weak position of the London money market, which before the war was the main distributor of such investments; the failure of either the New York or Paris markets, which were stronger, to take London's place in this respect; the resistance to curtailing production of agricultural products and to reducing costs and prices of manufacturers; long-term rates of interest maintained at levels too high for investment to be profitable; and, most immediately important of all, the over-borrowed state of many debtor countries. There was a block in the circulation of capital which could not be removed merely by lowering the short-term rates of interest.

The various difficulties enumerated *were rendered more troublesome because they were interlocked*. The block in circulation, first of capital and then of goods, was comparable to a jam in logging operations on a river. Circulation could have been restored only by finding the key logs and liberating them almost simultaneously before another jam could form.

The high rate of long-term interest, for example, originally established by the scarcity of capital and strong demands for reconstruction after the war, was maintained by the boom in investment and the security speculation. After these demands failed in 1929, the rate was still kept up by borrowers who were prepared to pay interest higher than that which could have been paid if the capital had been used profitably in industrial production. This "distress" borrowing, based upon the effort to maintain the solvency of already excessively burdened debtor countries, was the actual point upon which the financial crisis broke.

The *interlocking of economic, monetary and political factors* is particularly well illustrated by the heavy borrowings on long term at high rates of interest, by Governments and banks, "not for investment in productive enterprise, but to build up liquid reserves."

In May 1931, while money rates were still easy and there was still some measure of faith in a speedy recovery from the depression, a large Austrian bank, the Creditanstalt, disclosed heavy losses. The importance of this news from Vienna, which travelled round the world's financial centers like a seismic shock, lay less in the event than in its general significance.

It was instantly realized that, not only other banks in Austria and foreign countries, but virtually the whole industrial structure of Austria, and other Eastern European countries, would be involved. It was equally evident that neighboring debtor States, and particularly Germany, would be at once exposed to the danger of panic withdrawals of capital.

A crack had developed in the carefully constructed and patched facade of international finance and, through that crack, already timid investors and depositors caught glimpses of a weak and over-burdened structure. It was not only a bank which threatened to collapse, but the whole system of over-extended financial commitments which was the worst legacy of the war and of subsequent credit expansion.

Austria had been the first European State, except Sweden, to stabilize its currency and undertake a comprehensive policy of reconstruction. The success of that policy was the earliest, and in many respects the most convincing, proof of the efficacy of international cooperative action in the financial and economic sphere. It was, moreover, both a model upon the experience of which subsequent reconstruction schemes drew heavily, and a material factor in promoting the recovery of industrial production and trade which was worldwide after 1925.

The Creditanstalt was in a weak position when the full force of the world depression burst upon it in 1930. In that year it suffered a loss of 140 million schillings ($20 million), so that in May 1931 the Austrian Government, in order to avert a breakdown of the banking system, was forced to guarantee all deposits, foreign and domestic, of the bank. It was assisted by the Bank of England, and the Bank for International Settlements [B.I.S. then called the "World Bank"—Editors] and foreign creditors of the Creditanstalt.

For the time being, the situation in Austria was saved.

The storm-center shifted, first to Germany, then to England, and later to the U.S. The revelation of financial weakness in Central Europe created a panic among investors and holders of short-term balances. As early as September 1930, the Reichsbank had suffered a run. Political conditions were disturbed and there was fear of a revolution. The reserves of the Reichsbank fell alarmingly.

The Austro-German protocol announcing the plan of a Customs Union appeared on March 21st, 1931. The European political situation was strained and international economic co-operation became more difficult. Soon after the Creditanstalt difficulties were announced, a renewed run began on the Reichsbank, which lost $250 million of its gold and foreign exchange in four weeks. The B.I.S. on June 25th arranged a rediscount credit of $100 million to help the Reichsbank; but three-fourths of this credit was used in a month.

Meantime, the President of the United States launched, on June 23rd, the proposal for a year's moratorium of reparation and war-debt payments. On July 6th, the proposal went into force amended by an arrangement under which Germany agreed to pay the unconditional annuities to the B.I.S. and France agreed to reinvest them in guaranteed bonds of the German State Railways. The relief thus given to Germany did not, however, stay the course of the panic.

Withdrawals of foreign exchange continued, and the disclosure of enormous losses by the North-German Wool Company involved the closure of the Danat (Darmstädter and Nationalbank) on July 13th, despite a Government guarantee of its liabilities on the previous day. Other German banks were subjected to runs and were compelled to limit withdrawals to from 5 to 20 per cent of deposits. The Bourse was thereupon closed, the discount rate rose from 7 to 10 per cent and the statutory reserve ratio of the Reichsbank was lowered from 40 to 30 per cent.

International effort was continued. An international conference, held in London from July 20th to 23rd, invited the B.I.S. to "set up without delay a committee of representatives nominated by the Governors of the Central Banks interested, to enquire into the immediate further credit needs of Germany and to study the possibilities of converting a portion of the short-term credits into long-term credits."

This Committee's report stated emphatically its agreement with the opinion of the London Conference that the withdrawals of short-term balances were "not justified by the economic situation of the country." Withdrawals had, however, taken place, and the large volume of short-term liabilities still remaining rendered Germany extremely vulnerable. * * * For this reason arrangements were made for a meeting of the foreign banking groups concerned, from August 14th to 19th, with the result that a "standstill" agreement was arranged. * * * The second half of the Committee's task required it "to consider the possibility of Germany raising a long-term loan"; but the Committee pointed out the dependence of any such proposal upon "the assurance that international political relations are established on a basis of mutual confidence, which is the *sine qua non* of economic recovery." Their report concluded on a note of urgency, printed in heavier type "urging most earnestly upon all Governments concerned that they lose no time in taking the necessary measures for bringing about such conditions as will allow financial operations to bring to Germany—and to the world—sorely needed assistance."

The danger of imminent collapse in Germany seemed to have been tided over. It was announced that the Danat Bank would be reopened. * * * The stock exchanges reopened on September 3rd, on the same day as it was announced that the proposal for an Austro-German Customs Union would be dropped.

THE ABANDONMENT OF THE GOLD STANDARD

Great Britain's difficulties were connected both with Germany's and with those of Central Europe, which were very much aggravated by the run on German banks. The movements of bank rates in June, July and early August were all upward. The Bank of England raised its rate from 2½ to 3½ per cent on July 23rd and to 4½ per cent a week later. Despite this action, it lost over £30 million in gold in the last fortnight of July. It was known that British bankers had lent, not only Germany, but other Central European countries, a large amount of short-term credit which was rapidly becoming "frozen" by the inability of these countries to meet their foreign obligations. On July 31st, and for the first time, there was general realization of the probability of a large [public] deficit, estimated at £120 million. The Cabinet disagreed on proposals to balance the budget, and on August 24th the National Government was formed.

At the beginning of August, the Bank of England had secured a credit of 50 million from French and American banks, with which to withstand the drain on the gold reserves caused by the withdrawal of short-term balances and the sale of British securities. On August 29th, a further credit of 80 million was arranged by the Treasury; but the drain continued. Over 200 million was withdrawn from the London money market in the two months preceding September 20th.

A supplementary budget imposing heavier taxation was introduced on September 10th as a measure of financial reform; but on the 15th, a protest by naval ratings in the Atlantic Fleet against pay reduction was given wide publicity. The run on London rose to extraordinary proportions. Between Wednesday morning, September 16th, and Saturday midday, the 19th, over 43 million of short-term funds were withdrawn. On the other hand, British short-term holdings amounting to 70 million in Germany alone had been locked up by the London Conference Agreement.

On September 21st, therefore, legislation was passed suspending the Bank of England's obligation to sell gold. The bank rate was raised to 6 per cent and the Stock Exchange closed for two days while restrictions were imposed temporarily upon dealings in foreign exchange.

The immediate effect of this momentous decision in Great Britain itself was not alarming. As soon as the Stock Exchange opened, there was a small boom in the sterling prices of industrial securities.

Exchange rates on gold currencies dropped 25 per cent almost immediately; but prices in Great Britain remained steady and the people were calm. The National Government appealed to the country, and was given an overwhelming majority on October 27th. There was no longer any doubt about the necessary financial measures being taken to balance the budget, and in fact, these measures proved more fruitful than had been expected. As domestic prices remained steady, tension gradually relaxed. On October 30th, the Bank of England repaid 20 million of its first loan from the French and American banks, the remainder being renewed for three months. At the expiration of this period, the balance was met. The greater part of the Treasury Loan ($150 million and Fr. 1,600 million) was repaid at the end of February, the remainder of the American portion ($50 million) being repaid at the end of March, thus wiping out the advance, with the exception of a part of the French loan.

The inherent financial strength of Great Britain was also displayed in the fact that the mere cessation of overseas lending once again enabled her to draw resources from her debtors all over the world. Imports increased heavily and a series of measures, beginning with the Abnormal Importation (Customs Duties) Act of November 19th, was taken to restrict them. Exports of gold from India, tempted out of hoards by the premium in terms of rupees, flowed in increasing quantities to Great Britain and were a material help in enabling the Bank to pay off its foreign credits.

Finally, the strong creditor position of Great Britain began to exert its influence upon the exchange rates, despite the large repayments to France and the U.S. The pound was undervalued, and, when it began to rise, speculation assisted the process. From the 30 per cent discount to which it had dropped in February, sterling recovered quickly to less than 20 per cent discount in April. Bank rate, was lowered to 5 per cent on February 18th, to 4 per cent on March 9th and to 3½ per cent on March 16th, the upward swing of the exchanges was checked but sterling remained strong.

Elsewhere, the repercussions of the fall of the pound were more serous immediately. The first was to cause the abandonment of the gold standard by a number of other countries which were in close relationship with Great Britain. The Argentine and Uruguay had suspended gold payment in December 1929, Canada had introduced restrictions on the gold standard at the end of 1929 also, and in 1930 the exchanges of Brazil, Chile, Venezuela, Paraguay, Peru, Australia and New Zealand fell and remained below export gold point. After Great Britain's action, the number of countries off gold was greatly increased. Before the end of October 1931, all the British Dominions except South Africa, the rest of the British Empire, and the three Scandinavian countries, as well as Portugal, Egypt, Bolivia, Latvia and Finland, had departed from gold. Japan followed in December.

This very considerable breakdown of the world's monetary mechanism was important in itself. Even more important in the immediate situation, however, was the reaction upon the remaining gold standard countries and upon the financial structure of the world as a whole.

When Britain went off gold, all the European stock exchanges, except those of Paris, Milan and Prague, closed for various periods; bank rates rose, foreign exchange restrictions (ranging from limitation of imports to moratoria) were imposed in thirty different countries, tariffs were increased, contingent, priority and quota systems introduced.

Partly as a result of these trade restrictions, the financial storm burst with redoubled force on Germany. On December 8th, the German Government published an Emergency Decree, the fourth of a series, effecting sweeping economies in the public service, heavier taxation, salary, wages, rent and price cuts and economies in unemployment insurance. There was no precedent, outside of Russia, for such drastic measures both of control of economic life and of sacrifices imposed on a whole people. * * * The renewal of the stand-still agreement in February 1932, and the extremely vigorous measures of deflation within Germany itself, kept the currency stable and the acute stage of the panic passed once more. In the spring of 1932 there was relative economic calm, but on a basis of lower prices, higher unemployment, and greatly shrunken trade.

Before the acute stage of the panic passed, however, New York was for a few weeks subject to much the same kind of run as London and Berlin had experienced. In October, a "gold rush" set in which had the net effect of reducing the U.S. stocks by $715 million. For a time there was some discussion of currency stability; this had little reality.

France also did not go unscathed in the panic. After the depreciation of the pound sterling, a number of banks were forced to close down. The Government came to the rescue of the Banque Nationale de Crédit and also made special arrangements with the Banque de France covering its losses on sterling holdings.

The most important results of the British action, however, were slower. The panic passed, and in the spring of 1932 there was lethargy—a state of suspended animation—rather than feverish action. But in the meantime *the fundamental difficulties of the crisis were sensibly aggravated.* The apparent stability of prices in the countries that had abandoned gold contrasted strongly with the precipitate further decline of gold prices. *Trade circulated more feebly than ever in the face of continually increasing restrictions. Standstill agreements imposed a virtual paralysis upon a growing part of international finance.*

Such violent reversals of the normal flow of capital movement, involving altogether unprecedented gold shipments and accumulations, have completely disorganized world trade. The world's creditors have not only stopped lending, but have been drawing in both interest and capital as far as that has been possible. The international economic situation thus created is comparable only with that which would result if all the banks in a developing mercantile community were to refuse new accommodation, and press for both interest payments and reduction of overdrafts.

Throughout 1931 and the first half of 1932, Europe held the center of the stage, with only occasional attention diverted to the U.S. But *the financial situation of the rest of the world for the most part grew steadily worse also. Japan affords a good example of the strain.* Prices fell in that country from 228 in January 1929 and 201 in January 1930 to 159 in January 1931 and 147 in November 1931, after which Japan left the gold standard. Exports fell off from Yen 2,218 million in 1929 to Yen 1,179 million in 1931, while imports were virtually halved also. In the invisible trade a surplus of Yen 220 million in 1928 had become a deficit of Yen 15 million by 1931. Earnings fell practically 10 per cent in 1931 and employment declined in approximately the same degree. In the first 11 months of 1931, Japan lost almost 40 per cent of her gold reserves, and this after she had lost 25 per cent in 1930. Her reserve, which had been Yen 1,087 million on January 18th, 1930, fell to Yen 521 million on December 5th, 1931.

Other examples might be quoted: but, with the possible exception of Australia, after the abandonment of the gold standard by Great Britain, there is a consistent story of unrelieved deepening of the depression.

There was, indeed, some softening of the shock in all the countries which had followed Great Britain off gold; but, since this action was not universal and its immediate effect was to precipitate a still further decline in gold prices and to concentrate the deflation still more heavily on the gold-standard countries, the restrictive measures introduced to cope with this situation engendered so much deeper depression that not even the countries which had abandoned gold could wholly escape further contraction. In the spring of 1932, Europe and the world as a whole lay prostrate and exhausted by a succession of disasters; but there was little indication that any of the restorative measures proposed were capable of restoring its vigor.

BOYCOTT FRENCH PRODUCTS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. SCHWENGEL. Mr. Speaker, Joseph Grant, founder and publisher of the Penal Digest International, recently made a speech on the dangers of drug addiction. He pointed to the role France plays in making heroin available in this country. He urges action similar to that proposed in legislation I have introduced:

BOYCOTT FRENCH PRODUCTS

IOWA CITY, IOWA.—A nationwide boycott of all French products, to last until the French government closes down all of the heroin processing plants in that country, is being called for by the *Penal Digest International*, publisher Joseph W. Grant has announced.

Letter-writing and petition campaigns and picketing of businesses selling French goods are being planned in cities across the country in conjunction with the boycott.

A monthly prison reform journal, the *Penal Digest International* (*PDI*) is published here by a group of ex-convicts.

According to Grant, it is well-known that most of the heroin which makes its way into the United States comes from Eastern poppy fields via processing plants near French ports. "The justice departments of both France and the United States know the locations of these plants," he said, "yet nothing has been done to rid us of this billion-dollar industry which deals in nothing but death and misery."

Grant explained that *PDI*'s stance on the issue is that the prisons and ghettos of this country are filled with thousands of addicts and ex-addicts who made the crucial error of taking their first fix because it created an illusion which tended to erase their sense of failure and frustration.

"Most of these addicts," he continued, "are from minority groups and low-income groups. They had nothing more going for them than an empty American Dream, soon followed by an awakening to the bitter realization that this land of plenty wasn't giving up very much in their neighborhoods. Now that heroin addiction has begun to leave its scars upon the suburbs and among middle-class and upper-class groups, more people are finally becoming aware of the threat which this problem poses to our nation and especially to our young people."

In announcing the boycott of French products in its most recent issue, published this week, *PDI* commented:

"For years the federal government has given lip service to the need for halting the flow of heroin into this country, but their efforts have never gone deep enough or far enough. While the feds concentrate on the independent drug dealer, the pusher who's supporting his own habit, the real villain goes right on peddling his opiates to the people with impunity—safe behind the awesome power of his organization.

"Likewise, the French government, apparently bedazzled by the streams of dollars which flow through the country along with the heroin, allows the processing plants to flourish. Occasionally a token bust is made to demonstrate the government's "concern," but, again, the effort goes neither deep nor far enough."

PDI associate editor Robert Copeland noted, "Heroin traffic is another terrifying tool of oppression. It is subtly, implicitly and covertly condoned by many power elements in our society because it is conducted on an incredibly large scale, like a well-organized business rather than the reprehensible crime against humanity which it actually is."

He added, "Its victims—the poor and the oppressed—are completely at the mercy of the heroin traffickers because they are unable to combat the tremendous economic, and frequently legal and political, power which the latter possess. The corruption spawned by the hard-drug industry is all-pervasive.

Asked about the chances of the boycott's success, Richard Tanner, *PDI* circulation manager, stated, "France does understand the economics of exported goods. She certainly wouldn't miss the point if every American citizen started to look at the labels of goods, and refused to purchase anything made in France until the French government puts a stop to what can only be called a traffic in stark misery for thousands of Americans who end up in prison if they don't have from one to four hundred dollars each day to support their habit."

Grant added, "As we approach this season of traditional celebration and thanksgiving, it is easy to slip comfortably into illusions and platitudes. Instead, we should take a good, hard look at the problems and conditions which are oppressing so many people in this country. Heroin is among the top, and since the government has not done much about it yet, it is time for the people to rise up and use what power they have to rid themselves of this monster and the anguish which it creates.

"We realize that to some it will appear paradoxical that a group of ex-cons and convicts is taking a strong stand against the crime of heroin traffic. But isn't it more paradoxical that society, the government and its law enforcement agencies, tend automatically to regard as criminals the victims of heroin addiction, while the real criminals, the purveyors of this atrocity, are permitted to continue their big, dirty business at the expense of powerless people entrapped by economic and social conditions?

"The boycott is a drastic action, but it is far less drastic than the actions which heroin addiction forces upon thousands of Americans each year. If this problem can be alleviated, thousands of worthy men and women will not wind up in prisons—and I'm not speaking only of the kinds of prisons with bars."

A U.N. ROLE IN SETTLING DISPUTES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. FRASER. Mr. Speaker, Charles W. Yost again has made a useful contribution to the debate on international conflict resolution. In his Sunday, December 12 Washington Post essay, Ambassador Yost looks at the South Asian conflict between India and Pakistan and at the failures of the great powers.

Three important facts, Mr. Yost believes, should be self-evident to the United States, China, and the Soviet Union and they bear reiteration. These points are key to conflict resolution in this decade:

First, conflicts in the third world can rarely be settled by one of the three great powers without the cooperation of the other two.

Second, if such conflicts are not settled rapidly, the interests of the great powers are likely to come into conflict.

Third, the United Nations represents the best forum to settle these third world conflicts. But the great powers must utilize the U.N. machinery and stand behind its collective decisions.

Unfortunately, as a December 10 New York Times editorial points out, the House's failure last week to appropriate money for a U.S. contribution to the United Nations Development Program—UNDP—strikes "another blow at the U.N." Instead we should be strengthening it.

Mr. Speaker, the Yost article and the Times editorial follow:

[From the Washington Post, Dec. 12, 1971]

A U.N. ROLE IN SETTLING DISPUTES

(By Charles W. Yost)

What is happening today between India and Pakistan provides a graphic and a foreboding indication of the kind of wars the world can expect in the 1970s.

Since 1945 every empire but the Russian and the Portuguese has broken up, and more than 60 new nations have appeared. Many of them contain sharply antagonistic ethnic, religious or tribal elements, and lack any long-lasting tradition of national unity.

Some lack accepted frontiers, and have bitter territorial disputes with their neighbors. Almost all are underdeveloped, with the vast majority of their citizens subsisting on far less than they have been led to believe they have a right to expect.

Conditions conducive to international, civil and class war are therefore prevalent throughout much of the "Third World." Southeast Asia, the Middle East and the Indian subcontinent are only the most conspicuous and extreme examples.

What has happened in the subcontinent during the past nine months, since the crisis in East Pakistan broke out in March, shows how poorly prepared the international community is to prevent or control such wars—even when their outbreak has been as clearly predictable as this one was.

The reason for this impotence is not lack of means but lack of will, and the reason for the lack of will is twofold: first, the unwillingness of each of the great powers to offend one of the contending parties or both; second, the fetish of non-interference in the internal affairs of sovereign states.

The cause of the explosion in East Pakistan was of course the refusal of the Pakistani government to accept the results of the free elections held last March, and its suppression by fire and sword of the East Pakistani majority which won the elections.

This resulted in the exodus of nine million refugees into the most poverty-stricken and politically unstable part of neighboring India. India has been saying for months that this situation was so gravely damaging to her own economic and political viability that it was intolerable, and that if the international community did not soon find means to correct it, she would go to war. Whether she was wise or justified in doing so is another matter; but that she was going to, if offered no better alternative, has been entirely clear.

What did the great powers and the rest of the international community do? Very little, except wring their hands, exhort the parties to restrain themselves, slap them on the wrists with trivial arms embargoes, and as conscience-money send relief to the refugees.

The United States and China were unwilling to offend their friend Pakistan. The Soviet Union was unwilling to offend its friend India. Each was afraid that, if either Pakistan or India was offended, it would embrace a rival great power. And none of the great powers, or indeed anyone else, was prepared to support the drastic intervention into the "internal affairs" of Pakistan which would have been necessary to resolve the conflict without war.

It is said that the United Nations has once again demonstrated its impotence. Indeed the Security Council did not even meet, on what was obviously the most imminent threat to world peace in 1971, until large-scale war had actually broken out.

However, when we say the U.N. did not act on a matter of war or peace, what we really mean is that the great powers did not want it to act. The Security Council did not meet until war broke out because the United States, the Soviet Union, China, Britain and France could not agree as to what should be done, and most of them did not want to be put in the embarrassing position of taking a public position against India or against Pakistan.

Now war has broken out on a large scale. The great powers are more embarrassed than they would have been had they acted earlier.

The United States, which has usually cited India as the keystone of democracy in Asia, has stumbled into an anti-Indian posture which could unbalance our Asian policy for years to come.

The Soviet Union has vetoed a series of Security Council resolutions, antagonized most of her council colleagues, and given the Chinese one of the things they most wanted—a chance to make anti-Soviet propaganda. Meanwhile, the war goes on.

One would think that by this time—after Vietnam, the Middle East, and now East Bengal—the great powers would wake up to three facts:

First, that conflicts in the Third World can rarely be settled by one of them alone.

Second, that if such conflicts are not settled, they are likely more and more to involve the interests and security of the great powers themselves.

Third, that the best place to settle them in safe and timely fashion is at the United Nations, where the great powers and the parties to the conflict are represented and where the rest of the world can cushion confrontations and help in a settlement.

However, this will not be possible until the great powers decide to use the U.N. for the purposes for which it was set up, decide to give it more teeth for these purposes, and decide not to be afraid to ask it to intervene in "internal affairs" if such affairs seem likely to provoke a wider war.

There are few signs yet of the U.N. being given such authority. But unless it is, the 1970s may be an even more stormy decade than the last one.

[From the New York Times, Dec. 10, 1971]

ANOTHER BLOW AT THE U.N.

The House has delivered another blow to the buffeted United Nations this week by eliminating a proposed $100-million United States contribution to the United Nations Development Program from the foreign aid appropriation bill.

Although the over-all House aid appropriation of $2.67-billion is far below the original Administration request, it is reasonably close to the $2.74-billion foreign assistance authorization which has been stalled in a House-Senate conference committee. This meager sum—as compared with world needs and United States responsibilities—is probably as much as can be expected in this year of confusion over the purposes and prospects of aid and of concern over the state of the American economy.

But the total elimination of the Development Program contribution is vindictive and short-sighted. It will seriously cripple a promising international effort which this country helped to establish and nurture. The Development Program at the United Nations is especially suited to meet United States objectives of promoting a wider sharing of international development responsibilities and of channeling more American aid funds through international institutions.

There were encouraging reports last night that Senate leaders were moving to break the conference deadlock on the authorization bill in order to keep the aid program alive without resort to another continuing resolution. We trust that the Senate, which has shown greater sympathy for international aid programs, will also act promptly on an appropriations measure that will include $90 million in Development Program funds as provided in the authorization.

CURTIS A. CHRISTIANSON

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. HUTCHINSON. Mr. Speaker, I want to add my warm regards to those expressed by so many Members of this House to Curtis A. Christianson, Assistant Tally Clerk of the House of Representatives for so many years.

I would truly say that Chris is one of the most outstanding people in the House of Representatives. His work has been brilliant; his dedication extraordinary; his courtesy and assistance unmatched.

In a word, Chris, you are irreplaceable. I know that during your life you have been honored in many ways—by kings and dignitaries—and now those of us who have been in daily contact with you in the House salute you.

I wish you and Mrs. Christianson everything good and satisfying in your retirement. We are going to miss you.

SECRETARY VOLPE MAKES VISIT TO POLAND

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. DULSKI. Mr. Speaker, during a recent official trip to Europe the Honorable John A. Volpe, Secretary for Transportation, visited several countries including Poland.

In a subsequent interview by the Voice of America, Secretary Volpe discussed his trip, and in particular his impressions from his visit to Poland.

I am very interested in his comments and I am including herewith the portion of the interview as it relates to Poland:

INTERVIEW OF SECRETARY VOLPE ON VOICE OF AMERICA

1. Q. Mr. Secretary, you have recently returned from your official European trip. Would you care to tell our listeners which countries you have visited and what was the purpose of your trip?

A. I would be happy to do so. Generally, I went abroad to promote international cooperation in solving the transportation problems that we all face. It seems to us here in the United States that the various nations of the world are struggling with more or less the same questions in transportation: congestion, pollution, accidents, inadequate service, high costs, and so forth. We think there are a lot of good ideas all over the world that can help in the solution of these problems. So we think cooperation is a good idea—a good way to speed up the improvement of all our transport systems.

On this most recent trip of mine I stopped first in Germany and Italy, where we have had active exchanges and cooperative activity going for some time. Then it was my pleasure to visit Romania and Poland, where I signed agreements with the Romanian and Polish transport ministers, under which we expect mutually beneficial cooperation on transportation problems to proceed in the future.

2. Q. Before departing for Europe you were kind enough to grant an interview to the Voice of America. At that time you mentioned that, in your view, many countries are facing similar transportation problems, especially in large cities. Did your recent trip uphold your point of view?

A. Yes, it did. In my talks with Polish officials I found them deeply concerned about the same kinds of problems we have here in the United States. How can we move urban traffic more effectively? How can we reduce the adverse effects of our transportation systems on the environment? How can we improve our railroads to meet present needs? How can we stop the waste of life in automobile accidents? One proof that people have problems is to see what they're doing about them. The Poles are doing a great deal. I was very much impressed, for example, with the Automotive Institute I visited. There's some ground-breaking work going ahead there on the relation between automobile accidents and the psychological and physiological characteristics of drivers. I found it fascinating.

3. Q. Mr. Secretary, would you care to elaborate in more specific terms about the Memorandum of Understanding signed by you in Warsaw?

A. The Memorandum of Understanding is the standard research cooperation agreement which we have with Ministries of Transport in various industrialized countries. It contemplates cooperation in such ways as exchanging information and specialists, arranging complementary research, sharing tasks and even costs. We anticipate that in many cases each side will use its own resources for the cooperative work. However, the agreement is broad enough to include the funding of projects in Poland with U.S.-owned excess currency—the so-called PL-480 funds. We will be agreeing from time to time on various projects to work on, and have already decided to concentrate initially in the road and rail transport areas. The details of these projects will be defined in project agreements worked out by the specialists of both parties.

4. Q. What other subjects were discussed by you and Polish Government officials during your stay in Poland?

A. It was a great honor for me, during my stay in Poland, to meet with the Prime Minister and the Foreign Minister. Our conversations covered a number of matters of mutual interest, including of course such points as cooperation between our two countries, trade, and the like. I was happy to make clear in these talks that the United States looks forward to increasingly close and friendly relations with Poland.

5. Q. Do you consider, Mr. Secretary, that your visit will contribute to closer scientific and technological cooperation between the United States and Poland?

A. I am confident of it. Certainly this will be so in the field of transportation research. We have under study certain Polish proposals and based on this study, have already proposed specific project activity in bio-medical human factors research relating to bus and truck drivers. The Program Coordinators appointed for each party are already in contact and I expect we will be getting down to business rather quickly. This cooperation will grow, I think. My experience suggests that once people start developing good habits of working together, there is a rippling effect which carries over into other fields. Successful research cooperation is very contagious and usually spreads to other areas of possible cooperation.

6. Q. Finally, Mr. Secretary, may we ask to share with us your general impressions about the country and the cities you have visited.

A. Of course. First, let me say that I was greatly impressed—and personally touched—by the warmth with which, I was received wherever I went in Poland. This reflects, I think, the very close ties that have been felt between the Polish people and the Polish-Americans in the United States. You know, we too are in part—a very important part—a Polish nation. I was amused to find a lot of people in Poland who know that Carl Ystremski is a baseball player with the Boston Red Sox. In short, I come away with deep impression that I had been among friends.

Secondly, I was struck by the enormous progress that Poland has been making. I have in mind the effort and skill it takes to come out of the ruins of war and then rebuild cities and establish modern systems and services. This is evident everywhere, and is a great tribute to the strength of the Polish people.

Finally, I was deeply impressed by what I saw of the old Polish cultural history, places like a school where Copernicus studied, and the beautiful city of Cracow. There are great treasures, important not just in Poland but in the whole history of Western civilization.

7. Q. Anything also the Secretary cares to add.

A. One thing, yes. I was the first U.S. Cabinet officer in eight years to visit Poland. Soon, our Commerce Secretary Stans will make a stop in Warsaw. In the other direction, while I was on my way to Warsaw, the Polish Deputy Minister of Transport, Mr. Tarantovich visited Washington and spent some time here in our Department. We look forward to further visits by high-level Polish officials. We welcome these contacts, and we want them to grow.

SPECIAL DUTY VOLUNTEER POLICE PATROLS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BINGHAM. Mr. Speaker, in some areas of the Bronx, N.Y., which I have the honor to represent, special-duty police, working in plain clothes and disguises, are being deployed to combat street crime. These officers have already met with considerable success, and I take this opportunity to express my congratulations and appreciation to them for volunteering for their duty and for their special efforts on behalf of greater public safety from crime.

In order to provide Members and other readers of the RECORD with a few details on this approach to crime control, I submit the following editorial from the December 9, 1971, Riverdale, N.Y., Press, entitled "Anti-Crime Patrols Are Effective":

ANTI-CRIME PATROLS ARE EFFECTIVE

Anti-crime patrols in the 50th Precinct are establishing an impressive record as effective deterrents to burglaries, robberies and auto thefts in the Riverdale-Kingsbridge area.

The patrols are volunteer police teams who work when and where crimes occur rather than in set tour routines. Their assignment is to concentrate on street crimes, with the help of sophisticated new planning apparatus which provides tour by tour statistics and briefings to the men.

The special duty volunteers work in plain clothes or disguises and drive unmarked cars or patrol on foot. They have much more discretion and freedom in their operations than do uniformed patrols. They have stopped a number of street crimes in which criminals were caught red-handed.

Anti-crime patrols, however, cannot do the job of safeguarding the city and cutting crime effectively all by themselves. They need help from the community, from political leaders, from the courts and from City Hall.

Congressman Bingham was among the first to recognize the need for legislative help in the fight against vandalism, arson and drug addiction. He has introduced legislation designed to increase safety in the high schools. He has held workshops and conferences at which "law and order" was treated not as a slogan of the right wing but as a problem faced by the public.

Tenants in apartment buildings where crime is prevalent have a right to complain and to ask for more police protection. They can be more effective, however, if they establish Auxiliary Police patrols to help keep their buildings safe.

A recent article in the New York Times Magazine called attention to the leniency of the courts, whose failure to mete out sentences has encouraged "rat packs" to continue their muggings and stabbings with immunity. The author, who had spent many days in gathering material, learned that the attackers have little or no fear of punishment, having learned from experience that a slap on the wrist was the most they would get.

When a bunch of thugs invade a subway train or station, smashing everything in sight and terrorizing passengers, it isn't helpful to hear an official face the television cameras with the lame excuse that this is "an isolated incident". There have been too many such incidents, without any firm resolve, clearly expressed, that such conduct will not be tolerated.

We note with interest that Mayor Lindsay has decided that the solution of street crimes is among his top vote-getting priorities. People want safety. They want to go about their business without fear of attack, and with the assurance that everything possible—from anti-crime patrols to stiff sentences—is being done to safeguard them.

The police officers who have volunteered for special duty in the anti-crime patrols are to be congratulated. They have willingly accepted dangerous battle posts on the front line in the war against criminals.

Everyone agrees that the causes of crime should be uprooted. We'll probably never end law-breaking, but better housing, full employment and improved social conditions should eventually be as great a deterrent as police guns.

Meanwhile we face hard reality. Danger lurks in the streets, and it can be met only by men willing to risk their lives for the safety of their neighbors.

CLEVELAND PLAIN DEALER EDITOR TO RETIRE

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. JAMES V. STANTON. Mr. Speaker, on December 31, William Ware, executive editor of the Cleveland Plain Dealer, will be retiring after 38 years in journalism. Bill's love for his profession has been very much evident in the high quality of his reporting, writing, and editing. Not content merely to write about events of the day, Bill has exhibited a rare spirit of public-mindedness through his extracurricular activitives on behalf of education and mental health.

I would now like to insert the following article in the RECORD as a tribute to his many accomplishments.

WORK WAS FUN TO BILL WARE

(By George J. Barmann)

In talking about the newspaper profession, William M. Ware, executive editor of The Plain Dealer, said some time ago that there is no question in his mind about where the heart of a paper is or where, in the process of producing it the newspaper begins.

"It begins with the reporter and the editorial staff," he said, adding that, if they are successful in interesting, entertaining, and informing the public, everything else in the business is always made so much easier.

And then Ware, mentioning that an editor's primary task is to persuade and inspire that ought to be able to convince most of the staff that this business is fun and many cuts above the drudgery of the counting house."

Ware was able to do that well, indeed. For years. For almost everyone who worked for and with him. And, working for and with Bill Ware, you could easily see that it was fun for him, too.

Ware is retiring from the Plain Dealer. He is taking early retirement from his post, in the command of the entire editorial operations of this newspaper, daily and Sunday. He became executive editor Dec. 1, 1966.

For nearly 38 years he has been associated with The Plain Dealer, reporting, writing and editing, all the time, anyone will tell you, a gentleman of the press. Even in the years before that, his life has been the excitement—the fun, really—of journalism.

Bill Ware is leaving Dec. 31.

"At midnight, I suppose you could say," he remarked in an interview in his office, sitting at his desk, smiling, his hands behind his head in a typical gesture. "That's on Friday, and so at 11 that Friday night I'll make my usual evening telephone call to the paper from home and see what's going on and then I'll put the telephone down and that will be it."

In a little while after that, 1971 will become 1972, and Ware will be remembering other voices, other days.

Bill Ware, who was born in Columbus on June 13, 1911, was graduated from the School of Journalism at Ohio State University in 1933. He was the only member of his class who got a job right off. In fact, he got a job offer from the Painesville Telegraph a month before he was graduated.

"It was no great tribute to me," he said. "I had been doing some work for the Telegraph at State, you see. Well, I got this wire from them and they wanted me to start right away. I couldn't do that. I had to wait until June, of course."

Ware is from Mentor. He and his wife, Beth Cole Ware, live there now. Ware's father was a farmer near Columbus, but the family moved to Mentor in 1915, on a farm. Ware was graduated from Mentor High School where he played football.

"The job at the Telegraph was sports editor, at $16 a week," he said. "They called me sports editor, but, well, you'd go in at 7 in the morning and put the sports page out. Then, after you'd get that done, you'd do out and cover City Hall. Then, in the afternoon, you'd do various general assignment stories and then you'd go over the stuff from the country correspondents, all hand written, you know. And then, after that, you'd go and cover a county meeting, in Painesville or, say Fairport, and some time in the evening you'd be in at 7 the next morning."

It was fine training of course, and Ware, after eight months, came to The Plain Dealer. He came, he said, because "an old Ohio Stater," Phillip W. Porter, now retired, who preceded Ware as executive editor, was then day city editor. That was in April 1934.

When he left the Telegraph, Ware was getting $18.50 a week. The PD offered him $25. Said Ware: "On the strength of that kind of pay, Beth and I decided to get married." They did, on Sept. 16. 1934. They had met at Mentor High. Mrs. Ware, who was a schoolteacher, was graduated from Bowling Green State University.

Mrs. Ware taught the first four grades, off and on, until 1964. Ware, through her, has long been interested in education.

They have two daughters, Mrs. Christopher R. Coulton of Painesville and Mrs. Jose Ruiz Izqierdo of Madrid.

Bonnie, the daughter in Painesville, was graduated from Muskingum College and taught school. Kathryn, in Madrid, was graduated from Florida Southern College at Lakeland. She has been working in Spain. She and her husband, who was graduated in law from the University of Madrid, are expected to come here in a few days.

Ware's first assignment at the PD was helping to cover the Easter Parade in 1934. That was the day he began. He was on general assignment, then on the police beat, then on late rewrite and at Lakeside Courthouse. Then he went on the copy desk, and from there into the Sunday department of the paper. That was in 1937.

In 1954, Ware was made assistant Sunday and feature editor. In 1962, he became Sunday and feature editor. Two years later, he was made night managing editor. From that post, he was promoted to executive editor.

For some years, Ware was active in the Cleveland Newspaper Guild, serving as its president in 1947. In 1951, he was a member of the international executive board of the American Newspaper Guild. He has also been active in Sigma Delta Chi, the professional journalism society, and was president of the chapter here in 1963.

Ware has been active in local, state and national newspaper organizations, working for press freedom and public's right to information.

His interest in education is shown by his eight years of service on the Mentor Board of Education, three of them as president. One year he headed the Northeast Ohio School Boards Association and served a similar term as vice president of the Ohio School Boards Association. In 1961, he was chairman of the Ohio State House Conference on Education. He has spoken widely on school affairs.

Mental health, too, has been one of his interests the last 10 years.

And, naturally, Ohio State has always had a claim on his time. In his senior year, he was editor of The Lantern, the campus newspaper. Being an Ohio Stater, he loves football. He played quarterback—"believe it or not, looking at my size" (5-foot-6, 110 pounds then. He weighs 130 pounds now).—for Mentor High, "but you got to remember Mentor High was a pretty small school those days."

The Wares plan to spend the winter months at their home in Cape Coral, near Fort Meyers, Fla. Other months they will be in Mentor. Ware's interests are golf and reading, "and Bethie and I are amateur fishermen."

"Well," said Bill Ware, "it's been an interesting time with lots of interesting people. I just can't conceive of people doing dull work every day, going to work and performing dull tasks. They do, but I can't imagine it. For me, it's been exciting, things happening, new things, every day. And great fun."

DEFENSE SAVINGS PREVENTED BY POLITICAL PRESSURES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BADILLO. Mr. Speaker, earlier this week the outgoing Under Secretary of Defense, David Packard, charged that congressional pressure has been responsible for preventing sizable savings in the defense budget. At a news conference on Monday, Mr. Packard observed that at least $1 billion could have been saved but that political pressures prevented such action, particularly with regard to closing unnecessary and obsolete defense installations.

It is, indeed, tragic that Mr. Packard waited until he left the Defense Department to make this revelation and that he obviously withheld such information until after the $73 billion defense budget was cleared by the Congress. It is equally disturbing that some of our colleagues should pressure the DOD to retain facilities which are apparently useless, have no strategic military importance, and are costly to continue to operate and maintain.

At a time of severe economic instability at home and abroad and record spending on ill-conceived foreign military ventures and nonstrategic defense items, we should be making a concerted effort to cut costs wherever and whenever possible. I believe that experience has shown that such defense facilities can be effectively converted to a wide variety of civilian uses and that the feared dislocations do not occur.

I call upon our colleagues to put aside political considerations and cease pressuring the Defense Department to retain installations which are proven to be unnecessary for national defense.

OUR CADETS AND MIDSHIPMEN

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HUNT. Mr. Speaker, the occasion of the 1971 Army-Navy football game inspired one editorial writer to put his finger on a problem that has grave implications with respect to U.S. leadership in the free world and our own national security; namely, the poor image being cast upon our military services and the consequent undermining of public support.

The writer makes this impassioned plea:

> We must come to our senses about this. At this point in American history it is imperative that the public and its representatives take a dispassionate look at the external world around about us and the *necessary* role of our military in coping with it.

Mr. Speaker, we will be risking the very future of our Nation if we do not reverse this trend, the kind of "hostile criticism that denigrates and erodes the U.S. military institution as such". We will not only jeopardize the potential success of an All Volunteer Army by failing to mute this destructive criticism, but we can also be assured of eliminating from the vital military manpower pool under the volunteer concept a large number of individuals who will look elsewhere for professions which society views with more favor.

I firmly believe that the position of the United States as a leader in the free world today and, indeed, the very preservation of our democratic institutions depend upon the vitality of our military establishment and our commitment to our men in the uniformed services. The need for our gratitude and our recognition of our obligations to them has never been greater. The editorial follows:

[From the Philadelphia Inquirer, Nov. 29, 1971]

OUR CADETS AND MIDSHIPMEN

Once again they have come and gone—those thousands of West Point cadets and Annapolis midshipmen who each year converge on Philadelphia for the classic Army-Navy football game.

For almost four decades our city has been privileged to be the site of this contest. Our location, our historic traditions, and, most of all, the warm welcome we extend to the young men of the service academies make us a natural host for this pleasant annual invasion.

The city gears up for "The Game" with plans that are so painstaking, thoughtful and accommodating that the representatives of the academies have told Congress that "Philadelphia does so much for us that we could not afford to play it elsewhere."

It is a happy relationship. It is one that we want to preserve.

But for a moment let us think beyond the game and the exciting, colorful pageant that goes with it.

Let us think of the young men themselves, the future officers of the United States Army and the United States Navy and what it is that they represent.

These clean-cut, disciplined American youths are drawn from every walk of life. They are rigorously trained at great public expense. Their duties will be exacting, their responsibilities heavy.

It is a long way from the exuberance of interacademy football rivalry to ship patrols on distant seas and military stations far from home, a long way from a cheering stadium to the watch in a submarine or an army command post in the thermonuclear age.

The freshness of these young officers-to-be contrasts with the muck of Vietnam, the horror of My Lai, the racial disorders, the disciplinary troubles, the drug plague, the ugly brand of politics that has made the Armed Services a whipping boy for the mistakes of civilian leaders, and the errors of military leadership itself that have fed civilian disillusionment with the military.

Yet these young men will be leaving their academies soon to face both the grave responsibilities for national security and the deep-seated problems that must be overcome if they are to fulfill those responsibilities.

Sadly, they will be embarking on active military careers at a time when the military "image" is at a low point and American support for the military dangerously jeopardized in consequence.

We must come to our senses about this. At this point in American history it is imperative that the public and its representatives take a dispassionate look at the external world around about us and the necessary role of our military in coping with it.

Neither the urgent quest for peace through negotiations, nor the rational effort to limit armaments, nor the emotional revulsion at the Vietnam experience can blind us to present and potential perils in the unresolved clash of rivalries over the globe.

A distinction has to be made between constructive criticism designed to make our military a more effective instrument of national policy under civilian control and the kind of blind, hostile criticism that denigrates and erodes the U.S. military institution as such.

So, as the cadets and midshipmen take their leave of Philadelphia for another year, we need to ponder carefully the nature of the duty they owe and are sworn to give America. And we need to be cognizant of our obligations to them.

The nation's chance for peace or very survival may depend on those young men who this past Saturday were concerned only with a football score.

FREE CHINA'S OPPORTUNITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. DERWINSKI. Mr. Speaker the expulsion of the Republic of China from the United Nations is generally recognized by most Americans as an outrageous and despicable act. It will be a long time before the U.N. will be able to live this down. No first person can possibly deny the legal justification for sustaining the membership of this founding member in the U.N. Blind and vengeful politics determined the issue, but by all ideals this should be given no play in the world organization, at least in terms of its own principles of profession.

An interesting article on some of these legal aspects appears in the autumn issue of the Ukrainian Quarterly, an internationally respected journal of East European and Asian affairs. Titled "Free China's Opportunity," the article is authored by Dr. Lev E. Dobriansky of Georgetown University. Though it was written before October 25—the day of shame—when the Republic of China was voted out of the U.N., in retrospect and also for the future the article contains several perceptive observations concerning Red China and the legal and moral position of the Republic of China, which can be put to effective political use by this sturdy anti-Communist ally in Asia. I commend this article to the studied reading of our Members and all Americans who felt nothing but justified revulsion against the infamous act of October 25:

FREE CHINA'S OPPORTUNITY

(By Lev E. Dobriansky)

President Nixon's plan to visit Red China had long been in the making. When the Peiping trip of Dr. Henry Kissinger, the President's advisor on national security matters, was revealed, it was undoubtedly a news spectacular. But for those who have these past ten years followed the thinking, pressures and literary output dealing with a "Two China" policy, some of which will be referred to here, the news clout of the Kissinger expedition scarcely carried any element of basic surprise. It was only the timing and secretive circumstances that produced the superficial surprise.

Looked at from one angle, the move after all is in conformity with the Administration's oft-repeated theme of "negotiation, not confrontation." It has almost Khrushchevian overtones of "peace and friendship," which the then Vice President Nixon was endlessly exposed to over ten years ago. The style is also of like character. Yet, still from another angle and in a more fundamental sense, this gesture represents a confrontation of negotiation, which in this make-believe period of confetti diplomacy is nothing more than the diplomatic dimension of the Cold War as practiced by the Russian totalitarians and the Red Chinese, and accepted in challenge by us. As Hungarian and other "satellite" sources put it, the clout of the revealed Presidential visit elevated the stage from "ping-pong diplomacy" to "baseball diplomacy." The next higher stage will be one of "football diplomacy," calling for intricate, calculated plays on both sides.

The immediate effects of the White House announcement regarding the Peiping trip were mixed, both here and abroad. In the course of my trip in Asia in mid-summer it was patently evident that doubt, uncertainty and even chagrin marked the reactions of both official and unofficial Free Asia, varying in degree from capital to capital, country to country. From Seoul down to Manila the prime complaint was the lack of prior consultation on the matter with America's Free Asian allies. On Taiwan, of course, a quiet bitterness was sensed and if the government of the Republic of China hadn't exercised a restraining hand, several outbursts of anti-Americanism would surely have occurred. They would have been understandable, too, in view of Free China's strong and unwavering loyalty to U.S. policy and interests in Asia. No matter where the writer went or with whom he consulted, the subject of prime interest was the President's decision to visit mainland China and the question, naturally, was "Why?" This was the sole question asked of the writer in a TV interview over the China Broadcasting System.

MULTIDIMENSIONAL ASPECTS OF THE PROBLEM

In attempting to answer this pressing question in the most rational and objective way possible, the writer obviously could not assign the weights given to the several considerations that doubtlessly led the White House to its decision at this time. Despite this, however, the major causal reasons for this action have been discussed, debated and examined for some time. In short, the problem has multi-dimensional aspects which the writer endeavored to explain in terms of the Sino-Russian conflict, the Vietnam War, the emerging power of Japan, the need for communication, and domestic political considerations.

Regardless of overlaying public utterances, the objective global context providing for this action is the intensive Sino-Russian conflict and its ramifications in both the Red Empire and the Free World. More than anything else, this objective context is the determining factor underlying the present move toward Red China. It was not without reason that the President visited first Bucharest and then Belgrade, and now is planning his trip to Peiping. For it has been no mystery that the intra-Red Empire conflict has extended into the Balkans with political orientations toward Peiping in Rumania, Yugoslavia and Albania. These Red states are under the shadow of the Brezhnev doctrine and its ruthless application as is Red China. A careful reading of the President's second foreign policy report to Congress unmistakably pointed in this direction with its repeated emphases on the growing tensions within the Red Empire. For example, "The Stalinist bloc has fragmented into competing centers of doctrine and power. One of the deepest conflicts in the world today is between Communist China and the Soviet Union."[1]

This fundamental context on the global level encompasses several other important factors. While all the diplomatic maneuvers are underway, steadily the Russian armed build-up on the borders of Red China continues. Some thirty to forty divisions are concentrated on this 4,000 plus mile border. The military pressure for a preemptive strike against Red China's nuclear installations is ever-present, preceded in fact by quite a number of Russian generals having been relieved or declared dead for reasons unknown. The deductive known reason was their desire to have the task done now rather than later. Red China is known to possess a stock of short-range IRBM's, but these are not as yet deliverable for distances covering Moscow and Leningrad. Needless to say, it won't be long before Peiping will possess these and a stock of ICBM's. Then, finally, the political factor of competition for leadership in the world communist movement enters into this deep conflict. As its new constitution and other points of evidence show, Peiping has no intention of renouncing the Maoist revolutionary animus. In the meantime, Moscow's policy of isolating Red China both geographically and ideologically is being exploded by the Nixon overture to Red China.

In addition to this basic reason for the President's new approach to China, there are secondary and tertiary reasons. Of secondary import is the Vietnam war, which from the military viewpoint is to all intents and purposes over. Recently, in Saigon, the writer received several briefings delivered by the South Vietnamese high command, and the confident manner by which his pointed criticisms were fielded represented a sharp contrast to the situation he experienced in Vietnam three years ago. The dominant problem today in that war-torn country is political. By all evidence, North Vietnam is militarily tired, new recruitments are slow, and the recent floods have shaken its economic structure badly. The danger in the whole situation rests in the possibility of Hanoi gaining its objectives at the political table, where it was not able to on the field of battle. In substance, it may seek the repetition of the '54 Geneva Conference when, despite the spectacular feat at Dienbienphou, its forces were generally prostrate.

Talk about a deal with Red China for a conference on Southeast Asia and an agreed-upon neutralization of the area has surfaced in the wake of the President's planned trip to Peiping. At the same time, the Red Chinese totalitarians have reiterated their stand that Hanoi pursue "protracted war" to final victory in Indochina. An August 13 Peiping radio broadcast beamed the promise of "full support to the Vietnamese people and the Indochinese peoples to carry on the war aaginst U.S. aggression and for national salvation until complete victory . . ."[2] These and similar statements may well be propaganda plays to gain a conference and neutralization eventualy, which paradoxically enough would provide a wide field for protracted warfare of a psycho-political type. Yet, considering the general weakness of both Red China and North Vietnam, there is no rational justification for such a deal. South Vietnam could well develop strongly in the path of South Korea, and between a formidable South Vietnam and Thailand stability and peaceful development can be assured in southeast Asia.

Another important reason affecting U.S.-Red Chinese relations is Peiping's fear of resurgent Japan. On the national scale, Japan today is the world's second economic power, and it is first among the Asian nations. Under the guise of Home Defense units, its military power is steadily developing, and certainly should Japanese confidence in the stability of U.S. policies wane, it won't take Tokyo long to convert itself into a major nuclear power. Moreover, a point oftentimes overlooked is the importance of a free Republic of China on Taiwan to the security of Japan. In light of these paramount facts and possibilities it is evident why Peiping fears a powerful Japan. However, at this stage this fear cannot be equated to that of Russia in the Soviet Union. In any case, it provides enormous bargaining leverage for the U.S.

Khrushchev is reported as having said "Mao Tse-tung has played politics with Asiastic cunning, following his own rules of cajolery, treachery, savage vengeance and deceit."[3] The course set by the President is, to say the least, one inviting considerable treachery from the Red Chinese. Nonetheless, given the other more essential aspects, it is a necessary confrontation for negotiation, to open up lines of communication, to allow for a variety of cultural and trade contracts, hopefully to deflate the revolutionary fervor of Peiping, and to challenge the Chinese totalitarians to display some observance of the rules of international conduct and behavior. This period in Sino-American relations as concern the mainland is not unlike that preceding U.S. recognition of the Soviet Union forty years ago, though certain substantial differences exist between the two. Put simply, an offer to talk is by itself no stamp of approval of the so-called Peoples' Republic of China nor a slight to the valid legitimacy of the Republic of China.

A point stressed by the writer in his appearances on Taiwan is that President Nixon is no Johnson, Kennedy, Eisenhower, Truman. His solid background of anti-communism distinguishes him from his predecessors. He is acutely alert to the political wiles and machinations of Red cold warriors, and in the circumstances of our domestic climate and moods is pursuing an admittedly treacherous course with superb confidence in his own ability to manage both the variables and imponderables of the global scene for America's own basic security. Four years ago, in an article published in *Foreign Affairs*, private citizen Nixon wrote: "The primary restraint on China's Asian ambitions should be exercised by the Asian nations in the path of those ambitions, backed by the ultimate power of the United States. . . . Only as the nations of non-Communist Asia become so strong—economically, politically and militarily—that they no longer furnish tempting targets for Chinese aggression, will the leaders in Peking be persuaded to turn their energies inward rather than outward. And that will be the time when the dialogue with mainland China can begin."[4] In essence, the Nixon doctrine appears in germinal form here.

Undoubtedly, other influences worked on the President in the direction of the general course he has set for himself as concerns Red China. A memorandum dated November 6, 1968, was submitted by several academicians to "President-Elect Nixon" on the subject of relations with China. The memorandum is studded with typical absurdities about "no-win" wars, the effects of the ABM system on more favorable relations with Peiping, the surrender of Matsu and Quemoy, and about some sub-surface political forces in Taiwan. However, it charts a course for accepting "Peking's membership in the General Assembly and the Security Council while seeking simultaneously to preserve a General Assembly seat for Taiwan, whether as the Republic of China, an independent nation, or an autonomous region of China."[5] The last part of this recommendation sufficently indicates the naive or sinster motivation of these academics. The President's and Secretary of tSate Rogers' declarations on abiding with our present commitments toward the Republic of China adequately dispose of these and other absurdities.

Finally, from the viewpoint of domestic politics, the disclosure of the President's intended trip decisively took the wind out of his opponents' sails. As many an editorialist pointed out last summer, had the presidential elections taken place then, Nixon would probably be reelected with ease. Each of his potential opponents couldn't help but praise the President's stride for "peace in our generation," a slogan that will resound more and more in the 1972 campaign. Plainly, it cannot be said, as some are prone to do, that the move toward talks with Peiping has been motivated by the President's desire for reelection regardless of its effects upon our national security. To entertain such an insular notion is to ignore the chief considerations as portrayed in the broader picture here. That several objectives can be realized by a single action, albeit directed in an area of global significance for both the United States and the Free World, is a most commendable feat in the art of political statesmanship. Especially is this so when the higher ends are not really endangered by the residual satisfaction of lower ends.

If this analysis is correct, the increasing amount of evidence flowing from Eastern Europe and the tensions growing there certainly fits into our interpretative pattern and assumes grave significance for imperialist Moscow. The expanded reception of the Red Chinese in Rumania, Yugoslavia and Albania has already been cited. The circulation of ideas in official circles for a Balkan alignment involving these three and Turkey and Greece to boot shows the extent to which the threat of the Brezhnev doctrine, or in other words, applied Russian domination has stimulated the fears of most Balkan capitals. The Rumanian Communist Party is well on record denying Moscow's right to lead the Communist movement and rejects the Brezhnev doctrine of limited sovereignty in these words: "It is the primordial international duty of each party to encourage no faction fights in another country."[6] On the other hand, Moscow's lackeys seek to dampen the impact of the President's invitation to visit Peiping. For example, the East German Communist Party newspaper *Neues Deutschland* accuses Red China of world ambitions in these words: "The demagogic cloak of Maoist propaganda has fallen, and the policy of Mao Tse-tung and his followers comes

---

Footnotes at end of article.

to light uncovered."[7] Out of Moscow characteristic drivel of this type flows: "The ultimate aim of Chinese foreign policy is to provoke a military conflict between the Soviet Union and the United States . . . and then build on the ruins."[8] Doubtlessly, the period ahead will abound with such comments.

THE "REALITY" OF RED CHINA

Before we consider the opportunity that all this has provided the Republic of China for a strong legal stand in the United Nations, a few observations are necessary in connection with the so-called imposing reality of Red China and the Byelorussian/Ukrainian analogy to the two China policy. In the drive to gain a seat for Peiping in the U.N., there has been a grossly unwholesome tendency to paint Red China as a great power, indeed as a super-power. As the writer states it elsewhere, "if reference can be made again to the issue of recognizing Peiping in whatever form, it is striking, indeed, how old illusions on 'reality,' 'prospective trade' and 'peace' nurtured forty years ago with regard to the USSR are muddling minds today in relation to mainland China."[9] For propaganda reasons the inflated myth of Red Chinese reality is understandable; from a factual point of view it represents the grossest misrepresentation of what is in essence a geographical expression. A huge population and geographical expanse clearly do not add up, in themselves, to a big power reality. On the contrary, lacking other essential factors, they attest to massive weakness.

Just as in the case of the Soviet Union the human cost of mythological communism in mainland China has long been known to be ghastly. What the Select House Committee to Investigate Communist Aggression assembled in data seventeen years ago, Robert Conquest has summarized recently as concerns the Soviet Union. Innumerable works have covered the genocide, murders and assassinations perpetrated by the Red Chinese totalitarians, and Richard Walker has presented a similar summary recently.[10] However, the latter's economic perspectives on Red China leave much to be desired. Both perform a valuable service in alerting or re-alerting free people as to the political types we are dealing with, and though in the case of Peiping the estimates of decimated lives may differ from a minimum of 34 million lives to 63 million in the last fifty years (and in the case of Moscow, from 40 to 80 million) the lesson of organized barbarity remains the same. The assassin background of Chou En-lai—Murderer—should have tempering effects."[11] But whatever the effects, they will scarcely alter the drift of accommodation which must be shaped by a vivid realism toward this geographical expression.

On the scale of power ingredients, the so-called People's Republic of China is clearly not in the club of super-powers. The two successive convulsions of the past decade—the Great Leap Backward and the Uncultural Revolution—cost the PRC a whole decade of economic regression. One of the worst underdeveloped countries, the PRC can only show for itself an estimated gross product of $70 to $80 billion, or about 2/5 of Japan's GNP, and its per capita output ranges from $90 to $100, about only 1/3 of the Republic of China. Its food-population problem is a long-standing one, with an approximate output in grain production totaling 190 million tons for a population ranging from 680 to 775 million. As a pointed indicator, PRC's crude steel output approximates 15 million tons, as compared with 130 million for the U.S. and 116 million for the USSR. Its foreign trade turnover amounts to about $5 billion per annum, which is closely rivaled by the Republic of China and its population of about 14.8 million on Taiwan.

A recital of the normal aspects of the standard of living on the mainland—off the guided tourist tracks—is one of economic abomination, well exceeding those in other underdeveloped Asian areas. To be sure, progress has been made in nuclear and satellite development, but here, too, perspective should be shown toward this powerbadging stroke of technologic concentration. At this stage Red China possesses IRBM's, but not powered enough to reach Moscow or Leningrad. It's on the way for ICBM's, but to develop a complete delivery system will take many years yet. Inroads in this area still are quite underdeveloped, as is, indeed, the entire economy.

THE BYELORUSSIAN/UKRAINIAN ANALOGY

Negotiations and dealings with Red China require a perspective attuned to the essentials given above. Basic weakness, not strength, is the hallmark of the PRC, and no inordinate concessions are necessary in the name of peace. Proper and accurate perspective in the argumentation of the China issue is also necessary with regard to the oft-repeated Byelorussian/Ukrainian analogy. About a year ago Senator Kennedy of Massachusetts argued that Red China should be admitted into the United Nations on the same basis as that enjoyed by Byelorussia and Ukraine. The latter are parts of the USSR, have separate representation in the U.N. as does the USSR as a whole, and are separately recognized by all other members in the world body. Therefore, each of the two parts of China as a whole should also be in the U.N. Recently, this has been raised by a noted columnist in this vein: "One argument is that the Soviet Union, for example, has two of its 'provinces' in the international organization."[12]

In truth, this argument is baseless and misleading. First, it ignores the fact that the United Nations *is* nominally the United Nations, constituted of nations which bear some form of statehood, ranging from the vacuous to the substantial. Second, notwithstanding rampant misconceptions concerning them, both Byelorussia and Ukraine are nations distinct from the Russian which is really represented in the form of the USSR. In sharp contrast, the Chinese on the island of Taiwan are a part of the same Chinese nation that embraces the Chinese on the mainland. Briefly, then, there is no national parallel here between the relations of Ukraine and Byelorussia and federated Russia and that of the Chinese in the province of Taiwan and those on the mainland.

Thus this argument has no valid application to the two China problem. There is no such thing as a two Russia arrangement in the U.N. The matter of legitimacy is also not pertinent to the drawn analogy. In all three cases—Russia, Ukraine and Byelorussia—fundamental illegitimacy rules. The admission of Red China would, however, militate against the legitimacy of the Republic of China as the sole representative of the Chinese nation in the U.N. It would neutralize it in the world body, but the legitimacy factor can be sustained by the United States and others by continued direct diplomatic relations with Taipei. Rationally pursuing this further, if direct relations were also extended to Peiping without any automatic severance of relations incurred by Taipei, the legitimacy of the latter still would be sustained. Aside from geographical and governmental differences, a more logical analogy here would be U.S. diplomatic relations with the USSR and also the Baltic legations. A change to this extent should presuppose some hard bargaining in the interests of both the U.S. and its free Asian allies.

THE U.N. AND FREE CHINA'S OPPORTUNITY

If one synthetically relates all the elements presented so far, it becomes evident that a splendid opportunity exists for the Republic of China to strongly defend its position in the U.N., to reinforce the principles of that world body, and to do all this without in any way embarrassing the U.S. or undermining its own legitimate status. First, the Lodge report, statements by the President, and Secretary Rogers' declaration of August 2 underscore our opposition to the expulsion of Nationalist China in the event of Red China's admission. As the last put it, "the United States will oppose any action to expel the Republic of China or otherwise deprive it of representation in the United Nations."[13] The salient question is whether, without any economic, political or military recriminations, we would allow the Republic of China to defend its seats in both the Security Council and the General Assembly on the basis of the U.N. Charter itself.

The Fifth World Anti-Communist Conference, which was held last July in Manila, passed a significant resolution emphasizing certain provisions in the U.N. Charter which provide the legal basis for Nationalist China's defense. Some maintain that only this legal basis should be used in the defense, foregoing any political fight in view of the numbers stacked up against ROC. There is merit in this argument, but there is no reason why, for the record and as a tempering introduction to the strictly legal battle, ROC's ambassador should not recite objectively and dispassionately before the entire General Assembly and to the world the long record of Peiping's aggressions, genocide and barbarities, and then concluding with the question "I ask each and every one of the distinguished representatives present here whether in your moral conscience and in dedication to the declared principles of this world body you honestly feel Communist China is qualified and is eligible to become at this time a member of this organization?"

At this writing, when both Japan and Great Britain have indicated their intention to vote for Red China's admission regardless of ROC's expulsion, the need for an unfettered defense by Taipei is greater than ever, perhaps even for the U.S. to save face.[14] A careful reading of the pertinent U.N. Charter provisions shows that ROC's case is air-tight and impregnable. Beginning with the matter of expelling a member, Article 6 expressly states: "A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendations of the Security Council."[15] Immediately two chief points emerge here: (1) persistent violation of principles and (2) Security Council recommendation.

Without doubt, any opponent of ROC would be hard pressed to offer even an iota of evidence substantiating the first point on the part of ROC. To the very contrary, the record of ROC in the U.N. and in the world is almost impeccable and steadily progressive. As one liberal columnist stresses, "There are 97 'countries' in the U.N. with smaller populations than Taiwan's, and it makes no sense, either in terms of these people's rights or the long-range effectiveness of the U.N., to throw Taiwan out."[16] His other powerful points on this exclusion as "a foolish step away from universal membership," Taiwan's "extraordinary social and economic progress," its assistance to other nations, "especially the poorer nations of Africa," and Japan's world power qualification for a permanent seat on the Security Council deserve the most serious consideration. Furthermore, the present occasion is ripe for the public to recognize some essential facts concerning ROC, as, for example, its annual economic growth rate of over 10%, inflation of only 3% a year, foreign trade turnover of close to $4 billion, its model land-reform program and food production self-sufficiency, a well-balanced industrialization growth, a per capita income of $292, and impressive donorship of foreign economic aid.

Concerning the second point on Security Council recommendation, the repeated so-called Albanian proposal to seat Red China

---

Footnotes at end of article.

and oust ROC has been a repeated illegal attempt since no such recommendation has founded it. If any such recommendation were proposed in the Security Council, the Republic of China, as a permanent member, would veto it, a right guaranteed by Article 27. In short, then, since ROC has never violated the principles of the Charter, there is therefore no factual or legal ground for its expulsion.

On this matter of permanent membership, Article 23 specifically provides: The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Island, and the United States of America shall be permanent members of the Security Council." [17] The only legal process by which the permanent member title "The Republic of China" can be replaced by "The People's Republic of China" is by amending the Charter, as provided in Article 108. The article clearly states: "Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council." [18] Obviously, the key word here is "all," meaning that if ROC or the U.S. or both as "permanent members" refuse to ratify the proposed, necessary amendment, the above change couldn't legally take place. Thus, by the provisions of the Charter itself, ROC cannot be removed from the Security Council. Arbitrary political judgments and actions toward such removal are only in crass violation of these articles and their legal provisions.

Turning now from the expulsion of members to the admission of new members, it is frequently held that these important questions are covered by Article 18 which in the Charter falls under the caption of "voting" and is thus procedural in character.[19] The article stipulates, for example, that each member of the General Assembly shall have one vote. It also specifies a two-thirds majority vote "on important questions," included among which are "the admission of new Members to the United Nations" and "the expulsion of Members." The so-called China question has in part been consistently played on the procedural points of this article. The seriousness of the present challenge demands, however, that the subject of Red China's admission be treated on substantive grounds rather than on procedural ones. And these are explicitly afforded in Article 4.

In Chapter II and under the caption "Membership," Article 4 quite clearly states: "1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations"; "2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council." [20] Applying the first part of this provision to Red China, it should be evident that the cumulative evidence of its aggressions and hostility, which the ROC ambassador would highlight in his introductory declaration, and the fact of the U.N.'s standing condemnation of Red China as "an aggressor" paint a rather misfit candidate for membership.

Based on these substantive grounds, the second part of the article is highly essential since the General Assembly decision is explicitly predicated "upon the recommendation of the Security Council." Plainly, any such decision presupposes this initial recommendation originating in the Security Council where, once again, the Republic of China has a permanent seat and also the right of veto. As indicated previously, Article 27 in the Charter guarantees this right where, with reference to substantive rather than procedural matters, it expresses the guarantee in these words: "3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members." [21] The lack of concurrence on the part of the permanent members, of which ROC is one and sufficient unto itself, would nullify such decisions, substantively that of admitting Red China. The Soviet Union has exercised this veto right against membership proposals, such as that of Nepal, and there is no principled or legal reason for the Republic of China to abstain from its proper and far more valid use in the case of Red China.

This legal foundation for ROC's defense of its position in the U.N. is more than adequate. However, being a state with a de facto population exceeding that of any of 97 other members in the U.N., ROC might also consider Article 19, dealing with financial delinquency of members and their right to vote in the General Assembly. If in this political scuffle many members of the U.N. should fail to observe the principles and Charter provisions of the organization, then there is no reason not to pull out as many plugs as the situation warrants. Very likely this may be unnecessary. The chief question remains: "Will ROC seize this opportunity to manifest its own established honor and integrity, to cause the U.N. to redeem itself in terms of its own Charter, and even perhaps to assist the U.S. in saving its own face.?"

FOOTNOTES

[1] *Second Annual Presidential Review of United States Foreign Policy*, House Document No. 92–53, Washington, D.C. 1971, p. 2.

[2] Henry S. Bradsher, "Peking Affirms Support for Hanoi's Hard Line," *The Evening Star*, Washington, D.C., August 19, 1971.

[3] *Khrushchev Remembers*, Boston, 1970, p. 461.

[4] "How Nixon Signaled His China Policy Four Years Ago," *U.S. News & World Report*, Washington, D.C., August 16, 1971, p. 23.

[5] "Communist China Policy," *Congressional Record*, August 6, 1971, p. 30766.

[6] "Romania Urges Equality Despite Moscow Threats," *UPI*, Vienna, September 6, 1971.

[7] "China Seeks World Status," *Reuter*, East Berlin, August 24, 1971.

[8] *UPI*, Moscow, September 8, 1971.

[9] Lev E. Dobriansky, *The Geographical Expression of Mainland China: The Largest Captive Nation. Congressional Record* reprint, July 1971, p. 2.

[10] *The Human Cost of Communism in China*, Committee on the Judiciary, United States Senate, USGPO, Washington, D.C. 1971.

[11] "Chou En-lai, Murderer," *Congressional Record*, August 6, 1971, pp. 30773–30774.

[12] David Lawrence, "A New Detente Shaping Up in Asia?," Column, August 16, 1971.

[13] Statement by Secretary of State William P. Rogers, August 2, 1971.

[14] "Britain Will Back Peking U.N. Seat," *The Evening Star*, Washington, D.C., September 11, 1971.

[15] *Charter of the United Nations and Statute of the International Court of Justice*, The United Nations, New York, pp. 6–7.

[16] Carl T. Rowan, "A Role for Taiwan in the General Assembly," *Sunday Star*, August 29, 1971.

[17] *Ibid.*, p. 14.

[18] *Ibid.*, p. 55.

[19] *Ibid.*, p. 12.

[20] *Ibid.*, p. 6.

[21] *Ibid.*, p. 17.

MRS. MIN HIMMELMAN RECEIVES VOLUNTEER OF THE YEAR AWARD FOR WORK IN BEHALF OF THE MENTALLY ILL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. FRENZEL. Mr. Speaker, recently the National Association for Mental Health selected Mrs. Min Himmelman to receive the Katherine Hamilton Volunteer of the Year Award for her inspiring work in behalf of the mentally ill. While Mrs. Himmelman lives in St. Louis, Minn., in my congressional district, she has become widely known and loved for her good works in a wide variety of fields.

Min is a nonstop volunteer in a seemingly endless string of organizations serving the needs of the old, the young, and society's rejects of all ages. A recent article in the Dallas Morning News does a fine job of highlighting this most extraordinary career of public service. It is in no sense an exaggeration to suggest that today as never before what the world needs now is more of the love translated into commitment described through the life of Min Himmleman.

My fondest holiday wish to my colleagues is that each congressional district be blessed with at least one Min Himmelman.

I insert the above-mentioned article at this point in the Record:

MINISTER OF MENTAL HEALTH—JEWISH MOM DECKS THE HALLS WITH MATZO BALLS

(By Mary Brinkerhoff)

Minnesota's missing out on merry Min Himmelman's brimming brand of kosher Christmas cheer.

It won't be for long, though. Mrs. M. D. Himmelman, laden with fresh honors as the nation's top mental health volunteer, soon will head back from Dallas for St. Louis Park, the Minneapolis suburb over which she watches like a Jewish mother.

Min ought to get there in time to mastermind a rerun of last year's gift-wrapping orgy in her apartment, a binge which resulted in 16,000 packages for hospital patients.

'And who do you think was doing it? Little Jewish ladies from around my neighborhood."

Author-social arbiter Amy Vanderbilt, who heads the awards and recognition committee of the National Association for Mental Health selected Mrs. Min Himmelman to luncheon in the Sheraton-Dallas Hotel. The presentation will be a top event of the NAMH annual meeting, ending Friday.

For Himmelman fans who come in big batches, no part of the program will outshine the moment when Miss Vanderbilt gives Min the Katherine Hamilton Volunteer of the Year Award.

The Indiana Mental Health Memorial Foundation sponsors this NAMH honor. With it goes a $1,000 check, which Mrs. Himmelman already has earmarked for someone working toward a University of Minnesota graduate degree involving research on the discharge and after-care of elderly mental patients.

Min, whose cronies back home and elsewhere range from Catholic priests to Protestant leaders (she's active in a Methodist hospital auxiliary), feels somewhat embarrassed about it all. Many people, she feels, have at least an equal right to the honor; many more just "need somebody to give them the urge."

A lot of her acquaintances disagree. Min has been praised by governors, legislators, social workers; she won a comparable statewide mental health award and a Beautiful People Award from her city.

There's going to be a Min Himmelman bench outside the St. Louis Park library, although the name might seem more fitting if the bench were mounted on wheels.

The library stands on the site of Freedom Park, which Min and 104 co-workers she recruited made out of a dump one July 4, after a battle with city hall. A plumber friend transformed pipe into a flagpole; when a line was needed to run the flag up, another man appeared with his wife's clothesline.

"She came running after him, screaming, 'Can I have my pants back first?' "

Once a great friend of Sister Elizabeth Kenny, the Australian nurse who battled polio before the days of vaccines. Min originated the Bellringer Marches since adopted by mental health workers across the country.

She has fought other ills from kidney disease to drug addiction; she's a member of St. Louis Park's Commission for the Aging; she launched a local "open schools" program and the state's first free eye examinations for the elderly.

Perhaps the most fascinating group to claim her is the Council of Organizations, Associated and Citizens (COAC), which she founded and heads and which seems to consist largely of Min herself and friends game to do her bidding.

Mrs. Himmelman, pushing 70 but as full of zing as a kindergarten freshman, has housed would-be suicides, ex-prisoners and former mental patients in her apartment, already stuffed with a mixture of gifts to be wrapped or other work in progress.

Min, a fireman's widow, mother of four and grandmother of nine, comes of a Russian Jewish family geared to help neighbors and strangers in need. An early crusader, she worked in a factory at 14 just to sample labor conditions for herself.

She hopes before she dies to see more action with less talk; more respect for mental patients as individuals; more kindness to the old, including informal "adoption of grammas and grandpas."

FEDERAL GOVERNMENT HELPS INDIANS

HON. DON H. CLAUSEN

Wednesday, December 15, 1971

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Mr. DON H. CLAUSEN. Mr. Speaker, I noted with interest an announcement which was made recently by the Economic Development Administration that the agency's investment in economic planning and development on Indian reservations had passed the $100 million mark.

The achievement of this milestone is noteworthy for two reasons. The first is that it indicates the fulfillment of the promise made by President Nixon to expand the Federal Government's role in helping the Indians.

The second, of equal importance, is the effect this financial support has had in encouraging the Indians to view their reservations in a new light—one that reflects the opportunity for new jobs and better family incomes.

The Economic Development Administration is the U.S. Commerce Department agency that helps communities develop their resources to enable them to reach their full economic potential. EDA has designated more than 100 Indian reservations around the country as eligible for this support and has received enthusiastic responses from tribal members to its offer of assistance.

The many projects which have received grant and loan support range from the installation of basic sewer and water services to land preparation and the construction of buildings for use by industry.

They represent the true meaning of a partnership between the Federal Government and a local community—in this case the Indian reservation.

EDA offers financial help to the tribes in the form of planning grants to prepare an overall economic development program. It supports technical studies on the feasibility of certain industries operating on reservations and follows up this preliminary work with grants and loans to install the utilities and prepare the land for industry to use. Business loans are made to the tribes or to businessmen to start the work going.

The success of the program can be measured in the number of jobs created and the Indians employed.

One example is the Fairchild Semiconductor Plant on the Navajo Reservation at Shiprock, N. Mex., which EDA assisted in establishing. Indians were trained for the work and there are now more than 800 employed at the production center.

Another project, and of far-reaching potential for the Nation as a whole, involves sea-farming by the Lummi Tribe of Washington. The program was established with the aid of $2 million in public works and technical assistance funds from EDA. The tribe expects the production of oysters and fish to employ 600 persons by the end of the fifth year. And Lummis believe the project will develop into a $4 million annual industry.

There are many other projects which are equally noteworthy—tourist centers, training schools, industrial parks, lumber mills, cattle raising cooperatives—to name a few.

Much work is still to be done, but these EDA programs have already been a key element in assisting the American Indian build a better life based upon economic growth from the Indian's own initiative and labors.

EDA's support to the Indians passed the $100 million mark on September 30, 1971, when it approved a $460,000 grant for an industrial park on the Swinomish Reservation in the State of Washington.

It is my understanding the EDA has set a goal of approving grants and loans totaling $26 million for the Indian programs in fiscal 1972. I am pleased that this program continues to reflect the increasing desires and abilities of the American Indian to obtain a full share of economic growth.

COL. JIM IRWIN—I HAVE COME HOME AGAIN—BACK TO EARTH

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. COUGHLIN. Mr. Speaker, I want to include in the CONGRESSIONAL RECORD the brief introductory remarks to a short but fine speech delivered by one of our astronauts.

The remarks were penned by the late Congressman James G. Fulton, of Pennsylvania, whose work and devotion to the American space effort are recognized by all of us in the Congress. I think the substance of the speech of astronaut Col. Jim Irwin, of the Apollo 15 crew, is a fitting tribute to Congressman Fulton's own realistic and pragmatic view of our Nation's space program.

Wrote Congressman FULTON:

"I submit for the CONGRESSIONAL RECORD the principal speech delivered by astronaut Jim Irwin in the South Park Stadium on Labor Day, at the Annual Allegheny, and Pittsburgh, Pa., County Fair.

"Jim Irwin, a native of Pittsburgh, who received his early education at the Beechview and Brookline grade schools of Pittsburgh, received a wonderful heartwarming reception."

The speech follows:

COLONEL IRWIN'S SPEECH—I HAVE COME HOME AGAIN—BACK TO EARTH

I have come home again—back to earth and back to Pennsylvania. It is good to be back in the vital and vigorous part of our nation where I spent the first eleven years of my life.

I am also glad I have the opportunity to be here on Labor Day. This is the day we honor the working men and women of our country. Hard work is what has made this nation great. The Irwins were part of the labor force for as long as I can remember. My grandfather, John Irwin, came from Ireland in the 1800's and settled in Pennsylvania. He pulled coke at Mt. Pleasant and then in Pittsburgh at Jones & Laughlin. My dad worked in the steel mills as a young man. During my youthful years in Pittsburgh, Dad was an engineer at the power plant in the Carnegie Museum. That was over thirty years ago. I can see that all of you have been working to change the face of this great city. Pittsburgh is beautiful today because of your efforts and technology.

Pittsburgh has become a center of learning, culture, industry, and research. Here the material taken from the earth, is transferred into metal products, and then is formed and assembled to make countless products. Here the laboring man works with the researcher. One compliments the other. The researcher discovers new materials, new techniques and even new industry. The laboring man then fashions the final products. The benefits of such a combination are passed on to all people. You have the complete labor spectrum in this area and you can judge for yourselves the improvement to life itself.

One trip to the moon was made possible by such efforts and cooperaton of people throughout our nation. My voyage with Dave Scott and Al Worden in the "Endeavour" took us out a quarter of a million miles from earth. We were out there longer than any other man and we studied the awesome landscape of the moon with its mountains, plains, craters and canyons. From this distant and contrasting perspective, the earth appears as a gleaming self contained spaceship, glowing with color and life. As far as we could tell our earth is the only planet in our solar system that is host and home to life as we know it, particularly human life. Looking back to earth from the moon, I gained a deeper appreciation of this bountiful home of mankind and became more keenly aware of the need of all its inhabitants to work together both to protect and increase its bounty and to harvest its resources for all mankind.

Fellow Pennsylvanians and fellow Americans, this objective—to work for the benefit of all mankind—is what the United States space program is all about. In fact, it is the goal of our entire space effort, clearly stated in the legislation which made the exploration of space a national undertaking and established the NASA. Under the Space Act of 1958—NASA is directed to explore space for peaceful purposes for the benefit of all mankind.

Our advances in space have contributed very directly to advances here on earth. For example, the Apollo program alone at the peak of its activity involved the active participation of over 200 universities—some in Pennsylvania—20 major contractors and over 20,000 subcontractors. More than 40,000 people were employed as a direct consequence of our effort to land man on the moon. Due to budgetary restrictions, the number is down to about one-third of the peak figure.

The impact of the space effort on the economy has ranged from coast to coast. Pennsylvanians produce satellites, re-entry vehicles, space hardware, software, and even underwear we wear into space.

The results of our space exploration affect every facet of our lives. I would like to mention briefly the major areas and perhaps one example in each. There are new or improved materials, products, and processes such as fire proof garments and paints and miniaturized electronics. Transportation, whether on the highway or in the air, has been made safer. The navigation system of the Apollo space craft is now used in commercial jet aircraft. Communications via our satellites allows us to view live TV from anywhere on the earth.

Building construction has been advanced by new materials and techniques. Health care of us all is improved with such hospital aids as automatic monitoring of patients. Weather forecasting has become much more accurate because of our satellites. Pennsylvania can take pride because the advanced weather satellite Nimbus was made here in the Keystone State. Agriculture has been affected because continuous surveillance allows early detection of crop decrease such as the corn blight problem of last year. Space craft give continuous survey of our natural resources and the degree of pollution we create. Education has been affected greatly. There is a wealth of new practical knowledge available to our children and most important a new horizon to give their lives direction. Economy of our country has benefited—the gross national product has increased by at least $200 billion because of increased industry and employment. There is a new era in international cooperation. We launch satellites for other countries. There is a plan to perform a joint manned operation with the Russians. The last area I want to mention is the national pride provided by our space successes. I am intensely proud, and I hope you all share my pride.

The cost of our current space effort to each one of us taxpayers is less than 1.5 cents of the tax dollar, or roughly $15 per person per year. Compare this with $400 we spend on social programs, $400 on defense, $35 on alcoholic beverages, $17 on tobacco and $16 on cosmetics.

It is clear that the benefits from the space program, both direct and indirect, are providing each American with an excellent return on his investment. This is an investment in America.

The history of Pennsylvania and our national history are interwoven, and the State and its people have been in the forefront of every major social, political, and scientific advance in our country. Pennsylvania continues to be a pacesetter in aerospace technology.

I would like to take the opportunity to thank those in the area that contributed directly to the Apollo program. I would like to thank the people who designed the systems of our spacecraft and the people who produced the metal products that allowed us to take our voyage into space. Sometimes one forgets the role of metal in the electronics age. There is that gigantic hangar called the VAB, the crawler that takes the spacecraft to the pad, the pad itself and the launch tower. Most important to us is the metal of the spacecraft that provided a cocoon protecting us on our trip to the Moon. Your metal products made our trip possible.

We think Apollo 15 was a success. That success was due to the efforts of all working men and women—whether he is a research analyst or a laborer in the coal mines or steel mills. We brought back rocks and miles of pictures, we sent back scientific data from our instrument bay, and we placed a scientific station on the Moon, and also one in orbit. All this data will hopefully tell us much more of the Moon, the Earth, and our heavens. This knowledge will enable us to plan our future more effectively in terms of resources, technology, and skills.

We thank all of you who share our aspirations that man's travels into space will result in a much fuller and richer life for all men on the planet Earth.

Mr. Chairman, ladies and gentlemen, friends, you have honored me and other of my fellow Pennsylvanians with the Pride of Pennsylvania Award. You have paid me special honor for which I have no adequate thanks. But in doing so, you honor, I believe, not just *the* man—but man—and not entirely for what he is, but also for what he may become. I look upon this award, therefore, not as a mark of achievement, but as a spur to greater achievement. Thank you.

PERSONAL OBSERVATIONS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. SHRIVER. Mr. Speaker, John Colburn, editor, and publisher of the Wichita Eagle and the Beacon in Wichita, Kans., has written an interesting and timely observation on the recently confirmed Justice of the U.S. Supreme Court, Lewis F. Powell. Mr. Colburn has been a personal friend of Mr. Powell's for 20 years, and therefore, his assessment of the new Justice is made from firsthand knowledge and experience. From the overwhelming confirmation vote in the other body, we all can conclude with Mr. Colburn that Mr. Powell will "assess the judicial processes with wisdom and justice for all" and that President Nixon has chosen a man who will be "a devoted servant of the law."

I include the column written by Mr. Colburn in the RECORD.

The article follows:

LEWIS POWELL

(By John H. Colburn)

Every morning—often even on Sunday—he strides into his book-lined office ready to tackle the legal problems of the day. Slim, lanky (six feet) Lewis F. Powell is a man of action and that's what he will be as a justice of the United States Supreme Court.

The Senate confirmed him last week by the vote of 89 to 1. The dissenter, Sen. Fred Harris, the Oklahoma Democrat, described Powell as "an elitist, establishment Virginia lawyer who has no deep feeling for little people." Virginia lawyer (Richmond) he is, and a distinguished one. Elitist he is not.

As a Justice on the highest court of the land, Powell will interpret the legal issues within the framework of the Constitution—and not what his personal political, social or personal philosophy may be. That's how he has made his reputation. He's been able to deal with issues unemotionally, realistically. Often his has been the voice to set an action course.

This realism also recognized the revolutionary changes in our society. Deeply conscious that the nation's freedom is anchored in the rule of law, Powell is aware of the grave social problems that call, as he says, for "determined and generous action."

As he sees it, "the gap between the prosperous middle classes and the genuinely underprivileged—both white and black—must be narrowed. Many mistakes have been made in the past . . . but we have passed the point where recriminations and bitterness will solve problems.

"We must come to grips realistically with the gravest domestic problem of this century. America has the resources and our people have the compassion and the desire to provide equal justice, adequate education and job opportunities for all."

In endorsing such goals, Powell also has come out strongly against the "mindless folly of appeasing and even rewarding the extremists who incite or participate in civil disobedience." He has studied and been to the Soviet Union and maintains that "America needs to awaken to its peril; needs to understand that our society and system can be destroyed."

This is no super-alarmist talking in bellicose tones. He's a soft-spoken man with a brilliant mind, who can listen to hours of discussion and siphon out the key issue and say, "Why not try this approach?" He's a man of tremendous energy, who is devoted to utilizing his talents for the benefit of mankind.

A successful corporation lawyer, who has made a small fortune, nevertheless Powell devoted nearly nine years as chairman of the Richmond, Va., school board. It was a sensitive period—1952–61. When the Supreme Court in 1954 outlawed compulsory school segregation, Powell opposed "elite" and other groups and set the stage for integration of Richmond's public schools.

Some critics such as Harris see Powell as "representative of those who made it big—those who look good in the country club drawing room." On the contrary, Powell leads a quiet social life. He doesn't golf, hasn't played tennis regularly for 20 years and seldom is seen at the country club or at Richmond's exclusive downtown club. His days are all business, even when he eats quietly with business associates in the dining room of a Richmond department store.

Having been a friend of Lewis Powell for 20 years, I may be viewed as prejudiced. Both he and his wife, Josephine, reflect a soft southern charm. They have a lovely family, but are not active in the "society" as it once was known in the Richmond environment.

There's little time for a social life or recreational pursuits. Powell has been too busy keeping up with a law practice he has built up for 39 years, serving on board of directors and keeping his perspective by involving himself in the issues changing the life of America.

His has been a 10-hour plus work day, but an unhurried one. He is deliberate, cautious and unpretentious whether in arguing a legal point in court or devoting his talents to extracurricular activities involving his profession and related interests.

Past president of the American Bar Assoication, Powell served on President Johnson's Crime Commission, was a member of a Blue Ribbon Committee to analyze the security of America, and is legal adviser to historic Colonial Williamsburg.

Still, Lewis Powell shuns the personal spotlight. He's no back slapper, doesn't pepper a conversation with jokes, and ancedotes about him are as rare as the criticism that developed after his surprise nomination by President Nixon in October.

He may be—as he says modestly—frightened by the high expectations reflected in the tremendous vote of confidence given him by the United State Senate. Any realistic person would be, and Lewis Powell, charming and brilliant as he is, knows only too well that these are changing, even revolutionary times.

I am confident that he will assess the judicial processes with wisdom and justice for all. Also, that he will weigh the constitutional issues not only in the interests of the underprivileged but mindful that an indispensable prerequisite to progress in an ordered society is one governed by law. He is a devoted servant of the law.

DAVIDSON COLLEGE

HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. JONAS. Mr. Speaker, Davidson is a liberal arts college located in Mecklenburg County, N.C. It has had a long and distinguished record in the field of higher education, having been founded in 1836.

Those of us who have been interested in Davidson over the years have long been convinced that it is one of the truly outstanding liberal arts colleges in the entire United States. This feeling has recently been confirmed as a result of an objective comparison of 206 independent liberal arts colleges which enroll 1,000 students or more, made by a well-known national foundation. Officials of Davidson have been allowed to publish the results of this comparison on the condition that the foundation remain anonymous. I have been provided with a news release issued by the college outlining the results of that comparison and quote the following from it:

> Of all 206 colleges studied, Davidson ranked 13th. It was the only college in the Southeastern U.S. to place among the top 15 in the nation. And had the college's full support from the Duke Endowment been included in the study, Davidson's endowment per student rating would have improved, and its overall national rank would have risen to 10th or 11th, according to college officials.
>
> These were the categories used by the foundation, and Davidson's position in each:
>
> Average faculty compensation, No. 5 with $15,566.
>
> Endowment per student, No. 13 with $20,654.
>
> Average combined Scholastic Aptitude Test scores, No. 22 with 1259.
>
> Average expenditures per student, No. 25 with $3,054.
>
> Overall ranking among 206 institutions, No. 13.
>
> "The results of this objective survey substantiate our claim to be a leading undergraduate college, not only in the Southeast but also in the nation," commented C. David Cornell, Davidson's vice president for finance and development.
>
> Although expenditure per student is a common means of comparing institutions, our continuing efforts to keep our expenses as low as possible without sacrificing quality are naturally going to affect our rating in this category.

GRETA S. MOULTON, OF STATEN ISLAND

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. MURPHY of New York. Mr. Speaker, Staten Island is the location of one of the first 11 environmental landmarks in America, the High Rock Park Conservation Center. This magnificent oasis of natural wooded land within the confines of New York City serves thousands of schoolchildren each year and provides for most of them their only opportunity to experience the pleasures of the natural outdoors.

High Rock Park is a most extraordinary and special achievement, but is only one of the many magnificent contributions of Mrs. Greta S. Moulton, of Staten Island, who dedicated her life to the service of her community and the city of New York.

When she passed away on November 18 at age 60, her untimely death was mourned by the entire community which had shared her warmth and witnessed her vitality and delight in living. Her many civic involvements and projects had reached every home on Staten Island. She worked with the Girl Scouts and the Red Cross, with the Staten Island Institute of Arts and Sciences and the League of Women Voters. She served on the Family Service Board and the Society for Seamen's Children, and the Board of Willowbrook State School.

Her only reward was the deep satisfaction and accomplishment that comes with selfless dedication and achievement in the community and the tremendous impact of her work, particularly with the children.

Mr. Speaker, I include for the RECORD an article which appeared in the Staten Island Advance when Mrs. Moulton passed away last month. The article briefly sketches the many activities which filled Mrs. Mouton's life, and I wish to share with my colleagues this testament to the greatness of Greta S. Moulton, of Staten Island:

[From the Staten Island Advance, Nov. 19, 1971]

GRETTA S. MOULTON, ACHIEVER IN GIRL SCOUT, RED CROSS WORK

> Mrs. Gretta S. Moulton, 60, of 103 Circle Rd., Dongan Hills, a former Advance Woman of Achievement and an active community leader, was found dead yesterday in her home.
>
> When Mrs. Moulton was named a Woman of Achievement in 1966, it was one honor among many for a person deeply involved in the Staten Island community and whose interests varied from Girl Scouting to ecology.
>
> She had been associated with the Girl Scouts on Staten Island since she came here in 1951 from her native Newton, Mass.
>
> She headed the Island council's fund drive in the 1950s and was also associated with the Girl Scout Council of Greater New York's expansion drive.
>
> When the city began trying to acquire High Rock Conservation Center, which had been a Girl Scout camp, Mrs. Moulton joined the fight to have the tract maintained as a natural wooded area.
>
> She was later named chairman of the High Rock Development Committee of Greater New York, a group that works with the Park Department and the Staten Island Institute of Arts and Sciences in the management of the New Dorp center.
>
> Mrs. Moulton was also a member of the Staten Island Green Belt-Natural Areas League, and once remarked: "I think Staten Island's biggest contribution to the city can be natural beauty."
>
> Over the years, she had been associated with the American Red Cross. In 1964 she was named chairman of the Staten Island phase of the organization's fund-raising appeal and the next year was honored for her outstanding leadership.
>
> She became citywide chairman of the Red Cross community appeal in 1966 and received a citation for her work in that capacity.
>
> Mrs. Moulton served on the Board of Visitors of Willowbrook State School since 1962, when she was appointed by Gov. Rockefeller.
>
> She was a member of the Staten Island Branch of the League of Women Voters, the Staten Island Family Service Board and the Society for Seamen's Children.
>
> She is survived by her husband, Horace P.; a son, Sherman R., of Fairfield, Conn.; a daughter, Mrs. Ann Anderson of Providence, N.J.; a brother, Franksford S. Sumner Jr.; a sister, Miss Janet Sumner, and five grandchildren.

JAMES PAYNE, GREATHOUSE "TRADITION" RETIRES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. MAZZOLI. Mr. Speaker, today the faculty and former students of Greathouse School in St. Matthews, Ky. will honor one of their devoted servants, James Payne.

James Payne, who has served Greathouse for the past 33 years as custodian retired from that position on December 1. His service during those years has gone far beyond his job as janitor. It is said that the children have consulted him about their problems more often than they have the faculty or administration. He has been a living example of what is known as the "tradition" at Greathouse.

On December 2, Anne Calvert of the Voice-Jeffersonian wrote an article entitled "Greathouse 'tradition' retires."

I should like to have the full text of that article printed at this point in the RECORD:

[From the Voice-Jeffersonian, Dec. 2, 1971]

Greathouse "Tradition" Retires—Payne "Taught" Three Generations

(By Anne Calvert)

His friends cannot remember a time when James Payne could not repair a broken toy or soothe a tearful child or help a teacher in distress.

For over 33 years, Payne has been janitor at Greathouse School in St. Matthews, working with four of its principals, and now helping the grandchildren of some of the children he knew at the school.

"He has always been one of our closest friends," said Mrs. Edgar Koch, school secretary for 19 years. "James always seemed to be there when we needed him, and then, like many others, he'd work for me after school sometimes."

She recalled how frightened her daughter had been the first few days of school when Greathouse School was located on Shelbyville Road (where Thornberry's now stands). "My husband was upset when he'd pick Judith up because the boys used to tumble out of school so rough. He asked James if he would watch her—that he'd pay James extra for it.

" 'Mr. Koch, I watch over all the children,' James told my husband." "He is such a genuine person like that," Mrs. Koch said.

All the faculty at Greathouse School, including those who have moved to other positions or have retired, are unanimous in their admiration of James being the person who not only looked after the school, but took care of the people in the school.

James Payne came to Greathouse School in 1938, after being trained as a porter for a large hotel, Miss Mayme S. Waggener (the school's second principal since its opening in 1875) was the first principal he worked for. When the children and faculty marched from the old building to the new Greathouse School on Grandview Avenue, in 1939, James lead a parade of children, carrying a few brooms and mops.

Later, under principals Kenneth Farmer, Howard H. Shaver, and now, Edwin Rodgers, the children seemed to know they could come to their friend for help—no matter what the problem.

In his boiler room workshop, Payne had an old cobblers shoe last so he could nail heels back on children's shoes when they became scuffed off in playing.

When snow fell, the teachers would see Payne out in the parking lot brushing the accumulation off their cars. Although school ended officially at 3:15 p.m., the boiler room door was usually ajar so he could hear whatever was happening on the playground.

"I think the children would run to James as often as they would run to the office," said Howard Shaver. "He is a person that parents completely trusted; he is interested in the children."

Payne found he would teach by example—and the lesson seems to have stuck through many years.

Chiding some youngsters who are reluctant to wash up, his favorite saying is "My blackness won't wash off, but yours will." Consideration for others is perhaps the best lesson the children were taught.

"You haven't got another thing to recommend yourself except your honesty," is another Payne aphorism, often heard by the Greathouse children.

Payne's own children grew up in this tradition. He and his wife, Daisy, adopted Doris, a graduate music student, and then three children were born. Clara May, Marilyn and James Jr. are now nearly grown. Payne and his family are active members of Mt. Lebanon Baptist Church near their home on West Ormsby Street.

Recently, Payne underwent serious surgery for a kidney disorder, and his physician and family recommended his retirement—effective Dec. 1. On Dec. 15, the faculty and former students are planning a reception for him at Greathouse School.

PROBLEM IS ENFORCEMENT OF WAGE FREEZES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. DERWINSKI. Mr. Speaker, the Chicago-South Suburban News, which serves the black communities of the Chicagoland area, is known for its spirited news coverage and editorial commentaries.

One of its featured columnists is Barbara Deangelis who, in the Saturday, December 4 issue, discussed the question of President Nixon's economic policy as it applies to the wage-price freeze. The article is especially significant when one realizes that Miss Deangelis hardly qualifies as a supporter of President Nixon.

The editorial follows:

Problem Is Enforcement of Wage Freezes

(By Barbara Deangelis)

Several months ago—so long in fact that pliable Americans have already accepted it as part of life—President Nixon instituted a new economic policy that contained as part of its provisions a wage-price freeze. Initially, Americans screamed things about free enterprise and democratic ideals—after that most of us, as is our won't, simply went along with the plan. After all, our economy is, to put it mildly, in trouble, and something had to be done.

Those who did not go along with Mr. Nixon's efforts to stabilize the economy continued to mutter ancient cliches about creeping fascism and governmental monopoly, or, like Mr. Meany bellowed obscenities because their pet ox was getting it in the neck. Meanwhile, nobody much paid these malcontents any mind, and everyone settled down to figuring out how to live without that expected raise.

Fact was, the average guy realized that the projected salary hike in his union contract was meaningless unless inflation could be halted at both ends, and was generally happy to go along with anything that appeared to have a chance to succeed.

Now four months later—after Phase I, and with the addition, on the national scene, of the wage-price board—we are a lot more confused, but not much better off than before.

Mr. Nixon, recognized a problem, faced it, and did what he thought was best. His action in instituting the new economics was courageous politically and reasonable intellectually. Unfortunately America is not a reasonable nation. Nor, are we a nation that is overawed by courage—we seem to prefer the slick coward to the brave man every time.

And so it is, we find that Phase II brings rising prices, and stiff wage controls. Wages are easier to police than prices, and management is only too happy to comply with the President's wishes in the matter of salaries. Prices on the other hand are nebulous—there are literally hundreds of thousands of stores, and almost no way to determine whether or not they are overcharging. Then too, there is the matter of wholesale and manufacturing costs, and other such considerations that add to the complexities of figuring fair prices.

Perhaps the wage-price board and everyone else involved in enforcing Phase II will get it together, eventually. If they do we will undoubtedly see an improved economic picture. But meanwhile, Phase II stands with fair housing laws, the Chicago Plan, and other such hopeful experiments, in grave danger of doing more harm than good because it cannot be adequately and fairly enforced.

We are viewing—perhaps for the first time in recent history—the interesting spectacle of government and big business battling it out. Ah well, at least it provides amusement while we are waiting for the ax to fall.

EULOGY TO MICHAEL HALLORAN

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. CARNEY. Mr. Speaker, it is with a sense of genuine sorrow that I pay tribute at this time to the late Michael Halloran, regional director of the Veterans' Administration office in Cleveland, Ohio, who passed away on December 7 at the age of 61. A man of quiet integrity and marked ability, Mr. Halloran's public life was characterized throughout his years of Government service by dedication to duty and competent, efficient, humane standards. He took seriously the responsibilities of the veteran, recognizing our national obligation to the well-being of veterans as citizens.

In these troubled times, the demands upon his office were many, varied, and complex. To the performance of his duties he brought an exacting and conscientious spirit, which made itself felt among all who worked with him.

Born in Soldier's Grove, Wis., he attended Loras College in Dubuque, Iowa, and received his LL.B. from the University of Wisconsin, followed by graduate work at the University of Colorado. He left the practice of law with the outbreak of World War II, serving for 4½ years with the Army Air Corps. During the Korean conflict he served with the Foreign Claims Commission and on the Staff of the Judge Advocate General as adjudicatory officer and Air Force colonel.

He came to Cleveland as director of the regional office in 1968, having served prior to that time as manager of the regional office in Milwaukee—from 1965—and assistant director of the San Francisco office. His background in law gave him valuable insights in public administration. In 1971 he was an honored recipient of the Federal Career Service Award for distinguished public service.

Michael Halloran leaves a legacy of respect and good will, a consolation to his loved ones and an inspiration to all who knew him. To his bereaved family—to Jessie, his widow, and to his children, Linda, Brian, Kathleen, Patricia, and Michael, Jr.—and to all his family and friends, I extend deepest sympathy.

SENATE—*Thursday, December 16, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We thank Thee, O Lord, for the good news that is sung out to us at this festival of the Divine Gift. We thank Thee for the birth of Him who changed history into His story. May His light continue to guide us so that knowledge may become wisdom, wisdom flower into action, action ripen into understanding, and understanding lead to peace. Then shall the world know that the advent of One so small is the advent of much for all. May His peace be in our hearts and a song of praise and thanksgiving on our lips.

We pray in His holy name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, December 15, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the 1 hour under the rule pertaining to cloture begin at 10 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. In other words, the vote will occur on the cloture motion shortly after 11 o'clock.

THE $149 BILLION QUESTION—WAS IT WORTH IT?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a special report, a reprint from the Los Angeles Times of November 24, 1971, entitled "The $149 Billion Question—Was It Worth It?" written by Robert C. Toth.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Reprinted from the Los Angeles Times, Nov. 24, 1971]

THE $149 BILLION QUESTION—WAS IT WORTH IT?

(By Robert C. Toth)

WASHINGTON.—A nation has "no permanent friends or permanent enemies," a British statesman once remarked, "only permanent interests."

When the Senate Oct. 29 killed temporarily a foreign aid bill, it was basically demanding a similarly hard-nosed attitude by the Nixon Administration toward a very costly program which has been "a basic instrument of U.S. foreign policy" for a generation.

What permanent interest of the United States has been served by spreading $149 billion worth of guns and economic help around the world over 25 years?

What reason is there for the United States to keep it up, either at the present requested rate—$5.1 billion a year in the formal aid "package" (including $3.5 billion in the bill killed by the Senate) or at $9.5 billion all told when every spigot is counted—or at any other level?

CRITICIZED AS "HANDOUT"

Implacable foes of the program say "none." Conservatives like Rep. H. R. Gross (R-Iowa) call it the "foreign handout program." In Congress almost since aid began, Gross recently challenged anyone to prove he even once voted for "this giveaway." All justifications are, to him, one big "snow job."

Even liberals like Sen. J. William Fulbright (D-Ark.) and economist-author-diplomat John Kenneth Galbraith, however, now blast foreign aid as dollar-diplomacy, a grab bag, a tool of the cold war and a form of imperialism. The aid program, said Galbraith, is "the disaster area" of American foreign policy.

Aid is certainly a grab bag. It is guns and money, and money to use the guns as well as money to improve the economies of poorer nations. It also includes humanitarian aid to refugees and the like.

Giveaway it is not, at least not exactly. Two-thirds of the $149 billion was given away as "grants," but the rest was lent. About $21 billion has been repaid on the principal or as interest on the loans.

Even the grants were not simply dollar handouts. Most were spent in the United States. The taxpayer footed the bill, but the money employed Americans.

EXAMPLES

Arms, worth $41.7 billion. All were U.S. made. Whatever the morality of being the world's leading "merchant of death," the 10% of the total that was sold (on easy credit) did help the U.S. balance of payments and did partially subsidize the domestic arms makers.

Food for Peace, worth $19.7 billion. All was grown here and most was surplus which, if sold cheaply abroad, would have created chaos on world markets.

Economic aid (excluding food, but including funds that support military efforts, as in Vietnam), worth $88 billion. It was very largely spent in the United States for goods and services. This year the U.S. Agency for International Development (AID) spent $1.66 billion, over 90% at home. American business gets almost a $1 billion a year; American labor gets jobs from the program.

Reasons for spending it in the first place are as numerous as the many parts of the program. But several grand rationales have been offered in the past; peace and stability in the world, and a better life for poor people in that world.

These generalizations are somewhat better focused now. Earlier this year President Nixon said his foreign aid bill had three aims:

"To strengthen the defense capabilities and economies of our friends and allies . . .; to assist the lower income countries in their efforts to achieve economic and social development . . .; and to provide humanitarian assistance to countries struck by natural disasters and political upheaval."

But conservatives who had voted primarily for arms aid, and liberals who had preferred economic aid, combined in October to vote against all of it. The old reasons, despite the new cosmetics, have lost much of their force over the years.

Communism is seen as a less contagious disease than when aid began. Forward military bases are less valuable in a world of nuclear-tipped intercontinental missiles. Military pacts with small countries seem more trouble than they are worth. Hunger and discontent at home cry for priority over hunger and distress abroad.

GOALS ARE CONTRADICTORY

Furthermore, contradictions are recognized in the goals of foreign aid. Military assistance tends to perpetuate the status quo, economic aid to change it. Arms to Greece kept out communism but facilitated the military coup against a democratic government. Economic assistance raises living standards but also stimulates the appetite for more, and faster, * * * which is destabilizing.

Industrializing a poor country does create a greater market for U.S. goods. It also creates greater competition against U.S. goods, both in world and in American markets.

South Korea, which a U.S. senator in the early 1960s wrote off as "a hopeless, bottomless pit for aid," received $5 billion before graduating last year out of the program. It exported virtually nothing to the United States in 1963; now it sends $473 million a year, including textiles that apparently threaten U.S. jobs.

Western Europe was rebuilt with U.S. aid with similar results. But there, U.S. private money took up after government aid stopped. Now, over $20 billion is invested by Americans in Europe, earning over $2 billion annually. More than half the profits are brought back.

EUROPEANS CRITICIZE IT

Europeans do not like it. Some now see Marshall plan aid as malignant, rather than pure altruism by the United States because it promoted American hegemony in European industry. Liberals here like Sen. Frank Church (D-Idaho) see parallel developments in poor nations.

"Our foreign aid program," Church charged, "has become a spreading money tree under which the biggest American businesses find shelter when they invest abroad." This is done by U.S. aid that props up conservative, even totalitarian regimes receptive to private U.S. investment, and more recently, through U.S. government guarantees against takeover of U.S. businesses in poorer nations.

Running through all the criticisms of foreign aid is a strong thread of frustration. Expectations for the program have always been too great, however, and usually too simple. Not only was unalloyed good anticipated, but also everlasting gratitude.

Washington warned in his farewell address that "There can be no greater error than to expect or calculate upon real favor from nation to nation." Yet senators, in defeating the aid bill, noted that 46 aid-receiving nations were among the 74 that voted against the United States on the China issue in the United Nations a few days earlier.

Aid is also saddled with the image of an error-prone, bumbling operation. "Horror stories," as AID officials call them, have accumulated and stick better than success stories. Examples:

The beautifully equipped operating room in a rural hospital in Thailand with no surgeons to use it.

The softwood mill in Iran supplied with hardwood cutting equipment.

The bags of U.S. grain and tractors in

India stenciled with the hammer and sickle.

The aid mission in Laos that was a cover for Central Intelligence Agency "rural development specialists." Communist propagandists used the fact widely to make AID missions elsewhere suspect.

The widespread profiteering in Vietnam acknowledged and even accepted as just a sordid fact of war.

"UGLY AMERICAN" INCIDENTS

Nor are the inept "ugly American" incidents past. Some recent ones are recounted below. But just as "hard cases make bad law," generalizing from failures would lead to stopping aid immediately.

That would be a popular decision, for beyond the gunmakers and the missionaries, foreign aid has only a small hard-core constituency in the United States.

"We should never have built that dam. Over $325 million for it. And now we're sucked in militarily and politically. It was our worst blunder."

Conventional sentiments, perhaps, but the speaker was a Russian, not an American, complaining about the Aswan Dam project in Egypt. How typical the sentiment is among Russians is not known, however, for as Times correspondent Harry Trimborn cabled from Moscow:

"The average Soviet citizen probably thinks and cares little about the Kremlin's foreign aid program. There are no raging public debates to stimulate his interest. None are permitted. When the Kremlin decides on a program there is nothing a citizen can say or do that will alter the decision."

If he knew, as the Russian who criticized the aid to Egypt did, about Soviet aid programs, he would probably be as unhappy about how his rubles are spent as his American counterpart. He might even be more unhappy.

Since 1954 when the program began, Soviet aid to third-world nations tops $15 billion (excluding Communist Cuba). Roughly half went in arms, the other half in economic assistance. During the period, the Kremlin has suffered major setbacks in some recipient countries.

Billions of rubles were poured into Red China (not included as third-world country), but they certainly did not buy the allegience of Peking for long. U.S. disgruntlement at the China vote in the United Nations, as a matter of fact, has its Soviet reflection. Said a Soviet diplomat wryly: "We have suffered a massive victory."

SOVIET PROGRAM SETBACKS

Soviet aid to Indonesia—about $750 million—failed to keep Sukarno in power. Almost $100 million to Ghana, sometimes paying for massive statutes to Kwame Nkrumah, failed to prevent the overthrow of that flamboyant African. The $1.2 billion in economic aid, another $2.7 billion military aid, to Egypt has not prevented Cairo's rulers from tossing a local Communist in jail, or worse. Moscow clearly gives aid more for imperialistic than ideological reasons.

Cuba has received a whopping $3 billion from Moscow since 1960. This year it will benefit from between $600 million and $750 million in economic help. That sum, in perspective, rivals the total U.S. economic aid to all Latin American recipients. Eighteen nations got $770 million from Washington in 1971.

On a population basis, the Russians provided $70 for every Cuban, the United States $4.50 for each citizen of the 18 nations.

Soviet assistance has dropped off somewhat in recent years but China has begun to enter the picture in a significant way. The largest single aid project ever is a Chinese-fund railroad being built through Tanzania and Zambia in Africa. It is costing $400 million.

Fifteen wealthy non-Communist nations—those in Western Europe plus Japan and Australia—are increasingly aiding poor countries. They spent $3.8 billion for development/assistance compared to the United States $3.1 billion. These donor states got $20.8 billion from the United States since World War II; in the past decade they have provided $24.7 billion to developing nations.

None of the contributions, however, approaches the aid target set by the United Nations: 1% of each rich nation's gross national product per year. France does the most (.65%). The United States provides .31%, making it 12th on the donor list. In 1949, at the peak of the Marshall plan, the United States provided almost 3% of its GNP. (A qualification is that current U.S. spending if all kinds of military and economic aid are counted, is about 1%.)

The point, however, is that other nations are following in the ground broken by the United States. Apparently they see aid as a way to promote their influence, exports and investment even as the United States wrestles with doubts.

HISTORY

American aid had its genesis in the Truman Administration. Some claim it dates further back—to the prewar "arsenal of democracy" when U.S. destroyers sailed under British flags and in Lend-Lease to Europe, or to American contributions through the U.N. Relief and Rehabilitation Administration to a Europe physically devastated by World War II.

But the Truman Doctrine of 1947 was an activist and even an interventionist policy of containment that was laid down when Britain admitted it was unable to stop Communist subversion that threatened Greece and Turkey.

In providing $837 million in two years to those countries, the United States picked up the role of world policeman which, arguably, led finally and fatefully to Vietnam.

In 1949 came the Marshall Plan for Europe. Almost $13.5 billion in economic aid and another $1.5 billion in arms were provided between 1949 and 1952.

The neat bookkeeping separation between economic and military aid did not exist even then, however, and the blurring of the two bedevils "foreign aid" to this day.

"Economic aid" under the Marshall Plan supported France's fight against insurgents in Indochina, with U.S. approval, officials now admit. The last year of Marshall aid, in fact, was formally justified to Congress as "defense support of the Korean war effort." With it, nations like Britain rebuilt its defenses at home and contributed military forces to Korea.

Eisenhower era treaties

In the Eisenhower administration, aid passed into a new phase—the mutual security act period—as the U.S. defense umbrella was spread, through treaties, to 42 nations on the periphery of China and the Soviet Union.

The 1960s saw a greater sophistication in defining what were the security interests of the United States. Less emphasis was put on formal alliances, more on counterinsurgency efforts. More money went to economic aid. Where $2 of every $4 of foreign aid went for economic help in the 1950s, $3 of every $4 did in the 1960s.

The practice of labeling "economic" much of the aid that was militarily oriented, if not clearly security money, makes specific figures questionable.

"Economic supporting assistance," for example, backs military efforts approved by the United States. It is the economic underpinning of a foreign nation, like Vietnam or Korea. At least $5.8 billion, or 13%, of what was officially called economic aid in the 1960s was such assistance.

Furthermore, not all foreign aid is counted in the "foreign aid package" sent to Congress. Officials privately admit that the Senate Foreign Relations Committee calculation is essentially correct—that the Administration really asked $9.5 billion for next year.

Many items go to boost the official figure. The biggest is "military assistance, service funded"—$2.23 billion this year—in the Pentagon's budget. It pays for things like the ammunition and food that Vietnamese soldiers may get from U.S. depots, for U.S. counterinsurgency efforts in Laos, for the Korean soldiers who fought in Vietnam.

The $9.5 billion figure may be too high, nonetheless, but the "hidden funds" and "sleight-of-hand" charges are essentially supported by the latest task force on foreign aid, appointed by President Nixon and chaired by Rudolph Peterson, president of the Bank of America.

Its analysis of 1969 spending found that $6.47 billion went for foreign aid in various ways, not the official $5.08 billion figure. Where the official statistics show $4 of every $5 that year for economic assistance, the Peterson group reported that more than $1 of every $2 (52%) went for "security programs."

"Security" aid separated

The Administration accepted the Peterson recommendation that "security" aid clearly be separated from economic and humanitarian aid in money bills, and that all security-related items be contained in one measure rather than spread widely. The House complained there was too little time to consider this and lesser reform proposals and decided to continue the old pattern for another year. But the Senate rejected the House measure.

A final deceptive item in foreign aid is that grants and loans are not precisely what the words connote. Grants mean gifts. The trend now is to phase out grants in favor of loans—"Make them pay for it," as officials say.

But loans also cost the United States money. Only loans for military sales are at interest rates that the U.S. treasury pays for borrowing cash (currently 6.125%). And there are exceptions. Israel, for example, this year got $500 million at 3%. Such "concessionary" rates will be used more often, not less, in the future, if the Administration gets its way. It argues that "soft loans" are the only way to wean nations away from grants.

And concessionary rates are always offered with economic loans—usually 2% for 10 years, 3% for another 30 years.

ECONOMIC AID

The 95 poor nations of the world—of 131 in the United Nations—are presently overwhelmed by $60 billion in foreign aid debts.

An early attempt to ease this problem was to allow loans to be repaid in local currency for U.S. food shipments. The United States has had more than $2 billion in "soft money" repaid, another $6 billion owed to it, according to a House government operations subcommittee. An estimated $2 billion has been lost through inflation of such currencies since 1954.

About 90% of it is slated for use by the country, with American approval, for economic programs. The rest can be spent only in the country. But there is still so much available that U.S. embassies and AID missions may never use it all up. Its presence is a source of embarrassment and tempts its ostentatious use. A $3 million AID staff house for single person and childless couples has been built in the New Delhi suburb of Greater Kelash, for example, with these funds. It has three six-story buildings with fountains, a swimming pool and other luxuries as plush as the finest hotel in India.

BOWLING ALLEY PLANNED

A bowling alley is now to be added to its features. Times correspondent William Drummond asked one AID administrator about the plan:

"How much will it be? $25,000?" responded the American. "What's $25,000? If you distributed it to all the residents of Delhi, maybe each person would get 5 cents."

India has received the most U.S. economic aid of any country—almost $10 billion—but U.S. arms to Pakistan have partially canceled out the friendship it earned. Moreover, AID regulations force India, and others, to buy American. This may be applauded in the United States but it has required recipients to pay as much as 30% more in AID funds for the same equipment if bought on a free market.

Nonetheless, India is viewed as an American aid success story. It has finally become self-sufficient in food production, thanks to the "green revolution." Private U.S. scientists made the research breakthrough in wheat germ plasm but U.S. aid programs pushed it intensively to fruition.

The "hardest nut" to crack in helping poor nations has been to modernize its infrastructure to create the organizational, administrative and technical capacities to use the assistance being offered.

Tunisia college problem

In Tunisia, which has received the most U.S. economic aid of any African state, a dam was constructed to enable poor farms to produce more food than its owner consumed and provide him with hard cash for the first time. But the farmers were never taught about rotating crops, which is necessary in irrigation farming. So while the dam is long finished, its potential has still not been realized.

The United States put up an agricultural college in Tunisia but it has not worked well either. The French-oriented culture in the country frowns on any educated person, even a university graduate trained in soil and crops, from getting his hands dirty.

"You can say this has been a worldwide problem for us," an AID official in Washington said.

"We made mistakes," he added in a broader vein, "but recognize that we were breaking new ground. No nation tried it before in history. Some failures were inevitable. In fact, if we'd had none, you could have accused us of being too conservative."

Some ways to stimulate social and economic progress have been successfully exported. In Latin America, the concept of a saving and loan association to pool resources was unknown. A man had to save all the money in advance before starting to build a new house. Now such institutions are fast rising as part of the Alliance for Progress effort.

Rivals Marshall plan

The alliance, initiated by President Kennedy, was to rival the Marshall Plan in size and impact during the "decade of development" just passed. Between 1962 and 1970, the United States pumped an average of $1.1 billion a year into 18 Latin nations. Some progress has been achieved but how much because of U.S. aid is impossible to determine statistically. The consensus, however, is that it failed.

"Almost from the outset," Times correspondent Fran Kent cabled, "the Latins resented the 'father knows best' attitude adopted by many of the Americans staffing the sprawling AID missions. They built roads, schools, houses and factories but they often baffled the Latins.

"AID built the 'Villa Kennedy,' a housing project outside Rio de Janeiro that is virtually abandoned and in neglect. It is much too far from the jobs of those it was intended to house. They can't afford the bus fare.

"Nor has the alliance achieved its basic goal of bringing representative government to the Latin masses. On the contrary. Since it was formed, the military has taken over in five countries: Brazil, Argentina, Peru, Bolivia and Panama. But this is not to say that the military is necessarily worse than the oligarchies and fumbling constitutional governments that ruled before them.

Soaring birthrates was another fundamental problem. Most Latin nations must grow at 3% a year just to keep pace with new mouths. This was always recognized as a major hurdle to economic improvement, but under the Eisenhower administration, the United States refused to support birth control programs. Even now U.S. support is done quietly and usually through private foundations.

Colombia is cited by AID officials as their best success story on that continent. Its GNP is rising and so is its income per head. Often the GNP rise only trickles down slowly to the peasants, however. But through its program in agriculture, education, urban and rural development, food-for-peace and population control, more than 25% of all Colombians are directly and immediately affected by U.S. aid.

Concentrating on economic sectors like agriculture and education is a new trend in AID programs, replacing the earlier emphasis on individual projects like dams. Another trend is funneling more U.S. aid through multilateral, international agencies like the World Bank. A third is to look at the totality of a nation's economic situation—its potential to use the help as intended without harming other sectors with high priority—before providing the help.

Indonesia inflation cut

In Indonesia, a 10-nation Inter-Governmental Group on Indonesia, is the vehicle for U.S. aid. It provided the country with $640 million this year, one-third from the United States, one-third from Japan, and the rest from the other eight nations. The visibility of U.S. AID personnel has dropped considerably. The United States does not risk blame for national failures, as it once did there. But credit is also spread when there is success, as in the cut in Indonesia's inflation rate from 635% five years ago to under 2% currently.

The mistakes, then, over the last generation for aid may have been relatively few and understandable, but they were eye-catching and emotive while the successes have been few, long-term and diffuse. Should the United States have waited for more thorough analyses of the problems before moving in?

Perhaps. On the other hand, Robert E. Asher of the Brookings Institution contends that "learning by doing . . . is consistent with the pragmatic, action-oriented temperament of this nation and with the exigencies of the situation abroad." Learning-by-doing means learning-by-error.

MILITARY AID

Mistakes are not unknown in the military aid program either, but they tend to be better hidden. Military assistance statistics remain classified for some countries (like Pakistan from 1953–66), which is another reason to suspect official totals of arms aid.

But where British imperialists once believed that "trade follows the flag," the U.S. Congress fears "men follow the money" when the money is military aid. It happened in Vietnam, it could happen in Cambodia.

The Administration insists it will not. "Cambodia is the Nixon Doctrine in its purest form," President Nixon said recently. Under it, friendly nations will be provided the means for defense, but not U.S. men to fight. Vietnam, Mr. Nixon said, was the antithesis of his doctrine.

However, his policy will cost more foreign aid money, not less, in the immediate future. Cambodia got $8 million in 1970; $341 million is asked for next year. South Korea's aid doubled in one year, to $300 million in 1971, as U.S. forces were being cut back there.

Asia remains the focus of concern and criticism of military aid because three-fourths of the current U.S. program—$1.5 billion—goes to four nations there: Vietnam, Cambodia, Laos, and South Korea. But 38 other nations also share in the pie.

Sixty-eight nations got guns

At one time, 68 nations were getting U.S. guns. The Pentagon handed them out pell mell in the immediate postwar and mutual security act periods. More than 90% of the official arms aid total, $41.6 billion, went as gifts.

An arbitrary value is put on arms given away, however: one-third the purchase price if the equipment has been used, although it may still have had useful life and been worth stockpiling.

Over $1.5 billion of the total arms aid was declared "excess stocks" by the Pentagon, meaning surplus beyond stockpile needs. It, too, was valued at one-third original cost. Scrapping it might have brought in 5% of original cost. However, usually the arms needed rehabilitation to make them usable. Foreign aid paid for that and for transporting the arms to the recipient country.

Given these factors, the real total worth of American military aid spread around the world will probably never be known. Elmer Staats, the comptroller general, told Congress this year that nowhere in government is there one complete tabulation. One estimate, cited by Sen. Church, is $135 billion worth since 1945.

It was unprecedented munificence, whatever the figure, and responsibility rests with many agencies of the government, according to officials intimate with the programs. For at least 15 years after the war, Congress was denying no Pentagon requests to fight communism through such gifts. The State Department, legislatively responsible for overseeing all assistance efforts including the military one, did not try very hard to put brakes on the Pentagon.

As for the Pentagon, its officers typically sat down with their opposite numbers in countries to be aided and determined the worst possible threat. This led to huge shipments of arms.

Moreover, if generals are always preparing to fight the last war, the corollary is that the military always tries to create its mirror-image in a country getting its help. Inadequate attention was given to what could be realistically used against the real threat, if any, to the quality of soldiers, the terrain, and certainly to the political ramifications of the arms supplies.

One result of this approach is the abundance of F–86 jet fighters around the world. The F–86 was built to combat Mig–15s. Some 2,000 of them have been supplied in all to nations like Thailand which never faced a credible Mig–15 threat.

Realistic role

Similarly, the Chinese Nationalists on Taiwan have received hundreds of tanks for two armored divisions. But their realistic role was defense, not attack. Antitank weapons, not tanks, would have been more logical, officials acknowledge.

Certainly the mirror-image syndrome was manifested in Vietnam, and it seems to be cropping up again in Cambodia. Times correspondent Jack Foisie cabled:

"American planners prefer a neat logistical supply system for Cambodia, one that can eventually be computerized. Cambodians have been using the masses of Czech-Chinese AK–40 rifles, which are highly regarded, that were captured by U.S. and Vietnamese forces last year. They also have huge supplies of captured ammo for the weapons, and U.S. arsenals have also been turning out AK–40 ammo for them. But now American M–16 rifles are being provided the Cambodians."

Reforms are being instituted by the Nixon Administration. The State Department has moved to regain control over military assistance levels. Program levels will be determined primarily by dollar ceilings rather than by the Pentagon's threat estimate. Political and economic considerations in the recipient nation will be examined thoroughly before the arms are shipped out.

While these will help bring down the size of military aid eventually, there remains the qualitative problem of what to do about the "Paraguays" of the world, one planner admitted.

Weaponry for Latins

Latin American countries have gotten over $1 billion in U.S. arms since 1945, $57 million last year. The present level is small in dollar terms but significant in a region where costly weaponry is unnecessary and often too sophisticated. Half the arms were given freely.

There is now considerable sentiment in Washington to cut off the arms gifts to most of the 46 nations on aid. Good arguments can be made for exempting Korea, the three Southeast Asian states and Turkey from the cutoff, an official said, "but as for the rest, let them buy the stuff if they want it."

Counterarguments can be made, however. Armament industries in Britain and France, to say nothing of Russia, are already offering easier credit for arms sales than the United States. The military in small nations like Latin America will have key roles there for a long time to come; assuring their friendship with arms is cheaper than buying politicians.

On the other hand, these considerations must be weighed against the discredit earned by the United States among reformers in those countries for whom the tide of change is running strong.

Finally, the United States will have a great deal of arms on its hands as the Vietnam war ends. The projected development of new weapons will add to the bulging surpluses. Political pressure to sell them will be considerable. The only limitation is that many weapons obsolete to the U.S. military will be still too sophisticated and expensive for developing nations to buy.

A SUMMING UP

But in the end, the hard questions remain unanswered: Did the arms slow the advance of communism that was so clearly a threat during the Berlin blockade and Korean war? Did economic aid advance the pace of development in poor nations?

Sen. Church, in his speech titled "Farewell to Foreign Aid: a Liberal Takes Leave," has answered no—emphatically and comprehensively.

"The failure of aid is not technical and administrative but conceptual and political. It can only be understood as an aspect of the large failure of American foreign policy over the last decade. . . . It is futile to continue reevaluating and reorganizing the aid program . . . if that program itself is rooted in obsolete conceptions of the national interest and if the objectives meant to be achieved are unsound, or unattainable, or both."

Church quoted the words of Captain Cook when looking back on his voyages that had introduced guns, alcohol, disease and concepts of morality to Tahitian and Australian natives. "It would have been better for these people never to have known us," he said.

Church hoped the United States would get out of the aid business before poor nations say that about it.

The senator has been accused of being disillusioned with his own old illusions about aid, of being like a missionary who, in losing faith, also loses hope. He would stop aid outright. But if more sober and limited objectives can be set, there are good reasons for continuing aid.

Asher, in "Development Assistance in the Seventies" which was reportedly influential in the reforms recommended by the Peterson task force, contends that there remain "sizeable kernels of truth" in the old arguments for economic aid, despite the past mistakes:

Widespread poverty and frustration does represent a threat to peace; development does produce jobs, markets, trade, investment opportunities and material benefits for virtually all concerned; a broadly shared expansion of the world economy will contribute to a better-integrated political community with a greater stake in the peaceful resolution of conflict;

"And above all, in the humanitarian argument—that aid is right and decent and that responsibility for the mitigation of poverty does not end at national shorelines."

Issues: How? How much?

Even the Senate Foreign Relations Committee, long skeptical of the manner and methods of the aid program, has said: "The issue is not 'Should we provide aid?' It is 'How?' and 'How Much?' "

To these might be added: To whom? And for how long?

The arguments for continued military aid are less persuasive, in principle at least, than for economic aid. The 1969 "football war" between Honduras and El Salvador, with each side killing the other with U.S. guns, is qualitatively worse than any waste of misdirected dollars.

For the future, both types of aid are likely to have rougher passage in Congress, particularly if the Administration's proposal to separate "security" aid from "economic and humanitarian" aid cleanly and comprehensively is accepted.

But at the same time, short of utopia, both will continue to flow out from the United States in significant quantities. The "Doves" will paraphrase Oliver Wendell Holmes to argue that economic aid is an investment in civilization. The "Hawks" will argue the same for military aid.

[Reprinted from the Los Angeles Times, Nov. 24, 1971]

Too Many Administrators—Inefficiency Impedes Africa Aid

(By Stanley Meisler)

Nairobi, Kenya.—Africa is the poorest part of the world and gets the least American aid. But a good case can be made that the U.S. aid program here is far too large, incredibly overstaffed and tends to give too much to a few countries that use it poorly.

The Agency for International Development spends about $140 million a year on overhead grants and loans in Africa. Adding Food for Peace, the Peace Corps, and U.S. Export-Import Bank programs, total direct U.S. assistance is $300 million, or a fifth of all foreign aid to this continent.

The United States also spends about $200 million annually through various U.N. and World Bank programs here.

American aid has changed in emphasis since 1966 when it operated under what Edward M. Korry, then U.S. Ambassador to Ethiopia, called "the Pago-Pago theory of aid"—every postage stamp country, no matter how small, needed a big aid mission with a big budget.

Now AID concentrates on Nigeria, Tunisia, Ethiopia, Ghana, Liberia, Morocco, Kenya, Tanzania, Uganda and Zaire, formerly Congo (Kinshasa). It has cut the number of its establishments and brought better rationale to its former scatter-gun system.

But it left untouched some basic weaknesses. These are:

1—AID establishments remain too big.

In Kenya, AID spent $5.6 million in 1970. It has 68 Americans working here. But at least 32 are administrators, rather than technicians. Even deducting nine administrators who monitor programs throughout eight African countries, AID has two administrators for every three men in the field. Sweden, with a comparable-size program ($4.6 million), has one administrator for nine men in the field.

2—AID personnel are poor quality. They tend to be older, inflexible technicians who find difficulty relating to Africans and adapting American techniques to African problems.

In Ethiopia a few years ago, an AID adviser ordered electric barbeque pits for the home economic departments of secondary schools. Most schools had no electricity. Even in those that did, the school principals had no use for the pits which their girls would never see after graduation.

3—AID officials fail to understand the true need of African development. The main problem is not lack of capital but lack of skilled manpower and of a resourceful, risk-taking population. It needs technicians and small projects. AID officials tend to think big.

In Cameroun, AID gave the Ministry of Community Development six pieces of roadbuilding equipment. It overwhelmed the ministry. Politicians clamored for its use in their home districts. Villages laid down their picks and waited for the great American machines to come and do their work.

4—Politics sometimes governs AID programs. In economic terms the money is usually wasted; even politically it may not make sense.

In Zaire, the United States backs President Joseph Mobutu and is even willing to encourage his grandiosity and waste through AID funds, albeit indirectly.

Zaire's first economic priority is roads. But instead of spending his enormous copper revenues on them, Mobutu has built prestige projects like the world's second largest swimming pool, monuments and a giant football stadium. AID maintains his roads. As long as it continues to do so, he can keep building swimming pools.

In perspective, AID is far from the best foreign agency operating here but it is not the worst either. Many rate it better than the U.N. development program, which is ironic since many critics suggest the United States channel its foreign assistance through international agencies like the United Nations.

THE AIKEN-MANSFIELD RESOLUTION—ONE 6-YEAR TERM FOR PRESIDENT

Mr. MANSFIELD. Mr. President, in the December 15 issue of the New York Times is an article written by Jack Valenti, an old friend, a good friend, and former presidential assistant to the President of the United States, Mr. Johnson.

This article is entitled "A Term-and-a-Half for President," and refers to the Aiken-Mansfield suggestion that Presidents be limited to one term of 6 years for the purpose of taking away from them some of the political pressures which are a natural concomitant of any President and allowing him, on the basis of one term for 6 years with no reelection, to devote himself entirely to the welfare of the country as a whole.

I ask unanimous consent that this excellent article, by Mr. Jack Valenti, who certainly can speak from experience, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 15, 1971]

A Term-and-a-Half for President

(By Jack Valenti)

A six-year term for the American President, with ineligibility for reelection, has become an active public issue. Senators Mansfield and Aiken, two of that parliamentary chamber's most respected members, are now urging this on Congress. This kind of sponsorship persuades us that serious thought be given, particularly by those who believe the torment and risk that resides in today's problems force new ideas upon a reluctant Congress and its constituency.

The argument for the six-year term is overwhelmingly simple, which may be one reason why it has not caught on. The one six-year term would allow the President to concentrate on lifting the quality of life in this country, and not on the election calendar and a reelection campaign. This is the advantage of the six-year term, and it is considerable.

Every working politician knows that the quickest passage of the calendar is calculated by the span between victory day at the polls and the visitation of re-election day. There is no known piece of earth time that passes so swiftly. Political professionals understand that the President, any President of either party, begins his first four years in office by trying to insure he will have four more.

A good many of us argue incessantly about what needs to be done for the good of the country, and the necessity for leaders to be candid and energetic in doing that which ought to be done regardless of the political consequences. Yet we continue to tempt our leader by engaging his attention in re-election realisms rather than the difficult duties to which his oath commands him. (How many times have we heard a Senator or a Congressman say that he would want to do this or that because he believes it is right, but in order to get re-elected, he must choose another course?)

What are the arguments against the six-year term?

The noisy one, the one most often put forth, is this: The President becomes a lame duck the day he takes office and thus he reduces his effective powers for political persuasion. No one, goes the argument, chooses to follow a leader whose tenure is so marked in its limits.

But the counter-argument is that the re-elected President becomes a lame duck the day he begins his second term, since the 22d Amendment prohibits more than two terms.

A strong President can bring to bear enormous influence on his successor and thereby reclaim whatever eroded reach the six-year term imposes. President Johnson was able to pass through Congress a controversial tax bill as well as the hotly debated equal housing legislation after he renounced nomination for a second full term. One does not easily flout political clout from the White House, lame duck or not.

But the prime asset of the six-year term is the spacious arena it provides the President, the opportunity to make the hard choices in the public interest without nagging doubts about his reelectability.

Yes, say the critics, but if the President attempts to coerce the country with unhappy decisions (as the critics define unhappiness), six years is a mighty long time to live with him. Not really so. If that untoward event should occur (as it can occur now), the people can, by their election of Congressmen, stand in the Presidential doorway and demand he stop whatever the hell it is he is doing.

Six years is neither too short nor too long. Indeed, one of the blessed attributes of what we call our "system" is brief Presidential tenure. Arrogance which does not have time to harden has a softer bite and it is an accepted political fact that power which is transient seldom is fatal to the people.

There is no unerasable sanctity in the four-year term with eligibity to re-election for a second term. Our Constitutional Convention in 1787 did not receive the four-year term from some divine inspiration. It was the result of some gristly debate in which the Presidential term went through several sculpturings before it was finally cast. You will recall that in these debates a seven-year term without re-election eligibility was first decided on, and then changed, not because of any sturdy logic but mainly because the four-year term was the least opposed of all suggestions, and because Benjamin Franklin wanted re-election eligibility.

Change is always hard. Tradition, doing it the way we have always done it, is always offended by the insertion of new values.

But if we accept the fact that the stakes today are so high and the game so invaded by peril, and if we agree that we simply must free the President from every diversion of his energy (and his purpose), then the six-year term begins to make clear, plain sense.

Mr. AIKEN. Mr. President, I should like to add that what is going on in Washington now between the executive and legislative branches, and among the various political groups, speaks louder in support of a single 6-year term for President than any words that could be spoken or written.

I believe that we are witnessing a graphic demonstration, and have for the past few weeks, of why we should have a President limited to one 6-year term only. I think the situation is worse this year than it has been for many years. It certainly is striking evidence, since the introduction of the Mansfield-Aiken resolution.

Mr. MANSFIELD. I agree with the principal sponsor and initiator of the Aiken-Mansfield resolution.

Mr. AIKEN. When the President is harassed, the entire country is harassed. That is all it amounts to.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Are there any petitions and memorials?

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Is there any morning business?

THE WAR POWERS BILL

Mr. JAVITS. Mr. President, the leading editorial in the New York Times on Tuesday, December 14, 1971, reflects the importance attached to the legislation reported by the Committee on Foreign Relations last week, designated as the War Powers Act, in which I was joined by Senators Stennis, Eagleton, and Spong.

The editorial emphasizes that this may very well be the basic issue upon which the relationship between Congress and the Executive, which has been so deeply troubled in recent years, will be resolved. Our endeavor as sponsors of the bill has been to fill in a lacuna in the Constitution which has led to an ambiguous constitutional position which has been interpreted differently by different Presidents, and in which Congress has not asserted itself respecting its extensive war powers authority and the authority of the President as Commander in Chief to wage so-called undeclared wars without congressional authorization. The Javits-Stennis-Eagleton bill is a considered effort to regularize practice and to ensure the sharing of the responsibility for going to war between the President and the Congress, as intended by the framers of the Constitution.

One of the great things which this legislation will accomplish, in my judgment, will be to strengthen and fortify the American foreign policy of a President who now faces a divided country, with the tremendous agitation and dissension related to Indochina still going on, as evidenced by what is keeping us here. We will have a practice under the legislation by which Congress will be able to join the President to give assurance to our people—and to nations abroad—that it is not just the President who is committed to a course of action involving hostilities.

Our people will be protected against improvident wars or against improvident decisions taken unalaterally by a President under pressure. Under this legislation, Congress will have coequal authority with the President. If it is adopted every Senator and every Member of the House who votes when questions of military hostilities arise will have the responsibility on his hands and he will have to account to his constituents for what he did and why. The President, in this sense, could acquire strong insurance against second-guessing or backbiting from Members of Congress who had no share of responsibility in a national decision about war.

So, Mr. President, I hope that, in the intervening period until this matter comes up on the floor in a month or so, Members will study this measure carefully and diligently, and that the country will continue to discuss it. We must in all inescapably bear in mind that this is the fulfillment of a promise we made to ourselves as a result of Vietnam, that we would never be caught in that position again of being such a divided country because the Constitution did not speak to so critical a question as an undeclared war.

Mr. President, I ask unanimous consent to have the editorial I have referred to, entitled "Toward Bipartisanship Abroad," printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 14, 1971]

Toward Bipartisanship Abroad

Under the Constitution, only the Congress can declare war and pay American troops. But the President, as Commander in Chief, can commit the armed forces to combat on his own. In an era of undeclared wars, this ambiguity has led inevitably to executive encroachment on Congressional prerogatives.

Efforts by the Congress to resist the trend now encounter the argument that Congressional debate is a luxury that cannot always be enjoyed in the nuclear age, when split-second reactions may be vital to avoid the nation's destruction. But it is not the nuclear contingency that is in fact at issue. It is the relatively limited military engagement—such as the Dominican intervention or the Indochina conflict—that has most eroded Congressional control over the war-making powers. And it is essentially the no-more-Vietnams syndrome that is spurring current efforts in the Senate to increase the Senate role in future military decisions.

The legislative formula recently approved by the Senate Foreign Relations Committee to restrict the war-making powers of the Presidency is not and cannot be watertight. It is recognized that the Congress cannot and probably should not attempt to prevent the Commander in Chief from engaging the nation in hostilities in certain emergency situations. The intention is to prevent military action from continuing more than thirty days without Congressional approval.

The thirty-day clause is the heart of the proposed legislation, rather than the attempt to define the circumstances under which the President would be authorized to use the nation's military power. The bill would indeed authorize armed force to repel or to forestall an attack on the United States or on American forces stationed abroad. While the President's constitutional powers could not be limited to such contingencies by legislation the Congress can insist on its participation in decisions to extend or enlarge a conflict beyond the measures taken in the initial emergency period.

This approach undoubtedly involves some disadvantages. The need to sway the Congress could conceivably impel a future Administration to escalate low-key military moves and to attempt to arouse popular emotion. The Congress itself is not impervious to an exigent President and can be misled, as the Tonkin Gulf resolution demonstrated in 1964.

But such risks are smaller than those revealed by unrestricted exercise of the Presidential war-making powers. What would chiefly be restricted would be the President's power to take the nation into a large-scale war without its consent, explicity expressed by its elected representatives.

Instead of resisting the proposed legislation, the Nixon Administration would be well advised to embrace it and to go beyond it to create a new atmosphere of cooperation with the Congress in foreign policy generally. With a necessarily divisive Presidential campaign approaching, it is imperative to restore some semblance of the old tradition that politics stops at the water's edge.

As a first move to restore a bipartisan foreign policy, Mr. Nixon could well invite the Senate majority and minority leaders to accompany him to Peking and Moscow—and to the summit meetings with allied leaders that will precede these historic voyages. Although it is too late for the talks under way with President Pompidou of France in the Azores, Senators Mansfield and Scott would be valuable additions to the American delegation for the projected meetings with the leaders of Britain, West Germany and Japan. Now that he has wisely if belatedly moved to take the allies into his confidence, Mr. Nixon can afford to make the same gesture toward the Congress.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

Mr. JAVITS. Mr. President——

Mr. MANSFIELD. If the Senator will yield to me briefly, I wish to state that I intend to ask the Senate to adjourn as expeditiously as possible unless there is business in the way of speeches and the like to be undertaken.

Mr. JAVITS. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I would like to have the majority leader answer a question. I have just come in, as the Senator knows, and I am trying to get briefed. The Senator from Michigan (Mr. Griffin) left the matter with me on the theory that he did not wish action taken on the amendment of the Senator from Arkansas (Mr. Fulbright), which is the pending business.

Am I to understand it is the majority leader's intention to adjourn the Senate rather than to seek a vote on the Fulbright amendment?

Mr. MANSFIELD. That is my intention. If the distinguished Senator from Arkansas desires to seek a vote on his amendment, that, of course, is up to him.

Mr. JAVITS. I thank the Senator.

Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT ACT OF 1971

A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembly Joint Resolution No. 56—"Relative to the federal-aid TOPICS program

"Whereas, The Federal-Aid Highway Act of 1968 authorized the expenditure of federal funds for an urban traffic operations program to increase capacity and safety, known as TOPICS, and this program was continued by the Federal-Aid Highway Act of 1970; and

"Whereas, Local agencies have encountered difficulty in the administration of this program due to burdensome administrative procedures required by the federal government; and

"Whereas, The new urban system created by the Federal-Aid Highway Act of 1970 and the TOPICS program could be combined to provide a more efficient program which would be easier to administer; and

"Whereas, It is essential that steps be taken to simplify procedures so that federal funds can be more easily utilized by the cities and counties of California; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take the necessary steps to remove burdensome administrative procedures from the TOPICS program and to consider the integration of programs designed for the improvement of streets and highways in urban areas; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION No. 49

"Relative to the proposed move of the National Park Service's Western Service Center from San Francisco

"Whereas, The National Park Service reportedly intends to close its Western Service Center in San Francisco and to move it to Denver where its services will be consolidated with those of the Eastern Service Center within the month, eliminating 90 positions and requiring a move of more than 200 employees to another location; and

"Whereas, California is the most populous state in the nation and its parks have more visitors than other national parks in other states, therefore the most prudent move would be to consolidate the national park service centers in San Francisco; and

"Whereas, The Department of Industrial Relations of the State of California reports a seasonally adjusted unemployment rate of 6.5 percent in the bay area at the present time, a rate which will be aggravated by such actions by federal agencies; and

"Whereas, The move will mean a loss in payroll in San Francisco of more than one million dollars a year; and

"Whereas, It may be expected that many good planners will leave the park service; and

"Whereas, The cost of consolidating the service centers in Denver is over two million dollars, at a time when dollars should be conserved, and there is an additional loss that cannot be estimated, the consequences of lower morale among National Park Service and Bureau of Outdoor Recreation personnel who do many joint feasibility studies for California in order to plan for new park areas, and the impaired operation of these two agencies would be characterized by inefficiency and a lack of cooperation to the detriment of California's environment; and

"Whereas, It may be expected that lowered morale and disruptions created by moving will result in greatly reduced services for at least a year and will impair conservation efforts by slowing down (1) the identification of new park areas; (2) the classification of wilderness areas which must be completed by 1974, and therefore especially affecting Joshua Tree and Death Valley National Monuments; and (3) the master planning and development for California parks, especially Yosemite, Redwoods, Point Reyes National Seashore, Sequoia, and Kings Canyon; and

"Whereas, The planning operations for the proposed Golden Gate National Recreation

Area would be impaired by the removal of planners and architects to a distant locale; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Director of the National Park Service to rescind the proposed move of the National Park Service's Western Service Center from San Francisco for combination with the Eastern Service Center in another location, or, if the two centers are to be combined, then to locate the combined center in San Francisco; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the Interior, the Director of the National Park Service, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Senate of the State of California; to the Committee on Public Works:

"SENATE RESOLUTION 230

"Relative to the National Transportation Planning Study

"Whereas, The State Business and Transportation Agency has completed California's portion of the National Transportation Planning Study; and

"Whereas, The California study has been transmitted to the Secretary of Transportation in Washington, D.C.; and

"Whereas, The State Transportation Board has called attention to its finding that ". . . only the highway mode has adequate resources and planning facilities . . ."; and

"Whereas, The State Transportation Board has urged that ". . . the study results should be used with considerable caution by the Federal Government in its funding programs . . ."; and

"Whereas, Various assumptions in the study, relative to possible future state or local funding, have the effect of being prejudicial in determining the relative needs and programmed expenditures among the various modes of transportation; and

"Whereas, The need for interurban rapid transit was omitted from this study entirely; and

"Whereas, The final summary of needs and funding alternatives may lead federal authorities to conclude that California places a greater relative emphasis on meeting highway needs than on meeting transit needs; now, therefore, be it

"*Resolved by the Senate of the State of California*, That the Members respectfully memorialize the President and the Congress of the United States and the United States Department of Transportation to review the National Transportation Planning Study, and California's portion thereof, with the understanding that the need for new and improved transit facilities is considerably greater than the proportion programmed for funding under Federal Alternatives I, II, and III of the study; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

The petition of the Borough of Englewood Cliffs, Bergen County, New Jersey, praying for the removal of all United States troops from Southeast Asia; to the Committee on Foreign Relations.

A resolution adopted by the Arizona Southern Baptist Convention, Phoenix, Arizona, reaffirming their belief in the separation of church and state; to the Committee on the Judiciary.

A resolution adopted by the California Veterans Board, Sacramento, California, praying for the enactment of legislation to provide for the necessary medical treatment and education of Vietnam veterans who are afflicted with drug dependency; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 54. A concurrent resolution to print additional copies of hearings on "War Powers Legislation" (Rept. No. 92–586);

H. Con. Res. 439. A concurrent resolution to provide for the printing of fifty thousand additional copies of the Subcommittee print of the Subcommittee on Domestic Finance of the House Committee on Banking and Currency, entitled "A Primer on Money" (Rept. No. 92–587);

H. Con. Res. 441. A concurrent resolution authorizing the printing of "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" as a House document, and for other purposes (Rept. No. 92–588); and

H. Con. Res. 469. A concurrent resolution to provide for the printing as a House document a compilation of the eulogies on the late Justice Hugo L. Black (Rept. No. 92–589).

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 16, 1971, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 2891. An act to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes; and

S.J. Res. 184. Joint resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS (for himself, Mr. BEALL, and Mr. SCHWEIKER):

S. 3028. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON:

S. 3029. A bill for the relief of Mr. and Mrs. Jose Zuniga-Jaramillo. Referred to the Committee on the Judiciary.

By Mr. MILLER:

S.J. Res. 185. A joint resolution expressing a proposal by the Congress of the United States for securing the safe return of American and allied prisoners of war and the accelerated withdrawal of all American military personel from South Vietnam. Referred, by unanimous consent, to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 3028. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

MEDICAL DEVICE SAFETY ACT

Mr. JAVITS. Mr. President, I am introducing today on behalf of myself and Senators BEALL and SCHWEIKER a bill, on behalf of the administration, to amend the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices, entitled the "Medical Device Safety Act."

The bill would authorize the Secretary of Health, Education, and Welfare to establish safety standards for medical devices, and would require unreasonably hazardous medical devices used in life-threatening situations to undergo a scientific review by the Department for safety and efficacy prior to their introduction into commerce.

The scientific review section of the bill is more commonly referred to as the premarket clearance provision. It is the most dramatic portion of the bill and is intended to assure the safety and efficacy of devices used in life-threatening situations. Classes of devices that may be expected to require scientific review are cardiovascular implants, other implants composed of new materials, applications of new forms of energy to the body—for example, lasers—and new designs for machines which substitute for major bodily functions—for example, heart-lung machines. When the design and construction of any device or class of devices subject to scientific review reach the point where the safety and efficacy of the device or class may be assured under appropriate standards, such standards will be promulgated under the bill's standard-setting authority, and the scientific review requirement will be ended.

Two examples of devices which would be subject to appropriate standards are certain types of pacemakers and catheters.

I ask unanimous consent to have the bill, a letter of transmittal from the Department of Health, Education, and Welfare, and a summary of the key provisions of the bill printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. JAVITS. Mr. President, since this legislation affects medical device safety and effectiveness, pursuant to the Federal Food, Drug, and Cosmetic Act, it is appropriately subject to jurisdiction of the Labor and Public Welfare Committee, of which I am ranking Republican member. However, I understand the Commerce Committee is presently considering generic product safety legislation and the question whether the authority for evaluating product safety should be vested in an independent agency or in the Department of Health, Education, and Welfare, which is how it is done under this bill. I assure my colleagues that when this legislation is considered by our committee, we shall consult with the Commerce Committee in view of their interest in the subject.

Although the purpose of this legislation is to provide a comprehensive regulatory program for medical devices in order to protect consumers from their potential hazards, I am concerned that the legislation as presently written is too limited in regard to its standard-setting authority for medical devices. The bill contains a limitation that there be unreasonable risk of illness or injury. I am not convinced that when we deal with the protection of consumers' health we should not provide authority to deal with all risks, not merely unreasonable risks caused by medical devices.

Also, I am concerned that in the establishment of the various scientific advisory committees there is no explicit provision for consumer representation on such committees, nor is there any provision which would assure the public that the scientific advocates for a particular medical device would not be among the scientific members of the advisory committee passing upon its safety and effectiveness.

On another point I believe all of us in Congress have a deep concern that there be adequate protection and humane treatment of animals. Accordingly, I wish to assure all animal lovers that the exemption provision covering animals in this legislation will be carefully reviewed by the committee as the legislation receives further consideration.

There is also a provision in the legislation exempting "reports on the investigational use of devices." Although I share the concern that there be adequate protection of trade secrets, I am equally concerned that all information which involves the public interest be available for public scrutiny. This section of the legislation shall also be subject to careful review by the committee.

Finally, the legislation does not provide funding authorizations for the activities to be conducted pursuant to the legislation and would, therefore, rely upon the general Department of Health, Education, and Welfare's funding authorities. I am concerned that if we are to adequately protect the public, we should require specific funding authorizations in this bill. This will also be subject to careful review by the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT I

S. 3028

A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medical Device Safety Act".

TITLE I—AUTHORITY TO ESTABLISH STANDARDS

SEC. 101. Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., ch. 9, subch. VI) is amended by adding at the end thereof the following new section:

"STANDARDS FOR MEDICAL DEVICES

"Authority To Set Standards

"SEC. 513. (a) (1) Whenever in the judgment of the Secretary such action is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of a device (including the need for uniformity and compatibility with systems or environments in which it is intended to be used) and there are no other more practicable means to protect the public from such risk, he may by order issued in accordance with subsection (g) of this section promulgate for any device, or type or class of device, a standard relating to any one or more of the following: the composition, the construction, the properties, the uniform identification, or the performance of such device. Such standard may include provisions for the testing of the device and the measurement of its characteristics, and may require the use and prescribe the form and content of instructions or warnings necessary for the proper installation, maintenance, operation, and use of the device.

"(2) A standard shall, where feasible, pertain to the safety performance characteristics of a device, except that it may apply to the composition, design, contruction, finish, or packaging of the device or any component thereof if the Secretary determines such application to be in the public interest. Without regard to the limitations of the preceding sentence, a standard may require that the device or any component thereof be marked, tagged, or accompanied by clear and adequate warnings or instructions reasonably necessary for the protection of health or safety.

"(3) The Secretary shall provide for a periodic evaluation of the adequacy of all standards promulgated under this section in order to reflect changes in the state of the art of the development of devices and in applicable medical, scientific, and other technological data.

"Consultation with other Federal agencies and interested groups; use of other Federal agencies

"(b) (1) Prior to (A) initiating a proceeding under subsection (c) to promulgate a standard under this secton, (B) initiating the development of a proposed standard under subsection (f) of this section, or (C) the taking of any action under subsection (g) of this section, the Secretary shall to the maximum practicable extent consult with, and give appropriate weight to relevant standards published by, other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting agencies or organizations. In considering proposals for the development of standards, the Secretary may also invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, or consumer organizations which in his judgment can make a significant contribution to such development.

"(2) In carrying out his duties under this section, the Secretary shall utilize to the maximum practicable extent the personnel, facilities, and other technical support available in other Federal agencies.

"Initiation of proceeding for standards—development by interested parties

"(c) A proceeding to promulgate a standard under this section shall be initiated by the Secretary by publication of notice in the Federal Register. Such notice shall advise of the opportunity for comment on the need to intiate such proceeding and shall include—

"(1) a description or other designation of the device (or type or class of device) to which the proceeding relates;

"(2) the nature of the risk or risks intended to be controlled;

"(3) a summary of the data on which the Secretary has found a need for initiation of the proceeding;

"(4) identification of any existing standard (if known to the Secretary) which may be relevant to the proceeding; and

"(5) an invitation to any person, including any Federal agency, which has developed or is willing to develop a proposed standard to submit to the Secretary, within thirty days after the date of such notice, (A) such a standard; or (B) an offer to develop a proposed standard in accordance with procedures prescribed by regulations of the Secretary.

"USE OF EXISTING STANDARDS

"(d) If the Secretary (1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution, (2) has made reference to such standard (unless it is a standard submitted under subsection (c) (5)) in his notice pursuant to subsection (c) (4), and (3) determines that such standard may be substantially acceptable to him as a device standard, then he may, in lieu of accepting an offer under this section, publish such standard as a proposed device standard in accordance with subsection (g).

"ACCEPTANCE OF OFFERS TO DEVELOP STANDARDS

"(e) (1) Except as otherwise provided by subsection (d), the Secretary shall accept one or more offers to develop a proposed standard pursuant to the invitation prescribed by subsection (c) (5) if he determines that (A) the offeror is technically competent to undertake and complete the development of an appropriate standard within a reasonable period of time, and (B) the offeror has the capacity to comply with procedures prescribed by regulations of the Secretary under paragraph (4).

"(2) The Secretary shall publish in the Federal Register the name and address of each person whose offer is accepted, and a summary of the terms of such offer as accepted.

"(3) Upon an offeror's application therefor prior to the acceptance of his offer under this subsection, the Secretary may agree to contribute to the offeror's cost in developing a proposed standard, if the Secretary determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Secretary shall set forth the items of cost in which he may participate, except that such items may not include construction (except minor remodeling), or the acquisition of land or buildings.

"(4) The Secretary shall prescribe regulations governing the development of proposed standards under this subsection and subsection (f), which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5 of the United States Code. Such regulations shall include requirements—

"(A) that standards recommended for promulgation be supported by test data or such other documents or materials as the Secretary may reasonably require to be developed, and be suitable for promulgation under subsection (g);

"(B) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

"(C) for opportunity by interested persons to participate in the development of such standards;

"(D) for the maintenance of such records as the Secretary prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

"(E) that the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Secretary, under paragraph (3).

"Development of Standards by the Secretary

"(f) If the Secretary has published a notice as provided by subsection (c), and—

"(1) no person accepts the invitation prescribed by subsection (c)(5);

"(2) the Secretary has accepted neither an existing standard pursuant to subsection (d) nor an offer to develop a proposed standard pursuant to subsection (e); or

"(3) the Secretary has accepted an offer pursuant to subsection (e), but determines that the offeror is unwilling or unable to continue the development of the standard which was the subject of the offer or the standard which has been developed is not satisfactory;

then the Secretary may proceed to develop a proposed standard pursuant to procedures prescribed by subsection (g).

"Procedure for Promulgation, Amendment, or Revocation of Standards

"(g)(1)(A) As soon as practicable after the initiation of a proceeding to promulgate a standard, and after review of any proposal submitted under subsection (e), the Secretary shall publish in the Federal Register either a proposal to promulgate a standard applicable to the device (or type or class of device) subject to the proceeding, or a notice that the proceeding is terminated. The proposal to promulgate a standard shall set forth the standard, the manner in which interested persons may examine data and other information on which the standard is based, and the period within which interested persons may present their comments on the standard (including the need therefor) orally or in writing.

"(B) As soon as practicable after the publication of a proposal to promulgate a standard, the Secretary shall, by order published in the Federal Register, act upon the proposed standard or terminate the proceeding. The order shall set forth the standard, if any, the reasons for the Secretary's action (including reasons for the promulgation of a standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which the standard, or portions thereof, will become effective. Such date or dates shall be established so as to minimize, consistent with the public health and safety, economic loss to, and disruption or dislocation of, domestic and international trade.

"(C)(i) Prior to his issuance of an order to promulgate a standard, the Secretary shall consider—

"(I) the degree of risk of illness or injury associated with those aspects of the devices subject to the order;

"(II) the approximate number of devices, or types or classes thereof, subject to the order;

"(III) the need of the public for the devices subject to the order, and the probable effect of the order upon the utility, cost, or availability of the devices to meet that need;

"(IV) means of achieving the objective of the order with a minimal disruption or dislocation of competition and of reasonable manufacturing and other commercial practices; and

"(V) data and comments submitted in the course of any proceeding initiated under subsection (c) relevant to such order.

Such order shall include appropriate findings with respect to the matters set forth in clauses (I) through (V) and such standard shall be based on such findings.

"(ii) The Secretary shall include in the order promulgating a standard such additional findings as he may determine to be necessary to support the judgment required by subsection (a)(1).

"(2) The Secretary may revoke any standard, in whole or in part, upon the ground that there no longer exists a need therefor or that such standard (or part thereof) is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner in which interested persons may examine data and other information relevant to the Secretary's determination, and the period within which any interested person may present his views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Secretary shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Secretary's action and the date or dates upon which such revocation shall become effective.

"(3) The Secretary may propose an amendment of a standard by publishing such proposal in the Federal Register. Such proposal shall be subject to paragraph (4) of this subsection and to subsection (h).

"(4) To the extent not inconsistent with this section, the provisions of section 553 of title 5 of the United States Code, shall govern proceedings under this section to promulgate, amend, or revoke a standard. An order promulgating, amending, or revoking a standard shall, upon its publication and without regard to its effective date, be a final order for purposes of chapter 7 of title 5 of the United States Code. Judicial review of such final order shall not be denied upon the ground that the petitioner has failed to seek the referral of any proposal to an advisory committee under subsection (h).

"Referral to Independent Advisory Committee

"(h)(1) A proposal under subsection (g) may be referred to an advisory committee of experts for a report and recommendations with respect to any matter involved in such proposal which requires the exercise of scientific judgment. The Secretary may so refer such proposal prior to or after its publication under such subsection, and shall so refer it after its publication upon a request, within the time specified in the proposal, of any interested person (unless the Secretary finds the request to be without good cause).

For the purpose of any such referral, the Secretary shall appoint such an advisory committee (which may be a standing advisory scientific review panel established under section 514(b)) and shall refer to it, together with all the data before him, the matter so involved for study, and for a report and recommendations.

The provisions of the first and second sentences of section 706(b)(5)(C)(ii) shall apply to such report and recommendations. A person who has requested the referral of a matter to an advisory committee pursuant to this subsection, as well as representatives of the Department, shall have the right to consult with such advisory committee, and such advisory committee is authorized to consult with any person, in connection with the matter referred to it.

"(2) The Secretary shall appoint as members of any such committee persons qualified in the subject matter to be referred to the committee and of appropriately diversified professional background. Members of an advisory committee who are not in the regular full-time employ of the United States, while attending conferences or meetings of their committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but not at rates exceeding the daily equivalent for grade GS–18 of the General Schedule for each day so engaged, including travel time; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently. The Secretary shall furnish the committee with clerical and other assistance, and shall by regulation prescribe the procedure to be followed by the committee.

"(3) If such a matter is referred to an expert advisory committee upon request of an interested person, the Secretary may, pursuant to regulations designed so as not to discourage any such referrals which are in the public interest, require such person to pay all or part of the cost to the Department arising by reason of such referral. Such payments, including advance deposits to cover such payments, shall be available until expended for paying (directly or by way of reimbursement of the applicable currently available appropriations) such costs and for refunds in accordance with such regulations.

"Testing or Manufacture of Devices to Assure Compliance With Standards

"(i)(1) Every manufacturer of a device subject to a standard under this section shall assure the Secretary, at such times and in such form and manner as the Secretary shall by regulation prescribe, that testing methods prescribed by the standard show the device to comply therewith, or that the device has been manufactured under a program of quality control which is in accord with current good manufacturing practice (as may be determined by regulations of the Secretary) designed to assure such compliance.

"(2) To assure that devices conform to standards under this section, the Secretary shall review and evaluate on a continuing basis testing and other quality control programs carried out by manufacturers of devices subject to such standards.

"Exemption

"(j) This section shall not apply to any device intended solely (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man or (2) to affect the structure or any function of the body of such animals."

CONFORMING AMENDMENTS

SEC. 102. (a) Section 501 of such Act (21 U.S.C. 351) is amended by adding at the end thereof the following new paragraph:

"(e) If it is, or purports to be or is represented as, a device with respect to which, or with respect to any component, part, or accessory of which, there has been promulgated a standard under section 513, unless such device, or such component, part, or accessory, is in all respects in conformity with such standard."

(b) Section 502 of such Act (21 U.S.C. 352) is amended by adding at the end thereof the following new paragraph:

"(q) If it is a device subject to a standard promulgated under section 513, unless (1) its labeling bears such instructions and warnings as may be prescribed in such standard; and (2) it complies with the requirements of section 513(i)(1)."

TITLE II—SCIENTIFIC REVIEW OF CERTAIN MEDICAL DEVICES

SEC. 201. (a) Section 501 of such Act, as amended by section 102(a) of this Act, is further amended by adding at the end thereof the following new paragraph:

"(f) If (1) it is a device, and (2) such device, or any component, part, or accessory thereof, is deemed unsafe or ineffective within the meaning of section 514 with respect to its use or intended use."

(b) Chapter V of such Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SCIENTIFIC REVIEW OF CERTAIN MEDICAL DEVICES

"When Scientific Review Is Required

"SEC. 514. (a) The Secretary may declare that a device (or type or class of device) shall be subject to scientific review under this section with respect to any particular use or intended use therefore it, after consultation with the appropriate panel or panels specified in subsection (b), he finds that the device (or type or class of device) is used or intended to be used in life-threatening situations, that the composition, construction, or properties of the device (or type or class of device) is such that, in relation to that use or intended use, the device (or type or class of device) may present an unreasonable hazard, that scientific review may materially reduce this hazard, and that no more practicable means to reduce this hazard are available to the Secretary. The declaration shall be by regulation (which may be rescinded by the Secretary) which shall set forth and be based upon the findings prescribed by the preceding sentence and findings as described in clauses (I), (II), (III), and (IV) of section 513(g)(1)(C)(i). A device (or type or class of device) declared to be subject to scientific review shall be deemed unsafe or ineffective for the purpose of the application of section 501(f) unless either—

"(1) there is in effect an approval of an application with respect to such device under this section,

"(2) such device is exempted by or pursuant to subsection (k) of this section, or

"(3) such device is intended solely (A) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man or (B) to affect the structure or any function of the body of such animals.

"Standing Advisory Scientific Review Panels

"(b)(1) For the purpose of reviewing applications filed under subsection (c), and of reviewing plans and protocols submitted under subsection (k)(4), the Secretary shall establish one or more standing advisory scientific panels composed of members appointed by the Secretary. Such members shall consist of experts qualified by training and experience to evaluate the safety and effectiveness of devices in the category or class of devices to be referred to such a panel, including appropriate experts from one or more of the physical or biological sciences and of the professions of medicine, dentistry, and engineering. The Secretary shall from time to time designate one of the members of each panel to serve as chairman thereof.

"(2) Members of any standing advisory scientific panel established under this subsection, while attending conferences or meetings of their panels or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but not at rates exceeding the daily equivalent of the rate specified at the time of such service for grade GS–18 of the General Schedule, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently. The Secretary shall furnish the committee with clerical and other assistance. The members shall not be subject to any other provisions of law regarding the appointment and compensation of employees of the United States.

"Application for Scientific Review

"(c)(1) Scientific review of a device (or type or class of device) which has been declared subject to such review in accordance with subsection (a) may be obtained by filing with the Secretary an application for his determination of the safety and effectiveness of the device. The application shall contain (A) full reports of all information, published or otherwise available to the applicant, concerning investigations which have been made to show whether or not such device is safe and effective for use; (B) a full statement of the composition, properties, and construction, and of the principle or principles of operation, of such device; (C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of such device; (D) an identifying reference to any standard, applicable to such device, which is in effect pursuant to section 513, and adequate information to show that such device fully meets such standard; (E) such samples of such device and of the articles used as components thereof as the Secretary may require; (F) specimens of the labeling proposed to be used for such device; and (G) such other information, relevant to the subject matter of the application, as the Secretary, upon advice of the appropriate panel or panels established pursuant to subsection (b), may require.

"(2) Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary shall refer such application to the appropriate panel or panels (established pursuant to subsection (b)) for study and for submission (within such period, if any, he may establish) of a report and recommendations, together with all underlying data and the reasons or basis for the recommendations. The provisions of section 706(d)(2) shall apply with respect to the material so submitted.

"Consideration of and Initial Action on Application

"(d) As promptly as possible, but in no event later than one hundred and twenty days after the receipt of an application under subsection (c), unless an additional period is agreed upon by the Secretary and the applicant, the Secretary, after considering the report and recommendations referred to in paragraph (2) of such subsection, shall—

"(1) approve the application if he finds that none of the grounds for denying approval specified in subsection (e) applies,

"(2) advise the applicant that the application is not in approvable form; and inform the applicant, insofar as the Secretary determines to be practicable, of the measures required to place such application in approvable form (which measures may include further research by the applicant in accordance with one or more protocols prescribed by the Secretary); or

"(3) deny approval of the application if he finds (and sets forth the basis of such finding as part of or accompanying such denial) that one or more grounds for denial specified in subsection (e) applies.

"Bases for Approval or Disapproval; Opportunity for Review

"(e)(1) If, upon the basis of the information submitted to the Secretary as part of the application and any other information before him with respect to such device, the Secretary finds, after opportunity to the applicant for the review prescribed by paragraph (4), that—

"(A) such device is not shown to be safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

"(B) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing and installation of such device do not conform to the requirements of section 501(g);

"(C) there is a lack of adequate scientific evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof;

"(D) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; or

"(E) such device is not shown to conform in all respects to an applicable standard promulgated under section 513 and in effect;

he shall issue an order denying approval of the application and stating the findings upon which the order is based. In determining if a device is shown to be safe for purposes of this paragraph, the Secretary shall weigh any benefit to the public health probably resulting from the use of the device against any hazard to the public health probably resulting from such use.

"(2) As used in this subsection and subsection (f), the term 'adequate scientific evidence' means evidence consisting of sufficient well-controlled investigations, including clinical investigations where appropriate, by experts qualified by scientific training and experience to evaluate the effectiveness of the device involved, on the basis of which it could fairly and responsibly be concluded by such experts that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.

"(3) For the purposes of this section, when a device is intended for use by a physician, surgeon, or other person licensed or otherwise specially qualified therefor, its safety and effectiveness shall be determined in the light of such intended use.

"(4)(A) An applicant whose application has been denied approval (either pursuant to paragraph (3), or in consequence of the Secretary's finding pursuant to paragraph (2), of subsection (d)) may, by petition filed on or before the thirtieth day after the date upon which he receives notice of such denial, obtain review thereof in accordance with subsection (i). The Secretary shall consider and give appropriate weight to the report and recommendations received from the advisory committee conducting such review under such subsection.

"(B) In lieu of the review provided by subparagraph (A), such applicant may, for good cause shown by such petition, obtain a hearing in accordance with section 554 of title 5 of the United States Code.

"Withdrawal of Approval

"(f)(1) The Secretary may, upon obtaining, where appropriate, advice on scientific matters from a panel or panels established pursuant to subsection (b), and after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an application with respect to a device under this section if the Secretary finds—

"(A)(i) that clinical or other experience, tests, or other scientific data show that such device is unsafe for use under the conditions of use upon the basis of which the application was approved; or (ii) on the basis of evidence of clinical experience, not included in or accompanying such application and not available to the Secretary until after the application was approved, or of tests by new methods or by methods not reasonably applicable when the application was approved, evaluated together with the evidence available to the Secretary when the application was approved, that such device is not shown to be safe for use under the conditions of use on the basis of which the application was approved;

"(B) on the basis of new information before him with respect to such device, evaluated together with the evidence available to him when the application was approved, that there is a lack of adequate scientific evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof;

"(C) that the application filed pursuant to subsection (c) contains or was accompanied by an untrue statement of a material fact;

"(D) that the applicant has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation or order under subsection (a) of section 516, or that the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection;

"(E) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such device do not conform to the requirements of section 501(g) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary; or

"(F) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that the labeling of such device, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary; or

"(G) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that such device is not shown to conform in all respects to an applicable standard promulgated pursuant to section 513.

"(2) If the Secretary (or in his absence the officer acting as Secretary) finds that an imminent health or safety hazard is involved, he may by order suspend the approval of such application immediately and give the applicant prompt notice of his action and afford the applicant an opportunity for an expedited hearing under this subsection. Such authority to suspend the approval of an application may not be delegated.

"(3) Any order under this subsection shall state the findings upon which it is based.

"Authority to Revoke Adverse Orders

"(g) Whenever the Secretary finds that the facts so require, he shall revoke an order under subsection (e) or (f) denying, withdrawing, or suspending approval of an application or reinstate such approval, as may be appropriate.

"Service of Secretary's Orders

"(h) Orders of the Secretary under this section shall be served (1) in person by any officer or employee of the Department designated by the Secretary or (2) by mailing the order by registered mail or certified mail addressed to the applicant at his last known address in the records of the Secretary.

"Referral to Independent Advisory Committee

"(i)(1) A person who has filed an application under subsection (c) may petition the Secretary, in accordance with subparagraph (A) of subsection (e)(4), to refer such application, or the Secretary's action thereon, to an advisory committee of experts for a report and recommendations with respect to any question therein involved which requires the exercise of scientific judgment. Upon such petition, or if the Secretary on his own initiative deems such a referral necessary, the Secretary shall appoint an advisory committee and shall refer to it, together with all the data before him, the question so involved for study thereof and a report and recommendations thereon. The provisions of the first and second sentences of section 706(b)(5)(C)(ii) shall apply to such report and recommendations. The applicant, as well as representatives of the Department, shall have the right to consult with such advisory committee, and such advisory committee is authorized to consult with any person, in connection with the question referred to it.

"(2) Section 513(h)(2) shall apply to the appointment, compensation, staffing, and procedure of any such advisory committee.

"(3) Paragraph (3) of section 513(h) shall also apply in the case of a referral to an advisory committee under this subsection.

"JUDICIAL REVIEW

"(j) The applicant may, by appeal taken in accordance with section 505(h), obtain judicial review of a final order of the Secretary denying or withdrawing approval of an application filed under subsection (c) of this section. Judicial review of such final order shall not be denied upon the ground that the petitioner has failed to avail himself of the review or hearing provided by subsection (e)(4).

"EXEMPTION FOR INVESTIGATIONAL USE

"(k)(1) It is the purpose of this subsection to encourage, to the maximum extent with the protection of the public health and safety and with professional ethics, the discovery and development of useful devices and to that end to maintain optimum freedom for individual scientific investigators in their pursut of that objective.

"(2) Subject to the succeeding paragraphs of this subsection, there shall be exempt from the requirement of approval of an application under the foregoing provisions of this section any device which is intended solely for investigational use (in a hospital, laboratory, clinic, or other appropriate scientific environment) by an expert or experts qualified by scientific training and experience to investigate the safety and effectiveness of such device.

"(3) The Secretary shall promulgate regulations relating to the application of the exemption referred to in paragraph (2) to any device which is intended for use in the clinical testing thereof upon humans, in developing data required to support an application under subsection (c).

"(4) Such regulations may provide for conditioning the exemption in the case of a device intended for such use, upon—

"(A) the submission, by the manufacturer of the device or the sponsor of the investigation, of an outline of the plan of initial clinical testing—

"(i) to a local institutional review committee which has been established to supervise clinical testing in the facility where the initial clinical testing is to be conducted, the composition and procedures of which comply with regulations of the Secretary, for review and approval as being adequate to justify the commencement of such testing, or

"(ii) if no such committee exists or if the Secretary finds that the process of review by such committee is inadequate or that protection of health and safety so requires (whether or not the plan has been approved by such committee), to the Secretary for review by the appropriate panel or panels established pursuant to subsection (b) and approval by the Secretary as being adequate to justify the commencement of such testing;

"(B) prompt notification to the Secretary by such manufacturer or sponsor (in such manner as the Secretary prescribes) of approval of any plan pursuant to clause (A)(i);

"(C) the submission, by the manufacturer of the device or the sponsor of the investigation, of an adequate protocol for clinical testing to be conducted by separate groups of investigators under essentially the same protocol, together with a report of prior investigations of the device (including, where appropriate, tests on animals) adequate to justify the proposed testing, either (i) to a local institutional review committee for review and approval in accordance with the provisions of clauses (A)(i) and (B), or (ii) to the Secretary for review and approval in accordance with the provisions of clause (A)(ii) if such testing involves facilities in which no such committee exists, or facilities served by more than one local institutional review committee if such committees are unable to agree on the adequacy of the submission;

"(D) the obtaining, by the manufacturer, of the device or the sponsor of the investigation, if the device is to be distributed to investigators for testing, of a signed agreement from each of such investigators that humans upon whom the device is to be used will be under such investigator's personal supervision or under the supervision of investigators responsible to him;

"(E) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer of the device or the sponsor of the investigation, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of the device, as the Secretary finds will enable him to evaluate the safety and effectiveness of the device in the event of the filing of an application pursuant to subsection (c); and

"(F) such other conditions relating to the protection of the public health and safety as the Secretary may determine to be necessary. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of devices.

"(5) Such regulations shall condition such exemption upon the manufacturer of the device, or the sponsor of the investigation, requiring that investigators using the device certify to such manufacturer or sponsor that they—

"(A) will inform individuals upon whom such device or any controls in connection therewith are used, or the representatives of such individuals, that the device is being used for investigational purposes, and

"(B) will obtain the consent of such individuals or representatives, except where such investigators deem it not feasible or, in their professional judgment, contrary to the best interest of such individuals.

"(6) Whenever the Secretary determines that a device is being or has been shipped or delivered for shipment in interstate commerce for investigational testing upon humans, and that such device is subject to the preceding subsections of this section and fails to meet the conditions for exemption therefrom for investigational use, he shall notify the sponsor of his determination and the reasons therefor, and the exemption will not thereafter apply with respect to such investigational use until such failure is corrected.

"(7) In determining whether this subsection is applicable to any device and, if so, whether there has been compliance with the conditions of exemption, or upon application for reconsideration of any such determination, the Secretary shall, if so requested by the sponsor of the investigation, or may on his own initiative, obtain the advice of an appropriate expert or experts who are not otherwise, except as consultants, engaged in the carrying out of this Act.

"(l)(1) If, on the day immediately prior to the date upon which a device is declared to be subject to scientific review under this section, the device was in use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man, or for the purpose of affecting the structure or any function of the body of man, section 501(f) shall become effective with respect to such preexisting use or uses of such device on the closing date (as defined in paragraph (2) of this subsection) or, if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under this section.

"(2) For the purposes of this subsection, the term 'closing date' means, with respect to a device, the first day of the thirty-first calendar month which begins after the month in which the device is declared to be subject to scientific review under this section, except that, if in the opinion of the Secretary it would not involve any undue risk to the public health, he may on application or on his own initiative postpone such closing date with respect to any particular use or uses of a device until such later date (but not beyond the close of the sixtieth month after the month of such declaration) as he determines is necessary to permit completion, in good faith and as soon as reasonably practicable, of the scientific investigations necessary to establish the safety and effectiveness of such use or uses. The Secretary may terminate any such postponement at any time if he finds that such postponement should not have been granted or that, by reason of a change in circumstances, the basis for such postponement no longer exists or that there has been a failure to comply with a requirement of the Secretary for submission of progress reports or with other conditions attached by him to such postponement."

PROHIBITED ACTS

SEC. 202. (a) Paragraph (e) of section 301 of such Act is amended (1) by striking out "or" before "512(j), (l), or (m)", and (2) by inserting ", 514(k), or 516(a)" after "512 (j), (l), or (m)".

(b) Paragraph (j) of section 301 of such Act is amended by inserting "514, 516," immediately after "512,".

(c) Paragraph (l) of such section 301 is amended (1) by inserting "or device" after the word "drug" each time it appears therein, and (2) by striking out "505," and inserting in lieu thereof "505 or 514, as the case may be,".

TITLE III—NOTIFICATION OF DEFECTIVE DEVICES; REPAIR OR REPLACEMENT

SEC. 301. Chapter V of such Act, as amended by sections 101 and 201(b) of this Act, is further amended by adding at the end thereof the following new section:

"NOTIFICATION OF DEFECTS IN, AND REPAIR OR REPLACEMENT OF, DEVICES

"SEC. 515. (a) (1) Every person who acquires information which may reasonably be understood to show that a device produced, assembled, or imported by him (A) contains a defect which is likely to create a substantial risk to the health or safety of any person, or (B) on or after the effective date of an applicable standard promulgated pursuant to section 513 fails to comply with such standard, shall immediately notify the Secretary of such defect or failure to comply if such device has left the place of manufacture and shall, except as otherwise provided by paragraph (3) of this subsection, with reasonable promptness furnish notification of such defect or failure (C) by mail to any purchaser not for sale of such device (where known to such person), and (D) by mail or other more expeditious means to the dealers or distributors to whom such device was delivered.

"(2) The notifications required by paragraph (1) of this subsection shall contain a clear description of such defect or failure to comply, an evaluation of the hazard related thereto, and a statement of the measures to be taken to correct such defect or failure.

"(3) The Secretary shall by regulation prescribe a procedure for the exemption or partial exemption of any person from the requirements of paragraph (1) of this subsection (other than notification to the Secretary) if the Secretary finds, upon application of such person, that the defect or failure to comply is not such as to create a significant risk to the health or safety of any person.

"(4) A dealer or distributor who is notified under paragraph (1) of a defect or failure of a device shall furnish to the manufacturer or importer from whom he obtained the device such information (at such times and in such manner and form as the Secretary may by regulation prescribe) as may be necessary to identify and locate each purchaser not for sale of the device.

"(b) Every person required to furnish the notification (other than to the Secretary) specified in paragraph (2) of subsection (a) shall submit to the Secretary upon his request a copy of all notices, bulletins, and other communications to the dealers or distributors of such person or to purchasers not for sale of devices of such person regarding any such defect in such device or any such failure to comply with a standard applicable to such device. The Secretary shall disclose to the public so much of the information contained in such communications or other relevant information in his possession as he deems will assist in carrying out this Act, but he shall not disclose any information which contains or relates to a trade secret.

"(c) If any device contains a defect which relates to the safety or effectiveness of the device or fails to comply with an applicable standard promulgated pursuant to section 513, and the notification specified in paragraph (2) of subsection (a) is required to be furnished on account of such defect or failure, the producer, assembler, or importer of such device may be required by the Secretary, without charge, to—

"(1) bring such device into conformity with such standard or remedy such defect and provide reimbursement for any reasonable and necessary expenses incurred in connection with having such device brought into conformity or having such defect remedied; or

"(2) replace such device with a like or equivalent device which complies with each applicable standard promulgated under section 513 and which has no defect relating to its safety or effectiveness; or

"(3) refund the purchase price of such device upon tender of the device by the owner, less a reasonable allowance for depreciation, and provide reimbursement for any reasonable and necessary expenses incurred in its return.

The producer, assembler, or importer shall take the action required under this subsection in such manner, and with respect to such persons, as the Secretary may by regulation prescribe.

"(d) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

"(e) This section shall not apply to any individual device that was manufactured before the date of the enactment of the Medical Device Safety Act."

PROHIBITED ACTS

SEC. 302. Section 301 of such Act, as amended by section 202 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(q) (1) The failure or refusal to furnish any notification or other material or information as required by section 515 or 516(c); or (2) the failure or refusal to comply with any requirement prescribed under authority of section 515(c)."

CONFORMING AMENDMENT

SEC. 303. Section 502(j) of such Act is amended by inserting "or manner" after "dosage".

TITLE IV—REQUIREMENT OF GOOD MANUFACTURING PRACTICE

SEC. 401. Section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351), as amended by sections 102 and 201 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(g) If it is a device and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, holding, or installation do not conform to, or are not operated or administered in conformity with, current good manufacturing practice as determined by regulations of the Secretary under section 701(a) to assure that such device is safe."

TITLE V—RECORDS AND REPORTS; INSPECTION AND REGISTRATION OF ESTABLISHMENTS; OFFICIAL NAMES

SEC. 501. Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., ch. 9, subch. V) is further amended by adding at the end thereof the following new section:

"RECORDS AND REPORTS ON DEVICES

"SEC. 516. (a) (1) Every person engaged in manufacturing, processing, or distributing, a device that is subject to a standard promulgated under section 513, or with respect to which there is in effect an approval under section 514 of an application filed under subsection (c) thereof, shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such person with respect to such device, and bearing on the safety or effectiveness of such device, or on whether such device may be adulterated or misbranded, as the Secretary may by general regulation, or by special regulation or order applicable to such device, require. In prescribing such regulations or issuing such orders the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients and shall provide, wherever he deems it appropriate, for the examination, upon request, by the persons to whom such regulations or orders are applicable, of similar information received or otherwise obtained by the Secretary.

"(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(b) Subsection (a) shall not apply to—

"(1) practitioners licensed by law to prescribe or administer drugs and devices and who manufacture or process devices solely for use in the course of their professional practice;

"(2) persons who manufacture or process devices solely for use in research or teaching and not for sale;

"(3) such other classes of persons as the Secretary may by or pursuant to regulation exempt from the application of this subsection upon a finding that such application is not necessary to accomplish the purposes of this subsection.

"(c) Every person engaged in manufacturing a device subject to this Act shall provide to the Secretary upon his request such technical data and other data or information with respect to such device as may be reasonably required to carry out this Act."

INSPECTION RELATING TO DEVICES

SEC. 502. (a) The second sentence of subsection (a) of section 704 of such Act (21

U.S.C. 374) is amended by inserting "or prescription devices" after "prescription drugs" both times it appears.

(b) The third sentence of such subsection is amended (1) by striking out "for prescription drugs", (2) by striking out "and antibiotic drugs" and inserting in lieu thereof, "antibiotic drugs, and devices", (3) by striking out "or section 507(d) or (g)" and inserting in lieu thereof, "section 507(d), or (g), section 514(k), or section 516", and (4) by inserting "or devices" after "other drugs", inserting "or of a device subject to section 514" after "new drug", and inserting "or section 516" after "section 505(j)".

(c) (1) Paragraph (1) of the sixth sentence of such subsection is amended by inserting "or devices" after "drugs" each time such term occurs.

(2) Paragraph (2) of that section is amended by inserting ", or prescribe or use devices, as the case may be," after "administer drugs"; and by inserting ", or manufacture or process devices," after "process drugs."

(3) Paragraph (3) of that section is amended by inserting ", or manufacture or process devices," after "process drugs".

REGISTRATION OF DEVICE MANUFACTURERS; OFFICIALS NAMES OF DEVICES

Sec. 503. (a) Section 510 of such Act (21 U.S.C. 360) is amended as follows:

(1) The section heading is amended by inserting "AND DEVICES" after "DRUGS".

(2) Subsection (a) (1) is amended by inserting "or device package" after "drug package"; by inserting "or device" after "the drug"; and by inserting "or user" after "consumer".

(3) Subsection (b) is amended (A) by inserting ", or of a device or devices," after "drug or drugs", and (B) by adding at the end thereof the following: "If any such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of any device, such person shall also comply with the requirements of subsection (j) of this section."

(4) Subsection (c) is amended (A) by inserting ", or of a device or devices," after "drug or drugs", and (B) by adding at the end thereof the following: "If such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of any device, such person shall also comply with the requirements of subsection (j) of this section.

(5) Subsection (d) is amended to read as follows:

"(d) (1) Every person duly registered in accordance with the foregoing subsections of this section shall immediately register with the Secretary any additional establishment which he owns or operates in any State and in which he begins the manufacture, preparation, propagation, compounding, or processing of a drug or drugs, or of a device or devices. If any device is manufactured, prepared, propagated, compounded, or processed in such additional establishment, such person shall also comply with the requirements of subsection (j) of this section.

"(2) Every person who is registered with the Secretary pursuant to the first sentence of subsection (b) or (c) or paragraph (1) of this subsection, but to whom the second sentence of subsection (b) or (c) or of paragraph (1) of this subsection did not apply at the time of such registration, shall, if any device is thereafter manufactured, prepared, propagated, compounded, or processed in any establishment with respect to which he is so registered, immediately file a supplement to such registration with the Secretary indicating such fact and shall also comply with the requirements of subsection (j) of this section."

(6) Subsection (g) is amended by inserting "or devices" after "drugs" each time such term occurs in paragraphs (1), (2), and (3) of such subsection.

(7) The first sentence of subsection (i) is amended by inserting ", or a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "shall require such establishment to provide the information required by subsection (j) in the case of a device or devices and" immediately before "shall include", and by inserting "or devices" after "drugs".

(8) A new subsection (j) is added at the end of such section 510 to read as follows:

"(j) (1) Every person who registers with the Secretary under subsection (b), (c), or (d) shall, at the time of registration under any such subsection, file with the Secretary a list of all devices (by established name as defined in section 502(e) (4) and by any proprietary name) which are being (or, in the case of a person who registers under subsection (c) or (d), proposed to be) manufactured, prepared, propagated, compounded, or processed in each establishment included in such registration. Such list shall be prepared in such form and manner as the Secretary may by regulation prescribe.

"(2) Every person registered under this section shall—

"(A) upon first engaging in the manufacture, preparation, propagation, compounding, or processing of a device not contained in any list filed by such person under paragraph (1) of this subsection:

"(B) upon ceasing or discontinuing the production or availability of any device being manufactured, prepared, propagated, compounded, or processed by him in any establishment, or

"(C) upon resumption of the manufacture, preparation, propagation, compounding, or processing of such device after such cessation or discontinuance,

notify the Secretary of such fact at such time and in such manner as the Secretary may by regulation prescribe and shall include with such notice the information required by paragraph (1) of this subsection (and, in the case of a person to which subparagraph (C) of this paragraph (2) applies, the reasons for such cessation or discontinuance)."

(b) Subsection (p) of section 301 of such Act (21 U.S.C. 331) is amended to read as follows:

"(p) The failure to register in accordance with section 510; the failure to provide any information required by section 510(j); or the failure to provide a notice required by section 510(j) (2)."

(c) Subsection (o) of section 502 of such Act (21 U.S.C. 352) is amended by striking out "is a drug and".

(d) The second sentence of section 801(a) of such Act (21 U.S.C. 381(a)) is amended by inserting "or devices" after "drugs" both times such words appear.

(e) (1) Subparagraph (1) of section 502(e) of such Act (21 U.S.C. 352(e)) is amended by striking out "subparagraph (2)" and inserting in lieu thereof "subparagraph (3)".

(2) Subparagraph (2) of section 502(e) of such Act (21 U.S.C. 352(e)) is redesignated as subparagraph (3) and is amended by striking out "this paragraph (e)" and inserting in lieu thereof "subparagraph (1)".

(3) There is added to such paragraph (e) a new subparagraph (2) as follows:

"(2) If it is a device, unless its label bears, to the exclusion of any other nonproprietary name, the established name (as defined in subparagraph (4)) of the device, if such there be, prominently printed in type at least half as large as that used thereon for any proprietary name or designation for such device: *Provided*, That to the extent compliance with the requirements of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary."

(4) There is further added to such paragraph a new subparagraph (4) as follows:

"(4) As used in subparagraph (2), the term 'established name', with respect to a device, means (A) the applicable official name designated pursuant to section 508, or (B) if there is no such name and such device is an article recognized in an official compendium then the official title thereof in such compenduim, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name of such device, if any."

(f) Section 508 of such Act (21 U.S.C. 358) is amended (1) in subsections (a) and (e) by adding "or device" after "drug" each time it appears; (2) in subsection (b) by adding after "all supplements thereto," the following: "and at such times as he may deem necessary shall cause a review to be made of the official names by which devices are identified in any official compendium, and all supplements thereto"; (3) in subsection (c) (2) by adding "or device" after "single drug", and by adding "or to two or more devices which are substantially similar in design and purpose" after "purity,"; (4) in subsection (c) (3) by adding "or device" after "useful drug", and after "drug or drugs" each time it appears; and (5) in subsection (d) by adding "or devices" after "drugs".

(g) Section 301 of the Drug Amendments of 1962 (76 Stat. 793) is amended by inserting "and devices" after "drugs" each time such word appears, except that "or devices" is inserted after "which drugs" and after "intrastate commerce in such drugs".

TITLE VI—GENERAL PROVISIONS

Advisory Council on Devices, Etc.

Sec. 601. Chapter VII of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

"ADVISORY COUNCIL ON DEVICES, AND OTHER ADVISORY COMMITTEES

"Sec. 708. (a) For the purpose of advising the Secretary with respect to matters of policy in carrying out the provisions of this Act relating to devices, there is established in the Department an Advisory Council on Devices appointed by the Secretary without regard to the civil service and classification laws. The persons so appointed shall be manufacturers and other persons with special knowledge of the problems involved in the regulation of various kinds of devices under this Act, members of the professions using such devices, scientists expert in the investigational use of devices, engineers expert in the development of devices, and members of the general public representing consumers of devices.

"(b) The Secretary may also from time to time appoint, without regard to the civil service or classification laws, in addition to the advisory councils and committees otherwise authorized under this Act, such other advisory committees or councils as he deems desirable.

"(c) Members of an advisory council or committee appointed pursuant to subsection (a) or (b) who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the council or committee or otherwise engaged on its business, be compensated at per diem rates fixed by the Secretary but not in excess of the rate for grade GS–18 of the General Schedule at the time of such service, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by title 5, United States Code, section 5703, for persons in the Government service employed intermittently."

RESEARCH AND STUDIES

Sec. 602. Chapter VII of such Act, as amended by section 601 of this Act, is further amended by adding at the end thereof the following new section:

"RESEARCH AND STUDIES RELATING TO DEVICES

"SEC. 709. (a) The Secretary is authorized directly or through contracts with public or private agencies, institutions, and organizations and with individuals, to plan, conduct, coordinate, and support—

"(1) research and investigation into the safety and effectiveness of devices, and into the causes and prevention of injuries or other health impairments associated with exposure to or use of devices;

"(2) Studies relating to the development and improvement of device standards, and device testing methods and procedures; and

"(3) education and training with respect to the proper installation, maintenance, operation, and use of devices.

"(b) In carrying out the purposes of subsection (a), the Secretary, in addition to or in aid of the foregoing—

"(1) shall to the maximum practicable extent, cooperate with and invite the participation of other Federal or State departments and agencies having related interests, and interested professional or industrial organizations;

(2) shall collect and make available, through publications and by other appropriate means, the results of, and other information concerning, research and other activities undertaken pursuant to subsection (a); and

"(3) may procure (by negotiation or otherwise) devices for research and testing purposes, and sell or otherwise dispose of such products."

PUBLICITY

SEC. 603. Section 705 of such Act is amended by adding at the end thereof the following new subsection:

"(c) To assist in carrying out the provisions of this Act relating to devices, the Secretary may cause to be disseminated information regarding standards, testing facilities, and testing methods promulgated, established, or approved under this Act. Subject to the provisions of section 301(j), the Secretary may also cause to be published reports summarizing clinical data relevant to marketed devices approved under this Act."

EFFECTIVE DATES AND TRANSITIONAL PROVISIONS

SEC. 604. (a) Except as provided in subsections (b) and (c) of this section, the foregoing provisions of this Act shall take effect on the date of the enactment of this Act.

(b) Paragraph (f) of section 501 of the Federal Food, Drug, and Cosmetic Act, as added to such section by section 201(a) of this Act, shall, with respect to any particular use of a device, take effect (1) on the first day of the thirteenth calendar month following the month in which this Act is enacted, or (2) if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under section 514 of such Act as added by section 201(b) of this Act.

(c) Any person who, on the day immediately preceding the date of enactment of this Act, owned or operated any establishment in any State (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act) engaged in the manufacture or processing of a device or devices, shall, if he first registers with respect to devices, or supplements his registration with respect thereto, in accordance with subsection (b) of section 510 of that Act (as amended by section 503 of this Act) prior to the first day of the seventh calendar month following the month in which this Act is enacted, be deemed to have complied with that subsection for the calendar year 1971. Such registration, if made within such period and effected in 1972, shall also be deemed to be in compliance with such subsection for that calendar year.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
December 14, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices." The bill has the short title of the "Medical Device Safety Act".

The draft bill would authorize the Secretary to establish safety standards for medical devices, and to require such devices used in life-threatening situations which may present an unreasonable hazard to undergo a scientific review by the Department for safety and efficacy prior to their introduction into commerce. A summary of the key provisions of the bill is enclosed.

Our proposal is the product of a thorough study of medical device regulation undertaken by the Department at the request of the President in his October 31, 1969, consumer message. In the course of this study, we obtained the views of medical practitioners, research scientists, engineers, consumer groups, manufacturers, and Government agencies on the nature and extent of the medical device safety problem, and the type of legislation needed.

On the basis of these views we have prepared a comprehensive regulatory program to protect consumers from the potential hazards of these devices. A cornerstone of this program is its procedure for drawing upon the expert knowledge of consumer groups, manufacturers, and trade associations, in the development of safety standards; and upon the expert knowledge of the medical and scientific community in reviewing proposed standards, in advising upon the need for subjecting medical devices to scientific review for safety and effectiveness, and in conducting that review.

We ask that the draft bill receive favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,
/s/ ELLIOT L. RICHARDSON,
Secretary.

SUMMARY OF KEY PROVISIONS OF PROPOSED MEDICAL DEVICE SAFETY ACT

PURPOSE OF THE BILL

The draft bill, which has been prepared as an amendment to the Federal Food, Drug, and Cosmetic Act, would authorize the Secretary of Health, Education, and Welfare to establish safety standards for medical devices, and to require unreasonably hazardous devices used in life-threatening situations to undergo a scientific review by the Department for safety and efficacy prior to their introduction into commerce or, if already in commerce, to determine whether they may continue to be marketed.

The term "device", as now defined by section 201(h) of the present Act (which to a limited degree already regulates devices), means "instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals." (The bill would exempt from its standard-setting and scientific review provisions devices for use on animals, however. §§ 513(j) and 514 (a) (3) [*].)

PROMULGATION OF STANDARDS

The bill would authorize the Secretary to promulgate a standard governing the performance or other characteristics of a medical device whenever, in his judgment, a standard is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of the device and there are no other more practicable means to protect the public. § 513(a).

Prior to the initiation of a proceeding to promulgate a standard, and prior to publishing a proposed standard in the course of such proceeding, the Secretary would be required, to the maximum practicable extent, to consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting agencies or organizations, and to use the technical support of other Federal agencies. Under this provision the Department would contemplate extensive consultation with, and the use of the resources of, the National Bureau of Standards. § 513(b).

The Secretary would initiate a proceeding to promulgate a device standard by publishing a notice which would invite interested persons to submit to the Secretary an existing standard or an offer to develop a standard. The Secretary could accept one or more of such offers, or adopt an applicable existing standard, or in appropriate cases—for example, where no offeror is technically competent to prepare a standard within a reasonable period—develop a standard using the resources of the Department and other agencies, or by contracting with qualified non-governmental entities. A proposed standard would then be published by regulation, with opportunity for public comment before it became effective. § 513(c), (d), (e), and (f).

After publication of a proposed standard, interested persons may for good cause require the Secretary to refer the standard to an *ad hoc* independent advisory committee for recommendations with respect to any matter involved in the proposal which requires the exercise of scientific judgment. § 513(h).

The standard, when promulgated, would be subject to the judicial review provisions of the Administrative Procedure Act governing informal rule making. § 513(g).

Every manufacturer of a device subject to a standard would be required to assure the Secretary that appropriate tests or its manufacture under a quality control program in accord with good manufacturing practice show the device to conform to the standard.

Nonconforming devices would be deemed to be adulterated (or, as may be applicable, misbranded), and would therefore fall under the same proscriptions now applicable to adulterated or misbranded drugs. §§ 501(e) and 502(q).

SCIENTIFIC REVIEW

The Secretary would be authorized to subject a device, or a type or class of device, to scientific review for safety and efficacy if, after consultation with an appropriate scientific panel, he found the device to be unreasonably hazardous when used, as intended, in life-threatening situations, and determined that there was no more practical means than such review to reduce the hazard. § 514 (a) and (b). Classes of devices that may be expected to meet these criteria would include cardio-vascular implants, other implants composed of new materials, applications of new forms of energy to the body (*e.g.*, lasers), and new designs for machines which substitute for major bodily functions

---

[*] Unless otherwise indicated, section references in this summary are to the Federal Food, Drug, and Cosmetic Act as it would be amended by the bill.

(*e.g.,* heart-lung machines). When the principles of design and construction of any device or class of devices subject to scientific review evolve to the point at which the safety and efficacy of the device or class may be assured under appropriate standards, such standards would be promulgated under the bill's standard-setting authority, and the scientific review requirement rescinded.

The bill would provide for the exemption from scientific review of devices intended solely for investigational uses by qualified experts. § 514(k). Devices on the market which are made subject to scientific review could continue to be marketed during the pendency of the review unless presenting a hazard requiring otherwise. § 604 of the bill.

An application for scientific review would be referred by the Secretary to a standing advisory scientific review panel for its recommendations. § 514(c) (2). The application would be denied if the device is not shown to be safe and efficacious. § 514(e) (1), (2), and (3). An applicant may seek administrative review of the Secretary's denial of his application either through petitioning the Secretary to refer the application to an advisory committee of experts for its independent recommendations on the scientific issues involved, or in the alternative by obtaining a formal adjudicatory hearing. § 514(e) (4). Judicial review would be provided in the same manner as is now available for denial of new drug applications. § 514(j). Approval of applications may be withdrawn on grounds similar to those for which the Secretary may now withdraw approval of new drug applications. § 514(f).

NOTIFICATION OF DEFECTIVE DEVICES; REPAIR OR REPLACEMENT

A manufacturer or importer would be required to notify the Secretary of any defects in devices produced, assembled, or imported by him if the defect is likely to create a substantial risk to the health or safety of any person, or of the failure of a device to comply with an applicable standard. Unless exempted by the Secretary, the manufacturer or importer would also be required to notify his dealers or distributors, and purchasers not for sale who are known to him. (Dealers or distributors who are notified of a defect by the manufacturer would be required to provide to the manufacturer or importer the names and addresses of each purchaser not for sale.) The Secretary may require the manufacturer or importer to remedy the defect, replace the device, or refund the purchase price. § 515.

REQUIREMENT OF GOOD MANUFACTURING PRACTICE

The bill would require devices to be manufactured in accordance with current good manufacturing practice (as determined by the Secretary) to assure their safety and efficiency. § 501(g).

REGISTRATION OF MANUFACTURERS; OFFICIAL NAMES OF DEVICES

The bill would require the registration of device manufacturers, and their continuing notification of the Secretary of the devices that they are producing and marketing. § 510. The Secretary would be authorized to establish official names for devices (as he now does for drugs). § 508.

RECORDS AND REPORTS

The bill also contains provisions (similar to those now in effect with respect to drugs) requiring manufacturers and distributors of devices subject to a standard or marketed under an approval of a scientific review application to maintain certain records relating to the safety and efficacy of the devices. § 516.

FACTORY INSPECTION

The factory inspection authority (now applicable to devices) would be amended to make clear the Secretary's authority to inspect research data on devices, and to extend to devices certain exemptions from inspection which are now applicable to drugs. § 704.

ADVISORY COUNCIL

The bill would establish an Advisory Council on Devices to advise the Secretary with respect to matters of policy in carrying out the bill's provisions. § 708.

By Mr. MILLER:

S.J. Res. 185. A joint resolution expressing a proposal by the Congress of the United States for securing the safe return of American and allied prisoners of war and the accelerated withdrawal of all American military personnel from South Vietnam. Referred, by unanimous consent, to the Committee on Foreign Relations.

Mr. MILLER. Mr. President, I send to the desk a joint resolution for appropriate reference. I ask unanimous consent that the joint resolution be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. Hart). Is there objection? Without objection, it is so ordered.

Mr. MILLER. Mr. President, for the benefit of my colleagues I wish to say that this joint resolution is in almost identical form to the joint resolution I introduced last April which provided that upon the completion of the exchange of all prisoners of war and the accounting for men missing in action, there would be a total withdrawal of U.S. military personnel from South Vietnam within 12 months. I pointed out at that time that allowing for approximately 30 days for the exchange of prisoners this would approximate the target of July 1, 1972, by which all American military personnel would be withdrawn from South Vietnam.

I regret very much that the Committee on Foreign Relations did not see fit to act favorably on my resolution which provided that Congress would fully support any efforts made by the President and his administration to implement this proposal.

I am reintroducing it today with the proviso that within 4 months after the exchange of prisoners of war and the accounting for men missing in action there would be complete and total withdrawal of all U.S. military personnel from South Vietnam.

Mr. President, I doubt the Senate or Congress would be able to act on this measure before the end of next January, and allowing approximately 30 days for completion of the exchange of prisoners, that would bring us to July 1, 1972, by which all American military personnel would be withdrawn from South Vietnam. I am satisfied this could be done without undue jeopardy to the military position of South Vietnam, and I believe it is about time for the Senate especially, and for the Congress to get moving on a meaningful resolution which will safeguard the return of American prisoners of war while the total withdrawal of American military personnel is completed.

I hope the Committee on Foreign Relations will give prompt attention to this matter upon the return of Congress in January.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 185

Joint resolution expressing a proposal by the Congress of the United States for securing the safe return of American and allied prisoners of war and the accelerated withdrawal of all American military personnel from South Vietnam

Whereas the President of the United States in his address on peace in Indochina on October 7, 1970, publicly announced a series of proposals for consideration by the Government of North Vietnam at the talks being held in Paris; and

Whereas one of the President's proposals was the humanitarian offer to immediately and unconditionally exchange all prisoners of war held by both sides; and

Whereas no precondition was indicated by the President for negotiation and action on this proposal; and

Whereas the purpose of the President's program of Vietnamization is to give the people of South Vietnam a reasonable opportunity to achieve the capability of defending themselves and their country against armed aggression from North Vietnam and against subversion and terror directed, controlled, and supplied from North Vietnam in order that the principle of national self-determination under the Charter of the United Nations may be maintained without further involvement of American military personnel in South Vietnam; and

Whereas the program of Vietnamization has been rapidly moving toward successful completion, permitting a continued reduction of large numbers of American military personnel in South Vietnam; and

Whereas it is the intention of the Congress of the United States that all American military personnel be withdrawn from South Vietnam consistent with the time reasonably necessary for completion of the program of Vietnamization and in conformity with the so-called "Nixon Doctrine" announced by the President at Guam on July 25, 1969; and

Whereas the credibility of suggestions that American prisoners of war would be returned promptly upon complete withdrawal of all American military personnel from South Vietnam has been destroyed by the flagrant violation by North Vietnam of the Geneva Agreement covering treatment of prisoners of war to which North Vietnam is a signatory; and further by press conference statements of North Vietnamese representatives in Paris that if only a fixed date were set for the withdrawal of all American troops, the prisoner of war problem would be "settled", when such a position was not taken by the said representatives during the official negotiating sessions in Paris and when the official report of said press conference statements sent to Hanoi reportedly stated that the proposition was that the prisoner of war problem would be merely "discussed" rather than "settled": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States proposes that the United States agree to the complete withdrawal of all American military personnel from South Vietnam within four months following completion, under appropriate international supervision, of the exchange of prisoners of war as proposed by the President in his public announcement of October 7, 1970, and the accounting for men missing in action; and

Resolved further, That the Congress of the United States will fully support any efforts made by the President and his administration to implement this proposal.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1428

At the request of Mr. Percy, the Senator from Kentucky (Mr. Cook) was added as a cosponsor of S. 1428, to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

S. 2738

At the request of Mr. HUGHES, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2738, to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 2813

At the request of Mr. GRIFFIN (for Mr. TOWER) the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 2813, to amend the Vocational Rehabilitation Act to provide improved vocational rehabilitation services to individuals.

S. 2938

At the request of Mr. GRIFFIN (for Mr. DOLE) the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 2938, a bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act.

SENATE JOINT RESOLUTION 119

At the request of Mr. ROTH, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of Senate Joint Resolution 119, to establish the National Commission on Executive Secrecy.

SENATE JOINT RESOLUTION 180

At the request of Mr. ROTH, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Senate Joint Resolution 180, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

SENATE RESOLUTION 214—SUBMISSION OF A RESOLUTION RELATIVE TO THE SUBMISSION OF ANY PORTUGUESE BASE AGREEMENT AS A TREATY

(Referred to the Committee on Foreign Relations.)

Mr. CASE. Mr. President, with the cosponsorship of Senators FULBRIGHT, CHURCH, SYMINGTON, and JAVITS, I am today submitting a resolution which calls on the Executive to submit to the Senate as a treaty any new agreement with Portugal for American bases in the Azores. The resolution also states that no economic assistance should be furnished to Portugal without affirmative action by both Houses of Congress.

The framers of the Constitution were explicit in their inclusion of the requirement for advice and consent of two-thirds of the Senate in the making of a treaty. Nowhere in the Constitution did they mention that the Executive could skirt senatorial approval by simply calling a pact with a foreign government an executive agreement.

I cannot believe that the Founding Fathers would not consider to be a treaty an agreement, such as the reported one with Portugal, which calls for the stationing of American troops overseas and which furnishes a foreign government with a reported $435 million in assistance.

This is simply too important a question to be decided on and then ratified in an exchange of diplomatic notes.

In 1971 the Senate has been called on only once to give its advice and consent on a treaty of major importance. This was, of course, the Okinawa Reversion pact. Even here, I would remind my colleagues, there was long standing controversy within the executive branch on whether the Okinawa issue should be submitted to the Senate, for, reportedly, possible rejection was feared. Moreover, in this particular case, Senator BYRD of Virginia had earlier introduced a resolution expressing the sense of the Senate that Okinawa reversion be submitted to the Senate for its advice and consent, and the Byrd resolution was overwhelmingly approved by the Senate.

I would hope that the resolution I am submitting today would have a similar result.

I do not believe that a majority of my colleagues feel that the treaty role of the Senate should be confined to our giving unanimous approval to such pacts as the Locarno Agreement Establishing an International Classification for Industrial Designs, the Nice Agreement, as revised, concerning the international classification of goods and services to which trademarks are applied, or the protocol relating to an amendment to the International Civil Aviation Convention.

The Senate met in special session last Saturday for the sole legislative purpose of voting on these three treaties I have just mentioned.

Surely, the time has come—indeed, I think it came some time ago—when the Senate must decide whether we are going to play a part in important foreign policy decisions now being decided by executive agreement or whether we will confine our role to giving advice and consent to measures so technical and routine, as those passed Saturday, that not one Senator joined the debate and three treaties were passed by identical unanimous votes because of the lack of controversy.

I believe the Senate should reassert itself in this treaty-making area. But to do so, we must take strong affirmative action.

We have the precedent of the Byrd resolution to work from, and I would hope that my colleagues would support the current effort in respect to Portugal.

If we do nothing, we shall have only ourselves to blame for our importance.

Mr. President, I ask unanimous consent that the text of the resolution and my letter to Secretary of State Rogers be printed in the RECORD at this point.

There being no objection, the resolution and letter were ordered to be printed in the RECORD, as follows:

S. RES. 214

Whereas the Constitution states that the President of the United States must have the advice and consent of two-thirds of the Senate in order to make treaties;

Whereas an agreement with Portugal, which would provide for the stationing of American troops overseas and which would furnish Portugal with large amounts of foreign aid, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty;

Whereas the Congress has the sole Constitutional right to appropriate funds for foreign assistance programs.

Be it resolved by the Senate that:

Any new agreement with Portugal for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent.

No economic assistance should be furnished to Portugal without affirmative action by both Houses of Congress.

DECEMBER 9, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: In this morning's New York Times, it was reported that the United States and Portugal had negotiated an agreement regarding the future use by the United States of air and naval bases in the Portuguese Azores. It was further reported that the United States would furnish Portugal with economic aid in return for the use of the bases.

While not questioning the right of the Executive to negotiate agreements of this sort, I would like to receive your assurances that any final agreement will be submitted as a treaty for the Senate's advice and consent, and that no economic assistance will be furnished to Portugal without affirmative action of both Houses of Congress.

There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process. It is unfortunate that American forces have been in the Azores since World War II only on the basis of executive agreements, but this past oversight in no way justifies the enactment of a new agreement without conforming to our Constitutional processes.

Similarly, the Executive has the right to discuss with any foreign government the furnishing of foreign assistance, but the Constitution clearly establishes that the Congress must appropriate (and hence authorize) the funds to institute such a program. Congress has provided the President with certain discretionary authority to make changes in the allocation of foreign aid funds, but the clear intent of Congress has been for this discretionary authority to be used in emergency situations. The new agreement with Portugal is not a matter on which the Executive must act immediately and thus would not have time to come to Congress for authorization.

Finally, I would point out that the furnishing of economic aid to Portugal is complicated by the fact that Portugal is involved in colonial wars in Africa. You stated on March 26, 1970: "As for the Portguese territories, we shall continue to believe that their peoples have the right of self-determination. . . . Believing that resort to violence is no one's interest, we imposed an embargo in 1961 against the shipment of arms for use in the Portuguese territories.

Yet there would seem to be a clear tie between the furnishing of economic aid to Portugal and the wars in the Portuguese colonies. The New York Times said this morning: "The loans could reduce pressure on Portugal's foreign currency reserves, which are under considerable strain because of the need to import foodstuffs in part because of the war against the guerrillas in Angola, Mozambique and Portuguese Guinea."

This additional complication is an added reason for the Executive Branch to seek the advice and consent of the Senate before final action is taken on the reported agreement with Portugal. I am confident you will agree and I await your affirmative response.

Sincerely,

Clifford P. Case,
U.S. Senator.

ADDITIONAL STATEMENTS

DOLLAR DEVALUATION AND MONETARY REALINEMENT

Mr. JAVITS. Mr. President, on December 10, I circulated a letter to all Senators stressing the importance of the United States making a concession on the dollar price of gold if an interim settlement of the world's monetary crises is to be reached. The President has now indicated that the United States is willing to make such a concession. The wording of the joint communique issued by President Nixon and President Pompidou on this point read:

> In co-operation with other nations concerned, they agreed to work towards a prompt re-alignment of exchange rates through a devaluation of the dollar and revaluation of other currencies.

It is my view that this concession lays the groundwork for good progress at the Group of Ten meeting of Finance Ministers which convene in Washington today and for an early interim settlement of the crises.

I would like to call the attention of my colleagues to the fact that I have amended the bill I introduced on November 18 to better reflect the current situation. Representative Reuss has similarly amended the companion bill in the House. This amendment recognizes the progress that has already been made on the fronts of defense burden sharing and trade in addition to the currency realinement question. Again the concessions won to date in these two areas are impressive and it can be anticipated that additional concessions, particularly in the trade area, are likely to be forthcoming in the near future.

The wording of my bill as amended new reads:

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, or his representative, in order to secure appropriate adjustment by other countries, is authorized on behalf of the United States to propose or agree to a change not to exceed 10 per centum in the par value of the United States dollar pursuant to section 5 of the Act of July 31, 1945 (59 Stat. 514).

I also invite the attention to the fact that both the original bill and the amendment were referred to the Committee on Housing, Banking and Urban Affairs.

I ask unanimous consent that my letter to Senators be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

United States Senate,
Washington, D.C., December 10, 1971.

Dear ———: On November 18, I introduced a bill to authorize the President of the United States to agree to change the par value of the dollar. The wording of my bill and the companion bill introduced in the House of Representatives by Congressman Henry Reuss reads as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, or his representative, in order to secure the appropriate revaluation of other major currencies, is authorized on behalf of the United States to propose or agree to a change not to exceed 10 per centum in the par value of the United States dollar pursuant to section 5 of the Act of July 31, 1945 (59 Stat. 514).

At the recently concluded Group of Ten meeting of Financial Ministers in Rome, Secretary of the Treasury John Connally asked the hypothetical question of what effect a ten percent devaluation of the dollar in terms of gold would have on the realignment of other currencies against the dollar. Subsequent statements of ranking Treasury officials seem to confirm that the United States indeed may be considering a "formal devaluation" of the dollar if necessary to secure an appropriate realignment of other major currencies and to construct a trade component for a world monetary agreement.

It is my view that no interim settlement of the world monetary crisis is possible unless the United States makes this mainly symbolic concession on gold; and that without such a prompt interim settlement, the chances of a full recovery of our domestic economy would be seriously jeopardized and our relations with our allies in the free world seriously compromised. In terms of its effect on the domestic economy, a satisfactory currency realignment—including a devaluation of the dollar—would strengthen our competitive position at home while enhancing our export position overseas. Both these results would lead to additional job creation within the United States. There would be no negative effect on our economy, there is no convertibility involved now, and, in fact, this step would automatically increase the value of our gold reserves.

The Bretton Woods Act of July 31, 1945 makes it perfectly clear that prior congressional authorization is needed for the President to change the dollar price of gold. Section V of this Act reads:

"Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under Article III, section 2 of the Articles of Agreement of the Fund; (b) propose or agree to any change in the par value of the U.S. dollar under Article IV, section 5, or Article XX, section 4 of the Articles of Agreement of the Fund, or approve any general change in par values under Article IV, section 7 . . ."

I would be very pleased if you would consider cosponsorship of S. 2879. If you have any questions on this matter, please call Ken Guenther on x56542 or George Krumbhaar on x55171.

Sincerely,

Jacob K. Javits,
United States Senate.

THE IDENTIFICATION OF HENRY KISSINGER

Mr. FULBRIGHT. Mr. President, an article written by Don Oberdorfer and published in the Washington Post of this morning, Thursday, December 16, 1971, is headlined "Post Criticized for Identifying Kissinger."

I want the Record to show that as far as I am concerned, I have no criticism whatsoever of those in the Washington Post who are willing to oppose the perversion of the democratic process by the use of backgrounders.

The Committee on Foreign Relations recently went through the experience of trying to obtain copies of White House backgrounders. We were told that the verbatim transcript of those backgrounders could not be given to us. After much correspondence and discussion, during which various members of the committee pointed out that they were obtaining copies of backgrounder transcripts from foreign embassies and foreign newspaper correspondents, arrangements were made for the backgrounders to be given to the committee.

I might note, however, that this is a "sometime thing."

There is much evidence that these backgrounders are used for political purposes in Washington as well as for political purposes in dealing with the press and apparently with foreign governments.

I personally find backgrounders of this kind inconsistent with our system and believe the Washington Post is to be highly commended for the position the executive editor of that newspaper has taken.

I ask unanimous consent that the article by Mr. Stanley Karnow of December 15 and the article by Don Oberdorfer be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 15, 1971]

Moscow Warned on India—1972 Nixon Visit May Hinge on War Restraint

(By Stanley Karnow)

The Nixon administration warned the Soviet Union yesterday that the President may reconsider his forthcoming trip to Moscow unless the Russians exercise a restraining influence in the war between India and Pakistan.

The warning was contained in a background briefing given by presidential adviser Henry A. Kissinger to a pool of reporters that accompanied Mr. Nixon on his return from two days of talks with French President Georges Pompidou in the Azores.

Kissinger indicated that the President will observe Soviet behavior in the South Asian crisis over the next few days in order to determine whether the Russians intend to use their influence to curb the Indians.

In the event that the Soviet Union fails to urge restraint on India and continues to encourage Indian military action, Kissinger suggested, plans for the President's trip to Moscow might be changed.

Such a development, Kissinger went on, could lead to a reassessment of the entire relationship between the United States and the Soviet Union.

White House spokesman Ronald L. Ziegler, apparently seeking to reverse the thrust of reports stemming from the Kissinger briefing, said last night that the President had not considered cancelling his Moscow trip. Ziegler was not aboard the aircraft carrying the President and Kissinger.

Summoning reporters on their return from the Azores, Ziegler said that "no U.S. official was suggesting or intending to suggest that the United States was considering cancelling the United States-Soviet summit."

The substance of the administration's warning to the Russians was reportedly conveyed to the Soviet Union through diplomatic channels before it was made known here.

Although administration officials declined to disclose details, it is known that the U.S. ambassador to Moscow, Jacob Beam, explained the President's views to Soviet Foreign Minister Andrei Gromyko on Monday in what was described as "unmistakable terms."

The President is scheduled to visit Moscow in late May, following his seven-day trip to Peking beginning on February 21.

The doubt being cast over the President's Moscow trip is believed to have been inspired by his view that the Soviet Union has been deliberately uncooperative until now in helping to bring about peace in South Asia.

Kissinger reportedly referred with sarcasm to the Soviet effort to restrain India, saying the Russians had repeatedly vetoed United Nations Security Council resolutions calling for a ceasefire and mutual withdrawal of Indian and Pakistani troops.

The White House aide estimated in his briefing that the Soviet attitude toward the South Asian conflict is apparently aimed at humiliating the Chinese by demonstrating to the world that they cannot protect their Pakistani allies.

Meanwhile, in another move evidently calculated to discourage the Russians, the administration is deploying a naval task force in the Bay of Bengal. The task force includes the aircraft carrier Enterprise.

Secretary of Defense Melvin R. Laird declined on Monday to discuss the deployment of the task force. But informed sources intimated yesterday that the deployment is related to the buildup of the Soviet fleet in the Indian Ocean. "It's a question of showing the flag," the sources said.

Speaking to reporters yesterday, Indian Ambassador Lakshmi Kant Jha said that any effort by the U.S. task force to evacuate American or other personnel from East Pakistan would be viewed with the "deepest concern" by the government of India.

Jha convoked the news conference after meeting with Assistant Secretary of State Joseph Sisco, head of the State Department's Bureau of Near Eastern and South Asian Affairs.

The Indian ambassador insisted that he was not issuing a warning but "only spelling out the dangerous potential" in the situation.

Jha said he had been prompted to make his statement after his government had received a report that the objective of the U.S. naval task force was to evacuate not only U.S. personnel but also Pakistani officers and men as well as "civilians who might feel insecure."

Kissinger's warning to the Soviet Union apparently reflected President Nixon's growing irritation with what he regarded as Russian efforts to gain advantages from the South Asian war rather than support peace initiatives.

In a background briefing on Dec. 7, Kissinger voiced the hope that the Soviet Union would "subordinate short-term advantages to the long-term interests of peace."

Kissinger's briefing was made public last week when it was read into the Congressional Record by Sen. Barry Goldwater (R-Ariz.).

[From the Washington Post, Dec. 16, 1971]

POST CRITICIZED FOR IDENTIFYING KISSINGER

(By Don Oberdorfer)

Presidential press secretary Ronald L. Ziegler and a Los Angeles Times correspondent criticized The Washington Post yesterday for revealing the source of official "background" statements regarding relations with the Soviet Union.

The article in question, in Wednesday's Post, identified presidential adviser Henry A. Kissinger as the source of a statement that the President may reconsider his forthcoming trip to Moscow unless the Russians exercise a restraining influence in the India-Pakistan conflict.

The Kissinger statement was made to five reporters in a "press pool" aboard the presidential plane returning from the Nixon-Pompidou talks in the Azores. Kissinger made his comments with the understanding that they could only be used by reporters without attribution to him or any administration official.

Ziegler said the Post story citing Kissinger as the source broke the ground rules of the encounter and "is unacceptable to the White House." He said he would begin consultations with the White House Correspondents Association, wire services and broadcast networks to establish clear "ground rules" for future situations, including interviews aboard the presidential plane.

David J. Kraslow, Washington bureau chief of the Los Angeles Times and a member of the Tuesday press pool, charged The Post with "unprofessional, unethical, cheap journalism" in citing Kissinger as the source. Kraslow said Kissinger's remarks were not "dumped in our lap" but were elicited by the reporters on the aircraft "under the most intensive kind of questioning" and only after they gave assurance to Kissinger that he would not be identified as the source.

Benjamin C. Bradlee, executive editor of The Washington Post, defended the newspaper's handling of the story and said The Post is drawing up a set of guidelines concerning "background briefings." Bradlee said it was common knowledge that Kissinger was the source of the statements—which were reported in various ways by major newspapers, wire services and networks yesterday—but that the "ground rules" kept this information from the reader.

Referring to unattributed information from officials at background briefings, Bradlee said, "We are convinced that we have engaged in this deception and done this disservice to the reader long enough." He said the policy of The Post shall be "to make every reasonable effort to attribute information to its source" and to view unattributed information with "skepticism and suspicion."

In presidential travel and in some other situations, a small group of journalists known as the press "pool" customarily accompanies the Chief Executive. Their job is to make sure that some reporters are with the President in all public situations, and to pass along anything they learn to the entire press corps.

The five-member press pool for Tuesday—chosen by the White House—left the Azores on Mr. Nixon's jet. The 88 other members of the traveling White House press corps—including British, Canadian, Danish, French, German, Italian, Japanese, Swedish and Swiss journalists—remained behind for three hours to file their stories on Mr. Nixon's meetings with Pompidou.

In flight over the Atlantic in the presidential plane, Kissinger came back to the aft compartment occupied by the press pool. There under questioning he made the statements about the United States' attitude regarding the Soviet position in the South Asia conflict. A summary of his remarks was then composed by members of the press pool and sent forward to Kissinger's compartment for his approval. The President travels in another compartment of the plane, but Ziegler said yesterday Mr. Nixon was aware of Kissinger's meeting with the press pool.

The portion of Kissinger's remarks concerning U.S.-Soviet relations was marked on the pool report to "be written on our own without attribution to any administration official." Shortly after the presidential jet landed, major wire services distributed "urgent" stories on the matter.

The Associated Press reported that "President Nixon may reassess his plans for a historic journey to Moscow, it is understood, unless the Soviet Union begins to exercise a restraining influence in the India-Pakistan war." United Press International said "President Nixon will re-examine the Washington-Moscow thaw and his planned spring trip to Moscow if Russia continues to encourage India's military drive against Pakistan." The AP and UPI reporters were members of the pool.

The CBS Evening News reported that Mr. Nixon "let it be known tonight" that he might re-examine Soviet-American relations if Russia does not restrain India. The NBC Nightly News attributed the warning to "the Nixon administration." The ABC News said "it's reported" that the President may take a new look at his plan to visit Moscow.

By the time press secretary Ziegler and the bulk of the press corps landed here in two charter jets about 7:30 p.m., the stories mentioned above had been widely disseminated. The pool report had not been given to the traveling press corps in flight, as is often the case, because of communications difficulties.

Shortly after landing, Ziegler began issuing statements on-the-record denying that any U.S. official was suggesting that Mr. Nixon was considering cancellation of his trip to Russia. (Kissinger had said the President might consider a change in summit plans; he did not say the President was already considering it.)

The Washington Post established that Kissinger was the source of the stories which were being reported on all news wires and networks, and identified him as such. Executive Editor Bradlee said he made the decision at 8 p.m. Tuesday.

The New York Times informed the White House in early evening that it would attribute the Kissinger statements to "a high White House official." The Times did so in its early editions and in later editions quoted Kissinger by name on the basis of public attribution by The Post.

Seymour Topping, assistant managing editor of The Times, said that paper's policy is to seek the greatest possible attribution but make its judgment on every story on an "ad hoc" basis. Topping said the non-attribution rule in the case of Tuesday's Kissinger story was "unacceptable" in view of the importance and nature of the material.

The question of "background briefings"—in which information is given the press on the condition that the source not be identified—has been controversial among Washington journalists for many years. Bradlee said yesterday that Post reporters and editors had become increasingly concerned about use and abuse of unattributed information over the last five years.

When Kissinger began his "background" talk aboard Air Force One on Tuesday afternoon, he was reminded that another of his recent backgrounders had become public when it was inserted into the Congressional Record by Sen. Barry Goldwater. Kissinger appeared to be irritated about that incident, and remarked—ironically as it turned out—that the purpose of doing the briefing "on background" was to prevent inflaming of the issue.

THE U.S. BICENTENNIAL

Mr. BEALL. Mr. President, our country is fast approaching its 200th birthday. But as the bicentennial grows closer, we seem to be lacking the very key to a significant and memorable celebration—an appropriate theme. Many vague generalities have been mentioned, but few have proposed a concrete and constructive plan that will adequately achieve the twin goals of celebration and rededication that the occasion warrants.

Yesterday, however, a proposal was put forth that I think deserves much consideration. In remarks before the National Association of Accountants, Helen Delich Bentley, Chairman of the Federal Maritime Commission and, I am proud to say, a fellow Marylander, urged that every waterfront in America become a special bicentennial fair that would recall this country's glorious maritime past, complete with floating displays of American history and our contribution to world science and economy. The plan would insure a celebration national in scope, while at the same time requiring minimal preparation and negative impact on communities.

But more important are the symbolic features of this proposal. America's history is a history built around the sea. The oceans brought our forefathers to this primitive land and enabled communities to develop and prosper. The inland waters of America carried the commerce that moved this country economically forward. Today, our ships are our keys to continued prosperity.

Mr. President, the sea is a part of our our Nation's lifeblood and should have a significant part in the celebration of our country's 200th birthday. I ask unanimous consent that the address by Mrs. Bentley be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Our 200th Birthday and Our Maritime Heritage

It is a great pleasure to say a few words to you today about the coming 200th Birthday of the United States of America.

We are today standing on the threshold of one of the most significant periods in our history—the Bicentennial Era which will be formally marked in the United States and throughout the world on July 4, 1976, in commemoration of the American Revolution and the 200th Anniversary of the Signing of the Declaration of Independence.

As citizens of the United States of America we are a proud and mighty Nation, deep in the concerns and challenges of the present and involved and relevantly participating in the construction of a future that will respect freedom and liberty and dedicate itself to the achievement of greater justice.

But we are also the sum of all our yesterdays, possessors of a precious heritage which has been forged in the blood and courage of men of many nations and races, in their tears and triumphs, their toil and dreams.

We are a Nation that cherishes our heritage and yet we recognize that this is another day, and that today times are different.

In George Washington's day the world was bounded on the east by an ocean that took 30 days to cross, on the west by an uncharted wilderness; by the sky above and the virgin earth beneath.

Benjamin Franklin knew this Nation as thirteen colonies, some 3,000,000 people, half of whom were under 16, and 90 percent of whom lived off the land, their life an unrelenting struggle to maintain and expand a beachhead on the edge of unknown wilderness.

Two hundred years of high drama have been recorded since then.

Wars have been fought and won.

Sweeping social, technological and economic changes have taken place.

Today, we are an industrial Nation of 50 States and 205 million people.

The ideals of human freedom which made us an independent Nation in 1776 still live.

The question before us as we face our 200th year is—Can this society indeed achieve equal opportunity and full citizenship for all its members, and will it commit itself to that task?

I want to express the hope today that our coming Bicentennial celebration will be formative and flexible, as it should be if it is to accommodate the changes that will occur during the Bicentennial Era.

Early in its work, the Special Commission which is setting up the program, concluded that some aspects of the Bicentennial should be solemn and some festive, because the 200th birthday of the Country should be at once a solemn rededication and a joyous celebration.

With this in mind, three guidelines for the Festival of Freedom have been adopted.

First, the Bicentennial should be *national in scope*. It should have an appeal which would make every American and all friends of America eager to participate.

Second, the Commission sees the Bicentennial Era as a period for commemorating events which led to and through the Revolution and to the formal founding of the Nation in 1787 with the creation of the Constitution.

Third, the Bicentennial will be a time for Americans to *review and reaffirm* the basic principles on which the Nation was founded. The principles of "life, liberty, and the pursuit of happiness" and the concept of man's equality are as valid today, and will be for tomorrow, as they were when the Nation was founded.

The goal for the Festival of Freedom is: To forge a new national commitment, *a new spirit for '76,* a spirit which vitalizes the ideals for which the Revolution was fought; a spirit which will unite the Nation in purpose and in dedication to the advancement of human prosperity and human welfare as it moves into its third century.

That, ladies and gentlemen, is what I call an open invitation to the Bicentennial Commission to make the maritime history of our Country the theme for the 1976 celebration.

Furthermore, the future of our Country is very dependent upon the sciences of the oceans.

Not only could the Bicentennial Commission use the maritime story as the Bicentennial theme, but our Bicentennial could be displayed in true maritime fashion—a floating exhibit upon ships which could move from one seaport to another, making the exposition available to all Americans, including those in mid-America along the Mississippi and other island rivers. Actually you could have three or four floating exhibits underway at the same time, along the various coasts.

The SS *United States,* which now is scheduled to be placed into the mothball fleet of the Nation, could serve as an ideal floating display of the colonnade of the 50 States, with each State being allotted space on this magnificent passenger ship.

There are at least seven aircraft carriers, along with numerous other ships, in the inactive fleets of the United States Navy and Maritime Administration, which could be used in the floating flotillas calling at the various ports.

So that every American could see this floating pageant of history, the suggested floating ship exhibits could be scheduled over a period of several years, if necessary.

Those who are programming the celebration of the 200th year of our American Revolution view it as a Festival of Freedom in which they hope all of the people of the United States and those who cherish self-determination everywhere, will participate. That certainly calls for a waterfront, seapower-oriented Bicentennial!

All of us can be proud of the American Merchant Marine . . . of ships and sailors who pioneered new trade routes, discovered new lands and flew the Stars and Stripes on many foreign shores.

We can be proud of cargo ships that fought this Nation's battles when there was hardly a Navy worthy of the name—of hardy whalers who supplied oil for the Nation's lights and of intrepid traders who coursed over seas for which there were no charts and founded the fortunes that helped to build America.

Our merchant ships have supplied this Nation in time of war; have carried troops overseas and ferried guns and ammunition that enabled American armies to win victory on foreign shores.

Our ships of commerce comprise a vital industry in times of peace and are a fourth arm of the fighting forces in time of war.

Our Merchant Marine is today striving to be kept as adequate for national defense as the Army, Navy, and Air Force, of which it is an indispensable, even if too-little appreciated, ally.

Although the United States is thought of as a "new" nation, . . . just 200 years old, its maritime traditions go back more than 300 years.

Almost as soon as the Pilgrims and Puritans landed in the New World, they built vessels for coastwise commerce and for distant voyages to Europe. The tiny ship *Desire of Salem* crossed the Atlantic in 1640 on a trading voyage to England with tobacco and other goods, making the trip in only ——— days!

In the 18th Century, American mariners ventured to the Caribbean, South America, Europe, and the Mediterranean in ships that most people today would not consider safe beyond the sight of land.

Armed merchant ships called privateers took the place of an almost non-existent American Navy during the Revolutionary War.

These fighting merchantmen captured 600 enemy vessels and quickened British desire for an end to the war.

Captain Jonathan Hariden, of the 14-gun privateer *General Pickering,* on one occasion overpowered three British vessels with a total armament of 40 guns!

Our privateers raided enemy commerce within sight of the British Isles.

The merchant ship *America* was converted into a privateer and in only three cruises captured 26 prizes valued at more than one million dollars. These intrepid privateers, more than anything else, convinced the British that it was wise to make peace with the new United States of America.

Yankee privateers also played a leading role in winning the War of 1812.

The annals of the American Merchant Marine in World War II are replete with thrilling tales of heroism and daring. One of these brave cargo ships of war was the Liberty freighter *Henry Bacon*. Steaming off the Nazi-held coast of Norway, this ship was attacked by 25 German torpedo bombers. Her crew fought off the attack with blazing guns that account for several of the bombers before torpedoes finally found their mark and the *Bacon* began to sink.

First place in the lifeboats was given to Norwegian refugees on board the ship so that many of her heroic crew went down with the freighter as she sank beneath the sea.

Countless other tales of heroism could be told of American merchants ships that comprised our fourth arm in World War II.

In commerce, as in war, Yankee mariners knew no barriers to trade and adventure in the days when the sea offered fame and fortune for many an adventurous man.

In 1797, Captain Edmund Fanning sailed from New York around Cape Horn in the 93-ton vessel *Betsy* with trinkets which he traded to West Coast Indians for a load of sealskins.

He then crossed the Pacific Ocean to Canton, China, where he traded the skins for silks and tea.

Circumnavigating the world by way of the Cape of Good Hope, this bold skipper-trader sold the rich cargo of tea and silk in New York for more than $120,000.00, a substantial fortune in those days. Expenses of this round-the-world trading trip were only $7,867.00!

World commerce has changed since the days when traders sailed on long, indefinite voyages and cargoes were venture goods for sale or barter. Today, ships must keep train-like schedules to accommodate shippers whose business demands prompt pickup and delivery. The worldwide network of regularly-scheduled, American freight and passenger liners; of oil tankers, OBO's and tramp ships carrying bulk cargoes, assures American importers and exporters of reliable access to foreign markets for the products of the American worker and speedy transport to the United States of raw materials needed by our industrial economy. Our network of American merchant shipping is today not only a fourth arm of defense in times of national emergency, but a vital adjunct in the business of civilian existence.

History was made at sea in 1819, when Captain Moses Rogers and the ship *Savannah* left Savannah, Georgia, for Liverpool, England, to make the first crossing of the Atlantic with the help of a steam engine. This epic ship signalled the eventual end of the sailing ship on the seas.

The *Savannah* used its steam engine on 14 out of 22 days during the trip across; it sailed and steamed to St. Petersburg, Russia, and was inspected by the Czar.

After returning to the United States, its engines were removed and the ship was later wrecked on the shore of Long Island. Together with Robert Fulton and other steamship pioneers, Capt. Rogers and the *Savannah* gave the United States the distinction of being a leader in the new field of steam ocean transportation.

The American Merchant Marine also made history in July of 1952, when the 990-foot superliner *United States* set a new speed record by crossing the Atlantic in 3½ days. It could make six crossings of the Atlantic while the pioneer *Savannah* was making one.

Compared with the *Savannah's* 90-horsepower steam engine, new American freighters have steam-turbine powerplants of 120,000 shaft horsepower and they are unexcelled for speed and safety.

A unique chapter in the history of American ships is that of the ice trade to the Southern States, the Caribbean and the Far East. An adventurous young merchant named Frederick Tudor conceived the idea of sending ice by ship to hot countries where cold drinks were an unknown luxury.

The ice was cut from New England lakes and rivers. After losing money on experimental trips, Tudor was finally successful and opened up a prosperous business which continued for almost 100 years.

Ice ships carried cargoes to cool the drinks of Indian Rajahs and West Indian planters as well as to preserve food and make life more enjoyable for millions of people in many lands.

Apples from our orchards were often shipped along with the ice, which was stowed in sawdust or shavings to slow its melting.

Refrigerated ships that rush fruit and other perishable foods to American tables are part of a modern United States Merchant Marine that includes many special types for carrying molasses, lumber, ores, coal, gas and even railroad cars for the convenience of American shippers. From Capetown to Karachi and from Hamburg to Hobart, American-flag cargo ships tap trade opportunities for scores of American cities like Racine, Wisconsin, which sells in excess of two-hundred million dollars worth of goods all over the world every year and gives jobs to untold thousands of men and women.

American ships which "go to market" for American farmers helped to carry billions of dollars worth of wheat, evaporated milk, rice, tobacco, lard and other farm products to overseas buyers.

These same vessels, when they were required to, carried tanks, guns, shells and troops in time of war.

Romantic is that chapter of American maritime history which tells of bluff-bowed whalers from New Bedford, Nantucket, New London, and other New England ports, that cruised distant seas in search of oil to light the Nation's lamps before the discovery of petroleum in the 1860's.

Most famous of these whalers was the Charles W. Morgan, now enshrined at the Mystic Marine Museum in Mystic, Connecticut. Built in 1841, this oak-hulled vessel sailed the seas for 80 years, making 37 voyages and grossing two million dollars.

Her first trip lasted three years and three months—not unusual for a whale hunter. At the peak of the business in 1846, there were 735 whaling ships under the American flag.

Our tremendous and ever-increasing appetite for fuel oil and power has made the oil tanker and the gas tanker a vital part of the Merchant Marine that serves us! Tankships bring petroleum to American refineries—deliver oil and gasoline from refineries to coastal distribution points. New tankers flying the American flag are giants that can transport more than 250,000 barrels of oil or gasoline—250 times as much oil as the Charles W. Morgan could carry. In time of war, the Navy, Air Force and the motorized Army could not move without a hugh fleet of tankships. Our peacetime industry depends on oil and a large tanker fleet is indispensable to our high standard of living and our national security.

Need some more romance?

Let us recall that the clipper ship era in the 1950's marked the high tide of American glory on the seas.

Long, slim and graceful, the tall-masted clippers spread a cloud of canvas and led the world in speed and daring. They carried the 49-ers to the California and Alaskan gold fields.

Hailed as the finest specimens of the shipwright's art ever to sail the trade routes, the acme of ship design and craftsmanship, these beautiful vessels had a brief era of supremacy, for the increased use of steam, plus the demand for greater carrying capacity and economy, forced them from the seas.

Such names as Dreadnought, Herald of the Morning, Flying Cloud, and Sovereign of the Sea became memories of a glorious past as the United States. After the Civil War, the United States turned from the sea to let other nations carry its foreign commerce.

Technical skills of the engineer and American shipbuilding craftsmanship combine to make present-day American container and LASH-ships modern "clippers" of the ocean trade routes.

As a leader in world affairs, the United States must maintain its rightful place upon the seas with our freighters and liners carrying at least a fair share of our exports and imports. American industry demands a growing quantity of vital raw materials that should be carried in substantial measure by American ships.

With our shipyards ready and able to keep our Merchant Marine modern and adequate for those objectives, there is no reason why the American flag should not be the finest ships on the seven seas.

There are gray pages, too, in the history of our Nation's shipping.

Preoccupied after the Civil War with the development of internal resources and westward expansion, the United States neglected its Merchant Marine to the point where the American flag almost disappeared from the seas.

The great clipper ships were sold to foreign flags.

American shipyards were deserted. The complete decay of our merchant shipping was climaxed in 1898 when there were not even enough ships to transport an expeditionary force of 25,000 men to Cuba in the War with Spain.

This sad state of our shipping was a national disgrace in 1907 when foreign ships had to be chartered to provide a train of supply for the "Great White Fleet" of U.S. warships when President Theodore Roosevelt sailed them around the world.

The year 1936 marked a turning point in the fortunes of American shipping. In that year Congress passed the Merchant Marine Act, "to further the development and maintenance of an adequate and well-balanced American Merchant Marine" capable of promoting the commerce of the United States and aiding in the national defense. The Act set up a far-sighted program of Government support for American shipping and established a network of shiplines serving routes essential to the prosperous foreign trade.

Large, fast vessels were built which provided a small, but highly important nucleus of military transport at the outbreak of World War II.

In the 1970 Merchant Marine Act, President Nixon's Administration drafted a program to revitalize U.S. merchant shipping.

Our goals, though higher, were based upon the same time-tested premises of the 1936 Act . . .

To be ready for any future we must keep a stable maritime industry in active operation with modern facilities and well-trained personnel.

We must plan to replace our deep-sea fleet, much of which is now past of "middle age" of its useful life. Special vessel types such as ore and oil carriers must be built.

Ways should be found to allow shipowners to accumulate capital for ship building and replacement programs.

Now—I expect you to ask at this point—What is the point of all of this recitation? and—How does it fit in with the 200th Anniversary of the Revolution of 1776 and the big American Birthday Party?

Well, let me get back to that vital theme.

There's a song we all know that states that you've got to have a dream if you want your dream to come true.

Let us exercise a little mutual imagination together and simply explore in our mind's eye the kaleidoscope of ships mixed in with the marking of our 200th year.

All of us will agree that what we want in 1976 is an exposition with meaning, dignity, and excitement.

We want an exposition relating man's American past to its future, using the media of today.

It should be a convocation of peoples from America and the world to experience the varied lessons and lore of our history, the divesity of today in the United States, and our march toward a future with humane values.

It should, if possible, be not only a new exposition but an entirely different kind of exposition.

We should be planning a totally new kind of presentation which reflects the phenomenal changes in mobility and communication in today's society and joins the vaulting ideas and plans of future goals with realistic and economical means of getting there. The Bicentennial, in other words, must show restraint in the normal costs associated with expositions and spend heavily in the resources of ideas, innovations, and spontaneously-generated activity. The event should be an educational experience, maximizing the potential for interchange between all institutions, groups, and individuals.

There is one thing in common for all of us in the United States today. We are a four-ocean country. We have waterways that reach toward the Rockies and rivers that bind our farm communities with our great city ports.

The core of the plan I would like the Bicentennial planners to begin thinking about involves the use of ships refitted as pavillions. These would be suitable for use by nations, corporations, and other institutions and groups who wish to exhibit at the Bicentennial.

Traveling ship-pavillions would be created so that exhibits would be virtually self-contained with a minimum of installation difficulties and a maximum of mobility. This plan would be contingent upon deployment of the great "mothball fleets" now anchored in east and west coast ports anywhere and everywhere that our American waterfront, wherever it might be, could accommodate them.

The ships' networks could be linked into existing networks of mass transit and roadways to facilitate the rapid, comfortable, and convenient transportation of visitors.

Harbors have traditionally been focal points of human movement and are ideally located for exposition purposes.

Such sites would require minimal preparation and have a minimum negative impact on existing communities and activities.

A basic principle in the development of an economical Bicentennial is the comprehensive planning of the site for maximum reuse at minimum costs. This factor could be incorporated in all plans and there are few waterfronts in the Country that would not welcome and cooperate in improvement.

I firmly believe that the central concept of a ship-oriented Bicentennial has numerous advantages and would benefit many people.

We all know that there is presently a surplus of military ships in the United States and presumably in other countries as well.

Underdeveloped or impoverished nations could be given exhibit ships from those surpluses.

There are many ships in merchant fleets around the world which have become obsolescent or even obsolete. Having fulfilled their original design purpose they may still be highly suitable if refurbished as pavillions for a floating U.S. Bicentennial show.

One aspect which should have considerable appeal to international participants, would be the unencumbered ability to build their own pavillion, in one of their own ships, in their own shipyards rather than a pavillion built in a foreign land. This could be an economic advantage and a stimulant to national pride in participation.

If some nations, perhaps landlocked, or with insufficient shipyard facilities, would choose to have their pavillions constructed in the United States, this could mean a significant number of desperately needed jobs created in our recessed shipbuilding industry.

Perhaps the most conspicuous advantage in the use of ships is their natural mobility. This would allow the entire exposition to be moved either in a bloc, in smaller groups or individually to suitable locations with adequate port or anchorage could be an exposition site. For the first time there could be central, plus widespread, participation by different cities and states. The Bicentennial could be truly national in a way that no one-city site could offer.

While any number of cities could participate directly by hosting pavillions at their waterfronts it seems reasonable that one city with extensive historical credentials could still be the headquarters for exhibits.

When the Bicentennial period is completed the ships' sponsors would have many choices as to the future use of their pavillions, rather than the single necessity of simply dismantling and junking the old-fashioned type of pavillion.

All of the ships could be moved in a group to any future expositions, virtually anywhere in the world.

Each could possibly be used as a permanent traveling exhibition for the host country or organization.

With reconversion they could be used as floating municipal buildings, recreation centers, colleges, hospitals, housing, factories, or centers of operation for groups such as the Peace Corps.

They could possibly be converted into casinos, resort hotels, restaurants, or trade marts.

Too many cities have severed themselves from the potential amenities along their waterfronts by walls of expressways, garbage and dumping centers, and over-concentrated industrial facilities.

With the inherent impetus of a real waterfront exposition site a city could be able to turn one of its saddest oversights into one of its greatest attractions.

Looking objectively at the pros and cons of a "ships exposition" I say that, at present the benefits certainly seem to outweight the problems.

Certain basic steps inherent in this new approach minimize the enormous land commitments, minimize the negative impact on the communities, reduce the added transportation costs by bringing the exposition to the people rather than the people to the exposition and certainly there would be stimulated a much-needed resurgence of maritime interest everywhere.

Ships which travel and locate independently could still allow for a network of as many sites over as broad an area as is desired. This "maritime network," coordinated with improved "overland networks.' could interlock with communication networks for voice, visions, and data.

The spreading, strengthening, and fostering of communication networks is inherently necessary in a prosperous world future for America. It is natural and appropriate for the Bicentennial to express and stimulate such worldwide-scope thinking.

We have been ignoring for too long shipping, shipbuilding, and related activities. Passive research and development, combined with negligence has allowed American maritime interests here to become moribund.

Much of the impact of the Bicentennial could be to rekindle interest and involvement in the world's oceans and rivers.

Specific exhibits could demonstrate new potentials offered by the oceans, and, the total effect of the exposition could be to recall and emphasize, both explicitly and implicitly, the virtually forgotten realms of the seas and even perhaps reform thinking toward the utilization of the ocean and ocean resources for our future.

Specifically, locating the site on water for our 200th Birthday would motivate, if not virtually obligate, comprehensive clean-ups of the rivers and harbors.

The presence of the exhibition ships themselves could instill remembrance of the importance, beauty, power, and grace of ships. In fact, we could recall an entire lore which has been, we hope, only temporarily forgotten.

In fact, with a little extra dream-dust, the future maritime possibilities are so great and so diverse that an excellent comprehensive demonstration of them might make the U.S. Bicentennial a keynote event for the next half century.

Sincerely, I feel we ought to take immediate steps to assure that every entity in this Country concerned with ocean transportation in its broadest sense, begin planning to make the 1976 Bicentennial the greatest American Merchant Marine "Teach-in" this nation has ever known.

America wants to take note of its 200th birthday, to celebrate its vigorous growth into the role of one of the world's most important and influential nations.

An appropriate exposition must show not only the achievements of America but also the interdependency and diversity of peoples and nations—where America gained its heritage, made much of its recent wealth, and shed most of its blood.

We must show our perception of new issues and problems, and our willingness to undertake new challenges.

We must show the new relationships between men, their products, and their use in the environment.

Such a Bicentennial will be worth whatever the cost and the effort.

The goal of the Bicentennial is to forge a new national commitment, a new spirit of '76, a spirit which vitalizes the ideals for which the Revolution was fought and won, a spirit which will unite the Nation in purpose and in dedication.

The question most often asked about the Bicentennial is "Where is the Bicentennial going to be?" Let's make the resounding response—On The Waterfront!

HEROIN PRODUCERS KNOWN TO UNITED STATES AND FRENCH GOVERNMENTS

Mr. HUGHES. Mr. President, virtually all Americans know that one of the greatest causes of crime and human misery in our country, these days, is heroin addiction. It is also well known that a great part of this deadly narcotic smuggled into the United States comes from opium produced in Turkey and refined into heroin in processing plants located in France.

Joseph W. Grant, Jr., the publisher of Penal Digest International, a prison reform journal produced by a group of exconvicts in Iowa City, Iowa, claims that the justice departments of both France and the United States know the locations of these plants, yet nothing is being done about it. He recommends a boycott of French products to force the closing down of these heroin processing plants.

Whether or not one may agree that such severe action should be taken toward a country that has long been one of our country's allies, I believe that Mr. Grant's article is a provocative addition to the dialog about one of the Nation's most urgent problems. I therefore ask unanimous consent that the news release dated December 10, 1971, and the article published in the October issue of The Penal Digest International—PDI—be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

PDI Demands Boycott of French Products To Halt Flow of Heroin

A nationwide boycott of all French products, to last until the French government closes down all of the heroin processing plants in that country, is being called for by the Penal Digest International, publisher Joseph W. Grant has announced.

It is well-known, Grant said, that most of the heroin which makes its way into the United States comes from Eastern poppy fields via processing plants near French ports. "The justice departments of both France and the United States know the locations of these plants," he said, "yet nothing has been done to rid us of this billion-dollar industry which deals in nothing but death and misery."

PDI's stance on the issue is that the prisons and ghettos of this country are filled with thousands of addicts and ex-addicts who made the crucial error of taking their first fix because it created an illusion which tended to erase their sense of failure and frustration. Most of these addicts are from minority groups and low-income groups. They had nothing more going for them than an empty American Dream, soon followed by the bitter realization that this land of plenty wasn't giving up very much in their neighborhoods.

"Heroin traffic is another terrifying tool of oppression," maintained Robert Copeland, PDI associate editor. "It is subtly and covertly condoned by many power elements in our society because it is conducted on an incredibly large scale, like a well-organized business rather than the reprehensible crime against humanity which it actually is. Its victims—the poor and the oppressed—are completely at the mercy of the heroin traffickers because they are unable to combat the tremendous economic, and frequently legal and political, power which the latter possess. The corruption spawned by the hard-drug industry is all-pervasive."

For years the federal government has given lip service to the need for halting the flow of heroin into this country, but their efforts have never gone deep enough or far enough. While the feds concentrate on the independent drug dealer, the pusher in the street, the real villain goes right on peddling his opiates to the people with impunity—safe behind the awesome power of his organization.

Likewise, the French government, apparently bedazzled by the streams of dollars which flow through their country along with the heroin, allows the processing plants to flourish. Occasionally a token bust is made to demonstrate the government's "concern," but, again, the effort goes neither far enough nor deep enough.

"France does understand the economics of exported goods," said Richard Tanner, PDI circulation manager. "She certainly wouldn't miss the point if every American citizen started to look at the labels of goods, and refused to purchase anything made in France until the French government puts a stop to what can only be called a traffic in stark misery for thousands of Americans who end up in prison if they don't have from one to four hundred dollars each day to support their habit.

"These people are forced to go out early in the morning to steal by whatever means are available to support a habit they can't get rid of. They cannot be independent. They cannot hold a job. They cannot participate socially. They are slaves of a narcotic monster. They cannot always walk into a hospital and ask for help. If they do, they often are locked in a strip-cell to kick their habit cold-turkey, and then are sent to prison. Their minds become oblivious to the realities of responsibility and purpose. There is only one fact in life for them—the fact that another fix is due at a certain time of their life, and it must be gotten together."

Grant added, "As we approach this season of traditional celebration and thanksgiving, it is easy to slip comfortably into illusions and platitudes. Instead, we should take a good, hard look at the problems which are oppressing so many people in this country. Heroin is among the top, and since the government has not done much about it yet, it is time for the people to rise up and use what power they have to rid themselves of this monster and the anguish which it creates.

"We realize that to some it will appear paradoxical that a group of ex-cons and convicts is taking a strong stand against the crime of heroin traffic. But isn't it more paradoxical that society, the government and its law enforcement agencies, automatically regard as criminals the victims of heroin addiction, while the real criminals, the purveyors of this atrocity, are permitted to continue their big, dirty business at the expense of powerless people entrapped by economic and social conditions?

"The boycott is a drastic action, but it is far less drastic than the actions which heroin addiction forces upon thousands of Americans each year. If this problem can be alleviated, thousands of worthy men and women will not wind up in prisons—and I'm not speaking only of the kinds of prisons with bars."

The Following Includes the Subject Matter of a Speech To Be Delivered by Ex-Convict Joseph W. Grant, Founder and Publisher of Penal Digest International, at Lewisburg (Pa.) Federal Penitentiary on the Evening of Friday, December 10. This News Release Is Not for Publication Before Saturday, December 11.

Iowa City, Iowa.—A nationwide boycott of all French products, to last until the French government closes down all of the heroin processing plants in that country, is being called for by the *Penal Digest International,* publisher Joseph W. Grant has announced.

Letter-writing and petition campaigns and picketing of businesses selling French goods are being planned in cities across the country in conjunction with the boycott.

A monthly prison reform journal, the *Penal Digest International* (*PDI*) is published here by a group of ex-convicts.

According to Grant, it is well-known that most of the heroin which makes its way into the United States comes from Eastern poppy fields via processing plants near French ports. "The justice departments of both France and the United States know the locations of these plants," he said, "yet nothing has been done to rid us of this billion-dollar industry which deals in nothing but death and misery."

Grant explained that *PDI's* stance on the issue is that the prisons and ghettos of this country are filled with thousands of addicts and ex-addicts who made the crucial error of taking their first fix because it created an illusion which tended to erase their sense of failure and frustration.

"Most of these addicts," he continued, "are from minority groups and low-income groups. They had nothing more going for them than an empty American Dream, soon followed by an awakening to the bitter realization that this land of plenty wasn't giving up very much in their neighborhoods. Now that heroin addiction has begun to leave its scars upon the suburbs and among middle-class and upper-class groups, more people are finally becoming aware of the threat which this problem poses to our nation and especially to our young people."

In announcing the boycott of French products in its most recent issue, published this week, *PDI* commented:

"For years the federal government has given lip service to the need for halting the flow of heroin into this country, but their efforts have never gone deep enough or far enough. While the feds concentrate on the independent drug dealer, the pusher who's supporting his own habit, the real villain goes right on peddling his opiates to the people with impunity—safe behind the awesome power of his organization.

"Likewise, the French government, apparently bedazzled by the streams of dollars which flow through the country along with the heroin, allows the processing plants to flourish. Occasionally a token bust is made to demonstrate the government's "concern," but, again, the effort goes neither deep nor far enough."

PDI associate editor Robert Copeland noted, "Heroin traffic is another terrifying tool of oppression. It is subtly, implicitly and covertly condoned by many power elements in our society because it is conducted on an incredibly large scale, like a well-organized business rather than the reprehensible crime against humanity which it actually is."

He added, "Its victims—the poor and the oppressed—are completely at the mercy of the heroin traffickers because they are unable to combat the tremendous economic, and frequently legal and political, power which the latter possess. The corruption spawned by the hard-drug industry is all pervasive.

Asked about the chances of the boycott's success, Richard Tanner, *PDI* circulation manager, stated, "France does understand the economics of exported goods. She certainly wouldn't miss the point if every American citizen started to look at the labels of goods, and refused to purchase anything made in France until the French government puts a stop to what can only be called a traffic in stark misery for thousands of Americans who end up in prison if they don't have from one to four hundred dollars each day to support their habit."

Grant added, "As we approach this season of traditional celebration and thanksgiving, it is easy to slip comfortably into illusions and platitudes. Instead, we should take a good, hard look at the problems and conditions which are oppressing so many people in this country. Heroin is among the top, and since the government has not done much about it yet, it is time for the people to rise up and use what power they have to rid themselves of this monster and the anguish which it creates.

"We realize that to some it will appear paradoxical that a group of ex-cons and convicts is taking a strong stand against the crime of heroin traffic. But isn't it more paradoxical that society, the government and its law enforcement agencies, tend automatically to regard as criminals the victims of heroin addiction, while the real criminals, the purveyors of this atrocity, are permitted to continue their big, dirty business at the expense of powerless people entrapped by economic and social conditions?

"The boycott is a drastic action, but it is far less drastic than the actions which heroin addiction forces upon thousands of Americans each year. If this problem can be alleviated, thousands of worthy men and women will not wind up in prisons—and I'm not speaking only of the kinds of prisons with bars."

REGULATIONS ON THE DRAFT

Mr. JAVITS. Mr. President, on November 22, 1971, the Senator from Massachusetts (Mr. Kennedy) and I, joined by 18 of our colleagues, wrote Director Curtis Tarr of the Selective Service System to express our concern with the proposed regulations to implement the procedural rights of registrants guaranteed by the new draft law. In particular we noted several proposed changes governing personal appearances and appeals generally by registrants, which did not, in our opinion, comply with the letter and intent of the new statute.

By publication in the Federal Register of December 9, 1971, Director Tarr has implemented several new regulations. I am pleased to note that the majority of those regulations dealing with procedural rights of registrants, with which we were so deeply concerned, have not been made effective. Director Tarr has indicated that these will be reexamined and republished at a later date for public comment.

Mr. President, draft board decisions are frequently more important than court decisions in criminal cases. Underlying the draft should be the principles of administrative simplicity, efficiency and due process. For these reasons, I coauthored, along with Senator Kennedy, amendments providing for procedural rights for registrants and prepublication requirements for regulations affecting registrants.

In enacting the new draft law the Congress sought to join with the President in seeking as fair and as equitable a draft system as possible, consistent with the normal guarantees of due process and the need for simplicity and efficiency. The decision by Director Tarr to revise many of the regulations comes as a welcome response to our letter of December 22, 1971, and demonstrates an awareness on the part of Selective Service that it is the responsibility of the Government to provide as fair and as equitable a draft system as possible.

I ask unanimous consent that the text of the letter written to Director Tarr on November 22, 1971, and an article published in the New York Times, commenting on the decision to revise many of the regulations, be printed in the Record.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Proposed Changes in Draft Withdrawn

WASHINGTON, December 10.—The Selective Service System withdrew today several proposed changes in regulations governing the draft following complaints from local draft boards and the public.

The proposed changes had involved new procedures for appearances before local and appeal boards and the reopening of classifications. The system had also proposed a revision of the conscientious objector form.

Under the proposed changes a person appearing before a draft or appeal board would have been entitled to a minimum of 15 minutes. A registrant could present three witnesses in his behalf before the local board and none before the appeal board.

Many local boards had complained that the 15-minute minimum would allow registrants to tie up proceedings by filibustering, while some persons complained that the 15-minute period would be used as a time limit, making it more difficult to get deferments.

The Selective Service director, Curtis W. Tarr, said that no personal appearances or appeals would be heard until new regulations could be formulated.

This will take a minimum of six weeks because the law dictates that any regulations first be reviewed by a group of 10 Government agencies and then published in the Federal Register after which a 30-day period for criticism is mandatory. The action halts the induction of all men eligible for appeal hearings.

Under the proposals withdrawn today, draft boards would have been given the option of declining to reopen a registrant's classification even after the presentation of new evidence that could make him eligible for reclassification.

Selective Service also decided against issuing a revised conscientious objector form that would have required applicants for such status to answer 30 questions rather than four.

In addition, the system withdrew a change that would have limited registrants to 15 days for making an appeal of their classification from the time classification notices were mailed. They are now given 30 days. Many members of Congress said the 15-day limit violated the spirit of the new draft law by making it more difficult to get deferments for all except those who had them last June 30.

Draft provisions put into effect today included the ending of undergraduate student deferments except for those eligible during the last quarter or semester of the 1970–71 academic year.

Also, nonimmigrant aliens are now not required to register and no immigrant alien is subject to induction until after one year of residence in the United States. In the past, nonimmigrants, with certain exceptions, were required to register and were eligible for induction after they had resided in United States for one year.

Draft Call Filled

WASHINGTON, December 10.—Drafting of men into the armed forces stopped today until at least late next month. The drafting of men was halted for the usual Christmas-New Year holiday, and Selective Service said the November-December draft call of 10,000 has been filled.

Meanwhile, the Army announced that thousands of first-term draftees and volunteers due for discharge next year would be released up to six months early to bring Army strength down to 892,000 by June 30 as ordered by Congress. It was believed that the reductions would affect about 60,000 G.I.'s.

The discharges will be mandatory except for those men and women who indicate in writing that they plan to re-enlist for a second term, the Army said. The new policy is effective immediately and will remain in effect until June 30.

U.S. SENATE,
Washington, D.C., November 22, 1971.

Dr. CURTIS W. TARR,
Director, Selective Service System,
Washington, D.C.

DEAR DR. TARR: As you know, we were active in seeking to assure the procedural rights of registrants in the recent legislation extending the draft. Therefore, we have examined with great interest the regulations which you have proposed to implement the new provisions. There are a number of provisions of the regulations about which we are particularly concerned, and which we would urge you to revise.

First, under section 1626.2, the time for filing an appeal from the decision of a local board begins to run on the date the local board mails Form SSS 110 to the registrant. While this date may be reasonable in the case of registrants who receive the Form only after a personal appearance (if one has been requested) pursuant to section 1624.1(b) and section 1624.6(b), it is clearly unreasonable as to registrants who receive Form SSS 110 first and who subsequently request a personal appearance before the local board but are unsuccessful.

In this latter case no new Form SSS 110 is mailed after the decision of the local board; rather, a letter is then sent to the registrant informing him of the decision under section 1624.5. In such case the time for requesting an appeal should not begin to run until the mailing of the letter notifying the registrant of the local board's decision not to reclassify him.

Otherwise the registrant is being asked to appeal from a decision prior to its taking place. Such a situation would appear to deprive the registrant of traditional due process guarantees for full administrative review of Selective Service decisions.

Second, the time limits for taking appeals and requesting personal appearances at various stages in classification proceedings have been reduced to 15 days from mailing of the classification notice. Formerly, the time allowed was 30 days. We believe that the proposed reduction in time from 30 days to 15 days within which a registrant must exercise his procedural rights may result in many registrants losing them because they will not be aware of the change. Registrants are not trained legal personnel and are not used to deadlines which can cut off substantial rights involving life and liberty. Also, practically speaking, 15 days does not leave enough time for mail communications to arrive and still leave a registrant an adequate time within which to prepare his response. We also note that no provision is allowed for overseas registrants or other registrants living great distances from their local boards. Formerly, an overseas registrant was allowed 60 days to exercise his appeal rights, yet under the proposed regulations he will have the same 15 days as the registrant living near his board. In view of the fact that 60 days was considered necessary under the old regulations, we do not believe that 15 days is enough time now.

Third, we are deeply concerned that the recent discontinuance of the practice of issuing to registrants classified I–A a copy of Selective Service Form 217 advising him of various procedural rights will result in a denial of substantial rights in that registrants will not have access to the information which they need to protect their rights. The proposed regulations do not provide for the issuance of such a form. We would urge you to consider reinstating this practice—and issuing the form both in English and in Spanish—in order that a registrant's rights will be explained to him in non-legal and readily understandable language at a time when he can still exercise those rights.

Fourth, section 1624.4(e) prohibits representation of registrants by anyone acting as an attorney or legal counsel before a local board. A similar provision is contained in section 1627.4(d) concerning appeals to the National Selective Service Appeal Board.

While it is true that the provision in the Senate bill which would have permitted a registrant to be accompanied by counsel before his local board was struck by the conferees, and is thus not included in the law, there is no evidence that Congress intended to prohibit local boards, in their discretion, from permitting a registrant to be accompanied by an attorney to advise him. Thus, we would hope that the regulations would be revised to at least permit local and appeal boards, in their discretion, to allow registrants to be accompanied by an attorney of their choice. Alternatively, the regulations might be clarified so as to make clear that it is "representation" rather than mere accompaniment, that is prohibited.

In this regard, we are particularly surprised at learning that you have abolished the government appeal agents. Much of the opposition to the enactment of a right to counsel was based on the availability of government appeal agents. Yet now that source of assistance has been removed without any provision made for the appeal agent function to be filled in another way. We would hope you would reconsider this decision, grant more opportunities for legal representation, or transfer the standing to request reopening and the appeal powers of the government appeal agent to the advisors to registrants.

Also, relatives and employers are denied their previous standing under the proposed new regulations to make any request for classification or appeal in behalf of a registrant. We would hope that this might be reconsidered.

Fifth, under section 1626.1, appeal is permitted only from classification into classes 1–A, 1–A–O, or 1–O, although the registrant is entitled to be placed in the "lowest" class for which he is qualified. For example, a registrant who qualifies both as a surviving son (eligible for 4–G) and divinity student (2–D) is harmed if placed in the latter category, since 2–D is a "deferment" extending draft liability from age 26 to 35 while 4–G, an "exemption" does not extend liability.

Sixth, the prepublication requirements of section 13(b) have not been followed, particularly with regard to the recent issuance of amendments to Local Board Memorandum 99. It was the intention of the Senate, and the legislative debate so demonstrates, that regulations requiring prepublication including LBM's, guidelines such as those present in Form 150, and all those directives that have significant impact on the registrants, including letters to the state directors (LASD). For instance, the LBM 99 amendment establishes multiple "extended priority groups." Also LASD(00–23) establishes a II–A deferment for doctors based on "community essentiality." It was our intention that all of these directives be considered as "regulations" requiring prepublication and an opportunity for comment.

Seventh, we are concerned that a traditional appeal route for reconsideration by the appeal board "when either the Director of Selective Services deems it to be in the National interest or necessary to avoid an injustice" has been removed by the deletion of section 1626.61.

Eighth, we are concerned that the proposed regulations fail to carry out the understanding of the Committee of Conference with regard to the decision of the U.S. Supreme Court in *Ehlert* v. *United States,* 402 U.S. 99. The Conference Report on page 22 notes that local boards have discretionary authority in unusual circumstances to consider claims for conscientious objector status after the mailing of an induction order. However, the proposed regulations, in section 1621.11, specifically forbid a local board from issuing Selective Service Form 150 after the mailing of an induction order, thereby implying that the board may not consider a claim for conscientious objector status arriving at the board after the mailing of the induction order.

Finally, sections 1622.22(b) and 1622.25(a) provide for continuing student deferments for students at junior colleges and for students in a regular four year college respectively. However, no provision is made for a junior college student eligible for a deferment under section 1622.22(b) to transfer to a four year program and thereby retain his deferment under section 1622.25(a). Thus, the registrant in a junior college for two years who transfers to a four year school to complete his bachelor's program is accorded different treatment than the registrant who began his study at the four year school, although both will finish their studies at the same time. Such different treatment was not, in our judgment, intended by Congress. Rather, the intent was to continue existing classification practices for all students enrolled in school during the 1970-1971 academic year.

We believe that the debate on the draft extension bill and the conference and committee reports accompanying the bill clearly indicate a Congressional intent to assure a fair and equitable draft system with protection of due process to registrants while assuring the efficient operation of the Selective Service System. We believe that reconsideration of these regulations would be in keeping with that intent.

Sincerely,

Edward M. Kennedy, Clifford P. Case, Quentin N. Burdick, Philip A. Hart, George McGovern, Frank E. Moss, Gaylord Nelson, Ted Stevens, John V. Tunney, Gale W. McGee.

Jacob K. Javits, Frank Church, Hubert H. Humphrey, Daniel K. Inouye, Walter F. Mondale, Edmund S. Muskie, Richard S. Schweiker, Adlai E. Stevenson III, Harrison A. Williams, Jr., Thomas J. McIntyre.

JOSEPH McCAFFREY

Mr. MATHIAS. Mr. President, a familiar figure to all of us here at the Capitol is Joseph McCaffrey, one of Washington's most prominent newsmen. Joseph McCaffrey is known and respected by colleagues and news sources alike, and I am proud to count him as a personal friend of many years' standing.

This year, Joseph McCaffrey's colleagues in the Washington chapter of the Academy of Television Arts & Sciences have given him the singular honor of the Ted Yates Memorial Award, presented annually to the local broadcaster whose work best embodies the qualities of another distinguished newsman, the late Ted Yates of the National Broadcasting Co.

A picture in depth of this man, Joseph McCaffrey, was presented by the Sunday Star in a feature article by writer Ruth Dean. I insert Miss Dean's article in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOSEPH McCAFFREY

(By Ruth Dean)

In his teens, veteran news commentator Joseph McCaffrey wanted to study law so he could enter politics, "I guess because I always wanted to help people," he said.

Now the recent recipient of the Ted Yates Award seems to have reached that youthful goal by another route. For his "constituency" are the thousands of area television viewers to whom his rugged countenance is a daily familiarity.

Off camera, McCaffrey is a tall, gentle-mannered man who talks with the same sense of purpose that comes through when he delivers his nightly commentaries on WMAL-TV Channel 7's 6 and 11 o'clock news, and on his ten-minute radio "Today in Congress" spot.

This confidence-inspiring rapport brings him thousands of phone calls and letters from his "constituents" who ask his help on everything from social security to, in one case, where to find a television repairman.

M'LEAN HOME

"I feel as if I'm a kind of ombudsman," he said during a recent morning visit with the McCaffreys in the comfortable home in Mc'Lean they bought 12 years ago because they wanted to be in the country. They share it with their son Mike, 15, two dogs and a cat. They also have a daughter, Sally Shumaker, married a year ago and living in Fairfax County.

As he rubbed the ears of his pet St. Bernard, Rosebud Michelob, McCaffrey looked back on his career and said: "After being in this business so long, I get letters. Every day people call or write in, some with clippings saying 'what about this', or 'what can we do about that?'

"I've tried to help a lot of people, a lot of causes . . . but I'm not a crusader. I can't get fanatical and stay with something."

His wife interrupted, "You've been with the aged longer than anything else."

"Yes," he agreed, "I've been with the aged problem for years and years and years. I have been very interested. And I have so many pitiful people who called me."

Added his wife: "The letters he has! They have no one to turn to."

"I think our problem is that we've become so big, and government has become so concentrated in a monolithic structure that these people don't know where to go," McCaffrey added.

INTERESTED IN POLITICS

"When I was a boy I knew my parents could go to an alderman in the city and he would be able to do something for them, he was able to advise them. And this is one of the reasons I always thought I'd like to get into politics . . . to help people.

"And I think now Congress has become kind of frustrated in what it's trying to do. So many members come in there thinking they're going to change the world and they're not. I think the only satisfaction they actually can get is helping people with veterans' plans and social security. I feel the same way—that so many people have no place to turn to."

McCaffrey's most notable case of helping people was his assistance to the Alexandria Police Dept. in solving the murder of Judge James N. Colasanto of the Alexandria Municipal Court on Nov. 23, 1970.

A PHONE CALL

It all began with a telephone call to McCaffrey from a man who identified himself as Colasanto's murderer. The newsman tried to persuade him to give himself up. He even went to the man's house after alerting police, but was dissuaded from going in because they were fearful for his safety. Minutes later the man took his life as police broke in, and the gun found beside him was established as the murder weapon.

"It was very sad," McCaffrey recalled. "I still feel he wouldn't have harmed me if I had gone in. But I think it points up so graphically the helplessness of so many people. Here was a man who in the final hours of his life turns to a complete stranger in whom to put some confidence merely because he's seen him and listened to him on the air and on television. It's a rather depressing thing."

The newsman said the phone call was like countless others he's received from people in trouble. Many come from widows and retired oldsters trying to make ends meet on social security and welfare—a problem that is a frequent topic on his commentaries.

In one case, a woman told him that after paying rent, phone and electricity, she had $29 left every month for food and other emergencies. She wondered why welfare cut back its allotment when her social security was raised. McCaffrey found he had to tell her, "after checking with the authorities, that unfortunately it is the law. She gets a cost-of-living raise from social security but it isn't one at all, because welfare takes back with one hand what social security gives with the other."

ANTIWAR

The war in Vietnam which he says "I've been against for years," and its effect on the nation's youth ("I think it has catapulted them into the political arena before they're emotionally and intellectually ready for it") are also frequent commentary topics.

Judging from his mail, his commentaries voice the frustrations of a lot of people. "I think I'll get out of the business if I read the morning, or the evening paper and not see something that doesn't provoke me," he observed.

Sometimes the calls he's received have been amusing, like the one from the woman in a public housing development who wanted him to send someone to fix her broken TV set.

LONG DAYS

The newsman puts in a 10 a.m. to midnight day that begins with an hour's drive into town in an orange Ford Mustang he says his son Mike refers to as "the pumpkin."

His tall figure is a familiar sight as he walks into the House basement corridor and is greeted left and right by everyone from Congress members to page boys. "This is sort of my second home," he says proudly, as he boards an elevator to the House Radio-TV Gallery where he has a desk overlooking the west front pillars of the U.S. Capitol. He is chairman for the second time of the radio-TV galleries, having first served as chairman in 1956.

He usually spends a few hours at the Capitol interviewing Congress members, "getting grist for my radio and television commentaries" as he puts it. Then about 3 p.m., he's on his way to WMAL to begin his "working day." The long drive home after the 11 o'clock news usually gets him home by midnight.

THE FARMS

McCaffrey relaxes from his week's labors on a 100-acre farm in Culpeper that he considers "a different world. And I like the people there." His wife Toni has a vegetable garden that produces so abundantly the family can't keep up with its output. And son Mike does most of the ploughing and taking care of the four head of steer and ponies. "When Mike leaves home we'll have to give up the farm," Toni joked.

More seriously she said she felt "Joe wouldn't be alive with his schedule, if he didn't have this place to go to. I think he just makes it through Friday and I think we're fortunate to have it because it keeps him going."

Joe and Toni first met when he was a senior and she a freshman at the State University of Education at New Paltz, N.Y., but didn't marry until the year after he left the Army.

The Poughkeepsie, N.Y., native supported his way through normal school working part time on a Dutchess County Sunday weekly. Upon graduation when he had to make a choice, journalism won out over teaching even though it didn't pay as well.

THE START

A military plane crash cut short his World War II service as an infantry information officer, and he spent a year in Canadian and

United States Army hospitals. His final hospital stay was at Walter Reed. By happenstance, a visit from an old friend who had been a radio announcer in Poughkeepsie, set him on his career as a broadcaster.

The friend told him about an opening at WTOP, so he applied for the job and got it as soon as he got his Army discharge. "Otherwise I might have gone back home to my old newspaper job," he recalled.

ADMIRERS

Now after more than 25 years of covering the national scene and Congress, the five times Washington Emmy award winner and dean of Capitol Hill radio and television correspondents has received the most prestigious Emmy of all—the Ted Yates Award.

The award is given annually by the board of governors of the Washington chapter of the Academy of Television Arts and Sciences to the person whose work best embodies the professional and personal qualities of the late Ted Yates, the NBC producer-journalist who was killed covering fighting in the Mid-East.

McCaffrey is the first single station man to receive it.

In presenting the award to McCaffrey, Senate Majority Leader Mike Mansfield praised him for his "personal and professional integrity, his professional excellence," and cited the esteem with which the newscaster is held by members of Congress on both sides of the aisle.

RECOGNITION

Not only do members of Congress hold McCaffrey in high esteem but so do his co-workers at WMAL. One of his greatest admirers "from cub reporter days when we had adjoining desks" is Len Deibert, the station's manager of news and public affairs.

In submitting McCaffrey's name for the Ted Yates award, he concluded the narrative entry with: "Ted Yates never operated out of an ivory tower—aloof from the pressures and dangers of informing the public. Neither has Joseph McCaffrey—whether it be risking his life in the Colasanto case in Alexandria or fighting government intimidation of broadcast journalists. Courageous, personal journalism—putting one's self at the scene of the story—typified Ted Yates. McCaffrey is made of the same fiber."

THE REASON FOR OUR DEFENSE PROGRAM

Mr. HANSEN. Mr. President, I have been under the impression for the past several years and especially since joining this distinguished body that the reason for our multibillion-dollar defense program was to maintain a position of military superiority over potential U.S. enemies.

In all the debates over whether we should build an anti-ballistic-missile system, whether we should increase our nuclear strike capability, whether we should improve our undersea nuclear submarine strike force, build more aircraft carriers, support and maintain NATO forces in Europe, and do all of the other things that add up to a defense cost of something like $80 billion a year—in all these debates the rationale for maintenance and improvement of our overall military capability is basically—and, in fact, only—to counter the continued Russian buildup in nuclear, naval, and air force capabilities. In all of these debates—and I have supported the administration in all of its military and defense requests—the Soviet menace to the United States and the free world is the premise for the U.S. military posture.

In testimony before the Foreign Relations Committee, Secretary of Defense Melvin Laird has repeatedly pointed out that the Moscow government is moving into various parts of the world either to stir up trouble or to arm potenial allies.

> The Soviet Union continues to employ military assistance as a basic instrument of political infiltration. Soviet arms deliveries have raised concern about the level of armaments in the horn of Africa, as well as in the Middle East and North Africa. The Soviet Union has been the principal supplier of arms to India. Recent reports indicate that it is shipping weapons to Pakistan as well.
>
> There is little doubt in my mind that military assistance will continue to be used as a major instrument of Soviet policy over the foreseeable future.

Laird declared, moreover, that—

> It would be foolhardy to expect early abatement of fear of aggression in Europe and that he sees in prospect a continued instability in Asia.

Certainly, Mr. President, if any documentation of Secretary Laird's views are needed, recent events have proved how right he is. The continuing crisis in the Middle East and now open warfare between India and Pakistan in which India places the blame, as usual, on the United States prove the fallacy of any letup in the U.S. defense posture and the folly of considering Russia anything but an adversary, and I would not say a friendly one.

This brings me to the point, Mr. President, of a question of just how far we should go in furtherance of trade with Russia or doing business with a country that still uses its veto power in the U.N. on almost every issue in opposition to the U.S. position, a country that still maintains not only a wall of secrecy but literally a walled-in society not only of Russia itself but also the formerly free countries that ended up behind that wall following World War II.

I cannot object, Mr. President, to U.S. sales of corn, feed grains, or wheat to the U.S.S.R. nor of reciprocal trade in non-strategic goods with Russia.

But I cannot understand, Mr. President, how the United States can afford to take the risk of dependency on Russia for the most strategic commodity I know of—oil and gas on which the U.S. economy depends for three-fourths of its energy.

Undue dependency on Middle East and North African sources have been a matter of concern to many of us who believe the United States has the resources to provide its own energy resources for both short-term as well as long-term requirements.

The legal basis for the mandatory oil import program is, in fact, the national security clause of the Trade Expansion Act and I can think of nothing more perilous to this Nation's security than a shortage of fuel—oil and/or gas.

Some may rationalize that we must depend more and more on imports but I still contend that we have the resources available if we care to pay for the necessary exploration and development.

When the price of imported gas at three and four times the present wellhead price of domestic natural gas is considered and other alternatives such as synthetic gas from crude oil naphtha or coal, the cost of developing our own resources may actually be a bargain—especially if any substantial portion of that supply could be cut off or even threatened by the Soviet Union.

I cannot recall when the Soviet Union has made any real gesture to the United States or other free world countries toward the achievement of true world brotherhood and trust among nations. Rather, as Secretary of Defense Laird has so often warned, the Soviets are still intent on stirring up trouble in all parts of the world, including Latin America. They already have a foothold and potential naval base just 90 miles off the Florida coast and are now making gestures to the new Marxist regime in Chile.

While we counter Soviet aggression with our massive support of NATO, our commitments in the Far East continue to expend billions of dollars in the Vietnam venture against massive Soviet support of our Communist enemies there, our trade emissaries make gestures to Moscow to make huge investments in developing oil and gas which, presumably, we would buy from the Russians as long as they were willing to sell it to us.

I suggest that with any substantial dependence on Soviet sources for oil and gas we may as well scrap any plans we may have for continued military superiority. A military machine that is practically 100 percent dependent on oil for its movement and an economy in support of the military that is dependent for three-fourths of its energy from oil and gas would be in a most precarious condition under the threat of Russian blackmail, a tool they have never failed to use when it fit their purpose.

I would like to think, Mr. President, that the Soviet Union had softened and that rather than burying us, as Khrushchev threatened, that they would join us and other free world countries in a real endeavor to achieve lasting peace but I cannot see how we can be that gullible or take that risk, especially as the only remaining safeguard of freedom in the world.

The president of the Independent Petroleum Association of America addressed a letter to the President a few days ago in which he expressed misgivings over the proposed deal with Russia and concern over an act that would be directly contradictory to our national policy of limiting imports for security purposes.

Mr. President, I ask unanimous consent that the text of the letter to the President from Mr. Tom B. Medders, Jr., president of the Independent Petroleum Association of America be printed in the RECORD.

Also, Mr. President, I ask unanimous consent that the text of "Petty's Oil Letter," published in the December 11 issue of the Oil Daily on the same subject, be printed in the RECORD following the letter from Mr. Medders. Both of these emphasize the risks inherent in such a move and, as Mr. Jim Collins concludes in "Petty's Oil Letter":

> All it proves is that there is no coordinated energy policy for the U.S.—one that is desperately needed and soon.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA,
Washington, D.C., December 10, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are deeply concerned about published announcements by Commerce Secretary Stans that the Administration has under consideration the importation of oil and liquefied natural gas from the Soviet Union.

Since 1959, as you know, the government, in the interest of national security, has limited oil imports so as to prevent dangerous dependence on supplies beyond our control and to encourage a healthy domestic petroleum producing industry. Despite these limitations, imports have increased steadily and now supply over 25 percent of U.S. oil consumption. It would seem to be conflicting and inconsistent on the part of our government to now encourage or permit dependence on petroleum fuels imported from the Soviet Union.

Programs to ease international tensions and improve foreign trade relations are commendable but such efforts can and must avoid impairment of our national security.

In light of our own deteriorating energy supply situation, it would be inconceivable that our government would extend our dependence for petroleum fuels to the Soviet Union. To permit or encourage even minimal dependency on Soviet energy supplies would be directly contradictory to our national policy of limiting imports for security purposes.

In the case of liquefied natural gas, the cost of imports from the Soviet Union would be much greater than the cost of domestic natural gas. It would be ironic indeed if U.S. gas consumers on the East Coast were to be dependent on Soviet gas supplies at greatly inflated prices.

We urge the Administration not to take any action that would extend our present dangerous over-dependence on remote and uncertain petroleum sources to the Soviet Union.

Your consideration of our views would be very much appreciated.

Respectfully yours,

TOM B. MEDDERS, Jr.

PETTY'S OIL LETTER
WASHINGTON, D.C.,
December 11, 1971.

DEAR SIR: Now it's official—there are a number of U.S. companies actively considering prospective deals to import liquefied natural gas from Russia, which the Russians say they could supply from large quantities of surplus gas within the Soviet Union.

The fact that a number of companies are eyeing such deals with the Russians was confirmed by Commerce Secretary Maurice Stans at a news conference in the National Press Club Dec. 9.

Stans would give no details—the companies involved or their prospective plans—but these are contained in classified documents held at the White House, which are now under study.

The idea of relying on Russian energy for any part of U.S. supply is mind-reeling. Stans might say that even large quantities of Russian LNG shipped to the U.S. would represent only a tiny fraction of our total energy supply, and thus would represent no threat to our economic or military security.

That might be true—but it's a little bit like being a little pregnant. There is also the factor that Russian LNG would be on top of very large quantities of other LNG, and of crude oil (and possibly large quantities of finished products) which will be entering the United States from other foreign areas—particularly the Middle East and North Africa—within the next few years.

"There are an awful lot of problems still to be worked out," Stans said of the proposed barter deals on natural gas from Russia, but he indicated government support for them, if the current more favorable political relations between the U.S. and Russia continue and improve.

Stans said that the Russians told him on his recent trip to Moscow that the USSR has $1 billion worth of gas a year surplus to its own and Western European requirements, which could be made available for shipment. Just how that translates out in billions of cubic feet of gas, or the cost of that gas laid down in the U.S., are still highly problematical items.

What the Russians want, Stans said, is for the American firms to put up the capital through joint working interests for gas development, gas pipelines, liquefaction plants and tankers to haul the LNG. Those investments would be paid off in Russian gas. Of course the Russians would wind up controlling, if not owning outright, the facilities.

Undoubtedly, if any of the current prospective deals firms up, much of the capital required would be provided through U.S. Export-Import Bank loans for equipment from the U.S. The balance would be financed by the companies, on their own or with commercial bank loans. The share to be put up by the Russians would be worked out.

In effect, therefore, the U.S. taxpayers would be helping to finance natural gas facilities in Russia which would be used in part, inevitably, to supply gas—possibly at low prices—to eastern European markets, as well as those in Western Europe. Using American taxpayers' money to help finance—or subsidize—gas consumption in Eastern and Western Europe would be ironic, indeed.

But, more basic than that prospect is the relationship such Russian deals would have on the "security" basis of the U.S. oil import control program. President Nixon's Cabinet task force on oil imports, in its report nearly two years' ago, said Eastern Hemisphere oil supplies were not reliable—so a quantitative limit should be placed on imports from those areas, and strictly controlled. We wonder what the Cabinet's concept of the security of Russian energy might be. It is also ironic that U.S. companies should be considering imports of Russian gas when they know there are very large quantities still to be discovered in the U.S.—at prices which would be far, far lower than what the Russian gas would cost.

But, some companies appear close to pushing the panic button of energy supply within the U.S. Alaskan North Slope gas is still far off and lines cannot be built to the U.S. until the trans-Alaska oil line is built; Canadian gas reserves have leveled off; U.S. gas reserves continue to slip, in relation to production—and all the time gas demands keep rising, limited only by supply. No wonder gas companies are desperate for supplies—from anywhere, even Russia. All it proves is that there is no coordinated energy policy for the U.S.—one that is desperately needed, and soon.

Very truly yours,

JAMES M. COLLINS.

SWORDS VERSUS PLOWSHARES

Mr. HUGHES. Mr. President, the continuing resolution now before the Senate does more than provide funds for the foreign aid program. It also perpetuates a very mistaken policy which seems to prefer swords to plowshares and the growth of armies to the growth of GNP and the betterment of human conditions in the countries assisted.

In our international affairs, no less than in our domestic policies, the priorities question is crucial. Our Government is judged, here and abroad, by what it does rather than what it says. When a society spends more on recreation than it does on education, as ours does, that says something about our values. When our Government spends five times as much on military matters as on health, that shows what our priorities really are.

We can make these choices, if we will. We can spend $90 million to buy a new destroyer for the Navy or we can spend the same amount and have five or six high schools. We can build a nuclear aircraft carrier for $1 billion, or we can build 67,000 low-cost housing units each with two bedrooms.

When we look abroad, we face similar choices. We can provide a nation with airplanes or with electric power, with police training or with paramedical education, with surplus rifles or with surplus foods.

Not all nations need the same things, of course, there are some definite security needs for which the United States can provide timely and useful assistance.

But when we look at our overall effort, we see that our Government has relied overwhelmingly on providing swords rather than plowshares. Since World War II, 40 percent of our foreign assistance has taken the form of military aid. Much of this, of course, has gone to build and maintain NATO. But even among less developed nations—for whom survival is more likely to be a question of stopping poverty rather than stopping aggression—$1 in every four we have given has gone for military aid.

As a result of our preoccupation with military needs at the expense of human needs, we have helped to arm and finance eight of the 10 largest armed forces in the world. Only the Soviet Union and China have not received our aid. Of the others, only France, which received $7 billion in prior years, no longer receives such aid directly.

The United States remains the largest supplier of military equipment in the world, according to a recent study by the Stockholm International Peace Research Institute. We account for nearly half the world's total trade in weapons, the study says.

The following news account of this is from the November 25 Washington Star:

UNITED STATES LISTED AS NO. 1 ARMS SUPPLIER

STOCKHOLM.—Four countries—the United States, the Soviet Union, Britain and France—have supplied more than 90 percent of the major arms to the "third world" countries "where all wars have been fought in the past 25 years," the Stockholm International Peace Research Institute says.

TRADE OF $1.5 BILLION YEARLY

"The United States is the largest supplier of military equipment in the world, accounting for nearly half the world's total trade in weapons," said the 910-page report. "Since 1950 well over a third of the total major weapons acquired by Third World countries has come directly from the United States."

The Institute said the export of major weapons—aircraft, naval vessels, armored vehicles and missiles—to the 91 Third World countries escalated sevenfold between 1950 and 1970. It said that by 1970 this trade amounted to more than $1.5 billion a year.

"This represents an average yearly rate increase of 9 percent, nearly twice the average increase of the gross national product of Third World countries," the report commented.

SOURCE OF PLANES

The Soviet entered the arms trade late, the study reported. By the end of the 1950s, six countries had entered into arms deals with Moscow. By the end of the 1960s there were 20 more. Today the Soviet Union is the world's second largest arms supplier. In the last 20 years, the Soviet Union has supplied various developing countries, both socialist and nonaligned, with a little over 200 MIG 15s, about 400 MIG 17s, nearly 200 MIG 19s, and about 800 MIG 21s," the Institute said.

The report was prepared by an international team of five researchers working for nearly four years under British economist Frank Blackaby. The institute was set up five years ago as an independent foundation by the Swedish government and is financed by the Swedish Parliament.

The report said that all wars in the last 25 years have been fought in the poorer parts of the world, but the "weapons used in these wars have come almost entirely from the industrialized nations of the northern hemisphere."

TWENTY PERCENT LAID TO BRITISH

Britain and France accounted for more than 20 percent of these arms deliveries: in 1969, $200 million worth from Britain and $100 million worth from the French.

Exports of major weapons from China to developing countries have been small, only 2.2 percent of the total. But Chinese small arms and training assistance have gone "to a large number of countries and revolutionary movements in Africa and Asia," the institute reported.

The legislation now before the Senate perpetuates this emphasis on military assistance by providing nearly three-fifths of its funds for such programs.

The recipients of our aid, no matter what priorities they themselves might choose, have tended to adopt our own emphases. Each of those nations which we have helped to build the largest armies spends more on the military than on public health and education. India spends 14 percent more; South Vietnam spends 10 times as much; South Korea spends nearly twice as much; Taiwan spends nearly four times as much; Pakistan spends nearly three times as much; and Turkey spends 25 percent more on the miiltary than on public health and education.

There is a direct relationship between our assistance and our overseas military installations, which leads to the question of whether we are buying bases.

Under the Guam Doctrine, the United States is supposed to be reducing its overseas military commitments. Yet the fact remains that we still have hundreds of thousands of Americans stationed overseas. And in most of these countries, excluding Western Europe, we contribute military-related assistance which permits huge local armies.

According to the International Institute for Strategic Studies in London, the United States has deployed troops in 14 other nations. Consider these deployments and the amount of our military-related assistance in those countries. These figures include the security-supporting assistance that is used to reduce the inflation caused by large local military expenditures.

In South Vietnam, where the United States now has about 180,000 troops, our military-related aid amounts to four times South Vietnam's own defense budget.

The United States has 36,000 troops in Thailand, one for every five Thai troops. Our aid is equivalent to 45 percent of the Thai defense budget and has been supplemented by about $50 million per year to finance Thai troops in Vietnam. Since 1965, the United States has given Thailand over $800 million in military-related aid. In addition, we have spent over $400 million to build bases which are technically under the sovereignty and control of the Thai Government. It should be no wonder, then, that the Thai generals were so quick to dismiss the cabinet and the parliament when legislators tried to reduce the defense budget. It would seem self-evident that foreign aid programs based on militarism tend to produce military dictatorships in the countries aided.

In South Korea, where we plan to reduce our troop levels from the current 53,000, we give military-related aid equal to one and a half times the size of the Korean defense budget. And we made scarcely a protest recently when the government of President Park declared a national emergency and assumed special powers—despite the apparent lack of any hard evidence that South Korea was immediately threatened.

In the Philippines, the United States has one soldier for every two local ones—a total of 18,400 troops. Our aid is equivalent to 16 percent of the Filipino defense budget.

In Taiwan, we have 9,000 troops. And we give aid equal to 19 percent of the local defense budget.

In Morocco, we have 1,700 troops and give military-related aid equal to 16 percent of the defense budget. In spite of our aid, the King barely survived a coup attempt last summer. And the Washington Post reported last Sunday that economic growth barely keeps ahead of the annual rise in population, although Morocco has received more U.S. aid than any other African nation.

In Ethiopia, where we also have 1,700 troops, our military aid amounts to 37 percent of the local defense budget.

In Spain, where we have about 10,000 troops, our aid equals 10 percent of the defense budget. Despite our involvement and our apparent commitment to the Franco regime, the relevant Executive agreements are not subject to consideration or approval by the Senate.

In order to maintain our 3,000 troops in Greece, we have worked hand-in-glove with the local dictators and have provided aid equal to 35 percent of the local defense budget. In this way, I believe, we have perpetuated the control of the colonels.

In Turkey, we have 8,000 troops. Our military aid contribution amounts to 38 percent of the Turkish defense budget.

Although we have no troops in Portugal itself, we do pay heavily for our rights to the bases in the Azores which President Nixon visited this week. Only a few days ago the State Department announced that the United States has promised Portugal up to $435 million in economic and social development credits in return for the use of these bases until 1974. The New York Times noted that this "arrangement could amount to one of the largest economic assistance packages negotiated in many years in exchange for foreign base rights."

The Times also noted that this Executive agreement is not subject to congressional ratification or consent. Its reporter added:

> Administration officials showed no concern over possible criticism in Congress or elsewhere over the unusually high credit commitment to Portugal, which has a highly authoritarian regime and has been engaged for a decade in wars against nationalist guerrillas in Africa.

Some of these base facilities may be vital for United States or NATO defense. I am willing to consider the arguments in each case. But I am deeply troubled by the trend toward such extensive commitments which are not subject to congressional approval or thorough review.

We would do well to remember the statement just 1 year ago from the Subcommittee on Security Agreements and Commitments Aboard of the Foreign Relations Committee, which has been so ably presided over by the distinguished senior Senator from Missouri (Mr. SYMINGTON):

> In the post-World War II period the United States started the construction of a worldwide system of military bases. These bases were to be the foundation of a policy designed to contain the advance of communism in Europe, Africa, the Near East and Asia.
>
> In the late 1940's and early 1950's, as an addition to this base structure, the Administrations of Presidents Truman and Eisenhower undertook to formalize defense commitments by means of multilaterial treaties—the Rio treaty in the Western Hemisphere, NATO in Europe, SEATO in Southeast Asia, ANZUS in the Southwest Pacific—as well as a network of bilateral treaties—South Korea, the Philippines, Nationalist China and Japan. In addition, through CENTO, the United States undertook defense commitments of less than treaty standing in the northern tier of the Middle East. These latter commitments were made through Executive agreements.
>
> In the 1960's, the threat of possible Communist imperialism appeared to change from one of overt aggression to subversion and infiltration. In some areas it would appear that what was considered a Communist effort was actually a rise of Nationalism, expressing itself by any means possible.
>
> In any case, so as to meet possible new challenges, the United States increased steadily its military involvements abroad. Some new facilities were added, but the main growth was in expanded military assistance and training along with joint planning, and, in some cases, joint military operations.
>
> Such activities represented an increased assurance of our commitment to countries with whom we already had formal treaties.
>
> In addition, primarily through Executive agreements, the Administrations of Presidents Kennedy and Johnson undertook still additional arrangements. Many of the latter were not publicly disclosed; some were kept from most if not all Members of Congress.
>
> With an eagerness and a "can-do" philosophy, the United States expanded its military presence abroad, to the point where it assumed, almost inadvertently and without notice, a role that has been described as the policeman of the free world.
>
> As a result of these policies, by the mid-60's the United States was firmly committed to more than 43 nations by treaty and agreement and had some 375 major foreign military bases and 3,000 minor military facilities spread all over the world, virtually surrounding both the Soviet Union and Communist China in support of the policy of containment.

The problem of a creeping commitment is still most evident in Southeast Asia. U.S. officials maintain that we have no commitment to defend the Royal Laotian Government, yet Premier Souvanna Phouma says that we do. Since our military related aid to Laos is over nine times that country's own defense budget and is nearly equal to its total gross national product, it is clear that we are very deeply involved in that small country's affairs.

Our commitment to Cambodia may well soon face a crunch, notwithstanding our own legislation of last year which specifically denied that our aid could be construed as a defense commitment. But in Cambodia we have financed a fivefold increase in the army in the past year and a half, and our military-related aid amounts to 95 percent of Cambodia's own defense budget.

In my view, Mr. President, these facts point to serious problems in our foreign assistance programs. The old ways, the previous easy reliance on military aid, are no longer adequate. We need to change our thinking, our programs, and many of our purposes.

Instead of the stopgap negativism of the past, we must develop a positive, forward-looking approach to the basic issues of human betterment.

The President's Task Force on International Development put it well in its report:

> This . . . is a time for change, a time for reappraising our programs and designing them for the decade ahead. It is also a time to stake out in the most positive terms America's involvement in the way mankind manages its common problems. In time, U.S. international development policies may well prove to be the most important—and the most rewarding determinant of America's role in the world.

The foreign aid legislation which passed the Senate started us in the right direction. If we are to continue, we need to give thorough attention and reconsideration to our past policies. Merely to continue the past programs with the current resolution is a step backward, particularly since it obviates the many useful amendments which the authorizing legislation would have made in the conduct of our programs.

BALTIMORE METROPOLITAN MEALS ON WHEELS

Mr. BEALL. Mr. President, I wish to commend and to invite the attention of Senators to the outstanding work done by the Baltimore Metropolitan Meals on Wheels.

The program has just completed its 11th year of service to the shut-ins and elderly. They are now serving two nutritious meals, 5 days a week to over 350 grateful senior citizens. Last year this program was able to serve over 1,300 individuals. A recent HEW survey revealed that the Baltimore program was the largest one in the country. In addition to providing senior Marylanders with nutritious meals, this program is giving senior citizens an opportunity to get together and become acquainted with each other and helping to make them aware of the various programs that are available for elderly citizens. The merits of the program are also evidenced by the number of volunteers it has attracted. 1,500 volunteers who are interested in extending a helping hand and a warm heart to our senior citizens have been working to make this important service available.

This is such an outstanding program that the Department of Health, Education, and Welfare has frequently visited in making films and documentaries.

Mr. President, on November 30 the Senate passed S. 1163, which I cosponsored. The bill authorizes a $250 million program over the next 2 fiscal years for grants to the State programs such as this. Maryland has 443,561 senior citizens over 60, and if this program is fully funded it would receive approximately $1.5 million in fiscal 1973 and $2.2 million in fiscal 1974. Based on the outstanding record of the Baltimore Meals on Wheels, I know the program will work. I hope it will be passed by the House and funded by Congress.

ARMY HELP MAKES PLAYGROUND

Mr. MATHIAS. Mr. President, the generosity of American servicemen toward young children is legend around the world. It is a pleasure to note that in my own State of Maryland, a group of men from the Aberdeen Proving Ground have helped convert a vacant lot in Baltimore's inner city into a playground. It is particularly pleasing to note that the efforts of these servicemen have already received national attention in a news story distributed by the Associated Press.

Mr. President, in tribute to these men and to the residents of the community who also worked on this project, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

GI Volunteers Help To Convert Baltimore Lot Into Playground

Baltimore.—Aided by some old-time Army scrounging, 26 G.I.'s from Aberdeen Proving Ground have helped convert a vacant lot into a playground for inner city children.

The work of the Aberdeen soldiers—all of them from a special college course to reorient them for civilian life—culminated two years of grassroots efforts to get the playground by residents of the Homestead Montebello neighborhood in east Baltimore.

The building of the "tot lot" was a project of a Prep Program run jointly by the Army and Harford Community College in a 10-week concentrated course stressing both academics and social and personal awareness.

THEY TAKE CHOICE

William Moessinger, an instructor in the program, said the G.I.'s decided to build the playground instead of simply sitting in classroom discussing social problems. He had told the soldiers of the neighborhood's two-year effort to build the playground.

After the Baltimore Parks Department said it had no funds, area residents went to work raising money through bake sales.

The Baltimore Public Works Department agreed to surround the lot with wooden posts to prevent cars from parking on it, the parks people said they would donate wooden chips to cover the ground and the city real estate office legally transferred the land to the Parks Department.

Volunteer architects from local firms and VISTA drew plans for the playground.

ARMY TAKES A HAND

Then the Army moved in. A 2½-ton green truck rumbled into the neighborhood loaded with soldiers and metal pipes, lumber, rakes, shovels and three rolls of fencing material.

Mr. Moessinger said the supplies materialized in a rather mysterious way, but he recalled that soldiers are noted for the ability to scavenge materials.

"I don't know where all the stuff came from," he said, "and I'm not going to ask."

Work by the G.I.'s produced a set of swings, sand box, sliding board, several climbing structures and a fence on the formerly vacant lot.

Pfc. Dennis Northouse of Saginaw, Mich., surveyed the tot lot while taking a break to eat fried chicken prepared by some neighborhood housewives.

"I was raised in an area like this," he said. "We really would have appreciated something like this."

The playground was dedicated to Frederick K. Kontner, a Baltimore patrolman slain in 1967 while attempting to arrest a narcotics suspect.

FISHING INDUSTRY REPRESENTATION AT THE 1973 UNITED NATIONS LAW OF THE SEA CONFERENCE

Mr. HATFIELD. Mr. President, it is with pleasure that I announce a partial victory has been reached in the efforts to insure representation of the American fish industry at the 1973 United Nations Law of the Sea Conference.

Last month I introduced Senate Resolution 203, which would establish the sense of the Senate that such representation be granted.

I have just been advised that initial steps are being planned to insure that the fishing industry of the United States has a voice in the formulation of U.S. policy prior to the 1973 U.N. conference. While it may be that further efforts might be needed to broaden the scope of the official delegation at the actual conference, I do think that an important first step has been taken.

Mr. President, the theme of this 1973 conference is the preservation and utilization of our ocean resources. The global fish resource is unique in that it is a renewable resource, and therefore deserves the utmost attention of any global conference.

As I understand it, the State Department has agreed to establish an advisory committee to advise the Law of the Sea Task Force. Included on this advisory committee would be representatives of the fish industry, as well as other interested parties.

At the March–April preparatory conference in Geneva next year, the State Department announces they also "expect to have a limited number of industry and other nongovernment observers included as members of our official delegation."

Mr. President, what had disturbed me greatly was the lack of any opportunity for input by the fish industry prior to this conference. The action announced by the State Department is a needed step. I am confident our fish industry can make constructive use of this opportunity. I think that the official U.S. delegation will be much stronger, and have a broader basis from which to operate at the final conference.

As the Senator who has spearheaded the efforts to secure this representation, I believe that this is a worthwhile step. I believe this forum should provide an opportunity for our fish industry to participate in policy formulation that will help guide the delegates at the final conference. I hope the State Department will utilize the resources of the fish industry delegates in an optimum manner, and that the thrust of the U.S. policy at the 1973 United Nations Law of the Sea Conference can develop within the framework that will protect our global fish resource, and preserve it on a worldwide basis.

Mr. President, I ask unanimous consent that two letters from the State Department to me announcing their plans for inclusion of U.S. fish industry representatives be reprinted at the conclusion of my remarks. I know that the Senators who joined me in cosponsoring Senate Resolution 203 share my belief that this is a worthwhile beginning. This is a meaningful plan for inclusion in the policymaking operation of the Task Force, and will help the United States in the long run, while giving our domestic fish industry a much needed voice in this policy planning.

There being no objection, the letters were ordered to be printed in the Record, as follows:

December 14, 1971.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, D.C.

Dear Senator Hatfield: The Secretary has asked me to reply to your letter of November 5 regarding the fishery industry's interest in the Law of the Sea Conference. On November 18, 1971 I sent an interim reply. I am now in a position to be more responsive to your inquiry.

We recognize that in preparing for the 1973 UN Conference on the Law of the Sea, it is highly desirable and necessary to consult with representatives of industry and other private and public groups whose interests would be affected by the results of the Conference.

To develop the framework for such consultations, we are establishing an Advisory Committee of fishing and other industry representatives as well as spokesmen from other interested groups to advise the Law of the Sea Task Force chaired by the State Department Legal Adviser, John R. Stevenson, who is also the U.S. Representative to the UN Law of the Sea Conference preparatory committee (Seabed Committee).

Although there were no non-Governmental personnel included in the U.S. Delegation at the July/August session of the Seabed Committee, we expect to inculde as members of our delegations to its forthcoming sessions a limited number of industry and other non-Government representatives in the capacity of observers. These observers will of course have direct access to the Chairman of the U.S. Delegation and will be subject to his instructions. You know, I am sure, that U.S. delegations to international conferences are instructed delegations. The process of developing policy guidance takes place in Washington before the delegation departs, and each member is bound to the agreed policies.

The Advisory Committee in our opinion will greatly improve the system of consultations from which our policy and instructions to our delegation will flow. This Committee will hold regular meetings with the Law of the Sea Task Force beginning early in 1972 as our policies and guidance are developed for the U.S. delegation. The arrangements set forth above should enable industry representatives to participate effectively in the development of U.S. policy in preparation for the Law of the Sea Conference.

Sincerely,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Department of State,
Washington, D.C., December 14, 1971.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, D.C.

Dear Senator Hatfield: Ambassador McKernan's letter of December 6 acknowledged the receipt of yours of October 19 regarding the fishery industry's interest in the Law of the Sea Conference.

We recognize that in preparing for the 1973 UN Conference on the Law of the Sea, it is highly desirable and necessary to consult with representatives of industry and other private and public groups whose interests would be affected by the results of the conference.

To formalize and develop the framework for such consultations, we are establishing an advisory committee of fishing and other industry representatives, as well as spokesmen from other interest groups, to advise the Law of the Sea Task Force chaired by the Department's Legal Adviser who is also the U.S. Representative to the Seabeds Committee.

Although there were no non-Government advisers included in the U.S. delegation at the last session of the Preparatory Committee (Seabeds Committee) of the Law of the Sea Conference held in Geneva in July-August 1971, we do expect to have a limited number of industry and other non-government observers included as members of our official delegation to the forthcoming Preparatory Committee Meeting during March/April at Geneva. These observers will, of course, have direct access to the Chairman of the U.S. Delegation and will be subject to the instructions of the Chairman during the course of the conference.

The new Advisory Committee in our opinion will greatly improve the system of consultations from which our policy and instructions to our Preparatory Committee delegation will flow. The committee will meet regularly with the Law of the Sea Task Force early in 1972 as our policies are developed and guidance is worked out for the U.S. delegations to further meetings of the Seabeds Committee. These arrangements will enable industry representatives to participate effectively in the development of United States policy for the Law of the Sea Conference. You know, I am sure, that U.S. delegations to international conferences are instructed delegations. The process of developing policy guidance takes place here in Washington before the delegation departs and each member is bound to the agreed policies by its instructions.

Sincerely,

Burdick H. Brittin,
Acting Coordinator of Ocean Affairs.

LEAD-BASED PAINT POISONING PREVENTION ACT

Mr. JAVITS. Mr. President, a most serious health problem is lead poisoning of children. Silently, almost unnoticed, it causes the death of many children and leaves many more with mental retardation, irreversible brain damage, cerebral palsy, blindness, kidney diseases, and other handicaps. Worst of all, it is a man-made disease and as such a disease which is preventable and which has no reason to exist.

I cosponsored legislation to eliminate this man-made health hazard, enacted into law as the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695) and argued and fought for increased funding.

When I learned that the $7,500,000 appropriated to fund the act—an amount, I believe, is regrettably insufficient—had not been released by the Office of Management and Budget to the Bureau of Community Environmental Management of the Department of Health, Education, and Welfare, I urged President Nixon to reconsider this decision. I ask unanimous consent that the complete text of my letter to President Nixon dated October 14, 1971, be inserted in the Record.

Mr. President, I am pleased that the White House has informed me that:

> We have released the entire amount of funds appropriated by the Congress for the lead-based paint poisoning prevention program.

I ask unanimous consent that the full text of that letter be included in the Record.

The problem of childhood lead poisoning has reached epidemic proportions in many of our large cities. The high incidence of lead poisoning is of particular concern to young children in our inner cities, but also has been reported in children from economically and socially advantaged homes.

We have a profound humanitarian obligation to our children to eradicate the preventable disease of lead-based paint poisoning for which the tragic statistics in New York City are: The number of lead-poisoning cases reported to the health department has increased over the last 10 years from 171 in 1959 to 727 in 1969. In 1970, 2,649 cases were discovered. In the first 5 months of this year, there have been 669 cases.

I cosponsored the Senate-passed amendment—regrettably lost in conference with the House—to increase the $7.5 million appropriation for the Lead-Based Paint Poison Prevention Act to $15 million and will carefully review the next year's budget requests for these vital programs and be prepared again to contend for them.

There being no objection, the letters were ordered to be printed in the Record, as follows:

October 14, 1971.

Hon. Richard M. Nixon,
The President,
The White House,
Washington, D.C.

Dear Mr. President: I am deeply concerned that the $7.5 million appropriated pursuant to P.L. 92-80 to fund the Lead-Based Paint Poisoning Prevention Act (P.L. 91-695) has not been released by the Office of Management and Budget to the Bureau of Community Environmental Management of the Department of Health, Education, and Welfare.

It is my understanding that if and when these funds are released, they will not be available for grant-making until the last quarter of fiscal year 1972 (April-June 1972); and not available for expenditure until fiscal year 1973 (July 1, 1972–June 30, 1973) and that perhaps the full $7.5 million may not be released.

The incidence of childhood lead poisoning which these funds are intended to combat, prevent, and treat rises in the summer months. Unless the local communities receive grants sufficiently in advance of next summer, they will be unable to deal at all with this increase, let alone the normal monthly toll of this devastating, yet preventable, disease.

Any rationale that funds are not being requested for fiscal 1973 because funds are out in the communities in that fiscal year, in view of the noted particular restriction that will be imposed limiting expenditures to post-June 30, 1972, will be, in my view, unacceptable.

As you may know, I argued and fought for increased funding for the Lead-Based Paint Poisoning Prevention Act and believe that the $7.5 million appropriated is regrettably insufficient. To further reduce that minimal amount is, I believe, hard, indeed!

I urge the reconsideration of this decision and prompt release of the appropriated funds, and supplemental appropriations to fund this program at the level it requires.

There is a profound humanitarian obligation to our children to eradicate the preventable disease of lead-based paint poisoning.

With best wishes,

Sincerely,

JACOB K. JAVITS.

THE WHITE HOUSE,
Washington, D.C., December 3, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR JACK: This is in further reply to your letter to the President expressing your concern for the problem of lead-based paint poisoning in children.

I am pleased to inform you that we have released the entire amount of funds appropriated by the Congress for the lead-based paint poisoning prevention program. The Department of Health, Education and Welfare will be making appropriate announcements on individual projects throughout the coming months in accordance with the usual procedures.

Thank you for your analysis of the funding needs for this program. Your views will be considered during the preparation of the 1973 Budget.

Sincerely,

EUGENE S. COWEN,
Deputy Assistant to the President.

GREECE AND THE UNITED STATES

Mr. ALLEN. Mr. President, Prof. Nicholas Destounis, M.D., is national chairman of the Justice for Greece Committee, 799 Park Avenue, New York, N.Y. He has authored and provided me with a copy of an informative essay entitled "Greece and the U.S.A." I believe that Members of the Senate and the public in general will profit by reading Dr. Destounis' penetrating analysis of historical and political events which led up to the April 21, 1967 uprising in Greece which, it is generally conceded, forestalled a Communist takeover in that great nation.

Mr. President, those of us who admire the courageous people of Greece also understand the vital role that nation plays in maintaining the security of Western Europe. Too, we are appreciative of the contributions of her people to the advancement and preservation of the values of Western Civilian and believe that it is important that the people of the United States understand the reasons for and the objectives of the present regime in Greece. The essay to which I have referred serves this purpose, and for this reason I ask unanimous consent that it be printed in the RECORD.

There being no objection the essay was ordered to be printed in the RECORD, as follows:

GREECE AND THE U.S.A.

(By Nicholas Destounis, M.D., F.R.M.S.)

For the past four and a half years Greece and its National Government have been under malicious attacks by a so called "liberal" part of the media of communications of this country, the self-exiled Greek "Politicians" and several members of the Congress.

In this essay, I shall attempt to present, as briefly as possible, the historical and political acts which lead Greece into the inevitable Revolution of April 21st, 1967, and thus saved her from communism and another Vietnam on Greek soil.

Plutarch had written "it is indeed a good thing to be well descended but the glory belongs to the ancestors". This history of the Greek-speaking peoples began in the dawn of history some 3000 years ago. When Athens was reaching its glorious cultural apex the philosopher Isocrates said, "so far has our city distanced the rest of mankind in thought and in speech that her pupils have become the teachers of the rest of the world, and she has brought it about that the same name "Hellenes" suggests no longer a race but an intelligence, and that the title "Hellenes" is applied rather to those who share our culture than to those who share a common blood".

Greece was destined to defend itself and Europe from invasion and onslaught of Asiatic hordes on many occasions. First, it was the Persians, next the Arabs and then the Turks. After 1000 years of glory, Constantinople fell on May 29, 1453.

The Hellenes with their indestructible love of liberty and honor, revolted and on March 25, 1821, the revolution which was destined to free the Hellenes was begun.

Earlier the American people had experienced also a revolution which gave them freedom, liberty and dignity. To those proud American people the Senate of the city of Calamata of Greece three months following the revolution of 1821, directed a proclamation:

"To the citizens of the U.S.A., having formed the resolution to live or die for freedom, we are drawn to you by a just sympathy; since it is in your hand that liberty has fixed her above, and by you that is prized as by our fathers. Hence in invoking her name, we invoke yours at the same time, trusting that in imitating you we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you.

Earlier, Thomas Jefferson had written to Adamantics Koraes, a Greek patriot, "whatever service the Americans might render the cause of revolutionary Greece must be considered a tribute to the splended constellation of sages and heroes whose blood is still flowing in your veins, and whose merits are still resting, as a heavy debt, on the shoulders of the living and future races of men".

But history repeats itself. Greece defended herself on many occasions following her independence (this year we will celebrate the 150th anniversary). To note only a few, in 1912–13, 1914–18, 1919–22, 1940–44, 1947–50 and always as an ally of the western free world.

The American people experienced Pearl Harbor in 1941, the Hellenes experienced the 28th of October 1940 and the 6th of April 1941 when Europe under the overwhelming power of Axis lay in tyranny. It was Greece which for nine months fought against Italy and Germany and thus delayed the German troops to enter Russia.

Later, side by side, the Hellenes soldiers and the Americans fought in Korea and their graves symbolize the spirit of real liberty and democracy.

Earlier in 1944 and in 1947 the communists tried to take over Greece by revolution and thousands of innocent people were killed because they believed in freedom. It was again America and its leader former President H. Truman whose doctrine saved Greece and the free world from communism and tyranny.

In 1964, the late Prime Minister, George Papandreou won the elections in Greece and within 15 months he had led the country into a political and economic chaos. In addition, he had begun, along with his son Andreas and the communists, an antimonarchistic campaign.

On July 15, 1965, Premier George Papandreou whose son was already involved in conspiratory military organization called ASPIDA, consisting of leftist officers, planned to *overthrow* the monarchy and start a revolution, demanded from the King the ministry of defense portfolio. The King refused, but offered to accept as minister of defense another member of Papandreou's party until after the completion of the investigation. Premier Papandreou refused this compromise and resigned. Since that time (July 1965) Greece has had *four* different caretaker governments, *strikes* every day, and an ailing economy.

National elections were scheduled for May 28, 1967. In the middle of April, the King appealed to all politicians to form an *ecumenical* government under G. Papandreou. Papandreou refused. He was ready to begin his new anti-constitutional campaign supported by communists in Salonica on April 22nd, with the purpose of overthrowing the government of P. Kanellopoulos, thus leading the country into a new civil war with its catastrophic consequences. The revolution of April 21, 1967, saved Greece from communism and another Vietnam.

Among the critics of the present National Greek Government, is Mrs. Helen Vlachos who as a publisher of the newspaper "Kathimerini" wrote on April 14, 1967.

COMMENTARY: "PIOUS ASPIRATIONS"

Mr. A. G. Papandreou assures a Swedish newsman that during the next election's confrontation will occur between the material force which the Palace and the Right dispose, and the will of the people." And he forecast that the will of the people will be demonstrated with passive resistance which will gradually bring "down to its knees" Greek economy and the entire Greek society." The question is being asked: For the sake of whom will the popular will demonstrate itself catastrophically against the people? Doesn't this modern Cassandra think that she is somewhat exaggerating by identifying her pious aspirations with the dispositions of the Greek people? It is, of course, the aim of a few inhabitants of this country—the communists—to bring Greek economy "down to its knees." However, it is not the aim of Greek citizens too.

Greece during the past four and a half years has become the most invaluable member of NATO, and perhaps the only real friend of this country. It has been stated by the enemies of the National Greek Government that the Greek army can't fulfill its NATO obligations and yet it is only last month that during the regular military exercise code-named "Hellenic Express 71" held in Northern Greece, the Supreme Commander of Allied Forces Europe, General Goodpaster of the U.S., the chairman of the Military Council of NATO, General Steinhoff of Germany, etc. praised the combat readiness and efficient organization of the Greek Armed Forces.

The historic trip of Vice President Spiro T. Agnew to Greece and his discussions with the leaders of the National Greek Government on matters of security of the free world, have convinced him that the continuation of military aid is absolutely indispensable not only for the security of that part of the world, but as well as of that of this country.

The Hellenes love freedom and liberty as no other people. Democracy was conceived, born and spread all over by them.

Greece will return to parliamentary rule as soon as the objectives of the revolution are accomplished. The Prime Minister, Mr. George Papadopoulos is leading the country into a new democracy based upon the Hellenic tradition, and a new system of values.

WILLIAM BONNETT AND JACOB J. EDELMAN

Mr. MATHIAS. Mr. President, the city council of Maryland's largest city, Baltimore, has lost two of its most senior and most colorful members. Councilmen Jacob J. Edelman and William Bonnett retired this year after serving a total of 66 years.

Other members of the Baltimore City Council paid tribute to the two retirees at a special reception shortly before the end of their terms. Mr. President, I ask unanimous consent that the Baltimore Sun's report of this event, honoring Councilmen Edelman and Bonnett for their long years of public service, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Nov. 17, 1971]

MELLOW OLD DAYS RECALLED AS TWO COUNCIL MAINSTAYS BOW OUT

(By G. Jefferson Price III)

Two city councilmen in their 70's, who entered politics when boys were really b'hoys, took parting bows last night at the Governor's Club.

In a smoky room that was permeated with nostalgia and talk of the good old days, four dozen men and women including most of the present Council, bade farewell to William Bonnett (D. 1st) and Jacob J. Edelman (D., 5th), each of whom has been in the Council for more than three decades.

Both men retired this year rather than seek re-election.

Mr. Bonnett, 78 and the dean of the City Council, was first elected to public office in 1925, when he won a seat in the House of Delegates from the First district. He was elected to the first of nine consecutive Council terms in 1935.

Mr. Edelman, 75, was first elected to the Council in 1939. He will have completed his eighth term on the Council December 9.

William Donald Schaefer, the mayor-elect, referred to Mr. Edelman as the "silver-tongued orator."

"He could cut you up in the nicest way, with the kindest words, and the broadest smile on his face," offered Councilman Frank X. Gallagher (D., 3d).

FORMER WARS

Other Councilmen recalled battles waged on the floor of the Council when they had fought one of the retiring members.

Councilman Robert C. Marshall (D., 4th) recalled the bitter fight about a public accommodations bill over which liberals and conservatives were sharply divided.

Mr. Marshall was a clerk in the Council at the time and Mr. Edelman had just delivered a particularly impassioned speech supporting the bill. The speech inspired the clerk so much that he went to shake Mr. Edelman's hand.

"And just then," Mr. Marshall remembered, "Mr. Bonnett came up behind me and said 'I'm sorry, Bob. It's not that I'm against your people. It's just that we can't go along with this bill.' "

But Councilman Dominic (Mimi) DiPietro's memory went further back in history than anyone else's.

Amid much laughter, Mr. DiPietro (D., 1st) recalled that about 45 years ago he was among three runners-up in a "waltz contest" at a dance hall in East Baltimore when he first met Mr. Bonnett.

He and a partner were dancing when Mr. Bonnett appeared with several ward heelers to make a campaign speech.

As Mr. DiPietro described the scene, the band stopped playing, the dancers stopped dancing, and a chair was placed in the center of the dance floor from which Mr. Bonnett held forth with a thumping speech.

"If you was a dancer, you didn't want to hear nothing about politics," Mr. DiPietro recalled.

"But those guys made you listen, and you not only listened, you voted."

ADDRESS BY SENATOR DOLE BEFORE NATIONAL FARMERS ORGANIZATION CONVENTION

Mr. CURTIS. Mr. President, the distinguished Senator from Kansas (Mr. DOLE) gave a speech to the National Farmers Organization at Kansas City today. It is a good speech, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR BOB DOLE, NATIONAL FARMERS ORGANIZATION ANNUAL CONVENTION, MUNICIPAL AUDITORIUM, KANSAS CITY, MO., DECEMBER 16, 1971

I am pleased to be here today to speak to farmers devoted to improving the future of the American farmer. The National Farmers' Organization is devoted to that purpose—and I commend you for it.

During my eleven years in Congress—eight in the House and three in the Senate—I have served on the Agriculture Committees. Agriculture is of vital importance to my state and is the largest and most important industry in the Nation. Without this industry's food-producing capacity, no other segment of our economy would survive.

SHARED CONCERN FOR FARMERS

While serving on these Agriculture Committees, I have had many occasions to talk with Oren Lee Staley and other officers and members of the N.F.O., and this association has been helpful to me and to the farmers. Many times, Mr. Staley and I have been in agreement on farm issues, and other times not. But it is important to say here and now that despite our disagreements, we both share the same overriding goal, and are both working for the best interests of American farmers.

In an effort to determine the feelings of this group, I had considered asking everyone to stand who voted for President Nixon in 1968. On reflection, however, I concluded this would serve no useful purpose, but believe me, I am under no illusions that this is a pro-Nixon meeting. I would only hope that in your concern for agriculture, that you study carefully promises made by Presidential candidates in the next eleven months.

MUSKIE'S NEW-BORN INTEREST

Tomorrow evening you will be honored with the presence of Edmund Muskie, the present Democrat frontrunner, and I predict that he will castigate the Nixon Administration, ridicule Secretary of Agriculture Earl Butz, and in other ways condemn nearly everything President Nixon has done since January 20, 1969. While you are listening to the remarks of Senator Muskie, you should know that he has been in the Senate for twelve years and has failed to establish a significant record of expressing great concern for American agriculture.

After some research, it appears that Senator Muskie's latent interest in agriculture is partly based on his desire for the Presidency, rather than concern for farmers. So, tomorrow night, when Senator Muskie talks about the family farmer, parity, corn prices, or agriculture generally, remember that before this year he has had little to say on behalf of farmers and farm programs. My staff checked the Congressional Record since he came to the Senate in 1959 and found that most of his agricultural statements deals with potatoes, and his concern about the price of feed grains was that the price support levels would not increase the cost of poultry feed for his state's broiler industry. So I suggest that you greet his remarks with a clear recognition of their context and the speaker's record.

NFO COOPERATION WITH BUTZ

I know that the National Farmers' Organization opposed the confirmation of Earl Butz as Secretary of Agriculture. However, I was pleased to learn that Oren Lee Staley called Secretary Butz immediately following the vote on his confirmation, pledging his full cooperation in working for improvements in agriculture. I think this is a great thing about our American system—that a man can be an adversary but not lose his perspective, especially when it involves the future of American farmers.

A BUSY SCHEDULE

In the brief time since his confirmation, Secretary Butz has already demonstrated his determination to act on his pledge to seek improvements in farm income. Last week he announced that the commodity Credit Corporation would purchase corn from the open market. And Monday of this week he announced the detail of the first purchase of 1.425 million bushels at prices ranging from $1.12⅝ to $1.30 per bushel, depending on the location. Additional corn will be purchased in the coming weeks.

Secretary Butz said he intends to be an active and tireless worker for the American farmer, and if his early plans are any indication, he is sticking to his promise. He has undertaken a heavy schedule of activities, not only in Washington, but throughout the country. And he will be speaking out for and working hard for the American farmer. To the Kansans present, I am pleased to announce that Secretary Butz will address the State Board of Agriculture meeting in Topeka on January 13, and will speak at the Salina meeting later that evening. These are two major farm meetings in the State of Kansas and will provide the Secretary an excellent opportunity to renew old friendships and make new ones with Kansas farmers. Later on in March, Secretary Butz is planning a trip to Manhattan and Kansas State University to speak in the Landon Lecture Series. With this number of personal appearances in this one state of the farm belt, it is obvious that Secretary Butz it going to have a great deal of personal knowledge and first-hand information with which to represent the farmer in the President's Cabinet.

GAINS UNDER THIS ADMINISTRATION

This Administration is genuinely and actively concerned with the long-term future of the farmer and with immediately improving farm income. And I will add, it is responsible for some meaningful gains during the past three years.

From 1961–1968 American farmers posted a realized net farm income level that averaged 13.8 billion dollars. Between 1969 and 1971, however, during the Nixon-Hardin period, farm income averaged 16.1 billion dollars, a 16 percent increase and a total increase of 6.6 billion dollars.

Of course, we all agree that farmers should receive incomes that compare favorably with the incomes of workers in most other segments of the economy. In the past three years, per capita farm income was 75.2 percent that of non-farm workers. This is a serious discrepancy, but it is a significant improvement over the 67.6 percent average of the Kennedy-Johnson-Freeman years of 1961–1968.

This is real, substantial and significant progress. It leaves room for more improvement, but it is definitely heading in the right direction. And in the light of this progress, I'm tired of hearing that this Administration is causing a farm depression. If these three years are a depression, what were we in during those Freeman years?

During Fiscal 1971, more farmers participated in the new farm program than ever before in the history of volunteer farm programs. As a result, payments are now being earned by more farmers than ever before. Farmers like the options available to them; they offer a new measure of flexibility and allow a farmer to use his own judgment and experience in his crop planning.

It is now estimated that farm payments in 1972 will be up by about 800 million dollars. In addition, farm prices are going to be higher. I believe—and this is something in the nature of a prediction—that realized farm income will be in the 17 billion dollar area and could well be the highest on record.

IMPROVED NET FARM INCOME

There is a lot of talk in Washington, D.C., recently about rural development. But you and I know that as important as rural development may be, what farmers really need is increased net income. There are two ways to improve farm income.

To start with, you have to increase the prices farmers receive for what they produce. Let's look at some figures:

Since January 1969, hog prices have averaged $20.89 cwt, compared with $18.04 cwt during the Kennedy-Johnson years. I realize it cost you between $18.00 and $19.00 cwt to feed out a hog, and $20.89 is sure a long way from enough to return a fair profit. But the trend is in the right direction.

Since this Administration took office, corn prices have averaged $1.20 per bushel, compared to $1.11 during the Kennedy-Johnson years. Here again, prices are far from a level that will provide a farmer the income he deserves, but we are moving in the right direction.

Beef cattle have averaged $24.87 cwt compared to $20.88 cwt during the Kennedy-Johnson years.

Soybeans have averaged $2.63 per bushel compared to $2.54 during the Kennedy-Johnson years.

Wheat has averaged $1.50 compared with $1.62 during the Kennedy-Johnson years. However, as you know, there has been a change in the payment procedure since 1965.

We are proud that prices paid to farmers have shown some increase during the past three years. However, increased prices are just one approach to improving income, and all too frequently farmers have found increased prices are not sufficient to offset the inflationary spiral left over from the "guns and butter" policies of the previous Administration.

President Nixon recognized the crippling impact of inflation on farmers and many others who were not tied into the rising spiral of wages and prices but were caught in the vise of fixed or declining incomes and profits. And in a decisive and far-reaching action, he instituted the wage-price freeze and the new economic policy that is designed to bring an era of real prosperity without inflation and in a time of lasting peace.

SUPPORT FOR ECONOMIC POLICY

The prospects for better farm income will be especially good if the President's anti-inflation program is successful. For if the farmer has the grip of inflation relaxed and his costs for equipment, supplies and labor stabilize, his income is going to rise. But the President needs your support in securing the success of this program. Citizen confidence and citizen support are vital ingredients of this economic policy. We all know that inflation has robbed the American farmer of more net income than any other factor, and the farmer has one of the biggest stakes in this success.

In the eight Kennedy-Johnson years, farm production expenses leaped by $8 billion dollars, and the inflationary forces unleashed by the fiscal irresponsibility of those years has continued to undercut the farm income even through the past three years.

President Nixon's new economic policy has contained bold steps to stop inflation and end this drain on farm income. Control measures on wages and prices have brought stability to the farmer's costs, and by leaving farm commodity prices unfrozen, natural market forces will work to raise the prices the farmer receives for his products.

PRESIDENT CONCERNED FOR FARMERS

The President is concerned about farmers. He is concerned with improving their income. He wants farmers to enjoy the same privileges as the non-farm workers. He wants their vote.

He selected a man from a western Kansas wheat-growing community to be Chairman of the Republican National Committee. He knows, and the members of the Republican Party know, that in 1972 he will have to run on our record. We believe that it will be a good record. We will have a successful story to tell about this Administration's work for American agriculture—much better than the low price, high inflation Kennedy-Johnson years.

A STRONG EXPORT RECORD

Let's take a look at our export activities recently.

We attained a "triple" record for U.S. agriculture exports in the last fiscal year.

1. The value of farm exports was 7.8 billion dollars—a new record by a wide range.
2. Sales for dollars were a record 6.8 billion dollars.
3. The volume of these exports were about 8% above the volume of the previous record export years.

We are proud of this record—but not complacent. We have set a new export objective of 10 billion dollars by the end of this decade.

Our programs look to overseas markets, and we intend to compete for maximum utilization for our products throughout the world.

If U.S. farm exports are to reach our $10 billion goal by the next decade—a necessary objective—they must move competitively in the world market. It will be our job to do everything feasible in our discussions with foreign governments to stimulate export markets for U.S. farm families. We are not satisfied with the results of the Kennedy round of trade negotiations. In this round, agriculture was treated as a poor relative.

It is the intent of this Administration to obtain our fair share of the world markets. Producers deserve every consideration, and we intend to see that they get it and that exports improve prices paid to farmers.

NEW MARKETS OPENED

President Nixon has taken another bold step in encouraging making possible the resumption of East-West trade. This should not be taken as support of the spread of communism, but instead as a bit of realistic protection of our national interest. Our past experience shows that refusing to sell grains to Russia or Mainland China only leads to our cash markets being readily taken over by Canada and Australia, with our country and its farmers left out in the cold.

The President recognized these realities and moved decisively to remedy the situation. And now American farmers are again eligible to compete for markets all over the world. In addition, the President has removed the restriction that half of these commodities must be shipped on American ships, thus opening further channels for improved access to foreign markets for our farmer.

DAMAGE FROM DOCK STRIKES

A repeat of last year's record-breaking export volume, however, is no longer a probability for this fiscal year; the Longshoremen have seen to that. The dock strikes we have experienced this year and expect to see resume shortly after Christmas, have forced our good customers to look to other nations for their wheat, feed grains and soybeans. They have done so reluctantly, but the damage is no less severe. Strike-caused disruption in our flow of exports has been a recurrent fact of life for our foreign customers. And in the place of this disruption, they have indicated they must seek more reliable arrangements with our competitors who can dependably assure their ability to deliver.

We need these markets. Export sales stimulate the prices paid to farmers. This influence has been clearly demonstrated by the stabilization and increase of wheat and corn prices since President Nixon invoked the Taft-Hartley Act putting the ports back into operation for 80 days. Now we can expect another drop as soon as the strike resumes on the West Coast. Railroad strikes cause the same disruptions.

THE TRANSPORTATION CRISIS

In recent weeks, I have had occasion to travel around the country and talk to many people.

I've talked to many farmers. They want more farm income, they want firm markets, and they are entitled to them. They recognize the effects of the dock strikes and they want them to end. So does the Administration. This is a common problem and a shared goal. We not only want to end the current strikes, but we want to avoid future ones. In pursuit of these goals, the Administration has endorsed legislation to protect the public interest during labor-management disputes which affect our national transportation system.

This legislation would provide a fair, realistic and effective framework for the resolution of labor-management disputes which threaten to paralyze various segments of the Nation's transportation network. It would put an end to these recurring dock—and rail—strikes that so severely penalize the American farmer and stunt the growth of our economy.

The national interest demands an end to this intolerable uncertainty in our transportation system and in our exporting ability. Bitter experience shows that current labor-management relations are not going to provide the solution, so the Congress must. But this legislation (S. 560) needs public support and backing. It needs a firm demonstration of the public's aroused concern.

FARMERS DIRECTLY AFFECTED

No sector of the public has more concern or greater interest in seeing stability brought to the transportation field than the American farmer. The farmer depends on it every year to move his harvest to market—whether that market is across the country or around the world. And just as often as not, when the farmer most needs this transportation, it is tied up in a strike; so the farmer's crops rot in the warehouse, and his markets are grabbed up by his competitors from other countries.

CALL FOR SUPPORT

The opportunity is at hand to do something to change this situation, but it is going to take cooperation and teamwork to do it. Therefore, I call on the National Farmers' Organization to join with us in the Congress and the Administration to work for passage of this legislation. There could be no clearer example of common interests, and there could be no more effective way for us all to achieve a significant benefit for the American people and our Nation's economy.

DOMESTIC INITIATIVES

In the transportation field, the economy and throughout the domestic arena, the President has moved with imagination and high resolve as he seeks to bring government closer to the people and make it more responsive to their needs.

He has proposed and fought for a welfare reform program that provides realistic means to help the helpless, to lift up the weak, and to replace giveaways and handouts with work and self-sufficiency.

He has presented proposals to restructure the Federal Government and re-route the flow of Federal tax dollars to state and local governments.

In the face of legislative delay, he instituted, by executive order, the Special Action

Office for Drug Abuse Prevention to combat a problem that threatens the very roots of our social structure.

He has proposed a comprehensive national strategy to provide health service delivery to all who need it, regardless of individual financial limitations. It would improve medical education and accelerate research efforts—and do all these things without nationalization or taking a good, but improvable, system out of the hands of those who should govern it, the doctor and the patient.

CHANGING THE COURT

He has also made good on his campaign pledge to re-orient the prevailing judicial philosophy of the Supreme Court.

Of course, no one could have foreseen in 1969 that the new President would have the opportunity to name four Justices within three years. With Chief Justice Warren Burger, his very first nominee, President Nixon signaled his full devotion to naming men of high competence and a restrained judicial outlook.

The new Chief Justice and Associate Justice Harry Blackmun have borne out the President's judgment of their high qualifications, as well as their abilities. And they have provided the court with a strong, new sense of direction—away from the so-called Warren Court's activist innovation and expression of personal inclinations—and toward a conservative construction of our laws and Constitution.

And with the retirement of Justices Black and Harlan from the Supreme Court, the President seized a further opportunity to continue the job of reordering the priorities of our highest court. Lewis Powell and William Rehnquist are both extremely capable and qualified individuals. They will be excellent Justices, and the country will be well-served by their terms on the Court.

ENDING A WAR

This is a President who took office with more than 540,000 American servicemen embroiled in an inherited war costing hundreds of lives per week.

In his campaign for the Presidency, he promised to end this war. And in less than three years, he has withdrawn more than 50,000 troops and cut the causalities by more than 90 percent. Last week, four American lives were lost in combat. Let there be no mistake, those deaths were too many. But, there is a vast difference between four and the 196 combat deaths recorded in the week before Richard Nixon took office.

A GENERATION OF PEACE

This is a President who took office declaring an end to an era of confrontation and calling for an era of negotiation among the world's nations. He has set the goal of forging something the world has seldom known—a full generation of peace. And he is bending every effort to see it realized.

In pursuit of that goal, he has undertaken steps which have electrified and inspired the world. Foremost among these have been dramatic announcements that he will go to Peking and seek more normal relations with the People's Republic of China, and that he will later travel to Moscow to pursue the extremely important negotiations which have been continuing between our two countries over the past three years.

For 25 years, peace in Europe rested on a knife-edge balance of terror. Today, little by little, that status is giving way to an equilibrium of less dangerous and more positive national interests. There is growing prosperity in Eastern Europe, and Western Europe is an economic miracle. There have been productive exchanges between this nation and some of the countries the President has visited in Eastern Europe.

At the same time, the Soviet Union has had useful exchanges with various western nations, and these contacts have contributed to a relaxation of the tensions which for too long characterized relations between East and West.

PROSPECTS FOR PEACE

This year's Nobel Peace Prize was awarded to German Chancellor Willy Brandt for his efforts at lessening East-West tensions. So I think the feeling is very strong and very optimistic that peace may have a chance in the world.

It may seem to be coming slowly—but we must be patient. The distant dawn seems to come slowly, too, but it is quickly upon us with its blessings—and so will peace be, I believe.

The enormous budgets which nations have so long turned to weapons of destruction may now at last be turned to the engines of creations—to industry, to better housing, and better health, better education. These are the blessings of peace.

Nations, including our own, can turn more resources to the benefit of their own people, and the world's as well; not in more give-away programs, and not in the old blackmail and extortion rackets of foreign aid which some small nations have worked against the superpowers—but in real assistance—in training and education, in new agricultural and industrial technology and in loans on a businesslike basis.

No nation in this age can afford to be selfish or short-sighted. None of our boundaries really stop at the map's edge, and no nation—nor any man—is an island. The future of mankind depends on joint efforts and shared concerns.

NEW COMPETITION

For we see before us a world in which the competition in the arms of destruction can be replaced with competition in the stimulation of growth and development, a world in which we may take satisfaction in mutual security, common prosperity and shared progress.

MAN OF PEACE

This is the shape of the world on the horizon. The road is still long, hard and treacherous.

But we have now, finally, the confidence that at last we are on the road. And we are there because history has given us a man of peace for an era of peace. Not only will America remember and be grateful, but the world will also remember and be grateful for the wisdom and the courage and the leadership of Richard Nixon.

MARCELLUS G. HALL

Mr. MATHIAS. Mr. President, one of the best known figures of Maryland's capital city, Marcellus Hall, has died at the age of 77. When I was a member of the General Assembly, I knew Mr. Hall as did several generations of State legislators, Naval Academy midshipmen, and other guests as chief bellman at the old Carvel Hall Hotel. On his retirement 6 years ago, the Governor of Maryland, Hon. J. Millard Tawes, conferred upon Marcellus Hall the title "Admiral of the Chesapeake"—an appropriate honor in light of the 10 stars Mr. Hall wore on his sleeve.

Mr. President, I ask unanimous consent that the Associated Press report of Mr. Hall's life and death, published this week in newspapers throughout Maryland, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEN-STAR "ADMIRAL" SUCCUMBS AT 77 IN ANNAPOLIS

ANNAPOLIS, Md.—Marcellus Gabriel Hall, whose familiar grin and 10 stars on an elaborate gold-braided jacket were familiar sights to dignitaries at historic Carvel Hall Hotel for 52 years, is dead at 77.

The hotel had been the home-away-from-home for state legislators until it was demolished in 1966. Only the original Paca House, which had been a part of the hotel, now stands. It has been renovated and the Paca Gardens occupy the ground where Carvel Hall once stood. They are an exact duplicate of the original, designed by former Maryland Gov. William Paca in 1763 and called the most beautiful in the colonies.

For years, Carvel Hall had been the only major hotel in this home of the U.S. Naval Academy, and Marcellus was the first friend thousands of midshipmen found here.

When they brought their dates back to the hotel after a dance, Marcellus was there to enforce the no-man's land rule above the first floor.

And as the 1 a.m. curfew neared, he would sound off with a stern, "All ashore that's going ashore."

He recalled once that he began work at the hotel as a bellboy in 1912 only as a favor to the manager.

"I agreed to do it for just one day," he grinned as he reminisced during his retirement party six years ago.

"It's been a long day."

Over 230 Maryland dignitaries, including then-Gov. J. Millard Tawes and his wife, turned out on that occasion to honor Marcellus and present him with an official "Admiral of the Chesapeake" title to go with the gold braid and 10 stars.

"It took me a little time to get up to this head table," Marcellus said then, "but as the eagle in the lobby says, 'Don't give up the ship.' "

After his retirement, Marcellus acted as a guide for Annapolis walking tours.

He died Sunday at Anne Arundel General Hospital after a brief illness.

Survivors include his widow, Sarah, a daughter, Mrs. Jeanette Tittle, and four grandchildren.

In his testimonial at the dinner honoring Marcellus six years ago Tawes remarked that "Chesapeake Bay, you know, belongs to Maryland.

"So does Marcellus."

HAZARDS OF DRUG ABUSE

Mr. MATHIAS. Mr. President, two articles in Seafarers Log, a publication of the Seafarers International Union, warning against the use of and experimentation with drugs, deserve the attention of the general public. These articles offer to the seaman, and others as well, meaningful warnings of the hazards of drug abuse.

Mr. President, in our troubled times when drug abuse seems to loom larger and larger as a danger to the public, I feel that it is useful to submit these articles to the Senate.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE VEILED DANGERS!

Horse. Barbs. Mary Jane. Speed. Downers. Bennies. You've heard of all of them.

They are narcotics. And, they are deadly danger signals which every Seafarer must avoid just as his ship steers clear of shallow water and treacherous reefs.

Narcotics are illegal. Soft, hard, pill powder or leaf—all illegal. Hallucinations, dizziness, prolonged periods of depression or euphoria, and "flashbacks" of the drug experience are results of narcotic usage.

Using drugs once and being "busted," whether on land or at sea will immediately be the end of a Seafarers career. His right to the sea—not just for a little while, but forever!

It will mean his mind and body are functioning at all times at full capacity. He is physically and mentally weakening.

And, it will hurt those who associate with the Seafarer—his family, friends and fellow shipmates. Even his ship. All will be affected by the drug user's "bust."

A ship needs each Seafarer to be alert and able to do his individual duties. If a Seafarer is popping pills or searching for veins, then he is unable to help the ship. Other crew members have to take on more responsibilities to make up for his inadequacy.

The respect of his fellow shipmates, friends and the dignity of his ship all go around when narcotics are involved. A ship with a record of a Seafarer's drug use will always be under surveillance by customs authorities and narcotics agents wherever it docks.

The crew, too, his fellow Seafarers will be under close watch. They may have been "clean," but at the expense of their drug using shipmate, they are punished.

Everyone loses in the narcotics game. There is no second chance.

All Seafarers must know the consequences of narcotics use—even once—to his job, his life, his ship and his shipmates.

The temporary "high" is not worth all the hassle and bad times that will follow the "busted" Seafarer.

Drugs—They're a Matter of a Few Hours Versus a Lifetime

Will it be a few hours or a lifetime?

That's the question facing a Seafarer who reaches for a reefer, or a needle to take him temporarily away from his world.

Nobody takes dope intent on making a lifetime out of it. They take it to get away from reality for a few hours, to "turn on." They argue it is just a diversion, just a harmless once-in-a-while thing.

But for a Seafarer it could be forever.

A Seafarer found with any kind of drug—an upper, a downer, horse, pot, speed or any of the others—is through. Through with the sea, through with his career. Beached and washed up forever.

That's a tough price to pay but there are reasons for it, good reasons. A ship needs a full crew with each man pulling his own weight at all times. A Seafarer on a "trip" can't pull his own weight. And, in an emergency that might mean death for someone else.

Aside from that, a Seafarer caught with drugs taints his ship and his shipmates in whatever port they land. That ship and those men are marked by customs officials and police all over the world. So one man's use of dope hurts a lot of others. It is not just "his own thing."

And finally, you don't have to have medical degrees to see the wreckage of lives that have come to depend on drugs. It's all around you in hollow-eyed men who have "shot" whatever chance they had to know the good life into their veins. Hopes for their recovery in this world are very slim.

So when it comes to dope, the real question is: Is it going to be for just a few hours or will it stick for a lifetime?

DEPLETED STATE OF OUR MILITARY STRENGTH

Mr. GOLDWATER. Mr. President, more and more Americans are beginning to learn of the depleted state of our military strength. A depletion which grew out of the mistakes of the 1960's. Mistakes which can place this country in such an untenable position that we will no longer be able to participate actively and with meaning in the world of nations.

I have long been concerned with this decline, and I have addressed myself to the problem at every opportunity.

The Air Force Association through its excellent publication, the Air Force magazine, has published in its December issue, a lengthy but, however, complete paper on "The Military Balance." I realize that it is long, but it covers the entire world, not only the Soviets and America. Knowing that Senators will have time on their hands during the recess, I want to have the opportunity of reading the truth about the world power picture.

I ask unanimous consent that the entire article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Introduction—The Military Balance, 1971–72

For the past several years, Aerospace International magazine—a publication inaugurated by the US Air Force Association in 1965 and edited specifically to fulfill the information requirements of aerospace leaders around the world—has presented as a year-end bonus "The Military Balance."

Now, for the first time, Air Force Magazine and Aerospace International are joining forces to bring "The Military Balance" to their respective readers both in the US and in the international aerospace community.

"The Military Balance" is an authoritative estimate of the makeup and size of the world's most important military forces. It is prepared annually by the renowned International Institute for Strategic Studies, based in London, and appears exclusively in Air Force Magazine/Aerospace International through a special arrangement with the Institute. "The Military Balance" should provide an informative and handy guide for military and civilian readers alike.

ABBREVIATIONS

AA: Antiaircraft.
AAM: Air-to-air missile(s).
ABM: Antiballistic missile(s).
AEW: Airborne early warning.
AGM: Air-to-ground missile(s).
APC: Armored personnel carrier(s).
ASM: Air-to-surface missile(s).
ASW: Antisubmarine warfare.
ATGW: Antitank guided weapon(s).
AWX: All-weather fighter(s).
BMD: Ballistic missile defense.
CENTO: Central Treaty Organization.
COIN: Counterinsurgency.
DDG: Destroyer, guided missile.
DEG: Destroyer/escort, guided missile.
FGA: Fighter, ground attack.
FPB: Fast patrol boat(s).
GA: Ground attack.
GM: Guided missile.
GNP: Gross national product.
GW: Guided weapon(s).
ICBM: Intercontinental ballistic missile(s).
IRBM: Intermediate-range ballistic missile(s).
LPH: Helicopter landing platform.
LST: Landing ship, tank.
MIRV: Multiple independently targetable reentry vehicles(s).
MR: Maritime reconnaissance.
MRBM: Medium-range ballistic missile(s).
MRV: Multiple reentry vehicles(s).
MTB: Motor torpedo boat(s).
NATO: North Atlantic Treaty Organization.
RCT: Regimental combat team.
RL: Rocket launcher(s).
SACEUR: Supreme Allied Commander, Europe.
SAM: Surface-to-air missile(s).
SAR: Search and rescue.
SEATO: Southeast Asia Treaty Organization.
SHAPE: Supreme Headquarters, Allied Powers in Europe.
SLBM: Submarine-launched ballistic missile(s).
SP: Self-propelled.
SRBM: Short-range ballistic missile(s).
SSBN: Ballistic missile submarine, nuclear.
SSM: Surface-to-surface missile(s).
S/VTOL: Short/vertical takeoff and landing.

All miles are statute miles (5,280 feet).

The International Institute for Strategic Studies was founded in 1958 as a center for research and discussion regarding defense, arms control, disarmament, and related activities. Since then, it has grown in recognition and prestige to become the authority in its field.

John F. Loosbrock, Editor of both Air Force Magazine and Aerospace International, has been a member of the Institute since its inception.

"The Military Balance for 1971–1972" recognizes the reality of the military status quo as it exists in the world today. Therefore, in the document's compilation, it presents as a first section a breakdown of the armed forces of the world's two military superpowers—the United States and the Soviet Union (Chapter I). These two nations constitute, as they have since the conclusion of World War II, the globe's central major strategic balance.

The second main section of "The Military Balance for 1971–1972" is comprised of the respective forces in Europe: the Warsaw Pact signatories (Chapter II), the NATO-aligned countries (Chapter III), and the other nations of Europe (Chapter IV).

The military forces of the countries of the Middle East and Mediterranean areas (Chapter V) and the powers in Sub-Saharan Africa (Chapter VI) form the third main section, while China (Chapter VII) and the rest of Asia and Australasia (Chapter VIII) make up the fourth main section.

Chapter IX contains relevant tables, and "The Military Balance" concludes with Chapter X, an essay on "The Military Balance Between NATO and the Warsaw Pact" nations, appearing as the Appendix.

In preparing "The Military Balance for 1971–1972" the Institute sought, and in most cases received, the cooperation of the governments involved. However, since not all countries have been equally cooperative in producing information, some figures represent informal estimates.

The Institute, in its Preface, when this document was originally published in September, also noted that the Latin American nations were omitted from this year's "Military Balance" tabulation, but that coverage of that part of the world would be reintroduced next year.

Manpower figures contained in these pages are those of regular forces, although an indication of the size of paramilitary, militia, and reserve forces has been given for the individual countries.

Except where otherwise stated, naval strengths are those of active fleets, and vessels of less than 100 tons have usually been excluded.

Figures for defense budgets are the latest available and are generally exclusive of military aid.

National currency figures have been converted into U.S. dollars at the prevailing rates, as reported to the International Monetary Fund, except in cases of some European countries that are not members of the IMF. In view of this, the conversion rates listed in each country's section may not always be applicable to commercial transactions.

The Editors.

Chapter I—The United States and the Soviet Union

Whatever their other commitments or capabilities, the primary mission of American armed forces remains the deterrence of a strategic attack, necessarily with nuclear weapons, upon the United States. The principal object of that deterrence is the only other "superpower," the Soviet Union, with China as a subsidiary object of potentially increasing importance. Conversely, although less explicitly, Soviet strategic nuclear forces appear to be designed primarily to deter an American strategic attack upon the Soviet Union. The strategic forces and weapons of both super-powers have capabilities that, at least in theory, go beyond reciprocal deterrence, to the point of offering some prospect of limiting the damage either would suffer should a strategic nuclear war occur. They also provide means of deterring lesser nuclear powers. In terms of intentions, however, it seems that deterrence of each other represents the first priority for both countries.

Soviet and American representatives have been engaged since November 1969 in an effort to agree upon the mutual limitation of strategic nuclear forces. These Strategic Arms Limitation Talks (SALT) have not yet produced any formal agreement, although the governments issued a statement on May 20, 1971, in which they spoke of working out an agreement during the remaining months of the year that would limit the deployment of antiballistic missile (ABM) systems and that would also include "certain measures" of limitation on offensive weapons. Meanwhile, the expansion or modernization of strategic nuclear forces has continued on both sides. The Soviet Union, having matched the American total of offensive strategic missiles, has continued to deploy additional intercontinental ballistic missiles (ICBMs) on land, to construct additional ballistic-missile submarines, and to develop more effective weapons for its offensive forces. At the same time, the United States has embarked upon an extensive modernization of its strategic offensive weapons which, over the next four years, will add considerably to the number and effectiveness of the nuclear warheads which its own land- and sea-based forces can deliver. Both countries have also pursued attempts to deploy an effective ABM system: the Soviet Union by improving the small system that it already has, the United States by starting deployment of the *Safeguard* system, which was announced in 1969.

With an estimated total of 1,510 ICBMs (about 100 of which are positioned in MR/IRBM fields, and may, therefore, be intended for possible use against targets other than the United States), the Soviet Union has now surpassed the United States ICBM force of 1,054. Soviet deployment has, however, slowed down considerably since the beginning of 1970 and may have reached, or be approaching, its planned level. A number of underground silos of a new type have been observed, but it is not clear whether these are intended to fire a new ICBM (of which no other evidence has been reported) or to provide added protection for missiles of existing types, and especially for the large SS–9 missile. If, as seems possible, the latter is the case, this improvement of the silo for the SS–9 system will match the testing of an SS–9 multiple-warhead cluster, containing three reentry vehicles, in which the Soviet Union has been actively engaged since 1968.

The United States has made no effort to increase its total of ICBM launchers. it has, however, continued the replacement of *Minuteman I* missiles with *Minuteman III* missiles, which began in 1970. Over 500 *Minuteman III* launchers, each of which carries three independently targeter warheads, are to be deployed, under present plans, by 1975. This will have the effect of doubling the number of targets at which the total *Minuteman* force can strike.

Although the Soviet Union has continued to launch Y-class ballistic-missile submarines now at a rate of seven or eight a year, it has not yet overtaken the United States in this field. It now has about 350 SLBMs in nuclear-powered submarines (of which some 320 are in modern Y-class boats), in contrast with the 656 launchers in the parallel American force. In terms of launcher totals, the Soviet Union's construction program continues to bring it closer to the United States at a rate that could produce numerical equality by 1974. Moreover, the Soviet Union has been testing a new SLBM that, with its estimated range of some 3,000 miles, would be comparable to the American *Polaris* vehicle. Meanwhile, the United States has begun to deploy the more advanced *Poseidon* SLBM, with at least ten independently targeted reentry vehicles. The first submarine equipped with *Poseidon* became operational during early 1971; the completion of the planned program for converting thirty-one boats would raise the total number of nuclear warheads deliverable by the American SLBM force from about 1,500 (capable of attacking 656 separate targets) to over 5,400 (capable of attacking some 5,000 separate targets). For the longer term, development work continues on an Undersea Long-Range Missile System (ULMS), which might replace the *Poseidon* submarines themselves at the end of the 1970s.

In contrast with the quantitative reinforcement of their offensive missile forces, the Soviet Union and the United States have continued to allow their strategic bomber forces to dwindle. The number of American B–52 bombers in service has dropped to well below 500, while the Soviet force of MYA–4 Bison and TU–20 Bear bombers is now estimated at 140 aircraft (with an additional fifty Bison tankers). On the American side, however, the effectiveness of the B–52 force is likely to be greatly increased by the introduction of the new Short-Range Attack Missile (SRAM), which has been ordered into production and which is expected to have an operational range of sixty to seventy-five miles. Each B–52 could carry up to twenty-four SRAM, while the proposed B–1 bomber, prototype development of which is under way would, if produced, be able to carry some thirty-two SRAM when it became operational about 1978. The total number of nuclear weapons deliverable by the American strategic bomber force is thus likely to rise sharply during the next five years. The Soviet Union has shown no apparent interest in matching this particular effort. The prototype of a new variable-geometry ("swingwing") bomber has been observed, but it is not clear that, even if produced, it would have an effective intercontinental capability, and there have been no reports of any attempt to develop air-to-surface missiles for it (or for existing Soviet bombers) of a type comparable to SRAM.

The Soviet Union, with some 10,000 anti-aircraft missiles (SAM) and 3,000 interceptor aircraft, has devoted a great deal more effort to territorial air defense than the United States, although the latter has continued development of its Over-the-Horizon (OTH–B) radar system, designed to detect attacking aircraft at great range, and of an Airborne Warning and Control System (AWACS), designed to track aircraft flying below the coverage of other radar systems. Both countries have continued to devote efforts to developing means of defense against ballistic missiles. The Soviet Union, which completed deployment around Moscow of sixty-four ABM launchers for its Galosh missile in 1970, has been testing an improved ABM missile and may be ready to begin its deployment. It does not appear, however, to have modified the basic orientation of its ABM system, whose missiles and radars are deployed in a manner that suggests a strong bias toward defense against an attack by American ICBMs. The United States has begun work on three sites for its Safeguard ABM system, each containing long-range Spartan and short-range Sprint missiles for the protection of a part of the Minuteman force against ICBM or SLBM attack; the first could be operational at the end of 1974. Funds have also been requested for a fourth site, either at an additional Minuteman field or at Washington, D.C., as well as for the continuation of development work on an alternative system, known as Hard Site (this would replace the Safeguard Missile Site Radars (MSR) with a large number of smaller and cheaper radars), for the more economical and less vulnerable defense of Minuteman. On both sides, however, continued deployment of ABM launchers now depends heavily upon the outcome of the SALT negotiations.

The manpower strength of American conventional forces has declined from the 1968 peak of over 3.5 million to the "pre-Vietnam" level of 2.7 million and is well on the way toward the 1972 target of 2.5 million. At the same time, withdrawals from Vietnam and South Korea and the redeployment of units from Japan have marked the further contraction of American military deployment in Asia. No parallel manpower reductions or deployment changes have been apparent in the Soviet case. As far as navies are concerned, the American tendency to reduce the active ship strength, while improving its quality, has been generally followed by the Soviet Union. Both navies have reduced overall numbers while continuing with modernization.

THE UNITED STATES

General

Population: 208,100,000.

Military service: selective service for two years. (A reform of the selective service system is being worked on. July 1, 1973, has been set as the target date for reaching zero draft calls.)

Total armed forces: 2,699,000.

Estimated GNP 1970: $977,000,000,000.

Defense budget 1971–72: $78,743,000,000. (New obligation authority for FY 1971–72; expected outlay is $76,000,000,000.)

Strategic Forces

(a) Offensive

ICBM: 1,054 (Strategic Air Command—SAC); 400 *Minuteman Is*; 500 *Minuteman IIs*; 100 *Minuteman IIIs*; fifty-four *Titan IIs*.

SLBM: (US Navy) 656 in forty-one SSBMs: four with *Poseidon* (four more are converting); twenty-seven with *Polaris A–3s*; ten with *Polaris A–2s*.

Aircraft (SAC): bombers: 520; seventy FB–111s in four squadrons; 150 B–52C/Fs in ten squadrons (two squadrons of B–52s and about 100 KC–135s are based in Southeast Asia); 210 B–52G/Hs in fourteen squadrons; ninety B–52s in active storage; tankers: 420 KC–135s; strategic reconnaissance: SR–71s; two squadrons.

(b) Defensive

North American Air Defense Command (NORAD), with its headquarters at Colorado Springs, Colo., is a joint Canadian-American organization. American forces under NORAD are Aerospace Defense Command (ADC) and Army Defense Command (ARADCOM); combined strength 80,000.

Aircraft (excluding Canadian). Interceptors: 522. Regular: eleven squadrons with F–106s. National Guard: five squadrons with F–101s; twelve squadrons with F–102s; one squadron with F–104s. AEW aircraft: three squadrons with EC–121s.

SAM. Regular: two battalions with *Hawks*; five squadrons with 170 *Bomarc* Bs. National Guard: twenty-seven batteries with *Nike-Hercules*.

Radar and tracking stations—a chain including: the Ballistic Missile Early Warning System (BMEWS), with stations in Alaska, Greenland, and England; the "forward scatter" Over-the-Horizon radar system (this radar-system can detect ICBMs regardless of the direction or trajectory of their launch); the *Pinetree* Line; the thirty-three-radar Distant Early Warning (DEW) Line. Surveillance and tracking of objects in North American airspace is coordinated by the Semi-Automatic Ground Environment (SAGE) system. Fourteen locations are combined with Backup Interceptor Control (BUIC) stations. A system (474N) of seven radar stations on the East, West, and Gulf Coasts of the United States is designed specifically for the detection of submarine-launched missiles.

Army: 1,107,000.

Three armored divisions; one cavalry division; four infantry divisions (mechanized); two infantry divisions; two airborne divisions; one cavalry brigade; three independent infantry brigades; one airborne brigade; five armored cavalry regiments; five special forces groups; thirty SSM batteries. About 200 independent aviation units with 11,600 aircraft, including 9,000 helicopters, M–48 and M–60 medium tanks; M–60 AIE2 medium and M–551 *Sheridan* light tanks with *Sheillelagh*; M–107 175-mm self-propelled guns, M–109 155-mm and M–110 203-mm self-propelled howitzers; *Honest John, Sergeant,* and *Pershing* SSMs; *Hawk* and *Nike-Hercules* SAMs; the *Chaparral/Vulcan* air defense system; and the *TOW* antitank guided weapons system.

Reserves. Army National Guard: 400,000 men capable, in five weeks from mobilization, of providing eight full divisions and some smaller units to round out regular formations, and thirty-six SAM batteries with *Nike-Hercules*. Army Reserves: average paid training strength 260,000, organized in twenty-one brigades. In addition, 48,000 undergo short tours of active duty.

Marine Corps: 212,000.

Three divisions (19,000 men), each supported by one tank battalion and one SAM battalion with twenty-four *Hawks*; M–48 and M–103 tanks; 105-mm SP howitzers; 105-mm and 155-mm howitzers; 175-mm guns. Three air wings, 540 combat aircraft; fourteen fighter squadrons with F–4s (with *Sparrow* and *Sidewinder AAM*); twelve attack squadrons, with A–6s and A–4s; one close-support squadron with AV–8A *Harriers*; three recce squadrons with RF–4Bs and RF–8s; forty-five AH–1 *Cobra* gunship helicopters; six heavy helicopter squadrons with CH–53As; nine medium helicopter squadrons with CH–46As; three assault transport squadrons with C–130s.

Reserves. Average paid training strength 49,500, plus paid training tours for a further 560. They form a reserve division and an associated air wing, which includes four squadrons with F–8s, five squadrons with A–4s, two squadrons with CH–53s, and three squadrons with CH–46s.

Deployment. Ground forces, Army and Marines, were deployed as follows at the beginning of July 1971. Continental United States: (1) Strategic Reserve—one armored division; one cavalry division; one airborne division; one mechanized infantry division; two Marine divisions; one Marine brigade; one armored cavalry regiment; (2) To reinforce Seventh Army in Europe—one mechanized infantry division (less one brigade; this division is dual based and its heavy equipment is stored in West Germany); one armored cavalry regiment; one Special Forces group; (3) Other—one infantry brigade; one airborne brigade; one armored cavalry regiment; two Special Forces groups. Hawaii: one infantry brigade; one Marine division (less one brigade). Germany: (1) Seventh Army—two corps include two armored divisions, two armored cavalry regiments, two infantry divisions (mechanized); one infantry brigade (mechanized); (2) West Berlin—one infantry brigade. Italy: Task Force with headquarters elements and one SSM battalion. South Vietnam: one infantry division; one airborne division; one cavalry brigade; one mechanized brigade. South Korea: one infantry division. Okinawa: one Special Forces group.

Navy

Submarines, attack: fifty-three nuclear powered (forty with Subroc), and forty-six diesel powered.

Aircraft carriers. (1) Attack: fifteen. One nuclear powered (USS Enterprise, 76,000 tons), eight Forrestal, and Kitty Hawk-class (60,000 tons), three Midway-class (52,000 tons), and three Hancock-class (33,000 tons). Each normally carries an air wing of seventy to eight-five aircraft organized in two fighter squadrons with F–4s (F–8s in the Hancock-class); two light attack squadrons; one AWX squadron with A–6s; and AEW, tanker, and reconnaissance aircraft. Light attack aircraft include A–4s and A–7s (the A–7s eventually due to replace the A–4s). RA–5Cs are used for reconnaissance (RF–8Gs in the Hancock-class). E–2As and E–1Bs are used for AEW, and a few KA–3Bs as tankers. (2) Antisubmarine: three Essex-class, each with fifty-two aircraft and helicopters, including A–4Cs for air defense, S–2Es for longrange search, and SH–3 helicopters.

Other surface ships. One nuclear-powered guided-missile cruiser; three guided-missile cruisers; four guided-missile light cruisers; one gun cruiser; two nuclear-powered guided missile frigates; twenty-eight guided-missile frigates; twenty-nine guided-missile destroyers; ninety-two gun/ASW destroyers; six guided-missile destroyer escorts; fifty-one destroyer escorts; four radar-picket escorts (guided missiles in service are Tartar, Talos, and Terrier SAMs, and Asroc and Subroc ASWs); eighty-one amphibious warfare ships, including seven helicopter landing platforms (LPH); fifty-two landing craft; forty-two ocean minesweepers; 178 logistics, operational support, and small patrol ships.

Shore-based aircraft. Twenty-four maritime patrol squadrons with 216 P–3s. Transports include C–47s, C–54s, C–118s, C–119s, C–130s, and C131s.

Deployment. Fleets: First (Eastern Pacific), Second (Atlantic), Sixth (Mediterranean), Seventh (Western Pacific).

Reserves. Average paid training strength 127,000 plus paid training tours for a further 3,500. Training Fleet: Sixteen submarines; thirty destroyers; six ocean minesweepers; thirteen coastal minesweepers; thirty-five squadrons of fixed-wing aircraft including A–4 and A–7 fighters, P–2 and P–3A maritime patrol aircraft, and four helicopter squadrons. Air Force: 757,000; 6,000 combat aircraft (figures for manpower include strategic air forces).

General purpose forces include: (1) Tactical Air Command: 110,000; about 1,000 aircraft normally based in the United States. Twenty-three F–4, four F–105, one A–7D, and four F–111 fighter squadrons; nine tactical reconnaissance squadrons with RF-4Cs; sixteen assault airlift squadrons with C–180Es; four STOL airlift squadrons; with C-7s and C-123s; two electronic warfare squadrons; seven special operations squadrons with A-37s, AC-119s, C-123Ks, and AC-130s. (2) US Air Forces Europe (USAFE): 50,000, controlling Third Air Force (Britain), Sixteenth Air Force (Spain), Seventeenth Air Force (West Germany), and a Logistics Group in Turkey. Twenty-one fighter squadrons (and four in USA on call to USAFE) with 475 F-100s, F-4C/D/Es, and F-111Es; five tactical reconnaissance squadrons with eighty-five RF-4Cs; two transport squadrons with C–130s. (3) Pacific Air Forces (PACAF): 120,000, controlling: Fifth Air Force: over 25,000 (bases in Japan, Korea, and Okinawa) with F–4s, RF–4Cs, and C–130s. Thirteenth Air Force: about 32,000 (responsible for the Philippines, Taiwan, and Thailand, and all joint planning under SEATO), with F-4s, F-105s, RF-4Cs, and C-130s (of which 160 F-4s, a few F-105s, and forty RF-4s fly from Thailand). Seventh Air Force: 33,500 (the air component of the Military Assistance Command Vietnam, coordinating the operations of the Vietnamese Air Force); 200 F-4C and A-37 fighter-bombers; forty RF-4 reconnaissance aircraft; 150 A–1E, A–37A, AC–119, AC-130, and C-123 counterinsurgency aircraft; seventy-five C–7A assault airlift aircraft; a large number of observation and liaison aircraft, and helicopters. (4) Military Airlift Command (MAC): 90,000. Eighteen heavy transport squadrons with thirty-five C-133s, 260 C-141s, and twenty-five C-5As; twenty-four medical transport, weather reconnaissance, and search and rescue (SAR) squadrons.

Reserves: Air National Guard: 89,000; 1,500 aircraft in sixteen fighter-interceptor, twenty-eight tactical fighter and attack, eleven tactical reconnaissance, three tactical air support, four special operations, seven tanker, and twenty-two air transport squadrons.

Air Force Reserve: average paid training strength of 48,400 plus training tours for a further 2,600; 400 aircraft in thirty-six squadrons include two C–119, thirteen C–124, and eighteen C–130 transport squadrons (the others have tactical support, special operations, and SAR roles).

THE SOVIET UNION

General

Population: 245,700,000.

Military service: Army and Air Force, two years; Navy and Border Guards, three years.

Total armed forces: 3,375,000.

Estimated GNP 1970: $490,000,000,000.

Defense budget 1971: 17,854,000,000 rubles or $39,700,000,000 (0.40–0.50 rubles=$1).

(The official exchange rate is 0.90 rubles=$1. The ruble figure represents the declared budget of the Ministry of Defense and does not include certain expenditures such as the cost of nuclear warheads, research and development expenditures on advanced weapons systems, and the military elements of the space program, which are believed to be included in the budget of other ministries. Total military expenditure could be of the order of $55,000,000,000.)

Strategic Forces

(a) Offensive (Strategic Rocket Forces [SRF]—350,000). The Strategic Rocket Forces are a separate service, with their own manpower.

ICBM: about 1,510. 220 SS–7s and SS–8s; 280 SS–9s; 950 SS–11s (about 100 have been sited in IRBM/MRBM fields and may have a variable range capability); sixty SS–13s (solid fueled).

IRBM and *MRBM:* about 700. 100 SS–5 IRBMs; 600 SS–4 MRBMs (IRBMs and MRBMs are sited near the southern, eastern, and western borders of the USSR; about seventy cover targets in China and Japan; and about 630 targets in Western Europe).

SLMB: 440 in sixty-one submarines (Navy). Twenty SSBN each with sixteen SS–N–6 missiles; ten SSBN and sixteen diesel each with three SS–N–5 missiles; twelve diesel each with three SS–N–4 missiles; three diesel each with two SS–N–4 missiles.

Aircraft (Long Range Air Force): About seventy-five percent is based on European USSR, with most of the remainder in the Far East:: in addition, it has staging and dispersal points in the Arctic. Long-range bombers: 140, 100 TU–20 *Bears* and forty MYA–4 *Bisons*. Tankers: fifty *Bison*. Medium bombers, 700; 500 TUX16 *Badgers* and 200 *Blinders*. (b) Defensive.

Air Defense Command (PCO-*Strany*) is a separate command of antiaircraft artillery and surface-to-air missile units, using an early-warning system based on radar, and fighter-interceptor squadrons for identification and interception; total strength 500,000 (250,000 from Army and 250,000 from Air Force).

Aircraft: about 3,200. Interceptors: mostly MIG–19s, MIG–21s, and SU–9s with a few MIG–17s still in service. Newer aircraft include the YAK–28P and TU–28, and more recently, the SU–11 and MIG–23. Many of these aircraft carry air-to-air missiles (AAM). AEW aircraft: some modified TU–114s with the designation *Moss*.

Antiballistic Missiles (ABM). *Galosh:* sixty-four launchers for these multistage missiles are deployed around Moscow. They are believed to have a range of more than 200 miles and to carry a nuclear warhead is the megaton range.

SAM. SA–1: An early vintage AA missile. SA–2: about 8,000. A two-stage boosted AA missile, slant range (from launch to contact with target) about twenty-five miles, effective between 3,000 and 80,000 feet. SA–3: A two-stage missile, probably intended for short-range defense against low-flying aircraft, to supplement SA–2. It has a slant range of about fifteen miles. SA–4: An air-transportable, mobile AA missile with solid-fuel boosters. They are twin mounted on tracked carriers and assigned to ground forces in the field. SA–5: A two-stage boosted missile developed in a long-range AA role. SA–6: A triple-mounted missile on a tracked vehicle. It is entering service as a defense against low-flying aircraft to supplement SA–4 in the field forces.

Antiaircraft Artillery. 14.5–mm, 23–mm, 57–mm guns and ZSU–57–2 twin-barrel and ZSU–23.4 four-barrel self-propelled guns on tank chassis.

Army: 2,000,000 (including elements in the Air Defense Command).

One hundred and two motorized rifle divisions; fifty-one tank divisions; seven airborne divisions. Tactical nuclear missile units are organic to formations. T–10 heavy tanks; T–62 and T–54/–55 medium tanks; PT–76 amphibious recce light tanks (most Soviet tanks are equipped for amphibious crossing by deep wading, and many carry infrared night-fighting equipment). At full strength, tank divisions have 325 medium tanks and motorized rifle divisions 175. SP assault guns (in airborne divisions only); 100–mm, 122–mm, 130–mm, 152–mm, and 203–mm guns; 57–mm, 85–mm, 100–mm, 120–mm, and 130–mm antitank guns; Scud Scaleboard FROG SSMs, mounted on modified tank chassis and wheeled launchers; Shaddock cruise SSM; Snapper, Swatter, and Sagger ATGW. The Soviet Army also has a considerable air defense capability, including SAMs.

Deployment. Central and Eastern Europe: Thirty-one divisions of which twenty divisions (ten tank) are in East Germany; two tank divisions in Poland; four divisions (two tank) in Hungary; and five divisions in Czechoslovakia. European USSR: sixty divisions. Central USSR (between the Ural Mountains and Lake Baikal): eight divisions. Southern USSR (Caucasus and West Turkestan): twenty-eight divisions.

Sino-Soviet border area: Thirty-three divisions (ten tank) include two divisions in Mongolia. The thirty-one divisions in Eastern Europe are maintained at or near combat strength, as are about fifteen of those in the Far East. The other divisions in the Far East are probably in the second category of readiness: below combat strength, but not requiring major reinforcement in the event of war. Most of the remaining combat-ready divisions are in European USSR, while the divisions in central USSR would mostly require major reinforcement, as would ten of the divisions in southern USSR. Outside the Warsaw Pact area (mostly as instructors and advisers). 1,000 in Cuba, 15,000 to 20,000 in Egypt, 1,000 in Sudan, 1,000 in Syria, 1,500 in Algeria, and 1,000 in North Vietnam.

Navy: 475,000 (including Naval Air Force of 75,000).

Submarines (excluding ballistic-missile vessels. Attack: Twenty-five nuclear powered; 210 diesel powered. Cruise-missile: Thirty-five nuclear powered and twenty-five diesel powered (with four to eight 300-mile-range missiles).

Surface ships. Two ASW helicopter cruisers with SAM, and up to twenty KA–25 helicopters; two *Kresta II*-class cruisers with (horizon range) surface-to-surface cruise missiles (SSCMs) and SAMs; four *Kresta-I* class cruisers with SSCMs and SAMs; four *Kynda*-class cruisers with SSCMs and SAMs; eight *Sverdlov*-class and two older cruisers (one with SAMs); one *Krivak*-class destroyer with SSCMs and SAMs; six *Kanin*-class destroyers with SAMs; three *Krupny-class* destroyers with SSCMs; four *Kildin*-class destroyers with SSCMs; seventeen *Kashin*-class destroyers with SAMs; nine modified *Kotlin*-class destroyers with SAMs; twenty-three *Kotlin*-class destroyers; forty *Skory*- and modified *Skory*-class destroyers; 105 other ocean-going escorts; 250 coastal escorts and submarine chasers; 110 *Osa*- and thirty *Komar*-class patrol boats with SSCMs; 250 fast patrol boats; 180 fleet minesweepers; 125 coastal minesweepers; 105 landing ships and numerous landing craft; some trawlers are used for electronic intelligence. All submarines and the larger surface vessels not fitted with SSMs are equipped for minelaying. A proportion of the destroyers and smaller vessels may not be fully manned.

Shore-based aircraft. Bombers: 500, most based near the northwest and Black Sea coasts of the USSR. 300 TU–16s with *Kipper* or *Kelt* ASMs; 100 TU–16 reconnaissance and tanker aircraft (replacement of the reconnaissance version with the TU–22 *Blinder* has begun); fifty IL–28 torpedo-equipped light bombers; fifty TU–20 long-range naval reconnaissance.

Other aircraft and helicopters—500. Seventy-five BE–12 AASW amphibians; twenty-five IL–18 *May* ASW aircraft; 200 MI–4 and KA–25 ASW helicopters; 200 miscellaneous transports.

Naval Infantry—about 15,000.

Deployment: Arctic, Baltic, Black Sea, and Far East Fleets.

Air Force: 550,000: 10,000 combat aircraft. (1) The Long Range Air Force. (2) Tactical Air Force: altogether about 5,000 aircraft, including light bombers, fighters, helicopters, transport, and reconnaissance aircraft. Some obsolescent MIG–17s, MIG–19s, and IL–28s are still in service. The most notable high-performance aircraft are the MIG–21J and YAK–28P *Firebar* fighters; the ground-attack SU–7; and the supersonic light-bomber YAK–28. Ground-attack aircraft are equipped with a variety of air-to-ground rockets. The variable-geometry *Flogger* may be about to enter service. (3) Air Defense Command and (4) Naval Air Force. (5) Air Transport Force: about 1,700 aircraft. IL–14, AN–24, some 800 AN–12 and IL–18 medium transports and ten AN–22 heavy transports.

There are, in addition, civil airliners of *Aeroflot*, some of which could be adapted to military use; these include about 275 long- and medium-range TU–104s, TU–114s, TU–124s, and TU–134s.

About 800 helicopters in use with the ground forces including troop-carrying MI–6s and MI–8s and the heavy load carrier MI–10. The MI–12, a very heavy load carrier, may soon enter service. The total helicopter inventory is probably around 1,750.

Paramilitary forces: 300,000.

125,000 security troops; 175,000 border troops. There are also about 1,500,000 members of the part-time military training organization (DOSAAF) who take part in such recreational activities as athletics, shooting, and parachuting, but reservist training and refresher courses seem to be haphazard and irregular. However, DOSAAF assists in pre-military training being given in schools, colleges, and workers' centers to those of sixteen years and over.

CHAPTER II—THE WARSAW PACT

TREATIES

The Warsaw Pact is a mutlilateral military alliance formed by a "Treaty of Friendship, Mutual Assistance, and Cooperation" signed in Warsaw on May 14, 1955, by the governments of the Soviet Union, Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Romania (Albania denounced the pact in September 1968). According to East European documentary sources, the pact is committed to the defense of only the European territories of the member states.

The Soviet Union is also linked by bilateral treaties of friendship and mutual assistance with Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Romania. All present members of the Warsaw Pact also have similar bilateral treaties with each other. The Soviet Union concluded status-of-forces agreements with Poland, East Germany, Romania, and Hungary between December 1956 and May 1957, and with Czechoslovakia in October 1968; all these remain in effect except the one with Romania, which lapsed in June 1958 when Soviet troops left Romania. The essence of East European defense arrangements is not, therefore, dependent on the Warsaw Treaty as such.

ORGANIZATION

The Organization of the Warsaw Pact has two main bodies. The first, the Political Consultative Committee, consists, in full session, of the First Secretaries of the Communist Party, heads of government, and the Foreign and Defense Ministers of the member countries. It met twice in the year up to July 1971, at which point there had been seventeen meetings in all. (Some of these meetings have been entitled Meetings of Ministers.) The Committee has a Joint Secretariat, headed by a Soviet officer, consisting of a specially appointed official from each country, and a Permanent Commission, whose task is to make recommendations on general questions of foreign policy for pact members. Both these bodies are located in Moscow.

The second body, the Joint High Command, is directed, according to the Treaty, "to strengthen the defensive capability of the Warsaw Pact, to prepare military plans in case of war, and to decide on the deployment of troops." The Command consists of a Commander in Chief (CinC), a Defense Committee, made up of the six Defense Ministers of the pact, which acts as an advisory body, and a Military Council. This body, which is modeled on a similar organization in the Soviet Armed Forces, meets under the chairmanship of the CinC, and includes the Chief of Staff (CS) and permanent military representatives from each of the allied armed forces. (It seems to be the main channel through which the pact's orders are transmitted to its forces in peacetime, and through which the East European forces are able to put their point of view to the CinC.) The pact also has a Military Staff, which has been enlarged by additional non-Soviet senior officers. The posts of CinC and CS of the Joint High Command have, however, always been held by Soviet officers, and most of the key positions are still in Soviet hands. In the event of war, the forces of the other Pact members would be operationally subordinate to the Soviet High Command. The Command of the air defense system covering the whole Warsaw Pact area is centralized in Moscow and directed by the CinC of the Soviet Air Defense Forces.

The Soviet forces in the Warsaw Pact area are organized as the Northern Group of Forces, with headquarters at Legnica in Poland; the Southern Group of Forces, with headquarters at Budapest; the Group of Soviet Forces in Germany, with headquarters at Zossen-Wünsdorf, near Berlin; and the Central Group of Forces, consisting of five divisions in Czechoslovakia, with headquarters at Milovice, north of Prague. Soviet tactical air forces are stationed in Poland, East Germany, Hungary, and Czechoslovakia.

The Soviet Union has deployed tactical nuclear missiles in Eastern Europe. Most East European countries have displayed short-range SSM launchers, but there is no evidence that nuclear warheads for these missiles have been supplied to these countries. Soviet MRBMs (and other strategic weapons) are based in the Soviet Union and remain under Soviet control.

BULGARIA

Population: 8,555,000.

Military service: Army and Air Force, two years; Navy, three years.

Total regular forces: 148,000.

Estimated GNP 1970: $8,900,000,000.

Defense expenditure 1970: 324,000,000 leva or $279,000,000 (1.16 leval=$1).

Army: 117,000.

Eight motorized rifle divisions (three

cadre); five tank brigades; thirty JS–3 and T–10 heavy tanks; about 1,900 medium tanks, mainly T–54s, with some T–34s, T–55s, and T–62s; PT–76 light tanks, and BTR–40P scout cars; BTR–50, BTR–60, and BTR–152 armored personnel carriers; more than 500 85-mm, 122-mm, and 152-mm guns; SU–100 and JSU–122-mm shelf-propelled guns; *FROG* and *SCUD* SSMs; 57-mm, 85-mm, and 100-mm antitank guns; *Snapper, Swatter,* and *Sagger* antitank guided weapons; ZSU–57 self-propelled AA guns; SA–2 SAMs.

Navy: 9,000.

Two submarines; two escorts; eight coastal escorts; two minesweepers; two minehunters; four inshore minesweepers; twelve motor torpedo boats (eight less than 100 tons); fourteen landing craft; a small Danube flotilla.

Air Force: 22,000; 252 combat aircraft (twelve aircraft in a combat squadron).

Six fighter-bomber squadrons with MIG–17s; four interceptor squadrons with MIG–21s; three interceptor squadrons with MIG–19s; five interceptor squadrons with MIG–17s; one reconnaissance squadron with IL–28s; two reconnaissance squadrons with MIG–17Cs; four LI–2, six AN–2, and ten IL–14 transports; about forty MI–4 helicopters; one parachute regiment.

Paramilitary forces.

15,000, including border security troops; a volunteer People's Militia of 150,000.

CZECHOSLOVAKIA

Population: 14,700,000.

Military service: Army twenty-four months; Air Force twenty-seven months.

Total regular forces: 185,000.

Estimated GNP 1970: $30,300,000,000.

Defense expenditure 1970: 15,000,000,000 crowns or $1,765,000,000 (8.0 crowns = $1).

Army: 145,000.

Four tank divisions; eight motorized rifle divisions; one airborne brigade (all about seventy percent of strength except two cadre motorized rifle divisions at thirty percent strength); about 100 JS-3 and T-10 heavy tanks: about 3,400 medium tanks, mostly T-55s and T-62s, with some T-54s and T34s; OT-65 and FUG-1966 scout cars; BTR-50P, BTR–152, OT–62, and OT–64 armored personnel carriers; SU-100, SU-122, JSU-152 self-propelled guns; 82-mm and 120-mm mortars; *FROG* and *SCUD* SSMs; 57-mm, 85-mm, and 100mm antitank guns; *Snapper, Swatter,* and *Sagger* antitank guided weapons; 47-mm twin self-propelled and 30-mm AA guns; SA-2 SAMs.

Air Force: 40,000; 504 combat aircraft (fourteen aircraft in a combat squadron).

Twelve ground-support squadrons with IL–28s, SU–7s, MIG–15s, and MIG–17s; eighteen interceptor squadrons with MIG-17s, MIG-19s, and MIG-21s; six reconnaissance squadrons with MIG-15s, and L-29s; about fifty LI-2, IL-14, and IL-18 transports; about ninety MI-1, MI-4, and MI-8 helicopters.

Paramilitary forces:

Border troops (*Pohranicki straz*): 35,000; a part-time People's Militia of about 120,000 is being increased to 250,000.

GERMAN DEMOCRATIC REPUBLIC

Population: 17,150,000.

Military service: eighteen months.

Total regular forces: 126,000.

Estimated GNP 1970: $34,000,000,000.

Defense budget 1971: 7,200,000,000 Ostmarks or $2,124,000,000 (3.39 ostmarks = $1).

Army: 90,000.

Two tank divisions; four motorized rifle divisions; about 100 T-10 and JS-3 heavy tanks; about 2,200 medium tanks, mostly T-54s and T-55s, with some T-34s and T-62s; about 125 PT-76 light tanks; SK-1 armored cars; BTR-40P scout cars; about 650 BTR-50P, BTR-60P, and BTR-152 armored personnel carriers; SU–100 SP guns; 85-mm, 122-mm, 130-mm, and 152-mm guns; *FROG* and *SCUD* SSMs; 57-mm and 100-mm antitank guns; *Snapper, Swatter*, and *Sagger* antitank guided weapons; ZSU-57-2 self-propelled, 57-mm, and 100-mm AA guns.

Navy: 16,000.

Four destroyer escorts; twenty-five coastal escorts; forty-seven minesweepers; twelve Osa-class patrol boats with Styx SSMs; seventy motor torpedo boats (less than 100 tons); eighteen landing craft; sixteen MI–4 helicopters.

Air Force: 20,000; 290 combat aircraft (sixteen aircraft in a combat squadron).

Two interceptor squadrons with MIG–17s; sixteen interceptor squadrons with MIG–21s; thirty transports, including AN–2s, IL–14s, and LI–2s; plus twenty MI–1, MI–4, and MI–8 helicopters; an antiaircraft division of 9,000 (five regiments), with about 120 57–mm and 100–mm AA guns and with SA–2 SAMSs.

Paramilitary forces:

46,000 border troops (Grenzschutztruppe), including a Border Command separate from the regular army; 20,000 security troops; 350,000 in armed workers' organizations (Betriebskampfgruppen).

HUNGARY

Population: 10,320,000.

Military service: two to three years.

Total regular forces: 103,000.

Estimated GNP 1970: $14,400,000,000.

Defense expenditure 1970: 8,900,000,000 forints or $511,000,000 (17.4 forints=$1).

Army: 90,000.

Two tank divisions, five motorized rifle divisions; two SAM battalions with SA–2s; T–10 heavy tanks; about 1,600 medium tanks, mainly T–55s, with some T–34s, T–54s, and T–62s; fifty PT–76 light tanks; FUG–A armored cars; OT–65 scout cars; OT–64, OT–66, and BTR–152 armored personnel carriers; SU–100 and JSU–122 self-propelled guns; about 400 76–mm, 85–mm, and 122–mm guns, and 122–mm howitzers; FROG SSMs; 57–mm antitank guns; Snapper, Swatter, and Sagger antitank guided weapons; ZSU–57 self-propelled AA guns; SA–2 SAMs.

Navy: 500.

There is a Danube flotilla of forty minesweepers and twenty patrol craft.

Air Force: 12,500; 130 combat aircraft (twelve aircraft in a combat squadron).

One fighter-bomber/recce squadron with MIG–17s; ten interceptor squadrons with MIG–19s and MIG–21s; about twenty-five AN–2, IL–14, and LI–2 transport aircraft; about six MI–1 and MI–4 helicopters.

Paramilitary forces:

27,000 security and border guard troops; 250,000 workers' militia.

POLAND

Population: 33,200,000.

Military service: Army and Air Force, two years; Navy and special services, three years; internal security forces, twenty-seven months.

Total regular forces: 265,000.

Estimated GNP 1970: $42,500,000,000.

Defense expenditure 1970: 35,300,000,000 zloty or $2,220,000,000 (15.9 zloty=$1).

Army: 190,000.

Five tank divisions; eight motorized rifle divisions; one airborne division; one amphibious assault division (divisions are at seventy percent of strength, except those in the Warsaw Military District, which are at thirty to fifty percent of strength); thirty JS–3 and T–10 heavy tanks; 3,400 medium tanks, mostly T–54s and T–55s, with some T–34s and T–62s; about 150 PT–76 light tanks; FUG–A armored cars; BTR–40P scout cars; OT–62, OT–64 (Skot–2), and BTR M–1967 armored personnel carriers; ASU–57, SU–100, JSU–122, and JSU–152 self-propelled guns; FROG and SCUD SSMs; 57–mm, 85–mm, and 100–mm antitank guns; Snapper, Swatter, and Sagger antitank guided weapons; SA–2 SAMs.

Navy: 20,000 (including 1,000 marines).

Five submarines; two destroyers; thirty coastal escorts/submarine chasers; twenty-four fleet minesweepers; twenty-seven inshore minesweepers; twelve Osa-class patrol boats with Styx SSMs; twenty torpedo boats (less than 100 tons); twenty-two landing ships; forty-five naval aircraft, mostly MIG–17s, with a few IL-28 light bombers, and some helicopters; Samlet cruise missiles for coastal defense.

Air Force: 55,000; 730 combat aircraft (twelve aircraft in a combat squadron).

Six bomber/recce squadrons with IL–28s; twelve fighter-bomber squadrons with MIG–17s and SU–7s; forty interceptor squadrons with MIG–17s, MIG–19s, and MIG–21s; three reconnaissance squadrons with MIG–15s and MIG–17s; about forty-five AN–2, AN–12, IL–12, IL–14, IL–18, and LI–2 transports; forty helicopters, including MI–1s and MI–4s.

Paramilitary forces:

65,000 security and border troops, including armored brigades of the Frontier Defense Force, and operating twenty small patrol boats.

ROMANIA

Population: 20,400,000.

Military service: Army and Air Force, sixteen months; Navy, two years.

Total regular forces: 160,000.

Estimated GNP 1970: $21,400,000,000.

Defense Budget 1971: 7,500,000,000 lei or $798,000,000 (9.4 lei=$1).

Army: 130,000.

Two tank divisions; seven motorized rifle divisions; one mountain brigade; one airborne regiment (all at about ninety percent of strength); a few JS–3 and T–10 heavy tanks; 1,700 T–34, T–54, T–55, and T–62 medium tanks; about 900 BTR–40, BTR–50P, and BTR–152 armored personnel carriers; SU–100 and JSU–122 self-propelled guns; 76-mm, 122-mm, and 152-mm guns; about seventy-five *FROG* SSMs; 57-mm, 85mm, and 100-mm antitank guns; *Snapper, Swatter,* and *Sagger* antitank guided weapons; 37-mm, 57-mm, and 100-mm AA guns; SA–2 SAMs.

Navy: 9,000.

Six coastal escorts; four minesweepers; twenty-two inshore minesweepers; five *OSA*-class patrol boats with *Styx* SSMs; twelve motor torpedo boats (less than 100 tons); eight landing crafts.

Air Force: 21,000; 230 combat aircraft (twelve aircraft in a combat squadron).

Eighteen interceptor squadrons with MIG-17s, MIG-19s, and MIG-21s; one reconnaissance squadron with IL-28s; one transport squadron with IL–14s and LI_2s; ten MI–4 helicopters.

Paramilitary forces:

40,000, including border troops; a militia of 500,000.

Chapter III—The North Atlantic Treaty

TREATIES

The North Atlantic Treaty was signed in 1949 by Belgium, Britain, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, and the United States; Greece and Turkey joined in 1952 and West Germany in 1955. The treaty unites Western Europe and North America in a commitment to consult together if the security of any one member is threatened, and to consider an armed attack against one as an attack against all, to be met by such action as each of them deems necessary, "including the use of armed forces, to restore and maintain the security of the North Atlantic area."

The Paris Agreements of 1954 added a Protocol to the treaty, strengthening the structure of NATO, and revised the Brussels Treaty of 1948, which now includes Italy and West Germany in addition to its original members (Benelux countries, Britain, and France).

The Brussels Treaty signatories are committed to give one another "all the military and other aid and assistance in their power" if they are the subject of "armed aggression in Europe."

Since 1969, members of the Atlantic Alliance can withdraw on one year's notice; the Brussels Treaty was signed for fifty years.

ORGANIZATION

The Organization of the North Atlantic Treaty is known as NATO. The governing body of the alliance, the North Atlantic Council, which has its headquarters in Brussels, consists of the Ministers of the fifteen member countries, who normally meet twice a year, and, in permanent session of ambassadors representing each government.

In 1966, France left the integrated military organization and the fourteen-nation Defense Planning Committee (DPC), on which France does not sit, was formed. It meets at the same levels as the Council and deals with questions related to NATO's integrated military planning and other matters in which France does not participate. The Secretary-General and an international staff advise on the politico-military, financial, economic, and scientific aspects of defense planning.

Two permanent bodies for nuclear planning were established in 1966. The first, the Nuclear Defense Affairs Committee (NDAC) is open to all NATO members (France, Iceland, and Luxembourg do not take part); it normally meets at Defense Minister level once or twice a year, to associate nonnuclear members in the nuclear affairs of the alliance. The Secretary-General is Chairman of the NDAC.

The second, the Nuclear Planning Group (NPG), derived from and subordinate to the NDAC, has eight members, and is intended to go further into the details of topics raised there. The members in June 1971 were Britain, Canada, Germany, Italy, the Netherlands, Norway, Turkey, and the United States (Belgium, Denmark and Greece had participated earlier). The Secretary-General also chairs the NPG.

The Council's military advisers are the Military Committee, which gives policy direction to the NATO military commands. The Military Committee consists of the Chiefs of Staff of all member countries, except France, which maintains a liaison staff, and Iceland, which is not represented; in permanent session, the Chiefs of Staff are represented by Military Representatives who are located in Brussels together with the Council. The Military Committee has an independent Chairman and is served by an integrated, international military staff. The major NATO Commanders are responsible to the Military Committee, although they also have direct access to the Council and heads of governments.

The principal military commands of NATO are Allied Command Europe (ACE), Allied Command Atlantic (ACLANT), and Allied Command Channel (ACCHAN).

The NATO European and Atlantic Commands participate in the Joint Strategic Planning System at Omaha, Neb., but there is no Alliance Command specifically covering strategic nuclear forces. As for ballistic-missile submarines, the United States has committed a small number and Britain all hers to the planning control of SACEUR, and the United States a larger number to SACLANT.

The Supreme Allied Commander Europe (SACEUR) and the Supreme Allied Commander Atlantic (SACLANT) have always been American officers; and the Commander in Chief Channel (CINCCHAN) and Deputy SACEUR and Deputy SACLANT British. SACEUR is also Commander in Chief of the United States forces in Europe.

ALLIED COMMAND EUROPE (ACE)

Allied Command Europe has its headquarters, known as SHAPE (Supreme Headquarters, Allied Powers in Europe), at Casteau, near Mons, in Belgium. It is responsible for the defense of all NATO territory in Europe, excluding Britain, France, Iceland, Portugal, and all of Turkey. It also has general responsibility for the air defense of Britain.

The European Command has some 7,000 tactical nuclear warheads in its area. There is a very wide range in the kiloton spectrum. The number of delivery vehicles (aircraft, missiles, and howitzers) is about 2,250, spread among all countries, excluding Luxembourg. The nuclear explosives themselves, however, are maintained in American custody. Tactical nuclear bombs and missile warheads are all fission. The average yield of the bombs stockpiled in Europe for the use of NATO tactical aircraft is about 100 kilotons, and of the missile warheads, twenty kilotons.

About sixty division equivalents are available to SACEUR in peacetime. The Command has some 2,900 tactical aircraft, based on about 150 standard NATO airfields and backed up by a system of jointly financed storage depots, fuel pipelines, and signal communications. The majority of the land and air forces stationed in the Command are assigned to SACEUR while the naval forces are earmarked.

The Second French Corps of two divisions (which is not integrated in NATO forces) is stationed in Germany under a status agreement reached between the French and German governments. Cooperation with NATO forces and commands has been agreed between the commanders concerned.

The ACE Mobile Force (AMF) has been formed as a NATO force with particular reference to the northern or southeastern flanks. Formed by eight countries, it consists of eight infantry battalion groups, an armored reconnaissance squadron, and ground-support fighter squadrons, but has no air transport of its own.

The following commands are subordinate to Allied Command Europe:

(a) Allied Forces Central Europe (AFCENT) has command of both the land forces and the air forces in the Central European sector. Its headquarters are at Brunssum, Netherlands, and its commander (CINCENT) is a German general.

The forces of the Central European Command include twenty-one divisions assigned by Belgium, Britain, Canada, West Germany, the Netherlands, and the United States, and about 1,700 tactical aircraft.

The Command is subdivided into Northern Army Group (NORTHAG) and Central Army Group (CENTAG). NORTHAG, responsible for the defense of the sector north of the Göttingen-Liège axis, includes the Belgian, British, and Dutch divisions, four German divisions, and is supported by Second Allied Tactical Air Force (ATAF), composed of Belgian, British, Dutch, and German units. The American forces, seven German divisions, and the Canadian battle group are under the Central Army Group, supported by the Fourth ATAF, which includes American, German, and Canadian units, and an American Army Air Defense Command.

(b) Allied Forces Northern Europe (AFNORTH) has its headquarters at Kolsaas, Norway, and is responsible for the defense of Denmark, Norway, Schleswig-Holstein, and the Baltic approaches. The commander has always been a British General. Most of the Danish and Norwegian land, sea, and tactical air forces are earmarked for it, and most of their active reserves assigned to it. Germany has assigned one division, two combat air wings, and her Baltic fleet.

(c) Allied Forces Southern Europe (AFSOUTH) has its headquarters at Naples, and its commander (CINCSOUTH) has always been an American admiral. It is responsible for the defense of Italy, Greece, and Turkey, and for safeguarding communications in the Mediterranean and the Turkish territorial waters of the Black Sea. The formations available include fourteen divisions from Turkey, twelve from Greece, and seven from Italy, as well as the tactical air forces of these countries. Other formations from these three countries have been earmarked for AFSOUTH, as have the United States Sixth Fleet, and naval forces of Greece, Italy, Turkey, and Britain. The ground-defense system is based on two separate commands: Southern, comprising Italy and the approaches to it, under an Italian commander, and Southeastern, comprising Greece and Turkey, under an American commander. There is, however, an overall air command and there is a single naval command (NAVSOUTH), responsible to AFSOUTH, with its headquarters in Malta.

A special air surveillance unit—Maritime Air Forces Mediterranean (MARAIRMED)—is now operating Italian, British, and American patrol aircraft from bases in Greece, Turkey, Sicily, Malta, and Italy. French aircraft are participating in these operations. Its commander, an American rear admiral, is immediately responsible to CINCSOUTH.

The Allied On-Call Naval Force for the Mediterranean (NAVOCFORMED) has consisted of at least three destroyers, contributed by Italy, Britain, and the United States, and three smaller ships provided by other Mediterranean countries, depending upon the area of operation.

ALLIED COMMAND ATLANTIC (ACLANT)

Allied Command Atlantic has its headquarters at Norfolk, Va., and is responsible for the North Atlantic area from the North Pole to the Tropic of Cancer, including Portuguese coastal waters.

In the event of war, its duties are to participate in the strategic strike and to protect sea communications. There are no forces assigned to the command in peacetime except Standing Naval Force Atlantic (STANAVFORLANT), which normally consists, at any one time, of four destroyer-type ships. However, for training purposes and in the event of war, forces which are predominantly naval are earmarked for assignment by Britain, Canada, Denmark, Netherlands, Portugal, and the United States. There are arrangements for cooperation between French naval forces and those of SACLANT. There are five subordinate commands: Western Atlantic Command, Eastern Atlantic Command, Iberian Atlantic Command, Striking Fleet Atlantic, and Submarine Command. The nucleus of the Striking Fleet Atlantic has been provided by the American Second Fleet with up to six attack carriers; their nuclear role is shared with the missile-firing submarines.

ALLIED COMMAND CHANNEL (ACCHAN)

Allied Command Channel has its headquarters at Northwood near London. The wartime role of Channel Command is to exercise control of the English Channel and the southern North Sea. Many of the smaller warships of Belgium, Britain, and the Netherlands are earmarked for this Command, as are some maritime aircraft. There are arrangements for cooperation with French naval forces.

Policy

The political and strategic guidance laid down in 1967 includes the concept of political warning time in a crisis, and the possibility of distinguishing between an enemy's military capabilities and his political intentions. The strategic doctrine defined by the DPC in December 1967 envisaged that NATO would meet attacks on its territory with whatever force levels were appropriate. In June 1968, at the Ministerial Meeting at Reykjavik, the Council called on the countries of the Warsaw Pact to join in discussions of mutual force reductions, reciprocal and balanced in scope and timing, and repeated this invitation at their meeting in Rome in 1970.

Belgium

Population: 9,800,000.
Military service: twelve months.
Total armed forces: 96,500.
Estimated GNP 1970: $24,900,000,000.
Defense budget 1971: 29,700,000,000 francs or $594,000,000 (fifty francs=$1).
Army: 71,500.

Two mechanized divisions of two brigades each; one paracommando regiment; two SSM battalions with Honest Johns; two SAM battalions with Hawks; four squadrons with

Alouette IIs and DO-27s; 330 Leopard and 175 M-47 medium tanks; 135 M-41 light tanks; M-75 and AMX-VTT armored personnel carriers; M-108 105-mm, M-44, and M-109 155-mm, and M-55 203-mm self-propelled howitzers; 203-mm howitzers.

Reserves: one mechanized brigade and one motorized brigade.

Navy: 5.000.

Five fleet minesweepers/minehunters; two fleet minesweepers; ten coastal minesweepers/minehunters; ten inshore minesweepers; two support ships; two S-58 and three Alouette III helicopters.

Reserves: 3,000 trained.

Air Force: 175 combat aircraft (a combat squadron has eighteen to twenty-five aircraft).

Two fighter-bomber squadrons with F-104 Gs; two fighter-bomber squadrons with F-84Fs; two all-weather fighter squadrons with F-104Gs; one reconnaissance squadron with RF-84Fs (the F-84 and RF-84F are being replaced by Mirage-VBs); thirty-three C-119 and eighteen C-47, Pembroke, and DC-6 transports; eleven HSS-1 helicopters; eight SAM squadrons with Nike Hercules.

Paramilitary forces: 13,500 Gendarmerie.

Britain

Population: 56,000,000.

Voluntary military service.

Total armed forces: 380,900 (including 16,300 enlisted outside Britain).

Estimated GNP 1970: $121,000,000,000.

Defense budget 1971-72: 2,545,000,000 pounds or $6,108,000,000 (one pound=$2.40).

Strategic Forces

Four SSBNs each with sixteen Polaris A-3 missiles. The Ballistic Missile Early Warning System (BMEWS) station at Fylingdales provides early warning of missile threats.

Army: 185,300 (including 14,200 enlisted outside Britain).

Twelve armored regiments; five armored car regiments; forty-three infantry battalions; three parachute battalions; six Gurkha battalions; one special air service (SASH) regiment; three regiments with Honest John SSMs and 203-mm howitzers; twenty-four other artillery regiments; one SAM regiment with Thunderbirds; fourteen engineer regiments; fifty-nine of the above units are organized in two armored, twelve infantry, one parachute, and one Gurkha brigades.

Equipment. 900 Chieftain and Centurion medium tanks; 105-mm Abbott and M-107 175-mm self-propelled guns; M-109 155-mm self-propelled howitzers; 203-mm howitzers; Honest John SSMs; Vigilant and Swingfire antitank guided weapons; light aircraft and thirty Scout helicopters.

Deployment. The Strategic Reserve—includes one division of three airportable brigades and two parachute battalions of the United Kingdom Mobile Force (UKMF), and the SAS regiment.

Germany—British Army of the Rhine (BAOR), of 54,900, includes three division headquarters, one mechanized and five armored brigades, two armored car regiments, two artillery brigades, and the Thunderbird SAM regiment. In Berlin there is one 3,000-strong brigade.

Far East (excluding Hong Kong)—By the end of 1971 the force will be reduced to one battalion group in Singapore, and one Gurkha battalion in Brunei.

Hong Kong—five infantry battalions, one artillery regiment.

Persian Gulf—two infantry battalions and support units (until end of 1971).

Cyprus—UNFICYP: one infantry battalion and one air-portable recce squadron. Garrison: one infantry battalion and one armored car squadron.

Malta—one infantry battalion and one company group.

Gibraltar—one infantry battalion.

The Caribbean—one company group and engineering detachment.

Reserves: 118,200 regular reserves; 49,000 volunteer reserves.

Navy: 84,600 (including Fleet Air Arm and marines).

Submarines, attack: two nuclear powered (SSN) (two more are due to enter service in 1971-72); seventeen diesel powered. *Surface ships:* two aircraft carriers; two commando carriers; two assault ships; one guided missile (GM) cruiser with *Seacat* SAMS; one GM destroyer with *Seadart* SAMS; six GM destroyers with *Seaslug* and *Seacat* SAMs; two other destroyers; twenty-nine general purpose (GP) frigates; nineteen ASW frigates; four AA and three aircraft direction frigates; forty-seven mine countermeasures ships. *Ships in reserve or undergoing refit or conversion include* (in addition to the above): two SSNs, nine diesel submarines, one commando carrier, two GM cruisers, one GM destroyer, one other destroyer, six GP frigates, three ASW frigates, one aircraft direction frigate.

The Fleet Air Arm: ninety-six combat aircraft. Two strike squadrons with *Buccaneers;* two air defense squadrons with F-4Ks; four air defense squadrons with *Sea Vixens* (a combat squadron has twelve aircraft); eight squadrons with *Wessex* helicopters; three *Sea King* helicopter squadrons; three *Wasp* and *Whirlwind* helicopter squadrons.

The Royal Marines total about 8,000 men, and include four 800-man commandos.

Reserves (naval and marines): 24,200 regular and 7,800 volunteers.

Air Force: 111,000; about 500 combat aircraft (a combat squadron has six to twelve aircraft).

Eight medium bomber squadrons with *Vulcans*; two light bomber squadrons with *Canberras;* three strike squadrons with *Buccaneers;* six strike/attack/reconnaissance squadrons with F-4Ms; one ground-attack squadron with *Hunters;* four close-support squadrons with *Harriers;* nine air defense squadrons with *Lightnings;* one air defense squadron with F-4Ks; one reconnaissance squadron with *Victor IIs;* four reconnaissance squadrons with *Canberras;* two maritime patrol squadrons with *Nimrods;* six maritime patrol squadrons with *Shackeltons;* three tanker squadrons with *Victors;* four strategic transport squadrons with VC-10s, *Belfasts,* and *Britannias;* eight tactical transport squadrons with *Hercules* and *Argosy* aircraft; two light communication squadrons with *Andovers;* seven *Wessex* and *Whirlwind* helicopter squadrons (SA-330 *Pumas* are entering service). There are eleven ground defense and air defense squadrons of the Royal Air Force Regiment, some with *Bloodhound* and *Tigercat* SAMs, and L-40/70 AA guns (*Rapier* SAMs are being introduced).

Deployment. The Róyal Air Force includes two operational home commands—Strike Command and Air Support Command, and four smaller overseas commands—RAF Germany, Near East Air Force, Air Force Gulf, and Far East Air Force. Squadrons are deployed overseas as follows:

Germany: 8,600. Four F-4s; one *Buccaneer* (a second is due to form during 1971); two *Canberras,* two *Lightnings;* two *Harriers* (a third is due to form by the end of 1971); one *Wessex.*

Near East: (a) Cyprus—two *Vulcans;* one *Lightning;* one *Hercules.* (b) Malta—*Shackleton* (converting to *Nimrod*); one *Canberra.*

Gulf: one *Hunter;* one *Shackleton;* one *Argosy;* one *Andover;* one *Wessex* (until the end of 1971).

Far East: (a) mid-1971—one *Lightning;* one *Shackleton;* one *Hercules;* one *Whirlwind.* (b) after 1971—some *Nimrod* aircraft and *Whirlwind* helicopters, based at Singapore.

Reserves: 32,800 regular; about 400 volunteer.

Canada

Population: 21,700,000.

Voluntary military service.

Total armed forces: 85,000.

Estimated GNP 1970: $US78,200,000,000.

Defense budget 1971-72: $Can. 1,822,500,000 or $US1,687,500,000. ($Can. 1.08=$US1). The exchange rate has been allowed to fluctuate since June 1, 1970.

The Canadian Armed Services have been unified since February 1968, but for purpose of comparison with other countries, are presented here in traditional form.

Army (Land): 33,000.

In Canada: Mobile Command. One airborne regiment; three combat groups each comprising three infantry battalions, one reconnaissance regiment, and one reduced light artillery regiment (of two batteries); support units. One group is intended for operations in Europe, while part of it, an air-transportable battalion group, is assigned to Allied Command Europe (ACE) Mobile Force. The other groups contribute to North American ground defense, and UN commitments.

In Europe: One mechanized battle group of about 2,800 men, with thirty-two *Centurion* tanks, 375 M-113 armored personnel carriers (APCs), and eighteen M-109 155-mm self-propelled howitzers.

In Cyprus (UNFICYP): 460 men.

Reserves: about 18,000.

Four submarines; nine helicopter destroyer escorts; eleven ASW destroyer escorts; six coastal minesweepers; one ASW hydrofoil; three support ships. The Maritime Air Element consists of: four maritime patrol squadrons with Argus; one maritime patrol squadron with Tracker aircraft; one ASW squadron with Sea King helicopters.

Reserves: about 2,900.

Air Force (Air): 37,000; 162 combat aircraft.

In Canada: Mobile Command: two CF-5 tactical fighter squadrons; six helicopter squadrons. Air Defense Command: three interceptor squadrons with CF-101s (due to be replaced in 1971 by F-101Cs); two SAM squadrons with Bomarc Bs; twenty-eight surveillance and control radar squadrons (the above are assigned to NORAD); one CF-100 electronic warfare training squadron. Air Transport Command: one squadron with Boeing 707-320C transport/tankers; two squadrons with C-130E Hercules; two squadrons with CC-115 Buffaloes and CC-138 Twin Otters; two squadrons with Buffalo and CH-113 Labrador helicopters; one squadron with CC-106 Yukons; one squadron with CC-109 Cosmopolitans and Falcons.

In Europe: two strike-attack and one reconnaissance squadrons, with CF-104s (a squadron has six to eighteen aircraft).

Reserves: 800.

Denmark

Population: 4,990,000.

Military service: twelve months.

Total armed forces: 40,500.

Estimated GNP 1970: $16,000,000,000.

Defense budget 1971-72: 3,077,100,000 kroner or $410,300,000 (7.5 kroner = $1).

Army: 24,000.

Four armored infantry brigades; one battalion group; three artillery battalions; Centurion medium tanks; M-41 light tanks; M-113 armored personnel carriers (APCs); M-109 155-mm self-propelled howitzers; 203-mm howitzers; Honest John SSMs (there are no nuclear warheads on Danish soil); twelve Hughes 500M helicopters.

Reserves: 40,000—two armored infantry brigades and support units to be formed from reservists within seventy-two hours. Local defense units form fifteen infantry battalion groups and fifteen artillery batteries. Volunteer Home Guard of 52,000.

Navy: 6,500.

Six submarines; two fast frigates; four helicopter frigates (fishery protection); four coastal escorts; sixteen fast torpedo boats; sixteen patrol boats (seven less than 100 tons); four fleet minelayers; three coastal minelayers; eight coastal minesweepers; four inshore minesweepers; nine seaward defense craft; eight Alouette III helicopters.

Reserves: 3,000. Volunteer Home Guard of 4,000 with small patrol boats.

Air Force: 10,000; 112 combat aircraft (a combat squadron has sixteen aircraft).

One fighter-bomber squadron with F-35XD *Drakens;* two fighter-bomber squadrons with F–100D/Fs; two interceptor squadrons with F–104Gs; one interceptor squadron with *Hunters;* one reconnaissance squadron with RF–84Fs (converting to RF–35 *Drakens* during 1971); one transport squadron with C–47s and C–54s; one SAR squadron with S–61 helicopters; four SAM squadrons with *Nike-Hercules;* four SAM squadrons with *Hawks.*

Reserves: Volunteer Home Guard of 8,000.

France

Population: 51,225,000.

Military service: twelve months.

Total armed forces: 501,500.

Estimated GNP 1970: $148,000,000,000.

Defense budget 1971: 28,873,000,000 francs or $5,202,000,000 (5.55 francs=$1).

Strategic Forces

IRBM: the first nine-missile squadron became operational on August 2, 1971.

SLBM: the first sixteen-missile SSBN is due to become operational during 1971. Five SSBNs are due to be built in all.

Aircraft: Bombers: thirty-six *Mirage IVAs* in nine squadrons. Tankers: nine KC–135Fs in three squadrons.

Army: 329,000.

Five mechanized divisions; one parachute division (two brigades); one air-portable motorized brigade; two Alpine brigades; four armored car regiments; two motorized infantry regiments; one parachute battalion; twenty-five infantry battalions; five SSM battalions with *Honest Johns.* (The nuclear warheads held under double-key arrangements with the USA were withdrawn in 1966. The tactical nuclear SSM *Pluton* is due to enter service in 1973.) Three SAM regiments with *Hawks;* M–47 and about 575 AMX–30 medium tanks; AMX–13 light tanks; EBR heavy and AML light armored cars; VTT–AMX armored personnel carriers; self-propelled AMX 105–mm guns and 155–mm howitzers; 30–mm twin self-propelled AA guns; SS–11/*Harpon* antitank guided weapons.

Deployment. Strategic Reserve: permanent element includes the parachute division and the air-portable brigade.

Germany: About 62,000, including two mechanized divisions; four SSM regiments with Honest Johns; about 1,700 in West Berlin.

French Territory of the Afars and Issas: two battalions.

Elsewhere in Africa: about 4,000.

Pacific Territories: two battalions.

Caribbean: one battalion.

The remaining troops are stationed in France for local defense (DOT). Their peacetime strength is about 61,500 men, including thirty-five battalions (infantry, light armor, artillery, and engineer).

Reserves: Mobilization would bring the DOT up to a total of eighty infantry battalions, five armored car regiments, and support units.

Navy: 68,500 (including Naval Air Force).

Nineteen attack submarines; two aircraft carriers; one helicopter/aircraft carrier; one helicopter carrier; two assault landing ships; one antiaircraft/command cruiser; sixteen destroyers (four guided missiles with Tartar SAMs); three GM frigates with Malafon ASW missiles (two with Masurca SAMs); twenty-seven frigates; fourteen coastal escorts; fourteen fleet minesweepers; sixty coastal minesweepers; fifteen inshore minesweepers; five landing ships; twelve landing craft.

Naval Air Force: 12,000; 200 combat aircraft. Three fighter-bomber squadrons with Etendard IV-Ms; two interceptor squadrons with F–8Fs; three reconnaissance squadrons with Etendard IV-Ps; three ASW squadrons with Alizes (all the above can be flown from aircraft carriers); five maritime recce squadrons with Atlantics and P–2s; one ASW helicopter squadron with Super-Frelons; two helicopter squadrons with Alouette II/IIIs.

Air Force: 104,000; 500 combat aircraft.

Air Defense Command (CAFDA) has: three interceptor squadrons with Mirage IIICs; two all-weather fighter interceptor squadrons with Vautour IINs; three interceptor squadrons with Super-Mystere B2s (coordination is by the automatic STRIDA II air defense system).

Tactical Air Force (FATAC) has: two subordinate Tactical Air Commands—First CATAC and Second CATAC—and includes: eight fighter-bomber squadrons with Mirage IIIEs; one fighter-bomber squadron with Mirage IIIBs; two fighter-bomber squadrons with F–100Ds; two fighter-bomber squadrons with Mystere IVAs; three tactical recce squadrons with Mirage IIIR/RDs.

Air Transport Command (COTAM) has: three tactical transport squadrons with Transalls; four tactical transport squadrons with Noratlas; one heavy transport squadron with DC–6 and BR–765 Saharas and two mixed transport squadrons; four squadrons with H–34 and Alouette II helicopters.

Deployment: one squadron of A–1Ds and one mixed transport squadron are stationed in the French Territory of the Afars and Issas.

Paramilitary forces: 65,000 Gendarmerie and 85,000 reserves (subordinate to the Ministry of Defense); 15,000 CRS (Compagnies Republicaines de Securite), subordinate to the Ministry of the Interior.

Federal Republic of Germany

Population: 60,000,000 (excluding West Berlin).

Military service: eighteen months. (A government commission has proposed a reduction to 16 months.)

Total armed forces: 467,000.

Estimated GNP 1970: $185,000,000,000.

Defense budget 1971: DM 21,816,000,000 or $5,961,000,000 (DM 3.66=$1. The exchange rate has been allowed to fluctuate since May 1971.).

Army: 327,000 (including the 35,000 Territorial Force).

Twelve armored brigades; one armored regiment; thirteen armored infantry brigades; three rifle brigades; two mountain brigades; three airborne brigades; eleven SSM battalions with *Honest Johns;* four SSM battalions with Sergeants; 1,050 M-48A2 *Patton* and 2,250 *Leopard* medium tanks; 1,770 HS-30 and 3,140 M-113 armored personnel carriers; 1,100 tank destroyers with 90-mm guns or antitank missiles; 250 105-mm, 375 155-mm, 150 175-mm, and seventy-five 203-mm self-propelled guns; 500 self-propelled 40-mm AA guns; about 460 Bell-47, UH-1D *Iroquois,* and *Alouette II* helicopters, and eighty DO-27 light aircraft.

Reserves: 540,000 on immediate recall.

Navy: 36,000 (including Naval Air Arm).

Eleven coastal submarines; three guided missile destroyers with Tartar SAMs; nine destroyers; six fast frigates; two frigates; five fleet utility vessels; thirteen escort and support ships; twenty-four coastal minesweepers/minehunters; thirty fast minesweepers; eighteen inshore minesweepers; two minelayers; forty fast patrol boats; two landing ships; twenty-two landing craft.

Naval Air Arm: 6,000; 100 combat aircraft. Four fighter-bomber/recce squadrons with F–104Gs; two maritime reconnaissance squadrons with BR–1150 *Atlantics;* twenty-three S–58 SAR helicopters, being replaced by SH–3Ds.

Reserves: 36,000 on immediate recall.

Air Force: 104,000; 504 combat aircraft. (Fighter, fighter-bomber, reconnaissance, and light-strike squadrons have fifteen to twenty-one aircraft, and transport squadrons up to eighteen.)

Ten fighter-bomber squadrons with F–104Gs; four light ground-attack/strike squadrons with G–91s; four interceptor squadrons with F–104Gs; four heavy reconnaissance squadrons with RF–104Gs (replacement with RF–4E *Phantom IIs* has started); four reconnaissance squadrons with G–91s; six transport squadrons with C–160 *Transalls;* four helicopter squadrons with UH–1Ds; three SSM battalions with *Pershings;* twenty-four SAM batteries with *Nike-Hercules;* thirty-six SAM batteries with *Hawks.*

Reserves: 87,000 for immediate recall.

Paramilitary forces: 18,500 Border Police with *Caladin* armored cars and coastal patrol boats.

Greece

Population: 8,960,000.

Military service: twenty-four months.

Total armed forces: 159,000.

Estimated GNP 1970: $9,200,000,000.

Estimated defense expenditure 1971: 10,138,000,000 drachmas or $337,900,000 (thirty drachmas=$1).

Army: 118,000.

Eleven infantry divisions (three close to full strength); one armored division; one commando brigade; two SSM battalions with *Honest Johns*; one SAM battalion with *Hawks*; 200 M–47, 220 M–48, and 50 AMX–30 medium tanks; M–24, M–26, and M–41 light tanks; M–8 and M–20 armored cars; M–3 scout cars; M–2, M–59, and M–113 armored personnel carriers; 105–mm, 155–mm, and M–107 175–mm self-propelled guns; 105–mm, 155–mm, and 203–mm howitzers; 40–mm, 75–mm, and 90–mm AA guns.

Navy: 18,000.

Two submarines (four more to be delivered by West Germany); eight destroyers; four destroyer escorts; seven coastal patrol vessels; two minelayers; twenty coastal minesweepers; twelve fast torpedo boats (less than 100 tons; four fast patrol boats, with *Exocet* SSMs, are on order from France, the first one due for delivery in 1971); eight tank landing ships; six medium landing ships; one dock landing ship; eight landing craft; eight HU–16 maritime patrol aircraft.

Air Force: 23,000; 216 combat aircraft (a combat squadron has up to eighteen aircraft).

Three fighter-bomber squadrons with F–84Fs; two fighter-bomber squadrons with F–104Gs; four interceptor squadrons with F–5As; one interceptor squadron with F–102As; one photo-reconnaissance squadron with RF–5s; one reconnaissance squadron with RF–84Fs; thirty C–47s and C–119Gs, and twenty-five *Noratlas* transports; one helicopter squadron with twelve H–19s and six AB–205s; one helicopter squadron with ten Bell 47Gs; one SAM battalion with *Nike-Hercules.*

Paramilitary forces and Reserves: 25,000 Gendarmerie; 200,000 reserves.

Italy

Population: 54,000,000.

Military service: Army and Air Force, fifteen months; Navy, twenty-four months.

Total armed forces: 414,000 (excluding Carabinieri).

Estimated GNP 1970: $93,200,000,000.

Defense budget 1971: 1,657,000,000,000 lire or $2,651,000,000 (625 lire=$1).

Army: 295,000.

Two armored divisions; five infantry divisions; one independent cavalry brigade; four independent infantry brigades; five Alpine brigades (of 5,000 men each); one parachute brigade; one SSM brigade (including four battalions with *Honest Johns*); four SAM battalions with *Hawks;* 800 M–47 and 200 M–60 medium tanks (deliveries of 800 *Leopards* have started); M–24 light tanks; M–113 armored personnel carriers; M–44, M–56, M–107, and M–109 self-propelled guns; M–42 self-propelled AA guns.

Navy: 45,000 (including air arm and marines).

Nine submarines; three guided missile (GM) cruisers with *Terrier* SAM and ASW helicopters (one with *ASROC* ASW missiles); two GM destroyers with *Tartar* SAMs; two destroyer leaders; seven ASW destroyers; ten destroyer escorts; sixteen coastal escorts; four ocean minesweepers; thirty-seven coastal minesweepers; twenty inshore minesweepers; seven fast patrol boats; seven motor torpedo boats (less than 100 tons); one command ship; three landing ships; two marine infantry battalions.

Naval Air Arm: Three maritime patrol squadrons with S–2 (due to be replaced by *Atlantics* by mid-1972), HU–16A SAR aircraft, and 50 Bell–47, SH–34, AB–204, and SH–3D SAR helicopters.

Air Force: 74,000; 300 combat aircraft. (A combat squadron—"gruppo"—has twelve to eighteen aircraft and a transport squadron has sixteen.) Three fighter-bomber squadrons with F–104Gs; one fighter-bomber squadron with G–91Ys; one fighter-bomber squadron with F–84Fs; four light attack squadrons with G–91Rs; four AWX squadrons with F–104Gs; two AWX squadrons with F–104Ss; one AWX squadron with F–86Ks; three recce squadrons with RF–84Fs and RF–104Gs; three transport squadrons with C–119s (delivery of fourteen) C–130E *Hercules* is due to begin in 1971; one transport squadron with C–47s, Convair 440s, and DC–6s; six SAM groups with *Nike-Hercules*.

Paramilitary forces and Reserves:

80,000 Carabinieri Corps; about 650.000 trained reservists.

Luxembourg

Population: 342,000.

Voluntary military service.

Total armed forces: 550.

Estimated GNP 1970: $910,000,000.

Defense budget 1971: 429,600,000 francs or $8,592,000 (fifty francs=$1).

Army: 550.

A light infantry battalion (four companies); some antitank guns and mortars.

Paramilitary forces:

350 Gendarmerie.

Netherlands

Population: 13,175,000.

Military service: Army, sixteen to eighteen months; Navy and Air Force, eighteen to twenty-one months.

Total armed forces: 116,500.

Estimated GNP 1970: $31,300,000,000.

Defense budget 1971: 4,203,000,000 guilders or $1,161,000,000 (3.62 guilders=$1.) The exchange rate has been allowed to fluctuate since May 1971.).

Army: 76,000.

Two armored brigades; four armored infantry brigades; two SSM battalions with *Honest Johns;* 400 Centurion (with 105-mm guns) and 200 *Leopard* medium tanks (285 more *Leopards* are being delivered); 120 AMX–13 light tanks; M–106, M–113, and M–577 amphibious armored personnel carriers; AMX–VTT and YP–408 armored personnel carriers; AMX–105 M–109 155-mm, M–107, 175-mm, and M–110 203-mm self-propelled howitzers.

Reserves: one infantry division, and the remaining corps troops, including one independent infantry brigade, are to be completed by call-up of reservists.

Navy: 19,000, including 2,900 marines and 2,000 naval air force.

Five submarines (two more due to become operational in 1971/72); two cruisers (one guided missile with *Terrier* SAMs); six GM frigates with *Seacat* SAMs; twelve destroyers; six corvettes; six support escorts; five patrol vessels; thirty-six coastal minesweepers and minehunters; sixteen inshore minesweepers; one fast combat support ship.

Naval Air Arm: five *Atlantic,* and about thirty P–2 and S–2 maritime reconnaissance aircraft; fifteen *Wasp*, SH–34J), and AB–204B ASW helicopters.

Air Force: 21,500; 126 combat aircraft (a combat squadron has eighteen aircraft).

Two fighter-bomber squadrons with F–104Gs; two fighter-bomber squadrons with NF–5As; two interceptor squadrons with F–104Gs; one photo-reconnaissance squadron with RF–104Gs; one transport squadron with F–27s; three observation and communication squadrons (under Army command) and *Alouette III* helicopters, and *Super-Cub* and *Beaver* light aircraft; eight SAM squadrons with *Nike-Hercules;* nine SAM squadrons with *Hawks*.

Paramilitary forces: 3,200 Gendarmerie (Royal Marechaussée).

Norway

Population: 3,915,000.

Military service: Army, twelve months; Navy and Air Force, fifteen months.

Total armed forces: 35,900.

Estimated GNP 1970: $12,460,000,000.

Defense budget 1971: 2,932,000,000 kroner or $410,640,000 (7.4 kroner = $1).

Army: 18,000.

The peacetime establishment includes one brigade group in northern Norway, independent battalions, and supporting elements and training units. *Leopard* and M–48 medium tanks; M–24 light tanks and M–8 armored cars; M–113 and BV–202 armored personnel carriers; M–109 155-mm self-propelled howitzers; L–18 and L–19 light aircraft.

Reserves: mobilization would produce eleven regimental combat teams (brigades), supporting units, and territorial forces totaling 157,000.

Navy: 8,500 (including 800 coastal artillery).

Fifteen coastal submarines; five frigates; two coastal escorts; ten coastal minesweepers; five minelayers; twenty-one gunboats (refitting with *Penguin* SSMs); six torpedo boats; twenty torpedo boats (less than 100 tons); two armed depot and training ships; a number of coastal artillery batteries.

Reserves: 12,000.

Air Force: 9,400; 121 combat aircraft.

Five light attack squadrons each with sixteen F–5As; one all-weather fighter squadron with twenty F–104Gs; one photo-reconnaissance squadron with sixteen RF–5As; one maritime patrol squadron with five P–3Bs; one transport squadron with six C–130s and four C–47s; two helicopter squadrons with UH–1s; four SAM batteries with *Nike-Hercules*.

Reserves: 10,600, providing twelve airfield defense light AA battalions; Home Guard (all services): 75,000.

Portugal

Population: 9,730,000.

Military service: Army, twenty-four months; Air Force, thirty-six months; Navy, forty-eight months.

Total armed forces: 218,000 (about 60,000, including those locally enlisted, are in Angola, 45,000 in Mozambique, and 25,000 in Portuguese Guinea).

Estimated GNP 1970: $6,100,000,000.

Estimated defense expenditure 1970: 11,444,000,000 escudos or $398,100,000 (28.75 escudos = $1).

Army: 179,000.

Two tank regiments; eight cavalry regiments and battalions; thirty-five infantry regiments and battalions; seventeen coastal artillery regiments and battalions; M–47 and M–4 medium tanks; M–41 light tanks; Humber Mark IV and EBR–75 armored cars; AML–60 scout cars; FV–1609 and M–16 half-track armored personnel carriers; 105-mm and 140-mm howitzers.

Deployment: Some of the above units form two infantry divisions, at or below half strength, in Portugal; about twenty-five infantry regiments and supporting units are in the provinces in Africa.

Navy: 18,000 (including 3,300 marines).

Four submarines; eleven frigates; six corvettes; fourteen coastal patrol vessels; four ocean minesweepers; twelve coastal minesweepers; forty-one patrol launches (less than 100 tons); five landing craft (LCT-type); fifty-eight small landing craft (less than 100 tons).

Air Force: 21,000; 150 combat aircraft (a combat squadron has ten to twenty-five aircraft).

Two light bomber squadrons with B–26 *Invaders* and PV–2s; one fighter-bomber squadron with F–84Gs; two light-strike squadrons with G–91s; one interceptor squadron with F–86Fs; six counterinsurgency flights with armed T–6s; one maritime patrol squadron with P–2 V5s; twenty-two *Noratlas,* sixteen C–47, eleven DC–6, and fifteen C–45 transports; thirteen T–33, twenty-five T–37, and thirty-five T–6 reconnaissance/trainers. Other aircraft include eleven DO–27 and about eighty-five *Alouette II/III* and SA–330 *Puma* helicopters; one parachute regiment of 4,000.

Deployment: One parachute battalion in each of the African provinces; one G–91 squadron in Mozambique.

Paramilitary forces and Reserves: 9,700 National Republican Guard; 500,000 reserves.

Turkey

Population: 36,100,000.

Military service: twenty months.

Total armed forces: 508,500.

Estimated GNP 1970: $13,700,000,000.

Defense budget 1971–72; 6,695,000,000 liras or $446,000,000 (fifteen liras=$1. Before August 9, 1970, nine liras=$1.).

Army: 420,000.

One armored division; twelve infantry divisions; four armored brigades; four armored cavalry bridges; one mechanized infantry division; three mechanized infantry brigades; two parachute battalions; M–47 and M–48 medium tanks; M–24, M–26, and M–41 light tanks; M–36 tank destroyers; M–8 armored cars; M–59 and M–113 armored personnel carriers; 105-mm and 155-mm self-propelled guns; 105-mm, 155-mm, and 203-mm howitzers; 40-mm, 75-mm, and 90-mm AA guns; *Honest John* SSMs.

Navy: 38,500.

Twelve submarines; ten destroyers; six coastal escorts; eleven motor torpedo boats (two less than 100 tons); ten motor launches; fifteen coastal minesweepers; four inshore minesweepers; one fleet minelayer; five coastal minelayers; a number of landing craft.

Air Force: 50,000; 360 combat aircraft (a combat squadron has ten to twenty-five aircraft).

Two fighter-bomber squadrons with F–104Gs; four fighter-bomber squadrons with F–100s; four fighter-bomber squadrons with F–5s; four interceptor squadrons with F–5s; two interceptor squadrons with F–86s (in store); two all-weather fighter squadrons with F–102As; two reconnaissance squadrons with RF–84Fs; four transport squadrons including fifty C–47s, three C–54s, and five C–130s; two SAM battalions (six batteries) with *Nike-Hercules*.

Paramilitary forces: 75,000 Gendarmerie (including three mobile brigades).

Chapter IV—Other European Countries

ALBANIA

Population: 2,190,000.

Military service: Army, two years; Air Force, Navy, and special units, three years.

Total regular forces: 42,000.

Estimated GNP 1970: $900,000,000.

Estimated defense expenditure 1971: 580,000,000 leks or $116,000,000 (five leks=$1).

Army: 35,000.

One tank brigade; six infantry brigades; some light shore batteries; seventy T–34 and fifteen T–54 medium tanks; twenty BA–64, BTR–40, and BTR–152 armored personnel carriers; SU–76 self-propelled guns; 122–mm and 152–mm guns and howitzers; 45–mm, 57–mm, 76–mm, and 85–mm anti-tank guns; 37–mm, 57–mm, and 85–mm AA guns; a few SA–2 SAMs.

Navy: 3,000.

Four submarines; four ASW patrol vessels; thirty motor torpedo and patrol boats (less than 100 tons); eight inshore minesweepers; some SSMs deployed around the ports of Durazzo and Valona.

Air Force: 4,000; seventy-two combat aircraft (a combat squadron has twelve aircraft).

Three fighter squadrons with MIG–17s; two fighter squadrons with MIG15s; one interceptor squadron with MIG–19s; one transport squadron with AN–2s and IL–14s; about eight MI–1 and MI–4 helicopters.

Paramilitary forces: 37,500, consisting of an internal security force of 12,500, and a frontier force of 25,000.

AUSTRIA

Population: 7,445,000.

Military service; nine months (tc be reduced to six months during 1971).

Total armed forces: 48,350.

Estimated GNP 1970: $14,300,000,000.

Defense budget 1971: 4,283,000,000 schillings or $170,138,000 (24.75 schillings=$1. Before May 9, 1971, twenty-six schillings=$1.).

Army: 44,000.

Four reduced strength infantry brigades; three reduced strength mechanized brigades; three tank battalions; three independent air defense battalions; 150 M–47 and 120 M–60 medium tanks; forty M–41 and sixty AMX–13 light tanks; 400 G1–2K armored personnel carriers; 105–mm and 155–mm howitzers, and 155–mm guns; JPz–4K self-propelled antitank guns; 84–mm *Carl Gustav* antitank guided weapons; 130–mm rocket launchers; thirty-eight M–42 self-propelled AA guns; 20–mm and 35–mm Oerlikon and 40–mm Bofors AA guns.

Air Force: 4,350; twenty-three combat aircraft.

Austrian air units are an integral part of the Army but for purposes of comparison have been listed separately.

Seventeen *SAAB* 105 fighter-bombers; six J–29F *Tunnan* fighter-bombers; thirty-five *Magister, Vampire,* and *Sufir* trainers; nineteen Cessna L–19 light reconnaissance aircraft; one transport squadron with three *Beavers* and two *Skyvans*; twenty-two AB–204, twenty-three *Alouette,* and twelve AB–206 helicopters.

Paramilitary forces; 12,000 Gendarmerie.

FINLAND

Population: 4,600,000.

Military service: eight to eleven months.

Total armed forces: 39,500.

Estimated GNP 1970: $10,300,000,000.

Defense budget 1971: 646,000,000 markkaa or $153,800,000 (4.2 markkaa=$1).

Army: 34,000.

Navy: 2,500.

One armored brigade (at about half strength); six infantry brigades (at about thirty-five percent strength); eight independent infantry battalions; two coastal artillery regiments; three coastal artillery battalions; one antiaircraft regiment; four antiaircraft battalions; T–54, T–55, and *Charioteer* medium tanks; PT–76 light tanks; BTR–50P armored personnel carriers; 105–mm, 122–mm, and 130–mm guns; 122–mm and 152–mm howitzers; 81–mm and 120–mm mortars; *Vigilant* and SS–11 antitank guided weapons; ZSU–57, 35–mm Oerlikon, and 40–mm Bofors AA guns.

Three frigates (one used as training ship); two corvettes; one patrol boat with Mk 66 SSM; fifteen fast patrol boats (less than 100 tons); two coastal minelayers; five patrol boats (ex-inshore minesweepers).

Air Force: 3,000; forty-eight combat aircraft.

Three fighter squadrons with MIG–21Fs and *Gnat* Mark 1s; twelve *Magister* armed trainers; about 100 other trainers, including seventy *Magister,* thirty *Safir,* and a few MIG–15/MIG–21 UTIs; about ten C–47 and *Beaver* transports; *Hound, Alouette II,* and four AB–204B helicopters.

Paramilitary forces and Reserves: 3,000 frontier defense troops; 650,000 reserves.

SPAIN

Population: 33,600,000.

Military Service: eighteen months.

Total armed forces: 301,000.

Estimated GNP 1970: $32,300,000,000.

Defense budget 1971: 47,724,000,000 pesetas or $681,000,000 (seventy pesetas=$1).

Army: 220,000.

One armored division; one mechanized infantry division; one motorized infantry division; two mountain divisions; twelve independent infantry brigades; one armored cavalry brigade (all above are about seventy percent strength); one high mountain brigade; one air-portable brigade; one parachute brigade; two artillery brigades; one SAM battalion with *Hawks;* M–47 and M–48 medium tanks; M–24 and M–41 light tanks; *Greyhound* armored cars, AML–60/90 and M–3 scout cars; M–113 armored personnel carriers; 105–mm and 155–mm self-propelled guns; 105–mm, 155–mm, and 203–mm howitzers; 90–mm self-propelled antitank guns.

Navy: 47,500 including 6,000 marines.

Three submarines; one helicopter carrier; one cruiser; sixteen ASW destroyers; three destroyers; eight frigates; six frigate-minelayers; six corvettes; one ASW patrol vessel; three torpedo boats; thirteen fleet minesweepers; twelve coastal minesweepers; eight landing ships; three ASW helicopter squadrons; one light helicopter squadron.

Air Force: 33,500; 221 combat aircraft.

Twelve *Mirage 111E* fighter-bombers; fifty F–5 fighter-bombers; fifty-five HA–200 fighter-bombers (thirty-six F–4C fighter-bombers are being delivered); twenty-one F–104G interceptors; forty-eight F–86F interceptors; twenty-five T–6 armed trainers; one ASW squadron with eleven HU–16Bs; about 150 transport aircraft and helicopters including C–47s, C–54s, twelve *Caribou,* and twenty *Azors.*

Paramilitary forces: 65,000 *Guardia Civil.*

Deployment (outside mainland Spain): Strength: 41,000, including mechanized and commando formations of the Spanish Foreign Legion, and elements of other units.

Balearic Islands: 6,000.

Canary Islands: 8,000. Ceuta: 8,000, including one regiment of the Foreign Legion. Melilla: 9,000, including one regiment of the Foreign Legion. Spanish Sahara: 10,000, including two regiments of the Foreign Legion.

SWEDEN

Population: 8,125,000.

Military service: Army and Navy, nine to fifteen months; Air Force, nine to fourteen months.

Total armed forces: 23,000 regulars and 50,300 conscripts (total mobilizable strength 750,000).

Estimated GNP 1970: $31,200,000,000.

Defense budget 1971–72: 6,165,000,000 Swedish kronor or $1,192,000,000 (5.17 kronor=$1).

Army: 12,500 regulars; 36,500 conscripts; 100,000 reservists called up each year for eighteen to forty days' training.

Seven armored regiments; fifteen infantry regiments; seven artillery regiments; six antiaircraft artillery regiments; one parachute training unit (all in cadre form); one SAM battalion with *Hawks; Centurion* and STRV–103 medium tanks; STRV–74 light tanks; IKV–91 amphibious tanks; Pbv–301/-302 armored personnel carriers; 105-mm and 155-mm self-propelled howitzers; 155-mm self-propelled guns; 105-mm and 155-mm guns; 75-mm, 105-mm, and 155-mm howitzers; 90-mm antitank guns; SS–11, *Bantam, Carl Gustav,* and *Miniman* antitank guided weapons; 57-mm self-propelled, 20-mm, and 40-mm AA guns; *Redeye* SAMs.

Navy: 4,700 regulars; 7,400 conscripts.

Twenty-three submarines; two GM destroyers with Rb-08 SSMs; four GM destroyers with *Seacat* SAMs; two other destroyers; seven fast antisubmarine frigates; seventeen heavy torpedo boats; twenty-five torpedo boats (less than 100 tons); one minelayer/submarine depot ship; eighteen coastal minesweepers; seventeen inshore minesweepers (eight less than 100 tons); five coastal artillery regiments with 75-mm, 105-mm, 120-mm, 152-mm, and 210-mm guns; Rb-08 and Rb-52 (SS–11) SSMs; ten Vertol and ten AB–206A helicopters.

Air Force: 5,800 regulars; 6,400 conscripts; 650 combat aircraft (a combat squadron has up to eighteen aircraft).

Ten attack squadrons of A–32A *Lansens* with Rb–04 ASMs (replacement by the AJ–37 *Viggen* is due to start in 1971); thirteen all-weather fighter squadrons with J–35 *Draken Fs;* eight all-weather fighter squadrons with J–35 *Draken A/Ds,* two recce/fighter squadrons with S–32Cs; three recce/dayfighter squadrons with S–35Es; one transport squadron with two C–130Es and seven C–47s; one heavy helicopter squadron with ten Vertol-107s; six SAM squadrons with *Bloodhound IIs.* There is a fully computerized, fully automatic, control and air surveillance system, *Stril 60,* coordinating all air defense components.

Paramilitary forces: Voluntary defense organizations of 325,000, including 90,000 women.

SWITZERLAND

Population: 6,375,000.

Military service: four months' initial training, followed by reservist training of three weeks a year for eight years, two weeks for three years; and one week for two years.

Total armed forces: 5,500 regulars and 24,000 conscripts (total mobilizable strength 600,000; reservists can be fully mobilized within forty-eight hours).

Estimated GNP 1970: $20,500,000,000.

Defense budget 1971: 1,909,200,000 francs or $459,000,000,000 (4.08 francs=$1. Before May 9, 1971, 4.3 francs=$1.).

Army: 2,500 regular training cadre; 17,000 conscripts; 530,500 reservists.

The militia-style Army is organized into four corps. One corps, for the defense of the Alps, consists of three mountain divisions; the other three corps, for the defense of the plain, consist of an armored division and two infantry divisions each. There are also seventeen frontier, fortress, and "redoubt" brigades, and forty-eight artillery battalions; 300 Centurion and 150 Pz-61 medium tanks; 200 AMX-13 light tanks; 1,000 M-113 armored personnel carriers; 155-mm self-propelled howitzers; 105-mm guns and howitzers; 81-mm and 120-mm mortars.

Air Force (including air defense troops): Swiss Air Force and air defense troops are an integral part of the Army, but are listed here separately for purposes of comparison.

3,000 regular; 7,000 conscripts; 40,000 reservists (maintenance by civilians); 315 combat aicraft (combat squadron has fifteen aircraft); thirteen ground support squadrons with Venom FB 50s; two interceptor squadrons with Mirage IIIS. Five interceptor squadrons with Hunter F-58s (with Sidewinder AAMs); one reconnaissance squadron with Mirage IIIRs; twenty transports including three JU-52/3s and six DO-27s; eighty helicopters including sixty Alouette II/IIIs; forty AA batteries with Oerlikon twin 35-mm cannons; two SAM battalions with Bloodhound IIs.

YUGOSLAVIA

Population: 20,800,000.

Military service: eighteen months.

Total armed forces: 233,000.

Estimated GNP 1970: $11,800,000,000.

Defense budget 1971: 8,838,000,000 dinars of $596,000,000 (fifteen dinars=$1. Before Jan. 23, 1971, 12.5 dinars=$1).

Army: 195,000.

Nine infantry divisions; fourteen armored brigades; thirty-one independent infantry brigades; one airborne brigade; one marine infantry brigade; T–54/55, T–34, M–47, and 650 M–4 medium tanks; PT–76 and thirty-five AMX–13 light tanks; M–3, BTR–50, BTR–60P, and BTR–152 armored personnel carriers; SU–100 self-propelled guns; 105-mm and 155-mm howitzers; 50-mm, 57-mm, 75-mm, and 76-mm antitank guns; SU–57 self-propelled AA guns; SA–2 SAMS.

Navy: 18,000.

Five submarines; one destroyer; three patrol vessels; sixteen submarine chasers; four coastal minesweepers; twenty inshore minesweepers (twelve less than 100 tons); ten Osa-class patrol boats with Styx SSMs; sixty-seven motor torpedo boats (fifty-five less than 100 tons); thirty-five landing craft; twenty-five coastal artillery batteries.

Air Force: 20,000; 330 combat aircraft (a combat squadron has fifteen aircraft).

Ten GA squadrons with F–84s, *Kragujs* and *Jastrebs;* ten fighter/interceptor squadrons with F–86D/Es and MIG–21F/PFs; two reconnaissance squadrons with RT–33s; sixty *Galeb* trainers; twenty-five LI–2, *Beaver*, C–47, and IL–14 transports; fifty *Whirlwind*, MI–14, and some *Alouette III* helicopters; eight SAM batteries with SA–2s.

Paramilitary forces: 19,000 frontier guards; 1,000,000 territorial defense force (planned to increase to 3,000,000).

CHAPTER V—THE MIDDLE EAST AND THE MEDITERRANEAN

MULTILATERAL AGREEMENTS

The members of the Central Treaty Organization (CENTO) are Britain, Iran, Pakistan, and Turkey, with the United States as an associate. All sit on the Military, Economic, and Counter-Subversion Committees, and on the Permanent Military Deputies Group. The Treaty provides for mutual cooperation for security and defense, but has no international command structure, nor forces allocated to it. For the local powers, the economic organization of Regional Cooperation for Development (RCD), which arose out of CENTO, may today be more important.

BILATERAL AGREEMENTS

A number of external powers have military arrangements with countries in the region. The United States has varying types of security assistance agreements and provides significant military aid on either a grant or credit basis to Greece, Turkey, Portugal, Spain, Morocco, Tunisia, Lebanon, Jordan, Saudi Arabia, and Israel. It provides, in addition, a significant amount of military equipment on a cash sales basis to many countries, notably Israel, Spain, and Jordan. For grant military assistance purposes Greece and Turkey are considered forward defense areas and Spain is considered a base rights country. Communication bases are maintained in Morocco under informal arrangements.

The Soviet Union has a military assistance agreement, concluded in December 1970, and a fifteen-year treaty of friendship and cooperation, signed in May 1971, with the UAR. Important military assistance is also provided to Algeria, Iraq, Sudan, and Syria, which may be covered by more informal arrangements.

The People's Republic of China has supplied arms to Albania, and has a treaty of friendship with the Yemen.

Britain has defense commitments to Cyprus, Gibraltar, and Malta, and has proposed defense arrangements with the lower Gulf States after her withdrawal from the Persian Gulf at the end of 1971. Britain is also an important arms supplier for the Gulf Sheikhdoms, Saudi Arabia, and Jordan.

France has a pilot training agreement with Morocco but no other formal commitments in the region. The facilities provisions of the Evian agreements with Algeria lapsed at the end of 1970 with the return of the Bou-Sfer airbase to Algeria. France sells arms to a number of countries, notably to Libya.

ARRANGEMENTS WITHIN THE REGION (BETWEEN ARAB STATES)

Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, South Yemen, Sudan, Syria, Tunisia, the UAR, and Yemen are members of the League of Arab States. Among its subsidiary bodies are the Arab Defense Council set up in 1950 and the United Arab Command organized in 1964.

Defense agreements were concluded by the UAR with Syria in November 1966 and Jordan in May 1967, to which Iraq later acceded. These agreements provided for the establishment of a Defense Council and a Joint Command. The loosely associated Eastern Front Command, comprising Iraq, Jordan, the Palestine Liberation Army, and Syria, was reorganized in December 1970 into separate Jordanian and Syrian commands. Iraq and Syria concluded defense pacts in May 1968 and July 1969. The proposed Union of Arab Republics, announced by Libya, Syria, and the UAR in April 1971, would provide for a common defense policy and a Federal Defense Council. Sudan has announced its intention to join.

ALGERIA

Population: 14,150,000.

Military service: limited conscription.

Total armed forces: 60,250.

Estimated GNP 1970: $4,400,000,000.

Defense budget 1971: 490,000,000 dinars or $99,200,000 (4.94 dinars=$1).

Army: 53,000.

Four motorized infantry brigades; one parachute brigade; three independent tank battalions; fifty independent infantry battalions; twelve companies of desert troops; five independent artillery battalions; 200 T–34, 200 T–54, and fifty T–55 medium tanks; AMX–13 light tanks; 350 BTR–152 armored personnel carriers; twenty-five SU–100 and six JSU–152 self-propelled guns; 85-mm guns, 122-mm, and 152-mm howitzers; 140-mm and 240-mm rocket launchers.

Navy: 3,250.

Six coastal escorts; two fleet minesweepers; one coastal minesweeper; eight Komar- and one Osa-class patrol boats (Styx surface-to-surface missiles); eight P–6 torpedo boats.

Air Force: 4,000; 142 combat aircraft.

Twenty-four IL–28 light bombers; twenty MIG–15s, forty MIG–17 ground attack fighters; thirty MIG-21 interceptors; twenty-eight *Magister* armed trainers; eight AN–12 and three IL–18 transports; three MI–1, forty MI–4, seven Hughes-269A, and two SA–330 helicopters; one SAM battalion with SA–2s.

Paramilitary forces: 8,000. Gendarmerie with fifty AML armored cars.

IRAN

Population: 29,500,000.

Military service: two years.

Total armed forces: 181,000.

Estimated GNP 1970: $10,900,000,000.

Defense budget 1971–72. 77,500,000,000 rials or $1,023,000,000 (75.75 rials=$1).

Army: 150,000.

Three armored divisions; three infantry divisions; four independent infantry brigades; one SAM battalion with *Hawks;* 400 M–47 and 460 M–60A1 medium tanks; 100 M–24 light tanks; 100 M–8 and 140 M–20 armored cars; 300 M–113, 270 BTR–50, and 300 BTR–60 armored personnel carriers; 75-mm, 105-mm, and 155-mm howitzers; 40-mm, 57-mm, and 85-mm AA guns; eight *Huskie* helicopters (further helicopters are being delivered).

Navy: 9,000.

One destroyer; one frigate (four with Seacat SAMS are being delivered); four corvettes; four patrol boats; four coastal minesweepers; two inshore minesweepers; eight SRN–6 and two *Wellington* hovercraft (less than 100 tons); four landing craft.

Air Force: 22,000; 140 combat aircraft.

Two fighter-bomber squadrons with F–4Ds, with *Sidewinder* and *Sparrow* air-to-air missiles (thirty-two F–4Es are on order); five fighter-bomber squadrons with F–5s; twenty F–86 all-weather fighters (being phased out); nine RT–33 reconnaissance aircraft; transports include ten C–47s, twenty-six C–130Es, and six *Beavers* (thirty C–130Hs are being delivered); helicopters include ten *Huskies*, forty-five AB–205s, and sixteen *Super-Frelons* (further helicopters are being delivered); *Tigercats* SAMs (*Rapier* SAMs are on order).

Paramilitary forces: 40,000. Gendarmerie with thirty AB–206 helicopters.

IRAQ

Population: 9,250,000.

Military service: two years.

Total armed forces: 95,250.

Estimated GNP 1970: $3,120,000,000.

Estimated defense expenditure 1970–71: 84,700,000 dinars or $237,160,000 (one dinar=$2.80).

Army: 85,000.

Two armored divisions; four infantry divisions (each of four brigades); 800 T–54 and T–55, and sixty T–34/85 medium tanks; forty-five PT–76 light tanks; 115 AML armored cars; sixty *Ferret* scout cars; BTR–152 armored personnel carriers; artillery includes 300 Soviet 120-mm and 130-mm guns.

Navy: 2,000.

Three submarine chasers; twelve motor torpedo boats (less than 100 tons); ten patrol boats (less than 100 tons).

Air Force: 8,250; 220 combat aircraft.

Nine TU–16 medium bombers; twelve IL–28 light bombers; forty-eight SU–7 fighter-bombers; thirty-five *Hunter* ground attack fighters; sixteen T–52 *Jet Provost* light-strike aircraft; eighty-five MIG–21 interceptors; fifteen MI–17 fighters; thirty-five M–14, twelve MI–8, and nine *Wessex* helicopters; two AN–2, eight AN–12, ten AN–24, two TU–124, and two *Heron* transports.

Paramilitary forces: 20,000, including 10,000 national guard and 4,000 security troops, forming one mechanized brigade.

ISRAEL

Population: 3,040,000.

Military service (Jewish population only): men, thirty-six months; women, twenty months.

Total armed forces: 75,000 regular cadre and conscripts (can be raised to 300,000 by mobilizing reservists within forty-eight to seventy-two hours).

Estimated GNP 1970: $5,400,000,000.

Defense budget 1971–72: 5,193,000,000 Israeli pounds or $1,483,700,000 (3.5 Israeli pounds=$1).

Army: 11,500 regular, 50,000 conscripts (275,000 when fully mobilized).

Four armored brigades; four infantry brigades; one parachute brigade; 300 M-48 (with 105-mm guns), 250 Ben Gurion (Centurion with French 105-mm gun), 200 Senturion, 200 Isherman (with 105-mm gun) and Super Sherman, 100 TI-67 (T54/55 with 105-mm gun), and twenty-five M-60 medium tanks; AML-60, fifteen AML-90 and some Staghound armored cars; about 1,000 M-2 and M-3 half-tracks; M–113 armored personnel carriers; twenty-four M-109 155-mm self-propelled howitzers; 155-mm howitzers on Sherman chassis; about 300 self-propelled 105-mm howitzers, 120-mm and 160-mm mortars on AMX-chassis; 90-mm self-propelled antitank guns and 106-mm jeep-mounted recoilless rifles; Corba and weapons carrier-mounted SS-10/11 antitank guided weapons; 20-mm, 30-mm, and 40-mm AA guns (the MD-660 280-mile-range surface-to-surface missile may become operational during 1971).

Reserves: would increase above formations to ten armored, nine infantry, and four parachute brigades.

Navy: 3,500 regular, 1,000 conscripts (8,000 when fully mobilized).

Three submarines; one destroyer (used as a training ship); twelve fast patrol boats (with Gabriel surface-to-surface missiles); nine motor torpedo boats (less than 100 tons); eight patrol boats (less than 100 tons); ten landing craft (four less than 100 tons); 500 naval commandos.

Air Force: 8,000 regular, 1,000 conscripts (17,000 when fully mobilized); 374 combat aircraft.

Ten Vautour light bombers; seventy-five F-4E fighter-bomber/interceptors; sixty Mirage IIIC fighter-bomber interceptors (some with R-530 air-to-air missiles); seventy-two

A-4E/H fighter-bombers (eighteen more are due to be delivered during 1971); twenty-seven Mystère IV–A fighter-bombers; thirty Ouragan fighter-bombers; nine Super Mystère interceptors; six RF-4E reconnaissance aircraft; eighty-five Magister armed trainers; ten Stratocruiser transports/tankers; fifteen Noratlas, ten C-47, and four C-46 transports; twelve Super Frelon. eight CH-53, twenty-five AB–205, and twenty Alouette helicopters; eight SAM batteries with forty-eight Hawks.

Paramilitary forces: 10,000. Militia providing regional border defense units.

JORDAN

Population: 2,225,000.

Military service: two years.

Total armed forces: 60,250.

Estimated GNP 1970: $640,000,000.

Defense budget 1971: 32,300,000 dinars or $90,440,000 (one dinar=$2.80).

Army: 58,000.

One armored division; one mechanized division; one infantry division; one Royal Guards battalion (armored); three artillery regiments; one SAM regiment with *Tigercats*; 150 M–47 and M–48, and 140 *Centurion* medium tanks 125 *Saladin* armored cars; 140 *Ferret* scout cars; 250 M–113 and 100 *Saracen armored* personnel carriers; twenty-five-pounder guns; thirty 105-mm and 155-mm howitzers; a few 15-mm and 203-mm guns; M–42 self-propelled AA guns.

Navy: 250.

Eight small patrol craft.

Air Force: 2,000; thirty-three combat aircraft.

Two ground-attack squadrons with eighteen *Hunters*; one interceptor squadron with fifteen F–104As; four C–47 and two *Dove* transports; helicopters include seven *Alouette IIIs*.

Paramilitary forces: 37,500, consisting of 7,500 Gendarmerie, and 30,000 National Guard.

LEBANON

Population: 2,775,000.

Voluntary military service (proposals have been made to introduce compulsory military training).

Total armed forces: 15,250.

Estimated GNP 1970: $1,560,000,000.

Defense budget 1971: 166,200,000 Lebanese pounds or $51,100,000 (3.25 Lebanese pounds=$1).

Army 14,000.

Two tank battalions; one motorized battalion; nine infantry battalions; forty *Charioteer* medium tanks; forty AMX–13 and twenty M–41 light tanks; M–706, M–6, and AEC Mark–3 armored cars; M–113 and M–59 armored personnel carriers; 155-mm howitzers; fifteen M–42 self-propelled AA guns.

Navy: 250.

One patrol vessel; four small patrol boats (less than 100 tons); one landing craft.

Air Force: 1,000; twenty-one combat aircraft.

Twelve *Hunter* ground-attack fighters; one interceptor squadron with *Mirage IIICs* (negotiations have taken place for their resale to France, and they are not thought to be operational) with R–530 air-to-air missiles; five transports; one helicopter squadron with four *Alouette IIs* and six *Alouette IIIs*. Some radar of a *Crotale* SAM system have been delivered.

Paramilitary forces: 2,500 Gendarmerie. A National Guard of 5,000 is being formed.

LIBYA

Population: 2,000,000.

Military service: Eighteen months.

Total armed forces: 22,000.

Estimated GNP 1970: $4,000,000,000.

Defense budget 1971–72: 30,000,000 Libyan pounds or $84,000,000 (one Libyan pound=$2.80).

Army: 20,000.

Four armored battalions; five infantry battalions; three artillery battalions; two AA artillery battalions; six *Centurion V*, 100 T–54/55, and fifteen T–34/85 medium tanks; *Saladin* armored cars; *Shorland* and *Ferret* scout cars; *Saracen* armored personnel carriers; 122-mm guns, 105-mm and 155-mm howitzers; L40/70 Bofors AA guns (an order for 188 *Chieftain* tanks from Britain is in abeyance).

Navy: 1,000.

One corvette; three fast patrol boats with SS–12(M) surface-to-surface missiles; one fleet minesweeper; two inshore minesweepers; one logistic support ship; twelve small patrol craft; one fast frigate is due for delivery during 1971.

Air Force: 1,000; seven combat aircraft.

One interceptor squadron with seven F–5s; eighteen *Mirage III* and three T–33 trainers; eight C–130E and nine C–47 medium transports; two AB–206, three OH–13, four *Alouette III*, and six *Super Frelon* helicopters (thirty more of the total order of 110 *Mirages* and eight F–5s are due to be delivered during 1972).

MOROCCO

Population: 16,000,000.

Military service: eighteen months.

Total armed forces: 57,500.

Estimated GNP 1970: $3,340,000,000.

Defense budget 1971: 491,000,000 dirham or $97,000,000 (5.06 dirham = $1).

Army: 52,000.

One armored brigade; three motorized infantry brigades; one light security brigade; one parachute brigade; twelve independent infantry battalions; two camel corps battalions; three desert cavalry battalions; four artillery groups; 120 T–54 medium tanks; 120 AMX–13 light tanks; some EBR–75, and fifty AML–245 and M–8 armored cars; forty M–3 half-track and ninety-five Czech armored personnel carriers; twenty-five SU–100 and AMX–105, and fifty M–56 90-mm self-propelled guns; 75–mm and 105–mm howitzers; six *Alouette II/III* helicopters.

Navy: 1,500.

One frigate; two coastal escorts; one patrol boat (less than 100 tons); two landing ships.

Air Force: 4,000; thirty-eight combat aircraft.

Ten F–5A and four F–5B intercepters; twenty-four *Magister* armed trainers; forty-five T–6 and twenty-five T–28 trainers; ten C–47 and eleven C–119 transports; OH–13, twenty-four AB–204, twelve AB–205, and six HH–43 helicopters (twelve MIG–17 fighter-bombers are in storage).

Paramilitary forces: 23,000. 2,250 Gendarmerie, including two mobile security battalions; 750 Royal Guards; 20,000 Auxiliaries.

SAUDI ARABIA

Population: 7,400,000.

Voluntary military service.

Total armed forces: 41,000.

Estimated GNP 1970: $4,100,000,000.

Defense budget 1970–71: 1,723,000,000 riyals or $383,000,000 (4.5 riyals = $1).

Army: 35,000.

Four infantry brigades; ten SAM batteries with *Hawks*; twenty-five M–47 medium tanks; 60 M–41 light tanks; 200 AML–60s and AML–90s; some *Staghound* and *Greyhound* armored cars; *Ferret* scout cars.

Deployment: 1,000 in Jordan; 2,000 in UAR.

Navy: 1,000.

Three torpedo boats; one patrol vessel; two fast patrol boats; eight SRN–6 hovercraft; twenty smaller patrol boats are being delivered.

Air Force: 5,000; seventy-five combat aircraft.

One fighter-bomber squadron with fifteen F–86s; two ground-attack squadrons with twenty BAC–167s; two interceptor squadrons with twenty *Lightnings*; ten C–130E transport aircraft; four *Alouette III*, one AB–204, three AB–205, and fourteen AB–206 helicopters; about thirty-five *Hunter*, *Lightning*, and T–33A trainers; two SAM regiments with thirty-six *Thunderbirds*.

Paramilitary forces: 30,000. National Guard (formerly known as the "White Army"); lightly armed tribal levies with *Vigilant* antitank guided weapons.

SUDAN

Population: 16,050,000.

Voluntary military service (proposals for compulsory service have been made).

Total armed forces: 37,100.

Estimated GNP 1970: $1,830,000,000.

Defense budget 1970–71: 46,400,000 Sudanese pounds or $133,200,000 (one Sudanese pound = $2.87).

Army: 35,000.

One armored brigade; six infantry brigades; one independent infantry battalion; one parachute regiment; three artillery regiments; one engineer regiment; twenty T–34/85, fifty T–54, and fifty T–55 medium tanks; fifty *Saladin* and forty-five *Commando* armored cars; sixty *Ferret* scout cars; BTR–40, BIR–152, and *Saracen* armored personnel carriers; fifty-five twenty-five-pounders, forty 105–mm, and some 122–mm guns and howitzers; twenty 120–mm mortars; eighty Bofors 40–mm and some Soviet 85–mm AA guns.

Deployment: 2,000 in Egypt.

Navy: 600.

Six coastal patrol boats; two landing craft.

Air Force: 1,500; 32 combat aircraft.

Sixteen Mig–21 interceptors; five BAC–145 Mk 5, eight *Jet Provost* Mk 52, and three *Provost* Mk 51 light attack aircraft; three *Pembroke*, three F–27 *Troopship*, six AN–12, and five AN–24 transports; ten MI–8 helicopters.

Paramilitary forces: 3,000. 1,000 Gendarmerie; 2,000 Frontier Police.

SYRIA

Population: 6,200,000.

Military service: thirty months (Jewish population exempted).

Total armed forces: 111,750.

Estimated GNP 1970: $1,460,000,000.

Estimated defense expenditure 1970: 670,000,000 Syrian pounds or $176,000,000 (3.8 Syrian pounds=$1).

Army: 100,000.

One armored division; two mechanized divisions; two infantry divisions; one parachute battalion; five commando battalions; seven artillery regiments; eight SAM batteries with SA–2s; about thirty JS–3 heavy tanks; 150 T–34, and 600 T–54/55 medium tanks; some PT–76 light tanks; 100 SU–100 self-propelled guns; 500 BTR–152 armored personnel carriers; 800 Soviet-made guns including 122–mm, 130–mm, and 152–mm.

Navy: 1,750.

Two minesweepers; two coastal patrol vessels; six *Komar*-class patrol boats, with *Styx* surface-to-surface missiles; twelve motor torpedo boats (less than 100 tons).

Air Force: 10,000 men; 210 combat aircraft.

Eighty MIG–15 and MIG–17 fighter-bombers; thirty SU–7 fighter-bombers; 100 MIG–21 interceptors; eight IL–14 and six C–47 transports; four MI–1, eight MI–4, and some MI–8 helicopters.

Paramilitary forces: 6,500. 5,000 Gendarmerie; 1,500 Internal Security Camel Corps.

TUNISIA

Population: 5,050,000.

Military service: one year (selective).

Total armed forces: 21,550.

Estimated GNP 1970: $1,240,000,000.

Estimated defense expenditure 1971: 10,509,000 dinars or $20,020,000 (one dinar=$1,905).

Army: 20,000.

One armored battalion; six infantry battalions; one commando battalion; one artillery group; one Sahra patrol group; about fifteen AMX–13 and M–41 light tanks; twenty *Saladin* and some M–8 armored cars; 105-mm self-propelled and 155-mm guns; 40-mm Bofors AA guns.

Navy: 800.

One corvette; one coastal escort; two patrol boats with SS-12 (M) surface-to-surface missiles; ten patrol boats (less than 100 tons); four fast patrol boats and six coastal patrol boats due to be delivered in 1971.

Air Force: 750; twelve combat aircraft.

Twelve F-86 fighters; eight MB-326, twelve T-6, and fourteen SAAB 91-D trainers; three *Flamant* light transports; eight *Alouette II* helicopters.

Paramilitary forces: 10,000. 5,000 Gendarmerie organized in six battalions; 5,000 National Guard.

UNITED ARAB REPUBLIC (UAR)

Population: 34,150,000.

Military service: three years.

Total armed forces: 318,000.

Estimated GNP 1970: $6,430,000,000.

Defense budget 1971-72: 650,000,000 Egyptian pounds or $1,495,000,000 (one Egyptian pound = $2.30).

Army: 275,000.

Three armored divisions; four mechanized infantry divisions; five infantry divisions; two parachute brigades; sixteen artillery brigades; twenty commando battalions; fifty JS-3 and T-10 heavy tanks; 1,200 T-54/55 and 250 T-34/85 medium tanks; 150 PT-76 light tanks; 850 BTR-40, BTR-50P, BTR-60P, OT-64, and 350 BTR-152 armored personnel carriers, about 150 SU-100 and JSU-152 self-propelled guns; about 1,500 122-mm, 130-mm, and 152-mm guns and howitzers, and forty 203-mm howitzers; 57-mm, 85-mm, and 100-mm antitank guns; Snapper antitank guided weapons; twenty-four FROG-3 and twenty-five Samlet short-range surface-to-surface missiles; ZSU-23-4 and ZSU-57 self-propelled AA guns.

Navy: 14,000 including coast guards.

Twelve submarines (including six ex-Soviet W-class and six ex-Soviet R-class); five destroyers (including four ex-Soviet Skory-class); two corvettes; ten submarine chasers; four fleet minesweepers; two inshore minesweepers; twelve Osa-class and eight Komar-class patrol boats with Styx surface-to-surface missiles; thirty motor torpedo boats (less than 100 tons); twenty landing craft.

Air Force: 25,000; 523 combat aricraft.

Eighteen TU-16 medium bombers; twenty-five light bombers; 200 MIG-21 interceptors; 110 SU-7 fighter-bombers; 200 MIG-17 fighter-bombers; 150 MIG, YAK, and L-29 trainers (some can be armed); about forty IL-14 and twenty AN-12 medium transports; 140 MI-1, MI-4, MI-6, and MI-8 helicopters. Air defense is provided by 37-mm, 57-mm, 85-mm, and 100-mm guns; up to seventy sites with six launchers each of SA-2 SAMs; a radar network and six squadrons of MIG-21 interceptors. Coordinated with this defense are up to 150 MIG-21J and possibly MIG-23 aircraft—all Soviet operated. There are also up to sixty-five Soviet-controlled sites with four launchers each of SA-3s (and possibly SA-4s).

Deployment: elements in Sudan.

Missile Command: 4,000.

This is separate from the Army and the Air Force and its numbers include civilian technicians. Fresh development work may have started on the 1,000-pound warhead, 235-mile-range *Al Zafir*, the 375-mile-range *Al Kahir*, and the 440-mile-range *Al Raid*, stated to be able to carry a one-ton scientific probe, but these ranges are probably over-optimistic. The first two missiles were designed to be mobile; none is thought to have achieved any operational capability.

Paramilitary forces: National Guard of about 120,000.

CHAPTER VI—THE NATIONS OF SUB-SAHARAN AFRICA

MULTILATERAL AGREEMENTS

The Organization of African Unity (OAU), constituted in May 1963, includes all internationally recognized independent African states except South Africa. Its Defense Commission is responsible for defense and security cooperation, and the defense of the sovereignty, territorial integrity, and independence of its members.

There is a regional defense pact among France, Congo (Brazzaville), the Central African Republic, and Chad, and there is a five-party defense agreement among France, Dahomey, Ivory Coast, Niger, and Upper Volta, which has set up the "Conseil de défense de l'Afrique équatoriale."

BILATERAL AGREEMENTS

A number of external powers have military arrangements with countries in the region. The United States has varying types of security assistance agreements and provides significant military aid on either a grant or credit basis to Ethiopia, Liberia, and Congo (Kinshasa). For grant military assistance purposes, Ethiopia, where the United States has a large communications center, is considered a base rights country.

The Soviet Union and China are not known to have defense agreements with countries in the region, but Soviet military assistance has been given to Guinea, Mali, and Mauritania.

Britain maintains defense agreements with Kenya and Mauritius, and an agreement with South Africa, made in June 1955 and revised in January 1967, covering the use of the Simonstown naval base. France has defense agreements with Cameroun, Gabon, Malagasy Republic, Mauritania, Senegal, and Togo; technical military assistance agreements with Cameroun, the Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Malagasy Republic, Mauritania, Niger, Senegal, Togo, and Upper Volta; and mutual facilities agreements with Dahomey, Gabon, Ivory Coast, Mauritania, and Niger.

Portugal directly assures the defense of Angola, Mozambique, and Portuguese Guinea, and Spain of Spanish Sahara, Ceuta, and Melilla. All of these are administratively regarded as overseas provinces, except Ceuta and Melilla, which are treated as integral parts of Spain.

With a few important exceptions, only countries with armed forces over 5,000 strong are included. Though in some African states they have a considerable internal security role, civil police forces have not been included. Details of civil police forces of African States and of the armed forces of countries not included here may be found in The International Institute for Strategic Studies' Adelphi Paper No. 67—*The Armed Forces of African States, 1970*. The amount of military equipment shown may not necessarily be that which can be used. In some of the developing nations, maintenance facilities and skills may pose problems, and spare parts may not be readily available.

CONGO (INSHASA) (DEMOCRATIC REPUBLIC OF THE CONGO)

Population: 21,300,000.

Voluntary military service.

Total armed forces: 46,000.

Estimated GNP 1970: $1,900,000,000.

Estimated defense expenditure 1970: 42,000,000 zaires or $84,000,000 (one zair=$2).

Army: 45,000.

Fourteen infantry battalions; seven parachute battalions; one heavy weapons battalion; four other battalions. The above, together with support units, form seven brigade groups and one parachute division. About eighty AML armored cars: M-3 and *Ferret* scout cars (less than half operational).

Navy: 150.

Seven river gunboats; one patrol boat.

Air Force; 850; thirty-two combat aircraft.

Seventeen MB-326GB, eight T-6G, and five T-28D armed trainers; ten C-47, four C-54, and three C-130 transports; eight SF-260M trainers; one *Alouette II*, four *Alouette III*, and seven SA-330 *Puma* helicopters.

Paramilitary forces: Six National Guard and seven Gendarmerie battalions.

ETHIOPIA

Population: 25,800,000.

Voluntary military service.

Total armed forces: 42,750.

Estimated GNP 1970: $US 1,750,000,000.

Defense budget 1970-71: $E 89,100,000 or $US 35,640,000 ($E 2.50=$US 1).

Army: 39,000. Four infantry divisions: 8,000 men in each (including Imperial Guard); one tank battalion; one airborne infantry battalion; one armored car squadron; four artillery battalions; five air defense batteries; two engineer battalions; fifty-five M-14 medium tanks; fifteen M-24 light tanks; about fifty armored personnel carriers.

Navy: 1,500. One training ship (ex-seaplane tender); five patrol boats; two motor torpedo boats; four gunboats (less than 100 tons); four landing craft (less than 100 tons).

Air Force: 2,250; forty-eight combat aircraft. One bomber squadron with four *Canberra* B-2s; one fighter-bomber squadron with eleven F-86Fs; one ground-attack squadron with thirteen T-28s; oen ground-attack squadron with eight SAAB-17s; one fighter squadron with ten F-5As; one reconnaissance squadron with two T-33s; one transport squadron with four C-47s, two C-54s, four C-119Gs, three *Doves*, and one IL-14; three training squadrons with twenty *Safirs*, fifteen T-28As, and eleven T-33s; four *Alouette II* and two MI-8 helicopters.

Paramilitary forces: 13,750. 6,000 Territorial Army—active strength; 6,800 mobile emergency police force; 1,500 frontier guards.

GHANA

Population: 9,050,000.

Voluntary military service.

Total armed forces: 18,600.

Estimated GNP 1970: $2,570,000,000.

Defense budget 1970-71: 45,300,000 cedi or $44,400,000 (1.02 cedi=$1).

Army: 16,500. Two brigades comprising seven infantry battalions and support units; two reconnaissance squadrons; *Saladin* armored cars; *Ferret* scout cars; heavy mortars.

Navy. 1,000. Two corvettes, one coastal minesweeper; two inshore minesweepers; two seaward defense vessels; three *P*-class patrol boats (less than 100 tons). (Three is a substantial shortage of spares for all naval craft.)

Air Force: 1,100; no combat aircraft.

One transport squadron with seven Otters; one transport squadron with eight Caribous and three Herons; one communications and liaison squadron with eleven Beavers; three Whirlwind, two Wessex, and three Hughes 269 helicopters; six MB-326 and nine Chipmunk trainers.

Paramilitary forces: A workers brigade.

GUINEA

Population: 4,075,000.

Military service: two years.

Total armed forces: 5,350.

Estimated GNP 1970: $700,000,000.

Defense budget 1966-67: 2,338,000,000 Guinea francs or $9,470,000 (278 Guinea francs=$1).

Army: 5,000. Five infantry battalions; one armored battalion; three engineer companies; T-34 tanks; BTR-152 armored personnel carriers; 105-mm and 85-mm guns.

Deployment: about 200 in Sierra Leone.

Navy: (Coast Guard) 150.

Six ex-Soviet patrol boats (less than 100 tons).

Air Force: 200; five combat aircraft. Five MIG–17 fighters; two IL–18 and four IL–14 transports; YAK–18 and MIG–15 trainers.

Paramilitary forces: 7,500. 900 Gendarmerie; 1,600 Republican Guard; 5,000 militia.

IVORY COAST

Population: 4,375,000.

Military service: two years.

Total armed forces: 4,400.

Estimated GNP 1970: $1,440,000,000.

Estimated defense expenditure 1970: 6,350,000,000 CFA francs or $22,800,000 (278 CFA francs=$1).

Army: 4,000. Three infantry battalions; one armored squadron; one parachute company; two artillery batteries; one engineer company; about five AMX–13 light tanks; some armored cars, scout cars, 105-mm guns, mortars, 40-mm AA guns.

Navy: 100. Three patrol vessels (one less than 100 tons); two landing craft (less than 100 tons).

Air Force: 300, no combat aircraft.

Three C–47 medium, and one *Mystère 29*, one *Commander 500*, and five MH–1521 *Broussard* light transports; five *Alouette* helicopters and six light aircraft.

Paramilitary forces: 2,000 Gendarmerie.

KENYA

Population: 11,525,000.

Voluntary military service.

Total armed forces: 7,170.

Estimated GNP 1970: $1,580,000,000.

Estimated defense expenditure 1970: 175,000,000 shillings or $24,500,000 (7.143 shillings=$1).

Army: 6,300. Four infantry battalions; one support battalion with a parachute company; *Saladin* armored cars; *Ferret* scout cars; 81-mm and 120-mm mortars; 120-mm recoilless rifles.

Navy: 250. One seaward defense boat; three patrol boats.

Air Force: 620; six combat aircraft. Six BAC–167 ground-support aircraft; one transport squadron, with four *Caribous;* one light transport squadron with seven *Beavers;* one training squadron with five *Chipmunks* and three *Beavers;* three *Alouette II* and two H–269 helicopters; five *Bulldog* armed trainers are due to be delivered by mid-1972.

Paramilitary forces: 1,800 in general service units (including Presidential escort).

MALAGASY REPUBLIC

Population: 7,200,000.

Military service: eighteen months.

Total armed forces: 4,100.

Estimated GNP 1970: $82,000,000.

Defense budget 1969: 3,450,000,000 MG francs or $13,450,000 (278 MG francs=$1).

Army: 3,700. Two infantry regiments; one parachute company; one armored squadron; one artillery battery; one engineer regiment.

Navy: 200. One patrol vessel; one training ship; one tender; one marine company.

Air Force: 200; no combat aircraft. Five C–47 medium and three MH–1521 light transports; two MD–315 *Flamant* light aircraft.

Paramilitary forces: 4,100 Gendarmerie.

NIGERIA

Population: 62,000,000.

Voluntary military service.

Total armed forces: 252,000.

Estimated GNP 1970: $9,100,000,000.

Defense budget 1971–72: 87,000,000 Nigerian pounds or $243,600,000 (one Nigerian pound equal to $2.80).

Army: 240,000. Three infantry divisions; three reconnaissance regiments; three artillery regiments; Saladin and twenty AML–60/90 armored cars; Ferret scout cars; Saracen armored personnel carriers; twenty-five-pounder, 76-mm, 105-mm, and 122-mm guns.

Navy: 5,000. One frigate (refitting); three ex-Soviet fast patrol boats (less than 100 ton); six seaward defense boats; one landing craft; two corvettes are due to be delivered by mid-1972.

Air Force: 7,000; thirty-two combat aircraft. Six IL–28 medium bombers; eight MIG–17 fighter-bombers; eight L–29 Delfin and ten P–149D armed trainers. Other aircraft include six C–47 transports; twenty DO–27/28 communication/liaison aircraft; eight Whirlwind and Alouette II helicopters.

RHODESIA

Population: 5,425,000 (250,000 white population).

Military service: twelve months (white population).

Total armed forces: 4,600.

Estimated GNP 1970: $1,440,000,000.

Estimated defense expenditure 1970–71: $R 17,879,000 or $US 25,031,000 ($R 1 equal to $US 1.40).

Army: 3,400. Two infantry battalions (one has Ferret scout cars); one Special Air Service squadron; one artillery battery.

There is an establishment for three brigades, two based on regular infantry battalions, which would be brought up to strength by calling out the Territorial battalions referred to below.

Air Force: 1,200; fifty-five combat aircraft. One light bomber squadron with eleven Canberras; one fighter/ground-attack squadron with twelve Hunters; one fighter/ground-attack squadron with twelve Vampires; one recce squadron with thirteen T–52 Provosts; one armed trainer squadron with seven AL–60s; one transport squadron including C–47s; one helicopter squadron with eight Alouette 111s.

Reserves: 8,000. The white population completing military service is assigned for three years part-time training to Territorial units, which include active Territorial battalions based on the cities and reserve Territorial battalions based on country districts. The establishment of the Army Reserves is eight infantry battalions and one field artillery battery. The majority of ground personnel servicing regular Air Force units are Air Force reservists or nonwhite civilians employed by the Air Force.

Paramilitary forces: 6,400 active; 28,500 reservists. The British South African Police (BSAP) have some military equipment such as small arms and would be responsible for much of the internal security of Rhodesia in the event of civil disturbances or a military threat from outside. The white population forms only about a third of the active strength, but nearly three-quarters of the Police reserves.

SENEGAL

Population: 3,950,000.

Military service: two years.

Total armed forces: 5,900.

Estimated GNP 1970: $72,000,000.

Defense budget 1969–70: 4,461,000,000 CFA francs or $18,060,000 (278 CFA francs=$1).

Army: 5,500. Three infantry battalions; two parachute companies; two commando companies; one reconnaissance squadron; one engineer battalion; support units include transport and signal company; Greyhound and AML–245 armored cars.

Navy: 200. One coastal escort; two submarine chasers; one patrol boat (less than 100 tons).

Air Force: 200; no combat aircraft. Four C–47 medium and four MH–1521 light transports; two Bell–47G helicopters.

Paramilitary forces: 1,600 Gendarmerie.

SOMALI DEMOCRATIC REPUBLIC

Population: 2,900,000.

Voluntary military service.

Total armed forces: 15,000.

Estimated GNP 1970: $180,000,000.

Defense budget 1969: 64,320,000 Somali shillings or $9,005,000 (7.143 Somali shillings=$1).

Army: 13,000. Four tank battalions; nine mechanized infantry battalions; one commando battalion; about 150 T-34 medium tanks (only about one quarter are serviceable); five *Ferret* scout cars; over 200 BTR-40, -50, and -152 armored personnel carriers; 100-mm guns.

Navy: 250. Six patrol boats (less than 100 tons).

Air Force: 1,750; twenty combat aircraft. Twenty MIG-15/MIG-17 fighters; two MIG-15/17 UTI and three P-18 trainers; transports include one C–45 and three C–47s; three AN-2s and one AN-24.

Paramilitary forces: 500 border guards.

SOUTH AFRICA

Population: 20,500,000 (3,900,000 white population).

Military service: nine to twelve months in Citizen Force.

Total armed forces: 44,250.

Estimated GNP 1970: $17,600,000,000.

Defense budget 1971–72: 316,000,000 rands or $442,400,000 (one rand=$1.40).

Army: 32,000 (10,000 regular; 22,000 Citizen Force). 100 *Centurion Mark Vs*, 100 *Sherman*, and forty *Comet* medium tanks; 500 AML-60 and AML-90, and fifty M-3 armored cars; 200 *Ferret* scout cars; *Saracen* armored personnel carriers.

Reserves: 23,000 trained reserves in Citizen Force.

One submarine (two more due for delivery in mid-1972); two destroyers with Wasp ASW helicopters (reports suggest that both destroyers and one frigate are temporarily in reserve); six ASW frigates; one escort minesweeper; ten coastal minesweepers; five seaward defense boats; one fleet replenishment tanker.

Reserves: 4,750 trained reserves in Citizen Force.

Air Force: 8,000 (5,000 regular; 3,000 Citizen Force); 163 combat aircraft.

One bomber squadron with sixteen *Canberra* B-12s; one light bomber squadron with fifteen *Buccaneer Mark 50s;* one fighter-bomber squadron and twenty *Mirage IIIEZs* (with AS-20 and AS-30). (*Mirage* aircraft are to be built in South Africa under license); one interceptor squadron with sixteen *Mirage IIICZ* (with R-530 air-to-air missiles). Other aricraft include four *Mirage IIIRZs*, thirty F-86s, five *Vampire FB-5s*, and at least fifty MB-326 *Impalas;* one maritime recce squadron with seven *Shackletons;* nine *Transall*, thirty C–47, four C-54, seven C-130B/E, and one *Viscount* medium and nine P-166 light transports; 106 *Alouette II/III*, eight *Wasp*, and sixteen *Super Frelon* helicopters (deliveries of twenty SA-330 *Pumas* have begun); a *Cactus* air defense missile system is being installed, but the *Crotale* SAMs have not yet been delivered.

Reserves: The Citizen Air Force operates eight squadrons with fifty *Impalas*, about 120 *Harvard* armed trainers, and C–47 transports.

Paramilitary forces. 78,000. 75,000 Kommandos organized and trained on the same lines as the Citizen Force. 3,000 police with antiterrorist training whose equipment includes eighty *Saracen* armored personnel carriers on loan from the army.

TANZANIA

Population: 13,600,000.

Voluntary military service.

Total armed forces: 11,100.

Estimated GNP 1970: $1,100,000,000.

Defense budget 1968–69: 190,300,000 shillings or $26,640,000 (7.143 shillings=$1).

Army: 10,000. Four infantry battalions; fourteen Chinese T–62 light tanks; some BTR–40 and –152 armored personnel carriers; Soviet field artillery and Chinese mortars.

Navy: 600. Five fast patrol boats; eight patrol boats (less than 100 tons).

Air Force: 500; no combat aircraft. One AN–2, six Beaver, and four Caribou transports; seven P–149 trainers.

UGANDA

Population: 10,025,000.

Voluntary military service.

Total armed forces: 9,000.

Estimated GNP 1970: $1,060,000,000.

Defense budget 1968–69: 120,540,000 shillings or $16,875,000 (7.143 shillings=$1).

Army: 8,500. Two brigades each of two infantry battalions with supporting services; two border guard battalions; one mechanized battalion; one parachute/commando battalion; one artillery regiment; five M-4 medium tanks; sixteen Ferret scout cars; twenty BTR–40 and BTR–152, and twelve OT–64B armored personnel carriers (perhaps half are operational).

Air Force: 450; nineteen combat aircraft. One fighter squadron with seven MIG–15s and MIG–17s; twelve Magister armed trainers; one transport squadron with six C–47s and one Caribou; two AB–206 and two Scout helicopters; four Piaggio P–149 and twelve L–29 Delfin trainers, and seven Piper light aircraft.

ZAMBIA

Population: 4,250,000.

Voluntary military service.

Total armed forces: 5,500.

Estimated GNP 1970: $1,580,000,000.

Defense budget 1966: 12,600,000 kwachas or $17,640,000 (one kwacha=$1.40).

Army: 4,500. One brigade of three infantry battalions and one recce squadron; one artillery battery; one engineer squadron; a signals squadron and supporting services; Ferret scout cars; 150–mm guns.

Air Force: 1,000; 12 combat aircraft. Four Jastreb light attack aircraft; eight SF–260MZ armed trainers; one transport squadron with two C–47s and four Caribous; one communications/liaison squadron with six Beavers and two Pembrokes; four AB–205 helicopters; two Galeb and six Chipmunk trainers; twelve MB–326 ground-attack aircraft are on order.

Paramilitary forces: Two police mobile battalions.

Chapter VII—China

China's dominant strategic concept is a People's War, in which most of the population is allotted a military role. This entails a peacetime program of rudimentary military training for civilians. The People's Liberation Army (PLA) is heavily involved in the political and military administration of the country.

China's large manpower pool allows great selectivity in manning the 2,900,000-strong regular forces. The vast bulk of the manpower lies in the land forces, specifically in the infantry and artillery. Out of a total of 140 divisions, only five are armored. The Navy and Air Force account for little more than ten percent of the personnel, compared with about thirty percent in the Soviet Union.

The PLA is not equipped on the scale of major industrial countries, including the Soviet Union, and its mobility is limited. However, China's military production is improving steadily in quantity and quality. She now produces the TU–16 medium bomber, the MIG–21, the T–59 medium tank, the (Chinese) T–62 light tank, and armored personnel carriers, which improve the mobility of the PLA; also a new Chinese twin-engined fighter is being developed. In the Navy, the buildup of fast guided-missile patrol boats is continuing, along with its own version of the R-class medium-range, diesel-powered submarine. At least one nuclear-powered submarine appears to be under construction; it is probably an attack vessel.

The PLA is organized in eleven Military Regions, and to some extent its equipment and logistics support reflect this regional character. Its deployment is uneven, with major concentrations along the littoral, the Canton-Wuhan railway, and in the northeast During 1969–70, there were some shifts of forces from the south of China to the northern half of the country, but little movement has been reported since. In July 1971, there were thought to be 15,000–20,000 railway engineers, construction engineers, and protecting troops in North Vietnam and Laos.

China has a thirty-year Treaty of Alliance and Friendship with the Soviet Union, signed in 1950, with mutual defense obligations, the validity of which must be in doubt. China has a mutual defense agreement with North Korea dating from 1961, and it is probable that she has well-defined defense commitments toward North Vietnam. China has in the past year continued to provide military assistance to Pakistan and Tanzania, and to Albania, with whom she has been cooperating on defense matters.

NUCLEAR WEAPONS PROGRAM

China conducted only one nuclear test in the past year, the eleventh since 1964. As with at least three of the previous tests, the 1970 explosion involved a fusion (thermonuclear) device with a yield of some three megatons. China has significant resources of natural uranium and its own plant for uranium enrichment. It may now have sufficient fissionable material for a total of about 120 fission and fusion weapons, although the availability of deuterium and/or tritium may constrain production of fusion weapons.

For air delivery of nuclear weapons China had until recently only a few old TU–4 bombers. At least thirty TU–16s, a medium bomber with an operational range of about 1,500 miles, have now been produced, and estimated production capacity is some five a month.

China, which has been testing MRBMs since the mid-1960s, has apparently deployed, mainly in northwestern and northeastern China, about twenty operational missiles with a range of up to 1,000 miles (the 230-kilogram second earth satellite was launched, in March 1971, by a booster of IRBM capability). During 1970–71, a new missile-testing site was also brought into use in Manchuria, allowing ballistic flights of up to 2,000 miles into the Sinkiang desert. One test from this site in late 1970 may have been connected with the development of an IRBM, or components for an ICBM. Full-range testing of an ICBM would require the use of impact areas and tracking facilities in the Indian or Pacific Oceans.

There is no clear evidence to show what "mix" of missile forces China is seeking to develop. The design of any Chinese ICBM would have to take into account the fact that the urban areas on the northwestern coast of the United States are some 6,000 miles from Chinese territory.

The responsibility for operational Chinese missile forces is believed to have been assigned to the "Second Artillery Command." It is not clear whether this Command is autonomous (as are the Soviet Strategic Rocket Forces) or is subordinate to the Army.

GENERAL

Population: 760,000,000. (No official population figures have been published since January 1, 1958, when the total was 646,530,000. The figure quoted here is based on the latest estimate published by the United Nations. Other estimates range from 720,000,000 to 850,000,000.

Selective military service: Army, two years; Air Force, three years; Navy, four years.

Total regular forces: 2,880,000 (including railway engineer troops).

Estimated GNP 1970: $80,000,000,000 to $90,000,000,000. (The Chinese Prime Minister has mentioned, as the gross value of industrial, transport, and agricultural production, a figure of $120,000,000,000. This suggests that the GNP is higher than a recent Japanese estimates of $75,000,000,000.)

Estimated defense expenditure 1970: $7,600,000,000 to $8,055,000,000. (This is based on an American estimate that China is spending about 9½ percent of her GNP on defense, since the Chinese government has not made public any budget figures since 1960.) (2.46 yuan=$1.)

Army: 2,550,000 (including railway engineer troops).

Five armored divisions; 110 infantry divisions; three cavalry divisions; two airborne divisions; about twenty artillery divisions. These are supported by signals, engineer, railway engineer, and motor transport units.

Heavy equipment consists of Soviet items supplied up to 1960, including JS–2 tanks and 152–mm and 203–mm artillery. Soviet T–34 and T–54, and Chinese T–59 (version of T–54) medium tanks; Chinese T–62 light tanks, and armored personnel carriers; self-propelled includes SU–76s, SU–100s, and JSU–122s.

Heavy field-engineering equipment, heavy self-propelled artillery and motor transport are in short supply. The army is, however, adequately equipped with infantry weapons, mortars, rocket launchers, recoilless rifles, and light and medium artillery, all produced in China.

Deployment: China is now divided into eleven Military Region (MR), as Inner Mongolia has been incorporated in the Peking MR, and Tibet in the Chengtu MR. The military commander of each Region commands the regular air and naval forces assigned to it, and the civilian militia. The MRs are in turn divided into Military Districts (MD), with usually two or three Districts to a Region.

It is believed that basically one Army is assigned to each MD, giving a total of about thirty Armies. An Army generally consists of three infantry divisions, three artillery regiments, and, in some cases, three armored regiments. Of the five armored divisions in the PLA, two or three are probably kept in the Peking and Shenyang Regions. The geographical distribution of the divisions (excluding artillery) is believed to be:

North and northeast China (Shenyang and Peking MR): thirty-three divisions. (There are, in addition, two or three divisions of border troops in each of these MRs.)

East and southeast China (Tsinan, Nanking, and Foochow MR); twenty-five divisions.

South-central China (Canton [includes Hainan Island] and Wuhan MR): thirty-one divisions.

Midwest China (Lanchow MR): eleven divisions.

West and southwest China (Sinkiang, Chengtu [these two MRs also have several divisions of border troops each], and Kunming MR): twenty divisions.

North Vietnam and Laos: one railway engineer division and some construction engineer troops, in all 15,000–20,000 men.

Navy: 150,000 (including Naval Air Force and 28,000 marines).

One submarine, G-class, with ballistic missile tubes (China is not known to have any missiles for this boat); thirty-two fleet submarines (also about ten older training vessels); three coastal submarines; four destroyers; four destroyer escorts; eleven patrol escorts; twenty-four submarine chasers; fifteen missile patrol boats; thirty minesweepers; forty-five auxiliary minesweepers; 220 MTB and hydrofoils (less than 100 tons); 320 motor gunboats; and 530 landing ships/landing craft (many less than 100 tons).

Deployment: *North Sea Fleet*: 240 vessels. The main bases are at Tsingtao and Lushun. It is deployed along the coast from the mouth of the Yalu River in the north to Lienyunkang in the south.

East Sea Fleet: 700 vessels. Bases are at Shanghai and Chou San. It is deployed along the coast from Lienyunkang in the north to Chaoan Wan in the south.

South Sea Fleet: 300 vessels. Bases are at Huangpu and Chanchiang. It is deployed from Chaoan Wan in the north to the North Vietnamese frontier in the south.

Naval Air Force: 16,000; about 450 shore-based combat aircraft, including up to 100 IL–28 torpedo-carrying light bombers and substantial numbers of MIG–15 and MIG–17 fighters. Though under Navy command, the fighters are fully integrated into the air defense system.

Air Force: 180,000 (including 85,000 air-defense personnel); about 2,800 combat aircraft.

About thirty TU–16 and a few TU–4 medium bombers; 150 IL–28 light bombers; about 1,700 MIG–15s and MIG–17s; up to 800 MIG–19 and a growing number of MIG–21 fighters; some AN–2, IL–14, and IL–18 transports; and MI–4 helicopters (these could be supplemented by about 350 aircraft of the Civil Air Bureau). There is an air-defense system, initially developed to defend the eastern seaboard of China and now greatly expanded, based on early warning/control radar, interceptor aircraft, and some SA–2 SAMs.

Paramilitary forces: About 300,000 security and border troops, including nineteen infantry-type divisions and thirty independent regiments stationed in the frontier areas; the public security force and a civilian militia with an effective element of probably not more than 5,000,000; production and construction corps in a number of MRs, including those adjoining the northern frontier.

Chapter VIII—Other Asian Countries and Australasia

MULTILATERAL AGREEMENTS

In 1954, the United States, Australia, Britain, France, New Zealand, Pakistan, the Philippines, and Thailand signed the Southeast Asia Collective Defense Treaty, which came into force in 1955 and brought into being SEATO. They committed themselves to consult with a view to joint defense in the event of direct or indirect aggression against a member country or against the so-called "protocol states" of Cambodia, Laos, and South Vietnam. However, since 1955 and 1956 respectively, Cambodia and Laos have not accepted the protection of SEATO.

The treaty area is the general area of Southeast Asia and the Southwest Pacific, below latitude twenty-one degrees thirty minutes north.

SEATO has no central command structure and forces remain under national control.

In 1969, Britain ceased to declare ground forces to the contingency plans for the Organization, and France has no forces declared. Pakistan has announced her progressive disengagement from the Alliance. All remain members.

The United States, Australia, New Zealand, and Thailand have troops serving in South Vietnam. This intervention was not the result of a decision by the SEATO Council, but these countries have, for the most part, justified this action in terms of their SEATO obligations.

Australia, New Zealand, and the United States are the members of a tripartite treaty known as ANZUS, which was signed in 1951 and is of indefinite duration. Under this treaty each agrees to "act to meet the common danger" in the event of armed attack on either metropolitan or island territory of any one of them, or on armed forces, public vessels, or aircraft in the Pacific.

Australia, Malaysia, New Zealand, Singaport, and Britain have agreed to Five-Power defense arrangements relating to the external defense of Malaysia and Singapore, which became effective on November 1, 1971. Britain, Australia, and New Zealand maintain forces in Malaysia and Singapore, with the land and naval components based in Singapore and Australia's air contribution mainly at Butterworth in the Malayan Peninsula. Until November 1, 1971, the British commitment was governed by the Anglo-Malaysian Defense Agreement but this was replaced after that date by new Five-Power political arrangements. These arrangements envisage that in the event of any armed attack or threat of attack externally organized or supported against Malayasia or Singapore, the five governments would consult together for the purpose of deciding what measures should be taken, jointly or separately.

BILATERAL AGREEMENTS

The United States has bilateral defense treaties with Japan (either party may terminate the treaty by giving one year's notice to the other), the Republic of China (Taiwan), the Republic of Korea, and the Philippines. It has a number of military arrangements with other countries of the region. It provides significant military aid on either a grant or credit basis to the Republic of China, Cambodia, India, Indonesia, the Republic of Korea, Laos, Malaysia, Pakistan, Singapore, Thailand, and South Vietnam. It sells military equipment to many countries, notably Australia, the Republic of China, and Japan. For grant military assistance purposes, Cambodia, the Republic of Korea, and the Republic of China are considered forward defense areas. Laos, Cambodia, Thailand, and South Vietnam receive grant military assistance direct from the US Department of Defense budget, the only countries in the world to do so. There are military facilities agreements with Australia, Japan, the Republic of Korea, and the Philippines. Major bases maintained in the region include Okinawa and Guam.

The Soviet Union has treaties of friendship, cooperation, and mutual assistance with Mongolia and the Democratic People's Republic of Korea. The validity of a similar treaty with the People's Republic of China must be in doubt. Military assistance agreements with Ceylon and the People's Democratic Republic of Vietnam reportedly exist. Important Soviet military aid is also given to Afghanistan and India and, on a small scale, to Pakistan. On August 9, 1971, the Soviet Union and India signed a twenty-year Treaty of Peace, Friendship, and Cooperation in which each undertook to come to the assistance of the other in the event of a conflict with a third country.

China has nonaggression treaties with Burma, Afghanistan, and Cambodia, a treaty of friendship, cooperation, and mutual assistance with North Korea; and a treaty of friendship with North Vietnam, which is thought to contain defense arrangements.

AFGHANISTAN

Population: 17,600,000.

Military service: two years.

Total armed forces: 83,000.

Estimated GNP 1970: $1,400,000,000.

Estimated defense expenditure 1970: 1,400,000,000 afghanis or $31,100,000 (forty-five afghanis=$1).

Army: 80,000.

One armored division; two infantry divisions; one infantry brigade (Royal Bodyguard); ten independent motorized battalions; ten independent infantry battalions; T–34 and T–54 medium tanks and Snapper antitank guided weapons.

Air Force: 3,000; 100 combat aircraft.

Three light bomber squadrons with IL–28s; two interceptor squadrons with thirty MIG–21s; one interceptor squadron with twelve MIG–19s; four fighter-bomber squadrons with MIG–15/17s; one IL–18, twenty-five IL–14, ten AN–2, two Twin Otter, and five Anson transports; MI–1 and MI–4 helicopters.

Paramilitary forces: 13,000 Gendarmerie.

AUSTRALIA

Population: 12,775,000.

Two years' selective military service.

Total armed forces: 88,280.

Estimated GNP 1970: $US 34,400,000,000.

Defense budget 1970–71: $A 1,149,000,000 or $US 1,261,120,000 ($A 1 = $US 1.12).

Army: 47,760.

One tank regiment; one cavalry regiment; nine infantry battalions; two battalions of the Pacific Islands Regiment (PIR); one Special Air Service (SAS) regiment; four field artillery regiments; one light antiaircraft regiment; one aviation regiment; five signals regiments; one logistic support force; 140 *Centurion* medium tanks; 265 *Ferret* scout cars; 675 M-113 armored personnel carriers; 235 105-mm howitzers; about fifty *Sioux* and *Alouette III* helicopters; twenty-five light aircraft.

Deployment: A task force of 7,000 in South Vietnam (including two infantry battalions and supporting services), although announced withdrawals will reduce this figure to 6,000 by the end of 1971; one battalion group and one signal regiment in Singapore; two PIR battalions in Papua and New Guinea.

Reserves: The Citizen Military Force of 36,000 is intended to form twenty-four infantry battalions with supporting arms and services.

Navy: 17,820.

Four submarines; one aircraft carrier (ASW); three guided missile destroyers with *Tartar* SAMs; five destroyers; six destroyer escorts; two minehunters; four coastal minesweepers; twenty patrol boats; one fast troop transport; one destroyer tender; carrier-borne aircraft include: one fighter-bomber squadron with A-4G *Skyhawks*, one ASW squadron with S-2E *Trackers*, and one helicopter squadron with *Wessex*.

Reserves: Navy Citizen Military Force; 4,330.

Air Force: 22,700; 210 combat aircraft.

One bomber squadron with *Canberra* B-20s; two fighter squadrons with F-4Es; four interceptor/strike squadrons with *Mirage IIIOs;* one maritime reconnaissance squadron with ten P-3B *Orions* and one maritime reconnaissance squadron of twelve P-2H *Neptunes;* sixty-four MB–326 trainers; twenty-four C-130, ten HS-748, twenty-four *Caribou*, and twenty-two C-47 transports; two helicopter squadrons with *Iroquois*.

Deployment: two *Mirage* squadrons in Malaysia/Singapore; one helicopter squadron in Vietnam.

Reserves: 950 Citizen Air Force.

BURMA

Population: 28,175,000.

Military service: two years.

Total armed forces: 143,500.

Estimated GNP 1970: $3,200,000,000.

Defense budget 1970–71: 480,000,000 kyat or $100,600,000 (4.77 kyat=$1).

Army: 130,000.

Five regional commands; three infantry divisions. The army is largely an infantry force, with some artillery, engineer, and signals regiments. It is organized chiefly for counterinsurgency and internal security duties. *Comet* medium tanks; *Humber* armored cars; *Ferret* scout cars; mainly American, British, and Yugoslav light arms.

Navy: 7,000.

One frigate; one escort minesweeper; two coastal escorts; five motor torpedo boats (less than 100 tons); thirty-four river and patrol gunboats; seven motor gunboats (less than 100 tons); forty landing craft (less than 100 tons).

Air Force: 6,500; eighteen combat aircraft.

Twelve AT–33 and six *Vampire* armed trainers; four C–45, twelve C–47, eight *Otter*, and two Bristol 170 transports; six *Sioux*, ten *Huskie*, eight *Alouette III*, and ten *Shawnee* helicopters.

Paramilitary forces: 25,000.

CAMBODIA

Population: 7,000,000.

Voluntary military service (conscription is authorized but not yet in force).

Total armed forces: 179,000.

Estimated GNP 1970: $910,000,000.

Defense budget 1971: 18,650,000,000 riels or $336,000,000 (55.5 riels=$1).

Army: 175,000.

200 infantry and commando battalions; one tank regiment; one armored car battalion; three parachute battalions; M–24 and AMX–13 light tanks: M–8 and M–20 armored cars; M–3 scout cars; BTR–152 armored personnel carriers; 105–mm howitzers and Soviet 76–mm and 122–mm guns; 40–mm, 57–mm, 85–mm, and 100–mm AA guns.

Navy: 1,600 (including 150 marines).

Two patrol vessels; two support gunboats; two motor torpedo boats (less than 100 tons); six patrol boats (less than 100 tons); four landing craft.

Air Force: 2,400; seven combat aircraft.

Seven T–28 Trojan ground-attack aircraft; five C–47, five AN–2, and one IL–14 transports; three MIG–15 UTI, eleven Horizon, and four YAK–18 trainers; four Alouette II, one MI–4, and two H–34 helicopters.

Paramilitary forces: 150,000.

REPUBLIC OF CHINA (TAIWAN)

Population: 14,575,000.

Military service: Army two years; Navy and Air Force three years.

Total armed forces: 540,000.

Estimated GNP 1970: $5,500,000,000.

Estimated defense expenditure 1971: 24,500,000,000 new Taiwan dollars or $601,250,000 (40.7 new Taiwan dollars=$1).

Army: 390,000.

Two armored divisions, fourteen infantry divisions; six light divisions; three armored cavalry regiments; one SAM battalion with *Hawks;* one SAM battalion and one SAM battery with *Nike-Hercules;* two airborne brigades; four Special Forces groups; M–47 and M–48 medium tanks; M–24 and M–41 light tanks; M–18 tank destroyers.

Deployment: 60,000 on Quemoy; 20,000 on Matsu.

Navy: 35,000.

Ten destroyers; six destroyer escorts; twelve frigates; twelve submarine chasers; twelve patrol vessels; three fleet minesweepers; fifteen coastal minesweepers; two inshore minesweepers; twenty-one landing ships; nine medium landing ships; thirty landing craft.

Marine Corps: 35,000.

Two divisions.

Air Force: 80,000; 385 combat aircraft.

Eighty F–100A/D fighter-bombers; seventy F–5A tactical fighters; forty-five F–104G interceptors; 150 F–86F interceptors; eight RF–104G and four RF–101 recce aircraft; about ninety-five C–46, C–47, and C–119 transports; ten UH–19 helicopters.

INDIA

Population: 557,000,000.

Voluntary military service.

Total armed forces: 980,000.

Estimated GNP 1970: $49,000,000,000.

Defense budget 1971–72: 12,420,000,000 rupees or $1,656,000,000 (7.5 rupees=$1).

Army: 860,000.

One armored division; two independent armored brigades; thirteen infantry divisions; ten mountain divisions; six independent infantry brigades; two parachute brigades; about twenty AA artillery units; 200 *Centurion MK 5/7,* 250 *Sherman,* 450 T–54 and T–55, and 300 *Vijayanta* medium tanks; 150 PT–76 and 100 AMX–13 light tanks; OT–62 and Mk 2/4A armored personnel carriers; about 3,000 artillery pieces, mostly twenty-five-pounders, but including about 350 100-mm and 140 130-mm guns; and SS–11 and *Entac* antitank guided weapons.

Navy: 40,000.

One 16,000-ton aircraft carrier; four submarines (ex-Soviet *F*-class); two cruisers; three destroyers; nine destroyer escorts (including five ex-Soviet *Petya*-class); one general-purpose frigate; five antisubmarine frigates; three antiaircraft frigates; ten patrol boats (four less than 100 tons); four coastal minesweepers; four inshore minesweepers; one landing ship; two landing craft; nine seaward defense boats (six less than 100 tons). The naval air force includes thirty-five *Sea Hawk* attack aircraft, twelve *Alizé* maritime patrollers, and two *Sea King* and ten *Alouette III* helicopters. Ten *Sea Hawks,* five *Alizés,* and two *Alouettes* can be carried on the aircraft carrier at any one time.

Air Force: 80,000; 625 combat aircraft (eight to twenty-five aircraft in a combat squadron).

Three light bomber squadrons with *Canberras B(I)*; five fighter-bomber squadrons with SU–7s; two fighter-bomber squadrons with HF–24 *Marut 1As;* six fighter-bomber squadrons with *Hunter* F–56s; two fighter-bomber squadrons with *Mystère IVs;* seven interceptor squadrons with MIG–21s; eight interceptor squadrons with *Gnats;* one reconnaissance squadron with *Canberra PR–57s;* one maritime recce squadron with L–1049 *Super Constellations.* Transports include about fifty-five C–47s, sixty C–119s; twenty IL–14s; thirty AN–12s; twenty-five *Otters,* twelve HS–748s, and fifteen *Caribous.* Helicopters include about eighty MI–4s, 150 *Alouette IIIs,* ten Bell-47s, and a few MI–8s; about fifty SA–2 SAM complexes.

Paramilitary forces: About 100,000 in Border Security Force.

INDONESIA

Population: 114,500,000.

Selective military service.

Total armed forces: 319,000.

Estimated GNP 1970: $11,600,000,000.

Estimated defense expenditure 1970: 103,000,000,000 rupiahs or $272,000,000 (378 rupiahs=$1).

Army: 250,000.

Fifteen infantry brigades, formed from about 100 infantry battalions; eight armored battalions; one paracommando regiment. The Strategic Reserve Command consists of about six brigades and includes paratroops and armor, artillery, and engineers. About one-third of the army is engaged in civil and administrative duties. Stuart, AMX-13, and PT-76 light tanks; Saladin armored cars; Ferret scout cars; Saracen and BTR-152 armored personnel carriers; artillery includes Soviet 57-mm AA guns and associated radar.

Navy: 34,000, including 14,000 marines (it is thought that only about one-third of the Navy is operational).

Twelve submarines (ex-Soviet W-class); one cruiser (ex-Soviet *Sverdloy*-class); four destroyers (ex-Soviet *Skory*-class); eleven frigates (including seven ex-Soviet *Riga*-class); eighteen coastal escorts (fourteen ex-Soviet, four ex-USA); twelve *Komar*-class patrol boats with Styx surface-to-surface missiles; eight patrol boats; thirty motor torpedo boats; six fleet minesweepers; fifteen coastal minesweepers; eighteen motor gunboats; twenty-five seaward defense boats (less than 100 tons); six landing ships; seven landing craft, the marines form two brigades.

Naval Air Arm: twenty MIG-19 and MIG-21 interceptors; five HU–16 and PBY–5A ASW aircraft; about twelve S-55, S-58, and MI–4 helicopters.

Air Force. 35,000; 122 combat aircraft (only about eighty aircraft are thought to be fully operational).

Twenty-two TU-16 bombers, some with Kennel ASMs; ten IL-28 light bombers; five B-25 light bombers; ten F-51D light strike aircraft; about twenty MIG-15, forty MIG-17, and fifteen MIG-21 interceptors (mostly in storage); about sixty transports, including IL-14s, C-130Bs, C-47s, AN-12s, and Skyvans; about thirty helicopters, including MI–4s, MI-6s, Alouette IIs, and Bell-204s; at least three SA-2 sites.

Paramilitary forces: A police Mobile Brigade of about 20,000; about 100,000 militia.

JAPAN

Population: 104,600,000.

Voluntary military service.

Total armed forces: 259,000.

Estimated GNP 1970: $195,000,000,000.

Defense budget 1971–72: 670,900,000,000 yen or $1,864,000,000 (360 yen=$1).

Army: 179,000.

One mechanized division; twelve infantry divisions (7,000-9,000 men each); one airborne brigade; one artillery brigade; one signal and five engineer brigades; one helicopter brigade; three SAM groups with *Hawks*; 380 Type 61 and 120 M–4 medium tanks; M–24 and 140 M–41 light tanks; Type 60 armored personnel carriers; thirty M–52 105–mm and ten M–44 155–mm self-propelled howitzers; 203–mm howitzers; Type 60 twin 106-mm self-propelled recoilless rifles; Type 64 antitank guided weapons; 120 aircraft and 220 helicopters.

Reserves: 36,000.

Navy: 38,300.

Eleven submarines; one guided missile destroyer with *Tartar* SAM's; thirty-seven ASW destroyers; one frigate; twenty submarine chasers; five motor torpedo boats (two less than 100 tons); two minelayers; thirty-seven coastal minesweepers; three tank landing ships; one medium landing ship; six landing craft; forty-two small landing craft (less than 100 tons).

Naval air component: 140 combat aircraft. Four maritime recce squadrons with two PS–1s, sixty P–2Js, and P–2V–7s; three maritime recce squadrons with fifty-five S–2F–1s; three helicopter squadrons with HSS–2s and HSS–1Ns.

Air Force: 41,700; 375 combat aircraft (eighteen to twenty-five aircraft in a combat squadron).

Seven fighter-bombers with F–86Fs; seven interceptor squadrons with F–104Js; one reconnaissance squadron with RF–86Fs (deliveries of F–4EJs are due to begin during 1971); three transport squadrons with thirty C–46s and ten YS–11s; twenty helicopters, including S–62s and V–107s; 360 trainers, including T–1s. T–33s, T–34s, and F–104–DJs; four SAM battalions with *Nike-Hercules* (100 launchers); a Base Air Defense Ground Environment with twenty-four control and warning units.

KOREA—DEMOCRATIC PEOPLE'S REPUBLIC (NORTH)

Population: 13,975,000.

Military service: Army three years; Navy and Air Force four years.

Total armed forces: 401,000.

Defense budget 1971: 2,183,000,000 won or $849,400,000 (2.57 won=$1).

Army: 360,000.

Two armored divisions; twenty infantry divisions; five independent infantry brigades; 15,000 men in "special commando teams"; 750 T–34 and T–54 medium tanks; PT–76 light tanks; 950 BA–64, BTR–40, and BTR–152 armored personnel carriers; 200 SU–76, SU–100, and ZSU–57 self-propelled guns; 2,000 AA guns; 6,000 other guns and mortars up to 152-mm caliber, about thirty SA–2 SAM sites (about 180 launchers).

Navy: 11,000.

Three submarines (ex-Soviet W-class); six *Komar*- and nine *Osa*-class FPB with Styx surface-to-surface missiles; three torpedo boats; forty high-speed torpedo boats (less than 100 tons); ten fleet minesweepers; twenty-two patrol vessels (four less than 100 tons); eleven motor gunboats.

Air Force: 30,000; 555 combat aircraft.

Seventy IL–28 light bombers; 380 MIG–15 and MIG–17 fighter-bombers; 100 MIG–21 interceptors; five MIG–19 interceptors; about forty AN–2, LI–2, IL–12, and IL–14 transports; twenty MI–4 helicopters; seventy YAK–11, YAK–18, MIG–15, and IL–28 trainers.

Paramilitary forces: 25,000 security forces and border guards; a civilian militia with a claimed strength of 1,250,000.

KOREA—REPUBLIC OF KOREA (SOUTH)

Population: 32,700,000.

Military service: Army/Marines, 2¾ years; Navy/Air Force, three years.

Total armed forces: 634,250.

Estimated GNP 1970: $8,300,000,000.

Estimated defense expenditures 1971: 129,000,000,000 won or $411,000,000 (314 won=$1).

Army: 560,000.

Twenty-nine infantry divisions (ten in cadre only); two armored brigades; eighty artillery battalions; one surface-to-surface missile battalion with *Honest Johns*; two SAM battalions with *Hawks* and one with *Nike-Hercules;* M–4 and M–48 medium tanks; *Stuart* and M–24 light tanks; M–10 and M–36 tank destroyers; M–8 armored cars and M–113 armored personnel carriers; guns up to 155-mm.

Deployment: two infantry divisions and some engineer units are in South Vietnam.

Navy: 16,750.

Three destroyers: three destroyer escorts; four frigates; six escort transports; eleven coastal escorts; seventeen patrol boats; twelve coastal minesweepers; twenty landing ships.

Marine Corps: 33,000.

Five Brigades.

Deployment: one brigade in South Vietnam.

Air Force: 24,500; 235 combat aircraft.

Eighteen F–4 fighter-bombers; 110 F–86F fighter-bombers; seventy-seven F–5 tactical fighters; twenty F–86D all-weather fighters (with *Sidewinder* air-to-air missiles); ten RF–86F reconnaissance aircraft; thirty-five transports including C–46s; C–47s, and C–54s; helicopters include six H–19s.

Paramilitary forces: A local defense militia with a strength of one to two million is being formed.

LAOS

Population: 3,030,000.

Estimated GNP 1970: $200,000,000.

Royal Lao Forces

Military service: conscription.

Estimated strength: 55,000.

Estimated defense expenditure: 10,800,000,000 kip or $21,600,000 (500 kip=$1).

Army: 52,600.

Fifty-eight infantry battalions; one artillery regiment of four battalions; M–24 and PT–76 light tanks; M–8 armored cars; M–3 scout cars; BTR–40 and M–113 armored personnel carriers; 85-mm guns and 75-mm, 105-mm, and 150-mm howitzers.

Navy: About 400.

Four river squadrons consisting of thirty-six patrol craft and lighters, ten landing craft (all under 100 tons, most not operational).

Air Force: 2,000; seventy-five combat aircraft.

About seventy-five T–28 light strike aircraft; twenty C–47 and AC–47 transports and gunships; about eight helicopters.

Paramilitary forces and irregulars: 36,000.

Pathet-Lao Forces

Total strength about 45,000 men (including dissident neutralists). PT–76 light tanks; BTR–40 armored cars; 105-mm howitzers. The Pathet-Lao are believed to be integrated with about 75,000 regular North Vietnamese combat and logistics troops, and have received arms and ammuntion of Soviet and Chinese origin. The Pathet-Lao and North Vietnamese control all the eastern half of Laos.

MALAYSIA

Population: 11,200,000.

Voluntary military service.

Total armed forces: 50,000.

Estimated GNP 1970: $3,950,000,000.

Defense budget 1971: $570,000,000 Malaysian dollars or $US 186,000,000 (3.06 Malaysian dollars=$US 1).

Army: 43,000.

Seven infantry brigades, consisting of twenty-four battalions; three reconnaissance regiments; three artillery regiments; one Special Service unit; three signal regiments; engineer and administrative units; *Ferret* scout cars; 105-mm howitzers.

Reserves: about 50,000.

Navy: 3,000.

Two ASW frigates (one with *Seacat* SAMs); four fast patrol boats (less than 100 tons); twenty-four patrol boats (less than 100 tons); six coastal minesweepers.

Reserves: 600.

Air Force: 4,000; thirty combat aircraft.

Ten CA–27 *Sabre* fighter-bombers; twenty CL–41G *Tebuan* light training and strike aircraft; eight *Herald* and twelve *Caribou* transports; five Dove, two HS–125, and two *Heron* liaison aircraft; twenty-four *Alouette III* and ten S–61A helicopters (one squadron of *Mirage IIIs* is on order).

Paramilitary forces: 50,000—fourteen battalions of field police.

MONGOLIA

Population: 1,315,000.

Military service: two years.

Total armed forces: 29,000.

Estimated GNP 1970: $630,000,000.

Estimated defense expenditure 1971: 90,000,000 tugriks or $22,500,000 (four tugriks=$1).

Army: 28,000.

Two infantry divisions; forty T–34 and 100 T–54/55 medium tanks; ten SU–100 tank destroyers; forty BTR–60 and fifty BTR–152 armored personnel carriers; 130-mm guns and 152-mm guns/howitzers.

Air Force: 1,000 men; no combat aircraft.

Operates in support of the Army, and employs some Soviet technical advisers.

Thirty AN–2, IL–14, and AN–24 transports; YAK–11, YAK–18, and MIG–15 UTI trainers; ten MI–1 and MI–4 helicopters; one SAM battalion with SA–2s.

Paramilitary forces: About 18,000 security police.

NEW ZEALAND

Population: 2,880,000.

Voluntary military service (supplemented by selective national service of fourteen weeks for the Army).

Total armed forces: 12,750.

Estimated GNP 1970: $US 5,770,000,000.

Defense budget 1971–72: $NZ 110,450,000 or $US 123,704,000 ($NZ 1 = $US 1.12).

Army: 5,600.

One infantry battalion; one artillery battery. Regular troops form the nucleus of a Combat Brigade group, a Logistic group, and a Reserve Brigade group. These units would be completed by the mobilization of Territorials. Ten M–41 light tanks; nine *Ferret* scout cars; forty M–113 armored personnel carriers; twenty-eight 105–mm howitzers.

Deployment: One infantry battalion (less one company) in Singapore; one infantry company in South Vietnam.

Reserves: 11,300 Territorials.

Navy: 2,900.

One general purpose frigate with Seacat SAMs (a second is due to be delivered in 1971); two ASW frigates with Seacat SAMs; two escort minesweepers; twelve patrol craft (less than 100 tons); two Wasp helicopters (one operates from the GP frigate).

Reserves: 600 men, five patrol craft (less than 100 tons).

Air Force: 4,250; twenty-seven combat aircraft.

One fighter-bomber squadron with ten A–4K and four TA–4K *Skyhawks;* one fighter-bomber squadron with eight *Vampire* FB–5s; five P–3B *Orion* maritime reconnaissance aircraft; five C–130 *Devon* and nine *Bristol Mark 31* medium transports; fourteen *Iroquois* and thirteen *Sioux* helicopters.

Deployment: One transport squadron in Singapore.

PAKISTAN

Population: 126,300,000.

Two years selective military service.

Total armed forces: 392,000.

Estimated GNP 1970: $16,000,000,000.

Defense budget 1971–72: 3,400,000,000 rupees or $714,000,000 (4.76 rupees=$1).

Army: 365,000 (including 25,000 Azad Kashmir troops).

Two armored divisions; twelve infantry divisions (two more being raised); on independent armored brigade; one air defense brigade; 100 M–47, 100 M–48, 100 T–54, fifty T–55, and 225 T–59 medium tanks; 200 M–24, seventy-five M–41, and twenty PT–76 light tanks; 300 M–113 armored personnel carriers; about 900 twenty-five-pounder gunds, 105–mm and 155–mm howitzers; 200 130–mm guns; *Cobra* antitank guided weapons; twenty H–13 helicopters.

Navy: 10,000.

Four submarines; one light cruiser/training ship; two destroyers; three destroyer escorts; two fast frigates; four patrol boats; eight coastal minesweepers; two small patrol boats (less than 100 tons); two UH–19 air-sea helicopters.

Air Force: 17,000; 285 combat aircraft.

One light bomber squadron with IL–28s; two light bomber squadrons with B–57s; two fighter-bomber squadrons with *Mirage IIIEs;* eight fighter-bomber/interceptor squadrons with F–86s; four interceptor squadrons with MIG–19s; one interceptor squadron with six F–104As; one recce squadron with four RT–33As and two RB–57s (with the exceptions noted, combat squadrons have sixteen aircraft); transports include eight C–130Bs and one F–27; forty *Sioux, Huskie, Alouette III,* and MI–8 helicopters.

Paramilitary forces:

280,000, including 30,000 frontier corps; 250,000 militia.

A new force is being raised—the East Pakistan Civil Armed Force.

PHILIPPINES

Population: 39,800,000.

Selective military service.

Total armed forces: 34,600.

Estimated GNP 1970: $5,900,000,000.

Defense budget 1971–72: 871,000,000 pesos or $135,500,000 (6.43 pesos=$1. Before February 21, 1970, 3.9 pesos=$1.).

Army: 17,600.

Two light infantry divisions (understrength); two infantry brigades; fifteen engineer construction battalions; M–4 medium tanks; M–24 and M–41 light tanks; M–113 armored personnel carriers.

Navy: 8,000 (including naval engineers).

One destroyer escort; four coastal escorts; seven patrol vessels; forty-seven patrol boats (less than 100 tons); two coastal minesweepers; eleven landing ships; one marine battalion; five engineer construction battalions.

Air Force: 9,000; fifty-seven aircraft.

Twenty F–5 fighter/ground-support aircraft; eight T–28 ground-support aircraft; twenty-six F–86F day fighters; three T–33 armed trainers; transports include twenty-eight C–47s and one F–27; about sixteen helicopters, including UH–1Hs and H–34s.

Paramilitary forces:

23,500 Philippine Constabulary and about 400 armed civilian self-defense units.

SINGAPORE

Population: 2,100,000.

Military service: twenty-four to thirty-six months.

Total armed forces: 16,000.

Estimated GNP 1970: $US 1,820,000,000.

Defense budget 1971–72: $484,000,000 Singapore dollars or $US 158,170,000 (3.06 Singapore dollars=$1).

Army: 14,000.

Two brigades, which include one armored regiment, six infantry battalions, one artillery battalion, one engineer battalion, one signals battalion (a third brigade is being formed); fifty AMX–13 tanks; M–706 *Commando* armored personnel carriers; twenty-five pounder guns; 120-mm mortars; thirty-two 106-mm recoilless rifles.

Reserves: a planned total of 9,000 by the end of 1971.

Navy: 500.

One seaward defense boat. Three fast patrol boats (three more on order).

Air Force: 1,500; thirty-six combat aircraft.

One ground attack squadron with sixteen BAC-167s and four *Hunters;* one interceptor/recce squadron with sixteen *Hunters;* one transport/liaison squadron with eight Cessna-172s and two *Airtourers;* one helicopter squadron with four *Alouette IIIs;* twenty-eight *Bloodhound* SAM launchers.

Paramilitary forces: Two police companies.

THAILAND

Population: 35,000,000.

Military service: two years.

Total armed forces: 175,000.

Estimated GNP 1970: $6,100,000,000.

Defense budget 1970–71: 5,413,800,000 baht or $260,300,000 (20.8 baht=$1).

Army: 130,000.

Four infantry divisions (including three tank battalions); one regimental combat team; one SAM battery with *Hawks;* M-24 and M-41 light tanks; M-2 and M-16 armored half-tracks; M-8 armored cars; M3A1 scout cars; about 200 M-113 armored personnel carriers; 105-mm and 155-mm howitzers; sixteen FH-1100 and six OH-23F helicopters.

Deployment: 11,250 in South Vietnam (all due to be withdrawn by February 1972).

Navy: 21,500 (including 6,500 marines).

One destroyer escort; three frigates (and three on order); one escort minesweeper; seventeen submarine chasers; four coastal minesweepers; two coastal minelayers; eleven gunboats (one less than 100 tons); three patrol gunboats; eight landing ships; eight landing craft; one maritime recce squadron with HU-16s and S-2s.

Air Force: 23,500; 144 combat aircraft.

Eleven F-5A and F-5B fighter-bombers; twenty F-86F day fighters; two RT-33A reconnaissance aircraft; fifty-five T-28D, forty T-6, and sixteen OV-10 COIN aircraft; twenty-five C-47 and thirteen C-123B transports; about sixty helicopters, including thirty-five CH-34s and twenty-three UH-1Hs; four battalions of airfield defense troops.

Paramilitary forces: 10,000 Volunteer Defense Corps; 8,000 Border Police.

VIETNAM—DEMOCRATIC REPUBLIC (NORTH)

Population: 22,675,000.

Military service: three years minimum.

Total armed forces: 492,000.

Estimated defense expenditure 1970: 2,150,000,000 dong or $584,000,000 (3.68 dong=$1).

Army: 480,000.

Fourteen infantry divisions (infantry divisions normally total about 12,000 men, including three infantry and one support regiment); one artillery division (of ten regiments); two armored regiments; about twenty independent infantry regiments; fifty T-34 and sixty T-54 medium tanks; 300 PT-76 light tanks; BTR-40 armored personnel carriers, SU-76 and JSU-122 self-propelled guns; 75-mm, 105-mm, 122-mm, 130-mm, and 152-mm artillery; 57-mm, 75-mm, 82-mm, and 107-mm recoilless rifles; 82-mm, 100-mm, 107-mm, 120-mm, and 160-mm mortars; 107-mm, 122-mm, and 140-mm rocket launchers; 6,000 37-mm, 57-mm, 85-mm, and 100-mm AA guns; thirty-five SAM battalions (each with six SA-2 launchers).

Deployment: about 90,000 in South Vietnam, 75,000 in Laos, and 40,000 in Cambodia.

Navy: 3,000.

Two coastal escorts (ex-Soviet); four motor gunboats, ex-Chinese; about twenty-four gunboats (less than 100 tons), ex-Chinese; about three motor torpedo boats (less than 100 tons), ex-Soviet; about twelve small patrol boats (less than 100 tons).

Air Force: 9,000; 165 combat aircraft.

Ten IL-28 light bombers, ex-Soviet; forty MIG-21F/PF interceptors with *Atoll* air-to-air missiles; twenty-five MIG-19 interceptors, ex-Chinese; sixty (ex Chinese) and ten (ex-Soviet) MIG-17 interceptors; ten (ex-Chinese) and ten (ex-Soviet) MIG-15 interceptors; eight AN-2, three AN-24, ten IL-14, and twenty LI-2 transports; twenty MI-4 and two MI-6 helicopters.

Paramilitary forces: 20,000 Frontier, Coast Security, and People's Armed Security Forces; about 425,000 regional armed militia.

VIETNAM—REPUBLIC OF VIETNAM (SOUTH)

Population: 18,800,000.

Military service: two years minimum.

Total armed forces: 500,000.

Estimated GNP 1970: $4,000,000,000.

Estimated defense expenditures 1971: 155,000,000,000 piastres or $564,000,000 (275 piastres=$1. Before October 4, 1970, 117.5 piastres=$1).

Army: 414,000. (With normally three regiments, each of four battalions, to an infantry division, there are some 150 infantry battalions in the regular army, but most units are below establishment; the actual strength of a battalion averages 500, and a regiment 2,000.)

Ten infantry divisions; one airborne division (three brigades); six independent armored cavalry regiments; three independent infantry regiments; eighteen Ranger battalions; one Special Forces group; thirty-five battalions; M-24, 200 M-41, and forty AMX-13 light tanks; 250 Commando and Greyhound armored cars; M-3 scout cars; M-59 and M-113 armored personnel carriers; 105-mm and 155-mm self-propelled guns.

Deployment: about 23,000 in Cambodia.

Navy: 31,000.

One destroyer; three destroyer escorts; six patrol escorts; two patrol vessels; three coastal minesweepers; seventy fast patrol boats; twenty motor gunboats; twenty-three landing ships; about 200 landing craft and about 600 river patrol boats (most less than 100 tons); about 350 motorized coastal defense junks.

Marine Corps: 15,000.

One division.

Air Force: 40,000; 275 combat aircraft (combat squadrons have from fifteen to twenty aircraft).

One tactical fighter squadron with F-5s; six fighter-bomber squadrons with A-37s; three fighter-bomber squadrons with Skyraiders; some RC-47 reconnaissance aircraft; eighty O-1 armed light aircraft; twenty AC-47 armed transport aircraft; twenty-five C-47 and twenty-five C-119 transports; thirty-five Choctaw, 230 UH-1, and ten CH-47 helicopters.

Paramilitary forces: 555,000.

Regional Forces—285,000, forming about 1,700 rifle companies, at the disposal of the provincial governors. Popular Forces—250,000, a home guard of about 7,500 platoons, with light arms. Police Field Force—20,000, including special internal security units with armored vehicles and helicopters. There is also a People's Self Defense Force of about 1,500,000.

I.—ESTIMATES OF COMPARATIVE STRATEGIC STRENGTHS [1]

(A) NUCLEAR STRIKE FORCES

UNITED STATES AND SOVIET UNION

[Figures in parenthesis are approximate]

Category	United States		Soviet Union	
	Type	Number	Type	Number
Land-based missiles:				
ICBM	LGM–25C Titan 2	54	SS–7 Saddler	220
	LGM–30B Minuteman 1	900	SS–8 Sasin	
	LGM–30F Minuteman 2		SS–9 Scarp	280
	LGM–30G Minuteman 3	100	SS–11	[2]950
			SS–13 Savage	60
IRBM			SS–5 Skean	100
MRBM			SS–4 Sandal	600
SRBM	MGM–31A Pershing	(250)	SS–1b–d Scud A–B	(300)
	MGM–29A Sergeant	(500)	SS–12 Scaleboard	
Cruise missiles			SSC–1 Shaddock	(100)
Sea-based missiles:				
SLBM (nuclear subs)	UGM–27B Polaris A2	160	SS–N–5 Serb	30
	UGM–27C Polaris A3	432	SS–N–6	320
	UGM–73A Poseidon	64		
SLBM (diesel subs)			SS–N–4 Sark	42
			SS–N–5 Serb	48
Cruise missiles (subs)			—Shaddock	310
Cruise missiles (surface vessels)			—Shaddock	48
Aircraft:				
Long-range bombers [4]	B–52 C–F	150	Mya–4 Bison	40
	B–52 G/H	210	Tu–20 Bear	100
Medium-range bombers [4]	FB–111	70	Tu–16 Badger	[3]500
Strike aircraft (land-based) [4]	F–105D	(1200)	Tu–22 Blinder	(1, 500)
	F–4		Yak–28 Brewer	
	F–111A/E		Su–7 Fitter	
	A–7D		Mig–21 Fishbed [3]	
			Il–28 Beagle	
Strike aircraft (carrier-based) [4]	A–4	(900)		
	A–6A			
	A–7A			
	RA–5C			

OTHER NATO AND WARSAW PACT COUNTRIES

Category	NATO Countries		Warsaw Pact countries	
	Type	Number	Type	Number
IRBM	S-02 SSBS (France)	[5] 9		
SRBM	MGM-31A Pershing, (West Germany) MGM–	(75)	SSlb-d Scud A-B [6]	
	MGM-29A Sergeant (West Germany)	(100)		
SLBM	Polaris A-3 (Britan)	64		
Medium-range bombers	Vulcan (Britain)	56		
	Canberra B(1)8 (Britain)	24		
Strike aircraft (incl. short-range bombers)	Mirage IVA (France)	36	Il-28 Beagle [6]	(150)
	Buccaneer S2 (Britain)	80	Su-7 Fitter [6]	(200)
	F-4 [6]	(60)		
	F-104	(400)		

(B) GROWTH OF ICBM/SLBM STRENGTH, 1961-71 (MID YEARS)

		1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
USA	ICBM	63	294	424	834	854	904	1,054	1,054	1,054	1,054	1,054
	SLBM	96	144	224	416	496	592	656	656	656	656	656
USSR	ICBM	50	75	100	200	270	300	460	800	1,050	1,300	[2] 1,510
	SLBM	Some	Some	100	120	120	125	130	130	160	280	440

[1] China is not included in this table. Her ability to deliver nuclear weapons appears to be limited to some Tu-16 and Tu-4 medium-range bombers, Il-28 short-range bombers and a few MRBM.

[2] Including those in IRBM/MRBM fields.

[3] In addition, there are about 300 Tu-16 Badgers in the Naval Air Force, configured for attacks on shipping, which could deliver nuclear weapons.

[4] These aircraft are dual-capable and could have a non-nuclear role.

[5] These became operational on Aug. 1, 1971.

[6] These missiles and aircraft are operated by a number of countries but may have non-nuclear roles.

2. NUCLEAR DELIVERY VEHICLES 1971 (ISSUED BY COUNTRIES OF ORIGIN, SAM AND ASW MISSILES ARE NOT INCLUDED)

(A) LONG AND MEDIUM RANGE MISSILES (U.S.A.)

Category [1]	Type	Propellant [2]	Maximum range [2] (statute miles)	Estimated warhead yield [4]	Inservice
ICBM	LGM-25C Titan 2	SL	7,250	5-10 MT	1962
	LGM-30B Minuteman 1	S	7,500	1 MT	1962
	LGM-30F Minuteman 2	S	8,000	1-2 MT	1966
	LGM-30G Minuteman 3	S	8,000	3×200 KT	1970
SLBM	UGM-27B Polaris A2	S	1,750	800 KT	1962
	UGM-27C Polaris A3 [5]	S	2,800	1 MT 3×200 KT	1964
	UGM-73A Poseidon	S	2,880	10×50 KT	1971

MISSILES (U.S.S.R.)

Category [1]	Type [6]	Propellant	Maximum range [3] (statute miles)	Estimated warhead yield [4]	Inservice
ICBM	SS-7 Saddler	SL	6,900	5 MT	?1961
	SS-8 Sasin	SL	6,900	5 MT	1963
	SS-9 Scarp	SL	7,500	20-25 MT [7]	1965
	SS-11	SL	6,500	1-2 MT	1966
	SS-13 Savage	S	5,000	1 MT	1968
IRBM [8]	SS-5 Skean	SL	2,300	1 MT	1961
MRBM [9]	SS-4 Sandal	L	1,200	1 MT	1959
SLBM	SS-N-4 Sark [10]	SL	350	MT range	1961
	SS-N-5 Serb	SL	750	MT range	1964
	SS-N-6	? [11]	1,750	MT range	1969

AIRCRAFT (U.S.A.)

Category [12]	Type	Maximum range [13] (Statute miles)	Maximum speed (mach no.) [14]	Maximum weapons load (lb.)	ASM [15] carried	Inservice
Long-range bomber.	B-52 C-F	11,500	0.95	60,000	Hound Dog	1955
	B-52 G/H	12,500	.95	75,000	2x Hound Dog	
Medium-range bomber.	FB-111	3,800	2.2	37,500		1970
Strike aircraft	A-4	2,300	.9	10,000	2x Bullpup	1956
	A-6A	3,200	.9	18,000	do	1963
	A-7A/D	3,400	.9	15,000	4x Bullpup	1966
	RA-5C	3,000	2.0	13,500	2x Bullpup	1964
	F-104C/G [16]	1,300	2.2	4,000	do	1958
	F-105D	2,100	2.25	16,500	4x Bullpup	1960
	F-111A/E	3,800	2.2/2.5	25,000	do	1967
	F-4	1,600	2.4	16,000	do	1962

AIRCRAFT (U.S.S.R.)

Category [12]	Type [17]	Maximum range [13] (Statute miles)	Maximum speed (mach. no.) [14]	Maximum weapons load (lb.)	ASM [15] carried	Inservice
Long-range bomber.	Tu-20 Bear	7,800	0.78	40,000	1 × Kangaroo	1956
	Mya-4 Bison	6,050	.87	20,000		1956
Medium-range bomber.	Tu-16 Badger	4,000	.8	20,000	2 × Kelt [18]	1955
Strike aircraft (including short-range bomber).	Tu-22 Blinder	3,000	1.5	12,000	1 × Kitchen	1962
	H-28 Beagle	2,500	.81	6,000		1950
	Yak-28 Brewer	1,750	1.1	4,400		1962
	Su-7 Fitter	1,250	1.7	4,500		1959
	Mig-21 Fishbed.	900	2.2	2,000		1970

MISSILES (OTHER COUNTRIES)

Country	Category	Type	Propellant	Maximum range (statute miles)	Estimated warhead yield	Inservice
France	IRBM	S-02 SSBS	S	1,875	150 KT	August 1971.

AIRCRAFT (OTHER COUNTRIES)

Country	Type	Maximum range [13] (statute miles)	Maximum speed (mach No.) [14]	Maximum weapons load (lb.)	ASM [15] carried	Inservice
Britain	Vulcan B2	4,000	0.95	21,000	1×Blue Steel	1960
	Canberra B(I)8	3,800	.83	8,000		1955
	Buccaneer S2	2,000	.95	8,000		1965
France	Mirage IVA	2,000	2.2	8,000		1964

(B) SHORT RANGE MISSILES AND ARTILLERY

U.S.A.

Category[1]	Type	Propellant[2]	Maximum range (statute miles)	Estimated warhead yield[3]	Inservice
SRBM	MGM-31A Pershing	S	460	KT range	1962
	MGM-29A Sergeant	S	85	do	1962
Unguided rockets.	MGR-1B Honest John	S	25	do	1953
Tube artillery	M-109 155 mm. SP how.	HE	10	2 KT	1964
	M-110 203 mm. (8 in.) SP how.	HE	10	KT range	1962
	M-115 203 mm. (8 in.) towed how.	HE	10	do	1950

U.S.S.R.

Category[4]	Type[5]	Propellant[2]	Maximum range (statute miles)	Estimated warhead yield[4]	In-service
SRBM	SS-1b Scud A	SL	50	KT range	1957.
	SS-1c Scud B	SL	150	do	1965.
	SS-12 Scaleboard	SL	500	MT range	1969.
Cruise missiles.	SSC-1 Shaddock	J	290	KT range	1962.
Unguided rockets.	W Frog 1-7	S	15-40	do	Frog 1 1957; Frog 7 1965.
Tube artillery	M-55 203mm gun-howitzer.	n/a	18	KT range	late 1950's.

NOTES

[1] ICBM=intercontinental ballistic missile (range 4,000+miles); IRBM=intermediate-range ballistic missile (range 1,500–4,000 miles); MRBM=medium-range ballistic missile (range 500–1,500 miles) SRBM=short-range ballistic missile (range under 500 miles); SLBM=submarine-launched ballistic missile.

[2] L=liquid; SL=storable liquid; S=solid; J=ram- or torbojet; HE=high explosive.

[3] Operational range depends upon the payload carried; use of maximum payload may reduce range by up to 25 percent below maximum.

[4] MT=megaton=1,000,000 tons of TNT equivalent (MT range=1 MT or over); KT=kiloton=1,000 tons of TNT equivalent (KT range=less than 1 MT).

[5] The majority of Polaris A3 missiles, if not all, have been modified to carry three warheads of about 200 KT each.

[6] Numerical designations for Soviet missiles (e.g. SS-9) are of U.S. origin; names (e.g. Scarp) are of NATO origin.

[7] SS-9 missiles have also been tested (i) with three warheads of 4-5 MT each, (ii) with a modified payload for use as a depressed trajectory ICBM (DICBM) or fractional orbit bombardment system (FOBS).

[8] A mobile IRBM (SS-XZ Scrooge) has been displayed and tested but is not known to be deployed operationally.

[9] A mobile solid-propellant missile (SS-14 Scapegoat), apparently with MRBM range, has been displayed and tested but is not known to be deployed operationally.

[10] Launched only from the surface.

[11] Possibly small propellant.

[12] Long-range bomber=maximum range over 6,000 miles; medium-range bomber=maximum range 3,500-6,000 miles, primarily designed for bombing missions.

[13] Theoretical maximum range, with internal fuel only, at optimum altitude and speed. Ranges for strike aircraft assume no weapon load. Especially in the case of strike aircraft, therefore, range falls sharply for flights at lower altitude, at higher speed or with full weapons load (e.g. combat radius of A-7, at operational height and speed, with typical weapons load, is approximately 620 miles).

[14] Mach 1 (M=1·0)=speed of sound.

[15] ASM=air-to-surface missile.

[16] F-104 are no longer in active service as strike aircraft with the U.S. Air Force but remain in service with other NATO air froces.

[17] Names of Soviet aircraft (e.g. Bear) are of NATO origin.

[18] Naval Air Force versions of the Tu-16 carry 2× Kelt or 2 × Kennel ASM for antishipping use

3. DEFENSE EXPENDITURE AND NATIONAL ECONOMIES

Country	Defense expenditure[1] 1970–71 ($ million U.S.)		Defense expenditure per capita (dollars)	Defense expenditure as a percentage of GNP[2]			
	1970	1971	1970	1967	1968	1969	1970
	1	2	3	4	5	6	7
United States	76,507	78,743	373	9.5	9.3	8.7	7.8
U.S.S.R.[3]	53,900	55,000	222	10.6	11.1	11.0	11.0
Warsaw Pact:							
Bulgaria	279	NA	33	3.0	2.9	2.8	3.1
Czechoslovakia	1,765	NA	122	5.7	5.7	5.6	5.8
Germany (East)	1,990	2,124	116	3.7	5.7	5.9	5.9
Hungary	511	NA	49	2.6	2.9	3.4	3.5
Poland	2,220	NA	68	5.4	4.8	5.0	5.2
Rumania	750	798	37	3.1	3.0	2.9	3.5
North Atlantic Treaty:							
Belgium	688	594	71	2.9	2.9	3.0	2.8
Britain	5,950	6,333	107	5.7	5.4	5.0	4.9
Canada	1,931	1,687	90	2.8	2.7	2.4	2.5
Denmark	368	410	74	2.7	2.8	2.6	2.3
France	5,982	5,202	118	5.0	4.8	4.4	4.0
Germany (West)	6,188	5,961	104	4.3	3.6	3.6	3.3
Excluding financial assistance to West Berlin which included would make the entry read	7,067	6,860	119	4.7	4.2	4.2	3.8
Greece	453	338	51	4.4	4.9	5.1	4.9
Italy	2,599	2,651	48	3.1	3.0	2.7	2.8
Luxembourg	8	9	24	1.2	1.0	.9	.9
Netherlands	1,106	1,161	85	3.8	3.6	3.6	3.5
Norway	376	411	97	3.5	3.7	3.6	2.9
Portugal	398	NA	41	7.2	7.4	6.7	6.5
Turkey	503	446	14	4.4	4.5	4.2	3.7
Other European Countries:							
Austria	169	170	23	1.3	1.2	1.2	1.2
Finland	145	154	31	1.6	1.6	1.5	1.4
Spain	627	681	19	2.3	2.2	2.1	2.0
Sweden	1,146	1,192	143	3.9	3.9	3.9	3.7
Switzerland	436	459	69	2.4	2.4	2.2	2.1
Yugoslavia	638	596	31	5.2	6.0	5.6	5.4
The Middle East and the Mediterranean:							
Algeria	174	99	13	3.9	4.7	4.4	4.0
Iran	779	1,023	27	4.9	5.6	5.0	7.1
The Middle East etc.—Con.							
Iraq	294	237	30	9.1	9.1	9.6	9.4
Israel	1,429	1,484	483	11.5	15.4	24.1	26.5
Jordan	105	90	47	11.1	14.7	21.0	16.4
Libya	84	84	43	1.5	1.6	1.4	2.1
Morocco	84	97	5	2.7	2.8	2.5	2.5
Saudi Arabia	387	383	53	11.9	8.9	8.8	9.4
Sudan	109	133	7	3.4	5.0	5.7	6.0
Syria	176	n.a.	29	10.7	12.1	11.6	12.1
Tunisia	18	20	4	1.7	1.5	1.4	1.5
United Arab Republic (Egypt)	1,262	1,495	38	12.7	12.5	13.0	19.6
Africa:							
Ethiopia	37	36	1	2.5	2.2	2.2	2.1
Nigeria	308	244	5	n.a.	5.9	5.9	5.6
Rhodesia	24	25	5	1.8	1.9	2.0	1.7
South Africa	458	459	23	2.7	2.5	2.4	2.6
Asia and Australia:							
Australia	1,261	NA	100	4.9	4.6	4.0	3.6
Burma	104	101	4	4.0	3.7	3.8	3.3
China (Taiwan)	482	601	33	7.9	7.2	9.2	8.8
India	1,535	1,656	3	3.3	3.6	3.5	3.4
Indonesia	272	386	2	2.3	1.8	2.3	2.3
Japan	1,640	1,864	16	.9	.8	.8	.8
Korea, South	333	411	10	3.9	4.2	4.0	4.0
Malaysia	183	186	17	4.1	3.9	3.6	4.6
New Zealand	115	124	41	1.7	2.0	1.9	2.0
Pakistan	605	714	4	3.6	3.4	3.4	3.8
Philippines	110	135	3	1.7	1.6	1.5	1.9
Singapore	106	158	52	2.2	2.1	4.9	5.8
Thailand	240	260	7	2.5	2.5	3.7	3.9
Vietnam, South	1,028	564	56	8.8	NA	NA	NA
Latin America:							
Argentina	477	NA	20	2.6	2.0	2.2	2.3
Brazil	579	NA	6	2.9	2.6	NA	NA
Chile	NA	NA	NA	2.1	2.1	NA	NA
Colombia	NA	NA	NA	2.8	2.8	NA	NA
Mexico	210	NA	4	.6	.6	.6	NA
Peru	NA	NA	NA	3.3	3.3	NA	NA
Venezuela	200	NA	19	2.3	2.2	NA	NA

---

[1] Column 1 represents the estimated out-turn of defense expenditure in 1970. Column 2 represents planned defense expenditure for the current year, in most cases according to the budget statements of national governments.

[2] The GNP figures are estimated at current market prices and the percentages may differ from those published by national governments and international organizations.

[3] The valuation of the Soviet GNP and the rate of exchange used for the defense expenditure were explained in the Military Balance 1970–71, pp. 10–11.

NA=not available.

4. COMPARATIVE DEFENSE EXPENDITURE, GROSS NATIONAL PRODUCT, AND MANPOWER FIGURES, 1951–70

DEFENSE EXPENDITURE

[In millions of dollars][1]

Year	United States [2]	Japan	West Germany [2]	France [2]	Britain [2]	U.S.S.R.
1951	33, 059	86	------------	1, 785	3, 217	27, 800
1952	47, 598	164	------------	2, 538	4, 371	31, 400
1953	49, 377	170	1, 475	2, 808	4, 707	31, 800
1954	42, 786	206	1, 497	2, 372	4, 399	29, 000
1955	40, 371	241	1, 758	2, 232	4, 388	32, 400
1956	41, 513	278	1, 717	2, 975	4, 522	29, 600
1957	44, 159	281	2, 134	3, 160	4, 407	27, 900
1958	45, 096	335	1, 632	3, 356	4, 455	27, 000
1959	45, 833	377	2, 640	3, 631	4, 449	27, 800
1960	45, 380	421	2, 885	3, 881	4, 640	27, 000
1961	47, 808	503	3, 268	4, 131	4, 785	35, 800
1962	52, 381	586	4, 308	4, 493	5, 097	38, 700
1963	52, 295	688	4, 981	4, 628	5, 236	40, 200
1964	51, 213	780	4, 888	4, 918	5, 600	38, 400
1965	51, 827	848	4, 979	5, 125	5, 855	37, 000
1966	63, 572	959	5, 063	5, 415	6, 028	38, 700
1967	75, 465	1, 075	5, 352	5, 856	6, 259	41, 900
1968	80, 732	1, 172	4, 827	6, 117	5, 597	48, 200
1969	81, 444	1, 344	5, 486	6, 184	5, 496	51, 100
1970	76, 507	1, 640	6, 188	5, 982	5, 950	53, 900

[1] Exchange rates used are the same as in the GNP table below except for the U.S.S.R., which are calculated on the basis used in the country section (pp. 5–7) and explained in "The Military Balance, 1970–71, pp. 10–12.

[2] NATO definition of defense expenditure has been used.

GROSS NATIONAL PRODUCT—AT CURRENT MARKET PRICES AND EXCHANGE RATES

[In billions of dollars]

Year	United States of America	Japan	West Germany	France	Britain	U.S.S.R.[1]
1951	331	14	28	25	41	86
1952	350	16	32	29	44	90
1953	370	19	35	31	48	95
1954	365	20	37	32	50	102
1955	399	23	43	35	54	109
1956	420	25	47	39	58	116
1957	444	28	51	43	62	125
1958	455	32	56	50	65	142
1959	484	33	60	54	67	151
1960	511	39	71	60	72	161
1961	520	51	81	65	77	170
1962	560	59	89	74	81	183
1963	590	68	94	83	86	188
1964	632	80	103	93	93	201
1965	685	88	115	99	100	215
1966	748	102	123	108	107	230
1967	794	120	124	116	110	251
1968	865	142	135	127	103	271
1969	931	166	151	142	110	291
1970	977	195	185	148	121	312

[1] Net material product converted at a constant exchange rate of 0.9 roubles=$1. The U.N. accounts definition has been used. This consists of: individual and collective consumption, net fixed capital formation, and net exports of goods and productive services.

TOTAL ARMED FORCES

[In thousands]

Year	United States	Japan	West Germany	France	Britain [1]	U.S.S.R.
1951	3, 250	[2] 74	------------	610	841	4, 600
1952	3, 550	[3] 114	------------	645	890	4, 600
1953	3, 480	[3] 119	------------	695	902	4, 750
1954	3, 350	[4] 146	15	600	840	4, 750
1955	3, 049	178	20	568	800	5, 000
1956	2, 857	188	66	785	760	4, 500
1957	2, 800	202	122	836	700	4, 200
1958	2, 637	214	175	797	615	4, 000
1959	2, 552	215	249	770	565	3, 900
1960	2, 514	206	270	781	520	3, 623
1961	2, 572	209	325	778	455	3, 800
1962	2, 827	216	389	742	445	3, 600
1963	2, 737	213	403	632	430	3, 300
1964	2, 687	216	435	555	425	3, 300
1965	2, 723	225	441	510	424	3, 150
1966	3, 123	227	455	500	418	3, 165
1967	3, 446	231	452	500	417	3, 220
1968	3, 547	235	440	505	405	3, 220
1969	3, 454	236	465	503	383	3, 300
1970	3, 066	259	466	506	373	3, 305

[1] Excluding forces enlisted outside Britain.

[2] National Police Reserve.

[3] Security force.

[4] Self defenses forces.

5. MAJOR IDENTIFIED ARMS AGREEMENTS, JULY 1970 TO JUNE 1971

Recipient and primary supplier	Approximate date of agreement	Name of system	Approximate numbers	Primary role	Approximate cost to recipient (m.)	Expected date of delivery
(A) WESTERN EUROPE						
Belgium:						
France	1970	Alouette III	3	Helicopters	(1)	(1)
United States	March 1971	C–130H	12	Transports	$55	1972–73
Italy	1970	SF.260 MX	36	Trainers	(1)	(1)
Britain	May 1971	Swingfire	(1)	ATGW system	(1)	(1)
Britain: France	June 1971	Exocet	300	Naval SSM	54	(1)
Denmark: United States	1970	Hughes 500M (OH–6A)	12	Observation helicopters	(1)	1971
Germany:						
France	1970	La Combattante II	20	Patrol boats	240	1973–75
		Exocet	(1)	Naval SSM	(1)	(1)
United States	March 1971	F–4E(F)	175–220	Interceptor/fighter bombers	1, 180	1974–75
Britain	December 1970	Westland SH–3D	22	ASW helicopters	(1)	1971
Greece: France	August 1970	AMX–30	50	Medium tanks	33	1970–71
Italy:						
United States	do	C–130	14	Transports	60	1971
Do	October 1970	CH–47C Chinook	8	Medium helicopters	(1)	1972
West Germany	1970	Leopard	[2]200	Medium tanks	(1)	(1)
Netherlands:						
United States	November 1970	P–3C Orion	1	Maritime patrol	(1)	(1)
West Germany	September 1970	SP guns on Leopard chassis	100	Antiaircraft	180	1971–

Footnotes at end of table.

5. MAJOR IDENTIFIED ARMS AGREEMENTS, JULY 1970 TO JUNE 1971—Continued

Recipient and primary supplier	Approximate date of agreement	Name of system	Approximate numbers	Primary role	Approximate cost to recipient (m.)	Expected date of delivery
Norway: Britain	2.71	Westland SH-3D	10	Helicopters	16.8	1972
Portugal: United States	1971	Boeing 707	2	Troop transport	18	1971
Spain:						
France	1970	AMX-30	19	Medium tanks	(1)	(1)
United States	1970	F-4C	36	Fighter	104	1971-
		KC-130 Hercules	2	Tankers	(1)	(1)
		P-3 Orion	3	Maritime patrol	(1)	(1)
		Sikorsky SH-3D	4	ASW helicopters	(1)	1971
		Bell 209 Huey Cobra	4	Attack helicopters	(1)	1971
		M-107 175mm	2	SP guns	(1)	(1)
		C-130 Hercules	6	Transport	(1)	(1)
		M-48	58	Medium tanks	(1)	(1)
		M-108 105mm	48	SP howitzers	(1)	(1)
		M-109 155mm	18	do	(1)	(1)
		M-113	49	APC	(1)	(1)
		Guppy-class	2	Submarines	(2)	1971
		Destroyers	5	Escorts	(3)	1971-72
		Agile-class	4	MCM	(3)	1971-72
		Landing ships	3	LST	(3)	1971-72
Sweden:						
Britain	Dec. 1970	Westland SH-3D	4	ASW helicopters	(1)	(1)
Japan	1971	KV-107	7	do	1.25	1973-74
Switzerland: Britain	1970	Hunter	30	Figher-bombers	14.4	1972-74
(B) MIDDLE EAST AND NORTH AFRICA						
Abu Dhabi: Britain	December 1970	Hunter	(1)	Fighter	(1)	(1)
Egypt:						
Soviet Union	1970-71	MiG-21	100	Interceptors	(1)	1970-71
do	1970-71	SU-7	25	Fighter-bomber	(1)	1970-71
do	1970-71	MiG-15/17	55	Fighters	(1)	1970-71
do	1970-71	Mi-8	70	Helicopters	(1)	1970-71
do	1970	203mm		Artillery	(1)	1970
do	March 1971	SA-2, SA-3		SAM	(1)	(4)
do	1970	ZSU-23/4		Antiaircraft guns	(1)	1970
Iran:						
Britain	1971	Chieftain	700-800	Medium tanks	168-192	(1)
United States	December 1970	C-130H	30	Trqnsports	122	1970
Israel:						
United States	October 1970	M-60, M-48	180	Medium tanks	36	1970
do	September 1970	F-4E	16-18	Fighter-bomber	(1)	1971
do	November 1970	A-4E	18	do	(1)	1970
Libya: Soviet Union	July 1970	Field artillery	75		(1)	1970
		T-54, T-55	200	Medium tanks	(1)	1970
		Amphibious vehicles	36		(1)	
Muscat and Oman:						
Britain	October 1970	Skyvan 3M	5	Transport	2.4	1970
Canada	1970	Caribou	3	do	(1)	1970
Syria:						
Soviet Union	1970-71	MiG-17/21	(1)	Fighters	(1)	1971
do	1970-71	Su-7	5	Fighter-bombers	(1)	1971
do	1970-71	Mi-8	22	Helicopters	(1)	1971
(C) SOUTH ASIA						
Ceylon:						
Britain	April 1971	Bell Jetranger	6	Helicopters	(1)	1971
Soviet Union	do	MiG-17	6		(1)	1971
India:						
New Zealand	May 1971	Canberra	10	Bombers	(1)	(1)
Britain	December 1970	Westland SH-3D	2	ASW	(1)	1970
Pakistan:						
France [5]	March 1971	Mirage III-E/V	30	Fighter-bombers	(1)	1973
Do [5]	1970	Alouette III	24	Helicopters	(1)	(1)
United States [5]	November 1970	B-57	7	Bombers		(1)
Do [5]	January 1971	F-104	6	Fighters (value of total deal)	15	(1)
Do [5]	October 1970	M-113	300	APC		(1)
Do [5]	November 1970	Patrol boats	4	Coastal patrol	(1)	(1)
Do [5]	March 1971	T-37	4		(1)	1971
Sweden	1971	Saab 105	4	Trainers	(1)	(1)
(D) SOUTH-EAST ASIA						
Australia:						
United States	February 1971	Huey Cobra	11	Helicopters	13.8	1974
France	November 1970	Mirage III-D	6	Trainers	12.4	1973
United States	1970	CH-47C Chinook	12	Helicopters	41	(1)
Do	1970	F-4E	24	Fighter-bombers	[5]60	(1)
Brunei: Britain	November 1970	HS 748	1	Transport	(1)	1970
Indonesia: Malaysia	February 1971	Pioneer	12	Utility transport	(1)	(1)
Malaysia:						
France	August 1970	patrol boats/Exocet	7	SSM patrol boats	22.5	(1)
Do	June 1971	Mirage V	(6)	Fighters	(1)	(1)
Britain	May 1971	Bulldog	15	Trainers	.8	(1)
United States	March 1971	Sikorsky S-61	6	Helicopters	(1)	1971
Nepal: Britain	December 1970	Skyvan 3M	1	Transport	(1)	(1)
New Zealand: Britain	1970	BAC-167	10	Fighters	8.4	1972
Singapore: New Zealand	December 1970	Air tourer	2	Trainers	(1)	1970
Thailand:						
Britain	October 1970	Shorland MK3	32	Armoured cars	.48	1971
United States	September 1970	Helicopters	5		(1)	1970
Do	do	HAWK	(7)	SAM	(1)	(1)
(E) LATIN AMERICA						
Argentine:						
France	October 1970	Mirage III-D/E	12	Trainer/fighter	49	(1)
Britain	December 1970	Short Skyvan 3M	5	Patrol, search/rescue	24	(1)
United States	May 1971	Hughes 500	6	Helicopters	(1)	(1)
Do	September 1970	C-130E Hercules	3	Transport	(1)	(1)
Brazil:						
Britain	September 1970	Frigates	6	ASW	283	(1)
Do	1970	Seacat	(1)	SAM	(1)	(1)
Chile: United States	November 1970	Beech 99A	9	Trainers	(1)	(1)

Footnotes at end of table.

Recipient and primary supplier	Approximate date of agreement	Name of system	Approximate numbers	Primary role	Approximate cost to recipient (m.)	Expected date of delivery
(E) LATIN AMERICA—Continued						
Colombia:						
France	1970	Mirage III-B/R	4	Fighters	(1)	(1)
Do	1970	Mirage V	14	do	(1)	(1)
Ecuador:						
France	1970	Light armoured vehicles	27		(1)	(1)
Do	1970	AMX-13	41	Light tanks	(1)	(1)
Britain	January 1971	Skyvan 3M	1	Transport	(1)	(1)
United States	October 1970	T-41D	12	Trainers	(1)	(1)
Guyana: Britain	January 1971	Islander	2	Communication	(1)	1971
Peru: Canada	do	Twin Otter	8	Transport	4.8	1971
Uruguay: United States	June 1971	Friendship FH-227B	2	do	(1)	1971
Venezuela:						
United States	February 1971	C-130H	4	do	(1)	1971
Do	June 1971	Cessna 182 Skylane	12	Transport/trainer	(1)	1971
(F) AFRICA—SOUTH OF THE SAHARA						
Congo (Kinshasa):						
France	1970-71	SA-330 Puma	30	Helicopters	(1)	1971-70
Italy	1970	SF-260	12	Trainers	(1)	1971-70
United States	January 1971	C-130	8	Transport	17	(1)
Gabon: France	August 1970	Alouette II	1	Heliocpter	(1)	(1)
Ivory Coast: France	September 1970	SA-330 Puma	1	do	(1)	(10)
Kenya:						
Britain	October 1970	BAC-167 Strikemaster	6	Fighters	(1)	(1)
Do	do	Bulldog	5	Trainers	.24	1972
Nigeria: France	December 1970	Noratlas	4	Transport	(1)	(1)
South Africa: Britain	November 1970	Hawker Siddeley 748	3	do	(1)	(1)
Tanzania:						
China	June 1971	Medium tanks	16		(1)	(1)
Do	1970-71	Patrol boats	2		(1)	1971
Togo: France	August 1970	Alouette II	1	Helicopters	(1)	(1)
Uganda:						
Israel	1970	Sherman	10	Tanks	(1)	1970
Britain	1971	Saladin	30	Armoured cars	(1)	1971
Zambia:						
Italy	January 1971	SF 260	8	Trainers	(1)	(1)
Do	March 1971	MB 326	12	Fighters	(1)	(1)
Britain	December 1970	Hawker Siddeley 748	1	Transport	(1)	(1)
Yugoslavia	1970	Galeb	2	Trainers	(1)	1971
Do	1970	Jastreb	4	Light attack aircraft	(1)	1971
(G) NORTH AMERICA						
Canada:						
United States	April 1971	Boeing 707	1	Transport	(1)	1971
Do	May 1971	Bell COH-58A	74	Light observation helicopter	11	1971
Do	March 1971	Beech Musketeer	25	Trainers	.825	1972
Do	November 1970	P-3C Orion	30	Maritime patrol	(1)	(1)
Do	September 1970	F-101 Voodoo	58+8	Fighters	66	1971
Do	October 1970	CUH-1N	124	Helicopters	(1)	1971
United States; Britain	1971	AV-8 Harrier	18	Ground support	64	1971

---

[1] Not available.
[2] Another 600 are to be built under licence in Italy.
[3] Loan.
[4] March 1971.
[5] France has since banned deliveries and the United States is holding action on these deals in abeyance.
[6] 1 squadron.
[7] 1 battery.
[8] Cost of leasing for 4 years.
[9] November 1970.
[10] September 1970.

NOTES

This table lists major agreements on a firm-to-government and on a government-to-government basis, and covers both credit and cash sales. Costs to recipients may include spares, support, etc., and reflect the value of goods taken in part-exchange where applicable. Payees may include subcontractors in the purchasing country, as well as prime contractors in the supplying country. No licensing agreements are included.

American, Soviet and Chinese military aid to Vietnam, Cambodia, Laos and Korea, and Soviet deliveries to members of the Warsaw Pact are excluded.

CHAPTER X—APPENDIX

THE MILITARY BALANCE BETWEEN NATO AND THE WARSAW PACT

Any assessment of the military balance between NATO and the Warsaw Pact involves comparison of the strengths of both men and equipment, consideration of qualitative characteristics such as geographical advantages, deployment, training and logistic support, and differences in doctrine and philosophy. These are the factors—and there are others as well, including notably the performance of weapons systems—that are at the heart of military security and will have to be taken into account by both sides when considering Mutual and Balanced Force Reductions (MBFR), so as not to be placed, as a result of changes, at a disadvantage. (MBFR has historical antecedents in the various arms control plans of the 1950s and 1960s, but more recently a precise proposal was made at the NATO Ministerial Meeting in Reykjavik in June 1968. In Spring 1971 there were indications of willingness by the Soviet Union to discuss the proposal.) Most of these factors are variables and may change over time, but the geographical asymmetry is not: This point is critical to any negotiations.

Military considerations are, however, only part of the problem; political questions are of first importance. These include the extent to which reductions should consist of stationed or indigenous forces and their equipment; the impact on confidence of the measures for verification and control of force reductions; and the effect on relationships within alliances of any agreements reached. While the appraisal which follows touches on many matters central to MBFR, drawing attention as it does to asymmetries which now exist, it is military only and thus one-dimensional. It should be regarded as primarily a quantitative guide since there are difficulties in giving values, in so short a space, to qualitative factors and deciding on their relevance. Furthermore, the situation is not a static one: any single presentation must have inadequacies. The comparisons necessarily oversimplify what is by its nature a complex problem.

Land and Air Forces

The three NATO major subordinate commands—Northern, Central, and Southern Europe—at first seem to offer a convenient basis for making a direct comparison with the opposing forces of the Warsaw Pact, but there are problems. The Northern European Command covers not only Norway but also the Baltic area including Denmark, Schleswig-Holstein, and the Baltic approaches. It is not possible to make precise calculations as to the Soviet formations that would be committed to the Baltic area rather than toward the NATO Central Europear. Command. In both land and air forces there is a considerable degree of flexibility to do either: for the Warsaw Pact this sector is a coherent front. For this reason, Northern and Central Europe are grouped together in the tables which follow and Southern Europe is shown separately. Such a grouping conceals, however, a marked imbalance in north Norway.

GROUND FORMATIONS

Category	Northern and Central Europe[1] NATO	Warsaw Pact	Of which U.S.S.R.	Southern Europe[2] NATO	Warsaw Pact	Of which U.S.S.R.
Ground forces available to commanders in peacetime (in division equivalents):						
Armored	8	28	19	7	9	3
Infantry, mechanized and airborne	16	37	22	30	21	4

[1] Includes, on the NATO side, the commands for which AFCENT and AFNORTH commanders have responsibility (see introduction to NATO section). France is not included nor are any allied ground forces in Portugal or Britain. On the Warsaw Pact side it includes the command for which the pact high commander has responsibility, but excludes the armed forces of Bulgaria and Rumania. Soviet units normally stationed in western U.S.S.R. and such troops as might be committed to the Baltic theater of operations have, however, been included on the Warsaw Pact side.

[2] Includes, on the NATO side, the Italian, Greek, and Turkish land forces (including those in Asian Turkey) and such American and British units as would be committed to the Mediterranean theater of operations, and on the Warsaw Pact side, the land forces of Bulgaria, Hungary, and Rumania, and such Soviet units normally stationed in Hungary and southern U.S.S.R. as might be committed to the Mediterranean theater.

If French formations (not part of NATO's integrated commands) are included they would add two mechanized divisions to the NATO totals (these are the two divisions stationed in Germany. There are four more in France.) The appropriate forces of all of the Warsaw Pact countries are included, though the military values of some of them may be suspect for political reasons.

In Norway, there are only Norwegian forces in peacetime, a brigade group being located in the north. The Soviet forces facing them could be brought against them from northwest Russia probably amount to at least four divisions. This wide disparity highlights the problem of the defense of north Norway against surprise attack. To meet this difficulty, a system of self-defense, based on a powerful Home Guard and rapid mobilization, has been designed to take maximum advantage of the ruggedness of the country and the poor road and rail communications, but it is clear that defense against attack of any size depends on timely external assistance.

Two further imbalances are worth noting. The first, a legacy from the postwar occupation zones, is a certain maldeployment in the NATO Central European Command, where the well-equipped and strong American formations are stationed in the southern part of the front, an area which geographically lends itself to defense, while in the north German plain, across which the routes to allied capitals run, where there is little depth and few major obstacles, certain of the forces are less powerful. The second is that the whole of the Italian land forces, which are included in the table under Southern Europe, are stationed in Italy and thus are at some distance from the areas of potential confrontation.

Manpower

A comparison of formations is not by itself sufficient, however, since NATO formations are much larger than those of the Warsaw Pact. It is necessary to take account of this difference in size and also of the combat troops in formations higher than divisions and those men who directly support them. Figures calculated on this basis—and the calculations can only be an approximate and arbitrary one—give the following comparison for forces in peacetime (figures are in thousands):

Category	Northern and central Europe NATO	Warsaw pact	Of which U.S.S.R.	Southern Europe NATO	Warsaw Pact	Of which U.S.S.R.
Combat and direct support troops available	580	960	588	525	385	90

If French forces are counted, including those stationed in France, the NATO figure for Northern and Central Europe might be increased by perhaps 120,000.

Reinforcements

The mobilization of first-line reserves and the movement of reinforcements to the theater would materially alter the above figures. The immediate mobilization capacity of the Warsaw Pact is greater than that of the West: It has been estimated that the force of thirty-one Soviet divisions in Central Europe might be increased to seventy in well under a month, if mobilization were unimpeded. The Soviet Union, a European power and operating on interior lines, can bring up reinforcements overland, with heavy equipment, far faster than can the United States across the Atlantic. American ability to bring back quickly by air the dual-based brigades whose equipment is in Germany has been demonstrated and the C-5 aircraft, the first of which are now in service, will greatly increase the airlift. But this lift depends on a secure air environment, safe airfields to fly into, and the willingness to reinforce in a crisis situation at the risk of heightening tension by doing so. And reinforcing divisions would need sealift to move their heavy equipment.

Implicit in Western defense plans is the concept of political warning time, that there will be sufficient warning of a possible attack to enable NATO forces to be brought to a higher state of readiness and for reinforcement and mobilization to take place. Advantage here will always lie with an attacker, who can start mobilization first, hope to conceal his intentions and achieve some degree of tactical surprise. The point of attack can be chosen and a significant local superiority built up. The defender is likely to start more slowly and will have to remain on guard at all points.

A fair summary of the reinforcement position might be that the Warsaw Pact is intrinsically capable of a faster buildup in the early stages, particularly if local or general surprise is achieved; that NATO can only match such an initial buildup if it has, and takes advantage of, sufficient warning time; that the subsequent rate of buildup favors the Warsaw Pact unless the crisis develops slowly enough to permit full reinforcement; in this last case, the West would be in a position much more resembling equality. Alliance countries maintain more men under arms than the Warsaw Pact. For Army/Marines the figures (in thousands) are: NATO, 3,409 (including France, 329); Warsaw Pact, 2,778. Of course, large numbers of these men are outside Europe, as for example American forces in Asia and Soviet forces in their Far Eastern frontier.

Equipment

In a comparison of equipment, one point stands out: The Warsaw Pact is armed almost completely with Soviet or Soviet-designed material and enjoys the flexibility, simplicity of training, and economy that standardization brings. NATO forces have a wide variety of everything from weapons systems to vehicles, with consequent duplication of supply systems and some difficulties of interoperability.

As to numbers of weapons, there are some notable differences, of which tanks are perhaps the most significant. The relative tank strengths are as follows:

Category	Northern and Central Europe NATO	Warsaw Pact	Of which U.S.S.R.	Southern Europe NATO	Warsaw Pact	Of which U.S.S.R.
Main battle tanks in operational service—in peacetime[1]	5,600	16,000	10,000	2,250	5,700	1,600

[1] These are tanks with formations and exclude those in reserve or storage.

If French forces are counted, including those stationed in France, the NATO figure for Northern and Central Europe might be increased by perhaps 120,000.

Reinforcements

The mobilization of first-line reserves and the movement of reinforcements to the theater would materially alter the above figures. The immediate mobilization capacity of the Warsaw Pact is greater than that of the West: It has been estimated that the force of thirty-one Soviet divisions in Central Europe might be increased to seventy in well under a month, if mobilization were unimpeded. The Soviet Union, a European power and operating on interior lines, can bring up reinforcements overland, with heavy equipment, far faster than can the United States across the Atlantic. American ability to bring back quickly by air the dual-based brigades whose equipment is in Germany has been demonstrated and the C-5 aircraft, the first of which are now in service, will greatly increase the airlift. But this lift depends on a secure air environment, safe airfields to fly into, and the willingness to reinforce in a crisis situation at the risk of heightening

tension by doing so. And reinforcing divisions would need sealift to move their heavy equipment.

Implicit in Western defense plans is the concept of political warning time, that there will be sufficient warning of a possible attack to enable NATO forces to be brought to a higher state of readiness and for reinforcement and mobilization to take place. Advantage here will always lie with an attacker, who can start mobilization first, hope to conceal his intentions and achieve some degree of tactical surprise. The point of attack can be chosen and a significant local superiority built up. The defender is likely to start more slowly and will have to remain on guard at all points.

A fair summary of the reinforcement position might be that the Warsaw Pact is intrinsically capable of a faster buildup in the early stages, particularly if local or general surprise is achieved; that NATO can only match such an initial buildup if it has, and takes advantage of, sufficient warning time; that the subsequent rate of buildup favors the Warsaw Pact unless the crisis develops slowly enough to permit full reinforcement; in this last case, the West would be in a position much more resembling equality. Alliance countries maintain more men under arms than the Warsaw Pact. For Army/Marines the figures (in thousands) are: NATO, 3,409 (including France, 329); Warsaw Pact, 2,778. Of course, large numbers of these men are outside Europe, as for example American forces in Asia and Soviet forces on their Far Eastern frontier.

Equipment

In a comparison of equipment, one point stands out: The Warsaw Pact is armed almost completely with Soviet or Soviet-designed material and enjoys the flexibility, simplicity of training, and economy that standardization brings. NATO forces have a wide variety of everything from weapons systems to vehicles, with consequent duplication of supply systems and some difficulties of interoperability.

As to numbers of weapons, there are some notable differences, of which tanks are perhaps the most significant. The relative tank strengths are as follows:

Category	Northern and Central Europe: NATO	Northern and Central Europe: Warsaw Pact	Northern and Central Europe: Of which U.S.S.R.	Southern Europe: NATO	Southern Europe: Warsaw Pact	Southern Europe: Of which U.S.S.R.
Main battle tanks in operational service—in peacetime [1]	5, 500	16, 000	10, 000	2, 250	5, 700	1, 600

[1] These are tanks with formations and exclude those in reserve or storage.

It will be seen that NATO has little more than a third as many operational tanks as the Warsaw Pact in Northern and Central Europe, though NATO tanks are generally more modern (except for the T–62, now in service in the Pact forces in some numbers). This relative weakness in tanks reflects NATO's essentially defensive role and is offset to some extent by a superiority in ground antitank weapons. NATO probably also has more effective airborne antitank weapons, such as the missiles carried by fighter aircraft and helicopters. In conventional artillery, both sides are about equal in strength: NATO is, though, likely to have superior firepower because of the greater lethality of its ammunition and the logistic capability to sustain higher rates of fire. This capability stems from a significantly higher transport lift, about half as high again in a NATO division as compared with a Warsaw Pact one. NATO has, however, an inflexible logistic system, based almost entirely on national supply lines with little central coordination. It cannot now use French territory and has many lines of communication running north to south, near the area of forward deployment.

Aircraft

If NATO ground formations are to be able to exploit, by day as well as by night, the mobility they possess, they must have a greater degree of air cover over the battlefield than they now have. Such cover is provided by a combination of rapid warning and communications systems, surface-to-air weapons, and fighter aircraft. In much of this ground-air environment NATO is well prepared, but in numbers of aircraft it is markedly inferior:

Categories	Northern and Central Europe: NATO	Northern and Central Europe: Warsaw Pact	Northern and Central Europe: Of which U.S.S.R.	Southern Europe: NATO	Southern Europe: Warsaw Pact	Southern Europe: Of which U.S.S.R.
Tactical aircraft in operational service:						
Light bombers	150	280	200		30	30
Fighter/ground attack	1, 150	1, 400	1, 100	450	150	50
Interceptors	300	2, 100	1, 100	275	900	450
Reconnaissance	400	400	300	125	100	40

The division into the categories shown is only approximate since some aircraft can be adapted to more than one kind of mission. In general, NATO has a higher proportion of multipurpose aircraft of good performance over their full mission profiles, especially in range and payload. Both sides are modernizing their inventories, but the Warsaw Pact has recently introduced new types, such as the MIG–23 possibly superior to any interceptor that NATO has in operational service. The two air forces have, however, different roles: long range and payload may have lower priority for the Warsaw Pact. NATO, for example has maintained a long-range, deep-strike tactical aircraft capability; the Soviet Union has chosen to build an MRBM force which could, under certain circumstances, perform analogous missions.

The Warsaw Pact also enjoys the advantage of interior lines of communications, which make for ease of command and control and logistics. They have a relatively high capability to operate from dispersed natural airfields serviced by mobile systems, have far more airfields with more shelters and the great advantage of standard ground support equipment which stems from having only Soviet-designed aircraft. These factors make for much greater flexibility than NATO, with its many national sources of aircraft and wide variety of support equipment. NATO probably has some superiority in sophistication of equipment, the capability of its aircrews, which have in general higher training standards and fly more hours, and the versatility of its aircraft. The NATO countries also have a worldwide inventory of aircraft far greater than that of the Warsaw Pact and in a situation where total reinforcement can be taken into account would have the greater capability. With all these different factors, the relative capabilities are not measurable in precise terms, but the Warsaw Pact advantage in numbers remains a very real one.

Theater nuclear weapons

NATO has some 7,000 nuclear warheads, deliverable by a variety of vehicles, some 2,250 in all, aircraft, short-range missiles, and artillery. These nuclear weapons are, in general, designed for use within the battlefield area or directly connected with the maneuver of combatant forces, which could be described as a "tactical" use. The figure of 7,000 warheads includes, however, a substantial number carried by, for example, aircraft such as the F-4 or F-104, which could be delivered on targets outside the battlefield area or unconnected with the maneuver of combatant forces and thus be put to "strategic" use. There is inevitably some overlap when describing delivery vehicles, aircraft, and missiles, capable of delivering conventitonal or nuclear warheads, as "tactical" or "strategic." The total of 7,000 also includes nuclear warheads for certain air-defense missiles. Three are also nuclear mines. Yields are in the kilton range. The ground-based missile launchers and guns are in formations down to divisions and are operated both by American and allied troops, but in the latter case warheads are under double key. The figure for Soviet warheads is probably about 3,500, delivered by roughly comparable aircraft and missile systems. Some of the delivery vehicles, but not the warheads, are in the hands of non-Soviet Warsaw Pact forces.

This comparison of nuclear warheads must not be looked at in quite the same light as the conventional comparisons preceding it, since on the NATO side the strategic doctrine is not and cannot be based on the use of such weapons on this sort of scale. These numbers were accumulated to implement an earlier, predominantly nuclear, strategy and an inventory of this size now has the chief merit of affording a wide range of choice of weapons, yield, and delivery system if controlled escalation has to be contemplated. A point that does emerge from the comparison, however, is that the Soviet Union has the ability to launch a battlefield nuclear offensive on a massive scale if it should choose, or to match any NATO escalation with broadly similar options.

Changes over time

The comparisons above are not very different from those of a year ago, but over a longer time-span the effect of small and slow changes can be marked and the balance can alter. In 1962, the American land, sea, and air forces in Europe totaled 434,000; now the figure is 300,000. There were twenty-six Soviet divisions in Eastern Europe in 1967; now there are thirty-one. The numbers and quality of surface-to-air missiles in the Warsaw

Pact forces have steadily grown, presenting now a most formidable defense, and Soviet tactical aircraft numbers have grown with them. The general pattern over the years has been a gradual shift in favor of the East.

Naval forces

To compare the maritime strengths of the two sides, particularly on a regional basis, offers many difficulties. Naval power is highly flexible; ships move between fleets, fleets move over great distances: strategic and tactical functions are often speedily interchangeable. It is far from easy and often inappropriate to set ships off against each other numerically. The requirement for destroyers, for example, is not related to the numbers of enemy destroyers but to the need to escort surface vessels against submarine or air threat; in antisubmarine warfare, surface vessels, submarines, and maritime aircraft must all be seen together as combined teams.

Given these and many other reservations, some touched on later, the relative strengths of the more significant ships in the North Atlantic, Baltic, and Mediterranean/Black Sea areas are listed below. The figures must not be regarded as indicating any fixed or optimum fleet dispositions, but simply a typical strength; transfers to and from the Soviet or American Pacific fleets can and do take place (though the size of the Soviet Pacific Fleet will be dictated not only by the number of American ships in that area but also by the navies of China and Japan).

Category	NATO	Warsaw Pact	Remarks
Attack carriers	10		Attack carriers have 70–100 aircraft embarked.
ASW carriers	4	2	
Surface attack, cruisers/destroyers [1]	6	15	
Antisubmarine, destroyers/frigates/escorts [2]	276	150	
Motor torpedo/gun boats.	136	161	Warsaw Pact boats generally have SSM.
Attack submarines:			
Nuclear	33	20	
Diesel, long/medium range.	90	160	
Short range	30	22	

[1] These ships have significant anti-ship weapons, in the Soviet case long-range SSM.

[2] The missiles carried by these ships are primarily or exclusively for air defence (SAM).

The figures do not include the French Navy, which is a substantial force and quantitatively stronger than the Soviet Mediterranean squadron normally is.

The comparisons show marked and well-known asymmetries. The United States Navy has powerful carrier strike forces, with aircraft and missiles for air defense and antisubmarine warfare, and with long-range aircraft for the strike role against surface vessels and land targets, nuclear armed if appropriate. The Soviet Navy, by contrast, has no attack carriers and relies on land-based aircraft for both air cover and strike, supplemented by shipborne SAM and, of course, by the long-range SSM, which a large number of Soviet vessels carry and for which there is no Western equivalent. This lack of carrier-borne aircraft would in war or in time of tension effectively limit the radius of action of Soviet surface fleets, despite the fact that they are in other ways becoming increasingly self-sufficient, and means that they do not have a true worldwide maritime capability.

The Soviet Union has had to develop a counter to the strategic threat posed by strike carriers and missile submarines in the Atlantic and Mediterranean and has built large numbers of submarines for this purpose. Because of this, the West has paid great attention to antisubmarine warfare and is probably ahead in this field, but this does not offset the sheer numbers of submarines that the Soviet Union deploys; to find and engage nuclear-powered boats is particularly difficult. This imbalance is the more important because the West depends on major naval surface ships on the carriage by sea of basic commodities: it is more vulnerable to submarine attack than is the Soviet Union.

The long-range SSMs on Soviet cruisers, destroyers, and submarines have some limitations, and the horizon-range systems now entering service present a more serious problem. The short-range SSM on the patrol boats are most effective and are backed up by missiles carried by more aircraft and in shore batteries. The SSM systems pose a particular threat to naval forces without carriers, dependent for their own long-range strike on land-based aircraft.

Any assessment of an overall balance is difficult to make. The differing roles in wartime must be taken into account: The Soviet fleets would be largely strategically defensive, meeting the threat posed by Western carrier strike forces and missile submarines (though there would be large numbers of Soviet submarines left available for offensive purposes). The nature of the main deployment areas must also be considered. In the Mediterranean, for example, Soviet resupply and reinforcement to and from the naval squadron could be extremely difficult. Of great importance would be the degree of availability to the Soviet Union of airfields in the Mediterranean countries. In the North Atlantic, the United States can readily draw on reinforcements from the home base; the Soviet Union, by contrast, is much more limited in its strategic movement.

The biggest imponderable is that of the nature and duration of any future conflict. If extended, then Soviet submarine strength would be a menace to Western shipping, worldwide, whereas the Soviet Union is much more self-sufficient. If short, then, naval action is unlikely to be dominant; the outcome would be decided on land. There are too many variables to allow comprehensive judgments, but it seems fair to say that while the sea is still an area in which the West has superiority, the Soviet fleets are now able to offer a challenge at every level of military or politico/military action.

New construction

This challenge has emerged in recent years and is the result of a Soviet shift to a more forward deployment rather than more rapid naval building in the East than the West. The following table, which lists the deliveries of new ships over 1,000 tons, of major conversions, and of ocean-going submarines in the last ten years, to the Warsaw Pact (in fact the Soviet Union, since the other Warsaw Pact countries received no new ships in the period) and NATO navies, excluding France, helps to show this. It certainly brings out the Soviet emphasis on building submarines, particularly marked since 1968, but, as far as surface naval vessels are concerned, it also shows that the NATO countries have generally been outbuilding the Warsaw Pact, quantitatively and often qualitatively. Whether, under pressure from rising costs, each will continue to devote the same proportion of resources to their navies is another matter. Furthermore, the ships to be delivered in the next few years will be the result of decisions taken some years ago and shipbuilding in individual NATO countries tends, in any case, to be somewhat of a cyclical affair. The pattern revealed by this table may not necessarily be maintained.

NAVAL DELIVERIES 1961–70

Category	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	Totals: Last 10 yrs	Totals: Last 5 yrs.
A—Attack Carriers, NATO	3			1	1			1			6	[1] 1
B—Cruisers (SAM conversions):												
WP		1									1	
NATO	1	3	1								5	
C—ASW cruisers, WP							1		1		2	[2] 2
SAM cruisers, NATO	1	2	1						1		5	1
D—SSM ships, WP		1	2	1			2	2	1	2	11	[3] 7
E—ASW destroyers, WP	1	2	2	3	4	2	3	6	5	6	34	22
DLG/DDG/DEG, NATO	10	11	14	8	3	7	11	3	3	3	73	[4] 27
F—Escorts, WP	4	8	8	8	8	8	8	8	8	12	80	[5] 44
Destroyers/escorts, NATO	9	8	13	11	10	15	20	9	12	16	123	72
G—Amphibious ships:												
WP						2	2	2	2	2	10	[6] 10
NATO	1	3	2	1	4	2	3	2	6	1	25	14
H—Submarines, attack, nuclear:												
WP	4	3	6	5	6	5	5	3	6	7	50	[7] 26
NATO	4	2	2	4		4	8	5	10	6	45	33
I—Diesel:												
WP	9	6	6	6	6	2		4			39	6
NATO	4	4	2	4	2	2	2				20	[8] 4
J—Submarines, ballistic missile nuclear:												
WP	2	2					1	4	5	7	21	[9] 17
NATO	3	3	7	13	4	5	3	2	1	1	42	12
K—Diesel, WP	6	4									10	

[1] The Soviet Navy has no attack carriers. The Moskva class (see below) is an ASW cruiser.

[2] Moskva class. One of the NATO SAM cruisers has a similar but smaller capability but the remainder are not really comparable.

[3] Kynda, Kresta and Krupnyi classes. There is no comparable cruiser in NATO fleets.

[4] This NATO category covers a wide range of destroyers, the largest of which, the DLG, is classified by some navies as a light cruiser.

[5] The small size of these Soviet escorts limits their world-wide value. Of the NATO ships compared here the greater proportion qualify in many respects for the heavier category E.

[6] Soviet ships are much smaller and hardly comparable.

[7] The Soviet building rate is now about 7 a year; the U.S. figure is 6.

[8] Over 700 tons only. NATO has built a further 35 between 450–600 tons. About 25 of the Soviet submarines carry cruise missiles, usable against ships or land targets.

[9] The Soviet building rate is about 7–8 a year. The U.S. Polaris programme ended in 1967.

AWARD TO C. SCOTT FLETCHER, PRESIDENT OF FUND FOR EDUCATION

Mr. PERCY. Mr. President, for 10 years I had the privilege of serving on the board of the Fund for Adult Education sponsored by the Ford Foundation and spent 3 years as chairman of the board. The president of the fund was C. Scott Fletcher, an outstanding businessman from Illinois, former president of Encyclopedia Britannica Films and for many years a close colleague and business associate of Paul Hoffman at Studebaker Corp.

When the full story of educational television and public broadcasting is known, the Fund for Adult Education and the Ford Foundation will be recognized as having served the same relationship to educational television as Carnegie did to the public library. Without the tenacity, foresight, and skillful direction of C. Scott Fletcher, the fund's president, educational television as we know it today simply would not be a reality.

I ask unanimous consent that the commendation awarded to Mr. Fletcher by the National Association of Educational Broadcasters at its 46th annual convention on November 11, 1970, and also the brief remarks made by Mr. Fletcher accepting this distinguished award be printed in the Record.

I am proud to have been associated indirectly with Mr. Fletcher in business and directly for so many years in philanthropy and to count him as a friend. My respect for him as a citizen who has contributed greatly to the quality of life in America is very high, indeed.

There being no objection, the items were ordered to be printed in the Record, as follows:

The National Association of Educational Broadcasters Proudly Salutes C. Scott Fletcher

Who, in the 1950's, after highly successful careers in business and education, became president of the Fund for Adult Education, and in this position, provided the impetus for the start of educational television in America:

By helping to finance the JCET which just 20 years ago this month, began to marshal the forces of education and government to secure the reservation of television channels;

By providing the matching grants which hastened the activation of the first 30 ETV stations;

By creating the first national program service in educational broadcasting—the Educational Television and Radio Center—and serving as its first president.

Who, in the 1960's as executive consultant and founder of ETS and as management consultant to the NAEB, dramatically demonstrated the vital role of this national organization:

By obtaining the grants necessary to establish the ETS Program Service;

By organizing the first conferences on long-range financing of educational television stations;

By encouraging the creation of the Carnegie Commission on Educational Television, and by laying the groundwork for implementing its recommendations, which led to passage of the Public Broadcasting Act of 1967; and

By counseling those who subsequently brought into being the Corporation for Public Broadcasting.

Who, as a leading crusader in the cause of lifetime learning for all Americans, has consistently manifested outstanding executive skills, astounding personal dynamism, and a remarkable intuitive sense of history in the making;

Whose very human qualities have brought him the love, friendship, and deep respect of thousands of associates across his adopted land;

Who, while closely associated with television, has maintained his stout faith in educational radio and has confidently predicted the day now dawning, wherein both of these broadcast media are finally beginning to fulfill their true potential;

And who today, despite his official retirement, has consented to let us invade that hallowed state of freedom with our continuing requests for his wise counsel.

In recognition of these and countless other contributions to the advancement of education and understanding through radio and television, The National Association of Educational Broadcasters is proud to bestow upon him its highest honor, the Distinguished Service Award NAEB—46th annual convention, Washington, D.C., November 11, 1970.

Acceptance Speech of Distinguished Service Award by C. Scott Fletcher, 46th Annual Convention of NAEB, November 11, 1970, Washington, D.C.

Thank you, Chairman Kraetzer, President Harley, and my gratitude to the Awards and Citations Committee, Ladies and Gentlemen. I receive this award with supreme pleasure. It will be my most treasured award because it represents twenty years of concentrated effort to help the members of NAEB and others to succeed in their determination that the American people shall have the advantage of receiving and benefiting from educational radio and television programming.

In January 1951, I was given the assignment by the Fund for Adult Education to help make educational television become a reality. At that time the major subject of conversation and concern in broadcasting circles was the FCC's "freeze" on all TV licenses. The outlook for developing a nationwide system of broadcasting was bleak—very bleak indeed. But a handful of NAEB members with vision, imagination and great courage rose to the challenge and began to fight in order to achieve their dream.

Victor Hugo said "there is nothing as powerful as an idea whose time has come." I can add that nothing is more exhilarating than to work with those people who have an idea *before* its time has come and to help them bring the idea into a reality. I have had that exhilaration—of cooperating with the few who had the vision two decades ago, of seeing them joined by others with imagination and energy and zeal and also of sharing in the achievement of our common ideals and goals.

NAEB's crowning achievement was the establishment of the Carnegie Commission which led to the Public Broadcasting Act of 1967 which in turn led to the formation of the Corporation for Public Broadcasting. During its short life this great organization has created and performed magnificently in advancing public radio and television.

And so as one studies the fifty-year record of non-commercial radio and the two decades of non-commercial television, it becomes clear that at long last we have completed a full circle. All the essential parts of the public broadcast system are now in existence and we are operating together. But in another sense what has been completed is not a circle, but a full turn in an opening and ascending spiral. Today the issues are even more momentous and the opportunities much larger.

Ladies and gentlemen let me assure you that it would have been utterly impossible for us to have reached our present position of prominence without NAEB, its divisions, its friends—especially some very wealthy ones—its members, member institutions and its staff.

NAEB is your organization. You finance it. You control it. It serves you in many ways and speaks for you so that your voice is not only heard but heeded. It is imperative that it be strengthened so that its leadership role can be intensified as we take the next major steps concerned with the permanent financing of the Corporation for Public Broadcasting.

TIME TO REVAMP BANKRUPTCY LAWS

Mr. PERCY. Mr. President, in today's economy I view with increasing alarm the accelerated number of bankruptcies suffered by all segments of our society—from our largest railroads to the ordinary consumer of goods and services.

During the past 20 years, consumer bankruptcies in the United States have increased by substantially over 600 percent to more than 182,000 annually. Business bankruptcies have more than doubled and were in excess of 19,000 in 1970.

At the same time, the terms of the Bankruptcy Act are exceedingly complicated. Lack of clarity—even to those expert in the field—labyrinthine and costly procedures, and inordinate delays, have led to inequities for so many citizens and businesses forced by circumstances to submit to the process. The situation is exacerbated by the economic dislocation this Nation has been enduring in recent years and by a too rapid expansion of credit that has reached proportions far beyond anything contemplated at the time the Bankruptcy Act was enacted.

In this background, the 91st Congress provided for the establishment of a Federal Commission to Study the Bankruptcy Laws of the United States. The Commission has been working long and hard hours with relatively scant funds in attempting a thoroughgoing evaluation and restructuring of bankruptcy procedures which are today too heavily weighted in favor of creditor. Chairman Harold Marsh, a recognized expert in the field, has benefited from the advice of two of the most able members of this Chamber, my distinguished colleagues Marlow Cook of Kentucky and Quentin Burdick of North Dakota. Representing the House on the Commission are Don Edwards and Charles Wiggins, both from California. Other members include Charles Seligson, J. Wilson Newman, Judge Hubert Will, and Judge Edward Weinfeld. Three law school professors advising the Commission—Frank R. Kennedy, from the University of Michigan, serving as executive director, Philip Shuchman of the University of Connecticut, and Walter Phillips of Texas Tech—have, through their research and contributions, been of invaluable assistance in this effort.

With reference to the behind-the-scenes efforts of this Commission in providing an impetus for reform, there appeared in the New York Times of No-

vember 21, 1971, an insightful article by Robert J. Cole, documenting some of the flagrant abuses which have characterized procedures under the existing bankruptcy laws. I ask unanimous consent, that Mr. Cole's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sunday, Nov. 21, 1971]

REVAMPING BANKRUPTCY LAWS

(By Robert J. Cole)

Ernest Medders, a $75-a-week mechanic's helper with a wife and 10 children, decided about 10 years ago to pull up stakes in Tennessee and move to Texas.

Convinced that one day he would inherit a vast Texas oil field worth $500-million—not an impossible thing in the Lone Star State—he found it surprisingly easy to convince others to help him along.

By the time he filed for bankruptcy five years later, he had parlayed his oil field claim, which never materialized, into a dazzling lifestyle.

His name was legend throughout Texas. His parties were the talk of the town. He had acquired a $40,000 house in Dallas, a $425,000 homestead in Muenster, a valuable herd of cattle, a $100,000 prize bull, a $15,000 riding horse, three cars, a string of charge accounts and even a personally autographed photo of Lyndon B. Johnson.

By the time the dust had cleared, he had borrowed nearly $2-million alone from the Poor Sisters of St. Francis, an order of nuns in Indiana.

To satisfy debts of more than $1-million, almost everything the Medders owned went on the auction block—everything that is, except the homestead.

Under Texas law, a man's homestead—regardless of value—is untouchable. If, however, the Medders had lived almost anywhere else, they would have lost their home as well.

Discussing the landmark case in the Cornell Law Review a few years ago, Raymond C. Marier, then a Cornell law student and now a New York lawyer, pointed out that all states provide some exemptions for debtors but that some are more liberal than others.

In the East, Mr. Marier said, creditors are favored by giving only parsimonious exemptions to people in debt.

On the other hand, the West, which was originally settled in large measure by debtors on the run, is very generous to people in debt. California and Texas are outstanding examples.

But in today's world, is this enormous disparity in debtor treatment a valid one?

This question and dozens of equally important ones are now being studied by a think tank in Washington, officially known as the Commission on the Bankruptcy Laws of the United States.

Working out of a dingy office at 1016 Sixteenth Street, N.W., three law professors—Frank R. Kennedy of the University of Michigan, Philip Shuchman of the University of Connecticut and Walter Phillips of Texas Tech—are researching a report to Congress that may one day revolutionize bankruptcy procedures now heavily weighted in favor of creditors.

Consider, for example, the complex issues in establishing a uniform exemption in bankruptcy.

If the exemption is set at, say, $10,000 everywhere, thousands of debtors in the West might be forced into bankruptcy by creditors eager to seize homesteads now beyond their reach. In the East, where exemptions are small, debtors would resort to bankruptcy to get the exemption where they don't have it now. Creditors, on the other hand, would go to state legislatures to strengthen garnishment laws as another way to "get at" a debtor.

One possibility under consideration is a floor on exemptions that might be more liberal to debtors in the East but at the same time not against the interests of debtors in the West.

In an interview the other day, Professor Kennedy, executive director of the Federal commission, said that one important reason for the bankruptcy study—expected to take at least another year—is the "dramatic" rise in consumer bankruptcies since 1946.

In that year, total bankruptcies—business as well as consumer—totaled only slightly more than 10,000 but were not considered a realistic measure of the economy because credit was just beginning to return to normal after a war when credit was tight.

By 1950, a more normal year, bankruptcies by consumers had climbed to 25,000, and they moved up steadily year by year to nearly 100,000 in 1960 and more than 178,000 in 1970.

By June 30 of this year consumer bankruptcies had zoomed by substantially over 600 per cent in the last 20 years, to more than 182,000. Business bankruptcies more than doubled, from 8,350 to a little over 19,000 in the same period.

"Some people feel we're in dire trouble if this continues," Mr. Kennedy said.

The issues are so complicated—and the impact so important to both debtors and creditors—that the commission is moving slowly.

Mr. Shuchman said the commission has already heard from a number of creditor groups but so far has not heard from many consumers.

One lawyer who hears regularly from consumers, however, is Landon L. Chapman of Chicago, a nationally known expert on consumer bankruptcies.

Mr. Chapman, who has filed more than 15,000 voluntary bankruptcy cases in the last 35 years, said in a telephone interview that small-loan companies are particularly severe with debtors.

His major complaint is the false financial statement.

In theory, small-loan companies must get full disclosure of other debts from a borrower so that they can determine whether to grant a loan.

In practice, however, knowing that debtors cannot discharge debts based on fraud, many lenders use forms that, Mr. Chapman argued, make it "very convenient" for a borrower to leave things out—thus making a false financial statement.

Moreover, he said, "they [the finance companies] often help the debtor make a false statement."

One way to do this, he said, was to ask the debtor to list a few of his debts and then add on the form, "I have no other debts."

The debtor usually doesn't know what he's signing, Mr. Chapman said, until he goes bankrupt. "The loan papers are filled with fine print that the company relies on to nail the debtor," he said.

Another practice of loan companies he dislikes is the chattel mortgage on such household goods as the bed, stove and refrigerator. "It should not be permitted," Mr. Chapman said.

He argued that household goods were of little value to the loan company and that the only purpose of a chattel mortgage was to "put the debtor in distress by taking it or threatening to take it."

It gives the loan company "a club over the head," he said. "It's unfair, unjust and unethical. It's a means of putting pressure on the borrower to frighten him into borrowing from a friend or relative."

There has been one good sign for the debtor, Mr. Chapman said.

Under a new Federal law passed late last year, a claim brought by a creditor must be brought before the bankruptcy court or run the risk of being ignored. Under prior law—and to some extent even now—creditors would let consumers get their discharge in bankruptcy and then file suit in state courts. In most cases debtors would ignore them—in the mistaken belief that they were now bankrupt and didn't have to pay—and, as a result, the debtor threatening suit for judgment requiring the debtor to pay.

Another favorite device of the creditor was to call a debtor threatening suit for fraud. The only way out was a promise to pay, despite discharge.

An even more enticing way to get reaffirmation of a small-loan debt was to put, say, 100 $1 bills in a pile in front of a debtor. The sight of the money was often too much for a debtor to pass up. In exchange for the cash, he often would sign a new note to pay off an old debt, of course with the $100 tacked on top of it.

The new law, Mr. Chapman said, has turned out to be an improvement for the consumer.

For one thing, he said, it's "very difficult" for a creditor to get a default judgment now. Notice has to be served on the bankrupt as well as his lawyer, so that a creditor is unable to obtain a judgment without the knowledge of the debtor.

Before, he said, default judgments were widespread in the state courts because of what he called "the ignorance of the debtor, the corruption of the creditors and the help of the bribed deputy bailiffs and deputy sheriff."

In California, Hugh Slate, of Slate & Leoni, the biggest bankruptcy law firm in the country, has similar views on the need for bankruptcy reform.

Mr. Slate believes, for example, that reaffirmation—where the debtor agrees to pay a debt after filing for bankruptcy or despite bankruptcy—should not be permitted.

In a telephone interview from Los Angeles, Mr. Slate said he was also opposed to the $50 bankruptcy filing fee—charged on the husband and again on the wife—where the debtor was insolvent.

"I've seen people go into bankruptcy court and explain that they can't pay the fee," Mr. Slate said. "But," he added, "the referee says he has 'no discretion' to waive the fee and dismisses the case. It's a dirty deal. The court sends notice to the creditors and they start at him—the debtor—all over again."

Courts should have discretion to waive the fee, he argued.

James E. Moriarty, a bankruptcy referee in Los Angeles, tends to agree in part. He remarked not too long ago that a "nominal fee" might be justified because debtors "should pay something." But, he added, $50 for a person who can't afford it was "too high."

Turning to small-loan companies, he asserted that for too many years they had relied on garnishment and the courts "to bail them out." But, he said, "if they wouldn't lend to these poor unfortunate people, they couldn't get money."

He said he had "no great love" for finance companies but felt that "if you make it too difficult for them, they may have to raise their prices."

Congress, meanwhile, is looking for guidance on bankruptcy reform to a major study just completed by the Brookings Institution in Washington under the supervision of David T. Stanley, a senior fellow at Brookings.

The study, "Bankruptcy: Problem, Process, Reform," which is by Mr. Stanley and Marjorie Girth, will be published early next year, largely under a $314,000 Ford Foundation grant. It will propose—among other things—the formation of a Federal agency to administer all bankruptcies except the big business reorganizations.

It will propose that the new Federal agency meet its expenses out of general revenue. At present the bankruptcy court must pay its own way.

Such a proposal would entail hearing examiners to make decisions and eliminate the use of bankruptcy trustees and referees.

This is a major issue that the Kennedy think tank will have to resolve. There is a strong possibility that Congress will be asked to suport it. If it does, creditors would benefit because less money would be diverted to administrative costs. Debtors would thus benefit because more of their assets would go to paying off debts.

TRANSFER OF FEDERAL PROPERTY AND EFFECT ON SCHOOLS

Mr. PERCY. Mr. President, with a considerable sense of disappointment, I desire to speak on amendment No. 74 of the supplemental appropriations conference report.

We all know that this country's public school systems face a bleak year, bordering on disaster level retrenchments. Operating budgets nearly everywhere have been pared to the bone; teachers have been laid off; classrooms have become more crowded; student services have been cut. Chicago's 588 schools, for example, may have to close for 12 days at some point this school year because of a budget deficit of $22.8 million.

So, when the Chicago Board of Education brought to my attention the acute financial pressures that the transfer of property from the General Services Administration—GSA—to the U.S. Postal Service will bring to approximately 700 school districts in about 200 congressional districts, I immediately promised to help.

The transfer of properties from GSA to the Postal Service would, in effect, render those properties non-Federal and, therefore, ineligible for Public Law 874 funds. This consequence would be disastrous for the affected school districts, many of whom are already suffering from inadequate financing. I, therefore, persuaded the full Senate Appropriations Committee to include in its supplemental appropriations conference report a general provision to provide a 1-year grace period under Public Law 874 to allow the affected school districts to receive Federal funds which many of them had already budgeted for the coming year.

It is unfortunate that the Senate-House conferees in agreeing to amendment No. 74 did not see fit to give school districts affected by the transfer a 1-year reprieve, arguing that H.R. 11809, a bill introduced by Representative PUCINSKI in the House and Senator EAGLETON in the Senate, would accomplish the same purpose. Although Representative PUCINSKI and Senator EAGLETON deserve commendation for their efforts, my approach through appropriations channels would have made available this impact aid money in time for school districts and school board members to plan their budgets and their personnel contracts for the coming year without the anxiety and uncertainty of waiting for the enactment of H.R. 11809.

I am sorry that no Member of the House or Senate saw fit at the time to help sustain the more efficacious Senate conference report provision. However, let us all now work together to make H.R. 11809 a reality.

JUDGES FOR THE SUPERIOR COURT

Mr. PERCY. Mr. President, yesterday morning, the conferees on the District of Columbia appropriation bill reached agreement, and their conference report was quickly approved.

I am deeply disturbed by several reductions in the final bill.

In particular, I am surprised and shocked at the elimination from the bill of all funding for seven new judgeships and supporting personnel for the new superior court—an item contained in our Senate bill.

These seven new judgeships were authorized by the District of Columbia Court Reform and Criminal Procedure Act of 1970, to take effect on February 1, 1972. From the outset these new judgeships were envisioned as an essential ingredient in the sweeping court reorganization for the District of Columbia.

On February 1, 1972, significant felony and civil jurisdiction will be transferred from the U.S. district court to the superior court. The seven new judgeships authorized last year will be urgently needed at that time if the superior court is to cope successfully with the heavy new burdens imposed upon it.

So important are these new judgeships to the success of court reorganization that the District government long ago spent substantial money to renovate the Pension Building so that space would be available to house the expanded court at the first of the year. The Department of Justice has been at work for some time in screening potential court nominees so that the President could send timely nominations to the Senate for action.

It is imperative that money for these new judges and their supporting personnel, including badly needed probation officers, be appropriated in the near future. Money for this purpose deserves and must receive a very high priority in any supplemental appropriation.

I shall fight to fund these new judgeships at the earliest opportunity because they are absolutely essential to the success of the President's crime program in the District of Columbia. Failure to fund these judges would be a death blow to court reorganization.

CRITICAL NEED FOR INDEPENDENT CONSUMER PROTECTION AGENCY

Mr. PERCY. Mr. President, consumers need a Federal presence vested with sufficient powers and resources to act exclusively as their advocate in connection with activities of the Federal Government. As a principal cosponsor of S. 1177 to create an independent Consumer Protection Agency, the question I face is not whether, but how best to shore up the organization and improve the operation of Federal consumer protection activities.

If the experience of the past is any guide, our task is a formidable one. I am concerned about creating just another new agency to add to the ledger of Federal bureaucracies. The youth of a new agency no more guarantees its fitness or success than the age of an old one. And we already have far too many time-worn agencies which seem to surface only during the annual appropriations process to obtain their moneys, but which seemingly do next to nothing to protect consumer interests.

I am concerned also that we do not impose on the American consumer another false panacea—some sugar-coated sop which is devoid of real powers, and which will invariably fall prey to the same ills of stagnation that have affected too many agencies over the years.

I am concerned about bigness, fatness, bureaucracy, stagnation and perversion of purpose. I have seen too many agencies that have failed to live up to their lofty purposes—relatively new ones exhibiting indecision; middle-aged ones showing signs of institutional paunch; and the traditional, inveterate ones which suffer from tired blood.

We cannot be satisfied with predicting more of the same, and then retiring to the sidelines to bemoan its occurrence while smugly gloating over the accuracy of our prediction.

Clearly, the blunders of traditional agency structure are wholly inadequate to the problem of consumer unrepresentation. But to recognize this merely reminds us that it is time to revise our theories, not renounce our visions.

Recent newspaper articles confirm that the regulatory agencies we have set up to assure consumer protection—particularly in the most important area of product safety—require just such a shot in the arm. I am especially disturbed by lax enforcement within the Food and Drug Administration, notwithstanding the outstanding leadership of Commissioner Charles C. Edwards. Whether the problem be lack of basic authority, money, manpower or motivation, I believe it is time for FDA to present to the Congress a detailed and comprehensive accounting of its needs and difficulties with respect to the plethora of responsibilities it has in protecting consumers.

I am shocked by the fine investigative reporting of Frances Cerra of Newsday—reprinted in the Washington Post, November 14, 1971—which documents that "Dangerous Children's Furniture Is Still on the Market." The chairman of the board of one of the largest crib manufacturing firms in the country—upon being informed that the space between the bars of his wooden cradle exceeded safety limits concurred in by experts, including the National Commission on Product Safety—cavalierly responded, "So what?", adding that he did not "have to justify anything."

Under the Federal Hazardous Substances Act, as amended by the Child Protection and Toy Safety Act of 1969, the Food and Drug Administration has undisputed authority to regulate toys and other articles intended for use by children which may present an unreasonable hazard. The legislative history of the 1969 act will show that the above language was meant to be construed broadly—"by children" meaning near or around children—so as to provide the greatest possible protection to the most cherished resource that this or any country has.

The time for action by the FDA is now, not after another heartbreaking tragedy occurs from product maldesign or manufacturing negligence.

In the days ahead, I am hopeful that we can expand our understanding of agency organization, and be open to the need to rethink, revise, and revamp, where necessary, whatever inconsistent notions we may have earlier entertained. Then, coming forth with a bill for a strong and independent Consumer Protection Agency which reflects a sensitivity to the unrequited needs of the American consumer to have his interests fairly, effectively, and responsibly represented, we will have done a real service to the Nation.

Mr. President, I ask unanimous consent that the outstanding article by Frances Cerra, be printed in the Record.

There being no objection, the article ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 14, 1971]

Dangerous Children's Furniture Is Still on the Market

(By Frances Cerra)

Nassau, N.Y.—Safety experts generally agree that the bars of a crib should be no more than 3½ inches apart. More space than that makes it possible for a small baby to strangle himself by squeezing his body, all except his head, between the bars.

Despite this fact, the juvenile furniture department of a Nassau department store recently had on display a handsome wooden cradle with more than 4 inches between bars. The cradle, which was selling for $36 was trademarked "Nod-A-Way," a brand made by the Okla Homer Smith Furniture Manufacturing Co., Inc., of Fort Smith, Ark.

A call to the company, one of the largest crib manufacturers in the country, brought Okla Homer Smith, the chairman of the board and president of the company, to the phone. When he was told that the space between the bars of the cradle exceded what are believed to be safe limits, he said, "So what?" Then, in an angry tone, he said his company knew far more than the caller about making cribs and that he didn't "have to justify anything."

It has been almost 1½ years since the National Commission on Product Safety made its recommendations for improving the safety of furniture for babies and young children. Yet unsafe furniture is still on the market. Accurate nationwide statistics on injuries related to such furniture are not available. However, in a pilot project involving 14 hospitals in Washington, D.C., and Memphis, Tenn., 675 injuries to children and babies from juvenile furniture were reported during the period from September 1969, to August 1971. These were injuries treated in emergency rooms; no count was made of those treated in doctors' offices or at home.

The lack of progress in improving the safety of the furniture is due, on the one hand, to the attitude of the manufacturers, and on the other, to the understaffing and underbudgeting of the Food and Drug Administration (FDA), the federal agency that has the authority to set safety standards for juvenile furniture.

The final report of the Product Safety Commission released in June 1970, said "in the absence of government oversight, the infant furniture industry has neglected to assess the needs and nature of children who use their products." The commission went out of existence with the release of that report, and since then Congress has been wrestling with bills that would establish a permanent product safety commission. Meanwhile, the furniture manufacturers have been occupied with just getting organized, according to Elliot Mover, head of the safety committee of the Juvenile Furniture Manufacturers Association. They have not come up with any voluntary safety standards.

"It has been a constant problem to get some people in the industry to accept outside advice," Mover said, and commented that he was not surprised at the response of Smith about the cradle. "But now," he added, "we're getting away from that attitude." As evidence of improvement, Mover cited the existence of committees within the trade group that are studying the safety problems of items such as cribs, walker-strollers, back carriers, and walker-jumpers.

The FDA, meanwhile, has come up with one proposed standard. That is the walker-jumpers, the bouncy seats-on-wheels used by millions of babies before they learn to walk. The reason for the agency's slowness is that it is "shorthanded and underbudgeted," according to Ed Chapin, a press relations officer for the agency. "In addition," he said, "this division of FDA (Bureau of Product Safety) is constantly being buffeted by crises."

The Bureau of Product Safety, which is staffed by about 75 professionals, is responsible for monitoring the safety of toys, hazardous substances like detergent and liquid drain cleaners and radiation sources like color television and microwave ovens. A crisis such as the recent death of a Connecticut girl from inhaling a small amount of nonphosphate detergent, means that almost all of the resources of the division must be mobilized to handle that one problem, and work on other important matter must be delayed.

Walter Johnson, deputy director of the Injury Data and Control Center within the Bureau of Product Safety, said that the Bureau's new budget will provide "additional resources," although how much is not yet known. He said that this will make progress possible, and that the manufacturers "have been put on notice that they should develop meaningful standards for juvenile furniture or we are going to develop regulations on them."

For prospective parents now shopping for juvenile furniture, this promise of action is not much help. It remains the responsibility of parents to try to discover which cribs, which jumper-walkers and which of all the other items will be safe for their babies and toddlers. Here is a rundown of danger points to look for in various items of furniture:

Cribs: Don't be bashful—take a ruler along with you when you shop to measure the distances between the bars. Johnson said that safety experts are sure that the spaces should not be larger than 3½ inches, and that less may be desirable. An estimated 200 children a year die from crib strangulation. Also, look for cribs with very low adjustments for the mattress height. As your baby grows and gets more agile, you will need to be able to lower the mattress to keep him from climbing out and probably falling to the floor. Don't buy a crib that has crossbars that will make it easy for him to climb. Check the latching system on the drop-side of the crib. If it is a simply operated foot latch, another child could open it without warning. FDA is studying the problems of crib safety with the goal of proposing a standard.

Dressing Tables. In the final report of the Product Safety Commission, it was recommended that these tables be made with concave rather than flat tops to make it more difficult for babies to do a sudden rollover onto the floor. Nevertheless, most of those on the market are still made with flat tops. Some brands, however, such as the Changer, by Hedstrom (about $40) and the Oak Hill wooden dressing tables (about $43), are made with guard rails that may be an improvement. Of course, even the flat-topped kind have safety straps (one recent study showed that probably one out of two infants take a fall in his first year of life.) But these straps may not help much if the dressing table is very lightweight and unstable. Stability, then, is an important feature to look for. No standards for dressing tables exist and, none is under active consideration.

Jumper-Walkers: These coil-spring activated devices are known to have caused 21 amputations or near-amputations of fingers and other severe finger injuries to babies in the 15 months before last April 16, the day on which the FDA announced a proposed safety standard for them. The proposal would require that the frames of the jumpers be made without points of scissoring or pinching. Such pinch points, then, plus any unprotected coil springs, should steer you away from some models of the jumpers. Johnson said he believes that some manufacturers are now producing safer jumpers, but he could not give specific brand names. Final regulations on the jumpers should be issued soon.

High Chairs: The main problem here is stability. Can the chair be tipped easily? Does it fold from the back forward, so that another child could shove the chair and cause it to fold closed on the baby? Does the chair have any sharp edges, particularly on the feeding tray? No standard is in the offing.

Car Beds: These of course are not furniture items, and their design can be regulated by the National Highway Traffic Safety Administration, which recently issued a standard for car seats. (Seats produced after April, 1971, must meet the new federal standard. But some stores still have old models in stock and may be having sales on them to try to clear them out. To be sure of what you are getting, look for a label that says the seat meets Federal Safety Standard 213. If there is no label, don't buy the seat.) Guy Hunter, safety standards engineer with the administration, said that a standard is being developed for car beds because the present design is considered unsafe.

Most are made like shopping baskets with handles and simply rest on the back seat of the car. The bed is not strapped into the car, and the baby is not strapped into the bed, so that in a collision the baby would probably be thrown out. Hunter said that the General Motors infant carrier is different from these—it has a belt for the infant and can be belted into the car—and is "quite good." A check of three General Motors car dealers showed that one had the carrier in stock and the other two said they could get it within two weeks. The price is about $12.

Infant Seats: These seats seems so safe and secure that many mothers leave their infants in the seats and put the seats on tables or kitchen counters. However, the seats are light and unstable—some even have rockers—and some mothers report that even tiny infants can tip them. The resulting fall is face-first. No standard is being worked on, and cautious parents have advised never to leave a baby in an infant seat in a high place.

Cautious parents, are, of course, more essential to a child's safety than furniture design. But a couple who testified at one of the Product Safety Commission hearings said that they had no idea when they purchased their crib that it would become the instrument of their baby's death. Yet, they said, "in theory we should had had a better than average chance to spot the danger." They had better than average education, and the man had done mechanical and repair work while in college. "Still we did not realize the danger," they told the commission.

In Congress, meanwhile, a battle is on over the Nixon administration's proposal for a product safety law and the proposal backed by the original Product Safety Commission and sponsored by Sen. Warren Magnuson (D-Wash.) and Sen. Frank Moss (D-Utah). The Nixon version would put product safety responsibility in the FDA, and would rely heavily on industry to develop safety standards.

The Magnuson-Moss bill would create a new, independent regulatory agency, and would require premarket testing of products. Hearings were held on the two proposals in July, but the Senate Commerce Committee still has not reported out either version for action by the whole Senate.

INTERVIEW OF DR. CHARLES MALIK, OF LEBANON

Mr. HATFIELD. Mr. President, during the past week Dr. Charles Malik visited our country from Lebanon. Dr. Malik's outstanding reputation as a scholar needs no explanation to those familiar with him. As a professor at the American University in Beirut he has particular insight into the activities of that U.S.-supported institution and a sense of its future.

The Beirut, Lebanon, Daily Star of Sunday, November 28, 1971, contains an interview with Dr. Malik, in which Dr. Malik answered various questions about the role played by the American University there. The interview is most informative and I commend it to the attention of the Senate.

I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD as follows:

EIGHT QUESTIONS PUT TO DR. CHARLES MALIK, BY THE DAILY STAR AND HIS ANSWERS TO THEM

(This text appeared in full in the Daily Star, of Beirut, Lebanon, on Sunday, November 28, 1971, page 3.)

Question 1. In what way(s) do you think the world-wide "student movement" could be tackled so as to avert further student "uprisings"?

Answer: By patience and love; by long-suffering and foresight; by understanding and forgiveness; by maintaining a continuous dialogue with the students at every level and in diverse ways; by holding fast to fundamental positions of principle drawn from the essence of truth and freedom; by having a firm idea of what constitutes a university and sticking to that idea; by dedication to the highest interests of the university above every partial or personal or political interest; by maintaining the highest possible standards of excellence, and holding up everybody, students and professors, to them; by being most careful with respect to faculty appointments and promotions, because it is as much the faculty—their spirit, their attitude, the philosophies of life that they teach and stand for—that are behind what you call "the world-wide 'student movement' " as anything or anybody else, by refusing to admit any polarization within the university body, whether between students and faculty, or between students and administration, or between faculty and administration; by depoliticizing the university so far as the processes of teaching and learning, and the academic quest after knowledge and truth, are concerned; and by expecting further student unrest, by adequately preparing for it, and by taking it in your stride when it comes along, knowing that while great institutions of learning may be temporarily disrupted or hurt by such unrest, they will never be destroyed, and with wisdom and real concern they will come out chastened and stronger from the experience.

Question 2. To what extent does the Middle East political setup reflect itself in the student activities at the American University of Beirut?

Answer: To a considerable extent. The Middle East is a tension area, perhaps the most critical tension area in the world, and the Middle-Eastern students carry this tension with them and live and reflect it in the University. I expect nothing else.

Moreover, altogether apart from its own internal problems, and even if it had none, half a dozen or more world movements converge upon the Middle East, with its central location and strategic importance. These movements pour each its own quota of challenge. This is indeed what makes life here so exciting, and to the sober and levelheaded it is not only exciting, it is most instructive and enriching. Thus, the marvel is that, despite all the almost unbearable stimulation, distraction, disturbance and tension that well up within or crowd in upon the region, the students on the whole have managed to control themselves so admirably.

I wish to assure the students and everybody categorically that the University has nothing to do with official United States policy in the Middle East or elsewhere. I wish to assure them further that when its opinion or the opinion of some of its members was asked, or when, unasked, they nevertheless volunteered to express their opinion, they often disagreed with or criticized United States policy. If the students knew all this they might then separate in their mind an institution of higher learning supported, in part, by the American people (directly or through their Government, for America is a free democracy and its people's external relations in matters of financial aid are effected either on a people-to-people basis or through the Government) from the policies of the Government of that people. I am sure many people know these truths, including the overwhelming majority of those who are vigorously opposing and even fighting United States policy in the Middle East, and I doubt that there is a single student who does not appreciate the education he is receiving at the University.

The University has nothing to do with politics; it wants only to educate; concerning this its only mission it need not be apologetic at all; it has the highest academic standards of any institution in the Middle East; and the children of our lands flock into it because they and their parents know this fact very well. Of course the responsible political and intellectual leadership throughout the Middle East is perfectly aware of all this, and therefore it will see to it that the natural and wholesome reflection in the University of what you call "the Middle East political setup" will only profit the University and be profited from it.

Question 3. How do you understand the term "student participation"? Do you approve of its implementation as a policy on the campus?

Answer: The university is a sort of organism which is made up of five distinct organs: the Board of Trustees, the Administration, the Faculty, the students, and the non-academic personnel. The integrity of the university consists in the harmony that should obtain between the functionings of these organs. No organ can usurp or undermine the place or function of another.

The university does not *exist for* its Board of Trustees and its Administration, neither does it *exist for* its non-academic personnel; all these *serve* the university, each in its own distinctive and honorable way. *The university exists for its Faculty and students*—for its Faculty, so as to enable them to be free to think, teach, conduct research, produce and publish; and for its students, so as to provide them with the most perfect opportunity of learning and *participating* in the wonderful process of seeking and finding the truth.

What *form* should this "participation" take? You will find that no two universities develop the same form; each university evolves its own "form of participation" according to its own concrete situation, needs and possibilities. Student "participation" at Oxford is quite different from student "participation" at Harvard or Princeton or Heidelberg. What works in one university may not work in another.

But nowhere do students take the place of administrators or professors: the distinctive functioning of the three categories is kept intact. Participation without encroachment on each other's competence is excellent; in fact it is not only excellent, it is necessary; such participation only means that student, professor and administrator are each what he is authentically, and that all three form a creatively interacting community. Participation which involves the danger of the students ruling or tyrannizing over the university is of course bad and nowhere tolerated. And where the politicizing of the campus is a distinct possibility, participation cannot be lightly or abstractly attempted, if the university is to be safeguarded against the danger of paralysis or destruction.

The participations that have not worked have been precisely those which were entered into rashly, and which, as mere slavish imitations of forms of participation that might have worked elsewhere, simply did not take adequate account of the concrete forces at work.

It is one thing to "participate" when you come from a soil where the democratic habit of mind, which fully respects the rights of minorities and which keeps the over-all common good above every partisan interest, is originally and organically ingrained in the social, political, legal, literary, artistic, intellectual and spiritual background; it is another thing to "participate" when you come from a soil where this democratic habit of mind is hardly known or appreciated.

But where people know and keep their place, where there is real love for the university and what it means and stands for, where the intention is to enhance the quality of the academic process by creating real communities of fun and friendship and free intellectual communion on the campus, and where there is mutuality of trust and confidence, then a most felicitous mode of participation, in which everybody is happy and creative and at his best, can be readily devised.

While people everywhere are keeping their fingers crossed, many people in America among those who hold high responsibilities for great universities believe that the student revolt is now abating. The competition for jobs is so keen that the students, even the radicals among them, are gradually discovering that unless they apply themselves assiduously to their studies and stop fooling around, they may have no chance later on of being employed. The future belongs, even after the revolution if it should come, to the thoroughly trained and not to those who wasted away the most precious years of their life in activities that had nothing to do with the polishing of their mind and the perfection of their competence. And the more thoughtful among the students are coming to the conclusion that in the nature of the case—what they have been told notwithstanding—they cannot be converted into a "class" to brave and carry out the revolution.

Many high-level studies are being conducted, at least in the United States, about the general university upheaval of the present and the immediate past. It will be a few years before the conclusions of these studies are sifted, criticized, appraised and assimilated into the system of secondary and higher education. The Carnegie Foundation has set up a Commission on Higher Education and entrusted it with the task of drawing up over a 5-year period a series of reports on the education crisis. In one of its published studies, while warning that "the tinder of discontent on the campus remains dry," the Commission discloses the finding that on "perhaps 100" only of America's 2500 campuses there were "excesses, violence and near paralysis of the institution," while on the other campuses either there was no appreciable unrest or "the response was peaceful, resourceful and but briefly disruptive." The Commission has also come out with the suggestion that student government be abolished and the campus conceived as a total community. This communal conception of the campus is exactly in line with my opposition to any polarization and any division of the campus into "classes."

It is clear therefore that the university situation in the world is in a state of fundamental ferment, and that it is by no means certain that future trends, so far as "student participation" is concerned, are going to confirm the claims and assumptions of the student movement in recent years.

Question 4. Do you think the President of the American University of Beirut should be an American or a Lebanese? We feel you are as qualified as any American to hold the post.

Answer: To "nationalize" the University by pitting American against Lebanese does not become this great institution. It is another mode of polarization, and any polarization is unhealthy, and indeed nowhere more so than at this University, and that for a variety of reasons.

Who should be the principal officer of the University should never be thought of in terms of nationality, but in terms of the best person for the job regardless of nationality. And indeed not just the best "available" person, but the best person must first be found regardless of his "availability," and then everything should be done to induce him to take the job. Thus you do not just select the best "available" person—you *make* the best person *available*.

Two years ago an immigrant from Central Europe who came to America at about the age of twenty was elected president of one of the finest American institutions of higher learning, just because those responsible for that institution concluded that he was the best man for the job.

The term "best" here covers at least a dozen criteria, so that a man could be "best" from one point of view but certainly not from another. Only when all dozen criteria have been weighed and balanced against each other by the Board of Trustees would this responsible body be in a position to make a grounded decision on the question of the presidency from among the names it would be considering.

A man could be ruled out forthwith on account of his failure to measure up to one criterion, even if he fulfilled all other criteria perfectly. And people certainly may make mistakes in their final decision. But once the decision is made, people work together to make it work. An institution cannot function if, after the president is selected, people keep on entertaining doubts about the decision.

To make the "nationality criterion" determinant is, in view of the peculiar character of this University and of the excessive sense of nationality and nationalism in the Middle East, to introduce a vitiating principle. What is important and decisive is the University and its best interests and not the nationality of its president.

All of this applies to the correct procedure of selecting a president when the moment comes. But the moment is not upon us yet, because the present incumbent, President Samuel Kirkwood, was unanimously given the right last June by the Board of Trustees to continue serving as president of the institution for another five years. It is obvious they must have considered and weighed all pertinent criteria before they came to their decision.

As for myself, I must first thank you for thinking that I might qualify for this most responsible post, but I suppose I have something to say about myself. Putting the question of nationality completely aside—for, as I said, this is absolutely necessary for the very health of the University—, and passing over the respects in which I do not qualify, I wish to assure you that I know that administrative jobs do not fit my temperament, principally because I covet my freedom above everything else. Administrators and presidents are the salt of the earth and without them the world cannot run, and they are our honored and respect masters, but the price they pay for this great responsibility is the drastic curtailment of their freedom. I live on freedom and I cannot trade it for anything else. A president, because of his responsibility, must be most careful what steps to take, what ground to tread upon, what to think, and what to say, but I feel I must be absolutely free to walk and think and say as I please, subject only to the rigorous requirements of truth and authentic being. My freedom before the truth *is* my responsibility.

Besides, think of the immense amount of detail to which presidents and administrators must attend, and without attending to which they cannot administer to preside successfully; for myself, however, I crave the steady vision of the whole, to be sure, solidly grounded on but not lost in or dissipated by detail.

It follows that the utmost a person, such as I am, should hope for is a president who fulfills the dozen criteria to which I referred—a man of real honesty and integrity, whom one can fully respect, and with whom and under whom one can, in freedom, think and act and be.

Question 5. Do you think that Arab finances should replace American finances in the American University of Beirut so as to diminish United States influence on the University's policies?

Answer: Again it is not healthy, from the point of view of morale and therefore of the University's highest interests, to pit Arab against American. Nor do I know exactly what you mean by "United States influence on the University's policies." You are probably thinking politically, because all Middle-Eastern thinking is shot through and through with politics. As I said above, "the University's policies" have nothing to do with the United States Government or its policies, nor have these anything to do with them.

Everybody must firmly get it into his head once and for all that the Board of Trustees of the University, which finally determines the University's policies, is composed of honorable and honest men who would resist any political pressure from any direction. Their policy decisions, and the policy decisions of the Administration under them, have as their aim only the highest possible academic standards for the various departments of the institution. To think otherwise is either to indulge in intentional malice, or to be ignorant both of the character of these men and women and of the organization of the University—and ignorance is the mother of a multitude of illusions and errors.

If what you call "American finances" are solely directed, under the Board of Trustees, towards the improvement of the academic standards of the University, then, far from wishing that they be diminished, would that they were considerably increased! And if "Arab finances" should be tied to political, non-academic strings, then, far from wishing that they replace "American finances," would that they were not accepted at all! But any donations offered the University, whether by American or Arab or German or Japanese or other sources, would, I think, be welcomed by the University, provided no non-academic strings whatever be attached to them.

There are many Arab universities, and may they all develop one day to the intellectual stature of a Sorbonne or an Oxford or a Freiburg or a Harvard, and may they receive masses of unconditional aid from Arab and non-Arab sources!

But the unique value of the American University of Beirut, which is the product of more than a century of patient, organic development, is that it is rooted intellectually and culturally in the Western, and principally the American, university tradition; that it serves as a remarkable window letting in light and life into Lebanon and the Middle East from that incomparable cumulative tradition, which goes back to the Academy of Plato and the Lyceum of Aristotle; that, as a result, it tries—and I believe successfully—to set up before its students and before its community the ideas of freedom of inquiry, thought and discussion as supreme values to be sought and treasured by civilized men, if they are to cope, with any measure of adequacy, with the strenuous conditions of modern existence; and that it provides—again I believe successfully—a forum for American, Western (and under Western I do not exclude Russian) and Middle-Eastern to live together and exchange ideas and interact and cooperate and create, intellectually and existentially—and I believe the Middle East, intellectually and culturally speaking, is more in need, and for a long time to come, of such a communal forum to be found and cherished somewhere in it, than of anything else.

Thus, any aid coming from anywhere, or any political-social development in Lebanon or the Middle East, or, indeed, any turn of policy in the mind of the Trustees, that would have as its effect the destruction or dimming of this uniqueness of the American University of Beirut, would, in my opinion, be calamitous both for Lebanon and the Middle East.

Question 6. Do you think the political activity of the students of the American University of Beirut is reflecting itself on campus life?

Answer: What I said above, particularly under Question 2, touches on this matter. You want me to explicate further, I suppose, whether student identification with political movements and parties in the Middle East at large is carried over into the Campus of the University. The answer is of course yes, nor can it be otherwise. Essentially, a student is a living human being; he is a student only accidentally. Nor can he possibly cease, after he enters the University, to interact with and to be influenced by political and social movements in the Middle East as they explode and as they develop.

There are a dozen such movements, some responsive to native Middle-Eastern situations, some wafted upon us from the four winds of the earth, some splinters from a main trunk. No living human being in the Middle East, whether or not a student, can be impervious to the Palestine Question, or to world-wide movements of liberation and development, or to the Arab urge at unity.

The only question is whether these doctrines and developments, as they pour into the Campus, could "tolerably" tolerate one another, or whether in their concrete content, they would produce a fatal explosion, of one form or another, within the University; whether their objective incompatibilities among themselves are of such an intensity as to make the existence of the University, as a genuine university, impossible; whether the objective, concrete conditions for the possibility of the University have ceased, or will cease, to obtain; whether some of these movements will seek to dominate or terrorize the rest, or whether they could keep house together in relative peace. I believe it is in the interest of all of them to interact and dialogue with one another under conditions of freedom, respect and peace, and that is why the continued existence of the University, *as a genuine university*, is vital for all of them.

But whether the concrete historical situation will so mature as to precipiate an explosion, or whether adequate measures can be taken to avert such a possibility, nobody can predict. This concrete historical situation is determined by factors altogether beyond the control of the University. So far as the University and what falls under its control and determination are concerned, I trust wisdom and foresight, on the part both of the University and the students, and on the part of these movements themselves outside the University, will prevail. But while man surely proposes and plans, it must never be forgotten that in the end only God and history dispose and decide.

Question 7. Was your recent United States tour official? If so, would you elaborate on its objectives?

Answer: My recent United States tour was not official: it was purely private. I had a dozen private engagements in Chicago, New York and Washington, which I had to pack into my brief sojourn in America.

However, because people in America are intensely interested in Middle-Eastern and world affairs, because of my past association with these affairs, principally at the United Nations, because of my continuing personal interest in them myself, and because I happen to have many friends in the United States, among the churches and the universities, and in the circles of Government and industry, I always find myself called upon to discuss "official" matters "unofficially." This I do with pleasure and gusto, committing of course nobody, but only myself.

But it would not be true to think that my interests are exhausted by political conditions and developments: I am primarily interested in man and mind, in character and truth, in the collapse of morals, in the state of mind of youth, in the philosophical crisis in universities, in the Christian ecumenical movement, in human rights and fundamental freedoms, in the ultimate things of the spirit. And the opportunities that usually come my way to range over these realms are legion.

One should be ashamed to discuss with people only one's own political problems and woes; people do not listen to you if that is all you discuss with them; but if you are interested—authentically and helpfully—in their own deepest concerns, then your problems become intelligible to them, and in thus listening sympathetically to your tales, they will inevitably try to be helpful themselves. Community of interest is the matrix for all creativity and helpfulness.

Nothing is more certain to cause people to be sick and tired with the Middle East and all its problems (of course they will express their sickness and tiredness very politely, sometimes merely by the recital of sickening ineffectual generalities) than for one to talk to them only about the Middle East. And nothing is more calculated to move people to understand the real issues involved and to take some steps about them than for one to forget completely all about the Middle East and to talk to them, with knowledge and depth and authenticity, about intellectual, spiritual, human and world problems that have nothing to do with the Middle East.

But in all my travels I learn and profit much more than I am able to impart.

Question 8. It is often charged that faculty members of the American University of Beirut are "passive": are disinterested in administrative problems and their solutions. Do you agree? If so, how would you suggest the situation might be improved?

Answer: It cannot be repeated too often that the Faculty is only one of a totality of five organs constituting the organism which is the University. It cannot usurp the functions of the other organs. It could not perform its own proper function if it did so. It is indeed the most important organ, because if the business of the University is to seek and transmit truth, it is around the Faculty that this business transacts itself.

Ideally, the Faculty would be most happy and contented to be free of any administrative duties and worries, because, ideally again, it would be wholly and joyously absorbed in its proper creative function—to research, to produce, to teach—and nothing is more satisfying and joyous than this function. As thus absorbed it has no time or interest or indeed patience for administrative tangles. But when problems arise—and in an ideal situation they would not arise, which is of course far from being the case at the American University of Beirut—some Faculty members do bestir themselves.

"Passivity" is a good thing if its conscious motive is not to lord it over the Administration and not to incite the students; "passivity" is a bad thing if it is the expression of innate indifference or fear. Where a Faculty member, or the Faculty as a whole, can help the Administration or the students in a crisis, it is their duty to do so, knowing in the attempt that they are not the whole of the University nor are they in a position to speak in its name as a whole.

If the Faculty behaves in such a way as to give the students the impression that it can trespass upon the prerogatives of the Board of Trustees or the Administration, then it is misleading the students, and when the truth comes to the light of day, as come it will, the University as a whole will have been hurt and the students will not be grateful to the Faculty.

Far from being "passive," some Faculty members have been conspicuously "active." There are ways and ways of being "active": you can be active respecting, fully and humbly, the rights and prerogatives of others; you can be active thinking, first and foremost, of the highest interests of the University, which, clearly, you cannot rightly claim you alone know; you can be active aiming at arrogating to yourself prerogatives that are not yours; you can be active thinking only of your personal interests, and suspecting that the moment of trouble may be a good opportunity to promote these interests; you can be active by utilizing the University to further some non-university interest; you can be active by enlisting, wittingly or unwittingly, in the service of tendencies that might, on account of their tendentiousness, destroy the University, or radically change its character, if the highest University authorities allow them, from a genuine university to some instrument in the service of some extraneous force or will; etc. All these modes of "activity" have manifested themselves at the University and are likely to manifest themselves again. Not all "activity" is a virtue and not all "passivity" is a vice.

Every Faculty member is a member of his own Faculty and his own department, and enjoys the opportunity of fully and freely voicing his opinion when his Faculty or department meets; many Faculty members, elected democratically, serve on all sorts of committees and bodies entrusted with important mandates; and every Faculty member can caucus with his colleagues, or can see his Dean or the President, and discuss with them any matter on his mind. Thus there are structured and orderly channels of activity for every Faculty member.

It is quite possible that a restructuring is called for. In matters of organization nothing is above reconsideration, for organization is not an end, but only a means, and the end is that the University be a university, namely, a community of minds seeking and finding the truth together under conditions of respect and freedom—and this end cannot be reduced or tampered with. The most perfect organization without the spirit of mutual respect and trust is vain and vacuous; and where this spirit reigns even the sloppiest organization can be made to work.

So, we should all work together to create this spirit, or to allow it to supervene and flourish. We should all work together to promote confidence and cooperation at this priceless institution. And in the stillness of my heart and hearth I sometimes feel that this can be consummated in the twinkling of an eye, for I do not believe that anybody, whether Administration, Faculty or students, who has served and profited and is serving and profiting from the University, can possibly wish it ill.

THE CONTRIBUTIONS OF MULTINATIONAL BUSINESS TO THE U.S. ECONOMY

Mr. PERCY. Mr. President, I invite the attention of Senators to an excellent speech by Mr. Lee L. Morgan, executive vice president of Caterpillar Tractor Co., explaining how its worldwide operations as a "multinational" business benefit both the U.S. and foreign economies. Called the "Win-Win Situation," the speech describes factually the effects of Caterpillar's manufacturing operations in foreign countries. It is a direct response to those who criticize companies that operate on a global scale as damaging the U.S. economy. Mr. Morgan asks the question:

> Let's examine where we stand now, after two decades of foreign operations—and determine if this company, as one example, may fairly be accused of "exporting jobs and technology."

Mr. Morgan then demonstrates that in each case where Caterpillar has invested in manufacturing facilities abroad the dollar volumes of exports from its operations in the United States have actually increased above the levels prevailing when the investment was made. For example, British Caterpillar was established in 1950. Since then the value of Caterpillar's exports to the United Kingdom from the United States increased 15 times.

Moreover, since Caterpillar began to invest abroad in 1950, its exports have increased from $93 million in 1950 to $767 million in 1970. Well over two-thirds of Caterpillar's foreign sales in 1970 consisted of products manufactured in the United States.

Mr. President, these facts, and others presented in Mr. Morgan's speech, are directly relevant to one of the most important current controversies in the field of U.S. international economic policy.

The AFL–CIO and other groups have made known their antagonism to the foreign operations of U.S. corporations, and have proposed direct restraints on them. The Hartke-Burke bill, S. 2592, is a direct result and an expression of this viewpoint. Such businesses are commonly accused of exporting capital, jobs, and technology, as if there were no benefit to the U.S. economy from international business operations.

Mr. Morgan's speech explains why Caterpillar is an example of how such companies benefit the United States. Caterpillar's foreign operations have given it the base in foreign economies from which to build a greater volume of total business and have generated increased U.S. sales from U.S. facilities. Operating in foreign markets has helped it to stay abreast of the latest foreign technology—which is in many cases very highly advanced. And substantial amounts of profits from foreign operations have been returned to enrich U.S. stockholders, to finance new ventures in this economy, and to fuel expansion in other markets.

Detractors of the multinational company have been remarkably weak in their ability to demonstrate factually their claims that foreign operations of U.S. businesses represent a net drain on the U.S. economy, particularly on jobs. My own business experience has shown me first hand how foreign operations can strengthen and expand business and jobs in the home base in the United States.

Caterpillar Tractor Co. is one of the finest, most aggressive, and progressive businesses in Illinois. It is the largest exporter in Illinois and employs thousands of people in its export business. I commend Mr. Morgan's excellent, factual presentation to my colleagues, and I commend Mr. Morgan and Caterpillar for a willingness to reveal with unusual candor statistical information on Caterpillar's foreign and domestic operations in order to enlighten the dialog on this issue with fact, rather than further confuse it with rhetoric.

I ask unanimous consent that Mr. Morgan's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

The Win-Win Situation: How U.S. Investment Abroad Benefits the United States as Well as the People of Host Countries

(By Lee L. Morgan)

You've probably heard it said that all human transactions can be divided into four categories: The "lose-lose" situation—where both parties are disadvantaged; the "win-lose" transaction—the first party gaining at the expense of the second; the "lose-win" relationship—the opposite being true; and the "win-win" situation—where both parties benefit.

U.S. DIRECT INVESTMENT ABROAD: NOW AT $75 BILLION LEVEL

Let's express these four relationships in a context of U.S. private direct investment abroad—now estimated at approximately $75 billion:

1. The "lose-lose." I know of no one who views U.S. foreign investment as a losing arrangement for both parties.

2. The "win-lose." As you know, there has been a substantial body of thought holding that, although U.S. foreign investment is a "win" arrangement for Americans, it is a "lose" situation for host countries. With some notable exceptions, this view appears to be subsiding. There seems to be a growing realization abroad that U.S. investment can be a highly creative factor in generating jobs, training people and otherwise improving their lot in life, introducing new technology and management skills, upgrading suppliers and improving the local trade balance—all with a decent regard for national interests and jurisdictions, and without interfering with the economic and political integrity of host countries.

In any event, the impact of U.S. foreign investment on other countries is the subject for other portions of this convention; so I won't dwell on it.

3. By contrast, I hope to give considerable attention to the claims of those who have taken the "lose-win" point of view on U.S. investment abroad—namely, that there are indeed great *gains* to other countries in terms of production, jobs, technology and taxes—but that these gains are, therefore, equivalent *losses* to the U.S. economy.

4. Fourthly, we should examine some of the evidence in support of the "win-win" philosophy, and attempt to document our belief that U.S. citizens rank high among the beneficiaries.

Finally, I hope to offer a few suggestions as to what we and our companies can do to assure that the benefits of an enlightened U.S. investment policy flow in a widening stream to all of the world's peoples.

As a passing preamble, may I underline the *timeliness and urgency* of this whole topic?

In the field of U.S. international economic policy, the public spotlight has moved away from "trade' and into the area of "investment." Regrettably, the two are often viewed by the public as separate and distinct. It is being seen that members of Congress wholly sympathetic to freer trade are not necessarily sympathetic to freer investment policies. And those well informed on trade may not be equally informed on, or understanding of, the benefits of U.S. foreign investment to the U.S. economy.

The multinational corporation—by no means a U.S. creation—is increasingly said to be "too big" and above the controllable limits of present U.S. law. While those of us in the multinationals may believe we are benefiting people's living standards as few others down the long reach of civilization have done, these words are getting a different translation by some of our critics. It's said we are spurred on by "anything for a buck" morality . . . to "take advantage of cheap exploited labor" . . . the result being "private greed at public expense," and the "export of American technology and jobs."

Regrettably, a growing number of Americans accept these dismal views.

MOOD IN CONGRESS NOW MORE PROTECTIONIST THAN IN 1970

Should you doubt the serious implications of the present public mood, recall that the highly protectionist 1970 Trade Act would probably have passed, had it come to a vote in the waning days of the 91st Congress. Since then, our trade balance has fallen into a deficit position; and I believe Chairman Mills* would agree the Congress has become more protectionist, not less so. The climate in Washington appears to be more conducive to protectionist, "fortress America" legislation than at any time since passage of the Smoot-Hawley Tariff Act in 1930.

As a case in point, let's briefly examine legislation introduced in late September in support of a succession of AFL–CIO statements and position papers.

This bill frankly names as one of its purposes "to insure that the production of goods which have historically been produced in the United States is continued and maintained." Toward that end, four basic proposals are offered:

1. There would be established a powerful new agency with wide authority to fashion country-by-country quotas on imports. Quotas would be based on the level of U.S. production of comparable products in the 1965–69 period.

2. The bill would repeal the tax credit now extended to U.S. manufacturing operations abroad for payment of foreign income taxes. Thus, if a $100 pretax profit in country "X" were subject to a $45 income tax, the full U.S. tax would be assessed immediately on the remaining $55—leaving an after-tax profit of under $29!

The "right" of our government to tax income of a foreign manufacturing subsidiary of a U.S. company (presently, to the extent that it isn't taxed at the full U.S. rate by the foreign country involved) is already subject to legitimate question, since the U.S. offers nothing in the way of services or protection in return. But legislation to *apply the full U.S. rate* has no international precedent.

In a masterpiece of understatement, this legislation asserts: "Thus the repeal of the foreign tax credit discourages both foreign investment and the transfer of technology."

3. Depreciation on property outside the U.S. would be on a straight line basis, computed on the useful life of the property. Thus, even present U.S. procedures permitting accelerated depreciation of assets would not be allowed . . . despite the fact that capital cost recovery provisions in the U.S. are the least realistic and least generous of any industrialized nation.

4. Finally, the President would be authorized to prohibit direct or indirect "transfers of capital" when his judgment a decrease in U.S. employment would result. Further, he would be authorized to prohibit holders of U.S. patents from manufacturing the patented product or using the patented process (or licensing others to do either) outside the U.S.—when, in his judgment, such would contribute to increased unemployment in the U.S.

The bill is named "The Foreign Trade and Investment Act of 1972"—nomenclature comparable to introducing legislation to stop government aid to the elderly and labeling it a "Social Security Act." If this particular "Foreign Trade and Investment Act" passes, there will eventually be little trade and less investment. The end result would be to drop a wall around this country—and if history is any guide—help precipitate a depression and another world war.

HOW U.S. ECONOMY BENEFITS FROM U.S. FOREIGN INVESTMENT

Now let's turn from this "lose-win" view of U.S. investment abroad to the "win-win" hypothesis, which holds that the *domestic* economy is also a major beneficiary of the U.S. investment outside of it.

Of real relevance here is the Report of the Commission on International Trade and Investment Policy—or the Williams Report. A reading of this thorough, contemporary study turns up six conclusions that appear pertinent:

1. Return flows from foreign direct investment represent a "major element of strength in our international position," as well as a favorable impact on the U.S. balance of payments.

2. Activities of U.S. enterprises abroad "directly induce considerable U.S. exports of capital goods, component parts and associated products for sale through distribution channels established by foreign subsidiaries."

3. U.S. foreign investment indirectly stimulates further exports by "raising levels of living and contributing to economic development abroad."

4. In most cases, U.S. investment in manufacturing abroad is intended to serve foreign markets. When a U.S. investment is made in foreign manufacturing, "production in the U.S. usually is not an economically viable alternative. In most cases, if American firms had not invested abroad, foreign firms would have, and U.S. jobs and exports would have been lost in any event, albeit with a lag."

5. In the long run, "U.S. workers stand to gain both directly and indirectly from U.S. investment abroad."

6. International investment contributes greatly to the integration of national economies, and thus to the long-term interests of human living standards and harmonious international relations.

The Williams Report emphasizes the need for a greater volume of more current data. Some of these facts are now coming in.

---

*The next speaker at the convention was Wilbur Mills, chairman of the House Ways and Means Committee.

FACTS IN NEW SURVEYS SUPPORT WILLIAMS REPORT'S FINDINGS

Surveys conducted by the National Trade Council, the U.S. Chamber of Commerce, the Emergency Committee for American Trade, and other organizations are bringing in a great deal of specific data which also substantiate the general findings of the Williams Report. The National Foreign Trade Council study is available at this convention; I recommend it to you.

As far as facts are concerned, I can probably serve you best by speaking in the framework most familiar to me—that of my employer, whose business volume outside the U.S. last year exceeded the $1 billion mark for the first time.

Caterpillar and its predecessors have been serving and competing in foreign markets since the start of this century. Up through 1950, this was comprised wholly of exports from the U.S. In 1950, our export volume was $93 million—a respectable 28% of total sales.

In 1950, we started to establish operations abroad—simply because it became absolutely necessary to do so in order to survive, compete and grow in the foreign market areas concerned.

We have since established wholly owned manufacturing subsidiaries in Australia, Belgium, Brazil, Canada, France, Great Britain and Mexico . . . and wholly owned subsidiaries with other purposes in Hong Kong, Singapore, South Africa and Switzerland. These operations had a net worth of $310 million at the end of 1970. (In addition, we have invested $28 million in a joint venture in Japan and $600,000 in a joint venture in India.)

This investment has clearly not been a "flight" from admittedly high U.S. labor costs. Our investment has been in capital-intensive rather than labor-intensive facilities. Virtually all of it has gone to industrialized countries rather than to the low-wage developing countries.

Employment at wholly owned subsidiaries was 13,500 at the end of 1970—or 21% of a worldwide total of 64,000.

In all cases, products manufactured abroad carry the Caterpillar trademark. Their technology is at such a level that whole products components and parts are fully interchangeable with U.S. counterparts.

On all counts, then, it would seem that Caterpillar lies squarely in the gunsights of the AFL–CIO legislation. So let's examine where we stand now, after two decades of foreign operations—and determine if this company, as one example, may fairly be accused of "exporting jobs and technology."

CATERPILLAR'S EXPORTS: UP EIGHT TIMES SINCE 1950

Our 1970 sales were $2.1 billion, of which $1.1 billion was generated outside the U.S. With 52% of sales abroad—and 21% of employment—it may be seen that well over two-thirds of foreign sales consisted of product manufactured in the U.S. Thus, while we generated $330 million in 1970 business from wholly owned foreign manufacturing operations, exports from U.S. bases rose from $93 million in 1950 to $767 million in 1970. This is a multiple of eight.

Now examine the impact on U.S. exports—and thus on U.S. jobs—in those *specific countries* in which we have established subsidiaries. Four examples may suffice:

1. British Caterpillar was formed in 1950. Our U.S. dollar volume of exports to Great Britain from then through 1970 increased by a multiple of 15.

2. Caterpillar Brazil was organized in 1954. From that date through 1970, our exports to Brazil rose over five times.

3. Caterpillar Australia was launched in 1955. Our U.S. 1970 exports to Australia were over six times their 1955 level.

4. A French subsidiary was incorporated in 1960. Exports to France more than quadrupled by the end of 1970.

In every case where we have established overseas production, exports from the U.S. have risen. To some extent, these have been parts and components to be incorporated into machines manufactured abroad. But the major portion has been made up of whole machines not produced by the related subsidiary. In other words, manufacture of a portion of the product line in a foreign marketing area has strengthened the market demand for other Caterpillar products manufactured in the U.S.

In support of its claims of "export" of U.S. jobs and technology, the AFL–CIO has cited a lengthy list of foreign subsidiaries and affiliates of U.S. companies. Caterpillar Mitsubishi of Japan has been given special mention on this list; so let me deal in more precise detail with the history of that undertaking.

A 50–50 joint venture agreement with Mitsubishi Heavy Industries, Ltd. was approved by the Japanese government in mid-1963. Our exports to Japan in that year were under $2 million. In no year since World War II had they risen as high as $3 million—our access to this growing market being severely limited by high tariffs, other import restraints, and the growing difficulty of competing—in certain exported product lines—with the output of increasingly efficient and determined Japanese companies.

The decision to affiliate with Mitsubishi thus represented *not* a substitute for U.S. production, but rather an attempt to *get inside a growing market and secure business which we were not getting, and which we plainly couldn't get without a local operation*. In other words, we saw some sharply rising sales opportunities which would have been wholly captured by able Japanese competition had we not elected to establish ourselves inside the Japanese market. (It is worth noting that our largest competitor, worldwide, is now the Komatsu Manufacturing Company of Japan.)

Launched in 1963, Caterpillar Mitsubishi manufactured its first product in 1965, and started to turn the corner into profitability in 1968. Its 1970 volume in new Caterpillar machines and parts was approximately $175 million. About one-fifth of this went to third country markets. The other four-fifths stayed home; in the process, it has captured about one-fourth of the domestic Japanese market.

U.S. BENEFITS FOUR WAYS FROM JAPANESE AFFILIATE

Employment in a large, new factory near Tokyo and in an excellent field distribution and product support organization now totals over 8,000 Japanese. Do these 8,000 jobs represent a loss of U.S. jobs? We can demonstrate the opposite is true. This figure represents jobs which our able competitors would have generated *within Japan* had we not done so. But the fact that we *did act in time* has produced benefits for the U S. in four significant respects:

1. Caterpillar Mitsubishi produces tractors at the smaller end of our product line, together with related equipment. These machines are every bit the equal of their U.S. counterparts. Japanese contractors who buy and like them have increasingly become customers for products at the larger end of the line—manufactured at our U.S. bases—despite freight and artificial trade barriers which add substantially to factory prices. (As a result, our U.S. exports to Japan have climbed steadily and rapidly—from under $2 million in 1963 to over $48 million in 1970—a 24-fold increase.)

2. The parent company receives license fees from the Japanese affiliate. These fees are then subject to income taxes by the U.S. government, with credit being allowed for the amount of Japanese taxes.

3. As is the case with all foreign sales—whether manufactured abroad or exported—sales of Caterpillar equipment in the Japanese market are broadening our base of experience and enabling us to offer products better engineered to meet all of the varied operating conditions encountered across the globe. These sales are part of a very substantial foreign volume that helps us finance a much larger research and development effort than would otherwise be possible. Virtually all such technical investigations now take place within the U.S.

Of course, to build Caterpillar equipment in Japan, Caterpillar blueprints must be sent across the Pacific. But the connection between U.S. firms and foreign affiliates is only one of several avenues for the spread of technology.

It is in this field of technology, in particular, that the AFL–CIO's argument seems thin. Caterpillar products clearly require Caterpillar technology. If the AFL–CIO wishes to stop the "export" of our technology, this also appears to argue that tractors that will be made in Japan in any event should be produced by competitors rather than us.

4. A fourth benefit relates to what we in the U.S. learn—the technology we "import"—from others. People in other countries can be just as innovative as we. The diesel engine—which originated in Germany—is a good example from our experience. If our Japanese product is Caterpillar in design, it is substantially Mitsubishi in manufacture. The Japanese know how to build a factory quickly, get into production rapidly, and manufacture efficiently and with exceptionally low waste ratios. We are learning from them.

CATERPILLAR MITSUBISHI—A "WIN-WIN" SITUATION

I submit, then, that Caterpillar Mitsubishi is a good example of a "win-win" situation. Japan wins—through establishment of a successful enterprise providing direct employment for over 8,000 people (jobs that could not have been provided in the U.S. in any case) . . . through a rising amount of exports to third country markets that aids the Japanese balance of trade . . . and through availability of a tried and tested product that a growing number of Japanese buyers appear to prefer.

The U.S. gains through a rising trend of job-creating supplementary exports . . . through license fees that produce tax revenues and benefit the balance of payments . . . and through the better technical base that an enlarged business operation provides.

The Japanese are satisfied with this arrangement. We are satisfied. The result is the kind of good human cooperation and understanding that springs from commercial harmony, and makes for peace in the decades ahead.

WHAT SHOULD BUSINESS DO IN FACE OF NEW CHALLENGE?

There is plenty of evidence at hand—and more that should be brought to light from the experience of our companies—to prove that the net effect of U.S. investment abroad is highly beneficial to the American economy. So perhaps the most important question of the moment is—what shall we do—now—in the face of the most serious legislative challenge international corporations have ever confronted?

I have three suggestions:

1. Recognize that while American labor officials have developed the wrong solution, they have identified the right problem—that of unemployment. We share their concern, and agree with the need to deal more effectively with this troubling human problem.

For the past quarter century, U.S. international economic policies have encouraged expansion of both foreign trade and investment; and labor has supported these policies. Labor has generally maintained a global outlook—as long as employment remained relatively high in the U.S. And if unemployment today were 3% rather than 6%, I believe labor would still be of this internationalist view. Thus the complaints of labor—and its present campaign to effect a radical change in U.S. policies—are more attributable, I believe, to increasing unemployment than to foreign direct investment by U.S. companies.

What, therefore, should be done?

It is already national policy to pursue the goal of full employment—which means that it is our aim to help those displaced by imports or by the "transfer" of a production line abroad—whether such displacement is caused by the ineptness of their employer or by other factors beyond their control. This in turn means that where people may be disadvantaged by the impact of foreign trade and investment, more effective ways should be found to raise their level of skills; to increase their mobility to move where jobs are; and, importantly, to launch and maintain the proper economic policies to create jobs.

All of this is compatible with the agreed-upon public need to do a better job of planning for social problems and change, with the concommitant need for government to *facilitate rather than impede change.*

2. It goes almost without saying that the AFL–CIO's "Foreign Trade and Investment Act" should be vigorously opposed—as being among other things, destructive to the very ends it seeks to achieve. The best way for us to do this is to transmit the facts—especially those describing the operations of our own companies—to employees, governmental officials and the remainder of the public, in a clear, complete and persuasive fashion.

This need is so obvious that it scarcely requires emphasis. Should you disagree, I invite you to make a quick survey of the magazines and newspapers your company has printed and distributed to your employees within the past year . . . of your Annual Report, the films you have produced, speech manuscripts you have offered to the public . . . and, indeed, of all of your communications.

Ask yourself how much of this substantial space and time has been utilized to explain the rationale of U.S. investment abroad (not just trade). Ask yourself if you have been too secretive—remembering that, although secrecy may be useful in a competitive sense, it also breeds suspicion on the part of legislators and the public) I'm prepared to admit that most of us have played the game too close to our vests; some of the data I've offered today represent a change in our thinking on disclosure.

NEED TO GIVE PUBLIC FACTS IN TERMS OF ITS INTERESTS

Most significantly, have you presented this story to the U.S. public in terms of its interests: the U.S. economy, U.S. technology, U.S. production, U.S. jobs?

You already know the answers to these questions. If your employees and legislators and the public don't have the facts about your international operations and don't understand the rationale behind them, your first step in finding a culprit is to look in the mirror.

3. Thirdly, I am by no means first to call attention to the need for some new multinational instrument to resolve disputes and begin to harmonize pertinent portions of the world's varying business systems.

There are real differences that merit intelligent resolution in such areas as: anticompetitive practices, international mergers and "take-overs," accounting procedures, tax systems, transfer pricing, product labeling, labor standards, repatriation of profits, securities transactions, and more.

Toward this goal, there is a need for a cooperative international approach which includes the *multinational corporations themselves*. And if there is to be an international approach, there must also be appropriate authority vested in an international *organization* with stature and permanence: in the GATT, the OECD, perhaps a new body, or some private international counterpart of one or more of the large private business organizations in this country.

IN SUMMARY

I've claimed that U.S. investment abroad is a "win-win" situation—with real benefits for this nation, as well as those countries harboring the investment.

I've attempted to demonstrate the hypothesis in a framework of the experience of my own company, as just one of many American firms which could be so cited.

I've suggested that seldom have the legions of the uninformed been as populous as they are on this particular question; and among their number we would have to count those who are now proposing abrupt, unwise shifts in public policy that would, I believe, ultimately work against their intended aims.

Finally, I've urged that those of us in the U.S. business community have work to do; in the field of effective communications and support for more creative and generous adjustment assistance, and for an effective multinational means of resolving world business differences.

There ought to be few higher ranking claims on our energies in the coming year. The penalty of failure could be disastrous; and the result of success could be great—not just in terms of business prosperity on both sides of the oceans, but in terms of lasting benefits for humankind and peace among the nations.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

(The remarks of Mr. Javits when he introduced S. 3028 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may proceed out of order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPORT FOR ELIMINATION OF FOREIGN AID

Mr. FULBRIGHT. Mr. President, last evening, the Senate was entertained with a rather novel theory about the Senate's recent decisions on foreign aid. The entertainment was choreographed by the distinguished senior Senator from Wyoming (Mr. McGee), who maintained throughout the evening that the Senate's revival of the foreign aid program, following the overwhelming defeat of the earlier aid legislation, was due to a popular uprising among the citizens of this country who, according to the McGee theory, demanded that the Senate reverse its earlier decision and vote to support foreign aid. In other words, the McGee theory, relative to the resurrection of foreign aid, draws the conclusion that foreign aid is back by popular demand.

Until last night, I had never heard this theory, but the Senator from Wyoming seemed so positive about it that I was tempted at times to believe him. This is something I rarely do, because experience has taught me that the distinguished Senator, with the best of intentions mind you, frequently confuses fact and opinion.

The facts, as best as I can determine them, do not support the Senator's thesis, a thesis which postulates that foreign aid is everyone's choice as the Government's most popular program. Rather, the facts suggest exactly the contrary: Foreign aid is the program the public would like most to see defeated.

As evidence of this I wish to offer for the Record some 50 letters which I received following the Senate's defeat of the foreign aid bill on October 29. These letters were selected at random from the more than 900 I received on this issue during the period October 28 to November 20. Of the total, only 43, or 4 percent, wrote to express their disapproval of the defeat of the foreign aid bill. I doubt that even the senior Senator from Wyoming would consider this a popular mandate—but he might.

In any event, I think we ought to withhold final judgment on the McGee theory relative to the resurrection of foreign aid until all the evidence is in. Perhaps the Senator would wish to submit 50 letters which he has received in support of foreign aid. Given the firmness with which he extols his theory, I assume this would be no problem for him.

Mr. President, I ask unanimous consent to have printed in the Record the sample of letters to which I have referred, which were received by me on this subject.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Tyler, Tex.,
November 3, 1971.

Sen. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator: As a former Arkansan and a long-time admirer, let me say to you:

Please, now that foreign aid is dead, let it stay dead.

Individuals cannot buy friends, neither can Nations.

Sincerely,

JOHN BUCKINGHAM.

FAYETTEVILLE, ARK.,
November 4, 1971.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I want you to know wholeheartedly I approve of your vote, and the vote of other Members of the Senate, to defeat the renewal of the Foreign Aid Bill. I just wish we would act in the same way to defeat the Military Aid so that all troops and military personnel would be called home.

Sincerely,

HELEN FIELDS.

PINE BLUFF, ARK.,
November 6, 1971.

Senator J. WILLIAM FULBRIGHT,
Chairman, Senate Foreign Relations Committee, U.S. Senate Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: I am happy that the Senate rejected the Foreign Aid Bill as it had been submitted by the Administration. You are quite right in your assertion that we need to study the whole problem of foreign aid anew, in terms of today's conditions which are very different from the immediate post-war (II) period.

As I had stated in one of my previous communications to you, I still believe it will be the wisest part of wisdom for the Congress of the United States to take an imaginative and bold step by passing appropriations for foreign aid for a given year with a specific notice to the world that for five years thereafter the U.S. Government would give no aid to any country, military or economic, excepting in cases of extreme emergency, such as man-made disaster (e.g. nine million East Pakistani refugees in India, or military imbalance as between Arabs and Israel thanks to continued Soviet supplies to Egypt) or nature-made (e.g. devastation wrought by cyclone and tidal waves in East Pakistan not so long ago and in Orissa, India, less than a week ago).

Please let me know when your Committee is planning to hold hearings on a revision of the Foreign Aid format; I would like to appear before it to share my views.

With all good wishes,

Sincerely yours,

HARIDAS T. MUZUMDAR.

E. C. BARTON & CO.
Jonesboro, Ark., November 2, 1971.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: So often we write to express our opposition and urge you to vote the way we believe. In this case, I want to thank you for voting against the foreign aid bill.

Not long ago I wrote you that it was my feeling that the excessive government spending by all branches of the government and the monopolistic powers granted to the labor unions were the causes of our economic plight. Wage and price increases are the results of poor management of the economy and are not really the causes.

Thanks and best regards.

Sincerely,

ALLEN NIXON.

FORT LAUDERDALE, FLA.,
November 4, 1971.

Senator J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am delighted the Senators voted to stop the foreign aid program. I have spent four vacations in countries of Central America. I failed to see that the huge sums of money extracted from the U.S. citizens result in any other than mere tokens of aid. One school I saw in Guatemala (and the only public school) couldn't possibly accommodate more than a 1,000 children. This school is in an area where 9,000 children live.

The school is beautiful—the prettiest building in this large and poverty stricken area. I saw no U.S. supported, nor constructed, hospitals, clinics, orphanages nor farmer-training centers. All I saw were supported by religious affiliated groups from southern and western United States and Canada. I saw one large farm training center supported and manned by the St. Meinrad's Benedictine Abbey somewhere in Indiana.

Apparently, the foreign aid funds make a huge pork barrel for dishonest politicians and bureaucrats, foreign and domestic. Very little of the taxpayers' money is used to alleviate poverty in areas where human misery exists.

Again, I say, I am delighted the foreign aid program was voted down. Of course, the sticky fingers are trying desperately to revive it. That program provides money easily obtained. The U.S. taxpayer is helpless in the grip of the I.R.S. I haven't forgotten reading the Readers' Digest January 1968 or 1969. The Digest described the treatment Mr. Hafey in Maryland received from the IRS which resulted in his death from a stroke. Imagine, his death occurred while Vice President Agnew was governor of Maryland. At no time did Mr. Agnew intervene in behalf of Mr. Hafey. After Mr. Hafey's death, Congress exonerated him. Exonerated or not, Mr. Hafey was just as dead.

Dear Senator Fulbright, stick to your guns. Please don't let the political and bureaucratic enemies of the American taxpayers overpower you and your committee.

I am a firm believer in helping the helpless poor and helping the helpless poor to help themselves. But seeing the foreign aid program by traveling and hearing about it on TV makes two entirely different stories.

I hope you and your committee continue to represent your people at home and the American taxpayers. I enjoy your TV appearances.

Yours respectfully,

Miss EMILY H. BARRETT.

NOVEMBER 3, 1971.

Senator WILLIAM FULBRIGHT,
Washington, D.C.

DEAR SIR: I would like to congratulate you and the members of the Senate on your recent decision to end foreign aid.

There are few issues that take place these days that are worth writing to a Senator or Congressman about, however this is a fine exception. I hope the aid bill stays dead and the money America poured into other countries will now begin to filter back.

Again, congratulations on a job well done.

Sincerely,

ALTA GARDNER.

LUBBOCK, TEX., *November 5, 1971.*

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I just wanted to let you know how pleased we were to hear that "Foreign Aid" was voted down. I think the whole thing should be carefully studied and aid given only where really needed, and, that, given in such a way that it be used only where really needed.

There are so many things done by our Government that seem wrong to me. I wish we could have more 'Common Sense' in our Government.

Best regards,

Dr. L. E. TICHENOR.

P.S.—I'm 80 years old.

NOVEMBER 4, 1971.

DEAR MR. FULBRIGHT: With great joy I heard the announcement that the Senate had killed the foreign aid bill. What sanity! Maybe Uncle Sam won't be Uncle Sap any longer.

Foreign aid could also be achieved by not doing certain things. If the administration really cared about this planet it wouldn't be planning to add atomic radiation to it.

Even the term Foreign Aid is obsolete. Who's foreign? We are all on this over populated planet together. Every mammal larger than a dog is doomed; the ocean is dirty. While armies fight and politicians quibble over who has more power the ocean gets dirtier and the population gets greater.

Thank heaven we have some Senators who are thinking.

Sincerely,

CHARLOTTE E. BASSETT.

NOVEMBER 3, 1971.

Senator WILLIAM FULBRIGHT,
Democrat, Arkansas,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I was pleased with the bold action taken by the Senate recently in regard to foreign aid. I think the recent actions in the United Nations reflect the feeling of our "friends" for 25 years of giving them money that we do not have. Further, I am of the opinion that most of our problems in regard to the dollar stems from the billions of dollars we have given away and which have caused a flood of dollars all over the world for which we have received nothing, except nonsupport for our foreign policy.

I am convinced that we cannot win friends by giving them vast amounts of our wealth. As a matter of fact, just the opposite is true just as it is with individuals. The best way to lose a personal friend is to give or loan him money.

I fail to see how we can continue to give away large sums of money when we are in debt some 400 billion or more dollars. It just doesn't make sense.

Sincerely,

TRUETT K. GRANT.

OCTOBER 31, 1971.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have not seen any list showing how you voted on the Foreign Aid Bill, but I respectfully ask that you vote against it.

If it is not stopped it will go on for another 25 years.

Yours truly,

F. W. CREEDLE.

EL DORADO, ARK.,
November 1, 1971.

Hon. J. WILLIAM FULBRIGHT,
Senator from Arkansas,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am extremely pleased with the Senate's vote to curtail Foreign Aid.

My thanks to you for your vote against this program. I only regret it wasn't shut off years ago.

Sincerely,

KENNETH WIMER, Jr.

SILOAM SPRINGS, ARK.

Senator J. WILLIAM FULBRIGHT:

I wish to add my words of congratulations to you on your vote and subsequent defeat of the foreign aid bill.

I believe we have been trying to buy friends far too long now. The defeat at the U.N. was just one of many cases where our Leech Allies have turned on us.

Sir, I am sure when Pres. Nixon tries to put this bill through again, you and others like you will again defeat it.

You may say "Charity Starts at Home."

I feel strongly that you will do your best.

"Maybe Nixon Will Stay in China" as our foreign aid.

Thank you.

Sincerely,

Norman McNeil.

Venice, Calif.
November 5, 1971.

Senator J. William Fulbright,
Washington, D.C.

Dear Senator: Thank you for your stand on foreign aid, stand firm. Let those foreign parasites get off their hands and solve their own problems, we have carried them long enough.

Let's have some American aid, such as Housing, rapid transit, medicare for our old and sick, schools for our children and so much more that has been neglected.

We had better get with it before we slide down the drain. It can happen here.

The American people have lost faith in our leaders, too many lies, too much irresponsible rhetoric by Laird, Kissinger, not to mention Agnew. They had better come down from their ivory tower and talk to the man on the street.

I could go on and on as you well know.

I pray our leaders wake up before it's too late.

Sincerely,

J. C. Picanso.

Lincoln, Nebr.,
November 3, 1971.

Dear Senator Fulbright: We taxpayers would like to thank you and the Senate for defeating the Foreign Aid Bill.

We would hope that will be the end of foreign aid, after 25 years of aid.

Very truly yours,

Earl Bowsman.

November 4, 1971.

Senator J. W. Fulbright.

Dear Friend: In my judgment if the United States Senate had stopped all Foreign Aid long ago, that beastly, unjust, unlawful, war in Viet-Nam, would have come to an end long ago. Now do we want Vietnam to start all over again in Cambodia? Think about this, before you change the law, on Foreign Aid, as it now stands.

Best Wishes and Kindest Personal Regards.

Most sincerely,

Jack and Zula Reardon.

Irvine, Calif.,
November 3, 1971.

Senator Fulbright: Just a brief note to let you know that we support your stand on the Foreign Aid Bill.

We feel that we've been more than generous with our resources during the last 25 years.

We must work on our own problems—schools, welfare, taxes and unemployment, just to name a few.

We think that it's about time that the Legislative Branch re-coup some of its responsibilities that have been abrogated by the Executive Branch.

Sincerely,

Peter V. Urone,
Clifftene K. Urone.

Concord, Calif.,
November 3, 1971.

Dear Senator Fulbright: I was elated when Congress stopped the stupendous foreign aid program.

I've read quotes of some leading men in Europe and Asia, saying the U.S. has been too generous with money.

It amazes me—why everyone can't see that the countries aren't one bit better off than before in spite of the aid.

My opinion is that the billions end up in Swiss bank accounts under personal names.

I've written to others about this and they've sent me stacks of booklets on the subject. What a waste.

Those civilizations date back 40,000 to 50,000 years before Christ. Wouldn't it be better to just let them live, as what we give doesn't improve the lot of the needy?

Now that it's ended—why not let it cool until after the 1st of the year. It may do a lot of good all around the world. Most think of us as suckers & maybe they aren't so far wrong.

With the big surplus in foreign aid, there is no hurry.

I do hope that Congress will hold on to the reins and not give more power to the President. The Alaska blast should never happen.

Sincerely,

Mrs. Mabel Pearson.

Los Angeles, Calif.,
November 1, 1971.

Dear Senator Fulbright: I wish to add my voice to those legion who shout hallelujah! on the ending of Foreign Aid. Please keep this preposterous policy killed for all time—do not let the villains of Vietnam revive it as they will assuredly try to do.

Sincerely,

Patricia Noonan.

P.S.—No aid to Israel either—this is another Vietnam.

Birmingham, Ala.,
November 3, 1971.

Senator J. William Fulbright.

Mr. Senator: I am grateful to you for speaking against foreign aid. Remember Checkaluocia. We are wasting billions on our enemies. When we are falling apart in America. If my neighbor tried to shoot me; I would not take him a pie the next day, that makes as much sense as giving billions to our proven enemies. Edward Kennedy playing on the sympathie of we tax payers. With his sob stories, makes me sick at stomock.

Please stop this foreign aid rocket. America must be the best and stronger, let America be first for a change; I begrudge ever dime of my tax dollar going to our enemies.

Very sincerely,

Mrs. C. F. Matthews.

Parker, Ariz.,
November 3, 1971.

Dear Senator Fulbright: I strongly favor withdrawal of the United States from the United Nations and strict curtailment of foreign aid.

Many thanks for your efforts.

With warm regards,

Robert F. Casey, Ph. D.

Norwood, Mass.,
November 2, 1971.

Dear Senator Fulbright: Please do all that you can to reduce our foreign aid.

We, the taxpayers have really reached the limit of our financial resources—our tax burden is frightful.

We cannot feed and police the universe and it's high time that we admit we made a grave mistake in trying to.

Thank you.

Your truly,

Myrsa Phillips Geraghty,
Mrs. Edward Geraghty.

Franklin, La., *November 4, 1971.*

Senator J. Wm. Fulbright,
Senate Office Building,
Washington, D.C.

Dear Sir: Though I'm not one of your constituents I wish to commend you on your stand against foreign aid. I hope you will not weaken. I see no sense in adding debt to our children and grandchildren to give to other countries that do not respect us or to communist countries that are trying to conquer us.

If you or I would borrow money from a finance co. to give to all the charities we are asked to contribute to we would be perpetually in debt. So is our country. Instead of cutting back on our defense, let's cut foreign aid and use it at home.

Do you think the United Nations should be investigated as a Trojan Horse in our Land? I believe it is.

Sincerely,

Opal H. Adams.

Southeast Auburn, Wash.,
November 3, 1971.

Senator J. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: We are in complete agreement with the action taken by the U.S. Senate in canceling Foreign Aid.

Sincerely,

Howard *and* Dorothy Bothell.

Candler, N.C., *November 2, 1971.*

Senator Wm. Fulbright,

Dear Chairman: It is time for foreign aid programs to come to an end. After spending $143,000,000,000 the results have been most discouraging. There are ills in this country to be given assistance. The taxpayer is already paying a huge interest on an immense national debt.

Would you in your personal life give, and give and give; then borrow money to carry on your business or household?

Respectfully,

Florence Weideli.

Milwaukie, Oreg.,
November 2, 1971.

Dear Senator Fulbright: I wish to thank you for your vote last Friday against foreign aid. I am very tired of having my tax money sent to such countries as Turkey, which is the main supplier of heroin in the world and is presently causing us so much trouble.

Let's start spending our tax money here at home by educating our own citizens and providing jobs for them instead of protecting foreign investments made by all major oil companies and General Motors.

Thanks again for your stand on foreign aid and keep up the good work.

Sincerely,

Mrs. Alene Croft.

Bell, Cal.,
November 4, 1971.

Dear Senator Fulbright: If handing out aid to all the world is stopped—will be to your untiring work. I listen to you on T.V. Your sincere efforts—you must feel battered & bruised some times—would like to shake your hand.

Truly, sincerely,

Mary E. Johnson.

Los Gatos, Calif.,
November 4, 1971.

Senator William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Sir: Thank God for the Foreign relations committee. Please don't start Foreign Aid in any way any more. We Americans can not afford it any more. I have been a loyal follower of yours for years. God bless you and keep up the good work.

Sincerely,

C. R. Wims, R.N.,

Fort Eustis, Va., *November 4, 1971.*

Senator J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Sir: I just wanted to write and say that I give full support to the Senate's action on defeating the Foreign Aid Bill. It is a beginning in questioning our national priorities.

I received your reply to my letter of Aug. 30 from Vietnam. I thank you for your interest.

Please be assured that our interest is genuine change but realistic change for the betterment of our nation.

Yours respectfully,

Ronald David Young.

Largo, Fla., *November 4, 1971.*

Senator J. W. Fulbright,
U.S. Senate Office Building,
Washington, D.C.

Dear Sir: I am writing to congratulate you on your stand on Foreign Aid. Please stick to your guns—it's time we stopped giving everything away and protecting people. If they are mad at us, let Russia support them all. We can grow strong and become independent. We don't need them, but oh! how they need us. It's time they assumed their own responsibilities. There is lots of wealth in those countries, so let them share it among their own.

Please don't forget the Prisoners of War. Do all you can, as I hear our government is playing politics with them, which is tragic and very shameful.

May God bless you and guide you in all decisions.

Sincerely,

Marie F. Thompson.

Texarkana, Ark.

Hon. J. William Fulbright,
Senate Office Building.

Dear Sir: Please hold your present position on Foreign Aid. I have not always approved of your position in the past, but you are correct now in my opinion, so stand firm.

Yours truly,

William E. Taylor

Fort Smith, Ark., *October 29, 1971.*

Hon. J. W. Fulbright,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: Recently, I read your Newsletter in regard to Foreign Aid and agreed with you wholeheartedly. I had intended to write to you, complimenting you on your stand on cutting foreign aid.

Enclosed find two Editorials that came out this week in the Fort Smith Southwest Times Record. I think both of these Editorials voice the opinions of most of the people. I have never heard as many people complaining about an issue as there are complaints about the ouster of Nationalist China (Taiwan) from the United Nations Assembly.

I, too, have felt that we have carried too much of the financial load of the United Nations.

My first reaction, after hearing of the United Nations vote, was to write a letter asking that you use your influence to cut all financial support to the United Nations. After thinking this matter through, I realize that this can't be done. However, I feel that we should cut down on our aid programs to several countries, as well as cut our financial assistance to the United Nations.

Sincerely yours,

J. Fred Patton.

Port Arthur, Tex.

Dear Sir: Hold fast to your position on foreign aid. You are in a commanding position at last!

Mike Flores.

Footnote: Please acknowledge this letter.

Dr. L. E. Parmley (retired),
1700 Lake Mirror Drive,
Winter Haven, Fla., *Nov. 3, 1971.*

Hon. J. William Fulbright,
Washington, D.C.

Dear Senator: Please fight the Foreign Aid in your committee and on the floor of the Senate, our Foreign Aid has cost us some $200 billion and has not been worth a dime. Every country in the world except the communist countries were our friends before we started the aid. Now we do not have a single country that we can count on as a friend. Our prestige was at the top all over the world before aid started, now our prestige is at an all time low, and we are facing bankruptcy. Our dollar has lost its value and prestige all over the world as well as here at home.

We need aid, but not one of these countries will help us.

There is not a country in the world that is not in better financial condition than we are. Our bonded debt some $400 billion twice as much as the rest of the world owes, cost $20 billion per annum to pay interest on these bonds. Please, please stop all foreign aid.

Yours truly,

L. E. Parmley, M.D.

Aurora, W. Va., *November 5, 1971.*

Senator J. William Fulbright,
Chairman, Senate Foreign Relations Committee, Senate Office Building, Washington, D.C.

Dear Senator Fulbright: I wish to register my protest against the President's foreign aid proposal. The time has come to stop this give-away program. There are plenty of worthy causes in this country that need some assistance. Some of this foreign aid gets into the hands of communists, and a few cents of it comes from my pocket. I am not interested in one cent of my money being given to foreigners. This country is little respected by those who receive our aid. Let's stop it.

Respectfully yours,

Harry Slawter.

Gaithersburg, Md., *November 3, 1971.*

Senator Fulbright,
Washington, D.C.

Dear Sir: I wholeheartedly support your stand on foreign aid.

Let's stop exporting *bad will,* i.e., arms and ammunition. People who love freedom and democracy, whether American, African, European, or Asian, cannot and never will accept U.S. support of dictators. If we really want "grass roots" support of the world's peoples, then in no way should we support dictators in Spain, *Greece,* Cambodia, Viet Nam, etc.

We have lost our army, and we have lost our national pride. Ask Secretary Rogers what more we should give for our misguided foreign policy? Ask President Nixon what greater loss he would like to preside over?

Thank you.

Sincerely yours,

Richard A. Proctor, M.D.

November 4, 1971.

Dear Senator Fulbright: The whole country is overjoyed that the Senate at last voted to cut foreign aid. We are in debt and sick with the tax load to help countries who are so sure we can do it or we wouldn't have started the aid.

Please do not back away from your stand.

Sincerely,

(Mrs. M.E.) Virginia Franklin.

[This advertisement appears in U.S. News, May 24, 1971; Forbes, June 1, 1971]

No Wonder We're Broke!

Here is the tragic list of 138 billion dollars (one hundred and thirty-eight *billion!*) this country has been giving or "loaning" to foreign countries, 1946 through 1969 (even higher today). We have *borrowed* billions so we could give them away—the interest alone on our debt is now in the billions of dollars every year! And we are *still* borrowing *more* to give *more* away.

Yet every few days we hear that another one of these nations has insulted Americans, stolen even more of our property, driven us out of its country, which we saved and rebuilt.

What—*what*—have all these American billions accomplished?

Afghanistan	$407, 000, 000
Ceylon	165, 600, 000
Cyprus	22, 200, 000
Greece	3, 886, 500, 000
India	8, 246, 700, 000
Iran	2, 336, 000, 000
Iraq	102, 000, 000
Israel	1, 226, 100, 000
Jordan	643, 000, 000
Kuwait	50, 000, 000
Lebanon	93, 000, 000
Nepal	137, 500, 000
Pakistan	3, 721, 600, 000
Saudi Arabia	93, 200, 000
Syrian Arab Republic	60, 500, 000
Turkey	5, 600, 400, 000
United Arab Republic (Egypt)	912, 200, 000
Yemen	42, 600, 000
Central Treaty Organization	54, 100, 000
Near East and South Asia Regional	1, 510, 600, 000
Argentina	888, 000, 000
Bahamas	35, 100, 000
Barbados	100, 000
Bolivia	548, 100, 000
Brazil	3, 779, 300, 000
British Honduras	5, 300, 000
Chile	1, 704, 300, 000
Colombia	1, 205, 500, 000
Costa Rica	191, 500, 000
Cuba	52, 100, 000
Dominican Republic	463, 900, 000
Ecuador	311, 200, 000
El Salvador	135, 200, 000
Guatemala	331, 000, 000
Guyana	61, 000, 000
Haiti	118, 700, 000
Honduras	119, 000, 000
Jamaica	74, 800, 000
Mexico	1, 168, 200, 000
Nicaragua	176, 000, 000
Panama	246, 300, 000
Paraguay	135, 700, 000
Peru	759, 400, 000
Surinam	10, 500, 000
Trinidad and Tobago	62, 900, 000
Uruguay	162, 200, 000
Venezuela	490, 600, 000
Other West Indies	8, 000, 000
Central America Regional	144, 200, 000
Latin America Regional	1, 891, 300, 000
Vietnam	5, 895, 400, 000
Burma	110, 500, 000
Cambodia	341, 300, 000
China (Republic of)	5, 141, 800, 000
Hong Kong	43, 700, 000
Indochina, Undistributed	1, 535, 200, 000
Indonesia	1, 128, 300, 000
Korea	7, 829, 000, 000
Laos	$641, 100, 000
Malaysia	90, 200, 000
Philippines	2, 078, 800, 000
Ryukyu Islands	387, 400, 000
Singapore	40, 000, 000
Thailand	1, 192, 400, 000
Western Samoa	1, 500, 000
East Asia Regional	767, 100, 000
Algeria	185, 300, 000
Botswana	16, 500, 000
Burundi	6, 800, 000
Cameroon	32, 900, 000
Central African Republic	5, 000, 000
Chad	8, 700, 000
Congo (Brazzaville)	2, 100, 000
Congo (Kinshasa)	430, 700, 000
Dahomey	12, 200, 000
Ethiopia	375, 700, 000
Gabon	7, 500, 000
Gambia	2, 200, 000
Ghana	267, 300, 000
Guinea	107, 800, 000
Ivory Coast	73, 400, 000

Kenya	66, 200, 000
Lesotho	4, 800, 000
Liberia	272, 100, 000
Libya	229, 700, 000
Malagasy Republic	13, 200, 000
Malawi	25, 000, 000
Mali, Republic of	25, 300, 000
Mauritania	3, 300, 000
Mauritius	1, 500, 000
Morocco	758, 900, 000
Niger	16, 600, 000
Nigeria	289, 100, 000
Rwanda	6, 900, 000
Senegal	38, 100, 000
Sierra Leone	43, 100, 000
Somali Republic	76, 800, 000
Southern Rhodesia	7, 000, 000
Sudan	104, 800, 000
Swaziland	700, 000
Tanzania	65, 000, 000
Togo	15, 100, 000
Tunisia	627, 100, 000
Uganda	36, 000, 000
Upper Volta	12, 700, 000
Zambia	40, 800, 000
Central and West Africa Regional	8, 000, 000
East Africa Regional	26, 400, 000
Africa Regional	165, 300, 000
Malta	8, 200, 000
Spain	2, 228, 100, 000
Yugoslavia	2, 890, 700, 000
Oceania-Trust Territory of the Pacific Islands	230, 800, 000
British Oceania	1, 500, 000
Non-Regional	6, 610, 400, 000
Albania	20, 400, 000
Austria	1, 166, 600, 000
Belgium-Luxembourg	2, 005, 200, 000
Czechoslovakia	193, 000, 000
Denmark	919, 600, 000
East Germany	800, 000
Finland	151, 500, 000
France	9, 415, 900, 000
Germany (Federal Republic)	5, 020, 300, 000
Berlin	131, 900, 000
Hungary	31, 500, 000
Iceland	89, 300, 000
Ireland	193, 000, 000
Italy	6, 043, 000, 000
Netherlands	2, 470, 300, 000
Norway	1, 253, 300, 000
Poland	577, 300, 000
Portugal	534, 400, 000
Sweden	188, 100, 000
United Kingdom	9, 697, 500, 000
U.S.S.R.	186, 400, 000
Europe Regional	2, 763, 900, 000
Japan	4, 137, 900, 000
Republic of South Africa*	150, 600, 000
Canada	51, 600, 000
Oceania-Australia	825, 900, 000
Oceania-New Zealand	88, 100, 000
Non-Regional	1, 434, 000, 000
Grand total	138, 028, 500, 000

Source: Agency for International Development, U.S. State Department.

*Repaid in full with interest. Some other countries have paid some interest and principal ($18½ billion) on some of their borrowings from the United States.

LOS ANGELES, CALIF., *November 3, 1971.*

HON. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We wish to express our sincere appreciation for your successful fight in the Senate against the tremendous burden the American people have had to carry these many years on foreign aid. I always maintained that priorities are first to the American people. We appreciate your consistency in adhering to this objective.

Sincerely,

A. LOZIER.

MILLVILLE, N.J., *November 3, 1971.*

DEAR SENATOR: Am with you 100% to cut out or down foreign aid. Our schools need money; our real estate taxes too high. Let's put some foreign aid money back to the states.

What can I do as a citizen to arouse public sentiment against foreign aid?

Sincerely,

THOMAS P. BROWN.

NOVEMBER 3, 1971.

HON. J. WILLIAM FULBRIGHT,
Washington, D.C.

DEAR SENATOR: It is about time foreign aid comes to a complete stop. We have made no friends and we need the money at home.

Two only Americans died today in Vietnam? It is two too many.

Sincerely,

LUCILLE HELDE.

JACKSON, WIS.

NOVEMBER 3, 1971.

Senator J. WILLIAM FULBRIGHT,
Chairman, Foreign Relations Committee,
Washington, D.C.

DEAR J. WILLIAM: You are on the ball concerning Foreign Aid! Please do not back down or weaken, hold fast! Let the Russians fill in the gap and take it on the chin for a change. Uncle Sam has done more than expected. Russia will deserve her fate when she tries to replace us. Give them one of your 'sour' and 'terrible' looks when the pressure is extended to re-establish the Foreign Aid.

Respectfully,

FREDERICK W. MANNING.

PLATTSBURGH, N.Y.

FALL RIVER, MASS.,
November 2, 1971.

U.S. SENATE,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am very glad that the foreign aid program was turned down.

Thank you for fighting for what is right for our own country.

Sincerely,

LUELLA THIBAULT.

OCTOBER 31, 1971.

HON. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

SIR: The adults in my family and many of my friends are in practically unanimous agreement that the Senate was justified in abolishing foreign aid.

United States help in this area in the past has undoubtedly helped many countries, especially after the ravages of World War II. It also has helped many nations resist expansionist communism, perhaps, by keeping these nations strong and raising their standards of living. I think that no one can dispute that we have fulfilled our moral, and in many cases self-imposed obligations to these countries.

However, it is in my opinion foolish to suppose that we could keep on maintaining foreign aid indefinitely: an end had to come.

If the United States ever gets weak, unstable, or otherwise down and out, I wonder how many foreign governments are going to come to *our* aid?

Very truly yours,

JOHN SANFORD, DDS.

ROGERS, ARK.,
November 1, 1971.

SEN. J. W. FULBRIGHT,
U.S. Senate, Washington, D.C.

DEAR SENATOR: Congratulations on your Foreign Aid fight.

Stand by your guns.

Very truly,

R.H. MCAFEE.

NEWPORT BEACH, CALIF.,
November 2, 1971.

DEAR SENATOR FULBRIGHT: Ending the insidious Foreign Aid program is the most constructive action taken by the United States Senate in recent years.

Please support your fellow Senators in standing firm on this noble resolve.

Yours truly,

ELLIS M. YARNELL.

FORT WORTH, TEX.,
November 4, 1971.

HON. J. W. FULBRIGHT,
Chairman of Senate Foreign Relations Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR: Voters in the U.S. should offer to you a resounding vote of thanks for your work and vote eliminating Foreign Aid. This is as good as a reduction in taxes, and should help the U.S. get back on its financial feet.

The President and his gang saying that this would affect our relations abroad is as much of a joke as saying it would dampen the Paris Peace talks; and also keep our soldiers from getting back to the U.S. safely.

Why should the U.S. continue handing out money and supplies to other countries who usually laugh at us for being such gullible dopes as to believe that any of them would do anything for the U.S.? They just continue laughing up their sleeves; and some of the individuals in other governments are fattening their purses with fortunes we send over. Just why can't other countries with more money than the U.S. has, give of their means to help underprivileged nations? Why must the U.S. with all of its good (?) intentions be laughed off of the map?

Keep working to prevent any kind of Foreign aid bill to be passed. Citizens of this country will be right behind you in anything you undertake.

Just get our boys home from South Vietnam; keep foreign Aid bills killed; and do not furnish any more money to fight anybody else's war.

Yours truly,

W.G. HOWETH.

FRANCE PLEDGES $3.9 MILLION TO U.N.

UNITED NATIONS.—France has agreed to pay $3.9 million of the $21.1 million it owes the United Nations, reliable sources said Saturday. French Foreign Minister Maurice Schumann announced on Sept. 29 that his government had agreed to pay "quite a substantial sum" to ease the U.N. deficit. U.N. sources said the Paris government had agreed to pay less than $4 million, or scarcely enough to meet the U.N. payroll for one wage period. The Big Four powers—the United States, the Soviet Union, Britain and France—have held at least one secret session on payments to stave off U.N. bankruptcy. Britain previously made a voluntary contribution of $10 million. The United States, which pays almost a third of the U.N. budget, has refused to put up more until the French and Russians make a payment.

U.S. MAY REDUCE AID IF FREE CHINA BOOTED

WASHINGTON.—Secretary of State William P. Rogers has cautioned foreign ministers that the United States might be forced by Congress to reduce its financial contributions to the United Nations if Nationalist China is expelled, State Department officials acknowledged Saturday.

The officials emphasized that Rogers, in private conversations in the past week at New York, did not raise the possibility as a threat but rather as a congressional problem facing the administration.

General Assembly debate starts Oct. 18 on the China issue. Rogers is lobbying for votes for an American resolution proposing to seat Communist China and give it a seat on the Security Council, while retaining General Assembly membership for the Nationalist regime on Taiwan.

Rogers was reported to have called attention to a growing feeling in Congress that U.S. moral and financial support for the United Nations should be "re-examined" if the Nationalists are expelled, as provided in a resolution sponsored by Communist Albania.

State Department officials said they expected the China vote to be "very, very, very close."

As many as 30 of the United Nations' 131 member nations have yet to decide how they will vote, officials said.

Rogers has met 69 foreign ministers attending the General Assembly and plans to confer with about 20 more this week.

Among other arguments Rogers is advancing in behalf of Nationalist China are these:

If the Nationalists are expelled, it would create "an uncomfortable precedent" for expulsion of other member states.

If Taiwan is expelled, such action might encourage Communist China to move against Taiwan by the use of force.

It is a "false argument" to vote against the U.S. resolution merely to please the Peking government. The United States, after all, also is seeking to improve its relations with mainland China.

November 3, 1971.

Senator Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: You have made a good start by killing the recent foreign aid bill.

Foreign aid has been a fraud on the U.S. taxpayer and a delusion.

Estimates run from $130 billions to $200 billions with $51 billions planned for the near future.

Taxes are already confiscatory and these programs should be cancelled to save the U.S. public from bankruptcy.

The number of U.S. foreign aid personnel in Brazil is an indication of how rotten the system is. They number more than the greatest number that England had in India when she was a colony.

Collect back the debts owed to us by others if they can pay such as France, England, Germany, Russia, Poland, India, Egypt, et al.

Use blocked foreign currencies and stop listening to the frightened striped pants boys who are afraid of losing friends. Look at Egypt, India, France, Libya, et al., if you want to know the price of being chicken.

Let India feed the refugees with the funds she owes the U.S. She can do it if she is willing to make the adjustment of her customs which are starving her people.

Let Israel borrow the funds other than from the U.S. to buy munitions and planes. Her credit is good elsewhere.

Let Vietnam go to work and stop milking the U.S. taxpayer to try to feed the world and to support political corruption.

Sincerely,

——— ———.

St. Clair Shores, Mich.,
November 1, 1971.

Hon. J. William Fulbright,
Washington, D.C.

Dear Senator: It is gratifying that the Senate has eliminated foreign aid. I would say, keep it that way, tho I understand it may be continued in some form. Tell the mendicants that the U.S. is broke, which would be the truth, can no longer afford to give, more truth, that it has already overburdened itself, and unless it devotes all its efforts and funds, to straightening out its own troubles, it might disintegrate (no connection with the black problem.) You could tell them, but it would not be news to any interested party. Nixon stated the other day 150 billion had been spent on foreign aid. That is not the half of it. In this Century, there have been four major wars, and except what fighting Japan cost, it has all been foreign aid, probably enough to approximate the present debt.

My memory may fail me, but I believe the U.S. has been living with an annual deficit, for all but one of the last forty years. Lately this deficit has increased by leaps and bounds, even when things were booming, which indicates there is something rancid in the process. Debt is legitimate, and can be good business, when conditions are such that it can be controlled, and discharged as necessary. But a debt that is added to yearly for forty years, even to paying the interest out of borrowed funds, and where there is no idea as to how and when the obligation can be met, is preposterous. Only a Government could do it, in business probably not more than three years, would bring a vast upheaval. The greater part of the population is now living on credit. The temples are full of money lenders, and even the inflated prices, are incidental, to what the final cost of things may be. This usually works out pretty well as long as there is a steady income. But if things should get tough, the depression of forty years ago, might look like a trial run. What we have had is an attempt at Utopia, on the unorthodox basis of buying power being continually injected, by frequent wage increases, and Government spending. This cannot be continued without probable chaos. There must be a slowing down, and adjustment of the economy. What Nixon is doing now should have happened ten or fifteen years ago. There should be no more bargained raises allowed and very few of any kind, and an economy built on the resulting condition. Taxes should not be reduced, it just means more debt. I expect there has been a conflict of interests in letting things go so far. Presidents like to brag about the G.N.Ps. But to have lots of those, there must be lots of money changing hands, so high wages and high prices are the thing—till it gets you. What I think is, that on this Earth, no Nation is going to live very high on the hog, for any length of time. It is hard to think of any place that is not scratching for money, unless some of these countries that have been shot in the back with oil wells, and the oil will some day give out.

Nixon talks about everybody having a job, as if jobs hung on trees, to be picked. If you create a job where it is not necessary it means the cost of something is inflated. Actually I would say the U.S. already has too many people. A few years ago, there were say around 75 million employed people, who took care of all the goods and services for everybody, including foreign trade. Production of goods is the basis of an economy. Seems as if I heard there were something like thirty million, actually producing something, and one way and another, what they produce, everybody lives on. With the line held on wages, the individual demand will no doubt lessen, so a corresponding working force will no doubt be able to take care of many more buyers. On top of that, many methods are being introduced, to shorten production time. The computer fellers say after a while nobody will have much to do, but play and create. That would be the day. There will be no room to play, and if children are ruled out, the creation, would probably be trouble. I asked an official in a bank how much time he saved with some new computers. He said before they had 200 people, and after, 210. Personally I think, with a growing population, welfare is going to be a big business.

Now there is lots of worry. Viet Nam cannot get along without more money from the U.S. Why not tell them to go into the scrap business. Collect all the bomb fragments, and wrecks of eight thousand flying machines, and sell it to Japan. Should bring in lots of money. And presto, it would all soon be back in the U.S. in the form of automobiles, and there would have been no loss of important metals.

The way money is wasted is terrible. This hole in Alaska I understand cost two hundred million. If the bomb is fired, nobody knows what the damage may cost. If not fired I hear it will take some hundreds of millions more to disarm it, or whatever they do to such monsters. These blasters don't know what they are doing down in the Earth, or what the results may be. There have been tests in hundreds, and if they have not now found out what it is they want, they should be fired for inefficiency. The activity should be stopped anyway, before they really come up with something, like cracking the Earth's surface. It seems the force of one of the explosions is irresistible, and something has to give, where giving is maybe impossible and far reaching.

I think the arms race is overdone. We have 500 or 5000, Russia has 400 or 4000, or vice versa. O.K., how many would it take to destroy everything, a dozen? The ABM I would expect is problematical, a scientists theory. If the warheads ever start flying, you can kiss everything goodbye—if you have time.

Too much has been blown on space, mostly to beat Russia. The results are a ball for the scientists and technicians, but otherwise, what is going to the moon doing for us. Which of our problems does it solve? I think it was Agnew who talked about going to Mars. When they get to travel at the speed of light, 186,000 miles a second, maybe they can think of extending things, otherwise the Mars trip now takes around four months one way. I doubt even the most avid spenders would throw seventy million or so in the Ocean, but if it is a dud space ship, think nothing of it.

As for helping the rest of the world, is the U.S. the only one that does it? The humanitarian aspect is all right, if there should be money for it, but the only other reason I can see is an expectation of getting their trade. Our building up lately has created competition, that cannot be met by our own industry, in our own Country. Generally we are buying more than we are selling abroad. There was a small overage reported lately, which I expect was due to the fact that a lot of ships were tied up by a strike, and could not unload. Just as a spurt in business claimed by Nixon, is probably due to the fact that it is assumed the tax will come off automobiles, and it has been possible to buy '72 cars at the price of the 71. It will be interesting to see what happens in phase II.

The U.N. I see as a sort of international club for elocutionists. I cannot remember what I have heard that has been accomplished there. It has actually no authority. The Middle East is a case in point. Israel thumbs its nose at the U.N. On the other hand it is not universal, so Viet Nam is not concerned. As for the U.S. longer supporting the U.N. I suggest the same reasons be given, as proposed against foreign aid, for not doing so. If the organization gets on its uppers financially, it should bring to light a fact, as to how important they all think it is to them. The building looks as if it would make offices or a hotel.

Nixon talks about maintaining a balance of power, by furnishing arms to various Countries. That would cover planes for Israel. If that Country does not have its power balanced, maybe it would take the chip off its shoulder, and listen to reason. From an abstract point of view, what I see there, is a people moving into another people's Country, and setting up business, crowding out the natives, and taking more territory by military force. That looks like aggression, which we understand the U.S. is against, unless maybe if a President wants to bomb N.V.N.

Considering jobs again, there is of course one way to create more. That would be by shortening working hours. If the same take home went with shorter hours, overall buying power would increase, individual buying power stay the same, but prices would have to rise sharply. If take home were adjusted to shorter hours, overall buying power would stay the same, individual buying power would be reduced, and prices could stay the same. There is the choice. If prices start rising, then we are again on the inflation treadmill.

Any way you cut it, this Country is in a mess. Not only the economy, but there is domestic disorder, crime, drugs, revolutionaries, the black problem, dissent, high taxes, poverty, new rich, debt. You name it and if it is bad, we probably have it. These things are so intermingled, that what may relieve one, may worsen another. The question seems to be if there can be survival, without hitting bottom, and if there should be that occasion, what would emerge. And while the attempt to catch up with the past and present, what of the future, which comes fast. One way or another I expect internal combustion power is on the way out. That would cover automobiles and planes. The automobile has supported the Country for years. Something would have to replace it. It no doubt started with a vehicle built by Benz in 1886. I was born in 1886, so I have seen it all. Providence willing I might see the finish. Sort of an indication of how long and how short time is.

I don't know if you get into the bussing controversy. This has evolved into a matter of importance with the people, and unless the present policies are moderated, could get strongly into the next election. Petitions for recall of Hart are well on their way around here, because of remarks he made favoring bussing. As these things go the movement will probably not succeed, but it all indicates the temper. This C.R. business, I think, has been badly done. I don't know whether an unbiased decision would declare the various laws as passed to be constitutional, but passing such laws for a small minority, in matters affecting the thinking, habits and living conditions of the majority, is a poor way of getting results. We had the experience with prohibition. Once started, it seems there has been no direction, or control of the results. Our Cities have been wrecked by an influx of blacks for whom there was nothing there. The responsible taxpayers have moved out. There has been uncontrolled violence, rioting and destruction of property. How many billions overall have been the cost, nobody could compute. If the same results had come from something besides acts of Congress, there would no doubt have been a cry of calamity. Some schools are claimed not as good as others, so bussing is demanded. The effect is to reduce all children to a common state of mental ability. Somehow this reminds me of pictures I saw of children lined up heiling Hitler. I think the Supreme Court should take another look at this situation, in fact, I think it has gone out of its jurisdiction in this matter. On top of all, there is no money to pay for bussing, and that should be sufficient reason for not having it. I see the House refused to back up the Court, by supplying funds to pay for bussing.

How about withholding some of the easy money the oil people are getting, or is that taboo?

My best wishes,

L. M. Francis.

Snake-Oil Politics Destroying Senate

(By William S. White)

Washington.—Lost elan, lost caste, and lost hope now characterize what has historically been the last, best home of responsible government in this country—the United States Senate.

A mighty institution is gravely ill, bereft of genuine leadership, torn by an almost adolescent savagery of personal political ambition among nearly all of the battalion of left-wing Democrats who seek the presidency with the manners of greedy schoolboys. Day by day they demonstrate their utter incapacity to serve effectively even in the infinitely less-demanding posts they already hold.

Here, now, is a place of 100 members in which, at the most generous estimate, two in five do real work. The others simply go along as easy riders or spend their time preparing headlines or metaphorically—or actually—greasing their faces to appear on television. A handful of dedicated, and mostly elderly, real men is carrying the whole load while the pseudo-boys of "The New Politics" and "The Young Politics" rush about carrying demagoguery beyond the permissible limits which senators, however eager, have traditionally set for themselves.

Do the people long for "peace?" Well, give it to them, no matter what catastrophic wars would be the end result of the peace of sameless surrender which the George McGoverns, the Fred Harrises and the like are peddling like Bible-thumping revivalists all about the land. Maybe it is "sincere." In all probability it really is. But it is snake oil all the same.

Do the people chafe under the cost of national defense? Very well. Let us into the White House and we will free you of nasty old weapons, and a blessed serenity will then envelop all mankind.

Does this pressure group "demand" this and that pressure group "demand" that? Yes, yes, yes, certainly you may have this, certainly you may have that. Indeed, you should have had it long ago.

Do people want higher social services and ever-larger welfarism and appropriations accompanied by ever-lower taxes? Well, why should they not have it all?

The men, the real men, of the Senate sit and watch this all—the copping out of "The New Politics" from work, from responsibility, from adulthood in public affairs amid the constant exploitations of sentimentalism in the never-never land of the "new" politicians. And the men, the real men, wonder how much longer they can stand a forum that used to be the pride of a nation.

Moreover, they are weary of bearing all the burdens and seeing the pseudoboys treated, especially on the ever-present tube, as actually qualified for the presidency of the United States. For they know that these aspirants ("our presidents," the real men call them) are using a once-great place—a place in which not one of the New Leftists could pass a bill more difficult than one endorsing motherhood—like mannerless children trampling with hobnailed boots over priceless ancient titles.

And so, again, the men, the real men, are one by one losing heart, hoping against hope that when this year of the most-squalid forms of presidential grabbing in all history has ended, another year may return the dignity that has gone. But for some of them it is too late. These are going to give it up next year, refusing to stand for re-election to a chamber they can no longer respect, a chamber in which slick "public relations" has so largely displaced a thing called public service.

So a Gresham's law of politics (that the bad drives out the good) is twice at work. Able and responsible men are leaving. And even some presidential candidates who are basically up to the job—the Edmund Muskies, the Hubert Humphreys—are themselves being driven by competition from the all-out left closer and closer toward the demagogic rubbish that hangs over the Senate of the United States.

Two Hundred U.S. Air Strikes Blast Sites in North Vietnam

Saigon.—American fighter-bombers have launched 200 combat strikes against military targets inside North Vietnam today, the U.S. Command announced.

It was one of the biggest raids since the halt in the bombing of North Vietnam nearly three years ago.

A spokesman for the command, Lt. Col. Gerald D. Hill, said the strikes were confined to within 35 miles of the demilitarized zone, and "these operations have been terminated."

Hill said the raids were made because of increased North Vietnamese anti-aircraft and surface-to-air missile (SAM) attacks on unarmed reconnaissance planes flying over the North and on bombers attacking the Ho Chi Minh supply trail in neighboring Laos. He said anti-aircraft and missile sites were among the targets.

In ground action, South Vietnamese infantrymen today reported killing at least 82 more Communist troops to bring to nearly 500 the number of enemy casualties in a week of fighting in the U Minh Forest at the southern tip of South Vietnam.

As the fighting went on, police in Saigon battled students demonstrating against President Nguyen Van Thieu. Thieu said the only way toward freedom was to "deal the Communists a positive defeat."

Thieu told South Vietnam's voters last night how they could vote against him in the presidential election by tearing the ballot in half, marking an X across it or putting an empty envelope in the ballot box.

But at the same time he appealed for a clear-cut vote of confidence.

Police fired tear gas to drive banner-waving students back into Saigon University's science department.

Nearly 300 students, including a few girls, and Buddhist monks in white robes had converged on national police headquarters.

They sat down in the middle of the boulevard holding anti-war signs, lighted a bonfire and burned Thieu in effigy. They splashed "Peace in Vietnam Now" in red paint across the roadbed.

In Phnom Penh in neighboring Cambodia, about 40,000 civilians marched into the center of the capital today in a silent protest against North Vietnamese presence in their country.

Behind the demonstrators, smoke billowed from two of the city's oil depots, partly destroyed by a Communist attack early yesterday. Fires set off by the attack were still burning.

Israel Reinforcing Troops at Suez, Egyptians Claim

The semiofficial Cairo newspaper Al Ahram said today Israeli troops are moving artillery up to their front lines along the Suez Canal.

With the situation deteriorating in the Middle East, Al Ahram said officers of Egyption forces along the canal were ordered "to take the necessary measures to prevent the enemy from accomplishing his objectives." They had been placed on maximum alert.

In addition to moving up artillery, Al Ahram said, Israel also has increased air and ground patrols in the Sinai Peninsula.

Israel disputed Egyptian press reports that Egypt's armed forces were on "maximum alert" at the Suez Canal following weekend fighting at the waterway.

Official military sources in Tel Aviv said Egyptian troops "appeared to move about as usual, without weapons or helmets" along the 103-mile-long canal. Some Egyptian soldiers were seen bathing in the canal, the sources added.

And the U.S. State Department said yesterday that it feels the Middle East cease-fire will hold and is not on the verge of collapse after 13 months.

A state department official, speaking privately, said that both the Israeli and Egyptian governments reassured the United States through diplomatic channels that they wished the cease-fire to continue.

Israel is celebrating the Jewish New Year 5732, which began yesterday. The 10-day holiday ends a week from tomorrow.

Observers said the holiday mood in the nation reflected public confidence that the cease-fire would hold despite the weekend flare ups along the Suez Canal that included the downing of an Israeli Air Force transport plane and an Israeli attack against Egyptian missile forces.

Beaches, campgrounds and resorts in Israel were jammed both with Israelis and with tourists. Judaism's holiest shrine, the Wailing Wall in the old city of Jerusalem, was a central attraction despite a grenade attack on Sunday.

In Cairo, Egyptian President Anwar Sadat yesterday installed a new government to prepare for the possibility of a new outbreak of fighting. Most of the key spots remained in the same hands.

It was Sadat's fourth cabinet reshuffle in the 11 months since he took over after the death of Abdel Gamal Nasser.

PHOENIX, ARIZ.,
November 6, 1971.

DEAR SENATOR FULBRIGHT: I strongly urge you to *not* revive the foreign aid program. It has been proven many times in the past that you can't buy friends—this was proven once again in the U.N. China vote.

Why must American tax payers continue to support foreign nations who hate our guts and expropriate U.S. property at their whim? Give us a break and spend the money here at home.

Sincerely,

DON W. EDWARDS, D.C.

Ps. Think of all the bureaucratic leeches who have attached themselves to foreign aid during the past twenty five years—this is your opportunity to rid the country of the responsibility of supporting them.

OCTOBER 31, 1971.

DEAR SIR: We ask you to work with all Senators who are opposed to foreign aide, because in my opinion that is exactly what all tax payers really want—stop the flow of U.S. money to foreign soil. We should use our money to build transit systems in this country and black-top all dusty roads.

Thank you,

ROY E. BROWNING.
NORTH LITTLE ROCK, ARK.

NOVEMBER 5, 1971.

DEAR MR. FULBRIGHT: Please help to get us out of this foreign aid business. We have never been able to buy friends!

Sir, do you still believe this Nation should remain free and sovereign?

Thank you,

JOHN W. DAVIDSON.

P.S. Hope you read the enclosed Washington Report.

CUBA: THE SOVIET ICEBERG STILL FLOATS IN THE CARIBBEAN

(EDITOR'S NOTE.—The first report of the Cuban Watch Committee appeared on January 25, 1971 (Washington Report 71–2). This report dealt especially with the developments in Cienfuegos harbor, which earlier had provoked a U.S. warning to the Soviet Union against the construction of a nuclear submarine base in that key port on the south coast of Cuba. The Soviets responded by denying that they intended to build a submarine base in Cuba and reaffirmed their adherence—in a meeting between Presidential adviser Henry Kissinger and Soviet Minister Andrei Gromyko—to their 1962 commitment not to reintroduce offensive weapon systems into Cuba. This second report is intended to bring the reader up to date on the general situation in Cuba as it affects the security of the United States and the Western Hemisphere. It takes into account Cuban underground sources especially available to the members of the Cuban Watch Commitee. This report will also throw light on the problems associated with the current U.S. efforts to negotiate with the Soviet Union a reduction both in the strength of military forces in the NATO and Warsaw Pact alliances and in the size of the strategic arsenals in the U.S. and the U.S.S.R.)

MILITARY DEVELOPMENTS

The specific threat posed to the United States by Soviet submarines based at Cienfuegos, or elsewhere in Cuba, stems from the fact that these submarines would be able to remain on station for a much longer time than would be the case if they were entirely dependent on their home bases in the Murmansk area of arctic Russia. This is particularly true of the new "Y" class, Polaris-type Soviet submarines, which now constitute the principal strategic naval threat to the United States. This force now consists of 25 operational submarines, with more being built at the rate of 8–10 per year. So far, none of the "Y" class is known to have operated in Cuban waters or to have called in Cuban ports, but other types of submarines, including those armed with missiles, have made repeated visits to Cuba.

The "minicrisis" between the U.S.S.R. and the U.S. in September 1970, was provoked by indications of rapid building of shore installations on Alcatraz Island in Cienfuegos bay, and by the entrance into Cienfuegos of a Soviet flotilla, including a submarine tender, an LST, a buoy tender, and a tug. The buoy tender and tug were each towing an 82 foot barge which had been transported from Russia by the LST. It is believed the two steel barges are designed to store radioactive waste discharged from the reactors of nuclear submarines. They are still present in Cienfuegos bay. The submarine tender could, of course, service nuclear submarines at sea or along any protected coast where there is reasonably calm water.

The United States asserts that this kind of submarine support activity would come under its interpretation of the "understanding" of 1962 covering offensive weapon systems in Cuba. But what the U.S. could or would do about such an activity, if it persists, is a very different matter.

At present, the U.S. attention seems primarily directed to the shore installations in Cienfuegos and the presence in port of Soviet submarines and submarine tenders. But this concentration on Cienfuegos partially misses the point that the Soviet Union is strengthening its overall military position in Cuba—under the umbrella of its massive strategic power, which now exceeds that of the U.S. and which the U.S.S.R. is counting on to inhibit any strong U.S. reaction.

Despite Kissinger's warning to Gromyko in their meeting in October 1970, construction has continued at Cuban military installations under the direction of Soviet engineers, and Soviet military activities have increased. Among the key events have been these:

1. A major highway has been completed leading inland from Cienfuegos to La Cubilla, where there is a large Soviet military complex. Cuban workers, directed by Soviet military personnel, have expanded the base at Cienfuegos, to the point that it now covers an area of some six square miles. The already elaborate security precautions around the perimeter of the base have been further strengthened. And four subchasers of the Empka class, equipped with missiles, have been put on patrol around the waters near Alcatraz Island inside Cienfuegos harbor. In addition, the Soviet espionage ship, *Kosmonaut Vladimir Numarov,* which has been operating in the Caribbean for some time, has made Cienfuegos its regular port of call. These activities are in addition to earlier dredging and pier construction, and the erection of derricks, machine shops, storage tanks, barracks, warehouses, and recreational facilities. (For details, see: "Soviet Naval Activities in Cuba." Hearings before the Subcommittee on Interamerican Affairs, September 26, 1971, Washington, D.C., Government Printing Office.)

2. Intensive construction work has been started at Saetia, a peninsula enclosing the huge Nipe Bay in Oriente province, while other construction has continued at Caibarien, Neuvitas, Bajuraybo, Managua, and other military facilities. At Cayo Largo, 65 miles southwest of Cienfuegos, the Soviets have built a landing strip and docks, emplaced anti-aircraft batteries, built barracks, and camouflaged hangar-like buildings by the sea.

3. On December 7, 1970, three Soviet naval vessels, including an anti-submarine ship, a submarine, and a tanker arrived in Cuba and stayed until December 23rd. During the same period, the Soviet Navy also had a guided missile frigate and an oiler east of the Virgin Islands, the espionage ship *Kosmonaut Vladimir Numarcv* off the south coast of Cuba, and a submarine tender south of Haiti. The submarine tender, of the 9,000 ton Urga class, had by then become well known in the West Indies, and had provoked a remark the week before from Secretary of Defense Melvin Laird about a Soviet naval vessel "harbor hopping down in Cuba." Its movements, the Secretary noted, had been under the watchful eye of U.S. aircraft and warships. The tender had visited the harbor at Casilda, 40 miles east of Cienfuegos, sailed around western Cuba, entered the Gulf of Mexico for a stop at La Fe, a very secluded port at Guadiana Bay on the westernmost point of Cuba, and then moved to Mariel, 25 miles west of Havana before returning to Cienfuegos.

4. In mid-February, the fifth Soviet naval squadron made a port call in Cuba. The squadron consisted of one nuclear submarine, one guided missile cruiser, one submarine tender, and an oiler. The cruiser, No. 533, entered the harbor at Havana, while the other warships visited other Cuban ports including Mariel. Cuban underground sources reported that the submarine and the tender went to the area of Cienfuegos. Later, when the other vessels returned to the Soviet Union, the submarine tender remained behind.

5. In May, still another pair of Soviet naval vessels visited Cuba. They were the submarine tender No. AS–905 and a nuclear submarine of the Echo class. They stopped at Cayo Largo.

THE GROWING CUBAN NAVY

These activities of Soviet naval vessels in Cuban waters and the related construction work at various Cuban port facilities must, in turn, be viewed in relation to the expanding Cuban Navy and Merchant Marine. The Washington "Evening Star" reported on November 4, 1970, that "the Cuban Navy is growing into a significant force" of some 100 ships. The "Star" attributed particular significance to the 18 Komar-type guided missile ships. They have a speed of 40 knots and carry two surface-to-surface missiles. The booklet, "Communist Threat to the United States Through the Caribbean," published by the Committee on the Judiciary, U.S. Senate (1970), carries several pictures of these Komar-type vessels traveling near the U.S. coastline.

The Cuban Merchant Marine, a branch of of the Cuban Navy, has 51 modern freighters, five new oil tankers, and some forty trawlers. In addition, there are about 100 smaller ships engaged primarily in fishing activities. Soviet sailors are in control aboard many of the Cuban merchant ships and fishing trawlers. A crew manifest of the Cuban fishing vessel *Mar del Plata* which was turned over to authorities at Vigo, Spain, in 1969 lists a Boris Kinienko as Co-Captain, along with eight other Russian crew members. The Cubans officially admit that there are 150 Soviet advisers on Cuban "fishing" vessels.

The Soviet control of the Cuban Navy is tightening. On September 9, 1971, the Soviet minister of the Maritime Fleet, T. B. Gushenko, signed an agreement in Havana with Captain Joel Cheveco, Cuban minister of the Merchant Marine, which will increase Soviet domination of Cuban naval activities. (See, September 12, 1971, edition of "Granma," Havana.) Admiral Ivan Baikov, former director of the Soviet Navy Academy in Leningrad, already has overall command of the Cuban merchant fleet. His deputies are Captain Daniel Alvarez-Ramirez, a Spanish communist who was an officer of the Spanish cruiser *Canarias*, during the Spanish Civil War and then went to live in the Soviet Union, and Captain Jesus Jimenez-Escobar who in 1968 was a member of the Cuban delegation to the U.N. and was expelled by the U.S. Government for espionage.

THE SOVIET ARMY IN CUBA

The number of Soviet Army and civilian support personnel now in Cuba is difficult to determine precisely. But there is no doubt that it is growing. As pointed out in the "First Report" of the Cuban Watch Committee last January, the Cuban underground estimated in September 1970, that the Soviet Army strength in Cuba was just over 20,000 including technicians and advisers. *Allowing for replacements in the past year, the Committee now estimates that the number of Soviet Army personnel in Cuba has increased to some 30,000.* This estimate is based primarily on reports from the Cuban underground. For example, on March 27, 1971, the underground reported that 2,000 Soviet soldiers had just arrived all very young, and were traveling toward Cardenas in Matanzas Province, 100 miles east of Havana, aboard 50 large trucks. Later the underground identified another new contingent of 2000 soldiers which had recently been quartered at the farms called "San Carlos" and "San Manuel" between the towns of Recreo and Maximo Gomez, not far from the military base that had been built in 1962 at Sierra Morena. The Soviet flag flies above the barracks. There are also more Soviet soldiers at the former School of Sugar Chemistry in Limonar, Matanzas Province.

Other reports have come in from the Cuban underground concerning large convoys of Soviet soldiers moving from Havana Province into Pinar del Rio Province for maneuvers in the area of the San Antonio de los Banos air base and a quadrangle of key military installations.

There are also Soviet Army garrisons at Sierra del Rosario, in Pinal del Rio Province, and at Mariel. La Fe. and Cabanas in western Cuba. In addition to the garrison at Cienfuegos there are others at La Cubilla, La Campana, Casilda, Las Malezas, and Caibarien in Las Villas Province. Even the Isle of Pines has a garrison.

How do these Soviet forces enter Communist Cuba? Soviet planes flying from Murmansk to San Antonio de los Banos carry some Soviet military personnel, but mainly they use Soviet oil tankers, one of which arrives every ten days on the average. Soviet transatlantic liners, transporting hundreds of Cuban students, also carry Soviet soldiers mixed with the students. In addition, two new Cuban tankers built in Leningrad recently arrived in Cuban with Soviet military personnel aboard.

ECONOMIC DEVELOPMENTS

The Soviet Union continues to add to its Cuban investment at an estimated rate of $300–$500 million per year. The Cuban economy has been severely hurt by U.S. economic sanctions, and Moscow is taking up the slack, to guarantee the economic viability of its political and military foothold in the Western Hemisphere.

In the first days of September 1971, a large Soviet delegation came to Havana for high level discussions with the Castro regime. It was headed by Vladimir N. Novikov, Vice President of the Council of Ministers of the U.S.S.R. He was the same Soviet official who in 1969 signed the Soviet-Cuban agreement for the Nuclear Energy Institute in Managua near Havana. (See "Washington Report" 69–6.) He was accompanied by Timofey B. Guzhenko, Minister of the Maritime Fleet, O. A. Chukanov of the Department of International Relations of the Soviet Communist Party, V. A. Rostovsky, deputy minister for Tractors, N. D. Matsev, deputy minister for Electrification, and N. P. Bykov, deputy minister for Aviation.

On September 9, an agreement was formally announced, stating that the Soviet Union will send to Cuba many more technicians and advisers to implement its program to build roads, improve harbors and modernize communications and industrial facilities. This agreement will further develop it as a base for Soviet operations.

U.S. POLICY TOWARD CUBA

President Nixon's decision to visit Communist China and seek an accommodation has resulted in increased pressures on the U.S. Government to abandon its policy of sanctions against Communist Cuba. Senator Fulbright, in particular, attacked the U.S. administration for alleged inconsistency between its Cuban policy and its attempt at rapprochement with the U.S.S.R. at the SALT talks and with Red China through the Presidential visit to Peking.

In answer, Deputy Assistant Secretary of State Robert A. Hurwitch replied that U.S. policy toward Cuba derived from: a) its national interest, b) its obligations as a member of the Organization of American States. c) its concern over Cuba's exports of revolution, and d) Cuba's military ties to the Soviet Union. *Mr. Hurwitch pointed out that Cuba has not changed its policy of supporting armed revolution in the Western Hemisphere and that in the case of Cienfuegos, "Cuba permitted the Soviet Union to take new steps which could have afforded the Soviets the ability to again operate offensive weapons from this hemisphere."*

In addition, said Mr. Hurwitch, "Cuba continues to interfere in the internal affairs of other hemispheric nations by providing training in Cuba for urban and rural terrorists—by providing monetary and other material support to subversive groups and through occasional direct participation by Cubans in insurgencies. On July 26 Prime Minister Castro openly took sides in the pending Uruguayan elections and drew a stiff rejoinder from the Uruguayan government. His publicly expressed disappointment over the turn of events in Bolivia drew a reminder from the Bolivian Government that Cubans in 1967 and again in 1970 had blatantly interfered in the internal affairs of Bolivia. On August 27, 1971, Prime Minister Castro vigorously reaffirmed that he would not abandon his support for violent change in other nations of the hemisphere and spoke of Cuba's intention to give material support to Bolivian guerrillas. Price Minister Castro said in August 1970 that if Cuba had not given full support to revolutionary movements in Latin America, it was in part because 'we have not been able to.' To abandon now these policies which hinder the Cuban Government's capability to achieve its objectives would therefore be neither prudent nor justified."

The Cuban Watch Committee applauds Mr. Hurwitch's statement on the U.S. position, as far as it goes. But the Committee also states the following:

First: The Sovietization of Cuba is making gigantic strides.

Second: It does not agree with Admiral Elmo R. Zumwalt, Jr. when the latter tells *U.S. News and World Report* (September 13, 1971) that he is "quite sure" that the Soviet Union in fact does not have a submarine base in Cuba. Admiral Zumwalt seems to be using a fine distinction between a "base" and a "facility." Other Defense officials have admitted that the Soviets have established the latter at Cienfuegos.

Third: The Kissinger-Gromyko "understanding" of October 1970, casts aside the Monroe Doctrine. This is something which can be done and has been done in certain cases in the past. But the charter of the Organization of American States and the Inter-American Treaty of Mutual Assistance of Rio De Janeiro include the United States among their signatories. The United States is violating these agreements when it discusses with an extra-continental power the fate of an American state, in this case Cuba, now under Soviet domination.

Fourth: The Soviet Union is engaged in political and military activities in the Caribbean Sea aimed directly at the security of the United States.

THE WAR GOES ON, ON, AND ON

Mr. FULBRIGHT. Mr. President, I know that it is unpleasant and apparently boring to many to be reminded that in Southeast Asia the war, and our involvement, go on and on.

The Boston Globe, in a recent editorial, cites some of the war's appalling statistics—statistics which seem to have little meaning except for those directly affected.

As the Globe points out, American casualties in the war last week were reported as the second lowest in nearly 7 years of recordkeeping. Still, the total was 15 killed—four of them in combat—and 14 wounded. But, as the Globe editorial notes, the officially listed deaths do not include 34 who died in a helicopter crash. The reason for not listing them is, to say the least, perplexing.

The Globe editorial also makes these significant points:

> Civilian casualties were not officially listed either, and never are. It was reported that more than 1,100 Vietnamese soldiers, North and South, were killed. Unofficial reports, not including deaths in Cambodia on which American bombs pour down without letup, list 5,000 South Vietnamese casualties per month. The air war in Laos and Cambodia has added 250,000 refugees to the tragic roll of about 8 million. Vietnam forests and fields are being destroyed at the unofficially reported rate of 1,000 acres a day in the US bulldozing program.
>
> Total American deaths now near 56,000, of whom nearly 46,000 were killed in action. About half of the American deaths have occurred since the presidential campaign of 1968 in which Mr. Nixon declared he had a plan for ending the war. About 600 have died since the Hanoi-Viet Cong offer of a cease-fire last July 1.

The editorial concludes by asking some questions—about which I think we should all be concerned:

> . . . why President Nixon persists in sticking to his own agonizingly slow schedule of withdrawal? Why does he still refuse to recognize the validity of a law, incorporated in the arms procurement bill which he has signed, requiring him to set a date (a date of his own choosing) for our withdrawal? Why did he fight the Mansfield proposal which, if his congressional aides had not lobbied it to death, would have given him until next June to wind up the whole misadventure?

Mr. President, as I stated in the Senate last week, the Mansfield proposal is not dead, and for the very reasons outlined in this article, I think the Senate and the Congress must do all that it can to see that our tragic involvement in this war comes to a rapid conclusion.

Along this same line, Mr. President, was a column entitled "Some War Questions" by Tom Wicker in the New York Times of December 14. Mr. Wicker also poses some hard questions—particularly about the bombing in North Vietnam, the shadow war in Laos, and the South Vietnamese "incursion" into Cambodia. As Mr. Wicker points out, the war is not "winding down" and has indeed become a far "wider" war.

Mr. President, I ask unanimous consent that the Boston Globe editorial of December 13 and the December 14 column by Tom Wicker be printed in the Record.

There being no objection, the editorial and column were ordered to be printed in the Record, as follows:

[From the Boston Globe, Dec. 13, 1971]

THE WAR GOES ON, ON, AND ON

Put two or three current news items together, and some vital questions to which President Nixon alone has the answers ask themselves.

News Item: American casualties in the Vietnam war last week were reported as the second lowest since the US Command started keeping weekly totals nearly seven years ago. Four GIs were killed in action, 11 died from other causes, 14 were wounded.

The officially listed deaths do not include 34 who died in a helicopter crash Nov. 28. These were not included the previous week because, it was explained at the Pentagon, "their bodies have not been recovered." The reason for not listing them this week, though the bodies have been recovered, is not known. Certainly they are very dead indeed. Just as certainly, had they been listed, the total casualties would not have been "the second lowest since, etc."

Civilian casualties were not officially listed either, and never are. It was reported that more than 1100 Vietnamese soliders, North and South, were killed. Unofficial reports, not including deaths in Cambodia on which American bombs pour down without letup. list 5000 South Vietnamese casualties per month. The air war, in Laos and Cambodia has added 250,000 refugees to the tragic roll of about 8 million. Vietnam forests and fields are being destroyed at the unofficially reported rate of 1000 acres a day in the US bulldozing program.

Total American deaths now near 56,000, of whom nearly 46,000 were killed in action. About half of the American deaths have occurred since the presidential campaign of 1968 in which Mr. Nixon declared he had a plan for ending the war. About 600 have died since the Hanoi-Viet Cong offer of a cease-fire last July 1.

News item: "Fifty US Army doctors in Vietnam urgently appeal for an immediate and total withdrawal from Vietnam. In a letter to the US Senate, they state that they "see little good coming from our endeavors to our servicemen, to our allies, or to the Vietnamese, who strongly feel the fighting and the dying they know so well will end when the American forces leave this country and that our presence tends only to prolong their suffering."

They report that most of the US casualties they treat result from self-inflicted wounds, fighting between GIs, accidents, jungle diseases and drugs. They further assert that some Americans (unnamed) are profiting from the war and such profits are a factor in prolonging the US engagement.

The questions which ask themselves, in all of these circumstances, are as to why President Nixon persists in sticking to his own agonizingly slow schedule of withdrawal? Why does he still refuse to recognize the validity of a law, incorporated in the arms procurement bill which he has signed, requring him to set a date (a date of his own choosing) for our withdrawal? Why did he fight the Mansfield proposal which, if his congressional aides had not lobbied it to death, would have given him until next June to wind up the whole misadventure?

The anticipated pre-election announcement of withdrawal will not or at least should not erase the memory of the President's current adamacy and the nations' current agony.

[From the New York Times, Dec. 14, 1971]

SOME WAR QUESTIONS

(By Tom Wicker)

Saigon, reads the dateline, and part of the story goes as follows:

"The reported drive is . . . aimed at keeping North Vietnamese forces away from South Vietnam's Military Region III. That region includes Saigon and eleven surrounding provinces and shares 231 miles of border with Cambodia.

"Other objectives . . . are to disrupt North Vietnamese supply routes and to destroy enemy base camps and materiel in order to prevent the enemy assaults against South Vietnamese bases."

Sound familiar? It certainly does, but this is not May 1970 and those are not American but South Vietnamese troops staging an "incursion" into Cambodia. Otherwise, not much has changed; the sanctuaries still have to be cleaned out, North Vietnamese supplies still have to be destroyed, enemy build-ups still have to be countered, despite the glowing claims of other days.

Of course, the B–52's were out ahead of the 25,000 South Vietnamese who mounted this most recent assault into Cambodia. From above the clouds, the Americans piloting them spread the random destruction that is their hallmark, while nearer the earth American-supplied helicopters and fighter planes played close-support roles. As in earlier invasions, some of these, now or later, may even be flown by American personnel.

Farther to the west and north of Pnompenh, meanwhile, the American-supplied and trained Cambodian Army has suffered major setbacks at the hands of tough North Vietnamese forces. American officials believe Hanoi's operations in Cambodia are directed primarily at easier military access to South Vietnam, rather than at Cambodia itself; but any way you study the situation, it hardly augurs well for Cambodia.

Aside from the fact that it was precisely this kind of situation that the American invasion of 1970 was supposed to prevent, the continuing battle in Cambodia raises some pointed questions, the answers to which could have loud reverberation in American politics.

Is the war really "winding down"? Obviously, it is not. The Nixon Administration has resumed the bombing of North Vietnam any time it declares a military necessity to do so, and the shadowy fighting in Laos continues; now the new incursion into Cambodia comes as a graphic reminder that this is a far "wider" war than it was when Richard Nixon took it over from Lyndon Johnson.

It is true that Mr. Nixon has reduced the American ground combat role and its consequent casualties, and no doubt he intends to cut them even further; it may also be true that constant pounding has reduced North Vietnamese and Vietcong strength. But there is nothing to show a slackening of will on Hanoi's part, and the Cambodian operations are ominous portents for the future.

Will pulling out American ground troops end the war for Americans? It is by no means clear that Mr. Nixon plans to pull them all out, but even if he did the United States almost certainly will have to retain a major role in the wider war now being fought and that remains in prospect for the future.

For one thing, the United States is the principal supplier of both the Cambodian and South Vietnamese armies and owns Laotian forces lock, stock and gunbarrel. For another, the only thing that comes close to equalizing these forces with those of North Vietnam and the Vietcong is American air power. And these factors, which suggest that the United States is nowhere close to extricating itself from Indochina, are reinforced by still another question.

Can South Vietnamese forces defend Cambodia as well as South Vietnam? The South Vietnamese have not even established their ability to defend themselves, once more American combat troops are out of the war zone and if a determined Communist offensive begins. Most certainly, the Cambodian Army, improved though it may be, has yet to show that it can seal off the Cambodian approaches to South Vietnam.

The plain truth is that Cambodia flanks South Vietnam to the west, and that no matter how well Saigon's army may defend its own territory, it can only do so if that flank is secure. Further setbacks to Cambodian forces may well spread the South Vietnamese too thin in both countries, a situation that could result in even greater commitment of American air power—or worse, the reintroduction of American ground forces to help hold the line.

So these questions are in order, too: Is Mr. Nixon's Vietnamization program building toward a final triumphant withdrawal of ground forces just before the election—or toward a new Communist onslaught and the possibility of a major military setback? And what are his intentions, if that possibility should become a probability in the year ahead? Can even he answer those questions with any certainty?

SECURITY CLASSIFICATION

Mr. FULBRIGHT. Mr. President, on December 13, at page 46715, I submitted a rather interesting article written by a Mr. William G. Florence, a retired Deputy Assistant for Security and Trade Affairs for the Air Force, which was published in the Washington Post on December 12.

This article entitled "A Madness for Secrecy" deals with an issue—security classification—which has been a major concern of mine and that of the Committee on Foreign Relations for a number of years.

In fact, I would like to call the Senate's attention to a rather detailed study on this same subject which was prepared at the request of the Committee on Foreign Relations by the Congressional Research Service of the Library of Congress. This study entitled "Security Classification As A Problem In the Congressional Role In Foreign Policy" is scheduled to be released as a committee print on December 16.

This publication confirms a great deal of what Mr. Florence states in his article. Both the article and the committee print point out that security classification is conducted entirely on the initiative of the executive branch governed by its own Executive Order 10501. There is no law which specifically authorizes what the Government must keep secret.

This system is a self-serving one, enabling the executive to withhold information which is of potential use or interest to the general public. Through the use of secrecy, the Government maintains the power to manage the news and to use it to manipulate public opinion. The weakness of this system is clearly evident in the revelation of the "Pentagon Papers." Secrecy in Government perpetuates bureaucratic mistakes and undermines our democratic system. As Justice Black so aptly stated in the recent New York Times and the Washington Post case:

> . . . The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic."

The classification system affects the work of Congress in two ways. First, it limits the kind and amount of information which Congress receives. Second, it circumscribes what Congress can do with information which it does receive, especially what it can pass on to the public to explain its position. This situation endangers our democratic institutions. When the people or their representatives do not know what their government is doing, those who govern are not accountable for their actions. This weakens our democracy by insulating those who govern from the effects of their actions. The classification system precludes the general public from obtaining the knowledge necessary to control the actions of the Government in a manner envisioned by the framers of the Constitution.

It is for this reason that I urge my fellow Senators to give serious consideration, in the next session, to those legislative proposals which will minimize the impediments which classified information places on the work of Congress.

For a Senate which is determined to play its full constitutional role in the making of foreign policy, this article and committee print are "must" readings.

I ask unanimous consent that an excerpt from the Committee on Foreign Relations print be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

* * * * *

II. The Origin and Legal Basis of Present Classification Procedures

A. ORIGIN

Secrecy has been practiced to some degree in diplomatic and military affairs, throughout the nation's history. For example, in 1790 President Washington presented to the Senate for its approval a secret article to be inserted in a treaty with the Creek Indians.[2] A formal and extensive classification system to keep certain information secret for purposes of national security did not develop until much later, however. According to one authority,

"Measures and practices for the protection of official information in general long served to protect any defense information that needed protection without there having to be any clear distinction between defense information and other official information requiring protection."[3]

The use of markings such as "Confidential," "Secret," or "Private" on communications from military and naval or other public officials "can be traced back almost continuously into the War of 1812."[4] However, the roots of the present classification system appear to be found around the time of the First World War. A General Order of the War Department dated February 16, 1912, established a system for the protection of information relating to submarine mine projects, land defense plans, maps and charts showing locations of defense elements and the character of the armament, and data on numbers of guns and the supply of ammunition, although it prescribed no particular markings.[5] A General Order from the General Headquarters of the American Expeditionary Force dated November 21, 1917, established the classification of "Confidential," "Secret," and "For Official Circulation Only."[6]

The classification system established during the First World War was continued after the war was over. Army Regulation 330-5 of 1921 stated:

"A document will be marked "Secret" only when the information it contains is of great importance and when the safeguarding of that information from actual or potential enemies is of prime necessity."

* * * * *

"A document will be marked "Confidential" when it is of less importance and of less secret a nature than one requiring the mark of "Secret" but which must, nevertheless, be guarded from hostile or indiscreet persons."

* * * * *

"A document will be marked "For official use only" when it contains information which is not to be communicated to the public or to the press but which may be communicated to any persons known to be in the service of the United States whose duty it concerns, or to persons of undoubted loyalty and discretion who are cooperating with Government work.[7]

In a 1935 revision the term "Restricted" was introduced as a fourth category, to be used when a document contained information regarding research work on the design, test, production, or use of a unit of military equipment or a component thereof which was to be kept secret. It also emerged in 1935 that documents on projects with restricted status were to be marked:

"Restricted; Notice—This document contains information affecting the national defense of the United States within the meaning of the Espionage Act (U.S.C. 50:31, 32). The transmission of this document or the revelation of its contents in any manner to any unauthorized person is prohibited.[8]

Executive Order No. 8381 issued March 22, 1940, by President Roosevelt, entitled "Defining Certain Vital Military and Naval Installations and Equipment" gave recognition to the military classification system. In this order he cited as authority the act of January 12, 1938 (Sec. 795(a) of Title 18, part of the Espionage laws) which stated:

"Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installation or equipment without first obtaining permission of the commanding officer. . . .[9]

In defining the installations or equipment requiring protection against the dissemination of information concerning them, the President named as one criterion the classification as "secret," "confidential," or "restricted" under the direction of either the Secretary of War or the Secretary of the Navy. In addition to military or naval installations, weapons, and equipment so classified or marked, included in the definition were:

"All official military or naval books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawing, photographs, contracts, or specifications, which are now marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret" "confidential," or "restricted," and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President.[10]

That Executive Order was superseded by Executive Order 10104 issued by President Truman February 1, 1950. In addition to the three designations previously mentioned, the new Executive Order referred for the first time to "top secret," although this designation had been in use some years earlier. In place of the Secretary of War and the Secretary of the Navy, Executive Order 10104 described the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force as being authorized to classify or direct to be classified the designated information.[11]

On September 24, 1951, President Truman issued an executive order which officially extended the classification system to nonmilitary agencies and to "security information—" Executive Order 10290, "Prescribing Regulations Establishing Minimum Standards for the Classification, Transmission, and Handling, by Departments and Agencies of the Executive Branch, of Official Information Which Requires Safeguarding in the Interest of the Security of the United States." It permitted any department or agency of the Executive Branch to classify and define "classified security information" to mean "official information the safeguarding of which is necessary in the interest of national security, and which is classified for such purposes by appropriate classifying authority."[12]

President Eisenhower replaced Executive Order 10290 with Executive Order 10501, "Safeguarding Official Information," on November 9, 1953. It narrowed the number of agencies authorized to classify and redefined the usage of the various security labels. Executive Order 10501, which will be decribed later, and its revisions, form the basis for the present system of classification of information.

B. LEGAL BASIS

Executive Order 10501 does not claim to be authorized by a specific statute. Unlike Executive Order 10104, "Definitions of Vital Military and Naval Installations and Equipment," which is linked to a specific provision of the statutes, Executive Order 10501 contains in its preface as to authority only the general statement, "Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows. . . ." The Executive Branch apparently relies primarily on implied constitutional powers of the President and statutes which it claims afford a basis on which to justify the issuance of Executive Order 10501, acknowledging that there is no specific statutory authority for it. In 1970 when the Senate Foreign Relations Committee inquired of the State Department about the legal basis for the President's issuance of Executive Order 10501, the Legal Adviser of the State Department, John R. Stevenson, with the approval of the Department of Justice, referred to the Report of the Commission on Government Security of 1957 for a statement of the legal basis.[13] That Commission cited provisions of the Constitution and stated: "While there is no specific statutory authority for such an order or Executive Order 10501,, various statutes do afford a basis upon which to justify the issuance of the order.[14]

1. Constitutional provisions

The three constitutional provisions cited by the Commission are in article II on the Executive Branch: Section 1, "The executive power shall be vested in a President of the United States of America"; section 2, "The President shall be Commander in Chief of the Army and Navy of the United States"; and section 3, ". . . he shall take care that

---

Footnotes at end of article.

the laws be faithfully executed." The Commission said:

"When these provisions are considered in light of the existing Presidential authority to appoint and remove executive officers directly responsible to him, there is demonstrated the broad Presidential supervisory and regulatory authority over the internal operations of the executive branch. By issuing the proper Executive or administrative order he exercises this power of direction and supervision over his subordinates in the discharge of their duties. He thus 'takes care' that the laws are being faithfully executed by those acting in his behalf; and in the instant case the pertinent laws would involve espionage, sabotage, and related statutes, should such Presidential authority not be predicated upon statutory authority or direction." [15]

The 1957 Commission report did not explicitly spell out the right of Congress to make laws affecting the classification system. However, recognition of this right was implicit in the Commission's conclusion that "in the absence of any law to the contrary, there is an adequate constitutional and statutory basis upon which to predicate the Presidential authority to issue Executive Order 10501," [16] and in the citation of various statutes as affording a basis upon which to justify the issuance of the order.

Among the provisions of Article I of the Constitution which might be cited as giving Congress powers to legislate in this field would be the following: Section 1, "All legislative powers herein granted shall be vested in a Congress of the United States . . .;" Section 8, "The Congress shall have power to . . . provide for the common defense and general welfare of the United States; . . . to make rules for the government and regulation of the land and naval forces; . . . and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

2. "Housekeeping" Act prior to 1958 amendment

Prior to 1958, 5 U.S.C. 22, now 5 U.S.C. 301, sometimes called the "Housekeeping" act, was frequently cited as justifying a system for withholding information on the basis of a security classification system. This was the first and earliest statute cited by the 1957 commission as at that time providing a basis for Executive Order 10501. This statute had been enacted in 1789 with the purpose of providing the authority for government officials to set up offices and file documents.[17] As early as 1877 and numerous times since then Section 22 of Title 5 of the U.S. Code had been cited as authority to refuse information sought from the government.[18] However, in 1958 the housekeeping statute was amended by P.L. 85-619 to specify that it did "not authorize withholding information from the public or limiting the availability of records to the public." The Department of State 1970 memorandum pointed out that since the 1958 amendment this statute was no longer relevant to the justification of classification. It is mentioned in this report as a matter of historical interest and to note the legislation of 1951 specifying that it should not be used as authority for withholding information.

3. Espionage laws

Perhaps the statutes now most frequently cited for justification of the security classification of information are the espionage laws generally. The 1957 Commission cited the espionage laws second only to the housekeeping statute discussed above. It said:

"The espionage laws have imposed upon the President a study to make determinations respecting the dissemination of information having a relationship to the national defense. For example, 8 U.S.C. 795(a) provides that 'Whenever in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture. . . . etc.' Proceeding under this statute the President issued Executive Order 10104 which covers information classified by the agencies of the military establishments.

"In 18 U.S.C. 798 there is specific reference to the unauthorized disclosure of 'classified information' pertaining to the cryptographic and communication systems and facilities. Furthermore, the term 'classified information' is defined as information which for reasons of national security has been specifically designated by the proper government agency for limited or restrictive dissemination or distribution.[19]

It might be questioned whether the first provision mentioned above is a basis on which to issue an executive order covering classification by non-defense agencies since it relates to information pertaining to vital military and naval installations and has already been used to justify Executive Order 10104 on military information classified by the military departments.

The second provision mentioned section 798, does refer to classified information, thus acknowledging its existence. However, it provides penalties only for actions relating to communications intelligence and cryptography, specifying four specific categories of classified information: (1) concerning the nature or preparation of codes; (2) concerning the apparatus used for cryptographic or communication intelligence purposes; (3) concerning the communication intelligence activities; or (4) obtained by the process of communication intelligence from the foreign government, with knowledge that it was so obtained. Moreover, this section which was added by Public Law 248 of October 31, 1951, makes it clear that its objective is to prevent the use of classified information relating to communication intelligence activities in a manner prejudicial to the safety of the United States, and not to prevent congressional access to it. Sec. 798(c) states:

"Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof." [20]

Executive Order 10501 itself does not refer to Section 795 or 798 but instead refers to Sections 793 and 794 of Title 18 U.S.C., Section 5(j) of Executive Order 10501 states that when classified material affecting defense is furnished to persons outside the executive branch, the material should carry the statement, whenever practicable. "The material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Sections 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law." [21]

Section 793, "Gathering, transmitting or losing defense information," provides penalties of a fine or imprisonment for (a) going into defense installations or in other ways obtaining information "respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation"; (b) copying or obtaining sketches, documents, or anything connected with the national defense; (c) receiving or obtaining from any source any document, writing, or anything connected with the national defense, knowing that it has been obtained contrary to the provisions of that chapter of law; (d) willfully transmitting to a person not entitled to receive it a document, etc., which a person either lawfully or without authorization possesses and has reason to believe could be used to the injury of the United States or the advantage of a foreign nation; or (e) when entrusted with any document or information relating to the national defense "through gross negligence" permitting it to be removed from its proper place "or to be lost, stolen, abstracted, or destroyed" or failing to report such loss, theft, abstraction, or destruction.

Section 794 provides for imprisonment or the death penalty for (a) communicating or transmitting a document or information relating to the national defense to any foreign government, faction, citizen, etc. "with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation"; or (b) "in time of war, with intent that the same shall be communicated to the enemy," collecting, publishing, communicating, or attempting to elicit any information with respect to the movement, numbers, or disposition of armed forces, ships, aircraft, or war materials or military operation plans or defenses "or any other information relating to the public defense, which might be useful to the enemy." In 1953 the provisions of this section in addition to coming into effect in time of war were extended to remain "in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 or such earlier date as may be prescribed by concurrent resolution of the Congress." [22]

The espionage laws may make it sensible to have some kind of system for marking information which it would be a crime to transmit, but history does not indicate that the classification system developed directly from the Espionage Act of 1917 or that the Espionage Act was intended to authorize such a system. One student of the history of classification has observed:

"There is no indication at this time [in 1917] that difficulties could arise in enforcing the Espionage Act if official information relating to the national defense was not marked as such, insofar as it was intended to be protected from unauthorized dissemination. Violation of the first subsections of Section I, Title I, of the act depended upon intent, but violation of the other two subsections depended in the one case on material relating to the national defense having been turned over to someone "not entitled to receive it" and in the other case on such material having been lost or compromised through "gross negligence." Since the expression "relating to the national defense" was nowhere defined, the possibility of the public being permitted to have any knowledge whatever relating to the national defense, even the fact that Congress has passed certain legislation relating thereto, depended on application of the expressions "not entitled to receive it" and "gross negligence."

"In any prosecution for violation of either of the last two subsections the burden of proving that one or the other key expressions had application in the case would rest on the prosecution, and proof would be difficult unless clear evidence could be adduced that authority had communicated its intention that the specific material involved should be protected or unless that material was of such a nature that common sense would indicate that it should be protected. For purposes of administering these two subsections of the Espionage Act the marking of defense information that is to be protected is almost essential, and its marking can also be of great assistance for purposes of administering the preceding three subsections.

"It would be logical to suppose that the markings of defense information began out of the legal necessities for administering the Espionage Act, but the indications are that

---

Footnotes at end of article.

such was not the case. The establishment of three grades of official information to be protected by markings was apparently something copied from the A.E.F., which had borrowed the use of such markings from the French and British."[23]

It apparently was not until 1935 that the link between classification the espionage act was made. Then, under the army regulation of February 12, 1935, it was specified that material on projects with restricted status would be marked: "Restricted: Notice—this document contains information affecting the national defense of the United States within the meaning of the Espionage Act (U.S.C. 50:31, 32). The transmission of this document or the revalation of its contents in any manner to any unauthorized person is prohibited."[24]

4. National Security Act

The 1957 Commission on Government Security report, referred to by the State Department in 1970 as citing the legal basis for a classification system, described the National Security Act of 1947 as the "most significant legislation, which set into motion the current document classification programs." It said:

The most significant legislation, which set into motion the current document classification program, was enacted in 1947, when the Congress passed the National Security Act in order to provide an adequate and comprehensive program designed to protect the future security of our country. To accomplish this avowed purpose the act provided for the creation of a National Security Council within the executive branch subject to Presidential direction. Its job is to consider and to make appropriate recommendations to the President. Within the framework of this program, the Interdepartmental Committee on Internal Security (ICIS) came into being, and the activity of this committee was responsible for the issuance in 1951 of Executive Order 10290, which established the original document classification program. Thus it would appear that a document classification program is within the scope of the activities sought to be coordinated by the National Security Act of 1947, and that the issuance of an appropriate Executive order establishing such a program is consistent with the policy of the act."[25]

As has been pointed out, the roots of classification systems within individual Departments go back many years before the National Security Act was passed. However, efforts made after the National Security Act appear to have led to the new government-wide directive on classification which was embodied in Executive Order 10290. Coordination of classification systems in the military department had already been provided to some degree in Executive Order 8381 which was superseded by Executive Order 10104.

The Commission on Government Security contended that the National Security Act "set into motion" the current classification program; that the classification program "is within the scope of the activities sought to be coordinated by the National Security Act of 1947"; and that "the issuance of an appropriate Executive order establishing such a program is consistent with the policy of the act."[26] It did not contend that the National Security Act actually authorized the system.

One authorization which was made by the National Security Act is pertinent, however. After establishing the Central Intelligence Agency and giving it the purpose of coordinating intelligence activities, the National Security Act provided that the Director of Central Intelligence "shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."[27] This would appear to provide adequate authorization for a system of protection of certain types of information, namely intelligence sources and methods.

5. Internal Security Act

The final statute cited by the 1957 Commission on Governmnet Security under the assertion that "various statutes do afford a basis upon which to justify the issuance" of Executive Order 10501 was the Internal Security Act of 1950. The Commission report stated:

"Prior to issuance of Executive Order 10290, Congress had apparently recognized the existing Presidential authority to classify information within the executive branch when it passed the Internal Security Act of 1950. Contained therein were provisions defining two new criminal offenses involving classified information.

"Section 4(b) of the act makes it a crime for any Federal officer or employee to give security information classified by the President, or by the head of any department, agency, or corporation with the approval of the President, to any foreign agent or member of a Communist organization, and section 4(c) makes it a crime for any foreign agent or member of a Communist organization to receive such classified security information from a Federal employee."[28]

Section 4(b) of the Internal Security Act states:

"It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in paragraph (5) of section 782 of this title, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employee shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information."[29]

This provision of the Internal Security Act appears to come the closest to sanctioning a system for the classification of information "as affecting the security of the United States" rather than the narrower concept of "relating to the national defense" or the still narrower categories of cryptographic or intelligence information.

There has been one case in which a foreign service officer convicted under this provision appealed his case and the Court of Appeals, in affirming the verdict, held that under the statute and Executive Order 10501 an Ambassador did have authority to classify foreign service dispatches and the dispatches as classified and certified by him were within the scope of the statute. Moreover, it held that in prosecution of the officer for communication of classified information to a foreign government, the government was not required to prove that the documents were properly classified "as affecting the security of the United States."[30]

6. Atomic Energy Act

In addition to the above statutes listed by the 1957 Commission on Government Security, the Department of State memorandum of 1970 said "there are other statutory provisions that contemplate and assume a system of classification of information."[31] The first example it cites is section 142 of the Atomic Energy Act of 1954 (42 U.S.C. section 2162 (c). The entire Chapter 12 of the act (Sections 141 through 146) is on the control of information with section 142 providing for the classification and declassification of "Restricted Data."

"Restricted Data" is defined in the Atomic Energy Act as follows:

"The term 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142.[32]

Section 142 requires that the Atomic Energy Commission from time to time determine the data within the definition of Restricted Data which can be published "without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data."

With "Restricted Data" so defined as to include all data in certain categories, Sec. 142 proceeds on the assumption that all information in these categories is classified "Restricted Data" and is concerned mainly with setting up procedures or declassifying information in these categories. It requires that the Atomic Energy Commission from time to time determine the data within the definition of Restricted Data which can be published "without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data." It provides that in the case of Restricted Data which the Commission determines jointly with the Department of Defense to be related primarily to the military utilization of atomic weapons, the determination that it could be published is to be made jointly by the Commission and the Department of Defense, with the President deciding in case of disagreement.

In Section 142 the Atomic Energy Act also recognizes the existence of "defense information" and intelligence information. Giving recognition to "defense information" Section 142d states:

"The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and the Department of Defense jointly determine can be adequately safeguarded as defense information: *Provided, however,* That no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with subsection 144b.[33]

Giving recognition to intelligence information and its treatment as "defense information" Section 142e. states:

"The Commission shall remove from the Restricted Data category such information concerning the atomic energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 102(d) of the National Security Act of 1947, as amended, and can be adequately safeguarded as defense information.[34]

The act provided a channel for transmitting information to Congress rather than a barrier, however. It established the Joint Committee on Atomic Energy (sec. 201), required that the Atomic Energy Commission and the Department of Defense keep the Joint Committee fully and currently informed on matters relating to development and application of atomic energy and re-

---

Footnotes at end of article.

quired that any government agency furnish any information requested by the Joint Committee relating to its responsibilities in the field of atomic energy (sec. 202), and authorized the Joint Committee to "classify information originating within the committee in accordance with standards generally by the executive branch for classifying Restricted Data or defense information" (sec. 206).

7. Freedom of Information Act amending the Administrative Procedure Act

The second example the 1970 State Department memorandum cited of a statutory provision which assumed a system of classification was the Freedom of Information Act (P.L. 89–487, approved July 4, 1966). The Freedom of Information Act was an amendment and rewriting of Section 3 of the Administrative Procedure Act which had been passed in 1946. Both the original act and the amendment dealt with disclosure of information by Federal agencies, requiring them to publish procedures in the Federal Register and make available to the public final opinions, staff manuals and instructions, and statements of policy.

However the 1946 provisions had permitted material "required for good cause to be held confidential" to be withheld from disclosure. This has provided a loophole which Congress attempted to close in the 1966 Freedom of Information by exempting from its provision only nine specific kinds of information. The first of these exceptions was for matters "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." Accordingly, although the Freedom of Information Act was designed to make more government information available, it did not apply to classified information and even could be used, as it was by the State Department in 1970, as an example of a statutory provision that contemplated and assumed a system of security classification.

While the exceptions in the Freedom of Information Act may permit withholding information from the public on grounds that it needs to be held secret in the interest of national defense and foreign policy, however, they clearly do not apply to Congress. Section 3 (f) states:

"No person shall be permitted to enter on duty as such as officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection. . . ."

Section 45(b) states:

". . . The Director may also grant access for information classified no higher than 'confidential' to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of reports on less than full-field investigations: Provided, That such investigations shall each include a current national agency check."

Section 45(c) discusses access to Restricted Data under the Atomic Energy Commission.

Through legislation such as this Congress has on occasion given recognition to the classification system although it has made no overall attempt to regulate it. To this extent it has sanctioned keeping information secret in the interest of national defense or foreign policy. At the same time, however, on a number of occasions (particularly the "disclosure of classified information" legislation relating to cryptographic intelligence passed in 1951, and the Freedom of Information Act of 1966), Congress has made clear its intention that provisions to keep security information secret were not to constitute authority to withhold information from Congress.

(f) Limitation of Exemptions—

"Nothing in this section authorizes withholding of information or limiting the availability of records to the public except as specifically stated in this section, nor shall this section be authority to withhold information from Congress." [35]

8. Legislation on Foreign Relations

The Department of State 1970 memorandum did not mention any other legislation on foreign relations. However, there are some provisions in legislation directly relating to foreign affairs which also might be said to assume a system of classfication or in effect sanction the withholding of some information of the grounds of national security.

One example is the Foreign Assistance Act of 1961, as amended. Section 634 (b) provides that in the annual report on operations required and in response to requests from Members of Congress or the public, the President shall "make public all information concerning operations under this Act not deemed by him to be incompatible with the security of the United States." This section would provide a basis for the President not to make public certain information concerning aid operations. The next section, 634 (c), in effect limits any material which might be withheld from Congress to that which the President certifies he has forbidden furnishing with his reasons for doing so. Otherwise, funds are to be cut off if information or documents are not furnished by thirty-five days after a written request has been made by the General Accounting Office or by a congressional committee considering legislation or appropriations for the program.

Section 414 on munitions control of the Mutual Security Act of 1954, as amended, authorized the President to control the export and import of arms and technical data relating thereto. It also authorized him "to designate those articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, for the purposes of this section."

The Arms Control and Disarmament Act of 1961, as amended, assumes a system of classification in Sec. 45 on Security Requirements. Section 45(a) provides for investigations of all employees and states:

FOOTNOTES

[2] U.S. Congress, Senate, Executive Journal, vol. I, p. 55 (Aug. 4, 1790).

[3] National Archives, "Origin of Defense-Information Markings in the Army and Former War Department," prepared by Dallas Irvine, Dec. 23, 1964, p. 2.

[4] Ibid.

[5] Ibid., p. 7.

[6] Ibid., p. 16.

[7] Ibid., p. 21.

[8] Ibid., p. 24. Change No. 3 in Army Regulation No. 850, Feb. 12, 1935.

[9] Sec. 795 of title 18, United States Code.

[10] Par. 3, Executive Order 8381, Federal Register, Mar. 26, 1940, vol. 5, p. 1147–1148.

[11] Executive Order No. 10104, "Basic Documents," op. cit. p. 14.

[12] Pt. II, par. 4, Executive Order 10290, Federal Register, Sept. 27, 1951, vol. 16, p. 9797.

[13] U.S. Congress, Senate, Committee on Foreign Relations, Subcommittee on United States Security Agreements and Commitments Abroad, 91st Cong., hearings, vol. II, pp. 2008–2010, Washington, U.S. Government Printing Office, 1971. Hereinafter cited as "Security Agreements and Commitments Abroad Hearings."

[14] Ibid., p. 2010.

[15] Ibid.

[16] Ibid., p. 2011.

[17] U.S. Congress, House, Committee on Government Operations, "Amending Sec. 161 of the Revised Statutes With Respect to the Authority of Federal Officers and Agencies To Withhold Information and Limit the Availability of Records," H. Rept. 1461, 85th Cong., 2d sess., p. 1.

[18] Ibid.

[19] Hearing on U.S. security agreements and commitments abroad, op. cit., p. 2010.

[20] Congressional Research Service, "Basic Documents on Security Classification of Information for National Security Purposes," Multilith 71–172 F, hereinafter cited as "Basic Documents," p. 15.

[21] "Basic Documents," op. cit. p. 4.

[22] Title 18, United States Code, sec. 798, "Basic Documents," op. cit., p. 15.

[23] National Archives, op. cit., p. 20.

[24] Ibid., p. 24.

[31] "Security Agreements and Commitments Abroad Hearings," op. cit., p. 2011.

[26] Ibid.

[27] Sec. 102(d) (3), Public Law 253, 80th Cong., July 26, 1947, as amended. U.S. Senate, Committee on Armed Services, National Security Act of 1947 as amended through Dec 31, 1969. Committee print, pp. 4–5.

[28] "Security Agreements and Commitments Abroad Hearings," op. cit., p. 2011.

[29] Title 50, United States Code, sec. 783.

[30] *Scarbeck* v. *U.S.*, 1962, 317 F. 2d 546.

[31] "Security Agreements and Commitments Abroad Hearings," op. cit., p. 2008.

[32] Atomic Energy Act of 1954, Public Law 83–703, as amended, sec. 11y.

[33] U.S. Congress, Joint Committee on Atomic Energy, "Atomic Energy Legislation Through 90th Cong., 2d sess.," December 1968, p. 42.

[34] Ibid., p. 43.

[35] Public Law 89–487, sec. 3(f), "Basic Documents," op. cit., p. 25.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for routine morning business be continued, not to extend beyond 12 o'clock noon today and that remarks therein be limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may proceed out of order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AID FOR THE SEYCHELLES ISLANDS

Mr. FULBRIGHT. Mr. President, some of my colleagues have said that the foreign aid program, in effect, is already at rock bottom and that solemn agreements might be broken if my amendment is adopted. If there are any such agreements, they have not been submitted to this body for approval.

I find that hard to believe. There is $4.7 billion still in the pipeline and the administration has suspended aid to both

Pakistan and India. They were slated to get $350 million this fiscal year and much of that amount is now available for allocation to other countries.

Only a few weeks ago the administration found enough money to add another country to the list of foreign aid recipients. The Secretary of State sent a formal legal finding making the Seychelles Islands eligible for foreign aid. A few days afterward, Newsweek carried an interesting article about these islands. I will read a portion of it for the benefit of my colleagues.

THE PROMISCUOUS ISLES

The trouble with getting away from it all is that, in the jet age, true escape becomes more difficult every day. But there are still a few new frontiers for the adventurous and well-heeled tourist. The Seychelles Islands, one of Britain's last colonial outposts, provide a case in point. Stretching like a giant coral necklace across the turquoise waters of the Indian Ocean, the 89 remote islets were once known only to a handful of hardy travelers, most of whom waded ashore from infrequent steamers. Today, the islands are being jet-propelled into the tourist business. BOAC has inaugurated weekly flights to the islands' new airport. Modern hotels are being built, and a deep-water port is in the planning stage. Recently, Newsweek's Peter Webb, who used to reach the islands by light plane in pre-jetport days, filed this report on the tropical lotusland:

Every adventurer who has ever landed on the fine-grain sand beaches of Mahé, the chief island, would agree that the Seychelles are a far-out delight. Even Archbishop Makarios, the Cypriot President who once spent a year there in enforced exile, was heard to remark a few days after his arrival: "This is a paradise." And the late Ian Fleming used to tell his friends: "Get there before the American millionaires take it over." So far, however, there is only one American millionaire in the Seychelles, and he is selling his land to British developers who see the island chain for what it is—the greatest getaway spot east of Suez.

The Seychellois, who have inhabited the islands for less than 200 years, are a fascinating racial mélange. Each member of a given family may reflect a different component of the population's diverse racial origins; brothers and sisters range in color from the cobalt black of an African slave ancestor to the fair complexion of a "grand blanc," an eighteenth-century French settler. The islands' slow-paced economic life—traditionally based exports of copra and wild cinnamon—has always been marked by what outsiders call the "breadfruit syndrome." Explains one elderly grand blanc: "Here we have fish in the sea for everyone to catch, the breadfruit fall from the trees and the palms provide toddy for our drinks. So why should we exert ourselves?"

Girls: Mahé has another valuable commodity. "There's one crop," says a long-time foreign resident, "that comes up with unfailing regularity: women, thank God." The girls of the Seychelles often are stunningly beautiful, and on the idyllic islands, lovemaking is a favorite pastime—so much so that the Seychelles are also known as 'The Promiscuous Isles." Illegitimacy does run to more than 43 per cent of all births, but the title is a bit unfair. Seychellois maidens really prefer the married state, but the customary marriage ceremonies are so expensive that many couples are driven by economics to living together *en ménage*, even though the local Roman Catholic clergy frowns on the practice. An essay written by a 17-year-old Seychellois girl explains the paradox. "Couples who live en ménage," she says, "are very often visited by their priest. He tells them they are sinful, and they cry. When he has gone away, they go to bed and comfort each other."

The national pastime could turn out to be cold comfort for the visitor because of the islands' ferocious veneral-disease rate. Fortunately, there are other activities for the tourist with simple tastes. A golf course is being built, and above all there are those marvelous beaches and the luxuriously slow pace of Seychelles life. Getting there is a bit expensive: $840 from London, round trip. But travel companies are working up package tours that will cut the all-inclusive cost of a fortnight's stay; from London, one package deal will cost $645, including transportation and accommodations; another starting in New York will cost about $1,050.

Not all of the 52,000 natives are happy with the tourist invasion, which already brings in some 400 visitors a month, half of them British. Earlier this year, the opposition newspaper, The People, complained that the "so-called developers are interested only in making money, and not to preserve the asset of a country—its natural beauty." But the island's British governor, Sir James Greatbatch, insists: "We are trying to avoid the mistakes that have been made in the rest of the world. What we want is controlled and gradual development, which will eventually make these islands self-sufficient." Whether the easygoing Seychellois like it or not, in short, tourism is the wave of the future—if only because, in these troubled days, man no longer lives by breadfruit alone.

It is very interesting to note that the AID memorandum to the Secretary of State dated November 5, 1971, carried the subject heading, "Determination under Section 620(b) of the Foreign Assistance Act of 1961, as amended, ("the Act") that the Seychelles are not dominated or controlled by the international Communist movement.

The memorandum reads in part:

Section 620(b) of the Act prohibits the furnishing of assistance under that Act to the government of any country unless the President determines that the country is not dominated or controlled by the international Communist movement. The function of making this determination was among those delegated to the Secretary by the President on September 30, 1961.

Assistance is going to be furnished to the Seychelles in the form of Self-Help Development Activity funds.

We have been advised by the responsible officers of the Department of State that the conduct of the government of the Seychelles is consistent with a determination that this country is not dominated or controlled by the international Communist movement.

Recommendation:

That you sign the attached Determination.

The second memorandum, signed by the Secretary of State, has the following heading:

Determination under Section 620(b) of the Foreign Assistance Act of 1961, as amended, that the Seychelles are not dominated or controlled by the international Communist movement.

And the memorandum reads:

In accordance with the recommendation in your memorandum of November 5, 1971, and pursuant to Section 620(b) of the Act, I hereby determine that the Seychelles are not dominated or controlled by the international Communist movement.

I think it would be interesting to know how the Department determines whether these islands are controlled by the international Communist movement and how the Department defines "international Communist movement."

In all of this I think we have a good example of the corruption of the foreign aid program. I can think of no possible justification under the circumstances for using the taxpayers' money to begin a program of assistance to the Seychelle Islands. It is one of the examples of how a great bureaucracy, once it gets going, can find nothing better to do with the money which is appropriated in the bill which we are considering than to go off and seek new programs in an out-of-the-way place—Paradise, as they say of the Seychelles. I think it is symbolic of what is wrong with this program.

If they start economic aid, they will end up, no doubt, with a MAAG mission military aid program as well, because such attractive islands will be irresistible to those who staff MAAG missions and similar missions all over the world. We already have MAAG missions in 46 countries of the world.

I ask unanimous consent that memorandums and letter of transmittal be printed in the RECORD as part of my remarks.

There being no objection, the memorandums and letter of transmittal were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL
DEVELOPMENT,
Washington, D.C., November 24, 1971.

Hon. J. WILLIAM FULBRIGHT,
Chairman,
Committee on Foreign Relations,
Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of Secretarial Determination 72-1 made pursuant to Section 620(b) of the Foreign Assistance Act of 1961, as amended.

There is also enclosed a copy of the memorandum from the Administrator to the Secretary recommending that he make this determination.

Sincerely yours,
MATTHEW J. HARVEY,
Director,
Office of Legislative Affairs.

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., November 5, 1971.

Memorandum for the Secretary.

Subject: Determination under Section 620(b) of the Foreign Assistance Act of 1961, as amended, ("the Act") that the Seychelles are not dominated or controlled by the international Communist movement.

ACTION MEMORANDUM

The purpose of this memorandum is to recommend that, pursuant to Section 620(b) of the Act, you determine that the Seychelles are not dominated or controlled by the international Communist movement.

Section 620(b) of the Act prohibits the furnishing of assistance under that Act to the government of any country unless the President determines that the country is not dominated or controlled by the international Communist movement. The function of making this determination was among those delegated to the Secretary by the President on September 30, 1961.

Assistance is going to be furnished to the Seychelles in the form of Self-Help Development Activity funds.

We have been advised by the responsible

officers of the Department of State that the conduct of the government of the Seychelles is consistent with a determination that this country is not dominated or controlled by the international Communist movement.

Recommendation: That you sign the attached Determination.

JOHN A. HANNAH.

WASHINGTON, D.C.,
November 10, 1971.

Memorandum for: The Honorable John A. Hannah, Administrator, Agency for International Development.

Subject: Determination under Section 620(b) of the Foreign Assistance Act of 1961, as amended, ("the Act") that the Seychelles are not dominated or controlled by the international Communist movement.

In accordance with the recommendation in your memorandum of November 5, 1971, and pursuant to Section 620(b) of the Act, I hereby determine that the Seychelles are not dominated or controlled by the international Communist movement.

WILLIAM P. ROGERS,
Secretary of State.

Mr. FULBRIGHT. Mr. President, an article appeared in the Wall Street Journal recently, under the heading, "Japanese Foreign Aid Sent to 'Hurt, Hungry'—in Troubled Seattle." This article describes how the Japanese, out of the goodness of their hearts——

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. BYRD of West Virginia. Mr. President, if I may be recognized, I will yield my time to the Senator from Arkansas.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the article describing the generous gift by the Japanese people of food to the hungry people of Seattle, Wash., be included in the RECORD, together with a letter from Mr. David I. Wallace, of Minneapolis, Minn.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

To: Senator William Fulbright, Chairman, Senate Foreign Relations Committee
Senator Warren G. Magnuson
Senator Henry M. Jackson
Senator Michael Mansfield, Senate Majority Leader

GENTLEMAN: It's a strange twist of fate when the city responsible for designing the airplane that carried the bomb that caused the defeat of the Japanese in World War II now receives foreign aid as a gesture of friendship from a sister city in Japan.

Think of it, gentlemen, the richest country in the world refuses to feed highly educated, highly motivated citizens thrown out of work through no fault of their own by a shift in government policy. Yet we spend billions on foreign aid to countries which publicly scorn our attempts to help promote world peace, and actively seek additional aid from our enemies.

As a former citizen of Seattle, as a former employee of Boeing, as a man who has many friends in Seattle who are feeling the bite of poverty, I urge you to vote against any future foreign aid appropriation until the administration is willing to come to grips with the very real problem of poverty and hunger in this country.

Sincerely,

DAVID I. WALLACE.

JAPANESE FOREIGN AID SENT TO "HURT, HUNGRY"—IN TROUBLED SEATTLE

Its "Sister City" of Kobe Ships a Planeload of Help Unemployed in the Community

SEATTLE.—Stunned by the federal government's refusal to start a free-food program to ease Seattle's growing hunger problem, the city has found help elsewhere: foreign aid from Japan.

Last week, Seattle's Japanese "sister city" of Kobe shipped a planeload of 1,000 pounds of canned food and rice noodles to Seattle. Collected by Kobe's Christian community, the food was sent through the Kobe YMCA as a gesture of friendship to the thousands of Seattle residents who face hunger as their unemployment benefits run out.

Seattle unemployment has been running at about 13%, the highest in the nation, largely as a result of Boeing Co. layoffs.

The food is being distributed by Neighbors in Need, a church-sponsored, privately operated food bank program that has been relying on community donations to help feed the unemployed who can't qualify, or who can no longer afford the federal food stamp program.

The Rev. Bryce Little, a spokesman for the Seattle group, called the Japanese aid a "very meaningful contribution" and a "symbolic expression of concern by the Japanese people for the people here who are hurting and hungry." He said Neighbors in Need is operating 36 free food banks in the Seattle area alone, where it currently dispenses about $10,000 a week in food to some 15,000 needy individuals.

In addition to the food, Seattle's Japanese benefactors also chipped in 276,000 yen, or about $860, to help Neighbors in Need buy more food locally. More food and money for Seattle is being collected in Japan during the Christmas season, the Rev. Little added.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a recent memorandum prepared for Members of the House by the chairman of the Foreign Operations Subcommittee of the Committee on Appropriations, the distinguished Representative from Louisiana (Mr. PASSMAN). It describes in some detail what is in the foreign aid pipeline overall.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 1, 1971.

To the American Taxpayer:

The attached fact sheets should have your close scrutiny. Our government is continuing to dissipate your resources and wealth in foreign nations all over the world. This unconscionable practice is destroying our world markets, destroying the value of the American dollar and placing an unbearable public debt upon the shoulders of unborn generations. This practice of giving away your wealth is creating inflation and reducing the purchasing power of your dollar which is the equivalent of confiscating your savings. I must speak out again and say forthrightly that the good claimed for this program is not supported by facts.

Our fiscal irresponsibility is so obvious that many foreign nations are again demanding our diminishing gold for the surplus dollars they hold, thus further depleting our limited gold stocks. In some countries, businesses will accept dollars only at a discount. This uncontrolled dissipation of our wealth is pricing us out of world markets. We may well finish this year with a true trade deficit of a billion dollars.

There are approximately Fifty Billion U.S. Dollars floating around in foreign countries. We do not have the gold to redeem these dollars, so they are surplus to the needs of foreign nations for commerce. Do not blame the present Administration for this unbelievable situation because it has been building up for 25 years. The habit of giving away our wealth is so ingrained in the minds of the bureaucrats who give away this money that they cannot overcome the addiction. So, those of us who know the facts must now spread this news throughout the nation and plead for support so as to bring this outlandish, wasteful, ever-growing addiction under control, or else someday surely regret our neglect.

The attached sheets establish beyond any doubt that this program could be termed frustrating, fanatical, frightening and foolish. I am going to expose the wastefulness of this program to the Nation even if it requires substantial use of my personal resources. This is an obligation I owe to the American people.

May I explain the attached fact sheets briefly before you read them:

(1) New budget requests for additional authorizations and/or appropriations for foreign assistance, fiscal year 1972, covering loans, grants and credits—thirteen billion, five hundred twenty-eight million, six hundred twenty-eight thousand dollars.

(2) Unexpended balance in pipeline from prior years—twenty-four billion, five hundred sixty-seven million, fifty-five thousand dollars, including appropriated funds and borrowing authority.

(3) If all new requests are approved by the Congress, the grand total funds available, new and from prior years, will amount to thirty-eight billion, nine hundred fifty-six million, eight hundred and thirty thousand dollars.

(4) Net cost of the foreign assistance program (1946–71) including interest on what we have borrowed to give away, amounts to two hundred twelve billion, eight hundred eighty million dollars. Many billions of the dollars we pay out in interest on what we have borrowed to give away go to foreign nations and foreign nationals.

(5) During this world-wide spending spree, our gold holdings have been reduced from twenty-two billion, eight hundred seventy-nine million dollars to ten billion, seven hundred thirty-two million dollars.

(6) Since the inception of the world-wide spending spree, short-term dollar claims against the United States (due now) have increased from eight billion, six hundred forty-five million dollars to forty-one billion, six hundred sixty-six million dollars, plus other United States indebtedness abroad which amounts to twelve billion dollars. If we should be called upon to pay off these short-term IOU's, we could not meet the demand.

(7) Our balance-of-payments situation, since this world-wide spending spree started, has placed our fiscal affairs in a grave position. We have paid to foreign nations forty-eight billion, eight hundred nineteen million dollars more than they have paid to us. This situation will continue to worsen until we bring the Aid program under control. As you know, this is what has created such a tremendous dollar surplus in the hands of foreign nations and nationals.

(8) The freewheeling spending program covering the face of the earth has helped push the U.S. Public debt to a figure eighty-seven billion dollars above the combined public debt of all the other nations of the world.

(9) Can it be denied that our country has substituted dollars for a sound foreign policy, aid for trade, appeasement for firmness? We have become so addicted to this formula that it is no longer even suggested that it be stopped. Only the American taxpayers have the power to stop it.

(10) Until this Administration came into power, we had been borrowing money from the American people to pay for commodities and services which were given free to foreign nations, and then borrowing dollars from foreign nations in order to make our balance-of-payments situation look better than it was.

(11) In the main, the foreign aid program is administered by patriotic Americans, but they are almost completely without banking and business experience. It has been established that it is the fourth and fifth echelon bureaucrats who are involving us in these foreign entanglements. During 1972 alone, some portion of the aid program will be operating in 98 nations of the world, with 54,599 individuals on the payroll. This includes U.S. personnel, foreign personnel and participants. There are now 4,416 projects and subprojects scattered all over the world. While many similar projects in America cannot go forward because of lack of funds, not a single foreign aid project has ever been stopped or slowed down for lack of funds.

Please analyze the attached sheets. They convey a significant message. A careful scrutiny may prompt the overburdened American taxpayer to take the necessary steps to bring this world-wide free spending program under control. Bureaucratic estimates are so unrealistic and unconvincing that the Congress has been able to reduce the budget requests by twelve billion, three hundred forty-three million dollars in sixteen years. The total reduction was limited to this amount because of the selfish interests of thousands of lobbyists and the scares peddled by bureaucratic personnel. Yet even after the reductions, the foreign aid program was still greatly overfunded.

Aid should be limited to agencies such as the Export-Import Bank with the disguised credit and grant portion being curtailed and eliminated at the quickest possible date. We should make sure that any aid extended is on a loan basis with reasonable maturity dates and at the same rate of interest we have to pay on the money we borrow to lend.

With my knowledge of this program, if I did not furnish the facts as I have in this report, I would be derelict in my obligation to the American people. I shall do my part to awaken the American people to this sad state of affairs. I hope that I may have the support of the Congress in my efforts.

Sincerely yours,

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

Attachments.

JULY 1, 1971—NEW REQUESTS FOR AUTHORIZATION AND/OR APPROPRIATION FOR FOREIGN AID AND ASSISTANCE—FISCAL YEAR 1972

Foreign Assistance Act (including Military Assistance)	$3,313,000,000
Overseas Private Investment Corporation (OPIC)	25,000,000
Inter-American Development Bank	500,000,000
Inter-American Development Bank (Supplemental)	486,760,000
International Bank for Reconstruction and Development (Supplemental)	246,100,000
International Development Association	320,000,000
Asian Development Bank	40,000,000
Asian Development Bank (Supplemental)	60,000,000
Expanded Multilateral Assistance	35,000,000
Receipts and Recoveries from Previous Programs	370,310,000
Military Assistance (in Defense Budget)	2,250,800,000
International Military Headquarters	74,400,000
Economic Assistance (in Defense Budget)	$90,900,000
MAAG's, Missions and Milgroups	262,600,000
Permanent Military Construction — Foreign Nations	106,000,000
Export-Import Bank, Long-term Credits	2,445,000,000
Export-Import Bank, Regular Operations	1,195,639,000
Peace Corps	82,200,000
Ryukyu Islands	4,450,000
Migrants and Refugees	8,650,000
Public Law 480 (Agricultural Commodities)	1,320,400,000
Contributions to International Organizations	160,680,000
Education (Foreign and Other Students)	51,000,000
Trust Territories of the Pacific	59,739,000
Latin America Highway (Darien Gap)	20,000,000
Total new requests—Foreign Aid and Assistance—fiscal year 1972	13,528,628,000

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

JULY 1, 1971—UNEXPENDED BALANCE FOR FOREIGN AID AND ASSISTANCE IN PIPELINE FROM PRIOR YEARS FOR APPROPRIATION AND AUTHORIZATION

Foreign Assistance Act (including Military Assistance	$4,403,985,000
Export-Import Bank, Uncommitted Borrowing Authority	5,230,600,000
Export-Import Bank, Long-Term Credits	2,937,800,000
Export-Import Bank, Regular Operations	624,600,000
Export-Import Bank, Export Expansion Program	295,000,000
Inter-American Development Bank	2,304,051,000
International Bank for Reconstruction and Development	5,715,000,000
International Development Association	460,000,000
Asian Development Bank	150,000,000
Foreign Military Credit Sales Program	290,000,000
MAAG's Missions and Milgroups	10,000,000
Military Assistance (in Defense Budget)	945,000,000
International Military Headquarters	18,000,000
Economic Assistance (in Defense Budget)	15,000,000
Permanent Military Construction Overseas	210,000,000
Overseas Private Investment Corporation (OPIC)	203,538,000
Public Law 480 (Agricultural Commodities)	664,439,000
Peace Corps	24,077,000
Contributions to International Organizations	5,808,000
Education Exchange	28,397,000
Ryukyu Islands	1,740,000
Migrants and Refugees	2,264,000
Inter-American Highway	6,100,000
Trust Territories of the Pacific Islands	21,656,000
Total	24,567,055,000

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

JULY 1, 1971—TOTAL NET FOREIGN ASSISTANCE TO 127 NATIONS OF THE WORLD, FISCAL YEARS 1946 THROUGH 1971

The Five F Formula: Frustrating—Fanatical—Frightening—Foolish—Factual

Afghanistan	$373,800,000
Albania	20,400,000
Algeria	176,100,000
Argentina	341,100,000
Australia	594,400,000
Austria	1,218,400,000
Barbados	700,000
Belgium-Luxembourg	1,742,200,000
Bolivia	532,000,000
Botswana	19,100,000
Brazil	2,738,200,000
Burundi	7,800,000
Burma	158,600,000
Cambodia	613,700,000
Cameroon	33,500,000
Canada	46,500,000
Central Africa Republic	5,600,000
Ceylon	176,600,000
Chad	9,800,000
Chile	1,281,800,000
China, Rep. of	5,096,500,000
Colombia	1,119,400,000
Congo (B)	4,000,000
Congo (K)	456,000,000
Costa Rica	188,200,000
Cuba	43,700,000
Cyprus	22,400,000
Czechoslovakia	189,500,000
Dahomey	12,900,000
Denmark	873,300,000
Dominican Republic	483,400,000
East Germany	800,000
Ecuador	296,700,000
El Salvador	145,400,000
Equatorial Guinea	300,000
Ethiopa	394,100,000
Finland	10,300,000
France	7,059,700,000
Gabon	7,600,000
Gambia	3,300,000
Ghana	264,800,000
Germany and Berlin	3,652,400,000
Greece	3,681,900,000
Guatemala	355,300,000
Guinea	113,000,000
Guyana	69,900,000
Haiti	117,200,000
Honduras	122,800,000
Hungary	13,300,000
Iceland	59,800,000
India	8,003,600,000
Indochina	1,535,200,000
Indonesia	1,343,800,000
Iran	1,945,700,000
Iraq	90,600,000
Ireland	105,700,000
Israel	992,000,000
Italy	5,528,500,000
Ivory Coast	80,000,000
Jamaica	92,400,000
Japan	3,419,900,000
Jordan	710,000,000
Kenya	77,100,000
Korea	10,059,500,000
Kuwait	29,500,000
Laos	1,449,500,000
Lebanon	98,000,000
Lesotho	12,100,000
Liberia	217,100,000
Libya	221,600,000
Malagasy Rep	14,100,000
Malawi	26,400,000
Malaysia	72,600,000
Mali	30,000,000
Malta	8,300,000
Mauritania	5,000,000
Mauritius	6,100,000
Mexico	451,600,000
Morocco	731,800,000
Nepal	157,600,000
Netherlands	2,033,300,000
New Zealand	58,800,000
Nicaragua	165,600,000
Niger	18,900,000
Nigeria	383,600,000
Norway	1,127,100,000

Pakistan	4,484,100,000
Panama	242,300,000
Paraguay	131,100,000
Peru	465,200,000
Philippines	1,938,600,000
Poland	437,300,000
Portugal	432,900,000
Romania	10,000,000
Rwanda	8,000,000
Saudi Arabia	178,800,000
Senegal	40,100,000
Sierre Leone	44,100,000
Singapore	31,300,000
Somalia	79,300,000
South Africa, Rep.	33,300,000
Southern Yemen	200,000
Spain	2,028,400,000
Sudan	91,000,000
Swaziland	4,900,000
Sweden	135,300,000
Switzerland	45,300,000
Syrian Arab Rep.	56,700,000
Tanzania	73,400,000
Thailand	1,592,400,000
Togo	17,300,000
Trinidad and Tobago	49,700,000
Tunisia	699,400,000
Turkey	5,640,500,000
Uganda	42,500,000
United Arab Rep.	759,900,000
United Kingdom	7,209,100,000
USSR	186,400,000
Upper Volta	18,500,000
Uruguay	184,900,000
Venezuela	317,600,000
Vietnam	15,213,700,000
Western Samoa	2,500,000
Yemen	45,300,000
Yugoslavia	2,515,600,000
Zambia	6,100,000
Bahamas	31,800,000
British Honduras	5,900,000
Brunei	14,000,000
Southern Rhodesia	1,500,000
Surinam	9,200,000
West Indies	8,900,000
Hong Kong	44,700,000
Papua and New Guinea	23,700,000
Ryukyu Islands	403,300,000
Trust Ter. Pac.	284,200,000

JULY 1, 1971—TOTAL NET FOREIGN ASSISTANCE TO 127 NATIONS OF THE WORLD, FISCAL YEARS 1946 THROUGH 1971—Continued

CENTO	$54,700,000
W/W. Regional	15,907,600,000
Total Net Disbursements to Foreign Nations, 1946–71	138,446,200,000
Total Net Interest Paid on What We Have Borrowed to Give Away, 1946–71	74,434,597,000
Grand total—cost of Foreign Assistance, 1946 through 1971	212,880,797,000

Of the 3½ billion people of the world, all but 36 million have received aid from the United States.

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

GOLD HOLDINGS, JULY 1, 1971

To whom it may concern:

Gold holdings, United States, Dec. 31, 1950	$22,879,000,000
Gold holdings, United States, Dec. 31, 1970	10,732,000,000
Gold holdings, other countries of the world, Dec. 31, 1950	10,935,000,000
Gold holdings, other countries of the world, Dec. 31, 1970	26,108,000,000

Foreign short-term dollar claims against United States

Short-term dollar claims against United States, Dec. 31, 1950	8,645,000,000
Short-term dollar claims against United States, Dec. 31, 1970	41,666,000,000

U.S. balance of payments

1950 net deficit	−1,912,000,000
1951 net deficit	−578,000,000
1952 net deficit	−$1,100,000,000
1953 net deficit	−2,100,000,000
1954 net deficit	−1,500,000,000
1955 net deficit	−1,100,000,000
1956 net deficit	−1,000,000,000
1957 net surplus	+500,000,000
1958 net deficit	−3,400,000,000
1959 net deficit	−3,700,000,000
1960 net deficit	−3,800,000,000
1961 net deficit	−2,400,000,000
1962 net deficit	−2,200,000,000
1963 net deficit	−2,660,000,000
1964 net deficit	−3,006,000,000
1965 net deficit	−1,306,000,000
1966 net deficit	−2,077,000,000
1967 net deficit	−3,650,000,000
1968 net surplus	+93,000,000
1969 net deficit	−7,208,000,000
1970 net deficit	−4,715,000,000
Net U.S. balance-of-payments deficit (21 years), 1950 through 1970	−48,819,000,000

GROSS PUBLIC DEBTS

Public debt, United States, Dec. 31, 1970	$391,626,290,000
Public debt, all other nations of the world (est.), Dec. 31, 1970	304,160,241,000
Public debt, United States exceeds combined public debt of all other nations of the world by	87,466,049,000

The above statistics cover (1) gold holdings, (2) short-term dollar claims against United States, (3) United States balance-of-payments position, 21 years, (4) public debt of the United States, (5) public debt of all other nations of the world, and (6) amount by which our public debt exceeds combined public debt of all other nations of the world. These statistics should be of interest to every American, conservative or liberal.

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

MUTUAL SECURITY PROGRAM (FOREIGN AID) ANALYSIS ON CONGRESSIONAL ACTION, 16-YEAR PERIOD, 1956–71 INCLUSIVE

Fiscal year	Budget estimate	Appropriation	Reduction below estimate	Percentage below budget estimate
1956	$3,266,641,750	$2,703,341,750	−$563,300,000	17.24
1957	4,859,975,000	3,766,570,000	−1,093,405,000	22.50
1958	3,386,860,000	2,768,760,000	−618,100,000	18.25
1959	3,950,092,500	3,298,092,500	−652,000,000	16.51
1960	4,429,995,000	3,225,813,000	−1,204,182,000	27.18
1961	4,275,000,000	3,716,350,000	−558,650,000	13.07
1962	4,775,500,000	3,914,600,000	−860,900,000	18.03
1963	4,961,300,000	3,928,900,000	−1,032,400,000	20.81
1964	4,525,325,000	3,000,000,000	−1,525,325,000	33.70
1965	$3,516,700,000	$3,250,000,000	−$266,700,000	7.58
1966	3,459,470,000	3,218,000,000	−241,470,000	6.98
1967	3,385,962,000	2,936,490,500	−449,471,500	13.27
1968	3,250,520,000	2,295,635,000	−954,885,000	29.38
1969	2,920,000,000	1,755,600,000	−1,164,400,000	39.88
1970	2,710,020,000	1,812,380,000	−897,640,000	33.12
1971	2,200,500,000	1,940,185,000	−260,315,000	11.83
Total	59,873,861,250	47,530,717,750	−12,343,143,500	20.62

Mr. FULBRIGHT. Mr. President, I yield the floor.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 6065. An act to amend section 903(c)(2) of the Social Security Act, and for other purposes; and

H.R. 11731. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

FURTHER CONTINUING APPROPRIATIONS, 1972

The ACTING PRESIDENT pro tempore. The time for the morning hour having expired, the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.J. Res. 1005, making further continuing appropriations for the fiscal year 1972, and for other purposes.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to amend my amendment by striking out on line 7 the first three words "by more than".

Mr. JAVITS. Mr. President, may we hear what the Senator is doing?

Mr. FULBRIGHT. Does the Senator have my amendment before him?

Mr. JAVITS. Yes.

Mr. FULBRIGHT. I am asking to strike out the first three words on line 7, "by more than" because of the possibility of ambiguity.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

Mr. FULBRIGHT. Mr. President, I note that yesterday Mr. Frank Getlein, one of the most thoughtful and perceptive commentators about our public affairs had published in the Washington Star an article entitled "Time for Sanity in Foreign Policy." I think it is one of the best and most succinct descriptions of one aspect of our present situation that I have ever seen. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIME FOR SANITY IN FOREIGN POLICY

(By Frank Getlein)

The "you're another" school of political thought—and political leadership, for that matter—has seized upon the intervention of India in the internal matter of West Pakistan's slaughter of its citizens in East Pakistan to rejoice that the morality-preaching, peace-loving democracy of the subcontinent has been shown up to be just a bloody aggressor as everyone else.

It's one reaction, all right, even a mildly legitimate one. It is true that the Indians, like the Americans, the Chinese, the Russians, the De Gaulle French and the Fidelista Cubans, have regularly taken a high moral tone that seemed to place the speakers and their nations above the ordinary run of common humanity.

Since it is always a pleasure to have the preacher revealed as a sinner like the rest of us, this reaction may be excused, but it would be a lot more excusable in people who were not themselves vigorous preachers of international morality and of their own moral superiority.

But the real trouble with the reaction is that it blinds the observer to the realities of the war on the subcontinent and, even worse, ignores the significance of that war for the foreign policy of the United States. Enjoying a hearty chuckle at the presumed perfidy of India against the Pakistanis, such observers pass up a golden opportunity to see where we are ourselves as a result of the war in Bengal.

The realities of the war are simple enough and have very little to do with the "aggression" of India against its smaller neighbor. The realities begin with the forthright rejection of the election returns by the military dictatorship running Pakistan and that dictatorship's subsequent embarking upon the wholesale slaughter of those of its citizens who had voted as a majority against the dictatorship. That act of genocide was, perhaps, an "internal affair," but unfortunately the military dictatorship neglected to seal the borders before beginning the killing. Hence the victims began escaping in their thousands, eventually in their millions, into neighboring India, where they posed a serious problem.

Thus, Indian intervention in the domestic slaughter of the East Pakistanis by their government was eminently justified not only on grounds of pure humanitarianism, but on those of legitimate self-interest.

All of this leaves the United States in an interesting position. Despite our proclamation of "strict neutrality"—by which we apparently mean we do not propose to bomb New Delhi at this time—we have all along supported the Pakistani military dictatorship in its war of decimation against its own people. We have supported that dictatorship in its setting aside of the results of the election. We have supported it in its seizure and jailing of the opposition candidate.

We have done all these things because the military dictatorship of Pakistan has been supposed to be our staunch ally in the defense of the "free world."

Pakistan is hardly alone in its status as a military dictatorship shooting, imprisoning and slaughtering its own people and yet being a bastion of the "free world." Our most reliable allies all seem to drift into that combination sooner or later. In Greece, in Spain, in Central America and the Caribbean, and overwhelmingly in Asia, we always come out on the side of military dictatorship against at least possibly democratic opposition. And we always do so in the name of the "free world."

Surely it is time we revised our language. And after the language, the policy which has placed us invariably upon the side of military dictatorship in the name of freedom.

If we could start out admitting that this is hardly the "free world" we are involved in, it would be a good beginning. We might then, with at least a semblance of reason, argue that if it is not the "free world," at least it is the anti-Communist world and, in the struggle against communism, we have unfortunately found that military dictatorships tend to be more reliable allies than democracies, which is certainly the case.

We would then explain to ourselves that, all this being so, it is why we are now, in the war on the subcontinent, siding with Communist China in support of military dictatorship and against democracy.

At that point, we ought to be able to ask whether the whole anti-Communist policy is as viable as it must have seemed in 1948. Once we do that, we are within grasping distance of sanity in foreign policy.

QUORUM CALL

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that it not go beyond 1 p.m. today.

The motion was agreed to; and at 12:03 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 12:59 p.m., when called to order by the Presiding Officer (Mr. SPONG).

The PRESIDING OFFICER (Mr. SPONG). The question is on agreeing to the amendment of the Senator from Arkansas (Mr. FULBRIGHT) as modified.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, not to extend beyond 2 p.m. today.

The motion was agreed to; and at 1 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:58 p.m. when called to order by the Presiding Officer (Mr. SPONG).

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, not to extend beyond 3 p.m. today.

The motion was agreed to; and at 1:59 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:58 p.m. when called to order by the Presiding Officer (Mr. AIKEN).

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs; and

H.R. 5419. An act for the relief of Corbie F. Cochran.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, not to extend beyond 4 p.m. today.

The motion was agreed to; and at 2:58 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:58 p.m. when called to order by the Presiding Officer (Mr. GOLDWATER).

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, not to extend beyond 6 p.m. today.

The motion was agreed to; and at 3:58 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 5:46 p.m. when called to order by the Presiding Officer (Mr. MANSFIELD).

QUORUM CALL

The PRESIDING OFFICER (Mr. MANSFIELD). The Senate will come to order, and the clerk will call the roll, on the suggestion of the Senator from Montana that a quorum is not present.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORMER SENATOR WILLIAMS' REBUTTAL

Mr. ROTH. Mr. President, a group of students working for Ralph Nader recently attacked the integrity of former Senator John J. Williams. This deeply distressed me, as it does all Delawareans.

Many of us have been impressed with the fight that Mr. Nader has waged on behalf of the consumer and with the groundwork he has laid before making these charges. Therefore, it was particularly shocking to find that he would permit a report to be published which was in many respects based on half-truths and innuendos.

The lack of foundation of Nader's charges against Senator Williams has been confirmed by everyone who has taken the trouble to examine fully the incident in question rather than form his judgment on the words of a self-aggrandizing Washington attorney, as did Nader's students.

It particularly disturbs me that the attack would be made on Senator Williams on the basis of an incomplete investigation, because Senator Williams himself never made a charge against anyone until he was absolutely certain of all the facts. He told me many times that you can never entirely undo the damage caused to a person's reputation if you attack him wrongly.

Mr. President, a lesser man than John Williams, one who was interested in getting headlines, would have made attacks that John Williams chose never to make because the proof of the charge was incomplete.

It is ironical that he should now be the victim of precisely the kind of action he always shunned—an attack based on innuendos and incomplete investigations.

Mr. President, Senator Williams needs no defense. I know he will continue to be looked upon by all who know him as "Mr. Integrity." But let my words here demonstrate my anguish that he should be forced to suffer the embarrassment of a completely unfounded attack.

Mr. President, I ask unanimous consent that the following newspaper articles, statements, and documents be published in the RECORD at this point: from the Wilmington, Del., Morning News of December 16, 1971, an article entitled "Senator Williams' Records Rebut Nader Charges"; from the Wilmington, Del., Evening Journal of December 15, 1971, an editorial entitled, "Setting Record Straight"; from the Delaware State News of December 15, 1971, an article entitled "John Williams Rebuts Raider's Allegations"; from the Georgetown, Del., Sussex Countian of December 16, 1971, an editorial entitled "From the Countian Seat"; from the Chicago Sun-Times of December 12, 1971, a column by Clark Mollenhoff entitled, "Williams Attack a Nader Error?"; and a statement prepared by former Senator John J. Williams, including several letters and documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR WILLIAMS' RECORDS REBUT NADER CHARGES

(By Ralph S. Moyed)

Government records "completely repudiate" the Nader report's version of how tax legislation benefiting Du Pont heirs got through Congress, according to former Sen. John J. Williams.

Williams produced government documents and letters to support his position that the Nader study group was wrong in claiming the Delaware Republican slipped a bill through Congress in 1964 to permit a special tax deduction for the loss of Irenee du Pont's Cuban estate, which was seized by the Castro government.

Williams said he introduced the legislation at the request of several individuals, and that it was not special legislation, it was drafted by the staff of Congress, it was not opposed by the Treasury Department, and it was not done surreptitiously.

All his claims contradict Nader's charges, and all, Williams said, are supported by the documents he made available to the News-Journal.

Among those documents was a letter from Williams to Crawford H. Greenewalt, a guardian-executor of the estate of Irenee du Pont Sr. and a former Du Pont Co. board chairman. In the letter, written the year before legislation was introduced, Williams mentioned other inquiries.

The Irenee du Pont guardians were seeking legislation to permit a tax deduction for the confiscation of Du Pont's "Xanadu" estate, which, according to the Nader report, was worth $2 million.

Among the documents is a State Department report showing that the number of individuals in a similar position could have run into the thousands. In terms of dollars, the State Department statistics show that Du Pont claim may have amounted to as little as 1 per cent of the total.

The problem, Williams said, was that American citizens who owned non-income-producing property in Cuba could not claim tax deductions under then-existing laws, while those with business properties could.

Williams said he held off until after American government officials had abandoned hope that the properties would be restored to their owners.

Then, he said, he introduced legislation to correct what he viewed as an inequity in the old law on Cuban seizures—the exclusion of non-business properties.

The Nader report relied in part on letters exchanged by the late Fleming Bomar, attorney for the guardians-executors of Irenee du Pont's estate and Greenewalt.

Excerpts from Bomar's letters were interpreted in the Nader report as showing Williams was going to bat for the Du Pont heirs.

Williams dismissed those letters, saying in an interview: "Every Washington lawyer who had a client with a Cuban claim probably wrote letters like that. That's how they build their fees."

Irenee du Pont Jr., another of the executors of his father's estate, last week offered to make public his files of correspondence on the matter if Williams would agree. Williams declined.

The senator did offer to make copies of the documents to which he referred yesterday available to the public, through the News-Journal papers.

Richard P. Sanger, president and editor-in-chief, said he was pleased to do this and that they would be open for inspection in the newspapers' library.

"We are convinced of their authenticity," Sanger said, and referred to an editorial in yesterday's Evening Journal which read in part: "Sen. Williams has rounded up documents which prove to our satisfaction that the charge against him is without foundation in fact."

Williams said that while he had received several inquiries on the matter, there is no way of determining how many taxpayers may have benefited from the legislation or if any were allowed as large a deduction as the Du Pont heirs. The Nader report said it was $2 million, but that is impossible to determine because such tax records are private.

Williams offered a letter from Edwin S. Cohen, assistant secretary of the treasury, saying the statistics on such claims are not published.

Cohen wrote, on Dec. 10, 1971, that Williams' measure "was not a private bill limited to one person" and appended a technical information release issued on the measure in 1964 to support this conclusion.

The State Department receives claims for damages—not tax deductions—covering Cuban confiscation losses. A report from the State Department shows 4,500 individual claims have been approved. Williams says some or most of the individual claims could have been for business losses.

The report, he said, demonstrates that Du Pont was not the only American to have property confiscated by Cuba. State Department statistics, Williams notes, show that "Xanadu" represented less than 1 per cent of the individually owned (as opposed to business-owned) property confiscated by the Cuban government.

Williams said he spent a week in Washington reviewing the files and said "the official government records completely repudiate (Nader's) allegations."

The report suggested that Williams merely introduced a piece of legislation drafted by Bomar. Bomar died four years ago.

Jay W. Glasmann, a partner of Bomar, said in a letter to Williams dated last week that his law firm could find nothing in its files to "indicate that Bomar delivered a draft of proposed legislation on this matter to your office."

The files, Glasmann wrote, do indicate that Bomar had been working on a draft "but the language of his draft is substantially different from the floor amendment which you offered in February of 1964."

Williams said the Nader study is wrong when it contends the bill was slipped through the Senate without proper committee consideration.

A copy of the minutes of an executive meeting of the Senate Finance Committee shows that there were 12 other senators present when his measure was considered as a floor amendment to another tax bill.

The minutes show that Robert A. Klayman, associate tax legislative counsel of the Treasury Department, also was there.

The minutes and Congressional Record also show the measure was discussed and approved without a dissenting vote before being sent to the full Senate.

George Smathers, then a senator from Florida, was a cosponsor, Williams said, because he had "a large number of constituents" who would be affected.

The Nader report said it was "doubtful" that the Treasury Department has supported the bill. But a letter from Laurence N. Woodworth, staff chief of the Joint Committee on Taxation, to Williams says a Treasury memorandum states the department at that time could find "no valid reason" why the deductions shouldn't be allowed.

Williams claims the Nader report also was wrong in claiming there was no precedent for such legislation, again quoting a letter from Woodworth, which said:

"Before our entry into World War I, Congres made provision for war loss deductions which, in effect, achieved a result which was substantially similar to the confiscation loss deduction provided in the case of Cuba." Woodworth added:

"I might also say that it is my understanding that Treasury is working on the treatment of expropriation losses in Chile. I would expect them to achieve a similar result as in the case of the Cuban expropriation losses."

The Nader report, quoting a letter from Bomar to Greenewalt, said Williams agreed "that no mention would be made of the

Du Pont name in connection with the legislation." The report said the family and its attorneys feared a furor if the name were mentioned.

Williams said there was no effort to shield the Du Pont name. To mention any name in such cases was unprecedented, he said, and would have brought on opposition in Congress and from the Treasury Department.

"Singling out and identifying one individual by name would be interpreted as Congress' having passed upon the validity of that taxpayer's claim, thereby relieving that individual of having to prove his citizenship, his ownership or his cost figures to the revenue agent," Williams said in a statement.

In an interview, he said he offered the bill in response to several inquiries because it seemed proper and fair, whether eventually it would benefit many small homeowners or only one individual.

"It was on the merits," Williams said, "and it was not special legislation."

Setting Record Straight

It has been said here before that the Nader Report on Delaware merits thoughtful consideration. Inspection and introspection are good for any social system, and what Mr. Nader's raiders call the "company state" of Delaware is no exception.

There are segments of the report, however, which are incorrect and unfair and which if Mr. Nader and his associates choose not to correct them could discredit the whole document. Some of these are matters of small consequence, but the incumulative effect is great. Others including a couple that relate to the way this newspaper operates, are substantive and damaging.

Most serious of all are statements that misrepresent the actions and impugn the motives of honorable men. Two cases in point are the report's allegations about former U.S. Senator John J. Williams and U.S. District Judge Collins J. Seitz, two of Delaware's most distinguished public servants.

The report accuses Senator Williams of slipping special-interest legislation through Congress for the benefit of certain members of the Du Pont family. It charges that Judge Seitz, as Delaware's chancellor, found "shaky" legal reasons for ruling in the interest of family members in a large inheritance-tax case.

Senator Williams has rounded up documents which prove to our satisfaction that the charge against him is without foundation in fact. (It had never occurred to us that it was factual, but Senator Williams is not the kind of man to ask anyone to take things at face value; he has adduced the evidence for skeptical readers.

Judge Seitz was in an even more difficult position. As a member of the federal judiciary, he could not comment on the charge, much less try to vindicate himself. To its credit, the Delaware Bar Association has done that for him, citing chapter and verse to demonstrate that the underpinnings of his decision were anything but shaky. The association goes on to reaffirm something which should never have needed reaffirming—its "unqualified confidence" in Judge Seitz's judicial integrity.

The Bar Association also makes a point worth pasting in any good citizen's hat: "Disagreement with a judge's decision is certainly no ground to impugn the personal integrity of a judge."

It ought to go without saying that the same admonition should apply to those who disagree with a U.S. senator and, for that matter, with the authors of the Nader Report.

The missing ingredient in the report is balance; as in some lawyers' briefs, the evidence is presented (or withheld) in order to sustain a line or argument. Mr. Nader's associates have indicated a willingness to address themselves to this problem in certain specific instances. In fairness to themselves, not to mention the victims of their attacks, they ought to reexamine the evidence in each of these cases.

John Williams Rebuts Raider's Allegation

(By Charles Elliott)

MILLSBORO.—Former U.S. Sen. John J. Williams yesterday categorically denied all charges leveled against him two weeks ago by the Ralph Nader Report on Delaware.

Williams brought a sheaf of letters and other documents to the Delaware State News offices in Dover as evidence of his innocence.

While in the U.S. Senate he earned the title "conscience of the Senate" for his attacks, among other things, on former Senate aide Bobby Baker's wheeler-dealer activities.

Though clearly smarting under the aspersions cast by the Nader Report upon him, Williams is still intent on pointing to the record.

He says he spent most of last week in Washington poring through old files from the 1963–64 period to work up a point-by-point refutation of the Nader charges.

At times he speaks loudy about the charges, but he struggled to avoid a personal attack on Nader or Nader's team.

"It is obvious that he first wrote his conclusions and then stopped looking for any facts which did not coincide with his views," is about as far as Williams will go. "The official government records completely repudiate his allegations."

The Nader Report charged that Williams sponsored a bill while in the U.S. Senate which gave tax relief for a $2 million estate in Cuba which was owned by Irenee du Pont Sr. and confiscated by the Castro government.

When he first talked to a Nader researcher, Williams said, "I couldn't even tell him if I was the author or not."

Williams emphasized that the law which he introduced as a committee amendment with the approval of 13 members of the Senate Finance Committee was a general bill aimed at giving aid to all U.S. citizens whose property in Cuba was seized by Castro.

According to his figures drawn from State Department records, 38 individuals have filed claims of loss of personal property worth more than $1 million each. The total value of these individual claims, according to Williams' figures, is more than $208 million, $150 million of which was seized real estate.

"Mr. du Pont's approximately $2 million investment in Cuban real estate represented less than one per cent of the estimated value of (all confiscated) property owned by individuals," Williams said.

The Nader report charged that the law was introduced at the urging of Washington lawyer Fleming Bomar, acting for the du Pont family.

In a letter from Bomar to Crawford H. Greenwalt, an executor of Irenee du Pont Sr.'s estate, Bomar recounted an alleged meeting with Sen. Williams and said the Senator had agreed to introduce the tax relief bill, and not mention the du Pont name.

"I'll bet every lawyer in Washington who's got a client with confiscated property in Cuba claimed this amendment," Williams said.

According to a letter to Williams from Jay W. Glasmann, another attorney in the firm which included Bomar until his death four years ago, Bomar did not draft the bill as the Nader report suggested.

"We can find nothing in Mr. Bomar's files that indicate that he delivered a draft of proposed legislation on this matter to your office," Glasmann wrote.

"The files do indicate that he was working on a draft bill during the summer of 1963, but the language of his draft is substantially different from the floor amendment which you offered in February of 1964," according to Glasmann.

Legislation offered as early as 1961 failed to gain Congressional support, Williams said, because Congress feared the Castro government's piecemeal seizures of American property would become a general policy if general tax relief for owners was enacted.

After late 1963, the Castro government seized all American-owned property anyway, and the argument against such legislation was no longer relevant.

The U.S. has never enacted a general law covering all future confiscations of private property in foreign countries for fear it would encourage such seizures, Williams said.

The Cuban losses were treated much as the World War II war losses of American citizens in Europe. Similar legislation to reimburse Americans who have property confiscated in Chile may soon be introduced, according to a letter from Laurence N. Woodworth of the Joint Committee on Internal Revenue Taxation staff.

Throughout Wililams' lengthy typed presentation he consistently misspelled Ralph Nader's name as "Nadar."

"I'm not very good at names," he shrugged apologetically.

"This is my answer to Ralph Nadar (sic)," he concluded. "And all of this information and statistics were a matter of public record had the Nadar (sic) group done its homework."

From the Countian Seat

In the case of the Nader Report attacking former U.S. Sen. John J. Williams for inserting a special provision into a 1964 tax bill permitting deductions for property seized in Cuba owned by the Delaware duPonts, there should be given to the Nader Raiders the "Sound and the fury award signifying nothing" award of the year. The report implied that Williams was cowtowing to the duPonts by saving a member of the family $1.6 million. The facts are that this one claim was one of 7,659 individual claims with a total value of almost $500 million. The duPont claim came to less than one-half of one per cent. The U.S. Treasury Department in a Democratic administration supported the bill and the bill had the unanimous backing of the Senate Finance Committee.

These facts were brought out by Clark Mollenhoff in the Philadelphia Sunday Bulletin. He writes that nothing was mentioned in the Nader Report about Williams opposing the whole duPont empire on legislation that involved billions of dollars after the U.S. Supreme Court ordered the duPont Company to divest itself of its General Motors holdings.

He writes and we agree. "There is no justification for the irresponsible charge against Williams, who for more than 20 years in Congress, was a symbol of aggressive honesty."

We might note that yellow journalism isn't appearing in newspapers but can get into reports.

Williams Attack a Nader Error?

(By Clark Mollenhoff)

WASHINGTON.—Consumer advocate Ralph Nader has made a serious error in permitting one of his study groups to attack former Delaware Sen. John J. Williams, who was busy crusading for the taxpayers for nearly 20 years before Nader arrived on the Washington scene.

It's possible the Nader group was trying for "shock impact" with its charges that Williams had engaged in activities on behalf of some members of the Du Pont family that are "essentially what he has been castigating Bobby Baker for."

The attack on Williams was included in a lengthy report that accused the Du Pont family and its chemical company—the world's largest—with creating a "company state" in Delaware. One part of the report said Williams inserted into a 1964 tax bill a special provision permitting a deduction for property owned by a Du Pont that was seized in Cuba.

Williams was credited with pressing the investigation that led to the conviction of Bobby Baker, the former aide to then Sen. Lyndon B. Johnson. It is absurd to contend that Williams was engaged in the same things that put Baker in prison.

Baker is serving time in federal prison upon conviction of income tax fraud, larceny of political campaign money and conspiracy to defraud the government. It involved charges that Baker had stolen $99,600 in campaign money he had obtained from California savings and loan firms.

LACK OF DOCUMENTATION

There is nothing in the Nader study group report that even remotely tries to document the charge that Williams misused any campaign money, conspired to defraud the government or was engaged in evasion of his federal taxes. But, by innuendo, Nader has managed to leave the impression that Williams was involved in some dishonest activity that amounted to doing special favors for the Du Pont interests of Delaware.

In actual fact, Williams was a symbol of independence from the Du Pont interests. If Nader is really interested in making the government operate in a more honest fashion, he should be seeking to point out the example of Williams.

That part of the over-all report that deals with Williams reached a new low in irresponsibility when it sought to discredit Williams by leaving the impression there was some secret deal with Du Pont lawyers that meant a $1.6-million tax break to a member of the Du Pont family.

There were only these facts established. General legislation was introduced by Williams that resulted in a tax advantage for one member of the Du Pont family. What wasn't said was that Williams introduced the legislation with the support of the Treasury in a Democratic administration. The bill also had the unanimous backing of the Senate Finance Committee. It was the normal kind of legislation to provide for reasonable tax write-offs when property is confiscated by a foreign government.

In this instance, the Du Pont claim was only one of 7,659 individual claims, with a total value of $490,413,000. The Du Pont claim amounted to less than one-half of 1 per cent of the total. Williams pointed out the same type of legislation is being handled today on the same basis on U.S. property seized by Chile.

SUPPORTED BY RECORDS

While that legislation gave one member of the Du Pont family a tax break of about $1.6 million on Cuba property, Williams had opposed the whole Du Pont empire on legislation that involved billions of dollars after the U.S. Supreme Court ordered Du Pont to divest itself of its General Motors holdings.

The explanation by Williams of the 1964 tax bill is fully supported by the records of the Senate Finance Committee and the Congressional Record for that time. There is no justification for the irresponsible charge against Williams, who for more than 20 years in Congress, was a symbol of aggressive honesty.

Williams didn't view public office as an opportunity to become wealthier. He regarded public office as a public trust. Although he had farmland that made him eligible for farm subsidies, he rejected them.

If Nader is looking for a pattern for rules of conduct to boost his own credibility, he will have a difficult time of finding a better example than the cautious Delaware Republican. Williams might even suggest that Nader's "public citizens" campaign fund is getting off to a questionable start with the following printed statement:

"Here's my $15, please don't waste any of it sending me a thank-you letter, a membership card or literature, I know what's wrong. What I want is to see something done about it."

This statement on the Nader subscription blank is an open invitation to the sloppy political bookkeeping that leads even well-motivated men into financial troubles. Williams could tell Nader something about the kind of clever characters who so often attach themselves to the highest-flying kite and bring it crashing to earth.

STATEMENT OF JOHN J. WILLIAMS

Two weeks ago Ralph Nader released a report wherein he questioned the merits of a legislative proposal in 1964 which I cosponsored, and made several criticisms of the procedure followed in getting it enacted. This legislation allowed any American citizen whose property in Cuba had been confiscated by the Castro government to claim as a casualty loss the lower of (1) the value or (2) the actual cash investment in the same manner the Revenue Code allows for losses sustained by fire, wind, flood, earthquake, etc.

In rendering this report Ralph Nader has demonstrated a complete lack of understanding of our tax laws or the legislative process by which laws are passed.

It is obvious that he first wrote his conclusions and then stopped looking for any facts which did not coincide with his views. The official government records completely repudiate his allegations, and I shall prove this with documents and information which would have been readily available to his group had they been interested.

I spent a week in Washington reviewing the files, and I shall answer his allegations point by point.

First. Mr Nader said that the amendment which I sponsored in 1964 had actually been written by Mr. Bomar, a du Pont lawyer, and been delivered to me for introduction and support.

Answer. That is his first mistake, and to prove this I quote a letter dated December 9, 1971, signed by Mr. Jay W. Glassmann, a member of the Bomar law firm. (Mr. Bomar is deceased.)

"LAW OFFICES OF IVINS,
PHILLIPS & BARKER,
Washington, D.C., December 9, 1971.

"Hon. JOHN J. WILLIAMS,
Millsboro, Del.

"DEAR SENATOR WILLIAMS: At your request we have reviewed Mr. Bomar's files during the years 1963 and 1964 on the Cuban loss matter involving Irenee du Point.

"We can find nothing in Mr. Bomar's files that indicate that he delivered a draft of proposed legislation on this matter to your office. The files do indicate that he was working on a draft bill during the summer of 1963, but the language of his draft is substantially different from the floor amendment which you offered in February of 1964.

"Sincerely,

"JAY W. GLASSMAN."

Second. Mr. Nader said that the legislation was slipped through the Senate without proper committee consideration or Treasury support.

Answer. Again he is wrong. The amendment was considered and unanimously approved by the Senate Finance Committee on June 25, 1964, and I was authorized to offer it as a committee floor amendment to H.R. 11376. Present at that meeting were 13 Senators, including Senator Harry F. Byrd, Sr., Chairman; Senators Long, Smathers, Anderson, Douglas, McCarthy, Hartke, Ribicoff, Williams, Bennett, Curtis, Morton, and Dirksen. Also present were Colin Stam, Chief of Staff of the Joint Committee on Internal Revenue Taxation; his assistant, Laurence Woodworth; and Robert A. Klayman, Associate Tax Legislative Counsel of the Treasury Department.

I quote an excerpt from the record of that executive meeting:

"Senator Williams asked the Committee to approve an amendment which he intended to offer on the Senate Floor to the excise tax bill H.R. 11376, which was in the nature of a perfecting amendment to the Floor amendment he offered and the Senate adopted to the Revenue Act of 1964, H.R. 8363, permitting a loss deduction by individuals for expropriation or similar taking over of nonbusiness property by a foreign government. In sending the amendment to the desk for Senate vote, an effective date was inadvertently omitted. The amendment which Senator Williams intended to offer to H.R. 11376 would establish an effective date to apply to losses sustained in taxable years ending after December 31, 1958, so as to make the previously approved amendment cover the expropriations by Cuba. By voice vote the effective date amendment was approved and Senator Williams was authorized to offer it as a Committee Floor amendment to H.R. 11376."

Senator Smathers cosponsored the amendment since he had a large number of Florida constituents who had owned property in Cuba which had been confiscated by Castro and they would be affected by the proposed legislation. Senator Allott, from Colorado, previously had asked to be a cosponsor of the amendment. Prior to that time several Congressmen had introduced similar legislation in the House.

In accepting the amendment when it was presented in the Senate, Senator Byrd, Chairman of the Committee, said:

"Mr. President, this amendment was fully considered this morning by the Finance Committee, and I was unanimously authorized by the committee to accept the amendment."

As evidence that this 1964 legislation also had the support of the Treasury Department I quote from a letter dated December 10, 1971, signed by Laurence N. Woodworth, Chief of Staff, Joint Committee on Internal Revenue Taxation:

"I have discussed with the Treasury Department their position on the 1964 legislation, and from their files it appears clear that they did not oppose the provision. In fact, a Treasury memorandum states, 'There appears to be no valid reason why loss of personal property by reason of expropriation by a foreign country should not be allowed as a deduction to the same extent as casualties and thefts.'"

After a brief discussion in the Senate the amendment was passed unanimously and later was unanimously accepted by the House.

Congressman Mills, speaking in the House earlier, had already endorsed the need for the Cuban legislation (Feb. 25, 1964, Congr. Rec. pg. 3561).

Third. The Nader report charges that the amendment was not general legislation but rather that the benefits of the amendment were primarily intended for one individual, Irenee du Pont, Sr., whose property, valued at around two million dollars, had been confiscated by the Castro government. Mr. Nader creates the impression that Mr. du Pont was the only American citizen who had a sizeable investment in Cuban real estate that was confiscated by Castro, and he brushed aside the argument that it was general legislation and that there were other potential claimants involved by referring to it as benefiting "one elephant and a few mice."

Answer. Again he is wrong, and to dispose of that allegation I first quote a letter dated December 10, 1971, signed by Edwin S. Cohen, Assistant Secretary of the Treasury. This letter definitely states that it was not a bill designed for the benefit of any one individual but that it was of such broad nature that a general regulation or Technical Information Release was issued on November 27, 1964. This bulletin refers both to the loss of property as well as to the loss of deposits by

American citizens in American branch banks that had been seized by Castro.

As the Treasury Department points out, it maintains no tabulation as to the extent to which taxpayers claim benefits under the 1964 legislation, and I was referred to the State Department to obtain statistics which would give an indication of the amount and value of property owned by American corporations and individuals which had been confiscated by the Cuban government.

It should be pointed out that the Foreign Claims Settlement Commission assembles these statistics, examines them as to the validity of the claim, the status of citizenship, proper ownership, etc., and agrees upon reasonable valuations merely to determine and have available a record of the amount of the losses sustained by American citizens as the result of seizure of property by Castro. This is customary in all cases where seizure of property by foreign governments is involved. The filing of the claim and the compiling of the statistics do not mean that it is ever contemplated that the claim will be paid by our government. The statistical information is merely kept on file in case that at some future date a more friendly government comes into power in that country, and then the State Department would be in a position to negotiate a potential restoration of property or some form of settlement, or they could find some Cuban assets in this country that could be liquidated and divided among the claimants. In the event that any individual citizen or corporation had already claimed a tax credit as a casualty loss and ultimately regained possession of the property or partial reimbursement, then to that extent the law provides that those amounts would become taxable as income.

It is interesting to note that the State Department statistics show that Mr. du Pont's approximately $2-million investment in Cuban real estate represented less than 1% of the estimated value of property owned by individuals seized or confiscated by Castro.

Some individuals whose property was confiscated did not even bother or go to the expense to prove a claim with the State Department since they see little or no chance that Castro or any future Cuban government will ever consider restoration. They have merely written the property off as a "casualty loss."

The State Department records are most interesting. They show that 8805 Cuban claims have been filed by American citizens, totaling $3,346,406,271.36 and broken down as follows:

Corporate claims filed, 1146	$2,855,993,212.69
Individual claims filed, 7659	490,413,058.67
Total claims filed, 8805	3,346,406,271.36

Upon examination 1721 claims were rejected or withdrawn and others were reduced, leaving validated claims as of October 31, 1971, totaling:

Awards to corporations, 895	$1,549,530,330.56
Awards to individuals, 4985	208,774,139.08

A breakdown of these 4985 claims by individuals as to size is as follows:

$1,000 or less	1,248
$1,001 to $5,000	1,700
$5,001 to $10,000	637
$10,001 to $25,000	589
$25,001 to $50,000	323
$50,001 to $100,000	205
$100,001 to $250,000	143
$250,001 to $500,000	71
$500,001 to $1,000,000	31
Over $1,000,000	38
Total	4,985

These statistics clearly demonstrate that Mr. du Pont was not the only American to have property confiscated by Cuba.

In presenting these statistics I am not suggesting to what extent these individuals would be eligible to claim a casualty loss under the 1964 legislation. That determination comes under the province of the Treasury Department. All that Congress does is to enact the legislation and establish the rules.

Undoubtedly some of these claims by individuals represent income producing property, investments, etc., in which event they would get consideration under our tax laws through other sections of the Code, but it can be said that—and the Treasury Department has confirmed this point—to the extent that any of these individuals qualify under the provisions of the 1964 legislation he would be entitled to claim the loss as a casualty loss.

I spent a full day examining the State Department records, and the value of real estate alone owned by individual citizens which was confiscated by the Cuban government exceeded $150,000,000; personal property, investments, etc., represented the other $50,000,000 assigned to individual claims. Mr. du Pont was but one of a number of individual Americans who had property valued in excess of one million dollars confiscated by the Castro government.

I cite these statistics to establish that as Congress in 1964 approached a solution to this problem of Cuban confiscation of American property we were confronted with a much broader problem than that realized by Mr. Nader's narrow vision.

One final comment on Mr. Nader's suggestion that Mr. du Pont should have been named in the bill. I point out that none of the legislation affecting World War II claims, the legislation of 1964 affecting Cuban claims, nor the future legislation that may affect Chilean claims mentioned or will mention the name of any individual taxpayer as a beneficiary. To do so would be wrong and would be opposed by both Congress and the Treasury Department because singling out and identifying one individual by name would be interpreted as Congress' having passed upon the validity of that taxpayer's claim, thereby relieving that individual of having to prove his citizenship, his ownership, or his cost figures to the revenue agent. Just why Mr. Nader thought Congress should certify Mr. du Pont's claim and thereby relieve him of having to prove his loss to a revenue agent is a point I fail to understand.

What must not be overlooked is that some of these claims by individuals, even though considered small by Ralph Nader, represent the value of homes and personal property owned by employees of American companies operating in Cuba. Perhaps they had savings on deposit in the branch of an American-owned bank which was confiscated by Castro. The corporations under existing law could claim their losses as a business deduction, but it took legislation to permit the private individual citizen to claim as a casualty loss the value of his home or personal property that was confiscated.

Certainly this employee, as an American citizen, was entitled to the same consideration under our tax laws as were extended to corporations. That is what the 1964 legislation sought to accomplish.

Fourth. The Nader report claims that there was no precedent for such legislation allowing individual American citizens (not incorporated) to claim as a casualty loss the value of their private property which was seized or confiscated by a foreign government.

Answer. Again he is wrong.

To disprove that allegation I asked Dr. Laurence N. Woodworth, Chief of Staff of the Joint Committee on Internal Revenue Taxation, to review the precedents of past Congressional action under similar circumstances as compared to the 1964 legislation relating to Cuban confiscation of property. (Dr. Woodworth was present at the Finance Committee meeting in 1964 when the Cuban legislation was approved.)

The Joint Committee on Internal Revenue Taxation is composed of the five ranking members of the House Ways and Means Committee and the five ranking members of the Senate Finance Committee, with Congressman Wilbur Mills Chairman. It was my privilege to serve on this committee for 15 years.

I quote in full Dr. Woodworth's letter:

"CONGRESS OF THE UNITED STATES, JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

"*Washington, D.C., December 10, 1971.*

"Hon. JOHN J. WILLIAMS,
"*Millsboro, Del.*

"DEAR SENATOR WILLIAMS: You inquired of me as to the background under which an amendment was offered to the Internal Revenue Code in 1964 relative to personal property confiscated by Cuba.

"Slightly before our entry into World War II, Congress made provision for war loss deductions which, in effect, achieved a result which was substantially similar to the confiscation loss deduction provided in the case of Cuba. Under the war loss provision, it was provided that property was treated as deductible if it was located in a country with which the United States was at war. The difference in circumstances, of course, made it impossible to follow the same format in the case of the Cuban losses. However, the result achieved was much the same.

"The amendment was first offered by you as an amendment to the Revenue Act of 1964 and subsequently, in that same year, you offered a second amendment to provide for technical problems (including the question of an effective date) in the Excise Tax Rate Extension Act of 1964. I have discussed with the Treasury Department their position on the 1964 legislation, and from their files it appears clear that they did not oppose the provision. In fact, a Treasury memorandum states, "There appears to be no valid reason why loss of personal property by reason of expropriation by a foreign country should not be allowed as a deduction to the same extent as casualties and thefts."

"The Finance Committee records indicate that on June 25, 1964, in an executive session of the Finance Committee, you asked the committee to approve an amendment which you intended to offer on the Senate floor to the Excise Tax Bill. The committee approved the offering of the amendment by a voice vote. I think this makes it clear that this amendment was offered with prior committee approval.

"I believe there is general agreement that the tax treatment of confiscations made by Cuba should be treated the same for tax purposes as war losses. This general policy is indicated by the treatment allowed losses in enemy countries under the war loss provision in World War II. The effect of this policy has been to treat losses of business property and these losses of nonbusiness property in the same manner. I might also say that it is my understanding that the Treasury is currently working on the treatment of expropriation losses in Chile. I would expect them to achieve a similar result as in the case of the Cuban expropriation losses. This might well, of course, require legislation along the same lines as the Cuban expropriation loss provision.

"Sincerely yours,
"LAURENCE H. WOODWORTH."

This letter clearly establishes that the 1964 legislation only gave to those American citizens whose property had been confiscated by the Castro government the same consideration under our tax laws—no more and no less—that Congress had in 1940 approved for Americans whose property in the war zone had been seized. Dr. Woodworth points out that Congress historically has taken such action when a foreign government confiscates American-owned property without compensation to its owner. He also calls our attention to the fact that today the Treasury is working on plans for the treatment of expropriation losses in Chile and that here again they may require legislation along the same lines as the Cuban expropriation losses.

One question that will be asked—since Congress has always acted to give individual citizens the right to write off as a casualty loss the value or the cost (whichever is the lower) of their confiscated property and since they may have to act again in the case of Chile, why not make it a general law by just adding the word "confiscation" to the present definition of casualty loss, which covers fire, flood, earthquake, etc.?

That same question was raised during the discussion in committee in 1964, and the argument was made that it would not be advisable to write the word "confiscation" in the permanent Revenue Code as an additional definition of casualty losses since such action might serve as an encouragement to these foreign countries to go ahead and confiscate American property. They could use the argument that the American Government must be expecting such action since our tax laws provide relief for our citizens in the event of such confiscation. The committee agreed with the validity of this argument. That is why the legislation in World War II had been confined to just that situation. That is why the 1964 legislation was confined to just property confiscated by the Cuban government, and I am sure that any action taken in 1972 to provide relief concerning property of American citizens confiscated in Chile will mention that country only.

This is my answer to Ralph Nader, and all of this information and statistics were a matter of public record had the Nader group done its homework.

THE DEPARTMENT OF THE TREASURY,

Washington, D.C., December 10, 1971.

Hon. JOHN J. WILLIAMS,
Millsboro, Del.

DEAR SENATOR WILLIAMS: You have inquired whether the provisions of section 165 (i) of the Internal Revenue Code could be classified as special legislation, limited to a particular individual.

This amendment to the Code was not a private bill limited to a particular individual. Section 165(i) of the Code is a provision of general application providing a deduction to any taxpayer who satisfies its requirements. In November of 1964, the Internal Revenue Service issued a Technical Information Release calling the Public's attention to the provision and explaining its operation. A copy of this Technical Information Release is enclosed for your information.

We have no means of determining how many taxpayers have actually been allowed deductions under section 165(i) since this information is not included in the Statistics of Income published by the Internal Revenue Service.

If we can provide any additional information, do not hesitate to call us.

Sincerely,

EDWIN S. COHEN.

TECHNICAL INFORMATION RELEASE

The Internal Revenue Service called attention to the provisions of section 165 (i) of the Internal Revenue Code of 1954 as added by section 238 of the Revenue Act of 1964 and as amended by section 3 of the Excise-Tax Rate Extension Act of 1964. Internal Revenue pointed out that section 165 (i), as amended, provides that in the case of an individual who was a citizen of the United States or a resident alien on December 31, 1958, any loss of property (not used in a trade or business or for income-producing purposes) resulting from expropriation, intervention, seizure, or similar taking by the Government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing, is treated as a loss from a casualty within the meaning of section 165 (c) (3) (relating to limitation on losses of individuals) of the Code. Except in the case of intangible property, the expropriated property must have been held by the taxpayer and located in Cuba on December 31, 1958. Internal Revenue pointed out, however, that in the case of a Cuban expropriation loss of property used in a trade or business or for income producing purposes, the deductibility of such loss is not affected by section 165 (i) but continues to be governed by the rules provided in sections 165 (a) and 166 of the Code. See Revenue Ruling 62-197, C.B. 1962-2, 66.

Internal Revenue noted that there are special rules relating to a loss described in section 165 (i). Such a loss is treated as having been sustained on October 14, 1960, unless it is established that the loss was sustained on some other day. In determining the amount of the loss described in section 165 (i) to be taken into account for purposes of section 165 (a), it is necessary to determine the fair market value of the property immediately before the time when the loss is sustained. For this purpose, section 165 (i) provides that if property was held by an individual taxpayer on December 31, 1958, the fair market value of the property on that date shall be used. However, in the case of intangible property acquired by an individual after December 31, 1958, the fair market value of such property immediately before the time when the loss is sustained is its fair market value at such time. Internal Revenue further noted that the fair market value of any expropriated property immediately after the time when the loss is sustained shall be considered to be zero. Of course, the amount of the loss subject to section 165 may not exceed the adjusted basis of the property.

Internal Revenue also noted that in a case where amounts on deposit with a bank were stated in currency other than United States currency, it is necessary, in order to determine the amount of the loss, to convert such deposits to United States currency. Any amount on deposit which is expropriated will, to the extent that such amount does not exceed the amount on deposit on December 31, 1958, be deemed to be on deposit and held on December 31, 1958, and the amount of the loss with respect to that amount will be determined by using the rate of exchange on such date. The amount of the loss in respect of the excess (the amount expropriated over the amount on deposit on December 31, 1958) is determined by using the exchange rate on the day that the loss is sustained which, unless otherwise established, is October 14, 1960.

Also, Internal Revenue Service pointed out that the 3-year carryback and 5-year carryover rules as provided for in section 172, which are applicable in the case of section 165(c)(3) casualty losses, apply to section 165(i) expropriation losses. However, the special 10-year carryover for a foreign expropriation loss as defined in section 172(k) of the Code is not applicable for a loss within the meaning of section 165(i).

In any case where the statutory period of limitation has expired, refund or credit of any overpayment of tax attributable to the application of section 165(i) may nevertheless be made or allowed if claim therefor is filed before January 1, 1965. No interest may be allowed to the taxpayer on any overpayment of tax for any period before February 26, 1964 (the date of the enactment of the Revenue Act of 1964).

Section 165(i) applies in respect of losses sustained as the result of Cuban expropriations occurring before January 1, 1964, in taxable years ending after December 31, 1958.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. CURTIS. Mr. President, I am delighted that my distinguished colleague has made the statement he has. No man ever stood in this Chamber with a record greater than that of John Williams. He was the very essence of integrity and ethical dealings. The fact that he would be charged with doing a favor in tax laws for a wealthy citizen of his State or any other State is not only outrageous; it is cruel; it is criminal.

John Williams will be remembered long after these little people have been forgotten.

I happen to know something about John Williams' work on the Committee on Finance, the committee of the Senate to which tax bills are referred.

This incident that we have discussed occurred in 1964, but it was prior to that time this particular family, the Du Pont family, was interested in a matter of legislation that was before the Senate Finance Committee. It will be recalled that the Supreme Court of the United States ordered a divestiture on the part of the Du Ponts of their General Motors stock. It was not a voluntary sale. It was a Court-ordered sale. Legislation was introduced in behalf of that company and the individuals involved. Senator Williams not only refused to join in introducing the legislation but he actively opposed it. Time and again I was startled at the legal ability of John Williams. If he had practiced law he would have been one of the greatest lawyers in the country.

He took that legislation and he pointed out errors in it. He pointed out, for instance, although these were unintentional errors, that perhaps a stenographer who bought this stock in recent times at a rather high price would have paid a greater tax than someone who had bought it at a lower price earlier—and other flaws. But he was against the legislation in principle because it was not the right legislation. That legislation never became law. Senator Williams was against it. I was against it. My recollection is that the chairman of the Finance Committee at that time also was against it.

Later on, a bill calling for treatment much less generous was passed and it affected all the people similarly situated.

But I saw, in that instance, John Williams taking action against a citizen of his own State because he was convinced in his mind and heart that the legislation was not the right answer. It was quite evident there had to be some legislation because of the court order divestiture, but what was first proposed, John Williams did not like because it went too far in granting relief. If it had not been for Senator Williams that legislation would probably have become law.

Now, these charges are utterly ridiculous. When Senators and the general public read what the distinguished Senator from Delaware (Mr. ROTH) has just placed in the RECORD today, they will find the full story. It was general legislation. It was for the benefit of all taxpayers similarly situated. It was a just claim.

The citizen of Delaware referred to, as I understand it, had 1 percent of property involved in the nonbusiness property that was seized.

It is basic in our tax law that if someone has a loss in property, it affects his taxes. In the same way, if there is a gain, the taxes increase. If there is a loss, the taxes are reduced. Losses are recognized in many ways. If one's house burns down and he had a loss greater than the amount for which it was insured, he can write that off as a loss on his tax return; or if he has a wind storm loss or many other kinds of losses.

There is a basic reason why confer action losses are handled in the manner that was followed in this case. If that was written into the law in advance, it would be a handicap to this Government, because it might be offensive to a foreign government in that we were insinuating that a foreign country was going to seize property. It also might lead to trumped up situations where it would be alleged that property was confiscated. So, in several instances, when there have been such losses by American citizens, the Internal Revenue Code has been amended so that these people who lost their property could be treated like any other American citizen.

If a taxpayer has a loss, it reduces his taxes and, in the same way, if there is a gain, his taxes would be increased. That is the law. It is just. It is for everyone.

This was not special legislation. The charges against Senator Williams made it appear that he used his position on the Finance Committee to slip something in the law unnoticed.

The records of the Finance Committee show a full discussion of this matter. Twelve Senators were present. It was presented on the floor of the Senate. It had the support of the Treasury Department. It was in no sense special legislation.

Again I want to commend the distinguished Senator from Delaware (Mr. ROTH) for setting the record straight, for righting a wrong against a good man, one of the best men who ever took the oath of office to serve as a U.S. Senator.

In one sense, John Williams needs no defense—and he does not. Anyone who has followed his work here would disbelieve these charges. But, after all, it is just and right that the record be set straight so that the entire public may have the benefit of the facts.

As to John Williams personally, he needs no defense. There is no force of evil in this country that can scar the man, or mar his good reputation, because it is too good. No one can do it.

Mr. MANSFIELD. Mr. President, will the Senator from Delaware yield?

Mr. ROTH. I yield.

Mr. MANSFIELD. Mr. President, I know nothing about the case which the distinguished Senator has brought up tonight. I was educated by what the distinguished Senator from Nebraska (Mr. CURTIS) has just said. But I do know John Williams, and John Williams was one of the truly great Senators, in my opinion, during the period I have served in this body, covering 19 years. John Williams played no favorites. He was just as hard on a Republican administration as he was on a Democratic administration.

While we have had our differences on matters of legislation, I always found him to be honorable and decent. I always have known that when John Williams presented something to his colleagues on the floor of the Senate, or in the Committee on Finance, before he went very far, he had all the facts at his disposal. If he was questioned—and he was on occasion—he always had the answers and he had them from the source material.

So that anything said against John Williams, his honesty, his integrity, and his dedication and patriotism, I would resent; because I have nothing but the highest admiration and the greatest respect for a man who served the State of Delaware so well, who served the Senate so well, who served the Government so well, and who served the people of the United States superbly.

Mr. CASE. Mr. President, I, too, appreciate what the distinguished Senator from Delaware has just said. I join the majority leader in expressing not only our confidence in the integrity of our former colleague, John Williams, I also have very great respect for his knowing what he was doing and for his wise guidance which the Senator from New Jersey always found reliable and relied on, in fact, many times.

Mr. ROTH. Mr. President, I thank the Senator from New Jersey.

I yield now to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Delaware for bringing to the attention of the Senate the facts that he has submitted this afternoon.

I need not try to defend John Williams. His record does that adequately, completely, and to the satisfaction of every honest, fairminded American.

Certain words in the English language need no embellishment. We need no adjectives to spell out clearly and precisely what sort of man John Williams was and is. The words that come to my mind are honesty, integrity, loyalty, and patriotism, to mention four, each of which he measured up to in full amount.

I think that what has been said by our distinguished friend, the junior Senator from Nebraska (Mr. CURTIS), outlines, for those who may not have known, some of the reasons that prompted John Williams to do what any reasonable, fairminded, honest, and dedicated American would do. He acted in the best interests of all Americans, as he always did for the 24 years that he served in the Senate. For anyone to have expected anything less than that from John Williams would have simply called attention to the fact that such a person knew him not so well as those of us know him, because we would expect him to do just that.

The Senator from Nebraska (Mr. CURTIS) has pointed out the details for all who may not know what they should know in order better to understand why former Senator Williams did what he did. It needs no explanation. It needs no defense other than its own record.

I appreciate the efforts of the junior Senator from Delaware in saying what he has said about our former colleague, John Williams.

I think that all Americans who have taken the time to become interested in what has transpired in the last several weeks cannot help concluding that John Williams is not indicted for anything.

Ralph Nader, on the other hand, stands condemned by his own unfair, unethical, and inaccurate accusations.

I am certain that none of us finds it pleasant to have to say such things about any man. I am certain that Ralph Nader at one time was held in high esteem by many Americans as a young, interested, and dedicated person who wanted to help plead the cause of those who were not always able to get the public ear.

It is with some regret that I now find him seeming to display a greater interest in headlines and in the sort of flambuoyancy that characterize his attitude in this respect, his willingness to distort the facts, and his willingness to tell half truths and innuendos, and to seek to associate that sort of situation with a very greatly respected and deeply loved former Member of this body in order to add to his own image. Has it, indeed, added to Mr. Nader's image? I believe it has served only to disclose what kind of man Ralph Nader really is. It is the sort of image that I suspect he would just as soon not have, because tonight there can be no doubt at all in the mind of any fair-minded person that Ralph Nader, by his own act, has condemned himself. All Americans from now on will have to look behind the statements he makes to determine what the facts are, and they will have to probe more deeply than the headlines that he has succeeded in having bannered across the newspapers in order to be certain that they know what he is talking about and to be certain that they know the truth and not half truths about anyone that Ralph Nader may be trying to condemn.

That is too bad. However, that was Ralph Nader's choice. Seeking to keep in the limelight makes some men do strange things.

John Williams will be revered, loved, and respected long after Ralph Nader is gone and forgotten.

Mr. ROTH. Mr. President, I thank the Senator from Wyoming.

Mr. ALLEN. Mr. President, will the Senator from Delaware yield?

Mr. ROTH. Mr. President, I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from Delaware for coming to the defense of a great, former U.S. Senator, John Williams.

The junior Senator from Alabama had the pleasure of serving with former Senator Williams for some 2 years. However, prior to that time, for some 20 years he had admired the great John Williams for his integrity, for his honor, for his ability, and for his fairness.

To know John Williams was to know that not only would he not be guilty of any improper action, but also that he simply could not be guilty of any improper action, because it was certainly not without cause that he was known as Mr. Integrity here in the Senate.

His leadership in matters of ethics, his leadership in matters of economy, and his leadership in the matter of honesty in Government is unexcelled.

Certainly the junior Senator from Alabama was as proud to follow the leadership of John Williams in these matters.

Former Senator Williams has long been one of the political heroes of the junior Senator from Alabama. He knows that that great Senator has not been guilty of any sort of impropriety, that he has not been guilty of any improper action. And the junior Senator from Alabama is delighted that his successor in the Senate has come to the defense of John Williams in the able fashion that he has.

I would like also to commend the distinguished junior Senator from Delaware on his following in the footsteps and following the leadership of former Senator Williams.

It was with pleasure that the junior Senator from Alabama noted that the distinguished junior Senator from Delaware submitted an amendment to the tax bill seeking to set a ceiling on the expenditures of the Government for the present fiscal year. That is an amendment that former Senator John Williams of Delaware would have been proud of. I commend the junior Senator from Delaware for the great record that he is making in the Senate in relation to following the leadership and following in the footsteps of John Williams.

I am delighted that the junior Senator from Delaware has made an explanation of these charges that have been made against former Senator Williams.

Mr. ROTH. Mr. President, I thank the junior Senator from Alabama for his gracious remarks.

In closing, I would like to echo what the Senator from Nebraska (Mr. Curtis) had to say about former Senator Williams, that he knows of no man with a finer mind or more brilliance than John Williams and that he would have indeed made a great lawyer if that was his chosen profession. He is known as a man of great integrity.

I think the one thing he will be better known for than anything else is the fact that he lived by the standard he chose for others. There was nothing John expected of others that he did not perform with excellence himself.

I can say, with due humility, that I would not be here if Senator Williams did not practice what he preached. He well could have been reelected in the last election without any effort on his part. He was most popular in our State. But the good Senator felt that a man should not serve beyond the age of 70, and because he was 65, he chose to step down even though he was at the peak of his mental powers and certainly he was important on the Washington scene.

Again, I thank the many Senators here who have joined in these remarks about a a great man.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. ALLEN. Did not Senator Williams have a constitutional amendment that he had offered that provided that no person could be sworn in as Senator after having reached the age of 65, and having introduced such an amendment he felt he should be bound by that amendment even though it never did pass the Senate? Was that not a mark of his honesty and integrity?

Mr. ROTH. He lived by his words. The Senator is correct.

Mr. ALLEN. I thank the Senator.

Mr. GRIFFIN. Mr. President, I want to commend the distinguished Senator from Delaware (Mr. Roth) for his excellent statement concerning the charges made against our former colleague, Senator John Williams.

Those of us who know John Williams realize how ridiculous such charges were, how baseless they are in fact, as the distinguished Senator from Delaware and the Senator from Nebraska (Mr. Curtis) have demonstrated.

John Williams personally needs no defense from his friends and colleagues in the Senate. His record during his 24 years in the Senate speaks eloquently of his complete dedication to the best interests of the United States, first, last, and always.

I am glad the Senator from Delaware has made his statement. And I wish to associate myself with him and the others who have spoken.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

(The remarks of Mr. Miller when he introduced Senate Joint Resolution 185 are printed in the morning business section of the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON FOREIGN RELATIONS TO FILE A REPORT AND PERTINENT MATERIAL UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations may have until midnight tonight to file a report and any other pertinent material necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M.

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6:26 p.m.) the Senate adjourned until tomorrow, Friday, December 17, 1971, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, December 16, 1971*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

Unto you is born this day in the city of David a Saviour, who is Christ the Lord.—Luke 2: 11.

O God of light and life, whose greatness is love and whose glory is peace, we thank Thee for Christmas and for the good will this season spreads around the world. May this spirit permeate the heart of all mankind as we think of Him whose birthday we celebrate. Help us to welcome Him and to make room for Him on all our common days.

Open our ears that we may hear again the angelic chorus of old: open our eyes that we may see the star that shines forever in our sky: open our lips that we may sing with uplifted voices "unto us is born a Saviour who is Christ the Lord."

In us and in all men may there be a new nativity of His spirit of peace and good will. May the Lord bless us and keep us through these demanding days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6065) entitled "An act to amend section 903(c)(2) of the Social Security Act."

The message also announced that the Senate receded from its amendments Nos. 6 and 7 to the amendment of the House to the bill (S. 2878) entitled "An act to amend the District of Columbia Election Act, and for other purposes", and, that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 12 to the amendment of the House to the above-entitled bill.

"AMERICA'S FUTURE AND THE HUMANITIES," AN ADDRESS BY ROBERT F. GOHEEN

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this time to call to the attention of Members of Congress a most thoughtful article by the distinguished President of Princeton University Robert F. Goheen.

President Goheen is in his 15th and final year as President of Princeton University, having resigned last spring "—because I believe the time has come for someone else to enjoy the rewards and fun of the job—which really do outweigh the headaches and the anguish."

The article to which I refer, "America's Future and the Humanities," is reprinted from the current issue of "University: A Princeton Quarterly" and first appeared in the September–October 1971 issue of "Foundation News."

The article follows:

AMERICA'S FUTURE AND THE HUMANITIES

(By Robert F. Goheen)

The Vietnam war has cast a smoke screen across America's future, binding nearly all of us in some degree to the awesome challenges and problems this nation will face when that war no longer so painfully preoccupies us.

I believe that many of these challenges and problems can be met only by minds and spirits opened and helped to gain scope by humanistic studies; that the colleges and universities of America must therefore do all they can to sustain, strengthen, and extend their humanistic programs; and that, in this endeavor, the institutions of higher education urgently need the support of America's private foundations.

To discuss adequately a subject as broad as Americas' future and the humanities would take hundreds of pages. It is hard even to take up a subject with so many handles, hard to enter one with so many entrances. But university presidents are accustomed to stepping—I did not say rushing—in where angels fear to tread. And certain things need to be said *now* even though they cannot be said perfectly.

Lest I be misunderstood, let me say that I do not mean to suggest that studying (or teaching) a humanistic discipline in college always produces a humanist or that this is the only way to produce one. I do submit that it is one of the best ways; that persons so educated tend to see events in better perspective—the present in relation to the past, the particular in relation to the general, the individual act in relation to the larger forces of which it is a part. I believe that such persons are likely to acquire a fuller, more profound awareness of man's potentialities for good and evil; and that they can bring to contemporary problems the insights of minds which in ages gone by have penetrated deepest and comprehended most.

Let me be bold to generalize—granting that many of our old generalizations are no longer acceptable to us—and certainly not to our children; yet, *homo sapiens* cannot live by particularities alone, and one of the things we most need from persons grounded in the humanities is to be helped to discover some deeper, more encompassing generalizations that we can accept and live by. More of this later.

AMERICA NEEDS "RECIVILIZING"

My generalization is that for sometime America's civilization—a difficult term in itself—has been subjected to stresses which are now so great that they threaten to tear it apart, that what we now need is a kind of recivilizing; not a mere smoothing of surfaces, not a new paint job, but a shoring up of moral, spiritual, cultural foundations.

To put it another way, we desperately need to get at the *problems underneath our problems*. We must, of course, deal with the pressing, here-and-now problems of racism, poverty, pollution, crime, overpopulation. And we have the scientific and technological skills and inventiveness to do so, at least potentially. What too many of us lack is the clarity of final purpose, the depth of thoughtful conviction, and the spiritual coherence to give us confidence and guidance as a people in dealing with those problems as effectively as we must. To oversimplify, we know how to build a good country—if we were confident what "good" means. As a people we want to do the right thing, but too often have trouble agreeing on what "right" means.

KEY WORDS HOLD SOCIETY TOGETHER

There are key words a nation lives by, and a substantial degree of consensus is needed among its people as to what those words mean—especially so within a democracy if it is to hold together. When meaning goes out of them, it is as if the magnetic north were lost and nothing remained to steer by but nearby landmarks. Meaning has gone out of too many of our key words.

What has this to do with humanistic studies? Simply that these studies deal with, among other things, the underlying meanings of such words. They enable us to see how the great value-connected words—virtue, truth, honor, human dignity, freedom, equality, justice—are always capable of being perverted when one takes a narrow simplistic view, but to see also that the concepts remain of consummate importance, always challenging us to know ourselves better, to raise ourselves higher. The words are never *finally* definable, once for all time. To venture another metaphor, they are beacons that signal man's way out of the inadequacies of his daily condition, of the time and space in which we struggle. But they must at intervals be relighted with clearer insights and widened understanding, drawn both from the facts of contemporary life and from the experience of the past. We are at such a time now, and badly need the beacons.

It is never merely a matter of putting the old meanings back in the words—though from my mail I can testify that many extremely well-meaning older persons are sure that that alone will do. I can also testify that many younger persons would abandon the words themselves as hopelessly outdated—but they are rarely those who have had ample chances to read and to think about the things embodied in the humanities.

OUR KEY WORD: "HONOR"

Let's look at one beacon word that needs relighting. It is almost impossible to open a newspaper or tune into a newscast today without hearing "honor" used in connection with the Vietnam war. Some Americans say that to do anything less than create a permanent anti-communist bastion in South Vietnam will be to sacrifice our national honor. Others say that to get completely out of Vietnam any later than this afternoon means national dishonor.

Between those extremes, thoughtful Americans ponder. Is it honorable to prolong a war in which other people's lives and property are spent far from our shores in a cause we understand (maybe) and they don't? Is it honorable, having entered into a quarrel, to desert an ally when the going gets tough?

I shall not attempt to answer those questions except to say that honor is often a matter of priorities. One can honor externalities, like rank and status, and one can honor qualities of mind and spirit. One can honor war, and one can honor peace. Achilles in battle, Achilles with Priam: which is the more honorable, the more fully human? It is the business of the humanist to help us to see the full range of choices, to set our sights on those things that enlighten the human condition, that lift and strengthen the human spirit, and thus to extend men's capacities to live together peacefully, compassionately, and with understanding.

In saying this, I clearly mean by "humanists" not only scholars and teachers and students majoring in humanistic departments but all persons who have been deeply affected by such studies. Our aim must be to make the humanities more widely available to and more readily understandable by as many persons as possible so that each may become a pursuer of *human* excellence. The challenge is to develop in as many men and women as possible—though, especially in those who will go on to positions of leadership in government and business—the capacity to judge for themselves what is good, and proper, and fair, and honorable. The task is to spread interest in the humanities so that the level of taste of not just a few but of the public as a whole is lifted—including the taste for precision and subtlety in the use of language and thought. (My least favorite TV commercial describes a new model automobile as "Something to Believe in!"!! The last two exclamation points are mine.).

If what I am suggesting seems grandiose and impractical, then one can have the less hope for the survival of constitutional democracy.

To me such an aim seems practical (if grand), but it requires, among other things, a re-examination of the ways in which the humanities are taught. If students are turning away from humanistic studies at a time when many are patently stirred by age-old humanistic ideals—as for example freedom, equality, fraternity, and happiness—those of us involved in higher education cannot assume that the fault lies somewhere else.

Today many young people are searching for values, for meaning, for purpose, for clues. If they are not seeking them in the materials with which academic humanists deal, then something must be wrong with our presentation of those studies, for that is where, if anywhere, the stuff for the answers may be found—in the far-reaching searchings and expressions of the human spirit as recorded in archaeology, architecture, the classics, history, modern languages and literatures, philosophy, religion, the arts down through the years. In Sophocles, Lucretius, Dante, da Vinci, Shakespeare, Cervantes, Vivaldi, Pascal, Moliére, Mann, Eliot. Obviously I would not suggest that other disciplines or figures have nothing to do with the riddle of life, or that there is only one riddle; only that the humanities deal with the mysteries of human destiny that have been most casually considered of late and are in direst need of respectful attention now.

"After all," as Max Jakobson, Finland's Ambassador to the U.N., told a recent Princeton University Conference, "the past is really the only source of information we have about the future."

If young people are desperate for answers, and if the clues are in the materials that humanists deal with, why don't students come flocking to these disciplines and, having mastered them, go forth to relight the beacons that will show America through rocky waters?

PEDANTRY TOO COMMON

The fact is, a considerable amount of pedantry has always intruded into the teaching of the humanities in high schools and colleges, and despite the enlightened efforts of many teachers, much still does. No subject is so great that poor teaching cannot make it dull and pointless. We need more than ever before teachers who are "alive," as James McCosh used to say—meaning concerned with their subjects not just as so much encoded data but rather as witnesses in the human drama.

This was always so, but is especially so today when there are so many demands on a student's time and attention. A teacher must be knowledgeable about the persons he is teaching as well as about the subject. Those teaching of artistic expression in the past should be aware of artistic expression in the present. The teacher of ancient Greek tragedy can do a better job if he knows from observation what is being produced today on the stage, in films, on television. The materials of the past need constant reinterpretation; students have to be helped to find the perceptions that connect and clarify.

In a time when we need more students better taught in the humanities, we cannot go on doing the same old things in the same old ways. We need to attract livelier, more talented teachers as well as more and better students to the humanities, and we need to look to the means of doing so. We also need to be more imaginative in the exploitation of new teaching techniques, including especially audio-visual aids. The master actor reading and interpreting a drama or comedy on tape alone can be very effective, far more so when sound is combined with sight.

My point is not that it would be "nice" if we could do these new things but that it is now imperative. I am not by nature an alarmist—alarmists do not survive 14 years in university presidencies—but I am alarmed by what, without undue eyestrain, I can see in this country's future if higher education is not re-infused with humanistic values. I am alarmed by the prospect of the country's drifting into a state of general sleaziness of morality and esthetic taste that can destroy not only the quality of life in America but our very system of government. No sensitive person needs to have the evidence of such a drift pointed out to him. Emerson's often quoted words carry today a dreadful pertinence:

"Things are in the saddle and ride mankind."

At the same time, we can be heartened by the prospects of positive developments. If technology and the largeness of organizations threaten us with depersonalization and alienation, they also promise the leisure which *could* give us richer, fuller, more ennobling lives. But if the general, newly leisured public is to move upward in taste and mutual respect instead of being sucked further down into spectator sports and consumerism, there must be an upsurge of interest in the humanities; in creative expression and self-fulfillment; in those humanistic endeavors a person can enjoy almost regardless of what may be beating him down.

QUALITY OF LIFE

There is encouragement, too, in the large numbers of young people who are, these days, deeply and consciously concerned about human values and "the quality of life." The creative arts and humane attitudes both are in the ascendency among them just now. There well may be in these stirrings the making of a potent and broad humanistic revival, if we can but seize the opportunity properly. That, however, calls for much more than mere enthusiasm or empathy. It needs the leadership and direction of persons genuinely and soundly grounded in humanistic studies.

I have already suggested that the humanities can help us become aware that there are higher and lower levels of human expression and fulfillment. One of the problems of mass culture is that it tends to reduce the heights; to be indifferent to precision of language, to subtleties of thought and perception. It settles for the obvious term and writes in large block letters. One need not sneer at *Love Story* to perceive that though it deals with some of the subject matter of *Romeo and Juliet* its dimensions are very different. Shakespeare, through language, through an almost incredible sensitivity embodied in language, conveyed a richness and subtlety of understanding which *Love Story's* language forswears. But few young persons will prefer *Romeo and Juliet* to the sweet, sentimental poignancy of *Love Story* without having been taught to see the difference.

HUMANITIES NEED SUPPORT

The reader will have guessed that I am saying that the humanities need support. The small, quiet voice of the humanist too often has trouble being heard, and I am therefore urging that the foundations listen more attentively for and to it. For today humanistic studies are badly undernourished almost everywhere. They need money to attract and encourage the finest teachers, to nourish seminal scholarship, to buy teaching aids, to restudy instructional methods and act on the findings of such studies, to stock libraries and teaching museums—and this money will not come in sufficient quantities from any other source.

Where matters of aesthetic or moral judgment are importantly involved, government will always be skittish about providing support. There has been progress. We do have and are grateful for the National Endowments for the Arts and for the Humanities, and the current national administration has succeeded in getting considerably increased funding for these. But in this busy, technological, mass-culture-minded age, the non-strident and individualistic activities of humanists have a hard time competing for funds and are too often ignored.

As quoted in *The Chronicle of Higher Education* of March 29, 1971, Wallace B. Edgerton, acting chairman of the National Endowment for the Humanities, told only the simple, sad truth when he observed that federal support of new knowledge and research was "unbelievably unbalanced" in favor of the natural sciences. He went on to point out that "95 per cent of all federal research funds are expended in the natural sciences, 4 per cent in the social sciences, and less than 1 per cent in the humanities." The new and larger appropriations for the arts and humanities do not correct this imbalance.

The humanities have not been that spectacularly slighted by private foundations, but too few of them seem to have been concerned to help either to offset the government's heavy emphasis on the sciences and technology, or to uphold humanistic learning for its own sake.

An examination of tables in *Foundation News* showing how foundation grants of $10,000 or more were distributed among seven fields (education, welfare, health, sciences, international activities, humanities, religion) during the last four years reveals that the humanities received 10 per cent of these funds in one year (1968) but in two years (1967 and 1970) only 7 per cent and in 1969 only 5 per cent.

As a university president I have had the responsibility of seeking funds for a broad spectrum of programs, and in other times I have not been a special pleader for the humanities. Today I am—for good reasons. It becomes increasingly clear to me that some of our national problems that on the surface seem least connected with humanistic studies are, in fact, very closely so connected at their roots. To cite one of many possible examples, I believe that if before involving ourselves so deeply in Vietnam we had sought some guidance in studies of Vietnamese culture and history (studies such as those by the late French scholar Paul Mus), we might have seen better, and before so many lives and so much wealth were destroyed, that Vietnam was not like Korea, and the Vietnam war not like World War II.

It is my hope that private foundations, including many that have not heretofore supported the humanities and may have to revise their charters to do so, will look with new interest to the support of humanistic studies—not because this is an emergency for the humanities but because it is an emergency for civilization, and one that demands the greater involvement of humanistically educated citizens.

No one event will galvanize us to support the humanities as Sputnik galvanized the support of mathematics and the sciences in education 14 years ago. The erosion of our value structure, our taste level, our sensitiveness, is insidiously gradual, almost imperceptible to the preoccupied eye. But if I read the signs right, we need the same kind of recognition of urgent and extensive deficiencies to be made up in the humanities today.

When I began drafting this article I went back to a book I had admired some years ago—*The Humanities After the War*, published by the Princeton University Press in 1944. Rereading it was a strange experience. The words of the seven essays in the volume were familiar, but time had given them new sharpness. For example, this from an essay by the late Gordon Keith Chalmers:

> The truly finest hours of men have been peaceful. These may be distinguished from the fine hours of warfare by the fact that in peace man's fineness is more complex than in war. While in war a hero may ignore ends and devote his whole mind to process (being certain of the one, all embracing, simple end, victory), in peace no heroic deed is done without an elaborate and vivid awareness of ends. Who are the enemies in peace? They are subtle, hidden, sly serpents, wolves in sheep's clothing. To know them, to know the fine shade of right which marks it from the similar shade of wrong, to know when pride turns virtue into vice, when sacrifice becomes vainglory, when ideals become hypocrisy—this knowledge requires the most manly skill and courage available to men.

Looking back over what I have written, I am aware that little of it will seem "new" to the sophisticated reader. And I am reminded of e. e. cummings' lines—

> *. . . certain ideas gestures*
> *rhymes, like Gillette Razor Blades*
> *having been used and reused*
> *to the mystical moment of dullness*
> *emphatically are*
> *Not to Be Resharpened.*

But the times give the inherent timeliness of the humanities a new edge.

TO RECOGNIZE ECUADORIAN CLAIM OF 200 MILES WOULD REPRESENT A NEW LOW IN U.S. INTERNATIONAL POSTURE

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, as a result of the Ecuadorian Government hijacking of 50 U.S. fishing vessels in international waters, last week the House of Representatives ignored the administration's request of $25 million for foreign aid for Ecuador. Instead, the House of Representatives prohibited the State Department from making foreign aid grants to Ecuador.

At approximately the same time, it was reported that administration representatives were involved in "high level talks" with Ecuador, hopefully, to solve hijacking problems in the best interests of the United States.

In the December 15, 1971, Washington Evening Star, there was a newsstory entitled "Tuna Boat Issue Progress Hinted."

The article stated that—

> One possibility appears to be that Washington will back away from its refusal to recommend to U.S. tuna men that they purchase licenses from Ecuador to fish in the disputed Pacific waters.

As you know, Mr. Speaker, Ecuador, contrary to international law, claims jurisdiction up to 200 miles off her shores. Heretofore, the State Department has recommended to our fishermen that they continue to fish in international waters and that they refuse to purchase licenses from Ecuador in order to fish in the international waters. To purchase a license would, in effect, recognize Ecuador's claim of jurisdiction up to 200 miles off her shores. If the State Department capitulates to this piracy on the high seas, reverses our longstanding policy and recommends to our tuna fishermen that they pay tribute to a foreign nation in order to fish on the high seas, then I say that our international posture has fallen to a new low.

INDICTMENT OF FEDERAL JUDGE OTTO KERNER

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, a Federal grand jury in Chicago has returned a long-overdue, 19-count indictment of Federal Judge Otto Kerner and three former Illinois State officials who were Kerner's cronies when he was Governor of that State, on charges of bribery, mail fraud, tax evasion, perjury, and conspiracy.

Mr. Speaker, the House Judiciary Committee should lose no time in opening hearings and accumulating evidence for the purpose of impeachment of Kerner, as I suggested in the Congressional Record of September 23 of this year.

The faith and trust of the citizens of this country in the integrity of the Federal judiciary is already at low ebb, Mr. Speaker, and only swift action on the part of Congress can begin to restore faith and confidence.

CONCERN OVER SEIZURE OF VESSELS BY FOREIGN COUNTRIES

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I was greatly interested in the remarks of the gentleman from California (Mr. Anderson) and I do subscribe to much of what he has said.

At the same time, information, perhaps more recent than he has had, has come to Washington which indicates significant progress in the attempts of the Assistant Secretary of State for Inter-American Affairs, Charles Meyer, and officials of Ecuador in reaching a meeting of the minds on this very difficult problem of the U.S. fishing vessels. Significant movement toward an agreement has been made which will not involve any retreat or backing down on the part of the United States, but will involve mutual concessions and mutual advantages for both countries concerned.

I will insert in the Record with my remarks the telegram which has come through on this subject.

Mr. Speaker, many Members of Congress, including myself, have been greatly concerned over the continued seizure of U.S. fishing vessels by Ecuador. During the past week, Assistant Secretary of State for Inter-American Affairs, Charles Meyer, has been in Ecuador discussing a possible interim solution to the dispute. I am happy to report that significant progress has been made in the movement toward such an interim solution prior to a final agreement being worked out at the 1973 Conference on the Law of the Sea. Yesterday evening the Foreign Ministry of Ecuador issued the following statement:

> Since December 11 through December 15, Assistant Secretary Meyer, legal adviser Stevenson, and special assistant for Fisheries McKernan have carried on continual conversations with Foreign Minister and his staff and Meyer and Stevenson had meeting with President Velasco Ibarra on two occasions. The representatives of the two governments have emphasized importance of reopening quadripartite negotiations as soon as possible to reach an agreement on fishing and related ocean problems of interest to Chile, Ecuador, Peru, and the United States.
>
> The foreign minister has reiterated that a conference of the four countries cannot take place before the suspension of the sale of military equipment to Ecuador is lifted by the Government of the United States. With respect to this point, the representatives of the U.S. explained the scope of the suspension in accordance with U.S. legislation, as well as the procedures for the lifting of such measure.
>
> Aspects relative to fishing licenses and permits were considered fully for the purpose of avoiding future incidents. The United States represenatives presented, in seeking an agreement, the possibility of buying fishing licenses and permits, under protest, with the reservation by the U.S. Government of its juridical position with respect to maritime jurisdiction and provisions to avoid prejudice to its positions at the conference on the law of the sea called by the United Nations. In addition, the U.S. representatives pointed out that action of the Congress of their country would be necessary to reimburse the fishermen for the purchase of licenses and permits in advance.
>
> The representatives of the two states also considered cooperation in the conservation of tuna and the exchange of scientific information.
>
> The delegation of the United States intends to inform the Government and Congress of the United States about the conversations held in Quito, which conversations can contribute to a better mutual understanding between the U.S. and Ecuador, and are of value in general Latin American context.
>
> Having completed the pertinent consultations with the government of Chile and Peru, the Ecuadorean representatives indicated that following the lifting by the U.S. of the suspension of sales of military equipment to Ecuador, the Quadripartite Conference would take place, with a view to arriving at an agreement with respect to fishing and the adoption of conservation measures as well as for cooperation in the development of the fisheries of the countries of the South Pacific.

THE ISSUE OF BUSING

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker as this Congress prepares to adjourn and look to the new 1972 congressional session, I am disappointed that we have failed to meet head on the issue of busing. The busing of America's young people, both black and white, from one area to another to satisfy the whim of some Federal bureaucrat is nothing short of shameful. There are schoolchildren in my State who are being bused up to 100 miles each day—away from the confines of neighborhood schools into communities and areas far removed from their homes. In the winter months, these children get up before daybreak and return to their homes after dark. Such unwarranted, unnecessary and, in my opinion, unconstitutional busing is nothing short of disgraceful. It contributes absolutely nothing to a child's education and in fact, it deteriorates from the learning process.

In years gone by, many of our friends from outside the South were inclined to shrug their shoulders and say, "Well, so what? This is a problem confined to Alabama, to Georgia, to Mississippi." But with judicial edicts now reaching into the confines of communities throughout the country, we are finding that people everywhere are rightfully concerned. Recent polls have indicated the displeasure of parents, children, and teachers alike and I would hope that Members of this Congress from every section of the country will join together in signing discharge petition No. 9 which would bring the busing situation on the floor of Congress for debate and hopefully, passage of the Lent-Steed antibusing bill, providing that—

> No public school student shall, because of race, creed or color, be assigned to or required to attend a particular school.

The courts themselves have a responsibility in this field and, in my judgment, Mr. Speaker, the highest court in the land has been derelict in their April decision which authorized the busing of schoolchildren to achieve racial balance. Americans will be watching the new Nixon court along with the Congress for relief. I believe the readers of this Congressional Record will find of interest an article by Frank A. Capell containing comments from prominent Americans on the Nixon court. There will be opportunities in the new year for the Members to assert themselves in a positive way on matters relating to busing. Let us hope that both the courts and the Congress measure up to their responsibilities.

THE BURGER COURT—NO IMPROVEMENT

(By Frank A. Capell)

> The U.S. Supreme Court decision in April 1971 authorizing the busing of children to integrate public schools is in itself a form of racism. While segregation has been declared illegal, forced integration is just as illegal and the decision is a usurpation of the authority of Congress and is in violation of the U.S. Constitution. Congressman John R. Rarick has pointed out that the average American is being told via TV and newspapers that the Supreme Court has now "legalized" busing of school children and that the Supreme Court's order is the Law of the Land. "Nothing," he said, "could be further from

the truth." The law of the land is derived from Article VI of the U.S. Constitution which states: "This Constitution, and the laws of United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby. . ." Nothing in the Constitution provides that Supreme Court decisions are to be the Law of the Land. To the contrary, judges are bound by acts of Congress and Congress made the matter of busing clear in Title 42 of the U.S. Code, section 2000C-B which reads:

"Provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or the school district to another in order to achieve racial balance or otherwise enlarge the existing power of the court to insure compliance with Constitutional Standards."

Definition (b) of the above section states: "Desegregation means the assignment of students to public schools and within such schools without regard to their race . . . but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

The decision of the Supreme Court was a follow-up to the 1954 Warren Court Decision which was in no small part based on studies made by Gunnar Myrdal, who was identified as a notorious Swedish Communist in hearings of the Senate Internal Security Sub-committee in March of 1958. The infamous Supreme Court Desegregation decision of May 17, 1954 set the stage for racial troubles which have continued ever since. It was the efforts of Thurgood Marshall, on behalf of the NAACP, which brought about the school desegregation decision of 1954. Marshall was rewarded by being appointed a U.S. Circuit Court of Appeals Judge and is now a U.S. Supreme Court Justice himself. Thurgood Marshall, according to official records, had several affiliations with organizations cited as Communist and subversive and practiced law in New York State for over 20 years without a license.

Representative John R. Rarick, addressing the House of Representatives, stated:

"Freedom of choice is not an empty slogan. Freedom of choice is the heart and soul of American liberty. The American people still understand this and we must understand that there is a point beyond which the great law-abiding majority cannot be pushed. We are perilously near that point.

"Long years ago, Thomas Jefferson warned free men of this very possibility, when he dramatically pointed out that of all tyranny, judicial tyranny is the most fearful.

"If the Constitution of the United States forbids a State to assign pupils to a school solely because of their race, it makes no difference whether the object of such assignment is segregation or forced integration under the newly invested 'Doctrine of Racial Proportion.' If government has no power to forcefully segregate, it has no power to forcefully integrate.

"What the preposterous decision amounts to is that racial school assignments are unconstitutional if they are made by the States, but constitutional if made by the courts.

"These decisions are a gross distortion of any possible interpretation of the Constitution."

The militancy of civil rights groups began with the 1954 Supreme Court decision, with freedom rides, marches, demonstrations, sit-ins, and civil disturbances, which ultimately led to riots, lawlessness, anarchy and insurrection. In high schools throughout the country there have been untold instances of assaults, robbery, rapes, destruction of property and even attacks on school teachers. National Negro militant groups advocate segregation of blacks from whites but neither the federal government nor the Supreme Court takes notice of this. The Black Muslims (with thousands of members throughout the country) and other black nationalist groups advocate separation of the races and practice blatant racism. The court decision, brought about by a subversive organization, supposedly is to benefit Negro children, yet no one has taken a referendum as to what white and Negro parents actually want for their children. In Richmond, Va. a city official conducted a poll and found that 99% of the whites opposed mandatory busing as did 85% of the blacks. Nevertheless a U.S. District Court judge ordered cross-city shipments of 17,000 Richmond secondary students, many of whom must travel two hours a day, including transfers, to fulfill a court order.

Commenting on the Burger court busing decision, Governor George C. Wallace of Alabama stated, "I am not surprised at anything the court does. I feel the people in Alabama's insane institution could have written a better decision.

Senator Abraham A. Ribicoff introduced an amendment to a bill appropriating $1,400,000,000 for school desegregation. Sen. Ribicoff's amendment would have required the same rules to apply in the north as those which are to be enforced in the south. Senator Jacob Javits opposed the amendment and on April 20, 1971 Ribicoff charged Senator Javits with hypocrisy for being "unwilling to accept desegregation for his state, though he is willing to shove it down the throats of the Senators from Mississippi." Shunning the tradition against personal attacks on the Senate floor, Sen. Ribicoff declared that Javits and other northerners were against his proposal to force an end to school segregation in metropolitan areas in the North because of their "fear of political reprisal." Looking directly at Javits, whose head was buried in his hands, Ribicoff said, "I don't think you have the guts to face your liberal constituents who have moved to the suburbs to avoid sending their children to school with blacks."

At a time when there is so much talk of poverty, hunger and unemployment, to spend $1,400,000,000 to push integration seems an unwise expenditure of tax-payers funds. Forcing white children into predominantly black schools and vice-versa creates antagonism and adds to the already serious condition which exists in schools in most parts of the country. A 1970 survey conducted by the Senate Sub-committee on Juvenile Delinquency shows a tremendous increase in crimes in schools from 1964 to 1968. Some types of crimes in the 110 school districts studied jumped several thousand per cent. Homicides in these elementary and secondary schools jumped from 15 to 26 per year—an increase of 73 per cent. Forcible rapes increased from 51 to 81 per cent (or 61 per cent). Robberies increased 306 per cent; burglaries and larcenies jumped sharply; narcotics arrests were 1,069 per cent higher. The biggest jump of all was in assaults on teachers by students, which went from 25 in 1964 to 1,801 in 1968, or a gain of 7,100 per cent in four years. Crimes by nonstudents at the schools jumped 2,600 per cent. The National Education Association has estimated that school vandalism alone is costing the nation's schools about $200 million a year.

An organization of high school principals in New York City reported that crime—assaults, robberies, lawlessness, etc. including attacks on teachers—has become so prevalent throughout the city of New York that the entire school system is in danger of being unable to function properly. The majority of the crimes, according to reliable informants, are committed by young Negro militants who brutalize and terrorize younger students, and school authorities are reluctant, not only in New York but in many other cities, to bring in the police for fear of creating racial tension. Forced busing of students is going to aggravate this situation considerably. Not only will there be student resentment but parent resentment as well.

Those Americans who thought the Supreme Court under Burger would become more conservative have to realize that they were indulging in wishful thinking. This recent decision is worse than the Warren Court decision of 1954. Most children of the federal judges, administration officials and legislators attend expensive private schools where integration or segregation problems do not exist. Senator Javits is not the only hypocrite; there are many others.

PERSONAL EXPLANATION

Mrs. ABZUG. Mr. Speaker. I was unavoidably absent yesterday when rollcall votes were taken on the conference report to accompany the bill H.R. 6065 and on the passage of House Joint Resolution 1005. Had I been present, I would have voted in the affirmative on both items.

NATIONAL JAYCEE WEEK

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, President Nixon has proclaimed the week beginning January 16 as National Jaycee Week. I commend the President for his recognition of the dedication and patriotism of the U.S. Jaycees.

Mr. Speaker, it has been a great personal privilege for me to visit often with these outstanding young Americans—men devoted to those great ideals and principles which made America the most dynamic and progressive Nation in world history. I have observed Jaycees in every community activity truly developing the character of their local community, the State, and the Nation. I wish to take this opportunity to congratulate this outstanding organization and commend them for their confidence in our great private enterprise system and those great principles which are the soul and character of America.

Mr. Speaker, the Jaycees celebrated their 50th anniversary last year. Over 300,000 young men in the United States in 6,400 communities are in the Jaycees. There are an additional 100,000 men involved in international Jaycee activities. Their influence and enthusiasm are felt throughout all levels in our society. Their activities are a positive force and source of inspiration for others to imitate—they are actively involved.

Mr. Speaker, I commend to my colleagues and to you the Jaycee creed:

We believe—

That faith in God gives meaning and purpose to human life.

That the brotherhood of man transcends the sovereignty of nations.

That economic justice can best be won by free men through free enterprise.

That government should be of laws rather than of men.

That earth's great treasure lies in human personality.

And that service to humanity is the best work of life.

RUMORS ON ADJOURNMENT

(Mr. DOW asked and was given permission to address the House for 1 minute.)

Mr. DOW. Mr. Speaker, may I pose a question to the distinguished majority leader, the gentleman from Louisiana?

There seem to be rumors floating around about why we are or are not adjourning. I believe it has to do with the foreign aid bills, both the authorization and the appropriations, which are now in conference with the Senate. I wondered if our distinguished leader could clarify the situation and tell us just what it is that is the crux of this difficulty.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the distinguished majority leader.

Mr. BOGGS. The gentleman pays me an unusual compliment when the gentleman refers to the idea that I can clarify this situation.

Mr. GROSS. Mr. Speaker, who has the floor?

Mr. BOGGS. Mr. Speaker, the gentleman from New York yielded to me.

The SPEAKER pro tempore (Mr. Roush). The gentleman from New York yielded the floor. However, the Chair recognizes the gentleman from New York if the gentleman cares to proceed further.

Mr. DOW. I do, Mr. Speaker.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, as I understand the gentleman's statement the gentleman said he had heard rumors floating around. What rumors did the gentleman hear?

Mr. DOW. I have a great admiration for the distinguished majority leader, and if he has not heard any rumors floating around, he is not nearly as penetrating as I believe him to be.

Mr. BOGGS. I hear rumors floating around here every day. What specific rumors does the gentleman refer to?

Mr. DOW. I did not ask what the rumors were, really. I asked what is the crux of the difficulty in the conference between the House and the other body.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further so that I can reply quite seriously. First, we are not in conference at this time.

The gentleman will recall that we passed the foreign aid assistance authorization and the other body passed two foreign aid bills. We came back with a rule making in order our bill, plus the bills of the other body, and this is where we are insofar as the conference is concerned.

We passed a regular foreign assistance appropriation under a rule. The other body has not approved the regular appropriation bill. So, on yesterday we passed a continuing resolution, until March 15, 1972, in order to carry on the functions of that agency, plus a very considerable number of others.

The other body is now debating that continuing resolution. It is my information at this time—and I guess I will put this in the category of one of these rumors floating around—that they will continue to debate it for some time. So, there could be a vote, if they do not come to some resolution today, on cloture at 11 o'clock tomorrow morning.

However, we have no way to adjourn this Congress unless both bodies are ready and willing to adjourn.

We have completed the work of the House of Representatives.

That is the best answer I can give the gentleman.

Mr. KAZEN. Well, can we go home?

Mr. BOGGS. The gentleman from Texas asked whether he could go home. I would say that quite a few people have anticipated that and have already done so. However, it could very well be that we would have a conference report that would require a majority present and voting.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield to me?

Mr. DOW. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I would like to inquire of the majority leader, while we are speculating, whether any thought has been given to using the procedure which we did use one time in the past and that is this: As I recall, when we were through with our work and everything, and we had sent over there the results of our work, we simply sent a sine die resolution over and went home.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further. In this kind of a situation I might say to my good friend from Wisconsin that although consideration has been given to everything, this is a rather drastic device and I doubt that it would be employed.

Mr. DOW. Mr. Speaker, may I ask the majority leader another question, and that is if we have a vote in this House on any of these matters will there be any advance notice given so that Members who may be away will have a chance to get back here?

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the distinguished majority leader.

Mr. BOGGS. At the moment we are talking about today and tomorrow. If the gentleman is anticipating that this session will continue on until January 3, certainly they would be given notice.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, will the distinguished majority leader tell us what he thinks will happen the rest of today?

Mr. BOGGS. If the gentleman will yield further, I believe at this time that the prospects are rather good for adjourning over until tomorrow very soon. However, there is a conference going on at the moment that may be fruitful.

Mr. YATES. If the gentleman will yield further, does the majority leader anticipate a recess today, or will there be an adjournment?

Mr. BOGGS. If the gentleman will yield further, I do not know at this time. There is no way for me to know. I might say that the Speaker is conferring with the important people involved on this piece of legislation, and we may have some information within the next few minutes.

I would hope that somebody would get up and make a speech, or something.

Mrs. ABZUG. Mr. Speaker, if the gentleman will yield, I will be glad to make a speech.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to my friend, the gentleman from Connecticut (Mr. Monagan).

Mr. MONAGAN. Mr. Speaker, I thank the gentleman for yielding. In addition to the suggestion made by the gentleman from Wisconsin (Mr. Byrnes), I would like to reiterate another suggestion that I made a year ago at this time, when we were undergoing similar problems, and that is that we do what the Danes have done, and what has been done in the State of Nebraska, and that is to institute a unicameral national legislature, and if we had it now we would be able at this time to resolve this problem.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I have also made suggestions in the past that we get a constitutional amendment through here, and cut down the terms of the other body to 4 years. If we did this, I believe you would find some of those fellows over there who are serving for 6 years and who are not up for reelection next year would be more anxious to get out of here.

Mr. MYERS. If the gentleman will yield, does the gentleman have a bill prepared like that?

Mr. BURKE of Massachusetts. No; but I will be glad to join with the gentleman from Indiana if the gentleman wants to draft such legislation.

Mr. MYERS. The gentleman from Massachusetts initiated this idea, and I will join with the gentleman in his suggestion.

Mr. BURKE of Massachusetts. If this nonsense keeps up I think we might be compelled to take that action.

The SPEAKER pro tempore (Mr. Roush). The time of the gentleman from New York has expired.

CONGRESS SHOULD ADOPT THE MANSFIELD AMENDMENT

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, I share with my colleagues their concerns about not being able to conclude the business of the House. But I think it important for us to recognize why we have not been able to conclude the business of the House. That is because we are trying in conference, as I understand it, to resolve our differences, and the big difference is over the so-called Mansfield amendment. This is the amendment which seeks to cut off this war, which seeks to set a date certain, the amendment which the American people overwhelmingly support, but which our House conferees have refused to recede from their position and accept the Mansfield amendment. It is important for us to recognize that we do have a role to play in seeking to resolve the differences in the conference. And the role we have to play, it seems to me, is this: We must bring pressure on our conferees who are refusing to accept the Mansfield amendment. The Mansfield amendment adopts and reflects the will of the American people, and the continuing refusal of the House conferees to recognize that that is what holding up the adjournment of this Congress. It would be very appropriate to have a motion to direct our conferees to accede to the Senate position on the Mansfield amendment.

ORDER OF BUSINESS

The SPEAKER pro tempore (Mr. Roush). The Chair would advise Members that since there is no legislative business before the House, if Members desire to speak for more than 1 minute, the Chair will recognize them for that purpose.

THE MANSFIELD AMENDMENT

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, I think the point made by the gentlelady from New York is well taken. But, I should like to clarify one aspect of it. As I understand it, the problem is more serious than the refusal of the House conferees to accept the Mansfield amendment. It is that they refuse to permit the House to have a separate vote on the Mansfield amendment, regardless of their own feelings. That compounds the situation, because what it means is that the House conferees are standing between the House and the determination of the American people that the war in Vietnam must end.

Mr. Speaker, this would be an appropriate time during this season of the year, when we speak of "Peace on Earth," for the House of Representatives to vote "yes" or "no" on whether or not we want peace and whether or not we want to end the war.

I would urge, whether the House conferees agree with the Mansfield amendment or not, that they at least bring it back to the House and let the House express its will. In view of the overwhelming sentiment of the American people to end the war in Vietnam and in view of the fact that it is clear that this administration will perpetuate the war unless, and until, Congress acts, I would hope that finally the House of Representatives will declare that the President and the administration have had enough time, that "winding down the war" is not sufficient. Since the President and his administration have failed to terminate the war, Congress must exercise its responsibility to end it.

FOREIGN AID

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, while we are talking about foreign aid, I would like to point out that most of the people who live in foreign countries are farmers. So foreign aid is primarily a program to help farm people in other countries.

If something happens so that the farm people in other countries cannot receive some benefits, it seems that it throws the whole government into a tailspin. But they are not so worried about the farm people in this country. They have a grain reserve bill in the Senate which they finally got out of the subcommittee yesterday, but they are not getting it out of the full committee. They do not seem to worry about bills affecting U.S. farmers nearly as much as those affecting farmers in other countries, so not having passed that bill is not holding up the adjournment of Congress.

I have supported foreign aid with some limitations, but I think it is about time we started thinking about some of the farmers in this country, too.

PHONE SERVICE FOR SQUAW GAP

(Mr. LINK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LINK. Mr. Speaker, yesterday, I felt like Alexander Graham Bell, when I received the first telephone call from a new telephone exchange in Squaw Gap, N. Dak. The Reservation Telephone Cooperative of Parshall, N. Dak., has just laid 215 miles of line to serve 100 patrons in a 1,000-square-mile area near the North Dakota-Montana border which had never before had any telephone service.

Since this is my part of the country, I am personally familiar with the sense of isolation people out there have felt. It is hard for most Americans to realize what it is like to be cut off from business, medical, and personal contacts that most Americans take for granted.

The project was made possible by financing from rural telephone program loans, indicating the continued need for 2-percent loans under the Rural Electrification Administration. These loans are necessary to make the amenities of life available to people in sparsely settled areas where private companies often fear to tread.

Mr. Speaker, I include in the Record at this point an article on page 1 of the December 15 Wall Street Journal about the new telephone exchange at Squaw Gap:

Today It Is Possible To Call Squaw Gap—But Who Would Want To?—A Remote North Dakota Area at Last Gets Telephones—After 20 Years of Pleading

(By David P. Garino)

Squaw Gap, N. Dak.—Some good news and some bad news:

The good news: For the first time ever, you can now pick up the phone and place a call to someone in Squaw Gap, N.D.

The bad news: There's probably no one in Squaw Gap, N.D., you want to call.

In fact, if truth be known, Squaw Gap isn't even on the map. That's because it's not a town. It's an area. In this desolate corner of northwest North Dakota, they don't have towns. They have areas. Squaw Gap is an area of about 500 square miles of ridges and buttes and rutted roads, the highlight of which is a crumbling rock formation that is alleged to have once resembled a squaw with a papoose on her back. There is also, approximately in the middle of Squaw Gap, a one-room building that serves as community hall, polling place, dance hall and 4H club-house for the 100 or so farm families that call Squaw Gap home. (The one room was once a movie theater and grocery store, but that's another story.) And that's about it.

So it's not too surprising that Squaw Gap had no telephone service as recently as 1950. But it is a little surprising that Squaw Gap had no telephone service as recently as yesterday—despite numerous appeals by Squaw Gap folk to various phone companies to bring the phone to Squaw Gap.

BUFFALO BILL BUT NO MA BELL

But today, there will be a dance party at the community hall to celebrate the arrival of the telephone to Squaw Gap, and if you're in the area, you might drop by to watch the first call from the Squaw Gap exchange—to Congressman Arthur Link, Squaw Gap's man in Washington. Folks here say the last time anything as exciting happened was back in 1916 when Buffalo Bill Cody wandered through on his way to someplace else.

Getting the telephone to Squaw Gap took a lot of patience, and over the years the effort grew frustrating. "Astronauts were shooting into outer space," says farmer Ray Macik, "yet we couldn't get phones." Appeals to Bell system affiliates in North Dakota and Montana, as well as to some phone co-operatives, all received the same rebuff: Service wasn't feasible because Squaw Gap was too isolated, too large and too unpopulated. (Phone company people say a few towns and villages in the United States still remain without phones—but none of them take up 500 square miles.)

Finally, early in 1970, Reservation Telephone Co-operative, which serves three Indian tribes northeast of Squaw Gap, agreed to try to get phones into the area. Reservation negotiated a 35-year, $400,000 loan at 2% interest from the Rural Electrification Administration, and Stromberg-Carlson, a supplier of phones and phone equipment, agreed to give Squaw Gap rush priority to get phone service in before Christmas.

"It's our Christmas present to Squaw Gap," says a Stromberg-Carlson man. It's an expensive present. What with private lines, dial phones and weatherproof, underground cables, the system is costing Reservation a neat $4,200 per phone, almost triple its average cost. The company figures it will get the money back in fat phone bills. In Squaw Gap, most any call is going to be a long-distance call, including a call to the operator who is in Williston, N.D., 50 miles away.

A LADY NAMED LORNA LINE

Whatever the cost, life in Squaw Gap seems sure to change. In the past, people have died because there was no fast way to warn them of flash floods or grass fires headed their way. Less crucial, it will now be possible in Squaw Gap to say hello to the fellow next door without getting in your Ford pick up and driving a mile or 10.

Farmer Macik's wife says she's looking forward to calling her daughter, Nyla, a college kid in Billings, Mont., 300 miles away. Letters to Billings from Squaw Gap take several days. Mel Leland, a rancher who looks like the Marlboro Man, says he'll save money by knowing when trucks are coming to take his cattle to market. In the past, he was never sure, and the cattle penned up and away from grazing land would "lose 1% of their weight per hour for the first three hours, and that costs a lot of money."

Squaw Gap has not been totally without communication with the outside world over the years. Some residents have used citizen's band radios to talk to Lorna Line, who owns the Bible Book Store in Sidney, Mont., some 30 miles away. In the past, Mrs. Line often used her phone to relay messages from Squaw Gap to the rest of us. She once passed on instructions from a veterinarian to a rancher trying to save the life of a prize bull. But Mrs. Line says the static on her radio is so bad "you can hardly hear yourself think, let alone understand what the other party is trying to say."

Presumably, phone transmissions will be better. There's only one way to find out. The Squaw Gap area code is 701.

REQUEST FOR AUTHORITY FOR SPEAKER OR SPEAKER PRO TEMPORE TO DECLARE RECESS TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker or the Speaker pro tempore to declare a recess at any time today subject to the call of the Chair and with 15 minutes notice of the reconvening of the House by the ringing of the bells.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object—I do not know about this.

We had a rather unfortunate experience yesterday, I will say to the gentleman, and since we are under no pressure with respect to time, I would like to read a little colloquy that is to be found in yesterday's RECORD.

> Mr. Speaker, further reserving the right to object—

And this was with reference to the request of the gentleman from Louisiana (Mr. BOGGS) for exactly the same purpose as he is now making the request—

> Mr. GROSS. Mr. Speaker, further reserving the right to object, among the numerous rumors floating around the House Chamber, I have heard the rumor that there may be an extended recess in order to accommodate some kind of briefing at the White House. Is it possible that is what this request for a recess is designed to accommodate?
>
> Mr. BOGGS. Mr. Speaker, will the gentleman yield?
>
> Mr. GROSS. Of course, I yield.
>
> Mr. BOGGS. It is the intention of the Speaker, the majority leader, that is, myself, and other Members of the House to attend a briefing at the request of President Nixon at noontime. The House will not recess for the briefing.
>
> Mr. GROSS. We will not recess?
>
> Mr. BOGGS. The House will continue to be in session—

To which he added in his own handwriting "at this time." I do not know precisely what that means. He also added to my remarks "at this time," which I found a little strange. After I found it, I deleted it, because those were my remarks and were not subject to revision by the gentleman from Louisiana.

I went on to say in conclusion—

> That is the best news I have heard for quite awhile.

Now we are confronted with this situation again.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Louisiana.

Mr. BOGGS. I guess the moral of the story is that in this business, never be too certain about anything.

By way of explanation, the gentleman asked such a question. It was about a quarter to 12, if I remember correctly, or maybe 20 minutes to 12. The Speaker, the minority leader, and I had designated the gentleman from Texas (Mr. TEAGUE), first, to preside, and subsequently Mr. PRICE of Illinois became Speaker pro tempore.

We had scheduled the conference report on the District of Columbia appropriation, which would normally take an hour for consideration and the rollcall on the conference report would take another 30 or 40 minutes, which would have allowed roughly 1 hour and 40 minutes for the President's briefing.

In addition, I did not know that the gentleman from Arkansas (Mr. MILLS) would be in the White House at the same time for the same briefing. He had the next bill to present.

What happened was that we did not have the full hour on the conference report. We had time left over. So there was no recourse except to recess. There was no intent at any time to deceive the gentleman from Iowa.

Mr. GROSS. Let me say to the distinguished majority leader that I would have been glad to have cooperated to the extent of calling for a rollcall vote on the conference report because, although I have been on record against it every time it has been up, so far as I know I would have been glad to put that rollcall on had I known that the gentleman wanted to prolong the consideration of the District bill, but I did not do it because I thought we were intent upon expediting the business of the House. Therefore, we went into a 2-hour recess when there was to be no recess whatever. This is the point that I am trying to make.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I would be glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I believe the record might be clarified a little more with regard to what happened on yesterday. I want to say, as far as the majority leader's commitment, in a sense, made earlier, that there was a change in circumstances. The next bill to be considered following the District bill—and I believe it was the only legislation that was then available for consideration by the House—was a bill dealing with unemployment compensation. That was under the managership of the gentleman from Arkansas, the chairman of the Ways and Means Committee. It was important because I was in opposition to it. I also participated in that debate. The White House was quite insistent, I would say to the gentleman, that if at all possible the President would like to have the chairman of the Ways and Means Committee and myself as ranking member of the committee, at that briefing. What was done was to try to accommodate both desires, the desire of the President that we participate and also the desire of the leadership of the House that we get that particular piece of legislation out of the way. This was really the only course that could be taken in order to accomplish that objective.

Mr. GROSS. Let me first correct the gentleman to say that the chairman of the Appropriations Committee came in during the recess and was prepared to bring up and had been prepared to bring up the continuing resolution.

Again, the point I am trying to make is that it is all well and good to accommodate, but I scarcely think that it is necessary always to accommodate a few Members of the House to the exclusion of all the rest of the Members. I am perfectly willing to cooperate, but we might very well have adjourned yesterday and been able to go over and stay in our offices and work or do whatever else we wanted to do for two and one-half hours before we did had we not had the recess. And that recess was impinged upon the assurance that there would be no recess when legislation was pending.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. BOGGS. Just for the record, the person we were attempting to accommodate was the President of the United States, and when the time comes when the President of the United States, regardless of what party he belongs to, asks urgently that the leadership of the Congress come to a meeting at the White House, and we will not go, then I say there is something wrong with what we do.

Mr. GROSS. Let me ask the distinguished majority leader this question. Are you and the leaders always here when every piece of legislation is considered by the House? Of course, you are not. This business could have been transacted even though you were at the White House if it was of that much importance. We thought we were bent on getting out of here—at least some Members of the House did.

Let me get back to the original request of the gentleman. I have no desire to prolong this. Let me ask the gentleman if he would not amend his request in this fashion, that we fix an hour this afternoon at which the recess expires, say 5 or 6 o'clock this afternoon, unless previously called back. Would the gentleman not give us some assurance that we can get out of here tonight at a reasonable hour unless previously called back?

Mr. BOGGS. I do not understand exactly what the gentleman means. Let me clarify that so we will be completely certain.

Mr. GROSS. Yes.

Mr. BOGGS. That I make the motion that the recess end at 6 o'clock?

Mr. GROSS. Or ask unanimous consent.

Mr. BOGGS. But if we come back, let us say, at 6 o'clock.

Mr. GROSS. There is nothing to preclude coming in earlier.

Mr. BOGGS. I understand, but let us

say 6 o'clock, and there is a reasonable chance of a resolution early in the evening, then the gentleman would have no objection for us to recess?

Mr. GROSS. I would have no objection if it was to come within an hour or two.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I can well understand the reluctance of the gentleman from Iowa, and others, to agree to a recess at this time that would merely serve as a prelude to an adjournment over until tomorrow. I thought I should inform the House I have just had, by way of a telephone call, word that even now, the chairman of the House Appropriations Committee is meeting with the chairman of the Senate Appropriations Committee on a possible compromise on the subject of the continuing resolution on the foreign assistance program, and there seems to be some very real possibility to arrive at a solution, and, therefore, I think a limited recess might be in order.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, I had that same information, and that is why I thought it was reasonable to request the recess.

Mr. GROSS. Then do we have an understanding?

Mr. BOGGS. I will so amend my request.

Mr. GROSS. Mr. Speaker. I thank the majority leader and withdraw my reservation of objection.

The SPEAKER pro tempore. Will the gentleman restate the request?

Mr. BOGGS. I ask unanimous consent that the Speaker or Speaker pro tempore have authority to declare a recess limited to 5 p.m. this afternoon.

Mr. CONTE. Mr. Speaker, reserving the right to object, I have a 1-minute speech I would like to get into the RECORD.

Mr. BOGGS. We do not have to recess until the 1-minute speeches are over.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. MILLER of Ohio. Mr. Speaker, reserving the right to object, I would like to ask the distinguished majority leader if he would consider amending the request so that we could be back in the House at 2:30 p.m. Therefore, we would know whether action was taken by the other body, and we could at that time either adjourn or then continue the recess.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. Yes, I yield to the gentleman from Louisiana.

Mr. BOGGS. The intent of the unanimous-consent request, as I understood it, was that the recess could not last beyond 5 o'clock, but that we would come back at any time prior to 5 o'clock; at 2 o'clock or 2:30. What the gentleman wants is information by 2:30. I do not know whether that is possible.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Iowa.

Mr. GROSS. I would think it would be easy to put an announcement on the electronic communications system. The gentleman could pick up the telephone and find out what the situation was at 2:30, if there was anything to report.

Mr. MILLER of Ohio. But also we would have an opportunity at that time, 2:30 p.m., to adjourn if we found there would be no business coming up today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. MILLER of Ohio. Mr. Speaker, further reserving the right to object, I should like to request that we do have a time certain set at 2:30 p.m.

Mr. BOGGS. Mr. Speaker, I should like to accommodate my good friend. I can see it working both ways. Members would be in their offices, and if we do not come to a resolution by 2:30, why ring the bells and bring them all back to tell them we will still be here to 5 o'clock.

Mr. MILLER of Ohio. At that time, 2:30 p.m., we could adjourn for the day, if we are going to be in tomorrow.

Mr. BOGGS. Mr. Speaker, I withhold my request for the moment. Let the 1-minute speeches proceed.

STRATEGIC GRAIN RESERVE ACT

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, once again the American consumer got the short end of the stick when the House passed the Strategic Grain Reserve Act in the early hours of Thursday morning. All told, this monstrous piece of legislation will cost the consumer over $2 billion. And this does not even count the charges for storing this grain and not putting it on the market.

Aside from the additional costs of oats and barley, vegetable oil will go up 3 cents a pound—in 2 years, that is $600 million. A loaf of bread will go up one-half cent per loaf—a 2-year cost of $120 million. Red meat will increase 2½ to 3 cents per pound—a 2-year cost of $750 million.

The people of New England are already saddled with extra billions of dollars in artificially high fuel prices because of the quota system on oil. Now they and the rest of the country will have to bear the additional food costs that this legislation guarantees.

My only hope is that the consuming public will be alerted to the provisions of this bill in time to ward off Senate approval of this ill-advised legislation.

REQUEST FOR AUTHORITY FOR SPEAKER OR SPEAKER PRO TEMPORE TO DECLARE A RECESS TODAY

Mr. BOGGS. Mr. Speaker, I should like to renew my request. I ask unanimous consent that it may be in order today for the Speaker or the Speaker pro tempore to declare a recess until 2:30 p.m. or prior thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. SCHERLE. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 471]

Abernethy
Abourezk
Adams
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Badillo
Baker
Baring
Barrett
Belcher
Bell
Betts
Biaggi
Bingham
Blatnik
Boland
Bolling
Brasco
Brooks
Broyhill, Va.
Burton
Caffery
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clark
Clay
Collier
Collins, Tex.
Colmer
Conable
Conyers
Corman
Cotter
Curlin
Daniel, Va.
Delaney
Dellenback
Dellums
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dowdy
Downing
Drinan
Dwyer
Edmondson
Edwards, La.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fascell
Fish
Fisher
Flynt
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Gettys
Goldwater
Grasso
Griffin
Griffiths
Grover
Gubser
Haley
Hall
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hays
Hébert
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Holifield
Horton
Hunt
Jarman
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Keating
Kee
Kemp
King
Koch
Kuykendall
Kyl
Landrum
Latta
Lent
Long, La.
Lujan
McClory
McCloskey
McCormack
McDade
McFall
Macdonald, Mass.
Madden
Mann
Martin
Mayne
Metcalfe
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Mink
Mitchell
Mizell
Mollohan
Montgomery
Moss
O'Neill
Patman
Patten
Pelly
Pettis
Peyser
Pirnie
Podell
Poff
Price, Ill.
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Robison, N.Y.
Roncalio
Rooney, N.Y.
Rousselot
Runnels
Ruppe
St Germain
Sandman
Scheuer
Schmitz
Sebelius
Shipley
Sikes
Sisk
Smith, Calif.
Snyder
Springer
Staggers
Stanton, J. William
Steed
Stephens
Stokes
Stratton
Stuckey
Sullivan
Thone
Tiernan
Van Deerlin
Vanik
Veysey
Waggonner
Wampler
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Young, Fla.
Zwach

The SPEAKER. On this rollcall 233 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORITY FOR SPEAKER TO DECLARE RECESS UNTIL 2:30 TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that today the Speaker have authority to declare a recess until 2:30 p.m.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RECESS

The SPEAKER. The Chair declares the House in recess until 2:30 this afternoon.

Accordingly (at 1 o'clock and 10 minutes p.m.) the House stood in recess until 2:30 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 33 minutes p.m.

MOTION OFFERED BY MR. RYAN TO INSTRUCT CONFEREES ON S. 2819, FOREIGN MILITARY AND RELATED ASSISTANCE AUTHORIZATIONS

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. RYAN. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion offered by the gentleman from New York.

The Clerk read as follows:

PRIVILEGED MOTION OFFERED BY MR. RYAN

Mr. RYAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 2819, an act to provide foreign military and related assistance authorizations for Fiscal Year 1972 and for other purposes, be instructed to agree to Section 9 of S. 2819, which provides as follows:

"It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than six months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

"(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than six months after the date of enactment of this Act.

"(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

"(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties."

MOTION TO TABLE OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Pennsylvania (Mr. MORGAN).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 101, not voting 200, as follows:

[Roll No. 472]

YEAS—130

Abbitt
Anderson, Ill.
Ashley
Aspinall
Bevill
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Camp
Carter
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Crane
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dennis
Dickinson
Downing
Dulski
Duncan
Edwards, Ala.
Erlenborn
Findley
Flood
Flowers
Forsythe
Fountain
Frenzel
Frey
Gallagher
Goodling
Gray
Gross
Hagan
Hammerschmidt
Harsha
Harvey
Hastings
Hogan
Hosmer
Hull
Hutchinson
Ichord
Jarman
Jonas
Jones, Tenn.
Kazen
Landgrebe
Lennon
Lloyd
McCollister
McDonald, Mich.
McEwen
McKay
McKevitt
McMillan
Mahon
Mailliard
Mathias, Calif.
Mathis, Ga.
Mizell
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Konski
Passman
Pickle
Poage
Powell
Price, Ill.
Price, Tex.
Purcell
Quie
Rarick
Rhodes
Robinson, Va.
Rooney, N.Y.
Rooney, Pa.
Ruth
Satterfield
Scherle
Scott
Shoup
Shriver
Skubitz
Smith, N.Y.
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Ware
Whalley
White
Widnall
Williams
Wilson, Bob
Wright
Wyman
Yatron
Zablocki
Zion

NAYS—101

Abzug
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Baring
Begich
Bennett
Bergland
Biester
Bingham
Brademas
Burke, Mass.
Burlison, Mo.
Byrne, Pa.
Clay
Collins, Ill.
Corman
Culver
Danielson
Dellums
Denholm
Dingell
Dow
Eckhardt
Edwards, Calif.
Evans, Colo.
Fascell
Foley
Ford, William D.
Galifianakis
Garmatz
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Gude
Halpern
Hamilton
Hawkins
Hechler, W. Va.
Hicks, Mass.
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, N.C.
Link
Long, Md.
McCulloch
McKinney
Matsunaga
Mazzoli
Meeds
Melcher
Miller, Ohio
Minish
Mitchell
Monagan
Moorhead
Morse
Mosher
Natcher
Nix
Obey
O'Hara
Pepper
Perkins
Pike
Preyer, N.C.
Pryor, Ark.
Pucinski
Rangel
Reuss
Riegle
Roe
Rogers
Rosenthal
Roush
Roy
Roybal
Ryan
Sarbanes
Schwengel
Seiberling
Smith, Iowa
Stanton, James V.
Steele
Stokes
Taylor
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates

NOT VOTING—200

Abernethy
Abourezk
Adams
Alexander
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Badillo
Baker
Barrett
Belcher
Bell
Betts
Biaggi
Blatnik
Boland
Bolling
Brasco
Brooks
Broyhill, Va.
Burton
Caffery
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clark
Collier
Collins, Tex.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Curlin
Daniel, Va.
Daniels, N.J.
Delaney
Dellenback
Dent
Derwinski
Devine
Diggs
Donohue
Dorn
Dowdy
Drinan
du Pont
Dwyer
Edmondson
Edwards, La.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Fisher
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Fulton, Tenn.
Fuqua
Gaydos
Gettys
Goldwater
Grasso
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Haley
Hall
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Wash.
Hillis
Holifield
Horton
Hunt
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Long, La.
Lujan
McClory
McCloskey
McClure
McCormack
McDade
McFall
Macdonald, Mass.
Madden
Mann
Martin
Mayne
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Mink
Minshall
Mollohan
Montgomery
Moss
Nedzi
O'Neill
Patman
Patten
Pelly
Pettis
Peyser
Pirnie
Podell
Poff
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Roberts
Robison, N.Y.
Rodino
Roncalio
Rostenkowski
Rousselot
Runnels
Ruppe
St Germain
Sandman
Saylor
Scheuer
Schmitz
Schneebeli
Sebelius
Shipley
Sikes
Sisk
Slack
Smith, Calif.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stephens
Stratton
Stuckey
Sullivan
Symington
Thone
Tiernan
Veysey
Waggonner
Wampler
Whitehurst
Whitten
Wiggins
Wilson, Charles H.
Winn
Wyatt
Wydler
Wylie
Young, Fla.
Young, Tex.
Zwach

So the motion to table was agreed to.

Messrs. NIX, McKINNEY, HALPERN, McCULLOCH, PERKINS, and BYRNE of Pennsylvania changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE MANSFIELD AMENDMENT

Mr. RYAN. Mr. Speaker, today, as we near completion of the first session of this Congress, the war in Southeast Asia remains the supreme issue for America.

We in the Congress cannot escape the

impact of this dread conflict—the bloodshed and lives lost, the opportunities missed and treasure squandered, the disaffection of our young and the polarization of our society.

Nor can we escape our responsibilities to the American public by hiding behind parliamentary procedures, defying the people's will, and permitting this dreadful conflict to continue.

For 3 weeks, deliberations over the differences in the House and Senate versions of the foreign aid authorization bills have been deadlocked; the conferees have not met; and any resolution of the differences has been thwarted by the refusal of the House conferees to agree to let the House have a direct vote on the substance of the Mansfield amendment, section 9 of S. 2819, the Special Foreign Military and Related Assistance Act of 1971.

Under the Rules of the House of Representatives:

> After House conferees on any bill or resolution in conference between the House and the Senate shall have been appointed for twenty calendar days and shall have failed to make a report, it is hereby declared to be a motion of the highest privilege to move to discharge said House conferees and to appoint new conferees, or to instruct said House conferees; . . .

Therefore, I offered a privileged motion to instruct the House conferees on the foreign aid bills to agree to the Mansfield amendment. This motion offered the House the opportunity to live up to our responsibilities. It offered the opportunity to give peace a chance.

The Mansfield amendment declares it to be the policy of the United States to withdraw all American military forces from Indochina not later than 6 months after the date of enactment, subject to the release of all American prisoners of war.

I, for one, do not believe that this devastating conflict should be allowed to continue for even 1 additional minute, let alone 6 months. But I offered my motion to instruct the House conferees to agree to the Mansfield amendment because I believe that it is imperative that the House of Representatives take a stand on the most important issue that faces this country: the Vietnam war.

The American people, who have expressed their steadfast opposition to this war in the voting booth, in the public opinion polls and in the streets, are entitled to know how their Representatives stand. It is an unconscionable disservice to the people of this Nation for the Congress to hide behind parliamentary procedures, as it has today and in the past, obfuscating the issue and depriving Members of this body of a clear-cut "yes" or "no" vote on the war.

I regret that the leadership did not permit a direct vote on my motion, and thus on the substance of the Mansfield amendment. The motion to table will be seen for what it is—a device to avoid a direct vote.

Hiding behind procedural devices will not alter the fact that the war goes on. It will not alter the fact that more than 53,000 American lives have been taken by this brutal conflict; that over $120 billion has been diverted from our urgent domestic needs; that the fabric of American society has been wrenched apart.

Nor will it hide the fact that the administration's vaunted Vietnamization policy is not a path to peace—it is the road to continued death and destruction. It contemplates Asian armed forces pursuing military victory sustained by American air and logistical support.

The elected Representatives of the people have a responsibility to confront this issue directly. The war must end, and the Congress must end it.

AUTHORIZING SPEAKER TO DECLARE RECESSES TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Speaker be granted authority to declare recesses this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HOSMER. Mr. Speaker, reserving the right to object, and I shall not object, but I wish to ask the gentleman from Louisiana if he can give us any estimate of what might be the program for the rest of today, tomorrow, if any, and thereafter, if any.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, the business before the House is the continuing resolution which includes funds for the foreign aid program. The distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) is here, and I would hope that he would be good enough to give us a progress report.

Mr. MAHON. Mr. Speaker, if the gentleman will yield, some of us were conferring informally with representatives of the other body at the time this rollcall began. We have been assured, repeatedly, over a period of weeks that if the House had a vote on the Mansfield amendment as contained in the foreign aid authorization bill then the problem of settling the authorizations for foreign aid would quickly resolve itself, and we have been assured that if the House voted on the Mansfield amendment the question of the continuing resolution could be quickly resolved. I point out that the House has, of course, voted previously on various versions of the Mansfield amendment.

So it seems to me as if we are in a good strategic position and ought to get through very rapidly.

So I would hope that we can go back immediately and confer with representatives of the other body and reach an understanding on the continuing resolution, and adjourn sine die today.

Mr. HOSMER. I thank the gentleman.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I would like to say that I have been with the gentleman from Texas in this conference, and I quite agree with what the gentleman has to say. I think we are making good progress. I would hope that we might be able to get out of here today.

Mr. HOSMER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. MILLER of Ohio. Mr. Speaker, reserving the right to object, I would like to ask the majority leader if he would consider setting a time certain. If we are making that much progress, then we ought to be able to return to the House in 1 hour.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman.

Mr. BOGGS. I would be very happy to set a time certain, but if I did so it would have to be 6 or 7 o'clock. I hope that we can conclude prior to that time. My unanimous consent request is to grant the authority to the Speaker and I can assure the gentleman that the Speaker wants and is as anxious to conclude the legislative business as the gentleman is and as I am.

Mr. MILLER of Ohio. Would the gentleman consider amending the time to 5 o'clock?

Mr. BOGGS. I might say to the gentleman, if the gentleman will yield further, if the gentleman from Texas and the gentleman from Ohio and other Members in the conference are able to resolve the various matters, the problem of writing up the report and so forth will take time. We are attempting now to conclude tonight and we are doing this to expedite things. That is the best answer I can give the gentleman. If the gentleman wants to insist on a time certain, it would simply mean that the Speaker would have to reconvene the House and then we would have to recess again.

Mr. McKINNEY. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman.

Mr. McKINNEY. If we could just point out some time certain that we can come back. If it is no sooner than 5 o'clock and if the Speaker does not call us back by then, a lot of people here have a lot of other things to do today.

Mr. BOGGS. Mr. Speaker, might I amend my request to fix the time at 6 o'clock today?

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. JACOBS. Mr. Speaker, reserving the right to object, I wonder if I could have the attention of the gentleman from Texas who said a moment ago that the conferees from the other body said that if the House had an opportunity to vote on the Mansfield amendment that an agreement on the conference would come in fairly rapid order. The gentleman from Texas said that such agreement could be expected in fairly rapid order.

Do I infer from what the gentleman has said that he expects the House will have an opportunity to vote on the Mansfield amendment?

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. MAHON. Regardless of a vote on the Mansfield amendment, in the form of a motion to table, I would hope an agreement can be reached today.

But after an agreement is reached, you still have to take time to do all that is necessary in drawing up all the papers. This is quite a problem.

Let me explain that there has been no conference with the Senate. The Senate has not passed the continuing resolution. Therefore, we are not in conference with the Senate officially. We have been in some exploratory discussions with certain Senators this morning and this afternoon.

Mr. JACOBS. Am I to infer from what the gentleman has said that he does or does not actually believe that we have had a vote on the Mansfield amendment?

Mr. MAHON. We have not had a direct vote on the Mansfield amendment. I think everyone believes that.

Mr. JACOBS. Does the gentleman consider the tabling vote on the Mansfield amendment as being an opportunity to vote on the Mansfield amendment?

Mr. MAHON. I would interpret it as being equivalent to opposition to the Mansfield amendment. I cannot imagine anyone who is in favor of the Mansfield amendment voting to table the motion. I cannot imagine the House taking that action unless it was opposed to the Mansfield amendment.

Mr. JACOBS. I have always been curious as to why we cannot vote on the Mansfield amendment. If the vote is expected to be the same except because somebody might have an opportunity to say something about it.

Mr. Speaker, I withdraw my reservation of objection.

Mr. RYAN. Mr. Speaker, further reserving the the right to object.

Mr. Speaker, I might point out that the motion, which was adopted a few minutes ago by the House, to table my motion to instruct the House conferees deprived us of an opportunity to have a straight up and down vote on the Mansfield amendment. Therefore, to interpret that procedural vote on a motion to table as being a vote on the substantive amendment is erroneous.

Mr. MORGAN. Mr. Speaker, reserving the right to object, I just want to inform the House I have just received a call from the chairman of the Senate conferees on the foreign aid authorization. He is willing to meet in 30 minutes on the authorizations and he said he will consider the vote on the motion offered by the gentleman from New York (Mr. RYAN) a vote on the Mansfield amendment.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. WILLIAMS. Reserving the right to object, may I ask the distinguished majority leader a question: What was your first request?

Mr. BOGGS. Will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Louisiana.

Mr. BOGGS. I asked unanimous consent that the Speaker be permitted to declare a recess of the House subject to the call of the Chair. That was my first request.

Mr. WILLIAMS. Why did you change that?

Mr. BOGGS. Because objection was heard. Some Members wanted a time set. The only thing the setting of a time would result in is that we would come back and we might have to recess again. If we shall have settled these matters prior to 6 o'clock, we will come back. I point out that while we are talking now we consume time.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I would express the hope that now we have had this added explanation on both sides of the aisle, the gentleman would return to his original request, that is, that the Speaker be empowered to declare a recess with return at the call of the Chair, and get on with the business of this conference.

Mr. BOGGS. I thank the gentleman. Mr. Speaker, I renew my request.

PARLIAMENTARY INQURY

Mr. HOSMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOSMER. Would an objection at this point to the unanimous consent request take us back to the gentleman's original request that we meet subject to the call of the Chair?

The SPEAKER. That would be up to the gentleman.

Mr. HOSMER. Well, I will object.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Speaker be permitted to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE CRITICAL NEED FOR A CHARLESTON-HUNTINGTON AIRPORT

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I present for the RECORD a remarkable article in the Huntington, W. Va., Advertiser dated December 14, 1971, which has just come to my attention:

MOORE KILLED STUDY URGING MIDWAY AIRPORT

(By Tom Miller)

A $40,000 statewide study of future airport needs in West Virginia that unequivocally called for construction of a regional jetport between Huntington and Charleston was privately killed by Gov. Arch A. Moore Jr. in late 1969 and a watered down version of the study which completely ignores major airport improvements was then released publicly, The Advertiser has learned.

The original study, ordered by former Gov. Hulett C. Smith and financed with federal money, was entitled "West Virginia Airport System Plan 1970–75".

According to informed sources, Gov. Moore said privately it would be politically foolish to release the study publicly and had it rewritten to reflect only a need for smaller developmental airports around the state.

The final version, released in January of 1970, is entitled "West Virginia Developmental Airport Program" and lists 20 recommended sites for new or improved 3,000-foot to 5,000-foot developmental airports.

The final report makes no mention of any commercial airport in the state such as Tri-State Airport at Huntington, Kanawha Airport at Charleston or Raleigh County Memorial Airport at Beckley.

HAD RECOMMENDED GLIDE SLOPE HERE

The final version was the basis, apparently, for Gov. Moore's request for state funds for airport construction. The Legislature allocated $500,000 in 1969–70 and only $42,000 was spent. Subsequently in 1970–71 nothing was added and in 1970–71 Moore asked for $1 million with the $458,000 balance in the 1969–70 appropriation still on hand. The legislature allotted $750,000 to the fund in 1971–72.

The original report also recommended installation of a glide slope at Tri-State Airport here. The chartered airliner crash that killed 75 persons including most of the Marshall University football team and coaching staff occurred nearly one year after this recommendation.

The Federal Aviation Administration had insisted prior to the Nov. 14, 1970 crash that it could not install a glide slope at the field but it was accomplished and in service less than five months after the crash.

The airport study originally was due to be completed in 1968 before Moore took office, but the officials making the study decided to hold up to get the ideas of the new governor.

The final draft was submitted in September of 1969 to Moore. He sent it back, asking that it be revised to "put more emphasis on the developmental airports" which were a part of the overall plan.

The revised report was submitted later in 1969 and it, too, was rejected by the governor, who then had it rewritten in the form that it was made public in January of 1970.

DIRECTOR RESIGNED, SUCCESSOR OUSTED

Partly because of the governor's refusal to accept the findings of the study the first project director resigned and his successor was discharged for refusing to alter the report's findings to suit the governor's purposes.

The governor's actions were inconsistent with his campaign statement here Oct. 28, 1968 at a meeting of the Huntington Rotary Club when he said:

"I would like as governor to bring all the parties (involved in the effort for a regional jet airport) together for a conference without the geographical emotions involved. I'm not against Midway per se, and if I have funds available as governor they will be used for regional airport facilities."

However, in his "State of the State" message to the Legislature Jan. 14, 1970 shortly before the altered study was released publicly, Moore indicated his position when he asked for funding for 20 developmental airports in nonaccessible areas of the state.

PINPOINTED TEAYS VALLEY LOCATION

The original airport study recommended "the development of a HUB airport with a minimum runway of 8,000 feet and expansion capability to 10,000 feet in the Teays Valley area to be scheduled for completion in 1973, to coincide with the opening of the Interstate System in Charleston. To meet this schedule, it will be necessary to begin construction in 1971, and site preparation in 1970. Estimated cost—$18,000,000."

The study further included a long-range recommendation which stated that "based on the growth of air traffic and the possible expanded use of the large jumbo jets, it may be necessary to expand the basic (Teasys Valley) runway to 10,000 feet by 1980 and to add a second runway. Therefore, adequate land should be obtained to meet such future demands."

The study's conclusions leading up to the regional jetport recommendation were as follows:

"West Virginia, and in particular the major market areas of Charleston and Huntington, have lagged behind the nation in economic growth for several decades. The inaccessibility of this area has been a prime reason for this slow rate of economic growth. Air transportation growth in the Charleston-Huntington area has also lagged behind the nation and is but another indicator of the overall economic stagnation.

AIR CARGO SLOW TO DEVELOP

"Air cargo has been slow to develop within the Charleston-Huntington area and passenger growth has been limited. While both these cities have recently experienced conversion to pure jet aircraft . . . this conversion was delayed for several years due to the inadequate facilities available at the two regional general purpose airports (Huntington and Charleston).

"For many years both these cities received less than desirable service with aircraft that were considered obsolete in other comparable areas of the country.

"While the conversion to pure jet has been heralded by many as a major catching-up situation, there are indications that the area will soon fall behind again if a major HUB airport is not provided.

"The reasons for this concern are the facts that (1) the existing runways at the two major regional general purpose airports cannot be economically lengthened to the point where significant operating restrictions will not be necessary; (2) the reduced payloads may eventually result in higher fares into Charleston and Huntington than on comparative trips in other parts of the nation as was the case prior to the conversion to pure jet service; and (3) because this major market area is split into two regional centers, with two sets of air schedules, both centers will suffer from a limited choice of departure times and destinations.

WOULD HAVE IMPROVED SERVICE

"If on the other hand, a major national HUB is developed to serve the entire area, this section of West Virginia would experience over the long-run, the competitive advantage that goes to areas having superior air service; more reliable service for both passenger and cargo, more attractive schedules, and an assurance that air transportation costs would be competitive with other sections of the nation.

"The optimum location for such a HUB airport is the Teays Valley area between Charleston and Huntington. This area will be 25 minutes from downtown Charleston by 1973, when the Interstate Highway System is completed, and is currently just over 30 minutes from downtown Huntington.

"Within a one hour travel zone there are several hundred industries, most of which would be within the 30-minute zone. The population of the one hour travel zone is approximately 600,000 and the major population growth of the overall area is in the direction of Teays Valley.

MUCH LAND ACREAGE AVAILABLE

"Also of major importance to the long-range development of a HUB airport is the existence of thousands of acres of developable land for major industrial expansion in the vicinity of Teays Valley."

The plan also included recommendations for improvements at airports serving Beckley, Bluefield-Princeton, Charleston, Clarksburg, Elkins-Buckhannon-Philippi, Huntington, Lewisburg, Martinsburg, Morgantown, Parkersburg, Point Pleasant, Weirton-New Cumberland and Wheeling.

These recommendations also were eliminated from the final report with the exception of Philippi, Point Pleasant and Weirton-New Cumberland.

ST. EDWARDS LEADS IN BILINGUAL EDUCATION TRAINING

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, one problem which Texas educational institutions are struggling to come to grips with is the problem of the child who enters the first grade with little or no knowledge of English.

In Texas, this generally means a child who comes from a Spanish-surnamed home where Spanish is the only language spoken.

If such a child is thrown into the first grade cold, it is generally recognized that about the first 3 years of public education are simply lost—and the child faces an almost hopeless catchup game from then on.

The problem is complicated because it is also a cultural one. Consciously or unconsciously, the "Anglo" school system may degrade the child's Spanish heritage and customs.

Much still needs to be done. But the growing concern is there. The growing effort to meet that concern is there.

And one of the leaders is St. Edwards University of Austin, Tex.

St. Edwards began this year a new program that can be found in only half a dozen colleges and universities in this country—a program to train bilingual-bicultural teachers to prepare them for the special needs of Spanish-speaking children in elementary school.

I am most pleased to see this effort and this leadership, and I would like at this time to include in the RECORD a recent article from the Austin paper describing the program:

ST. ED'S PROGRAM, PROVIDING NEEDED BILINGUAL TEACHERS

(By Leslie Taylor)

A group of students at St. Edwards University is winding up the first semester of a new kind of program—one that can be found in only half a dozen colleges and universities in the country.

Under the direction of Sister Marie Andre Walsh, 20 students enrolled this fall in St. Ed's bilingual-bicultural teacher education program to prepare teachers for the special needs of Spanish-speaking children in elementary school.

"The orientation of most schools which teach English as a second language," said Sister Marie Andre, "is that Spanish should be used only until the child is able to speak English.

St. Ed's program is based on the belief the child whose dominant language is Spanish should be able to function in both the Anglo and Mexican-American worlds. When the child is able to function in both Spanish and English, he continues to learn in both languages.

The aim is to produce a person who is not only bilingual but bicultural as well, she said.

The teachers who will function in such classrooms must be specially trained. They must be able to teach in Spanish as well as English and they must have an understanding of the culture of the Mexican-American child and how it compares with that of the Anglo.

Sister Marie Andre said the 1968 Bilingual Education Act guarantees "every child the right to be instructed in his home language in school."

In Texas there are about 250,000 Mexican-American children who need to benefit by this law immediately, she said. She said these are the children whose dominant language is Spanish and who need three years of language instruction in English in order to prepare them to learn in English.

Without bilingual training the first three years are wasted. "We need 10,000 teachers to provide for this first group of children," she said.

Texas needs another 10,000 teachers to provide for an additional 250,000 Mexican-American children who may have Spanish surnames and may handle English adequately but who, under the law, have a right to learn about their own language and culture, she said.

In addition to general courses leading to a bachelor's degree and teacher certification for the elementary school level, courses in the history, psychology and sociology of the Mexican-American culture are required under this four-year program.

The students also must develop proficiency in Spanish in order to teach in Spanish, to diagnose language learning problems, and to evaluate students' progress.

With the help of Dr. Olive Wheeler, director of elementary education at St. Eds, most of the students were placed in elementary classrooms with large numbers of Mexican-American children. The students worked as teacher aides six hours a week gaining the first portion of the three years of actual contact with the Mexican-American child and his culture.

Dr. Wheeler said all sixteen teacher aides had been invited to return next semester to their schools. The program is now operated in classrooms in Allison, Dawson, Becker, Govalle, Montopolis and Metz elementary schools.

The second year of the program, students will do some kind of community work in which they will become better acquainted with the Mexican-American child's home and neighborhood environment.

The junior year will be spent on campus in professional education courses in which the student will be taught to teach in Spanish and English.

The senior year will involve student teaching in Mexican-American classrooms.

PCB'S: POISON BY THE POUND

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, scientific research has clearly revealed the growing presence of a highly toxic, extremely persistent industrial chemical in our environment: polychlorinated biphenyl—PCB. However, some question still remains as to the full extent and impact of this contamination. In order to assist them, it is essential that researchers have adequate information relating to the quantity of PCB's manufactured and sold, and their uses.

On April 9, 1970, I publicly called upon the Monsanto Co.—the sole domestic producer of PCBs—to release the production and sales figures for this chemical for each year since 1940. My reason for this request was clear. As I wrote in a letter to Monsanto:

> These figures are necessary so that scientists can determine the extent to which PCBs are getting into the environment.

Monsanto, however, was totally unresponsive to my request and apparently unmoved by the documented hazards of PCBs. In fact, John Mason, writing on behalf of Monsanto on April 28, 1970, casually dismissed the environmental dangers with the following statement:

> It should be emphasized that the apparent PCB problem relates only to the possible effects on some species of birds . . . (research) indicate(s) that there is no threat to the public health.

Unfortunately, that is not, nor has ever been, the case. The potential threat of this chemical has been well evidenced by scientific findings and revelations of massive contamination of meat, fish, poultry, and dairy products.

Thus, on June 18, 1970, I again wrote to Monsanto, reiterating my call for public disclosure of all sales and production data, emphasizing the extreme danger posed by PCB's. Again, Monsanto denied my request, assuring me in a letter of June 30, 1970, that—

> Monsanto is taking an extremely responsible attitude to this problem and is doing everything within its power to insure a maximum degree of control to prevent the possibility of the (PCB) escaping into the environment.

Precisely 1 year after that assurance, huge quantities of PCB's were dripping onto 16,000 tons of fishmeal in North Carolina. As a direct result of that incident, thousands upon thousands of poultry, eggs, fish, and other food products were severely contaminated, endangering our food supply and threatening our health.

The seriousness of this situation, coupled with the disclosure of additional occurrences of PCB-contamination and evidence of increasing PCB-levels in the environment, brought about major publice recognition of the severity of the PCB menace and the need to control this deadly chemical.

Yet, it was not until November 30, 1971, that the Monsanto Co. finally made public a summary of its domestic production and sales figures for PCB's since 1960, revealing the startling fact that over 700 million pounds of this dangerous product have been manufactured in this country since 1960. This figure is all the more staggering when one realizes that PCB-contamination is measured in parts per million.

Ironically, Monsanto's stated reason for releasing these statistics publicly is:

> Scientists have continued to express a need for the data to make a proper estimate of how much PCB might be in the environment.

That is precisely the reason behind my requests for this information throughout these past 20 months—requests which Monsanto has steadfastly ignored until now.

It must be noted, however, that, although the data disclosed by Monsanto is needed, to fully evaluate the PCB situation a much more detailed breakdown as to uses and products is essential. If Monsanto is to fulfill its obligations to the public, it must release a complete list of all present and past uses of PCB's as well as the names of all products containing PCB's, their manufacturers, and their quantity. Further, Monsanto must, to the best of its ability, make public the disposition of fluids and other products containing PCB's after their usefulness has expired.

I include in the RECORD Monsanto's press release of November 30, 1971, setting forth a summary of its production figures since 1960. I also include an article from the December 13 Chemical & Engineering News detailing the efforts to investigate further the effects of PCB's in the environment.

The material follows:

MONSANTO RELEASES PCB PRODUCTION FIGURES TO DEPARTMENT OF COMMERCE

WASHINGTON, D.C., NOVEMBER 30.—Monsanto Company announced today it has released figures to the United States Department of Commerce showing the company's U.S. production and sales of polychlorinated biphenyl (PCB) from 1960 through estimated 1971.

Closed-system electrical uses ranged from 11,000 tons per year to 20,000 tons per year during the period.

The report also shows Monsanto voluntarily reduced its nonelectrical sales of PCB from the high of 16,000 tons in 1970 to 4,400 tons in 1971. Substantial further reduction will be accomplished in 1972, the company said.

C. P. Cunningham, managing director of Monsanto Industrial Chemicals Co., an operating unit of Monsanto, said, "As part of our control program, the data were originally prepared for the Federal PCB Joint Task Force and other concerned scientists for use on a confidential basis so scientists can properly evaluate the figures and relate them as to impact on the environment."

Monsanto has now chosen to release the figures publicly "because scientists have continued to express a need for the data to make a proper estimate of how much PCB might be in the environment. We also believe the figures will inform the public about Monsanto's positive actions to limit the sale of PCB to confined applications," the company executive said.

"Now that the figures are public information," Cunningham added, "we are confident both the scientific community and the public press will interpret the data properly. These are production and sales figures only. It should be clearly understood that all this material is not in the environment.

"For example," Cunningham said, "over 60 per cent of all sales in the past 12 years have been for closed-system electrical uses. It would be a completely false and irresponsible conclusion to say all PCB produced is in the environment. Much of the material is still contained in sealed electrical equipment where it acts as a fire-resistant safety fluid, protecting human lives and property from the danger of fire and explosion."

Cunningham concluded, "Monsanto continues its program to control the uses and prevent the release of PCB into the environment. To date, we have cut off all sales to paints, plasticizers, sealants, adhesives and all other open-system uses. We are receiving used PCB from customers for regeneration or safe disposal. And we are engaged in an all-out research effort to develop less persistent forms of PCB or suitable products which retain the fire safety features of PCB. We call on other producers, worldwide, to join in this effort."

PRODUCTION AND SALES POLYCHLORINATED BIPHENYLS (PCB) MONSANTO INDUSTRIAL CHEMICALS CO.

[In short tons]

Year	U.S. production	Domestic sales: Electrical insulating liquids uses [1]	Domestic sales: All other uses [2]	U.S. export sales, all uses
1971 (estimate)	20, 236	14, 417	4, 401	4, 938
1970	42, 527	20, 268	16, 263	6, 826
1969	38, 194	18, 564	15, 034	5, 312
1968	41, 427	20, 568	11, 990	5, 616
1967	37, 655	20, 387	10, 846	4, 062
1966	32, 925	18, 897	10, 642	3, 426
1965	30, 240	16, 203	9, 695	2, 117
1964	25, 417	13, 769	8, 666	2, 048
1963	22, 367	11, 448	7, 618	1, 824
1962	20, 986	11, 683	7, 339	1, 809
1961	20, 333	11, 108	7, 661	2, 076
1960	20, 786	12, 444	5, 163	1, 827

[1] Closed systems, transformers, and capacitors

[2] Including heat-transfer systems, hydraulics/lubricants, plasticizers

---

[From Chemical & Engineering News, Dec. 13, 1971]

CONTROVERSY CONTINUES OVER PCB'S

Widespread headlines were generated earlier this year when 50,000 turkeys in Minnesota, as many as 88,000 chickens in North Carolina, and tens of thousands of eggs at various locations were destroyed after they were found to be contaminated with polychlorinated biphenyls (PCB's). Similar headlines have accompanied other findings that indicate that PCB's are extensively distributed in the environment. PCB's have been found in U.S. and foreign waters, in zooplankton in the ocean, in many species of fish, and in a variety of wild fowl. But even though high concentrations of PCB have been associated with various birth defects in birds and in animals, a definite cause-effect relationship has never been established.

Biological cause-effect relationships are, of course, inherently difficult to establish. The most obvious example involves cigarettes and cancer: That a link exists between smoking and cancer has been recognized for some time, but that smoking causes cancer has never been conclusively proved. Other such links that are the subject of continuing investigation include those between hormones and homosexuality, viruses and cancer, and PCB's and birth defects.

PERSISTENT

PCB's have been known for nearly a century, and have been used extensively since the 1930's. Chemically, PCB is a generic term covering a family of partially or wholly chlorinated isomers of biphenyl; commercial PCB's (42 to 60% chlorine) may contain as many as 50 different detectable isomers. Furthermore, PCB is a colorless, highly viscous fluid that can withstand temperatures up to 650° F. without degradation, does not conduct electricity, and is resistant to fire. Such properties make PCB an ideal fluid for heat exchangers and electrical equipment such as transformers. These properties also make the more highly chlorinated PCB's very resistant to degradation in the environment, so that their persistence is similar to that of DDT.

Monsanto Co. is the only U.S. producer of PCB, although PCB's are also made in Japan, Europe, and the U.S.S.R. Monsanto, however, is the only company that has released production figures. Since 1960, the firm has made some 353,000 tons of PCB, with output reaching a maximum of 42,500 tons in 1970 (C&EN, Dec. 6, page 15). About 60% of that output has been for closed-system uses and much of the remainder has been either recycled or safely destroyed. Nonetheless, a certain amount has apparently been allowed to enter the environment where contamination continues to be detected.

CONTAMINATION

Last month, for example, Dr. George R. Harvey of Woods Hole Oceanographic Institution revealed that PCB at levels ranging from 1 to 100 p.p.b. have been found in nearly all animal and plant species from the Atlantic Ocean. Levels as high as 1.5 p.p.m. were found in zooplankton, Dr. Harvey says, but corresponding PCB levels were not found in fish that feed on the zooplankton.

Also last month, Rep. Gilbert Gude (R.-Md.) disclosed that the Maryland Department of Natural Resources has found PCB at levels as high as 0.2 p.p.m. in soft-shelled clams taken from the Chesapeake Bay. This level is well below the Food and Drug Administration's guideline of 5 p.p.m. PCB in fish and poultry. Rep. Gude points out, however, that the clams were contaminated with other chemicals, mostly pesticides, and it is not known whether combinatorial or synergistic effects can occur. Maryland is currently beginning a study to determine if other species in the bay contain PCB.

The November issue of *Natural History* magazine described a three-year study of birth defects among terns on Great Gull Island in Long Island Sound. One specimen found on the island, a four-legged chick that lived for three days after hatching.

The authors, Helen Hays of the American Museum of Natural History, New York City, and Dr. Robert W. Risebrough of the University of California's Bodega Marine Laboratory, Bodega Bay, say they also found birds with no flight feathers, with twisted mandibles, and with stunted extremities. The two workers attribute the high incidence of deformities to pollution in the sound.

Dr. Risebrough says the median concentration of the pesticide DDE in the flesh of all terns was 2.1 p.p.m.—about the same level found in other wild birds, and sufficient to account for the observed thinning of eggshells. The concentration of PCB in the flesh of the birds, however, ranged from 5 p.p.m. to 175 p.p.m. Despite these high levels, he points out, no cause-effect relationship between PCB levels and birth defects has been established for the terns.

Laboratory tests in the Netherlands, Dr. Risebrough notes have shown that fertile chicken eggs injected with chlorinated dibenzofurans, a PCB contaminant, produce similarly deformed chicks. Monsanto, however, says that U.S.-made PCB's do not contain that contaminant.

OSPREYS

Dr. Risebrough has also collaborated with Paul R. Spitzer of Cornell University to examine ospreys inhabiting the Long Island Sound area. Their results, disclosed last month, indicate that the ospreys may be more contaminated than any other wildlife in North America. They found that lipids of both viable and overdue osprey eggs obtained from the shore of the sound have PCB levels varying from 545 to 2270 p.p.m.

Another Cornell worker, Dr. David B. Peakall, has found strong evidence of chromosomal damage in ring doves fed food containing 10 p.p.m. PCB. His preliminary results, sent to the Environmental Protection Agency in September, indicate that all hatchings from the first generation of birds were normal. When the hatched doves were mated, however, only 20% of the embryos survived. Dr. Peakall is continuing his work in an effort to find why the damage is manifested only in the third generation.

FIRM

Monsanto, meanwhile, continues to stand firm behind its contention that there is no "scientific data that indicate polychlorinated biphenyls may cause birth defects." A company spokesman indicates that Monsanto has sponsored several feeding tests and a teratogenicity study, all of which indicate only minimal effects from PCB's. Rats fed food containing 100 p.p.m PCB, for example, showed only slightly increased liver weights after 18 months. Dogs fed a similar diet exhibited a tendency not to gain weight as well as expected. Chickens, however, were observed to exhibit loss of weight, thinning of eggshells, and decreased hatchability of eggs, although no embryonic deformities were observed.

Clearly the PCB file isn't closed. Monsanto's withdrawal of PCB from the market for uses where end products can't be controlled will reduce the amount of PCB entering the environment. But until a cause-effect relationship between PCB's and birth defects can definitely be proved or disproved, controversy will surround any use of PCB at all.

THE ELEVENTH ANNUAL WEST SIDE COMMUNITY CONFERENCE—CITIES IN THE SEVENTIES

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, perhaps the greatest domestic problem facing our Nation in the decade ahead is the problem of the city—the quality, failure, and conflicts of urban life.

Early this year, leading urban experts from throughout the Nation joined with concerned citizens of the West Side of Manhattan and of New York City to discuss major issues facing our cities in this decade.

More than 40 authorities joined with us as panelists and "discussants" at the annual West Side Community Conference sponsored by me and by the Democratic and liberal clubs of the West Side.

The annual conferences are held in an effort to bring substantive issues to the community for discussion. As we say each year in our program, "They are presented in the belief that those who mold public policy, and the public are obligated to one another for understanding and direction."

I have sponsored one of the conferences every year of my tenure in Congress. They are free of charge, and free of partisan orientation. And they bring together at informal panel discussions leaders in Government and the academic world with the citizens to whom they are responsible.

On Saturday, April 3, 1971, we held our annual West Side Community Conference, "Cities in the Seventies." Some 2,000 individuals attended and took part in the five panels and the plenary session at Riverside Church, New York City. The panels covered a wide variety of subjects essential to the urban resident: consumer protection, health care, law enforcement, urban transit, youth, and the elderly.

We were very fortunate to have had two esteemed Member of Congress join me in addressing the plenary session of the conference. Both have dedicated their lives to making America a better place in which to live, and are in the forefront of those attempting to forge a new coalition to meet our Nation's problems: WALTER E. FAUNTROY, Delegate to Congress from the District of Columbia; Senator FRED R. HARRIS, cochairman of the Urban Coalition's "Commission on the Cities in the Seventies."

The list of panelists, discussants, and moderators included:

LIST OF PARTICIPANTS

Bess Meyerson Grant, Commissioner, N.Y.C. Department of Consumer Affairs.

Charles S. Mack, Executive, Consumer Issues Committee, U.S. Chamber of Commerce.

Robert Pitofsky, Director, Bureau of Consumer Protecton, Federal Trade Commission.

Joseph Swidler, Chairman, N.Y.S. Public Service Commission.

Woodrow Wirsig, President, The Better Business Bureau of Metropolitan New York.

Geoffrey Cowan, Attorney, Center for Law and Social Policy.

William F. Haddad, President, U.S. Research and Development Corporation.

Seymour W. Klanfer, President, Consumer Assembly of Greater N.Y.

Adele Misa, Chairman, La Mia Buying Club.

Florence Rice, Consumer Consultant, Harlem Consumer Education Council.

Stephen Press, Director, New York Institute for Consumer Education and Development.

Gordon Chase, Administrator, N.Y.C. Health Services Administration.

Douglas Coleman, President, N.Y. Blue Cross.

John L. S. Holloman, Committee for National Health Insurance; past president, Physicians Forum; past president, National Medical Association.

Vernon Wilson, Administrator, Health Services and Mental Health Administration, U.S. Dept. of Health, Education and Welfare.

Esta Armstrong, Program Director, West Side Neighborhood Health Services Program.

Leon J. Davis, President, Local 1199, Drug and Hospital Union.

William H. Hatcher, Chairman, Washington Heights-West Harlem-Inwood Mental Health Council.

Ira Glasser, Director, N.Y. American Civil Liberties Union; Chairman, St. Vincent Community Health Council.

Oliver Fein, Health PAC.

Edythe J. Gaines, Superintendent of Schools, Community District 12, Bronx.

Georgia L. McMurray, Commissioner designate, N.Y.C. Agency for Child Development.

Irving Miller, Professor of Social Work, Columbia University School of Social Work.

Elizabeth Stecher Trebony, Executive Director, Project FIND.

Ernest Cruz, Student; former Director, Community Youth Program, Upper West Side Community Corporation.

Ferdinand Danziger, President, J. Hood Wright Golden Age Center.

Dorothy Pitman, Community Director, West 80th Street Community Child Day Care Center.

Israel Weinstein, Vice President, Congress of Senior Citizens.

Barbara M. Silverstone, Federation of Protestant Welfare Agencies.

Stuart Greene, Student Member, Child Care Center Program.

Elmer Cone, Assistant Chief Inspector, Chief of Patrol, N.Y.C. Police Department.

Charles B. Rangel, Member of Congress, 18th C.D.

Burton B. Roberts, District Attorney, Bronx County.

Ralph F. Salerno, Consultant on crime and law enforcement, Hudson Institute; former Supervisor of Detectives, N.Y.C. Police Department.

Jack S. Hoffinger, Defense attorney; Associate chairman, Criminal Justice Coordinating Council.

Charles Gilliam, Sergeant, Preventive Enforcement Patrol Squad, N.Y.C. Police Department; 2nd Vice President, Guardians Association.

Jeannine Green, President, The Block-In-Between Block Association.

Efrain Rosa, President, 24th Precinct Community Council.

Maxine Waldron, Member, MAD (Mothers Against Drugs).

Basil A. Paterson, Executive Vice President, New York Law Journal.

John G. deRoos, First Deputy Administrator, N.Y.C Transportation Administration.

Justin N. Feldman, Member, Metropolitan Transportation Authority.

Bertram R. Gelfand, N.Y. City Council; chairman, Special Committee on Transportation.

Roger H. Gilman, Director, Planning & Development, Port of New York Authority; former Executive Director, Tri-State Transportation Commission.

Dick G. Lam, Director, Transportation and Regional Planning, N.Y.C. Planning Commission.

Nathan Bloom, Senior Economist, First National City Bank; former Senior Economist, Tri-state Transportation Commission.

Stephen Dobrow, President, Committee for Better Transit, Inc.

Mary Perot Nichols, City Editor, "Village Voice."

Myron Cohen, Chairman, Mayor's Subway Watchdog Commission.

I wish it were possible to acknowledge by name everyone whose work and leadership made the conference a success. I would like to thank the following people who made particularly vital contributions:

Coordinator of the conference was Susan Cohn. With the assistance of the conference committee, she coordinated the entire conference.

Members of the committee, who worked with great energy and dedication over many months, were panel coordinators—Jeanne Miles, Suzanne Abramson, Hugh Pickett, Ann Comay, Judy Gottehrer, and Doris Clark—secretary, Elaine Bernstein; treasurer, Ira Zimmerman; administrative coordinator, Elizabeth Savels; press, Rita Kardeman; publications, Jack Rennert; photographer, Philip Eisner; registration, Ellen Wallach; reception, Rita Breitbart Auerbach; recorder, Virginia Horton; arrangements, Ada Bass, Juanita Smith, Rosalind Silver, and Chauncey Olinger.

To all those who made the conference possible, we are deeply indebted.

I also want to express my deep appreciation for the friendly cooperation of Mrs. Theodore A. Dilday, Mr. Lopez, Mr. Lyndstrom, Mr. French, Mr. Williams, and the staff of Riverside Church. My thanks also to the staff of WRVR and to Dietrich Schnaufer, manager, Butler Hall Penthouse Restaurant.

The participating clubs were: Audubon Reform Democrats, Carver Democratic Club, Central Harlem Liberal Club, Community Democratic Organization of Inwood and Marble Hill, Community Free Democrats, Concerned Democratic Coalition of Northern Manhattan, Fort Washington-Manhattanville Democratic Club, F. D. R.-Woodrow Wilson Democrats, Hamilton-Heights-Manhattanville Democratic Club, Heights Reform Democrats, John F. Kennedy Official Democratic Club, Martin Luther King, Jr. Democratic Club, New Chelsea Reform Democratic Club, New Democratic Assembly, New Directions Democrats, New Horizons Democratic Club, Park River Independent Democrats, Riverside Democrats, Solomon Weiss Liberal Club, Tioga Democratic Club, Village Independent Democrats, Washington Heights Progressive Democrats, and West Side Liberal Club.

I am also grateful to the large number of community sponsors whose generous contributions made the conference possible.

At the plenary session, Congressman FAUNTROY, Senator HARRIS, and I discussed various aspects, problems, and hopes for our cities in the seventies.

I include at this point in the RECORD the remarks of Congressman FAUNTROY, Senator HARRIS, and myself at the plenary session:

OPENING REMARKS BY CONGRESSMAN WILLIAM F. RYAN

I stand here today somewhat perplexed—torn between wanting to speak positively about what can be done and feeling that to be anything but somber is to evade reality. My optimism stems both from my own personal nature—which says that there are answers to problems, and that we *can* do better, *if* we decide to do better—and from the very simple, empirical fact that, after all, we have chosen to live here.

We are New Yorkers, and when all is said and done about the garbage, the subways, the traffic, the noise, the housing, we come back to one point—New York is our home, and, at least for most of us, it is true to say that we would not trade our lot with the farmer in Iowa or even the man or woman living in Chicago.

Still, we must recognize the magnitude of the crisis confronting us.

For many New Yorkers, some lines from a poem by Coleridge, "Frost at Midnight," are all too accurate:

I was rear'd
In the great city, pent mid cloisters dim
And saw naught lovely but the sky and stars.

Today, with air pollution, even the stars are becoming a memory of things past.

I would like to begin with two major premises. The first is that the greatest crisis facing our cities is the growing cleavage between the races. And second, this cleavage is a function of economics—the break between the haves and the have-nots.

If the people fall apart, so must the cities. As Shakespeare said in *Coriolanus*, "What is the city but the people."

What we are witnessing is a steady exodus of the white middle class from the central cities, which are progressively becoming the refuse piles for the poor, the disadvantaged, the elderly, the blacks, and the Puerto Ricans.

Yet, despite the siren songs of disaster, no one responds. We are catapulting towards a frightening polarization which cannot promise anything but the most difficult problems for our nation.

Intrinsically involved in this racial bifurcation which is splitting our cities, and thereby our people, is the issue of money. Money, it is said lies at the root of all evil. In this case, it is the lack of money which is the root, and the tree it is producing is a dual one—one white, one black.

The simple fact of the matter is that there is insufficient money for the cities. Or, let me be more accurate—and it is deadly significant that I am accurate here—there is insufficient commitment to provide the money for the cities.

I lay the blame on this Administration. I know that coming from me, that is no surprise. But, let us put my particular approach aside, and let us put politics aside. Where, I ask you, in this Administration, do we hear a voice speaking out in the morally right terms of racial equality? Where do we see this President standing up and saying, "We are brothers?"

We have a man in the White House who takes 14 months to condescend to meet with black members of Congress.

We have a man in the White House who says he is not going to force integration in the suburbs.

We have a man in the White House who nominated for the Supreme Court a G. Harrold Carswell.

We have a man in the White House who in the most total, tragic way has demonstrated his lack of compassion, of perception, of—to use a term of the times—sour. This man is not my soul brother. He is certainly not the soul brother of the black man and woman, or the Puerto Rican, or the Chicano, or the American Indian.

Given such attitudes, how can one hope for a meaningful perception of what is happening to our cities?

Apart from his abdication of moral leadership on the issue of race, he has used fiscal contrivances to encourage the dissolution of our cities' unity, and thereby to their racial division.

Let me cite some examples. And here I am not talking about supporting or opposing governmental programs. That is another question. Here I am talking about money. Right now, the Administration has frozen billions of dollars of federal funds which should be going into the cities. Two hundred million dollars in urban renewal funds. Over 700 million dollars for Model Cities. 192 million dollars in public housing funds is frozen. Five million dollars for community education. Thirty four million dollars for regional medical programs. Two hundred million dollars for water and sewer facilities grants.

The administration's budget requests for fiscal year 1972, which begins this July 1, perpetuate the situation. Twenty five million less than could be requested for the Section 236 rental assistance program Funds for students with special vocational education needs—$20 million this year. Gone in the next. Grants for public libraries: out by 50 per cent. Seventy-five million dollars less than the authorization for bilingual education. Nothing for the lead based paint poisoning program, which we finally pushed through to enactment only a few months ago.

And, while the money recedes, we hear a lot of rhetoric about revenue sharing. Let me just say, the President's so-called new revolution of revenue sharing provides $143 million less for education in Fiscal Year 1972 than it did in Fiscal Year 1971—and this is when we *combine* special revenue sharing *and* general revenue sharing.

Money, my friends, money—speaks loud. And all we hear from the White House is a whimper.

And, so long as we do not have the money for education, so long as we do not have the money for housing, so long as we do not have the money for mass transit and anti-pollution programs and adequate health care and community action programs and employment services and job training and 100 other things, we are sentencing the cities to death.

And let there be no mistake. This is not simply a matter of frugality. This is a direct reflection of an attitude towards race. Without compassion, without a perception of the races, without soul, there is no recognition of what must be done. Or, if there is, there is no commitment to make that recognition emerge into a reality, in terms of hard dollars.

I do believe that this Administration is leading our nation down a dire course. I do believe that our hope—our hope domestically as well as internationally—lies in making this a one term Administration.

Rudyard Kipling wrote, in his poem, "To the City of Bombay,"

> Comfort it is to say:
> "Of no mean city am I:"

We have no comfort in our cities today. We have no comfort in the split of the races. We only have the comfort of knowing that we can resist, we will resist, and we must prevail.

REMARKS OF WALTER E. FAUNTROY

Thank you so very much, ladies and gentlemen. Above all, Bill Ryan, I thank you for the privilege of being here today.

As I open the flood gates of memory and travel back through the past decade, through the height of the civil rights movement so nobley led by Martin Luther King Jr., I cannot help but be grateful to Bill Ryan. For he represents to me those Congressmen and Senators who responded to a national coalition of blacks and whites, of affluent and poor, young and old—who worked together to outflank those Southern Democrats and Conservative Republicans who have frustrated every progressive piece of legislation we have tried to move through the Congress, and who, even today, stand between us and the solution to the crisis in the cities. And I believe it is the reassembly of that coalition that is the hope of our cities in the 70's.

I would like to address myself very briefly to that subject, amplifying, no doubt, what so many of you have been saying in your panel discussions thus far, and in some measure that which Congressman Ryan has said before me and what Senator Harris will say even more eloquently after me.

I think we are all aware that deeply entrenched patterns of social behavior coupled with sweeping economic changes have combined to create a crisis in our American cities that has reached explosive proportions. A key social factor in this crisis may generally be referred to as "the class caste system" that functions in American life. Or to focus more specifically on the plight of Black people in America—it is attributed to the racist orientation of the American character structure. Couple that with the economic cages that are being wrought in the automation, cybernation revolution that is displacing unskilled workers at a rate of 35,000 a week or 2 million a year, and you understand the basis for our crisis.

This fact is reflected most clearly in the growing mechanization of our rural economy and the flow of increasingly large numbers of people toward our nation's urban centers in search of gainful employment. I need not remind you that all of America is becoming increasingly urbanized, especially black America. For while roughly 60% of white Americans live in our cities and our urban complexes, fully 73% of Black America lives in the urban centers of our nation. And in that fact,—the fact that the cities are becoming increasingly the abode of the Black and the poor while the affluent flee to the suburbs—we have the crux of the crisis in the cities. It is these, Blacks, Mexican-Americans, poor people generally who find themselves caught in the vicious cycle; forced to live in housing that is exploited; send children to schools that are neglected from which they emerge with an education that is inferior to take the lowest paying jobs in an economy that is displacing unskilled people at a rate of 2 million a year; and thus are forced to return to the housing that is exploited, to send children to the schools that are neglected to emerge with an education that is inferior. Thus the vicious cycle builds and continues.

In light of this vicious cycle, the 70's will be a decade in which the cities are engaged in a life and death struggle. I submit that their fate is tied almost directly to our abilities to marshal sufficient vote power, black and whites together across this nation, to see to it that our disordered priorities are reordered.

Seymour Melman in his book, the *Pentagon Capitalism*, I think puts his finger on the problem when he reminds us that over the last 25 years we have spent a trillion dollars in this country for the implementation of war. That over the past 10 years, we have spent 500 billion dollars—a tremendous drain on our national vitality and our national resources. And the toll of that disordered priority has been felt most keenly in the explosive situation in our cities.

As Dr. King said from this very church 4 years ago while launching his assault on the insane and senseless and illegal war in Vietnam: "The bombs that are dropped in South East Asia explode in the ghettos of our nation."

They have taken their toll on the vitality of our cities. For while we have spent that 500 billion dollars over the past ten years perpetrating death and war, our desperate needs in the country have gone wanting. The casualties, as he pointed out, have been the 15 million people who are hungry in this most affluent nation in the world.

The casualty over these past ten years has been the inventory of delapitated housing across this country.

The casualties have been our health needs in this country, for it is a tragic indictment of our priorities that we, the richest nation in the world, are 18th among the major nations of the world in infant mortality. In 1957, we had something like 105 physicians per 100 thousand people in our population. But with the continued spending 80% of our national budget on implements of war, today, I understand, we have only 89 doctors per 100 thousand.

All these things illuminate the disordered nature of our priorities and the need to reorder them—to turn, not only our money but our brain power as well, toward meeting our human needs.

Even in our domestic spending our priorities are disordered. Over the past 5 years we have spent 25 billion dollars in space exploration, and 20 billion dollars in highway construction—highways that have been essentially white men's roads to black men's homes. Over these past 5 years we have spent 15 billion dollars subsidizing country farmers like Senator James Eastland, while we spend only 5 billion dealing with the housing crisis that is the albatross about the neck of those of us who live in our inner cities.

Congressman Ryan is right. If we are to deal with the crisis in the cities, then we've got to spend enormously more money on each of those areas: Providing decent housing, job opportunities, health and welfare for our people.

I think I know where that money needs to be spent. And in closing, I just want to suggest two areas where we need to spend a great deal more money to meet the problems in our cities. These two areas grow out of my painful experience over the past 5 years of desperately trying to revitalize an urban core in our nation's capitol.

I was born and grew up in what is now known as the Shaw urban renewal area. It is an area 675 acres in space, lodged between the White House and the Capitol, between North Capital Street and 15th Street which begins six blocks up from the White House and 13 blocks from the Capitol. It is an area all too typical of the decaying inner city areas of our country: 95% black; 70% of the ownership by absentee land lords who extract an average of 100% profit each month on the investments they have made on that slum property. We have there a census tract which in 1968 had the highest unemployment rate of any census tract in the country. There we are trying to draw federal money using the system of urban renewal to affect nonviolent land reform. The system provides a means of doing that, but the people have not the money to affect it. I see where massive doses of model cities funds can be spent for the acquisition of these slum ownered properties and their disposition to nonprofit sponsors who can rehabilitate or redevelop them, so that the people who now live there, paying 100% profit to slum-lords, can own them in dignity.

In short, I think that, if I just take the case of my own father and our efforts to deal with his needs, you'll understand why and where the money needs to be spent. My father has lived in the Shaw area for 37 years now, in one house. He payed for the house 4 times in those 37 years. He payed for it four times because he paid 100% profit to the owners. As a matter of fact, some people think my father is poor, but I know he is pretty affluent fellow. He has bought 8 houses in his life time. When my father paid off the note the first time, the man refinanced the house and at once bought another house and put another Willie, that's my father's name, in it. And Willie paid off the second note, and he refinanced the house again; and he bought a third house and put another Willie in it, and Willie paid that one off.

Under the urban renewal process that we have been able to invoke the house has been condemned, acquired from him, turned over to a non-profit sponsor, which happens to be my church, rehabilitated and then sold to my father for less in monthly payments under the 235 program than he was paying in rent. That's revolution.

Fifteen years ago, when I wanted to go to college my father could not take that house down to the Savings and Loan Association and say: "Here is 20 years of my life in monthly payments. Let me have 2 thousand dollars to send my boy to school." Not because he hadn't paid it; but because he lived in that exploited situation whereby he paid for it, but had no claim on it. We've changed that for Willie, and there are millions of more Willies across this nation who need to be helped to that kind of citizenship and that kind of dignity and that kind of control of their destiny. And that can come only when we spend the countless billions of dollars that are necessary to revitalize our inner cities.

I assure you that on the 675 acres of land in Washington alone I could absorb all of the budget for the 236 and the 235 programs that has been appropriated by the Congress for the nation. That is the dimension of the need.

The final thing I want to point out is that in addition to the money for the revitalization of our inner cities, there is the need to deal with what I think should be the kind of issue around which we can reassemble the vote power of the forces of good will in this nation that out voted the forces of reaction in 1964–1965. That is the issue of drug traffic in our cities. The fact pervades our cities. This despair, that is developed because of our failure to deal with these problems, has found an opiate in drugs and has become our nation's chief internal security problem. In the past year I have buried 4 young men from two programs that we have developed in Washington: one called Pride and one called Project Build to deal with dropouts. And when we buried them the black young men and the white young men who were in those programs decided that we must picket the State Department and picket the Turkish Embassy and picket the French Embassy and say to them in no uncertain terms that we understand that drugs don't grow on 14th

Street in Washington; they don't grow on Wisconsin Avenue. We know they are grown in Turkey. Eighty percent of the drugs sold on the streets on the East Coast are grown there. And we know they are processed in France and brought here—40 tons worth a year, that they are destroying our most precious possession. If the FBI or the CIA can find out what Ralph Nader is doing in a hotel room, then surely they can determine where the gold flows and whose hand is in the pot across this nation and around the world and what needs to be done for the salvation of our cities. We must find a way in this country, even if it means subsidizing farmers in Turkey, to stifle the traffic in drugs which is a symptom of our failure to deal with the crisis in our cities.

Thank you.

REMARKS OF SENATOR FRED HARRIS

It is a delight to be here with Congressman Ryan and Congressman-elect Fauntroy, this afternoon. I have a prepared speech, but I have decided not to use it.

There is a story I heard recently about a Senator who was more dependent on his staff and speech writers than most, and who had a great turn over in his staff because he was tough to work for. One day he went to give a speech in the Senate, put on his glasses, opened up his speech, the first time he'd seen it, and said: "Mr. President, today I want to talk about the role of the U.S. in Africa, Asia, and Latin America. Then I intend to turn my attention to the farm problem, I'll close with a detailed discussion of problems of simultaneous inflation and recession in this country." Then he turned to the next page and it said: "All right, you old wind bag, I quit; you're on your own." I don't like to use prepared texts for fear that might happen to me.

Again, it's a delight to be here with Congressman Ryan and Congressman-elect Fauntroy and be a part of this program. I commend Bill Ryan and each of you who had a part in putting this program together and each of you who is participating in it.

The great hallmark of the 1970 elections is the feeling that so many people have in this country that it doesn't really matter what politician is elected since nothing much is going to be done about the problems of this country. As I travel around this Nation, I find people far more articulate now than they were in 1967. People can tell you precisely what is wrong with this country, exactly what is wrong with their lives. The problem is: how can we generate the will and the kind of coalition action that must be brought about to meet their needs.

Kevin Philips wrote a book, which I think is an immoral book, called the *Emerging Republican Majority*. Its thesis is that its a good thing Democrats are associated with the problems of minorities and of the central cities and poverty, because the more Democrats are associated with those problems, the more people are going to flee the Democratic Party and join the Republican Party. I think that is an immoral thesis, because it seems to me political parties and governments haven't any reason to exist unless they are going to concern themselves with the real problems of the world and of this country. And I think that it is immoral because we don't need to look so much after the problems of the strong because the strong people take care of themselves. It's the weaker people of our society, those with less power, the government must be particularly interested in.

There is another book that I think is at least an amoral book and it is called the *Real Majority*. The basic thesis of that book is that politicians should find out where the center is and get over there as quickly as they can. I couldn't disagree more. I think people are so tired of wishy-washy double-talking mealy-mouthed politicians they could just throw up. I don't think it is the time for cool calm concern about the issues. I think we ought to let it be known that the level of our outrage continues to climb.

Walter Fauntroy talked about health. I was down in Walters not long ago, a little town where I grew up, and I was talking to my dad. My dad is a small farmer, lives on a farm, has less than a high school education. He said he was with his sister, my Aunt Audrey, and he said she heard me say on the radio a lot of little people pay too much taxes and a lot of rich people in this country don't pay their share of taxes. And I said that's what I said. "Well," he said, "as I said to Audrey, is he one of them that put them on us to start with?" Well there's quite a bit of truth in that. But the point is Aunt Audrey. Her husband had just suffered a stroke. Despite the fact that he'd worked all his life for the local gas company, she is working as hard as she can now running a little hamburger stand, selling hamburgers to the high school kids at a little school where I grew up. She can not possibly pay the medicine and hospital bills. I say that it's an outrage. In the richest and most medically knowledgeable country in the world, it is unconscionable that a couple who have worked all their lives can't take care of something as basic as health.

I believe that there are people in this nation who want to focus on the polarization in our society. They want to try to build a negative coalition around the fears and hatreds that are in us all. I believe you can build that kind of coalition.

But I think we can also build a positive kind of coalition—around the things that are of mutual concern to the majority of the people of this country. By and large the basic kind of plank in that populist coalition has to be the maldistribution of wealth and income which is endemic in our society and which must be righted. If you look at the 1930's you'll see we haven't changed very much in the maldistribution of wealth and income. The upper one fifth of our population has roughly 41% of the income, slightly more than it was in 1930. The lower fifth of our population has about five percent of the income, slightly less than it was in 1930. It's issues like that around which we can begin to build a majority—a majority which can move this country forward.

We're not answering the basic kinds of questions that are on people's minds: like "Will my family be safe?" A lot of these fellows who talk most about law and order are the very ones who will not vote money for more police and better salaries and better training to do something about the awful slowness of the courts. They would rather have preventive detention. Now you wonder who has the franchise of making up those beautiful phrases to mask such ugly and unconstitutional concepts. Those same people are the last to be willing to give the city money to do something about prisons and jails—criminal academies, turning out far better criminals than originally sent there.

"Will we do something to end this war finally?" I think people know that all over this country a majority of people dread to see the name of another boy killed in that useless and tragic and immoral war. That's the basic kind of human and populist question that must be answered.

"What's going to happen to me when I get old?" Old people throughout this country—because of the levels of social security assistance that the government itself sets—are living lives which do not come up to the kind of decent standards to which they are entitled. More than that, far too many older people in this country go without breakfast or lunch just to buy drugs, because they can't otherwise afford to buy medicine that they must have. I say that that's a scandal. It's that kind of basic question,—"What's going to happen to me when I get old?"—That we are not facing up to with the kind of urgency that is required.

"What sort of chances will my child have?" "What kind of education will he have?" "Will he have a better chance than I had?" "What's going to happen to me if I'm out of work?" Billions of people are needlessly out of work today under a heartless policy which has consigned too many people to the jobless lines in order to get control of the economy.

"What's going to happen to me if I get sick?" These are the basic issues in this country.

It's so difficult for us to think about these things in terms of statistics and then feel the kind of human urgency that's involved. You have to focus on individual cases.

In my own state, in the little town of Edmond, my wife and I know a couple there who just had their first baby born with a birth defect. In the first 48 hours they owed $3,000. Wiped out. There is no possible way this young couple, just getting started in life, can possibly pay for that kind of expense.

In Tulsa, Oklahoma, I held hearings on rising health costs. A young man who handles about 150 cases of bankruptcy said that the typical bankrupts in Tulsa,—and this is not abnormal throughout the country,—is a young married couple up to their necks in payments like we all are, refrigerators, car, furniture. Then the typical thing that throws them into bankruptcy is an extended illness of the wife or the child. They are wiped out, with no way to pay it.

The other day, Donna and I were down in a small community in Oklahoma, and we stopped in the home of a young couple. In the kitchen was a young boy. He looked to be healthy as far as any outward signs were concerned. We got into a discussion about several things, and it came out that the young mother was active in an organization called Human Growth, Inc. She told me that that was a group that tried to get more research funds for deficiencies in the human pituitary gland. I asked how she came to be involved in that group. She said because that little boy of theirs had been born with a deficiency of the pituitary gland and that he had no chance to live above the age of fourteen, without being seriously physically and mentally retarded, unless there could be some research breakthrough before he arrived at that age. During the past year, for the first time, in that young boy's life they have had some hope because the federal government under the National Institutes of Health had begun a small program with only about $40,000 dollars, for research into that kind of disorder. She and her husband for the past year had been driving twice a month 250 miles down to Dallas to take that little boy to where some of that research was being conducted, hoping against hope that something might be done before too late.

Last year that money was cut out entirely. Because of President Nixon's economy move, that entire research project was ended.

As I said to Senator Warren Magnuson on the floor of the Senate, during the SST debate, go down there and look that mother in the eye and, if you can tell her that the building of that Supersonic Transport is more important than that little boy's life, I'll go in with you.

I believe that we can put this country back together again, if people will recognize the common interest we have in bringing this country back to human kinds of priority. I believe that these issues cut across a lot of lines, lines of race, lines of age.

I heard Rev. Jessie Jackson say in Chicago not long ago to a mostly white audience: "I don't blame that white unionist for not wanting a black man at his job. I don't blame that black man for wanting to get his job. I'd like to see a policy under which they can both have jobs." It's that kind of common sense around which we can put this country back together again and build the kinds of coalitions which can move us forward. That's true of these problems in the city and it's true of the problems in the country. All over this country people want to feel that they are a part of some common enterprise which is more important than themselves. We can move this country back to the greatness that is in it, and give people involvement in an effort which seeks to practice what we profess.

I believe there *is* a progressive majority in America which can be mobilized in a new populist coalition to help enact an agenda for this country based on fundamental matters of principle and right: better distribution of income; justice for black people, Chicanos, American Indians, other minorities and women—and for white workers who pay an unfair share of social costs; peace, and a reversal of militaristic trends; confrontation and restraint of the powerful interests which profit by polluting the earth; and fundamental reform of government to make it responsive to the people's will.

The truth is that if we will but listen, we will find that all over America, people of the most disparate backgrounds—the young college student, the militant black, the suburban housewife—are saying the same things: we want to live in a society which believes in something, which stands for something, in which there are obvious values and ideals; and we are tired of having so little power in helping make decisions.

The trouble right now is that those people who are, potentially, part of a progressive coalition are in despair because they feel that nothing much is going to be done to right fundamental wrongs which exist.

That despair results partly from the fact that, for some people, both in and out of the present Administration, it has become fashionable once again to accept, as virtually God-ordained and inevitable, patriotic wars, higher unemployment as the cost of stable prices, poverty as the natural state of some men, and an America of two separate, unequal societies.

Race is the central fact of American politics today, because it is the deepest and most dangerous problem of American life. Deep down Americans know that it is not right to discriminate in education, housing, and jobs, but, deep down, they also know we have been guilty of it. And more and more people have come to realize that racism has been unbearably costly in lives, money, and peace of mind.

The response of the Nixon Administration to this central problem and basic moral issue is to give open aid and comfort to the last-ditchers by taking their side and by equivocation. Just when the moderate public figures in the South, for example, were beginning to feel politically secure enough on this issue to be able to say that nothing more could be done except to comply with the law ("We've run out of courts," Governor Robert McNair said), the hardliners were encouraged by government policy to hope that the clock might be stopped or turned back.

It is a wretched and heartless policy that makes men go jobless in order to slow down the economy. It is particularly indefensible to increase the numbers of the jobless without providing for a decent income maintenance system and a manpower program which assures a job for all those who are willing and able to work.

Why have we passively accepted a caste of poverty-ridden citizens in the midst of the greatest national wealth in the world's history? We did not count money when we decided to undertake the task of landing men on the moon. But we have often appeared to be prepared to cut almost every budget figure which would insure a real future for thirty million of our poorest fellow Americans.

The ways to prevent poverty are well known to us all. Allow every baby a chance to be born wanted, raised in good health, educated to full capacity, accepted upon individual merit, welcomed to a range of job choices according to capacity and interest, paid a good wage, insured at adequate levels against the economic hazards of the industrial economy, and assured a comfortable house in a supportive neighborhood, and opportunities for cultural enrichment, participation in the decisions affecting his own life, and survival into a respected and secure old age.

The tragedy and immorality of our recent foreign policy have profoundly shaken our own people and made it far more difficult to enact and maintain progressive programs at home.

If one agrees that politics should stop at the water's edge, there is no reason why one should also agree, as some would seem to advocate today, that morality must also stop at the water's edge. Of those who are willing to admit that governments have a responsibility to operate in the domestic realm on some basis of idealism, many feel quite strongly that similar idealism is not a practical basis for the conduct of foreign policy. The truth is that an immoral foreign policy will prove, in the end, to be deeply impractical. The late Walter Reuther spoke the truth when he said that "Idealism is the pragmatism of our time."

One would think that Americans, of all people, would most understand that downtrodden people will rise, that people should and will be served and that there is a limit to what they will suffer if ever they learn that they need not suffer. Yet our tendency and the tendency of our government, abroad, is often to identify alone with the existing government in a country, however dictatorial or corrupt, almost as if we believed that governments have a separate life of their own, when we should know that, even under dictatorships, power belongs ultimately to the people only, and only they assuredly endure.

Two-thirds of the world's people are poor and hungry, and they live in countries where a frightening increase in population is far outstripping available recourses and lagging economic growth, already insufficient and strained to the utmost. Anyone who feels that in the next twenty years we Americans can continue to sit in our air-conditioned homes, watching color television, getting fat from eating too much, polluting the environment through overconsumption and feeding our cats and dogs more than a great many starving humans have to live on, and still maintain our national security—not to mention our sense of moral uprightness—in such an unstable and anomalous world situation, has not thought the matter through.

Neglect and half-hearted action on too many fronts have brought us to a time when too many people feel that hope is a useless crutch. The times are confusing. The old solutions are not working. The old alliances are being severely tested.

We can go either way. Men may gain and hold power by turning some of us against others. Or we can begin to see that there can be new strength in ourselves, that the hopes of most of us are the same.

It is not the "long-haired hippie kid" or the "pushy black" or the "hard hat" who has caused our problems. We—all of us together—have caused them. And we can solve them if we believe we can and if we will trust one another once more. In the great mass of people there is strength, if it is turned loose and set free—strength enough to do what needs to be done.

Volunteer reporters generously gave of their time and skills to report proceedings at the conference. For their reporting, notes, and articles, I am particularly grateful.

The morning panel on "Profit, Protection and the Consumer" was moderated by Stephen Press, director, New York Institute for Consumer Education and Development. Panelists were Bess Myerson Grant, commissioner, New York, City Department of Consumer Affairs; Charles S. Mack, executive, Consumer Issues Committee, U.S. Chamber of Commerce; Robert Pitofsky, Director, Bureau of Consumer Protection, Federal Trade Commission; Joseph Swindler, chairman, New York State Public Service Commission; Woodrow Wirsig, president, the Better Business Bureau of Metropolitan New York. Discussants were Geoffrey Cown, attorney, Center for Law and Social Policy; William F. Haddad, president, U.S. Research & Development Corp.; Seymour W. Klanfer, president, Consumer Assembly of Greater New York; Adele Misa, chairman, La Mia Buying Club; Florence Rice, consumer consultant, Halem Consumer Education and Development. Panel coordinators were Jeanne Miles and Suzanne Abramson.

I include the report on the discussion:

Profit, Protection and the Consumer

(By Elizabeth Savels)

After introducing the panelists and discussants, the moderator, Stephen Press, called on Robert Pitofsky.

Mr. Pitofsky stated that the Federal Trade Commission has the authority to protect the consumer against unfair practices. But in the past it has lacked leadership, motivation and the staff to pursue its authority.

Joseph Swidler, in his initial remarks, commented that, while the Public Service Commission has no such broad powers as the FTC, it has as its specific task regulating public service agencies and companies. Public institutions have not functioned well in the past, and in 1970 there was a re-organization of the PSC so that it is no longer only a rate reviewing service but now looks at long range planning and programs as they relate to better service and lower rates, as well as the environmental factor.

Woodrow Wirsig urged both self-regulatory and legislative controls to meet the rising consciousness among consumers that controls must be instituted. The Better Business Bureau, in relation to its members, he said, meets with a business firm to set up standards, monitors the firm, meets again, if necessary, to use moral suasion to keep the firm to the standards set. Also, it tests advertising in an attempt to be sure that no fraud is being perpetrated.

Charles Mac indicted the U.S. Government for discouraging the business community from proposed self-regulatory measures by not permitting sanctions to be imposed. A measure designed to clean up pollution which was proposed by business was said to violate the anti-trust laws. He also stated that the thrust of consumer legislation is injurious to competition from which consumers profit. Reduction of competition favors big business. The business community is not opposed to consumer legislation but does oppose harassment of business. Consumers can have as much protection as they want, but not without an increase in the cost of the product.

Seymour W. Klanfer to Mr. Mack: He said his interest was in the question of business harassment. What proof is there of business harassment? Is it harassment to insist that business fulfill its claims for a product made in advertisements? Mr. Mack replied that this did not constitute harassment.

Mr. Klanfer to Mr. Swidler: One used to have the idea that the Public Service Commission was a subsidiary of the firms the commission was supposed to regulate. Is the idea of a Consumer Advisory Group welcome to the PSC? Mr. Swidler replied that such a group would be welcome in some areas only, but not in the area of rate cases. Mr. Klanfer urged the PSC to consider the help such a group could give, such as keeping it informed of consumer complaints.

Florence Rice questioned Mr. Wirsig about soliciting consumer complaints which the BBB can do nothing about. Mr. Wirsig said that the BBB was a private organization, that 97 percent of its complaints represented a breakdown in communication between consumer and supplier, and that the BBB has shown that it can handle such problems. Mrs. Rice quoted a survey which she said disproved the BBB claim, and went on to say that the low income consumer cannot get as much attention paid to his complaint as the educated consumer.

Mrs. Rice to Mr. Swidler: The AT&T is asking for an increase in the rates. Is anything being done about AT&T discriminatory employment practices before such an increase is considered? Mr. Swidler said that the PSC had no authority to correct discriminatory employment practices in any utility, but that other agencies do have such authority. Mrs. Rice then asked why the AT&T was not involved in the hearing on the Bell Telephone case presently under review. Mr. Swidler replied that the time limit on the hearings did not permit bringing in the complexity of the AT&T relationship.

Adele Misa directed her question to Mr. Mack: Why has no one compelled banks to extend credit to low income consumers? They are forced to use much more expensive loan agencies. Mr. Mack told of the fairly new steps being taken by Montgomery Ward and some company in Chicago, the name of which he could not recall, which permits loans to low income consumers in cooperation with the National Welfare Rights organization. No reports are in on this program, but it sounds promising.

Mrs. Misa to Mr. Wirsig: Why does the BBB not print a list of its member firms? Also, in setting up standards, who decides what is the right price of goods? Mr. Wirsig: The BBB is not competent to set prices. It does, however, protest if a price on goods seems unconscionably high.

Bess Meyerson Grant added to this the complaint that the BBB, once it has cleared up a complaint, wipes the slate clean and no record is made of trouble with a dealer. Mr. Wirsig responded that the BBB does keep a record, and that it prosecutes the dealer who has defrauded a consumer. He added here that the WMCA survey, previously quoted by Mrs. Rice, was being studied by the BBB for libel and malicious content.

Geoffrey Cowan asked if Mr. Wirsig could tell him how many of the complaints which came to BBB were handled by BBB and helped, how many were referred to government agencies. Mr. Wirsig replied that the majority of the complaints were settled to consumer satisfaction, and that BBB cooperates with Mrs. Grant's office.

Mr. Cowan to Mr. Mack: If self regulation has been ineffective, would you be opposed to self-regulation with consumer authority to impose remedial action? Mr. Mack said that would not be self-regulatory; it would be outside regulatory control.

William F. Haddad to Robert Pitofsky: Self-regulation is not going to work. Don't live in an unreal world! Mr. Pitofsky is not the right person to answer my question but he is here, so I want to know how the FTC hopes to overcome government pressure? Mr. Pitofsky said that as the consumers make their voices heard, the government will have to respond by lessening its pressure.

Mr. Haddad to Mr. Swidler: In hearing a rate case you hear only the monopoly protagonist. What is the role of the Commission vis a vis the monopoly and the consumer? Mr. Swidler: The Commission must have a commitment to consumer protection.

Mrs. Bess Meyerson Grant, who had apologized for arriving late, now made her opening statement. She asserted that her agency was mandated to educate and protect the consumer, to take defrauders to court on behalf of consumers, and cited examples of some of the results of her commission's work in this field.

The audience was called on for questions.

Mr. George Levine of the American Telephone Consumers Council reported that at the Bell Telephone hearings he was told that he could not testify unless he could present all the testimony at one hearing. He also wanted to know why the PSC lawyer was not present at that hearing. Mr. Swidler replied the PSC had permitted the lawyer to go on vacation as he was overworked.

Following are some of the questions and answers:

Question: What do you define as normal exaggeration in advertising? Reply: Advertising not measurably exaggerated, such as "world-beater" vs 20% better.

Question: Is anything being done to see that "special" goods from one store are not transferred to Harlem stores at regular prices? Mrs. Grant: Yes, something is being done. Also, she announced, unit pricing is going into effect.

Question: Consolidated Edison sends bills based only on an estimate. Can anything be done? This was referred to Mr. Swidler for the future.

Question: Who controls overproduction of gelatin capsules, the overage being used for drugs produced in this country, which are not legal to sell in this country, and are being shipped overseas? Mr. Cowan: The Attorney General has the power to control this.

The following question was asked by the vice-president of an advertising firm of the audience: "Is there any room in advertising for romance? The audience replied "NO" "Do you want only facts and diagrams?" The audience replied, "yes."

The morning panel on, "Health Care: Paying and Providing," was moderated by Ira Glasser, director, New York American Civil Liberties Union; Chairman, St. Vincent Community Health Council. Panelists were Gordon Chase, Administrator, New York City Health Services Administration; Douglas Coleman, president, New York Blue Cross; John L. S. Holloman, Committee for National Health Insurance; past president, Physicians Forum; past president, National Medical Association; Vernon Wilson, Administrator, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare. Discussants were Esta Armstrong, program director, West Side Neighborhood Health Services Program; Leon J. Davis, president, Local 1199, Drug and Hospital Union; William H. Hatcher, Chairman, Washington Heights-West Harlem-Inwood Mental Health Council; Oliver Fein, Health PAC.

Panel coordinator was Hugh Pickett. I include the report on the discussion:

HEALTH CARE: PAYING AND PROVIDING

(By Virginia Horton)

Ira Glasser, the panel moderator, pointed out that health care has been a commodity to be bought rather than a right; because of the economy of scarcity, there is not enough to go around.

He said that in this society of abundance, the problem is distribution, not production. Health care is distributed on a fee-based system; solutions come in terms of finance solutions.

Various plans have been put forward. An American Medical Association plan would provide for continuation of voluntary insurance pograms, with incentives through tax credits. The Health Insurance Association plan, proposed by health insurance underwriters, would extend private coverage, with the federal government paying premiums for poor and almost poor. The American Hospital Association plan consists of corporations throughout country funded by government. The Kennedy plan is broadest of all. It would eliminate all private coverage, provide total care through group practice under appointed local advisory boards with majorities of consumers. It would be financed by a tax on employers of about three percent, and on employees of about one percent supplemented by federal funds. The Rockefeller plan provides compulsory private insurance, with premiums to be paid by employer and employee and the government paying for the poor.

There are shortcomings of all the plans. They all represent the fee-for-service idea. There is no accurate controls of spiraling costs. They all are regressive, financed through flat percentage taxes on everybody. They are all financing plans, not health plans. They do not deal with problems of delivery of health care.

Many feel more money is not the answer. It may not improve quality. Do any of the plans speak to that possibility?

Gordon Chase asked, what are the real health problems? He said that the most pressing problems of the cities are environmental—lead poisoning, alcoholism, drug addiction, venereal disease. They are not strictly medical problems. Enormous numbers of people are affected by them. Research money is spent on more exotic things that affect very few people. The most widespread problems are under-funded.

Vernon Wilson said the Administration *does* have a plan. We are dealing with something of great concern, and there are reasons why it is not as easily resolved as we wish it would be.

One problem is that there is no description of what "health" is. We have put money in the things which frighten us the most, which are dramatic. The problem cannot be solved by a coerced system. Throwing controls from one place to another is not the answer. We must work together to solve problems. More initiative must be placed in the community. That will come from federal encouragement and the incentive system. The final decision among those who provide, medical problems. Enormous numbers of peothose who receive and those who must finance. Eighty percent of the health care system is operated on a pay-as-you-go basis. Twenty percent of the population is underserved, badly under-served.

Under an Administration plan, once an individual has paid, he will receive all benefits agreed upon with no further charge. Any member of a group can form a focal point for putting together a system, but the final set-up must include all of them in system.

Monies which have come into the health care system amount to one third of federal resources. They will go into health maintenance organizations only after approved contracts have been arranged and benefits will result.

There is a family health service plan in Administration's program.

National Institute of Medical Health, Center for Disease Control, Maternal-Child Health, Family Planning Services, regional medical programs, Community Health Services, Indian Health Services, National Center for Health Statistics, National Center for Health Research and Development, health facilities; federal health program which includes federal hospitals, clinics, etc., are all mandated to work with the Office of Education, Labor, Social and Rehabilitative Services, Social Security and the Department of

Justice. We are doing all we know how to do.

We must have meaningful cooperation with groups like yours.

John L. S. Holloman said that the problems have been recounted innumerable times. The plans offered are generally inadequate because we have a philosophical hang-up. We are unable to distinguish between changes that are real and those that are rhetoric. We pass laws at the federal level without disturbing medical tradition; we attempt to solve health delivery problem by pouring in more money, causing a cost spiral.

Health is an equal right, and we must make it one. Not after *we* have gotten *ours*.

In New York City, the commission to study hospitals came up with a solution which can not work: separating people by having continuation of a municipal and voluntary hospital system is inevitably unequal. In practical application, people will do what is closest to their own heart, at someone else's expense. We balance the budget by dropping people from medical rolls. We have various bills, introduced for political reasons rather than a desire to change the system and make health care an equal right. Nowhere in the world can poor people compete for equal care. Two-thirds of the physicians care for one-third of the people.

We must build a health care system based on philosophy of the right of health care.

Douglas Coleman said that most of his life he has been trying to spend other people's money wisely.

One of the things he is encouraged about, he said is that you cannot get a responsible and knowledgeable group talking about health services without agreement that there is need for change.

Health care is not something that a society or a physician or a hospital can hand to a person. There must be some participation by the recipient. A large part of health care problems are the accumulated result of personal living habits or environment. This is not to say that we do not have to address ourselves to the delivery system. The best of emergency rooms on a Saturday night are like battle stations. This is no way for human beings to treat each other. "I am not a proponent of any one way. We are talking about changing behavior patterns—of nurses, doctors, administrators, aides; how institutions are structured, how people are paid."

"I don't see much hope trying to deal with that on any short-term basis by a national law. You can only set in motion some forces. I think it will happen a neighborhood at a time. We are going to have to take a look at disadvantaged areas and share more than we ever have before."

Medicare is divided into hospital and medical care. This is artificial. There must be a total system. Health maintenance is service to *people*. It is easier to get money for a *building*.

Leon J. Davis said that our problem is that we have no health service system.

As a people we never agreed this is something we ought to have. We have a fire department system. But it is an accident if a person gets a doctor or an ambulance when he needs it. It is a fraud that the Administration is dealing with the health problem. What is the delivery system of hospitals that are controlled 80 percent by philanthropists? Hospital walls are plastered with names. No *consumer* is on the hospital's board of trustees.

We will not have a system unless it is a system for everybody. A medical system for the poor will be a poor system. Any system designed for the poor will become a poor system.

William H. Hatcher said that we are developing services for areas as we understand their needs to be.

"I feel cold and frustrated," he said, "at what I have heard here. There will be no health system which will deal with these problems unless it deals with all the things that cause them. Addicts, etc., are symptoms of something else. (One addict said he took drugs to make him able to bear the stench of his building.) The poor have the fewest services, jobs, opportunities. But their areas have the most liquor stores. Drugs must be stopped from coming into the county."

"We can't improve health conditions without seeing that people have jobs. The welfare system isn't an accident; it's meant to control the people. The sanitation men are always complaining they haven't enough people, but what would be their reaction if you took men off welfare and put them in sanitation jobs at the same salary the sanitation men get?"

"It is asked if the community can provide and control its own services. My answer is, can it do any worse? I am hoping communities will begin to assert themselves and demand the right to do things for themselves."

Esta Armstrong said that concerning current legislation, communities are not familiar with what is being proposed.

Consumers, she said, for the most part, are playing the traditional role of "doctor knows best." The west side neighborhood Health Services Program has gotten national interest. Competent full-time physicians work together with the community, with a back-up hospital. The community is *not* just advisory. Policy decisions are made through a mechanism of an Executive Board of the Neighborhood Health Council and staff. Values and incentives are for curing, not for profit.

When we see insurance companies moving in on health care for the nation, we know the incentive is to keep rates low, to make sure that payments will not "abuse" the system—an approach that tells the medical society, "Don't worry. Your profits will not change. There will be a guaranteed profit at the end of the year."

We know that generally the most articulate, more health-oriented get good care. But the poor, who have not had experience fighting a bureaucracy, will not utilize a program geared to another level of the population. All legislation is concerned with more guaranteed profit but no control on the care given to the patient.

How many doctors on health program payrolls are spending full time in that program? Are doctors serving private patients on our time? Community control is the wrong issue. The battle is what kind of controls, what kind of quality care, what are we buying?

Oliver Fein said that Blue Cross was founded as a service institution; but now is in a position of defending itself.

In the 1930's the innovation provided was the idea that we no longer had to get health care on the basis of experience in being sick.

Blue Cross instituted the notion of community rating—we would all share the difficulties of some being more sick than others.

The real question is whether Blue Cross is any different from any other private insurance company. What efforts have they made to get at the division between paying just for hospital care and for doctor care? They have taken very little initiative in trying to close this separation. Every one of the health insurance programs will be administered if not controlled by Blue Cross. They could be explicitly excluded in any legislation.

Mr. Davis said that the only health care system we have is a system to serve doctors, not patients. Health care in this country should be free. At the time service is needed, there should be no financial barriers. It should be financed publicly and by the broadest number of people, with a progressive tax base. All profits should be taken out of the health care system. Any proposal for national health insurance must come out against fee-for-service system. It should be a totally prepaid health system. We should explore other areas in which a profit is made. Perhaps the drug industry should be nationalized. There must be a reorganization of the health system, in which doctors are no longer allowed to practice all by themselves—they must be integrated on a team, practicing in groups. Services should be adapted to neighborhoods.

The afternoon panel on, "Urban Transit: Cost and Cures," was moderated by Myron Cohen, Chairman, Mayor's Subway Watchdog Commission. Panelists were John G. deRoos, first deputy administrator, New York City Transportation Administration; Justin N. Feldman, member, Metropolitan Transportation Authority; Bertram R. Gelfand, New York City Council; chairman, Special Committee on Transportation; Roger H. Gilman, director, planning and development, Port of New York Authority; former executive director, Tri-State Transportation Commission; Dick G. Lam, director, Transportation and Regional Planning, New York City Planning Commission. Discussants were Nathan Bloom, senior economist, First National City Bank; former senior economist, Tri-state Transportation Commission; Stephen Dobrow, president, Committee for Better Transit, Inc.; Mary Perot Nicholas, city editor, "Village Voice." Panel coordinator was Ann Comay.

I include the report on the discussion:

URBAN TRANSIT: COST AND CURES

(By Virginia Horton)

John G. deRoos said that the Metropolitan Transportation Administration is comprised of the Department of Highways, Department of Marine and Aviation, Department of Traffic, Park Violations, among others. It acts as the city's representative in all mass transportation matters. Transit facilities are owned by the City of New York. The City of New York is responsible for all capital expenditures. The City has gone to the limit of providing funds for a new transit system. It is committed to an expansion program of subway lines. It is now waiting for state and federal government to come across with more money.

Justen N. Feldman noted there are three aspects to a long-term solution of transportation problems: rehabilitation of present facilities, planning for the future and finding a way to pay for it. We have taken the present system with too much complacency. Mass transit can never pay for itself and should not be expected to. Unless something is done soon, we are facing a 50¢ fare starting next January. Labor costs account for 95 percent of the budget and 92 percent of revenue.

Bertram R. Gelfand said that with the development of mass transit, we saw this city develop into one vast metropolitan area—the ability to move great numbers of people some distance each day with some sense of regularity (although this is diminishing).

Many parts of the system are over 70 years of age. Existing lines must be maintained, including tracks and signal systems. A much longer car is being developed.

Transit is one of the areas which has been neglected too long, by both the state and federal government. Daily riders exceed by eight times all riders on all suburban lines. The urban rider is the stepchild of transportation today. Only by vast mass transit can cities hope to survive.

Roger H. Gilman said that of the 378,000,000 passenger trips made between New York and New Jersey, some 96 percent were via a facility provided by the Port Authority. In

1946 New York City requested that the Port Authority construct a bus terminal. This relieved traffic in that area; later, likewise with the terminal at the George Washington Bridge. In 1962 New York and New Jersey authorized and directed the Port Authority to acquire and salvage the rail system; this resulted in PATH.

The PA also participates in the New York State commuter railroad car program. It has financed passenger cars to Long Island and Pennsylvania Railroads. It has established a bus line to Bridge approach. It is now engaged in planning the expansion of the midtown bus terminal.

Dick G. Lam said that coming from Washington to New York one wonders about the level of tolerance of the New York commuter. The latter has become desensitized to daily inconveniences.

One of the key problems of changing systems is money. The state bond issue and money from the federal government have been long delayed. More has been spent since 1964 on the SST than on mass transportation. Many bus systems around the country are going bankrupt.

Ninety to 100 percent of the cost of mass transportation is for labor; there is no money for capital expansion.

Whom does mass transportation serve? Much of it does not serve the young, the old, the poor. Is it really *public* transportation?

We have to recognize that, with our many needs, we must press the federal government for adequate allocations if we are going to be able to revitalize the city.

Mary Perot Nichols noted that the World Trade Center is actually hurting New York City. With its tax advantages, etc., it can charge less for space.

There is a constant raid on the neighborhoods by the Transit Department, such as installing parking meters without neighborhood consent. There was a proposal to build a parking garage in Chinatown which would have eliminated garment factories employing residents who were able to walk to work.

Mr. Gelman said that our job is to see that trade and commerce continue.

Mr. de Roos said his group is trying to clear the streets of automobiles; that's the reason we put in parking meters. Since the Lower Manhattan Expressway proposal was defeated, those factory workers in Chinatown can still walk to work.

Nathan Bloom said that what impresses him is the huge scale agencies have to follow through on. In this process we can easily lose sight of the basic purpose of the mass transit system. Also, there is the problem of conflicting interests of the agencies. There is complexity because of the size.

Mr. Lam said that one way to improve the system is to put in better equipment and a more reliable power and signal system; also training programs for employees.

"I don't see any solution in MTA's program," he said. "We need comprehensive planning, which we won't get with MTA. Will new lines work when existing lines don't?"

Mr. de Roos said that under state law, the Transit Authority runs the system. We have old lines. Air conditioning is difficult in the IRT because tunnels are smaller than in the IND, too small. We are looking into using smaller air-conditioning units.

The Transit Authority also designs new routes. City can review and criticize but city does not have authority under state law to submit routes, etc. to the Board of Estimate. This has to be done by the Transit Authority.

Miss Nichols asked whether when we get the new West Side Highway, we can have a mass transit system attached to it—subway or monorail?

Mr. Lam said there was no reason why we could not design two coordinating systems. He said that monorails do not work. The state legislature would have to pass on it. We have to negotiate with highway engineers to incorporate such ideas.

Mr. Bloom asked if someone were to introduce an idea for a new system which would enable passengers to travel from Long Island to N.J., how would such a proposal be evaluated?

Mr. Gelfand said we would need more clear-cut plans to bring about another stage.

The afternoon panel on, "People, Police, and Safety," was moderated by Basil A. Paterson, executive vice president, New York Law Journal. Panelists were Elmer Cone, assistant chief inspector, Chief of Patrol, New York City Police Department; CHARLES B. RANGEL, Member of Congress, 18th Congressional District, Burton B. Roberts, district attorney, Bronx County; Ralph F. Salerno, consultant on crime and law enforcement, Hudson Institute; former supervisor of detectives, New York City Police Department; Jack S. Hoffinger, defense attorney, associate chairman, Criminal Justice Coordinating Council. Discussants were Charles Gilliam, sergeant, Preventive Enforcement Patrol Squad, New York City Police Department, second vice president, Guardians Association; Jeannie Greene, president, the Block-in-Between Block Association; Efrain Rosa, president, 24th Precinct Community Council; Maxine Waldron, member, MAD—Mothers Against Drugs. Panel coordinator was Doris Clark.

I include the report on the discussion:

PEOPLE, POLICE AND SAFETY

(By Barbara Brienzava)

The moderator, Basil A. Paterson, asked that the panelists dispense with speeches and that everyone limit his statement, so that there could be more audience participation with questions and answers pertaining to three major problems: lack of police protection, drug addiction and the lack of foot patrolmen on the streets.

Chief Inspector Elmer Cone opened the discussion by saying that the number of patrolmen in an area depends on the amount of personnel each precinct has. Each area has non-uniform patrolmen who are scattered around neighborhoods to apprehend perpetrators of crime. Inspector Cone also stated that there are now Tactical Patrol Force units in the high crime areas.

Jeannine Green was the next speaker, and she directed her questions to Ralph F. Solerno. She said her main concern was with crime and not safety, and what can the average citizen do in conjunction with the Police Department to get rid of the crime on our streets?

Mr. Solerno assured Mrs. Green that the police were cooperating. Arrests are being made every day, but what transpires when the criminal is sent before the judge is another matter. Many factors are involved in the various cases. Mr. Solerno made it clear that pressures must be put on every department and level of justice; blaming the police for all the ills of our society is just not fair.

At this point Mr. Paterson asked Jack Hoffinger to speak on the problems pertaining to police arrests and patroling of city streets. Mr. Hoffinger brought out several points which are not encouraging. There are very few arrests being made by the police, due to the fact that there are too many delays in the Court system, and arrests are not or cannot be processed. Mr. Hoffinger felt there would be less crime if more foot patrolmen were in evidence. His Criminal Justice Coordinating Council is now in the process of working out a plan whereby a policeman would not be needed in court until he is due to testify, thus freeing him and giving the precinct its full quota of men all the time. The Council feels that enlarging the police force is not the answer to utilizing the men better, nor will it cut down the crime rate. A major factor is the dope addict who, in order to keep his habit, must commit at least three robberies pay day. If there was full cooperation by the precincts, this could be solved. Something must be done to reduce the need of the addict.

Maxine Waldron of MAD directed her statement to District Attorney Burton B. Roberts. She said that the addict must be helped to his feet so that he may be put back into the mainstream of life in our city, and that as far as she could see, the 24th Precinct was not cooperating. Pushers were not being apprehended and the police know who these people are. Mr. Roberts answered by saying that police could only make arrests when a pusher was seen selling out in the open. He said that arrests are being made, perhaps not quickly enough to satisfy the community.

Charles B. Rangel then spoke out quite strongly, making the point that, as long as money was to be made from drugs, the problem would be a difficult one to solve. There is much evidence to show that money is being passed between pusher and the law.

At this time the audience was called upon by Mr. Paterson to ask questions or contribute any ideas that would help the neighborhoods in fighting crime in their streets. There was considerable discussion about putting stronger restrictions on countries where heroin is produced and from which it is smuggled into the country.

The afternoon panel on, "Serving Youth and Age," was moderated by Barbara M. Silverstone, Federation of Protestant Welfare Agencies. Panelists were Edythe J. Gaines, superintendent of schools, Community District 12, Bronx; Georgia L. McMurray, commissioner designate, New York City Agency for Child Development; Irving Miller, professor of social work, Columbia University School of Social Work; Elizabeth Stecher Trebony, executive director, Project FIND. Discussants were Ernest Cruz, student, former director, community youth program, Upper West Side Community Corporation; Ferdinand Danziger, president, J. Hood Wright Golden Age Center; Stuart Greene, student member, child care center program, Dorothy Pitman, community director, West 80th Street Community Child Day Center; Israel Weinstein, vice president, Congress of Senior Citizens. Panel coordinator was July Gottehrer.

I include the report on the discussion:

SERVING YOUTH AND AGE

(By Elizabeth Savels)

The moderator; Barbara M. Silverstone, introduced panelists and discussants and gave brief biographical sketches of each. She stressed that we did not want to dwell on old problems but instead to look for new concepts.

Edythe J. Gaines said that to be served is to be weakened; to make is to strengthen. She noted that our major problem is in learning how to serve others without weakening them, but strengthen them instead. She said that to give free breakfasts to hungry children seems a good solution to the problem of hungry children. All get the same food and from an established bureaucracy. Why not solve this problem by strengthening the family of the child so that his breakfast is eaten at home with them?

Day care centers she said seem to be a proper solution to care for children of working mothers. Before applying this solution in wholesale fashion, it should examine the family of the working mother. Does her husband need a better job, so that she can stay home with the children? Is the husband absent from home because of welfare department strictures? Or is the mother placing her children in day care centers in order to find work which is fulfilling to her as a person? And if this mother needs a day care center for her child, the center itself must have a different program.

There is the problem of college student drop outs, which has been solved with the funds of the Urban Corps; any job will do, most of the time. Instead, he should find a job for each young person which meets his needs and allows him to serve his community. How do we make institutions responsive to community needs? Institutions operate to maintain themselves, so look at every program which is proposed by any institution: is the end result going to be worth the amount of money to be spent? We must build our communities. Urban Re-development removes a community and replaces it with money. We must examine this program in relation to building a community?

Georgia McMurray said The Child Development agency does not yet exist within the Housing and Rehabilitation Adminstration, but when it begins work, day care centers will be one of its fields.

Day care and child development has come of age. Children need a variety of experiences outside the home to learn to meet the pressures of the world they will enter, and of their own environment. Not every family is able to give a child all that is needed for his development; and any child care program must work in continuity with family and child. There is a lack of confidence in the public school system. Parents need resources which they can control where their children may learn.

Another field of service of the agency will be in caring for the unwanted child. Forty-two percent of the pregnancies in the U.S. are unwanted. We must redefine service. A child care agency must serve the family as well. We must organize to support legislation which provides for services to children regardless of economic status. Proper persons must be found to work in the new atmosphere in child care and development.

Elizabeth Stecher Trebony warned that so many programs for the elderly are being cut out that action must be taken by the elderly themselves. One of these actions is the organization of FIND, which in turn organizes groups of senior citizens for community action and activities. It provides services for the homebound, supplies escort services where needed, provides carfare, helps fill out forms, prepares meals in case of need, etc. Recreation centers have been provided in religious buildings. Senior citizens have no priority in allocation of funds. Medicare has been cut, the Office of Economic Opportunity is going out of being, the Administration on Aging is already out. The rent exemption is to be repealed. The hotels in which the aging are housed have been allowed a rate increase retroactive to January of 1971.

Irving Miller said he finds senior citizen and golden agers patronizing terms, but since they are commonly used, he uses them. The pattern in our country for solving problems is to identify the problem, study it at great length, and then develop an inadequate solution. Social Security is inadequate, welfare is inadequate. Class differences are sharper, and those who dispense charity no longer consider it a social good but donate grudgingly. Services to the poor are poor services, and paying landlords $325,000 welfare money for housing does not alleviate the wretchedness of the housing.

Ernest Cruz said that no one has talked about schools. He said he was interested in hearing of a good program in our schools. He also wanted to know what is considered a community? and what is the solution of the problems of the aged? He said he started a bilingual program but walked out because bureaucracy took over. Dr. Gaines said you should never abandon the victim to the enemy. Don't let your own frustrations stop you from doing all in your power to help children.

Ferdinand Danziger to Mrs. Trebony: In J. Hood Wright we are trying to organize a conference to bring pressure to bear on the authorities to see that some of their promises are kept. Mrs. Trebony said that a meeting was being held from which would come a Senior Citizens Report to Congress.

Dorothy Pitman said that everyone in this city is deprived of an education. When we speak of providing services without consultation with the people to be served we show a lack of education. We have programmed our children out of our world and they live on drugs because they are accustomed to living in an unreal world.

Stuart Greene, in reply to the question from Mr. Cruz about what is a community, said he thinks a community is a group of people who work together for a common goal. In my community we have a goal which is to set up a center which doesn't alienate certain groups, which will serve families. Through this we hope to build our neighborhood into a real community.

Dr. Miller responding to Mr. Cruz, said that in looking for solutions you are reacting to the ills of an unjust society. One thing we must do is develop the skills which will enable us to deal with all the various systems we come against. Exploiting the rules gives one lots of leverage. Make institutions fulfill the program for which it was organized. Efforts of citizens to pressure systems help keep them honest.

Israel Weinstein said that the census shows that New York City has 943,000 citizens over 65, 11 percent of the population. There are about 300 activists clubs of senior citizens and the slogan of the Congress is "Senior Power".

Following are questions and comments from the audience:

A question directed to Mrs. Pitman asked about the day care center set-up. Mrs. Pitman said there must be community control, but the responsibilities of community control must be taught, as well. In our present education system, the future of at child is determined by the color of his skin. We must humanize the system.

A member of the audience asked, "Why do we elect politicians who don't understand the problems?" Dr. Gaines said we should forget politicians. Nothing will happen if the people don't do it. There is a principle involved: people must be empowered. Empower the family and you empower the community. You must be guided by some star.

A member of the audience complained that apathy defeats any program. There were murmurs of agreement from panel and audience.

Mrs. Florie Charles asked if teachers in the interim day care centers were certified? Georgia McMurray said the interim center is required because day care centers cannot handle the numbers of children who need care. The Child Development agency will issue funds for interim centers only after investigations have shown a healthy premise. In many instances caring for children requires no certification.

A suggestion was made that the lack of funds for some of the best programs set up to service the community may be overcome by using people power to make government more responsive, or by giving the President of the U.S. more power, as "he represents all the people."

The panel adjourned with no response to the last suggestion.

RELIGIOUS FREEDOM—SOVIET STYLE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, we are all aware that citizens of the Soviet Union do not enjoy the right of religious freedom which we in the United States have had guaranteed since the founding of our Nation. A recent episode in Soviet Lithuania serves as a grim reminder of this difference between the two countries.

As reported in the New York Times of November 27, two Roman Catholic priests in Soviet Lithuania have been sentenced to a year's detention for preparing children to make their first communion. The Reverend Juozas Zdebskis of Prienai and the Reverend P. Bubnis of Raseiniai were arrested on August 26. The children the priests had been teaching were brought to the ensuing trial, and used to testify against the two men. The clergymen have now been found guilty, and will be forced to give up a year of their lives in prison.

The deprivation of individual liberty which this incident reveals is shocking, and it indicates that the Soviet Union is less than frank in its claims of giving its citizens the freedom of worship which is their inherent right. The Soviet Constitution grants the "freedom to perform religious rites." This language now stands disclosed as a sham. It is a sad day when two priests must be sentenced to detention camp for preparing children for communion.

I offer at this point the Times account of this episode for the information and consideration of my colleagues. I hope all Members will join me in deploring the Soviet action.

[From the New York Times, Nov. 27, 1971]

Two Lithuanian Priests Reported Convicted

Moscow.—Two Roman Catholic priests in Soviet Lithuania were reported today to have been sentenced to a year's detention for preparing children to take their first communion.

A typewritten account of the two cases, circulated among Western newsmen, identified the clergymen as the Rev. Juozas Zdebskis of the town of Prienai and the Rev. P. Bubnis of Raseiniai.

Their arrest and imprisonment illustrated the fine line drawn by Soviet authorities between what is and what is not permitted in the exercise of religion.

CODE RESTRICTS RIGHTS

The Soviet constitution grants citizens the "freedom to perform religious rites." But the criminal code sharply limits the constitutional provision by making it a crime to "perform deceitful acts with the aim of arousing religious superstitions."

The Soviet authorities have been particularly sensitive about the exposure of children to religious practices, hoping that religious beliefs will gradually be eradicated as the older generations die out.

The religious issue has been particularly acute in Lithuania, the only one of the Soviet Union's 15 constituent republics with a predominantly Catholic population. Although ties between Lithuanian Catholics and the Vatican have been virtually cut by the Soviet authorities, religious life in parishes appears to remain active.

PROTEST TO LEADERSHIP

The cohesiveness of Lithuanian Catholics was suggested in a protest addressed to the

Soviet leadership by the parishioners of Prienai, 20 miles south of Kaunas, after their priest, Father Zdebskis, was arrested Aug. 26.

Charging that the arrest was contrary to Soviet law and the Constitution, the protest said:

"We ask the leaders of the Soviet state to give us real freedom of worship and religion and to give freedom to priests to fulfill their functions without fear of harassment."

According to the latest underground account, Father Zdebskis was beaten in prison during the investigation that preceded his trial Nov. 11. His mother had difficulty recognizing him when she visited him later, the report said.

In court, the priest said he considered it his duty to give children religious instruction if their parents asked him to do so. A 1966 decree prohibits informal religious instruction for minors, and the 1968 code on marriage and the family even restricts parents from giving such instruction to their own children.

In the trial of Father Zdebskis, about 10 children were reported to have been called as witnesses. But several were said to have remained silent or to have wept when questioned.

Father Bubnis was arrested when local party officials found 30 children waiting in his church to be tested on religious knowledge in preparation for confirmation.

According to the account, the children were taken to the firehouse in the town of Raseiniai, 45 miles northwest of Kaunas, and were asked to write out a dictated statement accusing the priest. Several children fell ill after that experience, the report said.

DRUG ABUSE STATISTICS—PLEASE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, since discoveries concerning drug abuse in the military have come to light, one of the persistent problems confronting those seeking solutions has been the lack of adequate statistical information. In some cases, the Defense Department has been slow in gathering and reporting drug-related figures, or reluctant to release them. In other cases, the nature of the drug problem has made the gathering of information difficult or impossible. Finally, the Special Action Office for Drug Abuse Prevention, under the direction of Dr. Jerome Jaffee, has been ineffectual in supplying needed statistics.

No matter what the cause, this absence of information has clearly hindered the effort to solve the problem of GI drug addiction. We are unable to determine how many men will need treatment, how extensive that treatment will be, or what kinds of drugs have been used. Similarly, we have no idea how many GI's enter treatment after discharge, despite the fact that a House subcommittee has already completed hearings on legislation which adopts what is essentially the voluntary approach.

I have concentrated a large portion of my drug control efforts on the GI addict who has received a less-than-honorable discharge. In this area also, statistical information has been lacking. Earlier in the year, after I had filed legislation with similar objectives, the Department of Defense announced that it would review all undesirable discharges received for drug-related reasons. Though I had hoped dishonorable discharges would be reviewed also, I applauded this step as a welcome first move in helping discharged servicemen regain their status as productive members of society.

Unfortunately, there are no figures at this time to indicate how effectively this program is working. The number of servicemen who have received drug-related undesirable discharges to date is unknown. How many of these cases have been reviewed, and how many reviews have resulted in an altered discharge status, is not on record. In addition, while those GI's with dishonorable discharges have gone through a more extensive court-martial and review procedure before being discharged, many of these cases warrant reexamination and possible alteration, but the number in this category is also unknown.

On July 26, I introduced H.R. 10080 to establish a Military Drug Abuse Review Board. The Board would have power to reexamine all less-than-honorable discharges, and in appropriate cases could change discharge status. The bill specifically excludes drug pushers from obtaining any relief under its terms. Rather, it is designed to help those men who are the victims of drug abuse, and who are seriously committed to rehabilitation.

Because of the importance of the problem which this legislation attacks, I have written to Secretary of Defense, Melvin Laird, requesting information on the number of ex-servicemen this bill would affect. I have asked that he include, among other statistics, the number of discharges which have been altered in status.

I believe such figures will demonstrate the need for a Discharge Review Board. They will indicate that the discharges of many servicemen, both in the undesirable and dishonorable categories, are in need of reevaluation.

I hope that these statistics will soon be available. Numerous GI's go through life with the stigma of an unfavorable discharge for reasons which we now understand with more compassion. These men face unemployment and other problems which seriously hinder their ability to return to civilian life. The information I have requested from Secretary Laird on these men should bring their attention to light. We must then give those who are deserving a second chance. We should pass a Discharge Review Board with the power to reevaluate and change all less-than-honorable discharges as the circumstances and the evidence dictate such action.

COLLEEN FITZPATRICK, MISS TEENAGE AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, it is with a great deal of pride that I salute today Miss Colleen Fitzpatrick, the new Miss Teenage America.

Miss Fitzpatrick, though she represented the city of Columbus, Ohio, at the recent Miss Teenage America pageant in Fort Worth, is a resident of my hometown, Lancaster, Ohio. I know that I join thousands of citizens of Lancaster and southeastern Ohio in offering my sincerest congratulations to the 16-year-old Miss Fitzpatrick upon winning this distinctive honor.

As the new Miss Teenage America prepares to begin what will undoubtedly be one of the most memorable years of her life, I want to wish her well and commend her before my colleagues in the Congress for the honor she has brought to Lancaster, Ohio. The pageant judges could not have made a better choice.

For the interest of my colleagues I would like to submit a series of articles from the Lancaster Eagle-Gazette highlighting Colleen's selection over 54 finalists for the title of Miss Teenage America.

[From the Lancaster (Ohio) Eagle-Gazette, Dec. 4, 1971]

COLLEEN FITZPATRICK TEEN QUEEN OF U.S.A.

(By Marie Heyer)

Lancaster's own Colleen Fitzpatrick, a 16-year-old junior at Lancaster High School, was named Miss Teenage America for 1972 at 10:55 p.m. Friday night over nationwide television.

Jack Moore, LHS principal, said early today: "We are tremendously proud of Colleen's selection. She is a fantastic kid—we have a lot like her at Lancaster High—and there were lots of parties last night following the announcement."

The telecast, hosted by John Davidson and Lucy Arnez, fulfilled two of Colleen's hopes when she filled in her questionnaire before the Miss Columbus pageant.

She wanted to win a full scholarship to take the burden from her mother, Mrs. Dorothy Fitzpatrick, 123 Union St.

The top spot carries with it a $10,000 scholarship to the college of her choice, 56 shares of stock in each of two companies, and a guarantee of $5,000 for personal appearances to be made in the next year.

Colleen was a standout from the beginning and there were 55 pretty girls there. From the opening production number with the girls dressed in red or blue pant suits until 10:55 when the four finalists were named (Colleen was the third of the four) until the final moment at 11 p.m. when she received the medallion (Miss Teenage America doesn't wear a crown), the production moved smoothly.

Some 22 million people were watching on television as a Las Vegas girl received the leadership award and a St. Louis girl the friendship award. The panel of judges included Miss Teenage winners or contestants of previous years along with William Brennan.

[From the Lancaster (Ohio) Eagle-Gazette, Dec. 10, 1971]

OUR QUEEN COLLEEN'S SHEEN

This week has been a memorable one for Lancaster's Colleen Fitzpatrick, America's Miss Teenager of 1972.

The 16-year-old Lancaster High School junior, fresh from her triumph in the heart of Texas as the nation's Teenage Queen where she became the cynosure of countless millions on television, came home Monday night amidst the plaudits of her many, many high school friends and acquaintances, other youths, executives of governments, business and civic leaders, and other fellow townsmen.

The "Loverly Lass" of Lancaster was the "eye" of a whirlwind of celebrations, including ceremonies at City Hall, downtown parades, and student assemblies at the local schools. A public reception for Queen Colleen is planned here for the near future.

Lancaster this week has never been so highly enthused since the reign of "King" Rex Kern, the Lancaster redhead quarterback of Ohio State University's Buckeye football fame from 1968 through 1970, or perhaps, in the city's earlier times when Hollywood's 20th Century-Fox studio filmed the movie, "The Green Grass of Wyoming," featuring a galaxy of topnotch film stars, at the Fairfield County fairgrounds.

In all her appearances here and elsewhere, Queen Colleen displays a unique sheen, radiating a wealth of warmth among all those who have or will greet her in the future. Also she will endear herself to millions throughout the country with her remarkable poise and grace, scholarly mien and keen awareness of the topics of the times.

The "Miss Teenager of America" contest at Fort Worth, Tex., is not a beauty contest, but one of fathoming and measuring the intelligence, knowledge and mental capacities of the competitors.

Colleen amazed her mentors and appraisers at Fort Worth with her responses in these examinations, in addition to her dramatic talents.

We are happy she is determined first to finish her education here, then later at an institution of higher learning so that she may become qualified to either enter one of the major professions or performing arts for a career—part of her "impossible dream" she experienced in winning the crown when she actually kept thinking she wouldn't achieve the honor.

In the aforementioned education process, we are certain Colleen Fitzpatrick will have wisely used the rewards bestowed on her.

For Colleen, in the final analysis, will strive earnestly to accomplish her objectives as a young woman, and then find her niche in life as an active American citizen.

Our very best wishes, Queen Colleen, for a year ahead, to be filled with countless opportunities and new exciting experiences while you represent America's teenagers and your home town—Lancaster.

"LOVE STORY"—THE McCORMACKS

(Mr. BURKE of Massachusetts asked and was given permission to revise and extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, one of the more touching tributes I heard paid to the former Speaker and his dear departed Harriet on the occasion of her passing was delivered by a local radio station in Boston, station WEEI. The title of the tribute was "Love Story," an observation common to most of the comments delivered on that occasion, it is true, but nevertheless a story which never seems to grow old and indeed improves with each telling. I would do justice to neither the spirit nor the sentiment of the radio editorial if I attempted to take excerpts from it. Instead, I am going to spread it in the RECORD so that all my colleagues, all friends of the former Speaker, will be able to appreciate the special poignancy of the tribute. The editorial follows:

[From WEEI radio, Boston, Mass., Dec. 8, 1971]

LOVE STORY

The marriage of John and Harriet McCormack is being immortalized in the media as a true love story—and rightly so. The former Speaker of the U.S. House of Representatives was a devoted husband to his late wife, remarkably devoted considering the pressures of a political career which keeps husbands and wives away from home and inevitably offers extracurricular temptations. Mrs. McCormack for her part was, according to unanimous agreement, an equally loving partner.

WEEI considers this marriage particularly poignant in an age when swingers abound, when many politicians are accused of being part-time lotharios, and when some people are attacking the very institution of marriage as an anachronism. But WEEI doesn't think the McCormack couple was a throwback to another era. Rather, we believe they were a refreshingly unusual pair in any day, a husband and wife of high principle and great mutual respect.

Those familiar only with John McCormack, the politician, could have expected his private life to be conducted with the same distinction that characterized his 50-year tenure in public office. His private life was, apparently, marked with the same selflessness which led him to make the unusual decision to return expense money he was entitled to. Unlike so many people in public life, the Speaker has a special perspective on life. In a world populated by success-seekers with inflated egos, he clearly maintained a nearly unique balance. The Speaker played his game hard and well, but he knew when to call time out for more important matters, specifically the well being of his wife.

WEEI believes all people who value ambition can gain needed insight from the marriage of Mr. and Mrs. John McCormack. And WEEI offers sincere condolences to the Speaker. Surely, he is now lonely; but unlike far too many people, he can reflect on a lifetime of love.

MRS. MORRIS "ANNE" ALPERT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in my congressional district in Miami Beach, Fla., resides a lovely, dynamic lady who is loved and admired by all who know her, Mrs. Morris "Anne" Alpert. Her enthusiasm for life has glowed brightly through the years, warming the hearts of her multitude of friends and indeed all those fortunate enough to know her. To her varied tasks as housewife, mother, grandmother, and career woman—she heads Alpert Investment Co.—she adds the creative spirit of a poet. Anne Alpert has written many beautiful poems, one of which was composed for the unveiling ceremony of a memorial to her beloved husband of 50 years, Morris Alpert. I can think of no finer tribute to this good man who left behind a legacy of close and numerous friends, a devoted family, and many accomplishments than the words written by his devoted wife, Anne. I therefore insert her poem in the RECORD immediately following my remarks:

MEMORIAL FOR MORRIS ALPERT, BELOVED HUSBAND, FATHER, GRANDFATHER, AND GREAT-GRANDFATHER

The monumental buildings standing so tall
Reflect his life's work until late in the Fall . . .
How quickly he left, without a "Farewell"
No hindrance or burden to us as he fell.
His melodious voice resounds and sings
His brilliance, his teachings to us still clings
His roots now nourish our Everblooming Tree—
Wisdom, Honesty and Love—his Legacy.
He will live in our hearts—Life's race well run—
The Eternal afterglow of the Setting Sun . . .

ANNE ALPERT.

TRIBUTE TO TURNER N. ROBERTSON FROM THE HOUSE PAGES

(Mr. FOUNTAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FOUNTAIN. Mr. Speaker, last week, following the many tributes which were paid to Turner N. Robertson, who is retiring from his job as chief page of this body at the end of this session of the 92d Congress, one of the pages asked me if I would include in the RECORD their own tribute to their boss, Turner.

At their request, and with great pleasure, I am including the following communication, together with the names of the pages who signed it:

MR. SPEAKER: We, the pages, are sad to see "Boss," Mr. Turner N. Robertson, retire at the end of this session of Congress. It seems that everyone on the Hill is sad to see TNR take his hard earned rest, and everyone will surely miss him.

Some 5,000 boys have served under Mr. Robertson here in the House of Representatives, and we are sure that we speak for every one of them when we say, "Boss, thanks for helping and guiding and encouraging us in our jobs. Although we haven't always been right, we appreciated having you stick up for us when we were right, and telling us when we weren't. Our service here in Congress has been an honor and a pleasure and you have helped make it one of the real joys of our lives, a period that we will never forget. . . Boss, think of us wherever you go—for we shall never cease to thank you for what you have done for us."

With warmest admiration,

The House Pages: John Boutte, David Sachs, Douglas Marshall, Richard Sisisky, Arthur Robertson, Patrick Brewster, Daniel Sullivan.
Alan Rose, Estes Davis, Kevin Beatley, Ronald Thomason, Richard Fine, Lester Haily, James Purcill, John Bridgewater.
Jim Rapone, Jim Parrish, Chris Shea, Geoffrey Fleming, Mike Victorson, Larry Raithel, Scott Berry, Garry Attman.
John McCreary, Mike Partridge, Greg Hartman, Mitch Rodriquez, Frank Badalson, Mark Zepezauer, Ken Barnett, Geoff White, Dave Stamper.
Randy Mirsky, Gary Garcia, Bob Tomenick, Mario Rivera, Larry Blythe, Jim Davis, Bill Litchfield, Jerry Papazian, Dave Meek.

RECESS

The SPEAKER. Under the order previously entered, the Chair declares the House in recess subject to the call of the Chair. The bells will be rung 15 minutes prior to the reconvening of the House.

Accordingly (at 3 o'clock and 24 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 24 minutes p.m.

WASHINGTON POST BRINGS A NEW ERA TO AMERICAN JOURNALISM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, the Washington Post today has launched what hopefully will be a new era in American journalism and may go a long way toward restoring public confidence in American journalism.

The AP says:

> The Washington Post, in the wake of a dispute with the White House over naming the source of a background briefing, says the newspaper henceforth "will make every reasonable effort" to pinpoint the source of information it receives from Government officials.
>
> Post Executive Editor Benjamin C. Bradlee said Wednesday night he wants "to get this newspaper once and for all out of the business of distributing the party line of any official government without identifying that official and that government."
>
> "We are convinced," Bradlee said, "that we have engaged in this deception and done this disservice to the reader long enough.
>
> "Therefore, it shall be the policy of this newspaper to make every reasonable effort to attribute the information to its source."

Ever since the New York Times Sullivan decision, when libel became almost an impossibility in this country by a public official, there has been a spreading tendency in American journalism to publish stories attributed to unidentified sources.

Very often people in Government and out of Government had no recourse and no idea of who these sources were and what their purpose or intention was.

I congratulate the Washington Post. I hope that every newspaper in this country will voluntarily adopt the same policy, instead of the idea of attributing stories to well-informed, or usually reliable sources. This has become a vehicle for accusing the American press of indulging in propaganda.

I congratulate the Post, and I hope that every newspaper in this country will follow this historic decision by the Washington Post.

LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, it is my intention to ask that we adjourn now and go over until noon tomorrow.

We have made considerable progress today. The conferees on the foreign aid authorization have agreed and the other body will consider the conference report on the authorization tomorrow morning. Our conferees have stated to the other body that we will not vote on that conference report until the new session in January. Thereafter, from the best information I have, the other body will then vote on the continuing appropriations resolution. Hopefully they will accept the House version of that resolution, but if they do not and if it is not in too much disagreement, we may accept the amendments adopted by the other body. If not, we will go to conference, and I trust that the conference will be of short duration and that we can conclude the business of the Congress relatively early tomorrow afternoon.

Mr. KOCH. Mr. Speaker, will the gentleman yield for a question?

Mr. BOGGS. I will be glad to.

Mr. KOCH. Will there be any recorded votes tomorrow?

Mr. BOGGS. The gentleman knows I cannot answer that question. If we have a conference report on the continuing resolution, someone may ask for a recorded vote. I hope there will not be any, because Members have already voted on it several times. However, I cannot give the gentleman any such assurance. I would trust that there would be a quorum present in town to adjourn the Congress when the time comes tomorrow.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. GROSS. I hope with all of the sincerity I can express that tomorrow will mark the end of what might be called genuflection to the House of Lords.

Mr. BOGGS. I thank the gentleman.

Mr. PUCINSKI. Will the gentleman yield for a question?

Mr. BOGGS. I am happy to.

Mr. PUCINSKI. I wonder if I might ask our colleague from Iowa if there will be any rollcall votes tomorrow.

Mr. GROSS. Will the gentleman yield?

Mr. BOGGS. I am happy to yield.

Mr. GROSS. I would rather let tomorrow take care of itself.

Mr. POAGE. Will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. POAGE. I wonder if the gentleman will explain now just what would happen if there is no quorum here tomorrow. Would it not mean there simply would not be any foreign aid bill passed this session?

Mr. BOGGS. I am sorry. My time has expired.

WE MUST NOT TOY WITH TOY SAFETY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, with Christmas only 1 week away and parents beginning the frantic shopping for the newest most exciting toys for their children, I think we should all pause for a few moments and look at the ever-present problem of toy safety.

Until recently, toy safety has not received the attention it deserves. Perhaps, this has been because it has only been in this age of affluence that manufactured toys have become such a central part of the lives of our children. From a time when a child's major supply of toys consisted of homemade or self-devised playthings we have reached a point where our homes, schools, and out-of-doors areas are now replete with devices to educate, occupy, dazzle, delight, and mystify a youngster. So much is this evident in the toy industry that it now enjoys annual sales totaling $3 billion. In far too many instances, however, these toys have the potential and capacity to injure and even kill the child who uses them.

The U.S. Public Health Service estimates that toys injure 700,000 children every year; another 500,000 a year are injured on swings and 200,000 on slides. Injuries from toys often result from predictable misuse. A child can be expected to put the wrong end of a blowgun in his mouth, or while dismembering a doll, expose the sharp pins that hold the arms and legs.

In the toy industry, as well as in other industries, some manufacturers have concentrated more on innovation than on safety. Designers and manufacturers of toys have the admittedly difficult task and responsibility of avoiding any injury to the innocent children who use their products. The design of a toy must not only be based on a choice of materials, but it should also incorporate the realization that children will misuse or abuse products despite the intended method of use. In other words, toys should be "childproof."

The Child Protection and Toy Safety Act represents a first step in trying to deal with the toys safety problem. Every now and then we read that the Food and Drug Administration has banned particular toys. Unfortunately, however, this is not enough—there are still many, too many hazardous toys on the market. Therefore, it becomes the responsibility of those buying toys to be aware of the dangers and to be cautious of what they buy, especially during the coming holiday season.

Mr. Speaker, I have commented on the toy safety situation in the hopes of increasing public awareness of the danger which many toys present. Let us purge the Christmas season of all that threatens to mar the joyful spirit of parents and children alike.

OEO COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. Keith) is recognized for 5 minutes.

Mr. KEITH. Mr. Speaker, recently the House voted its approval of the conference report on the Economic Opportunity Amendments of 1971. This piece of legislation promised many things to many people, primarily to our poor citizens. I am, of course, very much aware of their needs and am eager to find effective and viable ways of providing for them.

The city of New Bedford, in my district, has been plagued by a consistent pattern of unemployment. It has suffered greatly from the departure of the textile industry, the scarcity of our fishing resources, and the phasing out of the defense effort. As a result, we have had greater poverty and a greater need for Federal assistance to relieve the daily hardships facing the citizens of this city. Fortunately, we have had a great deal of Federal assistance—over $100 million for a city with about 100,000 residents. And I want to do more.

I know of the good which has been

accomplished by the OEO programs. However, I am also aware that the benefits do not measure up to the billions which have been spent by that Agency. As my colleague, Congresswoman EDITH GREEN, pointed out:

> Many people with high salaries and very lucrative contracts (with OEO) have made a good thing out of poverty, but the poor people of this country have benefited very little.

Despite the faults of the OEO programs, I wanted to vote for the conference report as I did when the original bill was passed by House. I want to help fulfill the drastic need which exists in New Bedford and other areas in my district. Yet, I voted against the conference report because I feel that, as Elliot Richardson, Secretary of HEW, said of the comprehensive child development program, it is administratively unworkable. Congressman ALBERT QUIE called it an "administrative monstrosity which can't work."

Specifically, I do not agree with the provision of this bill providing "that any political subdivision with a population of 5,000 people could draw up its own antipoverty program and go directly to the Federal Government for the money to run it." Secretary Richardson pointed out that:

> We (HEW) would be wholly powerless to choose a State application over a local application, even if the State application would better assure quality care for children.

For these reasons, I voted against the bill in its present form. I hoped that it would go back to conference where it could be revised to include the positive things which HEW Secretary Richardson seeks and that it perhaps can redirect some of the programs about which Mrs. GREEN commented. If these things are done, we will have a better program both for the taxpayers and for the poor.

TRIBUTE TO ALLIED SPORTSMEN

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, it was a great pleasure and truly an honor to be with the Allied Sportsmen of Western New York for their dedication ceremony.

As the National Rifle Association has stated so well:

> The ability to shoot straight is an American tradition.

Organizations such as the Allied Sportsmen of Western New York and the NRA play key roles in maintaining this heritage. At the end of my remarks, I will include the history of the Allied Sportsmen of Western New York.

Through the license fees and taxes on firearms and ammunition paid by these sportsmen, conservation and wildlife management programs are financed. Because of the interest and the financial support of the Nation's hunters, America's wild game population is in better condition than ever.

Although interest in the shooting sports has skyrocketed, with over 25 and a half million persons participating internationally few sports can match the safety record of organized shooting. Accidents on shooting ranges are virtually unknown. Safety programs such as those offered by your organization and NRA are to a great extent responsible for the fact that shooting is today one of the world's safest sports.

The founders of our Nation considered the right to keep and bear arms so important, that in our Constitution, this right is second only to free speech, press, and worship in the Bill of Rights.

As you know, there has been increasing pressure in Congress for more and more restrictions on firearms, from proposals as universal gun owner licensing and registration to outright prohibition of the private ownership of handguns.

I believe that restrictions such as these would only succeeed in hampering the legitimate sportsmen and other owners of firearms, without substantially reducing crime.

It is my feeling that the way to reduce violent crimes committed with firearms is to severely punish the gunwielding criminal rather than penalize the law abiding sportsman.

Mr. Speaker, yesterday I introduced a bill, H.R. 12342 to strengthen the penalty provisions of title 18 of the United States Code which apply to a Federal felony committed with a firearm. Very simply, the bill would prohibit suspension of sentence or probation in any case where an individual is convicted of such an offense. At present, both are possible on a first conviction.

In 1969, according to statistics compiled by the Federal Bureau of Investigation, out of 11,318 homicides in the country 65 percent were committed with a firearm; 24 percent of the 306,420 aggravated assaults reported that year involved use of a gun, along with 63 percent of all armed robbery. Of course, these are mostly crimes falling under the jurisdictions of the States, but a number of them—especially the bank robberies, U.S. post office robberies, and assaults on Federal officers—are Federal offenses.

The direct impact of the existing statute, and of my amendment, is on the Federal felon, as a matter of course. However, the secondary effect—the establishment of a general attitude toward gun crimes and the influence of Federal legislation on State legislatures—are probably of greater importance. Certainly, anything we can do on the Federal level will be beneficial if it serves as a warning to the gunwielding criminals of this country that they will be dealt with severely.

The statute which my bill would amend—section 924(c) of title 18—was enacted as a part of the Gun Control Act of 1968. It provided for a 1- to 10-year term of imprisonment for a first time offender and a 5- to 25-year term for a person convicted a second or subsequent time. It prohibited probation and suspended sentences only for the man convicted more than once.

Last year, a title of the Omnibus Crime Control Act of 1970—Public Law 91-644—amended section 924(c) to bar the concurrent service of a term of imprisonment imposed by the section with the one imposed for the underlying felony. This was very definitely a step in the right direction, repairing a serious weakness in the original statute. However, we should now be ready to take the final step in tightening up this law by denying suspended sentences or probation to any of the people convicted under this section.

I submit that any man who carries a gun during commission of a felony does so with absolute premeditation and with a willingness to use that gun to wound or kill if necessary. For such a man I do not think it matters whether he has been convicted of the same offense previously. It is just as serious the first time.

Mr. Speaker, we still hear proposals for such draconian laws as universal gun owner licensing, universal registration, and even outright prohibition of the private ownership of handguns. A certain segment of the American public seems to relish the thought of any measures which will annoy or restrict the hunters, sportsmen, and other law-abiding gun enthusiasts. I suggest it is time to stop pandering to this group. If the House is really interested in gun control, it should pass my bill, H.R. 12342.

Mr. Speaker, at this point I include a copy of H.R. 12342:

H.R. 12342

A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 924(c) of chapter 44 of title 18, United States Code, is amended by striking ", and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence" and inserting a period and the following: "The execution or imposition of any term of imprisonment imposed under this subsection may not be suspended and probation may not be granted. Any term of imprisonment imposed under this subsection may not be imposed to run concurrently with any term of imprisonment imposed for the commission of such felony."

SEC. 2. The amendment made by the first section of this Act shall apply only with respect to felonies committed after the date of the enactment of this Act.

Mr. Speaker, gun control advocates that tar law-abiding citizens and the criminal with the same brush are finding growing public resentment toward lenient treatment of criminals and proposals to disarm the law-abiding sportsman.

At this point I include the history of the allied sportsmen and three articles that speak to this point of the need to keep our sportsmen active.

THE HISTORY OF ALLIED SPORTSMEN OF WESTERN NEW YORK

The Allied Sportsmen originated in October of 1934 when approximately thirty men dissatisfied with the Bison City Rod and Gun Club entertained a conservation movement and joined together for "concerted thinking on problems of vital importance to all sportsmen." Under the leadership of Stewart Maxson, the first President, acting under charter from the State of New York granted on the first day of November 1934, Allied Sportsmen adopted and promulgated their Constitution and By-laws. The Organization was designated as the Allied Sportsmen of Western New York, Incorporated.

The founding fathers—Stewart I. Maxson,

William Clark, Harold L. Overdorf, Raymond J. Mosgeller, Jacob M. Young, Dr. Arthur F. Gehrman, Eugene Hans, Robert Johnson, Daniel O'Donnell, Elmer R. Rust, John A. Faulring, Alfred J. Utz, Fred C. Fish and Howard Fischer stated these purposes: "To pursue good sportsmanship. To create, cultivate and sponsor among all people a respect for the fish and game laws and regulations of the Conservation Department of the State of New York. To sponsor legislature that will tend to preserve fish, game and natural resources that will be beneficial to all persons interested in angling, hunting or conservation for recreational purposes. To actively and aggressively seek the repeal of any laws, ruling or regulation that may be discriminatory, unfair or unjust insofar as such provisions affects the preservation or propagation of fish and game life or which may unduly or unnecessarily restrict the privilege of taking such fish and game, by bringing such facts to the attention of the proper authorities in as forcible a manner as possible. It shall be the primary aim and purpose of this organization at all times to improve the hunting and angling conditions for the sportsmen."

In the early years under Presidents George Hoerst 1936–1937, and William Clark 1937–1938, an Alliance Committee was formed whose duty and purpose was, "to devise ways and means of creating a practical plan for the affiliation of any existing organizations of a similar nature with the Allied Sportsmen." This Committee became autonomous and in 1938 became known as the Erie County Sportsmen Alliance and in 1940 it became known as the Ways and Means Committee of Sportsmen Clubs of Western New York.

During this period, Allied Sportsmen under Presidents George Baker 1938–1939, Alfred J. Utz 1939–1940, vigorously supported such conservation legislation as "the purchase of reforestation areas and the better practice of forest management outside the limits of the Adirondack and Catskill Parks (Blue Line) but within the so called Forest Preserve Counties." The stocking of rabbits and pheasants purchased by the organization itself, later led to raising of pheasants and rabbits by the Conservation Department for distribution and release by Allied Sportsmen and clubs with similar interests.

Migratory bird regulations in the late thirties was another area of prime concern to New York Conservationists. Allied supported organizations like Ducks Unlimited in the early fight for breeding ground and wetland land acquisition in Canada.

The sixth President of Allied Sportsmen, John Reiman, retained office from 1940 to 1948. He was a charter member and President of the Erie County Sportsmen's Alliance, officially incorporated in May of 1946. This Alliance is now known as the Erie County Federation of Sportsmen's Clubs; historically, a decendent of the original Alliance Committee of Allied Sportsmen of Western New York.

As early as 1940 Allied Sportsmen went on legislative record as opposed to firearms registration in New York. The organization was involved locally on such issues as farmer-sportsmen interests on unjust farmer levies in retailing licenses, issuance of dog licenses in Buffalo, rabies control, and the organization evaluated and supported the Mahoney-Gugino Buffalo Waterfront Improvement Bill. In 1940 Allied Sportsmen made New York Governor Lehman aware of its interests in the Alleghany State Park Commission, its management and limited hunting usage. In 1941 Allied Sportsmen made strong protests to the State and War Departments about sand dredging along Lake Erie and the Niagara River area and was instrumental in stopping this rape of local fish spawning areas and remaining beaches. This organization promoted legislation for control of the gray and red fox in Western New York, supported appropriations of funds to the Bemis Point fish hatchery for facilities for Muskellunge rearing in New York State, effectively supported legislation for the transfer of Erie Barge Canal lands to Buffalo for use as a small boat harbour facility, and endeavored to promote fraternal and social activities in fishing and hunting to its members.

In 1948 Stanley Spisiak became President and remained in office until March of 1961. During his tenure notable members such as Raymond Mosgeller and Dr. Arthur F. Gehrman, Charter Members; Louis Shafer, John Olender, Edward Burger, Wesley Rogers, William Mueller, Emmett Mueller, Albert Stenman, John Cheslow, Francis R. Ewert, and others directed the organization in accomplishing goals established as sportsmen.

After meeting at sites as diverse as Ahl's Hall in 1938 to later in the Edward M. Daly Post #1130 Hall; fifteen acres of property were purchased on Dick Road in Cheektowaga, New York. A shelter was erected with the facility used less for meetings and more as a rendezvous for trap shooters. By tradition, Allied Sportsmen hold their monthly meetings on the second Wednesday of every month. During this era of activity our meeting place was the Neighborhood House, 1799 Clinton Street in Buffalo.

Allied Sportsmen of Western New York, actively participated in conservation legislation independently and through the Erie County Sportsmen's Alliance. Stanley Spisiak held presidential office in the Erie County Conservation Society and the Erie County Sportsmen's Alliance. Because of his aggressive interest and pursuits in areas of water pollution, land and park development, and programs in fish, wildlife and forest management, Allied continued its legislative effectiveness in the community and the State Conservation Council.

Allied inaugurated sending at least one boy yearly to a conservation camp. The organization currently continues sending at least one boy to the conservation education program at Camp Rushford, New York. Incidently, the first boy sponsored to the conservation education camp at Canandaigua, New York, was Norman Faust. The boy, now a man, a father, archer, pistol shooter and an outstanding leader in Allied Sportsmen.

In 1956, Allied Sportsmen vigorously opposed the Panther Mountain Dam proposal in New York. It was eventually defeated by public referendum.

In 1959, Allied Sportsmen sold its property on Dick Road in Cheektowaga and in 1960, purchased another tract of property, 37 acres in area and it is now the current clubhouse site in Marilla, New York. It was envisioned as a permanent home of Allied Sportsmen, removed from the urban area accommodating expansion into trap, rifle, pistol, archery and fishing facilities, yet close enough to metropolitan Buffalo to have the membership conveniently meet monthly.

In April 1961, Matthew Grobelny succeeded the former President and continued office until 1963. Preceeding and during this time, members like Harold Faust, Gordon Owen, Michael Civic, Norman Faust, Erwin Ess, Robert Pellegrine, Hans Bosshart, Edward Rusch, Aldon Skinner, Alphonso Butlak and James Pollard helped perpetuate the social and conservation oriented ideals of the Allied Sportsmen.

As conservationists and sportsmen, the club embarked on tree planting projects for the property and evaluated best approaches for realizing Allied's future. A pond was constructed and stocked with trout supplied by the immediate former President. In addition a trap field and shelter were completed and utilized by the membership.

Coincident with our organizational pursuits, Allied remained influential in legislation suggested by the Erie County Federation of Sportsmen's Clubs and reinforced by the New York State Conservation Council.

This was the beginning of the reformative period that uniquely identified Allied Sportsmen of Western New York as a composite of facilities for sporting and conservation activity.

Wesley Tresch became President in April of 1963. A period of physical growth, membership expansion, and property development resulted from his leadership. In addition to many other members, Frank Koabel, Daniel Ruszczyk, Delmar Shiloh, Arthur Hasenstab, Rene Roemig Jr. and Michael Lavis were outstanding in their efforts to further establish the organization as a leader in the environmental and sport community.

In 1967 Allied completed the first "Clubhouse" and established our current facility at 12,846 Clinton Street in Marilla, New York. Our membership after meeting for many years in the "Moose Hall" on Main Street in Buffalo, now commuted monthly to our new home and meeting place.

The membership expanded with our added facilities. Allied constructed a twenty-eight target archery field course, built indoor and outdoor shooting ranges, conducted basic pistol courses, supported the conservation exhibits at the Hamburg County Fair, conducted hunter training courses, and hosted many Erie County Federation of Sportsmen's Clubs activities.

Stanley Spisiak continued as Allied Sportsmen's delegate to the Erie County Federation. With his usual enthusiasm, he pursued his ideals of "clean water" and an environment capable of best supporting man and animal alike. He was awarded the Conservationist of the Year Award by both the Erie County Federation of Sportsmen's Club and the New York State Conservation Council in different years.

Stanley Spisiak was extended the distinct honour of being awarded the 1965 National Water Conservation Award by Lyndon B. Johnson, President of the United States of America. Through his tenacious and often frustrated efforts as a pioneer in water pollution abatement and protection of our environment, this Whooping Crane, symbol, embodied respect and tribute to one of the Country's first ecologists.

Allied Sportsmen of Western New York received the outstanding Club of the Year Award for 1965.

In April of 1969 Edward J. Rutecki was installed the tenth and current President of Allied Sportsmen of Western New York. Catherine Koabel, Walter Sears, Roy Hachten, Carl Salzman, Arthur Mueller, Joseph Galbo, Stanley Minko, Martin Brennan Sr., Henry Kostrzewski, John Wroblewski, David M. Williams, and Lawrence Huber along with a membership of six-hundred sportsmen continue to advocate the improvement of our environment, our inalienable rights to bear arms, our fishing and our hunting.

Allied Sportsmen was again awarded the Club of the Year Award for 1969 by the Erie County Federation of Sportsmen's Club.

For 1969 Allied Sportsmen of Western New York was also presented with the National Rifle Association Club Achievement Grand Award presented at the 99th annual meeting of the N.R.A. in New Orleans, Louisiana.

In 1969 John Olender retired as Treasurer of Allied after serving in the office for thirty-three years.

The organization has expanded its facilities to include: Separate meeting rooms, an indoor combined regulation archery-pistol and rifle range, two spring-fed ponds stocked with trout, a twenty-eight target archery field course, outdoor pistol and rifle ranges, and two illuminated trap fields. The new accommodations were dedicated in conjunction with commemorating the 100th anniversary of the National Rifle Association and what their principles represent.

Allied is a group member organization of the following: New York State Conservation Council, Erie County Federation of Sportsmen's Clubs, National Rifle Association, New York State Field Archery Association, Western New York Field Archery Association, New York State Rifle and Pistol Association, Niagara Frontier Pistol League, Suburban Pistol League, and the International Pistol League.

Allied Sportsmen of Western New York has endeavored to uphold the principles and purposes of its founding fathers. We have inherited a heritage only to be secured in a democracy like these United States. We have an obligation to our children and their children's children to sustain these rights.

Edward J. Rutecki,
President.

Justified Resentment

Advocates of measures to deprive law-abiding private citizens of the right of gun ownership have a problem. They find themselves confronted with a growing body of irate citizenry which is sick and tired of seeing criminals riding roughshod over the sanctity of person and property while those who uphold the law are castigated by the politicians as if they were criminals simply because they oppose abridgment of firearm ownership.

Typical of the reaction of gun owning sportsmen and concerned citizens to sweeping antigun measures was apparent in the state of Connecticut when several gun control bills were being considered by the State's General Assembly. Some 4,000 hunters, target shooters, gun collectors and ordinary freedom-loving individuals packed the State Capitol to make known their views. Typical of those views was the comment of one opponent of the antigun proposals who happened to be a woman. She said, "Sportsmen resent being told they must have an ID card, permits and licenses to enjoy their sports. They are tired of seeing persons who use firearms in crime go free while law-abiding citizens are harassed. . . ."

The gun control legislation already on the books has not been effective in curbing crime, and there is little reason to believe further legislation would help the situation. That is why gun control advocates that tar the law-abiding and the criminal with the same brush are finding growing public resentment toward lenient treatment of criminals and proposals to disarm the law-abiding citizen.

[From Buffalo Courier-Express, Dec. 13, 1971]

Handgun-Confiscation Bill Badly Off Target

Senator Philip A. Hart, D-Mich., has been credited with sponsoring a number of worthwhile projects. In the congressional works, however, is a bill by him, with Sen. Fred Harris, D-Okla., as co-sponsor, which rates exclusion from that category. The bill, constituting retroaction with a vengeance, calls for handgun confiscation. Citizens who now own handguns legally would face as much as five years in prison and a $5,000 fine if they failed to turn over their handguns to the government.

The Hart bill would forbid individual ownership of handguns by all U.S. civilians except law-enforcement officers, licensed security guards and members of pistol clubs licensed by the Treasury Department. Even pistol club members couldn't keep their handguns at home—the guns would have to be kept under lock in clubhouses or police stations. Citizens who turned in their handguns would be compensated by whatever the government said was "fair market value." How does one figure "fair market value" for a particularly prized and favorite weapon?

There already has been adverse criticism of the Hart proposal. The Detroit Free Press conducted a poll on whether or not its readers favored it. The result was 74.5 per cent against. Sen. Hart himself admitted that his mail ran 607 to 99 against following announcement of the measure, with a common critical theme: "How can you be so feebleminded as not to realize that only honest citizens will turn in their guns, leaving them at the mercy of criminals who do not?"

We find this criticism dead center on the target. We deem it folly to disarm law-abiding citizens while leaving criminals in full possession of what arms they have been able to amass, and they are plenty. We are fully in accord with any legislative measure designed to get illegal weapons away from criminals, but the Hart bill would do nothing whatever to accomplish this purpose. It is a bill which absolutely should not be crammed down the throats of American citizens legally in possession of handguns.

[From the Conservationist (State of New York) October–November, 1971]

The Hunting Ethic

(By Herbert E. Doig)

Few resources stir the emotional stability of the people of this world more than wildlife. It is logical then for points of view to conflict, when values associated with wildlife differ. Such is the case with hunting as a use of wildlife and the philosophy of preservation which to some offers the only hope for perpetuation of the resource.

In an obvious attempt to avoid being placed in the center of this conflict, I will approach the sensitive subject of hunting objectively, recognizing its values and its shortcomings through the eyes of a professional biologist responsible for a program with primary concern for the perpetuation of wildlife as a part of the total ecology of the State. It is important to add that in this context conservation is viewed as the wise use of natural resources for the good of mankind and that man is an element of his environment and not the master of it.

It is necessary to understand some basic truths if one is to assess objectively the ethics of hunting and its effect on wildlife populations. Wildlife represent a renewable resource that cannot be stockpiled for the enjoyment of future generations. All species produce an annual surplus that will be removed by predation, disease, parasites and, if allowed to exceed available food supplies, starvation. Many species undergo annual mortality rates that may exceed 70 percent and are perpetuated by a compensating reproductive rate.

WILDLIFE FLEXIBLE

As wildlife abundance increases some species become a nuisance to man, compete with him for food or destroy the products of his labor. Wildlife are flexible and react to changes in the environment, frequently becoming more abundant as habitats more nearly satisfy basic survival needs.

Since his origin on earth man has functioned as a predator on the wildlife with which he has come into contact. This role has been strengthened with the development of weapons while his dependence upon prey for survival has diminished with time. The pressures man applies to wildlife populations are not significantly different from those of other predators except in degree and the beneficial aspects of the predator-prey relationship also exist. The removal of the weaker individuals in a population usually results in a strengthening of the species, thus enabling its perpetuation under changing environmental conditions. Man is an efficient predator and in some instances represents the only harvester of a growing population.

Man's reliance upon wildlife for meat has greatly diminished in this country but enjoyment of the savory flavor of a game dinner still remains. The value of the meat alone, however, does not sustain the popularity of hunting. It is the physical, emotional and often spiritual rewards that are associated with a day out-of-doors that attract many and establish hunting as a traditional recreational endeavor. Unless personally involved, few can appreciate the identity of man with the land that occurs when a person enjoys a quiet place to hunt and the natural habitat where game can thrive.

The benefits from hunting are not enjoyed by the hunter alone. Sportsmen through the purchase of licenses and permits willingly finance programs designed to protect and enhance wildlife resources. In 1925 the sportsmen of New York sponsored a law that led to the establishment of the Conservation Fund which for many years represented the only source of revenue for wildlife management and research programs in the State. This fund has been used to effectively enforce laws and regulations designed to protect all wildlife. Moneys have also supported a wide spectrum of programs that have ultimately led to the preservation and improvement of habitats essential to the continued welfare of the resource.

SPORTSMAN PAID BILLS

In 1937 Congress established the Pittman-Robertson Act which provided for moneys derived from an eleven percent tax on arms and ammunition to be returned to the States on a cost share basis and to be used for wildlife habitat restoration and research. Until recently when general tax revenues have supplemented these sources of funds, it was the sportsman who alone paid the bills for wildlife conservation in the State.

Hunters through a strong organization have long supported conservation action on many fronts. In spite of their intense and often narrow interests, they stood firmly behind environmental cleanup efforts and were an influential force in the promotion of a healthy environment long before it was fashionable to do so. They have effectively used the legislative process to protect rather than exploit their interest in wildlife and have, as a group, exhibited a desire to do what is best even though some efforts have been misguided through a lack of knowledge.

The nature of the hunter's interest and his investment of money through purchase of license fees have led to a somewhat narrow outlook which in some cases visualizes wildlife resource programs as serving game species at the exclusion of other wildlife. This bias is gradually changing and most hunters are recognizing the values of all wildlife and are supporting programs that will benefit all species. It is not difficult to understand the restrictive nature of the hunter's interest when wildlife programs have been and continue to be funded with moneys derived from the sale of hunting licenses.

The recent manifestation of social awareness of environmental problems has stimulated the development of an attitude that supports preservation as the only hope for the future of wildlife. Those expressing this point of view believe that hunting destroys and that over-exploitation will lead to the extinction of the hunted species. Quite to the contrary, properly regulated hunting cannot lead to the extinction or even the endangering of any species. Witness the fact that none of the hunted species under modern fish and game management programs has ever become extinct or endangered. Enlightened wildlife management currently guided by competent staffs of professional wildlife biologists at the State and Federal level, will lead to the strengthening of protective measures for rare and endangered species and for those species that are most vulnerable to environmental pressures. At the same time programs that permit regulated harvest and utilization of the annual surplus of game can be continued without significant adverse effect on any species.

A second major motivating force supporting the preservationist philosophy concerns the humane treatment of animals. It is suggested that the killing of wildlife with firearms is inhumane and that hunting should be stopped to permit the peaceful pursuit of life by all living things. Supporters of this position should familiarize themselves with the true characteristics of the environment around them. It is soon evident to the student of nature that life in our environment is violent and that few individuals of any wild species survive to enjoy the amenities of old age. The natural forces of predation and starvation are savage and often result in a lingering death. Man through hunting is performing his traditional role as a predator in the environment and utilizes the prey to his best advantage. The application of his technique of harvest is seldom less humane than the inevitable death of the animal through what often is referred to as natural causes.

A third argument used by the opponents of hunting is impossible to rationalize. A segment of the human society views killing as a moral issue and feels that there is no justification in our sophisticated culture for causing the death of another living thing. Like religion and politics, this view is seldom discussed objectively.

In final analysis, the ethics of hunting gives rise to strong emotional conflicts. These conflicts are often polarized in uncompromising positions at opposite ends of the spectrum of reason. It is hoped that our society will accept the philosophy that there is room for both attitudes provided one does not try to force its views and beliefs on the other. Even more important, thinking men should not get lost in the fog of conflict but should look to solving the true problems that threaten the future of wildlife populations; the ever increasing danger of pollution; destruction of habitat by man's use of the land; incompatibility of wildlife with man's activities; forces of ecological change; and physical destruction from highways, efficient farming and urban expansion.

The accomplishment of future goals shared by all regardless of their position on the issue of hunting requires a total commitment from all people to look realistically at wildlife and its renewable characteristics and to practice good stewardship and wise use which will assure the enjoyment of this valuable resource by future generations.

OPERATION NOEL

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. VANDER JAGT) is recognized for 5 minutes.

Mr. VANDER JAGT. Mr. Speaker, most if not all of us are acquainted with Operation NOEL—No One Ever Lonely—which sponsors an annual Christmas party on Capitol Hill for servicemen in area military hospitals. Many of us were at the party last week.

Not many of us, however, are aware of the other side of Operation NOEL—the second step in their goal to insure that, in our military hospitals, at Christmastime there is "No One Ever Lonely."

Each year Operation NOEL distributes approximately 1,500 gift packages to seven military hospitals in the area—packages consisting of items the patients need such as shaving cream, after-shave, books, pens, et cetera. Packaged in plastic bags with a note saying they are from Operation NOEL on behalf of the Congress of the United States, the gifts are a welcome treat in each hospital ward.

Before the gift items could be packaged, however, they had to be purchased or donated. Tuesday evening, the Operation NOEL officers went to the GEM store in Queenstown, and with outstanding cooperation and generosity, they were able to purchase $1,110 worth of items, along with many gifts donated by GEM for separate distribution to the hospital wards. GEM deserves our thanks for their willingness to help—for showing the true Christmas spirit.

Another Operation NOEL worker was busy at MEMCO—and in return was given many gift items for the hospitals.

The next morning, Joe Westner—HUD's congressional office—president of Operation NOEL, decided there were not enough gift items and spent another $1,000 at a local warehouse.

Fifteen hundred packages does not sound like very much, but believe me, it is. Wednesday evening, a corridor on the fifth floor of the Cannon Building was turned into an assembly line that accomplished the job in a little more than 5 hours—with eight long tables piled high with items, empty bags at one end, ribbons being tied on at the other end, 15 people were rushing to complete the job for delivery to the hospitals before Christmas.

The Operation NOEL officers deserve our deep and sincere thanks for two jobs well done—the party last week and the gifts packaged this week. I know all of you join me in expressing our appreciation to Joe Westner, his wife Fran, secretary to JOHN Y. MCCOLLISTER, and Jayne Gillenwaters and Pat Rinaldi, secretaries to JOHN SCHMITZ. They masterminded a tremendous project, and without their help and the help of some other dedicated people including Bill Westner, a Capitol Hill policeman, Operation NOEL's second step could not have been accomplished.

It is my hope that their Christmas will be the best they have ever had, because they have shown others they care.

THOMAS S. KLEPPE

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, a distinguished former Member of this body is now serving his Nation in another capacity. He is the Administrator of the U.S. Small Business Administration. I refer, of course, to the Honorable Thomas S. Kleppe. Mr. Kleppe began his new duties less than a year ago, but already has managed to put the SBA in an enviable position among Government agencies. He can make this record, because he comes from a background of successful business—small business—and he knows first hand the normal problems of business.

In his short tenure at SBA, Mr. Kleppe has realized that small business is in fact big business and has put the agency on a businesslike footing. At the end of October, SBA had 181,000 loans outstanding for approximately $2.6 billion injected into the Nation's small business community.

During the first 10 months of this calendar year, SBA has made over 94,000 loans for a total of $1.3 billion. The figures for the entire calendar year 1970, which was itself a recordbreaking year, amounted to 49,179 loans for a total of $1.1 billion. It is estimated that at the end of the current calendar year SBA will have made 100,000 loans for a total of $1.5 billion, an increase of 100 percent in number and 26 percent in value over last year.

SBA's regular business loan program has increased dramatically during the first 10 months of the year. At the end of October, SBA had made 20,000 business loans for $1.1 billion compared to 17,425 loans for $864 million during the entire year of 1970. In 1969, only 14,006 loans were made for a total of $674 million. Estimates for the entire calendar year indicate SBA will make approximately 24,000 business loans for a total of $1.2 billion.

Mr. Speaker, the agency has been particularly active in the area of minority enterprise. Through October of this year SBA had made 6,890 loans to minority-owned businesses for a total of $194 million. In 1970, 6,741 loans were made for $176 million. This amount represents a total of 34 percent of all SBA loans for 18 percent of the total dollar value. This is a laudable record and indicates genuine desire to help those who have been too long neglected in our society.

Mr. Speaker, the disaster program deserves special commendation. This year SBA has already made considerably more than twice as many loans to victims of natural disasters as it did in the entire previous year. Through October of this year, 74,000 disaster loans were made for $308 million. During the previous calendar year, SBA made only 31,754 disaster loans for $220 million. During calendar year 1969, only 9,288 loans were made for $99 million. This is an increase of $209 million in only 2 years. And these figures represent only the first 10 months of the current year.

The entire disaster operation at SBA has been reorganized to emphasize preplanning of all critical elements required to set up emergency field offices immediately following a national disaster.

SBA made $53 million in venture capital available to small business investment companies—SBIC's—through the sale of $30 mililon SBIC 10-year guaranteed debentures. Legislation was passed just this week in this House to give SBA greater opportunity to revitalize the SBIC program into a viable financial assistance program for the small business community.

The minority enterprise small business investment company—MESBIC—program has more than doubled in number of licenses. There are now 43 MESBIC's with aggregate capitalization of over $11 million. These MESBIC's can generate more than $11 million capital for the minority business community. The SBIC and MESBIC programs have outstanding loans and investments in more than 100 firms totaling more than $475 million.

Not all SBA programs deal with financial assistance. In the area of procurement of Government contracts, the percentage of Federal contracts awarded to small business remained steady, despite a reduction in total Government purchases. The overall procurement programs conducted by SBA amounted to $11.5 billion or 28 percent of the total prime- and sub-contracts awarded to business in fiscal year 1971.

The number of Government contracts awarded to minority firms under SBA's 8(a) program was 811 for $66 million during fiscal year 1971, compared to 196 contracts for $22 million in fiscal year 1970.

Mr. Speaker, a program of sound management assistance to the small business community has been given new emphasis. SBA considers management assistance equally important to financial assistance, and additional stress has been put on servicing SBA borrowers with management assistance as a continuing and integral part of the financing operation.

Mr. Speaker, this not only is good business for Government, but is good business for those we serve and the communities where the small business is that Government serves. In making the management assistance program more viable, an agreement was made with the Veterans' Administration to help veterans get the necessary management and technical training to start businesses with SBA financing.

The bulk of management assistance has been provided by an expanded program involving volunteers, such as Service Corps of Retired Executives—SCORE—which was organizationally placed within Action, but remained under the supervision of SBA. At the same time, management assistance agreements increased with national professional and trade organizations, whose joint membership and branch structure cover all urban areas in the Nation.

Mr. Speaker, SBA, under Tom Kleppe, has wisely revamped its own internal organization. More complete authority has been granted the field offices in order to streamline delivery of Federal assistance. An Associate Administrator for Operations and Investment has been created to coordinate the relationship between Washington and SBA's 84 field offices. As a result of its efforts to put more personnel where the action is, 53 people have been transferred from the agency's central office to posts in the field. The central office complement has dropped from 862 to 783.

In addition, some 2,400 different types of forms have been eliminated in order to reduce the time required between loan application and final decision. Approximately one-third of all paperwork has been eliminated.

As a result of these and other administrative improvements, both the Administrator and members of a 14-man organizational task force have received a management improvement certificate from the President.

During the year, a number of program improvements have been made. Four separate financial assistance programs have been implemented to help the small businessman. They are surety bonding, a revolving line of credit, consumer protection loans, and occupational safety and health loans.

In addition, SBA announced the first concise size standards policy in the Agency's 18-year history. The policy gives greater protection to small firms, especially in the area of procurement.

It is obvious, then, that the Small Business Administration has taken strides to correct deficiencies in operational procedures and to bring the Agency's outreach programs to a greater number of deserving small businessmen.

I should like to commend and congratulate Administrator Kleppe and the SBA for the truly outstanding job they are doing.

QUALITY SCHOOL ASSISTANCE ACT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. William D. Ford) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joined by my colleagues, Mr. Dingell, Mrs. Griffiths, Mr. Nedzi, and Mr. O'Hara, in introducing the Quality School Assistance Act of 1972.

While the title of this legislation is the Quality School Assistance Act of 1972, we are introducing it today so the text of it will be printed in the Congressional Record and it will be available for the perusal of our colleagues here in Congress and for educators throughout the country prior to the time the Education and Labor Committee begins consideration of this matter early in the next session.

It is our hope that all educators and legislators will examine this bill and contribute their thoughts and ideas and participate in formulating the final version of this legislation.

This bill is designed to overcome the crowded and deteriorating conditions in our Nation's schools. It is designed to bring quality education and equality in education directly into every neighborhood in America by providing more Federal dollars to local educational agencies.

This proposal would provide a greatly expanded form of general aid to local educational agencies with special provisions for those districts with large concentrations of students from low-income families. It would provide Federal funds for construction or modernization of overcrowded and obsolete facilities, with priority given to school districts now being forced to operate on half-day sessions. It would also extend the impact aid program.

Mr. Speaker, a study financed by the U.S. Office of Education tells us that acceptance of the belief that substantially equal educational opportunity should be provided for all pupils requires that we support a policy of general Federal aid for the public school systems. The study also tells us that the Federal Government, as well as the State and local governments, must be concerned not only with the equality of education, but also with the quantity and quality of public education. This bill is designed to meet these concerns.

My experience on the House Education and Labor Committee has convinced me that the overwhelming majority of educators throughout the country are deeply committed to the twin goals of quality education and equality in education. However, the overwhelming majority of our Nation's educators are hampered by a common problem in their attempts to achieve these goals. They lack adequate financial resources—and overcrowded classrooms, deteriorated facilities, inferior facilities, half-day sessions, and low-quality education are the results. Local revenue sources are virtually dried up. Property taxes, which account for approximately 98 percent of all tax revenue raised by local school districts, cannot be raised any higher, and the people are now looking to the Federal Government to provide the necessary additional funds.

Mr. Speaker, presently, the Federal contribution to elementary and secondary education amounts to less than 7 percent of the total expenditure. Yet a comprehensive study financed by the Office of Education recommended that public schools should receive at least 22 percent of, and preferably 30 percent of, their total revenue from the Federal Government for the schools to have an adequate tax base and for the Federal Government to accomplish legitimate and appropriate Federal purposes. Our proposal, "The Quality Education Act of 1972" would permit the Federal Government to respond to this need. This legislation would commit the Federal Government to provide 20 percent of the State average per pupil expenditure for elementary and secondary education or 20 percent of the national average, whichever is greater, in fiscal year 1973. The Federal percentage would increase 5 percent per year for the next 3 years until it reaches a level of 35 percent in 1976. Only by making a commitment such as this will be able to meet the challenge of fulfilling the goal of bringing quality education and equality in education to every neighborhood in America.

We have recently heard a great deal about busing schoolchildren to achieve this very same goal. Mr. Speaker, this proposal is an alternative to the need for busing. This bill is designed to eliminate the need for busing by providing every student in this country with an equal educational opportunity and a quality education right in his own neighborhood. It is designed to accomplish these twin goals by providing the type of financial aid which is so urgently needed by all the school districts in this country, and by providing special financial assistance to those districts with special needs.

At this point I insert in the Record a summary and the text of this bill:

SUMMARY OF THE QUALITY SCHOOL ASSISTANCE ACT OF 1972

This bill has three basic provisions. It provides for a greatly expanded form of federal general aid to education, it provides for special construction and modernization funds for overcrowded and impoverished school districts, and it extends the Impact Aid program.

QUALITY ASSISTANCE

This section makes a basic grant to each local educational agency based on the enrollment of all children ages 5 through 17 in the attendance area of such school district. For the fiscal year 1973 the amount of the grant would be 20% of the State average pupil expenditure for elementary and secondary education or 20% of the national average, whichever is greater for each such pupil. This would increase by 5% for the next three years. Thus for fiscal years 1974 through 1976 the federal grant would be 25%, 30%, 35%, respectively. The federal grant would remain at the 35% level in fiscal year 1977.

In order to compensate school districts with the additional financial burden imposed upon them by concentrations of low-income families, an additional amount, equal to one-third of the basic per-pupil grant, would be allocated to each local education agency for each child from a low-income family in attendance in that district.

QUALITY CONSTRUCTION

This section makes available funds for the construction and modernization of school facilities. The formula provides that each local educational agency shall be entitled to receive the sum of $500 multiplied by the number of pupils in excess of the classroom space available, based on an assumption of a maximum classroom size of 30—i.e., if a school has 300 pupils in attendance and eight classrooms, the maximum classroom space available would be for 240 pupils. The remaining 60 would be in excess of the classroom space available and the school would be entitled to receive a sum of $30,000 ($500 × 60). Priority for funding under this section would be given to schools now operating on half-day sessions. Additional funds would be provided for districts in which one-room schools are still in operation or in which there are schools presently lacking library or scientific laboratory facilities.

EXTENSION OF PUBLIC LAWS 815 AND 874

The final section of the bill would extend the provisions of P.L. 815 through 1975 and extend the provisions of P.L. 874 through 1978.

Text of the Quality School Assistance Act of 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Quality School Assistance Act of 1972".

PURPOSE

Sec. 2. It is the purpose of this Act to furnish financial assistance to local educational agencies to assure that their resources when supplemented by this Federal assistance, will be adequate to provide an excellent elementary and secondary education for all children.

AUTHORIZATION OF PROGRAM AND APPROPRIATIONS

Sec. 3. (a) The Secretary shall carry out a program during the fiscal year 1973, and each of the four succeeding fiscal years, for making grants to States and to local educational agencies as provided in section 4, and shall carry out a program during the fiscal year 1973 and the fiscal year 1974 for making grants to local educational agencies for the purposes of section 5.

(b) For the fiscal year 1973 and the succeeding four fiscal years there is authorized to be appropriated such amount as may be necessary to carry out section 5 of this Act.

(c) There is authorized to be appropriated for the fiscal year 1973 and the fiscal year 1974, such amount as may be necessary to make the grants provided for in section 5 of this Act.

QUALITY ASSISTANCE

Sec. 4. (a) (1) From the amount appropriated under section 3(b) for the fiscal year 1973, the Secretary shall allot to each local educational agency in a State for making grants under this section an amount equal to the aggregate of—

(A) 20 per centum of the product obtained by multiplying the estimated number of children who will be in the membership of elementary and secondary schools in the school district of such agency at the beginning of the school year ending during each fiscal year by the average current expenditure per public school child for the State or for all of the States, whichever is the higher, and

(B) an amount which bears the same ratio to one-third of the amount determined for all local educational agencies in the States under clause (A), as the number of children to be counted for purposes of this clause as determined under paragraph (4) bears to the number of children so counted for all local educational agencies in the States.

(2) From any amount appropriated under section 3(b) for the fiscal year 1972 and each of the four succeeding fiscal years, the Secretary shall make an allotment to each local educational agency in a State in the same manner as is provided in paragraph (1), except that the percentage factor to be applied in making determinations under clause (A) of such paragraph shall be 25 per centum for the fiscal year 1974, 30 per centum for the fiscal year 1975, and 35 per centum for the fiscal year 1976 and the fiscal year 1977.

(3) An amount equal to not more than 2 per centum of the amount allotted under paragraph (1) shall be allotted to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands from the amount so appropriated according to their respective needs for assistance under this section, and the Secretary shall set the maximum amount which their local educational agencies shall be eligible to receive.

(4) The number of children to be counted for purposes of subparagraph (B) of paragraph (1) shall be determined as follows: If the Secretary determines that satisfactory data for that purpose are available, such number shall be the number of children who are aged 5–17, inclusive, in the school district of such agency (based on the latest available data from the Department of Commerce) who are in families having an annual income of less than $3,000, or in families receiving an annual income in excess of $3,000 from payments under the program of Aid to Families with Dependent Children under a State plan approved under title IV of the Social Security Act. In any other case, such number shall be the number of children of such ages in such county or counties in which the school district of the particular agency is located who are described in the preceding sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the Secretary. In the case of local educational agencies which serve in all or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the Secretary may allocate the number of children among such agencies in such manner as he determines will best carry out the purposes of this section.

(5) For purposes of this subsection and subsection (b) the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) Any local educational agency in a State which desires to receive for any fiscal year a grant under this section shall submit to the appropriate State educational agency an application which contains—

(1) (A) an analysis of the facilities, curriculum, equipment, teacher preparation, and other related matters of the elementary and secondary schools in the school district of the local educational agency. (B) An assessment of the educational attainment of elementary and secondary school pupils in basic educational subject areas. (C) An analysis of the number of those students who proceed to postsecondary education, those who after completion leave the elementary and secondary education system and find substantial employment, and those who leave school before completion of elementary or secondary education. (D) An analysis of the need for adult education programs. (E) The need for special inservice, teacher-training programs. (F) A detailed description of the proposed use of funds granted under this section with assurance such use of the funds will best enable the local educational agency to meet the educational needs of children and adults in the school district as reflected by the analysis and assessment of the educational needs of such children and adults evidenced in the matters submitted in clauses (A), (B), (C), (D), and (E) above.

(2) an evaluation of the effectiveness, including objective measurements of educational achievement, of programs and projects funded in the preceding fiscal year from funds provided under this section;

(3) such other information as the State educational agency may reasonably need to enable it to perform its duties under this section; and

(4) assurances that—

(A) (i) to the extent consistent with the number of children in the school district of such agency who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, will provide for the benefit of such children in such schools secular, neutral, or nonideological services, materials, and equipment including such facilities as necessary for their provision, consistent with subparagraph (B) of this section, or, if such are not feasible or necessary in one or more of such private schools as determined by the local educational agency after consultation with the appropriate private school officials, such other arrangements, as dual enrollments, which will assure adequate participation of such children, and (ii) from the funds received by such agency under the provisions of section 4(a) (1), such agency will expend for the purposes of fulfilling the requirements of this paragraph, an amount which bears the same ratio to the total amount received under section 4(a) (1) as the number of children enrolled in private nonprofit schools who are counted for purposes of section (4) (a) (1) (A) and (B) bears to the total number of such children enrolled in elementary and secondary schools in the school district of such agency;

(B) (i) the control of funds provided under this section and title to property acquired therewith shall be in a public agency for the uses and purposes provided in this section, and that a public agency will administer such funds and property; (ii) the provision of services pursuant to subparagraph (A) shall be provided by employees of such public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services, is independent of such private school and any religious organization, and such employment or contract shall be under the control and supervision of such public agency; (iii) the funds provided under this section shall not be commingled with State or local funds; and (iv) Federal funds made available under this section will be so used as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources of the education of pupils participating in programs and projects assisted under this section;

(C) it will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such applications; and

(D) no more than 10 per centum of the funds received under this section in any fiscal year will be used for capital outlay and debt service.

(c) The State educational agency shall not finally disapprove in whole or in part any application for funds under this section without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

(d) Any State which desires to particpate under this section or section 5 shall submit through its State educational agency to the Secretary an application, in such detail as the Secretary deems necessary, which provides satisfactory assurances that—

(1) except as provided in subsection (e) (2), payments under this section will be used only for programs and projects which have been approved by the State educational agency pursuant to subsection (c) and which meet the applicable requirements of that subsection, and that such agency will in all other respects comply with the provisions of this section including the enforcement of any obligations imposed upon a local educational agency under subsection (d); and

(2) the State educational agency will make to the Secretary (A) periodic reports (including the results of objective measurements required by subsection (d) evaluating the effectiveness of programs and projects assisted under this section in improving educational attainment, and (B) such other reports as may be reasonably necessary to enable the Secretary to perform his duties under this section (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year).

The Secretary shall approve an application which meets the requirements specified in this subsection, and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

(e) (1) (A) The Secretary shall, subject to the provisions of subsection (f), from time to time pay to each State the amount which the local educational agencies of that State are eligible to receive under this section.

(B) From the funds paid to it pursuant to paragraph (A) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved pursuant to subsection (c) the amount for which such application has been approved, except that this amount shall not exceed the allotment to that agency pursuant to subsection (a).

(2) The Secretary is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this section (including technical assistance for the measurements and evaluations required by subsection (b)), except that the total of such payments in any fiscal year shall not exceed—

(A) 1 per centum of the total grants made to local educational agencies of such State within that fiscal year; or

(B) $150,000, whichever is the greater, or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(3) No payments shall be made under this section for any fiscal year to a State which has taken into consideration payments under this section in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(f) Whenever the Secretary, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under subsection (d), the Secretary shall notify the agency that further payments will not be made to the State under this section (or, in his discretion, that the State eduactional agency shall not make further payments under this section to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this section, or payments by the State educational agency under this section shall be limited to local educational agencies not affected by the failure, as the case may be.

(g) (1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under subsection (d) or with his final action under subsection (f), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

QUALITY CONSTRUCTION

SEC. 5. (a) In addition to the sums allocated to it under section 4, each local educational agency shall be entitled to receive the sum of $500 multiplied by the number of pupils of the local educational agency in the membership of elementary and secondary schools of such agency at the beginning of the school year for which payments are to be made pursuant to this section who are in excess of the classroom space available for elementary and secondary education in the schools of such educational agency assuming a maximum classroom size of 30, with priority to districts now compelled to operate schools with less than full day sessions for all grades.

(b) There shall be added to the excess pupil count authorized by paragraph (a) an additional 250 pupils for each one-room school in operation by such local educational agency and an additional 500 excess pupil count for each school exclusive of one-room schools of which there are no library facilities and an additional 500 excess pupil count for each school exclusive of one-room schools in which there are no scientific laboratory facilities.

(c) Funds allocated to a local educational agency for purposes of this section shall be utilized for the construction and modernization of facilities. Construction of facilities by any local educational agency from funds authorized by this section shall be approved by the State educational agency upon application by the local educational agency in which application there is indicated appropriate planning of its facility needs by the local educational agency in providing programs of educational excellence in conformance with the requirements of section 4(b).

REDUCTIONS NECESSITATED BY INSUFFICIENT APPROPRIATIONS

SEC. 6. If for any fiscal year the amount appropriated under section 3(b) is insufficient to make to local educational agencies the full amount of the allotments provided for in section 4(a) and section 5(a), then the amount of each such agency's allotment under each such section shall be reduced by a percentage (which shall be uniform for each such agency and both of such sections) which will result in allotments which do not exceed the appropriations available therefor.

DEFINITIONS

SEC. 7. As used in this Act, except when otherwise specified—

(a) The term "current expenditure per public school child" for a State or for all the States means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under such Federal program of assistance as the Secretary may prescribe divided by (2) the number of children in average daily attendance to whom local educational agencies in the State or in all the States provided free public education during the year for which the computation is made.

(b) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of education services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials and other related material.

(c) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(d) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act is vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purpose of this Act.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which insures, or may lawfully inure, to the benefit of any private shareholder or individual, and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, and charitable contributions to which are deductible under section 170 of such Code.

(f) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(g) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(i) The term "State" means (1) one of the fifty States and the District of Columbia, and (2) for purposes of section 4 and 5(f), includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

EVALUATION

SEC. 8. Such sums as necessary but not to exceed a sum equal to 1 per centum, of the amount appropriated for section 5 for any fiscal year shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs and projects authorized by sections 4 and 5.

JOINT FUNDING

SEC. 9. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any program, project, or activity funded in whole or in part under sections 4 or 5, the Secretary may be designated to act for all in administering the funds advanced.

GENERAL PROVISIONS

SEC. 10. (a) The provision of parts B and C of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "Quality School Assistance Act of 1972;" after "the International Education Act of 1966;".

SEC. 11. (a)(1) Section 3 of the Act of September 30, 1950 (Public Law 815, 81st Congress), is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1975".

(2) Section 15 (15) of such Act is amended by striking out "1968–1969" and inserting in lieu thereof "1970–1971".

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, 81st Congress), are each amended by striking out "1973" wherever it appears and inserting in lieu thereof "1978".

(c) Section 16(a)(1)(A) of the Act of September 23, 1950 (Public Law 815, 81st Congress), is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1975" and section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress), is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1978".

THE SITUATION SHOULD BE RECTIFIED

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 10 minutes.

Mr. HOWARD. Mr. Speaker, I am in receipt of a report to the Congress by the Comptroller General's office entitled "Large Costs to the Government Not Recovered for Launch Services Provided to the Communications Satellite Corporation."

The Comptroller General made this study at the request of Senator GRAVEL of Alaska. I commend the General Accounting Office for its diligence in pursuing this inquiry and for its recommendations which, in this case, and others like it, can save the taxpayers a considerable amount of money.

Nevertheless, I am disturbed to learn that a private corporation received the benefit of over $6 million of taxpayers funds for which the Government was not reimbursed. This stems from the failure of the Air Force to bill NASA for the full costs and launch services which NASA has provided Comsat in connection with launching its commercial communications satellites.

I fully support the view of the Comptroller General that Comsat, a going concern and a profitmaking enterprise, is subject to the policy of the Government that special groups should be expected to pay for any services provided by the Government. In fact, the report quotes a Presidential statement in 1966 that such a policy is first, good economics because user charges make possible an efficient allocation of resources; and second, good government, because user charges insure equitable treatment of the general taxpayer.

The fact that the Communications Satellite Corporation was established by an act of Congress should not entitle it to any special treatment in this respect. It is ironical that this report was sent to the Congress during the week in which Comsat announced a significant increase in earnings.

This situation should be rectified and proceedings instituted immediately to recover the funds for the taxpayers.

CITIES AND COUNTIES MUST COOPERATE IN WAR AGAINST CRIME

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 10 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, the need for city and county cooperation in the war against crime is self-evident. Generally speaking, the jurisdiction of municipal officials is limited to the police force, while the county controls the courts—including prosecution and probation—and some correctional facilities, such as the county jail and the juvenile detention home. No meaningful comprehensive plan for crime prevention and control can be shaped or executed without the collaboration of officials at both levels of local government.

For this reason, Mr. Speaker, when I introduced my Emergency Crime Control Act of 1971—H.R. 11813, CONGRESSIONAL RECORD, November 16, 1971, Page 41573—with my distinguished colleague from Akron, Ohio, Mr. JOHN F. SEIBERLING, we included in the bill a provision that cities and countries must join hands in order to become eligible for the local block grants provided for in the legislation. H.R. 11813 says that, unless cooperative working arrangements are established, no Federal assistance funds will be piped into large urban areas. In the absence of collaboration, then, city and county officials would have to explain to their constituents why large sums of Federal assistance funds—some $12 million in the case of Cleveland—being unclaimed, had slipped beyond the reach of the local governments and the people they represent. I submit that this is an innovative approach to achieving intergovernmental cooperation.

In my opinion, Mr. Speaker, and, I might add, in the opinion of that distinguished Ohio newspaper, the Cleveland Plain Dealer, the need for such legislation has been demonstrated by recent events in Cleveland, At this time, I would like to insert into the RECORD recent articles, hearing on this situation, that appeared in the Plain Dealer. I append also at this point an editorial relating to my legislation that was broadcast by Radio Station WGBS in Miami, Fla.:

[From the Cleveland Plain Dealer, Dec. 12, 1971]

CITY MAY SEEK OWN ANTICRIME AID

Cleveland may strike out on its own for federal anticrime funds because of a split between Law Director Richard R. Hollington and Frank R. Pokorny, chairman of the Cuyahoga County Commissioners.

An aide of Mayor Ralph J. Perk said yesterday the city will want to consider such an approach after Pokorny said Friday that Perk had gone back on a city-county agreement on a crime supervisory commission.

"The mayor reneged on nothing," said Hollington. "I came up with an idea and asked Pokorny to look at it and reply. His response was an inflammatory statement in a newspaper. He did not even have the courtesy to call me."

The Commission is proposed to oversee a regional planning unit that would channel federal anticrime money to local programs.

Pokorny charged publicly that Perk had upset an agreement reached after six months of negotiations between former mayor Carl B. Stokes and the county commissioners.

That agreement, Pokorny said, would set up a commission to include the Cleveland mayor, president of the county commissioners and 13 members chosen by the mayor and 17 by the county.

Earlier in the week Pokorny stated, Perk had submitted a list of 26 persons proposed for the commission. They are judges, law school deans or enforcement officials. None represented the public or social agencies.

"The mayor had nothing to do with it," said Hollington. "I wrote Frank suggesting he take a look at my proposal which suggested membership be made up mostly of persons in the law and order field, but also offered six at-large seats."

Hollington showed The Plain Dealer a copy of a letter to Pokorny dated Dec. 6 asking him to consider Hollingworth's proposal and reply.

"He did not call me back," said Hollington.

An aide said Hollington preferred "professionals" over political appointees because with a 17–13 voting arrangement, members "might never get down to considering the issues and instead might vote according to the wishes of whoever appointed them."

The Hollington plan, he said, provided for representation of the public and social agencies through the six at large seats split equally between city and county.

[From the Plain Dealer, Dec. 15, 1971]

Stanton Bill Would Require City-County Anticrime Cooperation

U.S. Rep. James V. Stanton, D–20, Cleveland, has stepped into a dispute that imperils a joint Cleveland-Cuyahoga County effort to set up a commission to administer federal anticrime funds.

Stanton said a row between Frank R. Pokorny, president of Cuyahoga County commissioners, and Cleveland Law Director Richard R. Hollington over composition of the anticrime commission points up need for legislation he has introduced in Congress.

"Without trying to assign blame to one side or the other, I am disgusted by what is happening in Cleveland," Stanton said.

Stanton said his legislation, amending the Safe Streets Act of 1968, would close any loopholes permitting cities and counties to split and seek the anticrime funds as individual entities.

He referred to a Plain Dealer story that Cleveland might launch its own fund-seeking effort because of Perk administration pique at charges by Pokorny that the city was reneging on an agreement negotiated between the county and former Mayor Carl B. Stokes.

Hollington denied that Mayor Ralph J. Perk was involved and took responsibility for a proposal that would set up a commission differing in membership from the one agreed to by Stokes and the county.

Stanton said it is possible Perk, as a Republican, might get aid directly from Washington, but only the police would be beneficiaries of such monies.

Under Stanton's legislation, city and county would be forced to cooperate by setting up a commission and thus insure that the $12 million earmarked for this area would also go to courts, jails, probation offices and others involved in crime-fighting, he said.

Stanton's legislation, which is in the House Judiciary Committee, would apply to 56 city-county regions across the country. It is jointly sponsored, with U.S. Rep. John F. Seiberling, D–14, Akron.

[From the Cleveland Plain Dealer, Dec. 15, 1971]

Safe Street Money Imperiled

(Editorial)

It is difficult for the general public to reconcile the constant pleas from public officials for more money when these same public officials refuse to cooperate with one another to get money already coming to them.

A case in point is the current quibbling between Frank R. Pokorny, President of Cuyahoga County Commissioners and Cleveland Law Director Richard R. Hollington over establishment of a commission to administer Federal anticrime funds.

This quarrel could prevent the area from getting money now in state hands, allocated by the federal government under the Safe Streets Act of 1968. The Gilligan administration is insisting on cooperation between cities and counties in the six areas in Ohio qualifying for safe streets monies.

The reason for this insistance is simple. It is the belief that if cities and counties do not cooperate, the crime problem cannot be resolved.

U.S. Rep. James V. Stanton, D–20, who hopes to amend the Safe Streets Act to require county-city cooperation, explains the purpose of the act is to learn the causes of crime and how to prevent it. Experts are convinced this requires work and cooperation between all crime-fighting agencies, the courts, the jails, the probation offices and law enforcement personnel.

Stanton said that if Cleveland is able to go it alone, through Ralph J. Perk's influence with the Republican administration in Washington, the only beneficiary of federal crime fighting monies will be the Cleveland Police Department.

Unless Pokorny, who deserves criticism for starting the feud, and Hollington who has used the disagreement to start a go-it-alone movement for Cleveland, get together, they will jeopardize a much-needed program and the monies to finance it.

They have already proved the need for Stanton's amendment.

[Broadcast from WGBS, Miami, Fla.]

LEAA

November 26, 1971.

Where is Miami's share of the federal money appropriated to fight crime?

A few years ago, Congress passed the so-called "Safe Streets Act". It provides federal money to help local police combat crime.

Known officially as the Law Enforcement Assistance Administration, the program, as far as Miami is concerned, has not been a rousing success. (You'll remember, this is now Number One in crime nationwide)

The LEAA funds are supposed to be handled by the states, after the money leaves Washington. Here in Florida, there is an additional level of advisory councils between the cities and the state capitol. And, it is somewhere within these multiple layers of bureaucracy that the "Safe Streets Act" has come to a dead end.

This becomes obvious in that, according to police Chief Bernard Garmire, the City of Miami has not received one dime from the state-administered program. This shocking fact came to light when Cleveland, Ohio, Congressman James Stanton, announced that he was going to try to amend the "Safe Streets Act", and eliminate the state governments entirely in administering these badly-needed crime fighting dollars. The Congressman actually cited Miami as the prime example of what is wrong with the "Safe Streets Act".

Think of it! Millions of dollars are appropriated annually for the states, and yet the city with the highest crime rate in the nation hasn't received ten cents from the state since the program began! Obviously, Governor Askew and the other concerned state officials have a responsibility to do their utmost to straighten out this situation.

However, unless Florida's Law Enforcement Assistance Administration program can get itself operating properly, WGBS can see no other alternative than for all of us, interested in eliminating crime, to offer wholehearted support to the changes being proposed by Congressman Stanton.

ANOTHER LOADED ADVISORY COMMITTEE?

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 5 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, one of the central problems in protecting the safety of coal miners is the fact that the Bureau of Mines has traditionally been a production-oriented agency. Down through the years a very cozy relationship has developed between officials of the Bureau of Mines and the coal operators. Unfortunately, the leadership of the United Mine Workers of America has done little to disturb that relationship. The Bureau of Mines has far too often adopted the attitude that in order to mine coal it is essential to keep all producers happy, and make a few gestures in the direction of the UMWA leadership. As a result, those who actually mine the coal and work in the mines are frequently not protected as well as they should be.

Down to the passage of the Federal Coal Mine Health and Safety Act of 1969, it was customary for the Bureau of Mines to hold many secret conferences with mine operators and occasionally with UMWA top officials. Advisory committees were as a matter of practice overloaded with mine operators and a few UMWA officials who did not cause too much trouble for either the companies or the Bureau of Mines. As a matter of practice, the policies of the Bureau of Mines seemed almost to be dictated by those dedicated to high production, frequently at the expense of the safety of the workers.

The Federal Coal Mine Health and Safety Act of 1969 attempted to break this habit and restore independence to the Bureau of Mines. The intent of Congress, as expressed in the preamble to the 1969 act was stated clearly:

> Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner.

In the appointment of advisory committees, the Secretary of the Interior was directed by the 1969 act, in sections 102 (a) and (c), to appoint an advisory committee on coal mine safety research as well as "other advisory committees as he deems appropriate to advise him in carrying out the provisions of this Act." These advisory committees were explicitly prohibited by law from having a chairman or majority of members with economic interests in the coal industry.

On February 10, 1971, at page 2331 of the RECORD, I called attention to the illegality of the appointees of the Advisory Committee on Coal Mine Safety Research, and subsequently certain personnel changes were made. After the Department of the Interior's experience earlier this year, in appointing an airline stewardess to its coal mine safety research committee, I felt that the Department's officials would become more familiar with all the provisions of the 1969 law. Unfortunately, this is not the case in the appointment of the new advisory committee to develop safety standards for hard coal miners.

THE ANTHRACITE ADVISORY COMMITTEE

According to a press release of the Department of the Interior dated October 17, 1971, the Anthracite Advisory Committee was appointed. I was disturbed to learn that the chairman of that committee definitely has an economic interest in the coal mining industry, despite the explicit prohibition in the law. The chairman is Charles Zink, who is vice president of the Blue Coal Corp. Several other members of the Anthracite Advisory Committee added up to a clear majority of the members with economic interests in the coal industry.

Not wishing to embarrass the Department of the Interior, I called attention to these illegalities and conflicts of interest in a private letter to the Secretary of the Interior, dated November 1, 1971. Hollis Dole, Assistant Secretary of the Interior, in a letter dated November 24, 1971, brushed aside my arguments. I, therefore, directed a further letter to Secretary Dole dated December 15, 1971, and a letter to the Attorney General. More importantly, I have asked the Comptroller General to rule on the legality of the new Anthracite Advisory Committee, also to review Interior's interpretation of the law.

In the light of the insistence of the Department of the Interior that it is complying with the Federal Coal Mine Health and Safety Act of 1969, I believe it is now fruitful to make public this exchange of correspondence, as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., November 1, 1971.

Hon. Rogers C. B. Morton,
Secretary of Interior, Department of the Interior, Washington, D.C.

Dear Mr. Secretary: A new advisory committee called "The Anthracite Advisory Committee" was recently established, according to your Department's press release of October 17, by the Interior Department to "develop" health and safety standards for anthracite mines and this committee met for the first time several days ago.

As you know, section 102(a) of the Federal Coal Mine Health and Safety Act of 1969 directs the Secretary of the Interior to appoint "an advisory committee on coal mine safety research." Section 102(c), however, provides for the appointment of *other* advisory committees "to advise" the Secretary "in carrying out the provision of this Act, "for which Interior has responsibility. Improvement of health standards for hardcoal miners is not an Interior responsibility. It is an HEW responsibility.

In granting this additional authority to the Secretary, Congress established limitations for *all* other advisory committees. These are that the Secretary:

"* * * shall appoint the chairman of each such committee, who shall be an individual who has *no* economic interest in the coal mining industry, *and who is not an operator, miner, or an officer or employee of the Federal Government or any State or local government. A majority of the members of any such advisory committee* appointed pursuant to this subsection *shall be* composed of individuals who have *no* economic interests in the coal mining industry, *and* who are *not* operators, miners, or officers or employees of the Federal Government or any State or local government." (Emphasis supplied.)

Section 102(d) sets forth the authority for compensation and travel expenses for advisory committees.

Despite these very clear provisions of section 102 of the law, the Interior Department has failed to comply with its provisions in the appointment of the chairman and the other members of this new anthracite committee.

The Chairman is Mr. Charles Zink, who is the Vice-President of the Blue Coal Corporation. Quite obviously, he has an "economic interest in the coal mining industry." Moreover, he is a coal "operator."

The other appointed members are:

Leon Richter, President of the Mercury Coal Company;

Lewis Evans, who recently retired as safety director of the United Mine Workers of America (UMWA);

Lewis Giusti, a UMWA safety coordinator;

Clyde Machamer, President of Independent Miners and Associates—a group representing operators and miners of small non-union mines;

David Maneval, science advisor of the Appalachian Regional Commission; and

Alfred B. Riedel, President of Appalachia Associates, Inc.—a consulting firm for anthracite mine operators.

Certainly, a "majority" of these appointees have "economic interests" in the coal industry and are either coal miners or operators.

As you no doubt are aware section 101(c) of the law directs that the Department consult with "such advisory committees as the Secretary may appoint in the development and revision of safety standards. That section of the law, however, does not provide for the appointment of advisory committees or the compensation of any member thereof. That must be done, as I have just stated, under the authority of section 102 of the law.

After Interior's experience earlier this year in regard to appointments to its coal mine safety research committee, I thought that Department officials would become very familiar with all of the provisions of section 102 of the 1969 law. Apparently that is not the case, because once again Department officials have either forgotten this section (which is hard to believe) or have chosen to ignore its precepts and to devise some unlawful scheme for avoiding its constraints. Such an effort, in my opinion, does a great disservice to those who believe that an anthracite advisory committee is needed and that it will serve a useful function in helping to develop improved safety standards for hardcoal miners.

I urge that you take steps to name a new chairman and additional members to this committee. The persons named to the committee could then continue to serve—no doubt, with distinction. The additional members would be necessary to meet the requirements of section 102 of the law. I urge that this be done before the committee meets next.

I would appreciate your advising me when this is done.

I would also be interested in learning whether, in the establishment of this committee, any consideration was given by your Department about possible conflicts of interest and the applicability of Executive Order 11007. If so, please explain what conclusions were reached to resolve such matters and whether these matters were discussed with any other agency or department.

Finally, I would appreciate your providing to me the present list of persons and their affiliation serving on the coal mine safety research advisory committee established under section 102(a) of the law earlier this year.

Sincerely,

Ken Hechler.

U.S. Department of the Interior,
Washington, D.C., November 24, 1971.

Hon. Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Mr. Hechler: Your letter of November 1, 1971 comments on a news release of this Department of October 17, 1971, concerning the formation of the "Advisory Committee on Safety Standards for Anthracite Coal Mines." The news release states that the committee is to develop improved "health and safety standards" and you call our attention to the fact that the Secretary of Health, Education, and Welfare has the responsibility for development of health standards under the Federal Coal Mine Health and Safety Act of 1969. The news release was in error in stating that the committee would consider health standards. As you will note from the enclosed copy of Part 552 of the Departmental Manual, Chapter 3, section 552.3.1, which established this committee, the purpose of the committee is only to make recommendations with respect to "improved mandatory safety standards for the protection of life and the prevention of injuries in anthracite coal mines."

You further contend that section 102 of the Act contains limitations which were not observed in the appointment of this committee. We do not read the limitations contained in that section as applicable to this committee.

Section 101(c) of the Act provides, in part:

"(c) In the development and revision of mandatory safety standards, the Secretary shall consult with the Secretary of Health, Education, and Welfare, the Secretary of Labor, and with other interested Federal agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint . . ."

Section 101(c) requires that the Secretary shall consult with representatives of coal mine operators and miners. We are of the view that such consultation is most efficiently accomplished through the advisory committee institution which is authorized by section 101(c), and that such committee may include representatives of coal mine operators and miners knowledgeable in the peculiar problems associated with anthracite coal mining. We do not agree that section 102 imposes limitations on the formation of advisory committees under the provisions of section 101(c) and for the purposes stated therein.

You inquire whether consideration was given by this Department concerning possible conflicts of interest and the applicability of Executive Order 11007. It is provided in 552 DM 3 that the committee will be subject to the provisions of Executive Order 11007. You will note also that only those members of the committee who are designated as special Government employees shall receive compensation, and that representatives of mine operators, miners, and other groups are not special Government employees and do not receive compensation. Representatives of mine operators and representatives of miners are on the committee not as employees of the Government but in a representative capacity to speak for the group they represent. We recognize that views of such representatives may not be free of bias but believe that their views should be considered and weighed in the light of their interests. Informal discussions were held with staff members of the Office of Legal Counsel, Department of Justice, prior to the formation of this committee.

5 U.S.C. 3109 provides that when authorized by an appropriation or statute an agency may procure the services of experts or consultants or organizations thereof and such may be compensated.

The present list of persons and their affiliations serving on the coal mine safety research advisory committee which you requested is enclosed. For your information, a revised list of members of the anthracite committee is enclosed.

Sincerely yours,

Hollis M. Dole,
Assistant Secretary of the Interior.

December 15, 1971.

Mr. Hollis Dole,
Assistant Secretary of Interior, Department of the Interior, Washington, D.C.

Dear Mr. Dole: Thank you for your letter of November 24 in reply to my letter of November 1, concerning the formation of the "Advisory Committee on Safety Standards for Anthracite Coal Mines."

You state that you "do not agree" with me that section 102 of the 1969 law "imposes limitations on the formation of advisory committees" under the law. In view of this, I have asked the Comptroller General to review this matter and to provide to me an opinion on the applicability of these limitations to advisory committees.

Your reply, however, also raises another matter which concerns me. Your letter correctly notes that section 102(c) "requires" consultation "with representatives of coal mine operators and miners" in the development and revision of mandatory safety standards." The letter then states:

"We are of the view that *such consultation is most efficiently accomplished through the advisory committee* . . ." (Emphasis supplied.)

I hope that you agree with me that the consultation requirements of section 102(c) would not be accomplished "through the advisory committee," because the statute explicitly requires consultation with,

(a) the Secretary of Health, Education and Welfare;

(b) the Secretary of Labor; "and"

(c) with other interested Federal agencies;

(d) state agencies;

(e) appropriate representatives of operators and miners;

(f) other interested persons and organizations; "and"

(g) "such advisory committees as he may appoint".

Quite clearly, the Secretary must "consult" with *all* of these persons and organizations, not just advisory committees, even though some of these persons may be members of such committees.

I would appreciate receiving your assurances that you concur with me on this.

Sincerely,

KEN HECHLER.

DECEMBER 15, 1971.

Hon. JOHN N. MITCHELL,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR GENERAL MITCHELL: Enclosed is a copy of a letter of November 24 to me from the Interior Department concerning, among other things, the applicability of Executive Order 11007 to Interior's new Advisory Committee on Safety Standards for Anthracite Coal Mines.

The letter states that Interior discussed the committee with officials of your Department "prior to the formation of this committee," and that this "committee will be subject" to the Executive Order. It also states "that only those members of the committee who are designated as special Government employees shall receive compensation, and that representatives of mine operators, miners, and other groups are not special Government employees and do not receive compensation."

I would appreciate your advising me,

(a) why such discussions with your Department were necessary;

(b) what is the criteria for designating some members as "special Government employees", the reasons for such designations, and the effect of such designations; and

(c) whether *all* members of the advisory committee, including those not so designated, are, in your opinion, subject to the conflict of interest laws. (If some members are not subject to those laws, please indicate the grounds for exempting them from such laws.)

I would appreciate your providing to me copies of any memoranda or regulations which pertain to advisory committees of this nature and which would support the Interior Department's apparent position that some members of the Advisory Committee are not subject to the conflict of interest laws.

Sincerely,

KEN HECHLER.

FISHY POLICIES

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, two stories in yesterday's Washington Star could fuel speculation on what lengths our Government is prepared to go in order to torpedo our own national fishery interests.

On the one hand, the Government seems ready to cave in to Ecuador's insistence on 200 miles of territorial fishing rights. But on the other, Washington is moving firmly to prevent the States from doing anything to regulate foreign fishing boats, a mere 3 miles or more off our own shores.

It does not make sense, until one recalls the cold disregard which has characterized the attitude of this administration and its predecessors toward the legitimate aspirations of our fishing industry.

This disdain may explain the one thread of consistency in our fishery policies: Do nothing to upset the Ecuadorans or the Cubans or other foreigners, while giving our own fishermen the back of the hand.

One of the stories in the Star explains how the State Department is preparing to capitulate to Ecuador's patently illegal claims to 200 miles of offshore sovereignty by sanctioning the purchase, by our fishermen, of licenses to operate in those waters.

The related, but seemingly contradictory article tells how the Government has gone to court to keep Texas and Florida from interfering with foreign boats more than 3 miles out, even though those vessels may be operating within the relatively modest 12-mile limit which the United States ostensibly claims as its own.

The Government may have a case here—but what would they do if the foreigners involved were Ecuadorans instead of Cubans?

The articles follow:

TUNA BOAT ISSUE PROGRESS HINTED

(By Jeremiah O'Leary)

For the first time since Ecuador began seizing U.S. tuna boats in waters Washington considers to be the high seas, it now appears that current high-level talks between the two nations hold some prospect of an interim agreement to halt the increasingly aggravating confrontations.

Charles L. Meyer, assistant secretary of state for inter-American affairs and some specialized advisers arrived in Ecuador last weekend for talks with Ecuadorian officials, including President Jose Maria Velasco Ibarra. The Meyer mission resulted from discussions last month in Quito by President Nixon's new Latin affairs counsellor, Robert H. Finch, and Meyer.

Informed sources said it must be obvious that Meyer would not have gone back to Ecuador so soon after his Thanksgiving Day return from Latin America if the path had not appeared eased for some solution to the strain between the two nations.

One possibility appears to be that Washington will back away from its refusal to recommend to U.S. tuna men that they purchase licenses from Ecuador to fish in the disputed Pacific waters. Ecuador claims jurisdiction up to 200 miles off her shores, as do nine other Latin nations, while the U.S. and most of the major maritime powers recognize only a 12-mile limit.

The subject is due to be discussed by the United Nations at a 1973 conference on international sea law, including fishing rights. The U.S. has been seeking temporary solutions until the U.N. can reach a decision on the knotty problem.

Ecuador and Peru are the only nations that have seized U.S. boats fishing in the Humboldt Current op their coasts. This year, Ecuador has seized 50 boats, taken them into port and fined them heavily.

COURT ASKED TO FORBID STATES TO SEIZE BOATS

The federal government has asked the Supreme Court to forbid Florida and Texas to seize Cuban or other foreign fishing vessels more than 3 miles beyond their shores in the Gulf of Mexico.

Asking the court to permit a law suit directly in the high court, rather than in lower courts first, the government said its foreign policy may be disrupted by state control over international fishing.

On Feb. 25, Florida seized three Cuban vessels and their crews for fishing without a state license at a point nearly 9 miles off the Florida coast.

NO NEW INCIDENTS

Florida since has refrained from seizing any foreign vessels, but only because the federal government promised to take the issue to the Supreme Court promptly.

Texas has not captured any foreign fishermen or vessels, but insists that it has that right.

The government is not contesting the right of the two states to control fishing within a 3-mile limit, but maintains that no state may take action against international fishing beyond that point.

The government told the Supreme Court that a 1966 law gives the United States control over fishing out to a distance of 12 miles from shore. Florida and Texas have boundaries which, by Supreme Court ruling, are recognized out to a distance of 9 miles.

However, the government contends this distance is allowed only for domestic purposes. The area that stretches beyond the national "3-mile limit" is under federal control when foreign citizens or vessels are involved, the government argues.

A PERSONAL STATEMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am very distressed by what has occurred in this House today. At 11:45 a.m., I called the majority whip's office and was informed that there would be no votes today and I could safely return to my district. Acting on that assurance, I returned to New York. I am told that without any advance warning to either the whip's office or the offices of those Members who would be sympathetic to a motion to instruct the conferees on the foreign aid bill to accept the Mansfield amendment, such a motion was made at 2:25 p.m. The motion was tabled by 29 votes. Had I been informed by the whip's office that there would be a vote today, I would have stayed in Washington. Had I been called prior to the vote any time up to 1 p.m., by the proponent of the motion to instruct, I would have flown back to Washington to vote for it. Most regrettable is that had the sponsor of the motion alerted us to his intentions, we might have carried the day.

When the bells rang for the vote at 2:27 p.m., I was called in my New York office and I immediately flew back to Washington, not to make that vote which was impossible, but to make the two votes that the leadership then told my office would be called this evening.

Here I am now standing in the well of this House at 6:30 p.m. and being told by the majority leader that the House will now adjourn without any votes being taken this evening. Mr. Speaker, I am so angry by what has occurred today that I am at a loss for further words, other than to say that had I been present, I would have voted against the motion to table. Had the motion to instruct the conferees then come up, I would have voted in support of the Mansfield amendment, as I have on every other occasion when it has been offered.

THE LATEST ON STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there is a great deal of excellent literature on strip mining. Dennis Lindberg, assistant professor of sociology at Davis and Elkins College, Elkins, W. Va., has written a very penetrating and cogent article with reference to the "strip mining is good for you" commercials which have suddenly blossomed out on West Virginia television. The article as published in the Charleston, W. Va., Gazette follows:

The Latest on Strip Mining

(By Dennis Lindberg)

ELKINS.—Like most people in this state I suppose, I've watched a number of "strip mining is good for you" commercials on TV this year. They told me all the wonderful benefits strip mining brings to the state.

Their logic didn't really convince me that stripping was good, but perhaps I was just blinded by the scars on the mountains and in the valleys around here. My thinking did change after a conversation I had in New York City.

I ran into my friend Ronald in Harlem. Ronald is a junkie, a heroin addict. I tried to tell him that heroin was bad for him, bad for Harlem, and bad for New York.

"That's the trouble with guys like you," he said. "You get all moral and idealistic and don't see the good side of things."

"What do you mean?" I said.

"See all these guys standing around here? Why if they weren't junkies, they'd all be unemployed. Then the unemployment rate would be sky high, and they'd all have to go on welfare. That's be real bad for the city and the government. They'd have to spend a whole lot more on welfare. It might even make them bankrupt. Why a hundred thousand junkies is a lot of guys to make unemployed.

"Then you got to think about all the pushers and dealers and wholesalers and importers. That's a lot of guys too, and they spread a lot of money around to a lot of people. Why half the Cadillac dealers in New York City would have to go out of business if they abolished the heroin business.

"And what about all these clothing stores? Not too many people besides the big buys in the trade can afford flashy, expensive clothes. Lots of customers in lots of stores are there to spend money they made workin' in the heroin business. Yes, doin' away with heroin would be a real blow to the business community. It'd turn this recession into a real depression."

"But all you junkies have to steal and mug to get money for heroin," I said. "You're not going to tell me that's good."

"You moralists are so dumb," Ronald shot back. "You latch onto one little insignificant thing and don't see the big picture.

"Sure we steal, but it don't really do no one no harm because it's all insured. After we take it, it gets put back and made right by the insurance people, like, it's reclaimed.

"And that's another business that's dependent on the heroin business. Why if it weren't for us, they wouldn't need half as many insurance agents and claims guys. Insurance wouldn't take in so much money and those companies would be hurtin' bad. They wouldn't have nearly so much money to invest, and all their employees wouldn't have so much to spend in the stores, so the stores would be hurtin' more, and the guys that make the stuff that's sold in the stores'd be hurtin' too."

Ronald was really warming to his subject.

"Think of the narcotics cops—the federal narcotics cops, the state narcotics cops, the city narcotics cops. They get paid for regulating the traffic. If there weren't no narcotics to regulate, they wouldn't have jobs, and they'd be unemployed, makin' the welfare worse and buyin' less in the stores and sendin' them down further. Some of them might get other cop jobs, but they wouldn't be makin' as much cause they'd lose the payoffs from the dealers and the pushers.

"They wouldn't need as many regular cops either without heroin. There wouldn't be nearly as many robberies to check out, so some of those cops would be unemployed and on welfare causin' more burden on the taxpayers and the whole economy to go down.

"But what you moralists don't see at all is that we've got a very effective antipoverty program going'."

"You've got to explain that one," I said.

"Street bargains," Ronald answered. "Say that I broke into your house and ripped-off your portable TV."

"Please don't," I cut in.

"Just say I did. Now who wants a hot TV? I can't sell it to a store. I got to sell it on the street, and I got to sell it quick cause I need the money for a fix right away. So that means I got to sell it in a neighborhood where people got a need for cheap TVs. Maybe my habit cost me $50–75 a day, so I'll be willing to sell your $300 color portable for $75. That means a poor family that could never have afforded a color TV can get one at a price they can pay.

"So we're really helpin' the poor. It doesn't really hurt you cause you're insured, and it means that the guys who make and sell color TVs do a lot more business than they would if we weren't around, and that makes them richer and they buy more and all that business again. And that's so for all the businesses where they make something, sell it to you, we steal it, and you got to buy another one. All kinds of industries depend on us to make a bigger market for them. That's the American way. We're just part of the private enterprise system."

"I guess you're right," I said, somewhat overwhelmed.

"The heroin business is good for you," Ronald went on. "Don't you go and let some politician try and tell you different, usin' some emotional argument on you. Listen, if those politicians get serious about ending the heroin business, its goin' to be bad for everyone. Heroin's the foundation of our economy, and we can't let some politician play around with that for his own gain, can we?"

On the way back to West Virginia I started thinking about what Ronald had said. If heroin is good for New York, then maybe strip mining is good for West Virginia in many of the same ways. Maybe I should ignore what stripping does to the land, as Ronald ignores what heroin does to his body.

After all, both heroin and strip mining prosper because the end (money) justifies the means (destruction of men and the earth). As Ronald says, that's the American way. Other questions and concerns are stupid.

If lots of strip mining is good for West Virginia, then lots of heroin would be even better, wouldn't it?

Mr. Speaker, I would also like to call attention to the account of an article on the economics of strip mining, prepared by Prof. William H. Miernyk, benedum professor of economics at West Virginia University:

The Economics of Strip Mining

(By William H. Miernyk)

MORGANTOWN, W. VA.—Abolishing surface mining actually would stimulate economic development in West Virginia, according to Dr. WILLIAM H. MIERNYK, Benedum professor of economics at West Virginia University.

"This is a case where management of the environment should stimulate long-run economic development, if the basic premise upon which the Appalachian Development Highway System has been built is valid," he observed in a paper presented to the Southern Economic Assn.

"The continued expansion of strip mining in West Virginia could easily offset the developmental impact of the Appalachian highway system," observed Dr. Miernyk, who also is director of the WVU Regional Research Institute.

West Virginia's abundant resources of underground coal permit a choice to be made, he explained, because electric utilities can be attracted to coal sites without the environmental damage resulting from surface mining.

If this damage is prevented, the Appalachian highway system promises to attract many footloose economic activities related to outdoor recreation, which the highways will make accessible to metropolitan residents, Dr. Miernyk commented.

He said abolishing surface mining by shifting production to underground mines also would result in an overall net gain of 558 jobs in West Virginia by 1975—including 2,086 in primary employment, 1,323 jobs in construction and 978 in durable manufacturing because of their necessity in deep mining.

These gains in other sectors would overcome the loss of 2,772 jobs in mining and 749 in trades and services, according to Dr. Miernyk's analysis, which utilized the computerized input-output model of West Virginia's economy that he developed.

The net gain of 558 new jobs "is significant since defenders of surface mining have made widely publicized estimates of the large-scale job losses that they claim would result from the abolition of surface coal mining," he said.

Abolishing surface mining would result in a substantial increase in capital spending in West Virginia—more than $146 million—because underground mines require more capital equipment that is manufactured in the state, Dr. Miernyk observed.

"The economic effects of a shift from surface to deep mining in West Virginia would be beneficial," he said. "Several industries—notably construction, stone and clay producers, and non-electrical machinery—would benefit . . .

"More important, however, the shift would internalize a substantial part of the social costs of mining coal."

[From Coal Age, June 1971]

Crash Campaign: Television Commercials Help Defeat Surface Mine Abolition Push in West Virginia

(By Roy Alexander, president The Alexander Co., New York Public Relations Firm)

Just after Christmas 1970, West Virginia's Secretary of State, John D. (Jay) Rockefeller IV announced a campaign to ban the surface mining of coal "completely and forever" throughout the Mountain State.

Key West Virginia lawmakers pledged their support when the legislature convened in late January, 1971. The state's most influential politicians jumped on the popular ecological bandwagon.

Influential newspapers—most notably, *The Charleston Gazette*—backed Jay Rockefeller completely. Letters poured in praising Rockefeller.

By early February, the juggernaut was rolling.

The future for surface mining in West Virginia looked bleak.

Yet 2 months later, the tide had turned. The Rockefeller forces found it hard to get legislative support. People started writing legislators asking them to vote against surface mine abolition. Protesting throngs marched on the state capitol. Pro-industry letters inundated newspapers. Citizen groups rose up to defend surface mining as necessary to bread and board. Rockefeller back-pedaled, calling for a "gradual phase out" instead of complete abolition.

When the legislature adjourned in March, 1971, it had passed a bill limiting surface mining growth in non-mining counties. And it imposed strict reclamation rules (which the industry agreed to) .

But the massive abolition movement had been soundly defeated.

What happened? The cutting edge was a series of television commercials. These commercials were rushed into production. They were on the air via eight West Virginia stations by early February. They influenced legislators directly and via voter-to-legislator impressions.

"In terms of sheer effectiveness—swaying undecideds. making out-and-out opponents think twice, getting our argument across—the commericals turned the tide in our favor," says O. V. (Dick) Vande Linde, executive director of the West Virginia Surface Mine Association.

How did this rush job come about?

THE CRISIS MEETING

West Virginia Surface Mine Association, when formed in 1966, pledged itself to strong and enforceable reclamation laws and self-policing of members to enforce reclamation standards. And with more than 50% of its budget devoted to reclamation research, the WVSMA was making orderly progress.

The association, however, was not equipped to take on enraged public opinion fostered by the Rockefeller campaign. The association started 1971 with no public relations or advertising budget. When Rockefeller lobbed his bombshell, WVSMA's Vande Linde sounded the tocsin.

"We need a special assessment to fight this abolition movement," Vande Linde told members. "And we need it now."

But he was working with a small base. Only 25% of the state's surface mine operators are WVSMA members. A total of $50,000 over the association's regular budget was raised. This extremely modest budget would allow scattered newspaper advertising. But higher-priced television commercials—calling for production costs plus time costs—did not appear possible.

About that time Oak Leaf Coal Co. joined the association, and things began to change. In January, Robert D. Esseks, president of Sherwood Diversified Services—parent firm to Oak Leaf—attended a public relations action committee meeting held by WVSMA. Esseks immediately saw the need for dollar-stretching of association funds.

"Sherwood operates a commercial film division," he told the group. "We volunteer to produce television commercials and donate them to the association. With production costs out of the way, the Surface Mine Association could afford to buy TV time throughout the state."

The association committee—led by vigorous and vocal support of Don Streletzky of Bethlehem Steel and Hazlett Cochran of Consolidation Coal—was all systems go.

"We certainly appreciate it," association president Gil Frederick told Esseks.

The beleaguered industry was beginning to fight back.

MAKING THE COMMERCIALS

Oak Leaf Coal immediately engaged the services of a television film crew headed by John Nicholas. And Esseks assigned Sherwood's public relations firm—The Alexander Co.—to handle advance work for the film crew and manage the details.

That was Saturday.

On the following Monday, The Alexander Co.'s Bob Arnold arrived in West Virginia to advance the job. Using leads from Vande Linde, he talked to approximately 50 people throughout the state—seeking suitable candidates for filming.

"By this time, our strategy was clear," Arnold said. "We didn't want self-seeking industry members standing up before the camera pushing their viewpoint. We wanted a cross-section of people talking how the abolition of surface mining would affect their lifestyle and livelihood. And that's what we got."

Many volunteered. "My only problem was paring down the number of willing participants," Arnold relates.

By late Friday night, Arnold had set the film crew's itinerary. He had 19 persons ready for camera. Included among them were: a welder, two truck drivers, a service station owner, a restaurant owner, grocery store clerk, machine shop owner.

Helicopters from Hummingbird Air Service had been donated by Phil Nutter, also a surface mine operator and association member.

On Saturday morning the film crew went out in three helicopters. The four-man crew (cameraman, sound man, director, and assistant) set up equipment, conducted an interview and then moved to another location in 20 to 30 min. The crew put 12 interviews on film that day.

Sunday, nature intervened. Snow. Helicopters were grounded.

To salvage the day, Vande Linde phoned Mrs. William Strange, president of a statewide miners' wives protest group.

"Send them over to my house," she said. "I'll get people over here to be filmed."

When film crew director John Nicholas rang Mrs. Strange's bell, at least 100 eager souls were waiting to talk about surface mining. By day-end, 19 subjects were in the can.

CLOSING THE RING

On Monday (January 18) the film crew flew back to New York with raw film footage. Sherwood's editorial and optical houses started editing and finishing. Within a week, Sherwood's Esseks was presenting a reel of finished commercial tapes to the association public relations committee. WVSMA president Gil Frederick gave the final green light.

Eight different commercials started appearing on West Virginia television the first week in February—less than three weeks after Oak Leaf had joined the association.

Citizens would turn on television sets and hear:

Jack Burdete. "This thing makes me mad. They want to take my job away because I'm polluting. Heck, you can't raise a conversation in these hills let alone a crop."

Tipple operator J. L. Perkins. "I've never followed politics much before. But when people start talking about taking my job away, it's a serious matter. I'm going to follow politics very seriously now."

Gus Glavaris, Logan restaurant owner. "Almost everyone who eats in my restaurant is supported directly or indirectly by surface mining. Logan, W. Va., would wilt and die without the industry."

Further, material did double duty. Fahlgren & Associates, WVSMA's advertising agency, developed newspaper ads from the commercial material. Radio commercials were cut out of the TV sound tracks.

Reaction to commercials was swift. Government officials received irate letters. Miners protest groups converged en masse on Charleston to buttonhole legislators. As pressure increased, a legislator approached Vande Linde.

"We aren't going to pass an abolition bill," he said. "Your commercials are stirring people up too much."

He urged Vande Linde to halt the advertising campaign.

The campaign's success befuddled opponents. Some leveled wild charges. A letter in a Charleston newspaper questioned the ethics of the ad campaign. It suggested the industry—represented by a "big man in a big car, smoking a big cigar"—paid persons to appear on commercials.

"Far from it," says Esseks. "If we had paid anybody, the commercials wouldn't have been as good. We approached the commercials in documentary style. Honesty and believability is the secret of successful viewpoint advertising."

PLANNING FOR FUTURE

What did it cost? Sherwood spent about $40,000 in fielding the crew, handling the advance work, and editing and finishing the commercials. The association spent another $40,000 in broadcast time and print space.

"For our part, we feel the funds were a good investment," Esseks said. "When a company happens to have a facility that can help its industry in a crisis—as we did with our film division—it should step forward and be counted."

Of course, winning a battle isn't winning the war—as WVSMA officials readily admit. Plans for next year are already underway.

"We know we've got a fight on our hands in 1972," Vande Linde said. "This time we want to start earlier and be better prepared. But this year, it was certainly vital to lay the facts on the public via television commercials. Since we couldn't have done without volunteer help, we certainly give major credit to Oak Leaf Coal Co. and Sherwood this time around."

TV COMMERCIALS AND STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I have made reference to the large number of television commercials which have suddenly covered the West Virginia air waves. It is fascinating to contemplate what is back of all this great expenditure of money, and the following articles help interpret this massive public relations campaign:

Roy Alexander Puts P.R. Touch to Strip Mining

(By Michael Gerrard)

New York.—"All my life I've been selling one thing or another," Roy Alexander says on the jacket of his book, a handbook for salesmen.

Now, from his desk atop a Manhattan office building, between Fifth and Madison Avenues, Alexander is selling surface mining in West Virginia.

A 24-minute color film, a pair of slide shows, a slick booklet called "The Greening of West Virginia"—these are the fruits of four months' work by Alexander and his staff for the West Virginia Surface Mining and Reclamation Assn. (WVSMRA). The initial job is done, but Alexander will stay on call so long as strip mining is a political issue in the state.

Meanwhile, Alexander's small, handpicked staff is distributing a film for the WVSMRA's organization in Kentucky, and is producing literature for the image-wounded West Virginia Coal Assn.

The Alexander Co., as it's called, is new to the coal business. A public relations firm, it specializes in work for associations; in the nine years since its founding, the company has at one time or another had about 35 clients, including Sales & Marketing Executives-International, a professional society for which Alexander edits the semi-monthly "Marketing Times."

A year ago, Alexander was hired to represent New York's Sherwood Diversified Services Inc., whose Oak Leaf Coal Division conducts surface and auger mining in Mingo County, W. Va.

Sherwood lost $4.2 million last year, but the contract proved profitable for Alexander. When the strip mine abolition movement reached fever pitch with the January, 1971, session of the state legislature, Sherwood volunteered its film division to produce a series of television spots defending the industry. Alexander was an adviser to Sherwood during the campaign, which aimed to convince legislators that abolition would ruin the state's economy.

West Virginia surface miners survived that battle, and not long afterwards Alexander became formally attached to the WVSMRA, signing a contract for a film, a brochure, and two virtually identical slide shows, one each for northern and southern West Virginia.

Comments by basketball star Jerry West were added to the film, and it was first aired the last week in October on six West Virginia television stations, including WCHS. The WVSMRA paid up to $900 for half-hour slots on each of the stations. Alexander predicts that the film, slides, and brochure will be widely distributed over the next two or three years. They all draw on much the same material.

The slide shows, which were previewed for the Gazette in Alexander's New York office, will raise a few eyebrows in West Virginia.

The first slides depict reclaimed strip mines. One of them, for example, pictures a young man lazing on a chair, his hat shielding his eyes. The narrator reads, "Green reflecting pools. Where a man can catch bluegills. Or just plain relax on a summer day . . ." The brochure includes the same photo, and adds to the caption, "Preston County surface miner turned ex-mine into hunting and fishing club." But not only isn't this a candid photograph—it's not even a picture of a Preston County (or any other) hunter or fisherman. The young man posing in the chair is actually Dan Gerkin, a WVSMRA employe.

The next slide, which is also in the booklet, shows two boys at a lake on reclaimed land; the narrator reads, ". . . and let the small fry do the fishing." The location is Compton's Farm, in Harrison County, a model former surface mine that's a favorite stop in WVSMRA tours. Mine association officials have conceded that Compton's Farm is far from typical of reclamation jobs in the state, and that the fish are stocked. Yet the farm appears at least four times in the brochure and five times in the slide show—though most viewers wouldn't know they're seeing the same site over and over again.

The following slide continues the narration, "while older brothers drive the cows in from pasture." This picture, too, was taken at Compton's Farm. The fellow with the cows—in the brochure he's called a "bucolic youth"—was an Alexander Co. employe.

Later the narrator, discussing the possible uses of stripped land, says, "This shopping center at Bridgeport was built on former surface mine land." Next slide: "This Harrison County motel stands on a former coal mine." Those who don't know that Bridgeport is in Harrison County wouldn't realize that the two pictures were taken at the same development.

Elsewhere in the slide show, over a picture of shimmering clear water, the narrator explains, "Thus, even during the active mining, surface miners protect the environment. Clear pure water must be preserved in the Mountain State. Coal men appreciate the esthetic need of preserving the state's natural heritage." This would seem to imply that the clear water in the picture is on a former strip mine. Private copies of the script, however, reveal that this isn't the case—though viewers aren't informed.

"The research for the movie and slide show was quite educational," Alexander told a visitor recently. "Our aim throughout was pretty much to tell it the way it is." Indeed, the presentations admit that reclamation does take time, and they picture the infamous "orphan bank" (a euphemism for strip mines abandoned without any reclamation) at Orgas, Boone County, to show what can happen when coal operators aren't conscientious. Which is the more typical—Orgas or Compton's Farm—isn't explored.

The shows' narrator himself has a rugged country voice, the sort that's been heard lately in commercials for beefburgers and pickup trucks. Alexander said the voice doesn't belong to a West Virginian. A North Carolinian, now working in New York, was paid to do the job.

The film has the added touch of country music to set the mood. Alexander wanted to use John Denver's "Take Me Home, Country Roads." The company which publishes Denver's songs was reluctant, however, to associate him with strip mining, and the price quoted to Alexander to use the song proved prohibitive. Two singers were finally recorded for the film—one from New Jersey, the other, North Carolina.

North Carolina, the source of all this talent, is also where, near Asheville 46 years ago, Roy Alexander was born. The road from a Great Smoky Mountain boyhood led to New York City in 1962 when the Alexander Co. was founded, and its president, who had worked as everything from theater barker to magazine salesman, began doing his own hiring. That road was such an exemplary "only in America" tale that business writer Auren Uris devoted a chapter to Alexander in a book of success stories.

Alexander's own book, "Direct Salesman's Handbook," was published by Prentice-Hall in 1968. Among his other credits are many articles for business periodicals, a faculty post in public relations at the New School for Social Research here, and a penthouse apartment near fashionable Washington Square Park, just north of Greenwich Village.

The company's headquarters are in the heart of midtown Manhattan. The Empire State Building, Grand Central Station, Rockfeller Center, Madison Square Garden, the United Nations—all are only a few blocks away. Walking from the Times Square subway station at Broadway to the Alexander Co., while dodging speeding taxis and aggressive panhandlers, a pedestrian passes by the Belasco Theater, where "Oh! Calcutta!" is now playing; the New York Yacht Club; the fluttering flags of the Avenue of the Americas; and unemployed college graduates selling belts and balloons on Fifth Avenue.

Six people now work for Alexander. Three are West Virginians—Robert Arnold of Fairmount, Joseph Papp of South Charleston, and Granville Sheets of Charleston, all of them members of WVU's class of 1970. Arnold was recommended to Alexander by WVU university relations director Harry Ernst. Alexander and Ernst have been friends since the early Fifties, when they were both editors of the "Daily Northwestern" at Northwestern University in Evanston, Ill. "Alexander was clearly one of the brightest journalism students at Northwestern," Ernst recalled recently.

Once Arnold permanently joined the Alexander staff, shortly after his graduation, he recommended Papp and then Sheets when vacancies developed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Kastenmeier (at the request of Mr. Boggs), for today, on account of illness in the family.

Mr. Curlin (at the request of Mr. Boggs), for today, on account of official business.

Mr. McKevitt (at the request of Mr. Anderson of Illinois), for today, on account of official business.

Mr. Kyros, for December 16, to adjournment, on account of illness.

Mr. Gaydos (at the request of Mr. Boggs), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Powell) and to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

Mr. Keith, for 10 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Vander Jagt, for 15 minutes, today.

Mr. Schwengel, for 5 minutes, today.

(The following Members (at the request of Mr. Davis of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. William D. Ford, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Howard, for 10 minutes, today.

Mr. James V. Stanton, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Link, to have his remarks earlier today under the 1-minute rule follow immediately after the remarks of the gentleman from Iowa (Mr. Smith).

Mr. Ryan to extend his remarks following the vote on the motion to table his motion to instruct conferees, today.

Mr. Poage and to include a speech by Mr. Purcell.

(The following Members (at the request of Mr. Powell) and to include extraneous matter:)

Mr. Halpern in three instances.

Mr. Frey.

Mr. Derwinski.

Mr. Winn in two instances.

Mr. Esch.

Mr. Thompson of Georgia in two instances.

Mr. Steiger of Arizona.

Mr. Wyman in two instances.

Mr. McDonald of Michigan.

Mr. Bray in two instances.

Mr. Hosmer in two instances.

Mr. Brown of Ohio in four instances.

Mr. Byrnes of Wisconsin in three instances.

Mr. Harvey.

Mr. O'Konski in five instances.

Mr. Lent.

Mr. Forsythe.

Mr. Schwengel.

Mr. Terry.

Mr. Don H. Clausen in two instances.

Mr. Michel in six instances.

Mr. Gross.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous material:)

Mr. William D. Ford.

Mr. Hamilton in seven instances.

Mr. Galifianakis in two instances.

Mr. Gonzalez in two instances.

Mr. Rarick.

Mr. Kastenmeier.

Mr. Rogers in five instances.

Mr. Pucinski in six instances.

Mr. Celler.

Mrs. Hicks of Massachusetts in three instances.

Mr. Ryan in five instances.

Mr. Miller of California in five instances.

Mr. Rodino in two instances.

Mr. Daniels of New Jersey in four instances.

Mrs. Hansen of Washington.

Mr. Boggs in two instances.

Mr. Shipley in two instances.

Mr. Bingham in five instances.

Mr. Roe in two instances.

Mr. Kluczynski in two instances.

Mr. Metcalfe in two instances.

Mr. Fraser in five instances.

Mr. Howard.

Mr. Dingell.

Mr. Waldie in six instances.

Mr. Begich in five instances.

Mr. Byrne of Pennsylvania.

Mr. Symington.

Mr. Roy.

Mr. Van Deerlin in two instances.

Mr. Hébert.

Mr. Monagan in five instances.

Mr. Long of Maryland in five instances.

Mr. Hungate in two instances.

Mr. Edwards of California in five instances.

Mr. James V. Stanton in two instances.

Mr. O'Neill in two instances.

Mr. Moorhead in two instances.

Mr. Rangel in two instances.

Mr. Purcell in two instances.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs;

H.R. 6065. An act to amend section 903(c)(2) of the Social Security Act, and for other purposes;

H.R. 10367. An act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes;

H.R. 11731. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 11932. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2878. An act to amend the District of Columbia Election Act, and for other purposes.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Friday, December 17, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1370. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

RECEIVED FROM THE COMPTROLLER GENERAL

1371. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in establishing requirements for, and uses of, medical professional personnel in the military services, Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on effectiveness and efficiency of Department of Transportation programs, relating to automobile and schoolbus safety (Rept. No. 92–756). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on air traffic control facilities and equipment requirements to meet the needs of the 1970's (Rept. No. 92–757). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on the efficiency and effectiveness of Renegotiation Board operations; (Rept. No. 92–758). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on discontinuance of monthly press briefings by the Bureau of Labor Statistics, Department of Labor (Rept. No. 92–759). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on Vietnam and the hidden U.S. subsidy; (Rept. No. 92–760). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 12366. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost-meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself, Mr. Dingell, Mrs. Griffiths, Mr. Nedzi, and Mr. O'Hara):

H.R. 12367. A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. MATHIS of Georgia:

H.R. 12368. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H.R. 12369. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

H.R. 12370. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 12371. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. RAILSBACK:

H.R. 12372. A bill to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations, providing such services, and for other purposes; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 12373. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, control multinational corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 12374. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 12375. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. LINK:

H.R. 12376. A bill to authorize the Secretary of the Army to convey certain lands originally acquired for the Garrison Dam and Reservoir project in the State of North Dakota to the Mountrail County Park Commission, Mountrail County, N. Dak.; to the Committee on Public Works.

By Mr. PURCELL:

H.R. 12377. A bill to amend the Sherman Antitrust Act (15 U.S.C. 1 et seq.) to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize, and for other purposes; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 12378. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HELSTOSKI (for himself and Mr. RANGEL):

H. Res. 754. Resolution expressing the sense of the House of Representatives relative to the crisis in South Asia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

291. The Speaker presented a memorial of the Legislature of the State of California, relative to administrative procedures in programs designed for the improvement of streets and highways in urban areas, which was referred to the Committee on Public Works.

EXTENSIONS OF REMARKS

NEW METHODS OF BUILDING AND USING HIGHWAYS GREATLY INCREASE THEIR VALUE AND USEFULNESS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 16, 1971

Mr. RANDOLPH. Mr. President, the freedom, efficiency, and economy provided by motor vehicles have made them an important part of life in America. Cars, buses, and trucks, along with our excellent highway systems, have facilitated the growth of our country to an unparalleled degree. This reliance on motor vehicles is becoming increasingly apparent in other parts of the world as their value is recognized.

Our use of motor vehicles has increased with our population growth and the complexity of our society. At the same time, we are learning how to build better highways and how they can be made to serve better the people who depend on them. I have long been an ardent advocate of making highways an integral part of community life instead of a separate entity.

Mr. President, there is considerable evidence that the planning and use of highways has become a highly involved process and that it has been highly successful. We now know ways to obtain the maximum use of existing highways, and we know how to make highways best serve communities.

Our skill in these areas is told in two articles recently published in the Los Angeles Times. They describe a new electronic monitoring system that has been installed on a part of the Los Angeles freeway system and of the design of roads to serve a new town in England.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows.

[From the Los Angeles Times, Nov. 14, 1971]

"EYE-IN-SKY" GUARDING THREE-FREEWAY LOOP—TV-EQUIPPED COPTERS SEARCH FOR TROUBLE DURING RUSH HOURS

(By Ray Herbert)

Motorists traveling the busy Santa Monica-Harbor-San Diego Freeway triangle have someone watching over them.

An "eye in the sky" television-equipped helicopter is flying the commuter rush hours, looking for trouble on the crowded freeway loop.

Delicate sensors embedded in the freeways are ready to signal an alarm if a mishap occurs. Help would be on the way in seconds.

And a computer has been programmed to keep traffic off a normally jammed stretch of the freeway loop—or let it on if the lanes are clear.

Other sophisticated equipment and devices are being used to determine if space-age technology can make the freeways safer and help traffic move faster.

Still more devices—from changeable warning message signs to tiny roadside broadcasting transmitters—will be added to the unusual surveillance and control system within the next few months.

The project is being developed at a cost of $8 million as the first step toward automating the Los Angeles region's freeways.

It began operating on the 42-mile, three-freeway loop a few days ago and may be extended to the entire 500-mile-plus Los Angeles urban freeway network.

MAY INCLUDE SATELLITE

Eventually, in its most sophisticated form, it could include a satellite monitoring all Los Angeles freeways and advising motorists of traffic conditions.

For now, research laboratories have produced an assortment of new surveillance, warning and informational equipment for the Los Angeles freeway project.

It is said to be the most comprehensive program of its type ever undertaken.

Some of the new ideas have been tried individually in other cities. Houston, for example, has used closed circuit television to monitor traffic. Changeable message signs, on a limited scale and for limited purposes, are used on the New Jersey turnpike.

Other new surveillance devices, such as the freeway sensors which send electronic impulses to a control room computer, are having their first full-scale test here.

Old standbys are part of the project, as well, including equipment as familiar as the neighborhood garage tow truck. There are also roving service patrol vehicles.

Many drivers on the Santa Monica-Harbor-San Diego Freeway triangle already are benefitting from the surveillance system's first phase.

A woman whose car broke down the other day and was helped by the service patrol put it this way:

"I expected a ticket from an officer and a towing charge. To have it free was almost beyond belief . . . No one wants to be stranded on a freeway. It's very nerve-wracking."

Her car disabled, her problem had become an "incident" on the Santa Monica Freeway.

Sensors in the freeway detected it as traffic slowed down and stopped.

The problem was computer-analyzed—and help dispatched—when it showed up as a flashing red light on a panel layout of the freeway loop in the surveillance project's control center several miles away.

Later, another light flashed in the control room operated by the State Division of Highways' new Freeway Operation Department and this series of events occurred:

4:52 p.m.—System detects incident on northbound San Diego Freeway at Inglewood Ave.

4:53 p.m.—Helicopter dispatched.

5:02 p.m.—Helicopter on scene, televising four-car collision in number three lane.

5:03 p.m.—Control center notifies California Highway Patrol ground units.

5:08 p.m.—From television pictures, control room team determines that two vehicles are moveable, two are not. CHP notified two trucks are needed.

5:28 p.m.—From television picture, resumed after helicopter returns from another mission, control center determines that freeway lanes are clear. Disabled vehicles are on roadside shoulder.

BRAINS OF THE PROJECT

The surveillance system's control center is located at Vermont Ave. and 6th St. and serves as the brains of the project.

The sensors are its nerves and the helicopters. flashing closed circuit television pictures of rush hour traffic back to the control point, are its eyes.

Visual and oral aides for freeway motorists include a loudspeaker attached to the helicopters. It is used, for example, to warn drivers, walking around their stranded cars, to get off the freeway.

Other help is extended through service patrols, emergency freeway cleanup crews, computer-controlled on-ramps and additional devices.

In the planning stage for several years, the surveillance and control system is essentially an attempt to provide harried freeway motorists with as much information and assistance as possible.

The idea is to get them out of traffic jams, hazardous situations and other motoring problems—or help them steer clear of them.

Given information and help, their frustrations will be eased, safety will be improved and the freeways will function better, say highway researchers for the Freeway Operation Department.

This is a new approach for California's freeway builders and especially for those in the Los Angeles region where the planned network, when completed, would put no person more than four miles from a freeway.

Until recently, many of the freeway researchers' counterparts in other departments—highway planners and engineers, for example—cared more about constructing new freeways than improving those already built.

The Freeway Operation Department selected the 42-mile triangle (the short leg of the Santa Monica Freeway west of the San Diego Freeway is also included) for the project because it is representative of the entire Los Angeles metropolitan network.

A COMPLETE SYSTEM

Because it forms a loop, it is a complete system. A heavily traveled air corridor passes over it, posing a problem for the surveillance system's helicopters. It also includes 56 major interchanges.

No other comparable freeway stretch is busier. More than 700,000 cars and trucks—about one out of every seven in Los Angeles, Orange and Ventura Counties—travel some part of the loop every day.

The loop was wired with sensing devices to make the freeway lanes responsive to traffic moving over them or stopped.

Tiny wire squares—more than 700 sensors in all—were planted in the roadways.

Together with telemetering equipment linked to the Freeway Operation Department's control center computer, they provide a continuous record of the loop's changing traffic patterns.

DIGITAL COMPUTER USED

The digital computer, for example, scans each sensor 30 times a second, appraising traffic volume and movement at each sensing station.

This information is relayed to the control center's freeway panel where it is translated, for quick identification, into a series of colored lights.

A red flashing light for an accident or unusual incident. Solid red if traffic is stop and go, yellow if it is moving 35 to 55 m.p.h. and green if the freeways are wide open.

A team, including a traffic engineer, maintenance engineer, an information expert and a California Highway Patrol officer, is on hand to evaluate the situation.

The control center's picture wouldn't be complete, however, without the television-equipped helicopter.

CHP personnel, in addition to being part of the team, man ground patrol units and the system's "eye in the sky" helicopters.

FLYING AMBULANCES

Flying new turbine-powered craft that are convertible to two-stretcher ambulances, CHP officers make continuous television circuits of the freeway loop during morning and late afternoon commuter hours.

Dispatched to the scene of an accident, the CHP helicopter would send a picture back to the control center, enabling the team there to assess the problem and determine what is needed.

It could be an ambulance or tow truck. Or highway flares. Or it could be a State Division of Highways crew with a hand broom to sweep up broken glass—or a giant mechanical sweeper. There are no immediate plans to use the helicopters as ambulances.

"The television pictures give the control room the capability to decide, on the spot, what is needed without relying entirely on verbal information," says Larry Madsen, the Freeway Operation Department's special projects engineer. "Verbal data can sometimes be misinterpreted."

Television cameras in the helicopters are equipped with zoom lenses to zero in for closeups of an accident or unusual incident.

The helicopters, said Sgt. James Cox, the CHP's aerial supervisor, normally fly over the loop at 500 feet, traveling at 75 to 80 m.p.h.

But they can drop down as low as 50 feet for a closer look, he says.

"You can almost set your watch by the buildup of congestion during the peak hours," he explained after many flights over the 42-mile loop.

"Sometimes we can help in normal congestion by spotting something that is making it worse. But we're most effective dealing with the unpredictable—the accidents and unusual occurrences."

RECURRING BOTTLENECKS

Estimates are that congestion on the three-freeway triangle, and most other freeways, is caused equally by recurring bottlenecks and random events such as accidents, fires, stalled vehicles and—as Cox put it—"unpredictable acts."

The computer is already helping to free some normal congestion on a section of the Harbor Freeway by controlling traffic signals at eight southbound on-ramps to keep cars off the freeway if it is jammed.

The computer is also letting cars on if the sensors pick up an accident or sudden traffic tieup and the lanes downstream are clear.

This phase of the system will be extended later to other on-ramps.

Rapid removal of damaged and disabled cars, trucks and other congestion-producing objects from the freeways is a key part of the project.

At present, service patrol vehicles operate on a limited basis, as will state-owned tow trucks starting Monday. But by June a full complement of 10 emergency vehicles will be on duty on the 42-mile loop to haul disabled cars—free—to the nearest surface street.

By then, 35 changeable message signs, also computer controlled, will be advising Santa Monica Freeway motorists what to expect—from "Slow Down" to "Accident Ahead—Take Next Off-Ramp."

Emergency broadcasts from restricted range radio transmitters will be available at the same time for motorists on the San Diego Freeway section of the loop. Roadside signs would alert drivers to turn their car radios to an emergency station to hear messages broadcast from the transmitters.

Cox and the CHP's other helicopter pilots believe that they will be busier than ever flying the 42-mile loop trangle once all the system's elements are put together.

MORE DATA NEEDED

"As the operation gears up, they're going to need more and more information on what's happening on the freeways," Cox says.

The project's operation is financed through July 1973, with the funds included as part of the overall $8 million cost.

Evaluations of the system's effectiveness, said David Roper, assistant district engineer in charge of the Freeway Operation Department, will determine how much of it will be extended to other Los Angeles freeways.

During the evaluation period researchers will be looking for the system's impact on reducing traffic slowdowns and its effect on the accident rate. Currently there are 4,000 reported accidents on the 42-mile loop every year.

Analysis will also show how much the system has improved the motorists' welfare "by lowering his anxiety rate."

After only a few days, the project has passed one of its toughest tests. As one member of the Freeway Operation Department put it, watching the control center panel with its changing red, green and yellow lights:

"Some people wondered whether it would work. They're surprised it does."

[From the Los Angeles Times, Dec. 5, 1971]

ENGLISH TOWN DESIGNED WITH BUS-ONLY SYSTEM—$6 MILLION "BUSWAY" TRACES FIGURE-EIGHT PATTERN THROUGH HOUSING, INDUSTRIAL AREAS

LONDON.—A radical experiment in public transport has just begun in the north of England.

A whole town has been designed around a "busway"—a system of roads reserved for buses only. The scheme is being closely watched by urban planners in many countries.

Runcorn New Town, rising next to the old town of Runcorn beside the Mersey River estuary, is traversed today by two kinds of buses: the regional buses coming in from outlying areas, which have to use the ordinary roads—and the busway buses.

TWICE AS FAST

The latter travel on the $6-million busway at speeds twice as fast as ordinary bus services. They don't have to contend with traffic jams or even traffic lights. Where the busway crosses an ordinary road, special lights automatically give the buses preference.

The busway, at first sight an ordinary two-way road, has had a bearing on the design of practically every part of the new town. It traces a seven-mile-long figure-eight pattern, linking housing areas and industrial estates, schools and parks. At its core is "Shopping City," a huge shopping precinct under one roof which was opened to the public recently.

Everything is done to encourage people to hop on a bus. In most cases bus stops are closer to factory gates than car parks.

WALK TO HOMES

In residential areas, cars and people are segregated. Cars usually cannot run to the front doors of individual houses, but have to be parked a short walk away. The man who comes back from work in a bus is no worse off than his motoring neighbor.

The estates have been laid out so that even the extreme edges are no more than 500 yards or five minutes' walk away from a bus stop—and usually much closer.

So far, only a section of the new town housing has been built. But the planners were determined to have the busway at the start.

"We felt that unless it was a basis for the new town, and unless it worked from the word go, it wouldn't have got off the ground," says Ken Wight, leader of the busway project team.

AT 6-MINUTE INTERVALS

"It will be 10 years before it is operating at full stretch, when buses will run at six-minute intervals over 12 miles of busway. But because we've got seven miles open now, in the right places, we have a good chance of getting most people to use the bus from his house to work and leave the car at home.

"Most of the traffic problems in a town like this would be caused by journeys to work," Wight says. "We hope that if even half the population takes a bus to work, the busway will have proved itself."

The master plan for the new Runcorn was produced in 1967 by Arthur Ling. He had alternative transport systems priced from monorails to tramways and computer-controlled automatic systems on concrete rails. It was found that the humble single-deck bus was the best system; it cost only a fifth as much as its closest rival.

FAST AND REGULAR

Last year, the British Ministry of Transport gave the busway its blessing, in the form of an agreement to pay three-quarters of its cost.

The people of new Runcorn seem pleased with the regularity and speed of the buses. Runcorn's planners themselves see the busway as a gesture of confidence in public transport.

If this system does not work, then it is difficult to envisage circumstances under which public transport can work," says Runcorn Development Corp.'s general manager, Derick Banwell.

TOLERATING THE INTOLERABLE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. SHRIVER. Mr. Speaker, every one of our congressional districts has felt the costly effects of national transportation and dock strikes. Seven times in the last 8 years Congress has been forced to enact emergency legislation to avoid railroad strikes. Dock strikes this year have largely closed off potential foreign markets for the bumper crops our farmers have produced.

A recent editorial in the Hutchinson, Kans., News expressed understandable objection to further congressional delay in enacting meaningful and effective legislation to prevent such strikes in the future. I joined with 70 of my colleagues in the House last June in introducing a bill providing for a flexible and workable approach to this problem. Extensive hearings have been held on this bill by the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee. We have been assured that a vote will be taken on this legislation soon after the second session convenes.

The editorial follows:

Tolerating the Intolerable

Our Congressmen have been firm in deploring the dock strikes and their effect on national and world economy—particularly as it concerns farm exports.

Other than the wringing of hands, though, what has been accomplished?

Little that is visible to the reader's eye.

Since July 1, most of our seaports have been closed at one time or another.

In early October, the strike hit all the major seaports—East and West coasts, Gulf coast, and Chicago. President Nixon then ordered the West Coast longshoremen back to work for an 80-day cooling period as provided by Taft-Hartley. He tried to invoke it in Chicago, but the U.S. District Court ruled that evidence did not prove this single strike is a threat to national safety and health.

On the Gulf, shippers secured a court order directing longshoremen back to work in late October, but they got into an argument of their own, followed by a new strike. This port is of vital importance to Kansas grain exports.

The President now is going the Taft-Hartley route again on the East and Gulf coasts.

This law has been used seven times against strikes at East and Gulf ports since World War II. Obviously, we need something better.

So far, we don't have it. Congress is too busy bewailing the problem and not busy enough trying to solve it.

At the least, Mr. Nixon's proposal for settling rail disputes should be considered for seaports. The plan sets up a neutral board to receive the final offers from management and/or labor, and order a settlement. It puts pressure on both to quit grandstanding and get reasonable.

Without some re-writing of labor laws, these strikes will go on. And we will all suffer as a result.

MARRIAGE "AMERICAN STYLE" AND ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. McDONALD of Michigan. Mr. Speaker, thousands of aliens coming into the country illegally each year are able to gain permanent residence via the marriage racket.

In many instances, they have a sweetheart at home or a wife they have divorced temporarily in order to get into the United States and remain.

The marriage racket is quite simple, and extremely profitable to those immigration lawyers who make it a specialty. And it is highly successful, because the Immigration and Naturalization Service must prove fraud.

For the sake of illustration, let us say a Greek seaman jumps ship in New York. He arranges through an unethical immigration lawyer to marry an American citizen. I am told there is a wide spread in fees—anything from $250 paid a prostitute picked off the street to fees of $1,000 to $1,500 to women who are professionals in the racket. The alien may pay as much as $2,500 to $3,000 because of the legal fees involved.

After the marriage, the American spouse files a petition asking that the alien be given the privilege of applying for permanent residence. Depending upon the volume of work in a particular immigration office, and the merit of a case, this entire process may take from 1 to 3 months.

As soon as the alien receives his little "green card," entitling him to remain as a permanent resident and get a job, the happy couple can part.

The alien gets an annulment or a divorce—and he is home free.

Immigration must prove fraud, and I am advised that while there are cases that actually stick, the INS batting average is pretty poor in this area because it is extremely difficult to prove.

If the alien is from a Western Hemisphere country and the "marriage" breaks up within 2 years, fraud must also be proved. Here, the alien who has achieved permanent residence status must return to his native country and then reenter.

I understand that the principal ethnic groups involved in this racket are from Europe, the Caribbean and Latin America.

The southern European who wins permanent residence this way often has a sweetheart at home waiting for him to return and marry her so she can be brought to America. Or he may have gone through a divorce charade with his wife before coming to America, and remarries her.

TRIBUTE TO LATE DAVID SARNOFF

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. CARTER. Mr. Speaker, the story of the life of David Sarnoff, written by the highly respected columnist, David Lawrence, is so inspiring that I am today including it in the Record for perusal of the readers. His success story was proof of Shakespeare's words:

"Sweet are the uses of adversity;
Which, like the toad, ugly and venomous,
Wears yet a precious jewel in his head;"

[From the *Evening Star* Dec. 14, 1971]

David Sarnoff Was Model of U.S. Dream

(By David Lawrence)

Front-page stories in most newspapers yesterday told of the death of David Sarnoff, retired chairman of the board of the Radio Corporation of America, at age 80. The record of his leadership in the development of radio and television is remarkable, but the story of what an "underprivileged" individual can accomplish constitutes an even more significant lesson for so many of the younger generation of today who fail to perceive what responsible individualism can do for America.

At the age of 9, David Sarnoff was brought to this country from Russia by his immigrant father, and grew up in a tenement in the ghettos of New York. He had to learn English, and, before and after going to public school each day, he helped to support his family by selling newspapers and working at other jobs.

He was only 15 when his father died, and he found it necessary to leave school and get full-time employment. This happened to be as a messenger boy, at $5 a week, with a small commercial telegraph company. Young Sarnoff used his first week's salary to buy a dummy telegraph "key" and instruction book, and started to learn the Morse code. His next step was as office boy at the Marconi wireless Telegraph Co. of America, where he soon qualified as an operator.

Sarnoff came to national attention on April 14, 1912, when, at the age of 21, he was on duty as manager of an experimental wireless station atop the Wanamaker Building. He picked up distress signals from the Titanic, which had collided with an iceberg in the Atlantic and was sinking.

He stuck to his instruments continuously for 72 hours straining to pick up the messages coming faintly from rescue ships while President Taft ordered all other wireless stations in the country to shut down in order to eliminate possible interference.

Only when Sarnoff had the name of the last of the 706 survivors of the sinking—1,517 others had gone down with the ship—did he leave his post.

Out of this incident came widespread recognition of the importance of this new means of communication. In its development, Sarnoff, who had foreseen the possibilities long before anyone else, became a leader as his creative genius and driving force pushed the industry forward.

When the Radio Corporation of America was formed in 1919, Mr. Sarnoff was named commercial manager, became general manager three years later, and took over as president in 1930. Meantime, he had pressed the idea of broadcasting programs to radio receivers in homes, and in 1926 RCA formed the National Broadcasting Company, the first radio network in the country. After World War II, he put the same drive behind television and the introduction of color sets.

Sarnoff came to be recognized as perhaps the foremost of America's executives in the field of communications. He, more than any other individual, is responsible for the fact that radio and television sets, including color, are so widely distributed today.

The late Winston Churchill, prime minister of Great Britain, once paid him high tribute.

What was the secret of Sarnoff's success? It may be found in his own words in a talk to a group of young men.

"The boy who believes that his parents, or or the government, or anyone else owes him his livelihood and that he can collect it without labor will wake up one day and find himself working for another boy who did not have that belief and, therefore, earned the right to have others work for him."

David Sarnoff's illness for the past several years kept him from continuing the active pace of his earlier life, but he did not retire until he passed the age of 79. A determination to remain in touch with his company's affairs as long as his health permitted was typical of his dedication to what he considered a public duty.

Those who have been talking lately about the "generation gap" and giving the impression that there are few lessons to be learned from the past would do well to study the career of David Sarnoff and how he helped to create a revolution in communications that has benefited mankind.

WRITE YOUR CONGRESSMAN

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HOSMER. Mr. Speaker, each year about this time the CONGRESSIONAL RECORD and other Government publications are replete with calendars for the new year. It is a good thing, too, because they are useful as well as appropriate. Members of Congress are allowed several hundred of what has become known as the Capitol Calendar for distribution in their districts. Unfortunately that quantity does not go far in relation to the many thousands of people who reside in each of these districts.

At the beginning of each year it has been my custom to contact the households and business firms in my own congressional district by a postal patron mailing reminder as to where and how to contact me to express either views on issues or to request help on problems with Government departments and agencies. This year, as for 18 years past, I have combined that message with a calendar picture card for the upcoming year and advised "save this card as a year-round reminder to write Congressman HOSMER."

I believe that an annual communication in this form has, in fact, been saved for that purpose and has been found to be an effective communications tool during the entire 12-month period by the many, many people who write me at the Rayburn Building each year.

Together with a 1972 calendar, the upcoming card contains this message:

A MESSAGE FROM CRAIG HOSMER—"YOUR MAN IN WASHINGTON"

As your Representative in the United States Congress I respectfully invite your views on the issues facing this Nation which are of special concern to you.

In addition to legislative duties, much of my effort is devoted to assisting with the difficult problems of our area which must be solved at the Nation's Capitol.

It also is my pleasure to be of help to you when you encounter a personal problem with a Department or Agency of the Federal Government.

Your letters will reach me for prompt attention when addressed as follows:

Congressman CRAIG HOSMER,
Rayburn Building,
Washington, D.C.

PEARL HARBOR DAY—PLUS 30 YEARS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. MORSE. Mr. Speaker, often overlooked and all too frequently not accorded the tribute they deserve are those individuals who are tirelessly working to protect Americans from disasters of every type. The marking of the 30th anniversary of the attack on Pearl Harbor this month serves as a reminder of the suffering which may result from being unprepared for unexpected tragedy.

The Army's Office of Civil Defense is one of the Federal agencies which has made great strides in preparing local governments and individuals for unexpected disasters. I am especially pleased with the creative direction which has been demonstrated in New England by that region's Director of the Office of Civil Defense—Mr. Allan R. Zenowitz. It is with pleasure that I bring to the attention of my colleagues the following article from the Lowell, Mass., Sun of December 7, which, I feel, is a cogent analysis of the quiet, but vigilant role of emergency protection for all Americans.

The article follows:

[From the Lowell (Mass.) Sun, Dec. 7, 1971]

PEARL HARBOR DAY—PLUS 30 YEARS

(By Ralph J. Jacobs)

LOWELL.—"It is a day which will live in infamy," and it has. And it will continue that way, although it is doubtful America will ever again be found with its defenses down.

In fact, it is probably not just by accident that Civil Defense Week—which started Sunday—falls during the same week Americans observe the 30th anniversary of the sneak attack on Pearl Harbor.

In the words of Allan R. Zenowitz, who is director of Region I, of the U.S. Office of Civil Defense, "civil defense in America, three decades after Pearl Harbor is alive and well."

Describing civil defense as a "deterrent to war," the director whose region extends over New England, New York, New Jersey, Puerto Rico and the Virgin Islands, says "it is a vital component of the nation's strategic defenses, and any weakness in the total defense invites aggression."

Zenowitz also commented on the strategic balance between the United States and the Communist powers. According to Director Zenowitz, "the United States has deployed no new weapons system in a decade; cut back and delayed a proposed anti-ballistic missile system; reduced conventional forces and cut the defense budget significantly."

Millions of Americans will never forget the one tragic incident which sparked the civil defense setup in this nation.

For most of us, word came as an interruption to a casual radio broadcast: "We interrupt this program for a special news bulletin from Honolulu. . .

LIFE ENDED FOR 2,341

For 2,341 Americans, serving at America's most important island base in the Pacific, it was to be the last day of their lives.

To the thousands of others who were on duty there with the armed forces of the United States "it just had to be a bad dream."

. . . and for Raymond Viditol of Lowell and Steve Young of Methuen, "it was the beginning of a nightmare, which was to last for more than 24 hours.

It was the first Sunday in December, 1941 and although it is reported the Japanese attack was launched at 6 a.m. (Honolulu time) the first bombs fell just prior to 8 a.m. and two hours later, the bulk of America's naval might in the mid-Pacific was incapacitated.

The attack was launched from six Jap aircraft carriers, 200 miles northworth of Oahu.

According to one eye-witness, the tragedy in his terms was "grotesque." From Battleship Row, he said, flames licked the base of the towering wall of black oil smoke that bellowed upward.

Looking across the harbor, he saw smoke and flames boiling upwards from the exploding ammunition and fuel stores located on Ford Island. He said "twisted wreckage that had once been planes was burning on the field."

LOWELL MEN CASUALTIES

It was apparent at this field, where one of Lowell's first casualties of the war was reported. He was Arthur F. Boyle, 23, son of Mr. and Mrs. Francis J. Boyle of 28 Ralph St.

Reports indicate there were more than 50 Lowell natives stationed in the Honolulu area on that fateful Sunday.

Back at Battleship Row, rescue parties had arrived at the scene and one person after another was being plucked from the littered and buring harbor water. As pieced together later by the eyewitness, small boats of every description were being used for the rescue operation. They carried their cargo—the dead and the injured—to the pier where the wounded and the dead were loaded on any kind of a vehicle available. They used bread, laundry and milk trucks. A final count of the wounded tallied 1,143 bringing the total number of casualties to 3,484 dead and wounded.

Most of the casualties came from the far end of Battleship Row, where the 36,600 ton USS Arizona lay on the bottom of the harbor. The ship's charred superstructure was still erect and visible above the surface.

Naval officials say more than half of the 2,113 Navy and Marine Corps forces killed that day were aboard the Arizona. There were only 289 survivors out of the ship's more than 1,500 crew members.

Among the Lowell men entombed in that great hulk was John Targ, who prior to entering the service resided wtih his parents on Forestview Avenue in Centralville. One of his brothers, Theodore Targ now resides in Westford and a sister, Mrs. Kay Griffin, lives in Lowell.

Other early reports from the war front had Myron W. Charles, son of Mr. and Mrs. James Charles of 137 Shaw Street as a possible prisoner of war.

Another Lowell man known to be in the harbor that day was James Turcotte, who was aboard the cruiser, North Hampton, which was later sunk during the battle of Guadalcanal.

Besides the Arizona, there were six other battleships tied up along Battleship Row. They included the USS West Virginia, the USS California, the USS Maryland, the USS Oklahoma, the USS Nevada and the USS Tennessee.

The topside area of the USS West Virginia was a shambles, and it too, soon settled to the bottom. The USS Tennessee was not badly damaged but it did become temporarily immobilized when, as the West Virginia settled it wedged the Tennessee against a concrete quay.

Navy officials say the Nevada did get under way under its own power, during the height of the attack, but the Japan dive bombers had evidently caused more damage than at first realized. She had to be beached before she entered the harbor channel.

The California was engulfed in flames, even as she settled to the bottom of the shallow harbor. Oil had erupted and had spilled over the entire ship.

The Maryland was the first of the 18 ships reportedly sunk or damaged to return to action. It rejoined the fleet, three months after the attack.

The Oklahoma, the ship in which Viditol and Steve Young were assigned, was one of three major ships which did not see any further action. It was on this ship, these two men and 40 others were trapped for more than 24 hours.

While unable to contact Viditol, now believed to be a chief petty officer in the Navy, Steven Young, now a publisher in Boston, was able to provide a play by play description of what he and the other men went through aboard the Oklahoma. Both he and Viditol were 19 at the time. Both were seaman first class. Their ship had rolled over and like the other men still alive in the compartment, both soon found themselves swimming in total darkness. The men had to reorient themselves as the ship was upside down and all normal escape routes led down into the water. According to Young, some men did attempt to escape, but only a few returned. Others, who tried, he said, "I never saw or heard from again." There were 10 other men in an adjacent compartment.

FINALLY RESCUED

It was during their 24th hour when the men heard pounding, and heard workmen cutting through the bulkhead. It was 9 a.m. Monday morning when Young and others walked out through the bottom of the overturned ship.

And that is how it was on that first Sunday in December, 1941. It was the day that launched Americans into a new era. On that day, the number of men in the armed forces was 1,600,000. At the peak of World War II in 1945, there were no less than 12,300,000 Americans in uniform. During five years of war, at one time or another, 15 per cent of the entire population of Americans served in the armed forces.

It also launched America on one of its greatest manufacturing efforts. In a single year, 1942, Americans produced more than eight million tons of ships, 48,000 planes, 50,000 tanks and in 1943, that output was doubled. So it was not unusual to hear Americans say the war against the axis powers, was in part won in the American shipyards, in the steel mills, the mines and factories.

WAR BRINGS NEW FEAR

But the era also brought about a new kind of fear, one still prevalent today. Science too went to war, not only from America but against it. In fact, it was the outset of World War II, which brought the threat of large-scale aerial attacks on cities and industrial centers. It was at this point that civil defense planning in the United States gained impetus as an organized governmental responsibility.

In our history there were countless times when individuals, or groups of individuals or even communities did something to protect itself against famine, flood, fire and the effects of war. Today civil defense is a joint responsibility of the federal government and the state and local governments.

"We live in an uneasy age," says John E. Davis, the national director of civil defense. "Strife abounds in many troubled corners of the world. And the weapons of modern warfare have become increasingly numerous and powerful."

Davis also takes special note that nuclear warheads, "can be delivered accurately by potential aggressors on targets up to 10,000 miles away."

NEED FOR CIVIL DEFENSE

While a nuclear attack is considered the ultimate disaster (it could affect much of the nation within a short time, and Davis says millions of Americans would die) Davis and other CD officials take great pride in the redirection of their activities in planning for any emergency.

While interviewing Director Zenowitz at his Region I headquarters, it became perfectly clear that "the primary role of civil defense today is protecting people." Advising Americans to "take a backward look," Zenowitz takes note of the recent floods, the hurricanes, the power blackouts or even the winter storms and says "you'll find a definite need for civil defense emergency planning and action in peacetime."

Such peacetime disasters, a nuclear attack and environmental problems are considered the three major dangers of today's world, said Zenowitz. He says his headquarters has evolved into a coordinating agency for all resources within the community so the citizens can cope with them.

So it is, the face-lifting, as it were, "the redirection of effort," is designed "to improve state and local governments' civil defense emergency programs." Zenowitz termed it an effort by the federal office of civil defense to tailor its financial, technical and administrative assistance to the specific situations and needs of each state.

"What it really boils down to," asserts Zenowitz, "is that any local government capable of coping with peacetime emergencies is a long way down the road in its ability to deal with the effects of nuclear attack."

And that is what civil defense is all about—Pearl Harbor plus 30 years—and Zenowitz concludes "we need it, as an additional deterrent, as an insurance for national survival."

TOUCH FOOTBALL TITLISTS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BROWN of Ohio. Mr. Speaker, though there were no whirring cameras to cover the play by play, no reporters to record the candid comments of the combatants, a big game was played in the Nation's Capitol this weekend—a game which served to perpetuate the rich tradition of Ohio football.

If you recall, this summer the Budmen of my office were successful in capturing the Capitol Hill Softball Championship. Today, I would like to salute my fellow Ohioan and colleague CLARENCE MILLER and his football team, the Miller Mashers, who Sunday sustained our State's reputation of athletic excellence.

Playing their "Buckeye" best the Mashers from southeastern Ohio bested the office of California Congressman JERRY PETTIS 19 to 13 to capture the Capitol Hill Touch Football Super Bowl honors. Spotting their competitors an average of 3 to 5 years per player, the "over the hill gang" compiled an impressive 8–0–1 record, leaving in their wake the football fortunes of Congressman BROYHILL—26 to 0—Congressman MATSUNAGA—6 to 0—Congressman DENT—19 to 6—Senator PERCY—19 to 6—Congressman TORBERT MACDONALD—0 to 0—Senator MONTOYA—26 to 18—Congressman KEMP—32 to 6—Senator BUCKLEY—24 to 14—and Congressman PETTIS—19 to 13.

The team's roster was made up of Miller staffers, their wives, husbands, and associates. The offensive unit, quarterbacked by "Battling Bob" Boncyzk, included running backs "Hurrying Henry" Herlong, "Eager Ed" Rector, and "Bullet Bill" Lomax, and ends "Rambling Robert" Reintsema and "Mad Dog" Joe Gosnell. The heart of the offensive line was made up of a bevy of belles, Center Beckie Straw, and guards, Betty Herlong and Nancy Brown.

On defense, Dandy Dave Brown called signals for a contingent composed of the aging but able Pete Allen, "Tiny" Bob McConnell, Phil "the Flash" Straw, Dana Burden, Robert "The Ref" Turner, Nimble Nancy Hancock, "Mean Maureen" Keeley, and Bruising Barb Zeph.

NELLO FALASCHI—HALL OF FAMER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. WALDIE. Mr. Speaker, recently several all-time football greats were inducted into the Football Hall of Fame in ceremonies in New York City. Among those football stars was Nello Falaschi, the Santa Clara great of the late 1930's, who now resides in Oakland, but is an adopted son of Contra Costa County, Calif., and the 14th Congressional District.

During the past few years Nello has given unselfishly of his time to many benefits raising funds for schools, boys clubs, and the handicapped.

His weekly visits to Martinez and the Amato family's restaurant have brightened the days of many Contra Costans and sportswriters in particular.

Nello is a Hall-of-Famer in many ways. He is humble and thoughtful. He is generous to a fault. And if you ask the sportswriters, they will give you the highest accolade in their books, "Nello is a good copy."

Mr. Speaker, I insert in the RECORD one of the stories written about Nello in the Oakland Tribune by Ed Shoenfeld:

FOOTBALL'S SHRINE TO INDUCT FALASCHI

(By Ed Schoenfeld)

Nello Falaschi is about to be inducted into the Football Hall of Fame 35 years after he quarterbacked the University of Santa Clara to a great Sugar Bowl triumph over LSU, at the time rated No. 1 in the nation.

A couple of years later, Flash, as they called the Broncos' All-American, played a key role in the New York Giants beating the Green Bay Packers for the National Football League championship.

When Falaschi, now a 57-year-old general contractor in Oakland, is inducted Tuesday night in New York, he will be the first player so honored from a catholic university west of Notre Dame.

"It's the height of any football player's dream," Nello says. Dan McMillan, University of California tackle in 1921, also will be one of eight inducted at a Waldorf-Astoria banquet.

Falaschi was a 6-foot-1, 195-pound blocking quarterback in the old Notre Dame system. He ran and passed in the ball control style of play. But blocking was Nello's forte. Knocking guys down, not the brush blocking they have today.

Nello could wipe out one whole side of a line. He did it against TCU in 1936.

Falaschi used to go out and set as a flanker and then go in motion toward the defensive end. He'd call the signals and when the end came across, he'd dive in and block him.

On the first play of that TCU game, Don DeRosa, the Broncos' left half, had a free ride when he turned the corner. Falaschi had knocked that whole side of the line down. DeRosa ran 60 yards with the ball.

Falaschi quarterbacked Santa Clara from 1934 through 1936, but that New Year's Day 1937 Sugar Bowl game with LSU was the high point of his collegiate career.

Santa Clara was a 4 to 1 underdog. Huey Long, the dictatorial governor of Louisiana, had tailored the LSU team to be the finest in the land.

"They had three teams and subbed full

teams every 7½ minutes," Nello recalls. "We were a much smaller team and didn't have as many players. Practically all our first team played the full 60 minutes."

Before the game, Falaschi and Gano Tinsley, the great LSU end, were presented All-American awards. "I was all geared up to play a hulluva game," Nello said.

Santa Clara upset LSU, 21 to 14, and Falaschi had a hand in two of the three Broncos' touchdowns. He threw a 25-yard pass to halfback Manny Gomez for one.

The deciding score was on a broken play, an end around in which Frank Smith was stopped but lateralled off to Falaschi, who crossed the goal line from the one.

Buck Shaw coached that winning team captained by Falaschi, who had been picked by Pop Warner, Bob Zuppke, Howard Jones and other great coaches as an All-American, and to Grantland Rice's All-American and another one selected by the New York Sun.

This might sound ridiculous nowadays, but when Nello went with the pros in 1938, he got a whopping bonus of $1,000 and was guaranteed $5,000 to play 11 games. Sammy Baugh was being paid $8,500 at the time.

Falaschi has never lost his interest in football. A 16-year-old boy has something to do with it.

That's Donn Falaschi, 5-foot-9½, 150-pound quarterback at Skyline High, who completed 60 of 105 passes for 1,141 yards and nine touchdowns this year.

"I think he is a better player than his father;" the proud Nello says about his son.

There will be a thousand people at the Hall of Fame banquet.

"You know," Falaschi remarked, "I'm indebted to my teammates at Santa Clara, especially the 1937 Sugar Bowl team. And I'm mostly appreciative of Buck Shaw for his help and guidance and overwhelming confidence in me when he made me the quarterback of one of his finest teams."

FRANK C. PORTER, GREAT REPORTER, WILL BE MISSED

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. REUSS. Mr. Speaker, the death of Frank C. Porter last week came as a shock to all of us who knew him.

Those who dealt with him in his pursuit of the news recognized him as a craftsman in his profession. He had that skill which is perhaps most valuable to a reporter—the ability to get into a complex issue and to present it accurately in terms that the layman can understand. Such a talent is all the more needed—and all the rarer—in an area like economic coverage, and it was here that Frank Porter specialized. The wage-price story and related economic matters have dominated the news in recent months, and Frank brought the potentially esoteric news to readers of the Washington Post in straightforward, comprehensible form. As Benjamin Bradlee, the Post's executive editor, rightly put it:

> You could read his stories and understand what the hell it was all about.

Just as important as being a model reporter, Frank Porter was a thoroughgoing gentleman. As much as any man, he earned the respect of his colleagues and his news sources alike. He remained generous and concerned literally to his untimely death at age 53, donating his eyes and kidneys to aid others.

Frank Porter will be missed.

CONGRESSMAN W. B. POAGE ADDRESSES THE CONVENTION OF NATIONAL AGRICULTURAL AVIATION ASSOCIATION

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. PURCELL. Mr. Speaker, last week, on December 6, 1971, the gentleman from Texas and distinguished chairman of the House Agriculture Committee, Mr. Poage, was invited to address the convention of the National Agricultural Aviation Association in Dallas, Texas.

In his remarks, Chairman Poage outlined the recently passed Federal Environmental Pesticide Control Act of 1971. During the speech he assured the association that the bill "protects the industry, the trade and the farmer from arbitrary denial of the use of needed chemicals; and at the same time it protects the public from unnecessary impairment of the ecology and from any serious threat to the life or health of human beings."

Mr. Speaker, since the thoughts of Bob Poage—on whatever subject they are voiced—command the respect of this House, I insert in the Record at this point that other Members may have the benefit of the chairman's analysis of the recently enacted law and what it means for America:

Address of Congressman W. R. Poage Before the Agriculture Aviation Association, Dallas, Tex., December 6, 1971

Mr. Chairman, it is a pleasure to meet with you, because you are a vital segment of agriculture—America's number one industry.

Besides, I am one of your customers—Marvin Tuttle sprays some mesquite for me almost every year. He never has killed many, but he does a good job of control and I am optimistic enough to believe that some day we will get something better than 2-4-5-T. That's one of the things I want to see the new forage and grasslands research center at Temple work on.

I am sure a good many of you here represent companies and enterprises with interests which are only allied to the National Agricultural Aviation Association, and, as it is with me, I expect that the very name of our host organization conjures up visions to you of devil-may-care pilots who zoom down over crops and dart up over telephone wires. That's alright so long as they miss the wires.

I know there have been great changes in the aerial spraying business as in every other phase of agricultural economics. But as with agricultural operations as a whole, I suppose there is still nothing much more important in planning a day's activity than the ingredient called weather. You folks here who have come from outside Texas no doubt have heard many tales about our weather—such as the remark that if you don't like it at a particular moment, "Just stick around a little while and you'll get what you want." Or, maybe, you have heard of the "snow digger" who went down to the Rio Grande Valley with a W. E. Stewart Landseeker's train. He wanted to be sure that he got out of the snow, but he had some doubts about the stories the high pressure salesmen told him so he got an old boy about 14 years old and took him out behind the house and asked: "Son, did you ever see it snow?" The boy looked sheepish and said, "No, mister, I never did see it snow, but I have seen it rain *twice*."

Then there was another new comer who went out in the Abilene country. He inquired of an old man—"Do you know just exactly how much it rained here last year?" The native said: "Yes sir, it rained exactly 18¾ inches." The stranger said: "Just how can you be so sure that you know to the exact fraction of an inch?" The native replied: "Hell, I was here the night it fell."

And possibly, you have heard about the panhandle farmer who was seen driving his combine down the highway at a high rate of speed. It was right in the middle of a terrific dust storm. A state policeman with red lights flashing on his cruiser and the siren screaming, managed to pull the farmer over to the side of the road and ask him where he was headed and what the hurry was.

"I planted wheat," he replied, "and I'm gonna harvest it if I have to chase it all the way down to the Gulf of Mexico."

There is much more which might be said about Texas weather, but I don't know anything we can do about it. Besides I know you are interested in the pesticide legislation, which we worked out in the agriculture committee. It has passed the House, as you know, and is now pending in the Senate.

It directly affects you and your business more than it does any other segment of our entire population. I say "entire population" because this bill we have passed in the House will affect, directly or indirectly, every man, woman and child in the United States. The bill was approved by our committee only after many months of study, and I think that it will still be substantially the same bill when it has gone through the Senate and been sent to the White House. We didn't pass it because we thought it was entirely good—everyone of us disagreed with some provision or another—but I am sure it was the best bill which could be passed and it was clear that some kind of bill should be passed and was going to be passed.

This far-reaching measure is entitled "the Federal Environmental Pesticide Control Act of 1971." It is a complete revision and updating of the Federal Insecticide, Fungicide and Rodenticide Act of 1947 which is sometimes called "FIFRA." It should always be kept in mind that when we speak of "pesticides" for purposes of this bill, we are including chemicals for the control of plant life, and of animals of all kinds, as well as of insects.

Fundamentally, the legislation changes FIFRA from a labeling to a regulatory program. For the first time, the Government is given control over the manufacture, distribution and use of pesticides. Heretofore, the act has largely been restricted to enforcement of regulations requiring that labels on pesticides set forth the ingredients and instructions as to their use.

The bill, as most bills on controversial subjects do, represents a compromise of views. Witnesses who came before the committee included the very top authorities throughout the country in the fields of science, agriculture, conservation, ecology and environment. Everyone who asked was given an opportunity to testify. I might point out, that even among the recognized experts, there were often sharp differences of opinion. We heard witnesses who felt that the continued use of D-D-T posed a terrible threat to the world and to its people. Other witnesses pointed out that there was no evidence that D-D-T had ever been fatal to one single human.

Among the statements which were put into the committee's record was one by Dr.

Norman Bourlaug, the Nobel Prize Winner who developed the Mexican wheat strain which has increased yields per acre and alleviated hunger in much of the world. I think his views are most interesting because they are so different from what we read. Here are Dr. Bourlaug's words:

"Today everybody talks about the environment. I'm horrified by what I read and listen to on the radio and television about some of the theories of the purists—who are suddenly going to shut off the use of chemical products that we need to continue the improvement of our agricultural production, and I say broadly—fertilizers and pesticides. Sometimes we have had accidents with pesticides, but think of the good they have done. Without them where would our agricultural production be today?"

But let me briefly outline the major provisions of this new pesticide legislation, because it will definitely influence your business either for good or bad.

First, it establishes a coordinated Federal-State administrative system to carry out the new program. It says that the States are given prime responsibility for the certification and supervision of pesticide applicators. But that doesn't mean much. The Federal Government sets the program standards the States must meet. As reported by our committee and sent to the house floor the new legislation would have authorized the Federal law to pre-empt State and local laws in regard to all labeling and packaging requirements. On the House floor the bill was amended to give the States the right to impose special and additional requirements in regard to general use of pesticides, so long as their regulations are at least as strict as those required by the Federal Government. This means that any State can, for practical purposes, make it impossible to use any particular chemical within its borders—even though the federal government has found that chemical perfectly safe. I feel this is probably the most impractical provision in the bill.

The second important provision in the bill is that the environmental protection agency must call on the National Academy of Science to render opinions on relevant scientific issues which arise in the hearing process. I think this is a significant protection against arbitrary decisions by the agency.

Third, pesticides will be grouped into two categories—those for "general use" and those for "restricted use." The latter are those of a more toxic character and could be applied only by or under the direct supervision of licensed pesticide applicators. The "general use" pesticides include those such as the housewife may buy at the store to rid her home of ants and cockroaches and other insects.

Fourth, there will be two types of pesticide applicators—commercial and private. The bulk of private applicators are expected to be farmers. Your group will probably constitute the largest segment of commercial applicators. This class will include not only agricultural but also industrial and commercial types such as termite exterminators working at residences within the cities.

Fifth, the EPA administrator may issue experimental permits for the safe testing of new compounds. The EPA is given enforcement powers to, first, issue warnings, second, bring court injunctions, third, seize pesticides or devices, fourth, impose civil penalties, and fifth, bring criminal charges where chemicals are being used contrary to law.

Sixth, the Government must pay indemnities when the use of a legally produced product is suddenly banned, and the holder of such product may at his opinion turn such condemned pesticides over to the EPA for disposition. This is important to you, and although I am sure you will feel as I do that this is nothing but simple justice, you may be surprised to learn that this item was subject to the most violent attack at the hands of some of those who claimed that their paramount interest was the protection of the environment. I have never been able to see how it improved the environment to make someone lose money on something he has bought in good faith.

Seventh, judicial review of administrative actions is guaranteed, much as it is in most cases of departmental proceedings. In the final analysis this is assurance that no administrator can impose unreasonable or arbitrary regulations.

Eighth, the EPA is given authority to do expanded research and monitoring in order to find new and better methods and materials for controlling pests. I thnik we all recognize the necessity for this work, but few of us realize how expensive it can become. It is entirely unrealistic to expect the chemical companies to do any of this work which does not relate to products which they produce or expect to produce.

These are the basic mechanics of the bill, but why do we need legislation? Indeed, why do we need the use of pesticides: Many sincere and well intentioned people feel that the world does not need to use chemicals either to kill insects, weeds or varmints, on the one hand, or to fertilize or defoliate plants on the other hand. Indeed there is a substantial business in producing so-called "natural" foods—foods grown without fertilizers or pesticides. Such farming is not impractical on its present scale, but what would happen if we undertook to feed the entire world without the aid of any chemicals in our fight against weeds, rodents and insects: I am afraid that all the world would go hungry as much of it does today. Isn't it significant that those areas of the world which use the least chemicals in agriculture are the very ones where hunger exists. Can you name one major user of agricultural chemicals where the people don't get enough to eat? I can't think of one. The fact is that chemicals intelligently applied are a very vital and essential part of our food production process just as the use of chemicals or insecticides is a vital part of our fight against disease. We were told that three hundred million human beings are living today just because we have used D-D-T to control mosquitos, and, therefore, to eliminate malaria.

If these figures are remotely accurate, it does not seem to me that we can afford to abandon the use of chemicals or that we can seriously think of eliminating your business of applying these chemicals in the most efficient manner.

I think that it would be foolhardy to contend that pesticides are an unmixed blessing. I am sure that many pesticides do injure some kinds of plants or animals—so do natural predators, but the most ardent environmentalist will insist that predators are a part of the "balance of nature." Indeed they are, but man simply can't live with the "balance of nature." Just as soon as man began to cut trees either for shelter or to provide growing space for his food and fiber he began to upset this balance. As agriculture became specialized with great stretches of cotton, wheat or corn in any given area, the food supply for certain insects was multiplied a million fold. Nature did not plant corn all the way from the Mississippi to the Missouri rivers and there were no corn borers or corn blight in Iowa 200 years ago.

But we are not dealing with the insect food supplies of 200 years ago. We are dealing with an environment man himself has created and to stabilize it, we must use the tools man has developed. If the "purist" would frankly accept these alternatives, I could not criticize if he decided to turn back the clock of human progress. While I want the benefit of science, I will not fall out with those who think we pay too high a price for an effective chemically supported agriculture. The one I cannot understand is the individual who wants to take away all of the tools of agriculture and who still refuses to recognize the limitations which he is placing on production.

Certainly, we must pay a price for the use of agricultural chemicals. Sometimes the price is too high. In those cases we should simply forego the use, but just as truly we must pay a price for our failure to use these tools of production and in many cases this price is too high. When that is the situation, we should use the chemicals and frankly pay the price. It all boils down to a question of values. What do we most want? We can go either way, but we can't go both ways at the same time.

This bill pretty well leaves it up to the administrator of EPA to decide what uses of chemicals are harmful to man and to the environment of man, and to prohibit uses which he finds harmful, unless he also finds that the benefits outweigh the harm.

Of course, this gives the administrator lots of power, but someone must have this power. Certainly, the Congress does not have the technical knowledge to make these decisions, nor would we want to give any administrator unlimited power in this respect. We have, therefore, tried to establish reasonable guide lines for the administrator and have subjected him to both scientific and legal review should he be inclined to ignore those guide lines. I think this is about as much protection as we can hope to provide. It protects the industry, the trade and the farmer from arbitrary denial of use of needed chemicals. At the same time it protects the public from unnecessary impairment of the ecology and from any serious threat to the life or health of human beings.

VETERANS DAY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. YOUNG of Florida. Mr. Speaker, on November 11 of this year, I introduced a joint resolution with 36 cosponsors to return the Nation's official commemoration of Veterans Day to November 11. Since that time, I have reintroduced this measure with additional cosponsors, and I have noticed several of my colleagues have either introduced similar legislation or have expressed their support of such legislation.

Also, I have received letters from such outstanding and patriotic organizations as the American Legion and Veterans of Foreign Wars, pledging their full support of this legislation.

On November 11 in 1918, an armistice was signed ending the hostilities on the Western front during the First World War. November 11 was chosen by Congress as the most appropriate day to honor all veterans whose great sacrifices over the years have made it possible for us to enjoy the freedoms we have today. However, because of the new Monday Holiday Act, Veterans Day 1971 was celebrated on October 25 in order to allow for an additional 3-day weekend.

Veterans Day is an important national holiday, a time to pause and honor those who have sacrificed so much to preserve our precious freedom and heritage. It must stand out in our minds, and not be made the tail end of a 3-day holiday weekend. Because of the significance of this issue, I plan on reintroducing my resolution with additional cosponsors when the Congress reconvenes in January and I urge my colleagues to join our efforts. Any who wish to cosponsor this legislation should advise my legislative assistant, Mrs. Barbara Miller, as soon as possible.

POLICE ARE LOSING THE FIGHT AGAINST CRIME

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. ALEXANDER. Mr. Speaker, today I received a letter from a good friend who is a trooper with the Arkansas State Police

The letter, though personal to me, is a realistic statement of the actual facts that confront our policemen.

I sincerely recommend this letter to each of my colleagues:

OSCEOLA, ARK.,
December 6, 1971.

Congressman BILL ALEXANDER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Haven't seen you on any of your tours, but I know you have been around because I read of it in the papers. I do hope to see you sometimes when you are in the area.

Billy, I have thought of writing you for a long time, but then the thought always seems to come to mind, like I am sure it does to a lot of other policemen, "Oh, what's the use."

Billy, I don't know if this thought has ever come to you or your colleagues' attention, a policeman has a hell of a life, and by that I mean—long hours and a salary, particularly in the south, that is slightly above the poverty level. I have always felt that a policeman should be one of the highest paid people of any profession, but as it stands thus far, they are the lowest. Arkansas ranks number 51 in the pay bracket, and yet, over the nation 70 to 100 policemen a year lose their lives, leaving a wife and two or three children to make it the best way they can. I have read in the papers many times about the grants the Federal Government has made to improve law enforcement, which has some value, but it always amazes me how the most important phase of enforcement is left out, and that is salaries. Nothing is ever said about that and a policeman will never be paid until a grant by the Federal Government is made solely for the purpose of the raising of the salaries of the police. These various grants that have been made for better equipment, etc., thinking this would bring about a decrease in crime, is about like thinking a field of cotton would produce a greater yield if it were to be plowed with new equipment. Ex-chief, Henry Lux, of the Memphis Police Department, stated recently that the police were losing the fight against crime, which everyone must know. He gave no reason, but in my opinion, the ridiculously low salaries they are paid is the main reason. Why should a policeman care? He is told every month when he gets his check how much he is appreciated. The starting salary of a city policeman in the south, is something like $400.00 a month. After taxes and other deductions, having met his obligations from what is left, he may have cigarette money, if he is a light smoker. Of course, he has his wife's $40 or $50 check per week. She has to work and pay a babysitter out of this, but he will still have approximately $25.00 per week from her pay, so, they struggle on and on to what seems like a hopeless cause. An Arkansas trooper's starting salary is $508.00 per month, so you can see we are envied by the local police.

F.B.I. Agents' starting salary is $14,000 per year, which isn't too much, but there is quite a difference, and yet you seldom ever hear of an agent being killed which the answer is very obvious. They do not deal with violence on the streets and campuses. They do not deal with the riots and all the troubles that are occurring in our prisons, and 95% of all other major crimes are solved and the accused in jail, when the F.B.I. is called in. Then, a day or so later, you read in the paper how the F.B.I. solved this crime.

Billy, every State, local and county police across the country would like to write you just what I have written, but they are afraid their superiors would find out about it. You might wonder why they would be afraid with salaries being what they are. Many are in the same boat as I, too much time with the department to lose and many who have reached the age I am, which would make it very difficult to find other employment.

So, until good men like you and other members of our government help us to earn a decent living for our families, it just may continue to be like Ex-chief Henry Lux stated—Police are losing the fight against Crime—.

Yours very truly,
Cpl. RAYMON BISHOP,
Arkansas State Police.

"CHRIS" CHRISTIANSON

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, it is always a rather sad occasion when a fine friend and faithful employee arrives at the time of retirement. While for the person retiring it is the beginning of a new and different life, and opens up new horizons, to those of us left behind in the shop there is always a void and a longing to see and visit with the retiree. A person who has now reached the retirement stage is our dear friend, C. A. "Christ" Christianson who leaves the employ of the House of Representatives after 42 years of service.

As for myself, "Chris" is a special person as we are both of Scandinavian descent and speak the Swedish language and frequently enjoyed conversing together in this native tongue. Because of his ability to speak Scandinavian languages fluently, "Chris" during World War II was assigned to a special mission in Norway and Sweden, where he performed with distinction.

In the House of Representatives "Chris" was a valuable member of the staff at the Speaker's desk and had a vast knowledge of procedure and record keeping which made him a valuable asset to the Congress and the Nation.

As "Chris" leaves the Hall of the House of Representatives he will take with him the love and admiration of Members on both sides of the aisle, and I personally want to wish him a long and happy retirement.

UNDP CONFERENCE PLEDGES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. FRASER. Mr. Speaker, it is with considerable sadness that I introduce into the RECORD the lead story from the November 1971 issue of "Pre-Investment," a publication of the United Nations Development Programme—UNDP. The optimism of this article, headlined "UNDP Conference Pledges Boosted for 1972—Funds of $265 Million Anticipated," does not square with action this House took December 8. We refused to appropriate any money as the 1972 U.S. contribution to UNDP.

The $265 million figure the "Pre-Investment" editors anticipated was arrived at by assuming that donors which did not announce contributions at the November 1 UNDP pledging conference would match at least their 1971 contributions. There is a serious question whether the United States will reach this target.

The chart following my remarks indicates the 1971 pledges and the 1972 possibilities. The United States failure to contribute means fewer dollars in 1972 than in 1971 for UNDP work. If we should fail to contribute or contribute less than we did last year, other nations may follow our lead and reduce or omit their 1972 contributions.

The United States should be leading the UNDP pledging process rather than inhibiting it. Hopefully, the House will be rescued from the ignoble position it placed itself in with regard to the UNDP.

The publication follows:

[From the Pre-Investment, November 1971]

UNDP CONFERENCE PLEDGES BOOSTED FOR 1972—FUNDS OF $265 MILLION ANTICIPATED

Increased voluntary contributions from sixty-eight industrial and developing countries have raised the anticipated level of financing available to the UNDP for its 1972 programme to $265 million, $25 million more than last year's total.

Taking into account counterpart contributions of participating countries, which average 56 per cent of project costs, the UNDP could have a programme of $600 million in 1972 as against the 1971 programme of $534.9 million, according to UNDP Administrator Paul G. Hoffman.

The financial estimates for 1972 take into account contributions at last year's level from the United States, the single largest donor to the UNDP ($86 million), and Japan ($5.8 million), which did not announce their contributions at the Pledging Conference held at the United Nations Headquarters on 1 November.

20 PERCENT MORE

According to Mr. Hoffman, the total contributions could be higher than $265 million. Japan has indicated that it would increase its contributions for 1972. The United States Government has recommended to the Congress a sum of $100 million as its contribution to the UNDP for the coming year.

Of the 141 countries invited to participate in the joint Pledging Conference for the UNDP and the Capital Development Fund, 119 countries pledged contributions totalling $172.7 million, representing an increase of 20 per cent over their contributions last year.

The United Kingdom pledged $19.8 million, an increase of $5.4 million over its 1971 contribution, while Denmark increased its contribution by $3.7 million to $20.6 million. Norway also increased its contribution by more than one-third to $9.97 million.

Other major donors who increase their contributions substantially ($1 million or more) were: Canada, the Netherlands and Sweden. Major increases were also announced by Belgium, Finland, Iran, Germany, France and Switzerland.

Several developing countries, despite their budgetary restrictions, also announced substantial contributions. These contributions are in addition to the significant amount furnished by these countries in cash and kind as "counterpart support" for UNDP activities in the countries concerned.

In 1971, the UNDP has some 4,000 large and small projects in 130 countries. These include 931 approved or on-going Special Fund projects, with a total cost of $2,381 million, of which UNDP is to provide $949 million and the recipient countries the rest. A sum of $78.4 million is earmarked for technical assistance during the current year.

SUPPORT FOR 1973

Invited to the Conference were 131 Member States of the United Nations and 10 other states which are members of related agencies, namely the Federal Republic of Germany, the Holy See, Lichtenstein, Monaco, Nauru, Republic of Korea, Republic of Viet-Nam, San Marino, Switzerland and Western Samoa.

Four countries, Bahrain, Bhutan, Oman and Qatar, which joined the family of the United Nations in September, participated in the Pledging Conference for the first time. The Republic of Nauru, making its first contribution, pledged $500.

In order to assist the UNDP in long-term forward planning, Nicaragua, Sweden and the United Kingdom announced the level of contributions which would be available from their respective countries for 1973, and Switzerland for 1973 and 1974. Cuba announced its pledges through 1976.

Opening the Conference, the Secretary-General U Thant, said that the UNDP had restructured itself in response to the new and changing demands of the development process and this flexibility in adapting to change showed that it was capable of meeting the great challenges that lie ahead.

The Secretary-General noted that since 1959, voluntary contributions to the UNDP and its predecessor programmes had increased more than four-fold. The annually approved UNDP programme of development work had grown from some $115 million twelve years ago to well over $530 million in 1971.

"It is difficult to think of any field of economic or social development that is not now affected by some of the many thousands of UNDP-supported projects. In virtually every key field of human endeavour . . . UNDP is marshalling the expertise of the United Nations family of agencies to help shape and sustain a healthier, happier and more enlightened world."

Reliable projections, he continued, indicated that by 1976 the low-income countries would be capable of mounting a UNDP-supported programme of $1,000 million. Keeping this in mind, the UNDP Administrator had set a target of $500 million in voluntary contributions for 1976.

TRIBUTE TO HOFFMAN

U Thant paid warm tribute to the "inspired leadership" of Mr. Hoffman, who will be retiring as chief executive of the UNDP in January 1972.

In his brief remarks, Mr. Hoffman said it was ironic that the world's wealthiest nations were devoting some $200,000 million a year to military expenditures and less than $15,000 million to development cooperation.

In addition to the age-old plagues of hunger, ignorance and disease, there were new and equally urgent challenges—massive unemployment and underemployment, inequitable distribution of economic wealth, urban decay and rural stagnation, environmental pollution and spiraling population growth—that must be met without delay.

The four-fold growth in the financial support of the fully-international UNDP partnership reflected the growing recognition of the need to cooperate in dealing with economic and social challenges, Mr. Hoffman said. He expressed the hope that this trend would not be reversed or retarded under any circumstances, or for any reasons, whatsoever.

Mr. Simon Ake, Permanent Representative of the Ivory Coast to the United Nations, who presided over the Conference, called for susbtantial increases in UNDP's funds, a rational distribution of its resources, competent management and reciprocal collaboration between the developed and the developing countries.

UNITED NATIONS CAPITAL DEVELOPMENT FUND

Twenty-nine countries have pledged $832,060 to the United Nations Capital Development Fund, raising this total of the Fund's pledged resources to more than $5.2 million.

The Fund, set up in 1966 by the General Assembly to provide capital assistance to developing countries, has been administered by the UNDP Administrator since 1968.

The contributions for 1972, announced at a joint Pledging Conference for the UNDP and the Fund held at the United Nations Headquarters on 1 November, were 15 per cent less than the $973,364 pledged by 30 countries last year.

CONTRIBUTIONS PLEDGED TO UNDP FOR 1972

[Expressed in U.S. dollars]

Country	Pledge for 1971	Pledge for 1972	Increase (decrease)
Afghanistan	119,000	[1] 119,000	
Albania	4,000	4,000	
Algeria	300,000	310,000	10,000
Argentina	700,000	850,000	150,000
Australia	2,000,000	2,000,000	
Austria	1,600,000	1,800,000	200,000
Bahrain			
Barbados	12,000	15,000	3,000
Belgium	2,800,000	3,723,404	923,404
Bhutan			
Bolivia	30,000	30,000	
Botswana	8,400	[1] 8,400	
Brazil	1,050,000	1,300,000	250,000
Bulgaria	80,000	88,000	8,000
Burma	100,000	100,000	
Burundi			
Byelorussian S.S.R	150,000	150,000	
Cameroon	35,000	35,000	
Canada	16,000,000	18,000,000	2,000,000
Central African Republic	3,597	4,317	720
Ceylon	180,000	180,000	
Chad	2,000	[1] 2,000	
Chile	300,000	320,000	20,000
China, People's Republic of			
Colombia	400,000	400,000	
Congo, People's Republic of	7,194	7,194	
Costa Rica	4,000	10,000	6,000
Cook Islands (NZ)	560	[1] 560	
Cuba	95,000	100,000	5,000
Cyprus	18,720	21,600	2,880
Czechoslovakia	692,521	761,773	69,252
Dahomey			
Denmark	16,933,333	20,604,396	3,671,063
Dominican Republic	18,000	18,000	
Ecuador	115,000	133,000	18,000
Egypt	459,982	459,982	
El Salvador	9,700	15,000	5,300
Ethiopia	90,000	95,000	5,000
Fiji	10,000	10,000	
Finland	3,000,000	3,500,000	500,000
France	5,036,232	5,552,030	515,798
Gabon	43,165	43,165	
Gambia		3,120	3,120
Germany, Federal Republic of	13,714,286	14,457,831	743,545
Ghana		260,000	260,000
Greece	400,000	400,000	
Guatemala	27,000	27,000	
Guyana	100,000	105,000	5,000
Haiti	1,000	1,000	
Holy See	5,000	5,000	
Honduras	5,000	7,500	2,500
Hungary	100,000	116,667	16,667
Iceland	31,818	45,455	13,637
India	3,750,000	3,750,000	
Indonesia	120,000	120,000	
Iran	585,000	1,000,000	415,000
Iraq	220,000	300,000	80,000
Ireland	285,000	[1] 285,000	
Israel	218,000	218,000	
Italy	3,500,000	3,500,000	
Ivory Coast	90,000	90,000	
Jamaica	90,000	100,000	10,000
Japan	5,760,000	[1] 5,760,000	
Jordan		54,102	54,102
Kenya	75,000	90,000	15,000
Khmer Republic	21,622	21,622	
Kuwait	325,000	350,000	25,000
Laos	12,000	13,000	1,000
Lebanon	104,000	123,006	19,006
Lesotho	8,500	10,000	1,500
Liberia	75,000	75,000	
Lybian Arab Republic		310,000	310,000

Footnotes at end of table.

CONTRIBUTIONS PLEDGED TO UNDP FOR 1972—Continued

[Expressed in U.S. dollars]

Country	Pledge for 1971	Pledge for 1972	Increase (decrease)
Luxembourg	40, 000	42, 553	2, 553
Madagascar	24, 490	24, 490	
Malawi	7, 000	7, 000	
Malaysia	100, 000	100, 000	
Maldives	1, 000	[1]1, 000	
Mali	18, 018	10, 000	(8, 018)
Malta	8, 400	8, 400	
Mauritania		15, 000	15, 000
Mauritius	3, 022	3, 500	478
Mexico	500, 000	500, 000	
Monaco	4, 022	4, 096	74
Mongolia	12, 000	13, 000	1, 000
Morocco	250, 000	249, 004	(996)
Nauru		500	500
Nepal	20, 000	23, 000	3, 000
Netherlands	11, 111, 111	13, 056, 379	1, 945, 268
New Zealand	560, 036	690, 449	130, 413
Nicaragua	28, 000	28, 000	
Niger	25, 180	25, 180	
Nigeria	140, 017	140, 000	(17)
Norway	6, 579, 868	9, 970, 803	3, 390, 935
Oman		50, 000	50, 000
Pakistan	1, 067, 000	1, 067, 000	
Panama	100, 000	115, 000	15, 000
Paraguay	3, 000	3, 048	48
Peru	200, 000	200, 000	
Philippines	500, 000	500, 000	
Poland	552, 000	579, 600	27, 600
Qatar		200, 000	200, 000
Republic of Korea	220, 000	220, 000	
Romania	201, 667	221, 833	20, 166
Rwanda	6, 655	7, 320	665
Saudi Arabia	300, 000	350, 000	50, 000
Senegal	65, 000	17, 896	(47, 014)
Sierra Leone	75, 000	75, 000	
Singapore	100, 000	100, 000	
Somalia	3, 500	4, 020	520
Spain	475, 000	475, 000	
Sudan	170, 000	170, 000	
Swaziland	4, 200	5, 601	1, 401
Sweden	23, 000, 000	26, 0000, 00	3, 000, 000
Switzerland	3, 750, 000	4, 250, 000	500, 000
Syrian Arab Republic		28, 178	26, 178
Thailand	355, 500	355, 500	
Togo	5, 000	6, 000	1, 000
Trinidad/Tobago	90, 000	90, 000	
Tunisia	180, 000	180, 000	
Turkey	663, 000	663, 000	
Uganda	28, 011	28, 011	
Ukranian S.S.R	375, 000	375, 000	
U.S.S.R	3, 000, 000	3, 000, 000	
United Kingdom	14, 400, 000	19, 801, 980	5, 401, 980
United Republic of Tanzania	84, 034	84, 034	
United States	86, 268, 000	[1, 2]86, 268, 000	
Upper Volta	5, 000	[1]5, 000	
Uruguay	172, 500	179, 500	7, 000
Venezuela	870, 000	920, 000	50, 000
Vietnam	22, 000	22, 000	
Western Samoa	1, 000	1, 390	390
Yemen	2, 000	[1]2, 000	
Yemen, People's Republic of	1, 650	1, 650	
Yugoslavia	825, 990	908, 589	82, 599
Zaire Republic		200, 000	200, 000
Zambia	94, 500	109, 000	14, 500
Total	[3]239, 899, 001	265, 119, 718	25, 220, 717

[1] Has not pledged for 1972, amount shown reflects 1971 contribution.

[2] The U.S. Administration has recommended an amount of $100,000,000.

[3] Includes $200,000 pledged by the Republic of China (Taiwan).

THE HONORABLE DAVID PACKARD—SOLID CITIZEN

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. PATMAN. Mr. Speaker, our former Deputy Secretary of Defense, Mr. David Packard, is a gentleman whom all Americans, regardless of party affiliation, can regard with genuine respect and admiration. The record of his achievements, both in the private sector and in government, is truly remarkable. He has demonstrated in an important way, the qualities and characteristics that are summed up in the phrase, a solid citizen. Mr. Packard would certainly not be out of place at a board meeting of any of our largest corporations, but even more important, he would be equally at home meeting with the leadership of our smallest communities. He has expressed himself most candidly about his relationship with the Congress and I am delighted that he did give us a passing mark, and I believe we should accept his summation as a helpful suggestion for the future, and as an incentive for improvement. Our House, in my opinion, is the greatest legislative body in the world, but even so we may, in all honesty, respond agreeably and with humility to Mr. Packard's farewell remarks as reported in the following guest editorial, from today's issue of the New York Daily News:

GUEST EDITORIAL

By just-resigned Deputy Defense Secretary David Packard, at his farewell press conference Monday in Washington:

I can't say I believe [Congress] is the most efficient, the most rational decision-making process. Nor does the legislative process always come out with the right answer.

But after the shouing and fussing is over, the Senate and the House, either separately or collectively, come out with a good solution most of the time . . .

The vast majority of all senators and representatives are fine, capable people, dedicated to the welfare of their country . . .

APOLOGIST SHARES BLAME FOR CRIME WAVE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HUNT. Mr. Speaker, when it comes to dealing with the criminal offender today, there seems to be at least two schools of thought. One believes that a crime is a crime no matter who commits the unlawful act and that punishment must be meted out accordingly. The other believes that the criminal is the product of his society and that his apprehension affords society the opportunity to "rehabilitate" him so as to make up for his social and economic deficiencies in order to be able to return him to society as a productive citizen. Most regrettably, however, our streets are full or "rehabilitated" criminals whose only productivity is the inflation of criminal statistics. In short, rehabilitation as a social goal cannot and should not be substituted for the punishment that any criminal act would surely evoke were the average John Doe citizen to be convicted as the perpetrator.

In this connection, Joseph McCaffrey's recent commentary on crime, broadcast over WMAL-TV on November 29, points the finger at the "apologist" whose permissiveness must surely be high on the list of factors in any evaluation of the reasons for the high incidence of crime in any of our major urban areas. To be sure, the truism that has long been lost sight of by the apologists is that a crime is a crime is a crime. As McCaffrey states:

When they (the apologists) are hit, either by a robbery or a rape, they'll find out that their concern for the poor bum who did them in isn't going to save them.

The commentary follows:

COMMENTARY OF JOSEPH MCCAFFREY

We blame the present crime wave on the criminals.

Perhaps we should shift a little of that blame to the apologists for the criminals.

A week ago I talked about the criminals who establish their manhood by pistol whipping their victims, by pumping a few bullets into their robbery victims for kicks. Years ago, I pointed out, no one thought that to establish one's manhood he had to destroy another human being.

Well, believe it or not, there were some citizens who called up to protest what one of them called "my attitude." There were others who left their phone numbers for me to call back to discuss "my attitude." I haven't.

It may well be that this accounts for the crime wave sweeping this city, and every other large metropolitan city today:

The apologists who think that this is good therapy for the maladjusted. They really have little concern for the victim—whether she is raped, robbed, or beaten.

They think we have to consider the poor offender. Just an unfortunate kid who resorted to violence to let the people know that he was not being treated right.

We'll have a lower crime rate in this, and every other city, when the apologists wake up to the facts of life.

When they are hit, either by a robbery or a rape, they'll find out that their concern for the poor bum who did them in isn't going to save them.

They keep crying on the side lines, while victim after victim is laid low. They share the blame for the nation's shame.

TURNER ROBERTSON

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. SIKES. Mr. Speaker, there are many people around us who fill important position of responsibility and whose work is essential to the proper discharge of the congressional process. We know of the value of their work and we appreciate their services yet in only rare instances do we publicly recognize these individuals until we are about to lose their services.

In large measure, that is the case with the retirement of Turner N. Robertson who is about to leave his post after 32 years of dedicated and faithful service to the Congress.

Since assuming his duties as majority chief page in 1947, after having served first as an elevator operator, then as a member of the Capitol Police, doorman, assistant librarian, and librarian, Turner Robertson has truly become a legend in his own time.

His years of patience and helpful service is evidenced in the outstanding manner in which the page service is operated. Turner now supervises 51 helpful young men in the performance of their duties and seldom a day goes by when a Member of Congress does not find himself using those services.

Only history could disclose how many documents, pieces of legislation, messages, and ideas for the betterment of our Nation have been carried through these halls by the pages who have served under Turner's guidance. This, in a sense is a tribute to Turner for we each are confident we can trust him and his band of young men to deliver whatever it is they are assigned to deliver.

Now that Turner Robertson is about to take leave of us, I am pleased indeed that he will live in Florida while he enjoys his well earned retirement. I assure him he will be most welcome there and that it will be our honor to play host to him.

To share in his retirement will be Turner's lovely wife, Ernestine, who, like Turner, is a native of North Carolina. She, too, deserves the high regard each of us holds for Turner.

I know I express the sentiments of every Member of this Congress and every Member of every Congress served by Turner when I say that he will be missed. But most of all, he will be remembered as one of those public servants who did every job he was called upon to do, and then he went beyond duty to truly serve the Congress and the United States in a manner which should serve as an example to us all.

FROM CONFRONTATION TO COOPERATION

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, the status of public employees in this country, as I am sure my colleagues know as well as I, is not what it should be, and it is not what it could be. Both wages and standard of living for employees of private business and industry have risen greatly over the course of the past several years. The same is not true for public employees. It is unfortunate that some States still refuse to recognize the right of State and local employees to organize and bargain with their employers. It is just as unfortunate that other States accord public employees representation of only the most token and condescending kind.

I would like to call to the attention of my colleagues a most intelligent and pertinent speech on this matter given by Mr. Jerry Wurf, president of the American Federation of State, County and Municipal Employees, AFL–CIO, at a conference called by the Secretary of Labor on "State and Local Government Relations," on November 22, 1971.

I am sure my colleagues are all aware of the progressive record of the AFSCME, one of the fastest growing unions in the country. I think that this speech is a good example of both the high caliber of its leadership and their dedication to providing for our public employees the same dignity and security that their counterparts in the private sector have considered a basic right for so long.

The speech follows:

FROM CONFRONTATION TO COOPERATION

We have come a long way in labor relations in state and local government when the United States Department of Labor calls a conference on the subject. I appreciate being invited as a spokesman for state and local government employees.

The union I represent—the American Federation of State, County, and Municipal Employees, AFL–CIO—is probably well known to most of you. We are big. We had 525,000 members paying dues last month. We are growing faster than any other union, adding more than 1,000 new members a week. When we sit down at the bargaining table, we are dealing with wages and conditions of employment affecting more than one million persons. It is also important for you to know that nearly all of our members pay dues on a purely voluntary basis. Union security provisions are very rare in the public sector.

We are known as a militant union. Some of that is deserved; some of it is not. Up until now militancy has often been needed to deal with employers who would not listen, deal fairly, or allow their employees to peaceably organize into unions for the purpose of dealing as equals with their employer.

We are entering a new and different stage in the development of labor relations in state and local government. Our union is very aware of the new situation that is developing. We are responding to it by consciously moving from confrontation to cooperation, wherever it is feasible.

Times are changing. There are now mechanisms established in many states for the conduct of labor-management relations in the public sector. There is bargaining taking place in many states and localities. Employees are well organized. Despite the legal frustrations, a greater percentage of the state and local government work force is organized than in the private sector. Many employees are in AFL–CIO unions; many others are not. All utilize to one degree or another the practices that are traditional in the American trade union movement.

The experimental and revolutionary phase of public employee unionism is over. We now need to address ourselves to cooperatively bringing reasonableness into our relationship. It is with that concern that I am speaking to you today.

Collective bargaining exists in the private sector because it was needed to deal with a potentially explosive labor-management relationship. Problems still occur, but they are minimized by firmly established and uniform procedures for dealing with the situation.

Collective bargaining exists in some places in the public sector, but even where it exists it is inferior to that found in business and industry. The general nature of public sector labor relations is chaos. The problems are numerous and frequently explosive.

There is no way to guarantee peace in public sector labor relations. Even the best laws or good will on all sides will not always produce serenity. Free societies breed and allow for conflict. That is their strength. They aim not to end conflict, but to achieve machinery which can deal with it and minimize its explosiveness. Collective bargaining is the vehicle for achieving these ends in the public sector, just as it is in the private sector.

We find that government employers, many of whom approve or defend collective bargaining in the private sector, are reluctant or even hostile to the idea of their own employees having these rights.

Government employers go even further than denying collective bargaining. They lobby in the Congress against a minimum wage or overtime pay for public workers. They lobby against applying to themselves the same federal standards of equal employment opportunity that are applied to business and industry. They are irresponsible about health and safety on the job and they are sanguine about retirement plans. Advocating these rights for most workers in America while denying them to the one worker in every six who is employed in government is hypocrisy.

Central to this hypocrisy on the issue of rights and protections for public employees is the concept of sovereignty—sovereignty with a lower case "s." When you strip it down, the concept of sovereignty means only one thing as far as labor relations are concerned, and that is that the boss will call the shots. That concept is unacceptable to the employees of government.

More than one government official has contended that because he was elected to office he was speaking in labor relations matters not for himself but for the whole community. In my experience, a public official speaks for himself as boss and not as public protector. Being elected to political office is not equal to being endowed by God with unbounded wisdom and unbridled power. Unfortunately, many elected officials believe that it is. The concept of sovereignty may be the genesis of that belief.

Let me hasten to add that being elected a trade union official does not mean being endowed with unbounded wisdom and unbridled power either. Trade union officials are no more immune to self-righteousness than are public officials. We, too, can be short-sighted advocates. Our credentials for reasonableness may be no better than those of public officials.

The concept of sovereignty is regularly used as an excuse to unilaterally dispense largesse on matters of employee wages and conditions of employment.

In the struggle for monopoly of power by the public employer and the resulting counter response by the public employee, we may end up with a lot of unreasonableness on both sides. We get phoney rhetoric instead of fair dealing.

The current defense against rational bilateral relationships is premised on the fear of the acquisition of political power by public workers to the detriment of the community. This was a theorem first enunciated about the time Lincoln Steffens was authoring the Shame of the Cities at the turn of the century.

There is a point of view that "collective bargaining" serves as a back drop to a power broker relationship between "union leaders" and "political bosses." The needs of the workers and the community, of course, are just incidental.

Others are concerned about protecting the political process from a pressure group of public employees. This view assumes the political process is already free of pressure groups, and that a public employee pressure group would taint an otherwise saintly environment. Those with this view would protect the participatory electoral process in this free society by depriving the 13.5 million Americans who work for the government of their citizenship in that society.

What needs to be understood is that it is possible to accommodate to both the dignity of workers and the sovereignty of government. This can be done by rejecting the old courthouse "fix" in an up-to-date costume. It can be done by refusing to consign to power brokers problems that need solution with equity, participation and accommodation, including fiscal responsibility.

The concept of sovereignty is a critical reason why we are at an impasse over impasse procedures. We need to get this out of our way. It is inhibiting the development of reasonable relationships.

The position of most employers is clear. You say there should be no right to strike. Many agree with you. We are concerned about compulsory arbitration. Many think it would be a simple and easy way to solve problems in the public sector, although many employers have clearly said they prefer the right to strike to compulsory arbitration. Someday, the unions might horrify you by lobbying for compulsory arbitration.

Rather than arguing over whether the right to strike is a principle or a tactic, or whether arbitration is reasonable or unreasonable, we should be agreeing on one thing. We should be agreeing that repressive laws on strikes don't work. There is more trouble where there is repression, as in New York, than where there is no repression, as in Connecticut and Wisconsin.

The public is anxious to eliminate chaos in the public sector. That public pressure may be more in the direction of compulsory arbitration than the right to strike. Some of you have discovered first hand how unhappy a mechanism compulsory arbitration can be. It is not what you want. It is not what we want.

The public is inclined toward compulsory arbitration. It appears an easy way of eliminating strikes. As long as we cannot agree on appropriate impasse procedures, the public may be totally justified in demanding a third-party neutral. Let me add that in spite of our concern about compulsory arbitration, we have been impressed with the awards it has produced for employees and the hostilities it has brought from employers.

It is contingent upon us to move jointly toward the provision of universally and mutually acceptable impasse procedures. The realistic option available may be something that would be abhorrent to both of us. Moving together, we may achieve agreement on appropriate impasse procedures without having to resort to strike, compulsory arbitration, or repressive laws on either of these mechanisms.

We are pushing hard for a national law governing labor relations in the public sector. Secretary of Labor Hodgson says we need to use state and local governments as "research and demonstration" laboratories for labor relations in the public sector. We disagree. There have been enough studies and experiments. We're tired of that. There have been enough confrontations. It is time for responsible change.

I have trouble understanding those who support collective bargaining for public employees but oppose a national law providing for it. There should be no more difference between the job rights of a public works employee in Wisconsin and Virginia than there is between an aerospace worker in California and New York. The labor relations situation of public employees today is different in every city, county, and state—not just between states, but between cities and counties within the same state. There is no more reason to justify fragmentation of labor relations between states and their cities and counties than there is to fragment any other system of dealing with problems on a national level.

We are not asking for a federal takeover. It would be outrageous to take away from local units of government their rights and concerns. We are advocating a federal law that leaves to state and local governments the authority to conduct labor relations.

We also believe it is outrageous to conduct labor relations without a set of uniform rules. We are advocating uniformity of law on this matter for the same reason we advocate government by law rather than by force.

You can say what you want about labor relations in business and industry, but a free society could not get along without the mechanisms that exist there. The mechanisms are firmly established and clearly understood. They have a history of legal precedents applicable to almost every work place in America. Contrast that with the public sector where you can go from one city to the next and find a different mechanism and a different set of precedents and procedures.

What we see very clearly is the need for uniformity of law in the public sector, so that a body of law and tradition and practice can be developed. This will only occur under federal legislation, much like that which governs labor relations in business and industry.

There is no question of constitutional authority on national legislation. It exists and there are court decisions to verify it.

The real question here is not so much that of the federal government moving in. The real question is the desire of the states to continue to guard their right to generally repress legitimate employee aspirations. I know that federal intervention is repulsive to you. But we're talking about a federally-established mechanism that will be operated at the local level.

Our union's proposal for national legislation would permit a state to be the master of its own fate and destiny, so long as it provided rights substantially equal to those included in the national law. If a state wanted to control its own arena of public sector labor relations, it could do so. The legislation provides for a uniformity of application of law; not a transfer of power.

Our reasoning has been this: We know what you have to offer us in the way of state legislation. We know what the needs are. The two just don't fit and probably never will. We are not turning our backs on the new laws in Hawaii and Pennsylvania. They are good laws, although we have serious points of difference with them. If we continue to rely on state legislation, we will continue to face a crazy quilt-work pattern of law. The needs of public employees do not differ across state lines. They are one and the same throughout the nation. A national approach is the only answer to meeting them uniformly and fairly.

As a spokesman for organized labor at this Conference, let me clear up some misunderstandings about labor's position on the wage-price freeze and Phase II.

Labor's support of economic controls such as those proposed by the President is grounded in the concept of equity. Labor has said since 1966 that if controls were needed, it would sacrifice its fair share, but only if other segments of the economy were sacrificing as well.

Labor also rightfully expects that in a free society such a sweeping program of economic controls will be carried out in full consultation with the parties involved and, most importantly, the program will be honestly administered.

Labor's concerns in each area have been ignored by the Nixon Administration.

Rigid controls were placed on wages and loose controls on prices. The boss controls both. Tax bonanzas were prescribed for business while cuts in government services were prescribed for other Americans. Interest rates, profits, and dividends were exempted from controls during the freeze.

As far as the wage-price freeze is concerned, labor was not consulted in advance in a way that would have indicated its support and advice were desired. On Phase II, labor was consulted but deceived.

George Meany and other labor representatives were advised that Phase II of wage controls would be regulated by an autonomous, tripartite Pay Board. The President's announcement indicated the Pay Board would be subject to the veto of the Cost of Living Council. Secretary of the Treasury John Connally affirmed that veto power the next day.

It took a major confrontation with the Administration for labor to keep the Pay Board free from government veto.

The President then loaded the Pay Board. Although he had given labor assurances that the five public members of the Pay Board would be non-labor, non-management, and non-governmental, four of the five did not meet those specifications.

Arnold Webber was named to the Board as a supposedly neutral public member. He is not neutral. He was on the government payroll from January of 1969 to October 21st of this year. He was the top government official for the 90-day wage-price freeze. He drew his last federal government paycheck on October 21 and went to work October 22 as a supposedly neutral public member of the Pay Board.

William Caples is a public member of the Board. He spent all his life but the past two years in industry. He was an executive vice president of Inland Steel for 20 years and a former vice president of the National Association of Manufacturers.

Neal Jacoby, a public member of the Board, is a man who has spent the past 12 years as a director of the Occidental Petroleum Company. Prior to that he was a conservative economist with the Council of Economic Advisers under Arthur Burns in the Eisenhower Administration.

Kermit Gordon, another public member of the Board, is a man with whom I might quarrel, but he is a man of integrity. I have no quarrel with his sitting on the Board as a public representative. He is the only one who meets the criteria.

The fifth public member and Chairman of the Board is George Boldt. He is on the government payroll as a federal judge. Secretary of Labor Hodgson described him to George Meany as, and I quote, "totally and completely unfit for this job."

The Administration is now trying to cock the dice against working men and women in another way. They sent an individual public member to see every labor member to try to tell that particular labor leader not to worry. I. W. Abel of the United Steelworkers of America was given the word there would be no interference in the Steelworkers' contract. Leonard Woodcock of the United Automobile Workers, Floyd Smith of the International Association of Machinists, and Fitzsimmons of the Teamsters received similar assurance.

It is a credit to George Meany and his colleagues that they would not go along with this kind of "courthouse fix" to the detriment of workers who are not in high-image "critical" industries, whether they pay union dues or not.

Labor thus views the Administration's program of wage and price controls as something manipulated in favor of business and finance and opposed to workers and, therefore, inconsistent with the prerequisite equal treatment.

Our union has faced similar difficulties on state and local government employee coverage under the freeze and Phase II.

The National Education Association, the International Association of Fire Fighters, and our union have been working as a coalition on the wage-price freeze and Phase II. We have shared with several persons inside the Nixon Administration our thinking on the need for a separate mechanism for state and local government employees under Phase II. We were encouraged to think that some separate machinery would be put into effect. Discussions had reached the stage of debating whether it would be a tripartite mechanism with autonomous jurisdiction over non-federal public employee salaries or subject to the final authority of the private sector Pay Board.

The Committee described in President Nixon's Executive Order did not figure in the discussions. This clearly indicated to us that a separate mechanism was in the works. We were certain that if the Construction Wage Stabilization Committee were operative under Phase II as a separate mechanism for that industry, that there would also be a separate machinery for non-federal public employees.

What has developed is a Committee on State and Local Government Cooperation. It is purely advisory. All authority on wages and benefits rests with the Pay Board.

Few members of the Committee have stature or knowledge of state and local government employment. Don Morrison, president of the National Education Association, is an exception. He is a man of integrity and an excellent representative of public employee interests.

In its first meeting, members of the State and Local Government Cooperation Committee were encouraged to make the inequities faced by teachers the first order of business. The encouragement came from Cost of Living Council Director Donald Rumsfield, Vice President Spiro Agnew, and Pay Board Chairman George Boldt. There appeared nearly unanimous support for this among members of the Committee.

At its next meeting, the Committee voted overwhelmingly against a proposal to discuss—just discuss, that's all—with the Pay Board the inequities of teachers and other non-federal public employees. The "Advisory" board had voted against advising.

We suspect the Administration is doing the same thing with the Committee it has done with the Pay Board. That is to make people think they are on their side but then apply pressure to divide them and keep them from getting a fair hearing, let alone fair treatment.

The position of our union and other public employee unions on Phase II in the non-federal public sector is that the wage machinery needs to be different and separate from that for business and industry.

They are not in a runaway situation. Generally speaking, they still lag behind business and industry.

There is a separate mechanism under Phase II for the construction industry, which has 3.3 million workers. We believe there should be one for the 10 million workers of state and local government. Separate machinery is needed to deal with the diversity of law and wage-setting mechanisms that exist in the public sector as opposed to the private sector, where law and wage-setting mechanisms are pretty much uniform. This is particularly true in view of the fact that 14 of the 15 members of the Pay Board have no knowledge or experience, let alone expertise, with public employment.

We were pleased by the support the National League of Cities/U.S. Conference of Mayors and the National Association of Counties gave to our position that there should be a separate mechanism in Phase II for dealing with non-federal public employee wages. We would like to persuade you to join us in continuing to pursue a separate mechanism. Without it, there will be chaos. And, if our expectations that wage controls will be with us for a very long time are correct, that chaos will get worse with each passing week.

Public management and labor are natural adversaries at the collective bargaining table, and while we might be able to work together on many things, that adversary relationship in labor relations will remain unchanged. We represent employees—policemen, social workers, employees in hospitals, schools, public works, recreation. You represent management. The interests are different at the bargaining table. But we are both interested in good government, viable institutions, and livable communities. In that cause we are natural allies.

The government service is being challenged today. The demands for service are enormous. Revenues are limited. Pressures from community groups are in conflict. The value of our institutions is in doubt.

We are concerned for the system. There is clear evidence the people don't trust the system. It's clear that it can be preserved only by facing up to its faults. The old notion that rhetoric and slogans were substitutes for action is no longer acceptable. There is a very large gap in belief in the system.

We are reaching out on all sides for allies to preserve the integrity of useful institutions, which have been undermined by irresponsibility, greed, and negligence.

We (labor) have established the fact that we are here to stay. You (management) have demonstrated that you can cope with us. The time has arrived when we should put equity in the labor-management relationship and move from there to being allies in meeting the problems of the public service—problems like taxes, productivity, and duplication of service in such matters as retirement plans, job specifications, and bargaining.

This would be a productive conference, for example, if it marked the time at which we—management and labor in the states and the cities—ganged up on the federal government to get a fair share of the federal pie for state and local government.

Last December I started a new course. I addressed the annual meeting of the National League of Cities in Atlanta. It was a rare speech for me. Virtually nothing was said about collective bargaining or public employee unionism. The speech was devoted to the question of financing state and local government.

Some elected officials and professional management people let me know they were pleased. So was I. While I had a lot more fun waving my fist at public employers, I am getting a lot more satisfaction moving our union from confrontation to meaningful efforts at mutual problem-solving.

One of the biggest problems we face is that once-great urban centers have been subjected to a cruel form of systematic financial starvation. Many states have not responded to this need. The minor victories that have been won in Washington have been taken away by federal administrations—administrations plural—that unquestioningly pour billions into war abroad and consciously impound billions in appropriated funds at home. And local and state governments rot.

We need more federal aid. We need more revenue to and from state governments. We need action in the cities, too, and we are not getting it.

We need to take the albatross of regressive tax systems off our necks. To do that we need political leadership that rests its record on educating people on the way we are choking ourselves with bad tax systems. Dealing with this tax problem is the only way out of the fiscal bind that exists.

I think people will respond to leadership on this question. They are making clear their desire to respond on critical issues. I think that's what is behind the success of undertakings like Common Cause and the many activities of Ralph Nader. The problem is that these people cannot get political leadership to rely on their desire to respond.

Public employees can play a major role in educating the community, particularly the labor community, about this dilemma—and we will. We have formed a coalition of public employee organizations in and out of the AFL-CIO and we are moving together on a variety of problems. That coalition is available as your ally in this and other causes.

Clearly, we cannot cooperate on such problems if you come to us and say you have the answer and that if we disagree with you we are your enemy. For example, if we did not buy your brand of revenue sharing, and put forward an alternative, this should not be a signal for hostility or dismissal. There is no monopoly on wisdom. We are going to genuinely seek your cooperation. We are willing to give and take on a reciprocal basis, which is the normal problem-solving process in a society like ours.

I am one who believes there is a public profit; that dollars invested in public services produce a profit for the citizens of the community, a profit that cannot be achieved in any other way. There is profit in rational and accessible transportation. There is profit in good health care, well-educated citizens, safe streets and homes, recreation, and so on. All profit from public services. All lose when they are absent.

We need to begin viewing public service as an objective in its own right, rather than as a substitute or subsidizer for the private sector.

The public service employment program under the Emergency Employment Act of 1971 should not be viewed as merely a means of dealing with the private sector's jobless mess, but as a means of making life more meaningful and satisfying through provision of more and improved public services.

Neither should the public sector carry the major burden of combatting inflation, as it does under the President's program of economic controls. It should not be asked to subsidize the private sector with reduced revenues, layoffs, and the impounding of funds appropriated for specific public purposes.

If we are not getting the dollars required to fund adequate public services, nor producing the kind of services necessary, there is no public profit.

We believe in a democratic society. We are opposed to dictatorship and totalitarianism. We believe in equality of opportunity and individual control over one's destiny. We should be distressed by the gap between rhetoric and reality. Some who have power in our society would limit or deny others access to decency and dignity. As far as the public employee is concerned, where a public employer exercises unilateral control over wages and conditions of employment, the America we believe in does not exist.

Government does not belong to you as employers any more than it belongs to us as employees. The institution really exists to serve people, and not the other way around.

We could debate endlessly about who is the villain or the nature of the villainy in our relationship. We could dwell on the unfairness of government as an employer. You could recite the limitations on government's ability to cope with our demands. I'm bored with that kind of debate. I am a pragmatic, biased representative of public employees. I think that the needs of our membership are best served by joining with you in dealing with not only the problems of the employer-employee relationship but in the very basic capacity of government to serve and thereby protect a free and prosperous America.

EULOGY OF THE LATE MRS. HARRIET McCORMACK

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. EILBERG. Mr. Speaker, there is no greater sorrow than the passing of a loved one, and so our sympathy goes out to our former Speaker, John McCormack, who recently lost his beloved wife, Harriet. No one who knew of their lifelong devotion and joy in each other could fail to be moved by their final parting. They were a couple who might have inspired the greatest poets, for their life together was an example that most of us can only aspire to as an ideal.

In our current era marked by disintegrating marriages and the tragedy of broken homes, their abiding love and great faith in each other shone forth with the warmth of firelight. In Washington, their example was a constant reminder of the old truth that "all that glitters is not gold," for they found a greater wealth by far in each other's company than in the surface glamor of the Capital's circuit. Theirs was a love affair that stayed young through half a century of married life, ever renewing itself in harmony and trust.

Harriet McCormack was a lovely young contralto with a contract at the Metropolitan Opera when she met John, the earnest and hard-working young veteran and lawyer. For him she gave up her singing to become his chief adviser, confidant, and helpmeet. During their years together, she never looked back, but was fulfilled with the knowledge of the crucial role she played in the rising success of her husband's political career.

The values and the cherished ideals affirmed in the marriage of Harriet and John McCormack represent all that is finest and most beautiful in our Judeo-Christian ethical heritage. They are the rock and the foundation upon which our society rests. If we are guilty of sometimes taking them for granted, the example of men and women such as the McCormacks bring these alive in a very real sense.

Thus, it is with gratitude as well as grief that I extend my heartfelt sympathy to Mrs. McCormack's bereaved family, and wish them comfort in the knowledge that those who knew them both were touched and warmed by the living flame that bound their marriage and their lives.

DISTRICT 37 SEEKS DISCLOSURE OF PRICE VIOLATORS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BADILLO. Mr. Speaker, as I have said repeatedly, the success of the phase II economic program depends in a very large way on public confidence in its fairness to all groups throughout our economic structure.

That confidence, in my judgment, can only be achieved if the veil of secrecy which has surrounded violations of the price control program is stripped away. Unfortunately, the Internal Revenue Service has refused to make public the names of merchants or companies who have been found to be in violation.

This week, Victor Gotbaum, executive director of District Council 37 of the American Federation of State, County, and Municipal Employees, filed suit in U.S. District Court in Manhattan to force the IRS to make such disclosure under the Freedom of Information Act.

Mr. Gotbaum and his union have been in the forefront of efforts to protect workers and consumers under the price control program. This week's suit represents a landmark attempt to force the kind of disclosure that will be necessary if the American people are ever to have confidence that the economic controls program is fair and equitable.

I have every hope that Mr. Gotbaum's suit will be successful and I present for inclusion in the RECORD today's New York Times story on the legal action.

The article follows:

GOTBAUM TO FILE SUIT TO GET PRICE VIOLATORS' NAMES

(By Grace Lichtenstein)

Victor Gotbaum, executive director of the city's largest public employe union, filed suit yesterday against the Internal Revenue Service over its refusal to make public the name of merchants or companies who have violated the Federal price-control program.

The suit, filed in United States District Court in Manhattan, is the first legal test of the revenue service's policy of keeping almost all such violations confidential, according to I.R.S. officials in Washington.

Mr. Gotbaum contends in the suit that under the 1966 Freedom of Information Act, the public has the right to know which companies may have raised prices under Phase Two and what action the revenue service took against them.

SEVEN SUITS FILED

Mr. Gotbaum's union, District Council 37 of the American Federation of State, County and Municipal Employes, was the first to set up its own "price watch" to monitor price increases under the 90-day freeze and the Phase Two stabilization.

Throughout the freeze, which ended Nov. 13, the revenue service, charged with enforcing the program, refused to make public the names of companies that had raised prices but then rolled them back after being contacted by I.R.S. agents.

The only names the Government would disclose were those of allegedly recalcitrant companies against whom Federal lawsuits were filed. There were a total of seven suits filed nationally during the freeze. In the first month of Phase Two, the I.R.S. has obtained one injunction nationally, on a rent-control violation.

In a telegram to local revenue officials, on Nov. 30, Mr. Gotbaum demanded the disclosure of "any information, records, rulings and determinations showing violations of Price commission regulations" under the stabilization program.

The request was forwarded to Washington. In a telephone interview, Herbert A. Seidman, director of the stabilization program, acknowledged that until now the revenue service had been "conservative in its approach" to disclosures.

POLICY "UNDER REVIEW"

But he said that the policy was "still under review" and might be "re-evaluated" after Congress completed action on stabilization legislation.

The suit by Mr. Gotbaum is the climax of a dispute that began soon after the union started its own monitoring of the price freeze.

The union has contended all along that local stores were flouting the price regulations and that the revenue service was doing little to curb the violations.

Publicly, the revenue service said it welcomed the union's price watch because it was in line with President Nixon's request for the public to help gain voluntary compliance with price controls. Officials of the union and the Government have met several times in an effort to set up a system for relaying information about violations to the Federal authorities.

But privately, revenue officials complained that the union seemed more interested in disclosing their findings to the press than to the Government.

THE YEAR 1971 MARKS 75TH ANNIVERSARY OF FIRST FORD

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. WHALLEY. Mr. Speaker, the year 1971 marks the 75th anniversary of Henry Ford's first automobile.

Henry Ford has probably done more than any other man in the field of transportation. It started 75 years ago and was revolutionized by the famous Model T, using assembly lines for the first time in the production of automobiles and reducing the cost of an auto to within the reach of most Americans.

Since 1903, when the Ford Motor Co. was incorporated, Ford has produced 81 million cars and trucks. In 1970 the Ford Motor Co. produced approximately 5 million new units and did $16 billion worth of business.

In 1914, Henry Ford raised his company wages from $1.85 to $5.00 a day—an unheard of increase at that time.

Henry Ford II has been in charge of the Ford Motor Co. for a quarter of a century and has made outstanding progress. He has just announced an $800 million capital investment.

Mr. Speaker, on this 75th anniversary of Henry Ford's first auto, we should pause to reflect on his life and what it has meant to all Americans. We owe him a debt of thanks that can never be repaid.

A BANKER LOOKS AT THE BUSINESSMAN'S FUTURE

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. MORSE. Mr. Speaker, we have all been acutely aware in recent months of the serious plight of many American citizens, caught in the midst of economic, social, and cultural changes. The continuing rise in prices, growing social consciousness and unrest, and complex and confusing international developments have affected the lives of us all.

The dramatic changes which have occurred and inevitably will continue to occur, however, have also exerted a vast impact on the business community, and have led many people to question what the future role of the businessman will be. For the business community, like the rest of society, is faced with uncertainties and hazards more disturbing and more profound in their implications than ever before. Not only is business faced with an inflationary spiral which persists in this country and in every industrial economy of the world, but is also confronted with the spread of governmental regulations into the conduct of business affairs, the absence of uniformity and clarity in the rules by which it is expected to be governed, and increasing demands that it share the responsibility for meeting pressing social needs which formerly were regarded as being in the public domain. These and many other pressures have created widespread problems for business, both large and small, and I think we might all benefit from an increased understanding of their influence.

I would like to bring to the attention of my colleagues, therefore, the recent remarks of Mr. Edmund F. Ebert, executive vice president of the Bankers Trust Co., and a director of the Bankers International Corp. and the Downtown Lower Manhattan Association. Mr. Ebert started out with Bankers Trust Co. in 1928, at the age of 16, and has gained the opportunity to witness firsthand the many challenges to and changes within our society and the business community itself. His extremely thoughtful and cogent analysis of the issues facing the businessman today, and the many possibilities which these changing conditions hold for tomorrow offer, in my opinion, a realistic appraisal of the future role which business can play in society, and the areas where legislative change is needed if business is to be able to meet the demands of the future.

I include Mr. Ebert's address at this point in the RECORD:

A BANKER'S LOOK AT THE BUSINESSMAN'S FUTURE

(Address by Edmund F. Ebert)

When considering the subject of my talk with you tonight, I was conscious of the fact that Phase II of the new economic policy would be launched just ten days earlier. This seemed to be too short a time to permit a meaningful analysis of its implications and I have, therefore, opted for a more fundamental examination of the businessman's future.

It is not my purpose to provide you with answers but rather to delineate some of the issues facing us today, trace their history and offer some hope that there will still be a place in society for the businessman in the future. I trust you will find this conclusion reassuring even if the rest of what I have to say is not comforting.

A DISCONCERTING PERIOD

It is probably axiomatic for business, including the banking business, at all times to regard its contemporary problems as being more difficult than any it has weathered in the past. This characteristic hardly needs explanation; we know the one course taken by the past but never which of many possibilities will unfold in the future.

Having paid my respects to this human trait, I nevertheless do not hesitate to say that the uncertainties and hazards that confront us today are more disturbing and more profound in their implications than in a generation.

The confidence in solid economic growth and expanding affluence with which business entered the 1960s has given way to a host of challenges that seem to come, simultaneously, from every direction—from government, from the economy, from society and from the forces of nature itself. Moreover, while businessmen ordinarily thrive on challenge, the present issues have produced an ominous new threat. For the first time since the start of the Industrial Revolution, the question is being raised whether an even higher standard of national affluence, which is the basic justification of all business enterprise, is a feasible goal—and if feasible, whether it is a proper one.

The catalog of pressures is long and varied. One conspicuous development is the spread of government authority into the conduct of business affairs; beginning with the regulation of banking and railroads in the nineteenth century, the role of government has expanded, irregularly but inexorably, to touch upon relevant aspects of production and distribution of every business in the nation.

Laws and regulations govern business in its use and compensation of labor, in the manufacture, marketing and pricing of its products, in its endeavors to expand or diversify. Many lines are further regulated in their financing activities and in the extent to which they may increase or reduce their operations. All this is compounded by a tax structure which is burdensome not merely because of the tax bite as such but, and perhaps more importantly, because of its great and demanding complexity.

Even more frustrating to business management, I am sure, is the absence of uniformity and clarity in the rules by which it is expected to abide, and the confusion, instead of being resolved with time, is manifestly growing worse. Differing governmental agencies with overlapping jurisdictions apply conflicting standards, and years of judicial or administrative litigation are often required before final decisions are reached. And while our economy calls for the cost reductions which mass production and mass distribution make feasible, our populist and agrarian heritage expresses itself in antitrust practices by government which tend to make size itself a transgression and frequently inhibit the competition they ostensibly seek to promote.

In the past few years, moreover, a host of new forces has emerged which add further complications. Inflation, at first deemed to be a corollary of the war in Vietnam, has taken on a life and momentum of its own which is all the more frightening for its international character, sweeping through every industrial economy of the world. Its sources are varied and debatable—excessive monetary expansion, lack of fiscal discipline, the growing power of organized labor, and a changing social structure. The conflict in the United States between certain national goals and the free market system as a contributor to inflation, was recently described by Al Sommers of the Conference Board:

"We set our target at full employment, and chase the ensuing inflation with restraints that can only induce unemployment; then we chase the unemployment with stimuli that can only produce inflation.

"We commit ourselves as a nation to a public guarantee of jobs for all, and then leave wages to be resolved by private parties whose legitimate private responsibilities prevent them from consulting the public interest.

"We exalt consumption while we decry the deterioration of our cities, as though we had infinite resources for both consumption and public investment.

"We will not ask ourselves to accept the tax rates necessary to meet our own insatiable demands for public services and social spending.

"We attempt to remove the risk and uncertainty which were the controlling disciplines of the free market, but we are reluctant to put anything in their place to serve the purposes of allocation and control."

I think these quotations set forth very accurately the inconsistencies under which we are operating. Their impact upon business is almost uniformly adverse. Costs rise faster than prices, profit margins are squeezed and the return on invested capital is diminished.

In the United States, inflation has led to the imposition, for the first time, of comprehensive wage and price controls upon what is essentially a peacetime economy. The specifics of these controls are still in the process of evolution, but the fact that a President who was firmly committed to the principles of the free market has finally been compelled to resort to compulsion is a strong demonstration not merely of the staying power of inflation, but also of our inability, in our day and age, to apply the conventional fiscal and monetary policies to the point where they can become effective. Good fortune may bring the control program to a speedy and successful conclusion, but the realistic businessman will prepare himself for the greater probability that controls will be with us for a long time, and may become more complex and more comprehensive as they are applied.

Beyond these economic difficulties, there has burst upon the business scene an array of forces which are even more threatening to the assurance and confidence of business enterprise. After decades of research and development, and with a record of continuous product improvement, American industry is confronted with a wave of consumerism which fiercely and vociferously challenges the safety and utility of industrial output virtually across the board.

Also, having taken the natural environment for granted without much thought or question, we are suddenly faced with the dismaying realization that the material affluence which we regarded as the proud attainment of our industrial world may be creating dangers to life beyond our present comprehension. The belching smokestacks which adorn so many typical stock certificates have almost overnight changed from respected emblems of prosperity and success to embarrassing symbols of ecological irresponsibility. Only gradually are we growing aware of the magnitude and cost of the clean-up job ahead.

And not only the natural environment but also the social environment has thrust upon corporate enterprise new commitments hitherto deemed only remotely related to the firm's specific business purpose. The provision of employment opportunities for minorities, the institution of training programs, the involvement in community improvements of many kinds have also become relevant activities, routinely associated with the operation of a business in the 1970s. In a sense, our society is shifting to, or sharing with, the business corporation certain responsibilities which hitherto have been regarded as being in the public domain.

Finally, there is the profoundest challenge of all—the challenge, primarily from young people, to the values of the business establishment as such, which expresses itself in a rejection of the industrial and technological economy as we know it. The consequences so far have shown up largely in damage to people and property as the result of occasional acts of violence, and in the shift of occupational preferences, among recent graduates, away from the business world. The revolutionary implications if this movement should gain in size and intensity, and should acquire political influence, are obvious.

Under the circumstances, businessmen may be forgiven if they experience an occasional faltering of that drive, zest and initiative which characterizes the successful entrepreneur in every age and society. Against the conceptual background of a business world built by private enterprise and operating most efficiently in a free market, the trends of the present seem to lead us inexorably downhill. This, however, is not the final answer; the realism which is another essential characteristic of the businessman requires that the future of business be appraised not by the standards of the past but in the light of the new conditions we see evolving in the world of today and tomorrow.

WORLD IN TRANSITION

Viewed in historical perspective, many of the problems which beset and discourage business at this time appear as the consequences—and perhaps even the predictable consequences—of the dramatic changes that have occurred and continue to occur in every facet of the world in which we live—technical, economic, social, political and cultural changes. And if these manifestations affect business with greater speed and impact than ever before, it is probably because the underlying developments are themselves taking place at an accelerating pace.

To an important extent, the growing economic power and domination of government appears as the paradoxical outcome of the successful operation of private enterprise and free markets. It can reasonably be argued that when the development of commerce and industry some two centuries ago generated that vast economic expansion and technological innovation which is still under way, it also led to an economic system of such size and complexity that new economic and social conditions, new reactions and new ways of doing things, new goals, and new priorities, all became an almost automatic result.

For example, as increasing industrialization brought greater human dependence on sustained industrial employment, the downbeat of the business cycle acquired the capacity for considerably greater mischief than in a predominantly agricultural economy, where the hardships of industrial unemployment could more readily be cushioned by a temporary return to the farm. By the same token, it probably was merely a question of time, hastened by the Great Depression, before governments everywhere sought ways and means to achieve greater control over business fluctuations, and through governmental action stimulate employment. In this context, let us remember that the hardships of a business recession, in the days when government action was at a minimum, fell not merely upon labor but also, and severely, upon capital, as evidenced by the crop of business, bank and insurance company failures which were the accepted accompaniments of "hard times" in the 19th and early 20th century. The growth of government intervention did not lack business encouragement.

Economic growth and development brought a variety of other consequences which necessarily broadened the sphere of government action in the business world. The increasing division and specialization of economic functions gradually created an interdependence of activities which conveyed characteristics of a public utility to an ever greater range of business enterprises.

The conflict of interests which is so evident in the contradictory policies of our regulatory agencies is another outgrowth of a diversified and technologically complex economy, as is the accelerated trend toward consumerism; no one who has ever experienced the shunting of product responsibility from dealer to manufacturer, and vice versa, or who has suffered the major irritations that can accompany a minor repair job, can suppress a twinge of sympathy for the advocates of the consumer's cause. And while a careless village blacksmith might once upon a time have caused minor inconvenience to horse and rider, the hazards of defective design or workmanship in mass produced automobiles are too obvious to deny legitimacy to the safety issue in principle.

It is for the historians of the future to trace the links between the increasing affluence of an industrialized economy and the political and social issues of our times. The tremendous changes in our way of life that have accompanied two centuries of economic development in the Western World have already had a far-reaching impact upon our political institutions, our social structure and our cultural values, but we may be merely at the beginning of a more profound transition, and this, too, inevitably bears upon the future of business enterprise.

BUSINESS IN DEFAULT

If we extrapolate from the past into the future, business as we know it seems to be moving gradually toward extinction. It is not at all difficult to visualize private enterprise becoming ever more closely identified with the public interest, so that the functions of business managements and of the market place eventually are merged into the institutions and responsibilities of government. And if the current defamation of business spreads to a sizeable proportion of the electorate, this trend toward a socialist or socialized economy may readily escalate.

This is a very real possibility; it could easily become reality. However, this outcome is not inevitable, and whether it happens or not depends, to an appreciable extent, upon the businessman himself.

During our generation, business has been woefully and indefensibly negligent of its responsibility to participate in public affairs and in the development of public policy, leaving the field to its opponents virtually by default. The critics of business enterprise—some of them responsible and thoughtful, but many of them irresponsible and destructive—have for decades been industrious and vocal in popularizing their views with the Congress, the Administration, the press and the public; they actively take part in civic affairs at every level, and their spokesmen are usually sharp, convincing and altogether competent in impressing their position upon the policy makers.

Business, by contrast, has in the main taken a defensive posture and has been content to leave its defenses with the trade associations, which provide helpful assistance in many ways but which infrequently have personalities with the same skill, experience and forcefulness of the successful businessman and these are the qualities that are required to present the case of business. Corporate managements, where these qualities may be found, are usually far too absorbed in the executive, administrative and operating functions within their own firm to dedicate the time and energy to the broader issues that threaten not only their company but business at large.

The individual businessman, conscientiously tending to the affairs of his corporation, will indignantly reject the charge that he is failing to meet his duty to his employees, his customers and his shareholders, but the fact remains that tending one's own backyard is no longer enough; there is a compelling necessity that businessmen directly involve themselves in the great issues of our times and that they participate in the formulation of national policy by every means at their disposal.

Specifically, since no one else is doing this, it is the businessman who must demonstrate to government and the public the costs and consequences of our ambitious national aspirations. We are all mindful of the plight of the poor, the urgency of health and safety issues, the need to halt and reverse the ecological deterioration, the desirability of improving urban life, and so forth. However, all of us—and this includes the business community—are poorly informed regarding the tremendous economic and social costs of progressing towards these goals, and we have no clear awareness of the imperative necessity to establish priorities, make choices, and do with less in some areas if we are to do more in others.

Even our educators and educational institutions appear largely insensitive to costs of current social programs—costs not only in terms of dollars or economic resources, but in terms of the implications for society as a whole. We can scarcely blame young people for their indifference to, or rejection of, the entrepreneurial system if they have been surfeited with teaching that stress the shortcomings of private enterprise and the market economy, but have never been made aware of the efficiencies, benefits, and contributions of this system.

I am not suggesting that even the most dedicated participation of businessmen in our academic, civic and national affairs will guarantee our survival. It is conceivable that the nation will still prefer to pursue its social and other objectives at the expense of the free enterprise system, and to emasculate or eliminate private business in favor of another economic and social structure. If that is to be the choice, however, it should be made deliberately and in full consciousness of all this involves, and not as the byproduct of ignorance, apathy and drift.

A PLAUSIBLE BLUEPRINT

Moreover, I doubt that an educated and informed public opinion will vote to expel the businessman from our midst. Admittedly, the clock of history cannot and will not be turned back, and it would be foolish to think otherwise. Indeed, it is unrealistic to visualize even a transition to a static way of life; our world is in a slow-burning revolution which will probably persist indefinitely, with change heaped upon change, and the values of today and tomorrow being challenged by those of the following day. This makes the future a fascinating conjecture, with wide uncertainty on every point. Within these nebulous limits, a few general reflections may nonetheless be worthwhile.

One fairly safe prediction is that our society will continue to insist, probably more forcefully than ever, on full employment, on relatively high minimal standards of living for everyone, on repression of the business cycle and on a host of other aims which are not completely compatible with the operations of free markets and free enterprise in general. Nor, in our complex world, will the problems of the natural environment, of health and safety standards and similar issues be left to the individual firm.

These ambitious public demands, however, have some favorable implications for the future of business. If we are to come to grips with the problems of poverty, or of the ecology, or with the health issue and others, we shall have to produce not less but much more, and we shall need to stimulate the investment of the capital resources through which greater output is attained. This inevitable requirement for more production as a solution, at least in part, to many of our present problems appears to me as one of the strongest guarantors of business survival.

Furthermore, in such a world the scope of business enterprise stands to remain broad and demanding. In addition to meeting the requirements of what is called a changing life style, there are still new frontiers to be conquered. The growth of productivity, which has been the key to American economic progress throughout our history, has so far been limited to manufacturing and agriculture, and to some extent the distribution process. The development of greater productivity in the service industries is still in an early stage, and the field for inventiveness and ingenuity is wide open.

To me, these are powerful arguments for private and against public enterprise. What is more relevant and more encouraging is that these arguments seem to be acquiring persuasive force also in places where the trend has hitherto been running in the opposite direction.

At home, in a conspicuous shift away from past patterns, the Federal Government has divested itself of the postal service and has "privatized" other activities previously conducted by public agencies. Abroad, we see a trend toward returning some nationalized enterprises to the private sphere; this includes various Eastern European countries, where private enterprise has not only managed to retain a foothold but in some cases is being permitted to return to sectors where public operation has failed, or has been unsatisfactory. Even the Soviet Union has for many years been seeking ways to develop production incentives akin to those of the profit system and methods for resources allocation comparable to the workings of the marketplace.

Thus, there are good grounds for hoping that neither our society nor our system of business enterprise will fall into the maw of the all-powerful state but that, instead, both business and society will seek to develop new forms and new institutions, designed to accommodate new objectives and new priorities with fewer of the conflicts, tensions and inconsistencies of the present. This points not to nationalization, which is contrary to our history and traditions, but very emphatically to greater regulation, which is distinctly within our tradition and runs like a red thread through the development of modern American business.

We must, therefore, anticipate further growth in controls over business operations and over the marketplace. In view of the great demands for capital resources, it would not be surprising for government eventually to take upon itself also the task of allocating savings and capital flows to assure the priority of socially favored borrowers, such as the residential building area and public authorities. Down the road, all businesses may by definition be endowed with the character of a public utility, with operation for the public welfare the prime consideration. But this is not an altogether alien notion; as a practical matter, it already applies to, and is already applied by, large enterprise within considerably broader limits than conventional folklore appreciates.

Moreover, if these general premises prove reasonably valid, the profit outlook may not be as dismal as some long-term thinkers and planners anticipate. Admittedly, the costs of social change, ecological improvement, and related responsibilities now being assigned to business will probably retard profit growth, whether borne directly by corporate enterprise or indirectly through taxation. Even so, modern business has shouldered a long sequence of costly reforms, ranging from the abolition of child labor to the introduction of the 40-hour week, without fatally afflicting its earning power; eventually, the cost of social reform, as other costs, must be carried by the ultimate consumer.

Indeed, since controls tend to shelter the less efficient producer, some companies will find life in a regulated world less competitive, more pleasant and more rewarding. This of course adds to the cost to our society, but this again seems to be one of the many hidden burdens which society is more or less willing to accept—although the situation might be different if the true costs were directly stated and fully recognized.

A related consideration arguing against too dismal an earnings outlook is the role of profits in attracting new capital. Recent experience (e.g., Penn-Central, Lockheed) has emphatically demonstrated the importance of adequate earning power as an alternative to massive financial support by government if essential industries are to be kept alive; in an age of huge government deficits, it seems reasonable to assume that legislators and regulators will prefer that business be permitted to retain its solvency under its own steam instead of becoming the financial ward of an already overstrained public treasury.

Finally, we should not dismiss the very real and visible strengths of American business. Despite the growing catalog of costs and handicaps, business has completed a decade of enormous capital investment. Ownership of corporate enterprise is more widely distributed among small savers and investors, directly and indirectly, than ever before, which may be a testimonial of public confidence and may also, conceivably, provide some buffer against political extremism. American managerial talent and technological knowhow are highly prized throughout the world, including the Communist world, and our business schools are immeasurably ahead of those abroad.

These are formidable assets. They provide a reasonable chance that private enterprise, although curtailed and restricted by regulation and controls of many kinds, will nevertheless continue to survive and to play an essential part in the economic and social order of the future as far ahead as we can see.

A reasonable chance is the most that the businessman has ever requested and the most he has ever received. It is all that he needs to assure that he will function as a constructive member of any society in which he finds himself. I believe you can assure it for yourself.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. SCHWENGEL. Mr. Speaker, the following excerpt from the December issue of the magazine, Heavy Duty Trucking, speaks for itself:

TRUCKING BRIEFS: WIDER BUSES

"I'm not against improving the movement of men and goods on our highways," said Rep. Fred Schwengel (R-Iowa), "But I want to protect the public interests and one of them is safety." Despite Fred's warnings about safety hazards and road damage, the bill which would increase allowable width of buses on the Interstate system from 96'' to 102'' passed the House by a 213–178 vote. The measure has not yet come to a vote in the Senate, but is getting strong backing from bus associations—and the ATA, which of course sees any relaxation of bus restrictions as a plus for trucking in its pleas for increased sizes and weights. Buses 102'' wide are now operating in some urban areas of 23 states, but are not allowed on the Interstate.

THE UNSOLVED PROBLEM OF DIVIDED REFUGEE FAMILIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. DERWINSKI. Mr. Speaker, a memorandum concerning the unsolved problem of divided refugee families was passed by the United Organizations of Women From Central and Eastern Europe in conjunction with meetings held by this organization which has its headquarters in Philadelphia. It also has active units in New York, Chicago, and other major cities.

The Soviet veto in the United Nations obviously keeps the world body from taking any steps to end the denial of civil rights which is the standard procedure behind the Iron Curtain. Yet, world leaders such as the women in this organization will not be muzzled.

The material follows:

UNITED ORGANIZATIONS OF WOMEN FROM CENTRAL AND EASTERN EUROPE,
Brooklyn, N.Y., December 8, 1971.

Hon. EDWARD J. DERWINSKI,
c/o U.S. Mission to United Nations,
New York, N.Y.

DEAR ED: Enclosed is a Memorandum from our group concerning the unsolved problem of divided refugee families.

We trust that on the occasion of Human Rights Week, commencing December 10, you will give your full support to a discussion in the United Nations of this vital problem.

Thank you for your kind cooperation and all best wishes.

Sincerely,

MARY DUSHNYCK
(For UOWCEE).

P.S.—Will you kindly arrange to have this Memorandum printed in the CONGRESSIONAL RECORD, with all groups listed. Thank you.

UNITED ORGANIZATIONS OF WOMEN FROM CENTRAL AND EASTERN EUROPE

MEMORANDUM

To Representatives of the Member States of the United Nations

We, women of Albania, Bulgaria, Byelorussia, Czechoslovakia, Estonia, Georgia, Hungary, Latvia, Lithuania, Poland, Romania, Ukraine and Yugoslavia, organized in the associations listed below, look to the United Nations "to reaffirm faith in fundamental human rights" as stated in the Preamble of the Charter and the Universal Declaration of Human Rights.

We wish to call your attention to the tragic plight of thousands of refugee families that are divided because members of these families who remained in their native land have been denied the right to join those who sought asylum and established homes in other countries. In some cases it is the wife, children or aged parents who, for various reasons, have remained behind. In others, existing conditions prevented the husband or father from escaping with the rest of the family. The sorrow grows with each additional day of separation.

The United Nations Conference of Plenipotentiaries that drafted the Convention on the Status of Refugees and Stateless Persons adopted unanimously the following recommendations, among others: "Considering that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee and that such unity is constantly threatened . . . Recommends Governments to take the necessary measures for the protection of the refugee's family especially with the view to ensuring that the unity of the refugee's family is maintained." The United Nations High Commissioner for Refugees quoted this recommendation again in his report to the 26th session of the General Assembly.

On the basis of these United Nations documents, we request that the Governments of the member states of the United Nations carry out their obligations to ensure the uniting of separated refugee families, end this injustice, and live up to the principles of the Universal Declaration of Human Rights.

American Romanian Committee for Assistance to Refugees.

Baltic Women's Council.

Byelorussian American Association, Women's Division Council of European Women in Exile, representing women from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Yugoslavia.

Federal Estonian Women's Clubs.

Federation of Lithuanian Women's Clubs.

Georgian National Alliance.

Latvian Women's Association in New York.

National Council of Women of Free Czechoslovakia.

Polish American Congress, Women's Division.

Women for Freedom, Inc.

World Federation of Ukrainian Women's Organizations, representing Ukrainian women's organizations in Argentina, Australia, Austria, Belgium, Brazil, Canada, France, Germany, Great Britain, Venezuela and the United States of America.

World Union of Lithuanian Catholic Women's Organizations.

JOHNNY HORIZON PROGRAM

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, the most recent volunteer to the Johnny Horizon program for a cleaner America is the well-known and loved comic character Snoopy. The Department of the Interior is to be commended for the initiation and development of the Johnny Horizon environmental program. This program is outstanding among many Federal efforts to enlist the people of this Nation in the cause of the environment. It is outstanding because it has successfully stimulated hundreds of thousands of people throughout the Nation to take action, to get out and do something personally about improving the land they live in.

The Johnny Horizon program was begun in June 1968 by Interior's Bureau of Land Management as a Bureau-citizen effort to clean the public lands of litter. In the brief time since then, the program has been developed by the Bureau and the Department into a nationwide effort to improve and to protect the environment.

The success of the program and its strength arise from its simplicity. Its one purpose is to improve the environment. Its one means of doing so is to get as many people as possible to help.

A number of Federal agencies such as the Tennessee Valley Authority, the Corps of Engineers, and the Postal Service are active in the program. Entertainment personalities such as Burl Ives, David Frost, Henry Gibson, and Dinah Shore have donated time and talent worth many thousands of dollars. But more important, people—men, women, and children—individually or in groups representing their school or their community, their social organization or the place they work, have also given of their time and of themselves. Through the Johnny Horizon program, people everywhere are becoming aware that environmental improvement is their responsibility, and they are responding to the challenge.

As to how well they are responding, I can think of no better example than the latest Johnny Horizon recruit. Snoopy, one of the stars of Charles M. Schulz' famous comic strip, "Peanuts," has joined the program. Along with his flying secretary, Woodstock, Snoopy appears in a new brochure that suggests ways in which all of us can become involved in this nationwide commitment to a better land.

Johnny Horizon's message is: "This land is your land—keep it clean."

And Snoopy adds that by working together "we can help clean up the pollution of our land."

Prominent Personality Joins Federal Environmental Program

Snoopy—fighter pilot, former Head Beagle, and illustrious star of Charles M. Schulz's comic strip, "Peanuts"—announced today that he has become a full partner in the Johnny Horizon environmental program led by the U.S. Department of the Interior.

Interior Secretary Rogers C. B. Morton immediately responded to the announcement which, presumedly, was delivered by Snoopy's flying secretary, Woodstock.

"We are proud to have Snoopy as a Johnny Horizon partner," the Secretary said. "He is one of the Nation's most celebrated adventurers and is easily one of the finest infielders ever to wear a baseball uniform in any league. Now, as he seeks even greater accomplishments, I am confident that Snoopy will distinguish himself as a peerless and faithful leader in the Federal Government's efforts to halt pollution and improve the environment."

In a small brochure titled "Hi! I'm Johnny Horizon's New Partner," Snoopy urges other Americans to join the Johnny Horizon team. Woodstock, Snoopy's feathered friend, asks people to "Bend a little—pick up a lot!"

The brochure contains drawings of Snoopy and Woodstock and folds out to a 10½ by 16 inch poster depicting a vulture Snoopy who demands, "Pounce on pollution!" The publication also suggests ways in which citizens can work to improve the environment.

Snoopy's brochure and details on the Johnny Horizon environmental program can be obtained from any local office of the Department of the Interior, the Tennessee Valley Authority, and the U.S. Corps of Engineers, or by writing the Johnny Horizon Coordinator, U.S. Department of the Interior, Washington, D.C. 20240.

PROTECTING AMERICAN JOBS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. SEIBERLING. Mr. Speaker, I am about to offer for the Record the third set of materials relating to the problem of imports using the situation in the tire industry as, perhaps, a typical example of what is happening in many industries. Previous materials inserted into the Record included statements by Peter Bommarito, president of the United Rubber Workers Union, and Raymond Firestone, president of one of the largest companies in the industry.

Some of the complexities of the problem, particularly as they relate to the role of multinational corporations, are well illustrated by the statements I offer today.

The first is from the Akron Beacon Journal of December 8 and contains the comments of Mr. Bommarito and Mr. John H. Campbell, assistant general counsel of the United Rubber Workers. They make an estimate that imports of tires from American-owned foreign plants in 1971 will represent over 914 jobs which could have been held by American workers if the imported tires had been made in this country.

The second article, reprinted from the Akron Beacon Journal of December 9, contains a statement by the Goodyear Tire & Rubber Co. Goodyear points out that American tire manufacturers were net exporters of 710,000 tires in the first 9 months of 1971, whereas foreign manufacturers shipped 6.5 million tires into the United States in the same period.

The United Rubber Workers Union also points out that American tire technology has been exported by American companies to many foreign competitors. On the other hand, the Goodyear statement emphasizes that some of the most important materials and inventions used in modern tiremaking are based on patents originated in foreign countries.

I believe these materials will again emphasize in the minds of Members of Congress the importance of having early hearings on all aspects of the import question. Until that is done, the Congress will lack much of the information essential to legislate on this critical problem.

[From the Akron Beacon Journal,
Dec. 8, 1971]

TIRE IMPORTS COSTING 914 U.S. JOBS, URW SAYS

(EDITOR'S NOTE.—United Rubber Workers President Peter Bommarito challenges recent statements of major tire companies that imports of tires from their overseas plants are not a factor in the cause of unemployment in U.S. rubber plants. The comments of Bommarito and John H. Campbell, URW's assistant general counsel, follow. Goodyear will present its views on the import-export problem Thursday and Firestone's are to be offered Friday.)

The tire import problem is no "myth." It is here, it is real and it must be reckoned with if we are truly endeavoring to keep jobs in the United States, and more specifically, in the Akron area.

Two articles, the first of which appeared in the Goodyear Wingfoot Clan, Oct. 28, issue titled "Exploding a Myth," and the second one in the Beacon Journal, Nov. 4, issue title "Tire Import Threat Myth," went to great lengths to establish the fact that imports from domestic corporations' overseas plants are so minute that they cannot be said to be the cause of unemployment in the domestic rubber plants.

Goodyear reported that in 1971 it will bring in about 170,000 tires; Goodrich called their imports "virtually insignificant," but also added that imports were less than exports.

The Beacon Journal article quoted a Firestone spokesman who said that the number of replacement tires imported into the United States by foreign corporations would be agout 82 pct. of the passenger tires and 88 pct. of the truck tires in 1971.

We must assume then, that the remaining 18 and 12 pct. are imported by American-owned foreign subsidiaries or by foreign corporations in which they have a substantial interest.

If this is the fact, then let us look at the import figures for 1970 and see what happens.

According to the U.S. Department of Commerce, 7,394,000 passenger and car replacement tires and 1,313,000 truck and bus tires were imported into the United States during that year.

Eighteen pct. of the imported auto tires would be 1.3 million, while imported truck tires would amount to about 156,000 units to be credited to overseas operations of American owned subsidiaries.

Goodyear says we can expect a 34 pct. increase in 1971 in passenger tire imports and a whopping 59 pct. increase in truck and bus tires or, by units, 9.8 million passenger tires and approximately 2.1 million truck and bus tires.

U.S. Department of Commerce figures for pneumatic tire imports for the months of January through September, already show passenger tires at 6,242,677 and truck and bus tires at 1,107,507, with a combined monetary value of $149,114,261, so the estimates are fairly accurate.

Projecting this increase to the percentages previously credited to American owned foreign plants, we can project their estimated share of the imports to 1.7 million auto tires and 252,000 truck tires.

Using Goodyear labor loss figures of 457 workers per million units, then we will lose over 914 American jobs which are directly traceable to imports from American owned foreign plants.

Who imports the balance? Well, they are attributed to foreign manufacturers supposedly not associated with American multinational rubber corporations, such as Michelin, Continental, Bridgestone, Dunlop-Pirelli, Simperit, Toyo etc., to name only a few, who are challenging Firestone's $2.3 billion sales and Goodyear's 3.2 billion sales market in foreign markets.

Many of these companies have effected mergers (Dunlop-Pirelli), or secured favorable concessions from foreign nations to erect and maintain tire plants whose production is geared mainly for imports (Michelin).

Or they have sold out their interests to American firms who bid millions for the acquisitions such as Goodrich-Goodyear-N.V. Rubberfabriek Vredestein.

Business Week, April 24, quotes the companies mentioned as having spent $45 million in bids for the Dutch company.

This tug of war followed a somewhat earlier attempt of Goodyear to acquire Reid Rubber Ltd. of New Zealand. Goodrich already had a 15 pct. interest in the company and had endowed it with much of its technology.

Unfortunately, U.S. consumers are not told the whole truth. They are only exposed to the "holier than thou" attitudes of the rubber giants who finger-point at American labor as being the real culprit in world trade.

United States labor, they intimate, assists foreign companies because foreign workers work at cheaper wage levels and produce more goods, thereby enabling them to overcome any freight charges or tariffs to compete with American goods.

"Our unit costs per goods produced are too high," laments one rubber official, "we cannot compete with foreign goods."

However, the companies never submit or relate the unit costs for analysis of those of foreign corporations' products.

Perhaps therein lies the real myth.

One other item should be mentioned at this point and that is the exportation of American technology to foreign companies, who presumably are completely independent of U.S. corporate influence.

We know that Bridgestone (Japan) has received technological assistance and has a working agreement with Goodyear. To what extent we don't know exactly, nor will Goodyear tell us.

We do know that Goodyear, Bridgestone Tire and Japan Synthetic Rubber Co. formed the Japan Polyisoprene Co. We also know that Japan Geon and Kurashiki Rayon have joined B. F. Goodrich, while Asaki Chemical and Firestone have joined in similar ventures. (Rubber World, Oct., 1970 and June, 1970). Goodyear and Toyobo Co. are also enlarging their facilities in Tsuruga, Japan, by $5 million.

The growth of Japan's second largest tire producer, Yokohama Rubber, also involved an American company's alliance with a Japanese company.

B. F. Goodrich and Furukawa Electric Company Ltd. rebuilt and opened the new facility in 1949, which now exports goods to 100 different nations with total sales in excess of $200 million—$140 million of that amount in tires. Many of these tires appear in the United States as the original equipment on imported Japanese cars.

The import problem is similar to an iceberg.

Some may see the tip and call it a myth, but when we go below the surface and find multinationals engaging in mergers, favored tariff treatment, exportation of technology, international arrangements and secret deals the problem becomes a reality.

Regardless of how American multinationals try to hide the fact that American jobs are being exported under the guise of calling it a myth or what have you, the name of the game is still "profits at any price," with labor once again receiving the brunt of the side effects.

[From the Akron Beacon Journal, Dec. 9,
1971]

FOREIGN TIRE FIRMS THE PROBLEM, GOODYEAR SAYS

(EDITOR'S NOTE.—United Rubber Workers President Peter Bommarito contends tires imported from U.S.-owned plants overseas are costing American jobs. Goodyear notes that tire exports of U.S. companies are nearly double the number they import and that the great bulk of all tires shipped into this country are made by foreign-owned competitors. The Goodyear statement follows:)

Wednesday's URW statement on the subject of tire imports does not take account of up-to-date facts about the source of these imports.

The facts are that in 1971, Auto and Truck tire imports by foreign-owned manufacturers through September are up 34 pct., while imports by American manufacturers are down 59 pct.

Through the first nine months, the gross imports by U.S.-owned tire manufacturers were only 12 pct. of total imports, or 864,000 units.

But U.S. manufacturers exported 1.6 million tires.

So American tire manufacturers were net exporters of 710,000 tires; whereas foreign manufacturers shipped 6.5 million tires into the U.S.A.

Conclusion: Net imports of tires into the U.S.A. this year do not come from foreign operations of U.S. companies, but rather from foreign-owned competitors.

The latest instance of this is the announcement by the U.S. distributors of Delta Tires that they will import $45 million worth of tires from the German-Phoenix Tire Co. over the next five years.

Phoenix is a foreign company, not a U.S.-owned company.

Shutting down the foreign operations of U.S. tire companies would not add jobs in Akron or the U.S. On the contrary, the effect would be to eliminate U.S. jobs provided by the shipment of U.S. tires, raw materials, and machinery to foreign subsidiaries of U.S. tire companies.

Shutting down foreign operations would eliminate earnings from abroad which help to pay for plant and machinery built in the U.S. which make jobs here. Earnings from abroad also help the U.S. balance of payments and help pay U.S. taxes.

U.S. companies were forced to import some tires due to U.S. capacity shortages in 1968, '69 and particularly 1970 when work stoppages drastically curtailed U.S. productive ability.

Employment and income lost in the rubber industry in 1970 were not due to imports, but to other reasons with which Mr. Bommarito is completely familiar.

Mr. Bommarito also claims jobs are lost by export of technology.

The flow of technology is a two-way street. The argument that we would not have an import problem if American companies had not shown foreigners how to design and make products ignores the fact that the U.S. has no monopoly on invention.

The latest year for which data are available, shows that more patent applications were filed in Japan than in the U.S. Japan, Germany, France, and England together recorded several times the number of patent applications that were filed in the U. S.

The main synthetic rubbers used in the tire industry—SBR, polybutadiene, and polyisoprene rubber—are all based on German patents.

Polyester cord is based on the English invention of Polyester. Polyurethane materials were invented in Germany. The radial tire was invented in France.

If technology transfer were to stop, the U.S. might lose more jobs than it gains.

It is interesting to note that Japan accounts for the largest increase in tire imports, yet Japan happens to be the one major country where no American tire company has been allowed to own and operate a plant.

A minority share in Japanese-controlled companies is the only means for U.S. firms to participate in those markets. U.S. firms have no control of these Japanese companies.

Japanese ability to penetrate foreign markets is based on their rapidly improving productivity. In the most recent five years for which data are available, Japan had the highest annual productivity growth of all the major countries. The U.S. had the lowest.

Attempting to blame the international operations of U.S. tire companies for imports ignores the statistics, and glosses over the real reasons why the import of tires and other products from foreign producers have been growing.

The real answer to the import problem is for business, labor and government to work together, as they do in other countries, to accomplish those things which will make our products better able to compete in the world market.

Among those things which business, labor and government between them must do are:

Keep developing new and better products.

Insist on the highest quality design and workmanship.

Keep our facilities modern and efficient with the help of investment.

Operate our facilities in the highest feasible rate of utilization.

Keep costs down by avoiding waste of manpower and materials.

Market skillfully and efficiently.

Maintain trade, tax and monetary policies that do not put U.S. labor and industry at a competitive disadvantage.

Cooperation—not confrontation—is the way to keep our productivity high and our economy strong.

BECAUSE JAMES V. EDMUNDSON EARNED THE RANK OF EAGLE SCOUT

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BELL. Mr. Speaker, the Boy Scouts of America is an organization that deserves frequent commendation for the goals and philosophy it represents and furthers.

We all recognize the accomplishments signified by receipt of the rank of Eagle Scout.

Less often noted, however, is the award of Distinguished Eagle Scout, an honor conferred upon members of the "older generation," if I may use that phrase, for continued outstanding service to the Boy Scouts and to the Nation.

This rank was awarded Lt. Gen. James V. Edmundson, USAF, Deputy Chief, U.S. Strike Command, at the 1971 Annual Recognition Dinner of the Crescent Bay Area Council, Boy Scouts of America.

As an added tribute to General Edmundson's fine record, I submit the text of the citation he received:

BECAUSE JAMES V. EDMUNDSON EARNED THE RANK OF EAGLE SCOUT

As a member of the Boy Scouts of America more than twenty-five years ago on April 4, 1929, and

Because as an Eagle Scout he has continued to serve his God, Country and fellow men following the principles of the Scout Oath and Law, and

Because he has achieved distinction through service to Scouting as troop committeeman, ship committeeman, local council executive board member and vice-president, district vice-chairman, and council commissioner, and

Beause he has given distinguished service to his Nation as U.S. Air Force Lieutenant General, Deputy Commander in Chief, U.S. Strike Command; veteran of 107 combat missions during World War II, including one in which he was credited with one of the first sinkings of an enemy's submarine, and of 32 combat missions during the Korean conflict; holder of many command positions during more than 33 years as an Air Force officer, and recipient of the Distinguished Service Medal, Silver Star, Legion of Merit and two Oak Leaf clusters, Distinguished Flying Cross with six Oak Leaf clusters, Bronze Star, Air Medal and seven Oak Leaf clusters, and the Purple Heart;

Because of these and other achievements and the desire of the Boy Scouts of America, upon the nomination of his local council and the recommendation of a committee of Distinguished Eagle Scouts to the National Court of Honor, acting on behalf of the Executive Board of the Boy Scouts of America, the Honor and Rank of Distinguished Eagle Scout are awarded to and conferred upon him.

In testimony whereof, the Boy Scouts of America has caused these presents to be signed by its Officers and its Corporate Seal to be hereto affixed.

LADY FLEMING'S ORDEAL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. EDWARDS of California. Mr. Speaker, the saga of Lady Amalia Fleming is still being written, but that portion of the saga dealing with her ordeal at the hands of the present Greek Government is now being told and very well by Lady Fleming herself. I commend to my colleagues the following articles which I am inserting in the RECORD and which they may not have been able to see:

[From the Manchester Guardian, Nov. 20, 1971]

WHY GREECE EXPELLED LADY FLEMING

(By David Tonge)

If the Greek regime were less clumsy, people would soon forget how much it depends on martial law, fear, and propaganda. Only the occasional affair, such as the ordeal of Lady Fleming, brings this out.

The regime has never behaved more reprehensibly than today, when it took her from her flat, stripped her of Greek nationality, and deported her. In doing this the regime was directly endangering her health. Apart from the complications which led to her release from prison, on Friday she had trouble with her heart. Her doctor ordered her not to go out.

But visitors to her flat this morning found only one plainclothes policeman who resorted to violence when one tried to enter. The regime had chosen to act today—the one day when Greek newspapers are not working—and to send her abroad, in spite of her total lack of means of support.

She receives virtually no income apart from that from a flat which she lets in Athens. In 1955 she was offered a pension but refused.

Today's developments are the latest, but not the last that can be expected. Lady Fleming's lawyer, Mr. George Mangakis intends to appeal to the Council of State over the decree used to justify her expulsion. The application of this decree is becoming monotonously frequent as the regime strives to produce a totally orthodox, featureless society.

Friends had advised Lady Fleming to drop her British nationality, so as to fall outside the scope of the decree. She had refused this, thinking such a move would be misunderstood abroad and used as propaganda here. The regime had already tried to float the rumour that she had become a collaborator.

More significant will be the way her name will probably be used in the trial of the 17 former Deputies, lawyers, and other leading Athenians who remain from the 100 Centrists arrested a year ago. The military police, for all the time that has passed, and for all the torture alleged to have been used, have failed to produce evidence for a detailed indictment.

But, through persistently trying to link Lady Fleming with this group, they have put themselves in the position of not being able to hold a trial without involving her, but also of not having rigged sufficient to inculpate her. Now that she is abroad, this difficulty hardly arises, and the blame, if any, can be shifted to her.

This, more than anything she may have said since her release, is thought to explain the eagerness to deport her and to incur the inevitable international criticism. The British Embassy, which has been keen to foster relations with the colonels, was not even informed of the deportation. The conspiracy charges never disturbed Lady Fleming in the way the idea of separation from her country did—even, if, as she has said, Greece was becoming degraded by a small group of torturers.

The whole episode could hardly be more unfortunate for her, not least because the plans to free Alexander Panagoulis, the soldier sentenced to death, nearly succeeded. Even after the plans became known the regime had no idea Lady Fleming was involved. They may have claimed that their 13-hour interrogation, four days before the attempt was aimed at warning her against it. But the fact is that they discovered her connection with the plan only after arresting four others.

But in attempting to justify the deportation the regime alleges a series of vague "anti-national" activities which Lady Fleming is supposed recently to have undertaken. The more specific of these activities is the giving to the Guardian of a letter explaining her reasons for involving herself in the escape attempts. This letter alleged that Panagoulis had been ill-treated in beastly fashion for over three years, and had suffered "appalling tortures" during questioning.

The letter added: "A cement tomb without window was specially built for him at the military camp of Boyati and there he has been detained.

"If the sacrifice of my own happiness, health, and freedom can help, even to the slightest extent, a human being who has been so unfortunate, I will be satisfied."

The regime describes this letter as anti-Hellenic. Its failure to investigate the claims in it implies that its particular sensitivity may be because the truth is equally anti-Hellenic. Certainly, as it stands, the only thing justified by this letter seems Lady Fleming's action, not the Government deportation.

Now Lady Fleming faces her most severe challenge. During the war-time occupation, she ran a network which saved many Allied soldiers from imprisonment. Under the present regime she has been accused of similar activities.

Her courage has never been in doubt. What now has to be seen is how she will adapt herself to deportation, the latest example of how the regime treats opponents, even if their only crime has been to concern themselves with the continuation of excesses which led to Greece's being forced out of the Council of Europe.

As for the British Government, what can it do? Its impotence in influencing the Greek

Government has been shown by its ignorance of today's events.

DEMOCRATS IN EXILE

In the end the presence of a sick, elderly, but courageous woman has proved too much for Mr. Papadopoulos. He has taken Lady Fleming's Greek nationality away, had her dragged against doctor's orders to an airport at dawn, and put on a plane leaving the country. The manner of her going has been clumsy, intolerant, and abrupt. Angered presumably that on health grounds the Greek court decided to release her from prison and suspend her sentence, Mr. Papadopoulos had to have his revenge some other way. Her popularity in Athens was too embarrassing for him.

The one thing Lady Fleming did not want to do was leave the country. During the Axis occupation of Greece she defended democracy vigorously and joined the underground. Thirty years later, a much less healthy woman, she fought against a second military occupation. This time she tried to free Alexander Panagoulis from the torture he was undergoing. She did not condone his attempted assassination of Mr. Papadopoulos, but said she wanted to see him escape for humanitarian reasons. He had suffered enough.

The plot failed, and she was sentenced to 18 months in prison. There seems little doubt that her health has become worse since she was put in prison. Her release on medical grounds may have helped her towards recovery, but she was told not to travel. The warning was unnecessary. She preferred to stay in Greece. But with that warped outlook which says that all opposition is by definition unpatriotic Mr. Papadopoulos has now hustled her out. The long line of Greek democrats in exile becomes a little longer. The place they leave behind becomes less Greek.

[From the Washington Post, Nov. 30, 1971]

LADY AMALIA FLEMING: ANGRY EXILE

(By Henry Allen)

Lady Amalia Vourekas Fleming wore black, like most 59-year-old Greek widows. Sipping the dark, sugary concoction Greeks call Turkish coffee but claim as a national drink, she vowed she is not "a political person," and, like a lot of Greeks, she talked mostly politics, her angry fists floating out from her chest to flare into pleading fingers.

"I have a morbid love of Greece," she said on Sunday afternoon in a living room in Northwest Washington. "To be born a Greek is an incurable disease."

Lady Fleming has been in exile since Greece's military-backed government deported her to London on Nov. 14. She flew into Washington Saturday to meet Mrs. Andreas Papandreou, wife of the Toronto-based leader of exiled Greek opposition. She was scheduled to talk with various senators and representatives about U.S. support of the regime.

Both the Senate and House have passed foreign aid bills banning future aid to the Greek government, except in case of overriding national security reasons.

"It was a real kidnapping," she said of her deportation. "It was the greatest blow they would give me and they did. I would return even if only to go back to prison. Gladly. They'll pay for this. When I speak, people will believe me.

Lady Fleming is the widow of Sir Alexander Fleming, Scottish discoverer of penicillin. During World War II, she was jailed for partisan activities. In September, she pleaded not guilty to a charge of conspiring to aid the prison escape of Alexander Panagoulis, who is serving a life sentence for attempting, in August, 1968, to blow up the car of Premier George Papadopoulos.

This September she was convicted, sentenced to 16 months in prison, and released the next month for treatment of diabetes, chronic abdominal ailments and a suspected heart condition. On Nov. 14, she was taken without warning from her apartment, she said, jammed into a car with five policemen, and hustled, Balkan-intrigue style, to the airport.

"As to why, I'm not very clear," she said. "When I was released from prison the foreign press paid a lot of attention. People came up to me on the street to give me flowers, to congratulate me. Maybe the congratulations annoyed the junta.

"At the airport I said to them, 'Abroad I can talk, you know, and of course I will.' But they are backward, unintellgent men. They are not a government, not even a dictorship. They are just a group of dishonest people. They are not Greece. But my offer stands to return to prison."

In 1967, shortly before a scheduled election in which the party of George Papandreou and his son Andreas was said to be a favorite, a junta of colonels seized power. Later in the year, they squashed a countercoup led by the now-exiled King Constantine.

Severe but nervous, with a man's wristwatch that seemed an accent of her former career as a bacteriologist, Lady Fleming repeated the charges of torture, betrayals and incompetence that other highly publicized exiles, such as Melina Mercouri, have made.

"I was not tortured, like others around me, but it was an ordeal. Because of my physical condition I must have water, constantly. The police wouldn't give me any for 20 hours. I was passing pure blood. The lights stayed on all night in my cell, and constant banging on the door. They threatened to pull my nails out, which I did not believe, and they threatened to torture others, in front of me, which I did believe. I don't know what I would do if they pulled my nails out."

She repeated with ferocious pride her plea of not guilty to charges of conspiring to help Panagoulis escape, and lambasted the junta for claiming it had caught her at the scene when actually they picked her up in the garage next to her apartment building in Kolonaki, a fashionable part of Athens.

But she admitted with equally ferocious pride that she had asked one of the four people convicted with her to help in stationing a getaway car outside Panagoulis' prison.

The trial was marked by her statement that she indeed wished Panagoulis free, and was prepared to offer him a hiding place.

"When he escaped once before, the junta put a huge price on his head. One of his relatives betrayed him. It was a shame on the Greek nation," she said on Sunday. "A shame. The night of his betrayal I was in a nightclub in Athens and I said to a friend, 'Look at these fools, out celebrating on a night of shame for this country. Of course, I was there too, but I felt differently. It doesn't help to stay home and cry."

Asked about the fact that approximately 10 military governments have ruled Greece in this century, Lady Fleming said she thought the number was less than 10, and added that "they lasted very little time because they had no foreign support. If this one stays, it's because of American support. If we have a civil war, will it be the fault of the Greek people?"

Warming up, Lady Fleming strode around the living room flicking her fingers along a string of worry beads while Greek friends listened, and a very grave young girl kept watch over the tape recorder that was taking everything down.

Despite her references to the government's possible staying power, indignation stopped Lady Fleming in mid-stride when she was asked what she predicted if the regime lasted another 10 years.

"Ten years, what are you saying? Months! Months! The junta is defeated now. It has totally failed to win the support of the people."

People ask her, of course, why she doesn't want to live near her friends in London, where she lived from 1946 to 1968 as student, wife, and then widow of Fleming, who died in 1955. Abroad, it would seem, she could work more effectively against the government. Her answer, she says, is: "I am a Greek."

[From the San Jose Mercury, Dec. 7, 1971]

EXPATRIATED MARTYR FIGHTS FOR DEMOCRACY IN GREECE

(By Ed Zuckerman)

WASHINGTON.—She is the newest of the expatriated martyrs, a Greek freedom fighter whose main weapons are words and an inbred determination to see her homeland returned to democracy.

She is Lady Amalia Vourekas Fleming, known throughout the world as the 59-year-old widow of Sir Alexander Fleming, the Scottish discoverer of penicillin who received the 1945 Nobel Peace Prize for Medicine.

She is also a symbol of civilian resistance against the Greek colonels who wrested control of the Mediterranean nation 4½ years ago.

After being held a political captive of the military regime for 31 days, she was temporarily released from a 16-month sentence for reasons of poor health. Three weeks ago, she was kidnapped from her suburban Athens apartment and forced onto a London-bound plane without a penny and with only a single, quickly packed suitcase.

"I'm a Greek to start with," Lady Fleming began in an interview. "They have taken my nationality away but no one can stop me from being Greek, no one in the world."

She came here to urge defeat of foreign aid legislation that keeps the door open to future financial and military assistance to the junta rulers. After a few days, the marathon of discussions with lawmakers had claimed their toll. She frequently sipped from a glass of water, trying to soothe a dry throat, but it could not halt the coughing that kept interrupting her remarks.

(Congress has taken a partial step to cut off aid to Greece, approving a ban which could be restored if the President determines that continuing aid is in the interest of national security. It was part of the foreign aid bill that was voted down by the Senate. While the Senate is rewriting the bill, efforts are in progress to strip the President's provisional authority from the final version.)

"Unless America stops helping the junta financially and militarily, its not the Greek people they're helping," the exiled matriarch said. "We must emphasize that the Greek nation, the Greek people and Greece are one thing—the junta is another."

The military leaders have drawn strength from U.S. aid in terms of seeking popular support in the country.

She repeated the typical argument which was implored to her while in prison by Major Theophiloyannikas (whom she described as "one of the great torturers" and whose name, incidentally, translates as "God-loving Little John").

"Who do you think you are fighting, us?" he questioned. "You are fighting America. We are America. America is behind us, this is our strength."

She accused the junta of exploiting U.S. aid in that fashion "and making the Greek people resent and hate Americans" in the process.

Lady Fleming lived in London from 1946 to 1967—first as a microbiology student, then as wife and later as widow of Sir Alexander who died in 1955.

Her return to Greece was five weeks before the palace guard revolt. The coup came shortly before a scheduled election in which the political party of Premier George Papandreou was heavily favored. His son, Andreas, regarded as the leader of the exiled opposition, was jailed by the junta in 1967 on treason charges but was released and is now living in Toronto.

"I took it as sort of a personal insult that as soon as I settled in Greece we would have a coup," Lady Fleming mused. "From the first moment, I considered it a shame to have a dictatorship for a free people. We like to have elections and democracy and parliament. It is not the absolute, perfect thing in the world but certainly it is the next best thing."

The Greeks, she continued, have always kept faith the principles of democracy.

"That is why, during World War II, we fought with the Western people against fascism. We fought with all our power. We had 14,000 villages destroyed, one-tenth of the population killed and we went through immeasurable miseries.

"So I don't see why, in the middle of the blue skies, we would have these dictators who are—unfortunately, now that we know them and based on my own experience—dishonest, lying on their word of honor as soldiers with the greatest facility, torturers, keeping us down through oppression," she said.

Lady Fleming was an early, outspoken critic of the junta which had quietly inflicted a reign of terror on the country's political and intellectual leaders.

"I knew that in all the suburbs of Athens they arrested 10 or 15 people every day, just like that. They beat them for five or six days and then threw them out with broken ribs and arms and ordered them not to go to a doctor. Some came to me so I knew what was happening from the beginning," she said.

Earlier this year, she was arrested on charges of conspiring to aid the prison escape of Alexander Panagoulis, a man whom she has never met. Panagoulis was sentenced to death for his 1968 attempt to dynamite the car of Premier George Papadopoulis. Panagoulis had escaped once before, aided by a sympathetic prison guard, but was recaptured when a relative provided information for reward money.

When Panagoulis sought through friends to arrange a second escape. Lady Fleming learned of his wishes to have a car parked outside the prison and a driver to take him to a hiding place.

"I wish him to be free because this man was tortured tremendously for three years, on and off, whenever they liked. He's just a slave. He lives in a cement tomb and all his letters which have been smuggled out have been printed in the Congressional Record," she said.

Lady Fleming couldn't participate in the escape plot for several reasons. She had been interrogated a few days earlier concerning some imprisoned friends and felt she was under surveillance. And, "at my age and not being well, I don't see myself with a gun and a car outside the camp."

She asked a 24-year-old American to wait for Panagoulis in the event he was able to get outside the prison. But, police had earlier uncovered the plot through a guard's confession and they were waiting to arrest whoever was waiting. When arrested, the American implicated Lady Fleming.

"At my trial, I said if I could be there, I would be there . . . if I could put Panagoulis in my car, I would . . . and I described his tortures which they didn't want to hear. I was sentenced because I admitted helping—financially and with food and clothing—families of political enemies. And this is also a crime," she said.

On the third day of her incarceration, she refused an opportunity to secure her freedom by relinquishing her claim to Greek nationality and departing for England. Her captors feared she would invoke her status of British nobility to gain release.

"I won't ask for protection from the British government," she told them. "You have a Greek woman here and I will stay."

But her health rapidly deteriorated. "There is a very nice law which says if you are very low, you get suspension of sentence, you get well and you come back to resume your sentence," she said. Ten doctors examined her and all said she was not physically fit to remain in detention.

On Nov. 14, six plainclothesmen and a woman came to her apartment and, using the pretext they were taking her to police headquarters, drove her to the airport.

"The last minute at the airport I offered to return to prison . . . to say that now I'm well and ready to resume my sentence," she said. "It didn't work."

Lady Fleming was forced to end the interview to keep another appointment. She found her mission displeasing, she said.

"I don't care about politics," she explained. "But I care about people being tortured and about human dignity and rights. They have crushed all that. They are uneducated and narrow-minded and they are trying to push us back to the Black Age."

Asked who "they" were, she responded: "They is them . . . and we are Greece."

EMOTIONALLY DISTURBED CHILD

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HARRINGTON. Mr. Speaker, in my district, several agencies have been laboring with insufficient funds, an overburdened staff, and little public awareness to fight the problems facing emotionally disturbed children. An unfortunate and unnecessary stigma still persists for the parents of these children. As Dr. Philip D. Cutter, of the Cape Ann Children and Family Center notes in an article by Judith Castle in the Amesbury News, less than 10 percent of the children who need psychological help receive it.

In testimony prepared for the Ways and Means Committee, I argued that it is important to realize the emotionally disturbed person is no less worthy of protection under the various health insurance proposals than are people with broken legs.

This is the year of the child in Massachusetts, but there are too many children who are unable to enjoy even the simplest pleasures of childhood. These children are retarded or autistic or suffering from any number of other emotional problems. The time has come for Congress to face its commitment and help these children. At this time, I insert the Amesbury News article into the RECORD.

[From the Amesbury (Mass.) News,
Dec. 9, 1971]

EMOTIONALLY DISTURBED CHILD

(By Judith Castle)

If a child has a bad cold or a broken leg, most parents wouldn't hesitate to take him to a doctor. But if he's running his parents ragged at home, picking fights with other children, and sassing his teachers many parents don't know quite what to do and just hope he'll grow out of it.

Temper tantrums, answering back, picking fights may, however, according to child guidance experts, be as much a symptom that something is wrong as a fever or a runny nose.

"The emotionally disturbed child is in a pretty tough situation," said Ralph H. Golding, 54, executive director of the Mental Health Association of the North Shore with offices at 1 Cambridge street, Salem. "He's helpless. He gives signs of asking for help though it may not seem that way. He's loud, he's disruptive, but no one hears him."

For many families, taking the child to a child guidance clinic, to a psychologist or a psychiatrist carries a stigma. A physical illness is okay. A mental disturbance is still something many people feel slightly ashamed about.

10 PERCENT GET HELP

According to Dr. Philip D. Cutter, 35, director of the Cape Ann Children and Family Center, located at the Addison Gilbert Hospital in Gloucester, a report made by the Joint Commission on Mental Health stated that less than 10 percent of the children who need some kind of psychological help get it.

"I don't think it's that bad on the North Shore but there are many kids that could use some kind of intervention that don't get it," said Dr. Cutter.

The North Shore Guidance Center, for which the Mental Health Association of the North Shore is currently the administrative arm, and the Cape Ann Center are the only two state-supported child guidance facilities for the North Shore.

The Cape Ann Center serves Beverly, Hamilton, Wenham, Ipswich, Manchester, Gloucester, Essex and Rockport. With a staff of four state-supported people plus some part-time help, the Center "is expected to provide comprehensive child services to a population of 110,000 which borders on being ludicrous," said Dr. Cutter.

The North Shore Guidance Center also feels the pressure of too few staff and too little money with six full-time staff members to serve Peabody, Salem, Marblehead, Topsfield, Middleton, Boxford and Danvers.

PRIVATE CARE COSTLY

The alternative for North Shore families is private care which, according to Dr. Mary LaBella, a child psychologist at the North Shore Guidance Center, costs anywhere from $20 to $60 for children per session.

Services are free at the state-supported clinics for families who can't afford to pay anything. For others there's a sliding fee scale which takes into account the size of the family and income.

What kinds of children come to the clinics and what can the clinics do to help?

Dr. LaBella cited the hypothetical case of a boy whose mother had had very bad experiences with men. Her husband was very abusive and aggressive. The mother was afraid that her son would grow up to be like his father and, though not openly hostile, she transmitted these feelings to her son "non-verbally." Her son, whose self-esteem was hurt because his mother didn't think much of him, had fantasies about being very destructive and fought a lot.

TUTORING THERAPY ARRANGED

The clinic in such a case might try to get tutoring for the child to help him with his academic work and would probably see the child both by himself and with his family for therapy.

Another couple brought their 10-year old son to the Cape Ann center because he wasn't doing well in school, was getting into a lot of fights, and spending a lot of time in the principal's office.

Mr. Cutter found the parents disagreed on how their son should be brought up. The father believed in the frequent use of discipline, the mother tended to be more permissive.

"As a result the boy was never quite clear as to whether what he was doing was right or wrong, or whether he would be rewarded or punished for what he did," Dr. Cutter said.

Short-term therapy was arranged for the boy to help him deal with some of his feelings of helplessness and worthlessness, as well as tutoring to help him with his school work. A conference was held with the teacher and the principal to discuss with them ways of helping the boy. The parents were seen jointly by a therapist who tried to help them work out a more consistent pattern of dealing with the child.

MORE BOYS THAN GIRLS

According to Dr. Cutter, the Cape Ann Center sees far more boys than girls. Below the age of 13, the ratio tends to be about five to one, Dr. Cutter said.

"It's a well known statistic, but I'm not sure why it is so," said Dr. Cutter "Some people postulate that the different stages of development are more complicated for a boy. Then there are a number of our cases where the father is not active in the family. And also kids often get referred to us when they make trouble. When boys have problems they tend to cause trouble at school and at home. Girls tend to get anxious, depressed and withdrawn."

A number of depressed adolescent girls have been to the clinic, however, among them a 13-year old who'd stayed at home for three days with a great deal of crying and tears. She said she couldn't stand going back to school and "expressed considerable guilt about some rather innocent kinds of adolescent activities," Dr. Cutter said. The mother had had a number of unwanted pregnancies and was disturbed by her daughter's developing sexuality.

In this case, mother and daughter were seen jointly in an attempt to help them deal with the situation.

PARENTS ANXIOUS TO HELP

Dr. LaBella said that most parents are willing to try to make changes to help their child "if they see someone is around to support them."

"Often just the fact that parents come in here makes a young person feel his parents do care about him," Dr. LaBella said. "Occasionally we do get a parent who just doesn't believe in psychiatry or who have such insurmountable problems themselves, it's unrealistic to ask anything else of them.

"We had one mother with 11 children and the father was making $90 a week. We're talking about building up her child's self-esteem and she's worrying about where the next meal is coming from."

Dr. LaBella said that the North Shore Guidance Center has worked with North Shore Community Action Programs to try and prove a family's day-to-day living.

"It's a rarity to find a parent that's not trying to do the best job they can," said Mr. Golding. "If they're doing something wrong, it's usually unconscious."

For the family that brings their child to the Cape Ann Center, the first thing that happens is a "diagnostic evaluation" of the child. Dr. Cutter explained that this enables the staff to "assess the severity of the disturbance" and to work out what will be the best kind of treatment.

The treatment may include one or more of several alternatives—case work with the parents, group therapy for the parents, marital counseling, individual or group psychotherapy for the child, or a change in the child's situation, such as moving him to another school. Staff at the center may also talk to the school adjustment counselor and the teacher, may suggest a tutor or that the child join anything from the Boy Scouts to an athletic program.

A similar procedure is followed at the North Shore Guidance Center.

EMPHASIS ON PREVENTION

Both the North Shore Guidance Center and the Cape Ann Children's and Family Center believe that prevention and early diagnosis of emotional disturbance is half the battle. They spend about 50 percent of their time working with people in the community who spend a lot of time with children—guidance and administrative personnel in the schools, clergy, welfare workers, physicians and people who work in the courts.

Dr. LaBella would like to see more programs for emotionally disturbed children in every school system. The small towns, she suggests, could cooperate with other communities to cut down the cost.

She said that some schools believe in providing special classes for emotionally disturbed children, others prefer to provide tutoring and allow the child to go to his usual classes.

"Some of these children may be disruptive which makes it difficult to keep them in their regular class," Dr. LaBella said. "On the other hand, other children may be disruptive and frightening to the emotionally disturbed child."

SMALLER CLASSES HELP

Just the fact of being in a smaller class, usually with a teacher aide as well as a teacher, helps many of these children, Dr. LaBella said, because they require much more attention.

Dr. LaBella also believes a greater number of vocational programs would help children who are not doing well in school "and whose self-esteem really suffers in consequence." She said that at the moment many schools require good grades before a child is accepted for vocational training while many of the children who really need this training have unresolved problems which adversely affects their school work.

"The community could get more involved in providing activities for children in general," said Dr. LaBella, "more recreation, some type of half-way house where teenagers could stay for a couple of days or longer. Children need a rest from their parents sometimes, especially where there are emotional problems."

Dr. Cutter believes that for political and economic reasons the North Shore has been short-changed of its fair share of the Department of Mental Health budget, with a resulting dearth of both public and private services.

MORE PROGRAMS NEEDED

"There's a desperate need for pre-school programs for emotionally disturbed kids. That may take the form of specialized nursery and day care programs for kids between the ages of 3 and 7," Dr. Cutter said.

"Then there are a number of autistic children on the North Shore and it's impossible to find a program for them. Very few get the intensive treatment they need.

"There need to be more programs for the emotionally disturbed kid within the public school systems especially at the junior high and high school level. There need to be programs for kids with multiple handicaps (for example, children who are retarded and emotionally disturbed), and there need to be, especially for the adolescent, an in-patient facility."

Dr. LaBella said that some children are so seriously disturbed that they need treatment 24 hours a day. She also mentioned that to keep some emotionally disturbed children at home may cause even bigger problems—other children in the family may become disturbed or it may lead the parents to divorce.

Both the North Shore Guidance Center and the Cape Ann center have internship programs for students, and both would like to expand the program but are unable to because of a shortage of space.

Salaries of professional staff members at both centers are paid for through the state Department of Mental Health. In addition, the centers receive contributions from the towns they serve. The cost to the towns is 37 cents per capita and Mr. Golding estimates that it cost one community $2.50 per interview for the people in that town.

Contributions from area towns last year were: Boxford, $783; Danvers $5,400; Hamilton, $1,250; Ipswich, $2,400; Middleton, $800; Topsfield, $1,000; and Wenham, $600.

CONTRACT PAROLE REFORM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BINGHAM. Mr. Speaker, everybody is talking about reform of our outdated correctional systems, but little action is taken.

Minnesota seems to be an exception. The following article from the New York Times of Sunday, December 12, 1971, should be pondered by all those who see our jails and prisons today as crime breeders:

CONTRACT YIELDS PAROLE IN MINNESOTA

(By Seth S. King)

STILLWATER, MINN., DEC. 12.—Prisoner X, like most of the inmates at Stillwater Prison, is about 32 years old, white, unskilled, and has a ninth-grade education. He has probably been a burglar and, like 80 per cent of his fellow inmates, he has been convicted at least twice and probably has a drug or an alcohol problem.

All felons in Minnesota except first-degree murderers receive indeterminate sentences, and Prisoner X may be confined at Stillwater for a period of up to 10 years.

In the past, the time Prisoner X spent inside the walls depended on the parole board, which could release him when it decided he should go. Most prisoners are spending about 34 months at Stillwater, situated in eastern Minnesota, 16 miles northeast of St. Paul.

Now, under a new system prepared by the Minnesota Department of Corrections, Prisoner X can automatically walk out at the end of whatever time it takes him to fulfill the terms of a contract he has signed with prison officials. He may commit himself in the contract to completing courses for a high school diploma while he spends a year or two completing a keypunch apprenticeship course.

He would agree to spend a specific number of hours in group therapy sessions as well as undertake to demonstrate his ability to discipline himself and observe prison work and living rules.

If he had any record of violence, he would have to agree to prove exceptionally good behavior during the contract period. He might also have to commit himself to participate in Alcoholics Anonymous or drug therapy meetings and, if he is married, to complete a 12-week marriage-relations course at the prison.

It may take Prisoner X two or three years or longer to meet the provisions of his contract; or he might speed up his work and fulfill them sooner. The amount of time he spends completing his agreed obligations will not be a factor in securing his release.

David Fogel, Minnesota's new Commissioner of Corrections, believes this is the first time that such a formal contract system has been tried anywhere in the United States with adult prisoners.

"It's no panacea and it may not work at all with the type of repeated offender for whom prison is a permanent life style," he said. "But it can give two highly desirable results—it may reduce some of the caprice in parole decisions and it should give an inmate a sense of purpose and some hope."

Minnesota already has an extensive probation and release system. While the rate of reported crimes has not declined, only 19 per cent of those convicted of felonies are now sent to prison.

The total inmate population of 839 at Stillwater Prison and 570 at the St. Cloud Reformatory, Minnesota's two maximum-security institutions, is about half what it was 10 years ago.

Both prisons are comparatively well equipped and neither is crowded. Less than 20 per cent at either institution are black. While there have been racial tensions at both, they have been minor compared with those in prisons in New York, Illinois, California and Michigan.

But neary half the prisoners who serve sentences at Stillwater or St. Cloud commit new crimes once they are released and are soon back in aagin.

"It's obvious that what we're doing now hasn't been very successful in correcting them," said Charles Gadbois, assistant superintendent for training and treatment at St. Cloud, which is in central Minnesota, about 60 miles northwest of Minneapolis.

"And today we're getting a new type of prisoner everywhere," he went on. "The old cons used to come to do their time and try to get themselves back into society. Today prisoners come in bitter and alienated, believing it's society and not them that's to blame. They're really an immature generation. But many of them, underneath, want to be somebody, to do something and see an effect. Fulfilling a contract could be the way to do that."

CONTRACTS OPTIONAL

Only those prisoners who want to sign contracts will be offered them, Mr. Gadbois said, adding that it was possible that an inmate might spend more time in prison fulfilling a contract than the parole board would require of him without it.

"The inmate code requires them to do everything to con their way out, and some of them may think they can use the contract to do that," he said. "We're saying fine, because the game is going to be rigged so that, if they play it, they'll come out of prison less likely to commit a crime again."

"The key," he said, "is the obvious one of drawing a contract that will require a prisoner to do the things that will result in behavioral changes—changes that will keep him from committing that same crime again. We have been able to diagnose the causes of his behavior. It's the therapy and treatment that have failed."

SGT. THOMAS FIKE, OF MARYLAND, KILLED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. LONG of Maryland. Mr. Speaker, a fine young man from Maryland, Sgt. Thomas Fike, was recently killed in action in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

FRIENDSVILLE MAN DIES IN BATTLE

Sgt. Thomas Fike, son of Mr. and Mrs. Emerson T. Fike, of Friendsville, Garrett county, was killed in a helicopter crash in Vietnam December 4 the Department of Defense reported yesterday.

The 23-year-old aerial gunner was attached to the 101st Airborne Division, and was shot down by ground fire during a mission, the Army said.

Sergeant Fike, who was to have been discharged after a 4-year tour of duty in January, had been expected home for Christmas.

A 1966 graduate of Northern Junior-Senior High School in Accident, Md. (the small Friendsville community of nearly 600 residents has no high school), Sergeant Fike enlisted in the Army at Fort Holabird. He had been in that area as a construction worker and decided to enlist, the member of the family said.

Besides his parents, his survivors include four sisters, Jolene, Kathy, Nancy and Laura Fike, and three brothers, Lynn Allen, Kenneth and Daniel Fike, all of Friendsville.

A LOOK AT THE TAX CHECKOFF

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HARRINGTON. Mr. Speaker, admitting some minor problems to the tax checkoff system, the maneuverings chronicled by Washington Post reporter Don Oberdorfer reveal several weaknesses in our political system.

The presidential elections require vast sums of money to pay for television advertising, transportation, a publishing operation which dwarfs many daily newspapers in sheer bulk and staffing. And that may only be the tip of the iceberg. To pay for that, businesses and major contributors are called upon to donate. Some, to hedge their bets, contribute to both the Democratic and the Republican candidate.

But what about the vast majority of the American people who are unable to contribute? This checkoff system would have made their voice louder by diminishing the role of the major contributor, and for that reason was welcomed. The checkoff system would have permitted candidates to run without worrying about the extent of their debt after election or defeat. Money tends to flow to the party in power, a situation which demands that candidates from the opposition must either be wealthy themselves or possess enough wealthy friends to rectify the situation. Already one candidate has had to withdraw from the presidential election because of the tremendous financial burden imposed on anyone who wishes to run seriously.

Congressional leadership during the checkoff debate was unable to sustain the support which would have corrected the imbalance existing between the two parties. As a Democrat, I naturally am in the position of believing the party has been under considerable strain because of its financial difficulty. But if there were still a Democrat in the White House, I would push for reform in campaign spending and funding.

The need for a fair and equitable method to finance our national campaigns is vital and should not have been put off. At this time, I wish to insert the Post article into the RECORD:

POLITICAL POKER WITH A $1 BILL—CHECKOFF BATTLE FOUGHT FOR HIGHEST STAKES

(By Don Oberdorfer)

It was after 8 p.m. on Nov. 15 and the end of a long and busy day in the U.S. Senate. Eleven votes had been taken that day on amendments to President Nixon's highest priority legislation—the tax cut bill—and the chamber was deserted except for a handful of senators, some clerks and two or three newsmen preparing to go home.

Democratic whip (or assistant floor leader), Robert Byrd of West Virginia, standing near the front of the chamber and holding a sheaf of papers in his hand, called for unanimous consent to limit Senate debate in the days ahead on five additional tax amendments. The last of the five was described only as "an amendment which may be identified as the tax deduction for political contributions amendment, to be offered by Mr. (Alan) Cranston (of California) for himself and others, or by others."

Sen. Robert Griffin, Byrd's counterpart on the other side of the aisle, was charged with protecting the interests of Republicans after the rest had gone home or off to dinner. Griffin had heard nothing of such a "political contributions amendment," but some instinct told him to be cautious. Before agreeing to the debate limitation of six hours on the Cranston plan, he made certain that any change in it which might be proposed would be entitled to an additional hour of consideration—thus giving Republicans time to stall should the need arise.

This brief transaction seemed utterly routine but it was not. In fact, the "Cranston" amendment turned out to be the $1 tax checkoff plan to allot up to $20.4 million in public funds to each major party's presidential candidate, a drive conceived in lengthy private conferences over many months by the Democratic leaders of Congress.

The Byrd-Griffin agreement on limiting debate was the curtain raiser on 17 days of intense maneuvering involving the most powerful politicians in both parties, pitting President Nixon and his supporters against the Democrats who would supplant him in the White House, pitting titans of labor against titans of industry.

This "poker" game was played for the very highest stakes: The 1972 presidential election, the fate of the nation's economy, the future of the financial underpinnings of the American political system. Before the battle ended—in defeat for the Democrats—President Nixon had mobilized members of his Cabinet as lobbyists for his cause, agents of Attorney General John N. Mitchell and Democratic Party Chairman Lawrence F. O'Brien had moved into competing offices in the Capitol, and the Republicans offered, in vain, to finance $19 million worth of political broadcast time with general funds of the U.S. Treasury in 1972.

Bits and pieces of this drama have come to light piece meal, and some others are still disputed or obscure. But most of the story can now be obtained from the infighters and outriders in the opposing camps. Seen in the round—from both sides of the battle lines—the history of maneuver and countermove in the tax checkoff battle is an extraordinary case study in big time politics, circa 1971.

It is also a damning chapter in the continuing inability of the American political system to deal effectively with its Achilles' heel—the insistent need for ever-larger sums of money to finance campaigns for high office.

Back in 1966, Sen. Russell Long (D-La.) conceived and put through Congress a plan to finance presidential campaigns by a tax checkoff plan. Each taxpayer would be able to say on his annual return whether he wished $1 of his tax to go for this purpose. In election years, the Long plan would have provided $30 million or more to the Presidential war chests of the major parties, thus freeing the candidates from the rigors of fund raising.

The Long plan was signed into law by President Johnson, but before it could take effect its implementation was blocked by another act of Congress. The anti-checkoff drive led by Sen. Robert Kennedy (D-N.Y.), who feared that public financing would give too much power to the incumbent President.

In the spring of 1971, Sen. Long had a visit from Andrew Biemiller, chief Capitol lobbyist of the AFL–CIO, who suggested that the checkoff proposal be resurrected. With the Democratic Party still $9 million in debt from 1968 and facing a well-helped Republican President in 1972, the urgency of some new financing mechanism was clear.

Long's first step was to confer with Sen. Edward M. Kennedy, the last of the famous brothers, and to obtain his approval on a revised version of the checkoff.

Next, Long took his proposal to Senate and House Democratic leaders, who agreed to add it to a comprehensive package of campaign reforms pending on Capitol Hill. One of those who was party to this agreement, in a June 29 meeting in Speaker Carl Albert's office, was Chairman Wilbur Mills of the tax-writing House Ways and Means Committee.

In a July 19 meeting, senior Democrats agreed to separate the controversial checkoff plan from the other reform proposals (many of which had bipartisan support). Wilbur Mills suggested that checkoff be passed later as an amendment to the Nixon welfare reform bill "or a similarly significant measure" which the President would find it hard to veto.

Meanwhile, Democratic National Chairman O'Brien convened a dinner meeting July 14 with his party's leading presidential contenders and Congressional leaders. Late in the meeting, O'Brien suggested the checkoff as the solution to the growing problem of presidential campaign finance and, specifically, the extreme financial disadvantage facing the Democrats in 1972.

His checkoff suggestion was immediately endorsed by Senate Democratic Leader Mike Mansfield and Speaker Albert, and all the Democratic Presidential contenders present agreed. Mills, who was present for part of the meeting, had left by this point.

After President Nixon proposed a tax cut to spur the economy as part of his Aug. 15 New Economic Program, Democrats selected the Nixon tax bill as the vehicle for the checkoff amendment to be added in the Senate. Only a handful of leaders, including Mansfield, Albert, Mills, and Long were privy to this strategy.

But after Russell Long spoke enthusiastically about it at a luncheon meeting of Senate Democrats on Nov. 10, the word was out. Three days later, news of the checkoff strategy broke into print on page one of both The Washington Post and The New York Times.

Throughout this gestation period of nearly six months the Senate Republican leaders and the political chiefs in the White House were unaware of the coming birth of the checkoff plan. Even the disclosures in the newspapers of November 13 somehow failed to awaken the GOP.

Late on Monday, Nov. 15, Griffin agreed to the debate limitation on the unseen and unexplained political amendment—without realizing it was the Democratic checkoff plan.

Late the next day, Tuesday, an aide of Senate GOP leader Hugh Scott of Pennsylvania telephoned chief presidential lobbyist Clark MacGregor at the White House to spread the news that the Democrats were trying to resurrect the checkoff, and that this was serious.

Just before the amendment was ready to be unveiled, Russell Long decided he would not sponsor the checkoff; he explained it seemed improper to spring such a surprise as chairman of the Senate Finance Committee. At a meeting Nov. 16 in Mansfield's office, the strategists chose John Pastore of Rhode Island as chief sponsor and floor leader of the amendment.

Pastore is an earthy five-foot-four Italian-American, a scrappy debater and a strong leader. With the help of Herman Talmadge of Georgia to work with the Southern wing of the party, Pastore plunged into the drive to pass the campaign financing amendment.

On Nov. 18 the Democrats won a first test vote, 49 to 46, with no Republican help. Only two Democrats—Sam Ervin and John McClellan—voted against the proposal. Harry Byrd, the Virginia independent, also joined the GOP ranks.

Senate GOP leader Hugh Scott from the beginning was determined that the Republican Party should fight back with every weapon at its command. Scott is a former national chairman of his party, and a canny politician. The first and most obvious weapon was the threat of a presidential veto of the tax bill, and he asked the White House for authority to make strong suggestions of a possible veto ahead.

At 1600 Pennsylvania Avenue, MacGregor briefed Mr. Nixon for the first time on the problem posed by the checkoff. The President did not seem familiar with the situation or with the substance of the proposal, but he was quick to grasp its significance.

MacGregor suggested a statement to be given to Hugh Scott and his deputy, Bob Griffin, for their use on Capitol Hill. Mr. Nixon asked if Attorney General Mitchell, his political manager, had been informed; he had not, but MacGregor agreed to do so.

As composed by MacGregor and cleared by Mitchell, the paper for the senators said: "Sen. Scott and Sen. Griffin have conferred with the President. The President expressed grave concern with the Pastore amendment (the checkoff plan); he feels that it is an irresponsible piece of legislation and if it remains in the bill, the President will necessarily have to consider the prospects of a veto."

On Capitol Hill, Scott took the veto talk to the Senate Press Gallery and the Senate Radio-TV Gallery. Since a chief executive cannot veto a particular item on a bill without rejecting the entire measure, there were grave doubts in the press galleries that the veto threat was anything more than psychological warfare.

It did not seem likely that Mr. Nixon would reject the tax cut bill which he had urgently requested to spur the economy. His re-election chances in 1972 appeared to hang at least as much on the condition of the economy as on his campaign financial advantage over the debt-ridden Democrats.

During the day on Thursday, Scott began stalling for time to concoct a counterstrategy against the Democrats and to bring public opinion to bear against the checkoff. The Senate GOP leader recommended that the White House alert corporate leaders to the peril to the tax cut bill, which included large benefits for business and industry.

The automobile industry, particularly, had a great deal at stake because the tax bill contained the repeal of the 7 per cent auto excise tax. Nearly 3,000,000 new cars had been sold since the new tax plan was announced Aug. 15 and the purchasers expected to receive a tax rebate—averaging $200 per car—when the tax bill passed.

Scott suggested that these citizens should be alerted that the Democratic "treasury grab" (as he called it) and the resulting veto would endanger the auto tax rebates. Scott had visions of Democrats in Congress besieged by protests from angry car buyers.

Scott's device for stalling the final checkoff vote was a seemingly endless series of major and minor amendments to the plan, each of which was entitled to one hour's debate under the agreement reached the first night by Byrd and Griffin. Aides to several Republican senators moved into a corner of Scott's Capitol office down the hall from the Senate chamber. There William Nichols, a Justice Department lawyer dispatched by Mitchell, helped them draw up amendment after amendment to consume time.

One floor below, another outsider was a coordinator of the forces in the procheckoff camp. William B. Welsh, a senior aide to Democratic National Chairman O'Brien, was in and out of the Capitol offices of the Senate Democratic Policy Committee, coordinating the activities of party operatives, labor lobbyists and senatorial aides.

He was also the link to O'Brien's headquarters in the Watergate Office Building.

On Friday morning (Nov. 19) President Nixon was in Key Biscayne, Fla., preparing to address a hostile AFL–CIO convention at Miami Beach. Most of the senior men on the White House staff, however, remained in Washington and they met as usual in the early morning to discuss the problems of the moment.

That morning, one of the major topics was the Democratic drive for public financing of presidential campaigns and someone suggested a White House briefing for the press to get the GOP view into the Sunday papers.

Later in the day Mr. Nixon's chief of staff. H. R. Haldeman, telephoned lobbyist Clark MacGregor with the assignment. Newsmen were summoned to a late afternoon press conference with MacGregor in the office of Herbert G. Klein, Mr. Nixon's director of communications.

Reading from hastily-composed notes, MacGregor gave the GOP reasons for opposing the tax checkoff. He also repeated the language which Scott and Griffin had been using for several days—the checkoff plan is "irresponsible" and if it remained in the tax bill, the President "would necessarily have to consider the prospects of a veto."

Reporters were told that the Friday afternoon MacGregor press conference could not be used until Sunday morning (to keep the story out of the relatively thin but newsy Saturday papers and angle for better news play in the thick and relatively newsless Sunday papers). Newsmen abided by this rule without argument. Despite the fact that the MacGregor statement was an exact replay of the Capitol Hill language, many newspapers made the "veto threat" a big story on Sunday morning.

Shortly after the first test vote on Thursday, Democratic Senators John Stennis and James Eastland of Mississippi let Democratic leaders know they would have to vote against final passage of the checkoff plan (though they could and often did help sustain their party's position in preliminary votes).

With the loss of Stennis and Eastland added to that of Ervin and McClellan, John Pastore had exactly 50 Democrats remaining. There were 49 votes on the other side of the issue. (The remaining vote in the 100-member Senate was that of Republican Karl Mundt, who has had a stroke and does not participate.) Thus the head count was 50 to 49; one more Democratic defection or a single Democratic absentee would kill the checkoff.

Pastore was most concerned about the possible defection of Allen Ellender of Louisiana, an unpredictable individualist, and Everett Jordan of North Carolina, whose colleague Ervin was strongly against the plan. He nervously kept a close watch on both men.

Pastore's other worry was that some of his stalwarts might be absent while the GOP produced all of theirs. The Democratic presidential contenders—Henry Jackson, Hubert Humphrey, George McGovern and Edmund Muskie—all had extensive out-of-town speaking schedules, and all were persuaded to cancel important engagements Friday and Saturday to be available to vote.

Birch Bayh, a presidential contender until recently, insisted on going to Indiana to the funeral of Mike Sperling, one of his important political sponsors. Larry O'Brien thought Bayh's vote might be so important that he authorized use of hard-pressed Democratic Party funds to charter an airplane to speed the senator. (According to Bayh's office, the charter plane was not used.)

The President suddenly cut short his weekend in Florida on Friday afternoon and flew back to Washington under the mysterious circumstances, ostensibly to attend a performance of Cambodian dancers at the John F. Kennedy Center. Political reporters, bemused by this sudden presidential affection for the arts, suspected there was another reason. At 12:15 p.m. Saturday, as he was boarding a helicopter to Camp David, Md., Mr. Nixon received a detailed written report on the checkoff crisis written by William Timmons, deputy chief of the White House lobbying team.

The Timmons report stated that Stennis and Eastland would vote with the administration on final passage of the checkoff, but that the Democrats would still win it, 50 to 49. Only one vote was needed, and some possible targets were listed: Virginia Democrat William Spong, who had missed Thursday's key vote and who voted against the checkoff plan in 1967; Everett Jordan of North Carolina; several Democratic freshmen with no previous record on the checkoff issue.

Timmons suggested a presidential statement to make clear that he was absolutely serious about a veto of the tax bill and a draft of such a statement was appended for the President's inspection. He also recommended that White House aide Charles Colson immediately arrange for outside interest groups to be alerted to the veto threat.

Mr. Nixon read the Timmons report at Camp David and telephoned MacGregor at the White House. The President would not issue a statement at the moment but he authorized an "all-out effort" by MacGregor to secure the single Democratic defector needed to win.

With Mr. Nixon's approval, MacGregor began calling members of the Cabinet to use their influence with Democrats with whom they have close relationships. It was the first time since MacGregor joined the White House this January that he had mobilized Cabinet members for a lobby effort unrelated to their departments.

Transportation Secretary John Volpe telephoned William Spong, who has shown particular interest in transportation (so much so that Virginia Republicans complain Spong gets politically-attractive announcements first). Secretary of Housing and Urban Development George Romney called John Sparkman of Alabama, chairman of the committee that works with Romney on the Hill.

Treasury Secretary John Connally, while still nominally a Democrat, was assigned to woo his fellow Texas, Lloyd Bentsen, away from the Democratic fold. Attorney General Mitchell called Judiciary Committee James Eastland who was already on the team for the final vote.

Defense Secretary Melvin Laird—who was reached on a parade field in California where he was reviewing troops—was assigned to shore up the resolve of Armed Services Committee Chairman John Stennis. The answers were quick in coming; no net gain for the Republican Party.

Early in the proceedings, GOP Sen. Charles McC. Mathias of Maryland had offered Pastore a deal authorized by high-level Republican sources: Postponement of the implementation of the checkoff until after the 1972 election, plus a "free choice" amendment permitting a taxpayer to specify the political party which was to receive his dollar. If these changes were accepted, Mathias said, a substantial number of Senate Republicans would vote to approve the checkoff.

At this stage, Pastore had no thought of postponing the checkoff until 1973, and he flatly rejected the proposal.

Jittery about the one-vote margin for their cause, Pastore decided a little later to seek Mathias' defection to the Democratic ranks by accepting a small part of his package.

The acceptable portion was Mathias' free choice idea. When Mathias returned to this subject in debate, Pastore grabbed the ball and offered to work out an accommodation. Meetings were held and Mathias—convinced that the Democrats would win anyway—agreed to vote for the checkoff if his free choice amendment were accepted.

Word of the Mathias arrangement caused alarm at the White House and among GOP Senate leaders, who were still seeking Democratic defections. At White House urging, Mathias withheld his free choice amendment while the effort to woo the Democrats continued. As the final vote approached on Monday (Nov. 22) the White House reluctantly informed Mathias that it still lacked enough strength to win.

After this assurance, the Maryland senator offered his amendment and, after its approval, voted for the checkoff plan on final passage. To the Democrats' surprise, New Jersey's Clifford Case, a Republican, shifted sides along with Mathias.

The final Senate vote on the political finance provisions—including the checkoff and tax credits and deductions for small contributions—was 52 in favor and 47 against.

Immediately after the vote, Clark MacGregor telephoned the President to give him the bad news. Mr. Nixon was unhappy but philosophical about it; he has become accustomed to difficulties with Congress.

The two men agreed that the focus of attention now would be the Senate-House conference committee, headed by Wilbur Mills, which would either accept or reject the checkoff amendment as a part of the tax reduction bill. MacGregor said he would go to work on it right away.

CHECKMATING THE CHECKOFF—NIXON'S DILEMMA BECOMES DEMOCRATS' DEFEAT

(By Don Oberdorfer)

On Nov. 23, the day after the Senate passed the Democratic-sponsored amendment to finance presidential election campaigns with public funds, Democratic National Chairman Lawrence F. O'Brien telephoned Rep. Wilbur Mills, the key figure in deciding the fate of the measure in the House of Representatives. "Well, Wilbur, here we are," said O'Brien. "How do you feel about the prospects?"

Mills replied that he was totally committed to the approval of the $1 per tax return checkoff plan to furnish up. to $20.4 million for major party presidential nominees, and predicted that a Senate-House conference committee would approve the plan as an amendment to President Nixon's tax cut bill. Once attached to the agreed Senate-House version of the tax bill, it could only be dislodged by a majority vote of the House membership under difficult conditions.

A commitment and prediction by Wilbur Mills counts for a great deal in such matters. As chairman of the House Ways and Means Committee, he would lead the House delegation to the Senate-House conference committee. On tax questions, he is the most powerful figure in the Congress.

Just about the time of the O'Brien-Mills conversation, President Nixon was having breakfast in the family quarters of the White House with his Senate GOP leaders, Hugh Scott and Robert Griffin, to discuss strategy and tactics for the continuing fight against the checkoff plan.

Scott strongly urged the President to announce a firm decision to veto the tax cut bill if the Democrats insisted on the checkoff amendment. If this were done, the senator was convinced, public opinion and business pressures would force the Democrats to back down.

Mr. Nixon was in an agonizing dilemma. He was adamantly opposed to the checkoff but he kept asking his advisers, "What about my tax bill?" He authorized Scott to say that he was "seriously considering" a veto, but made no firm decision. Presidential Press Secretary Ronald Ziegler, reflecting the official caution, told reports, "I'm not going to predict what the President would do with a piece of legislation still in the legislative process."

In a strategy meeting in the nearly-deserted Capitol the following day (Nov. 24, the day before Thanksgiving), Rep. William Springer of Illinois succinctly captured the intensity of GOP fears about the checkoff. "The Democrats feel they could beat Nixon with this $20 million from the Treasury and they might be right," Springer told assembled White House aides and House Republican leaders. "This issue will decide the 1972 election. After all, (Hubert) Humphrey almost turned it around with only $2 million in television commercials during the last 10 days of the 1968 campaign."

CONCERN OVER HIGH COST

Even so, some of the GOP leaders were deeply concerned about the high cost of a veto. John Byrnes, the senior Republican in the Ways and Means Committee and a member of the Senate-House tax bill conference, suggested that the President sign the bill when it reached his desk but refuse to implement the checkoff provision on constitutional or other legal grounds. White House and Justice Department officials were investigating this idea but it, too, held substantial risks. A court test might go against the President. In any case, he would seem to be defying a law for his own political gain.

After the meeting at the Capitol, Presidential assistants John Ehrlichman and Clark MacGregor returned to the White House to brief Mr. Nixon before his departure for San Clemente, Calif., for the Thanksgiving weekend. Included in the discussion was a recommendation from William Timmons, the deputy to MacGregor for congressional relations. Timmons recommended that the President summon Wilbur Mills and John Byrnes to the White House at 11 a.m. the following Monday (Nov. 29) along with their counterparts from the Senate, Russell Long and Wallace Bennett. There would be no publicity and no presidential aides present except for Treasury Secretary John Connally. The purpose of the meeting would be to announce to the Democrats in convincing fashion that the tax bill would definitely be vetoed if the campaign checkoff provision should survive.

ANOTHER HUDDLE SET

Over the weekend in California, Mr. Nixon decided against such a personal confrontation with Mills and Long, on the grounds that it might be resented. But as Air Force One roared back toward Washington Sunday night, the President summoned Ehrlichman, MacGregor and Timmons—and Attorney General John Mitchell—to a Monday morning meeting at the White House. It would be among the most crucial conferences in four days of intense maneuvering which followed.

MONDAY

Riding to work in their staff limousines early that morning of Nov. 29, White House aides were dismayed to read two political columns side-by-side on the opposite editorial page of the Washington Post. Rowland Evans and Robert Novak were saying the President might shrink from a veto of the tax bill because of the economic consequences, but seek to nullify the checkoff by administrative action. And Joseph Alsop declared Mr. Nixon was being told that the checkoff could actually help him in 1972—by financing George Wallace and siphoning votes from the Democrats. Evans and Novak and Alsop are established oracles often used by high officials to transmit signals to political Washington. The doubts raised in those Monday morning columns would make it difficult to convince the Democrats that Mr. Nixon's veto threat was real.

At 8:30 a.m. Mr. Nixon met with Mitchell, Ehrichman, MacGregor and Timmons.

Mr. Nixon seemed to have made up his mind to make the big veto gamble but he kept going over and over the consequences, circling the question and coming back again.

At one point he remarked that there really was a serious problem with campaign finance in this country, and observed that other democratic countries had state-owned television networks which supplied free time to bring national candidates before the public.

Perhaps one way to solve the problem without resort to the checkoff, he mused, was to require the American networks to supply time for candidates. (A similar recommendation had been made by a Twentieth Century Fund study several years ago. The study commission, headed by former FCC Chairman Newton Minow, called its proposal "voters' time.")

After 2 hours and 20 minutes of discussion, the President decided he would go all the way. He would definitely veto the tax bill if the checkoff plan should be a part of it in its present form. For maximum effect on Congress, he directed MacGregor to announce the decision right away. Working with chief Presidential writer Ray Price, MacGregor drew up a statement, cleared it with Mr. Nixon and made the announcement in the White House press room.

On Capitol Hill Wilbur Mills was preparing for the first meeting of the Senate-House conference committee that day, and he was becoming concerned about the situation in the House as a whole. Rep. Joe Waggonner of Plain Dealing, La., a conservative Democrat who often works with Republicans on major issues, had begun lobbying Dixie Democrats to oppose the checkoff plan.

Faced with the possibility that Republicans and Southern Democrats might unite to defeat the checkoff plan on the House floor—even if it were approved by the conference committee—Mills telephoned Waggonner and asked him to dissent. Waggonner refused. He told Mills the checkoff was a bad idea, and predicted that the House would repudiate Mills if he tried to push it.

TUESDAY

On direct instructions of the President, White House operatives had been alerting business and financial leaders to the danger that the tax bill would be delayed or even killed as a result of the confrontation over the checkoff. The business world was asked to mount a campaign to convince Congress to back down on the presidential financing plan and thus avert a veto.

Former Republican National Chairman and Postmaster General Arthur E. Summerfield, now an automobile dealer in Flint, Mich., was a key man in contacts with the automobile industry. A program was underway to have major auto dealers inform recent automobile buyers that the Democrats' political funds plan might kill the $200 per car tax rebate contained in the tax bill.

Tuesday morning, Summerfield was in Washington putting his case to Wilbur Mills and to Rep. Martha Griffiths of Detroit, a Democratic member of the Senate-House conference committee. It is also rumored that the heads of the major automobile companies telephoned Mills direct (he denies this); Mrs. Griffiths was visited by officials of General Motors and Ford.

After his Capitol conference, Summerfield came to the White House to see MacGregor, and the conversation turned to the idea of mandating the television industry to provide free time for the national candidates.

With MacGregor's help, Summerfield drew up a memo headed "A Possible Compromise" (MacGregor changed this to "A Possible Alternative") suggesting that the major presidential candidates be given $8.4 million each in free broadcast time and George Wallace a smaller amount in keeping with his 1968 vote. Summerfield took it immediately to Mills. The Democratic chairman took it out of his pocket just before the meeting of the conference committee that day and astounded his senior GOP colleague, John Byrnes, by announcing it was a White House approved plan.

Late Tuesday afternoon MacGregor went to the Capitol to meet House GOP leader Ford, Byrnes and other Republicans on the conference committee. The lawmakers were anxious to find a counter-offer to avert the collision between the President and the Democrats, feeling that Mr. Nixon would be hurt in the process, but they objected that the television industry should not be expected to supply free time. They felt the TV lobby, one of the most powerful in the nation, would surely stymie such a proposal.

Byrnes suggested that if television time for presidential candidates was a good idea, it should be paid for with public funds. Byrnes had worked with Mills for many years, and he sensed that his Democratic colleague was beginning to back away from the checkoff and search for an alternative.

MacGregor took the Byrnes idea to the oval office. The President indicated he would approve the plan as a last resort alternative to the checkoff.

Larry O'Brien was preparing to leave his office at the Watergate about 8 p.m. when the telephone rang. It was Mills, and he said the checkoff might be in trouble on the House floor. The congressman then reported that the Republicans were offering an alternative—an authorization of $8.4 million per major party to finance broadcast time in 1972. O'Brien scoffed. At that point he was convinced the $20.4 million checkoff would be approved.

WEDNESDAY

First thing in the morning, Mills met in his office with Andrew Biemiller, the AFL–CIO lobbyist, and O'Brien. Nothing was said about the Republican proposal for federal purchase of time. Mills seemed optimistic about the chances of the checkoff plan.

At Mill's request, Biemiller called his 15 top labor lobbyists to a meeting to begin a full head count for House support for the checkoff. Mills earlier had asked House Democratic Whip Thomas O'Neill to begin a separate whip check of members' positions. After the count was well along, Mills passed along the word to call it off; he asserted that Joe Waggonner had lined up 80 Democratic votes against the checkoff, far more than enough to kill it. Then another reversal: Mills asked the whips to begin counting once more.

House Republicans had completed a head count of their own members on the checkoff, and found only two likely defectors. Allowing for absentees and these two losses, the Republicans calculated they could count on 162 votes against the plan in a House floor test. Joe Waggonner, who had been conferring several times per day with GOP leaders, reported he had lined up 35 to 45 Democratic votes (far fewer than Mills had claimed). The Republican-Southern Democratic coalition would need about 205 votes * * * the total attendance was particularly heavy. Clearly, from the Republican count, the contest would be very, very close.

The Democratic whips found the same thing. By Wednesday night they had counted about 110 sure votes for the checkoff and nearly 30 Democratic defectors.

It was clear that an all-out lobbying effort by Speaker Albert, Chairman Mills, labor and party officials would be needed to win—and even then it would be touch and go.

Mills was still publicly predicting victory for the checkoff in the conference committee, and the White House had reason to believe that he was still not convinced Mr. Nixon would cast a veto of the tax bill. In the White House view, it became urgent to convince him that the President was not bluffing.

Evans and Novak, who had reported Monday that the President might not veto the bill, were fed an inside version of the Monday morning meeting. Press Secretary Ziegler declared for the third day in a row that the President would certainly veto the tax bill should the checkoff survive.

The best way to convince Mills, presidential aides decided, was to send him messages through trusted associates. The White House contacted several Mills intimates of long standing. The message: Mr. Nixon is absolutely serious. He is ready to cast a veto, and blame the Democrats for playing politics with the economy.

THURSDAY

Sen. John Pastore, the man who led the checkoff forces in the Senate, rose early at his home in suburban Kensington and read The Washington Post as an aide drove him to the Capitol. On page one Senate correspondent Spencer Rich reported the latest White House declaration that the President would cast his veto, and set forth the likely scenario: the Democrats will insist that Mr. Nixon vetoed the tax bill out of a greater concern for his 1972 campaign than for the economy; the White House will respond that the Democrats were the ones playing politics with the economy. Inside the paper, Evans and Novak reported the Monday meeting at the White House, and the conclusion that a veto was coming.

Pastore was very much disturbed. He had led the battle and believed in it but now, he recalled later, "it was a moment of conscience-searching." If Mr. Nixon did get to the tax bill, the Democrats could not override his action. The checkoff would die anyway, and the country would be left with a political controversy instead of a tax bill.

Whoever was right and whoever was wrong about campaign financing, the country would blame both sets of politicians. The citizenry, the business leaders, the auto buyers, the people unemployed and waiting for the economy to revive, would condemn both sides.

The Rhode Island senator went to Senate Democratic Leader Mike Mansfield and expressed his misgivings. With Mansfield sitting by, he telephoned Wilbur Mills. The House leader was in his office preparing for the showdown meeting of the Senate-House conference committee.

"How does it look?" asked Pastore. Mills replied that certain changes would have to be made in the plan, evidently referring to a court test and appropriations requirements he had been prepared to add.

TOUCH AND GO OUTLOOK

"What are the chances in the House?" the senator asked. Mills said House floor approval of the plan was doubtful. It would be touch and go. He was not certain he could hold it.

"Do you think the President is serious about a veto?" asked Pastore. Mills was now convinced he was.

Pastore expressed his misgivings about what would happen, and quickly established that Mills had strong misgivings, too. Pastore and Mills discussed action to preserve the principle of the checkoff but to delay its application until after the 1972 election.

It appeared likely that the Republicans would agree to this and thus avert a veto and the resulting head-on collision. Pastore told Mills that if postponing the checkoff until 1973 was necessary to preserve the concept, the House leader would not have his criticism but his support. Mills seemed very relieved.

Mansfield and Pastore quickly convened a meeting of Senate Democratic elders, and Pastore reported that Mills did not have the votes to sustain the plan in the House. The senators agreed, with hardly a murmur, to approve the postponement until 1973.

Mills said later, in explanation of his change in plans, that "I didn't have the votes" to pass the checkoff as originally conceived. This is a matter of judgment which nobody can prove or disprove. Neither the labor head count nor the Democratic whip check in the House was ever completed. Asked why he didn't fight it out even if he lacked the votes to win, Mills replied, "I don't do that." Part of his power stems from his reputation for rarely losing a major test on the floor of the House.

Larry O'Brien, who had not been consulted up to this point, learned through an aide that the conference committee was about to abandon the checkoff so far as the 1972 campaign was concerned. Alarmed and dismayed, he and his aides began a series of 11th-hour calls. Hubert Humphrey and Edmund Muskie were asked to contact Mills to stiffen his resolve. Labor was asked to have George Meany call Mills. But it was too late. The Senate-House committee was in session. With Senate Democratic approval—and to the astonishment of the Republicans—Mills amended the checkoff plan to take effect beginning 1973.

Clark MacGregor was having lunch in his office when Under Secretary of the Treasury Charls Walker called to report the surprise action of the conference committee. Walker had to know within five minutes whether the President would accept the modified checkoff, effective 1973.

Mr. Nixon was dictating to his secretary, Rose Mary Woods, in the Oval Office, when MacGregor walked in with the news. The President expressed surprise and asked what happened to the television financing plan; MacGregor replied the Democrats had turned it down.

MacGregor said the $1 tax return checkoff was still in the bill but—as in the 1966 battle—it was doubtful that it would ever take effect.

DECIDES TO SIGN

"They've killed the monster," he said. The President quickly interjected, "And they ought to have the decency to bury it." Nonetheless, Mr. Nixon said he would sign the bill with the postponed checkoff, though he would object to the provision in his signing statement and seek to block its future implementation. (Mr. Nixon signed the tax bill last Friday, Dec. 10, with a blast at the checkoff provision).

Declining the company of friends and staff aides, O'Brien went home alone that night and sat for a long time alone in his apartment. He thought of the appalling prospect of his debt-ridden party facing President Nixon's heavily-financed campaign in 1972, and of the system under which vast sums of money are an essential element in the election of a President.

O'Brien was dumbfounded by the sudden turnaround and dismayed that a public financing plan had come so far over so many months, only to be jettisoned in the end.

Pastore, on the other hand, was not depressed but proud that Congress had again approved the principle of the checkoff. Despite the vast public importance and supposed public interest in the issue, he had received only seven letters about it during the 17 days of the battle. One of them, an anonymous note approving the plan, contained a $1 bill to start the presidential election fund.

Pastore didn't know what to do with the dollar, since there was no return address. Finally he decided he would send it to John Connally to be held in the treasury for the presidential campaign financing plan if it ever should become effective. It was a small thing, and he hoped Connally wouldn't think he was being facetious—$1 to start a $20.4 million per party campaign fund to elect a President who superintends a $100-billion federal budget and a $1-trillion American economy.

NROTC AT UCLA—THE COLORS STILL FLY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. FISHER. Mr. Speaker, in the December 1971 issue of U.S. Naval Institute publication there appears a remarkable article written by Midshipman 1/C Lawrence M. Kryske, U.S. Naval Reserve. It relates to his experience while enrolled in the Naval Reserve Officer Training Corps at the University of California at Los Angeles.

This is an article that every American should read. It helps renew one's faith in our country and its future. The article follows:

NROTC AT UCLA—THE COLORS STILL FLY

(By Midshipman 1/C Lawrence M. Kryske, U.S. Naval Reserve)

Standing amid the charred debris that had been the NROTC wardroom at UCLA, the midshipman looked about him at the bomb-gutter room, at the scorched walls that had once been crowded with paintings of heroic naval exploits, at the blackened, broken trophies, hard-won over the preceding 32 years. Yet, despite—or, perhaps, because of—the bombing, and the month-long frenzy that had precipitated it, the midshipman knew that his side had won. Clearly, the cabal of revolutionaries and anarchists had lost. UCLA'S NROTC Unit was still on campus, it still received credit for all courses; and it would still hold its dress parade and commissioning ceremony on campus.

Unlike many other ROTC units across the nation, UCLA's NROTC Unit had not yielded either to the threat of violence or to violence itself. On a small piece of paper, tacked to the bulletin board outside the ruined wardroom were the words, "We have not struck our colors."

The ROTC at UCLA has grown with the University. In May 1920, one year after the opening of UCLA, Army ROTC was established on the campus. It was not until June 1938 that the Department of Naval Science arrived to offer students a second military option. The Air Force ROTC became a department 12 years later. Since the inception of the three units, almost six thousand officers have been commissioned. Many have served with great distinction some lost their lives in World War II, in Korea, and in Vietnam.

The case for the continued existence of ROTC at UCLA is based on sound legal and academic arguments. The Morrill Act of 1862 requires that land-grant institutions, such as UCLA, shall provide military training. It was further stipulated that the university would grant appropriate academic credit for such courses and would make available both classroom and office space. Hence, the university is legally bound to uphold this contract with the fedreal government. California's State Constitution (Art. IX, Sec. 9) has reaffirmed the provisions set down by the Morrill Act. In September 1965, the Congress of the United States passed the ROTC Vitalization Act which modernized ROTC as well as restated the university's obligation to honor its contract with the federal government.

The academic argument for the existence of ROTC has as its bedrock the idea of an open campus. The university has always believed that the policy of an open campus is paramount to the true preservation of academic and intellectual freedom of thought and expression. It is the university's policy that no special interest group will impose its point of view on the university. In particular, it maintains that educational institutions must be free from political domination of any persuasion. That the NROTC offers courses for those students who desire to become officers in the service of the country is not inconsistent with the idea of academic freedom. Naval history, naval engineering, and navigation are legitimate academic discourses because the university encourages the pursuit of knowledge.

It has been suggested that the elimination of mandatory ROTC and physical education classes at the University of California in the early 1960s may be partly responsible for the vast increase in student radicalism. Granting a phase delay of two years from the elimination of those classes, one finds the emergence of the free speech movement at Berkeley. The subsequent student movements, which continue to the present, all embrace the idea of downgrading the establishment and the military which supports it.

At UCLA, the fall of 1968 brought the first organized activity against ROTC. The pattern of physical violence and mob action against many of the nation's ROTC units prompted the unit's commanding officer, a colonel of the Marine Corps, to strengthen the security arrangement of the unit's offices and classrooms. Double doors were added so that the Naval and Military Science departments could be isolated and locked. Metal bars and asbestos blast protectors were installed in every window. The CO prepared an administrative course of action designed to counter any eventual emergency. Nothing was to be left to chance.

UCLA, which consistently has been less radical than other campuses, nonetheless has a hard core element of the New Left which often exploits legitimate student grievances to achieve radical goals. The *modus operandi* of its members involves essentially three stages. The first stage centers around a small group of devoted professional revoluntionaries. Just as Marx noted that only a revolutionary elite could manipulate the masses, it is the campus cadre which seeks the best means of inciting mob action among the students. Most often, the cadre leadership prepares a list of initial demands to appeal to a wide segment of the academic community. It is necessary to ensure that many of these demands directly involve the students (e.g., high parking fees, high book prices, and free speech areas). Other demands of a more nebulous variety attempt to center attention on some "moral issue" (e.g., war, repression, or racism).

The second stage involves enlisting support for the cause. The cadre appoints several members to work directly on the student level. These lieutenants, although sympathetic to the revolutionary cause, are not necessarily dedicated revolutionaries. The lieutenants arrange meetings, collect funds, pases out leaflets and posters, and organize public gatherings to sound out the magnitude of popular support.

The third stage is the confrontation between the radicals and the target of their campaign. In most cases a catalyst is needed to ignite the confrontation (e.g., the President's initiation of a new offensive in Indochina). In order to create a volatile atmosphere, the cadre's lieutenants organize rallies—a most efficient means of stimulating student emotionalism. Professors who are sympathetic to the radicals' causes often become the featured speakers since they add dignity and respectability to the campaign. The lieutenants are strategically placed so that they can control the rally.

Many of those attending such a rally do so because they desire a solution to legitimate grievances. Others attend because rallies provide excitement and a break from the sometimes monotonous routine of school. However, most of those who attend are sympathetic to the campaign. All, nonetheless, are being used by the unseen cadre to create havoc or achieve whatever the goal may be. At some point during the rally when the lieutenants believe that the emotionalism of the crowd has reached a peak, the unsuspecting students are herded towards the intended target (e.g., the administration building). As the crowd nears the target and the possibility of student-police interaction seems imminent, the lieutenants carefully exit to the sides and rear and leave the potential battleground.

The confrontation stage can greatly reinforce the effectiveness of the campaign if physical violence occurs. Wide exposure in the news media benefits the revolutionary cause. Martyrs also play significant role. The confrontation stage is not an end in itself, it is merely a means to a more intensive campaign. New Left tactics hence become an iterative process. One can invariably expect to see a new set of demands after the confrontation. However, the target of the original grievances may be replaced by some new target (e.g., police reaction during the confrontation).

Until 1969, most of the activities directed against ROTC at UCLA involved the attempt to garner student sentiment opposing military training on campus. It was cited that the ROTC program lacked academic quality that the qualifications of the military instructors were poor, and, most important, that ROTC was "repugnant to the fundamental principles of a liberal education." The tactic used by the campus cadre involved a student and faculty referendum to demonstrate the University's supposed dislike of ROTC. The catalyst was the Berkeley's "People's Park" confrontation. ROTC was alleged to be the force that repressed the "brothers and sisters of Berkeley."

UCLA's battalion commander and several senior students initiated an educational campaign to provide the campus community with the facts about ROTC. They sought to destroy the myth that ROTC received credit for drilling and instructions in killing. To the credit of the hard-working midshipmen, as well as to the majority of students who studied the facts without emotionalism, both the student and faculty referendum taken in May 1969 approved the ROTC program. Of the 30,000 UCLA students, only one-third voted, but, of these, 42.5% favored the program with academic credit, 31.8% favored the program without academic credit, and 24.8% believed that the program should not be permitted on campus. The faculty vote in the Academic Senate revealed even greater support for the program. Abolition of ROTC was defeated by 76.5% of those voting (624 to 191), and withdrawal of credit for ROTC courses was defeated by 63% of those voting (509 to 297). Thus the anti-ROTC campaign suffered a temporary setback. However, efforts for a more extensive campaign were already being planned.

All through the summer of 1969 the revolutionary cadre worked covertly to remove ROTC from campus. A memorandum prepared by the UCLA SDS titled "The Case for Abolishing ROTC" revealed their plans. "Students for a Democratic Society has launched a nation-wide campaign to eliminate ROTC from all campuses. We cannot abolish ROTC once and for all unless there is a massive mobilization of the campuse. SDS will try to convince thousands of students of the necessity of eliminating ROTC and for demonstrating that support by shutting down the University of California campuses . . ."

The gathering storm was not ignored by the NROTC unit. The commanding officer and his staff sought aid from staunch supporters. The late Donald D. Stone, President of the Beverly Hills Council of the Navy League, condemned "those actions and programs set to destroy ROTC" and he called for "all Navy League Councils and other patriotic organizations to take steps to nullify dissident activities." An uneventful fall and winter of the new school year (1970) found both the anti-ROTC and ROTC Forces waiting, planning, and preparing. Beneath the surface, considerable efforts were being taken by the radicals. The militants were, in effect, attempting to add fuel to the political fire in anticipation of mass student demonstrations in the spring. All the symptoms of a confrontation loomed ahead, merely waiting for some incendiary event to terminate the uneasy calm.

The allied operation into Cambodia and the subsequent events at Kent State University in Ohio exploded the pent-up emotions of certain elements of the academic community. On Tuesday, 5 May, the midshipman battalion was readying to "fall in with arms on the drill field at 1200." The freshman naval engineering class had departed the campus at 0800 for a tour of the Point Mugu Pacific Missile Range. Sometime after 1000 it became apparent that the campus radicals intended to march on the Men's Gym which housed the physical education departments as well as the offices and classrooms of the Navy and Army ROTC Units.

At 1020, drill was cancelled. At approximately 1130, after attending a rally marked by unabated emotionalism, 1,500 people converged on the gym. About 50 people in the mob commenced throwing rocks and lighting small fires. Owing to poor intelligence, most of the destruction centered around the Physical Education wing of the building. Windows were broken. Using a bench as a battering ram, the militants forced open the gym's large solid oak doors. Five University police struggled to stop a group of radicals who broke in. The police officer in charge, suffered broken ribs and internal injuries and his service revolver was stolen. However, the dissidents were repulsed. One midshipman discovered a faculty teaching assistant trying to break in a side entrance to the gym. According to the midshipman "He was in a dazed, somewhat hypnotic state. I didn't have to use any force to convince him to leave."

The University Administration requested that the Los Angeles Police Department restore order. The resultant arrests of 83 demonstrators, many of whom were not students at UCLA, later provided the radicals with a new target at which to direct their venom. A report issued by the Chancellor's Commission investigating the 5 May attack blamed the police for the violence on campus. In fact, the Commission condemned the police for their "brutality and alleged overreaction." It was indeed strange that the report did not deem the partial destruction of the Men's Gym and the injury of six campus policemen by an angry mob as legitimate grounds for calling in the Los Angeles Police Department. Even more unbelievable was the fact that, although the police entered the campus after the violence had taken place, they were charged with responsibility for its origin.

On 19 May, the CO received the following letter from the Vice Chancellor, "I regret that it is necessary for the UCLA administration to request that you cancel any planned dress parade on campus for the balance of the school year . . ." The letter pointed out that the events that had transpired on other campuses throughout the country, as well as those at UCLA, necessitated this action. The Navy ROTC Unit had intended to hold its dress parade on 28 May at the UCLA track facility. Traditionally the parade had been held since 1938. The CO protested the cancellation of the parade, ""The midshipmen can't understand how the Chancellor can fight to keep a Communist like Angela Davis on the faculty under the guise of academic freedom and then tell them they, as students first and midshipmen second, can't hold their review. They don't understand why they are being discriminated against and treated like second-class citizens." The University did, however, grant permission to an anti-war group to use the track facility to hold a demonstration.

To the casual observer it might appear as if the CO's response to the University's action was an example of cause and effect. Actually, the cancellation of the parade had been anticipated because it followed naturally from a sequence of previous events. The CO's prompt response was based on his determination that "a single anarchist was not going to upset the officially sanctioned contract between the University and the federal government." He correctly perceived that what was at stake was not simply the holding of the dress parade, but rather the more fundamental issue of the existence of ROTC on campus.

The Navy ROTC Unit responded on three levels to the actions of the radical left. These included the student, faculty, and greater society level. On the student level it was necessary to educate the members of the academic community of both the merits and the necessity of ROTC. This was accomplished by the distribution of fact sheets about ROTC, by the promotion of dialogue between members of the ROTC and other students, and by the placement of both editorials and advertisements (information articles) in the school newspaper. However, since the newspaper tended to be one-sided on the ROTC issue, the NROTC could not reach many students. Moreover, because two-thirds of UCLA's student body was indifferent to the ROTC question (as reflected in the student referendum), very little was accomplished on the student level.

Unseen by most of the midshipmen were the actions that occurred on the faculty level. The summer of 1969 found the University re-evaluating its position on many issues. The Chancellor formed a committee to investigate ROTC. This task force was supposed to look into the merits of the academic content of ROTC, as well as into other facets of the program. On 12 May, one week after the campus unrest, a resoution was submitted to the Academic Senate calling for "the suspension of ROTC activities until the U.S. had terminated its military operations in Indo-China."

The Undegraduate Course Committee of the Academic Senate inquired into the concept of credit for ROTC courses. The obvious thrust of the committee was to demonstrate that such credit previously alloted to ROTC courses be discontinued. This tactic, although defeated countless times, continues to dominate all anti-ROTC strategy. As noted previously, however, to eliminate academic credit at UCLA would be a violation of both state and federal law.

It was the Kivelson Committee through which some radical faculty members expressed their distaste for ROTC. This committee was an extension of a more general committee which was investigating war-related activities at the University of California. The Committee inquired into the propriety of ROTC, e.g., "Does the University have the moral right to train killers?" In addition, the ROTC program was once again considered on the basis of its academic structure. The Unit's freshman instructor represented the NROTC Unit on both the Undergraduate Course Committee as well as on the Kivelson Committee. His goals were twofold. First he hoped to educate the faculty with regard to the ROTC program. This meant that the faculty would have to develop and recognize certain attitudes about the program. Whenever the NROTC representative believed that emotion rather than reason dominated the committee meeting, he raised a point of order. Only by evaluating the facts, he asserted, could the real merits of the program be established. His second goal was to buy time. The emotional status of the faculty reached a peak during the Cambodian operation. The NROTC Unit preferred to have the faculty investigate ROTC rather than to have them passing spontaneous resolutions against ROTC. As the emotional outpouring calmed down and reason returned, ROTC fared better. Time ushered in moderation. The final report of the Kivelson Committee was essentially that the ROTC programs must be studied in greater detail.

It was on the greater society level that NROTC's efforts were most effective. In essence, the Unit sought to inform both the political leaders and the private citizens of the nature of the problem. As the CO observed, "There is nothing better than to have the midshipmen speaking, communicating, and illustrating their own thoughts, ideas, and views." The Unit made extensive use of television, radio, and the press. The Midshipman Battalion Commander appealed for equal justice regarding the use of University facilities. As he recounted to a CBS reporter the events leading to the parade cancellation, he stated, "Why is it that we as students are denied the rights extended to other students?" One of the midshipmen emphasized the Unit's desire for fairness in a letter circulated to Congressmen, educators, veterans' organizations, and supporters of ROTC.

He put his finger on the raw nerve that tortures all state-operated educational institutions when he opined that "The true patrons of the University, the tax-paying citizens, not political groups on campus, have the right to determine how such institutions ought to be operated. Furthermore, the University is to provide an education for the students, it is not to become a political sanctuary." Another midshipman, writing in the letters to the editor section of the *Los Angeles Times*, asked two disturbing questions, "Does academic freedom on college campuses belong only to the radical groups? Does the administration now feel that the only relevant activities for UCLA students are demonstrations and strikes?" As the public interest in the plight of NROTC grew, the midshipmen, the Anchors (the women's auxiliary to the Unit), and the staff intensified their efforts.

The public reaction to the cancellation of the parade was widespread. California's Governor Ronald Reagan decried the Chancellor's appeasement to a vocal minority. Los Angeles Mayor Sam Yorty said, "If a University requests it, we will see to it that the parade goes through." A local construction union said it would guarantee 10,000 hardhats waving the American Flag to line the track facility to protect the midshipmen. The Los Angeles City Council offered the Unit the Memorial Coliseum to hold its parade. A local television newscaster said he would get enough people (200,000 persons) to fill the stadium for two performances of the parade. Behind the scenes, the Marine Officer Instructor was able to elicit great support from veterans' organizations, military personnel both on active duty and retired, and from private citizens. As he observed, "We feel we have a winning cause and the good people want to see that we are treated fairly."

College professors, students, housewives, and workers of every occupation voiced their support of NROTC's right to hold its parade. Not only did local citizens rush to the Unit's aid, but also throughout the state and even across the nation concerned Americans pledged their support of the cause. The Unit's offices were deluged with telephone calls, telegrams, and letters. The Unit received wide news coverage by television, radio, and newspapers. As a result of the public furore, the Chancellor rescinded the previous order on 22 May and allowed the parade to take place on campus. The only change was the rescheduling of the event from 28 May to Sunday 7 June, when students would be studying for finals. The CO summed up his reaction to the Chancellor's decision, "We're very pleased. Our 200 young midshipmen are especially pleased. For them it was a first-hand experience of democracy in action."

Although much of the interest in the parade subsided, the Unit was still inundated with calls from private citizens wanting to know when and where the review would take place. The tremendous public reaction necessitated re-evaluating the preparation for the parade. On 4 June, the CO called this writer into his office to inform him that he would become the new Battalion Commander for the next school term and briefed him about the present campus situation. In conclusion, the CO noted, "the militants and left-wingers must do something since they are losing the battle. It is unfortunate we cannot secure the wardroom and restrict the people who enter it; however, the free society that exists within the University precludes that."

At 0101 on Friday, 5 June, a bomb exploded in the NROTC Wardroom on the UCLA campus. The heat of the subsequent fire was so intense that the oil-based paint on the walls of the outside hallway vaporized. The new Battalion Commander, who awoke early to study for finals, heard the news on the radio. His first thought was that the report was mistaken since the wardroom had no windows and was accessible only by two doors which were locked at 1600 every day. Also, the hallway to the ROTC wing was secured by locked double doors every evening. However, upon arriving at the Men's Gym, it became apparent that the report was true. A torrent of water flowed down the entrance to the gym. The wardroom was in a shambles. The room was illuminated by the eerie glow from flashlights and a mechanic's trouble light. Even though it was 0500, the water-soaked room was still warm and smoldering. The acrid smell of burnt plastic and wood still hung in the air. The force of the blast had blown a crater in the reinforced concrete floor.

Investigations later that morning revealed that the bomb was apparently a delayed time device which was placed in the wardroom between 1300 and 1600 the previous day. Apparently the bomb had been left beneath a couch for its metal springs were imbedded in the ceiling.

Had the fuze been faulty, many persons could have been killed, since the average attendance in the wardroom in the afternoon is between 10 and 20. Equally chilling was the fact that the custodians who work in the gym usually come to the wardroom during their break at 0100 for a Coke. Fortunately, the Coke machines were inoperative, or the custodians surely would have been killed by the explosion.

Even though the bombing raised the fear that the Chancellor might once again cancel the dress parade, the event took place as scheduled. Among the many dignitaries attending the parade was Governor Reagan.

About 35 radicals, who shouted chants and obscenities, were drowned out by the applause of the 4,000 spectators. Governor Reagan told the midshipmen battalion: "The thousands of people who have applauded you here today are only a tiny fraction of your fellow citizens who are saying to you that they are proudly grateful for the course that you have taken."

The overall reaction to the culmination of the NROTC Unit's efforts during the school year were prophesied by Donald Stone in a letter to the Commandant of the Marine Corps, General Chapman: "The victory at UCLA may well prove to be the turning point in the struggle between the anarchists and those of us who believe our country is worth defending."

The midshipmen were praised in a letter to the late Dr. Frank Nolan of the Beverly Hills Navy League from Chief of Naval Operations Admiral Thomas Moorer: "I was pleased and heartened by the dignified and decisive manner in which our young people conducted themselves in the face of the protestors. It is this type of backbone and character which makes the clear distinction between those who know what they believe in and those who know only what they do not believe in."

DR. RALPH BUNCHE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. DORN. Mr. Speaker, Dr. Ralph Bunche was a diplomat and a scholar. His illustrious career of service to the Nation and to the cause of world peace is truly a model for all Americans. His life personifies the great Horatio Alger tradition.

He came from what might be called a disadvantaged background. He was, however, determined and resolute. He worked his way through UCLA and obtained a masters degree and a Ph. D. from Harvard University. Later he did postdoctoral work at Northwestern University and at the world famous London School of Economics.

The whole world knows of his later distinguished career as a U.S. diplomat and as Under Secretary General of the United Nations.

In 1950 Dr. Bunche received the Nobel Peace Prize and in 1963 the Presidential Freedom. These are two of the highest distinctions that can be awarded by the Nation or by the international community.

Mr. Speaker, Dr. Bunche was truly a credit to his Nation and to his people. He was statesman, scholar, and patriot who constantly worked for world peace. I join others in the Congress and throughout the world in paying tribute to his memory.

BOWERMAN CHOSEN OLYMPIC TRACK COACH

HON. MARK O. HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Wednesday, December 15, 1971

Mr. HATFIELD. Mr. President, for many people, the premier events in the Olympics are the track and field events. It is in this area that the spirit of ancient Greece is most evident, and that most of the public attention is focused.

You can imagine the pride I felt, Mr. President, along with all Oregonians, when the U.S. Olympic Committee selected Mr. Bill Bowerman as the head coach for the American Track and Field team. I refer to him as "Bill," as does everyone that knows him, even though he is "William" officially. Bill Bowerman is as excellent a coach as has coached in the United States; in addition, he is as fine as a man as I have known in the coaching profession. In his home town of Eugene, Bill Bowerman is as popular as is Redskin Coach George Allen here in Washington.

I could extoll the various team championships that have come to the University of Oregon under Bill's tutorage; I could discuss the number of NCAA and world record holders from the University of Oregon. Bill's record speaks for itself. I ask unanimous consent that two examples of the articles appearing in the Oregon press appear at the conclusion of these remarks. Both give a flavor of the man.

During my years as Secretary of State and Governor of Oregon, I used to assist in judging track meets in Eugene and Salem. I came to know Bill Bowerman as a person and as a builder not just of fine athletes, but of fine young men who happened to be athletes.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Oregon Journal, Oct. 19, 1971]

A BIG MAN IN TRACK, FIELD

The naming of Bill Bowerman, track coach at the University of Oregon, as head coach of the U.S. track and field team which will compete in the 1972 Olympic Games in Munich follows closely on the announcement that Eugene will be the site of the U.S. Olympic track and field trials next summer. The latter choice is the result of a bid by the Oregon Track Club.

While this two-pronged recognition of Bowerman and of the university city is a great honor, it is surprising only in the sense that Bowerman has often been at odds with the national AAU organization, which in the past has dominated the U.S. Olympic Committee.

There has never been any question that Bowerman is a man of towering stature in the world of track and field.

This is measured by any number of criteria, including the world class performers he has developed, the foreign athletes who come to the university because they want to train under Bowerman, his influence in other countries, the national championships the university has won or shared under his tutelage (four) and the fact that the university is nearly always a contender in national competition.

The fact that Eugene, under Bowerman, has become a sort of capital of track and field has sparked renewed interest in the sport throughout the state, extending to the high schools.

The nation at large, in fact the world, is experiencing a boom in track and field. Just one of the signs was the first head-to-head competition last summer at Durham, N.C., between Pan-African and U.S. teams. American coaches, through the Peace Corps, have been working with African countries in the development of Olympic performers.

Bowerman's place in the world revival of track and field is secure. The honors which have just come to him and Eugene only add to the luster that was already there.

[From the Oregonian, Oct. 24, 1971]

USOC RECOGNIZES BOWERMAN SERVICE

(By Leo Davis)

Modesty forbids Oregon's Bill Bowerman a review of credentials, but friends will point out his selection as coach of the 1972 United States Olympic track and field team was hardly pork barrel politics.

To know Bill Bowerman is not necessarily to love him. His contributions to the sport have not gone unnoticed but it has taken these many years for his colleagues to acclimatize to an unbending credo; to the charms of truth and purpose.

Smoke-filled rooms and snake oil are not Bowerman's style. He comes on in Hush Puppies and sweat shirts and his campaign—if that's the word—took momentum from four NCAA team titles and 23 individual gold medal winners; from unceasing pursuit of excellence.

Took strength from his record of achievement as coordinator o fthe U.S. high altitude testing and training program in 1968 at Lake Tahoe.

And it was enough and about time.

Bowerman has never made a secret of his Olympic ambitions. Insisted only the choice be free of compromise. Nor does he disguise his elation over the USOC's decision. It's the crowning touch to a long and distinguished career.

But truth will out and Bill's celebration is tempered by what lies ahead. "Remember," he said, "I was at Tahoe and I know the problems. I don't think there's much from a coaching standpoint that I haven't encountered and can't handle. But I know from experience there are other problems—very trying ones that will call for everything I can deliver."

MORE CONFIDANTE THAN COACH

Theory limits Bowerman's function to coaching. But practice proves he will be involved in administration, in logistics. And that's an overwhelming job. Like catering a small war.

Even in official capacity Bowerman may be more confidante than coach.

"In the past three Olympics our teams have gone from 90 per cent collegian to 90 per cent post-collegian," he explained. "And like our undergraduates these great athletes have kept a log on their development. They know the principles of their events.

"They may recognize a need and ask for help—the kind we can provide with sequence cameras and playback machines. They may want somebody to watch a particular phase of technique and comment.

"But we (staff) will function more as a helper than a teacher."

Stan Wright, who coached sprinters in 1968 and was runnerup for the 1972 appointment, will serve as one of four assistants. The others are Bill McClure, Abilene Christian; Ted Hayden, University of Chicago and Hoover Wright of Prairie View.

In addition, Bowerman can pick the brains of a managerial staff that includes George Wilson of the Armed Forces special services division; Bill Exum of Western Kentucky, Duke University's Al Buehler, Roy Griak of Minnesota and Alex McDonald, Long Island, whom Bill calls "the best walking coach in the country."

It's highly unlikely there'll be questions that group can't answer.

"We think it's a good staff," Bowerman said, "and we think it will be a good team.

"And it had better be good," he added softly. "All you have to do is look at the results of the European championships to know the United States has its work cut out."

USOC ALTERS TRIALS FORMAT

Whether in deference to that threat or in answer to its critics, the USOC changed its format for the trials in Eugene. Instead of limiting each event to 18 qualifiers, the trials will be open to any man who has met the Olympic standards.

"We are going to ask Track & Field News to act as a clearinghouse for applications," Bowerman explained. "They will make available a list of men who have met the standards and in the event there aren't enough—say we need 24 and they have 15—we'll ask for names of the next best nine to fill our quotas."

The trials will be staged on a split weekend basis—Thursday, Friday, Saturday, Sunday—with a break between.

"Our criteria is to match the individual with his competitive situation at Munich," Bill said. "Take the 10,000 meters for example, it's the first of the long races. We'll have a preliminary on Thursday and the final on Sunday. And the man who can't run two races in four days will be in trouble—just as he would be in Munich."

Even in Eugene which has a great track record, the trials are an ambitious undertaking. But Bowerman considers the sponsoring Oregon Track Club and friends equal to the challenge.

"We won't have trouble getting help," he predicted. "In addition to our own competent officials there is an abundance of equally competent people all over the state.

"It isn't a matter of who will work. I can't imagine anybody who won't want to work an event of this stature."

COORDINATING THE DRUG FIGHT IN EAST HARLEM

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BADILLO. Mr. Speaker, in perhaps no other area of New York City is the problem of drug abuse and narcotics addiction more serious than in East Harlem. It is an issue that ranks high on my own list of priorities and it has been the subject of continuing effort by the East Harlem Congressional Planning Council I established earlier this year.

I am proud to announce a Temporary Committee to Develop an Agenda for an East Harlem Meeting of Drug Abuse Agencies. This committee stems directly from the work of the congressional planning council and I am hopeful it will be just a first step toward the coordination of many community groups working in this field.

Great credit must be accorded the committee members, Jack Austin, Dave Hutson, Jewel Johnson, Luis Vega, and Tom Karp. I present for inclusion in the RECORD, some initial materials prepared by the committee, including a report on the initial meeting, the announcement of today's planning session, a tentative agenda, and a directory of drug abuse services in East Harlem:

Temporary Committee To Develop an Agenda for East Harlem Meeting of Drug Abuse Agencies

To All Agency & Program Directors:

As you recall there was a meeting on Monday,. November 22, at the District Legislative Offices, 219 East 116th Street. One result of this meeting is the Temporary Committee, which met on December 1st. The following persons made up the committee:

Jack Austin, REVIVE.
Dave Hutson, N.Y. Medical College.
Jewel Johnson, East Harlem S.P.A.N.
Luis Vega, E.H. Youth Services Center.
Tom Karp, Mt. Sinai Adolescent Program.

The committee worked with many of the ideas brought up at the November 22 meeting, and has outlined an Agenda which we feel include the kinds of issues that all our agencies might consider organizing around. We have also selected a date for our next meeting, which we hope will be attended by Directors or representatives of ALL programs. Due to the fact that we are not yet an organization, we felt that there should be no specific speakers or "guests", but that all participants would contribute to the development of common concerns and goal.

Next meeting: Wednesday, December 15, 1971, 2:00 P.M. District Leglislative Offices, 219 East 116th Street. Tel. 831-9286.

For further information or details, please contact: Jack Austin, Director, REVIVE, 1982 Third Avenue (cor. 109th St.), New York, New York 10029. Tel. 860-3262.

AGENDA

Part I—Possible Activities—Goals of a Coalition.

(A) Program Issues:

1. Identify additional program services needed in the community, such as vocational services; and possible new proposals.

2. Improve the functional coordination of services among programs for more systematic care. Possible development of a Central Referral system.

3. Development of technical assistance and cooperation among programs.

4. Development of Real Estate information, available space, and resources; get priority access to unused City buildings.

(B)—The Funding Situation:

1. What are the problems?

2. What are the alternatives, and other resources?

3. How can we utilize political support?

(C)—Directories of East Harlem Drug Abuse Services:

1. Copies of a brief Directory will be distributed at meeting.

2. Another directory should be developed, that will provide a description of services of each program. Please *bring* a description of your program.

Part II—What roles can we define for Political Leaders in a community-wide organization.

A. Possible special, emergency message to State Legislature.

B. Possible Press Conference with Political Leaders.

Part III—Development of a Coalition:

A. "Statement of Purpose."

B. Some type of on-going structure.

Directory of Drug Abuse Services in East Harlem

(Compiled by REVIVE, December 1, 1971)

Addiction Research & Treatment Corp., Multi-Modality Treatment: *Proposed.* Sponsor: N.I.M.H., 937 Fulton Street, Brooklyn, N.Y. 11238. Tel. 636-1228 or 636-1000. Program Dir.: Dr. Beny J. Primm. Staff: Al MacQueen, Frank Graves.

Children's Aid Society, Drug Abuse Prevention, East Harlem Center, 130 East 101st Street, New York, N.Y. 10029. Tel. 348-2343. Exec. Dir. Ray Sanchez. Prog. Dir. Sue Cohen.

Corps Outreach Program, Sponsor: Salvation Army, 1991 Lexington Ave. (at E. 121 St.), New York, N.Y. 10035. Tel. 427-7083. Director: Rev. Joe Gagos. Asst. Dir. Jerry Kaufman.

East End Welfare Center, NYC–D.O.S.S., 312 East 94th Street, New York, N.Y. 10028. Tel. 360-8637 or 360-8356. Contact: Julius Stancher, Barbara Sirkin.

East Harlem Health Center, N.Y.C. Dept. of Health, 158 East 115th Street, Rm. 209, New York, N.Y. 10029. Tel. 876-0300 or 876-0622. District Health Officer: Dr. Anthony Mustalish.

Addiction Services Agency, N.Y.C., c/o Harlem Y.M.C.A., 180 West 135th Street, Rm. 212, New York, N.Y. 10031. Tel. 690-2902, 03. North Manhattan District, Mr. Robert Taylor, District Director. Annie Laurie Chestnut, East Harlem Liaison.

Children's Aid Society, Drug Abuse Prevention, Rheinlander Center, 356 East 88th Street, New York, N.Y. 10028. Tel. 876-0500. Director; Margaret Leahy.

Crossroads Center, Drug Abuse Prevention, 230 East 105th Street, New York, N.Y. 10029. Tel. 427-0700. Director: Rev. Robert Santilli.

East Harlem Community Corporation, 105 East 106th Street, New York, N.Y. 10029. Tel. 427-0500. Prog. Dir.: Robert DeLeon.

E. H. Community Relations Center, 217 East 106th Street, New York, N.Y. 10029. Tel. 831-2800. Director: Elsie (Jackson) Gil de Rubio.

East Harlem Health Council, Inc., c/o E.H. Community Relations Center, 217 East 106th Street, New York, N.Y. 10029. Tel. 831-2800. Chairlady: Ruth Atkins

East Harlem S.P.A.N. Community Orientation Center, 1 East 131st Street, New York, N.Y. 10037. Tel. 234-4143. Dir. Willie Horton, Jewel Johnson.

E.S.P.A.D.A., 217 East 115th Street, Sponsor: E. H. Youth Employment Service, 2037 Third Ave. (nr. 112 St.), New York, N.Y. 10029. Tel. 876-2687 or 348-5626. Director: Selvio Morales.

Franklin Welfare Center, N.Y.C.—D.O.S.S., 309 East 108th Street, New York, N.Y. 10029. Tel. 369-3500. Contact: Mr. Bernard Brecher.

H.A.V.E.N., Inc, 222 East 116th Street, New York, N.Y. 10029. Tel 534-1970. Director: Dr. Robert Baird.

East Harlem Protestant Parish, Interfaith City-Wide Coordination Comm., 2050 Second Ave. (nr. 106 St.), New York, N.Y. 10029. Tel. 427-1500. Staff: Rev. Norman Eddy, Lydia Lopez.

East Harlem Youth Services Center, Contract: A.S.A. & Y.S.A., 2303 Second Ave. (nr. 118 St.), New York, N.Y. 10035. Tel. EN9-8185. Dir. Lino Acevedo. Asst. Dir. Luis Vega.

Exodus House, Inc., 304 East 103rd Street, New York, N.Y. 10029. Tel. 876-8775. Director: Lynn Hageman.

Harlem Hospital & Beth Israel Med. Ctr., Methadone Maintenance Program. A) Outpatient Dept. No. 2, 110 East 125th Street, New York, N.Y. 10035. Tel. 427-5800. Director: James L. Thomas. B) Holding Clinic, 173 East 125th Street, New York, N.Y. 10035. Tel. 876-5544.

Hospital for Joint Diseases & Med. Ctr., Methadone Detox Clinic, 1919 Madison Ave. (nr. 123 St.) Rm. 311-A, New York, N.Y. 10035. Tel. 876-7000. Director: Dr. Stanley Reichman—ext. 512, James Lewis—348-9810, Manny Alvarez.

Hot Line—Telephone Asst. for Drug Abusers, c/o Union Settlement, 237 East 104th Street, New York, N.Y. 10029. Tel. 831-7050. Director: Ralph Flores.

James Weldon Johnson Community Ctr. Inc., 2205 First Ave. (nr. 113 St.), New York, N.Y. 10029. Tel 876-8800. Exec. Dir. Rafael Ferrer.

Mt. Sinai Hospital, Adolescent Drug Abuse Program, 19 East 101st Street, New York, N.Y. 10029. Tel. 876-1000, ext. 6488. Director: Joan E. Morgenthau, MD, Staff: Klaus Kracht, Admin., Henry Berman, MD. Community Liaison: Tom Karp, Renae Stalmaker, RN, Pat Pekrol, RN.

Mt. Sinai Hospital, Methadone Maintenance Clinic, 11 East 100th Street, New York, N.Y. 10029. Tel. 876-2466 or 876-1165. Director: Dr. Hillel Tobias, Dr. Barry Stimmel, Carol Engel, Clinic Coord., Sy Dempsey, Admin.

New York Medical College—Amb. Detox, Div. of Community Mental Health, Dept. of Psych., 5 East 102nd Street—8th Floor, New York, N.Y. 10029. Tel. 369-7900. Director: Dr. Richard Brotman, Harrison Lightfoot, Dave Hutson.

I am Free—No Dope for Me, Adolescent Program, 1896 Third Avenue (105 St.), New York, N.Y. 10029. Tel. 876-4740. Chairman: Morris Wittenberg.

Metropolitan Hospital, Methadone Maintenance & Detox Clinic, 1901 First Ave. (at 97 St.) 15th Fl., New York, N.Y. 10029. Rm. 15B10 Tel. 360-6262, ext. 6769. Director: Max Fink, MD, Miss Greene, RN.

Mt. Sinai Hospital, Methadone Maintenance Clinic, Social Services Center, 1407 Madison Ave. (bet. 97-98 Sts.), New York, N.Y. 10029. Tel. 289-8701. Director: Carie Silverstein, Bob Carr, Miss Tota.

N.Y.C. Methadone Maintenance—*proposed*, Health Services Administration, NYC, 377 Broadway, New York, N.Y. 10013. Tel. 966-6312. Director: Robert G. Newman, MD. Staff: Stewart Steiner.

N.Y.S. Narcotic Addiction Control Comm., Community Narcotic Education Center #2, 2127 Third Ave. (nr. 116 St.), New York, N.Y. 10035. Tel. 427-6868. Staff: Carlos Sotomayor, Felix Ortiz, Oscar Rivera.

Operation Survival—Addiction Service Center, Jefferson Sub—Community of MEND, 210 East 115th Street, New York, N.Y. 10029. Tel. 348-4033. Director: Johnnie Bobbitt.

Phoenix House, Therapeutic Community, 205 East 116th Street, New York, N.Y. 10029. Tel. 348-4961. Director: Ray Colon. Staff: Stan Hughes, Allan Freilich.

REVIVE, Sponsor: James Weldon Johnson C.C., 1982 Third Ave. (cor. 109 St.), New York, N.Y. 20019. Tel. 860-3262. Prog. Dir. Jack Austin. Asst. Dir. Sam Jenkins. Exec. Dir. Rafael Ferrer—876-8800.

Metropolitan Community United Methodist Church, Drug Abuse Prevention, Corner Madison Avenue & 126th Street, New York, N.Y. 10035. Tel. AT9-6157 or AT9-6162. Director: Harold Ford, Rev. William M. James.

Our Lady Queen of Angels, Catholic Charities Drug Abuse Program, 226 East 113th Street, New York, N.Y. 10029. Tel. 534-6218. Director: Rev. Raymond Hand, Rev. Eugene Solen.

Phoenix Induction Center, 209 East 116th Street, New York, N.Y. 10029. Tel. 860-3127. Director: Patricia Matlin, David Rolan.

S.C.A.N.T., Bd. of Education—District #4, 1735 Madison Ave. (nr. 114 St.), New York, N.Y. 10029. Tel. 348-3223 or 348-6443. Director: Gil Hodges. Staff: Nat Wright, Ray Negron.

AVENUES TO BETTER SENIOR YEARS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. PRICE of Texas. Mr. Speaker, recently over 3,000 delegates representing every jurisdiction in the country came to Washington to attend the second White House Conference on Aging. The Conference was created by the President to define a national policy on aging and its planning took nearly [illegible] years. At the Conference, State representatives met in various groups to discuss the problems faced by 20 million elderly Americans and on December 2, they offered to the Nation guidelines for legislation to improve the lives of older Americans. These guidelines sum up the goals of every older person—a decent income, access to quality medical care, suitable housing, employment opportunities and the chance to live dignified and comfortable lives. In essence, the aged individuals in this Nation are asking for self-respect and independence. We in the Congress are in a position to help the elderly reach these goals in a way that will promote indpendence and self-respect.

Mr. Speaker, I am greatly disturbed at our accomplishments in this area thus far. We, I believe, must reexamine our past actions. We promised lavish cure-all programs administered and funded by the Federal Government; programs which seemingly erase problems of the elderly, but in reality cause little or no change.

The programs to which I am referring were enacted during the 1960's after the first White House Conference on Aging. I would like to ask how many elderly people have actually benefited from these programs. Relatively few, I am sure. For example, the Older Americans Act passed in 1965 had grand ideas. Each of its 10 objectives mapped out ways for us to improve the life styles of elderly persons. In reality, however, the act lacked muscle and it has not changed the lives of older people significantly. More important, though, it raised false hopes among the elderly by promising more than it could realistically provide. If funds allocated for all of the categorical and overlapping social programs were given to States and local communities without earmarking, the money might be used in a way that would achieve the promises held out by the act. After all, it is at the grassroots level, not the Federal level, where unique and particular needs of individuals and groups of individuals can be identified in the way that would best serve senior citizens.

When we look at the housing problems of older people we see that the Department of Housing and Urban Development was established in 1967 to help resolve the severe housing shortage in this country. Yet 4 years later a shortage not only remains but is becoming more critical, especially with regard to the elderly. Approximately 1.6 million elderly Americans live in substandard housing, housing that lacks even basic items as plumbing facilities. Also, thousands of other individuals in urban and rural areas live in housing that is steadily deteriorating to the point where it will soon be uninhabitable unless rehabilitation efforts are undertaken.

Public housing is not the answer for these people. No self-respecting individual enjoys residing in quarters where he feels indebted to the Government and deprived of personal freedom. The bureaucratic machinery that seems necessary in public housings involves maintaining records, registering applicants and determining eligibility in a way that is a continual threat to ones privacy and dignity. Federal programs such as this one—as well as other government subsidy programs—are not necessarily helping the elderly live more decently. A better answer would be to allow older people to keep more of the income they now pay in taxes. In this way, some who could not otherwise afford their own homes or decent rental units might be able to do so; homeowners or renters who are 65 and over might be allowed additional tax credits; perhaps State and local jurisdictions could be encouraged to offer special tax deductions, credits or rebates. On the Federal level, we should seriously consider allowing property tax credits or credits on rental units against the Federal income tax.

In this connection we should note between 1965 and 1970 the cost of buying and maintaining a new home in America increased by nearly 80 percent while the median income of elderly Americans rose only 40 percent, and rents have skyrocketed. As a result elderly people have no choice but to remain in homes or apartments that are often too big, inconveniently located and not suitable for present needs.

Unemployment and underemployment are serious problems among older people. As of October 1971, 3 million people 65 and over—that is only 27 percent of the men and 10 percent of the women—were holding either full- or part-time jobs. More than 100,000 others were looking for work and it is estimated that nearly 300,000 to 500,000 additional older people would like to work but have found the problems so overwhelming that they have given up hope of finding it. Studies have shown that barriers exist when it comes to hiring or referring older workers to job opportunities. For example, many employers feel that the older individual is slower to learn and less apt than a younger person to take on long job or work training assignments. Ideas like this persist as "common knowledge" even though no study has documented them as having any truth.

We must educate the public so that they know the talents of older people, and rid our society of the myth that older people can not and do not want to work. In this way, we might open up new job opportunities for older people. This seems a far better approach than attempting to create Federal job programs. We know that the Federal employment programs created through legislation in the early and middle 1960's have not proven to be a successful way of getting additional jobs for older people. Only a relatively small percent of the Nation's training and retraining efforts, and job placement endeavors were focused upon persons 65 and over. For example, during the year 1970 middle and older workers accounted for only 4 percent of all employees in manpower programs.

The National Council on Senior Citizens in a report to the Senate Special Committee on Aging evaluated a Federal work program for senior citizens called Senior Aides. They concluded that more people could have been served through this program if the Federal Government had been more efficient. Bureaucratic redtape such as untimely and irrelevant reporting forms that had to be completed for the Department of Labor impaired direct service to individuals in the program. The report also attributed in efficiency to the vacillation of both the Labor Department and the Congress in maintaining an adequate balance in financing and in supporting realistic priorities. I feel this report clearly illustrates how the Federal level is failing to meet either the short- or long-run needs of older people. Instead, we have created unnecessary programs and wasteful spending. Employment problems must be resolved at the level where elderly people live and where employers have the resources for hiring and training workers. The Federal Government's role should be limited to providing incentives for private industry to create jobs that would employ more older people.

Part of the problem in employing the elderly dates back to 1935 when the Social Security Act arbitrarily set the age of 65 as the age at which retirement benefits would be paid under the social security program. During the years following many industries established a mandatory retirement age without taking into account the fact that many people at the age of 65 are more capable of employment and more willing to work than some younger individuals. Moreover, people in their middle years are going into retirement due to their skills being made obsolete by modern technology.

The White House Conference on Aging adopted a resolution stating that:

> Chronological age should not be the sole criterion for retirement. A flexible policy should be adopted based upon the worker's desires and needs and upon his physical and mental capacity—Employers should be encouraged to adopt flexible policies, such as gradual or trial retirement.

We must make this issue a priority matter on our agenda. We cannot let this resolution enter the pages of history as mere rhetoric. The lives of millions of people will become more meaningful when they know something is being done to open avenues to a variety of new job opportunities.

Government activity with regard to medical and health care has not only pushed up demand for nonexistent medical care but has pushed up the cost of the scarce, available care. Since the creation of medicare and medicaid we have seen rapidly rising medical costs. These programs have been justly criticized as being too costly, subject to widespread abuse, and poorly administered. Older Americans are dissatisfied with the limited coverage and the mounting personal expenditures required under the program. Medicare now meets only 40 percent of their health care costs.

Furthermore, personal costs will increase as long as health care fees continue to increase. Since 1960, medical costs have gone up twice as fast as the cost of living and hospital costs have risen five times as fast. Approximately 60 percent of the increase in total medical expenditures during this period can be attributed to inflation—not to additional or better health care services.

If the Congress wants to meet its responsibility in providing medical and other health care services for the aged, we must initiate incentives for physicians and hospitals to reduce their costs. We must also help create new health care services which are efficient and effective but not as costly as the alternatives currently available. For example, outpatient care, home-health care, home-nursing care and supportive social services are realistic alternatives to costly hospital stays. We also need the kinds of services that can prevent a minor ailment from becoming a serious chronic illness.

I realize that there are no easy solutions to prevailing health care problems. But we must rely more heavily on community participation, not Federal participation, in planning for and providing new and innovative health care services. In addition, we must always stress the need for a health care delivery system that will provide optimum performance on the part of the professionals and paraprofessionals working in the field. Our country is wealthy enough to provide the necessary health care facilities, equipment, and manpower so that every American can be assured competent medical treatment. This goal can be met if we use our hearts and our heads in passing legislation.

The most fundamental problem facing most elderly in this Nation is that of an inadequate income. Without facing this grave problem head-on any effort to assist the elderly will be futile. Moreover, our solution must eliminate those existing programs which do little more than make recipients feel like wards of the State; the demeaning charities which dehumanize and demoralize older people who have worked hard and been self-supporting all of their lives

I believe it is time we come to grips with the problems resulting from inequities in the retirement workers program under the Social Security Act. This program was originally intended to supplement one's income in the event of retirement or disability, not to provide total income. Yet the majority of people on social security must rely on it as their major source of income. As of 1967, more than 60 percent of the aged couples and approximately 75 percent of aged unmarried persons depended upon it for their sole income. As I see it, this pattern will continue unless we take immediate steps to reexamine our present goals.

I am not advocating elimination of the social security system. But I do feel it is heading toward self-destruction due to the shortsightedness of many people. We cannot continue to ask young workers to pay increasingly more to the program when they have current urgent needs that must be met. Employers are also beginning to feel burdened by increased payroll taxes. We must determine when the social security system begins to have diminishing returns and when our economy starts to deteriorate as a result of expanding this program. We must evaluate the real purpose of the Social Security Act with respect to supplementing retirement incomes, and act accordingly. We are a Nation of all age groups and we must not weaken some individuals while failing to help others.

If we are seriously wanting to help those in retirement and at the same time benefit those not yet at this stage in their lives, we must depend more on private pension plans, private insurance, and private savings. These resources can adequately provide economic security in later years, provided we do not increase social security taxes to the point that employees and their employers have no money left to put aside for these purposes.

Two basic changes in the social security program are needed—the retirement test must be eliminated and people over 65 should not be required to pay social security taxes on their earnings.

Under the retirement test, social security beneficiaries are taxed at a rate of 50 cents on the dollar for any earnings between $1,680 and $2,880 a year and at a rate of $1 for each dollar above $2,880 a year up to a point where they get no social security benefits. Moreover, they have to pay an additional social security tax of 5.4 percent on all their earnings up to $7,800 a year—$9,000 starting in January. The unfairness of these provisions is obvious. When we recognize that lack of an adequate income is the major problem facing older people, how is it possible to justify taxes at these prohibitive rates? With tax rates like these, only the wealthy can afford to work. They are just more than the average man or the poor man can afford to pay.

Mr. Speaker, in closing I would again like to emphasize that the Federal Government must begin taking new directions in its efforts to provide more housing, job opportunities, medical services, and an improved standard of living for the Nation's elderly. We must maximize our capabilities by turning more to private programs, voluntary organizations, and State and local government agencies. We can no longer embellish the Federal bureaucratic machinery in the disguise of assisting older Americans.

Let us carefully examine the recommendations of the White House Conference on Aging in this light and we will be making a big start in providing a better world for the Nation's senior citizens.

SECRETARY STANS TRIP TO SOVIET UNION OPENS NEW VISTAS FOR TRADE AND GOODWILL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. VANIK. Mr. Speaker, Secretary of Commerce Maurice Stans has just returned from a highly successful 17 day trip to the Soviet Union, Poland, and Sweden where he explored the possibility of increased trade and business contacts. Judging from the news reports of his trip and from his press conference of December 9, the door appears to be opening for significantly expanded East-West trade and business contacts in Eastern Europe.

The Secretary is to be commended for his very fine diplomatic-business mission. His efforts may well be the start of a substantial building of bridges between the United States and the Soviet Union, a further relaxation of the Iron Curtain, increased involvement of the Soviet Union and its peoples in the mainstream of European-American involvement, and increased American exports. Peace should be the proximate result of communication and trade.

At present U.S.-U.S.S.R. trade totals about $170 million a year. As Secretary Stans and Chairman Kosygin noted "that's no trade at all" between the world's two major superpowers. Cracks in the trade barriers are beginning to appear. A grain sale has just been worked out in which the United States will sell between $135 million and $190 million in corn supplies to the Soviets. Secretary Stans' press conference of yesterday was matched by a press conference of the Soviet Minister of Agriculture, Vladimir Y. Matskevich, who is now visiting this country on a trade mission. The Minister said, among other things, that the purchase of grain could continue for a long time—5 to 10 years—thus helping alleviate our bumper corn harvests. In addition, he said his nation was interested in buying our farm machinery and purchasing licenses to manufacture equipment in the Soviet Union.

There are some, of course, who will argue that we should not trade with the Soviets because they are using trade to gain "strategic materials." This argument does not apply to the vast number of items which the Soviets are interested in trading in. As Secretary Stans said:

> We put ourselves in a rather ridiculous position if we refuse to sell to the Soviet Union items of equipment which they can buy in Germany, France, Italy, Switzerland or Britain.

I wish Secretary Stans continued good success in his efforts to increase trade cooperation between all nations.

I would like to enter in the RECORD at this point an article from the Evening Star of December 9, 1971, describing the Secretary's press conference.

The article follows:

STANS HOPEFUL RUSSIAN TRADE WILL MOUNT INTO THE BILLIONS

Commerce Secretary Maurice Stans today said he is "very hopeful" that the present small volume of trade between the United States and the Soviet Union can be expanded to billions of dollars a year.

Just returned from a 17-day trip to Russia, Poland and Sweden, Stans emphasized, however, that he made it clear to Soviet leaders that continued improvements of political relations is necessary for two-way trade to grow.

At present U.S.-Soviet trade totals about $170 million annually. "As Chairman Kosygin said, that's no trade at all," Stans says.

The Commerce secretary while declining to name a specific target, said he thought U.S.-Soviet trade could total billions of dollars a year if political differences are problems facing businessmen are worked out.

"But, believe me, it's at a very preliminary stage," he said.

Stans rejected the idea that increased trade with the Soviet Union might contribute to Russia's warmaking capability.

"We put ourselves in a rather ridiculous position if we refuse to sell to the Soviet Union items of equipment which they can buy in Germany, France, Italy, Switzerland or Britain," Stans said.

The secretary, who consulted with Premier Alexei Kosygin and many other Russian leaders during his trip, cited natural gas as one of many raw materials that the Soviet Union could export to the United States in exchange for U.S. technology and goods.

As the Russians see things, he said, American business interests would help develop gas fields, build a pipeline to a port and provide the ships to take the gas to the United States in liquid form.

This would cost billions of dollars, Stans said, but he noted that the Soviet Union appeared prepared to deliver $1 billion worth of natural gas per year for many years under such an arrangement.

Asked about an outstanding World War II lend-lease debt owed the United States by Russia, Stans indicated this was one of the things that would have to be settled as part of increasing trade relations.

When negotiations between the United States and the Soviet Union were broken off ten years ago, the Russians were offering a $300 million settlement while the United States was asking $800 million, Stans noted.

AN ADDRESS BEFORE THE KOREAN-AMERICAN POLITICAL ASSOCIATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HANNA. Mr. Speaker, I wish to take this opportunity to call to the attention of my colleagues in the House the recent formation of a new minority organization—the Korean-American Political Association. I am sure that this new organization will be a credit to the culture and nation that is their historic origin.

Mr. Speaker, I was accorded the distinct honor of being a guest speaker at the first annual meeting of KAPA and I would like at this time to insert into the RECORD the remarks made on that occasion. I am confident that my colleagues will come to share with me my conviction that this little-publicized minority group can and will, given the opportunities, make many valuable contributions to our society:

ADDRESS BY THE HONORABLE RICHARD T. HANNA BEFORE THE FIRST ANNUAL MEETING OF THE KOREAN-AMERICAN POLITICAL ASSOCIATION

Mr. President, Officers of KAPA, Judge Kennedy, honorable clergy, members of KAPA, and ladies and gentlemen.

It is a very great pleasure for me to come here on this occasion and speak to you. I count it a distinct privilege to have been invited to speak at the first annual meeting of the new national minorities organization, the Korean-American Political Association.

I especially want to commend this organization in several regards—first of all, for your selection of Sang Ik Choi as your President. Over the term of our short acquaintance, I have been impressed with his outstanding character. He is committed to the ideals we all admire. His commitment is reflected in the presence of the young people in the hall today. I am sure that they can speak volumes in expression of the qualities that Mr. Choi exemplifies to them.

I would also like to commend you for the place which you have chosen to start this organization. I like to think that the wind that moves the morning mist on the land of Korea also pushes the fog over the foothills of the coast of California, that the water that laps the shores of Pusan and Alson also crashes across the rocks of the bay of San Francisco and moves on the sands of Los Angeles. Those waters stand not as a barrier that separates our lands but rather as a token of common commerce and communication between the two nations.

Finally, I want to commend the purpose for which KAPA was formed. I am confident that this group will not only serve as an effective vehicle for the expression of the views of the Korean-Americans, but will also enhance the contribution that the Korean Americans are making to American society as a whole.

I like to think of America in terms of its history in music, for I am very fond of music and that is the thing that makes me part Korean. America is a land of great music. Think with me if you will of the music that has moved America. Try to recall in your mind's eye that classic picture of the group of marching patriots in the first cause of freedom in this land. It was the fife and the drum they marched to—two instruments. A brave sound, indeed, and one that moved the feet of courageous people. But since that time the music of America has broadened in scope. As we have added other instruments to the fife and drum, so have we added to the predominantly Anglo-Saxon populace a wide and rich diversity of peoples from every part of the globe.

We have moved on to a greater orchestration and in so doing have created a music that makes the beautiful harmony which is the essence of America. When one thinks of the so-called hyphenated Americans—the Mexican-American, the Filipino-American, the Korean-American—one should look upon each as adding richer orchestration for a deeper and more meaningful harmony that results from the merging of many different instruments working in concert on a common theme. This new organization you have founded here today can bring something new to the music of the American political scene, the music to which the feet of politicians like myself respond.

Your contribution can be in two places—in the domestic situation and in the international situation—and to each case in a special way. Because you are Korean-Americans and you have a responsibility to a particular segment in this heterogeneity that is America, you must try to summon up what is the best of your people's contribution. Just as your President has said, if you are going to ask for a special consideration, you must make a special contribution and this you must do by showing the rest of America what it is that the Koreans have to contribute. You can request of the political leaders those considerations that you think are special as a request of the Korean-Americans. The wedding of the two cultures makes a reasonable situation in terms of what your organization can do in making democracy more meaningful for a particular segment of people.

We are a great land, we are a large land, and it is true in such a situation that one person finds it hard to get his unique needs served. That is why we need great organizations which can act as a vehicle to communicate these individual requests and needs. I certainly hope that, as a part of our domestic political life, KAPA will be able to perform in both instances and act as a vehicle for bringing the contributions of the Korean-Americans to the country and as a vehicle for requesting of the country legitimate considerations for the needs of your people.

There is also a very special way in which you can serve the international interests of our country. I know that of every land which has a representative in our country, much can be said of their history, culture, and background, but we are talking about Koreans and Korea. I am sorry that Mr. Gonzales is not here because he is worried that the Koreans might be lost somewhere in the assimilation process, knowing the history of Korea, the thousands of years during which Koreans were under the suppression and control of peoples outside their own land. During this period, however, Koreans continually demonstrated a highly developed national integrity. They are the Jews of the Orient. They were put under bonds of all kinds; they have been put down, but they always rise up.

They are also the Greeks of the Orient. It is easy to see for those who care to see that the influence of Korea is strong on those other lands. If you don't think so, you should read the history of Japan. I don't think the Japanese care to look at this every hour of every day, but the language of Japan has its roots in Korea, as does much of the art and industry of Japan. Even the great and omnipotent Chinese borrow much from the land that is Korea. Many of the institutions which they refined had their roots in Korea.

There are many reasons for which I am proud to associate with an organization that can remind us of this history and make the same contribution in this modern time. Because the Koreans are still Koreans. In today's world, they are now free to make the kind of progress that has always been incipiently there, and so this should be a great era for Korea.

Now we are launched into a period of time in which our whole international situation is in transition. We have cut ourselves loose from the traditional policies of the past and we have not yet created a visible policy of the future. We are in a transition process and, in the process, organizations like this can readily make a meaningful contribution. I come to you fresh from the wars in the House of Representatives in which we have seen the dessimation of the foreign aid policy that had so long endured. I know whereof I speak, that there has to be a new day coming. During the transition period, foreign assistance will be decided upon case by case, country by country. There will have to be political muscle from each of these lands to make the case for that country. It would be unfortunate indeed if the U.S. does not understand the importance of Korea's role in Asian politics. I say this because, as Mr. Nixon goes to China, I hope he will have in mind the importance of the geography of politics in Asia and how through history Korea has been the power equation of the large units in the political adjustments and movements for various advantages. Korea plays a unique role in the geo-politics of Asia. She always has and always will. Each of the powers that are contending will look very jealously on what happens on the peninsula of Korea.

So, when Mr. Nixon sits down to talk with Chou En Lai, I think he should make clear that, in the Peninsula, America's interest is that Korea should be strong and independent. It must be made clear that America is not going to pull out or lessen its interest in Korea. Mr. Nixon must advise the Chinese, "Do not concern yourself that, in your anxieties over Russia, you must take the Penninsula to make sure that Russia does not have that advantage." We should also assure the Japanese that we are not going to let the Chineses move in and take over the penninsula. America will be there, not because we have any desire ourselves for aggrandizement or any geography, but because we understand and appreciate the balance of power and the significant place Korea plays in the maintenance of that balance. What we need now in the world is stability and the condition of Korea is essential to that stability.

There is one other thing that I think we need to look at for the near future.

We are moving out of an era when the policies of an international field were predicated upon politics, that is, when a large and dominating consideration was given to whether the government of the country was Communistic or was something called "Free." Instead, this is going to be an era of the dominance, not of politics, but economics. I trink that is why China is so worried about Japan, because, of all the power movements that one sees on the world scene, the economic power of the Japanese is the most significant movement, and certainly it is in Asia. It seems clear to me that one of the balancing things in the future of the economic era is that the U.S., with its technology, with its capital, wealth, and educational capacity, should work in a partnership with Korea so that there would be a base of balance in economics. With a partnership of the U.S. and Korea allowing the Japanese to move forward without being predominant, we can avoid a reaction of fear setting in, which, based on the history of the early '30's, could easily be expressed in violence. To avoid this, our two great peoples must work together to see that there is a balance of economics throughout the Asian world.

In order to bring this Korean-American partnership into reality, there must be a mutual confidence between the peoples of the two countries. In light of this requirement, many of my colleagues in the Congress have been concerned about President Park's recent statement to the Korean people about the possibility in the near future of a national emergency. As one Congressman, I read the message from President Park differently than some of my colleagues. When he called upon the citizens to take this strong stance that might mean giving up some of their freedom, there was instant reaction by some of my colleagues. They asked, "Is Korea going the same way as Thailand? Are they ready to run over to dictatorship, to single leadership, give up at once the processes of Democracy?" Well, I should say from what I've seen, and what I know, that this is not in President Park's message. Rather, what is in President Park's message is what was in our President's message to us on a different matter of a very great national concern. When President Nixon gave us his message on economics, he caused what we called Nixon-Shock. He said, "You're going to have to give up some of your economic freedoms. We are going to have to control price, wage, rents, dividends, and interests."

We have to do that because we have a single common enemy that is so large that it's going to take a special commitment to overcome it, and some freedoms must be temporarily foregone. Similarly, President Park said to his people that there is in Korea great and grave concern that is specifically a domestic concern, and that is security. In the changes that he sees taking place, there is a mounting concern in Korea. So he asked Koreans to consider giving up some of their personal concerns, liberties, under certain circumstances, so that as a country they can face up to certain problems that have existed since the Korean war. He has simply alerted the people, and what we see there is Park-Shock that matches the Nixon-Shock in trying to do what they can to get the people to respond to a national problem.

I think that Americans, having gone through our own experience, ought to be sympathetic to what the Koreans may be faced with in the near future.

In this future, your greatest role would be in education, and your secondary role can be as a vehicle to make Democracy more meaningful to your people. I hope that the organization will grow and achieve its purpose, and, as one member representing the United States of America, I welcome you as a new member to orchestra that is America.

I thank you.

TRADE POLICY RESEARCH CENTRE DIRECTOR HUGH CORBET WARNS AGAINST PROTECTIONISM, ASKS U.S. LEADERSHIP TO SECURE FREER TRADE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. REUSS. Mr. Speaker, Hugh Corbet, director of the London Trade Policy Research Centre, in a thoughtful article entitled "Global Challenge for Commercial Diplomacy," warns that GATT principles "now appear to be more honored in the breach than in the observance." Although Mr. Corbet's article, appearing in the October 1971 issue of Pacific Community, went to press before the temporary U.S. 10-percent surcharge was imposed on August 15, he has taken good measure of the protectionist forces in this country which led to this breach of GATT principles on our part.

As Mr. Corbet points out:

> In commercial diplomacy the world does not mark time. It is either moving forward or it is moving backward.

The United States, he suggests, should resist the protectionist virus, and take the initiative to secure meaningful negotiations for freer trade, lest the world move backward with increasing momentum. Now that international currency realinement is all but achieved, the time is ripe for this initiative accompanied by the removal of our import surcharge.

I include Mr. Corbet's article and commend it to my colleagues:

GLOBAL CHALLENGE FOR COMMERCIAL DIPLOMACY

(By Hugh Corbet)

The postwar system of international trade is falling into disarray. More assiduously than ever before, it is being suggested that the principles of the General Agreement on Tariffs and Trade (GATT), the instrument by which the system has been governed, are in need of substantial revision. The April issue of *Pacific Community* carried an article by Nobutane Kiuchi on "Why GATT Should be Remodeled." Most expressions of discontent, however, come from influential quarters in the United States, among them the Senate Finance Committee and the Department of Commerce. [1]

It is not always obvious that the proponents of GATT reform are greatly interested in the achievement of an open world economy. Many pay lip-service to the principles of free trade and then proceed to argue a protectionist line. [2] In any case, if recent causes of discontent are carefully examined, it becomes apparent that GATT principles do not need to be reformed as much as they need to be reasserted. For those principles now appear to be more honoured in the breach than in the observance. What has been happening?

II

Since the conclusion of the Kennedy Round of tariff negotiations, in the middle of 1967, there has been a steady and grave deterioration in international trade relations. Among the factors in this state of affairs has been the growing impact of the mercantilist farm policies of the European Community on world trade in temperate-zone agricultural products. There has also been an increasing awareness in the United States of the government aids to industry that are widely employed in many West European countries. The proliferation of the Common Market's preferential trade agreements with certain Mediterranean and African countries has been another subject of complaint.

Yet another factor has been the failure of the developed countries to agree on a simple system of generalized tariff preferences for developing countries. Perhaps the most dramatic issue has related to the difficult negotiations between the United States and Japan on trade in non-cotton textiles. Many of these problems have been exacerbated by the prospective enlargement of the European Community and the consequent extension of its discriminatory commercial arrangements.

The cumulative effect of these and other causes of concern has been the alarming hue and cry in the United States for import restrictions on a wide range of foreign products. Support on Washington's Capitol Hill for the Mills Bill, which seeks import quotas on textiles and shoes and contains a "basket clause" that would permit restrictions on literally hundreds of other items, subject to White House discretion, was so great towards the end of the 1969–70 session of Congress that several European capitals felt obliged to threaten retaliation. (The bill was reintroduced at the start of the new session.)

In the absence of any major new move to maintain the momentum of trade liberalization it was only to be expected that, among industrially advanced economies, the strong vested interests wanting special protection would be able to wrest the initiative from those other interests which have been responsible in the past for sustaining liberal trade policies. In commercial diplomacy the world does not mark time. It is either moving forward or it is moving backward. That is why a measure of enforcement is required to keep up the pressure for an open world economy.[3] Until the leading industrial nations give their support to further GATT negotiations there is accordingly bound to be continuing degeneracy in commercial relations with increasingly serious implications for the international trading system and for world trade in general.

With the expansion of international trade and capital flows the industrialized economies have been becoming more and more interdependent. Growing prosperity, though, has restored self-confidence and a sense of security to the countries of Western Europe, sufficient to encourage in them a tendency to pursue their interests with little regard for the interests of others. They have been inclined in recent years to take for granted the order in the world economy that—along security—was also restored in the 1950s and 1960s. As a result, the framework of the international trading system, which is to say the principles and rules of the GATT, has been badly weakened and a "credibility gap" is yawning wide open.

In marked contrast to the apparent attitude of some West European countries, two other groups of countries are beginning to expect more, not less, from the international trading system. With the restoration of some semblance of order in world economic affairs, following the disorders of the 1930s and

---

Footnotes at end of article.

1940s, they have begun to entertain hopes that a coordinated approach to their problems might at least be possible. The two groups overlap.

First, there are the exporters of temperate-zone agricultural products, some of which have been parties to the GATT from the outset, but have not benefitted greatly to date from its principles and rules. Then there are, secondly, the developing countries, which are not in a position to negotiate on a reciprocal basis with industrially advanced countries, but are looking to them for markets for their products.

In an international trading system dominated by industrially advanced economies which, over two hundred years, have generally come to accept the basic philosophy of free trade, the two groups would seem entitled to benefit from the laws of comparative advantage and the international division of labour. As the weakest in the multilateral bargaining process, yet obliged to export that they can in order to import the goods they are not industrially advanced enough to make themselves, the countries of the two groups are not likely to sympathize with Mr. Kiuchi's bland assertion that "liberalization in its true nature is a policy to be adopted for the benefit of the importing country and not for the sake of letting the other side enjoy more exports." [4]

Both developing and agricultural exporting countries have a strong interest in the maintenance of international order in the world economy. The position of one, Australia, was once succinctly put by Sir John McEwen, when still Deputy Prime Minister: "Our future," he said, "more than that of the large developed countries, depends on external trade and particularly trade in agricultural products. This is already the most difficult area [in international trade]. Australia's interest—and, we believe, the world's interest—is to try to ensure that trading blocs, where they exist, and countries outside such blocs, return to the principles and rules laid down in the GATT. Only by the rule of law," Sir John continued, "can small countries hope to receive a fair deal in world trade. Only by the observance of the rule of law can the big prevent or avoid disruption and the loss to themselves, as well as to others, of all the gains made since World War II in the field of international trade." [5]

The major trading nations have too great an interest in the present world economic order to allow the backward slide in international trade relations to go on ad infinitum. Sooner or later a new move forward will have to be embarked upon. The question is "when?"

In June of this year an important, indeed an essential, preliminary maneuver was accomplished at the ministerial meeting in Paris of the Organization for Economic Cooperation and Development. The ministers authorized the establishment of a high-level study group to make recommendations on the courses that should be taken to carry forward the liberalization of trade "on a non-discriminatory basis and under fair conditions of competition in both industrial and agricultural products." [6]

During the last four years there has been taking place in Washington, in spite of other pressing preoccupations, a comprehensive reappraisal of international economic policy. Other capitals, however, have been little disposed to devote concerted attention to the prospective needs of the world economy, being almost totally preoccupied by immediate domestic or regional questions. Although the OECD study group was formally proposed by Emile van Lennep, the secretary-general of the organization, the initiative represented an American attempt to induce the other leading industrialized countries, especially those in Western Europe, to focus on the fundamental problems confronting the international trading system.

III

Earlier, the initiation in the United States, towards the end of 1969, of a series of hearings and studies by the Joint Economic Committee of Congress and the establishment, soon after, of the Presidential Commission on International Trade and Investment Policy served *inter alia* to bolster resistance to the demands of protectionist forces. The two public enquiries encouraged the devotion of business, bureaucratic and instutional resources to devising new ways of promoting further trade liberaliaztion and of overcoming the accompanying social problems. After President Johnson's active opposition to Congressional calls for import quotas, a long period of inaction by President Nixon on the broad trade front, while pursuing an answer to the narrow question of controls on non-cotton textiles, had raised the fear that in the absence of a positive stepping forward there could be a slipping backward into restrictive practices. This fear, even now, should not be minimized. Nor should the danger on the monetary front.

Much of American protectionist sentiment has been fortified by foreign pressures on the United States to correct its balance-of-payments situation and thus restore confidence in the dollar. Apart from under-pinning the international monetary system, however, the United States also under-pins the international security system, in both the European-Atlantic and Asian-Pacific theatres. It has been plain for a number of years that, if the United States is to be expected to continue the latter, the rest of the free world may have to accept a continuing American payments problem.[7]

There have been two possibilities arising out of this predicament. In order to secure external balance the United States could either institute import restrictions at home or reduce military expenditure abroad. To date the preference has been to follow the second course. But it requires the assumption by Western Europe of a larger share of responsibility for its own security, which may not be forthcoming, and it requires as well the construction of a new security system for the Asian-Pacific theatre, which may prove too difficult. Implicit in the second course has been the necessity to press also for more openings in world markets for American exports.

Only recently has this clarification of the American position been finding expression in statements by senior members of the Nixon Administration.[8] Since the inception last January of the Council on International Economic Policy, having equal status with the National Security Council, and the appointment of Peter Peterson as Henry Kissinger's counterpart in the White House on the economic side of foreign policy, the United States has been adopting a "get tough" posture in its commercial and financial relations with Japan, the European Community and Canada. Suddenly international economic policy is a matter of priority.

For a time there was a tendency in Washington to suggest that since the 1930s the United States had taken every major initiative to liberalize world commerce and that it was time for others to make proposals.[9] Such attitudes are more a reflection of Congressional bellicosity than a rational assessment of the past. Other countries have sought on several occasions to launch imaginative trade initiatives. If the United States had responded favourably to the British wartime plan for an across-the-board reduction of tariffs according to an agreed time-schedule, or to a similar French plan a decade later, perhaps the problem today of reconciling American, British and other trading interests with those of the European Community would either not exist or would be more manageable.

The United States also had its own reasons for not supporting the British-inspired effort in the late 1950s to negotiate a European-wide free trade area. The United States had its own reasons, too, for allowing the European Community to flout GATT principles and establish preferential trade agreements with its associated overseas territories. Having helped to sell the pass, the United States is not in a strong position, although that clearly makes no difference, to complain about the subsequent spread of discriminatory commercial arrangements referred to at the outset of this essay.

It may seem churlish and even pointless to recall such footnotes from the pages of history. The point is that over the last thirty years, the outcome—whether good, bad or indifferent—of any particular situation in international trade has been determined, in the last resort, by the nature and degree of American interest. If Americans do not like what has been happening of late, it is their own policies, past and present, less so those of other countries, that ought to be engaging their critical attention.

The courses of events, insofar as they could be guided at all, have greatly depended in the postwar period on the attitude of the United States. It is true that a redistribution of power has been gathering momentum, partly occasioned by the development of the European Community and the rise of Japan as an economic force in the world, and there is widespread talk nowadays of a multipolarity of interests in international affairs. Even so, there appears to be no way of avoiding the conclusion that in economic, as in security, affairs the chief responsibility for the leadership of the West still lies with the United States.

Although the European Community is today the largest trading entity in the world, it remains comparatively impotent as far as external initiatives are concerned, while Britain's preoccupation with membership of the Community has rendered her impotent as well. If the Common Market is enlarged, the talents and energies of leaders are likely to be absorbed in assimilating the new members, in accommodating the neutral countries of Western Europe and in working towards an economic and monetary union. It is likely, too, that the decision-making process of the enlarged Community will become even more ponderous. There is thus little reason to suppose that "the new Europe" will be disposed to exercise much if any world leadership.[10]

What are the prospects of Japan playing a leadership role large enough to meet the needs of the world economy? The Japanese Government has acknowledged the need for fresh multilateral trade negotiations. But it has moved only very slowly in liberalizing its controls on imports and foreign investment. Maybe official caution can be justified in terms of domestic adjustment problems. This suggests though that Japan is not yet ready to move, of her own volition, either as far or as fast as other industrialized countries in the direction of free trade.

While it is evident, then, that the parameters of action in the field of international commerce will continue to be determined for a few more years at least by the United States, it is also evident that the next American trade initiative will have to be planned in close consultation with the European Community and Japan.[11] Other smaller countries, or groups of countries, could make the most of their capacity to influence the form it takes if they so desired. (It does not always seem to be appreciated that, with the world's growing economic interdependence, small and middle powers can increasingly do more in international economic affairs than they can, for instance, in affairs relating to international security.)

Footnotes at end of article.

IV

In international consultations on the next phase in the liberalization of world trade, and particularly in the OECD study group, the United States can be expected to register hostility towards the discriminatory trade agreements which the European Community is reaching with one Mediterranean country after another, about which other countries have also sounded notes of apprehension.[12] The trade impact of the agreements is minor. They are more worrisome because of the farce they are making of the GATT's principle of non-discrimination. The principle is embodied in Article 1 requiring most-favoured-nation (MFN) treatment to be accorded unconditionally among all contracting parties (signatory countries) except where, under conditions laid down in Article 24, a customs union or a free trade association is being formed.

In order to promote for politico-strategic reasons a European political union, the United States encouraged in the late 1950s the formation of the European Community, which conformed with Article 24, of the GATT. The United States was obliged to accept, because it also satisfied Article 24, the European Free Trade Association (EFTA), which the United Kingdom negotiated with other members of the Organization for European Economic Cooperation (OEEC) who were not prepared to adhere to the Treaty of Rome with all it was then meant to imply.[13]

Americans were quite happy about the preferential trade agreements which, in the name of European unity, the Common Market negotiated in 1958 with eighteen ex-colonies of members of the European Community. They anyway supported the waiver of GATT rules that had to be obtained. The United States went along in the 1960s with the extension by the Community of its "association" agreements to four ex-colonies of a non-member. But it was not happy about the preferential trade agreements that the Common Market negotiated at the outset of the 1970s with a number of non-colonies around the Mediterranean, namely Spain, Israel and some North African countries, adding to those negotiated earlier with Greece and Turkey.[14]

Much of the European Community's "association" policy is difficult if not impossible to reconcile with the GATT and its political justification, the cause of European unity, has been wearing thin. The countries of the European Community are free to unite themselves as tightly as they wish, but they have shown few signs of really doing so, even for the proclaimed purpose of matching the United States in power and influence. The "European idea" is vigorously promoted by the Commission of the European Community and by the old guard of the European Movement. But as the Soviet threat to Western Europe has receded, and as the countries of Western Europe have recovered their wealth and position, there has been a noticeable decline of public interest in a supranational European union.[15] It is therefore understandable that serious doubts are being expressed abroad about the wisdom of planning in the expectation that Western Europe will unite.

The United States therefore appears to be even less happy about the prospect of the enlarged European Community of ten countries negotiating: (1) a series of free trade agreements with the EFTA neutrals—Austria, Finland, Sweden and Switzerland—and the non-applicants for full membership—Portugal and Iceland—thereby bringing about the single market in Western Europe that the OEEC sought in the late 1950s; and (2) a further round of "association" agreements designed to accommodate the Mediterranean, African and Caribbean members of the Commonwealth. The result could be a polarization of the world economy around the two major trading entities.

A possible division of the non-Communist world in this way, the development of a kind of economic "cold war" between the European Community and the United States, is alarming informed opinion in Washington and Brussels. There has consequently developed in the former capital—that is, in official American circles, including the Department of State—an inclination to accept the proposition that the only way to avoid such a situation is for the developed countries to enter into new negotiations aimed at eliminating substantially all industrial tariffs. In addition, it is commonly argued that, in order to provide as much scope as possible for agreement to be reached, non-tariff methods of protection and the expansion of agricultural trade should be tackled in the same negotiations. In fact, some go even further and argue that if the United States is to gain Congressional support for a worthwhile system of tariff preferences in favour of developing countries, the proposals should be put to the legislature as part of a broad trade strategy.

V

The lengthening list of the European Community's discriminatory trade agreements has been compelling Americans to reconsider their own continued adherence to the principle of non-discrimination. Indeed, at the start of the current series of Congressional hearings conducted by the Joint Economic Committee, Richard Cooper, who at the time was a consultant to President Nixon on foreign economic policy, included the issue among the five areas of policy that in his view require serious reexamination.

No longer is the principle of non-discrimination considered sacrosanct in American policy circles. There remains a reluctance to see it abandoned altogether. But emphasis is now being put on the principle of reciprocity. Ever since President Nixon's first foreign trade message to Congress on November 18, 1969, senior members of his Administration have been underlining the need for reciprocity in American trade ceilings. It is as a means of ensuring reciprocity that interest is being shown in "MFN on condition," as opposed to unconditional MFN.

All the same, although it is accepted that the United States may in the end have to fall back on "MFN on condition," most commercial policy specialists argue that Washington must attempt to promote the next major trade initiative on as broad a basis as possible. It might be further argued, however, that "MFN on condition" may prove to be, paradoxically, the most effective way of promoting an all-embracing trade initiative.[16]

If the United States and the other developed countries were to discard unconditional MFN, as set out in Article I of the GATT, the way would be opened to an uncontrolled outbreak of discriminatory arrangements—falling short of free trade—among small groups of countries all round the world. Much that has been achieved in six rounds of GATT negotiations would be undone and the achievement of an open world economy would suffer a severe setback. If, instead, the United States was to engage other developed countries in the negotiation of a worldwide free trade association, according to the conditions set out in Article 24, it would be possible to pursue "MFN on condition" under controlled circumstances without raising the question of dispensing with the general application of the principle of non-discrimination. And in this way, assuming European and Japanese willingness to take part in such a negotiation, the movement towards an open world economy could be reasserted.

The case for a free trade treaty among developed countries, as the framework within which might be pursued the next phase in liberalization of world trade, has been argued by Harry G. Johnson and the present writer in a previous article in this journal.[17] What the proposal would amount to is the formation of a multilateral free trade association, open to all developed countries, providing for (a) an across-the-board elimination of tariffs over an agreed transition period, (b) rules of competition for dealing with non-tariff barriers to trade, (c) non-reciprocal tariff preferences in favour of developing countries during the transition period and (d) commitments towards the expansion of commercial trade in agricultural products.[18]

Mention has been made already of the general agreement there appears to be among commercial policy specialists that future multilateral GATT negotiations, whatever form they take, must cover trade in temperate-zone agricultural products. Three points need to be stressed.

First, as the United States becomes more and more—according to employment statistics—a service economy, agricultural production is likely to assume greater importance *vis-a-vis* industrial production, particularly where foreign trade is concerned. Manufacturing capacity can be, and is being, shifted abroad in response to competition in the home market from lower-cost foreign suppliers. But it is not possible to respond in that way with land.[19]

The second point is a more immediate one. It relates to the farm lobby in Washington, which to date has been a pillar of the resistance to recent protectionist activities. The only other major organized interests that can be mobilized to counter the pressure for import controls have been the multinational corporations. No longer are the trade unions strong upholders of liberal trade policies now that they regard overseas investment by multinational corporations as "the export of jobs." As for the consumer interest, it is not yet organized, although there can be no telling what Ralph Nader and his supporters might eventually achieve. Thus in order to sustain an outward-looking commercial policy the United States Administration is under strong pressure to do something about the problems of trade in farm products.

Both the first and second point would be unaffected by a change in the political complexion of the government. The third point, however, is a party one. Traditionally "the farm states" vote Republican. But it was in those states that the Republicans lost ground in the mid-term elections of 1970. The Nixon Administration consequently has good electoral reasons for demonstrating an active interest in the expansion of commercial trade in agricultural produce. That interest, moreover, will have to carry conviction and the promise that effective action will be taken.

Farm organizations were bitterly disappointed over the meagre results on the agricultural side of the Kennedy Round negotiations, following the support they gave to the Trade Expansion Act of 1962. They are not likely to give their support as easily again when new legislation is placed before Congress seeking fresh negotiating authority.

Until the Kennedy Round talks, the United States actively opposed the inclusion of agricultural products in GATT negotiations, and even then the Kennedy Administration apparently did not really believe that much could be achieved, in spite of the promise to Congress to make progress on the industrial side of the negotiations conditional on progress on the agricultural side.[20] But for the reasons listed above, and because of the re-

---

Footnotes at end of article.

forms in agricultural support policy that were carried out by the Johnson Administration, together with all the public attention that has been focused on the issues involved, a very different attitude now prevails in Washington's policy-making quarters. For the first time in the GATT's history, the United States is unmistakably on the same side as Australia, Canada, New Zealand, Argentina and Denmark in wanting steps taken to enlarge the opportunities for trade in foodstuffs.

But it is not only generally agreed that the next major trade initiative will have to embrace agricultural trade. It is also generally agreed that if agricultural trade is to be expanded it will be necessary for national farm-support policies to be placed on the tables of international diplomacy. Given the socio-political problems entailed, there appears to exist a surprising measure of agreement among West European and North American agricultural specialists on the need to move towards support policies which focus on income-support rather than price-support and thereby minimize the distortion of international trade.[21]

It is perhaps a measure of Britain's obsession with the Common Market that she is moving away from her system of "deficiency payments," involving direct payments to supplement farm incomes, towards a system of "variable import levies," just as there are signs appearing which suggest that the Common Market countries could be induced to move from the latter position in the direction of the former. In France, for example, the Vedel Commission, set up by the Ministry of Agriculture, recommended in June, 1969, that the country's national farm-support programme (which is additional to the European Community's common agricultural policy) should be reformed with a view to reducing internal prices and introducing direct payments to low-income farmers.[22]

One of the strongest arguments, in current circumstances, for a free trade treaty among developed countries is that it offers a bold and ambitious counter to protectionist trends. The negotiation of such an undertaking, especially if it is to embrace agricultural trade, will present a global challenge for commercial diplomacy which, in an "era of negotiation," should fire imaginations and inspire the necessary political will to carry the liberalization of world trade a stage further.

FOOTNOTES

[1] See, for example, *Foreign Trade: A Survey of Current Issues in the Feld of Foreign Trade* (Washington: US Government Printing Office, for the Senate Finance Committee, United States Congress, 1971) and the address by Maurice Stans, as Secretary of Commerce, to the International Wool Textile Organization, Washington, May 31, 1971.

[2] It is difficult to avoid that conclusion from a close reading of the article referred to above by Nobutane Kiuchi, "Why GATT Should be Remodelled," *Pacific Community*, Tokyo, April, 1971.

[3] A major point in Mr. Kiuchi's article, cited earlier, is that pressure towards free trade should be taken out of the arrangements governing world trade.

[4] *Ibid.*, p. 510.

[5] Ministerial statement to the House of Representatives, Canberra, August 20, 1970, republished as John McEwen, "European Negotiations: Need for a 'Third Party' Initiative," *The Atlantic Community Quarterly*, Washington, Winter, 1970–71.

[6] Paras. 7 and 8, *Communique* following meeting of OECD Ministerial Council, Paris, June 8, 1971.

[7] This point is discussed more fully in Hugh Corbet, "Commercial Realignments and Commonwealth Relations," in Paul Streeten and Corbet (eds.), *Commonwealth Policy in a Global Context* (London: Frank Cass, 1971).

[8] See, for instance, the address by John B. Connally, as Secretary of the Treasury, to the international banking conference of the American Bankers' Association, Munich, May 28, 1971. Also see the statement by William Rogers, as Secretary of State, before the OECD Ministerial Council, Paris, June 7, 1971.

[9] By way of illustration, see Abraham Ribicoff, *Trade Policies in the 1970s* (Washington: U.S. Government Printing Office, for the Senate Finance Committee, United States Congress, 1971). p. 10.

[10] Theodore Geiger, *Transatlantic Relations in the Prospect of an Enlarged European Community* (London, Washington and Montreal: British-North American Committee, 1971). See, as well, Harry G. Johnson, "Problems of European Monetary Union," *Euromoney*, April, 1971.

[11] For a parallel analysis, see Lawrence B. Krause, "The Spirit of International Economic Cooperation in a World of Peace," an address to a symposium on International Economic Cooperation sponsored by *The Yomiuri Shimbun*, Tokyo, April 28, 1971.

[12] McEwen, *op. cit.*

[13] The OEEC negotiations and the origins of EFTA are critically examined in Haruko Fukuda, "First Decade of EFTA's Realization," in Corbet and David Robertson (eds.), *Europe's Free Trade Area Experiment: EFTA and Economic Integration* (Oxford and New York: Pergamon Press, 1970).

[14] American attitudes towards the European Community's "association" arrangements have been expressed on a countless number of occasions. But attention might be drawn to the testimonies before the current series of hearings before the Joint Economic Committee: *A Foreign Economic Policy for the 1970s* (Washington: U.S. Government Printing Office, for the Joint Economic Committee, United States Congress, 1970 and 1971), Parts 1–5.

[15] For a fuller discussion of this point, see Corbet, "Role of the Free Trade Area," in Corbet and Robertson, *op. cit.* At the Anglo-French summit meeting in May, 1971, President Pompidou and Edward Heath, the British Prime Minister, played down the possibility of the European Community developing the supra-national authority which is a prerequisite for an economic and monetary union.

[16] Corbet, "Course of US Trade Policy in the 1970s," *Journal of World Trade Law*, London, September-October, 1970.

[17] Johnson and Corbet, "Pacific Trade in an Open World," *Pacific Community*, April, 1970.

[18] The circumstances of, and the arguments for, the free trade treaty proposal are presented in Corbet *et al.*, *Trade Strategy and the Asian-Pacific Region* (London: Allen & Unwin, 1970; and Toronto: University of Toronto Press, 1971).

[19] This point is developed in Krause, "Trade Policy for the Seventies," *Columbia Journal of World Business*, New York, January-February, 1971.

[20] John A. Schnittker, "New Conditions of Debate on Agricultural Policy," a paper given at a seminar sponsored by the Trade Policy Research Centre, London, July 14, 1970. Dr. Schnittker was Under-Secretary for Agriculture in the United States Administration during the Kennedy Round negotiations.

[21] See the testimonies in *A Foreign Economic Policy for the 1970s, op. cit.*, pp. 399–455.

[22] *Prospective a long terme de l'agriculture Francais 1968–85* (Paris: Ministry of Agriculture, June 20, 1969). The conclusions of the Vedel Report were included in "Rapport sur les principales options qui commendent la preparation duo VIe Plan," *Journal Official*, Paris, July 10, 1970, Appendix, p. PL 135.

NEW YORK STATE SUPERIOR COURT JUDGE FERDINAND PECORA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BIAGGI. Mr. Speaker, it is seldom nowadays that we read or hear of the old "rags to riches" Horatio Alger stories. However, a great American, who has just passed away, epitomizes the dramatic rise to deserved success. I speak of the former New York State Supreme Court Judge Ferdinand Pecora, a man who has left his mark on this country through his many achievements.

Born in Nicosia, Sicily, on January 6, 1862, he was the first of seven children in a very poor family. His father, a shoemaker, brought his family to New York when Ferdinand was only 5.

Disappointed in his first ambition to become an Episcopal minister because of his family's poverty, young Ferdinand worked his way through City College and New York Law School, graduating from the latter in 1909. After his admission to the bar, he was appointed assistant district attorney in New York County in 1911, and began a spectacular career in the field of jurisprudence.

Mr. Pecora handled many unusual cases, such as the sinking fund scandal of 1920, the City Trust Co. corruption case, the "bucket-shop" fraudulent securities cases, and the prosecution of graft in the city health department.

Recalled from private law practice after the stock market crash, he served as counsel to the U.S. Senate Committee on Banking and Currency between January 1933 and June 1934. Here he achieved a nationwide reputation for his successful investigation of the financial practices which had resulted in the 1929 crash.

The revelations unearthed by this investigation resulted in passage of the Securities and Exchange Commission Act. President Roosevelt appointed Mr. Pecora to the Commission.

Six months later he resigned to accept an appointment to the New York State Supreme Court. In 1935 he was elected to a 14-year term on the court, receiving nomination from both the Democratic and Republican Parties. Reelected as a nominee of the Democratic, Republican, Liberal, and City Fusion Parties in 1949, he resigned in 1950 in an unsuccessful bid for election to mayor. From this time until his retirement in 1966, Mr. Pecora served as counsel to the law firm of Schwartz and Frolich. However, he had not lost his interest in the affairs of his city, for he joined others that same year in the fight over the referendum to kill the police department's civilian complaint review board.

Mr. Pecora was known as an affable man, easy to talk to, yet hard but fair in his conduct of investigations and hearings. As an investigator he was tireless in his pursuit of the truth, as a justice he demonstrated his wisdom and courage, and as a family man he showed his love and kindness.

Mr. Pecora's death on Monday, December 8, was a great loss to his beloved city, State, and Nation. His life could well serve as a model for our young citizens.

CHILE AND THE UNITED STATES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. FASCELL. Mr. Speaker, developments in Chile over the last year are a subject of great concern to me as well as to most Members of this House. The as yet uncompensated expropriation of American property is, to say the least, disturbing. The amendment offered to the foreign aid bill to withdraw the Peace Corps from Chile was just one measure of the frustration we all feel over the situation. I am glad that amendment was defeated. In my judgment it would have been a serious mistake—contrary to the very nature of the Peace Corps and injurious to achievement of our broad long-range goals both in Chile and the rest of Latin America.

When President Allende took office our own President said that the United States was prepared to have the kind of relations with Chile that Chile was prepared to have with us. More than 1 year later it is still not clear what kind of relations President Allende wants to have. To date the actions of his government publicly and behind the scenes have not been encouraging. It would not be too difficult to draw the conclusion that the Allende government does not, in fact, want good relations with the United States.

What then should U.S. policy be while we are waiting to find out whether the other shoe will be dropped? Should we jump to the conclusion that all is already lost and seek some kind of satisfaction in revenge? I believe that we stand to gain much more than temporary relief of our frustration by continuing a correct and firm yet positive policy toward Chile. It is this last element—positive—which I feel is essential and it is the one element missing in President Nixon's Chilean formula. By positive I do not mean dollar diplomacy but rather an attitude of warmth, not coldness. At this stage, I believe the United States can and should do more than just react to the Allende government's attitude. We ought to be willing to go at least a little more than half way. Chile is a great nation, an old friend, and a democracy. Her people are justly proud of their country and of their democratic traditions.

Rather than taking harsh measures which surely would lessen, not increase the chances for some solution to the compensation question, the United States should exercise restraint and patience. Friendship and goodwill between nations are difficult to nurture and fragile at best. There will always be time to act tough.

In thinking about United States-Chilean relations, I believe we should all bear in mind at least these facts:

First. The Allende government, democratically elected, is a minority government. The coalition which brought him to power gained less than 50 percent of the vote at the polls.

Second. Chile remains a true democracy. Congress controlled by opposition parties is operating. Political parties freely criticize the government.

Third. The nationalization of U.S. copper companies was supported overwhelmingly by the Chilean people and endorsed by every major political party.

Fourth. The appeals process for expropriated U.S. business has not been completed. While the possibility may seem remote, full and speedy compensation may yet be forthcoming.

Until these facts change I believe it would be counterproductive for the United States to embark on a heavy handed policy toward Chile.

As chairman of the Inter-American Affairs Subcommittee of the Foreign Affairs Committee, I have closely followed developments in Chile. The subcommittee has had a series of hearings on Chile, the last on October 15, 1971. This last hearing, held prior to Chile's request to refund her external debt, the Castro visit, and the recent riots in Santiago, has now been printed. It is entitled "Recent Developments in Chile" and may be obtained from the Foreign Affairs Committee. I believe it will be helpful to every Member in formulating his own position on Chile. As far as expropriations are concerned, I was in touch with several agencies, and advised that the situation, as outlined at the hearing, remains substantially unchanged.

Mr. Speaker, before finishing I would just like to add a few words about the future, not in the form of a prophecy like Mr. Klein's, but rather a statement of what I see may happen if the current impass on compensation turns into a flat refusal to fairly reimburse U.S. business for their seized properties. In my opinion a deep split between our two countries is probable. It need not come to that and hope it will not because such an outcome would be a tragedy for both the American and Chilean peoples. The chance of such a split happening will remain high as long as Chile continues to fail to fully comprehend the true reasons why the United States should and must be concerned over our investments there and elsewhere in the world.

What we in the United States are trying to protect and defend is the jobs, the savings, and the income of literally millions of individual Americans who have a stake in U.S. companies that did business in Chile. Certainly some of those who own stock or work for these corporations are wealthy and can well afford a loss but what of the widow, the retired laborer, or teacher whose income comes from a pension or a mutual fund investing in these companies? What of the savings of thousands of individual Americans whose bank deposits have been loaned to the companies? These industrial giants, the banks, the insurance companies or the mutual funds must be a source of our concern but only in a secondary way. They are merely instruments of our capitalistic system.

It is the people for whom we must be chiefly concerned. It is they who are at once the purpose and the heart of that system. It is people, our citizens, whose economic well being the U.S. Government must protect.

I am certain the people of Chile wish no harm to the people of the United States just as we wish only peace and prosperity for Chileans. I believe that the Chilean Government, in nationalizing many U.S. businesses, was acting in the interests of its own people as it saw those interests. But for the United States, Chile is not just a single case. The outcome of events in Chile may well have repercussions throughout the hemisphere and the American people as individuals have an enormous stake in Latin America. U.S. business, in the past has not always acted as it should have and we for our part have an obligation, in concert with other nations, to perfect our modes of investment so that capitalism can more fully benefit all of the people. But a perfected system of investment more fairly distributing benefits can only be built on justice for the people of both countries.

It is my conviction that if we, Chile and the United States, can think of this problem, not in terms of punishing or defending companies, but in terms of fairness to the hard working people of both nations who have the largest stake in all of this, then we can still resolve our problems. All that will then be required is the real desire to work them out.

Mr. Speaker, two recent editorials and a news article from the Miami Herald make important points about the situation in Chile and I include them at this point in the RECORD as a part of my statement:

CROSSROADS FOR ALLENDE

Leading Chile "down the road to socialism" is proving more difficult than President Salvador Allende may have anticipated.

Last September, he called for replacing the 50-member Senate and 150-member Chamber of Deputies with a single-house congress of about 150 members. Sr. Allende, an avowed Marxist, said at the time he would take the issue to the voters if congress refused to dissolve itself.

Now the Christian Democrats, who hold 107 congressional seats to Allende's 91—(there are two vacancies)—reportedly have rejected the unicameral formula.

This means a national referendum unless Sr. Allende wants to drop his plan for getting faster congressional approval of his programs.

Opponents say Chilean voters might rebuff him in a plebiscite to show their disapproval of food shortages and other economic woes since President Allende took office more than a year ago.

He has moved cautiously so far to silence opposition, and probably would shy from getting rid of this particular road-block by the simple expedient of outlawing the Christian Democrat Party.

The election of Sr. Allende brought Chile to the socialist water trough, but a substantial part of the nation appears unwilling to drink the entire contents.

SPARK OF POLITICAL FREEDOM FIRES UP TROUBLE IN CHILE

Poor Chile! That onetime model of Latin democracy which voted upon itself a Marxist regime could be headed for the violence which, sooner or later, attends most Communist or Fascist takeovers.

Yesterday the government of President Salvador Allende put Santiago province, the capital area, under the curfew of the military after a battle between street mobs protesting and defending the regime.

At the same time the leadership of the powerful anti-government Christian Democratic party voted to impeach Sr. Allende's Minister of the Interior, Jose Toha, who denounced street demonstrations as an "upsurge of sedition" and in effect moved against them.

So Chile has come to that moment of truth which could be decisive in its history and perhaps the history of much of Latin America. Does a voted-in left wing government at length turn to open oppression of its opposition, as has happened so often in the world?

To the onlooker dubious of Chile's government and its possible trend, and faithful to democratic processes, there is some encouragement despite the nation's physical woes. It is clear from the "March of the Pots," the name given to a women's street demonstration against living conditions, that the spark of political freedom has not died.

President Allende must also be agonized by the determination of the Christian Democrats, the largest party in Congress, to try and to punish his cabinet minister. Sr. Toha controls the Chilean police, who are accused of giving inadequate protection to the "March of the Pots."

Sr. Allende must decide now whether his avowal of political liberty is to stand or whether he will resort to the full police state. Chile has been hanging by a thread for months as an incipient dictatorship.

The free world can only hope that Chile's troubles will yield to constitutional solutions. Not without significance is the lengthy stay in Chile of Fidel Castro, who bobbed around the country for 20 days. The Cuban dictator, wherever he is, does not propose revolution in jest.

The next days—perhaps the next hours—will resolve the way in which Chile is to go. Is it to be propelled into hard-line dictatorship? Or is it to find a rational existence in keeping with a politically sophisticated people?

ANOTHER DIPLOMATIC GAFFE ROCKS OUR LATIN RELATIONS

(By Don Bohning)

Add one more to the growing list of American gaffes that have helped fuel a worsening of relations between the United States and Chile.

This time the communications problem lies with White House aide Herb Klein, the Nixon administration's "Director of Communications."

A selected group of 25 Washington reporters got Klein's invitation to breakfast last week to hear a first hand report on Presidential counselor Robert Finch's goodwill mission to Latin America.

Klein accompanied the Finch mission, which called in Ecuador, Peru, Argentina, Brazil, Honduras and Mexico. The trip did not include Chile.

Yet Klein, as it later appeared in a New York Times account, volunteered the information that he and Finch had returned to Washington with the "feeling" that the Marxist government of Salvador Allende "won't last long" in Chile.

That "feeling," according to The Times, would be transmitted to President Nixon.

The Klein remark prompted an angry response and a formal protest from Chile.

In a note delivered to U.S. Ambassador Nathaniel Davis, the Chilean foreign ministry said the remark "implies a grave foreign intervention" in Chilean affairs "which the Chilean government energetically rejects and condemns.

"From any point of view," said the Chileans, "it is unusual and contrary to international law and practices, when high level officials of a government publicly discuss the possibility of the overthrow of a foreign government with which it has maintained correct relations."

In Washington, both the White House and the State Department backed off the Klein statement.

Gerald Warren, deputy White House press secretary, told reporters he had talked with Klein and it was incorrect to interpret the remark as "publicly forecasting the overthrow of a government."

Warren said what Klein had told the interviewers was that "he got a feeling in talking to some people on his trip that the government of Chile may face problems in the next election."

That's not quite the way others who were at the breakfast remember it.

As Bob Boyd, the Knight Newspapers' Washington bureau chief, recalls it from his notes, Klein volunteered the information that the Finch mission ran into "a lot of feeling that the Allende government was not going to last long in Chile."

Klein was then asked where this sentiment came from. He said he did not remember specifically and added that it was not necessarily his impression or that he was telling Nixon that.

The elections, as Boyd recalls it, were mentioned in a later context in which Klein said Allende could have problems in upcoming congressional voting.

The State Department had the last word when a spokesman said he was confident the matter had been closed.

"The comments in question were never communicated to President Nixon . . . nor do they form part of the report (over the Finch mission) that is now being prepared for submission to the President," said department spokesman Charles Bray.

In itself, the Klein comment provoked only a teapot tempest.

Unfortunately, however, it is only the latest in a long line of similar gaffes that unquestionably have contributed to a worsening in relations between the United States and Chile.

More importantly, they have provided the Allende government with ready-made ammunition to help consolidate its position internally by invoking "foreign devils."

The pro-government press pointedly noted, for example, that the Klein comment appeared in print the same day that some 5,000 opposition women turned out in Santiago streets for their violence-marred "March of the Empty Pots."

Even those Chileans who oppose the Allende government resent any suggestion of foreign "intervention" or pressures, whether it be by Fidel Castro or the United States.

Among the other U.S. sins of omission or commission, from the Chilean standpoint, are:

The failure of President Nixon to send a routine note of congratulations to Allende upon his election.

The statement of President Nixon to "White House sources" on Sept. 16, 1970, shortly after Allende's popular election but before he had been confirmed by Congress, that his victory would lead inevitably to some sort of Communist government, creating tremendous problems for the United States and other nations of the hemisphere.

The public statement by the United States "deploring" Chile's resumption of relations with Cuba.

The last minute cancellation last March of a visit to Chile by the U.S. aircraft carrier Enterprise. The visit was called off because of unspecified "other commitments." The Enterprise had been personally invited by Allende and the invitation accepted by the Defense Department, then canceled by the State Department.

The "delay" by the Export-Import Bank in acting on a $21 million Chilean loan request to purchase three new jets for Lan-Chile, the government's commercial airline. The delay reportedly was linked to a decision on whether Chile intended to pay adequate compensation for nationalized U.S. copper mines.

The public U.S. position that it could not support Felipe Herrera, former president of the International Development Bank and a Chilean, to succeed U Thant as U.N. Secretary-General.

A statement by U.S. Secretary of State William Rogers suggesting that Chile's failure to pay compensation for nationalized copper mines "could jeopardize the flow of private funds and erode the base of foreign assistance with possible adverse effects on other countries."

And then Herb Klein.

TENTH CONFERENCE ON SLAVIC STUDIES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BEGICH. Mr. Speaker, on November 26, I had the pleasure to be a participant in a conference sponsored by the American Croatian Academic Club of Cleveland, Ohio. It was a tremendous experience for me, and I sincerely appreciated the opportunity to attend and to address the interested citizens who attended.

At the last moment, four scholars from Croatia were not allowed to attend and present papers at the conference. These four expected contributors to the conference were not given the reason explicitly why they could not attend. This 10th Conference on Slavic Studies was intended to be an exchange of scholarship between American scholars and those of Croatia. It was, indeed, regrettable the exchange of scholars prevented at the last moment and the cause of academic freedom was not well served.

The sponsors and participants of the conference made the enclosed statement and at the request of Mr. Tefko Saracevic, president of the American-Croatian Academic Club, one of the sponsors of this meeting, I am including this statement for the RECORD:

STATEMENT BY SPONSORS AND PARTICIPANTS

The Tenth Conference on Slavic Studies with the theme, "Croatian Nation and Croatian Exodus—Investigation of Effects After 100 Years of Emigration," was held at Case Western Reserve University, Cleveland, Ohio, 26–28 November, 1971. The participants and sponsors issued at the conclusion of the conference the following statement:

We deeply regret the last minute changes in circumstances and decisions that prevented the attendance of the scheduled conference speakers from Yugoslavia:

Prof. Dr. Ljudevit Jonke, Croatian University, Zagreb, and President, Matica Hrvatska.

Prof. Dr. Ivo Baucic, Croation University, Zagreb.

Prof. Andjelko Runjic, Croatian University, Zagreb.

Prof. Ivan Cizmic, Historical Institute, Matica Iseljnika Hrvatske, Zagreb.

Such occurrences are contrary to generally accepted practice of cultural exchanges intended to further understanding, cooperation and peace in the world.

We believe that academic freedom and international exchange of scholarship should not be infringed upon under any circumstances.

We are, however, confident that exchanges between American scholars in general, and those of Croatian descent in particular, and their colleagues in Croatia will be frequent and fruitful in the future.

Among the more than 250 participants were scholars from the following institutions of higher learning:

Ball State University, Muncie, Indiana.

Case Western Reserve University, Cleveland, Ohio.

Cleveland State University, Cleveland, Ohio.

Columbia University, New York, New York.

Cuyahoga Community College, Cleveland, Ohio.

Delgado College, New Orleans, Louisiana.

De Paul University, Chicago, Illinois.

Farleigh Dickinson University, Teaneck, New Jersey.

Georgetown University, Washington, D.C.

Indiana University, Bloomington, Indiana.

Indiana University Northwest, Gary, Indiana.

Iona College, New Rochelle, New York.

John Carroll University, Cleveland, Ohio.

Laurentian University, Sudbury, Ontario, Canada.

Lorain Community College, Lorain, Ohio.

Marquette University, Milwaukee, Wisconsin.

McMasters University, Hamilton, Ontario, Canada.

Michigan State University, East Lansing, Michigan.

National Research Council of Canada, Ottawa, Ontario, Canada.

Northwestern University, Chicago, Illinois.

Pennsylvania State University, Pittsburgh, Pennsylvania.

Rochester Institute of Technology, Rochester, New York.

Rosemont College, Rosemont, Pennsylvania.

Sorbonne, Paris, France.

State University of New York, Albany, New York.

University of Akron, Akron, Ohio.

University of Cincinnati, Cincinnati, Ohio.

University of Louisville, Louisville, Kentucky.

University of Michigan, Ann Arbor, Michigan.

University of Minnesota, St. Paul, Minnesota.

University of Notre Dame, South Bend, Indiana.

University of Ottawa, Ottawa, Ontario, Canada.

University of Toronto, Toronto, Ontario, Canada.

University of Virginia, Fredericksburg, Virginia.

University of Western Ontario, London, Ontario, Canada.

University of Windsor, Windsor, Ontario, Canada.

SPONSORS OF THE TENTH CONFERENCE ON SLAVIC STUDIES

Dr. Tefko Saracevic, Associate Professor, Case Western Reserve University; President, American Croatian Academic Club, General Chairman of the Conference.

Dr. Vladimir Rus, Chairman, Department of Slavic and East European Languages, Case Western Reserve University.

Dr. Michael S. Pap, Director, Institute for Soviet and East European Studies, John Carroll University.

Dusko I. Dulsin, Professor, Iona College; President, Croatian Academy of America.

Victor Koludrovich, M.D., President, Croatian Foundation of America.

MISSISSIPPI BEGINS 155TH YEAR

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. GRIFFIN. Mr. Speaker, today, December 10, 1971, the State of Mississippi observes the 154th anniversary of its admission to the Union. On this date, in 1817, Mississippi joined the young American Republic. The new Nation was fresh from its victory in the War of 1812 and its population and institutions were bursting with vigor. Expansion and growth were taken for granted. Dreams were coming true and the entire Nation was infused with the vision of a destiny made manifest.

At the turn of the 19th century, Mississippi was home to only 7,600 people, mostly congregated on the gulf coast and the area around Natchez, a Mississippi River Port. By the year 1900, we had grown to a population of 1,551,270. Today, according to the 1970 census, her population is 2,216,912.

The economy in 1817 was based almost entirely on agriculture. However, a fixed amount of land cannot indefinitely supply an increasing number of farm jobs. When mechanization came to agriculture, the State found itself without alternative sources of employment for the excess labor and the result was mass migration from the State.

Faced with this dilemma, Mississippi pioneered in the movement to diversify its economy, to establish a balance between agriculture and industry. Mississippi was one of the first to use municipal bonds to finance new plants and industries. Few of us familiar with industrial development activities are unaware of Mississippi's BAWI—balance agriculture with industry—program.

Like many hard hit areas trying to cope with mechanization and new technology, Mississippi found itself without substantial capital to finance its growth. Only recently has steady progress been noted. The decade of the 1960's was one of uninterrupted growth and resurgence.

The results of this diligence were astounding. In 1950, 42 percent of Mississippi's work force was employed on a farm or agricultural enterprise. By 1964, a balance was reached with 143,000 workers in agriculture and 143,000 in industry. Since then, we have exceeded this figure in industrial employment and each year the total grows.

Mississippi's achievements are noteworthy, Mr. Speaker, in other areas than her economy. She has produced many statesmen. Authors William Faulkner, James Street, and Eudora Welty, and singers Leontyne Price, Charlie Pride, Elvis Presley, and Mississippi John Hurt, are well-known Mississippi natives.

Mr. Speaker, Mississippi has given much to this Republic and her heart is dedicated to preserving its nobility, its physical beauty, and the vigor of its people and its institutions.

On this day, I salute all Mississippians.

DISASTER LOBBY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. DORN. Mr. Speaker, the "Disaster Lobby" can create a fatal national paranoia similar to the national disease of pessimism which gripped the Nation in the early 1930's. We must reject the false propaganda of those who preach doom and disaster. There is much good news about the Nation. Let us go from the negative to positive. I commend the following excerpts from the splendid address by noted publisher and journalist Thomas R. Shepard, Jr.

The article follows:

THE DISASTER LOBBY . . . THE GREATEST DANGER THAT WE FACE IS FROM THOSE WHO WOULD SAVE US FROM OURSELVES

(By Thomas R. Shepard, Jr.)

One morning last fall, I left my office in New York and hailed a cab for Kennedy Airport. The driver had the radio tuned to one of those daytime talk shows where the participants take turns complaining about how terrible everything is. Air pollution. Racial unrest. Campus unrest. Overpopulation. Under-employment. You name it, they agonized over it. This went on all the way to Kennedy and as we pulled up at the terminal the driver turned to me and said: "If things are all that bad, how come I feel so good?"

I wonder how many Americans, pelted day after day by the voices of doom, ever ask themselves that question: "If things are all that bad, how come I feel so good?"

PESSIMISTS ARE WRONG

Well, I think I have the answer. We feel good because things aren't that bad. I would like to tell you how wrong the pessimists are, and to focus an overdue spotlight on the pessimists themselves. These are the people who, in the name of ecology or consumerism or some other ology or ism, are laying siege to our state and federal governments, demanding laws to regulate industry on the premise that the United States is on the brink of catastrophe and only a brand new socio-economy system can save us.

I call these people the Disaster Lobby, and I regard them as the most dangerous men and women in America today. Dangerous not only to the institutions they seek to destroy but to the consumers they are supposed to protect.

Let's begin with a close-in look at that drumbeat of despair I heard in the taxicab and that all of us hear almost every day. Just how much truth is there to the Disaster Lobby's complaints?

Take the one about the oxygen we breathe. The Disaster folks tell us that the burning of fuels by industry is using up the earth's oxygen and that, eventually, there won't be any left and we'll suffocate. False. The National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. Result? There is today precisely the same amount of oxygen in the air as there was in 1910—20.95 per cent.

WHAT ABOUT AIR POLLUTION?

But what about air pollution? You can't deny that our air is getting more fouled up all the time, says the Disaster Lobby. Wrong. I can deny it. Our air is getting less fouled up all the time, in city after city. In New

York City, for example. New York's Department of Air Resources reports a year-by-year decrease in air pollution since 1965. What's more, the New York City air is immeasurably cleaner today than it was a hundred years ago, when people burned soft coal and you could cut the smog with a knife.

Which brings us to water pollution. The Disaster Lobby recalls that, back iin the days before America was industrialized, our rivers and lakes were crystal clear. True. And those crystal clear rivers and lakes were the source of the worst cholera, yellow fever, and typhoid epidemics the world has ever known. Just one of these epidemics—in 1793—killed one of every five residents of Philadelphia.

Our waterways may not be as pretty as they used to be, but they aren't as deadly either. In fact, the water we drink is the safest in the world. What's more, we're making progress cosmetically. Many of our streams will soon look as wholesome as they are.

Perhaps it's the fear of overpopulation that's getting you down. Well, cheer up. The birth rate in the United States has been dropping continuously since 1955 and is now at the lowest point in history. If the trend continues, it is remotely possible that by the year 4000 there won't be anyone left in the country. But I wouldn't fret about underpopulation either. Populations have a way of adjusting to conditions, and I have no doubt that our birth rate will pick up in due course.

MERCURY IN NATURE, NOT FISH

I now come to the case of the mercury in the tuna fish. How did it get there? The Disaster Lobby says it came from American factories, but then the Disaster Lobby believes that all the evils in the world come from American factories.

The truth, as scientists will tell you, is that the mercury came from deposits in nature. To attribute pollution of entire oceans to the 900 tons of mercury released into the environment each year by industry—that's less than 40 carloads—is like blaming a boy with a water pistol for the Johnstown Flood. Further proof? Fish caught 44 years ago and just analyzed contain twice as much mercury as any fish processed this year.

Speaking of fish, what about the charge that our greed and carelessness are killing off species of animals? Well, it's true that about 50 species of wildlife will become extinct this century. But it's also true that 50 species became extinct in the last century. And the century before that. And the century before that. In fact, says Dr. T. H. Jukes of the University of California, some 100 million species of animal life have become extinct since the world began. Animals come and animals go, as Mr. Darwin noted, and to blame ourselves for evolution would be the height of foolishness.

Then there is the drug situation. Isn't it a fact that we are becoming a nation of addicts? No, it is not. Historically, we are becoming a nation of nonaddicts. Seventy years ago, one of every 400 Americans was hooked on hard drugs. Today it's one in 3,000. So, despite recent experimentation with drugs by teen-agers, the long-range trend is downward, not upward.

How about unemployment? The Disaster people regard it as a grave problem. Well, I suppose even one unemployed person is a grave problem, but the record book tells us that the current out-of-work level of 6 per cent is about par. We've had less, but we've also had more—much more. During the Kennedy administration unemployment topped 7 per cent. And back in the recovery period of Franklin Roosevelt's second term, unemployment reached 25 per cent. So let's not panic over this one.

THE GOOD OLD DAYS

One final comment on the subject. Members of the Disaster Lobby look back with fond nostalgia to the "good old days" when there weren't any nasty factories to pollute the air and kill animals and drive people to distraction with misleading advertisements.

But what was life really like in America 150 years ago? For one thing, it was very brief. Life expectancy was 38 years for males. And it was a gruelling 38 years. The work week was 72 hours. The average pay was $300. Per year, that is. The women had it worse. Housewives worked 98 hours a week, and there wasn't a dishwasher or vacuum cleaner to be had. The food was monotonous and scarce. The clothes were rags.

In the winter you froze and in the summer you sweltered and when an epidemic came—and they came almost every year—it would probably carry off someone in your family. Chances are that in your entire lifetime you would never hear the sound of an orchestra or own a book or travel more than 20 miles from the place you were born.

Whatever American businessmen have done to bring us out of that paradise 150 years ago, I say let's give them a grateful pat on the back—not a knife in it.

Now I'm not a Pollyanna. I am aware of the problems we face and of the need to find solutions and put them into effect. And I have nothing but praise for the many dedicated Americans who are devoting their lives to making this a better nation in a better world.

The point I am trying to make is that we are solving most of our problems . . . that conditions are getting better, not worse . . . that American industry is spending over $3 billion a year to clean up the environment and additional billions to develop products that will keep it clean . . . and that the real danger today is not from the free enterprise establishment that has made ours the most prosperous, most powerful, and most charitable nation on earth.

No, the danger today resides in the Disaster Lobby—those crepe hangers who, for personal gain or out of sheer ignorance, are undermining the American system and threatening the lives and fortunes of the American people.

BYE-BYE, BABY BOOM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HOGAN. Mr. Speaker, proponents of abortion on demand attempt to justify the killing of unborn children by arguing that we face a crisis of overpopulation in this country.

It is time we laid that myth to rest. The United States does not now have, nor does it face, an overpopulation problem. In fact, our most recent statistics indicate that we are rapidly approaching the point of zero population growth.

A discussion of those statistics and their implications for the United States is presented in the December issue of Nation's Business, and I insert the article into the Record at this time.

Bye-Bye, Baby Boom

(By Tom Kelly)

Ward Beck, manager of developmental planning for General Mills Inc., put through an emergency call from Minneapolis to the Center for Metropolitan Studies in Washington, D.C., early one day last September.

George Grier, senior associate at the Center, had touched off newspaper headlines all over the country by reporting that the United States was approaching a level of births which would lead to "zero population growth."

American women were suddenly and surprisingly having fewer babies than at any time since the all-time low of the Depression.

Mr. Grier's statistics (derived from Census Bureau computer read-outs) showed that the national birth rate had plummeted and—most important—that the lifetime fertility rate of women was approaching 2.1, a figure that meant the average woman would have two children, just enough to replace herself and her husband. (The added .1 would take care of premature deaths.)

The prospects for business were hazy—and possibly frightening. General Mills makes breakfast cereals, 75 per cent of them consumed by youngsters, and, as Ward Beck was intensely aware, it had also just bought a toy factory.

Like tens of thousands of other businessmen, from the manufacturers of swings and seesaws to the retailers of baby blankets and booties, General Mills executives had been counting on the predicted "baby boom" of the Seventies to provide expanding markets for the next 20 or more years. The assumption had been well nigh universal; as recently as June, a national news magazine had hailed the "biggest baby boom" as fact.

Mr. Grier's research showed that right now, at least, this simply wasn't so. The anticipated boom had turned into a baby bust.

For weeks after the first news stories, the Center's phones rang constantly—calls from hundreds of concerned professionals and businessmen, including a toy manufacturer in Australia; from the Governors of California, Pennsylvania and Ohio; and from scores of colleges and universities.

What was happening, or rather what was not happening, in the home?

Were women really about to stop having traditionally sized families?

What would it mean if they did—to manufacturing, to sales, to college enrollments, to city planning, to the American way of life?

CONSENSUS ON THE CENSUS

Interviews with Mr. Grier and other sociologists, as well as with statisticians and demographers, show agreement that:

The future population picture remains uncertain. Since baby booms clearly do not follow schedules, baby busts may not either. The current bust—and we're definitely in one—may continue, may become more pronounced or may reverse itself and turn into a new boom. Some hard observations, however, can be made.

Past Census Bureau projections have proved to be grievously wrong, overestimating the Seventies' population by millions of babies.

There are now fewer children under five than at any time in 20 years. This fact alone is having and will have real market consequences. Now there are fewer customers for cradles and tricycles. Fifteen years from now there will be fewer teenagers, and that will hurt sales of such things as textbooks and fad clothes.

Current statistics suggest that the country will reach zero population growth within the lifetimes of people now among us. They suggest, though much less strongly, that we could hit ZPG much sooner. The economic consequences, pleasant or disastrous, depend on the speed of the transition.

Mr. Grier's figures and conclusions are more subtle and less alarming than some of the headlines have suggested.

Statistics that became available after those headlines were written indicate that women have already reached the 2.1 fertility rate, he says. But even if this is true and if this level persists, he adds, the population will continue to grow for some 60 years.

There are now more women of childbearing age in this country than at any time in previous history, and most have not yet had their full share of children.

THE CLIMB THAT FLOPPED

The fertility rate (an estimate of the number of children the average woman will have in her lifetime, based on current births among women of childbearing age) and the birth rate (a cruder indicator—the number of births per 1,000 of population) climbed steadily from 1947 through 1957.

In 1957 the fertility rate was an astounding 3.7. Since then, both rates have dropped almost steadily.

The drops had been somewhat anticipated by demographers but they had been universally certain that the birth date would begin going up in 1968 and continue upward for a long time to come.

The rate started its climb in 1968 and continued through 1969 and 1970. But this year, suddenly, flying in the face of all indicators, it has nosedived—in absolute terms as well as relative ones.

The prospects now are that final figures may show fewer babies born in the United States in 1971 than at any time since 1946.

And, it must be emphasized again, this is occurring at a time when there are more women in the childbearing years than ever before.

Dr. Jean Pakter, director of the Maternity Services and Family Planning Bureau of New York City, says an expected "boom" there "just isn't happening." Indeed, in the first six months of 1971 the number of births in New York City actually declined by 6 per cent.

A recently published report shows that Montgomery County, Md., an affluent dormitory community outside Washington, reached the 2.1 fertility level this summer. Montgomery has particular significance for businessmen—it is one of the richest counties in the nation, often cited as one of those with the highest per capita income; its people are affluent consumers by definition.

Preliminary statistics from across the country and from all levels of income show that the downward movement is universal—the poor as well as the rich, the black as well as the white, are having fewer babies all the time.

Other experts agree with Mr. Grier that this possible "transition" to zero population growth is no cause for real alarm—that the population would continue to grow for at least a couple of generations, increasing by some 50 per cent to 300 million, and then would level off.

Many scientists in the field consider this prospect ideal from almost every point of view.

Stephen Enke, of TEMPO Center for Advanced Studies, a research group funded by General Electric Co., says flatly that "business in general has nothing to fear from a decline in fertility; a typical individual participating in business . . . should expect a long-term decline in fertility to increase perhaps his own income and more assuredly the incomes of his children and heirs."

Dr. Enke told the President's Commission on Population Growth and the American Future in September that even an "unrealistic" decline, achieving 2.1 by 1975, would still "benefit rather than injure business."

TIME TO ADJUST

Mr. Grier, who, as previously noted, has now concluded that the country is already at 2.1, says that if it stays at the level the economy will still have plenty of time to adjust.

The relative shortage of infants obviously will affect firms that make baby products, but diversification will soften the blow for many of them. Johnson & Johnson, for example, sells more baby oil and powder than any other manufacturer; but such sales are only a small part of its total volume.

"If the fertility rate levels off at around 2.1, we could begin to have an almost ideal economic situation." Mr. Grier says. "The median age would be rising and there would be more producers and fewer young dependents. The gross national product would go up for that reason alone."

There would, of course, be more per capita consumption, as well as production.

Mr. Grier believes it would take a sustained effort by both business and government to adjust to the new challenges but he is sure both are fully capable of making it.

Money that has gone into a frenzied building of more and more elementary schools and the training of more and more teachers could be used, for example, for the benefit of the broader population—whole new businesses could be built in pursuit of such goals as the conversion of a polluted river into a clean water recreation and resort center.

There would also be other predictable results.

With the median age rising from the twenties to the forties, Mr. Grier feels, the political tone of the country would almost certainly be more conservative.

There would also be notable cultural changes—for example, teen-age-type music would fade. There would almost certainly be a drop in the level of crime, particularly crimes of violence, since almost half are committed by men in their late teens or early twenties.

Mr. Grier says the prospect for a sort of "golden age" of affluence is good but not certain. If the population rates get on a roller coaster, shoot down for a while and then shoot suddenly up for a spell, adjustments would be much more difficult.

INSTANT ZPG

There is also a third possibility.

The fertility rate could continue rapidly downward, to perhaps 1.5, and we could get what Mr. Grier has called "instant ZPG." At that rate the number of births could equal the number of deaths around the end of this decade. (The death rate has remained almost steady for many years and no wild fluctuations seem probable soon.)

Mr. Grier believes this kind of abrupt population stabilization could have disastrous results, since the economy would not have time to change—makers of baby foods wouldn't be able to move over into health foods fast enough.

"I don't think instant ZPG is likely; at least I hope not," Mr. Grier says. "But there is an outside chance that it could happen.

"With the powerful birth control methods we now possess, coupled with sufficient scare propaganda about imminent overpopulation and the glamorization of ZPG itself, we could panic our impressionable young adults into something approaching it, at least temporarily.

"We could, at least temporarily, short-circuit the psychological drive to reproduce by brainwashing people into the belief that reproduction is antithetical to the survival of the race."

Demographers almost to a man refuse to give the possibility of "instant ZPG" serious consideration.

CAUSE AND EFFECT

One who discounts it completely, Dr. Philip M. Hauser, director of the University of Chicago's Population Research Center, also insists that it is too soon to make any valid assumption about the cause of the current precipitous fertility decline.

He believes the recent business slowdown may have been a significant factor and says he does not think the wider use of birth control devices and the relaxing of laws against abortion can account for more than 10 per cent of the drop.

Meanwhile, Mr. Beck at General Mills is not pessimistic.

He says he and other company officials "just don't see the kind of a fertility drop that would seriously damage the economy" and he accepts the idea that a transition to ZPG could be a boon.

"There is no questioning the statistics," he says. "They don't lie. What we have to see now is if this drop is of a continuing nature or just a quirk."

And to help it see the future of the baby market clearly and quickly, General Mills has retained Dr. Norman B. Ridder, professor of sociology at Princeton and codirector of the National Fertility Center, and Ben. J. Wattenberg, coauthor of "The Real Majority," as special consultants.

The information they'll be looking for, Mr. Beck says, is "very important to General Mills."

BIRTHS AND ECONOMICS: A MYSTERY STORY

The approach to zero population growth is not new; we've been approaching it, despite temporary fluctuations, for well over 200 years.

In Colonial America the average woman had eight children, a rate which kept the population steadily expanding. The high death rate then, particularly among the young, kept it from exploding.

Now the average American woman is having slightly more than two children—men and women are just about reproducing themselves. The death rate has apparently stabilized—it has remained at almost the same level for 20 years.

The effect of falling birth rates on economics and vice versa are still not fully understood.

It is, for example, a commonplace to say that during the Depression "people almost stopped having babies." In truth, their baby-having had slowed down long before the Depression.

The fertility rate was well over 3.0 in 1920—the average woman was having between three and four children. By mid-decade the rate was down to 2.8. And by 1929 (the stock market crash that signaled the Depression didn't take place until October of that year) it was 2.3.

The real drop took place during the prosperous Twenties. During the Depression, the fertility rate bottomed out, dipping briefly to 2.0 but hovering around 2.2.

In 1937, though the Depression was lingering on, it began to climb. It did so, except for the zigzag produced by World War II, until 1957 when it hit 3.7 before once more starting on a downward slope.

It is now just about back down to the all-time low. Why? No one knows. Increasing availability of almost foolproof birth control methods is presumably a factor, as is a trend toward legalization of abortions. The latest severe dip may have been made more severe by last year's business slowdown. The attitudes of young people—many of whom say they do not intend to have more than two children—are perhaps very significant.

There are, one can safely say, large numbers of factors at work which influence the size of families. At the moment, at least, they add up to fewer babies.

CONGRESSMAN BROCK ADAMS DISCUSSES FAILINGS OF ADMINISTRATION'S NEW ECONOMIC PROGRAM

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. REUSS. Mr. Speaker, last month Congressman BROCK ADAMS discussed the failings of President Nixon's new economic program before the Washington State Education Association. I commend his remarks to our colleagues:

Phase II—Too Little, Too Late, Too Unfair

(By Mr. Adams)

The President's Phase II program offers too little, comes too late, and is grossly unfair. It completely regulates and limits wages but creates loophole after loophole for price increases. It adopts the tired, old "trickle-down" theory of business incentives without helping the average American or stimulating consumer demand. It allows rent increases on new houses and renovated houses, and fails to effectively control interest rates. And worst of all, it does nothing about the most serious crisis facing this country, and the Pacific Northwest in particular—high unemployment.

Having watched President Nixon for three years now, I feel I can say that the result of his policies was predictable. When he first came in, he failed to recognize some very basic, underlying economic difficulties in our nation's economy. After a number of years, he overemphasized the danger of inflation and underemphasized the problem of unemployment. Now, he is rewarding the supporters of his party with "trickle-down" business incentives and leaving the working man jobless or his wages frozen.

I am sure that the members of the President's Wage and Price Boards are very nice and very sincere people. But the public and business members do not understand the humiliation and degradation of the poverty or low-income cycle which results from frozen wages. These Board members are not working people who receive frozen wages. They are professional people who get fees as lawyers or bonuses in stock as business executives. When they start talking about the problems of people who get wages, they just don't have much of an understanding.

At this point, the wage-price freeze is primarily a wage freeze, and only secondarily a price freeze. As a price freeze, it is ineffective in crucial areas, such as food prices, where the average American feels the pinch on his dollars. For example, at the supermarket watch and see if you will be able to buy three cans of fruit for 87¢. My prediction is you will start paying 30¢ per can, with no discount for volume purchasing. The result will be a continuation of the same price for a single item, but in reality a price rise for those who try to save by buying in quantity. For the man or woman whose wages are frozen, the pricing policy is doubly damaging.

Secondly, as I mentioned, rents on new houses and substantially renovated houses are not being controlled. What will happen? Everyone with a house to rent will renovate, or claim a renovation when some major repairs are made, and will raise the rent.

Thirdly, interest rates and administered prices will continue to depress consumer demand and to deter economic growth. By administered prices I mean this: when General Motors sets a price on a car, every other car manufacturer follows suit. The result is that there is no competition when it comes to price setting. With high interest rates, you have nothing but a drag on the economy. Nobody should have to pay more than 6% in interest charges. To leave interest where it is, is a fraud aimed at the American people. When 3/5 of the people in this country share only 30% of the income of the nation, it is intolerable to freeze a man's wages and then charge a high interest rate on indebtedness.

Who will buy the goods produced by the business incentives? The middle and low income areas will not be able to borrow money and their wages are frozen. The "trickle down theory" of business investment to produce jobs—when we are operating right now at about only 70% of plant capacity nationally, and in our area at about 50% of plant capacity—will not work. You can ask the President of Boeing Company if he is going to build a new plant if he gets the 7% investment credit. Or you could ask any airline chief executive if he is going to buy another airliner if he gets the investment credit. The answer in both cases will be "no." Why? Because there is no consumer demand. An Airline will not buy new planes if projections say that fewer passengers will be riding the airline during the next year or two. And that, unfortunately, is what happened last year. Last year Boeing sold zero airliners in the domestic market. This year, as far as I know, it has only sold one 737.

We must stimulate consumer demand by lowering interest rates and loosening the money supply, and granting retroactive pay increases, so that consumers will have the financial wherewithall to buy the products they want to buy. Wages are always lagging behind price increases so these should not be allowed to trigger price increases. We should not give business tax breaks to build products which consumers may or may not even want to buy. Business booms are based on consumption and confidence, not on mere production.

And we must desperately produce jobs for our unemployed and provide short-term relief for those who are unemployed. We in Congress have passed a number of job-creating bills, such as the Public Service jobs bill and a modified accelerated public works bill aimed at high unemployment areas. I am currently working with Senator Magnuson to extend unemployment benefits beyond the current period. We have simply got to save those who have lost their jobs as a result of foolish and unfair national economic policies.

NEW ECONOMIC PROGRAM RESCUED BY CONGRESSIONAL INITIATIVES

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. PATMAN. Mr. Speaker, major parts of the new economic program have been rescued by congressional initiatives taken on the President's phase II stabilization legislation.

Without the amendments adopted by the Congress, the Economic Stabilization Act would have been faced with major legal challenges and growing opposition from large segments of the population. Over the bitter opposition of the administration, the Congress was able to reestablish equity and the tools to make a broad-scale stabilization effort work.

Mr. Speaker, the Economic Stabilization Act, which passed the House and Senate yesterday, was vastly improved over the hastily drafted legislation which the Congress was presented by the administration on October 19.

The original bill was a legislative nightmare filled with administrative shortcuts which locked in all of the inequities of the freeze period.

Mr. Speaker, I suspect that the administration purposely refused to deal with the question of pay contracts and agreements for "political purposes."

I am convinced that some in the Republican Party felt that the question of retroactive and deferred pay was valuable as a political issue and that the administration should be left with the power to manipulate this question endlessly. The result was divisiveness in a program which requires the maximum support of all the American people.

The political strategists within the administration engaged in outlandish propaganda in an effort to block the congressional initiatives on the pay question.

While the politicians were claiming that the increase would be inflationary, some of the calmer members of the administration—such as Secretary of Labor James Hodgson—were quietly conceding that the recognition of these contractual obligations would have only the most minimal impact on the stabilization program. The Congress has settled this issue, taking it out of politics and assuring that legal agreements and contracts will be met.

Mr. Speaker, in addition to providing equity for teachers and working people, the payment of the retroactive pay would be an important impetus to the economy generally.

While the majority of the pay increases are small, the aggregate effect will be to increase purchasing power by several billions of dollars. Any stimulus of this kind is important when we are faced with an economy where well over 5 million people are standing in the unemployment lines.

Mr. Speaker, the congressional resolution of the pay problem will end much of the bickering which has surrounded the stabilization program and would enable the Pay Board and the Price Commission to settle down to their jobs without problems hanging over from the freeze period.

The Congress has also taken a major step forward in providing equity in the program by requiring the banks and other lenders be brought under controls.

The conference report included a House provision requiring that the President issue orders and regulations stabilizing interest rates on all classes of loans. This is a mandatory provision and any exception must be in the form of a Presidential determination that controls on a particular class of loans are not required for stabilization purposes and for orderly economic growth. The act requires that any such exception be accompanied by a specific statement of reasons for the exemption.

Mr. Speaker, I anticipate that the President will issue a series of orders requiring limitations or rollbacks of interest rates, particularly in the consumer and mortgage fields. Consumers are paying 36 percent and more on small loans and home mortgages are still at or near 8 percent across most of the Nation plus discount points in many cases.

The only noticeable changes in interest rates have occurred among the prime business borrowers, the largest corporations in the Nation. For the most part, these prime and money market reductions have not trickled down to the majority of the people. It is the clear intention of the Congress, in passing this act, that the President stabilize interest rates which affect consumers, small business, farmers, and others, and not just those in the money markets.

There are other areas where the Congress amended the administration bill:

First. The Congress recognized that

the administration's bill provided no policing of prices and authorized consumers and others to seek civil damages—treble damages—when they are victimized by violations of price regulations.

Second. The Congress refused to go along with the administration's request that orders and interpretations during the freeze period be ratified by legislative action. The Congress left this question to be determined by the proper judicial authorities when and if legal questions were raised.

Third. The administration proposed to eliminate the safeguards of administrative procedures from the economic stabilization program. The Congress refused to accept this and inserted specific administrative procedures at both the Federal and local levels. This includes the requirement for formal hearings on regulations affecting significant sectors of the economy.

Fourth. The administration proposed extraordinary powers for the chairmen of the various boards and commissions and opposed any congressional review of the membership of these bodies. The Congress amended this to provide that actions taken by the chairmen of the boards and commissions be based on a majority vote of the commission or board and required the confirmation of the present chairmen and all future members of the bodies.

Fifth. The administration insisted on tying its own hands on possible price rollbacks by sticking to the May 25, 1970, date—contained in the original law as the base period. The Congress amended this to allow the President to roll back prices to any levels he may deem appropriate to carry out economic stabilization and prevent windfall profits.

Sixth. The administration failed to recognize the special problems of the working poor under wage restrictions. The Congress amended the legislation to exempt the working poor from the regulations so that the act would not have the effect of keeping families in a state of poverty.

Seventh. The Congress amended the law to reinforce the Price Commission's authority over rents and mass transportation costs.

Eighth. The administration's bill failed to mention the word "profits." The Congress added a requirement that the administration monitor profits and make specific reports to the Congress on the issue.

Ninth. The administration's bill did not specify the basis on which the various price and wage orders would be issued. The Congress amended the bill to provide five specific criteria on which the standards of the administrative agencies must be based.

Mr. Speaker, all of the amendments to the original administration bill proposed by the Democrats during markup sessions in November were retained in some form in the bill that was sent to the President yesterday. Many were retained in their original form and others were melded into similar language approved by the Senate.

I feel that all of the amendments approved by the House and Senate greatly improved the chances of success for phase II providing the law is administered in a fair and equitable manner.

We have added the two ingredients that were missing from the original administration bill—equity and workability.

A SPECIAL REPORT ON DRUG ABUSE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HUNGATE. Mr. Speaker, the December 6, 1971, edition of the New York Law Journal featured a special report on drug abuse. In view of the urgency of the drug problem, I would like to call the attention of my colleagues to a special double article from this edition—one part by New York Gov. Nelson A. Rockefeller, and one part by Jerry Finkelstein, publisher, New York Law Journal.

The articles follow:

GOVERNOR SEEKS ALL-OUT EFFORT ON DRUGS

(By Nelson A. Rockefeller)

How can we defeat drug abuse before it destroys America? I believe the answer lies in summoning the total commitment America has always demonstrated in times of national crisis.

In 1942, for example, we were a nation involved in total war. President Roosevelt gave the green light to the greatest mobilization of brainpower in human history. The program: the Manhattan Project. The investment: over $2 billion and the talents of Fermi, Oppenheimer, Szilard, Lawrence, Groves and thousands more of the best minds available. The goal: the first atomic bomb. The result: an earlier end to World War II and millions of lives ultimately saved, American, Allied and Japanese.

OTHER CRISES MET

The Manhattan Project is not the only case in which the United States has thrown everything necessary into a recent challenge. Under President Eisenhower, every human and material resource needed was put into developing a missile and satellite shield capable of deterring any would-be aggressor. With the support of his successors, World War III has thus far been averted as a result.

President Kennedy lifted America's sights to the heavens. An army of 300,000 was committed, including an elite corps of 120,000 scientists and engineers. Twenty-one billion dollars later, Americans walked on the moon.

Just last January, President Nixon called for a total mobilization of necessary resources in an all-out quest for a cure for cancer. He proposed committing another $100 million to the accomplishment of that goal.

The need now is to see drug abuse as a national crisis and to attack it on that scale. Drug addiction represents a threat akin to war in its capacity to kill, enslave and imperil the nation's future; akin to cancer in spreading a deadly disease among us and equal to any other challenge we face in deserving all the brain-power, manpower and resources necessary to overcome it. Unless the drug menace is stopped, thousands more Americans will die and hundreds of thousands will be condemned to the living death of addiction.

The time has come to meet the drug crisis head on. The time has come to recognize this tragedy for the massive threat it poses to the dignity and well-being of our young people and to the nation's survival. The time has come for a total national commitment, an all-out mobilization of the best minds in every field and all the resources necessary to eradicate this scourge. How can we do less?

FREEDOM WITHOUT DIGNITY

What good are billions spent in defense of freedom and individual dignity, if our young people lose their freedom and dignity to drugs? What good are all our early efforts to raise health children—the pre-natal and post-natal care, immunization and wholesome diets, if we permit the disease of addiction to infect them? Of what value are billions invested in education, if good minds are to be rotted out by drugs? What good are our efforts to transmit civilization and the Judeo-Christian belief in the sanctity of human life, if life is reduced to a dismal, daily struggle to feed a drug habit?

To mothers and fathers worried sick by the fear of drug abuse among their children and grandchildren; to teachers who see bright minds dulled by drugs, to clergymen who are losing their spiritual influence to the false gods of kicks and thrills; to businessmen who see drugs causing absenteeism and hurting productivity; to union leaders worried about addiction among younger members and the children of all their members; to judges who see the courts collapsing under the crush of narcotics cases; to all these people, there can be only one response to the question, "Does drug abuse demand an all out mobilization of the nation's resources?" That answer must be a thundering "yes."

STATE HAS SPENT $750 MILLION

As Governor of New York, where, in the metropolitan area, we have the worst and swiftest spreading drug infection in the nation, I am urging a total national effort only after we have tried every possible approach at the state and local level without achieving success. My administration has committed the almost unbelieveable sum of nearly three-quarters of a billion dollars to conquer drug addiction. That sum amounts to more than every state government, more than the Federal Government, more than all the other nations of the world have committed to this purpose. We pioneered methadone maintenance, instituted mandatory treatment, have employed every other known drug treatment, created a narcotics unit in the state police and a special narcotics section in the courts. But the hard fact is undeniable. We have neither stemmed the spread of drug abuse, nor found a cure for those afflicted.

STEPS TOWARD SOLUTION

But, if these efforts have not been enough to solve the problem, they have at least dramatized what is needed to solve the problem:

Education—As early as it can be made meaningful, education that employs sophisticated, creative techniques that can really get through to young people.

Research—Scientific, medical, social—as intensive as that to cure any fatal illness. In drugs, the research challenge is far more complex, for here we are dealing with a disease that is self-induced and where most victims do not try, or don't even want to be cured.

Treatment—With enough quality facilities available so that no one really seeking help is ever left to the continued temptation of the street for lack of a place to be treated.

Enforcement—The efforts of one state to seal out drugs is like trying to hold back water with a sieve. Not only must we have a vast national enforcement network, but the United States must use all the legitimate, diplomatic, economic and social muscle necessary to stem the international traffic in drugs.

DO WE CARE ENOUGH?

Almost every national objective in the past two years have been prefaced by the challenge: "If we can go to the Moon," why can't we accomplish this or that goal. I cannot believe in the case of drugs that Americans are going to slump back and say, "This one has us beat."

Are the sons and daughters of a generation that survived the Great Depression and rebuilt a prosperous nation, who defeated Nazism and Fascism and preserved a free world, to be vanquished by a powder, pills and needles? This is inconceivable! There has to be an answer to drug abuse. All it requires is the national will, a total national commitment, to find that answer. We dare not fail.

PUBLISHER URGES A "MANHATTAN PROJECT"

(By Jerry Finkelstein)

Thus far, the battle against drugs has been basically a holding action. We must escalate to a total war on drugs, or we will lose.

As publisher of the New York Law Journal, I have occasion to talk to judges, lawyers, prosecutors and government officials. The special issue on drugs in the second section of today's edition results from some of these conversations.

AFFECT ON COURTS

These officials told me that soon there will hardly be a civil case tried because the courts will be completely clogged with drugs and drug-related cases. Upon looking further into the matter, I discovered, as others before me, that this was not just a matter of court congestion but of the survival of civilization.

I then wrote a front page editorial for the Law Journal, entitled "Needed: Another 'Manhattan Project' to Solve Nation's Drug Problem," which appeared on July 6, 1971. I was invited to write an Op-Ed article for the New York Times, entitled "Unhooking Addicts," which was published Sept. 11, 1971, and condensed in The Reader's Digest for December 1971, as "Our Own Andromeda Strain."

We then began preparing for today's special issue, and were appalled when we sought perspective. The perspective on drugs, as you will find from the special issue, is that we do not have one.

OUR KNOWLEDGE

What do we know about drugs and addiction?

A modest amount about the drugs themselves; a little about addiction; and much less about the entire relationship of drugs and addiction to our culture, our society, and our civilization.

We have ideas, hints, intuitions, the beginnings of knowledge. But not the knowledge itself. There are few hard facts. Apart from a few bits of carefully delineated laboratory results, most else is guesswork.

Throughout our report on the drug problem you will find highly inconsistent figures. This does not mean that the authors are charlatans—far from it; they are all dedicated men in their fields. It means that they are forced to work with the best material available—and it isn't good enough.

Not when our police, our neighbors, even our own children may join the army of addicts and pushers at any time.

Not when VA hospitals are unprepared to handle the flood of addicts and serum hepatitis cases.

Not when babies are born suffering from withdrawal symptoms because their mothers are addicts.

QUALIFIED CONCLUSIONS

Take the simple matter of drug-connected arrests. The weakest link in compiling these figures (as is readily admitted) is the tired desk sergeant who fills out the blotter, or the overworked patrolman who makes out the report. Can we seriously believe that figures compiled in this way bear any relation to reality? The most we can hope for is that idiosyncrasies will cancel each other out, statistically; and we will have some sort of trend which can be plotted. But this is pretty crude stuff, and any conclusions drawn must be qualified in the light of these inherent inaccuracies.

Approximations have their place, and we have to live in a world where action must be taken based on inadequate data. But this does not mean that we should casually accept inadequate data on vital matters when greater effort could bring an improvement.

Navigators may navigate by dead reckoning, but only if they have to—and then they feel justifiably uneasy. Businessmen work with inadequate data, but spend fortunes to refine it, making it less inadequate. Shouldn't we feel uneasy about the data on drugs? Shouldn't we be willing to spend the money to make it more accurate?

A BROADER GOAL

But let's not stop there. We must have the exploration of all possible avenues of control and cure of drug abuse, together with coordination of all existing and developing knowledge. A big job? Of course. One calling for heroic efforts. One calling for a Manhattan Project on Drugs. An all-out mobilization of every single available American resource from brains to dollars that would dwarf the original Manhattan Project or NASA.

EXPLORE ALL POSSIBILITIES

The original Manhattan Project did not set out to invent an atomic bomb according to any one preconceived theory. It explored every feasible theory at the same time, and produced working atomic bombs by two entirely different methods. The blind alleys followed are unimportant, because not just one, but two different approaches gave an acceptable answer.

The Manhattan Project on Drugs must likewise explore any and all feasible ways of controlling the larger problem of drugs and addiction, whether by scientific means or otherwise.

There are huge advantages. As Governor Rockefeller pointed out to me after one of my editorials advocating a Manhattan Project on Drugs, the original Manhattan Project, and to some extent NASA, had to operate in secret. The Manhattan Project on Drugs, on the other hand, can and should operate in the open. Everyone can contribute, and everyone will benefit. Not just from eliminating addiction, although that would be worth every ounce of effort at our command—but from the new and beneficial discoveries that are the inevitable by-products of a project of this magnitude.

FULL SUPPORT NEEDED

It is clear that no state or city can handle the drug problem without massive federal aid and coordination. President Nixon is doing more to fight drug abuse than any other President. But he cannot do more without full support of the public and the Congress.

Suppose we had had a Manhattan Project on Drugs five years ago. Think of the lives saved, the degradation avoided. Addiction appears to spread exponentially. Think what it will be like five years from now if we don't start now. Try to sleep on it.

WORSENING GAS SUPPLY CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. MURPHY of New York. Mr. Speaker, of the 23 natural gas companies serving my State of New York, only two very small suppliers have been able to assure the State public service commission that they can obtain enough gas for the reasonable needs of their customers during this winter.

In this situation, the State public service commission has ordered utilities to refuse service to all new industrial and commercial customers unless the applicants demonstrate the capacity to switch to alternate fuels in an emergency, or unless they are engaged in industrial processes that absolutely require natural gas. Even residential customers in large multiple dwellings and apartment houses are denied new gas service for heating unless they have full facilities to burn an alternate fuel.

That is the situation in my State. Across the country, the natural gas supply shortage poses a threat of service curtailment.

Consider a few examples out of many:

The Michigan Consolidated Gas Co., which has nearly a million customers in Detroit and other areas, has announced that it does not have sufficient supply to serve all the industries that want to turn to gas for air-pollution control.

In Chicago, the Peoples Gas Co. has a waiting list of some 12,000 applications from hopeful industrial and commercial customers.

The Columbia Gas System, which serves customers in parts of New York, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky and Ohio, has announced that it expects to curtail delivery of gas to customers receiving service under interruptible contracts.

In California, the Pacific Lighting Corp., the country's biggest gas distributor with 3.1 million customers in southern and central California, has sharply cut back deliveries to large industrial users.

The Connecticut Light & Power Co. has found it necessary to refuse to take on any new customers, even residential customers, since early this year.

Here in the Metropolitan Washington area, the Washington Gas Light Co. has served notice that no new gas customers, except single family residential customers, can be accepted for an indefinite time into the future.

A hard winter will turn the threat of further cutbacks into a certainty in many areas. Widespread hope is expressed that service can be maintained to schools, public buildings, hospitals, and homes—at least for this winter. But what about next winter? And the winters after that?

The consumers of the Nation have reason for worry.

Mr. Speaker, there is no quick and easy way to cure the gas supply shortage. But the existing shortage and the threat of worse to come do not have to be regarded as an irreversible rush toward disaster.

It is true that nearly all of the present known reserves of natural gas are already committed for sale. However, we are assured by authoritative sources that potential reserves, waiting to be discovered and developed, would meet our national needs for many years to come.

An intensive exploration and development program by the gas-producing industry holds the answer to the gas supply shortage, now and in the future. That solution cannot come overnight—but the longer it is delayed, the worse our situation will become.

The necessity of this kind of program is recognized by producers. But they have hesitated to embark on it because Federal regulatory policies and manmade uncertainties add to the risk inherent in the business of gas production.

These policies make it impossible for the producer, once he has found a new source of supply, to know how much he will be paid for his gas or how long he will be paid the price stated in his contract with an interstate pipeline—even though that contract has been approved by the Federal Power Commission. The producer also labors under the knowledge that the Commission may change the rules governing how much gas he must deliver under his contract and how long he must continue to make deliveries.

This is a hard basis on which to try to do business. Such uncertainty obviously tends to discourage the producer from setting out on a costly effort to find and develop new supplies of gas for waiting customers.

H.R. 2513, which I introduced early in this session and on which comprehensive committee hearings have been held, proposes to take a step toward restoring incentive to the gas producer. It would do so by making the terms of contracts between producers and interstate pipelines valid and binding on all parties concerned once such contracts have been approved by the Federal Power Commission.

All major sales contracts would still have to be submitted to the Commission, which would retain the power of approval, approval subject to stated conditions, or disapproval. The significant change is that the Commission could no longer have second thoughts about contract terms and rescind its earlier approval. After the producer enters into an approved contract, he will know where he stands and can plan accordingly.

H.R. 2513 is essentially a sanctity-of-contract measure. It proposes to give contracts between gas producers and interstate pipelines the same inviolability that is customarily attached to legal contracts in every other field of business.

Its enactment will help to give producers the incentive they need to discover and develop the new supplies of natural gas the United States must have for the well-being of our people, for economic progress, and for a lessening of environmental pollution.

EQUAL RIGHTS AMENDMENT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. DORN. Mr. Speaker, the Constitution as presently written can provide full equal rights for women while still preserving those necessary laws that protect women.

A new amendment to the Constitution could well create more confusion and legal uncertainty as to the rights of women. The best way to guarantee these rights is to continue to carefully apply the language of the Constitution in its present form.

Mr. Speaker, I commend to my colleagues' careful attention the following splendid editorial from the Greenville, S.C., News, one of the South's leading newspapers, concerning a recent Supreme Court decision.

The editorial follows:

IS AMENDMENT REALLY NECESSARY?

The recent unanimous Supreme Court ruling that the 14th Amendment bars arbitrary discrimination against women should give supporters of an additional constitutional amendment to assure female equality under the law some second thoughts. This is not an old argument against the need for the proposed women's rights amendment, but the court's action gives it new strength.

The Supreme Court based its ruling in an obscure Idaho case on the 14th Amendment's directive that "no state deny the equal protection of the laws to any person within its jurisdiction." This was the first time the high court has used the equal protection clause in a women's rights case.

It is difficult to see how the proposed amendment could do much more to make the sexes equal under the law. In the Idaho case the court struck down a state law which arbitrarily made a father the administrator of his deceased son's estate, an action contested by the mother who was estranged from the father.

Constitutional proposals designed to assure equality for women have been talked in Congress since 1923. Pressure from various women's rights groups has prompted congressional leaders to take a serious look this year at actually adopting some type of measure to be passed on to the states for ratification.

The House has passed a proposal which provides that "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The Senate Judiciary subcommittee has reported out a version of this proposal amended to allow distinction between the rights and responsibilities of men and women only on the basis of "physiological or functional differences."

The point, however, that has been consistently argued by constitutional and legal experts all during the debate is that women already have equal rights under the Constitution. The Supreme Court's application of the equal protection clause to a sex discrimination case clearly points out the constitutional safeguards women have.

The court's action offers solid evidence that another amendment to the Constitution is unnecessary, and would only serve to create legal complications that could be avoided by more extensive utilization of the 14th and 5th Amendments. Supporters of the women's rights amendments would do well to thoroughly test existing provisions in the Constitution before recklessly tacking on more verbiage.

The court has opened the door with its ruling in the Idaho case. Rather than spend more time in considering new amendments, Congress could do more for women by using its enforcement powers under present amendments to put the finger on state laws that work an unreasonable discrimination against females.

A new amendment will not automatically end the unfair treatment that women receive at the hands of the law in many cases. Some of the versions, in fact, especially the Senate subcommittee measure, could even create more room for discrimination.

The cause of justice—and the Constitution—will be better served if the emphasis is turned on strict interpretation of the equal protection already available. Another amendment should be employed only as a last resort to assure women the fair treatment all citizens deserve.

WELFARE CHEATING RING UNCOVERED

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. HOGAN. Mr. Speaker, local and State governments and the Federal Government have grown increasingly concerned in the past few years that the cost of providing welfare assistance to the Nation's needy has skyrocketed.

Undeniably, most of the increase can be traced to the growth in the number of eligible persons and the liberalization of payments, but also undeniably some of the increase can be charged to faulty organization, inadequate investigative procedures, and outright fraud.

I have long advocated tighter supervision of welfare procedures to control these problems, so I was especially pleased to learn recently that a welfare supervisor in my home county, Prince Georges County, Md., has broken up an organized ring that had been cheating the county out of about $40,000 in welfare and food stamp benefits.

I congratulate and commend the supervisor, Mr. Richard Smith, and insert into the RECORD an article from the Washington Post of December 12 describing how the ring was broken at this point:

WELFARE CHEATING RING UNCOVERED

(By Jim Mann)

One day last winter, Richard Smith, a quiet, unassuming welfare supervisor in Prince Georges County, noticed something peculiar as he looked through the pile of papers on his desk.

That day there had been three different applications to the county's department of social services for "emergency" welfare assistance, submitted by women whose children included twins.

Knowing that twins are relatively rare, Smith grew suspicious and began to investigate.

The result, four months later, was the discovery that an organized ring has been cheating the county out of about $40,000 in welfare and food stamp benefits.

The investigators learned that women applying for welfare exchanged wigs among themselves in order to change their appearance, and often gave non-existent addresses when they applied for welfare help.

At one point, Prince Georges warned three neighboring Maryland counties to beware of one "Red Willie" and his brown Cadillac, said to be roving the area with a number of women who were schooled to apply for welfare.

Welfare officials across the state exchanged notes and photographs of people they suspected were submitting fake welfare applications.

Federal investigators from the Department of Agriculture quietly attempted to take pictures of people applying for food stamps.

And some measures taken in an effort to halt the fraud were met by sophisticated countermoves on the part of the welfare recipients.

"Most of our clients are still honest,"

Smith said in a recent interview. "But for someone who is criminally inclined and wants to pick up $200, it (welfare fraud) is cheaper than bank robbery; it's easier to get away with, and it involves a lesser charge if you're caught."

Smith and Prince Georges County are far from alone in their problems. Officials in many other jurisdictions across the country, including the District of Columbia and Baltimore, have had their own cases of food stamp fraud, sometimes with greater losses than Prince Georges.

But the Prince Georges episode illustrates the dilemma facing welfare officials generally as they attempt to guard against fraud while at the same time taking care of people who legitimately need help.

At the root of the fraud in Prince Georges County is the so-called "declaration" system of applying for welfare and food stamp benefits—especially as this system relates to "emergency" or immediate assistance.

(Food stamps are coupons sold for a price below their face value, to recipients who later use them like cash to buy food at a grocery store or supermarket.)

Basically, the declaration system means that a local welfare agency accepts a request for welfare benefits and distributes money or other aid without any prior investigation to determine if the applicant's claims are true.

The rationale is to avoid the invasions of privacy and atmosphere of suspicion that, civil libertarians have argued, have often pervaded welfare programs. There are no home visits, requests for birth certificates, or other checks.

SAVES HIGH COSTS

Supporters of the declaration system also argue that it saves the high costs of policing welfare programs and investigating every single application.

About half of the states operate under a declaration system for the largest and most common welfare program, known as aid for families with dependent children (AFDC). Those states include Maryland and the District of Columbia, but not Virginia, in which some but not all counties operates under a declaration system for AFDC payments.

Ordinarly, even under the declaration system, there is a delay between the time a person fills out a welfare application and the time he or she recives the benefits.

But it is possible in many places, including the District of Columbia, Maryland and parts of Virginia, to receive "emergency" aid—to fill out an application and then receive cash or food stamps on the same day.

The aim of emergency assistance is to provide immediate help for those who need it—people who have been evicted, or disabled, or who have no money to feed their children.

In Prince George's, the emergency aid was at the heart of the fraud scheme uncovered by Smith.

Alerted by the recurrence of twins, Smith decided to check the recent emergency applications in the county. He discovered that over an eight-day period, the department had received 12 different applications from people who brought notes from their landlords saying they had been evicted.

Seven of the 12 cases involved women with twins.

Smith and other officials sent out letters to these 12 people at the addresses listed at the addresses listed on their applications. All the letters came back stamped "addressee unknown."

Smith wrote a memo to his superiors on Feb. 11 stating his conviction that there was "an organized kind of fraud, the twins being added so that there are a large number of children who are preschool age (so we cannot call schools and easily verify existence)." In general, the more children an applicant has, the more welfare money she receives.

CAREFUL CHECK MADE

For the next several months, welfare workers were under instructions to check carefully all persons who applied for emergency aid.

Several times, when women did apply for emergency benefits, and welfare workers explained that the names and birth dates of their children would have to be verified through hospital records, the women walked out of the office.

(Smith says that the welfare office will not detain or arrest an individual until it is absolutely certain it can prove fraud.)

The workers noticed, Smith recalls, that the women applying for emergency welfare—the ones who walked out of the office when questioned—were "so much better dressed than anyone else, including the workers. They went first class."

But the scheme continued, because the emergency applicants changed their tactics. So that they wouldn't be recognized, Smith says, the women wore different wigs, which they exchanged among themselves.

After a while, their stories were not always the same, either. Sometimes they had twins and sometimes they didn't. Sometimes, they said they needed emergency help because they were evicted; sometimes they said they needed help because they or their husbands were disabled.

Usually the welfare office would discover it had been defrauded only after the emergency help had been given.

For example, one applicant brought a detailed statement of physical disability, complete with blood pressure, pulse rate and an illness that was described in technical medical terms. Much later it turned out that the disability was similar—and the blood pressure and pulse rate were identical—to those on at least one other disability statement submitted under a different name.

In addition, the welfare office began to discover that it was being cheated out of other payments besides those initial emergency payments.

Ordinarily, so long as a woman applying for emergency aid also qualifies financially for regular monthly AFDC (welfare) checks, the county routinely begins mailing those checks the month after it gives emergency payment.

NONEXISTENT ADDRESSES

Smith said that sometimes, because the applications for emergency aid gave addresses that did not exist, the AFDC checks for the following months would be returned by the post office.

But sometimes, Smith says, those women gave real addresses and managed to keep and cash subsequent checks as well as the emergency checks. Welfare officials later discovered that these addresses were sometimes used several times under several different names.

"We lost so much money to one address on Southern Avenue that we could really have improved the neighborhood," Smith says.

On a few occasions, too, the women would not apply for emergency assistance at all, but would apply for regular public assistance at the outset.

"As we would get more sophisticated, so would they," Smith says. "We underestimated them completely."

In mid-April, county officials got what they thought was a break. A woman applied for emergency assistance, and while she waited in the office, the welfare worker, checking carefully, discovered that she had given a phony address.

This time—in contrast with similar cases in the past—the woman did not get up and walk out. Instead, she calmly told welfare officials a lengthy story about how she had come to apply for welfare.

According to welfare officials, the woman said she had been picked up in the District of Columbia by a man named Red Willie who drove a brown Cadillac and taught women how to apply for welfare.

The woman also said that "Red Willie" claimed to be in league with welfare department staff members, according to welfare department officials.

How much if any of what the woman said was true, or whether there actually was a "Red Willie," has never been determined.

COLLUSION DENIED

Smith dismisses the idea that any welfare officials was involved in the fraud scheme, and federal investigators, who have since conducted investigations in Prince Georges, say there is absolutely no evidence of any collusion by officials.

Smith says he assumes some women were, in fact, told that a supervisor was cooperating, by someone who later took a portion of the welfare checks "for the supervisor" and kept it himself.

In any case a few days later after the Red Willie incident the Prince Georges department of social services sent out an official letter to its counterparts in Montgomery, Anne Arundel and Baltimore counties and Baltimore city, warning them that Red Willie and his brown Cadillac might strike at their offices, too.

Such contact with welfare and food stamp officials in other counties was beginning to produce results. District of Columbia officials provided Prince Georges with a full-report, including names and photographs, of people suspected of welfare and food stamp fraud in the District. Baltimore City also reported it was having troubles strikingly similar to those in Prince Georges.

FEDERAL PROBE PUSHED

In addition, federal food stamp investigators, under the direction of Department of Agriculture Inspector General Nathaniel Kossack, noticed apparent irregularities in Washington-area food stamp programs and began their own investigation, in Prince Georges County and other jurisdictions.

At one point, Smith says, Prince Georges officials attempted to call a person suspected of participating in the fraud scheme into their office, so that federal officials could take pictures of that person receiving food stamps. It never happened, because the suspect would not come into the office, Smith says.

It was apparently not the only time during their Maryland investigation that federal investigators tried to take pictures of food stamp recipients.

Beulah Carter, director of social services for Caroline County on Maryland's Eastern Shore, says that pictures were taken in her county of a food stamp recipient suspected of fraud.

The federal investigators arranged to have local police photograph the recipient through a telescopic lens at a prearranged signal as the woman was leaving the county courthouse, Mrs. Carter says. The picture was taken, but Mrs. Carter says the suspect turned out to be a legitimate food stamp recipient.

Federal officials have refused to comment on the reported picture-taking. Kossack said he does not discuss his department's investigative techniques.

Meanwhile, in early May, the Prince Georges department of social services began to examine every single public assistance case it had processed since the previous September—about 2,000 in all.

That study has turned up at least 45 different cases of fraud between September, 1970, and June, 1971. Those 45 cases cost a total of "between $20,000 and $45,000—maybe more," Smith says, in welfare benefits. (Of those welfare costs, 50 percent are paid by the federal government.)

Those losses generally were in the form of AFDC checks of $200 to $300 per month, Smith says, but the study uncovered one woman apparently participating in the fraud who was receiving a check of $700 per month.

Those dollar estimates include only the money lost in welfare benefits. Most of the people obtaining welfare assistance also obtained food stamps at the same time, Smith says. He estimated that the food stamp losses amounted to about 45 per cent of the welfare losses—roughly $10,000 to $20,000.

ADDITIONAL LOSSES

It is possible there were additional losses besides. Smith says that those people who were discovered to be using fake names and addresses also obtained medicaid cards, enabling them to get medical care at public expense. But he says that his department does not know whether these cards were used.

In June, Prince Georges officials began contacting and questioning most people who had received emergency assistance or who were otherwise suspected of being involved in the fraud scheme.

"The heat was really on," Smith says. Within weeks, applications with fake names and fake addresses stopped coming in.

No criminal charges have been filed in connection with the fraud in Prince Georges.

Smith says the scattered instances of fraud "are continuing" in Prince Georges, but not on the scale that occurred earlier this year.

In an effort to further cut down on the possibility of fraud, Smith said, Prince Georges County will begin within a week or two to check all Social Security numbers of welfare recipients against computerized records.

But this screening will not affect the emergency aid program. The Social Security numbers will not be checked until after a person is given emergency assistance or emergency food stamps, Smith said, unless for some reason an official becomes suspicious of an emergency application.

As Smith admitted to a reporter; "If you wanted to come in here tomorrow, dress shabbily, say your name was Ralph Roysterdoyster, and show us you're out of work, you could get public assistance for 30 days."

THE BALD EAGLE, THE NATIONAL EMBLEM, IS IN SERIOUS MANMADE TROUBLE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. WHITEHURST. Mr. Speaker, the eagle has been a symbol of power and authority since ancient times. It dominates Western history as an emblem of the Egyptians, Babylonians, the Christian era, the Caesars, Eastern Roman Empire, Charlemagne, Holy Roman Emperors, Russian Czars, Austrian Emperors, the United States, and other modern nations.

It was Caius Marius, Julius Caesar's uncle, who gave to each Roman legion an eagle of silver or gold to be borne on a pole as the semidivine emblem of military strength, similar to the eagle or vulture on the battle standards of the Sumerians and Persians.

To the Christians the eagle symbolized the strength and protection of the Lord and the fulfillment of the Messianic age into which they had been borne. They hoped to escape from the rule of Rome as Israel had escaped from the bondage of Egypt, on strong and protective wings. The bird of the Apostle John was the magnificent eagle of God, which in the Old Testament, protected his throne. In Revelation 4: 7, the four beings who served God with their courage, strength, wisdom, and speed appeared to John as a lion, an ox, a man, and a flying eagle.

In Greek mythology the paramount religious figure was Zeus, god of the sky. His eagle was the only bird believed to dwell on Mount Olympus.

Of the birds and animals used in medieval history, the German eagle was probably the oldest, dating to 12th century Teutonic arms. The practice of adopting a personal coat of arms started in Europe after the First Crusade of 1100 A.D. It was immensely helpful on the field of battle where all knights looked alike unless distinguished by different colors. Heraldry continues to the present day, not only in personal coat of arms, but in those of commercial firms, schools, cities, states, and nations.

On July 4, 1776, the question of a design for an official seal came before the Continental Congress. Benjamin Franklin, John Adams, and Thomas Jefferson were appointed to a committee to create a seal. Six years later, on June 20, 1782, Congress passed a resolution for the mark displaying the Bald Eagle. The design was almost entirely the creation of Charles Thomson, Secretary of Congress, and William Barton, a private citizen, Congress being unable to agree on designs submitted by the committee. Following the adoption of the Constitution, Congress passed the act of September 15, 1789, providing for the design to be the Great Seal of the United States.

Placing the Bald Eagle on the Seal did not provide protection to the bird however. Indeed, laws were enacted that actually sought the bird's demise, and were in effect until just a few years ago.

The systematic destruction of our national emblem has a history relating to the first adopted conservation laws. The legislation divided birds of prey into "good and bad" based on an analysis of stomach contents. Those eating insects, mice and rats were "good," and open warfare was declared on all others, offering bounties as an incentive for their destruction. In some States these laws still stand as they were written.

Since the beginning of conservation in the United States only two Federal laws have been passed to protect birds of prey, and both encountered strong opposition. The National Emblem Law, enacted in 1940, banned killing the Bald Eagle in the United States and all its Territories, except Alaska. And the Golden Eagle Act of the 1960's extended protection to that magnificent bird, the national emblem of Mexico.

One of the reasons for Alaska's opposition to the National Emblem Law was the bird's interference with the fishing industry. The main diet of the eagle is fish, usually carrion. The concern of the industry was not that they ate fish, but because they perched on fish trap poles causing the salmon to panic and beat themselves on the nets making them unfit for canning. And the Alaskan fox farmers disliked the bird, because it could raid their free roaming stock.

In the Territory of Alaska the initial legislation pertaining to the Bald Eagle was enactment of a bounty law in 1917. It authorized payment of 50 cents for each pair of eagle feet. In 5 years bounty was paid on 15,745 eagles. In 1923, the bounty was increased to $1, and in the next 17 years an additional 79,746 eagles were killed. These figures from the authoritative book, Birds of Prey of the World, indicate the totals do not include eagles which may have been killed for sport and not claimed for bounty, or wounded and escaped.

When the National Emblem Law was enacted in 1940, the Alaskan Legislature effectively removed the bounty by not appropriating funds for it. But the law remained in force until 1945, when it was repealed.

Those concerned about the appalling rate of eagle kills began to breathe easier, but the interlude was short lived, because the law was reenacted in 1949 and payment was increased to $2 per eagle.

Hunters and fishermen immediately went to work and payment on 7,455 eagles was made in a 2-year period. That is an average of 10 eagles per day, 7 days a week, 52 weeks a year.

It takes 4 years for an eagle to acquire adulthood. Breeding cycles are usually every other year, and often less. On this basis, the eagle suffered a 29,820 life-year-loss during this 2-year period in the middle of this century. In the face of such pressure, it is small wonder the eagle population was dractically reduced. In all, over 100,000 were killed before the slaughter was stopped.

It was not until 1963 that the eagle bounty law was repealed in Alaska. That action followed development by the U.S. Fish and Wildlife Service. They reduced the fishing industry's concern by demonstrating that spikes installed on the top of net poles prevented the eagle from landing on them. And during this period, many fur farmers had gone out of business due to a declining market, however, the Service suggested those still in operation, protect their smaller farms under screens.

Meanwhile, on the mainland, the Bald Eagle became increasing rare. Despite the protection given by the National Emblem Law the bird numbers decreased, and are still decreasing.

A variety of reasons can be given for this; growth of cities and housing developments into previously forested areas, nesting sites destroyed by lumbering, and contamination of food sources by dumping industrial wastes and pesticides into streams and rivers.

Formerly found in every State, the Bald Eagle now concentrates in significant numbers in the east, only in Florida. Over 1½ million acres have been set aside there for the bird. Where water is unpolluted, the population is holding well. But recent investigations reveal there is a strong link between pesticides and the lack of nesting success. Remoteness however, is not a definite requirement. In Florida, Bald Eagles have constructed nests in trees on golf courses and in towns, and the aeries are a source of local pride.

Two white eggs are usually laid, but recently the norm is one egg. Incubation lasts 35 days and both parents care for the young. The fledglings leave the nest by the 13th week, but stay near the aerie for another 3 months to be fed by the parents and sharpen his flying skills.

Studies conducted in Florida prove the dramatic decrease in the number of Bald Eagles. In a publication of the Bureau of Sport Fisheries and Wildlife an eagle population study in Florida by Mr. C. L. Broley is given.

In 1943, Broley found 125 active nests between Tampa and Fort Myers. By 1947, he noticed 40 percent of the nests failed to produce any young. He had been banding 150 eagles a year, but by 1950 he found only 24 young, and watched in dismay as the number continued to decrease to eight in 1955, and in 1958 just one eagle was found. Broley fears sterility caused by pesticides.

A reversal of this trend is noted in the Everglades National Park where chemical pollution is a lesser danger. In 1959, there were 24 nests producing 18 young. By 1964 the number of nests had increased to 51, hatching 41 eaglets.

But encouraging and heartening as this new isolated trend is, it sadly is not enough. The Hawk Mountain Sanctuary in Pennsylvania, formerly the site of an annual bird slaughter by hunters, but now a bird counting station during the migratory season, report statistics showing the Bald Eagles decline in the Eastern United States. In 1940, 38 out of every 100 Bald Eagles using the flyway were immature. By 1955, the proportion fell to 21 out of 100, and by 1964 the ratio had dropped to 10 out of 100. The figures reveal that productivity is decreasing, a signal that a species is in serious trouble and faces extinction.

There is also proof that pesticides are taking a heavy toll of eagles. Many of the chemicals are useful in that they control insects and rodent population. But many of the poisons do not breakdown as they move through the food chain, becoming highly concentrated in higher life forms.

One such contaminant is dieldrin, used in termite control. In the spring of 1971 conservationist K. O. Otis of Accokeek, Md., acquired a female Bald Eagle that had become tangled in a barbed wire fence and later died. An autopsy report by the Wildlife Center in Maryland revealed the bird died of dieldrin poisoning. Four parts per million in the brain can be fatal. The eagle's brain had 11 parts per million, and its body 18 parts per million. There were also traces of other environmental contaminants including DDE, DDD, heptachlor expoxide, and PCB. However none of these was judged to be at a sufficient level to cause death. No comment was made as to possible interference with reproduction.

Early this year the center performed autopsies on 22 bald and golden eagle carcasses found in Wyoming. All were poisoned with thalium sulphate, used for predator control.

A 1969 study of 69 eagle carcasses sent to the center revealed 11 died of environmental poisons, and eight of these from dieldrin. One each died of DDT, lead, and mercury poisoning.

Use of these persistent chemical compounds has not stopped. But the Environmental Protection Agency has instituted proceedings that would halt their use.

The only section of the contiguous 48 States not reporting an eagle population decline is the Northwest. In the vastness of inaccessible territory, away from the harmful influence of man the predator and silent sterilizer, only here in the solitude and harshness of this great land area could the national emblem find the peace and environment that could allow it to survive.

Surely man had learned his lesson and would leave him alone. Hunted, harassed, depopulated in every region of the United States it sought this last refuge to live its life as nature decreed. Surely man would end his torment of the magnificent and beautiful bird chosen as the symbol of his Nation.

But such was not to be. Man failed to learn that his wasteful practices must be changed; that he has the power to wipe from the face of the earth animal and plant life, disturbing the balance of nature; that he must therefore truly become a custodian of life on earth if he, and life as we know it, is to survive.

Sadly, and most regrettably, the lesson has not been learned and the destruction continues. I refer to the recent butchery in Wyoming by ranchers of more than 500 eagles since September 1970. Using helicopters and planes the birds were reported shot from the air, while in other western areas poisons have been used. This carnage was performed despite the Federal law authorizing a $500 fine and/or 6 months in prison.

As the National Wildlife Federation has pointed out, it is clear that a $500 fine is no deterrent to those able to hire aircraft. As the number of eagles declines criminal shooting becomes a serious threat to its survival.

I note with approval Interior Secretary Morton's statement that he intends to vigorously prosecute anyone caught. But I believe the Secretary needs a more powerful punch than what is currently authorized by law.

Therefore, I am proposing an amendment to the National Emblem Law of 1940. It has come to my attention that the same ranchers who reportedly sent gunmen hunting for eagles are those who are benefiting from bargain rate permits allowing animal herd grazing on Federal lands. My bill would authorize the Secretary of the Interior to impose a $5,000 fine, and to revoke all public land grazing permits, all licenses, and leases granted by the Department of the Interior held by anyone convicted of violating laws or departmental regulations protecting the bald and golden eagle or accipiters, and impose a 1-year prison sentence.

And for those beyond Interior Department jurisdiction my amendment would authorize the Federal Government to impose a $5,000 fine and the revocation of all Federal permits and licenses held by any individual or corporation convicted of violating this law, and 1 year in prison.

My amendment will admittedly do nothing to combat losses caused by pollution. But concern and action is already underway in those fields. The small numbers of Bald Eagles remaining make all the more important the stopping of wanton, deliberate mass slaughter of our Nation's symbol. In that respect I believe my amendment will have some effect. It provides the Secretary of the Interior and the Federal Government with tools having teeth to stop the killings.

The Bald Eagle, the national emblem, is in serious manmade trouble. It is time we face that fact and start reacting to it.

THE POLITICAL CAREER OF ESTES KEFAUVER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. JONES of Tennessee. Mr. Speaker, recently I had the pleasure of reading a new book by a Tennessean about a Tennessean. Joe Gorman, a native of Knoxville, has written an exciting and informative political biography entitled "Kefauver." The publisher is Oxford University Press and the price is $10.

Gorman refers to the book as a political biography, rather than simply as a biography, because he focuses his view on the political career of the late Senator. His purpose is not to study Kefauver's personal life, nor the inner workings of his private affairs.

The book begins with Estes Kefauver's entry into the political arena as a freshman Congressman in 1939. Gorman takes us through the Chattanooga Democrat's career step by step, keeping us abreast of the political climate in Tennessee and the Nation as we proceed. He takes us through the exciting 1948 Senate campaign to the famous crime investigations of the early fifties, from the unsuccessful presidential bid of 1952 to the vice presidential candidacy in 1956, from his senatorial fight against monopoly during the late fifties and early sixties, to his death in August of 1963.

The book is much more than a mere chronicle of the major events in Kefauver's career. Gorman recognizes the drama inherent in politics, and he includes a great deal of information which captures the dramatic aspect of Kefauver's career.

For example, he relates the origin of the famous coonskin cap which became the most successful campaign symbol in American political history. During the 1948 Senate primary race, Memphis political boss Ed Crump compared Kefauver to a pet coon in full-page ads printed in Tennessee's largest newspapers.

Kefauver countered with a special radio speech in which he said:

> This animal—the most American of all animals—has been defamed. . . . It is the cleanest of all animals; it is one of the most courageous. . . . A coon . . . can lick a dog four times its size; he is somewhat of a

> "giant killer" among the animals. Yes, the coon is all America. Davy Crockett, Sam Houston, James Robertson and all of our great men of that era in Tennessee history wore the familiar ringtailed, coonskin cap Mr. Crump defames me—but worse than that he defames the coon, the all American animal. We coons can take care of ourselves. I may be a pet coon, but I "ain't" Mr. Crump's pet coon.

Within a few days, a Chattanooga bank mailed Kefauver one of its commercial symbols, a coonskin cap, and his campaign was given the boost needed to vault him into the U.S. Senate.

Joe Gorman is obviously an admirer of the late Senator, but this fact does not prevent his acknowledging the man's weaknesses and shortcomings. Instead, he accepts the man for what he was and for what he accomplished, but this leaves plenty of room for admiration.

If the politics of Tennessee and the United States during the forties, fifties, and sixties interests you, I recommend that you read Joe Gorman's "Kefauver." I found it to be exceptionally good reading.

CONTINUING FOREIGN AID: SPECIAL INTEREST LEGISLATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. RARICK. Mr. Speaker, the House has today passed by a vote of 233 to 86 the bill, House Joint Resolution 1005, the continuing resolution providing for foreign aid programs through March 15, 1972, or until such time as the Congress acts to appropriate funds for such programs for fiscal year 1972, whichever first occurs.

Of some interest to the Members was the fact that the country of Israel was excluded from certain provisions of this joint resolution to facilitate the continuation of military aid to Israel. The bill is quite clear that this is special interest legislation:

> (2) Section 108 is amended to read:
>
> "Sec. 108. Except as hereinafter provided in this section, and notwithstanding the provisions of any other sections of this joint resolution, obligations incurred hereunder for foreign economic assistance, military assistance and sales, security supporting assistance, the Overseas Private Investment Corporation, and activities provided for in titles III and IV of H.R. 12067, 92nd Congress, shall not exceed the lowest of (i) the rate for operations which would be authorized under H.R. 9910, 92nd Congress, as passed by the House, (ii) the rate for operations which would be authorized under S. 2819 and S. 2820, 92nd Congress, both as passed by the Senate, or (iii) the rate for operations which would be provided by H.R. 12067, 92nd Congress, as passed by the House: *Provided*, That military credit sales to Israel may be conducted at not to exceed the rate for operations provided for under section 101(d) of this joint resolution: *Provided further*, That foreign military sales activities (other than with respect to Israel) may be conducted at a rate of operations not exceeding $175,000,000:

Presumably, Mr. Speaker, these provisions are included in the continuing appropriation to allow the administration leeway in arming and financially aiding Israel from aggression of Soviet-supported Egypt and the Arab world thus maintaining the mythical balance of power in the Middle East.

If this is true, then the following article from the morning paper should be of interest to our colleagues. It certainly presents a strange paradox—the American Government will be aiding and giving military assistance to Israel to protect her from the "aggression" of her friend and diplomatic ally the Soviet Union.

In Louisiana we call it playing with a stacked deck. Soviet Russia cannot lose—they play both sides. They know what they are after. We do not.

I ask that a related news article be inserted in the Record at this point.

[From the Washington Post, Dec. 15, 1971]

SOVIET HINTS STEP TOWARD ISRAELI TIES

Victor Louis, the Soviet operative who recently visited Israel, reported yesterday that diplomatic relations between Moscow and Jerusalem, which were broken as a result of the six day war in 1967, may soon be partially restored.

Louis, a correspondent for the London Evening News who is also believed to be associated with Soviet intelligence organizations, reported from Moscow that "current migration (of Soviet Jews to Israel) might require some Israeli diplomats in the Dutch Embassy in Moscow and Russian diplomats in the Finnish Embassy in Tel Aviv."

Israeli officials in Washington said no such proposal for an exchange of personnel had been made by the Soviet Union. They said it was up to Moscow to take the first step because it was the Soviet Union that had broken diplomatic ties.

The Israelis have consistently denied reports of contacts with Soviet officials.

Louis said in his dispatch that some 100 Jews a day were leaving the Soviet Union. Soviet Premier Alex Kosygin has said the number this year would reach 10,000 but it appears it may go beyond that.

Louis wrote: "The two powerful backers of the emigrants are the Soviet airline Aeroflot and the Soviet Transport Ministry, which needs the business to fulfill quotas for annual bonuses." He suggested in his article that the number of Soviet migrants might fall off after December.

THE PRESIDENT'S NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. McKINNEY. Mr. Speaker, many Americans may not know that there has been an appalling loss of life, because of destructive fire in the nursing homes of this Nation.

The safety of the residents of nursing homes must be a prime concern of all of us. It is one of the continuing problems of the aging who should command every human consideration of all Americans. I am happy that the President's National Commission on Fire Prevention and Control is probing this matter in the course of its 2-year study of the Nation's fire problem.

The purpose of the President's National Commission on Fire Prevention and Control is to undertake a study and investigation to determine practicable and effective measures for reducing the destructive effects of fire in life and property throughout the country. The Commission will submit to President Nixon and to the Congress a report of its findings and recommendations.

Recently Chairman Richard E. Bland of this Presidential Commission, spoke eloquently of the need for a greater vigilance on the conditions in nursing homes as a very necessary step to help prevent fires from breaking out in these homes for our older citizens. This vigilance should in some cases extend to more severe building and electrical wiring codes as well as in other areas such as better smoke and fire detection and alarm systems. For one helpless old person who may not be able to walk or who is sedated to lose his or her life, because of what might be inadequate vigilance is unforgiveable.

Chairman Bland is also associate professor of engineering research at the Institute for Science and Engineering of Pennsylvania State University at State College, Pa.

He made his remarks over NBC radio network October 20, 1971, concerning the loss of 15 lives at the Geiger Nursing Home fire near Honesdale, Pa., the night of October 19, 1971.

Other important aspects of the Nation's fire problem and the work of the President's National Commission on Fire Prevention and Control have been discussed in an informative article in the Atlanta Constitution, of December 7, 1971. Entitled, "U.S. Fire Prevention Panel to Probe Residential Fires," the article was written by the able Atlanta Constitution staff member, Mr. Chuck Bell.

The article brings out the need for serious study in the fire area associated with one- and two-family dwellings in which as much as 80 percent of the country's life loss is sustained. In the article, Mr. Clayton Willis, the respected race relations and international affairs specialist, said accurately that there is a need to review the fire problem as it relates to the low-income areas in the ghettos in the Spanish-speaking barrios, the harassment of firefighters and ethnic minority group employment in the fire service. The whole subject certainly deserves a thorough study and I am pleased that the Commission is taking this initiative.

Mr. Willis was a former writer for the New York Amsterdam News in Harlem, New York City; consultant for the Ford Foundation; staff member of the United Nations Secretariat, and a staff writer for Newsweek.

Mr. Howard D. Tipton, who was for many years the dynamic city manager of Glendora, Calif., and a consultant to various cities in California, assumed his duties as Executive Director of the Commission in September of this year.

I insert the transcript of Chairman Bland's statement on NBC, and the article by Mr. Chuck Bell in the Atlanta Constitution in the Record.

There being no objection, the transcript of the broadcast and the article were ordered to be printed in the Record, as follows:

Statement by Chairman Richard E. Bland

I am shocked at the tragic loss of fifteen lives by destructive fire in a private nursing home for the elderly near Honesdale, Pennsylvania last night.

It is particularly sad because as is so often true of fires in nursing homes, some of the victims were bed-ridden. There can be no greater experience of horror than for an elderly person to be aware of a fire sweeping toward him knowing that he is helpless to try to escape.

Many Americans are not aware that approximately 12,000 lives were snuffed out by destructive fire in our country in 1970. Some of the most sickening losses have been registered in our homes for the aged.

On January 14th of this year in Louisville, Kentucky, fourteen people died in the Westminster Terrace Presbyterian Home for Senior Citizens.

Six people lost their lives on September 15, 1971, in Salt Lake City, Utah, in a home for senior citizens.

To cite another example of these tragedies, on January 9, 1970, a blaze took 32 lives in the Harmar Convalescent Home in Marietta, Ohio.

Elderly people are often not in nursing homes by their own choice. In effect, they are in captivity. Hence it is the public's responsibility as near as possible to guarantee protection and evacuation procedures that will facilitate their escape. They cannot be expected to move on their own in hostile environments associated with fires. Thus, we must make it a public responsibility the enforcement of regulations which guarantee their safety.

A major purpose of this Presidential Commission is to determine more effective ways to reduce the loss of life and property by fire in the United States.

I would like to point out that we cannot be too vigilant in taking steps to prevent fires.

Let us remember that the prime factors of loss of life by fire in dwellings are: open stairways, no escape plan in case of fire, no automatic detection system, flammable clothing and combustible interior finish.

Leading causes of home fires are: heating and cooking equipment, electrical wiring and appliances, smoking, children and matches, ignition of rubbish and flammable liquids.

This terrible loss of life in Honesdale, Pennsylvania, should once again provide a shocking reminder to all Americans that the responsibility for the loss of life and property lies with all of us.

U.S. Fire Prevention Panel To Probe Residential Fires

(By Chuck Bell)

Athens, Ga.—Fires in one- and two-family dwellings will be subjected to "serious study" during the next two years, a spokesman for the President's National Commission on Fire Prevention and Control said here Monday.

Clayton Willis said the Commission has "established reason for serious study in the fire area associated with one- and two-family dwellings. As much as 80 per cent of the life loss is in one- and two-family dwellings such as houses and duplexes. Also, approximately 30 per cent of the annual dollar loss is in the residential category."

The 18 member Commission, meeting at the University of Georgia, announced a series of public hearings on fire prevention problems. The first hearing will be in Washington, D.C., February 15–17.

Willis said the Commission will study nursing home fires and "will also look into fire as it relates to the low income areas in the ghettos and in the Spanish speaking barrios, the harassment of fire fighters and ethnic minority group employment in the fire service. People in these areas frequently get inadequate protection because they don't have the political power to get city administrators to give them the protection they need."

Howard D. Tipton, the Commission's executive director, said the purpose of the Commission is to undertake a study and investigation to determine measures for reducing the destructive effects of fire on life and property throughout the country.

The Commission will submit its findings and recommendations to the President and the Congress at the end of the two-year study, Tipton said.

Richard E. Bland, Associate Professor of Engineering Research at the Institute for Science and Engineering of Pennsylvania State University, is chairman of the Commission. William Howard McClennan, President of the 156,000 member International Association of Fire Fighters, is vice chairman.

GREATER FEDERAL ROLE IN FISCAL SUPPORT OF PUBLIC EDUCATION IS URGED BY DEMOCRATIC POLICY COUNCIL PLANNING GROUP

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 1971

Mr. BRADEMAS. Mr. Speaker, I take this time to draw to the attention of my colleagues an excellent statement recommending a threefold increase in current Federal financial support of public elementary and secondary education to help States achieve the fiscal reform needed to improve educational quality.

The recommendation was made on December 12, 1971, by a Democratic Policy Council planning group on education.

The measure was recommended as part of a "4-year goal to increase one-third the level of Federal support of the cost of public elementary and secondary education."

The committee is headed by Marian Wright Edelman of the Washington Research Project Action Council and Val Boothe of Weber State College, Utah. It met in Washington last Wednesday to develop Democratic alternatives in education for consideration by the 1972 Democratic Platform Committee. The committee discussed a wide range of educational issues from early childhood to postgraduate education.

The resolution was adopted in response to the serious financial and qualitative problems confronting public education in the 1070's.

Mr. Speaker, I ask unanimous consent to insert at this point in the Record the text of the resolution.

Text of the Resolution

All Americans—rich and poor—support public education and want their children to derive the maximum benefit from it. The problems of educational excellence are, however, inextricably linked with the problems of adequate and equitable financial support. As we look to the 1970s, education faces two serious fiscal challenges: (1) reducing the disparities in public school expenditures and (2) reducing revenue dependency on local property taxes.

The financial crisis in local schools has arisen because:

The primary source of support for schools is the local property tax, which does not automatically rise with real growth and inflation—while teachers' salaries and other school costs do.

The recession has sapped the revenues of state government, the second most important source of funds.

The education expenditures of the federal government have failed, since 1969, to keep pace with educational needs.

The resulting squeeze on school districts has been uneven in its effect. Cities and poor rural areas, badly in need of resources three years ago, are more in need than ever.

We believe our nation's priorities in the '70s will best be served by the realization of the following national educational goals:

(1) Greater equalization of resources between local districts and states.

(2) An emphasis on quality of education at all levels.

(3) A real effort to meet the special needs of educationally disadvantaged children, whether handicapped by lack of income, physical disability, residential barriers, or by a non-English speaking family background.

Accordingly, the planning group on education recommends to the Democratic Policy Council and the 1972 Democratic Platform Committee that the federal government assist the states in achieving necessary financial reform by a three-fold increase in current financial support to elementary and secondary education as part of a four-year goal to increase the level of federal support to one-third of the cost of public elementary and secondary education.

CONSERVATION DIRECTOR OF THE IZAAK WALTON LEAGUE OF AMERICA DESCRIBES A TRIP UP THE POTOMAC AND INTO THE ANACOSTIA

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 16, 1971

Mr. SPONG. Mr. President, the gross pollution of the Potomac and Anacostia Rivers is vividly described by Joseph W. Penfold, conservation director of the Izaak Walton League of America, in an article published in the Potomac magazine of the Washington Post on Sunday, December 12.

Mr. Penfold observes that 30 million gallons of virtually untreated sewage is discharged daily into the Potomac, and that most of the pollution seems to be taken for granted these days.

He closes with an optimistic note, saying:

> Cooperation and planning among various governmental jurisdictions, adequate financing and a degree of awareness on the part of everybody could result in a river clean enough for fish to live in and people to use. . . . The waterfronts of Georgetown, Alexandria, and the Anacostia could again offer economic viability as well as beauty and cultural amenities to residents and visitors alike.

Mr. President, Mr. Penfold's account of a trip on the Potomac and the Anacostia on a recent Sunday will be of interest to everyone concerned over the environment of the Nation's Capital. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ROTTING OF OUR RIVERS

(By Joseph W. Penfold)

Three and a half centuries ago, Captain John Smith sailed up the Potomac and probably ventured as far as Little Falls. What this early explorer wrote was very much in our minds as we cruised out of Occoquan Creek, across Belmont Bay to the Potomac channel one Sunday.

Its waters were so clear, he wrote, that he could see the bottom at a depth of several fathoms. He described it as "fed with many sweet rivers and springs" and frequented by otters, beavers, martins and sables. The fish, he added, were so plentiful that he and his men tried to scoop them up with a frying pan. "Neither better fish, more plenty, nor more variety for small fish had any of us ever seen in any place so swimming in the water," he wrote.

We were better equipped than Captain Smiths crew and our frying pans had been left at home for later use, we hoped. But though we tried, we couldn't see a couple of inches below the water surface, let alone several fathoms. The creek and the bay were brown with silt and on the surface lay a thick patina of green muck (algal bloom indicating over-fertilization by nutrients and accelerated eutrophication in the bays and shallows which clings to the sides of our boat and appears to slow our forward motion.

It is common knowledge among older fishermen of the area that these waters retained much of their wholesomeness well into the 20th century. Thirty-five years ago the Occoquan, Belmont Bay, Pohick, Marumsco, Powell and Neabsco Creeks were clean enough to drink and supported some of the best large-mouth bass fishing in the region. The marshes and shallows were alive with waterfowl during the fall migration—redheads, widgeons, canvasbacks. "The more common species," wrote an observer at the time, "such as the mallard, the ruddy duck and the coots were so thick that they would simply swim away, making room only for boats to go through their midst." Great rafts of Canada geese would lie offshore and in the evening fly into nearby fields to feed on corn and newly planted wheat. Song birds were abundant and dozens of both eagles and osprey nested along the shoreline.

In those days, people also used the beaches and waters. High Point, Sandy Point, the Great Mash were popular areas for swimming. fishing, bird-watching, camping and, in season, waterfowling. Now most of this is a thing of the past, sacrificed to a burgeoning metropolitan region, more people, more subdivisions, high-rises, more highways, more wastes of all types—solid wastes, storm run-off, and pleasure-craft proliferating, mostly without sanitary disposal units, adding their share of filth to the river. Nor does the dredging for sand and gravel enhance the quality of the water as it destroys the productive ecosystems of marshes and shallows. Compounding the problem are the proposed bulkheads and fill (by dredging) on the seven-acre island at the mouth of the Occoquan and off the south shore of Mason's Neck for the development of 100 summer cottage sites, a 250-slip marina and a club house. The proposal will move ahead if the Army Corps of Engineers grants the permit.

But that morning, we had decided to go out to the Potomac channel and down river to Quantico and the small bays on the Maryland shore where we had been told the fishing was good. Approaching that goal, however, we began to doubt these reports. As we anchored in a sheltered spot we watched the bubbles of putrification break on the surface. The air was unpleasant with the smell of decay. A local crabber drifted by, pulling his empty traps. He answered our question, "What luck?" with a shrug. The sultry stench got to us. "Let's go up river to the District," my companion suggested, "and see where all this crud comes from."

From out in the channel, the Potomac shores appeared relatively unspoiled, the foliage verdant and lush. Housing and other developments are mostly screened by trees. Marshall Hall, however, was an exception and stood out like a sore thumb in contrast to the dignity, good taste and remarkable beauty of Mount Vernon on the opposite shore. From no other angle is George Washington's home more splendid than from a mid-river perspective. Nor can a better view of the Potomac he had than from the mansion. (It was planned that way.) We followed the channel into the dock where the Wilson Line excursion boats unload their endless groups of tourists. Sadly we noticed that the "Polluted Water—No Swimming" sign posted there registered on only a few of the faces. These days, most of us take pollution for granted, it seems.

Traveling up the river, we stayed close to the channel markers. An earlier experience had taught us caution when we had churned across a mud bank where the chart showed ample depth. A geological survey once reported that more than 2½ million tons of sediment per year is carried and deposited by the Potomac in the upper estuary. This, added to a bottom ever shifting with tidal surge, requires constant dredging by the Corps of Engineers, at heavy public expense, to keep the navigation channel open. Without such dredging, we're told that in 40 years we would be able to walk on the Potomac from the Chain Bridge to Fort Washington. Passing Hunting Creek, this estimate did not seem so farfetched. There, highway construction and other development just upstream had loosened soil in such quantities as to completely fill in the marina area that a few years ago graced the Hunting Creek apartment complex. Now, however, only rotting pilings poke through the mud.

More than 50 per cent of the sediment in the Potomac, it is estimated, originated in the metropolitan area from new subdivisions, shopping centers and highways. Highways are the greatest contributor of all, causing some 300 tons of erosion per linear mile. While completed highways are generally well-controlled by plantings and other soil-protecting practices, during construction they still present a serious problem. Local ordinances—some of which are excellent—enacted to prevent erosion and sedimentation during construction of all types, have generally been poorly enforced and thus are ineffective.

We traveled under the Woodrow Wilson Bridge and along the Alexandria waterfront. In the colonial days, this area must have held great charm. One can imagine the color and the life of the era, towering masts and spars silhouetted against a blue sky, fishing boats unloading their catches of fish, crabs and oysters, the clatter of wagons over the cobblestones, chandleries and shops purveying goods from all corners of the world and a tavern or two where one could wet his whistle with grog. Now, however, a blighted area, its sagging buildings, ramshackle warehouses, powerhouses, oil tanks and outfalls give an overall feeling of grime and clutter.

There are those who would have the waterfront redeveloped, to recreate some of the original character, with parks and open space, shops and homes of traditional style to blend and give a wholeness to the individual restorations that make Alexandria a place to visit. But development interests, of course, would prefer to fill in more land along the shore on which to build more dreary and unsightly highrise apartments and that would mean more traffic snarls, more highways, more people dispossessed of their homes and more stultifying mediocrity.

We crossed the river to Blue Plains, the District's sewage treatment plant that was supposed to clean up the Potomac but has sadly failed. From the air its "plume" of effluent can be clearly traced across the river and downstream. Even without a bird's eye view, one can't miss it: the nose finds it unerringly. Blue Plains handles 75 per cent of sewage treatment in the metropolitan area, providing 70–75 per cent efficiency at best. Designed to process 240 million gallons of sewage per day, it actually receives 270 million and 30 million are released into the Potomac virtually untreated. According to a memorandum of understanding between the District and the Washington Suburban Sanitary District, the maximum acceptable limits of BOD (fecal and other organic particles that absorb oxygen from water, at the expense of aquatic and fish life that require oxygen) was set at 96,000 pounds per day by August 1971, 50,000 by 1974 and 12,500 pounds by 1975. In August the actual BOD was measured at 160,000 pounds per day. Most other treatment plants in the area, even the more efficient ones with tertiary treatment as high as 90 per cent are overloaded and their effluent is considered poor and nutrient loading excessive.

Next to Blue Plains is the skeletal remains of the old Bolling Field, an expansive area of vast potential for waterfront parks, homes, shops and small businesses with scenic vistas of the Capitol and the Potomac both up and downstream. It would also be a grand site for a "little" new Pentagon, so the military says.

Approaching Hains Point, we glanced at Lady Bird's fountain happily bubbling in the sun. Here, the waters of the Potomac and the Anacostia meet and a muddy line of demarcation is evident, as the Anacostia is carrying the greater load of silt. The west shore of the Anacostia, like Alexandria, is a shambles—ugly, grimy, depressing. Much of the riparian land is in federal ownership. Navy yards and docks, a submarine training unit and other facilities all contribute to the bleak panorama. One or two Navy ships and the President's yacht "Sequoia," trim and clean, contrast with the area's general squalor. Upstream, there is more of the same—a few small marinas and the usual sewage and storm-water outfalls.

The Anacostia each year produces about 1⅓ million pounds of sediment per square mile of watershed, but as much as 21 million from its north branch watershed. Most of this results from construction activity. Additionally, its industrial and other pollution totals about the same amount as Rock Creek, an unlovely total.

Kingman Lake, an oxbow of the Anacostia below the RFK Stadium and extending north to the National Arboretum, is to be slashed by a super highway, we are told, even though it is now designed as a public Park. I wonder what happened to the plans, along with the highway, for developing and cleaning up parts of the river to permit fishing and swimming? Surely that would serve important recreational needs of this densely populated section of the city. Along with other ideas, the plans were lost in the shuffle of inter-city-county-federal confusion and indecision. More specifically, the plans foundered over the price tag of $30 million, which neither the federal pollution agency nor the District was willing to assume. Without assurance that Congress will provide the full federal share of the funding, the District is incapable of planning such improvements. Meanwhile, the Anacostia remains a festering sore contributing its load of filth to the Potomac.

Venturing back downstream and then up the Potomac, we viewed East Potomac Park, a spit of land between the river and the channel, built up by the river's deposits of sediment. It supports a golf course, tennis courts, and a large swimming pool. On warm summer evenings and weekends the family picnickers are basket-to-basket and quite a few even bring their poles and bait and patiently wait out a sucker, carp or sometimes better fish.

Proceeding on we passed under the 14th Street, Memorial and Theodore Roosevelt Bridges, more graceful-looking from the water where bumper-to-bumper traffic is not so apparent, nor the exhaust fumes so overpowering. The Kennedy Center looks impressive from the river; sadly it is the only place from which one can get it in full perspective. The Watergate complex, however, looked toad-like, squatting on the bank, encroaching on everything around it.

Further up the river, we approached the Georgetown waterfront, a hash of non-planning and a sorry introduction to the charm of old Georgetown and the miraculously preserved C & O Canal. University spires to the north, the Palisades to the west, and your back to the sterile glass and concrete of Rosslyn, one thinks of the Rhine. But there is no escaping the ugly lines of the Whitehurst Freeway and the blight of nearby industrial developments that hopefully some day will be obliterated. Beyond the Key Bridge, we tied up alongside of the rowing clubs to eat our lunch, close to the coffer dam, the first piece of construction for the Three Sisters Bridge. Thankfully, it has been delayed so far, for if completed, it could be the final blow to Georgetown and the Potomac Palisades as an area of beauty and livability.

Into this stretch of the river Rock Creek dumps its load of sediment and sewage. Another 15 million gallons are discharged at the so-called Georgetown Gap, a segment of sewer line never completed.

The public is assured once again that under a new understanding, which calls for a $5 million per year outlay by the District, Fairfax County and the Maryland suburbs, the gap will be closed. Furthermore, that advanced chemical treatment at Blue Plains will cut BOD levels in half and greatly reduce the discharge of phosphorus. This interim plans, we are told, will stop degradation of the river until a vastly enlarged Blue Plains plant is completed in 1974. Significant results should be seen in seven to nine months, we are promised. A second pipe will eliminate the overloading of the Cabin John sewage system which sometimes discharges raw wastes just upstream of the city's water intake. At Bolling Field some wastes will still overflow, officials say, but only during heavy rainfall. Progress? We hope so, but we can get no assurance that the Potomac will be clean enough to swim in by 1975, President Johnsons stated goal of a few years back. Moreover, even the enlarged Blue Plains plant will be unable to treat all wastes during rainstorms, so at such times, raw sewage will inevitably be dumped into the river.

Officials in the District's Public Health Office tell us with varying emphasis that the Potomac is not safe for aquatic sports. All agree, however, that the danger of infection from coliform counts as high as 100,000 (which has been reported in the Potomac) is extremely high, particularly if the water is swallowed. Navy divers, who practice in Oxon Cove, however, report no special precautions are taken before or after a dive. So, you take your choice. For myself, I'd be very cautious, and boaters who must scrub down their hulls after each trip ought to be the same.

Washington is a beautiful city, situated on a beautiful river, and it could again be pretty much what Captain John Smith saw and wrote about. Pristine and untouched? Well, hardly. But cooperation and planning among various governmental jurisdictions, adequate financing and a degree of awareness on the part of everybody could result in a river clean enough for fish to live in and people to use. A national program of federal assistace to communities for waterfront restoration and rehabilitation backed up by strictly enforced local zoning could make the Potomac basin and its cities the prototypes of what the nation's rivers and waterfronts should all be like. The waterfronts of Georgetown, Alexandria, and the Anacostia could again offer economic viability as well as beauty and cultural amenities to residents and visitors alike.

Running on down to Occoquan, looking not at the water but at the cloud formations and the setting sun to the west, it was easy to think such thoughts and dream such dreams.

LOVE STORY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I am delighted to include in the CONGRESSIONAL RECORD, the editorial by Donald J. Trageser, vice president, CBS Radio Division, general manager, WEEI radio, of Boston, Mass.

Mr. Trageser has expressed his viewpoint many times on important issues of the day, which have been controversial. This editorial, I believe, meets with the unanimous viewpoint of all. The editorial is entitled "Love Story":

LOVE STORY

The marriage of John and Harriet McCormack is being immortalized in the media as a true love story—and rightly so. The former Speaker of the U.S. House of Representatives was a devoted husband to his late wife, remarkably devoted considering the pressures of a political career which keeps husbands and wives away from home and inevitably offers extracurricular temptations. Mrs. McCormack for her part was, according to unanimous agreement, an equally loving partner.

WEEI considers this marriage particularly poignant in an age when swingers abound, when many politicians are accused of being part-time lotharios, and when some people are attacking the very institution of marriage as an anachronism. But WEEI doesn't think the McCormack couple was a throwback to another era. Rather, we believe they were a refreshingly unusual pair in any day, a husband and wife of high principle and great mutual respect.

Those familiar only with John McCormack, the politician, could have expected his private life to be conducted with the same distinction that characterized his 50-year tenure in public office. His private life was, apparently, marked with the same selflessness which led him to make the unusual decision to return expense money he was entitled to. Unlike so many people in public life, the Speaker has a special perspective on life. In a world populated by success-seekers with inflated egos, he clearly maintained a nearly unique balance. The Speaker played his game hard and well, but he knew when to call time out for more important matters, specifically the well being of his wife.

WEEI believes all people who value ambition can gain needed insight from the marriage of Mr. and Mrs. John McCormack. And WEEI offers sincere condolences to the Speaker. Surely, he is now lonely; but unlike far too many people, he can reflect on a lifetime of love.

CHILD DEVELOPMENT—ANOTHER VIEW

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. LENT. Mr. Speaker, there was much misunderstanding during debate on the child development provision of the OEO authorization, and I want to take this opportunity to explain my views on this matter.

Many people implied, and it was conveyed to the American people, that the child development program, by providing care for dependent children, would require welfare mothers to go to work. Unfortunately, the bill lacked any such requirement. I am sure the legislation would undoubtedly have had more support from our Long Island congressional delegation had a work requirement been included. Moreover, the bill contained a number of additional administrative and philosophical shortcomings which caused me to vote against it.

Day care centers to provide for the children of the poor so their parents can leave the welfare rolls to go on the payrolls are already included in H.R. 1, which the House passed some time ago. As the President said in his veto message, "to some degree, child development centers are a duplication of this effort."

Mr. Speaker, given the current demands upon our taxpayers, the expenditure of $2 billion for a vast new program with a new army of bureaucrats whose effectiveness has not been demonstrated, just could not be justified. The full cost of the child development proposal, estimated to reach $20 billion annually, is even more unreasonable.

I firmly believe that a prime objective of welfare reform should be to make the family unit stronger and bring the family together. The child development provision would have undoubtedly served to weaken the family.

This proposal was advocated by womens' liberation groups as a way of "greeing up" mothers from the "drudgery of child rearing," thus permitting them to find "true fulfillment" in other pursuits. I just do not believe our hard-pressed taxpayers should be called upon to finance the quest of a minority of our women to find "true fulfillment."

Another fatal shortcoming of the child development amendment was that absolutely no suggestion was made in the bill as to who were "qualified people" to take the important task of rearing other peoples' children.

All other factors being equal, I firmly believe that commonsense in public policy dictates that we enhance, rather than diminish, both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed and religious and moral principles are first inculcated.

All of these factors weighed in my decision to oppose the child development proposal—a measure I thought to be truly unworkable.

"THE EBONY SUCCESS SAGA" BY A. S. "DOC" YOUNG—THE STORY OF JOHN H. JOHNSON PUBLISHING CO., CHICAGO, ILL.

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. METCALFE. Mr. Speaker, Mr. John H. Johnson of Chicago, publisher and editor of the largest black publishing company in the world, is a man who started from humble beginnings and because of his zeal and zest and desire to succeed, has become a giant in the business world of America.

Mr. Johnson, a product of Little Rock, Ark., started his first publication—then Negro Digest, now Black World—with a loan of $500 from his mother, Mrs. Gertrude Johnson Williams in 1942. His first office, a meager storefront in the 5600 block of State Street in Chicago, launched what was eventually to become a tremendously successful career in publishing.

In 1945 he decided to expand his small enterprise with a second publication and in that year Ebony magazine made its bow with 25,000 copies for distribution.

In 1949 he moved his office to a larger facility at 1820 S. Michigan Avenue and by 1951 he had added two more magazines—Tan, now Black Stars, and Jet—increasing his publications to four. Jet became the first black weekly news magazine in the country.

Today, the Johnson Publishing Co. is the largest black company of its kind in the world with circulation records that challenge those of publishing companies across the Nation. Its largest magazine, Ebony, has served as an inspiration to black achievement in the United States and is now read by some 5 million people each month. Black Stars has a circulation of 250,000; Jet, 550,000; and Black World, 110,000.

His company also has become the largest black book publishing company in the world and is a leading manufacturer of black cosmetics.

This month Johnson Publishing Co. moved into a new $6-million, 11-story building in Chicago, becoming the first building in the history of Chicago to be built from the ground up in the Loop area, by a black man.

Many of our black writers in this country had their beginnings at Johnson Publishing Co. Mr. Johnson has enjoyed the very finest of reputations in Chicago and throughout the country, and has served in various capacities in the best interest of his city, State, and country.

He serves as an inspiration to anyone wishing to succeed and has been a special motivating force for black youth.

His contributions to America have been made without fanfare and he should certainly be recognized for his contributions.

I would like to call your attention to an article "The Ebony Success Saga," by A.S. "Doc" Young which appeared in the Los Angeles Sentinel on Thursday, November 11, 1971. This article best describes the success of John H. Johnson and provides a source of inspiration to anyone who reads it. The article follows:

[From the Los Angeles Sentinel, Nov. 11, 1971]

THE EBONY SUCCESS SAGA

(By A. S. "Doc" Young)

In America today, and in many other parts of the world, millions of black people (and some white as well) eagerly await the arrival of each month's Ebony Magazine. Ebony is, for them, an indispensible source of information, entertainment, and instruction. Now in its 27th year, the major property owned by Johnson Publishing Company, Inc., Ebony ranks among blacks as an institution. In print media circles, especially in the magazine field, it is simultaneously a curiosity, a quality publication, an excellent advertising medium, some kind of a miracle.

When one thinks of the huge number of black magazines which failed before the first Ebony was published in 1945, and the substantial number of black magazines that failed since that time, the survival and growth of Ebony do seem like some kind of a miracle. A more exact explanation, however, is this: Ebony is concrete testimony to the business genius, irreversible determination, and imagination of its publisher, John H. Johnson, who is also the editor. From its beginning, the magazine—a quality product with four-color covers, coated white body, exclusive photographs, consistently good writing, and fine art—has understood the "wants" of black people, especially that great black craving for success images, for portrayal in positive forms, for intra-race heroes, for inspiration as well as "news," education, entertainment. Ebony, while adhering to sound business policies, also has exercised a publishing prerogative to give the black public what its editors believe the black public needs.

The success of Ebony Magazine—one of our magazines published by Johnson Publishing Company—probably can be explained in the same terms Nat King Cole once used to explain his success in show business. "I give the public what it wants," Cole said, "and, in turn the public accepts the things I want to do."

Many purists felt, for example, that Nat King Cole, one of the two or three finest jazz pianists around, should concentrate on playing jazz piano. But Cole wisely deemphasized jazz piano and sang popular songs, to which he gave an incomparable reading. Having sung pretty for the people and won their approval he could then dazzle them with a dash of jazz piano.

The formula worked for him and it works for Ebony. Just how well it works is revealed in its guaranteed circulation of 1,250,000, in Ebony's November "Backstage" stage revelation that "in October, we published the first issue . . . which contained more than $1 million in gross advertising revenue (exact figure: $1,133,393)," in the fact that a two-color, full-page ad costs naerly $10,000, in the fact that the current edition contains a big fat 202 pages plus, of course, four covers. At a time when Look folds and other major magazines are crying the blues, Ebony is still growing. In December, Ebony and other JPC properties will move into a new, 10-story building located in downtown Chicago, a couple doors south of the Conrad Hilton Hotel.

In all probability, John H. Johnson long ago became accustomed to outstanding success as a black publisher. But there was a time when he, too, appraised it as a miracle. His primary object on entering business, he once said, was to be his own boss. He was then working for the Supreme Liberty Life Insurance Company, scanning white publications for stories about black people. He got the idea that a magazine which reprinted such articles, plus originals, would be successful among black people. In 1942, he made his debut as a publisher with Negro Digest (now retitled Black World). Negro Digest was successful. Three years later, he founded Ebony. In time, other magazines were added to the JPC group, among them Tan Confessions, which has been replaced recently by Black Stars, and Jet, which made its debut on Nov. 1, 1951.

Each one of the JPC magazines bears the stamp of quality, for the publisher recognizes the importance of quality in the Afro-American market; recognizes it, fact is, as a vital factor in long-term success. The timing of new JPC magazines always has been excellent. Numerous servicemen as well as statesiders found in Negro Digest a handily packaged wealth of information they could not find in any other publication. Blacks, previously bombarded with negativisms until they were numb, pridefully identified with Ebony: Doctors and lawyers placed it in the lobbies of their offices; maids took it to work with them and so much as said to their employers, "We're doing big things too!" teachers used it to add a new dimension to the educational experience of their students; for multi-millions, Ebony became an important reading experience.

The new Ebony—the one with Sidney Poitier on the cover—is an important reading experience (letters in response to Lerone Bennett's September article on "Sweetback" are, by themselves, worth the purchase price), and much more. On the strength of Ebony's success, and the success of other JPC magazines, John H. Johnson has expanded into the publishing of books (1962), including a handsomely bound "Pictorial History of Black America"; the formation of book and record clubs, and other ventures. Over the years, meanwhile, he also realized the dream of innumerable employes—to head the firm that hired him. He heads Supreme Liberty!

Not the least of Ebony's positive deeds is the glorification of the black woman. That is seen not only in stories and pictures dealing with beautiful black women, but also in the numerous job opportunities it has opened up for black models and the vastly popular Ebony Fashion Fair. Ebony also has been resposible, of course, for breaking new ground, advertising-wise, with major American business and industry and providing opportunities for talented black writers, artists, advertising-marketing people and other professionals to work at the top level of their fields.

It all adds up to a success saga of great proportions. There is no way to properly evaluate the importance of Ebony Magazine to a race of people who, all too often, suffer from a poverty of communications media. It is a success saga which testifies to the often-remarkable vitality of Chicago blacks. Undoubtedly, that has much to do with it all. Chicago blacks always have seemed to be more progressive in business and industry than those, say, in New York City, which is, ironically, the communications center of the nation. John H. Johnson planted a $500 investment in Chicago territory in 1942. In that fertile ground, it became a multi-million-dollar enterprise.

CURTIS CHRISTIANSON

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GOODLING. Mr. Speaker, the news comes to me that Curtis Christianson, the Assistant Tally Clerk for this

House of Representatives, is getting ready to retire.

The House of Representatives is, as we all know, a complicated piece of legislative machinery, and it can function efficiently only if certain technical aspects are properly attended. For the most part, this work is conducted in the background of things and without any fanfare; however, the fact that this legislative machinery functions smoothly and efficiently bears testimony to the fact that the work is exceedingly well done. Mr. Christianson is one who has made a major contribution in this regard.

Mr. Christianson is amicable and has a very fine personality, and he has demonstrated an eagerness to go well beyond the call of duty in the performance of his work. He has executed his responsibilities willingly and efficiently and has, in the process, won the deep respect and confidence of all Members of the House of Representatives.

Mr. Christianson is concluding an outstanding career of service as an employee of the House of Representatives, and he will be missed in this Chamber, both for the work he performed and for his fine personality.

As Mr. Christianson retires, he has my very best wishes, and it is my sincere hope that in his retirement, he will reap a rich harvest of satisfaction, the just reward for a job well done.

Happy retirement.

REPORT BY SENATOR TOWER TO THE CITIZENS OF TEXAS

HON. JOHN TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, December 16, 1971

Mr. TOWER. Mr. President, I feel that it is important that I report to the citizens of my State of Texas on the events in Congress this year. This has been a particularly busy year in both the House and Senate with a workload that is nearly double the load we had when I entered this body as a freshman Senator over 10 years ago.

As the ranking minority member of the Committee on Banking, Housing and Urban Affairs as well as the ranking minority member of its Housing Subcommittee, I have had considerable opportunity to become involved in housing legislation. A most important endeavor has been Senate Joint Resolution 176, which combined a number of proposals and changes in the existing National Housing Act. I am pleased that this legislation included a provision extending the time in which homeowners could sign up for federally funded catastrophic housing insurance without losing other benefits, increased funding for comprehensive housing planning, and funding to include more parks and playground areas in any federally funded housing project. The extension of the signup period for federally financed catastrophic housing insurance was necessitated primarily by the extensive flooding that occurred earlier this year in the Rio Grande Valley and other areas of Texas. If this provision had not been passed, thousands of homeowners throughout south Texas would have suffered major, unrecompensated property losses. Therefore, I requested that it be added to the National Housing Act amendments.

In addition to the provisions that we passed into law, the Housing Subcommittee held hearings on many other important matters that may well be translated into legislative reality during the next session of Congress. Specifically, we had hearings on my urban community development revenue-sharing proposal, S. 1618. This legislation would allow States and localities sufficient revenue to begin to attack their housing problems on their own, without having to wait for Washington to solve them. I am very hopeful that there will be some action on this proposal next year. Our committee also studied ways of improving mass transit in urban areas.

In the Banking Committee itself, the most important piece of legislation that we dealt with, and undoubtedly one of the most important legislative acts of Congress this year, was the Economic Stabilization Act of 1971. This was the legislative package of the President's phase II economic program. While I have always believed that Government intervention in economic matters should be kept to a minimum, it is generally agreed that something had to be done. I believe that the package we finally adopted is a meaningful one that will aid in achieving the economic stability we must have. It is my position that these controls should be removed at the earliest practicable time consistent with our economic objectives.

In my other area of committee assignment, armed services, we have likewise had a very busy year. Our first major piece of legislation was the amendments to and extension of the draft. In our efforts to move toward an all-volunteer force by mid-1973, we included in this act a major pay raise for the military with the emphasis on recruiting and retaining the best men in our uniformed forces.

In a related area, a presidential commission adopted two major provisions of my bill, S. 377, which would give equity in retirement pay to those members of the military who were not able to take advantage of the current recomputation provision. This commitment to justice should help to retain qualified, professional men in our Armed Forces.

We likewise added provision in the draft bill to increase standards in the military to insure that we continue to have the best armed force in the world.

In other armed service action, the Military Construction Subcommittee, of which I am a ranking member, authorized construction and maintenance of over $78 million for Texas. We were also fortunate to have averted several base closings and reductions in force that could have seriously affected the economies of many Texas communities. Texans themselves played a large role in these decisions through outstanding cooperation with both committee and Pentagon officials.

In the armed services related area of veterans' affairs, I introduced four bills. One bill, S. 2694, which named the San Antonio veterans hospital for our great World War II hero Audie Murphy, was passed into law. Hearings were held on two other measures: Senate Joint Resolution 128, to build five medical schools in conjunction with the VA—one most probably in Texas—and S. 2304, to establish a training program for veterans with medical skills. These two measures were part of a package to combat the health manpower shortage we are facing. I believe that positive action on these will be forthcoming during the next session of Congress.

In the area of drug abuse, one of the bills that I sponsored, S. 2097, setting up the Special Office of Drug Abuse Prevention, was passed by the Senate and is currently awaiting action in the House. Another bill, S. 674, which would place more stringent controls on the production and distribution of amphetamines, was adopted by Executive order and now has the force of law. In addition, another of the bills I sponsored, Senate Joint Resolution 78, which would terminate foreign economic assistance to countries which fail to eliminate the production, processing, and export of narcotic drugs which are illegally brought into the United States was adopted as an amendment to the Economic Foreign Assistance Act of 1971.

Another area of legislative activity in which I am particularly interested is that of labor law reform. Our current labor laws, which were designed to cope with the problems of the 1930's are outdated. These laws give the larger unions inordinate power, not only over the people as a whole, but also over the rank-and-file worker that they purportedly represent. With this background I have introduced Senate Joint Resolution 27 which would establish a Commission on Labor Law Reform whose responsibility it would be to recommend a modernization of the current National Labor Relations Act. This revision should provide more protection to the public while still protecting basic union rights. Another of my proposals, S. 1320, would transfer the National Labor Relations Board's power to check unfair labor practices to the Federal district court. Too often in the past the NLRB has acted as an adjunct of the larger unions and in contravention to legislative guidelines on their activities. It would be eminently more fair to decide these most important issues before a more impartial Federal tribunal. In addition I have cosponsored S. 1903 and S. 2327, both of which have as their objective the requirement of a secret ballot by union members before a strike can be taken.

We have all witnessed this year many strikes which have threatened our national economic well-being. Those that immediately come to mind are the railroad strikes and the dock strikes, which have caused the loss of billions of dollars in lost wages and business transitions. The dock strike was particularly harmful to the economy of Texas, as it prevented the export of many farm commodities at the peak of the harvesting season. For this reason, I sponsored S. 560, the Emergency Public Interest Protection Act. Hearings on S. 560 are currently underway in both Houses of the Congress. I believe that we must give this measure the highest priority in order that another wave of job-killing and economy-crippling strikes can be averted.

I have long been concerned with the matter of health care in the United States. This year I have introduced and sponsored various measures related to this problem. One of these bills, the Health Manpower Act, contained a proposal that I sponsored providing for increased scholarships and fellowships for those who would enter the practice of family medicine, particularly in the doctor-shortage rural areas of the country. This measure has recently been signed into law. When combined with other bills to help train more medical personnel, this bill will help to alleviate our health manpower shortage. In addition, I have proposed in S. 576 to give a tax incentive to those medical doctors who would locate and practice in physician-shortage areas. Tax incentives have proven to be an effective means of producing results in America and would undoubtedly help to solve the problem of the rural doctor shortage.

In a very important step, Congress has recently passed and the President has signed the National Cancer Act which will provide increased coordination and a new emphasis to find a cure for this dread disease in addition to authorizing $1.6 billion over 3 years for the necessary research. I was pleased to sponsor this bill and hope it will lead to ultimate victory in this battle.

In the area of social security, old age, and retirement legislation, much again has been done this year. Early this year, I introduced S. 639 which would allow those on social security to earn more without being penalized for their activity. This idea was adopted in the House-passed H.R. 1, currently awaiting Senate action.

In addition, I introduced S. 2563 which would permit those who have reached age 65 and who are still working to elect to forgo social security benefits and receive instead a refund or income tax credit for social security taxes paid by them on their work. This is an attempt to permit those who wish to work at age 65 to do so without being unduly penalized. Many Americans age 65 and older desire to continue to work and many more would do so, but for our income and social security tax provisions which seem to penalize them for being productive. I believe that these provisions should be changed in order to allow those who want to do so to continue working.

There are many other pieces of legislation that I have been directly involved in this year, and I cannot possibly report on all of them. However, I would like to comment on two additional pieces of legislation that I consider of particular importance. The first is S. 638, a bill to provide for a comprehensive program for the use and management of our coastal zone lands. This is the area within 50 miles of the sea in which most of the population will live, work, and play within the next decade. It is also the area where the problems of pollution and land despoilage are the greatest. S. 638 was recently merged into S. 582 and has been reported to the floor of the Senate. When this measure is passed it will mark a national commitment to assist the States to solve the problems of this most important area. Our State of Texas with its long coastline and its tradition of doing business in, on, and over the ocean has already become a leader in the field of coastal zone management. This measure will help assure retention of that preeminence.

Another area of major concern to me is the growing problem of juvenile delinquency. Currently, over one-half the major crimes committed in this country are committed by juveniles. However, not only do we lack adequate facilities to deal with these offenders, but in most States we also have absolutely no program for the prevention and rehabilitation of these youths. For this reason, I have joined in sponsoring S. 2148, which would allow the Law Enforcement Assistance Administration to help the States establish juvenile correction and rehabilitation and prevention programs. I will continue to press for action on this most important program.

SUMMARY OF OLDER AMERICANS LEGISLATION IN 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAMILTON. Mr. Speaker, the first session of the 92d Congress has produced several legislative proposals to help older Americans.

Legislation was enacted to:

First, increase social security and railroad retirement benefits by 10 percent, effective January 1, 1971;

Second, establish an independent agency to conquer cancer at the earliest possible date;

Third, extend the authority of the President to stabilize the economy and control inflation; and

Fourth, assist older persons who wish to be employed through emergency public service employment programs.

Several measures have passed the House and hopefully will be approved by the Senate in 1972, including a bill to:

First, provide an additional 5-percent increase in social security benefits, effective in June 1972, and an automatic cost-of-living increase in benefits after that;

Second, increase to $2,000 the amount that a social security beneficiary under age 72 may earn in a year and still be paid full benefits; and

Third, extend medicare protection to those now receiving monthly cash disability benefits under social security and railroad retirement programs.

I am also hopeful that the Congress will take action in 1972 on measures to improve and regulate private pension plans, expand health insurance coverage, and strengthen the management and operation of nursing homes.

TAKE RESERVE TO COURT WITH ALL POSSIBLE SPEED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. DINGELL. Mr. Speaker, the Detroit Free Press of December 14, 1971, carried an excellent editorial urging that the Federal Government take Reserve Mining Co. to court in an effort to stop that firm from continuing to pollute Lake Superior. So that my colleagues may have an opportunity to be aware of the views of the Free Press on this vital matter, I insert the text of the editorial at this point in the RECORD:

TAKE RESERVE TO COURT WITH ALL POSSIBLE SPEED

The rejection by Reserve Mining Co. of five government plans to end the firm's pollution of Lake Superior makes it imperative that the Environmental Protection Agency get Reserve into court with the earliest dispatch.

Reserve obviously believes contesting the government in court is cheaper than disposing of its taconite tailings by other means than dumping in Lake Michigan. Such an attitude is even more cynical than it is hard-boiled.

The prospect for Lake Superior is dreary. Reserve has been dumping in Lake Superior more than 20 years. The delays it can throw into the legal processes could continue the pollution indefinitely.

The government's proposals are all based on land disposal techniques that every other producer of iron ore by the taconite process on Lake Superior is already employing. Reserve's only concession is an offer to pipe the taconite tailings, 67,000 tons of them daily, to the bottom of Lake Superior, instead of dumping them on the surface.

This would not stop pollution. The damage would be merely less conspicuous.

Reserve sets great store by its considerable influence in the White House to get it off the hook with the environmentalists. Reserve is a division of Armco and Republic Steel, both of whom are officered by men who have been active in providing campaign funds for President Nixon.

EPA Administrator William D. Ruckelshaus has already been warned to go easy by the Department of the Interior. He is making powerful enemies.

In an era when corporate citizenship has been so much discussed, Reserve has been completely unaffected by appeals to become a responsible and decent neighbor. It is sad that only legal duress can drag it kicking and hollering out of the 19th Century, but there appears no alternative.

"A LITTLE BETTER WORLD," MARINE CITY, MICH.

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HARVEY. Mr. Speaker, this morning I have experienced a truly memorable period with a group of young people from Marine City, Mich., of our Eighth Congressional District, which I would like to share with you.

The group, once identified solely as a United Nations Club and now known as "'A Little Better World" organization, has an intriguing slogan—"If Everyone Does Just a Little Bit, No One Has To Do a Lot."

This is a slogan that they literally live as energetic high schoolers in trying to make their community a "little better" than they find it.

I was proud to be their host at a breakfast meeting, which was highlighted by the appearance of Secretary of Housing and Urban Development George Romney, former Governor of Michigan, as well as a very nice presentation by representatives of the group, Joseph DeHenau, Gary Cain, Bob Burgett, and Bill Meldrum; and leading sponsors, Mrs. Grace Zapel and Rev. Lawrencee M. DuCharme, associate pastor of Marine City Holy Cross Catholic Church.

Later this morning, Senator ROBERT P. GRIFFIN met with the group of about 40 and personally escorted them to the Senate floor. It was my pleasure to speak to them again on the floor of the House. They also met with Senator PHILIP A. HART on the steps of the Capitol.

Arrangements were made for a special tour of the U.S. Supreme Court Building, as well as a return to the Capitol to see this body during its official session. Later the group will tour the Federal Bureau of Investigation.

Tomorrow morning, a special tour of the White House is scheduled with a brief presentation ceremony to be made to James McLane, Special Assistant to the President for Youth Affairs.

And, of course, the group has included other visits to the many historic and interesting places in Washington before returning home on Saturday.

It will be, I am certain, a most memorable visit, but I know of no group more deserving of the interest and attention that they have and will be receiving from our Government leaders.

They have been involved in helping people and their own community. Here are just a few of their activities: Painting and decorating rubbish containers for use in the downtown area of Marine City; collecting refuse from the St. Clair River and along its shorelines; preparing Christmas baskets for needy families of the area; collecting clothes for poorer children in Kentucky; gave of their time to collect donations for UNICEF; and establish a special program to learn about their Government on all levels—local, State, Federal, and the United Nations.

Yes, they are an "involved, dedicated" group wanting to help others and wanting to learn. They simply want "A Little Better World" and are willing to work for it.

I know that all Members join with me in wishing them continued success. As I said earlier, it was a rare and meaningful experience and reaffirmed my faith and confidence that our country's future, with young people like these from Marine City, is assured of further greatness and compassion.

B'NAI B'RITH'S GREAT AMERICAN AWARD PRESENTED TO WALKER L. CISLER

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, December 16, 1971

Mr. GRIFFIN. Mr. President, on the evening of December 12, I was privileged to be present at a dinner in Detroit when B'nai B'rith's Great American Award was presented to Walker L. Cisler.

It was my honor to deliver a message from the President of the United States, which read as follows:

THE WHITE HOUSE

I am greatly pleased to join with the B'nai B'rith Foundation of the United States in honoring a distinguished American, Walker Cisler.

Walker Cisler is proof of the strength and viability of our free enterprise system. He is a man whose remarkable abilities have carried him to the front ranks of American industry. Rather than rest on his achievements he has continued to give generously of his talents whenever they are needed. The dedication and energy he brings to each new endeavor inspires men associated with him to think imaginatively, to work harder and achieve more.

My long friendship with Walker has always been one that I have valued deeply, just as I value his wise counsel and steadfast dedication to our nation. Walker Cisler is a great American, and I warmly applaud the wisdom of all those who have gathered tonight to tell him so.

My warmest congratulations and best wishes to Walker and everyone who is with him at the testimonial.

RICHARD NIXON.

The Great American Award was presented to Mr. Cisler by the international president of B'nai B'rith, Mr. David M. Blumberg. In his remarks Mr. Blumberg said:

The distinguished American we honor this evening is a man at peace with himself—and with the society he serves so well.

In his profession, in his public service, in his involvements in higher education—his is a leadership of optimism and a leadership with staying power—the persistence to cope with the confusions and complexities of a society in which the speed of technology too often outruns the pace of our human relations. . . .

And his is a leadership with a sense of multiplication—a capacity to spread itself and inspire others.

It is for these qualities, reflected in a lifetime of substantive achievements, that I am honored to present the B'nai B'rith Great American Award to Mr. Walker Cisler.

Mr. President, I ask unanimous consent that a biographical sketch which appeared in the dinner program and the text of an address delivered by Mr. Cisler be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Walker Lee Cisler, Chairman of the Board of The Detroit Edison Company, is so well known to us through his many services to the community that we sometimes forget that we share him with the world.

Perhaps a third of his waking hours since World War II have been devoted to international assistance in the field of energy and economic development, and to building bridges, government-to-government and people-to-people, toward a better and more peaceful world.

He has served the industrial needs of mankind by providing leadership in the productive utilization of energy, particularly in the field of electric power. He was one of the first to see the value of the nuclear breeder reactor, which is now a goal of national energy policy. Through his efforts, engineers from many nations have worked together for mutual progress.

He has served government, at home and abroad. After World War II he had a key role in the work of the Marshall Plan and the later extension of this kind of assistance to nations in Asia, Africa, the Middle East and Latin America. He has traveled everywhere to see the problems at first hand and then to suggest, from his broad experience in American engineering and management, the path to constructive results.

One of the results of his endeavors is that he now holds the highest office in the World Energy Conference, a technical organization representing 67 nations dedicated to energy development and the use of energy to increase the opportunities for millions of people everywhere.

Here at home he has led his own firm into areas that promise an abundant supply of energy for the economic growth of Michigan in the future—all the more important because Michigan is an energy importing state and has much to gain through the application of atomic power. Moreover, it was his vision that caused his organization to sponsor a unique study of the needs that we have for urban planning in Southeastern Michigan to prepare wisely for the flourishing Great Lakes Megalopolis which is only a few decades away and which will find Detroit as its geographic center.

Governments, universities, his industry and the professional engineering societies have honored him for his leadership on many occasions, recognizing his outstanding ability to bring people together, to develop large concepts and to achieve their realization.

Walker Cisler is, himself, an original source of tireless energy, that he applies in service to others. That energy has spanned continents. It works for us now and it works for generations yet to come.

Notwithstanding his worldwide dedication, there has always been a great and sufficient pool of this personal Cisler energy reserved exclusively for our own Greater Detroit Community, and for this in particular we are deeply grateful.

Such is the caliber of the man we are honoring this evening with the first Great American Award to be presented in the Detroit Area . . . Walker Lee Cisler, truly a Great American.

WORLD PEACE THROUGH YOUTH

(By Walker L. Cisler)

There are moments in life that are deeply moving, and for me this is such a moment, one that I will long remember and cherish.

B'nai B'rith has a most distinguished record of service. It reflects, I believe, the affirmation of life that has always burned brightly and resolutely in Jewish tradition, even in the darkest hours of trial and tribulation.

Through the ages, this moral and intellectual force has made immense contributions to western culture, in every field of learning and high endeavor. It has earned its place in the history of all mankind.

To be honored by B'nai B'rith is to stand close to that great affirmation of human potential. I feel humble indeed in accepting your award, and I am inspired by the warmth of your friendship.

Whatever I haved done involves the work of others, and so it is that I really accept this great honor as a trustee for the many who have given of their experience and dedication to the cause of youth and the goal of world peace.

As to myself, I will always continue to do my best to carry forward the good work in which we are all engaged, and of which there is so much to accomplish. It is a most worthy purpose.

I have long sought to open channels of cooperation between nations and the peoples of the world, through the utilization of energy for peaceful and constructive purposes. The force of energy is very great and we now have more of it, serving human needs, than ever before in history. This is embodied in the development of nuclear energy and the breeder reactor especially.

Great also is the force of human intelligence, under the infinitely greater power of the Almighty. There is again the constructive force of management and organization which can be applied to every worthy undertaking. When matters are brought together in an organized system, a force that was not there before is brought into being. There is also the force of investment capital, which has so large a role in the affairs of an industrial nation, and which is so greatly needed in the developing areas of the world.

It is the task of leadership to apply all these forces to human requirements and to the improvement of the earth environment upon which all life ultimately depends.

The work to be done exceeds the capacity of any one lifespan. It may well require generations to accomplish. And so it is essential that the young people of today be given full opportunity to bring their fresh energies to bear upon the unfinished business of mankind.

They are in many respects an exceptional generation, better educated, more aware, more open to other people and to the world around them. They travel more, and feel at home wherever they go with their knapsacks, blanket rolls and sleeping bags. They question more, and listen seriously for answers. There is need for greater response from us.

I believe we are arriving at a new social, political and economic period in the history of mankind that increases in intensity. Never before have so many changes occurred so rapidly. It is almost kaleidoscopic. At the heart of this accelerating rate of change is the fruitful application of science, technology and engineering to every field of action; the productivity of the machines that utilize energy in so many ways.

We have what earlier generations would consider an extraordinary ability to use the laws of nature and of the universe for our own purposes, and yet this is probably only the beginning of what can be discovered and applied to the human situation. New developments will occur, and these may even make the situation more complex than it is today.

I often wonder nowadays where the multitudes of young people coming out of our schools are going to find useful work to do. Industry is growing rapidly in the scale of operations, but the sophistication of the equipment is such that industrial growth no longer leads to a commensurate increase in the number of opportunities directly related to production. This may well be one reason why so many of the younger generation do not see much hope for themselves in the established system.

And yet the need for accomplishment is greater now than ever before, not only in material matters but equally in improving the relationships between people and in individual opportunity to achieve a full measure of life fulfillment.

I believe we must break out of the shell of conventional ways of doing things and of ordering priorities. Can this be done within the framework of American tradition?

Will it be possible to open up fully our concept of useful work to include endeavors that are less tangible, but just as essential, as the pursuit of the material benefits of an *industrial* way of life?

Can industry, the foundations, educational institutions and government offer and support a much wider range of social, intellectual, artistic and environmental career opportunities for our young people, with all their potentialities and idealism?

How do we set up a system of monetary reward in a post-industrial society for activities that do not fit very well into Adam Smith's definition of the wealth of nations?

I do not have a ready answer, but I feel that one must be sought, and that it must be worked out by all of us, regardless of age. We have to come together on this.

If a way is found we can hope to emerge from this present period of great turbulance and proceed toward the goal of a better and more peaceful world. The alternative is continued distress.

The example of B'nai B'rith gives me great hope for that future. It is good to serve with you and to share the journey with understanding friends.

PROTECTING OUR WORKERS FROM THE INSIDIOUS KILLER: ASBESTOS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, when those of us who drafted the Occupational Safety and Health Act were struggling to write this legislation, no one realized the widespread effect that Federal standards would have on the lives and health of more than 57 million American workers. We are beginning to see the extent of protection that the act offers as we discover the many dangers that daily confront the worker. On December 7, the Department of Labor, exercising its authority under section 6, issued a temporary emergency standard to protect workers exposed to asbestos dust.

Increased awareness of occupational hazards has just recently emerged. New studies show alarming evidence of the long-term harmful effects from exposure to commonly used industrial materials such as asbestos. An article on the current New York law banning the spraying of fireproofing materials containing asbestos stated that:

> The rate of death from lung cancer among insulation workers is eight times the expected rate, and that fact alone would be sufficient to implicate asbestos as one of the most potent industrial carcinogens known to man.

The Department of Labor's proposal of a stricter standard is certainly warranted. Further research on the insidious diseases associated with asbestos exposure should determine whether or not this standard is stringent enough to prevent the often fatal cancer that occurs up to 20 years later even in persons only casually exposed to small amounts of this material.

An article on the progress of implementing the Occupational Safety Act further confirms that:

> Almost everyone agrees the toughest problem for employers will come when the government gets around to setting precise limits on workers' exposure to thousands of dangerous chemicals and other substances. "The real hooker is in the occupational health area," says W. E. McCormick, manager of environmental control at B. F. Goodrich Co. "I think the most far-reaching implications and serious consequences of the law are in this area."
>
> The area of health hazards is largely uncharted. The National Institute for Occupational Safety and Health created by the law hopes to put out a dozen standards for toxic materials by the end of the year, a spokesman says. But critics say that's next to nothing compared with the 9,000 potentially harmful substances for which standards are needed.

My Labor Subcommittee is charged with oversight of the administration of this act. I intend to keep close touch with the exercise of authority including enforcement.

The articles referred to follow:

[From the Washington Post, Dec. 8, 1971]

ASBESTOS DUST RULE TIGHTENED

The Labor Department, using its emergency powers for the first time under the new Occupational Safety and Health Act, yesterday issued stricter standards covering workers exposed to asbestos dust.

Government officials said the order was aimed at eliminating a "grave danger" to an estimated 200,000 asbestos manufacturing and construction workers but an AFL-CIO official said a total of 5 million workers are exposed to airborne asbestos dust to some degree.

The dust causes a disabling lung disease known as asbestosis and statistics show asbestos workers have higher rates of lung cancer than the general population.

George C. Guenther, Assistant Labor Secretary in charge of the Occupational Safety and Health Administration (OSHA) ordered the permissible level of asbestos dust reduced from 12 to 5 fibers per milliliter.

"The emergency standard is issued," Guenther said, "in light of increasing information on the results of exposure of employees to airborne asbestos dust.

OSHA officials said the agency already had been working on tighter asbestos dust standards when the AFL-CIO two weeks ago wrote Labor Secretary James Hodgson asking for lower permissible levels.

CONFEREES AGREE ON CANCER EFFORT

(By Stuart Auerbach)

House and Senate conferees settled their differences yesterday on the best way to fight cancer. They agreed on the $1.6-billion House-passed proposal that keeps the cancer fight within the National Institutes of Health.

The conferees reached their agreement after President Nixon wrote them yesterday. "The most important point I can make about the cancer legislation concerns the need to pass it promptly."

In his letter, Mr. Nixon backed off from his proposal last May to take personal charge of the fight against cancer. This direct presidential responsibility was a provision of the Senate-passed bill, which called for an independent Conquest of Cancer Agency.

A White House aide said yesterday that "everyone here is happy" about the bill approved by the conferees.

Rep. Paul G. Rogers (D-Fla.), principal author of the House bill, said, "It can be embraced by everyone who wants to do something against cancer. It's the most comprehensive attack ever mounted against a single disease in this nation."

Sen. Edward M. Kennedy (D-Mass.), who shepherded the bill through the Senate, said, "It will insure action by providing government and science with the tools to do the job."

The conference version retains the National Cancer Institute—a part of NIH—as the prime government agency fighting cancer. But the cancer institute will be able to send its budget directly to the White House, bypassing both the head of NIH and the Department of Health, Education, and Welfare.

Moreover, the directors of both NIH and the cancer institute will be presidential appointees.

The President will monitor the fight against cancer through a three-member watchdog panel that will report to him.

The idea of a strong attack against cancer started a year ago with the report of a panel of consultants to the Senate Committee on Labor and public Welfare. President Nixon adopted the idea in May, as the Senate committee was about to report out its bill.

But Rep. Rogers, backed by scientists who feared that splitting the cancer fight from NIH would hurt biomedical research, introduced his own version which the conference eventually accepted.

A New Study Shows Asbestos as a Killer

(By Thomas O'Toole)

A fresh study of asbestos workers shows that men who worked for as little as one year in an asbestos factory died of cancer at five times the expected U.S. death rate for cancer.

Of 230 asbestos workers in the study alive 11 years ago, 43 were dead of cancer by the middle of this year. Lung cancer claimed 25. Five died of cancer of the colon and stomach and five of a rare cancer of the chest and stomach walls called mesothelioma, which is almost always limited to people exposed to asbestos.

"Most of these people were autopsied, and we found what we've come to expect," said Dr. Irving J. Selikoff of New York's Mt. Sinai School of Medicine, where the study was conducted. "Their lungs were loaded with asbestos fibers."

The study by Mt. Sinai's Dr. Selikoff took 16 years to complete and covered all but 15 men who worked during World War II at a factory in New Jersey where they made asbestos products for shipyards. Most stayed in the factory no longer than 12 to 15 months, though a few were still there in 1954, when the factory closed and Dr. Selikoff began his study.

"One reason we did this study was to find out what happened to asbestos workers who left their jobs and had no further exposure to asbestos," Dr. Seliqoff said. "Another reason was to find out what happened to men who worked with a South African asbestos that had been thought would not produce tumors in humans."

The Mt. Sinai doctor explained that the men in the New Jersey factory worked with an asbestos called amosite, imported from South Africa. Most workers used chrysotile asbestos, which Dr. Selikoff had already showed could cause cancer in humans.

"There are some factories that have changed over to the amosite asbestos fiber because it was felt it would not cause cancer," Dr. Selikoff said. "I'm afraid that our latest study challenges that suggestion."

In disclosing his most recent study at a meeting of the International Labor Organization three weeks ago, Dr. Selikoff suggested there were several surprises in the results.

One of the biggest was that men who breathed asbestos fibers on the job died of cancer of the stomach and colon. Dr. Selikoff pointed out that there were five deaths in the study from these cancers, which is four times the expected rate and a surprise because there is no explanation for an intestinal cancer being caused by asbestos fibers caught in the lungs.

"This is very peculilar," Dr. Selikoff said, "but we're seeing it in all our studies."

The study of the men who worked in the New Jersey asbestos factory is one of several Dr. Selikoff has done of asbestos workers in the New York area. His most encompassing study is one of 632 insulation workers from two New York unions who worked with asbestos most of their lives.

"The findings continue to be depressing," states an article on the study in this week's The New Yorker magazine. "Only 285 deaths were to be expected, but there have been 425 deaths. The reason for the excess of 140 deaths is not difficult to understand.

"Forty-seven of the insulation workers died of asbestosis," The New Yorker went on, "and 161 of them died of cancer."

In the study of the men in the New Jersey asbestos factory, Dr. Selikoff found that of the 230 workers alive in 1960 more than half (105) were dead by the end of 1970.

Besides the 43 cancer victims, the 62 dead asbestos workers included 14 who died of asbestosis, which is a scarring of the lungs somewhat like the "black lung" disease that afflicts coal miners.

Dr. Selikoff said his study did not include two men who worked in the New Jersey factory and who died of asbestosis eight and nine years respectively after they left their jobs. He said these men were not included in the study because they died before 1960.

[From the New Yorker, Oct. 23, 1971]

Department of Amplification

The Editors, The New Yorker.

Dear Sirs: Mayor Lindsay has signed into law an air-pollution-control code adopted by the Council of the City of New York which will ban the spraying of fireproofing materials containing asbestos on the structural steel of buildings after February 23, 1972, and similar bans on the spraying of asbestos have been imposed this year in Boston, Chicago, and Philadelphia. The data now available on the hazards of asbestos inhalation clearly indicate that such legislation has come none too soon, and that it should be duplicated as quickly as possible in every city and state in the country. In an article I wrote that appeared in The New Yorker of October 12, 1968, I described in some detail the sombre results of an investigation of the mortality experience of six hundred and thirty-two men who had worked for twenty years or more in New York Local 12 and Newark Local 32 of the International Association of Heat and Frost Insulators and Asbestos Workers. This investigation, which is still under way, was begun in 1962 by Dr. Irving P. Selikoff, who is head of the Division of Environmental Medicine at the City University's Mount Sinai School of Medicine, together with Dr. Jacob Churg, chief pathologist at Barnert Memorial Hospital, in Paterson, New Jersey, and Dr. E. Cuyler Hammond, who is Vice-President for Epidemiology and Statistics of the American Cancer Society. Their work is considered to be the most comprehensive epidemiological study ever made of the biological effects of asbestos, and the recent findings continue to be depressing. Four hundred and twenty-five of the six hundred and thirty-two insulation workers had died as of June 30, 1971. According to the standard mortality tables, only two hundred and eighty-five deaths were to be expected.

The reason for the excess of one hundred and forty deaths is not difficult to understand. Forty-seven of the insulation workers died of asbestosis, which is scarring of the lungs caused by inhalation of asbestos fibers, and a hundred and sixty-one of them died of cancer. One in five of all the deaths reported was the result of lung cancer, one in ten of gastro-intestinal cancer, and nearly one in ten of malignant mesothelioma—an invariably fatal tumor of the pleura, which is the membrane that encases the lung, or of the peritoneum, a similar membrane that lines the abdominal cavity. The rate of death from lung cancer among the insulation workers is eight times the expected rate, and that fact alone would be sufficient to implicate asbestos as one of the most potent industrial carcinogens known to man. But the fact that nearly one in ten of the workers' deaths was the result of mesothelioma gives rise to even greater concern about the effects of the mineral, for mesothelioma, which takes from twenty to forty years to develop, almost never occurs without some, even if slight, history of exposure to asbestos. The tumor was previously so rare that it was known to be present in only about one in ten thousand deaths in the general population. Today, however, it is being found increasingly not only in people who have been exposed to asbestos in their work but also in unsuspecting people who simply have lived in the vicinity of factories where asbestos products were being manufactured, or lived in the same house with workers who came home with asbestos dust on their clothes.

In order to grasp the magnitude of the hazards involved in the spraying of materials containing asbestos, one must understand that the insulation workers studied by Dr. Selikoff sustained comparatively light and intermittent exposure to the mineral. These men often worked out-of-doors; most of the materials they used had an asbestos content of less than fifteen per cent; and, most important of all, these materials were applied not by spraying but by wrapping, a process much less likely to produce dust. The first use in the United States of sprayed mineral fibre containing asbestos as a fireproofing agent occurred in 1958 in the erection of the sixty-story head office of the Chase Manhattan Bank, here in New York.

Generally, chrysotile asbestos composes up to thirty per cent of such material, and last year asbestos fireproofing was used in considerably more than half the large multistory office buildings constructed in the United States. The process of spraying fireproofing material on structural steel, in order to protect the steel from buckling in case of fire, is an extremely wasteful one. In fact, about twenty-five per cent of the material fails to adhere, so that an enormous amount of the asbestos used in the United States for fireproofing—three million pounds was used during 1970 alone—entered the atmosphere immediately. The spraying of asbestos fireproofing material is most often carried out by members of the Plasterers Union, but since asbestos diseases usually do not manifest themselves until twenty or more years after exposure, the workers' experience has been too short to have led, as yet, to clinically evident diseases. Recently, however, Dr. Selikoff, in collaboration with Dr. William J. Nicholson, Mr. William B. Reitze, and Mr. Duncan A. Holaday, all of the Mount Sinai Environmental Sciences Laboratory, completed a study of asbestos-spray operations in eleven cities across the country, and it showed that the amount of exposure being sustained by men engaged in this work is anywhere from ten to twenty times as great as the exposure sustained by the asbestos insulators whose disastrous mortality experience has already been documented. As a result. Dr. Selikoff and his associates are predicting a most unhappy fate for these men. They believe that a majority of them will die of asbestos disease.

Approximately four million workmen in the various building-construction trades—pipe fitters, welders, electricians, plumbers, carpenters, and others—may be on construction sites during or shortly after the spraying of mineral fibres. No one knows the extent of the hazards such workmen face because of indirect exposure, but a potentially serious risk can be inferred from increasing reports of mesothelioma among several million men and women who sustained indirect and often very slight exposure to asbestos dust by working in American and British shipyards during the Second World War. Only a little farther out on the epidemiological scale of risk are the millions and millions of city dwellers who for the past ten years have been living and working in the vicinity of construction sites where asbestos fireproofing material has been sprayed. Almost anyone who walks on the streets of this city, where there have frequently been anywhere from twenty-five to forty asbestos-spray operations in progress, encounters asbestos floating down upon him from some high-rise project. The visible part of these "snowfalls," which sometimes cover sidewalks, consists of feathery wads of chrysotile asbestos mixed with rock wool; the invisible part is made up of an untold number of submicroscopic and highly respirable particles. On the basis of the fact that a billionth of a gram of chrysotile asbestos can fragment into a million such particles, Dr. Selikoff and his associates have calculated that on and around an average construction site where asbestos fireproofing materials are being sprayed a person might inhale up to fifty million fibres in an eight-hour period. In another study, conducted last year at the Mount Sinai Environmental Sciences Laboratory by Dr. Arthur M. Langer, electron-microscope examination of representative samples of lung tissue showed chrysotile asbestos to be present in twenty-eight out of twenty-eight consecutive autopsies conducted in New York City.

In view of all this, one wonders how anybody could deny that there is risk to the general public from asbestos-spray operations. Yet an editorial that appeared in the April, 1971, issue of *Asbestos*, a publication that claims to represent a large segment of the asbestos industry, states:

> For some time we have been concerned with the many misleading or erroneous statements reported by various communications media to the effect that the manufacture and use of asbestos and asbestos-based products pose hazards to occupational and public health. Allegations that asbestos is a threat to the general public as well as to those occupationally exposed to its dust have been voiced by many groups, both public and private. Acceptance of the unfounded claims as "fact" has led to some large U.S. cities considering proposals to ban the use of asbestos-containing spray insulations used in building construction. . . . We know that the effects of asbestos are both dose and time related. And we know there is presently no evidence of a hazard to the general public from exposure to the minute amounts of asbestos that may be present in community air.

The facts hardly warrant such an interpretation. It is indeed true that the effects of asbestos are related to both dose and time—every medical researcher who has studied the problem knows that—and it is precisely for this reason that there is at present "no evidence" of a hazard to the general public. In other words, because of the long period over which mesothelioma develops, it cannot possibly be known until sometime near the end of the century whether there will be a pronounced rise in the incidence of these tumors among city dwellers who have been inhaling asbestos day after day as a result of the fallout from construction sites. What is known is that asbestos fibres are virtually indestructible in lung tissue, and that a person who inhales significant amounts of asbestos dust carries a burden that will provide a potential for the development of cancer for the rest of his life.

Given the evidence that has been compiled about the effects of inhaling asbestos, it seems obvious that the spraying of asbestos should be banned throughout the country. But what about the spraying of other minerals, such as rock wool, gypsum, and vermiculite, which have recently been approved by the New York City Buildings Department as adequate fireproofing agents in place of asbestos? Rock wool is a silicate fibre made from steelmill slag. Its composition can vary greatly, and it contains many trace metals, which in some forms can be carcinogenic. Approximately twenty per cent of its fibres are potentially respirable.

Gypsum, which is mined in many places in the United States, is a hydrated calcium sulphate that may contain many highly respirable particles. It is used as a fireproofing agent in combination with vermiculite, a silicate containing iron, aluminum, and magnesium; there may also be a multitude of respirable particles in vermiculite. Since no definitive studies of the matter have been completed, no one has the slightest idea of what the long-term biological effects of these materials will be upon human tissue. Should we start spraying them, then, on the assumption that their particles will prove to be innocuous in the human lung? That seems a very unwise course to take, especially when we consider that since the first recorded death from asbestosis it has taken the medical and scientific community seventy years to achieve the degree of knowledge that exists today about the biological effects of asbestos. Moreover, it appears that the spraying of mineral fibres on steel girders is not necessary for the safe construction of buildings. According to Dr. Robert N. Rickles, Commissioner of the New York City Department of Air Resources, and Mr. Harold Romer, the Department's Assistant Commissioner, non-asbestos insulation products are now being developed that can be applied to steel either by trowelling or, since they can be made in the form of flat strips, by the use of adhesive. New products are being developed that could be applied to steel members at steel-fabrication plants, and still others in the form of insulation blankets could be wrapped around steel members at the building site. From the point of view of air-pollution control and public health, these methods are obviously preferable to spraying. It is certainly to be hoped that they will be approved as quickly as possible by buildings departments all over the country.

Unfortunately, the threat of contamination of the air by asbestos dust will not disappear even if asbestos-spray operations are banned nationwide. Since, in recent years, the structural steel of an average thirty-story building has generally been sprayed with two or three hundred tons of fireproofing material, the future demolition of such buildings is bound to release enormous quantities of asbestos fibres into the open air unless new methods of demolition are developed to prevent it. Another hazard involves the use of the spaces between ceilings and the underside of the floors above as plenums for circulating air in office skyscrapers, highrise apartment buildings, schools, and other structures whose outside windows are sealed. Formerly, air was circulated in such buildings through sheet-metal ducts, but for the past ten years or so it has been customary in New York City and in many other cities in the country to eliminate the return-air ducts and to use the plenums as reservoirs through which air is exhausted back into airconditioning systems by huge fans. During this same period, of course, it has been the practice to spray asbestos fireproofing materials on the structural steel of these buildings. As a result, the plenums of many of them are grossly contaminated with asbestos dust, which is being circulated throughout living and working areas and, undoubtedly, into the lungs of the people who occupy them. Almost nothing is known about the extent of such contamination, because in many cities existing laws do not allow public officials to take dust measurements within privately owned buildings. Needless to say, such laws should be amended wherever they exist, air samples of the interiors of buildings should be taken and plenums contaminated with asbestos dust should be cleaned up.

In my 1968 article, I quoted Dr. Selikoff as saying that small numbers of asbestos fibres might be liberated from many products in widespread use, among them asbestos filters used in the food and pharmaceutical industries. Since then, his suspicions have been at least partly confirmed. In 1969, he, Dr. Nicholson, and Dr. Carl Maggiore examined samples of single-dose vials of seventeen commonly used parenteral, or injectable, drugs, and they found significant amounts of asbestos fibres in five of them. The amounts ranged up to as much as a microgram of asbestos—comparable to what might be inhaled by someone spending a solid week on a construction site where asbestos fireproofing material was being sprayed. On October 7, 1969, Dr. Selikoff and Dr. Nicholson described their findings at a seminar held at the headquarters of the Food and Drug Administration, in Washington, D.C. On October 30th of that year, they presented the same findings at the annual meeting of the Parenteral Drug Association, held at the Statler-Hilton Hotel in New York City. A few months ago, when they conducted a resurvey of the same number of commonly used injectable drugs, they found that six of the seventeen contained measurable amounts of asbestos fibres, ranging up to and more than a microgram in weight. Apparently, the information they gave the F.D.A. and the drug manufacturers did not cause sufficient concern to result in any correction of the situation.

Sincerely,

PAUL BRODEUR.

[From the Wall Street Journal, Dec. 1, 1971]

JOB-HAZARD LAW SPURS COMPLAINTS FROM FIRMS ON COST OF SAFEGUARDS

(By Byron E. Calame)

The classic cry of "timber!" may no longer be clearly heard ringing through the forests of the Pacific Northwest.

Why? Because Uncle Sam now requires lumberjacks to don earmuffs as protection against the whine of their power saws. "If they want to continue to work in these jobs, they've got to wear the gear," says a man at Gilchrist Timber Co. in Oregon.

Protection of lumberjacks' hearing is one result of the nation's first comprehensive law covering health and safety on the job. In partial effect for more than seven months and in full effect for more than three, it is forcing most employers to take a fresh look at protection of their workers. And, on pain of fines or jail terms, many are finding it necessary to adopt what they consider inconvenient or costly safeguards.

At a plant run by New York-based American Standard Inc., limits imposed by the law have required a reduction in pressure in nozzles used to spray plastic on plastic-coated bathtubs and toilet seats; production has been slowed as a result. Sanitation requirements are forcing another major manufacturer to install new and larger partitions between restroom stalls; the cost is calculated at $200,000. And at Detroit's Regal

Stamping Co., a subsidiary of Peabody Gailon Corp., has had to put in new guards on its metal-stamping machines. The 100 employes are being required to make use of the guards and to follow more restrictive operating procedures as well. Regal President J. G. Wynn reports productivity has dropped 10% to 15%, though he hopes it will bounce back as employes learn the new procedures.

A HIGH RATE OF VIOLATIONS

Several hundred companies have been fined for violations of the law. The stiffest penalty to date; a maximum $10,000 fine levied against a Lockheed Aircraft Corp. construction subsidiary after a fire in California. (Lockheed is appealing.) REA Express Co. has drawn a $900 fine for an accident even though the employe injured had failed to use safety equipment provided by the company. (REA is contesting the fine.)

"We are witnessing the most extensive federal intervention into the day-to-day operation of American business in history," Leo Teplow, a Washington management consultant, says of the Occupational Safety and Health Act. Aimed at reducing the more than 14,000 on-the-job deaths occurring yearly, the sweeping law covers 57 million workers in 4.1 million factories, offices and shops.

There clearly is a gap between many corporate safety programs and the provisions of the new law. Violations have been discovered in 79% of the 5,600 establishments inspected since the law became partially effective April 28, according to George Guenther, assistant secretary of labor for occupational safety and health. (The law took full effect on Aug. 28.)

The standards in the law are hardly new to many larger companies. Most were drawn from "consensus" safety standards previously developed by groups such as the American National Standards Institute as voluntary guidelines for business; others came from safety regulations formerly prescribed for federal contractors and for the maritime industry. Most standards deal with guardrails, machine guards and similar basic safety precautions.

THE WORST FIRST

What's new, and is spurring many worried employers into action, is the stiff enforcement provisions of the new law. Employers can be fined up to $10,000 for each violation and can be sent to jail for up to six months where a willful infraction causes an employe's death.

Many employes are concerned, too, that workers will seek to harass management by initiating safety complaints; under the law, each employe complaint must be investigated. At last count, however, there had been only 556 employe complaints filed since April 28—fewer than the thousands that some leery businessmen had predicted.

With less than 500 federal compliance officers in the field, Labor Secretary James D. Hodgson has ordered them deployed—along with 70 inspectors from eight cooperating states—on a "worst first" basis. Top priority goes to checking on fatal accidents. Next are investigations of employe complaints. After that comes industries with high injury rates; the initial five are longshoring, roofing and sheet metal, meat-packing, mobile-home manufacturing, and lumber and wood products.

The enforcement manpower is expected to remain limited, so Mr. Hodgson is stressing voluntary action. "We depend heavily on voluntary cooperation," he says, and he emphasizes that his inspectors "will be guided equally by the spirit of the law as by the letter." He adds: "We're certainly not going to measure the success of this program by how many penalties we assess."

Organized labor, which fought in Congress last year to win some of the enforcement provisions, is already protesting about lax enforcement. "The administration is 'tempering the wind to the shorn lamb' a little too much," complains George Taylor, executive secretary of the AFL–CIO health and safety committee. A United Auto Workers' spokesman complains: "The jet set has 1,200 sky marshals at work to keep expensive airline equipment from going to Cuba, but 57 million workers will have less than 500 safety inspectors by next July 1."

One major union complaint involves the slow pace of the government's attack on health hazards. "Labor Department agents are going after boiler eruptions hammer-and-tongs while they boggle at those more insidious, chemically induced explosions of cell tissue in the working man's liver, pancreas, kidneys and brains," asserts the UAW's weekly Washington newsletter.

Almost everyone agrees the toughest problem for employers will come when the government gets around to setting precise limits on workers' exposure to thousands of dangerous chemicals and other substances. "The real hooker is in the occupational health area," says W. E. McCormick, manager of environmental control at B. F. Goodrich Co. "I think the most far-reaching implications and serious consequences of the law are in this area."

The area of health hazards is largely uncharted. The National Institute for Occupational Safety and Health created by the law hopes to put out a dozen standards for toxic materials by the end of the year, a spokesman says. But critics say that's next to nothing compared with the 9,000 potentially harmful substances for which standards are needed.

Even though the most difficult compliance problems are yet to come, many companies, especially smaller ones, complain they have their hands full trying to meet the standards already spelled out.

The superintendent of a small California shipyard claims his costs are going to rise at least 20%. One reason: management is being forced to provide such things as "permanent-type" rather than temporary scaffolding and barricades around shipboard hatches during overhauls.

SAFETY CAN PAY

"An older plant can go broke trying to comply with some of these standards," asserts William Miller, manager of corporate safety at Goodyear Tire & Rubber Co. Mr. Teplow, the management consultant, claims the $200,000 another company is spending to remodel restroom stalls "isn't going to do anything for anybody's health and safety."

Yet some corporate safety experts, including Goodyear's Mr. Miller, emphasize that safety can pay. "When you look at workmen's compensation costs and weigh them against the costs of a safety program, you see a lot can be gained," he says. Robert DeRose, president of DeRose Industries Inc., an Indianapolis maker of mobile homes, says complying with the act should help pare his workmen's compensation insurance premiums by 10% during the next two years.

Such considerations, along with the act's tough penalties, are spurring companies to pressure employes to use safety devices. REA Express Co., for one, has a special reason for applying heat: It was fined $900 after an electrican was injured when he wasn't using the rubber mat provided for him to stand on. "Naturally, we're tightening down on making employes use the safety equipment," an REA official says.

But getting employes to use safety equipment is a problem at Richardson Homes Corp., an Elkhart, Ind., maker of mobile homes. Since the employes are paid on a piecework basis, an executive explains, they're reluctant to use safety devices, such as guards on power tools, for fear of slowing their production and cutting their pay checks.

DAMNED IF YOU DO . . .

Complying with the safety law presents a special headache for Robert Burns, manager of a Missouri Beef Packers Inc. plant in Plainview, Texas. A federal safety inspector in September cited the concern for not having a guardrail on the platform where employes stand to work on carcasses that move by suspended from an overhead track. But an Agriculture Department meat inspector has warned the company not to install the rail because germs could be spread as the carcasses rub past it. Mr. Burns says he is seeking a formal hearing with the federal officials involved to resolve the matter.

Despite the problems, safety officials at a number of larger corporations maintain they're well on their way to complying with the law. General Motors Corp. has sent experts to many plants to explain the law's impact. American Standard is conducting mock inspections of its facilities to help managers get ready for the real thing. At Boise Cascade Corp., safety administrator Marvin Strode is working closely with company purchasing agents; he made sure that an order for a new paper-mill machine specified the equipment must operate within prescribed noise limits.

But it's harder for smaller companies to muster the expertise needed for compliance, says an executive of the National Association of Manufacturers. At a recent seminar for small businessmen, he found "one guy who didn't even know a safety law had been passed."

BOEING PREACHES SAFETY; SOME ASSAIL ITS PRACTICES

The safety-minded United Auto Workers union is urging Boeing Aircraft Co. to practice what it preaches.

Boeing is being paid $65,000 by the Occupational Safety and Health Administration to conduct one-day seminars on the new safety law in 30 major cities. The seminars, designed for union and other employe representatives, emphasize the rights and responsibilities the act gives to workers.

But the UAW claims one of Boeing's own units could use a little briefing on the new law. Government inspectors visited Boeing's Vertol division in Philadelphia last month and spotted 27 alleged violations of the act, the union says. While the company stresses that the violations were minor, a UAW spokesman complains that Boeing "should get its own house in order before trying to tell other people how to comply with the new law."

HORTON JOINS MUSIC WORLD IN PAYING TRIBUTE TO DR. HOWARD HANSON ON HIS 75TH BIRTHDAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HORTON. Mr. Speaker, one of Rochester's leading citizens, and one of the world's most revered musicians recently celebrated his 75th birthday. It was an occasion which called forth worldwide tributes for Dr. Howard Hanson. Composer, educator, conductor, and spokesman for American music, he has wielded a diverse and far reaching influence on his own and subsequent generations of musicians.

Eleanor Dienstag, writing in the Penfield-Post Republican, said that Howard Hanson's presence in Rochester as director of the Eastman School of Music from 1924 to 1964, has probably constituted one of the chief cultural assets of the city itself. This is true. In many ways, Dr. Hanson has put Rochester on the map as a center for musical education, especially in the area of contemporary music. He succeeded in introducing to the public more new American composers, and premiered more American works than all other musical organizations in the United States combined.

This 75th birthday of Dr. Howard Hanson brought about several celebrations. The University of Rochester and the Eastman School arranged a surprise convocation and tribute at which congratulatory telegrams and letters were read, a special birthday salute by the 30-plus members of the Eastman Trombone Choir was played, and Mayor Stephen May announced his intention to name a newly-created city street near the Eastman School in honor of Dr. Hanson.

Birthday greetings to this exceptional man were sent from President Richard M. Nixon, Gov. Nelson Rockefeller, State Senator Thomas Laverne, and dozens of notables both within and without the world of music.

Many in the Congress will recall that in 1961 and 1962, Dr. Hanson took the Eastman Philharmonic Orchestra on a State Department tour to 34 cities of Europe, the Middle East, Poland, and the U.S.S.R., and presented to the world the two great gifts which the Eastman School has made to the musical life of the United States—the outstanding ensemble players and the performance of new American music.

Although Dr. Hanson has packed an incredible amount of activity and accomplishment into his 75 years, he still enjoys excellent health, and as Senator Thomas Laverne said,

> One need only look at the continuing cultural achievements of such men as Pablo Picasso, Pablo Casals or Arthur Fiedler, to see that, like fine wine, creative genius can only improve with age.

Another tribute to Dr. Hanson was held at the Rochester Museum and Science Center. It was reported in the Rochester Times-Union by Mildred Mikkanen. This story discloses many personal glimpses of the honoree:

A Musician Who Has Made Rochester a Cultural Citadel—Howard Hanson at 75

(By Mildred Mikkanen)

If Howard Hanson has his birthday request, the street the city plans to name for him will be the one-block alley between Swan and Gibbs streets. It's called Barrett Alley now, but where it got that name is a mystery.

"I used to always sneak through that alley to the Rochester Club when the pressure at Eastman School got too great," he confessed.

Dr. Hanson, director emeritus of Eastman School of Music and a world renowned composer and conductor, suggested it simply be renamed Hanson Alley, nothing as elaborate as Dr. Howard Hanson Symphony Street. That's the name his native Wahoo, Neb., gave to a street in his honor this week.

That was a bit overwhelming "and far beyond my fondest hopes," he told longtime friends gathered last night to celebrate his 75th birthday anniversary in the Rochester Museum and Science Center.

It was the final festivity of the day that Mayor Stephen May had proclaimed "Howard Hanson Day." Last night the mayor gave the white goateed musician the key to the city "not only with admiration and respect but with affection" for making the city a cultural citadel.

It was more than a birthday party museum trustees gave. It was a preview. Dr. Hanson, who wore a white carnation in his button hole and an unnecessary name tag on his jacket was the star and loved it all.

Congratulations, hand shakes, and kisses from many women began the minute he arrived with his wife Peggy whose job she said "is to get him to places on time."

While guests drank champagne in the Great Hall, pictures of Dr. Hanson in his youth and with famous persons like President Eisenhower flashed above on the outer screens of the new Orientation Center.

The preview was of the museum's first "Living History" film in what science center director Ian McLennan called "this funny place." The new Orientation Theater is so spanking new no one, except a few staff members, had sat on its orange-carpeted steps to watch films projected onto its six-sectioned screen. The theater holds 100 persons, and the guest list was limited to that number.

Last night's film was a preview of an in-depth interview McLennan's wife Adrienne, who did television work in Canada, filmed with Dr. Hanson. He told about his early years at Eastman and his association with Kodak founder, George Eastman, who was concerned that Dr. Hanson's goatee hid a weak chin and he might not be capable of directing the music school.

His stories about Mr. Eastman evoked audience laughter and nostalgia. Dr. and Mrs. Allen I. McHose especially enjoyed one about a young organist who substituted at Mr. Eastman's home. The organist, not taking seriously the industrialist's warning that he hated anything by Bach added a flurry of Bach to Wagner and was reprimanded sternly. The organist was Dr. McHose.

When he was 13, McLennan first heard Dr. Hanson's Second Symphony "and it's been a favorite ever since." As his birthday salute to the composer, McLennan played a recording of that composition set to his own film interpretation of color, forms and silhouettes of performing musicians playing. It ended with a huge blowup of Dr. Hanson with his perennial cigar—and a choked-up audience.

Naturally everyone had a Hanson reminiscence. Emory Remington who's known at Eastman as "the trombonists' father" because he has trained so many of them, dates his friendship with Dr. Hanson back to December 1923 and "the first time Dr. Hanson walked up the steps at Eastman."

Olive McCue Clarke, Mercury ballet director, said she danced many times "to music Dr. Hanson conducted for his American Festivals of Music."

And he was responsible for bringing Dr. Ruth Watanabe, director of the Sibley Library at Eastman, to Rochester. It happened in 1942 just after the Japanese bombed Pearl Harbor. Her parents, who were Japanese, and she were sent by the U.S. government along with other nisei citizens from California to Colorado.

"I was only there a week when I received a telegram from Dr. Hanson asking me to come to study at Eastman," she said. "Four years later he appointed me to the staff. It's still a secret how he heard about me. You know, we students always called him Uncle Howard behind his back. And that's just what he was, a wonderful uncle to all of us."

At noon yesterday, Dr. Hanson was at Eastman School ostensibly to meet University of Rochester Chancellor W. Allen Wallis and current Eastman director Walter Hendl for lunch.

But first they ushered him into Kilbourn Hall where a real "surprise party" awaited him.

On hand were numerous dignitaries, including Mayor May, State Sen. Thomas Laverne, and members of the Eastman School board of governors, and a hall full of Eastman and UR students.

Messages from President Nixon and Governor Rockefeller and other notables were read.

Then Emory Remington's 33-member Trombone Choir performed a musical tribute, written by Hendl and scored by Donald Hunsberger. It cleverly combined the "Happy Birthday" tune and a familiar theme from the Hanson "Romantic" Symphony.

An outstanding feature story about Dr. Howard Hanson appeared in the November 21 issue of Upstate New York, a Sunday supplement magazine published by Gannett Co., Inc. This fine article by Linda Chiavaroli captures the warm personality of Dr. Hanson and takes the reader right into the home to visit with the great man.

I would like to share that now with my colleagues in the Congress, for I want them, too, to know this man who inspires so many.

The Upstate New York story follows:

Eastman's Howard Hanson

(By Linda Chiavaroli)

The door of the cream and brown Tudor style house on Oakdale Drive swings open. A large, ruddy hand is thrust my way.

"Miss Chiavaroli?" asks a catarrhous voice. It is Dr. Howard Hanson, a bit puffy around the eyes from a cold, but, chipper as usual and happy to talk about his latest compositions, his island in Maine, the autobiography he's writing or anything else you care to bring up.

Once through the vestibule and into the front hall, I am overwhelmed by a cocoa-colored Irish terrier.

"That's Mara. Short for Tamara Malenkaya, who was our translator when we went to Russia with the Philharmonia. I hope you're not afraid of dogs."

Tamara accompanies us into the bright blue living room, where we examine a lobster trap—a souvenir from Maine which is standing next to the fireplace—then sink into two easy chairs. Light filters through the leaded window behind us, highlighting the silvery white hair and beard which have become Dr. Hanson's trademark. He lights up a panetella, in spite of a bad cough brought on by his cold. He was 75 years old in October.

Since retiring as director of the Eastman School of Music in 1964, Dr. Hanson has been guest conducting, lecturing and writing music prodigiously. He's produced commissioned works for the New York Philharmonic (to celebrate its 125th anniversary), the Louisville Symphony, the Mormon Tabernacle Choir, the Nebraska Centennial (Wahoo is Dr. Hanson's birthplace), and even something called the Arid Lands Conference. "I had a difficult time coming up with a theme for that one," says Dr. Hanson seriously. "Then I hit upon a verse from Isaiah: 'The wilderness and the dry land shall be glad . . . the desert shall rejoice and blossom.'" Soon he'll complete a work, commissioned by Walter Hendl in honor of the 50th birthday of the Eastman School.

Dr. Hanson can still remember the first musical composition he wrote—"a sad little melody in ¾ time"—when he was a boy in Wahoo, Nebraska. (The key to the city of Wahoo—two feet high, made of styrofoam and tied with a red bow—leans against the fireplace, next to the lobster trap.) His teacher at the Institute of Musical Arts (now the Juilliard School) encouraged him to become a concert pianist, "but I never had the slightest inclination for it," says Dr. Hanson. In

1921—at the age of twenty-five—he won a Prix de Rome in musical composition. His works were performed by symphony orchestras all over the country and he was invited to conduct in—among other places—Rochester, where he met Rush Rhees, then president of the University of Rochester, and George Eastman. After his guest engagements, he returned to Rome to finish his residence at the American Academy. When he arrived, after a leisurely trans-Atlantic crossing, a telegram inviting him to become director of the Eastman School was waiting.

"Sometimes I wonder how Rush Rhees and George Eastman ever had the nerve to do it. I had just made a mark as a composer and I had been dean of the conservatory at College of the Pacific. Rush Rhees had asked me to write a critique on the organization of a music school within a university, which I did. I didn't think much about it at the time, until I got that telegram.

"I was lucky in that College of the Pacific had one of the two best music schools on the west coast. I ran into all the same problems there that I had at Eastman. That administrative experience gave me more confidence than I would have had otherwise, I think. But, when you're in your twenties you either have amazing confidence or no confidence at all. It never occurred to me I didn't know everything."

Dr. Hanson composed steadily during his 40-year tenure at the Eastman School. The Metropolitan Opera commissioned him to write his first and only opera, "Merry Mount," which premiered in 1934. His Fourth Symphony, "The Requiem," won the Pulitzer Price in 1944.

His first year at Eastman, he inaugurated the Festival of American Music, still an annual event at the school, to give the works of young American composers a hearing.

"One of my gripes with the twentieth century," says Dr. Hanson, "is its emphasis on the performing arts. There is no question about the value of having great singers, violinists and pianists but they have to have something to sing and play. Fortunately we have a huge backlog of music to draw on, but the repertory is in a rut. I can remember when I used to walk past the practice rooms at the University of Nebraska. You'd hear the same handful of pieces over and over—the Mozart Sonata in C, the Waldstein, the Appassionata. In New York ten years later, I found the same thing. Today the piano repertory has been boiled down to about forty pieces.

"Of course the performer has a great advantage over the composer. The living tenor doesn't have to compete with Caruso, but we have to compete with Beethoven. The writer of a symphony has to compete against all the great symphonies of the past. So there is this tendency to nourish the performing arts and neglect the creative arts.

"I think the music schools can do a great deal in this area. The Festival of American Music has had a great deal of influence. Roy Harris, Aaron Copland, Walter Piston, Elliott Carter—there's not a one of them whose works we didn't premiere.

"The schools should be on the look out for creative talent. If a gifted violinist walks in, he'll get a scholarship before he can take his rubbers off. A budding composer may or may not.

"I'm not suggesting authoritarian pronouncements but somehow our young performers should be urged to go past Debussy and Ravel. You don't have to have whole evenings of new music, but I'd like to see one or two pieces from the last few decades on every program."

Tamara Malenkaya's twin, Peter Bolshoi, lumbers into the room. Dr. Hanson takes a dog biscuit from the Milk Bone box next to his chair and tosses it, over the coffee table, in Peter's direction. I ask, hesistantly, if he thinks American music has progressed much in the last fifty years.

"Well, it has progressed enormously technically. Not that that's the most important thing. But you have to remember we're not a very old country. At the time of Beethoven you still had to watch out you didn't get an arrow through your hat. Later in the 19th century we began to get exposed to music, with people like Jenny Lind, although those were more or less circus promotions. Then you began to find American composers doing their own thing. By the twentieth century an American symphony would be technically proficient. Edward MacDowell, I think, belongs in the companionship of Dvorak. John Alden Carpenter had a magnificent puckish style.

"As for the popularity of American music with the public that's a mixed picture. The good popular music, like Rodgers and Hammerstein, is played around the world. Serious music has had much more a problem. Everyone says people don't like it and don't want it. But the stagnant repertory comes into play here.

"Not long ago I had a note from my publisher saying that my "Song of Democracy,' which I wrote about 20 years ago, has had 500 performances. Yet it has been done by only half a dozen of the major symphony orchestras. Now apparently someone likes it, or it would not have had 500 performances, but the symphony programs are in such a mold that, if a symphony wants a choral piece, they'll do Beethoven's Ninth."

And where is American music or, for that matter, music in general going?

"I suppose you know I've never been a particular admirer of rock and roll and I've said some unkind things about it in print. But there is a silver lining there. I think if the kids with the three-chord guitars and the people from the digital computer side could get together and crack this mold we're in, then maybe we could take a new look at—and I dislike the term—'serious music.'"

Lately Dr. Hanson's been occupied more with those who've made the mold than those who might break it. He's just completed 45 chapters of his autobiography, which is tentatively set for release at the end of 1972.

"I think I'll start to finish it up now. You know, the problem with an autobiography is not finding enough to put in but making sure you put in what ought to be put in. Of course the famous people are in there, the Toscanini's and the Koussevitzky's. But then there are the young students who became famous later on.

"Writing and composing have a great deal in common. You have to have a concept of form, a logical line and smooth transitions from one subject to the next. Although with some of the younger composers it's almost considered a fault to have technique.

"Of course you must have inspiration to start with. After that, you get wrapped up in a piece and it's just a matter of working it out right. The difficulty comes right after you finish a work and it's all wrapped up in tissue paper ready to be premiered. You sit down to write and you want to do something else, but there is a tendency to repeat what you've just done. You really have to work to come up with a new idea. You think to yourself, 'I'll never write again in a thousand years,' then, all of a sudden there it is. Bang!

"After that you may have problems in development. Either the climax comes too soon or too late. So you go back and revise and each revision is worse than the last. Finally you give up and go to bed. Then, you get up the next morning and look at it and say, 'This is the way it should go,' and it works. The creative process is very strange."

Outside, the afternoon light has dimmed to a pale glow. A white-haired, pink-cheeked lady with cornflower blue eyes—Mrs. Hanson—enters briskly to deliver us from the impending gloom. "It's kind of dim and religious in here," she says, illuminating two table lamps.

I notice several framed color photos on the mantle. One, on the end, shows Dr. Hanson on a sailboat with a young man, whom Dr. Hanson identifies as the teenage son of their next door neighbors.

"That was taken summer before last in Maine. My wife bought me a sailboat for my birthday and I learned to sail at the age of 74. I think that's pretty good, don't you,"

As I work my way toward the door, we glance at Dr. Hanson's extensive memorabilia—a dozen or so framed awards, the keys to several major cities of the United States, sketches and photos of friends, famous and not so famous.

My departure is attended by one of the two Russian-Irish terriers, but I have no idea which one. Dr. Hanson helps me on with my coat. "It's been interesting talking to you," he says, shaking my hand. As I leave, he bends over to pick up the evening paper lying on the doorstep. "Well," he says cheerily, "let's see what's in the news."

ALASKA NATIVE BROTHERHOOD RESOLUTION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. BEGICH. Mr. Speaker, one of the most consistent and serious problems facing Alaska today is the unusually poor housing conditions that plague the entire State.

Housing is, of course, one of the basic necessities of life and because of the severe weather conditions adequate shelter means more to the people in Alaska than in any other State.

Recently, the city of Sitka has been informed that a demonstration planning grant from the Federal Government has been denied. While other housing developments in other States continue to grow, Sitka, Alaska, is in desperate need of funds to implement new plans which will eliminate inadequate housing.

The Alaska Native Brotherhood has adopted a resolution which calls for immediate funding for necessary housing in this Southeast area. At this time, I would like to insert a copy of the resolution into the Record and hope that my colleagues in the Congress will be more aware of the housing needs of Alaska:

Resolution

Whereas: The City of Sitka has been informed that the demonstration grant for the Sitka Village Planning Council Grant has been disallowed;

And Whereas the proposed improvements are necessary for the Health and Welfare of all the citizens of the community of Sitka;

And Whereas funds are available from Model Cities and or other similar grants from demonstration appropriations now funded;

And Whereas this project has been constantly pursued by the City of Sitka, The Greater Borough, Sitka Village Planning Council;

And Whereas the Sitka Village Planning Council, Which is representative of the people involved has endorsed and actively sought funds for execution of this project;

And Whereas this venture is unique in the method which has devised the opportunity for Village involvement in the proposed project Planning;

And Whereas it is necessary for the Congress of the United States to recognize the necessity for action since lands involved are defined as restricted by "Territorial Legislation";

Now Therefore: Be It Resolved That;

The ANB Camp No. 1 requests that the Congress of the United States make available by special appropriation, funds to plan and implement necessary improvements to alleviate the health hazards and inadequate housing which exists;

We further request that this action be taken immediately;

We recognize that the Bureau of Indian Affairs and the Public Health Service "Will support our Request";

We further request that the Sitka Village Planning Council be the "Responsible Authority" and the Surevit Corporation for Prosecution of the Project, that has been involved in the planning for resolution of the same;

This resolution to be sent to: Representative Nick Begich.

RECYCLING SOLID WASTES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. ESCH. Mr. Speaker, I am always pleased to see citizen efforts at organizing to improve the environment. As chairman of the Republican Task Force on the Environment and Population I continue to be impressed at the amount of local initiative which the ecology movement has generated. In the last few years we have heard a great deal of rhetoric about improving our environment. What we need is less rhetoric and more action. The Ecology Center in Ann Arbor, Mich., is such an action oriented organization. They recently published a report entitled, "Recycling: A Study of Citizen Participation in Ann Arbor." I found the report quite interesting and I believe that my colleagues in the House would be interested in reading it as it points up several ways in which citizens may become involved in improving their environment by recycling solid wastes.

The report follows:

ECOLOGY CENTER ELECTS EIGHT NEW BOARD MEMBERS

The Ecology Center of Ann Arbor has announced the election of eight new members to its board of directors. The election took place at a special meeting of the center's membership. The board previously had five members.

The new board members include: Dr. Peter Eckstein, associate professor of economics at Western Michigan University; Mrs. Eunice Hendrix, naturalist-ecologist with the Ann Arbor Public Schools; Dr. Morton Hilbart, professor and chairman of the University Department of environmental and industrial health, Douglas Crary, professor of geography at the University and members of the Ann Arbor Planning Commission.

Others are: Joe Price, acting director of the Washtenaw County Department of Public Works; Lee Beatty, senior project representative, University Office of Research Administration; Lee M. (Mack) Woodruff, producer, writer, University Television Center; and Dr. William Stapp, chairman of the Environmental Education Program in the School of Natural Resources, University of Michigan.

The new board will meet for the first time early in January.

RECYCLING: A STUDY OF CITIZEN PARTICIPATION IN ANN ARBOR, AN ECOLOGY CENTER REPORT

SUMMARY

Over 25,000 people have participated in the Ecology Center's recycling programs for solid waste over the past thirteen months. During this time over four million pounds of glass, paper and cans have been collected by citizens and returned to manufacturers for recycling. Because of the substantial growth in both numbers and volume of materials for recycling, it is imperative that more sophisticated methods of collection be developed. The goals of creating strong citizen interest in a sound solid waste management program and active participation in recycling programs have been achieved. The next logical step to be taken is a city or private industry sponsored total recycling program.

To test the feasibility of a city-sponsored total recycling program, the Ecology Center conducted a six week pilot project in two neighborhoods. With the cooperation of the city and the Neighborhood Youth Corps, weekly pick ups were made in two neighborhoods containing about 300 homes each. The results of this project and a follow-up attitude survey indicate that there is strong citizen interest in a city-wide recycling program.

HISTORY OF ECOLOGY CENTER SPONSORED RECYCLING IN ANN HARBOR (JUNE 1970 TO OCTOBER 1971)

Glass recycling

The Owens-Illinois Glass Co., a group of environmentally minded citizens headed by Mrs. Carol Muscara and the Ecology Center sponsored the first community glass recycling drive at the Arborland Shopping Center on June 16 and 17, 1970. The aim of the project was to determine community response to glass recycling in Ann Arbor. The response was tremendous! In the two-day period, over 67 tons of glass were collected from approximately 2,000 cars and taken to the Owens-Illinois plant in Charlotte, Michigan. Owens-Illinois paid 1¢ per pound for glass brought to Arborland; the company also paid five people to work for the two day period. The rest of the labor was supplied by townspeople, community organization, ENACT and the Ecology Center. In these two days, over 3,000 people visited the recycling station.

Based on the success of this initial project, plans for a permanent glass recycling station were made. The Ecology Center provided volunteer labor and distributed information to the public while Owens-Illinois assumed total financial responsibility by paying for rent, transportation costs between Ann Arbor and Charlotte, ½c per pound for glass brought to the station, equipment, office supplies, and the salary of a full-time station manager. During the months of September 1970 through May 1971, the station was open Tuesday through Saturday, from 9:00 a.m. to 4:30 p.m. Once again, community response was overwhelming. The following table (Table I) shows the amount of glass collected per month, the amount of money paid out by the Owens-Illinois Co. to people bringing in glass, and the number of cars that visited the station.

TABLE I

Month	Number of pounds	Amount of money paid out[1]	Number of cars[2]
September	215, 000	$1, 075	1, 705
October	140, 000	700	1, 485
November	168, 000	840	1, 505
December	201, 000	1, 005	1, 363
January	234, 000	1, 170	1, 254
February	184, 000	920	1, 263
March	284, 000	1, 420	1, 496
April	292, 000	1, 460	1, 879
May[3]	174, 000	870	1, 096
Total	1, 892, 000	9, 446	13, 096

[1] Amount of money paid out equals pounds of glass brought in times ½ cent per pound.

[2] Number of cars equals number of vouchers given by Owens-Illinois.

[3] Both the Felch Street and the Arborland stations were open during the month of May.

Early in 1971, it was suggested by Owens-Illinois that the Ecology Center assume full operating responsibility for recycling in Ann Arbor. In March 1971, the Arborland Merchants Association agreed to let the Ecology Center relocate in the northwest corner of their parking lot for a six month trial period, to begin May 1, 1971. Owens-Illinois provided financial and material assistance in making the move ($1,000.00 plus shovels, work gloves, eye goggles and assorted items from the Felch St. operation). Also, Ann Arbor's City Council approved a donation of $750.00 toward installation of a fence and the Downtown Kiwanis Club contributed $500.00. Since opening on May 4, 1971, the Station's hours have been Sunday through Thursday, 10:00 a.m. to 5:30 p.m. The following table (Table II) shows the amount of glass collected per month and the amount of money paid out by the Ecology Center to people who brought in glass to be recycled.

TABLE II

Month	Number of pounds collected	Amount of money paid out[1]
May[2]	117, 960	$255.99
June	305, 880	436. 44
July	274, 050	494. 28
August	218, 270	485. 63
September	231, 800	415. 70
October	219, 640	385. 20
Total	1, 367, 600	2, 473. 24

[1] Amount of money paid out equals pounds of glass brought in times ½ cent per pound. Much of the money was donated to the ecology center and is not included in the amount of money paid out.

[2] Both the Felch Street and the Arborland stations were open during the month of May.

An average of the number of cars that brought in glass to be recycled over the five month period is about 2,200 cars per month. We have determined that approximately 1.5 people are in each car. Therefore, approximately 3,300 people have visited the station each month. Over 3,000,000 pounds of glass have been recycled through the Ecology Center's operations since the opening of the first glass recycling station in September 1970.

Recently a program was instituted in cooperation with the owners of the Gandy Dancer, the Pin Room, the Del Rio Bar, the Old German and Flic's Bar. Glass from these restaurants is picked up on a regular basis and taken to the Glass Recycling Station. It is anticipated that this program will continue to grow as more restaurants become aware of the opportunity to recycle their glass.

Two recent breakthroughs have occurred regarding recycling on the University of

Michigan campus. University equipment and personnel have made it possible to recycle the glass brought to football games. Glass, previously taken to the sanitary landfill is now picked up Saturdays after the game by volunteers and stored in a University truck overnight. On Sundays, University employees are responsible for taking the glass to the Arborland Glass Recycling Station. Also, for the first time, a comprehensive recycling program has been started in the campus area. The University now makes regular pick-ups at the Vera Baits Housing Unit on North Campus and the Chemistry Building on Central Campus. Newspaper, cans and glass are taken to the stations for recycling. As a result of these efforts, a proposal for total campus recycling is being submitted to the University by the Ecological Advisory Committee of the Institute for Environmental Quality. If this proposal is successfully executed, the volume of materials recycled in the community could easily double.

PAPER RECYCLING

As a result of their experiences in recycling glass, more and more citizens requested the opportunity to recycle other materials. Since paper and paper products comprise over 50% of the solid waste generated in our country, the Ecology Center approached the Pioneer Paper Co., a division of the Container Corporation of America, for assistance. Pioneer agreed to locate two semi-trailers in Ann Arbor, one for storing computer paper and cards, the other for newsprint. After beginning computer paper recycling in the garage of a local homeowner, a semi-trailer was located behind the Comshare, Inc. building on South Research Park Drive in December 1970. The computer paper program has proven to be very successful. The Ecology Center attempts to make regular pick-ups at various computer installations in Ann Arbor. Among the places visited on a regular basis are: The Graduate and Undergraduate Libraries, the North Campus Computing Center, the School of Public Health, the Environmental Simulations Laboratory, Cyphernetics Corp., the Huron Valley National Bank, the Ann Arbor Computer Co., and the ESZ Corporation. Other organizations and companies are visited on an irregular basis.

Since Saturday July 1, 1971, we have been collecting newsprint at the Westgate Shopping Center every Saturday from 10:00 a.m. to 6:00 p.m. The station has been manned by volunteers from the community and from Operation Misdemeanor. The following table (Table III) shows dates the trailers were filled, the volume of newsprint per load, and the number of days that it took to fill up a trailer.

TABLE III

Date trailers were filled	Pounds per load	Number of days required to fill a trailer
July 22, 1971	25,790	4
Aug. 19, 1971	31,530	3
Aug. 26, 1971	28,240	2
Sept. 11, 1971	21,470	2

This is an average of 9,730 pounds of newsprint per Saturday. Based on an average load of 90–100 pounds of newsprint per car, there have been approximately 100 carloads of newsprint recycled each Saturday over the 11 week period. Most significant, however, is the fact that the volume of newsprint recycled on a typical Saturday has doubled since the beginning of the project.

CAN RECYCLING

Because of continued citizen interest in recycling, the newspaper operations were expanded on July 31 to include all metal cans. Although very little publicity has been given to this program, 20,000 pounds of cans have been recycled to date. Cans are being recycled through the National Can Co., Livonia, Michigan. Transportation for cans as well as glass is provided by the Contractor Container Corporation of Ann Arbor. A flat rate is charged based on the shipping distance between Ann Arbor and the point of delivery.

NEW RECYCLING STATION

On December 1, 1971 the two present recycling stations will be closed and combined into a larger station that will be opened just south of the Coca Cola Bottling Co. on South Industrial Highway. Because of the convenience of one centrally located recycling station, handling all three materials and the increased publicity that will be given to the program, it is expected that the amount of materials recycled in the Ann Arbor community will experience a substantial growth.

CITYWIDE RECYCLING: A FEASIBILITY STUDY

While the collection centers have been successful in involving and educating a large number of people, they have not substantially reduced the amount of solid waste materials which are taken to the sanitary landfill. The present recycling stations are now operating near capacity. Even with the building of a new location, it will not be possible to handle the total amount of potentially recyclable solid waste generated in the Ann Arbor community. Thus, the goals of the program have been to provide a temporary means for recycling and to generate citizen interest in sound solid waste management practices for the city. The Ecology Center plans to operate a recycling station only until a private or public entity is able to take over on a large scale basis.

At the May 4 dedication of the Arborland Glass Recycling Station, Mayor Harris was asked if the city would initiate a citywide recycling program. He suggested that a pilot program be instituted to determine the willingness of citizens to participate in a curbside pick-up of separated waste materials. With the help of the Department of Public Works and the Neighborhood Youth Corps, the Ecology Center conducted a six week pilot project to determine the feasibility of neighborhood recycling.

The project was conducted in two areas; the Bromley subdivision-Greenbrier Lanes area on the Northeast side and an area bordered by Dexter, Virginia, Crest and Bemidji on the West side. There are approximately 325 homes in each area. Because of vacations and vacancies, approximately 300 households were included in each area. This is equivalent to the number of households normally served in one day by a 15 cubic yard capacity sanitation truck now used by the city. Leaflets describing the project were distributed by volunteers July 7 through 12, and the project began July 21 in Bromley-Greenbrier and July 22 in the West Side area. A copy of the leaflet is attached.

Residents were asked to separate glass, metal cans and newspaper from other trash. The three materials were placed at the curbside by citizens the day before their regular pick-up in each area. The city contributed a dump truck and Neighborhood Youth Corps workers picked up the materials once each week and delivered them to the Ecology Center recycling stations. Statistics were collected on the number of households which participated in the program and the weight of the materials collected each week. The following table (Table IV) gives details on the weight of materials collected, the percentage of households participating each week, and the revenues received from the program.

TABLE IV.—*Weight of materials*

BROMLEY

	Revenue
July 21:	
4,000 pounds of glass	$ 40.00
4,000 pounds of paper	16.00
300 pounds of cans	3.00
58 percent participation.[1]	
July 28:	
1,350 pounds of glass	13.50
1,600 pounds of paper	6.40
200 pounds of cans	2.00
43 percent participation.	
August 4:	
1,250 pounds of glass	12.50
1,200 pounds of paper	4.80
300 pounds of cans	3.00
47 percent participation.	
August 11:	
1,200 pounds of glass	12.00
1,700 pounds of paper	6.80
300 pounds of cans	3.00
50 percent participation.	
August 18:	
1,500 pounds of glass	15.00
800 pounds of paper	3.20
120 pounds of cans	1.20
42 percent participation.	
August 25:	
2,000 pounds of glass	20.00
2,700 pounds of paper	10.80
400 pounds of cans	4.00
36 percent participation.	
Total revenues	167.20

[1] Participation is defined as having placed at least one item at the curbside for pick-up.

WEST SIDE

	Revenue
July 22:	
2,000 lb. glass	$ 20.00
2,000 lb. paper	8.00
150 lb. cans	1.50
30% participation.	
July 29:	
500 lb. glass	5.00
500 lb. paper	2.00
150 lb. cans	1.50
25% participation.	
August 5:	
600 lb. glass	6.00
500 lb. paper	2.00
200 lb. cans	2.00
20% participation.	
August 12:	
700 lb. glass	7.00
900 lb. paper	3.60
200 lb. cans	2.00
22% participation.	
August 19:	
700 lb. glass	7.00
800 lb. paper	3.20
150 lb. cans	1.50
20% participation.	
August 26:	
900 lb. glass	9.00
1,800 lb. paper	7.20
200 lb. cans	2.00
17% participation.	
Total	91.00

A total of 24,900 pounds of solid waste was collected in the Bromley area and 12,950 pounds were collected in the West Side. In the Bromley area, 94% of the households participated at least once, and in the West Side, 51% participated at least once. The low weekly percentage figures and the increased volume weekly indicate that pick-ups were made more often than necessary.

During the project, the total amount of the revenue for materials collected was $258.20. Transportation costs were $9.00 per ton of glass and $14.00 per ton of cans. The price received for newspaper included the freight to Detroit. The total transportation costs for the materials was $107.00, leaving an excess of revenues over transportation costs of $151.20. It is possible that transportation costs could be reduced by greater compaction of materials shipped or use of a different mode of transportation. For example, the net revenue of newspapers would be $15.00 per ton if the newspapers were baled prior to shipment. These figures indicate that a city sponsored recycling program might pay for itself. Determination of the economic feasibility of such a program requires an in-depth study by the City Administration.

Three major problems were encountered during the six week pilot project. First, the conduct of the Neighborhood Youth Corps workers was not always proper. While they were quite efficient at picking up all materials, there was often horseplay on the job, which created a bad impression in the pilot areas. A second problem was the resistance of some residents to leaving bags of glass, cans and newspapers at the curbside before pick-up. Some residents waited until they saw the truck coming before they put out the materials; this often required a second trip through the area at the end of the day. The third problem was due to the fact that many people were on vacation or moved out of the area during the project. Due to these problems, the statistics collected are not exact.

The project was completed August 26. It was felt that a follow up attitude survey should be conducted to determine the following information:

Why people did or did not participate.

How convenient the program was.

The amount of citizen interest in a permanent program.

How often pick-ups would be necessary if a permanent program were instituted.

Volunteers from the Ecology Center under the direction of a survey researcher interviewed a sample of residents in each area to determine the answers to the questions above.

A SUMMARY OF CITIZEN ATTITUDES TOWARD CITY-WIDE RECYCLING

The make-up of the West Side neighborhood is reflected in the fact that the living units are both homes and apartments. However, in the Bromley area, all units are single family dwellings. In the majority of the cases, it appears that the housewife was the one who did most of the material preparation. At times, she was assisted by other members of the family, but because pick-ups were made during the day and preparation centers around clean-up tasks, she was ultimately the determining factor in whether or not a household participated.

The reasons for participating seem to center around two concerns. The first is that of helping the environment. Recycling is an activity that can be engaged in at the household level. Each time a separation is made, the individual is able to reduce the amount of garbage going into the sanitary landfill and increase the reuse of materials. The second is the reduction of waste. The items that are presently recyclable constitute a large percentage of the materials normally going into garbage. By recycling newspapers, cans and glass, it is possible to significantly reduce garbage going to the landfill by as much as 65%.

There were several reasons given by people who did not participate in the program:

Some people did not recall receiving a leaflet and thus did not understand the program.

Some people were out of town during the pilot project period and were not able to participate, and

Some people felt that the program was inconvenient.

People giving the first two reasons could probably be included in the future if better information dissemination techniques were used and if regular pick-ups were made. People who considered the program inconvenient must be convinced that the program is worthwhile.

The primary means used to inform residents of the program was leafletting. Additional information and incentive were provided by articles in the Ann Arbor News, previous experience with recycling, children talking to parents, and neighborhood contacts. It appears that leafletting is the most effective means of giving out information.

In the Madison, Wisconsin newspaper recycling program, a brochure was passed out at each residence explaining the procedural aspects as well as the environmental impact of the program, both in terms of conserving natural resources and reducing the amount of solid waste entering the sanitary landfill.

It appears that the inconvenience in separating materials in preparation for recycling was a minimal factor to those who participated. Once the habits of separating and preparing materials were established as a part of the family routine, it no longer was deemed an inconvenience. One of the comments on the survey typifies this attitude. "Got me in the habit of recycling even if the project itself was discontinued." Cans seem to present the most problems because of the more stringent requirements for preparation. As one resident put it, "Taking labels off and smashing cans was too much!"

One benefit of the pilot project was that a number of people who had never recycled materials before are now taking materials to Westgate and Arborland on a regular basis. The glass recycling program has been in operation for more than a year now and has been well publicized. The number of people knowing about it prior to the pilot project and participating did not change significantly. However, in both neighborhoods there was a significant increase in the number of people recycling newspapers and cans after the project. Once again, it seems to be a question of habits forming and people then going to the recycling stations once the project was discontinued. However, in both neighborhoods, about 50% of the people who recycled during the pilot project do not recycle now. Thus, the added convenience of having a regularly scheduled pick-up has a significant impact on the decision of whether or not to recycle.

Residents expressed a feeling of satisfaction with the goals of the program. This is reflected in the reasons for participating initially. However, there was some feeling of dissatisfaction with the procedures used in the neighborhoods. Perhaps this is a result of the relatively short time period involved and natural self-criticism. Because of the comments we have received and complaints made to the Ecology Center during the project, it is apparent that a number of things should be worked out in the area of procedures. Some of the comments on procedure follow:

"Pick-up schedule not followed closely."

"The pick-up was very bad."

"Only do it if it is definite. The schedule announced should be followed more closely. Also, the pick-up people should not be so careless."

"We never seemed to get waste picked up at the time specified and made it very inconvenient."

It is apparent that there is a need for a more efficient, institutionalized operation than the one we were able to put together. The residents look to the city for this kind of an operation. Although we are quite positive that most pick-ups were made on the proper day, our workers were not able to perform the pick-ups in such a way as to inspire confidence in the residents. The Ecology Center has neither the manpower, the equipment nor the capability to cover the city on a regular, permanent basis. Only the City of Ann Arbor or a private organization would be capable of such an undertaking.

Based on the responses of both neighborhoods, it seems that the most convenient time for pick-ups would be once every two weeks. Recycling of solid waste materials requires a certain amount of storage space. In the Bromley area, where there are only single dwellings, storage was not a significant factor. However, on the West Side, there are a number of apartments with limited storage facilities. This is reflected in the larger percentage of Bromley residents who were interested in a monthly pick-up while on the West Side a two week schedule was most popular.

Most people expressed a willingness to continue with recycling at the curbside if the pick-up times were appropriate. In general, residents were highly supportive of the program and expressed a desire to see the project continued on a permanent basis. The following remarks were typical:

"Sure hope it continues. Probably even if not many people are willing to participate now, they shortly would become convinced."

"Keep it up!"

"A very good project. Necessary."

"Please continue."

"Pick up often—bottles and cans left in house for long periods of time with children are dangerous. Project is great—Hope more people would become community and ecologically oriented."

"I think it was very good and would like to see it continued."

PILOT PROJECT SURVEY

1. Do you live in an apartment or house?

2. How many people live here and eat here?

3. What is your relationship in this house?

Husband

Wife

Son

Daughter

Other (specify)

4. If you *didn't* participate, we would like to know why. Please check any of the following that fit:

Vacation period

Leaflet never received

Instructions not clear

Too time consuming

Personal attitudes (specify)

THE REST OF THE QUESTIONS ARE FOR PEOPLE WHO DID PARTICIPATE

5. Why did you participate? (Check any that fit)

Reduce waste

Save the city money

Help the environment

Because other people were doing it

Other (specify)

6. How much did the following influence your decision to participate? (Rate on a scale of 1 to 7)

Leaflet	1	2	3	4	5	6	7
The Ann Arbor News	1	2	3	4	5	6	7
Family	1	2	3	4	5	6	7
Neighbors	1	2	3	4	5	6	7
Previous experience	1	2	3	4	5	6	7
Other (specify)	1	2	3	4	5	6	7
	None						Great

7. To what extent were you inconvenienced by the following factors during your participation? (Rate on a scale of 1 to 7)

Time involved in separation	1	2	3	4	5	6	7
Time involved in washing bottles, bundling newspaper, etc	1	2	3	4	5	6	7
Family attitudes toward project	1	2	3	4	5	6	7
	None						Great

8. Would you want the project continued permanently if the city could only pick up items to be recycled:

Yes, no; once every two weeks.

Yes, no; once a month.

Yes, no; once every two months.

Yes, no; three times a year.

9. Who usually separated the waste during your participation:

You.

Another member of the family (specify).

Most of the family.

Whole family.

10. Based on your experience, how often would a pick-up of separated waste materials be most convenient?

11. Did you recycle before the project:

Glass.

Newspapers.

Cans.

Other (specify).

12. Are you still recycling?

Glass.

Newspapers.

Cans.

Other (specify).

13. Were you satisfied with these parts of the program:

Yes, no; goals.

Yes, no; procedures.

Yes, no; your participation.

Comments and suggestions:

PILOT PROJECT ATTITUDE SURVEY RESULTS BROMLEY AREA—PARTICIPATED

N—69.

No. of people living in homes—69.

Who filled out survey:

4, husband.

56, wife.

2, son.

7, no answer.

Why did you participate: (checking all that fit)

77%, reduce waste.

27%, save the city money.

94%, help the environment.

4%, because other people were doing it.

4%, other.

1%, no answer.

How did the following influence your decision to participate:

	Mean	Range	Moda
Leaflet	4.82	1–7	7
The Ann Arbor News	2.59	1–7	1
Family	3.09	1–7	1
Neighbors	2.37	1–7	1
Previous experience	2.27	1–7	1

To what extent were you inconvenienced by the following:

	Mean	Range	Mode
Time involved in separation	2.21	1–7	1
Time involved in washing, etc	2.60	1–7	1
Family attitudes	2.30	1–7	1

Would you want the project continued permanently if the city could only pick up items to be recycled:

66.67%, once every two weeks.

62.12%, once every month.

16.23%, once every two months.

9.9%, three times a year.

How often would a pick-up be most convenient?

1.5%, semi-weekly.

16.9%, weekly.

35.4%, every two weeks, median—every two weeks, mode—monthly.

45.4%, monthly.

BROMLEY AREA—PARTICIPATED

Did you recycle before the project:

59%, glass.

39%, newspaper.

9%, cans.

Are you still recycling:

67%, glass.

50%, newspaper.

26%, cans.

Percentage Change in Recycling Before and After the Pilot Project:

12%, glass.

29%, newspaper.

200%, cans.

Percentage satisfied with the goals of the program—98%.

Percentage satisfied with the procedures of the program—79%.

Percentage satisfied with their participation in the program—81%.

Percentage willing to continue if times are appropriate for pick-ups—98.5%.

PILOT PROJECT ATTITUDE SURVEY RESULTS BROMLEY AREA—DID NOT PARTICIPATE

N–18.

No. of people living in homes—18.

Who filled out survey:

2, husband.

13, wife.

2, son.

Why didn't you participate: (checking all that fit)

6, Vacation period.

5, Leaflet never received.

5, Too time consuming.

1, Doesn't care.

3, Just moved in.

PILOT PROJECT ATTITUDE SURVEY RESULTS WEST SIDE AREA—DID NOT PARTICIPATE

N—31.

No. of people living in homes, 26.

No. of people living in apartments, 6.

No answer, 1.

Who filled out survey:

4, husband.

20, wife.

2, son.

1, daughter.

3, no answer.

Why didn't you participate: (checking all that fit)

8, vacation period.

9, leaflet never received.

6, instructions not clear.

7, too time consuming.

9, personal attitudes (not interested, too old).

PILOT PROJECT ATTITUDE SURVEY RESULTS WEST SIDE AREA—PARTICIPATED

N–27.

No. of People living in homes, 19.

No. of People living in apartments, 9.

Who filled out survey:

2, husband.

18, wife.

2, son.

3, daughter.

Why did you participate: (checking all that fit)

63%, reduce waste.

26%, save the city money.

81%, help the environment.

15%, because other people were doing it.

How much did the following influence your decision to participate:

	Mean	Range	Mode
Leaflet	3.5	1–7	1
The Ann Arbor News	2.4	1–7	1
Family	1.9	1–7	1
Neighbors	1.6	1–7	1
Previous experience	2.0	1–7	1

To what extent were you inconvenienced by the following:

	Mean	Range	Mode
Time involved in separation	2.25	1–7	1
Time involved in washing, etc	2.14	1–7	1
Family attitudes	1.25	1–4	1

Would you want the project continued permanently if the city would only pick up items to be recycled:

72%, once every two weeks.

46%, once every month.

25%, once every two months.

13%, three times a year.

How often would a pick-up be most convenient?

21.4%, weekly.

50.0%, every two weeks.

18.9%, monthly.

50.0%, every two weeks, median—every two weeks.

18.9%, monthly, mode—every two weeks.

10.7%, every two months.

WEST SIDE AREA—PARTICIPATED

Did you recycle before the project:

52%, glass.

30%, newspaper.

4%, cans.

Are you still recycling:

52%, glass.

39%, newspaper.

39%, cans.

Percentage Change in Recycling Before and After the Pilot Project:

0%, glass.

28%, newspaper.

800%, cans.

Percentage satisfied with the goals of the program, 91%.

Percentage satisfied with the procedures of the program, 70%.

Percentage satisfied with their participation in the program, 76%.

Percentage willing to continue if times are appropriate for pick-ups, 92.6%.

SHOULD CONGRESS BAN PRIVATE OWNERSHIP OF HANDGUNS?

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. STEIGER of Arizona. Mr. Speaker, "the Advocates," a nationwide educational television show, found that an overwhelming majority of the people responding to their poll were against a congressional ban on the private ownership of handguns as is shown in the following statement:

THE NATION RESPONDS TO "THE ADVOCATES"

SHOULD CONGRESS BAN PRIVATE OWNERSHIP OF HANDGUNS?

Thirty-one thousand Americans have voted in the country's largest public opinion poll on the right to private ownership of handguns.

In response to The Advocates TV debate of Nov. 16, an overwhelming majority of viewers cast 25,690 votes against a Congressional ban on sidearms for personal use.

Forty-six per cent, or nearly 12,000 votes in the lopsided outcry against restraints on handgun possession appeared to be the result of organized lobbying.

Those favoring handgun legislation numbered 5,261, while 49 viewers expressed other opinions.

This the second largest vote drawn by The Advocates since it began in 1969. The largest poll tallied was over 70,000 in response to a question on U.S. support of Israel in the Middle East.

Breakdown of mail response by state:

State	Pro	Con	Other
Alabama	19	195	0
Alaska	10	321	0
Arizona	87	227	2
Arkansas	21	53	0
California	948	2,488	7
Colorado	79	511	0
Connecticut	85	228	1
Delaware	23	37	1
District of Columbia	77	62	0
Florida	165	563	1
Georgia	28	207	1
Hawaii	5	5	0
Idaho	7	74	0
Illinois	323	1,331	1
Indiana	67	274	1
Iowa	44	143	0
Kansas	36	126	0

State	Pro	Con	Other
Kentucky	26	145	0
Louisiana	25	109	0
Maine	37	211	5
Maryland	171	271	2
Massachusetts	474	1, 305	4
Michigan	100	701	1
Minnesota	86	232	1
Mississippi	4	63	0
Missouri	16	180	1
Montana	15	45	1
Nebraska	24	133	0
Nevada	14	1, 156	1
New Hampshire	48	226	1
New Jersey	168	509	2
New Mexico	44	261	1
New York	522	2, 396	5
North Carolina	59	251	0
North Dakota	2	8	2
Ohio	179	958	0
Oklahoma	60	227	0
Oregon	78	1, 061	0
Pennsylvania	260	2, 300	1
Rhode Island	152	387	0
South Carolina	9	31	0
South Dakota	11	21	0
Tennessee	30	471	1
Texas	118	310	2
Utah	13	338	0
Vermont	19	43	0
Virginia	69	712	1
Washington	204	640	2
West Virginia	12	89	0
Wisconsin	85	258	0
Wyoming	1	84	0
Unknown	143	611	0
Foreign	7	13	0

ALLEN DRURY LETTER IS NOTEWORTHY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. BROWN of Ohio. Mr. Speaker, Allen Drury has written a most interesting letter to the editor of the Washington Evening Star, which appeared in the December 15 edition.

Mr. Drury expresses himself on a subject that has had a great deal of public discussion in recent months, and he makes some poignant observations which I commend to your thoughtful attention:

[From the Evening Star, Dec. 15, 1971]

LETTERS TO THE EDITOR

THE ERRANT PRESS

SIR: The recent review by my old friend Bill McGaffin of "Courage and Hesitation: Notes and Photographs of the Nixon Administration," has been sent to me, and, characteristically, it is fair, objective and balanced. There are only a couple of points on which I should like to reply, because they seem to me so fundamental to the whole profession of journalism as it is now practiced by a majority of its top names in Washington (and New York) that I think they perhaps deserve a little public airing.

The first is a word. I note in Bill's review, as I have noted increasingly in reviews of my books, the use of current journalism's favorite attack-word, "conservative."

When Bill and I were growing up in the profession, this word was an honorable and honest term based upon the whole range of a man's political, philosophical and social approach.

Not today. You can be wildly liberal on the entire spectrum of society. But if you do just two things—that's all it takes—you're "conservative." They are:

(1) If you criticize the media in any way whatsoever.

(2) If you think that the Soviet Union is a deadly menace to the United States and to the independent peoples everywhere.

Point 2 of course does not enter into the discussion of this particular book (though it does with many of the others) but Point 1 certainly does. Because I am critical of the way a majority of the media treat the current administration—or indeed anyone, or anything, they don't like—I am promptly labeled "conservative" and everyone is supposed to nod automatically and understand how awful I am.

Won't wash

I'm afraid it won't wash; because not only am I critical of the present attitudes of many of the press corps, but a good many of my older colleagues, looking into their hearts honestly in the depths of the night or the Press Club bar, agree with me and have told me so. And particularly am I justified in the criticism when it comes to the case of Richard Nixon, who, as another witness—somehow overlooked in the reviews—Daniel Patrick Moynihan, succinctly states it, "has had the least generous press of anyone I have ever known in the White House. It has been one long presumption of malfeasance, sinister intent, trickery and doubledealing."

For many years actively, and in recent years less actively, I have been a member of the Washington press corps; and ever since Alger Hiss, to my personal knowledge, a great many of its leading members have seethed with resentment of Richard Nixon. It has been apparent in every press conference, every luncheon, every dinner, every Georgetown cocktail party, every slurring reference, every automatic wisecrack—you name it. And down the years, because it has been accepted as gospel by the oncoming generation, it has inevitably had a direct and withering effect on the reporting of hundreds and on the way they have presented him to the American public.

It may be, as McGaffin implies, that the famous meeting of correspondents to decide what questions to ask the President after a two-month drouth of press conferences was all sweetness, light and tender consideration for Dick Nixon. But enough reporters were kept out of this exclusive group, and enough of them resented the fact, so that there emerged at the time, both in private talk and public print, the distinct impression that the meeting labored under a bitter determination to let the President have it because he had been so presumptious as to keep himself secluded from the media for such a long time.

Only one escape

There is only one way, really, for the media to escape the by now quite universal conviction in the minds of their countrymen that they are excessively and unfairly biased against Richard Nixon, and that is to treat him always as fairly and objectively as they would someone they like. In this context the game of "Let's Suppose" is quite instructive. For instance:

Nixon attended an AFL convention in Miami at which he was deliberately denied the minimal courtesies due both the office and the man. There were some columns, editorials and commentaries about this, but in most of them there was a great emphasis upon the theme that the discourtesy was "alleged by the White House staff"—not that it had, as was obvious to any fair-minded observer, actually occurred. And underlying almost all the major comments was a barely suppressed note of amusement, a certain half-submerged, jovial relish, that such a thing should have happened to this particular man.

Now let's suppose it had been Jack Kennedy who received such treatment.

Wow—ee!

Does it take a great deal of imagination to see and hear the furious editorials, the scathing television commentaries, the violently indignant columns in his defense?

No, I think not.

So calling a man "conservative" when he points out the media's determined self-mutilation of an objectivity which is vital to the maintenance and stability of a balanced democratic society is not, I am afraid, the answer.

The answer is a genuine, good-faith, hard-working attempt to restore some of the fairness and objectivity that have always characterized the reporting of Bill McGaffin and others of his journalistic generation.

This may be, in the minds of many latecomers, a stodgy and outmoded tradition; but it is also an honest one. And it is the only one that can restore the media to the position of general public trust and esteem its members used to have.

There is no other way.

ALLEN DRURY.

MAITLAND, FLA.

CALL FOR A CURB ON COMMISSIONS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. MONAGAN. Mr. Speaker, on August 5, 1971, I had occasion to call the history of the International Screw Thread Commission to the attention of my colleagues. Without suggesting that the standardization of screw threads is an unworthy objective, I think the article I submitted in August relating that Commission's history illustrates the tendency of such commissions to perpetuate themselves.

There has been a good deal of journalistic comment on the Screw Thread Commission and others like it since August. A recent editorial in the Hartford Courant reiterates the need for some curb on the proliferation and perpetuation on governmental committees. The Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, which I have the privilege to chair, has held hearings on a bill which would put controls on the use of advisory committees in Government, and it is my hope that we shall see legislation on this subject during the next session of the Congress. I am submitting the Courant editorial for consideration by my colleagues:

THE STANDARDIZATION OF SCREW THREADS

The history of the old National Screw Thread Commission is being used by the Tax Foundation to show how bureaucracies create committees and commissions that linger on indefinitely. Their proliferation is often a surprise to the voters, as witness the housecleaning in Connecticut government, where dozens of commissions that led a shadowy existence reported to the Governor.

The example chosen by the foundation is questionable in a state that has much to gain from the international standardization of screw threads in industry. If the decimal system is eventually adopted that will be another step in the drive to make world industry more efficient through the use of interchangeable parts.

The longevity of the Screw Thread Commission gives it a claim to notice. It was established in 1918 to set standards for screw threads. Officially abolished in 1934 it was revived in 1939 and given the name of International Screw Threads Standard Commission. It is now represented at the three international meetings held each year.

The Federal Government was spending $74 million a year in its 1,800 advisory commissions and committees two years ago, and this is not the sort of expense that can be easily reduced. The ostensible purpose of naming a committee is to get ideas and information needed to do something about a specific problem. Observers have noted a tendency, however, to push thorny issues into the background by announcing that a committee has been named, and until it reports there will be no further discussion. All too often this is a strategy for sweeping embarrassing things out of sight, and the committees understand their role.

No one seems to know what to do when the commissions no longer serve the purpose for which they were created. A dozen presidential advisory-type groups had not met in more than three years, it was estimated last year, and five had no chairman. Their durability is their principal characteristic, and in this case of values the standard screw threads people stand high.

CORPORATE FARM "INVASION" MOSTLY MYTH

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, during the Senate's debate on the confirmation of Dr. Butz as Secretary of Agriculture, it was asserted by some Members of the Senate that corporate farming was taking over agriculture. I insert in the Record an article which refutes that argument:

[From the Des Moines (Iowa) Register, Nov. 28, 1971]

Corporate Farm "Invasion" Mostly Myth

(By Lauren Soth)

Many farmers and United States senators are fearful that huge agri-business corporations are gobbling up farmland, driving the family farmer off his land and taking over farm production.

These fears came out in the Senate hearings on the nomination of Earl Butz as U.S. secretary of agriculture, because Butz has been closely affiliated with several large agri-business corporations. Also, in hearings of the monopoly subcommittee of the Senate Committee on Small Business, Senator Gaylord Nelson (Dem., Wis.) gave an alarming report about the "intrusion by giant corporations and conglomerates into farming."

An associate of Ralph Nader talked about how "family farmers have suffered from unfair competition from vertically integrated conglomerates which can write off production losses in agriculture against huge profits in their manufacturing or retail operations."

In reality, the small family farm is not being taken over by big industrial corporations but by the large family farm.

EIGHT PERCENT OF SALES BY CORPORATIONS

A U.S. Department of Agriculture survey conducted in 1968 found 13,300 farming corporations (about 1 per cent of commercial farms) operating 7 per cent of U.S. farmland. California and Florida accounted for about one-third of the total, including some of the largest corporate farming enterprises.

Nearly two-thirds of the farming corporations are family corporations and essentially family farms. In 1967, about 8 per cent of the sales of farm products from all farms were sales by corporations. Only about one-tenth of the corporations sold $500,000 worth of products or more.

USDA found that farming was the only business activity for nearly two-thirds of the farming corporations. The remaining third had nonfarm business interests, and about half of these were in farm-related businesses such as farm supplies, marketing or processing of farm products. The nonfarm-related interests were mostly local businesses such as automobile dealerships, groceries and real estate firms.

In short, the image of the huge conglomerate swallowing up American farming cannot be sustained by the facts. It is true that in some highly specialized farming operations, mainly Florida and California fruit and vegetable raising, large corporations are dominant. But in the big bulk of agriculture, which is grain and livestock production, the family farm is overwhelmingly dominant.

But the large-scale family farm is rapidly displacing the small, self-sufficient family farm, which many 60-year-olds remember as so admirable from their boyhood days. This is the basic change occurring in American agriculture and not a "takeover" by gargantuan nonfarm business firms.

If the senators want to stop the growth in size of farms and halt the vanishing of the small family farm, they need to look for other "villains." The chief "villain" is advancing technology which displaces labor and makes larger production units feasible for a single family. It is heavily financed by government and vigorously promoted by government.

FARM BUSINESS OFTEN FAILS

It's true that the federal tax laws have tended to favor people with large nonfarm incomes who invested in agriculture. The 1969 tax reform removed a good deal of this favoritism, but further correction in this aspect of the tax laws may be needed.

People who worry about tax-favored corporate giants taking over agriculture notice whenever a firm sets up a large cattle feeding, hog raising or some other "industrialized farming" operation. They don't notice so often when such businesses fail, and quite a few of them have in recent years.

The tendency for agri-business corporations to go into farm production bears watching. But at this point that is not the most significant structural adjustment in agriculture. In most kinds of farming, the family farm with very little hired labor is superior in efficiency to any industrialized type of farming and holding its own very well.

What the senators could better spend their time on is what to do with the people who are displaced from family farms and who cannot find jobs in rural communities.

U.S.S. "WILLIAM H. BATES"

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. O'NEILL. Mr. Speaker, I submit for the perusal of the membership a speech delivered by the Honorable Silvio Conte at the launching of the U.S.S. *William H. Bates* in Pascagoula, Miss., on December 11, 1971. The late William H. Bates represented the Sixth Congressional District of Massachusetts and the dedication of this new nuclear submarine is a fitting and deserved memorial to a man who was devoted to the principle that America remain free and secure.

The speech follows:

Remarks of the Honorable Silvio O. Conte

As an old Navy man, I am very pleased to be here to participate in the launching of this newest addition to the world's greatest Navy.

As a congressman, I am proud to be here—proud of this ship, of the people who built her and of the men who will sail her.

And as a former colleague and friend of Congressman William H. Bates, I am deeply honored to be here—honored to play any role whatsoever that gives recognition to the memory of a man who was blessed with more admirable qualities than any other I have known in public life.

Like many Americans, I have always been fascinated by the submarine service. I saw all the movies and remember all the drama and all those terms which are special to the "silent service." Whatever fact and lore I might have missed has been filled in for me since I came to Congress by Admiral Hyman Rickover who never fails to send me information on the latest nuclear submarine or other ship in the Navy's arsenal.

Despite this background, I felt I ought to prepare for this occasion today. So I read through the booklet on "christening, launching and commissioning" put out by the Naval History Division of the Navy Department.

There is a wealth of information in that publication, but what struck me most was an anecdote about the launching of the aircraft carrier *Yorktown* in January 1943. As the main speaker was giving his address, the *Yorktown* apparently decided she was ready to be launched. Suddenly she began sliding down the ways. Mrs. Franklin D. Roosevelt, who was to christen the ship, reacted quickly. She dashed to the ship and just managed to smash the wine over the hull before the ship got out of reach.

I mention this only to warn Mrs. Grainger of the precariousness of launchings, and also to let you know that I'm ready to be interrupted at any moment if the USS *Bates* decides to get underway herself.

This ship is a nuclear attack submarine of the Sturgeon class—the class which Defense Secretary Melvin Laird said "are symbols of what this country can do and must do to meet the challenges of a Soviet underwater force which is more than twice the size of our own." The mission of this ship in wartime is to seek out and destroy enemy submarines.

But for me to dwell at length on the various characteristics of this ship would be simply another case of bringing coals to Newcastle.

For the officials and personnel of the Navy here today, ships such as this one represent a major part of what your professional lives are all about. That is no less true for the Ingalls Nuclear Shipbuilding division of Litton Industries which has built or converted 200 Navy vessels the yast 32 years—including nine nuclear submarines with more on the way.

Certainly I cannot tell you about your business. But I can tell you something about the man whose name this ship will have the honor of bearing.

Admiral Long gave us the facts of Congressman Bates' life—the signposts along the road of his outstanding career which was cut short at its peak. But how do we capture the essence of a man who towered above his peers chiefly because he was the embodiment of everything that is good in our society?

He was brave, yet gentle; knowledgeable, but not arrogant; hard working, but not self glorifying; firm, but not close minded. He was a true patriot, in the finest sense of that term before it was abused by right and left in the shrill rhetoric of this modern age. He dedicated his life, his talent and his energy to the attainment and preservation of peace. He fought for peace as strenuously as a naval officer and as ranking Republican on the Armed Services Committee as he did when seeking peaceful uses for the atom on the Joint Committee on Atomic Energy.

Hemingway once described true courage as "grace under pressure." No one could describe Bill Bates' manner better than that.

On the Armed Services Committee, he demonstrated such courage time and again while carrying the ball for the programs he knew this nation needed to provide for the security of its people. The Nuclear Navy, I might add, has never had a more dedicated or forceful patron in the halls of Congress than Bill Bates.

His speeches on the subject were marked by a force that came from knowledge, and a persistence that emanated from dedication.

While fighting for a nuclear Navy, he told the Congress in 1966:

"It seems to me the time has long since passed when we should have nuclear power for our surface ships. Let us not take two-thirds of a century again, as we did 100 years ago, in making a necessary transition. Let us cut the chains that bind our fighting ships to a pipeline."

Warning of the great strides of the Russian navy, he spoke out in 1968, when it was not very popular to do so, and told the Congress:

The Russian Navy "which was so insignificant in the early postwar period, is now second only to our own and is growing rapidly. Certainly one of our highly prized military attainments has been our nuclear submarine fleet, with our production capability for nuclear submarines only a small fraction of that which the Russians presently have."

His philosophy concerning our defense needs was summed up in a 1967 speech in which he said:

"I would . . . suggest that there is nothing more dangerous than idealism in a vacuum. Until sound agreements are reached, the peace we seek is but an illusion if we do not develop our military strength to see to it that we always have superior power."

Others in the Congress, before Bill Bates and since, have sounded the same clarion call and fought for the same programs. What made his efforts more telling was the sheer force of the man himself. With quiet dignity and with courtesy for friend and foe alike, he disarmed his opponents. Simply put, Bill Bates commanded respect. Shrill voices could be raised against him.

At his death in the summer of 1969—the same summer the keel of this great ship was laid—he was mourned by all his colleagues in the Congress. I have heard many congressmen deliver countless eulogies on the floor of the House of Representatives, but never have I heard every member rise and speak with such personal affection as they did for Bill Bates.

As I listened to one member after another, from both sides of the aisle, speak of this man, it dawned on me that each spoke of the very personal friendship they had forged with him. And that was the very special thing about him, he had used every opportunity to make friends with those who shared this life with him.

Mrs. Conte and I had always counted Bill and his wife Jean as our warmest friends in the Congress. The humanity of this man attracted us to him. When he died I learned how universal was his attraction.

He was a quiet but towering giant whose death left a lonesome place against the sky.

Shortly the USS *William H. Bates* will slide down the ways. In a year or so it will officially join the fleet. It will probably be known among sailors simply as "the *Bates*." And I can foresee someday one sailor asking another, "what's the *Bates* named after?" The other fellow might reply, "Oh, some congressman."

I have taken this time today to speak personally about Bill Bates in the hope that when that question is asked about what this ship is named after, someone will remember and say, "This ship is named after one of the greatest congressmen, and surely one of the finest men, God ever put on this earth."

We cannot launch a ship bearing Bill Bates' name without saying what he would want us to say. That is that this ship will play a vital role in the crucial effort to preserve our nation's right to freely use the high seas and protect against that right being taken from us.

There may well have been no time in our long and proud history when the need to stress the importance of seapower was as pressing as it is today.

At the end of World War II, the United States Navy was supreme on the seas. The Axis fleets had been destroyed, the Allied navies were severely reduced through wartime attrition and post war economics. The Soviets had no modern forces capable of sustained operations at sea. In recent years, however, a new and formidable challenge has risen to contest our supremacy on the high seas. The Russian bear has developed a taste for the salt water.

The progress the Soviets have made in modernizing and expanding their navy has been astounding in recent years. A good example can be shown in the case of submarines.

According to the latest unclassified data quoted by Admiral Rickover last month:

"The Soviets now have a total of about 340 submarines, all built since World War II. About 100 of these are nuclear powered. The total United States force is 137 submarines, 95 of which are nuclear powered, the remainder diesel powered. Most of our diesel units were built during World War II."

It is essential that we do much more than merely sit back and count the Russian fleet growing.

I realize it would be easy for a politician to come down here, to a setting such as this, and speak for a strong defense program, then return to Washington and do the opposite. I want you to know that this not the way I operate.

I have never hesitated to oppose policies of our government with which I have disagreed—but I have stressed over and over again to groups who would only be happy with a complete dismantling of our defense structure, that I have neither time nor sympathy for such endeavors.

Too many people, I fear, correlate opposition to one policy—specifically the Vietnam War—with opposition to the Armed Forces in general. I reject this as I know most of my colleagues in the Congress do.

It is true that there is a new climate on Capitol Hill, as there is throughout our country. But I do not believe that new climate dictates against a strong defense posture. There has been, and will continue to be, more scrutiny of all proposals—military and otherwise.

The men who run our Armed Forces will be harder put than ever before to fully justify every request for every project. The glamorous new weapons system with 57 varieties—only five of which are needed—may not make it. But for the legitimate defense needs of this country, we can spare no cost. They must and will be met.

This government has set a new course in international relations. It is marked by a willingness, even an eagerness, to negotiate. The Paris Peace Talks, the Strategic Arms Limitation Talks, the President's planned trips to mainland China and to Moscow, and other initiatives, are the outward manifestations of this new course.

The motivation is the deep desire for peace and the understanding that this desire must be pursued with our adversaries.

But we must never forget that the basis for this new course is strength. Powerful nations have precious little reason to negotiate, to give and take, with countries ill-equipped to defend themselves.

Congressman Bates knew and understood that lesson. He did not deal in the newly-fashionable rhetoric of peace, only in the reality of peace. And no one sought peace with freedom more faithfully and effectively than he did.

By launchnig this ship today, we are telling all the nations of the world once again that we intend to stay a great nation; that we are prepared to protect our rights and interests on the high seas and our security at home.

And by christening her the *USS William H. Bates*, we are continuing the long Navy tradition of using this means to honor excellence.

As was noted, this ship has no prior namesakes. There is no tradition of gallantry and service to be handed down from aother ship.

But gallantry and service were the hallmarks of Congressman Bates. This ship starts with a tradition not inherited from other ships, but inherited from a man. To me, no ship in the fleet bears a prouder name.

To those who built her, I say "well done." To those who will sail her, I say "good luck and godspeed."

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mrs. HANSEN of Washington. Mr. Speaker, the realization of an American Revolution bicentennial commensurate with the material and social accomplishments our democratic system has provided is the concern and desire of all the Members of Congress. I would, therefore, like to share with them the following report I have received from the Chairman of the ARBC, Mr. Dave Mahoney, on the meeting of the Commission on December 10:

AMERICAN REVOLUTION
BICENTENNIAL COMMISSION,
Washington, D.C., December 16, 1971.

Hon. JULIA BUTLER HANSEN,
House of Representatives,
Washington, D.C.

DEAR MRS. HANSEN: The American Revolution Bicentennial Commission meeting in Washington, D.C., on December 10, 1971, was productive.

Five major resolutions were passed to accomplish the following:

The Mount Rushmore National Memorial was officially recognized as a National Bicentennial site; the City of Niagara Falls, New York, because of its impressive improvement program, was officially recognized as a Bicentennial City under the multi-city concept; and, the Denver Winter Olympics program was officially recognized as a part of the National Bicentennial observance. All three of these were awarded use of the official symbol.

The State of Iowa was encouraged to develop into an action plan its concept for a World Food Exposition with a theme title, "Food for Freedom", under a premise that the free exchange of food production information would promote world peace; and the State of Michigan was encouraged to develop into an action plan its concept for developing, as a Bicentennial project, solutions to the Urban Transportation problem. Both of these States were promised that the ARBC would give full and expeditious consideration to their action plans when received.

Another significant agenda item was a National Medical Association request that its proposed program for a multi-level attack on the Sickle Cell Anemia disease be recognized as a Bicentennial activity in the national program. The Commission was favorably disposed towards this request, but considered it should be more completely coordinated with other Government and private efforts in this area before final action was taken. It is expected that this will be accomplished prior to the next Commission meeting.

Mr. Vincent DeForest, Chairman of the Afro-American Bicentennial Corporation, made a presentation in which he explained the desire of his nonprofit organization to develop and implement projects for the Bicentennial which will express the desires and meet the needs of Black Americans in line with the principles and ideals of the American Revolution. His presentation was well received and he was assured that the Commission is in full accord with his desires and will look forward to working with him in an effort to achieve his goals and objectives.

Deputy Mayor Graham Watt of Washington, D.C., outlined plans for the Bicentennial observance in the Nation's Capital and the Commission discussed the ARBC role in Washington Bicentennial activities.

Encouraging progress reports by the Chairman of the Commission's Heritage, Open House, Horizons, and Communications Committees and their Advisory Panels rounded out the agenda.

It was a good meeting. A sense of movement prevailed and it was apparent that the dedication and enthusiasm of the Commission Members was reinforced by the positive and substantive actions which came out of the sessions.

We continue to be grateful for the support you have consistently given to our efforts and we are confident that the goals and objectives which have been set will be achieved.

Sincerely,

David J. Mahoney,
Chairman.

A SALUTE TO THE HONORABLE H. STEWART WARNER, "MAN OF THE YEAR" OF THE BOYS CLUB OF PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. ROE. Mr. Speaker, last week I had the privilege of participating in a testimonial dinner of the Boys Club of Paterson, N.J., honoring their "Man of the Year," the Honorable H. Stewart Warner, president of the Warner Woven Label Co., who is well known in our community for taking time from his busy corporation schedule to actively participate in the programing of many charitable organizations in our State and Nation. I respectfully seek this national recognition of Mr. Warner's good works and know that you will be pleased to join with me in this salute to his special attention and consideration of the youth of our country.

H. Stewart Warner is a native Patersonian, a graduate of Newark Academy and Dartmouth College, holding a master's degree from the Amos Tuck School of Business Administration, a graduate school of Dartmouth.

He is president of Warner Woven Label Co., Inc., a company started by his father in 1903. He is most active in civic and charitable organizations and church affairs, having been cochairman of the 1962 community chest drive, is past president of Greater Paterson Council of Churches, superintendent of Broadway Baptist Bible School, serves on the boards of Paterson YMCA, Salvation Army, Forward Paterson, New Jersey Baptist Convention, Eastern Baptist College, Eastern Baptist Seminary and a member of Paterson Rotary, the Hamilton Club and the Hackensack Golf Club.

Mr. Warner is married to the former Eleanor Cary and has two daughters, Patricia and Joan.

Our congressional district and the State of New Jersey is also especially indebted to the Boys Club of Paterson for the outstanding public service they have rendered over the past decade in seeking the highest standards of leadership and activity for our young people, providing not only an avenue of entertainment and communion among all of the boys in our area but, equally as important, building and expanding the personal character of those young men directly participating—all adding to the strengthening of the very fabric of our society.

The Paterson Boys Club was incorporated in 1961 and under the fine capable leadership of their president, the Honorable Frank Cundari, has expanded its operations from a firehouse to a new structure which was opened in November 1969 on 21st Avenue, Paterson, to accommodate 3,000 youngsters. Mr. Cundari has manifested a personal dedication and sincerity of purpose in helping our young people to build their character and physical stamina with his own youthful vigor inspiring their participation, sportsmanship and fair play—personifying the excellence of the youth of America.

Special commendation and plaudits are also extended to the Jaycees of the city of Paterson for their assistance in the Boys Club program and their innovative ideas as the founding fathers who, among many accomplishments, were responsible for establishing an advisory board comprised of representatives from the No. 62 Local of Business and Professional Men.

AIR POLLUTION TAX

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. WALDIE. Mr. Speaker, we are all aware of the growing seriousness of the air pollution problem in the Nation.

Just a few weeks ago the entire eastern seaboard was gripped by a massive pollution cloud that tainted the air, stopped the normal play of children in some communities, and contributed to possible respiratory ailments of millions of Americans.

Much attention has been focused by the Congress on the pollution engendered by the internal combustion engine. This is as it should be.

However, Mr. Speaker, we should not forget the contribution to air pollution given by emissions of sulfur oxides.

Accordingly, I am today introducing a bill which will impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides. I believe that this measure will encourage producers and manufacturers to give greater consideration to the problem of emissions.

The text of the bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulphur and on certain emissions of sulphur oxides

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) chapter 32 of the Internal Revenue Code of 1954 (relating to manufacturers excise taxes) is amended by inserting after subchapter A the following new subchapter:

"SUBCHAPTER B—SULPHUR CONTAINED IN FUEL

"Sec. 4111. Imposition of tax.
"Sec. 4112. Refund of tax.
"Sec. 4113. Regulations.

"Sec. 4111. Imposition of Tax

"(a) General Rule.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any fuel containing sulphur, a tax at a rate per pound of sulphur contained in such fuel determined under the following table:

"If sold—	*The rate per pound is—*
During 1972	5 cents
During 1973	10 cents
During 1974	15 cents
After 1974	20 cents

"(b) By Whom Payable.—The tax imposed by this section shall be paid by the manufacturer, producer, or importer.

"(c) Exemption of Sales to Manufacturers, etc.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section upon fuels sold to a manufacturer, producer, or importer for resale by him.

"Sec. 4112. Refund of Tax

"Any person who satisfies the Secretary or his delegate that—

"(1) the tax imposed by section 4111 has been paid with respect to the sulphur contained in any fuel and has not been refunded under this section, and

"(2) any part of such sulphur has been removed from such fuel,

shall receive a refund of the portion of the tax imposed by section 4111 which is attributable to the sulphur removed.

"Sec. 4113. Regulations.

"The Secretary or his delegate shall prescribe regulations to carry out this subchapter. Such regulations may include provision for a manner of evidencing the payment of tax with respect to the sulphur contained in fuel and for determining the amount of sulphur removed therefrom."

(2) The table of subchapters for such chapter 32 is amended by inserting after the item relating to subchapter A the following:

"Subchapter B. Sulphur contained in fuel."

(b) The amendments made by this section shall not apply to fuels sold by the manufacturer, producer, or importer before January 1, 1972.

Sec. 2. (a) (1) Chapter 36 of the Internal Revenue Code of 1954 (relating to certain excise taxes) is amended by adding at the end thereof the following:

"Subchapter F—Tax on Certain Emissions of Sulphur Oxides

"Sec. 4496. Imposition of tax.
"Sec. 4497. Definitions.
"Sec. 4498. Measurement of emissions.

"SEC. 4496. IMPOSITION OF TAX.

"(a) GENERAL RULE.—In the case of any taxable emission from a stationary source, there is hereby imposed a tax at a rate per pound of taxable emission determined under the following table:

"For amounts emitted—	*The rate per pound is—*
In 1972	2.5 cents.
In 1973	5.0 cents.
In 1974	7.5 cents.
After 1974	10.0 cents.

"(b) BY WHOM PAYABLE.—The tax imposed by this section shall be paid by the person who owns the stationary source.

"SEC. 4497. DEFINITIONS.

"For purposes of this subchapter:

"(1) TAXABLE EMISSION.—The term 'taxable emission' means the emission of sulphur oxides from a stationary source into the atmosphere, but in computing the amount of such emission there shall be excluded any emission which (under regulations of the Secretary or his delegate) is attributable to the combustion of fuel with respect to which tax was paid under section 4111 (and not refunded under section 4112).

"(2) STATIONARY SOURCE.—The term 'stationary source' means a stationary source (as defined in section 111(a)(3) of the Clean Air Act).

"(3) SULPHUR OXIDES.—The term 'sulphur oxides' shall have the same meaning as such term has for purposes of standards applicable to sulphur oxides prescribed under section 111 of the Clean Air Act.

"SEC. 4498. MEASUREMENT OF EMISSIONS.

"The amount of emissions, for purposes of this subchapter, shall be determined under regulations of the Administrator of the Environmental Protection Agency. Such regulations shall provide that emissions may be determined either on the basis of monitoring actual emissions or on the basis of an estimate made by such Agency of such emissions."

(2) The table of subchapters for such chapter 36 is amended by adding at the end thereof the following:

"SUBCHAPTER F. Tax on certain emissions of sulphur oxides."

(b) The amendments made by this section shall not apply to emissions before January 1, 1972.

A SALUTE TO AMERICA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. YOUNG of Florida. Mr. Speaker, at a time when revolutionaries tear down our Nation's flag with impunity and concepts like patriotism draw snears of derision, it is important to remind ourselves that these are the actions and attitudes of a very small minority of people. The vast majority of our citizens are hard-working, loyal and patriotic—builders and not destroyers, people who honor our flag and the Nation it symbolizes.

People like Jack Eckerd, a resident of my home district on the Suncoast of Florida, one of the Nation's leading businessmen and, above all, an outspoken patriot.

Mr. Eckerd and the drug chain that bears his name recently were featured on the cover of Drug Topics magazine in recognition of his patriotic action in displaying the American flag atop each of the 240 Eckerd stores located not only in Florida but also in Georgia, Texas, Louisiana, and Mississippi.

A modest man who shuns publicity about his many philanthropic activities, Mr. Eckerd is not a bit shy about how he feels about his homeland. Like many, he feels our flag is too seldom displayed, our national anthem too seldom sung, our virtues too often unrecognized—and he is doing something about it. His activities are an example and an inspiration for all of us.

SHOT IN THE ARM

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAGAN. Mr. Speaker, our space program is tremendously expensive. The facts are well known to all.

Critics of our spending on the moon shots and other space programs can always come up with suggestions where they think we could better spend the taxpayer's dollar. There are other pressing needs requiring vast sums, such as ecology, education, and health. No one wishes to pass over these needs without careful thought.

Even so, it seems that the results of our space program so far are highly rewarding. The world expects the United States to lead out in space exploration and in other areas. To do so is essential for us if we are to fulfill our destined place in world leadership. We have been thrust into a leadership position by the circumstances of our affluence, mainly because of the largess of God. To fail to measure up to our stewardship responsibilities would be unbecoming in any nation so blessed.

Not only are our accomplishments impressive to others who are expecting us to lead, but to ourselves whose morale as a great country needs constant nourishing.

The Savannah Morning News of November 20, 1971, in an editorial entitled "Shot in the Arm" has expressed so well our responsibility that I would like for it to be included in the RECORD. The editorial follows:

SHOT IN THE ARM

Perhaps one is supposed to feel a bit guilty about the flight of tiny Mariner 9. After all, that 13 billion doled out to the U.S. space program, according to the critics, could be better used by, say, Health, Education and Welfare—which annually squanders many times that amount with no such signs of similar success.

Swallowing our guilt feelings comes easy. There's rather a loud cheer instead. Mariner is yet another instrument to unlock the secrets of our solar system—an area which man will no doubt explore more fully in the 21st century, advancing our earth-locked civilization in the process.

Moreover, in the immediate present, such an effort does much for our morale. We need farsighted programs that actually show evidence of being a success. We need to prove once again to ourselves that America hasn't stagnated, that her tools haven't rusted, that her skills haven't lost their sharpness, that her strength has not gone to fat. Whatever scientific information is finally gathered from the Mariner voyage to Mars, at the moment we are more thankful for the boost in pride that it has given us.

JOSEPH C. WILSON—ONE OF THE GREAT INNOVATORS, INDUSTRIALISTS, AND HUMANITARIANS OF ALL TIME

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HORTON. Mr. Speaker, in 1968, Joseph C. Wilson, chairman of the board of the Xerox Corp., said:

> The social needs confronting us span man's wants and hopes. Businessmen have long prided themselves on their skill in solving problems, in creating efficiency, in willingness to accept risk, to experiment, to pioneer. If we refuse now to turn our attention to such universal problems as hunger, poverty, disease, illiteracy, war and pestilence, we may find we have forfeited our charter.

Joe Wilson, who died last month at the age of 61, exemplified this belief in the social responsibility of business.

He ranks with George Eastman, John D. Rockefeller, Commodore Vanderbilt, and Thomas Edison as one of the greatest innovators and industrialists of all time, for he was the prime force behind the development and application of the process of xerography and the tremendous growth of the Xerox Corp. His personal determination and efforts turned the small Haloid Co., a manufacturer of photographic paper, into a billion dollar photocopier industry.

Beyond his great business acumen, it was Joe Wilson, more than any other single man who has led the businesses of America toward assuming their rightful responsibility for solving human, social, and public problems.

In Rochester in my congressional district where Joe lived and where Xerox began and prospered, he helped to build a world renowned university; he led the difficult fight for equal opportunities for minorities, especially in the fields of jobs, housing, and minority enterprise; he successfully directed the community chest drive for many years, and he worked behind the scenes for an exciting new city proposed to be built east of Rochester.

He stepped down from the presidency of Xerox 3 years ago to assume the role of chairman of the board so that he could devote more time to community and national activities, especially in the health and welfare fields.

The list of his activities at the national level is long and varied. Among them, he served as chairman of the Arden House Conference on Public Welfare in 1967, a landmark meeting during which a group of top corporate executives from across the Nation decided that income maintenance rather than welfare grants, was a desirable goal. He was appointed by President Nixon only recently to serve as head of the President's Committee on Health Education. He was chairman of

Governor Rockefeller's steering committee on social problems. He was director of the Council for Financial Aid to Education, a member of the National Advisory Committee on Health Manpower, and past president of the United Nations Association of the United States.

Tributes from leaders and friends from across the Nation after Joe's death only point up further what he meant to this country. President Nixon said:

> Joseph C. Wilson exemplified, to an exceptional degree, the ideal of a business leader with a conscience.

Governor Rockefeller of New York said:

> Mr. Wilson was a warm and dear friend. He was one of the truly great businessmen and creative leaders of our time.

And Senator Jacob Javits of New York said:

> Providence has taken from us a magnificent American leader and a great person at the height of his powers, having already accomplished so much, and capable of so much more.

There are hundreds of incidents which underscore Joe's social concern.

It has been estimated, for example, that the Wilson family has donated more than $20 million to the University of Rochester, Joe's alma mater and one of his deepest interests. Much of this was earmarked not for buildings, but for people and for a wide variety of art and cultural activities. But Joe gave far more than money to the university. He served on the board of trustees since 1949, becoming chairman of the board 10 years later. He held that post for 9 years, then becoming honorary chairman. While chairman, he helped to develop the reputation of the university by attracting top faculty and expanding its research programs. He spoke across the country to corporations and foundations about the importance of strong universities.

In 1968, within 48 hours after the assasination of Martin Luther King, Joe called a special meeting of the board of directors of the community chest. He suggested that a special fund be set up in Dr. King's memory and said he would start it off with a gift of $250,000. As a result of his influence, more than $800,000 was raised. The fund was used as seed money for low-income housing.

Also in 1968, Joe helped to set up Fight-On, a black-owned and black operated factory with Xerox as a major customer. He helped to set up a formal training program for the unemployed and under-employed to encourage other companies to hire minority workers.

In addition to this social consciousness, Joe possessed the business acumen to withstand pressure and a wonderful sense of humor. A story appearing in the Rochester Times-Union on November 23, following Joe's death, Columnist Peter Taub related this incident:

> One of the hallmarks of Joe Wilson's career was his ability to overcome adversity, a talent that was severely tested some years ago when he addressed a group of Midwestern businessmen gathered for a demonstration of a new xerographic copying machine called Copyflo.
>
> It was on the stage beside Wilson, and after he had discussed the company's pride in developing the machine, he signaled an assistant to show how a copy was made.
>
> Inside the copier was a thick roll of paper on which the imprints were delivered. Copies were supposed to emerge one at a time, but when the machine began functioning, John Dessauer writes in his recently published "My Years With Xerox," paper poured out "endlessly, foot after foot, copy after copy—six feet, eight feet, ten, and still coming.
>
> "Attendants on the stage stared in horror. The demonstration was about to turn into a farcical failure. In a moment the audience would begin to laugh.
>
> "At that instant Joe whispered to an assistant beside him, 'Grab the ends of the paper! Back into the aisle with it—carry it back as far as it goes!'
>
> "The dazed man followed instructions. He held the long stream of paper as if it were a bridal train. As he backed into the aisle, the imperturbable Joe announced:
>
> "'We want you all to have a close look at the quality of the copies.'
>
> "Instantly what might have been a tragic farce was converted to a service for the audience. Men leaned toward the aisle to see, at close range, the copies on the long trailer of paper. Meanwhile another assistant had time to disconnect the copier's electric wires, and the paper ceased rolling."

Another of Joe Wilson's attributes was his warm and amicable manner, especially with Xerox employees. Many workers recalled him as "a friendly fellow" who often strolled through the plant calling workers by nickname and stopping to shake hands.

Mr. Speaker, I could go on and on. Friends and associates can recall incident after incident when Joe Wilson exhibited qualities of humaneness and kindness.

Over the years, I personally have seen countless instances in which Joe stepped forward to help people in trouble—offering funds where necessary, offering compassion or a friendly hand, and never with any thought of credit or recognition.

As a personal friend and as a representative of the people of the Rochester area, I grieve for the Wilson family, the Xerox family, for the Rochester community, and for the entire Nation. I believe that Joe Wilson will be remembered as one of the finest men in all American history.

Mr. Speaker, I would like to share with my colleagues several articles and editorials which have appeared about Joe Wilson. The first article by Jack Garner, appeared in the Rochester Times-Union, November 23. Titled "Joe Wilson Made Xerox A Giant, Bettered Community," it describes the incredible business success of the Xerox Corp., due primarily to Joe Wilson. A portion of the article follows:

> Mr. Wilson had been the leading force behind the incredible growth of Xerox since the beginning. His personal initiative and gamble converted the small Haloid Co., a manufacturer of photographic paper, into a billion-dollar industry.
>
> And he maintained throughout his career a commitment to social and community needs with widespread philanthropic activities, including intense support of the University of Rochester and the Community Chest.
>
> His generosity to the UR includes naming the university as beneficiary of a irrevocable trust upon the death of himself and his wife. The trust contains 90,000 shares of Xerox common stock, currently worth close to $9.6 million.
>
> Mr. Wilson was born in Rochester on Dec. 13, 1909, the son of Joseph R. Wilson. He was the grandson of Joseph C. Wilson, founder of Haloid and former mayor of Rochester.
>
> He attended Public Schools 7 and 16, and Madison Junior High School. He was graduated from West High School.
>
> He enrolled at the University of Rochester, where he was elected to Phi Beta Kappa and was graduated with honors in 1931.
>
> Mr. Wilson used to joke about one major frustration of his college days—his inability to become an athlete.
>
> He decided he could at least be manager of the football team. "I worked real hard as an apprentice under old Doc Fauver," Mr. Wilson said, "carried the water bucket and all that sort of thing.
>
> "Then Doc got it in his head that I needed actual athletic experience. So he made me go out for track. I became a hurdler . . . so to speak. Finally Doc decided I was ripe for combat. He let me enter a race. I promptly proceeded to knock down the first three hurdles and was disqualified.
>
> "That ended my athletic career," he said.
>
> Mr. Wilson was member of Delta Kappa Epsilon fraternity at UR. At a Deke fraternity dance he met Marie Curran, an attractive brunette, whom he married four years later.
>
> After graduation, Mr. Wilson entered Harvard Graduate School of Business Administration and was named as one of five students to the Harvard Business Review Board. He received a master's degree in 1933.
>
> CONSIDERED TEACHING
>
> He then joined his family's firm, but not until after a period when he flirted with the idea of teaching.
>
> For the next three years, Mr. Wilson worked in various departments of the company. Haloid had perfected Haloid Record, a superior photocopy paper which helped the firm survive the depression.
>
> He was named secretary of the company in 1936, a year after Haloid acquired controlling stock of the Rectigraph Company, the original manufacturer of photocopy machines.
>
> The acquisition created allied production of photocopy paper and the machines to use them, and Mr. Wilson soon organized a sales and service organization to expand the business.
>
> Mr. Wilson's father was named president of the company in 1938 and the younger Wilson became treasurer as well as secretary. He also became a member of the board of directors a year later.
>
> Mr. Wilson was elected vice president in 1944.
>
> In 1946, at the age of 36, he became president and general manager of the company.
>
> During the war, Haloid remained stable although profits were unspectacular, due to growing competition and a commitment to manfacturing defense needs.
>
> But about this period, Mr. Wilson was alerted to a new copying process which others were wary to support.
>
> The process was called xerography. It was invented by Chester F. Carlson.
>
> Mr. Wilson and his research director, Dr. John H. Dessauer, along with friend and attorney Sol Linowitz, went to Battelle Memorial Institute in Columbus, Ohio, where xerography was being studied. They were soon convinced of its possibilities.
>
> Frequent trips to Columbus soon followed and the young president took the risky step of sponsoring continued investigation. In 1948, he and Dr. Dessauer concluded a more extensive contract with Battelle, committing the Haloid company to the future of the new product.
>
> From 1946 to 1952, more money was allotted to xerographic research than was

earned by the company during the period. Modest profits didn't appear until 1953.

LINOWITZ REMINISCES

Linowitz talked last night about the famous industrial gamble.

He said he met Mr. Wilson at the City Club. "He asked me to help work on the programs, and we found we had many similar interests. We found ourselves in a personal friendship.

"One day he asked me if I would be willing, as a one-shot affair as he put it, to go with him to Columbus, where Batelle had a process Haliod wanted to look at. He thought I might help in a legal agreement."

Linowitz said they started negotiations and eventually acquired the rights for the process.

"In the early years, it was a very chintzy, unsure process. Many hundreds of thousands of dollars had to be spent before it could work. And it was Joe who kept behind it. This was a tremendous gamble, because the results coming out of the lab at that point were not very promising."

"Without that kind of stubborn commitment, there would be no xerography or Xerox. Joe was responsible for it all happening," Linowitz said.

In 1947, Haloid was a local firm with $7 million in sales and $138,000 in net profits. In 1970, Xerox had sales of $1.7 billion and a net profit of $187 million.

In 1956, Haloid purchased exclusive rights to the copying process and in 1958 the firm became Haloid Xerox, Inc.

The company was renamed Xerox Corporation in 1960 and under Mr. Wilson's direction, the firm expanded geographically and in its areas of interest.

Mr. Wilson announced his plans to retire as chief executive officer of Xerox on May 16, 1968, and turned over the leadership to C. Peter McColough. Mr. Wilson continued as chairman of the board.

Mr. Wilson was a man of medium height, tan face and husky voice. He never moved to Stamford, Conn., when the corporate headquarters for the corporation were moved there.

He preferred to stay in Rochester, where he continued forking out of a spacious 29th-floor office in the Xerox Tower downtown.

Mr. Wilson could sometimes be found chewing on a peanut butter sandwich behind his large mahogany desk.

Mr. Wilson resided with his wife at 1550 Clover St. a few paces from Elmwood Avenue. The 16-room house is more than 100 years old and formerly housed the Clover Street Seminary and later St. Mark's School for Boys.

The Wilsons reared six children in the Brighton home.

GET INVOLVED

In 1967, Mr. Wilson discussed community involvement before the Investment Analysts Society of Chicago. "The whole purpose of Xerox is to offer profitable innovations in fields to which we attribute social value and human need."

"We encourage Xerox people to involve themselves with issues of importance. We cannot, as individuals or as a corporation, isolate ourselves in a vacuum," he told the group.

Mr. Wilson's largest community efforts were aimed at expansion and improvement of his alma mater, the UR. He served as a trustee for the university since 1949 and was board chairman since 1959. In 1967, he became honorary chairman.

Mr. Wilson was a trustee of the Committee for Economic Development, the Alfred P. Sloan Foundation and the Rochester Savings Bank.

He was a fellow of the American Academy of Arts and Sciences and a founding member of the Business Committee for the Arts.

He was a director of Rank Xerox Limited, London; the Rank Organisation Limited, London; Fuji Xerox Co., Ltd., Tokyo; Lincoln First Group, Inc., the George Eastman House and McCurdy and Company, Rochester Gas and Electric Corporation; The R. T. French Company, and the Council for Financial Aid to Education. He was a member of the board of directors of the Community Chest of Rochester and Monroe County, Inc., since 1950, of its executive committee since the following year, and its president 1967 and 1968.

Mr. Wilson was a member of the Genesee Valley Club, Rochester; the County Club of Rochester; the Rochester Club, the University Club of Rochester; the University Club of New York; Metropolitan Club of Washington, D.C.; Lyford Cay Club of Nassau; the Lake Placid (N.Y.) Club; the Gulf Stream Golf Club, and Gulf Stream Bath Club, Delray Beach, Fla.

In June 1970, Harvard Business School honored Mr. Wilson with its alumni achievement award. Earlier that month Notre Dame University gave him an honorary Doctor of Laws degree, citing him as a tough-minded risk-taker with social conscience and cultural awareness, a man who revolutionized the communications industry.

He was the recipient of the Rochester Rotary Award in 1956 for "outstanding contributions to the intellectual, cultural, industrial and civic life of the community."

In 1964 he was awarded an honorary degree of Doctor of Humane Letters by LeMoyne College; in 1965, a Doctor of Laws at St. John Fisher College; in 1967, a Doctor of Humane Letters from Boston University, a Doctor of Laws from Harvard University and a Doctor of Humanics from Springfield (Mass.) College.

An editorial in the November 23 Times-Union is a fitting tribute to Joe Wilson:

JOSEPH C. WILSON: A GREAT ROCHESTERIAN

No Rochesterian since George Eastman matched the impact for good that Joseph Chamberlain Wilson had on his community and state and country.

His unexpected death at 61 is a deep shock and loss to all who knew him, to the thousands upon thousands who benefited from his amazingly productive life.

Joseph Wilson had the qualities of greatness—courage, vision, leadership, humanity, eloquence, energy, dedication, inspiration.

The story of his daring development of xerography is well known but ever fascinating. It transformed the little Haloid Company into the giant and ever-expanding Xerox Corporation, was a major factor in Rochester's postwar boom, and made wealthy men and women of those bold enough to follow his lead.

But for Joseph Wilson, business success and fortune were simply means to achieving broader humanitarian goals.

He constantly reminded Xerox employes and shareholders of the social responsibilities of business and backed up his words, despite some criticism, with corporate and personal contributions. He saw to it that Xerox pioneered in employing and otherwise assisting blacks struggling for business success.

Mr. Wilson strengthened the University of Rochester and all of education immensely. His favorite message to the many scientific people with whom he associated was their obligation to harness technology to serve mankind's welfare.

Joseph Wilson loved his native Rochester and New York State, and he channeled much of his philanthropy—both known and unrecorded—to their benefit. He made Xerox Square a distinguished Rochester landmark and resisted as much as possible the lure of other areas, both personally and corporately.

Perhaps the greatest of Mr. Wilson's contributions was his own deep involvement in public affairs. He grappled with the sternest of community challenges. He had the ability to inspire the best energy and thinking of those who worked with him in volunteer enterprises, and to cut to the core of problems, with incisive questions. He was disappointed when others failed to share his zeal to assist those who suffered from poverty, ill-health, discrimination, bad housing or insufficient education.

Joseph Wilson took advantage of his retirement from active leadership of Xerox Corp. to strengthen his active participation in planning for Community Chest change, better health education and other progressive movements.

He walked with the lowly as comfortably as with the mighty; he loved both humanity and humans. He was humble and vibrant and confident and scholarly and witty and optimistic and ever questing for new solutions to old problems.

A favorite quotation Mr. Wilson drew from a seemingly endless supply was by John Gardner:

"Leaders have a significant role in creating the state of mind that is in society. They can express the values that hold the society together.

"Most important, they can conceive and articulate that which lifts people out of their petty preoccupations, carrying them above the conflicts that tear a society apart and uniting them in a pure set of objectives worthy of their best efforts."

No man fitted that definition of leadership better than Joseph C. Wilson.

The following article appeared in a memorial issue of Xerox World, a publication of the Xerox Corp., on November 24. It recounts the ways in which employees who worked for Joe Wilson remember him:

WHAT HIS WORKERS THOUGHT: "YOU JUST CAN'T TOP JOE WILSON"

"It didn't matter how dirty your hands were when Joe came by, he'd stop and shake hands and pass the time of day."

That's how Gerald Miller remembers Mr. Wilson from those early days at the "paper plant," and even before that at Haloid Street.

"He used to come to all our parties and have as good a time as the rest of us. Many are the times I danced and roller skated with his wife."

Henry Rust, lathe operator in Building 218, remembers Mr. Wilson as "just one of the gang" at the paper plant. "He bowled in our plant league over there. He was just learning the game but we all pitched in and gave him a few pointers."

"Joe was almost like a father to us," said Paul Fromm, general foreman of slitting at Rectigraph, and 32 years with the company. "He not only knew us all by our first names, but also by our nicknames. I started out as a crock washer—the lowest you can get. But he made it a point to know what my job was all about too. There's so much about Joe that I can't really express it."

Perhaps the one employee who knew Mr. Wilson best was Alphonse Knoebel, who served as butler during the first couple of years of Mr. Wilson's marriage. Knoebel's wife was the family maid, "but they treated us just like members of the family. When my wife and I were expecting our child, Joe got me a job with the company—'You can make more money there,' he said. You just can't top Joe Wilson."

"When my husband died in 1955, Joe took the time and effort to come to the funeral parlor," said Jean Fulford, 29 years at Rectigraph. "I don't think too many people in his position would have done that. It sure meant a lot to me. He was always so considerate."

George Magee is a working supervisor in Rectigraph's coating department. He's been with the company 36 years. "I was always 'Fibber' to Joe Wilson just like everybody else—you know—Fibber Magee. That shows you what a regular guy he was. And he never forget any of the old timers' names. When he would bring Mr. McColough over, he'd introduce him to us as Pete. 'It's not Mr. McColough—it's Pete,' he'd say. What can you say about Joe Wilson that hasn't already been said . . ."

The New York Times, in an editorial on November 23, said that Joe Wilson gave the phrase "corporate citizenship" new meaning. I would like to share this editorial with my colleagues:

JOSEPH C. WILSON

As much as any other businessman in this turbulent era, Joseph C. Wilson helped expand the concept of a corporate balance sheet to include social costs and civic responsibilities. Chairman of the Board of Xerox, he was an intensely compassionate civic leader deeply interested in such areas of public policy as welfare and health care.

Mr. Wilson served as chairman of the Arden House Conference on Public Welfare in 1967, a landmark meeting at which a group of top corporate executives from across the nation decided that income maintenance, rather than the welfare dole, was a desirable goal, propelling this social scientists' dream into the forefront of active, political consideration. He was also chairman of Governor Rockefeller's Steering Committee on Social Problems. President Nixon appointed him only a few weeks ago to head a President's Committee on Health Education, an area of need into which he was probing yesterday while at lunch with the Governor when he suffered his fatal attack.

Mr. Wilson gave the phrase of "corporate citizenship" new meaning and it is a measure of his full useful life that he will be missed not only by the business community in which his company became a giant, but also by the larger community where his compassion and service will continue to be felt.

COURT RULINGS ON ILLEGAL ALIENS THREATEN ECONOMIC CRISIS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. McDONALD of Michigan. Mr. Speaker, when we consider that more than 200 million people come into the United States annually at ports of entry along the Canadian and Mexican borders, recent court rulings rewarding fraudulent entry conceivably could destroy the immigration process. Such an occurrence would confront the Nation with an economic crisis that would make our present woes seem comparatively mild.

The immigrants we want, who patiently await a quota number and have something to contribute to our way of life, could be frozen out if we were to halt all immigration.

Immigration officials on our borders are faced today with an incredibly tough job. They do not have the manpower to do more than give a quick look at a person's papers.

Some 90 million come in with birth certificates, baptismal certificates, and naturalization papers as proof of citizenship. Some are admitted with oral statements. The growing traffic in false, forged, and altered documents adds to the inspection burden. Millions of others enter as nonimmigrants and are given a Non-Resident Alien Border Crossing Card—Form I-186. Nonimmigrants are not permitted to work.

Recent decisions of the Ninth U.S. Circuit Court of Appeals have created a hydra-headed legal monster.

First. The alien who faslely swears he is a citizen can remain in the country if he establishes a family relationship long enough to gain permanent residence.

Second. The alien who enters as a nonimmigrant with the preconceived intent to work or remain for a longer period than admitted or even permanently is similarly protected from deportation if a legal family relationship is established long enough to gain permanent residence.

As one immigration official has noted, preconceived intent "is a state of mind." He asks how the Immigration Service can defend against or refute "a subsequent assertion by a nonimmigrant" that he intended all along to remain. The inspection may have occurred months before and even if the inspector can be found, it is unlikely he will be able to recall a particular incident.

Given such circumstances, it is not hard to see the trouble that lies ahead in trying to oust from this country aliens who stream across our borders as visitors, then take advantage of the court's interpretation of the law to acquire family status and circumvent the immigration process.

PROJECT HOME FOR THE HOLIDAYS

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. TERRY. Mr. Speaker, the holiday season which we are currently entering is supposed to be a time when the ideals of peace, goodwill, and brotherhood reach into the hearts of every American. In recent years, there has been much talk about commercialism and the lack of true Christmas spirit.

In Onondaga County, a major portion of which is in my congressional district, a group of truly public-spirited citizens have completed a home for the holidays program for our servicemen in Vietnam.

Starting absolutely from scratch, Nancy Singer, chairman of the committee, raised over $27,000 for the project. It was a magnificent demonstration of generosity on the part of the citizens of Onondaga County.

Door-to-door teams were sent out, and they raised a large portion of the contributions through individual demonstrations of support for the program.

Local and State government leaders threw their support wholeheartedly behind the project by declaring a "Home for the Holidays" week and offering whatever assistance they could.

I was contacted to provide liaison with the Department of Defense, but after the initial contact, this volunteer organization carried the ball completely by themselves.

Royal O'Day served as treasurer of the organization, and countless individuals in virtually every community in the county organized door-to-door operations for the purpose of collecting the funds.

Through the generosity of the citizenry and many service clubs in Onondaga County, 39 servicemen will arrive at Hancock Airport in Syracuse on December 22.

There are few things which can warm the hearts of people more than a public-spirited generation of goodwill. Surely, Nancy Singer and her volunteers, with the cooperation of the local press and broadcast media, have made Christmas 1971 a time of goodwill for many families in Onondaga County. All of those who participated in the program under Nancy Singer's leadership are to be congratulated for their outstanding efforts.

THE PANAMA CANAL—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on the Panama Canal. I insert my report in the RECORD at this point.

RARICK REPORTS TO HIS PEOPLE ON THE PANAMA CANAL

In several previous reports this year, I stressed the importance of this country maintaining a strong military posture second to that of no other country. Our self-preservation as a nation must be our first order of business. For if we lose our great country and our constitutional Republic, all of our efforts to insure domestic tranquility, promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity will go for naught. America must be strong enough to keep enemy nations, such as Soviet Russia and Red China, from taking away our property and lives.

Of vital importance to the defense of the U.S. is our sovereignty over the Panama Canal. Incredible as it may seem, negotiators for the Nixon Administration are trying to work out a new set of treaties which might well cede sovereignty over the Canal Zone to Panama.

So, I thought we'd talk today about the Panama Canal.

The Panama Canal is at the strategic maritime crossroads of the Western Hemisphere and is of great importance for interoceanic commerce in peacetime and the security of the U.S. in time of war. Under no circumstances should we allow it to come under the control of any other nation or of any international agency such as the United Nations Organization.

The demands by Panamanian officials for complete sovereignty by Panama over the Canal Zone are unreasonable and without legal justification. Three treaties form the legal basis for U.S. sovereignty over the Panama Canal and the Canal Zone. The Hay-Pauncefote Treaty of 1901 with Great Britain acknowledged the sole right of the United States to build the canal.

The Hay-Bunau-Varilla Treaty with Panama of 1903 granted to the United States in perpetuity "the use, occupation and control" of the Canal Zone territory for the "construction, maintenance, operation, sanitation, and protection" of the Panama Canal with full "sovereign rights, power and authority" within the Zone to the "entire exclusion of the exercise by the Republic of Panama of any sovereign rights, power or authority." This treaty not only binds the United States in perpetuity to maintain, operate, and defend the Panama Canal, but also binds Panama to recognize the validity of the treaty.

Also the United States was given "all rights, power, and authority" over a strip of land five miles on each side of the Canal extending the approximate fifty mile length of the Canal.

The third treaty legalizing America's sovereignty over the Panama Canal is the Thomson-Urrutia Treaty of 1922 whereby Colombia recognized ownership of the Canal as "vested entirely and absolutely in the United States of America."

These three treaties to protect America's interests were hammered out by wise and realistic negotiators. The main concern of those presently bargaining with the Panamanians seems to be placating America's anemy. Our early negotiators realized that Panama was a politically unstable country plagued with recurrent revolutions. So, they insisted that U.S. sovereignty over the Canal Zone and over operation of the Canal be granted in perpetuity. In perpetuity means forever. And the U.S. taxpayers paid for the Canal just like any other federal property. Like Louisiana or Alaska.

Panama exists as an independent country solely because of the Panama Canal. Until November 3, 1903, it was part of Colombia. If there is to be any turning back of the clock of history, which most thoughtful Americans oppose, the Canal Zone should be returned to Colombia, which country in 1914 recognized the title to the Panama Canal and Railroads as "vested entirely and absolutely in the United States, without any encumberances or indemnities whatsoever."

The United States bought all the rights, powers, and authority of sovereignty over the Canal Zone from Panama, which country was the successor to Colombia as the sovereign of the Isthmus, and purchased all privately owned land and property in the zone from individual property owners. It would be just about as sensible for Mexico to demand the return of the Gadsden Purchase or Soviet Russia to demand the return of Alaska as for Panama to persist in its unreasonable demands for cession of the Canal Zone.

The Panama Canal was built between 1904 and 1914. I know there are some elderly citizens in their 80's or 90's in the Sixth District who helped construct the Canal. It cost the United States $340 million and the lives of about 4,000 citizens, most of them dying from yellow fever.

So legally by treaty and rightfully by outright purchase of the land and through the labor and lives of American citizens in building the Panama Canal, the Canal belongs to the United States.

Obtaining control of the two major international waterways of the world—the Suez Canal and the Panama Canal—has long been the goal of the Communists.

Following the nationalization of the Suez Canal by Egypt in 1956, Russia began to increase its prominence in the Mediterranean. Today the Russian Naval presence—total annual ship days in the area—in both the Mediterranean Sea and the Indian Ocean surpasses that of our Sixth Fleet.

The Soviets have been expanding their navy at such a rate that their Russian navy now exceeds the U.S. navy in number of submarines and at the present rate of expansion will overtake us in a few years. The Soviet merchant marine has also surpassed ours in number, tonnage and modernity of ships.

And there are indications that the Russian's plans include making the Caribbean into a Soviet lake as they have done the Mediterranean Sea and the Indian Ocean. Only two months ago, Kosygin at the end of his visit to Cuba, issued with Castro a joint communique that the U.S. illegally occupied our naval base at Guantanamo Bay. There is also evidence that a goal of Russian naval planners is to deprive the United States of our sovereignty and control over the Panama Canal.

The Soviets already have an agreement with Egypt over the Suez; and now with General Torrijos as their comrade in Panama and Castro in Cuba, it appears that the Russians have designs on the Panama Canal.

It is becoming increasingly more apparent that the Soviet plan for achieving control of the Panama Canal, as was the case regarding the Suez Canal, includes establishing a government friendly to the Soviets, providing economic and military assistance, the use of worldwide hostile propaganda against Western powers, training military and guerrilla forces, and use of terror.

Many of you perhaps remember the flag incident in 1960 when the Panamanian flag was displayed and the situation in 1964 when Communist-led mobs assaulted our soldiers. This attack was designed to force the United States to renegotiate the 1903 treaty. Following the advice of "soft on Communism" State Department advisors, President Johnson agreed to negotiations. When the American people learned about the text of the new treaties, the clamor in opposition was so strong that the treaties were never signed.

In 1968, General Torrijos seized control of the government of Panama by a military coup and has appointed communists as his top advisors. Castro has supplied Cuban guerrilla teams to train natives in sabotage and guerrilla warfare in the area adjoining the Canal. Russian technicians have been arriving in Panama apparently to train Panamanians in operating the Canal just as they trained Egyptians to operate the Suez Canal.

The controlled Panamanian newspapers have launched a propaganda barrage against what they call "the capitalist running dogs of the imperialist U.S." and are demanding immediate return of the Canal to Panama. Panama's Foreign Minister, Juan Tack has publicly stated his government would not tolerate continued U.S. control of the Canal.

And should the United States refuse to turn over the Canal to the Panamanian dictator, Panamanian mobs will be instigated to provoke another communist-led attack similar to that of 1964.

And should the Panamanian dictator fail to achieve his goal by diplomatic and propaganda efforts, it is likely that an attempt will be made to take the Canal Zone by military force or to render the canal inoperative through sabotage by guerrilla fighters. And providing encouragement to those who would undertake such a military attack is a statement appearing in a Panamanian newspaper of July 23 and reportedly made by a State Department official that the time of U.S. military intervention in other countries had past and that the U.S. would not intervene even if the communists cut off Venezuelan oil shipments or attempted to take over Panama.

Diplomatic efforts are being made at the present time by the government of General Torrijos to persuade the U.S. to give up sovereignty over the Canal Zone to Panama. Negotiations began in June of this year for a new treaty to replace the 1903 treaty which granted the U.S. control of the Canal in perpetuity as well as holding the U.S. responsible for the defense of the Canal.

State Department negotiators have reportedly said that they expect the treaties to be signed and ratified by the Senate by the end of this year. Latest reports are that it is expected to be submitted to the Senate Foreign Relations Committee in January.

A factor which the State Department negotiators have apparently overlooked is that the President and State Department cannot surrender by treaty or otherwise its control over the Canal Zone and canal to any other sovereign government or to any international agency, including the U.N., without specific authority from the Congress, which includes the House as well as the Senate.

The framers of our Federal Constitution were men of rare wisdom and vision. They foresaw the need for a provision in the great instrument to prevent the Executive from disposing of any territory or other property of the United States by pretext of a treaty except with the approval of both the Senate and the House. Accordingly, that was included in article IV, section 3, clause 2 of the Constitution as follows:

"The Congress shall have Power to dispose of . . . the Territory or other Property belonging to the United States."

As far as the record shows, the current negotiations for the proposed Panama Canal treaties have never referred to this constitutional requirement and have acted with complete duplicity and insincerity by ignoring our Constitution and apparently never bringing it to the attention of the Panamanian negotiators. Whatever the Senate may do as regards the projected surrender at Panama, the House has thus far been adamant and will likely so remain. Yet our negotiators have gone merrily along ignoring the vital constitutional provision with Chief Negotiator Robert B. Anderson and his associates evidently trying to sweep the proposed giveaway of the Canal Zone under the diplomatic rug.

The State Department claims that U.S. control and defense of the Canal are non-negotiable while Panama insists on the end of U.S. sovereignty over the Canal Zone. Also, the rights to expand the existing canal or to build a new sea-level canal are essential to U.S. agreement to a new treaty.

The map you are looking at shows the route of the present canal and the site of the proposed sea level canal 10 miles to the West of the existing canal. Besides taking 14 years to build and costing $2.8 billion according to present estimates, a sea-level canal would involve ecological problems. Marine biologists are concerned that unlike the present lock canal, a sea-level canal would permit access to the Pacific of a number of stronger Western Atlantic species of fish, resulting in the extinction of many Pacific species. Conversely, the Caribbean Sea and Atlantic would be opened to the poisonous sea snake and the crowd of thorn starfish, which presently plagues the Pacific. As you can see from the map of sea snake distribution, there are no snakes in the Atlantic.

What is the solution to the Panama Canal problem? First, we should let Panama and the world know that the Panama Canal and the Canal Zone legally and rightfully belong to the United States and that any change in our control or sovereignty over the canal is non-negotiable; secondly we should widen and modernize the present canal; and finally, we should strengthen the defenses of the canal to be prepared to protect it in case of enemy attack.

It's high time we placed the security and welfare of America first. The Panama Canal is American and is as symbolic of our liberty as is the Statue of Liberty.

THE POSITION OF AGRICULTURE IN AMERICAN SOCIETY

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. ROY. Mr. Speaker, the role of agriculture in our society is often greatly misunderstood. We depend on the farmer for our very existence, yet we have become so used to his successful struggle against hunger that we often take him for granted.

Even less undertood are the roles of the hundreds of thousands of persons who work with the farmer and enable him to be the most efficient producer of food and fiber the world has ever known.

The role of our agricultural community will be even more important in the future, as we turn to those who know how to cooperate with nature for guidance in saving our environment.

For more than 100 years, our agricultural leaders have been trained by our land-grant colleges and universities. Men and women from these institutions have gone into education, research, industry, journalism, and into the backbone of agriculture, farming itself.

Because of their efforts, a single farmer today feeds himself and more than 40 other persons. That is five times the output of a farmer 50 years ago. More than any other factor, this increase in agricultural productivity, and the resultant release of millions of persons from the necessity of tilling the soil, is responsible for the tremendous advances made in this country since its inception.

The Resident Instruction Committee on Policy, Colleges of Agriculture, the National Association of State Universities and Land Grant Colleges, under the chairmanship of Dr. Carroll V. Hess, dean of the College of Agriculture at Kansas State University, recently published a brochure that eloquently sets forth the role and importance of agriculture in our society.

Mr. Speaker, I would like to include the text of this brochure in the Record at this point. Anyone who reads this will have a much better understanding of the debt we owe to our land-grant colleges and to our agricultural community in general.

I congratulate Dr. Hess for his role in producing this important publication. I hope that he and his colleagues are successful in attracting young people to all the many agricultural careers.

A prosperous, forward-looking agricultural community is essential to the continued prosperity of America as a whole, and land-grant colleges have a vital role to play in achieving this goal.

The article follows:

HELP RESTORE A QUALITY ENVIRONMENT

Looking for beauty, relevance, meaningfulness? You may find them where you'd least expect—in a curriculum in agriculture and natural resources. In such a curriculum, you deal with ideas and with living organisms—people, soils, and animals. You treat them kindly, handle them gently, work closely with them, see their beauty, learn their "languages," and begin to understand their relationship with you—and all people.

As you understand your interrelations with all living things on the earth you share in common, you begin to understand yourself. The idea that man "controls" nature is replaced with understanding of man's place in nature's world.

Thus, agriculture, because it is so closely associated with living things and natural resources, offers you an opportunity to make learning a personal, current experience that helps you appreciate and understand all the beauty about you.

Perhaps you have wondered who you really are, and why. Subconsciously you may seem to be outside the chain of events that comes from living things and interactions with them. Your search for self identification may be a subconscious search for harmony with living things that are part of you—as you are part of them.

The beauty and excitement of studying and working for harmony among living things (including people) is heightened as you realize that is the most promising approach for reversing land, water, and air pollution; attaining peace; and feeding and stabilizing human populations to harmonize with populations of other animals and plants.

Regardless of what agriculturally-related curriculum you enter (biology, entomology, horticulture, forestry, floriculture, soils, crops, ag education, animal sciences, poultry, sea life, conservation, or another one), you'll soon find professors who agree "that man has no right to consider the earth as his possession to despoil or befoul as he pleases." A few may even wonder with you if man is the most important organism in the ecological chain. Man's breaking the chain, as if he were exempt from the laws of nature, has caused the decline and fall of many cultures and countries. To repair such damage and to prevent it from happening in the future require an understanding of people and of how all organisms are related; how man is part of nature and nature is part of man. That, of course, is what ecology is all about.

The best way of study ecology, in general, is in a curriculum of your choice in agriculture. Ecology is not a discipline. It is the interrelatedness of disciplines. To learn about ecology, you study organisms—people, earth, air, and water. That most such studies are in agriculture seems to have been overlooked—especially by youth from cities.

Hunger, the greatest threat to peace and stable governments, is the primary problem of nearly half the earth's human population. Decreasing and stabilizing birth rates—while increasing food production, conserving water and soil, and withdrawing pollutants from air, water, and soil—is the Herculean task that will require the lifetime energy and talent of literally millions of persons now in high school or college.

Youth who have served in the Peace Corps, VISTA (Volunteers in Service to America), IVS (International Voluntary Services), or with other groups in a developing nation have found that knowledge of agriculture is most wanted and needed. Many (including youth) who have been in military, religious, government, or other services abroad, return to take courses in agriculture.

Creating harmony among all living organisms, including human beings, calls for much political, social, biological, and related knowledge, plus sensitivity, understanding of, appreciation for diversity among all the organisms, including human beings.

So, learning in an agricultural curriculum may become a personal, NOW experience—a feeling of close kinship and harmony with the beauty about you.

TO CREATE HARMONY, LEARN NATURE'S LAWS

Today the planet earth is the agricultural campus. Thousands of graduates of U.S. agricultural colleges hold administrative and scientific positions in this country and increasingly in nearly all non-Communist countries—through international programs or with international agribusiness or agri-industry companies.

In the United States, agribusinesses, agri-industries, banks, and state, city, and community-planning agencies hire consultants, technicians, and managers with agricultural degrees—to protect consumers' purchases of meat, poultry, and other foods; seed, and nursery stock; fertilizers, lime, pesticides, fungicides, and other chemicals—to protect the health of people and other animals; and—to establish grades of grain, meat, and other products.

Increasing awareness that ecological factors influence the quality of living is increasing the demand by state and local governments for persons with degrees in agriculture. Opportunities are similar to those offered by the U.S. Department of Agriculture, the largest employer of agricultural graduates.

SERVE MANKIND AS YOU SATISFY YOURSELF

Agricultural graduates, of course, abound in foreign agriculture—both in governmental and private organizations, like the Rockefeller and Ford Foundations. Three of the large employers—the Agency for International Development, the Food and Agriculture Organization of the United Nations, and the Peace Corps—have some 5,000 agriculturists in more than 100 countries.

Experience with the Peace Corps, IVS, or VISTA could lead to a life-time vocation in one of the agencies that help emerging nations develop their food supplies through agricultural research, education, and extension, and that help people apply technology to raise nutritional levels and other standards of living.

Opportunities are expanding for those who can teach agriculture or administer agricultural programs in developing countries.

FIND YOUR PLACE IN THE NEW AGRICULTURE

During the decade of the 1970s agricultural production on earth may be measured from infrared photographs taken from airplanes and from an orbiting agricultural satellite. That's a joint prediction of the National Aeronautics and Space Administration and the Agricultural Research Service of the U.S. Department of Agriculture. They are working together to refine techniques and equipment before they launch the earth-resources satellite.

Already remote sensing by infrared photographs is used to detect moisture and fertilizer deficiencies (when they first start) and to quickly spot certain insect and disease damage to crops.

Technology is constantly creating new careers in agriculture and environmental sciences. Some deal with food and beverage processing in cities (for those who prefer city life). Many deal with open space, wildlife, national parks, and various outdoor activities; such careers should appeal to you if you hope to avoid the monotony of crowded landscapes of asphalt and concrete, angularity, and predictability.

Thought a few "ag" graduates return to farms, many find vocations that take them to other open spaces.

IF YOU ARE TRAINED IN AGRICULTURE, YOU ARE NEEDED

If you try to ascertain all the opportunities for service and employment that a degree in agriculture might lead to, you tackle an impossible task. Many opportunities that will open to the under-20 generation are unknown or unimagined by the over-30 generation.

You can be certain of one thing, however:

education will enhance your life in diverse ways. The general knowledge you store while earning any college degree multiplies your ability to serve society. By opening many professional and service avenues closed to high school graduates, a college education also increases your freedom of vocational choice and of places to live and work. At the same time, it increases your chances for financial rewards.

The more knowledge you acquire, the more effective you will be—regardless of how you plan to spend your life.

As we work to improve our environment, opportunities for those with degrees in agriculture and related fields are certain to increase.

Needed around the earth are those with special skills in handling soil, water, forests, fisheries, wildlife, and all the natural resources.

FOOD AND IDEAS ARE MORE IMPORTANT AND MORE POWERFUL THAN MILITARY ARMS

U.S. agriculture shares prominently in complex miracles of the space age.

Agriculture is a skill and a profession deeply rooted in sciences—biological, physical, political, and social. More than 39,000 U.S. scientists (more than 15 percent of all U.S. scientists) work in life sciences and agriculture in this day of sophisticated research, of nucleonics, of automation, of atomic power, of electronic computers, of remote sensing, and of aerospace travel. Agricultural science is, in fact, an essential force in the dynamic advances of the 20th century.

Agriculture is a gigantic, vigorous, growing industry—stimulated to further growth by its myriad products and worldwide activity; $300 billion is invested in farms, equal to half the value of all corporate stocks on the New York Stock Exchange. Gross farm income exceeds $50 billion annually, up more than 300 percent since the 1920s. Assets of farm supply, processing, and distribution firms are $100 billion.

Each American farmer by 1970 was supplying food for himself and more than 40 other persons. That's five times the output of a farmer 50 years ago. To what can we attribute this amazing advance? To agricultural research, industrial development, college instruction, extension education, and wise management.

Yet agriculture reaches beyond farms, ranches, forests, gardens, and orchards. Although production is a basic segment, agriculture also includes suppliers of feed, fertilizer, chemicals, seeds, machinery, tools, buildings, petroleum products, electric service, legal services, management services, advertising, public relations, broker services, investment counseling, banking services, and other items and services necessary in modern farming. Such U.S. businesses employ six million persons.

An additional 10 million are required to fabricate, process, and transport food and fiber. The resulting products supply 200 million Americans with food, fiber, and lumber; the $6-billion-a-year surplus of those products ranks first in U.S. exports, and is a bountiful reserve for any national emergency.

In the struggle for peace and good will among people of all nations, food and ideas are more important and more powerful than arms.

Efficient agriculture has made the United States a world leader in food power. We have the proud heritage of a century of progress through research and development by colleges of agriculture.

BIGGEST BOOM IN AGRICULTURE'S HISTORY REQUIRED TO FEED EARTH'S PEOPLE

In the United States food is abundant, diversified, generally wholesome and safe, available all year, and relatively low priced.

Thanks to agricultural research, we have basic foods, plus vitamins, trace elements, such antibiotics as penicillin and streptomycin, dicoumarol for heart patients, and capsule foods for astronauts.

Agricultural research is used to develop recreational areas, to manage lawns and turf (including golf greens), in ornamental landscaping, and to control insects and plant diseases.

Medical science has teamed with agricultural sciences in studies of cancer, goiter, radiation from atomic fallout, tooth decay, arthritis, undulant fever, tuberculosis, coronary disease, scurvy, anemia, and muscular dystrophy. Agricultural scientists George W. Beadle and Selman A. Waksman won Nobel prizes in medicine. Norman E. Borlaug's Nobel prize for peace recognized a breakthrough in crop yields, which add to hopes for peace around the earth.

Agriculture (united with science, technology, and business) undergirds America's well being. It offers challenging opportunities here and in developing countries.

Where are there more rewarding careers? Where can an individual make a greater contribution to the health, welfare, and well being of his fellow man?

The biggest boom in history is predicted for agriculture and related businesses because all nations now are attempting to provide nutritionally adequate diets for all people.

The horizon never was more golden than now for youth with degrees in agriculture. Should man establish himself on another planet, agricultural research will contribute to his food, health, clothing, and shelter there.

A choice of many exciting opportunities and job careers awaits young men and women who earn degrees in agriculture.

CONDUCT RESEARCH TO IMPROVE THE QUALITY OF LIFE

Educational institutions, agribusinesses, and agri-industries in the United States need nearly 2,000 new scientists each year for positions in agricultural research and development. State agricultural experiment stations alone have 7,500 scientists doing research.

If in high school you enjoyed courses in chemistry, mathematics, biology, physics, economics, sociology, or associated sciences, consider a career ledaing to a professional vocation in an area related to agriculture.

Research in college experiment stations, and in federal, industrial, state, and private laboratories has made the United States farmer the most proficient on earth. Despite great progress, even greater breakthroughs will increase livestock and crop yields, improve manpower efficiency, raise living and health standards, and contribute to the earth's economy and the well being of all people.

Agricultural research embraces much: all crops, livestock, and soils; pest control, food preservation, nutrition; engineering, timber utilization, conservation of natural resources; management, marketing, social and economic problems; and today's newest sciences that deal with electronics, computer technology, spectrography, radiation, solar energy, radioactive isotopes, and even the secrets of life itself.

MANY AG GRADS GET JOBS HELPING OTHERS

More agricultural college graduates enter the educational field than return to farming. More than 2,000 jobs in education are filled annually by persons with degrees in agriculture. *Each year a few more women and many more men from cities are among the 2,000.*

In U.S. colleges where the life sciences and agriculture are taught, 19,500 professional and technical workers, besides 12,000 extension educators (a few in nearly every county), are employed. Add to that more than 11,000 high school agricultural instructors and the total exceeds 42,000 agricultural educators in the United States alone. And more and more of them (men and women) are being asked to serve in developing countries.

Because "jobs in agriculture" too often is interpreted to mean "farm laborers" (work now largely done by machines), persons who would enjoy spending a lifetime in agriculture—particularly in assisting developing nations—often are misguided into other areas and professions.

Colleges that offer degrees in agriculture seek instructors with talent in biology, economics, food technology, chemistry, engineering, sociology, communications, and marketing. College teaching provides great satisfaction in working with and guiding young minds, while also providing a good living. Aspiring to teach in college is realistic for youth who like people and want to specialize long enough to qualify.

The Cooperative Extension Service employs many young college graduates (immediately upon graduation)—to interpret and put to practical use what agricultural-research scientists find. Extension agents communicate latest methods and ideas to both rural and urban families. Farming, ranching, vegetable production, forestry, soil conservation, and orcharding are included. Other graduates work with 4-H Clubs, in the Peace Corps, in vocational and technical schools, or as research or teaching assistants while in graduate schools.

Administrators in industries and associations allied with farming contact agricultural colleges for potential instructors to train their employees. They want graduates who can "dream" constructively, have a scientist's curiosity, and can speak and write effectively. Skilled agriculturists are needed in business analysis, public relations, communications, processing, and marketing. Experience as an extension agent or vocational instructor can lead to attractive positions in business and industry.

Agriculture is as old as civilization and as new as space exploration. (Man's struggle against his environment for food to survive parallels man's history. The first man on the moon collected a "soil" sample.) For national and international progress, one generation must teach the next. In addition, the United States and other developed countries must provide teachers of teachers in developing nations, so that they may improve their agriculture to feed their people.

INDUSTRIES NEED YOUTH TRAINED IN AGRICULTURE

Industries allied with agriculture (including its manufacturing, processing, packaging, marketing, and supply segments) employ 32,000 professional and technical workers.

Does it take a college degree to sell fertilizers? Many such salesmen are college graduates. They know how plant nutrients interact with each other; how crop residues affect them; how they react in various soils, and how that reaction is influenced by sun and moisture; how remote sensing indicates nutrients needed, attacks by insects, need of moisture; how each crop and its yield affect nutrient requirements for the next crop; and how much nitrogen likely is needed to guarantee a given protein content of grain.

Similar knowledge is required to sell livestock and poultry feeds. Salesmen need to know what macro or micro nutrients each animal requires and how those nutrients vary for maintaining the body and for growing or producing; how they vary with rate of weight gain, eggs laid, or milk produced, or with temperature and humidity changes; and how each nutrient fits in least-cost rations determined by computers.

A degree in agriculture is not misused selling fertilizers (or livestock or poultry feeds). *Many executives, managers, and administrators of industries that serve agriculture, with salaries above $20,000, moved up by way of the salesman route.*

Agriculture has become so technical and competitive that nearly all operations, to be successful, require scientific management. As a result, firms handling agricultural commodities are requiring new employees to have degrees in agriculture. Likewise, manufacturers and processors of agricultural products require skilled technicians, salesmen, communicators, and executives.

Processing and packaging increase the market value of such commodites as milk, meat, eggs, bakery goods, butter, margarine, flour, and lumber, as well as canned, frozen, dehydrated, or dried fruits and vegetables. So the manufacturers and processors employ scientists, agricultural engineers, technologists, salesmen, communications and public relations men and women, engineers, and managers with college training in agriculture. Demands for them outnumber graduates. Salaries are attractive, with advancement often rapid.

NONFARM AG CAREERS ARE VARIED AND PLENTIFUL

Literally thousands of firms assemble, process, and market farm crops, livestock products, and timber. More than 40 percent of recent agricultural college graduates are employed by such firms. In fact, more persons are employed to transport, distribute, and market farm products than to produce them.

In addition, many are employed in business firms offering still other services essential to successful farming—such as banking, insurance, credit, land appraisal, and brokerage services. Others work for manufacturers of plant nutrients, feeds, foods, agricultural chemicals, and veterinary supplies.

Persons with degrees in agriculture are needed as buyers for packers and processors, in advertising and public relations, for market reporting, and as agricultural editors and writers.

Banks, insurance companies, cooperatives, food chains, electric companies, dairy-product distributors, feed processors, and meat packers are familiar examples of companies that hire persons with degrees in agriculture for important managerial or executive positions.

College students who have combined economics and business administration with agricultural science find several careers waiting when they graduate. Farm experience, while helpful, is not necessary. Race, sex, and ethnic origin are irrelevant. *Sensitivity, understanding, tolerance, and training in agriculture are most needed for careers abroad.*

In our dynamic society, farms will continue to decrease in number but increase in size, efficiency, and output. Agricultural colleges will continue to point the way through progressive agriculture and its allied industries.

Leaders of many countries, pledged to increase food and fiber production to meet the needs of their people, are urging United States agribusiness firms to help them. Already hundreds of United States citizens are serving as agricultural technicians in many of the developing countries.

PRODUCERS—THE BACKBONE OF AGRICULTURE

Production of food, fiber, oil, seeds, and forest products is basically the backbone of agricultural and agriculture-related industries. Primary producers are commercial, scientific farmers who are efficient, skilled, educated. Such farmers understand basic principles of automation, computer technology, power operations, breeding, nutrition, pest control, soil and crop management, irrigation, resource management and conservation, finance and marketing, and related subjects essential to their businesses. They follow closely the latest research findings of agricultural scientists. They consult extension specialists and agents. They read widely. *Many are college graduates.*

Those who successfully produce food and fiber are among the most useful citizens of the United States. Together, they produce enough to feed and clothe the nation abundantly and have a surplus to share with developing countries. Food and fiber producers control the destiny of many nations. Their importance is now recognized by leaders of all developing countries.

In years ahead they will become even more proficient and will produce more food and fiber for increased populations. Available land will diminish to meet growing requirements of cities, industries, highways, scenic areas, and recreation. Producing more food and fiber on less land will require skilled, educated operators and managers.

Specialized agriculture is becoming increasingly important. Examples include growing fruit and vegetables commercially; operating commercial woodlots; producing specialized dairy and poultry commodities; concentrating on livestock-feeding management; breeding purebred and crossbred livestock; producing seed and nursery stock. Some agriculturalists grow such specialty crops as sugar beets, cotton, rice, pecans, or peanuts; fruits and vegetables for canning and freezing; turf for lawns and golf courses; or greenhouse flowers and vegetables.

Successful operators of such units must be broadly educated in such fields as agronomy, biology, chemistry, genetics, pathology, entomology, nutrition, economics, and engineering.

FOR IMPACT, BE A PROFESSIONAL AG COMMUNICATOR

If you enjoy writing or public speaking and meeting people, a career in agricultural communications could be rewarding.

Your ideas may have wide influence, as a result of what you communicate in writing, by broadcasting, and through pictures. Information and its flow are important ecological elements; you can influence both. Additionally, "you can influence many by inoculating the influential," among whom you will associate.

Did you help edit your high school newspaper or yearbook or have parts in class plays or debates? If so, you have a background, and likely have aptitudes for communications. Combine such aptitudes with an agricultural science for a degree and pleasant work in agricultural communications.

Trade and business papers and magazines associated with agribusiness, agri-industries, or farming are looking for men and women with such broad education—as are radio and television stations, farm cooperatives, extension services, experiment stations, and both state and federal government agencies. Many women hold such jobs.

Salaries in agricultural communications are good and the work is inspiring—be it interviewing, photographing, writing, "creative dreaming," editing, appearing on radio or television, speaking to live audiences, or traveling to new territory for material.

The work is exciting and adventuresome, with continuing up-to-the-minute education. You may interview scientists, farmers, educators, industrialists, managers of business firms; attend conventions, field demonstrations, or legislative sessions; report on new research, scientific developments, or legislation; travel in your state or across the United States and to foreign lands—all in search of information to communicate by typewriter, voice, or cameras. Everywhere, and nearly every day, you meet fascinating people. And you are constantly learning more, so your competence and influence keep increasing.

Such positions require a broad agricultural education plus aptitude for writing, speaking, or photography—along with an inquiring mind and a desire to meet and to know people.

To prepare for such positions, you take courses in both communications and agricultural sciences—more in agricultural sciences than in communications. You need to know how to communicate but, more important, you need to know enough to ask intelligent questions and have something relevant to communicate.

Your career in agricultural communications may be as an editor or news writer for a college extension service or experiment station, the federal government, a state or city agency. Or it may be as farm director for TV and radio; or as public relations director, or editor, for a business handling farm commodities. Experience leads to such jobs as senior editor, advertising manager, public relations director, or executive or administrator in business, government, or an educational institution.

Because you must meet executives in your work, your competence seldom goes unrecognized or unrewarded.

YOU CAN HELP NATURE MANAGE HER RESOURCES

A lifetime career in agriculture could open new, challenging opportunities to you—in business, industry, research and development, education, communications, pollution abatement, resource development, economic development in foreign countries, conservation, recreation, or urban agriculture.

Agriculture is science—biological, social, and physical. That is the reason agriculture needs college-educated men and women, ideally from all ethnic backgrounds.

Mechanization, improved crops and livestock, crops that resist insects and diseases, pest attractants, bacteria that destroy harmful residues, and other advances in scientific agriculture are increasing opportunities for those with degrees in agriculture. Food and fiber, in increasing amounts, are being supplied in the United States by fewer people than ever before. But as agriculture succeeds in increasing production with fewer people, graduates with degrees in agriculture are being called to participate in more and more agriculture-related areas.

Various nations (including the United States), battling against malnutrition, pollution, disease, overpopulation, and misunderstanding, are begging for help from those with knowledge provided by a college education in agriculture.

Opportunities for youth with degrees in agriculture today are expanding rapidly in the nonfarming segment—in areas such as manufacturing, processing, distributing, research, marketing, pollution control, conservation, resource development, government service, and foreign aid. *Therefore, agriculture needs young men and women with city backgrounds, as well as youth with rural backgrounds.*

Properly managing natural resources is a national obligation. It involves wise use of land and forests, water and minerals, fish and wildlife; it involves preserving parks and other natural recreational areas (including unspoiled wildernesses, virgin prairies, and scenic riverways). Demands are increasing rapidly for young persons who qualify for such work.

Soil must be managed (not mined); timber must be used wisely to maintain natural ecological balances, and wildlife must be protected, managed, replenished, and "harvested" to maintain balances. Water—needed in cities and on farms—must be protected from pollution, reused, and stored to prevent disasters during droughts. Lack of water more than anything else, limits food production, especially abroad.

Nonrenewable mineral resources—including fuels (oil, gas, coal), which keep agriculture and industry on the move, and construction materials (stone, clay, sand, gravel) which are needed for roadways, public structures, and buildings—must be conserved by wise use. Public areas must be enlarged and protected for increased leisure activities—particularly near population centers.

People with more leisure time are voting for more park facilities and lakes, planned recreational programs, camping sites, hunting preserves, fishing facilities, and areas for water sports and nature studies.

Natural-resource management is important in *urban agriculture*—parks, zoos, gardens, golf courses, open areas, and landscaping; and in city and county planning. A prerequisite for such work is knowledge of proper use of various soils, and the underlying rock strata (the major storehouse of our economic minerals). In some places land-use planning already involves assigning specific areas to their greatest potential use—as farming, mining or quarrying, lumbering, housing development, recreation, and so on.

Youth with degrees in agriculture find employment in state and national soil surveys, in the Soil Conservation Service, in park management, in fish and game propagation and management, in state and national water resources agencies and institutes. At least 25,000 foresters are employed in the U.S. Forest Service, state forestry and educational institutions, and forest-product industries.

Students who study biology, wildlife, forestry, agronomy, chemistry, horticulture, entomology, sociology, geology, engineering, political science, or range management are among those sought to help conserve our natural resources. Such youth are employed by government agencies as well as by private firms interested in mines, parks, game preserves, private hunting and fishing areas, golf courses, commercial nurseries, highways, and fish hatcheries.

HUNGER—MAN'S CONSTANT COMPANION

Throughout history man's primary struggle has been for food and fiber—first from wild animals and plants, then from domesticated animals and cultivated crops.

Feeding, clothing, and housing people have always been the concern of agricultural scientists and the people they serve. It was relatively recently that scientists first, and then the general public, recognized that what man does to his natural environment, land, air, and water must be in harmony with nature, because natural resources are basic to maintaining a civilization.

Land, air, water, the natural environment sustain all forms of life (including man). By ignoring nature or thinking he can "control" nature, man tends to pollute, destroy, or misuse natural resources. That leads to the extinction of some plants and animals. Left unchecked, it would lead to man's extinction.

The general public, being aware of such dangers, is creating a new value system that says *"quality is more important than quantity; greatness is more important than growth."* Quantity goals are being replaced by quality goals.

The new emphasis on quality environment and the new value system already are expanding the need for students (men and women of all ethnic origins) with degrees in agriculture.

It means your generation can devote a lifetime to spreading adequate food, clothes, housing, and a quality environment around the planet earth. The quest for quality will require many with degrees in agriculture.

You can help man come closer to reaching his eternal dream!!!

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their famlies.

How long?

MORE HEAT THAN LIGHT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. MAZZOLI. Mr. Speaker, I think the following commentary on the House's recent action on the proposed constitutional amendment concerning nondenominational prayers in public buildings is worthy of note.

It was published in the December 2 edition of the Record, the official newspaper of the Roman Catholic Archdiocese of Louisville Ky. The author, who is both a mother and a schoolteacher, makes some significant points about the proper—and permissible—role of Bible reading in the schools.

Mr. Speaker, I insert the following article by Mrs. Mary Jane Mullins entitled, "Court, Congress Critics: More Heat than Light," in the Record:

Court, Congress Critics: More Heat Than Light

(By Mary Jane Mullins)

On Nov. 8, 1971, the House rejected a proposed constitutional amendment to permit "voluntary" prayers or meditation in our public schools. As expected, this rejection has elicited a great deal of emotional, sometimes vituperative comment about the godlessness of our nation's lawmakers and courts. This same kind of reaction greeted the Supreme Court decision in the case of the much maligned Madeline O'Hare who successfully fought "voluntary" prayer in the public schools through our court system.

Unfortunately, the well meaning critics of the court and congress generate much more heat than light. Even in this day of ecumenism, it is difficult to imagine any prayer that would be inoffensive to Jew, Mohammedan, Buddhist and Christian alike without considering the sensibilities of the child from an agnostic or atheistic family. Since the Spirit works as He will, it just might be that both the O'Hare case and the recent stand of the House will ultimately benefit every American patron of the public schools.

At the risk of revealing my age, I can recall that when I was in school, the main and most vehement criticism of the public schools was that they taught the Protestant Bible. Although this argument against the public schools would now be passe for the Catholic even if Protestant prayers and Bibles were still used in the public schools, what about children of other beliefs or unbelief?

In 1947, the National Association of Secondary School Principals met to establish goals for public schools. They formulated what is known as the "Ten Imperative Needs of Youth." Although this important statement included "growth in ethical values," the need for formal prayer in schools was not deemed necessary for inclusion at least as a function of the public schools.

Furthermore, surveys by reputable sociologists have revealed that Catholic schools in which religious beliefs, values and prayers are "taught" do not significantly alter a child's beliefs and practices. The results of such surveys indicate that if a child is from a good religious home he tends to be a "good" Catholic; if he comes from a family with a poor or lax religious background, he tends to be a "poor" Catholic, in spite of an education in Catholic school where religious and moral values are legitimately stressed. In addition, such surveys demonstrate that a public school education does not necessarily produce a "bad" Catholic. Home influence seems to be the determining factor.

As a matter of fact, public schools are not purveyors of godlessness but rather victims of pressure groups; in the case of the "prayer people" of well meaning, religious persons with strong sectarian beliefs. Hopefully this group's present course will remain ineffectual which will ultimately benefit the American public using our public schools. The public schools, however, should not be relegated to the ranks of the godless. It is possible for those of all persuasions to utilize presently available, perfectly legitimate means to introduce the Bible into the public schools, rather than to push for introduction of "voluntary" prayer into our public institutions of learning.

For example, I have yet to hear a critic of the court or congress take truly constructive, easily available action regarding the teaching of the Bible as literature in the public schools. Such teaching is specifically permitted, not prohibited, by the Supreme Court, it is perfectly legal and legitimate in public as well as private schools.

One never hears a great hue and cry to present the Bible in the schools as an inescapable part of our cultural heritage, yet it is just that. In addition, the Bible is unsurpassed as a great work of literature, yet the student is seldom, if ever, from kindergarten through college, offered the opportunity to become intimately acquainted with this great book which is truly an important, integral part of the very warp and woof of our Western civilization.

Even austerely approached as a great work of literature, the Bible presents ethical and moral values which are inextricably interwoven into American culture. Yet, how many of our youth, in either public or Catholic schools, are aware of the progress in civilization, wisdom, and morality chronicled in the Old Testament?

In simple teaching for aesthetic value of the Bible, the reader is inevitably faced with the inescapable moral and ethical values contained therein, for they are a part of the very fabric of the Bible. Yet it seems evident that most, if not all, of our students remain pathetically ignorant of a major part of their heritage, for the entire Bible, both Old and New Testaments, is rarely taught, even as literature in either our public or Catholic schools. Yet this is an avenue that is legally open to all. We should advocate and take advantage of it.

ECONOMICS, FREE ENTERPRISE, LESS FEDERAL GOVERNMENT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. DORN. Mr. Speaker, Dr. James F. Miles is associate professor of agricultural economics at Clemson University. Dr. Miles has long been associated with efforts to restore the architecture and to develop the great cultural heritage of South Carolina's Pendleton District, with its heritage of John C. Calhoun, the Pinckneys, and the Pickens. Dr. Miles, who holds a Ph. D. from Cornell University and was a member of Phi Beta Kappa at the University of South Carolina, is author of more than 30 publications. The latest is entitled "Economics, Free Enterprise, Less Federal Government."

Here is a part of what was said about Dr. Miles' new book by his publishers, Key Printing Co. of Greenville, S.C.:

ECONOMICS, FREE ENTERPRISE, LESS FEDERAL GOVERNMENT

This is the kind of book businessmen have been wanting college professors to write and to teach. This is a book businessmen will want to read and to quote, and to get a copy of for their sons. They will want their employees to read it. They will want to send copies to their senators and to their congressmen. This book is good free enterprise economics, and it is good business.

The author dramtically alerts the reader to the rapidly growing federal government by citing the tremendous costs of various government programs, many of which the author thinks we would be better off without. Too many tax dollars are going to Washington. Support of the federal government is becoming burdensome. As a minimum, the federal government takes a dollar out of every five a person earns. The average person in the United States is working about one-fourth of his time to support the federal government—January, February, and March of every year, or from 8:00 to 10:00 every day for the federal government. If "the least government is the best government," the United States is going in the wrong direction. It is time for the citizens to call a halt.

This book states a strong preference for local government over federal government, and calls for a systematic rollback in the size and programs of the federal government of at least ten percent a year.

DAIRY IMPORTS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. CULVER. Mr. Speaker, whether one accepts the concept of import quotas or not, the fact remains that various quotas which apply to many agriculture import items are valid as an exception to the international trading rules established by GATT. In addition, section 22 of the Agricultural Adjustment Act authorizes the President to establish import render or tend to render ineffective or materially interfere with price support programs conducted by the Department of Agriculture. It is important that where such valid quotas exist every effort should be made to apply them equitably; in other words, to plug up all possible loopholes.

Over the last 5 years, the Tariff Commission has held at least four sets of hearings on the issue of dairy imports. In each instance, Presidential action followed which intended to close the latest loopholes, but each time the importers would devise new methods of evasion.

In January 1969, a number of cheeses were placed under quota. It was decided, however, that any cheese in categories which cost 47 cents or more would be exempt from the quota. This exemption was designed to allow continued importation of specialty cheeses which are not normally manufactured in the United States.

What has happened in practice, however, is that the importers have found ways to evade the 47-cent price cutoff, so that by 1970 imports of "over 47 cents" cheeses had risen dramatically, and now account for nearly 25 percent of all dairy imports.

On March 12, 1971, the President requested the Tariff Commission to make recommendations dealing with this new evasion. Hearings were held, and on July 28, the Tariff Commission recommended that the 47-cent price cutoff be abolished, and that a quota be established for all types of cheese, regardless of price.

Although the President made his request 8 months ago, and nearly 4 months have passed since the Tariff Commission made its recommendation for a new loophole-free plan, there has been no further action by the White House.

Followthrough is essential to maintaining confidence in the efficacy of government. I urge the President to follow through on the Tariff Commission's recommendations in the interests of government, and equity for the dairy industry.

A CONTRACT YIELDS PAROLE IN MINNESOTA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. FRASER. Mr. Speaker, one of Minnesota Gov. Wendell R. Anderson's appointees—David Fogel as Commissioner of Corrections—is receiving national recognition for his innovative programs. A Sunday, December 12, New York Times story by Seth S. King looks at one of these programs.

Prisoners are encouraged to sign contracts with prison authorities. These contracts establish the terms of the prisoner's rehabilitation program. A Minnesota correctional official points out that—

> The key is the obvious one of drawing a contract that will require a prisoner to do the things that will result in behavioral changes—changes that will keep him from committing that same crime again. We have been able to diagnose the causes of his behavior. It's the therapy and treatment that have failed.

With Governor Anderson's leadership and with the dedication of State corrections officials, I am confident that Minnesota will continue to administer a humane and effective corrections program.

The New York Times article follows:

A CONTRACT YIELDS PAROLE IN MINNESOTA

(By Seth S. King)

STILLWATER, MINN., December 10.—Prisoner X, like most of the inmates at Stillwater Prison, is about 32 years old, white, unskilled, and has a ninth-grade education. He has probably been a burglar and, like 80 per cent of his fellow inmates, he has been convicted at least twice and probably has a drug or an alcohol problem.

All felons in Minnesota except first-degree murderers receive indeterminate sentences, and Prisoner X may be confined at Stillwater for a period of up to 10 years.

In the past, the time Prisoner X spent inside the walls depended on the parole board, which could release him when it decided he should go. Most prisoners are spending about 34 months at Stillwater, situated in eastern Minnesota, 16 miles northeast of St. Paul.

Now, under a new system prepared by the Minnesota Department of Corrections, Prisoner X can automatically walk out at the end of whatever time it takes him to fulfill the terms of a contract he has signed with prison officials. He may commit himself in the contract to completing courses for a high school diploma while he spends a year or two completing a keypunch apprenticeship course.

He would agree to spend a specific number of hours in group therapy sessions as well as undertake to demonstrate his ability to discipline himself and observe prison work and living rules.

If he had any record of violence, he would have to agree to prove exceptionally good behavior during the contract period. He might also have to commit himself to participate in Alcoholics Anonymous or drug therapy meetings and, if he is married, to complete a 12-week marriage-relations course at the prison.

It may take Prisoner X two or three years or longer to meet the provisions of his contract; or he might speed up his work and fulfill them sooner. The amount of time he spends completing his agreed obligations will not be a factor in securing his release.

David Fogel, Minnesota's new Commissioner of Corrections, believes this is the first time that such a formal contract system has been tried anywhere in the United States with adult prisoners.

"It's no panacea and it may not work at all with the type of repeated offender for whom prison is a permanent life style," he said. "But it can give two highly desirable results—it may reduce some of the caprice in parole decisions and it should give an inmate a sense of purpose and some hope."

Minnesota already has an extensive probation and release system. While the rate of reported crimes has not declined, only 19 per cent of those convicted of felonies are now sent to prison.

The total inmate population of 839 at Stillwater Prison and 570 at the St. Cloud Reformatory, Minnesota's two maximum-security institutions, is about half what it was 10 years ago.

Both prisons are comparatively well equipped and neither is crowded. Less than 20 per cent at either institution are black. While there have been racial tensions at both, they have been minor compared with those in prisons in New York, Illinois, California and Michigan.

But nearly half the prisoners who serve sentences at Stillwater or St. Cloud commit new crimes once they are released and are soon back in again.

"It's obvious that what we're doing now hasn't been very successful in correcting them," said Charles Gadbois, assistant superintendent for training and treatment at St. Cloud, which is in central Minnesota, about 60 miles northwest of Minneapolis.

"And today we're getting a new type of prisoner everywhere," he went on. "The old cons used to come to do their time and try to get themselves back into society. Today, prisoners come in bitter and alienated, believing it's society and not them that's to blame. They're really an immature generation. But many of them, underneath, want to be somebody, to do something and see an effect. Fulfilling a contract could be the way to do that."

CONTRACTS OPTIONAL

Only those prisoners who want to sign contracts will be offered them, Mr. Gadbois said, adding that it was possible that an inmate might spend more time in prison fulfilling a contract than the parole board would require of him without it.

"The inmate code requires them to do everything to con their way out, and some of them may think they can use the contract to do that," he said. "We're saying fine, because the game is going to be rigged so that, if they play it, they'll come out of prison less likely to commit a crime again."

"The key," he said, "is the obvious one of drawing a contract that will require a prisoner to do the things that will result in behavioral changes—changes that will keep him from committing that same crime again. We have been able to diagnose the causes of his behavior. It's the therapy and treatment that have failed."

THE U.N. AND THE REPUBLIC OF CHINA

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. DORN. Mr. Speaker, the action of the United Nations in expelling the Republic of China was truly a moment of infamy. The following is a splendid letter and resolution from General Ho Ying-chin, President of the United Nations Association of the Republic of China. General Ho, who was Commander in Chief of Allied Forces in the China Theater during World War II, makes it clear that the Republic of China will, despite this treachery, continue to be guided by the principles of the United Nations Charter.

The material referred to follows:

THE UNITED NATIONS ASSOCIATION
OF THE REPUBLIC OF CHINA,
TAIPEI, TAIWAN, *November 11, 1971.*

Hon. WM. JENNINGS BRYAN DORN,
House of Representatives,
Washington, D.C.

DEAR MR. REPRESENTATIVE DORN: Your kind letter of October 18 has been received. I am grateful for your determined position on and vigorous struggle for safeguarding UN Charter and upholding international justice in supporting the rightful position of the Republic of China in the United Nations. The photostat copies of your letter have been not only conveyed to our congressmen and members of this Association but also publicized to all of our people. I am sure that they will join me to pay their hearty respects and thankfulness to you for your precious friendship.

The 26th Session of the United Nations General Assembly, in violation of Article 18 of the UN Charter voted down the "Important Question" resolution drafted by your country and in abnegation of Article 4, 6, 23 of the Charter adopted Albanian resolution of admitting the Chinese Communist regime into the United Nations and the Security Council before midnight of October 25th. This moment will surely be shown in history as human humiliation. Minister Chow Shu-Kai, Chief Delegate of the Delegation of the Republic of China to the 26th UN General Assembly, in view of the fact that the United Nations has abandoned its lofty goal upon which the world organization was founded through the sponsorship and help of our two countries twenty six years ago and that thus the world body has lost its basic principles for survival, announced the withdrawal of the Republic of China from United Nations. The withdrawal has won an unanimous support of all members of this Association as well as all the people of this country.

During the time of Second World War, I was assigned by President Chiang Kai-shek as the Commander-in-Chief of the Army of Allied Forces in China Theater to fight aggression shoulder by shoulder with your brave soldiers. I was once the Premier of this country after the Second World War. When the United Nations was established, I was designated as the first Chief of the Permanent Mission of the Republic of China to the United Nations Military Staff Committee that gave me a great deal of opportunity to be acquainted with your political and military leaders. In my experience gained in dealing with your people, I fully aware that the principles and ideals on respecting freedom, democracy, justice and truth upon which the United States was founded coincide with the Chinese cultural tradition of peace-loving and justice-upholding and with the spirits of United Nations Charter. During the past century, whenever the free and democratic culture was at stake, the United States has never hesitated to rise with their moral force of justice and righteousness to save the world from crisis. The United States has thus won the trust and leadership of the democratic world. The close cooperation and profound friendship between our two peoples has been also thus laid down their foundation.

The United Nations has now signed its own death sentence by admitting its condemned regime into the world organization. The Chinese Communist will be surely to utilize the international forum as an instrument for infiltration and subversion in the international community in order to differentiate and destroy the moral force of the free world. In order to strengthen the world moral strength of justice and democracy and further to save the world from its crisis, a close cooperation between our two governments and peoples is absolutely necessary. I have learned from recent news reports that, in view of the illegal resolution adopted by the current United Nations Session you have repeatedly called for international justice and rejected a repeal of "Formosa Resolution". I am here paid my highest respects and thankfulness again for your righteous action.

President Chiang Kai-shek declared on October 26th: "Although the Republic of China has withdrawn from the United Nations which we helped establish, we shall continue to be guided by the purposes and principles of the United Nations Charter in the international Community and also we shall continue to fight courageously for international truth and justice and for the world peace and security." This Association will continue our struggle to uphold the purposes and principles of the Charter. The joint meeting of the members of the Boards of Directors and Supervisors of this Association has adopted a resolution to extend our respects and gratitude for your strong support to this nation and for your vigorous calls for world justice.

I enclosed herewith a copy of my statement of this Association's position on the matter of the withdrawal of the Republic of China from the United Nations. Hoping it will be conveyed to your kind colleagues.

With my kindest regards,

Yours sincerely,

HO YING-CHIN,
President.

A STATEMENT BY GEN. HO YING-CHIN, PRESIDENT OF THE UNITED NATIONS ASSOCIATION OF THE REPUBLIC OF CHINA, OCTOBER 27, 1971

The twenty-sixth session of the United Nations General Assembly, in utter disregard of righteousness and justice, and in violation of the provisions of Articles 4, 18 and 23 of the Charter, rejected the resolution proposed by the United States of America and other democratic countries to designate any proposal for the expulsion of the Republic of China an important question, but adopted instead the resolution for the expulsion of the Republic of China and admission of the Chinese Communist regime proposed by Albania and other countries which are currying favour with the Chinese Communists. This is tantamount to inviting disaster to the United Nations itself and destroying its own future. Henceforward this sacred and solemn international organization will become a place where Machiavellian machinations of power politics will grow reckless. It will disintegrate and decompose with time. As a result the world situation will gradually move closer to disorder and chaos. This Association resolutely opposes to the validity of this illegal resolution of the current session of United Nations General Assembly which was adopted in flagrant violation of the provisions of its own Charter.

The fact that Albania should have had its scheme eventually realized by taking advantage of the mob psychology has proved that a number of nations, fearful of the threat of the group of violence, have abnegated the Charter of the United Nations vainly hoping for a peace of humiliation. However, this hallucination of appeasement is certain to be completely dissipated after the Chinese Communist bandit regime usurps the seats in both the General Assembly and the Security Council, and these very nations will then eat their own bitter fruit.

It has been well known to the whole world that the Republic of China, ever since it initiated and played an active role in the establishment of the United Nations Organization, had strictly observed the purposes and principles of the United Nations Charter and faithfully fulfilled the obligations of a member nation. On the other hand, the Chinese Communist bandit regime, ever since its being formally condemned by the United Nations General Assembly as an aggressor on the 1st of February, 1951 for its invasion of the Republic of Korea by force, not only has its roaring blaze of aggression not been curtailed, but has turned from bad to worse by creating numerous disturbances in different parts of the world, not to mention the preposterous plans for the destruction of the United Nations as advocated by Mao Tse-tung. And yet, many pro-Chinese Communist countries should choose to adopt the resolution for the admission of the Chinese Communists proposed by Albania when the Chinese Communists had either indicated their willingness to support world peace or their readiness to apply for U.N. membership. It is particularly lamentable that the authorities of a certain number of countries should have no remembrance of the material and moral support given them by the United States which saved them from certain destruction in the two world wars, and chose to join the camp of Chinese Communists Supporters, thus degrading their national dignity.

Having undergone such a calamity, the sanctity of the United Nations Charter and justice have been violated. Only the outer image of the United Nations is left while its inner life is already dead. Not only it has no more power to settle the tense situation of the world, but owing to the illegal participation of the Chinese Communist regime the United Nations will instead become into an arena for the so-called "International United Front". As a result we are apprehensive that this critical situation will lead to another world war and invite irretrievably once again a scourge to mankind. The timely announcement made by our country to withdraw from the organization that has destroyed its own Charter and degraded itself into a den of calamities and disasters, is indeed an act of wisdom. It no doubt is supported unanimously by our whole nation.

Although the Republic of China has already withdrawn from this international organization, we shall continue to be guided by the purposes and principles of the United Nations Charter in the international community and shall continue to fight for the upholding of international right and justice, and for the vindication of world peace and security. On this occasion, we wish to express our profound gratitude to the governments, parliaments and peoples of the United States of America, Japan and other friendly nations for their efforts in support of our legal status and rights in the United Nations and their appeal for justice. All of our fellow citizens shoud abide faithfully by the guidance and instructions of our President Chiang Kai-shek: " we are not fearful, or disappointed, and do not cheat ourselves when the storm comes; all of us should strengthen our will and spirit as the going worsens." We can be sure to break through all adversities, overcome all difficulties, turn the tide and create new opportunities.

CONGRESS FAILS PUBLIC IN FISCAL CONTROL

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, last August, President Nixon announced the first of a number of measures designed to cure the economic woes of this Nation. Domestically, a 60-day wage-rent-price freeze was imposed, followed by the current period of close controls. Other steps have been taken, to improve our trading and balance-of-payments position in relation to other countries. In order to stimulate the sale of American goods abroad and thereby provide more jobs here in this country, President Nixon has announced that the dollar will be devalued, an action which will also tend to curtail the purchase of goods imported into the United States.

While I request that the past fiscal acts of our Government and Congress have made devaluation necessary, I support Mr. Nixon in these programs as I think most Americans do. The measures the President has put forth should provide some remedies and short-term relief. But we must realize that nothing yet has been done which will really reestablish our economy on a sound footing. That is because we are continuing to spend money far in excess of the taxes gathered and budget limits set. Until we see the folly of this, and put our financial house in order, we can expect an unstable economy, weakening us as a nation and causing uncertainty, heartache, and often deprivation for families and individuals.

As Congress prepared to adjourn for Christmas, I was asked what I thought to be the major failure of the 92d Congress, half way through its 2-year term. Without a doubt, the refusal to adhere to sound economics and sensible spending policies is the biggest debit of the 92d. Although there are some hopeful signs in this area, by and large we have again seen Congressmen scrambling among themselves to see who could give away the most.

For instance, this fall Congress tacked on to the Office of Economic Opportunity appropriation bill an amendment to provide a comprehensive program of child care for American families. Among other things, the bill would have made child development services available free to families of four which have an income of less than $4,320 a year. Officials at HEW estimated that the bill, if fully implemented, would cost an additional $20 billion per year, over and above what was already in the budget. Just the planning portion for the first year would cost $100 million.

We are fighting a losing battle against inflation if Congress continues to appropriate money like this. No amount of piecemeal belt-tightening here, and half-hearted cutting back there will be adequate if the Congress keeps on appropriating huge amounts of money which can come only through higher taxes, or, more likely, through deficit spending.

Fortunately, President Nixon vetoed the bill. In this case at least, reckless, irresponsible spending was nipped in the bud.

It has become a watchword with me to say that I, as a Congressman, cannot give you anything without first taking it away from you in the form of higher taxes or more inflation. Statistical shuffling will not create money where none exists, regardless of what some generous public officials seem to think. We cannot spend ourselves rich over the long haul. At a given time, we can use an unbalanced budget to stimulate a depressed economy. But continual use of the unbalanced budget, as we have seen it used for so long in this country, only means that you and I are earning dollars that are worth less and less. The dollar now buys less than one-third of what it bought before the Second World War. But of course, I do not have to tell you about this. Every time you pay your grocery bill, or buy a new car, or pay your taxes, it hits home.

As always seems to be the case, when the Government does not have the money to pay for a program, it just squeezes the middle-class citizen a little harder. When I traveled through Georgia in August, I talked to hundreds of citizens who are sick and tired of a government that feels it can pay for anything, no matter how expensive and no matter how useless, and then turns to the taxpayer to ante up. The past decade has seen more social welfare spending than ever before. And, as I said earlier, no matter how well-intended a program is, it can only come about by taking something away from somebody. In August, Georgians told me that they are tired of being "taken."

Our Government's generosity does not stop at our national borders. In foreign aid, we are just as magnanimous. Since 1946, we have given away $138,446,200,000 in foreign aid. It would be one thing if this money was in the Treasury, already to be spent. But it is not there. So we have borrowed it. In the same period that we have sent this more than $138 billion abroad, we have paid more than $74 billion in interest on what we have had to borrow to give away. That sounds incredible, but it is true.

Let us look at our U.N. commitment for a moment. Now that the United Nations includes Red China, the U.S. population represents only about one-sixth of the U.N. total. But we are committed to furnish well over one-third of the U.N.'s budget during the next fiscal year. There is just nothing equitable about that. We simply cannot continue to spend money we do not have and carry more than our share of the load, unless we are willing to bankrupt ourselves.

Of the 3½ billion people in the world, all but 36 million have received aid from the United States, at a cost of more than 212 billion. Because of this generosity on our part, our public debt as of December 31, 1970, was $391 billion. That figure tops the combined debt of every other nation in the world by 80 billion. That is right, the United States of America owes $80 billion more than all other nations on this earth combined.

There is only one word for statistics like these—frightening. That is why I am glad to see President Nixon blow the whistle on the Child Care bill, which was not included in the budget and would wind up costing Americans $20 billion. That is why I am glad to see more Congressmen willing to reassess our foreign aid programs and our financial commitment to the U.N. These are hopeful signs in what is generally a dismal picture, for, frankly speaking, the tide in Government still runs strong in favor of irresponsible spending.

The efforts of President Nixon to bring about economic stabilization will give us some breathing room. They will hold the line for a while. But if Americans want a sound economy, one based on production rather than give-away, then they must force this issue of spending money that does not exist. We must either insist on sensible spending or be willing to take the consequences of ever-climbing taxes and skyrocketing inflation.

HORTON ECHOES PRAISES FOR CARL STEINFELDT, GENERAL MANAGER OF ROCHESTER RED WINGS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HORTON. Mr. Speaker, the city of Rochester, N.Y., has for many years been famous for its sports heroes and champions in various fields of both amateur and professional sports. Scene of the world famous annual Hickok Belt Sports Award dinner, it has been visited by the top echelon of participants and executives of almost every sport.

Its list of baseball greats was considerably lengthened this past season when the Rochester entry in the International League won all the honors, not only as regular season league champions, but also winner of the Governor's Cup Playoffs and Junior World Series.

This is most gratifying to me, not only as a former president of the Rochester Red Wings, but also as a current member of their board of directors. And, I might add, the ball park, Silver Stadium, is within the 36th Congressional District of New York which I represent.

Today, I would like to join those paying tribute to Carl C. Steinfeldt, who at 31 years of age, served his first year as general manager of the Red Wings this past season and now has been named minor league executive of the year by the National Association of Professional Baseball Clubs. This award presented by the national association and the Sporting News publication, carries great distinction, and is this year especially unusual, for Steinfeldt is the first and only person to win it during his first year on the job.

It is the determination and sportsmanship of men like Carl Steinfeldt that have helped to enhance the national interest in sports like baseball.

Other honors came to many members of the 1971 Rochester Red Wings organization. These and the well-deserved praise of Carl Steinfeldt were properly enumerated in a news story in the Rochester Democrat and Chronicle when Carl's award was announced. The story by Jim Castor, I feel, merits the consideration by us all, for indeed the entire Nation always takes pride in those who excel in sports as well as all endeavors.

I would like to share this story now with my colleagues in the Congress and add my congratulations to Carl C. Steinfeldt, talented administrator and an outstanding young sportsman.

The story follows:

Steinfeldt Top Exec

(By Jim Castor)

Carl C. Steinfeldt, in his first season as Red Wing general manager, has been named Minor League Executive of the Year by the National Association of Professional Baseball Clubs.

The prestigious front office award is presented annually by the Sporting news and the National Association for "outstanding leadership and promotion" by a minor league executive. Steinfeldt, 31, is the only recipient to win after just one year in office.

"What is this, some kind of a joke?" he laughed in disbelief when told of the results.

"I haven't been around here a year, even, and I'm top executive in the country. It's unbelievable! I'm really thrilled about it. What an honor!

"It goes without saying there are a lot of people besides myself who are responsible for it," he said. "Bill Lang (Red Wing president), Morrie Silver (ex president and general manager now on board of directors), the directors, my front office staff and the park personnel have as much to do with Rochester baseball success as I do.

"And don't forget Bob Turner," he reminded. "Bob was as instrumental as anyone for the kind of season we had. He laid the groundwork for it and I'm sorry he wasn't here to enjoy our success."

Turner resigned as general manager May 19 after a dispute with club directors. Steinfeldt succeeded Turner the following day after serving five years as assistant GM.

Steinfeldt's selection is indicative of the exceptional season Rochester had in 1971, both on the field and in the front office. The Wings swept everything in sight—International League pennant, Governor's Cup Playoffs and Junior World Series.

Attendance records fell like tenpins. A total of 462,000 fans watched baseball at Silver Stadium in '71, best in the minor leagues and an all-time Red Wing attendance record.

Individually, Joe Altobelli, named a month ago, was landslide choice as IL manager of the year; shortstop Bobby Grich was unanimous MVP, home run leader, batting champion and top defensive shortstop; third baseman Mike Ferraro was an unprecedented four-time choice to the all-star team and set the league record for consecutive errorless games (61). Pitcher Roric Harrison won 15 games, was named top righthander in the IL and set the club record for strikeouts in one game (18).

Steinfeldt's meteoric rise to success is helped by an inherited baseball philosophy practiced by former Red Wing GMs Bing Devine, George Sisler Jr., Silver and Turner.

"With so many recreational outlets for people today, the drain on the entertainment dollar is greater than ever," Steinfeldt said. "The Red Wings' philosophy has always been one of energetic promotions, with the baseball fan first and foremost in mind.

Steinfeldt is recognized as one of the game's most energetic and innovative promoters. He spoke recently to general managers of all Triple-A teams at a meeting in Tulsa, Oklahoma. Several GMs came away greatly impressed at the Rochester operation.

"I can see lots of reasons why Rochester is a great baseball town," says A. Ray Smith, GM of the Tulsa Oilers of the American Association.

"There is expert leadership in the front office. I'm impressed by so many facets of your operation—the Knothole Gang, the program, the cooperation of business and industry, the ticket plans and the working agreement with Baltimore. These are things that the general manager controls which help make a solid franchise."

OPERATION BUDDY ANSWERS QUESTION "WHAT CAN ONE PERSON DO?"

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAGAN. Mr. Speaker, most people would like to help—to do something to straighten out a lot of problems of individuals and nations. But they consider themselves as only one among many and often wind up frustrated, questioning, "What can one person do?"

Not so with Mrs. Nettie White of Austell, Ga., Paralyzed from her neck down after a freak accident diving in a swimming pool, Mrs. White was told she could not live. She determined to live and in doing so has brought joy and happiness to many. A former WAC, she now works with crippled and hospitalized veterans in the VA hospital in DeKalb County, Ga.

In order for my colleagues to enjoy the inspiring story of Mrs. White as told by Dorothy Nix in The Atlanta Journal and Constitution of Sunday, November 21, 1971, I submit a copy for the Record. It follows:

Story of Thanksgiving—"Operation Buddy" Offers Vets New Lease on Life

(By Dorothy Nix)

This is a story of thanksgiving and how one thankful heart has been multiplied into many. It also is a story that supplies an answer to the question often posed in a troubled and complex world: "What can one person do?"

This is the story of Operation Buddy, a project aimed at giving hope, confidence and employment to war veterans battered in mind and body.

The program has expanded from the efforts of a woman in a tiny workroom at the VA Hospital here in DeKalb to one with national possibilities, engaging the attention of federal, state and local vocational rehabilitation officials.

Operation Buddy is the brain child of Mrs. Nettie White of Austell who seven years ago was an unlikely candidate to help anyone—even herself. Paralyzed from the neck down after a freak accident diving into a swimming pool, Mrs. White was told she wouldn't live.

Surviving, she was told she would never walk or live a useful life again. Because she was an ex-WAC she was transferred to VA hospitals, at first at Lakeland, Fla., then to the old 48 Hospital in Atlanta.

She did walk, bent double from her massive spinal injuries. Then she began to do what she could in the way of arts and crafts. Under the direction of Pat Miller, hospital recreation head, she was soon helping other veterans lace leather billfolds and regain the use of their hands.

She was an apt teacher because she had been over every painful inch of the road herself. Sometimes she had to give up for three months or a year before she returned to the hospital, half-patient, half volunteer.

The years passed. Her condition improved until no visible trace of her injury remained. But even though she was now the busy mother of five children she spent all the time she could in the day treatment center of the hospital, getting an injured helicopter pilot interested in painting, guiding a brush in the shaking hands of a World War II parachutist who like her had suffered a spinal injury.

The more time she spent, the greater grew her desire to help fellow veterans not only pass trying and tedious days but to help them find the way back to employment and financial independence.

The picture of a wounded soldier struggling back under fire from enemy lines, his buddy on his back, fixed itself in her mind. If people would only make the same effort for men to return to civilian life!

She found there was a market for the small ceramic pieces and the larger statuary the men were painting in the crowded little room which wouldn't accommodate more than two wheelchairs at a time.

But government money can't be used for materials from which veterans make items to sell so Mrs. White in the best GI tradition scrounged, begged and borrowed for what had become Operation Buddy.

"It is a program based on faith with a little cheating and stealing mixed in," she jokes.

When patients ran out of things to paint she went to New York and learned how the men could cast plaster statuary in rubber molds through a process carefully guarded by an Italian immigrant manufacturer. He even allowed her to film his production line.

Not only lack of funds and space to work prevents the expansion of Operation Buddy. The Korean war veteran gives herself no credit for its organization.

"I am the type who will break my neck ... who will get a wrong assignment on a wrong set of orders at the wrong time and be the only WAC on a troop train of men going west. . . ."

Still she has interested officials from Washington on down. Last week a room full of them gathered at a luncheon meeting here to listen to Mrs. White outline needs of the program.

Present were representatives from the VA in Washington, Sen. Herman Talmadge's office, the state DAV, a local bank, and local county and VA hospital officials.

Dr. G. O. Bern, physical medicine and rehabilitation service chief at the VA hospital, spoke of the benefits he sees patients receiving in the program and Dr. Charles M. Robinson, day treatment psychologist, also testified in its behalf.

"Operation Buddy has enormous potential for aiding patients with a psychiatric disability," he said.

"The opportunity for earning money to contribute to their own support goes a long way toward rebuilding self-confidence and self-respect.

"For many it provides a work experience where they can function under limited pressure, receive close, personal supervision and relearn useful work habits which may enable them to return to public employment more successfully.

"Realistically, many of the more disabled patients will never return to regular jobs. For them the concept of Operation Buddy still has great value. Association with other people in the program, the experience of being productive and being paid for work produced, the opportunity for self-expression creativity—all of these facets promote healthy aspects of the personality and of the individual's functioning."

Bob Baxter of state Vocational Rehabilitation pledged support. Jack Sartain, speaking for the DeKalb County Health Department, said an application is being made for surplus property at old 48 Hospital for a campus-type concept of health services and space for Operation Buddy would be included if these facilities are obtained.

Mrs. White's dream is to see such a sheltered workshop near every VA hospital in the country. Meanwhile, veterans are painting away in a borrowed room at New Hope Baptist Church, Mableton.

"Eighteen of them are out there now," Mrs. White told the meeting. Some of the products have been on sale at Six Flags and department stores have indicated interest when items are produced in sufficient volume. Veterans next may expand into glass and metal projects.

Mrs. White says the loan of an old dwelling house or warehouse and money to buy supplies are needed. "It would be wonderful if churches would buy brushes or paints," she says.

Anyone who wants to help may send donations to Operation Buddy, South Cobb Bank, Mableton 30059.

The Whites have borrowed money to keep the program going. The five White children address envelopes at night and make ceramic figurines for the men to paint on the next day. Mr. White keeps hooks for the program.

RECORD OF FIRST SESSION, 92D CONGRESS

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. PRICE of Illinois. Mr. Speaker, much of the story of the first session of the 92d Congress has been written in the last 4 months. Much of that story concerns our Nation's economic health. This is not to suggest that our efforts before the August recess were less noteworthy. Rather the administration did not react to our economic plight until August when President Nixon announced phase I of the wage-price freeze, a complete reversal of his earlier policies. Faced with severe economic dislocation for nearly 3 years, the Congress has continually provided both leadership and support for the President in coming to grips with our inflationary recession. We are not out of the woods yet and there is deep concern that the administration's delay in recognizing the seriousness of the problem may dampen a quicker recovery.

The Congress can be proud of the record it has written in the first session. With the economic field, the health field, human resources and social welfare, foreign policy, environmental and consumer protection, law enforcement, and governmental reform the Congress has demonstrated its willingness to meet its responsibilities. Obviously, each proposal we fashion into law does not satisfy every demand; under our system of government of checks and balances, of give and take, the end product reflects that which is attainable. What has been attained during this session reflects the spirit in the Congress that it is responsible for conducting the public business in a manner conducive to the national well-being.

THE ECONOMIC FIELD

The Economic Stabilization Act of 1971 provides for an extension of the Executive power to maintain wage and price controls. We have been able to see from the actual workings of the President's policies how this legislative extension needed to be modified to correct some of the inequities in the present program that threaten to hurt more than they help. Since 1969, the cost of living has increased 20 percent, while our economic growth has risen only 3.8 percent—$74 billion below the economy's potential. Hopefully, the situation will improve as the President utilizes his new authority.

Narrowing our scope to tax reform, I am happy to report more streamlined taxation formulas, such as increasing the individual deduction to $675 in the Tax Reform Act, which will prove beneficial to the individual taxpayer.

Unemployment continues to be a serious problem. The overall unemployment rate is 6 percent; since January 1969 an additional 2 million Americans are now unemployed, including highly skilled engineers and teachers. Over 10 percent of our black Americans are unemployed, with their unemployment rate close to 40 percent in our central cities. Unfortunately, the President vetoed the accelerated public works measure designed to combat unemployment and help local governments meet pressing local water and sewer requirements.

Fortunately, he did sign the Emergency Employment Act, which authorized $2.25 billion for public service employment and related training and manpower services. This is not enough, however, and certain new measures scheduled for the next session promise to accomplish a great deal in restoring health to our employment picture, such as the legislation I have introduced to create 500,000 public service jobs.

The decline of our economy since 1969 has affected the American farmer, who receives the same amount for his corn and wheat that he received in the 1940's, at a time when farm costs are increasing and food prices to the consumer are also increasing. In an effort to repair some of the damage, the House approved the emergency grain reserve bill, which should improve the prices of agricultural commodities for the purpose of strengthening our food markets. Senate action is pending.

THE HEALTH FIELD

The Congress passed a $1.6 billion attack on cancer and a comprehensive Health Manpower Training Act. Health manpower has become a serious problem and by providing loans for medical students, nurses, and construction assistance grants for schools in the health professions, we should be able to reduce our adverse doctor and nurse to patient ratio to a more suitable level. Another House-passed measure provides assistance to State medical schools.

Attention has been turned to the plight of those afflicted with serious diseases other than cancer, such as sickle cell anemia which affects some 50,000 black Americans.

Black lung disease, which debilitates coal miners, has also been a source of concern, and the House approved an improved program of benefits for those affected.

HUMAN RESOURCES AND SOCIAL WELFARE

The Higher Education Act of 1971, passed by the House and Senate, will provide necessary fiscal relief to our institutions of higher learning. The institutional aid formula will provide Federal assistance on a per capita student basis. I know this will help the colleges in the St. Clair/Madison County area meet their increasing financial burdens of providing quality education.

Both Houses of Congress passed the Economic Opportunity Act Amendments of 1971, an innovative provision of which would establish a program for a broad range of educational, nutritional, and health services to preschool children. However, the bill was vetoed by the President.

The Narcotic Addict Rehabilitation Act amendments would permit treatment methods such as the use of methadone, that would control and eliminate the dependence on addicting drugs. Hopefully, the Senate will act on this House-passed bill early in the next session of Congress.

Also awaiting action by the Senate are the Social Security Act Amendments of 1971, which passed the House on June 22. This legislation was delayed by the Senate at the request of the President. It includes a 10-percent across-the-board increase to complement the 5-percent increase that was voted effective January 1, 1971.

The House passed two bills important to our veterans. The one expands the drug treatment program for veterans; the other extends hospital and medical care benefits to veterans' dependents.

Steps were taken to offset the Department of Agriculture's attempt to limit the national school lunch program by insuring that every needy school child receives a free or reduced-price lunch.

ENVIRONMENT AND CONSUMER PROTECTION

The House-passed Federal Environmental Pesticide Control Act of 1971 is a step forward in more comprehensive regulation and control over the manufacture, distribution, and use of pesticides which may be harmful to human health.

Fourteen billion dollars is written into the Water Quality Standards Act of 1971, as passed by the Senate, for the purpose of waste treatment plant construction, plus an additional $2 billion for various other water pollution abatement programs. To establish as Federal policy the goals of making the Nation's waters suitable for fish propagation and swimming by 1981 and of terminating all discharges of pollution into navigable waters by 1985, I urge early passage by the House in the next session.

I am glad to have played a part in the securing an additional appropriation of $8 million for the Kaskaskia River navigation program which insured the continuance of 450 jobs in our area which would otherwise have been lost.

For fiscal year 1971, the Congress appropriated a total $33,480,000 for seven area flood control and navigation projects designed to protect and develop our waterways and communities. The projects include St. Clair-Madison County interior flood program, $250,000 for advance engineering and design; Cahokia Dam construction, $500,000; Kaskaskia navigation project construction, $24,710,000 including the $8,000,000 supplemental appropriation; Alton lock and dam No. 26, advance engineering and design, $1,700,000; Mississippi River navigation channel, operation and maintenance, $6,103,000; Chain of Rocks navigation construction, $200,000; and Silver Creek, general investigation, $25,000.

Zeroing in on more effective consumer protection, the House sent to the Senate the Consumer Protection Act of 1971, which would abolish the outmoded Food and Drug Administration and establish an Office of Consumer Affairs within the Executive Office of the President and an independent Consumer Protection Agency which would set regulations and represent the consumer in certain court suits.

LAW ENFORCEMENT

Our crime problem hurts the most when the criminals are juveniles. Congress has enacted the Juvenile Delinquency Prevention and Control Act to establish an interdepartmental Council on Juvenile Delinquency to coordinate all Federal delinquency programs and to provide financial assistance to State and local enforcement agencies to deal with this problem. Also, the Congress voted additional funding for the comprehensive study of how better to deal with the marihuana and drug abuse problem.

FOREIGN POLICY

The so-called winding down or Vietnamization of the Indochinese conflict is progressing steadily, but there is still room for accelerated troop withdrawals to end the bloodshed as soon as possible. I succeeded in having my Vietnam cease-fire resolution adopted as an amendment to the Military Selective Service Act of 1971, and I have also introduced another resolution to take advantage of the traditional holiday truce by urging a U.S.-initiated cease-fire to extend indefinitely past the holiday period. Our troops, of course, have the right to defend themselves.

The Pakistan-India conflict is of serious concern to the Congress. Certainly we do not want to see the United States involved in another conflict, and serious concern has been expressed over our policies to date. Observers have suggested that the United States by criticizing the Government of India has diminished our chances of remaining neutral in the conflict, tended to reinforce the Russia-India, China-Pakistan lineup, seemingly placed us morally and politically on the side of West Pakistan which has brutally suppressed the East Pakistanis and has restricted our maneuverability with India.

Clearly, President Nixon's forthcoming trip to mainland China is an important change in American foreign policy. As I reported to my constituents after my trip to the Far East with House Speaker ALBERT, concern was expressed over the fate of Taiwan China. It has been my position that if a delegation from mainland China were admitted to the United Nations, the Taiwan-Chinese delegation should retain its membership. Unfortunately, the United Nations voted the other way. We can only hope that the President's trip will establish the groundwork for leading to the peace we all seek.

In the Middle East, the people of Israel still face hostile neighbors who are being supported by Soviet men and materials. Unfortunately, the sale of F-4 Phantom jets to Israel has been reportedly held up for over half a year. The Congress has voted financial credits and has encouraged the administration to assist Israel in meeting its military needs. Toward this goal, I have introduced a resolution calling for the sale of the delayed aircraft to Israel.

GOVERNMENTAL REFORM

Congress, mindful of its responsibilities to the American people, implemented the use of record teller votes for the first time, thus permitting the recording of votes on amendments. This reform has resulted in an 80 percent increase in the number of record votes, a 150 percent increase in the number of Members voting, and record votes for the first time on a number of major issues involving our domestic priorities. Additionally, both the Democratic caucus and the Republican conference modified the seniority system to encourage more leadership opportunities for newer Members.

The House moved toward assuring the legal equality of women by passing the equal rights amendment. Senate action is pending.

One of the most important events during the 92d Congress was ratification of the constitutional amendment extending the right to vote to citizens eighteen years of age or older in all elections. Our young citizens now have the opportunity to become even more actively involved in the electoral process.

Another important aspect of the electoral process involves campaign election reform. The Congress passed the first major legislation in 46 years designed to hold down campaign costs and reveal the source and use of contributions. It imposes a ceiling on the amounts candidates for President and Congress can spend on television and other costly advertising.

Obviously, expenditure limits is only one side of the problem. The source of funds must also be considered. The Congress, in the 1971 Tax Reform Act, moved toward expanding the base of fund raising by enabling taxpayers to claim a credit against their income tax for one-half of their political contributions with a maximum credit of $25. As an alternate to the credit, individuals are permitted to deduct their political contributions up to $100 in the case of a joint return. These provisions apply to contributions made in 1972 and after. A third provision was enacted; the so-called check-off procedure for financing Presidential election campaigns. Taxpayers can designate that the dollar they check off either may be set aside for the candidate of a specific political party or they can designate that it be set aside in a nonpartisan general account or they can make no designation at all. This provision goes into effect in 1976.

In conclusion, the Congress has acted responsibly toward meeting the Nation's public needs. Because of the concern over the impact of Government spending on efforts to control inflation, the Congress cut administration spending requests by over $1.6 billion in nonessential areas while adding funds to important domestic programs. The first session served in part for establishing the legislative priorities for the second session. These priorities include welfare reform, revenue sharing, trade legislation, pension protection and completion of action on bills acted on in the first session. New proposals will be offered and considered carefully on their merits.

CONGRESSMAN WILLIAM F. RYAN'S ANNUAL QUESTIONNAIRE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. RYAN. Mr. Speaker, in responding to the annual Ryan poll, residents of Manhattan's West Side, Washington Heights and Inwood have overwhelmingly supported an immediate end to the Vietnam War; the protection of freedom of the press; increasing social security benefits; and a Federal take-over of all welfare costs.

Locally, they expressed their concern about crime, believing overwhelmingly that New York City streets are not generally safe.

My office sent out our annual questionnaire at the end of June to residents of the 20th Congressional District of New York. A total of some 9,400 individuals answered the poll.

It is interesting to note that, well before President Nixon announced his planned trip to Peking and new initiatives toward China, 83 percent of the sample stated that the United States should support Communist China's admission to the United Nations. Further, long before the President implemented his new economic policy, with its wage-price-rent controls, 72 percent primarily favored the use of such wage and price controls.

About 50 percent said they considered themselves liberals. More than a third considered themselves "middle of the road." And 12 percent said they were conservatives.

Asked if the administration had been doing a generally good job, 63 percent said not in handling Vietnam, 59 percent said not in handling the Middle East situation; 67 percent said not generally in foreign affairs, and 87 percent said not generally in domestic affairs.

Following are the results:

QUESTIONNAIRE

1. Vietnam—I favor withdrawing all American troops immediately, 50%; by December 31, 1971, 32%; only as the Vietnamese take over, 13%; a U.S. military victory, 5%.

2. China—The United States should support Communist China's admission to the United Nations. Yes, 83%; No, 17%.

3. Soviet Jewry—The United States should do more to help Jewish citizens of the Soviet Union. Yes, 63%; No, 37%.

4. New York Times—I believe the New York Times acted properly in publishing the secret Pentagon study on Vietnam. Yes, 79%; No, 21%.

5. Welfare—The Federal government should take over all State and local welfare costs. Yes, 82%; No, 18%.

6. Guaranteed annual income—I favor a Federal guaranteed annual income for a family of four of $2,400—8%; $4,000—20%; $6,500—35%; no guaranteed income—37%.

7. Marijuana—I favor legalizing possession of marijuana. Yes, 52%; No, 48%.

8. Narcotics—The United States should cut off foreign aid to countries that permit narcotics to be shipped to the United States. Yes, 84%; No, 16%.

9. Social Security—I favor increasing Social Security benefits by 15%—26%; by 50%—35%; an increase but neither of those, 32%; no increase, 7%.

10. Inflation—I favor primarily tight money and high interest rates, 4%; a ceiling on interest rates, 12%; wage and price controls, 72%; none of these, 12%.

11. Draft—I favor continuing the draft, 18%; an all-volunteer Army, 35%; no student deferments, 17%; alternate service in non-military ways, 30%.

12. TV News—Television news programs generally are accurate portrayals of the day's events, 54%; have a conservative bias, 21%; have a liberal bias, 25%.

13. FBI—J. Edgar Hoover should resign as Director of the FBI. Yes, 72%; No, 28%.

14. Crime—New York City streets generally are safe. Yes, 10%; No, 90%.

15. Crime—More foot policemen should patrol the streets. Yes, 92%; No, 8%.

16. Crime—I have been the direct victim of street crime. Yes, 34%; No 66%.

17. Corrections—Correctional institutions are generally effective in rehabilitating criminals. Yes, 8%; No, 92%.

18. Wiretapping—Wiretapping should be permitted only with a court order, 53%; at the discretion of the Attorney General without a court order, 19%; never, 28%.

19. Health care—Comprehensive health care should be provided by the Federal government for all citizens, 70%; only for those who cannot afford it, 23%; through private means, 7%.

20. Nixon—The Nixon Administration has been doing a generally good job in handling Vietnam. Yes, 27%; No, 63%.

21. Nixon—The Nixon Administration has been doing a generally good job in handling the Middle East situation. Yes, 41%, No, 59%.

22. Nixon—The Nixon Administration has been doing a generally good job in foreign affairs. Yes, 33%; No, 67%.

23. Nixon—The Nixon Administration has been doing a generally good job in domestic affairs. Yes, 13%; No. 87%.

24. Attitude—I consider myself generally liberal, 52%; conservative, 12%; middle of the road, 36%.

REMARKS BY HON. GRAHAM PURCELL

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. POAGE. Mr. Speaker, with permission to revise and extend remarks I insert the remarks of the Honorable GRAHAM PURCELL before the National Agricultural Aviation Association, Dallas, Tex., December 7, 1971:

REMARKS BY THE HONORABLE GRAHAM PURCELL

I greatly appreciate the opportunity to be here with you today. I have learned a great deal about the National Agricultural Aviation Association in talking with your very capable Executive Director, Farrell Higbee, and what I have learned is most impressive.

Scientists and historians dispute the exact date on which man may have first appeared on earth. In any case, it is safely recognized that man has inhabited this planet for at least two million years. For well over 99 percent of man's existence he hunted and gathered his food. Anthropologists say he probably never exceeded ten million in number—that's the estimated population that the earth could support under those conditions.

There are now over 3.5 billion people on earth. In hundreds of ways, man has increased the earth's ability to feed its inhabitants.

About ten thousand years ago, he learned to domesticate animals and plants, thus initiating the great transition from hunter to tiller. These people really meant it when they turned their swords into plowshares. Today only a tiny fraction of one percent of the human race still lives by hunting and gathering. The transition is virtually complete.

Scholars agree that the earliest beginnings of agriculture probably occurred in western Asia. Wheat and barley grew there, as did sheep, goats, pigs, cattle, horses, and deer. To this day, some strains of wild barley and wheat still remain there.

In its simplest terms, starting from that point ten thousand years ago, agriculture has been a continuous effort by man to shape his environment to better suit his needs. Man selected certain species of animals and plants—which in nature were quite useful to him as a source of food or clothing—and began favoring these species over all others. For example, wheat, a grain growing naturally in certain areas of the Middle East, is now planted on almost 600 million acres of land once covered by grass or timber.

The history of agriculture is filled with technological advances of varying importance, each one of which increased the earth's ability to sustain a growing population. The development of irrigation agriculture began some 6,000 years ago in the Middle East, probably in the Tigris-Euphrates flood plain. This greatly enhanced man's food-producing capacity.

Roughly 5,000 years ago man discovered that he could harness certain animals much stronger than himself to augment his own muscle power. Once man learned to utilize this source of energy, he was further able to expand his food supply. Early animal-drawn implements were crude—little more than pointed sticks. Hitches were insufficient, often attached directly to the horns of animals. But time and man's ability to think met the challenge and today we have air-conditioned mechanically-powered farm implements.

Interestingly enough, Columbus' voyage in the late 15th century established the link between the Old World and the New as far as crops were concerned. He set in motion an exchange of crops between the two worlds that continues to the present. As this exchange progressed, the world's population-sustaining capacity increased even further.

A good example of the continuing nature of this exchange is grain sorghum. Now the second-ranking feed grain in the United States, it was introduced to the United States in the form of food stores on early slave ships coming from Africa.

Finally, at the beginning of the 19th century, pure-science entered the agriculture picture. A German scientist, von Liebig, identified the importance of the nutrients nitrogen, phosphorus, and potassium in plant growth. He demonstrated that soil could be enriched by adding these nutrients in the proper proportions. Eventually farmers learned to substitute fertilizers for land as frontiers disappeared.

It was not until this century, however, that agricultural chemicals gained widespread use as fertilizers and pesticides. Aside from the developments of mechanical power and soil chemistry, the only other major breakthrough for agriculture was in the area of plant genetics. Starting with the work of the European monk, Mendel, plant breeders have now developed sufficient knowledge to alter plant characteristics to fit practically any need. For example, they have extended the northern limit of corn production some 500 miles within the United States. Wheat has been developed which will yield well close to the Equator.

Chemical pesticides are presently going through a development process which parallels the examples which I have outlined. Pesticides were initially used in the late 1800's. As early as 1910 the distribution and use of chemical pesticides reached a level which required Federal regulation for the protection of users, consumers and the general public.

By the late 1940's new plant materials and synthetic chemicals had been developed which greatly increased the number of pesticides available and widened the scope of their usefulness. The Federal Insecticide, Fungicide and Rodenticide Act was enacted in 1947, as the first truly significant step toward the careful regulation and control under which pesticides are now used.

To those who would shout 'doom" at the mere thought of continued usage of agricultural pesticides, I would strongly and respectfully urge that they wait and consider the subject in its proper historical perspective. As I mentioned earlier, the entire business of agriculture has been nothing more than an effort to alter man's natural environment to suit his own needs for the last ten thousand years.

It was a long, long time between the use of an ox to pull a pointed stick through the ground by its horns and the use of a motorized tractor. But had this development somehow have been prohibited—well, the consequences are too obvious to list.

We are in the midst of the development of further means of improving our ability to produce food and clothing through the use of pesticides. The Swiss scientist, Paul Mueller, who developed DDT, won a Nobel prize in 1948 for doing it. Less than twenty-five years later, its use is being banned in a number of countries.

It is vitally important that herbicide and insecticide development be fostered, not thwarted. If some chemicals are determined unfit—then we must find others. We're no longer able to move onto new land. We've got to do with what we have.

The House of Representatives passed a bill on November 9 which would amend the 1947 Act for the fourth time. The bill is now pending before the Senate Agriculture Committee for their consideration. It is safe to assume that some form of amendments will be passed before the end of 1972.

The House Agriculture Committee spent literally hundreds of hours considering all sides of the role which agricultural chemicals play in the 1970's. I can honestly say that this developmental perspective which I have discussed was maintained throughout our consideration—something which is genuinely in the best interests of every American.

Under the House-passed amendments, the 1947 Act would be extended in its regulation of pesticides to both their manufacture and use. Federal regulatory authorities would govern throughout the States, not just to the interstate commerce of pesticides.

Under the House-passed bill, the registration of pesticide producing establishments would be required. This registration would entail the designation of a use classification for each product of either "general use" or "restricted use." Products under the "restricted use" category would also entail the users being certified or licensed.

Enforcement of pesticide regulations would be strengthened through inspection of establishments as well as books and records, both routine and under warrant, and the taking of samples. Under the present law, only the inspection of books and records is authorized.

The coverage of unlawful acts would be extended beyond the present Act to cover, for example, the misuse of a pesticide or the failure of an establishment to register. "Stop sale," "Stop use," or "remove" orders would be available to the Administrator of the Environmental Protection Agency when he determines that a violation of the Act has occurred, or when a suspension or cancellation order has been issued.

One of the most highly debated provisions of the House-passed legislation was the scientific review authorization. Throughout our many hearings on the proposed amendments, a very noticeable gap developed between that information which was emotionally inspired and that which was scientifically generated. It was finally decided that the referral to a scientific review committee of issues of scientific fact arising during any administrative action should be provided. This is a step which is wholly consistent with what we all have at stake in the future of the agriculture industry.

This Association has an obvious and vital interest in the development of further regulations affecting the sale and use of agricultural chemicals. Your members, who number over 2,000, operate over 6,100 aircraft which apply some 63 percent of all agricultural pesticides to well over 110 million acres annually.

Your contribution to this country has been overlooked—and in some cases, abused. Among all the other things that might be said to you here today, I would ask that one stick out—"Thank You."

Consider briefly the contributions that agricultural chemicals have made in providing land for other uses—for a better environment. Our production from 17 major crops in 1969, if produced with the yields per acre of 1940, would have required almost 300 million acres more than those actually used. This is an area equivalent to the combined areas of Texas, New Mexico, and Arizona.

Everyone, whether associated with agriculture or not, should be proud of the tremendous productivity of our Nation's agriculture. In the centuries of man's dependence on agriculture, crop acreage tended to increase with population. A reversal of this trend came only during our generation. Only through continued research and development can we hope to meet food needs without removal of land now required for recreation, expanding cities—and very importantly—conservation.

The knowledge of this need and the practical experience which you have would be invaluable to the Senate as it now takes up this legislation. I would urge each one of you to study these proposals, familiarize yourselves with some of the major problem areas as you see them, and most importantly, let the Senate know about your interest and concern as an Association.

Above all, I would urge you to remember that your role constitutes an integral part in the continued development of an industry that got its start 10,000 years ago. It is to your advantage as businessmen, and in the nation's interest as consumers of food and fiber products, to remember that the goal of technological farming is a continued supply of goods which too many people have come to take for granted.

The stakes are far too high to let the further development of insecticide and herbicide application slip through our fingers. I am genuinely convinced that the House-passed amendments are consistent with the demands of a better environment and a continuous top-notch food supply.

But more important than the merits of this bill is the overriding fact that we are all, in the end, striving for the same thing. It makes no difference whether you are a rancher or farmer, an agribusinessman, an ecologist or naturalist, or an advocate of/or against pesticides. We are first interested in making a decent living for ourselves and our families. All people—and above all, the individuals and groups who would have us eliminate pesticides—must realize that the very existence of every field of endeavor beyond the production of food is possible because there is enough food to support those additional desires.

This Association has played an important role up to now in furthering man's greatest challenge. I urge you to lend your expertise as an Association toward the continuing development of this ten thousand year-old business of agriculture.

HORTON JOINS SALUTE TO MRS. JOHN L. BENNETT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HORTON. Mr. Speaker, if there is a key word in everyone's search for the answers to most all of today's problems, that word is "involvement." The universal plea is that concerned people must become personally involved to help solve the problems facing us.

It is fitting then that we take note of sincere personal involvement when it does occur and that we express our appreciation for it.

A constituent of mine, Mrs. John L. Bennett of Mendon, N.Y., is devoting much of her energies and many of her talents to being involved in a rather unique service to the community.

She is a wife, a mother of three young adults, and only recently the recipient of a degree from the State University College at Geneseo. With all of her many responsibilities, she finds time these days to be the first volunteer probation officer trainee in the Monroe County Family Court.

It was, indeed, a well-earned tribute that was paid Mrs. Bennett recently in the Rochester Times-Union. Authored by Jose Echaniz, Jr., the feature story gives background material on Mrs. John Bennett and while so doing, points up the fact that this is far from the first time this enthusiastic lady has contributed to the betterment of the communities in which she has lived.

She is truly an outstanding example of one who takes seriously the challenge to become personally involved. Hers is an example that people across the Nation can emulate. Problem solving on a person to person basis is among the finest contribution one can make.

I would like to join in saluting Mrs. John L. Bennett and thank her for her efforts toward making this a better world. Now I would like to share with my collegues in the Congress the Times-Union salute to this fine young woman.

The story follows:

Times-Union Salutes Mrs. John L. Bennett

(By Jose Echaniz, Jr.)

Mrs. John L. Bennett has been on several boards and committees, but as the first volunteer probation officer trainee in Family Court here, she's found that "this job is strictly a one-to-one relationship."

It's a new experience in which she deals with individuals or families in attempting to handle a variety of problems. A probation officer is "a social worker in a legal setting," she says, and the cases vary widely.

Mrs. Bennett, 41, is a native of Victor. She attended Harley School here and Bard College in Red Hook, and was graduated last January from the State University College at Geneseo.

In the meantime, however, she was married, raised three children, lived four years in Alaska, served on the board of the Anchorage League of Women Voters, helped found a Mendon unit of the League, and served a short time on the board of education of the Honeoye Falls-Lima Central Schools.

In the process of earning a B.A. degree in American Civilization at Brockport, she wrote a paper on Family Court service in Livingston County. She discovered then that the Family Court Act provided for volunteer probation officers.

The work interested her and she subsequently became the first volunteer in the Monroe County court. Family Court has other volunteer aides but she is the first in probation.

County Manager Gordon A. Howe recently cited her for "30 hours of volunteer service each week" and her "independent dedication to Family Court . . . without receiving a salary."

Active since last March, Mrs. Bennett has dealt mainly with those making their first contact with Family Court—young and old, seeking aid for marital problems, support, assault and juvenile problems. And she's looking forward to working in training and supervision of clients under the jurisdiction of the court.

Mrs. Bennett's husband, a civil engineer, is president of Stewart & Bennett, Inc., general contractors. They have three children, Peter, 20, Andrew, 16, and Polly, 14. They live at 100 Cheese Factory Road, Mendon.

RAUL FLORENCIO GUEMES' PROGRESS

HON. DURWALD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HALL. Mr. Speaker, in this day of trial and turmoil, occasionally things come out just right, which restores our faith. Some time ago, I was asked to break the gordian knot of redtape to have a foreign nationalist, who had lost both of his hands and forearms in the line of duty, while dismantling a bomb that had been left by a terrorist group, brought to the United States for expert medical aid and assistance not available in his country.

With the cooperation of the Surgeon General of the Army, the Secretary of Defense, and the Administrator of the Veterans' Administration this was accomplished, after all was properly explained. I have had several reports of officer Raul Florencio Guemes' progress, and his deep appreciation to all, especially those dedicated people who have been working with officer Guemes at the Veterans' Administration Prosthetics Center in New York. He made the trip at this country's expense as a tribute of a grateful Government, and I think these progress reports to the American Embassy in Buenos Aires are self-explanatory, and demonstrate MD—medical diplomacy—in our system where the best technology is available.

The progress reports follow:

Subject: Police Officer Guemes.

1. VA Dr. Peizer reports Guemes treatment progressing extremely well. Guemes has been fitted with temporary mechanical arms, permanent fitting and training to begin this week. Entire time for fitting and training not expected to exceed three weeks.

2. States VA will supply two sets of prosthetic devices: conventional mechanical prosthetic device, and pair of electrically driven hands.

ROGERS.

NOVEMBER 1971.

Subject: Progress Report on Officer Raul Florencio Guemes.

1. VA Hospital New York reports Guemes making outstanding progress in use of artificial hands. Now able manipulate buttons to dress and undress without assistance and handling knife/fork/spoon at meals with ease. Driver training and minor vehicle repair training scheduled during coming week.

2. Case physician says Guemes' outgoing personality, eagerness to learn and enthusiastic response to training have captured hearts of entire staff.

3. Anticipated date of departure to Argentina still December 16.

4. VA has filmed Guemes' activities from start at prosthetics center and reports that approximately 30 days after his departure, a ten minute film of his training and progress will be made available to OPS/W. Will forward when available.

ROGERS.

DECEMBER 1971.

Subject: Progress of Officer Raul Florencio Guemes of Argentina.

Late December 1971.

Contact was made this date at 4:00 p.m. with Dr. Peizer at the VA Hospital in New York to inquire as to the progress of Officer Guemes. Dr. Peizer stated that Guemes has been doing extremely well much better than the average amputee.

Dr. Peizer stated that Guemes is now capable of dressing and undressing himself including buttoning and unbuttoning his shirt. He has no problems in a restaurant. He is capable of holding and using his utensils (knife, fork and spoon). He can also type and use the telephone. During this coming week Officer Guemes will be taught to drive and handle minor repairs to a vehicle. This training should be completed by the middle of the week.

Dr. Peizer stated that Officer Guemes' progress has been outstanding and that Guemes has informed him that his goal is to return to Argentina, walk into his office and continue where he left off when he lost his hands.

Dr. Peizer informed us that a friend of his, a member of the International Police Association (IPA) has made arrangements for Guemes and his wife to go to Nassau County Police Department where the police will give them the VIP tour this coming weekend.

It is anticipated that Officer Guemes will be able to return to Argentina on or about the 16th of December. It is also interesting to note that the VA has discovered that Officer Guemes' hobby is shooting and as a bonus feature Officer Guemes will be instructed to shoot firearms with his mechanical hands (rifles).

Numerous pictures have been taken of the various phases of Guemes' training. These will be forwarded to us along with a complete medical history and progress report after Officer Guemes has completed his training.

In addition, after Guemes leaves for Argentina they will prepare about a 10-minute 35 mm film from microfilms they have taken, showing the various phases of training and progress of Guemes. This should be interesting to Ambassador Lodge and he may possibly be able to obtain some political mileage from this film in-country.

QUESTION OF NEIGHBORHOOD SCHOOLS IN ORANGE COUNTY, FLA.

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. FREY. Mr. Speaker, in Orange County, Fla., which I have the privilege to represent, the question of neighborhood schools was put to the electorate. I am very pleased to report the following which supports the position I have long held and the principles I have advocated here in the Congress:

BALLOT IN ORANGE COUNTY

On November 2, 1971, the following item was placed on the ballot for the electorate of Orange County, Florida:

"It should be understood that the following statement is presented for the purpose of affording the voters of Orange County an opportunity to express themselves on the issue of neighborhood schools and shall constitute voter opinion for such a constitutional amendment.

"I believe and support the following principle:

"The right of a student to attend the public school nearest his place of residency shall not be denied or abridged for reasons of race, color, national origin, religion or sex, and the Congress and the States shall have the power to enforce this article by appropriate legislation."

☐ For ☐ Against

The results of this election showed a final vote of 42,332 for (88.57%) and 5,465 against (11.43%)—an overwhelming majority in support of neighborhood schools in Orange County.

On November 8, 1971, meeting in official session, the School Board of Orange County unanimously approved the following motion:

"That the Chairman or Board Member who shall be designated by the Chairman, or Superintendent or members of his staff, have full authority from the School Board of Orange County to represent the Board in supporting the proposed constitutional amendment and for using the results of the Orange County November 2, 1971 referendum for whatever purposes might seem helpful in having such a constitutional amendment adopted by the Congress; and further, that they request Senator Gurney and Representative Frey to enter this information in the Congressional Record; and that all Congressmen be advised of the results of the November 2 referendum."

CELEBRATES 40 YEARS OF PUBLIC SERVICE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. GAYDOS. Mr. Speaker, on November 17 friends of one of the great leaders in this Congress gathered to pay tribute and to celebrate the marking of 40 years of public service by my friend and fellow Pennsylvanian, JOHN H. DENT.

Highlights of the evening included "Doc" MORGAN'S personal delivery of a statement and plague from Gov. Milton Shapp and the people of Pennsylvania.

The text of the statement follows:

DEAR JOHN: Congratulations on the occasion of your 40th anniversary in the field of public service.

I am proud to forward to you a Certificate of Distinguished Citizenship for your devotion and dedication to the citizens of the Commonwealth of Pennsylvania who have been privileged to be associated with you through the years.

Unfortunately, I will not be able to attend the reception due to previous commitment but be assured of my continuing affection and admiration for the efforts of those in our citizenry who bring honor and achievement to our State.

Sincerely,

MILTON J. SHAPP,
Governor.

In addition to the honor bestowed on JOHN by Governor Shapp, two of America's best read food and wine editors, David and Ruth Pursglove were on hand for a "special" presentation. The Pursglove's column is a regular feature of the Washingtonian magazine. In addition the Pursgloves are the publishers of the fascinating and informative Pursglove Wine and Food Newsletter.

I believe the remarks made by the Pursglove's in connection with the presentation of a sterling wine goblet can easily be extended to reflect JOHNNY'S entire public life of working for and defending the rights of the man in the street, your kind and my kind of people.

The remarks of the Pursglove's follows:

Members of Congress, honored guests, ladies and gentleman:

I am confident that all Americans share with me tonight this salute to you, Mr. Dent, on the occasion of marking 40 years of public service. Those of us who have followed your career hope that this nation can have another 40 years of your wisdom and leadership.

Your friends had to decide on a single token of expression that best symbolizes your dedicated and untiring service to the people of Pennsylvania and the nation.

We believe that your entire career—beginning with your enlistment in the U.S. Marines at age 16—he wore a mustache even then—to this very day in Congress—is reflected in your outspoken faith and support for American wines.

You've defended and supported America.

You've defended and supported American business and labor.

You've defended and supported the rights of every American.

An so it is little wonder that you would defend and support with courage and conviction the rights of the American wine growers to have fair and equal treatment for their product at home and abroad.

Mr. Dent, we thought that this sterling wine goblet best symbolizes your 40 years of public service—and it is presented with this simple but heartfelt engraving—for all that you have done for all of us with the constant support and love of your wife and family:

"To John H. Dent, Member of Congress, with affection and appreciation from the Wine Grower's and Winedrinker's of America."

SUMMARY OF VETERANS LEGISLATION IN 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAMILTON. Mr. Speaker, the first session of the 92d Congress took several steps to meet its obligation to veterans.

Legislation was enacted to:

First. Make it easier for veterans to obtain home loans, by permitting the VA Administrator to sell direct loan paper at market prices.

Second. Continue the exchange of medical information between veterans' hospitals and the medical profession to insure the best care for veteran patients.

Third. Provide mortgage protection life insurance for seriously disabled service-connected veterans.

Fourth. Provide a cost-of-living increase in dependency and indemnity compensation benefits payable to survivors of veterans who died as a result of service-incurred disabilities.

Fifth. Increase nonservice-connected pension rates and prevent such pensioners from losing any of their VA pension because of the 1971 increase in their social security benefits.

Sixth. Increase by $300 the income limitations for nonservice-connected pensioners, and prevent the loss of income in the future if a pensioner receives an increase in income from another source, as long as the income does not exceed the annual limitation, and

Seventh. Increase veterans appropriations by $1 billion over last year, including $400 million more for medical care.

Several measures have passed the House and hopefully will be approved by the Senate in 1972, including bills to:

First. Broaden the authority of the VA Administrator to extend drug treatment and rehabilitation services to veterans, and

Second. Use the VA medical system to train additional medical manpower to help relieve the current manpower shortage.

In 1972, I am also hopeful that the Congress will take action on measures improving the national service life insurance system and veterans' education benefits.

THE INDIVIDUAL RETIREMENT BENEFITS ACT OF 1971

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, on December 14, I cosponsored H.R. 12272, the "Individual Retirement Benefits Act of 1971." The bill, introduced on behalf of the administration, includes comprehensive recomendations to strengthen the private retirement system by providing minimum standards of participation for employer-sponsored pension plans, by encouraging expansion of plans covering self-employed individuals and their employees, by providing an opportunity for individuals either not covered or inadequately covered by private plans to save through plans of their own, and by making other amendments.

In view of the interest in the administration's proposal and the entire subject of pension reform, I am inserting the entire bill in the CONGRESSIONAL RECORD in order to make it more accessible to the public. I might point out that the administration provided a comprehensive explanation of the bill that has already been inserted in the CONGRESSIONAL RECORD of December 14, 1971, at page 46901.

The bill follows:

H.R. 12272

A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Individual Retirement Benefits Act of 1971".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. MINIMUM STANDARDS RELATING TO ELIGIBILITY AND VESTING

(a) IN GENERAL.—Section 401(a) (relating to requirements for qualification) is amended by adding at the end thereof the following new paragraphs:

"(11) A trust shall not constitute a qualified trust under this section if the plan of which such trust is a part requires, as a condition of participation, that an employee—

"(A) have a period of service with the employer in excess of 3 years,

"(B) have attained an age in excess of 30 years, or

"(C) have not attained (as of the first time when he is otherwise eligible to participate) an age which is less than 5 years less than the earliest age under the plan at which an employee may retire and receive benefits which are not actuarially reduced.

In the case of any plan in existence on November 30, 1971, this paragraph shall not apply to plan years beginning before January 1, 1974, and in the case of a union-negotiated plan in existence on November 30, 1971 this paragraph shall not apply to plan years beginning before the termination of the collective bargaining agreement in effect on November 30, 1971.

"(12) (A) A trust shall not constitute a qualified trust under this section unless under the plan of which such trust is a part, an employee's rights in at least 50 percent of his accrued benefit (determined in accordance with regulations prescribed by the Secretary or his delegate) are nonforfeitable—

"(i) as of the close of the first plan year in which the sum of his age and his period of participation in the plan equals or exceeds 50 years, or

"(ii) after he has participated in the plan for a period equal to 3 years reduced to any period of service with the employer before he was eligible to participate in the plan, whichever occurs later, and his rights in the balance of his accrued benefit become nonforfeitable not less rapidly than rapidly over the succeeding five years.

"(B) Subparagraph (A) shall not be applied to prohibit a plan to which employees are required to contribute as a condition of participation from providing that an employee's rights under the plan will be forfeited if he voluntarily withdraws his contributions upon termination of employment or active participation in the plan.

"(C) This paragraph shall not apply to contributions which under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by paragraph (4), may not be used to provide benefits for designated employees in the event of early termination of the plan.

"(D) This paragraph shall not apply to benefits accrued under any plan in existence on November 30, 1971, during plan years beginning before January 1, 1974, and to benefits accrued under a union-negotiated plan in existence on November 30, 1971, during plan years beginning before the termination of the collective bargaining agreement in effect on November 30, 1971.

"(13) A plan in existence on November 30, 1971, shall not be considered as failing to satisfy the requirements of paragraph (12) merely because it provides that the benefits accrued thereunder during any plan year are forfeitable—

"(A) during which the periodic benefit payments to retired participants exceed the benefit accruals (determined in accordance with regulations prescribed by the Secretary or his delegate) by active participants, and

"(B) as of the beginning of which, the present actuarial value of accrued plan liabilities to both retired and active participants exceeds the actuarial value of plan assets.

This paragraph shall not apply to benefits accrued during any plan year if the plan is amended to increase benefits directly or indirectly within the 5-year period following the close of such plan year."

(b) Plans Benefiting Owner-Employee.—

(1) Eligibility.—Paragraph (3) of section 401(d) (relating to additional requirements of trusts and plans benefiting owner-employees) is amended by striking out the first sentence and inserting in lieu thereof:

"The plan benefits—

"(A) each employee having a period of employment of 3 years or more who has not attained the age of 30 years,

"(B) each employee having a period of employment of 2 years or more who has attained the age of 30 years but has not attained the age of 35 years, and

"(C) each employee having a period of employment of 1 year or more who has attained the age of 35 years."

(2) Vesting.—Paragraph (2) (A) of section 401(d) is amended to read as follows:

"(A) an employee's rights in at least 50 percent of his accrued benefit (determined in accordance with regulations prescribed by the Secretary or his delegate) are nonforfeitable as of the close of the first plan year in which the sum of his age and his period of participation in the plan equals or exceeds 35 years, and his rights in the balance of his accrued benefit become nonforfeitable not less rapidly than ratably over the succeeding five years; and".

(c) Conditions of Participation and Nonforfeitability of Benefits to Insure Satisfaction of Nondiscrimination Requirements.—Section 401 (relating to pension, profit-sharing, and stock bonus plans) is amended by redesignating (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) Conditions of Participation and Nonforfeitability of Benefits to Insure Satisfaction of Nondiscrimination Requirements.—

"(1) Promulgation of regulations.—The Secretary or his delegate shall prescribe regulations setting forth the circumstances under which a plan will, in the judgment of the Secretary or his delegate, satisfy the requirements of subsections (a) (3) (B) and (a) (4) only if the conditions of participation in the plan and the conditions of nonforfeitability of benefits under the plan are less restrictive than those which satisfy subsections (a) (11) and (a) (12), respectively. Such regulations shall also set forth conditions of participation and nonforfeitability of benefits which will, in the judgment of the Secretary or his delegate, insure that the plan will satisfy the requirements of subsections (a) (3) (B) and (a) (4), but which are not more restrictive than conditions of partcipation and nonforfeitability of benefits which are required under subsections (d) (3) and (d) (2) (A), respectively.

"(2) Effect of noncompliance.—If a plan to which this subsection applies does not contain conditions of participation and nonforfeitability of benefits which comply with the regulations prescribed under paragraph (1), no trust forming part of such plan shall constitute a qualified trust under this section.

"(3) Plans to which applicable.—This subsection shall apply to a pension, profit-sharing, or stock bonus plan which provides benefits for an individual who—

"(A) in the case of a partnership, is a partner who is not an owner-employee (as defined in section 401(c) (3)) and who owns—

"(i) more than 5 percent of either the capital interest or the profits interest in such partnership, or

"(ii) more than 1 percent, but not more than 5 percent, of either the capital interest or the profits interest in such partnership if all such partners own more than 50 percent of such interests, or

"(B) in the case of a corporation, is a shareholder who owns (or is considered as owning within the meaning of section 318 (a) (1))—

"(i) more than 5 percent in value of the outstanding stock of such corporation, or

"(ii) more than 1 percent, but not more than 5 percent, in value of the outstanding stock of such corporation if all such shareholders own (or are considered as owning within the meaning of section 318(a) (1)) more than 50 percent in value of the outstanding stock of such corporation.

"(4) Transitional rules.—In the case of a plan in existence on November 30, 1971—

"(A) conditions of participation set forth in regulations prescribed by the Secretary or his delegate under paragraph (1) shall not apply to plan years beginning before January 1, 1974; and

"(B) conditions of nonforfeitability of benefits set forth in such regulations shall not apply to benefits accrued during plan years beginning before January 1, 1974."

(d) Confronting Amendments.—

(1) Section 404(a) (2) (relating to deduction for contributions of an employer to employees' annuity plan) is amended by striking out "section 401(a) (3), (4), (5), (6), (7), and (8), and, if applicable, the requirements of section 401(a) (9) and (10) and of section 401(d) (other than paragraph (1))," and by inserting in lieu thereof "section 401(a) (3), (4), (5), (6), (7), (8), (11), and (12), and, if applicable, the requirements of section 401 (a) (9) and (10) and section 401(d) other than paragraph (1)), and, if applicable, the requirements of regulations prescribed by the Secretary or his delegate under section 401(j)".

(2) Section 805(d) (1) (C) (relating to definition of pension plan reserves) is amended by striking out "and (8)" and by inserting in lieu thereof "(8), (11), and (12), and, if applicable, the requirements of regulations prescribed by the Secretary or his delegate under section 401(j)".

(e) Effective Dates.—The amendments made by subsections (a), (b) (2), (c), and (d) shall become effective upon the day after enactment of this Act. The amendment made by subsection (b) (1) shall not apply to plan years beginning before January 1, 1974, except that in the case of a plan which is amended after the day of enactment of this Act but before January 1, 1974, so that it no longer satisfies the requirement of section 401(d) (2) (A) of the Internal Revenue Code of 1954 as in effect on the day of enactment of this Act, the amendment made by subsection (b) (1) shall apply to the plan year for which such amendment is effective and all succeeding plan years.

Sec. 3. Deduction for Retirement Savings

(a) In General.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as section 219 and by inserting after section 217 the following new section:

"Sec. 218. Retirement Savings

"(a) Deduction Allowed.—There shall be allowed as a deduction amounts paid during the taxable year by an individual—

"(1) to a qualified individual retirement account (as defined in section 408(a)),

"(2) to an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(3) for the purchase of an annuity contract under a plan which meets the requirements of section 404(a) (2),

"(4) to or under a qualified bond purchase plan (as defined in section 405), or

"(5) for the purchase of an annuity contract described in section 403(b).

"(b) Limitation.—

"(1) General rule.—The amount allowable as a deduction under subsection (a) to an individual for any taxable year shall not exceed 20 percent of so much of his earned income for such taxable year as does not exceed $7,500.

"(2) Reduction on account of employer contributions to qualified pension, etc., plans.—The limitation otherwise determined under this subsection for any taxable year shall be reduced by the amount (determined in accordance with regulations prescribed by the Secretary or his delegate) of any contributions made on behalf of the taxpayer by his employer during the taxpayer's taxable year—

"(A) to an employees' trust *described* in section 401(a) which is exempt from tax under section 501(a),

"(B) for the purchase of an annuity contract under a plan which meets the requirements of section 404(a) (2),

"(C) to or under a qualified bond purchase plan (as defined in section 405), or

"(D) for the purchase of an annuity contract described in section 403(b).

In accordance with regulations prescribed by the Secretary or his delegate, the amount of any contributions described in the preceding sentence made on behalf of a taxpayer by his employer during his taxable year may, at the option of the taxpayer, be considered to be 7 percent of his earned income for such taxable year attributable to the performance of personal services for such employer.

"(3) Reduction applicable to certain public and other employees.—If a taxpayer has earned income for the taxable year which is not subject to tax under chapter 2, 21 or 22, the limitation otherwise determined under this subsection for such taxable year shall be reduced by an amount equal to the tax (or the increase in the tax) that would be imposed upon such income under section 3101 for such taxable year if the personal services from the performance of which such income is derived constituted employment (within the meaning of section 3121(b)).

"(4) Married individuals.—The limitation provided by this subsection in the case of a married individual shall be determined without regard to the earned income of his spouse and without regard to contributions described in paragraph (2) made on behalf of his spouse. For purposes of this subsection, the earned income of a married individual shall be determined without regard to community property laws.

"(5) Earned income defined.—For purposes of this subsection, the term 'earned income' has the meaning assigned to such term in—

"(A) in the case of a self-employed individual, section 401(c) (2), and

"(B) in the case of an individual who is not a self-employed individual, section 911(b)."

(b) Individual Retirement Accounts.—Part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding at the end thereof the following new section:

"Sec. 408. Individual Retirement Accounts.

"(a) Requirements for Qualifications.—A trust, custodial account, or other similar arrangement created or organized in the United States shall constitute a qualified individual retirement account under this section only if—

"(1) it is maintained for the purpose of distributing to the individual who established it, his spouse, or his beneficiaries, the contributions thereto and the income therefrom;

"(2) except as otherwise provided in subsections (b) (1) and (2), contributions thereto during any taxable year may not exceed the limitation provided by section 218 (b) for such taxable year and may be made only by the individual who established it or his spouse;

"(3) except as otherwise provided in subsection (b) (3), the assets thereof are not commingled with the other property of the individual who established it or his spouse, and are held in trust by, or in the custody of, a bank (as defined in section 401(d)(1)), a credit union described in section 501(c)(14), or other person who demonstrates to the satisfaction of the Secretary or his delegate that the manner in which he will hold or have custody of such assets will be consistent with the requirements of this paragraph;

"(4) except as otherwise provided in subsection (b)(1), under the plan or other governing instrument, no benefits may be paid to the individual who established it, except in the case of his becoming disabled (within the meaning of section 72(m)(7)), before he or his spouse attains the age of 59½ years;

"(5) under the plan or other governing instrument, the entire interest of the individual who established it will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or will be distributed; commencing not later than such taxable year, in accordance with regulations prescribed by the Secretary or his delegate, over—

"(A) the life of such individual or the lives of such individual and his spouse, or

"(B) a period not extending beyond the expectancy of such individual or the life expectancy of such individual and his spouse; and

"(6) if contributions thereto may be used for the purchase of annuity or similar contracts issued by a life insurance company, under the plan or other governing instrument, any refunds of premiums and any amounts in the nature of a dividend or similar distribution must be held by the issuer of such contract and may be applied only toward the payment of future premiums or to the purchase of additional similar benefits.

"(b) Special Rules.—

"(1) Transfer of assets.—Subsections (a)(2) and (a)(4) shall not be applied to prevent the contribution of amounts to which section 72(p) would otherwise apply to a qualified individual retirement account for the benefit of the same taxpayer or the same taxpayer and his spouse.

"(2) Limitation on contributions.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided in paragraphs (2) and (3) of section 401(e) (relating to excess contributions to a qualified individual retirement account to the extent necessary to carry out the purposes of this section.

"(3) Use of common trust funds.—Subsection (a)(3) shall not be applied to prevent the investment of the assets of a qualified individual retirement account in a common trust fund.

"(c) Treatment as Qualified Trust Benefiting Owner-Employee.—For purposes of subchapter F and subtitle F, a qualified individual retirement account shall be treated as a trust described in section 401(a) which is part of a plan providing contributions or benefits for employees some or all of whom are owner-employees (as defined in section 401(c)(3)), the individual who established such qualified individual retirement account and his spouse shall be treated as owner-employees for whom such contributions or benefits are provided, and the person holding or having custody of the assets of such qualified individual retirement account shall be treated as the trustee of such trust."

"(d) Taxability of Beneficiary of Qualified Individual Retirement Account.

"(1) In general.—Except as provided in paragraph (2), the amount actually distributed or made available to any beneficiary by a qualified individual retirement account shall be taxable to him, in the year in which so distributed or made available, under section 72 (relating to annuities).

"(2) Recontributed amounts.—Paragraph (1) shall not apply to any amount distributed or made available by a qualified individual retirement account to the individual who established such account to the extent that, within 60 days after the day on which such amount is distributed or made available, such amount is contributed to a qualified individual retirement account for the benefit of such individual or such individual and his spouse.

"(3) Applicability of section 72(m).—Under regulations prescribed by the Secretary or his delegate, an individual establishing a qualified individual retirement account shall be treated as an owner-employee for purposes of applying paragraphs (1), (2), (3), and (4) of section 72 (m) (relating to special rules applicable to employee annuities and distributions under employee plans).

"(e) Capital Gains Treatment and Limitation of Tax Not to Apply to Distributions.—Section 72(n), section 402(a)(2), and section 403(a)(2) shall not apply to any amount distributed or made available by a qualified individual retirement account."

(c) Treatment of Distributions From Qualified Individual Retirement Accounts.—

(1) In general.—Section 72 (relating to annuities) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Premature Distributions From Qualified Individual Retirement Accounts.—

"(1) Application of subsection.—This subsection shall apply to—

"(A) distributions from a qualified individual retirement account, and

"(B) amounts which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a), but only to the extent attributable under regulations prescribed by the Secretary or his delegate to amounts with respect to which a deduction was under section 218 (relating to retirement savings)

which are includible in gross income and which are received by the individual who established such qualified individual retirement account or who was allowed such deduction (or the spouse of such individual) before he or his spouse attains the age of 59½ years, for any reason other than his becoming disabled (within the meaning of subsection (m)(7)), but only to the extent that such amount is not contributed within 60 days after the day on which such amount is distributed or made available to a qualified individual retirement account for the benefit of such individual or such individual and his spouse.

"(2) Amount of penalty.—If an individual is required to include in gross income for the taxable year an amount to which this subsection applies, there shall be imposed an additional tax for such taxable year equal to 30 percent of such amount. Any tax imposed under this paragraph shall not be reduced by any credit under part IV of subchapter A (other than sections 31 and 39 thereof), and shall not be treated as tax imposed by this chapter for purposes of section 56."

(2) Investment in the contract.—

(A) Subparagraph (A) of section 72(c)(1) (relating to definition of investment in the contract) is amended by inserting after "contract" the following: "for which no deducttion was allowed under section 218 (relating to retimement savings)".

(B) Section 72(d)(2) (relating to employees' annuities) is amended by striking out "and" at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and", and by inserting after subparagraph (B) the following new subparagraph:

"(C) any contribution made with respect to the contract shall not be treated as consideration for the contract contributed by the employee to the extent that a deduction was allowed under section 218 (relating to retirement savings) for such contribution."

(3) Amounts received before annuity starting date.—Section 72(m)(1) (relating to special rule applicable to amounts received before annuity starting date) is amended to read as follows:

"(1) Certain amounts received before annuity starting date.—Any amounts received under an annuity, endowment, or life insurance contract before the annuity starting date which are not received as an annuity (within the meaning of subsection (e)(2)) shall be included in the recipient's gross income for the taxable year in which received to the extent that such amounts, plus all amounts theretofore received under the contract and includible in gross income under this paragraph, do not exceed the aggregate premiums or other consideration paid for the contract—

"(A) while the employee was an owner-employee which were allowed as deductions under section 404 for the taxable year and all prior taxable years, or

"(B) which were allowed as deductions under section 218 for the taxable year and all prior taxable years, except to the extent that, within 60 days after day on which such amounts are received, such amounts are contributed to a qualified individual retirement account for the benefit of the recipient or the recipient and his spouse.

Any such amounts so received which are not includible in gross income under this paragraph shall be subject to the provisions of subsection (e)."

(d) Excise Tax on Excessive Accumulations.—Subtitle D is amended by adding at the end thereof the following new chapter:

"CHAPTER 43.—INDIVIDUAL RETIREMENT ACCOUNTS

"Sec. 4960. Excise Tax on Individual Retirement Accounts.

"(a) Tax Imposed.—There is hereby imposed for each taxable year on the assets of a qualified individual retirement account (as defined in section 408(a)) a tax equal to 10 percent of the excessive accumulation for such year. The tax imposed by this section shall not apply for any taxable year prior to the taxable year in which any individual who contributed to the plan attains the age of 70½ years.

"(b) Excessive Accumulation.—For purposes of this section the excessive accumulation for any taxable year is the excess (if any) of—

"(1) an amount equal to the value of the assets held by the plan at the beginning of the taxable year, over

"(2) the present value of a joint and survivor annuity payable to the individual and his spouse, providing for an annual payment payable at the beginning of each year in an amount equal to the total amount actually distributed under the plan to the individual and his spouse during such year.

The present value described in paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary or his delegate."

(e) Conforming Amendments.—

(1) Adjusted gross income.—Section 62 (relating to definition of adjusted gross income) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Individual retirement savings.—The deduction allowed by section 218."

(2) Pension plan reserves.—Section 805 (d)(1) (relating to definition of pension plan reserves) is amended by striking out "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting in lieu thereof "; or", and by adding at the end thereof the following new subparagraph:

"(E) purchased under contracts entered into with trusts, custodial accounts or other similar arrangements which (as of the time the contracts were entered into) were deemed to be qualified individual retirement accounts (ad defined in section 408(a))."

(3) Averagable income.—Paragraph (2) (A) of section 1302(a) (relating to definition of averagable income) is amended by striking out "section 72(m) (5)" and inserting in lieu thereof "section 72(m)(5) or 72(p)".

(4) Earned income.—Section 1348(b)(1) (relating to definition of earned income) is amended by striking out "72(n)" and inserting in lieu thereof "72(n), 72(p)".

(f) Clerical Amendments.—

(1) The table of sections for part VII of subchapter B of chapter 1 is amended by striking out the item relating to section 218 and inserting in lieu thereof the following:

"Sec. 218. Retirement savings.

"Sec. 219. Cross references."

(2) The table of sections for part I of subchapter D of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 408. Individual retirement accounts."

(3) The table of chapters for subtitle D is amended by adding at the end thereof the following new item:

"CHAPTER 43. INDIVIDUAL RETIREMENT ACCOUNTS."

(g) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

Sec. 4. Contribution on Behalf of Self-Employed Individuals and Shareholder Employees of Electing Small Business Corporations.

(a) Contributions on Behalf of Self-Employed Individuals.—

(1) Special limitations for self-employed individuals.—Section 404(e) (relating to special limitations for self-employed individuals) is amended—

(A) by striking out paragraphs (1) and (2)(A) and inserting in lieu thereof the following:

"(1) In general.—In the case of a plan included in subsection (a)(1), (2), or (3), which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c) (1), the amounts deductible under subsection (a) in any taxable year with respect to contributions on behalf of any employee within the meaning of section 401(c) (1) shall, subject to the provisions of paragraph (2), not exceed the product of—

"(A) so much of the earned income derived by such employee from the trade or business with respect to which the plan is established as does not exceed $50,000, and

"(B) a rate not in excess of 15 percent. If in the taxable year contributions are paid or accrued under the plan on behalf of an employee within the meaning of section 401(c)(1), the rate specified in subparagraph (B) shall not exceed the lowest rate at which contributions (including amounts which are treated as contributions pursuant to section 401(d)(6)) are paid or accrued on behalf of any employee who is not an employee within the meaning of section 401(c)(1).

"(2) Contributions made under more than one plan.—

"(A) Overall limitation.—In any taxable year in which amounts are deductible with respect to contributions under two or more plans on behalf of an individual who is an employee within the meaning of section 401 (c)(1) with respect to such plans, the aggregate amount deductible for such taxable year under all such plans with respect to contributions on behalf of such employee shall not exceed the product of—

"(i) so much of the earned income derived by such employee from the trades or businesses with respect to which the plans are established as does not exceed $50,000, and

"(ii) a rate not in excess of 15 percent. If in the taxable year contributions are paid or accrued under any of such plans on behalf of an employee within the meaning of section 401(c)(1), the rate specified in clause (ii) shall not exceed the lowest rate at which contributions (including amounts which are treated as contributions pursuant to section 401(d)(6)) are paid or accrued under any of such plans on behalf of any employee who is not an employee within the meaning of section 401(c)(1)."; and

(B) by renumbering paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Treatment of forfeitures.—The amount determined under paragraphs (1) and (2) with respect to any employee within the meaning of section 401(c)(1) for any taxable year shall be reduced by the amount of any forfeitures credited to his account during such taxable year. For purposes of this paragraph, forfeitures used to reduce the employer's contributions on behalf of all employees under the plan shall not be considered to be credited to the account of any employee."

(2) Excess contributions on behalf of owner-employees.—

(A) Paragraphs (1)(B)(iv) and (3) of section 401(e) (relating to excess contributions on behalf of owner-employees) are amended by striking out "$2,500" and inserting in lieu thereof "$7,500."

(B) Paragraph (1)(B)(iii) of section 401 (e) is amended to read as follows:

"(iii) the amount of any contribution made by any owner-employee (as an employee) which exceeds 10 percent of so much of the earned income for such taxable year derived by such owner-employee from the trade or business with respect to which the plan is established as does not exceed $50,000; and".

(3) Penalties applicable to certain amounts received by owner-employees.—Section 72(m) (5)(B)(i) (relating to penalties applicable to certain amounts received by owner-employees) is amended by striking out "$2,500" and inserting in lieu thereof "$7,500".

(b) Contributions on Behalf of Shareholder-Employees of Electing Small Business Corporations.—Section 1379(b)(1) (relating to the taxability of shareholder-employee beneficiaries) is amended—

(1) by striking out "the lesser of—" and inserting in lieu thereof "the product of—", and

(2) by striking out subparagraphs (A) and (B) and inserting in lieu thereof—

"(A) compensation otherwise received or accrued by him from such corporation during its taxable year as does not exceed $50,000, and

"(B) a rate not in excess of 15 percent. If in the taxable year contributions are paid or accrued under the plan on behalf of a shareholder-employee, the rate specified in subparagraph (B) shall not exceed the lowest rate at which contributions are paid or accrued on behalf of any employee who is not a shareholder-employee."

(c) Effective Date.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972, or, if a taxpayer chooses, to taxable years ending after December 31, 1971.

AMTRAK: IT HAS NOT MADE THE TRAINS RUN ON TIME

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HUNGATE. Mr. Speaker, once again it is interesting to see that what has been common knowledge in Kirksville and Laplata, Mo., since September 1971 is headline news in Washington, December 15, 1971.

I call my colleagues' attention to the article in the Evening Star of December 15, 1971, and urge them to save it for restudy the next time the hat is passed.

The article follows:

Amtrak: It Hasn't Made the Trains Run on Time

(By Stephen M. Aug)

The National Railroad Passenger Corp. (Amtrak) has accomplished little in improving the on-time performance record of most of the nation's railroad passenger trains—although the new corporation appears at least to be trying.

Figures obtained by The Star outlining on-time performance by route and by railroad for the first six months of operations (May 1 through Oct. 29) show that during October Amtrak trains were on time on an average of 79.6 percent of all trips. This compares with an average on-time performance for the first six months of 82.2 percent, indicating performance was higher at some time.

The worst railroad performance during the first six months was by the Southern Pacific Co. which several years ago was the subject of a lengthy investigation by the Interstate Commerce Commission into the deteriorating quailty of SoPac's passenger service. (The ICC decided it didn't have the power to force the railroad to improve the quality of service.)

During October, Southern Pacific operated Amtrak trains on time only 51.9 percent of the time. Its six-month average on-time performance was 58.7 percent. SP operates Amtrak trains between New Orleans and Los Angeles; Portland, Ore., and Los Angeles, and Ogden, Utah, and Oakland, Calif.

On one route—between New Orleans and Los Angeles—Amtrak found that between Aug. 27 and Nov. 16, the Sunset Limited was on time only 13.9 percent of the time, and on the average it was late one hour and 42 minutes.

So poor was the performance that Amtrak's vice president for operations, Harold Wanaselja, wrote the railroad's operations vice president, R. D. Spence, that SP was "not making every reasonable effort to maintain the schedule . . . as is required" under the contract SP signed with Amtrak. He accused the railroad of "poor, if not negligent dispatching," and indicated strongly that SP was delaying the Sunset for freight operations.

The Wanaselja letter, never made public, contends that during the period in question the Sunset was late at New Orleans a total of 3,150 minutes, while total minutes of freight train interference with the train was 3,162 by the railroad's own records.

SP in the past has been accused of delaying passenger trains for freight trains—a charge it consistently denies. Significantly, the current Official Guide of the Railways confirms that SP does run its freights faster than some passenger trains. SP's Blue Streak Merchandise freight travels the 608 miles between San Antonio and El Paso, Tex., in 10 hours, 40 minutes. It takes the Sunset 13 hours to make the same distance.

SP's Spence explained that freight tonnage between New Orleans and Los Angeles had more than doubled between 1960 and 1970. "Such an increase in freight traffic makes more difficult and subject to possible delay the movement of both freight trains and passenger trains."

Amtrak considers a train late when it is 6 minutes or more overdue. SP's Robert Jochner, general manager for passenger operations, contends "a six-minute measuring stick on a 45-hour transcontinental run is absolutely unrealistic." Actually, Amtrak schedules are relatively unchanged from those the railroads had been running before May 1 when Amtrak took over most passenger service. Traditionally—and especially over long distance—railroad schedules have sufficient slack time to compensate for delays.

Recently, the ICC proposed a rule that would consider a train late only if it failed to arrive within 15 minutes of scheduled time for every 500 miles it traveled.

Among other routes where on-time performance is poor is the Washington-Chicago run. Trains were on time 44.8 percent of trips in October and 55.5 percent for the first six months. Penn Central operates the train.

Service to Miami also has been poor. On-time performance on New York-Miami runs was only 46.4 percent in October, and 49.3 percent for the first six months. By contrast, New York-St. Petersburg trains were on time 75.3 percent of the time during the six months. Seaboard Coast Line operates these trains.

Other poor service was between Seattle and San Diego, (SP, Santa Fe and Burlington Northern), on time 36.5 percent for the first six months; Chicago-Oakland (SP and Union Pacific), 45 percent; Chicago-Miami (Penn Central, Louisville & Nashville, S&L), 37.7 percent.

The best on-time performance for the six months was turned in by Union Pacific, with 94.2 percent of its trains on time. Chicago, Milwaukee, St. Paul & Pacific was second with 92.5 percent.

Of trains in the Washington area, service on the Chesapeake & Ohio-Baltimore & Ohio Railroad between Washington and Parkersburg, W. Va., was on time 96.2 percent of the time. New York-Washington service was on time 83.5 percent; Boston-Washington, 88 percent; Cincinnati-Washington 75.9; and Washington-St. Louis, 60.4.

Amtrak prepares a weekly summary of on-time performance for internal use, although copies have been made available to Congress. One such recent compilation also included reasons given by railroads for delays. Seaboard Coast Line, for example, contends that from Nov. 19–25, when on-time performance was only 54.1 percent, more than half the delay time—55.3 percent—was spent waiting for connections with other railroads.

Penn Central, with a 59.2 percent on-time performance from Nov. 19–25, attributed more than 25 percent to derailments, storms and "other" reasons. Burlington Northern, 73.2 percent on-time Nov. 19–25, contended derailments, storms and "other" accounted for 58 percent of delays.

Southern Pacific, on time 73 percent of the time from Nov. 19 to Nov. 25, attributed 38.2 percent of delays to freight train interference.

NIXON COURT'S FIRST TEST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. RARICK. Mr. Speaker, it is a generally accepted belief of the American public that a primary cause for the problems of today's society has been far-reaching decisions of the Supreme Court extending "Federal questions" far beyond the bounds of human reason and interfering in matters best left to the States.

We have, in recent days, been bombarded with opinions that this will now change with the Senate approval of the two recent Nixon appointees to the High Court bench. Newsmen of various hue and color offer the opinion and, therefore, the hope that this will change with the new Nixon court.

This remains to be seen, but we shall soon see. Recent news articles dealing with the Supreme Court indicate that the Justices will rule on cases that may have far-reaching effect on the American people. The Court has agreed to hear cases dealing with the constitutionality of gun laws, campus freedoms, and the right of a university to deny recognition to an organization of students, and federally enforced pollution laws as opposed to the right of a State to basic interpretation.

I, too, like the majority of the American people, hope that with the advent of the Nixon court the Supreme Court will come to its senses. It yet remains to be seen.

I include a related news article in the Record at this point:

[From the Washington Post, Dec. 8, 1971]

COURT TO REVIEW GUN CURB INSPECTION

The Supreme Court agreed yesterday to the constitutionality of the 1968 gun control act's requirements that licensed firearms dealers submit to routine, warrantless inspections of their business premises during business hours.

A lower court struck down the federal law's routine search provision in a decision that the Justice Department said imperils the policing of 138,000 registered gun dealers with an undermanned force of 1,500 Treasury agents.

The Justice Department, which under Attorney General John N. Mitchell has been criticized for failing to press for stiffer weapons controls, said the ruling requiring court warrants for Treasury inspections frustrates "a prompt and meaningful inspection program" and hampers rapid tracing of weapons used for crime.

In an opinion by retired Justice Tom C. Clark sitting with a panel of three judges, the Tenth U.S. Circuit Court of Appeals reversed the conviction of Loarn Anthony Biswell, a pawnbroker in Hobbs, N. Mex., for possession of two sawed-off shotguns that his federal gun license did not cover.

Biswell submitted to the search which turned up the weapons after an agent showed him the federal law which permitted the inspection without a court order. Clark set aside Biswell's two-year prison sentence, saying the incriminating evidence was seized in violation of the Fourth Amendment.

In other action:

CAMPUS FREEDOMS

The court agreed to hear a claim by the American Civil Liberties Union that Central Connecticut State College had no right to deny official recognition to a chapter of Students for a Democratic Society without showing of "a clear and present danger of violence or campus disruption."

Lower courts ruled that the SDS members were entitled to an administrative hearing before being denied organizational privileges at the New Britain campus. But the courts also held that SDS had the burden—and failed to meet it—of assuring officials of its nonviolent intentions.

The case offers the court an opportunity to spell out the rights of students at state institutions of higher learning and the role of federal courts in reviewing the actions of university officials.

POLLUTION

The court agreed to decide whether federally licensed Great Lakes cargo companies have the right to a prompt test in federal court of Michigan's 1970 water pollution law, which punishes operation of vessels in state waters without special tanks and incinerators for waste material.

Like many consumers advocates, the Lake Carriers Association wants a federal court rather than a state court as a forum for its pollution litigation. But a federal court in Grand Rapids dismissed the lawsuit, saying state courts should have first crack at construing the new law.

The carriers' claim is similar to the argument in other areas where new federal and state laws are beginning to operate and sometimes conflict—that the rigid state law is an unconstitutional burden on interstate commerce in an area pre-empted by a federal law which should apply uniformly in all states.

JOINT EFFORT URGED TO SOLVE HOUSING, ECOLOGY PROBLEMS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. FORSYTHE. Mr. Speaker, our Nation is confronted, as we all know, by serious problems of pollution. Our streams, oceans, and rivers are depositories of waste. Our air is befouled with industrial pollutants.

We are also facing another critical problem—that of providing sufficient housing for our people. Often, in our efforts to resolve one problem, we antagonize another, and this should not occur.

I have just received a letter from Mr. Richard Goodwin, of Mooretown, N.J., an environmentally conscious homebuilder and developer in my district, which expresses the desire of his industry to cooperate with the Federal Government in resolving both problems.

Mr. Goodwin's letter follows:

Dear Congressman Forsythe: With the adjournment of the 92d Congress, I would like to extend my sincere thanks to you and to others among your colleagues in the House and Senate who have placed the protection and improvement of the environment high on the list of legislative priorities.

As a Life Director of the National Association of Home Builders, former Chairman of the NAHB Subcommittee on Environmental Control, and as Advisor to the President of NAHB on Environmental matters: as a member of the NAHB Land Use and Engineering Committees, the Research and Economic Councils, I view the nation's critical need for new housing as a problem in close interaction with the critical need to protect, and improve the quality of our environment.

The two problem areas cannot be isolated from each other. Along with you, and with many members of our industry, I view their eventual solution as joint objectives, to which the Federal Government and the homebuilding industry must address ourselves in active and continuing partnership.

Little would be served by a detailed exposition on our population growth and shifts. This has been substantiated by the new Census. Suffice it to state that the need for sound new housing in adequate numbers is acute.

Equally acute is the need for continuing focus on the environment. This too has been amply demonstrated, and there is no need to review the many signposts pointing to environmental deterioration.

Less obvious, but totally relevant, is the complete interrelationship between our housing needs and our environmental needs. Recognition of this interplay is, in my view, key to the fulfillment of the responsibilities shared by government and the home building industry.

Both government and industry believe that every American has the right to decent housing.

By the same token, every American has the right to a liveable environment.

A mandatory initial step towards our meeting these critical needs is the recognition that government and the homebuilding industry need not assume adversary positions. Actually, a directly opposite viewpoint must prevail. Government and the homebuilding industry share common ground with respect to these problems, and must work together towards our common objectives.

In this, I am not speaking theoretically, nor do I employ the wornout rhetoric which inevitably signifies lip service and nothing more. The thrust of this letter is towards a working, shirtsleeves effort by government and the homebuilding industry, from the early planning stages down to the actual construction of sound housing for our underhoused people within the framework of our environmental requirements.

At the outset also, it is imperative that we recognize the existence of one negative influence bearing on our efforts to meet the nation's housing needs. I refer to the "pie-in-the-sky" environmental visionaries who charge the atmosphere with emotional, but factually light predictions of doom and gloom if adequate housing programs are undertaken where they are needed so urgently.

I do not minimize the considerable contribution made by some within the ecology movement in alerting us to the very real air and water pollution and conservation problems we face. Unfortunately, many ecology and conservation groups refuse to acknowledge that it is well within the realm of practical possibility to meet the housing needs while at the same time, actually improving the quality of our environment.

In my view, and it is one shared by many in and outside of our industry, housing at the levels which it is needed, and sound, far reaching, and effective environmental upgrading, can be achieved simultaneously, if—and admittedly, this is a big "if"—government and the homebuilding industry pool and share their efforts in meeting these twin challenges.

I urge therefore, that responsible representatives of the homebuilding industry be included in all facets and phases of research and planning bearing on environmental protection. To accomplish this, I urge consideration of a Joint Research and Planning Council within the framework of the Department of Environmental Protection, to consider the interrelated housing and environmental problems.

This Council, I suggest, would be charged with the responsibility for creating environmental guidelines in those areas where the shortage of housing is particularly acute. The Council, composed of representatives of the homebuilding industry, and the government, would not only establish practical and effective environmentally protective controls, but would oversee the even handed implementation of such controls.

Adequate water, sewage facilities, solid waste disposal capability, conservation of power, noise control, and aesthetic considerations, all are factors of the framework within which the homebuilding industry must function in providing housing.

All are factors also with which the government's environmental protection efforts are vitally concerned.

These then, are the cornerstones of the common ground upon which the industry and government can, and must work to meet the nation's housing and environmental responsibilities.

In closing, and to demonstrate the viability of joint government—industry conceived and implemented housing-environmental programs, I cite the 1970 Study, "Man's Health and the Environment", conducted by the Task Force on Research Planning In Environmental Health Science under the U.S. Department of Health, Education and Welfare.

The Study cites inadequacy in housing and planning of living facilities as conditions to which 10,000,000 people are exposed, stating that these conditions contribute substantially to abnormalities of childhood development, aggressive behavior, and increased deterioration among the aged.

The Study concludes this section with the statement that such conditions are difficult to eliminate "in view of the failure to establish adequate criteria, and to provide adequate new housing."

I fully agree with this. These environmental health considerations, however, as well as the more readily recognized environmental problems involving air, water sewage, and noise mentioned earlier, *can be* met by the homebuilding industry and government, working on joint programs to achieve our common ends, namely, a better quality of life for a huge segment of our population.

Very truly yours,

RICHARD C. GOODWIN.

A RESOLUTION DECLARING THADDEUS KOSCIUSZKO HOME A NATIONAL HISTORIC SHRINE

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Vincent F. Scarcelli, chief clerk of the House of Representatives in Harrisburg, has brought to my attention a resolution to declare the home of Thaddeus Kosciuszko a National Historic Shrine. This Resolution was adopted by the House of Representatives, Commonwealth of Pennsylvania, on November 9, 1971.

I am especially interested in bringing this resolution to the attention of my colleagues inasmuch as Kosciuszko House is located within the Third Congressional District, which I represent.

General Thaddeus Kosciuszko came to America to aid our struggling Nation in its fight for independence, and I feel this great Polish advocate of human freedom deserves a place of honor.

On March 29, I introduced H.R. 6827, to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site, and many of my colleagues have introduced similar legislation. It is my earnest hope this legislation can be enacted into law at a very early date.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CHIEF CLERK,
Harrisburg, Pa.

RESOLUTION

Whereas, The history of the United States Revolutionary War is an important and indivisible part of our American heritage; and

Whereas, Thaddeus Kosciuszko was an important general in the Continental Army, and leader of the era; and

Whereas, Thaddeus Kosciuszko continued to serve the United States after the Revolutionary War as a secret envoy to Paris thus helping to avert a war with France; and

Whereas, As a final gesture of his belief in the concept of freedom Thaddeus Kosciuszko provided in his will that the assets of his estate in America should be used to buy the freedom of slaves; and

Whereas, The Polish American Congress, Inc., has attempted to have the American home of Thaddeus Kosciuszko at 301 Pine Street, Philadelphia, Pennsylvania, declared a National Historical Site; and

Whereas, It is desirable to preserve the home of Thaddeus Kosciuszko, an important contributor to the United States and freedom; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President, Congress and Department of Interior of the United States to declare the home of Thaddeus Kosciuszko a National Historic Site; and be it further

Resolved, That copies of this resolution be delivered to the President of the United States, the presiding officers of each House of the Congress of the United States, the Secretary of the Interior, and the United States Senators and Congressmen from the Commonwealth of Pennsylvania.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable Kenneth B. Lee, Roger Raymond Fischer, James J. Ustynoski, Frank J. O'Connell, Jr., William G. Piper, John Pezak, and Bernard J. Dombroski, and adopted by the House of Representatives on the 9th day of November 1971.

HERBERT FINEMAN, *Speaker.*

UNFINISHED BUSINESS OF THE CONGRESS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. JAMES V. STANTON. Mr. Speaker, as this session of Congress draws to a close, I believe that all of us should strive to remind ourselves of the vast amount of unfinished business still before this body. During the past year, we have debated many bills, enacted some worthwhile ones into law, and defeated some others. But I believe that each of us should give some thought to the question of the extent to which Congress can improve the quality of life in this country, and then the question of how the Congress has acted to fulfill its potential. There can be no doubt but that in several areas, we have fallen far short of the mark. We have in reality done nothing to change the life of the schoolchild who is sent into the world with a substandard education; the worker whose family is struck with illness and who finds himself sinking ever deeper into debt; and the senior citizen whose retirement years are plagued with financial insecurity because of the puny amounts given by Social Security.

An article by Alice Rivlin which appeared in the December 16 issue of the Washington Post details this question, and I would like to commend it to the attention of my colleagues:

[From the Washington Post, Dec. 16, 1971]

WHAT BECAME OF SOCIAL REFORM?

(By Alice M. Rivlin)

On important social legislation, the administration and the 92d Congress have been battling wearily to a scoreless tie. When the administration carries the ball—as with welfare reform, revenue sharing and health insurance—they get thrown for a loss by

Congress. When the Congress occasionally takes to the air—as with the Child Development Bill—the pass is intercepted by a presidential veto. Time out for the Christmas recess is certainly welcome, but there is no real reason to expect the score to change appreciably before the 1972 election.

This sorry history reveals much administration ineptness in building support for their programs, but it also says some pretty bleak things about the opposition. The liberal (or fairly liberal) Democrats in Congress—one of whom will almost certainly be the party's candidate for President—have shown themselves expert at finding fault with the administration, but they have given little reason to hope they have a plausible program of their own for curing the nation's social ills or even for moving gradually in the right direction.

Finding fault with the administration's proposals has not been a very difficult task. Administration initiatives for social reform have typically contained a germ of a sound idea—one basically compatible with the outlook of the congressional liberals—but the proposed programs have been (1) so small that no one could believe they would make a significant difference and (2) so complicated that no one could understand them. The complexity arose both from efforts to keep the price tag down and from the necessity of compromising divergent positions within the administration.

In the administration's welfare reform proposals, for example, the good ideas were putting a federal floor under welfare benefits and extending aid to the working poor. But the heavy emphasis on saving money meant that the floor was too low—it is hard to get enthusiastic about raising the income of a family of four to $2,400 a year—that families without children were excluded and that some families already on welfare might even be worse off than they are now. Moreover, under the administration's plan, incentives for current welfare recipients to seek work would continue to be extremely weak. Even if they found a job, their welfare benefits would decline almost as fast as their take-home pay would rise. The administration's approach to work for the poor has been to make it compulsory, not to make it worthwhile.

The good idea in the administration's health program was to have the government make sure that everyone was covered by at least a basic package of health insurance benefits. But here again the budget was low and the plan was complicated—one set of rules for the employed and another for those outside the labor force. The part for employees was to be paid by employers—which meant it would likely come out of wages, especially the wages of low-paid workers who are the ones not now covered by health insurance. The part for non-workers did not relieve even the desperately poor of the full burden of medical expenses.

The good idea in the administration's student aid proposal was a guarantee that all needy students would receive assistance if they were admitted to an accredited college or post-high school vocational school. But the effort to save money meant that the poorest students would be aided at the expense of somewhat less needy students now receiving aid. Moreover, the proposal involved so many complex rules for combining scholarships, loans and work study programs into a single student aid package that hardly anyone on the education committees, much less in the rest of the Congress, even understood what was being proposed.

One exception to the complexity charge was the administration's general revenue sharing proposal. There, at least, everyone knew what the proposal was, although many did not like it. The resources to be devoted to general revenue sharing, however, were infinitesimal compared with the problems of state and local government finance. It was hard to believe that distributing $5 billion of federal revenue to state and local governments (about 3 per cent of state and local budgets) would improve the level of these government services appreciably. Moreover, the accompanying proposals for *special* revenue sharing (consolidation of special purpose grants to state and local governments) conformed to the administration's usual prescription for generating political opposition: take a good idea, make it complicated and then underfund it so that some groups now being aided will get less than they are getting now.

With conservatives in both parties against virtually all social programs and liberals in both parties unable to wax enthusiastic about complicated changes they doubted would make much dent in enormous social problems, the predictable result has been stalemate. Welfare reform has passed the House twice, but remains bottled up in the Senate. The revenue sharing plans, like the administration's health proposals, have hardly been given a hearing. The administration's student aid bill was not even seriously considered on either side of the Hill, although both houses have now passed higher education bills of their own whose differences are still unresolved. Prospects for the second session are not much brighter. The President may face the electorate without any substantial legislative accomplishment in the social area at all. There are plenty of signs that the President knows this and may not care. He is neither visibly nor vocally fighting for his social legislation. Indeed, the phrase "New American Revolution" has about as much currency in Washington these days as "Great Society" or "New Frontier."

But if the legislative impasse reflects little credit on the administration, it reflects no more on the opposition, and it does not give a potential Democratic candidate a positive program for which to fight. To be sure, the veto of the Child Development Bill gives the Democrats a chance to point out that they tried to legislate substantial new services for children and were foiled by the President. Passage of a higher education bill (somehow compromising the House and Senate versions) would be a substantial legislative accomplishment for which the Democrats could claim credit, unless of course the bill were so expensive that a presidential veto reduced it to the "we tried and failed" category.

But these two items do not provide much evidence that the Democrats have a coherent program for social reform or an ability to articulate a plausible set of solutions to the social ills that beset the nation. Some very hard work will be necessary if the Democrats are going to convince the country that their leadership would reduce poverty and the evils that accompany it, lead to more effective education or more humane health services, or even begin to reduce the congestion, ugliness and social tension of life in the megalopolis.

GI HOME LOAN PROGRAM IS BEST GOVERNMENT-BACKED HOUSING PLAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. TEAGUE of Texas. Mr. Speaker, since the close of World War II, the Veterans' Administration has administered one of the finest Government-backed housing programs ever passed by the Congress. It is a program which has been responsible for building 1 out of 5 homes in the United States since the close of World War II. More than 7.6 million GI home loans have been made by the VA. More than 3.7 million GI home loans have been repaid in full totaling $36 billion. Another $11 billion has been repaid on outstanding loans.

During the entire history of the program, only about 3 out of every 100 GI loans have been subject to foreclosure and a high percentage of these defaults have been resolved. A recent delinquency survey published by the Mortgage Bankers Association of America as of September 30, 1971, showed that GI loans in foreclosure at the end of the third quarter of 1971 stood at 0.28 percent while under the FHA program the foreclosure percentage at the same comparative period stood at 0.60 percent. The rate of change in foreclosures between VA and FHA showed that VA's rate of increase in foreclosures was about half of the FHA rate despite the high unemployment conditions which exist in our country today.

Mr. Speaker, for the information of my colleagues, I include the foreclosure percentage table which was published by the Mortgage Bankers Association of America as of September 30, 1971:

	Number of mortgage loans serviced or held	Delinquency and in-foreclosure percentages					
		Delinquent				Placed in foreclosure during quarter	In foreclosure end of quarter
		Total	30 days	60 days	90 days		
All types of loans:							
Sept. 30, 1971	4,569,563	3.59	2.54	0.62	0.43	0.20	0.41
Change from:							
June 30, 1971		+.32	+.18	+.09	+.05	+.02	+.03
Sept. 30, 1970		+.49	+.28	+.09	+.12	[1]	+.10
Previous high (December 1970)		−.05					
GI:							
Sept. 30, 1971	1,415,431	3.22	2.29	.54	.39	.14	.28
Change from:							
June 30, 1971		+.20	+.11	+.05	+.04	+.02	+.02
Sept. 30, 1970		+.19	+.08	+.03	+.08	[1]	+.04
Previous high (December 1963)		−.55					
FHA:							
Sept. 30, 1971	2,402,135	4.31	3.03	0.76	0.52	0.28	0.60
Change from:							
June 30, 1971		+.46	+.26	+.12	+.08	+.02	+.05
Sept. 30, 1970		+.72	+.42	+.13	+.17	[1]	+.17
Previous high (December 1970)		+.01					
Conventional:							
Sept. 30, 1971	751,997	1.96	1.43	.30	.23	.03	.07
Change from:							
June 30, 1971		+.04	+.07	−.01	−.02	−.01	−.01
Sept. 30, 1970		+.23	+.16	+.03	+.04	[1]	−.01
Previous high (December 1966)		−.09					

[1] Not available.

A PROFESSOR SPEAKS OUT

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. GROSS. Mr. Speaker, I was favorably impressed by a recent article by University of Montana history professor K. Ross Toole, who delivered a devastating criticism of the anarchistic fringe element among those youths of the Nation who are so quick to destroy the pillars of our country, but whose empty hands have thought of nothing with which to replace them.

I include Professor Toole's article for insertion in the RECORD at this point:

I AM A LIBERAL AND I AM SICK OF NONSENSE

(By K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I am a "liberal," I am square and I am sick of hippies, Yippies, militants and nonsense.

I am a professor at the University of Montana, and I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

As a professor and as the father of seven children, ranging in age from 7 to 23, I have watched this new generation and concluded that most of them are fine. But a minority are not—and the trouble is that minority threatens to tyrannize the majority and take over. I dislike that minority. I am aghast that the majority "takes" it and allows itself to be used. As one fed-up member of the "Establishment" (which, by the way, is nothing but a euphemism for "society"), I say it's time to call a halt.

We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives—and, above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has also made America the most affluent country on earth. It has tackled, headon, a racial problem as no nation in history had dared to do. It has publicly declared war on poverty, and it has gone to the moon, it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in history. It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself, and damn near run itself into the ground, in the cause of social justice and reform.

Its mistakes are fewer than those of my father's generation—or his father's, or his. Its greatest mistake is not Vietnam, it is the abdication of its first responsibility, its pusillanimous capitulation to its youth. Since when have children ruled this country? By virtue of what right, by what accomplishment should teenagers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, educators and preachers say the young are rebelling against our archaic mores and morals, our materialism, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Common courtesy and a regard for the opinions of others are not merely decoration on the pie crust of society—they are the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen and discuss; they will only shout down and throw rocks. Society has classically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs urinating on our beliefs and defiling our premises? It is not the police we need—our generation and theirs—it is an expression of our disgust and disdain. Yet we do more than permit this behavior, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity was not invented in 1950. The young of any generation have felt the same impulse to reach out to touch the stars, to live freely and to let the mind loose along unexplored corridors. Young men and women have always felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent sensitivity; they do not own it. And what they seek to attain, all mankind has sought to attain, throughout the ages. Shall we, therefore, approve the presumed attainment of it through drugs? And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into this world?

Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere, but sure as hell not in drugs.

Society, the "Establishment," is not a foreign thing we seek to impose on the young. It—along with the 18-year-olds—is the product of thousands of years of the development of mankind. We know it is far from perfect. We did not make it; we have only sought to change it. We win, if we win at all, slowly and painfully. The fact that we have been only minimally successful is the story of all generations—as it will be the story of the generation coming up.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they solve all problems this week or join a wrecking crew of paranoids. Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance and instant gratification. That is not idealism; it is childish tyranny.

The worst of it is that we (professors and faculties in particular), in a paroxysm of self-abnegation, go along, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If they want to make a revolution, do they study the ways to do it? Of course not! Their hero is Che Guevara, whose every move was a miscalculation and a mistake. He failed; he died in the jungles of Bolivia with an army of six.

I have yet to talk to an "activist" who has read Crane Brinton's "Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. I have yet to talk to a student militant who has read about racism elsewhere or who understands, even primitively, the long and wondrous struggle of the NAACP.

An old and scarred member of the wars of organized labor in the United States in the 1930s recently remarked to me: "These 'radicals' couldn't organize well enough to produce a sensible platform, let alone revolt their way out of a paper bag." But they can—because we let them—destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed we have our country, not because of materialism or stupidity, but simply because we have failed to keep that generation in its place, and failed to put it back there when it got out. We have the power; we do not have the will. We have the right; we have not exercised it.

To the extent that we now rely on the police, Mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail. We need to use not Mace; we need to reassess a weapon we came by the hard way, by travail and labor: firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp-down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsion. The power to expel (today strangely unused) is one of the oldest rights and necessities of the university community.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate, and too prosaic for those who seek orgiastic self-condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need—those of us over 30: tax-ridden, harried, confused, weary and beat up—to reassert our hard-won prerogatives.

It is our country, too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

MR. NIXON'S WIDER WAR

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mrs. ABZUG. Mr. Speaker, Tuesday's New York Times carried a column by Tom Wicker which notes quite pointedly the sorry fact that Mr. Nixon is not "winding down" the war in Southeast Asia at all—that, in Mr. Wicker's words, "this is a far wider war than it was when Richard Nixon took over from Lyndon Johnson."

Mr. Nixon is demonstrating once again his utter indifference to the will of the American people. Seventy-five percent of our citizens want us to set a date for withdrawal, contingent upon the release of all American prisoners of war, and to get all of our troops out of Southeast Asia, but the President is gaily trotting off in the opposite direction by resuming the bombing and expanding the war in Cambodia.

I have faith in the American people, and I believe that when the votes are counted next November 7 Mr. Nixon will rue his duplicity.

I include the full text of Mr. Wicker's story at this point in the Record:

Some War Questions

(By Tom Wicker)

Saigon, reads the dateline, and part of the story goes as follows:

"The reported drive is . . . aimed at keeping North Vietnamese forces away from South Vietnam's Military Region III. That region includes Saigon and eleven surrounding provinces and shares 231 miles of border with Cambodia.

"Other objectives . . . are to disrupt North Vietnamese supply routes and to destroy enemy base camps and material in order to prevent the enemy assaults against South Vietnamese bases."

Sound familiar? It certainly does, but this is not May 1970 and those are not American but South Vietnamese troops staging an "incursion" into Cambodia. Otherwise, not much as changed; the sanctuaries still have to be cleaned out, North Vietnamese supplies still have to be destroyed, enemy build-ups still have to be countered, despite the glowing claims of other days.

Of course, the B-52's were out ahead of the 25,000 South Vietnamese who mounted this most recent assault into Cambodia. From above the clouds, the Americans piloting them spread the random destruction that is their hallmark, while nearer the earth American-supplied helicopters and fighter planes played close-support roles. As in earlier invasions, some of these, now or later, may even be flown by American personnel.

Farther to the west and north of Phnompenh, meanwhile, the American-supplied and trained Cambodian Army has suffered major setbacks at the hands of tough North Vietnamese forces. American officials believe Hanoi's operations in Cambodia are directed primarily at easier military access to South Vietnam, rather than at Combodia itself; but any way you study the situation, it hardly augurs well for Cambodia.

Aside from the fact that it was precisely this kind of situation that the American invasion of 1970 was supposed to prevent, the continuing battle in Cambodia raises some pointed questions, the answers to which could reverberate loudly in American politics.

Is the war really "winding down"? Obviously, it is not. The Nixon Administration has resumed the bombing of North Vietnam any time it declares a military necessity to do so, and the shadowy fighting in Laos continues; now the new incursion into Cambodia comes as a graphic reminder that this is a far "wider" war than it was when Richard Nixon took it over from Lyndon Johnson.

It is true that Mr. Nixon has reduced the American ground combat role and its consequent casualties, and no doubt he intends to cut them even further; it may also be true that constant pounding has reduced North Vietnamese and Vietcong strength. But there is nothing to show a slackening of will on Hanoi's part, and the Cambodian operations are ominous portents for the future.

Will pulling out American ground troops end the war for Americans? It is by no means clear that Mr. Nixon plans to pull them all out, but even if he did the United States almost certainly will have to retain a major role in the wider war now being fought and that remains in prospect for the future.

For one thing, the United States is the principal supplier of both the Cambodian and South Vietnamese armies and owns Loatian forces lock, stock and gunbarrel. For another, the only thing that comes close to equalizing these forces with those of North Vietnam and the Vietcong is American air power. And these factors, which suggest that the United States is nowhere close to extricating itself from Indochina, are reinforced by still another question.

Can South Vietnamese forces defend Cambodia as well as South Vietnam? The South Vietnamese have not even established their ability to defend themselves, once more American combat troops are out of the war zone and if a determined Communist offensive begins. Most certainly, the Cambodian Army, improved through it may be, has yet to show that it can seal off the Cambodian approaches to South Vietnam.

The plain truth is that Cambodia flanks South Vietnam to the west, and that no matter how well Saigon's army may defend its own territory, it can only do so if that flank is secure. Further setbacks to Cambodian forces may well spread the South Vietnamese too thin in both countries, a situation that could result in even greater commitment of American air power—or worse, the reintroduction of American ground forces to help hold the line.

So these questions are in order, too: Is Mr. Nixon's Vietnamization program building toward a final triumphant withdrawal of ground forces just before the election—or toward a new Communist onslaught and the possibility of a major military setback? And what are his intentions, if that possiiblity should become a probability in the year ahead? Can even he answer those questions with any certainty?

CONGRESSMAN DERWINSKI

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. MICHEL. Mr. Speaker, a column by Mr. Dumitru Danielopol in the December 9, 1971, edition of the Aurora Beacon-News of Aurora, Ill., spotlights once again the courage and candor of our colleague, Congressman Derwinski, in his capacity as a member of our delegation to the United Nations. I include the column in the Record at this point:

Congressman Derwinski

(By Dumitru Danielopol)

Washington.—After weeks of listening to anti-American propaganda, invectives, insults and accusations of "imperialism", etc. at the United Nations, Rep. Edward J. Derwinski, R-Ill., one of President Nixon's special UN delegates had enough. He set the record straight in a tongue lashing speech that the Soviets won't soon forget.

It's about time.

Speaking on the right of self-determination, which the United States recognizes for all nations, the Illinois congressman accused the Soviet Union of practicing colonialism and imperialism in eastern Europe and in non-Russian states within the Soviet Union.

Delegates should have squirmed when he got specific about the Baltic States of Lithuania, Latvia and Estonia that were forcibly incorporated into the USSR.

Derwinski denounced the Soviet Union of deliberately changing the ethnic character of the Baltic nations by resettling many thousands of families in Siberia and other parts of the Soviet Union.

"This wholesale exchange of populations was deliberately designed to radically alter the historic control of their own areas that the peoples of the Baltic States had previously exercised," he said.

Derwinski also recalled the "grim events of Hungary in 1956 and 1968 in Czechoslovakia when brave peoples seeking merely the rights guaranteed by the universal declaration of human rights—to live in freedom and dignity—were ruthlessly suppressed by external force of arms."

The congressman accused the USSR of using the world organization as an anti-American propaganda platform.

"It ill behooves a country (the USSR) which in fact is the world's largest practitioner of colonialism and imperialism," Derwinski said, "to continually use the U.N. as a forum for anti-American cliches which in the exposure of free press and proper information falls far short of reality."

The Soviet delegation didn't like it one bit. They replied through a Lithuanian stooge, V. M. Zenkyiavichus, who accused Derwinski of the "lowest kind of invention and falsification to distract other delegates' attention from criticism of US policy as practiced in Vietnam."

Re-writing history, the Soviet delegate said that the Baltic people took their power into their own hands and "asked the USSR to accept them into the Soviet Union."

Mr. Zenkyiavichus is a liar and he knows it.

The Baltic States became part of the USSR as a consequence of the Hitler-Stalin deal of Aug. 1939. They were occupied in 1940 by Soviet forces. Puppet regimes were installed and were forced to vote themselves into the USSR.

Ousted by the Nazi army in 1941, the Soviet returned to the Baltic States in 1944 and again forced them into submission.

Rep. Derwinski was less blunt than I have been, but he had the last word.

"I have a great and truly sincere interest in the plight of some of the Soviet delegates," he replied. ". . . the tendency in their country to totally rewrite history must be quite upsetting to them as individuals."

He went on to point out that neither Nikita Khrushchev nor Josef Stalin "who led the Soviet Union through major periods of their history," can be found anymore in Soviet history books.

"I can't help but wonder what sort of negotiations our President could have, (in Moscow)," Derwinski added. "He won't know who he is dealing with or how long they will be around, much less if they will be in history books."

HORTON SALUTES TONI BEZONA FOR HER AID TO HANDICAPPED CHILDREN

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HORTON. Mr. Speaker, whenever one extends a helping hand to one less fortunate than he, it is truly noteworthy. When that helping hand is given to handicapped children, it is inspiring, and the deed should be shared.

The great efforts of a fine young woman have come to my attention and because her contribution to her community consists of specialized teaching of music to handicapped youngsters, I wish to pay her tribute.

She is Mrs. David Bezona of 3250 East Avenue, in Rochester. Known as Toni to her friends and her students, she teaches music at the David Hochstein School. She holds a bachelor's degree in music education from the University of Texas.

She became aware of the great needs of musically inclined, but handicapped children, while she was student teaching in Austin, Tex. When she learned that no one else in the school system was working with youngsters with disabilities, she decided that would be her specialty. She has been eminently successful in this field, giving special attention and assistance to these children to help them learn to overcome their handicaps.

Some of Toni Bezona's innovations in this area are truly remarkable. For a child with one arm shorter than the other, she formulated a technique of seating the little girl on a small stool and turning her almost sideways so she could make use of both arms in playing the piano. This is just one example of Mrs. Bezona's talents in bringing the riches of music to the handicapped.

After doing graduate work in the field, Mrs. Bezona used her talents at several locations. She is located in my congressional district. Once discouraged in this specialty even by other teachers, she now is accepted and respected as an outstanding teacher whose methods will no doubt soon, if not already, be emulated by others who also want to bring the joys of musical performance to the handicapped. Mrs. Bezona exemplifies the kind of service to individuals and the community that we should as a nation try to foster.

Toni Bezona was recently the subject of a feature story in the Rochester Times-Union and I include it herewith as my tribute to a talented young woman who has carved out a remarkable career for herself

The story follows:

SHE TEACHES MUSIC TO HANDICAPPED

(By Linda Hansen)

Toni Bezona's specialty is teaching handicapped and retarded children to make their own kind of music.

"Such children need more attention, more patience, more practice than others," she says, "and often they don't get it because a teacher hasn't the time to work extensively with each individual student.

"I'm not talking about playing music for them to listen to, or about letting them plunk out the rudiments on a simple instrument. I work with them to develop skills in music."

The pretty young blue-eyed brunette is a native of Odessa, Tex., and holds a bachelor's degree in music education from the University of Texas, where she also has done graduate study in music therapy.

She is presently employed by the David Hochstein School on Hoeltzer Street.

She says she "sort of fell into" her career while she was student teaching in Austin, Tex. "I volunteered to give music lessons to children with disabilities because nobody else in the school system was working with them.

"At first, the other teachers tried to discourage me by telling me it was a waste of time to try to work with special children, and that there wasn't any use trying with the older children because all they wanted to do anyway was listen to rock and roll records, things like that."

She divided them into small groups and worked with them in her spare time for a semester. And Toni says, "There was such a change! The children were fascinated with the different instruments, they worked so hard and most began to prefer classical music. With every little mastery, they develop self-confidence, think better of themselves.

"And it was so rewarding for me that I decided this would be my specialty."

She returned to the University of Texas to do graduate work in the field, and gave private lessons. She has taught music to special students in the Lawrence, Kan. school system, at state schools in Abilene and Austin, Tex., and at the College Conservatory of Music in Cincinnati, Ohio.

Toni's husband, David Bezona, is a tenor working for his Ph. D. in music at the Eastman School here. They live at 3250 East Ave. with their 1-year-old daughter, Laura.

Among her happiest memories, Toni counts work she did with a little girl in Cincinnati. "She loved to play the piano, but had been born with one arm much shorter than the other. Her mother had been buying her special music she could work with one hand on the piano, but the little girl wanted to do more.

"We worked out a new approach to the piano for her, seating her on a small stool and turning her almost sideways—that way she could use both hands.

"Another handicapped youngster I worked with in Kansas was very bright but he had one hand that was very stiff and clenched due to a birth defect. In private lessons we worked on different methods of putting that hand to use until we found the answer—inserting a tongue depressor in the palm of the hand spread his fingers so he could use them to play piano. Today, he's in college in Maryland studying music composition."

But she works with children of all ages and with interest in many different instruments, or with singing, as well as piano.

Work progresses from copying rhythms on simple instruments to instruction in theory and composition, depending on the age and abilities of each child.

Mrs. Bezona has worked with very retarded children, hyperactive youngsters, and formed a chorus for handicapped youngsters in Texas. "We had several droolers in the group," she recalls, "but that's not important. What's important is that the children enjoy the music and benefit from the experience."

At Hochstein School she's working on a flexible schedule that allows her to group children according to handicap and age and to give lessons while other students are not in the building.

UNITED STATES GUILTY OF EXCESS CLASSIFICATION: TOO MUCH INFORMATION UNNECESSARILY KEPT FROM CITIZENS AND CONGRESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. MOORHEAD. Mr. Speaker, last summer during the height of the controversy over the Pentagon papers, my Subcommittee on Foreign Operations and Government Information held 7 days of hearings on the Government's information and classification policies.

We found that far too many insignificant and unnecessary items wound up with a "Secret" or "Top Secret" stamp on them. Consequently the information contained therein was lost to the public and Congress for periods of years.

One of the witnesses before the subcommittee was William G. Florence, a retired Air Force classification expert with some 40-plus years of experience.

It was Mr. Florence who testified that less than one-half of 1 percent—0.5 percent—of all classified items, deserved to be so.

Mr. Florence has spoken extensively on this subject around the Nation and last Sunday recorded his views in an article in the Washington Post.

I am inserting that article in the RECORD and urge my colleagues to read the article and become aware of the growing amount of secrecy, for secrecy's sake, at our highest levels of Government:

A MADNESS FOR SECRECY

(By William G. Florence)

Every day they sit in the Pentagon, thousands of workers with rubber stamps marked "Confidential" and "Secret" and "Top Secret," and they stamp this paper and that, with little regard for what they are doing. It is a mass exercise in wish-fulfillment, a giant attempt to keep secret what is already public knowledge, what is bound to become widely known, or what is so trivial that it cannot possibly be of use to anyone.

In the process, the buying of toilet paper for some military men becomes a national secret. Purchases of paper clips and paint and long winter underwear can turn into guarded statistics. The purpose and dimensions of a new aircraft, long trumpeted in congressional hearings, remain, to the Pentagon's way of thinking, "Top Secret" matters. Literally millions of documents are needlessly classified alongside the relatively few—I would estimate from 1 to 5 per cent in the Pentagon—which must legitimately be guarded in the national interest.

All this would be rather humorous if it did not have serious consequences. But the fact is that the widespread abuse of secrecy provisions wastes staggering sums of money, undermines the integrity of our security system, and, as with the Pentagon Papers, conceals information which the public has a right to know.

This is not to suggest that there is a Pentagon conspiracy to hide embarrassing documents by stamping "Secret" on them. While that is sometimes the result, the secret-stampers rarely take the trouble to distinguish between what may or may not be embarrassing. Indeed, they rarely make distinctions about much else in the documents either. Which is precisely the trouble. They simply stamp away.

A BIZARRE EXERCISE

Tracing the causes and effects of this classification craze can be an exercise in the bizarre, one which I went through many times during my years at Air Force headquarters. It often begins, as it did in one case involving the F–111 fighter-bomber, with a single person at a single installation deciding that some piece of information should be closely protected. In this particular case, the person was in the Avionics Laboratory at Wright Patterson Air Force Base outside Dayton, Ohio, and what he wanted to protect was the process for turning out a metal used in the F–111.

The metal, tile-shaped pieces of ferrite developed privately by Conductron Corp. in Ann Arbor, Mich., "absorbs" radar signals. This distorts the plane's image on an enemy's radar screen.

As it happened, the same type of material had already been developed in the Netherlands, and similar radar absorbers were patented shortly afterward in Sweden. Moreover, Conductron had been generously scattering the metal tiles about in its sales effort. Despite all this, the Air Force man stamped "Confidential" on both the production process and the titles themselves, an action which nobody above him questioned. To his mind, these were U.S. secrets, and Conductron and General Dynamics Corp., the prime F-111 contractor, were ordered to keep them so.

This was no small task. The companies, among other things, had to have special facilities to store all waste metal left from their work. The reason: The waste could not be destroyed by simple burning or shredding, the standard methods of getting rid of paper secrets. So it had to be hoarded.

From the mid-1960s until September 1970, Conductron actually stored about 28,500 pounds of waste metal. At General Dynamics' Fort Worth, Tex., plant, where the tiles were fashioned to fit the plane's body, about 285 barrels of waste accumulated over this period. This was in addition to special guards at the plants, barriers erected to make sure nobody could get a hand on a grain of the metal, and other precautions required by the government for "Confidential" information. The overall extra cost for these measures was in the neighborhood of $400,000.

The cost would have kept rising if General Dynamics did not begin to run out of storage space. The company was faced with the choice of either putting up an additional building to hide the waste or finding some way to destroy it. A destruction study was even conducted: The best way to eliminate these leftovers, it found, was to ship the waste under guard to San Antonio, where it could be melted back to molten iron. The extra cost calculated by General Dynamics and the government: $600,000.

This, however, was not how the dilemma was solved. Rather, federal security inspectors finally asked Air Force headquarters in Washington whether the "Confidential" marking had been necessary in the first place. The question came to me, and I received assurances from the office of John S. Foster, director of defense research and engineering, that there had never been any need for protecting the metal tiles. I spent the next 10 months trying to get the classification for the tiles canceled. It was finally dropped in September 1970, after being in effect for about seven years.

But the Avionics Laboratory was able to retain the "Confidential" classification on Conductron's pending patent application. That classification, at last report, still was in effect.

AN EXPENSIVE HABIT

This is by no means an isolated case. Guarding information that is already well known is something of a habit with many defense men. One officer at the Air Force's Aeronautical Systems Division in Ohio, for example, decided one day in late 1969 that the nation should keep a close watch on information about the new B-1 manned bomber. Mainly, he wanted to keep secret such details as the plane's purpose, its length and wing span, its take-off weight, how high it can fly, and what it looks like in a photograph.

I suppose this all would have been nice, except that it was absurd—these details had all been proclaimed for the world to hear while the Pentagon was pleading with Congress to authorize the bomber in the first place. The information had to be disclosed before a dime was approved.

But this did not deter the Aeronautical Systems officer. He insisted that the nation guard the information. So he stamped the instructions to the plane's contractor, North American Aviation, as "Secret," advising the company to keep these details under wraps.

North American, in July of 1970, forwarded some advice of its own. The initial cost for remodeling facilities and taking numerous other steps to comply with the "Secret" classification, it said, would be about $1.2 million. This did not include similar measures and expenses that would be required by subcontractors and suppliers.

Luckily, this nonsense was halted before it went went too far. The security adviser at the Aeronautical Systems Division, who had opposed the classification, also phoned Washington about the problem. Instructions cancelling the classification were prepared by myself and others. The classification eventually was dropped in early 1971, and another expensive exercise in wish-fulfillment averted.

I would estimate, however, that at least $50 million a year is still spent on storing, protecting and inspecting unnecessarily classified defense information.

While many defense planners do not like to admit it, relatively little of what they do actually can be kept secret very long. This is particularly true in the scientific and technical area.

In early 1970, for example, a group called the Task Force on Secrecy, set up by the Pentagon and including such leading scientists as nuclear physicist Edward Teller, reported:

"Security has a limited effectiveness. One may guess that tightly controlled information will remain secret—on the average—perhaps five years. But on vital information, one should not rely on effective secrecy for more than a year. The Task Force believes that classification is sometimes more effective in withholding information from our friends than from potential enemies."

The Task Force, finding that secrecy hampers the flow of scientifically useful information here and abroad, estimated that the "amount of scientific and technical information which is classified could profitably be decreased perhaps as much as 90 per cent." Little has become of that report. It does not sit well with Pentagon psychology.

THE STAMPERS' BIBLE

The Bible of security-stamping is called Executive Order 10501. Issued Nov. 5, 1953, by President Eisenhower, its nine pages contain commandments on what the executive branch shall classify, how sensitive information shall be stored and other rituals for keeping big secrets. It does not, however, make it very clear who shall decide what is a secret. It commands only that affected departments limit this power "as severely as is consistent with the orderly and expeditious transaction of government business."

That, which can mean almost anyone, is one reason for the classification craze. It is why thousands of bureaucrats have rubber stamps, which they can order fairly easily from supply units. At the Pentagon, desk after desk has a little tree-like stand with "Secret" and "Top Secret" hanging from its wrought-iron branches.

A second reason for the stamping binge is the security "orientation" given to new arrivals. At these, films on communism are sometimes shown and lectures on secret-keeping delivered. But rarely, if ever, is it stressed that stamping should be done sparingly—"Top Secret" if disclosure would cause "exceptionally grave damage to the nation," "Secret" if it would cause "serious" damage, and "Confidential" if it would "prejudice" the national defense.

Rather, the orientations tend to intimidate new arrivals with myths about classification—that there is some mysterious "law" dictating what must be kept secret, which there isn't, or that divulging classified information is necessarily a crime, which it isn't.

Security-stamping is done entirely on the initiative of the executive branch, governed by its own Executive Order 10501. No law specifies what the government must keep secret. The espionage laws do make it a crime to disclose defense information in some cases—but only if it can be proved, first, that disclosure would damage the nation or help an adversary, and, second, that the *intention* was to cause this damage. Otherwise, there is no crime in giving out information marked "Top Secret."

Indeed, millions of currently secret documents could be read on television and broadcast to all of our potential enemies without any crime being committed, except perhaps to bore everyone to death. The point is that the indiscriminately applied security markings in themselves do not make anything subject to the espionage laws. That would be absurd. The legal tests are damage and intent to damage. It was on the damage test that the Supreme Court upheld the right of newspapers to publish from the Pentagon Papers, regardless of the "Top Secret" stamped on that vast study of U.S. decision-making on the Vietnam war.

THREAT OF PUNISHMENT

If Bureaucrats should not worry much about criminal prosecutions, they should and do worry about being punished administratively, as any boss punishes a worker, for what the government may consider a violation of its security bible. This constant threat of punishment hanging over the heads of Pentagon workers considerably reinforces the mania for classification.

Nightly and on weekends, security police prowl the Pentagon in search of any evidence that the commandments of Executive Order 10501 are not being heeded. In the mornings, those whose offices have been searched usually find on their desks a calling card from their service's security force. The Air Forces version of this greeting is:

"The USAF Security Force did not discover any improperly stored classified information during its check of this area."

More than once, though, the snoopers do find what is, to the strange way of thinking, a violation. One morning early this year, while searching a desk in Air Force headquarters, for example, they came upon some unclassified pages from a Rand Corporation document. The pages listed electronic equipment for six old aircraft, including the ancient B-58 bomber.

The security checkers felt the lists should have been classified and locked in a safe. It apparently made no difference to them that the Air Force had distributed the information throughout the world for years as unclassified. They believed the information should be guarded, and they carry considerable weight. The snoopers reported their finding to the employee's superior, who ordered the worker to forfeit a day's pay.

A similar incident occured last year at TRW Systems, Redondo Beach, Calif., one of the more than 13,000 contractors cleared for access to classified information. (Hundreds of thousands of employees at the contractors' plants are forced to sign statements that they understand improper disclosure of classified information "may be punishable under federal criminal statutes," which is simply not true.) A TRW engineer there was charged by security enforcers with improper disclosure of the scheduled operational date for the Minuteman III missile, the booster for the multi-warhead MIRV system.

That was ridiculous. The June 1970, date was known all over the Northwest, where the missile was being put into place, as well as all over the world. Such actions cannot be kept secret very long; they are self-revealing. Indeed, Air Force Secretary Robert Seamans shortly afterward publicly mentioned the Minuteman III date. Still, the engineer was punished by his company, which acted under threat of penalty by the government.

NEEDED: LEGISLATION

These are only two of thousands of cases each year in which government and private employees are charged with security violations, most of which have no bearing whatsoever on the defense interests of this country. (At the Pentagon, the security snoopers have even left their calling cards several times in press room typewriters used by newsmen.)

Considering the inadequate executive order, the intimidating lectures and this overzealous enforcement, it is little wonder that defense workers have cultivated a mania for stamping "Secret" on everything.

If all this were not bad enough, President Nixon would now like to start a massive effort to declassify piles of old records that have already been declassified for more than 13 years. On Aug. 3, in the wake of the Pentagon Papers case, he asked Congress for an initial $636,000 to "begin an immediate and systematic effort to declassify documents of World War II." The total cost for five years of reviewing a "substantial" portion of 160 million pages of records was put at $6 million.

The intention is fine, but the fact is that the bulk of the Defense Department's World War II records were declassified or downgraded on Sept. 27, 1958, by DOD Directive 5200.9, which I wrote.

Even if that directive did not exist, a $6 million drive to read all these musty records and cancel classification markings would be a vast waste of funds. It would be far easier and less costly to wait until the records are requested, and to physically cancel the markings when the papers are withdrawn.

But canceling ancient classifications, while it may have some political appeal, is not a very lasting solution to the problem. It would help if millions of later records were declassified, but that, too, would not really be an answer. What is needed is to declassify millions of current records, and to make sure, through tighter controls on secrecy-stamping, that more do not swiftly pile up.

At present, an executive branch committee—set up under Assistant Attorney General and Supreme Court nominee William Rehnquist—is developing recommendations for improving Executive Order 10501. But chances are slim that its proposals will get to the heart of the matter. It is seeking to eliminate some classification authority, such as that now held by the Department of Health, Education and Welfare, and to cut the time period during which a document can remain classified. But far deeper change is needed, and it should be brought about by law, not by executive order.

We need to define, legally, what critical information may be classified—legislation perhaps similar to the 1954 Atomic Energy Act's provisions for protecting "restricted data"—and who may do the classifying. Only then could we begin to have secrets that are worth keeping and to tear down the current classification madhouse.

A TASK FORCE'S VIEW OF SECRECY

(NOTE.—Following is the summary of the 1970 report of the Task Force on Secrecy established by the Pentagon's Defense Science Board. The nine-member Task Force was chaired by Frederick Seitz, former president of the National Academy of Sciences, and included such prominent scientists as nuclear physicist Edward Teller and former Atomic Energy Commission member Gerald A. Tape.)

1. The task force considered the matter of classification from several viewpoints. However, it focused its main attention on the classification of scientific and technical information.

2. The task force noted that it is unlikely that classified information will remain secure for periods as long as five years and that it is more reasonable to assume its knowledge by others in periods as short as a year through independent discovery, clandestine disclosure or other means.

3. The task force noted that the classification of information has both negative as well as positive aspects. On the negative side, beyond the dollar costs of making decisions on classification and maintaining information secure, classification establishes barriers between nations, friendly as well as not, creates areas of uncertainty in the public mind on public issues and impedes the flow of useful information within our own country as well as abroad.

4. The task force noted that more might be gained than lost if our nation were to adopt, unilaterally if necessary, a policy of complete openness in all areas of information, but agreed that in spite of the great advantages that might accrue from such a policy, it is not a practical proposal at the present time. The task force believes such would not be acceptable within the current framework of attitudes, both national and international, toward classification. . . .

5. The task force noted that the types of scientific and technical information which most deserve classification lie in areas close to design and production, having to do with detailed drawings and special techniques of manufacture. Such information is similar to that which industry often treats as proprietary and is not infrequently closer to the technical arts than to science. The task force believes that most of the forces of attention of classification of technical information be directed to such areas instead of to research and exploratory development.

6. It is the opinion of the task force that the amount of scientific and technical information which is classified could profitably be decreased perhaps by as much as 90 per cent by limiting the amount of information classified and the duration of its classification. Such action would serve better the protection of necessarily classified information since the regulation concerning the enforcement of the residual could be applied more rigorously than at present.

WRAP-UP WASHINGTON REPORT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. KEITH. Mr. Speaker, I shall soon be sending to the people of the 12th District of Massachusetts my wrap-up Washington Report of this first session of the 92d Congress concerning my continuing legislative duties and responsibilities.

In the interest of exchanging information, with particular reference to the types of congressional activities of particular interest to the people of my constituency, I include in the RECORD my Washington Report dated December, 1971:

WASHINGTON REPORT

This is my wrapup Washington Report of this session of Congress. As you read it, I am back home, meeting with as many constituents as I possibly can.

In the next session, I'll represent the 12th District, as now constituted, for the final time—For, in 1973, the Legislature's Redistricting Plan will be in effect!

Abington, Whitman, Halifax, Hanson, Bridgewater will be out of the District.

I regret that my hometown and the others were cut from the District.

I have enjoyed my relationship with these communities and representing their citizens in the Congress.

All this has caused the press to ask me: "Will you move to a town within the new 12th District?" Will you seek re-election?" Will you accept a White House assignment?"

I haven't answered any of these questions. I've been too busy with Congressional problems at hand.

As Louise and I move throughout the District during the recess (so-called) we will have a chance to talk with you and try to come up with the answers.

Mr. and Mrs. Jack Gould, of Hingham, Mrs. Michael Vetrano, of Harwich, Mr. Norman Mason, of Harwich, and Mr. Donald Strong, of Hingham, attended the recent White House Conference on Aging.

I've asked them to join me in District-wide panel discussions through which information from the Conference can be shared with city and town aging councils—and with others interested in our elder citizens. Notices of these meetings will soon go out.

The House passed campaign spending bill was good and necessary reform legislation. It makes it more difficult to "buy" an election. It imposes a ceiling on spending for campaign advertising—particularly for TV—and it requires candidates to show where the money comes from. If we hadn't passed some sort of reform we'd have ended up with candidates who were all millionaires—or who were heavily financed by special interests.

With mass merchandising and Madison Avenue advertising campaigns, the consumer was being relegated to low man on the totem pole. Flammable fabrics, dangerous toys and phoney gadgets were sneaking into the market place. Aided by Nader's Raiders, Congress has come up with a Consumer Protection Bill which creates an agency with enough power to protect consumers.

On Dec. 7th, the House, without my support, passed and sent to the President the Economic Opportunity amendments which he had threatened to veto. Two days later, in a veto message, Mr. Nixon called the bill "ill-advised and restrictive." The Senate agreed—the veto held.

Congressional critics of the measure had called it "an administrative monstrosity." Oregon's Democratic Congresswoman, Edith Green, the House's leading authority on Education, said, in debate, that she would "never again support the OEO programs unless there is a drastic change . . . so the billions spent will actually benefit the poor."

Cancer has continued to be the most unconquerable of all mankind's diseases. Until now our attack against it has been on a broad front. Thanks to the President and to the responsiveness of Congress, we've now enacted a $1.5 billion, three-year program for Cancer Research. Hopefully, this will enable us to make substantial headway against this dread disease.

Former House Speaker John McCormack is of a generation earlier than mine—and of different political persuasion. But I treasure my associations with him as much as I do with any Member of Congress, young or old, Democrat or Republican. Attending the funeral of his beloved Harriet was a memorable and moving experience—made all the more so by the presence of former President Lyndon Johnson.

The Brockton Enterprise summed up the McCormack marriage this way: "In this day and age when the news is cluttered with stories of free love, broken marriages and an indifference by many to the rules of wedded life, it is refreshing to read of a long and happy married life such as that of John and Harriet McCormack."

The year of celebration of the 350th anniversary of the landing of the Pilgrims ended, Nov. 30, with a reception at the Smithsonian Institution. The hosts were the members the Presidentially-appointed Plymouth-Provincetown Celebration Commission. The honored guest was the Lord Mayor Alderman Dorothy F. W. Innes, of Plymouth, England.

Earlier in the day, I greeted Lord Mayor Innes at the Capitol. She was accompanied by Cyril Kane, her sergeant at Mace, and by Miss Martha Reardon, Executive Director of the Celebration Commission.

Commission Chairman George C. P. Olsson and the other members of the Commission and its Staff are to be congratulated for an outstanding job.

When I first came to Congress, scallops were 28¢ a pound—and millions of pounds were in storage. Haddock was plentiful—today, it's so scarce that, by international agreement, we have to have closed seasons. The threat (of no more fish) is world-wide. Whales are nearly extinct. Lobsters are prohibitively priced. The Atlantic salmon could go the way of the passenger pigeon and the heath hen.

Only international regulation, firmly enforced, can rebuild the ocean's resources. Congressional jurisdiction is too limited. The Chairman of the House Merchant Marine and Fisheries Committee has asked me to work with UN officials to save our fish. We must coordinate our National effort with that of other countries.

Symptomatic of the problem are small meshed fish nets offered in evidence by Captain Mathias Bendiksen of Fairhaven. Highly respected in the industry he, like other fishermen, is gravely concerned with this problem and its disastrous effects. The Law of the Sea Conference to be held in 1973 may well be man's last chance to prevent extinction of many of the world's fisheries resources.

Since the last law of the sea conference, mining interests have been seeking increased resources from the sea bed. The fishing interests—national and worldwide—must be strongly represented at the 1973 Conference if they are to be fairly treated in such fast company.

The Soviet Union has begun to pass us in certain areas of military superiority. Its merchant marine capability has paralleled that of its navy. This is no surprise. I warned of this in my 1966 Congressional Report, "The Soviets and the Seas" . . .

Consider these excerpts from that 1966 Report:

Although the Soviets are giving top priority to their programs, designed to gain control of the seas, our merchant marine is on the decline.

The statistics are alarming:

U.S. shipyards began 1966 with 41 merchant ships on order. At the end of 1965 the Soviets had 464 merchant ships of over 1,000 gross tons on order.

About 70 percent of all U.S.-flag ships is more than 20 years old—20 years is considered a reasonable lifetime for a ship—while 80 percent of the Soviet commercial fleet is less than 10 years old.

During time of war, more than ever, a nation needs a strong merchant marine. The merchant marine has often been called our fourth arm of defense, but today, it can be termed our "withered arm of defense." So pitiful is U.S. shipping capacity that it has become necessary for us to charter foreign vessels to carry war materials to Vietnam.

The programs of the U.S.S.R. to gain superiority on the sea are (1) well planned both from the short- and the long-range point of view; (2) encompass political, military, economic, and scientific objectives; (3) the organizations with responsibility to implement them are competently staffed and well coordinated. In short, we conclude that the entire Soviet maritime policy has already gone a long way toward achieving supremacy at sea, and unless effectively challenged by the free world, can be expected to achieve this strategic objective well before the end of this century.

Consider these excerpts from a U.S. NEWS Interview (Sept. 13, 1971) with Chief of Naval Operations Admiral Elmo R. Zumwalt, Jr.:

". . . The Vietnam War . . . in essence . . . cost us the equivalent of about a generation of shipbuilding. What increases there were in Navy budgets have been spent largely on attrition aircraft, bombs, bullets and increased operating expenses . . . The Navy was down to less than a billion dollars a year at a time when we should have been spending 3 billion dollars a year on new ships . . . Navy's responsibilities are greater than . . . ever . . . The Soviet Navy is dramatically more powerful than it was 10 years ago . . . If the U.S. continues to reduce and the Soviet Union continues to increase, it's got to be inevitable that the day will come when the result will go against the U.S. . . .

Judging from these words of our Chief of Naval Operations, we can conclude that, should we become involved in future confrontations with the Communist powers, our ability to attract and to hold Third World Nations as friends and allies would be greatly lessened by our relatively weakened defensive capability.

In the closing days of the first session of the 92d Congress, we appropriated $3.5 Billion for Navy shipbuilding and conversion. I have strong hopes that some of this will be invested in the construction of at least one—hopefully two—Naval vessels which can, and will, keep the General Dynamics Yard at Quincy operational.

As this letter goes to press, we are encouraging (and the chances seem to be good) the Department of Commerce to approve one—perhaps two—more Lykes ships. These are the largest dry cargo vessels in the world. They are over 850 feet long. Similar to the three currently under construction at the Yard, they cost more than $45-Million apiece. They are technically superior to any other Merchant vessels on the high seas.

In my last Washington Report, I sought your "advice and comment" as to whether the President, "as the Commander-in-Chief," should continue "to make the determination as to when, how and in what manner we extricate ourselves from Vietnam. Your response was helpful. It contributed to my decision to vote against tying the President's hands in resolving the Vietnam problem.

This year, the Congress said "yes" to more money than ever. I voted "No" to such proposals more often than in previous Congresses. My position on these matters is consistent with the fact that the 12th District is the most moderate in Massachusetts. I believe you want me to say "No" once in awhile, no matter how momentarily unpopular—and—unpolitical—it might be.

This position is necessary if we're to reverse the costly trend of "tax and tax, spend and spend, elect and elect." I hope the days of "spend and elect (and tax)" are numbered. If not, the Nation will be in the same bind in which Massachusetts finds itself. The State's spendingest newspaper, The Globe, notes retiring State Commerce Commissioner Carroll Sheehan's concern that "the number of manufacturing jobs in the state has sunk below 500,000 (from a post-war high of nearly 900,000)."

The Globe quotes Commissioner Sheehan as saying: "Don't tell me not to worry about the loss of manufacturing jobs because the number of service jobs is increasing. There is a limit to the number of hamburgers we can sell each other. Without manufacturing jobs the service industry cannot survive."

Commissioner Sheehan's concern with this problem coincides with my own long-standing fear that, unless we cut out wasteful spending and draining taxation at the National level, our competitive position amongst the nations of the world may parallel that of Massachusetts.

Were it not for the economic philosophy of moderates in the Congress and in the Administration, such a National disaster could befall us.

ST. NICHOLAS BENEFIT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. GAYDOS. Mr. Speaker, this past weekend I had the privilege and pleasure of participating in the 15th annual St. Nicholas Benefit for the Byzantine Catholic Seminary in Pittsburgh, Pa.

It was a most impressive affair attended by more than 1,000 people of the Byzantine faith and their guests. Unquestionably, the high point of the evening's proceedings was the singling out for special recognition nine members of the Byzantine Rite for "outstanding service" to their church and their communities.

These men were not people of prominence, nor men of community stature. They were hard-working, God-fearing, unashamed of their love for their church and their country. They were symbolic of the type of individuals who made America the greatest Nation on the face of the earth.

I would like to insert their names into the Record, for I feel they have set an example that each and every American would do well to follow. They make up the heart and backbone of our Nation.

Michael Hritz, representing the Clairton Deanery of the Byzantine Church; John Babyak, Johnstown Deanery; John Dirda, Mon-Valley Deanery; Ivan Braszo, Pittsburgh Deanery; Henry Sweka, Punxsutawney Deanery; John Shymchyk, Jr., Tri-State Deanery; John Gates, Youngstown Deanery.

I wish my colleagues could have heard the tributes publicly paid these men and so richly deserved. I wish they could have beard the inspired messages of Archbishop Stephen J. Kocisko and Bishops Emil J. Mihalik and Michael J. Dudick, who called for a rededication to serving our fellow men and a return to the teachings of the church.

The deep-rooted faith these people have in their church and spiritual leaders was graphically illustrated in the substantial contribution made to the Byzantine Seminary by Mr. George Batyko, president of the Greek Catholic Union, for the education of future priests.

Mr. Speaker, in the course of the evening, I was made the recipient of the 1971 St. Nicholas Award. Saint Nicholas is the patron saint of the Byzantine Rite, and the award is one of the highest the church can bestow on a layman. I am humble, I am grateful. I will attempt to live up to the trust and responsibilities placed in me by the Byzantine Church and its people.

OPPOSITION TO PROPOSED REGULATION OF PLANT NUTRIENTS AND GRAZING REGULATIONS ON PRIVATE LANDS

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. SHIPLEY. Mr. Speaker, I include in the Record the following statement by Louis Fieber, Edwards County, Ill., regarding his opposition to proposed regulation of plant nutrients and grazing regulations on private lands:

Protest of Proposed Regulation of Plant Nutrients and Grazing Regulations on Private Lands

My name is Louis Fieber, I was born and raised on an Illinois farm and currently till 2,000 acres in Edwards County.

I am here to protest the enactment of your proposed plant nutrient application rates, and livestock grazing regulations.

There are those who seem to forget that we live on the land we farm, we obtain the water we drink from the land we farm. I would rather drink the water that flows from my tile drains than to drink the water flowing from a municipal sewage disposal plant.

The article entitled "Pollution—Are Fertilizers at Fault" written by Fred P. Miller, appearing in the August-September, 1970 issue of Crops and Soils states and I quote, "Americans are consuming close to 9 million tons of nitrogen annually as protein in their diets Almost 30% more than that is being applied as fertilizer." And also further states, "There is little opportunity for Nitrogen loss by leaching during the growing season under most farming conditions. Several researchers have said it is doubtful that any more Nitrogen is lost from any farming region where erosion is controlled than is lost under virgin forest or grassland conditions. This last statement was reported by W. H. Garmin in the 1969 Plant Food Review." Upon reading this article it would appear that the case against fertilizers has been unfounded and overstated by unknowledgeable persons.

We have not poisoned the water hole, we must also drink from it. Why must we be used as the Scapegoat? We are unjustly blamed for:

(1) Plant nutrient excesses
(2) High food prices
(3) Unsafe working conditions
(4) Feed lot pollution
(5) Pesticide abuses

Many people seem to forget that potential pollutants originating from agricultural sources are considered by farmers to be assets whereas pollutants originating from municipalities and industrial sources are considered as liabilities since they usually cost cities and business considerable sums of money if they are to make safe disposal.

Farmers live with nature. We respect it. We attempt to preserve an environment in which we will not starve; one in which we can make a reasonable profit; one which our children will be proud.

The agricultural segment of our economy is by far the most efficient and productive and has had a profound effect on Foreign Trade and a favorable record in our International Balance of Payments. According to Royal Fraedrich in the Editorial of the October 1971 issue, Volume 43, No. 7 of Big Farmer: "We are now exporting the production from one out of every four acres compared to only one in seven acres 20 years ago." We have consistently supplied you in this country and the world with wholesome food at very economical prices while at the same time making a profit and aggresively competing on the World Market. An article entitled "Agriculture's Contribution to U.S. Foreign Trade Balance" by C. Curtis Cable and Elmer L. Menzie appearing in the July-August 1971 issue of "Progressive Agriculture in Arizona" states "Agriculture's contribution to U.S. trade balance has been more stable than has the contribution from other industries." We have this enviable record despite rail strikes, dock strikes, increased taxes, poorly managed Government Agricultural Programs, and higher prices for almost all of our production input items.

Illinois and American Agriculture has this successful record primarily because of the implementation of practices advocated by our Land Grant Colleges and our Co-operative Extension services. We, in Edwards County, rely on our State University, our Dixon Springs Agricultural Research Center, numerous state soil experiment stations and our very able County Extension Agent, Ken Hestand, in reaching decisions on fertilizer and pesticide application rates. If you, as a State and Nation, desire the continued supply of cheap abundant food and farm surpluses to export, we in agriculture must be allowed to function as an independent free enterprise unhampered by State and National Bureaucrats, who know little or nothing about the problems inherent to our business.

Do not forget that we are in competition with the world. If other countries can produce quality food for less than our cost because of non-regulation of plant nutrients, and cheaper labor, they will get the World Trade our country needs. Remember when Chairman Khrushchev said "We Will Bury You." If Nikita were alive today, I am sure he would click his heels with glee at the thought of the most productive Agricultural Nation in the World adopting regulations to control application of plant nutrients especially when the governing board is composed of Bureaucrats and doesn't even contain one Knowledgeable Red-necked Dirt Farmer. Bureaucrats have far too much power. They are not elected by the people who pay their salaries. In their effort to control everything from application of plant nutrients, grazing of livestock on private tax paying lands, the content of peanut butter, your employment practices, and the busing of students to far off places to fulfill some obscure guideline, they have demonstrated their complete disregard for due Process of Law, for Constitutional Rights, for free Enterprise and Capitalism. Bureaucrats can assume you guilty and you must prove your innocence. This is contrary to our basic legal doctrine.

If your agency adopts these controls on plant nutrient application rates, I predict it will be no more effective than the O.P.A. was in controlling prices during World War II. You will only create a Black Market for fertilizer because your proposal is unjust, unfair and does not take into consideration the vast difference in climate, soil types, and farming systems existing in our state.

For Instance:

(1) There is considerable difference between a soil that is frozen 1 foot deep and frosty soil that is frozen only 3 or 4 inches and thaws out each day.

(2) You have failed to take into consideration the vast difference in natural nitrogen supplying ability of different soil types. Given adequate nitrogen there are many deep light colored alluvial soils in our state that are capable of as high or higher yields as the dark colored soils. In other words, soils such as soil type No. 382 Belknap silt loam may require more supplemental nitrogen than soil type No. 126 Bonpas silty clay loam, but still have a higher corn yield potential in Edwards County because of a more favorable water holding capacity.

(3) I would very seriously question any potential yield loss for planting corn after April 25, especially when referring to our deep alluvial soils that have a high moisture supplying ability. My personal experience would indicate no substantial yield difference on Belknap silt loam planted any time between April 15 and June 15 in our area.

(4) You fail to take into consideration such practices as narrow rows, no-till and varietal differences in your recommendations. According to leaflet 310-A, entitled "No-tillage Systems for Grain Production" written by Shirley H. Phillips, W. R. McClure, and J. W. Herron published by the Co-operative Extension Service of the University of Kentucky, For No-Till corn "Nitrogen levels should be increased 20 to 30 percent over that used in conventional planting."

(5) You have failed to make any adjustment for double cropping corn after wheat. From our area on south we can grow Blueboy wheat that yields from 40 bushel to 100 bushel per acre and follow with a possible 100 bushel plus second crop of corn. Your N. application rates would not be enough to decompose the wheat straw and grow a good corn crop. Agronomy News No. 427 published September 27, 1971, by Co-operative Extension Service, University of Ill. indicates the 1970–71 average yield of Blueboy wheat at Brownston Experiment station to be 76 bushel per acre. An article entitled "Double Cropping in Illinois" written by George McKibben and John W. Pendleton and published in summer 1968 issue of Illinois Research indicates a 3 year average corn yield of 106 bushel following wheat and this was on a 12% slope. This was not a deep alluvial soil.

(6) You do not suggest any economical satisfactory alternate method for us to apply nitrogen on our winter wheat. We have customarily in this area applied nitrogen to our wheat crop on frozen soils. This is based upon the recommendations from Dixon Springs, University of Ill., Purdue University, and the University of Kentucky. If we postpone N. application until the ground is firm enough to support fertilizer applicators because of a ban on making the application on frozen soil, our wheat could be knee high.

Upon refering to the article entitled "General Information Relating to U.S. Agriculture" in the July 30, 1971 issue of the California Potatorama on Page 14, I observe farming is the nation's biggest industry. "Farming employs 4.6 million workers—more than the combined employment in transportation, public utilities, the steel industry and the automobile industry. Agriculture's assets total 307 Billion, equal to about ⅔ of the value of current assets of all corporations in the U.S.; or about ½ the market value of all corporations on the New York Stock Exchange." "Three out of every 10 jobs in private employment are related to agriculture." Realizing these facts, I seriously question the qualifications of the present Pollution Control Board to impose these un-necessary, unfair regulations, because agriculture is not fairly represented. At least 2 or 3 members of the Pollution Control Board should be knowledgeable farmers!

If you adopt these proposed regulations you could very easily contribute to the death of the Goose that lays the Golden Egg of Foreign Agricultural Trade.

In conclusion I believe Henry David Thoreau summed it up quite well several years ago when he stated in his Civil Disobedience speech that "The government that governs best governs least."

DRUG PROBLEM IN UNITED STATES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HALPERN. Mr. Speaker, I wish to call my colleagues' attention to the continuing problem of drug addiction, especially among this Nation's youth.

The use of heroin in the United States, with all its concomitant consequences, has grown to crisis proportions.

President Nixon declared in his message to Congress on June 17, 1971:

> The problem has assumed the dimensions of a national emergency.

The President added:

> If we cannot destroy the drug menace in America, then it will surely in time destroy us.

The National Institute of Mental Health estimated in May that the addict population totaled 250,000. However, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, says the figure is even higher. His most recent estimate places the number of addicts in this country at 330,000.

In the past few years, drug-related arrests have increased astronomically from 50,000 in 1965 to 232,690 in 1969. At least five Americans die each day as a result of narcotics abuse. This figure is undoubtedly higher, however, because of the difficulty of accurately reporting and determining drug-related deaths.

The effects of addiction are not restricted merely to the user. Up to 50 percent of all metropolitan area property crimes stem from the addict's need to support his habit; the total drain on the U.S. economy, including both thefts and enforcement costs, has been estimated by several authorities at more than $8 billion a year. An addict can cost our society $50,000 to $100,000 annually. If the addict is enrolled in an outpatient methadone program, the cost to the taxpayer is about $1,200. The cost of residential therapeutic treatment is $3,200 per year for each addict committed. The expenditure of Federal funds alone in the areas of enforcement, treatment, rehabilitation, research, education, and training increased dramatically from $67.9 million in 1969, $105.1 million in 1970, $166.4 million in 1971 to a projected $370 million for the present fiscal year—a total cost to the American taxpayer of $709.4 million.

My own State of New York bears a disproportionate share of the agonizing narcotics problem. Latest figures place the number of addicts in the State at 157,000. Total felony narcotics arrests have risen from 1,807 in 1960 to more than 30,000 in 1970. In New York City, 1,205 drug-related deaths have been confirmed by autopsy, and another 200 may yet be confirmed. Five hundred eighty-eight drug-related deaths have been recorded for the first 6 months of 1971 and the Office of the Chief Medical Examiner of New York warns that this figure will rise by 20 to 30 percent when all the statistics are in.

In Los Angeles, the number of drug-related deaths is equally frightening. During fiscal year 1970, from July 1, 1969, to June 30, 1970, 1,139 persons died as the result of drugs. Specifically, there were 359 accidental overdose deaths, 679 overdose deaths by suicide, and 101 overdose deaths in which the motive was unknown.

A recent analysis of the impact of narcotics use in the Bedford-Stuyvesant section of Brooklyn, N.Y., reported an increase in felonious assaults from 451 in 1960 to 1,107 in 1969, despite a decrease in population of almost 25 percent. Burglaries and robberies in this community multiplied nearly tenfold over the decade. The report's evidence is incontrovertible: drug addicts were responsible for the majority of these crimes.

Drug-related crimes have also taken their toll in all the urban centers of the Nation. In Los Angeles, for example, in 1970 there was a total of 27,544 arrests in all drug categories. A total of 21,479 adults and 6,065 juveniles were arrested for drug offense.

Drug usage and ultimate heroin addiction respect no boundaries. Education, class, race, economic conditions, and age are no longer determinant factors in drug abuse. All walks of life are susceptible to this menace. What has become perhaps most tragic is the increasing usage of drugs among our youth.

I wish to submit to the RECORD, Mr. Speaker, an excellent article, published in the Long Island Daily Press earlier this year, in which an ex-addict describes how her life became a living hell. This girl was only 15 years old when she began experimenting with pep pills, but soon to fall prey of the deadly menace of hard narcotics—a plague which is sure to decimate American youth if left unchecked. The author of the article, Lee Linder, is to be commended on the excellence of this reporting. The battle against heroin addiction is surely furthered by the publishing of just such stories as that of the young girl described in this article.

[From the Long Island Press, June 4, 1971]

CHAINED TO THE DEVIL—HEROIN ADDICT'S LIFE BECAME A LIVING HELL

(NOTE.—She first got turned on at 15, in high school, on pep pills. Soon, she moved on to marijuana, then speed, then heroin—in the Big H—while at college. Her life became a living hell. She got unhooked six years later, after finding two ways left to go; to the grave or to jail. Here is her story, much like too many others.

(By an Ex-Drug Addict as Told to Lee Linder)

PHILADELPHIA.—The needle made a hole in her arm, and I had all this warm blood spurting over me, and I watched it drip down on the floor, and I started to get sick.

I threw up violently . . . not from the lousy stuff, the heroin, but from my own sense of letdown. Just that I let myself degenerate to such a point. I wasn't even a dog. I wasn't even an ant. I was just nowhere. I was in complete limbo. And I just watched this blood dripping on the floor of the john and I said, "That's it. That's it. I can't make it any more."

Coming back was hard. Real agony. Yet it's not hopeless, you can tear off that monkey, you can beat it, but you need to really want to. Too many say . . . tomorrow, tomorrow . . . and tomorrow never comes.

Starting on the stuff was so much easier, and that's what's so damning. You slip into it, for fun, for games, for power. And you end up a slave, chained to the devil.

It began in high school, with pep pills at 15. You better believe it . . . it was a big mistake. Big. It took six years to erase, but not until I was nearly dead.

I didn't know in the beginning it was wrong, didn't want to know. Isn't that what everybody says? All I knew was I felt good. Isn't that what everybody says, too?

I withdrew, not only because taking drugs was illegal, but in terms of my own human life I could not afford it. I had only two alternatives; either be dead, or I could be in jail. I wanted to be alive and in complete control of my facilities. And I want to have children, a lot of them . . . after I'm married this spring . . . and I'm wondering now how much physical damage drugs caused me and my boy friend. That's something that's very scary.

But that's running ahead of my drug scene, and how I got in deeper and deeper, and finally turned it all around.

High school was just a little piece of action. Pills only. Small towns in the early 1960s were pretty clean. Grass marijuana started to blow my mind in college . . . and then, into the harder stuff. I'd try anything for kicks . . . opium, cocaine, LSD, speed, you name it.

I moved out of the college dorm and into an apartment with three other girls, and we started buying kilos of grass and we'd sell it. That's the utopia in the drug world: every user has to be a dealer. You deal in what you're fond of. And it also helps pay for the habit.

I dropped out of college in 1965, returned the next year but never finished. I was still using grass, but I was heavy on methamphetamine. That was the mainstay . . . meth, monster, speed, Mary. It got me up in the morning, and kept me up. I was high, but I was not pickled. It's a hard drug, and I think the toll meth takes is far worse than heroin.

As I took more and more grass and meth it never occurred to me that I was getting hooked. I didn't want to drop drugs. It was part of my whole life style. It was my way of living. I was never without them.

You have to understand when I first started out it was flowers, beads, love. It was the flower power movement. Everything was beautiful, everybody was walking around with stars in their eyes. Then meth came and things started to go haywire, but I didn't want to open my eyes now because it felt so good.

I got hooked on heroin by a pusher, a rich guy, a friend. He dug seeing people immobilized. He put out enough heroin to get me and my boy friend interested and then when we didn't have the money to buy, he'd lay it on us, give it to us free, and then one day came the day when he said, "Well you're going to have to pay me back."

He would lend us money, not to live on but to get high on. He knew we were going to get in above our heads with this thing, and yet he introduced this to us. A true friend would say, no man. Get away from it. Keep away. In the drug world, though, there are no true friends. Cats stick with you just to get some stuff, to move in on your connections, to squeeze you, to make you dependent.

It happened to us when my boy friend and I went to a party and this rich guy suggested we get cooled out on heroin. I said, "No, no, no." Tripping with meth was enough.

But my guy tried the skag, the H. And I can remember him hanging off the refrigerator door, throwing up like a maniac. And I was screaming at him. "You S.O.B. How could you do that? I'm going to take so much heroin that you are going to have to fish me out of trouble."

And that's the way I started into it. Revenge. Spite work.

Heroin gives you a sense of complete peace, a sense of complete relaxation. Euphoria. You can feel it. It's like a cover coming over the bird cage, closing off everythnig. Did you ever watch mercury when it falls on the floor? How it glides and splatters all over. Taking heroin is like being covered with mercury. You can feel all your bodily aches just disappear, melt away.

I loved it, I did. It was a gorgeous, gorgeous high, the most beautiful in the world. That's what is so damnable about it. You cannot deny the physical pleasures of it.

By the fall of 1967 I was shooting. A girl who was shooting heroin a lot offered to shoot me up . . . after my boy friend started using the needle . . . and she said she would not hurt me. And first I said, "No, no, no." And then I watched both of them take off, and it got to me, I liked what I saw. Like they were in absolute heaven. I remember I held my arm way out, straight up, and turned my head. I couldn't even look. For two years I don't think I looked.

It is rough when you're on H and need it. It's a part of your daily life. You have to have it. You have to have it every day. You can't lead a normal life without it. You can't go about your daily business. You can't do anything, because it is a miserable, miserable thing. It is a hell.

On heroin I did things that if somebody had told me to do before, I would have told them, "No, no, you're insane." I wrote bad checks. Borrowed money from all kinds of people. Humbled myself to all kinds of people. Associated with people I would never give a second look to on the street, but I took them into my home and I took them into my . . . well, you know . . . right into my hearth because they had skag.

I had many bad times. Times when I was down and out. Times when there was no food in the house, when we were hustling just to get money. And I sold things that I loved and cherished. I sold my musical instruments. I put clothes in hock.

My employers never had any idea I was on heroin. I was a little edgy, sometimes, but I'm a pretty good actress. You have to be in the drug world. You have to learn how to live with certain situations, and looking clean at work was one of them.

There came a time, of course, when I stopped working. I gave up the ghost. I just couldn't fake it anymore, the skag was starting to tell on me. That was in February 1969. That was the beginning of the end.

I started getting sicker and sicker and sicker every day. I still had physical longings but it was getting nowhere. Nowhere.

Then I came down with hepatitis. I turned, my God, so green. I almost died from hepatitis. And we had been very careful with our spikes. I went to a hospital clinic for treatment, and they knew I was shooting, they could see the tracks, and they warned me to stop. But I couldn't. I liked it. I needed it.

Then came the end. One day, and I'll remember this as long as I live. It was a Thursday in early May. We had just shot up, and we weren't even concerned.

The ritual had changed. We didn't bother about the flowered tourniquet or whether we had dirty spikes. We'd use the same spike 16 times and then hone down the point on the back side of a match book. We weren't even concerned whether we had anything to sop up the blood with after we hit the vein. He would just jab me. He didn't even care how he hit me, whether he hurt me or not.

It was just get it over with, get the stuff in you as fast as possible. There was no feeling whatsoever. He said, "Put your finger over the hole."

I put my finger over the hole . . . and I had all this warm blood spurting over me . . . and I threw up for the first time in years . . . I started screaming.

We had a big fight. He threw the chest of drawers down on me. He was nutsed up. I threw a knife at him, which missed. I said, "I'm splitting, I'm going home to Mother and Daddy. I'm going to cut this thing dead, and I'm going to cut you dead. You're the evil. You're the cancer." But he was no cancer. I was the cancer. We were both cancers.

I didn't go home at first. We tried to kick it, the two of us, together. Cold. The fights . . . wow! I walked around with a black eye for five days. I waited until the black eye went away. I packed up my stuff; all my gear, that I could fit into one suitcase and I went home.

I couldn't tell Mother and Daddy what was happening. I had a wedding to go to when I first got home. Imagine. I went there in the middle of my 'jonesing' my withdrawing. I was sweating, and freezing, and sweating and freezing.

Withdrawal hits you heaviest in about a day-and-a-half . . . doctors say the drug leaves the body completely in around 72 hours . . . and then the agonies begin.

You can maybe sleep the first night, then you don't sleep. You get pains in the back of your calves that are so severe you can't even walk. Your belly hurts. You get the runs. You get insane gas, and you blow all over the place like a gas engine. It's just unbearable. You get burning. You get nausea. You throw up, you keep throwing up. Your system has become so sensitized that it tears you apart, makes you wish you were dead without it.

My mother kept asking what was wrong, and I told her it was from the hepatitis. I went to bed. I let her feed me, take care of me, and I did my jones.

I remember, after that, I went to the race track with my father and on the way there I was praying, "Dear God, if you let me win so I can go to Europe I'll never do anything bad again." Childish whim, right? I won $270 the first day, $190 the second night and that was when I closed the chapter.

I finally told my mother everything. She cried. Oh, she cried. She couldn't, wouldn't believe me at first. Then, like a dawning, she cried, "How could you do this thing to me?"

Hell . . . how could I have done it to myself.

CRIME AND CORRECTIONS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HALPERN. Mr. Speaker, I would like to take this opportunity to introduce into the RECORD an article prepared by Mr. Louis E. Wolfson on the subject of crime and corrections.

The crime rate in America has been escalating dramatically, and our response—both in terms of more effective enforcement and more enlightened correction—has been far from adequate.

In the interests of furthering public debate on just how these interrelated problems must be approached, I wish to bring to the attention of my colleagues this analysis done by Mr. Wolfson. It is only through open evaluation of every proposed solution to the dilemma of increasing crime and ineffective prison rehabilitation that we will begin to formulate an appropriate remedy. The article follows:

DRAFT OF ARTICLE BY MR. LOUIS E. WOLFSON, OCTOBER 8, 1971

"Crime is the most serious problem in American life today." That was a statement last year by former Chief Justice Earl Warren of the U.S. Supreme Court. In late August, 1971, F.B.I. Director J. Edgar Hoover released figures showing that crime in America had increased 11% over last year. I accuse our government as being responsible for this increase in crime. I make this statement because statistics prove that more than 60% of all serious crimes are drug related and it is a fact that the tragedies of Viet Nam and the returning American veterans have added more than 20% to the total number of drug addicts in our nation. It would appear, therefore, that it is *impossible* to reduce crime with the same people in authority and under the present policies that exist throughout our government. Harsher punishment will only trigger more violence and crimes.

Crime, delinquency, drug addiction, the welfare costs and other human problems are growing much faster than our population. Unless our society is able to find far better and more economical practical solutions to these exploding social problems, we shall face social and economic chaos. And every family in our nation will be affected! In 1970 the cost of some of such problems totaled in excess of $300 billion. Crime and delinquency were approximately $51 billion; social welfare about $150 billion; mental illness, $20 billion, and war and defense, $80 billion.

In 1970, former Chief Justice Warren also stated that organized crime cannot exist unless certain law enforcement agencies are corrupted. Extensive research clearly indicates that our penal system, our parole and probation procedures, our methods of prosecution and judging are convincing cases of failure. The Nixon administration has issued statements concurring with this opinion.

A further note of alarm was sounded in London, England on July 16, 1971, when Attorney General John N. Mitchell stated before a session of the American Bar Association in convention that according to recent polls only 23% of the American people have any confidence in their legal system. This is a shocking admission! Additionally, many people believe that there are unenforceable laws in our land enacted by corrupt politicians and attorneys for the direct benefit of organized crime and corrupt business.

The reasons for this lack of confidence in our legal system and in our public officials is easily understood when one considers selective prosecution and double standards of justice that have occurred in our nation. We have learned in recent years that the public does not want involvement with our government officials. People have witnessed crimes and murders being committed and refuse to become involved. It may well be that the breakdown in morality and ethics has lead to a disrespect for the law among law enforcement groups themselves as well as the general public. Many laws are not respected because they appear to be unjust and are applied and enforced unfairly. In many cases, prosecutors and judges intentionally and conveniently permit legal errors to be made that bring about dismissals of cases, particularly among cases involving members of organized crime. Here are a few specific instances that have caused, as Attorney General Mitchell says, only 23% of the American people to have confidence in our legal system:

1. There is strong evidence that the late U.S. Senator Thomas Dodd, Congressman Adam Clayton Powell, and other governmental officials, were guilty of pay-offs, bribery, tax evasion and other crimes, but they were never any indictments or prosecution against these members of government.

2. Former U.S. Attorney Morgenthau of New York may be guilty of selective prosecution while he was in office as his successor, Whitney North Seymour, Jr., found indictments as much as ten years old stored in file cabinets and never prosecuted. Criticism has been levelled at the tactics used by former U.S. Attorney Robert Morgenthau and his staff. There is a sworn affidavit that a Morgenthau Assistant Attorney, Thomas J. Cahill, used pressure, harassment and threats in efforts to make a man change his testimony previously given before a grand jury and to lie. A statement by Assistant U.S. Attorney Cahill from this affidavit reads: "Look, John, we're both Irish or Irish extraction, we're both Catholic. I'm not interested in you. I'm interested in that dirty, lousy Jew bastard, Blummer." Morgenthau's office used fraudulent documents to railroad innocent people in the Continental Enterprises case, the Antonio John Fargas case and the Tony Marshall Hudson, Jr., case.

3. Illinois State Attorney Edward Hanrahan's and 13 other law enforcement officials were indicted August 24 on charges of conspiring to obstruct justice following the December 4, 1969, police raid in which Panthers Mark Clark and Fred Hampton were killed. (Reference Miami Herald 9/3/71.)

4. The case of Mr. John J. Hafer, Sr. who for years was harassed by the Internal Revenue Service; indicted; taken to trial and certainly physically and almost financially broken. After his death, he was proven innocent.

5. A Russian spy by the name of Igor A. Ivanov, under $100,000 bond, got the consent of our government in January of this year to visit the Soviet Union in order to visit his ailing parents. Up to now, he has not returned. On the other hand, every day Americans in prison are refused opportuni-

ties to visit even for 48 or 60 hours any members of their families who are seriously ill.

6. In New York City, 90% of all organized crime cases are tried among the same few judges and the decisions by the judges in many of these cases are unbelievable, amazing, shocking, and even contrasting and conflicting. Information has been published that judgeships are sold in New York at an average price of $80,000.00, which must be paid in currency.

7. The indictment of New York State Supreme Court Judge Joseph P. Pfingst charging that he paid $50,000 to a Republican leader for his nomination to the judgeship in 1968. He was indicted by a Brooklyn federal grand jury on or about September 2, 1971, for bribery and conspiracy.

8. Recent charges made against New York State Supreme Court Justice Mitchell D. Schweitzer that he accepted two $25,000 bribes to go lightly on sentencing, were made by a convicted stock manipulator.

9. U. S. Federal Judge James B. Parsons was quoted in an article December 31, 1969, as having said, upon dismissing draft evasion charges against a law school graduate, "Sometimes when I turn people loose, I hope they go out and get hit by a car." He was quoted further in this article as having said, "These college brats are always conniving."

10. San Jose Superior Court Judge Jerald S. Chargin, in a court transcript, was quoted as telling a 17-year-old Mexican-American youth, "Maybe Hitler was right. The animals in our society probably should be destroyed." According to the article, this same judge then referred to Mexican-Americans in general as "just miserable, lousy, rotten people".

11. U. S. Federal Judge in the Southern District of New York, Edmund L. Palmieri, was accused in a motion filed in Florida in 1969 with having association with the Mafia. After this motion was filed in Florida, it was forwarded to the U. S. Southern District of New York and the Chief Judge of the Southern District assigned the motion back to Judge Palmieri's Court—the same judge that the motion accused was allowed to deny this motion.

Judge Palmieri also handled the following cases:

(a) The case of Uesebio Pimieneto, et al, (C151/291) for the unlawful sale of heroin and for conspiracy, June 19, 1957, the sentence was two years and was suspended with probation for one day.

(b) The case of Michael Dotto (Case No. C151/285) conspiracy to violate the narcotics laws of the United States, November 21, 1957, the sentence was two years, was suspended with unsupervised probation for two years.

(c) Arthur Tortorello (Docket 64, Criminal 655, File 71454) had eleven months suspended sentence on a $3,000 bond with two years unsupervised probation on which special conditions of probation were that the defendant refrain from any participation in the securities business, particularly the selling of securities. He is an alleged Mafia member with eight felonies. Since this, he has been indicted again.

(d) (C136/148 Carmello Sansone: Unlawful sale and conspiracy to sell narcotics (9/24/54). One year sentence; released on $2,000 bail. Government moved to increase bail; motion denied.

I am convinced, as are some of our national political leaders, that drug addicts and the trafficking in drugs could completely destroy our nation.

The records reveal that the crime rate has increased almost directly with the expansion and growth in the number of narcotic addicts in our nation. The danger of the crime rise is frightening to every American. Narcotics addicts, as well as alcoholics, cannot be helped by serving terms in the penitentiary. This in no way can provide rehabilitation. Medical treatment is required in order to have any sort of effective program for the addicts. More than 60% of all serious crimes are drug-related and alcoholics account for more than 50% of all arrests in America. Why have we not spent sufficient funds to research this ugly and dangerous and destructive cancer within our own society? Could it possibly be because too many people in various levels in our government participate in the billions of dollars of profits from drugs? Federal funds are provided to research hoof and mouth disease for cattle and for research for health and welfare of other animals, but not enough funds are available for human beings!

Published reports state that approximately 10% to 15%, or 30,000 to 40,000 of the 250,000 Americans in Viet Nam are heroin addicts. I question these low estimates and I also remind you that more than 2,500,000 American boys have previously served there. The possibility exists that many of them could have become addicted to heroin or other drugs. As a result, there could be in excess of 100,000 added to the approximately 400,000 estimated drug addicts already in our nation, and shockingly, such addicts in order to satisfy their needs must need cash in an amount on an average of $100 per day. This would represent nationally a need of $50,000,000 per day, or $350,000,000 per week, or a total of 18 billion, 200 million dollars per year. The costs could reach these figures, so we must try to comprehend the amount of crime that may result throughout our nation. If you discount by 50% the possible figures stated, the astounding sum of $9 billion, 100 million would still be required annually. Consider, then, the amount of properties or items of value that would have to be stolen for resale at a fraction of their worth—and realize these figures may well be on the low side.

In my address to the Columbia University Law School Forum on October 22, 1970, I said, "If crime resulting from increased drug use is not attacked in a new way, we will have allowed not just a drug culture to develop, but rather a culture of criminality." I believe it is vitally necessary to revamp our entire policing of the traffic in drugs from its very source. Why do we have only about 1,000 narcotic agents operating in the U.S. Treasury Division and more than 8,000 FBI agents devoting virtually full time to crime problems that certainly are not as serious as narcotics? *It is imperative that we get to the very root of these crime problems!*

Now the politicians are showing great interest and are exploiting the public with their displays of interest. I am convinced that the people themselves, we, the people, will have to become more and more involved in our political environment if we ever hope to solve these grave problems.

It is estimated that more than 10,000,000 people are now using marijuana regularly in open violation of the law. Certainly there has been insufficient research to determine the dangers of such usage, if any exist. Research may prove marijuana to be no more harmful than alcohol or tobacco, and if that is the case, it certainly should be legalized.

There are some who advocate the legalization of hashish, more commonly known as "hash". These voices will become quieter when information is revealed that resulted from the World Narcotics Conference in Vienna. The conclusion was drawn there that THC, the active substance in hashish, is dangerous enough to rank with LSD. Dr. Olav Braenden, a Norwegian who heads the United Nations Drug Laboratory in Geneva, says flatly, "Those who claim that cannabis (a substance found in both marijuana and hashish) is harmless don't know what they talk about. Four years of intense research has not even enabled us to indicate the effects of marijuana or hashish. Cannabis may just be the factor which triggers insanity."

Profits from sales of drugs, as well as the graft that is incumbent, are so great that dealers who are caught and jailed are promptly replaced by others eager to serve as such dealers. It is impossible to jail the millions of people who violate existing narcotics laws. As a result, a selection of the population is jailed and again serious implications are made that the law applies only to those people whom the police select to be victims of their enforcement.

There have been some extraordinary administrations of "justice" in the courts in cases involving marijuana. John Sinclair. the poet and political activist, received a ten year sentence for possession of two marijuana cigarettes. Are you familiar with the case of Lee Otis Johnson, the SNCC leader, who received a 30-year sentence for giving (not selling) one marijuana cigarette to an undercover agent! There is the shocking case of William Baugher, a youngster picked up on the streets of Gainesville, Florida, for smoking a marijuana cigarette and placed in the county jail at Gainesville. There he was raped, beaten, and shortly thereafter found dead. The authorities listed death as suicide until a few indignant people in Gainesville insisted on a Grand Jury investigation. An indictment against an 18-year old boy for the murder of Baugher resulted from this investigation. These are just a few cases in point, but there are thousands of other young Americans committed to prison on drug charges, while on the other hand, members of some prominent families including those of Governors, Senators, Congressmen, and business leaders are placed on probation.

Statistics show that in Washington, D.C. in a period of 18 months, the number of listed addicts rose from 1,100 to 16,000. Another example is Dade County, Florida (the Miami area) which now has 15,000 estimated hard drug addicts; the figure in New York City is over 100,000.

These people represent an uncontrollable factor in the nation's crime picture. It is impossible to operate any system of criminal justice and to reduce crime if we do not get these addicts off the streets and under controlled programs. I remind you that only one-third of drug addicts are caught and jailed, and the rate of recidivism (repeaters) is 75% to 90%.

Syria and Turkey are the principal countries that grow poppies. Ten thousand dollars worth of opium poppies in these countries can be worth as much as $4,000,000 in this country. Profits such as this can breed unlimited corruption and graft. Even in countries where there is an automatic death penalty for smuggling, the profits are so enormous that the extreme penalty has not stopped or decreased the illicit activities with the opium poppy.

President Nixon's concept of subsidizing farmers in these countries (Syria and Turkey) in amounts annually of $3,000,000 to $5,000,000 will not stop other countries from growing drugs. It would be a disgrace in my opinion, for our nation to subsidize farmers in foreign lands in order to stop them from growing the opium poppy. We must provide either treatment facilities or enforcement manpower so that the enormous profits achieved in this horrifying operation can be reduced and ultimately eliminated. President Nixon's proposed subsidy program is no answer whatsoever.

I believe it is a simple fact, and most doctors know it, that treatment of the most seriously addicted needle addicts is hopeless without compulsory measures. If democracy cannot handle youth narcotics addiction, then democracy is a failure. This can, sooner than anyone knows, become a question of the very survival of our own civilization. The people of America, in fact, the people of the entire world must resolve that it will take maximum communal determination and the assistance of our most brilliant scientists to solve the drug problems that face us. My proposals shall be outlined later in this article.

Many people in authority in government are contributing intentionally and unintentionally to the increase of crime. Two such factors, for example, are: (1) the lack of uniform sentencing for similar crimes and under same conditions; and (2) the failure of parole boards, when denying parole, to advise the reasons so the person can correct his deficiencies before his next eligibility. Under present parole procedures, the existent possibilities of payoffs and graft are quite apparent.

I strongly recommend the enactment of laws that will provide uniform sentencing and will make it mandatory for parole boards to explain denials to prisoners when paroles are denied. Such action will eliminate tremendous bitterness among prisoners and facilitate rehabilitation if such is possible.

Techniques used by people in authority are seldom successful in treating habitual criminals. Responsible psychologists see destructive behavior to self and others as an attempt to cope with psychological deficiencies and the treatment for criminals is not essentially different from that in use for alcoholics, drug addicts and the mentally disturbed. Research by means of experimental tests has proven that it costs about $400.00 to rehabilitate a hardened convict, but to keep him in prison the cost to the government is about $4,000.00 each year. Approximately 65% of the so-called "hardened" criminals were rehabilitated under this recent experimental program. Only one out of every two crimes are even reported, and only about 10% of the guilty are actually jailed. We must conclude, therefore, that only one of every 20 guilty persons are ever placed in prisons.

Let's examine the procedures in our legal system. Dangerous criminals, including members of organized crime, are released on bail to await trial. It may be well known that they are guilty and most likely will be sentenced, but our judicial process may take years before they are actually committed to prison. In the meantime, they go out and commit more crimes in order to pay bondsmen and attorneys who, along with our officials, know that they must commit other crimes to obtain money for these purposes. On an average day, there are 400,000 people in prisons in America. Over 50 per cent are under 25 years of age. Fifty-two per cent are not yet even convicted in the city and county jails. Four out of five are eligible for bail but do not have the money to be released while awaiting trial. Many are kept in jail 9 to 18 months. Many who are acquitted are innocent; but their lives have been stripped of human dignity and virtually destroyed.

I have long advocated that non-dangerous first offenders should be released; even second offenders who are non-dangerous should have their sentences evaluated for possible immediate release pending trial.

The recent U.S. Supreme Court decision declared the State of Connecticut's fees in divorce cases unconstitutional for those who cannot pay them. Yet other people must go to jail if they cannot pay their fines. If a poor man cannot be jailed after conviction because he is poor, how can he be held for that very reason (inability to provide bail) when he has not been tried and is presumed innocent? The Supreme Court decision may change the entire bail bond system in the future.

The "law and order package" bills of President Nixon have been passed by Congress, and they indicate that some improvements in coping with crime problems may materialize. It appears certain, however, that there will be further shifting of balance in favor of the Government against the accused. A tremendous imbalance has always existed in favor of the Government, and whatever reduction in crime is accomplished may be at the cost of justice. It will expand the few "kangaroo courts" into large numbers and some incompetent, morally, and basically dishonest prosecutors can have a field day on any selective, political prosecution.

President Nixon's proposals include financial grants to be made in amounts of $50,000 to each family of every police officer killed in the line of duty. This is a gesture that in no way is relevant to the important task of deterring and halting attacks on police officers. The enactment of a *strict gun law* would do much more toward protecting our police and would make such a grant by the government unnecessary. Wives and children of police officers would rather have their husbands and fathers than a federal grant.

In every major city in our nation, two out of every three arrests are made among only 2% of the population. They are the people who live in ghetto and slum areas and their life expectancy is 10 years less than other Americans. The many and varied poverty and welfare programs have not been effective in reducing crime. Senator Ribicoff recently questioned the feasibility of the massive amounts our nation is expending for its poverty and welfare programs. He is reported to have stated that if all of them were eliminated entirely the government would be able to utilize the total sum for outright grants of $4,800 per year to each poverty family!

In recent years there have been many outstanding commissions inquiring about crime and they have submitted excellent reports and recommendations. One example is the Scranton Commission appointed by the Nixon administration to investigate the campus killings. Their report was not acceptable, did not meet the approval of people in authority and was, therefore, not utilized. Similarly, other commissions fell by the wayside because their reports were contrary to the thinking of people in authority. Too often the commissions that are appointed are the *investigated* conducting the *investigations*.

There is much evidence of selective enforcement of the law which points to discrimination—for example, for every white man arrested for gambling last year, about 25 blacks were arrested. Such a ratio is inconceivable, but what is apparent to me is that, regrettably, racial prejudices play a major role in law enforcement. Since many more crimes are committed than can be handled within our system of criminal justice, how and on what basis is it determined that laws shall be enforced against some citizens but not against others? Double standards will destroy our free society if we the people permit them to continue!

I sincerely believe that most people occupying high places in our government are honest and dedicated and I refer to all branches, executive, legislative and judicial. Too often, however, some officials fail to get all the facts and, therefore, lack full knowledge. I recall the comment of former U.S. Supreme Court Justice Robert Jackson, who stated that most judges who commit persons to institutions commit them to institutions they have never visited. They get their knowledge of prisons from newspapers, from stories told by inmates, and from law enforcement people.

I am a firm advocate for the enactment of *full financial disclosure laws*. There should be such disclosures by the President, the Vice President, Senators and Congressmen, Cabinet Members, all Federal Agency staffs, Presidential appointees, registered lobbyists, judges, members of the Parole Board, certain high positioned personnel of the penal system, and of the Armed Forces. This should include full disclosures of their net worth, their annual income and expenses; and this information should be made available to the press and to the public. The full disclosure provision should be rigidly enforced and, if violated—and such violation proven—it should carry a provision for imprisonment, the automatic return of any monies, fees, or illegal compensation received, and wherever applicable, the cancellation of pensions and other such employee benefits. Too severe, too tough? I can think of *nothing* that would go farther in restoring the confidence and trust of the American people in our government and its officials.

A code of silence exists among our Congressmen and Senators and among members of the judiciary when it comes to speaking out against its own members. That silence is even more pronounced than the well-known alleged solemn oath of members of the Mafia to observe the code. I am convinced, as are many Americans, that a *strong*, full financial disclosure law could be the most effective deterrent to graft, to the corruption of politicians, to organized crime, and to unsavory persons within our government.

Addtionally, I have been recommending that every eight years all judges should come up for reaffirmation either by both Houses of Congress, or by the public, or both. Consider for a moment the limits on the amount of time that can be served in other high offices without reelection, such as the terms of our Senators and representatives. And, also consider that since they represent the voice of the people, they should have the responsibility of reaffirming the judges. At least then, if initial confirmations are in error, such errors can be erased procedurally and without facing the almost impossible impeachment method. That such errors can be made from time to time was recognized by the President's Commission on Law Enforcement and Administration of Justice in the report which it issued to the American people in 1966 entitled, "The Challenge of Crime In A Free Society." The voice of the people can then be heard, and such a recall law would be an important step in curbing or eliminating entirely bias, prejudice, corruption and senility that may have developed over a period of years of constant service on the bench. Under the existing laws, it is practically impossible to remove an incompetent federal judge. Democracy was constructed under a system of checks and balances with separation of the executive, legislative and judicial branches. My recommendations are a realistic confirmation of that separation as designed in the constitution.

I am pleased to report that Senator Byrd of Virginia and Congressman Chappell of Florida are preparing legislation for the recall of federal judges along the lines *of my* recommendations.

At my press conference in Jacksonville, Florida, on March 3, 1970, I stated that great strides could be made quickly in retarding organized crime, apprehending corrupt public officials, and lessening the possibility of further corruption of public officials by business, labor, and others if existing American currency were called in and new currency issued and exchanged. Those exchanging huge amounts of currency may find it difficult to explain if such amounts were not reflected on their tax returns. And wouldn't such new currency requirements bring out of hiding the billions of dollars in Swiss and other banks? Either that, or it would deny to those who put the money there all the benefits by reason of such illegality. It is my understanding that Congressman Murphy of New York is preparing to introduce a bill calling for the exchange of currency, presently estimated to be 54 billion dollars.

I have made many recommendations and proposals. Now the time has come when I hope to obtain some solutions and answers to the apparent problems, and I believe this may be done through highly specialized group study and analysis. I have been evaluating the theories and opinions of experts in the field of penal and judiciary reform. There have been meetings conducted with knowledgeable people in these fields, and I have found that they differ considerably in their approaches and analyses of the problems. Actually, I find that they can agree only in one area: They are unanimous that our judiciary, parole, probation and penal systems represent convincing cases of failure.

I, and many others, have spent considerable time, effort and money trying to find answers to these grave social problems. Since scientists and physicists have achieved such unbelievable and miraculous accomplishments in their own fields, I am beginning to believe that they should endeavor to find solutions to all of our problems. I have already met and conferred with a number of prominent persons in the field of physics and other sciences, and I have conveyed some of my thoughts to them. Our discussions dealt with the possibility of initiating a scientific approach to the solution of some important problems. Research is well under way and plans are being formulated to arrange a meeting in the U.S. in 1972 among the top leaders in these fields from throughout the world, including some Nobel Prize winners. I have agreed to work with them in every possible way in an all out effort to find solutions where our politicians and our governmental leaders have failed. I fervently hope that out of these conferences some contributions can be made that will make our nation and the entire world free of the horrendous and dangerous problems that now confront us.

Some of these suggestions and problems that I have outlined herein would be studied and researched at this proposed and contemplated conclave of international scientists and physicists. Included on the agenda would be matters such as the following:

A. Some of our leading medical authorities claim that heroin addicts are incurable. Knowledgeable people in this field have indicated that, if the parents are drug addicts, this could be passed on to the unborn infant. The hereditary aspects should be researched. If research confirms this theory, then I strongly recommend that an immediate study be made and consideration be given by our Government to the construction of a new city for addicts, or perhaps as many as four new cities, strategically located in geographical areas to cover our population requirements. There should be sufficient acreage available so that all incurable addicts would be able to make new lives for themselves, working and living as human beings, receiving proper medical treatment, given narcotics free or at a nominal cost in quantities to satisfy their needs so that it will not be necessary for them to commit crimes in order to exist because of their "sickness".

The problem is mammoth! Creation of federal cities, I believe, would provide the answer. Envision, if you will, such communities arising out of present wildernesses offering havens of security and decent lives to humans now existing only as shells.

We know that the experience at federal narcotics hospitals at Ft. Worth, Texas and Lexington, Kentucky shows a very dismal success rate. Less than 2% among those who went there for treatment were cured. I remind you again that knowledgeable law enforcement persons in New York City estimate that *70% of all crimes committed there are related to drug addicts.*

This type of program would definitely reduce the number of new drug users who are given narcotics free by pushers in order to get them "hooked" so that they can then be supplied by addicts who need to make the sales for their own requirements. It is presently almost impossible to stop the growth of addicts in our nation; they multiply themselves under such conditions.

Crime problems will never be solved until we solve the drug problem, which is why I am advocating separate cities for drug addicts. This type of governmental action could chop the crime rate incredibly—cities where addicts could again be human beings! Actually, fast action could be implemented with the immediate establishment of drug treatment centers in principal cities in *every state* under very strong security with the maintenance of excellent records and under professional supervision. This would take the profit out of drugs which would be administered to addicts either free or for a nominal charge. Make certain, however, that addicts do not have to commit crimes to secure money for their drug-disease (remembering that 60% of all serious crimes in America are drug related.) Our government can thus eliminate the enormous drug industry that has been developed by organized crime with the help of corrupt people in our government—and this program would eliminate pushers and dealers in drugs.

B. Consider the advisability and practicability of placing all prisons in America under the jurisdiction of the federal government so that minimum standards and facilities can be maintained. Additionally, it may be possible to secure highly trained and qualified personnel by virtue of such a system. The cities, counties and states would reimburse the federal government the cost of maintaining their respective prison budgets. Although it may be against one's basic philosophy to advocate a highly centralized federal government system, such may be wanted in the case of the administration of our penal system. It is obvious that a federal operation could provide our society with many advantages not available to municipalities, counties or even state governments.

C. Consider the possibility and advisability of utilizing islands many miles away from the shores of our nation on which we would place dangerous, violent, chronic criminals. These would be maximum security islands which could not be reached except by boat or plane and which would be escape proof. It is estimated that about 20% of all people in our prisons could be thus categorized and they should be completely separated from the other non-violent and non-dangerous prisoners.

Such a program could lead to the elimination of all prisons in our Nation and could move toward a modified concept of the present half-way houses. These would be supervised by competent, highly-trained, qualified personnel. Under this program with no dangerous, or violent, or chronic criminals, inmates could work each day outside of the half-way house and report in at night, help remove their families from the welfare rolls, and at the same time acquire savings accounts by virtue of their daily earnings. They would receive this money when they were released and would thus have a start when they returned to society.

D. New federal and state laws should be enacted which would require treatment of drug addicts and alcoholics as sick persons to be given medical care, not as prisoners, or inmates of jails. They should be helped in an expanded program similar to the Alcoholics Anonymous organization that is already established and which has proven to be effective in its efforts to cure alcoholism in our Nation.

E. A study should be made as to the feasibility of taking the Parole Board, the federal judges, and the Bureau of Prisons from under the jurisdiction of the Justice Department and establishing a new cabinet post which would have the responsibility of recommending, clearing and assessing the qualifications of all federal judges, all Parole Board members, and Bureau of Prisons personnel. As an alternative, the Bureau of Prisons and the Parole Board could be taken from the Justice Department and become part of the Health, Education and Welfare Department.

F. In its April, 1971 survey, Morgan Guaranty Trust commented at length concerning Professor C. Northcote Parkinson's theories regarding encroaching bureaucracy in Great Britain. The Professor projected the uptrend in British public employment at a rate by which he calculated that by the year 2195 everyone in Britain would be working for the government. Some shocking statistics can be derived using the Parkinson theory for the U.S. In 1960, the U.S. civilian labor force numbered 69.6 million. In 1970, it numbered 82.7 million—an increase of 18.8 percent, or 1.75 percent annually. Government employment, counting all levels of government, not including the armed services, amounted to 8.4 million in 1960. Ten years later it climbed to 12.6 million—a rise of 50.8 percent or 4.2 percent annually. So, by the year 2049, according to this projection, every one in America will be working for the government!

G. In March, 1970, I suggested that a thorough study be made as to the practicability of prison visitation and sex programs. It is an acknowledged fact that in most prisons there are sexual tensions and undercurrents of violence. Most of the violence and murders result from sex activities and gambling. The governing rules of the penal system should provide procedures to work out a program granting such privileges. They could be taken away from the inmate for any serious violation of disciplinary regulations. Conjugal visits, when earned by good behavior and work records, would reduce much violence. Such visits may give the lost souls who occupy our prisons some purpose and hope before their lives are completely destroyed or before they destroy the lives of others. (I was pleased to note that in the state of California, according to an article in Life Magazine, August 13, 1971, convicts are receiving conjugal visits in maximum security prisons.) The study should endeavor to present a program that would restore a sense of dignity, responsibility, and respect for law and order by virtue of humane treatment—which would replace the hate and resentment that exists throughout the prisons of our nation today.

H. In endeavoring to solve the penal problems, we must find out what motivates human beings to have such hatred and bitterness toward each other. This is so evident among prison personnel who in many cases are sadistic and have brutal attitudes and resort to barbaric treatment against prisoners who are there for violating or breaking laws. Some of these very same prison authorities dealing such treatment have broken similar laws but have not been caught. Our scientific research must endeavor to discover the motivation for such psychological punishment desires.

The "keepers," based on their actions, prove themselves more vicious, bloodthirsty, and inefficient than the "kept." Of course, there is some hope for reclamation of a prison, but there is almost none for a prison guard.

The punishment dealt by authorities in some prisons is as barbaric and inhuman as any ever devised by man.

I. Most prisoners in our prisons are American people. Our government will sit and negotiate with known, proven enemies and will manipulate a peaceful settlement in wars, trade matters, and other important international issues which pertain to the future destiny of our country—and they do so with maximum courtesy and respect.

On the other hand, however, violence and punishment are used against American people in our prisons and they are treated with bitterness, brutality, and both mental and physical punishment are administered. Why can we not sit and negotiate problems amicably with our own people as we do with our enemy nations? This is especially true when we realize that 19 out of every 20 persons in our prisons will eventually return to society. They could be so frustrated and confused with no hope or purpose in life that this could bring chaos to this country. *Everyone* in our society will be the loser.

J. The right to own a gun is deeply imbedded in the American psyche where honest, hard-working people kill each other with guns every day. Because of pressures and tensions of life in America and because of individual guilt and anger, such people go temporarily beserk and shoot other people. Hopefully, our "gun" society can some day in some way be eliminated.

K. We ask what motivates people within our prison system, as well as on our parole boards, and in our judiciary, to become professional punishers of other people who are confined to prison and required to pay their debt to society? After this debt is paid, society has an obligation to help a person become rehabilitated because society must live with that person. We must realize that if we fail to rehabilitate, all Americans will be affected one way or another.

L. The scientists and physicists should research the possibilities of establishing prison Ombudsmen and legal Ombudsmen. It must be obvious to everyone that we have failed in our present administration of our prisons. Drastic, radical changes must be made!

M. I recommend that a complete analysis, intense research, and a comprehensive study be made to determine the feasibility of turning over the total administration of the poverty and welfare programs to 10 or 15 of our nation's largest private foundations. Disbursements for such administration would be at the expense of the foundations and at no cost to the government. This could eliminate the waste, corruption and gross inefficiencies that are so apparent at present within the government.

N. In the District of Columbia in 1958 there were 709 robberies reported and in 1969, 12,423 were reported. The court system of Washington, D.C., or any city simply cannot handle large numbers of serious criminal cases. Strangely, however, in spite of the enormous increase in crime, the number of felony indictments and prosecutions remain constant, which reveals an inefficient and outmoded court system. There are about the same number of prosecutions in the District now as there were 20 years ago. Homicides increased there from 79 in 1958 to 239 in 1969, while the population remained virtually constant.

O. Procedures involving the use of attorneys in all industrious and prosperous countries comparable to America function in a highly superior manner to the U.S. Most countries seem to get along with one-fourth to one-half as many lawyers per capita as we do. The American who becomes involved with an attorney because of an accident or some other matter is almost routinely subjected to legal practices which may be regarded as highly unethical. Using Japan as an illustration, that nation has only one lawyer for every 10,000 people, which is 15 times fewer lawyers per capita than in the U.S.!

In the U.S., our judges seem afraid to control the antics of attorneys because the bar associations have so much influence over the appointments and election of judges. This entire system of the selection of the judiciary must be re-evaluated because it too has contributed to the failures apparent within our nation.

P. I am hopeful that the study group will fairly analyze the youth problems, real and emotional, that have become so vital to the future of our democratic society. What causes criminality in youth? There are many answers and many questions. Some of the violence and reactions among young people might have been triggered by something seemingly quite trivial. Envy and jealousies by certain students in their elementary schools because they were not able to dress as well as some of their fellow students might trigger bitterness and an eventual tendency toward crime. Such matters, undoubtedly, cause complexes to be developed among young people. Our psychologists and psychiatrists would probably be able to furnish many reasons why a uniform dress code, or identical clothing for the elementary school students would not be desirable, but I do believe it is a matter worthy of further study and consideration.

Arnold Toynbee has described the failure of twenty-one civilizations, stating that nineteen of them perished not from external forces but from internal decay. Our society is now too far down the road of irresponsibility to rely on recovery by accident. We are heading for social and economic disaster unless drastic improvements are achieved by the people. Our methods involve inadequate and often erroneous theories about human behavior and our lack of organized, concentrated, systematic attempts to solve our social problems are a shameful commentary on our civilization.

CONCLUSION

Our democratic way of life, our free society, our very lives are in jeopardy because of our failure to make our form of government function as it is capable of doing. It is without doubt the greatest form of government ever devised by man, but we must act aggressively and in perhaps the most unorthodox of ways to correct the severe deficiencies and serious problems.

The recommendations and suggestions I have outlined for study by a group of the world's greatest scientific minds have, I sincerely believe, the potential to reduce and even eliminate the growth of crime. Assuredly, I feel we can halt the spread of "schools of crime" that have developed so very rapidly throughout our nation because of our decadent prison system. Costs to the American taxpayers can be much less than past costs of our penal programs and the costs of the programs we are continuing to follow.

Once the brilliant minds are applied and motivation is determined, I feel it will become apparent that there is urgent need for a complete overhauling and revamping of our thinking and of our programming in order for us to emerge from the present chaotic situation. All we now have is a convincing case of failure.

It is my fervent hope that from the 1972 conclave of these great minds will come some solutions to the problems and existent evils. People in our government have not made the necessary changes and we have no reason or indication that they are the ones who should make studies and introduce the changes. We must, therefore, rely on new minds to study, make recommendations and then hope the public will demand that the innovations be instituted. Let us not depend on our politicians for improvements as these problems have existed for many years and have been permitted to grow increasingly worse. They have not changed them!

The public, we the people, must become involved directly or we must face the dire consequences, perhaps the loss of our freedom.

SUMMARY OF EDUCATION LEGISLATION IN 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAMILTON. Mr. Speaker, the first session of the 92d Congress took several steps to improve the quality of American education.

Legislation was enacted to:

First. Assure the payment to teachers of retroactive pay increases in most cases.

Second. Increase education appropriations by $560 million over last year, and

Third. Provide free or reduced price lunches to all needy school children.

Final congressional action is expected early next year on a bill to:

First. Extend and create programs of institutional and student aid in higher education.

Second. Create a National Institute of Education to promote educational reform and experimentation.

Third. Increase support for vocational education and counseling, and

Fourth. Provide funds for school desegregation.

A bill that has passed the House and hopefully will be approved by the Senate in 1972 contains provisions to extend medicare coverage to teachers and to amend the tax code concerning tax treatment of retired teachers.

I am also hopeful that the Congress will take action in 1972 on measures to permit teachers to move across State lines without losing retirement benefits, and provide general financial assistance for elementary and secondary education.

THEY PITCHED IN

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAGAN. Mr. Speaker, in a busy and often calloused world it is heartening to learn that people still care about their neighbors and relatives.

The news media have served well on many occasions to call the public's attention to real need. A notable instance of emergency need and the public's response occurred in my district last week when Mr. Franklin Thigpen, of Uvalda, Ga., underwent surgery for a kidney transplant at the Grady Memorial Hospital in Atlanta. His sister, Mrs. Shelby Jean Donaldson, of Clyo, Ga., donated one of her kidneys for the operation. Many citizens over the State contributed toward the cost of the operation.

I would like for my colleagues to know the comments of the Savannah Morning News of December 4, 1971, concerning the case. The editorial entitled "They Pitched In," follows:

> ### They Pitched In
>
> A successful kidney transplant is still rather a modern medical miracle, though not as dangerous an operation as it once was. And, like some other operations, the patient and his doctors must wait many months before they can be certain of its success.
>
> The waiting began this week for Franklin Thigpen of Uvalda.
>
> Mr. Thigpen, 28, underwent surgery at Grady Memorial Hospital in Atlanta. The operation lasted five hours, included a team of doctors, and cost in excess of $15,000. But this does not indicate the whole story. One of his sisters, Mrs. Shelby Jean Donaldson of Clyo, donated one of her kidneys for the

operation. Moreover, citizens and banks across the state have pitched in to help with the expenses—not only for the operation but for a $40,000 medical debt that has piled up since Franklin was stricken in 1968. That money went for constant treatment, including use of a kidney machine that purifies the patient's blood so that he can continue to live.

It is a continuing drama of debts and of a man's attempt to regain a normal life. It is one of family loyalty and love, and of warm-hearted response from strangers and neighbors. Mr. Thigpen's illness is still a fairly rare one, but it is good to think that the reaction of so many who have attempted to be of help is not such a rare thing. And we join with thousands of others to wish him a successful recovery.

PATROLMAN RAUL O. GUERRERO RECEIVES RED CROSS CERTIFICATE OF MERIT

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. WINN. Mr. Speaker, Lawrence, Kans., patrolman Raul O. Guerrero, has been named to receive the Red Cross Certificate of Merit for having used Red Cross first aid training so effectively as to save a life in a moment of emergency.

Following is the text of a letter I received from the President of the American Red Cross detailing the humane action which prompted recognition for Patrolman Guerrero:

The American National Red Cross,
Washington, D.C., October 5, 1971.
Hon. Larry Winn, Jr.,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Winn: I wish to bring to your attention a noteworthy act of mercy undertaken by one of your constituents, Patrolman Raul O. Guerrero, 302 Michigan Street, Lawrence, Kans. 66044, who has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The Certificate bears the signatures of the President of the United States, Honorary Chairman, and E. Roland Harriman, Chairman of the American National Red Cross. Presentation will be made by the Douglas County Chapter, Lawrence.

On August 18, 1971, Patrolman Guerrero who has been trained in Red Cross first aid, was at the scene of a motorcycle accident. The rider had been thrown some fifteen feet from his motorcycle through a plate glass window. He was bleeding profusely from neck lacerations. Patrolman Guerrero called for an ambulance and using materials from the first aid kit he carried in his patrol car, applied pads and direct pressure to stem the bleeding. Because of the obvious seriousness of the injuries, he knew that direct pressure had to be maintained until medical help could be reached. When another officer arrived he was directed to wrap bandages around the victim's injuries *and* Patrolman Guerrero's hand. In this manner the rescuer continued to apply pressure, going with the victim in the ambulance to the hospital. It is estimated that he held the pressure for some 45 minutes. An attending physician stated: "There is absolutely no doubt in my mind that Patrolman Raul O. Guerrero, by his prompt and attentive treatment of this patient and his continued efforts to maintain pressure on the victim's internal jugular vein saved the victim's life, for had he not performed the first aid measures which he applied so correctly, the victim would have definitely bled to death before he could have been brought to the hospital."

This action by Patrolman Guerrero exemplifies the highest ideal of the concern of one human being for another who is in distress.

Sincerely,

George M. Elsey.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS, DECEMBER 13, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the text of my weekly report of December 13 which is the first of a three part series on the United Nations:

Washington Report, Congressman Lee Hamilton, Ninth District, Indiana

The United Nations today probably enjoys less confidence, both on the part of its members and the American public, than at any time in its 26-year history. People doubt its ability to deal with the great questions of war and peace in the world, and they are increasingly critical of the UN's financial and organizational inadequacies.

The admittance of mainland China and the expulsion of Nationalist China brought demands that the U.S. contribution to the UN be curtailed and that the United States pull out of the UN. In recent days the UN's apparent failure to prevent a conflict between India and Pakistan also has further eroded confidence in the world organization.

A Gallup poll, taken last month after the admission of mainland China, showed that the prestige of the United Nations dropped to an all-time low in the U.S. Only 35 percent of those polled said the UN was doing a good job in solving the problems it has faced. The UN had a 44 percent "good" rating in 1970, and a 49 percent "good" rating in 1967.

Although world leaders always pay their respects to the UN, even they acknowledge a crisis of confidence in the UN and acknowledge that it is increasingly by-passed or ignored by its members as they deal with the central problems of the day.

There are many reasons for the decline in confidence in the UN. It has been oversold, and misunderstood. Many forget that the UN was built on the assumption that the leading powers would remain unified and would use the UN to impose stability and peace.

The most important reason for the decline in confidence is that all of us are disappointed in the UN's performance. Our aspirations for it have far outstripped its performance. The UN has failed to stop conflict when the big powers disagree, as was made clear again last week when the Soviet Union vetoed the cease fire resolution to halt the India-Pakistan War.

The failures of the UN are easy to spot. It has failed to bring peace to Vietnam, to prevent Soviet intervention in Hungary and Czechoslovakia, or the end of colonialism and racism in Africa, or slow down the arms race. Much of the debate in the General Assembly seems unhitched from reality. Its financial status is approaching bankruptcy and its procedures are antiquated.

The strange thing, then, is that although few people are happy with the United Nations, almost all member nations want it to go on. It has assumed the recognition of a permanent world institution, and that, in itself, is no small accomplishment. Its predecessor, the League of Nations, lasted 26 years—the current age of the UN—but the last eight years of the League's existence accomplish nothing of consequence because of indifference, antiquated procedures and ineffectiveness.

When founded, the UN had 51 member nations, most of them white, old, industrialized, and well off. Today it has 131 members, most of them non-white, young, underdeveloped and poor. The polarization today is less between East and West, than North and South, rich and poor, white and non-white. Secretary General U Thant has observed that half of the world's population was born after the UN was founded.

From its inception, the United States has consistently supported the United Nations. On the 25th anniversary of the founding of the UN last year, President Nixon echoed the commitments of Presidents Truman, Eisenhower, Kennedy and Johnson when he said: ". . . the United States will go the extra mile in doing our part toward making the UN succeed."

This consistent record of support for the UN may appear puzzling in light of its failures and imperfections, but there are good reasons for it as I will discuss in next week's newsletter.

NATIONAL PARK SERVICE WILDERNESS PLAN

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. BEGICH. Mr. Speaker, the proposed National Park Service wilderness plan, in Alaska, has caused much controversy in the Bristol Bay Borough in Naknek, Alaska.

The presiding officer of the Bristol Bay Borough Assembly, Mr. Gary Bradford, has forwarded to me a resolution passed by the assembly that expresses the concern of the citizens of that area. At this time, I call this resolution to the attention of my colleagues in the Congress as well as the Department of the Interior:

Resolution

A resolution in opposition to the proposed National Park Service wilderness plan and showing support for a transpeninsula road through Katmai National Monument

Whereas an adequate study was not made of geothermal energy, minerals and economic potentials so necessary to the Nation and

Whereas the Borough wishes to reserve the right to State fisheries management and

Whereas wilderness area status would deprive use of a vast region for any purpose other than limited recreation and

Whereas this would deprive the Borough of the most feasible road route and a prospective Pacific port facility and

Whereas the alternative road route would be more expensive, more detrimental to the environment and would be less pleasing to the public which seeks access to see our great monument and

Whereas the State of Alaska and the Bristol Bay Borough Assembly and Planning and Zoning Commission still wishes further studies to make them more comprehensive

Whereas public hearings were not held within the borough or convenient to our locally affected area as required by the Wilderness act.

Therefore, let it be known that the Bristol Bay Borough opposes the Department of Interior, National Park Service Wilderness plan. Copies will be made available to Rogers Morton, Secretary of Interior; Governor William Egan, U.S. Senator Ted Stevens, U.S. Senator Mike Gravel, U.S. Representative Nick Begich, Katmai National Monument Superintendent Gil Blinn.

CAREERS FOR 1970'S

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, December 16, 1971

Mr. GRIFFIN. Mr. President, during the 1970's about 40 million Americans will enter the work force.

Millions of students who are selecting courses of study and making career choices need as much information as possible about job prospects in the years ahead.

The Department of Labor has published a comprehensive occupational outlook handbook which is widely used by counselors and educators who advise young people.

I ask unanimous consent that a summary of the handbook, entitled "Occupational Outline Handbook in Brief," be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF, 1970-71 EDITION

PROFESSIONAL AND RELATED OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980 [1]	Employment prospects [2]
Business Administration and Related Professions:			
Accountants	500,000	33,000	Excellent opportunities. Strong demand for college trained applicants. Graduates of business and other schools offering thorough training in accounting should have good prospects.
Advertising workers	140,000	5,700	Many young people attracted to this field. Hence, stiff competition, but good opportunities will continue for those having college-level training in marketing, journalism, or business administration and a flair for language.
Marketing research workers.	20,000	2,700	Very good opportunities for college graduates well prepared in marketing research methods and statistics. Marketing research organizations expected to expand, and many new ones will emerge.
Personnel workers	110,000	6,900	Favorable outlook. Opportunities best for college graduates. New workers needed for recruiting, interviewing, and related activities. More people will probably be engaged in psychological testing and labor-management relations.
Public relations workers	100,000	8,800	Demand expected to grow as population increases and general level of business rises. Increases in amount of funds spent on public relations will continue.
Clergymen:			
Protestant clergymen	244,000	11,000	Supply of well-qualified Protestant ministers will probably continue to be less than demand.
Rabbis	6,000	300	The supply of rabbis will probably be inadequate to meet expanding needs of Jewish congregations and other organizations desiring their services.
Roman Catholic priests	62,000	2,800	Growing number needed. Number of ordained priests insufficient to meet the needs of newly established parishes, expanding colleges, and institutional needs.
Conservation occupations:			
Foresters	25,000	1,000	Good opportunities. Factors contributing to increased demand are expanded need for forest products; use of forests for recreational purposes; and growing awareness of need to conserve and replenish our forest resources.
Forestry aids	13,000	900	Prospects will be especially good for those with post-high school training in a forestry curriculum.
Range managers	4,000	200	Favorable opportunities, particularly in Federal agencies. Demand will be especially good for well-qualified persons having advanced degrees to fill research and teaching positions.
Counseling occupations:			
Employment counselors	5,300	700	Excellent opportunities for those having a master's degree or recognized experience in the field. College graduates with a bachelor's degree and 15 hours in counseling courses will find many opportunities as trainees in State and local employment service offices.
Rehabilitation counselors	12,000	1,050	Shortage occupation; excellent opportunities particularly for persons having graduate training in rehabilitation counseling or in related fields.
School counselors	54,000	3,800	Shortage area. Excellent opportunities. Very rapid employment increase, reflecting continued strengthening of counseling services and some increase in secondary school enrollments.
Engineers	1,100,000	53,000	Very good opportunities. Applicants need to be well-grounded in fundamentals to avoid skill obsolescence.
Aerospace	65,000	1,400	Favorable opportunities and moderate increase in requirements related to continuing developments in supersonic, subsonic, and vertical lift aircraft as well as advancement in space and missile activities.
Agricultural	12,000	400	Moderate growth in demand stimulated by growing mechanization of farm operations, increasing emphasis on conservation of resources, and the broadening use of agricultural products and wastes as industrial raw materials.
Ceramic	10,000	400	Excellent opportunities for new graduates. Growth of programs related to nuclear energy, electronics, and space programs will provide many opportunties.
Chemical	50,000	1,600	Excellent opportunities. Growth factors related to expansion of the chemical industry and large expenditures for research and development.
Civil	180,000	11,500	Expanding opportunities related to growing needs for housing, industrial buildings, and highway transportation systems. Work related to urban environmental problems such as air pollution may also require additional civil engineers.
Electrical	230,000	12,500	Rapid growth related to demand for electrical equipment to automate and mechanize production processes, especially for items such as computers and numerical controls for machine tools and for electrical and electronic consumer goods.
Industrial	12,000	7,200	Increasing complexity of industrial operations, expansion of automated processes and continued growth of the Nation's industries are expected to increase demand.
Mechanical	215,000	8,600	Rapid employment growth due to demand for industrial machinery and machine tolls and increasing technological complexity of industrial machinery and processes.
Metallurgical	6,000	300	Increasing number of workers will be needed to develop new metals and alloys as well as adapt current ones to new needs, and to solve metallurgical problems connected with efficient use of nuclear energy.
Mining	5,000	100	Growing demand, to work with newly discovered mineral deposits and devise more efficient methods to mine low grade ores, as well as develop oil shale deposits.
Health service occupations:			
Physicians	295,000	20,000	Shortage occupation. Excellent opportunities. Limited capacity of medical schools restricts supply as demand increases steadily.
Osteopathic physicians	12,000	800	Excellent job prospects. Greatest demand in areas where osteopathy is widely accepted method of treatment.
Dentists	100,000	4,900	Very good opportunities. However, limited capacity of dental schools will restrict entrants.
Dental hygienists	16,000	2,400	Demand will continue to exceed supply. Excellent opportunities, particularly for part-time workers.

Footnotes at end of speech.

PROFESSIONAL AND RELATED OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980 [1]	Employment prospects [2]
Health service—Continued			
Dental laboratory technicians.	27,000	2,100	Very good opportunities for well-qualified technicians and trainees. Best sources for salaried jobs are commercial lavoratories and the Federal Government.
Registered nurses	660,000	65,000	Current shortage; very favorable opportunities. Steadily rising demand accompanied by increasing supply, as training facilities and financial aid expand.
Licensed practical nurses	320,000	48,000	Employment opportunities will increase rapidly as these workers are utilized to a greater extent to provide increasing nursing services.
Optometrists	17,000	800	Favorable prospects. Graduates of optometry schools expected to lag behind demand.
Pharmacists	121,000	4,400	Gradual increase in new positions anticipated.
Podiatrists	8,500	200	Favorable opportunities for new graduates to establish their own practices as well as to enter salaried positions.
Chiropractors	16,000	900	Outlook favorable; uncrowded field. Prospects will be best in areas where chiropractic is most fully accepted as a method of treatment.
Occupational therapists	7,000	1,500	Shortage occupation. Public interest in rehabilitation of the disabled and the success of established therapy programs will continue to stimulate demand.
Physical therapists	14,000	2,800	Excellent prospects. Demand expected to exceed supply, as rehabilitation services expand.
Speech pathologists and audiologists.	18,000	2,300	Good opportunities. Since most States require master's degree, trained applicants are in limited supply.
Medical laboratory workers.	100,000	12,800	Expanding opportunities as physicians increasingly depend upon laboratory tests in routine physical checkups as well as in the diagnosis and treatment of disease. Particularly strong demand for technologists having graduate training in biochemistry, microbiology, immunology, and virology.
Radiologic technologists	75,000	7,300	Very good prospects for both full-time and part-time employment. Expansion in use of X-ray equipment in diagnosing and treating diseases strong factors underlying rise in demand.
Medical record librarians	12,000	1,400	Shortage field; very good opportunities. More hospitals and increasing volume and complexity of hospital records will contribute to growing demand.
Dietitians	30,000	2,700	Shortage occupation. Increasing opportunities for full-time and part-time work. Growth related to expansion of hospitals and nursing homes.
Hospital administrators	15,000	900	Excellent prospects for those with master's degree in hospital administration. Applicants will have difficulty entering this field without graduate training.
Sanitarians	10,000	600	Very favorable prospects as State and local health agencies expand activities in environmental health.
Veterinarians	24,000	1,400	Very good prospects. Although demand is expected to expand, supply will be restricted by limited capacities of schools of veterinary medicine.
Mathematics and related occupations:			
Mathematicians	65,000	4,600	Favorable employment opportunities for those having graduate degrees and for well-qualified persons having bachelor's degrees.
Statisticians	23,000	1,600	Good opportunities. Widespread application of statistical methods should strengthen demand in industry, government, and in colleges and universities.
Actuaries	4,000	300	Excellent opportunities because of rising number of insurance policies. Qualified graduates who have passed some actuarial examinations will be in particular demand as trainees.
Natural science occupations:			
Geologists	22,800	800	Favorable prospects for persons who have graduate degrees; those with only the bachelor's degree, including those who rank high academically, will face some competition for the few available entry positions.
Geophysicists	6,800	300	Good job prospects especially for those having a graduate degree.
Meteorologists	4,000	200	Good opportunities. Space-age activities contributing to demand. Those with advanced degrees will be in special demand to conduct research, teach in colleges and universities, and engage in management and consulting work.

PROFESSIONAL AND RELATED OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980 [1]	Employment prospects [2]
Oceanographers	5,200	500	Those with advanced degrees will have best opportunities. Growing recognition of importance of the oceans to the Nation's welfare and security has heightened interest in oceanography and has opened new fields for specialists.
Life science occupations:			
Life scientists	170,000	9,900	Very good opportunities for graduate degree holders, particularly for research in medicine, health, and environmental quality control. Those having only a bachelor's degree may work as research assistants or technicians.
Biochemists	11,000	700	Very good prospects. Ph.D's will be in special demand to do independent research and teach. Greatest demand for medical research.
Physical scientists:			
Chemists	130,000	8,800	Very good prospects, especially for those having advanced degrees, to teach and do research. Increased research and development expenditures will create new jobs. New products resulting from research also create other types of work.
Physicists	45,000	3,200	Favorable opportunities, particularly for those having advanced degrees. Strong demand in teaching, research, and in various science and engineering programs.
Astronomers	1,400	100	The higher level professional positions will continue to be filled mainly by persons having the doctorate. Well qualified persons having only a bachelor's or a master's degree will have good prospects primarily as research and technical assistants.
Performing artists:			
Actors and actresses	14,000	900	Overcrowding to persist. Applicants outnumber many times the jobs available. Moreover, many actors are employed in their profession for only a small part of the year.
Dancers	23,000	1,400	Few full-time jobs and large number of applicants. Outlook for those qualified to teach will be much bettter than for those trained only as performers.
Musicians and music teachers.	166,000	8,600	Overcrowded field. Keen competition for performers; prospects brightest for teaching. Slight employment increase expected.
Singers and singing teachers.	60,000	3,100	Keen competition for performers. Better chances for teachers. Little growth likely.
Social scientists:			
Anthropologists	3,000	200	Excellent opportunities for Ph. D.'s. Those with only the master's likely to face persistent competition.
Economists	31,000	2,200	Excellent opportunities for those having graduate degrees, particularly in teaching and research. Applicants having B.A. degrees will find many opportunities in government and as management trainees in industry.
Geographers	3,900	200	Favorable outlook. Strong demand in teaching and research for those with graduate degrees. Government needs are related to regional development, urban and resource management planning, and interpretation of maps.
Historians	14,000	800	Excellent opportunities in teaching and archival work for Ph. D.'s. Those with only a master's or less will find positions scarce; high school teaching available for those meeting certification requirements.
Political scientists	11,400	800	Very good prospects, especially for Ph. D.'s interested in college teaching. More limited prospects for those having only a master's or less. Demand in Government for work related to foreign affairs.
Sociologists	10,000	600	Majority of new positions will be in teaching. Best opportunities for Ph. D.'s. Very good opportunities for research workers in rural sociology, community development, population analysis, pubic opinion research, and medical sociology.
Teachers:			
College and university teachers.	286,000	17,000	Good opportunities, especially for Ph. D.'s; many opportunities, particularly in junior colleges, for those having master's degrees. Shortages likely in some subject fields.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF, 1970-71 EDITION—Continued

PROFESSIONAL AND RELATED OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980[1]	Employment prospects[2]
Teachers—Continued			
Kindergarten and elementary school teachers.	1,230,000	56,300	Number of qualified teachers may exceed openings if present enrollment projections and trends in number of newly trained teachers continues. Greater emphasis expected to be placed on quality of applicant's training and academic achievement.
Secondary school teachers.	940,000	40,000	A slowing of enrollment growth may be accompanied by an increase in college graduates trained to teach. Greater emphasis expected to be placed on type and quality of an applicant's training and academic achievement. Demand may exceed supply in some geographical areas and in some subjects.
Technicians:			
Draftsmen	295,000	15,300	Favorable prospects, especially for those having post-high school drafting training. Well-qualified high school graduates in demand for some types of jobs.
Engineering and science technicians.	620,000	31,000	Very good opportunities. Demand strongest for graduates of post-secondary technician training schools to fill more responsible jobs. Industrial expansion, complexity of products, and manufacturing processes increasing demand.
Writing occupations:			
Newspaper reporters	37,000	1,800	Good opportunities for the well-qualified who have demonstrated talent. Others face competition, especially on large city dailies. Small town papers offer most openings.
Technical writers	30,000	1,300	Very good prospects for well-qualified writers. Many opportunities for beginners having good writing ability and appropriate education.
Other professional and related occupations:			
Airline dispatchers	1,200	50	Little or no employment change as improved communication facilities enable dispatchers at major terminals to dispatch aircraft at other airports.
Air traffic controllers	14,600	425	Moderate employment increase, despite greater use of automated equipment, as airline traffic increases.
Architects	34,000	2,300	Good prospects in this rapidly growing field as volume of nonresidential construction expands. Demand will be stimulated also by urban redevelopment and city and community planning projects.
Broadcast technicians	20,000	400	Slight increase in employment, despite technical advances, such as automatic switching and programing, automatic operation logging, and remote control of transmitters which limit job opportunities. Color television, which requires more maintenance and skill than black and white equipment, will increase demand.
College placement officers	2,500	200	Prospects best for recent college graduates seeking beginning positions, particularly at their own alma maters. College and university emphasis on the student personnel service aspect of higher education will increase demand.
Commercial artists	50,000	1,900	Good opportunities for the talented and well trained. Young people having only average ability and little specialized training will encounter competition for beginning jobs and limited opportunities for advancement.
Flight engineers	7,500	225	Rapid increase in employment as heavier jet-powered aircraft, requiring flight engineers, come into wider use.
Ground radio operators and teletypists.	8,200	225	Employment may decline somewhat because of more automatic communications equipment.
Home economists	100,000	7,800	Greatest demand will be for teachers. Increased national focus on the needs of low-income families may also increase demand.
Industrial designers	10,000	300	Employers will seek applicants with a college degree and outstanding talent. Entrants likely to encounter keen competition from creative persons with engineering, architectural, and related educational backgrounds.
Interior designers and decorators.	15,000	700	Good opportunities for talented graduates. Those having no formal training will find jobs increasingly difficult to obtain.
Landscape architects	8,500	500	Profession will expand because of continued growth of metropolitan areas with their needs for parks and recreational facilities, increasing public construction including housing, and rising interest in city and regional planning.

Footnotes at end of speech.

PROFESSIONAL AND RELATED OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980[1]	Employment prospects[2]
Lawyers	270,000	14,500	Very good prospects for graduates from widely recognized law schools and those who rank high in class. Others may encounter difficulty finding salaried jobs as lawyers. The increased use of legal services by low- and middle-income groups will add to the long-term growth in demand.
Librarians	106,000	8,200	Excellent prospects. Shortages, particularly in school libraries, expected to continue despite anticipated increase in number of library school graduates.
Models	50,000	1,700	Full-time modeling should remain highly competitive. Favorable part-time opportunities.
Photographers	60,000	2,200	Competition keen in portrait and commercial fields, but demand will continue strong for industrial photographers.
Pilots and copilots	52,000	1,800	Very rapid increase in employment to the extent that increased traffic exceeds increased carrier capacity.
Programers	175,000	23,000	Sharpest employment increase in firms using computers to process business records and control manufacturing processes. Changes in job function related to advances in techniques and equipment will eliminate much routine work. Increasing demand for qualified programers and systems analysts in science and engineering programs.
Psychologists	32,000	3,100	Excellent opportunities for those having a Ph.D. Competition likely to be keen for those having an M.A. Expansion of health services, counseling, testing, and teaching will contribute to demand.
Radio and television announcers.	14,000	600	Moderate increase in employment as new radio and television stations open; however, automatic programing will limit growth. Entry jobs easier to get in radio than in television because of the greater number of radio stations, especially small ones, that hire beginners.
Recreation workers	40,000	4,100	Current shortage. Excellent opportunity for well-qualified workers, particularly in local governments, voluntary agencies, hospitals, and youth-serving organizations.
Social workers	160,000	16,700	Excellent opportunities for those having master's degree in social work; very good opportunities for those having a bachelor's degree. Many part-time jobs for qualified and experienced women.
Surveyors	45,000	2,600	Best prospects for persons having post-secondary school training in surveying. Demand will be stimulated by expanding urban and highway development.
Systems analysts	150,000	27,000	Excellent opportunities; one of fastest growing professions. Qualified workers difficult to obtain because of competition from other fields, especially mathematics and science.
Urban planners	7,000	800	Shortage of qualified planners in this small, rapidly growing field. Very good prospects with government in health planning, model cities programs, and intergovernment planning relations.

MANAGERIAL OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980[1]	Employment prospects[2]
Bank officers	125,000	9,900	Very rapid employment increase, as banks expand. However, competition keen, as banks rely on promotion from within to fill most positions.
Conductors (railroad)	38,000	2,500	Despite increased freight traffic, little employment change. As passenger traffic continues to decline, freight trains get longer and yard operations become more mechanized.
Industrial traffic managers	15,000	500	Strong demand expected for specialists who know how to classify products to obtain the lowest possible freight rates, choose carriers best able to handle each shipment, and otherwise protect their companies from excessive shipping charges.
Managers and assistants (hotel).	150,000	9,500	Moderate employment increase as additional hotels, motels, and motor hotels are built. Hotel administration graduates will have advantage.
Purchasing agents	140,000	6,700	Very good opportunities. Demand strong for business administration graduates who have had courses in purchasing or engineering and science to work in firms manufacturing chemicals, complex machines, and other technical products.

CLERICAL AND RELATED OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980 [1]	Employment prospects [2]
Bank clerks	400,000	29,500	Moderate employment increase, Data processing will slow growth. Sharpest increases in clerical vocations related to data processing. Decline may occur in occupations such as check sorters and bookkeeping machine operators.
Bank tellers	230,000	20,000	Very rapid employment growth as banks expand services to urban population. Increasing proportion will be part-time tellers for peak hours.
Bookkeeping workers	1,200,000	78,000	Demand expected to outpace labor-saving impact of office machines.
Cashiers	730,000	69,000	Opportunities best for persons having typing, bookkeeping, or other special skills. Many opportunities for part-time workers.
Clerks (railroad)	93,000	2,700	Continued decline in employment as electronic business machines process freight bills and record freight car movements.
Dental assistants	100,000	9,000	Excellent opportunities, especially for graduates of academic programs.
Electronic computer operating personnel.	175,000	20,400	Although staff required to operate a computer installation may be reduced as new equipment is developed, total number of computer and auxiliary operators expected to increase very rapidly.
Front office clerks (hotel)	50,000	3,200	Moderate increase in employment as number of hotels, motels, and motor hotels increases.
Library technicians	70,000	9,000	Outlook excellent, particularly for graduates of academic programs. The continuous shortage of professional librarians contributes to very rapid growth
Mail carriers	246,000	12,200	Rapid employment increase as populations spread into suburban areas. Increasing use of motor vehicles will limit growth somewhat.
Office machine operators	325,000	25,000	Rapid increase despite automated recordkeeping systems, advances in interoffice communications, devices for transmitting data, and electronic computer technology, which permit centralized recordkeeping.
Postal clerks	290,000	14,600	Rapid employment growth resulting from increases in population and business. However, employment expected to grow more slowly than mail volume because of technological developments.
Receptionists	240,000	30,000	Despite rapid increase, young applicants will face keen competition from older and more experienced workers. Unlikely to be affected by automation because work is of a personal nature.
Shipping and receiving clerks.	370,000	12,400	Employment will not increase as fast as the volume of goods distributed. Labor-saving equipment enables large firms to handle a greater volume of merchandise, using fewer clerks.
Station agents (railroad)	10,900	−225	Decline in employment as railroads discontinue or consolidate passenger and freight services. However, trend may be slowed if rapid transit rail systems are developed on large scale.
Stenographers and secretaries.	2,650,000	237,000	Very good opportunities. Increasing use of dictating, duplicating, and other office machines is not expected to affect growth greatly.
Telegraphers, telephoners, and towermen (railroad).	13,200	100	Declining employment resulting from mechanization of yard operations, new communications devices, and extension of centralized traffic control.
Telephone operators	400,000	28,000	Direct dialing and other automatic devices will offset employment impact of expanding business. Most growth will be in PBX installations where technological advances are minimal.
Traffic agents and clerks (civil aviation).	37,500	2,600	Rapid employment increase, mainly because of anticipated growth in air passenger and cargo traffic. Mechanization of reservation processing and recordkeeping will limit growth of clerical jobs.
Typists	700,000	63,000	Very good opportunities. Demand strongest for typists to do difficult work in senior jobs and for those combining typing and other office work.

SALES OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980 [1]	Employment prospects [2]
Insurance brokers and agents.	410,000	16,200	Field will remain keenly competitive despite expected increase in number of insurance policies issued.
Manufacturers' salesmen	500,000	32,000	Very good opportunities for well-trained workers, but employers will be selective. Demand strong for those trained to handle technical products.
Real estate salesmen and brokers.	225,000	14,200	Many new positions will be created to serve growing population, but most openings will result from turnover.
Retail trade salesworkers	2,800,000	150,000	Many opportunities for full- and part-time work. Employment will increase more slowly than volume of sales. Most demand for workers who are well informed about their merchandise and skilled in salesmanship.
Automobile parts countermen.	65,000	2,500	Continued employment growth related to increasing number of motor vehicles and a growing variety of replacement parts.
Automobile salesmen	120,000	4,400	Employment fluctuates, but tends to be more stable than car sales, which are affected by general business conditions, consumer preference, and availability of credit. Sales of new and used cars will increase as a result of increases in driving age population, multiple care ownership, and personal income.
Automobile service advisors	10,000	300	Complexity and larger number of cars expected to increase employment in this relatively small occupation.
Securities salesmen	135,000	7,400	Good opportunities. Many new and replacement openings for salesmen to serve growing number of individuals and institutions investing in securities.
Wholesale trade saleworkers.	530,000	25,200	Good opportunities. Demand will be stimulated by increase in business transacted and specialized services offered by wholesale houses.

SERVICE OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980 [1]	Employment prospects [2]
Barbers	210,000	12,800	A growing population and the trend toward hair styling for men will probably create many new jobs, Shops having one or two barbers will probably remain most common.
Bellmen and bell captains (hotel).	30,000	1,100	Although many new hotels, motels and motor hotels will be built, employment expected to increase only slightly because of the type of construction and the emphasis on informality. Keen competition for the few bell captains' jobs that become available.
Building custodians	1,100,000	80,000	Very favorable opportunities despite improvements in cleaning maintenance technology wihch reduces the time needed to perform tasks.
Cooks and chefs	670,000	48,000	Excellent opportunities. Small establishments offer most opportunities for beginners. Acute shortage of skilled cooks and chefs.
Cosmetologists	475,000	38,000	Very good opportunities. Employment will rise because of increase in population and more frequent use of beauty salons.
FBI special agents	6,600	(3)	Employment expected fo rise with growing FBI responsibilities. Turnover rate traditionally low.
Firefighters	180,000	7,700	Many new jobs created, as city fire departments enlarge staffs and as paid firefighters replace volunteers.
Licensed practical nurses	320,000	48,000	Opportunities will increase rapidly as these workers are utilized more commonly to fill demand for nursing services.
Hospital attendants	800,000	100,000	Very rapid rise in employment. Most openings will be in hospitals, but many will be in nursing and convalescent homes and other long-term care facilities.
Housekeepers and assistants (hotel).	25,000	2,400	Increase in employment related to growing number of hotels, large motor hotelss and luxury motels. Established hotel-fill most openings by promoting assist, ant housekeepers and maids.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF, 1970-71 EDITION—Continued

SERVICE OCCUPATIONS

Occupation	Estimated employment, 1968	Average annual openings to 1980 [1]	Employment prospects [2]
Police officers (municipal)	285,000	15,000	Very good opportunities although future jobs are likely to be affected by current changes in police methods and equipment. Specialists becoming more essential.
Private household workers	1,700,000	121,000	Large number of openings. Demand stimulated by rising family incomes and larger number of women working outside the home.
State police officers	35,000	2,800	Opportunities excellent. Number of applications restricted in some States by State Civil Service and other entry requirements.
Stewardesses (civil aviation).	25,000	(3)	Very rapid increase expected because of more air travel and high turnover; 30 percent of stewardesses leave jobs each year.
Waiters and waitresses	960,000	67,000	Employment will increase rapidly despite growth in use of vending machines.

CRAFTSMEN

Occupation	Estimated employment, 1968	Average annual openings to 1980 [1]	Employment prospects [2]
Building trades:			
Asbestos and insulating workers.	22,000	800	Moderate employment increase as construction expands and industrial pipe is used more widely in manufacturing.
Bricklayers	175,000	7,600	Moderate employment increase as construction expands and more structural and ornamental brick is used.
Carpenters	869,000	39,300	Moderate employment increase resulting from large rise in construction activity, but growth will be limited by technological developments.
Cement masons (cement and concrete finishers).	60,000	3,600	Rapid employment increase resulting from rapid expansion of construction and growing use of concrete and concrete products.
Electricians (construction)	190,000	10,500	Very rapid increase in employment expected in construction requiring electrical wiring for appliances, air-conditioning systems, electronic data processing equipment, and electrical control devices.
Elevator constructors	14,500	500	Slow employment increase. Some workers needed as industrial and commercial building activity expands and old structures are modernized.
Floor covering installers	37,000	1,700	Moderate employment increase resulting from expansion of construction activity and wider use of resilient floor coverings and wall-to-wall carpeting.
Glaziers	9,000	500	Very rapid increase in employment. Expansion of construction activity and the increasing use of glass in building construction will create very favorable long-range outlook.
Lathers	30,000	1,250	Moderate increase related to anticipated growth in construction and to new kinds of plaster that require lathing.
Operating engineers (construction machinery operators).	285,000	16,200	Very rapid employment growth resulting from increasing use of machinery for construction, particularly for highways.
Painters and paperhangers.	430,000	23,200	Expected increase in construction points to moderate employment increase for painters. Painters also needed in maintenance and in use of such new materials as polyester and vinyl coatings and epoxys. Moderate employment increase for paperhangers because of wider use of fabric, plastic, and other wall coverings. Use of interior wall paint and wallpapers for "do-it-yourselfers" will limit growth.
Plasterers	40,000	1,150	Moderate increase resulting from growth in construction. New materials and methods have expanded use of plaster; but drywall construction will limit employment growth.
Plumbers and pipefitters	330,000	19,500	Rapid growth, as construction increases. Maintenance, repair, and modernization of existing plumbing and heating systems will create additional jobs.
Roofers	55,000	3,000	Rapid increase resulting mainly from construction growth. Technological innovations may limit growth somewhat.
Sheet-metal workers	50,000	2,500	Very rapid increase, due to expansion of construction that will use air-conditioning and refrigeration systems.
Stonemasons, marble setters, tile setters, and terrazzo workers.	30,000	850	Little employment increase for stonemasons, due to decline of stonemasonry in modern architecture. Little change for marble setters. Moderate increase for tile setters, limited by increasing use of competing materials. Rapid increase for terrazzo workers due to expanding use of terrazzo materials.
Structural-, ornamental-, and reinforcing-iron workers; riggers; and machine movers.	75,000	3,900	Rapid increase, as a result of expected growth of construction and because metals are expected to become more competitive with other building materials.
Machine occupations:			
All-round machinists [4]	400,000	12,600	Slow employment increase, with most openings resulting from need for replacements.
Layout men	(3)	(3)	Little or no change expected because of increasing use of numerically controlled machines.
Instrument makers—mechanical.	(3)	(3)	Rapid increase, as result of growing use of instruments in manufacturing, research and development, and metalworking.
Setup men (machine tools).	70,000	2,600	Moderate increase, as a result of anticipated expansion of metalworking activities. Numerically controlled machine tools may change job duties.
Tool and die makers	150,000	3,700	Despite technological advances in toolmaking, employment is expected to increase slowly because of anticipated long-range expansion of metalworking industries.
Mechanics and repairmen:			
Air-conditioning, refrigeration, and heating mechanics.	100,000	5,000	Continued fast growth of home air conditioning will contribute to very rapid employment increase for air-conditioning mechanics. Oil burner mechanics may find openings limited, since relatively new homes have oil heating systems.
Aircraft mechanics	135,000	9,700	Rapid increase due to substantial increase in the number of aircraft in operation.
Appliance servicemen	205,000	8,600	Rapid increase because of the larger number of household appliances. Increased efficiency of service will limit growth.
Automobile body repairmen.	100,000	3,550	Moderate increase, primarily as a result of growing number of motor vehicle accidents.
Automobile mechanics	615,000	20,000	Moderate increase as a result of more automobiles and their new features such as air-conditioning, power steering, power brakes, and devices that reduce exhaust fumes. Greater shop efficiency will limit growth.
Bowling-pin machine mechanics.	6,500	50	Little or no employment change. Despite growing popularity of bowling, improvements in manufacture of pinsetting machines result in fewer repairs.
Business machine servicemen.	115,000	8,500	Outlook particularly favorable for those who have good mechanical ability and knowledge of electricity or electronics.
Electric sign servicemen	6,100	300	Rapid increase despite trend toward illuminated plastic signs.
Farm equipment mechanics.	40,000	1,100	Slow increase due to declining number of farms and increased reliability of farm machinery.
Industrial machinery repairmen.	175,000	7,550	Moderate increase as result of anticipated use of more machinery and equipment to fabricate, process, assemble, inspect, and handle industrial production materials.
Instrument repairmen	85,000	4,600	Very rapid increase because the use of instruments for scientific industrial, and technical purposes will increase.
Maintenance electricians	240,000	9,900	Moderate increase because of growing volume of electrical and electronic equipment.
Millwrights	75,000	2,400	Slow increase, related to new plants, additions of new machinery, changes in plant layouts, and maintenance of increasing amounts of heavy equipment.
Television and radio service technicians.	125,000	3,000	Moderate increase related to growing number of radios, television receivers, phonographs, and other home entertainment products.
Truck mechanics and bus mechanics.	110,000	2,900	Moderate increase resulting from more freight transportation by truck. Favorable effect of increased intercity bus travel is expected to be offset by declining local bus transit.
Vending machine mechanics.	16,000	650	Moderate increase of qualified mechanics, resulting from expansion of automatic merchandising.
Watch repairmen	20,000	1,400	Inadequate supply of skilled workers expected to continue. Well-trained workers in demand to produce miniaturized devices, especially in industries making scientific instruments and electronics.

Footnotes **at end of speech.**

CRAFTSMEN

Occupation	Estimated employment, 1968	Average annual openings to 980[1]	Employment prospects[3]
Printing (Graphic Arts) occupations:			
Bookbinders and related workers.	30,000	400	Some employment decrease despite anticipated growth of bound printed material, because of increasing mechanization of bindery operations.
Composing room occupations.	190,000	3,200	Slow decline caused by technological changes, despite greater volume of printing. Knowledge of electronic principles increasingly important for operation of new typesetting equipment.
Electrotypers and stereotypers.	8,000	−25	Moderate decline caused by technological change, despite increased printing volume.
Lithographic occupations	73,000	1,800	Slow increase despite expansion of offset printing. Technological developments expected to slow employment Increase.
Photoengravers	18,000	300	No increase despite growing use of photographs and other illustrations and increasing use of color. Technological change in etching and engraving and greater use of offset printing will limit growth.
Printing pressmen and assistants.	90,000	2,850	Moderate increase as volume of printing and use of color expands, requiring larger and more complex presses. Technological improvements will limit growth.
Telephone industry occupations:			
Central office craftsmen	80,000	2,700	Moderate employment increase, resulting mainly from greater demand for telephone service and data communication systems. Electronic and automatic devices will restrict growth.
Central office equipment installers.	22,000	400	No change in employment; however, increasingly complex central office equipment will require manpower having more and higher skills in electronics.
Linemen and cable splicers.	40,000	600	Trends will differ among individual occupations. Very small growth is expected in number of cable splicers because of technological developments that increase worker efficiency. Employment of linemen not expected to increase significantly because of increased mechanization.
Telephone and PBX installers and repairmen.	86,000	3,000	Moderate increase. Growing number of telephones and specialized equipment expected to cause some growth in volume of service.
Other craft occupations:			
Automobile trimmers and installation men (automobile upholsterers).	8,000	350	Moderate employment growth because of increased demand for custom-made automobile upholstery and other fabric products.
Blacksmiths	15,000	500	Slow decline because work formerly done by blacksmiths is increasingly done by other workers such as forge-shop craftsmen and welders, and because replacing small articles is cheaper than repairing them.
Boilermaking occupations	25,000	1,000	Moderate increase mainly because of expansion in industries that use boiler products, as well as increasing use of complex custom-made boilers.
Dispensing opticians and optical mechanics.	22,000	500	Moderate increase in employment of dispensing opticians resulting from increased production of prescription lenses. However, little or no employment change for optical mechanics because of more efficient production methods and improved equipment.
Foremen	1,444,000	56,200	Moderate increase. But very rapid growth for construction foremen, and rapid growth in nonmanufacturing industries.
Furniture upholsterers	32,000	800	Shortage of trained workers expected to continue.
Jewelers and jewelry repairmen.	25,000	200	Shortage of workers expected to continue.
Locomotive engineers	35,000	1,350	Slow decline in employment, due to continuation of decline in passenger business and increasing multiple-unit operation of diesel locomotives.
Motion picture projectionists.	16,000	750	Slow increase because of expected slight increase in number of motion picture theaters. Competition for openings likely to continue.
Shoe repairmen	30,000	1,500	Shortage expected to continue. Growth limited by popularity of footwear that cannot be repaired easily or is very durable.
Shop trades (railroad)	87,000	2,250	Decline, despite the need for more rolling stock to handle the anticipated increase in freight traffic.

CRAFTSMEN

Occupation	Estimated employment, 1968	Average annual openings to 1980[1]	Employment prospects[3]
Stationary engineers	260,000	7,050	Slow increase, as improved equipment and better worker utilization limit the growth from continued use of large stationary boilers, refrigeration, and air-conditioning equipment in factories, powerplants, and other buildings.

OPERATIVES

Occupation	Estimated employment, 1968	Average annual openings to 1980[1]	Employment prospects[3]
Driving occupations:			
Busdrivers, intercity	24,000	900	Moderate employment increase as a result of more intercity bus travel. Charter service, bus delivery of package express and 1st-class mail, and further curtailment of railroad service will increase intercity bus traffic.
Busdriver, local transit	65,000	500	Little employment change expected as more people drive automobiles.
Routemen	235,000	3,800	Employment, which declined during the 1950's will increase slowly as demand rises for suburban deliveries.
Taxi drivers	85,000	1,200	Although number of drivers is declining, high turnover results in need for many replacements.
Truckdrivers, local	1,200,000	37,000	Moderate increase because of anticipated increase in volume of freight as total business activity rises.
Truckdrivers, over-the-road.	640,000	21,600	Moderate rise. As commercial and industrial activity grows and industry continues to decentralize, intercity freight will increase.
Other operative occupations:			
Assemblers	785,000	26,000	Slow increase in employment as technological developments curb growth. Many replacements needed, however.
Automobile painters	30,000	1,200	Moderate increase resulting from larger number of motor vehicle accidents.
Brakeman (railroad)	74,000	1,000	Declining employment as railroad yards become more mechanized. Some replacement opportunities.
Electroplaters	13,000	600	Moderate increase, related to longrun expansion in metalworking and machinery industries and use of electroplating process on more metals and plastics. Continuing mechanization and reassignment of duties to other workers will limit growth.
Gasoline service station attendants.	400,000	10,900	Moderate increase resulting from growing consumption of gasoline and other service station products and services.
Inspectors (manufacturing).	585,000	19,200	Slow increase. Use of mechanized and automatic inspection equipment will offset rising need for inspectors.
Machine tool operators	500,000	10,500	Little change despite anticipated expansion of metalworking activities. Technological developments, including numerically controlled machine tools, will affect number and skills of machine tool operators.
Meat cutters	200,000	4,500	Little or no increase as technological developments increase worker productivity. Nevertheless, many replacement opportunities.
Photographic laboratory occupations.	30,000	1,600	Moderate increase tied to growth of amateur, business, and government photography. However, greater use of improved mechanized film processing equipment will keep employment from growing as fast as volume of processing.
Power truck operators	163,000	4,100	Increase will be slow, as more efficient power trucks and other mechanized materials-handling equipment are developed.
Production painters	160,000	4,000	Employment to remain relatively stable as increasing use of mechanized and automatic equipment offsets rising demand for painting services.
Signal department workers (railroad).	12,100	−450	Slow decline as improved signaling and communications systems require less maintenance and repairs.
Stationary firemen (boiler).	73,000	−600	Employment expected to decrease moderately as result of more automatic, centralized equipment.
Waste water treatment plant operators.	23,500	2,500	Rapid increase as result of construction of new treatment plants for industrial and domestic waste water.
Welders and oxygen and arc cutters.	480,000	23,000	Rapid increase as a result of favorable long-run outlook for metalworking industries and wider use of welding.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF, 1970-71 EDITION—Continued

OPERATIVES

Occupation	Estimated employment, 1968	Average annual openings to 1980[1]	Employment prospects[2]
Other operative occupations—Continued			
Bridge and building workers (railroad).	11, 200	275	Decline in employment expected to continue because of the increased use of power tools and other labor-saving equipment and of new materials that require less maintenance and repair.
Track workers (railroad)	57, 000	1, 300	Employment decline, as mechanized equipment and new materials reduce number of men employed in maintenance-of-way work.
Construction laborers and and hod carriers.	750, 000	29, 000	Some growth will result from increased construction, but use of mechanized equipment will limit opportunities.

---

[1] Due to growth and death, retirement, and other separations from the labor force. Does not include transfers out of the occupation.

[2] The Bureau of Labor Statistics assessment of the 1980 occupational and industry outlook is based on a projected labor force of 100.7 million in 1980, Armed Forces of 2.7 million, and a resulting civilian labor force of 98 million. The employment outlook presented in the Handbook also assumes (a) maintenance of high levels of employment through the 1970's, (b) that no major event will alter economic growth substantially, (c) that economic and social patterns and relationships will change at about the same rate as in the recent past, (d) that scientific and technological advancement will continue at about the same rate as in recent years, and (e) that defense expenditures in 1980 will approximate the 1963 level which is somewhat higher than the levels before the Vietnam buildup.

[3] Estimates not available.

[4] Includes layout men and instrument men.

VICTOR W. KEARNS, JR., AWARDED CARNEGIE MEDAL

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. WINN. Mr. Speaker, a man never really knows what he is capable of until an emergency arises to test his courage. One such test, which occurred in my district, involved a Douglas County commissioner, Victor W. Kearns, Jr., who was himself injured as he helped to free an injured truckdriver from the burning cab of his rig.

For this act of heroism, Victor Kearns has been awarded a Carnegie Medal from the Carnegie Hero Fund Commission. Following is the text of the certificate awarded to Mr. Kearns:

CARNEGIE HERO FUND COMMISSION

This certifies that Victor W. Kearns, Jr. has been awarded a Carnegie Medal in recognition of an outstanding act of heroism:

Bronze Medal awarded to Victor W. Kearns, Jr., who helped to rescue Ronald E. Sheriff from burning, Lawrence, Kans., April 21, 1970. A tractor-trailer driven by Sheriff, aged 23, truckdriver, was involved in an accident and moved from the highway onto grass-covered terrain, where the detached cab of the rig landed upright on the ground alongside the trailer. Escaping fuel caught fire, and flames burned on the trailer and one side of the cab. Kearns, aged 35, county commissioner, ran to the other side of the cab and was trying without success to open the door when another man arrived. Flames increased as the two men then managed to lower the window. The other man reached into the cab, grasped Sheriff, and pulled him partially through the window opening. Kearns then also took hold of Sheriff, who had suffered extensive burns. Together, Kearns and the other man drew Sheriff out of the cab and moved him away from it. About a minute later the flames increased when a fuel tank exploded. Sheriff and Kearns recovered from burns they had sustained.

DR. RALPH BUNCHE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. RHODES. Mr. Speaker, from the simple background of a Detroit barber's son, orphaned at age 13, Ralph Bunche rose to the position of an honored and distinguished diplomatic craftsman.

He entered college with an athletic scholarship and left with a Phi Beta Kappa key and a Ph. D. in government and international relations.

Among many other distinguished accomplishments Ralph Bunche was the winner of the Nobel Peace Prize in 1950, Under Secretary of the United Nations for Political Affairs 1958-67, and Under Secretary General since 1968.

Yet even more than these high honors, the real greatness of Ralph Bunche was symbolized by his personal warmth, compassion and tireless dedication. He was a man respected and admired throughout the world. He was a man whose sincere efforts for the goal of peace will forever be etched into the history of this century.

His untimely death takes from this country, and the world, a distinguished scholar and skillful international arbitrator.

Mrs. Rhodes joins me in extending our sincere sympathy to Mrs. Bunche, to Ralph Jr., his daughter Joan, and his three grandchildren.

SUMMARY OF FARM LEGISLATION IN 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAMILTON. Mr. Speaker, the first session of the 92d Congress took several steps to meet its obligation to farmers.

Legislation was enacted to:

First, broaden and strengthen the operation of the Federal farm credit system;

Second, make permanent the authority of the Farmers Home Administration to insure loans, and

Third, improve telephone service in rural areas by providing more funds for firms serving those areas.

Several farm measures have passed either the House or the Senate and hopefully will be enacted into law in 1972. Included in this group are bills to:

First, protect the market price of wheat and feed grains by authorizing Federal purchase of large quantities of these commodities to be held in a strategic reserve. The bill also raises the price support loan rates on feed grains and wheat by 25 percent whenever a commodity adjustment program results in an addition to reserve stocks.

Second, regulate the manufacture, distribution, and use of pesticides, and

Third, require Federal crop insurance to be made available to persons between 18 and 21 years of age.

I am also hopeful that the Congress will complete action in 1972 on a measure enabling farmer-elected marketing committees to bargain and negotiate with processors and other buyers for prices on a commodity-by-commodity basis.

OVER 47-CENT CHEESES

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HENDERSON. Mr. Speaker, in response to a Presidential request, the Tariff Commission has conducted an investigation on the importation of "over 47-cent" cheeses. Although quotas exist on most cheese, cheeses which cost 47 cents or more per pound are excluded. A dramatic increase in the importation of these "over 47-cent" cheeses has occurred, and the figures are still growing.

The recommendation of the Tariff Commission is that the 47-cent break be abolished and that a quota be established for the various types of cheeses involved, regardless of price. Although the Commission completed its hearings 3 months ago and has made its recommendations to the President, no action has been taken. In the meantime, importers seem to be trying to ship in as many of their products as possible before Presidential action occurs.

Now is the time to act. I submit to my colleagues that further delay will be detrimental to the dairy industry—and thus detrimental to the American consumer. I urge the President to take immediate action to establish these quotas.

SUMMARY OF FEDERAL EMPLOYEES LEGISLATION IN 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAMILTON. Mr. Speaker, several steps were taken in the first session of the 92d Congress to help Federal workers.

Foremost among them was the approval of a Federal pay raise effective January 1, 1972, over the President's objections. The raise could be as much as 5.5 percent.

The House has also passed a bill, now pending in the Senate, to provide equitable rates of pay for prevailing rate employees and payment of shift differentials on a percentage basis.

The House Post Office and Civil Service Committee has continued to study the operations of the new Postal Service. Actions reviewed included the sale of postal bonds, the awarding of a job evaluation contract, and the so-called gag rule on employee contacts with Congressmen.

The committee is working on several other matters of importance to Federal employees, including measures to:

First. Permit immediate retirement when the sum of years of service and age totals at least 80;

Second. Gradually increase the Government contribution to the cost of employees' health insurance to 75 percent; and

Third. Protect employees from invasions of privacy by Federal officials.

I am hopeful that the Congress will complete action on these measures in 1972.

SUMMARY OF LABOR LEGISLATION IN 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1971

Mr. HAMILTON. Mr. Speaker, the first session of the 92d Congress took several steps to meet its obligation to labor.

Legislation was enacted to:

First, extend presidential authority to stabilize the economy and control inflation. The bill includes a provision assuring retroactive pay in most cases.

Second, provide for emergency unemployment compensation in times of high unemployment.

Third, repeal the 7-percent auto excise tax and reduce personal income tax liabilities.

Fourth, increase the supply of health manpower and medical training facilities.

Final congressional action is expected early next year on the first bill in 46 years to regulate campaign spending for Federal offices.

Several other measures have passed the House and hopefully will be approved by the Senate in 1972, including bills to:

First, reform the entire Federal welfare system and institute national eligibility standards for public assistance.

Second, create an independent Consumer Protection Agency to guard consumer interests in proceedings before Federal agencies.

Third, strengthen the Equal Employment Opportunities Commission.

I am also hopeful that the Congress will complete action in 1972 on measures to establish national health insurance and no-fault auto insurance plans, and increase the minimum wage level.

THE RETIREMENT OF CURTIS A. CHRISTIANSON

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. RHODES. Mr. Speaker, we will miss Chris Christianson when he retires at the end of this session. He has been a loyal and able fellow worker in the House since 1946, and it will be hard to get along without him. We owe him a tremendous vote of thanks for the service he has given to all of us as one of the best tally clerks ever, and we can say to him in all sincerity "thank you for a job well done." May only the best come to him in the days ahead, and may his retirement bring him only enjoyment and happiness.

SENATE—*Friday, December 17, 1971*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Rule over this body, O Lord, for the welfare of the Nation, the advancement of Thy kingdom, and the coming of the age of peace.

We pray in the name of Him whose birth we celebrate. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 16, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR INSERTIONS IN THE RECORD FOLLOWING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may be permitted to make insertions in the RECORD following the adjournment of Congress until the last edition authorized by the Joint Committee on Printing is published; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress. I wish to advise that the time for filing information to be included in the RECORD will be up to January 11, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF COMMITTEE ACTIVITY REPORTS

Mr. MANSFIELD. Mr. President, with reference to the printing of committee activity reports for the first session, I state, on behalf of the chairman of the Joint Committee on Printing, that the joint committee has very properly ruled that the printing of such reports, both as committee prints and in the RECORD, is duplication, the cost of which cannot be justified.

It is requested that committee chairmen decide whether they wish these reports printed as committee prints or in the RECORD, since the Government Printing Office will be directed not to print them both ways.

TRIBUTE TO SENATOR SCOTT

Mr. MANSFIELD. Mr. President, in the Philadelphia Bulletin of December 16, 1971, there is a most interesting and worthwhile commentary written by Mr. Robert Roth entitled "Resurgence of Senator SCOTT Goes Unnoticed."

As I read the article, I find a great deal of merit in Mr. Roth's commentary but, may I say, Mr. President, so far as the Senate is concerned, the distinguished minority leader has not gone unnoticed. He has made many contributions. He has worn two hats, one as the Senator from Pennsylvania, which is the most important, and the second, as Republican leader of the Senate, which is also important. But anyone who wears those two hats, on either side, has a job which is more difficult than many people comprehend.

Thus, I am happy to say that this article does credit to a man who has done much for his country, for his State, and for the Senate.

I can think of no better man to serve opposite, in the joint leadership of the Senate, than I can the distinguished Senator from Pennsylvania, who has my affection, my respect, and my admiration. His word is his bond and our relationship could not be better I am happy to state publicly.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROBERT ROTH: HE SHOULD GET "COMEBACK AWARD"—RESURGENCE OF SENATOR SCOTT GOES UNNOTICED

WASHINGTON.—Inner Washington is much intrigued these days by the rehabilitation of Senate Minority Leader Hugh Scott of Philadelphia. It is not the sort of thing that makes news headlines but those who keep track of things around here are very much aware of it.

Two years ago at this time most of those who pride themselves on knowing what's what wouldn't have bet a plugged nickel on the survival of Senator Scott as a major political figure.

Scott was in the White House dog house. He had offended by voting against confirmation of Judge Clement Haynsworth for the Supreme Court and by pursuing generally a line more liberal than was then acceptable at the other end of Pennsylvania avenue.

WORE TWO HATS

About to enter a tough fight for reelection, he seemed to have fallen between two stools trying to serve both a conservative Administration as spokesman and a liberal constituency as senator, and succeeding in neither.

To cap it all, Senator Robert Dole of Kansas, a knock-'em, sock-'em, down-the-line Agnew-type Republican conservative, was about to be chosen by President Nixon as Republican national chairman, in total disregard of the vigorous protest of Scott.

Everyone knew, or thought he knew, what that meant. Dole would become the White House spokesman in the Senate, carrying the ball which Scott had fumbled. As for Scott, he would have to accept second rank in fact if not in name, or resign his post as minority leader.

He did neither. He did what he had always done when the odds against him were long. He dug in, he fought back. He called up his reserves of political know-how, which included every trick in the book.

ALWAYS A FIGHTER

Those who wrote Scott off overlooked his political hilstory. Scott has never had an easy time of it. He has never had what the politicians call a stable constituency; that is, one in which the political patterns were readily predictable. He had five terms in the House, representing a district which was predominately WASP Republican when he was first elected and which changed during his incumbency into a politically and racially mixed area.

Scott's races for the Senate were all up hill. The first was in 1958, a bad year for Republican candidates. The Democrats gained 15 Senate seats that year, but Scott kept his. His second try was in an even worse—for the GOP—year. That was 1964, the year of the Lyndon Johnson landslide. President Johnson carried Pennsylvania by nearly 1.5 million votes. Scott overcame that handicap and won the state himself by 50,000. Six years later, again bucking a Democratic tide which elected a Democratic governor in his own state, Scott won again.

OUT OF THE SHADOWS

Since then the White House has changed course, embracing new economic and foreign policy doctrine. Scott, easily reelected as minority leader, emerged from the shadows and took the center of the Senate stage. It began to dawn on the more acute observers that he had the White House ear and had become its spokesman in fact as well as name.

The White House began coming out on top in some of the legislative contests in which formerly it had fared badly. This was particularly noticeable in the case of the Democratic proposal for a tax check-off to finance the campaign expenses of political parties.

Scott put the Democrats on the defensive by denouncing this as a barefaced political grab by the opposition party. He urged the President to announce he would veto the measure if it stayed in the tax bill to which it had been attached.

HIS ADVICE FOLLOWED

Scott's advice was followed, the Democrats were routed and the proposal was killed for all practical purposes.

This was only one example, the latest, of Scott's phoenix-like rise from what were supposed to be his ashes. In the meantime, it has not gone unnoticed that Dole is in obscurity, ignored by the news media and, to all appearances by the White House.

Nor has it gone unnoticed that in recent months the White House has scored a number of spectacular successes on Capitol Hill. No one, least of all Scott, believes or would claim that this is in any way connected with the Scott resurgence. But no one, least of all Scott, would deny that it is an interesting coincidence!

Mr. SCOTT. Mr. President, I express my thanks to the distinguished majority leader. I also express my relief that the photograph which accompanies the article will not appear in the RECORD.

Let me make the point that during this arduous and difficult session, in fact during the entire time I have had the honor to hold an office in my party, the greatest joy possible has come from my association with the distinguished majority leader. We have never had a word of misunderstanding. We have never had a word in writing. Every undertaking or agreement we have ever proposed has been made with what may seem to be casualness to an outsider but is of the kind which persons who are friends and trusted associates and colleagues do summarily make with each other.

It has been an honor and a great privilege to have the opportunity to work with the distinguished majority leader. He and I both do our level best to keep politics to a minimum. Recognizing that it has its due place, both of us know that occasionally we open up the door and let the little dog of politics in, but after a while we shoo him back into his kennel and get on with the much greater business of working together for the good of the Nation.

I want to thank the distinguished majority leader for his kind remarks.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under rule VII, the Chair calls for the presentation of petitions and memorials.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

CHANGE OF TIME FOR VOTING ON CLOTURE MOTION TODAY

Mr. MANSFIELD. Mr. President, I am about to make an unusual request. I hope that the Chair and the Senate will understand.

I ask unanimous consent that the vote on the cloture motion, if there is to be a vote on the cloture motion, occur beginning at the hour of 2 p.m. rather than 11 a.m. as the Senate previously agreed.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

Mr. HRUSKA. Mr. President, may I ask how widely this request has been known to the membership and whether there is an agreement with——

Mr. MANSFIELD. No. I discussed it with the leadership because I would anticipate, if things work as they may work out, that we would get the foreign aid authorization bill as soon as possible, and if that passes, then the continuing resolution, and immediately thereafter to withdraw the cloture motion.

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. MANSFIELD. The request has already been granted.

Mr. GRIFFIN. It might be of interest that the majority leader intends to ask for unanimous consent to vote at 11 a.m. on the conference report, so that those who are coming back who are expecting to vote at 11 a.m. will have the opportunity to vote on the conference report.

Mr. HRUSKA. It is that time in which the Senator from Nebraska was interested, because many of our colleagues have made travel plans for later in the afternoon, and if there is to be a vote at 2 p.m. it may interfere with their plans.

Mr. MANSFIELD. That is true, but I think this is in the best interests of the Senate; also, we haev a little leeway here, and we will do our best to get them out; but, also, that will be the decision of the Senate.

Mr. SCOTT. Mr. President, if we vote at 11 a.m., if it works out that way, we want to vote at that time. As I understand it, many of our colleagues have come from long distances and we would not want to disappoint them. We want them to have an opportunity to vote on something.

Mr. MANSFIELD. After consultation with the chief of staff of the Committee on Foreign Relations and, I am sure, with the approval of the distinguished senior Senator from Vermont (Mr. AIKEN), the ranking Republican member of the committee, but subject to his approval, and I understand this meets with the approval of the distinguished chairman of the committee, I ask unanimous consent that the vote on the foreign aid resolution occur at the end of 11 a.m.

Mr. JAVITS. Reserving the right to object, let us understand what we are doing, because I am here to propose amendments to something, and I want to know where we are. The measure the distinguished majority leader speaks of now is the conference report on the foreign aid bill, is that not correct?

Mr. MANSFIELD. That is correct.

Mr. JAVITS. I thank my colleague.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on the conference report.

The ACTING PRESIDENT pro tempore. That is not in order at the present time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the conference report on the foreign aid authorization bill.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that during consideration of the conference report and the continuing resolution, two members of my staff, Mr. Tom Halstad and Murray Flanders, be permitted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I make the same request for Kenton Guenther and Charles Warren.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I make that same request for Hannah McCornack of my office.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2878. An act to amend the District of Columbia Election Act, and for other purposes;

H.R. 10367. An act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; and

H.R. 11932. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) subsequently signed the enrolled bills.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR S. 2515, EQUAL EMPLOYMENT OPPORTUNITIES BILL TO BE PENDING BUSINESS ON JANUARY 18, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns, its pending business be Calendar No. 412, S. 2515, a bill to further promote equal employment opportunities for American workers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. That will be the pending business when we come back on January 18—if we leave before January 18.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM FOR SECOND SESSION, 92D CONGRESS

Mr. MANSFIELD. Mr. President, so that the Senate will have some indication as to what confronts us in the next session, I would like to make a brief statement at this time which will be read, I hope, by all Members in the Record of today's proceedings, which will appear tomorrow.

With some trepidation I must announce that the legislative logjam that has marked the concluding weeks of the first session of the 92d Congress will mark as well the beginning weeks of the second session.

While the Senate's record has been significant, there remain in this Congress a number of subjects of major importance that must be addressed before the 92d Congress adjourns.

Top on the list are the equal employment opportunity amendments which have been on the Senate Calendar awaiting action since last October 28. It is the intention of the joint leadership to bring this measure before the Senate as its first order of business in the new session. For that purpose S. 2515 has been made the unfinished business.

There will be a number of major items thereafter that will be ready for early consideration. On some, time limitations agreements have already been obtained. The others will be considered on the basis of proceeding until disposed of on the merits. They include voter registration, S. 2574; higher education, S. 659; the equal rights amendment; and welfare and social security, H.R. 1. All of these items are extremely important. All, hopefully, will be disposed of as soon as possible.

Mr. President, I will read the list of these items together with pertinent agreements and announcements that have appeared in connection therewith.

First, S. 2515, equal employment opportunities, the pending business on return for second session, January 18, 1972.

Second. Higher education, S. 659. Time limit of 6 hours, 2 hours on each amendment thereto, and one-half hour on amendments in the second degree; provided that 3 days' notice be given prior to the consideration of S. 659—Record, November 24, S19657.

Third. Equal rights amendment, expected to be reported by February 1, as indicated by Senator Ervin—Record of October 19, S16536:

> I believe if it goes over, it will be reported by the 1st of February. I do not believe, with the other press of business, we could possibly do it sooner.

Fourth. Welfare, social security, H.R. 1, expected to be reported by March 1 as indicated by Senator Long—Record, November 17, S18872:

> I said to the majority leader earlier today and I said earlier in discussion with him and with other members of the committee prior to that time that it is my hope we can bring the bill out by March 1. It may be that we could have it out here by February 15. That may depend on what schedule the Senate pursues.

Fifth. Voter registration, S. 2574.

ESTABLISHMENT AND MAINTENANCE OF RESERVE SUPPLIES OF FARM COMMODITIES

Mr. President, in addition to the items which I have listed as being in line for consideration next year, I wish, on behalf of the distinguished Presiding Officer, the Senator from Montana (Mr. Metcalf), and myself, to express the hope that H.R. 1163, a bill to authorize the establishment and maintenance of reserve supplies of farm commodities, will be taken up by the full Committee on Agriculture and Forestry as soon as possible and be reported and placed on the calendar.

It is my understanding that this measure was considered by the appropriate agriculture subcommittee under the chairmanship of the distinguished Senator from North Carolina (Mr. Jordan) and was reported out of the committee by, I believe, a vote of 9 tc 1 or 9 to 0. I do not recall the exact vote. However, because of the lateness of the session, it was evidently impossible for the full committee to meet, and in order to keep the record clear and to clear up any misunderstandings about this bill, I would point out it is not now on the calendar. It has not been before the full Committee on Agriculture and Forestry. It will not be eligible for consideration in the Senate until it is reported by the committee and placed on the Calendar. I want to state, on behalf of the two Senators from Montana (Mr. Metcalf and Mr. Mansfield), who cosponsored the bill in the Senate, our hope that it will be given expeditious consideration as soon as possible.

Mr. President, what this proposed schedule indicates is that Members should get a good rest when we adjourn this year because next year being a political year and being also a very difficult legislative year will require that Senators come back in the best of health and, hopefully, in the best of spirits.

Mr. JAVITS. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Will the Senator first permit the Chair to complete morning business?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be continued for another 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I notice that the first item on the Executive Calendar, which has been there for months, is the treaty respecting genocide. I would greatly appreciate hearing from the majority leader as to his disposition on that measure.

Mr. MANSFIELD. The Senator has pressed me nearly every day for the last 5 or 6 months about this measure. Unfortunately, a propitious time, in my opinion, has not arisen at which to consider that most important treaty—a treaty which the distinguished Senator from New York had so much to do with in getting out the report of the Committee on Foreign Relations, and in which the distinguished Senator from Wisconsin (Mr. PROXMIRE) has shown such an intensive interest over the past 3 years to my knowledge, if not longer.

If the Senator would allow me at this time not to make a definitive statement of commitment, I would be glad to discuss this matter with him when we come back next year and see then what the prospects are.

Mr. JAVITS. May I ask the majority leader quite frankly whether it would make a difference to him in his evaluation of the situation if there began to be evidence of greater active interest on the part of Senators in regard to this matter.

Mr. MANSFIELD. Yes, I am interested in sufficient numbers. The Senator understands what I have in mind.

Mr. JAVITS. I thank the Senator. The Senator from Montana yields to no one in his sense of humility and I think it would be unfair to him if the RECORD did not indicate some personal appraisal of the situation. I understand it well.

I think it is the desire of the Senator from Wisconsin (Mr. PROXMIRE) and me, and I might add the Senator from Idaho (Mr. CHURCH) who chaired a special subcommittee on this subject, to convince the majority leader that the time has come to deal with this long-deferred matter in the Senate. I do not say that with a desire of being forensic, but to convince him that the time has come.

Mr. MANSFIELD. I appreciate the comments of the Senator from New York.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Mr. President, I wish to add a brief comment. I thank my good friend for raising this issue. It is something that has been badly neglected. There is not a single proposal before the Senate that has been before the Senate this long. The majority leader a few minutes ago referred to one issue that has been before the Senate since October 28, but this genocide matter has been pending before the Senate for 20 years. It is a matter that every President supported. President Nixon is very much in favor of this measure as were Presidents Johnson, Kennedy, Eisenhower, and Truman; all of our Presidents have been for it.

There is no question that the United States took the principal initiative more than 20 years ago in the United Nations for the genocide treaty. This is something the Senate itself can accomplish. We do not have to wait for the other body. It is something entirely up to us. I hope at long, long last this terrible crime, the worst conceivable crime, can be handled by the Senate in a treaty which has been given very great consideration and which has overwhelming support. Many organizations have testified in favor of it. As the Senator from New York said so well, it is so pertinent and should be on our minds now.

People say that genocide took place years ago and will not happen again. In the last few weeks we saw genocide take place in Pakistan on a tragic scale. So I would hope that this treaty, for which the Senator from New York has fought, as I have, will, at long last, come before the Senate for a vote.

Mr. JAVITS. I may say that the Senator from Montana has told us how to do it—to wit, get enough incentive for action. I take that as a mandate. I shall join, feeling that we are engaged in a great debt of honor to the Senator from Wisconsin, in trying to bring this about. I think our job is very clear. I think the majority leader has been very fair today. It is up to us to show him that the time has come to have it brought up, and I think we will do it.

Mr. PROXMIRE. I thank the Senator from New York. This is an excellent proposal. We can get together, showing what kind of proposal we can agree on so we can show that to the Senator from Montana.

Mr. JAVITS. I think the objections are ill founded and limited in their view, but they are objections, and it is up to us to show that the time has come to make a decision.

Mr. PROXMIRE. As the Senator knows, for almost 3 years I have spoken on the subject every day the Senate has been in session.

Mr. JAVITS. I know, and the Senator is entitled to the thanks not only of this country, but of the world, and I think he will receive them. I know the treaty will be ratified because he proposes, as I do, to do what the majority leader suggests we should do.

The ACTING PRESIDENT pro tempore. The time has expired.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for morning business be extended for an additional 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 560, 561, 562, and 563, all of which have been cleared.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR PRINTING OF ADDITIONAL COPIES OF "WAR POWERS LEGISLATION"

The concurrent resolution (S. Con. Res. 54) to print additional copies of hearings on "War Powers Legislation" was considered and agreed to, as follows:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Foreign Relations five thousand additional copies of the hearings entitled "War Powers Legislation" held before the Senate Committee on Foreign Relations.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–586), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 54 would authorize the printing for the use of the Senate Committee on Foreign Relations of 5,000 additional copies of its hearings entitled "War Powers Legislation."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

5,000 additional copies, at $1,957 per thousand	$9,785

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF "A PRIMER ON MONEY"

The concurrent resolution (H. Con. Res. 439) to provide for the printing of 50,000 additional copies of the subcommittee print of the Subcommittee on Domestic Finance of the House Committee on Banking and Currency, entitled "A Primer on Money," was considered and agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–587), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 439 would authorize the printing for the use of the House Committee on Banking and Currency of 50,000 additional copies of the Subcommittee Print of the Subcommittee on Domestic Finance, 88th Congress, second session, entitled "A Primer on Money."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$1, 285. 28
49,000 additional copies, at $200.50 per thousand	9, 824. 50
Total estimated cost, H. Con. Res. 439	11, 109. 78

AUTHORIZATION FOR PRINTING "THE JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS: PURPOSE, LEGISLATIVE HISTORY, JURISDICTION, AND RULES" AS A HOUSE DOCUMENT

The concurrent resolution (House Concurrent Resolution 441) authorizing the printing of "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" as a House document, and for other purposes, was considered and agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–588), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 441 would provide (1) that a compilation of materials entitled "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" be printed, with illustrations and with a suitable cover approved by the Joint Committee on Printing, as a House document; and (2) that there be printed 2,500 additional copies of such a document for the use of the Joint Committee on Congressional Operations.

Printing-cost estimate

To print as a document (1,500 copies)	$2, 160. 51
2,500 additional copies, at $88.80 per thousand	222. 00
Total estimated cost, H. Con. Res. 441	2, 382. 51

AUTHORIZATION FOR PRINTING AS A HOUSE DOCUMENT A COMPILATION OF THE EULOGIES ON THE LATE JUSTICE HUGO L. BLACK

The concurrent resolution (H. Con. Res. 469) to provide for the printing as a House document a compilation of the eulogies on the late Justice Hugo L. Black was considered and agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–589), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 469 would provide (1) that a compilation containing the eulogies of the late Justice Hugo L. Black delivered in the Congress, and such other materials as may be deemed appropriate, be printed with illustrations as a House document; and (2) that there be printed and bound, as directed by the Joint Committee on Printing, 5,500 additional copies of such document, of which 4,350 copies would be for the use of the House of Representatives, 1,000 copies would be for the use of the Senate, and 150 copies would be for the use of the widow of the late Justice Hugo L. Black, Mrs. Elizabeth Seay Black. The additional copies of such document would be prorated to Members of the House of Representatives and the Senate for a period of 60 days, after which the unused balances would be distributed by the respective House and Senate document rooms.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$4, 662
5,500 additional copies, at $1,244 per thousand	6, 842
Total estimated, cost, H. Con. Res. 469	11, 504

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS ON JANUARY 17, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senate committees may be authorized to file reports on January 17, 1972.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Improvements Needed in Establishing Requirements for, and Use of, Medical Professional Personnel in the Military Services," Department of Defense, dated December 16, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Examination of Financial Statements of Federal Prison Industries, Inc., Fiscal Year 1971," Department of Justice, dated December 14, 1971 (with an accompanying report); to the Committee on Government Operations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCHWEIKER:

S. 3030. A bill for the relief of Roy Raffeek Mohammed. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 3031. A bill for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina (by request):

S. 3032. A bill to amend section 305 of title 44 of the United States Code relating to certain employment at the Government Printing Office, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. MANSFIELD and Mr. SCOTT:

S.J. Res. 186. A joint resolution setting the date for the convening of the second session of the 92d Congress. Read the third time and passed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, December 17, 1971, he presented to the President of the United States the enrolled bill (S. 2878) to amend the District of Columbia Election Act, and for other purposes.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. METCALF) signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs; and

H.R. 5419. An act for the relief of Corbie F. Cochran.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2083

At the request of Mr. BAYH, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 2083, a bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes.

S. 2084

At the request of Mr. BAYH, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 2084, a bill to discourage the use of leg-hold or steel jaw traps on animals in the United States.

S. 2734

At the request of Mr. SCHWEIKER, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2734, a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

S. 2738

Mr. HUGHES. Mr. President, I ask unanimous consent that the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor of S. 2738, a bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria.

Mr. President, during the past few days I have added 15 cosponsors to S. 2738, and I ask unanimous consent that all of their names be added to the bill when it is next printed.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

S. 2829

At the request of Mr. BAYH, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2829, a bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes.

S. 2890

At the request of Mr. MOSS, the Senator from Minnesota (Mr. HUMPHREY) was added as a copsonsor of S. 2890, the "Federal Employee Transition Act of 1971".

S. 2938

At the request of Mr. PEARSON (for Mr. DOLE) the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 2938, amending the Rail Passenger Service Act of 1970 to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents.

S. 2944

At the request of Mr. BUCKLEY, the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of S. 2944, a bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

S. 3010

At the request of Mr. NELSON, the Senator from Indiana (Mr. BAYH), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 3010, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

S. 3022

At the request of Mr. BAYH, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 3022, a bill to provide for the issuance of $2 bills bearing the portrait of Susan B. Anthony.

SENATE JOINT RESOLUTION 169

At the request of Mr. BYRD of West Virginia (for Mr. HOLLINGS) the Senator from North Dakota (Mr. BURDICK), and the Senator from Utah (Mr. MOSS) were added as cosponsors of Senate Joint Resolution 169, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

SENATE JOINT RESOLUTION 170

At the request of Mr. BAYH, the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. MANSFIELD), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Illinois (Mr. STEVENSON), and the Senator from Ohio (Mr. TAFT), were added as cosponsors of Senate Joint Resolution 170, a proposed amendment to the Constitution which would lower the age requirements for service in both Houses of Congress.

SENATE RESOLUTION 221—SUBMISSION OF A RESOLUTION RELATING TO THE CRISIS IN NORTHERN IRELAND

(Referred to the Committee on Foreign Relations.)

Mr. BUCKLEY. Mr. President, I submit, for proper referral, a resolution concerning the situation in North Ireland. There exists in the United States, and rightly so, great sympathy for the plight of the Catholic minority in Northern Ireland. As human beings who enjoy the blessings of freedom, Americans have a legitimate concern over injustice, oppression and discrimination practiced against any people anywhere in the world; and they have the right and the duty to give expression to that concern through peaceful means. In this manner, they can hope to effect decisions overseas because no country in the Western World can afford to ignore American public opinion.

It appears that the authorities in Ulster may now be prepared to redress the ancient wrongs visited upon the Catholic minority in Northern Ireland. Certain constitutional changes have recently been proposed in Northern Ireland which although long overdue, represent an important step in the right direction although they fall far short of the goal of a reunified Ireland. Government contracts with private firms are henceforward to include antidiscrimination clauses; and a crash urban renewal program is to be launched in Belfast. In addition, the Prime Minister of Northern Ireland has indicated that there are conditions under which he would favorably consider reunification.

In Britain, there are most encouraging signs on the horizon that the realization that reunification of all 32 counties of Ireland is the ultimate solution to the situation in North Ireland. Former Prime Minister Harold Wilson, under whose auspices as Prime Minister the dreaded "B-Special Constabulary" flourished, has announced his support for the principle of reunification. Recent polls of public opinion in England indicate that there is majority support for the removal of British troops from Northern Ireland. Indeed, it is in the interests of an early settlement that British military forces in Northern Ireland be withdrawn at the earliest opportunity consistent with the interests of avoiding the bloodshed which could result from unrestrained conflict between extremist groups on both sides of the Irish question.

While I strongly believe that the reunification of Ireland presents the only means of restoring conditions for full justice and domestic tranquillity for all the inhabitants of Ireland, I do not feel that it would foster the cause of peace or reunification for the United States to take an official position on the matter. Any declaration by this country or by Congress in favor of reunification would be viewed by the British as a direct intervention in their affairs, and would without doubt give rise to the same resistance and stiffening of attitudes which we would experience should the British attempt to interfere in a dispute involving, for example, Puerto Rico. On the other hand, if the present increase in a resort to violence by both sides in Northern Ireland is allowed to continue, the only result can be a hardening of the lines at a time when so many in positions of responsibility in England have finally come to the understanding that reunification must be achieved if peace and justice are to be restored to Northern Ireland.

In my judgment, the most effective manner in which the United States can help restore conditions in which negotiations leading toward reunification can take place is by offering its good offices in arranging for the withdrawal of British troops and in bringing both parties together at a negotiating table.

The close friendship of the United States to both Ireland and England provides this country with a great opportunity to assist in this manner in the peaceful resolution of the dispute in Northern Ireland without the kind of intervention which would be counterproductive.

To this end, Mr. President, I am submitting the following resolution, which petitions the President of the United States to make such offices available for this purpose:

Whereas the Irish people of the six county area known as Northern Ireland have been denied fundamental civil rights, and

Whereas the increasing tempo of violence poses a grave threat to the interests of individual liberty, justice, and the peace of the region, and

Whereas it is in the best interests of all parties concerned that the Northern Ireland question be resolved peacefully be it

Resolved that it is the sense of the Senate that the President make available the good offices of the United States to effect a peaceful resolution of the dispute in Northern Ireland.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. BUCKLEY, the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Mr. MATHIAS), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. TOWER), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country.

SENATE CONCURRENT RESOLUTION 53

At the request of Mr. WILLIAMS, the Senator from Michigan (Mr. HART) and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of Senate Concurrent Resolution 53, a concurrent resolution relating to the international economic and social consequences of environmental standards and regulations.

EDUCATION ACT AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 795 AND 796

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, I submit two amendments to the bill (S. 659) to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education; and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 795

At the appropriate place in the bill, insert the following new title:

"TITLE X—THE PROHIBITION OF SEX DISCRIMINATION

"SEC. 1001. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that this subsection shall not apply—

"(1) to the undergraduate admissions policy of any institution of higher education,

"(2) in regard to admissions, for one year from the date of enactment, nor for six years thereafter in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such change which is approved by the Commissioner of Education, or

"(3) to an educational institution which is controlled by a religious organization and where the application of this subsection would not be consistent with the religious tenets of such organization."

SEC. 1002. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 1001 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 1003. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 1002, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

SEC. 1004. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 1005. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SEC. 1006. (a) Clause (1) of section 701(b) of that Civil Rights Act of 1964 is amended by inserting after "thereof" the following: "(except with respect to employees of a State, or a political subdivision thereof, employed in an educational institution)".

(b) Section 702 of title VII of the Civil Rights Act of 1964 is amended by the insertion of a period after "religious activities" and the deletion of the remainder of the sentence.

SEC. 1007. Paragraph (1) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a)) is amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after "religion" the following: ", sex".

SEC. 1008. Section 13(a) of the Fair Labor Standards Act of 1938 is amended by the insertion after the words "the provisions of sections 6" of the following: "(except section 6(d) in the case of paragraph (1))."

SEC. 1009. (a) Subsection (1) of section 3(r) of the Fair Labor Standards Act of 1938 is amended by the deletion of the words "an elementary or secondary school" and the insertion of the words "a pre-school, elementary or secondary school".

(b) Section 3(s)(4) of such Act is amended by deleting "an elementary or secondary school" and inserting "a pre-school, elementary or secondary school".

AMENDMENT NO. 796

At the appropriate place in the bill, insert the following new title:

"TITLE X—THE PROHIBITION OF SEX DISCRIMINATION

"SEC. 1001. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that this subsection shall not apply—

"(1) in regard to admissions to an undergraduate educational institution in which more than 90% of the students are of the same sex,

"(2) in regard to admissions, for one year from the date of enactment, nor for six years thereafter in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such change which is approved by the Commissioner of Education, or

"(3) to an educational institution which is controlled by a religious organization and where the application of this subsection would not be consistent with the religious tenets of such organization."

SEC. 1002. Each Federal department and agency who is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 1001 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program of activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 1003. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 1002, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

Sec. 1004. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

Sec. 1005. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

Sec. 1006. (a) Clause (1) of section 701(b) of the Civil Rights Act of 1964 is amended by inserting after "thereof" the following: "(except with respect to employees of a State, or a political subdivision thereof, employed in an educational institution)".

(b) Section 702 of title VII of the Civil Rights Act of 1964 is amended by the insertion of a period after "religious activities" and the deletion of the remainder of the sentence.

Sec. 1007. Paragraph (1) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a)) is amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after "religion" the following: ", sex".

Sec. 1008. Section 13(a) of the Fair Labor Standards Act of 1938 is amended by the insertion after the words "the provisions of sections 6" of the following: "(except section 6(d) in the case of paragraph (1))."

Sec. 1009. (a) Subsection (1) of section 3(r) of the Fair Labor Standards Act of 1938 is amended by the deletion of the words "an elementary or secondary school" and the insertion of the words "a pre-school, elementary or secondary school".

(b) Section 3(s)(4) of such Act is amended by deleting "an elementary or secondary school" and inserting "a pre-school, elementary or secondary school".

ADDITIONAL STATEMENTS

SUPPORT FOR FORMER SENATOR WILLIAMS

Mr. BOGGS. Mr. President, yesterday my distinguished colleague (Mr. Roth) discussed at length the unwarranted and embarrassing attack that was made on the integrity of former Senator John J. Williams in a report by associates of Ralph Nader. He also submitted documentation for the Record.

I was necessarily absent during that discussion on the Senate floor, but I wish to associate myself fully with the views expressed by Senator Roth and other Senators. The allegations against Senator Williams were based on innuendo and a complete disregard for the truth.

The record clearly demonstrates that the 1964 tax amendment in question benefited a good many Americans. It was submitted to and approved by a considerable majority of the Senate Committee on Finance. In no way, shape, or form was it a private bill for the benefit of a few Delawareans.

No one who has known Senator Williams, as I have had the great honor to know him, could believe for a minute that he would be a party to any activity that failed to meet the highest standards of honesty and integrity.

PLANS FOR THE BICENTENNIAL

Mr. PASTORE. Mr. President, the American Revolution Bicentennial Commission met here in Washington on December 10 in an effort to expedite the formulation and implementation of plans to celebrate our 200th birthday.

As one of the Senate members of this Commission, I ask unanimous consent to have printed in the Record a letter of December 16 which I received from the Chairman of the American Revolution Bicentennial Commission, Mr. David J. Mahoney, who outlines the progress made at this meeting and the contents of the five major resolutions which the Commission adopted.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Revolution
Bicentennial Commission,
Washington, D.C., December 16, 1971.

Hon. John O. Pastore,
U.S. Senate,
Washington, D.C.

Dear Senator Pastore: The American Revolution Bicentennial Commission meeting in Washington, D.C., on December 10, 1971, was productive.

Five major resolutions were passed to accomplish the following:

The Mount Rushmore National Memorial was officially recognized as a National Bicentennial site; the City of Niagara Falls, New York, because of its impressive improvement program, was officially recognized as a Bicentennial City under the multi-city concept; and, the Denver Winter Olympics program was officially recognized as a part of the National Bicentennial observance. All three of these were awarded use of the official symbol.

The State of Iowa was encouraged to develop into an action plan its concept for a World Food Exposition with a theme title, "Food for Freedom", under a premise that the free exchange of food production information would promote world peace; and the State of Michigan was encouraged to develop into an action plan its concept for developing, as a Bicentennial project, solutions to the Urban Transportation problem. Both of these States were promised that the ARBC would give full and expeditious consideration to their action plans when received.

Another significant agenda item was a National Medical Association request that its proposed program for a multi-level attack on the Sickle Cell Anemia disease be recognized as a Bicentennial activity in the national program. The Commission was favorably disposed towards this request, but considered it should be more completely coordinated with other Government and private efforts in this area before final action was taken. It is expected that this will be accomplished prior to the next Commission meeting.

Mr. Vincent DeForest, Chairman of the Afro-American Bicentennial Corporation, made a presentation in which he explained the desire of his nonprofit organization to develop and implement projects for the Bicentennial which will express the desires and meet the needs of Black Americans in line with the principles and ideals of the American Revolution. His presentation was well received and he was assured that the Commission is in full accord with his desires and will look forward to working with him in an effort to achieve his goals and objectives.

Deputy Mayor Graham Watt of Washington, D.C., outlined plans for the Bicentennial observance in the Nation's Capital and the Commission discussed the ARBC role in Washington Bicentennial activities.

Encouraging progress reports by the Chairman of the Commission's Heritage, Open House, Horizons, and Communications Committees and their Advisory Panels rounded out the agenda.

It was a good meeting. A sense of movement prevailed and it was apparent that the dedication and enthusiasm of the Commission Members was reinforced by the positive and substantive actions which came out of the sessions.

We continue to be grateful for the support you have consistently given to our efforts and we are confident that the goals and objectives which have been set will be achieved.

Sincerely,
David J. Mahoney, *Chairman.*

SCHWEIKER ACT SAVINGS FOR FISCAL 1971

Mr. SCOTT. Mr. President, Senator Richard S. Schweiker, my colleague from Pennsylvania, as a Representative in 1965 introduced a bill to provide cash awards for cost-cutting suggestions, inventions, and scientific achievements made by military personnel.

Called the Schweiker Act, it has saved the Federal Government $117 million in fiscal year 1971 alone and raises to $555 million the tangible benefits realized since the law went into effect 6 years ago. Cash awards totaling $1.9 million have been given to members of the armed services during the past fiscal year and a total of $6.3 million since the bill went into effect.

Mr. President, this outstanding program aims at personalizing the armed services and rewards those who contribute substantially to the efficiency of operations. Basically it rewards ingenuity, but the big plus is that it saves the taxpayers' money. This is an unbeatable combination and praise should go to the originator, Senator Schweiker.

Mr. President, I ask unanimous consent that the news release of December 14 from Senator Schweiker be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

Schweiker Act Savings Announced for Fiscal 1971

Washington, December 14.—The 1965 "Schweiker Act" to provide cash awards for cost-cutting suggestions, inventions and scientific achievements made by military personnel saved the federal government $117 million in fiscal year 1971, Senator Richard S. Schweiker (R-Pa.) announced today.

Schweiker referred to a White House message sent last week to Congress which reported on the cash awards program, which Schweiker introduced as a Congressman in 1965.

"This raises to $555 million the tangible benefits realized since the law went into effect 6 years ago," Schweiker said.

Schweiker reported that $1.9 million in cash awards went to members of the armed services during the past fiscal year. "That is a small price to pay, considering the savings," he said. "The benefits of this program are greater than the dollars saved. An incentive and a vehicle have been provided

> for suggestions which effect economies and increase efficiency. It is a good program, a sound and wise investment."
>
> Since 1965, the federal government has given $6.3 million in cash awards. The awards are based on the amount saved.
>
> Schweiker said, "I am pleased that my bill has proven to be so successful. Our military personnel are rewarded for their ingenuity, and millions of dollars of tax payers' money are being saved each year."

NURSING HOMES: OVERCROWDED AND IMPROPERLY USED

Mr. CHURCH. Mr. President, as chairman of the Senate Special Committee on Aging, I am deeply concerned about the fact that our nursing homes are today overcrowded and improperly used in many instances. A recent report of our committee—"Alternatives to Nursing Home Care: A Proposal"— is addressed to this problem. This report was prepared for the committee by staff specialists at the Levinson Gerontological Policy Institute of Brandeis University.

In the preface to the committee's report, I join with Senator FRANK E. MOSS, chairman of the Subcommittee on Long-Term Care, in pointing out that far-reaching changes "are required to reverse or reduce present overdependence upon nursing homes and other institutions in which our elderly population is disproportionately represented." Senator Moss and I go on to suggest that the primary effort in altering this situation should be directed toward enabling more of our elderly to remain at home in cases where this is appropriate and desirable.

An excellent editorial in the Idaho Statesman of November 30, 1971—entitled, "Too Many People in Nursing Homes"—cites the Committee on Aging report and discusses in a perceptive and intelligent fashion the need for suitable alternatives to nursing home care. As this editorial states:

> Instead of just improving nursing homes, and building more of them, we ought to be getting people out of them—all but the minority who require the medical care nursing homes are intended to provide.
>
> The cost of home services would be less than the cost of a nursing home bed. More important, millions of people could be spared the feeling of lonely abandonment they may experience in an institution.

Mr. President, I ask unanimous that the complete text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOO MANY PEOPLE IN NURSING HOMES

> A Massachusetts study shows that most of the people in nursing homes in that state don't have to be there. Columnist Sylvia Porter says only 37 of every 100 really need full-time skilled nursing care.
>
> The day after she reported these findings, Utah Sen. Frank Moss said there is evidence that half the nursing homes in the United States are substandard.
>
> Criticism of nursing homes is nothing new. The suggestion that most of their residents would be happier and better off somewhere else isn't new, either.
>
> But our society seems more inclined to continue putting people in nursing homes than to adopt policies intended to get them out.
>
> The fault doesn't lie entirely with nursing home operators. It's financially easier for families to maintain an older person in a nursing home—because the state will help pay the bill. But the state won't help the same family maintain that person outside a nursing home.
>
> So public policy helps push people into nursing homes. That is one reason that one elderly person out of 20 can be found there.
>
> The Massachusetts study showed that 26 per cent needed only minimal supervised "living" while 23 could get along with occasional home visits by nurses. Another 14 of every 100 could get along without any special care.
>
> It is cruel to force people who need not be there into nursing homes. It is cruel to leave families in a position that they see no financial alternative. (Some families, of course, simply find it more convenient.)
>
> This unnecessary segregation of older people in institutions robs them of freedom, dignity and personal relationships. It deprives our society of the benefit of these people.
>
> A current movie "Kotch" tells a touching story of an old man, threatened with retirement home segregation, who escapes to find a place for himself. He befriends another lonely outcast, a pregnant teen-ager, and helps her through a trying time.
>
> Had the hero not enjoyed a modest financial reserve, the film might have ended with his admission to the retirement home.
>
> Senator Moss is probably right about the desirability of improving the enforcement of nursing home standards. His legislation recognizes that this is not enough. It also provides for expansion of home health services to treat people in their own homes.
>
> Instead of just improving nursing homes, and building more of them, we ought to be getting people out of them—all but the minority who require the medical care nursing homes are intended to provide.
>
> The cost of home services would be less than the cost of a nursing home bed. More important, millions of people could be spared the feeling of lonely abandonment they may experience in an institution.

INVOLVEMENT IS A WAY OF LIFE WITH BILL BLACKBURN OF CASPER

Mr. HANSEN. Mr. President, a recent issue of Conoco's employee publication, NOW, carried a feature story about Bill Blackburn of Casper, Wyo. Bill is division manager of Conoco and, as the article says, is involved in many things and whatever he does, he does well.

One of his major concerns is, and for many years has been, the problem of pollution. He is no Johnny-come-lately nor is he one of the over-zealous environmentalist crusaders. Since his work as an engineer in Wyoming oil fields in the early 1950's. Bill has been an advocate of multiple uses of the land and its resources—the water, the grass as well as oil and gas. He halted the burning of waste oil in the field. "If there was enough to burn," he said, "there was enough to salvage, so the oil was run back through the treating system."

Bill is concerned with all areas of the the image the public has of the petroleum industry.

Bill Blackburn said:

> I believe what people think of us is of paramount importance in our day-to-day business, he explains, we have been guilty in the past of talking to each other when we should be directing our message right at the general public.

Mr. President, I believe other Senators would be interested in the message Bill Blackburn is attempting to get across and how he is going about it and I ask unanimous consent that the article be printed in the RECORD.

I might add, Mr. President, that Bill's father, the late Frank Blackburn, was a dear friend of mine, as is Bill. Frank, who lived in Cody, was sheriff of Park County for many years, about 35, I believe, and his son Bill came by his dedication to duty and service to his company, community and country honestly.

Frank Blackburn up until shortly before he died—and he was past 90—swam more than two miles a day summer and winter. He was one of the most beloved law enforcement officers in all of Wyoming's history and the story of his life is still a legend in that area.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WITH BILL BLACKBURN OF CASPER—INVOLVEMENT IS A WAY OF LIFE

> Bill Blackburn lifts his long legs off the desk, reaches for the telephone and presses a buzzer.
>
> "Jackie, bring me a transcript of that testimony I gave in Cheyenne."
>
> "That testimony," which secretary Jackie Bly places on Bill's desk a minute later, was made before the Wyoming Air Resources Council. The statement later became the guideline for the state's air and water pollution control authority.
>
> It is also evidence that Bill Blackburn is an involved man—in his community and his industry, as well as in his job of running the sprawling Casper production division which stretches from the Canadian border to northern New Mexico.
>
> But there is other proof. Bill recently received the American Petroleum Institute production division's Citation for Service for his work as district chairman last year and advisory committee chairman for 1971. He has served in the past as vice president of the Rocky Mountain Oil and Gas Association, representative for Conoco on the Wyoming Petroleum Council and chairman of the Chamber of Commerce's oil committee. The outstanding job he did in these posts earned him the title "Oil Man of the Year" several years ago.
>
> Bill Blackburn's seemingly shy exterior covers the inner drive of a true activist. Involvement has been a personal creed with him most of his life.
>
> "Even when I was working as an engineer in the Sussex field here in Wyoming in the early '50s, I was active with the American Petroleum Institute's oil information committee," Bill says. One of his chief concerns then, as now, was the problem of pollution. This interest intensified in 1953 when he became area foreman for the big Lance Creek field.
>
> "I began then to encourage the men who worked for me to consider multiple uses of the land its its resources—the water, the grass," he explains. That interest came naturally for a man who was born in Meteetse, a small town in the northwest corner of Wyoming.
>
> Bill remembers the time in the Sussex area when he halted the burning of waste oil. "If there was enough to burn, there was enough to salvage, so the oil was run back through the treating system," he recalls.
>
> As a division manager, Bill is in a position to carry his sense of responsibility to the land one step further. "I've always felt that if the head man doesn't get involved in these things, he can't expect any more of his employees," he points out. "He should set an example for others. Certainly every one of us

has a responsibility to do what we can to preserve our environment."

The word "image"—not just concerning pollution, but in all areas of operations—is one of the main reasons for Bill's involvement in industry affairs.

"I believe what people think of us is of paramount importance in our day-to-day business," he explains. "We have been guilty in the past of talking to each other when we should be directing our message right at the general public."

What's more, Bill adds, "We've got to be straight-forward and honest.

"I've urged people for years to talk to the Kiwanis, Lions, Rotary, and present our side of the story. We need to create a feeling of security and honesty in the public's attitude toward us. We have suffered too long from the impression that we are "wheeler-dealers.' "

Bill also has recognized that reaching youth is an important key to restoring believability in the industry's achievements and goals. "We must convince young people of our sense of responsibility toward the social environment," he adds. "I'm afraid many of them have a limited perspective, and it is up to us to help them broaden it."

One way to do this, he is convinced, is by working with educators. Each summer the Casper production division participates in a seminar for teachers. Bill, Conoco supervisors and specialists from other companies talk to the 40 teachers who gather in Casper for a five-week course on the oil industry. Then they conduct a tour of the nearby Glenrock and Big Muddy fields. There the educators can see the results of Conoco's efforts to eliminate pollution in production operations.

Involvement for Bill Blackburn is not limited to industry affairs, even though they have priority. He is a member of the Rotary and Kiwanis clubs and is serving on the Region VIII Boy Scout council. He plans to continue his participation in the future. Bill's dedication to involvement won't let him turn down an assignment or, once accepted, do anything less than the best possible job.

REMEDY OF SAFETY-RELATED DEFECTS IN AUTOMOBILES

Mr. NELSON. Mr. President, at the request of the Senator from Minnesota (Mr. Mondale), I ask unanimous consent to have printed in the Record a statement by him relating to the remedying of safety-related defects in automobiles, and also an editorial on the subject.

There being no objection, the statement and editorial were ordered to be printed in the Record, as follows:

Statement by Senator Mondale

On December 3, 1971, the Senator from Wisconsin (Mr. Nelson) and I introduced a bill to require auto manufacturers to remedy safety-related defects free of charge when the Department of Transportation determines that such defects exist.

In a December 11 editorial, the Washington Post discussed General Motor's handling of defective heaters in Corvairs and the recent GM recall of 6.7 million cars and trucks. The editorial concludes with a strong endorsement of our bill, noting that this measure will not stop shoddy craftsmanship—but that it will help the consumer "who is stuck with a real or potential lemon."

THE LATEST GM RECALL

Although 6.7 million Chevrolet cars and trucks are now being recalled by General Motors, the road to safety has not yet been cleared of a number of hazards. To begin with there is the major question of what the owners of these cars—1965–69 full size Chevrolets and Novas, 1967–69 Camaros and certain light trucks, all with V–8 engines—are supposed to do until late February when Chevrolet dealerships will have received the part to correct the potential failure of the engine mount. According to Ralph Nader's Public Interest Research Group, there is a serious safety issue involved; they report that at least six deaths and a dozen injuries have occurred in crashes resulting from engine mount failure. A Department of Transportation bulletin in October was helpful; owners were advised to be on the alert to the chance of failures and to have their Chevrolets inspected for possible trouble. If an owner doesn't go in for an inspection, however, and suddenly finds his car suffering what the DOT called a "partial or total loss of vehicle control," the driver is advised to shift into neutral—if possible—turn off the ignition, and apply the brakes. All this presumes that the average driver has the requisite quickness of mind.

Amazingly, GM is insisting that no safety-related defect is involved in this case. Aside from the disclosures of Ralph Nader—who deserves much of the credit for this recall, since he gathered many of the facts and pressured the DOT into action—the DOT said that "reports of engine mount failure, many of which involved loss of vehicle control, have been received from approximately 500 vehicle owners." GM is apparently making the recall due to what it calls "publicity" on this issue; "there is a great deal of misinformation and misunderstanding on the part of Chevrolet owners which we are anxious to eliminate as soon as possible." In other words, GM is recalling the cars less because they might be unsafe but because Ralph Nader and others are spreading rumors about them.

One problem with recalls—aside from the bother to the owner who must leave off his car at the garage, provided the mechanic will agree to work on it—is that the National Traffic and Motor Vehicle Safety Act of 1966 leaves it up to the manufacturer to decide whether or not it will pay for the correction. (In this recall, GM will bear the cost—an estimated $33 million, at something less than $5 per car.) Senators Mondale and Nelson have introduced legislation that would correct the loud rattle in this law; once the DOT says a recall is necessary, the manufacturers have no choice but to recall the vehicles and pay for the defects. Senator Mondale cited a recent and well known example in which he says a safety-related defect was found in 1961–1969 Corvairs. In this case, GM refused to bear the cost of repairs. These Corvairs, said Senator Mondale, "have been found to have defective heaters in danger of leaking carbon monoxide fumes. But because the cost of repair—about $170—falls on the estimated 760,000 Corvair owners and not on (GM), this potentially dangerous defect will doubtless go unremedied in most instances." (Curiously, in this case, GM offered explicit cautionary advice to owners who have yet to have the correction made: "Should it be necessary to continue to drive your car before inspection and necessary repairs can be made, the heater should be shut off and a window rolled down." If the driver catches pneumonia, presumably that's his expense, too.) The Mondale-Nelson bill will not stop shoddy craftsmanship. But it will help the consumer somewhat when he is stuck with a real or a potential lemon.

RESIGNATION OF EUGENE S. COWEN, PRESIDENTIAL DEPUTY ASSISTANT FOR CONGRESSIONAL RELATIONS

Mr. SCOTT. Mr. President, the President has announced that his Deputy Assistant for Congressional Relations, Eugene S. Cowen, will resign on December 27 to join the American Broadcasting Co. as vice president in the Washington office.

Gene has served ably and effectively as the President's chief liaison officer in the Senate. I will miss him.

This is, in fact, the second time I have lost the benefit of Gene's counsel. For 11 years before he joined the White House staff in 1969, he served first as my press secretary and then as my administrative assistant in the Senate.

Gene's service both to the administration and the Senate is well attested by the President in his letter accepting Gene's resignation. I ask unanimous consent that this letter be printed at the conclusion of my remarks.

I am sure I can speak for all Senators as well as for myself in wishing Gene well in his new position and in his future endeavors.

There being no objection, the letter was ordered to be printed in the Record, as follows:

December 16, 1971.

Hon. Eugene S. Cowen,
The White House,
Washington, D.C.

Dear Gene: Your letter of December 7 has come to my attention, and it is with the deepest regret that I accept your resignation as Deputy Assistant to the President effective, as you have requested, on December 27, 1971.

As you know, I am immensely proud of the fine team we have here at the White House. While I fully understand your reason for returning to private life at this time, it is still with a very special sense of loss that I see you leave this team you have served so well. To me and to each and every one of our associates, you have given unreservedly of yourself for nearly two and one half years, earning our heartfelt thanks and admiration.

As Special Assistant and, later, as Deputy Assistant, you worked tirelessly on behalf of our legislative proposals, advocating with great persuasiveness and competence the measures you and I believe will enhance the well-being of every American. It comes as no surprise to learn that one of our largest communications networks would also want the benefit of your counsel, and I am pleased that you have been appointed to such a major position with the American Broadcasting Company. I am confident you will serve there with the same outstanding skill and devotion which have marked your superb performance as a key member of my staff. Needless to say, my gratitude and warmest good wishes go with you.

Sincerely,

Richard Nixon.

BANGLADESH: BIRTH OF A NATION

Mr. CHURCH. Mr. President, the new nation of Bangla Desh, pursuing its war for independence successfully, with the help of India, is coming into being. By all reports, its concept of government will be social democracy; the future of its economy is uncertain; however, according to one Western observer, "economically Bangladesh will be better off than it ever was as part of West Pakistan."

I ask unanimous consent that several recent newspaper accounts on the liberation of the important town of Jessore and the fall of Dacca, plus related articles, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 9, 1971]

Happy Crowds Welcome Indian Army to Jessore

(By Dennis Neeld)

Jessore, East Pakistan, December 8.—Jubilant crowds poured into streets today to shout Bangla Desh slogans and cheer conquering Indian troops.

Out came the red, green and gold flags they had concealed in their homes and back into town came the womenfolk who had fled to villages deep in the paddy fields in fear of Pakistani soldiers.

The Indian army entered Jessore yesterday after a lightning thrust which splintered the Pakistani forces and put them to flight.

Tanks and armored personnel carriers thundered past rows of shabby rundown shops, most of them locked and shuttered.

Turbaned Sikhs and brown-faced little Gurkha riflemen mingled with the crowd as cheerleaders led them in their chant of "Joi Bangla!"—Long live Bengal!

For the survivors of Jessore, an independent Bangla Desh at last had become more than a cherished dream.

Out in the streets, too, were the Mukhti Bahini, nationalist guerrillas who have waged an eight-month war of sabotage and ambush against President Yahya Khan's army.

Modern automatic rifles, supplied by India, were slung over their shoulders, and in their secret camps in the woods and banana groves they had mortars and light machine guns.

They played a minor role in the battle of Jessore, but there was a swagger in their walk as they enjoyed the day of triumph.

Maj. Gen. Dalbir Singh, commander of the 9th Division which captured the town, said his troops entered almost unopposed.

The Rev. Antonio Alberton, a Roman Catholic missionary priest, said the Pakistanis fled Jessore in panic, loading their belongings and families in trucks and speeding off to the south.

Asked if he was cooperating with the local guerrillas, Gen. Singh replied: "The Mukhti Bahini listen to me. They shot two people in town and I told them they will not shoot anyone else. I told them they can do that sort of thing when they have their Bangla Desh."

All the way to the Indian border, 18 miles to the west, crowds turned out to greet the first party of foreign newsmen to visit Jessore since its capture.

For a few short weeks last spring, Jessore was in the hands of popular forces in revolt against Rawalpindi's rule. A fire engine with clanging bell met newsmen at the Petrapole border post then to race them to town. This time, the Indian army provided the transport.

Shattered villages scarred the route. On the railroad that once linked India and Pakistan a rusting signal stood at "stop." Lines of Pakistani bunkers and breastworks were abandoned in neglected fields. They had been given up without a fight.

Indian sappers carved out new tracks to avoid bridges blown up by the retreating Pakistanis.

A five-span concrete bridge at Jhingargacha was wrecked. A new bridge resting on rubber pontoons already had been flung across the river and Indian military traffic was rumbling across it.

[From the Washington Star, Dec. 16, 1971]

East Pakistan Falls, India To Halt Fight

The Indian army triumphed on its eastern front today with the unconditional surrender of Pakistan's army in East Pakistan.

Then the Indian government ordered its troops on the western front to stop fighting tomorrow night in a unilateral cease-fire.

The Indian cabinet's decision to call a pause in the Kashmir area was made in the face of a declaration by Pakistan's president that he would carry on the war with India until the "occupied areas are taken back."

In announcing the Indian government's decision, an official spokesman said: "We have repeatedly declared that India has no territorial ambition.

"Now that Pakistan armed forces have surrendered in Bangla Desh, and Bangla Desh now is free, it is pointless in our view to continue the persent conflict.

"Therefore in order to stop bloodshed and unnecessary loss of life, we have ordered our armed forces to cease firing everywhere on the western front, with effect from 2000 hours Indian standard time on Friday, Dec. 17, 1971."

"It is our earnest hope that there will be a corresponding immediate response from the government of Pakistan."

The time given is 8 p.m. local time, equivalent to 9:30 a.m. EST.

The eastern and western fronts are separated by about 1,000 miles, as are East and West Pakistan.

In the east, Indian soldiers marched victoriously into Dacca and Prime Minister Indira Gandhi told her people:

"Dacca is now the free capital of a free country."

It has been the provincial capital of the east wing of Pakistan.

Mrs. Gandhi declared refugees who had fled from East Pakistan to India were already returning to the area which India calls Bangla Desh, or Bengali nation.

The Pakistan president, Agha Mohammed Yayha Khan, apparently refusing to write off East Pakistan, broadcast his intention to put out, two weeks hence, a new constitution that he insisted would apply to "both the wings" of Pakistan.

Before New Delhi's announcement of its intention to cease fire in the west, an Indian spokesman had reported the biggest tank battle of the war as having taken place in that sector within the past 24 hours.

U.N. IGNORED

The cabinet's decision for the western cease-fire was immediately conveyed to Foreign Minister Swaran Singh, now at the United Nations.

Mrs. Gandhi had earlier brushed aside a U.N. General Assembly cease-fire appeal and had declared that India would "fight on untill Bangla Desh is liberated." The announcement indicated she felt that her conditions for a cease-fire had been fulfilled.

Announcement of the eastern-front victory brought cheers in the New Delhi Parliament.

Mrs. Gandhi told parliament India's only aim in East Pakistan, which she referred to as Bangla Desh, was "to assist the people of Bangla Desh and the Mukti Bahini to end the reign of terror there." The Mukti Bahini are East Pakistan's fighters for independence.

STRICT ORDERS

She said the Indian armed forces and the Mukti Bahini are under strict orders to insure there are no reprisals "against the Pakistan army soldiers and the Razakars," the locally recruited home-guards branded as collaborators by the Mukti Bahini.

Mrs. Gandhi reported the Bengali refugees in India, estimated to total nearly 10 million, "have already started trekking back to their homeland."

"We also hope Sheik Mujibur Rahman will take his rightful place and lead the Bangla Desh people to peace, progress and prosperity," she added.

RAHMAN IN PRISON

Rahman, leader of the outlawed Awami League, has been in a West Pakistani prison since March 26 after his arrest in Dacca on charges of treason.

The prime minister said the triumph of the Indian armed forces and the Mukti Bahini "is not theirs alone, but for all nations who value the human spirit and recognize it as a significant milestone in man's quest for liberty."

The Indian parliament erupted with cheers and desk pounding when Mrs. Gandhi read her one-minute statement, just as it did last week when she announced that India had recognized Bangla Desh.

Indian troops invaded East Pakistan on the night of Dec. 3–4 with the declared aim of helping the Mukti Bahini guerrillas establish an independent republic. Bangla Desh—the Bengali nation—is the rebel name for the eastern province.

Radio Pakistan said 54 civilians were killed and about 90 injured in an Indian air raid last night on Karachi, West Pakistan's major city. It said 32 civilians were killed in Lahore and 11 others died in other sections of West Pakistan in Indian air attacks.

The war, the third fought between the two countries since Britain divided the subcontinent in 1947, grew out of the civil war in East Pakistan that followed Yahya Khan's attempt to crush the independence movement in the province.

East Pakistanis have long complained of neglect by the central government in West Pakistan, which is dominated by Punjabis. The smaller, more populous East is predominantly Bengali, and its jute industry accounted for the major part of Pakistan's foreign exchange earnings. But West Pakistan got most of the benefits.

Last December, in Pakistan's first general elections in 23 years, the Awami League, a Bengali party promising greater autonomy for the East, won 167 of the 313 National Assembly seats. Yahya Khan accused the Awami leaders of fomenting secession and on March 25 unleashed his army. The leader of the league, Sheik Mujibur Rahman, was imprisoned and the troops carried out a reign of terror that drove an estimated 10 million refugees into India, imposing a crushing burden on a strained economy.

SECRET TRIAL HELD

India repeatedly called on Yahya to reach a political settlement with Sheik Mujib, but the president put the sheik on trial before a secret court, barred the Awamis from the assembly and outlawed the party. Pakistan charged that India was arming and training the Bengali resistance fighters.

Both countries moved their troops up to the borders and for several weeks engaged in minor skirmishes. Then on the night of Dec. 3–4, Indian troops moved in force into East Pakistan.

India had the upper hand both from a standpoint of numbers and geography. She was estimated to have more than a million men under arms compared to 392,000 for Pakistan and nearly 3–1 superiority in the air. And the 80,000 Pakistani troops in the East were cut off from the Western half of the country by 1,000 miles of Indian territory.

[From the Wall Street Journal, Dec. 15, 1971]

Birth of a Nation: Bengalis Rule Parts of Pakistan in Pomp, Trying Circumstances

(By Peter R. Kann)

Munshiganj Subdivision, East Pakistan.—As Indian forces intensify their pressure against East Pakistan, it appears certain that an independent Bengal Nation will emerge. Yesterday the battle for Dacca began, and some top civilian officials of the East Pakistani government resigned.

What would Bangla Desh, as the Bengalis call it, be like? It's impossible to tell for sure. But the Mukti Bahini, or liberation fighters, have taken control of much of rural East Pakistan as well as a lengthening list of larger towns. Thus, a recounting of a trip to one of these areas taken just before the general Indian-Pakistani war broke out may offer something of a microcosmic view of a future Bangla Desh, its army, its administrators and its people.

The area chosen was Munshiganj Subdivision, a village 22 miles south of Dacca. The trip was taken in what is called a "country boat"—a 60-foot rivercraft of advanced age that chugs down one of the many broad and meandering branches of the Ganges. The boat trip takes about eight hours, for rivers don't flow 22 miles as the crow flies.

Such a visit tends to try one's tolerance for inflated rhetoric and exaggerated claims as well as for the lukewarm tea that is hospitably (but constantly and insistently) served to foreigners by every Bengali within walking distance of a tea leaf. There are large quantities of both naivete and overconfidence to be found among the Muktis. And much of what one sees and hears appears to be a false front: Bangla Desh flags hoisted for visitors and later tucked away, the orchestrated cheers and rehearsed military exercises. There are also signs of lack of forceful leadership as well as some indications of indiscipline.

TEA AND RHETORIC

Whatever their weaknesses, however, the Muktis were in control of Munshiganj Subdivision. A Bangla Desh civil administration was functioning, probably as efficiently as any other administration ever functioned here. Its local courts could be seen dealing with local land disputes, squabbles over trees and fishponds, and marital problems. Bangla Desh administrators were collecting revenue. The Muktis were armed and some of them trained. And there was no doubting the massive popular support they had from the local people.

Within minutes after arrival, our small party is having tea in a Bengali house, surrounded by generally friendly an uniformerly vocal Bangla Desh partisans. The rhetoric is dramatic; Bengalis are born orators. Speaking of the Punjabis, West Pakistan's dominant ethenic group, a 60-year-old member of the local Bangla Desh civil administration says: "The Punjabi brutes have tortured our people as no other people have been tortured. A burning fire is in our hearts. How can we tolerate the brutes? All ways are now closed to them."

A young Mukti says, "Last week we operated on (killed) 36 Punjabis." How many prisoners did the Muktis take? he is asked.

"None," he replies. "That's remarkable," a visitor says. "Remarkable and gallant," the old man interjects. He pulls up his shirt to display a black band tucked in the waist of his sarong. "When I find a Punjabi, I put my black band over his eyes and then I stab him:"

Explains a young man with a Sten gun: "Before, we were soft-minded, but now we are cruel. We are making Bangla Desh a free nation on the map and Inshallah (God willing) we are succeeding." Another local leader explains that after the Pakistani army is defeated, it will be only a matter of time before Indian West Bengal is incorporated into a "Greater Bangla Desh." The Indian state of Assam will have to be added also, he says. What about Tripura, another Indian state bordering on East Pakistan? "Yes, that too."

TROUBLE WITH THE SCENARIO

It is a scenario that isn't completely improbable for the more distant future—and some of the Muktis' Indian sponsors privately worry about the loss of several Indian states to the new nation.

Piecing together an accurate history of events in this area isn't easy. But it appears that as in most parts of East Pakistan, the Bangla Desh flag was hoisted here briefly last March. In April and May the Pakistani army swept through this area but less devastatingly than in many other places. Most of the local Hindus, special targets of the Pakistani army, fled to India.

Some nearby villages apparently were razed, but we see none of these on this trip. As the Pakistani army moved through the area, the villagers fled deeper and deeper into the countryside. When the army left, the villagers returned. There followed some months of a military and political vacuum. The presence of the West Pakistani government barely reached these villages in any form, but the Muktis themselves were a weak and largely covert presence. Within the past month, however, the Muktis filled the vacuum. This coincided with Indian pressure along the borders and also apparently with the return of better-armed and better-trained Muktis from Indian border training camps. Gradually a ring of Mukti-controlled countryside has been closing in around Dacca. Munshiganj Subdivision is part of that ring.

On the second day of our trip, we get a better look at the Muktis. We are guided several miles downriver to another village and welcomed ashore with the fanfare of flags, cheers and even a Bangla Desh photographer in a natty woolen suit who stands on the riverbank to snap our pictures as we step ashore. A crowd of perhaps 500 villagers was assembled on two hours' notice, an official explains. "With two days' notice," he adds, "we could have gotten two million."

As a green, red and yellow Bangla Desh flag flutters from the tallest one-story building, the 500 "citizens of Bangla Desh" respond in well-cadenced chorus to a cheerleader's calls.

"Free our leader, Sheikh Mujib (who is imprisoned)," the cheerleader yells.

"Sheikh Mujih, Sheikh Mujih!" the crowd responds.

"My country, your country!" the leader screams.

Then, like 500 Ed McMahons introducing Johnny Carson comes the crowd response: "Joi Bangla (Victory to Bengal)!"

Lined up nearby are 60 or so Mukti Bahini. They are dressed in sarongs or loincloths and armed with a smorgasbord of weaponry: old Lee-Enfield .303 rifles, snub-barreled Sten gun, AK47 automatics, shotguns and grenades.

The guests are treated to a display of ambush tactics by the Muktis. The men crawl through some low underbrush, gripping their weapons, one man with a grenade between his teeth, while an officer with a brass whistle whistles directions. The Bangla Desh photographer photographs an ABC camera crew photographing the ambush display.

THE TALE OF BENGALI

The Muktis here seem to run the gamut from very professional to totally amateur. The professionals include a few former members of the regular Pakistani army and some veterans of paramilitary and police forces. The local unit commander was a sergeant in the regular army and tells his bitter story:

"In March the bastard Punjabi sepoys (soldiers) stopped saluting me. . . . Later, one of the bastard sepoys blowed me on the face with a gun. . . . The bastard sepoys struck my wife. . . . Later, I saw the bastard Punjabis forcibly rape young Bengali girls in the open field. . . . I escaped and determined to take my revenge at all costs and all circumstances. . . . Inshallah I have so far killed 40 Punjabi soldiers. . . . I take my revenge."

Most of the Muktis in the area seem to be students, and many appear to have made the trek to training camps just over the border in India and then to have infiltrated back here. The Bangla Desh officials don't admit that this is so; indeed, they deny any links with India. But several young Muktis proudly begin to relate their experiences in India before being hushed up by more politically attuned colleagues. And some of the Muktis carry Indian-made arms.

Many Muktis throughout East Pakistan probably aren't entirely pleased that the full-scale war between India and Pakistan is on. Presumably they would have won their independence with limited Indian help. But now, if Bangla Desh is created, it may appear all too much an Indian-produced product.

While some of the Muktis in this village seem to have been well-trained at various camps, others probably have received no training at all. But every young man here calls himself a "freedom fighter." And most claim to have personally killed at least one Punjabi squad.

"We are all shaeed," one youth says. "That means men who die for the sake of their country," a buddy explains. "He killed more than 10 Punjabis," they say, pointing to a third youth. I scribble the number "10" in my notebook. "No, more than 10," says the first youth, genuinely offended. Weapons are handled almost reverently by the Muktis. "This is my very life and good friend," says a pudgy young soldier in dark glasses, caressing his vintage Lee-Enfield rifle.

In another village a court is in session. Ten mostly elderly members of a local Bangla Desh council sit behind a low wooden table and busy themselves scribbling notes on the cases they are hearing. This day the cases involve (1) a dispute over a 30-square-yard plot of land, (2) a marital squabble, (3) a quarrel between two fishermen over rights to a pond, (4) a creditor's demand for payment of a $5 debt and (5) a dispute between two neighbors over who has the right to chop down a tree.

No cases are decided, and all are recessed for further hearings. But the court proceedings appear genuine and in their modest way impressive. These are the kinds of day-to-day issues that concern Bengali, or any other Asian, villagers, and Bangla Desh is dealing with them.

VOLUNTARY CONTRIBUTIONS

The council also handles revenue collection, encouraging "voluntary contributions" from the public for support of the war. The members of the council are a solidly bourgeois lot (two schoolteachers, two businessmen, a doctor and two "cultivators" among them)—the normal sort of respected elders of any small Asian community.

The council members say they were "elected" by local people, but it appears they were appointed by higher Bangla Desh echelons with the apparent approval of the local populace. In principle, at least, the local Muktis are under command of civil administrators. In practice, however, it seems that the Muktis report and respond to their own military chain of command.

In any case, both the Muktis and the administrators have regular contact with higher headquarters and thus with national Bangla Desh headquarters, still located in Indian West Bengal. An indication of the effectiveness of the lines of communication is that by the third day of our visit here, Bangla Desh radio, from its transmitters in India, was announcing our presence by name.

HOW MUCH COMMUNIST INFLUENCE?

In this area, there doesn't appear to be any Communist influence among the Muktis. In certain other areas, that isn't the case. Reports from reliable sources in the remoter southern sectors of East Pakistan say large areas already are under control of "Nazalite" Maoist guerrilla groups, some of them in temporary alliance with the Bangla Desh cause while others are at war with both the Pakisnoring foreigners, "Are you asleep?"

But the non-Communist Bangla Desh elements certainly outnumber the Communist ones. And in Sheikh Mujib, now a prisoner in West Pakistan, the "bourgeois" Bangla Desh have the sole Bengali national hero.

There are some exasperating, if not particularly significant, experiences with the Munshiganj Muktis. Although welcomed as "honored guests" by the local liberation forces, our group, sleeping on our boat, is subjected to constant liberation raids on our food supplies by conspicuously armed young Muktis. It is a small thing in a land where one can legitimately ask why foreigners should eat better than the natives.

But foreigners certainly don't sleep better. Besides the food raids, there are post-midnight visits by Muktis who poke their heads though the boat's cabin windows and ask the snoring foreigners, "Are you asleep?"

[From the Baltimore (Md.) Sun, Dec. 15, 1971]

Bangla Desh Looks Toward Its Future

(By Robert T. Livernash)

UNITED NATIONS, N.Y.—While the United Nations is engaged in what is likely to be a fruitless debate on the conflict between India and Pakistan, it seems likely that in a matter of weeks the Bangla Desh leadership will be given the task of trying to salvage and invigorate what remains of their country.

They will be faced immediately with three problems:

1. The creation of an effective government.
2. The return of the refugees to East Pakistan.
3. The maintenance of internal stability, and the role the Indian Army should or should not play in East Pakistan.

The Bangla Desh representatives in New York (not, to be sure, representatives to the U.N.) are not entirely pleased with recent events. A Mukti Bahini victory unaided by India, they reason, would have clearly established the legitimacy of their government.

"Personally, I would have preferred guerrilla warfare rather than Indian invasion," says Sayyid Karim, a member of the Bangla Desh mission in New York. "Morale would have been better if liberation had come from our own efforts rather than those of another country. But we can show that our fighting has been important even though India has played a prominent role."

The Indian government has not gone out of its way to keep the Bangla Desh representatives informed, he reports.

"We were not informed of the invasion when it took place," he said. "Whether the Mukti Bahini were informed or not, we don't know."

A second worry is what to do with the Indian Army when it pitches its tents in Dacca. Will Indians be essential as a police force to maintain stability in the country?

"The Indian army is going to go back," said Karim. "I don't envisage them staying on as a police force. They know that whatever sympathy they have at present is because of the Bangla Desh movement.

"I think they will also be anxious to transfer as many troops as possible to the west when the fighting in Bangla Desh is over."

Without the Indian Army in residence, however, Mr. Karim concedes the possibility of indiscriminate killing.

"The Indian army is going to take prisoners and we think it is a great advantage to take prisoners," he said. "But the Mukti Bahini must follow the wishes of the populace, and they may not take prisoners."

The return of the refugees may prove to be a difficult problem for the new government. The refugees, more than half of whom are Hindus, will have to be persuaded—or perhaps forced—to return to what is now an overwhelmingly Muslim state.

"Bangla Desh is a secular state," says Mr. Karim, who adds, "But I see no problem in the refugees going back. If we can provide physical security and return their land, they will return."

Establishing an effective government will be much easier if the West Pakistanis release Sheik Mujibur Rahman, who has been imprisoned since the military repression last March. Of the four conditions set forth by Bangla Desh for talks with West Pakistan—the recognition of Bangla Desh, the release of Mujib, the withdrawal of all West Pakistani troops, and an agreement in principle for compensation for damages—the first is non-negotiable and the second is very negotiable.

Without Mujib, a provisional government will be formed and will be led by Syed Nazrul Islam, the acting Bangla Desh president and long the number two man in Mujib's banned Awami League. A South Asian scholar at Columbia described him as "a lawyer, considered to be a sound intellectual, and very cool under fire."

The government's major task will be to rebuild the shattered economy of East Pakistan. That task has been multiplied in the past few days, since it has been reported that the Indian Navy and Air Force have been bombing Chittagong, the site of the country's major heavy industries.

It has been reported also that the steel mill and kerosene factory in Chittagong, both the only suppliers of those essential goods in the country, have been destroyed.

Some observers here feel that India may have done this not only because of military considerations but additionally in order to make East Pakistan completely dependent on India for these goods. Mr. Karim does not agree with this assessment.

"If the steel mill has been destroyed I would be upset, but I would not assume it was deliberate," he says. "So far as we know the Indian Army is going to take care not to damage the infrastructure.

"Economically Bangla Desh will be better off than it ever was as part of West Pakistan. About $2.6 billion in revenues has been transferred from East to West since independence. That is at an end. And we should have a mutually profitable relationship with India, particularly in the jute and coal industries."

Karim foresees nothing of substance emerging from the General Assembly debates, and concedes that the Mukti Bahini would not obey a ceasefire.

"As to a peace-keeping force, India won't accept them on her border, and Pakistan doesn't control the border in Bangla Desh, so where can they go?"

With or without the United Nations, maintaining order in East Pakistan in the coming months is going to be a grave challenge for the Bangla Desh regime. When the euphoria of their liberation wanes, the people of East Pakistan will be faced with the grim prospect of being a citizen in the most desperately poor country in the world.

[From the Christian Science Monitor, Dec. 13, 1971]

Bangla Desh—Birth of a Nation

(By Henry S. Hayward)

JESSORE, PAKISTAN.—Bangla Desh—the new Bengali nation in what has been up to now East Pakistan—is beginning to take shape as an operating entity.

The first steps of stirring this new nation into existence are fascinating to watch.

Looking beyond the present joyous liberation, one sees more serious aspects looming for India and Bangla Desh. Some see a painful day of reckoning ahead for the two as their motives begin to diverge.

As the new nation emerges, its common cause with India may begin to fray, no matter how hard leaders on both sides attempt to patch it.

The birth process is visible as Bangla Desh leaders begin to pay their first official public visits to their country, newly born out of the chaos and trouble that has marked East Pakistan for so long, and out of the war between India and Pakistan which is rapidly "liberating" the world's youngest people's republic.

Slow, awkward, controversial the emergence may be. But it also is being received with enthusiasm at the grass-roots level. Popular enthusiasm seemed evident enough in the shouts and intent faces of villagers at an impromptu town meeting held Saturday at Jhinkargacha in conquered territory, 10 miles west of Jessore. There, acting Bangla Desh President Syed Nazrul Islam and Prime Minister Tajuddin Ahmed paused at a little rotunda on the far side of town to give speeches while en route to their first official appearance at Jessore.

The emergence also can be seen in the more open appearances of Mukti Bahini freedom fighters. A jeepload of young armed Mukti guerrillas led an official caravan of cars along the 25-mile drive to Jessore. Close behind came an Indian Army military police jeep, perhaps as a reminder to those along the wayside that Indian forces also have had something to do with this liberation.

On every road and bypath one sees refugees trickling back from outlying villages, where they have been hiding, to larger towns and cities. Their appearance seems an informal vote of confidence that at least some stability will return to their disordered lives.

Whether that vote in the long run will prove to be for the present generation of Bangla Desh leaders remains unknown. It may even be only a tribute to the Indian Army's present military victories in this area.

Some expect the new nation's birth pangs may include the reopening of conflicts and rivalries between various East Bengali racial, political, and religious groups—or even between Bangla Desh and its Indian mentor.

But meanwhile, shops are reopening along the main roads with their carefully preserved hoards of basic living essentials. And workers in fields of rice, jute, and mustard once more are to be seen working far into the dusk hours.

QUESTION OF CONTROL

At political levels, however, the problem now is whether or not power in the Bengali independence movement shall remain with the present government group that shepherded Bangla Desh through its difficult "go-it-alone" rebel phase, or be transferred to a new group to take up the reins of control.

One hears that some of Mukti Bahinis who did the fighting against East Pakistan's military regime since last March may prove reluctant to turn in their weapons and revert to passive role while leaders who spent much of their time in Calcutta or New Delhi take over everything.

Calcutta reports say some Bangla Desh leaders here hastily beat it into the field to join the Mukti Bahini when war started. They felt this was the only proper way to become part of the nation's emergence.

CRACKDOWN ON EXECUTIONS

Another key factor in the emergence is India's role. In addition to its military operations against Pakistan, India seems determined to keep considerable measure of control over the Bengali take-over of East Pakistan. The Indians appear to be quietly moving in numbers of Indian police and border security force personnel in the wake of their military machine to keep an eye on civilian developments.

The Indian general who captured Jessore told correspondents he cracked down hard on the Mukti Bahini when they summarily executed two men immediately after the town was taken. When Bangla Desh is in control here, he said in effect, it can do as it chooses, but while I am in control of Jessore there will be no more of that.

Without Sheikh Mujibur Rahman, the jailed Awami League leader, the political appeal of the present Bangla Desh government seems limited: Some in the audience did not know the names of the leaders speaking to them.

CONCERN OVER THE FUTURE

The situation at the moment seems to be that the Indians have military control and Bangla Desh has civil control in some liberated areas, but there is much overlapping.

The Mukti Bahini liberation forces have a certain amount of military control, too, in areas not yet reached by Indian forces. Even where Indians are present, a joint command with the Muktis is said to exist.

Similarly, where territory has not yet been handed over to civilian administration, as at Jessore on Saturday, Indians are in civilan control, too, as U.K. Gupta's presence appeared to testify.

Some of the younger Bengali freedom fighters and intellectuals are known to harbor deep concern over the future relationship between Indian and Bangla Desh once the military phase is over.

"India was useful for the Bangla Desh independence movement, and we are grateful," one told me in Calcutta before war broke out. "But this is Bengali's first chance for real independence and I don't want to see it lost—or changed into something else.

"The ultimate objective is full Bengali Independence, not an Indian-controlled East Bengal. We don't want to exchange Pakistani domination for Indian."

[From the Christian Science Monitor, Dec. 13, 1971]

RETRIBUTION NIGHTMARE?: WHAT LIES AHEAD FOR BANGLA DESH . . .

(By Bertram B. Johansson)

If East Pakistan should fall to Indian and Bangla Desh (Bengal nation) troops soon, the problems of restoring that shattered area may loom as large as the Indo-Pak war itself.

This is the considered view of Asian experts who have been close to the Indo-Pak war scene in recent weeks.

In the absence of any particularly visible contingency planning by India, Pakistan, or Bangla Desh, these experts see the most pressing problems today as including:

The possibility of the East Pakistan population wreaking revenge on West Pakistan troops for the murders and massacres committeed in the months since their arrival last April.

There are reports, as well, that West Pakistan troops have been killing Bengali civilians in recent days as they retreated.

The continuation of Bengali harassment and, in some cases, murder of members of the minority Bihari Muslim community who may not have left East Pakistan as refugees. Many of East Pakistan's policemen were Muslims, as were many shopkeepers and merchants.

India has considered the retribution nightmare at least to the point of stating:

"Our plans provide for protection to all sections of the population, including those who have earned the wrath of the local population."

Observers are aware how difficult the policing of such retribution can be. At the time of independence when India and Pakistan were partitioned in 1947, more than a million Muslims and Hindus were killed in religious riots, a statistic seldom recalled today.

Several Western governments are making a crash-project study of questions such as:

Where does the United States and/or world community find the money for rehabilitation efforts?

How can East Pakistan be put back on its feet?

How can problems of damage to communications, bridges, and transport, which are central to the distribution of food supplies, be solved?

The State Department is known to be studying these matters intensively just * * * know, not only with a humanitarian intent in mind, but in hopes of restoring the somewhat battered U.S. image in Asia.

The return and resettlement of the 10 million East Pakistan refugees now in India could present logistical and transport difficulties of unmanageable proportions.

Some 3,000 refugees in West Bengal camps have already begun their trek home to Khulna District in East Pakistan.

Aside from the human problems of returning millions of East Pakistan refugees, India still may have to cope with those who, for fear of persecution or murder, do not wish to return to their former homes.

The possible radicalization of Sheikh Mujibur Rahman's Awami League, which until now has had an essentially middle-class profile, is a matter of concern to countries considering establishment of diplomatic relations with Bangla Desh.

Some of the activists in the Mukti Bahini tend to be more radical than the political figures who are in the background of the liberation group. This, in fact, is one of India's concerns, and is said to have been a factor in India's carrying the war into East Pakistan in recent weeks.

[From the Washington Post, Dec. 12, 1971]

JESSORE CHEERS ARRIVAL OF BANGLA DESH LEADERS

(By Laurence Stern)

JESSORE, DECEMBER 11.—While the war raged on 16 miles to the south, the two presiding officials of the self-proclaimed People's Republic of Bangla Desh made their first public appearance on their own soil, to the cheers of hundreds in this district capital.

Shouts of "Joi (Hai) Bangla" greeted acting Bangla Dewh President Syed Nazrul Islam and Prime Minister Tajuding Ahmed, who arrived by car from Calcutta behind two Jeeps full of armed Mukti Bahini Bengali guerrilla escorts. Four rickety Indian buses carried the 128 newsmen who accompanied the two Bengla Desh leaders on the six-hour journey from Calcutta.

Jessore fell to the Indian army and Bengali guerrillas last Monday night, and there was no evidence here of battle. There were, however, accounts from residents of mass executions, mass rapes and pillage by West Pakistan's occupation army.

Jessore's jail and police station were holding some 900 persons suspected of having collaborated with the Pakistani troops, according to district officials. The suspected collaborators were rounded up after the Indians and Bengalis took control.

Acting President Islam told the newly liberated constituency that "You will have complete religious freedom from now on. From now on, no one can abrogate it for Hindus and Moslems and Christians and Buddhists. There will be no more politics based on religion."

HINDUS STILL MISSING

As yet, however, Jessore's Hindu population was still missing. The only sign of it was the empty Hindu quarter, in which many of the dwellings had been razed to the ground during the Pakistani occupation.

Remaining Hindu homes had black hands painted on the entrances. Elsewhere in East Bengal, Hindu residences were designated during the occupation by a yellow capital H.

Two Italian Catholic missionaries, Fathers Antonio Alberton, 50, and Francis Spagnolo, 58, spoke of a Pakistani reign of terror that began early last April and continued intermittently until the Pakistani forces were driven out this week. One of the priests estimated that 10,000 in Jessore and its environs had been slaughtered by the Pakistanis.

During the week of April 4 to April 10, Father Alberton related, the streets and houses of Jessore were full of bodies of local residents who had been executed in batches by the Pakistani soldiers and the "razakars," or collaborators.

The missionary, who also functioned as a physician in Fatima hospital here, said that early in the occupation "There were dead bodies everywhere and dogs eating the flesh of men—a terrible thing to see." A fellow missionary, Father Mario Veronesi, was gunned down in front of his rectory by a Pakistani soldier with a Sten gun, Father Alberton said.

In another incident, he said, Pakistani soldiers took several young women out of the Christian mission compound, where a group of 300 residents had sought refuge, and raped them, at gunpoint on the mission grounds.

Young Bengali women from Jessore were rounded up by the soldiers and kept naked inside the military compound to satisfy the garrison, he said.

THE HIDING, THE VANISHED

Today I could count fewer than half a dozen women in this city with a normal population of about 50,000. Many were in hiding and just beginning to return, it was explained. Others had vanished during the occupation and there was no accounting for their disappearance.

In the nearby community of Dhikargacha, a group of townsmen stood beside the two blown-up bridges over the Kabatachaki River and also spoke of the disappearance of the women.

Izzatali Munshi, a 52-year-old deliveryman with sunken craters in each cheek, stood on the bank and recounted the experience of the occupation.

"The Pakistani soldiers and the razakars lined people up and tied their hands. Then they would cut their jugular veins with knives and bayonets and throw them in there." He pointed to the river. "No young woman would dare come out of hiding, nor the young boys, who would be killed. On market day and prayer day, people were too frightened to come out."

In Dhikargacha, as in Jessore, the residents were beginning to return to their homes, some of them carrying their life's possessions on their heads.

EXPERT DEMOLITION

Indian soldiers and local residents installed a German-manufactured pontoon bridge to replace the two spans that had been blown up with impressive expertness by the retreating Pakistani soldiers. The main bridge, a massive concrete structure, had five spans dangling into the muddy Kabatachaki River.

The Indians and the Bengali townspeople seemed to be co-existing on the most amiable terms.

An Indian private, who had been fighting in East Bengal, spiritedly told me: "We are here fighting for the freedom of these people. As you can see, they have been slaves. I just heard that my own town in Kashmir has been captured by the Pakistanis. But I don't care. I am fighting here in Bangla Desh. Now we are all Indians."

[From the Washington Star, Dec. 10, 1971]

JUBILANT BENGALIS CELEBRATE FREEDOM

(By Keyes Beech)

JESSORE, EAST PAKISTAN.—Jubliant East Bengalis danced around the bodies of their fallen oppressors as 1,000 doomed West Pakistan troops and their families fled toward the sea and certain death or capture by Indian "liberation" forces.

The road from Jessore, which fell to the Indians three days ago without a fight south to the Bay of Bengal yesterday was littered with Pakistani dead, burned out jeeps and trucks and abandoned enemy weapons.

Even if they manage to reach the sea, the fleeing Pakistanis and their wives and children will have to swim if they go any farther. For the Indian navy is waiting for them there and the Indian air force, which has undisputed control of the air, is having a field day shooting up Pakistani shipping.

SURRENDER OR DIE

Isolated by land, sea and air, under attack from all directions, and harassed by vengeful East Bengalis, the 60,000 West Pakistani troops in the East face the choice of surrender or death.

With the fall of Jessore in the west and Comilla in the east, two of their principal strongpoints, it was doubtful if the Pakistanis will even make a fight for Dacca, the capital and apex of their triangular defense line.

Indian army officers, who seemed almost embarrassed by the ease with which they vanquished the supposedly fierce Pakistani fighters, said they were pursuing the enemy with deliberate slowness.

"We keep urging them to surrender," said Maj. Sabhu Singh, an artillery officer. "They haven't a chance anyway: And we are refraining from using our air because of the women and children."

The dark-skinned Bengalis lined the roadside to welcome the advancing Indian troops and shouted "Hail Bangal Desh," their self-proclaimed new nation which has been recognized by New Delhi.

At one point along the road between Jessore and Khulna, the Bengalis danced around the bodies of a dozen slain Pakistani soldiers and shouted "Hail Bengal" for the benefit of foreign television cameras. None of them ever has seen TV. They don't even have electricity.

While they may have some reservations about their Indian liberators, it was clear the Bengalis were overjoyed to be free from the West Pakistanis, who for the past eight months have slaughtered them by the tens of thousands in a vain atempt to stamp out Bengali nationalism.

MASS KILLINGS CHARGED

The retreating Pakistanis left a trial of blasted bridges and stories of mass atrocities. Indian army engineers, with commendable efficiency, rigged pontoon bridges and bypasses over the larger streams.

In town after town excitable Bengalis told of mass murders by Pakistani troops. One man told how the Pakistanis came in search of a Muki Bahini (Bengali freedom fighter) leader named Ghillal, a common name in these parts. When they failed to find him they shot everybody in the village by that name—10 people in all, the Bengalis said.

[From the Christian Science Monitor, Dec. 10, 1971]

PAKISTAN BASTION OF JESSORE TOPPLED IN A DAY

(By Henry S. Hayward)

JESSORE, PAKISTAN.—The sudden and surprisingly easy capture of this key bastion in western East Pakistan by Indian forces on Dec. 7 leaves virtually the whole western half of the country without a major resistance point.

This is the opinion of Maj. Gen. Dalbir Singh, commander of the Ninth Indian Division, which spearheaded the assault on Jessore.

This correspondent was in the first group of Western and Indian newsmen to enter Jessore on Dec. 8 and to interview General Singh.

CHANGE OF CHARACTERS

The interview took place in the same former schoolhouse military headquarters where less than one month ago this reporter interviewed Pakistani Maj. Gen. M. H. Ansari who was then one of the generals commanding the defense of Jessore.

As the Indian general described in detail the battle for Jessore, it became clear that contrary to expectations the struggle for the city iself had not involved heavy clashes, heavy loss of life, or heavy damage to the town.

The Pakistanis, he said, had built very strong defenses in front of Jessore. But they were unable to defend the city properly when the time came because they did not man those defenses sufficiently and because they made mistakes.

With obvious relish General Singh related that "if they had fought sensibly we would have been here for one month."

SPEEDY BATTLE

As it was, the battle lasted only slightly more than 24 hours. The general said his strong Ninth Division was confronted only by four Pakistani battalions—about 3,000 men—when he launched his attack early on Dec. 6.

The four battalions of 800 men each already had been reduced in fighting effectiveness by weeks of earlier combat when Indian forces darted in and out in pursuit of their "defensive actions."

As the battle began, General Singh said, he found two enemy battalions in the marshes in front of Jessore. He promptly punched a hole between the two and proceeded to exploit his advantage.

RETREAT CUT OFF

He wheeled south and cut off one battalion at a river which lay in front of it. As he prepared to strike a second battalion in the morning, he found it had dispersed and he was no longer able to find it. It apparently was fleeing northeastward in the hope of reaching safer territory.

One of the other two battalions decided to retreat to Jessore town, but it did not move fast enough, according to General Singh. He beat them to Jessore airfield with his forces appearing there at 8 o'clock in the morning.

As he described it the fourth battalion—now reduced to about 300 men encumbered with their families from Jessore—now were in a precarious position.

This remnant force was about four miles southeast of Jessore on the afternoon of the eighth attempting to retreat to Khulna. They had four Chaffee light tanks with them.

General Singh was deliberately withholding full-scale attacks on this unit in deference to the women and children included, he said, and in the hope the Pakistanis would accede to his urgent surrender requests. The whole of Jessore town, meanwhile, had fallen into Indian hands by noon on Dec. 7 without any heavy fighting in the urban area.

TOWN DESERTED

When correspondents were driven through the town en route as close as possible to the 300 Pakistanis surviving in the pocket, it was apparent that Jessore had been virtually deserted by its civilian population and that there had been no fighting in the streets.

Shops, offices, and business establishments were shuttered and padlocked, but not even window glass was broken. This correspondent spotted only one body in a field within the city limits.

While we were there, however, residents obviously were beginning to flock back to Jessore to pick up the pieces of their lives and businesses. Most of them had learned it is best to evacuate the cities and towns in time of trouble and seek safety in the small outlying villages.

COUNTRYSIDE SAFETY

Except for certain villages deliberately put to the torch by Pakistani troops, according to civilian accounts, most rural areas remained safe hiding places.

Two Roman Catholic missionaries, the Rev. Antonio Alberton and Sister Rosario, told us the Pakistani forces and their families pulled out of Jessore in a wild panic on Monday. Their vehicles sped past as never before, the missionaries said.

I could not help remembering Jessore as it had been early in November when Pakistani forces were firmly in control. The briefing rooms in division headquarters were as they had been—even to the large wall maps showing details of the Jessore area.

Then we had landed at Jessore in a Pakistani helicopter. While we were being briefed by General Singh, an Indian helicopter landed on the same pad.

EARLIER BUSTLE SILENCED

Then, Jessore was crowded with people and traffic. The court house and mosque in the center of town were busy places. On Wednesday, both buildings seemed undamaged but also unoccupied. And the streets were bare of crowds, buses, and oxcarts.

Aside from the occasional crump of distant Indian artillery and the roar of several Indian jets circling overhead, the front southeast of town was quiet Wednesday afternoon. We heard almost no firing. The sun shone and the birds twittered.

But the houses and fields stood vacant. And a squadron of Indian armored cars was rolling forward to get in attacking position on one road. Down another clanked a file of Indian tanks—Soviet-type PT–59. We did not stay for the conclusion. Jessore had fallen and it was time to tell the world how it happened.

[From the New York Times, Dec. 9, 1971]

BENGALIS DANCE AND SHOUT AT "LIBERATION" OF JESSORE

(By Sydney H. Schanberg)

JESSORE, PAKISTAN, December 8.—The Bengalis danced on the roofs of buses. They shouted independence slogans in the streets. They embraced, they cheered, they reached out in spontaneous emotion to clasp the hands of visitors from other lands.

For Bengalis, today was "liberation day" in Jessore—the strategic city in East Pakistan that for eight months, until yesterday, had been under the control of West Pakistani troops, who had come last spring to put down the Bengali rebellion.

The "liberators" are Indian troops. They are almost as happy as the Bengali secessionists whom India supports, but they did not have much time today to stop and celebrate as they continued to chase the retreating West Pakistani forces southeast toward Khulna.

The Indians, too, waved and smiled and posed for pictures from the tops of their armored personnel carriers and tanks while they waited, four miles from Jessore, for orders to move farther down to the Khulna road.

"They are fleeing in panic," an infantry captain of the Seventh Punjab Regiment said of the Pakistani troops. "They've got good equipment and defenses, but their morale is in their boots."

Most of the Indian troops are as different from the Bengalis as the predominantly Punjabi troops from West Pakistan were because the Indian soldiers are also heavily Punjab. But cultural gaps between the Bengali secessionists and their Indian backers have been temporarily erased.

The jubilant Bengalis have pitched in to sustain the Indian drive by working with Indian troops to throw pontoon bridges across rivers whose permanent bridges are being blown up by the Pakistanis as they pull back.

A major bridge has been expertly demolished on the main road from the Indian border to Jessore, which is 23 miles inside East Pakistan. Five of the six spans of the steel and concrete bridge lie in the Kabathani River, as does the railway bridge 200 yards downstream.

The Pakistanis blew these bridges two nights ago as they retreated to Jessore.

The scene today at the site, which is the town of Jhingergacha nine miles from Jessore, looked like a cross between a bucket brigade and the building of the pyramids.

On the muddy bank below the blown road bridge, hundreds of Bengalis in long rows passed logs down the line to be laid as planking for the approaches to a new pontoon bridge. As they worked in machine-like precision, brawny troops from the army engineers inflated huge pontoons with a compressor, carried them through knee-deep muck to the water and then began placing the aluminum spans across them. In four hours, the bridge was finished.

Everyone seemed unusually happy—the Indian troops, the Bengali workers and even the sidewalk superintendents.

Joyous reunions were taking place in the town of Jhingergacha between friends and relatives who had fled at different times and in different directions to escape the Pakistani Army and are now slowly returning. Some had gone to refugee camps in India, others into hiding in villages in the interior of East Pakistan.

This correspondent also had a reunion, standing on the one intact span of the old bridge. "You remember me?" a voice asked in English. I did. He was Lieut. Akhtar Uzzaman, a 25-year-old commander of a company of the Mukti Bahini (Liberation Forces)—the Bengali insurgents.

Lieutenant Akhtar had first turned up in an enclave held by the guerrillas southwest of Jessore a month ago. He said then that it would take the Mukti Bahini at least two years to win the independence struggle. "That was if we fought alone," he said today. "Now we have heavy help."

ATROCITIES REPORTED

"This is a historic bridge for me," he said suddenly. "I used to come here to sail around on the water in the moonlight—with my girl friend." He smiled over the memory.

As a jeep carrying foreign newsmen rode from Jhingergacha to Jessore, villagers at the roadside kept shouting "Joe Bangla!" ("Victory for Bengal!") and reached out to try to touch the hands of the foreigners.

The atmosphere in Jessore was even more exuberant. As Indian armored cars rolled by toward the fighting some miles off, buses filled from seats of roofs exploded in shouts of "Shadhin Bangla!" ("Independent Bengal!") and "Sheik Mujib"—a cheer for Sheik Mujibur Rahman, the leader of East Pakistan who is imprisoned in West Pakistan.

Some Bengali boys danced in the streets. The green, red and gold flag of Bangla Desh was fluttering on many buildings and houses.

For all its decibels, the euphoria was tinged by sadness.

The crowds in the streets represent only a small part of the city's original population of 30,000. Some of those missing will return. Others are dead. Missionaries and other independent sources say that the Pakistani troops killed more than 5,000 of Jessore's people.

There have been many reports, hard to confirm, that the Pakistanis are killing and committing atrocities as they retreat. One Indian officer said that the Pakistanis had buried a man alive in a town in the Jessore district. People in Jhingergacha said some school children had been shot.

Just outside Jessore, the body of a man was lying in a field by the road. His left arm had been cut off and his chest had been scraped raw. Local officials said that Pakistani troops had killed him because he had passed to the Indians information about Pakistani positions.

Almost no damage was done to Jessore and its military cantonment in the Indian sweep. Apparently, this was because the major battle was fought north of the city, at a place called Durgabati.

Maj. Gen. Dalbir Singh, commander of the Ninth Infantry Division, whose troops took Jessore, said that the Pakistanis put up "a very fanatic gallant fight" at Durgabati, but that once his men had "punched a hole" through the Pakistani defenses, the Pakistanis began retreating rapidly and made no further stand in the cantonment or the city.

The general, who briefed newsmen at his headquarters in the cantonment, said that by yesterday at noon, he had seized the entire area.

He said that one group of Pakistanis had retreated to a place 15 miles down the road to Khulna but that another group—about 300 men—had been cut off and engaged by his troops after getting only about four miles out of Jessore.

That battle was continuing today, General Singh's briefing was punctuated by the steady thump of artillery sending shells in that direction.

A drive and a walk toward the fighting found a column of 14 medium tanks, 40 armored personnel carriers (holding 400 to 500 men) waiting for orders to move on the Pakistani force.

Several ambulances were also standing by.

Indian officials insist that their casualties are only "light to moderate," but it seems clear—after visits to the front—that while the Pakistanis may be suffering sizable casualties, the Indian toll is considerably higher than any official cares to admit.

Not far from the line of tanks and personnel carriers, where one could hear machine-gun and mortar fire about half a mile off, an army doctor told a colleague: "Get everything ready. We've got 40 to 50 casualties coming."

One wounded Pakistani soldier was brought in from the fight. He had been hit in the chest and left arm and had lost a lot of blood.

As Indian troops carried him off on a stretcher, the Moslem soldier groaned: "Allah, Allah, Allah."

[From the New York Times, Dec. 9, 1971]

THE EMERGENCE OF BANGLA DESH

Defying a United Nations plea for a cease-fire, Indian forces appear on the verge of achieving New Delhi's major objectives in East Pakistan. These are the defeat of West Pakistani military repression in the disaffected Bengali province and the creation of conditions that will facilitate the speedy repatriation of nearly ten million refugees—Moslem and Hindu—to an independent, friendly and secular "Bangla Desh."

These would represent large short-term gains for the Indians, whose fragile internal stability has been gravely threatened by recent events in East Pakistan. The dismemberment of Pakistan would all but eliminate the menace of a militant Moslem neighbor, which would be reduced to less than half of its original size.

But India will have paid a heavy price for these achievements, even if the wider war with Pakistan is speedily ended without further serious loss of Indian territory in the West.

New Delhi's resort to force without first exhausting all possibilities for a peaceful resolution of the conflict—especially the cold rejection of U.N. Secretary General Thant's reasonable mediation offer—has shocked many of India's stanchest friends and alienated important segments of world opinion. India's violation of the United Nations Charter and defiance of the General Assembly has sharply diminished India's once proud moral standing.

India's support for full Bengali independence may have been made inescapable by the incredibly shortsighted and brutal policies of the Pakistani Government. But no one—especially the Indians—can ignore the new dangers and problems that will be posed by the emergence of Bangla Desh.

The success of secession in East Bengal could touch off a chain reaction of separatist demands throughout the subcontinent, in India as well as Pakistan. Desperately poor and heavily overpopulated—the present population of 75 million is expected to double in twenty years—Bangla Desh is likely to become a breeding ground for domestic unrest and a lightning rod for foreign meddling. It could become a magnet for the Bengalis of India and a destructive influence on the delicate structure of Indian unity.

To avert further impoverishment, fragmentation and conflict throughout the subcontinent it is essential that leaders in Delhi, Decca and Islamabad thrust aside present divisions and acrimony and join in a search for new ties and institutions that will enable them to attack overriding common problems in dignity and peace. As the emerging dominent power, India has a special responsibility to assert the moral leadership for reconciliation that has been so sadly lacking in the present conflict.

[From the New York Times, Dec. 9, 1971]

WAR ON THE SUBCONTINENT—STATE THAT NEVER WAS

LONDON.—On the Indian subcontinent a state is dying and a new nation has been born.

The theocratic state of Pakistan is struggling to avoid dismemberment, though it has but one unifying force within its boundaries: the Islamic faith of the majority of its citizens. It was in deference to religious bigotry that the geographic and cultural monstrosity called Pakistan came into existence in the first place.

Now the nationalism of the Bengalis has shattered Muslim unity, set an example for the disaffected Pathans and reduced the loyal area of Pakistan to the two provinces of Punjab and Sind. Since India cannot cope with the ten million refugees from East Bengal and wishes to send them back over the border, Mrs. Gandhi has seized upon President Yahya Khan's difficulties and by a skillful military escalation hopes to give the new nation of Bangla Desh the chance of self-government. The supply lines of the Pakistan Army are hopelessly stretched and they are being harassed by the Mukti Bahini in East Bengal. Since the Pakistanis also face trouble in the North-West Frontier Province and Baluchistan, they cannot long sustain Indian military pressure. As the chances of Chinese help recede their plight is desperate.

Pakistan has little claim upon our sympathy. She became a state because the intransigence of Mr. Jinnah and the Moslem League destroyed the chance of a secular all-Indian confederation. From its foundation this artificial state has been militaristic and bellicose and for two decades has spent 80 per cent of its budget on defense. Its present rulers are as stupid as they are brutal. Instead of working for a compromise with Shiek Mujibur Rahman and his Bengali Awami League, President Yahya Khan unleashed Gen. Tikko Khan and the Pakistan Army upon the hapless Bengalis in a campaign of indiscriminate slaughter.

Last week, as if to confirm the fact that he has very little political judgment, he banned the West Pakistan National Awami party and arrested some of its leaders. In so doing he has disfranchised the North-West Frontier Province and Baluchistan, which are now disaffected and may require watching by the already very much over-committed Pakistan Army.

Perhaps the Pakistanis calculated that all internal risks were manageable because of the assured support of China. If so, they have been outmaneuvered by India and badly served by the U.N. vote that admitted China to membership. The Indians have exerted military pressure at a time when the mountain passes, through which Chinese help would have to come, are blocked by snow. They will stay blocked for at least another three months, which gives the Indian Army plenty of time to intensify its military activity to the point where Pakistan breaks.

Not that it is very likely that the Chinese have considered sending help. It would be a bad start to China's U.N. membership for her to become involved in an Asian land war that might not involve only India but also the U.S.S.R. The Chinese have more important aims than the maintenance in power of Yahya Khan. The Sino-Pakistan alliance has always been an opportunistic deal between utterly dissimilar societies who believe they have common enemies. China will not wish to be saddled with an ally who cannot maintain internal peace and so threatens to embroil the Chinese in conflicts which do not affect their national interests.

The Pakistanis fear that if they wait upon events the Indian Army will not confine its activities to the frontier regions of East Bengal but will strike at Lahore in an attempt to cut West Pakistan in two. India has 29 divisions to Pakistan's 19, a million men to 400,000, command of the sea, more and better tanks and twice as many military aircraft. Despite the excellent quality of the Pakistani forces there is little doubt about the result of full-scale warfare. The Indians hold the initiative and it is to be hoped that circumstances will allow them to use it for ending the existence of the unitary despotism which is the present Pakistan and bringing to birth new states with more reasonable aims and boundaries.

[From the New York Times, Dec. 11, 1971]

Bengalis Pressing Their Cause in Corridors at United Nations—A "Secular, Democratic State" Is Aim in East Pakistan, Representative Declares

(By Henry Tanner)

United Nations, N.Y., December 10.—The Bengali secessionists' aim on East Pakistan is a "secular, democratic state" seeking good relations with all the countries in the area including China, according to Abu Sayeed Chowdhury, the leader of a delegation seeking to state the movement's case at the United Nations.

Mr. Chowdhury said in an interview here today:

"The government of Bangla Desh alone can speak for our people; no other government can do so, not even India, because our people will accept nothing short of independence."

Mr. Chowdhury, a small, solid man with black hair neatly combed back from his forehead, is busily but unobtrusively moving around the carpeted corridors of the United Nations Headquarters, explaining the cause of Bangla Desh, or Bengal Nation, in an insistent, low voice to delegates.

Mr. Chowdhury is convinced that a majority of the world's governments will decide to recognize Bangla Desh, even though most of them—104 of 131 United Nations members—voted in the General Assembly Tuesday night for a resolution that was supported by Pakistan and opposed by India.

Bangla Desh has been recognized by India and Bhutan. But the Indian delegate, Samar Sen, today said that India would not negotiate a cease-fire unless a representative of Bangla Desh was present.

He pointed out that the Assembly has not pronounced itself for or against Bangla Desh, but merely had called for a cease-fire, for withdrawal of Indian and Pakistani armed forces and for restoration of order "in accordance with the purposes and the principles of the charter of the United Nations."

"The most basic principles of the United Nations Charter is self-determination, and this is what is involved in the creation of Bangla Desh," Mr. Chowdhury said. He added:

"We are a separate people, a different ethnic group with different language and customs, and we have been ruled by people a thousand miles away. This is the classic definition of a colony.

POINT OF NO RETURN

"We were not secessionists. All we wanted was a constitutional amendment providing for a large degree of autonomy within the federation. We won 167 out of 169 seats. Then came the West Pakistani soldiers and they brought murder, loot and rape. Now we have reached the point of no return."

Mr. Justice Chowdhury, as friendly delegates address him, is no revolutionary and not a politician.

He was the senior judge on the Dacca High Court, the highest court in East Pakistan, until early this year. He also was president of the University of Dacca.

He represented Pakistan on the United Nations Commission on Human Rights, and it is by way of that commission that he has been plunged into politics and has become Bangla Desh's chief representative abroad, with offices in London, Washington, Stockholm and New Delhi and now in New York.

As he tells it, he traveled to Geneva from Dacca in February to take part in a meeting of the commission. He then went to London, where his 18-year-old son is attending college.

"It was in London that I learned what had happened at my university in late March. The soldiers killed my students, raped the girl students and a mass grave was dug up at one of my dormitories," he said.

Mr. Chowdhury broke with the Pakistani Government, stayed in London and became the representative of the Bengalis' Awami League, although he had never before belonged to a political party.

PROBLEM OVER SECESSION

Sheik Mujibur Rahman, the head of the Awami League, is the President of Bangla Desh, but he is in prison in West Pakistan. Since forming a government, the league has broadened its base to admit representatives of four other parties, one agrarian, one Communist, and two middle-class, Indian sources here said today.

One of Mr. Chowdhury's greatest problems at the United Nations is to convince representatives of countries with active minorities that Bangla Desh does not constitute a precedent for secession or for dividing a country along ethnic lines.

Rumania, which has an active Hungarian minority in Transylvania, did not vote with the rest of the Soviet bloc against the Assembly resolution, but with the majority for the resolution that was supported by Pakistan.

Cyprus, with its Turkish and Greek populations, also voted with Pakistan, and its delegate explained to the Assembly after the vote that it had done so in spite of its traditionally excellent relations with India.

Ethopia, which is faced with a rebellion in Eritrea, also voted for the pro-Pakistani resolution.

[From the Washington Star, Dec. 5, 1971]

Hatred Unites Bangla Desh

(By Henry S. Bradsher)

Calcutta, India.—The Bangla Desh forces fighting with the Indian army against the Pakistan army are composed of diverse elements united for the moment by passionate hatred.

They include middle-class lawyers from small towns of East Pakistan who formed the core of the Awami League, the political party that won 72 percent of the vote in the region last December, soldiers of the Bengal Regiment and the border police, the East Pakistan Rifles, who defected en masse when the army crackdown on regional nationalism began March 25, students with vaguely radical ideas and youthful hotheadedness, and other Bengalis.

Their only common political viewpoint is the desire to rid their homeland of what they consider to be a long period of colonial exploitation by West Pakistan and now the brutal repression by an alien army of the West Pakistani elite.

DIFFERENCES SUBMERGED

Widely varying political attitudes on questions other than independence for Bangla Desh have been temporarily submerged in the common struggle.

The unifying figure in East Pakistani politics has been Sheikh Mujibur Rahman. To an incredible extent he personally came to symbolize Bengali grievances and hopes and his Awami League focused both these elements into a powerful political force.

Thoughtful Bengalis now say that Rahman remains—even in a West Pakistani prison—the only real hope of keeping Bangla Desh forces united. And should independence be achieved, it will only be a question of time before political fragmentation comes—even if Rahman should lead the new nation.

In Rahman's shadow, no other strong leaders developed in the Awami League. "There is only a third-line leadership behind him, without any second line," one Awami League member commented.

The most prominent of these is Syed Nazrul Islam, 46, who is now the acting president of the Peoples Republic of Bangla Desh in the absence of Rahman. A lawyer from Mymensingh, he had led the party during the earlier imprisonments of Rahman.

The prime minister is Tajuddin Ahmed, also 46. As a student leader of East Pakistani agitations against the domination from West Pakistan shortly after the country was formed in 1947, he took his law degree while in jail.

The other three cabinet members are Khandaker Moshtaque Ahmed, 53, in charge of foreign affairs, Finance Minister Mansoor Ali also 53, and Kamaruzzaman, 45, who is responsible for home affairs, relief and rehabilitation. All are lawyers.

GOALS OF REPUBLIC

The goals of the republic which they declared after March 25 include a "socialistic pattern of economy." But they are conservative people and the Awami League generally has a cautious middle of the road attitude.

Their statement of goals throws doubts on how far they would be prepared to go to achieve economic equality in the badly overpopulated agricultural region. It specifies that there will be no land tax on holding up to 8 acres—which is a very large amount in the rice lands economy of the region.

Many international economists feel one basic reason for the failures of underdeveloped agricultural countries to bring rapid economic progress has been the refusal of middle class politicians running them to hurt their own personal interests by taxing agriculture adequately.

The Awami League position on this might be challenged eventually by some of the leftist elements which have failed to show any significant popular strength in elections, but nonetheless loom importantly in the region.

CONSULTATIVE PANEL

These include leftists oriented toward Moscow and toward Peking and freelance ones. India, which is sponsoring the Bangla Desh cause, has at Soviet instigation forced the Awami League to accept the creation of a political consultative committee including Moscow-line leftists. But Awami Leaguers are determined to keep them at arm's length.

Probably a more important political element will be students.

STUDENT VIEWS

In March interviews in Dacca, student leaders like Abdul Rab and Nuril Alam Siddiqi talked much more seriously about socialistic answers to the region's economic problems than Awami League leaders talked. Both Rab and Siddiqi were leading students and other young people in guerrilla operations.

These student guerrillas are more emotionally dedicated to Rahman personally than other elements of the Bangla Desh movement. But for them Rahman is a figure who only mirrors what they want.

It is doubtful that Rahman in power as head of independent Bangla Desh, subject to pressures of practical politics, would for long be satisfactory to radical-minded youths.

Members of the East Pakistan Rifles, a paramilitary force, are originally alleged by the Pakistani government to have been planning mutinies against their West Pakistani officers shortly after March 25.

SLAUGHTER ALLEGED

This was one of the allegations the government used in its initial efforts to justify its savage crackdown on East Pakistan. Another allegation was that tens of thousands of non-Bengali residents of the East had been slaughtered by Awami League terror before March 25 which the government had to halt.

Both these charges have been quietly dropped by the government, although they still echo in Pakistani propaganda.

In fact, EPR men seemed then to be essentionally non-political. But they are Bengalis, and after the army attacked them on the night of March 25 as part of breaking all Bengali resistance, they fought back. Most fled to fight again.

They were among the men whom the Indian army organized into Bangla Desh military units.

Another large element, also essentially non-political patriots, are troops from the Bengali regiment.

[From the Washington Star, Nov. 24, 1971]

Bangla Desh Leadership Future Uncertain

(By Henry S. Bradsher)

Calcutta.—As the independence of East Pakistan—to be known as Bangla Desh—comes closer as a result of attacks by Indian-supported rebels, the problem of its leadership becomes sharper.

There are factional fights among exile leaders now operating from Calcutta and Soviet pressure exerted through the Indian government has injected into the situation Communist elements without any significant popular following in East Pakistan.

ECONOMIC PROBLEMS

Independent Bangla Desh will have tremendous economic problems because of inadequate resources for its crowded people. The trouble this will create is likely to be intensified by political infighting, keeping the impoverished Delta region a cauldron of conflict.

The over-all leader of the region, with almost legendary status above normal politics, remains Sheikh Mujibur Rahman.

He almost single-handedly built up nationalistic fervor into victory with more than 72 percent of the votes for his Awami League in last December's elections.

VICTORY ERADICATED

That victory was eradicated when the Pakistani government savagely suppressed the region rather than concede escalating demands by Rahman for strong regional autonomy.

It is uncertain whether Rahman will survive the present situation. He is a prisoner in West Pakistan, being tried for treason.

President Yahya Khan had shown some signs of beginning seriously to consider negotiating with Rahman to end the insurrection in the east. But now, development of what had been guerrilla warfare into a frontal assault by well-armed units that are pushing into East Pakistan makes Yahya Khan's attitude uncertain.

DANGER TO RAHMAN

Some observers here fear that military victory by rebel forces in the East, with or without the direct Indian army participation which Pakistan now charges, will create danger to Rahman's life from bitter elements in West Pakistan. Anyway, the "Bangla Desh government" here just across the Indian border from East Pakistan says it is much too late for Yahya Khan to try to work out any compromise with Rahman designed to provide a transitional period toward independence.

Some foreign countries see a transitional arrangement for East Pakistani confederation with the West as a sensible way to get 80,000 Pakistani soldiers evacuated from the East and remove some of the non-Bengali Pakistanis there.

Both groups have earned such vengeful hatred of the Bengalis that largescale bloodshed is likely if Bangla Desh becomes independent.

While deploring the idea of bloodshed, exile leaders here say Rahman would not be able to sell any transitional idea to Bangla Desh forces even if he himself were to recommend it.

REBEL DEMANDS

But this question of a compromise solution leading eventually to independence, rather than fighting for immediate and total freedom at whatever cost, is one of the divisions within the exile leadership. Well-informed Bengali sources report this although it is publicly denied by Bangla Desh spokesmen.

Public demands by the rebel government are for the release of Rahman, withdrawal of the army from the East, complete independence and compensation by West Pakistan for damage done in the civil war. Despite denials there is good reason to believe that some leaders here would accept the first two points now, counting on independence to follow the army's withdrawal. But none can admit it publicly.

In public they all speak with strong emotion of rape of their sisters, murder of their relatives and other atrocities. The time for compromise is long past, they insist. Vengeance is the cry now.

It was because of this adamant public stand that the Bangla Desh regime angrily denied having had any contact with the American government, which reportedly was exploring the possibility for a political solution with Yahya Khan.

SOME CONTACTS

It is authoritatively known that there were some contacts here. At one point the Indian government offered to arrange them and it later claimed it had been informed in advance when they were arranged separately.

But in denying this, an exile spokesman charges that the U.S. government "is blackmailing the Bangla Desh government." He declined to explain just what sort of blackmail he meant. The United States as well as other countries has been pressing Yahya Khan to find some solution short of simply losing East Pakistan by further fighting and possibly getting into a more general war with India as result.

But India has been too impatient to resist launching armed forces into East Pakistan now rather then awaiting further diplomatic efforts.

The American approach to exile leaders has contributed to factionalism among them.

There is a whispering campaign that the Bangla Desh foreign minister, Khandaker Moshtaque Ahmed, is pro-American, a very black mark in view of American aid to Yahya Khan.

On the other hand, the Bangla Desh prime minister, Tajuddin Ahmed, is being described as becoming pro-Soviet. He is reported to be increasingly friendly with Communist elements that Rahman had flatly refused to have associated with his nationalist movement.

PERSONAL RIVALRIES

Part of such charges are personal rivalries. The fact is that there never has been any clear line of command beneath Rahman in his Awami League, and with him now removed many more or less equal followers are struggling for supremacy.

Those forces put together by the Indian army into the main military arm of Bangla Desh are mostly former Bengali members of Pakistan's army, border guards and police forces. They are essentially nonpolitical and concerned only with liberation of their homeland.

STUDENTS A FACTOR

But within the guerrilla units operating inside East Pakistan there is a strong element of former university students who are highly political. One of their main leads is Abdul Rab. Students like Rab have for several years pushed Rahman toward more radical steps like declaring independence in early March. Most of them are completely dedicated to Rahman and find it incomprehensible that Rahman would compromise in any way now.

These student radicals who are fighting inside East Pakistan became infuriated by the way Awami League leaders set themselves up in the relative safety and comfort of Calcutta after March 25 instead of joining in guerrilla fighting. Their pressure had in the last two months forced people like Tajuddin to spend more time visiting forces fighting across the border.

Such young radicals will be an important element in Bangla Desh's future. Talks with them last March indicated they are vaguely for socialism in the sense of accepting governmental responsibility for seeing solutions to a broad range of public problems.

COMMUNIST ROLE

The Awami League leadership tried last spring to deny Communists any role either in the exile government or the guerrilla forces. The main Communist organizations are Moni Singh's Communist party of Bangla Desh and Professor Muzaffar Ahmed's National Awami party. There also is a leftist group led by Maulana Abdul Hamid Khan Bhashani.

The Soviet Union, which is the main arms supplier to India, pressured the Indian government to pressure the Bangla Desh regime to establish last September a consultative committee which includes these political elements. The Indian government exercises considerable influence over exile politics aside from arming, training and supporting their armed forces.

The exile regime's spokesman emphasizes that the committee through which this influence is exercised has no power. Without being willing to say so directly, he makes it clear that the committee was established against the regime's wishes and there is no intention of having Communist influence in Bangla Desh. The fear of the Indian government, however, is that various radical influences will gain increasing voice against the essentially smalltown, conservative outlook of the Awami League.

VICTIMS OF CRIME ACT OF 1972

Mr. GRIFFIN. Mr. President, along with the Senator from Arkansas (Mr. McClellan) and other Senators, I have cosponsored and joined in the introduction of S. 2994, a bill entitled "Victims of Crime Act of 1972."

This legislation recognizes that society has an obligation to the innocent victims of crime as well as to the brave law enforcement officers who try to protect society.

The bill would provide:

First, low-cost group life insurance for policemen, firefighters, and correctional guards;

Second, a $50,000 death benefit for a policeman, fireman, or guard who is killed in the line of duty as the result of a criminal act;

Third, compensation to innocent victims injured by certain criminal acts under some circumstances; and

Fourth, expanded civil remedies for victims of racketeering.

Mr. President, this bill, S. 2994, springs from an appreciation of the fact that policemen, firemen, and correctional guards assume extraordinary personal risks in order to protect the rest of us.

In recent years, civil disorders, riots, and prison rebellions have taken a devastating toll. No group has assumed greater burdens than those men and women who have the responsibility for maintaining order.

Two firemen died in the Detroit riots, one in Watts, another in Newark. During the period from 1967 to 1969, more than 600 firefighters were injured in civil disorders.

Eleven of those held hostage at Attica earlier this year were killed.

In 1970 alone, more than 100 policemen died as a result of violent criminal activity. Since 1961, 633 police officers have given their lives "in the line of duty."

Obviously, there is no way to compensate for or offset the tragic losses suffered by widows and children in such cases. But the Government can do something to provide at least a small measure of financial security for those in the family who survive after a policeman or fireman is killed.

As I have indicated, the bill I have cosponsored recognizes such an obligation by encouraging group life insurance programs in States where present programs are inadequate, and by authorizing a $50,000 death benefit for the survivors of any public safety officer killed in the line of duty.

This legislation would also provide compensation for innocent victims of crime under some circumstances. This is not a new concept. As Senator McClellan has reminded us, the concept was recognized in the Code of Hammurabi more than 4,000 years ago.

Not long ago, former Supreme Court Justice Goldberg observed that the victim of crime has "been denied the protection of the laws in a very real sense, and society should assume some responsibility for making him whole."

Incidentally, this is not the first time I have tried to move Congress to demonstrate a more appropriate concern about the victims of crime. Back in 1966 I introduced a bill to provide certain tax relief for victims of crime.

The bill I am now cosponsoring with Senator McClellan, would authorize compensation payments up to a maximum of $50,000 in situations where innocent victims are injured or killed as the result of violent crimes.

The legislation would establish a Federal Compensation Board to hold hearings and authorize payments in cases where crimes are committed in areas under Federal jurisdiction.

In addition, the bill would encourage and assist States to establish compensation programs and would provide Federal funds to help offset the costs.

At present there are six States which have programs to compensate crime victims. A number of other States, including Michigan, are considering similar programs.

Finally, Mr. President, S. 2994 would also improve the civil procedures and remedies available to those who become the victims of organized crime. The bill would allow recovery in such cases of treble damages; it would authorize private injunctive relief; and it would permit service of process on a nationwide basis. With these reforms the victims of racketeering will be in a much better position to seek and obtain restitution through the civil courts.

Mr. President, the Victims of Crime Act of 1972 is a comprehensive piece of legislation. Its development is the result of lengthy hearings conducted in four separate Congresses. It incorporates contributions and ideas from many sources.

Like Senator McClellan, I make no claim that enactment of this bill will solve all of the crime problems in the Nation. But it will serve to focus long overdue attention upon the plight of crime victims and the policemen and firemen who try to protect us.

Mr. President, I urge the Senate to take prompt and favorable action on this significant legislation.

EQUAL HOUSING OPPORTUNITY—TESTIMONY BY ALBERT A. WALSH, PRESIDENT, NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

Mr. NELSON. Mr. President, at the request of the Senator from Minnesota (Mr. Mondale), I ask unanimous consent that a statement by him relative to testimony by Albert A. Walsh, president of the National Association of Housing and Redevelopment Officials, and a statement by Mr. Walsh be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Senator Mondale

In his recent testimony before the House Judiciary Committee, Albert A. Walsh, President of the National Association of Housing and Redevelopment Officials, named equal housing opportunity as the key to many of this country's problems. He warned that unless equal housing opportunity becomes a reality soon, economic and racial segregation may prove irreversible.

In his testimony, Mr. Walsh specifically endorses legislation introduced earlier in this session by myself and the distinguished Senator from Massachusetts (Mr. Brooke). This legislation would combine the present federal housing programs into a single subsidy program that would provide much more flexibility in providing low and moderate income housing.

Statement of Albert A. Walsh

(Before Subcommittee No. 4 of the House Judiciary Committee, Nov. 10, 1971)

Mr. Chairman and Members of the Committee. My name is Albert Walsh and I am President of the National Association of Housing and Redevelopment Officials and Administrator of the New York City Housing and Development Administration. I am very pleased to have the opportunity to be here today to testify on "Equal Opportunity in Housing" on behalf of the National Association of Housing and Redevelopment Officials.

"Equal Opportunity in Housing" implies far more than the guarantees which, I think, we have gradually come to associate with the term. At this juncture, both the concept and realization of "equal opportunity in housing" are still in germinal form. Nourishing their development, however, is a growing body of Executive pronouncements, legislative enactments and judicial directives which, taken together, augur well for the achievement of equal opportunity in housing from one important aspect, that is, the elimination of discriminatory housing practices on the basis of race, color, religion or national origin.

National policy to achieve fair housing evolved only recently. President Kennedy's Executive Order 11063 issued in 1962 required enforceable nondiscrimination pledges in agreements for federally assisted housing. Building upon this, Congress in Title VI of the Civil Rights Act of 1964 set forth a broad national policy of nondiscrimination in the case of programs or activities receiving federal financial assistance and, in 1968, Title VIII of the Civil Rights Act set forth as the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States." To insure such "fair housing," Title VIII prohibits discriminatory practices in the sale, rental or financing of certain publicly assisted and private housing and in the provision of brokerage services. Rigorous enforcement of Executive Order 11063, Title VI of the Civil Rights Act of 1964 and Title VIII of the Act of 1968 can, I believe, solve a portion of the problem which confronts us. It can and must come to grips with widespread discrimination in the sale, rental and financing of housing covered by these enactments.

Legislative mandates and Executive directives to date, however, have failed to deal with another perhaps more serious impediment to the achievement of equal opportunity in housing throughout the United States—and that is the dearth of low and moderate income housing in all too many communities outside of our central cities, and provisions within our programs which tend to divert them towards urban areas to the exclusion of others.

Unless Congressional action to promote the provision of low and moderate income housing in all communities is forthcoming, and is forthcoming soon, present trends toward economic and, consequently, racial segregation may prove irreversible. Patterns of economic segregation are currently being reinforced by Administration and Congressional reluctance to take strong affirmative action in making housing programs available on a broad scale in all areas of the nation; by the slim likelihood of acceptance by wealthier suburban communities of low and moderate income housing without strong incentives which, at present, simply do not exist, and by our Federal housing law itself which, due to its present structure, inadvertently increases and perpetuates economic ghettoization and community opposition to low income housing.

Examining first our federal housing law, what we find is not a comprehensive national housing policy but rather a fragmented series of laws passed in piecemeal fashion. For example the National Housing Act, which encompasses only the FHA insured programs, actually embraces over 80 separate programs ranging from luxury housing through middle income housing all the way to home improvement loans.

In our subsidized housing programs what is enacted in a given year depends on the political climate that year. For example, in the early 60's Congress enacted the 221 (d) (3) BMIR program to provide, in essence, direct low interest mortgage money to build rental housing for the moderate income family. However, in 1968, when "budget impact" was the key word, this program was de-emphasized and the interest subsidy approach (Section 236), requiring a much smaller initial drain on federal money, was adopted.

As each program is enacted it is accompanied by its own financing mechanism, requirements, unique restrictions and limitations. To receive the benefits of the Low Rent Public Housing program a family must live in an area served by a Local Public Authority. Yet today, almost thirty-five years after the enactment of the public housing program, less than half of our population is served by such Local Authorities and most of these families reside in larger cities.

Until 1969 an additional requirement for assistance under the public housing and the Sec. 221(d)(3) programs was that a community have a "workable program" for community improvement which, in some cases, provided an easy "out" for communities with little interest in providing expanded housing opportunities for low and moderate income families. A "workable program" is still a prerequisite for assistance under the Rent Supplement program (unless there is local approval of the program), Urban Renewal, Sec. 115 grants and Sec. 312 Loans and FHA Section 220 mortgage insurance among others.

Reliance on community initiative in the Public Housing program and local approval and "workable program" requirements in others severely restrict the geographic areas within which certain Federal housing assistance programs can operate. More subtle pressures operate to confine the areas in which the FHA subsidized Sec. 235 and 236 programs are feasible.

Statutory mortgage limits in the FHA subsidized Sec. 235 and 236 programs, since they set a ceiling on total development costs per unit, inhibit construction of moderate income units in areas where land costs are high. Current statutory limits are far below actual costs in many areas of the country and consequently site selection becomes a process of seeking out the least expensive and often least desirable, from the aspect of sound community growth patterns, land in order to achieve an economically feasible project.

Along with these inherent constraints on where subsidized housing can be built, or not built as the case may be, our Federal housing assistance program present almost as serious problems in equity. Families in exactly the same circumstance, that is, with an identical income and family size are, for example, subject to one set of regulations in the Low Rent Public Housing Program and an entirely different set of regulations, criteria and standards in each of our other subsidized housing programs. In the Public Housing program definitions of income, income eligibility, and rent/income ratios are established by a locality with the approval of HUD and the maximum rent/income ratio has been legislatively set at 25% of net income.

On the other hand, in the Sec. 236 moderate income rental program, income eligibility is usually 135 percent of public housing entry levels, with a $300 deduction for each child and a 5% standard deduction for work related expenses. The 221(d)(3) program has its own income limits established by the federal government, but the 236 program can, in certain circumstances, use 90 percent of these limits as its eligibility limits. Rent/income ratios in the Sec. 236 program has been set at a minimum of 25% of net income and a family must devote whatever portion of its income is required, even if it amounts to 35 or 40% of income, to meet the basic rental payment.

In the Rent Supplement program, the family's income cannot exceed public housing entry limits and in my own City, New York, HUD has administratively set rent supplement income limits below those permitted in the low rent public housing program. Families receiving Rent Supplement assistance must pay 25% of income in rent and in defining net income the only allowable deductions are $300 for each child and exclusion of the earnings of a minor in computing income.

If these program inconsistencies resulted only in confusion and red tape, the need to remedy them would not be so immediate nor compelling. But the fact of the matter is that, given the present structure of our housing laws, fair and equal treatment for families in similar circumstances seeking federal housing assistance is impossible.

To cite only one example, take the hypothetical case of two families: each has an annual gross income of $4,000, a secondary wage earner and two minor children. Assume that one family receives assistance under the Rent Supplement program and the other moves into federally assisted public housing. The sole deduction permitted in the case of the family receiving Rent Supplement Assistance would be $600 ($300 for each of the minors). With the 25% rent/income ratio required in the Rent Supplement Program the family would be obliged to pay $850 a year in rental (computed on the basis of 25% of a net income of $3,400). In the public housing program, however, using the Brooke amendment definition of income, a $300 deduction is permitted for a secondary wage earner and 5% is deducted from gross income in computing net income. Thus, the adjusted gross income of the family residing in public housing would be $2,900 (after a $600 deduction for two minors, $300 for the secondary wage earner and 5% ($200) off the top). With a rent/income ratio of 25% the annual rental payment of the family living in public housing would be $725, or $125 less than the payment required of the similar family receiving Rent Supplement assistance.

In addition to the problems resulting from the inconsistencies in our federal housing assistance programs we are also faced with serious coverage gaps in existing legislation. If any of the more than 50% of our population living in areas not covered by local housing authorities should happen to be in the lowest income group their access to federal housing assistance is non-existent. These very low income families and individuals cannot afford the rentals or homeownership payments under Sections 236 and 235 since these are tied to the high capital cost of the housing involved. Often they cannot muster enough money to pay 30% of the market rental required under the Rent Supplement program and, since they live in an area where there is no Local Public Authority, they do not even have the option of placing their names on the long waiting lists for Public Housing including Section 23 Leased units nor starting on homeownership through this program.

An equally serious gap exists in the case of families who are forced to move from public housing when their income exceeds public housing continued occupancy limits. In many areas these families are ineligible for Sec. 236 housing because their income is above the initial income eligibility limits for 236, and yet they are not in a position to afford standard housing at market rentals. For these families, and for the millions of families whose incomes exceed the federal maximums but who cannot afford the cost of safe and decent housing, we simply have no housing options.

Achievement of equal opportunity in housing will depend in great measure on our ability to provide low and moderate income housing outside our central cities. This can only be accomplished through strong federal incentives to induce understandably reluctant communities to accept the additional costs associated with such housing. At present these incentives are lacking. In fact, as currently constituted the public housing program, by requiring a waiver of local property taxes and merely permitting a payment in lieu of taxes of 10% of shelter rent, fosters local opposition by inevitably weakening a community's tax base.

In the *Valtierra* case the Supreme Court, in upholding the validity of a local referendum requirement in connection with public housing, pointed out that in the case of public low rent housing projects "the local government body must agree to provide all municipal services for the units and to waive all taxes on the property. The local services to be provided include schools, police and fire protection, sewers, streets, drains and lighting." The Court noted further that "some of the cost is defrayed by the local governing body's receipts of 10% of the housing project rentals, but of course the rentals are set artificially low." Moreover, the Court stated that "both appellants and appellees agree that the building of federally-financed low-cost housing entails costs to the community."

Without basic changes in existing Federal housing programs to compensate communities for the additional expenditures resulting from such housing, continuing local opposition outside of our central cities to these programs is to be expected. Very few suburban leaders are willing to make a political decision which calls for an influx of low income families, a reduction in potential taxes from real estate, an increase in the level and volume of public services, and therefore the possibility of a tax increase.

The current pattern of Federal housing assistance with its reliance on local initiative and blindness to the expense to a community in providing low and moderate income housing is contributing to the ghettoization of our lower income families into center cities.

It is a vicious circle. Our cities have become the home for the poor, minorities, the aged, handicapped, sick, underemployed and unemployed. To solve the housing needs of these families, we build low and moderate income housing, which then attracts even more of these families and individuals—causing a greater need for more housing. In the meantime the suburbs become more affluent, white, young, healthy and income producing.

Within the city there are political decisions on where to locate publicly-assisted housing. Too often because of the scarcity of sites elsewhere and other factors these units are clustered in one or more of the existing ghetto areas—and the occupants carry the stigma of living in an easily identified "project."

The real solution to so many of our problems—the dwindling urban tax base, *de facto* segregation, underemployment, diminished job opportunities—depends on the dispersal of our urban poor throughout metropolitan areas. Yet, this will never happen unless low cost housing is built in these suburban areas, which have so far intentionally avoided providing such housing.

The housing programs I have discussed earlier responded to particular needs at a particular time. No one could dare challenge the worth of each and every housing program that was advocated nor the sincerity of its sponsors. But existing housing assistance programs are simply not commensurate to the task of providing low and moderate income housing on a fair and equitable basis in *all* our communities and thereby making real the achievement of equal opportunity in housing.

What is the solution then to the problems which I have outlined? The problems are many and, consequently, our avenues to success must be many.

Congressional initiative to achieve equal opportunity from the aspect of opening up the suburbs to low and moderate income families has not been lacking. Senator Ribicoff's bill, the Government Facilities Location Act of 1970, would require that no Federal facilities be constructed in communities which refuse to provide low and moderate income housing. Community Development bills introduced this year in both the House and Senate (Title VI of H.R. 9688 and S. 2333) would make eligibility for federal community development assistance contingent on an application detailing efforts which will be undertaken to insure the availability of low and moderate income housing.

The Courts, too, have not been inactive. Lower courts have ruled against exclusionary zoning ordinances on the grounds that they deny racial minorities the "equal protection of the law." Moreover, Federal regulatory agencies have been called upon to take action against corporations planning to move to suburbs with "large lot" zoning.

The comprehensive national strategy which is needed to provide cohesion to these efforts, however, is still lacking. And it does not appear that we can expect strong leadership from the President in this area. While committing himself and this Administration to vigorous enforcement of all laws relating to racial discrimination in housing, the President in his statement on June 11, 1971 on Federal Policies Relative to Equal Housing Opportunity pointed out that:

"In the more complex and difficult area of providing subsidized housing in areas where it is needed, we will encourage communities and local developers to take into account the broad needs of the various groups within the community and of the metropolitan area.

"But we must recognize that the kinds of land use questions involved in housing site selection are essentially local in nature: they represent the kind of basic choices about the future shape of a community, or of a metropolitan area, that should be chiefly for the people of that community or that area to determine. The challenge of how to provide fair, open and adequate housing is one that they must meet; and they must live with their success or failure.

"To local officials are entrusted the initial, and often the final, determinations as to how much low and moderate income housing is to be built, how well it is to be built and where it is to be built."

Upon Congress then, and upon concerned national and local groups, has devolved the responsibility to formulate the national strategy required to deal with the problems which confront us.

The National Association of Housing and Redevelopment Officials, recognizing the national significance and immediacy of the vexing questions which I have enumerated, felt compelled to draw upon local member experience to reevaluate current housing and development policy—where it is today, and in what directions it should move.

In 1970, NAHRO established a Special Policy Development Committee, which I chaired, to formulate policy recommendations. After six months of work, the committee developed a statement recommending a broad restructuring of our present programs to make them comprehensive approaches, more responsive to local needs and national priorities. This statement was predicated on the strong recognition that immediate solutions to the problems associated with current patterns of national growth and decay must be found. The future success of our housing and development programs depend on this—they can no longer be separated from an overall strategy to improve the quality of urban, suburban and rural life.

Senators Brooke and Mondale recently announced their intention to jointly sponsor a bill, *The Housing Reform Amendments Act of 1971*, whose thrust is essentially similar to that recommended by the NAHRO Policy Development Committee. In our view, the Brooke-Mondale proposal, together with the Administration's *Housing Consolidation and Simplification Act of 1971* (H.R. 9331) could provide the comprehensive approach which is now so patently lacking. These Amendments are designed to establish a single, concise national housing policy, through a basic standardization of programs and the elimination of existing inequities and shortcomings.

The key element in this proposal is a single, variable subsidy mechanism for all federally-assisted projects, based, not on the cost of the project, but on the family's need and ability to pay. This subsidy would cover not only debt service, but the entire difference between rental income and total operating costs.

The tenant family would pay what it could afford, and the subsidy would cover the rest. As the family's income increased, its rent payment would grow, and no family would be forced to move because of increased income. It would merely pay the economic rent and no longer receive a subsidy. This provision would remove at one stroke both the gaps between and among government programs and the ghettoization of single projects. Every project could contain a wide range of income groups.

Any family with an income below the median income for the area would be eligible. However, in any new project, 20% of the units would be set aside for the lowest-income group. Rent/income ratios in a local sponsor's program would be required to average at least 20%, and no family would be required to pay more than 25% of its gross income, less the standard public housing deductions.

Construction costs would be based on local prototypes, which—judging from our public housing experience—would lead to realistic and flexible limits based upon local conditions. The Administration's bill extends the prototype concept to total development costs, which we think is unrealistic and unworkable.

Sponsors could include local housing authorities, municipalities, states, regional organizations, nonprofits, cooperatives and limited dividend corporations. Public agencies could issue tax exempt bonds, with the housing assistance contract acting as a guarantee to bond holders; nonprofits, limited dividends, and other private sponsors could use market rate mortgages, insured by the federal government and aided by the Fannie Mae/Ginnie Mae Tandem Plan; and sponsors under state and local financing programs would likewise be eligible to receive housing assistance payments, as it now permitted under the Section 236 program.

One of the most striking aspects of the Brooke-Mondale proposal is the *two incentives* that it proposes to local governments for accepting publicly assisted housing; a *special grant* to cover the cost of increased public services, and the *payment of full real estate taxes* by every assisted project. These taxes would be regarded as part of the cost of operating the project, and would accordingly be part of the cost covered by the variable subsidy.

Finally, by a special provision in the Brooke-Mondale proposal, the federal government would be empowered to act in "Housing Emergency Areas" where a need was apparent and no local sponsor could be found.

This program has enormous advantages over our present housing picture. It is uniform. It will work anywhere: city, suburb, or town. It abolishes ghettoization by making *every* houser able to house *any* eligible tenant. It has realistic cost limits, arrived at by a method which has recently proven itself in the public housing field. It reduces bureaucratic involvement to a minimum. It closes eligibility and income gaps. And it removes the greatest obstacle to publicly assisted housing by offering incentives to communities to accept it.

Mr. Chairman and Members of the Committee. On behalf of myself and the National Association of Housiing and Redevelopment Officials, I commend you for your continuing activities to bring about the achievement of truly equal opportunity in housing in the United States. In your recommendations growing out of these hearings, it is our hope that you will turn your attention not only to the enforcement of our "Fair Housing" laws but also to the structure and inadequacies of our present housing subsidy delivery system; and, that you will register your strong endorsement for the *Housing Reform Amendments Act of 1971* which, in our view, is equal to the task of providing a climate in which equal opportunity in housing can be made a reality.

Thank you.

LEAD-BASED PAINT—A CONTINUING TRAGEDY

Mr. SCHWEIKER. Mr. President, today's Washington Post contains yet another story of the continuing tragedy of lead-based paint poisoning. The District of Columbia has found dangerous levels of lead in the blood of one out of three Washington innercity children tested in the last 3 months. Dudley Anderson, chief of the District of Columbia Accident Prevention Division, is quoted as saying:

> The inner-city is literally a lead mine.

The tragedy of this is that poisoning resulting from eating flakes of lead-based paint can cause death, and often causes significant brain damage. Innocent children are invariably the victims.

In the 91st Congress, I introduced legislation, S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings. I was gratified when the prohibition of the use of lead-based paint was adopted as an amendment to the Housing and Urban Development Act of 1970. Although the provision for penalties was not included, Congress did give significant recognition to this critical problem.

Yet, clearly, much more needs to be done. On January 14, 1971 President Nixon signed into law the Lead Paint Poisoning Prevention Act, legislation I strongly supported in the Committee on Labor and Public Welfare and on the Senate floor. Congress authorized $30 million for this 2-year program.

Until this summer, only minimal funds well under $500,000, were appropriated for the program. Only a few people were assigned to work on the problem in the Department of Health, Education, and Welfare. I strongly urged the Congress to appropriate at least $15 million to fund this program, a small amount when compared to the cost of caring for over 400,000 children a year who suffer from lead-based paint poisoning each year, not to mention the varying degrees of incapacitation they must bear for the rest of their lives. Over 200 less fortunate children die each year. We have made a significant beginning now by appropriating $7.5 million for the program.

Mr. President, I again call on the administration to commit more funds and more manpower to fight this terrible tragedy which adds yet another burden to the already long list of disadvantages our inner-city children must bear. We must commit ourselves to eradicating this problem from our society. The study of the District of Columbia is surely just one example of what is happening in all of our major cities. We cannot afford to delay any longer.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEAD HAZARD FOUND IN 33 PERCENT OF CHILDREN

(By Bob Woodward)

Dangerous levels of lead have been found in the blood of 1 out of 3 Washington inner city children tested in the last six months—about three times more than found in initial tests last May.

Dudley Anderson, chief of the D.C. accident prevention division, said yesterday that the situation is "very critical . . . the inner city is literally a lead mine."

In these tests for the six months from May to November, 592 of the 1,821 D.C. children tested (33 per cent) had dangerous levels of lead compared with 10 per cent of the children tested in May only, Anderson said.

By comparison, this 33 per cent rate is significantly higher than the 10 to 25 per cent that the Department of Health, Education and Welfare reported was found during 1970 in Baltimore, Philadelphia and Minneapolis inner city children.

Lead poisoning generally affects children between the ages of 1 and 6 who eat flakes of lead-based paint or chew on woodwork or window sills coated with such paint.

Before World War II, lead paint was widely used for the interiors of the downtown dwellings of the wealthy, which over the years, have become inner city residences.

However, Anderson said the 15 health clinics throughout Washington found hazardous lead levels in 307 of 1,255 children tested (25 per cent) during the last six months. This indicates the problem is not confined to the inner city, he said.

When untreated, lead poisoning can cause permanent mental retardation or even death of the victim. Small portions of the sweet-tasting lead paint flakes about the size of a thumbnail can cause acute lead poisoning if eaten daily over a period of months or even weeks. Teething babies or hungry children are most prone to chew on woodwork or eat paint chips.

The dangerous levels of lead found in 592 of the inner city children were above the level of 40 micrograms of lead per 100 milliliters of blood. At least 21 of the cases were acute and required immediate treatment, Anderson said.

This treatment, or "deleading," consists of injections in each hip for a week with a chemical that induces the lead to pass out of the body.

The testing of the inner city children is being financed by a $200,000 Model Cities Commission grant expected to run out in April. After that, Anderson said, he has been told the program will not be refunded and must "go defunct."

There are about 11,000 children in the test age group of 1 to 6 in the D.C. model cities area, a 2.3-square mile crescent north of Massachusetts Avenue that includes the neighborhoods of Shaw, Stanton Park, and Trinidad.

"We have children poisoned by lead every day," Anderson said.

For example, Dr. Bonnie J. Peacock of Children's Hospital said yesterday that she has a case in which a two-year-old has been treated for lead poisoning six times this year.

"The mother says she can't keep her child away from the lead paint," Dr. Peacock said.

Under the city law, a dwelling is supposed to be completely deleaded within 10 days after a child living there is found to have lead poisoning.

Carroll A. Swanson, the chief administrator for the city housing inspections said yesterday that the Northwest apartment in which the two-year-old lives has been deleaded. "It's a puzzle to us. We can't find where the child gets it," Swanson said.

But Anderson pointed out that city standards only require the removal of paint with 1 per cent or higher lead content, even if the paint has caused lead poisoning. "The 1 per cent figure is not realistic," Anderson said.

Last month the American Academy of Pediatrics called upon the Food and Drug Administration to reduce the permissible lead content of paints to .06 per cent from the federal standard, which was recently lowered from 1 per cent to .5 per cent.

However, other city health offiicals point out the expense of deleading apartments and houses. To be effective, the lead paint must be burnt off or completely covered with plasterboard. This costs from $300 to $900 per room, city officials estimate.

RECORD HIGH LEVEL OF HOUSING STARTS

Mr. PROXMIRE. Mr. President, all of us were heartened yesterday to learn that new housing starts reached a record high level in November. President Nixon, we are informed, was delighted to receive this good news. I, like every other Member of Congress who has worked long and hard for decent housing for all Americans, was also delighted with this good news. Everyone is eager for good economic news—we have had far too little of it.

The delight that we can all take in this good news is, however, offset by concern—indeed, alarm—over the way in which this news reached the public. Normally, the public learns of the monthly housing start figure through a written press release issued in the afternoon by the Department of Commerce. Yesterday, however, the public learned this news not in the afternoon, but in the morning. Not from the Department of Commerce, but from the Secretary of Housing and Urban Development. Not from the professional statisticians who prepare these statistics, but from George Romney, a prominent political figure and spokesman for the Nixon administration. Furthermore, Mr. Romney chose the same occasion to call for the reelection of Mr. Nixon.

One might have thought that, with all the recent concern over the reorganization of Federal statistical agencies, and with all the pious reassurances we have heard that this reorganization was intended solely to give us better statistics, special care would now be exercised to release all economic statistics in a consistent, objective, nonpolitical way. Again and again I have received assurances from high administration officials that this would be done. They have told me—over and over—that statistics are invariably first released by the statisticians in charge. They have told me that no political comment is ever made until at least 1 hour after the routine release of statistics by the statisticians. They have assured me that this policy will be continued. Yet, the first time a piece of really good news comes along, this policy is violated—violated in about the most blatant fashion imaginable, by tying the monthly data to a thoroughly political pitch for the reelection of the incumbent President.

Am I to conclude that all the assurances I have received concerning objectivity in the release of statistics is sheer hypocrisy? Or am I to conclude that the senior officials charged with overseeing the release of statistical data are so without authority in this administration that they are powerless to carry out their responsibilities as they should be carried out? Do our statistical officials connive in politicizing the economic data or are they overruled by the politicians? Either way the situation is profoundly disturbing.

In order that there be no misunderstanding about the supposed policy of this administration, as officially stated by them, I ask to have printed in the RECORD at the conclusion of my remarks Budget Bureau Circular No. A–91, which reads, in part:

> Initial releases of statistical series should be made through the *principal statistical officer in charge.*

This, I repeat, is the official policy of this administration as formally stated shortly after they took office. Apparently, they did not realize when stating this policy that good economic news was to become such a rarity that it would occasion a special press conference by a Cabinet official.

If each scrap of good economic news is to be an occasion of political celebration while the many pieces of bad news must be dug out of obscurity, then let this policy be clearly and officially stated. Let us have an admission, too, that the press conferences on the unemployment numbers were canceled, because these tragically high figures was getting too much attention.

To date we have had, to my knowledge, no official admissions that the administration no longer follows its own stated policy with respect to statistical releases. Indeed, as recently as October 27, Julius Shiskin, the chief statistical officer for the entire executive branch testified before the Joint Economic Committee and assured us that the policy on nonpolitical release of statistical data was still fully in effect. I quote Mr. Shiskin:

> We think it is important to separate the release of data from politically oriented commentaries . . . we have instituted a rule which is universally followed in all the agencies, that the written press release must come out at least one hour before any political commentary.

Where was the universal rule yesterday? Mr. Romney spoke more than 3 hours before the written press release could be made available by the Department of Commerce. It appears that, in this administration, universal rules are made to be violated whenever necessary in the cause of political expediency.

This manipulation of the release of data to serve political ends is frightening. It is a further heavy blow to the already diminished confidence of the public in the credibility of Government.

If there is any explanation other than

pure partisanship, I call on Mr. Romney to come forward quickly with his explanation.

I call on President Nixon to enforce some discipline on his administration. Make it clear what the rules are and then abide by them. Not only our confidence in economic policy, but our basic faith in the integrity of our Government are badly shaken by this continued manipulation of economic news. I hope it will stop.

I ask to have printed in the RECORD excerpts from the testimony of Julius Shiskin before the Joint Economic Committee and articles from the New York Times and the Wall Street Journal, describing the manner in which the November housing start figures were released.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington D.C., February 12, 1969.

Circular No. A–91.

To: The heads of executive departments and establishments.

Subject: Prompt compilation and release of statistical information.

1. *Purpose and authority.* The purpose of this Circular is to insure that the principal statistical series which are issued to the public by agencies quarterly or more frequently are released without unnecessary delay. The prompt release on a regular schedule of official statistics is of vital importance to the proper management of both private and public affairs. Every effort must be made to expedite the compilation of statistical series and to make the data publicly available with minimum delay.

This Circular is issued under the authority of Section 103 of the Act of September 12, 1950 (31 U.S.C. 18b), and Executive Order 10253 of June 11, 1951.

2. *Review and scheduling of compilation and publication.* Each agency is directed to review its public release practices for principal statistical series which are issued quarterly or more frequently, and to take such steps as are necessary to see that (a) the shortest practicable interval exists between the date or period to which the data refer and the date when compilation is completed, and (b) prompt public release is made of the basic figures after compilation.

A publicly available schedule of release dates shall be prepared for each such series for at least a three-month period ahead.

It is recognized that some time must be allowed to prepare text and statistical tables in the form used in press releases or other means of publication, but one or two working days should be sufficient. The schedule of release dates should, therefore, allow no more than two working days between the time when the compilation of the basic figures has been completed and the time they are released to the public. Initial releases of statistical series should be made through the principal statistical officer in charge.

Exceptions may be made in special cases to the maximum of two working days between compilation and public release of statistical series subject to prior review and approval by the Assistant Director for Statistical Standards, Bureau of the Budget.

3. *Material to be submitted.* Each agency which publishes statistics subject to the provisions of this Circular will submit to the Office of Statistical Standards, Bureau of the Budget, by March 15, 1969, a report describing the steps it has taken to comply with this directive, and a copy of its publication schedule beginning with the second quarter of calendar year 1969. A copy of subsequent schedules will also be submitted as they are prepared. The schedule of release dates for each series shall show, in addition to the release dates, the date or period to which the data apply. A schedule of actual release dates covering the last quarter of calendar 1968 (last full year for quarterly series) is also requested.

By direction of the President.

ROBERT P. MAYO,
Director.

EXCERPT FROM TESTIMONY OF JULIUS SHISKIN

Now, next we think it is important to separate the release of data from the politically oriented commentaries. Now, that is a very difficult thing to do because as you must realize the President's appointed officials are very anxious to comment on the figures once they get them. Nevertheless, and this took quite a lot of doing, we have instituted a rule which is universally followed in all the agencies, that the written press release must come out at least one hour before any political commentary; that is, we don't—there is no commentary, no policy oriented commentary is made until one hour after, until one hour after the written press release is put on the press table. So I think all the reporters now understand that; all the reporters now understand, I believe, that the release of the data, the basic work, is separated from the policy oriented commentary. It is physically and in time separated.

Now, the question is how should the figures be released. Well, I think the best way to release them is in written form. If a man releases them in a written form he has an opportunity to weigh his thoughts, to get advice from others, so that it is a careful, creditable, professional job.

HOUSING STARTS FOR NOVEMBER ROSE 15 PERCENT TO HIGH—ROMNEY SEES SURGE ASSURING 2 MILLION RECORD FOR YEAR, SHOWING ECONOMY'S VIGOR; LEVEL WAS 35 PERCENT ABOVE 1970'S

WASHINGTON.—November's housing starts rose 15% from October's pace to a record level, assuring that 1971 will be the strongest housing year ever.

Housing starts last month ran at a seasonally adjusted annual rate of 2,316,000 units, compared with the downward-revised 2,008,000 pace in October, and were 35% above the 1,693,000 rate a year ago, the Commerce Department reported. (See chart on page one.)

George Romney, Secretary of the Department of Housing and Urban Development, said the November figures make it clear that the Nixon administration will attain its 1971 housing goal of two million starts, topping the previous record of 1,952,000 in 1950.

Mr. Romney announced the November housing starts figure at a morning press conference. Usually, the Commerce Department unceremoniously releases the figures in the afternoon. Mr. Romney said the record level of starts is "a clear indication of the basic strength of our economy, and shows that housing is leading the way to greater economic activity."

The high level of housing starts this year "is unquestionably due in large measure to the reduction in the cost of money and its ample availability," Mr. Romney said.

John A. Stastny, president of the National Association of Home Builders, said the November figure shows that "when you have money at a reasonable rate, you can build." He predicted continuing housing strength in 1972 and said that starts may total 2.2 million units next year.

Building permits issued by the 13,000 localities requiring them ran at a seasonally adjusted annual rate of 1,961,000 units in November, down from October's 2,173,000 pace, but well ahead of the 1,523,000 rate a year ago, the Commerce report showed.

In November, starts on all types of housing units rose, according to the report.

The department said that shipments of mobile homes in October fell to a seasonally adjusted annual rate of 526,000 from September's 557,000 pace, but were far above the October 1970 rate of 427,000. The Mobile Home Manufacturers Association supplies these figures, and the November results aren't available yet.

MONTHLY RECORD SET FOR HOUSING STARTS

(By Jack Rosenthal)

WASHINGTON, December 16.—Home build- and Urban Development, announced today ing reached a monthly high in November, practically insuring that 1971 will be a record year, George Romney, Secretary of Housing at an odd, hastily called news conference.

The reasonally adjusted annual rate of housing starts in November was 2,316,000 units, Mr. Romney said, the highest figure ever. The actual 1971 figure is now likely to approach 2.1 million units, probably the highest ever.

The November figure compares with a downward revised October figure of 2,008,000 units and with 1,693,000 units for November, 1970.

The gain in housing starts, which Mr. Romney described as a key indicator of confidence in the economy, was so encouraging he said, that he notified the President this morning. Mr. Nixon, he added, "was delighted."

The new data also are significant, Mr. Romney said, because they demonstrate the nation's capacity to meet the 10-year housing goal of 26 million homes set by Congress in 1968.

There were two odd aspects to the news conference. One was that the monthly data on housing starts normally are announced routinely by the Department of Commerce, not the Housing agency, and without any statement, let alone a Cabinet-level news conference.

A Department of Commerce employe acknowledged that it had been decided "higher up" to let Mr. Romney pre-empt the Commerce Department with the announcement. The Commerce Department made its usual written announcement later in the day.

The second odd aspect of the Romney session was that it appeared to violate a long-standing taboo against the announcement of basic economic indicators by political figures.

For almost a decade, Federal policy has been for career statistical experts to promulgate such data, and for political appointees to withold comment for at least an hour, permitting initial dissemination.

This policy was strongly reaffirmed by the Nixon Administration earlier this fall after a controversy over interpretation of unemployment statistics.

Since then, briefings by career officials have been eliminated and economic indicators have been announced only in writing. Political officials have usually offered official interpretatitons, but only on the deferred basis.

Shortly after Mr. Romney's news conference, Maurice H. Stans, Secretary of Commerce, issued the findings of a telephone survey showing "excellent" holiday sales.

The survey, he said, showed sales were up "about 8 to 10 per cent over a year ago."

The new data on housing starts show that more than 1.9 million new units were built in the first 11 months of 1971. The total for all of 1970 was 1,469,000.

The new data showed that November was the third straight month in which the seasonally adjusted annual rate topped 2 million. This is the total that would be achieved if housing were built at the monthly rate for an entire year.

If, as is almost sure, actual starts exceed 2 million for the year, it would probably be a first. The sole exception might be 1950, when, according to a somewhat more restrictive definition, 1,952,000 units were started.

By adding some 500,000 new mobile homes to the 1971 figure, Mr. Romney said, the total amount of new housing will be about 2.6 million units.

Other figures in the new report appeared to cloud the outlook for the future. Seasonally adjusted annual rates for building permits, which tend to reflect housing starts in the following three months, declined 10 per cent in November. They total 1,191,000 in the month, down, from 2,173,000 in October. Decreases occurred in every region and type of housing.

THE PEOPLE ARE CONFUSED BY LEGALESE

Mr. CURTIS. Mr. President, my mail from constituents and my conversations with them in recent years have indicated beyond any doubt that people are confused by the Government's words and actions.

I can go even farther and say that the vast majority of the people distrust their Government, because they do not understand what it is doing or trying to do.

I must go yet one step farther and say the blame for this confusion and misunderstanding rests squarely with the Government for its failure to communicate—its inability even to speak and write the English language in a way in which it is taught in the schools of the country.

This inability of the Government to communicate—to talk the English language so that it can be understood by the average high school or college graduate—is not merely evident in the laws that Congress writes.

There has always been a language called legalese in which laws are written, requiring a separate profession and special training at high educational levels to understand and interpret.

Lawyers, as an occupational or professional group, have busied themselves through the years in the art of legislating and litigating interpretations of the words and phrases which are so carefully selected, put together, dissected and reassembled to formulate the law of the land, or of the State, county, city, or township.

In recent years, Mr. President, the separate language of the law has gone far beyond the law itself and the courts that were so carefully conceived and developed through the years to interpret the law.

We have—the country has—a whole new language that has been developed by the administrative or executive arm of the Government. This new language is really a hodgepodge of separate languages with a hodgepodge of different boards and commissions and examiners to interpret it.

The new language is not only complex but it is contradictory. It employs words that defy understanding even by persons who run for their English language dictionaries. This language is so far removed from dictionary English that it contains its own word and phrase definitions, and these are known to vary widely within the language—this is why I said a moment ago that it is really a hodgepodge of separate languages.

The "language of many languages" of which I speak, Mr. President, is the language of the rules and regulations that are promulgated by Federal administrative and executive agencies.

I have not decided yet what to call this language. Some would call it, and have called it, gobbledygook, but it is not my intention to treat the matter so lightly.

Thousands of people—lawyers and scribes—are employed by Federal agencies to write these administrative rules and regulations.

Sometimes it takes a year or more just to write the regulations to implement one law that is passed by Congress. I am thinking specifically of the law that provides a guaranteed loan program for hospital construction to supplement the Hill-Burton grant-in-aid program. It took more than a year to write and promulgate those regulations, and all the hospitals in the country just had to bide their time while the scribes in the regulation writing branch of the Department of Health, Education, and Welfare put on their thinking caps and rolled the words and phrases and definitions around in their minds and on the points of their pencils to come up with the glittering prose that was ultimately published in the Federal Register.

And yet the Department of Housing and Urban Development had a set of regulations for a similar hospital loan program already on the books which could have served as a guide.

Oh, that a Shakespeare could be discovered and his style developed through the regulation-writing process to grace our literary era in history. Then it might be worth all the time and effort and expense. But the system defies such a happening. The language of the regulations would never allow it.

My intention is not to find and bring along a literary genius, but to persuade the rule and regulation scribes and the bosses of those scribes to make some sense out of the regulations that affect the lives of all Americans.

Therefore, I am today starting an effort of my own to point out the weaknesses and the loopholes, the ridiculous misunderstanding that exists in Federal definitions and interpretations, the vast amount of trivia and the broad basis for rules and regulations.

I am going to focus the spotlight on the work of those scribes and the bosses who approve their writing. Congress has a responsibility, because the Congress delegated to administrative agencies the authority to write and promulgate rules and regulations to implement its laws.

The first example I would like to point out is contained in the proposed rules published in the Federal Register on May 29, 1971, for the new Occupational Safety and Health Law.

Under subpart E, section 1910.35, the Labor Department has defined the word "exit" in the following manner in these regulations:

> Exit is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in this subpart to provide a protected way of travel to the exit discharge.

This necessitates defining the phrase "exit discharge," presumably in order that a person can understand what is meant by "exit," and so the Labor Department then defines "exit discharge" as "that portion of a means of egress between the termination of an exit and a public way."

Mr. President, I believe the scribes can do better than that. I do not see why they cannot simply take Webster's definition of "exit." This is what most people understand, and if people do not understand the regulations, how can they be expected to comply with them? Webster defines exit as "a way out of an enclosed place or space."

If the exits must be kept clear, then why do not the writers of rules and regulations simply say that?

I am going to be asking this question over and over again in the days and months ahead. I hope that my efforts will have some effect in establishing the English language and commonsense in the field of rulemaking to implement the laws of Congress.

PRODUCTIVITY IN SOLID WASTE MANAGEMENT

Mr. EAGLETON. Mr. President, we hear much these days about productivity and the need to increase the efficiency in the production and delivery of goods and services. One opportunity to achieve truly staggering productivity gains has received far less attention than it deserves. That opportunity lies in increasing productivity in the delivery of municipal services.

In this age of multibillion-dollar Federal budgets, we too often lose sight of the aggregate spending level for services at the municipal level. Too few people realize that total outlays of all municipalities in fiscal 1970 amounted to $34.2 billion, of which $27.7 billion were for general expenditures. That level of expenditures is the result of a persistent upward trend. According to an article in the October issue of Fortune magazine, general municipal expenditures rose by over 135 percent in the decade of the sixties, and more than 13 percent last year alone. Even so, the outlook is for more of the same. The Fortune article quotes one study which indicates that municipal expenditures will increase by another 47 percent in the first 5 years of the decade of the seventies.

Local tax burdens are increasing and many city dwellers feel that the quality of municipal services is declining. Thus it is becoming increasingly clear that the cost of running our cities must be held down, if not reduced. We simply must get started on the difficult, but necessary, task of providing improved municipal services more efficiently and less expensively.

Mr. President, we are fortunate to have at hand a clear opportunity to begin that effort in at least one area, disposal of municipal refuse.

Municipal officials are increasingly hard pressed to deal with the mountains of solid wastes produced each day in our cities. A number of cities face immediate and almost impossible solid waste disposal problems. Other cities with less serious and immediate problems in dealing with their municipal refuse are challenged by decreasing availability and increasing costs of land for sanitary landfills at a time when other conventional approaches to municipal waste disposal such as incineration are becoming more costly and less acceptable from public health and environmental viewpoints.

Municipal wastes are projected to increase faster than population in the coming few years, and the persistent upward trend in public expenditures for waste disposal services is running on a collision course with other escalating demands on local revenues for police and fire protection, schools, housing, and other municipal services.

This bleak picture is offset, in part, by the fact that private enterprise has developed a number of new solid waste disposal technologies which are ready for adoption by municipalities on a full-scale, commercial basis.

These new concepts promise significant reductions in the costs of solid waste disposal services and substantial improvements over the performance of conventional systems in public health, environmental, and other terms. Some of the companies involved in this effort are sufficiently confident about the performance of their systems that they will back up their claims of superiority with bonded performance guarantees.

Although these advanced solid waste disposal techniques have been refined through intensive developmental and testing work to the point at which they can be applied by municipalities on a full-scale basis, no local government has elected to try them. The limiting factor here is the natural reluctance on the part of mayors and other elected local officials to incur even the limited risks that may be involved in adopting, and spending locally generated public funds for, solid waste disposal concepts which have not been used routinely by other cities.

It is very encouraging that the private sector has responded in such a vigorous and timely fashion to the identification of the public need for innovative approaches to solid waste disposal problems. As time passes, though, I am becoming increasingly concerned that some—and perhaps many—firms will be forced to drop out of this field. If this happens, all of us—and not just the firms which drop out—will be the losers.

Mr. President, the Congress has, of course, long recognized that local officials cannot regard local revenues as risk capital. For that reason, the Congress has adopted demonstration project programs to demonstrate the feasibility and practicability of new techniques and technologies.

Section 208 of the Resource Recovery Act of 1970 authorized such a program for both the demonstration of resource recovery systems and the construction of new or improved solid waste disposal facilities. Congress has appropriated funds for this program for fiscal 1972, but the Office of Management and Budget has declined to release these moneys.

I have written today to the Director of the Office of Management and Budget asking him to release these funds. I have also written to the Chairman-designate of the Council of Economic Advisers and to the Director of the Office of Science and Technology inviting them to make available to OMB their considerable expertise on the aspects of this situation which are pertinent to their respective interests and responsibilities.

Mr. President, mine is not a budget-busting request. On the contrary, I have called for a prudent and sound investment of a modest amount of money—$15 million at most—in an endeavor which will return many times that amount of money in savings by cities across America.

Release of these funds is the key to breaking the logjam in public acceptance of promising new solid waste disposal technologies which will enable them to be adopted and utilized on a broader scale throughout the Nation. As succeeding generations of these new technologies are adopted and applied as a result of their initial applications, there is a substantial likelihood that additional significant breakthroughs will occur to further reduce the costs and increase the efficiencies of these systems.

Almost 2 years ago in his much publicized environmental message to Congress, President Nixon advocated precisely the kind of action that I have proposed today to the Director of the Office of Management and Budget.

"Available Federal funding should be directed to selective, large-scale demonstrations of innovations in solid waste management in one or more metropolitan areas. One of the major difficulties in changing solid waste management is the reluctance of authorities in major urban areas to commit themselves to significant spending for innovations that have been tested only in small towns or under controlled conditions. Federal support could assist in providing a smooth transition from research to large-scale demonstration projects."

Mr. President, that proposal was sound then, and my proposal is equally sound now. If anything, the serious problem which both of us want to solve is more urgent and serious now than it was 2 years ago. The time to act on this problem is now.

I ask unanimous consent to have printed in the RECORD copies of my letters to the Director of Office of Management and Budget, the Director of the Office of Science and Technology, and the Chairman-designate of the Council of Economic Advisers.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON PUBLIC WELFARE,
Washington, D.C., December 17, 1971.

Hon. GEORGE W. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: As you know, many American cities face immediate, serious solid waste disposal problems. Other cities with less immediate problems in dealing with their municipal refuse are challenged by decreasing availability and increasing costs of land for sanitary landfills at a time when other conventional approaches to municipal waste disposal such as incineration are becoming more costly and less acceptable from public health and environmental viewpoints.

Municipal wastes are projected to increase faster than population in the coming few years, and the persistent upward trend in public expenditures for waste disposal services is running on a collision course with other escalating demands on local revenues for police and fire protection, schools, housing, and other municipal services.

This bleak picture is offset, in part, by the fact that private enterprise has developed a number of new solid waste disposal technologies which are ready for adoption by municipalities on a full-scale commercial basis.

These new concepts promise significant reductions in the costs of solid waste disposal services and substantial improvements over the performance of conventional systems in public health, environmental, and other terms. Some of the companies involved in this effort are sufficiently confident about the performance of their systems that they will back up their claims of superiority with bonded performance guarantees.

Although these advanced solid waste disposal techniques have been refined through extensive developmental and testing work to the point at which they can be applied by municipalities on a full-scale basis, no local government has elected to try them. The limiting factor here is the natural reluctance on the part of mayors and other elected local officials to incur even the limited risks that may be involved in adopting, and spending locally-generated public funds for, solid waste disposal concepts which have not been used routinely by other cities.

I am encouraged that the private sector has responded in such a vigorous and timely fashion to the identification of a public need for innovative appproaches to solid waste disposal problems. As time passes, though, I am becoming increasingly concerned that some—and perhaps many—firms will be forced to drop out of this field. If this happens, all of us—not just the firms which drop out—will be the losers.

The Congress has, of course, long recognized that local officials cannot regard local revenues as risk capital. For that reason, the Congress has adopted demonstration project programs to demonstrate the feasibility and practicability of new techniques and technologies.

As you know, Section 208 of the Resource Recovery Act of 1970 authorized such a program for both the demonstration of resource recovery systems and the construction of new or improved solid waste disposal facilities. Congress has appropriated funds for this program for fiscal 1972, but I understand that the Office of Management and Budget has declined to release these monies.

Release of these funds is the key to breaking the logjam in public acceptance of promising new solid waste disposal technologies and enabling them to be adopted and utilized on a broader scale throughout the nation. As succeeding generations of these new technologies are developed and applied as a result of their initial application, there is a substantial likelihood that additional significant breakthroughs will occur to further reduce the costs and increase the efficiencies of these systems.

I know that the Council on Environmental Quality has commissioned a series of studies by the Midwest Research Institute on resource recovery systems and I fully appreciate the importance of the resource recovery concept as an important element in the ultimate solution to our serious solid waste disposal problems. I can well appreciate the logic of deferring funding for *resource recovery systems* under Section 208 until the final reports of the Midwest Research Institute studies have been received and analyzed.

However, I believe that the urgency of our immediate solid waste disposal problems and the continuing drain on public resources for high-cost, but essential, solid waste disposal services justify immediate action to make funds available for "new or improved solid waste disposal facilities" under the second clause of Section 208(a). Parenthetically, I should note that many of the new technologies also incorporate features for the recovery of resources, and that additional resource recovery capabilities can be easily and quickly incorporated into most of these systems when markets for recovered materials and others factors justify that action.

My viewpoint of the importance of releasing funding for this important purpose is supported by the statement made by the President almost two years ago in his environmental message when he said:

"Available federal funding should be directed to selective, large-scale demonstrations of innovations in solid waste management in one or more metropolitan areas. One of the major difficulties in changing solid waste management is the reluctance of authorities in major urban areas to commit themselves to significant spending for innovations that have been tested only in small towns or under controlled conditions. Federal support could assist in providing a smooth transition from research to large-scale demonstration projects."

I would very much appreciate your acting to release the funds provided by the Congress for the section 208 program. Once that is done we can begin the urgent task of making economically, environmentally, and otherwise superior solid waste disposal technologies available to local levels of government to assist them in dealing with their increasingly serious solid waste disposal problems.

Sincerely yours,

Thomas F. Eagleton,
U.S. Senator.

U.S. Senate,
Committee on Public Works,
Washington, D.C., December 17, 1971.
Hon. Edward E. David, Jr.
Director, Office of Science and Technology,
Executive Office of the President,
Washington, D.C.

Dear Dr. David: I have enclosed a copy of a letter I have sent to the Director of the Office of Management and Budget which I believe to be pertinent to your continuing interest in stimulating the transfer of more effective and efficient methods and technologies to all levels of government, and particularly to units of government at the local level.

As my letter indicates, the private sector of our economy—for the most part with no public funding assistance—has generated a number of promising new methods and technologies for disposing of solid wastes, and particularly municipal refuse, which are economically, environmentally, and otherwise superior to conventional waste disposal techniques.

However, public officials at local levels of government are reluctant to commit public funds to these new techniques because of longstanding preferences for approaches which have been widely practiced for long periods of time by other municipalities.

The key to breaking this technology transfer logjam is to encourage a number of cities to adopt a variety of these new approaches to demonstrate their practicability. The encouragement that is lacking in this situation is federal assumption, in the broader national interests, of a part of the risk of trying these new and relatively "undemonstrated" techniques.

Section 208 of the Resource Recovery Act of 1970 authorizes such a program of federal financial assistance in the construction of new or improved methods of disposing of solid wastes. Funds appropriated for this program for fiscal 1972 have been administratively held up by the Office of Management and Budget.

I would appreciate your sharing the benefits of your experience and insights in the area of technology transfer with the Office of Management and Budget in this situation and any additional assistance you can provide in assuring that this important program receives the funding Congress has appropriated for it.

The technologies involved here could yield very substantial, relatively immediate benefits to all sectors of the public in return for a very modest commitment of funds. Their adoption and use also will provide the opportunity for further incremental advances in effectiveness and efficiency of solid waste disposal techniques and provide an operating context within which adoption of practicable resource recovery systems can take place.

Sincerely yours,

Thomas F. Eagleton,
U.S. Senator.

U.S. Senate,
Committee on Public Works,
Washington, D.C., December 17, 1971.
Hon. Herbert Stein,
Chairman-designate, Council of Economic Advisers, Executive Office of the President, Washington, D.C.

Dear Dr. Stein: I have enclosed a copy of a letter I have sent to the Director of the Office of Management and Budget which I believe is pertinent to your interest in increasing our national productivity in general and the efficiency of expenditures by local units of government in particular.

As my letter indicates, the private sector has developed a variety of new approaches to the increasingly expensive and difficult problem of municipal solid waste disposal. These new approaches promise to relieve, in part, the enormous drain on public resources created by the presently inefficient, high-cost conventional solid waste disposal techniques. They also offer the prospect of facilitating the performance of solid waste disposal services in ways which will be environmentally and otherwise superior to conventional approaches.

I have called upon the Director to release the fiscal 1972 funding provided by Congress for the program of federal financial assistance in the construction of new and improved methods of solid waste disposal authorized by section 208 of the Resource Recovery Act of 1970.

I believe that commitment of the modest funding provided by Congress for this program will produce dollar savings greatly in excess of the Federal investment through increased efficiency in the use of public resources and improvements in the quality of our natural environment as well.

I would appreciate your making available to the Director of the Office of Management and Budget your experience and insights in the area of productivity of the funds committed to solid waste disposal by local governments and any additional assistance you can provide in assuring that this important program receives the funding Congress has appropriated for it.

Sincerely yours,

Thomas F. Eagleton,
U.S. Senator.

ADDRESS BY SENATOR MUSKIE AGAINST SEX DISCRIMINATION

Mr. BAYH. Mr. President, one of the most important issues that faces our Nation today is the question of equality. During the past decade, we have focused on the problem of racial equality. Now we are beginning to realize that discrimination on the basis of sex is also a serious social problem that demands Government redress. As the Senate sponsor of the equal rights amendment, I am painfully aware of the social and economic costs of sex discrimination, and of the pressing need to establish sexual equality under law.

Mr. President, in a speech given last month in Schenectady, N.Y., Senator Muskie spoke eloquently about the measures we must take in order to provide women with an equal opportunity in our society.

I ask unanimous consent that the speech be printed in the Record.

There being no objection, the address by Senator Muskie was ordered to be printed in the Record, as follows:

The Majority Who Are Women

(Remarks by Senator Edmund S. Muskie)

I understand that you hear from a number of speakers every year. And it is fitting for this Freedom Forum to meet frequently because we must meet such frequent challenges to the future of freedom. For a society like ours, change is the condition of survival—change to counter new outbreaks of intolerance—to push out the frontiers of justice—to build a country equal to the full meaning of liberty. And so it has been throughout our history.

The first Americans signed a charter of freedom called the Declaration of Independence, but they also treated a whole race of human beings as private property. It was left to their descendants to see the wrong of slavery and change our country in four years of bloody civil war.

The Americans of the 1860's fought to free the slaves, but they also permitted monopoly power to chain twenty million workers to jobs of relentless toil for little reward. It was left to another generation to see the wrong of sweatshops and drive them from our nation's industry.

In 1933, our parents voted for a New Deal to guarantee basic economic decency, but most of them also stood by while "whites only" remained stamped on the promise of American life. Then we saw the wrong of racial discrimination—and we are still working to end it.

This has always been the way people have fought for freedom—not only in America and in our time—but everywhere and for all time. Each generation confronts a deprivation of liberty unseen or unsolved by the last generation. And each of us is called upon to build something better than the imperfect freedom we have inherited. Of course, we will not reach perfection either. Our children and their children after them will advance the cause of liberty in directions still beyond our vision. And in the sum total of all the advances before us and after us will be written the history of freedom on this planet—from the first days of the Athenian Agora to the last moment of human existence as we know it.

But our part in the struggle is larger than the part entrusted to other ages. The pace of change has accelerated—and we are now deluged by new demands for justice in a short span of time. Abraham Lincoln counted fourscore and seven years between the first and second great trials of American freedom. But just between 1951 and 1971 . . . in a single score of years . . . we have been asked to answer the threat of McCarthyism—to confront the crisis of black inequality—to wipe out poverty and hunger—and to answer the urgent, unmet claims of chicanos, Puerto Ricans, Indians, and ethnic minorities.

We have been challenged to change so much and so fast. It is a difficult task—but it is also a task that we should welcome. We have the chance in our lives to do more for freedom than any other generation in the history of human life. And in recent years, we have learned the true dimensions of our responsibility.

We have learned that we must fight, not only for the minority who are not white, but for the majority who are women. And their cause should be the cause of every American. The struggle for women's rights is nothing less than another chapter in the long and ceaseless struggle for human rights.

Some of us—especially those of us who are men—sometimes find it difficult to take the women's movement seriously. Perhaps unconsciously, countless men respond to the fact of sex discrimination in a way which proves the case against them. The same reporters who write with passion and conviction about racial injustice frequently react to sexual injustice with detachment and even derision. Television comedians who march on Washington or at Selma still tell insensitive jokes about feminine intuition and male realism. And there is a subtle but pervasive sense of condescension in the typical male attitude toward the struggle for women's rights.

In 1963, John Kennedy summoned white Americans to the cause of black equality with this question: "Who among us would be content to have the color of his skin changed. . .? Who among us would be content with the counsels of patience and delay?" Now in 1971, it is time for American men to ask: "Who among us would be content to trade status and rights with American women?"

Would men accept a situation where they earned only $60 for every $100 earned by women?

Would men be content with an unemployment rate twice as high as the rate for women?

Would male college graduates settle for an annual income $5,000 lower than their female counterparts?

Would men stand silently by if they were only 7% of all doctors, 3% of all lawyers, and 1% of all federal judges?

Yet that is what women are and what women face in American society. And they have more grievances than mere economic inequality. Our culture offers women self-cleaning ovens, but often withholds the self-respect. That can come only from excellence and achievement. Why have law schools and medical schools acted as though educating women was a waste of resources. What has happened to the female citizens who should be sitting in the Senate and the House? Why was no woman present when the fate of the world was decided in the Cabinet room during the Cuban Missile crisis?

Not because women are less talented or less stable—but because a male-dominated society long ago decided that this was the natural order of life. The decision may have been unconscious. Through the early years of my public career, I just assumed that political leadership was not the right role for most women. Like millions of other men in other professions, I inherited and accepted a cultural bias which was seldom questioned or even understood for what it was.

But there is no excuse now for a failure to see the facts and the wrongs of female inequality. The women of America are telling the rest of America about the devastating impact of sex discrimination. Some men may dismiss their complaints or deride their tactics, but no man can claim not to know. So if the bias against women is passed on to another generation in this land, the cause will not be ignorance, but a conscious decision to deny full freedom to more than half of our fellow Americans.

We can make that choice—and we can disguise our failure to expand the scope of liberty, perhaps even from ourselves. Or we can respond as our parents responded to other challenges in other times. We can make women's rights a reality and not just a rallying cry. That is our task—yours and mine—at every level of government and in every part of our private lives.

We must stop assuming that all married women are better off at home than at work. Every woman should have the chance for a rewarding career as a wife and mother and a rewarding career in the outside world. And each woman should have the right to decide—to choose one of those careers or both of them.

That goal is so easy to say, so hard to achieve. From their first readers in school to their daily toys and games, children are taught to regard boys as more active and more creative than girls. The same pattern prevails through adolescence and into adulthood. And we cannot change the resulting perceptions until we change the way we raise our sons and daughters. That is our special responsibility as parents, teachers, or school administrators—and our common responsibility on local school boards across America.

And we must remove other, still steeper barriers to sexual equality. Even if a woman wants a career, she often cannot find a university willing to train her or a company willing to employ her on the same terms as a male competitor. But there are no professions less fit for women, no positions too important for women, and no judgments a woman cannot make as well as a man. And we must make it possible for every woman to reach her full potential.

Private institutions must change their attitudes and their policies. Universities—especially graduate and technical schools—must stop admitting or rejecting applicants on the basis of sex. Business and industry must stop paying women less for the same work and promoting women less for the same talent. And reform is not a distant goal, but an immediate priority. For example, here in Schenectady, General Electric has already made notable gains in a new program to insure equal opportunity for women.

Unfortunately, many universities and most corporations have not moved as fast or as far as G.E. Since the passage of the Equal Pay Act in 1963, violations have been charged against industrial giants such as Wheaton Glass, American Can, and R.C.A. And women still have trouble entering advanced science or engineering programs in American universities.

If we have learned anything from our still unfinished struggle for black equality, it is that the fundamental issues of freedom cannot be left to private institutions and private individuals alone. They require the kind of moral leadership—at the highest level—that John Kennedy and Lyndon Johnson provided in the effort to right the wrongs of racial discrimination. But the administration in Washington has not been leading in the fight for civil rights or women's rights. And in the field of women's rights, it is even hard to give the President credit for merely following.

In 1963, Richard Nixon pledged to "add equality between the sexes to the freedoms and liberties guaranteed to all Americans." But in 1971, we can look back on three years of failure under this administration. Only 1.7% of the policy-making positions in the federal government are occupied by women. Of the 200 appointed to advisory boards, only 27 serve in leadership roles, while 62 serve on the advisory committee of the Kennedy Center for the Performing Arts. At the same time, the agency assigned to carry out the executive order on fair promotion and hiring has little to show for its efforts except an occasional newsletter.

And the administration which has failed to put its own house in order has failed women's rights on a far broader scale.

The 1964 Civil Rights Act guaranteed equal employment opportunity throughout the economy for women and minorities. In the Senate, we are now trying to make that rule of federal law a fact of everyday life. We want to give the Equal Employment Commission the power to act against job bias instead of merely talking against it. We believe the Commission should be able to issue judicially enforceable orders to end discriminatory hiring practices. The administration is opposed to that reform—and asks us to rely on the ineffective and "informal methods of conference, conciliation, and persuasion."

The administration has also worked against the legislation designed to help a woman keep the job she takes. This fall, the Congress came close to enacting comprehensive day care for the children of working mothers. The President threatened to veto the bill. He pressured for a compromise which does not do enough for any family—and does nothing for families with incomes over $7000 a year. To secure at least some progress, the Senate was willing to accept that. But now the White House is lobbying to defeat even the compromise. What does the President want—no day care at all and more women who cannot work bcause there is no one to look after their children? The Congress must fight for day care—and we must pass it in 1971.

And what the administration has decided to oppose is matched only by what the administration has failed to propose. Eight years after John Kennedy appointed the first presidential commission on the status of women, Richard Nixon said that the Democrats had not moved fast enough and far enough on women's rights. And the President was right. So what did he do? He appointed another task force. In 1970, his task force reported. Their report was printed. And the President has ignored virtually all of their major recommendations.

We must implement them now.

For example, we must guarantee women admission to publicly supported higher education under the same standards as men. We must broaden the coverage of the Equal Pay and Equal Employment Acts to cover every job in government and in the private sector. We must provide more equitable retirement benefits for households with working wives.

The answer to sex discrimination is not more task forces and new commissions. If we do not know by now what must be done, then we will never know it or do it. And the Congress must not delay beyond the spring in approving the Equal Rights Amendment to the Constitution.

That would be the single most vital victory for the cause of women's rights. We have just been confronted with a crippling modification of the Amendment during subcommittee debate. But the Senate will have the time to fight for the original version when Congress reconvenes in January—and we must take the time to write complete equality between men and women into the law of this land.

And even when we accomplish that much, we still have to do so much more. We cannot root out overnight the accumulation of centuries of prejudice against women. But we can begin in every aspect of our endeavors.

Any politician who talks about women's rights should be prepared to work for women's rights in the political year ahead. The National Women's Political Caucus must be heard and heeded by both parties. And in the Democratic Party, we must do better than one state party chairman who is a woman—better than the 13% of national convention delegates who were women last time—and better than the low level responsibilities assigned to most women in past campaigns. Women should have equal representation on every state delegation to the convention and a maximum role on the staff of every candidate for the nomination. And the next administration must practice in power what it preaches during the political season.

For some time, I have been planning a speech on women's rights. My first instinct was to give the speech to an exclusively female audience. Obviously, I decided that my instinct was wrong. Most women already understand the pain of sex discrimination. They are living with it every day. And most women are ready to claim complete equality in our society.

But most men—here and everywhere in America—are still not truly committed to women's rights. Most of us have not yet said to women that we agree with their demands—that they should have the same chance we have—that they are not second class citizens but full partners in the common enterprise we call America. And only when we say that can we insure the future of freedom.

For a free society cannot become static and remain free.

Who would call America free in 1971 if black people had to follow the rules of 1951 and sit in the back of a bus?

And who believes that after 50 years, we have done enough when women can vote in elections, but not on the Supreme Court or in the Cabinet?

We must ask more of ourselves—and we must commit ourselves to building a country equal to our hopes and our boasts.

There is sexism in American society, just as there is racism. But there is also a tradition passed down from democracy to democracy through recorded history—a tradition which tells us that we can see and change each successive imperfection in the fabric of freedom.

The first Americans started this country off with the declaration that "all men are created equal." Abraham Lincoln and John Kennedy tried to teach us that the phrase meant black men as well as white men. Franklin Roosevelt told us that the phrase included the forgotten man as well as the rich man. Now, after almost two hundred years, we must rewrite the phrase again. America must hold this truth to be self-evident: that all people are created equal—black and white, the powerful and the powerless, women and men.

And if we meet our responsibility, freedom can survive to meet other challenges in the next generation or the next century. It is an endless process—and it is the most rewarding way of life humanity has ever known.

ARMS SUPERIORITY EFFORT BY SOVIET UNION

Mr. GOLDWATER. Mr. President, it is encouraging to members of the Senate Committee on Armed Services to observe that more and more Senators are becoming aware of the fact that the Soviet Union—despite all the talk about arms limitation and detente—is making a determined effort to establish an arms superiority over the United States in every area of military preparedness. It is encouraging because the stakes involved in what the U.S.S.R., is now attempting to do are enormous and vital to the strategic interests of the United States. And the few of us who have been harping on this subject for the past 6 years have felt rather lonely in our concern until recent months.

Accordingly, I invite the Senate's attention to an outstanding address delivered before the Air Force Association's meeting at Orlando, Fla., December 15 by Senator JAMES BUCKLEY, of New York. I ask unanimous consent that Senator BUCKLEY's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SENATOR BUCKLEY ADDRESSES THE AIR FORCE ASSOCIATION, ORLANDO, FLA., DECEMBER 15, 1971

I am awed at the abundance of stars and ribbons which I see about me today. When I was discharged from the Navy some 25 years ago, having risen to the dizzying rank of lieutenant junior grade while serving on an LST in the Western Pacific, it would have been impossible for me to foresee that I would one day have the temerity to address so august and knowledgeable a group on the subject of National defense. On the other hand, in 1946, it would have been equally impossible to foresee how soon we would be losing sight of the lessons of Munich, the lessons which can be summed up in the single proposition that only the strong can remain free.

In simpler times, when it was somehow easier to maintain touch with reality than it is today, it was understood that the first priority of any society was to provide for its own survival. This fundamental principle ought to be as self-evident today as it ever has been in the past. Yet for some time now, we have been in the grips of a blind anti-militarism which has forced drastic cutbacks in large categories of defense spending which are essential to our security—and all in the high-sounding name of reordered priorities. As a result, we are not only falling critically behind in the necessary business of military research and development, but we have allowed our existing forces to deteriorate to a point where the ability of the President of the United States to assure the defense of vital national interests may be in jeopardy.

Because of the attrition caused by inflation, these cutbacks have been far more severe than would appear on the basis of dollar figures alone. We have not simply cut the fat out of military budgets, we have been hacking away at the sinews and muscles as well. By way of illustration, because of inflation and because payroll costs have risen from 40 per cent of the defense budget for fiscal 1964 to over 60 per cent of the defense budget for fiscal 1972, in the current year we will be purchasing 40 per cent less military research and hardware than we did eight years ago before we became actively involved in the Vietnam war.

These same figures have forced us, over the same eight-year period, to reduce the number of our Navy carrier wings from 24 to 15, the number of our tactical Air Force squadrons from 119 to 105, and to reduce by almost 30 per cent the number of our active naval vessels, from 932 to 658.

What is even more serious, in view of the Soviet strategic build-up, is the dramatic cutback of our investment in our strategic forces over the course of the past ten years or so. In the late 1950's, we were spending $13–15 billion a year on our strategic forces. By 1966, we were only spending $6.5 billion. And although today we are spending about $8 billion on these forces, we are not purchasing significantly more with this investment than we did in 1966 because of inflation. Thus in terms of stable dollars, we are spending today in this critical area less than half as much as we were just a decade ago despite the dangers inherent in the rapid deterioration of America's relative strategic strength.

Now admittedly, there is no inherent virtue in maintaining a large and costly military establishment, or in developing increasingly sophisticated weapons. No nation with peaceful intentions requires or can justify a defense establishment which is larger than that which is necessary to meet the needs of her own security. But the adequacy or inadequacy of a nation's defenses is determined not by considerations of domestic priorities, but by the power relationships within which that nation must operate. And we must keep in mind that in the real world, no country can conduct an effective foreign policy without a military capability which is appropriate to its responsibilities.

In our case, our responsibilities since World War II have necessarily been international in scope as they have concerned themselves primarily with the need to contain the aggressive outward thrust of the Communist powers. These are responsibilities which we did not seek, but which we cannot escape as the only free world power capable of facing up to the Russian challenge. In the past we have succeeded time and again—witness, for example, the Berlin and Cuban crises—in causing the Soviets to back away from confrontations which might have ignited a third world war precisely because we had the military power to back the positions we had to take. The Soviets simply could not risk a test of strength. Our military might, in other words, has been the critical factor in our ability to maintain the tenuous peace which by and large has existed since the end of the Second World War.

While the effectiveness of our foreign policy has ultimately rested on our power to unleash nuclear devastation on any enemy, it has long been an accepted fact at home and abroad that it is unthinkable that the United States should ever initiate an atomic strike. Therefore, the whole fabric of our defense policy has depended on our having sufficient strategic weapons survive any attack launched by an enemy to assure us the ability to deliver a retaliatory strike which would inflict unacceptable losses. This is what our policy of nuclear deterrence has been all about. This is what has been called the balance of terror.

There is a growing body of evidence, however, to support the conclusion that we will soon find ourselves in a position where our deterrent capacity will no longer be sufficiently plausible to cause the Soviet Union to back away from future confrontations involving interests vital to the west. What this means, quite simply, is that we are rapidly approaching a point where no American president will be able to emerge from a political confrontation with the Soviet Union with our foreign policy objectives intact, whether that confrontation takes place in the Middle East or Western Europe or even in the Caribbean.

Since 1965, the Soviet Union has launched and sustained a truly extraordinary drive to increase and modernize every section of her strategic and conventional forces. As a result, the Soviet Union now has a payload capacity in her intercontinental and submarine-launched ballistic missiles which is potentially capable of delivering eight times as many nuclear warheads as the United States. This build-up so far exceeds any plausible requirement for a policy of deterrence that we can only conclude that the Soviet Union has developed this extraordinary capacity for use in support of her own diplomacy, a diplomacy whose historic goals have always been aggressive.

The conventional wisdom states that any development of nuclear warheads beyond a certain point, whether by the United States or the Soviet Union, is simply superfluous—the disparity in warheads representing merely an "overkill" capacity. I suggest, however, that there is no evidence whatever that the Russians buy this analysis.

For an insight into what may be the Russian view, let us consider what might plausibly be the result of a hypothetical "first strike" attack by the Soviets on our strategic forces. If we assume that Russia's production line technology is equal to our own—

and we must—then the existing three hundred Soviet SS–9's could each be equipped with between three and six independently targeted warheads having a yield of from two to five megatons each. This would give their SS–9's the present capacity to deliver between 900 and 1800 warheads, each capable of attacking and destroying one of our Minutemen ICBM's. If we assume further that the Russians employ guidance technology equivalent to that available to us for our Minutemen III and Poseidon missiles, then a "first strike" attack by their SS–9's could destroy on the ground or in port about 90 per cent of our land-based ICBM's, 50 per cent of our aging B–52 bombers, and one-third of our Polaris submarines before we could even consider a retaliatory strike. And this destruction of our deterrent force could be significantly increased by advanced guidance technology which our own research has already shown to be feasible.

This assessment of the Soviet Union's strategic capabilities is not mine, and it cannot be written off as scare talk emanating from the Pentagon at defense appropriations time. Rather, it represents the sober judgment of third party observers such as the editors of *Jane's*, who in a recent edition predicted that by 1975, the Soviet Union would have the capacity to destroy virtually all of our land based strategic forces in a pre-emptive first strike.

Assuming such an attack, the Soviets would have left over sufficient forces-in-being to pose a continuing threat to our remaining strategic forces and to our cities. This remaining capacity would include over 900 SS–11's, over 400 submarine launched ballistic missiles, and nearly 200 bombers. We would, as of the present, still have the suicidal capacity to inflict devastation of those Russian cities not protected by ABM systems; but even this remaining deterrence could be reduced to levels acceptable to the Communist mentality by either a major breakthrough in Russia's anti-submarine warfare capability, or by an expansion of her ABM defenses, or by an up-grading of her SA–2 and SA–5 air defense missiles to an ABM role.

There are many, of course, who are pinning their hopes on the strategic arms limitation treaty negotiations which are now taking place between the United States and the Soviet Union. In a sensible, rational, truly peace-seeking world, we could have high hopes for the success of these discussions; and the optimist in me believes that such success may in fact be possible, but only if the Soviets are satisfied that we will not deal away our strength in exchange for unenforceable promises. One thing which ought to be clear is that we cannot hope for success if we hide from the cold realities of life, if we let ourselves be carried away by Euphoria at every small concession. Let us keep in mind that the SALT talks are now entering their third year and that we have experienced powerful pressures here at home to defer any build-up of our strategic forces or of our purely defensive systems pending the outcome of these talks. Yet since President Johnson's announcement in early 1968 that the SALT negotiations had been agreed to, the Soviets have deployed over 800 additional ICBM's, more than doubling the number which were deployed in late 1968.

Moreover, there is no evidence that the Soviets are relenting in their singular obsession with the development of an overwhelming strategic superiority. Recently Secretary of Defense Laird reported that the Soviets have again enlarged the capacity of their nuclear submarine production yards with the result that their "Yankee" class submarines—the rough equivalent of our Polaris—are being produced at a rate of nearly one per month, a rate 50 per cent higher than that observed just one year ago. This means that by 1973 the Soviets will have surpassed us in missile-launching submarines. Similarly, recent evidence indicates that the Soviets are continuing their deployment of ICBM's, including that of two or three new designs for which we have no counterparts.

In my judgment, we can no longer afford to defer further development of our strategic offensive and defensive capabilities in the hope that successful negotiations will have made the expenditures unnecessary. And we must take particular care that any agreement reached with the Russians will not have the effect of freezing them in a position of decisive superiority.

I submit that if we are to provide adequately for our own defense, and if we wish at the same time to create the conditions best calculated to assure the ultimate success of present and future efforts to negotiate an end to the arms race, then we must move on an urgent basis to preserve the credibility of our nuclear deterrence while at the same time restoring the unquestioned superiority of our conventional arms.

We simply cannot afford any longer to ignore the fact that the Soviet Union is currently spending $3 billion per year more than we are on military and space research and development, and that she is expanding those expenditures at the rate of 13 per cent per annum while ours have declined when we take inflation into account. This means that the Soviets can pursue at least twice as many R&D projects as we are able to sustain. Nor can we close our eyes to the significance of some of the dividends which she is already beginning to derive from this investment. *Jane's All the World's Aircraft* reports, for example, that the Soviets have now developed and tested a satellite-destroyer system which is capable of attacking any satellite which we may station in space. We have no comparable system at our disposal, nor are we likely to have one for years to come. Recent press reports indicate that the Soviets are developing a low-cost Mach 4 cruise missile—another serious threat for which we have no satisfactory defenses because insufficient funds have been allocated to conduct the necessary research and development.

The examples of the Soviet Union's high degree of military sophistication are legion; so much so, in fact, that the editors of the 1971–72 edition of *Jane's Weapons Systems* have been led to the conclusion that:

> "Russia now has the initiative in weapons technology. Whereas for a long time it was assumed—with considerable justification—that the NATO countries had a clear lead in the development of sophisticated weapons, it is now clear that the U.S.S.R. has extinguished that lead and is outstripping the West."

The seriousness of this development cannot be overstated, because a lead once lost is not readily recaptured except at very large cost. What it means, quite simply, is that unless we are prepared to undertake the cost, We will be risking a technological Pearl Harbor from which there may be no reprieve.

What is more, we cannot afford to be obsessed with our strategic capabilities at the expense of our conventional forces, because our strategic posture represents only part of the story. Under any philosophy of strategic defense, the objective has been to assure a balance of forces which will preclude a resort to nuclear warfare. But while the maintenance of such a balance might avert the horror of an atomic holocaust, it does nothing to eliminate recourse to more conventional forms of warfare; and to the extent that nuclear warfare becomes unthinkable, to that extent must we make certain that we maintain the conventional strength essential to our needs. But here again, while we have allowed our position to deteriorate, the Soviets have been overtaking us with astonishing determination and speed, with consequences which are far from academic.

In the field of air defense, for example, the Soviets have deployed in recent years several thousand highly effective surface-to-air missile launchers while we have allowed our own air defenses to deteriorate to a point which the *Armed Forces Journal* has described as the weakest condition since 1942.

In Europe, the Soviet Union is now capable of fielding over 15,000 modern tanks as compared with less than half that number available to the NATO forces. Yet in recent weeks, an effort was made on the floor of the Senate to kill plans for the production of an American tank of superior technical character which will enable us to offset the Soviet Union's numerical superiority in tanks and in manpower.

The Soviet Union now outclasses us in intermediate range ballistic missiles which she has targeted against our NATO allies; and she has recently deployed a new short-range ballistic missile, the SS–12 scaleboard, which is capable of delivering either nuclear or high explosive warheads over a distance of several hundred miles while our own counterpart, the lance, is still two or three years away from deployment.

In still another area, the Russians have unveiled a whole new series of aircraft, such as the MIG 23 Foxbat and the Mach 2 Backfire strategic bomber, which have eroded away the once unchallenged superiority of U.S. air power.

But the most dramatic advances which the Soviet Union has made in the last few years have been in the astonishing expansion of her navy. Since 1965, she has transformed from a small coastal defense force to what is today a deep water navy with a proven capability for worldwide military action. In this short space of time, the Soviet Union has established herself as a global sea power, and she is well on her way to becoming the global sea power.

Thus, while we have been allowing our relative military strength to decline, the Russians have been moving rapidly to establish a position where at the very least they will have neutralized our strategic forces while bringing their conventional strength to a point where they will be able to effectively challenge the West in areas which are of central importance to us.

This brings us to crucial reality of the present time. We simply cannot afford a further erosion of our relative strength. Given the present precarious balance of our strategic forces and given the scope and speed of the Soviet Union's military build-up, we have to choice but to launch, and launch now, a major and sustained effort to modernize and expand our own strategic and conventional capabilities, to do otherwise will mean that we will soon reach the time when it will be impossible for us to protect our vital international interests in the face of a serious Soviet challenge; and when that day arrives, any debate over American foreign policy objectives will have become irrelevent because we will be without the means of implementing any of them. Our foreign policy objectives will themselves be irrelevent because in a showdown, the United States will have no choice but to back down.

And once we begin backing down under pressure here and there around the globe, we will court the disaster of a third world war. Because aggressor nations seem inevitably to overestimate the readiness of free men to retreat. This was the lesson of the First and Second World Wars; a lesson which we will forget at our mortal peril.

Military forces are not a luxury but a necessity. So long as we live in a world in which some nations feel a compulsion to dominate others, we have no choice but to maintain those levels of defense which are essential to our survival. We can find no escape in isolationism because great nations are not allowed the luxury of retiring from the world. For such nations, there can be no peace unless they have the power and the will to defend it.

THE CHILD DEVELOPMENT BILL

Mr. NELSON. Mr. President, following President Nixon's veto of the OEO child development bill recently, a number of very interesting editorials and articles have been published on the child development provisions of this legislation.

I ask unanimous consent that several of these articles and editorials be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Time magazine, Dec. 20, 1971]

Child Care Veto

"So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

Thus spoke Richard Nixon in an early statement as President in 1969. What has now become an important political issue is a proposal that would be a striking extension of responsibility for the Federal Government: taking on greater financial responsibility for the nurture of many of the nation's young, through a broad program of educational and medical aid to children.

The President's own Family Assistance Plan, still stuck in the congressional bogs, would move modestly in that direction; its provisions, together with existing programs, would bring increased federal outlays for child care to some $1.2 billion a year, much of it for centers that would look after the off-spring of welfare families moving into the labor force. Last week the Democratic-controlled Congress sent Nixon a bill to establish a more ambitious child-care program that would provide, as Minnesota Senator Walter Mondale put it, "a full range of quality health, education, nutrition and social services" for the young. The very poor would pay nothing for the services, while the more prosperous would be charged a fee; a family with two children and an income of $6,960 a year, for example, would pay about $6 a week. The child-care centers would be run by local "prime sponsors"—cities, towns, counties or even such groups as Indian tribal councils. The price tag for the first year would be $2 billion, not vastly more than Nixon's own plan, but the President chose to veto it. He damned it roundly for "fiscal irresponsibility, administrative unworkability and family-weakening implications."

Nixon warned that the program would eventually have cost the Federal Government roughly $20 billion a year, though he did not explain how he arrived at that figure, which is nearly 10% of the present federal budget. Administration officials, however, said that if the benefits were to go to every family eligible under the bill, its overall costs would reach some $37 billion a year. They said estimates indicate that $17 billion of that total would be recovered from fees paid by participating families with incomes above the poverty line. The bill, Nixon added, "would commit the vast moral authority of the national Government to the side of communal approaches to child rearing over against the family-centered approach."

The last charge seemed like a bit of a reach, but Nixon was clearly taking the offensive in order to avoid the peril of being cast as a kind of Scrooge—against day care, against helping working parents, even against children. The Democrats are sure to make a political issue of the veto; Mondale and other backers of the bill were already calling it the most significant social legislation to come out of the 92nd Congress.

The measure had strong backing from Women's Lib, labor, civil rights groups and educational associations. The Senate vote had been a lopsided 63 to 17, but many Republicans who had supported the bill originally fell into line behind the President. Thus the bill's backers could not muster the two-thirds majority necessary to override Nixon's veto.

What Nixon rejected was a good deal more ambitious than a federal babysitting service. Congress' bold-care plan had its defects, but its goals raised a far-reaching question: How much in the way of useful new social services can the world's most prosperous land afford? If the bill and Nixon's veto at least produce what Nixon called "a great national debate upon its merit," then they may have served a vital purpose.

[From the Minneapolis Tribune, Dec. 14, 1971]

Children Need That Vetoed Plan

It is difficult to reconcile President Nixon's professions of concern about children with his administration's cutbacks in educational research projects, trims in the school lunch program, this stated reduction in foodstamp benefits and recent lukewarm activity on behalf of health and welfare bills. The latest anomaly is the President's veto of the child-development bill—the most promising piece of legislation pertaining to children to emerge from Congress in many years. (The bill's leading advocate in the Senate was Walter Mondale of Minnesota.)

In his veto message, Mr. Nixon expressed concern about committing "the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach." In fact, however, more of the children who would benefit are without fathers at home, and the mothers of about 6 million school age children go out to work. The comprehensive child-care program could augment the children's upbringing in ways impossible within their families. In addition, the bill provides for strong parental involvement in planning and policy-making for the new child centers.

The President spoke of "fiscal irresponsibility"—although all but the poorest families would pay fees for the new services, and although the preventive health care and early education would bring public savings later.

He spoke of "administrative unworkability," referring apparently to lack of state-government control in the plan. But the framework would be similar to that of some existing social programs, such as Head Start, which are based on federal-local cost-sharing and are operated by local government and community groups. State government has historically shown little interest in preschool children.

The President pronounced broadly that "our response to the challenge (to help children) must be a measured, evolutionary, painstakingly considered one, consciously designed to cement the family in its rightful position as the keystone of our civilization." But the President's own plan—to expand routine day care, mainly for welfare children so that their mothers may work—seems a weak answer to that challenge.

William F. Buckley, in a column elsewhere on this page, says that his brother, Sen. James Buckley, questioned the bill's initial statement that child-development programs "shall be available as a matter of right to all children." The columnist does not mention that use of the services would be optional, not compulsory. Moreover, that reference to "right" was deleted by the conference committee.

Because the Senate Friday failed to override the President's veto, a major new effort will be required to revive the child-development plan. But we believe that Congress should take the necessary legislative steps of revising and compromising to preserve as much as possible of its plan for improving the health, nutrition, early education and social development of millions of American children. Indirectly, such a program can strengthen family life, too, now and in the future.

[From the Minneapolis Star, Dec. 14, 1971]

Nixon's Scare-Tactic Veto

President Nixon reached far into the depths of the political barrel when he made "family-weakening implications" one of his prime reasons for vetoing the antipoverty bill and its key provision for an extensive child-care program.

In so doing, he virtually adopted the "Red-scare" tactics of the program's arch-conservative opponents who had claimed it to be an attempt to put child-raising under Communist-style government control.

Those who operate the nation's all-too-few existing child-care centers, which permit many mothers to work or educate themselves off the welfare rolls, may wonder if they too aren't thereby contributing to the breakup of the American family. Or educators, whose schools keep children from their homes during the day, might wonder if they not only are undermining those homes but are also turning children into pawns of the state. Such is the nonsense that could be drawn by extension from the President's logic.

The child-care program did, indeed, have far-reaching social implications. It would have committed the nation to relieving the burden that 1.5 million preschool children have to bear because of their parents' financial or marital breakdowns. And it would have spent more than $2 billion to staff and equip centers where those children could receive educational, nutritional, social and health attention while their parents were at work.

To approach such commitments with caution is not unwarranted. But to claim that the program would destroy family ties that are already disrupted by poverty is more than just far-fetched; it is an appeal to mindless emotion.

[From the New York Times, Dec. 11, 1971]

Abandoned Commitment

President Nixon explained his veto of the child development program by calling the plan too costly, administratively unworkable, professionally ill-prepared and designed to undermine the American family. The sweeping nature of this attack cannot obscure the fact that the concept of child care and development enjoys broad popular support across most of the traditional divisions of politics, class, economics and race.

The arguments put forth in the veto message are not convincing. Initial costs would not have been high. By limiting free services to the welfare level of poverty, Congress had already responded to the Administration's budgetary objections. Contributory fees could have readily been revised later, when operations would have provided a clearer picture of the extent of voluntary participation.

The President's vague reference to an unworkable bureaucracy reflects the Administration's apparent preference for control and management by the states, hardly the best administrative level for action that must be geared to local communities and neighborhoods. Participation by a wide variety of public and non-profit private agencies was one of the attractive features of the plan.

The President's charge that day care weakens the family ignores the realities of much of modern family life. Poor and working-class families normally have to leave their children improperly supervised or entirely unattended for much of the day; families at virtually all other income levels rely heavily on baby-sitters and in the upper brackets, a variety of domestic help.

Mr. Nixon is justified in his concern over the lack of trained personnel, but much of the bill's first-year expenditure was to be devoted to the necessary training. The veto suggests that the President's concept of child care is limited to welfare cases and is only custodial at that. This approach reduces the chances that disadvantaged children will be lifted out of their debilitating environment at an early age.

In his message, Mr. Nixon observed that the proposal "points far beyond what the Administration envisioned" when it made its earlier commitment of providing healthful and stimulating development for all American children during the first five years of life. But in the absence of a positive program, his veto has reduced that supposed commitment to meet political rhetoric.

[From the Washington Post, Dec. 12, 1971]

The President's Veto of Day Care

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely windows dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take a full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated. . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw in the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

[From the New York Times magazine, Dec. 12, 1971]

The Search for the Truth About Day Care

(By Sheila Cole)

(NOTE.—Sheila Cole is the mother of two. Her group did not succeed in starting their day-care center. Her 3-year-old son now attends The Rockefeller University Children's School from 9 to 12 and is babysat until 3 each afternoon. Her 5-going-on-6 daughter attends the same school from 9 to 3, when Mrs. Cole takes over.)

Waiting lists at day-care centers in some areas are eight times the capacity, and new centers—good to indifferent—are opening all over the country. But despite all this apparent enthusiasm, day care has its doubters—including many of this country's most respected childcare experts.

I first became aware of their doubts when a group of which I was a member tried to start a daycare center in the Rockefeller University-New York Hospital community. We believe that day care would be good for our children. Certainly better than baby sitters who plunk them down in front of the television set. Maybe even better than the narrow confines of the Manhattan nuclear family and its few selected friends.

Our group invited the chief of child psychiatry at New York Hospital to talk about the psychiatric aspects of planning a center. The doctor had written a proposal for a day-care center for the hospital two years before, and he told us that he was interested in our efforts.

Much to our surprise, he had little good to say about day care. Instead, he talked at length about the dangers of separating young children from their mothers and placing them in group settings. He made some of us feel that we would be damaging our children if we left them every day to go to work and that we would compound that damage if we placed them in a day-care center.

DAY CARE DANGERS?

That was hard to believe. The children in the day-care centers I had visited in Moscow and New Haven seemed healthy, happy and extremely well cared for. As far as I was concerned, day care had something to offer to just about everyone: children, mothers, employers and society.

A few months later, two women from the New York City Health Department, which is in charge of licensing day-care facilities, came to discuss proposed sites for a day-care center with our groups, all middle-class, all professionals. The conversation was warm and friendly until one of the women from the Health Department finally caught on: "Do you mean you are going to put your children in the center, too?" Taken aback, we answered; "Yes." The conversation turned cool.

Did the woman from the Health Department mean that she wouldn't place her children in a day-care center? Or that day care was a good solution only for mothers who had no other choice?

My faith in day care began to waver. These women were experts; maybe they knew something I didn't. I decided to look into the matter.

What I found was that most experts in the field of child development think that the ideal place for the preschool child is home—with mother. One of the main sources for this belief is Dr. John Bowlby, an English psychiatrist. In the nineteen-fifties, Dr. Bowlby reported on his findings that children who lived in institutions not only seemed to be less intelligent than children raised by their families, but many of them also displayed physical and emotional defects.

More recently, it has been discovered that the child needs special stimulation to develop intellectually. Appropriate stimulation is normally provided by the mother as she cares for and plays with her child. Baby needs a familiar person who will respond to his smiles and gurgles, smile back and make noises and occasionally add a small variation to the game. And he plays an active role in getting his mother to provide him with the necessary stimulus.

In an institution or group-care setting where one caretaker has several babies to watch over and where several people care for each child, it is difficult to provide adequate and appropriate stimulation for each child. Psychologists have reported extreme cases of children in institutions who have withdrawn, stopped making any demands on the people around them, stopped reacting and eventually grown up to be intellectually and emotionally stunted.

Another potentially dangerous consequence of disrupting the mother-child relationship is that the child's attachment to his mother forms the basis for a great deal of his later development. In trying to please his mother, the child will behave as he wishes and will tend to accept her values and attitudes.

Reviewing these studies, one finds it easy to understand the New York Hospital psychiatrist's fears about day-care centers. It is clear, however, that the child-care experts talk in extremes. They pit ideal situations against miserable ones.

In the typical woman's magazine child-care articles, the mothers with whom young children stay at home are portrayed as very special. They are story-book mothers—patient, kind, gentle, intelligent, resourceful, alert, tolerant, always available and always responsive. Their sole function is to minister to the needs of their families. And that family is assumed to be emotionally healthy and financially provided for by the husband. These are women without worries, tensions, interests, or desires that might conflict with their availability to their children.

While the child development experts were discussing ideal situations, the fact that large segments of the population live and grow in far from ideal circumstances has been seeping into the public consciousness. It was all very well for the experts to maintain that young children should be at home with their mothers, but what if they had no mother? Or if their mother had to work to support them? Or she was sick? Or incompetent? Some professionals who work with children, like the women from the New York City Health Department, cautiously began recommending day care as a stopgap measure. Others suggested that day care might help poor children break out of the "poverty cycle." They argued that day care could reach children early enough to help them succeed in school; and if they succeeded in school, then maybe they would no longer be poor. For everyone else, though, the experts still recommended the traditional mother-child setup.

Nevertheless, several million working mothers began to consider day-care centers as the solution to their child-care problems. The discussion within the Government of day care both as a way of "breaking the cycle of poverty" and as a way to getting women off welfare roles has inevitably raised the question with many mothers who do not claim to be poor. Why not us too?

With this new climate of opinion and the resulting demand for day care, it should be no surprise that the research on the effects of maternal deprivation has come in for reexamination; the dire predictions about the consequences of separating mother and baby are now couched in such terms as "day care may be dangerous," rather than "day care is dangerous."

A World Health Organization monograph, written a decade after Bowlby's influential work, concluded that whether or not a child is emotionally scarred by being separated from his mother depends on a great variety of factors—certainly a long way from the statement that separation invariably has a bad effect on the child's development.

In one of the few studies that have been done directly to test the hypothesis of maternal deprivation and its applicability to day care, 2-year-old children attending a day-care center were compared with 2-year-olds in a residential nursery who were separated from their families for periods of time ranging from a few weeks to six months. It was found that although the quality of substitute care in both situations was similar, the reactions of the children were substantially different. The children attending the day-care center seemed to behave normally, while those in the residential nursery seemed to be upset. In addition to crying and asking for their mothers repeatedly and then withdrawing, the children in residential care were sick more often, regressed in their speech and toilet behavior, and were more hostile than the children in day care. These findings support Bowlby's contentions about maternal deprivation in residential institutions, but separate such situations from day-care arrangements.

The authors of this study concluded that the major factor was the *total* absence of the mother for the residential nursery children. But even the damage of residential care does not appear to be necessarily permanent. In one study, 2-year-olds who lived in a "home management house" (orphanage) for four months before being adopted were compared with children who had lived in foster homes for four months before being adopted and with children of the same age who had been raised by their natural families. No significant differences were found among the three groups.

So the worst prognoses of the maternal-deprivation theorists do not seem to apply to day care. But does that mean that day care is a trouble-free solution to our preschoolers' child-care needs? As a concerned mother, I wanted more than just an assurance that day care would not harm my children. I wanted to know if it was good for them. And if not, why not?

I asked Jerome Kagan, the Harvard psychologist who has played a prominent role in the discussion of day care, what were the real effects on children. He was more than modest about what psychologists actually know about the consequences of placing small children in day-care centers.

He did point out that day-care centers can occupy more than 8,000 hours of the child's first seven years—approximately two full years of his waking hours. With so much time, a center cannot help but teach social values and beliefs, as well as care for the child's physical needs and encourage his intellectual and emotional growth.

An important question that should be asked when planning day-care facilities is what cultural values the institution should foster. This is an ethical question which should not be left up to the professionals, Kagan warned. Psychologists can be asked to help carry out the will of society, but they should not decide what society should be.

I asked him what kind of day-care program he would recommend if, for example, we wanted a day-care center to foster the values already held by our society.

To begin with, Kagan emphasized that children under 2 years of age and preschoolers have different needs. The baby and toddler should not be cared for by more than two or possibly three people, and these people should have a continuous and emotionally satisfying relationship with him. The very young child needs a predictable environment with a certain amount of carefully paced variation.

The preschooler is much different from the child under 2. He no longer needs the one-to-one relationship with his mother: he needs to explore, to try new things and work at them until he can do them successfully. Kagan thinks that day-care centers might even be superior to many mothers when it comes to building up the preschool child's confidence and permitting him to explore. To support this, he cited a recent study which found that mothers said "no" to preschoolers on an average of eight times an hour, because they were afraid that the youngsters would hurt themselves, make a mess, or damage something. In a good center a child is rarely told not to do something, because most dangers have been eliminated. He is allowed to test his powers and explore the equipment and social activities of the center. The day-care center may also be a better environment for the older preschool child who is learning to deal with symbols and intellectual problems because it frees him from parental pressures and anxieties.

Day-care centers, Kagan fears, might have some difficulties, in providing children with role models. A preschooler needs to have people to inmitate, and to identify with. Day-care centers tend to separate children from adults and older youngsters who might serve as role models. "A child makes an assumption that things have to be as they are. He sees certain kinds of behavior and accepts them as right," Kagan said. "To the extent that the child learns his values and moral standards from his peer group in the day-care center, rather than from his parents, these values probably will be more flexible and easier to change because of the number of different values and standards the child is exposed to in a group. Such a child would probably be more flexible in his moral code. If the child has strong adult role models at home, his home environment will counterbalance the values learned from other children."

Another expert worried by the consequences of age-group segregation is Prof. Urie Bronfenbrenner of Cornell University. "No doubt day care is coming to America," says Bronfenbrenner. "The question is what kind?"

He has studied socialization, the process by which children are molded to become adult bearers of their parents' cultural traditions, in the United States, the Soviet Union, Israel and Switzerland. The cultural question, he says, is whether the day care we provide separates the child from his family and reduces the family's feelings of responsibility, or or whether it helps the family maintain its role as the "primary and proper agent for the process of making human beings human.

"If children are placed in the hands of female professionals, I see some real problems for society." Bronfenbrenner says. "In a society which has explicit, clearly stated character goals, those goals can be built into a day-care program. But in our society there are no agreed-upon goals that can be part of a day-care program. Segregating children into homogenous age groups in the care of professionals locks them out of the process in which socialization naturally occurs." This process takes place in everyday family life, where children are surrounded by people with whom they can identify and from whom they learn skills, attitudes and values.

"I would like to see day-care centers where everyone was welcome. Where parents, grandparents, older children, neighbors and people who work in the neighborhood could drop in and play with the children, show them how to do things. In this way the children would grow up as part of a community, rather than being alienated from it."

After talking with Kagan and Bronfenbrenner, I felt with some certainty that I could put my children in a day-care center. Not *any* day-care center, but one in which I and other parents who shared my values and concerns were involved. One that had a warm, good teacher who shared our attitudes.

It has become clear to me that there is no simple or single answer to the question: Is day care good for children? Like all other human institutions, it has good aspects—and bad. The dangers do not warrant excluding day care from our society. That would leave us where we were before, with a picture-book mother and child who are not part of real life.

THE ROLE OF BUSINESS AND THE CONSUMER MOVEMENT

Mr. COOK. Mr. President, too frequently I fear those of us who are interested in consumer protection assume that only the government or governmental agencies can effectively protect consumer interests. We tend to view the interests of the business community as antagonistic to the interests of consumers. Nothing could be further from the truth. All reputable businessmen are vitally concerned with the acceptability of their product. This has always been so.

Therefore, Mr. President, it is not surprising that the business community has been somewhat perplexed by the more strident attacks of consumerists upon their good faith. They have not until recently appeared to know how to evaluate consumer criticism and to separate that which is valid from that which is invalid—and there is, Mr. President, a fair amount of validity to much of the criticism voiced by responsible consumer organizations.

In this connection, it was refreshing for me to come upon an address by David Rockefeller, chairman of the board of the Chase Manhattan Bank, which he delivered recently at an Advertising Council dinner in New York. I was impressed by the sharpness of his perception of the issues which I have just been discussing. Therefore, Mr. President, I ask unanimous consent that a copy of his address entitled, "The Role of Business in an Era of Growing Accountability," be printed in full at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ROLE OF BUSINESS IN AN ERA OF GROWING ACCOUNTABILITY

(Address by David Rockefeller)

I am grateful beyond measure for the honor which the Advertising Council has conferred on me this evening.

To be singled out for recognition for public service to the country and to one's fellow citizens is a distinction I shall cherish for a long time.

To be honored by an organization whose enterprising leadership in public service is as well known and widely respected as that of the Advertising Council, makes the award doubly gratifying.

Beyond these considerations, I must confess to deriving great personal pleasure from the fact that recent recipients have included such close and respected friends as Jack Connor, who headed the Dinner Committee that arranged tonight's very pleasant affair, and Jim Roche, who was feted here a year ago.

Frankly, I admire the Advertising Council's extraordinary courage in presenting an award, at this particular time, to *anyone* associated with business and banking. If I judge the temper of the times correctly, the Council might have won greater acclaim—in some quarters—by fashioning its silver in the form of a brickbat instead of a bowl.

Even in the Christmas toy departments, business seems to have suffered at least a minor setback in semantics. Where once the game of "Monopoly" dominated the counters, we now find a proliferation of new ones with such topical names as "Smog: The Game of Environmental Awareness," and "Extinction: The Game of Ecology."

That's hardly a progression to inspire confidence—from "Monopoly" to "Extinction" in one generation!

Of course, criticism of business is not a new phenomenon. It has always existed and probably always will. Businessmen can truthfully say with Sir Winston Churchill that we have "benefited enormously from criticism and at no point have we suffered from any perceptible lack thereof!"

But it is scarcely an exaggeration to say that right now American business is facing its most severe public disfavor since the 1930's. We are assailed for demeaning the worker, deceiving the consumer, destroying the environment, and disillusioning the younger generation.

Recent trends in business criticism differ from the Populist-Progressive-New Deal attacks of the past in certain significant respects that could have a profound bearing on the future role of business in our society. All of us who support the Advertising Council are concerned with this role and with the public accountability of private business. So I would like to direct my remarks this evening to some of the deeper implications of the current climate of criticism and what business can do about it.

In keeping with the passions and polemics of our time, it is tempting for businessmen to react by striking back at their critics, matching them invective for invective. Tempting, I say, but hardly very fruitful if the rebuttal stops there. A far more productive course, in my view, would be to keep our own activities constantly under scrutiny to anticipate criticisms that may have validity—and some of them have—then determine what we can do to meet them. To cry "Foul!" almost as a reflex action is to risk impairing our credibility for those occasions when we need it most.

It seems to me that recent attacks on business differ from those of the past in at least three major ways—in focus, in ultimate aim, and in scope. If the business community is going to meet these challenges effectively, it must understand the differences and face up to them realistically.

When I say that present day criticism differs in *focus*, I refer to the fact that earlier attacks concentrated primarily on size. Corporations were efficient enough, it was said, but they were too big and should be broken up. Bigness became synonymous with badness.

Today's criticism focuses not so much on size as on performance. One frequent charge is that through their performance, corporations are making our communities dirtier, more polluted and less congenial. Another, that in performing their day-to-day activities, corporations are too heavily oriented toward profits at the expense of service to the community. Still another, that corporate performance is often to be flawed because minorities don't participate equally, because waste goes unchecked, and because output is sometimes unfit for human use.

Business must respond to these criticisms, in my judgment, through consistently better performance effectively communicated.

I have purposely put better performance first and effective communications second. I suspect that the professional communicators among you are tired of being lectured on the theme that business has the greatest story in the world to tell if it could only communicate more effectively. You're tired of hearing this and I don't blame you. More often than not, I fear the problem is not so much with communications but with performance. The essence of developing a favorable reputation lies not in trying to tell a good story when the performance does not justify it, but in upgrading the performance so there will be a good story to tell.

John Hersey put this succinctly in his book, "Letter to the Alumni" in which he tells about his experiences as master of one of the residential colleges at Yale.

"The vast majority of young people," he wrote, "believe that greed is at the root of most of the misery in the world, and that most businesses systematize greed. No professor could possibly lecture that conviction out of students' minds," he continued, "because there are too many demonstrations of the truth of it on the part of American businesses—and labor unions. If American business could persuade young people (public relations would not persuade; only *performance* could persuade) that careers in business would enable them to relate and to help, then they would flock into business. Until that day," Hersey concluded, "they will flock into every available avenue of social service, politics, reform and revolution."

Business would do well, I think, to reexamine its performance in light of this sobering assessment. For example, what about the opportunities in business "to relate and to help" on community problems?

I realize, of course, that many corporations are working eneregtically to prevent urban deterioration, to train and place the hard-core unemployed, and to minimize pollution. But have we made these an integral part of our business activities, or are they regarded as simply a costly "extra" that can be readily dropped at the first sign of economic stringency?

On this score, surveys reveal wide difference in perspective between the business leadership and the community at large. The businessman sees urban affairs involvement as one in which he has a choice. He is inclined to feel that it is a generous gesture on his part, an effort in which he may or may not involve himself and his company, depending on alternative ways of spending his time, money and energy.

The community, on the other hand, sees the businessman's involvement in urban affairs as an absolute obligation he assumes when he opens the doors of his enterprise, and it is increasingly insistent on holding him accountable for his social as well as his economic performance.

In view of this, I think business should step up its efforts to devise incentive systems which will lead more private firms to serve public needs while at the same time making a profit. Encouraging steps in this direction have been taken in experiments with what has come to be known as "performance contracting." The most significant example is in the field of education where private companies have taken over public classrooms in some thirty cities, have tried out novel teaching methods, and have been rigidly judged on the results. In Gary, Indiana, test scores for the most comprehensive project to date, confirm preliminary reports from other schools, showing that the technique can produce notable education gains.

If private businesses could work out a sound basis on which they could get into the field of public-problem solving, I'm convinced that they would not only contribute creatively to solutions, but would also respond in the most dramatic way possible to the critics' charge that business is failing "to relate and to help" in community service.

A *second* difference between business criticism, past and present, lies in its *ultimate aim*. Earlier critics, for the most part, aimed at reforming business wtihin the capitalist framework. Many of today's critics—not all, to be sure, but many—appear to feel that the system is beyond reform, and that the only solution is to destroy the capitalist framework and start all over again.

One radical critique describes capitalism as "highly destructive, wasteful, exploitative and irrational." It stridently proclaims that "we can only solve our social problems and create the Good Society by doing away with capitalism and the institutions that support it."

Considering the seriousness and growing prevalance in some quarters of this attitude, it seems to me that businessmen have no choice but to respond by becoming reformers themselves, making a conscious effort to adapt the operation of the market system to our changing social, political and technological environment. The question really comes down to this: Will business leaders seize the initiative to make necessary changes and to take on new responsibilities voluntarily, or will they wait until these are thrust upon them by law?

Here we can profit from hindsight. During the 1930's when the social contract, binding business to society, was being extensively rewritten, the business community resisted innovation and wound up with some unpalatable reforms and a blemished reputation. Now with the social contract again up for revision, new social and environmental problems are generating increasing pressure for further modification and regulation of business. By acting promptly, business can assure itself a voice in deciding the form and content of the new social contract. By taking the initiative, it can contribute technical competence, rational analysis and imaginative innovations to the process of adjusting our system—but it must recognize that some adjustments are inevitable. Even now, the outlines are becoming discernible.

In certain areas, there may have to be new laws to force consideration of the quality-of-life dimension so that the more socially responsive firms will not suffer a competitive disadvantage at the hands of others who refuse to aid voluntarily. Businesses are likely to find themselves prodded persistently by governmental edict into concerted action on pollution.

The allocation of scarce capital to meet social needs, even at the expense of greater economic efficiency, is another area that will come in for attention. Unless business and finance take the initiative in this area, government may decree that a businessman must be concerned not only to find the quantity of money he requires but will be obliged to obtain specific authorization to use the funds in the manner he proposes. Investment projects not sufficiently high on the "social agenda" may have to pay a premium or wait in line for approval. There are already prominent members of Congress who would favor precisely this kind of directed investment.

In a related field, it can be anticipated that a more knowledgeable public will demand a higher level of marketing ethics than has always been evident in the past. Among the advertisers of the future there may well be large consumer groups, specifying what they will accept, and inviting businesses to meet their specifications. It is not unthinkable that advertising agencies may directly serve these consumer groups to help make known their wants.

Because of the growing pressure for greater corporate accountability I can foresee the day when, in addition to the annual financial statement, certified by independent accountants, corporations may be required to publish a "social audit" similarly certified. In anticipation of this, businesses should begin now to seek ways of reflecting in their accounting procedures their concern for the less tangible elements of the quality of life.

In view of the emerging demands for revision of the social contract, a passive response on the part of the business community could be dangerous. Any adaptation of our system to the changing environment is far more likely to be workable if those who understand the system's problems share in designing the solutions. So it is up to businessmen to make common cause with other reformers—whether in government or on the campus or wherever—to prevent the unwise adoption of extreme and emotional remedies, but on the contrary to initiate necessary reforms that will make it possible for business to continue to function in a new climate as a constructive force in our society.

Not only does present-day criticism differ in *focus* and *ultimate aim* from that of the past, as I've tried to point out, but it also differs in *scope*. Where earlier attacks concentrated on one or two industries, today virtually all industries find themselves being raked with scornful broadsides. Consumerism is equated in the public mind with the idea of the individual against business—*all* business.

Contrast this with earlier waves of criticism. In the Granger Era, for instance, the railroads were the chief targets. During the Great Depression, the banks and Wall Street were the whipping boys. But today all these and more are under simultaneous assault, so all must join in the response. Isolationism can be as disastrous in business as in foreign policy.

In dealing with critics, I think all businesses would do well to keep in mind the words of Justice Oliver Wendell Holmes, a master of judicial summation. "We must sail sometimes with the wind, sometimes against it," he said, "but we must sail and not drift or lie at anchor."

The urban affairs "pilot projects" initiated by a number of individual companies have been very much worthwhile, and have taught us valuable lessons about what can and cannot be done with limited resources. But the need now, as I see it, is for more massive collaboration by groups of corporations in diverse fields to tackle some of those major problems that surpass the resources of a single company. Businesses must learn to create consortiums to achieve social objectives so as to surmount their fears of inadequate effort, unsophisticated effort and effort exploited by free riders.

One area where they could be immensely helpful would be in the development of new towns, satellite cities and new towns within existing cities to accommodate the 75 million more Americans who will be with us by the year 2000. It is recognized that the bulk of the new growth will come through expansion of existing communities, but a significant supplement could come through newly created towns and cities. About a dozen of these new towns are now being built, but the need is estimated not in the dozens but in the hundreds if we are to provide adequately for the well-being of our additional population without worsening the problems of existing cities.

To build the number of new towns needed will, I believe, require two things: first a new federal agency or an existing agency endowed with new powers for planning and obtaining sites in cooperation with the appropriate local authorities; and second a private or quasi-public organization to provide the pre-development financing. As I envisage it, this might be a new kind of community development bank offering long-term bonds that would make possible full evolution of a new town.

The opportunities for broad business participation in such an undertaking are numerous. For example, banks and insurance companies could further the new town concept by purchasing their share of bonds to provide the initial capital. Industrial corporations could help by considering new towns as sites for the expansion of their facilities, thus providing the economic base and job support so essential to development. Beyond this, companies interested in land development could form a consortium to build a town once a site had been selected and could participate in the venture as co-sponsors.

If the business community can respond to criticism in active ways such as these and then relate the story of its successful performance, I think we can win over a majority of citizens and convince them that we are contributing constructively to the building of a better society.

By first recognizing that today's criticisms are different in kind from those of the past, we can then map out more intelligent approaches to meet them. As I see it, these new approaches should take into account the need for consistently better performance effectively communicated; the need for businessmen themselves to become reformers; and the need for all business enterprises, not just a few, to participate in the effort.

Since the early writings of Karl Marx, critics have been predicting the demise of the corporation and the downfall of the American business system. Thus far these predictions have not come to pass because through the years the American corporation has proven remarkably resilient in adapting to changes, and I am confident that it can and will demonstrate equal adaptability in the decade of the Seventies.

In my view the most successful companies, in the future, will be those that are creatively concerned not only with increasing the nation's wealth but also with enhancing the people's welfare.

Mr. COOK. Mr. President, while on tsis subject, I should like to bring to the attention of the Senate a recent effort by the Department of Commerce and the recently organized National Business Council for Consumer Affairs. That Council was established pursuant to the request of the President in his 1971 consumer message. The effort is one to enlist the business community at the highest level in review of policies and procedures on advertising and promotion. As more fully explained in a release from the Department of Commerce, the Department and the Council have recently requested more than 1,200 corporate chief executive officers to personally review their company's policies and procedures in this area.

Mr. President, I ask unanimous consent that the news release and the letters be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

National Business Council for Consumer Affairs Urges Chief Executives To Review Ad Policies

Secretary of Commerce Maurice H. Stans and the recently organized National Business Council for Consumer Affairs (NBCCA) are requesting over 1,200 corporate chief executive officers personally to review their company's policies and procedures on advertising and promotion.

A letter, signed by Robert J. Keith, Chairman, The Pillsbury Company and Archibald McG. Foster, Chairman, Ted Bates and Company, Chairman and Vice-Chairman respectively of the NBCC's Advertising and Promotion Sub-Council, recommends that each chief executive personally review his company's ad policies and procedures and supervise their dissemination to every person in the organization involved in advertising and promotion.

The Council feels this executive level review provides an opportunity for top management to assure that all such policies and procedures, their scope and implementation, have in fact kept pace with the evolution of consumer expectations and modern advertising practices.

The letter states that this review is especially timely in the Council's view because, "concern today in advertising has gone well beyond the bare truth of competitive claims and has come to encompass questions of taste, of the relative roles fo persuasion and information, of rational and emotional appeals, and of the impact of advertising on special types of audiences."

The Council letter stresses that the success of this review of ad policies will "depend on individual decision, individual motivation and individual action."

In a letter transmitting the NBCCA request for ad policy review, Secretary Stans asked that each corporate leader "take part actively with the Council in its proposal for individual voluntary action . . . to provide tangible benefits to the consumer and the business community."

The NBCCA was created by President Nixon on August 5, 1971. Its membership is composed of 116 corporate leaders who are subdivided into seven Sub-Councils addressing the following consumer areas:

Advertising and promotion.
Packaging and labeling.
Warranties and guarantees.
Credit and related terms of sale.
Performance and service.
Product safety.
Complaints and remedies.

In advising the President and Government agencies, through the Secretary of Commerce, a key function of the Council is to encourage voluntary action by the business community in consumer affairs.

For further information on this project, or on the National Business Council for Consumer Affairs, contact:

William D. Lee, Executive Director, National Business Council for Consumer Affairs, Room 4814–A, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: Area Code 202 967–2456.

TEXT OF SECRETARY STANS' LETTER

I am writing to you to seek your help on a matter of vital importance.

On August 5, 1971, the President created the National Business Council for Consumer Affairs to "advise the President, the Office of Consumer Affairs, the Federal Trade Commission, the Department of Justice, and other Government agencies as appropriate..." through the Secretary of Commerce. Since its organizational meeting on August 5, 1971, the Council and its several Sub-Councils have reflected in their work the interest expressed by the President in encouraging voluntary activity by business leaders to help foster "a marketplace which is fair both to those who sell and those who buy."

The Council's initial action in this effort has taken the form of the recommendation of its Sub-Council on Advertising and Promotion that each national advertiser, on an individual basis, seek to develop, or review, specific policies and procedures related to its advertising and promotion functions. The objective is to demonstrate the desire of business to meet consumer expectations by voluntary action.

The specific recommendations are described in the attached letter. I ask that you give them every consideration and hope that you will take part actively with the Sub-Council in its proposal. I am convinced that this kind of voluntary action, given the personal commitment of all concerned employees, can provide tangible benefits to the consumer and the business community.

TEXT OF NBCCA LETTER

On behalf of the National Business Council for Consumer Affairs, we are writing to you, as a major advertiser in the United States, to ask that you take part . . . on an individual basis . . . in a proposed step to help assure the highest levels of advertising and promotion practices benefitting both consumers and business.

We write to you today, and with a sense of urgency, in view of the intense interest currently being expressed, by all elements of our society, in the impact of advertising and promotion on our economy and our citizens. Concern is voiced, virtually on a daily basis, by private individuals, by people in government, by members of the business community.

Among the many proposed responses to this concern, two are perhaps most salient today. Both, we think, merit support and encouragement.

One is the interest expressed by the Federal Trade Commission in seeking to collect information broadly on modern advertising practices, without reference to any particular regulatory proposal, during its hearings in October and November of this year.

The second is found in the recent efforts of several groups (the Council of Better Business Bureaus, the American Association of Advertising Agencies, the Association of National Advertisers, and the American Advertising Federation) to support means of establishing effective voluntary self-regulation in advertising through the creation of the National Advertising Review Board.

The President, in his Consumer Message of February 24, 1971, stated that: "Most businessmen recognize and accept their responsibility to the consumer, and in many cases they have voluntarily undertaken efforts to assure more fully that these responsibilities are met throughout the business community." President Nixon, in this message, called for the creation of the National Business Council for Consumer Affairs: "To emphasize and encourage such voluntary activity . . ."

At the first organizational meeting of this new Council in August, the Sub-Council on Advertising and promotion began its work by attempting to establish priorities for its members' analysis and action. The areas among which priorities might be chosen were many, reflecting the fact that concern today has gone well beyond the bare truth of competitive claims and encompasses questions of taste, of the relative roles of persuasion and information, of rational and emotional appeals, of impact upon various types of audiences, etc.

In discussing the programs which might be developed by the Sub-Council, we agreed at the outset that we should look first at the frailties that may be found in the use of advertising and promotion . . . before examining the strengths that we all know exist. In this way, we believe that our work will avoid the kind of pitfall described by Melvin Anshen in his article entitled, "Changing the Social Contract: A Role for Business," appearing in the November-December, 1970, issue of the *Columbia Journal of World Business*:

"The record of recent public efforts to revise some of the rules of private business behavior (as in grocery product packaging, consumer credit terms, air and water contamination, and automobile safety) suggests . . . that business firms and their managers will not be allowed to participate in revising the rules if they volunteer their assistance only after their demonstrated resistance to any change has been overcome."

Whether we were to find ourselves participating in "revising rules" at an early stage, or in the equally, and perhaps more, important work of identifying as yet unarticulated areas in which our practices might be even further improved, our Sub-Council began by attempting some definition of words that often would be used. We should like to share two with you.

First, "advertising and promotion." We agreed that "advertising and promotion" would be understood for our purposes simply as including virtually any communication to a consumer . . . and that the work of the Sub-Council would seek to help make advertising and promotion more credible . . . and more creditable.

Second, "consumerism." Each of us has repeatedly heard of the apparent "gap" between the interests of buyers and sellers, each of us has heard of and talked about something called "consumerism", but few of us have reached agreement on a useful definition. We decided to think of consumerism as: "the growing framework of expectations with which the consumer views the business establishment." With this definition in mind, we believe we will be able to continue to recognize an essential facet of the reality of consumerism: that it is alive, growing, and constantly changing; that it is not a static set of problems seen today and readily solved tomorrow; rather, it reflects changes in values, attitudes, ethics and taste as they occur in our society.

Given this recognition of change in expectations, our Sub-Council has agreed on attempting to implement a proposed "first step." It is in this "first step" that we ask you to join us.

Simply stated, *it involves an individual effort to seek maximum specificity in your own policies and procedures relating to every facet of marketing as it affects the consumer.* It involves recognition of the importance of reducing such a policy statement and specific procedures to writing, the importance of top management involvement in the development of these statements, and the equal importance of disseminating them to every person in the organization involved in advertising and promotion.

For many, it means a review of existing written policies, rather than the development of new ones. For all, it represents an opportunity to make certain that all such policies and procedures, and the extent to which they reflect management involvement and win employee commitment, have in fact kept pace with the evolution of consumer expectations and of modern advertising practices.

We sincerely hope that you will take part in this proposed step with us. It is a step which relies for its success on individual decision, individual motivation, and individual action. As such, it could contribute far more than legislation or than group action to fostering "a marketplace which is fair both to those who sell and those who buy," a goal stated in the President's Consumer Message of 1969.

It is our hope that you will be able to reply to us, within the next two weeks, with an expression of your interest in pursuing this proposed "first step" in your company.

It would be extremely helpful to us if you would include also in your reply an indication of:

(1) The extent to which you believe voluntary action can help in strengthening the credibility and creditability of the advertising and promotion functions,

(2) the degree to which you believe the role of the chief executive officer can contribute to such an effort, and

(3) the availability of any examples you may have of actions you have taken that might be of immediate help to us.

In addition, if you have strong feelings about specific advertising and promotion practices in your industry which you feel might be appropriate for discussion by the Sub-Council on Advertising and Promotion, given our purpose to help motivate individual voluntary action of benefit to consumers and business, please feel free to express your thoughts to us.

For your information, we are attaching a list of the members of our Sub-Council. We ask that you communicate your interest in our suggested "first step" to us at this address:

National Business Council for Consumer Affairs, U.S. Department of Commerce, Room 4814–A, Washington, D.C. 20230.

We look forward to receiving your initial reaction within the next two weeks. Also, whenever you have examples of written policy statements and procedures on advertising and promotion, or revisions of such statements, which you feel could be used to help others, we should be happy to receive them for our information and for any assistance we could offer in making them available to other national advertisers who might request help in the form of specific examples.

NATIONAL BUSINESS COUNCIL FOR CONSUMER AFFAIRS SUBCOUNCIL ON ADVERTISING AND PROMOTION

CHAIRMAN

Robert J. Keith, Chairman & Chief Executive Officer, The Pillsbury Company.

VICE CHAIRMAN

Archibald McG. Foster, Chairman & Chief Executive Officer, Ted Bates & Company.

MEMBERS

Thornton F. Bradshaw, President, Atlantic Richfield Co.

Henry H. Coords, President, Fisher-Price Toys.

Justin Dart, Chairman, President & Chief Executive Officer, Dart Industries, Inc.

Alfred Eisenpreis, Vice President, Marketing, Allied Stores Corp.

Stuart K. Hensley, Chairman & Chief Executive Officer, Warner-Lambert Company.

Barron Hilton, President & Chief Executive Officer, Hilton Hotels Corp.

Hobart Lewis, President & Chief Executive Officer, The Reader's Digest Association, Inc.

Edgar H. Lotspeich, Vice President, Advertising, Procter and Gamble Company.

John J. Riccardo, President, Chrysler Corporation.

Grant G. Simmons, Jr., Chairman & Chief Executive Officer, Simmons Company.

V. J. Skutt, Chairman & Chief Executive Officer, Mutual of Omaha Insurance Co.

William S. Smith, President & Chief Executive Officer, R. J. Reynolds Tobacco Company.

Stuart D. Watson, President & Chief Executive Officer, Heublein, Inc.

Mr. COOK. Mr. President, I feel that this material is a hopeful sign that the business community is prepared to make the sort of reevaluation of its role with respect to the American consuming public which I believe to be so vitally necessary. We should permit them to do so and limit government intervention to those areas in which it is shown business cannot or will not effectively respond to the challenges of our day.

POISONING OF ANIMALS

Mr. BAYH. Mr. President, on Tuesday, December 14, I had the opportunity to testify on the question of predator control before Senator McGee's Agriculture, Environmental, and Consumer Protection Subcommittee of the Committee on Appropriations. It is my hope that my testimony and the work of the committee will lead to favorable action on S. 2083, my bill to ban the poisoning of animals on public lands.

Today I should like to share with the Senate some of my thoughts on this very serious question of poisoning our wildlife. While opposing poisoning because of the grave environmental threat which it holds, I recognize the need for some manner of control of predators and therefore propose responsible, carefully targeted trapping modeled after that which has already proven effective in some States.

The remarkable point about the extensive destruction of animals through poisoning is that the Division of Wildlife Services of the Department of the Interior is probably indirectly the greatest killer of certain endangered species which the Department is supposed to be protecting. The irony would be ludicrous, if it were not tragic.

Imagine, Mr. President, the Interior Department is killing the very animals we in the Congress have asked it to protect. All too often we hear of bureaucrats working at cross-purposes, but when we witness such behavior—as in this instance—the only possible response is shock and dismay.

Let us look for a moment at the appalling statistics of thoughtless destruction of some treasured animals.

The Division of Wildlife Services has 700 employees who have placed 2,300,000 pounds—more than a thousand tons—of poisoned meat on public land in the past 5 years. The main poisons are compound 1080, of which more than 100,000 pounds has been used annually for 2 decades, and thallium sulfate. A single ounce of compound 1080 at maximum efficiency could kill 200 adult humans. The legal poisoners have also used 3 million strychnine tablets and tons of poisoned grain. Not only has the Interior Department engaged in its own massive poisoning program, but States have subsidized similar programs by local governments and private organizations, often duplicating and aggravating the destructive impact of Federal programs.

One salient point which must be understood when weighing the effects of this program is that many of these poisons are not biodegradable. They have a cumulative effect which means that great amounts of poison, harmful to humans, can accumulate in our food and water supplies. Because many of the poisons are placed near streams, there is special reason to be concerned about the long-range impact on the water supply.

The expensive program of poisoning—costing more than $8 million a year—has met with what its proponents would call a great success; I call it a horrendous kill of our natural wildlife. Consider the known kill during 1963: 90,000 coyotes, 300 mountain lions which are on the endangered species list; 21,000 bobcat and lynx whose pelts are sold for a profit of $20 apiece, and 73,000 other animals. In this last group are a number of endangered species including the California condor, the black-footed ferret, the San Joaquin fox, the Utah prairie dog, and as a final irony, the American Bald Eagle, our national symbol.

As undesirable as the present practice of widespread poisoning is, and as strongly as I oppose it, I do recognize the need for some controls on predatory animals. This is why my legislation provides an ecologically sound alternative in the form of selective trapping, not the random trapping which has proven ineffectual.

There are careful studies which indicate that selective trapping by the farmers themselves would reduce damage from predators by 80 percent, while cutting sharply into the number of man-days and costs per catch.

This alternative to poisoning—known as the extension predator control program—is based on the evidence that only a small number of the animals now being killed are truly predators. This is substantiated by the fact that a majority of coyotes, for example, live some distance from ranches and feed on wild rodents. Careful trapping near chicken coops or livestock watering areas can effectively deal with those coyotes that actually pose a threat.

Under the extension predators control program, as implemented in my bill, Federal mammal control agents would instruct farmers and ranchers in techniques of trapping the individual mammals causing depredations on domestic livestock. These techniques have already been very effective in Missouri.

Extension predator control began in Missouri in September 1945. Since 1957, one Federal control agent has been able to handle all requests for trapping demonstrations or training service by holding an annual meeting for about 2,000 farmers and then meeting individually with 400 to 700 farmers on their own land. Written statements from the farmers who received training indicate that they have reduced their damage loses an average of 80 percent—in other words, each farmer has realized savings of about $100 per year. In addition, the cost per animal taken decreased from $116 when Federal agents were doing the trapping to $6.99 when the farmer trapped. The combined livestock and program savings present a strong argument for shifting to this system.

Unfortunately, I do not have statistics on cost comparisons between poisoning programs and the proposed alternative. However, a simple application of logic demonstrates that hidden costs accumulate rapidly with extensive poisoning.

In an attempt to poison all potential ranch predators, ranchers are only upsetting a natural balance of wildlife and are creating new economic losses for themselves. For instance, if the balance of wild predators and prey is disrupted, then perhaps there will be a mushrooming of small rodents, stripping the grazing lands intended for livestock. In fact, in 1970, DWS designated a cumulative 228,019 acres for separate rodent-poisoning of small rodents, stripping the graz- there may be a decrease in the rodent population which will force previously innocent predators toward captive livestock. Each of these results will only lead to economic loss and to increased pressure for more of the poison which caused the problem.

I suggest we should listen to naturalists like Dr. Frank C. Craighead, Jr., who has stated:

> Coyotes are a desirable and indispensable part of a collective predator population which serves to regulate prey populations on wild lands. They perform a useful function as scavengers and they do more good as rodent destroyers than harm as livestock killers.

Even the U.S. Public Land Law Review Commission has recommended that predator control programs be eliminated or reduced on public lands, noting in its 1970 report:

> While these programs may have been of some benefit to livestock operators in reducing cattle and sheep depredations by coyotes, puma, cougar, and bear, they have upset important natural mechanisms for the population control of other species.

As far back as March 1964, the Leopold Commission's report noted the following criticism of Interior's poisoning program:

> Far more animals are being killed than would be required for effective protection of livestock, agricultural crops, wildland resources and human health. This unnecessary destruction is further augmented by state, county and individual endeavors. The federal government, it would seem, should be setting an example in proper scientific management of all wildlife resources with a view to the public interest and welfare. Instead, the branch of Predator and Rodent Control has developed a semiautomonous bureaucracy whose function in many localities bears scant relationship to real need and less still to scientific management.

I sincerely hope that Congress will at last take heed of this advice and end all poisoning on public lands. Enactment of the Anti-Poisoning Act of 1971 (S. 2083) would be a responsible step in this direction and would also continue programs to protect the livestock owner from loss.

I ask unanimous consent that the text of my bill, S. 2083, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2083

A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Anti-Poisoning Act of 1971.

SEC. 2. *Definitions.*

For purposes of this Act,

(a) "Public lands" means all publicly owned lands of the United States except Indian and military reservations.

(b) "Poison" means biocides and toxicants, singular or plural, in gaseous-, liquid-, dust-, or solid-form, placed in food, baits, or water directly ingested by carnivores from eating poisoned herbivores or omnivores, and includes: direct acting poison, for example, strychnine; cumulative poison, for example, thallium sulphate; and chain-reacting poison, for example, sodium fluoroacetate.

(c) "Chemosterilant" means any substance which, when ingested, causes the animal to become sterile.

SEC. 3. *Prohibitions.*

(a) Except as provided in section 4 of this Act, the use of poisons or chemosterilants to kill any animal or bird on public lands is hereby forbidden.

(b) The interstate commerce of thallium and sodium fluoroacetate, commonly known as Poison 1080, is hereby forbidden.

SEC. 4. *Exception.*

In any specific instance where either the Secretary of the Interior or the Secretary of Agricluture believes, because of unusual and extraordinary circumstances, that it is imperative to use poisons on public lands for animal control, he shall place a Notice of Intention in the Federal Register at least 60 days prior to the proposed beginning of the program and shall give a public hearing to anyone who wishes to protest the poisoning; the program shall not be begun until a review of the protests is made by the Secretary of the Interior or Secretary of Agriculture, as the case may be, and a detailed explanation of the need of the program is placed in the Federal Register.

SEC. 5. *Penalties.*

Any person, including officials, employees and agents of the United States or any State, who violates the provisions of this Act shall, upon conviction for the first offense, be subject to fine not to exceed $500.00 or imprisonment not to exceed six months, or both; upon conviction of a second or subsequent offense, violators shall be subject to a fine not to exceed $5,000.00, or imprisonment of one to three years, or both.

SEC. 6. *Extension Mammal Control Agents.*

(a) There is hereby authorized to be established in each regional office of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior the position of extension mammal control agent who, upon the request of the duly authorized wildlife agency of any State within the region, shall provide advice and demonstrations to State-employed specialists in methods of instructing farmers and ranchers, or their agents, in techniques of preventing depredations by wild predatory mammals on domestic livestock and in techniques of trapping the individual mammals causing depredations on domestic livestock. Any control methods used, demonstrated, or advocated by the extension mammal control agents shall be in compliance with applicable Federal and State laws relating to the taking of wildlife, and no such method shall include in rural or suburban areas the use of poison or chemosterilant.

(b) As of July 1, 1972, and thereafter, the number of manual control experts and other persons employed by the United States Fish and Wildlife Service, or in any bureau or branch thereof, to engage in or assist, either directly or indirectly, in the trapping or other method of reducing the number of predatory mammals shall not exceed six persons. Biologists or other personnel employed within the Wildlife Research Branch of the Bureau of Sport Fisheries and Wildlife to investigate the biology or ecology of predatory mammals, or to develop control methods less likely to endanger valuable wildlife than the methods now in use or practiced in the past, shall not be counted against the foregoing limitation.

SEC. 7. *Authorization of Funds.*

There is hereby authorized to be appropriated for the purposes of this Act not to exceed $153,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1976. The Secretary of the Interior is directed during the period from effective date of this Act until the close of the fiscal year ending June 30, 1972, to make such reorganizations, reductions, and adjustments in the predator-control program of the Bureau of Sport Fisheries and Wildlife as are necessary to prepare for the implementation of this Act.

BIG BUSINESS AND BIG POLITICS

Mr. McGOVERN. Mr. President, an historic concern of farmers and their organizations has been the preservation of a free and open market in which they sell their commodities. In the last part of the last century and early in the present century, exploitation of farmers through unfair rates and nearly every other monopoly practice imaginable resulted in a broad range of legislation designed to curb the monopoly practices of giant industries. It is fair to say that this legislation of the progressive era was in the best interests of not only the agricultural community but of the entire Nation.

It was with a great deal of regret that I learned the Justice Department plans to ask a Federal court to rescind a court order prohibiting the four largest meatpackers from expanding into other product lines. It is important to note that the companies involved did not request the action. The Justice Department said only that the decree which has stood since 1921 had served its "remedial" purpose. The Justice Department in this instance has decided that somehow the requirements of the Sherman Anti-Trust Act have changed in the last 50 years. The fact is the large meatpacking companies attempted to obtain a change in this order in the 1930's and the 1950's but their request was denied.

That original decree was designed to correct serious abuses in the meat industry. The dangers of unbridled monopoly are as great today as they ever were in view of the ever increasing concentration of economic power by corporate monoliths.

The National Farmers Union Washington Newsletter of December 3 has published a highly informative and incisive account of the ramifications of the recent decision of the Justice Department and related activities of the Nixon administration. I ask uaninmous consent that it be printed in the RECORD.

There being no objection, the account was ordered to be printed in the RECORD, as follows:

BIG BUSINESS AND BIG POLITICS

The Nixon Administration's concept of the inseparability of business and politics has been further illuminated in recent days. The spotlight was turned dramatically on the issue by the nomination of Dr. Earl L. Butz for the position of Secretary of Agriculture. His corporate affiliations overshadowed his Ph.D. And indeed, the President's decision to nominate him seems to have been made in deference to his business community. At least several important Republican officials, including the party chairman, Senator Dole, were bypassed.

Was the nomination merely a lapse in political procedure? An announcement by Attorney General John Mitchell a few days later suggests it was not. The Justice Department, the Attorney General said, will petition the Federal Court to rescind a court order prohibiting the four largest meat packers from expanding into other product lines. The companies are Swift, Cudahy, Armour, and Wilson. The decree has stood since 1921.

The Justice Department news handout emphasized that the original judgment was a "consent" decree. This means only that nobody had to be arrested in the course of enforcement. The news release also emphasized that the decree was issued 50 years ago. It had served its "remedial" purpose, the Justice Department press release said. Although generations of Americans have forgotten the crime these four companies were charged with—price fixing and the abuse of monopoly power—the need for the court order is greater today than half century ago. The dangers of monopoly power, as well as their capacities to fix prices, have not diminished in this era of corporate giantism. Indeed, the dangers are greater.

It is a small thing, perhaps, but illuminating, that it is the Justice Department—not the companies themselves—which proposes to bring the action before the Federal Court. The Wall Street Journal reported that the companies tried first in the 1930s and again in the 1950s to get rid of the restriction on their activities. Now, at last, an Administration is in power which not only grants their request, but offers the services of the Justice Department to do the job. Company officials expressed "delight" with the offer.

Have the requirements of the Sherman Anti-Trust Act changed in the last 50 years? Not until quite recently, it would appear. President Nixon coined a phrase to describe his concept of constitutional justice. "Strict constructionist" was the interpretation he favored. One wonders whether anti-trust laws are subject to "strict constructionism," assuming the term had any real meaning in the first place.

Putting a term on court decrees which restrain large corporations in the economic jungle is comparable to setting time limits on corporate criminality. Are all corporate criminals to be freed to prey once more on society? Will the Justice Department now petition the court to dissolve the restraints against electric companies—and the big plumbing companies—from engaging in the price-fixing conspiracies that bilked the public of millions a few years ago?

The Justice Department defended its decision to seek an end to the injunction against the meat packers on grounds that the result would be more competition in the food business, not less. The small food companies that have survived the conglomerate merger movement so far were not asked by the press to comment. But it strains the imagination to conjure ways competition might be increased by turning Swift, Cudahy, Armour, and Wilson loose to prey on them. Perhaps, though, the lamb is a little swifter just before the wolf pounces.

There is little comfort for the farmer in the current situation. The U.S. Department of Agriculture is back on the offensive once more, issuing news releases citing the efficiency of large farm units. It has virtually obliterated parity as it conceals the figure deep inside its monthly report. USDA officials make speeches saying that consumers—finally—will get the benefit of today's low farm prices.

Nothing could have revealed more convincingly how interchangeable are politics and business than the switch on the Ralston Purina board of directors—from Dr. Butz to Dr. Hardin. For those who might hope that any new appointment—any change—might be for the better, Ralston Purina's appraisal of the two men must stand as definitive. Ralston Purina sees no difference in them; none whatsoever.

THE GENOCIDE CONVENTION AND AMERICAN POW'S

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so because they believe that U.S. ratification will allow North Vietnam to try on charges of Genocide Americans held as prisoners of war. They believe that Hanoi wants to try our men but is unable because we have not yet ratified this treaty. But as soon as we do so, it is said, Hanoi will be able to go ahead with its evil plans.

But this theory just does not hold water. North Vietnam has not ratified the Genocide Convention and has given no indication that it ever will. American ratification will in no way give Hanoi additional jurisdiction.

For a person to be guilty of genocide he must have committed one or more of a number of carefully specified acts with the intent of destroying an entire racial, ethnic, or religious group. Where such intent is not present, genocide has not been committed. Because American forces were not sent to South Vietnam with this intent they cannot properly be charged with genocide for any of the deaths that occurred in the war.

Should Hanoi decide to ignore this fact and concoct a number of lies as pretext for trying our POW's, why should they bother with such legal nicities as American ratification of this treaty. North Vietnam has our brave men in their power. They can tell any lies they want. They can trump up any charges they want. They do not need our permission. The best way to protect our POW's is to work diligently for their release.

Mr. President, the Senate should ratify the Genocide Convention as soon as possible.

THE REMARKABLE B-1

Mr. GOLDWATER. Mr. President, it is truly remarkable what Pentagon experts operating under Defense Secretary Melvin Laird and former Deputy Secretary David Packard have been able to accomplish in terms of providing additional defense for the United States out of the mess they inherited from Robert S. McNamara.

As a result, we are developing a new manned bomber, the B–1, which should prove far superior to its Soviet counterpart in aircraft performance, avionics, ordnance, growth potential, and overall flexibility. And, surprisingly enough, Mr. President, there has been no cost growth in the B–1 program in terms of constant 1970 dollars. In fact, the B–1 project may well become our No. 1 example of how sound management and advanced technology can be merged in an effort to provide the American people with a maximum amount of defense for the money expended.

Despite the tremendous advance made recently by the Soviet Union in terms of military hardware the defense posture of our Strategic Air Command remains strong and superior.

Because the manned bomber is so vital to this Nation's future and to the generation of peace which President Nixon has fixed as his goal I should like to call the Senate's attention to an outstanding address by Dr. John F. Foster, Jr., Director of Defense Research and Engineering delivered before the Air Force Association's recent symposium for industry. I ask unanimous consent that Dr. Foster's speech in Orlando, Fla., December 15, 1971 be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. JOHN S. FOSTER, JR., DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, BEFORE THE AIR FORCE ASSOCIATION—STRATEGIC AIR COMMAND SYMPOSIUM FOR INDUSTRY, ORLANDO, FLA., DECEMBER 15, 1971

Distinguished guests, ladies, gentleman, and especially the crews of the Strategic Air Command:

It is a privilege to meet with you while the annual Strategic Air Command Bombing Competition and the SAC Symposium are in progress. I believe this bombing competition is critical to our national security for two reasons: First, it demands the very best of the crews and equipment and thus further improves and strengthens confidence in the capability of this vital part of our strategic deterrent force. And, second, this competition helps bring needed public attention to the fact that national security is not something that can be taken for granted.

It is hard to realize that we live in a time of growing danger to our national security. The threat is not in plain view, so it is difficult for some people to believe that their interests are threatened. There are also serious and visible domestic needs that preempt the attention of many.

I agree that our nation has several difficult and extremely important problems that must be attacked. However, I believe that national security is paramount and we must not relax our vigilance.

The crews in town this week to participate in this competition know more about handling bombers than any other group in the world, so there is nothing new I can tell them about the techniques of their profession. But I do want to make some general comments on bombers and bomber forces.

In brief, strategic bombers are the most thoroughly proved and flexible of our strategic forces. They have unique capabilities. You men of SAC fly the best bombers in the world today. I hope that many of you will fly the B–1, designed to be the best on into the Twenty-First Century. Your profession and your kind of weapon systems have a strong future in our country's quest for peace.

The very fact that you came for a competition that requires your planes to be flown and your equipment to be used again and again demonstrates the uniqueness of the bomber. Such human involvement with strategic missiles, either land- or sea-based, is inherently impossible.

This SAC bombing competition was started some 23 years ago by General Curtis LeMay. The best unit that first year flew B–50s; the best single crew won with a B–29, even though a more advanced aircraft, the B–36, was also in the competition. B–52s competed for the first time in 1956; aerial refueling was added to the competition in 1958. In 1960, the B–58s came in. FB–111s were entered for the first time last year. Every year the performance and capabilities of SAC have improved.

This competition is one important proof of bomber capabilities. The war in Southeast Asia has been another.

Of course, B–52s were never designed to carry conventional weapons or to fight in a limited war. But the planes proved to be fully as adaptable as their crews. SAC hung conventional bombs on the B–52D and used the crews' professional skills to deliver those weapons to their targets with astonishing precision. The sorties went like clockwork—seldom aborting and with almost no losses. Day after day, SAC demonstrated to the world what training, experience, and adaptable systems can do.

Furthermore, the SAC bomber crews in Southeast Asia have contributed significantly to the winding down of American involvement in the war. More than any other single weapon systems, the B–52 forced the enemy to disperse and hide. You will recall when, in the early days, the enemy was free to concentrate in jungle sanctuaries and prepare for major attacks on South Vietnamese towns. Today there are no such sanctuaries. The B–52 and the precision work of its crews have forced the enemy virtually to abandon concentrations greater in size than a battalion. The number of friendly lives saved by the breaking up of large enemy units is incalculable. Many of our Vietnamese friends are walking the streets of their towns today and many American soldiers have returned to their homes because the B–52s hit their targets in the Southeast Asian jungles.

Our B–52 crews proved themselves spectacularly in one of the most important battles of the war. In early 1968, the North Vietnamese Army had surrounded the United States position at Khe Sanh, and the enemy's buildup reminded people all over the world of the beginnings of the battle of Dien Bien Phu. But General Westmoreland asked for B–52 strikes—and history did not repeat itself. With assistance from radar, the B–52's accuracy and effectiveness were remarkable. A formation of three aircraft would lay its bombs in neat rows inside a rectangle one kilometer wide and two kilometers long. Close-in strikes by SAC and TAC aircraft turned the tide. General Abrams said later, "It was only after the B–52s bombed within 1,000 meters of the fence at Khe Sanh that the enemy showed signs of crumbling."

The winding down of the war has permitted a great reduction in B–52 sorties, but the bomber crews continue to play a major role in the interdiction of the Ho Chi Minh Trail. Crews are now showing even greater versatility and quicker response to short-fuse target assignments.

With the bombers are the KC–135 tankers, the "Young Tigers," who provide air-to-air refueling not only for the B–52s but for fighter aircraft as well.

In short, when the enemy is hidden, when he tries to concentrate for assaults on populated areas, we have learned that there is no better way to break him up than by calling the professionals of SAC.

But this particular demonstration of bomber versatility is not the primary assignment of SAC aircrews. Their first assignment is to help keep this country out of nuclear wars. SAC bombers have been doing this since the dawn of the nuclear age. Unfortunately, the day when they can stand down from this assignment is not in sight.

The cornerstone of American nuclear policy is deterrence. This is the familiar and effective policy of demonstrating to all potential adversaries that the United States has weapons that can survive any attack and then penetrate to targets in any aggressor nation in sufficient numbers to cause destruction that the aggressor would consider totally unacceptable. Bombers are, and will continue to be, a vital part of that demonstration. Without bombers, we would be diminished both in our capabilities and in our confidence in those capabilities, and the risk of thermonuclear war would rise.

Let me point out a few facts that are clear to this audience but may not be fully understood by others following our words here today.

The United States has three basically different kinds of long-range deterrent weapons—missiles based on land, missiles hidden under the sea, and land-based bombers. This combination of weapon systems enables us to take advantage of three basically different ways of preserving our forces against attack and two basically different ways of penetrating enemy defenses. Each method of survival and penetration has its advantages, but no single system by itself offers enough.

It is difficult to talk in public about the inherent shortcomings of any of these weapon systems without appearing somehow to criticize one weapon unfairly or give another an undeserved boost. The professional military men who use each kind of weapon have justifiable confidence and pride in their own system—and confidence in their abilities to overcome deficiencies that may arise.

So please excuse me if I talk right now primarily about bombers, not strategic missiles, whether based on land or at sea.

Neither bombers nor missiles can, *by themselves,* give our country sufficient assurance of successful permanent deterrence of nuclear war. Bombers do offer a different approach to survival and penetration and therefore, to security—their alert posture on the runways, their ability to flush and be recalled, their ability to select and overwhelm parts of the defense and safely ignore most of it. But, if the enemy were free to concentrate solely on offensive and defensive systems for use against the bombers, then our confidence in our bombers' effectiveness would diminish; our deterrence would be weakened. The risk of aggression would not remain at the near-zero mark that our security requires.

Existing bombers, existing basing practices, existing penetration techniques are effective and are a necessary factor in deterrence, but they will not remain effective forever. No single weapon system has an infinite life. As military technology in potentially enemy nations advances, we must modify our deterrent forces. We must modify our bomber force just as we modify our missile force.

The Soviets are now building Polaris-type missile submarines at a rapid rate. More than two dozen of these submarines are now operational. Enough additional submarines are on the way to permit the Soviets, by 1973, to surpass our own ballistic-missile submarine fleet in size. Also, the Soviets are testing a new long-range sub-launched missile that could further increase their capabilities.

Now, if they were to use submarines to launch ballistic missiles against our airfields from stations close to our shores, they could seriously threaten the survivability of our present coastal-based B–52 and FB–111 forces. We do not know their tactical planning, but common sense dictates that we be ready with a fix for this potential problem. And we do have a series of fixes that we can apply, one by one.

First, we can give the bombers still more warning time. Our satellite early warning system is progressing well. We can improve communications to the bombers. The new World-Wide Military Command and Control System Policy Council will furnish guidance for the development and operation of better strategic communications.

Second, we can base our aircraft farther inland and so give them more time to take off before a missile arrives. We are currently dispersing them onto 12 auxiliary bases in addition to the 29 main operating bases. This gives the aircraft more time in which to become safely airborne.

Third, we can reduce the reaction time of bombers and tankers by placing the aircraft closer to the end of the runway and the crews closer to the aircraft and by quick engine starts.

Most important of all, we can and must retain skilled people who can get the most out of the systems we have.

But there are sensible limits to the changes that should be made on our existing strategic bombers. There are inherent limits to the performance of these planes that have to do with reaction time, penetration capability, and maintenance costs.

That is why we are developing an entirely new strategic bomber, the B–1. This aircraft takes advantage of many technological advances that cannot be applied to the B–52 or FB–111. It should be a far more survivable plane. It should be more versatile.

On its bases, as now conceived, the B–1 should be able to cope with the most vigorous offensive efforts of a future enemy. It will have new aids in penetration to the target. It will have combinations of high and low altitude, fast and slow speed, and long range and payload which neither the B–52 nor the FB–111 can match. And it will have global range with existing equipment for refueling.

The Air Force is already a year and a half into engineering development on the B–1. This is one of the major development programs that have benefited from the management changes brought to the Pentagon by Secretary Laird and Deputy Secretary Packard.

I can assure you that, although former Deputy Secretary David Packard is returning to private life, his impact on this program and many others will continue to be felt throughout the military establishment.

You may not know this, but it was Mr. Packard who personally led the original examination of the Air Force's request to proceed with the development of the B–1, who made the decision to proceed, and who has been the most effective supporter and defender of that decision.

He set high standards for us to follow in our procurement programs, and I strongly believe that his contributions to the defense of this country will be long remembered. These include his desire that we give the American public the greatest possible value for its Defense dollar. I sincerely hope that the B–1 will be a project that we can use as an example of the merger of sound management and advanced technology. In fact, as of today, there has been no cost growth in the B–1 program in terms of constant 1970 dollars. I feel there is a good chance that the strong Air Force management team can maintain this excellent record.

Our decision to continue to include manned bombers in the forces that provide for our security is not unique. The Soviet Union apparently has also come to the same conclusion. They are currently testing several copies of a swing-wing supersonic strategic bomber. In size, it is about two and a half times the weight of our FB–111, but smaller than the B–1. The new Soviet bomber, which could be operational in the next few years, will have a radius of 2500 to 3000 miles, unrefueled, at high altitude, compared with about half that for the FB–111. With a speed of roughly Mach 2 at altitude, it will be comparable with the FB–111 in that respect. Presumably, its avionics will be modern but probably not as good as that of the FB–111.

Through this decade, of course, we will continue to rely on the B–52 for the bulk of our manned strategic capability. Then, the B–1 is designed to take over. It should be superior to the Soviet bomber in aircraft performance, avionics, ordnance, growth potential, and overall flexibility.

To sum up this comparison, we have a strong edge in crew quality, and we can maintain it. We have an edge in technology, though the leadership in this particular area may seesaw during the 1970s. We cannot be sure of numbers. Our plans are to concentrate on maintaining our technological leadership—and on quality. Whether the U.S.S.R. will make the same choice or strive for greater numbers—or for both goals—we do not know.

For our part, we deliberately concentrate on maintaining technological superiority. You can see this in the Administration's Defense budget request for the current fiscal year. President Nixon asked for an additional $800 million for research, development, test and engineering, while sacrificing levels of operational weapons in a fixed budget total.

It is most unfortunate that the Congress has just cut the requested research and development increase in half, while accepting—and even adding to—the Administration's proposed reduction in numbers of weapons. Trading quantity for quality was, I believe, a wise decision by the Secretary of Defense and the President. Sacrificing both was, it seems to me, an unwise decision.

Still, in our kind of government, a good argument can always be made a second time. I believe Secretary Laird will present the same argument again. The budget to be submitted to the Congress next month probably will ask again for additional funds in the R&D program.

It seems clear to me that, in the face of a strong Soviet momentum in weapons improvement, we cannot give way both in quality and in quantity. I am hopeful that the Congress will agree.

President Nixon earnestly seeks a generation of peace. Peace is SAC's profession. The demonstrated competence, courage and ability of the crews of the Strategic Air Command help to make the President's goal a realistic one. I am positive that SAC's professionals will continue to do more than their share to keep us out of nuclear war by remaining the best in the world.

THE SUPERSONIC TRANSPORT AND THE ENVIRONMENT

Mr. BAYH. Mr. President, the New York Times today reports that the Concorde—the British-French SST—will be ready for commercial civilian flights in October 1974. The Times also reports that the Russian Tupolev 144 "is scheduled to go into service on a domestic route next year."

On September 21, 1971, I introduced a bill which requires the Administrator of the Environmental Protection Agency to study the effect of SST flights on the stratosphere, and which bans such flights over the United States until the study is completed. My concern was prompted by the work of a distinguished scientist, Dr. Harold Johnston of the University of California, which showed that we might all be blinded if the SST's were allowed to fly.

Mr. President, despite their enormous cost of $31.2 million, it appears that the SST's of other nations will soon be in the air. When they fly, they will undoubtedly seek to land in, and fly over, the United States. We should not permit them to do so until we have investigated fully the environmental impact of SST flights on the stratosphere and elsewhere. In order to give our experts enough time to complete the study, Congress should act as soon as possible after we reassemble in January.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 16, 1971]

CONCORDE JET PRICED AT RECORD $31.2 MILLION

(By John Hess)

PARIS, December 15.—The builders of the Concorde supersonic airliner today posted a price of $31.2-million for it, a record for a civilian aircraft, and said that the first half-dozen craft would be ready for service by October, 1974.

Henri Ziegler, head of the French Government-owned company, Aerospatiale, also said at a news conference that China had decided to buy the Concorde.

Mr. Zeigler was speaking for Aerospatiale and for the British Aircraft Corporation, the joint manufacturers of the plane.

The setting of the price put the world's leading airlines in a difficult spot. Sixteen of them have taken options on 74 planes. Mr. Ziegler said firm contracts would be signed toward the end of April.

At the head of the option list are Air France and British Overseas Airways Corporation, both Government-owned, and Pan American World Airways. Pan Am has urged an indefinite postponement of the supersonic venture but it is widely believed that it will consider itself forced to keep up with the competition.

Pan Am's reluctance was based primarily on the general financial squeeze on international airlines and on the marginal economics of the Concorde. The aircraft, carrying about 112 passengers, will be limited to oceanic routes because of its sonic boom.

The price disclosed today was higher than many published estimates. These have ranged from $24-million, which would hardly cover production costs, to $30-million, which would repay some but not all of the $2.2-billion development cost, which is being shared by Britain and France.

Up to now, the record price for a civilian airliner has been $23-million for a subsonic Boeing 747 jumbo jet. The price for the trans-Atlantic version of Boeing's first jetliner, the 707, is now $9.5-million.

There are two wide-body jets built here whose prices fall somewhere between those of the Boeing products. The McDonald-Douglas DC–10, which started regular domestic airline service last summer, currently sells for something over $15-million. The trans-Atlantic version will cost $16-million to $17-million.

The DC–10's competitor, the Lockheed 1011, has a quoted selling price of $152 million. It is due to go into service next spring on domestic routes.

Mr. Ziegler chose the best moment available in some time to present the tab. He recalled President Nixon's enthusiasm when Mr. Ziegler guided him through the aircraft in the Azores yesterday, and the statement the same day by John H. Shaffer, head of the Federal Aviation Administration, that the Concorde would meet United States noise standards.

According to Rolls-Royce, the new engines to be installed on production models of the Concorde will be no louder than those of the Boeing 707. Critics argue, however, that standards for new aircraft are more stringent. Whether state authorities may impose tighter restrictions than the Federal Government in this case is a matter of disagreement.

Rolls-Royce and the French Snecma company are the engine-builders. Besides the French prototype, the British also have one prototype undergoing testing, and a second is about to take the air.

Mr. Ziegler said that the airlines had now received the long-delayed specifications guaranteeing the performance of the Concorde—take-off, landing, speeds, fuel consumption, load factors and so on. The price was the final item. The decision whether to take up the options is now up tc the airlines.

Concorde's builders plan to deliver eight planes in 1974, two each month in 1975, and three each month in 1976, Mr. Ziegler said. He reported that he had urged Mr. Nixon to support a joint American and European program to develop a supersonic airliner twice as large as the Concorde for the 1980's.

The Soviet Tupolev 144, similar to the Concorde, is scheduled to go into service on a domestic route next year. This would appear to be a selling point in the French negotiations with the Chinese. Mr. Ziegler said talks about terms were still under way, but the decision had been made. "I am neither optimistic nor pessimistic—I am certain," he said.

PROPERTY TAX: A CRUSHING BURDEN FOR THE ELDERLY

Mr. WILLIAMS. Mr. President, many aged homeowners are now finding themselves financially paralyzed by rapidly rising property taxes.

In many communities their property taxes have doubled—and in some cases tripled—during the past 5 or 10 years. Last year, property taxes hit an alltime record high of $37.5 billion, nearly 35 percent higher than the level in 1967.

In the typical urban household, about 4 percent of income is spent on property taxes. But in the case of elderly persons living on fixed incomes, the tax bite is frequently much higher. This was forcefully brought out in the Senate Committee on Aging's hearings on the Homeownership Aspects of the Economics of Aging.

For example, evidence from one Midwestern State revealed that more than 8,000 aged homeowners living on less than $1,000 a year paid about 30 percent of total family income for property taxes. And in that same State, households with an average annual income of about $300 were paying 58 percent of this meager amount to the local tax collector.

Today it is estimated that aged households with total family income below $5,000 pay approximately $1.5 billion in property taxes.

Two recent articles by Sylvia Porter provide an excellent discussion of the overall impact of property taxes.

These articles also provide further compelling evidence for enactment of Housing for the Elderly Act—S. 1935—which is designed to establish the framework for granting tax relief for the aged. This measure would create an intergovernmental task force to report, at the earliest possible date, on several alternatives for providing Federal assistance to States which grant tax relief for overwhelmed homeowners and renters. Additionally, this task force would be directed to explore the feasibility of direct Federal relief to elderly persons who pay a disproportionate amount of their income for property taxes or rent.

Mr. President, I ask unanimous consent that the two articles, entitled "Property Taxes Become Crushing" and "Controlling Property Taxes," published in the Washington Star, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PROPERTY TAXES BECOME CRUSHING

(By Sylvia Porter)

The strong controls of Phase 2 must moderate the pace of upsurge in over-all housing costs, but they cannot even touch one of the most painful and ever more expensive items in our lives—property taxes. These taxes will not be frozen, not ever. And property taxes will continue rising—for several reasons—for the foreseeable future.

Simply to suggest the intensity of the squeeze on many of us, in all income groups and all age brackets:

Our total property tax bill hit $37.5 billion in 1970, up 35 percent since 1967 alone, a rate nearly twice the average increase in the cost of living during the period. And the pace is quickening: 1970's bill was nearly 12 percent higher than 1960's.

In many cities, the property taxes on a medium-priced house and lot have crossed $1,000 a year. In virtually every major city, a homeowner's property taxes now exceed $500 a year.

Some cities and towns have raised tax assessments as much as 20 to 25 percent in a single year, and in some cases reassessments designed to spread the tax burden have meant doubling, tripling or even quadrupling the taxes of certain homeowners.

Next to your mortgage payment your tax bill today is likely to be your biggest homeownership cost, and property taxes have for years been among the fastest rising items in total living costs. The Washington-based Advisory Commission on Intergovernmental Relations reported not long ago that the city family pays an average of $1 in $25 earned by the household on local property taxes, including the taxes hidden in the rent of non-homeowners.

Why? Obviously, behind soaring property taxes are the rising costs of health, education, welfare and public services. Contributing are rising crime rates and mounting needs for more and better paid police. Part of the pattern is the rising need for more and better paid firemen, road construction and sanitation workers, similar workers.

On top of this, many towns and cities are struggling under staggering interest loads on bond debts run up to build schools, help finance new hospitals and transit systems, comply with tough new Federal, state and local antipollution laws, satisfy the demands of the public for a cleaner environment.

Making the massive burden feel even heavier is the fact that many homeowners are carrying too much of the load, and many too little. The injustices and the inequities scream out for attention.

Our elderly, for instance—for many of whom school ended after the 8th, 10th or 12th year, who tend to use expensive highways much less than younger Americans and who are least able to bear any extra financial burdens—are probably the hardest hit of all.

Numbers of elderly, in fact, are being compelled to give up owning and living in their own homes primarily because they can't take the climbing property taxes.

Farmers also are often victims, especially in recreation-oriented areas where land is increasingly being assessed and taxed on the basis of its real estate potential, instead of its meager return as pure farm land.

In a cross-section of cities and towns, the poorest are shouldering a disproportionately large share of property taxes while mobile homeowners—whose homes are taxed as personal property rather than in the form of real estate taxes—are not bearing their full share of local tax costs.

And while those citizens who have fled to suburban bedroom communities may squawk about their own property taxes, they also are escaping the heavy burdens in the cities to which they commute daily to earn their incomes.

All sorts of suggestions are being tossed around. One would junk the property tax system entirely by "piggy-backing" on state income taxes and giving the states responsibility for paying certain costs now being borne by cities and towns. Another would have the federal government take over responsibility for paying public school costs in the nation's 25 biggest cities. A third, cited recently by Norman Karsh, executive director of President Nixon's Commission on School Finance, would equalize tax rates for education throughout the United States and would have the states in areas of low property values kick in extra funds. And, of course, pressure continues for more federal revenue sharing.

But while the system remains as is—which it will for quite a while—can you, a house-hunter, curb the cost of your property taxes? Indeed, you can. See tomorrow's column.

CONTROLLING PROPERTY TAXES

(By Sylvia Porter)

Last year, a typical home-owner in a large city had a property tax bill of more than $500. Many properties have undergone reappraisals and have been hit with property tax increases of 50 percent to 100 percent or more.

State and local taxes are not and will not be subject to any controls. There is only one outlook for these taxes—particularly property taxes—and that is up and up.

What can you do? If you are a middle-income family in your middle years and you already own your home, not much. The days have passed when you could bar the tax assessor by force from the door or confine home improvements to places which couldn't be seen by outsiders (the attic or basement).

But you can organize with others in your area to lobby for a state law which will refund property taxes in excess of a predetermined share of your family's or your own income. Several states have such laws, among them Kansas, Minnesota, Wisconsin, Vermont.

If you are a low-income homeowner, you can organize to fight for similar "circuit breakers" in your taxes.

And if you don't yet own your home but you are looking, you can do plenty by studying and following these guides:

1. Property taxes tend to be lower and to rise less rapidly for older than for newer homes—a key point to remember when shopping for a house. Also special one-tax assessments for installation of utilities—sewer, water systems—may be less because such amenities will have been installed and paid for in older areas.

2. The closer you get to a big city, especially in the suburbs, the higher the tax rates tend to be—another key shopping guide. The farther out in the rural countryside you go, the lower the tax rates will be on much larger amounts of land.

3. "Special assessments" cover a wide range and may be of crucial importance. A new road, for instance, could result in an assessment on the homeowners concerned which will make a mockery of a family budget. A neighborhood landscaping project, though, may not be costly and may greatly enhance the value of property. This is a variable item, and woe to you if you forget to check it.

4. In each community and neighborhood in which you are considering buying, ask your real estate and any other knowledgeable sources these questions on property taxes:

When a property changes hands, what usually happens to taxes on that property? In many communities, new homeowners are routinely sledgehammered by the tax assessors and slapped with tax bills far higher than the amounts former owners were paying.

What does the community provide in return for taxes? Low taxes may not be a bargain if they mean inferior schools, second-rate police protection, poor garbage disposal services. High taxes may be well worth it—if your community is committed to rigid pollution controls, stiff educational standards, clean and green roadsides.

What new bond issues are being debated or scheduled in each community for schools, sewage treatment facilities, road building equipment, public parks and playgrounds, hospitals—and what will be the likely impact on tax rates? Or if a bond issue already has been voted for a costly improvement, have tax increases been slated for your area?

Is a major revaluation of properties in the offing—and what will be the likely increase in the valuation of houses in the community?

Take the time to visit the town hall or county seat or whatever the place of local power. Ask for full details on property and other local taxes in the area. Ask how fast these taxes have been rising. Ask for estimates on likely future trends, especially if new roads, schools, sewers and other improvement projects are in the works. Listen to the local gossip—it can be far more accurate than you suspect.

Even if you can't find a way to cut future property taxes, these guides offer the background against which to make valid cost comparisons—and intelligent decisions on what will probably be the most expensive purchase of your life.

THE ISLAND OF ROCKALL BILL IN THE BRITISH HOUSE OF LORDS

Mr. METCALF. Mr. President, of possible interest to Senators who are following the activities of the Senate Energy Study, being conducted pursuant to Senate Resolution 45, is a discussion which recently took place in the House of Lords of our good ally the United Kingdom.

It concerns an island, called Rockall Bank, which lies in the Atlantic a few hundred miles off the British coast. The Baroness Tweedsmuir of Belhelvie adroitly recalls its history. Its present significance, however, lies partially in the fact that the continental margin surrounding it contains a possible energy reserve that may prove to be quite substantial. The British do not want to forfeit this potential source of energy during the deliberations of the United Nations Seabed Committee, which is laying the ground work for a future seabed treaty.

Mr. President, the United States has parts of its continental margin situated in areas bearing a geographical relationship to the U.S. coast analogous to Rockall Bank's relationship to the British coast. Accordingly, we would do well as a Nation to examine for ourselves all areas of our own continental margin which, due to their energy potential, should be retained as significant part of our national heritage.

I ask unanimous consent that the discussion of the Island of Rockall bill in the House of Lords on November 18, 1971, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISLAND OF ROCKALL BILL

The Minister of State, Scottish Office (Baroness TWEEDSMUIR of Belhelvie). My Lords, I beg to move that this Bill be now read a second time. We are, I think, all familiar with those weather reports on the radio, with their ominous warnings of "gales imminent off Rockall". But maybe it will be the wish of noble Lords to have their memories refreshed of the island's vital statistics. So therefore, for the purpose of this debate, I feel that I should put on record the fact that the Island of Rockall juts out of the Atlantic some 200 miles West North West of Barra Head, in the Hebrides, and about 165 miles West of St. Kilda. It is only about 70 ft. high and its base at still water, which is rare, is only about 100 ft. by 80 ft.

I had a very interesting letter, my Lords, the other day from a citizen of the Island of Islay giving me the reasoning behind the name "Rockall". He said this:

"Rockall is recorded in pure Gaelic (on page 764 of Edward Dwelly's Dictionary) with the meaning of Roaring and from time immemorial our Hebridean seafarers have known Rockall as 'the sea rock of Roaring'."

He goes on to say that to incorporate the Hebridean rock of Rockall within the County of Inverness has, in fact, been solidly backed up over many centuries by the Hebridean Gaelic name of the rock itself.

My Lords, very few attempts have been made to land on Rockall, partly because it is a very difficult operation from the sea because of the steep, smooth sides of the island's granite, and the constant swell, let alone frequent violent storms. The only marked spot on the Island of Rockall is a small ledge called Halls Ledge after Lieutenant Basil Hall of Her Majesty's Frigate "Endemyion" who in 1811 managed with considerable difficulty to land from a boat and reach the ledge which bears his name. The Island of Rockall's exact position was first fixed by a Captain Videl in 1831 from H.M.S. "Pike"; but your Lordships will recall that in 1955, following the decision to establish a guided weapons training range on South Uist the island was formally annexed on behalf of the Crown. The annexation was effected by a naval landing party from H.M.S. "Videl" acting under instructions contained in a Royal Warrant dated September 14, 1955.

My Lords, the effect of this annexation in 1955 was to make Rockall part of Her Majesty's Dominions. But while it established British sovereignty over the island the annexation did not and could not in itself make Rockall part of the United Kingdom. We therefore have the rather strange situation that although the island is one of Her Majesty's possessions, it is not subject to any administrative or legal system. It is said, my Lords, that nature abhors a vacuum, and this is equally true of the law; and Her Majesty's Government consider it desirable to remedy the anomaly I have described by incorporating the island by Act of Parliament into the United Kingdom. I am glad indeed that the beneficent influence of the Scottish legal system is thus to be extended to another part of Her Majesty's Dominions.

In practical terms the effect of this Bill will be to bring Rockall within the scope of any legislation enacted by Parliament which applies either to Scotland or to the United Kingdom as a whole. It will be possible, for example, once Rockall is incorporated in the United Kingdom, for an Order to be made under the Continental Shelf Act 1964 designating the area for purposes of exploration and exploitation. With the rapid development of new techniques of sea bed exploration this is a matter which in due course no doubt will receive the attention of the Secretary of State for Trade and Industry. A further consequence of incorporating the island in the United Kingdom is that the provisions of the Fishery Limits Act 1964 will apply to it in the same way as they apply to the remainder of the United Kingdom. My Lords, this is a short and, for once, an uncomplicated Bill. For this reason I commend it to the House, and I have very great pleasure in moving that it be now read a second time.

Moved, That the Bill be now read 2^a.—(*Baroness Tweedsmuir of Belhelvie.*)

Lord Tanlaw. My Lords, I especially welcome the noble Baroness's opening remarks. They have certainly helped me, and I am sure a number of other noble Lords who know a little more about the subject of this Bill. I should like to welcome the Bill from these Benches, because I believe it is both necessary and timely for the reasons given by the noble Baroness, especially when Scottish fishing rights are still to be finalised with the E.E.C. countries. I hope that the right of establishment on the map of this lonely islet as an integral part of Scotland will play a small but essential role in reassuring the men and women who earn their living from these forbidding waters of a permanent livelihood for the future. The noble Baroness referred to the interpid sailor or aviator whose task it is to put the Union Flag on top of the rock. I understand that this act was repeated in 1959, presumably to replace the flag and reestablish Her Majesty's claim to this territory. Now that this Bill clearly recognises Rockall as part of Scotland. I should like to ask the noble Lady that the flag of St. Andrew, the national flag of Scotland, be allowed to fly at parity with the Union Flag, as it does on so many national monuments in Scotland. Although Rockall is not a national monument in any sense of the word, it is a Scottish rock, as this Bill clearly states, and I should like to feel that it is going to be identified as such by the flying of a Scottish flag, which would seem to me the simplest and most practical way of achieving this.

Besides the establishment of fishing rights, I am glad that the noble Baroness mentioned also the mineral and oil rights and the potential there is on the surrounding sea bed. I welcome that this Bill recognises that the Island of Rockall will be brought under the jurisdiction of the Scottish courts. I hope the noble Baroness will confirm that the same will apply to all mineral and oil rights that are developed in the surrounding sea bed, especially perhaps for the future, when the future rights and royalties are to be discussed.

There are two other minor and entirely Scottish points which may need further clarification. The noble Baroness did not mention the question of teinds. No doubt she has already had some communication with the Church of Scotland General Trustees about teinds and will be able to confirm that they will not be applicable in this instance. If they are, perhaps she will be able to say how much and whose responsibility it is to pay them. There also appears to me to be no mention of clan authority, which I do not believe should be overlooked on these occasions. I should have thought that MacLeods of the Western Isles might have strong claims on this island because of their historical associations with St. Kildare—and I see the noble Baroness nodding. But, according to a fellow clansman of mine, who was quoted on this morning's programme *Today*, it would appear that the Clan Mackay have some rights in this respect. I understand that the island was privately claimed by my clan in 1846, but the noble Lord, Lord Reay, my Chieftain who sits on these Benches and is perhaps in the Chamber this afternoon, may be able to enlighten us further on this point. I should like to ask the noble Baroness, with some seriousness, anyway, if this aspect has been adequately taken care of, as it has been over the centuries with all matters relating to Scottish land ownership.

The noble Baroness is perhaps aware that during the war the island was on rare occasions used by Her Majesty's ships for target practice. Those parties whom she has already mentioned who are interested in rocketry in nearby South Uist may also find it useful for a similar purpose. I think it would be helpful if some undertaking were given that this is not to be the case, or indeed, on behalf of the Ministry of Defense, that the rock will not be used for this purpose. It would be a terrible tragedy, our having taken so much trouble to put this rock on the map, if some enthusiastic strategic command were to remove it during the course of its duties. It is also important that the wildlife inhabitants of Rockall, and the colony of sea birds, including the Rockall lyre, which is of special interest to ornithologists, should remain there undisturbed for the future, as they have done for centuries past.

Finally, my Lords, I wish to end on a more serious note. The Island of Rockall, as the noble Baroness has explained, is a remote and rocky fastness with no apparent ability to sustain human habitation. However, its very remoteness, its apparent uselessness, could one day tempt certain interests to see it as a safe and stable platform for experiments involving nuclear devices. Those who have lived under the shadow of the recent underground test in the Aleutian Islands now know to their cost that geographical isolation from the main stream of so-called civilised societies is no protection from the more destructive elements that live among them. It is for this reason that I ask the noble Baroness to give an assurance that this newly acquired part of Scotland, this small speck, if you like, on our planet's surface which is about to become, through this Bill, the responsibility of civilised government for the first time, will be entirely left alone by *homo sapiens,* in perpetuity. Such an assurance by the noble Baroness would, admittedly, be no more than a token gesture, but, on the other hand, it might go some way towards confirming the sincerity of the Government's intentions to safeguard our environment for the future. If such harmless assurance cannot be given, I must conclude, with sadness, like T. S. Eliot in his VIIth Chorus from *The Rock,* appropriately enough, that the Government's position is similar to those who are prepared only to:

> ". . . stand aside with empty hands and palms turned upwards
>
> In an age which advances progressively backwards."

I have no doubt that such assurances will be forthcoming, and that the various points that I have raised, some minor and some perhaps more important, will be answered satisfactorily, in which case I have no hestitation in welcoming from these Benches this Bill as it stands.

Lord Kennet. My Lords, I think that everybody who has ever been in the Royal Navy will have seen Rockall, but not many other people. It is a dreadful place. There could be no place more desolate, more despairing and more awful to see in the whole world. Over it hangs, of course, the spirit of one of the most remarkable creations of modern fiction: I refer to that embodiment of the fallen nature of man. Pincher Martin. It is now to become a part of the Rural District of Harris in the County of Inverness, and if any of us wants to go and live there, if we built a house we should, as Scotland is a development area, attract housing subsidy, and when that house is battered by the waves we should attract 75 per cent, improvement grant. If we wished to set up a small industry, we should, because it is in Scotland, get an investment grant for a little while yet, until the Government changes all that.

I will not speak about "Tory imperialism", or even about "bungled local government reform." Noble Lords on this side of the House support this Bill. We think it is a bad idea to have bits of land sticking up out of the sea the status of which in national law, and therefore in international law, is in any way in doubt. Some of us feel that there is one bit of the wording of the Bill that is open to question, and that is where, in the Long Title, it refers to "that part of the United Kingdom known as Scotland". I know what Scotland is. I think we all do. If we are going to put Rockall into "that part of the United Kingdom known as Scotland", should we not apply to it the laws not of Scotland, as the Bill very properly says, but of "that part of the United Kingdom known as Scotland"? I raise this point without pressing the matter, to inquire whether there is any possibility of reverting to standard English usage whereby Scotland is Scotland and we can keep away from "that part of" something else.

I think the annexation of Rockall to Harris opens a larger question, and I should be glad if the noble Baroness could tell us something about that at the end of this short debate. As she said, very properly, openly and fully, this is a matter of mineral rights and fishery rights. It is not long since this House had a set piece debate on the law of the sea bed, and in that debate the Government advanced in tentative terms a certain policy which might be applied to the carve up of the sea bed beyond national limits throughout the world. I think it would be fair to say that that policy did not find much favour in the House, and it would be equally fair to say that nobody could think of a better one.

There is to be in 1973 a World Conference on the International Law of the Sea and the Sea Bed meaning the top of the sea, the water of the sea, the surface of the sea bed and everything under the sea bed—the lot. I think the House would be glad to know, not indeed what Government policy is going to be in 1973—it would be unreasonably early to expect that—but to know what the Government are doing about formulating a policy in this extremely complicated and broad matter. One might make a comparison with the 1972 conference in Stockholm on the Human Environment, where the Secretary of State for the Environment has very properly set up a structure by which the Government are to take views of informed bodies and formulate a proper policy for this other vast subject. Is anything comparable to be done with regard to the World Law of the Sea Conference in 1973? How are the Government going to set about getting such a policy and, when they have got it, will they tell Parliament about it before they go to the Conference, in order that Parliament may have its say in the formulation of this policy, which is a matter of vast import for the rest of the future of mankind? My Lords I repeat that we on these Benches welcome this Bill and give it blessing.

Viscount St. Davids. My Lords, I wish to declare at the outset that I have no interest in the Island of Rockall. However, I have some interest in this matter because I have a remote connection with another annexation which took place in the 1860s of the Island of Redonda. I am, I believe, the sole Vice-Admiral in the Redondian Navy and I was Minister of Marine to his late Majesty King John of Redonda until his unfortunate demise. The island of Redonda was annexed to the Crown in the 1860s, the Kings of Redonda (King Neil was on the throne at the time) objecting. Nevertheless, it was annexed and the Colonial Office proceeded to recognize the Crown of Redonda on the basis, as they said, that the Kings of Redonda did not raise the inhabitants in revolt. The Crown might have been inconvenienced, but it was unlikely to have been damaged by any revolt of the inhabitants of Redonda in view of the fact that the only inhabitants at the time—and in fact now—are guano pigeons. So the island was continued under the British Crown, nevertheless having its own kings ever since, and the Kings of Redonda have continued to exercise such rights as they ever had until now.

I wanted to ask the noble Baroness this question: are there any ancient rights relating to the Island of Rockall? I know that my Welsh ancestors were quite good grabbers of one thing and another, and my Scottish ancestors were, if anything, rather better. Have none of them ever claimed any ancient rights and, if so, what, to the Island of Rockall? I know that my Campbell ancestors, and the Dukes of Argyll in particular, claimed to be Admirals of the Western Waters. Did this give them any right over the area? It may be that some other Scot may have claimed some ancient rights in the area. It would be very interesting to know if this is so, and perhaps the noble Baroness could tell us.

Lord Airedale. My Lords, having regard to the quaint expression which the noble Lord, Lord Kennet, mentioned.

"that part of the United Kingdom known as Scotland,"

this reminds me that during the last war an American soldier was given a very convivial evening in a public house in Glasgow, and as he left he turned to the assembled company and said: "I sure will tell the folks back home that the swellest part of England is Scotland."

Baroness Wootton of Abinger. My Lords, reference has been made in the course of speeches to-day to target practice, to the exploitation of minerals and oils and to the conservation of wild life. It seems to me that there may be some conflict between these interests. Could the noble Baroness give us any idea of which will have priority?

Lord Wakefield of Kendal. My Lords, I wonder whether the noble Baroness could tell us if there are any liabilities? We have heard of the possible advantages that may arise from the passing of this Bill, but are there any liabilities? In this life nearly everything that has an advantage almost always has a disadvantage, and I am wondering what hidden liabilities, or disadvantages there might be in this Bill. Perhaps the noble Baroness can tell us.

Baroness Tweedsmuir of Belhelvie. My Lords, I would thank all noble Lords who have each one welcomed this Bill and also thank them for taking part in this debate. Perhaps I may answer the points in the order in which they were raised. The noble Lord, Lord Tanlaw, wanted to know whether it was possible to raise the Saltire over the Island of Rockall rather than the Union Jack. I think this is a very interesting suggestion and something which should be considered, but I can give no firm promise at this moment. The Union flag was raised successfully in 1955 at the time of annexation and in 1959 from H.M.S. "Cavendish" and in 1969 from H.M.S. "Heckler".

So far as mineral and oil rights are concerned, any licenses for exploration would have to be given under Scottish law. Whether oil companies, just as they do now, give out orders for any work to be done elsewhere is entirely up to them, but so far as it is known at the moment there is no evidence of any hydro-carbon deposits. Indeed, the Rockall Bank, on which the Island of Rockall is situated, is much deeper than anything which has been exploited up to now, for example, in the North Sea.

So far as Teinds are concerned, I should like to leave that question to the Assembly of the Church of Scotland. So far as giving an assurance that Her Majesty's ships will not use the Island of Rockall for target practice, that assurance I can certainly give on behalf of my right honourable friend the Secretary of State for Defense. So far as wild life is concerned, I am glad to say that the major Act of Parliament (the 1954 Act) which I had the honour to pilot through another place provides that all rare birds are left undisturbed and are protected. So far as the last question; that is, whether I could assure the House that at this moment in time, the Island of Rockall should be left alone in perpetuity, that I cannot undertake to do. It is really beyond my responsibilities or those of any other Minister in this House.

[Baroness Tweedsmuir of Belhelvic.]

The noble Lord, Lord Kennet, is one of the few who could, I imagine, from personal experience say that the Island of Rockall is "a dreadful place". Nevertheless, it is to us in Scotland and I think to all noble Lords, a very important place. The noble Lord asked me certain questions about the Conference on the Law of the Sea which is to take place in 1973, and I realise that the question of any special arrangements was raised both in Questions and in debate earlier in this House. I would thank the noble Lord for having given me notice that he was going to ask this question. Of course, he will realise that this particular Bill is concerned with domestic legislation, but so far as other arrangements are concerned, I should like to meet him just so far by saying that the matter as to whether there should be a special Select Committee was considered very carefully. It was not really thought that special arrangements were necessary, because the various Government Departments are at this time trying to ensure that important British interests, such as the Chamber of Shipping and the oil industry, are consulted. In addition, of course, Ministers will always be available for consultation with any noble Lord who wishes to put a particular point of view. I would only say that if the noble Lord has any particular point I hope that he will be good enough to put it forward.

The noble Lord then asked whether it would be possible, on the question of policy, to have any kind of debate in this House or for information to be given to this House. I am sure that it would be possible to arrange this through the usual channels much nearer the time. He also raised the question of the Long Title. He did not like the words "that part of the United Kingdom known as Scotland". Those words are a quotation from the Act of Union, and therefore I suggest that they are hallowed by precedent.

The noble Viscount, Lord St. Davids, told us quite frankly that he had no interest whatsoever in the Island of Rockall, although he told us of his personal interest in the Island of Redonda. He wanted to know whether there were any ancient rights connected with the Island of Rockall. There are no ancient rights, and there has never been any challenge to British sovereignty over many, many years. The noble Baroness, Lady Wootton, asked which would get priority, the search for oil or the care of the environment. I can assure the noble Baroness that this is the kind of subject which comes up at the Conference on the Law of the Sea and will be discussed. Quite apart from that, we are at the moment having consultations on trying to prevent pollution in, for instance, the North Sea where there is exploration at this moment.

My noble friend Lord Wakefield asked me whether there were any liabilities in connection with the Island of Rockall. The only liability that I can think of at this moment is that we are now in the process of establishing an automatic light at the top of the Island of Rockall for the purpose of aiding shipping. Therefore we shall have the liability to maintain it in good order.

On Question, Bill read 2^{a}, and committed to a Committee of the Whole House.

GOOD NEWS TO THE WORLD

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. Hartke), I ask unanimous consent to have printed in the Record a statement by him relative to a prayer composed by the Reverend Ronald Winters, and the prayer itself.

There being no objection, the statement and prayer were ordered to be printed in the Record, as follows:

Statement by Senator Hartke

Although the thoughts of peace are with us each day, this time of year particularly draws our thoughts and wishes toward this focus.

It has done that, too, for the Rev. Ronald Winters, Pastor of the Mt. Pleasant Baptist Church in Floris, Virginia. Mr. Winters, a native of Indianapolis, Indiana, has been associated with my staff for twelve years, and it is my wish to share with Senators the prayer he has composed in this hope.

Good News to the World

(By Ronald Winters)

O eternal One, Who makest all things new, and abidest forever,
Grant us in the days to come that divine peace which the earth
Requires in these days of burdens on the hearts of men.
We come today requesting your healing power for those who are
Sick that they may regain their strength: your comfort for
Those who are lacking food and raiment. Give each that special
Cure and love which Jesus Christ portrayed in His coming.

For the prisoners of war, bless them so that they may return
To thier loved ones. May the families of those missing in
Action keep faith and trust the promise that all things
Work for good for those who love the Almighty.

As we face another year, may we continue it in Thy favour,
Being guided in all our doings with the freshness of the good
News in our hearts. Grant this through Thine only Son, we pray.

EXTENSION OF THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for routine morning business be extended for not to exceed an additional 15 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON HOUSE JOINT RESOLUTION 1005, THE CONTINUING RESOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the continuing resolution, House Joint Resolution 1005, there be a time limitation of not to exceed 1 hour, the time to be equally divided between the distinguished Senator from Wisconsin (Mr. PROXMIRE), the manager of the continuing resolution, and the distinguished minority leader or his designee. This will be at the conclusion of the vote on the foreign aid bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that if there are any amendments to be offered to the continuing resolution—and I do not anticipate any—there be a time limitation of 20 minutes on each, the time to be equally divided between the sponsor of the amendment and the majority leader or minority leader or whomever they may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCISION OF ORDER FOR THE CONSIDERATION OF FULBRIGHT AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the consideration of the Fulbright amendment—which would be the pending business—be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1971—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT (S. REPT. No. 92–590)

The committee of conference on the disagreeing votes of the two House on the amendments of the House to the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Foreign Assistance Act of 1971".

FOOD-FOR-PEACE PROGRAM

SEC. 2. It is the sense of the Congress that funds to administer the food-for-peace program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961.

PART I—ECONOMIC ASSISTANCE

DEVELOPMENT LOAN FUND

SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended as follows:

(a) In section 202(a), relating to authorization—

(1) strike out "and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$350,000,000 for the fiscal year 1971, $250,000,000 for the fiscal year 1972, and $250,000,000 for the fiscal year 1973"; and

(2) strike out "and June 30, 1971" and insert in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

(b) In section 203, relating to fiscal provisions, strike out "and for the fiscal year 1971" and insert in lieu thereof ", for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973".

(c) In section 209, relating to multilateral and regional programs—

(1) strike out subsection (a) and insert in lieu thereof the following: "(a) The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination or policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.";

(2) insert at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of law, the President should reduce the amounts and numbers of loans made by the United States directly to individual foreign countries with the objective of reducing the total amount of bilateral loans made under this Act so that, by not later than June 30, 1975, such total amount shall not exceed $100,000,000.

"(d) In furtherance of the provisions of subsection (a) of this section, any funds appropriated under this part I may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions and multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries."; and

(3) Strike out of subsection (b) "REGIONAL PROGRAMS.—".

(d) Section 205, relating to transfers to international financial institutions, is repealed.

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended as follows:

(a) In section 212, relating to authorization, strike out "$183,500,000 for the fiscal year 1970, and $183,500,000 for the fiscal year 1971" and insert in lieu thereof "$175,000,000 for the fiscal year 1972, and $175,000,000 for the fiscal year 1973".

(b) In section 214(c), relating to authorization for American schools and hospitals abroad, strike out "for the fiscal year 1970, $25,900,000, and for the fiscal year 1971, $12,900,000" and insert in lieu thereof "for the fiscal year 1972, $30,000,000 and for the fiscal year 1973, $30,000,000".

(c) At the end of such title II, add the following new section:

"SEC. 220A. SUEZ CANAL.—The President is authorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the Canal by the ships of all nations, including Israel, on a nondiscriminatory basis. For the purpose of carrying out this section, there are authorized to be appropriated not to exceed $10,000,000 in Egyptian pounds now owned by the United States and determined by the President to be excess to the normal requirements of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended.".

HOUSING GUARANTIES

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, strike out "$130,000,000" and insert in lieu thereof "$205,000,000".

(b) In section 223(i), strike out "June 30, 1972" and insert in lieu thereof "June 30, 1974".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 104. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In the first proviso of section 238(c), relating to definitions, strike out "required by law to be".

(b) At the end of section 239, relating to general provisions and powers, add the following new subsection:

"(g) Except for the provisions of this title, no other provision of this or any other law shall be construed to prohibit the operation in Yugoslavia or Romania of the programs authorized by this title, if the President determines that the operation of such program in such country is important to the national interest.".

(c) Section 240(h), relating to agricultural credit and self-help community development projects, is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

ALLIANCE FOR PROGRESS

SEC. 105. Section 252(a) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization for the Alliance for Progress, is amended—

(1) by striking out "for the fiscal year 1970, $428,250,000, and for the fiscal year 1971, $428,250,000" and inserting in lieu thereof "for the fiscal year 1972, $295,000,000, and for the fiscal year 1973, $295,000,000"; and

(2) by striking out "$90,750,000" and inserting in lieu thereof "$88,500,000".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 106. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"SEC. 292. AUTHORIZATION.—Of the funds provided to carry out the provisions of this part I for each of the fiscal years 1972 and 1973, $125,000,000 shall be available in each such fiscal year only to carry out the purposes of this title, and, notwithstanding any other provisions of this Act, funds used for such purposes may be used on a loan or grant basis.".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 107. Section 302 of chapter 3 of part 1 of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(a) In subsection (a), strike out "for the fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000" and insert in lieu thereof "for the fiscal year 1972, $138,000,000, and for the fiscal year 1973, $138,000,000".

(b) In subsection (b)(2)—

(1) strike out "for use in the fiscal year 1970, $7,530,000, and for use in the fiscal year 1971, $7,530,000" and insert in lieu thereof "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000"; and

(2) add at the end thereof the following new sentence: "The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this Act.".

(c) In subsection (e), strike out "$1,000,000 for the fiscal year 1970 and $1,000,000 for the fiscal year 1971" and insert in lieu thereof "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973".

(d) At the end of such section 302, add the following new subsection:

"(f) There are authorized to be appropriated to the President, in addition to other amounts available for such purposes, $1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973, in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended.".

CONTINGENCY FUND

SEC. 108. Section 451(a) of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended by striking out "for the fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $30,000,000" and inserting in lieu thereof "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000".

INTERNATIONAL NARCOTICS CONTROL AND REFUGEE RELIEF ASSISTANCE

SEC. 109. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapters:

"CHAPTER 8—INTERNATIONAL NARCOTICS CONTROL

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

"CHAPTER 9—REFUGEE RELIEF ASSISTANCE

"SEC. 491. REFUGEE RELIEF ASSISTANCE.—There is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $250,000,000, to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.".

PART II—MILITARY ASSISTANCE

SEC. 201. Part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$500,000,000 for the fiscal year 1972".

(b) In section 505(b)(2), relating to conditions of eligibility, strike out "and" and insert in lieu thereof "or".

(c) Section 505(e), relating to conditions of eligibility, is repealed.

(d) In section 506(a), relating to special authority—

(1) strike out "1970 and the fiscal year 1971" and insert in lieu thereof "1972"; and

(2) strike out "each of the fiscal years 1970 and 1971" and insert in lieu thereof "the fiscal year 1972".

(e) Section 507(a), relating to restrictions on military aid to Latin America, is amended to read as follows: "(a) Except as otherwise provided in this section, the value of defense articles furnished by the United States Government under this Act to Latin American countries shall not exceed $10,000,000. Not to exceed $25,000,000 in value of defense articles may be furnished under this part on a cost-sharing basis to an inter-American military force under the control of the Organization of American States.".

(f) At the end of chapter 2 of such part II, add the following new sections:

"SEC. 511. CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE.—Decisions to furnish military assistance made under this part shall take into account whether such assistance will—

"(1) contribute to an arms race;

"(2) increase the possibility of outbreak or escalation of conflict; or

"(3) prejudice the development or bilateral or multilateral arms control arrangements.

"SEC. 512. MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS.—(a) It is the sense of Congress that the need for large United States military assistance advisory groups and military aid missions in foreign countries has diminished substantially during the last few years. In the words of the Peterson Task Force Report on International Development. 'The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. United States military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.'

"(b) In accordance with the provisions of subsection (a) of this section, the total number of United States military personnel assigned and detailed, as of September 30, 1971, to United States military assistance advisory groups, military missions, and other organizations of the United States performing activities similar to such groups and missions, shall be reduced by at least 15 per centum by September 30, 1972, but every effort should be made to effect an aggregate reduction of 25 per centum by September 30, 1972.

"SEC. 513. MILITARY ASSISTANCE AUTHORIZATIONS FOR THAILAND.—After June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.

"SEC. 514. SPECIAL FOREIGN COUNTRY ACCOUNTS.—(a) Except as otherwise provided in this section, no defense article may be given, and no grant of military assistance may be made, under this Act to a foreign country unless the country agrees—

"(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

"(A) in the case of any excess defense article to be given to that country, an amount equal to 10 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

"(B) in the case of a grant of military assistance to be made to that country, an amount equal to 10 per centum of each such grant; and

"(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

"(b) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a)(1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a)(2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

"(c) The provisions of this section shall not apply in any case in which an excess defense article is given, or a grant of military assistance is made—

"(1) to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that article or grant; and

"(2) to South Vietnam, Cambodia, or Laos.

"(d) In no event shall any foreign country be required, under this section, to make deposits in a special account aggregating more than $20,000,000 in any one year.".

Sec. 202. (a) At the end of such part II, add the following new chapter:

"Chapter 4—Security Supporting Assistance

"Sec. 531. General Authority.—The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this Act on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this chapter shall not be used to furnish assistance to more than twelve countries in any fiscal year.

"Sec. 532. Authorization.—There is authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel: *Provided,* That where commodities are furnished on a grant basis under this chapter under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or his representative has given prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange, and the rate of exchange for United States Government purchases of piasters for goods and services, between said Government and the United States is fair to both countries.

"Sec. 533. United States Refund Claims.—It is the sense of the Congress that the President should seek the agreement of the Government of Vietnam to the establishment and maintenance of a separate special account of United States dollars, which account shall be available solely for withdrawals by the United States, at such times and in such amounts as the President may determine, in satisfaction of United States dollar refund claims against the Government of Vietnam arising out of operations conducted under this Act. Such account should be established in an amount not less than $10,000,000 and maintained thereafter at a level sufficient to cover United States refund claims as they arise.".

(b) Chapter 4 of part I of the Foreign Assistance Act of 1961 is hereby repealed. References to such chapter or any sections thereof shall hereafter be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 shall hereafter be deemed to be references also to chapter 4 of part II, and all references to part II of such Act shall be deemed not to include chapter 4 of such part II.

PART III—GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 301. Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsections:

"(v) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971.

"(w)(1) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on the date of enactment of this subsection.

"(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

"(3) Nothing in this section shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, or monitored under international auspices.".

Sec. 302. Section 624 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to statutory officers, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs."

Sec. 303. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorization for administrative expenses of the agency administering part I, is amended by striking out "for the fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000" and inserting in lieu thereof "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000".

Sec. 304. (a)(1) Section 652 of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended to read as follows:

"Sec. 652. Limitation Upon Exercise of Special Authorities.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

(2) The last sentence of section 506(a) of such Act, relating to special authority, is repealed.

(3) The last sentence of section 634(d) of such Act, relating to reports and information, is amended by striking out "610, 614(a)," and inserting in lieu thereof "610(b),".

(b) Chapter 3 of part III of such Act is amended by adding at the end thereof the following new sections:

"Sec. 653. Change in Allocation of Foreign Assistance.—(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this Act (other than section 451 or 637), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each. Notwithstanding any other provision of law, the United States Government shall not provide to any foreign country or international organization any funds under that law which exceeds by 10 per centum the amount of military grant assistance or security supporting assistance, as the case may be, which the President notified the Congress that the United States Government intended to provide that country or organization under that law, unless the President (1) determines that it is in the security interests of the United States that such country or organization receive funds in excess of the amount included in such notification for that country or organization, and (2) reports to Congress, at least ten days prior to the date on which such excess funds are to be provided to that country or organization, each such determination, including the name of the country or organization to receive funds in excess of such per centum, the amount of funds in excess of that per centum which are to be provided, and the justification for providing the additional assistance.

"(b) The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provision of section 614(a) of this Act.

"Sec. 654. Presidential Findings and Determinations.—(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

"(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or findings has been made by the President, including the name and section of the Act under which it was made, shall be published.

"(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

"SEC. 655. LIMITATIONS UPON ASSISTANCE TO OR FOR CAMBODIA.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of $341,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

"(b) In computing the $341,000,000 limitation on obligation authority under subsection (a) of this section in fiscal year 1972, (1) there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise, and (2) there shall not be included in the computation the value of any goods, supplies, materials, or equipment attributable to the operations of the Armed Forces of the Republic of Vietnam in Cambodia. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

"(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds obligated in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

"(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

"SEC. 656. LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA.—The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

"SEC. 657. ANNUAL FOREIGN ASSISTANCE REPORT.—(a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

"(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

"(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

"(3) the aggregate dollar value of all arms, ammunitions, and other implements of war, and the aggregate dollar value of each category of such arms, ammunitions, and implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year; and

"(4) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1)-(3) of this subsection.

"(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

"(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

"(d) For purposes of this section—

"(1) 'foreign assistance means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country;

"(2) 'provided by the United States Government' includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit sale, or guaranty; and

"(3) 'value' means value at the time of transfer except that in no case shall any commodity or article of equipment or material be considered to have a value less than one-third of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government.

"SEC. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare have been released for obligation and expenditure.

"(b) The provisions of this section shall not apply—

"(1) to funds being withheld in accordance with specific requirements of law; and

"(2) to appropriations obligated or expended prior to April 30, 1972.".

(c)(1) Section 644(m) of such Act, relating to definitions, is amended by striking out—

"(m) 'Value' means—"

and inserting in lieu thereof—

"(m) 'Value' means, other than in section 657 of this Act—".

(2) Subsection (a) of section 634 of such Act, relating to reports and information, is repealed.

(3) The provisions of this subsection and section 657 of such Act, as added by subsection (b) of this Act, shall apply with respect to each fiscal year commencing on or after July 1, 1971.

PART IV—MISCELLANEOUS PROVISIONS

SEC. 401. The Foreign Military Sales Act is amended as follows:

(a) In section 31(a) of chapter 3, relating to authorization, strike out "$250,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$400,000,000 for the fiscal year 1972".

(b) In section 31(b) of chapter 3, relating to aggregate ceiling on foreign military sales credits, strike out "$340,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel only".

(c) In section 33(a) of chapter 3, relating to regional ceilings on foreign military sales, strike out "$75,000,000" and insert in lieu thereof "$100,000,000".

(d) Subsection (c) of section 33 of chapter 3, relating to regional ceilings on foreign military sales, is amended to read as follows:

"(c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the

President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such findings. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall the aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1951, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, exceed any geographical ceiling applicable under this section by more than an amount equal to 50 per centum of such ceiling.".

(e) In section 42(a) of chapter 4, relating to general provisions—

(1) strike out "and" immediately before "(2)"; and

(2) immediately before the period at the end thereof insert the following: ", and (3) the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements".

(f) Section 42 of chapter 4, relating to general provisions, is amended as follows:

(1) In subsection (a), strike out "but consideration shall also be given" and insert in lieu thereof "but, subject to the provisions of subsection (b) of this section, consideration shall also be given".

(2) Redesignate subsections (b) and (c) as subsections (c) and (d), respectively, and, immediately after subsection (a), insert the following new subsection:

"(b) No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24, in any case involving coproduction or licensed, production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under a license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.".

Sec. 402. Section 8 of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended—

(1) by striking out the first and second sentences of subsection (a) and inserting in lieu thereof the following: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development) shall be considered to be an expenditure made from funds appropriated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order.";

(2) by striking out, in subsection (b), "$100,000,000" and inserting in lieu thereof "$185,000,000"; and

(3) by adding at the end thereof the following new subsection:

"(e) Except for excess defense articles granted under part II of the Foreign Assistance Act of 1961, the provisions of this section shall not apply to any excess defense article granted to South Vietnam prior to July 1, 1972.".

Sec. 403. Paragraph (9) of section 5314 of title 5, United States Code, relating to level III of the Executive Schedule, is amended by inserting before the period at the end thereof the following: "and an Under Secretary of State for Coordinating Security Assistance Programs".

Sec. 404. The first section of the Act of June 28, 1935, entitled "An Act to authorize participation by the United States in the Interparliamentary Union" (22 U.S.C. 276), is amended as follows:

(1) Strike out "$53,550" and insert in lieu thereof "$102,000".

(2) Strike out "$26,650" and insert in lieu thereof "$57,000".

(3) Strike out "$26,900" and insert in lieu thereof "$45,000".

Sec. 405. Section 2 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928b), is amended as follows:

(1) Strike out "$30,000" and insert in lieu thereof "$50,000".

(2) Strike out "$15,000" each place it appears and insert in lieu thereof in each such place "$25,000".

Sec. 406. Part IV of the Foreign Assistance Act of 1969 is amended as follows:

(1) Strike out the title of such part and insert in lieu thereof the following:

"PART IV—THE INTER-AMERICAN FOUNDATION ACT"

(2) The caption of section 401 and subsection (a) of such section of that part are amended to read as follows: "Inter-American Foundation.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the 'Foundation')."

(3) Section 401 of such part is amended by striking out "Institute" wherever it appears and inserting in lieu thereof "Foundation".

(4) Section 401(e)(4) of such part is amended to read as follows:

"(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;".

(5) Section 401(1) is amended to read as follows:

"(1)(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5, United States Code.".

Sec. 407. (a) It is the purpose of this section to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Acts of 1946 and 1970, with respect to—

(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

(2) providing periodic authorizations of appropriations for that Department and Agency.

(b) Section 15 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2680) is amended to read as follows:

"Sec. 15. (a) Notwithstanding any other provision of law, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.

"(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.".

(c) The last sentence of section 13 of such Act (22 U.S.C. 2684) is repealed.

(d) Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended to read as follows:

"PRIOR AUTHORIZATIONS BY CONGRESS

"Sec. 701. Notwithstanding any other provision of law, no appropriation shall be made to the Secretary of State, or to any Government agency authorized to administer the provisions of this Act, under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation enacted by the Congress after the date of enactment of the Foreign Assistance Act of 1971."

Sec. 408. Section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by striking out "Cambodian military forces" and inserting in lieu thereof "military, paramilitary, police, or other security or intelligence forces".

Sec. 409. Section 401(a) of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is amended—

(1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and

(2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

Sec. 410. The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (known as the "Lodge Commission") which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

J. W. Fulbright,
Frank Church,
George D. Aiken,
John Sherman Cooper,
Clifford P. Case,
Managers on the Part of the Senate.

Thomas E. Morgan,
Clement J. Zablocki,
Wayne L. Hays,
Dante B. Fascell,
William S. Mailliard,
Peter H. B. Frelinghuysen,
Wm. S. Broomfield,
Managers on the Part of the House.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the bill and the House amendment to the text of the bill. The committee of conference also recommends that the Senate recede from its disagreement to the amendment of the House to the title of the bill.

The differences between the text of the House bill and the substitute agreed to in conference as noted below, except for clerical corrections, and minor drafting and clarifying changes.

The Senate passed two foreign aid authorization bills. S. 2819 authorized $1,503,000,000 for grant military assistance, supporting assistance, and foreign military credit sales for fiscal year 1972. S. 2820 authorized $1,144,000,000 plus $11,000,000 in Egyptian pounds for economic and humanitarian assistance for fiscal year 1972. The total of the two Senate bills for fiscal year 1972 was $2,647,000,000 plus $11,000,000 in Egyptian pounds.

The House amendment to both bills contained authorizations for economic humanitarian, and military assistance for fiscal years 1972 and 1973. For fiscal year 1972 the economic part authorized $1,428,350,000 plus $1,000,000 in Egyptian pounds and the military part authorized $2,015,000,000 for a total of $3,443,350,000 plus $1,000,000 in Egyptian pounds. The total for fiscal year 1973 was $3,493,350,000 plus $1,000,000 in Egyptian pounds.

The committee of conference agreed to a single bill that contains authorizations for economic and humanitarian assistance for fiscal years 1972 and 1973 and for military assistance only for fiscal year 1972. The total authorization for fiscal year 1972 is $2,752,000,000 plus $11,000,000 in Egyptian pounds. This is a reduction from the House figure of $691,350,000 and an increase over the Senate figure of $105,000,000.

Of the total authorization for fiscal year 1972, $1,518,000,000 is for military assistance and $1,234,000,000 is for economic and humanitarian assistance. For fiscal year 1973 the authorization for economic and humanitarian assistance is $984,000,000. The reduction of $250,000,000 for fiscal year 1973 reflects the fact that the authorization for Pakistan relief is limited to fiscal year 1972.

Except for clarifying, clerical, and necessary conforming changes, the differences between the two Houses and the adjustments made in the committee of conference are noted below:

AUTHORIZATION OF FUNDS—FOREIGN ASSISTANCE AUTHORIZATIONS

Program	Senate	House		Conference agreement	
	fiscal year 1972	Fiscal year 1972	Fiscal year 1973	Fiscal year 1972	Fiscal year 1973
Economic:					
Development loans	[1] $250,000,000	[2] $400,000,000	[2] $450,000,000	[1] $250,000,000	[1] $250,000,000
Technical cooperation	175,000,000	183,500,000	183,500,000	175,000,000	175,000,000
Alliance for Progress	225,000,000	378,250,000	428,250,000	295,000,000	295,000,000
Loans	(150,000,000)	(287,500,000)	(337,500,000)	(206,500,000)	(206,500,000)
Grants	(75,000,000)	(90,750,000)	(90,750,000)	(88,500,000)	(88,500,000)
International organizations	138,000,000	143,000,000	143,000,000	138,000,000	138,000,000
Arab refugees (UNRWA)	[3] 1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Egyptian pounds	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)
Indus Basin	15,000,000	5,000,000	10,000,000	15,000,000	15,000,000
American schools	15,000,000	30,000,000	30,000,000	30,000,000	30,000,000
Contingency fund	30,000,000	30,000,000	50,000,000	30,000,000	30,000,000
Pakistan refugees	250,000,000	100,000,000		250,000,000	
Population	([4])	[5] 100,000,000	[5] 125,000,000	([4])	([4])
Administrative expenses	45,000,000	[6] 57,600,000	[6] 57,600,000	50,000,000	50,000,000
Suez Canal	[7] (10,000,000)	([8])		[7] (10,000,000)	[7] (10,000,000)
Total, economic	1,144,000,000	1,428,350,000	1,478,350,000	1,234,000,000	984,000,000
Military:					
Grant military assistance	420,000,000	705,000,000	705,000,000	500,000,000	
Supporting assistance	556,000,000	800,000,000	800,000,000	518,000,000	
Israel	85,000,000	([9])		[10] (50,000,000)	
Military credit sales	[11] 400,000,000	510,000,000	510,000,000	400,000,000	
Total, military	1,503,000,000	2,015,000,000	2,015,000,000	1,518,000,000	
Grand total	[2] 2,647,000,000	[13] 3,443,350,000	3,493,350,000	[12] 2,752,000,000	[12] 984,000,000

[1] Repeals authority to request appropriations against sums previously authorized but unappropriated in fiscal years 1972 and 1973.

[2] Sums previously authorized but unappropriated are available for appropriations.

[3] The Senate authorization for international organizations in S. 2820 was $139,000,000 of which $1,000,000 was for Arab refugees.

[4] Earmarks $125,000,000 of funds appropriated for pt. I for this program.

[5] Also authorizes the use of additional pt. I funds for this program.

[6] Plus the use of $2,775,000 of pt. I funds.

[7] In Egyptian pounds.

[8] Open-ended authorization of an appropriation for use of Egyptian pounds owned by the United States.

[9] The Committee on Foregin Affairs recommended (H. Rept. 92-380) that Israel be considered eligible to receive assistance under this program.

[10] Earmarked from supporting assistance funds.

[11] Credit ceiling set at $550,000,000, of which $300,000,000 is earmarked for Israel.

[12] Plus $11,000,000 in Egyptian pounds.

[13] Plus $1,000,000 in Egyptian pounds.

PUBLIC LAW 480 ADMINISTRATIVE COSTS

The Senate bill contained a provision which expressed the sense of Congress that administrative expenses of operating the P.L. 480 Food-for-Peace program not be reduced in any general reduction of foreign assistance.

The House amendment did not contain a comparable provision.

The House receded.

USE OF RECEIPTS FROM DOLLAR LOANS

The Senate bill placed a $200 million limitation on the use, in fiscal year 1972, of dollar receipts from loans made under the Mutual Security Act of 1954 and under Part I of the Foreign Assistance Act of 1961.

The House amendment authorized the use, in fiscal years 1972 and 1973, of dollar receipts from loans made under Part I of the Foreign Assistance Act of 1961 under the Mutual Security Act of 1954 and under predecessor foreign assistance legislation.

The Senate receded with an amendment striking that portion of the House language which would have authorized the use of dollar receipts from loans made under pre-1954 foreign assistance legislation.

CONGRESSIONAL INTEREST RATES

The Senate bill required A.I.D. development loans (other than Alliance loans) to carry a rate of interest no less than the current interest rate paid by the United States on its outstanding obligations of comparable maturity.

The House amendment did not contain a comparable provision.

The Senate receded.

INTEREST RATE ON PUBLIC LAW 480 LOANS

The Senate bill exempted loans made pursuant to Section 106(a) of the Agricultural Trade Development and Assistance Act of 1954 from an increase in interest rates proposed elsewhere in the Senate bill for bilateral loans funded under the Foreign Assistance Act.

The House amendment did not contain a comparable provision.

The Senate receded.

REPEAL OF CARRYOVER OF UNAPPROPRIATED AUTHORIZATIONS FOR DEVELOPMENT LOANS

The Senate bill amended Section 202(a) of the Act by striking the proviso which authorizes appropriation of amounts authorized for development loans for prior fiscal years during a specified period, but which remain unappropriated.

The House amendment did not contain a comparable provision.

The Senate receded.

PROHIBITION AGAINST DEVELOPMENT LOANS FOR SOUTH KOREAN FISHING INDUSTRY

The Senate bill introduced an amendment to the development loan authority which would prohibit any loan to South Korea in connection with construction and operation of commercial fishing vessels, fish processing or the marketing of fish products.

The House amendment did not contain a comparable provision.

The Senate receded.

PHASE-OUT BILATERAL LENDING PROGRAMS

The Senate bill required phase-out of the bilateral loan program not later than June 30, 1975 and removed the 10% limitation on the transfer of economic assistance funds to multilateral organizations.

The House amendment did not contain a comparable provision.

The House receded with an amendment which changed the language of the Senate bill so as to request the President to reduce the number and amounts of bilateral loans with the objective of reducing such loans to the level of $100 million by June 30, 1975. The amendment also deleted the Senate language which applied bilateral loan criteria to economic development funds transferred to multilateral organizations.

INDUS BASIN GRANTS AUTHORIZATION

The House amendment authorized appropropriation of $5 million for FY 1972 and $10 million for FY 1973.

The Senate bill authorized appropriation of $15 million for FY 1972 only.

The House receded with an amendment authorizing $15 million for each of the fiscal years 1972 and 1973.

AMERICAN SCHOOLS AND HOSPITALS

The Senate bill provided an authorization of $15,000,000 for this program for fiscal year 1972.

The House amendment authorized $30,000,000 for each of the fiscal years 1972 and 1973.

The Senate receded.

EXCESS EGYPTIAN POUNDS FOR SUEZ CANAL REOPENING

The House amendment provided an authorization for the appropriation of such amounts of excess Egyptian pounds as are now owned by the United States for assistance in reopening the Suez Canal.

The Senate bill was the same except that the appropriation of excess Egyptian pounds authorized is limited to the equivalent of $10,000,000.

The House receded.

HOUSING GUARANTY AUTHORITY

The House amendment increases present worldwide housing guaranty issuing authority from the present ceiling of $130,000,000 to a new ceiling of $230,000,000, an increase of $100,000,000.

The Senate bill increased the ceiling to $180,000,000, an increase of $50,000,000.

The Committee of Conference agreed to increase the ceiling to $205,000,000, an increase of $75,000,000.

EXEMPTION FOR OPIC PROGRAMS

The Senate bill added a provision which would except OPIC programs from prohibitions against assistance contained in the Foreign Assistance Act or any other law applying to any country whenever the President determines that the operation of the OPIC program in such country is important to the national interest.

The House amendment did not contain a comparable provision. The Committee of Conference agreed that the new authority provided in the proposed bill will be limited to authorize OPIC operations in Yugoslavia and Rumania.

CHANGE IN DEFINITION OF ELIGIBLE INVESTOR FOR OPIC PROGRAMS

The Senate bill changed the definition of "eligible investor" to delete the provision that the allowable less-than-5% foreign ownership of a U.S.-owned foreign corporation must be required by law in order for such corporation to be eligible for OPIC programs.

The House amendment did not contain a comparable provision.

The House receded.

SEPARATE AUTHORIZATION FOR POPULATION PROGRAMS

The Senate bill earmarked a total of $125 million from any of the economic assistance funds contained in Part I of the Foreign Assistance Act for FY 1972.

The House amendment authorized as a separate line item appropriation of $100 million in FY 1972 and $125 million in FY 1973.

The House receded with an amendment which makes the earmarking authority apply to each of the fiscal years 1972 and 1973.

INTERNATIONAL NARCOTICS CONTROL

The Senate bill authorized the President to furnish assistance to any foreign country in order to encourage and enable that country to control or eliminate the production, processing or distribution of drugs within or across its boundaries; earmarked for drug control assistance $25,000,000 annually from funds provided under the Foreign Assistance Act of 1961, as amended; required an annual Presidential determination before furnishing any assistance to any country of whether that country has taken appropriate measures to control the illicit drug trade; provided for the cessation of all assistance to any country determined not to have taken appropriate measures and the seeking of international economic sanctions against such country; and provided Presidential waiver authority based on a finding of overriding national interest with a requirement for full reporting to the Congress on determinations and waivers.

The House amendment authorized the President to conclude drug control agreements with other countries and to furnish assistance to any country or international organization for drug control purposes; provided for the use of any of the funds made available under the Foreign Assistance Act of 1961, as amended, for drug control assistance; and required the President to suspend assistance whenever he determines that a country has failed to take appropriate steps to prevent the illicit drug trade.

The Senate receded.

REQUIREMENT FOR PUBLIC LAW 480 SECTION 104(C) AGREEMENTS

The Senate bill eliminated the requirement currently contained in section 505(e) of the Foreign Assistance Act of 1961, as amended, that military assistance recipients enter agreements permitting the use for security assistance purposes of foreign currencies accruing to the U.S. from PL 480 sales.

The House amendment contained no comparable provision.

The House receded.

MILITARY ASSISTANCE AUTHORIZATION

The Senate bill authorized military assistance of $452 million for fiscal year 1972.

The House amendment provided an authorization of $705 million for each of the fiscal years 1972 and 1973.

The Committee of Conference agreed to a $500 million authorization for fiscal year 1972 only.

MAP TRAINING RESTRICTION

The House amendment repealed Section 510 of the Foreign Assistance Act, which limits the number of foreign military students to be trained in the United States in any fiscal year to the number of foreign students brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal year.

The Senate bill contained no comparable provision.

The House receded. The Committee of Conference agreed that the possibility of changing this limitation to some basis such as a man-month ratio rather than the present man-for-man basis should be studied.

MILITARY ASSISTANCE FOR LATIN AMERICAN COUNTRIES AND ORGANIZATION OF AMERICAN STATES

The Senate bill amends section 507(a) of the Foreign Assistance Act of 1961, as amended, by establishing a ceiling of $10 million for the furnishing of defense articles on a bilateral basis to Latin American countries, and $25 million for defense articles furnished on a cost-sharing basis to an inter-American military force under the control of the Organization of American States.

The House amendment did not contain a comparable provision.

The House receded.

TWENTY-FIVE PERCENT REDUCTION IN PERSONNEL ASSIGNED TO MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS

The Senate bill contained a provision which would require at least a 25 percent reduction in the personnel to United States military assistance advisory groups, military missions and other U.S. organizations performing similar activities by September 30, 1972.

The House amendment did not contain a comparable provision.

The House accepted the Senate provision with an amendment reducing the mandatory reductions to 15 percent and urging that every effort be made to meet the 25 percent goal.

CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE

The House amendment contained a provision requiring that decisions to furnish military assistance take into account whether such assistance will: (1) contribute to an arms race, (2) increase the possibility of outbreak or escalation of conflict or (3) prejudice the development of bilateral or multilateral arms control arrangements.

The Senate bill contained no comparable provision.

The Senate receded.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR MILITARY OPERATIONS

The Senate bill contained a provision which prohibited the provision of funds for the purpose of financing any military operations by foreign forces in Laos, North Vietnam, or Thailand unless Congress has specifically authorized or specifically authorized the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken.

The House amendment did not contain a comparable provision.

The Senate receded.

MILITARY ASSISTANCE AUTHORIZATION FOR THAILAND

The Senate bill contained a provision which would require the transfer of authorizations for military assistance programs for Thailand from the Department of Defense to the Foreign Assistance Act of 1961, as amended.

The House amendment did not contain a comparable provision.

The House accepted the Senate provisions with the understanding that assistance programmed for Thailand prior to the date specified in Section 513 and which is in the "pipeline" at that time may be provided regardless of when the Defense articles are actually delivered or the Defense services actually rendered.

NEW SECTION 514 ON "SPECIAL FOREIGN COUNTRY ACCOUNTS"

The Senate bill contained a provision which required the establishment of special foreign country accounts, in which any government receiving grant military assistance would deposit an amount equal to 25% of the value of such assistance and allow the United States Government to use such amounts to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international and educational cultural exchange programs authorized by existing legislation. This provision would not apply if the President determined that the U.S. was able to pay all such costs without the deposit of such currency and without having to expend U.S. dollars to purchase such currency. It would also not apply in any case in which military assistance is given to a foreign country under an agreement which allows the United States Government to operate a military or other similar base in that country in exchange for such assistance. The funds deposited in such special accounts would be available for expenditure without additional appropriations.

The House amendment did not contain a comparable provision.

The House accepted the Senate provision with an amendment which reduced the percentage amount required to be deposited to 10% and specifically excluded from the requirement military assistance provided to South Vietnam, Cambodia and Laos; and required deposits by South Korea to be made only for military assistance provided under the authority of the Foreign Assistance Act of 1961, as amended.

TRANSFER OF SUPPORTING ASSISTANCE TO PART II OF THE FOREIGN ASSISTANCE ACT

The House amendment contained a provision which transferred supporting assistance from Part I, economic assistance, to Part II, military assistance, and renamed the chapter "Security Supporting Assistance."

The Senate bill contained no comparable provision.

The Senate receded.

SUPPORTING ASSISTANCE AUTHORIZATION

The House amendment authorized the appropriation of $800 million for Security Supporting Assistance for each of the fiscal years 1972 and 1973.

The Senate bill authorized the appropriation of $566 million for Supporting Assistance, and provides an additional separate authorization of $85 million for Israel, for FY 1972.

The Committee of Conference agreed to an authorization of $618 million, $50 million of which was earmarked to be available for Israel only.

PROPOSED CHANGES TO SECTION 620(e)

The Senate bill required suspension of assistance to a country which seizes property in a manner heretofore prescribed by the Hickenlooper amendment immediately upon such seizure and would permit resumption of assistance only when the President is satisfied that such country has "discharged its obligations under international law . . . including speedy compensation."

The House amendment did not contain a comparable provision.

The Senate receded.

PROHIBITION ON AID TO COUNTRIES FAILING TO SUPPORT PRISONER OF WAR CONVENTION

The Senate bill added a new subsection (v) to section 620 of the Foreign Assistance Act prohibiting assistance to any country which the President determines has failed to support actively the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War.

The House amendment did not contain a comparable provision.

The Senate receded.

PROHIBITION ON ASSISTANCE TO GREECE

The House amendment added a new subsection (v) to Section 620 of the Foreign Assistance Act directing that no assistance be furnished under the Foreign Assistance Act, and no sales be made under the Foreign Military Sales Act, to Greece until the President finds that overriding requirements of the national security of the United States justify a waiver of this prohibition and promptly reports such finding to the Congress in writing with reasons for such finding. The House amendment further provided that in no event shall the aggregate amount of assistance and sales made to Greece in any fiscal year exceed the aggregate amount expended for such assistance and sales for the fiscal year 1971.

The Senate bill did not contain a comparable provision.

The Senate receded.

SUSPENSION OF ASSISTANCE TO PAKISTAN

The Senate bill included a provision suspending all assistance to Pakistan relating to military services, all licenses with respect to the transportation of arms, ammunitions, and implements of war, as well as to economic assistance, other military assistance, and sales of agricultural commodities. The provision of humanitarian assistance and related services was not affected.

The House amendment applied a ban similar to that of the Senate bill except for sales of defense services and military-related licenses.

The House receded.

COORDINATOR FOR SECURITY ASSISTANCE

The House amendment provides for a Security Assistance Coordinator at Executive Level III in the Department of State.

The Senate bill contains no comparable provision.

The Senate receded.

USE OF PART I FUNDS FOR STATE DEPARTMENT ADMINISTRATIVE COSTS RELATED TO FOREIGN AID

The House Amendment added to the Forign Assistance Act a new subsection 637(c), which authorizes the use of up to $2,755,000 in program funds for Administrative Expenses—including $155,000 for State Department expenses—for each of the fiscal years 1972 and 1973, to cover the cost of the January 1971 Federal pay raise during those fiscal years.

The Senate bill contained no comparable provision.

The House receded.

CARRYOVER OF UNAPPROPRIATED FISCAL YEAR 1972 AUTHORIZATION

The House amendment provided that amounts authorized but not appropriated for FY 1972 may be carried over and appropriated in FY 1973.

The Senate bill did not contain a comparable provision.

The House receded.

LIMITATIONS UPON EXERCISE OF SPECIAL AUTHORITIES

The Senate bill contained a provision which would prevent the President from exercising the special authorities granted him under section 506(a), 610(a) or 614(a) of the Foreign Assistance Act of 1961, as amended unless he gives the Congress ten days notice prior to the date he intends to exercise these authorities.

The House amendment did not contain a comparable provision.

The House receded with an amendment which struck out the ten days but retained the requirement for advance notice. It was the understanding of the Committee of Conference that, while not specifying the number of days, the advance notice should not just be immediately contemporaneous with the use of these authorities.

COUNTRY-BY-COUNTRY ALLOCATIONS

The Senate bill contained a provision which would require the President within thirty days after foreign assistance funds have been appropriated to notify Congress of the amount and category of assistance which will be provided to every foreign country and international organization. Thereafter, the President would be restricted from increasing by more than ten percent the amount of assistance to any country in any category set forth in such notification unless he should find the increase vital to the national security and reported his decision to Congress at least ten days in advance of providing the funds. The provision would also prevent the use of Section 614(a) waiver authority to avoid the requirements of the section.

The House amendment contained no comparable provision.

The House receded with an amendment which made the transfer provision applicable only to military and related security assistance and allowed the requirements to be waived when its was "in the security interests" of the U.S. rather than "vital" to those interests.

NEW SECTION 654 ON "RESIDENTIAL FINDINGS AND DETERMINATIONS"

The Senate bill contained a provision which provided that no action could be taken on any Presidential finding or determination until such time as that finding or determination has been reduced to writing and signed by the President.

The House version contained no comparable provision.

The House receded.

LIMITATIONS ON ASSISTANCE TO CAMBODIA

The Senate bill contained a provision which limited expenditure to, in, or for Cambodia to $341 million for fiscal year 1972 and imposed a ceiling of 200 U.S. personnel and 50 third country nationals that could be present at any one time in Cambodia.

The House amendment contained no comparable provisions.

The House accepted the Senate provisions with amendments which specifically excluded from the computation related to the ceiling for fiscal year 1972 the obligation or expenditure of funds attributable to the operation of the Armed Forces of the Republic of Vietnam in Cambodia and raised to 85 the ceiling on third country nationals that are permitted in Cambodia at any one time.

The Committee of Conference was in full agreement that additional congressional controls over U.S.-financed operations in Cambodia should be exercised. Therefore, it is intended that U.S. expenditures in, to, or in behalf of Cambodia in the future will continue to be subjected to limitations and ceilings. It is expected that for fiscal year 1973 and future years the Administration will provide Congress with a full and accurate estimate of the projected expenditures for all U.S.-financed operations in Cambodia, including the U.S.-paid portion of the cost of South Vietnamese military operations, so that future authorizations and ceilings may be intelligently imposed.

AMENDMENTS TO SECTION 33(A) RELATING TO LATIN AMERICAN REGIONAL CEILINGS

The Senate bill established a $100 million annual ceiling on military assistance and sales to Latin America. It repealed the President's authority to waive the regional ceilings established by section 33 of the Foreign Military Sales Act. It also eliminates the President's authority to waive regional ceilings.

The House amendment establishes a ceiling of $150 million on such sales and assistance and amended the President's waiver authority so that regional ceilings may be exceeded by not more than 50%.

The Committee of Conference agreed to accept the Senate ceiling of $100 million and the House waiver authority allowing an amount up to 50 percent of the approved ceiling when overriding requirements of the national security exist.

FOREIGN MILITARY CREDIT SALES

The Senate bill contained a provision which would authorize $400 million in new obligational authority for military credit sales for FY 1972 and would set the ceiling on military credits at $550 million for FY 1972, of which $300 million was to be available only for Israel.

The House amendment authorized $510 million for purposes of the Foreign Military Sales Act in each of the fiscal years 1972 and 1973. It also increased the aggregate ceiling on military credits from $340 million to $582 million for each of the fiscal years 1972 and 1973.

The House receded.

EXTENSION OF PERIOD FOR REPAYMENT OF FOREIGN MILITARY CREDIT SALES

The House amendment increased the maximum period of military credits from 10 to 20 years.

The Senate bill contained no comparable provision.

The House receded.

CEILING ON EXCESS DEFENSE ARTICLES

The Senate bill contained provisions which: provided that excess defense articles furnished by any U.S. agency (other than the Agency for International Development) would be considered as having been furnished under the Foreign Assistance Act of 1961 for military assistance; established a ceiling of $150 million on the value of such excess defense articles; and exempted from the ceiling excess defense articles granted to South Vietnam prior to July 1, 1972, under authority of laws other than Part II, military assistance, of the Foreign Assistance Act of 1961.

The House amendment established only a $220 million ceiling on the value of excess defense articles that could be furnished during fiscal year 1972.

The House accepted the Senate provisions with an amendment which provided for a ceiling of $185 million.

CONSIDERATIONS FOR FOREIGN MILITARY CREDIT SALES

The House contained a provision requiring that decisions to provide foreign military credit sales take into account whether such assistance will: (1) contribute to an arms race, (2) increase the possibility of outbreak or escalation of conflict or (3) prejudice the development of bilateral or multilateral arms control arrangements.

The Senate bill contained no comparable provision.

The Senate receded.

REPORTING REQUIREMENTS FOR LICENSED CO-PRODUCTION

The House amendment contained a provision which required the Secretary of State to report in advance to the House and Senate proposed transactions relating to defense articles which would be co-produced or licensed outside the United States.

The Senate bill contained no comparable provision.

The Senate receded.

AMENDMENT TO THE EXECUTIVE SCHEDULE

The House amendment amends Section 5314 of Title 5, USC (Executive Schedule) to provide for an Under Secretary of State for Coordinating Security Assistance Programs at level III.

The Senate bill has no comparable provision.

The Senate receded.

AUTHORIZATION FOR U.S. PARTICIPATION IN THE INTERPARLIAMENTARY UNION

The House amendment increased the authorization for annual appropriations from $53,550 to $83,000—$38,000 for the U.S. contribution to the Interparliamentary Union and $45,000 to cover expenses of the American group of the Interparliamentary Union.

The Senate bill authorized appropriation of $102,000—$57,000 as a contribution to the Union and $45,000 for the expenses of the American group.

The House receded.

AUTHORIZATION FOR U.S. PARTICIPATION IN THE INTERPARLIAMENTARY CONFERENCES OF NATO

The House amendment increased the authorization for annual appropriations for U.S. participation in parliamentary conferences of the North Atlantic Treaty Organization from $30,000 to $50,000, thereby increasing the amount available for the House and Senate from $15,000 to $25,000 each.

The Senate bill did not contain a comparable provision.

The Senate receded.

USE OF FOREIGN CURRENCIES BY CONGRESSIONAL COMMITTEES

The Senate bill amended Section 502(b) of the Mutual Security Act of 1954, effective March 1, 1972, by increasing U.S.-owned excess foreign currency normally made available to members of Congressional committees for foreign currency expenses incurred in carrying out the duties of the committee. It would eliminate the requirement for a full, itemized report to the House Administration and Senate Appropriations Committees of expenses thus incurred and for the publication of such reports.

The House amendment did not contain a comparable provision.

The Senate receded.

ANNUAL FOREIGN ASSISTANCE REPORT

The Senate bill added a new Section 653 to the Foreign Assistance Act requiring an annual report to the Congress within six months of the end of each fiscal year, showing (1) the value of all foreign assistance provided during the fiscal year, in total and by category to each country or international organization; (2) the amount and reason for each payment of foreign currency to the United States during the fiscal year by each country and international organization, whether any portion was returned by the United States and, if so, how much and used for what purpose; (3) the value of all military equipment exported under license, in total and to each country or international organization; and (4) other matters pertaining to U.S. foreign aid programs. All the information is to be unclassified except on an extraordinary finding of clear detriment to U.S. security.

Foreign assistance is defined as anything provided by the U.S. Government by gift, loan, sale, credit sale, or guaranty to a foreign country or international organization, including any training, service, advice, property, agricultural commodity, dollars or foreign currencies. Value is to be determined as of the time of transfer, but may not be less than one-third of acquisition cost.

The House amendment did not contain a comparable provision.

The House receded.

LIMITATION ON USE OF FUNDS—IMPOUNDED FUNDS

The Senate bill included a provision which would prohibit the obligation or expenditure of funds made available under the FAA and the Foreign Military Sales Act until the Comptroller General certifies to the Congress that previously appropriated FY 1971 funds for various domestic development activities have been released for obligations and expenditure. The provision would not apply to funds withheld in accordance with legal requirements or to funds obligated or expended prior to January 1, 1972.

The House amendment did not contain a comparable provision.

The House receded with an amendment which limits the release of funds requirement to programs administered by the Department of Agriculture, the Department of Housing and Urban Development and the Department of Health, Education, and Welfare. The amendment also changes the release deadline from January 1, 1972, to April 30, 1972.

ANNUAL AUTHORIZATIONS FOR STATE DEPARTMENT AND USIA

The Senate bill contained a provision requiring authorization for any subsequent appropriation of funds for the Department of State and the United States Information Agency, and repealed the authorization for the Department of State working capital fund, with the objective of putting these authorizations on an annual basis. The provision also required the State Department to keep the Senate Foreign Relations Committee and the House Foreign Affairs Committee "fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees of all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions." It also required that any such department, agency or independent establishment furnish any information requested by either committee within its jurisdiction.

The House amendment did not contain a comparable provision.

The House receded with an amendment which substituted "periodic" for "annual" authorizations, deleted the reference to the activities of "all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions" but retained the language of the Senate bill requiring the Department of State to keep the Committee on Foreign Relations and the Committee on Foreign Affairs fully and currently informed "with respect to all activities and responsibilities within the jurisdiction of these committees."

TERMINATION OF U.S. MILITARY OPERATIONS IN INDOCHINA

The Senate contained a provision which would declare it to be the policy of the United States to terminate military operations in Indochina and withdraw all U.S. military forces no later than six months after the date of enactment, subject to the release of American POWs held by the Government of North Vietnam and its allies. The provision would also urge and request the President to implement this policy by establishing a final date for withdrawal, contingent upon POW release, but not later than six months after enactment. The President would also be requested to negotiate an immediate all Indochina cease-fire, and to negotiate an agreement with North Vietnam for phased withdrawal of U.S. forces in exchange for phased releases of POWs.

The House amendment contained no comparable provision.

The Senate receded.

LIMITATIONS ON UNITED STATES ACTIVITIES IN CAMBODIA

The Senate bill amended section 7(a) of the Special Foreign Assistance Act of 1971 to prohibit the provision of US advisors to or for Cambodian military, paramilitary, police or other security or intelligence forces in Cambodia.

The House amendment contained no comparable provision.

The House receded.

RESTRICTION RELATING TO FOREIGN TROOPS AND DEFENSE ARTICLES

The Senate bill contained provisions which (1) expanded current prohibitions against the payment of allowance to free world forces in Vietnam greater than amounts paid Americans to include any U.S. agency, not just the Defense Department, and (2) expanded the requirement for agreements concerning the use and disposition of U.S. furnished defense articles to cover items furnished by all U.S. agencies.

The House amendment did not contain a comparable amendment.

The House receded.

REDUCTION IN U.S. ASSESSMENT RATE PAID TO U.N.

The Senate bill urged the President to implement that portion of the recommendations in the Lodge Commission Report which proposes that the U.S. assessed contribution to the regular budget of the United Nations be reduced to no more than 25% of the cost assessed to all members of the organization for any single budget year.

The House amendment did not contain a comparable provision.

The House receded.

ANNUAL AUTHORIZATIONS FOR ALL CONTRIBUTIONS TO THE UNITED NATIONS

The Senate bill terminated the continuing authority provided in the UN Participation Act of 1945 for the appropriation of funds for U.S. assessed contributions to the UN. It also provided that no appropriation shall be made for the payment of any amount to any activity of the United Nations, "unless such payment has been previously authorized by legislation hereinafter enacted by the Congress."

The House amendment did not contain a comparable provision.

The Senate receded.

J. W. FULBRIGHT,
FRANK CHURCH,
GEORGE D. AIKEN,
JOHN SHERMAN COOPER,
CLIFFORD P. CASE,
Managers on the Part of the Senate.
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
DANTE B. FASCELL,
WILLIAM S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
WM. S. BROOMFIELD,
Managers on the Part of the House.

Mr. FULBRIGHT. Mr. President, the conference on the foreign aid bills was one of the most difficult in which I have participated during my 26 years in the Senate. The product is not likely to satisfy anyone completely. It certainly does not satisfy me. But, under the circumstances, I believe that the Senate conferees have worked out a favorable compromise bill that upholds the major elements of the two bills passed by the Senate.

There were major differences between the Senate and House positions—on policy, on money amounts, on the length of the authorization period, and even as to whether there was to be one bill or two. The vast gulf between the Senate and the House, particularly on the policy issues, both on foreign aid policy and also those relating to the war in Southeast Asia, epitomizes the sharp difference between each body's concept of its role in the formation of foreign policy. The prospects for bridging this gulf are not encouraging.

After the Senate's 27-to-41 defeat of the first foreign aid bill on October 29, the economic and military programs were separated into two bills and, subsequently, passed by large margins. The House, through the device of an unprecedented action by the Rules Committee, was able to go to conference on the substance of the bill which was defeated by the Senate, without ever considering the provisions of the Senate's two bills either in the Foreign Affairs Committee or on the floor. Obviously, there was concern that the House might defeat one, or possibly both, of the Senate's bills if Members were forced to stand up and be counted on them. This fear of a defeat on the floor, particularly of an economic aid bill, made the House conferees insistent on combining the two Senate bills into one so that economic aid could again get a free ride on the back of the military aid package, the very sort of mixing of apples and oranges the Senate rejected in voting down H.R. 9910. However, the Senate conferees finally yielded and agreed to one bill combining both programs in return for the House conferees agreeing to a 1-year authorization for military aid instead of the 2-year authorization in their proposal. This will insure that the Senate will have an opportunity to review military aid, particularly that for Southeast Asia, again next year.

There were, in all, 94 points of difference between the Senate and the House positions. According to my calculations the Senate position was mentioned on the most important substantive points.

Mr. President, the foreign aid conference report now before the Senate carries a total authorization for fiscal year 1972 of $2.752 billion. Of this amount, $1.234 billion is for economic aid; $1.518 billion is for military programs, including supporting assistance, military grant aid, and foreign military credit sales. Nine hundred and eighty-four million dollars in economic aid is to be authorized for the 1973 fiscal year.

Specific amounts for some of the items of particular interest are as follows:

Alliance for Progress, $295 million, of which no more than $88.5 million may be in technical assistance grants.

American schools and hospitals abroad, $30 million.

Population programs, $125 million earmarked from funds otherwise available for economic assistance programs.

U.N. programs, $139 million.

Pakistan refugee relief, $250 million.

Supporting assistance, $618 million, of which $50 million is earmarked for Israel.

Military credit sales, $400 millon with the aggregate credit ceiling set at $550 million, of which $300 million is set aside specifically for Israel.

The $2.7 billion authorization is approximately $800 million below both the administration's request and the House authorization bills, and it is $100 million over the amount contained in the authorization bills passed by the Senate.

A comparative table showing all of the pertinent figures is contained in the conference report.

Mr. President, while the money amounts in the bill carry a special significance at this tme when our economic situation, both domestic and international, is so fragile, the policy provisions are the most significant part of ths bill. Here are some of the Senate's provisions agreed to in conference:

In conjunction with a $341 million ceiling for fiscal year 1972 spending in or for Cambodia, the conferees agreed to limit the number of personnel in Cambodia paid by the United States to 285, of which not more than 200 may be U.S. citizens, excluding those involved in Cambodian air operations.

Agreement was also reached on a minimum 15-percent cutback by September 30, 1972, in the number of U.S. military aid mission personnel stationed overseas.

The House conferees also agreed to the Senate's recommendation to require periodic authorizations for the State Department and the U.S. Information Agency.

Mr. President, I think that is one of the most significant of the provisions. It is a provision which we have long sought. And this is the first opportunity we have had of attaining it. I think it will do much to restore better relations between the State Department and the Senate.

Mr. President, on the impounded funds issue, the conferees agreed to require, by April 30, 1972, the release of all impounded funds for programs administered by the Department of Agriculture, the Department of Health, Education, and Welfare, and the Department of Housing and Urban Development. There is a little over $2 billion being withheld from these programs. If all of these funds are not released by the April 30 deadline, the President is barred thereafter from spending or obligating additional foreign aid funds, including funds for military sales. This provision establishes, I think, a very important precedent; namely, that Congress will bar the President from spending funds on projects which he considers important when he has acted to withhold funds from programs which the Congress believes are important. Congress' decision to do this will, in my opinion, help to restore a more appropriate balance between the executive and legislative branches of Government.

The conference also reached agreement on several key Senate provisions which tighten up on the President's transfer and waiver authority under the Foreign Assistance Act by requiring advance, written notice to Congress before he may use these special authorities. These provisions are designed to help restore Congress' role in the foreign policy field by insuring that it will be informed before the fact and not after it.

Mr. President, I wish to say a few words about the provision imposing a ceiling on U.S. spending in or for Cambodia. One of the most difficult issues in conference was over the Symington-Case amendment which imposed a ceiling on all U.S. expenditures in or for Cambodia—and this was explicit in the debate and the report of the committee—including the U.S. cost of South Vietnamese operations in that country.

I thought the $341 million ceiling for fiscal year 1972 was much too high inasmuch as the committee had originally voted a ceiling of $250 million for fiscal year 1972. But, nevertheless, I considered it another solid step toward bringing our involvement in Cambodia under better control by Congress. After much discussion the Senate conferees reluctantly agreed to exempt from the 1972 ceiling the U.S. cost of South Vietnamese operations in Cambodia. All other U.S. spending into, for, or on the behalf of, Cambodia is to be counted against the $341 million ceiling. The only reason why the costs of the South Vietnamese operations were exempted this year—and this year only—was that we do not have any estimates of these costs, and, in addition, the fiscal year is already nearly half gone.

For fiscal 1973 Congress must specifically authorize funds for all programs or activities to be conducted in, for, or on behalf of, Cambodia, including the costs of South Vietnamese operations there. Congress will, for the first time, be given a detailed accounting of how much the taxpayers are being asked to spend for or in Cambodia. They will thus be able to make more intelligent decisions on both individual authorizations and the overall ceiling.

Mr. President, these policy provisions, together with many others in the bill before us, represent, I think, not only significant and needed additions to the Foreign Assistance and Foreign Military Sales Acts, but just as importantly, they represent a victory—a very significant victory—for the legislative processes of the Congress.

I may say at that point, the principal reason for my activities with regard to the continuing resolution which preceded this conference was to try to achieve exactly that point; that is, to restore the traditional legislative process of authorization prior to appropriation and to discontinue, as far as we can, the use of continuing resolutions which, as we know, are not subjected really to examination by anyone other than a few, a very few members of the Committee on Appropriations of each House.

Mr. President, I hope we have seen the last year when Congress goes down to the adjournment wire with problems over a foreign aid bill. Next year I will do my utmost to get the authorization bill for the military aid program to the floor early in the session so that an appropriation bill can be passed well before the end of the fiscal year. There will be no need for an authorization for the economic aid program since the Senate gave in to the House plea for a 2-year authorization.

During the next session the committee will be working to develop legislation to chart a new course for both economic and military aid. We will consider the administration proposals of this year as well as ideas which we hope to obtain from a wide variety of nongovernmental sources. As we know from our experience in Southeast Asia, the executive branch is not the fountain of all wisdom on foreign policy. So, in order to develop the best bill possible, the committee plans to solicit ideas from many sources. I cannot predict that we will be able to develop legislation that will bridge the philosophical and policy gap between the Senate and the House on foreign aid. But the committee's obligation is to the Senate, and I shall do my best to develop new legislation that will merit the support both of Members of this body and the general public.

Mr. President, I am bound to add as a footnote that, while I urge the Senate to support this measure, I still have grave reservations about much of the aid program—the humanitarian assistance portion of it. I have no reservation about, and I think it is in the national interest. But I think most of the overall program is against the national interest.

I think the proliferation of the number of small countries into which we intrude with military programs particularly designed to induce these small impoverished countries to buy modern expensive weapons is not only against the interests of those countries but also against our interest. It is against the interests of those countries, because the effect is to preserve in each case the established regimes, which may or may not be supported by the people of the respective countries, so we become identified with the status quo in these countries. This is contrary to our traditions. Our country was born out of change and revolution. When this country was created, we used to be sympathetic to people who wanted to improve their lot by social and political change. I think this program has been greatly distorted into a mission for the preservation of the status quo, no matter how unsatisfactory it is in country after country.

It is against the historical tradition, the real interest, and real preference of our own people.

I do not know how to impress on my colleagues or the country in an effective manner that much of the program is against our national interests. This is the principal reason why I have not been able to support the program as such for the last 4 or 5 years.

I support the conference report, because of the alternatives before us. This is the best we could do under the circumstances and, therefore, I felt it my responsibility to do whatever I could to bring about the best results in view of the seemingly inevitability of the program.

I state for the RECORD that this conference was held yesterday afternoon on very short notice, as a consequence of the vote in the House on a motion to table a motion that instructed the conferees to vote for the Mansfield amendment. I regret very much the vote was not a straight up and down, simple vote, for or against the Mansfield amendment. It should have been that way, but the action in the other body approximated a vote on the Mansfield amendment, even though in a distorted form.

I want to call attention to the fact that even in that form of instructions to conferees, on a motion to table, a switch of 15 votes would have approved the Mansfield amendment. So it was a pretty close vote even under those adverse circumstances which, to me, indicates that even in the House there has been a great erosion of those who once supported the war in Vietnam. The House is pretty evenly divided, whereas the vote in the Senate would have clearly shown a majority of the Members strongly in favor of an early termination of our involvement in the war in Vietnam.

That is a sidelight of this exercise which in a way is encouraging, although I would like to have seen a clean-cut vote on the Mansfield amendment. I want to make it very clear that I support the Mansfield amendment, as do the majority of the Members of this body. I think the Senator from Montana rendered a great service to this body and our country in bringing this matter before Congress and the country. If something does not give in the near future I am quite sure he will bring it up again; at least I think he will. I hope he does.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I notice that section 658, the limitation on use of funds, was conditioned on the release of impounded appropriations administered by three departments of Government as of April 1972.

I ask the Senator whether we could be enlightened as to what is actually involved. In other words, what is the total amount impounded under that section and what are the headings, so the record may be clear on the condition precedent that we expect to be met?

Mr. FULBRIGHT. There is some dispute as to how much is impounded. In a way, it is a semantic difficulty.

It applies, as I stated, only to the three agencies. Let me give the Senator an example: The Farmers Home Loan Administration, the program for water and sewer projects in small communities of under 5,000. These are quite small communities such as occur in States like my own.

If my memory serves me correctly, they impounded some $56 million out of $100 million. There was not any question or doubt about whether the money was impounded or not. It was a clear-cut impoundment. The reason why I followed this matter very closely is that in my own State we had 133 projects eligible for funding, and no funding was available. That is, they had been approved for water and sewer projects and they had not been funded. One of the principal reasons why they have not been is the impoundment of more than 50 percent of the amount appropriated, and of course the appropriations were approved by the President. This is the type of thing that interested me.

There are also housing projects in my State, and I suspect in other States, for which the President has not made available funds which have been appropriated.

The dispute comes from their saying, "Well, the conditions are not right or favorable for the expenditure at this time."

The latest information from the OMB is that, for the Department of Agriculture, $429 million has been withheld from obligations. For the Department of Housing and Urban Development, $1.708 billion. The one for Housing and Urban Development, of course, is the big one. While that is not as important in my State as the other, it is something that is of importance in the Senator's State. For HEW, $131 million. That makes a total of $2.268 billion.

Mr. JAVITS. All of that will turn upon the meaning of the term "impounded." Is that correct?

Mr. FULBRIGHT. The GAO has the

responsibility for making that determination.

Mr. JAVITS. I did not hear that.

Mr. FULBRIGHT. The General Accounting Office.

Mr. JAVITS. They define it?

Mr. FULBRIGHT. They will have to make a determination.

Mr. JAVITS. But it turns on the question of whether it is impounded or not?

Mr. FULBRIGHT. That is correct.

Mr. JAVITS. As a practical matter——

Mr. FULBRIGHT. I think the Senator will agree that the GAO is the best agency to determine that.

Mr. JAVITS. Yes, that is true. The fact of the matter, however, is that the President is legally advised, as is the GAO, that he will have a certain arguable case in that regard. In other words, he cannot simply submit a list, as the Senator has mentioned, for the record which will necessarily be the condition precedent for further releases.

Mr. FULBRIGHT. I am not saying I can submit a list, but if the GAO says it is a clear case of impoundment, that should be decisive under the provisions of this law.

Mr. JAVITS. I see.

I yield to the Senator from Kentucky (Mr. Cooper).

Mr. COOPER. Mr. President, I am very glad the Senator from New York has raised the question of impoundment of funds. There has been a great deal of talk and loose talk this year about the impounding of funds by the administration. The largest amount of funds "impounded" was those for expenditures on the Federal-State highway system. As I recall, the total was about $6 billion. Highway funds are not affected by the section to which the Senator has referred, but the situation is similar.

The practice of impoundment started about 10 years ago and has been continued through all administrations. One reason why funds are impounded from time to time, is in effort to halt inflation. Further, as a practical matter, funds are released as projects are approved and payments come due. And as I have stated, funds are withheld from time to time to halt inflation and because of deficits.

I think the Senator from New York is right in asking whether the withholding of such funds can be called "impounded;" that is a question about which the President has a great deal of authority in making his decision.

I realize there are many needed projects in this country which should go forward. There are hospital projects, urban developments, and others of that character. Nevertheless, I took the position in conference, and I take it again, that I do not believe the interposition of an amendment like this, which has no germaneness to the question of foreign aid, is a proper amendment. Domestic projects and foreign aid should stand on their separate merits. I thought it wrong, and I still think it wrong, to place in a bill on foreign aid such an amendment, when it has nothing to do with the question of foreign aid connected with our country's security and assistance of other countries, it is a type of threat.

Mr. FULBRIGHT. Mr. President, I did not anticipate that this issue would take any time. We actually discussed this before. The bill as it passed the Senate covered all the impounded funds. It included the $12 billion, and in the compromise with the House, we agreed to limit it to these three executive departments.

I recognize the right and the obligation of the Senator to defend the administration, but I submit that the degree of impoundment is such by this administration that it is to a great extent unprecedented. A great deal of material has been written on it. I have an article which indicates that the mayor of San Francisco has filed suit—the date of this article is June 12, 1971—challenging President Nixon's power to withhold redevelopment and housing funds appropriated by Congress.

I ask unanimous consent that that article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

San Francisco Sues President on Fund Freeze

San Francisco, June 11.—Mayor Joseph Alioto, acting as attorney for two city agencies, filed suit today challenging President Nixon's power to withhold redevolpment and housing funds appropriated by Congress.

"We believe that this presidential policy of impounding congressional appropriated funds is unjust," Alioto, a Democrat, said in a statement. "But more importantly, we believe it to be unconstitutional—violation of the separation of powers."

Mr. FULBRIGHT. Mr. President, in addition, I have a very interesting article by the Senator from Idaho (Mr. Church) entitled "Impounding Congressional Policy."

I ask unanimous consent that that article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Impounding Congressional Policy

(By Senator Frank Church)

Washington.—The executive branch's insatiable appetite for power is now undermining the last bastion of Congressional strength, control of the purse strings. This development—effected by the impounding of funds—underscores the fact that far too much power is concentrated in the modern Presidency for the good health of constitutional government.

Historically, the rapid growth of Presidential power links directly with the shaping experiences of the 20th century—two World Wars, the Great Depression and a protracted cold war. Unfortunately, the Congress itself has accelerated the trend by tamely yielding its power and responsibility. As a consequence, increasing executive authority has overshadowed the separation of powers prescribed by the Constitution to the point where we must ask whether we are witnessing a permanent decline of constitutional government.

Most authority over foreign policy, including the warmaking power that the Constitution vests in Congress, has already passed to the President. Now, on the domestic side, Congress is steadily losing its constitutional grip on the public purse. The disastrous impact of this development can be felt only when one realizes that appropriating money is the most important business assigned to Congress by the Constitution.

The appropriation power, however, lies today as much within the executive domain as within the Congressional. In part, this was inevitable. The increased complexity of governmental transactions, combined with a concomitant need for flexibility, has understandably led to more executive involvement in budgeting for public spending. However, recent Presidents have reached far beyond these bounds toward unresticted impoundment of appropriated funds—that is, the outright refusal by the President to expend funds in accordance with the will of Congress. (The money, if blocked, remains in the General Fund at the end of the fiscal period.)

Although Democratic Presidents engaged in impoundment in no small way, the Nixon Administration has gone all out. At last count, impounded funds this year total nearly $13 billion; under Johnson the high was an estimated $10.6 billion; under Kennedy, $6.5 billion. Every day, news stories describe discussions within the Nixon Administration as to whether funds Congress has appropriated for housing, pollution control and health services ought to remain impounded or be released from the executive snare. Commonplace are such news items as: The Administration "may be ready to release the $586 million in extra funds voted last year by Congress for the fight against water pollution"; or "under Congressional pressure, the Budget Bureau released a backlog of 56 [civilian projects]."

There are occasions, certainly, when the impoundment of appropriated funds is legitimate. For example, if only part of an appropriated sum is needed for, say, an irrigation project, then duty dictates that the remainder not be spent. Or, if Congress, as it sometimes does, makes an appropriation permissive, the President is obviously free to spend or save the money as he chooses. Or impoundment may be expressly directed as in Title 6 of the 1964 Civil Rights Act, where Congress mandates the executive branch to withhold certain funds from localities practicing unlawful discrimination. The area of dispute does not involve such categories but rather executive impoundment made in defiance of Congressional intent.

Obviously the Constitution did not mean to allow the President complete control over spending. It gives him no item veto—if he finds a specific spending item unpalatable, he is obliged to veto the entire appropriation bill in which the item is contained. Furthermore, his veto may be overridden by a two-thirds vote of both sides of Congress.

As Sen. Charles Mathias (R., Md.), recently observed, respecting the impoundment practice:

"We cannot allow . . . the President or the executive branch to have an informal line item veto of appropriated money which cannot be overriden. This is, in effect, to impound declared Congressional policy and threaten Congress' very existence. It is clearly in violation of the spirit and intent of our Constitution."

It should be understood that a vital ingredient of our democracy is the opportunity afforded diverse political interests—farmers, businessmen, veterans, the elderly and others—to appeal in a meaningful way to Congress on behalf of programs they favor. Once it becomes recognized that any given program may be entombed by the President—even when Congress has authorized it and appropriated the money for it—the American people will sense the futility of turning to their elected representatives. This will compound an already discernible sense of frustration, even helplessness, that many social observers find today among Americans. The public will conclude that the executive branch, largely beyond local reach, is wholly in charge. Confidence and respect for representative government will evaporate and the stage could be set for the coming of an American Cromwell.

What is to be done? Senators of both parties and of differing political outlook have become increasingly concerned. Senator Mansfield, the Majority Leader, recently proposed that the House, where appropriation bills customarily begin their legislative journey, institute a court suit to challenge Presidential action. Legal scholars have concluded that no court decisions to date pass directly upon the issue and that decisions of tangential relevance leave the matter in doubt. Some specialists would hesitate to resort to the courts, on the ground that the relationship between the President and Congress is essentially political and not susceptible to judicial remedies.

As for other means, Congressional recourse to the process of impeachment is clearly too harsh to be practical. More realistically, Congress can deny funds requested by the President for programs he may strongly favor, and thus bring pressure on the Chief Executive to implement Congressional intent in other areas. This tack was suggested in March by Sen. Allen Ellender, chairman of the Appropriations Committee.

The most dramatic expression of Senate restiveness over the impoundment issue occurred earlier this fall. The Foreign Relations Committee, when reporting out a foreign aid bill, included a provision forbidding expenditures abroad until the President had released selected urban-development funds impounded last year.

As a minimum, in any struggle for rectification, Congress must strengthen and regularize its review of executive compliance with Congressional appropriations. At present, once an appropriation is passed, Congress usually loses sight of it. The duties of the General Accounting Office, an arm of the legislative branch, should be augmented to include supervision of expenditures in order to identify when impoundment occurs. The appropriations committees of both House and Senate might be required to follow appropriations through the executive branch to insure that they have been allocated and spent as directed. Going further, legislation might be enacted requiring the Office of Management and Budget, formerly known as the Budget Bureau, to inform Congress whenever funds are embargoed.

Sen. Sam Ervin of North Carolina, chairman of the Separation of Powers Subcommittee of the Judiciary Committee, recently introduced a bill, S. 2581, requiring the President to notify each body of the Congress by a special message of every instance in which he impounds funds, or authorizes such impoundment by any officer of the United States. The message must specify the amount, the projects or functions affected, and the reasons. Another provision specifies that the President shall end the impoundment of such funds within sixty calendar days of a continuous session after the special message is received by Congress—unless the impoundment shall have been ratified by Congress.

Of course the most desirable general solution of the problem would be for the executive branch to discipline itself by recognizing that the dominant Presidential initiative in the budgetary process must be matched by meaningful Congressional control. But President Nixon seems insensitive to the problem. In March, when asked about the impoundment issue by Howard K. Smith during an interview on ABC Television, the President replied:

> . . . when I was a Senator and a Congressman, particularly when I was a Senator and a Congressman with a President of the other party in the White House, I played all of these games, with very little success. These games are going to be played. . . .

But the issue is not a matter of "games." It goes to the heart of the separation of powers, the principal accomplishment of the founding fathers.

As such, the matter deserves more respectful attention; then it can be resolved. It need not lead to a fierce collision between the two branches of the federal government. Solutions are available—and should be mutually worked out. For it is clear that the Congress cannot regain its rightful role under the Constitution without a resolution of the impoundment issue.

More recently there was a very scholarly study by Mr. Louis Fisher of the Congressional Research Service of the Library of Congress on this matter. I read one paragraph of it, as follows:

> In the cases cited thus far, funds were withheld either in response to specific statutory directives or on the grounds of good management of funds for weapons procurement.

He is talking primarily about weapons. Then he gets into the impoundment problem:

> A different situation has developed under the Nixon Administration, where funds have been withheld from domestic programs because the President considers those programs incompatible with his own set of budget priorities. In the spring of 1971, the Nixon Administration announced that it was withholding more than $12 billion, most of which consisted of highway money and funds for various urban programs. When Secretary Romney appeared before a Senate committee in March, he explained that funds were being held back from various urban programs because there was no point in accelerating programs that were "scheduled for termination." He was referring to the fact that Congress had added funds to grant-in-aid programs which the Administration wanted to consolidate and convert into its revenue sharing proposal. To impound funds in this prospective sense—holding on to money in anticipation that Congress will enact an Administration bill—is a new departure for the impoundment technique. Impoundment is not being used to avoid deficiencies, or to effect savings, or even to fight inflation, but rather to shift the scale of priorities from one Administration to the next, prior to congressional action.

I submit that the degree and extent to which this administration has used the power of withholding of appropriated funds, commonly called impoundment, is unprecedented; and I personally think it is to bring pressure upon Congress to go through with, among other things, the program for revenue sharing, which is very controversial.

But I do know from my own experiences with these programs which affect the small communities that there was no excuse for withholding these funds. Those programs had been approved; they had met all the requirements of eligibility, and the President decided to impound the funds.

They give as grounds the argument about controlling inflation, but the reason that that argument is wholly without merit is that when they come along with a program as far out and remote from our interests as going to the moon, there is no disposition to impound funds, or when they want to build an SST, they bring all the power and force that they can muster to promote the building of an SST, which is a most wasteful and questionable activity. But, as Mr. Fisher has said, the President has used it simply to establish his own set of budget priorities.

The Senator from North Carolina (Mr. Ervin) has raised the question most seriously, in his subcommittee, about the constitutionality of the President to do this; the President is sworn to uphold and execute the laws of the United States. The Congress having passed an appropriation bill, the President signs it but then decides the money will not be spent.

We agree that, in a very moderate amount and for purposes of good management, and so on, impoundment might be acceptable to a reasonable degree. But I think the record indicates that he went far beyond any of the practices heretofore applied in this field.

I did not wish to make a big point of it, but this was not put in here for political purposes; it was for a very practical purpose of trying to get relief in those areas of this economy where we would think we needed it. Congress itself has said we need it, and I regret that there is apparently an intimation that this is put in for political purposes to embarrass the President. I can assure the Senator from Kentucy that there is no such purpose; it is simply to get actual results on this very modest number of projects of a domestic nature which are fundamental to the strength of our own economy.

Mr. President, I ask unanimous consent, in order to complete the record, to have printed in the Record at this point, from the committee report, section 108, entitled "Limitation on Use of Funds," which describes this matter in greater detail.

There being no objection, the excerpt from the committee report (No. 92–432) was ordered to be printed in the Record, as follows:

Section 108—Limitation on Use of Funds

This section focuses attention on domestic vs. foreign needs. It calls upon the President to release by not later than December 31, 1971 all of the funds that were appropriated for domestic programs but later impounded during FY 1971. If the President does not release these funds by the December 31 deadline, then he is prohibited after that date from obligating or expending any funds appropriated pursuant to the Foreign Assistance Act or the Foreign Military Sales Act. The prohibition would continue to apply until the impounded funds were released and the Comptroller General so certified to the Congress.

The provisions of this section shall not apply to funds being withheld in accordance with specific legal requirements.

The latest information that the Committee was able to collect on the impounded funds issue indicates that the total amount of these funds is about $12 billion. Of this total, more than $10 billion for domestic programs was still impounded as of May 14, 1971, with the Office of Management and Budget estimating that perhaps half the amount would be released by June 30, 1972. In terms of the precise amounts now impounded, the Committee will rely on the determinations made by the General Accounting Office.

The objective of this amendment is to give the American public some indication that the Committee is just as aware of our domestic needs as it is of the needs of other countries. The provisions of the section say to the taxpayers of this country, "You will be assured of getting the funds appropriated by Congress for domestic programs and projects before additional foreign aid funds can be obligated for similar programs and projects in Rio de Janiero, Nairobi or New Delhi."

In addition to focusing attention on domestic vs. foreign needs in the context of the whole national priorities debate this section of the bill also addresses the separation of powers issue and the Constitutional responsibilities of the Legislative and Executive Branches of our Government.

If the President is left free to impound funds appropriated by the Congress, this could result in an even greater unbalance between the two Branches than has developed in the field of foreign affairs. If the Congress' power of the purse is infringed or restricted in any way—such as through the impoundment of appropriated funds—Members of Congress might as well pack their bags and go home. This is the only real power the Congress has left and it must be guarded and protected, and kept whole and intact. The Committee believes that the requirements of this section are consistent with this goal.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. With further reference to Senator Cranston's point on the United Nations development program, what did the conferees decide on that?

Mr. FULBRIGHT. $138 million. That includes funds for all United Nations programs; the conference agreement does not specify specific amounts for specific programs but the overall amount is very close to what the administration requested. I think they requested $141 million, and the House approved $143 million. Anyway, our total amount is $138 million.

Mr. JAVITS. The reason I ask is because the continuing resolution, which is tied to this, has nothing for the United Nations development program. I wish the record to be clear that the conferees did contemplate that there would be provision for the UNDP, because it will be possible to reach that question again in the January supplemental.

Mr. FULBRIGHT. I anticipate that if we pass this matter today, the House conferees said they believed that they would be able to pass the authorization bill very shortly after their return on the 18th, within a few days. The continuing resolution is already here, so the President can act on that very quickly, and we will get an appropriation which will supplant the continuing resolution, I expect, before February 1.

Mr. JAVITS. I thank my colleague very much.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. I would simply like to express my admiration for the extremely effective leadership the Senator has provided in a vitally important cause which relates to the issue of peace, to the issue of careful use of the taxpayers' money, and to the matter of congressional committee powers, prerogatives, and procedures that are vitally important, if each of us and the appropriate committees are to have a proper role in determining what happens on legislation that comes before the Senate.

It was claimed and reported that a small group of willful men, led by the distinguished chairman of the Committee on Foreign Relations, was obstructing the will of the Senate. The fact is that it was not a small group of willful men, it was a large group of determined men led by the Senator from Arkansas, from both sides of the aisle, and many Senators. I was impressed with the fact that there were many Senators on both sides of the aisle, and I know how many believed in what the Senator from Arkansas was seeking to accomplish here.

It is also a fact that those with appropriate leadership responsibilities in this body were in agreement with the Senator from Arkansas. The distinguished majority leader (Mr. MANSFIELD) expressed on nationwide television his concurrence with the goals of the Senator from Arkansas. And not only the Senator from Arkansas, as chairman of the Foreign Relations Committee, but the Senator from Louisiana (Mr. ELLENDER) as chairman of the Appropriations Committee, and the Senator from Wisconsin (Mr. PROXMIRE) as chairman of the relevant subcommittee of the Appropriations Committee, were in agreement with what the Senator from Arkansas was seeking to accomplish.

So what we have here is a very important effort, involving the leadership and troops behind that leadership, in seeking to achieve something that is very important.

The Senator from Arkansas, as the leader of that group, hung tough when it was necessary to hang tough, but was willing to seek to achieve compromises when compromises of a reasonable nature were offered.

Finally, I believe that we achieved some tremendously important accomplishments that will have a very great deal to do with achieving a far more wise and sensible foreign aid program in the time immediately before us. I, perhaps, differ with the Senator from Arkansas in only one important respect, and I am not sure I differ even here, but I, perhaps, have greater hope than he does of what can be achieved through a peaceful, sound, economically oriented foreign aid program, designed to get help directly to those who need it through multilateral approaches.

I share the Senator's grave concern and doubt about the overwhelming military nature of foreign aid up to this point, and I hope we will succeed in turning it to far sounder directions.

Mr. FULBRIGHT. I thank the Senator. I appreciate his kind words, and especially the fact that he was willing to cooperate in an effort to maintain the Senate's role in this area. Without the Senator's assistance, I would not have had the courage to ever attempt it. I was ready, as the Senator knows, to prolong the session if necessary. But as it happened, yesterday afternoon, very unexpectedly, we were able to reestablish the legislative procedure, and I think to achieve, to some extent, what the Senator has said about the role of the Senate.

I agree with him that the policy provisions here are probably more significant than the amounts. I also have to say that in spite of our best efforts, there is more money in this bill for the military programs than there is for the economic aspects. I tried to tip the balance, but the Senator will note that there is still more money for the military; and when you take this on top of the $80 billion that the Defense Department gets directly, it is a grave distortion of our priorities. For all practical purposes, this is a lot of our money, in addition to the Defense Department's own programs.

I do not like it, and I did the best I could to restrain that aspect of it, and to turn it around more toward development programs, which I think are constructive rather than destructive.

Mr. CRANSTON. I trust that this is only the beginning, and that in the days, months, and perhaps years ahead, we will achieve further changes that will get us away from military aid programs that sustain dictators who embroil us in the threat of wars that we have no business being involved in, and that instead we will be moving toward economic aid of a proper nature.

Mr. FULBRIGHT. I thank the Senator.

Mr. COOPER. Mr. President, I join others in saying that I appreciate very much the work of the chairman of the Committee on Foreign Relations, Senator FULBRIGHT, in developing the bill before us.

For weeks we struggled with a foreign aid bill, prior to reporting the first bill to the Senate, and it represented the judgment of the committee. It was defeated on the floor. The committee then sought on the basis of the amendments which had been approved on the floor to design a bill which would be acceptable.

Two bills were reported, one dealing with economic and humanitarian aid, and one with military aid. The total authorization was $2,647,000,000.

The Senate approved those bills; and when we went to conference, tried to reach agreement. Practically every one of the Senate conferees stood with the distinguished majority leader in attempting to persuade the House conferees to agree to a vote upon the Mansfield amendment.

On the other hand, during that long process, due, I believe, to the willingness of our chairman and the ranking Republican member, Senator AIKEN, who always has fine judgment and patience, and also the tenacity of Representative MORGAN, the chairman of the House Foreign Affairs Committee, we continued to work upon other sections of the conference report. When we were able to reconvene yesterday, practically all the groundwork had been laid.

We had agreed upon many sections, and because of our prior work were able, within two and a half hours, to agree upon the conference report before us. It was a good example of the legislative process.

Great credit and tribute are due the chairman of the committee and to Senator AIKEN. There was good attendance on both sides, and we worked hard to secure a report.

The majority leader worked faithfully to secure a vote upon the Mansfield amendment, because he considers, as many of us do, that the war in Indochina is still the prior matter before our country; but when it was finally voted upon in the House, he was willing that the conference complete its work.

It was another example of the breadth and greatness of Senator MANSFIELD.

Mr. PASTORE. Mr. President, I am very happy that the House yesterday finally decided to do what they could well have done about a month ago. In view of the fact that the Mansfield resolution passed this body with such an overwhelming vote, I think we could expect no less than that the House should promptly and properly submit that amendment to the entire body and vote it up or down that is all we ever asked. This, of course, they have done, though tardily.

The delaying tactics raised, of course, a serious question. While the authorization for the foreign aid bill was in conference, we were confronted with the practical question of deciding whether or not there should be a continuing resolution. That created a very unusual situation and might have set a precedent that I feel we would have lived to regret. There is no question about that, because there was a conference in progress. So there should have been a resolution by the conferees one way or the other, before we got ourselves down to the element of either an appropriation bill or an extension of an appropriation by a continuing resolution.

I am happy that the matter has been resolved, and I hope not only that the authorization will be accepted today but that we will accept the continuing resolution as well.

I thank the Senate conferees for their patience. I congratulate the distinguished majority leader for his forbearance in this situation. I hope that now we have reached the point of understanding cooperation in the important legislation that is before us.

Mr. BYRD of Virginia. Mr. President, if I may have the attention of the distinguished Senator from Arkansas, I should like to ask him a question.

The total authorization for fiscal 1972 is $2,752 million. Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. BYRD of Virginia. The conference agreement also includes an authorization of slightly under $1 billion; namely, $984 million, for fiscal 1973.

Mr. FULBRIGHT. That is correct.

Mr. BYRD of Virginia. Is it normal procedure to have two authorizations in a single foreign aid authorization bill?

Mr. FULBRIGHT. The last one was for 2 years. It is not unusual. The House wanted 2 years for both these programs, and we wanted 1. Sometimes we have had to give in to the House and give them 2 years. They frequently plead that 2 years gives them time to study the program further, or they have an election coming up. But the position of the Senate for a number of years has been a 1 year annual authorization, and the position of the House has been for 2 years. This year, we compromised. We gave them 1 year on the military and 2 years on the economic.

Mr. BYRD of Virginia. It seems to me that a 1-year authorization is better than a 2-year authorization.

Mr. FULBRIGHT. Is seems that way to me, too; but we get into these conferences, and there are a number of things in here that I do not agree with. We compromised.

Mr. BYRD of Virginia. I understand.

Mr. FULBRIGHT. We proposed 1 year. We tried to get it. But this was the compromise—2 years on economic programs and 1 year on the military.

Mr. BYRD of Virginia. I think the Senator from Virginia and the Senator from Arkansas are in agreement on that matter.

With respect to page 2 of the report, I am not sure that I understand just what is being done in regard to the possible transferal of funds to the international financial institutions. If I read this correctly, it would appear to me that Congress is giving the President the authority to take funds from title I when he so desires and give those funds to international financial institutions. Am I correct in that assumption?

Mr. FULBRIGHT. That is right. It gives the President the discretion to do that.

The committee agreed upon a policy that there should be a gradual phaseout of the bilateral program by 1975. As a part of that provision we give the President that authority, if he, in his discretion, chooses—if he believes it would be better administered—to transfer some of the funds, or all the funds, from the bilateral loan fund into one of the international lending agencies, which we support under other authorizations, as the Senator knows.

There is a difference of opinion on this. I believe that the multilateral agencies are superior agencies. They do not identify us with the thing I was discussing earlier, of preserving the status quo. We do not get mixed up in their internal political matters. I cannot say that they are any more efficient in the actual administration than our own agency. I do not think either is noted for its efficiency. The programs are difficult. But I do not think any of the development agencies are noted for their efficiency. However, the International Bank for Reconstruction and Development does have an excellent record. It has no defaults. Generally speaking, the reports we have had are that they have expert technicians and administrators as good as one can get.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The hour of 11 o'clock having arrived, pursuant to the previous order——

Mr. MANSFIELD. Mr. President, how much time does the Senator from Virginia want, as we are trying to accede to the convenience of a large number of Senators?

Mr. BYRD of Virginia. I do not want to delay the proceedings but I would like to have a little better understanding of this report. Three minutes will suffice.

Mr. MANSFIELD. Mr. President——

Mr. CHURCH. Mr. President, I should like to have 2 minutes, please.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Virginia (Mr. BYRD) may proceed for 3 additional minutes, and then that the Senator from Idaho (Mr. CHURCH) may proceed for 2 minutes before the vote occurs.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of Virginia. Mr. President, it seems to me that this is going directly counter to what the Senate, I thought, has been trying to do for the past few years. We had been saying that the President has assumed too much authority which Congress was giving him and that we want to reverse that, and now we come along again and say that we will let the President decide.

Mr. FULBRIGHT. This is in accordance with the policy direction emphasized here before. We have said on other occasions and there have been other reports about the necessity or the advisability or the wisdom of emphasizing the multilateral lending organizations. We had a big debate on IDA, on appropriating funds for IDA. We believe that is a pretty good bargain. IDA is multilateral. We pay only 40 percent instead of 100 percent.

We figure that we get more for our money with IDA. If we put in $40, we get $60 which is contributed by other countries. Congress approved that. The Senate voted for the money. We are not saying to the President, "You go do as you please with this money." We say that if he wishes to carry out this policy, we give him the right to do it. This gives him the authority to carry out the expressed policy of Congress which has authorized the money and the policy. I do not think this is giving him anything more.

Mr. BYRD of Virginia. Why does not Congress put the money into the funds themselves?

Mr. FULBRIGHT. We put a good deal of money in the bilateral program and we say here that over time it should be phased out. That means a gradual transfer. That is the only reason——

The ACTING PRESIDENT pro tempore. The time of the Senator from Virginia has expired.

Mr. MANSFIELD. I ask unanimous consent that the Senator from Virginia may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of Virginia. Because of the multinational nature of this, I point out that for the soft loan window of the Inter-American Bank the United States has put up 77 percent. I do not see that that is any substantial improvement.

It is wrong, if we are going to try to settle this matter of Presidential authority versus the Congress, and we have made great progress on it, and then Congress comes in on this foreign aid bill and takes a reverse turn and says that we will let the President make the decision where he wants this money to go.

In amount, this authorization bill is essentially the same bill the Senate rejected on October 29, only 6 weeks ago.

Besides that, the amount authorized is nearly $1 billion more than the fiscal year 1970 appropriation.

I shall vote against this legislation.

ON VOTING AGAINST FOREIGN AID BILL

Mr. CHURCH. Mr. President, on October 29, when the Senate voted 41 to 27 to reject the foreign aid authorization bill, I addressed myself at length to the reasons why I could no longer support the foreign aid program. I called, at that time, for a drastic reduction in military assistance, a phaseout of the bilateral development loan fund, and a shift to the multilateral approach for long-term economic development in the future. I indicated my continuing support for technical assistance, which is grant aid, as well as for generous American donations for the relief of war refugees and the victims of natural disasters. I also called for fulfilling our commitment to pay our agreed share of the cost for the United Nations, and its affiliated agencies.

The bill we are asked to approve today contains some improvements in the foreign aid program, as we have previously known it. These include a ceiling on spending for personnel in Cambodia; certain limitations on the President's discretionary authority to transfer aid funds from country to country and to waive congressionally imposed restrictions; a requirement for a modest cutback in military personnel assigned to MAG missions abroad; annual authorizations for the State Department and the USIA to make them more responsive to Congress; and requirements for the release of funds impounded for certain domestic programs, as a condition prerequisite to spending the money authorized for foreign aid in this bill.

These reforms, though welcome, fall far short of the kind of restructured foreign aid program that I could support. I say this without derogating, in any way, the effort made by the Senate conferees to achieve more far-reaching changes. As one of those conferees, I can say that we made the strongest possible effort. The bill we bring back to the Senate represents, in my judgment, the best compromise we could obtain.

The ACTING PRESIDENT pro tempore. The time of the Senator from Idaho has expired.

Mr. CHURCH. Mr. President, I ask unanimous consent for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, the bill has had its most important policy provision, the Mansfield amendment, stricken from it, as a result of the refusal of the House of Representatives, in a vote of 130 to 101 taken yesterday afternoon, to instruct their conferees to accept this provision. The refusal of the other body to adopt a legislative policy for ending American involvement in the war in Indochina, represents a larger backward step than all the forward steps achieved in conference taken together. For this reason alone, I would vote against the bill.

Moreover, the total amount authorized by the pending bill is only about $150 million below that which the Senate rejected on October 29. The ratio of economic to military aid in this bill has not been appreciably altered. In sum, this bill too closely resembles the rejected measure to warrant a reversal in my position. Accordingly, I will cast my vote against this bill.

Mr. HUMPHREY. Mr. President, I regret that in voting for this conference report on foreign aid, we are not voting for the Mansfield amendment because time and time again this has been the expressed will of the Senate. The majority of the American public wants a quick and complete withdrawal of our military forces from Vietnam and Southeast Asia.

I also regret that the Senate has accepted the view of the House Appropriations Committee to delete the funding of $100 million for United Nations development program.

But I am pleased to find that the Senate conferees did accept the House amendment to cut off military assistance and military credit sales to Greece, unless the President finds it absolutely essential. There is also a ceiling on spending and personnel to Cambodia. This could have been lower but the principle is a good one.

I am pleased that supporting assistance to Israel—$50 million, which I have strongly supported and worked with Senator JAVITS to have reinstated in the continuing resolution has been included.

The conference report represents a compromise but also it includes some significant and long overdue changes and improvements. I shall vote for it.

FOREIGN ASSISTANCE: WORLD POPULATION PROGRAMS

Mr. CRANSTON. Mr. President, I am particularly gratified the Senate conferees were successful in retaining the Senate provision earmarking $125 million for fiscal year 1972 and also extending the same earmarking to fiscal year 1973 for programs relating to world population growth. This provision was originally included in the Senate bill as a result of an amendment offered by the Senator from Ohio (Mr. TAFT) and myself. The conferees acceptance of this provision will insure the continuation of critically needed population programs at an adequate level for the next 2 years.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to vote on the question of agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from South Carolina (Mr. HOLLINGS).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Colorado (Mr. ALLOTT) is paired with the Senator from Georgia (Mr. GAMBRELL). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Georgia would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

On this vote, the Senator from California (Mr. TUNNEY) is paired with the Senator from North Dakota (Mr. BURDICK). If present and voting, the Senator from California would vote "yea" and the Senator from North Dakota would vote "nay."

On this vote, the Senator from Georgia (Mr. TALMADGE) is paired with the Senator from Connecticut (Mr. RIBICOFF). If present and voting, the Senator from Georgia would vote "nay" and the Senator from Connecticut would vote "yea."

Mr. GRIFFIN. I anounce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Connecticut (Mr. WEICKER) is absent because of illness in his family.

The Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Maine (Mrs. SMITH), the

Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

On this vote, the Senator from Colorado (Mr. ALLOTT) is paired with the Senator from Georgia (Mr. GAMBRELL). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Georgia would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alaska would vote "nay."

The result was announced—yeas 33, nays 21, as follows:

[No. 455 Leg.]

YEAS—33

Aiken
Baker
Beall
Boggs
Buckley
Cannon
Case
Cooper
Cranston
Dominick
Griffin
Hart
Hughes
Humphrey
Jackson
Javits
Mathias
McGee
Metcalf
Miller
Moss
Pastore
Pearson
Percy
Proxmire
Roth
Schweiker
Scott
Sparkman
Taft
Thurmond
Williams
Young

NAYS—21

Allen
Bayh
Byrd, Va.
Byrd, W. Va.
Church
Cook
Curtis
Eagleton
Fulbright
Goldwater
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
McGovern
Nelson
Randolph
Spong

NOT VOTING—46

Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Burdick
Chiles
Cotton
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Gravel
Gurney
Harris
Hartke
Hollings
Inouye
Kennedy
Long
Magnuson
McIntyre
Mondale
Montoya
Mundt
Muskie
Packwood
Pell
Ribicoff
Saxbe
Smith
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker

So the conference report was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the conference report was agreed to:

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ESTABLISHMENT OF DATE OF SECOND SESSION OF 92D CONGRESS

Mr. MANSFIELD. Mr. President, I send to the desk a joint resolution on behalf of the distinguished minority leader and myself, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 186) was read the first time by title, and the second time at length, as follows:

S.J. RES. 186

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-second Congress shall begin at noon on Tuesday, January 18, 1972.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 186) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

FURTHER CONTINUING APPROPRIATIONS, 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the continuing resolution, which the clerk will state.

The legislative clerk read as follows:

Calendar No. 555, H.J. Res. 1005, making further continuing appropriations for the fiscal year 1972, and for other purposes.

The ACTING PRESIDENT pro tempore. Debate is limited and controlled. Who yields time?

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 20-minute provision which is applicable to amendments in the first degree be likewise applicable to amendments in the second degree, motions, appeals, and points of order, with the exception of nondebatable motions.

Mr. PROXMIRE. Mr. President, reserving the right to object, I think the major amendment to be discussed is in the second degree and, therefore, only 20 minutes would be allowed.

Mr. MANSFIELD. There is time on the resolution.

Mr. PROXMIRE. I can yield time from that?

Mr. MANSFIELD. That is right.

Mr. PASTORE. If we are going to have a yea-and-nay vote on this matter, let us get an order for the yeas and nays now. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, reserving the right to object, how does the time stand in toto?

The ACTING PRESIDENT pro tempore. Not to exceed 1 hour on the bill, 20 minutes on amendments in the first degree, and 20 minutes on amendments in the second degree, motions, and appeals.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Is any amendment to the amendment to be proposed by the Senator from Wisconsin in the second degree?

The ACTING PRESIDENT pro tempore. The Parliamentarian advises me that the Proxmire amendment is in the second degree.

Mr. JAVITS. So no amendment to that amendment would be in order?

The ACTING PRESIDENT pro tempore. The Parliamentarian advises me that there is a possibility that an amendment to parts of the committee amendment to be stricken out by the amendment would be in order.

Mr. JAVITS. And that would be in order during consideration of the Proxmire amendment after the time on the Proxmire amendment has expired?

The ACTING PRESIDENT pro tempore. The Parliamentarian would have to examine the amendment.

Mr. JAVITS. He would have to examine it as to whether it is a perfecting amendment?

The ACTING PRESIDENT pro tempore. Yes.

Mr. JAVITS. I thank the Senator.

Mr. MANSFIELD. Time is running.

The ACTING PRESIDENT pro tempore. Yes. The unanimous-consent request is before the Senate, as proposed by the Senator from West Virginia.

Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I yield myself 2 minutes, and thereafter I will turn over my time to the distinguished ranking minority member of the Committee on Appropriations, the Senator from North Dakota (Mr. YOUNG).

Mr. President, I rise for the purpose of asking the distinguished minority leader, with a lilt of hope in my voice, if this is to be the final vote, as I understand it, in the first session of the 92d Congress. The inquiry is prompted at this time so that Senators may make plans accordingly.

Mr. MANSFIELD. Yes, it will be the last vote, provided it is a vote of approval. If it is not, then I guess all bets are off.

So in view of the outstanding attendance of Senators today, I hope no Senator would leave—really not leave the Chamber, and certainly not leave the city or the area close to Capitol Hill. It is getting too close for comfort. Both of us would like to see Senators start on their way home or wherever they are going, just as we would like to leave, but the number is now at 51, so we ask Senators to stand by and we will do our best.

Mr. SCOTT. The majority leader is the best lobbyist for affirmative action I have heard yet.

I take this occasion to wish all Senators a Merry Christmas, a happy adjournment, and a Happy New Year.

Mr. PROXMIRE. Mr. President, I call up an amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate is not in order. The Senate will please be in order so that we may hear the reading of the amendment. Time is not running until the Senate is in order.

The clerk may proceed.

The amendment was read as follows:

H.J. RES. 1005

On page 3, strike out lines 19 and 20 and insert the following: "February 22, 1972";

(2) by amending section 108 to read as follows:

"SEC. 108. Notwithstanding any other provision of this joint resolution, obligations incurred hereunder and under prior year balances for the activities hereinafter specified shall not exceed the annual rates specified herein during the period beginning December 9, 1971, and ending February 22, 1972."

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

"Item	Annual rate
Economic assistance:	
Worldwide, technical assistance	$165, 272, 000
Alliance for Progress, technical assistance	79, 105, 000
American schools and hospitals abroad	15, 000, 000
International organizations and programs	41, 282, 000
Indus Basin Development Fund, grants	5, 000, 000
Indus Basin Development Fund, loans	6, 000, 000
Contingency fund	31, 300, 000
Refugee relief assistance (East Pakistan)	100, 000, 000
Alliance for Progress, development loans	226, 693, 000
Development loans	530, 779, 000
Administrative expenses, Agency for International Development	47, 000, 000
Administrative expenses, Department of State	4, 280, 000
Military and supporting assistance:	
Military assistance	522, 500, 000
Supporting assistance	649, 721, 000
Other: Overseas Private Investment Corporation, reserves	18, 750, 000

TITLE II—FOREIGN MILITARY CREDIT SALES

Foreign Military Credit Sales	$400, 000, 000

TITLE III—FOREIGN ASSISTANCE (OTHER)

"Item	Annual rate
Peace Corps, salaries and expenses	$72, 000, 000
Peace Corps, limitation on administrative expenses	24, 500, 000
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS	
Ryukyu Islands, Army, administration	$4, 216, 000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE	
Assistance to refugees in the United States	$139, 000, 000
DEPARTMENT OF STATE	
Migration and refugee assistance	$5, 706, 000
INTERNATIONAL FINANCIAL INSTITUTION	
Inter-American Development Bank, paid-in capital	$13, 240, 000
Inter-American Development Bank, callable capital	136, 760, 000

TILTE IV—EXPORT-IMPORT BANK

Export-Import Bank, limitation on program activity	$7, 323, 675, 000
Export-Import Bank, limitation on administrative expenses	8, 072, 000

Provided, That of the amount that may be obligated hereunder for security supporting assistance, not less than a sum computed at the annual rate of $50,000,000 shall be available for obligation for such purpose solely for Israel: *Provided further,*".

On page 4, strike out lines 1 through 12.

On page 4, line 13, strike out "SEC. 110" and insert in lieu thereof "SEC. 109".

On page 5, line 3, strike out the period and the quotation marks, and insert in lieu thereof a comma and the following: "except that notwithstanding section 102 of this joint resolution, as amended, emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, may continue to be conducted at an annual rate for administrative operations not to exceed the fiscal year 1971 rate."

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mr. PROXMIRE. Mr. President, the amendment which I have sent to the desk represents a compromise which we worked out over the past 24 or 48 hours of almost continuous negotiations with House appropriations leaders and with Senators on both sides of the aisle. It appears that we have a compromise which does seem to be satisfactory. It covers only a very short period of time. It is a continuing resolution—it is not an appropriation—based on what we passed.

We now appear to have a new foreign assistance authorization bill—the House has acted on the fiscal year 1972 appropriation bill—and, therefore, the Senate can now promptly act on the regular 1972 appropriation bill shortly after we reconvene. I see no reason why we cannot have a regular bill enacted into law by February 1, 1972.

In the meantime, the proposed continuing resolution would provide obligational authority at no higher than the annual level authorized and, in many cases, below it. To detail the action taken, I ask unanimous consent to include at this point in my remarks a table reflecting (a) new obligational authority authorized, (b) new obligational authority included in the continuing resolution, and (c) the difference between the two.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Item	Authorization act	New obligational authority	Difference	Annual rate
TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES				
Economic assistance:				
Worldwide, technical assistance	$175, 000, 000	$150, 000, 000	$−25, 000, 000	$165, 272, 000
Alliance for Progress, technical assistance	88, 500, 000	75, 000, 000	−13, 500, 000	79, 105, 000
American schools and hospitals abroad	30, 000, 000	15, 000, 000	−15, 000, 000	15, 000, 000
International organizations and programs	138, 000, 000	41, 000, 000	−97, 000, 000	41, 282, 000
Indus Basin Development Fund, grants	15, 000, 000	5, 000, 000	−10, 000, 000	5, 000, 000
Indus Basin Development Fund, loans	PA	6, 000, 000		6, 000 000
Contingency fund	30, 000, 000	30, 000, 000		31, 300, 000
Refugee relief assistance (East Pakistan)	250, 000, 000	100, 000, 000	−150, 000, 000	100, 000, 000
Alliance for Progress, development loans	206, 500, 000	150, 000, 000	−56, 500, 000	226, 693, 000
Development loans	250, 000, 000	250, 000, 000		530, 779, 000
Administrative expenses, Agency for International Development	50, 000, 000	45, 000, 000	−5, 000, 000	47, 000, 000
Administrative expenses, Department of State	PA	4, 255, 000		4, 280, 000
Military and supporting assistance:				
Military assistance	500, 000, 000	500, 000, 000		522, 500, 000
Supporting assistance	618, 000, 000	600, 000, 000	−18, 000, 000	649, 721, 000
Other: Overseas Private Investment Corporation, reserves	PA			18, 750, 000
TITLE II—FOREIGN MILITARY CREDIT SALES				
Foreign Military Credit Sales	400, 000, 000	400, 000, 000		400, 000, 000
TITLE III—FOREIGN ASSISTANCE (OTHER)				
Peace Corps, salaries and expenses	77, 200, 000	72, 000, 000	−5, 200, 000	72, 000, 000
Peace Corps, limitation on administrative expenses	(28, 400, 000)	(24, 500, 000)	−(3, 900, 000)	(24, 500, 000)
Department of the Army—Civil functions: Ryukyu Islands, Army administration	PA	4, 216, 000		4, 216, 000
Department of Health, Education, and Welfare: Assistance to refugees in the United States	PA	139, 000, 000		139, 000, 000
Department of State: Migration and refugee assistance	PA	5, 706, 000		5, 706, 000
International financial institution:				
Inter-American Development Bank, paid-in capital	25, 000, 000	13, 240, 000	−11, 760, 000	13, 240, 000
Inter-American Development Bank, callable capital	136, 760, 000	136, 760, 000		136, 760, 000
TITLE IV—EXPORT-IMPORT BANK				
Export-Import Bank, limitation on program activity	(7, 323, 675, 000)	(7, 323, 675, 000)		(7, 323, 675, 000)
Export-Import Bank, limitation on administrative expenses	(8, 072, 000)	(8, 072, 000)		(8, 072, 000)
Total	3, 149, 137, 000	2, 742, 177, 000	−406, 960, 000	3, 213, 604, 000

Mr. PROXMIRE. I might point out that on almost every item we are below the authorization and in no case above the authorization.

Inasmuch as the total level of operation would also include certain unobligated carryovers from previous years' appropriations, there is a fifth column indicating this amount, which would constitute the maximum level of operation permitted under the continuing resolution.

It should be pointed out that in the continuing resolution as proposed $300 million in military credit sales is earmarked for Israel and $50 million in supporting assistance is earmarked for Israel.

In addition to Foreign Assistance Act activities, the continuing resolution provides for an annual level of operation of $72 million for the Peace Corps. This is an increase of $4 million over the annual basis under the continuing resolution as passed the House.

Also provided is $139 million for Cuban refugees. This is an increase of $39 million over the operating level authorized by the House continuing resolution. It is the amount which the Department of Health, Education, and Welfare advises is necessary to continue the reduced program due to interruption of the airlift over the past several months.

The proposal also would provide $150 million for the Inter-American Development Bank, of which $13,240,000 shall be for paid-in capital and $136,760,000 shall be for callable capital.

In addition, the limitation on program activity of the Export-Import Bank is increased to $7,323,675,000—the full amount requested under the administration's revised budget estimate.

I would like to say that a part of the changes that have been accomplished since we had our last negotiations are very largely the responsibility of the Senator from New York (Mr. Javits), who has shown a great interest in this matter. He was very concerned about the Inter-American Bank. I want him to know we did put in the $150 million, which I understand is satisfactory, for the Inter-American Development Bank. He was also concerned, as we should all be, about supporting assistance for Israel that had not been earmarked. That was a point of disagreement. I agreed to put in that earmarked amount.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. I am grateful to my colleague. He has done what needs to be done. The reason for the urgency in both is, first, that the subscription to the Inter-American Development Bank, if it had not been made before the 31st of December, would have involved the possibility of adverse action by many other nations. As to Israel, I think this action is necessary for this beleaguered nation because of the threat of the renewal of war, which we all deprecate. This does not mean peace on either side's terms, but the threat of war by the end of the year, so clearly voiced, and now underwritten by the Soviet Union in behalf of the United Arab Republic, is so worrisome that this action is necessary as an indication that the intention to work for peace and economic help for either side is highly desirable and this is a high policy question. So I think what the committee has decided is very intelligent in the interim, and I thank my colleage.

Mr. PROXMIRE. Mr. President, I believe that the continuing resolution as proposed will serve to satisfy the need for operating funds for the short time before the regular 1972 bill can be enacted. I further believe that if it is possible for the Senate to adopt it as proposed, in turn it will be accepted by the House and, therefore, entail no extended conference period.

Of course, that is to our great interest, in view of the great difficulties of keeping both Members of the Senate and of the House of Representatives in town.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOMINICK. As I read the amendment, it would restrict aid to Israel to $50 million a year. Is that correct?

Mr. PROXMIRE. There are two provisions as to Israel. One is credit sales of $300 million. The other is supporting assistance of $50 million. We cannot go above the $50 million because that is the amount in the authorization bill. We could go above it, but it would be a vain act, because when the authorizing bill is adopted by the other body, the ceiling of $50 million would be in effect.

Mr. DOMINICK. I thank the Senator.

The ACTING PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. Mr. President, I yield myself 3 additional minutes.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I first want to thank the Senator from Wisconsin not only for his work on this resolution but for his support of the authorization which we just passed. He is to be commended. He has shown the greatest cooperation in supporting the effort to get an authorization bill, and now the continuing resolution, which is essential because of the situation in the House. I want to congratulate and commend him for what he has done. I think he has done an excellent job on this bill as well as in his efforts on the authorization bill. I am particularly pleased that he has seen fit to keep these figures generally in line with the authorization figures and, in fact, in some instances, below them. I think that is very much in the national interest. I think the Senator, just as he did about a year ago, has rendered the country a great service.

Mr. PROXMIRE. I thank the Senator from Arkansas very much. He has been a prime influence in my attitude on so many of the items that are in the bill. I regret very much that there is such a heavy concentration of military assistance here. That is unfortunate. It was a point of disagreement with the House. We were able to reduce the amount they insisted on for credit sales only because the authorization was $400 million. Otherwise we would not have been successful in that regard.

Mr. FULBRIGHT. I want to comment on some of the other items. One does not come before the Foreign Relations Committee, but affects the general principles of our economic situation. I would hope that in the future—and that is not in criticism of this bill—the amount for the Export-Import Bank is going to be cut, and I hope that some of the other activities can be cut. I shall not delay the Senate now by talking about them, but I think the Senator has done everything he could possibly do.

Mr. PROXMIRE. I agree that the Export-Import Bank has been a sacred cow. It has not been examined as it should be. It has a tremendous impact on borrowing in this country and on the level of interest rates, because it represents billions of dollars of credit which are exempt from the budget, and are outside the restraints of our monetary policies. It has a seriously adverse effect on housing. This has not been taken into consideration. It cannot be done today, but it should be done.

I yield now to the Senator from Idaho (Mr. Church).

Mr. CHURCH. Mr. President, first of all, I want to thank the Senator for having included the $150 million for the Inter-American Development Bank. It not only fulfills the obligation to the Bank and enables it to go forward with its planning for the coming year, but it is in line with my own feeling that our contributions to long term economic development ought to be more and more channeled through multilateral agencies. I commend him for seeing that this provision is included in the continuing resolution.

Second, I want to compliment the Senator from Wisconsin for having stood behind the legislative committee. He represents the appropriation process, but from the beginning he has stood solidly behind the Foreign Relations Committee.

The ACTING PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. May I have 5 minutes on the bill?

Mr. MANSFIELD. We have only 1 hour on the resolution.

Mr. PROXMIRE. My time has almost expired on the amendment, which is the principal amendment.

Mr. YOUNG. Mr. President, I yield 5 minutes to the Senator on the amendment.

Mr. CHURCH. The Senator from Wisconsin has insisted upon a legitimate procedure, and thus reinforced the hands of the policy committee of the Senate.

Finally, I would ask the Senator, if this bill does not pass, it would really means chaos, would it not, because the entire apparatus would come to a halt, and all money would be cut off immediately for all programs and all salaries, and that really makes it essential that the Senate act responsibly?

Mr. PROXMIRE. Exactly. A great many people whose judgment about foreign policy I admire, and whose experience is far greater than mine, believe that this foreign aid program ought to be ended completely; but it certainly should not die on the floor of the Senate in 1 day. That would be disastrous, and, as the Senator from Idaho, who opposes the bill for other reasons, pointed out a minute ago, it would cause great suffering.

Mr. CHURCH. I support the Senator's amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HUMPHREY. May I ask the Senator one question? On the $50 million of supporting assistance to Israel, is this separate and distinct from other authorizations and appropriations?

Mr. PROXMIRE. What we did in this amendment was provide the precise limit provided in the conference authorization bill, so there is $50 million solely for Israel.

Mr. HUMPHREY. In supporting assistance.

Mr. PROXMIRE. In supporting assistance, that is correct.

Mr. HUMPHREY. And that is for current purposes in supporting assistance?

Mr. PROXMIRE. That is my understanding.

Mr. HUMPHREY. And is over and above the——

Mr. PROXMIRE. $300 million of credit sales.

Mr. HUMPHREY. Of credit sales, and over and above items such as food and humanitarian assistance?

Mr. PROXMIRE. Yes, indeed.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin. Who yields time?

Mr. YOUNG. Mr. President, I yield myself 5 minutes.

Mr. President, this is probably the most "cussed" and discussed appropriation bill that the Senate has considered this session, but it has received careful consideration, and finally, I believe it has received the approval of every Member of the Senate who believes in any kind of a foreign aid program.

I have been voting against practically every foreign aid appropriation bill in the last 20 years, but I plan to vote for this measure. I believe it represents the minimum in most categories of foreign aid that we can appropriate. Most of it is very necessary.

It includes such items as famine relief. Pakistan is a good current example of the need for this program. It includes the all-important and necessary funds for helping us get out of the war in Southeast Asia. It includes funds for some of our better allies, such as Korea, Turkey, and Greece. These funds are absolutely necessary. There is a a long list of these items, such as economic assistance to needy, deserving, and friendly countries.

One item in which I am particularly interested is that it increases the borrowing authority of the Export-Import Bank. For the past fiscal year, this was $4,082,531,000. This bill increases that amount to $7,323,675,000.

The Export-Import Bank has been instrumental and very helpful to industry in exporting their commodities all over the world, and I understand that much of this increase in funds will go to help in exporting farm commodities. The Export-Import Bank advises that it could mean additional farm exports of $2 billion to $3 billion during the next fiscal year.

We have a tremendous surplus of farm commodities. We have a great adverse balance-of-payments situation with the rest of the world. So this exporting of farm commodities for dollars is particularly in our best interests. And I might say that the Export-Import Bank has been one of the few profitable international organizations that we have had. They have consistently made a profit, and they have paid back sizable amounts of money to the Treasury of the United States.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. YOUNG. I yield.

Mr. HRUSKA. Mr. President, I rise to join and associate myself with the remarks of the Senator from North Dakota on the subject to which he has just addressed himself.

There are many items, a variety of items, in the continuing resolution which require attention if the activities involved are to go forward at all. That applies, also, to the military and the economic assistance, which is the primary burden of the continuing resolution. No more than an hour ago, I voted against the conference report on the authorization bill. I have done so because that is consistent with my previous position on this subject. It may be that the proper appropriation bill on that subject will receive another negative vote from this Senator. That will depend upon a number of considerations, some of which are inherent in the appropriation bill as it will ultimately be constituted in its final form.

However, this continuing resolution involves in other fields what it will mean in the field of Export-Import Bank activity. Heretofore the amount involved has been in the range of $4 billion. Unless this continuing resolution is approved, would it not mean, I ask the Senator from North Dakota, that there would be a cessation of activities of the Export-Import Bank activities or a very serious reduction therein?

Mr. YOUNG. Yes, I understand it would curtail their activities by as much as 40 or 50 percent.

As I have pointed out, they have been doing a good job for a long while in helping with exporting industrial commodities, but now they are getting more into the field of helping export farm commodities for dollars.

Mr. HRUSKA. So two things are done by this continuing resolution in regard to the Export-Import Bank: not only is there a continuance of their activities made possible, but the borrowing authority is increased from roughly $4 billion to $7.23 billion, is that correct?

Mr. YOUNG. That is correct, and this is a kind of borrowing we will not lose money on, unlike the experiences we have had in the past with many other somewhat similar activities.

Mr. HRUSKA. It is my understanding that there will be in the range of $2 billion to $3 billion granted the Export-Import Bank for export of farm commodities during the next fiscal year.

Mr. YOUNG. That is my understanding, after talking with officials of the Export-Import Bank.

Mr. HRUSKA. They gave the Senator that information, and he understands that to be the fact?

Mr. YOUNG. That is correct.

Mr. HRUSKA. In the light of that, Mr. President, it would appear most urgent that this continuing resolution be approved, because there is that impact upon the farm situation here within America, and there will also be a corresponding and even greater favorable impact on our recovery of the trade balance, which currently is very, very much against this country.

Mr. YOUNG. I agree completely with the Senator from Nebraska.

Mr. HRUSKA. I thank the Senator for bringing the subject up and engaging in this colloquy.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. YOUNG. How much time does the Senator wish?

Mr. BYRD of Virginia. Four minutes?

Mr. YOUNG. I yield the Senator 4 minutes.

Mr. BYRD of Virginia. Mr. President, on page 2 of the committee report, on further continuing appropriations, I note, in the first column, that available under the continuing resolution which expired December 8, 1971, the grand total was $2,698,552,000.

Now, I note in the fifth column, under the "Total Available Under House Joint Resolution 1005 as passed by the House," that the total is $3,100,932,000.

That represents an increase of $402,380,000. I ask the Senator from Wisconsin whether my understanding of those figures is accurate.

Mr. PROXMIRE. The Senator from Virginia is comparing the continuing resolution as it expired December 8 with what the House has proposed, not with what I am offering here, and the Senator's figures are correct.

Mr. BYRD of Virginia. How do the figures offered today, on which the Senate will now vote, differ from the $3.1 billion which the House passed?

Mr. PROXMIRE. As the Senator knows, when we go to conference with the House, we have to compromise somewhere in between. We would like to get everything we propose, but that was impossible. So that the amount that we compromised on was $2.842 billion, which is somewhat closer to the Senate figures than the House figures. This includes carryover in both cases. If carryover is deleted, these figures are substantially smaller.

Mr. BYRD of Virginia. The Senator from Virginia is not comparing the figures with what the Senate approved. The Senator from Virginia is comparing the figure with what was available for foreign aid under the continuing resolution which expired December 8. That was just a week ago. Since that time, the amount available, using the new figures submitted by the Senator from Wisconsin, will be approximately $150 million more than was available at that point.

Mr. PROXMIRE. The one major difference—it is not the only difference—is the Pakistan relief, which, as the Senator recognizes, is something that developed recently. This accounts for a very substantial proportion of it.

In addition, the House simply came in with a continuing resolution at a higher level under the authorization which has just been agreed to.

Mr. BYRD of Virginia. The point I am suggesting is that the amount available for foreign aid through December 8, which was last week, was $2.7 billion, and in just 1 week's time, it will be increased by $150 million.

Mr. PROXMIRE. It is not 1 week's time. That increase developed between the time when foreign aid was last extended by continuing resolution which was some time in November, to be extended to December 8.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. PROXMIRE. I yield 2 minutes on my amendment.

So I think that the difference is partly accountable by what happened in the last month or so.

I worked hard, as did other members of the conference—Senator Young agrees with me, I am sure, and the other members of the Senate Appropriations Committee. We wanted to hold it down to the December 8 figure. That is what Senator Ellender wanted to do. But when we get to conference with the House, as the Senator knows from his own experience, we are not able to simply maintain our position. We have to give.

Mr. BYRD of Virginia. I appreciate that. But I think the Senate should know that when we vote on this, we are voting for an amount substantially above what was available only a week ago. I am not saying whether it is right or wrong. I am saying that is what the facts appear to be.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. YOUNG. One reason is that the Senate, by about an 80-to-18 vote, I believe it was, put $500 million in the defense appropriation for Israel. We had that increase. This bill contains $300 million as against the $500 million they voted only 2 or 3 weeks ago.

Mr. BYRD of Virginia. The same figure was the amount available as of December 8, also.

Mr. YOUNG. But we had $500 million in the defense bill.

Mr. BYRD of Virginia. I am not sure that that fundamentally changes the picture. I should like to get an understanding of the total amount that the Senate will be called upon to vote for foreign aid on this continuing resolution when it comes to a vote in a short time. As I understand it, it is $2.842 billion. Is that correct?

Mr. PROXMIRE. Including carryovers, the Senator is correct.

Mr. BYRD of Virginia. I point out to the Senate that that is a billion dollars more than Congress appropriated for fiscal 1970. So we are going in the opposite direction on foreign aid.

Mr. PROXMIRE. The Senator could not be more right. We argued this over and over again in committee, with the House conferees. But we are in the position now, when we go to conference, as the Senator knows, that we are limited. We are limited by what we go to conference on. The Senate Appropriations Committee gave us $2.7 billion, the House had $3.1 billion, and we went to $2.8 billion.

Mr. BYRD of Virginia. I am not expressing criticism of the conferees in any way. I am merely trying to point out what appear to be the facts—namely, while Congress has led the people to believe, by the votes which were taken a few weeks ago, that Congress is cutting down on foreign aid, the fact is that when this resolution is passed, Congress will be appropriating $1 billion more than it appropriated for fiscal 1970.

I am not saying whether it is right or wrong. All I want to do is to let the people know the facts of the case. The fact is that we are not cutting down on foreign aid; we are increasing foreign aid.

Mr. PROXMIRE. May I say that the amendment we have here is $400 million below what the Senate authorized less than an hour ago.

The ACTING PRESIDENT pro tempore. All time on the amendment has expired.

Mr. YOUNG. Mr. President, I yield myself 2 minutes on the bill.

I should like to say to the Senator from Virginia that no one fought harder to reduce the funds than the Senator from Wisconsin. Having been against most foreign aid bills in the past, I tried to help him a little.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. YOUNG. I yield.

Mr. FULBRIGHT. I agree with the Senator from Virginia. The Senator from Wisconsin and I tried this, but we were overridden. I used the same argument.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YOUNG. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator still has time on the bill. All time on the amendment has expired.

Mr. YOUNG. I yield the Senator 3 minutes.

Mr. JAVITS. I thank the Senator.

I should like to ask the Senator a question relating to the Inter-American Delopment Bank, which is provided for by his amendment.

It is my understanding that the $150 million provided under this joint resolution for the Inter-American Development Bank ordinary capital would be in addition to the $225 million provided for that purpose in the second supplemental appropriation act of last May.

Mr. PROXMIRE. Yes. The $150 million in this bill would be additional. It would be combined with the previous amount and used toward our total requirements of $386.7 million for initial subscription payments. A further $11,760,000 would be needed to make up the full amount contemplated for those installments under the U.S. subscription.

Mr. JAVITS. But that is not provided.

Mr. PROXMIRE. That is correct.

Mr. JAVITS. I wish to make a few observations.

First, I should like to express what I know to be the thanks of the country and the Senate to Senator Proxmire, Senator Young, Senator Ellender, Senator Cranston, Senator Fulbright, Senator Cooper, Senator Case, Senator Aiken—all those who participated in bringing about this meeting of the minds on what seemed absolutely insoluble. I think it is a triumph for the Senate. I think the majority leader and the minority leader are entitled to take great satisfaction from our ability to extricate ourselves from a seemingly hopeless situation. It is something that should inspire the confidence of our country and of the world in America's ability to govern itself.

I should like to note that a very important international activity in technical assistance, the United Nations Development program, is omitted from this solution. I understand the reasons, but I think it is very important to point out that it is omitted. The reason for its omission is that the House did not make a provision for it in the continuing resolution. The House explanation as to why that was not done is contained in the House report on foreign assistance and related programs and appropriations on pages 11 and 12, I ask unanimous consent that they be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

International organizations and programs[1]

Fiscal year 1971 appropriation	$103, 810, 000
Fiscal year 1972 estimate	[2] 141, 000, 000
Recommended in the bill	41, 000, 000

[1] In last year's appropriation bill, this was listed as "Multilateral organizations."

[2] Includes $13,300,000 for the United Nations Relief and Works Agency which was funded from "Supporting assistance" in fiscal year 1971.

The Committee recommends an appropriation of $41,000,000, a reduction of $100,000,000 below the budget estimate and $62,810,000 below the fiscal year 1971 appropriation.

The budget proposed a total program of $141,135,000, to be financed by $141,000,000 in new appropriations and $135,000 in recoveries of prior year obligations. Included in the estimate of $141,135,000 are the following programs:

Item	*Proposed fiscal year 1972 program*
Multilateral technical assistance:	
U.N. development program	$100, 000, 000
U.N. Children's Fund	13, 000, 000
U.N. population program	7, 500, 000
U.N. fund for drug abuse control	2, 000, 000
International Atomic Energy Agency—operational program	1, 550, 000
World Meteorological Organization—voluntary assistance program	1, 500, 000
U.N./FAO world food program	1, 500, 000
U.N. Institute for Training and Research	400, 000
World Health Organization—medical research	312, 000
International Secretariat for Voluntary Service	73, 000
U.N. Relief and Works Agency	13, 300, 000
Total, fiscal year 1972 proposed program	141, 135, 000

During Committee hearings, several points of interest were noted concerning the United

Nations Development Program. It was stated in the hearings that certain recommendations which were suggested by the so-called "Jackson capacity study" had been implemented but it would be several years before concrete results could be seen.

The following testimony appeared on page 653, part 2 of the fiscal year 1972 hearings:

Mr. Long. * * * the Jackson report says you are going to have improved financial and budget planning, at least implementation of it would suggest that and these improvements have been implemented. How long before we see the results of this budget planning?

Mr. De Palma. Congressman Long, I think in all honesty I have to say it will take 2 or 3 years to see concrete results. The results we can show now are the administrative reorganization, and the start in preparation of country plans. But the results in terms of accomplishments are going to take at least 2 or 3 years.

Another point of interest discovered during the testimony before the Committee was that the United Nations Development Program had available a large reserve because it had been decided to abandon the practice of full funding of projects. It was estimated that this reserve would amount to $343.3 million in 1970. The following testimony appeared on page 675 of part 2 of the hearings:

Mr. Passman. * * * You have built up a $343 million reserve. It is so far in excess of your needs until you are going to pull $150 million out and put that in a single account or dormant reserve and then you are going to take the other $193 million in reserve, add that to what you requested, and enlarge upon the program?

Mr. De Palma. Yes, sir.

* * * * *

Mr. Passman. How much of the $193 million are you going to use?

Mr. De Palma. I don't know how much of it will be programmed.

Mr. Passman. In fact, you could actually operate a full year without any money? That is just about the present funding level out of this reserve?

Mr. De Palma. Yes, sir.

The UNDP reserve situation was discussed with the Administrator of the Agency for International Development (AID) and he categorically stated that no bilateral aid program had this type of reserve on hand. It was also verified that the UNDP reserve would finance the expanded UNDP program for one year. The following information was supplied by the agency concerning this reserve which was created by switching the project funding to an annual basis:

"The Jackson Capacity Study went on to note that the switch to an annual basis would free—on a *one-time* basis—funds which could be available for a *one-time* burst of additional activity.' "

The Committee has specifically denied the entire budget request of the United Nations Development Program (UNDP) but the budget requests for all the other programs carried in this appropriation title have been recommended for approval in the full amount requested for fiscal year 1972. In denying the funds for the UNDP, the Committee justified this action on the basis that the practice of fully funding projects has been abandoned and now these projects will be funded on an annual basis. This change of funding procedure has resulted in the "freeing up" of large amounts of funds which the Committee feels should be utilized before additional contributions are solicited from the various countries involved.

It should also be noted that the total program levels for the UNDP have increased over the past several years by substantial amounts The program levels are as follows: 1970—$257.3 million, 1971—$308.3 million, 1972—$358.6 million.

The Committee understands the Executive Branch is studying the possibility of reducing the U.S. assessed contribution to the regular budget of the United Nations to no more than 25 percent of the total assessed cost of all members for any single budget year. The Committee would also urge the Executive Branch to study the possibility of reducing the U.S. voluntary contributions to various UN agencies to 25 percent of the total contributions pledged for any single budget year.

Mr. JAVITS. Mr. President, the allegation is that they have enough money and do not need the U.S. subscription, and that they have a big reserve. But Paul Hoffman, whom we respect too much, in a cablegram to me, has explained that that is not true, that the amount of reserves that would be left—based on the alleged reserves—roughly the $343 million mentioned in the testimony before the House committee, comes down to $80 million. I think even that depends on voluntary contributions, so that with all the enormous transactions it carries on, that is a slim reserve. Therefore, the amount we are asked to provide; to wit, something in the area of $100 million is urgently necessary for this activity. So that when the appropriation comes up I want to do my utmost in the conference report to bring about a suitable appropriation for the United Nations development program.

I should like to ask the Senator from Wisconsin (Mr. Proxmire), as the manager of this question, Is it not a fact that when, as, and if we consider the regular appropriation for foreign aid, which will probably be in January or early February, based on the new authorization, which it is expected the President will sign into law, and if it comes before February 22, it will supersede in respect of whatever area it covers—to wit, foreign aid—the interim resolution which we will pass, or the continuing resolution, by virtue of adoption of the Proxmire amendment?

Mr. PROXMIRE. Yes, indeed, it certainly would supersede the resolution, and we would hope it would go into effect by February 1. We will try to act as rapidly as we can. For this Senator it will be the first order of business after we return January 18. The House will act promptly, I am sure.

It will be helpful if the Senator from New York would give us as much documentation on this matter as he can, because although the House objection seems logical, it may be wrong. But they say there is $343 million in reserves which the U.N. people are not going to spend. Under those circumstances, it is hard for us to provide more money. We should get some answers here, so that we will be in a much better position to act.

Mr. JAVITS. I thoroughly agree with the Senator from Wisconsin on that. That is why I did not complain, but sought only to give the facts.

Mr. President, I ask unanimous consent to have printed in the Record Mr. Hoffman's answer and his conclusion that they have actually only $80 million in reserves. That, if anything, will be too little for the nature of the operation, if the facts on which the House action was premised are incorrect. For that reason I hope it would be done differently in January.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

The Honorable Jacob Javits,
U.S. Senate, Old Senate Office Building,
Washington, D.C.:

Dear Jack: Your support of United Nations development program appropriations is most appreciated. In my opinion it is of particular importance that the United States increase its pledge for 1972 over 1971. Our carefully screened program for 1972 calls for expenditures exceeding 350 million dollars. Although contributions are made annually, the process of continuous programing requires commitments to be made several years ahead. Of the 343 million dollars unexpended balance available at beginning 1971, when new funding scheme started in reponse to capacity study, we have already undertaken firm program commitment of 193 million dollars.

The remaining 150 million dollars is the net reserve now available to stand behind a program entirely dependent on voluntary rather than mandatory contributions. However, the 150 million dollar reserve is not all in readily useable form. For example, the United States contribution is made to UNDP in letters of credit cashable only when needed for immediate use and agreed with the United States Government. About one-third of the reserves consists of these U.S. letters of credit. Actually only about 80 million dollars is on hand in reasonably liquid form to cover uneven cash flows and provide for advance payments to executing agencies and for all types of contingencies.

This is the lowest possible figure to ensure that UNDP can continue to operate on a sound business basis. 119 countries have already shown their continuing and long-term support by pledging 172 million dollars for 1972, representing a 17-percent increase over 1971. If the United States fails to contribute the recommended amount of 100 million dollars, or close to it, the effects are bound to be disastrous for the businesslike operation of the program. In addition, UNDP successful efforts to get other nations to share the development burden would receive a serious setback.

More than that, such failure would be regarded by the rest of the world as evidence that the United States has lost interest in joining virtually all members of the world community in contributing towards an expanding world economy. Finally, at a time when needs are greater than ever before, it would be tragic if United States action compelled UNDP to take steps sharply to reduce its assistance to over 100 developing countries. Have discussed my concern with Rudolph Peterson who agrees fully with the above. Best regards.

Paul Hoffman.

Mr. JAVITS. Mr. President, I strongly support the amendment to the pending continuing resolution reported to the Senate by the Committee on Appropriations as offered by Senator Proxmire. This amendment concerns U.S. subscriptions to the ordinary capital stock of the Inter-American Development Bank, and it is necessary in order to prevent the U.S. Government from being placed in the position of reneging on an internationally agreed deadline of December 31, 1971.

Some background information is required to clarify what appears to be a highly complicated formulation. First let me recall to my colleagues that in December a year ago the Congress approved

H.R. 18306, which was enacted as Public Law 91-559, dated December 30, 1970. This was the so-called omnibus international financial institutions bill, providing U.S. support for the International Monetary Fund, the World Bank and Inter-American Development Bank. It will also be remembered that, in approving this legislation, the Congress refused to authorize $1 billion of appropriations for so-called soft lending by the Inter-American Development Bank and by the Asian Development Bank. Therefore, Public Law 91-559 contained authorization for no more than $100 million for soft loans, and this sum was entirely confined to the Fund for Special Operations of the Inter-American Bank. I stress this point in order to make it fully evident that my proposed amendment has nothing to do with so-called soft loans in any shape or form.

Public Law 91-559 authorized appropriations for the Inter-American Development Bank ordinary capital operations—or hard loans—in the total amount of $823.5 million. This sum was divided into $150 million of paid-in capital and $673.5 million of callable capital.

However, actual appropriations to be sought from the Congress were spread over a 3-year period. The paid-in capital was divided into three equal installments of $50 million each to be appropriated in fiscal years 1971-73, respectively; the callable capital was divided into two installments of $336,760,000, one installment to be appropriated in fiscal year 1971 and the other to be sought in fiscal year 1973.

Thus, the administration last spring requested appropriations of one $50 million installment of paid-in capital and one installment of $336.76 million in callable capital, both to be made available during fiscal year 1971. The Appropriations Committees, however, before the end of the last fiscal year actually appropriated only one-half—that is, $25 million—of the $50 million paid-in capital requested and only $200 million of the $336.7 million requested callable capital. The two sums which were not then appropriated added together amount to $161,760,000. While it would be preferable to obtain this total amount, at this late hour of this session I believe it to be the course of wisdom to appropriate the same amount as is in the House continuing resolution. Senator Proxmire's amendment does just that.

Mr. President, all too often during the last 2 to 3 years the United States has been compelled to return to its partners in these multinational financial institutions to ask for an extension of a deadline which we have been unable to meet. In the present instance, while there was some doubt displayed by the Congress last December regarding soft loan contributions to two of these institutions, there was no serious question raised during the authorization debate regarding the hard capital operations. The Secretary of the Treasury last December accordingly was fully authorized to agree on behalf of the United States to make these contributions to the ordinary capital operations of the Inter-American Bank.

There was every expectation that this country would comply with the agreed deadlines established by the member countries of the Bank and specifically that these ordinary capital subscriptions would be fulfilled by the end of this month. In that expectation, all 22 Latin American member countries of the Bank completed their parliamentary processes and made their contributions to the hard-loan window of the Bank. However, if the United States does not take action before the end of this year, we will have a situation in which our country will have reneged on an agreement and in which the hard-loan window of the Inter-American Bank in effect will be closed for new lending operations as of the beginning of 1972.

Mr. President, in order to try to prevent this unfortunate development Members of the House of Representatives made provision for the Inter-American Bank in the foreign assistance appropriations bill pending before that body. In the absence of an authorization, however, the House then proceeded to amend the continuing resolution on foreign aid to make the sum of $150 million available for appropriation of the United States share in the ordinary capital stock of the Bank. Amendment now adds this amount to the Senate's continuing resolution. Again, it is my view that it would have been preferable to appropriate the full amount of $161,760,000 actually required for the United States to fulfill its part of the agreement entered into by the Secretary of the Treasury with the full authority of the Congress 1 year ago rather than $150 million. Accordingly, I trust the Congress will appropriate this full negotiated amount next year.

Mr. President, the Proxmire amendment is most important to our relations with Latin America. But I am very disturbed by the current state of those relations, which have been marked by an attitude of not very benign neglect on the part of the administration and the Congress. I refer to many factors not least the inaction on the generalized preference scheme, cutting the Alliance for Progress authorization and appropriation. The inequitable effects of the import surcharge, and the lack of action on the full funding requests for the Inter-American Development Bank. So while I very much welcome and support the Proxmire amendment, it would be my hope that action could be taken on these items of unfinished business when the Senate reconvenes next year.

Let me also add that I am responding to a request of the Nixon administration forwarded by means of letters from Secretary of the Treasury Connally to the Chairmen of the Senate and House Appropriations Committees. It is my view that many of these issues like the question of funding the IADB are nonpartisan issues which deserve the support of all Members who believe in continuing and improving our friendly relations with the countries of Central and South America.

Mr. BYRD of Virginia. Mr. President, I have one or two brief questions I should like to ask. I notice that in the continuing resolution there is $2.5 billion for an Overseas Private Investment Corporation. May I ask the distinguished Senator from Wisconsin if he happens to know how much the American taxpayers have lost through the OPIC as a result of the takeover of American property in Chile?

Mr. PROXMIRE. When they appeared before the committee in June, they had $4 million in claims. Today it is over $240 million. Much of that—I wish I could tell the Senator how much—but I am sure that a great portion of that is because of the Chilean situation.

Mr. BYRD of Virginia. So, as a practical matter, what is happening, when another country such as Chile takes over American property, the American taxpayers, under this program, will be paying for it.

Mr. PROXMIRE. The Senator is absolutely correct.

Mr. BYRD of Virginia. I thank the Senator. I am glad to establish that point.

I have another question. I notice in the continuing resolution that there is an amount—I am not clear which figure I should use—but it is about $4.5 million for the Ryukyu Islands—and I assume that is Okinawa, as the dominant island in the Ryukyus.

Mr. PROXMIRE. The Senator is correct.

Mr. BYRD of Virginia. I am wondering why we should be appropriating funds for Okinawa when the Senate has just passed a treaty giving Okinawa back to the Japanese.

Mr. PROXMIRE. The answer is that they have not formally ratified that treaty. This is on an annual basis, a continuing basis during these few days, and it would only carry through, of course, until the treaty is signed.

Mr. BYRD of Virginia. I understand that.

Mr. PROXMIRE. We have these obligations.

Mr. BYRD of Virginia. The treaty will be signed. The Senate has passed it. The President wants it. The Japanese want it. Yet we are still pouring taxpayers' money into Okinawa. I think that is wrong.

Mr. PROXMIRE. The answer is that much of the money will be used to bring American personnel home, with the understanding that this will be terminated. It is automatic the day the treaty is signed. It will take 6 to 8 months before it is terminated.

Mr. BYRD of Virginia. This is not for the purpose of bringing troops home, as I understand it.

Mr. PROXMIRE. The staff on the Appropriations Committee, whom I have found to be accurate on this information, advised me that bringing American personnel home is a purpose.

Mr. BYRD of Virginia. To bring our troops home?

Mr. PROXMIRE. Not to bring our troops home but to bring American personnel home.

Mr. BYRD of Virginia. But not to put additional installations on Okinawa?

Mr. PROXMIRE. Absolutely not.

Mr. YOUNG. Mr. President, we still have some continuing administrative work there and we will have for some time, as long as we have a base there.

Mr. JAVITS. Mr. President, I would like to make a fact clear on the Overseas Private Investment Corp., and not just advance a theory, that there will not be $100 million in claims but $200 million. The fact is that that is true in any insurance company situation. They have lost $1 million that they have made. That is a profit. That is pretty good for a U.S. corporation—$30 million in the last 2 years. If it is a going concern, it will result in doing for foreign aid exactly what its opponents want done—that is, to obviate much of it; but I will deal with that question at another time. I did not want the record to stand bare on the fact of the loss, but these are claims. They have lost $1 million, but they have made $30 million.

The PRESIDING OFFICER (Mr. NELSON). The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE).

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

Mr. CRANSTON. Mr. President, rumors and reports that a group of Senators including myself, were "filibustering" against foreign aid were doubly inaccurate.

First, there has been no filibuster. As a Senator who called a filibuster a filibuster when engaged in one against the draft extension bill, I know a filibuster when I see—or should I say, when I hear one. This has not been a filibuster. The situations might have developed into one—but it did not.

Second, I am not against foreign aid. I support a strong foreign aid program.

I want to see it work better.

That is why I voted with the majority of my colleagues to defeat H.R. 9910, the original aid bill which perpetuated so many undesirable programs and concepts. I supported instead the promising start toward a more balanced approach to foreign aid begun by the Committee on Foreign Relations.

The committee, by reporting out two bills in place of a single catch-all bill, moved toward returning to first principles in aid-giving.

I subsequently voted against the military aid bill. But I supported enthusiastically the economic and humanitarian assistance act. It was a major step in the right direction.

But both measures were passed by the Senate and the continuing resolution for the foreign aid program that came before this body a few days ago was an affront to the constructive initiatives the Senate has taken in foreign aid and in trying to influence administration policy in Southeast Asia.

The Senate rejected the original foreign aid bill because of wide dissatisfaction with the procedure of holding certain programs hostage unless other programs were also included. I had a great many objections to the bills. But in separating military aid from economic and humanitarian aid, the Senate gave clear indication that for the first time it wanted to consider foreign aid outside the context of the cold war. The Senate wanted the opportunity to determine the value of each specific program as it related to the real interests and responsibilities of the United States in the world of the 1970's.

I am all for sensible foreign aid, but I cannot condone its present structure or the assumptions which underlie it. Our foreign aid program was born with the Marshall plan and our aid to Greece and Turkey.

Our problems began when the program was expanded to include the whole world, and sanctified as a legitimate weapon in an anti-Communist crusade. During the early 1960's a new justification for the program was developed. Foreign aid became not only a crusade against the Communists but also a highly manipulative approach to development throughout the third world. Policymakers postulated that if we turned the right dials and adjusted the right screws with the dollars from our foreign aid program we could avoid the violence and turmoil that radical social change in any society always seems to engender in the third world.

Neither of these justifications for foreign aid can be supported. What we need to find is a new approach to foreign aid that serves both our national interests and the interests of the people of the developing world.

The original continuing resolution asked us to persist in viewing foreign aid in terms of competition between the great powers. It, in effect, insisted that we perpetuate the policies of the past. This injected a sense of urgency and crisis into the debate that was fallacious and misleading. The remarks of Mr. Paul C. Warnke, former Assistant Secretary of Defense for International Security Affairs, before the recent conference on foreign military aid, sponsored by the Council for a Livable World, are especially instructive on this point.

I regard it as both unfortunate and inaccurate.

Mr. Warnke declared:

> That the insistent administration response to the Senate vote (that is, to defeat H.R. 9910) is to characterize it as a threat to our national security and a blow to our hopes of bringing about a peaceful world through negotiations. I don't believe that either our own security or the interests of peace are served by continued shipment of weapons of war to every corner of the globe. Neither do I agree that more military aid to small American allies is necessary to permit us to withdraw our forces overseas. If our own security requires strong military capability in some area, we cannot leave our fate even in friendly foreign hands. If our security is not endangered, we should be shown some very good reasons for fueling some one else's fight.

I would submit that the real issue here, Mr. President, is not whether or not we are weakening the overall strength of the United States by questioning these programs. The real issue is whether the Senate is willing to continue funding programs which send sophisticated weaponry to underdeveloped nations which are, in any event, incapable of defending themselves from an assault by one of the other major powers and will only use these weapons for establishing their prestige or to repress internal insurgent movements.

My objections, however, go beyond just the military aid programs.

We have been asked to support those programs whose real intent is to provide business for American firms. This may work out probably in some cases, such as when the commodities needed are not available from other industrial nations. In many cases, however, American firms charge more, sometimes of necessity, than foreign firms. In these instances if we require that the goods be bought in the United States, the immediate reaction cannot help but be outrage on the part of those we seek to help.

Is it really such a wonder that American aid is decried as a tool of imperialist businessmen? Whether we like it or not, our aid program can be accurately described, in some areas, as imperialistic.

Finally, we need to take a much more positive approach toward aid-giving through multinational efforts, such as the United Nations development program, the several international development banks, and other such agencies. Through these programs our aid dollar goes further, matched by contributions from other partners; more importantly, the recipient country can more readily accept the aid without fear that it comes with strings attached, imperialist or otherwise.

Mr. President, foreign aid is needed and, in fact, is required by the current desperate straits of many countries in the third world. Apart from the need, however, the willingness of the American people to support the program is in serious doubt. I am convinced that without a major rethinking of the program and a thorough-going restructuring, foreign aid will receive an increasingly strident vote of "no confidence" from the American people. They are tired of seeing their tax dollars devoured by the huge cost of military aid and they are disgusted at witnessing anti-American riots which are fostered, in part, by an aid program committed to bolstering American business and are thus perceived as exploitive by those they are supposed to help.

The Senate is a particularly appropriate body for the necessary rethinking given this very basic problem. The Senate is traditionally oriented toward national rather than local considerations. On the other hand, it is more representative of the people than the administration bureaucracy. The Senate is admirably suited to tackle this major problem. We know what the people in our home States think of the program but we are also in a position to know what is required by the realities of international politics. I thing the Senate as a body can provide an invaluable service if the administration and those who would guard their special security privileges will let us.

For these reasons I opposed the continuing resolution in the form in which it was reported from the Appropriation Committee. It was based upon policies long since made irrelevant by a rapidly changing world. The Senate took a major step toward reevaluating all this when it passed the two interim measures reported out by the Foreign Relations Committee. By separating military aid from development and humanitarian aid we began what I now hope—in the light of yesterday's events will be a continuing process of innovation and creativity in this vitally important area.

We are, at long last, through the action the Senate will today take on our way to a far wiser foreign aid program.

Mr. TAFT. Mr. President, I call to the attention of the Senate a serious question in the continuing resolution, House Joint Resolution 1005, which should be corrected at the earliest possible opportunity. It relates to the funding of the voluntary population control program in the economic development portion of the foreign aid program. When the authorizing legislation for this program was before the Senate as H.R. 9910, I offered an amendment which earmarked $125 million for this program. This followed earmarking of the same sort for $100 million each in 1970 and 1971. The 1971 expenditures of the Agency for this purpose are estimated to be at an $86 million rate.

The effect of House Joint Resolution 1005 as I understand it will now be to protect such earmarking from the funds listed. Hopefully this matter can be clarified further early in the next session.

TOWARD A NEW FOREIGN POLICY

Mr. McGOVERN. Mr. President, on October 29, 1971, the Senate made a historic decision. It voted to end a foreign aid program which was principally a conduit for military assistance. It voted to end the kind of bilateral economic aid programs which create more problems than they solve. That decision represented a turning point in the development of American foreign policy since World War II.

Now we see that the forces opposing change are attempting to nullify that decision. In the name of our continued responsibility to the international community, they say that we must extend the existing foreign aid program. While the Senate's action did not mean that the United States should cease its foreign aid program, it most certainly did mean that it should immediately halt the program now in existence and replace it with something better.

It would be a pity if we allowed the pressure of an adjournment date to undo the Senate's earlier decision. It would be highly regrettable if a move of historic importance is swept away, as though it had never happened, just because it is more expedient to extend the present foreign aid program than to agree on an alternative.

There is a path out of this situation. If the Congress cannot now adopt a progressive foreign aid bill, then we should choose the course proposed by Senator FULBRIGHT. His amendment would extend the present foreign aid program only as it relates to salaries and necessary expenses, and it would provide $300 million in military credits to Israel. These are matters on which almost all Members of Congress can agree. We can pass the continuing resolution in that form now. Then, in the next session, we can return to the important work of creating a new foreign aid policy.

The alternative before us is an extension of the present foreign aid program which, in many respects, is a mask for military aid to repressive regimes and an attempt to buy political support from countries dependent on our help. That approach to foreign aid is sterile, immoral, and ineffective.

We may want to extend military assistance to certain countries. Such aid should not be a part of our general foreign aid program but should be considered in each individual case and decided on the merits. The net result of such scrutiny of proposed military aid programs will be, I believe, a substantial reduction of military assistance.

The bulk of our foreign assistance should be aimed at the economic development of those countries which are struggling to give their people a better life—adequate food and medical care, more efficient agricultural production, the beginning of an industrial capability. We should be moving toward a multilateral approach to such aid. By pooling our resources with those of other countries we can insure that economic assistance is a cooperative effort not a competitive one. Our experience of the past 25 years should have taught us that competition for political support through foreign aid is unlikely to achieve its purpose. At the same time, recipient nations are likely to be suspicious of the donor.

Two days after the Senate decision to reject the present approach to foreign aid, I introduced a bill, S. 2796, which embodies the kind of foreign aid program I have been discussing. It included those provisions of the Senate Foreign Relations Committee bill relating to economic and technical assistance. It contained the full administration request for multilateral agencies, including those of the United Nations, the full amounts for economic development loans and technical assistance requested by the administration and the phase-out of the bilateral program by June 30, 1973. It contained the McGovern-Hatfield formula for congressional action to set a date for the withdrawal of American forces from Indochina. And it retained many other features including those relating to control of the international drug traffic and population control.

Most important, that proposal dealt with the proper relationship between the executive and legislative branches in the determination of our foreign policy.

That is the direction in which we should be headed. That is the direction indicated by the Senate vote of last October. That is the direction of hope.

An extension of the present foreign aid system would be a rejection of that approach. Most importantly, it would further weaken the powers of Congress in the determination of American foreign policy.

If the continuing resolution were to pass, it would extend almost to the end of the current fiscal year. Thus, the foreign aid program that had been rejected by the Senate would be extended another year by default. The work of the various committees of Congress and of the Senate itself would be ignored. The continuing resolution would not include the Mansfield amendment, spending controls on both military and nonmilitary aid, limits on funding for specific programs such as in Cambodia, or overall funding at a lower level as would have probably emerged from the Congress.

We should adopt the more limited Fulbright amendment. There is more than $4 billion in the aid pipeline, so that foreign assistance will not come to a halt.

We have the opportunity to confirm our intention to alter our foreign aid policy by rejecting the full-scale continuing resolution. We can let the administration know that the Senate means to play its constitutional role in the formulation of foreign policy and that it is going to insist on a new look for our foreign aid program. If we are forced to vote on the continuing resolution, I shall vote against it, just as I would vote against any other measure harmful to the best interest of the United States and to the cause of peace.

The PRESIDING OFFICER (Mr. NELSON). The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER (Mr. NELSON). The question is on the engrossment of the committee amendment as amended and third reading of House Joint Resolution 1005.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from South Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

On this vote, the Senator from South Carolina (Mr. HOLLINGS) is paired with the Senator from Illinois (Mr. STEVENSON). If present and voting, the Senator from South Carolina would vote "nay" and the Senator from Illinois would vote "yea."

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from North Dakota (Mr. BURDICK). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from North Dakota would vote "nay."

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from California (Mr. TUNNEY) would each vote "yea."

On this vote, the Senator from Georgia (Mr. TALMADGE) is paired with the Senator from Connecticut (Mr. RIBICOFF). If present and voting, the Senator from Georgia would vote "nay" and the Senator from Connecticut would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Connecticut (Mr. WEICKER) is absent because of illness in his family.

The Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Maine (Mrs. SMITH), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Maine (Mrs. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 45, nays 9, as follows:

[No. 456 Leg.]

YEAS—45

Aiken
Baker
Bayh
Beall
Boggs
Buckley
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Curtis
Dominick
Eagleton
Griffin
Hansen
Hart
Hruska
Hughes
Humphrey
Jackson
Javits
Jordan, Idaho
Mathias
McGee
McGovern
Metcalf
Miller
Moss
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Sparkman
Spong
Taft
Thurmond
Williams
Young

NAYS—9

Allen
Byrd, Va.
Cook
Fulbright
Goldwater
Hatfield
Jordan, N.C.
Mansfield
McClellan

NOT VOTING—46

Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Burdick
Chiles
Cotton
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Gravel
Gurney
Harris
Hartke
Hollings
Inouye
Kennedy
Long
Magnuson
McIntyre
Mondale
Montoya
Mundt
Muskie
Packwood
Pell
Ribicoff
Saxbe
Smith
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker

So the joint resolution (H.J. Res. 1005) was passed.

Mr. YOUNG. I move to reconsider the vote by which the resolution was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before I present a resolution, along with other Members of the joint leadership, I yield to the distinguished Senator from West Virginia, the assistant majority leader, to make a unanimous-consent request on behalf of the joint leadership.

THE U.S. FOREIGN AID APPROPRIATIONS, 1972—A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for foreign aid is called before the Senate there be a time limitation on the bill of not to exceed 6 hours, to be equally divided between the manager of the bill (Mr. PROXMIRE) and the ranking minority member (Mr. YOUNG); that time on any amendment in the first degree be limited to 1 hour, and time on any amendment in the second degree, motion, appeal, or point of order, with exception of nondebatable motions, be limited to one-half hour, the time to be equally divided with respect to all of the aforementioned between the mover of such and the manager of the bill: *Provided further*, That no amendment not germane be in order; *And ordered further*, That Senators in control of time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, except a motion to lay on the table.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 215) as follows:

> *Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The PRESIDING OFFICER. The Chair appoints the Senator from Montana (Mr. MANSFIELD) and the Senator from Pennsylvania (Mr. SCOTT) as the two Senators to notify the President.

THANKS OF THE SENATE TO VICE PRESIDENT

Mr. MANSFIELD. Mr. President, I send a resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read the resolution (S. Res. 216) as follows:

> *Resolved*, That the thanks of the Senate are hereby tendered to the Honorable Spiro T. Agnew, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the Ninety-second Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 217) as follows:

> *Resolved*, That the thanks of the Senate are hereby tendered to the Honorable Allen J. Ellender, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the Ninety-second Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

THANKS OF THE SENATE TO THE ACTING PRESIDENT PRO TEMPORE

Mr. BYRD of West Virginia. Mr. President, I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 218), as follows:

> *Resolved*, That the thanks of the Senate are hereby tendered to the Honorable Lee Metcalf, Acting President pro tempore of the Senate for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the first session of the Ninety-second Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

AUTHORITY FOR THE PRESIDENT OF THE SENATE TO MAKE APPOINTMENTS TO COMMISSIONS AND COMMITTEES

Mr. GRIFFIN. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 219), as follows:

> *Resolved*, That, notwithstanding the final adjournment of the present session of the Congress, the President of the Senate be, and he is hereby, authorized to make appointments to commissions or committees authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

AUTHORITY FOR THE PRESIDENT OF THE SENATE, THE PRESIDENT PRO TEMPORE, OR THE ACTING PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS AFTER SINE DIE ADJOURNMENT

Mr. MANSFIELD. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 220) as follows:

> *Resolved*, That the President of the Senate, the President pro tempore, or the Acting President pro tempore of the Senate be authorized to sign duly enrolled bills and joint resolutions notwithstanding the sine die adjournment of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the following Senators as advisers to the United Nations Conference on the Human Environment to be held in Stockholm, Sweden, being held June 6–16, 1972: the Senator from Washington (Mr. MAGNUSON) and the Senator from New Jersey (Mr. CASE), with the following Senators acting as alternates: the Senator from Maine (Mr. MUSKIE), the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Colorado (Mr. ALLOTT).

AN ALL-TIME RECORD—423 ROLLCALLS THIS SESSION

Mr. SCOTT. Mr. President, this last rollcall marks, as nearly as my record shows, the 423d rollcall of the session, which is an all-time record and I think should be noted accordingly in the CONGRESSIONAL RECORD. It is evident that the Senate has worked very hard and very diligently and, if I may, I would like to express my thanks to all my colleagues for their many courtesies to me, and to yield at this time to the distinguished Senator from Kentucky (Mr. COOPER) 3 minutes or as much time as he desires.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 186) to provide for the beginning of the second session of the 92d Congress.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 1005) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 498) providing for the sine die adjournment of the first session of the 92d Congress, in which it requested the concurrence of the Senate.

The message also announced that the House had appointed a committee of two Members to join a similar committee appointed by the Senate to wait upon the President and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

PAKISTAN AND INDIA

Mr. COOPER. Mr. President, I would like to speak briefly on the situation in India and Pakistan.

I ask unanimous consent to have placed in the RECORD at the conclusion of my remarks two editorials, one in today's Washington Post and one from the New York Times, and an article by the esteemed columnist, Mr. James Reston.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, one can disagree with some of the statements and conclusions in these articles, but, in general, they present issues that very well may arise in the future because of the war in Southeast Asia. I stated in the Senate several days ago that I thought my country had acted properly when it laid before the Security Council and the General Assembly of the United Nations the question of the war in Southeast Asia between India and Pakistan. More diplomatic language might have been used. It would have been better not to have charged aggression before the consideration of the issue on the Security Council. Nevertheless, beyond the matter of tone and of language, some country had the duty, under the Charter of the United Nations, to lay this matter before the United Nations. It was evident that France and the United Kingdhom, as members of the Security Council, would not do so. It was evident that the Soviet Union, which eventually would veto any resolution, would not do so. It was the responsibility of the United States, which it discharged.

The war in East Pakistan is over, and it is hoped that the war in West Pakistan will soon close. While I must say I do not think our country today has great influence in dealing with problems which are arising out of the war between India and West Pakistan, nevertheless I believe that, as a member of the United Nations and as a country which more than any other country in the world has given of its means and from conscience to peoples and humanitarian causes, it should join with other nations to assist in the repatriation and resettlement of refugees in India, and in providing food and clothing for the refugees in India and the starving millions in East Pakistan. I have no doubt that we will do this. The United States has already done more than all other countries in the world combined in this cause.

I hope, too, that measures will be found to bring the war in West Pakistan to a close so that any possibility of its broadening may be eliminated.

I am conscious of the fact that the people and the Government of India do not approve the position of our country in recent months. I believe we should have expressed openly our concern over the repression and slaughter of the people of East Pakistan last March. But over the long run, since India's independence there had never been a time of crisis in India when the United States has not responded.

I recall immediately after the independence of India, when there was desperate need for food, that the administration of President Truman made available to India, admittedly by sale $300 million of wheat and feed grains. In 1956, when I had the honor of being the representative of this country for India, we were able to provide to that country, without charge, $300 million of wheat and food grains. In the present refugee crisis over $100,000 has been provided and today the Senate authorized an additional $250.

In 1959 and 1960, the late John F. Kennedy, then in the Senate, and I joined in introducing a resolution, which was approved by the Congress, proposing that the Congress ask the World Bank to organize a consortium to provide economic aid to India and Pakistan upon a permanent basis to assist in their economic and social development. That was done, and the consortium is still operating.

The United States and its people have provided some $9 to $10 billion of aid to the people of India.

In India's war with China, our country provided military assistance, when its security was threatened.

I do not argue that the provision of aid and money and arms is of greater importance to India than its national interests and concern, but I feel that I should recount the story to indicate that our interest in India has been great and constant.

I believe our Government attempted, after the slaughter and repression in East Pakistan, in March, to do what it could to rectify that awful situation. I must say I never thought there was any possibility of a settlement without political autonomy for East Pakistan which would assure the refugees who had fled into India that they could return to East Pakistan in safety.

Nevertheless, in all justice—and I have had access from time to time to the official records and reports—I know that our Government attempted to secure a settlement, and thus to help India as well as Pakistan.

But that is past, and I hope very much now that the world community and our Government will use their efforts to assist in the closing down of the last vestiges of the war, and in the humanitarian and economic efforts and tasks that lie ahead.

There is a matter which concerns me—and that is the reported movement of U.S. naval forces into the Bay of Bengal. At one point, it could be said that, if necessary, we had to be prepared to help in the evacuation of our nationals. But that time is past, and it passed very soon. Our nationals who wanted to leave, and all the official personnel but 17, were evacuated even before the close of the war.

As always, some who would not be evacuated were the missionaries, just as they had refused to be evacuated from China and other countries where they had gone to fulfill their duty, as they saw it, to their God.

But that is past, and I would hope that our vessels will be removed, for several reasons. First, I think movements which could be construed to be a show of force and a demonstration are valueless; and second there is always the possibility of military involvement. Soviet naval forces, though there is no protest about their movement are approaching the Bay of Bengal, and in larger number than American naval units. The last thing the people of this country want is any incident which would involve this country or its people in military action.

I know this is not the purpose of the U.S. Government. I know it is not. But we should avoid the appearance of any situation which might involve us in some kind of provocation one side or the other; and I hope these forces will be quickly withdrawn.

The Soviet naval forces are moving in many areas. They are in the Mideast, they are in the Mediterranean, they are in the Indian Ocean. Let world opinion look at them, and consider their provocative movements, and not the United States.

So, Mr. President, I felt compelled to make this statement, because of my interest in and concern for the area, and my interest and concern for this country above all. Our country did not start the war, and in my judgment did what it could to prevent war in a situation which was insolvable without autonomy for East Pakistan.

Exhibit 1

[From the Washington Post, Dec. 17, 1971]

Pakistan Surrenders

Once the war began, the best thing that could have happened was a swift Indian victory in East Pakistan. Therein lay the victory in East Pakistan. Therein lay the best promise of limiting further suffering and carnage preventing spread of the war in the West, and creating a political authority in the East to express Bengali national aspirations. That "best" has now come to be. Pakistan has surrendered in the East. Political and diplomatic work can proceed at full steam to ensure the safe repatriation of both the surrendering Pakistani soldiers and the Bengali refugees in India. With the surrender, India has no further reason to tighten military pressure in the West. Its unilateral cease-fire pronouncement there and Mrs. Gandhi's assurances that India has no territorial designs East or West are welcome in that regard. One must hope that Pakistan, in its bitterness, retains the sense not to attempt a retaliatory strike.

India is the immediate winner. It humiliated and cut in half its arch rival Pakistan, fathered the new client state of Bangla Desh, positioned itself to unload the intolerable refugees, and secured from all of this considerable lifts of spirit and pride. The costs will not be measured until they materialize, as they will, later: the impetus to separation within India itself, the drain on Indian resources which a desperately poor and unstable Bangla Desh will surely be, and the jeopardy to its traditional profitable friendship with the United States.

Pakistan, not only defeated but dismembered, must make painful adjustments in its self-image, domestic policies and subcontinental and world roles. The Bengalis may not be the last of the dominant Punjabis' subjects to demand autonomy. Islamabad is not likely to appreciate soon the possible advantages in being trimmed back to more appropriate size.

The Soviet Union, which had spent a decade working to loosen Delhi's ties to Washington and to harden India's detachment from Peking, consummated this effort in a geopolitical coup. Moscow supplied India wth the arms and political protection which ensured its triumph. It did this, moreover, while Washington and Peking strove ineffectively in their respective ways to relieve Pakistan. The Kremlin will now doubtless incur the "benefits," questionable as they are, of great-power success: pressure from its own flag-wavers to throw more weight around in India and the Indian Ocean, and pressure from its debtors in Delhi to supply them with more aid.

Where the United States comes out is hardest of all to figure. South Asia's general poverty and its remoteness from major areas of great-power concern makes a decline of American influence tolerable—some would say desirable. Anyway, as suggested by Mrs. Gandhi's letter to Mr. Nixon, excerpted on this page today, Delhi needs Washington—to offset Moscow and for aid—a lot more than Washington needs Delhi. That alone makes it doubtful that we have "lost" India, much as some might like to at the moment. That Mr. Nixon seemed indifferent to Bengali and Indian distress during the "refugee phase" hurt him politically at home and hurt the United States internationally. That American diplomacy was shown to be futile and American friendship for Pakistan ineffective are additional debits. Whether American political and moral influence was enhanced by the administration's condemnation of the Indian cross-border attack remains to be seen.

The whole sequence beginning (to be arbitrary) last March and ending (to be arbitrary again) with Pakistan's surrender in the East yesterday has been an immense tragedy. Regardless of whether any of the parties emerges with any real or geopolitical gain, none of them emerges with any particular honor. Nations and men acted out of narrowly conceived self-interest. The common interest, if such exists, was degraded. Too much suffering, too much violence, was committed and condoned. The disintegration of the subcontinent took eight months. Putting the pieces back together will take a much longer time.

[From the Washington Post, Dec. 17, 1971]

Time To Talk

Shortly before the surrender of the Pakistani forces in Dacca, capital of emerging "Bangladesh," the commander of Indian forces in the eastern region said of the West Pakistani troops: "They are very gallant fighters with good discipline. But there is no hope for them. The people are against them."

That is the hard reality in East Bengal that no amount of military courage and determination on the part of West Pakistan could change. It is a reality with which peacemakers must now deal; a reality which must finally be faced in Islamabad—and in Washington.

In their own stubborn and expanding resistance over the last eight months and in the wildly enthusiastic welcome they have given to their Indian "liberators," the people of East Bengal have made unmistakably clear their determination no longer to be dominated by their Moslem brothers from the West.

The division of Pakistan has only been accelerated by India's unseemly military intervention. The separation of East Pakistan from the West, rooted in geography, history and culture, had already been made irrevocable by the brutal military crackdown which Islamabad initiated last March 25, dissolving the bonds of Islamic brotherhood in blood.

Having forced the issue, India has a heavy responsibility now to move swiftly toward a magnanimous peace. New Delhi's unilateral declaration of a cease-fire on the western front and the pledges of Indian and Bengali leaders of protection for the defeated foe are welcome initiatives in this direction. It is particularly important for India and for the future of the entire region that these pledges be strictly honored to avert any further bloodbaths and that Indian troops be withdrawn from East Bengal as quickly as possible.

President Yahya Khan's stubborn call for continuing war is a self-defeating prescription for more bloodshed, destruction and division throughout the subcontinent. It is time for new leaders to come forward in Islamabad who will end the fighting and open a dialogue with India and with the elected leaders of East Bengal, including the imprisoned Sheik Mujibur Rahman.

In this connection, there may be some encouragement in a remark made here this week by Zulfikar Ali Bhutto, Deputy Premier and Foreign Minister of Pakistan and the leading civilian politician in West Pakistan. "I think the secessionist leaders will find it in their interest not to close the door on Pakistan," he said. "They will want to talk with both India and Pakistan." It is in the best interest of all three parties to begin talking with each other in order to open doors that have been too long closed by communal animosities and war, and to form new ties that are essential for a peaceful and prosperous subcontinent.

[From the New York Times, Dec. 17, 1971]

Who Won in India?

(By James Reston)

United Nations, N.Y.—India has won the battle for East Pakistan, but in the larger perspectives of world politics, this is not the main thing. For the Soviet Union has emerged from this avoidable and tragic conflict as the military arsenal and political defender of India, with access for Moscow's rising naval power to the Indian Ocean, and a base of political and military operations on China's southern flank.

This was the big background question in the Indo-Pakistani war. It was not only a local war between India and Pakistan, not only another phase in the long religious conflict between the Muslims and the Hindus, not only a moral conflict between Pakistan's vicious suppression of the Bangladesh rebels and India's calculated military aggression to dismember the Pakistani state. Back of all this, there was a power struggle between China and the Soviet Union, and a strategic struggle between Moscow and Washington, and at this point in the story, which is not the last chapter, Moscow has probably gained more than anybody else.

Everybody has been so preoccupied with the struggles, blunders and tragedies of the Indians and Pakistanis, who cannot even share their common misery, that they have forgotten these larger world strategic struggles between Washington and Moscow. But the leaders in Moscow have obviously not forgotten the larger question, or allowed their arguments in the Middle East or their efforts to reach a strategic arms agreement with the United States to get in the way of their nationalistic interests in the Indian subcontinent.

In the strategic arms talks with the United States in Vienna and Helsinki, and in the Middle East debates between Israel and the Arab states, the Soviet diplomats have been arguing for compromise and accommodation. Their propaganda is plain: The great powers must work together for peace, military power must not be used to achieve political objectives, and when it is—as in the case of Israel in the war with the Arab states—the territory captured by military aggression must be given up.

But when the United States invoked these principles in an effort to force the Indians and the Pakistanis to stop the fighting and withdraw within their own borders, the Soviet Union switched. It was not interested in compromise or accommodation with the United States and the other permanent members of the U.N. Security Council. It went against the will of the overwhelming majority of both the Security Council and the General Assembly, and cast its veto against a cease-fire and withdrawal.

In short, Moscow reverted to Russia's historic ambitions. It saw a chance to weaken Washington's long association with India and India's democratic experiment in Asia, to create a new alliance with India and weaken China, to dismember Pakistan, and to do so at a time when the passes between China and India were choked with snow and Peking could not easily counterattack in the North.

Well, maybe all these cunning tactics will work, and India will be able to encourage independence for one faction in Pakistan without encouraging independence for other factions in India itself, including the powerful Communist faction in the Indian state of Kerala, but the success of India and the Soviet Union in this squalid tragedy is not the end of the story.

They could, by their momentary triumph, have created the things they fear the most. Moscow has certainly encouraged by this calculated power play a closer relationship between Washington and Peking just before President Nixon's visit to China.

Also, India, which won with Soviet military arms and Soviet diplomatic vetoes in the United Nations, is now dependent on aid from the Soviet Union, rather than from the United States, and in the long run, this could be a more awkward alliance.

Somebody is now going to have to pick up the pieces, finance the repatriation of the Pakistani refugees and rebuild the Indian Army; and Moscow will probably pick up the bill. For this was not only, and maybe not even mainly, an Indo-Pakistani conflict, but a Soviet-Chinese conflict, and the Soviets now have the possibility of bases in India, south of China, in addition to their million men on the Sino-Soviet border in the north.

This is really what the Nixon Administration had in mind when it sided with Pakistan against Inda. Washington was late and dense in reacting to Pakistan's violent repression of the Bangladesh rebels and the tragedy of the ten million Pakistani refugees driven into India, and it might have avoided the worst of the tragedy if it had reacted sooner; but in the middle of the Indo-Pakistani crisis, it finally understood the larger strategic challenge of Moscow's power play.

Maybe this puts the confrontation of the United States, the Soviet Union and China in Asia in terms that are too bleak and pessimistic, but the Indo-Pakistani war should not be underestimated. It is not merely a political, religious and geographical struggle in the subcontinent of India but part of a much wider conflict in a rapidly changing world.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. PERCY. Mr. President, I am very pleased that someone saw fit, in the closing hours of this session of the Senate, to mention a matter of great urgency and great importance to the future of the free world and the future of our relationship with India, the largest democracy on earth.

I would first like to say that no Member of this body is better qualified, in fact few men in the world are better qualified, to comment on Indian and American relationships, than the distinguished senior Senator from Kentucky. I have been to India a number of times, and each time I am there, I am impressed with the fact that no matter whom you talk with, the name of John Sherman Cooper, former Ambassador from the United States to India, inevitably arises.

Senator Cooper has a unique qualification for speaking on this matter, and I know he does so with great restraint and with deep feeling.

I do not in any way wish what I am going to say to detract from what I consider, on the whole, the brilliant execution of our foreign policy under the Nixon administration. What we have accomplished in withdrawing our forces from Vietnam and getting out of that war honorably—and I trust that effort will be continued and accelerated, and that the withdrawal will be total and complete—and what we have done to bring about a cease-fire in the Mideast, and in attempting to be in a position where we can bring about a face-to-face consultation among the powers there, has been constructive. What we have done to consult with our allies in NATO and bring them into our planning and consultation before we take action, both from the standpoint of strengthening and improving NATO and also of improving our relationships with the nations of Europe, has been exceedingly well done by President Nixon, and I hope what will be accomplished in the SALT talks will be another great step forward in the hope that, once and for all, we can find a way that the two superpowers can restrain themselves and stop the nuclear arms race.

When I was in India for a month during the Senate recess in August, I felt that in the long relationship of a quarter of a century that we have had with India as an independent nation, the quality of that relationship had never been lower, and I did not see how our relations could be worse. Yet I do feel today they actually are worse, because of the tragic incidents that have occurred in the past few weeks.

I certainly agree with my distinguished colleague that the Soviet Union's swiftly moving in and taking advantage of every opportunity is power politics of the highest order, and the stakes are very big. I would hope that, with the treaty that has been signed between the Soviet Union and India, there was a realization by India, and I said so at the time publicly to the President of India and other leaders of India with whom I consulted, that they should never be deluded into feeling that this was done by the Soviet Union out of a great humanitarian feeling.

I know of no country that has dealt more swiftly and surely with communism in its own country than India, or that has jailed those who would try to overthrow its Government more swiftly, surely, or effectively than the Government of India has, whether under the present administration or under Prime Minister Nehru. They have been realistic about the fact that there is little altruism in the area of world politics and power politics, and they have preserved the right to govern themselves in their own interest.

So I hope they are under no illusions that the Soviet Union will not seek a price for the treaty that has been signed and whatever representations and assistance have been provided, where we have asked for nothing for our continuing and steady friendship and support of India for the past 25 years, which has been great, in terms of the resources and manpower that have been contributed and some $10 billion that have been spent for no purpose other than to insure that this country, this great country, can live in freedom and independence and can have a program of its own creation with our help, with their leadership but with our support, that will enable them to meet the rising aspirations of their people and to provide adequately for their own defense.

Certainly, when we moved in swiftly in 1962 to offer support, there was no question in anyone's mind that the people of the United States stood behind India. I hope there is no question in anyone's mind in India that the people of the United States and this administration continue to stand behind them. We do.

It has been my urgent hope that whatever we might do with other friends and allies, such as Pakistan, would not be done in such a way as to implicate ourselves in this situation or indicate that we are taking sides. We want to maintain friendly relationships with both countries. But I feel that there has been, regretfully, the appearance of diplomatic and moral support for Pakistan in recent months, and this implication—right or wrong—has been made by the Indian people.

Mr. President, I should like to indicate that in the trips and visits I have made to South Asia, going back for two decades, I have done so with the thought in mind that it is literally impossible for us to be very knowledgeable about the whole world; that each of us should try to specialize in some area—as has the distinguished Senator from New York (Mr. JAVITS), with the Middle East, developing great expertise in that area.

I have modestly tried to follow in the footsteps of the distinguished Senator from Kentucky. I have taken an interest in India by study trips that have lasted 6, 7, or 8 weeks at a time; by the production of a sound and color film that my wife and I did years ago, of which prints were taken by the USIA, to show how an American sees another important country. We recorded the sounds and the music and the feeling of that country, as we tried to interpret to our fellow Americans what India was all about and what its future was likely to be.

With that background of a number of studies, I recently visited the Himalayan areas, traveling with the Indian Army, seeing the areas on the border of Tibet, talking with the military and observing their training, to determine what kind of will there was to defend India. I would not underestimate the effective power of India, and none of us should.

I now turn to my distinguished colleague, SAM COOPER, and ask what we as citizens, what we as a country, can do now to continue our record of offering fellowship and friendship to the people in India and the Government of India. What can we, as individuals, what can we as a Senate, do to somehow insure that the people of India know that there are friends of that great country here, and that this administration does believe in the people and the Government of India? There may be differences of opinion expressed over certain actions taken by that Government and what our role should have been to have prevented this war and what we could or could not have done. But I think it would be constructive and helpful if the distinguished Senator from Kentucky could offer any suggestions, or the distinguished Senator from New York, also a member of the Foreign Relations Committee, could offer any suggestions, as to what we might do to indicate to our friends in India that we do believe in them; that we believe in their future; that we do want to see a peaceful solution, a political solution, to all problems, not a continued military solution; that we are pleased at least that there is now a cease-fire; that we hope to see an end to the human misery and suffering that those people have suffered for so many years, the most recent instances of it that I saw in visiting seven refugee camps in India. I do hope there is a way we can demonstrate our friendship for them and our desire to assist wherever we possibly can.

Mr. COOPER. Mr. President, I believe that two incorrect positions which have been taken should be cleared away.

A week ago, I was asked by several newspaper reporters—and there were similar questions in the newspapers—whether the United States in some way had started the war or had kept the war going. Of course, that position is utterly fallacious and foolish. The Soviet Union has supplied arms to both India and Pakistan.

Second, it has been stated that the United States could have prevented the war. That was utterly impossible. No country can force another country to adopt a policy which it does not consider to be in its national interest. The United States should have protested Pakistani action, but it did try in a hopeless cause to urge change in East Pakistan.

My own judgment is that the best thing at this time for the United States is to maintain a low profile, and to move our naval forces away from the Bay of Bengal. The facts speak better than any protestations of friendship.

We have contributed more to the relief of the Bengali refugees, and have continued to do so, than all the other nations of the world combined, and we will continue to do that. That will speak for itself.

I think we simply should be willing to aid in any kind of way we can to bring about the cessation of the war in West Pakistan and the repatriation and rehabilitation of the refugees. I think our role now is one of constructive action, but low-key action.

Mr. JAVITS. Mr. President, I should like to respond to Senator PERCY by saying, first, I am glad that Senator COOPER raised the subject. There is no finer character and no finer authority here than his on this subject.

Second, for myself, I believe that we need a low profile militarily and that we need a very high profile economically and socially, and that is essentially what Senator COOPER has said.

I believe that Mrs. Ghandi was ill-advised to take on the President on this subject, whatever may have been our policies or their mistakes; and probably it was ill-advised to brand India as aggressor, even though a spokesman, and equally ill-advised to rush naval forces into the Bay of Bengal. I join Senator COOPER and Senator PERCY in the expectation that they will be pulled out promptly.

But I think that Mrs. Ghandi, as distinguished as she is, and on the crest of victory, should also feel that the low profile is best in political and diplomatic terms, and that we had better get to work on binding up the wounds of this agonizingly hurt subcontinent, which lost a half million in a cyclone and God knows how many hundreds of thousands in the brutal repression by the Pakistani army, and now in the struggle which has just been completed.

Because I have been a long-standing friend of foreign military and economic aid, I should also like to address a plea to President Yahya Khan. It is too long for a Western-oriented nation to be a military dictatorship. That may have had something to do with what happened and with the fact that the mandate of the people of East Pakistan, who elected a government which was a majority, was not obeyed; and if that had taken power, it would not have been nearly the calamity that I think the President of Pakistan believed it would have been; that it would have worked out. Democracies have a way of doing that. Nothing in a democracy is ever quite as hot as it is cooked, and in a dictatorship it is likely to be hotter than it is cooked.

In other words, a lot more happens than meets the eye. In addition, Pakistan has much to gain from a Western-oriented feeling in the world as to peace and security and democracy and development as against the dictatorships which took sides in this thing, both Mainland China and the Soviet Union. The Chinese are now looking for another chance to have their inning, which promises no good for either Pakistan or India. So I think that our best role, as has been developed by both colleagues, is to stick to substantial social and economic welfare, the succor of the refugees, and repairing the wounds of war with constructive development in both countries economically, including the constructive development of Pakistan in a democratic direction. In no case should we get militarily involved.

Mr. PERCY. Mr. President, I did not put on the record—although the Senator from New York (Mr. JAVITS) properly surmised that I did support the position of the Senator from Kentucky (Mr. COOPER)—that we should promptly withdraw our naval forces from that area. I want at this time to make perfectly clear that I do support that position and I am delighted to have the Senator from Kentucky joined by another important member of the Committee on Foreign Relations, the Senator from New York (Mr. JAVITS), in this recommendation.

It is my understanding that a United Nations representative in Dacca made it perfectly clear to the U.S. Government that there was no possible way to evacuate, in their judgment, at that time, any missionaries or civilian personnel unless it was done by helicopter, that, after all, the runways were being bombed right there at the airport in Dacca—where I was only a few months ago—and it would be very easy to knock that airport out of commission, so that it was possible, and it was essential and necessary, that we could rush a number of helicopters there, and a platform, for them—not to evacuate just dozens or scores or hundreds, but thousands of people if the situation deteriorated into human carnage. So that, with the ceasefire now, it is eminently clear we can withdraw our fleet and show that we are not trying to have a naval confrontation nor are just there to have a massive show of force in the area.

I have maintained steadily and consistently for months that we should maintain a position of neutrality in this area.

How tragic it would be to get out of one war we should not have been in in the first place and somehow get involved in this one.

I would suggest one very important thing that we should do: We could try to persuade the Pakistan Government to release Mujibur Rahman at an early date. In August, in East and West Pakistan, I told the Government of Pakistan that the release of this political leader would be the litmus test that would do more good to relieve tensions in a bad situation than anything else. But, by not having anyone permitted to even see him, or to certify that he was alive, and by carrying on a secret military trial, they contributed great, additional tension to the situation.

Think of this man, who, as a result of a free election, was slated to be the next Prime Minister of all Pakistan, and think of him in jail, tried in a secret trial, kept in isolation.

At this stage, if he were released, it would do more good than any other single thing to somewhat normalize the situation.

I thank my distinguished colleague for his comments. I think we should make the record clear that the United States has clearly stood behind providing whatever aid is needed for the refugees. The $250 million in authorizations for that purpose were approved without reluctance or opposition in the U.S. Congress.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself—of course, he can speak for himself—we report from the committee appointed to notify the President of the United States that Congress has concluded its business and is ready to adjourn unless he has further communications to make at this time.

We report that the committee has performed its duty.

The President has informed us that he has no further communications to make to Congress this session, and wishes us to extend to the Senate his thanks for what we have done.

To the House and Senate, he wishes a merry Christmas and a happy and peaceful New Year.

Mr. PERCY. Will the Senator from Montana yield for a question?

Mr. SCOTT. Mr. President, as the distinguished majority leader has just said, that is what we did, all right, and the President, in turn, said that he wished all of us a very merry Christmas and a happy New Year.

He said he felt that Members of Congress would benefit from the month's rest. I am sure, on our return to our constituents, it will be beneficial to us. Who knows, it may even be beneficial to them. They will be the judge of that.

Mr. PERCY. Mr. President, I do not like to put in a discordant note in such a harmonious atmosphere, but I would like to ask one question that deeply bothers the people in the Midwest and the west coast as well, from which I have just returned.

The Taft-Hartley Act runs out on December 24, so far as the west coast dock strike situation is concerned, and I can find no evidence that the parties in their private negotiations have reached an agreement.

I can only urge in the national interest that they use every means at their disposal to come to an agreement; but so far, there has not been any disposition to do so or to seek out what other steps can be taken. So that once again we have the prospect of a crippling strike if, on December 28, goods again begin to pile up on the docks and cause another economic crisis at the very time this country is getting its economy moving in a vigorous fashion. So that it would be a disruptive note, which certainly would be a discordant note for many Americans next year.

Mr. MANSFIELD. Mr. President, we have no information to offer in that respect. I am sure that the President is aware of the approaching situation which the Senator from Illinois has just described. I cannot make any comment on it at this time, because it is a matter which was not discussed in the very, very brief conversation we had.

Mr. PERCY. I thank the distinguished majority leader.

HOUSE CONCURRENT RESOLUTION 498—PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, on behalf of the joint leadership, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 498.

The PRESIDING OFFICER (Mr. NELSON). The Chair lays before the Senate a message from the House on House Concurrent Resolution 498, which the clerk will state.

The legislative clerk read as follows:

> H. Con. Res. 498, Resolved by the House of Representatives, the Senate concurring, that the two Houses of Congress shall adjourn on Friday, December 17, 1971, and that when they adjourn on said day, they stand adjourned sine die.

Mr. MANSFIELD. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to consideration of the concurrent resolution?

There being no objection, the resolution was considered and agreed to.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE COMMUNICATIONS, REPORTS, AND ALL OTHER SIMILAR MATERIAL FROM THE HOUSE DURING THE PERIOD OF ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive communications, reports, and all other similar material from the House during the period of adjournment.

The date of our return will be noon on January 18, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the fact that the sine die resolution has been adopted does not mean that there will be no further business to be transacted by the Senate. There can be more speeches, statements, and the like.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. To everyone I wish a peaceful New Year.

AMERICA'S FINANCIAL CRISIS

Mr. BYRD of Virginia. Mr. President, the Senate will adjourn in a few minutes. Prior to adjournment, however, I would like to again invite the attention of the Senate and the Congress to what I think is a most important matter facing our Government.

I have been trying to emphasize these facts almost daily for some months now and, with great frequency, for some years. The situation is getting worse.

I refer, Mr. President, to the Government's financial position. It is my judgment that both Congress and the administration are living in a fool's paradise in regard to the Government's finances. It is beginning to come to a head. There will be a formal devaluation of the dollar next year. However, that merely formalizes what has been happening over the years.

The American dollar has been losing its value. So, what the President proposed the other day is of deep concern to me. I think it may do more good than it will do harm. It merely formalizes what has been happening to the American dollar.

The American dollar is devaluating for the very simple reason that the Government through the years has been operating on a deficit spending program, and that deficit spending program has been accelerating.

Mr. President, in the last 20 years the Federal Government has balanced its budget only three times. It has balanced its budget in the years 1956, 1957, and 1960.

I might say that during each of those 3 years the late Dwight D. Eisenhower was the President. As one Senator I pay tribute to the late President Eisenhower for having brought about balanced budgets in those 3 years. However, beginning in the fiscal year 1961 and continuing through fiscal year 1972, a period of 12 years, there has been a heavy Government deficit every year.

Even that would not be so bad, Mr. President, if the amount of the deficits was decreasing. However, the fact is that the amount of the deficits is increasing.

It is no wonder that the dollar is being devalued. It is bound to be devalued.

The people in Germany, Belgium, Jamaica, Japan, and all over the world do not want the American dollar at the same value they had to pay for it before for the simple reason that the American dollar will not buy as much as it formerly did.

I think the housewives of this country know a great deal more about finances than do the people in Washington. When the housewives go to the grocery stores, they see how the dollar has devalued and deteriorated.

It gets back entirely though, or for the most part, to the unwillingness of the Congress and the administration to put its financial house in order.

This is a very difficult subject. Everyone wants to spend money. That makes people happy. Congress likes to appropriate money. I as a Senator like to vote to appropriate money because it makes the people happy. However, when we do that, then we will have to pay for it some day. And the only way we can pay for it is either through more taxes or more inflation. It is that simple. And the people have been paying for it by inflation.

The President himself recognized that fact on August 16 when he instituted wage and price controls.

I think it was a good thing for him to dramatize the situation that the country is in financially. However, I do not believe we are going to solve this problem by saying to the workingman, "You hold down your wages and you hold down your demand for wages," and saying to the corporations, the companies, and the merchants, "You hold down your prices." It is all right to do that. However, that is not going to solve the matter unless the Congress and unless the President and his Cabinet are willing to say, "We, too, are going to make our sacrifices. We are going to cut down on this swollen Government spending and on the smashing deficits."

Of course, a great many economists will say that the thing to do is to have heavy deficits. Maybe theoretically they are right. However, I have seen these economists wrong so many times and I have seen the experts in Washington wrong so many times on so many things, including on the war in Vietnam, that I am not going to go by what the experts say. I am going to go by what seems logical and sound insofar as a smalltown newspaper editor, who is now U.S. Senator, views these problems.

I do not think it is logical to say that we are going to solve all of our problems by Government spending and spending more and more money. If that could be done, why would not every country in the world be prosperous? Why would not every government be prosperous? If we can create prosperity with a $35 billion deficit, which we will have for this current fiscal year, then why can we not create a little more prosperity by increasing that figure to $40 billion or $50 billion and get some positive results over a short period of time?

Mr. President, this is not something that is done only for a short period of time. It is not a temporary expedient. This Government deficit spending has been going on, but not to the extent that it is now, for more than 30 years.

As I have said, only three times in the last 20 years has the Federal Government's budget been balanced. But what is bringing it to a head and what is causing the President to put on wage and price controls, and what is causing foreign nations to say, "I do not want your dollars at the same value as in the past," and what is causing the President to ask for a formal devaluation of the dollar is what has happened in only 3 years.

In the first 3 years of President Nixon's administration the accumulated Federal funds deficit of the Federal Government will be at least $78 billion. Now, let us compare that to the accumulated Federal funds deficit of the last 3 years of President Johnson's administration. The accumulated deficit of the last 3 years of President Johnson's administration was $49 billion.

Mr. President, you can see that in that 6-year period the accumulated Federal funds deficit of the Government will be $127 billion. As time goes on the American people will have to pay for that. They will have to pay for that through inflation or through higher taxes or both.

On this last day of the session in this calendar year 1971, Mr. President, I want to do something that I do not believe in doing, and very seldom do. I am going to predict that in 1973, regardless of who is elected President, the people of this country, are going to be called upon to pay a smashing increase in Federal taxes. And where does that money come from? The bulk of that money comes from those in the middle economic group. They are the ones hurt the hardest by both inflation and by taxation. Those in the middle economic bracket are hurt the most. They are the ones who pay the bulk of the taxes. Those who are living in very deep poverty will not be adversely affected because they, unfortunately, are in very unfortunate circumstances already.

Those who have great wealth have a way of protecting themselves. I am not concerned about them. But it is the average guy, the man who goes out to make a living, who works in the factories, who works on the farms, who works in the stores, who works for the various governments of our Nation. They are people who are going to be the most severely affected by this reckless program of Government financing that has been embarked on by both administrations, by both Republicans and Democrats. It is not a party matter for both of them have the same desire to spend public funds. But those who are going to be most adversely affected are those hard working people of our Nation who are trying to earn a living for themselves and who are trying to accumulate enough money to take care of their children and to educate their children.

I must say the Senator from Virginia is discouraged insofar as seeing any evidence that this Congress or this administration is prepared to face up to this very, very serious financial problem facing the United States.

The people living outside the United States see it far better than we see it right here in our country, and that is why these foreign bankers are demanding a devaluation of the dollar.

The President in August, very wisely in my judgment, cut the Nation loose from gold. Now, why did he do that? He did that for the very simple reason that the United States only has $10 billion in gold and yet our liquidated liabilities to foreigners, for which presumably they can demand gold in return, or theoretically they can, are $46 billion.

So the President was very wise in what he did in that regard in August, it seemed to me. Our financial situation is getting worse. Perhaps the devaluation of our currency will cause the American people to have some concern for the future. Perhaps it will cause Congress and the administration to attempt to straighten out this matter. But I must say that there is nothing I have seen in Washington that indicates that this may be the situation.

Mr. President, if we do not reverse our procedures in this regard then we will continue to have inflation, we will continue to have a devalued currency, and we will, sooner or later, have a smashing tax increase.

Mr. President, I have prepared some tables showing what I regard as the desperate financial situation facing the Government of the United States. I ask unanimous consent that the three tables may be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods, in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1970	10.7	14.5	43.3
October 1971	10.1	12.1	[1] 46.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972 [1]	143.0	178.0	−35.0	21.2
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

TABLE 3.—FEDERAL FINANCES, FISCAL YEAR 1971

[In billions of dollars]

	Revenues	Outlays	Deficit (−) or surplus (+)
Federal funds	133.6	163.8	−30.2
Trust funds	54.7	47.8	+6.9
Unified budget	188.3	211.6	−23.3

Source: U.S. Treasury Department.

AMERICAN PRISONERS OF WAR

Mr. BYRD of Virginia. Mr. President, before Congress adjourns I wish to call to the attention of the Senate and the American people, the prisoners of war and those missing in action as the result of our involvement in Vietnam. At this Christmas season, when most of us hope to be home with our families, a large group of Americans are being held captive in a foreign land and others are missing in action as the result of being sent to a foreign land to fight a war on behalf of the American people.

I think it is very important, Mr. President, that we who are fortunate enough to be here at home not forget the plight of our prisoners of war and our missing in action at this Christmas season, and that we have them especially in our thoughts.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Nelson). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, in accordance with the previous order, I ask that the Chair lay before the Senate Calendar No. 412, S. 2515, and that it be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The Senate proceeded to consider the bill, which had been reported with an amendment.

ADJOURNMENT SINE DIE

Mr. BYRD of West Virginia. Mr. President, with best wishes for a pleasant and reflective holiday season to my distinguished counterpart, Senator Griffin, my namesake from Virginia (Mr. Byrd), the Presiding Officer, Senator Nelson, the Senator from Vermont (Mr. Aiken), and all Senators, pages, and the ever watchful eye of the fourth estate, I move, in accordance with the provisions of House Concurrent Resolution 498, that the Senate stand in adjournment sine die.

The motion was agreed to; and (at 1:32 p.m.) the Senate adjourned sine die.

MESSAGE FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT—ENROLLED JOINT RESOLUTIONS SIGNED

Under authority of Senate Resolution 220, the Secretary of the Senate, on December 17, 1971, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled joint resolutions:

S.J. Res. 186. Joint resolution to provide for the beginning of the second session of the Ninety-second Congress; and

H.J. Res. 1005. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

Under authority of Senate Resolution 220, the Vice President, on December 17, 1971, signed the enrolled joint resolutions.

ENROLLED JOINT RESOLUTION PRESENTED SUBSEQUENT TO SINE DIE ADJOURNMENT

The Secretary of the Senate reported that on December 17, 1971, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 186) to provide for the beginning of the second session of the 92d Congress.

MESSAGE FROM THE PRESIDENT RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

The President of the United States, subsequent to the sine die adjournment of the first session of the 92d Congress, notified the Secretary of the Senate that he had approved and signed the following acts and joint resolutions:

On December 15, 1971:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes;

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John;

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations; and

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year."

On December 17, 1971:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

On December 18, 1971:

S. 29. An act to establish the Capitol Reef National Park in the State of Utah;

S. 113. An act for the relief of certain individuals and organizations;

S. 248. An act for the relief of William D. Pender;

S. 1237. An act to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster; and

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes.

On December 22, 1971:

S. 2429. An act to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes;

S. 2891. An act to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes;

S.J. Res. 176. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes;

S.J. Res. 184. Joint resolution extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee; and

S.J. Res. 186. Joint resolution to provide for the beginning of the second session of the Ninety-second Congress.

On December 23, 1971:

S. 1828. An act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order more effectively to carry out the national effort against cancer;

S. 2878. An act to amend the District of Columbia Election Act, and for other purposes; and

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

HOUSE OF REPRESENTATIVES—*Friday, December 17, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We have seen His star in the east and have come to worship Him.—Matthew 2: 2.

O Lord, our God, like the wise men of old we turn our faces toward the star of Bethlehem and with reverent hearts begin our pilgrimage once again to Him who came to bring light and life to men.

As we respond to the spirit of Christmas may we realize that in truth we are responding to Thee and that here alone is the promise of peace on earth and good will among men. Grant that we may so commit ourselves to Thee and to our country that we may hasten the dawning of a new day of justice, peace, and good will on our planet.

Now may the love of God, which is broader than the measure of man's mind, the grace of the Lord Jesus Christ, which is sufficient for every need and the fellowship of the Holy Spirit which strengthens us for every noble endeavor, lead us all into the love of life and the life of love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2819) entitled "An act to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 186. Joint resolution to provide for the beginning of the second session of the 92d Congress.

AUTHORITY FOR THE SPEAKER TO DECLARE A RECESS AT ANY TIME TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CONFERENCE REPORT ON S. 2819, FOREIGN ASSISTANCE AUTHORIZATION, 1972

Mr. MORGAN submitted the following conference report and statement on the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–761)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Foreign Assistance Act of 1971".

SEC. 2. It is the sense of the Congress that funds to administer the food-for-peace program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961.

PART I—ECONOMIC ASSISTANCE

DEVELOPMENT LOAN FUND

SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended as follows:

(a) In section 202(a), relating to authorization—

(1) strike out "and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$350,000,000 for the fiscal year 1971, $250,000,000 for the fiscal year 1972, and $250,000,000 for the fiscal year 1973"; and

(2) strike out "and June 30, 1971" and insert in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

(b) In section 203, relating to fiscal provisions, strike out "and for the fiscal year 1971" and insert in lieu thereof ", for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973".

(c) In section 209, relating to multilateral and regional programs—

(1) strike out subsection (a) and insert in lieu thereof the following: "(a) The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.";

(2) insert at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of law, the President should reduce the amounts and numbers of loans made by the United States directly to individual foreign countries with the objective of reducing the total amount of bilateral loans made under this Act so that, by not later than June 30, 1975, such total amount shall not exceed $100,000,000—

"(d) In furtherance of the provisions of subsection (a) of this section, any funds appropriated under this part I may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions and multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries."; and

(3) strike out of subsection (b) "REGIONAL PROGRAMS.—".

(d) Section 205, relating to transfers to international financial institutions, is repealed.

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended as follows:

(a) In section 212, relating to authorization, strike out "$183,500,000 for the fiscal year 1970, and $183,500,000 for the fiscal year 1971" and insert in lieu thereof "$175,000,000 for the fiscal year 1972, and $175,000,000 for the fiscal year 1973".

(b) In section 214(c), relating to authorization for American schools and hospitals abroad, strike out "for the fiscal year 1970, $25,900,000, and for the fiscal year 1971, $12,900,000" and insert in lieu thereof "for the fiscal year 1972, $30,000,000, and for the fiscal year 1973, $30,000,000".

(c) At the end of such title II, add the following new section:

"SEC. 220A. SUEZ CANAL.—The President is authorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the Canal by the ships of all nations, including Israel, on a nondiscriminatory basis. For the purpose of carrying out this section, there are authorized to be appropriated not to exceed $10,000,000 in Egyptian pounds now owned by the United States and determined by the President to be excess to the normal requirements of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended.".

HOUSING GUARANTIES

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, strike out "$130,000,000" and insert in lieu thereof "$205,000,000".

(b) In section 223(i), strike out "June 30, 1972" and insert in lieu thereof "June 30, 1974".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 104. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In the first proviso of section 238(c), relating to definitions, strike out "required by law to be".

(b) At the end of section 239, relating to general provisions and powers, add the following new subsection:

"(g) Except for the provisions of this title, no other provision of this or any other law shall be construed to prohibit the operation in Yugoslavia or Romania of the programs authorized by this title, if the President determines that the operation of such program in such country is important to the national interest.".

(c) Section 240(h), relating to agricultural credit and self-help community development projects, is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

ALLIANCE FOR PROGRESS

SEC. 105. Section 252(a) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization for the Alliance for Progress, is amended—

(1) by striking out "for the fiscal year 1970, $428,250,000, and for the fiscal year 1971, $428,250,000" and inserting in lieu thereof "for the fiscal year 1972, $295,000,000, and for the fiscal year 1973, $295,000,000"; and

(2) by striking out "$90,750,000" and inserting in lieu thereof "88,500,000".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 106. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"SEC. 292. AUTHORIZATION.—Of the funds provided to carry out the provisions of this part I for each of the fiscal years 1972 and 1973, $125,000,000 shall be available in each such fiscal year only to carry out the purposes of this title, and, notwithstanding any other provisions of this Act, funds used for such purposes may be used on a loan or grant basis.".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 107. Section 302 of chapter 3 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(a) In subsection (a), strike out "for the fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000" and insert in lieu thereof "for the fiscal year 1972, $138,000,000, and for the fiscal year 1973, $138,000,000".

(b) In subsection (b)(2)—

(1) strike out "for use in the fiscal year 1970, $7,530,000, and for use in the fiscal year 1971, $7,530,000" and insert in lieu thereof "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000"; and adding at the end thereof the following new sentence: "The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this Act.".

(c) In subsection (e), strike out "$1,000,000 for the fiscal year 1970 and $1,000,000 for the fiscal year 1971" and insert in lieu thereof "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973".

(d) At the end of such section 302, add the following new subsection:

"(f) There are authorized to be appropriated to the President, in addition to other amounts available for such purposes, $1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973, in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended.".

CONTINGENCY FUND

SEC. 108. Section 451(a) of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended by striking out "for the fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $30,000,000" and inserting in lieu thereof "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000".

INTERNATIONAL NARCOTICS CONTROL AND REFUGEE RELIEF ASSISTANCE

SEC. 109. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapters:

"CHAPTER 8—INTERNATIONAL NARCOTICS CONTROL

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

"CHAPTER 9—REFUGEE RELIEF ASSISTANCE

"SEC. 491. REFUGEE RELIEF ASSISTANCE.—There is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $250,000,000, to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.".

PART II—MILITARY ASSISTANCE

SEC. 201. Part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$500,000,000 for the fiscal year 1972".

(b) In section 505(b)(2), relating to conditions of eligibility, strike out "and" and insert in lieu thereof "or".

(c) Section 505(e), relating to conditions of eligibility, is repealed.

(d) In section 506(a), relating to special authority—

(1) strike out "1970 and the fiscal year 1971" and insert in lieu thereof "1972", and

(2) strike out "each of the fiscal years 1970 and 1971" and insert in lieu thereof "the fiscal year 1972".

(e) Section 507(a), relating to restrictions on military aid to Latin America, is amended to read as follows: "(a) Except as otherwise provided in this section, the value of defense articles furnished by the United States Government under this Act to Latin American countries shall not exceed $10,000,000. Not to exceed $25,000,000 in value of defense articles may be furnished under this part on a cost-sharing basis to an inter-American military force under the control of the Organization of American States.".

(f) At the end of chapter 2 of such part II, add the following new sections:

"SEC. 511. CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE.—Decisions to furnish military assistance made under this part shall take into account whether such assistance will—

"(1) contribute to an arms race;

"(2) increase the possibility of outbreak or escalation of conflict; or

"(3) prejudice the development of bilateral or multilateral arms control arrangements.

"SEC. 512. MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS.—(a) It is the sense of Congress that the need for large United States military assistance advisory groups and military aid missions in foreign countries has diminished substantially during the last few years. In the words of the Peterson Task Force Report on International Development, 'The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. United States military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.'

"(b) In accordance with the provisions of subsection (a) of this section, the total number of United States military personnel assigned and detailed, as of September 30, 1971, to United States military assistance advisory groups, military missions, and other organizations of the United States performing activities similar to such groups and missions, shall be reduced by at least 15 per centum by September 30, 1972, but every effort should be made to effect an aggregate reduction of 25 per centum by September 30, 1972.

"SEC. 513. MILITARY ASSISTANCE AUTHORIZATIONS FOR THAILAND.—After June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.

"SEC. 514. SPECIAL FOREIGN COUNTRY ACCOUNTS.—(a) Except as otherwise provided in this section, no defense article may be given, and no grant of military assistance may be made, under this Act to a foreign country unless the country agrees—

"(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

"(A) in the case of any excess defense article to be given to that country, an amount equal to 10 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

"(B) in the case of a grant of military assistance to be made to that country, an amount equal to 10 per centum of each such grant; and

"(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

"(b) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a)(1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a)(2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

"(c) The provisions of this section shall not apply in any case in which an excess defense article is given, or a grant of military assistance is made—

"(1) to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that article or grant; and

"(2) to South Vietnam, Cambodia, or Laos.

"(d) In no event shall any foreign country be required under this section, to make deposits in a special account aggregating more than $20,000,000 in any one year.".

SEC. 202. (a) At the end of such part II, add the following new chapter:

"CHAPTER 4—SECURITY SUPPORTING ASSISTANCE

"SEC. 531. GENERAL AUTHORITY.—The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this Act on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this chapter shall not be used to furnish assistance to more than twelve countries in any fiscal year.

"SEC. 532. AUTHORIZATION.—There is authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel: *Provided*, That where commodities are furnished on a grant basis under this chapter under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or his representative has given prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange, and the rate of exchange for United States Government purchases of piasters for goods and services, between said Government and the United States is fair to both countries.

"Sec. 533. United States Refund Claims.—It is the sense of the Congress that the President should seek the agreement of the Government of Vietnam to the establishment and maintenance of a separate special account of United States dollars, which account shall be available solely for withdrawals by the United States, at such times and in such amounts as the President may determine, in satisfaction of the United States dollar refund claims against the Government of Vietnam arising out of operations conducted under this Act. Such account should be established in an amount not less than $10,000,000 and maintained thereafter at a level sufficient to cover United States refund claims as they arise.".

(b) Chapter 4 of part I of the Foreign Assistance Act of 1961 is hereby repealed. References to such chapter or any sections thereof shall hereafter be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 shall hereafter be deemed to be references also to chapter 4 of part II, and all references to part II of such Act shall be deemed not to include chapter 4 of such part II.

PART III—GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 301. Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsections:

"(v) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971.

"(w) (1) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on the date of enactment of this subsection.

"(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

"(3) Nothing in this section shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, or monitored under international auspices.".

Sec. 302. Section 624 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to statutory officers, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs.".

Sec. 303. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorization for administrative expenses of the agency administering part I, is amended by striking out "for the fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000" and inserting in lieu thereof "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000".

Sec. 304. (a) (1) Section 652 of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended to read as follows:

"Sec. 652. Limitation Upon Exercise of Special Authorities.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

(2) The last sentence of section 506(a) of such Act, relating to special authority, is repealed.

(3) The last sentence of section 634(d) of such Act, relating to reports and information, is amended by striking out "610, 614 (a)," and inserting in lieu thereof "610(b),".

(b) Chapter 3 of part III of such Act is amended by adding at the end thereof the following new sections:

"Sec. 653. Change in Allocation of Foreign Assistance.—(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this Act (other than section 451 or 637), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each. Notwithstanding any other provision of law, the United States Government shall not provide to any foreign country or international organization any funds under that law which exceeds by 10 per centum the amount of military grant assistance or security supporting assistance, as the case may be, which the President notified the Congress that the United States Government intended to provide that country or organization under that law, unless the President (1) determines that it is in the security interests of the United States that such country or organization receive funds in excess of the amount included in such notification for that country or organization, and (2) reports to Congress, at least ten days prior to the date on which such excess funds are to be provided to that country or organization, each such determination, including the name of the country or organization to receive funds in excess of such per centum, the amount of funds in excess of that per centum which are to be provided, and the justification for providing the additional assistance.

"(b) The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 614 (a) of this Act.

"Sec. 654. Presidential Findings and Determinations.—(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

"(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

"(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

"Sec. 655. Limitations Upon Assistance to or for Cambodia.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of $341,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

"(b) In computing the $341,000,000 limitation on obligation authority under subsection (a) of this section in fiscal year 1972, (1) there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise, and (2) there shall not be included in the computation the value of any goods, supplies, materials, or equipment attributable to the operations of the Armed Forces of the Republic of Vietnam in Cambodia. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

"(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds obligated in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

"(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

"Sec. 656. Limitations on United States Personnel and Personnel Assisted by United States in Cambodia.—The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

"Sec. 657. Annual Foreign Assistance Report.—(a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

"(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

"(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

"(3) the aggregate dollar value of all arms, ammunitions, and other implements of war, and the aggregate dollar value of each category of such arms, ammunitions, and implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year; and

"(4) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1)–(3) of this subsection.

"(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

"(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept that report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

"(d) For purposes of this section—

"(1) 'foreign assistance' means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country;

"(2) 'provided by the United States Government' includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit sale, or guaranty; and

"(3) 'value' means value at the time of transfer except that in no case shall any commodity or article of equipment or material be considered to have a value less than one-third of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government.

"Sec. 658. Limitation on Use of Funds.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education and Welfare have been released for obligation and expenditure.

"(b) The provisions of this section shall not apply—

"(1) to funds being withheld in accordance with specific requirements of law; and

"(2) to appropriations obligated or expended prior to April 30, 1972.".

(c)(1) Section 644(m) of such Act, relating to definitions, is amended by striking out—

"(m) 'Value' means—"

and inserting in lieu thereof—

"(m) 'Value' means, other than in section 657 of this Act—".

(2) Subsection (a) of section 634 of such Act, relating to reports and information, is repealed.

(3) The provisions of this subsection and section 657 of such Act, as added by subsection (b) of this Act, shall apply with respect to each fiscal year commencing on or after July 1, 1971.

PART IV—MISCELLANEOUS PROVISIONS

Sec. 401. The Foreign Military Sales Act is amended as follows:

(a) In section 31(a) of chapter 3, relating to authorization, strike out "$250,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$400,000,000 for the fiscal year 1972".

(b) In section 31(b) of chapter 3, relating to aggregate ceiling on foreign military sales credits, strike out "$340,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$550,000,000 for fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel only".

(c) In section 33(a) of chapter 3, relating to regional ceilings on foreign military sales, strike out "$75,000,000" and insert in lieu thereof "$100,000,000".

(d) Subsection (c) of section 33 of chapter 3, relating to regional ceilings on foreign military sales, is amended to read as follows:

"(c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall the aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, exceed any geographical ceiling applicable under this section by more than an amount equal to 50 per centum of such ceiling.".

(e) In section 42(a) of chapter 4, relating to general provisions—

(1) strike out "and" immediately before "(2)"; and

(2) immediately before the period at the end thereof insert the following: ", and (3) the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements."

(f) Section 42 of chapter 4, relating to general provisions, is amended as follows:

(1) In subsection (a), strike out "but consideration shall also be given" and insert in lieu thereof "but, subject to the provisions of subsection (b) of this section, consideration shall also be given".

(2) Redesignate subsections (b) and (c) as subsections (c) and (d), respectively, and, immediately after subsection (a), insert the following new subsection:

"(b) No credit sale shall be extended under section 23, and no guarantee shall be issued under subsection 24, in any case involving coproduction or license, production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under a license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.".

Sec. 402. Section 8 of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended—

(1) by striking out the first and second sentences of subsection (a) and inserting in lieu thereof the following: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development) shall be considered to be an expenditure made from funds appropriated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order.";

(2) by striking out, in subsection (b), "$100,000,000" and inserting in lieu thereof "$185,000,000"; and

(3) by adding at the end thereof the following new subsection:

"(e) Except for excess defense articles granted under part II of the Foreign Assistance Act of 1961, the provisions of this section shall not apply to any excess defense article granted to South Vietnam prior to July 1, 1972.".

Sec. 403. Paragraph (9) of section 5314 of title 5, United States Code, relating to level III of the Executive Schedule, is amended by inserting before the period at the end thereof the following: "and an Under Secretary of State for Coordinating Security Assistance Programs".

Sec. 404. The first section of the Act of June 28, 1935, entitled "An Act to authorize participation by the United States in the Interparliamentary Union" (22 U.S.C. 276), is amended as follows:

(1) Strike out "$53,550" and insert in lieu thereof "$102,000".

(2) Strike out "$26,650" and insert in lieu thereof "$57,000".

(3) Strike out "$26,900" and insert in lieu thereof "$45,000".

Sec. 405. Section 2 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928b), is amended as follows:

(1) Strike out "$30,000" and insert in lieu thereof "$50,000".

(2) Strike out "$15,000" each place it appears and insert in lieu thereof in each such place "$25,000".

Sec. 406. Part IV of the Foreign Assistance Act of 1969 is amended as follows:

(1) Strike out the title of such part and insert in lieu thereof the following:

"PART IV—THE INTER-AMERICAN FOUNDATION ACT"

(2) The caption of section 401 and subsection (a) of such section of that part are amended to read as follows: "Inter-American Foundation.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the 'Foundation')."

(3) Section 401 of such part is amended by striking out "Institute" wherever it appears and inserting in lieu thereof "Foundation".

(4) Section 401(e)(4) of such part is amended to read as follows:

"(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;".

(5) Section 401(l) is amended to read as follows:

"(l)(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5, United States Code.".

Sec. 407. (a) It is the purpose of this section to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Acts of 1946 and 1970, with respect to—

(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

(2) providing periodic authorizations of appropriations for that Department and Agency.

(b) Section 15 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2680) is amended to read as follows:

"Sec. 15. (a) Notwithstanding any other provision of law, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.

"(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.".

(c) The last sentence of section 13 of such Act (22 U.S.C. 2684) is repealed.

(d) Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended to read as follows:

"PRIOR AUTHORIZATIONS BY CONGRESS

"Sec. 701. Notwithstanding any other provision of law, no appropriation shall be made to the Secretary of State, or to any Government agency authorized to administer the provisions of this Act, under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation enacted by the Congress after the date of enactment of the Foreign Assistance Act of 1971.".

Sec. 408. Section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by striking out "Cambodian military forces" and inserting in lieu thereof "military, paramilitary, police, or other security or intelligence forces".

Sec. 409. Section 401(a) of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is amended—

(1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and

(2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

Sec. 410. The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (known as the "Lodge Commission") which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

Thomas E. Morgan,
Clement J. Zablocki,
Wayne L. Hays,
Dante B. Fascell,
Wm. Mailliard,
Peter H. B. Frelinghuysen,
Wm. S. Broomfield,
Managers on the Part of the House.

J. W. Fulbright,
Frank Church,
G. D. Aiken,
John Sherman Cooper,
Clifford P. Case,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the bill and the House amendment to the text of the bill. The committee of conference also recommends that the Senate recede from its disagreement to the amendment of the House to the title of the bill.

The differences between the text of the House bill and the substitute agreed to in conference are noted below, except for clerical corrections, and minor drafting and clarifying changes.

The Senate passed two foreign aid authorization bills. S. 2819 authorized $1,503,000,000 for grant military assistance, supporting assistance, and foreign military credit sales for fiscal year 1972. S. 2820 authorized $1,144,000,000 plus $11,000,000 in Egyptian pounds for economic and humanitarian assistance for fiscal year 1972. The total of the two Senate bills for fiscal year 1972 was $2,647,000,000 plus $11,000,000 in Egyptian pounds.

The House amendment to both bills contained authorizations for economic, humanitarian, and military assistance for fiscal years 1972 and 1973. For fiscal year 1972 the economic part authorized $1,428,350,000 plus $1,000,000 in Egyptian pounds and the military part authorized $2,015,000,000 for a total of $3,443,350,000 plus $1,000,000 in Egyptian pounds. The total for fiscal year 1973 was $3,493,350,000 plus $1,000,000 in Egyptian pounds.

The committee of conference agreed to a single bill that contains authorizations for economic and humanitarian assistance for fiscal years 1972 and 1973 and for military assistance only for fiscal year 1972. The total authorization for fiscal year 1972 is $2,752,000,000 plus $11,000,000 in Egyptian pounds. This is a reduction from the House figure of $691,350,000 and an increase over the Senate figure of $105,000,000.

Of the total authorization for fiscal year 1972, $1,518,000,000 is for military assistance and $1,234,000,000 is for economic and humanitarian assistance. For fiscal year 1973 the authorization for economic and humanitarian assistance is $984,000,000. The reduction of $250,000,000 for fiscal year 1973 reflects the fact that the authorization for Pakistan relief is limited to fiscal year 1972.

Except for clarifying, clerical, and necessary conforming changes, the differences between the two Houses and the adjustments made in the committee of conference are noted below:

AUTHORIZATION OF FUNDS—FOREIGN ASSISTANCE AUTHORIZATIONS

Program	Senate, fiscal year 1972	House		Conference agreement	
		Fiscal year 1972	Fiscal year 1973	Fiscal year 1972	Fiscal year 1973
Economic:					
Development loans	[1] $250,000,000	[2] $400,000,000	[2] $450,000,000	[1] $250,000,000	[1] $250,000,000
Technical cooperation	175,000,000	183,500,000	183,500,000	175,000,000	175,000,000
Alliance for Progress	225,000,000	378,250,000	428,250,000	295,000,000	295,000,000
Loans	(150,000,000)	(287,500,000)	(337,500,000	(206,500,000)	(206,500,000)
Grants	(75,000,000)	(90,750,000)	(90,750,000)	(88,500,000)	(88,500,000)
International organizations	138,000,000	143,000,000	143,000,000	138,000,000	138,000,000
Arab refugees (UNRWA)	[3] 1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Egyptian pounds	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)
Indus Basin	15,000,000	5,000,000	10,000,000	15,000,000	15,000,000
American schools	15,000,000	30,000,000	30,000,000	30,000,000	30,000,000
Contingency fund	30,000,000	30,000,000	50,000,000	30,000,000	30,000,000
Pakistan refugees	250,000,000	100,000,000		250,000,000	
Population	(4)	[5] 100,000,000	[5] 125,000,000	(4)	(4)
Administrative expenses	45,000,000	[6] 57,600,000	[6] 57,600,000	50,000,000	50,000,000
Suez Canal	[7] (10,000,000)	(8)		[7] (10,000,000)	[7] (10,000,000)
Total, economic	1,144,000,000	1,428,350,000	1,478,350,000	1,234,000,000	984,000,000
Military:					
Grant military assistance	452,000,000	705,000,000	705,000,000	500,000,000	
Supporting assistance	566,000,000	800,000,000	800,000,000	618,000,000	
Israel	85,000,000	(9)		[10] (50,000,000)	
Military credit sales	[11] 400,000,000	510,000,000	510,000,000	450,000,000	
Total, military	1,503,000,000	2,015,000,000	2,015,000,000	1,518,000,000	
Grand total	[12] 2,647,000,000	[13] 3,443,350,000	3,493,350,000	[12] 2,757,000,000	[12] 984,000,000

[1] Repeals authority to request appropriations against sums previously authorized but unappropriated in fiscal years 1972 and 1973.

[2] Sums previously authorized but unappropriated are available for appropriations.

[3] The Senate authorization for international organizations in S. 2820 was $139,000,000, of which $1,000,000 was for Arab refugees.

[4] Earmarks $125,000,000 of funds appropriated for pt. I for this program.

[5] Also authorizes the use of additional pt. I funds for this program.

[6] Plus the use of $2,775,000 of pt. I funds.

[7] In Egyptian pounds.

[8] Open-ended authorization of an appropriation for use of Egyptian pounds owned by the United States.

[9] The Committee on Foreign Affairs recommended (H. Rept. 92-380) that Israel be *considered* eligible to receive assistance under this program.

[10] Earmarked from supporting assistance funds.

[11] Credit ceiling set at $550,000,000, of which $300,000,000 is earmarked for Israel.

[12] Plus $11,000,000 in Egyptian pounds.

[13] Plus $1,000,000 in Egyptian pounds.

PUBLIC LAW 480 ADMINISTRATIVE COSTS

The Senate bill contained a provision which expressed the sense of Congress that administrative expenses of operating the P.L. 480 Food-for-Peace program not be reduced in any general reduction of foreign assistance.

The House amendment did not contain a comparable provision.

The House receded.

USE OF RECEIPTS FROM DOLLAR LOANS

The Senate bill placed a $200 million limitation on the use, in fiscal year 1972, of dollar receipts from loans made under the Mutual Security Act of 1954 and under Part I of the Foreign Assistance Act of 1961.

The House amendment authorized the use, in fiscal years 1972 and 1973, of dollar receipts from loans made under Part I of the Foreign Assistance Act of 1961 under the Mutual Security Act of 1954 and under predecessor foreign assistance legislation.

The Senate receded with an amendment striking that portion of the House language which would have authorized the use of dollar receipts from loans made under pre-1954 foreign assistance legislation.

Concessional interest rates

The Senate bill required A.I.D. development loans (other than Alliance loans) to carry a rate of interest no less than the current interest rate paid by the United States on its outstanding obligations of comparable maturity.

The House amendment did not contain a comparable provision.

The Senate receded.

INTEREST RATE ON PUBLIC LAW 480 LOANS

The Senate bill exempted loans made pursuant to Section 106(a) of the Agricultural Trade Development and Assistance Act of 1954 from an increase in interest rates proposed elsewhere in the Senate bill for bilateral loans funded under the Foreign Assistance Act.

The House amendment did not contain a comparable provision.

The Senate receded.

Repeal of carryover of unappropriated authorizations for development loans

The Senate bill amended Section 202(a) of the Act by striking the proviso which authorizes appropriation of amounts authorized for development loans for prior fiscal years during a specified period, but which remain unappropriated.

The House amendment did not contain a comparable provision.

The Senate receded.

Prohibition against development loans for South Korean fishing industry

The Senate bill introduced an amendment to the development loan authority which would prohibit any loan to South Korea in connection with construction and operation of commercial fishing vessels, fish processing or the marketing of fish products.

The House amendment did not contain a comparable provision.

The Senate receded.

Phase-out of bilateral lending programs

The Senate bill required phase-out of the bilateral loan program not later than June 30, 1975 and removed the 10% limitation on the transfer of economic assistance funds to multilateral organizations.

The House amendment did not contain a comparable provision.

The House receded with an amendment which changed the language of the Senate bill so as to request the President to reduce the number and amounts of bilateral loans with the objective of reducing such loans to the level of $100 million by June 30, 1975. The amendment also deleted the Senate language which applied bilateral loan criteria to economic development funds transferred to multilateral organizations.

INDUS BASIN GRANTS AUTHORIZATION

The House amendment authorized appropriation of $5 million for FY 1972 and $10 million for FY 1973.

The Senate bill authorized appropriation of $15 million for FY 1972 only.

The House receded with an amendment authorizing $15 million for each of the fiscal years 1972 and 1973.

American schools and hospitals

The Senate bill provided an authorization of $15,000,000 for this program for fiscal year 1972.

The House amendment authorized $30,000,000 for each of the fiscal years 1972 and 1973.

The Senate receded.

EXCESS EGYPTIAN POUNDS FOR SUEZ CANAL REOPENING

The House amendment provided an authorization for the appropriation of such amounts of excess Egyptian pounds as are now owned by the United States for assistance in reopening the Suez Canal.

The Senate bill was the same except that the appropriation of excess Egyptian pounds authorized is limited to the equivalent of $10,000,000.

The House receded.

HOUSING GUARANTY AUTHORITY

The House amendment increases present worldwide housing guaranty issuing authority from the present ceiling of $130,000,000 to a new ceiling of $230,000,000, an increase of $100,000,000.

The Senate bill increased the ceiling to $180,000,000, an increase of $50,000,000.

The committee of conference agreed to increase the ceiling to $2,500,000, an increase of $75,000,000.

Exemption for OPIC programs

The Senate bill added a provision which would except OPIC programs from prohibitions against assistance contained in the Foreign Assistance Act or any other law applying to any country whenever the President determines that the operation of the OPIC program in such country is important to the national interest.

The House amendment did not contain a comparable provision.

The committee of Conference agreed that the new authority provided in the proposed bill will be limited to authorize OPIC operations in Yugoslavia and Rumania.

Change in definition of eligible investor for OPIC programs

The Senate bill changed the definition of "eligible investor" to delete the provision that the allowable less-than-5% foreign ownership of a U.S.-owned foreign corporation must be required by law in order for such corporation to be eligible for OPIC programs.

The House amendment did not contain a comparable provision.

The House receded.

Separate authorization for population programs

The Senate bill earmarked a total of $125 million from any of the economic assistance funds contained in Part I of the Foreign Assistance Act for FY 1972.

The House amendment authorized as a separate line item appropriation of $100 million in FY 1972 and $125 million in FY 1973.

The House receded with an amendment which makes the earmarking authority apply to each of the fiscal years 1972 and 1973.

International narcotics control

The Senate bill authorized the President to furnish assistance to any foreign country in order to encourage and enable that country to control or eliminate the production, processing or distribution of drugs within or across its boundaries; earmarked for drug control assistance $25,000,000 annually from funds provided under the Foreign Assistance Act of 1961, as amended; required an annual Presidential determination before furnishing any assistance to any country of whether that country has taken appropriate measures to control the illicit drug trade; provided for the cessation of all assistance to any country determined not to have taken appropriate measures and the seeking of international economic sanctions against such country; and provided Presidential waiver authority based on a finding of overriding national interest with a requirement for full reporting to the Congress on determinations and waivers.

The House amendment authorized the President to conclude drug control agreements with other countries and to furnish assistance to any country or international organization for drug control purposes; provided for the use of any of the funds made available under the Foreign Assistance Act of 1961, as amended, for drug control assistance; and required the President to suspend assistance whenever he determines that a country has failed to take appropriate steps to prevent the illicit drug trade.

The Senate receded.

REQUIREMENT FOR PUBLIC LAW 480 SECTION 104(C) AGREEMENTS

The Senate bill eliminated the requirement currently contained in section 505(e) of the Foreign Assistance Act of 1961, as amended, that military assistance recipients enter into agreements permitting the use for security assistance purposes of foreign currencies accruing to the U.S. from PL 480 sales.

The House amendment contained no comparable provision.

The House receded.

MILITARY ASSISTANCE AUTHORIZATION

The Senate bill authorized military assistance of $452 million for fiscal year 1972.

The House amendment provided an authorization of $705 million for each of the fiscal years 1972 and 1973.

The Committee of Conference agreed to a $500 million authorization for fiscal year 1972 only.

MAP TRAINING RESTRICTION

The House amendment repealed Section 510 of the Foreign Assistance Act, which limits the number of foreign military students to be trained in the Untied States in any fiscal year to the number of foreign students brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal year.

The Senate bill contained no comparable provision.

The House receded. The Committee of Conference agreed that the possibility of changing this limitation to some basis such as a man-month ratio rather than the present man-for-man basis should be studied.

MILITARY ASSISTANCE FOR LATIN AMERICAN COUNTRIES AND ORGANIZATION OF AMERICAN STATES

The Senate bill amends section 507(a) of the Foreign Assistance Act of 1961, as amended, by establishing a ceiling of $10 million for the furnishing of defense articles on a bilateral basis to Latin American countries, and $25 million for defense articles furnished on a cost-sharing basis to an Inter-American military force under the control of the Organization of American States.

The House amendment did not contain a comparable provision.

The House receded.

Twenty-five percent reduction in personnel assigned to military assistance advisory groups and missions

The Senate bill contained a provision which would require at least a 25% reduction in the personnel to United States military assistance advisory groups, military missions and other U.S. organizations performing similar activities by September 30, 1972.

The House amendment did not contain a comparable provision.

The House accepted the Senate provision with an amendment reducing the mandatory reductions to 15 percent and urging that every effort be made to meet the 25 percent goal.

CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE

The House amendment contained a provision requiring that decisions to furnish military assistance take into account whether such assistance will: (1) contribute to an arms race, (2) increase the possibility of outbreak or escalation of conflict or (3) prejudice the development of bilateral or multilateral arms control arrangements.

The Senate bill contained no comparable provision.

The Senate receded.

Limitations on availability of funds for military operations

The Senate bill contained a provision which prohibited the provision of funds for the purpose of financing any military operations by foreign forces in Laos, North Vietnam, or Thailand unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken.

The House amendment did not contain a comparable provision. The Senate receded.

Military assistance authorization for Thailand

The Senate bill contained a provision which would require the transfer of authorizations for military assistance programs for Thailand from the Department of Defense to the Foreign Assistance Act of 1961, as amended.

The House amendment did not contain a comparable provision.

The House accepted the Senate provisions with the understanding that assistance programmed for Thailand prior to the date specified in Section 513 and which is in the "pipeline" at that time may be provided regardless of when the Defense articles are actually delivered or the Defense services actually renderd.

New section 514 on "special foreign country accounts"

The Senate bill contained a provision which required the establishment of special foreign country accounts, in which any government receiving grant military assistance would deposit an amount equal to 25% of the value of such assistance and allow the United States Government to use such amounts to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international and educational cultural exchange programs authorized by existing legislation. This provision would not apply if the President determined that the U.S. was able to pay all such costs without the deposit of such currency and without having to expend U.S. dollars to purchase such currency. It would also not apply in any case in which military assistance is given to a foreign country under an agreement which allows the United States Government to operate a military or other similar base in that country in exchange for such assistance. The funds deposited in such special accounts would be available for expenditure without additional appropriations.

The House amendment did not contain a comparable provision.

The House accepted the Senate provision with an amendment which reduced the percentage amount required to be deposited to 10 percent and specifically excluded from the requirement military assistance provided to South Vietnam, Cambodia and Laos; and required deposits by South Korea to be made only for military assistance provided under the authority of the Foreign Assistance Act of 1961, as amended.

TRANSFER OF SUPPORTING ASSISTANCE TO PART II OF THE FOREIGN ASSISTANCE ACT

The House amendment contained a provision which transferred supporting assistance from Part I, economic assistance, to Part II, military assistance, and renamed the chapter "Security Supporting Assistance."

The Senate bill contained no comparable provision.

The Senate receded.

SUPPORTING ASSISTANCE AUTHORIZATION

The House amendment authorized the appropriation of $800 million for Security Supporting Assistance for each of the fiscal years 1972 and 1973.

The Senate bill authorized the appropriation of $566 million for Supporting Assistance, and provides an additional separate authorization of $85 million for Israel, for FY 1972.

The Committee of Conference agreed to an authorization of $618 million, $50 million of which was earmarked to be available for Israel only.

PROPOSED CHANGES TO SECTION 620(e)

The Senate bill required suspension of assistance to a country which seizes property in a manner heretofore prescribed by the Hickenlooper amendment immediately upon such seizure and would permit resumption of assistance only when the President is satisfied that such country has "discharged its obligations under international law . . . including speedy compensation."

The House amendment did not contain a comparable provision.

The Senate receded.

Prohibition on aid to countries failing to support prisoner of war convention

The Senate bill added a new subsection (v) to section 620 of the Foreign Assistance Act prohibiting assistance to any country which the President determines has failed to support actively the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War.

The House amendment did not contain a comparable provision. The Senate receded.

Prohibition on assistance to Greece

The House amendment added a new subsection (v) to Section 620 of the Foreign Assistance Act directing that no assistance be furnished under the Foreign Assistance Act, and no sales be made under the Foreign Military Sales Act, to Greece until the President finds that overriding requirements of the national security of the United States justify a waiver of this prohibition and promptly reports such finding to the Congress in writing with reasons for such finding. The House amendment further provided that in no event shall the aggregate amount of assistance and sales made to Greece in any fiscal year exceed the aggregate amount expended for such assistance and sales for the fiscal year 1971.

The Senate bill did not contain a comparable provision.

The Senate receded.

Suspension of assistance to Pakistan

The Senate bill included a provision suspending all assistance to Pakistan relating to military services, all licenses with respect to the transportation of arms, ammunitions, and implements of war, as well as to economic assistance, other military assistance, and sales of agricultural commodities. The provision of humanitarian assistance and related services was not affected.

The House amendment applied a ban similar to that of the Senate bill, except for sales of defense services and military-related licenses.

The House receded.

Coordinator for security assistance

The House amendment provides for a Security Assistance Coordinator at Executive Level III in the Department of State.

The Senate bill contains no comparable provision.

The Senate receded.

USE OF PART I FUNDS FOR STATE DEPARTMENT ADMINISTRATION COSTS RELATED TO FOREIGN AID

The House amendment adds to the Foreign Assistance Act a new subsection 637(c), which authorizes the use of up to $2,755,000 in program funds for Administrative Expenses—including $155,000 for State Department expenses—for each of the fiscal years 1972 and 1973, to cover the cost of the January 1971 Federal pay raise during those fiscal years.

The Senate bill contained no comparable provision.

The House receded.

CARRYOVER OF UNAPPROPRIATED FISCAL YEAR 1972 AUTHORIZATION

The House amendment provided that amounts authorized but not appropriated for FY 1972 may be carried over and appropriated in FY 1973.

The Senate bill did not contain a comparable provision.

The House receded.

Limitations upon exercise of special authorities

The Senate bill contained a provision which would prevent the President from exercising the special authorities granted him under section 506(a), 610(a) or 614(a) of the Foreign Assistance Act of 1961, as amended unless he gives the Congress ten days notice prior to the date he intends to exercise these authorities.

The House amendment did not contain a comparable provision.

The House receded with an amendment which struck out the ten days but retained the requirement for advance notice. It was the understanding of the Committee of Conference that, while not specifying the number of days, the advance notice should not just be immediately contemporaneous with the use of these authorities.

Country-by-country allocations

The Senate bill contained a provision which would require the President within thirty days after foreign assistance funds have been appropriated to notify Congress of the amount and category of assistance which will be provided to every foreign country and international organization. Thereafter, the President would be restricted from increasing by more than ten percent the amount of assistance to any country in any category set forth in such notification unless he should find the increase vital to the national security and reported his decision to Congress at least ten days in advance of providing the funds. The provision would also prevent the use of Section 614(a) waiver authority to avoid the requirements of the section.

The House amendment contained no comparable provision.

The House receded with an amendment which made the transfer provision applicable only to military and related security assistance and allowed the requirements to be waived when it was "in the security interests" of the U.S. rather than "vital" to those interests.

New section 654 on "Presidential findings and determinations"

The Senate bill contained a provision which provided that no action could be taken on any Presidential finding or determination until such time as that finding or determination has been reduced to writing and signed by the President.

The House version contained no comparable provision.

The House receded.

LIMITATIONS ON ASSISTANCE TO CAMBODIA

The Senate bill contained a provision which limited expenditure to, in, or for Cambodia to $341 million for fiscal year 1972 and imposed a ceiling of 200 U.S. personnel and 50 third country nationals that could be present at any one time in Cambodia.

The House amendment contained no comparable provisions.

The House accepted the Senate provisions with amendments which specifically excluded from the computation related to the ceiling for fiscal year 1972 the obligation or expenditure of funds attributable to the operation of the Armed Forces of the Republic of Vietnam in Cambodia and raised to 85 the ceiling on third country nationals that are permitted in Cambodia at any one time.

The Committee of Conference was in full agreement that additional congressional controls over U.S.-financed operations in Cambodia should be exercised. Therefore, it is intended that U.S. expenditures in, to, or in behalf of Cambodia in the future will continue to be subjected to limitations and ceilings. It is expected that for fiscal year 1973 and future years the Administration will provide Congress with a full and accurate estimate of the projected expenditures for all U.S.-financed operations in Cambodia, including the U.S.-paid portion of the cost of South Vietnamese military operations so that future authorizations and ceilings may be intelligently imposed.

AMENDMENTS TO SECTION 33(a) RELATING TO LATIN AMERICAN REGIONAL CEILINGS

The Senate bill established a $100 million annual ceiling on military assistance and sales to Latin America. It repealed the President's authority to waive the regional ceilings established by section 33 of the Foreign Military Sales Act. It also eliminates the President's authority to waive regional ceilings.

The House amendment established a ceiling of $150 million on such sales and assistance and amended the President's waiver authority so that regional ceilings may be exceeded by not more than 50%. The Committee of Conference agreed to accept the Senate ceiling of $100 million and the House waiver authority allowing an amount up to 50 percent of the approved ceiling when overriding requirements of the national security exist.

FOREIGN MILITARY CREDIT SALES

The Senate bill contained a provision which would authorize $400 million in new obligational authority for military credit sales for FY 1972 and would set the ceiling on military credits at $550 million for FY 1972, of which $300 million was to be available only for Israel.

The House amendment authorized $510 million for purposes of the Foreign Military Sales Act in each of the fiscal years 1972 and 1973. It also increased the aggregate ceiling on military credits from $340 million to $582 million for each of the fiscal years 1972 and 1973.

The House receded.

EXTENSION OF PERIOD FOR REPAYMENT OF FOREIGN MILITARY CREDIT SALES

The House amendment increased the maximum period of military credits from 10 to 20 years.

The Senate bill contained no comparable provision.

The House receded.

CEILING ON EXCESS DEFENSE ARTICLES

The Senate bill contained provisions which: provided that excess defense articles furnished by any U.S. agency (other than the Agency for International Development) would be considered as having been furnished under the Foreign Assistance Act of 1961 for military assistance; established a ceiling of $150 million on the value of such excess defense articles; and exempted from the ceiling excess defense articles granted to South Vietnam prior to July 1, 1972, under authority of laws other than Part II, military assistance, of the Foreign Assistance Act of 1961.

The House amendment established only a $220 million ceiling on the value of excess defense articles that could be furnished during fiscal year 1972.

The House accepted the Senate provisions with an amendment which provided for a ceiling of $185 million.

CONSIDERATIONS FOR FOREIGN MILITARY CREDIT SALES

The House amendment contained a provision requiring that decisions to provide foreign military credit sales take into account whether such assistance will: (1) contribute to an arms race, (2) increase the possibility of outbreak or escalation of conflict or (3) prejudice the development of bilateral or multilateral arms control arrangements.

The Senate bill contained no comparable provision.

The Senate receded.

REPORTING REQUIREMENTS FOR LICENSED CO-PRODUCTION

The House amendment contained a provision which required the Secretary of State to report in advance to the House and Senate proposed transactions relating to defense articles which would be co-produced or licensed outside the United States.

The Senate bill contained no comparable provision.

The Senate receded.

Amendment to the Executive Schedule

The House amendment amends Section 5314 of Title 5, USC (Executive Schedule) to provide for an Under Secretary of State for Coordinating Security Assistance Programs at level III.

The Senate bill has no comparable provision.

The Senate receded.

AUTHORIZATION FOR U.S. PARTICIPATION IN THE INTERPARLIAMENTARY UNION

The House amendment increased the authorization for annual appropriations from $53,550 to $83,000—$38,000 for the U.S. contribution to the Interparliamentary Union and $45,000 to cover expenses of the American group of the Interparliamentary Union.

The Senate bill authorized appropriation of $102,000—$57,000 as a contribution to the Union and $45,000 for the expenses of the American group.

The House receded.

AUTHORIZATION FOR U.S. PARTICIPATION IN THE INTERPARLIAMENTARY CONFERENCES OF NATO

The House amendment increased the authorization for annual appropriations for U.S. participation in parliamentary conferences of the North Atlantic Treaty Organization from $30,000 to $50,000, thereby increasing the amount available for the House and Senate from $15,000 to $25,000 each.

The Senate bill did not contain a comparable provision.

The Senate receded.

USE OF FOREIGN CURRENCIES BY CONGRESSIONAL COMMITTEES

The Senate bill amended Section 502(b) of the Mutual Security Act of 1954, effective March 1, 1972, by increasing U.S.-owned excess foreign currency normally made available to members of Congressional committees for foreign currency expenses incurred in carrying out the duties of the committee. It would eliminate the requirement for a full, itemized report to the House Administration and Senate Appropriation Committee of expenses thus incurred and for the publication of such reports.

The House amendment did not contain a comparable provision.

The Senate receded.

Annual foreign assistance report

The Senate bill added a new Section 653 to the Foreign Assistance Act requiring an annual report to the Congress within six months of the end of each fiscal year, showing (1) the value of all foreign assistance provided during the fiscal year, in total and by category to each country or international organization; (2) the amount and reason for each payment of foreign currency to the United States during the fiscal year by each country and international organization, whether any portion was returned by the United States and, if so, how much and used for what purpose; (3) the value of all military equipment exported under license, in total and to each country or international organization; and (4) other matters pertaining to U.S. foreign aid programs. All the information is to be unclassified except on an extraordinary finding of clear detriment to U.S. security.

Foreign assistance is defined as anything provided by the U.S. Government by gift, loan, sale, credit sale, or guaranty to a foreign country or international organization, including any training, service, advice, property, agricultural commodity, dollars or foreign currencies. Value is to be determined as of the time of transfer, but may not be less than one-third of acquisition cost.

The House amendment did not contain a comparable provision.

The House receded.

Limitation on use of funds—impounded funds

The Senate bill included a provision which would prohibit the obligation or expenditure of funds made available under the FAA and the Foreign Military Sales Act until the Comptroller General certifies to the Congress that previously appropriated FY 1971 funds for various domestic development activities have been released for obligation and expenditure. The provision would not apply to funds withheld in accordance with legal requirements or to funds obligated or expended prior to January 1, 1972.

The House amendment did not contain a comparable provision.

The House receded with an amendment which limits the release of funds requirement to programs administered by the Department of Agriculture, the Department of Housing and Urban Development and the Department of Health, Education and Welfare. The amendment also changes the release deadline from January 1, 1972 to April 30, 1972.

Annual authorizations for State Department and USIA

The Senate bill contained a provision requiring authorization for any subsequent appropriation of funds for the Department of State and the United States Information Agency, and repealed the authorization for the Department of State working capital fund, with the objective of putting these authorizations on an annual basis. The provision also required the State Department to keep the Senate Foreign Relations Committee and the House Foreign Affairs Committee "fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees of all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions." It also required that any such department, agency or independent establishment furnish any information requested by either committee within its jurisdiction.

The House amendment did not contain a comparable provision.

The House receded with an amendment which substituted "periodic" for "annual" authorizations, deleted the reference to the activities of "all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions" but retained the language of the Senate bill requiring the Department of State to keep the Committee on Foreign Relations and the Committee on Foreign Affairs fully and currently informed "with respect to all activities and responsibilities within the jurisdiction of these committees."

TERMINATION OF U.S MILITARY OPERATIONS IN INDOCHINA

The Senate bill contained a provision which would declare it to be the policy of the United States to terminate military operations in Indochina and withdraw all U.S. military forces no later than six months after the date of enactment, subject to the release of American POWs held by the Government of North Vietnam and its allies. The provision would also urge and request the President to implement this policy by establishing a final date for withdrawal, contingent upon POW release, but not later than six months after enactment. The President would also be requested to negotiate an immediate all Indochina cease-fire, and to negotiate an agreement with North Vietnam for phased withdrawal of U.S. forces in exchange for phased releases of POWs.

The House amendment contained no comparable provision.

The Senate receded.

LIMITATIONS ON U.S. ACTIVITIES IN CAMBODIA

The Senate bill amended section 7(a) of the Special Foreign Assistance Act of 1971 to prohibit the provision of U.S. advisors to or for Cambodian military, paramilitary, police or other security or intelligence forces in Cambodia.

The House amendment contained no comparable provision.

The House receded.

RESTRICTION RELATING TO FOREIGN TROOPS AND DEFENSE ARTICLES

The Senate bill contained provisions which (1) expanded current prohibitions against the payment of allowance to free world forces in Vietnam greater than amounts paid Americans to include any U.S. agency, not just the Defense Department, and (2) expanded the requirement for agreements concerning the use and disposition of U.S. furnished defense articles to cover items furnished by all U.S. agencies.

The House amendment did not contain a comparable amendment.

The House receded.

Reduction in U.S. assessment rate paid to U.N.

The Senate bill urged the President to implement that portion of the recommendations in the Lodge Commission Report which proposes that the U.S. assessed contribution to the regular budget of the United Nations be reduced to no more than 25 percent of the cost assessed to all members of the organization for any single budget year.

The House amendment did not contain a comparable provision.

The House receded.

Annual authorizations for all contributions to the United Nations

The Senate bill terminated the continuing authority provided in the UN Participation Act of 1945 for the appropriation of funds for U.S. assessed contributions to the UN. It also provided that no appropriation shall be made for the payment of any amount to any activity of the United Nations, "unless such payment has been previously authorized by legislation hereinafter enacted by the Congress."

The House amendment did not contain a comparable provision.

The Senate receded.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
DANTE B. FASCELL,
WM. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
WM. S. BROOMFIELD,
Managers on the Part of the House.

J. W. FULBRIGHT,
FRANK CHURCH,
G. D. AIKEN,
JOHN SHERMAN COOPER,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES—UNITED STATES OF AMERICA v. JOHN DOWDY, ET AL.

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
December 16, 1971.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena duces tecum that was issued by the United States District Court for the District of Maryland. This subpoena is in connection with the case of the United States of America v. John Dowdy, et al.

The subpoena commands the Clerk of the House to appear in the said United States District Court for the District of Maryland, Baltimore, Maryland on the 20th day of December, 1971 at 9:30 o'clock A.M., and requests certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

U.S. District Court for the District of Maryland, No. 70-0123-T (Criminal Docket)

UNITED STATES OF AMERICA V. JOHN DOWDY, ET AL.

To Clerk, United States House of Representatives, Washington, D.C.

SERVE ON: Paul Wohl, Esq., Counsel to the Clerk or any other representative of Mr. Wohl's office.

You are hereby commanded to appear in the United States District Court for the District of Maryland, at room 325, U.S. Post Office Building, Calvert and Fayette Streets in the city of Baltimore on the 20th day of December, 1971 at 9:30 o'clock A.M. to testify in the case of United States v. John Dowdy, et al. and bring with you any expense vouchers pertaining to any travels of John Dowdy for the months of August, and September, 1970.

This subpoena is issued upon application of the United States, December 16, 1971.

John G. Sakellaris, Asst. U.S. Attorney, Stephen H. Sachs, Special Asst. U.S. Attorney, 325 U.S. Post Office Bldg., Baltimore, Md. 21202.

PAUL R. SCHLITZ,
Clerk.
CHARLOTTE WILLIAMS,
Deputy Clerk.

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 755) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 755

Whereas in the case of the United States of America against John Dowdy, et al. (criminal action numbered 70-0123), pending in the United States District Court for the District of Maryland, a subpena duces tecum was issued by the said Court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the said court at 9:30 antemeridian on the 20th day of December, 1971, and to bring with him certain documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpena duces tecum beforementioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FIXING THE TIME OF ASSEMBLY OF THE SECOND SESSION, 92D CONGRESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 186) to provide for the beginning of the second session of the 92d Congress.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I do not intend to object—I was at the point of asking the gentleman earlier the legislative program for next week, but if this is adopted I assume that it indicates the end of the first session of the 92d Congress?

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, in reply to the gentleman from Iowa I might inform the gentleman that the other body has already adopted the sine die adjournment resolution, and we hope to do so soon, so there will be no further business next week, nor until January 18.

Mr. GROSS. It awaits only the action of the House to adjourn, is that correct?

Mr. BOGGS. It awaits the final action of the other body on the continuing appropriations resolution, and whatever variations there may be in that resolution.

Mr. GROSS. So we are again awaiting the pleasure of the other body, sometimes known as the House of Lords, on that piece of business, is that correct?

Mr. BOGGS. That is substantially correct. However, I would not necessarily agree with the designation given by the gentleman to the other body.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 186

Joint resolution to provide for the beginning of the second session of the Ninety-second Congress

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-second Congress shall begin at noon on Tuesday, January 18, 1972.

The SPEAKER. The question is on the engrossment and third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. BOGGS. Mr. Speaker, I offer a resolution (H. Res. 756) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 756

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members on the part of the House of the committee to notify the President, the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Michigan (Mr. GERALD R. FORD).

DEVALUATION OF THE DOLLAR

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, the narcoticlike tranquility of Government-guaranteed existence has provided an atmosphere of wide acceptability for a devalued dollar. Of course, the official label is not tabbed Government-guaranteed existence; it is being called inflation which is, indeed, the last word of "cause and effect."

What concerns me most is not the present point of this Nation's journey but rather our ultimate destination if we continue to follow the road we are on. Devaluation will become as common as the raising of the national debt ceiling has become.

THE LATE JOHN L. DODSON

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, speaking for Chairman HOLIFIELD of the Committee on Government Operations, I have the sad duty to inform the House of the untimely passing this morning of John L. Dodson, who has been a faithful member of the staff of the committee.

He previously served in the Clerk's office. He has worked for the House for more than 17 years. John was one of the friendliest people I have ever known and he has been extremely helpful to all Members and members of the staff.

Mr. Speaker, I feel a great personal loss at his passing and extend my deepest sympathy to his family.

THE UNITED STATES AND THE INDIA-PAKISTAN WAR

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, words are inadequate to describe the war which continues between two of the world's largest nations despite the surrender of Pakistan forces in the East. Every effort must be made to halt the fighting between India and Pakistan as soon as possible.

Where is the United States in all of this? I agree totally that we must avoid getting involved in the fighting. But while we cannot decisively affect the course of events we do retain great influence. To date that influence has not been used as it should have been used. From the beginning of the present crisis a year ago the United States has turned a totally deaf ear to the pleas of the people of East Pakistan who, having gone to the polls in a free election, saw the results of that election overturned and a regime of terror and oppression instituted.

President Khan has been a faithful ally. For that we are grateful. And I am sure we will continue to honor our commitments to Pakistan when they can be fulfilled but not in the context of the war.

While it may be wrong that Indians resorted to arms to halt the flow of refugees and perhaps to right old wrongs under a cloak of humanitarianism, we in the United States must ask ourselves what did this Nation do to give India hope of a peaceful alternative? What did we really do to prevent this war?

As in other areas of the world it appears that the United States had no real overall policy forged to meet the realities of 1971 on the subcontinent. It seems we have reacted to a new set of circumstances based on worn-out old premises. Hence our almost total support for Pakistan.

It seems to me that our policy has been wrong not just on the merits of the case but on the basis of our own self-interest. But now is not the time to debate the rights or wrongs of that policy. The situation is rapidly deteriorating in East Pakistan. It is time for the United States to act to prevent needless bloodshed in the wake of an apparent Indian victory. From the movements of U.S. naval vessels reported in the press this morning and from the apparent warning issued yesterday to Moscow at an anonymous White House briefing yesterday, it would appear that the President is contemplating some kind of action on the subcontinent. If he is, I hope he will take the Congress into his confidence and not await our adjournment to take any action with such possible profound implications.

Mr. Speaker, while I would not necessarily be opposed to the use of U.S. helicopters to prevent slaughter of the survivors and to save U.S. citizens from danger, such a serious step should be taken only if—

First, it is essential for humanitarian purposes;

Second, Congress is as fully consulted as possible; and

Third, every attempt is made to gain the concurrence of the Indian Government in any humanitarian efforts we may make.

I remain totally and unequivocally opposed to the use of any U.S. military forces for other than totally defensive or humanitarian purposes until and unless Congress has been consulted.

If any action is contemplated, I hope the President will avail himself of this opportunity to carry out his often expressed desire to keep the Congress fully advised on major world developments.

Mr. Speaker, this morning the Miami Herald published an editorial pertaining to the most recent event in this tragic war which I am sure will be of interest to my colleagues:

ANOTHER DIPLOMATIC FUMBLE LOSES UNITED STATES GROUND IN INDIA

Why shouldn't U.S.S. Enterprise and its flotilla from the 7th fleet be allowed to proceed to the Bay of Bengal and pick up Americans who may be endangered by the India-Pakistan war?

New Delhi is having cat fits over the carrier's movement, which it suggests is a naval maneuver all of a piece with Washington's hostility.

It is nothing more, of course, than a protective measure which responsible governments take in wartime. Yet unfortunately it reflects a series of diplomatic fumbles which always seem to wind up with the United States latched to a loser.

President Nixon made no secret of his distaste of the Indian move into Pakistan after Washington entreaties to stay put. What was said and what was agreed to or disagreed to just as unfortunately remains something of a secret. At any rate India, which is a functioning democracy governed by the comparatively middle-of-the-road Congress party and which long enjoyed close friendship with the United States, now seems wholly alienated from it.

The hint that Mr. Nixon may not go to Moscow unless Russia calls off its Indian friends only adds more confusion to the back-and-fill U.S. war policy and misses the main point.

That point, as we see it, is the herding of India into the Soviet camp just as the miscues of 1956 thrust Egypt into Russian arms. As the Economist of London has put it, "India is now undisputedly the dominant power south of the Himalayas. If the Indians come to regard the Soviet Union as their principal friend and supporter, and if Mr. Brezhnev were able to make India the counterpiece of his 'mutual security zone' in Asia, the west would be without a policy for the whole stretch of the world between Iran and Thailand."

All that, plus the present dilemma of the Soviet Union's new bases in Egypt and Algeria which have outflanked NATO on the south and threaten to open up the Inidian Ocean to Soviet hegemony.

There are times when a great power must choose up sides for reasons of national interest and international morality.

There are other times when it is wise to exercise the "cold neutrality of an impartial judge" in regional quarrels.

The now apparent mess of our Indian policy, which can get even messier if cool and calculating heads are not retained, shows judgment which is as poor as it is puzzling.

TRIBUTE TO THE HONORABLE PETER W. RODINO

(Mr. PATTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATTEN. Mr. Speaker, the House recently paid tribute to our colleague, the Honorable PETER W. RODINO, JR., who was at the 34th session of the Council of the Intergovernmental Committee for European Migration held in Geneva, Switzerland from November 29 to December 2. We felt honored that PETER RODINO was elected chairman of this world gathering which marked the 20th anniversary of ICEM.

There are millions of people who are not in their home countries today because of wars and other reasons. Many refugees living in my district escaped to America during the various revolutions, and many more would love to come to our free country. I would like to point out that in the past 9 years that I have known him, PETER RODINO has been a champion for these people. ICEM has helped to resettle over 1,800,000 people. They have men like PETE to thank for making this possible. He was well qualified to be chairman at this 20th anniversary meeting. He is looked upon as a leading authority on refugee problems because of his work with the House Judiciary Committee where he is now serving as chairman of the Subcommittee on Immigration and Refugees.

PETER W. RODINO has his own style, and you must be with him to learn about this. We all know that PETE does his homework and runs a tight office. We are proud to call him dean of the New Jersey delegation, and I want to thank him for the good advice he has given us on many a vote. PETE works hard for the people of his district whether it concerns housing, pollution, welfare, Federal aid, help for our older citizens, educational assistance, scholarships for the underprivileged, aid to the armed services, benefits for veterans, and many other programs that many of us feel the Federal Government should support. With all this, PETE has a tremendous sense of financial responsibility.

I would not be honest if I did not mention how proud PETE is of his own background. Because of him, I often wish I could be Italian for 6 months every year. He is often depressed, because he feels that in stories, movies, and so forth, the Italians are discriminated against and maligned. I know that if you go over to his home, a good opera is turned on very quickly. Of course PETE always emphasizes the positive and good side of the Italians of which he is always proud.

I consider it an honor to serve with PETE RODINO in the House, and I like to think that our voting records are similar. He is a man of great character, intelligence, and industry which he is constantly applying to so many worthwhile causes.

PERSONAL ANNOUNCEMENT

Mr. KASTENMEIER. Mr. Speaker, due to the critical illness of my father, I was absent on December 14, 15, and 16, and was unable to be present during several rollcall votes. Had I been present, I would have voted in the following manner:

"Aye" on roll No. 465, adoption of conference report on H.R. 10367, Alaska native claims settlement;

"No" on roll No. 466, adoption of conference report on H.R. 11731, Department of Defense Appropriations, 1972;

"Aye" on roll No. 467, adoption of conference report on H.R. 11932, District of Columbia appropriations, 1972;

"Aye" on roll No. 469, adoption of conference report on H.R. 6065, unemployment compensation;

"No" on roll No. 470, further continuing appropriations, 1972, House Joint Resolution 1005;

"No" on roll No. 472, to table a motion to instruct House conferees to agree to Mansfield amendment on S. 2819, foreign military and related assistance authorizations.

EMERGENCY CONFERENCE OF NEW VOTERS

(Mr. BIESTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIESTER. Mr. Speaker, any characterization of the Emergency Conference of New Voters held earlier this month as a nonpartisan event so far as next year's presidential elections are concerned taxes one's credulity to the breaking point. I mean no criticism of the individual speakers at the conference, but it is foolish to consider them nonpartisan with respect to President Nixon.

Certainly, Mr. Speaker, all of us should be engaged in activating and informing and listening to the millions of new young voters. But these new young voters are entitled to a reasonably balanced presentation of points of view before being asked to resolve on a course of action. Not only are they entitled to a balanced presentation, they will in the long run insist on it, and they will not look kindly on those who in a guise of nonpartisanship, by selective presentation of opinion, seek to enlist them in a partisan cause.

MORE GOOD ECONOMIC NEWS

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, the economic indicators continue to improve, and we could not have better news for Christmas. Following a big jump in industrial production and indications that there has been a turnaround in our declining business inventories, Secretary Romney yesterday announced that the seasonally adjusted annual rate of housing starts in November was 2,316,000 units. We have not had such good news in housing since 1950. We are on target at last in the long sought congressional goal of 2.6 million housing starts a year, since this figure does not include the roughly 400,000 mobile home sales expected this year. Housing has become the most bullish element in the economy, a harbinger of resurgence in many related fields.

Mr. Speaker, I would not claim this good news stems entirely from Government policy, but the administration must be doing something right. If we did not have such statistics to encourage us, you can be sure the President's opposition would be trying to claim his failures were the sole cause of our disappointment. I hope we can have a moratorium over the next few months on the politics of economics, so that the constructive forces at work in our economy will not be subject to continual battering by those who want to poor-mouth the President's economic policies.

BIRTH OF NUCLEAR POWER

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, just recently, on December 13, I was honored to participate in the commemoration of an event that will be recorded in history as a major turning point in human progress. That event, which will become so meaningful to future generations throughout the world, was the birth of nuclear power. Twenty years ago on the desert, 65 miles west of Idaho Falls, Idaho, at the Experimental Breeder Reactor I, a scientist closed a switch and demonstrated for the first time, that the awesome power of the atomic bomb could be tamed and could be peaceably and productively used for the benefit of all mankind.

The message passed on that historic afternoon was not lost. Within a matter of a few years, scientists and engineers throughout the world, encouraged by the success of EBR I, demonstrated the versatility of the atom and showed that useful power could be generated from systems quite different from EBR I. What was lost to most of the world, however, was the fact that although EBR I, was the first nuclear reactor to produce usable amounts of electric power, it was also two decades ahead of its time; for on that day, 20 years ago, the concept of "fuel-breeding" was also born. This concept is so important, that its significance cannot be overemphasized. Accordingly I would like to elaborate on a few facts that should place the "breeding" principle in the perspective that it truly deserves.

To appreciate the impact of the breeding principle it is instructive to return to the early 1950's. In 1953, President Dwight D. Eisenhower cited as a national goal the development of nuclear reactors that could produce electric power economically and in an abundance commensurate with the projected national needs. Of five primary concepts apparent at that time three eventually emerged as those that appeared the most capable of fulfilling those specific goals. One was the pressurized-water concept developed under Naval contract by Westinghouse. This concept, as you all know, led to the birth of the nuclear Navy, and a large number of civilian power reactors throughout the world. The boiling water concept was developed under an AEC contract by Argonne National Laboratory. Both water-based concepts have been successful in all respects. The third successful concept was, of course, the liquid metal fast breeder system as exemplified by EBR. I know you will understand the pride I take in the fact that all three concepts were developed, implemented, and tested in my own congressional district of Idaho at the National Reactor Testing Station.

Testimony to the success and economic incentives offered by the pressurized- and boiling-water systems is well established by the accelerating increase in the number of water-based nuclear plants. At the present time, approximately 20 nuclear powerplants of both types are in operation supplying some 8 million kilowatts of electricity. Nearly 100 other plants, capable of supplying approximately 80 million kilowatts are either on order or under active construction. Clearly such numbers demonstrate conducively the faith the utilities, both private and public, place in nuclear systems. By 1980 nuclear plants are expected to supply nearly one-fourth of the Nation's electrical needs.

However, if our future power needs must be satisfied by the water reactors alone, the long-range picture becomes cloudy. Both types of reactors are fueled with the relatively scarce U^{235} isotope of uranium. Nature has been unkind: only 0.7 percent of natural uranium consists of this important isotope. The remaining 99.3 percent is U^{238}, an isotope of uranium that is essentially worthless as a fuel in the so-called thermal systems exemplified by the pressurized and boiling water systems. Because the world supply of uranium is limited the amount of power that ultimately can be generated through uranium fission in the thermal systems will essentially be constrained by approximately 1 percent of our uranium supply. Clearly, if all of our uranium supply could be productively utilized, the potential of nuclear powered systems would be remarkably amplified.

Fortunately the fast breeder concept as seen in EBR I has the promise of utilizing all of our uranium supply, rather than 1 percent. The principle upon which this remarkable concept is based is quite simple. Extra neutrons liberated in the fission of a fuel atom are captured in a blanket of worthless U^{238} that surrounds the core. The eventual result are atoms of Pu^{239} that are equally as good as U^{235} as nuclear fuel. Because of the difference in the neutron-energy between the fast breeder and thermal-water systems, more neutrons are productively captured in the fast breeding cycle. Well-established is the fact that in the fast breeder reactor more fuel is produced in the blanket than is consumed in the core. Thus, over a period of time the plutonium generated in the blanket of a fast breeder reactor will equal the amount of the original fuel charge. In a thermal system the generated plutonium can never equal the initial fuel charge. In a real and practical sense the fast breeder generates power and produces more fuel than it consumes. Conversely, in a thermal system power is generated but more fuel is consumed than produced. Hence, a power economy based on thermal systems must accept the fact that uranium reserves are limited severely. On the other hand an economy based on the fast breeder principle begins with the premise that the entire uranium supply can productively be used. Translated into other units, what may appear to be a 10-year supply of nuclear fuel, if used in thermal systems, could be extended to a thousand years if used in a fast breeder system. The incentive for the full development of the fast breeder is evident.

The significance, then, of EBR I at Argonne-West in the 12 years of its production becomes apparent. It has several contributions: Not only was it the first reactor built and in operation at the National Reactor Testing Station in Idaho, but it was the first breeder reactor of all and demonstrated that the principle of breeding was a valid concept. Further, EBR I developed the use of liquid sodium as a coolant, and was the first to utilize a plutonium core. EBR I thus was indeed worthy of remembrance, December 1971.

You can understand then, my pride in participating in the observance in Idaho that commemorted the 20th birthday of this remarkable event.

The communities of eastern Idaho felt it a fitting occasion to show their support of and pride in the contribbution of EBR I and its successor, EBR II, to the national power picture. Since the establishment of the National Reactor Testing Station in the late 1940's, these same communities have absorbed the families of over 5,000 NRTS employees, and seen nearly 50 reactors built in their "backyard." Theirs is a story to be told, that the ordinary citizen can live serenely in the nuclear power world, as they have done for some 20 years. It is to their credit that they attempt to inform the Nation that they welcome, as few other communities do, the siting of more nuclear reactors nearby.

In their observation of the first nuclear power generation on December 20, 1951, they were joined by representatives of utilities and scientific organizations from both coasts. The guests were headlined by AEC Commissioner William O. Doub and by Dr. Walter Zinn, first director of Argonne National Laboratory.

Dr. Zinn actually had been placed in responsibility for designing and developing not only the experimental breeder reactor No. 1, but the Nautilus reactor or the submarine thermal reactor, and the fisrt test reactor, the materials testing reactor.

It really was only because the breeder reactor was farther along in its design than the others that it actually became the first reactor at the Idaho site.

I would like to include the remarks of both Dr. Zinn and Commissioner Doub:

REMARKS BY DR. WALTER ZINN, FIRST DIRECTOR OF ARGONNE NATIONAL LABORATORY

The story about the startup of the EBR 1 was also interesting, said Dr. Zinn:

"I remember that I asked for 50 kilograms of enriched uranium fuel. The AEC said, No, that was too much at first. The thought of so much fuel was a bit shocking, I guess. In terms of today, of course, it is amazing one would deal with quantities so small. Anyhow, they decided on something between 40 and 45 kilograms, I think. I put in 48 kilograms. Then on that June day we were supposed to start up the EBR 1, that first fuel loading of 48 kilograms proved insufficient. And if you've ever come to an anti-climax like that, all your work tied up in that loading . . . and then nothing happens. That's quite an experience. Well, anyhow, we stuffed more fuel into the existing pins and put some more on top and it was September before it went critical and, of course, December 20, before we went into a sustained situation. And that is why we are celebrating this occasion on a cold, December day, instead of a sunny, June one".

EARLY DAYS

Dr. Zinn related that back in the early days of reactor development "things were more direct".

"We had an AEC safety committee then, not a full licensing board framework. You could get things done. You know, the EBR 1, was originally scheduled for construction in Chicago, but the committee put so many new limitations on me, that I decided to move it to Idaho.

"I remember, too, that we had consulted the Highway Department and were going to put the EBR 1, in a strategic spot, right near a new highway route which was being planned then. So we did. And then the Highway Department changed the route, and there we were hanging out there away from everybody. And for some reason I can't fully recall, our cafeteria, the one here at Central Facilities, was 10 miles away.

"I also remember calling Mike Novick, our man in Idaho for Argonne Laboratory, and asking him about those reports I was getting that the very clean equipment going into the reactor was not so clean. I remember Mike saying—'You know, Dr. Zinn, we're located out in the desert and there's dust and sand in a desert, and I'm afraid some of it is going to get into the reactor—not much but a little.

FUTURE

Speaking on the future of the breeder reactor in the power field, the Argonne Laboratory pioneer, said:

"It is gratifying today to see the breeder reactor which we developed 20 years ago, coming into its own. It was always a good idea, we were just 20 years too early. I am sure that it will not only become a viable commercial power industry of itself, it will have its complete roster of suppliers, too, as we have in the water reactor field. You know, we are unique, this country, in this way. The foreign countries have not been blessed with the parallel development of a supply industry."

"It is certainly not too soon to go ahead with the breeder reactor demonstration plans and I am sure they will be forwarded with success".

REMARKS BY WILLIAM O. DOUB, COMMISSIONER, U.S. ATOMIC ENERGY COMMISSION, AT THE 20TH ANNIVERSARY CEREMONY FOR THE EXPERIMENTAL BREEDER REACTOR NO. 1, IDAHO FALLS, IDAHO, DECEMBER 13, 1971

THE BREEDER—BEFORE AND AFTER

There are many people to whom I am grateful for the opportunity to be with you this evening, as well as for my visit today to the Experimental Breeder Reactor—I (EBR–I, its successor, EBR–II, and all the other important facilities at the National Reactor Testing Station (NRTS). I particularly want to thank Orval Hansen for arranging my participation at this occasion.

I know I do not have to tell this gathering what an outstanding representative of Idaho Congressman Hansen is and how well he serves his country and state as a member of the Joint Committee on Atomic Energy. He is active, articulate and effective, as a member of the Joint Committee. Congressman Hansen's views and counsel are sought by the Commission and nuclear industry as each group strives to meet its respective responsibilities.

This trip to Idaho—the first of many, I trust—is significant for me on several accounts. In participating in the celebration of the anniversary of EBR–I's first generation of electricity I have the chance, as it were, to "see where it all began."

From the outset of my appointment as a new Commissioner, I have been involved in the AEC's breeder program, so participating in this EBR–I anniversary and meeting those people such as Dr. Walter H. Zinn, who pioneered the breeder, have a special meaning to me. I believe there is something almost prophetic in the fact that it was EBR–I, the first breeder reactor, that produced the first usable electricity. For today—20 years later—the breeder is recognized as this Nation's major energy developmental effort, through fission power, to assure that we will meet our needs for the clean generation of electricity in the decades ahead.

Although I have titled my remarks for this evening "The Breeder—Before and After" I am not going to take an historical approach. Others who were associated with the early development of the breeder concept have done that only too well. I want to focus more on the meaning of the breeder, particularly the Liquid Metal-Cooled Fast Breeder Reactor (LMFBR), which is the mainstay of our breeder program. I want to discuss why we are emphasizing the breeder, what advantages it holds and what demands its successful development will make upon us.

Among the first things that struck me on becoming involved in the AEC's breeder program, aside from the necessity of being able to understand the breeder technologyy, was the necessity of being able to explain it—and explain it to people essentially with no technical background. Now I happen to come from a section of Western Maryland which is a coal mining region and, therefore, it may have been natural for me to think first of the breeder technology in terms of coal. When I think of describing breeding in this way the results were interesting, if not revealing. Imagine inventing a special kind of furnace in which you burned only a few tons of coal per year to power a one million kilowatt electric generating station. Imagine that you could burn such coal without the support of any oxygen or the release of any combustion products.

Imagine further that in that furnace you could surround your few tons of burning coal with a few additional tons of an unburnable coal debris you had mined with the coal—a mixture less than one percent coal—and that as the furnace worked and produced steam to generate electricity most of the unburnable debris became pure coal which could then be put back into the same furnace or used to fuel another one.

If you were ingenious enough you might even design your furnace so that in a certain number of years it could produce enough "new coal" to match the growth rate of your electricity demand. Why, with a system like that you would eventually arrive at a point where you hardly needed to mine any more "pure" coal! You would actually be "breeding" new coal from your mine debris. And since such "coal debris" was a relatively abundant resource you had extended your potential energy supply for thousands of years.

Now of course there would be many technical difficulties and environmental problems associated with developing such a miraculous furnace. And there would be those who would emphasize these—and who would be justified in demanding that your furnace be developed to operate in a way as safe and environmentally acceptable as possible. But surely the remarkable advantages—both economic and environmental—that would accrue from such a "breeder" furnace would merit a substantial effort to assure that it was built to the highest safety and environmental standards. It might even merit a national commitment by the President and the support of Congress.

I admit this analogy is far from perfect but I think you get the point. Now I'll allow the coal industry to focus on the "coal breeder" I've just described, as I want to turn my attention to the nuclear breeder which we already recognize as a pretty good possibility (and, as Dr. Zinn will tell you, was a concept which he and Enrico Fermi believed promising almost from the advent of the first nuclear reactor). Our breeder program to date has convinced increasing numbers of people of this. It is particularly gratifying that both the privately and publicly owned electric utilities are supporting the program both financially and with their accumulated management and technical expertise. And as you know, the President restated and extended his support of the LMFBR in his statement at the Hanford site in September.

Specifically, what is there about the breeder that merits such enthusiastic support? First of all, we must recognize its vast saving of natural resources and the resulting reduction of environmental impact. If the commercial breeder can be introduced in the mid-1980s, as we hope it will, by the end of this century we will see its wide-scale use replacing the additional hundreds of millions of tons of coal that would have to be burned annually. Even though the Nation is counting on vast improvements by then in the way that coal is mined, transported and burned for the many plants that will still need to burn coal, the reduction in environmental impact resulting from the replacement of those amounts of coal by the breeder should be highly significant. It is worth considering this in some detail for a moment. For example, some of the environmental gains the breeder could effect by the year 2000 are: the elimination of the movement of approximately three million railroad carloads of coal per year (not to mention the air pollution from the burning of that coal), the reduction of land area for power plant use of some 200 to 300 square miles, and additional thousands of acres of storage area for ash.

Looking at the situation in a more positive way, the future use of a combination of nuclear breeders, fossil plants burning gas produced by coal gasification via nuclear heat, industrial processing using electricity (electric furnaces, electrolysis, etc.) and a predominance of electric powered transport could substantially reduce and perhaps virtually eliminate air pollution from nonmobile energy sources across the country. This is not merely wishful thinking but a possibility if we are willing to pursue technologies, many of which are already clearly feasible and some of which could soon be perfected. The breeder, of course, should have a high priority among these because only through it will we be able to provide the large part of the electricity essential to the success of all of it.

Why is this true? The breeder, as I pointed out, is for the predictable future the key to advanced nuclear power because it extends the use of our natural uranium supply from decades to perhaps thousands of years. As it does so it will offer many more immediate fuel advantages. It will create a market for the depleted uranium produced by today's enrichment plants. Eventually, it will all but eliminate the necessity for uranium enrichment with its own huge electrical energy demands. It will also make use of the plutonium that will be produced in present and future light water reactors. It has been estimated that about 50 percent of all plutonium to be produced in the next 30 years will come from light water reactors. This may well amount to thousands of tons of plutonium. Some of this plutonium will be recycled into the LWR's but most of it will fuel future breeders.

Of considerable interest to you, I am sure, are the advantages of the particular breeder into which the Commission plans to put its major effort—the Liquid Metal-Cooled Fast Breeder Reactor. An advantage that is quite impressive is an economic one projected in the latest cost-benefit study of this breeder system. The study projected that if the LMFBR could be introduced commercially in the mid-1980s, over the period of the following three and one half decades it could effect a savings in the Nation's energy bill of some $21.5 billion. This could also be stated in terms of a saving of 1.4 million tons of uranium (U_3O_8), which is the energy equivalent of 400 thousand million tons of coal.

Even to a layman, such as myself, many of the technical advantages of the LMFBR have not been difficult to understand. Another of these advantages is its high breeding ratio, which means it produces a large amount of new fissionable fuel—plutonium—per unit of fuel burned as it generates power.

Many of the LMFBR's advantages, as well as certain problem areas, are the result of its use of liquid sodium as a coolant. On the plus side, sodium has excellent heat transfer characteristics, allowing for a high specific power in the reactor fuel—that is, delivery of more energy per unit of fuel burned. This is one factor in lowering the cost of the fuel cycle. The fact that sodium has a high boiling point allows the LMFBR to operate at a high temperature at low pressure, giving it a thermal efficiency as good as the best fossil fuel plants. The significance of this, aside from the fact that you get more electricity from the heat you produce, is that it produces comparatively less waste heat rejected to the environment and other waste products that have to be processed.

The use of sodium in the LMFBR offers many other advantages. It is an inherent safety feature of the plant in the event of certain abnormal conditions and accidents because of its large heat capacity. Also, liquid sodium requires low pumping power and can be relatively less corrosive than other reactor coolants. Because of the lower pressure at which its sodium is used, the primary heat transfer system of the LMFBR can be essentially sealed, thus reducing measurably any release of radioactive effluents from the plant. Another factor to consider is that the sodium in the primary system can be purified of most fission products which may escape from the fuel into the sodium. Those that it retains it holds in the system, therefore reducing the chance of their being released to the environment in case of an accident.

Now, admittedly I have focused on the advantages of the LMFBR and there are those who will be quick to point out that it presents some problems—problems such as potential dangers in managing large volumes of plutonium and certain undesirable chemical characteristics of sodium. But those associated with the AEC's breeder program, and most particularly those of you here at Idaho that have worked with the EBR–I and EBR–II, can vigorously prove that these are not matters being in any way overlooked or minimized in breeder R&D. And this brings me to the next subject I want to discuss for a moment, the cost of developing a fully acceptable LMFBR.

I think most of us will agree that we should expect substantial costs to be involved in developing any energy related technology as potentially rewarding as the commercialized breeder reactor. We recognize more and more these days that if we wish to factor in—as we must—the costs of preserving environmental quality in the development and operation of a major technology those costs are going to be significant. And they are going to be represented in various ways—financially, in terms of greater knowledge being researched and applied, in an insistence on better quality assurance through design and manufacturing, in the education and employment of better trained and more highly skilled personnel, and, equally importantly, in management, to insure that all of these resources are tied together so as to achieve the objective in a timely manner. The total cost of the LMFBR necessarily has to include all of these—and that developmental cost will be high. We would be deluding ourselves to think otherwise.

Few people, outside of those who have worked in the breeder program, realize or can appreciate the number of facilities and the amount of work that has gone into advancing the breeder concept. When I first looked into the program I was amazed to learn that about 150 facilities are now involved in, or committed to, our LMFBR program, in addition to many special ones devoted principally to the safety aspects of the breeder. Many of these facilities are here at our National Reactor Testing Station—including EBR–II—and when the final history of the breeder is written much credit will go to NRTS and the men and women who have worked here. Their's will have been a significant contribution to the alleviation of the national energy shortage by their participation in the development of a viable energy alternative.

With an authorization by the Congress of a direct Federal contribution of up to $100 million toward an LMFBR demonstration plant and a pledge of a total of about $250 million by the privately and publicly owned utilities we are, for the first time, on firm financial ground to begin construction of such a plant. In addition, Congressman Hosmer's amendment to our FY 1972 appropriation bill allows for a large share of the continuing research and development on the breeder, along with many of the attendant costs, to be borne by the government.

Administratively we are well into what is called the "Program Definition Phase" of the demonstration plant program in which we have been working out the technical aspects, organizational plans and procedures to begin the first plant. We also have the close cooperation of two groups composed of top management representatives from the utilities, a Senior Utility Steering Committee and a Senior Utility Technical Advisory Panel. We hope that our consultations with these groups will soon lead to the Definitive Cooperative Arrangement for building that first plant and moving ahead on plans for the second one.

I cannot emphasize too strongly the need for public understanding and support of the breeder demonstration program. Actually, one will have to follow the other. That is, if we continue to present to the public completely, openly and forthrightly all the facts about the breeder—neither minimizing the necessity to deal with its potential problems, nor exaggerating its claims as an energy panacea—I feel that people will support its timely development. Perhaps more than that, they will insist on it.

If we think ahead realistically to the economic and environmental conditions that face us in the decades ahead, the breeder takes on a new significance. It becomes far more than a technology designed to provide incremental improvements in our social and economic system. In a world of natural resources being rapidly depleted and degraded, of an environment perhaps being irreversibly stressed and of societies committed to raise the equality of life of their peoples, such an energy system could perhaps be a key to ultimate survival. Regardless of any success achievable in population control and in the more efficient use of matter and energy, large amounts of energy will be needed and will have to be produced with the minimum of environmental impact. The breeder while perhaps not the ultimate solution to the supply of such energy, at least should provide the time and the best conditions during which we may reach that solution. I know that all of you here who have been associated with the breeder, the National Reactor Testing Station and nuclear energy long before my involvement with it, are rightfully enthusiastic about your work. I am proud to be associated with it. I applaud you for it and urge you to continue to meet the challenge that had its beginning here with EBR–I twenty years ago.

Dr. Zinn, a scientist of global reputation for his development of nuclear reactors, received the coveted Enrico Fermi award for his reactor pioneering.

He also developed one of the Nation's largest reactor development companies, Combustion Engineering Co.

During Monday's ceremonies, those Argonne pioneers who were there at the original bulb lighting when the EBR–I first produced electricity, were presented with a special desk weight made of Idaho travertine with the inscription of the EBR–I log on the day that electricity was first produced from the atom on that historic occasion.

Those present accepting awards were E. N. Pettit, Bernard Cerutti, L. E. Loftin, G. R. Gibson, Kirby Whitham, M. L. King, F. T. McGinnis, W. E. Molen, O. E. Marcum, Meyer Novick, Milton Wilkie, and Earl J. Barrow, and Harold Lichtenberger, the Idaho technical manager of the project at the time.

Others present at the original bulb lighting, but who were not at the anniversary ceremonies were R. Cameron, L. J. Koch, G. H. Stonehocker, and K. Johnson.

A delegation of students from Arco, Idaho, was transported especially to the EBR–I to participate in the anniversary celebration. The group included Eric Babcock, Rick Barnes, Richelle Beal, Barbara Bleak, Glenda Boyack, Paul Cammack, Mary Ann Clay, Debbie Daniels, Mike Duke, David Fullmer, Bobb Goodson, Carrie Harper, Debbie Hopla, Kim Jardine, Layne Jardine, and Carl Jones.

Other Arco students were LeAnn Klingler, Debbie Osborne, Scot Parkensen, Linda Phelps, Marvin Quist, Pam Reynolds, Bob Salwaechter, Delwin Schwager, Susie Serman, Theresa Smith, Peggy Spraker, Earl Stauber, Judy Storer, Jim Terry, Joy Tibbits, Paul Traughber, Mary Walter, Lee Watson, and Fred Woodbridge.

In closing, I would like to pay tribute to Argonne National Laboratory, headquartered in Argonne, Ill., with Argonne-West their division at the Idaho NRTS. Argonne has long been a pioneer in nuclear power development. Among their many accomplishments, in addition to EBR–I are the following: the pressurized water concept as exemplified by the STR—the original *Nautilus* nuclear submarine engine; the BORAX series which led to the development of the boiling water reactor; and EBR–II, the successor of EBR–I and the pacemaker for the fast-breeder program. Argonne has already fulfilled its role in the history of nuclear power and I am confident that its role in the future development of our energy resources will be equally significant.

WE SHOULD BE CAREFUL OF WHAT WE SAY ABOUT OUR FELLOW MEMBERS—WE MIGHT BE HANGING AN INNOCENT MAN

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, quite often in the waning days of a session and in the heat of debate, Members are sometimes accused wrongfully.

Yesterday, I heard a distinguished Member castigated, although he was not at fault. It was like hanging an innocent man.

Before the people of the Fifth Congressional District sent me to Congress, I was a country doctor. I had a jeep which took me over muddy roads, snow and ice, through the gloom of darkness. When my constituents sent me here, I had to sell the jeep, and it was like selling an old friend.

I had two patients, John and Mary. John informed me that Mary, as we often say in the mountains of Kentucky, was in a delicate condition. Since she was a weakly woman, I said "John, I will take care of Mary if you will assure me it won't happen again."

John said, "Doctor, if this happens again, I will hang myself."

Soon, John and Mary's fourth child was born. But within a year, one cold, dark, rainy night, John came to my door and said, "Doctor, Mary is in trouble. Will you help us out?"

I said, "Yes, John." Got my grip, got in to the jeep and went to his home with fear and trembling. But a benevolent providence must have been hovering over their home—for within an hour a bouncing baby boy came into the world, crying lustily. And Mary, fortunately, got along famously.

As I left, I said, "John, you told me if this happened again, you'd hang yourself."

John said, "Yes, doctor, I got a rope. I put a loop in it, I put it around my neck, I got in a chair, threw the rope over the rafter and tied it and started to kick the chair out. But I got to thinking, and I thought if I kicked the chair out I might be hanging an innocent man!"

So, we should be careful of what we say about our fellow members. We might be hanging an innocent man.

VOTING RECORD OF CONGRESSMAN CHAMBERLAIN

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, in reviewing my voting record for this year I find that I am not recorded on certain votes and would like to state my position on these issues for the RECORD.

On rollcall 102, I would have voted "yea."

On rollcall 147, I would have voted "yea."

On rollcall 148, I would have voted "yea."

On recorded teller vote 42, I would have voted "nay."

On rollcall 173, I would have voted "yea."

IRS REGULATION DISCOURAGES CITIZEN PARTICIPATION IN ECONOMIC STABILIZATION

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, during phase I and the first month of phase II of the President's stabilization program, my office has received a number of inquiries from citizens inquiring about alledged price and rent violations. In some cases, these citizens submitted data directly to the Internal Revenue Service. In other cases, I forwarded data from my office. In all cases, however, the citizens were concerned about the outcome of their inquiry and in the success of the effort to halt inflation.

The Internal Revenue Service, however, refuses to let the citizen know what they find.

In response to an inquiry by my office for one of my constituents concerning an extraordinary rent increase, the Internal Revenue Service provided the following reply in accord with current policy which has no basis in law:

> An investigation was made on October 15, 1971 by one of our investigators. However, concerning your request that we contact Miss ———, at the present time and under current policy we are unable to make any disclosures to the public on the outcome of our investigations.
>
> Thank you very much for your continued interest in the Economic Stabilization Program.

In conducting its price stabilization function, the IRS is apparently treating complaining citizens as informers—taking information, conducting investigations in secret with secret results.

There is no justification for secrecy with respect to the results of a citizen's inquiry or complaint. The public-spirited citizen who questions unjustified price increases acts for the community rather than himself. The community is entitled to know the result of an investigation if the price control system is to maintain any degree of public confidence and creditability.

ALL AGRICULTURE NEEDS THE BENEFITS AND PROTECTION OF INCREASED GRAIN PRICES

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, as the Congress adjourns today, not to return until January 18, there is a vital piece of unfinished legislation that remains stranded in the Senate. I am referring to H.R. 1163 which will increase by 25 percent the loan rates on wheat, corn, and feed grains for the 1971 and 1972 crops and set up a strategic grain reserve.

During the past few years the Senate has been noted for passing stronger farm legislation than the House. But on Wednesday night last week the House passed H.R. 1163 handing to the Senate an opportunity to move promptly on the only significant legislation of this year to improve farm income. It is apparent now as we draw close to the sine die adjournment of this session, that the Senate will not act until late January or February of next year to pass this bill.

Delay of the bill can only mean a continuation of stifled and stunted markets for grain producers. It is estimated that more than two-thirds of the 1971 grain crops have not been sold as of this date which means that the bill, if it had been enacted by now, could have added $1\frac{1}{3}$ billion additional income to American grain farmers because of stronger prices for their products.

The entire agricultural economy is greatly affected by the positive action that this bill takes to assure added income to American farmers. Not only will the grain farmers be benefited, but all of rural America will have the stimulating effect from the added income brought about with stronger grain prices. Of particular concern are livestock producers who are almost invariably hurt by cheap feed grain prices. The pork market is just recovering from a devastating bout with overproduction, while the beef market has enjoyed 3 years of comparatively satisfactory levels. Neither the pork nor the beef industry can afford the prospects of cheap corn and cheap feed grains. However enticing the short term benefits are in purchasing the grain necessary for the production of beef or pork at low prices, the experienced veteran feeder of either pigs or cattle knows that cheap corn and cheap feed grains have always led to a cycle of excruciatingly cheap slaughter animals.

The same is true of other commodities whose production depends upon feed grains. So the fight we are waging to increase the price on wheat and feed grains is a broad battleground involving all of agriculture. The fact that the Department of Agriculture opposes this bill does not dismay me, because they have had trouble during the past 17 years recognizing the true causes of disaster in the agricultural markets. Their policy of attempting to keep grain prices low fits in with the retreat they have accepted as inevitable of continuing loss of farm families off the land, trekking to the cities.

There is only one way to stop the tragic movement of rural families to urban areas, and that is by increasing farm income. That is exactly what will happen when the loan rates are raised on feed grains and wheat by 25 percent: Farm income will be improved for grain producers which will in turn protect the market for livestock producers—particularly pigs and cattle—and also poultry, milk, and lambs.

I do commend Senator B. EVERETT JORDAN as chairman of his subcommittee for moving promptly on our bill and recommending unanimously without any amendments that the bill be passed. We now await the action of the full Senate Agriculture Committee which will not act on the bill until after we convene again on January 18, 1972. Meanwhile those of us who have fought hard during the past few weeks to move the bill through the House to the Senate should carry our fight to the agriculture people of this country in our own States to let them know that the House of Representatives has acted with decisiveness and vigor to improve agricultural income.

We have come more than half way in passing the bill and the hardest part should be behind us. While every day that elapses between now and late January may mean a loss of income for grain producers who must sell part or all of their 1971 crops, it is still my hope that the Senate will pass the bill as we passed it from the House bolstering the prices of grains for both the 1971 and 1972 crop years. It is only by doing this that agriculture in its broadest sense including livestock, dairy, and poultry producers can receive the full benefits and the full protection of this act.

THE IRS AND MUHAMMAD ALI

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Muhammad Ali has an argument with the Internal Revenue Service, not so much over how much he should pay in taxes, but when he should pay it. Normally, a taxpayer is required to pay estimated taxes on or before April 15, June 15, September 15, and January 15 of each year. But, in the case of Muhammad Ali, certificates of deposit in the amount of his prospective taxes have been demanded by the IRS since 1964 the day after each fight. Effectively, this has meant that Muhammad Ali has been required to pay his taxes the day after the fight, since this action deprives him of the use of his money.

When this issue was raised last summer, I was most concerned about it because of the suggestion that Muhammad Ali was being treated unfairly due to his profession and because he is black. Therefore, on August 2 I wrote to Harold T. Swartz, Acting Commissioner of the Internal Revenue Service, requesting his comments on this case. I asked him for information on the number of persons and types of professions for which arrangements like that required of Mr. Ali are made. I asked if, for instance writers who receive a large advance or stockholders who make a "killing on the market" are pursued in the same manner by the Internal Revenue Service.

Despite all the data the Internal Revenue Service maintains on taxpayers, Acting Director of the Collection Division John Weber was not able to provide any statistics in his response to my letter on the number of taxpayers from whom arrangements similar to Mr. Ali's were sought in 1970 or in the current year to date.

Mr. Weber indicated that the IRS has "experienced serious tax administration problems in connection with promotional ventures where gross receipts from live gates and ancillary rights are expected to be extremely high—sometimes in the millions of dollars". Therefore, arrangements are sought to assure that provision is made so that taxes can be paid when due.

It is in the interest of all Americans that taxes are collected. But, it is equally important that taxpayers are treated equitably and fairly. Depriving a man of the use of his money before it is actually due is a very serious step and should not be exercised lightly or unnecessarily.

I sent a copy of the Internal Revenue Service's letter to Muhammad Ali's lawyer, Chauncy Eskridge. Mr. Eskridge indicated that the occasion of the suit brought against the IRS in July 1971 was Mr. Ali's decision not to meet the Internal Revenue Service's demands for early payment. He wished to use his money for an oil exploration program—a legally deductible expenditure and a venture which has proved financially successful, both to Mr. Ali and the Government, in the past. According to Mr. Eskridge, Mr. Ali had requested that an arrangement, similar to one made in 1967, be accepted by the IRS whereby Mr. Ali would be permitted to set aside at least $100,000 of his estimated income tax to be used for an oil exploration program.

I am writing to the Internal Revenue Service again requesting their responses to the charges made by Mr. Eskridge. I would like to insert for printing in the Record the entire correspondence and when I have received a response from Treasury, I will place it in the Record:

August 2, 1971.

Harold T. Swartz,
Acting Commissioner, Internal Revenue Service, Department of the Treasury, Washington, D.C.

Dear Mr. Swartz: I have read with great interest the Washington Post article in which Muhammad Ali alleges that he is being unfairly treated by the Internal Revenue Service. The heart of the charge is that he is subjected to an immediate payment of taxes instead of the normal situation where the taxpayer is permitted to invest monies earned until the tax becomes due.

I would appreciate knowing what the circumstances are in this particular matter which caused you to place a prior lien on Mr. Ali's income.

Because his charges of racial discrimination are so disturbing, I would like you to furnish me with the number of taxpayers similarly treated in the calendar year 1970 and the current calendar year 1971 to date. While I understand that you would not provide me with the names of the individuals would it not be possible for you to provide me with a description of their business as well as the considerations which went into your making your decision to place the prior lien.

What is particularly poignant and deserving of the greatest of considerations is his statement, "They (the federal government) holler about civil rights and the integration mess, but they won't let us use my money ... one little black boy whose earning is not going to last long, and then I will have to scuffle." With Mr. Ali's history of forthrightness and absolute candor in his public statements as well as his use of the court processes resulting as you know in his ultimate victory before the Supreme Court in obtaining conscientious objector status as a Muslim minister I believe he should be treated in the same way that you would treat a taxpayer who has a history of paying his taxes. I would be interested to know, for instance, whether the Internal Revenue Service placed a similar claim on the large advance received by President Dwight D. Eisenhower for his book and, in general, to know what your policy is regarding the immediate collection of taxes from writers receiving large advances and stockholders making what is sometimes referred to as a killing in the market.

Say what you will about Muhammad Ali and much has been said. He is an individual who is highly regarded by the American public particularly in so far as his integrity is concerned—and I think he should be treated as a person of integrity by the Internal Revenue Service.

The Congress is recessing August 6th. I would like to make a statement in the House on this issue before Friday, and so I should appreciate having a response from you by Thursday, noon, August 5th.

Sincerely,

Edward I. Koch.

Department of the Treasury,
Internal Revenue Service,
Washington, D.C., August 10, 1971.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: Your letter of August 2, 1971, addressed to Mr. Harold T. Swartz, concerning Muhammad Ali, has been referred to this office since it involves a matter coming within my jurisdiction.

The Service has, for some years, experienced serious tax administration problems where gross receipts from live gates and ancillary rights are expected to be extremely high—sometimes in the millions of dollars. As a result, procedures have been developed whereby agreements are sought, with the promoters or the participants, to assure that provision is made for the taxes which are expected to accrue from the venture. While this is a program national in scope, it is not centrally administered, but, rather, is in the jurisdiction of the respective District Directors. Thus, we have no statistics with which to respond to your inquiry concerning the number of taxpayers from whom agreements similar to Ali's were sought in 1970 or in the current calendar year 1971 to date. Although the District offices are constantly alert to the potential problem of special promotions being held in their jurisdictions, as a general rule it is only when the individual involved fails to reach agreement at the local level or else exposes his tax matters to publicity that the National Office becomes aware of specific circumstances.

While we cannot, of course, discuss the specific details of the cases involved, we can assure you that the same procedures have been applied, without regard to race or other irrelevant criteria, to others in the sports world as well the field of entertainment. Whether or not they have been applied specifically to "writers receiving large advances or to stockholders making what is sometimes referred to as a killing in the market" would not be know to us if amicable and mutually satisfactory pre-arrangements were made. However, in any case, no matter how well-known the individual, where the Secretary or his delegate "finds that a taxpayer designs . . . to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year . . .", he may invoke the authority granted by Section 6851 of the Internal Revenue Code of 1954, terminate the individual's taxable year, and make demand for immediate payment of the tax for the taxable period so terminated.

In Muhammad Ali's case, he and his opponents had made suitable arrangements prior to some of his earlier fights, but refused to make similar arrangements prior to his most recent fight. Based on prior experience with championship fights, particularly those in the heavyweight class, the Service found that the income tax was in jeopardy and moved to terminate Ali's taxable year. This in no way was intended to be discriminatory against Ali as an individual, much less than as a black man, since it was the same procedure exercised in earlier fights, in some of which Ali was a participant, but concerning which he did not bring the same charges be brings now.

The morning after the fight, at the request of Mr. Chauncey Eskridge, Muhammad Ali's attorney, a further meeting was held with Service officials at which time a satisfactory agreement was reached and the Service released its levy against Ali's share of the purse.

We trust that these comments will be helpful to you. Please let us know if we may be of any further assistance to you in the matter.

Sincerely yours,

John Weber,
Acting Director, Collection Division.

McCoy, Ming & Black,
Attorneys and Counselors,
Chicago, Ill., November 16, 1971.

Congressman Edward I. Koch,
Longworth Office Building,
Washington, D.C.

Re: *Muhammad Ali* ads *I.R.S.*

Dear Congressman: Your letter, dated October 26, 1971, addressed to Muhammad Ali, has been forwarded to me, as his attorney; we appreciate your interest. Now we wish to advise you of the true facts—not those contained in a letter to you from the Acting Director, Collection Division, Washington, D.C.

I am enclosing a copy of a complaint filed in the U.S. District Court, Houston, Texas, immediately before the Ali-Ellis bout, held on July 26, 1971; it should give you the background surrounding the controversy, and the subject matter of the news article you read in the Washington Post.

As you know, a taxpayer is required to pay his estimated tax on or before April 15th, June 15th, September 15th, and January 15th of each year, but with Muhammad Ali, the law, as applied by the Commissioner, is unconstitutionally applied.

Since 1964, it has been demanded by the Commissioner that Ali pay his estimated tax the *day after each bout* (in the whole amount—not quarterly) under a threat to impose an immediate jeopardy assessment and seizure. (This means that Ali would then suffer having his entire purse taken away from him at the gate, so that he would be denied the use of his money the next day, at a time when he is then required to pay many accrued obligations.) In said letter, from the Acting Director, it is truthfully stated that the taxpayer had agreed to this procedure since 1964, but I can assure you that he did not do so voluntarily.

On the occasion of the suit brought in July, 1971, Ali refused to accede to the illegal and oppressive procedure because he wished to use his funds for a legally deductible expenditure, i.e., an oil exploration program. He was refused this right and on the night of the fight, a jeopardy assessment and levy was filed against the gate. He could not withstand this financial burden, thus he had to concede and dismiss his lawsuit, in order that he would have some money available to pay his obligations the next day.

We say it is discriminatory to force this procedure against Muhammad Ali (we say it is because he is Black), because neither Gary Player, the South African golfer, nor Frank Sinatra, the concert vocalist, nor the fight promoter, nor other persons who make large sums of money are subject to this procedure—I call it the "Muhammad Ali Unconscientious Rule".

I have represented Muhammad Ali since June, 1964, and know for a fact that he has paid all of his taxes regularly and on time, but we insist that he be treated the same as other taxpayers—that is, he does not wish to pay an estimated tax before it is due. We will continue our fight with the Commissioner.

Respectfully yours,

CHAUNCEY ESKRIDGE.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 11, 1971.

Hon. HAROLD SNYDER,
Director, Collection Division, Internal Revenue Service, Washington, D.C.

DEAR MR. SNYDER: I am writing further in reference to the case of Muhammad Ali. Upon receipt of Acting Director Weber's letter of August 10th I forwarded it to Mr. Ali. I have received a response from Mr. Ali's lawyer, Mr. Chauncey Eskridge, which I am sending you.

Mr. Eskridge raises several points which I think should be answered. He indicated that arrangements similar to those required of Mr. Ali were not made with Gary Player, the South African golfer, nor Frank Sinatra, nor the fight promotor. Can you comment on this.

Furthermore, Mr. Eskridge indicates that Mr. Ali has paid all his taxes "regularly and on time." You indicated that action taken against Mr. Ali was based on the Service's experience in having difficulty in collecting taxes on large promotional ventures. What is difficult to understand is why the Internal Revenue Service could not have made the same arrangement it did in 1967 to permit Mr. Ali to set aside at least $100,000 (of the money computed to be estimated income tax) to be used for an oil exploration program. This had been requested by Mr. Ali and according to Mr. Eskridge this "'set aside' would be properly arranged so that Defendant (Mr. Ali) would not be quia timet." Through this same arrangement in 1967, Mr. Ali struck a well in Texas, on which he pays taxes.

Why, if Mr. Ali is current in his taxes and has a record of timely payment of taxes, should such an arrangement not be possible in 1971 when it was possible in 1967? Is not your action in these matters tempered by the taxpayer's record and not wholly dictated by what profession he is in?

I am sure that you would agree that depriving a man of the use of his money—which essentially is depriving him of his property—is very serious business. It is a practice that should be carried out with great care with every precaution being taken that your authority under Section 6851 is administered equitably. Frankly, I question how this can be done if your central office is rarely involved in these cases and it is a practice effected by the different District Directors. Employment of this Section occurs only when large sums of money are involved, and so the District Director's discretion and decisions in these cases can make an appreciable difference to the taxpayer in terms of how much money he finally earns in the taxable year and how much tax he pays.

While oil exploration may be a high risk venture, this should not be relevant in your determination on the case. As long as it is a deductible venture, Mr. Ali should have equal rights and opportunities to benefit from this part of the Tax Code.

Sincerely,

EDWARD I. KOCH.

LEGISLATIVE PROGRAM FOR BALANCE OF THIS YEAR AND NEXT YEAR

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week and the year and the schedule for next year when we reconvene.

Mr. BOGGS. Will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. BOGGS. In response to the question of the distinguished minority leader, the business of this session has been completed, except for the necessary details of adjourning and whatever further action may have to be taken in the House on the continuing resolution. As far as I know, that will conclude our business for this session.

We plan, as you know, and we have adopted a resolution the date for returning on January 18. That is a Tuesday.

The program for the balance of that week follows: The Private Calendar will be called on Tuesday to be followed by H.R. 8787, the Guam and Virgin Islands delegates bill, with two hours of debate. The rule on that bill has already been adopted. The conference report on S. 382, the Federal election reform bill, and the conference report on S. 2819, the foreign assistance authorization. That is subject to a rule being granted.

On Thursday the President will deliver his state of the Union address. That is Thursday, January 20. That will be followed by the official photograph of the House of Representatives. I might inform the gentleman and the Members of the House that we have not had an official photograph in 4 or 5 years.

There was an official photograph made of the Senate earlier this year and we hope to have an official photograph made of the House.

Mr. Speaker, any other program will be announced later.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its Clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 1005. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

The SPEAKER. The Chair will receive a report.

Mr. BOGGS. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress.

PROVISION FOR SINE DIE ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 498) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 498

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Friday, December 17, 1971, and that when they adjourn on said day, they stand adjourned sine die.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING SINE DIE ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the House, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the first session of the 92d Congress, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPORTS FILED WITH THE CLERK FOLLOWING SINE DIE ADJOURNMENT BY COMMITTEES MAY BE PRINTED BY THE CLERK AS REPORTS OF THE 92D CONGRESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that reports filed with the clerk following the sine die adjournment by committees authorized by the House to conduct investigations may be printed by the clerk as reports of the 92d Congress.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR ALL MEMBERS TO INSERT REMARKS IN "EXTENSIONS OF REMARKS" SECTION OF CONGRESSIONAL RECORD

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR CHAIRMEN AND RANKING MINORITY MEMBERS OF COMMITTEES AND SUBCOMMITTEES TO EXTEND REMARKS AND INCLUDE SUMMARIES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee thereof be permitted to extend their remarks in the Record, up to and including the last publication thereof, and to include therewith a summary of the work of that committee or subcommittee.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PRINTING OF COMMITTEE ACTIVITY REPORTS

Mr. BOGGS. Mr. Speaker, with reference to the printing of committee activity reports for the session, I wish to remind the chairmen of all committees that the Joint Committee on Printing has very properly ruled that the printing of such reports both as committee prints and in the Record is duplication, the cost of which cannot be justified.

It is requested that committee chairmen decide whether they wish these reports printed as committee prints or in the Record since the Government Printing Office will be directed not to print them both ways.

SUMMARY OF ACTIVITIES OF THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA—92D CONGRESS, FIRST SESSION

Mr. McMILLAN. Mr. Speaker, in the first session of the 92d Congress just ending, the House Committee on the District of Columbia has again demonstrated its dedication to carrying out the constitutional provisions to provide effective government, and the wherewithal for the government, of the District of Columbia.

A total of 191 bills and resolutions has been referred to the District Committee during this session, 61 of which have been the subject of hearings by the subcommittees or by the full committee, with 75 days having been devoted to hearings. Thirty-seven bills have been reported to the House, of which 32 have been passed by the House and of these, 16 bills have been signed by the President or are awaiting his signature.

Following is a summary of the committee's actions on major legislation:

REVENUE ACT OF 1971 (H.R. 11341)

Prolonged deliberations and discussions within the subcommittee and full committee were held prior to drafting and reporting this legislation. Over 13 hearings during a 2-month period, in the nature of an exhaustive investigation into various activities of agencies of the District of Columbia were held, followed by an equal number of executive sessions of the subcommittee and the full committee in an endeavor to arrive at a sound fiscal program for the District, followed by action of both the House and the Senate and several conferences to arrive at the final legislation.

The authorized Federal contribution or payment to the District was increased $47 million—namely, from present authorization of $126 million to $173 million—for fiscal year 1972, with an additional $6 million authorized to the extent that it may be necessary to pay officers and employees of the District of Columbia Government—other than teachers, policemen, and firemen—if such employees receive a pay increase during the year.

For the fiscal years thereafter, 1972, the authorized Federal payment will be $178 million—plus $12 million for the entire fiscal year to cover any such pay increases. Both the House and Senate District Committees agreed that there would be no Federal payment authorization during the rest of the 92d Congress, so that in the next session convening January 18, 1972, the District of Columbia government will have to produce other sources of revenue to make up any deficiencies in its spending programs, or curtail the same and keep same within revenue availability. It is hoped that this will prove be an auspicious beginning—in light of the attempts of the Congress and of the committee thereof concerned to assist the District—in curtailing the city's ever-increasing expenditures at the expense of the Federal taxpayer.

The revenue bill also provides for increases in the inheritance tax to produce $2.8 million; increase in the corporation income tax from 6 to 7 percent to produce $3 million annually, starting with fiscal year 1973, and then increasing the tax from 7 to 8 percent starting with January 1, 1974, to provide thereafter $6 million additional annual revenue; phaseout of the personal property tax on business inventories over a 3-year period, which tax has had a deleterious effect upon businesses in the District as it is applicable whether or not the businesses make a profit; and an increase in the motor vehicle fuel tax from 7 to 8 cents per gallon to product $1.5 million per year. There have been provided large increases in the District of Columbia special fund borrowing authorities; namely, an increase of $34 million—from $72 to $106 million—in the sanitary sewage works fund, and an increase of $10.5 million—from $25 to $35.5 million—to the metropolitan area sanitary sewage works fund which operates and maintains a sanitary sewer to connect the Dulles International Airport with the District of Columbia system.

The committee again expressed its disapproval of the establishment of so-called Neighborhood Service Center—little city halls—in Washington, believing that the proposal of the local government to establish five major centers and two satellites in an area of such small size as the District of Columbia is completely untenable, and that as such funds are available to the city should be more wisely spent in other areas of need.

The committee once more expressed its disappointment over the failure of the District of Columbia government to carry its share of the tax burden required for operating the District of Columbia, as well as its failure to reduce its expenditures to enable it to live within its actual budget needs. In particular, the committee is concerned over the failure of the City Council to increase the real property tax, as recommended by the Commissioner of the District of Columbia, from $3.10 to $3.40 per $100 of assessed evaluation. The Council increased the tax only by 10 cents per $100, or from $3.10 to $3.20 per $100. Hence, instead of providing the District with a total of $11.7 million from a real estate tax increase, as the Commissioner had recommended, the Council provided only an estimated $3.8 million from the 10-cent increase. Neither the Council nor the Commissioner proposed any other tax to make up the deficit.

Further, the District Committee again expressed its dissatisfaction over the continued prevalent practice of the District government to submit unbalanced budgets to the Congress, and not providing the wherewithal with which to meet the same, and putting upon Congress the sole burden to raise a majority of the deficiencies through Federal payment authorization, which means transferring more of the obligations of the District of Columbia residents to the taxpayers of the entire Nation.

In line with its established policy to attempt to hold the line on District of Columbia government expenses, the committee adopted and the Congress approved the withholding of rental allotments payable to tenants when said tenants fail to make their regular rental payments within 10 days. The District of Columbia has experienced a wave of rent strikes by tenants of both public and private housing facilities. At one time more than 2,000 tenants in public housing units of the National Capital Housing Authority were withholding rent payments, and diverting the same to their own use, for as long as 19 months. So much so that the Capital Area Authority, already bankrupt except for public support, was required to grant additional funds to continue its operation. At the present time, there are more than 34,000 public assistance cases in the District of Columbia, the great majority which involve the use of rental dwelling units and the allocation of funds toward housing. Provisions are included in this part of the bill to permit the tenant to retain possession of the rented premises until entitlement to the rent payments is established, and ample notice and other requirements of due process are provided, as for hearings, opportunity to move to other shelter if the landlord has failed to maintain the premises according to applicable District housing regulations, and so forth.

Also, identification cards have been required for welfare recipients, as is required in some of the States, to provide a more satisfactory assurance of eligibility for public assistance recipients in the District of Columbia, and there has been an appropriation provided by the Appropriations Committees to renew the investigations into eligibility of those presently on public assistance. The identification cards will carry a photograph of the recipient, such identifying information as a social security number, category case number, date of birth, authorized signature, and an expiration date. It is the belief of your committee that this identification system will effectively insure the delivery of assistance only to those entitled, and that the reduction in losses and the reduction of ineligible recipients will release funds which will more than compensate for the costs of the system.

Further in an endeavor to assist the District government in staying within its revenue availability, the District Committee approved and the Congress adopted a provision to limit the number of employees in the District of Columbia government by freezing the level of employment at 39,619 jobs. At the present time the authorized District of Columbia personnel is in excess of 41,500, not including personnel employed under several hundred million dollars of Federal grant funds which increases the total number of personnel to in excess of 55,000, which places the District at or near the top of the list of cities throughout the country in total number of employees compared to population. Whether compared to other cities of comparable size—500,000 to 1 million population—or compared to the 14 States having population of less than 1 million persons, the total number of District employees outranks the cities' and the States' employees in question on a per capita basis.

Finally, in an attempt to get a clearer fiscal picture of the financial needs and expenditures in the District of Columbia, the District Committee recommended and the Congress approved a provision requiring that the annual budgets transmitted to the Congress by the District should carry not only estimates for regularly appropriated funds but also Federal grant funds for the particular fiscal year in question. This will enable the Appropriation Subcommittees in the House and Senate in reviewing District of Columbia budgets and needs, to determine wherein Federal funds are being wastefully or improperly spent, if such is the case, and where duplication and inefficiencies may exist or may develop in such spending operations.

PAYMENT OF MEDICAL EXPENSES FOR POLICE AND FIREMEN RETIRED FOR TOTAL DISABILITY (H.R. 8794)

Authorizes the District of Columbia government to pay the necessary costs of medical, surgical hospital, or related health care services for officers and employees of the Metropolitan Police Force and the other police forces referred to above, who are retired subsequent to the date of the legislation, for total disability incurred in line of duty. The authorized payment shall be made only for expenses incident to the injury or disease which is the cause of retirement.

PENALTIES FOR ASSAULT ON FIREMEN (H.R. 5638)

This provides the same criminal penalties—namely a fine of not more than $5,000, imprisonment for not more than 5 years or both—for assaults on firemen in the District of Columbia, and for interfering with such firemen in the performance of their official duties, as are presently provided by law for assaults on or interference with police officers in the city.

CANINE CORPS EXPANSION (H.R. 2598)

Provision is again included for authorizing the Commissioner in the District to maintain and expand the canine corps of the Metropolitan police force as may be necessary to protect the peace, quiet, and safety in the Nation's Capital.

EXPANSION OF METROPOLITAN POLICE DEPARTMENT BAND (H.R. 2596)

Provision is made to permit members of the District of Columbia Fire Department, the Executive Protective Service, and the U.S. park police force to be detailed to participate in the activities of this band.

TAX-SHELTERED ANNUITIES FOR DISTRICT OF COLUMBIA TEACHERS (H.R. 9395)

Authorizes the reduction of salaries of teachers and school officers employed in the service of the public schools in the District, by an amount which would be paid into a tax-sheltered annuity program pursuant to the provisions of the Internal Revenue Code of 1954 relating to the taxability of beneficiaries of annuity plans. This would be a purely voluntary program and those not wishing to participate would not be under any obligation to do so. However, the District is given authority to enter into salary reduction agreements with eligible employees who desire to participate.

INTERSTATE COMPACT ON EDUCATIONAL PERSONNEL (H.R. 8407)

Authorizes the District to enter into the Interstate Agreement on Qualification of Education of Personnel, to allow the District to make contracts with other member States which will reduce or eliminate the duplication of administrative effort in checking teacher qualification records which have already been evaluated by competent authorities in the State in connection with teachers and other educational personnel who are licensed in such States and who apply for employment in the District of Columbia public school system, or vice versa. This should enable more expedited processing of teacher applications, and more rapid identification of qualified applicants, those increasing the available supply of qualified educational personnel.

INTERSTATE COMPACT ON MENTAL HEALTH (H.R. 10344)

Authorizes the District to enter into such an interstate compact already adopted by 42 States, which is designed to guarantee that any person found to be mentally ill or mentally deficient will receive care and treatment regardless of his legal residence; permits the transfer of a mentally ill patient to an institution in another State when such transfer is bound to be in the best interest of the patient; provides for interstate cooperation with regard to aftercare and supervision of patients on convalescent status or condition of release; and finally permits the establishment of supplementary agreements between two or more States for the furnishing of care and treatment of patients on a cooperative basis.

HEALING ARTS PRACTICE ACT AMENDMENTS (H.R. 8589)

Is designed to amend and update the Healing Arts Practice Act with respect to the compositon of the Commission on Licensure in the District, to assure wider participation therein by members of the medical profession; provide for temporary licensure of physicians and osteopaths who are engaged in residency and fellowship training programs in the District; and broadening the use of endorsement as a method of licensure by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia.

HEALTH STANDARDS FOR EMPLOYEES OF FOOD ESTABLISHMENT (H.R. 7096)

This legislation is designed to provide health standards for personnel in food service establishments in the District of Columbia, prohibiting the employment of persons in food establishments, including those on Capitol Hill, unless they present certificates showing physical examination meeting the standards that are set.

ADMINISTRATION OF ESTATES (H.R. 7931)

Present law is amended to increase the jurisdictional amount for the administration of small estates—namely, from $500 to $2,500; to increase the family allowance—from $500 to $2,500—with increase in the allowance for funeral expenses from $200 to $600; provide simplified procedures for the settlement of estates, such as permitting transfers of motor vehicles without the necessity and expense of the formal administration of an estate in cases where automobiles are the only asset of the estate requiring administration; and eliminating provisions which discriminate against women so that no preference would be indicated in the appointment of administrators of an estate of a person dying intestate.

DISTRIBUTION OF A MINOR'S SHARE IN A DECEDENTS ESTATE (H.R. 2594)

This facilitates the distribution of a minor's share in the personal property of an estate, whenever such share is of the value of $1,000 or less, the minor is not otherwise under a legal disability, and does not have a duly appointed and qualified guardian. Distribution under the provisions of the bill would be made directly to the minor if he is 18 years of age or older, or to his custodian if he is under 18 years of age.

WAREHOUSEMEN'S LIEN (H.R. 6968)

Amendments were made to the Uniform Commercial Code provisions of the District of Columbia Code to make—with respect to household goods—a warehousemen's lien for charges and expenses in relation to the same stored with him superior to chattel mortgages and conditional sales contracts. This will afford the warehousemen appropriate security for his storage and care of the goods, which accrues to the benefit of both the merchant and the owner of the goods, without fear of jeopardizing the merchant.

INCORPORATE THE MERCHANT MARINE VETERANS ASSOCIATION (H.R. 6105)

Provides for the incorporation of this association in the District of Columbia where its legal domicile shall be. The Merchant Marine and Maritime Service Veterans Association, numbering over 10,000 members in 50 States, was originally chartered in 1957 in the State of Illinois, and eligibility therein is limited to male wartime veterans of the merchant marine and U.S. maritime service who are eligible for honorable discharge from the U.S. Shipping Board Recruiting Service of World War I, or who hold a certificate of continuous service in World War II, or the equivalent discharge from the Korean conflict or any similar type discharge from previous or subsequent conflicts.

EXTENSION OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA (H.R. 5765)

The life of this Commission was extended for 6 months; namely, to March 22, 1972, to enable the Commission—whose operations were delayed at the start by the lateness of the appointment of the members thereof—to complete its studies of the District of Columbia government and make recommendations to the Congress with respect thereto. Funds not to exceed $750,000 have been approved by the Congress for the activities and operations and investigations of this Commission. The committee-sponsored legislation also authorized the District of Columbia and its agencies to provide the Commission with staff and other assistance in order to enable it to complete its work, hopefully thereby to provide the Congress with the recommendation that it may adopt to improve the efficiency and reduce the expenditures of the operations of the District of Columbia government.

INCORPORATION OF PROFESSIONS (H.R. 10383)

Authorizes individuals in the District rendering professional services which under existing law, customs, or standards of professional conduct or practice may not be rendered through a corporate structure, to incorporate, and including without limitations, services performed by certified public accountants, attorneys, architects, physicians, dentists, optometrists, podiatrists, and professional engineers. Such persons are not required to incorporate, but the opportunity for them to do so is provided within the structure which the bill sets forth. It is estimated that the District would receive $300,000 in corporate fees in the first year following the enactment of this legislation, with increases in revenue to the District from corporate income taxes, and additional insurance premiums would be collected on corporate purchases of employee benefits, and so forth.

CHARITABLE TRUSTS (H.R. 11489)

This legislation allows hundreds of charitable organizations in the District to comply with the provisions of the 1969 Tax Reform Act, without the expense and court congestion which would follow if the governing instrument of such charities had to be presented and filed as separate actions in the courts, to amend their individual charters to include the required provisions of the 1969 act. The legislation helps to assure the carrying out of the intent of the Congress in the Tax Reform Act to insure that the funds of entities granted tax benefits are totally devoted to charitable purposes. Thus, charities such as the Shriners Hospitals for Crippled Children are covered under this legislation to enable them, without resort to judicial proceedings, to meet the requirements and benefits of the Tax Reform Act.

EQUALIZE RETIREMENT BENEFITS FOR TOTALLY DISABLED POLICE AND FIREMEN (H.R. 2600)

This provides that former members of the Metropolitan Police Force, the U.S. Park Police, the Executive Protective Service—formerly known as the White House Police—the U.S. Secret Service, and the District of Columbia Fire Department, who were retired prior to October 1, 1956, for service-incurred disability which was rated at 100 percent at the time of their retirement, shall have their annuities computed on the same basis as those members who retire for service insured disabilities subsequent to that date.

INCORPORATE THE PARALYZED VETERANS OF AMERICA (H.R. 2394)

This grants a Federal charter to the Paralyzed Veterans of America, which was founded in 1947, and is an organization consisting of some 5,500 active members from every State in the Union, comprising 21 chapters located in various States. It is a nonpolitical and nonsectarian organization with the sole qualification for membership that the individual be a service veteran, and that he have a spinal cord injury or disease. Presently, there are 12,000 to 15,000 veterans suffering from this type of disability.

PRACTICE OF DENTISTRY (H.R. 10738)

This bill repeals present District of Columbia Code provisions and replaces them with a new body of law regulating the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists in the District. It is an updating of the 1892 act of the Congress on this subject; broadens the powers and authority of the District of Columbia Board of Dental Examiners as has already been done in over 35 States; permits the licensing of dentists and dental hygienists in the District without written examination, who are licensed in other States or territories where the qualification for such licensure are substantially the same as those in the District; and authorizes the establishment of a nonprofit corporation for the purpose of underwriting prepaid dental programs in the District.

PRACTICE OF PODIATRY (H.R.2595)

Amends present 1918 law concerning the practice of podiatry to permit the Examining Board to accept written examinations given by the National Board of Podiatry Examiners, in lieu of the local Board's own such examinations for licensing of podiatrists in the District. This follows the precedent set by the Congress in the 88th Congress, giving similar discretionary authority in the District of Columbia Board of Dental Examiners, enabling them to accept the national board examination in connection with the licensing of dental hygienists in the District of Columbia. The national board program is recognized in over 37 States.

INCORPORATE GOLD STAR WIVES OF AMERICA (H.R. 10677)

This grants a Federal charter to this organization which was originally organized in New Jersey in 1955 and which has membership in all of the States of the Union.

CHANCERIES (H.R. 11490)

Amends the District of Columbia Code to regulate the location of chanceries and other business offices of foreign governments in the District, to provide a more realistic formula under which real property, located in a block where there are already existing two or more chanceries lawfully located, may be used for chancery purposes, or in the case of a small block of five or less lots where there is already lawfully located one chancery. The legislation incorporates the concept of zoning law that land uses which are similar and compatible are properly allowable in the same neighborhoods.

PROPERTY OF SUPREME COUNCIL OF THE SCOTISH RITE OF FREE MASONRY (H.R. 7718)

This exempts from taxation the property of this organization in the District, located at 16th and R Streets NW., and owned by the Supreme Council, which is a charitable organization all of whose revenues are spent for education and charitable purposes.

PROPERTY OF RESERVE OFFICERS ASSOCIATION (H.R. 456)

This legislation exempts from District of Columbia taxation certain real property of the association located at First Street and Constitution Avenue NE. The association consisting of 55 departments, is located in all 50 States and the District of Columbia, with a membership of approximately 57,000 persons.

INTERSTATE AGREEMENT REGARDING MOTOR VEHICLE FEES (H.R. 9580)

Authorizes the Commissioner of the District to enter into interstate agreements with Maryland and Virginia with respect to the operation of trucks in the respective jurisdictions. In order to enable the adoption of uniform requirements and particularly in view of the mammoth excavation work presently underway in connection with the construction of the Metro System for the District of Columbia, Maryland, and Virginia.

SCHOOL FARE SUBSIDY (H.R. 6683)

Present law was amended to extend the present subsidy for the transportation of schoolchildren in the District of Columbia, for a period of 3 years, namely, to August 1974. Earlier law permitted the carrying of schoolchildren at reduced fares which were not sufficient to cover the costs of carrying them, and therefore, the regulatory body was compelled to increase the adult fare to such a level as to make it high enough to cover the entire costs of such operations. However, in 1968 the Congress first provided that the cost of carrying schoolchildren in the District be borne by the community as a whole, rather than just by the bus riders themselves. Whereas a total of over 7 million school passenger rides were subsidized during the first year under this system, at a subsidy of $1.4 million, during the third such year, namely, ending in August 1971, it was estimated that over 10 million school passenger rides would have been certified at a total subsidy cost of $3 million.

EMPLOYMENT OF MINORS (H.R. 2592)

This legislation extensively revises the existing child labor laws of the District, enacted in 1928, to reflect present demands by youth for jobs, and to eliminate obsolete and restricted provisions which hinder the employment of minors. At the same time, the bill would continue to protect, as does the present law, working youth from exploitation, and prohibit their employment in hazardous or dangerous occupations.

INTEREST, USURY, AND CONSUMER CREDIT (H.R. 12115) (S. 1938)

This legislation first, establishes maximum interest ceiling rates in connection with direct automobile installments loans; second, maximum credit service charge rates for revolving credit accounts, including credit cards, growing out of retail sales in the District; third, provides consumers with safeguards against fraudulent sales, credit, and collection practices; fourth, revises certain elements of the law relating to the garnishment of wages; and fifth, relates the limited application of the "Loan Shark" Act, thus relieving persons engaged in moneylending at lawful interest rates under the terms of the act.

UNEMPLOYMENT COMPENSATION ACT AMENDMENTS (H.R. 10237)

Amends present 1935 law, as required by the Employment Security Amendments of 1970, to provide more extended coverage of individuals in the District by the Unemployment Compensation Act; increase the contribution rate for new employees; increases the wage limitations on an individual by employers from $3,000 to $4,200; and increases the maximum weekly benefits from 50 percent to 66⅔ percent of the average weekly wage during the preceding fiscal year and other extended benefits.

ELECTION ACT (H.R. 11992)

Amends the present 1955 District of Columbia Code provisions to update and reform the same, including redefinition of qualified electors; changing the residency requirements and lowering the voting age from 21 to 18; establishing presidential preference primary and procedures for electing delegates to political party conventions; and provides requirements for reporting campaign contributions and expenditures, using the format of the Federal Corrupt Practices Act.

PUBLIC UTILITIES (H.R. 2591)

Amends present law to standardize procedures for the testing of utility meters in the District; adds a penalty provision in order to enable certification to meet the requirements of the Natural Gas Pipeline Safety Act of 1968; and authorizes joint cooperative action by the District of Columbia Public Service Commission with State and Federal regulatory bodies on matters of joint interest, such as with respect to electric service for the Washington metropolitan area, interconnection and interchange of energy and other sources of power, and the like.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H. J. Res. 1005) making further continuing appropriations for the fiscal year 1972, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment as follows.

Page 1, line 4, strike out all after "amended" where it appears the second time over to and including line 15 on page 3 and insert: "(1) by striking out 'December 8, 1971' in clause (c) of section 102 and inserting in lieu thereof 'February 22, 1972'; (2) by amending section 108 to read as follows:

"SEC. 108. Notwithstanding any other provision of this joint resolution, obligations incurred hereunder and under prior year balances for the activities hereinafter specified shall not exceed the annual rates specified herein during the period beginning December 9, 1971, and ending February 22, 1972:

"Item	*Annual rate*
TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES	
Economic assistance:	
Worldwide, technical assistance	$165, 272, 000
Alliance for Progress, technical assistance	79, 105, 000
American schools and hospitals abroad	15. 000, 000
International organizations and programs	41, 282, 000
Indus Basin Development Fund, grants	5, 000, 000
Indus Basin Development Fund, loans	6, 000, 000
Contingency fund	31, 300, 000
Refugee relief assistance (East Pakistan)	100, 000, 000
Alliance for Progress, development loans	226, 693, 000
Development loans	$530, 779, 000
Administrative expenses, Agency for International Development	47, 000, 000
Administrative expenses, Department of State	4, 280, 000
Military and supporting assistance:	
Military assistance	522, 500, 000
Supporting assistance	649, 721, 000
Other: Overseas Private Investment Corporation, reserves	18, 750, 000
TITLE II—FOREIGN MILITARY CREDIT SALES	
Foreign military credit sales	400, 000, 000
TITLE III—FOREIGN ASSISTANCE (OTHER)	
Peace Corps, salaries and expenses	72, 000, 000
Peace Corps, limitation on administrative expenses	24, 500, 000
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS	
Ryukyu Islands, Army, administration	4, 216, 000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE	
Assistance to refugees in the United States	139, 000, 000
DEPARTMENT OF STATE	
Migration and refugee assistance	5, 706, 000
INTERNATIONAL FINANCIAL INSTITUTION	
Inter-American Development Bank, paid-in capital	13, 240, 000
Inter-American Development Bank, callable capital	136, 760, 000
TITLE IV—EXPORT-IMPORT BANK	
Export-Import Bank, limitation on program activity	7, 323, 675, 000
Export-Import Bank, limitation on administrative expenses	8, 072, 000

Provided, That of the amount that may be obligated hereunder for security supporting assistance, not less than a sum computed at the annual rate of $50,000,000 shall be available for obligation for such purpose solely for Israel: *Provided further*, That, of the sums made available 'for foreign military credit sales herein, $300,000,000 shall be available for such sales to Israel'; and (3) by adding at the end thereof the following new section:

" 'SEC. 109. Notwithstanding section 102 of this joint resolution, as amended, (a) administrative operations for emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, (b) activities in support of Radio Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Act of 1948, as amended (22 U.S.C. 1437), but no other funds made available under this resolution shall be available for these activities, and (c) activities of the American Revolution Bicentennial Commission, may continue to be conducted at rates for operations not to exceed the fiscal year 1971 rates or the rates provided for in the budget estimates, whichever may be lower, except that notwithstanding section 102 of this joint resolution, as amended, emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, may continue to be conducted at an annual rate for administrative operations not to exceed the fiscal year 1971 rate.'

"SEC. 2. This joint resolution shall take effect December 9, 1971."

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

THE PENDING CONTINUING RESOLUTION

Mr. **BOW**. Mr. Speaker, reserving the right to object, and I shall not object, but would the distinguished chairman of the Committee on Appropriations explain the amendment of the Senate?

Mr. **MAHON**. Mr. Speaker, this is the final piece of appropriations business for the session. I believe it is also the final measure to be cleared.

Mr. Speaker, we are recommending that the House accept the modifications which the Senate has made to the resolution.

Under the circumstances, I believe they are reasonably acceptable to all concerned.

I might say, Mr. Speaker, that we had the opportunity yesterday to confer at some length with various Senators. While we could not of course speak for all Members of the House, we did undertake to advise informally as to the provisions which we thought would be reasonably acceptable without the necessity of going to conference on the resolution.

As I say, I believe the resolution is reasonably acceptable to all concerned. In the first place, the resolution is to be in force for only a relatively short time. The date is February 22—which is only about a month after Congress is scheduled to reconvene on January 18. The House had adopted the date of March 15.

With the adoption of the foreign assistance authorization bill conference report in the Senate today, I believe it is the plan in the other body to take up the regular foreign assistance appropriation bill for the current fiscal year shortly after January 18. As soon as that bill is cleared to the President and signed, this continuing resolution would cease to apply.

Of course, there are three items other than the foreign assistance program for which further temporary funding is provided:

Radio Free Europe and Radio Liberty.

American Revolution Bicentennial Commission.

Emergency school assistance activities.

In all three instances, the Senate version of the resolution follows the House-passed version.

Mr. Speaker, we would urge the legislative committees to make final disposition of the related authorization questions on these three items before February 22, because we are strongly disinclined to bring in any more continuing resolutions for the current fiscal year.

The pending Senate version of the continuing resolution enumerates a figure for the interim obligation rate for each item under the foreign assistance bill. In many cases, the figure includes estimated obligations not only from newly authorized funds, but also from estimated prior year unobligated balances and from estimated receipts, reimbursements, and recoveries under certain programs, all of which are available for obligation. This is consistent with last year's practice; consistent with the budget; consistent with the continuing resolution in effect since July 1; consistent with the House-passed appropriation bill; and consistent with the House-passed version of the pending continuing resolution.

The Senate version follows the House version on every item under the economic assistance programs with one exception.

The House resolution was for a $921,255,000 rate.

The Senate resolution is for a $871,255,000 rate.

The Senate dropped the separate, $50 million item relating to population growth.

The Senate increased military assistance—grants—by $48,000,000, to $500,000,000. The House rate was $452,000,000. We are advised that the conference authorization agreement is $500,000,000.

The Senate increased security supporting assistance by $25 million, to $600,000,000. The House rate was $575,000,000. The conference authorization agreement is $618,000,000, with $50,000,000 earmarked solely for Israel. The Senate version of the pending resolution also earmarks $50,000,000 solely for Israel. This is a new departure in respect to supporting assistance. Great caution is required in the further consideration of programs of this type.

For the Overseas Private Investment Corporation, the Senate version provides $18,750,000, which is last year's rate. The House rate was $25,000,000.

The Senate version provides $400,000,000 for military credit orders, with $300,000,000 earmarked for Israel. This, in total, is $275,000,000 less than the House rate, which provided a rate of "not to exceed" $500,000,000 for Israel and $175,000,000 for the remainder of the program.

For the Peace Corps, the Senate rate is $72 million, $4 million above the House but still $10.2 million below the budget.

For the Cuban refugee program the Senate rate is $139 million which is $39 million above the House rate; $5.1 million below the budget; and $26 million, plus, above last year.

For migration and refugee assistance, the Senate rate is $5,706,000, which is last year's rate. The House rate was $8,690,000.

For the Inter-American Development Bank, the Senate rate is $150 million, the same as the House rate.

For the Export-Import Bank, the Senate rate is the same as the House rate, the House appropriation bill, and the budget estimate. This will enable this important agency to move forward in financing an expanded program of export assistance.

The resolution validates expenditures made by the Department of Defense and the District of Columbia and certain other departments and agencies which had not been appropriated for prior to December 8, and for which the regular appropriations have not been signed into law. I do not know, of course, when the President may sign the District of Columbia appropriation bill and the Defense appropriation bill, but this validates the obligations incurred from December 8.

Mr. **BOW**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. **GROSS**. Mr. Speaker, further reserving the right to object, I am not quite clear as to the meaning of the dollar total on the sheet I have just been given by the committee staff and which I appreciate very much. What does the Senate amendment mean in relation to the continuing resolution as passed by the House?

Mr. **MAHON**. In new obligational authority, the continuing resolution as it passed the House provided a rate of $2,648,255,000, in respect to the basic foreign assistance program and $330,906,000 as to the Peace Corps and various other items in title III of the appropriation bill, for a total of $2,979,161,000.

Mr. **GROSS**. Does the Senate amendment make available a total rate of $2,760,927,000 in new authority plus $452,677,000 estimated for receipts and carryover balances.

Mr. **MAHON**. It does. The reimbursement of $452 million is not included in the $2.7 billion figure, nor is it in the $2.9 billion figure cited as the House total.

The Senate version is $218,234,000 below the House version.

Mr. **GROSS**. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. **MAHON**. Mr. Speaker, under leave to extend, I include two tables in relation to the pending continuing resolution:

H.J. RES. 1005, AS PASSED BY THE SENATE

	As to titles I and II of H.R. 12067	H.R. 12067 (other)	Total
H.J. Res. 1005, as amended by Senate	$2, 390, 005, 000	$370, 922, 000	$2, 760, 927, 000
H.J. Res. 1005, as passed House	2, 648, 255, 000	330, 906, 000	2, 979, 161, 000
H.R. 12067, the appropriation bill	2, 672, 555, 000	330, 906, 000	3, 003, 461, 000
Conference report, authorization bill	2, 752, 000, 000	NA	NA
Senate authorization	2, 647, 000, 000	NA	NA
House authorization	3, 443, 350, 000	NA	NA
Budget estimates	3, 595, 218, 000	747, 417, 000	4, 342, 635, 000
1971 appropriations	3, 142, 685, 000	669, 572, 000	3, 812, 257, 000

	As to titles I and II of H.R. 12067	H.R. 12067 (other)	Total
Comparisons of Senate-passed Resolution with—			
House-passed resolution	−$258, 250, 000	+$40, 016, 000	−$218, 234, 000
Conference report, authorization bill	−361, 995, 000	NA	NA
House-passed appropriation bill	−282, 550, 000	+40, 016, 000	−242, 534, 000
Budget estimates	−1, 205, 213, 000	−376, 495, 000	−1, 581, 708, 000
1971 appropriations	−752, 680, 000	−298, 650, 000	−1, 051, 330, 000

Notes: In addition, estimated receipts, reimbursements, recoveries and continuation of prior year unobligated balances continue available (approximately ($452,677,000 on annual basis.)

Also, Export-Import Bank operations—use of bank resources—are authorized at the budget and House approved rates.

H.J. RES. 1005—FOREIGN ASSISTANCE AVAILABILITIES AS PROVIDED IN SENATE-PASSED VERSION

Item	New (obligational) authority	Receipts, reimbursements, recoveries and unobligated balances	Total available
Title I—Foreign Assistance Act activities:			
Economic assistance:			
Worldwide, technical assistance	$150,000,000	$15,272,000	$165,272,000
Alliance for Progress, technical assistance	75,000,000	4,105,000	79,105,000
International organizations and programs	41,000,000	282,000	41,282,000
Programs relating to population growth			
American schools and hospitals abroad	15,000,000		15,000,000
Suez Canal (special foreign currency program)			
Indus Basin Development Fund, grants	5,000,000		5,000,000
Indus Basin Development Fund, loans	6,000,000		6,000,000
United Nations Relief and Works Agency:			
(Arab refugees)			
Special foreign currency program			
Contingency fund	30,000,000	1,300,000	31,300,000
Refugee relief assistance (East Pakistan)	100,000,000		100,000,000
Alliance for Progress, development loans	150,000,000	76,693,000	226,693,000
Development loans	250,000,000	280,779,000	530,779,000
Administrative expenses:			
A.I.D	45,000,000	2,000,000	47,000,000
State	4,255,000	25,000	4,280,000
Subtotal, economic assistance	871,255,000	380,456,000	1,251,711,000
Military assistance: Military Assistance	500,000,000	22,500,000	522,500,000
Security supporting assistance: Security supporting assistance	[1] 600,000,000	49,721,000	649,721,000
Subtotal	1,971,255,000	452,677,000	2,423,932,000
Overseas Private Investment Corporation			
Overseas Private Investment Corporation, reserves	18,750,000		18,750,000
Inter-American Social Development Institute: Inter-American Social Development Institute (limitation on obligation)			
Total, title I, Foreign Assistance Act activities	1,990,005,000	452,677,000	2,442,682,000
Title II—Foreign military credit sales:			
Foreign military credit sales	$100,000,000		$100,000,000
Military credit sales to Israel	300,000,000		300,000,000
Total, title II, Foreign military credit sales	400,000,000		400,000,000
Total, titles I and II	2,390,005,000	$452,677,000	2,842,682,000
Title III—Foreign assistance (other):			
Peace Corps	72,000,000		72,000,000
Limitation on administrative expenses	(24,500,000)		(24,500,000)
Ryukyu Islands, Army, administration	4,216,000		4,216,000
Assistance to refugees in the United States (Cuban program)	139,000,000		139,000,000
Migration and refugee assistance	5,706,000		5,706,000
Asian Development Bank (paid-in capital)			
Inter-American Development Bank:			
Paid-in capital	13,240,000		13,240,000
Callable capital	136,760,000		136,760,000
Fund for Special Operations			
Subtotal, IDE	150,000,000		150,000,000
International Bank for Reconstruction and Development:			
Paid-in capital			
Callable capital			
Subtotal, IBRD			
International Development Association			
International Monetary Fund (quota increase)			
Total, title III, foreign assistance (other)	370,922,000		370,922,000
Title IV—Export-Import Bank of the United States:			
Limitation on program activity	(7,323,675,000)		(7,323,675,000)
Limitation on administrative expenses	(8,072,000)		(8,072,000)
Total ,title IV, Export-Import Bank of the United States	(7,331,747,000)		(7,331,747,000)
Grand total, titles I, II, and III, new budget (obligational) authority	2,760,927,000	452,677,000	3,213,604,000

---

[1] Includes $50,000,000 earmarked for Israel.

Mr. FINDLEY. Mr. Speaker, further reserving the right to object, the $50 million in supporting assistance authorized for Israel could not possibly be used for the procurement of military aircraft; am I correct in that?

Mr. MAHON. It would not be available for use for military aircraft. Military aircraft purchases would be chargeable to the $300 million figure for military sales.

Mr. FINDLEY. That is military credit sales.

Mr. MAHON. Yes; military credit sales.

As I pointed out on the floor recently, the obligations so far this fiscal year for military credit sales for all governments, including Israel—from July 1 through October—amounted to only $30 million.

Mr. FINDLEY. Very clearly, the $50 million supporting assistance could not be used to provide without cost to the Government of Israel military aircraft.

Mr. MAHON. The gentleman, I believe, is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, is that not a sort of sleight-of-hand operation if they get $50 million they can use other money they may have for the purchase of aircraft?

Mr. FINDLEY. One might so conclude.

Mr. GROSS. Yes; I would think so. I thank the gentleman.

RÉSUMÉ OF THE APPROPRIATIONS MEASURES OF THE SESSION

Mr. MAHON. Mr. Speaker, I think it would be appropriate, in briefest summary, to give the House a capsule view of the appropriations business of the session, since the pending resolution is the last appropriation measure to be processed at this session. Under leave to extend, I include explanatory remarks and tables.

With the passage of the pending continuing resolution, the House will have disposed of all the appropriation measures of the session, including the foreign assistance appropriation bill which, however, will not be acted upon by the other body before adjournment; the pending resolution provides a temporary substitute for that bill.

Counting all bills and resolutions, we have dealt with a total of 27 measures; namely, 14 regular bills for fiscal year 1972; four emergency and supplemental appropriation measures relating to fiscal year 1972; five continuing resolutions; and four bills and supplemental appropriation measures relating to fiscal year 1971.

MEASURES WITH RESPECT TO FISCAL YEAR 1972

Mr. Speaker, with respect to the appropriation bills dealing with budget requests for the current fiscal year 1972, Congress has concluded action on 13 regular annual bills, three special resolutions dealing with emergency public jobs, summer school feeding programs for children, and Federal unemployment benefits, and the usual session-end supplemental bill. Only the foreign assistance appropriation bill remains unfinished.

In brief, in respect to fiscal year 1972, the enacted figures are as follows—with comparisons:

FISCAL YEAR 1972 APPROPRIATION BILLS

	In billions—New budget authority				
				Increase (+) or decrease (−)	
	Fiscal year 1971 amounts	1972 budget	1972 enacted	Fiscal year 1971	Budget 1972
17 measures (not counting Foreign assistance)	$141.8	$154.4	$153.7	+$11.9	−$0.7
Foreign assistance bill	3.8	4.3	[1] 2.7	−1.1	−1.6
Total, fiscal year 1972	145.6	158.7	156.4	+10.8	−2.3

[1] Interim annual rate (of new funds only) for period Dec. 9–Feb. 22 under latest continuing resolution. The exact figure is $2,760,927,000 (excluding some $452,000,000 of estimated receipts, recoveries, reimbursements, and carryover unobligated balances).

The net overall decrease, as shown, is $2.3 billion. This is necessarily tentative insofar as the foreign assistance appropriation bill is concerned, but probably is not too wide of what the final figures will be.

However, taking into account the net decrease of $600 million from, first, the $1 billion in the budget as a proposed supplemental for special revenue sharing for one-half year funding in certain housing and urban development programs where we, in the Appropriation Act, made full-year provision for present programs, and second, the $400 million not included in the education appropriation bill, but requested in the budget—and accounted for as a budget item in the bill—for purchase of student loans from colleges and universities contingent upon legislative authority not yet enacted, the net overall decrease would be $600 million more, or $2.9 billion from the overall budget totals. Legislation for the $1 billion item and for the $400 million item has not been enacted, but substitute provisions were made in the appropriation bills for on-going programs to which they relate.

These figures refer to new budget obligational authority—appropriations, for all practical purposes—not budget expenditures. The President's original appropriations budget—which has of course been supplemented and amended from time to time—was about a quarter of a trillion dollars. His original spending budget was about $229 billion, which has been revised upward by the administration to about $232 billion. The expenditure budget of course, in addition to expenditures from new budget authority, include billions of dollars of expenditures from carryover balances of appropriations made in previous years, and also expenditures from certain so-called permanent appropriations, such as interest on the public debt and a number of trust funds which Congress is not required to act upon at each session.

I should note further in respect to the appropriations budget that while the original total request was about one-fourth of a trillion dollars, about $80 billion—figured on a net basis—does not require annual action by Congress. These are the so-called permanent appropriations, encompassing most all the social trust funds and such Federal funds items as interest on the public debt.

FISCAL YEAR 1972 BILLS IN THE HOUSE

Mr. Speaker, in the appropriation bills of the House, while we increased some bills above the budget, we made sharp cuts in others, especially in foreign assistance, and defense. The overall House cut was $4 billion. Let me cite the totals in respect to the fiscal year 1972 appropriation measures:

	In billions		
	Budget	House	Net reduction
17 measures (not counting foreign aid)	$151.7	$149.0	−$2.7
Foreign aid	4.3	3.0	−1.3
Totals, House, fiscal year 1972	156.0	152.0	−4.0

FISCAL YEAR 1972 BILLS IN THE SENATE

The Senate, in addition to considering the same budget requests as the House, also considered later supplements and amendments and certain regular budget items deferred by the House for lack of legislative authorization—notably health manpower programs and the economic opportunity program. But even allowing for this factor, the other body raised the appropriations in a number of significant amounts in relation to the House bills and budget requests. The overall picture as to Senate actions on the fiscal year 1972 bills is as follows:

	In billions		
	Budget	Senate	Net increase
17 measures for fiscal year 1972	$154.4	$156.5	+$2.1
Foreign aid	4.3	2.7	−1.6
Total, Senate, fiscal year 1972	158.7	159.2	+0.5

The Senate approved nine of the appropriation bills at amounts above the budget; seven in amounts below the budget; and two at the budget amounts.

FISCAL YEAR 1971 APPROPRIATION MEASURES AT THIS SESSION

Mr. Speaker, at every session we deal with supplemental appropriations relating principally to 2 fiscal years—in this session, fiscal years 1971 and 1972.

We had four such supplemental measures this session dealing with fiscal year 1971. They involved about $8.9 billion. Congress reduced them by about $910 million.

COMPREHENSIVE BUDGET SCOREKEEPING

While most of the spending side of the budget on which Congress annually acts is handled in the appropriation bills, congressional actions—and inactions—on budget proposals in certain legislative bills significantly affect the budget and fiscal picture—as to obligating authority, as to expenditures, and of course as to revenues. These actions are reported on frequently in the so-called budget scorekeeping reports of the Joint Committee on Reduction of Federal Expenditures.

It is a bit early to say precisely what the final scorekeeping report for the session will show, but probably in all its actions—

First. Congress will show a substantial net reduction in relation to the Executive recommendations in respect to new budget obligational authority.

Second. Congressional actions in their impact on the spending budgetary recommendations of the Executive may well be about a standoff.

Third. In respect to revenue proposals by the Executive, congressional actions and inactions may vary to some extent, but in the overall, the figures will probably not be too far apart.

HIGHER APPROPRIATIONS, BIGGER SPENDING, RISING DEFICITS

Mr. Speaker, every year the authorization totals exceed the year before. Congress continues to authorize and appropriate beyond the revenues in hand or in sight. Budget deficits and rising debt to meet the shortfalls are the inevitable result. Presidential budgets continue to be submitted on a deficit basis.

In the 18 appropriation measures relating to fiscal year 1972—counting foreign assistance in the tentative form as it passed today—the appropriations exceed the fiscal year 1971 level by nearly $11 billion.

On a Federal funds basis, the deficit in fiscal 1970 was $13.1 billion.

The Federal funds budget deficit for fiscal 1971—last year—was $29.9 billion.

In September, the Federal funds deficit was officially calculated to be about $33 billion for the current fiscal year 1972. I would estimate it may range between $35 billion and $40 billion.

The fiscal year 1973 budget will be submitted early in the next session. I believe it entirely safe to say that for the 4 fiscal years, 1970–73, the Federal funds deficit will probably exceed $100 billion.

Mr. Speaker, I include two tables on the appropriation measures for fiscal year 1972 showing further details in support of some of the total figures I have cited:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, 1972, AS OF DEC. 17, 1971

[Note.—As to fiscal year 1972 amounts only]

Bill	Budget requests considered	Approved	Change (+) or (−)
IN THE HOUSE			
1. Education	$5,068,343,000	$4,800,088,000	[1] −$268,255,000
2. Legislative	455,744,595	449,899,605	−5,844,990
3. Agriculture-Environmental and Consumer Protection	12,104,813,850	[2] 12,423,896,050	[2] +319,082,200
4. State-Justice-Commerce-Judiciary	4,204,997,000	3,684,183,000	[3] −520,814,000
5. Treasury-Postal Service-General Government	4,780,576,000	4,487,676,190	−292,899,810
6. Interior	2,164,569,035	2,159,508,035	−5,061,000
7. HUD-Space-Science-Veterans	17,457,017,000	[2] 18,115,203,000	[2] +658,186,000
8. Transportation	2,833,229,997	[4] 2,559,048,997	[4,5] −274,181,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor-HEW	19,942,996,000	20,361,247,000	+418,251,000
10. Public Works-AEC	4,616,082,000	4,576,173,000	−39,909,000
11. Military construction	2,129,805,000	2,012,446,000	−117,359,000
12. Defense	73,543,829,000	71,048,013,000	−2,495,816,000
13. District of Columbia (Federal funds)	289,197,000	268,597,000	−20,600,000
14. Foreign assistance	4,342,635,000	[6] 2,979,161,000	[6] −1,363,474,000
15. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
16. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
17. Federal unemployment benefits and allowances (H.J Res. 915)	270,500,000	270,500,000	
18. Supplemental, 1972	769,341,154	786,282,654	+16,941,500
Total, House bills	155,973,675,631	[7] 151,998,922,531	[7] −3,974,753,100
IN THE SENATE			
1. Education	5,153,186,000	5,615,918,000	[1] +462,732,000
2. Legislative	535,349,607	532,297,749	−3,051,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,752,789,690	−56,426,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	[2] 13,621,677,050	[2] +1,516,863,200
5. Interior	2,194,594,035	2,226,023,035	+31,429,000
6. State-Justice-Commerce-Judiciary	4,216,802,000	4,098,083,000	−118,719,000
7. HUD-Space-Science-Veterans	17,457,017,000	[2] 18,698,518,000	[2] +1,241,501,000
8. Transportation	2,686,006,997	[2] 2,784,608,997	[4] +98,602,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor-HEW	20,123,637,000	21,018,317,000	+894,680,000
10. Public Works-AEC	4,616,082,000	4,716,922,000	+100,840,000
11. Military construction	$2,129,805,000	$2,002,312,000	−$127,493,000
12. Defense	73,543,829,000	70,849,113,000	−2,694,716,000
13. District of Columbia (Federal funds)	289,197,000	285,597,000	−3,600,000
14. Foreign assistance	4,342,635,000	[6] 2,760,927,000	[6] −1,581,708,000
15. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
16. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270,500,000	270,500,000	
18. Supplemental, 1972	3,254,924,371	3,998,045,371	+743,121,000
Total, bills cleared Senate	158,727,594,860	[7] 159,248,648,892	[7] +521,054,032
ENACTED			
1. Education	5,153,186.000	5,146,311,000	[1] −6,875,000
2. Legislative	535,349,607	529,309,749	−6,039,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,528,986,690	−280,229,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	[2] 13,276,900,050	[2] +1,172,086,200
5. State-Justice-Commerce-Judiciary	4,216,802,000	4,067,116,000	−149,686,000
6. Interior	2,194,594,035	2,223,980,035	+29,386,000
7. HUD-Space-Science-Veterans	17,457,017,000	[2] 18,339,738,000	[2] +882,721,000
8. Transportation	2,686,006,997	[4] 2,730,989,997	[4] +44,983,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor-HEW	20,123,637,000	20,704,662,000	+581,025,000
10. Public Works-AEC	4,616,082,000	4,675,125,000	+59,043,000
11. Military construction	2,129,805,000	2,037,097,000	−92,708,000
12. Defense	73,543,829,000	70,518,463,000	−3,025,366,000
13. District of Columbia (Federal funds)	289,197,000	272,597,000	−16,600,000
14. Foreign assistance	4,342,635,000	[6] 2,760,927,000	[6] −1,581,708,000
15. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
16. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270,500,000	270,500,000	
18. Supplemental, 1972	3,254,924,371	3,406,385,371	+151,461,000
Total, bills enacted	158,727,594,860	[7] 156,506,087,892	[7] −2,221,506,968

---

[1] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown, the amount in the House approved bill is in effect a net increase of $131,745,000 over the budget requests considered by the House; the Senate approved bill on the same basis $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[2] There was $1,000,000,000 in the budget as a proposed supplemental for special revenue sharing, or ½-year funding in certain housing and urban development programs. Taking into account that $850,000,000 of that amount was for the HUD-Space-Science-Veterans bill, the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests. Taking into account the remaining $150,000,000 of the proposed supplemental which was for the Agriculture-Environmental and Consumer Protection bill, the House bill is $169,082,200 above the budget requests; the Senate bill is $1,366,863,200 above the requests; and the enacted figure is $1,022,086,200 above the requests.

[3] $352,715,000 of this figure is apparent, not real, because all maritime programs and 1 judiciary item were struck by floor points of order.

[4] House bill does not include $248,000,000 floor addition to "Federal payment to airport and airway trust fund" since, technically, it is not new budget authority until appropriated out of the trust fund. Senate bill adds another $219,800,000 to this "Federal payment" account. Conference report adds $239,000,000 to the budget for this "Federal payment."

[5] Includes $235,000,000 related to prior decision to terminate the SST.

[6] Interim annual rate for period Dec. 9, 1971–Feb. 22, 1972, based on continuing resolution (H.J. Res. 1005). Amounts subject to final determination when H.R. 12067, the Foreign Assistance and Related Programs Appropriation Act, 1972 is enacted.

[7] Considering footnotes [1] and [2] ($400,000,000 for the purchase of student loan notes from colleges and universities and $1,000,000,000 for the proposed supplemental for special revenue sharing), the House bills are $4,574,753,100 below the budget requests; the Senate bills are $78,945,968 below the requests; and the enacted figure is $2,821,506,968 below the requests.

Prepared Dec. 17, 1971, in the House Committee on Appropriations.

APPROVED FISCAL YEAR 1972 APPROPRIATION MEASURES, AS OF DEC. 17, 1971

[Note.—Fiscal year 1972 new budget (obligational) authority only]

Bill	Total approved	Over or under fiscal year 1971	Over or under fiscal year 1972 budget requests
1. Education	$5,146,311,000	+$563,104,500	[1] −$6,875,000
2. Legislative	529,309,749	+86,405,430	−6,039,858
3. Treasury-Postal Service-General Government	4,528,986,690	−1,038,472,210	−280,229,310
4. Agriculture-Environmental and Consumer Protection	13,276,900,050	+3,727,992,500	[1] +1,172,086,200
5. State-Justice-Commerce-Judiciary	4,067,116,000	+243,763,700	−149,686,000
6. Interior	2,223,980,035	+189,759,135	+29,386,000
7. HUD-Space-Science-Veterans	18,339,738,000	+1,342,850,000	[1] +882,721,000
8. Transportation	2,730,989,997	−253,630,608	+44,983,000
Advance 1973 appropriation	(174,321,000)	(+174,321,000)	
9. Labor-HEW	20,704,662,000	+3,149,983,500	+581,025,000
10. Public works-AEC	4,675,125,000	+210,140,000	+59,043,000
11. Military construction	2,037,097,000	+333,023,000	−2,708,000
12. Defense	70,518,463,000	+937,761,750	−3,025,366,000
13. District of Columbia (Federal funds)	272,597,000	+137,334,000	−16,600,000
14. Foreign assistance	[2] 2,760,927,000	−1,051,330,000	−1,581,708,000
15. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	+1,000,000,000	
16. Summer feeding programs for children (H.J. Res. 744)	17,000,000	+17,000,000	+17,000,000
17. Federal unemployment benefits and allowances (H.J. Res. 915)	270,500,000	+270,500,000	
18. Supplemental, 1972	3,406,385,371	+1,036,780,371	+151,461,000
Gross subtotal 18 measures	156,506,087,892	+10,902,965,068	−2,221,506,968
Net adjustment of $600,000,000 to the budget requests (that is, a combination of (1) an amount which should be excluded from fiscal year 1972 budget requests—$400,000,000 not included in the education appropriation bill but requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted, and (2) an amount which should be included in fiscal year 1972 budget requests—$1,000,000,000 which was a proposed supplemental for special revenue sharing which was to make up for only ½ year funding requested in the budget for certain housing and urban development programs but for which Congress revenue sharing not having been adopted, funded on a regular 12-month basis)			−600,000,000
Net total, 18 measures	156,506,087,892	+10,902,965,068	−2,821,506,968

---

[1] These amounts are the ones affected by the net adjustment of $600,000,000 detailed near the end of the table.

[2] Interim annual rate for period Dec. 9, 1971–Feb. 22, 1972, based on continuing resolution (H.J. Res. 1005). Amount subject to final determination when H.R. 12067, the Foreign Assistance and Related Programs Appropriation Act, 1972 is enacted.

Prepared Dec. 17, 1971, in the House Committee on Appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent in connection with my remarks to provide certain tables in the RECORD and certain explanatory material in regard to the action which has just been taken.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CHILDHOOD LEAD POISONING

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the problem of lead-based paint poisoning has reached epidemic proportions in most of our Nation's cities. This tragic fact is all too well evidenced by a report in this morning's—December 17—Washington Post that dangerous levels of lead have been found in the blood of one out of every three Washington inner-city children tested in the last 6 months.

Estimates of the number of youngsters across the country who are afflicted with excess lead levels run higher than 400,000. As a result of childhood lead poisoning, 200 young children die each year. And another 800 must be institutionalized for the remainder of their lives.

Yet, it is possible to eradicate this dread menace from the face of America. Childhood lead poisoning is a kind of pollution, a manmade disease—a needless cause of mental retardation and death.

Therefore, 2½ years ago, I introduced three bills which shared a common aim—the mounting of a Federal assault on lead-based paint poisoning. Subsequently, the distinguished Senator from Massachusetts (Senator KENNEDY) introduced companion legislation in the other body. On January 13, 1971, our legislation was signed into law as the Lead Based Paint Poisoning Prevention Act of 1971 (Public Law 91-695).

On August 10, the President signed the Labor-HEW appropriations bill for fiscal year 1972 which funded this law, providing $7.5 million to combat this deadly disease.

Although this amount is woefully below the $30 million which was authorized by the Ryan-Kennedy bill, it was urgently needed by local communities to mount programs to fight lead-based paint poisoning. Yet despite this, months dragged by while these funds went unallocated.

On October 4, I wrote to Secretary of Health, Education, and Welfare Elliot Richardson expressing my deep concern that these funds had not been released and urging him immediately to make these funds available.

On December 7, I received a response from the Secretary informing me that:

> The full $7.5 million appropriated by Congress for fiscal year 1972 for lead-based paint poisoning prevention is now available for obligation, pending completion of necessary regulations for implementation of Titles I and II of the Act. We will attempt to get these regulations out as quickly as possible.

Although long overdue, the release of this money will be a step toward facing the problem of childhood lead poisoning. Now it is the obligation of the Congress and the administration to insure that a much higher—and more adequate—level of funding is provided for fiscal year 1973.

At this point I include in the RECORD my correspondence with Secretary Richardson and the article by Bob Woodward which appeared in the December 17 Washington Post regarding lead poisoning in the District of Columbia.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 4, 1971.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY RICHARDSON: As you know, the Congress has appropriated $7.5 million to fund the Lead-Based Paint Poisoning Prevention Act, P.L. 91-695, by passage of the Labor-H.E.W. Appropriations bill for fiscal year 1972. The President signed this bill into law as Public Law 92-80.

Since the President's signing of the bill on August 10, I have been waiting to see what action is taken to expend these funds. To my extreme distress, it has been brought to my attention that the Office of Management and Budget has not in fact released these funds to your Department—more specifically, to the implementing agency, the Bureau of Community Environmental Management. It is further my understanding that if and when these funds are released, they will not be available for grant making until the last quarter of fiscal year 1972 (April–June, 1972), and not available for expenditure until fiscal year 1973 (July 1, 1972—June 30, 1973). Finally, it is my understanding that the full $7.5 million may not be released.

This is unacceptable. Firstly, it clearly flouts Congress' will that these funds be provided now. Secondly, as you may know, the incidence of childhood lead poisoning, which these funds would fight, rises in the summer months. Unless the local communities which have applied for grants receive them sufficiently in advance of next summer, they will be unable to deal at all with this increase, let alone the normal monthly toll of this devastating, yet preventable, disease. Finally, I simply will not accept as excuse for not requesting funds for fiscal year 1973 the excuse that may well be offered that in fact funds are out in the communities in that fiscal year, in light of the particular restriction that will be imposed limiting expenditures to post-June 30, 1972. Finally, even the $7.5 million appropriated is far, far too little. To cut back on that meager amount is totally without justification.

As you know, my office has been attempting to arrange a personal meeting for myself with you since Thursday, September 23. Thus far, we have not been able to secure that meeting. I urge upon you in the strongest terms the necessity that we meet and resolve this situation. We owe no lesser obligation to the children of this country.

With best regards,

Sincerely,

/S/ WILLIAM F. RYAN,
Member of Congress.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., December 7, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: This is in response to your letter of October 4 concerning funding of the Lead-Based Paint Poisoning Prevention Act.

The full $7.5 million appropriated by Congress for fiscal year 1972 lead-based paint poisoning prevention is now available for obligation, pending completion of necessary regulations for implementation of Titles I and II of the Act. We will attempt to get these regulations out as quickly as possible.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

[From the Washington (D.C.) Post, Dec. 17, 1971]

LEAD HAZARD FOUND IN 33 PERCENT OF CHILDREN

(By Bob Woodward)

Dangerous levels of lead have been found in the blood of 1 out of 3 Washington inner city children tested in the last six months—about three times more than found in initial tests last May.

Dudley Anderson, chief of the D.C. accident prevention division, said yesterday that the situation is "very critical . . . the inner city is literally a lead mine."

In these tests for the six months from May to November, 592 of the 1,821 D.C. children tested (33 per cent) had dangerous levels of lead compared with 10 per cent of the children tested in May only, Anderson said.

By comparison, this 33 per cent rate is significantly higher than the 10 to 25 per cent that the Department of Health, Education and Welfare reported was found during 1970 in Baltimore, Philadelphia and Minneapolis inner city children.

Lead poisoning generally affects children between the ages of 1 and 6 who eat flakes of lead-based paint or chew on woodwork or window sills coated with such paint.

Before World War II, lead paint was widely used for the interiors of the downtown dwellings of the wealthy, which over the years, have become inner city residences.

However, Anderson said the 15 health clinics throughout Washington found hazardous lead levels in 307 of 1,255 children tested (25 per cent) during the last six months. This indicates the problem is not confined to the inner city, he said.

When untreated, lead poisoning can cause permanent mental retardation or even death of the victim. Small portions of the sweet-tasting lead paint flakes about the size of a thumbnail can cause acute lead poisoning if eaten daily over a period of months or even weeks. Teething babies or hungry children are most prone to chew on woodwork or eat paint chips.

The dangerous levels of lead found in 592 of the inner city children were above the level of 40 micrograms of lead per 100 milliliters of blood. At least 21 of the cases were acute and required immediate treatment, Anderson said.

This treatment, or "deleading," consists of injections in each hip for a week with a chemical that induces the lead to pass out of the body.

The testing of the inner city children is being financed by a $200,000 Model Cities Commission grant expected to run out in April. After that, Anderson said, he has been told the program will not be refunded and must "go defunct."

There are about 11,000 children in the test age group of 1 to 6 in the D.C. model cities area, a 2.3-square-mile crescent north of Massachusetts Avenue that includes the neighborhoods of Shaw, Stanton Park, and Trinidad.

"We have children poisoned by lead every day," Anderson said.

For example, Dr. Bonnie J. Peacock of Children's Hospital said yesterday that she has a case in which a two-year-old has been treated for lead poisoning six times this year.

"The mother says she can't keep her child away from the lead paint," Dr. Peacock said.

Under city law, a dwelling is supposed to be completely deleaded within 10 days after a child living there is found to have lead poisoning.

Carroll A. Swanson, the chief administrator for the city housing inspections, said yesterday that the Northwest apartment in which the two-year-old lives has been deleaded. "It's a puzzle to us. We can't find where the child gets it," Swanson said.

But Anderson pointed out that city standards only require the removal of paint with 1 per cent or higher lead content, even if the paint has caused lead poisoning. "The 1 per cent figure is not realistic," Anderson said.

Last month the American Academy of Pediatrics called upon the Food and Drug Administration to reduce the permissible lead content of paints to .06 per cent from the federal standard, which was recently lowered from 1 per cent to .5 per cent.

However, other city health officials point out the expense of deleading apartments and houses. To be effective, the lead paint must be burnt off or completely covered with plasterboard. This costs from $300 to $900 per room, city officials estimate.

REPORT ON CAMPAIGN REFORM BILL

(Mr. **NELSEN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **NELSEN**. Mr. Speaker, I would recommend to the Members of the House that they carefully study the conference report on the campaign spending reform bill, S. 382, which has been adopted by the Senate and which is to be considered by the House shortly after the second session begins on January 18.

The legislation in question, as it passed the House, required that a broadcaster charge a Federal political candidate a comparable rate for his political time as opposed to the lowest unit rate which is required by the conference bill. I want to point out that this lowest unit rate provision applies only to broadcasters and not to any other business utilized in a political campaign. It is discriminatory and entirely unfair.

It singles out the broadcast industry alone to provide bargain basement rates for politicians, totally ignoring the fact that other advertisers are often far more entitled to a better rate because of the year-round volume or frequency of their advertising. Therefore, it is also discriminatory to many thousands of businesses and enterprises in no way related to political candidates or campaigns. Finally, this provision is especially damaging to the small country radio and television stations that operate on a narrow profit margin.

If you go back to the colloquy during the time that this provision was being debated, you will find that there has been much said about this provision being an incumbent's provision. I daresay that is quite an understatement. No one will dispute the impact of broadcasting, but yet I find it hard to support this item because it tends to freeze in the incumbent and give him a bargain rate which he does not really deserve.

While I support the thrust of the legislation as a whole, I could not let this opportunity pass without taking the chance to point out this rank discrimination.

Members ought to be aware of the inequity when the conference report comes to the House for final consideration next month.

FUNDING PRIORITIES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Esch) is recognized for 15 minutes.

Mr. **ESCH**. Mr. Speaker, in recent years one of my primary interests has been to bring about a speedy end to our involvement in Vietnam. Along those lines, and in light of the demands we face domestically, another major concern I have had has been the amount this country has spent on defense and the percentage of the national budget that we devote to it.

THE FACTS

I was among the first Members of the House to strongly support the end to U.S. participation in the Vietnam war. I voted against our participation in the Laos and Cambodia operations. I have supported every one of the numerous end-the-war amendments which have come before the House. During my first term in Congress, I joined with less than 50 other Members in voting to cut back the defense budget by an overall 5 percent, and I have actively supported and voted for literally hundreds of amendments to trim defense budgets since that time. I have opposed the ABM and MIRV.

Shifting our priorities, however, is much more involved than merely voting to cut back on defense expenditures. If my own efforts, and those of my colleagues in this are to be effective, we must concern ourselves with the equally important, if somewhat unglamorous subject of economic conversion. We must concern ourselves with lessening the extensive pressure in our society for continued spending for armaments. Of course, much of this pressure is economic in nature.

The aerospace-defense industry holds a huge stake in our Nation's economy. Together it employs a large percentage of the U.S. labor force—2.8 million men in uniform, 1.14 million civilian Pentagon workers, some 1.6 million workers employed directly on military procurement and research and development in the private sector, and some 1.7 million workers in the aerospace industry. There are large military installations in 363 of 435 congressional districts, and in nearly every State in the Union.

One has only to look at Seattle, Wash., Orange County, Calif., or Cape Kennedy, Fla., to see the extensive effect of cutbacks on local economies. This situation comes about through reductions in defense and aerospace dating back to 1968—defense procurement will have fallen from $45.5 billion to $35.3 billion from fiscal year 1968 to fiscal year 1972.

In March of this year a Government-sponsored survey estimated that 200,000 engineers and scientists would be out of work by the end of the year—an estimate borne out by reality.

In my view, we must begin to take action now to convert those economic resources and those skilled personnel in our defense and aerospace industries to civilian capacities. Surely there are enough urgent domestic needs; mass transportation and communications, housing, pollution abatement and control, new health delivery methods—the list is almost endless.

This conversion cannot be accomplished overnight. Because of its almost total reliance on the Federal Government for contracts and financing, the defense-aerospace industry has forgotten how to compete in a normal market. It has become used to extremely long lead-times, has depended heavily on the Federal Government for capitalization—through advances on contracts and/or lease of Government-built plants and equipment—and in projects such as the Apollo program, which has concentrated on high performance standards almost regardless of cost. The industry has very little sales ability in the normal consumer market and is heavily weighted with managerial and technical workers.

POSSIBLE SOLUTIONS

All of this paints a pretty grim picture of our ability to make a successful conversion to the peacetime society for which we have been longing. I am, however, not wholly pessimistic. There are a number of important approaches being considered by the Congress and the administration which could have a significa effect both in alleviating the present employment crisis caused by defense and space reductions and in reinvigorating the innovativeness of American industry to deal with the numerous important peacetime priorities. Some of these are embodied in bills and programs, others are still in the discussion stage but they all could have significant effect.

First, there are a number of manpower proposals, including programs designed to provide specific retraining for scientists and engineers; programs which would provide loans to unemployed scientists and engineers not only for their retraining but for their living expenses, maintaining house payments, and so forth; the Emergency Employment Act of 1971 which established a system of public service jobs for the unemployed; the administration's manpower revenue-sharing program and my own Manpower Training Act.

As ranking member of the Manpower Subcommittee of the Committee on Eduation and Labor, I am vitally interested in such legislation and strongly feel that early action should be undertaken. In addition, I am a member of the Science and Astronautics Committee and have strongly urged our chairman to take action shortly after the start of the new year on the conversion proposals which are designed to deal with the special problems facing scientists.

These manpower training proposals are certainly necessary and will be helpful in alleviating the problems, but they are far from a solution to the crisis itself. Retraining alone will not create new jobs.

A second series of proposals for expanded research and development funding would create considerable numbers of new jobs both through the actual research and through the application of new discoveries to the economy as a whole. There is broad agreement that the Federal Government must greatly expand its R. & D. funding. A recent symposium of the Members of Congress for peace through law recommended increasing Federal R. & D. support by $500 million annually through existing Federal agencies, such as the Atomic Energy Commission the National Institutes of Health and the National Science Foundation. Additionally, there have been proposals to create a new R. & D. funding agency, the National Applied Sciences Administration, to absorb the present NASA organization and functions and to expand our applied research.

Expansion of private R. & D. is, of course, essential as well, but will be unlikely without some Government incentive since it involves both high expenditures and high risks. This incentive could come through tax benefits, direct support, expanded patent protection, and so forth.

Third, specific Government action can be taken to provide direct assistance in conversion problems. In 1962 the Defense Department established a base closure committee to assist communities where military bases were being closed to attract industry to that area and to make use of the facilities of the closed base. The mission on this Interagency Committee on Economic Adjustment has been greatly expanded by Secretary Laird to include assistance to areas such as Seattle, particularly hard hit by contract cutbacks. This is a major step in the right direction, but the program has still not received the attention or funding which its vital mission deserves.

NASA has an extremely successful program of technical assistance which provides very specific scientific advice to firms attempting to make use of space science discoveries in their own domestic products. The technology dissemination centers can, for instance, identify new allys, transisters, and so forth, which overcome development problems a company has been having. A program of this nature should be expanded so that the scientific advisers have readily available all Federal R. & D. information which might be useful to private firms working on specific technical problems. This might take place through an expansion of the present system within NASA or through revival of the Department of Commerce State technical services program.

Fourth, we could make a national commitment, similar to our goal of landing a man on the moon by the end of the decade, to solving one or two of our most important domestic problems. Such a commitment would have to involve an almost open-ended financial resource—as did our space effort—and be amenable to scientific solution. Water and/or air pollution abatement would be ideal choices for such an effort.

It is important to point out that this kind of attention cannot be given to all the difficult problems facing our Nation. If such an undertaking is to be effective, it cannot be fractionalized by urging other projects on it. If the hard-headed decision is made to make pollution control our priority, for instance, we must recognize that we cannot at the same time solve all our problems of health, housing, transportation, and crime. All of those issues can and should continue to receive a good deal of attention, but they cannot all receive the kind of open-ended commitment we are talking about at the same time.

All of these proposals are useful and important. However, they all retain the problem that their efforts are aimed at only a very specific portion of the overall economic problem of conversion. If we are to meet these goals we must have overall direction and planning.

For that reason 49 Members of the House and 25 Members of the Senate joined with me 3 years ago in introducing legislation to establish a National Economic Conversion Commission to coordinate and plan conversion efforts. Passage of this legislation is even more urgent today. Our economy cannot right itself without a thoughtful and intensive planning.

Such a Commission can give overall direction in the immediate crisis—but at the same time it would take a long-range look at future economic problems which our Nation will face. It is clear, for instance, that there will be a time in the not-too-distant future when our water pollution control programs will force major changes in manufacturing processes. When that happens, there are certain to be a number of companies which simply cannot afford to make the changeover to more modern and more ecologically sound methods. They will therefore drop out of the marketplace—leaving closed facilities and men without jobs. However, if adequate planning and attention is given to the economic effects of decisions, an economic disaster can be prevented. The Economic Conversion Commission would provide just such foresight and meet the problem with a solution before it develops into a critical one.

Discussions of the economic effects of our governmental decisions are not particularly enticing. It is far more dramatic for instance to call for an immediate end to the war, a cut in the defense budget of $20 billion, or an end to water and air pollution by 1980. But we will never reach those desirable goals unless we build a strong economy that can function effectively on a peacetime basis.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER), is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

American history is full of explorers. The first woman pilot to ever circle the globe was an American. Mrs. Jerrie Mock took 29 days, 11 hours to travel around the world in March and April, 1964, according to the World Almanac. Mrs. Mock's flight originated and ended in Columbus, Ohio.

PAPER MADE FROM PAPER MADE FROM PAPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, last February President Nixon emphasized the ecological importance of recycling in his Environmental Control Message to Congress. He stated:

> As we look toward the long-range future—to 1980, 2000 and beyond—recycling of materials will become increasingly necessary not only for waste disposal but also to conserve resources.

The city of Buffalo and the county of Erie, as well as many businessmen and other citizens of my district in New York State, have been actively engaged in paper conserving recycling projects.

Buffalo is moving ahead in paper recycling and while official legislation within Erie County has not been passed, their purchasing department has been experimenting with various types of recycled paper on their duplicating machines, for in-plant printing and as interdepartmental stationery, prefacing a resolution under consideration by the County Environmental Control Committee recommending the county use of recycled paper.

I also would like to point out an innovative action taken by New York State. The New York GSA offices just released a booklet entitled Printing and Purchasing Guidelines. A cover letter from George A. Brewer, Director of Standards and Purchases, stated that:

> This booklet is printed on recycled paper in response to the current need for leadership by government users of paper to use recycled paper wherever practicable.

New York State bids say they will give preference to recycled paper.

Mrs. Edmund J. Fitzgerald, who is chairman of the Paper Task Force of Housewives to End Pollution, has provided me with excellent research materials concerning paper recycling programs. The current project of the Paper

Task Force of HEP has been a catalog of recycled home and office stationery available. The catalog has been assembled in conjunction with Robert Dauer's Erie and Niagara Counties Regional Planning Board Solid Waste Management Committee.

I believe this catalog is unique in the Nation as it contains 25 samples representing 11 papermills throughout the country. Because there is a need for such a compilation of papers under one cover, the HEP paper task force has already received many requests and anticipate widespread distribution of the 5,000 copies. The catalog offers prospective buyers the opportunity to see, touch, and experiment with paper made from waste paper and hopefully this will create an impetus for uncommitted companies and municipalities to take the first step toward demonstrating their public concern within the community.

Copies of this unusual catalog can be ordered from Katie DiPirro, 17 Blackmon Drive, Grand Island, N.Y. 14072. Fifty cents should be included to cover postage and handling.

Mr. Speaker, I know that many Representatives have a deep interest in recycled paper and use it in their offices whenever possible. I wish that the catalog, Paper Made From Paper Made From Paper, could be included in the Record in its original form. Since this is not practical, I hope that the description of each type of paper and its source will prove helpful.

Mr. Speaker, I include the following at this time for the attention of my colleagues:

Recycled Paper, an article by Mrs. Edmund J. Fitzgerald, which appeared in the August 15, 1971, issue of Echo Issues, an environmental newsletter published by the Environmental Clearing House Organization of the Buffalo Museum of Science; the opening remarks to the Buffalo Chamber of Commerce Environmental Activities Council meeting during the presentation of the HEP paper task force catalog; and the descriptive catalog itself, Paper Made From Paper Made From Paper:

Recycled Paper

(By Mrs. Edmund J. Fitzgerald)

We lie on it, we wrap up in it, we eat cereal out of it, we tack things on it, we ship things in it, we pack eggs in it, we make stage sets out of it, we wipe hands on it, and we even write on it! What is "it"? why, recycled paper, of course! Otherwise known as containerboard, boxboard, molded pulp board, corrugated medium, recycled paper stationery, "ecology paper" and regular old tissue and toweling.

Recycling of paper is simply taking waste paper that has served its original purpose, de-inking it if necessary, then beating it into a pulp to be made into paper (usually one grade lower because of the breakdown of fibers).

Where does the United States stand now in terms of paper and paperboard consumption? Overkill would best describe it! The average annual consumption is over 500 pounds, one quarter of a ton, for every man, woman and child, the highest in the world. The per capita consumption of paper and board in the next five countries is 200 to 300 pounds less. Per capita consumption in the entire world, exclusive of the U.S., averages 50 pounds!

It is no wonder that over half of our urban solid waste is paper and paperboard products. Add to that the fact that by 1980 our population estimate is 235 million people, and suddenly the magnitude of the refuse disposal problem facing most cities comes into harsh focus. According to last November's Solid Waste Report, time is running out in several major cities as far as dumping their waste into landfill areas is concerned: Philadelphia has 1.8 years to go, Atlanta has 1.5 years to go, Cleveland has 1.0 years to go, Chicago has 0 years to go.

There are no longer any landfill areas within the Buffalo city limits, meaning the city's garbage is being taken to county landfill sites, cutting down on space available to other towns in Erie County. Some landfills in the southwestern section of the county already have been closed down by the Health Department due to their critical conditions.

Incineration of solid waste is practiced, but at a cost of $10 per ton in Buffalo compared to $1.85 per ton for disposal by landfill. It costs over $2 million annually to collect and dispose of paper alone in the metro Buffalo area. Gradually, city officials are turning to recycling as a solution to their refuse deluge.

Recycled fibers are mainly those obtained through the effective utilization of post-consumer fibrous wastes. Post-consumer wastes are those goods that have outlived their economic usefulness to the consumer and have been discarded. This description excludes paper mill broke and rewinder trim, the recycling of which is a standard part of the papermaking process. It is important to understand this difference and question what comprises the raw material of a product claimed to be of "recycled fibers" by the producer.

We have a misleading situation in discussing the usage of secondary fibers in the U.S., for although it has increased on an average of 160,000 tons per year in the last 10 years, in the same period, total paper and paperboard manufactured increased by approximately 2 million tons yearly. Thus, although recycling volume increased, the percentage of secondary fiber used has decreased. Of the almost 60 million tons of paper consumed in the U.S. last year, only 20% was recycled, compared to a high of 35% during World War II. West Germany and Japan recycle almost half of their wood fiber volume while France reclaims 42%, Austria 40% and England 35%.

While 10 to 11 million of that 60 million tons of paper consumed finds its way into books or magazines, housing insulation, wallboard and contaminated tissue and toweling (therefore making it non-recyclable), we know that 38 to 40 million tons which could be utilized, is not. It is either being burned in open dumps, taken to those 'sanitary' landfills ("PHD"—piling it higher and deeper), or incinerated. There's that ironic figure that could be mentioned now: it costs twice as much to dispose ($8 million) of the New York Times annually as to publish it ($4 million.)

Basically, then, we can cite five reasons to increase the use of recycled fibers: 1) to reduce solid waste, 2) to reduce air pollution caused by incineration and open dump burning, 3) to reduce garbage disposal costs to the taxpayer, 4) to conserve natural resources (anticipated population increases will place additional pressure on forests and increased competition for timber, requiring greater forest management) and of course 5) it would be a positive visible response to a high public interest in the general concept of recycling.

The two main problems cited in recycling waste paper are economics and collection and sorting. The economics revolves around creating a demand for the use of recycled fibers in paper and paper products and allowing for increased costs by mills that must update equipment and develop new techniques to process waste paper fibers. This will involve cooperation and support of the recycling concept by industry, the consumer, and government. Industry must eliminate specifications which discriminate against recycled fibers, the consumer must demand products made of recycled fibers, and government must take the lead by actually switching from products that use only virgin fibers to those using recycled fibres or a combination of both. Government's lead must extend to support in the four following areas: 1) extend depletion allowances to assist not only the natural resource industries but also the secondary materials industries, 2) revise freight rates that currently favor virgin materials (scrap paper and tin cans are more costly to ship than logs and iron ore), 3) employ tax incentives or other financial assistance to mills having to update pollution abatement equipment or install de-inking machines, and 4) encourage the elimination of contaminants such as adhesives used in paper making that complicate successful recycling of all waste paper.

The problem of collection and sorting will be solved by a combination of awareness and education of the public as to what papers can be recycled and what cannot, and by development of improved methods by waste paper dealers and suppliers.

The three major grades of waste paper are news, corrugated containers and mixed papers. News is reclaimed from printers, news dealers and distributors, household and institutions. This grade forms the basis for the Boy Scout, school and church paper drives. Also, both the Courier and the News sell their overruns and other waste paper generated in normal operations to local scrap dealers. As yet, the only place that will pick up newspapers from the home is the Salvation Army, 875–2533. Papers must be tied or bundled in grocery bags, marked for pick up, and contain nothing but newspapers. This is because most of the Salvation Army's newspapers go to Garden State Paper Co. in New Jersey to be de-inked and made into new newsprint. Magazines, junk mail or cereal boxes introduce clays and resins into the process, contaminating the new product.

Some other salvage dealers who take newspapers, corrugated boxes, magazines, and mixed waste (junk mail, cereal and detergent boxes and other household paper) are: Frontier Scrap Service, 2 Mechanic St. Tonowanda, 692–3448; Military Waste Paper & Metal Co., 427 Hertel Ave., 875–2112: Niagara Salvage Co., 1433 Niagara, 882–1090, A & L Salvage Co., 397 Sycamore, 852–8491; Reliable Waste Material Inc., 1 Watson, 856–8622; Royal Waste Material Co., 21 Grey, 856–9684; Lackawanna Junk Co., 67 11th St., Lack., 822–3263: Empire Waste Products, 55 Skillen, 875–2629.

The going rate (it fluctuates daily according to supply and demand) is 35c per 100 pounds ($7 per ton) for newspapers and 25c per 100 pounds for mixed waste. Most of these dealers will spot trailers for paper drives providing the guaranteed pickup will be five to ten tons. Because of a depressed market, large scale city-wide collection of newspapers would further drive down the price.

St. John's Lutheran Church at 6540 Main Street in Williamsville has a permanent collection depot at their white brick garage behind the church during the hours of 9–3 Tuesday thru Friday and 9–12 on Saturdays. The Senior Luther League, their young people's group, maintains the depot and loads the salvage dealer's trucks every two to three weeks.

The paper collected by the salvage dealers goes to paper mills for recycling either directly or through the three Buffalo paper brokers: Buffalo Paper Stock Co., Inc. (825–3100), Max Brock Co., Inc., (852–6662) and

Great Lakes Paper Fibres Corp. (854–3232). The paper brokers sort the paper by hand as to color and grade, shred it into fine, square pieces, and bale it for shipment to national and international mills.

Because of the high freight rates, much of the waste paper stays right within 50 miles of Buffalo and is used by companies such as the Upson Company in Lockport which makes bedboards, posterboards, parade floats, stage and TV sets, chair and visor linings, phonograph speaker gaskets and car door insulation. Sixty percent of their board goes into mobile home and other building products such as wallboard, roof coping, soffits and panel board. Currently, Upson uses 600 to 700 tons of waste news paper weekly.

Another local company using 100% waste paper in its product is a subsidiary of the Upson Co., Beaver Board Co., Inc. in Tonawanda. They recycle 500 to 600 tons of newsprint and mixed waste weekly to make a combination boxboard that is shipped to local box companies for conversion to boxes destined to hold everything from Kodak film to dresses, cakes, and potato chips. The waxed lining is what protects the food from the waste paper product, although the heat process used in drying the board is so intense it is improbable that bacteria would survive.

Boundary Paper Mills, Inc. of N. Tonawanda is a third paperboard mill making its product of 100% waste paper such as newsprint, printers mix or old corrugated boxes. Boundary specializes in roll stock for tubes used in calendars, tissue and toweling, and for protective covering of auto parts such as bumpers, hoods or headlights. Their mill uses about 350 tons of waste paper weekly.

In Lockport the Flintkote Co. makes roofing felt of recycled fibers, using about 60 tons per week. United States Gypsum Co. uses about 375 tons of newsprint weekly at their paper mill in Oakfield when they make liner paper to enclose wallboard, lath, sheathing and other gypsum products. National Gypsum's Milton, Pa. paper mill likewise makes liner paper and container board from newsprint and wastepaper shipped from Buffalo. Obviously, improvements in the current economic situation will lead to a lowering of interest rates, subsequent housing starts and increased business for these mills, meaning an increased demand for used newsprint.

Since none of the aforementioned mills deink the waste paper before repulping it to make the paperboard products, pollution involved in these processes is relatively little, particularly compared to mills making board of virgin fibres where there is much waste and effluent.

We have been advised that the real impact lies in creating a demand for more secondary fibres in corrugated shipping cases. HEP has launched a campaign, asking people to write to big manufacturers of consumer products, requesting that they change their specifications to favor higher percentages of recycled materials in their cartons. We also have asked them to display a newly developed revolving arrows symbol to enable consumers to distinguish the recycled paper cartons. This symbol is available from the National Association of Secondary Material Industries, Inc. (NASMI) providing the product meets certain criteria.

Letters or personal calls to local manufacturers would be effective also. Responses from the contacted manufacturers vary, but mainly they cite "technical problems" and availability of these cartons. However, Quaker Oats and Standard Brands inform us they satisfactorily use shipping cases containing recycled fibres, so this is a start, and armed with statements from them, we hope to move greater mountains. Local corrugated fabricating plants, that is, plants who receive the board from their mills in other sections of the U.S. and convert it into cartons, inform us they will make cartons to whatever specifications the customer demands.

There are corrugating mills that for years have made "bogus" medium (the wiggly part) and "jute" liner (the board enclosing the medium) of up to 100% recycled fibres and are successfully competing with corrugated cases of virgin fibres. This means these cartons meet burst strength, tearing resistance, density, and flexural rigidity standards set up by the ICC. Concurrently, supermarkets and other stores receiving products in corrugated shipping cases need to be encouraged to bale and compact their cartons (for $10–$13/ton locally) instead of incinerating or dumping them.

Although increased use of secondary in packaging and corrugated will consume the greatest amount of salvaged waste paper, switching to office paper and stationery made of recycled fibres will be effective also in creating a demand. Stationery can be made of de-inked or unde-inked fibres and for the most part is comparable in performance, opacity, stiffness and appearance to virgin fibre paper.

Recycled stationary can be made of two major classifications of waste paper: manufacturing waste and post consumer waste. Because manufacturing waste is generated in the process of making paper and is usually recycled back into paper production, it should not be reflected in the percentages of recycled fibres in stationery.

Post consumer waste, that resulting from the normal use and disposal of all sorts of paper products, is the preferable material from which to create recycled fibres. Ideally, the purpose of purchasing this type of paper is aimed at reducing our vast amount of post consumer waste so the highest percentage of recycled fibers should be specified. The Federal Government recently changed 14 of their specifications, and many ecology-minded companies printed their annual reports on recycled paper.

The City of Buffalo just received its first purchase of recycled paper (the bids were lower for the paper suppliers of secondary than the same order of virgin), and Erie County is studying a resolution mandating the revision of their specifications for all paper purchases to favor secondary. This would include tissue and toweling, which can be made of 100% recycled fibres.

In Buffalo, Alling & Cory (852–7200), Franklin-Cowan Paper Co. (854–5954), Hubbs & Howe Co. (895–7900), and Bickford Paper Co., Inc. (856–4634) carry a complete line of recycled business paper. Most paper is available also through local printers. HEP and the Erie-Niagara Regional Planning Board are putting together a catalogue of available recycle paper and business stationery which should be ready in September.

Many of the stationery mills making recycled paper have closed systems, meaning clay and fiber particles are recaptured, water is re-used, and often these mills are tied in with local cities' sewer systems. Such is the case with Garden State Paper Company, the only company in the United States making newsprint from de-inked used newspapers. Currently, they have three mills across the country, closest to the urban areas that generate their raw material. They operate at capacity, producing 3% of the nation's newsprint at $7 less a ton than virgin pulp paper. The Courier and News purchase all of their virgin pulp newsprint from Canada, but should our pressures change their ideas, they will join the trend and demand recycled newsprint, hopefully encouraging Garden State to open another mill. Perhaps a virgin mill, such as the Ontario Paper Co, in Thorold, might consider installing a de-inking machine, thus using all of Buffalo and Western New York's used news.

To complete the waste paper recycling circle, HEP also is encouraging the "two waste basket system", where offices and schools separate the recyclable, high grade waste paper (at $25 to $30 a ton) from the contaminated waste (coffee cups, paper clips, etc.) Buffalo Paper Stock and Frontier Scrap Service will aid those interested in developing this system. HEP is also setting up guidelines. American T & T is currently experimenting with this system in New York City, and we await word of their results.

HEP's final endeavor in creating that demand for the use of waste paper and also allowing more people actively to participate, is the selling of Christmas cards printed on Bergstrom's 100% recycled paper. Twenty-one designs are available and can be ordered through September by calling card chairman, Mrs. Robert Stull (837–8323).

In addiiton to broadening the acceptance of products currently being made from recycled fibres, not only do we need research to determine ways to include more secondary fibres in products not made wholly or largely from virgin fibres, but we need additional research to develop new products and uses for these fibres. Studies are being conducted to use waste paper for cattle feed, road beds and, in St. Louis, for heat recovery and for power generation in San Francisco.

These solutions will alleviate part of the solid waste disposal crisis. The other part will be solved by the proper utilization of secondary paper stock, and the key question is, when new mills are built with completely modern equipment, will they be primary mills or secondary mills? Cost figures from the Technical Association of the Pulp and Paper Industry (TAPPI) conclude that the profit margin for mills using secondary fibers runs $35 to $40 a ton higher than for those using virgin pulp.

Therefore, the course is clear: we as consumers must increase our demand for products of reclaimed fibers, and the mill capable or considering the use of secondary fibres can not possibly ignore the challenge. For as Bjorn O. Lehto concluded in addressing a TAPPI conference this February: "Now that the government is committed to increased recycling and has made federal funds available, it is up to all of us, as members of management teams, to recognize the opportunity that exists, to take hold of it, and make a 'go' of! Or someone else certainly will!"

Opening Remarks to Chamber of Commerce Environmental Activities Council Meeting During HEP "Paper Made From Paper" Catalog Presentation

Housewives To End Pollution,
Buffalo, N.Y., December 1, 1971.

Thank you all very much for taking time out of your busy schedules to show an interest and come today. I wish to thank the "without whoms" for all their help on the catalogue: Barry Yagnesak, the Alling & Cory Co., Charles Plant, Franklin-Cowan, Lou Corrigan of the Planning Board, Maggie Butler, catalogue chairman, and Nancy Culmone, our artist who designed the cover and also our HEP logo.

Our Congressman, Jack Kemp, regrets that he will be unable to attend today, but sends his best wishes to all of you here.

Delaware Common Councilman William Hoyt introduced a resolution before the Council yesterday commending HEP and the Solid Waste Management Committee of the Erie and Niagara Counties Regional Planning Board for their efforts in putting this catalogue together, and resolved that the Council urge that all individuals who are in a position to influence the purchase of paper to obtain a copy of "Paper Made From Paper" and follow its recommendation regarding the purchase of recycled paper.

I call to your attention items I have placed on the table. They are printed on paper of recycled fibres and represent local and nationwide companies and municipalities. Please examine them at your leisure to learn of the many different ways recycled paper can be used.

Also I would like to point out a few things being done with recycled paper, beginning with the City of Buffalo and the County of Erie, both of whom have taken the lead in the community by ordering recycled paper, joining the Planning Board who first beban the local movement in March. The City received their first order in August and the County has been studying it, through buyer Vito Rinaldo, and has purchased recycled paper for experimentation on their duplicating and mimeo machines and inplant printing. We recommend that you follow this example: try out different types of this paper to see how it behaves on your various machines, how it looks made up into advertising brochures, how it feels and looks when used for your own particular paper needs.

Other things being done on recycled paper:

Niagara Mohawk Power Corp. is printing their 24-page monthly employee newsletter on Newton Falls' recycled paper; it goes to 10,000 employees. Also looking for a source of paper for their bill stuffers.

Marine Midland Bank printing their "Mariners Log" employee newsletter on recycled paper, as is Union Carbide.

Curtice-Burns, Pro-Fac food cooperative and the S. M. Flickinger Co. printed their annual reports on recycled paper.

The state of Rhode Island is beginning to use recycled paper in their office operations.

The state of California passed legislation requiring minimum of 10 to 50% secondary fibres where feasible and establishing a plan to recycle waste in state agencies and office buildings.

The GSA offices in Crystal City, Washington, are taking the lead by expanding their use of recycled fibres in loose-leaf binder, writing pad, paper towels, shorthand machine paper and bathroom tissue. Also successfully implementing the two-wastebasket system.

New York telephone recycling phone books, Nov. in Westchester Co., Dec. in Albany; using 30% recycled fibres in Nassau Co. yellow pages.

We are not so naive as to think this is the solution to the problem, but this is the small first step a company can take to commit itself—then get into corrugated and recycling of high grade waste; Goia and C–B Blue Boy Brand Foods are examples of local companies using corrugated boxes of more than 50% recycled fibres, and experiencing no difficulties. The S. M. Flickinger Co. is helping to conduct experiments with the performance of these cases in their warehouses.

We realize that of all the almost 10 million tons of paper that is recycled, only about 15% is de-inked, high grade pulp substitutes which go into the manufacture of the stationery in this brochure. About 85% goes into the manufacture of boxboard, corrugated and construction board. So we ask you to think beyond this booklet, this initial committal, to the bigger step of changing specifications to require more recycled fibres in shipping cases. And if you find the prices of this paper high, go one step further and think of providing the raw material that makes up this paper—the ledger, tab card and letterheads, the high grade waste you're probably incinerating and landfilling now—consider recycling it and thus lowering the price of the product, and then you'll be completing the cycle we began when we launched into this project nine months ago—creating the demand.

The plea is well-summarized in the catalogue's introduction: (read intor)

Paper mills using secondary fibres rather than pulp as raw material can operate at a $40/ton profit margin, so lets create new industry and new jobs while hacking away at that $4.5 billion solid waste headache.

Let us prove wrong Mrs. Hazel Henderson, a director of the Council on Economic Priorities, who said in an Oct. 22 N.Y. Times article: "Far from accepting the current view that environmentalists are those harboring wildly unrealistic expectations from our economy, we may have to countenance the opposite view—that businessmen, in fact, aided and abetted by traditionally economic theories of unlimited growth, may be the ones whose expectation trajectory has soared out of line with the reality curve of the earth's available resources."

We are relying on civic-minded individuals and groups to step forward and aid us in the distribution of this catalogue, for truly it is a unique contribution to the solution of the solid waste problem, and should be shared with all who are interested in its concept.

Thank you.

MRS. EDMUND J. FITZGERALD,
Chairman, Paper Task Force.

TO THE CITIZENS OF ERIE AND NIAGARA COUNTIES

LADIES AND GENTLEMEN: The job of improving our environment requires patience. Patience to isolate each problem and patience to find real solutions. The job belongs to each of us, to the community, and to the government.

Solid waste disposal is a problem that demands action. There are many proposed solutions, but, recycling appeals most to our pride in American know-how and business efficiency.

The paper-made-from-paper catalog was prepared by its sponsors to help you improve your environment. We urge your support for this program through the demand and purchase of recycled paper.

B. J. TUTUSKA,
Erie County Executive.
J. PAUL HEWITT,
Niagara County Legislative Chairman.

PAPER MADE FROM PAPER

(Sponsored by Housewives To End Pollution, Buffalo, N.Y., and Erie and Niagara Counties Regional Planning Board)

There is a need to clean up our environment and make less demand on our natural resources, and we believe that recycling is of prime importance in this need. Acceptance and support of this concept is essential to its success, and to that end this booklet was created. It provides the opportunity to see, touch and experiment with paper made from waste paper; also to discover that recycled fibers can be attractive, take printing well, provide superior opacity and can be watermarked. Prices are competitive, and contingent on the amount ordered. The higher the recycled content, the greater your contribution will be to resolving the environmental problem.

This introduction to recycled paper provides a positive and realistic way to demonstrate public concern within the community. Please create the market by demanding recycled products. Then complete the cycle by recycling your high-grade and corrugated waste.

ACKNOWLEDGMENT

To compile a catalog such as this would not have been possible without the cooperation of numerous corporations and individuals. We are indebted to all who gave us assistance. We especially are appreciative of the counsel provided by the staff of Alling and Cory and Franklin-Cowan Paper Company, both of Buffalo. Attention should be given to the fact the Riverside Paper Company's "Ecology Bond" is available at Alling and Cory as well as Hubbs and Howe.

The National Association of Secondary Material Industries, Inc. (NASMI) has given us permission to display their trademark consumers symbol, "Contains Recycled Materials" on our booklet. In their requirements for using the symbol, NASMI states:

"For the purpose of qualifying for use of the consumer symbol, recycled paper fibers shall be those reclaimed from solid waste, (post-consumer sources) or industrial waste collected as a result of a manufacturing process, but shall not include those materials generated from and reused within a plant as part of its own manufacturing (closed cycle) process.

"Participating companies pledge themselves to fulfilling the objective of this program, aimed at maximizing the utilization of all types of recyclable solid waste, with special emphasis on the post-consumer waste materials which represent the most significant solid waste problem and greatest source of potential new raw materials."

PRODUCT CLASSIFICATIONS

Printing, stationery, envelope and related office grade products: minimum 25% recycled fiber content.

Boxboard and other paperboard products: minimum 90% recycled fiber content (combination board) with no less than half of the raw materials originating from post-consumer sources.

WRITING PAPERS

This sheet is Kimberly-Clark's Energy Index Bristol basis 110 lb., which contains a minimum of 50% post consumer waste.

Energy Index Bristol is durable and strong, guaranteed to withstand repeated handling without splitting or peeling. It is stiff enough to stand in a file, yet flexible enough for use on office machines. Energy Index Bristol is available in 7 colors and white in 90 lb., 110 lb., 140 lb. weights.

Recommended and Distributed by: Franklin-Cowan Paper Company, 210 Ellicott Street, Buffalo, N.Y. 14203, Phone: 854–5954.

Manufacturers Name:

Bergstrom Paper Company, Neenah, Wisconsin 5496

Grade Name: Recycle/100 Bond.
Specifications:
Type: Writing paper (also available in offset grade);
Process: Offset;
Color: Ecological white;
Finish: Regular;
Packed: Various;
Basic Size: 17x22–20/500 and 17x22–22 & 24/500;
Per cent of Post Consumer Waste: 100% reclaimed waste paper;
Mill Stock Sizes: 8½x11–8½x14–17x22–17x28–34x22–34x28.

Grade description: A truly, ecological paper made from 100% waste paper, where practically all the inks, clays, resins and fibers are recycled.

Local suppliers: Alling & Cory Company, 36 North Division Street, Buffalo, New York 14205.

Renovation bond

Specifications:
Type: Writing paper;
Process: Offset (also a mimeo available);
Color: White;
Finish: Regular (and mimeo);
Packed: Various;
Basic size: 17x22–16/500; 17x22–20/500;
Per cent of post consumer waste: 100% deinked reclaimed waste paper;
Mill stock sizes: 8½x11—8½x14.

Grade description: A standard white grade made with 100% recycled deinked fibers. Available in the leading office sizes. Other sizes readily available.

Local suppliers: Alling & Cory Company, 36 North Division Street, Buffalo, New York 14205.

Kimberly-Clark Corporation

Renu Bond (100% re-cycled fiber)

Colors: White only.
Basic weight: 20# only.
Finish: Bond.
Mill stocked sizes: 8½x11 8½x14 23x35.

Grade description: Renu bond is manufactured from 100% re-cycled fiber. Its "all purpose" finish makes it suitable for many reproduction methods including mimeo, duplicator and xerographic.

Area suppliers: Franklin Cowan Paper Co., Genesee Valley Paper Co., Inc.

KC-100 (100% re-cycled fiber Genuine Watermark)

Color: White only.
Basis Weight: 20# only.
Finish: Bond.
Mill Stocked Sizes: 8½x11, 8½x14, 23x35.

Grade Description: KC-100 is a watermarked 100% re-cycled fiber bond. Its smooth level surface will provide excellent results for all printing applications as well as mimeo, duplicator and xerographic reproduction.

Area Suppliers: Franklin-Cowan Paper Co., Genesee Valley Paper Co., Inc.

Hubbs & Howell Company, Inc.

(Paper Distributors for Riverside Paper Company products.)

Ecology Bond

Specifications:
Type: Bond-Offset available 10M lbs. minimum;
Process: Virtually all copier methods;
Color: White-Blue-Green-Tan-Grey;
Finish: Bond;
Packed: Cartons;
Basic Size: 17x22—40M Basis 20 percent of manufacturers waste 100% reclaimed;
Mill stock sizes: 8½x11, 8½x14, 17x22, 22x34.

Grade description: This is the only sheet, currently made, from 100% reclaimed manufacturers waste. The logistics towards achievement of post consumer waste are being analyzed and evaluated.

2200 Harlem Road, Buffalo, New York 14225.

Kimberly-Clark Corporation.

Energy Mimeo Bond

Specifications:
Type: Writing Paper;
Process: Mimeograph;
Colors: White, Buff, Canary, Goldenrod, Green, Blue, Pink;
Finish: Wove;
Packed: Ream Wrapped in Cartons;
Basic Size: 17x22—500 in 16, 20 & 24 lb.;
Per Cent of Post Consumer Waste: Minimum of 25%;
Mill Stock Sizes: 8½x11, 8½x14, 17x22, 17x28, 17½x22½, 22x34, 28x34.

Grade description: Energy Mimeo Bond is an economical No. 4 Sulphite specially manufactured to prevent feathering and strike through. Clean and dust free, Energy Mimeo Bond assures you of crisp, sharp copies every-time.

Local suppliers: Franklin-Cowan Paper Company, 210 Ellicott Street, Buffalo, New York 14203.

Manufacturer's Name:

Gates Paper Company, Kalamazoo, Mich.

"Reco" Re-cycled Fiber

Specifications:
Type: Bond;
Process: Letterpress, offset;
Color: White;
Sub. Wt.: 16 and 20 lb.;
Packed: 10 reams per carton;
Basic Size: 17x22;
Per Cent of Post Consumer Waste: Varies—up to 100%;
Mill Stock Sizes: 8½x11 and 8½x14.
Grade description:

Reco papers are available in Mimeogrpah, Duplicator, Offset, Bond and Xerographic Offset grades.

Reco recycled papers are available in a distinctive natural white color.

All Reco papers have a special "recycled fiber" watermark to lend dignity to the product and identify the users as concerned people who are actively participating in the ecology movement.

Local suppliers: The Bickford Paper Co., Inc., 189 Van Rensselaer St., Buffalo, N.Y. 14210. (716) 856-4364.

Manufacturer's name:

Hennepin Paper Company, New York, N.Y.

Fiber-Tone

Specifications:
Type: General Office;
Process: Mimeo, offset;
Color: White and five standard colors;
Finish: Regular, smooth, egg shell;
Package: Sheets and Rolls;
Basic Weights: 25x38—40/500 to 90/500;
Per Cent of Post Consumer Waste: 35%—recycled paper.

Grade description: A general purpose paper, including school arts and crafts; suitable for several printing processes. Line is purchaseable in standard and custom colors.

Selling agents: Sold directly from above office to end user.

A. B. Dick Company; Gestetner Inc.

Courtesy of Manhattan Printing.

Manufacturer's name:

Gates Paper Company, Kalamazoo, Mich.

"Reco" Re-cycled Fiber

Specification:
Type: Mimeo;
Process: Mimeograph;
Color: White;
Sub. Wt. 16 and 20 lb.;
Packed: 10 reams per carton;
Basic Size: 17x22;
Per Cent of Post Consumer Waste: Varies—up to 100%;
Mill Stock Sizes: 8½x11 and 8½x14.

Grade description: Reco papers are available in Mimeograph, Duplicator, Offset, Bond and Xerographic Offset grades.

Reco recycled papers are available in a distinctive natural white color.

All Reco papers have a special "recycled fiber" watermark to lend dignity to the product and identify the users as concerned people who are actively participating in the ecology movement.

Local suppliers: The Bickford Paper Co., Inc., 189 Van Rensselaer St., Buffalo, N.Y. 14210, (716) 856-4364.

Manufacturer's Name:

Gates Paper Company
Kalamazoo, Mich.

"RECO" recycled fiber

Specifications:
Type: Duplicator;
Process: Spirit duplicator;
Color: White;
Sub. Wt.: 16 and 20 lb.;
Packed: 10 reams per carton;
Basic Size: 17x22;
Per Cent of Post Consumer Wastes: varies—up to 100%;
Mill Stock Sizes: 8½x11 and 8½x14.
Grade description:

Reco papers are available in Mimeograph, Duplicator, Offset, Bond and Xerographic Offset grades.

Reco recycled papers are available in a distinctive natural white color.

All Reco papers have a special "recycled fiber" watermark to lend dignity to the product and identify the users as concerned people who are actively participating in the ecology movement.

Local suppliers: The Bickford Paper Co., Inc., 189 Van Rensselaer St., Buffalo, N.Y. 14210, (716) 856-4364.

Kimberly-Clark Corporation

Energy Duplicator

Specifications:
Type: Writing Paper;
Process: Spirit or Gelatin Process;
Colors: White, Buff, Canary, Goldenrod, Salmon, Pink, Blue, Green;
Finish: Smooth;
Packed: Ream Sealed in Cartons;
Basic Size: 17x22—500 in 16 & 20 lb.;
Per Cent of Post Consumer Waste: Minimum of 25%;
Mill Stock Sizes: 8½x11, 8½x14, 17x22, 17x28, 19x24, 22x34, 24x38, 28x34 (most sizes in white only).

Grade description: Energy Duplicator is an economical utility #4 Sulphite specially manufactured for spirit and liquid duplicators. The level-smooth surface permits closer contact between the paper and the master. Copies are sharp and clean.

Local suppliers: Franklin-Cowan Paper Company, 210 Ellicott Street, Buffalo, New York 14203.

Kimberly-Clark Corporation

Energy Xerographic Copy

Specifications:
Type: Xerographic Copy Paper;
Process: Electrostatic;
Colors: White, Canary, Goldenrod, Salmon, Pink, Blue, Green, Buff;
Finish: Smooth;
Packed: Ream Wrapped In Junior Cartons;
Basic Size: 17x22—20/500;
Per Cent of Post Consumer Waste: Minimum of 30%;
Mill Stock Sizes: 8½x11, 8½x13, 8½x14 11" rolls.

Grade description: Energy Xerographic Copy is manufactured with special attention to all characteristics necessary for good xerographic reproduction. Its strength, uniform surface smoothness and careful attention to trimming, wrapping and packaging make Energy Xerographic Copy papers a first choice.

Local suppliers: Franklin-Cowan Paper Company, 210 Ellicott Street, Buffalo, New York 14203.

Manufacturers Name:

Newton Falls Paper Mill, Inc., Newton Falls, New York 13666

N. F. Envelope

Specifications:
Type: Envelope Paper;
Process: Converting;
Color: White;
Finish: Wove-Vellum;
Packed: Skids-Rolls;
Basic Size: 17x22—Sub 20-24-28;
Per Cent of Post Consumer Waste: 30% recycled deinked fibre;
Mill Stock Sizes: Making orders, only.

Grade description: High grade envelope stock for conversion into quality envelopes.

Local suppliers: Direct from Mill in truckload quantities 10 M lbs. of an item.

Courtesy of Manhattan Printing.

BOOK PAPERS

This sheet is Kimberly-Clark's Energy Index Bristol basis 110 lb., which contains a minimum of 50% post consumer waste.

Energy Index Bristol is durable and strong, guaranteed to withstand repeated handling without splitting or peeling. It is stiff enough to stand in a file, yet flexible enough for use on office machines. Energy Index Bristol is available in 7 colors and white in 90 lb., 110 lb., 140 lb. weights.

Recommended and distributed by: Franklin-Cowan Paper Company, 210 Ellicott Street, Buffalo, N.Y.

Simpson Lee Paper Company,
Vicksburg, Mich.

Simpson Lee 100% Recycled Text and Cover

Specifications:
Type: Book Paper—Text and Cover Grade.
Process: Offset and Letterpress.
Color: White and Ivory.
Finish: Laid.

Packed: Cartons.

Basic Weights: Text bs. 60# and 70#/ Cover bs. 65#.

Per Cent of Post Consumer Waste: 100%.

Mill Stock Sizes: Text: 23 x 35; 25 x 38; 35 x 45; Cover: 35 x 23; 26 x 40.

Grade description: A laid textured sheet, used for quality printing jobs, newsletters, college booklets, folders, and brochures. The cover stock may be used for post cards, self mailers, etc.

Local suppliers:

Albany: Hudson Valley Paper Company.

Buffalo: Franklin Cowan Paper Company.

Jamestown: Millcraft Paper Company.

New York City: Milton Paper Company.

Rochester: Genesee Valley Paper Company.

Manufacturers Name:

French Paper Company, Niles, Mich.

Once Again Text

Specifications:

Type: Offset—Text Paper;

Colors: Encore White, Reprise Green, Echo Gold, Boomerang Brown, Reprieve Rose, Recur Clay, Replay Blue;

Finish: Vellum;

Packed: Cartons;

Basis Size: 25x38—Basis 70#; 20x26—Basis 65# Cover;

Mill Stock Sizes: 23x35—25x38—35x45—Basis 70# Text 38x25—65# Cover.

Grade Description:

Made from 100% recycled fibers:

Paper Plate Manufacturers waste

Envelope manufacturers waste

Printed forms manufacturers waste

Used tab cards (Post consumer)

*sludge—otherwise used for landfill

*Minimum of 15% of furnish—used in six colors only, not white.

Availability of waste fibers is unpredictable. French Paper Company uses *only* above non-virgin fibers.

Local suppliers: Alling and Cory, 136 North Division Street, Buffalo, New York; Hubbs and Howe, 2200 Harlem Road, Buffalo, New York.

Manufacturers Name:

Bergstrom Paper Company, Neenah, Wis.

Recycle/100 Offset

Specifications:

Type: Book paper;

Process: Offset;

Color: Ecological white;

Finish: Regular;

Packed: Varies;

Basic Size: 25x38-500; Stocked in 50, 60, 70 & 80 #; Also made in other weights;

Per Cent of Consumer Waste: 100% reclaimed waste paper;

Mill Stock Sizes: 17½x22½—23x35—25x38—35x45—23x29.

Grade description: A truly ecological paper made from 100% waste paper, where virtually all the inks, clays, resins and fibers are recycled.

Local suppliers: Alling & Cory Company, 36 North Division Street, Buffalo, New York 14205.

Reference Opaque

Specifications:

Type: Book paper;

Process: Offset;

Color: White;

Finish: Regular (also vellum frequently made);

Packed: Varies;

Basic Size: 25x38-500; Stocked in 35, 40, 45 & 50 # basic weights. Other weights frequently made;

Per Cent of Post Consumer Waste: 60–65% recycled deinked fibers;

Mill Stock Sizes: 23x29—25x35—25x38—35x45.

Grade description: a high opacity grade, widely used in book publishing, catalogs, financial printing and various types of commercial work.

Local suppliers: Alling & Cory Company, 36 North Division Street, Buffalo, New York 14205.

Thor Offset II

Specifications:

Type: Book paper;

Process: Offset;

Color: White;

Finish: Regular;

Packed: Varies;

Basic Size: 25x38/500; stocked in 35, 40, 50 & 60 # weights. Other weights frequently made;

Per Cent of Post Consumer Waste: 60–65% recycled fibers;

Mill Stock Sizes: 25x35J25x38—35x45.

Grade description: a high brightness, high opacity grade for use in advertising, financial and other commercial printing.

Local suppliers: Alling & Cory Company, 36 North Division Street, Buffalo, New York 14205.

Kimberly-Clark Corporation

Metro Offset (Minimum 60% re-cycled fiber)

Colors: White only

Basis Weights: 45#, 50#, 60#, 70#, 80#.

Finishes: Smooth—Vellum—Venetian—Calfskin—Ripple.

Mill Stock Sizes: 8½x-11—11x17—17½x 22½—19x25—23x29—23x35—35x38—35x45—38x50.

Grade Description: Metro Offset is a low cost uncoated offset manufactured with special attention to uniformity. Catalogs, inserts, direct mail, folders, brochures are recommended uses for Metro Offset.

Area Suppliers: Franklin-Cowan Paper Co., Genesee Valley Paper Co., Inç.

Tileston & Hollingsworth Company

(Subsidiary of Diamond International Corportation, 211 Congress Street, Boston, Mass. 02110.)

T & H Ecology Offset

Specifications:

Type: Offset; Process: Offset; Color: White; Finish: Regular; Packed: Cartons; Basic Size: 25x38–100M Basis 50; Percent of Post Consumer Waste: Minimum of 50%;

Mill Stock Sizes: 8½x11—23x35—25x38.

Manufacturer's Name:

Fitchburg Paper Company

(Division of Litton Industries, P.O. Box 503, Fitchburg, Massachusetts 01420.)

Fibrecycle

Specifications:

Type: Offset;

Process: Offset;

Color: White (Colors available);

Finish: Regular, smooth, embossed;

Packed: Large skids or rolls;

Basis Weights: 25x38—50/500 to 25x38—150/500;

Per Cent of Post Consumer Waste: 50% Deinked Reclaimed Waste Paper.

Grade description: Standard white grade made with 50% recycled, deinked fibers, suitable for commercial printing, 1 to 4 colors.

Selling agents: Sold directly from the mill to end use by mill representatives.

Courtesy of Manhattan Printing.

Fibrecycle

Specifications:

Type: Book;

Process: Offset;

Color: White (Colors available);

Finish: Regular, smooth, embossed;

Packed: Large skids or rolls;

Basis Weights: 25x38—80/500 to 25x38—150/500;

Per Cent of Post Consumer Waste: 50% Deinked Reclaimed Waste Paper.

Grade description: Standard white grade made with 50% recycled, deinked fibers, suitable for commercial printing, 1 to 4 colors.

Selling agents: Sold directly from the mill to end user by mill representatives.

Courtesy of Manhattan Printing.

Manufacturers Name:

Newton Falls Paper Mill, Inc., Newton Falls, New York 13666

St. Lawrence Offset Enamel

Specifications:

Type: Coated Printing Paper;

Process: Offset-Letterpress-Web;

Color: White;

Finish: Gloss-Dull;

Packed: Skids-Rolls;

Basic Size: 25x38—60 lb.—120;

Per Cent of Post Consumer Waste: 25% recycled deinked fibre;

Mill Stock Sizes: None.

Grade description: High grade, bright white enamel for all Commercial Printing. Both gloss and dull, sheet fed and web.

Local suppliers: Direct from Mill in truckload quantities, 10 M lbs. of an item. Also available through W. H. Smith Paper Corporation, P. O. Box 1290, Albany, New York 12201; or Cross Siclare/New York, Inc., 207 Thompson Street, New York, New York 10012.

Courtesy of Manhattan Printing.

PRINTING BRISTOLS

This sheet is Kimberly-Clark's Energy Index Bristol basis 110 lb., which contains a minimum of 50% post consumer waste.

Energy Index Bristol is durable and strong, guaranteed to withstand repeated handling without splitting or peeling. It is stiff enough to stand in a file, yet flexible enough for use on office machines. Energy Index Bristol is available in 7 colors and white in 90 lb., 110 lb., 140 lb. weights.

Recommended and Distributed by: Franklin-Cowan Paper Company, 210 Ellicott Street, Buffalo, N.Y. 14203, Phone: 854–5954.

Kimberly-Clark Corporation

Energy Vellum Bristol (Minimum 65% recycled fiber) Ivory Basis Weight 67#

Colors: Available in White, Blue, Gold, Grey, Green, Ivory, Pink, Tangerine, Yellow, Lime, Sky Blue.

Basis Weights: 57#, 67#, 80#, 100#.

Finishes: Vellum—Venetion—Calfskin—Ripple.

Mill Stocked Sizes: 8½x11—22½x28½; 23x35—26x40; 35x46.

Grade Description: Energy Vellum Bristol is designed to meet all modern sheet fed press requirements.

Typical uses: die-cut brochures, greeting cards, menus, price tags, magazine inserts, covers, post cards, announcements, programs, etc.

Area Suppliers: Franklin-Cowan Paper Co., Genesee Valley Paper Co., Inc.

All Kimberly-Clark sulphite papers manufactured at the Moraine Mill, West Carrollton, Ohio contain re-cycled fiber ranging from a minimum of 25% to 100%.

Energy Index Bristol

Specifications:

Type: Printing Bristol;

Process: Letterpress, Offset, Duplicator;

Colors: White, Canary, Salmon, Green, Buff, Cherry, Blue;

Finish: Smooth;

Packed: Cartons;

Basic Size: 25½ x 30½—90/500, 110/500, 140/500;

Per Cent of Post Consumer Waste: Minimum of 25%;

Mill Stock Sizes: 8½ x 11, 25½ x 30½, 20½ x 23¾, 22½ x 28½, 22½ x 35.

Grade description: Energy Index is durable and strong to withstand repeated handling. It is stiff enough to stand in a file, yet flexible enough for use on office machines.

Write, erase and rewrite—Energy Index retains its smooth, uniform surface under harsh abrasion.

Local suppliers: Franklin-Cowan Paper Company, 210 Ellicott Street, Buffalo, New York 14203.

Manufacturer's Name:

Fitchburg Paper Company

Division of Litton Industries, P.O. Box 503, Fitchburg, Massachusetts 01420.

Fibrecycle

Specifications:

Type: Card;

Process: Offset;

Color: White (Colors available);

Finish: Regular, Smooth, Embossed;

Packed: Large skids or rolls;

Basis Weights: 25 x 38—125/500 to 25 x 38—150/500;

Per Cent of Post Consumer Waste: 50% Deinked Reclaimed Waste Paper.

Grade description: Standard white grade made with 50% recycled, deinked fibers, suitable for commercial printing, 1 to 4 colors.

Selling Agents: Sold directly from the mill to end user by mill representatives.

DEVALUATION OF THE DOLLAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the United States and other nations in the group of 10 are meeting here in Washington today to discuss the devaluation of the dollar. Most observers believe that devaluation was promised by President Nixon in his recent meeting with Mr. Pompidou in the Azores, and indeed there is already much speculation about the amount of devaluation. Investors and speculators are rushing to cash in on what they believe to be an imminent announcement.

It may well be that there will be a devaluation of the dollar, as part of a general announcement of new currency parities. This would presumably pave the way for some kind of settlement of the international trade impasse, with what the United States hopes to be more favorable trading terms. Secretary Connally has said that the United States needs a $13 billion change in its current balance of payments, and that this is our goal. Those hailing the supposed devaluation of the dollar believe that the stage is now set for a settlement of the crisis that struck the world of international trade and finance on August 15, when the President suspended the convertibility of the dollar into gold, set up the import surcharge, froze wages and prices, and asked for new tax incentives and fiscal powers, and new police powers, to deal with the domestic economic crisis. But I believe the crisis is far from over, and that far from settling events, devaluation of the dollar at this time would only be a palliative. What is required is no mere recasting of currency parities, but a general overhauling of the world monetary system.

Devaluation of the dollar will not remove the strains and burdens that produced the recurrent crises leading to the August 15 suspension of dollar convertibility, and the other elements in the American economic bombshell. There is no reason whatever to assume that mere devaluation, even if accompanied by some temporary trade concessions, would solve our long-term problems and woes. There is nothing in sight now that indicates anything like the action required to solve the fundamental difficulties of the world monetary system, is being taken today or even being contemplated. If we believe that devaluation alone will solve our ills, we only have to wait a few months or years to see another crisis and another devaluation. It could be that we are entering a stage of competitive devaluations, or competitive currency shifts, wherein no one wins and everyone loses—unless the world of financial community takes decisive action to heal the fundamental difficulties that led us into the present sad state.

It is possible that devaluation of the dollar this weekend or in the near future would settle our immediate problems. The real issue however, is how to prevent recurring crises in the future—how to make Bretton Woods institutions work, how to perfect them—or indeed, whether to cast them away.

I hope to examine these larger issues in the Subcommittee on International Finance. I believe that we should not allow ourselves to lose sight of the larger issues, as we are asked to act on specific measures. We should not pretend, or allow ourselves to be deluded into thinking, that changing the price of gold, or demonetizing gold, or whatever a specific action may be, constitutes the whole of the problem.

There are sober observers who believe that an immediate currency realinement is not in the best interests of our country or the free world. Once currency realinement takes place there will be immense changes in the political climate, changes which will take the pressure off for fundamental reform. Immediate action is a good political move, in that it shows the world that something is being done—even if it is wrong.

These are fateful days, and fateful events are taking place, little noticed except by the financial community, and by the speculators in Rome, in London, in Paris, in other capitals of the world, and in our own Treasury. The International Monetary Fund, and the system its represents, need overhaul, but may only be getting a patchup. If that is so, the solution of today will only be the seeds of tomorrow's trouble.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POWELL) to revise and extend their remarks and include extraneous matter:)

Mr. ESCH, for 15 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. KASTENMEIER, for 20 minutes, today.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial; and

H.J. Res. 1005. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 186. Joint resolution to provide for the beginning of the second session of the 92d Congress.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 3304. A bill to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs;

H.R. 5419. A bill for the relief of Corbie F. Cochran;

H.R. 6065. A bill to amend section 903(c) (2) of the Social Security Act, and for other purposes;

H.R. 10367. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes;

H.R. 11731. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 11932. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes.

BEST WISHES FOR 1972

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, several days ago I joined in colloquy with the gentleman from Louisiana (Mr. BOGGS), the distinguished majority leader in paying tribute to the outstanding job done by the Speaker of the House of Representatives during the first session of the 92d Congress.

I want to reiterate those comments and

I am certain that all Members on our side of the aisle join me in expressing our very best wishes to him for a good year in 1972.

I do want to express also my personal gratitude to the gentleman from Louisiana, the distinguished majority leader. It has been a fine working relationship between him and myself and I am deeply grateful for his cooperation.

I want to say the same to the Democratic leadership as a whole and to the Democratic Members as a whole.

I wish to thank all of the Members on my side of the aisle and particularly the other Members in our leadership for their help and cooperation. In conclusion, I wish to all Members of the House the very best for a happy, healthy, and successful New Year.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the majority leader.

Mr. BOGGS. I appreciate the very kind remarks made by my friend from Michigan. He knows of my friendship and very deep respect and regard for him. I join in the expressions of the gentleman about all our colleagues on both sides of the aisle.

This has been the first session for Speaker ALBERT and myself. We have profound respect for each Member of this body and what this body stands for. I feel that this session of the Congress has been a very constructive session. I am happy indeed that we have been able to stay here an extra several days in order to resolve some of the final difficulties that were confronting us before adjournment.

I expressed to all of you my gratitude for your help and cooperation the day before yesterday, and I shall not take further time of the House at this time to repeat that. Any of you who have not seen my remarks may desire to read them in the RECORD.

Finally, let me say to the Speaker that working with him has been a great pleasure and a great honor, and I wish for him and all of you and yours the best of everything through the holiday season.

Mr. GERALD R. FORD. I am sure, Mr. Speaker, that I speak for all of us as Members when I express our deep gratitude to the employees of the House and the employees of the various staffs and various committees. We could not do our job without their help and assistance. We extend to them the very best for a happy, healthy, and successful New Year.

[Applause, Members rising.]

EXPRESSIONS OF APPRECIATION

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I do not take this time to extend this Congress, because I think it has gone long enough, a little longer than I had hoped it would have gone. But I cannot see the Congress adjourn without, first of all, responding to the distinguished Leaders of both parties for their kind words and for the cooperation they have given me throughout the year. May I say also that I cannot leave without saying, at the end of the first session of my stewardship of the House, I feel an undying debt of gratitude to the members of my own party, the majority party, for having made me their candidate for what I consider one of the most important offices in the Nation and for making my election to that office possible.

Now, to all the Members of the House, on both sides of the aisle, to all the officials and employees of the House, I must say thank you, thank you for your tolerance, your cooperation, your help, your hard work, your patience and sympathetic understanding. I commend you one and all for a job well done on behalf of your constituents and your Nation. You have earned, in my judgment, a well deserved, even though short, vacation. You have performed in the best traditions of this great representative body, and I think the Nation will commend you for your performance.

As we ring down the curtain on the first session of the 92d Congress, may I wish for all of you and all of your loved ones a very Merry Christmas and a New Year which will bring you life's richest blessings, personal happiness, and new opportunities to serve this great country which we all love so much. Thank you.

[Applause, Members rising.]

SINE DIE ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with the provisions of House Concurrent Resolution 498, the Chair declares the first session of the 92d Congress adjourned sine die.

Thereupon (at 12 o'clock and 59 minutes p.m.), pursuant to House Concurrent Resolution 498, the House adjourned sine die.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee of conference. Conference report on S. 2819 (Rept. No. 92–761). Ordered to be printed.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 6957. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; with amendment (Rept. No. 92–762). Referred to the Committee of the Whole House on the State of the Union.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did, December 17, 1971, present to the President, for his approval, a bill and joint resolution of the House of the following titles:

H.R. 10604. A bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial; and

H.J. Res. 1005. A joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the House of the following titles:

On December 15, 1971:

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees on mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. An act to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid up national service life insurance;

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70;

H.R. 11341. An act to provide additional revenue for the District of Columbia, and for other purposes;

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes;

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation; and

H.R. 11955. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

On December 18, 1971:

H.J. Res. 1005. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes;

H.R. 3749. An act for the relief of Richard C. Walker and to create an additional judicial district in the State of Louisiana;

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government;

H.R. 10367. An act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes;

H.R. 11731. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 11932. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes.

On December 22, 1971:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes;

H.R. 5419. An act for the relief of Corbie F. Cochran;

H.R. 8312. An act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones; and

H.R. 8856. An act to authorize an additional Assistant Secretary of Defense.

On December 23, 1971:

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs; and

H.R. 9961. An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

On December 28, 1971:

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial.

On December 29, 1971:

H.R. 6065. An act to amend section 903(c) (2) of the Social Security Act, and for other purposes.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HARSHA:

H.R. 12379. A bill to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees; to the Committee on Interstate and Foreign Commerce.

By Mr. JONAS (for himself, Mr. PREYER of North Carolina, Mr. BROYHILL of North Carolina, Mr. RUTH, and Mr. MIZELL):

H.R. 12380. A bill to amend the Federal Home Loan Bank Act to require the Federal Home Loan Bank Board to obtain certain approvals before changing the location of a Federal Home Loan Bank; to the Committee on Banking and Currency.

By Mr. RHODES:

H.R. 12381. A bill to amend section 2031(b) (1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students; to the Committee on Armed Services.

By Mr. ROY:

H.R. 12382. A bill to require the Secretary of the Army to improve certain highways in connection with the Tuttle Creek Reservoir; to the Committee on Public Works.

By Mr. HELSTOSKI (for himself, and Mr. CHARLES H. WILSON):

H. Res. 757. Resolution expressing the sense of the House of Representatives relative to the crisis in South Asia; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

MAINTENANCE OF U.S. CONTROL OF THE PANAMA CANAL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. THURMOND. Mr. President, the November–December 1971, issue of the World Wars Officer Review contains a very interesting article entitled "The Capital Vanguard."

In the article, Col. Thomas F. Lancer expresses the viewpoint of the Military Order of the World Wars. The order urges the continued maintenance of U.S. control over the Panama Canal. Negotiations are underway for new treaties with regard to the Panama Canal and some are advocating the surrender of U.S. sovereignty in the Canal Zone and the Panama Canal.

These people ignore that the Panamanian regime is a revolutionary one with little prospect of stability and without the necessary procedures for even ratifying any such treaty.

Mr. President, this article points out that the evidence is conclusive that under no circumstances would the United States have assumed the grave responsibility necessary for the continued operation, maintenance, and protection of the Panama Canal except for the unconditional grant of complete sovereignty over this area. Americans built this canal with their manpower and their cash. It is ridiculous to throw away the money of U.S. taxpayers without good reason.

Mr. President, Panama's greatest asset is being a good neighbor of a country such as the United States. The United States gets no money from the operation of the Panama Canal. The Panamanians receive a half million dollars annually from tolls collected at the Canal. In addition, the United States pays $1.5 million out of its own treasury for the sake of treaty commitments. Radical Panamanian attacks on U.S. sovereignty over the Canal Zone shows that the Panamanians have forgotten that the U.S. Panama Canal is their biggest employer, bringing a payroll spending outlay of $166 milion every year to the Panamanian economy.

I wholeheartedly agree with the Military Order of the World Wars that there can be no better status for the Panama Canal Zone than under the full sovereign control of the United States. These relevant comments deserve the consideration of Congress.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CAPITAL VANGUARD

(By Thomas F. Lancer, Col., USA (Ret))

In view of the strong stand taken by the Order in urging "the maintenance of United States control of the Panama Canal," (National Conventon Resolution 9), it might be appropriate to review the position of the United States vis-a-vis the Republic of Panama.

The Panama Canal enterprise consists of two inseparable parts: (1) the Canal itself, and (2) the absolutely necessary protective frame of the Canal Zone Territory. The two great Canal issues now before the nation are: (1) the transcendant key issue of retaining the United States' unquestioned and undiluted sovereignty over the Canal Zone and (2) the important project of modernizing the existing Panama Canal by the construction of a third set of larger locks for larger vessels adapted to include the principles of the strongly supported Terminal Lake Plan, which was developed in the Panama Canal organization as the result of World War II experience.

Unhappily, the handling of the two principle issues has been greatly complicated by virulently radical Panamanian attacks on United States sovereignty over the Canal Zone and the revival of the historic controversy over the types of Canal—high level lake-lock versus sea level tidal-lock.

The present status of the Canal Zone Territory traces back to the 1901 Hay-Paunceforte Treaty between the United States and Great Britain. In conformance with that agreement, the United States made the long-range commitment to construct and operate an isthmian canal under its *exclusive* control in accordance with the rules set forth in the 1888 Convention of Constantinople for the operation of the Suez Canal.

In 1903, (after Panama had seceded from Columbia), a convention as entered into between Panama and the United States, granting to the United States in *perpetuity* the "use, occupation and control" of the Canal Zone Territory for the "construction, maintenance, operation, sanitation, and protection" of the Panama Canal with full "sovereign rights, power and authority" within the Zone to the "entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

The evidence is conclusive that under no circumstances would the United States have assumed the grave responsibility for the sanitation, maintenance, operation, and protection of the Panama Canal in an area notorious for tropical disease and endless internal turmoil under a weak and helpless emergent government except for the unconditional grant of full sovereignty over the Canal Zone and the Canal.

Over the years, there have been repeated attempts by Panama to abrogate United States sovereignty over the Canal Zone. In 1923, the Panama Government endeavored to open negotiations for a new canal treaty (Foreign Relations of the United States, 1923, Vol. II, pp. 638–48). The then Secretary of State, Charles Evans Hughes, stated to the Panamanian Minister in Washington that the United States Government "could not and would not enter into any discussion affecting its full right to deal with the Canal Zone under Article III of the Treaty of 1903 as if it were the sovereign of the Canal Zone and to the entire exclusion of any sovereign rights or authority on the part of Panama." To this he added that "it was an absolute futility for the Panamanian Government to expect any American Administration, no matter what it was, any President or any Secretary of State, ever to surrender any part of these rights which the United States has acquired under the Treaty of 1903."

The foregoing statement epitomized United States State Department policy up until 1939 when, just before the outbreak of World War II in Europe, the Roosevelt Administration inaugurated what could be termed the big give-away program to Panama. This program of constant concessions by the United Strates has continued in almost every administration down to and including that of President Nixon! Oddly enough, both Democratic and Republican Administrations have been equally profligate in sacrificing our vital national interests in the Canal Zone!

American blood, sweat, and cash built the Panama Canal! But now, certain ultra-liberal fakirs in and out of government would with a stroke of the pen, throw it into the lap of Panama. Fortunately, while the Senate alone may ratify treaties, Congress as a whole must approve of the disposition of Government property. There are many dedicated members of the Congress who with *proper support* will see to it that the Panama Canal is not sold down the river or turned over to the control of some inept international "one world" organization as has been proposed.

Sovereignty means the state or quality of having supreme power of dominion. There can be no better status for the Panama Canal Zone than under the full sovereign control of the United States with the avoidance of all problems of extra-territoriality. For such sovereignty there can be only one flag flying over the Canal Zone and that is the flag of the United States. Don't let the "One Worlders" strike it!

For information contained in the above we are greatly indebted to the Honorable Daniel J. Flood, 11th Dist., Penn., who has well earned the title in the House as: "The Watchdog of the Panama Canal."

COUNTDOWN '72

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. KEMP. Mr. Speaker, it was my good fortune to participate in Countdown '72 at Kansas State University which was a statewide voter registration and information conference for new voters. We all realize how important and how potentially beneficial to America the young voters are. For that reason, I will continue to do all I can to promote interest in politics among our new voters.

While at KSU on October 30, 1971, Robert D. Linder, mayor of Manhattan, Kans., delivered an excellent speech entitled, "A Point and a Plea." He very succinctly points out the need for the new voters to become active in the American political process.

At this point, I include Mayor Linder's speech at the opening session of Countdown '72:

A POINT AND A PLEA

Speaking strictly for myself, I am here today because I share with the vast majority of people present (and I believe with the majority of people in this country today) a common belief: the belief that something "new and good" *can come* from America! I feel that this basic political optimism is one of the historic hallmarks of American politics which differentiates the democratic system in this nation from most of the other systems and governments of the world. And in a very real sense, the world is still watching to see if this is true; to see if the bold, brash Yankee political experiment can work after all.

Today, in opening this gathering, I want to make one simple point and one simple plea. (I could say a number of things about my concerns for your political future and mine. But as I asked myself what thought I should try to convey to you in the short time I had before you, these two items seem to emerge in my mind as of prime importance.)

First, my point. I want to stress that democratic politics demands that we be realistic idealists. Let me explain what I mean. America today is suffering from the effects of extremism and polarization. It is growing increasingly more easy to be of the extreme Right or the extreme Left and give easy answers to extremely complex problems. It is far easier to be "against" than "for." It is easier to be a man of the Left or a man of the Right rather than a man of the Center. What I am calling for is a new commitment to moderation and balance, an idealism tempered with realism.

Our own Kansas Dr. William C. Menninger (d. 1966) stressed, among others, two major criteria of emotional maturity which bear on one's political behavior, no matter what his party label. One of these marks of a mature individual applicable to democratic politics is to have the ability to deal constructively with reality, and the other is to have the capacity to adapt to change. These principles or marks of emotional (and, I believe, of political) maturity are much more difficult to implement than they are to articulate.

By this I mean that anyone who has been active in the American political process can tell you that democratic politics is hard work. It is easy to sit on the sidelines and criticize the quarterback and the offensive line, it is quite another to take your place on the line and block that 6 feet 4 inch, 250 pound hunk of pure beef on the hoof opposite you; that veritable mountain of hostility, agility and mobility dedicated to tearing you into shreds of human confetti in order to get at your ball carrier and the ball. Other forms of government are much easier than the democratic system, and require far less work and participation from the people. It is easy to sit back and propose simple solutions to the complex problems of today's world. But it is a different matter to roll up your sleeves and plunge into the blood and guts fray of party politics. But hard work is the price all of us must pay for the maintenance of the democratic system and a free society. If we are no longer willing to pay the price, then I can guarantee without reservation that democracy is not long for this political world.

Also, keep in mind that in democratic politics "you win a few, and lose a few." In a democracy, nobody, but nobody, wins all the time! You, either as an individual or as part of a group, will never have your own way all of the time! And young and old alike need to remind themselves of the fact that involvement *per se* does not guarantee instant success. The fact that Perry Mason and Matt Dillion can wrap it all up in an hour has little or no basis in political reality. Politics and tough political problems require wide-scale involvement and hard work. To imagine that simply getting involved will bring instant success and speedy solutions is not only a weak and egocentric approach to politics; it is also a deadend!

Furthermore, democratic politics have been and always will be an unsettled and unsettling experience. Perhaps we all sometimes wish it were not so, but I must admit that I cannot imagine genuine democracy functioning without controversy. It is part of the process of trying to arrive at the most just and fair laws and political solutions possible in an increasingly pluralistic society.

So my simple point is to ask you to be realistically idealistic in your approach to voting and political participation. My call is for you to combine a tough mind with a tender heart; guts with a high degree of sensitivity; the social idealism of a Ralph Waldo Emerson with the political realism of a Harry S. Truman. Always keep in mind that democratic politics is the art of the possible; and that you cannot do anything for anybody unless you or your candidate first gets elected. In a democracy, the winners make the decisions. And getting elected in a complex, multi-racial, multi-cultural society like the US today is no easy task!

I say this hoping that if you realize all of this before you begin to vote and to participate actively in party politics, it will help keep you from becoming a twenty-five year-old cynic and a thirty year-old drop-out. Personally, I am neither an optimist nor a pessimist but a hard-headed, realistic idealist.

Finally, allow me to make one plea at the onset of this historic occasion; and that is for genuine communication to take place here. A well-known political story may help make my point better than anything I can say. Some of you may have heard this before, but I think it is a "classic" and bears repeating. President Woodrow Wilson once received a phone call in the middle of the night. A voice at the other end said: "This is Smith in New York. I regret to inform you that the Chief Postal Inspector for New York City died suddenly of a heart attack just about an hour ago." Wilson: "Well, what do you want me to do about it?" Voice of Smith: "Why, Mr. President, I would like to take his place!" Wilson thought for a moment and then replied: "Well, if it's all right with the undertaker, it's all right with me!"—and hung up!

It was all a matter of communication! And so it is here today. Let us work to communicate with one another this weekend! There is too much at stake not to do so!

Can democracy survive in this extremely complex, extremely restless, extremely nervous, and extremely worried society; a society growing increasingly tired of the whole mess? As Senator Mark O. Hatfield (R.-Ore.) said last weekend in an address at Newton, Kansas: "The key to the survival of democracy in the world today rests upon the quality of America's leaders and the performance of American institutions in the next three decades." Will they respond accordingly?

I am here today to tell you that a great many of the answers to these and similar questions depends upon how much courage and determination you have to make the system work! It's there waiting for you! Do you have the concern, the dedication necessary to do enormous amounts of plain old hard work over a long period of time, and the guts to do something? Are you really willing to pay the price? America may well be the world's last, best hope! And you may well be America's last, best hope!

All I have to say to you in closing today is that I am extraordinarily glad you are here and—right on!

EDUCATIONAL BACKGROUND OF MEMBERS OF CONGRESS

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. EAGLETON. Mr. President, I recently received a most interesting study prepared by Dr. George S. Reuter, Jr., superintendent of the New Madrid School District, in Missouri, regarding the educational backgrounds of Members of Congress.

Dr. and Mrs. Reuter's first study of this kind, made in 1951, covered the years 1937–51 and was placed in the RECORD in 1951 at the request of the late Senator Thomas C. Hennings, Jr., of Missouri. Dr. and Mrs. Reuter have now brought their study up to date, so that it covers the period from 1937 to 1971.

The study shows that the educational achievements of the elected Federal Representatives of the country have grown dramatically over the years. Dr. and Mrs. Reuter theorize that this is representative of the growth of educational opportunities available to all of the country.

I ask unanimous consent that the text of the study be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONGRESS AND AMERICAN EDUCATION

(By Dr. and Mrs. George S. Reuter, Jr.)

INTRODUCTION

Over 100 years ago, a theologian named Lyman Beecher gave a strident warning to this nation. He warned: "We must educate! We must educate! Or we must perish by our own prosperity. If we do not, short will be our race from the cradle to the grave."

Quality in education is a matter of teachers and teaching. Children are educated not by courses or programs but by persons—by those who prepare the courses, design the programs, and do the teaching. The competence and character of those who teach profoundly influence the competence and character of those who learn.

Accountability of the schools is not an entirely new concept. Wilbur Cohen, President Johnson's last Secretary of HEW, criticized three years ago "the voluminous, yet unsuitable data now available for assessing the products of our education." He complained that "practically none of it measures the output of our educational system in terms that really matter—this is in terms of what students have learned."

Education should contain for various students more voluntarism, more options, less time for some and more time for others who want to fuse education more organically with their lives. Combinations of general education and professional training are shifts in the ecology of leaning away from solely the classroom teaching situation and into a variety of problem areas and learning centers and augmented by electronic media.

THE STATUS OF CONGRESS

In 1951, a study was made of the members of Congress and their educational attainments by one of the current authors. This was reported by the late U.S. Senator Thomas C. Hennings, Jr. of Missouri.[1] Later, the study was extended and reported.[2] Finally, it was extended ten years.[3] The current study is thus the second ten-year extension and is reported with the same twenty-three category, as follows:

1. No university or college training indicated.
2. State university attended in State of election.
3. State college attended in State of election.
4. State university attended outside State of election.
5. State college attended outside State of election.
6. Private university attended in State of election.
7. Private college attended in State of election.
8. Private university attended outside State of election.
9. Private college attended outside State of election.
10. Additional education secured in State university and State college in State of election.
11. Additional education secured in private university and private college in the State of election.
12. Additional education secured in State university and State college outside State of election.
13. Additional education secured in private university and private college outside State of election.
14. Additional education abroad.
15. M.A., M.S., etc. degrees secured.
16. Honorary doctorate degrees.
17. Phi Beta Kappa members.
18. A.B., B.S., etc., degrees secured except professional.
19. LL.B. degrees secured.
20. M.D. degrees secured.
21. D.D.S. degrees secured.
22. J.D. degrees secured.
23. Ph.D. degrees secured.

---

[1] George S. Reuter, Jr., *The College and University Preparation of Members of Congress, 1937–1951* (Congressional Record: Washington, April 23, 1952) p. A2562.

[2] George S. Reuter, Jr., *Education and Congress* (American Federation of Teachers: Chicago, 1961) pp. 3–4.

[3] George S. Reuter, Jr., and Helen H. Reuter, *Democracy and Quality Education* (Educational Research Association of the U.S.A.: Cambridge, 1965) pp. 101–102.

TABLE 1-A. EDUCATIONAL ATTAINMENTS OF U.S. SENATORS

Category	Year—																	
	1937	1939	1941	1943	1945	1947	1949	1951	1953	1955	1957	1959	1961	1963	1965	1967	1969	1971
1	20	22	22	21	18	16	13	13	13	13	10	8	10	13	14	14	9	10
2	28	27	27	28	33	33	35	39	39	38	38	35	34	45	41	44	45	40
3	6	4	4	4	5	7	8	7	10	10	10	12	11	7	5	2	4	5
4	16	18	16	16	17	15	13	10	4	4	5	6	7	15	12	11	11	14
5	3	1	1	2	2	3	1	1	1	1	1	2	2	0	1	1	2	2
6	16	17	16	14	15	19	19	19	18	17	16	16	15	16	14	9	20	19
7	13	13	18	19	18	18	14	16	4	4	5	7	8	15	12	19	18	11
8	24	21	21	25	26	28	34	29	15	14	18	18	18	39	34	32	37	35
9	8	6	9	7	8	7	8	8	6	6	6	10	11	8	8	7	5	7
10	14	14	12	13	14	16	15	19	21	20	20	24	27	20	22	26	28	2
11	8	10	10	10	12	12	9	10	21	21	20	20	18	10	5	2	2	1
12	9	7	8	11	12	10	10	9	13	13	13	15	16	15	9	7	8	17
13	19	16	17	18	10	24	28	25	24	22	25	30	31	20	29	26	26	32
14	2	2	2	2	3	3	3	3	5	4	4	4	3	3	4	3	5	5
15	10	9	10	11	15	14	18	19	16	16	16	19	19	15	10	13	14	11
16	24	20	24	28	32	31	29	26	30	28	28	28	26	31	25	28	25	25
17	5	6	6	5	4	7	10	8	2	2	2	3	4	2	4	5	8	7
18	69	62	64	67	69	71	71	73	45	46	47	54	55	70	70	73	72	73
19	39	39	40	38	45	50	51	49	42	42	42	45	47	55	54	53	52	51
20	1	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	0	0
21	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0
22	1	1	1	1	4	4	4	4	4	5	5	8	8	8	7	7	6	6
23	2	2	2	2	2	1	2	1	1	1	1	2	2	3	3	2	2	1

TABLE 2-B.—EDUCATIONAL ATTAINMENTS OF U.S. HOUSE OF REPRESENTATIVES

Category	Year—																	
	1937	1939	1941	1943	1945	1947	1949	1951	1953	1955	1957	1959	1961	1963	1965	1967	1969	1971
1	137	120	102	111	96	82	84	80	82	83	80	75	61	63	55	47	45	41
2	95	97	116	106	105	113	122	124	90	87	86	92	99	160	150	147	144	141
3	26	36	36	28	33	36	33	26	33	34	34	38	34	42	44	45	47	51
4	29	28	34	28	33	33	36	36	33	27	26	35	29	35	34	32	30	27
5	5	5	7	15	5	6	9	5	10	5	4	6	9	5	5	5	5	5
6	103	104	110	171	116	116	119	112	78	82	92	105	86	100	105	109	115	129
7	59	65	63	42	61	68	68	74	74	68	63	56	83	74	70	62	60	59
8	79	94	101	103	117	112	113	104	60	64	53	51	56	91	91	92	92	93
9	30	24	18	20	15	20	13	17	24	19	21	18	24	28	27	25	23	22
10	59	68	77	66	67	67	69	66	64	68	75	76	74	100	99	97	96	95
11	61	56	66	69	67	61	73	44	65	85	93	91	94	72	77	80	84	89
12	12	12	16	15	18	21	15	22	17	17	11	11	14	19	18	14	12	11
13	52	60	61	63	68	56	71	58	67	68	71	80	90	67	69	71	73	75
14	7	9	6	11	11	10	11	5	10	9	10	10	8	13	13	14	14	15
15	24	27	27	35	39	37	34	31	27	30	28	32	27	26	26	29	37	44
16	11	9	14	16	17	15	22	23	18	27	26	27	28	33	35	37	41	42
17	5	5	5	6	9	10	8	11	5	8	10	7	9	6	8	11	13	14
18	140	148	150	152	156	164	164	184	179	179	195	219	219	270	272	278	280	282
19	141	138	150	140	139	159	164	166	165	164	156	176	184	228	220	215	187	178
20	6	8	5	6	6	6	5	6	5	4	5	4	6	3	3	4	4	4
21	1	1	2	1	2	1	1	1	1	1	1	0	0	0	0	0	0	0
22	4	3	4	7	9	9	7	10	12	9	10	9	6	9	15	17	31	45
23	0	1	1	2	1	0	1	2	2	4	4	6	7	3	5	7	7	9

REFLECTIONS VIA ILLUSTRATIONS

1. Our educated Congress attempts to give wise social science leadership.

For all of us who share the goals of liberty, equality, and progress for all mankind, these are difficult and troubling days. On the Indian subcontinent, millions of Pakistani refugees cry out for help. In the Middle East, Israel remains surrounded by forces sworn to demolish her. In Russia, Soviet Jews wait anxiously for a chance to be free. And here at home, six per cent of the work force are jobless; even our policemen cannot walk the streets in safety; our cities are running out of money; and our U.S. Supreme Court is threatened.

2. Our educated Congress attempts to give wise urban leadership. The cry of the cities reverberates across the land, and echoes in the chambers of those who govern. The contemporary compression of people, buildings, institutions, and time factors have brought society perilously close to disaster.

3. Our educated Congress attempts to give wise moral leadership. Dr. Martin Luther King, Jr., the American counterpart to Gandhi, became the instrument that pricked the conscience of white America. Drawing on Gandhi and abiding faith in God, and God's means—love and the power of spirit over matter—he used means that gave moral momentum and dignity to the cause of civil rights. Like Gandhi, he realized as Eric Hoffer, the longshoreman philosopher, put it, "Retribution often means that we eventually do to ourselves what we have done to others."

4. Our educated Congress attempts to give wise advice to all groups. The very first case in the highest court after the adoption of the Fourteenth Amendment in which a challenge of unconstitutional discrimination against an important class in the community was raised involved a claim on behalf of the equality of women. The case referred to—Bradwell v. Illinois (1873)—was an appeal to grant plantiff's (a lady) application for a license to practice law.

5. Our educated Congress attempts to recognize freedom. This is illustrated two ways.

First, during the years that King David reigned, Israel had its ups and downs; its victories, its sufferings, its sorrows, its plagues; but always King David kept in touch with his Master.

Second, "Where the spirit of the Lord is, there is liberty." These words of the Apostle Paul have a special relevance for us today; they touch upon one of the most vital issues of our time—the place of liberty, of freedom, of liberation.

CONCLUSIONS

Americans can assume that the statement below is still representative:

"One could develop the thesis that since the educational attainments of elected representatives of the people from all sections of America have significantly grown that the quality of educational opportunities of students has also moved ahead. There is a sense in which one could thus rejoice. The right kind of legislation has been provided to give full citizenship for all our students—even for those minorities who have suffered the humiliations of second-class citizenship. The conscience of America has been aroused. Human rights have taken precedent over property rights even though the cost has been high. There is, however, much ground yet to cover to insure quality educational opportunities for all students. Such unresolved problems as class size, grouping, textbooks, time in school, and discipline deserve serious attention . . ." [4]

---

[4] *Ibid.*, p. 102.

NAZISM AND COMMUNISM: TWO SIDES OF THE SAME COIN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. CRANE. Mr. Speaker, recently, Committee III of the United Nations General Assembly once again entered into a discussion of measures to be taken against nazism and other totalitarian ideologies and practices based on incitement to hatred and racial intolerance.

Once again, the delegates of the Soviet Union contended that nazism was still a problem to which the United Nations General Assembly was obligated to turn its attention each year.

This year, for the first time, the Committee's considerations extended beyond the evils of nazism, and considered as well the evils of other totalitarian ideologies. The U.S. representatives in this body, Representative Edward Derwinski, of Illinois, eloquently presented the American position.

Mr. Derwinski noted that:

> My Government is unalterably opposed to Nazism and similar ideologies and racial intolerance.

He continued to hail the democratic record of the Federal Republic of Germany and noted that if any example of German militarism was to be found in today's world it:

> Was seen in 1968 when the Soviet directed East German forces goose-stepped into Czechoslovakia.

Pointing out that the threat to freedom and civil liberties today does not come from a resurgent nazism but from an entrenched communism, Mr. Derwinski declared that we need only:

> Take for example the mock trial of writers and intellectuals in Moscow who dared to publish material at variance with state policy and their sentence to long periods of hard labor. Or the confinement of critics of the regime in psychiatric asylums, a practice which has been widely condemned as inhuman and degrading.

In his statement Mr. Derwinski made it clear that the Soviet denial of religious freedom and of the right to emigrate was in violation of the Universal Declaration of Human Rights. He stated that:

> The Soviet record does not match the Soviet rhetoric.

It is high time that the truth about the Soviet repression of freedom was told at the United Nations, a body which has not seen fit to express any word of criticism against the government which has for so long made a mockery of the Charter's declarations. As long as the United Nations piously passes resolutions condemning the United States and Israel, Portugal, and Rhodesia and ignores the record of the U.S.S.R.—for so long will it be considered an organization which is irrelevant to the real purposes for which its founders created it.

I wish to share Mr. Derwinski's important statement with my colleagues, and insert it into the Record at this time.

STATEMENT BY CONGRESSMAN EDWARD J. DERWINSKI

Once again, this Committee is considering the item on nazism and racial intolerance which has become a perennial item on the agenda of this Committee. Debate on this item has followed a repetitious pattern and little of substance has been added on the subject of nazism. Racial intolerance, of course, continues to be a subject of major concern to this Committee and other United Nations bodies. We have concluded lengthy deliberations on this subject under item 54 and we do not believe that any thing further can be added. I refer to statements made by my colleague, Arthur Fletcher, in this Committee on October 26th and November 3rd which fully discussed the U.S. position on racial discrimination.

I wish to make very clear that my Government is unalterably opposed to nazism and similar ideologies and to racial intolerance. Regarding nazism, we have made clear in previous sessions that we regard this evil as a horrible phase in German history which fortunately has ended. Today, the Federal Republic of Germany, after two generations of wise and moderate leadership, is among the leading democracies of the world. Over two-thirds of the citizens of that country were born since 1930 and have no memories or sympathy with the nazi era. The leaders of the Federal Republic have dedicated their careers since 1945 to atonement for the sins of Hitler. The Federal Republic of Germany has developed close ties with virtually all countries and is being welcomed by countries of Eastern Europe.

As a matter of fact the obvious example of recent German militarism was seen in 1968 when the Soviet directed East German forces goose-stepped into Czechoslovakia.

My Delegation does, however, desire to comment on the aspect of this agenda item which pertains to "other totalitarian ideologies based on incitement to hatred and racial intolerance." We are pleased that the 25th session of the General Assembly clearly referred to these ideologies, which are presently manifested in the world and which serve to deprive individuals in societies ruled by such ideologies of human rights and fundamental freedoms. The overriding character of such societies is the infallibility of the state, ruled by a small, unrepresentative group, requiring unquestioning obedience of its subjects. Expressions of human freedom and dignity cherished throughout most of the world, are unknown in these totalitarian societies and any attempt at such expression is characterized as anti-regime and offenders liable to severe punishment.

We need cite only examples which have received international attention in the past several years. Take for example the mock trial of writers and intellectuals in Moscow who dared to publish material at variance with state policy and their sentence to long periods of hard labor. Or the confinement of critics of the regime to psychiatric asylums, a practice which has been widely condemned as inhuman and degrading. A Nobel prize winning author has been quoted on this matter as follows: "The incarceration of free-thinking healthy people in madhouses is spiritual murder. It is a fiendish and prolonged torture of those who are to be killed. Like the gas chambers, these crimes will never be forgotten, and all those who take part in them will be condemned endlessly, while they live and after they are dead. It is shortsighted to think that you can live constantly relying on force alone, constantly scorning the objections of conscience." This author, unfortunately, is himself subject to severe persecution in the USSR.

Not only does such a totalitarian society blatantly offend Article 19 of the Universal Declaration of Human Rights but of many other Articles as well. I would cite specifically Articles 9, 10, 11, 12, 13, 18, 20, 21. In such societies the Universal Declaration of Human Rights is a piece of paper—nothing more.

The right to practice one's religion or to leave the country are met with acts of repression and harsh, brutal sentences following *pro forma* trials. An individual who seeks asylum in another country is given a harsh sentence for an attempt to exercise a fundamental human right.

We refer specifically, of course, to the Soviet Union. We respectfully note that the Soviet record does not match the Soviet rhetoric. My Delegation and others during this session already have referred to persecution of Jews in the Soviet Union and the brutal military suppression of the popular will in Hungary and Czechoslovakia. Earlier in this session, I directed the attention of this Committee to the continued illegal occupation of the Baltic states by the Soviet Union. It is indeed ironic that the same peoples who were the victims of nazism a generation ago are made to suffer again today.

The delegates of the Soviet Union contend that nazism still is a problem which must be annually discussed by the General Assembly. It is time that they and we recognize just where the evils of nazism do exist. I am pleased that the framework of our discussion has been expanded beyond consideration of nazism, an ideology of the past, to the current practice of other totalitarian ideologies. We hope that this new framework will focus world attention and expose the evils of those totalitarian societies where individuals are denied even the elementary human dignity set forth in the Charter and the Universal Declaration of Human Rights.

JAMES TODD: ACTIVE AT 84

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HUNGATE. Mr. Speaker, at a time when the media has experienced criticism for many, I would like to bring to the attention of my colleagues an article which reminds us that the newspaper industry is also a field of dedicated people. The article, from the December 1971, edition of the Missouri Press News, follows:

JIM TODD: ACTIVE AT 84

"I couldn't be satisfied just sitting down—I have to be doing something," said James Todd, 84, retired publisher and former owner of the Moberly Monitor-Index, who reports at the newspaper office daily to offer his services.

So eager is he to help that recently when his doctor ordered him to stay at home for a week Todd phoned the newspaper office and asked that he be sent some hand-written correspondence to type—or any other typing that was needed.

Todd visits the Norfolk and Western Railway depot regularly as well as other news sources along the "beat" he covered when he owned the paper.

He brings in news tips for the staff and notes for stories he pounds out on a typewriter himself.

He helps distribute mail, carries news copy to the composing room, takes tearsheets to advertisers, checks exchange papers for news tips and does many other jobs.

When the new owners took over the newspaper they told Todd that he was welcome to help at the office anytime. Tom Hackward, present editor of The Monitor-Index, said of Todd:

"I'm a former employe of his. He used to give me assignments, but now he comes in and asks what he can do to help, diving immediately into any kind of task. Mr. Todd is not on the payroll. He does the work because he likes to do it. The "printer's ink" in his system is indelible. This is the drama of Mr. Todd's situation.

W. T. VanCleve of Moberly, former business partner of Mr. Todd said: "Jim is a great public relations man. He has always been the man who meets the people, and he is great at keeping up his fences and keeping up the fences for the business. He has a great personality."

Born Sept. 9, 1886, in Maryville, Mo., Todd has been connected with newspapers since the age of eight. His father owned the Maryville Democrat, and Todd was a "printer's devil" when a boy. When his father became ill and died in 1907, Todd became publisher of the Democrat.

In 1910, the Democrat merged with two other Maryville papers—the Forum, owned by W. C. VanCleve, and the Republican, owned by W. S. Demotte, who later sold his interest in the paper.

Todd was appointed postmaster of Maryville in 1914. He said he was "fortunate enough to get the apopintment because his father had been active in politics."

On January 1, 1919, W. C. VanCleve and Todd purchased the Moberly Monitor and the Moberly Index, VanCleve serving as publisher of the Moberly Enterprise until his death in 1929.

It was in 1925 that the team of VanCleve and Todd bought the remaining Maryville paper the Tribune—and the remaining Moberly Democrat, leaving both towns with one newspaper. In 1929 they sold the Maryville Democrat-Forum to W. S. Rupe.

After VanCleve's death in 1929, Todd became president of the Monitor-Index and Evening Democrat in partnership with VanCleve's two sons, W. T. and J. K. VanCleve. The partnership continued 50 years until the newspaper was sold in December, 1969, to the present owners, the Donrey Media Group.

Todd has received many honors for his outstanding work in journalism and for his service to the community. He has been president of the Northwest and the Northeast Missouri Press Associations.

In 1939, he was named president of the Missouri Press Association. He received the distinguished service award from the University of Missouri School of Journalism at Columbia. He has served as president of the Missouri State Historical Society of which he is now a member of the board.

In 1962, Todd was among 25 Missouri newsmen invited to a White House luncheon given by President John F. Kennedy. He was a colonel and member of the governor's staff three times, being appointed by Governors Forrest Smith, James T. Blair and John M. Dalton.

Todd's wife is the fromer Marguerite Lawson from Daviess County. They married Aug. 18, 1934. The Todds have one daughter, Joanna, a graduate librarian at Stephens College in Columbia, Mo.

The Todds live at 615 West Carpenter Street in Moberly.

THE LISTENER: A TRIBUTE TO C. A. "CHRIS" CHRISTIANSON

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DENHOLM. Mr. Speaker, it has been 42 years since the distinguished gentleman that we honor today left the rolling greens of the Midwestern Plains and began the long road of life up the mount of youth.

It was the year of 1930 that he began in the house of the people and said goodby to his parental homestead of the West. He has silently served at the desk of the leaders of the Halls of Congress—and listened. Years have passed since first he began the upward trek of time along the pathways of the mount of youth.

His service is a challenge to all—in terms of time. His heritage an honor—his devotion to duty unequaled. He has heard many sounds—seen many men—tallied the roll—heard all arguments, in peace and in war, served seven Presidents—never voiced a sound.

He listened.

The names of hundreds and hundreds of men have been called and thousands and thousands of names he has entered on the rolls with the preciseness of perfection—never to be challenged.

In majesty he recalls life as time and time as life—up the pathway of the mount of youth. A philosophy of decency, devotion, dignity, honor, and respect have been his pillars along the rocky road and in the fashion of a voice of the Master he muses of the past.

Life took me up on her wings and bore me to the top of mount youth. Then she comes now to beckon me—to look down on the valley of time. I look back and I see many, many things.

I see a strange city of men. A thin cloud almost hides the city from my gaze.

After a moment of silence, he exclaimed, "What is this I see in the city of time—life?"

Now he gazed from mount youth upon a wonderful scene—and saw many objects and sights shrouded in memory like phantoms in the clouds of mist. There are halls built for action, standing giant-like beneath the wings of slumber; temples of talk around which hovered spirits at once crying in despair, and singing songs of hope. "I saw churches," he said, "built by faith and destroyed by doubt." Men of thought, lifting their spires of voice like the upraised arms of beggars; avenues of desire stretching like rivers through valleys; storehouses of secrets guarded by sentinels of concealment and pillaged by thieves of disclosure; towers of strength raised by valor and demolished by fear; shrines of dreams, embellished by slumber—and destroyed by wakefulness; slight huts inhabited by weakness; moods of solitude and self-denial; institutions of learning lighted by intelligence and darkened by ignorance; taverns of love, where lovers became drunk and emptiness mocked at them; theaters upon whose boards life acted out its play, and death rounded out the tragedies of life in the valley of time.

Such is the city—the strange city of men in the valley of time—in appearance far away, though in reality nearby—visible, though barely, through the dark clouds of the summit of mount youth, and

Now she calls again—this life of mine and beckons, "Follow me. We have tarried here too long." And he replies, "Whither are we going, life?"

And life said, "We are going to the sunny slopes of contentment on mount youth to rest your ear from yesteryear."

And the man we honor replied, "Have some pity on me, life. I am weary, and my feet are bruised and the strength is gone out of me on the pathways to the summit of mount youth."

But life replied, "March on, my friend."

And so the listener of men—the toller of time and teller of men—must march on. To remain forever gazing upon the city of men in the valley of time is folly and the mount of youth is his own beauty and joy to have and to hold from this day forward—and unto the end. We that remain on the upward slopes—look up, think up, and wonder when. For that mount of youth is the cathedral of men—the man we honor today is C. A. "Chris" Christianson—the listener of stirring noises in the city of men.

Time is life and life is time—I am hopeful that as "Chris" the listener bids us farewell that he will enjoy "the time of his life" in retirement and that he will accept my sincere gratitude for permitting me a small piece of his friendship to keep in memory of a mountain of a man among men.

TAIPEI IS PUSHING INTERNAL REFORM?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. FRASER. Mr. Speaker, we are all familiar with the false dawn, the faint light that appears on the eastern horizon sometime before the dawn itself breaks.

I hope that a Sunday, December 12, New York Times report of Kuomintang-sponsored internal political reform in Taiwan is a harbinger of real reform, just as the false dawn heralds the actual dawn. Given the record of the Kuomintang, I remain skeptical.

But, Mr. Speaker, the reform moves outlined in the Times story are welcome. For many Americans, myself included, support for continuing the U.S. commitment to Taiwan may turn upon the degree of democratization achieved on that Island.

[From the New York Times, Dec. 12, 1971]

Taipei Is Pushing Internal Reform—Nationalist Pledges Include Revitalized Legislature

Taipei, Taiwan, Dec. 11.—The Government and the Nationalist party have set up a profusion of committees since the Chinese Nationalists' expulsion from the United Nations to study means of strengthening national unity through instituting internal reforms.

Among the measures promised by officials of the governing Nationalist party, or Kuomintang, have been the addition of new members to the national parliamentary bodies, which have not had general elections since their formation 25 years ago, the revamping of civil service regulations to permit the absorption of more younger men in Government ranks and more zealous efforts to eliminate corruption and ease red tape in Government procedures.

Although many in the minority of the population that takes a close interest in political life are skeptical that any far-reaching, fundamental changes will be made, they still tend to be pleased that the Government is at least showing greater receptivity to new ideas and responsiveness to public opinion. There is also relief in many quarters that the Government's setbacks in foreign affairs have led to attempts to broaden its domestic support rather than to increased reliance on repressive measures.

THREE LEGISLATIVE BODIES

Most of the attention in political circles has centered on the plans for "revitalization" of the three legislative branches—the Legislative Yuan, the Control Yuan and the National Assembly.

A special subcommittee of the Kuomintang central standing committee is considering how many new members should be chosen and whether their selection should be by election, appointment or some combination.

Its proposals, if approved by the full central committee and by President Chiang Kai-shek, who is also director general of the Nationalist party, would be presented for action to the National Assembly when it convenes in late February. To carry out any changes in the make-up of the legislature, the National Assembly would presumably have to add to a series of amendments to the national Constitution known as "temporary provisions in effect during the period of Communist rebellion."

The legislative bodies were formed in 1947, when the Nationalist Government, then in Nanking on the mainland, adopted a national Constitution. In popular elections that year, members were chosen for the Legislative Yuan, which enacts laws and reviews the national budget, and for the National Assembly, which meets every six years to elect the president and vice president and to consider constitutional revisions. The members of the Control Yuan, a "watchdog" agency to check on official efficiency and corruption, were elected indirectly by provincial assemblies.

After its withdrawal to Taiwan in 1949, the Nationalist Government extended the terms of incumbent legislators indefinitely and proclaimed that new national elections could be held only after recovery of the mainland. That position was based on the Government's continued claim to represent all of China.

Today the average age of the legislators is well into the sixties and deaths of members have brought the three parliamentary bodies to about half strength.

U.S. PUBLIC HEALTH SERVICE HOSPITALS

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BOGGS. Mr. Speaker, for more than 150 years, the U.S. Public Health Service Hospital in New Orleans has been providing valuable health services to the merchant marine, Federal employees, and members of the uniformed services in our part of the country.

Similar services are being rendered by U.S. Public Health Service hospitals and field clinics in seven other regions of the United States.

We in New Orleans appreciate the contribution our Public Health Service hospital is making to the health of our people, and we are presently working to expand its role in our community's growing health complex.

While we have been making our plans, however, the Department of Health, Education, and Welfare has been working to abolish the entire system of U.S. Public Health Service hospitals around the country.

It seems incomprehensible to me that, at a time when we face a severe shortage of hospital beds, anyone—least of all the Department of Health, Education, and Welfare—would seriously propose that we close down a system of eight health-care institutions with a proven record of efficient operation.

This view was shared by my colleagues in the House when, on August 2, we voted by the overwhelming margin of 340 to 4 to express the sense of the Congress that these hospitals be kept open.

A few weeks later, while the bill was still in conference, HEW summarily closed down the U.S. Public Health Service narcotics treatment facility in Fort Worth, Tex., the only such facility west of the Mississippi River and one of only two operated by the Federal Government.

It is even more incomprehensible that HEW would contravene the express will of the House and close down a narcotics treatment facility at a time when our country faces a grave crisis in drug abuse. This, however, is precisely what happened.

We in New Orleans are determined to make our Public Health Service Hospital an even more important component of our growing health complex. Other cities share our view that the Public Health Service hospitals should continue their outstanding record of health care services, and should not be closed down or otherwise subverted.

A recent interim report of the Department of Health, Education, and Welfare, however, indicates that the Department is still determined to circumvent the will of the Congress and to achieve indirectly what the Congress has said should not be done.

Mr. Speaker, many of us have been working to keep these hospitals open. I would be remiss, however, if I did not express my personal gratitude to the gentleman from Florida, Congressman Paul Rogers. He and his Subcommittee on Public Health and Environment have been doing an outstanding job to keep the Public Health Service hospitals open. In doing so, he has been serving both the Congress and the cause of better health for the American people.

I am inserting a copy of the interim report of the Department of Health, Education, and Welfare and a statement by Congressman Rogers:

Secret HEW Memo Undermines HEW Credibility

For some time now, more than a year in fact, I have been concerned over the Administration's attempts to close the eight Public Health Service Hospitals and the 30 clinics under PHS control.

The House and the Senate have both passed resolutions stating that each body wants these very valuable facilities open and operating under the control of PHS.

But despite this, I have come across information in the form of a confidential memorandum stating that the hospitals in Boston and San Francisco are scheduled to be taken out of the system this year.

This in itself is cause enough for concern in light of the expressed wish of the Congress.

But to add to this situation, the memo, sent by the Assistant Secretary and Comptroller of HEW, Mr. James B. Cardwell, directly says that HEW's policy in regards to the Congress will be to hide all meaningful information. I would like to quote from Mr. Cardwell's memo:

The enclosed transmittal letter is designed to be as innocuous as possible. You will note that it does not propose any formal briefing of Congressman Rogers, et al. It is quite clear that we will eventually have to go up and explain both the proposals and our decisions concerning them to Rogers and other key Members and/or Committees. Primarily at Steve Kurzman's suggestion, we decided that the better part of valor at this time would be to offer them as few materials as we can get away with and hold off for as long as possible a confrontation concerning what we will or will not do vis-a-vis each of the hospitals.

There has been a growing creditability between HEW and the Congress for some time now. But this obvious policy of withholding information in an attempt to keep the Congress from acting is the most arrogant form of contempt for the legislative branch of government I have seen.

This conspiracy leads me to believe that HEW's attempt to pervert the law in this situation by secretly withholding information most probably is carried throughout the Department on many other situations and completely undermines any information which the Congress receives on other matters. I can only wonder what other legislation the Congress has acted on based on such tainted information.

The legislative branch will be hard put to accept as factual any information or guidance from HEW after this shocking discovery of deceit. The Subcommittee on Public Health and Environment will hold hearings Friday on this matter and expects to determine what steps HEW plans to take on the hospitals and what corrective measures will be taken with regards to the deceptive practices this memo represents.

Letters to Key Members of Congress Regarding PHS Hospital Conversion Process—Action Memorandum

ISSUE

We promised a number of Members of Congress that we would brief them and employee and beneficiary unions this fall on the PHS Hospital conversion. Some, if not all, of these Members know that, in addition to the actual proposals, we have consultant reports on the proposals and have asked for both.

FACTS

As a result of the discussion with you on October 28, we have decided to send the Congressmen and the unions summaries of the proposals and summaries of the consultants' recommendations with an offer of the actual proposals on request. We would not release the actual consultants' reports if there is any way to avoid it because they include unsolicited comments which would tend to open up the larger policy question again. Drs. DuVal, Wilson, and Zapp have participated in the development of these materials.

The enclosed transmittal letter is designed to be as innocuous as possible. You will note that it does not propose any formal briefing of Congressman Rogers, et al. It is quite clear that we will eventually have to go up and explain both the proposals and our decisions concerning them to Rogers and other key Members and/or Committees. Primarily at Steve Kurzman's suggestion, we decided that the better part of valor at this time would be to offer them as few materials as we can get away with and hold off for as long as possible a confrontation concerning what we will or will not do vis-a-vis each of the hospitals.

Meanwhile, we believe it is very important to move ahead and make prompt decisions concerning the two hospitals that seem to have the best potential for conversion (Boston and San Francisco). Hopefully, decisions about these two cases will be made prior to any further detailed discussion with key elements of the Congress. We will do everything we can to urge Vern Wilson to proceed quickly with respect to these two cities.

It is also important to demonstrate to OMB that we are definitely going to do something about the two cities in question—this year—here and now. As you can appreciate, OMB is hesitant to base their employment ceiling policy on an assumption that the hospitals will be converted. It would seem to be to our advantage to do everything possible to make such an assumption a part of the final employment ceiling decision. In short, all this means that we cannot postpone for very long identification of Boston and San Francisco for early conversion. This means, of course, that we have to round out the proposals affecting those two cities immediately.

Meanwhile, our idea is to submit the enclosed material and wait for Rogers, et al, to make the next move, hoping, in the meantime, that we can make further progress concerning Boston and San Francisco.

RECOMMENDATION

That you sign the enclosed letter (Tab A) and authorize the signing of identical letters to the Members of Congress and unions on the enclosed list (Tab B). Please have Mr. Rogers' letter returned after signature, to be sent out along with letters to addressees on Tab B.

JAMES B. CARDWELL.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 15, 1971.

Hon. HALE BOGGS,
House of Representatives,
Washington, D.C.

DEAR MR. BOGGS: The Health Services and Mental Health Administration has completed its review of proposals to convert the Public Health Service hospitals to community management and use. These proposals were solicited from each of the eight communities in collaboration with the Area-wide Comprehensive Health Planning Agencies.

In keeping with our earlier promise to keep you informed of significant developments growing out of our review of the Public Health Service hospitals, enclosed are resumes of the various proposals submitted by the Area-wide Comprehensive Health Planning Agencies. Also enclosed are resumes of comments and suggestions made by special consultants employed by the Health Services and Mental Health Administration for the purpose of reviewing and evaluating the submissions made by the Area-wide Comprehensive Health Planning Agencies.

The various proposals are now under review, both in the Health Services and Mental Health Administration and in my own office. None of the proposals is at this time sufficiently well spelled out to provide us with all the data and information we would need to take final action, hospital by hospital. In each case, specific issues remain which must still be resolved. These have to do with the availability and assignment of manpower—including both local and Federal manpower—and more information about community resources and financing. Our next step will be to refine the proposals and develop the full range of data needed to reach a final conclusion.

We will continue to keep you informed of further developments as they occur.

With kindest regards.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

Summary of Recommendations Furnished to HEW by the Review Committee of Non-Federal Consultants on the Feasibility of Specific Proposals To Convert PHS Hospitals to Community Control and Use

During Hearings last winter and spring on the future of the PHS Hospitals, the Congress was advised that the Administration would conduct a study to determine the feasibility of converting the hospitals and their programs to community management and operation. The study was to be done through the 314(b) Area-Wide Comprehensive Health Planning Agencies in each community. The (b) agencies were requested in work with community groups who expressed an interest in developing proposals, review and comment on the proposals, and forward them to HSMHA by September 1, 1971.

The proposals were screened by a preliminary review; certain proposals were selected for further evaluation. Non-Federal consultants were requested to visit each of the communities and to assess the feasibility of the individual proposals for each of the communities. The review committee was asked to make specific recommendations to the Administrator, HSMHA, concerning what further steps should be taken. Those recommendations follow.

BOSTON

Three of the five proposals were eliminated due to lack of demonstrated resources and capability to carry out the basic beneficiary care responsibilities. In the Boston Metropolitan area, there is a need for chronic, long-term beds rather than acute short-term care beds. Saint Elizabeths Hospital and Tufts Medical School jointly possess the administrative and fiscal capability to fulfill the program's responsibilities. Although both Boston University Medical Center and Saint Elizabeths had offered acceptable preliminary proposals, Saint Elizabeths was considered to be ahead due to its physical location, capacity to extend its services, and the overall plan. A consortium of Saint Elizabeths, Tufts Medical School and St. John of God Hospital, would constitute the optimum for an HSMHA contract. The committee recommended that Tufts Medical School, in collaboration with Saint Elizabeths Hospital, be encouraged to take the leadership in developing a new proposal, involving other community agencies, as well as the (b) agency. Four months' time was recommended for the submission of a detailed proposal.

STATEN ISLAND

Two proposals were identified as having potential. These are HIP and the New York Medical College. HIP is preferred in view of its demonstrated competence to deliver comprehensive medical services on a prepaid basis and has community support. The Staten Island Coalition's proposal was rejected due to the lack of any capability to deliver health care. Because of its isolated geographic location in New York City, the consultants found that the Staten Island PHS Hospital performs a special role in the community, and enjoys the goodwill and support of all sectors as a Federal institution.

It was agreed that HIP has submitted a suitable proposal for transfer of management. However, if such a decision were made, the consultants recommended a lease arrangement rather than the transfer of title because of the high value placed on the property by the citizens of Staten Island.

NORFOLK

The consultants determined that none of the proposals from this community were worthy of consideration in their present form. The NAMCA proposal, although appearing technically feasible, is deficient in several important areas, one of which is the lack of interest in direct responsibility for patient care. Norfolk General Hospital did not, in the consultants' opinion, meet the guidelines set by HEW. The recommendation, therefore, was to continue operation of the hospital under existing PHS auspices, at least until a stronger application was received.

BALTIMORE

The consultants observed that detailed community health care planning had been conducted by the Regional Planning Council of Baltimore in collaboration with the North Baltimore Consortium which has a broad base of community support. However, the Consortium did not have time to prepare a formal proposal by September 1. The consultants were convinced that, given sufficient time, the Consortium could meet the requirements of the HEW guidelines and the PHS program in addition to community needs. Consequently, it was unanimously recommended that, in collaboration with the (b) agency, the Consortium be encouraged to proceed with a proposal for the transfer of managerial responsibility, delineating the stages and time frame for full implementation and submitting the proposal within four months.

NEW ORLEANS

Two of the three proposals received were given serious consideration. Tulane University has the managerial and professional capability to fulfill the responsibilities to PHS beneficiaries, but it is dependent heavily on Federal financial support for facility construction. Charity Hospital has the patient care capability but there are major problems relating to personnel transfer and priority of PHS beneficiaries for medical care in a State institution. The consultants recommended that Tulane University be requested to submit a more detailed proposal within four months in cooperation with the (b) agency. This would not preclude consideration of a revised proposal from Charity Hospital.

GALVESTON

The consultants considered that the proposals from the University of Texas Medical Branch and the Galveston County Medical Foundation, if combined, would represent a more viable and non-controversial approach to meeting the needs of PHS beneficiaries. There are important issues, not unresolvable, which appear to separate the two applicants. There was some question as to the extent of community involvement in the overall approaches. The remaining three proposals (Hospital Affiliates, Medical Investments and Consulting Associates, Inc., and Moody House, Inc.), were considered unresponsive to the HEW guidelines. The final recommendation was that UTMB and the Medical Society be encouraged to submit a combined proposal.

SEATTLE

Seattle, once a prosperous area, has become a depressed area. There is no shortage of acute short-term hospital beds, physicians, or dentists. The Medical Society opposes takeover by the University and considers closure of the PHS Hospital the preferred course of action. Although the University of Washington's proposal—the only one received—is responsive to the research, patient care and training programs of the hospital, it is considered unrealistic. The University cannot assume responsibility, at this time, for the program's operation without heavy reliance on additional Federal support. Several issues in the proposal remain unclarified despite the site visit. Since only one proposal has been received from this community, the consultants recommended that the University be requested to review, revise and expand its proposal within four months.

SAN FRANCISCO

The surplus of community hospital beds was appropriately recognized by several proposals in terms of the purpose to which the PHS facility could be put. Of the five proposals submitted, the Consortium of Pacific Medical Center and St. Francis Hospital is considered to have maximum feasibility. The recommendation of the consultants was essentially in two parts: (1) that the care of beneficiaries and the ultimate use of the facility be separated and treated as separate issues, in which case other corporate entities within the Bay Area should be encouraged to submit proposals; and (2) that if this separation is not appropriate, the Consortium be recognized as having the capability to assume responsibility for the Federal program. A period of four months was recommended to develop a definitive plan.

GENERAL COMMENTS AND RECOMMENDATIONS

1. Upon completion of the total review process by the (b) agencies and the review committees and consultants, there was a general finding that none of the proposals contain sufficient data and information upon which to make a final decision. In addition, it appeared that all of the communities need additional opportunities to participate in planning and discussion of our next moves, if a smooth transition is to be effected.

2. It was agreed by all participants that, without a suitable proposal or alternative which can be implemented, the Federal Government should continue to support and operate the existing programs.

SENATOR McGOVERN AND THE POSTAL SERVICE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. LANDGREBE. Mr. Speaker, reports in the press indicate that Senator GEORGE MCGOVERN has been using the Postal Service in such a way as to update his campaign fund-raising mailing lists at taxpayer expense. No one is sure—not even the Postal Service—how long this practice has continued, nor exactly how much it is costing the taxpayers, but these and other mail schemes must cease forthwith. A conservative estimate that I have seen indicates that for one mailing alone, Senator MCGOVERN has cost the Postal Service several thousand dollars.

According to published reports, the Senator has on at least one occasion made a huge mass fund-raising mailing of close to half a million pieces. Although the letters were stamped, they were marked "address correction requested." This means that if the party to whom the letter is sent has moved, the Postal Service will mark the new address on the envelope and return it to the Senator's office. The fact that the return address was to the Senator's official office led the Postal Service to the conclusion that it was official business.

The address correction service would cost the ordinary citizen approximately 10 cents per letter—for Senator MCGOVERN, it cost nothing. Estimated cost to the taxpayer of MCGOVERN's mailing: several thousand dollars.

This kind of shenanigan must not be permitted to continue. I call upon all presidential candidates to refrain from mail trickery during the upcoming campaign regardless of how great the temptation. The American taxpayer is already burdened enough with the expenses of Government without being required to support the private fund-raising activities of presidential or other political aspirants.

The Postal Service must be vigilant to prevent future abuses such as the one visited upon us by Senator MCGOVERN. The Senator should account to the Postal Service for every penny he has attempted to extract from them or be prepared to answer to the American people.

The article follows:

SENATOR MCGOVERN AND POSTAL SERVICE

WASHINGTON.—Sen. George McGovern of South Dakota has agreed to reimburse the U.S. Postal Service for what amounts to an updating of one of the mailing lists used to raise funds for his Democratic presidential campaign.

The service was provided free because the McGovern organization had been using his Senate office as the return address on fund-raising mail.

A McGovern spokesman said the sum involved is not known. It will amount to 10 cents for each letter returned with a corrected address from a mailing of more than 300,000 fund-raising letters.

The solicitation went out from Chicago beginning about three weeks ago. The McGovern organization paid the six-cent bulk-mailing rate for each letter.

The postage itself is not at issue. The service involved is address verification, which the Postal Service offers on request, and under which a forwarding or corrected address is sought on letters returned incorrectly addressed.

The charge for that service is normally 10 cents per returned letter, but it is provided free on mailings sent out by Members of Congress as official business.

The McGovern mailing did not qualify, since it was political, but the Senate return address led the Postal Service to make no charge.

Spokesmen for the Postal Service and for McGovern said they did not know how the discrepancy was discovered, but suggested a postal inspector might have spotted it in Chicago.

The Postal Service said McGovern has agreed also that on future mailings, his political correspondence would carry the return address of his presidential campaign headquarters.

The amount of the reimbursement will depend on how many of the fund-raising letters were returned for address verification.

WOMAN-TO-WOMAN TALK IN HANOI

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ICHORD. Mr. Speaker, I would like to insert in the RECORD today a very moving letter written by Mrs. LaVonne Lauderbaugh, an active member of POW–MIA International, Inc., a group made up of friends and relatives of American fighting men captured by the North Vietnamese, the Vietcong, and other Communists in Southeast Asia, or men missing in action there.

Mrs. Lauderbaugh's letter is in response to a recent story that appeared in the Los Angeles Times concerning a group known as the Women Strike for Peace.

I place Mrs. Lauderbaugh's letter in the RECORD as it is my understanding that the Los Angeles Times has declined to print her letter.

Mr. Speaker, I feel that this letter is extremely well done and I believe that it speaks for itself. Therefore, at this point I include both the original story in the Los Angeles Times and the letter by Mrs. Lauderbaugh:

WOMAN-TO-WOMAN TALK IN HANOI

(By Jean Murphy)

Three American women have returned home after 10 days in North Vietnam, bringing with them the conviction that peace in Indochina depends solely upon the U.S. government.

They also brought letters from 32 prisoners of war, including nine Californians, to their families, but they were not allowed to visit the prisoners.

And they returned with a desire to talk about the women of North Vietnam.

The three are Mrs. Amy Swerdlow and Mrs. Irma Zigas of New York, mothers, housewives and leaders of Women Strike for Peace, and the Rev. Willie Barrow of Chicago, also a mother and director of special projects for Operation Breadbasket, Southern Christian Leadership Conference.

CAN'T BE DEFEATED

"In my opinion, these people (the North Vietnamese) can't be defeated," Mrs. Swerdlow said during a stopover in Los Angeles on their flight from Hanoi to the East Coast. "They are fighting, as they fought the French for years, for their own country."

She said Hanoi officials "told us that if President Nixon would set a date for withdrawal, all the POWs could be home by Christmas."

The American women said that North Vietnamese, "tough, resilient, determined, courageous and well-disciplined," are certain that they will win but that they are prepared for 10 more years of war.

"However, they seem to set great store in the peace hopes of the American people," Mrs. Swerdlow added. "Their hope is in the American public," Mrs. Barrow agreed.

The trio traveled to Hanoi as guests of the Vietnamese Women's Union. (In Washington, a spokesman for the State Department said that "we tend to frown on travels in countries with which we have no diplomatic relations but, as a practical matter, there is nothing we can do legally, no way we can discourage it.")

A FIRSTHAND LOOK

According to Mrs. Mary Clarke, Southern California coordinator for Women Strike for Peace, the three women "were invited to North Vietnam because the women there felt it was important for our women to see at first hand that the war is being escalated rather than wound down, as President Nixon claims, and to see the effects of continued U.S. bombing."

After seeing the effects of aerial bombardment, not as professional skeptics nor as trained military observers but as women and mothers, the three expressed disbelief.

"I can't believe that this is the will of the American people," Mrs. Zigas said, referring to injured civilians."

"You just can't believe our pilots know what they're doing," Mrs. Swerdlow echoed.

The WSP representatives said that they had "applied pressure" to see American prisoners of war but were refused permission because of "security reasons" and the continued American bombiing.

They did not know if any of the POW letters were from men previously listed as missing in action. They released the names of the nine Californians and said the others would be made public in New York City today.

The nine names released were Paul H. Schulz, San Diego; Robert L. Stirm, Foster City; John Ferr, San Pedro; Edward H. Martin, Coronado; George P. McSwain, Montrose; Everett Alvarez Jr., Santa Clara; Hugh A. Stafford, San Francisco; Edison W. Miller, Tustin, and one which Mrs. Swerdlow said was almost illegible but appeared to be Hubert Fisher, Rancho Cardena. No ranks or branches of service were announced.

Mrs. Swerdlow said the principal reason they accepted the invitation to North Vietnam was that "we feel very strongly we have to keep in contact with the women there. We defy the idea that these women are our enemies."

Mrs. Barrow believes the visit's major accomplishment was "the direct human relationship with the women. As a black person, I found an identity of spirit because of the identity of struggle." Mrs. Zigas and Mrs. Swerdlow reported that North Vietnamese women have obtained many of the goals sought by the women's rights movement in the United States.

LETTER TO THE EDITOR

POW–MIA INTERNATIONAL, INC.,
Tustin, Calif., November 2, 1971.

LOS ANGELES TIMES,
Times-Mirror Square,
Los Angeles, Calif.

Attention: Mr. William F. Thomas.

DEAR MR. THOMAS: Hoo-rah! Women Strike for Peace (WSP) has struck another blow for victory—Hanoi's not ours! Your feature story (November 1st), on three of their members recent trip to Hanoi and the 32 letters from POW's they brought back to give to the families was a delight to read, if you don't mind succumbing to an acute case of nausea. Surely your readers rate an antidote, allow them to read the views of the overwhelming majority of families and friends of the prisoners and missing in Southeast Asia.

Your reporter states that these women "returned with a desire to talk about the women of North Vietnam"—out of a total of 115 lines of the story, 16 were devoted to the Vietnamese Women's Union invitation; 2 lines on their desire "to talk about" the North Vietnamese women, and 8 lines actually talking about the women. The rest of the interview was given to castigating the United States, praising North Vietnam, and naming 9 Californians who are POW's.

One woman said, "In my opinion, these people (No. Vietnamese) can't be defeated." They certainly can't—as long as we have the WSP, et al, in the United Statese, continually mouthing the propaganda that Hanoi feeds them. Truong Chinh, leader of the North Vietnam Assembly, said in 1970, "As we won in 1954 thanks to our friends in France, so shall we win this time thanks to our friends in America."

The women said that after seeing the effects of aerial bombardment, they expressed disbelief; that they couldn't "believe that this is the will of the American people," referring to injured civilians; that "you just can't believe our pilots know what they're doing." Horsefeathers! They said they were in Hanoi—our planes have not had any missions over Hanoi since 1968! Just where did they see all this damage and these injured civilians? Perhaps they smoked a little too long on the "Hanoi peace-pipe" and were on a trip to where we have made air strikes, such as the Ho Chi Minh Trail—that's a pretty good trip from Hanoi.

They "applied pressure" to see U.S. POW's but couldn't because of "security reasons" and "continued U.S. bombing." They should have resented the "security reasons" bit, after all, what would Hanoi have to hide from "their friends"? And besides, when our government won't allow some things to be seen or released to the public because of "security reasons," the WSP and all the rest of their ilk are the first ones on the battle line screaming that they have a "right to know." As for the "continued U.S. bombing"—again, Hanoi hasn't been touched for years. What "pressure" did these women apply?

They "deny that these women (North Vietnamese) are our enemies"—since when? They may not be enemies of WSP, but any woman who assists in the production of war materials that are used to maim and kill even one U.S. serviceman is an enemy of ours! Sure, we have women in the U.S. who are doing the same thing, but incredible as it may seem to WSP, Hanoi and her allies are our self-proclaimed enemies, not just in Vietnam, but everywhere in the world!

Mrs. Barrow "as a black person," feels "an identity of spirit because of the identity of struggle" with North Vietnamese women; can she give us the name of one black person who is in the hierarchy of North Vietnam? We dare her to face Generals "Chappie" James and Ben Davis and tell them how wonderful the North Vietnamese are to blacks—or ask George Schyler whose daughter, a renowned and accomplished musician, was killed by a North Vietnamese attack while she was trying to save some Vietnamese children!

The real capper to the whole story you saved for the end—these women saying that "North Vietnamese women have obtained many of the goals sought by the women's rights movement in the U.S." Wow! They have one woman, a negotiator at the Paris 'peace talks'—how many women do they have in positions equal to that of a U.S. Senator, Congressman, Mayor, Judge, U.S. Treasurer, etc.? Do they have the equivalent to a Margaret Chase Smith, a Chisholm, a Priest, an Abzug, a Lilly?

Your story implies that these women of WSP were going to deliver these letters to the POW families themselves—wrong! They were taking them to New York, where they then turn them over to—surprise!—Cora Weiss' group, the Committee of Liaison with Families of Servicemen Detained in North Vietnam (COL). The clever use of the word 'Detained' precludes their having to use 'held as prisoners', but then, Mrs. Weiss and her group are very clever people. For instance, her co-horts of WSP apparently were careful not to mention that she, not they, would deliver the letters to the families, along with anti-American propaganda and exhortations to denounce our government and join with COL in its work. There is no mention of Mrs. Weiss or COL in the article. Is it possible that these women of WSP are smart enough to know that the real purpose of their trip would become crystal clear to the American people if they mentioned COL and its co-chairmen, Mrs. Weiss and David Dellinger, that sterling character, one of the 'Chicago 7' and a leader in nearly every radical movement in the U.S. today? Is it possible that WSP does not want it known how closely associated with COL they are; COL, a front for the "New Move Committee"; COL, who operates at the specific bidding of the communists in Hanoi; COL, whose leaders are almost identical to those of WSP? The very same COL who issued an information sheet in January, 1970, specifically stating that "COL has now been established . . . at the request of the North Vietnamese"; who is blessed with the support of one William Kunstler, attorney at (or is it 'against') law!

As to the motives and purposes of WSP, the old saying, "Birds of a feather flock together" is relevant—some of the "Birds" WSP flock with are: Communist Party, USA, W.E.B. DuBois Clubs, Socialist Workers Party, National Lawyers Guild, SDS, Progressive Labor Party, the New Mobe Committee, SNCC, Black Panther Party, et al., just about every group that is dedicated to destroying our way of life.

What we have given you are documented facts, not personal opinions, but hard, unadulterated facts! Isn't it about time that loyal American citizens be given their "day in court," that the newspapers give as much space to the hard-working, law-abiding, honest-to-God American citizen, as they give to the rabble-rousing crowd of revolutionaries who disrupt our campuses, places of business and government; who denounce, tear down and defile, with the basest kind of obscenities, everything our country has always stood for? We think so, and anytime a member of WSP or COL wants to take us on, we are eager and waiting—and even more, when our men finally are released from Hanoi and her allies, we challenge these "Ladies" and their followers to "tell it like it is" to our men, face-to-face! But then, such a confrontation is unlikely, they don't have the guts to face a real American!

We regret that it has taken so many words to express our viewpoint, yet, in the interest of fairness, we do now urgently beg you to print it; in its entirety or not at all. Please, do not print just excerpts as we feel this would destroy the entire purpose and meaning of its objective.

Most sincerely,
LaVonne Lauderbaugh,
POW/MIA International, Inc.

A CONVINCING CLOUD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DINGELL. Mr. Speaker, for the information of those who express the view that our air and water pollution control programs are too stringent, I commend to their reading an editorial which appeared in the Washington Evening Star of December 14, 1971, under the heading "A Convincing Cloud." I insert the text of the editorial at this point in the Congressional Record:

A Convincing Cloud

Just as the anti-environmentalist counter-crusade is getting cranked up, along comes something like that recent transcontinental belt of air filth to show that the environmentalists aren't dopes after all. Somes members of Congress who are solicitous of big industry and of divers earth-gouging schemes have been emboldened lately to murmur that indictment, saying in effect that the anti-pollution kick has gone too far when it begins to interfere with economics.

Such protestations have been undone for awhile by the great Birmingham cough-in—by that putrid man-made cloud that stretched all the way from Alabama to Massachusetts. New York was under an air-pollution danger advisory, and in Pittsburgh (which is still one of the most polluted cities despite its vaunted clean-up) 29 industries were ordered to cut their emissions.

But the hardest blow from the thousand-mile temperature inversion fell on Birmingham, which looked more like Birmingham, England, in a pea soup. It was there, in this instance, that emergency powers of the 1970 Clean Air Act were invoked by federal authorities for the first time. With the danger index insufferably high, a federal judge ordered 23 major industries employing 25,000 workers to close down. An Environmental Protection Agency official blamed Birmingham's heavy industries for slowness in controlling emissions.

This was a picture of what the future might be without adequate air-pollution laws, and it was convincing. Moreover, this trial run for the new law demonstrated the economic costs that can be suffered by waiting until a crisis develops. But the EPA and the federal judiciary dealt quickly and firmly with this one, and perhaps that will be a strong incentive to quick industrial compliance in the future. Perhaps this jolt also will inspire manufacturers to begin spending more for emission control fixtures and research, as they contemplate the prospect of future shutdowns.

Even more inspiration in that regard would obtain from imposition of a federal tax, by volume, on smokestack emissions of some of the more noxious kinds.

There has been much progress in a short time, though, and this strict implementation of the Clean Air Act at Birmingham indicates that brighter days are ahead.

MERRY CHRISTMAS FROM THE ACLU

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HOSMER. Mr. Speaker, it has come to my attention that the American Civil Liberties Union has taken it upon itself to protect our schoolchildren from Christmas.

Specifically, the ACLU has issued guidelines for the public school observance of Christmas, which, in short, decree that Christmas should be a "no-no" on the constitutional grounds that it violates the first amendment.

Commentator George Putnam, on his syndicated radio program, "One Reporter's Opinion," discusses the ACLU and its Christmas greeting to America.

His commentary exhibits a strain of common sense which is sadly lacking in the ACLU's UKASE. Mr. Putnam's commentary follows:

Christmas and the Civil Liberties Union

It had to happen! The assault on religion in public places, was bound to mushroom into a controversy over Christmas. And organizations such as the Civil Liberties Union, handed out warnings to schools that the holidays were not to be used (indirectly) as a means of religious indoctrination.

Some areas received Constitutional guidelines for public school observance of Christmas and other holidays. The guidelines warned school officials that any direct or indirect program of religious indoctrination in the public schools, or with public resources, is a violation of the Constitutional principle of separation of church and state. These so called guidelines also caution censorship of Christmas carols, which have brought joy to so many generations of people—young and old—regardless of their religious persuasion.

Among the carols which would not be permitted, according to the Civil Liberties Union, would have to be "Silent Night, Holy Night" since the Christmas carol makes reference to religion. There are suggestions that the use of the word "Christmas" may also be unconstitutional, because it carries with it a religious connotation. The preferred terminology for the holiday, according to those objecting, would be—Winter Solstice. Religious music or any symbols which might be secular in nature, are also considered against the guidelines, as is A Christmas Carol, by Charles Dickens. (No mention yet concerning the paintings of Rafael, or the music of Bach.)

Well now—it is this reporter's opinion that we are no longer dealing with the separation of church and state, but instead with a determined destruction of the traditions that have built this country. All of this breast beating about what would happen to the United States if we allowed prayer and Christmas in our public places, represents a grotesque excursion from reality.

What these alarmists have chosen to forget, is that this nation has permitted all of these traditions for almost 200 years. And our forefathers fled Europe because, in many instances, they were not allowed such freedoms. It is only recently that court cases have invaded these areas. During the time they have been permitted, there never was any danger that a state religion was going to take over. To the contrary, we've had a continuing multiplicity of beliefs—as the years have come and gone.

But on the other hand, with the gradual elimination of religious influence, we have witnessed the proliferation of lawlessness, immorality, disregard for the welfare of our fellow citizens, and the growth of a dangerous sense of irresponsibility toward our obligations to society. There is room for criticism. But it should be aimed at how the beautiful spirit of giving has been all but forgotten in the rush to profiteer.

Perhaps the Civil Liberties Union, and others, would like to encourage the American people not to purchase Christmas gifts. Perhaps the Civil Liberties Union would like to suggest that department stores eliminate any suggestion of the spirit of Christmas in their displays or advertising—close their doors, and use that last week before the new year for inventory. I'm sure that would be a crashing suggestion, that would send the department stores right up the chimney.

In 1776, James Madison authored the Declaration of Rights for Virginia, which contained a Sunday sabbath law. It was challenged in the courts as religious in nature. But the Supreme Court upheld this and similar legislation, reasoning that it had become a way of life.

It is this reporter's opinion that Christmas and Christmas carols are also a way of life in the United States, and that those who insist upon carrying separation of church and state to such extremes will—if successful—ultimately destroy both.

Yes, Virginia, there is a Santa Claus—it is the Civil Liberties Union, not Santa, who have stubbed their toe.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HE IS NOT "WHAT'S HIS NAME" IN THE BUFFALO AREA

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DULSKI. Mr. Speaker, names no longer in the news or close to our daily lives are likely to get away from us no matter how familiar they may have been in the past.

This is true in every way of life, including politics.

The Wall Street Journal recently printed an article about the Republican Vice Presidential candidate in 1964 whom they referred to as "what's his name" in the headline.

I would like to assure one and all that our distinguished former colleague in the House, the Honorable William E. Miller, is no "what's his name" in the Buffalo, N.Y., area.

He is very well known and, indeed, is continuing in active public service as chairman of the Niagara Frontier Transportation Authority. This is in addition to his return to the law profession as senior partner in a Buffalo firm.

So, while he may be "what's his name" to the Journal and others who reside elsewhere, his name continues to be well known in his home area of Buffalo and western New York.

Over the years he has served well his country, his State, and his home county with his current accent on the latter.

Mr. Speaker, as a part of my remarks, I include the text of the Journal article:

WHAT EVER HAPPENED TO WHAT'S HIS NAME OF GOLDWATER TICKET?

(By Barry Kramer)

LOCKPORT, N.Y.—"Barry Goldwater's running mate in 1964 was ———."

This fill-in-the-blank poser is Question 7.b. of a "Sixties Aptitude Test" appearing in the December issue of Esquire magazine. And if the pencils of Esquire readers are pausing more than momentarily over 7.b.'s blank space, it will come as no surprise to William E. Miller, whose name ("Of course!" you say) is the question's answer.

"Lots of people say hello who I don't know personally," Mr. Miller says. "In New York, I get in a cab or go to a restaurant, and I can see people looking at me trying to remember if they saw me in 'Gunsmoke' or 'Gone With the Wind.'"

But such is the transitory nature of the political arena. For Bill Miller was more than a flash in the 1964 Republican pan; prior to the Goldwater campaign, he spent 14 years in the U.S. House of Representatives, directed Republican congressional campaign strategy in 1960 and was Republican National Chairman for three years before his vice-presidential bid.

Then came November 1964. The Goldwater-Miller combination lost the election to Lyndon Johnson and Hubert Humphrey by almost 16 million votes. Sen. Goldwater, of course, was subsequently reelected to the Senate by his Arizona constituents. But Mr. Miller, whose term as Representative had expired coincidental with his defeat, retired from national politics to Lockport and the almost instant obscurity accorded retiring vice-presidential also-rans. (Who, for instance, ran with Richard Nixon in 1960? With Adlai Stevenson in 1952 and in 1956?)

MANY SPEAKING INVITATIONS

And is Bill Miller yearning to get back on the hustings? "I wouldn't run for the board of directors of the country club," Mr. Miller says. In fact, the man who was noted in political circles for his ability as a crowd-pleasing speaker is now almost invariably refusing all speaking-engagement invitations. "What for?" he shrugs when asked why. "I'm not running for anything."

Indeed, Mr. Miller says he doesn't miss politics at all. And as another election year looms, and other also-rans from past contests are resurfacing to compete for the prizes of national office, Mr. Miller has other pursuits. "I play a lot of golf," he says. "That keeps me in shape."

That it does. At 57, the five-foot-seven-inch Mr. Miller still weighs between 135 and 140 pounds—the same weight he carried back in the late 1930s as a student at Notre Dame. What's more, the years since 1964 have taken little discernible toll, and Mr. Miller looks almost exactly as he's pictured in the three-dimensional color transparency campaign picture (lit from behind) that hangs in the family den. He also continues to wear the dapper dress of his political years, including homburg hats and European-style suits.

The natty dress might be called a necessity. For while Mr. Miller relishes his moments on the green, much of his time is also spent in his capacities as a senior partner of Miller, Farmelo & Knoll (a Buffalo law firm), chairman of the Niagara Frontier Transportation Authority, director of one bank and trustee of another. "I'm paying more in income taxes now that I made as salary when I was a Congressman," he says. (In those days, a Congressman's salary was $22,000 a year.)

FREEDOM OF SCHEDULE

There are more advantages than salary. "I get up when I want to, go to work when I want to, play golf when I want to," Bill Miller says. Whether it be one of work or play, his day begins in a large, white colonial-style house on a tree-shaded Lockport street. Behind the house are two acres of lawn dotted wtih poplar and fruit trees and a garden. And sharing the house are his wife, Stephanie (like her husband, a native of Lockport), and the two youngest of the Miller's four children: William E. Jr., 12, and nine-year-old Stephanie. (The Millers have two older daughters: Elizabeth Ann, 27, is married with two children and lives in Virginia; Mary Karen, 24, is working and studying in Europe.)

If the present seems happy and prosperous for Bill Miller, it doesn't obscure the fact that the pace is far from forgotten. The Miller den, for example, is filled with Republican mementos: signed photographs of President Eisenhower, a Goldwater-Miller victory picture (at the 1964 GOP convention in San Francisco), consolation telegrams from President Johnson and Vice President Humphrey, and representations of elephants—24 in all—in wood, ceramic, paintings and cartoons.

Mr. Miller also shows no reluctance to reminisce about his political years—and not long ago, along these lines, he agreed to sit down with a reporter to discuss his past and present. And while the public might be inclined to regard the 1964 campaign as the apex of Bill Miller's career, the former vice presidential contender recounts his public life as if every event were no more than an interruption in his law practice.

Mr. Miller's first involvement with the government came in World War II, when he was drafted as a private. He subsequently became an officer and served for a time as a special prosecutor at the Nuremberg war-crime trials. Public service continued after the war when he accepted the job of assistant district attorney in New York's Niagara County and then progressed to become district attorney.

HAD NO PUBLIC CAREER PLANS

"I never went into the state retirement system—much to my (later) chagrin—because I never expected to stay in public life," Mr. Miller says. Indeed, he says he considered his district attorneyship as temporary until he built up his private legal practice.

National political involvement was also considered temporary. The Republican Party, Mr. Miller says, prevailed on him in 1950 to run for Congress from the district that then included Niagara and Erie counties. (His Republican affiliation began during the Depression as a protest against President Roosevelt's policies; Mr. Miller's father, a Lockport janitor, and his mother were lifelong Democrats.) "I thought, well, the prestige of being a Congressman won't hurt and then after a couple of years I'll come back to the law practice," he says.

Perhaps his easy win (a margin of more than 20,000 votes) changed his mind. In any case, Mr. Miller ran again in 1952. In fact, he ran every two years through 1962, maintaining a comfortable margin until 1960, during which campaign he led the Republican Congressional Campaign Committee. While the GOP picked up an impressive 22 House seats in 1960, Mr. Miller's own plurality slimmed to 20,000 votes and was further pared to 7,000 votes in 1962.

Mr. Miller says the progressive disenchantment of his constituents was caused by his role as Republican National Chairman in 1961. The job made him chief of President John F. Kennedy he says, and thereby alienated a large group of voters; the chairmanship, furthermore, kept him away from his district for long periods of time.

EXIT WAS SPECTACULAR

Whatever the reasons behind his declining margins, some political observers say Bill Miller's retirement was sparked by his near-loss in 1962. Mr. Miller disagrees. "Actually, it all went according to schedule," he says, "except I just retired a little more spectacularly than I thought I was going to."

The spectacle began unexpectedly. "Right until the convention, I never considered Bill Miller to be one of our team," wrote F. Clifton White, who led the movement to draft Barry Goldwater. Bill Miller himself says he hadn't "the remotest idea I was being considered for Vice President by Barry." His own choice, he says, was William W. Scranton, then governor of Pennsylvania.

It's political history that Gov. Scranton removed himself from consideration for the Republican ticket's second spot with an anti-Goldwater pronouncement at the outset of the convention. "It was at this point in San Francisco—while Barry never said boo to me—that some of Barry's supporters and friends indicated to me that my name had come up more than once in discussions," Mr. Miller says.

Barry, of course, finally did say boo. "He called me up on the phone," Mr. Miller recounts, "and said, 'Look, I'm going to be nominated tomorrow . . . and I'd like to have you go with me.'" And Mr. Miller's reply, as he recalls it, was, "You can do a hell of a lot better, but if you want me with you then I'll go."

Go they did—in a campaign that was as strenuous for its participants as it was monotonous for its followers. According to Mr. Miller, the opposition's success in painting Sen. Goldwater as a "warmonger" and an "atom-bomb dropper" put the Republicans on the defensive "and when you get on the defensive you can never win."

"Seven or eight times a day for a month, I had to say that Barry wouldn't start a war," Mr. Miller recalls. "Now how the hell do you win an election like this?"

You don't. "In retrospect," Mr. Miller says, "I'm sure there were many candidates who could have been nominated for President and Vice President on the Republican ticket who would have done far better. But I'm also convinced that no Republican could have won that year."

KEEPS TABS ON ISSUES

Perhaps not. In any case, San Francisco was Bill Miller's political swan song. It was not, however, the end of his interest in politics. Indeed, he has numerous observations on the forthcoming (some might say current) presidential campaign.

"I would rather suspect that Vietnam will not be an issue," the former vice-presidential aspirant says. Rather, Mr. Miller maintains, the main issue will be economics "and Nixon will win if what he's doing works. If it doesn't work, he won't."

Concerning the economy, Mr. Miller says, "I've always been one who's opposed to any more government intervention in the free processes of the economy. (But) I kind of think that maybe we've come to the point where we've got to accept a certain amount of government restraint in the marketplace—just as we accept Social Security—because I just don't think it can be on a voluntary basis."

But if some of Bill Miller's views have changed since 1964, others have solidified—not the least of which is his opinion of New York City's erstwhile Republican, and now Democratic, Mayor John V. Lindsay. "An articulate ambulatory disaster," Mr. Miller says of his onetime House colleague—a not very surprising statement, since the mayor was quoted by a news magazine in a post-election story as referring to "Goldwater and what's-his-name."

Mayor Lindsay and others may quickly forget, but some remember. Mr. Miller says a teacher at his son's school earlier this year announced to the class, "I want you to know that Billy's father ran for Vice President. He lost, but that's nothing to be ashamed of."

THE SERVICE CONTRACTS ACT—WHO MAKES THE LAW?

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'HARA. Mr. Speaker, in the Wall Street Journal for today, December 17, there appears an article by Mr. Elliot Carlson, outlining the background of a growing confrontation that has been developing between the Congress and the Department of Labor.

The dispute involves the Service Contracts Act of 1965, and Mr. Carlson's article explains it in considerable detail. Summarized, it is the belief of a great many Members of the Congress—and they come from both sides of the aisle, that the Labor Department—and I would not wholly limit the fault to the present administration—has deliberately sought to misinterpret the Service Contracts Act in direct and unmistakeable derogation of the intent of the Congress in enacting it.

Mr. Carlson's article begins by stating that—

> One of President Nixon's new economic policies may be undercutting one of Congress' older ones.

It is perfectly true that the President's "new economic policy" has been cited by the Labor Department as one of its reasons for failing to perform its clear duties under the act, but the confrontation is not between a new "policy" and an old one. The confrontation is between what the law instructs the Labor Department to do—and what the Labor Department continues to do in flagrant disregard of the law. The Department's disregard of the logic and the letter of the law predates the "new economic policy" by a long time, and it continues in spite of a unanimous, bipartisan finding by a Subcommittee of the Education and Labor Committee that the law was not being observed as it was written.

As the Carlson article indicates, the Department's persistence in its misinterpretation of the law has resulted in the introduction by the able and distinguished gentleman from New Jersey (Mr. THOMPSON), chairman of the subcommittee which issued the unanimous report of last June criticizing the Department's attitude and actions, of a bill designed to make the clear and unambiguous language of the Service Contracts Act even clearer—clear enough, if possible, for a bureaucrat to read and understand what the intention of the Congress is.

As I have suggested, this is not a partisan controversy, nor an ideological one. Businessmen and honest Government contractors—the vast majority of such contractors would agree, I believe, with the labor movement that the conditions under which Government contracts are awarded should be the conditions the law prescribes, so that competition for such contracts may be under ground rules known to all and applicable to all. Democrats and Republicans alike would agree, I think, that it is the function of the Congress to make the law and the executive branch to carry it out—and if the law as written causes some inconvenience to the executive agencies, then they may ask that it be changed—not seek to change it by regulation, practice, or simple inaction.

Mr. Carlson's article is a valuable background piece on what could become a major constitutional issue, far outweighing the very important substantive matters involved. The Congress intended the Service Contracts Act of 1965 to be carried out in one way and the Labor Department intends, in the full awareness of the intent of the Congress, to carry it out another way. I hope we will soon come to a resolution of this challenge to the Congress legislative powers. The article follows:

[From the Wall Street Journal, Dec. 17, 1971]

SINKING WAGE FLOOR: UNIONS, LAWMAKERS CHARGE ADMINISTRATION UNDERCUTS PAY OF CONTRACT SERVICE WORKERS

(By Elliot Carlson)

WASHINGTON.—One of President Nixon's new economic policies may be undercutting one of Congress' older ones.

Bent on holding down pay boosts, the Nixon administration is being accused of failing to keep the sturdy wage floor the lawmakers intended under service employes—such as guards and janitors—working for government contractors.

This pay-propping mandate was enacted by Congress six years ago as the Service Contract Act. It requires that such employes be paid at least the prevailing wages and fringe benefits for similar work in their localities. It also empowers the Secretary of Labor to determine these rates and publish them so that bidders for government contracts for service and support work may incorporate the amounts in their bids. Such determinations create wage floors below which contractors can't go in labor payouts.

But more and more lawmakers and labor leaders charge that Labor Secretary James D. Hodgson is ignoring these provisions as part of a concerted drive to hold down government costs. Specifically, they gripe that Mr. Hodgson's handling of the act favors bidders who do the best job slashing labor costs, even if it means refusing to recognize existing wage rates or pay boosts negotiated by unions with previous contractors.

Result: The Labor Department is faced with increased congressional scrutiny of the way it's administering the act, and legislation already has been proposed that would curb the department's role in interpreting it. What's more, two unions recently have sued the department for allegedly undermining the service-contract law and a third one is threatening to do so.

THE ONLY RECOURSE?

"Legal action may be our only recourse," grouses James G. McGahey, president of the United Plant Guard Workers Union, who vows he'll sue Mr. Hodgson if he fails to issue a "wage determination" for about 6,000 workers at Cape Kennedy's Eastern Test Range. "The department is reverting back to the old days when contractors used workers as pawns in competitive bidding."

Today Secretary Hodgson is expected to decide whether to issue a determination spelling out wage floors for the test range. His decision may well portend the Labor Department's position in similar cases arising next year, observers say. For both labor and the government, the stakes are sizable.

Service contractors currently employ roughly 220,000 workers, mostly laundry workers, bus boys, dishwashers, guards and janitors, on contracts worth about $3 billion. Concerned about rising costs, federal agencies have begun opening up to competitive bidding contracts that for years were simply renegotiated from time to time by the government and a single contractor.

Union men fear that wage and benefit gains negotiated over the years may be wiped out in those cases where new bidding isn't accompanied by wage determinations, and they cite the Eastern Test Range as a case in point. Pan American World Airways has provided maintenance, custodial and other services since 1953. But the Air Force early this year decided to seek new bids on the $78-million-a-year contract.

Controversy developed when Mr. Hodgson, as he has in similar cases recently, said he would establish prevailing rates covering only janitors and porters. Thus there wouldn't be published figures to guide bidders as to the prevailing rates for other service occupations at the range.

PUSH FOR NEW LEGISLATION

As a result, bidders would be free to estimate future labor costs at a lower level than now paid by Pan American, whose labor costs are dictated largely by various negotiated wage agreements. And, while a new contractor at the range would have to bargain with the same unions, there isn't any law compelling federal contractors to recognize a predecessor's labor terms.

Incensed, Mr. McGahey and other unionists attacked the Labor Department before a congressional subcommittee in October and called for new protective legislation. Mr. Hodgson compromised somewhat, agreeing to make a separate survey of Cape Kennedy's Brevard County wage rates that would help decide whether a formal "determination" is warranted.

With bids expected next month for a contract beginning in June 1972, the Labor Secretary can't delay his decision. If he rules out establishing rates generally, "we'll go to the courts and seek an injunction to block the awarding of the contract," warns Mr. McGahey.

Meantime, other unions already have taken legal steps. The International Brotherhood of Electrical Workers recently asked a federal court here to void a $26 million contract the Navy awarded to Dynalectron Corp. for operation and maintenance work at a missile range in Hawaii. The union contended the award was illegal because the department failed to issue a wage determination. A U.S. district judge dismissed the suit; the union plans to appeal.

For identical reasons, the International Association of Machinists is asking the same district court to nullify a $20 million contract between the National Aeronautics and Space Administration and Boeing Co. The suit claims Boeing, bound only by a determination limited to janitors, was thus able to base its bid for a contract to provide support services at Florida's Kennedy Space Center on labor costs substantially lower than those paid by Trans-World Airlines, which has held the contract for seven years.

WAGE CUTS FOR WORKERS

Consequently, the union asserts, the contract went to Boeing, which allegely slashed wage rates by as much as 35% in some job classifications. Boeing doesn't deny that many wages were cut. Some examples: A storekeeper, earning $4.45 an hour from TWA, was asked by Boeing to stay at his old job at $3.32 an hour; a painter, making $5.45 an hour, was offered his old job back at $3.79 an hour.

Boeing says it instituted cuts averaging about 15% for most of the roughly 2,000 employes covered by the service contract. The company claims some of the reductions were dictated by a previous agreement with the Machinists union, the others by a survey showing wage rates at the space center were "not consistent with those paid in the industry" generally.

Primarily, the squabble is over how the Service Contract Act should be interpreted. The unions maintain the act's language makes it mandatory for the Labor Department to issue wage determinations in all cases. Not so, retorts Labor Secretary Hodgson. He argues that one section allows reasonable variances, tolerances and exemptions from the act when it's "necessary and proper in the public interest."

And this is the case at the Eastern Test Range, according to Mr. Hodgson. In a letter this fall to inquiring Congressmen, he contended that a wage determination there "might be prejudicial to the public interest in the success of the President's economic program to combat inflation."

Moreover, he asserted, wage rates paid service workers at Cape Kennedy "continue to be equal to or greater than" those paid workers elsewhere in Brevard County, where the cape is located. This is so, he added, because such rates "in the aerospace complex historically have been bargained and many rates were 'imported' to Brevard County from other higher-wage localities where the government contractors were operating."

PROSPECTIVE BOOSTS IGNORED

Courts presumably will decide whether wage determinations are mandatory. Meantime, some union men gripe that the act's intent is often subverted even when determinations are issued. They complain that a new trouble developed in 1969 when the comptroller general ruled that prospective wage boosts couldn't be included in such determinations. Thus, the government's own prevailing rate figures don't reflect increases that have been negotiated, but aren't due to take effect until the existing contract expires.

"This makes it impossible for some service employes ever to get a pay raise," grumbles Robert Connerton, top lawyer for the Laborers International Union. The reason: Most contracts are for one year and, at the end of the year, change hands. "New contractors are free to ignore boosts in pay bargained by the previous contractor," says Mr. Connerton.

In testimony before a House subcommittee last spring, he explained how this system works out in practice. He noted that in 1970 the Laborers' Union organized the Beltsville, Md., employes of Frugal Co., which had a service contract, and negotiated a 14% pay raise to $2.22 an hour. But the Labor Department refused to recognize the raise and set the rate at $1.94 an hour in its determination. Thus, Mr. Connerton said, Frugal lost the contract to a concern that submitted a bid based on the lower rate.

To meet such objections, 20 Congressmen are co-sponsoring a bill that would require prospective wage boosts to be incorporated in prevailing wage-rate determinations. It also would require public hearings anytime the Labor Department wanted to avoid making such determinations.

For its part, the department insists its administration of the Service Contract Act has been fair. "The comptroller general has told us we can't include these prospective increases in our determinations," a spokesman says. "We feel we're bound by that ruling."

THE DAY LABOR INDUSTRY MOVES TO CLEAN ITS OWN HOUSE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. MIKVA. Mr. Speaker, in October hearings were held before the Special Labor Subcommittee to look into allegations of exploitation of day laborers by their employers. A number of witnesses testified as to abuses suffered by day laborers, and supported legislation to license and regulate temporary help services.

Representatives of the temporary help industry also appeared before the subcommittee. They denied that the alleged abuses of workers were as widespread as the day laborers charged, and opposed regulation by the Department of Labor.

Subsequent to the hearings, I received a copy of a memorandum sent to all offices of Manpower, Inc., one of the largest nationwide temporary help services, from the president of the corporation. In the memo, the president warns the franchisees that Congress is scrutinizing their industry, and he urges them to be sure that illegal practices are discontinued. He goes on to suggest that organizations be established in the various cities, consisting of all temporary help services, to initiate a lobbying campaign against the Day Laborer Protection Act (H.R. 9282).

Mr. Speaker, I am pleased to see that Manpower, Inc. has taken up the spirit of reform. If the day labor had exercised responsible self-regulation in the past, there would have been no need for legislation and congressional hearings.

I sincerely hope that Manpower, Inc. is successful in cleaning up the conditions and practices in the day-labor industry. As the Special Labor Subcommittee continues its investigation of temporary help services, it will no doubt be interested in whatever self-improvement is achieved.

I would like to insert in the RECORD at this point a copy of the memorandum referred to earlier:

MIKVA BILL (H.R. 10349)

I am sure you are interested in knowing what happened in Washington at the Mikva bill hearings before the Special Subcommittee on Labor.

The first day (Wednesday, October 20) there were a number of witnesses who presented very serious charges against Manpower, Kelly and other temporary help services. The case that was made out against our industry, if true, was a very disagreeable one. We kept asking, as did the congressional subcommittee members, for hard facts and proof. Most of the allegations and claims were not supported by data. However, there was enough presented to cause several of the congressmen to be very concerned about the practices in our industry. If the facts bear out the allegations that were made against our industry, we can find ourselves in the position where we may well be regulated by the U.S. Department of Labor in a bill similar to the Mikva bill. Senator Walter Mondale of Minnesota has now introduced a similar bill in the U.S. Senate.

I testified in considerable length the second day (Thursday, October 21) on behalf of Manpower and our industry. I am enclosing an outline of the arguments which I made and which you will be asked to use in connection with your contacts with your congressmen and your local Chambers of Commerce. I am also enclosing a copy of Mikva's bill and his comments as to why he felt the bill was necessary. I would ask that you read very carefully the comments of Congressman Mikva. He testified before the congressional subcommittee and elaborated on these remarks. We have asked for firm evidence, but there is not much that has been forthcoming up to this point.

In my remarks, I made the statement that in our Industrial Divisions we had eliminated the 90-day clause about a year ago. Unfortunately, after I made this statement, I was confronted with a Manpower time slip that Chairman Thompson presented to me. This time slip was dated two months ago and contained a 90-day clause and was signed by a customer of ours. After I admitted that it was our time slip, the chairman stated that he felt that by my admitting that this was a current Manpower time slip I was casting doubt upon my testimony to the effect that we were no longer using this time slip. I replied that I did not accept the chairman's inference and that what I had said was correct. We have a policy that eliminated the 90-day clause from the Industrial Division and I was not aware that any office was still using it. I gave my assurance that I would check this out.

I would ask that you immediately check your supply of Industrial Division time slips. If you are using any time slips in the Industrial Division that contain the 90-day clause, please destroy them. It is our policy, as has been previously announced to you, that we do not use any 90-day restrictive clause in our Industrial Division.

On balance, I would say that we are faced with a very serious problem. I visited with a number of congressmen. The feeling seems to be "there is considerable smoke and yet they cannot see the fire, but they cannot conclude that there is no fire." I am sure that those who oppose our industry will produce hard facts. We have a great deal of work ahead to prove that our operations comply with existing laws and there is no need for our industry to be regulated by the U.S. Department of Labor.

It was my position, in my argument, that if there are violations of existing laws the States are in a better position to regulate them than the Federal government. I am not sure that this argument has too much strength, since Congress has now moved into many areas of regulation that formerly were handled by the States.

Where do we go from here? I say to you, as I said to the Board of Directors of the National Association of Temporary Help Services, "This is a serious matter and deserves our highest priority." I am issuing a call to arms. I am issuing a call to you to do everything that you possibly can in your community to help defeat this legislation. It is not only the licensing that we object to, but the payment of travel time and waiting time, as required in the bill. Legislation of this type, if it is passed, will be expanded, in my opinion, to cover markup, new minimum wages, etc. I believe it is to the best interest of all of us to resist this bill. This means that you will be asked to do the following:

1. Make the contacts with your congressmen. Meet them in their offices when they come back home. Go over the bill with them. Use the outline of arguments that I have presented to you with this memorandum.

2. Call your local temporary help service association together. If you do not have one, this is the time to get one started. At the local association meeting, go over the Mikva bill and the outline of the arguments which oppose the bill. Decide on a strategy as to how you will make the contacts with your local Chamber of Commerce to gain their support, and how you will make known the wishes of your group to the local congressmen. Ask that your association appoint one person to be in charge of carrying out the strategy that the association will develop to bring about the defeat of the Mikva bill, as well as the new Mondale bill.

Review with your association members the following subjects:

a. Are any of the Industrial Divisions in your city using a time slip that contains a 90-day clause? If so, try to prevail upon them to abandon it.

b. Ask that a small group be appointed to go to the Industrial Division offices early in the morning to see what conditions exist. Are the offices in poor condition? Do they meet the minimum standards that we should have for an Industrial Division? I am enclosing a copy of the Code of Good Practices of our national association. Discuss each of these items in your association. Discuss each of these items in your association to find out whether there is full and 100% compliance. If there is not, then you need to get your group to move in that direction.

c. One of the biggest problems we have is the fly-by-night operator who does not belong to any local association and is guilty of violations. You simply must know who these people are. You must get your group to call on them and to use all the influence you have to get them to subscribe and follow the Code of Good Practices for the association.

d. You must set up a committee, in my opinion, to police the industry in your city. Violations must be brought to the committee's attention and acted on quickly. If any member is running without Workmen's Compensation insurance, then that should be reported immediately to the State Insurance Commission. If anyone is violating the minimum wage law, that should be reported. You simply cannot condone any violations by anyone in your industry in your city. We are being tarred with the same brush as they. We have been referred to as the Cadillac in our industry, but the violations of the bad guys put us in the same category—subject to regulation. Your association and you must make it your business to see that our type of business is conducted properly.

e. I am enclosing a copy of a form I would ask you to fill out and return to me as quickly as possible so that we know what is happening in your city. We have to do a lot of work. We have to know our strengths and our weaknesses.

f. A number of groups are sending people into our offices supposedly applying for jobs and they are reporting back on any abuses that they find in Manpower or our competitors' offices. You can expect that this will happen to you. I would suggest that your association hire a person who, once a month, will go to the offices that you think are the worst offenders and have him report back on what he finds. I am enclosing a form of questionnaire that will be helpful in checking this type of procedure. If your association does not wish to do so, I would suggest that you have someone do this on your behalf.

We simply must know what is going on in our industry. The person selected to do the investigating for the association should also report on the major companies as well. They may well find some surprises that they were not aware of.

What will happen to the legislation? It is my guess that there has been enough evidence produced by the proponents of the Mikva bill for the congressional committee to hold hearings in some of the cities. This will bring about some unfavorable publicity where violations are found to exist. The best way to get our industry's house in order is to get busy now and get 100% compliance with the Code of Good Practices by all who operate a temporary help service in your city. I know it's difficult to control the little guy who tells you to mind your own business, but some how or other you and the association have to make it your business to get the violators out of business, or make believers of them.

What if your association is not strong? Then, I say to you that it's your job to make it strong. The national organization can carry on its work at the national level in Washington, but the story is written in the local communities by you and your competitors. If you haven't been active in your local association, become active. This does not mean that you have to get involved with a number of programs relating to credit, marketing, etc. that your association might be involved with. Your main interest, as I see it, at this point is to develop a strategy in two areas: (1) Defeat the Mikva and Mondale bills, and (2) Clean up our industry, if there are abuses that prevail.

Don't think that because national firms, including Manpower, have a good overall image that all is right in your office. Use the checklist in your office and make mighty certain that if the congressional committee called you or one of your employees to testify that you could stand up and answer properly any criticisms of the type that have been made by Congressman Mikva. You and the others in our industry should approach this from the standpoint of having to get up on the witness stand before a congressional committee in your city to answer some rather penetrating questions of the type that were put to me.

Manpower has been in business for twenty-three years. We have worked hard to build a good reputation as people who are serious and have an interest in our employees and customers. I don't want, after all these years, to see any of us do anything that will destroy what we have all worked so hard to build.

Consider this your personal responsibility. I have done that for our company at the national level. I want to see this industry be able to hold its head up high and say that not only Manpower, but all of the temporary help services, operate in a legitimate manner, and that we are following all of the laws carefully and fully. This is the charge that I make to you.

Will you please return to me quickly the questionnaire on the status of your association activities?

P.S.—In connection with the regulation of our industry, you may also hear reference made to H.R. 9282 and H.R. 10608. These bills are the same as H.R. 10349 enclosed.

MANPOWER'S OUTLINE OF ARGUMENTS IN OPPOSITION TO H.R. 10349

It is the position of Manpower, Inc. that H.R. 10349 should be defeated for the following reasons:

1. The bill would duplicate coverage of six different federal laws for our industry. We are now governed by each of these six laws. These laws are now enforced by at least four different agencies. The bill would add an unnecessary enforcement dimension to laws already being enforced.

2. The bill would duplicate existing state laws already requiring our industry to provide workmen's compensation. Here again, H.R. 10349 adds another unnecessary enforcement aspect to a uniform system of state regulation.

3. The bill would make our temporary employees' travel and waiting time compensable. This unique levy—not asked of any other industry—would effectively eliminate a substantial portion of our industrial business, and the job opportunities we are able to offer.

4. Like any other employer, we are subject to federal and state laws which protect the rights of employees. Our industry does not enjoy any exemptions from these laws. Any abuses, if true, would be violations of these existing laws. None of the alleged abuses have any unique relationship to our industry or how it operates. These are not reasons why our industry should be singled out for licensing.

5. There are no precedents for Federal licensing of an industry such as the temporary help service industry. A look at history shows that licensing has been a state concern and there is no predicate for treating temporary help services differently from doctors, lawyers, nurses, employment agencies, collection agencies, detective agencies, T.V. repair shops, real estate brokers, nursing homes and a host of other service businesses.

STATUS OF ASSOCIATION ACTIVITIES OF (CITY, STATE)

I would like to report on the status of our local association of temporary help srevices.

1. We have a temporary help service association. Yes or no.

If no, why?

2. How do you evaluate the activities of your local association?

Very active.
Fairly active.
Inactive.

3. Are you an officer in your local association? Yes or no.

If yes, what office do you hold?

4. When was the last meeting of your association that you attended?

5. Have you attended a meeting where the Mikva bill and a strategy for defeat has been discussed? Yes or no.

If no, do you plan to see that such a meeting is called? Yes or no.

When?

6. Of the national firms, which of your local offices would you say have shown no interest in your association? (We will try to get the national offices to contact their local people to get them involved in the association.)

7. What *local* temporary help services operating Industrial Divisions in your community have not been interested in your association?

8. What alleged violations have been brought to your attention by some of the temporary help services in your community that have not been corrected and could be a cause of considerable concern?

9. Have you contacted any congressmen in an effort to present our position against the Mikva bill (please list the names of the congressmen and enclose a copy of any correspondence that you have sent)?

10. What additional material do you need from us to help you in this project?

11. What additional thoughts do you have as to how we can be more effective in:

a. The defeat of the Mikva and Mondale bills.

b. Putting the temporary help service offices in proper order if abuses exist.

Date.

Signature.

QUESTIONNAIRE FOR AN INVESTIGATOR

I, (name), certify that the following facts are true and correct.

1. I made application for employment at ---------- at ---- o'clock on ----------.

2. I was offered an assignment at ---- o'clock, after waiting ---- minutes for an assignment. I was assigned to work at ---------- located at ----------.

3. It would take ---- minutes to get to the job by public transportation. I was offered the following arrangement for travel time: ----------.

4. I was offered $---- per hour for the job. The job was to consist of ----------.

5. The job was to last for ---- days, I was told that I would be paid on ---------- for my work. It was explained that there would be the following deductions made from my paycheck:

Social Security.

Withholding Taxes.

State or City Taxes.

Other (please describe).

I received a draw of $---- for car fare and travel.

6. The time slip which I was asked to sign contained a clause restricting my working for the customer. Yes or no.

If yes, the restriction covered ---- days and $----.

7. I was treated in a friendly and courteous manner. Yes or no.

8. The dispatcher asked that I pay for the job. Yes or no.

If yes, $---- were asked for.

9. When I reported to the job, the job was as explained to me. Yes or no.

10. I was paid the exact amount that was on the time slip. Yes or no.

The following deductions were made:

Social Security.

Withholding Taxes.

State or City Taxes.

Other (please describe).

11. I was paid for my work in the following manner:

a. My check was mailed to me.

b. My check was given to me at the office of the temporary help service.

c. My check was given to me at some other place (please specify).

12. My work was over at ---- o'clock. I came back to the office for my check. Yes or no.

If yes, I arrived at ---- o'clock. I received my check at ---- o'clock.

Signature.

Date.

RESOLUTION TO ESTABLISH THE AGRICULTURAL HALL OF FAME AND NATIONAL CENTER

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WINN. Mr. Speaker, an idea has been launched which, if enacted into law, would benefit the citizens of America. I am speaking of the resolution introduced by my Kansas colleagues, JOE SKUBITZ and KEITH SEBELIUS, to establish the Agricultural Hall of Fame and National Center as a National Cultural Park within our system of national parks.

It is particularly fitting that these two members of the Kansas congressional delegation start the ball rolling, as they both serve on the National Parks Subcommittee of the House Interior Committee.

Congressman SKUBITZ, by the way, serves most ably as the ranking minority member of that subcommittee.

It is now time to add my voice and support to this endeavor. The Agricultural Hall of Fame lies just 12 miles west of Kansas City, Kans., which I represent as part of the Third District of Kansas. I am very much aware of its impact on the Nation as a whole as well as on the Midwest region.

What is the Cultural Park concept and why should the Hall of Fame and National Center be made one?

Basically, the concept is intended to preserve and interpret an important part of our national heritage and culture. The idea of the Cultural Park is to be able to perform these functions in a partnership between private, public, and local entities.

American agricultural achievements have been the hallmarks by which all the other nations of the world measure their progress in feeding and clothing their citizenry.

American agriculture is more than machinery. It is a way of life which has helped considerably toward building a strong and vigorous and high-minded people.

Once an agrarian society, America is now endowed with the blessings and the challenges of technological advancement. There is much to be learned from our agricultural heritage; and, a great need to preserve it.

The Agricultural Hall of Fame and National Center has made great strides toward this goal. But, the assistance of the Federal Government, the expertise of the National Park Service, and cooperation of State and local government and private citizens can help assure continued preservation, expansion, and interpretation of our agricultural heritage.

TIME FOR THE POSTAL SERVICE TO LOOK AT CERTAIN MAILING PRACTICES

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BRAY. Mr. Speaker, I quote from a recent AP wire service dispatch:

> Senator George McGovern of South Dakota has agreed to reimburse the U.S. Postal Service for what amounts to an updating of one of the mailing lists used to raise funds for his Democratic presidential campaign.
>
> The service was provided free because the McGovern organization had been using his Senate office as the return address on fund-raising mail.
>
> The postage itself is not at issue. The service involved is address verification, which the Postal Service offers on request, and under which a forwarding or corrected address is sought on letters returned incorrectly addressed.
>
> The charge for that service is normally 10 cents per returned letter, but it is provided free on mailings sent out by members of Congress as official business.
>
> The McGovern mailing did not qualify, since it was political, but the Senate return address led the Postal Service to make no charge.

This public disclosure of alleged misuse of the U.S. mails for the purpose of soliciting campaign funds demands immediate and thorough investigation. It is bad enough that the Democratic presidential candidates tried to raid the Federal Treasury for campaign spending money through the tax-checkoff provision of the tax bill, without now attempting to raid the Postal Service.

I believe a public accounting of this is required, from those responsible. I also believe the U.S. Postal Service should keep a close watch on the mailing practices of all leading presidential candidates, both announced and unannounced, to determine if any other such gimmicks are being employed.

Public confidence in the American political system demands that candidates for high public office not abuse the privileges and prerogatives enjoyed in their present public positions. It also demands that campaigning for such office be done without subsidy from the U.S. Postal Service.

INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DINGELL. Mr. Speaker, there has raged a dispute over the past few months over the adequacy of a draft convention on the protection of certain species of animals and plants which may be in danger of extinction. It is expected that there will be an international meeting in this city in April of next year for the purpose of discussion and approval of such a convention.

The convention in question was drafted by the International Union for Conservation of Nature and Natural Resources—IUCN. That organization has worked long and hard on the proposal. It has also carefully considered several alternatives to the draft which it has prepared, in view of the alternatives which have been proposed.

In order to have the elements of the controversy exposed to public view, for comment and reaction, I have asked for a copy of the IUCN notes on the convention and the alternative proposals, with a view to having these documents reproduced in the RECORD. In view of the fact that they have not received widespread distribution, I include them in the RECORD at this point:

INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES

(Explanatory notes on convention on the export, import and transit of certain species of wild animals and plants. (Revised draft (2) text of Convention dated February/March 1971.))

OBJECTS

The Convention is designed to regulate traffic in threatened and declining species of wild animals and plants. Information gathered by various bodies throughout the world and correlated by the Survival Service Commission of IUCN shows that a considerable number of species of wild animals and plants will become extinct unless urgent conservation action is taken. The principal reasons for this situation are over-exploitation of these populations and modification of their habitats. The Convention is concerned with species of animals and plants threatened or declining because of over-exploitation, particularly those that enter international commerces. Two categories are distinguished: those species that are already threatened with world-wide extinction, and those which are approaching this condition.

Regulation is primarily at the point of origin through the institution of export permits for both categories, with control exercised by the competent authority designated in the exporting country, which will limit the number of permits granted so as to avoid over-exploitation. In the case of threatened species, a further control is included by the pre-requisite of an import permit, issue of which is controlled by a scientific authority in the importing country and authorized only when adequately justified and then only for a scientific purpose. By the very nature of this category, it is not expected that a large number of permits will be issued.

Over-all supervision is undertaken by an International Advisory Committee appointed by representatives of the Contracting States.

Although border checks on permits at exist and entry are important elements in the regulatory mechanism, it is implicit that internal checks at various points in the marketing chain will also be involved. Much of the regulatory mechanism will presumably be the concern of the authority concerned with conservation in the country concerned.

The present draft differs from the second of the earlier drafts in a major reorganization of its arrangement into Articles to group related topics more effectively. The opportunity has been taken to effect other improvements in drafting, including points raised by various countries after examining the earlier draft. The Food and Agriculture Organization of the United Nations, the Customs Cooperation Council, the GATT Secretariat and the Special Committee on Antarctic Research have made valuable contributions.

The following notes indicate the general substance of the various Articles of the Convention:

PREAMBLE

This gives reasons for the Convention, namely to regulate traffic in threatened and declining species of wild animals and plants. A necessary pre-condition is that hunting, killing, capture and collecting of species covered by the Convention should be subject to national control.

Article I: Definitions

Definitions are given to facilities drafting of later Articles. In particular the term "specimen" means a representative of any species (alive or dead) listed in Appendices I and II, but animals bred in captivity and cultivated plants are excluded.

Furthermore, "product of specimen" means any part or product of a specimen, except seeds, and it includes all articles or substances derived from such parts. Clothing and jewelry carried as personal effects are excluded.

Article II: Fundamental principle

1. Contracting States undertake to regulate trade in species listed in Appendices I and II.

2. Appendix I lists species which are threatened with worldwide extinction and the export, import and transit of which are to be permitted only for scientific purposes (see Articles III, IV, and V and VI). (These are species listed in the IUCN Red Data Books that are adversely affected by international traffic in specimens or their products.)

3. Appendix II lists species which are in danger of being threatened with world-wide extinction and the export, import and transit of which are to be subject to regulation by Export Permits (see Articles III, IV, V and VI). (These are species the numbers of which are declining and which are affected by international traffic.)

Article III: Export of specimens and products of specimens

Specimens and their products may only be exported to another Contracting State and must be covered by Export Permits. (It is intended that appropriate means will be instituted to check that shipments have the necesary permits. Article IX requires that qualified persons will be available to check identification when this is in question, and furthermore that the onus of proof is on the exporter.)

Article IV: Export permits

1. Export Permits are to be issued only for specimens which have been lawfully killed, captured, or collected or products of such specimens, or in the case of re-exempt, after proof of lawful import has been provided.

2. Export Permits for species in Appendix I can be granted only for scientific purposes (this to be certified by a Scientific Authority, see Article VIII) and if an Import Permit exists.

3. Export Permits must conform with Appendix III and be issued by a competent authority of the Contracting State (to be notified to the Depositary Government). Separate Export Permits are required for each specimen or product of species in Appendix I. (This links with the similar requirement for Import Permits and will facilitate internal transfers and checking, e.g., in relation to any system of registration of such material, and re-export if this should become necessary later.)

4. Descriptions and marks must enable the Export Permits to be linked with the specimens or their products.

5. Copies of all Export Permits issued are to be submitted to the bureau (see Article XIII) every six months.

Article V: Import of specimens and products of specimens

1. Import of specimens and their products is to be permitted only when they originate in another Contracting State (see however paragraph 3 of this Article) and must be covered by Export Permits. For specimens or their products of species in Appendix I, an Import Permit is also needed. Permitted imports are to be marked where appropriate or feasible.

2. An exemption provides for waiving of permits for a specimen being returned to its place of origin or sent to a rescue centre (see Article IX).

3. An exemption provides for the import of specimens and their products for scientific purposes from a State not adhering to the Convention.

Article VI: Import permits

1. Import Permits are to be issued when specimens or their products are to be imported for scientific purposes and are subject to approval by a Scientific Authority (see Article VIII). They can only be issued to the person or institution that is to use the specimen or product for the scientific purpose in question. (The last provision is linked to potential abuses by traders.)

2. Imports Permits must conform with Appendix III and be issued by a competent authority of the Contracting State (to be notified to the Depositary Government). Separate Import Permits are required for each specimen or product of species in Appendix I (see also note on paragraph 3 of Article IV).

3. Copies of all Import Permits issued are to be submitted to the bureau (see Article XIII) every six months.

Article VII: Transit and exhibitions

1. The provisions of this Article have effect despite the all-embracing provisions of paragraph 1 of Articles III and V.

2. As long as the requirements of Article V are met in respect of import into the Contracting State of final destination, additional permits and inspection of consignments is not required in States through which they pass in transit to the final destination. (This provision aims to reduce formalities needed for consignments in transit across the territories of States other than the original exporting State and the final importing State.)

3. Specimens in a travelling exhibition including a circus or menagerie can be exported or imported without permits provided that proof is furnished that acquisition took place before the Convention was in force or was in accordance with the Convention (i.e. the animal was imported in accordance with the Convention) if the acquisition took place after that date. (This provision aims to simplify border formalities for travelling exhibitions. Its inclusion is not intended to imply endorsement of such exhibitions.)

Article VIII: Scientific authorities

1. National Scientific Authorities are to be designated to rule on requests for import or export of specimens and their products of species in Appendix I. (Contracting States are free to choose any appropriate national body or person.) Requests are to be approved only when adequately justified and when import or export will not be detrimental to the survival of the species concerned. The advice of the Advisory Committee (see Article XI) is available in this connection.

2. Names and addresses of Scientific Authorities are to be notified to the Depository Government.

Article IX: National measures

1. Contracting States are to prohibit and penalize trade in specimens and their products in violation of the Convention. Exhibition and offering for sale of material illegally imported are to be prevented, and provision made for confiscation of such material. (Those measures are of special importance if the Convention is to have any meaning. It is expected that a suitable system of inspection and administration will be treated to give effect to the legislative measures.)

2. Appropriately qualified persons are to be involved in implementing the measures called for under the Convention.

3. Clearance of specimens through border formalities is to be carried out with the minimum of delay. For this purpose, States may designate ports of exit and ports of entry (at which adequate staff and facilities will exist) if they so desire.

4. When claims are made that material is not covered by the Convention because it is an animal bred in captivity, or is of a species not in Appendices I or II, or that it was imported or acquired before the Convention came into force (e.g. this may relate to an animal in a travelling exhibition), the onus of proof is on the person so claiming. States may, if they wish, issue certificates of origin or other documents, or institute a registration system to provide such proof. (Some States are apparently already contemplating some form of registration of certain animals.)

5. Scientific Authorities are charged with the return of living specimens to their place of origin or to a rescue centre.

6. The advice of the Advisory Committee is available in connection with the matters covered in paragraph 3.

Article X: Meetings of representatives of contracting States

1. The representatives of the Contracting States are to meet every three years.

2. They are to review the operation of the Convention and to recommend measures to improve its efficiency, and to examine matters submitted by the Advisory Committee (see Article XI).

3. Decisions are by a simple majority. A majority of the Contracting States must be represented if decisions are to be valid.

Article XI: The Advisory Committee

1. An Advisory Committee is to be established by the first meeting of representatives. Members are to be chosen because of their competence in matters pertaining to the Convention.

2. These paragraphs cover election of the Advisory Committee.

3. And filling of casual vacancies.

4. The Advisory Committee holds office from one meeting of representatives to the next.

5. The Advisory Committee regulates its meetings and may work by correspondence.

Article XII: Functions of the Advisory Committee

1. The Advisory Committee may arrange for studies relating to the Convention. It is to review species listed in Appendices I and II, to report to the representatives, and provide Contracting States with scientific and technical information.

2. Contracting States make annual reports to the Advisory Committee on listed topics, and the Committee can request further information.

3. The Advisory Committee can send comments to Contracting States on the reports and information sent to it.

Article XIII: Continuing bureau duties

1. An organization, yet to be named, is to carry out the continuing bureau duties until other arrangements are made by a two-thirds majority of Contracting States. (IUCN has offered to undertake these duties and it is hoped that Contracting States will agree to accept this offer.)

2. The continuing bureau duties are to provide a secretariat for meetings of representatives and work of the Advisory Committee.

Article XIV: Implementation

1. If the Advisory Committee considers that the Convention is not being respected by a Contracting State or that too many Export Permits have been issued for a species, it can consult with the State concerned.

2. If as a result of such consultations it seems to the Advisory Committee and the State concerned that an enquiry on the spot will be useful, the enquiry shall be carried out by persons appointed by the Advisory Committee in cooperation with the authorities of the State concerned.

3. If the Advisory Committee considers an enquiry is essential but it fails to reach agreement with the State concerned, it can make a formal request for an enquiry to the State concerned.

4. If the State agrees, the enquiry is to be held as in paragraph 2.

5. If the State does not agree, or does not reply within four months, the Advisory Committee will inform the Contracting States. The next meeting of representatives may decide to recommend that all Contracting States will cease trade in specimens and thier products with the State concerned.

6. If the enquiry shows that the Convention is not being observed, and, after consultations, the State concerned does not remedy the matter, the Advisory Committee is to inform the Contracting States. The next meeting of representatives may decide to recommend that all Contratcing States will cease trade in specimens and their products with the Contracting State until the matter is remedied.

7. If the enquiry shows that restrictions should be made on the export of certain species from the State concerned, the Advisory Committee will so recommend to that State. If it does not comply, the Advisory Committee is to inform the Contracting States. The next meeting of the representatives may decide to recommend that all Contracting States will cease trade in specimens and their products of the species in question with the Contracting State.

Article XV: Effect on national legislation and international conventions

1. The Convention does not prevent Contracting States from imposing under their own legislation, stricter measures affecting trade in specimens or their products than under the Convention, or from applying the Convention provisions to additional species, or extending Appendix I conditions to species listed in Appendix II.

2. The Convention does not affect national legislation or international conventions covering other aspects of trade in specimens and their products, or related matters including customs, public health, veterinary or quarantine aspects.

Article XVI: Signature

All member States of the United Nations and associated bodies may sign the Convention up to a date to be specified. (It is proposed to hold the Convention open for such signature for a period of one year.)

Article XVII: Ratification

Ratification of the Convention is necessary. (Ratification is to be in conformity with the constitutions of Contracting States.) Instruments of ratification are to be deposited with a Depositary Government.

(The Government of the Swiss Confederation has agreed to accept the duties of Depositary Government and it is hoped that Contracting States will endorse this.)

Article XVIII: Accession

States in the categories specified in Article XVI can adhere to the Convention at any time, by depositing instruments of accesion with the Depositary Government.

Article XIX: Designations

Designations of the names and addresses of the competent authorities concerned with the issue of Export and Import Permits (see Articles IV and VI) and of the Scientific Authorities (see Article VIII) are to be deposited with the Depositary Government at the same time as the instruments of ratification or accession.

Article XX: Territorial application

1. The Convention applies to all territories of a Contracting State for which the State has responsibilities for international relations.

2. Contracting States can limit the territorial application;

3. Of the Convention by notice to the Depositary Government.

4. The area covered by the Antarctic Treaty is specifically excluded, but Contracting States agree to abide by the various measures adopted under that Treaty in respect of material exported from the area.

Article XXI: Entry into force

1. The Convention comes into force four months after the deposit of the tenth instrument of ratification or accession.

2. For Contracting States ratifying or acceding after this date, the Convention comes into force four months after their instruments are deposited.

Article XXII: Reservations

No reservations are permitted when ratifying or acceding to the Convention.

Article XXIII: Amendments to appendices I and II

1. Proposals for amendments to Appendices I and II may be made;

2. By the Advisory Committee on its own or at the request of a State. They come into force four months after notification to Contracting States.

3. If objections are raised, the coming into force of the;

4. Amendment is delayed for four months and then comes into force for all non-objecting States unless a majority of States oppose it.

5. Objecting States may withdraw their objections.

Article XXIV: Amendments to appendix III

1. Proposals for amendments to Appendix III may be made by;

2. The Advisory Committee on its own or at the request of a State. They come into force three months after a majority accept them.

Article XXV: Revision

1. Proposals for revision may be made after the Convention;

2. Has been in force for three years and, if a third of the;

3. States so request, a Conference shall be convened to discuss the revision.

(These provisions enable Conferences to be held outside the territory of the Depositary Government.)

Article XXVI: Denunciation

Any State may denounce the Convention subject to twelve months notice.

Article XXVII: Depositary

1. Describes the functions of the Depositary Government; and

2. Obliges it to register the Convention with the United Nations.

Article XXVIII: Final provision

The Convention texts are to be in English and French, both being equally authentic.

Appendix I

Lists species threatened with world-wide extinction, the export, import and transit of which must be subject to particularly strict regulation and only authorized in exceptional circumstances in order to ensure their survival. (See also note on Article II, paragraph 2. The list has been prepared by the Survival Service Commission of IUCN in collaboration with other authorities. It is not an exhaustive list but includes those animal species which appear to be generally approved as requiring strict control. Lists of species of flora are still under review.)

Appendix II

Lists species not yet threatened with worldwide extinction, but the export, import and transit of which must be subject to control in order to avoid undue exploitation incompatible with their survival. (See also note on Article II, paragraph 3. The list has been prepared on the terms listed under the note on Appendix I.)

Appendix III

Patterns for Export and Import Permits.

NOTES ON CONVENTION ON THE EXPORT, IMPORT AND TRANSIT OF CERTAIN SPECIES OF WILD ANIMALS AND PLANTS

(Revised Draft (2) dated February/March 1971). Prepared by IUCN in light of comments received to December 1, 1971.)

GENERAL

The draft Convention is designed to regulate international traffic in wild animals and plants. It is concerned with those species which are affected by international trade to the extent that their populations are declining or are even threatened with extinction.

It does not deal with reductions of populations from causes other than international trade, such as habitat destruction or causes operating at the national level. Other treaties, including the International Convention for the Protection of Fauna and Flora of Africa, the Convention between the United States of America and other American Republics respecting Nature Protection and Wildlife Preservation in the Western Hemisphere, and the African Convention for the Conservation of Nature and Natural Resources, cover such aspects.

Furthermore, the Convention avoids interference with legitimate international commerce in those species which are withstanding rational uses and which make valuable contribution to the economies of developing countries.

BASIC MECHANISM OF SECOND REVISED DRAFT

Regulation is primarily at the point of origin through the institution of export permits. Exporting countries are left in control of their resources and able to restrict the number of permits, including complete bans on export of species as they deem necessary.

Importing countries agree to prohibit importation of material not covered by export permits.

Control is at two levels. A general control, as already outlined, of species with decreasing populations, and a virtual ban on trade in species which are threatened with extinction.

The general control is exercised on species listed in Appendix II, which is broadly based and would include all species whose populations are declining and are threatened by international trade.

Informal comments received have suggested that Appendix II would not include populations which a particular country wishes to protect since that species would be abundant elsewhere. However, experience shows that most, if not all, decreasing species which are affected by international trade are suffering population decreases throughout their range. It is a matter for decision by the Contract States which species shall be included in this Appendix.

As has been indicated, export of species in Appendix II are to be covered by export permits and import will be refused unless a valid export permit exists. Furthermore, export permits are to be issued only after proof of the lawful nature of the killing, capture or collection of the animal or plant has been provided, or, in the case of re-export, only after proof of the lawful import has been provided (Article IV.1).

A continual survey of population status of decreasing and threatened species is now maintained by IUCN. The number of export permits issued will be reviewed periodically by IUCN and if it appears that the number of export permits issued for any species is such as to adversely affect its populations, the matter will be brought to the attention of the Advisory Committee which can then consult with the State concerned with a view to remedying the matter (Article XIV).

Appendix I covers species which are now threatened with extinction and which are affected by international trade. In these cases export and import are to be permitted only for scientific purposes (as defined in Article I). In order to have the closest checks, it is envisaged that the importer will be the person or institution that will use the specimen for the scientific purpose in question (Article VI-1) and that an import permit will be issued only after being approved by the designated Scientific Authority in the importing country (Articles VI.1 and VIII).

Here, the issue of an Export Permit by the exporting country will depend on the prior existence of a valid Import Permit, and again approval by the Scientific Authority of the exporting country is also required.

These very restrictive measures are invoked only where the species is threatened with extinction, and although the procedure appears complex, the number of cases for which it will be invoked should by the nature of the cases be extremely infrequent.

Products

The draft Convention envisages controlling international trade in "specimens" (defined in Article I as any representative, dead or alive, of a species of wild animal or plant included in Appendice I or II, but excluding animals bred in captivity or cultivated plants) or "products of specimens" (which is also defined in Article I).

The UK suggests restricting the types of product to those which are listed in relation to the species in question on the grounds of difficulty in identification. The CCC also took note of the practical problems in identifying products of specimens.

Accordingly, it is considered that the draft might be amended in line with the UK proposal.

Wild animals and plants

The draft Convention, as has just been indicated, is restricted to wild animals and plants with specific exemption for animals bred in captivity or cultivated plants (Article I). The U.K. suggests bringing the latter under the provisions of the Convention on the grounds of difficulty of distinguishing them from wild specimens. This view is also supported by the CCC.

Clearly this point needs discussion. There is considerable merit in the UK and CCC proposal. The draft Convention attempts to deal with the identification aspect by placing the onus of proof on the importer (Article IX.4) or the issue of certificates if origin (Article IX.4) (some States are apparently already contemplating some form of registration of certain animals).

Scientific purpose

The draft Convention includes a definition of "scientific purpose" (Article I) in relation to the issue of Import and Export Permits for species in Appendix I. This states that "scientific purpose includes educational purposes".

The UK suggests that "scientific purpose" be defined as "scientific purpose includes conservation, breeding and research", and has pointed out that "breeding" is intended to refer to the setting up of breeding units outside the country of origin and that "research" is intended to include scientific and medical research. The UK further indicates that "educational purposes" should be deleted or defined; it should not be construed to allow trade for exhibitions solely. Japan also notes that the term "educational purpose" needs further clarification.

In this connexion it is recalled that an earlier draft defined "scientific purpose" as including zoological, botanical, educational and propagational purposes.

Again, this is clearly a matter for further discussion and decision.

PROPOSALS AFFECTING THE BASIC MECHANISM

UK proposal

The UK proposes one single appendix in place of Appendices I and II and indicates that trade in the listed species should with few exceptions be permitted for a scientific purpose only. This list would be restricted to species in immediate danger of extinction. The UK goes on to indicate that the range of control might later be extended, by agreement, to some of the less critically endangered species.

This suggestion would eliminate regulation of trade in decreasing species and hence would remove a major objective of the Convention.

Kenya proposal

The Kenya Proposal would effectively substitute for the basic mechanism of the draft Convention relating to control of trade in species listed in Appendix II, a procedure whereby importing countries would refuse to import any wild animals or plants, the export of which is restricted by protective measures in the State of origin unless the legality of the export has been verified. It further envisages agreement between Contracting States on a list of species already threatened with world-wide extinction trade in which is to be prohibited except for scientific or propagative purposes (i.e. a list similar to Appendix I).

In implementing the first aspect of this proposal, Kenya suggests that all Contracting States shall convey to the Depositary Government[1] a list of nationally restrictive export measures affecting export of wild animals and plants (except for some specifically excluded under a proposed exemption) which they believe may be entering international trade. Provision is then made for this list to be up-dated annually.

The use of export permits is also proposed, along similar lines to those of the second revised draft, with import permits also being required in the case of species on the "threatened with world-wide extinction" list.

This mechanism warrants careful examination as a potential alternative to that proposed in the second revised draft. It is a long-sought objective of IUCN (e.g. Resolution No. 10 of the IUCN 10th General Assembly) and has already been incorporated in the US Lacey Act. It was not adopted as the basis for the second revised draft because many principal importing countries indicated that they were not yet ready to accept the more complex administrative measures that the Lacey Act has involved in the US.

TRANSIT

The draft Convention involves the import/export controls applying during transit. Some amelioration of the regulatory mechanism is permitted under Article VII in that the original permits suffice for material in transit and the normal marking requirements are waived during transit. This provision aims to reduce formalities needed for consignments in transit across the territories of States other than the original exporting State and the final importing State.

The UK and the CCC both propose that transit provisions be dropped. They point out that existing international customs transit controls are limited to the transit operation itself. Any substantial increase in transit controls would probably result in a severe impediment to trade. If adequate controls exist at the initial point of import, no further controls should be necessary.

This point appears well grounded and it would appear desirable to eliminate transit control from the Convention.

EFFECT ON NATIONAL LEGISLATION

The draft Convention specifically states that its provisions shall in no way affect the right of a Contracting State to impose in national legislation stricter measures for controlling export or import of wild animals and plants (Article XV).

IMPLEMENTATION

The draft Convention has laid down procedures for dealing with non-compliance with its provisions (Article XIV). The UK has suggested a simplification of the wording which effectively leaves the determination of the detailed procedure to the representatives of the Contracting States and the Advisory Committee. There would be merit in adopting this suggestion.

AMENDMENTS

The draft Convention lays down procedures for relatively easy amendment of the lists of species contained in Appendices I and II. (Article XXIII). The UK suggests a simplification by adopting one procedure only for all amendments (both to the Convention itself and all three Appendices). This suggestion warrants close examination.

APPENDICES I AND II

No detailed comments have been received in respect of the species listed in Appendices I and II. The lists were compiled by IUCN with the close assistance of its Survival Service Commission, in the light of comments received earlier from a variety of sources.

---

[1] This may need modification since it would involve the Depositary Government in which is in effect bureau duties not normally assumed by a Depository Government.

It is in mind that they should be amended as follows:

1. *Lencopsar rothschildi*—Rothchild's minah and *Lutra platensis*—La Plata otter should be transferred from Appendix II to Appendix I.

Four species of turtles should be added; namely:

Testudo geometrica—Geometric tortoise.
Testudo yniplioru—Madagascar tortoise.
Eretmochelys imbricata—Hawks bill turtle.
Lepidochelys kumpii—Atlantic ridley turtle.

2. The following species should be added to Appendix II:

Canis lupus—Grey wolf.
Panthera onca—Jaguar.
Lepidochelys olivacea—Pacific ridley turtle.

OTHER MATTERS

A number of other matters are included in the summary of comments received. These will all need examination and discussion but none of them appear to have the same degree of impact on the second revised draft as those dealt with above.

INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES

(Summary of comments on the convention on the export, import and transit of certain species of wild animals and plants (Revised draft (2), February/March 1971) Received by IUCN up to December 1, 1971).

INTRODUCTION

1. In September 1967 and August 1969, IUCN sent to Governments communications covering a first formal draft and a first revised draft, respectively, of a proposed Convention on the Export, Import and Transit of Certain Species of Wild Animals and Plants.

2. Some 40 Governments commented on the two drafts and these comments were taken into account in preparing a second revised draft which was sent in March 1971 to all Governments eligible to adhere to the proposed Convention. At the time Governments were asked to indicate if they were prepared to sign the Convention in the terms of the draft presented or, alternatively, whether they would prefer to take part in an intergovernmental conference to conclude the Convention. It was further indiacted that the Government of the Swiss Confederation had agreed to act as Depositary Government and IUCN had offered to undertake the continuing bureau duties under the Convention. It was indicated that further comments on the text submitted would be welcome.

3. The second revised draft was also sent to the Customs Cooperation Council in following up earlier contacts; and the Council undertook to obtain from its members comments on the Customs aspects of the proposed Convention.

4. The second revised draft was also submitted to the Intergovernmental Working Group on Conservation convened by the United Nations at the suggestion of the Secretary-General of the UN Conference on the Human Environment (Stockholm, June 1972), and was considered by the IWG at its meeting in New York, 14–17 September 1971. On that occasion some comments in writing were submitted by the Delegates from Japan and Kenya. The meeting did not consider details of the draft since the Delegation of the United States of America announced that the Government of the United States would convene an intergovernmental meeting to discuss and conclude a convention using the second revised draft as the basic document in April 1972.

RESPONSES

5. As of 1 December 1971, formal responses have been received from twenty-three Governments to the formal note sent to them in March 1971, and informal contacts were made by officials from four others.

6. The following eleven Governments have indicated that they are prepared to empower their representatives to sign the Convention in accordance with the text of the second revised draft:

Cambodia, Cyprus, Finland, Greece, Iran, Madagascar. Panama, The Philippines, Switzerland, Thailand, and Viet-nam.

In this connexion the Government of Viet-Nam indicated its wish to add certain species to Appendices I and II.

7. In addition, it is to be recalled that the following Governments that have not yet responded to the formal note of March 1971, had earlier indicated that they were willing to sign the Convention in the terms of either the first or the first revised drafts of 1967 and 1969 respectively:

The Federal Republic of Germany, Mauritania, Morocco, Senegal, and South Africa.

8. Detailed comments affecting the text of the second revised draft have been received from the Governments of:

Kenya—Submitted at the Intergovernmental.

Japan—Working Group on Conservation. The United Kingdom.

9. Such comments were also received from the Customs Cooperation Council (CCC), embracing discussion by its Permanent Technical Committee of replies received by CCC from:

*Austria, Belgium, Finland, *France, *Luxembourg, Netherlands, New Zealand, Roumania, *The Federal Republic of Germany, Hungary, Iran, *Spain, Switzerland, and The United Kingdom.

Comments affecting the text were received from those marked with an asterisk.

10. The comments from these various sources that affect the text of the second revised draft are summarized in the following section, in relation to the various Articles affected.

General

11. The United Kingdom starts its observations by warmly supporting the general aim of the draft Convention, namely to safeguard endangered species of animals and plants by regulating traffic in them. It therefore wishes to ensure that the measures would be effective and enforcible so that all States would be prepared to support them and put them into effect. It considers that the Convention should concentrate on essentials, but points out that this would not preclude countries undertaking to work towards safeguards (not necessarily statutory) of a broader kind appropriate to their own special circumstances.

12. The UK believes that regulation should be primarily at the point of origin, i.e. export control should be exercised by the country to which the species is indigenous. These export controls should be reinforced by import controls for an agreed (single) list of endangered species. Trade in these species should with few exceptions be permitted only for a scientific purpose. There should be some form of international supervision of the operation of the Agreement.

13. At the same time, the UK considers that these controls should only be applied to those species known to be threatened with extinction, i.e. they believe that there should be only one schedule to the Convention, based on the present Appendix I. Furthermore, the UK feels that it would not be appropriate for the Scientific Authority to exercise control in regulating exports or imports, and that its role should be advisory. The UK also considers that control of intermediate points in the marketing chain would be nearly impossible to make effective, so that maximum effort should be centered on the original export and the ultimate import. The UK also points out that control of transit traffic in the United Kingdom (and in most other countries) is kept to a minimum. Its extension therefore to animals and plants covered by the Convention would impose an added burden on carriers, Customs and others, and could lead to delays which would cause distress to animals in transit. For this reason, the UK would not envisage introducing transit control and proposes that reference to transit control should be deleted from the draft.

14. As the object of the Convention is to conserve rare animals and plants, the UK feels that this should apply to animals and plants bred under controlled conditions as well as to those from the wild. They point out that control at a point of exit or entry would not be able to distinguish between bred and wild specimens and therefore suggest omitting the word "wild" in the title of the Convention and substituting the word "rare."

15. The UK feels also that is hardly possible that trade in all products of endangered species could be controlled, mainly because of difficulties of identification. For this reason, they consider that "products of specimens" as a general category should not be included in the control measures, but that provision should be made to enable trade in specified products to be brought under control.

16. The UK further points out that plants are included in the scope of the Convention, but because of practical difficulties of identification, etc., none have been listed in Appendix I.

17. The CCC discussed the draft from a purely technical standpoint, namely the Customs aspects. During the discussion it was pointed out, however, that is might be difficult for the Customs who may have to enforce the part of the draft Convention dealing with import, export and transit, to contribute substantially and effectively to the implementation of these provisions.

18. During the discussions the possibility of some form of control along the lines of that used in the case of narcotic drugs, where export and import permits could be compared, was raised. However, it was felt that such a procedure would be impracticable in the field under consideration. Moreover, an overall control would not be compatible with the increasing trend towards simplified procedures and the limitation of physical examination of goods to spot checks.

19. No general comments were submitted by the Government of Kenya in writing but an alternative draft of the Convention was tabled at the meeting of the IWG on Conservation.

20. The Government of Japan believes that the majority of the importing countries should participate in the Convention, because, if a country importing a considerable quantity of wild animals and plants does not participate in the Convention and consequently does not adhere to the regulations of the Convention, it is to be feared that the most important objectives of the Convention may not be realized. It is advisable for as many developing countries as possible to participate in the Convention and also for advanced countries to give technical and other assistance to those developing countries so that the latter can carry out the objectives of the Convention.

Title

21. The UK proposes deletion of the word "transit" and also the substitution of the word "wild" by the word "rare" in the title, making it read: "'Convention on the Export and Import of Certain Species of Rare Animals and Plants".

22. Kenya proposes that the title should read: "Convention on the Export, Import and Transit of Wildlife".

Preamble

23. The UK proposes the substitution of the word "rare" for "wild" in paragraph 1 of the Preamble, and the deletion of the word

"transit" from paragraph 3. They further propose that "products of specimens" as a general category should not be included in the control measures, and that instead, provision should be made to enable trade in specified products to be brought under control. This would also affect paragraph 3 of the Preamble.

24. Kenya proposes the substituting of the following three paragraphs for the present Preamble:

"Recognizing that the wildlife of the earth in its many beautiful and varied forms is an irreplaceable part of the life-sustaining ecology of the earth which must be protected for this and the generations to come;

"Recognizing that the people within the sovereign nations are and should be the best protectors of that wildlife which occurs within their own national borders, such wildlife being precious to them most particularly.

"Recognizing, however, that no nation has any means of effectively policing its exports and so has no means of protecting its wildlife from excessive commercial use in international trade without the cooperation of importing nations;"

Article I: Definitions

25. The UK proposes that the definition of "specimen" should be expanded to include products of endangered species if specifically listed. This would also involve deleting the words "and products of specimens" throughout the Convention.

26. The UK feels that the criteria for the inclusion of specific products of endangered species already listed in the schedule should be that they are readily identifiable by competent authorities, such as Customs officials, that there is a significant international trade in the products, and that this trade is adversely affecting the status of the species.

27. The CCC also agrees that there would be great practical problems in identifying "products of specimens" as the range of goods in which they could be contained seems to be extremely wide.

28. The UK comment already referred to in paragraph 23 about substituting the word "rare" for "wild" will also affect the definition of "specimen".

29. The Kenya draft proposes omitting the definitions of "specimen" and "product of specimen" and substituting the following three definitions:

"Wildlife" shall mean any representative of any animal or plant species, except seed, normally found in a wild state, whether or not raised in captivity, dead or alive, or any part or product thereof, raw or in any state of manufacture, except an article of clothing, jewellery or household effects being used by a private person for his or her personal needs which is not for resale;

"Country of origin" shall mean country of birth or germination; "country of export" shall mean any country to which a shipment is destined other than the country of origin;"

30. Japan points out that, since the identification of specimens which have lost their original shape would be difficult, the present definition and especially the exemptions should be carefully studied and clarified as soon as possible.

31. The UK further proposes that the definition of "scientific purpose" should be amended to read: "scientific purpose" includes conservation, breeding and research;". They point out that "breeding" should include setting up breeding units outside the countries to which species are indigenous and that "research" should include not only scientific research but also medical research.

32. Kenya proposes the introduction of definitions for "export permit", "re-export permit", "restricted" and "prohibited" as follows:

"Export permit" shall mean an official permit which serves to permit the departure of wildlife from a country which has accented the importation of shipment;

"Re-export permit" shall mean that same export permit as it serves to permit the entry of wildlife into an importing country;

"Restricted" shall mean the exercise of export control for wildlife protection purposes;

"Prohibited" shall mean the total prohibition of export and import by all the Contracting States, with the exception of specimens for scientific or propagative purposes."

33. Japan points out that the term "educational purposes" requires further clarification.

Article II: Fundamental principle

34. The UK proposes that reference to transit and products of speciments be deleted for the reasons set out above. They consider that regulation of trade by international Agreement should be restricted to species in immediate danger of extinction. This concentrates attention on the immediate conservation problem and also limits the controls to those which must be seriously enforced. As experience is gained, and when the controls are seen to be effective, the range of the controls could be extended, by agreement to, for example, some of the less critically endangered species. And there is nothing to prevent individual countries taking their control of trade further if they wish.

35. Kenya proposes a different approach in that it asks Contracting States not to permit the import of any wildlife, the export of which is restricted as a wildlife protection measure by any other Contracting State. Furthermore, Kenya suggests that because some wildlife forms are already threatened with world-wide extinction, the Contracting States should agree on a list of such forms and that the export, import and transit of these forms would be prohibited except for scientific or propagative purposes.

36. To give effect to their proposals, Kenya suggests that the present three paragraphs of Article II be deleted and be replaced by the following three paragraphs:

"1. In order to enable the enforcement of wildlife protection measures not otherwise enforceable, the Contracting States agree not to permit the import of any wildlife the export of which is restricted as a wildlife protection measure by any other Contracting State or States without verifying the legality of the export.

"2. In order to facilitate such vertification with least delay, possibility of error, and expense, the Contracting States will regulate the import and export of restricted wildlife in accordance with the procedures outlined in this Convention.

"3. Because some wildlife forms are already threatened with world-wide extinction, the Contracting States shall agree on a list of such wildlife forms, the export, import and transit of which shall be prohibited, with the exception of specimens for scientific or propagative purposes."

37. Kenya also suggests the introduction of two further Articles (their Articles III and V) which relate to the provisions of Article II of the second revised draft:

"Article III: The provisions of this Convention shall apply only to national export measures designed to reduce or eliminate the killing of wildlife or its removal live from a nation; the provisions of this Convention shall not apply to national export measures designed to discourage or prohibit the export of wildlife in one or more states of manufacture only, so as to foster its export in other states of manufacture."

"Article V:

1. Within four months following the effective date of this Convention, all Contracting States shall convey to the Depositary Government a list of nationally restrictive wildlife export measures not excluded from the provisions of this Convention under Article III and with respect to wildlife which they have reason to believe may be entering international trade. Such list shall include scientific and common names, together with a short description of the wildlife alive and, to the best of their knowledge, of the form in which the wildlife may be entering international trade.

2. Annually thereafter, on or before January 31st, all Contracting States shall convey to the Depositary Government a list of additions or deletions to the list outlined in paragraph 1 of this Article.

3. Three months from the date of consequent publication by the Depositary Government, all Contracting States shall allow further export of such wildlife, including trophies secured through licenced hunting only with a valid export permit issued in accordance with the provisions of this Convention."

Article III: Export of specimens and products of specimens

38. The UK points out that the object of the Convention is to conserve rare specimens in the countries to which they are indigenous. They propose that the export provisions should be limited to States "to which the specimens are indigenous". They state that this would not prevent other countries controlling re-export by legislation but they do not consider it essential to the objects of the Convention that they should necessarily do so. They further point out that it may be argued that the introduction of the qualifying phrase creates a loophole, in that by smuggling specimens to a Contracting State to which they are indigenous, the control is evaded. In their opinion, whether this would be significant is debatable, but they would be prepared to consider closing the loophole, if it can be shown to exist, by rewarding the Articles concerned with imports.

39. The UK's proposals involve deleting the words "and products of specimens" after the word "specimens" and adding the words "from a State to which they are indigenous after the words "shall not be permitted" in Article III.

40. Kenya envisages a somewhat different mechanism for regulating trade. Its suggested rewording for the broad area of provisions covered by the present Article III of the second revised draft is as follows:

"Article IV: The export of restricted and prohibited wildlife shall be permitted only to a destination in a Contracting State; the import of restricted and prohibited wildlife shall be permitted only from a provenance in a Contracting State."

41. Delegates to the CCC meeting were unanimous in the view that the major control effort should be concentrated at the point of export. The presentation to the Customs of an export permit issued by the competent body and authorizing the exportation of the animal, product, etc. was considered to be workable in practice. However, Customs services might in certain cases not be in a position to determine whether an animal, product, etc. should be accompanied by a permit. It would therefore be necessary to consider arranging for certain Customs offices to specialize in this kind of control or using the services of the appropriate national agency. It was also suggested that, since export control had been abolished in many countries, action by the Customs should be limited to endorsing the permits produced. Some delegates held the view that if export permits were issued by the appropriate authorities in the exporting country, no further controls should be necessary. These comments relate to both Articles III and IV.

Article IV: Export permits

42. The UK, as has already been mentioned earlier, proposes that only those States to which specimens are indigenous should be required to exercise export control. They further point out that, if transit traffic

is not to be regulated under the Convention, then re-export would also not need to be covered.

43. Furthermore, the UK points out that, if its suggestion was followed that there be only one Appendix to the Convention, then Appendix I specimens would not need to be given special treatment. They further consider that export for purposes other than scientific purposes should be allowed exceptionally, for example, domestic pets travelling with their owners, animals in travelling circuses, or in the fur trade, where the capture of the animal has been authorized by the country to which it is indigenous.

44. In line with its general comments, the UK proposes that the scientific authority be purely advisory. Under these circumstances, its endorsement of a specimen would not be appropriate, since the ultimate responsibility for control would be vested in the appropriate "competent authority". Again, the UK believes that it is not necessary to make the grant of an export permit conditional on the receipt beforehand of the import permit itself, but it would have no objection to making it conditional on evidence that an import permit is likely to be issued. Having these comments in mind, the UK proposes that paragraphs 1 and 2 of Article IV of the second revised draft be replaced by a new paragraph 1 reading as follows:

"1. Export Permits referred to in the preceding Article shall be granted by the State to which specimens are indigenous only:

"(a) After proof of the lawful nature of the killing, capture or collection of the animal or plant has been provided, and

"(b) Where the specimen is to be exported for scientific purposes; or such other exceptional purpose as may be considered warranted in the circumstances, and

"(c) On condition that satisfactory evidence is produced that the Import Permit referred to in Article VI will be issued."

45. The UK believes that a separate export permit will be required for each species (should this read "specimen") but considers that this need not be stipulated in the text since the form as set out in Appendix III determines this. Accordingly, the UK proposes deletion of the last sentence of paragraph 3 of Article IV.

46. The UK further suggests, apart from the deletion of the words "or product of specimen" in Article IV, some minor rewording, namely by substituting the word "distinguished" by the words "appropriately identified".

47. The UK points out that the possibility exists of abuse of an export permit (for example, by re-using it after the article it certifies has been exported or by diverting the article to a different destination from that declared) and this should be prevented by requiring the permit to be surrendered to (or controlled by) the importing country on completion of the transaction and by having it made out to a named destination. Accordingly, the UK proposes the addition of a further paragraph to Article IV reading:

"4. The Export Permit shall be surrendered to the State to which the specimen is exported."

48. In relation to paragraph 5 of Article IV, the UK points out that the details of application for and granting of a permit are primarily confidential among the applicant, the issuing authority, and the authorities in the country of importation, and that there seems no need for copies to be sent to the Central Bureau if the precautions suggested for surrender of permits are taken. But general particulars of them could be sent with an annual return under the provisions of paragraph 2 of Article XII and paragraph 2 of Article XIII. Provided statistical returns are made, the UK doubts whether there is any benefit to be gained from lodging copies of the permits themselves; this would doubtless make the operation more expensive.

49. In a further comment, the UK states that, since transit traffic is not to be controlled, where re-export is involved, it may be necessary to provide for some form of certification, e.g. by a Chamber of Commerce, as evidence that the original export/import satisfied the terms of the Convention.

50. Kenya proposes a somewhat different usage of an export permit and suggests the introduction of a series of Articles (their Articles VI to IX) in substitution for Article IV:

"Article VI: Export permits shall not be valid unless:

"1. If granted by a Country of Origin, proof has been shown that the wildlife was not taken, killed, possessed or transported in violation of national or regional law.

"2. If granted by a Country of re-export, verified with the entry export permit under which the wildlife first entered the Country; the export permit showing in the appropriate place the number, date, and name of issuing State of the entry export permit, as well as such information relating to any previous export/re-export permits that may be found on the entry export permit.

"3. If granted for the export of prohibited wildlife, the number, date and name of the issuing State of an import permit is shown.

"4. Issued by the appropriate government authority in the Country of Shipment in conformance with the model set out in Appendix —."

"Article VII: The provisions of paragraph 2 of article VI shall go into effect in the Contracting States with respect to any given wildlife one year following national notice of restriction to its citizens and nationals with respect to that wildlife, and not before."

"Article VIII: Export permits shall not be issued:

"1. For wildlife seized or otherwise acquired by the Government of a Country of Origin as a consequence of violation of either national or regional law and subsequently sold.

"2. For wildlife seized or otherwise acquired by the Government of a Contracting State as a consequence of violation of national laws to enforce this Convention and subsequently sold.

"3. For prohibited wildlife except:

"(a) for scientific or propagative purpose; and

"(b) upon receipt of a copy of a valid import permit directly from the appropriate government authority in the importing nation."

"Article IX: Upon issuance of an export permit in conformance with the foregoing Articles:

"1. The original and two copies shall be given to the exporter who shall either carry the export permit with the item or send the original and one copy to the importer at the shipment's destination. A third copy of the export permit shall be sent directly to the appropriate government authority within the State of destination.

"2. If granted by a Country of Export, the entry export permit shall be indelibly stamped "Exported", together with the date and number of the export permit and returned to file, together with a copy of the export permit. If the wildlife to be exported composes only a portion of the quantity shown on the entry export permit, then that portion shall be shown as exported. If the wildlife to be exported consists of manufactured goods, and the entry export permit shows raw goods, then the exporter and the appropriate government authority shall agree on the portion of raw goods shown on the entry export permit that is represented by the manufactured goods to be exported and that shall be shown as exported."

Article V: Import of specimens and products of specimens

51. As was pointed out in the general comments, the UK suggests that the Article be applied to import from countries to which specimens are indigenous. Again, in line with the UK's earlier comments, as there would be only one list instead of Appendices I and II, the species listed in Appendix I would not be given special treatment. Furthermore, under these circumstances, further marking by the importing country would not need to be provided for, since transfer is authenticated by the exporting country's mark (where practicable), and transit trade is not to be controlled. Accordingly, the UK proposes that paragraph 1 of Article V be amended by deleting the words "a provenance in" from sub-paragraph (a) of this paragraph, the deletion of the words "where a species is listed in Appendix I" from sub-paragraph (c) of this paragraph, and the deletion of the last sentence of this paragraph.

52. The UK also suggests the rewording of paragraph 2 to make it clear that import would only be allowed under this provision to a country to which the specimen is indigenous or that has an appropriate rescue centre. The suggested amended paragraph reads:

"2. Notwithstanding the provisions of paragraph 1 of this Article, importation shall be permitted to the State to which a specimen is indigenous or to any other State for despatch to a rescue centre in accordance with the provisions on Article IX."

53. The UK further considers that a Contracting State importing a specimen from a non-contracting State may not know the latter's exporting laws but would have to act on the best knowledge available. Accordingly, the UK suggests that paragraph 3 be amended by deleting the words "or products of specimens whose origin is in" and substituting the words "specimens which are indigenous to", and adding the words "the Contracting State is satisfied that " after the words "provided that".

54. The CCC made a general comment on this Article that only in special circumstances could import controls be effectively operated. Whilst Customs officers at frontiers would be familiar with the regulations in force in their own country, they could not reasonable be expected to have a full knowledge of those in force in other countries. As in the case of exportation, it would be desirable to provide for the appropriate agencies to determine whether the animal, product, etc. presented at importation should be accompanied by a permit or whether, when a permit was produced, the permit and the animal, product, etc. matched.

55. Kenya proposes that a new Article (their Article X) be substituted for Article V of the second revised draft as follows:

"Article X:

"1. Contracting States shall, with the aid of appropriate institutions, familiarize their importation authorities with the names and appearances of restricted wildlife together with the names of such nations as restrict, and with the names and appearances of prohibited wildlife.

"2. Four months from the date of publication by the Depository Government of the restricted and prohibited lists, importation shall be allowed:

"(a) only upon presentation by the importer of a valid entry export permit. Importation authorities shall be instructed to be alert for irregularities and to verify species and quantities with a copy of the entry export permit that shall have been centrally received directly from the appropriate government authority in the Country of Shipment, if such is suspected;

"(b) if prohibited wildlife, only upon presentation of a valid import permit, as well as a valid export permit."

Article VI: Import permits

56. The UK makes further comments on import permits in line with the comments made on export permits. They believe that

in addition to permitting imports for a scientific purpose, provision should be added to permit import for exceptional circumstances. The UK also believes that it would be satisfactory to permit the issues of an import permit to a dealer, provided the user of the specimen is named and known, although they would not allow imports to an unspecified person, i.e. as stock-in-trade.

57. Again in line with its earlier comments, the UK considers that there is no need to provide for the scientific authority's agreement, since the issuing authority will have taken its advice Accordingly, the UK proposes that paragraph 1 of Article VI be amended by deleting the words "or product of specimen" from sub-paragraph (a) of this paragraph, and adding the words "or such other exceptional purpose as may be considered warranted in the circumstances, and" after the words "scientific purpose" in this sub-paragraph; and that the words "the applicant for the permit is" be deleted from sub-paragraph (b) of this paragraph, as well as the words "or product of specimen"; and that the words "is named" be added after the words "in question" in this sub-paragraph; furthermore, that sub-paragraph (c) of this paragraph be deleted

58 The UK sees no need to impose a standard form of import permit, since these permits are of significance only to the importing country itself It also believes that import permits should be confidential between the importer and the issuing authority and that, as in the case of export permits, statistical returns should be adequate. Accordingly, the UK proposes that paragraph 2 of Article VI be amended by deleting the words "conform to the model set out in Appendix III and if they" from the first sentence of the paragraph, and that the last sentence of the same paragraph be also deleted For the same reason, the UK would propose that paragraph 3 of Article VI be deleted

59. Kenya proposes the substitution of five new Articles for Article VI of the Convention as follows:

"Article XI: Import permits for prohibited wildlife shall not be valid unless:

"1. Issued for scientific or propagative purposes only.

"2. Issued to the person or institution that will use the prohibited wildlife for the scientific or propagative purpose stated.

"3. Issued by the appropriate government authority conforming with the model set out in Appendix—."

"Article XII: Upon entry of the wildlife in accordance with the foregoing, the entry export permit, and the import permit, if any, shall be taken, indelibly cancelled, and centrally filed for reference in the even of subsequent re-export and for other purposes."

"Article XIII:

"1. Notwithstanding the provisions of Articles V through XII, permits shall not be required when prohibited wildlife is imported or exported to be returned to its place of origin or to be sent to a rescue center in accordance with the provisions of Article—.

"2. Notwithstanding the provisions of Articles V through XII, permits shall not be required for wildlife being transported as the property of a circus, menagerie or other traveling exhibition, provided the exporter or importer is able to provide proof that the animal was required before this Convention came into force or in accordance with the provisions of this Convention after that date."

"Article XIV: Notwithstanding the provisions of Article IV, Contracting States may import from a State not a party to this Convention prohibited wildlife whose origin is in such State for scientific or propagative purposes, provided that the exportation is in accordance with the laws of that non-contracting State."

"Article XV: Wildlife seized in transit or otherwise acquired by the Government of a Contracting State as a consequence of violation of the national laws enacted to enforce this Convention shall be:

"1. If living prohibited wildlife, returned to its place of origin, or, should this prove impracticable or likely to endanger the animal's survival, sent to a rescue center, or

"2. Offered to a recognized scientific or educational institution, or

"3. Destroyed, or

"4. In the case of live animals only, undesired by an educational or scientific institution, sold.

"5. Notwithstanding the provisions of paragraphs 2 and 4 of this Article, live animals shall be neither sold nor offered for medical research."

Article VII: Transit and exhibitions

60. The UK believes that transit trade should not be controlled by the Convention. It further believes that there is no need to exclude circuses from the provisions of the Convention, since the UK experience suggests that it would be impracticable to exempt them on the basis of when or how the animals were originally obtained as has been proposed. There would be less temptation to transfer a specimen illegally if a declaration had to be made to obtain a permit. But the permits would be temporary only, and require the animals to be transferred again within a stated time. Accordingly, the UK proposes that Article VII be deleted.

Article VIII: Scientific authorities

61. The UK states that responsibility for controlling (licensing, etc.) exports and imports will usually rest with an executive government department, responsible to a Minister. This responsibility could not be passed, particularly in the case of the UK, to a purely scientific body. The role of the Scientific Authority must therefore be advisory to the executive body; it should, however, have flexible terms of reference to enable it to advise domestically on any aspect of the operation of the proposed controls. Provision should be made in the Convention for changing the Scientific Authority. The "Advisory Committee' dealt with in Article XI would, however, be recognised as the international guide to policy and practice.

62. Accordingly, the UK proposes that paragraph I of Article VIII be amended by substituting the word "advising" for the word "ruling', and deleting the words "and products of specimens" from the first sentence of this paragraph; substituting the words "give its advice with the general object of ensuring" for the words "approve requests before it only when it considers that they are adequately justified and that the import or export in question will not be detrimental to" in the second sentence of this paragraph; and substituting the words "giving its advice" for the words "ruling on the requests before it" in the third sentence of this paragraph. The UK would also add a new paragraph 3 to Article VIII reading:

"3. If a Contracting State changes its Scientific Authority the Depositary Government shall be notified."

Article IX: National measures

63. The UK has considerable doubts about the acceptability or practicability of making possession or selling of endangered species an offence, so this provision should be omitted. The UK would prefer to concentrate effort on preventing illegal export and import and penalising this sufficiently to prevent possession being worthwhile. This violation (i.e. illegal import or export) would constitute the offence to be identified and proved.

64. Accordingly, the UK proposes to amend paragraph 1 of Article IX by substituting the words "make it an offense to export, or import, or attempt to export or import" for the words "prohibit and penalize any export, import or transit, or attempted export, import or transit of specimens or products of" in sub-paragraph (a) of this paragraph; and by deleting sub-paragraph (b) of this paragraph, renumbering sub-paragraph (c) as sub-paragraph (b), and deleting the words "and products of specimens" and the words "and (b)" from this sub-paragraph.

65. The UK further suggests that, whilst the advice of experts should be taken in implementing the Convention, the implementation itself should be by the executive authority. Accordingly, it would propose that paragraph 2 of Article IX be amended by substituting the words "they have the advice" for the words "the measures called for under this Convention are implemented by" in this paragraph, and by adding the words "in implementing the measures called for under this Convention" at the end of this paragraph.

66. The UK does not feel that breeding in captivity should be a reason for exemption. Further, it points out that it hardly seems necessary to stipulate that onus of proving that an export or import should not be subject to permit should fall on the exporter/importer; in practice, the UK has found that queries can be resolved on the basis of an exchange of information between the exporter/importer and the controlling authority. Although it might be desirable to have a registration and marking system for animals, etc., bred in captivity, to relieve owners or dealers of the suspicion of having imported/exported them illegally, it would be impracticable to include this in the Convention at present. Accordingly, the UK would propose the deletion of paragraph 4 of Article IX.

67. The UK considers that the return of specimens to the place of origin or to a rescue centre should be permissive, not obligatory, since the best interests of the animals, etc. should be the prime consideration, and might not be served by either alternative. And it is possible that neither alternative might be acceptable, because funds could not be found to implement them. The executive authority must be responsible for making any decision concerning return or rescue. Accordingly, the UK proposes that paragraph 5 of Article IX be amended by substituting the words "the competent Authority of the State concerned, may" for the words "it shall be entrusted to the Scientific Authority of the State concerned, which shall" in this paragraph, and similarly, that paragraph 6 of Article IX be amended by substituting the words "the competent Authority" for the words "the Scientific Authority" in this paragraph.

Article X: Meetings of representatives of contracting States

68. The UK believes that provision should be made for extraordinary meetings to be called. Accordingly, they propose that a new paragraph be added after paragraph 1 of Article X, as follows:

"2. The representatives of the Contracting States may also meet at other times at the request of a majority of the Contracting States."

69. The UK also points out that representatives may have to decide matters other than reviewing the Convention, for which different majorities may be needed. For this reason, they suggest the addition of the words "except where otherwise provided in this Convention at the end of the first sentence of paragraph 3 of Article X.

70. The UK also assumes that decisions can be taken between formal meetings (provided the necessary majority can be obtained) by vote cast by correspondence but considers that there is no need to make express mention of this.

Article XI: The Advisory Committee

71. The UK suggests that it may be necessary to limit the size of this Committee to avoid its becoming unwieldy.

Article XIII: Continuing bureau duties

72. The UK indicates that it would be content that IUCN should take over the continuing bureau duties under the Convention. It points out that IUCN would have to accept

these obligations in some formal way and that its Members, in deciding, would presumably have to consider the financial implications.

Article XIV: Implementation

73. The UK believes that most of this Article can be considered as guidance on the procedure which the Advisory Committee should adopt in dealing with a Contracting State which appears to be in breach of the intentions of the Convention and hence need not form part of the Convention itself. This applies particularly to paragraphs 2 to 6. Accordingly, the UK proposes the deletion of paragraphs 2 to 6 of Article XIV. Some minor consequential changes to paragraphs 1 and 7 of this Article would also be necessary to bring it in line with the other changes proposed by the UK.

Article XV: Effect on national legislation and international conventions

74. If the proposals of the UK are accepted, there would be one list of species only and hence measures depending on transfers from one list to the other would not have to be provided for.

Article XIX: Designations

75. The UK points out that, since it may be necessary to change authorities from time to time, the designations at the time of accession will be the initial designations. Accordingly, the UK proposes that the word "initial" be added before the word "designations" in this Article.

Article XX: Territorial application

76. In view of the large number of territories for which it has responsibility, the UK would prefer a contracting-in provision to the contracting-out arrangements proposed in this Article.

Article XXI: Entry into force

77. The UK feels that ten accessions is a small number if a reasonable spread of countries which will be genuinely affected by the Convention is to be covered by the time it comes into force.

78. Japan points out that, to enforce the Convention effectively and appropriately, it is necessary that each participating country should consolidate its domestic organization, and in view of the situations of exporting countries, it will be necessary to provide a provisional period of one year, or one year and a half, before the Convention takes effect.

Article XXII: Reservations

79. The UK considers that whether to include a clause making reservations impossible is a matter of policy for individual countries. The UK would prefer to see the general objects of the Convention adopted by all. Whether such a clause will eventually prove necessary will depend on the outcome of discussions of the substance of the proposed Convention. The UK would accordingly propose that this Article be deleted.

Articles XXIII and XXIV: Amendments to appendices I, II, and III

80. The UK considers that some tightening of the amendment procedure seems essential. The aim should be to ensure that all Contracting States continue to work to the same international rules. So sometimes more than a simple majority is necessary. But unanimity would be impossibly tight. So two-thirds majority with provision for opting out in the last resort, seems the correct solution.

81. Accordingly, the UK proposes that these Articles be deleted and a new Article substituted as follows:

"*Article XXIII: Amendments:*

"1. The Advisory Committee may, on its own initiative or at the request of one or more Contracting States propose amendments to the text of this Convention or to Appendices I and III.

"2. Amendments to the provisions of this Convention, other than the Appendices, shall become effective four months after acceptance by two thirds of the Contracting States in respect of those Contracting States which have accepted it and thereafter for each other Contracting State on acceptance by it.

"3. Amendments to Appendices I and III shall become effective for all Contracting States four months after acceptance by [two thirds] of the Contracting States [except that it shall not become effective for a Contracting State which so notifies the Depositary Government. Such a notification may be withdrawn at any time]."

This redraft provides for amendments to both groups of Appendices to be dealt with in the same way, since the UK does not wish to be committed to an amendment to Appendix III by a majority vote of other countries. The redraft also provides for the amendment to the text of the Convention itself (Article XXV deals with reviewing the Convention but not with amendments resulting from the review).

82. The UK assumes that Contracting States would not wish to be committed to amendments to the Convention itself without express concurrence, but would be willing to accept changes to the Appendices unless they expressly dissent. The original procedure for amendments to Appendix I envisaged a waiting period, if any obligations were raised, but as the amended procedure envisages a two-thirds majority, and allows individual opting out, the lengthier procedure does not seem necessary.

Article XXV: Revision

83. The UK proposes that this title be amended by substituting the word "review" for the word "revision" because the former is probably what is intended. Consequently, the same substitution would be made in the first sentence of paragraph 1 of this Article.

Appendices I and II

84. The UK accepts Appendices I and II as a combined Appendix with two minor additions.

85. Japan considers that further clarification appears to be required regarding the criteria of selection in Appendices I and II. For example, in Appendix II, certain genera of Reptilia and all of Flora are referred to as "All species of . . .", and consequently, even species that need not be protected by regulation are included in the list. In selecting the species to be placed in the Appendices, care should be taken that only the species requiring protection on the light of the purpose of the Convention will be selected. Moreover, in some cases, specification by species might make identification difficult. In those cases it would be necessary to revise the lists either by specifying by region or by the degree of the necessity of protection.

CBS ANALYSIS OF "THE SELLING OF THE PENTAGON" CONTROVERSY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. REID of New York. Mr. Speaker, on December 15 I inserted in the RECORD the first part of a detailed analysis of the controversy surrounding the Columbia Broadcasting System's production "The Selling of the Pentagon." This analysis which was presented to me by Chet Casselman, president of the Radio-Television News Directors Association, was prepared by the staff of CBS. I enter the second and final installment in the RECORD today:

DEFENSE FILMS

A number of questions deal with the broadcast's references to films produced by the Defense Department.

1. Cost of defense films

The Defense Department pamphlet raised the following question:

"Viewers of the program heard references that the Department of Defense spends $12 million for its 'own pictures.' The immediate inference is that this amount is spent on films intended for public release."

The pamphlet added that the $12 million expenditure includes films for troop information, research development, recruiting, medical and religious use and public information, and that the money spent on public information films is negligible—$30,000 in 1970.

There was no intention to create the inference drawn by the Department of Defense. On the contrary, the broadcast states:

"Over 300 films are made by the Pentagon. *Most of them are meant originally for troop information,* but a large number is later released for public showing" [emphasis added].

In reply to Congressman Hébert, who asked about the $12 million for films, the Pentagon responded that this is a "reasonably accurate" estimate if "one includes *all* films made by *all* services for *all* purposes." There seems to be some confusion, however, as to the annual expenditures for Pentagon films. As an example, Arthur Sylvester was the Assistant Secretary of Defense for Public Affairs for a period of six years (1961–1966)—the assignment Mr. Henkin now has. In a CBS News broadcast on April 18, 1971, entitled "Perspective: The Selling of the Pentagon," he stated "I would guess that the amount [spent for Pentagon films] in the time I was there, spent throughout the Pentagon, we sat down and figured out, I would guess at about 500 million dollars easy." That represents approximately $83 million per annum. CBS News has no information as to the accuracy of this guess.

2. Availability of films to public

The Pentagon pamphlet said that "only a very small percentage of all the films included in the $12 million figure are even cleared for public release." The reply to Mr. Hébert said "very few" of the films are cleared for public release and "almost none" is made specifically for the public, and that any contrary implication is "grossly inaccurate and misleading."

CBS News does not know the total number of Department of Defense films now available for public exhibition. It is informed, however, that one library alone, the library at Norton Air Force Base in California, includes approximately 6,000 films, that approximately 750 of these films (12½ percent) are available for public exhibition, and that many other Army and Navy films in other Department of Defense libraries are also available for public exhibition.

Congressman Hébert raised the question whether any film, once cleared for release, could be withdrawn from the public:

"Would it be possible under the Freedom of Information Act, as voted by the Congress, for the Defense Department to withhold from the public any films which have been cleared for public release in past years? How many of the Defense Department films used as illustrations in the programs were initially made for internal information programs, and how many were initially made solely for public release?"

Mr. Henkin states in reply that the Defense Department "does not feel it can withhold or suppress any films requested by the public which have been previously cleared for public release."

It is not at all clear that the Freedom of Information Act bars the withdrawal from public circulation of films which reflect outdated cold war concepts. In fact, the Defense

Department seems to be proceeding on the assumption that such withdrawal is not barred. UPI reported April 9, 1971, that

"The Defense Department acknowledged Friday that the CBS documentary, 'The Selling of the Pentagon,' which it has criticized as distorted and unfair, has resulted in some beneficial reforms in the military's public information program. 'Times do change and we try to learn from them,' Pentagon spokesman Jerry W. Friedheim told reporters, 'and from time to time we learn something from suggestions that you make.' For one thing, he said, the controversial television program led Daniel Z. Henkin, Assistant Defense Secretary for Public Affairs, to order commanders to stop glamorizing judo and other types of hand-to-hand combat during open house demonstrations on military bases. Friedham said *Henkin also had ordered a review of films that the Pentagon makes available to the public to weed out those reflecting outdated cold war foreign policy concepts*" [emphasis added].

Moreover, the Defense Department has confirmed that it has withdrawn films from public circulation. As one example, Major Ralph Anderson, an officer in the Audio-Visual Division of the Pentagon, informed CBS News in October 1970, during production of "The Selling of the Pentagon," that a film entitled "Communist Target: Youth" had been withdrawn from circulation in September 1970. Mrs. Elaine Finnell of the Audio-Visual Division confirmed, in an article in the *New York Post* on July 28, 1971, that a group of films had been withdrawn.

Mr. Henkin reports that only one of the "seven films addressed specifically in the show" was made "specifically for public release. All the rest were made for internal troop information and cleared for public release by prior administrations." The broadcast makes no statement to the contrary.

In any event, the purpose for which the films were originally intended is irrelevant. The issue is whether the films which are eventually released to the public comply with the Defense Department directive * that "propaganda has no place in the Department of Defense public information programs."

The Pentagon pamphlet, in discussing presentation of Defense Department films on TV, said:

"CBS states that 'at least 356 commercial and educational television stations' presented DOD films 'during the 1960's.' How do the stations get the film, and who decides that they will be aired?"

The pamphlet answered that the films are requested by the stations and that they decide what will be aired.

The broadcast states nothing to the contrary. It is apparent, however, that the willingness of a large number of stations to utilize the free programming made available to them by the Pentagon at sizable government expense constitutes an effective extension of the Pentagon public relations arm.

3. Vietnam camera teams

The CBS News broadcast stated:

"The war is covered extensively not only by the civilian press but also by the Defense Department's own camera crews in Vietnam. Their product is distributed to American TV stations and networks . . . It is intended to supplement regular network news coverage. But the Defense Department can hardly be said to be a disinterested observer in Vietnam. Recently, there have been charges that some of the Pentagon's footage was staged. . ."

Congressman Hébert asked:

"Has CBS or the other major networks made use of the film prepared by the military camera team in Vietnam? How much?"

Pentagon Answer:

"[A]n average of 90 percent of Vietnam originated newsfilm releases made in 1970 were used [by networks and newsfilm syndicates] . . . on network news programs or . . . passed on by the networks or syndicates to their affiliates for possible use on local news programs. Our records show that CBS used 24 releases in 1970, either on the network or their affiliates (ABC 13, UPITN 58, NBC 64, Fox Movietone 17)."

Film stories prepared by the military camera teams in Vietnam were used by CBS News selectively, relatively infrequently, and in reliance on their seeming accuracy. Approximately 22 such stories were used during 1970 in the CBS News syndication service. The last such use was on October 6, 1970. Although the CBS News records are not complete, it would appear that none of such stories was used in the network news broadcasts.

Congressman Hébert asked:

"Former Sergeant Demitor discusses what he called a 'staged' story about South Vietnamese forces. Who was in charge of the film team? Did the fact sheet sent forward from the film team advising the persons in charge of the film team indicate the film was 'staged'?"

Pentagon Answer:

"First Lieutenant John Beeler was in charge of the film team. The fact sheet received with the footage did not say that the film was 'staged'."

Mr. Demitor states in the broadcast that his film team staged a number of stories of the Vietnamese. One of these stories is included and discussed in the broadcast. Mr. Henkin's answer does not throw doubt on the accuracy of Mr. Demitor's statements.

4. Narrators of defense films

Congressman Hébert asked:

"Does the Department of Defense know why the producers of the program chose to single out particularly Mr. Chet Huntley and Mr. Walter Cronkite for approbrium in that they were allegedly used by the Department of Defense in certain films? Have either Mr. Huntley or Mr. Cronkite requested the Department of Defense to withdraw the films in which they appeared from Defense Department use?"

Mr. Henkin replied that he does not know "why the producer singled out Mr. Huntley and Mr. Cronkite for specific mention and that he knows of no request from Mr. Huntley or Mr. Cronkite that these films be suppressed or withdrawn from use."

Mr. Cronkite and Mr. Huntley were not "single[d] out for opprobrium." The broadcast refers to "well known journalists and movie stars" who serve as narrators of Defense Department films. Mr. Huntley and Mr. Cronkite are prominent examples of well-known journalists. The broadcast also makes reference to services performed for the Pentagon by such well-known journalists as Edward R. Murrow, John Daly and Lowell Thomas.

Congressman Hébert asked about the film narrated by actor Robert Stack:

"CBS showed a film of actor Bob Stack, quoting Stack as saying 'speaking of guns and far away places, I have just come back from a trip to Vietnam where guns are used for an entirely different purpose.' What was the name of the film from which that opening sentence was clipped, and what was it about?"

Mr. Henkin explained:

"The clip is from an Air Force training film, 'Alone, Unarmed and Unafraid—Tactical Reconnaissance in Southeast Asia' . . . originally made to train tactical reconnaissance pilots . . . subsequently cleared for public release." He contended the clip is used "out of context" and "implies" that the film from which it is taken deals with "weapons involved in the shooting war in Vietnam. In fact, the film is about reconnaissance pilots why fly over North Vietnam unarmed."

The broadcast includes the following excerpt from the Stack film:

"Hi, I'm Bob Stack. As you may know, one of my hobbies is collecting guns. I've hunted on and off all my life from California to Mexico to safaris in Africa. Speaking of guns and far away places, I've just come back from a trip to Vietnam where guns are used for an entirely different purpose."

This excerpt was used, in conjunction with other excerpts, merely to substantiate the statement in the broadcast that "movie stars often serve as narrators" of Department of Defense films. There was no intention to create the implication described by Mr. Henkin, and no such implication was created.

Mr. Witze commented that an excerpt from "Road to the Wall" was included in the broadcast—but no mention was made of the fact that CBS Films Inc., a CBS division, produced this film for the Pentagon in 1962 and "was paid about $100,000 of the taxpayers' money."

The broadcast includes excerpts from a total of eight films. The producers of none of them are named in the broadcast because CBS News thought their names were irrelevant. Any inference that the failure to identify CBS Films Inc. as the producer of one of these films was intended to protect CBS as precluded by the fact that the broadcast (a) mentioned the participation of Walter Cronkite and Edward R. Murrow in the Defense Department films and (b) described how CBS News was unwittingly used by an Air Force information officer during the production of a documentary on the air war over North Vietnam. Clearly, CBS was not sparing itself. But CBS News is now persuaded that the broadcast should have identified CBS Films Inc. as the producer of "Road to the Wall"—if only to avoid a controversy over so diversionary and nonsubstantive an issue.

MILITARY DEMONSTRATIONS

Critics have raised a number of questions about portions of the broadcast concerning military demonstrations before civilians, particularly a tour of military installations by the Joint Civilian Orientation Conference, a group of 63 prominent citizens.

1. Composition of audiences

Congressman Hébert asked the Pentagon:

"Was there anybody else in the grandstands at the fire power demonstrations besides the Joint Civilian Orientation Conference members? And have any of them complained that they were brainwashed?"

Mr. Henkin replied that, in addition to the JCOC group, there were more than 800 students, civilians and military personnel "at the *Fort Bragg* exercise where CBS filmed" [emphasis added].

The broadcast makes no statement to the contrary. But CBS News also filmed, and included in its broadcast, fire power demonstrations and other demonstrations at *Camp Lejeune*, North Carolina, which were presented before audiences consisting *solely* of the JCOC participants.

Mr. Henkin states "there have been no complaints of 'brainwashing.'" The broadcast does not report that there has been any brainwashing. It merely reports, *in their own words*, the reaction of the JCOC participants to what they have seen. The only reference in the broadcast to "brainwashing" is this statement by one of the JCOC participants who denies its existence.

"I think that one part of this tour is that you won't find a George Romney statement about being brainwashed."

Congressman Hébert also asked:

"The program did show, in at least one case, small children observing demonstrations of killing tactics used by professional military personnel. I agree with the inference of the program that showing such things to small children is objectionable. Is it possible for the Department of Defense to take steps to prevent reoccurrences of this kind of action?".

---

* Public Affairs Principles of the Secretary of Defense, March 4, 1969.

Mr. Henkin states that the Department of Defense "has initiated a review and will take corrective action."

2. Purpose and costs of demonstrations

The Defense Department pamphlet stated:

"After seeing CBS's program, many viewers had the impression that thousands of troops staged an exercise and demonstration expressly for the Joint Civilian orientation Conference group, that the Department of Defense furnished items of clothing for the group, and that high-ranking generals accompanied the civilians from installation to installation."

In one of his questions to Mr. Henkin, Congressman Hébert asked:

"Is the use of ammunition at fire power demonstrations, such as that for the Joint Civilian Orientation Conference members, part of the regular practice firing of troops and units or is it an additional use of ammunition for which additional funds have to be provided?"

Mr. Henkin in a reply to Mr. Hébert said that "use of ammunition at these demonstrations is a normal training expenditure. JCOC tours, such as that we assisted CBS in filming at Fort Bragg during Exercise Brass Strike are scheduled to take advantage of previously scheduled training activities." The Pentagon pamphlet stated that Brass Strike was not conducted specifically for the JCOC tour and would have occurred whether or not the guests attended.

The broadcast does not state that (i) Brass Strike was other than a training exercise or that (ii) it would not have occurred if the JCOC were not in the audience or that (iii) the audience for Brass Strike was limited to the JCOC group. (As previously noted, however, the JCOC was the sole audience for the Camp Lejeune demonstration.)

With regard to the firing of weapons, one of the JCOC participants reports in the broadcast that:

"At Fort Hood we [the JCOC participants] all were seated in the gunner's seat of the M-60 tanks, and we fired the rifles, and were told what excellent shots we were and were taken over to the recoilless rifles and fired rounds at armored personnel carriers and again told how good shots we were, and we fired grenade launchers and drove tanks and so on . . ."

The cost of the ammunition fired by the JCOC participants would not seem to be a "normal training expenditure." A study by the General Accounting Office entitled "Joint Civilian Orientation Conference" and dated June 29, 1971, reported that the participants fired 18,700 rounds of ammunition from weapons ranging from the M-16 rifle to the 105-millimeter tank gun. The GAO concluded that the public affairs tour for the 63 civilians cost the Department of Defense $80,000, compared to $14,000 estimated by the Pentagon in Senate testimony. "Use of weapons" alone cost $20,000, which was not counted in the Pentagon estimate, the GAO said.

The broadcast indicates nothing to suggest that individual members of the JCOC group did not pay for their clothing as well as their other personal expenses. It states, instead, that "the 63 civilians themselves paid part of their own costs . . ." Reference is made to "part" because military travel costs, for instance, were not included among the personal expenses paid by the civilians. The GAO states that military transportation for the participants cost the Defense Department $12,000.

In any event, the basic question raised by the broadcast is not the personal expenses of the civilians but rather the likelihood of added and sizable expenditures involved in the planning, rehearsal and implementation of the demonstrations. The GAO, for instance, estimates that services provided by 337 military and civilian personnel cost the Defense Department $37,000 which was not included in the Pentagon cost estimate.

3. Denial of permission to film civilians firing weapons

In a letter to the *Shreveport Times*, published March 14, 1971, and reprinted later in the *Army Times* and the *Congressional Record*, Major Raymond E. Funderburk said, "To my knowledge, CBS made no real attempt to film the JCOC conferees as they were shown the various Army weapons systems and permitted to fire many of them." In the letter, Major Funderburk identified himself as the Army escort officer assigned to the JCOC trip. He quoted the following purported excerpt from the broadcast: "We (CBS) were not permitted to film the JCOC activities at Fort Hood—but we later learned what happened . . ." Major Funderburk stated this indicates an "obvious intent to (show) the viewer that CBS had uncovered some secret and elusive activities . . ."

The purported quotation from the broadcast is inaccurate. The statement in the broadcast which Major Funderburk seems to dispute is:

"The Defense Department did not permit CBS News to film what many regarded as the highlight of the tour [weapon firing by the JCOC group]. But the civilians were not shy in talking about it."

CBS News did, in fact, make a "real attempt" to film these activities. Before the tour started, CBS News asked the Department of Defense for permission to have a film crew accompany the tour across country from the naval station at San Diego, to Vandenberg Air Force Base, to the NORAD Base in Colorado Springs, to Fort Hood, Texas, to Camp Lejeune and Fort Bragg in North Carolina and to the Pentagon in Washington. That permission was denied. Instead, CBS News was given the limited permission to film the demonstrations at the two North Carolina installations only, i.e., at Camp Lejeune and Fort Bragg. The weapons firing by the civilians took place at Fort Hood, Texas.

4. Selective interviews

Major Funderburk also charged:

"CBS tried to take the very positive remarks of JCOC conferees interviewed on the show and refute them with the mumblings of a former Air Force public affairs officer. Why did CBS not interview several former public affairs officers rather than stick to the negativeness of one man?"

CBS News did not, as Major Funderburk charges, "stick to the negativeness of one man." On the contrary, an interview with the chief public affairs official of the Defense Department, Assistant Secretary Daniel Henkin, is included in the broadcast and other interviews were conducted with a number of active public affairs officers who were critical of the military public affairs efforts but did not wish to appear on the broadcast. Subsequent to the broadcast, CBS News received letters laudatory of the documentary from present and former military personnel, including public affairs officers. These are representative excerpts:

"My personal experience in psychological warfare and press information, on a high level with the U.S. Army in the Pacific, gives me the authority to back your network's accusation without reservation. Frankly, you exposed only a fragment of the most sophisticated image-making organ ever to exist."

"I viewed with great interest the CBS program, 'The Selling of the Pentagon' and your post program remarks. As a former Air Force Information Officer, I believe the program was fair in its portrayal of the military public relations activities."

"I would like to congratulate you on 'Selling of the Pentagon.' It was a fine documentary that definitely needed made. It was run on AFVN-TV here in Vietnam and by popular request is being repeated. Speaking for myself and for many of my associates and friends, programs like 'Selling of the Pentagon' keep the troops going over here. Someone needs to stop the runaway armed services information program. What you did was a start—I hope you, and others, are able to follow it up. We realize the risks involved, especially financially, from producing a documentary like 'Selling of the Pentagon.' But from those of us caught in the midst of the whole thing, the risk of not speaking out obviously will only serve to let the half-truths and deception spread even further. CBS should be proud for standing up and being counted. For myself, and for many, many others here in Vietnam, I thank you." (From a first lieutenant stationed in Vietnam.)

"Congratulations. I viewed your documentary, 'The Selling of the Pentagon' and as a former Army and Air Force Information Officer, I endorse completely the approach you took. I worked closely with your Saigon Bureau while I was in Vietnam and at times was ashamed and embarrassed at the information policies that governed the so-called 'free-flow.' The only thing I can add is this: I'm grateful that CBS not only had the courage but felt strongly the obligation to reveal to the American public the dangerous incursions that have been made into their right to know."

"As a former Army officer familiar with the public relations and information activities of the military, I very strongly commend you for your outstanding program 'The Selling of the Pentagon.' Your most vocal critics attack inconsequential details without challenging at all the substantive issues which were raised—I thank you for your efforts and I encourage you to continue to present such programs which reveal the extent of the influence of the military in the formulation of public policy and the national image."

"I was a DoD Information Officer for several years on Okinawa. Your 'Selling of the Pentagon' was factual and restrained. I know a helluva lot of much worse things that will not be told soon, if ever."

"For three years, from June 1968 to March 1971, I was a Navy Public Affairs Officer aboard the attack aircraft carrier USS *Oriskany* . . . To put it succinctly, your report, based on my three years experience as a full time public affairs officer, was accurate and in proper perspective . . . I feel your organization has been unfairly maligned by the administration. Your documentary was objective, fair, and most importantly, correct."

MISCELLANEOUS

Questions have been raised about a miscellany of subjects treated in the broadcast, including press briefings and the relationship between reporters and public information officers.

1. "No comment"

Mr. Witze charged:

"CBS News filmed a Defense Department press briefing conducted by Jerry W. Friedheim. Thirty-four questions were asked. Mr. Friedheim answered 31. In three areas he was unable to be responsive. The broadcast used six of the 34 questions including all three of the ones that could not be answered."

The broadcast did not use *all* of the questions that "could not be answered." At the press briefing which CBS News filmed, at least 56 questions were asked. Mr. Friedheim was unable, for varying reasons, to answer 11 of these questions completely. As will be demonstrated below, only one flat "no comment" answer was used.

The purpose of the sequence used in the broadcast was to emphasize the give-and-take of the briefing and to suggest the atmosphere in which newsmen operate there. It was a fair and accurate picture. The following is the entire sequence (six questions and eight answers) as broadcast*:

1. "Friedheim. Dr. Foster has discussed the three different kinds of SS–11s.

"Reporter. These are MRVs, not MIRVs?

2. "Freidheim. That's correct, these are MRV, not MIRV. We're not able to discuss—

"Mudd. Every morning at 11:00 o'clock, in pursuit of Defense Department news, Pentagon reporters get a crack at a careful and respected adversary, Deputy Assistant Secretary of Defense Jerry Friedheim. He does not, of course, tell all he knows; he wouldn't have his job long if he did.

3. "Friedheim. I can't discuss that at all.

"Reporter. What about the size of the warhead?

4. "Friedheim: I just don't have anything I can give you on that. We'll pursue that question.

"Robert Goralski, NBC News. When did you last have three carriers on station in the Med?

5. "Friedheim: We'll have to check back and find that date for you.

"Reporter. Has the Guam chopped to the Sixth Fleet?

6. "Friedheim. Negative. It has not.

"Reporter. Would she normally just be going to replace one of them; is that it?

7. "Friedheim. That has been the normal operations in the past. We've observed some nineteen Soviet combat vessels there in recent days. The Sixth Fleet strength is roughly comparable, slightly larger.

"Reporter. Slightly larger?

8. "Friedheim. Correct."

Answer No. 1 merely introduces the sequence; the camera catches Mr. Friedheim in the process of completing his answer. The first sentence of answer No. 2 is a complete answer to the preceding question. In the opening words of the second sentence, Mr. Friedheim volunteers his inability to furnish information in addition to that called for by the question. These words ("we're not able to discuss . . .") are used as a transition to the following sequence with Mr. Mudd. As Mr. Friedheim speaks, the camera leaves him, his voice diminishes and becomes indistinct and Mr. Mudd's voice comes on. Answer No. 3 is a "no comment"—*the only one included in the broadcast*. In answer No. 4, Mr. Friedheim indicates that the requested information is not then available for release but promises to "pursue" the question. In answer No. 5, he indicates that he does not have the requisite information but that he will try to get it. The remaining three answers give the requested information.

This is a fair representation which does not reflect adversely on Mr. Friedheim. The broadcast describes him as "a careful and respected adversary." It is made clear that he cannot tell "all he knows."

The portrayal of a briefing in Saigon also was questioned, in this instance by Congressman Hébert:

"CBS runs a 'no comment' answer from the U.S. military briefer at Saigon. How much of the briefer's session did CBS film? How many questions were asked which were not answered 'no comment'? Why would a MACV briefer reply 'no comment'?"

Mr. Henkin replied that: "This briefing [on November 21, 1970] followed the announced Sontay search and rescue operation seeking to free American prisoners of war in North Vietnam. The operation had taken place that weekend." The briefer read a statement from the Secretary of Defense about the "protective reaction" strikes on November 20 and November 21. Both the briefer and the Secretary of Defense stated that further comments about these strikes would "jeopardize" the safety of Americans.

Mr. Henkin continued:

"Nevertheless, the Saigon press corps continued to press for details of the operation. Although there is no transcript of this particular briefing, notes taken by this office indicate that at least 12 questions were asked regarding protective reaction. The briefer responded six times that he could add nothing to the statement, as he should have. There was one other 'no comment' response given on another subject. On other subjects, the briefer responded to at least 8 questions with answers or explanations. Yet CBS selectively used the 'no comment' type answers as an expression of a 'typical' Saigon briefing."

This is the pertinent statement in the broadcast:

". . . 'Military Assistance Command Daily Press Briefing' means this scene right here, which is popularly known among newsmen in Saigon as the Five O'Clock Follies. The most popular phrase at these sessions, however, needs no explanation.

"Army Briefer. No comment. Nothing further to say.

"First Reporter. Maybe you can answer my question.

"Army Briefer. I have nothing further to add to the statement that has been read. I repeat, I have no comment.

"Second Reporter. Why can't you comment?"

The Sontay search and rescue operation was not "announced" prior to the November 21, 1970, briefing. It was announced by Washington on November 23, two days after the briefing. It is a fact that the military briefer in Saigon customarily adheres with a considerable degree of rigidity to the official statements released by him and that he volunteers very little by way of clarification, amplification or explanation.

CBS News does not have a complete record of the briefing. It did film, and has a transcript of, a portion of the briefing by the "U.S. military briefer." During this portion, there are at least 19 answers by the briefer. Seventeen of these answers fall into either the "no information" or the "no comment" categories.

The point is made, in Mr. Henkin's answer, that further comments by the briefer would have "jeopardize[d] the safety and security of Americans." This reference is not clear. If it deals with the safety and security of the military personnel involved in the Sontay raid, the information available to CBS News indicates that all of the personnel involved in that raid had returned safely to their bases at least ten hours before the briefing.

The point is also made that "the Saigon press corps continued to press for details," despite Mr. Laird's statement that the security of military personnel was involved. This criticism should be considered in the context of these additional facts: The statement by Secretary Laird, which was read by the briefer, announced "protective reaction air strikes" south of the 19th parallel. At the time of the briefing, the Saigon press corps had been apprised of Hanoi radio claims (subsequently confirmed) that the United States was also bombing north of the 19th parallel. It was this discrepancy at which some of the questions, which Mr. Henkin criticizes, were unsuccessfully addressed. Six days after the briefing, on November 27, the Pentagon confirmed officially for the first time that the United States had, in fact, bombed north of the 19th parallel.

2. Pentagon-media relationship

Congressman Hébert inquired about the relationship between Mr. Friedheim, who meets daily with reporters, and the regular Pentagon news corps:

"Mudd says that 'each day the press and the Pentagon have a formal confrontation' with the newsmen's 'adversary' Deputy Assistant Secretary Friedheim. Does the Department of Defense regard these daily news briefings as a 'confrontation' and the participants as adversaries?"

Replied Mr. Henkin:

"No. The daily news briefings here are regarded as one important way to provide the American people with maximum information about the Department of Defense, consistent with national security. . . . It is necessary that information which is classified, for example, must be protected. . . ."

The pertinent statement in the broadcast is:

"Once each day, the press and the Pentagon have a formal confrontation. . . . Every morning at 11:00 o'clock, in pursuit of Defense Department news, Pentagon reporters get a crack at a *careful and respected adversary*, Deputy Assistant Secretary of Defense Jerry Friedheim. He does not, of course, tell all he knows; he wouldn't have his job long if he did" [emphasis added].

Mr. Friedheim himself has used phrases equally strong or stronger than this description by CBS News. Mr. Friedheim has referred to "the built-in *conflict* between the need to release and yet protect military information," the conflict between "the public affairs function of releasing information and the security requirement to protect information," and the *"collision"* between "principles of freedom of information and security of information" * [emphasis added]. It is the resolution of this basic conflict that creates the confrontation, the thrust and parry question and answer sessions which are so typical of the daily press briefings in the Pentagon.

In a profile of Mr. Friedheim, written for the April 11, 1970, issue of *Armed Forces Journal*, its Pentagon correspondent writes:

"Every day at 11 a.m. a small combat zone known as the 'Audio Visual Studio' fizzles into action at the Pentagon. It's a different kind of war: the daily press briefing, usually presided over by a mild-mannered Deputy Assistant Defense Secretary, Jerry Friedheim. Invariably, Friedheim, who is diligent in keeping the nation's secrets, becomes a target. In recent months he has been charged by newsmen with a variety of offenses including: 'Bobbing and weaving,' 'mumbling,' and—just the other day—'Pentagon double-talk.' "

The same article reports that Secretary of Defense Melvin Laird has used the term "wolf pack" to describe the press corps in attendance at these daily briefings.

It is clear that, for eminently valid reasons, the daily Pentagon briefings do involve a "confrontation" and an "adversary" relationship between the press and the Pentagon representatives.

3. Classified information

Congressman Hébert also asked:

"Would answers to any of the questions from that briefing [the Friedheim press briefing], which were carried on the show, have involved classified national security information?"

Mr. Henkin answered:

"Yes, to discuss sizes of possible multiple nuclear warheads on the Soviet SS–11 ICBM would disclose information damaging to the Defense interest of the United States."

There is no suggestion in the broadcast that Mr. Friedheim should have answered any questions differently than he did or that he should have discussed matters involving "classified national security information." The sole purpose of this sequence in the broadcast was to suggest the atmosphere of the daily press briefing in the Pentagon.

Congressman Hébert:

"Mudd says, 'What the press wants to reveal the Department of Defense often wants to conceal!' What does the Defense Department want to conceal?"

Mr. Henkin replies:

---

* The answers have been numbered for convenience of reference.

* Article by Mr. Friedheim entitled "Security vs. Freedom of Information" in the February 1970 issue of *Direction*, a publication of the Naval Office of Information.

"Information that might adversely affect the national security, and information that could endanger lives of Americans."

Classification procedures are used, of course, to protect sensitive information for the reasons mentioned by Mr. Henkin. But they are also used for other purposes. It is an accepted fact that there is "massive over-classification of materials." *

"Certainly, the government's security classification procedures pose a serious obstacle to the free flow of news and information. The regulations derive their validity from the need to keep military secrets, troop and weapons deployment, strategic plans, and other sensitive material out of the hands of hostile governments or persons. But these regulations have over the years become translated into broader and broader inhibitions on traffic in legitimate—i.e., nonsensitive or nonsecret—information . . . *As the simplest mechanism for blocking public exposures or discourse, over-classification is widely employed by civilian as well as military authorities"* ("The Military Establishment," The Twentieth Century Fund, pages 212–213) [emphasis added].

"A former Air Force security expert said today that of at least 20 million classified Pentagon papers, 99½ percent did not qualify for even the lowest confidential rating. William G. Florence, a Pentagon deputy assistant Secretary for security until the end of May, told a House Government Operations sub committee that stamping papers secret had 'become a way of life' in the Pentagon." (*New York Post*, June 24, 1971)

4. Pentagon offices

Mr. Witze commented:

"Narrator Mudd has a line referring to '30,000 Pentagon offices.' There are only a few more than 26,000 persons employed in the Pentagon—an educated guess is that there may be 5,000 offices in the building."

CBS erred in referring to 30,000 offices, in the following sentence in the broadcast: "Going into and out of the 30,000 Pentagon offices each day are 200,000 phone calls and 129,000 pieces of mail." The figure of 30,000 was drawn from a Defense Department publication of October 1968, still current when the broadcast was being prepared, which said that the Pentagon houses "30,000 employees engaged in the world's biggest business." However, this figure referred to people, not offices.

5. Public information offices

Congressman Hébert raised questions regarding the interview with Jack Tolbert, a former Air Force public information officer, and the assistance which such officers provide to newsmen. Mr. Tolbert describes in the broadcast how, as the public information officer in charge, he misled CBS News in connection with its production of a documentary on the air war in North Vietnam.

Mr. Hébert asked:

"Why wasn't the former Air Force officer [Tolbert] who bragged about deceiving CBS when he was serving in Vietnam fired for doing that?"

Mr. Henkin states that he does not know whether CBS News was "actually deceived," that Mr. Tolbert is no longer with the Air Force, and that "there is no place in the Department of Defense for any official . . . who deliberately deceives or dupes news media . . ."

CBS News was, in fact, "actually deceived." It may be pertinent to note the circumstances of Mr. Tolbert's separation from the Air Force. He received an honorable discharge, a medal for meritorious service and a letter of commendation from Mr. Henkin's assistant, Julian R. Levine. His last efficiency report was "outstanding—almost never equalled."

Congressman Hébert:

"The Mudd-Tolbert interview discussed the fact that information officers assist broadcast by networks by selecting 'articulate' pilots for on-camera interviews. Has CBS ever asked an information officer to arrange an interview for them with an inarticulate pilot not knowledgeable about his job?"

Answer by Mr. Henkin:

"Not necessarily, except that by insisting on a 'name' or a well-known interviewee, which is common practice among the Networks, there is no assurance that the MOST articulate and knowledgeable interviewee is requested . . . [T]here was difficulty in getting any pilots to discuss their flights over North Vietnam, because of harassment many of their families were going through in the United States . . . from anti-war groups . . . In the case of 'Air War in the North,' the information office at Da Nang attempted to locate and provide pilots who would volunteer for on-camera interviews, and who fitted general qualifications outlined by the CBS producer."

Although, presumably, this is intended to answer the following statements in the broadcast, it does not contradict the basic criticisms implicitly in those statements:

"MUDD. Often the press is an unwitting partner in its own deception. Former Information Officer Tolbert once took great pride in utilizing the media. He's not so proud of the record anymore.

"TOLBERT. A network was coming over to cover and do a documentary on the air war over North Vietnam. They were going to film it out of DaNang, where I was the information officer. So in preparing for them we tried to pick out the most articulate, the best-looking pilots that we could, to be able to describe through their eyes what the air war was all about. *We briefed the pilots so that they would understand that we were trying to present our views in a one-voice concept; we didn't want divergent views coming from a variety of the different pilots that might raise questions concerning whether they understood, or whether they were satisfied with the way the air war in the North was being fought.*

"MUDD. And the cast of characters that you made available to those network men was such that they never heard any dissension or criticism about the bombing mission?

"TOLBERT. No, no, never. You know, being an insider, knowing fully what was going on, if I was absolutely candid with them, and opened all of our closets to them, yes, they would have come out with a lot more balanced report. I could have helped them do that" [emphasis added].

Again, Congressman Hébert:

"Mudd quotes Tolbert as saying 'it is extremely difficult for a Pentagon reporter, even a regular, to establish sources outside the Public Affairs Arm.' How many interviews by newsmen with Pentagon officials outside the 'public affairs arm' were arranged by your office during the eleven months that CBS worked on its show?"

According to Mr. Henkin:

"During the eleven months that CBS worked on its show the *'Public Affairs arm' of the Defense Department arranged* more than 1,100 interviews between newsmen and other media representatives, and Pentagon officials outside the 'public affairs arm.' Needless to say, Pentagon newsmen have their own independent sources of information developed through their professional skill" [emphasis added].

The point of the statement (actually voiced by Mr. Tolbert rather than Mr. Mudd) is that it is "extremely difficult" to gain direct access to Pentagon officials "outside of the Public Affairs arm." And this is, in fact, supported by Mr. Henkin when he emphasizes, in his answer, that it was the " 'Public Affairs arm' of the Defense Department that *arranged* more than 1,100 interviews between the press and Pentagon officials over an 11-month period" [emphasis added]. A reporter who is required to work through a public relations representative can hardly be said to have established an independent source of information.

6. Defoliation

Congressman Hébert questioned the broadcast's characterization of defoliation in Vietnam:

"Mudd said 'defoliation means nothing will grow there any more.' Is that right? Why is defoliation used around U. S. firebases? Is the current Administration reducing the defoliation program?

Mr. Henkin's answer:

"Defoliation does not mean that 'nothing will grow there any more.' When one defoliaation application occurs, tree leaves fall off; in a few months the leaves grow back again. Where heavy, repeated applications are used, trees can ultimately be damaged or killed, but new plant growth occurs after a short time." Defoliation reduces casualties by preventing the enemy "from using the heavy foliation to launch attacks."

The broadcast does not assess the merits of, or the military need for, the defoliation program in Vietnam. It merely characterizes ("nothing will grow there any more") the overall impact of that defoliation program. While this characterization may be too broad in that it seems to imply permanent destruction in all situations, Mr. Henkin seems to be stating that the impact of defoliation is *always* short-lived.

The duration of the damage caused in Vietnam by the defoliation program was the subject of an investigation by a Herbicide Assessment Commission appointed in December 1969 by the American Association for the Advancement of Science. The Commission, which was chaired by Harvard biologist, Matthew S. Meselson, submitted a "preliminary report" in December 1970. The report was discussed in the January 8, 1971, issue of *Science* magazine, page 43:

". . . he [Matthew S. Meselson] and his colleagues reviewed the pertinent literature, consulted with numerous experts, and made a 5-week inspection tour of South Vietnam this past summer. Their formal reports to the AAAS annual convention were guardedly conservative in tone, but their findings added up to a charge that the military use of herbicides has been considerably more destructive than anyone had previously imagined. Among the assertions:

"One-fifth to one-half of South Vietnam's mangrove forests, some 1400 square kilometers in all, have been 'utterly destroyed,' and even now, *years after spraying,* there is almost no sign of new life coming back.

"Perhaps half the trees in the mature hardwood forests north and west of Saigon are dead, and a massive invasion of apparently worthless bamboo threatens to take over the area decades to come" [emphasis added].

7. Bombing strikes

Congressman Hébert questioned the accuracy of the broadcast's statement regarding bombing strikes in North Vietnam.

"Mudd says 'protective reaction means the U.S. resumed the bombing of North Vietnam.' Has the bombing campaign carried out by the former Administration been resumed?"

Mr. Henkin's answer:

"No. *The bombing campaign carried out prior to November 1968,* has not been resumed. Protective reaction is a description of those actions which involve the inherent right of self-defense for the unarmed reconnaissance missions undertaken over NVN to insure the safety and security of our troops inside SVN . . ." [emphasis added].

---

* Statement by Solicitor-General Erwin Griswold to the U.S. Supreme Court during the oral argument of the appeals involving *The New York Times* and *The Washington Post* as reported in *The New York Times* on June 21, 1971.

When bombing in North Vietnam ended in November 1968, North Vietnam and the Soviets understood clearly that reconnaissance flights over North Vietnam would continue and would be protected, Mr. Henkin said.

Mr. Henkin denies that "the bombing campaign carried out prior to November 1968" has been resumed. But the broadcast does not state that it has been. The only statement in the broadcast is that "the U.S. resumed the bombing of North Vietnam" after it ended in November 1968. This is correct. Mr. Henkin, in his answer merely explains the nature of the bombing and the circumstances under which it was resumed.

A PLAN TO REDUCE VOTER APATHY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McCLORY. Mr. Speaker, my friend, Ed DeMar, a free lance writer, has composed a thought provoking article "A Plan To Reduce Voter Apathy" which appeared in the Thursday, December 9, 1971, issue of the Chicago Tribune.

I am pleased to call this article to the attention of my colleagues and all to whom this issue of the CONGRESSIONAL RECORD comes:

A PLAN TO REDUCE VOTER APATHY

(By Ed DeMar)

It has been said with some authority by political commentators that many voters cast their ballots for a candidate to vote against his or her opponent.

Notwithstanding Positive Mental Attitude faddists, most would agree that the right to say "no" is one of the more highly cherished of all individual rights. And, apparently, a majority of persons of voting age in America choose this route: to not vote at all to say "no" to the forced-choice system which is a condition of participation in our elective democracy.

The Census Bureau estimates that 53.3 per cent of Americans old enough to vote did not do so in the last Presidential election.

NOT ALL COPOUTS

It is true that not all of these nonvoters are copouts, that is, registered voters who are no-shows in the election booth. Some don't have the option to cop out because they aren't registered.

Still, since early this century, of those who were duly registered, a shocking one-third of those eligible—even in Presidential years—did not bother to vote.

Voter turnouts overseas, where in many cases registration is easier, and next door in Canada, generally put our voting habits to shame. Italy, better than 90 per cent in each of four recent national elections; West Germany, 78 to almost 88 per cent over a 15-year span; Canada, averaging 80 per cent, and Russia and Iron Curtain countries, regularly 97 to 98 per cent. The latter, of course, mock the whole idea of free elections by placing only one candidate on the ballot for each office.

Next time you see a headline about the victor in a U.S. election "sweeping" into office, keep in mind it may have been with a dustcloth instead of a broom. In each of Franklin D. Roosevelt's unprecedented four elections as President, never did more than 60 per cent of voting age Americans make it to the polls. Even in 1936, when he made his strongest showing, only one of every three citizens over 21 actually voted for F.D.R. A mandate? A landslide?

If Americans who don't bother to vote or who cast blank ballots are trying to say something, why not let them say it? How about a safety valve on the ballot that would allow a voter to say: "None of the above, thank you," a write-out instead of a write-in.

If one candidate is a foul ball, a voter can pick from among his opponents—if there's one sufficiently better. What happens, tho, when both or all are unacceptable to a voter?

Or how about electing a dead man or one who is indicted before the election but after the ballots are printed? Even worse, suppose in the month before the election, when the ballots cannot be changed, one man dies and the other is exposed as morally unfit for office? Under present election laws, one of them will be elected whether or not he can or should serve.

A "none of the above" option could serve as preventive recall in the hands of the people on election day to combat hanky-panky and to resolve impossible dilemmas.

Here's how the proposal would work, in the rare instance when "none of the above" got more votes than each and every candidate on the ballot for the same office:

The election would be declared null and void and another election would be set for as soon as possible with new candidates. An interim officeholder would be appointed when the new election could not be held before the end of the retiring incumbent's term. Such an appointment likely could be made under existing statutes regulating vacancies—with one important change.

REJECTS NOT ACCEPTED

A rejected candidate could not be named caretaker. If an incumbent were rejected in a re-election bid, he or she would not be eligible for the caretaker appointment; furthermore, if a rejected candidate were in the statutory line of succession, he would be passed over and the next in line appointed caretaker.

I doubt that many election contests would result in rejection of slated nominees. For one thing, party leaders would be put on notice by "none of the above," consequently, fewer party hacks and dog candidates would be foisted on the public. A conventional election defeat, unhappy tho it may be to the loser, isn't dishonorable. On the other hand, rejection by instant recall would carry a scorching stigma.

If political parties were given this incentive to pick better candidates, that alone would bring more people to the polls. And, instead of "throwing the rascals out," voters would make the more sensible decision of whether or not to let them in to start with.

While "none of the above" might appear to be a new and radical concept, there are precedents. Judicial retention is an Illinois procedure that gives judges the privilege to run unopposed for reelection. They run only against their records, about which most of us are completely and understandably uninformed.

A member of Congress, by voting "present," can avoid taking a stand on a specific issue. Yet his "present" vote tells his constituents that he was on the job, not away fishing.

A NONVOTE VOTE

The opposite happens when a member of Congress is "paired," which means he's indicating for the record which way he would have voted were he there to cast a vote. Absent legislators find colleagues who also will be absent but whose vote, it is understood, would have been the other way. In other words, a nonvote vote.

"None of the above" is not a new tool of dissent but a means of more meaningful assent. It provides no advantage to the nihilists of the radical right or revolutionary left but offers new participation for the many apathetic and unconcerned moderates.

How full and complete is our democracy when nonparticipation disenfranchises and alienates citizens?

If we do not insist upon the right to use "none of the above" some of the time, then without question we must accept the nondemocratic fact that the system is less than whole, is strictly some of the above, all of the time.

ASPIN REQUESTS AID FOR CAMBODIAN REFUGEES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ASPIN. Mr. Speaker, a still unreleased report of the Government Accounting Office reveals that the bombing of Cambodia by the United States and South Vietnamese has created 2 million refugees. Press reports indicate—New York Times, December 5—and the State Department has confirmed, that the United States does not provide humanitarian relief to these refugees. In answer to requests for medical supplies our Embassy in Cambodia has advised the Cambodian Government to seek aid from the Soviet Union or Japan.

While the United States drops bombs on Cambodia and pays the South Vietnamese to do the same, we refuse to help the innocent victims of our senseless policy.

I have written to Secretary of State Rogers asking him to justify this policy. I have also called upon him to reprogram funds or provide new funds to aid the 2 million refugees who have been driven from their homes by our bombs. The letter follows:

DECEMBER 15, 1971.

WILLIAM ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. ROGERS: I understand that the General Accounting Office has completed a study of the effects of the Air War on Cambodia. That study reveals that an estimated two million Cambodians have been made refugees by bombing since March 1970. I also understand that the United States is not providing medical and other forms of relief for the estimated two million refugees.

I am shocked to learn that out of $341 million in aid for Cambodia, we cannot provide one penny of humanitarian relief for the two million innocent refugees our bombs have created.

I have noted press reports (The New York Times, December 5) that the United States has told the government of Cambodia to seek help from other governments. Officials of the Department of State suggested that the Cambodians turn to the Soviet Union or Japan for aid. That gives some indication of the kind of friend we really are to the people of Cambodia.

How does the Administration justify to the American people or to the people of the world, our refusal to provide humanitarian relief to innocent Cambodians?

Since March 1970 the United States has flown almost 30,000 missions over Cambodia—dropping an estimated 900,000 tons of bombs. The Administration finds ample funds to bomb innocent people, driving them from their homes. But it refuses to offer any relief for those innocent victims.

I am requesting, therefore, that you reprogram or provide new assistance funds to alleviate the unnecessary human suffering of millions of Cambodian men, women and children, who through no fault of their own, are the victims of our misguided policies in Indochina.

I sincerely believe that it is the very least that we can do.

Sincerely,

LES ASPIN,
Member of Congress.

SEVENTY-FIFTH ANNIVERSARY OF FIRST FORD RECALLS HENRY FORD'S CONTRIBUTIONS TO AMERICA

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WHALLEY. Mr. Speaker, much has been said and written about the life of Henry Ford and how he started his business by tinkering with gasoline engines and built it into the industrial giant it is today. But little has been said about what he did for others—about how his life has affected America and Americans.

He once said:

> It is not good business, unless both buyer and seller gain by it.

And Henry Ford lived and worked by this principle.

He took unprecedented steps to help those working for him to live better lives. In 1914, he raised the pay of his workers from $2.34 to $5 a day. This made celebrities out of the men who worked at the Ford plant because such a wage was unheard of at that time.

Ford was also the first to hire social workers to help his employees improve their living conditions. He gave his foreign workers free courses in the English language. He set up a subsidiary company to build low-cost housing for his workers. And he paved the way for company hospitalization by actually building a hospital for his employees.

Henry Ford gave the little man a chance at every opportunity. Once, when his plant manager was looking for a metallurgist, Ford told him to hire a man sweeping the floors nearby. "Teach him the job," Ford said. They did, and that man became the top metal expert at the plant.

Henry Ford believed that helping others was more important than making money. Before he bought them out, his stockholders filed a court suit to keep him from lowering the price of his cars and raising wages.

Probably the most significant thing that Henry Ford did was to make it possible for nearly every American to own his own car. He innovated the assembly line process to bring the price of an automobile within reach, and changed the whole life-style of America and Americans.

The industry, itself, provides a livelihood for millions of Americans. One out of every six American workers is involved in the automotive industry.

On this 75th anniversary of Henry Ford's first car, let us reflect for a moment on how he changed the lives of all of us. This was his real contribution to America.

PROTECTION OF U.S. INTERESTS IN THE PANAMA CANAL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. PRICE of Texas. Mr. Speaker, I wish to share with my colleagues the text of my statement during the recent hearings before the House Committee on Merchant Marine and Fisheries on the protection of United States right in the Panama Canal and Canal Zone. The text follows:

PROTECTION OF U.S. INTERESTS IN THE PANAMA CANAL—THE CONGRESS MUST ACT

Mr. Chairman, I consider it an honor as well as a duty to appear before the Inter-American Affairs Subcommittee today to present my views concerning the vital issue before us—that of the protection of United States rights in the Panama Canal and Canal Zone.

Let me begin by making it clear at this time that it is not the intention of those who oppose the giveaway of the Canal and its protective Zone to drive a wedge in our long-standing close relationship with the Panamanian people or their government, nor is it our intention to arouse or alienate that nation through unjust practices on the part of the United States. We in this nation value our traditional friendship with Panama and wish to see it continue in an atmosphere of mutual respect and understanding.

However, as has been reiterated many times in the history of the Panama Canal dispute, it is the duty of the United States Government, in this and in every other international matter, to put this nation's interests first. We should never attempt to win the friendship of other nations by making unreasonable and unjustifiable concessions, which, above all, threaten the essential security of the United States. Appeasement for appeasement's sake has never been a valid policy in the relations between nations.

Let's take an objective look at the situation: In November 1903, the United States and Panama signed a treaty which granted the United States the "use, occupation and control" of the Canal Zone territory, "in perpetuity." Since then, and in accordance with our treaty obligations, we have dredged the jungles and swamps of Panama and constructed a canal linking the Atlantic and Pacific Oceans. We have operated, maintained and defended the Canal which has, since 1914, been open to the ships of all nations at all times, on equal terms. To date, we have paid the Republic of Panama almost $50,000,000 in gratuities and have invested a total of $5,000,000,000 in the waterway. We have done all that—not from altruistic motives—but in order to safeguard our national security.

The Panama Canal has proven to be a vital link in our strategic defense network and indispensable to U.S. trade and commerce. Through two world wars, the Korean war, the Cuban crisis and the conflict in Southeast Asia, the Panama Canal has served as the shortest and most efficient route for the flexible deployment of military forces and for the accelerated transport of military materiel and vital raw materials. Furthermore, the Canal has played a primary role in hemispheric defense. The U.S. presence in the Canal Zone has acted and continues to act as a deterrent against the ambitions of powers hostile to the United States; it serves as a constant reminder to those nations of U.S. determination to prevent subversion in Latin America.

In terms of U.S. trade, approximately 70% of the 12,000 ships transiting the Canal each year are en route to or from U.S. ports. Especially at a time when this nation is striving to improve its competitive position in the world market, access to an economical and efficient transport route is of the utmost importance.

To give up control or sovereignty of the Panama Canal Zone now could have disastrous results for the U.S. and for the rest of the free world. Since Panama became a republic sixty-seven years ago, there have been 58 changes of government. There have been 11 changes of government in Panama in the past ten years. The situation remains unstable and there are likely to be additional regimes which would come to power by extra-legal means. And what would happen if a Castro-like Dictatorship came to power there? It is not hard to imagine that our naval forces would be denied access to the Canal; American commercial shipping might be limited or even stopped. Such a government would, furthermore, be in a position to allow the transit of traffic harmful or even dangerous to our national security.

I don't want to imply here that we should not be willing to make any reasonable concessions to the Republic of Panama. So far, Panama has greatly benefitted from the Canal which we have built, maintained and operated. To give you some figures cited on November 29, 1971, by Ambassador John Mundt, Special Representative of the United States for Panama Treaty Negotiations: "Of Panama's gross national product in 1970 of approximately $992 million, nearly ⅓ is directly and indirectly attributable to the canal and its military bases; Of Panama's total foreign exchange earnings from export of goods and services in 1970 of $367 million, $162 million or 45% comprise direct payments from the canal and its military bases; Of Panama's employment nation-wide, nearly ⅓ is directly or indirectly due to the presence of the canal. Within 30 miles of the Canal Zone more than ⅔ is canal oriented; Panama's per capita income of $693 is the highest in Central America and more than twice the average. It is the fourth highest in Latin America as a whole, exceeded only by that of Argentina, Venezuela and Uruguay."

Let's make it clear that we are willing to make concessions and to fulfill any reasonable demands which Panama might make—as long as those demands don't compromise our national security. If Panama should ask for an increased share of canal revenues, for better employment opportunities for Panamanians in Zone operations or for the opening of the Zone to Panamanian commercial enterprises, these are reasonable requests that should be negotiated. But to cede control or absolute jurisdiction over territory which is vital to our national interest and security is nonnegotiable. I hereby would like to put on record my opposition to any treaty which would cede any part of U.S. sovereignty over Panama and the Panama Canal Zone.

RETIREMENT OF HOWARD G. MINIER, DIRECTOR OF WASHTENAW COUNTY ROAD COMMISSION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ESCH. Mr. Speaker, I would like to take this opportunity to pay tribute to a most able and dedicated public servant from Michigan on the occasion of his retirement. Howard G. Minier, managing director of the county road commission for the past 21 years, will leave his position at the end of December.

A graduate of Michigan State University in civil engineering, Mr. Minier has had a long and distinguished career in engineering and road construction. During his career, Mr. Minier has served as a director of the County Road Commission Association of Michigan; president of the Association of Road Commissioners of South Michigan; director of the American Road Builders Association, and president of that organization's county division.

Mr. Minier has done an outstanding job for the Washtenaw County Road Commission and I know that everyone in the county joins with me in thanking him and wishing him the very best of luck in his retirement.

ABORTION-ON-DEMAND POLICIES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HOGAN. Mr. Speaker, I have continually tride to point out one of the lesser noticed ramifications of abortion on demand; namely, that acceptance of such a policy inevitably places nurses and doctors in terrible crises of conscience that no one should be forced to endure.

Wherever abortion-on-demand policies have been implemented, men and women who have spent their entire working lives trying to save lives are told to destroy lives as part of their "jobs."

There is a grave danger that growth of abortion on demand will drive some of our finest medical personnel from the obstetrics wings of our hospitals and from their loving service of new life, because they cannot in conscience participate in abortions.

A military nurse has written me voicing just such a fear and I include at this point her letter in the RECORD:

DEAR SIR: I am writing to you in gratitude for a service you have rendered for those of us in the nursing profession who are as dismayed and disheartened over "abortion on demand" as you. As most of us who work on obstetrical wards of public or government hospitals know, abortion patients could well outnumber labor patients if "abortion on demand" were sanctioned by law.

I am a military nurse stationed at Kimbrough Army Hospital, Fort Meade, Maryland. Obstetrical nursing is a great area of nursing. However, few nurses like to be involved in helping to deliver a dead fetus, especially one forced to die by the hands of those who think they have a right to decide to destroy an innocent life. It seems to me that if anyone has a right to life, so must the unborn child. And yet he has no rights, as far as many are concerned. He is often sacrificed more for a woman's convenience than a *bona fide* medical reason.

In the years to come, I am afraid that some of us will be forced out of obstetrical areas of hospitals because of our "narrow" attitude concerning abortion. Perhaps the real problem with us is that we have always been taught to preserve and not to destroy life.

Again, thank you for your efforts concerning this important issue.

BETRAYAL OF HOLY CROWN OF ST. STEPHEN OF HUNGARY SEQUEL—CARDINAL MINDSZENTY WARNS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. RARICK. Mr. Speaker, in the Extension of Remarks of the CONGRESSIONAL RECORD of December 2, 1971, I quoted an informative article by Paul Scott protesting the projected betrayal of the Holy Crown of St. Stephen of Hungary by officials of the U.S. Department of State. As this crown is the symbol to Hungarians of legitimacy of government, its surrender would serve to undermine the morale of that great people by recognition of their enslavement.

The latest information on this matter is a warning in the respected weekly, Twin Circle of New York, by Josef Cardinal Mindszenty that the Nixon administration intends to hand over the crown to the present illegal Hungarian regime.

The article quoting Cardinal Mindszenty identifies Henry Kissinger as the proponent of this plan and describes the surrender of the crown to the Red government as a gross betrayal. Certainly the least that the United States can do is to retain possession of the crown safely in our country until it can be returned to its rightful owners and not Communist usurpers.

The indicated report from the Mindszenty Foundation that follows merits reading by every supporter of freedom. I insert the article at this point in the RECORD:

WILL REDS GET HOLY CROWN?

On November 6, 1971, exiled Hungarian Cardinal Jozsef Mindszenty sent this confidential message from his new home in Vienna to President Nixon: "Sir: From Western press reports and from other serious sources, we received the information that the present administration in Washington intends to hand over the Holy Crown of St. Stephen to the atheistic, illegal Hungarian regime or to Moscow. I don't easily believe these rumors, spread by the press, because Mr. President promised me in 1970 not to hand over to these followers of Satan our holiest and greatest national relic and pride."

HISTORY

On Christmas Day in the year of our Lord 1000, Stephen I was crowned King of Hungary. His Crown was sent from Rome by Pope Sylvester II who also bestowed upon Stephen I the title "Apostolic King."

This most scared of all Hungarian relics was kept until World War II under the constant supervision of a Crown Guard in a special building. In order to keep it out of the hands of advancing Russian armies in the closing months of World War II, Hungarian patriots entrusted it to American troops under General George Patton. The Hungarians wanted and intended the Crown to remain safely in America until Hungary is free again. A replica of the Crown is on display in the Vatican Museum.

NATIONAL TREASURE

The Crown is a national treasure of immense historic and symbolic significance to Hungarians and Hungarian Americans who believe that government power is inherent in the Holy Crown. To many Hungarians, the Holy Crown means that Hungary will always be a Christian nation.

Red Hungary has its secret ambition, to persuade President Nixon to give them the Crown of St. Stephen. This beautiful crown has been the symbol of authenticity for the Hungarian Government ever since the year 1000—and the Communists are determined to get it.

NEW POLICY

Since the new policy of the Nixon Administration is to seek rapprochement with Communist governments—as evidenced by asking for an invitation from Red China, seeking trade with the Soviet Union, and entertaining Tito at the White House—the Hungarian Reds have been encouraged to think they can succeed in their objective.

MEANING

If President Nixon carries out a plan reportedly proposed by Henry Kissinger to give the Crown of St. Stephen to the Hungarian Reds, here is what this would mean:

(1) A betrayal of the solemn promise made by President Nixon to Cardinal Mindszenty in 1970.

(2) A betrayal of the People of Hungary who proved in 1956 how eager they are to be freed from the Communist captors.

(3) A betrayal of the Captive Peoples in the Soviet bloc and a repudiation of the official U.S. Captive Nations Resolution signed by President Eisenhower. One Congressman described it as a breaking of a sacred trust, and added, "The return of the Holy Crown would be a symbol that the United States believes Communist rule will go on indefinitely in Hungary and the other Eastern European nations."

(4) An alliance of the Nixon Administration with the Communist bosses of Eastern Europe. It would prove the accuracy of a statement in the press on September 20, 1971 when an intelligence officer asked the question, "What would the Administration's policy be if workers strikes and riots in Poland should in the future force the collapse of the Commnuist government there?" A White House official is reported to have replied: "We would help the Russians establish a new Communist government. If we are to achieve a generation of peace, we will need stability behind the Iron Curtain."

THE PROBLEM OF WATER POLLUTION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. PRICE of Texas. Mr. Speaker, during the hearings on water pollution before the House Committee on Public Works, I submitted a statement of my feelings on this serious problem facing our Nation. Because of the magnitude of this issue, I include my remarks at this point in the RECORD:

STATEMENT OF CONGRESSMAN BOB PRICE

Mr. Chairman, members of the Public Works Committee, I deeply appreciate this opportunity to discuss my contribution toward a solution of a most significant problem of this nation: water pollution. The importance of unpolluted water to America can hardly be overstated: the continued prosperity of these United States depends on a reliable source of water. Every human being depends on water—not only to drink and to use in the home, but also as an essential constitutent in many industrial processes, power generation, and food production. American water requirements for 1980 are projected at approximately 700 billion gallons, but only some 650 billion will be available, making reuse a necessity.

We can delay no longer. So important a resource cannot be taken for granted or accorded a low priority, as once was done. Mr. Train, Chairman of the Council on Environmental Quality, and Mr. Ruckelshaus, Administrator of the Environmental Protection Agency, have both said cleaning up water pollution is the highest priority need.

Continuing a long history of action for improving water resources, Congress is now preparing to establish a comprehensive, long-range policy for control and abatement of water pollution, a policy which will provide every person and ever local and State government realistic guidelines, standards, and procedures to work with as they address this problem.

You have before you much hard work in perfecting this legislation, but also a useful foundation on which to build. The Senate has unanimously passed a bill, S. 2770, which establishes the basis for such a policy; I stand before you today to speak in favor of the bill I have sponsored, H.R. 11741, which uses the Senate measure as a foundation, but which corrects what I believe are certain important defects.

The basic thrust of this new legislation is to set up a mechanism by which effluents polluting the rivers, lakes, and marine waters of this nation will be identified and subject to control through permits, with coordination, minimum standards, and permits established by the Federal Government. It provides for control of pollution to the maximum feasible extent by 1981; for the elimination of toxic pollutants; for the development and implementation of waste treatment management programs in each State; and for the expansion of research necessary to achieve the objectives of the Act.

There are five Titles to H.R. 11741, as well as to the Senate passed bill, and their general objectives are as follows:

Title I states the objectives of the Act, and provides that the Administrator of the Envronmental Protection Agency shall "prepare and develop comprehensive programs for eliminating pollution of navigable waters and ground waters." Provision is made for giving financial assistance to planning agencies. The Administrator is authorized to conduct extensive researches into the sources and extent of pollution and the development of technologies to end pollution, including the establishment of demonstration projects and assistance to the States.

Title II provides for Federal grants "to require, and to assist the development and implementation of, plans for public waste treatment works." Federal assistance to local governments for the construction of waste treatment facilities is not a new activity, but the research and the permit system provided for in this Act will serve to place waste treatment in perspective. Previously, some communities and States have lagged in the construction of waste treatment plants, and a major cause has been the lack of any comprehensive plan or policy by which such construction could be coordinated.

Title III makes it unlawful for any person to discharge any pollutant, except under the terms of the Act. By 1976 effluents from point sources (except public treatment wastes) shall be limited by the best available control technology. By 1981 effluents will be further reduced or eliminated, if practicable. In addition, for the first time, provision is made for the identification and possible restriction of non-point source pollutants.

Title IV establishes the permit system, in which the applicant must submit to the Administrator certification from the State (or interstate) agency that any discharge he might make will comply with the provisions of this Act.

Title V provides for the administrative mechanism to implement the Act. The key terms are defined. Notable provisions are those for scientific advisory bodies, for citizen suits, and for protection of employees who may report pollution by their employers.

A brief summary cannot do justice to such a complex and lengthy bill, but this review does indicate the scope of what is intended and what must be done to abate this insult to the environment and to this crucial resource.

In the actual processes of implementation of these provisions, however, great care must be taken that what is provided for will in actuality fulfill the intent. Mechanisms which are too complex or details which are not thought out may lead to inefficiencies and confusions which will undermine the best of intentions. While H.R. 11741 follows the framework of the Senate bill—indeed many sections are verbatim—I believe that certain specific provisions of the Senate's bill are in fact likely to be counterproductive. I have therefore in H.R. 11741 sought to correct these deficiencies which, I fear, could actually do harm to the cause of preventing water pollution.

In particular, I believe three changes are essential if this 1971 Federal Water Pollution Act is to be effective in meeting the nation's needs. These changes are basically technical; they are in no way derogatory; they are to perfect this instrument, and I hope you will find them useful.

First, the language of the Senate bill is potentially confusing. It opens (Sec. 101(a)) with the words, "The objective of this Act is to restore and maintain the natural chemical, physical, and biological intergrity of the Nation's waters"; and it says it shall be national policy that—"the discharge of pollutants into navigable waters be eliminated by 1985."

I fear that this ideal could give rise to unattainable expectations and could, if too fervently sought, divert funds and resources from other critical problems, including the abatement of air and land pollution. Elimination of the discharge of pollutants is an ideal to be striven for; but a realistic goal must be set, capable of attainment, recognizing both the essentiality of clean water and the other demanding social needs of the nation. Perfection, the elimination of the last drop of pollutants into all waters, is impossible. But a realistic goal need not be less impressive.

H.R. 11741, Sec. 101(a) states:

"The objective of this Act is to the maximum extent practicable to enhance the quality and value of our water resources, establish a national policy for the prevention, control, and abatement of water pollution, and restore and maintain to the maximum extent practicable the natural chemical, physical, and biological integrity of all waters in order to attain a level of water quality that provides for the propagation and protection of a balanced population of shellfish, fish, and wildlife, and allows recreational activities in and on the water."

Actually, such phrases as "to the maximum extent practicable" appear in the body of the Senate bill; placing them also at the beginning, as I have done, makes it clear just what the goal of the Act is, just what can be expected. And certainly these goals, realistically stated, are a most remarkable commitment to our environment and our health.

The second critical change I have made is to maintain the present 55 percent level on federal financing of waste treatment facilities, whereas the Senate bill would raise it to 70 percent. Retention of the lower figure is important, I believe. In the first place, the Federal costs at the 70 percent level would unduly divert funds from other essential Federal obligations, and by maintaining the lower figure, the authorization of Federal funds can be reduced from $12 billion in the Senate version to $7 billion in mine. Furthermore, at the 70 percent level, States and local governments will have so little responsibility that necessary local assessments of needs for waste treatment will be superficial. Local responsibility will follow from local investment. And there is no reason to believe that more assistance will speed up construction, since 13 States have never established standards qualifying them for the 55 percent level.

The third defect in the Senate bill which I have endeavored to correct involves the balance of Federal and State responsibilities. Once again we find the rhetoric in the bill—that it is Congress' policy "to recognize, preserve, and protect the primary responsibilities and rights of States to prevent and eliminate water pollution . . ." (Sec. 101(b))—contravened by the substance of the Act. In the Senate bill, the Administrator initiates and compels State action, he sets standards, and he reviews permits. Under Sec. 209 of the Senate bill, the Administrator is given extreme powers to compel the States to plan and implement waste treatment in certain ways.

I have deleted Sec. 209, and have developed in a completely revised Sec. 302, "State Implementation Plans," a system by which the States can fulfill their responsibilities within the context of the goals of this Act. I believe that this careful and deliberate attention to the processes of State activity is most important: no plan can succeed without the active and responsible cooperation of those local governments which encompass local needs and watersheds. Moreover, the Administrator will be entirely buried under the workload unless the States perform much of the required administration.

This, then, is what I present to you: a bill establishing a comprehensive, long-term and achievable policy to protect and enhance the quality of the nation's waters so that they can be maximally productive as sources of drinking water, fish and wildlife, recreation, irrigation, and all the other irreplacable benefits clean water bestows.

Again, Mr. Chairman, I express my gratitude for the opportunity to make this statement, and I extend my best wishes for your success as you seek a viable solution to this most urgent problem.

INDIA AND THE UNITED STATES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. FRASER. Mr. Speaker, I received the following letter December 15.

It was written in India the evening of December 6. Events that have occurred subsequently certainly have not made my correspondent's views less pertinent.

I was struck by the comments of the Indian friend quoted in the letter:

> America seems to feel that democracy is too precious to be wasted on other countries.

As I have observed the evolution of U.S. policy toward governments in Greece, Spain, Portugal, South Africa, and now Pakistan—to mention a few examples—the idea behind this quotation often has occurred to me, as it has to my constituent: Why do we insist on supporting political Neanderthals while undermining democratic elements in so many societies? Correct diplomatic relations do not demand fulsome praise and generous economic and military aid for oppressive regimes.

[Letter from constituent presently in India—Dec. 6, 1971]

Dear Don: I write by candle light during an air raid alert. This morning Mrs. Gandhi announced the recognition of Bangla Desh—and the mood here is of enormous confidence and exultation.

Front page coverage has been given to the American position in the U.N.—and to the Soviet veto. Also to the "unnamed" State Department official who stated that the U.S. is reviewing the question of foreign assistance to India.

It appears that we are about to sacrifice our relations with the only democratic government in Southern Asia for the current detente with Communist China. I find our policy impossible to defend or even explain to my Indian friends.

The argument that we wished to remain in a position of effective influence with President Yahya Khan no longer makes sense. Clearly there was little influencing done, and that at the cost of our relations with India. But why we persisted in alienating India by heavy handed threats—when we should know that such threats would only make the Indians more persistent—is beyond my understanding. And we have succeeded in giving the Indians a handy but harmless "big power" to be mad at. China gets off lightly compared to the vitriolic comments made against the U.S.

What has our "diplomacy" gained? Have we stopped the oppression of East Bengalis? Have we convinced India to negotiate? Have we made any gains with either side? Even the British come off better. What have these gratuitous remarks made by State Department sources accomplished? What possible explanation exists for our government's unwillingness to at least recognize publicly that the Pakistan government has acted with great lack of regard for democratic values and human life, not to speak of political wisdom?

So I find myself "shocked and amazed." Indeed, if I were an Indian citizen I would use stronger terms. Anything that our Congressional leaders can do—including yourself—to bring to bear pressure on this administration to achieve a change in policy in South Asia will be strongly supported by those of us in the scholarly community who care deeply about Indo-American mutual friendship. Why do we insist on supporting—in the name of stability—political Neanderthals the like of Ayub and Yahya? As an Indian friend told me, "America seems to feel that democracy is too precious to be wasted on other countries." We have rejected both political realism and moral principle in our stance towards this conflict. Such a policy must be changed—along with the Administration which has perpetuated it.

Yours sincerely,

—— ——.

AN APPEAL: OUR SCHOOLS OF HEALTH FACE A MASSIVE CRISIS THAT THREATENS A BREAKDOWN IN DELIVERY OF HEALTH CARE

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, the Comprehensive Health Manpower Act of 1971 and the Nurse Training Act of 1971 have now been signed into law by the President. It is my privilege to serve on the subcommittee which produced this legislation, and I am confident that many of our Nation's health manpower problems will be substantially alleviated by these new laws.

The excellence of this new health manpower legislation would not have been possible without the advice and support of many individuals and organizations outside the Congress. I would like to especially commend the National Committee to Save Our Schools of Health. The committee, under the leadership of its chairman, Dr. Arthur M. Sackler, provided a valuable service in making the public more aware of the health manpower crisis facing this country.

For the information of my colleagues, I insert in the Record a list of the members of the committee and a sample of the informational material produced and disseminated by the committee:

An Appeal: Our Schools of Health Face a Massive Crisis That Threatens a Breakdown in Delivery of Health Care

U.S. House of Representatives Report No. 92–258, June 9, 1971: "If the serious shortages of health professions personnel are to be alleviated, it is imperative that the essential viability of the health professions schools be maintained."

U.S. Senate Report No. 92–251, July 12, 1971: "The prospect is for a more severe shortage of health manpower unless Congress acts now."

Towards a Comprehensive Health Policy for the 1970's, U.S. Department of Health, Education, and Welfare, May, 1971: "The penalty for *not* acting to increase the supply of health manpower could be very high."

Fact: The nation has over 100 medical schools. Most of them are in deep financial crisis. Some medical schools are in the red more than a million dollars this year alone, and have been forced to cut back educational programs.

Fact: The need for health professionals is staggering. Yet the production of health professionals requires years of training. If we don't begin our training now, we can never make up the time lag.

Fact: Health professions schools' costs are rising rapidly. Labor, medical materials, construction of additional facilities, and inflation are biting deeper into funds than ever before.

Fact: With population growth and increased demand, the shortages can only *grow worse* unless immediate action is taken.

Fact: Our medical schools graduate less than 9,000 new physicians a year. Congressional reports say we need an additional 50,000 physicians right now!

The same reports state that we need 150,000 more nurses *right now!*

Authoritative reports indicate that the U.S. has a current shortage of 17,800 dentists, 8,700 optometrists, 12,900 podiatrists, 9,300 veterinarians, and thousands of public health specialists.

A total of 266,000 more allied health professionals are needed *now*.

Fact: A drive is on to produce some form of national health insurance to provide adequate health care for everyone who needs it. Medicare and Medicaid have already strained the health manpower pool to the breaking point. If this new program is enacted without an increase in health manpower, the result will be catastrophic!

Congress, with both Houses voting *overwhelmingly* in favor, has just passed the two most far-reaching health manpower bills in history.

These bills, now the policy of Congress, *authorize* the funds to solve the crisis; the Administration and Congress *must now act* to appropriate the funds.

Simply put, without sufficient funds, the crisis will continue.

LIST OF COMMITTEE MEMBERS

Chairman: Arthur M. Sackler, M.D., International Publisher, Medical Tribune, Chairman, International Task Force, on World Health Manpower for the World Health Organization.

Executive Secretary: John T. Grupenhoff, Ph.D., Chairman, Science & Health, Communications Group, Former Deputy Assistant Secretary for Health Legislation, Department of Health, Education, and Welfare.

Co-Chairmen: Honorable George W. Ball, Senior Managing Director, Lehman Brothers Inc., Former Under Secretary of State.

Joseph A. Beirne, President, Communications Workers of America and Vice President, AFL–CIO, Former Member, National Advisory, Commission on Health Manpower.

Honorable Karl R. Bendetsen, Chairman, Chief Executive Officer, U.S. Plywood-Champion Papers Inc., Former Under Secretary of the Army.

James H. Bond, Chairman of the Board, Bank of Services & Trusts, President, Investment Bankers Inc., Dallas Texas.

Kenneth B. Clark, Ph.D., President, Metropolitan Applied Research Center, President, American Psychological Association.

Honorable Clark M. Clifford, Clifford, Warnke, Glass, McIlwain, and Finney, Former Secretary of Defense.

John T. Connor, Chairman, Chief Executive Officer, Allied Chemical Corporation, Former Secretary of Commerce.

Nelson H. Cruikshank, President, National Council of Senior Citizens, Member, Health Insurance Benefits, Advisory Council (Medicare).

James Farmer, Former Assistant Secretary, Department of Health, Education, and Welfare, Former Executive Director, Congress of Racial Equality.

Dorothy M. Ferebee, M.D., Chairman, D.C. Commission on the Status of Women, Past President, National Council of Negro Women.

Clark Kerr, Ph.D., Chairman and Executive Director, Carnegie Commission on Higher Education, Former President, University of California.

Mathilde Krim, Ph.D., Associate Sloan-Kettering Institute for Cancer Research.

Walter F. Patenge, President, Wohlert Corporation, Lansing, Michigan, Chairman, Health and Safety Committee National Association of Manufacturers.

Nathan S. Stark, Senior Vice President, Hallmark Cards Inc., Member, Liaison Committee on Medical Education of the American Medical Association.

Honorary Cochairmen: Honorable Wilbur J. Cohen, Dean, School of Education, University of Michigan, Former Secretary, Department of Health, Education, and Welfare.

Honorable Lister Hill, Former U.S. Senator.

Honorable Philip R. Lee, M.D., Chancellor, University of California at San Francisco. Former Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare.

William H. Stewart, M.D., Chancellor, Louisiana State University Medical Center, Former U.S. Surgeon General.

Luther L. Terry, M.D., Vice President for Medical Affairs, University of Pennsylvania, Former U.S. Surgeon General.

Professional Advisory Board:

John E. Affeldt, M.D., Medical Director, Los Angeles County Department of Hospitals, Chairman of the Board, Council of Urban Health Providers.

Peter L. Andrus, M.D., Intern, Department of Community Medicine, University of Pennsylvania, Former Regional Vice President, Student American Medical Association Representing the Coalition of Student Professional Organizations.

James E. Bates, D.P.M., President, American Association of Colleges of Podiatric Medicine, President, Pennsylvania College of Podiatric Medicine.

Abraham B. Bergman, M.D., Director, Outpatient Services, The Children's Orthopedic Hospital and Medical Center, Seattle, Washington, Associate Professor, Pediatrics and Health Services, University of Washington.

James C. Cain, M.D., Professor of Medicine, Mayo Clinic, Former Member, National Advisory Commission on Health Manpower.

Gordon Chase, Administrator, Health Services Administration, New York City.

Michael M. Dacso, M.D., Dean, Institute of Health Sciences, Hunter College, Chairman, Committee on Allied Health Education, New York Academy of Medicine.

Spurgeon B. Eure, O.D., President, Southern College of Optometry, Memphis, Tennessee, President, Association of Schools and Colleges of Optometry.

James G. Haughton, M.D., Executive Director, Health and Hospitals Governing Commission of Cook County, Former First Deputy Administrator, Health Services Administration, New York City.

John C. Hume, M.D., Dean, The Johns Hopkins University School of Hygiene and Public Health, Forcer President, Association of the Schools of Public Health.

Carl E. Morrison, D.O., Former President, American Osteopathic Association, Member and former President, AOA Council on Public Education in Health.

George C. Poppenseik, V.M.D., Dean, New York State Veterinary College, President, American Association of Veterinary Medical Colleges.

Howard A. Rusk, M.D., President, World Rehabilitation Fund, Director, Institute of Rehabilitation Medicine.

Marguerite J. Schaefer, D.Sc., Dean, School of Nursing, University of Pittsburgh, Vice President, American Association of Deans of College and University Schools of Nursing.

George A. Silver, M.D., Professor, Yale University School of Medicine.

Lawrence C. Weaver, Ph.D., Dean, College of Pharmacy, University of Minnesota, Member, Executive Committee, American Association of Colleges of Pharmacy.

Membership (partial list):

Audra Pambrun, R.N., P.H.N., Director of Community Health Aides, Community Action Program, Browning, Montana.

Adam Yarmolinsky, Chief Executive Officer, Welfare Island Development Corporation.

Jose E. Sifontes, M.D., Professor of Pediatrics, University of Puerto Rico School of Medicine.

Frank A. Seixas, M.D., Medical Director, National Council on Alcoholism.

Eileen M. Jacobi, R.N., Ed.D., Executive Director, American Nurses' Association.

Joshua Lederberg, Ph. D., Stanford University.

William C. Fitch, Executive Director, National Council on the Aging.

A. Allen Weintraub, Administrator, St. Vincent Infirmary, Little Rock, Arkansas.

Robert E. Day, O.D., Vice President, American Optometric Association.

David Selden, President, American Federation of Teachers.

Richard A. Stout, President, Consumers United Insurance Company.

Neil L. Chayet, Chief Counsel, Committee for Effective Drug Abuse Legislation.

Louis Stulberg, President-General Secretary, ILGWU.

Ruth Watson Lubic, General Director, Maternity Center Association, New York, New York.

M. Shakman Katz, Chairman, Regional Advisory Group, Maryland Regional Medical Program.

Richard J. Cross, M.D., Acting Chairman, Department of Community Medicine, Rutgers Medical School.

Maurice A. Ferre, Miami, Florida.

Stanley Scheyer, M.D., President, Family Health Care, Inc., Washington, D.C.

Julius Axelrod, Ph.D., National Institute of Mental Health, Washington, D.C.

William H. Glazier, Associate Dean, Albert Einstein College of Medicine.

Timothy D. Baker, M.D., First Vice Chairman, Republican City Committee, Baltimore, Md.

Robert S. Davis, Edwards & Angell, Providence, Rhode Island.

William K. Coblentz, Regent, University of California.

John L. Gaffney, President, Association of Independent Colleges and Universities of Michigan.

George S. Cozma, D.O., Cleveland, Ohio.

Thomas H. Weller, M.D., Head, Dept. of Tropical Public Health, Harvard School of Public Health.

Kenneth E. Shearer, Vice President, Welcome Radio, Omaha, Nebraska.

Holt McPherson, Editor, the High Point Enterprise, High Point, North Carolina.

J. Warren Perry, Ph.D., Dean, School of Health Related Professions, State University of New York at Buffalo.

Carl Haven Young, Ed. O., Emeritus Professor, University of California at Los Angeles.

Leslie W. Blakey, M.D., President, Fayette Medical Society, Lexington, Kentucky.

Richard A. McCormick, S.J., Professor of Moral Theology, Bellarmine School of Theology, Chicago, Ill.

Peter P. Bosomworth, M.D., Vice President for the Medical Center, University of Kentucky.

David W. Jasper, Treasurer, Areawide and Local Planning for Health Action, Inc., Syracuse, New York.

Nathan S. Kline, M.D., Director, Research Center, Rockland State Hospital, Orangeburg, New York.

Ransom G. MacKenzie, Chairman of the Board, Marine Midland Bank—Central, Syracuse, New York.

Chester A. Swinyard, M.D., Ph.D., Professor of Rehabilitation Medicine, New York University Medical Center.

Harold A. Blood, D.O., Chairman, Board of Trustees, Kirksville College of Osteopathic Medicine.

Melvin Lukens, President, Southeastern California Conference of Seventh-day Adventists.

Robert J. Prokop, M.D., Ph.D., University of Nebraska Board of Regents.

W. Keith Wilson, O.D., Director, Education and Research, California Optometric Association.

Bob Simon, Vice Chairman, Nebraska Comprehensive Health Council.

Malcolm Carron, S.J., President, University of Detroit.

Homer Hendrickson, O.D., Treasurer, Los Angeles College of Optometry.

Merlin D. Bishop, International Representative, UAW.

Rhea M. Eckel, President Emeritus, Cazenovia College.

Lewis H. Rohrbaugh, Director, Boston University Medical Center.

Henry J. Cianfrani, State Senator, Philadelphia Pennsylvania.

Robert B. O'Connor, M.D., Vice President-Personnel & Health Services, United States Steel Corporation.

Millard E. Gladfelter, Ph.D., Chancellor, Temple University.

Reynold E. Burch, M.D., Member, Board of Trustees, New Jersey College of Medicine and Dentistry.

A. R. Baralt, Jr., Dean, School of Dentistry, University of Detroit.

Edwin G. Middleton, Chairman, Board of Trustees, University of Louisville.

THE GUN LOBBY STRIKES AGAIN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. MIKVA. Mr. Speaker, last month I had the honor of appearing on "The Advocates." The issue discussed was whether Congress should enact strict controls on private ownership of handguns. At the conclusion of the show, as is customary, viewers were asked to write in and express their views.

The average total number of letters received in response to "The Advocates" is 6,000. An example was the show aired shortly after the tragic uprising at Attica State Prison in which a number of inmates and hostages were killed. The question debated on that October 12 show was "Should the State refuse to negotiate with prisoners for the release of hostages?" The total viewer response numbered 3,927.

By way of contrast, 5,261 viewers wrote in after the November 16 show to express their support for strict handgun controls. The magnitude of that spontaneous outpouring is matched only by the magnitude of the counterassault produced by the gun lobby—25,690 people wrote in to oppose gun control legislation. This is the second largest total response ever recorded in the history of the show. I checked with the producers of "The Advocates," and they informed me that a substantial number of the responses opposing gun controls were clearly discernible as the result of an organized write-in campaign. It was a similar lobbying effort which produced 70,000 responses to the debate over U.S. support of Israel.

Mr. Speaker, no one knows better than the Members of this House how easy it is to detect an organized write-in campaign. We have all been deluged at one time or another by form letters or identical telegrams, obviously the result of an organized lobby which had aroused its members and provided them with a sample communication.

I do not mean to suggest that there is anything improper or sinister about such lobbying. It is a perfectly honest and proper way for an interested group of people to make their voices heard with an effect out of all proportion to their actual numbers.

I do object, however, to claims on the part of the letter writers that the volume of mail thus generated is evidence of the sentiment of the Nation, or of any other group beyond the lobby itself.

There is no doubt in my mind that the gun lobby can persuade many thousands of its members to copy a sample letter and send it in, when they fear that the open season on buying and selling and toting handguns may be brought to an end. The responses received by "The Advocates" confirms that fact.

I am much more impressed however by the fact that more than 5,000 viewers took it upon themselves to write in spontaneously and register their belief that the Government should act to get the guns off the streets. No one lobbied them. Nor did anyone lobby on behalf of the 200,000 people who have been murdered with handguns in this country since 1900.

There are millions of unorganized people in America who justifiably fear for their lives when walking the streets of their communities. They understand that is is no mere coincidence that 52 percent of all murders are committed with handguns. Mr. Speaker, I do not believe that those millions intend to be put off by the 25,000 letter-writing gun enthusiasts who apparently place their sporting pleasure ahead of the lives of the more than 8,000 Americans who will have died this year at the muzzle of a handgun.

STRUGGLES TO CLEAR HIS NAME

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. KEMP. Mr. Speaker, I am enclosing an article from the October 2, 1971, issue of the Buffalo Evening News. I think the story of Phil Pollutro should be called to the attention of my colleagues.

Ray Hill, author of the article, has done a carefully documented story. He points out that Mr. Pollutro, in the twilight of his life, would like to have his name cleared.

Furthermore, I will call this to the attention of the Treasury Department in order that the comments of Ray Hill are not casually dismissed. At this point, I include the article:

STRUGGLES 22 YEARS TO CLEAR HIS NAME

(By Ray Hill)

For 22 years, Felix J. Pollutro, 74, has walked and, lately, limped through a bizarre bureaucratic maze in an attempt to clear his name.

Like a modern-day Diogenes in search of an honest man. Felix Pollutro's personal crusade to prove his own honesty has resulted in the compilation of hundreds of pages of documents and documentation which he has turned over to The Buffalo Evening News.

The "Pollutro Papers" tell how Mr. Pollutro, a deputy collector for the Bureau of Internal Revenue in Buffalo, was—in rapid succession—charged with a crime, fired from his job, acquitted when the prosecution said it had no evidence against him, and then was left for 22 years in a sea of promises that he would be restored to his old job.

Felix Pollutro's odyssey began at 4:30 PM, Jan. 28, 1949.

The work day was about over when three special agents of the Treasury Department arrived at the office of George T. McGowan, collector of Internal Revenue, Buffalo, and Mr. Pollutro's immediate superior.

Summoned to Mr. McGowan's office, Felix Pollutro was to hear the last cordial and comforting words he would ever hear as a government employe.

"Sit down, Felix," Mr. McGowan said, "these men want to ask you some questions."

"The whole atmosphere in the country was bad at that time," says Peter J. Crotty, former chairman of the Erie County Democratic Committee and a man who says frankly that he felt that Mr. Pollutro was "jobbed."

"The whole Internal Revenue Service Department was under attack from Washington on down. Someone up there was being accused of taking an ice box (a deep freezer) and somebody else was accused of taking a mink coat.

"It was like the McCarthyism that came later. Even though a man was innocent, the climate was such that he could never get a job back once he had been charged—rightly or wrongly.

"Phil" Pollutro was charged with soliciting a bribe, accepting a bribe, and accepting a gratuity in connection with helping a friend of a friend make out his income tax.

Robert M. Hitchcock, a corporation attorney, was a member of the U.S. Justice Department when Felix Pullutro was indicted. As a member of the department, Mr. Hitchcock wrote later, he respectfully kept his silence.

But after leaving the department, Mr. Hitchcock, in a poignant and compelling commentary, wrote:

"I followed the trial and was amazed that there had been an indictment as no evidence was introduced legally admissible before a court or a grand jury. . .

"Both he (Pollutro) and his family enjoy, apart from the injustice of the trial, excellent reputations and properly so."

To say that Felix Pollutro and his family were stunned by the indictment would be a gross understatement. But there were other events in the making, the trial for one, that would shock the Pollutros even more.

On Feb. 10, 1949, Mr. Pollutro was handed a form on the stationery of the Treasury Department, Bureau of Internal Revenue.

In the space designated: "Nature of Action (Use Standard Terminology)", someone had typed the word "Suspension." It was further noted that the suspension was to apply pending investigation of charges against him.

After 9 years on the job, "Phil" Pullutro would never again work for Internal Revenue.

On May 15, 1949, Felix Pollutro, after waiving his Constitutional rights against self-incrimination, sat down before a federal grand jury and proclaimed his innocence.

In a moving, eloquent plea, he spoke of his Italian father who, 80 years before, came to America with little luggage but with the conviction that hard work and a good name would bring about realization of the American dream.

It was here that Felix Pollutro, under oath, vowed that his father's good name would, in time, emerge without taint of scandal.

Months later, trial was to begin.

In substance, the Government accused Pollutro of attempting to collect $800 from a Kenmore physician as a payoff for "fixing" his income tax.

From the official transcript of the trial, Dr. Herbert S. Coe, the complainant, said he reported to Mr. Pollutro that he had been approached by someone about making a payoff.

Michael J. McMorrow, then an assistant U.S. attorney prosecuting the case and now an assistant district attorney, then asked Dr. Coe what Mr. Pollutro had said in response. Dr. Coe replied:

"Mr. Pollutro said, 'I and I alone, am taking care of your 1945 income tax. I know nothing about any such negotiations. Did I not leave you with an understanding that you owed only approximately $150 or $200 in this matter' . . ."

Then Mr. McMorrow asked the doctor what Mr. Pollutro's additional reaction was after the doctor told him that someone had tried to get him to make a payoff.

Dr. Coe said Mr. Pollutro emphasized to him that he could clear up the income tax matter by paying Internal Revenue what he owed. Dr. Coe continued:

"Mr. Pollutro then stated further, 'Did I in any way act as if or offer as if I was taking a bribe from you?' and I said, no you did not.

"He (Pollutro) said, 'Did I even take a cigarette or a cup of coffee? Well, if you had offered me a piece of candy I might of taken a piece of candy, but did I in any way infer that I was trying to bribe you or was involved' and I agreed with him."

Thus, did Dr. Coe, the Government's witness, clear Felix Pollutro.

And so, after hearing 565 pages of testimony, the late Federal Judge John Knight dismissed the charge.

When the jurors returned to the courtroom, Judge Knight told them:

"I have granted a motion to dismiss these charges against Pollutro, so you will understand why he is not here, and you are not to consider any of these charges against him."

On May 29, 1950, more than a year after he had been charged and suspended from his job, Felix Pollutro sat in the same courtroom when Mr. McMorrow appeared before the same judge and asked that all other charges against Felix Pollutro be dismissed without trial.

At that time, Mr. McMorrow made this statement:

"The facts of the case are such we cannot look ahead to any chance of success in the prosecution of this because we do not have the evidence."

The charge was dismissed. Mr. Pollutro supposedly was then free to seek his old job.

Today, 21 years later, Mr. McMorrow looked back.

"When we found we had no evidence against Pollutro we did our duty and moved to have the case dismissed.

"From everything here, it seems that he should have been reinstated and I would not quarrel with that if the powers that be saw fit to reinstate him," Mr. McMorrow said.

"In the administrative way of things, it would seem that justice was not done."

At mid morning, May 29, 1950, Felix Pollutro began his epic fight for reinstatement. From that moment to this, his footsteps have been dogged by confusion, false promises and by a 19th century bureaucratic jargon that says one thing and means another.

Typical of Washington's response was the one written by S. T. Adams, director of personnel, Treasury Department: "Whether you shall be reinstated in the Buffalo district is a matter for decision by the district director, Buffalo."

What was the reply of the late George T. McGowan, the district director, Buffalo? An affidavit sworn by former Congressman Anthony Tauriello and given to Mr. Pollutro to help him with his case is somewhat illuminating as to Mr. McGowan's response:

"This deponent further says that on or about April or May of 1950 I had a conference with Mr. McGowan relative to the reinstatement of Felix J. Pollutro and Mr. McGowan promised me that he would reinstate Felix J. Pollutro as a deputy collector and assign him to the Dunkirk office of the Bureau of Internal Revenue. But this promise was never carried out.

"As a member of Congress, I had a lengthy conference in Washington with the assistant commissioner of Internal Revenue and he stated to me that if the collector of Internal Revenue, Buffalo office, would recommend the reinstatement of Mr. Pollutro, the Washington office would not have any objection whatsoever."

In 22 years Mr. Pollutro enlisted scores of persons in the crusade.

"I can remember a meeting in the Walbridge Building about this matter," recalls William B. Mahoney, a Buffalo attorney.

"U.S. Senator James M. Mead was present, so were the late Charles Diebold, George D. Doyle and Samuel C. Market. We all felt that justice would be done by reinstating Mr. Pollutro.

"I remember talking to his immediate superior in Buffalo, the late George McGowan and he told me he was going to reinstate Felix and put him in the Jamestown office. Nothing ever came of it."

Mr. McGowan's only known official position was stated in a letter to Mr. Pollutro dated Aug. 15, 1949. It reads:

"Inasmuch as the action for your removal originated in the Bureau at Washington, D.C., I am forwarding your letter (for reinstatement) to them for reply."

From Robert Ramsbeck, chairman of the United States Civil Service Commission came this reply:

"By applying direct to the officials of your former employing agency, you have followed the proper procedure to seek further employment with that establishment.

"However, since you have been unsuccessful in obtaining reemployment with that agency, it is suggested that you consult the telephone directories for a list of Federal Agencies in your vicinity to which you may also apply for appointment."

In what Peter Crotty calls "the vast labyrinth that is Washington," there were forces at work, however, attempting to right the wrong done to Felix J. Pollutro.

In a memorandum dated Aug. 4, 1955, Ruth N. Chertkov, a ranking staff member of the U.S. Senate Post Office and Civil Service Committee, wrote to Julius C. C. Edelstein, the administrative assistant to the late New York Senator Herbert Lehman.

"A member of the committee indicated he felt that Mr. Pollutro had been given a raw deal . . . He doesn't know yet what, if anything, can be done to help the man."

Guy M. Gillette, counsel to the Post Office and Civil Service Committee, wrote to Mr. Pollutro and said, in part:

"Your file was referred to an investigator on our staff for attention and I have before me today the file together with the report of the investigator. The particular investigator who took up your case states:

"'Having examined several witnesses who say they know Mr. Pollutro and are conversant with his case, are convinced he has been caught in a run-around, but it would definitely appear that this case does not come within the purview of the subcommittee investigating the security program, rather it should be referred to the Post Office and Civil Service Committee which deals with suitability cases.'"

The file, Mr. Gillette wrote, bears the following notation: "This appears to be out of our jurisdiction."

Over the years, in his unending battle to clear his name, Mr. Pollutro has suffered severe attacks of acute frustration.

When Rep. Thaddeus Dulski (D.-Buffalo) reviewed the case of Felix Pollutro with the district director of the Internal Revenue Service, he was surprised to learn that IRS' response was to send Mr. Pollutro a job application form. Mr. Dulski wrote to Mr. Pollutro:

"This is not in agreement with my thinking because I feel you should be reinstated and it is my every hope that we will be successful."

At Rep. Dulski's urging in 1961, the late Robert Kennedy, attorney general, looked at the Pollutro case and concluded that his department had no authority.

Due to infirmities, the Pollutro's are pretty much confined these days to their home in North Collins. They have lived there for 51 years.

Mr. Pollutro says that a day never passes when he fails to recall his ordeal.

He frequently pores over his files, looking for the possibility of a missed opportunity.

"I don't want reinstatement," he insists, "I want to be restored."

A mathematician by nature, Felix Pollutro calculates that the loss of his job cost him $24,606.80 in wages.

Over the years, he has done income tax work and he has also worked for the Board of Elections. His earnings have ranged from $425 in 1950 to $8170.51 in 1966.

At 74, Felix Pollutro realizes that he is beyond the age of returning to the Treasury Department.

But there is a precedent for the Treasury Department reinstating Mr. Pollutro.

In 1942, 29 members of the department were indicted. Of these 19 pleaded guilty; 10 pleaded innocent.

All 10 were acquitted and four of them returned to their positions.

Mr. Pollutro, is beyond the legal age of holding a Civil Service position. But his long-time ally in his fight, Rep. Dulski, says if Mr. Pollutro was restored, Congress would have to vote the funds to make up his back pay and his pension since age 65.

In his nine years in the department, Mr. Pollutro did contribute to his pension fund and based on those contributions, he draws what he calls "a very small amount," about $50 a month.

He will not resort to the courts because, he feels, the injustice was done by the department in denying him a hearing which he feels was mandated by law.

"I loved the work....

"I gave it everything I had. I never took a dime in my life and no one has ever said so," he said.

Mr. Pollutro is now recovering from surgery. When he is better, he says he will resume his search for justice.

QUESTIONNAIRE

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, I would like to take this opportunity to relate to our colleagues the results of a questionnaire that I sent to my First District constituents in California during the summer congressional recess.

This questionnaire is, in my judgment, unique in that it was not of the multiple choice type that is so widely used these days. Rather, it presented my constituents the opportunity to respond on an individual basis on what they considered to be the important issues of the day, not what their Congressman thought should be of primary concern. It was, in effect, an essay type questionnaire which was mailed to over 150,000 households in the First District.

Quite frankly, I was overwhelmed by the tremendous response to this poll, which is indicative of the deep interest and concern First District residents have on issues facing the Nation and our congressional district.

I am grateful to the news media for providing the kind of coverage that has assisted in making First District residents aware of economic programs and trends in our area as well as on issues of national concern.

Obviously, attempting to tabulate and evaluate the responses has proven to be a formidable task, but one that will, I am sure, provide valuable guidance and insight as to what is on the minds of the people I am endeavoring to represent in the Congress.

The format was simple. The questionnaire asked what the individual felt were the most important issues facing the Nation and our congressional district and how, in that person's opinion, these problems could best be solved.

The free form approach embodied in the questionnaire does not permit easy or precise tabulations of the responses but we have attempted, for informational purposes, to select the issue deemed most important by each individual who responded.

My staff has now completed the compilation of the results of the questionnaire and I would like to furnish our colleagues with a breakdown of the responses.

On a national scale, the economy proved to be a major cause of concern with 51 percent of those responding indicating they felt that the current economic situation was of prime importance to them. This included references to unemployment, inflation, underemployment, loss of buying power, et cetera.

Of those who placed the economy at the head of the list, 73 percent indicated agreement with President Nixon's controls on wages and prices while 15 percent called for some permanent form of wage and price controls.

The second most mentioned item in the responses was welfare. Comments on this issue ran the gamut from those who wished to eliminate welfare programs completely to those who indicated a desire to increase significantly these assistance programs.

One item appeared with great consistency on these responses; namely, the necessity of putting welfare recipients to work on public projects, such as cleaning up our parks, forests, and highways. Over 70 percent of those responding on this issue felt that persons receiving public assistance should be required to provide some public service to either local, State, or Federal governments or be denied further assistance.

The third most mentioned item in the responses was crime, with a large majority calling for stricter enforcement of laws and stiffer penalties for criminals. The fourth item was drug abuse. And, the fifth was the Vietnam war. Opinion was almost evenly divided between those who favored immediate withdrawal and those who supported the President's phased withdrawal of American troops. The overall interest in the Vietnam war is waning consistent with the President's positive withdrawal of American forces.

Number one on the list of major problems in our congressional district was again the economy, with the major emphasis on the problems of unemployment and underemployment. Over two-thirds of those responding placed this at the top of the list.

The majority of those who listed this as the primary problem in our area called for an all-out effort to create new job opportunities, primarily by the introduction of new business into the region.

There was widespread recognition of the need to revitalize and diversify a region that is consistently economically depressed and disaster prone. I have long been advocating this point of view and the responses suggest that the word is getting through to our constituents and the Nixon administration has established budget policies that reflect a responsiveness to this point of view.

The second most mentioned area of concern proved to be the environment with most of those responding calling for areawide land use planning to prevent the urban sprawl that has victimized other areas of California.

I was pleased that these comments tended to tie-in with my own, previously stated views on land use concepts. Land use coordination and planning is necessary for each Redwood Empire county and in each of their political subdivisions.

This year's questionnaire was both interesting and helpful to me and I am deeply pleased with the open format which permitted a more expensive consideration of the concerns of residents of the Redwood Empire.

SOVIET BAPTISTS, DEFYING KREMLIN, BUILD PRINTING PRESS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. SCHWENGEL. Mr. Speaker, in the December 16 issue of the Washington Post was an interesting article entitled "Soviet Baptists, Defying Kremlin, Build Printing Press." This, Mr. Speaker, is a story of the determination of some of the dedicated religious leaders of Russia to have an opportunity for freedom of worship.

This is one of the basic great freedoms that is necessary for any society to survive, progress, and become a part of an orderly society.

It is true that religion and morality are indispensible to political prosperity. Any nation that expects to build a successful society that can serve its people must have freedom of religion. The Baptists, of course, have had a great tradition in this regard. They ought to be protected in their right to worship God as they see fit and to propagate under fair rules and regulations their faiths and their beliefs.

Mr. Speaker, we are always concerned about the religious liberty and human dignity of all men regardless of their religion or political ideologies. We believe in the God-given right of every human individual to worship God and to witness to his faith.

The story published in the Washington Post indicates that the religious liberty and the dignity of the Baptist people in the U.S.S.R. is being threatened. In light of the fact that the Soviet Constitution promises religious freedom to all its citizens, we hope the Soviet Government will look into this matter and see that religious freedom is guaranteed in fact to all her citizens.

Because this story of the Baptist independence and determination is so important, I insert it in the Record where all may see and read it.

Further, Mr. Speaker, I challenge the U.S.S.R. who profess to be for the freedoms to be aware of their responsibility and, indeed, their opportunity to extend freedom and the welfare and well-being of their people by allowing this group or any other religious group the freedom they desire and should have for the propagation of their faith.

Following is the Washington Post article:

[From the Washington Post, Dec. 17, 1971]

Soviet Baptists, Defying Kremlin, Build Printing Press

(By Don M. Larrimore)

Geneva.—In an unusual act of defiance, Soviet Baptist volunteers have informed the Kremlin that they have built and are operating their own secret printing press.

This and other startling developments in the little-known story of the persecuted Baptists in the Soviet Union are revealed in documents recently smuggled to the West.

In a declaration run off on their new press and addressed to Premier Alexei Kosygin, a group of reform Baptists announced that they have formed a publishing house because Soviet authorities had repeatedly refused their requests for facilities to print church material.

"We were confronted with the necessity, without the help of government institutions, of finding a way to construct machines to print necessary spiritual literature," the declaration said. "Our efforts were crowned with success."

The clandestine publishing house was named "Khristyanin" (Christian) and is being operated at an undisclosed location by Baptist volunteers. It was sponsored by a reform Baptist group known as the Council of Churches.

The reformers' movement has flourished and grown increasingly bolder, despite Soviet efforts to suppress it, ever since it split from the officially approved All-Union Council of Evangelical Christians and Baptists 10 years ago.

The reformists' leader, Gennadi K. Krychkov, who was released in 1969 after a three-year prison term, is currently in hiding, and documents reaching the West report that Soviet police are conducting a nationwide search for allegedly "spreading literature of a slanderous character" and leading "illegal groups of Evangelical-Baptist believers."

The documents, which reached Radio Liberty, the U.S.-supported station which broadcasts to the Soviet Union from Munich, contain about 200 Baptist texts, including books, handwritten petitions, samizdat (self-printed) material as well as the declaration to Kosygin and a printed copy of "Bratski Listok," a bi-monthly magazine of the reformist movement.

Under Soviet law, no printing press can operate in the Soviet Union without explicit government permission.

The declaration to Kosygin said: "We no longer ask you for cooperation in publishing our necessary literature of the faith, but we do ask you not to place any obstacles in the way of our work and to consider literature under the 'Khristyanin' imprimatur legal."

"For our part," the Baptists said, "we pledge not to print anything but Christian literature purely for internal church consumption, and not to pass on to anybody the technical knowledge of how to print, or the designs of the machines."

The document urged Kosygin to order Soviet security organs to return about 700 copies of the New Testament and hymnals illegally confiscated in various cities over the past two years.

"We are subjected to surveillance, threats and oppression by the organs of power, although our activities do not harm the interests of the state," the Baptists said.

They told Kosygin that by fulfilling their wishes he would "give the faithful the possibility to avail themselves of their rights under the U.S.S.R. constitution and the Universal Declaration of Human Rights."

Finally, the reformists wrote that they were not signing the declaration, since Soviet authorities never wrote back anyway, and that "every previous attempts at legalization (of their movement) began with a list of signatures and ended with the repression of those on the list."

Reliable statistics do not exist about Soviet religious communities, but it is currently estimated that there are nearly 3 million Baptists.

The reform Baptists are thought by Western specialists to have about 1,000 unregistered congregations throughout the country; one document asserts that 75 per cent of the Baptist congregations in the Byelorussian Republic are reformist.

Dr. Albert Van den Heuvel, Director of Communication for the World Council of Churches in Geneva, said that official Soviet figures on the Baptists vary widely "according to whether it's the atheist line being put out that there are very few believers, or the security line that there are many and thus represent a threat."

One concession permitted the officially-approved Baptist group is to send delegates to assemblies of the Protestant-dominated world church body which it joined in 1961. The reformists have no formal links with the World Council and are not permitted to travel outside the Soviet Union, although they are said to have appealed for permission.

"The World Council regards the reformists as Christians in good standing, as we do the officially approved congregations," Van den Heuvel said.

The new Baptist printing press is a striking innovation in the development of samizdat which heretofore has functioned by hand or typewritten copies or, at best, by primitive hectograph reproducers.

Among the 200 documents is a letter which a group of 70 reformers of the Uzlovaya church in the Tula region near Moscow sent to U.N. Secretary General U Thant on Aug. 22.

The group asserted that Soviet authorities intended to destroy their church and they deplored the manhunt for their leader, Kryuchkov, the 45-year-old father of nine.

Wanted posters on Kryuchkov have appeared in some towns and his wife has been threatened, the group said. "The liberty and possibly the life of Kryuchkov is in serious danger. It would not be surprising if he should share the same sad fate of Martin Luther King."

The letter asserted that there are now about 200 Baptists imprisoned in Soviet labor camps. Other documents report cases of torture of jailed Baptists, destruction of churches and kidnaping of believers' children, and a large number of corroborating photographs has reached the center for the Study of Religion and Communism in Sidcup, England.

The reformists have also established the Union of Christian Baptist mothers which gathers and publicizes information on Soviet maltreatment of children on religious grounds. Two years ago 1,453 mothers from 42 towns and villages signed and sent to party leader Leonid Brezhnev an appeal against the regime's "illegal tormenting of our children."

The appeal, copies of which went to 25 other Soviet officials, organizations and newspapers, demanded an end to interrogation of minors about their family's religion, beating and slander of Baptist children in schools, and threats and actual kidnaping of children.

One case cited continues today: two teenage daughters of Mr. and Mrs. Ivan Sloboda of Vitebsk were forcibly taken away in 1965, fled back home again from an orphans' asylum, and were again dragged off by police.

After showering the regime with petitions, the Slobodas were tried and jailed. Mrs. Sloboda remains in a labor camp. Since his release her husband has continued to petition Brezhnev and Kosygin not only for the return of the two girls, but also his three other children who were taken away last year on the grounds that with their mother in prison they were not receiving a proper upbringing.

Another reformist operation, a council of Baptist prisoners' relatives, prepares lists of prisoners in labor camps with such details as date of trial, sentence and address of their place of confinement.

The forerunners of today's reform Baptists were a nonviolent milk-drinking sect called Molokans who lived in the Caucasus last century and opposed the excesses of the better-known Dukhobors.

Since 1917, Russian Baptists have lived under almost constant harassment, the notable exception being during and after World War II when Stalin relaxed restrictions on churches to generate popular support for the war effort.

The Baptist church in 1961 was given new statutes and a "letter of instruction" designed to facilitate its own selfliquidation. This letter said children were forbidden to attend church services, baptism of people between 18 and 30 must be kept to a minimum, and the pastor "must remember the main task of divine services is not the enlistment of new members, his duty is to check unhealthy missionary tendencies . . . nor should he become too involved in preaching."

The Baptists who accepted the new dictates were officially recognized and have continued until now to be tolerated by the regime. This group and the Russian Orthodox patriarchate are the only religious bodies in the Soviet Union permitted to issue a publication.

Baptist pastors and laymen who could not agree to the government-imposed instructions formed a group called the "Initiators" and began agitating for free worship, the essential Baptist right to preach and educate their children in the church, and separation of church and state as proclaimed in the Soviet constitution. Under different names and through relentless persecution over the past decade, the breakaway Baptists have kept up their campaign.

In 1966, some 500 reformists from 130 towns across the U.S.S.R. came to Moscow and staged a demonstration at the headquarters of the Communist Party central committee. They delivered a petition before being beaten in the street and taken away. Like their new printing press, that demonstration was almost unthinkable in the Soviet Union.

ROBERT S. ALLEN, AN OUTSTANDING AUTHORITY ON WORLD MILITARY AFFAIRS AND INTERNATIONAL POLITICS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DORN. Mr. Speaker, Robert S. Allen is an outstanding authority on world military affairs and international politics. I commend to the attention of the Congress and the people of our country, Mr. Allen's timely and superb column:

INDIA SUFFERS ONE CRASHING DEFEAT

(By Robert S. Allen)

WASHINGTON, Dec. 7, 1971.—Whatever the military outcome of India's piously calculated aggression against Pakistan, India already has suffered one crashing defeat.

Its deliberately provocative attacks on its smaller and weaker neighbor have resoundingly debunked for all time two great myths India has sedulously propagandized for years:

"That is is a loftily peace-loving and nonmilitary nation that meticulously does not meddle in the affairs of other countries, and sternly disapproves of others doing so.

"That it is firmly "neutralist" and "uncommitted", and righteously not beholden to either the East or West."

To informed authorities, these two sanctimonious claims have long had a hollow ring. Realistically, they have had no illusions about India and its selfrighteous pretensions. Their crass falsity has been too glaring to knowledgeable insiders.

Time and again, India has proved herself a liar, hypocrite and a fraud.

Example:A few years ago when millions of Indians faced outright famine and the U.S. gave and sold (for Indian currency that has remained in that country) immense quantities of grain and other products, Delhi pulled a typically deceitful act:

On one hand, it stentoriously sided with the Arabs and with equal fervor championed the Vietcong; on the other, India excoriated the U.S. for supporting Israel and intervening in Vietnam against the communist aggressors.

Example: While incessantly proclaiming its alleged "neutralism", India irately threatened to crack down on its small neighbor Nepal when that isolated Himalayan country proposed to modernize its currency. For years, Indian currency was Nepal's legal tender. As a modernization move, King Mahendra instituted a native currency—to India's vehement indignation.

In retaliation, it threatened to stop the U.S. using its hundreds of millions in counterpart funds in India (accumulated from sales of food to avert famine) as economic aid to Nepal. That amounts to only a few million dollars a year, but India proposed to block it and was deterred only by strenuous Washington protests.

DOUBLE-DEALING

Example: In the past 20 years, India has received more economic aid from the U.S. than any other country in the world—and shown the least appreciation. In fact, about all the U.S. has gotten in return for more than $7 billion poured into India is snooty disdain and censorious reproof—and often outright animosity and hostility.

At the same time, while self-righteously proclaiming its "neutralism", India has been armed to the teeth by Russia. Hundreds of millions in late-model Soviet planes, guns, and other military hardware have gone to India in recent years. Thousands of Indian pilots and other combat personnel have been trained in Russia.

Militarily, India today is as much a Kremlin satellite as Cuba, Egypt and the other Arab countries.

But it is the U.S. that has poured billions of economic aid into India, much of it in the form of grain and other food.

Clearly, India, playing both sides to the middle—billions in economic aid from the U.S. and billions in armaments from Russia—is uncautiously designated "neutralism".

This double-dealing drew scathing fire from Senator Vance Hartke, D-Ind., ranking member of the Finance Committee, when he learned Delhi was covertly sounding out members of Congress and others on taking expenses-paid trips to view the "heartrending" camps of East Bengal refugees. Purpose of these junkets was to promote hostile propaganda against Pakistan, and indirectly, the U.S. for shipping arms there.

In this calculated backstage lobbying, Indian diplomats carefully did not mention, of course, that their country, while piously professing to be "neutralist," gets virtually all its weapons from Russia. Said Hartke indignantly:

"We have spent billions to keep India's masses from starving, and the Soviet has spent huge sums to arm them. If that isn't breeding war, I don't know what is. If the Kremlin can arm India, then I say it can also feed India. It's time our country took a realistic look at such glaring and expensive inconsistencies and act accordingly."

In the long-pending, highly controversial multi-billion dollar foreign aid authorization bill, India is earmarked to get $184,530,000 in economic assistance in the current fiscal year.

That is one of the number of similar reasons so much opposition now prevails in Congress against continuing large-scale foreign give-aways—in the guise of economic aid.

ANOTHER CHINESE VISITOR

Cuban dictator Fidel Castro dropped an intriguing hint during his three-week sojourn in Chile—He wants to visit Peking!

Carefully, he didn't say outright he is actually going there. But he left no doubt he is very eager to—and will if he can possibly arrange it.

That's a very big IF because the beefy Cuban ruler is completely beholden to Russia for his economic, military and political existence. Without a steady flow of Soviet supplies, Cuba not only would be bankrupt but downright hungry and in chaos.

It is now costing Russia more than $1.5 million a day to support Castro's bumbling dictatorial regime. That's around $650 million a year—and patently the Kremlin is not going to let Castro get out of line.

If he does, he'll be junked very quickly.

That's why it is highly doubtful the bombastic dictator will do any traveling to Red China—much as he would like to. He may propose, but the Soviet disposes.

Castro dropped his hint about a possible Peking visit during a conversation with Chile's Marxist President Allende. He was commenting on President Nixon's announced plans to go to Peking, when Castro remarked:

"I'm thinking of doing something like that myself. I have a very high regard for our comrades in China. They have done great things, and we can learn much from them. They have been very friendly and helpful, and I would like to express my thanks to them personally."

Maybe so, but if Castro knows what's good for him, he will first check with Messrs. Brezhnev and Kosygin.

WHO IS GETTING 3 MILLION TONS OF U.S. GRAIN?

(By Robert S. Allen)

WASHINGTON, DEC. 11, 1971.—Who really is getting the 3 million tons of U.S. grain recently sold to Russia?

Is the Soviet the actual destination or, in some guise, its close ally India?

Military and Intelligence authorities, who were not consulted when this huge grain sale was authorized, are raising this highly moot question in view of two indisputable facts—the close ties between Russia and India, and the latter's pressingly urgent need for additional large-scale food supplies.

India is not self-sufficient in food production even in normal times. Of the more than $8 billion in economic aid the U.S. has poured into that country—more than anywhere else in the world—approximately half has been in grain and other food.

In the past several decades when, due to drought and other disasters, millions of Indians faced famine, the U.S. gave and sold (for Indian rupees that, in the form of so-called counterpart funds, remained in that country) immense quantities of wheat and other products. As a result of such aid, the U.S. has more than $1 billion in counterpart funds in India—which will never be recovered and are constantly depreciating due to the steadily declining value of the rupee.

Parenthetically, it is noteworthy to point out that the Indian government did absolutely nothing to publicize this country's huge famine-averting supplies of food. In direct contrast, a relatively small amount of grain provided by Russia was propagandized to the skies.

Certain to compound India's inherent food deficiency is its crass aggression against Pakistan and seizure of East Pakistan—with its impoverished 75 million people eking out a bare subsistence. The U.S. has given more than $4.5 billion in aid to Pakistan, much of it food for East Pakistan.

Feeding and caring for these hungry and poverty-wracked millions will now devolve on India. It will be up to India to provide their "daily bread".

WHERE'LL IT COME FROM?

This inescapable responsibility will greatly complicate and intensify India's own already difficult food problem.

Prime Minister Indira Gandhi's piously self-righteous government not only will have to make up the "normal" food shortage for its own people, but also take care of the 75 million destitute East Pakistani being "liberated".

In this dire situation, Madame Gandhi unquestionably will turn for help to her great good friends in Moscow.

They provided her with the planes, tanks and other combat hardware to attack and batter her weaker and smaller neighbor. With U.S. food and other aid cut off, Madame Gandhi will seek grain and other food supplies from her staunch Soviet allies.

They can hardly turn her down under the circumstances. The Kremlin actively abetted and supported Delhi throughout its devious and sanctimonious plotting to attack Pakistan. Russia is just as guilty of bald and vicious aggression against Pakistan as India.

This is where the 3 million tons of U.S. grain come in.

But Russia, too, has food problems. That's why it sought this grain—chiefly corn, barley and oats. Its last big purchase of wheat was during the Kennedy Administration.

The Soviet grain crop this year was not exceptional; certainly not of bumper proportions. Additional quantities are needed to meet increasing feed grain requirements. The imported U.S. grain is presumably primarily for this purpose. Instead of diverting homegrown grain to produce more cattle (meat), the U.S. grain will be used.

But Madame Gandhi will be stridently pounding on Kremlin doors in clamorous quest for grain.

Whether they want to or not, the Soviet rules will have to respond.

The ambitious goals set for expanding Russian meat supplies may have to be curtailed or delayed. But in one way or another unctuous Madame Gandhi will get grain.

That's why knowledgeable authorities are convinced that is where the U.S. grain will eventually wind up. Not directly, of course, but circuitously very probably. The grain is being shipped to Russia, and most likely will be used there.

But Soviet grain it will replace will go to India.

And that is where the 3 million tons of U.S. grain, costing upwards of $125 million, will ultimately go—in a typically Eastern roundabout manner.

Some authorities are even betting that despite this country's indignant condemnation of India's rapacious aggression against Pakistan, Madame Gandhi will have the consummate gall to appeal to the U.S. for large food shipments and other supplies for "the starving women and children" of East Pakistan.

It would be just like her—piously calculating and sanctimonious.

FOREIGN FLASHES

French Ambassador Charles Lucet is slated to be replaced next spring—probably by Olivier Wormser, a governor of the Banque de France. His wife is noted in Paris for her modish wardrobe and as a top-rung hostess. The Lucets have been relatively restrained in their entertaining in the several years they have been in Washington.

The India-Pakistan war crisis was a real hardship for Secretary of State Rogers. It shattered his weekend. The former New York corporation lawyer is accustomed to taking his ease on weekends; with his staff under strict orders not to disturb him "unless absolutely essential." With the President spending the weekend at his Florida White House, Rogers was compelled to come to his office both Saturday and Sunday—and that greatly distressed him. Not only was he unable to sleep late, but had to call off two golf engagements. And compounding it all was that both days had ideal weather.

Representative Dante Fascell, D-Fla., scrappy chairman of the subcommittee on Inter-American Affairs, is digging into charges that recent airline hijackings are due to a "Cuban-based conspiracy." This accusation was made by John Masefield, head of the British agency that controls major airports. Fascell's subcommittee has been closely studying hijackings to Cuba ever since they started. Says the Floridian:

"While some of the hijackings may have been carried out with the advance knowledge of the Castro government, there is no evidence so far to sustain the Masefield charges. However, Castro now has a perfect opportunity to demonstrate to the world that he does not encourage hijacking. He can do this by immediately returning to the U.S. the three escaped murderers who hijacked a plane from New Mexico to Havana a week ago. These criminals cannot by any stretch of the imagination be considered political refugees. They are killers and should be treated as the outlaws they are."

YUGOSLAVIAN UNITY THREATENED BY CROATIAN NATIONALISTS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. JAMES V. STANTON. Mr. Speaker, over the past several days, I have received many communications from Croatian-Americans in Cleveland who are deeply concerned about the present situation in Croatia. Among the citizens and the organizations who have contacted me are Nick Strmac, president of the American Croatian Cultural and Education Society; Nikola Franic, president of the Cleveland branch of the United American Croatians; Ivan Miljak, vice president of the Croatian Guardians of Liberty; the American Croatian Veterans; and the American Friends of Croatian Resistance. They quite correctly state that the American news media and official Washington have for the most part neglected to report and comment upon the turmoil and conflict now going on in that troubled land. I feel that these events should be fully reported so that the American people might be able to pass judgment on the activities of the Tito regime in this matter. I was pleased to note that this morning's Washington Post carried an article on the Croatian situation and, in order to promote knowledge of this crisis, I would like to insert the article in the Record.

The article follows:

[From the Washington Post, Dec. 17, 1971]

Croatian Nationalists Threaten Yugoslavian Unity

(By Dan Morgan)

Belgrade, Dec. 16.—The major political purge now sweeping Yugoslavia's second largest republic is jeopardizing President Tito's effort to preserve national unity by decentralizing power.

The sudden ouster of separatists and states-rights nationalists in the republic of Croatia, and the recent disturbances in the republic's capital of Zagreb, are provoking calls for restoration of strong central authority. Tito's decentralization program is unique in the Communist world.

The Croatian purge is the biggest upheaval in Yugoslavia since 1966, when Tito kicked out police boss Aleksander Rankovic to clear the way for a program of democratic internal reform throughout the country.

There seems no likelihood that Rankovic himself would return to power to restore central authority. But circles in this federal capital believe that the Croatian troubles have "given a new chance" to those Communists who would like Yugoslavia to return to a generally more orthodox ideological line.

CONSTITUTIONAL CHANGE

Greater sovereignty for Croatia and the other five ethnic republics that make up Yugoslavia was rooted in constitutional amendments approved last summer, but this has not stilled nationalist fervor, particularly among the Croats.

No serious violence has accompanied the political changes in Croatia so far.

[Police today arrested 234 persons at a student hostel in Zagreb and confiscated an unspecified quantity of brass knuckles, unregistered pistols, knives and iron bars, Reuter reported.]

In Zagreb last Monday night 3,000 to 5,000 young demonstrators clashed with police, singing the Croatian national anthem and chanting the names of their leaders who had been forced to resign. Sporadic nightly clashes have occurred since then.

Four students who led a 10-day student strike, in which 30,000 participated in late November, have been arrested for advocating "violent anticonstitutional change"; at least two dozen other students have been charged with lesser offenses.

An army general has been suspended, and publication of the main weekly organ of the Croatian states' rights movement has been halted.

The student strike was triggered by an economic issue. The strikes demanded that Yugoslav laws be changed to allow regional governments to keep the foreign exchange earned by their local enterprises. Croatia is Yugoslavia's biggest earner of foreign currency, but because foreign exchange is considered an all-Yugoslav resource, it must be traded in for local currency. The federal government then decides how to distribute it.

Just as in 1929, when nationality rivalries and intrigues resulted in a royal dictatorship, economic matters have become inextricably linked with regional jealousies and are a catalyst for tensions.

The purged Croatian leadership paid the price for "weakness" in tolerating these outbursts of nationalism and separatist sentiment, and were even accused of "counterrevolutionary activities."

Communists loyal to Tito's concept of Yugoslav federal unity are now in power in

Croatia, and the movement toward further decentralization has been checked.

They and their supporters elsewhere in Yugoslavia generally believe that the time for action was overdue, and that in the absence of a crackdown Yugoslavia was in danger of disintegrating, with the emergence of an informal alliance of Croats, ethnic Albanians and Macedonians against the once-dominant Serbs.

In a speech to parliament today, Tito said that the purge in Croatia was "of tremendous significance for our international position" and necessary to refute speculation about the country's ability to preserve unity, to promote democratic internal development and to maintain an independent foreign policy.

ECONOMY DAMAGED

Yugoslav leaders who seek to check decentralization have also argued that the policy has damaged the economy, which is already afflicted with unemployment, migration of workers, delinquent factory payrolls, inflation and a slowdown in growth and productivity.

Since establishment of the policy on greater autonomy for the republics, Yugoslav Communists have regarded centralism as the greatest danger, and a close kin to Stalinism. A sharp reversal toward centralism at this time would almost certainly stiffen Croat resistance to the unpopular ouster of their local leaders, and it could possibly rekindle the ethnic tensions that wracked pre-war Yugoslavia. For this reason, Yugoslav leaders have spoken out against a "witchhunt."

Three conclusions are being drawn from the crackdown in Croatia:

Tito, who some thought had lost his grip on the centrifugal forces in the Yugoslav Communist Party, has demonstrated his continuing authority.

The party itself acted with more authority than many thought it could. Croat party activists lined up quickly behind the party's central command to outmaneuver the states-rights faction.

The myth that Tito's Yugoslav federation had solved the nationalities problem has been destroyed.

The Croat "movement" had the support of other groups in Yugoslavia which have traditionally felt suppressed by the Serbs, the largest national group in the country. For instance, Croat leaders had indulged in informal flirtations with the million-strong Albanian minority, located mainly in the autonomous province of Kosovo, and with the Macedonians.

The Yugoslav vice president, Krste Crvenkovski, a Macedonian, was sharply criticized this week by a member of the Yugoslav War Veterans Association for "nationalistic speeches."

Another sign of a campaign to level "nationalist" political deformities came when a Communist from Kosovo, where frictions with Serbs exist and where Albanians have been strongly asserting their rights to more sovereignty, warned that "Tito's criticisms don't apply only to Croatia."

Only the industrious Slovenes in the north seem to have avoided getting deeply entangled in the nationality intrigues.

MAJ. GEN. WILLIAM REDDELL RECEIVES EEO AWARD

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. GONZALEZ. Mr. Speaker, there are few career officers of the Armed Forces of our country who can equal the outstanding record of achievement of Maj. Gen. William Reddell, who is currently the commander of the San Antonio Air Materiel Area located in my home city.

General Reddell has distinguished his work in San Antonio by being particularly sensitive and aware of the needs and goals of the community, and it was therefore not surprising when he was honored this year with the 1971 Air Force Distinguished Equal Employment Opportunity Award.

I count General Reddell as a personal friend as well as a friend of the district which I represent in Congress, so I can testify as to the appropriateness of his being singled out for such an award.

Mr. Speaker, the San Antonio Express published an article which was particularly good in describing the EEO effort which has been made by General Reddell at SAAMA and Kelly Air Force Base. I would like to share with you and my other distinguished colleagues the contents of this article which is as follows:

GENERAL REDDELL RECEIVES AWARD FOR OUTSTANDING EEO EFFORT

Maj. Gen. W. H. Reddell, commander of the San Antonio Air Materiel Area, has been awarded the 1971 Air Force Distinguished Equal Employment Opportunity Awards.

The plaque—given annually for management of the best overall EEO program in the Air Force—was presented to the SAAMA commander by James P. Goode, deputy assistant Secretary of the Air Force for Personnel Policy and director of the USAF Equal Employment Opportunity Program.

In receiving the award, Gen. Reddell was recognized for his command's comprehensive program which has "contributed to the advancement of the national goals of equality and employment opportunity and betterment of economic conditions" in the San Antonio area.

Gen. Reddell assumed command of the giant Kelly industrial complex, with its approximately 30,000 employes of varied ethnic, racial and social heritages, in April 1969.

Gen. Reddell initiated a series of meetings with community groups representing ethnic and racial minorities to obtain their views on what should be done to provide greater opportunity with more equity and understanding.

He developed and personally selected an EEO work group at Kelly, tasked the personnel with implementation of his program, then gave them his full support.

Ethnic balance in the Kelly work force now parallels the city population (48 per cent Mexican-American; 7 per cent black; and 45 per cent Anglo-Saxon and others) and minority-group representation at the higher-grade levels has doubled in the past 18 months.

The SAAMA commander emphasized, however, that "much remains to be done" to meet the full objectives of the EEO program.

According to the citation accompanying the award, the dedication of top management at the base to the advancement of the program is believed and understood by the work force—and there has been significant improvement in cooperation and understanding between management and labor.

Additionally, the federal women's program—a part of the overall EEO effort—is organized and functioning at Kelly.

The inter-dependence between Kelly and the community has been emphasized and demonstrated by both SAAMA and community action programs.

Gen. Reddell in March was honored for his leadership in equal employment by the San Antonio City Council at a formal session of the council, and with a testimonial dinner by representatives of minority civic organizations in the community.

NO ROOM FOR MORAL VALUES?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. CRANE. Mr. Speaker, the American society is under increasing attack both at home and abroad. It has been said that our society is a repressive one, and men and women who should know better have seemingly accepted this false appraisal.

Speaking at the University of Virginia, Solicitor General Erwin Griswold, former dean of the Harvard Law School, declared that there is greater freedom and less repression in America than in any other country. What other society, for example, would allow the Chicago Seven, while out on bail, to preach revolution across the country? What other society would permit its citizens to consult and negotiate with the enemy in time of war? These may be signs of foolishness and weakness, but they are hardly signs of repression.

Despite the facts, critics of our society and of our traditional moral standards find themselves unanswered. The very "establishment" they so bitterly attack as being repressive and all-powerful, hesitates to make any response.

Discussing this situation, Paul H. Jacobson, a businessman from Shawnee Mission, Kans., wrote an article for the Wall Street Journal, asking whether or not there was room for moral values in modern America.

He described part of the problem this way:

> What is central to the dilemma, and at the same time explains to a large degree why the Establishment seems unwilling or unable to confront squarely the moral challenge directed against it, is a mode of thinking which, for want of a more precise term, could be called "scientism." By this is meant the appropriation of more-or-less scientific methodology to the study and manipulation of all events and, more importantly, the adopting of this methodology as the keystone of a pervasive world view, which leads to an inability to view any phenomenon, including human and social, in other than empirical terms.

Mr. Jacobson justifiably laments the fact that decisions made in Washington with regard to the future of the country are often made with something other than the best interests of the majority of citizens as the major consideration.

He notes that—

> The primary wellspring of moral guidance for government is increasingly the empirical data of election results or public opinion polls, for business—it is the pragmatism of the market survey, in all its formal and informal variations—In each case, the Establishment reacts to what is on a largely ad hoc pragmatic basis, rather than attempting to transcend what is and actively propose what should be.

We ask, Mr. Jacobson states, the wrong questions. We ask "Can we do it?" rather than "Should we do it?" and the results of this kind of approach are evident for all to see.

I wish to share Mr. Jacobson's thoughts with my colleagues, and request the insertion of this article, which appeared in the Wall Street Journal of November 30, 1971 in the RECORD at this time.

The article follows:

No Room for Moral Values?

(By Paul H. Jacobson)

The values of an entire generation of adult Americans, roughly defined as the Establishment, have been challenged vigorously, in ways ranging from riots and bank bombings, deviant life styles in cooperative communities that reject consumption as a way of life, to the ecology movement and the consumer advocacy of Ralph Nader. Such challenges in themselves are hardly new.

What seems unprecedented, though, is the often helpless, faint-hearted rejoinder of the Establishment. Outside of scattered outcries from "conservative" quarters, which often come off as simplistic reaction founded on the remnants of a traditional, dogmatic morality, the challengers have often found themselves confronted with a moral straw man, which they have proceeded to bully into sometimes timorous acquiescence. Witness the conciliatory attitudes of so many university officials toward student demands and protests, or the rush of business organizations to publish advertisements avowing that they are really public benefactors after all.

The challengers are ever quick to point out that the debacle of the war in Southeast Asia and the existence of pollution and poverty are clear evidence that the values of the Establishment are at best obsolete, and probably ill-conceived from the beginning. Whatever the justice of such charges in themselves they do little to explain why the Establishment in so many cases has had little more than a moral soft underbelly to turn to the attack.

A PROFOUND DISTRUST

Part of the explanation can be found by openly recognizing that there has long been a profound and widespread distrust of moral thought, especially among educated, "free thinking" people who make up the Establishment elite. How often, in this "age of objectivity," do we hear the epithet "subjective" or "biased" applied, in a distinctly pejorative way, to any assertion not firmly embedded in a matrix of "facts," preferably rendered in statistical format. How often do we hear the statement "It's all relative," or "I can't judge, I don't know the facts"—facts that may be hidden away in the drawers of some Byzantine bureaucracy or are simply intellectually inaccessible to the untrained mind.

Another perspective can be gleaned from the corpus of popular sociology that has emerged in recent years, which focuses on the paradigm personality and posture of the Establishment "type": He has sacrificed his individuality to organization and institutionalization and has made a complete life style out of the forms of behavior condoned by a bureaucratized meritocracy; he is dedicated to the techniques of rational administration of life, and is oriented toward reductionist "problem solving" in all affairs; above all, he is thoroughly "pragmatic" and "activist," and views with suspicion speculative thought not grounded in "facts" and that does not lead to a "program" for action.

Still another viewpoint might be summed up in the fashionable shibboleth "impersonal technology," which conjures up the vast network of machinery created by modern man as well as the cold-blooded technicians who manage it. Thus it becomes possible to find satisfaction and comfort by blaming it all on the machines and the men who are dedicated to them.

The trouble with all these popular approaches is that at best they provide only superficial, symptomatically descriptive hints of the underlying moral dilemma of our time, and at worst, (as in the case of "impersonal technology") simply supply diversionary totems.

What is central to the dilemma, and at the same time explains to a large degree why the Establishment seems unwilling or unable to confront squarely the moral challenge directed against it, is a mode of thinking which, for want of a more precise term, could be called "scientism." By this is meant the appropriation of more-or-less scientific methodology to the study and manipulation of all events and, more importantly, the adopting of this methodology as the keystone of a pervasive world view, which leads to an inability to view any phenomena, including human and social, in other than empirical terms.

The category of "value," the foundation of all moral thought, has unlike the category of empirical "fact," no recognized, carved out place in this scientistic world view, which purports to be, in its pure sense "value free." The value-free aspect of scientism has been articulated by some 20th century philosophers, most notably the logical empiricists of the Vienna School, who maintained that the notion of value was a metaphysical fiction. But this value freeness really requires no such articulation, for it is contained inherently in the scientistic world view. Scientistic consciousness by its very nature inhibits moral consciousness, and its methodologies provide no intellectual tools to promote creative moral development.

Scientism is no longer the exclusive property of the natural or physical sciences where moral questions are truly extraneous to the disciplines themselves. It has entered into, if not taken over, virtually all the social sciences and penetrated deeply into the management of business and government affairs, where moral questions persist despite all attempts to be "objective."

Along with the rise of scientism in human affairs has come the well-known role of the "expert," the one who has taken command of affairs and events by being the possesser and analyzer of the "facts" deemed relevant to them. What is less often acknowledged, however, is that the expert has also been handed, by default, the domain of moral pronouncement in these affairs and events. But the scientific expert lacks the intellectual tools for dealing openly with the moral problems inherent in his area of expertise, so these problems are relegated to an intellectual netherworld as disguised assumptions.

This gives rise, especially in the present highly imperfect state of social science, to seemingly endless and inconclusive debates over our human affairs, which have all the appearance of antinomies—arguments that appear equally logical and grounded in fact, but which nevertheless lead to diametrically opposite conclusions about a given problem.

Thus we can listen to one expert expound on the propriety of wage-price controls, marshalling logical argument and historical incident to their defense; on the other hand, another spokesman will argue, with seemingly equal logic and reference to facts, that such measures are doomed to failure.

However, once we identify the underlying moral assumptions, the mystery quickly falls away. In the former case, the value of social and economic security and harmony obviates almost any new coercive controls of the state; in the other case, the value of freedom from state coercion is so paramount that some social risk, insecurity and discord is a justifiable price to pay for it. In this light the facts and the logical arguments by which they are processed, begin to take on the appearance of being largely a foil for advancing essentially moral assertions.

OVERDRAWING OUR MORAL CREDIT

The rise of a scientistic Establishment that has worked hard to present itself as "objective" and amoral has in many ways brought about—let us say it out—a condition of moral bankruptcy, in which we have overdrawn the accounts of moral heritage from the past without replenishing them from the products of creative intellectual endeavor designed to meet modern needs. It would be difficult to find a better example of this in modern times than the shifting sands of rationalization applied to American involvement in Southeast Asia, which cannot help but feed the suspicion that the involvement may have been, after all, mainly a willy-nilly outgrowth of the scientistic world view, with the rationalizations primarily serving obeisance to the remnants of moral consciousness.

Further credence to this viewpoint comes from the influence of personalities epitomized by Robert McNamara, certainly the apotheosis of scientism in the management of everything (at least until his own apparent moral reawakening toward the end of his service as Defense Secretary), and from the narrow empirical reductionism of body counts, planned population movements and preoccupation with the hardware of weaponry.

It is the rationalizations themselves, though, that are most telling. First it was "defending freedom around the world" (remember, we "would go anywhere, pay any price" to achieve this"). But when it seemed the Vietnamese were less enamored of our "freedom" than we, it became protecting the South Vietnamese from the "invasion from the North," and then "protecting American security interests in the Pacific." Finally, when it became apparent that our "protection" of the Vietnamese had really little to do with the "protection" of any reasonable American security interest, the rationale was reduced to an analog of the answer given by a mountain climber when asked why he had wanted to climb Mount Everest: "Because it is there."

However callow its intellectual foundations may sometimes be, however destructive and senseless some of its acts and impulses may appear, the energy of recent radicalism in America might be expected to at least force the Establishment out of a state of scientistic complacency to once again take account of man as a moral being. To be sure the anti-Establishment forces seem oftentimes simply anti-rational, but this is mainly an overcompensating pendulum swing away from the jejune, amoral rationality of scientism.

On the other hand, these forces have been taking some of the vital steps in breathing life into human values—among them the spontaneous fashioning of a kind of mythology of people and events (from Woodstock, rock stars and Ken Kesey's bus to the Nader legend and the various forms of underground literature), which, even at its worst, seems only a little less lofty than the grim social determinism of the Establishment, born out of a lingering fear of depression and fear of ourselves.

THE ESTABLISHMENT RESPONSE

The Establishment's current response to the moral challenge of our times makes it clear, unfortunately, that it remains bent on a largely scientistic course. The primary wellspring of moral guidance for government is increasingly the empirical data of election results or public opinion polls; for business, despite all its pretense in placating critics with gestures of "social responsibility," it is the pragmatism of the market survey, in all its formal and informal variations.

In each case, the Establishment reacts to what is on a largely ad hoc pragmatic basis, rather than attempting to transcend what is and actively propose what should be. It continues to ask implicitly "Can we do it?" instead of "Should we do it?" To dissidents it seems always to be saying our concessions are primarily to get you off our backs, or don't make us think about these things, implying once again we don't really know how to think about these things.

This posture of defenses—one could say posture of retreat—is deeply disturbing. If the mature and experienced members of our society cannot be goaded into transcending their own narrow self-interest, their reputations and positions as well as their scientistic world view to come squarely and courageously to grips with the moral challenge of our time, then there is reason for serious concern about the future of our civilization.

CONGRESS ENACTED AID TO INDIA AND PAKISTAN

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McCLOSKEY. Mr. Speaker, today, as our last act in 1971, the Congress has enacted an appropriation bill for the assistance of refugees in India and Pakistan.

In view of the fact that the Nixon administration today is continuing to pursue power politics in the Bay of Bengal, and particularly in view of the administration's deliberate concealment over the past 9 months of the facts surrounding the systematic execution of East Pakistani political leaders, I think it incumbent upon us to recommend a change of direction in U.S. foreign policy to accompany this appropriation.

I would, therefore, recommend a three-point U.S. Christmas program for the people of East Pakistan.

First. We should recognize the new nation of Bangladesh, with the hope that the survivors of the freely elected East Pakistani leaders of a year ago can continue with their announced program of creating a democratic government for the new nation.

Second. Instead of sending a task force to the Bay of Bengal, we should be sending in food and hospital ships to assist the people of Bangladesh. At the present time, the hospital ship, U.S.S. *Sanctuary*, is berthed at Mare Island in California awaiting overhaul. I suggest that we send the *Sanctuary* to Bangladesh to replace the nuclear carrier *Enterprise* and the other ships of its strike force.

Third. We should exert all possible pressure on Pakistan to release Sheik Mujib and other East Pakistani leaders in return for the repatriation of the West Pakistani troops who have just surrendered.

Instead of complaining about Indian aggression in a war in which our own silent acquiescence in savage repression and genocide by West Pakistan helped initiate, we should be trying to support a new democratic government and the exchange of all prisoners on both sides without further bloodshed. Instead of sending warships, we should be sending food and medical supplies and facilities, particularly in view of the Christmas season where we in America have such immense affluence for which to give thanks.

Finally, we should advise the administration that the Congress will no longer acquiesce in the administration's concealment of factual information which is necessary to our own congressional responsibility under the Consttiution. The continued refusal of the State Department to provide Congress with the respinsibility under the Constitution. The genocide which started in East Pakistan last March caused a tragic delay in the change of a U.S. policy which was and is indefensible.

THE RIGHT TO HEALTH

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DICKINSON. Mr. Speaker, at the recent White House Conference on Aging, one of my constituents, Rubin Morris Hanan, of Montgomery, presented a speech to the income maintenance section of the conference. Mr. Hanan is president of the Alabama League of Aging Citizens and, in this capacity, is acutely aware of many of the problems facing the aging.

I insert in the RECORD the full text of Mr. Hanan's remarks, entitled "The Right to Health," and I commend his comments to my colleagues in this body.

Thank you, Mr. Speaker.

The speech follows:

THE RIGHT TO HEALTH

Fellow Delegates, Ladies and Gentlemen: The health of the American people is the basic foundation upon which all their happiness and their security rests. Regardless of a person's wealth or his freedom or independence, he cannot truly be happy or secure without good health and good health care. Although America is a country of unlimited wealth, offering great personal freedom and possessing the highest standard of medical technology in the world—America still has great problems providing adequate health care to all its citizens.

We find ourselves living through dramatic hours; hours which demand of each of you, as delegates to the White House Conference on Aging, and as Americans, a determined and unwavering course in support of the right of health care for all Americans.

One of the great unresolved issues of the Conference is whether or not a national health system of some type should be adopted. Before going any further, I want to make one point very clear. America cannot solve its national health problem by sovietizing its people and socializing its medicine

The type health care program made available to our citizens is something that should be examined in depth in order to safeguard quality and quantity of medicine. In my opinion, Senator Edward Kennedy's Health Security Plan has many flaws, and this and other similar plans must be studied in detail before Congress forces them upon the American people.

It is often said and agreed by many in the health field that at its best, American medicine is the best in the world. I know that because I have visited Europe and most recently the Middle East countries. I know what socialized medicine is: half slave and half man. No American who truly prides freedom can really wish to see himself and his fellow citizens plagued by unreasonable health taxation, unwarranted government interference in his health, and unfair restriction on the exercise of individual rights. But in a society governed totally by bureaucracy, there is no such thing as total freedom. I believe the Federal Government can improve health care in America without Federal domination of the healing arts profession and the patients.

The Federal Government could rectify the shortage of medical manpower, medical schools facilities and equipment, regional cancer, heart and diabetes hospitals and research centers. The Federal Government, through its great wealth, can assist in establishing more medical schools and can create a resource distribution pattern which will assure access to health care for all Americans.

In attempting to solve America's major problems, Congress has forgotten the need to improve financially our medical colleges, our regional research centers, and centers for many other areas of service.

I am Chairman of the joint City and County of Montgomery Health Clinic. We are charged with the responsibility of providing health care service to the indigent population of the city and county. I can verify that approximately 40,300 persons live in families which earn less than $3,000 per year in our area. Our present clinic of 9,072 square feet has overflowed into four mobile trailers in order to better serve the 10,755 patients who made over 24,000 visits to the clinic last year. Our facilities are being taxed beyond all reasonable limits. Add to this the average of 300 new patients who visit the clinic each month and it becomes obvious that either services must be curtailed, new eligible patients refused, or additional facilities must be provided. The same situation exists all over America today.

The social and economic problems of America's poor, are directly related to the solution of their health care problems. Major diseases do not respect national boundaries, neither do they respect age, sex, race or economic levels. There can be no regional conflicts over health care in this country.

What America needs is to launch an all-out attack on the causes of disease. Medical colleges and research centers and clinics need hard cash in order to conquer cancer, heart disease, diabetes, and the many crippling diseases, and to make health care and medical research in America second to no other nation.

What we don't need, is Federal control of the doctor-patient relationship, and socialized medicine.

In 1968 I, and a few other ordinary citizens of Alabama started one of the largest public fund drives in the State's history to build a cancer hospital and research center as a lasting memorial to Alabama's only woman governor who died of cancer. What makes this memorial unique however is that unlike other memorials, it will provide life. The Lurleen B. Wallace Memorial Hospital and Tumor Institute will be more than brick and mortar. It will be the embodiment of a comprehensive concept for the care of cancer patients which will be available to all the people in the Southeastern part of the United States.

This great hospital will become part of the University of Alabama Medical Center in Birmingham, under the leadership of Dr. Joseph Volker, Dr. S. Richardson Hill, Dr. John Durant, and Dr. Clifton K. Meador, Dean of the Medical College of Alabama.

If we supply each citizen with a form of national health insurance, but we do not proivde enough doctors, and fail in our research of major diseases, then we have taken the wrong approach to health care. Our citizens should not look to government first for all health care. I have traveled widely to participate in planning and the acceleration of research programs against dread diseases. Wherever I have gone, I have seen human beings reacting much the same way. Whatever the claims of nationality, the peculiarities of religions, the color of skin, or political practices, they have the same human reactions. The anguished cry of a mother who has lost her child or the grief of one marriage partner after the death of the other is basically the same everywhere. Giving these people health insurance is little help, if the dread diseases are not conquered in the research centers and medical schools of the nation.

I make the following recommendations:

1. We must urge adequate Hill-Burton appropriations for constructing medical colleges and for construction and improvement of regional medical centers, research centers dedicated to conquering cancer, heart disease, diabetes, and the major crippling diseases.

2. The Federal Government must target all health resources assistance on bringing health care to all people who are sick with the dreaded diseases. We must focus our primary concern—not on expanded research for the sake of publishing more technical monographs—nor improving hospitals for the greater convenience of doctors or nurses alone—but on regional medical research and treatment centers.

3. The number of medical personnel is growing less every day in relation to the population. We must urge the administration and Congress to reinstate the financial assistance to medical schools, and must assist individual students with scholarships and tax incentives in order to bring doctors into the areas most needed. The time has come when America must recognize that for millions of people the financing of educational costs is more than a mere personal problem. It is a vital national problem, and should be recognized as such in our tax laws.

4. The present shortage of health manpower is in part due to maldistribution. It is concentrated in middle class suburban America. The total supply of health personnel to all citizens is more important than a national health insurance program.

5. We must expand the range of health education opportunities, particularly for youths of lower income families. This can be done through expanded and improved medical schools and streamlined curriculum by placing greater emphasis on the para-professional fields. We recommend screening programs in a limited number of regional and community clinical centers, equipped with the latest in instrumentation and communication systems. It could become the cornerstone for a genuine national effort to prevent or reduce chronic diseases by detecting them in their early stages. In other words, doctors treat disease when it occurs. It has been said that the American doctors do not attempt to put obstacles in the path of disease. The American people give disease a head start, then we run to catch up with it, after it has already begun to cause real damage to the body.

6. We must permit admissions directly to nursing homes rather than only via hospitals, so that persons who are too sick to remain in their homes, but not eligible for hospital care could not be denied service.

7. We should recommend "Fall Tune Up" Programs to provide free medical tests for people 55 and over.

And finally, just as we have a Federal system of guaranteeing bank accounts, I recommend the same type system to guarantee the insurers, the physicians, nurses, and hospitals of their rights to receive fair and just compensation for their services.

I believe that every person at this conference is a humanitarian, attending today to seek a means to better man's life. Then, let the conference embrace with fatherly love, all those who suffer—the sick, the poor, the disabled.

In closing, I want to read a prayer which I hope this conference will adopt:

"Dear God, give us an understanding heart,
Clear thinking to find the essential good,
Purpose to find true goals for lasting values,
Honesty to hold and do what's right in God's sight,
Humility to know our weakness and mistakes,
Strength to meet the increasing daily demands,
Recognition to see the words of our colleague's sincere plan,
Confidence to always press forward when the cause is just,
Independence if needs to stand alone when our conscience says we must,
Gratitude for this great privilege to serve America and mankind,
Spiritual Awareness of our Nation's pledge "In God We Trust",
And now we pledge with grateful hearts our loyal service to man and God.

Thank You.

THE RELATIONSHIP OF RESEARCH TO TEACHING

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, as the costs of education at all levels and areas continue to increase, an issue which has become increasingly important is the relationship between college teaching and faculty research.

Does participation in research make the college or medical school professor a better or a worse teacher? The Congress, State legislatures, college presidents, faculty and students have all wrestled with this problem at one time or another. Now, with the increase in Federal aid for education in universities and in medical schools, this question is again of concern to the Congress.

My own special interest in higher education and health affairs has made me sensitive to the importance and complexity of the problem.

I was pleased, therefore, to learn of a thoughtful and stimulating analysis in an address given by Mr. Gerald Graze before the annual meeting of the National Council of University Research Administrators. Mr. Graze is associate director of the Research Foundation of the City University of New York.

I believe that these remarks should be carefully considered, especially by the executive agencies and the universities themselves, as well as my colleagues. For that reason I include it in the Record at this point:

The Relationship of Research to Teaching

(By Gerald Graze)

This discussion centers on the relationship of research to teaching in institutions of higher education.

Many will recognize this as a familiar topic. There are, however, new and very practical aspects which make it desirable to take another look.

Although the performance of research in colleges and universities and the resulting value to society are widely accepted by the academic community, others have a somewhat different viewpoint.

Undergraduate students have long felt bitter about what seems to be a concomitant neglect of the education process. In complaints about poor quality of teaching, not infrequently the finger has been pointed at overemphasis on research as the culprit. Much of the student unrest in the late 1960's was directly related to discontent with the quality of education received. While overt manifestations have lessened, we cannot be complacent about present student feelings.

According to Bayer (1970), studies showed that *in students' perceptions*, higher faculty involvement in research was associated with less concern for students as individuals. He concluded that, in fact, a concentration of so-called high quality faculty who were heavily in research and came from prestige institutions had a debilitating effect; for institutions it led to student strikes, violence and disruption and for students it led to depressed aspirations, estrangement and increased dropping out.

Not only students but faculty also have criticized an alleged detrimental effect on teaching caused by emphasis on research. Desmond (1969), for example, states that "the career interests of the faculty are pitted squarely against the educational interests of the students, especially the undergraduate." He includes departmental chairmen, deans and presidents (who usually come from faculty ranks) as neglecting the needs of the individual students, and for the same reason.

Now another aspect.

State legislatures in New York and elsewhere, faced with financial trouble, have been pressing public universities for an increase in productivity on the part of college faculty and have been setting minimum requirements. However, "productivity" is usually measured in credit hours and the standards proposed often would leave practically no time for research. The implied assumption is that at best research is of secondary interest and at worst may well be injurious to education of undergraduate students.

Therefore, in time of stress, research can readily be discarded.

With the passage of legislation for massive aid to higher education now apparently imminent, a new era in Federal support will probably begin. It is reasonable to assume that if and when significant amounts of money are given to universities and colleges for teaching purposes, Congressional attention will focus on questions of productivity similar to those considered by state legislatures. The recent Carnegie Commission report on productivity may even serve as a further stimulus for such legislative examination.

There are, of course, many issues raised by the attempts to measure and prescribe productivity for college teaching, including especially the matter of quality. The ramifications, too, are many, as witness the proposal to link pay increases to productivity increases under the Federal price-wage control program. These aspects are beyond the scope of the present analysis but do indicate the extent of the "productivity" problem.

Thus the questions of (a) whether productivity is defined to include research and (b) whether research activity benefits the educational process are of critical importance.

Graduate education as related to research has presented few problems. The close relationship between the two has been recognized, and faculty who are engaged in research tend to emphasize graduate education.

Medical education is another matter. The American Medical Association Report of the

Commission on Research (1967) had mixed feelings about the effects of the research programs. On the whole, it was felt that medical school programs had been enriched through support of research activities. However, imbalances had developed among the areas of research, teaching and patient care. Specifically the report said that the heavy infusion of research dollars had glamorized research activity and contributed to a "flight from teaching" of individual investigators.

These conclusions were verified by symptoms of unrest among medical students in the succeeding years.

It is on college undergraduate teaching, however, that the greatest interest has centered. Orlans (1962) presented findings of a study of the effects of federal programs upon the quality of higher education, particularly at the undergraduate level. Liberal arts education at 36 universities and colleges were covered in this project, which was sponsored by the Office of Education.

Orlans found that on the whole, the effects were decidedly beneficial. Specifically, federal programs had helped these institutions to improve the quality, increase the number, improve the salaries and reduce the teaching load of faculty in the sciences and some social sciences. Also, by advancing knowledge, the content of instruction in these fields had been greatly improved. Nonetheless, he found there were other less favorable effects, particularly on undergraduate science education. The emphasis on research accelerated the depreciation of undergraduate education at large universities and reduced personal contacts between lower classmen and professors heavily engaged in research. Orlans' investigation indicated that in every major field and in every type of institution included in the study, a high degree of involvement in research was accompanied by a reduction in the time spent teaching undergraduates. He also concluded that research and fellowship programs had enticed the abler graduate students away from teaching undergraduate classes.

In 1965, the House Committee on Government Operations conducted an inquiry into possible conflicts between Federal scientific programs and the nation's higher education goals. (At that time, Federal support of research was mostly in the physical and biomedical sciences.)

Letters of inquiry were sent to 300 selected faculty members, administrators, students and distinguished citizens; over 200 replies were received, following which, extensive hearings were held.

Significantly, among the questions asked were:

"1. Is undergraduate education suffering from overemphasis on research?

It has been charged that teaching is left more and more to inexperienced instructors or second-rate graduate students.

2. Has the Federal research program caused imbalance by encouraging certain schools to become 'research factories' rather than academic institutions engaging in research as a normal and necessary part of the educational function?"

From the investigation, the Committee concluded that while Federal research and development programs had undoubtedly improved scientific higher education in some particulars, there were also many harmful effects.

In the Committee's view, sclenfic manpower had been excessively diverted from teaching and research had been overemphasized to the detriment of teaching. The value of teaching at universities had been depreciated and teachers forced into a publish or perish pattern. Undergraduate teaching was all too frequently a thankless chore left to those unable to get research money.

The Committee made recommendations to remedy the diversion of manpower and suggested that grants and contracts be drawn so as to encourage senior investigators to teach as well as to perform research.

Of course, the manpower situation has changed since then but the financial crisis affecting universities has deepened and it is uncertain whether there have been significant improvements in undergraduate teaching.

In October 1967, Representative John Brademas of the House Education and Labor Committee, in a speech before the National Council of University Research Administrators, cited opposing arguments as to whether research had been helping or hindering teaching. Logic and intuition indicated the contribution of research to the timeliness and relevancy of instruction but he noted the persistent complaint from various quarters that the educational process had suffered because of research demands. He stated:

"The need for hard data here, for relevant evidence is clear. While logic is neat and intuition compelling, they cannot continue to be the sole basis of national research policy."

Baker attempted to answer similiar questions but from a different viewpoint. He received replies from 144 biology scientists (who were in teaching, research, or both) on the question of whether research activity was essential in order to be a good teacher. The replies indicated an overwhelming opinion that research was not required for effective teaching. Twelve percent, however, did state that lack of research participation led to teaching deterioration.

Baker, too, was not satisfied with the hard data available and called for new research to test hypotheses. He felt that the answers were sorely needed for educational decision-making in colleges and universities. Baker, in reacting to the apparently widely held view in the biological sciences as to the essentiality of research for teaching, pointed the finger at the vested interests of faculty and administration as the basis for arguments in favor of research emphasis.

Jencks and Riesman (1970) state, "Critics talk about research versus teaching. We have found no evidence, however, that the two are antagonistic." However, they define research rather broadly, i.e., as activity which involves new learning by the faculty member and not necessarily resulting in publication. Nevertheless, they "... do not think there are many brilliant teachers who never publish . . ."

Regarding the research-teaching dilemma as a false one, Jencks and Riesman hold that the present system fails to solve the real problem, which is to integrate the two enterprises. Interestingly, they stress the need for professors to work on research problems arising out of the teaching experience. Thus the interests, questions and curriculum needs of the students would stimulate research in certain areas. While Jencks and Reisman do not feel that students complain about academic programs, they do cite legislatures, alumni donors and parents as resenting the supposed preoccupation of faculty with research and other interests.

A few studies of individual institutions have come to notice, each attacking the question of whether or not the researcher is also a good teacher.

At Tufts University, Bresler (1968) drew the conclusion from statistical data that students picked as the best teachers those who led their colleagues in publishing and research. He used three unrelated sets of data. One was the evaluations by more than 1,000 students of 130 faculty members in 155 courses; a second was a Tufts yearly publication listing the number of published articles and books produced by each faculty member; the third was the University's record of grants made to faculty members. He stated that despite some irregularity in the data, in general, those faculty members who were receiving or had received support from government agencies were ranked highest in teaching abilities. Those faculty members who had never received support were classified in the lower ranks. These conclusions were readily evident for faculty in science, engineering and social sciences but there were indications that the same was true for arts and humanities.

In Bresler's article, reference is made to studies by McGrath of 15 liberal arts colleges and by Voeks at the University of Washington. Neither of the investigators found publication to be associated with poor teaching.

At MacAlster College, a private liberal arts institution, Rossman, in the 1969–70 academic year, studied the relationship between teaching effectiveness and publication productivity. He used 122 full time faculty members as subjects and ratings by over 200 students and 93 faculty members to determine teaching performance. Publications output was assessed by three members of the faculty personnel committee, the information being drawn from personnel folders.

He found no significant relationship between publication productivity and rating as a good teacher.

Rossman also cites a 1970 study at Purdue University by McDaniel and Feldhusen. They collected and analyzed information on student ratings of teaching effectiveness and on publication productivity for 76 faculty members. No significant correlations were found.

These studies of institutions have been mentioned not because valid conclusions can necessarily be drawn but rather to indicate a direction of exploration which needs to be followed. It might be noted, however, that none of the five studies verified the supposed adverse effect of research on teaching.

Overall there seems to be insufficient data to support valid conclusions as to the positive or negative relationship of research to post-secondary teaching. Neither is there enough evidence to show and convince students, legislators and the general public that support of research is a desirable and needed component of support of teaching.

A suitable approach might be for organizations such as American Council on Education, Association of American Medical Colleges and faculty associations to sponsor jointly, at various colleges and universities, studies of the impact of faculty research on the teaching-learning process. These studies should be intra-institutional, along the lines of the inquiries at Purdue, Tufts and MacAlester institutions, but perhaps broader and in greater depth. Two recent publications by Eble and by Cook and Neville on measuring teaching effectiveness should be of help.

Hopefully, one of the results will be an answer to the question of how faculty who are heavily in research compare as teachers with those who are not researchers. This would be helpful but light also needs to be thrown on the causes for any significant relationships.

As an ancillary step, explorations could well be made by institutional and faculty associations to see if guidelines can be developed for a suggested division of faculty workload among teaching, research, administration and other components. This might have to be by various disciplines and faculty ranks. Such guidelines, whatever the quantitative results, would at last present a general agreement on the need for and extent of faculty involvement in research. This in turn would strengthen the hands of institutions in dealing with legislative bodies and others who tend to regard classroom teaching as the only "productive" time for faculty members.

Finally, the Federal Government should be asked to make special provisions in grants to encourage the use of undergraduate students in faculty research projects.[1] To the extent that large numbers of students are involved in such programs, a better understanding of the relationship of research to society's needs may be attained. Student horizons can be broadened and a supply of future manpower for these fields may be increased. The National Science Foundation in its Undergraduate Research Program and in other ways has fostered such experience, but on a limited scale and for a rather selective group of students.

Wherever possible, colleges and universities should weave such undergraduate involvement into the educational process and allow academic credit. This would be in line with the increasing trend towards recognition of the educational value of student nonclassroom and off-campus activities.

BIBLIOGRAPHY

American Medical Association. *Report of the Commission on Research.* Chicago: A.M.A., 1967.

Baker, Jeffrey J. W. "Does Research Have a Beneficial Effect on Teaching?" *BioScience,* Vol. 20, No. 6 (1970).

Bayer, Alan E. "Faculty as Determinators of Students' Perceptions of the College Environment." Address before the American Association for the Advancement of Science, Dec. 28, 1970, American Council on Education.

Brademas, John. "A Time for Reassessment." Revised version of NCURA address, in *Sponsored Research in American Universities and Colleges.* Washington: American Council on Education, 1968.

Bresler, Jack B. "Teaching Effectiveness and Government Awards," *Science,* Vol. 160 (12 April 1968).

Cook, J. Marvin, and Neville, Richard F. *The Faculty as Teachers: A Perspective on Evaluation.* Report No. 13, ERIC Clearinghouse on Higher Education, The George Washington University. Washington: 1971.

Desmond, Richard L. "Faculty and Student Frustrations Shaping the Future of the University," *AAUP Bulletin,* Vol. 55, No. 1 (1969).

Eble, Kenneth E. *The Recognition and Evaluation of Teaching.* Washington: American Association of University Professors, 1971.

House of Representatives Committee on Government Operations. *Conflicts Between the Federal Research Programs and the Nation's Goals for Higher Education,* House Report No. 1158, 89th Congress, 1st Session, 1965.

Jencks, Christopher, and Riesman, David. *The Academic Revolution,* pp. 532–534, New York: Doubleday and Co., 1968.

McGrath, E. J. J. of Higher Education, Vol. 33, p. 148 (1962).

Orlans, Harold. *The Effects of Federal Programs on Higher Education.* Washington: The Brookings Institution, 1962.

Pitkin, Royce S., and Beecher, George. "extending the educational environment: the community as a resource for learning," Chapter 8 of *Higher Education: Some Newer Developments,* Samuel Baskin, ed. New York: McGraw-Hill, 1965.

Rossmann, Jack E. "Teaching, Publication, and Rewards at a Liberal Arts College." To be published in the J. of Experimental Education.

Voeks, V. J. of Higher Education, Vol. 33, p. 212.

Voertmann, Robert F. "Undergraduate Research: Aid to Educational Relevance," *Educational Record,* Vol. 51, No. 1 (1970).

---

[1] The value of undergraduate participation in research projects is discussed in some detail by Voertmann (1970) and a description of arrangements at several colleges is given by Pitkin and Beecher (1965).

IN MEMORY OF THOMAS A. BURKE: CLEVELAND MAYOR, U.S. SENATOR

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. VANIK. Mr. Speaker, the entire Greater Cleveland community was saddened on Sunday, December 5, by the death of one of its leading citizens, the Honorable Thomas A. Burke.

Tom Burke became mayor of the city of Cleveland on January 4, 1945, and served in that post for 8 years and 10 months—longer than any other man in the history of Cleveland. Shortly before his last term was over, Mayor Burke was appointed to the U.S. Senate to fill the vacancy created by the death of Senator Robert A. Taft. Senator Burke ran for election for the remainder of the unexpired Senate term in 1954, but lost in an extremely close election—one that was so close that the outcome was not known for a month after election day.

I knew Mayor Burke well. In fact, I had the honor of running against him in the Democratic mayoralty primary in 1951—a good and fair race which Mayor Burke won. From this experience, and from all my other contacts with this distinguished citizen, I knew him to be a dedicated public servant. He was a good man, a man concerned for the welfare of his community, his State, and his Nation.

I am sure that the entire community joins me in extending sincere condolences to his wife and family.

Mr. Speaker, I would like at this point to enter in the RECORD an editorial from the Cleveland Plain Dealer of December 6, 1971, in eulogy of Thomas A. Burke:

THOMAS A. BURKE

Thomas A. Burke, mayor of the city of Cleveland first by succession and then by will of the people, and United States senator for a brief period by appointment, was a short, paunchy, affable man whose rose-red cheeks and ready smile gave a misleading impression that he always enjoyed a carefree political life.

This was not so. Mr. Burke, now dead at 73, met head on, and with serious determination, the vexing problems confronting the mayor of this large industrial city in the closing months of World War II and during the arduous transition to peace that followed.

He was head of the city when it was almost impossible at times to find personnel and equipment to take care of municipal chores. But Mr. Burke found ways to get the job done. It was not the most popular assignment in 1946 to convince voters, staggering out from under the load of world conflict, to agree to spend $35 million in civic improvements but Mr. Burke pushed bond issues in that amount across to keep the city moving.

He had to contend with labor problems and a utility strike and a transportation strike but he met these challenges firmly. He saw the need for a second Cleveland airport, one on the lakefront, and today there is such an airport and fittingly it bears his name.

In actual time, Mr. Burke served longer as mayor of Cleveland than any other man although Tom L. Johnson also was elected four times and Anthony J. Celebrezze, later to become secretary of health, education and welfare and now a federal judge, was chosen five times for the office.

Son of a physician, Mr. Burke grew up in what is now the Hough area. He received his law degrees from Western Reserve University and after service in the county prosecutor's office, he decided to run for judge. He was defeated in 1937 and returned to private law practice but in 1941 the mayor, Frank J. Lausche, chose Mr. Burke as law director and this proved to be a turning point in his career. He succeeded Lausche as mayor in 1945 when the latter moved up to become governor of Ohio and later that year Mr. Burke sought, and was elected to, the city's top post.

Four times he steamrolled the opposition, serving a total of eight years, ten months and five days in office. In 1954 he succeeded, by appointment, the late Robert A. Taft in the U.S. Senate but when he ran for that seat later in the year he was defeated by the late George H. Bender in about as close a race as this state has witnessed. Mr. Burke lost by 6,000 votes and a possible factor in his defeat, yet one which illustrated his sense of fair play, was his announced opposition to the red-hunting tactics of the late Sen. Joseph R. McCarthy.

Mr. Burke then retired once more to private law practice but he remained, until his death, a Cleveland political figure respected and pleasantly received as a local boy who made good in his own home town.

SAMUEL KAUFMAN, NEW JERSEY SELECTIVE SERVICE OFFICIAL, RETIRES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. RODINO. Mr. Speaker, the Honorable Samuel J. Kaufman, Chairman of Selective Service Appeal Board No. 1 in the State of New Jersey, is retiring from his post after having served with the Selective Service System for more than 30 years. I join with Selective Service Director Curtis W. Tarr and Gen. Lewis B. Hershey, whose letters follow, in commending my good friend for his long and dedicated service and in wishing him in the years ahead an abundant measure of satisfaction and the continued enjoyment of life's blessings.

The letters follow:

SELECTIVE SERVICE SYSTEM,
Washington, D.C., December 3, 1971.

Hon. SAMUEL J. KAUFMAN,
Elizabeth, N.J.

DEAR JUDGE KAUFMAN: I deem it a personal privilege to express to you the gratitude of all members of the Selective Service System on the occasion of your retirement.

You have served many long years with distinction at all levels of the System as Government Appeal Agent, Legal Advisory Board Chairman and as member and chairman of the Selective Service Appeal Board of New Jersey.

The many contributions you have made to the operation of the Selective Service System since your first appointment on October 14, 1940, have been invaluable. I know that throughout these many years you have been a source of inspiration as well as a source of information and assistance to the State Headquarters of New Jersey. The many citations you have received are clear evidence of your dedication to the welfare of our country and to the highest ideals of responsible citizenship.

I know that everyone joins me in wishing you well for the many years of happy retirement which are yet to come.

Sincerely,

CURTIS W. TARR.

THE WHITE HOUSE,
Washington, November 29, 1971.
Hon. SAMUEL J. KAUFMAN,
Chairman, Appeal Board No. 1, Panel No. 1, State of New Jersey, Newark, N.J.

DEAR JUDGE KAUFMAN: I understand you are being honored on December third for the outstanding services you have given to the Selective Service System as an Appeal Board Chairman. This service, given without compensation, testifies to your devotion to your nation and is evidence of the fact that America has citizens who dedicate themselves to their government by the acceptance of responsibilities for decisions which make possible the survival of the United States.

Your retirement you have earned and richly deserve, but it will not be easy to find a replacement who has learned by experience the depth of knowledge of the Selective Service operation you possess. The confidence of the public in you can be gained only by long association.

Your nation, your state and the Selective Service System owe you much. These debts will remain a memory to you to give a satisfaction nothing else can provide.

Mrs. Hershey joins me in thanks for the high privilege of association with Mrs. Kaufman and you. We send every best wish for the days to come.

Sincerely,

LEWIS B. HERSHEY,
General, U.S. Army,
Advisor to the President.

LEGION COMMANDER ADDRESSES LABOR CONVENTION

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. PERKINS. Mr. Speaker, on November 22, the Legion's National Commander John H. Geiger addressed the delegates to the AFL–CIO Convention in Bal Harbour, Fla., concerning some of the problems being experienced by our returning veterans, older Americans, and about some of the serious deficiencies in our military establishment.

I am sure all of my colleagues will agree with Commander Geiger that our returning serviceman deserves a better welcome home than he is receiving. Certainly he has a right to look to his community and his country for an opportunity to be gainfully employed and to complete his education without undue financial burdens, and above all he is entitled to all of the respect and gratitude a grateful Nation owes its defenders regardless of how one might look upon the continuing conflict in Southeast Asia. The commander's remarks in other areas are also well taken.

Commander Geiger's statement is relevant to many of the problems we, the American people, must face and overcome if we are to survive as a great nation, and for this reason I commend his timely statement to the attention of my colleagues:

AN ADDRESS BY JOHN H. GEIGER, NATIONAL COMMANDER, THE AMERICAN LEGION

Mr. President, distinguished guests, delegates to this Ninth Constitutional Convention of the AFL–CIO.

May I take this opportunity to express the appreciation of The American Legion for the courtesies you have extended to us through the years, and the opportunity to participate in these biennial sessions of the mighty American Labor movement.

I am particularly delighted to appear before you today because I would like to discuss some areas in which I feel the AFL–CIO and the Legion are much alike.

The American Legion is a service organization. We have no product to sell, no axe to grind, and a single standard by which to determine our programs and our policies and that is by what we believe in our own hearts and minds to be in the best interests of America.

In this respect we have in common—your organization and mine—a fervent concern for the well-being of our country.

We are primarily concerned with the affairs of our veterans. And I must say we of the Legion appreciate greatly the sympathetic interest so many unions have shown in helping disabled veterans find gainful employment and the honoring of reemployment rights of the veteran.

The problems of the young veteran today simply mirror the problems of contemporary America. Drug abuse—an epidemic of national emergency proportions—is his problem and also America's. Joblessness—a particular affliction of the young Viet-time veterans, and a problem with which you are vitally concerned, is an indication of a weakness in our national economy which must be corrected in the near future. The uneasiness affecting the young veteran is symptomatic of the onset of a national illness—an illness being aggravated by deliberate efforts to destroy our national institutions, and one threatening to engulf us if we fail to seek an early cure.

The American Legion is vitally concerned with jobs for veterans, as you would expect us to be. Jobs for Veterans is a priority program of the Legion, initiated over a year ago and reaffirmed at our most recent national convention in Houston, Tex.

Our program concerns the total well being of our Viet-time veterans. These men deserve a better welcome home than being consigned to relief or welfare rolls. This country that asked them to serve in its armed forces is the most affluent in the history of mankind, and that affluence must be made to work for the returning veteran by providing him with the opportunity for suitable employment whereby he can provide for his needs and maintain his dignity as an American citizen.

It is certainly no news to anyone here present that in the space of a few short years—the years of an unpopular conflict—we have witnessed the increasing degradation of honorable military service by those who apparently have the destruction of the American way of life as a primary goal.

We of The American Legion believe, as I am sure all of you here believe, that nothing short of a national disaster is imminent unless prompt measures are taken to restore military service to the position it should and must have in the order of things—not just a moral obligation of citizenship for those called upon to serve, but a matter of unquestioned honor to be so recognized by all Americans.

The truly tragic aspect of this unfortunate matter is the degree of success these individuals have had in selling this alien philosophy—turning our own guns against us so to speak—by using the same constitutional guarantees so many Americans have fought and died for in a cause that can only mean the ultimate destruction of those freedoms.

How often, in recent years, have we heard the story of the young veteran of the Vietnam conflict returning home—not to the heroes' welcome accorded those of prior conflicts—but to ridicule. He is labeled by some to have been a sucker, not smart enough to join his "intellectual superiors" who are sojourning in Canada and Sweden while others carry their responsibilities.

It is not unheard of for these young veterans to stop in the first available airport or bus station rest room to remove the uniform, the once proud symbol of service to country, so that they might be spared this venomous ridicule.

I say to you today that the time has come for those of us who care about America to speak out in the strongest possible terms against those who would have us believe that military service to the United States of America is a dishonorable thing.

We may agree with the apologists, in our midst, that this nation has its shortcomings. Few countries in the history of the world have been faced with so many problems demanding immediate solutions. Despite this fact, I submit that this country, this system of government, has in the past, and will continue in the future, to offer the average man the greatest opportunity for self realization this world has seen, and military service in the defense of this system must command the highest respect.

Another segment of our society which has been touched by the weakness of our national economy is the retiree living on a fixed income. We share with you the concern for the older citizen who has given the best years of his life to his country and to his vocation.

Economic instability plays havoc with the purchasing power of the retiree or his widow. Cost of living increases in retirement pensions have not kept pace with the inflationary spiral of our economy.

Both our organizations actively seek a sound economy, which is not only of benefit to the veteran and the laborer but to the country as a whole. But we would hope that plans to control inflation will succeed so as to preserve the purchasing power of these small, fixed incomes and add new vigor to the economy. Our retirees—the laborer and the veteran—deserve our attention. They have earned the right to a life of dignified retirement. It is up to us to protect them.

Both our organizations act on mandates given to us by our respective membership, mandates which benefit all and not just a few. At our national convention and again at the fall meeting of our National Executive Committee, The American Legion has as a national mandate the job of alerting the general public to the deteriorating condition of our military capability.

I believe members of the AFL–CIO share our concern for this dangerous trend toward dismantling our military establishment. Not in three decades has America faced so bleak a military outlook as she does today. Many American officials have warned of the serious deficiencies in our military establishment. None have been more profound that the "Report of the Blue Ribbon Defense Panel" made public in September of 1970.

I would like to, if I may review with you some of the conclusions arrived at by this distinguished group of Americans during a year long study. The panel concluded that if trends they observed continue, the United States would become a second-rate power incapable of assuring the future security and freedom of its people.

The converging trends to which the Panel referred include "the growing Soviet superiority in ICBM's; the Soviet commitment of greater resources than the United States to strategic offensive and defensive weapons, with continued deployment of these weapons; the possibility that present United States technological superiority will be lost to the Soviet Union; the convincing evidence that the Soviet Union seeks a pre-emptive first-strike capability; the rapidly expanding Soviet Naval capability; and the mounting hostility of segments of the public toward the military, the defense establishment and the 'military-industrial complex' without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the United States."

These conclusions by the Blue Ribbon Defense Panel were contained in a supplemental statement to their report. The concluding statement is a sobering thought and one which I consider of extreme importance to all Americans—it said:

"The most ominous danger of being second rate in the nuclear age is that it multiplies the chances—not of peace—but of nuclear war. Soviet or Red Chinese overconfidence or miscalculation in the employment of, or threat to use, their power may trigger such a war inadvertently or place the United States in a posture from which there could be no retreat. The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the United States—of its military capability and its will—would be the gravest threat to the peace of the world."

The American Legion and I know members of American labor are painfully aware of the costs in human lives and money that results from unpreparedness. There has been a reordering of priorities which is seriously damaging our security that must be corrected immediately. And, well financed and well directed organizations are working full-time to obstruct our defense planners. We have an obligation to press for defense expenditures commensurate with the magnitude of our role in international affairs.

We can all agree that a goal of peace and harmony with all nations of the world is a desirable obective. I have never known anyone who has endured the agony of deadly combat who has enjoyed that experience. Hopefully, we are now on the road to achieving the peace we all desire, but I can assure you that no lasting peace will ever be gained if the transition from war to peace means a transition from strength to weakness.

How many times must we relearn that costly lesson? Given the established fact that our enemies in the world continue to grow stronger militarily—and continue to flaunt that strength even here in American waters, we have no choice but to continue to demand a strong defensive posture for the United States.

Our survival is at stake—and our *national will to survive* is being put to the severest test. Even assuming an adequately equipped force-in-being for the defense of America in this decade, one which does not presently exist, we cannot assure the defense of this country unless and until the will and character of the American people restore to those who must man this force a basis for the strongest possible sense of honor, dignity and service to the Nation.

And when these men have completed their service, they must be returned with equal honor, and with all due speed to fully contributing and participating membership in their communities. Nothing less will insure that we have the motivated manpower to succeed in the defense of the United States against aggression by our enemies.

I can assure you The American Legion, which has been a principal advocate of overwhelming military superiority, will redouble its efforts to assure that our military establishment is not entirely dismantled. We insist—and I believe members of the great American Labor movement would agree with us—that America must remain militarily strong to avoid the threat of international intimidation and progressive capitulation of our freedom loving allies.

We now commend the Congress for its recent actions to reinstate the many vital Foreign Aid programs.

The American Legion strongly believes that the United States must firmly support our free-world allies, as well as the new emerging nations, with well planned economic aid programs and adequate military assistance. This aid is justified by terms of current defense treaties and as our moral obligation to any friendly, peace-loving, country.

I do not say that improvements in the various aid programs should not be made. We urge a full re-evaluation and reassessment of the recipients, the type, and the amounts of American aid being contemplated.

However, our national image as a responsible leader in the world of free nations has been seriously affected by recent Senate actions, and the Congress must now move quickly to assure our true friends that America has not deserted them.

We believe that human freedom is a God given gift, but one which man must nurture carefully or it will wither and die. To enjoy to the fullest those things that are free, we must resolve to defend with all our strength and courage the greatest of all of our blessings—human liberty—the right of man to toil and sweat and yet to preserve for himself and his loved ones the right to enjoy the full measure of the fruits of his labors.

I have attempted to articulate the collective mind and heart of American Legionnaires. Your spokesmen follow the same practice of speaking out plainly and objectively on issues of national moment. To seek information, to form opinions and state them is more than our right; it is every citizen's duty. History will not forgive us if this duty goes unperformed because of our neglect, our ease or our indifference. As a matter of fact, public expression begins the process through which the American people determine the course of their government.

In closing, I would like to express a personal belief that I have voiced many times. I believe that this is the place, the best age of mankind in the history of man, and I believe that we are on the threshold of an even better world and that America is in the forefront as we strive toward that objective. I am optimistic that modern knowledge, education and communication will continue to succeed in our common attack on the old and the new problems of our world.

We see no easy or swift deliverance. All will not magically come. But, we will be successful through the responsible action of concerned citizens from all walks of life, willing to devote themselves to the cause of peace and freedom and to making America strong. Thank you.

WHAT DID DR. KISSINGER TELL WILFRED BURCHETT?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ASHBROOK. Mr. Speaker, an Australian publication, the Melbourne Age, carried an article on November 24, 1971, by Bruce Grant, a well-known commentator in that country entitled, "What Did Dr. Kissinger Tell Wilfred Burchett?"

Who is Wilfred Burchett?

The Canberra Times, Australia, issue of March 11, 1970, ran a letter to the editor by a group of Australian journalists and academicians which presents a number of allegations concerning Mr. Burchett's background.

Additionally, the December 1971 issue of Tactics, a monthly devoted to the issue of psychological warfare, featured more material on Mr. Burchett's background. Mr. Edward Hunter, the publisher and editor of Tactics, has an extensive background in intelligence work in several Federal agencies, has testified before congressional committees, and is, incidentally, the author of the term "brainwashing." Interestingly enough, as an intelligence employee of a Federal agency, Mr. Hunter reviewed volumes of testimony by American POW's of the Korean war in which the mention of the name Wilfred Burchett occurred more than once.

If the meeting of Messrs. Burchett and Kissinger, as reported by Mr. Grant, did in fact take place, there are many pertinent questions which may well be posed in the months ahead.

I ask at this point that the three above-mentioned items be inserted in the RECORD.

[From the Melbourne (Australia) Age, Nov. 24, 1971]

WHAT DID DR. KISSINGER TELL WILFRED BURCHETT?

(By Bruce Grant)

A piquant incident to delight connoisseurs of the diplomatic game.

On October 19, the Australian journalist Wilfred Burchett, who is an outlaw in the eyes of the Australian Government, met secretly with the architect of American foreign policy, Henry Kissinger.

The meeting took place at Dr. Kissinger's invitation. Mr. Burchett was at the United Nations, with an American visa which confined his movements within a 25-mile radius of New York. He was told to forget the restriction and come to Washington. What has been described as "a long and detailed talk" took place, over breakfast, in Dr. Kissinger's office.

It is believed in diplomatic circles in Canberra, where accounts of the meeting are circulating, that a report of it was sent to the Department of Foreign Affairs, either from Washington or, as Mr. Burchett later mentioned his discussions with Dr. Kissinger in the presence of diplomats at a reception given by the Bulgarian mission to the UN, from New York. But inquiries at the department could not confirm this.

The fact of the meeting, however, is established and, in itself, is interesting enough.

Although he is officially an outcast in Australia, Wilfred Burchett's reporting, especially from Indo-China, has given him an international reputation as an intelligent and well-informed man, despite his political prejudices.

The Australian Government has refused to issue a passport to Burchett because it alleges that, during the Korean war, he lived behind enemy lines and tried to lower the morale of Australian prisoners of war.

Burchett has always disputed this and, in a marathon effort to get a passport, defied the Australian Government and the airlines and returned to Australia last year without success. Since then he has been busy reporting from China and Indo-China perhaps the most important story in a long career as a foreign correspondent—the changing relationship between America and China.

His value as an observer of politics in Hanoi, Peking and Moscow has now been put to the test by Kissinger, who is more interested in good information than in striking political poses.

This is the kind of intelligence from which the Australian Government has been excluded for many years. We have relied on the siftings of our powerful friends, which are subject on occasion to a fine screen.

With an operator like Kissinger now in charge of the major Presidential moves in American foreign policy, Australia needs more than ever its own sources of information. Burchett could be considered one such source, long neglected.

What did Kissinger and Burchett talk about?

Accounts of the meeting, although varied, concentrate on one topic; a political settlement in Vietnam. October 19 was the day before Kissinger left for his second visit to Peking. He was concerned to hear Burchett's opinion why Hanoi had not responded to Washington's overtures for a settlement.

Burchett's opinion was that Hanoi would not negotiate without a public declaration from Washington that all American forces—not just ground forces—would be withdrawn from Vietnam.

Kissinger replied that President Nixon was now ready to pull out totally from Vietnam, but America, as a great power, with other responsibilities in Asia, could not announce this publicly in advance of negotiations, without appearing to be capitulating to Hanoi and setting at risk its relations with other nations in the region. In this latter connection Japan was mentioned.

Some versions of the meeting stress that a settlement for Indo-China, and not just Vietnam, was discussed at length.

From another corner of the world, Lajos Lederer has reported in the London Observer, quoting East European sources, that Mr. Chou En-lai proposed to Dr. Kissinger, on his second visit, a new international conference on Indo-China, to replace the Geneva Agreement of 1954.

According to Lederer, the Chinese want the conference to reach a settlement which would pave the way for a complete withdrawal of American troops and that China's backing for some such *modus vivendi* was a precondition of the Nixon-Mao talks.

This sounds very much like the proposal which Mr. Whitlam picked up while he was in Peking and which the Chinese Premier, apparently to placate Hanoi, later denied. Mr. Chou is again reassuring Hanoi that no concessions to the United States will be made at North Vietnam's expense, but in view of the Burchett-Kissinger talks, Mr. Lederer's report has the ring of reality.

The official view in Canberra is that the Americans do not intend to withdraw completely from Vietnam or from Indo-China. It is on this assumption, one supposes, that the decision was taken, to leave an Australian military training team in Vietnam after the departure of combat troops.

The Government, of course, has its own judgment to make. However, to adapt an old Oriental proverb: when great powers get together, allies are wise to practise their footwork.

[From the Canberra (Australia) Times, Mar. 11, 1970]

Vigorous Attack in Letter to Papers—"Sympathetic Publicity"

A vigorous attack on left-wing publicist Mr. Wilfred Burchett was launched yesterday by a group of Australian journalists and academics.

The attack was launched in a letter to editors of Australian newspapers.

The group included Mr. B. A. Santamaria, president of the National Civic Council, Dr. Frank Knopfelmacher, senior lecturer in psychology at the University of Melbourne, Mr. Geoffrey Fairbairn, a lecturer in history at the Australian National University, and Professor David Armstrong, of the Department of Philosophy, University of Sydney.

The letter reads:

Sir: The action of the Federal Government in denying a passport to Mr. Burchett may or may not have been legally justified. In terms of practical consequences, it ensured that he obtained an overwhelming volume of largely sympathetic publicity. Whatever the Government's intentions, its policy proved of invaluable assistance to Burchett, and obscured the central issue of his career.

The issue is not whether Mr. Burchett is a Communist. It is simply whether, over a long period of years, he has worked for foreign governments, including periods when these governments have had troops engaged in military operations against Australian soldiers and their allies. If established, this would constitute a major offence which no organised State ought to tolerate.

Facts which Mr. Burchett himself had admitted, together with documented allegations which have been publicly produced, raise this central issue. They also raise the issue of Mr. Burchett's pattern of conduct over the same period as a relevant factor in the credibility of the explanations he has given.

ALLEGATIONS LISTED

As to the major issue, the following allegations have been published:

(1) That in 1952 he was a working member of a Chinese-North Korean Interrogation Group which allegedly extracted forced confessions out of American POWs, including U.S. airmen Quinn and Enoch. His membership of that Interrogation Group was disclosed by Peking Radio, monitored by the Monitoring Service of Radio Malaya (May 18–19, 1952). The Monitoring Digest quotes Peking Radio as follows:

"Wilfred Burchett, the correspondent of the Paris Ce Soir, took part in the work by invitation".

(2) That, in company with the British Communist Winnington, he helped to write a confession forced out of the U.S. Air Force ace, Colonel Mahurin, after the latter had been subjected to long periods of physical and mental torture. That allegation was made by Colonel Mahurin himself in U.S. News and World Report (September 18, 1953). The relevant statement is: "Mr. Burchett and Mr. Winnington were writing our confessions. They were bringing the confessions and making us copy and sign them".

(3) That in Vietnam, he has actively cooperated with the North Vietnamese Government. He himself claims to have participated in its preparations for the Paris talks, to have been the bearer of messages from the Vietcong and to have accompanied Vietcong troops in military operations in South Vietnam.

These allegations relate to periods when the governments concerned, Communist China, North Korea and North Vietnam, had troops engaged in military operations against Australian troops and their allies.

As to his pattern of conduct (as a relevant factor in establishing the credibility of his explanations) the following matters are also on record:

(1) That in the mid-30s he was in charge of the Soviet Intourist Agency in London and was therefore an employee of the Soviet Government.

(2) That in 1949 he was sole Western journalist, given a special visa by the Hungarian Communist Government, to report the trials of Cardinal Mindszenty and of the former Communist Minister of the Interior, Laszlo Rajk. Of Cardinal Mindszenty, Burchett wrote that he was a "miserable, intriguing, ambitious little man". Of Rajk, who fought in the Spanish Civil War and who was executed outside his wife's cell, Burchett described the dead Rajk and his group as "cheap police spies", "miserable bloodthirsty adventurers". Rajk was later rehabilitated by the Hungarian Communists themselves. The statements quoted are from Burchett's book "People's Democracies".

(3) That in the early 50s he went to Korea as an employee of the left-wing French newspaper Ce Soir, and contributed articles to Communist papers throughout the world, especially Humanite. This paper was financed by the French Communist Party, a party which was then, and still is, largely dependent on the subsidies of the Soviet Government.

(4) That in 1955, when Burchett was "tipped off" that if he landed in Singapore he might be arrested by the British authorities, he was saved from this embarrassment by Chou En-lai, the present Prime Minister of Communist China, who gave him personal transport on his private plane and thus enabled him to avoid British territory. Burchett himself makes this claim in his autobiography. ("Passport," p. 281.)

DEBT TO TROOPS

It is understood that the existing Australian law does not cover these situations with certainty, and therefore that prosecution under the Crimes Act is not a satisfactory way of determining the issues.

The Federal Government clearly owes it to the Australian troops who have been sent to serve their country in Korea and in Vietnam, to the Australian people, and, incidentally, to Mr. Burchett himself, to determine these allegations once and for all. If Mr. Burchett is not guilty of co-operation with enemy governments, let him be publicly exonerated. If he is factually guilty, but legally free because of some deficiency in the law, let it be clearly stated and the necessary amendments to the law, to cover future cases, be both recommended and put in the Statute Book.

A covering letter signed by (Mr. Frank Mount, Southeast Asia correspondent for 'News Weekly') says that the signatories "have signed in their personal capacities expressly in order not to involve the institutions to which they belong".

The letter is signed by Professor Armstrong; Dr. Colin Clark, former director of the Agricultural Research Institute, Oxford University; Mr. Fairbairn; Associate-Professor Owen Harries, Department of Political Science, University of NSW; Dr. Knopfelmacher; Professor Peter Lawrence, Department of Anthropology, University of Queensland; Professor James McAuley, Department of English, University of Tasmania; Professor Douglas McCallum, Department of Political Science, University of NSW; Mr. Patrick Morgan, tutor in English, Monash University; Mr. Mount; Mr. John Radvansky, senior lecturer, Department of Education, Monash University; Mr. S. N. Ray, Department of Indian Studies, University of Melbourne; Mr. P. D. Samuel, Canberra correspondent of the 'Bulletin;' Mr. B. A. Santamaria, president of the National Civic Council; and Mr. D. C. Stove, senior lecturer in philosophy, University of Sydney.

[From Tactics, Dec. 20, 1971]

Desecration of White House Offices—Kissinger and Burchett Confer

Wilfred Burchett, deprived of a passport by his native Australia because of his aid to the enemy during the Korean War, who seduced captive Americans into treason in the North Korean p.o.w. camps, has just been secretly welcomed into White House offices for consultation. This constitutes unparalleled desecration of the White House, more reprehensible even than an invitation would have been to Lord Haw Haw to come to the Executive Offices for consultation.

Lord Haw Haw broadcast enemy propaganda, but did not personally lure his countrymen and allied soldiers into treason, as did Burchett.

No agent of the President—indeed, no President—has the right to desecrate the White House and the executive offices in this manner. If this is the sort of price we already have to pay for President Nixon to be received in Peking, it is much, much too dishonorable. Surely, American veterans of the Korean War would have been foremost among those protesting, if this obscene act had not been perpetrated in secrecy.

"YOU'LL HANG . . . YOU'LL HANG!"

Burchett, as a communist operative with the Chinese Reds in the Korean War, exploited his Australian nationality and journalistic skills on behalf of the enemy. British p.o.w.'s, who soon detected this, sang, "You'll hang . . . you'll hang," dangling cords tied like hangnooses, when he entered their prison camps. (See "Brainwashing: From Pavlov to Powers," a book by this writer, and TACTICS of Mar. 20, 1970.)

This was treason in any language, of course. Perhaps his most despicable operation was against American captives, already weakened by physical and mental terrorism. He provided the carrot part of the pressure techniques, while the Chinese reds used the stick. Thus, germ warfare "confessions," edited or written out of the whole cloth by Burchett, were spread world-wide through the mouths of the more or less brainwashed Americans.

He was persona non grata in Australia and not eligible for a U.S. visa after the war, of course, and dared not contest this for fear of persecution. He worked in propaganda warfare for both Peking and Moscow.

He sought this diabolical employment himself. Yury Visilevich Krotkov, who recruited agents for the KGB, gave the details to the Senate Internal Security Subcommittee, which it published in three volumes, entitled "Testimony of George Karlin," one of his cover names.

As U.S. News & World Report said, Feb. 27, 1967, Burchett is "a highly dedicated communist propagandist. He has been working at it for more than 20 years. His goals are consistent: to make America and its allies look evil, and to make the communists look good. He has a knack of getting his views widely distributed in the non-communist world."

Of course! He had the behind-the-scenes help of the red network.

Although he authored some of the most vicious books against the United States, venting his spleen in characteristic communist manner, such papers as the N.Y. Times covered up for him, while giving him a prestige as simply an Australian journalist with good contacts among the communists. He sure had, as their bought and paid for operative!

SEDUCER OF FREE GOVERNMENTS

This processed prestige enlarged his image, at first to that of a knowledgeable contact on communist affairs, and then to a sort of semi-official spokesman for red regimes. The press initially gave him this reputation, by asking him the views of Moscow and Peking, as at Panmunjom and Paris.

This suited the purposes of Moscow and Peking on such crucial military maneuvers as inducing the United States to cease its bombing of North Viet Nam, on the implied promise that Hanoi then would engage in "meaningful" negotiations to end the war.

Burchett's primary role since the Korean War has been in that area, to lull the United States and other free nations into actions that diplomatically or militarily push them toward defeat. He is worth whole red army divisions in this role.

As Counterattack wrote as long ago as Aug. 27, 1965, "What makes him effective is that he understands the extent to which he can depend upon pro-Soviet elements in the State Department to help him achieve the results expected by the Kremlin from the coordinated efforts of its far-flung apparatus."

And, as it correctly added, "There was no excuse for the foreign editor of any press association or metropolitan newspaper not to know who Wilfred Burchett was."

And as might now be added, there is no excuse for Henry A. Kissinger or any other occupant of the White House not to know who Wilfred Burchett was. They certainly should know, too, that to permit him into its offices is an obscenity. To do so, in colloquial language, is to ask to be "taken for a ride." This we are doing.

Significantly, Paul Scott's column of Nov. 12, 1970 said Kissinger "has been deeply involved in secret talks with Hanoi since early 1967 when he set up his own communication link with the North Vietnamese." Two "mysterious" French friends of Burchett were named as go-betweens.

Burchett attended the red hemispheric conference in Montreal in late 1968, where delegates—including Salvador Allende, Chile's present President—competed in pouring vitriol on the U.S.

Burchett was traveling on a Red Cuban passport. Legally, he was ineligible to enter the U.S., but this was secretly maneuvered for him by the State Department and Ramsey Clark at Justice. They granted him a waiver on the basis of his convenient credentials as U.N. correspondent for communist papers.

This scandal in the closing days of the Johnson administration aroused such protest that his visa was not renewed. But Burchett remained in New York long enough to be glamorized by reds and the radical chic at a rock music and propaganda affair attended by such as Pete Seeger, Rap Brown, Herbert Marcuse and Bernardine Dohrn.

Burchett also travels on North Vietnamese and Cambodian "passports." Such incriminating documentation focuses attention on his virtual outlaw status in his native Australia, and is an obstacle to his clandestine operations.

DOUBLE-BARRELED MANEUVER

British libel laws are thorny affairs for the press, much more so than in the U.S. The new generation that has been indoctrinated as much as educated is mostly ignorant about the recent past. So Burchett in 1969 took advantage of an accurate article about him by the Australian correspondent, Denis Warner, to sue for libel.

He brazenly used journalism as a cover, denying his communist connections, depending on the passage of years and the rise of an appeasement climate to deprive the defense of witnesses who could testify to his treason. If he could regain his Australian passport, his use as a red agent would be immensely increased. In addition, the whole, red network would be enormously benefited. If so obvious a communist operative could win a costly libel suit, an invaluable immunity would be conferred on red agents generally. No newspaper would dare identify any such enemy of the state. Indeed, the mere filing of such a suit has such an impact, for it puts the defense to great expense and inconvenience.

What Burchett had not anticipated was that a KGB officer who had participated in his recruiting would defect and lay the details out in the open for all the world to read. This is what Krotkov did. Also, enough ex-p.o.w.'s were located who had personal knowledge of Burchett's activities to verify the worst.

The expectation appeared well grounded that Burchett, confronted by such damning evidence, would not bring the case to trial, but let it fade away. Even a change in government in Australia was insufficient to alter this prospect. Burchett's last effort was a skillfully devised entry into Australia to provide the setting for a trial favorable to him. He wrote a book, "Passport," timed to help create the needed propaganda climate. But it all was to no avail; indignation and an adverse decision by the new Prime Minister, John Gorton, maintained intact the decision not to grant him an Australian passport. This obviously was Burchett's decisive defeat. He left Australia in a short while, his mission unsuccesful. No, there would be no use for him to press his libel suit.

Then President Nixon announced a projected trip to Peking. Kissinger was in Peking! And he went back to Peking when the United Nations was deciding if Free China were to be double-crossed, as it had been at Yalta. Kissinger certainly was saying something by his presence in the Red Chinese capital, and the United Nations clearly read the message.

Such cryptic symbolism can be overdone, or be difficult to control, and so it was in this case. Red China was to be let in, but the expulsion of Free China was to be delayed a year or so, anyway until after the American elections, so that the Machiavellian intrigue not show up so baldly as a deceit in our domestic politics and a betrayal in our international affairs.

The U.N. diplomats, friends and foes alike, reacted like school children when teacher leaves the room during a test. They copied not only the answers they were supposed to give, but some that belonged to a future examination. No wonder Nixon became indignant! The Red Chinese now held all the trump cards on his forthcoming visit to Peking.

HUSHED-UP S.I.S.S. TESTIMONY

Krotkov defected to the British, and told them plenty, although little was released to the press. He then went to the United States, where the alert Senate Internal Security Subcommittee subpenaed him. He was put under intensive questioning, also in secrecy, on Nov. 3, 4, 5, 6, 10, 13, 18, 24, 1969 and on Mar. 9, 1970. Early in January the next year, the testimony was published in three booklets, altogether 258 pages, along with 19 pages of indexes, in each of which Burchett's name appeared.

Burchett's lawyers, having heard of this, were giving every evidence of letting the case be quietly forgotten. But the scare created by the brazen suit was not being forgotten so easily, especially with a press that had been conditioned by the anti-anti-communist propaganda climate.

Krotkov's revelations about Burchett certainly were legitimate news for Australia in particular. A copy of the testimony had been promptly sent there and was in the hands of editors. Australian correspondents in Washington were informed. Yet nothing appeared in any Australian publication.

Nothing appeared in England, either. Burchett had sued there, too. But as the first suit was filed in the Supreme Court of Victoria, against Warner and the Melbourne Herald, the defense argued that the case first should be tried in Australia, and then in London. Burchett preferred London, as a softer push, but the court disagreed with him.

Fortunately, one British paper—the Telegram in Toronto, Canada—was courageous enough to run a story about Burchett, revealing the Krotkov disclosures. The writer was Peter Worthington, one of the country's finest correspondents, with service worldwide, including assignment to Moscow.

Worthington pointed out that Burchett's "country won't let him come home, even to visit," because, as a succession of Australian governments declare, "he had 'severed all connections with Australia.'" Burchett managed a quick trip in early 1970, flying to Noumea, capital of French New Caledonia, where a maverick Australia publisher sent his own plane to bring him in, presenting the government with a fait accompli. Burchett's reception was such that he soon left, again without any Australian identity documents.

This is the man Kissinger honored by receiving in the White House's executive offices.

No man has the right to thus dishonor our executive offices, irrespective of technicalities. It is an affront to the nation, especially to every man who saw service in Korea. Burchett had no right in the U.S.

Obviously, no Australian newspaper dared print the Krotkov testimony without it being accorded privileged status in that country, too. Finally, late 1971, it was read into the Australian Senate's Record, the Senate being less newsmaking and influential in that land than its House of Representatives.

But by then, Nixon stunned all of Asia by his behavior, and what would have had great impact only a while before caused hardly a ripple. One Sydney newspaper used a few paragraphs; every other daily in Australia ignored this important development.

What appeared particularly incomprehensible to the informed abroad was how the American President "seems to have turned his back on his own advice," to use the words of a knowledgeable Australian contact.

Nixon had talked to the Australian ambassador, Sir James Plimsoll, regarding how important it was to convince the Japanese that they had friends, then had forced Tokyo into circumstances where it could lose all faith in U.S. credibility. The contact wrote:

"Surely, no one in Washington can believe that a 'friendly' Communist China would be more valuable to the U.S. than a friendly Japan."

BURCHETT "INTERVIEWED" IN NEW YORK

One letter from an Australian contact contained this startling statement: "Wilfred Burchett is now interviewed frequently in New York by the Australian Broadcasting Commission, the Australian equivalent of the B.B.C., as the distinguished Australian correspondent. He writes a regular weekly column for a widely read Sunday newspaper—no word, of course, about his past and present connections."

This sounded inconceivable at the time. Burchett did send dispatches regularly to The Guardian in New York, and these might have been meant. Surely some paper would have discovered his presence in the U.S. and reported it, as had been done in the Johnson administration.

Indeed, a Washington Post dispatch by Robert H. Estabrook from the United Nations, published Nov. 30, 1968, reported Burchett's request for a visa to the U.S., pointing out that "his real purpose may be to establish contact with putative officials of the Nixon administration on behalf of North Vietnam." The dispatch added:

"It is suggested that he may have been encouraged by Ambassador Averell Harriman or other members of the American negotiating team in Paris.

"Speculation here holds that Burchett may attempt to be a contact man for the Vietnamese National Liberation Front, or Vietcong."

His appearance at the National Guardian rally "would plainly violate the terms of a restricted visa," the dispatch said.

But law, as is obvious nowadays, is merely a matter of doubletalk and semantics in Washington when communist "accommodation" is involved.

This obviously well-informed correspondent pointed out, too, that Burchett had credentials from the "leftwing Paris monthly magazine," L'Evenement, but: "Some authorities question, however, whether L'Evenement is in a financial position to pay the expenses of a special correspondent here." Of course, it wasn't. Whatever the channels, he was being paid by the red network.

COMMUNIST TAG EVADED

A curious sidelight into the conditioned extremes to which such papers go to avoid pinpointing communism is that this revealing article, in referring to Burchett, describes him merely as "an Australian-born journalist frequently in Hanoi." This fits into Burchett's doubletalk. He admits his pro-communism, but insists he is just a reporter. He is a reporter in the red sense. This is being put across as "advocacy reporting" in the United States, a cover for red propaganda.

When Burchett came, the N.Y. Times said he was "an Australian journalist often regarded as an unofficial spokesman for Hanoi," and that he possessed "a reputation for courage and resourcefulness . . ." No mention of his allout communism and his allout attacks upon the United States!

Confirmation of Burchett's sly entry into the United States, accorded the smooth secrecy by the Nixon administration that the Johnson administration was unable to give him, was not slow in coming. Combat, a semi-monthly newsletter put out by National Review, Inc., in its Nov. 15 issue, referred to Burchett as occupying table 56 at the Oct. 29 meeting in New York of the Fund for Peace. The State and Justice Departments had secretly waived the law that justifiably deprived him of a visa, while the press looked the other way.

Participation in such a program was an obscene act, but Sen. Edward Kennedy and former Chief Justice Earl Warren were among the speakers. Others attending included additional red agents and leading red propagandists from abroad, and—of course—the usual "sick" or knowledgeable coterie of the radical chic. The term used to be "fellow traveler."

KISSINGER THE KEY TO IT

An informed Australian contact on Nov. 24 sent a letter that solved the mystery of the red agent's trip to the United States, in spite of legal barriers. Kissinger wanted it!

The letter enclosed an article in the Melbourne Age of that day, written by Bruce Grant, "regarded as the leading commentator in this country . . . what he has to say has wide acceptance."

The information was leaked by the Department of Foreign Affairs in Canberra, where Burchett has a number of supporters. (How like our State Department!) The article is headlined, "What Did Dr. Kissinger Tell Wilfred Burchett?" Here is its start:

"A piquant incident to delight connoisseurs of the diplomatic game. On Oct. 19, the Australian journalist Wilfred Burchett, who is an outlaw in the eyes of the Australian government, met secretly with the architect of American foreign policy, Henry Kissinger.

"The meeting took place at Dr. Kissinger's invitation. Mr. Burchett was at the United Nations, with an American visa which confined his movements within a 25-mile radius of New York. He was told to forget the restriction and come to Washington. What has been described as 'a long and detailed talk' took place, over breakfast, in Dr. Kissnger's office.

"It is believed in diplomatic circles in Canberra, where accounts of the meeting are circulating, that a report of it was sent to the Department of Foreign Affairs, either from Washington or, as Mr. Burchett later mentioned his discussions with Dr. Kissinger in the presence of diplomats at a reception given by the Bulgarian mission to the UN, from New York. But inquiries at the department could not confirm this.

"The fact of the meeting, however, is established and, in itself, is interesting enough."

SYMBOL OF POW MISTREATMENT

Burchett is a symbol of misuse of Americans in communist captivity, and the incredible honor thus paid him lets the red world know that such criminals can expect immunity, if politically expedient.

While we take a pious stance publicly, secretly the mistreatment of American p.o.w.'s is encouraged. While our true specialists on Asia, such as Walter Judd, are brushed aside, the Burchetts are welcomed.

This scandalous act of receiving such a man in our highest offices already has had important impact in his favor, and might well accord him the prestige he needs to regain an Australian passport. Fifth columnism of the most venial nature would appear vindicated.

American prisoners-of-war would be anyone's fair game, or rather unfair game.

The message conveyed by Bruce Grant's article is plain enough, and could well have been why the news was leaked. If the mighty U.S. considers Burchett so valuable, shouldn't he be likewise regarded in the land of his birth? Here is how it was worded by the Australian commentator:

"Although he is officially an outcast in Australia, Wilfred Burchett's reporting, especially from Indo-China, has given him an international reputation as an intelligent and well-informed man, despite his political prejudices."

[This editor's observation: This is sheer whitewash for a man whose every, so-called news piece is slanted, twisted and has a pro-red political aim, with outright lies interjected when these serve his purpose.

[Communist aggression would be impossible if it were not inclusive of such fifth columnism in the journalistic ranks of target nations. Burchett has the sick intelligence of a skilled counterfeiter. But how does one describe his apologists? Usually as opportunists, when they know these facts, or pro-Marxists themselves.]

"The Australian government has refused to issue a passport to Burchett because it alleges that, during the Korean War, he lived behind enemy lines and tried to lower the morale of Australian prisoners of war.

"Burchett has always disputed this, and in a marathon effort to get a passport, defied the Australian government and the airlines and returned to Australia last year without success. Since then he has been busy reporting from China and Indo-China perhaps the most important story in a long career as a foreign correspondent—the changing relationship between America and China."

[This demands analysis! Burchett did not just try "to lower the morale" of p.o.w.'s; his role in enemy "psywar" in inducing p.o.w.'s to confess to non-existent crimes, such as germ warfare, and to switch over to the enemy's views, to be traitors to their side, has been amply and officially documented. Let Bruce Grant interview some of these unfortunate victims of Burchett's sly deceits.

[His pseudo-reporting from Indo-China is of a similar character, If he deserves praise, it is for his skill in communist psychological warfare that is aimed at distorting the news, and corrupting our reporters the same way he seduced p.o.w.'s. One need only cite the columns of the N.Y. Times and Harrison Salisbury's inglorious, propagandist reporting from North Viet Nam.]

"His value as an observer of politics in Hanoi, Peking and Moscow has now been put to the test by Kissinger, who is more interested in good information than in striking political poses.

"This is the kind of intelligence from which the Australian government has been excluded for many years. We have relied on the siftings of our powerful friends, which are subject on occasion to a fine screen.

"With an operator like Kissinger now in charge of the major Presidential moves in American foreign policy, Australia needs more than ever its own sources of information. Burchett could be considered one such source, long neglected."

[This editor's analysis: Surely we should have learned from our tragic experience with his likes in the fall of Free China, the Agnes Smedleys, Anna Louise Strongs, and others who were part of such red networks as Sorge's, and who successfully diverted the Japanese war machine against the U.S., as well as other treasonable coups.

[One might just as justifiably urge that Philby should be invited back, possibly by Kissinger, for White House staff consultations. Lord Haw Haw had these qualifications, too; he could have been asked to provide Franklin D. Roosevelt with his advice.]

"What did Kissinger and Burchett talk about?

"Accounts of the meeting, although varied, concentrate on one topic; a political settlement in Viet Nam. October 19 was the day before Kissinger left for his second visit to Peking. He was concerned to hear Burchett's opinion why Hanoi had not responded to Washington's overtures for a settlement.

"Burchett's opinion was that Hanoi would not negotiate without a public declaration from Washington that all American forces—not just ground forces—would be withdrawn from Viet Nam."

[Comment: Remember Burchett's reports that Hanoi would negotiate "meaningfully" if we only put a stop to our bombing of North Viet Nam? He has been playing this salami slicing game since China, and most effectively, thanks to the collaboration of our gullible or conniving press, radio-television and book industry. We now are repeating this catastrophic procedure. The initial results of Nixon's coming journey to Peking is the acceleration of this process.

[So Kissinger needed Burchett to enlighten him on communist terms for our surrender! "Political settlement" is Orwellian language for it.]

"Kissinger replied that President Nixon was now ready to pull out totally from Viet Nam, but America, as a great power, with other responsibilities in Asia, could not announce this publicly in advance of negotiations, without appearing to be capitulating to Hanoi and setting at risk its relations with other nations in the region. In this latter connection, Japan was mentioned.

"Some versions of the meeting stress that a settlement for Indo-China, and not just Viet Nam, was discussed at length."

[Observations: Secret diplomacy apparently has returned, and Americans have to learn vital details from leaks, especially abroad. Canberra obviously had its reasons for leaking this, or the element in the Australian government that wanted to exploit the Burchett-Kissinger affair domestically, for the former's benefit.

[Nixon has two State Departments, one close at hand, run by Kissinger, and the other nearby, operated by Rogers, the Svengali of the administration. Both chiefs reflect the Rockefeller policies, making the Rockefellers a shadow Presidency.

[The administration is attempting to extend Orwellian language and doubletalk to deeds, but life does not work this way. Exactly as the delegates at the U.N. saw through the maneuver to bring in Red China this year and expel Free China the following year, foreign governments realize that what our government is seeking is a formula for surrender that even if it doesn't sound like a victory, at least confuses the issue sufficiently.

[The opportunity is seized to hide away, for our peace of mind, the straitjacket of a no-win policy that simply forbade our military to win, making defeat, in effect, our war objective. The McNamaras, the knowledgeable Gus Hall, and the sick coterie of fake "liberals" and radical chic all had a common goal in this, in spite of varying or contrasting motivations. A shadow coalition came into existence, which still is with us.]

The final paragraph of Bruce Grant's commentary should constitute an alert for Nixon, if this could be brought to his attention:

"The [Australian] government, of course, has its own judgment to make. However, to adopt an Oriental proverb: when great powers get together, allies are wise to practice their footwork."

What this constitutes is subtle pressure on our good friend and fine ally, Australia, to desert us, on the assumption we are deserting it. This is how American policy appears. Otherwise, why don't we reform the State Department, and cease holding cozy chats with those who mean us no good?

The facts related in this TACTICS article constitutes legitimate news. These should be brought to the attention of editors locally wherever this magazine reaches. Readers can become reporters this way, too.

A crisp summary of Burchett's background was provided on Mar. 11, 1970, in a letter to the Canberra Times, with this preface: "A vigorous attack on leftwing publicist Mr. Wilfred Burchett was launched yesterday by a group of Australian journalists and academics. The attack was launched in a letter to editors of Australian newspapers.

"The group included Mr. B. A. Santamaria, president of the National Civic Council, Dr. Frank Knopfelmacher, senior lecturer in psychology at the University of Melbourne, Mr. Geoffrey Fairbairn, a lecturer in history at the Australian National University, and Prof. David Armstrong, of the Department of Philosophy, University of Sydney."

The letter reads: [Quotation marks unnecessary.]

Sir, The action of the Federal Government in denying a passport to Mr. Burchett may or may not have been legally justified. In terms of practical consequences, it ensured that he obtained an overwhelming volume of largely sympathetic publicity.

Whatever the government's intentions, its policy proved of invaluable assistance to Burchett, and obscured the central issue of his career.

The issue is not whether Mr. Burchett is a Communist. It is simply whether, over a long period of years, he has worked for foreign governments, including periods when these governments have had troops engaged in military operations against Australian soldiers and their allies. If established, this would constitute a major offence which no organized state ought to tolerate.

FACTS ADMITTED, DOCUMENTED

Facts which Mr. Burchett himself has admitted, together with documented allegations which have been publicly produced, raised this central issue. They also raise the issue of Mr. Burchett's pattern of conduct over the same period as a relevant factor in the credibility of the explanations he has given.

As to the major issue, the following allegations have been published:

(1) That in 1952 he was a working member of the Chinese-North Korean Interrogation Group which allegedly extracted forced confessions out of American POWs, including US airmen Quinn and Enoch. His membership of that Interrogation Group was disclosed by Peking Radio, monitored by the Monitoring Service of Radio Malaya (May 18–19, 1952). The Monitoring Digest quotes Peking Radio as follows:

"Wilfred Burchett, the correspondent of the Paris Ce Soir, took part in the work by invitation."

(2) That, in company with the British Communist Winnington, he helped to write a confession forced out of the US Air Force ace, Col. Mahurin, after the latter had been subjected to long periods of physical and mental torture. That allegation was made by Col. Mahurin himself in US News and World Report (Sept. 18, 1953). The relevant statement is: "Mr. Burchett and Mr. Winnington were writing our confessions. They were bringing the confessions and making us copy and sign them."

(3) That in Viet Nam, he has actively cooperated with the North Vietnamese government. He himself claims to have participated in its preparations for the Paris talks, to have been the bearer of messages from the Vietcong and to have accompanied Vietcong troops in military operations in South Viet Nam.

These allegations relate to periods when the governments concerned, Communist China, North Korea and North Viet Nam, had troops engaged in military operations against Australian troops and their allies.

As to his pattern of conduct (as a relevant factor in establishing the credibility of his explanations) the following matters are also on record:

(1) That in the mid-30s he was in charge of the Soviet Intourist Agency in London and was therefore an employe of the Soviet Government.

(2) That in 1949 he was sole Western journalist, given a special visa by the Hungarian Communist Government, to report the trials of Cardinal Mindszenty and of the former Communist Minister of the Interior, Laszlo Rajk. Of Cardinal Mindszenty, Burchett wrote that he was a "miserable, intriguing, ambitious little man." Of Rajk, who fought in the Spanish Civil War and who was executed outside his wife's cell, Burchett described the dead Rajk and his group as "cheap police spies," "miserable bloodthirsty adventurers." Rajk was later rehabilitated by the Hungarian Communists themselves. The statements quoted are from Burchett's book, "People's Democracies."

(3) That in the early 50s he went to Korea as an employe of the leftwing French newspaper Ce Soir, and contributed articles to Communist papers throughout the world, especially Humanite. This paper was financed by the French Communist Party, a party which was then, and still is, largely dependent on the subsidies of the Soviet Government.

CHOU EN-LAI SAVES HIM

(4) That in 1955, when Burchett was "tipped off" that if he landed in Singapore he might be arrested by the British authorities, he was saved from this embarrassment by Chou En-lai, the present Prime Minister of Communist China, who gave him personal transport on his private plane and thus enabled him to avoid British territory. Burchett himself makes this claim in his autobiography. ("Passport," page 281.)

It is understood that the existing Australian law does not cover these situations with certainty, and therefore that prosecution under the Crimes Act is not a satisfactory way of determining the issues.

The Federal Government clearly owes it to the Australian troops who have been sent to serve their country in Korea and in Viet Nam, to the Australian people, and, incidentally, to Mr. Burchett himself, to determine these allegations once and for all.

If Mr. Burchett is not guilty of cooperation with enemy governments, let him be publicly exonerated. If he is factually guilty, but legally free because of some deficiency in the law, let it be clearly stated and the necessary amendments to the law, to cover future cases, be both recommended and put in the Statute Book.

Thus ends the Australian summary. This background should be of use to Nixon if he can get around to his promised reform of the State Department. The same clique that nearly put over the elimination of the allegiance section in passport applications, failing only because secrecy was broken (see Nov. 20 issue of TACTICS), was instrumental in bringing in Burchett, to accommodate Kissinger's strange need.

BRONX: THE FORGOTTEN BOROUGH?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BINGHAM. Mr. Speaker, the New York Post recently carried a series of six articles by Peter Freiberg, called "The Bronx: Forgotten Borough?"

These articles provide a vivid picture of the problems confronting an urban area today, in this case one of New York City's outlying boroughs, a community of 1,471,700 people, with no true government of its own. The articles report on some of the good things that have happened in the Bronx, as well as on areas of discouragement and disappointment.

While I naturally do not agree with all the opinions expressed in these articles, on the whole I believe they are fair.

Because what is happening in the Bronx today is of significance to all those who are concerned about the current urban crisis in America, I am inserting them in the RECORD. The first three articles appear below; the remaining three will appear in a subsequent issue.

[From the New York Post, Nov. 29, 1971]

THE FORGOTTEN BOROUGH?

(By Peter Freiberg)

ARTICLE: 1: A LONG WAY FROM DOWNTOWN

With the help of his six brothers and two sisters, Joe DePace built a two-story brick home on E. 232d St. in the northeast Bronx community of Wakefield 40 years ago. "It was all empty lots then," DePace recalls. "There were cows on my land before I bought it." DePace raised three children in the house, and throughout the years it has remained the center of his life.

DePace says Wakefield has problems today that were absent when he moved into the area. Traffic, for one. "A child was killed right up near the next house six months ago," he says. "They come in on a side street and shoot up this street."

Recreation for another. With a house now standing on every lot, "There's no place for kids to play around here." Taxes, says DePace, "keep going higher and higher."

And while there was little crime in the neighborhod years ago, "There's trouble now," he says. "I still walk out at one or two in the morning, but I've got three dogs with me, and I've got a big bat and something else with me. I'd like to see anyone try anything."

But DePace, now 73, has never considered moving from Wakefield. "I built that house," he says, and that's where I want to die."

DePace's attitude is hardly typical of the Bronx. A long-time borough resident, the New York Giants football team, recently decided to forsake Yankee Stadium for the Hackensack Meadows. With the Yankees also threatening to move, the Lindsay administration has proposed buying and renovating Yankee Stadium. Critics say the city has more pressing needs, but supporters of the proposal say the borough will further deteriorate if the Yankees leave.

In Morrisania, Mrs. Mazelene Johnson has no desire to remain in the Franklin Ave. apartment where she lives with her husband and three children.

"When I first moved here a dozen years ago," she remembers, "it was a family block, everyone knew everyone and I would say trusted everyone. We'd all stand on the block, we'd chat, the mothers with their small children." Today, the addicts terrify the block's remaining residents. "We are literally afraid to come out of the building, believe me."

Mrs. Johnson has a job as a cashier in a nearby supermarket. "I like working in the area," she says, "close to the children going to school, and I like the neighborhood church being right here. But under the conditions now, I would move. I don't feel that a human being should live this way. I really don't."

Morrisania and Wakefield point up both the contrasts and the similarities between many neighborhoods in the Bronx. Wakefield remains one of the borough's more pleasant communities: its streets are lined with trees, most of the housing is in good condition and it is a rare example of a fairly stable, integrated neighborhood.

Morrisania is one of the city's grimmest black and Puerto Rican ghettos. On the block where Mrs. Johnson lives, four private homes were gutted by fire last year, two apartment houses have been abandoned and one is rapidly emptying out. Rates of crime, unemployment and infant mortality are way above the city's average. For many Morrisania residents, a battle for survival takes place every day.

Yet Wakefield, too, as DeFace indicates, has its problems, and some of them, like crime and a lack of parks, differ only in degree from Morrisania's. Residents in both areas complain of inadequate city services and express distrust of "politicians" and all levels of government.

"Last year I worked with the Census," says John Armstrong, a neighbor of DePace. "I ran into so many people who didn't want to answer anything because in their heart they feel that nothing is done with any statistics, that the government won't do anything. They have lost faith." In Morrisania, Mrs. Johnson says simply, "I can't really see where the city is doing too much."

With the possible exception of Riverdale and one or two other neighborhoods—and residents would doubtless challenge their exclusion—every Bronx community has serious complaints. And the Bronx as a whole is a microcosm of New York City—and other cities as well. Paul Davidoff, director of Suburban Action Inc. and a prominent planner, says the Bronx "symbolizes the situation in many of the older cities and in some ways it is considerably worse. Its problems are the problems of Philadelphia, of Detroit, of St. Louis. The problems represent failures of commitment on the part of the nation to help its cities."

Bronx residents frequently use the phrase "forgotten borough" to describe their plight. Few would disagree with the assertion that the Bronx has received insufficient attention from "downtown" most of this century.

The offhand way in which the Bronx has been treated extends to its name. After the city annexed lower Westchester County at the end of the 19th century, the politicians in City Hall decided to look at a map to help them name the borough. "They had to figure out something," says Prof. Lloyd Ultan, president of the Bronx County Historical Society, "and it just happened that right smack in the middle of the map was the Bronx River. So they called it simply the Borough of the Bronx."

From that time on, everyone knew the Bronx existed, but what else was there to say about it? Unlike Manhattan and even Brooklyn, it was the setting for few novels—its writers moved away as soon as they could. Songwriters occasionally threw it a bone, as in "I'll take Manhattan, the Bronx and Staten Island, too," but the name of the song, after all, was "Manhattan." Comedians mentioned the borough more often, because the Bronx could usually be depended upon to draw a few chuckles. Tourist books note that the Bronx is the sole part of New York City attached to the U.S. mainland, but they usually list only four attractions that might make a visitor venture uptown: the Hall of Fame, the Zoo, the Botanical Garden and, while it lasts, Yankee Stadium.

Despite its nearly 1.5 million people, the Bronx remains, in many ways, a bedroom community. Only about 25 per cent of its working residents have jobs in the borough, with about 60 per cent employed by Manhattan firms. Like many suburbs, the Bronx is a cultural desert. Its legitimate theaters folded years ago, and its first art gallery was established only recently in the storefront office of the Bronx Council on the Arts. "The Bronx," wrote Jane Jacobs in "The Death and Life of Great American Cities," is woefully short of urban vitality, diversity and magnetism. . . ."

But if the Bronx possessed none of Manhattan's glamor, it nevertheless has satisfied many residents over the years. Ultan says that the idea of the Bronx as a "better place to live" has persisted throughout the constant flow of new immigrants and the ever-increasing urbanization. The idea first took hold with the arrival of the "Els" in the 1880s and then the subways, which did for the Bronx what the railroads did for the Wild West. In their wake came hundreds of thousands of working class families scrambling along what political scientist Samuel Lubell has called the "Old Tenement Trail."

The trail had begun in cold water flats on Hester St. and on Mulberry St. and in Hell's Kitchen, continued up to Harlem and crossed the river into the Bronx. To the trailblazers, the Bronx seemed like "Shangri-la"—it was the "country," a place where there were trees, fresh air and better housing, even if much of it was tenements. In the film "The Jazz Singer," Al Jolson promised his mother:

"Mama dahlin.' If I'm a success in this show, we're going to move up to the Bronx. A lot of nice green grass up there and a whole lot of people you know. The Ginsbergs, The Guttenbergs, The Goldbergs. Oh, a whole lot of Bergs, I don't know 'em all . . . ."

The aspiring middle class Bronxites wanted entertainment: they got neighborhood movie houses and the borough's showcase, Loew's Paradise. They wanted good shopping areas; they got Fordham Rd., starring Alexander's, and the "Hub" at 149th St. and Third Av. They wanted to watch the national pastime: they got the Bronx Bombers in Yankee Stadium. They wanted greenery: they got a relatively large proportion of the borough's land—23 per cent—for parks.

As the earliest settled sections of the South Bronx became crowded, those who could afford it left for places like Pelham Parkway, Williamsbridge and Wakefield. The tree-lined Grand Concourse became the "social" address for Jews. The migration was a continuation of the northward thrust toward Westchester County. "Having grown like a ladder, rung upon rung," Lubell wrote back in 1948, "the Bronx today actually resembles a rags-to-riches escalator. Slum poor at its southern base, it grows steadily fairer economically as it climbs." Twenty-three years later, perhaps the major change is that the slum areas have grown faster and further.

Like the subway escalators, the Bronx machine was erratic. The Great Depression brought an almost total halt to all building. At midcentury, the cheap tenements put up by speculators in the South Bronx 50 years before were rundown. As vacancies occurred, they were filled by working class blacks and Puerto Ricans from Harlem and El Barrio, attracted to the cheap housing, the proximity to Manhattan and the promise of a better life—the same things that had attracted the earlier Irish, Italian and Jewish immigrants.

Once the suburban housing boom got under way about 1950, whites rapidly emptied out of the older neighborhoods. It might have been possible to develop integrated neighborhoods through housing construction and rehabilitation programs, but the only new housing consisted of bleak projects barred to the middle class. With the new middle class affluence, as Ultan notes, "People who had never thought of living outside the city felt they could live elsewhere and commute by car."

The migration was encouraged by government policies that poured billions into highways while letting the subways run down and that gave tax benefits to homeowners while denying them to apartment dwellers. Nor was there any substantial government help for thousands of black and Puerto Rican newcomers who had the same hopes and dreams as the earlier immigrants but faced a new, overwhelming obstacle: they were uneducated and unskilled at a time when blue collar jobs were becoming more and more scarce.

When the Bronx celebrated its 50th anniversary as a county in 1964, Ogden Nash was persuaded to apologize for the lines he had written as a "smart alec youth." Said Nash:

"I wrote those lines,
'The Bronx? No Thonx!'
I shudder to confess them.
Now I'm an older, wiser man,
I cry, 'The Bronx? God bless them!' "

The timing was ironic. Years before, most Bronxites would have given a long, loud Bronx cheer to Nash's putdown. But by 1964, it was as if his earlier words had finally taken hold, with the exodus to Jersey, Westchester, Long Island and Queens well under way.

In some ways, the Bronx became even more invisible in the 1950s and '60s. Riots focused attention on Harlem, but the faraway, relatively tranquil Bronx remained out of the limelight. Bronx elected officials and community groups found it more difficult than ever to gain access to the Manhattan news media, especially television. The Vietnam war drained away whatever hope the depressed urban areas had of obtaining a large influx of federal funds.

The total effect of the physical and social upheaval still going on in the Bronx has been to loosen the "sociological glue" that once held the borough together. Much of the entire south-central portion of the borough is in a state of advanced decay, with many other neighborhoods endangered

There is no doubt today that, as Paul Davidoff points out, there must be a "commitment" to help the Bronx and other urban areas. To some, this means simply that much more money must be forthcoming. But growing numbers of neighborhood groups, planners and even politicians are also maintaining that another basic change is needed. They say that if the Bronx is to become a decent place to live, those most directly affected—the people who live in its neighborhoods—will have to wield much greater power over the institutions and agencies that influence their lives than they do now.

[From the New York Post, Nov. 30, 1971]

The Bronx: Forgotten Borough?

(By Peter Freiberg)

ARTICLE II: A PLACE TO LIVE

Belmont, a predominantly Italian neighborhood, contains about 50,000 people living in tenements or in neat single family houses. Many residents have lived in the area since they were born: "They feel the same way about the fig tree in their backyard as they would if it were in some small town in Italy," says the Rev. Mario Zicarelli of Mt. Carmel Church.

Young couples who moved to the suburbs have been replaced by several thousand new Italian and Albanian immigrants. Arthur Av. and E. 187th St. are still lined with fish and poultry stores, pastry shops, restaurants. At the Borgatti family store, which specializes in homemade ravioli and egg noodles, Lawrence Borgatti said, "I like it here. The people are nice. It's home, you know. I guess that's the important thing."

In Pelham Parkway, a largely Jewish community in the East Bronx, the old people sit talking on wooden boxes along Lydig Av. Nearby, housewives feel the fruits and vegetables at open stands and the Palace Kosher Delicatessen continues to do a thriving corn-beef-on-rye-with-a-sour-pickle-please business. P.S. 105, the local school, is referred to as "the best school in the Bronx."

Teenagers still hang around on the low railing at Pelham Parkway and White Plains Rd., as they have done for years. Daniel Fuchs, a professor of English at Richmond College, looked back on his Pelham Parkway boyhood recently and concluded, "There was a sense of neighborhood there"—and that feeling survives today.

A visitor could return to Belmont or Pelham Parkway after a long absence and know his way around. There are other neighborhoods like these, such as City Island and Woodlawn, and there is Riverdale, which has changed greatly but remains one of the city's richest and most pleasant communities. But despite these areas of relative stability, the Bronx is in many ways a very different place from what it was 20 or even 10 years ago.

According to the U.S. Census, the Bronx population was 1,471,701 in 1970, a 3.3 per cent increase over 1960 and the highest population in the borough's history. The composition of this population has changed dramatically: final census figures are sure to show that blacks and Puerto Ricans account for more than half the total population, while the percentage of whites has fallen from 76 per cent in 1960 to less than 50 per cent today—the sharpest drop of any of the boroughs.

The central fact about the minority group residents is their poverty. This is not to say they are all poor: there are thousands of middle class blacks and Puerto Ricans living in the homeowning communities in the northeast, in Co-op City and elsewhere, Nor is there any lack of poor whites. A Fordham University study in 1966 found that one out of three white families had an income under $5000.

Rep. Mario Biaggi (D-C) says that in his northeast district, "A lot of people are on fixed incomes. They're just fighting to keep body and soul together."

Overall, however, poverty among nonwhites is much more pervasive than in the white community. Welfare assistance is required by more than 305,000 Bronxites, an estimated 90 per cent of them black and Puerto Rican. "Hard core, long run unemployment is a stark reality in the Bronx," the Fordham study stated. Mayor get discouraged and just quit looking.

Between 1950 and 1970, the city lost more than a quarter-million manufacturing jobs—the traditional stepping stones for unskilled workers with little education. The Bronx itself has only six per cent of the city's blue collar jobs, and the Fordham study held out little hope for new private investment.

Thousands of Bronx residents are among the "working poor"—a 1969 survey turned up more than 250,000 workers in the city earning under $80 a week. Many of these people, like a Puerto Rican mother of three who said she could barely make ends meet on her salary as a hairdresser, are eligible for supplementary welfare assistance, but few apply. In 1970, an estimated 23 per cent of Bronx families had incomes under $3000 and 25 per cent between $3000 and $6000.

Commenting on the demographic and income trends, Rep. Herman Badillo (D-L) noted that the Bronx—and New York City—will become increasingly black and Puerto Rican. "This wouldn't be tragic in and of itself," Badillo says, "except that it will become poor black and Puerto Rican."

Most minority residents are crowded into the slums in the borough's south-central heartland. Residents here call their neighborhoods "Fort Apache" and the "DMZ." "We've got every problem you can imagine here," said Mrs. Aritha Leverette, a Morrisania resident. "We've got to deal with slumlords, we've got a terrible addict problem."

A neighbor said, "I'm afraid to let my daughter out to play, to be honest with you. She's only 11 years old."

But Morrisania also affects many people who don't live there. The City Planning Commission's proposed Master Plan said that a "central corridor of decay, including Morrisania, the South Bronx and Hunts Point, now threatens to engulf adjoining neighborhoods."

The blight within Morrisania, the Plan said, "begins to rub off on neighboring areas . . . This creeping slum syndrome has already affected East Concourse and East Tremont and is beginning to be felt in the western areas of Parkchester and the southern part of University Heights."

The spreading slums prompt those who can afford it to flee the Bronx for the suburbs. "Six people moved out of my building in the last month," said Richard Mack, a 59-year-old retired Transit Authority employe who lives in Highbridge.

Some who leave go to other parts of the borough, such as Co-op City, Kingsbridge and Riverdale. The rolling country estates in Riverdale have given way to high-rise apartments and the population is 85,000, more than quadruple the prewar figure.

But even some neighborhoods considered "safe" are not immune from deterioration. Bronx Borough President Robert Abrams believes that Pelham Parkway and other areas are at "critical point" because of inadequate housing maintenance. Blacks and Puerto Ricans, forced by economics or discrimination to take what they can get, almost always inherit, declining neighborhoods.

A neighborhood in transition is not necessarily a bad neighborhood. Ed Kaufman, a white social worker who lives in University Heights, says, "When I moved here in 1968, it was Italian and Jewish, plus some Irish. Now more blacks and Puerto Ricans are moving in, working class and middle class people. I think it's good. It's a vital kind of thing. I don't think the neighborhood is going down. It's becoming more alive."

Lloyd Ultan, a white professor, considers the Concourse-Yankee Stadium area "an extremely pleasant place to live." And the minority newcomers into these areas usually find them more attractive than their previous neighborhoods.

Yet most "changing neighborhoods" experience a depressingly familiar cycle: housing deterioration, rapid population turnover, declining or inadequate city services and a rise in crime that spurs the exodus.

"A lot of people in the neighborhood blame the city for the decline," says Victor Marrero, administrator of the South Bronx Model Cities program. "They say the city is not collecting garbage, they're not cleaning the parks, the teachers aren't teaching in the schools and the kids aren't learning."

In starting the cycle of deterioration, housing appears to play a crucial role. Speaking of the continuing decay of the lower and middle Concourse area, formerly totally Jewish and nonracially mixed, Badillo says:

"The blacks and Puerto Ricans move in, the Jewish community moves out. The whites will not move back in because of racial fear . . . Then it becomes a total slum. The landlords no longer maintain their property because they are renting to a low income group rather than a middle income group."

A South Bronx Model Cities report noted

that some tenants in slum buildings "air mail" garbage out the windows, that windows get broken and hallways and walls get decorated with graffiti. "Many of these conditions also exist in stable neighborhoods, although to a lesser degree. They can be dealt with by increased maintenance."

According to the report, "The new breed of landlord is either an unscruplous slumlord or a small, struggling operator with a very meager equity and oppressive first, second and third mortgage obligations. In either case, the only formula for making a profit is to collect as large a rent roll as possible, while providing a minimum of services and managerial effort, and cutting out maintenance altogether."

The report describes what happens to more and more buildings. "Comfortable apartments with many rooms are subdivided . . . Large numbers of tenants with severe social problems are sought out as long as the Dept. of Social Services pays generous rent for substandard accommodations. Front door locks are left unrepaired, leaving hallways open to drug addicts and winos . . . Hot water and steam service are interrupted with increasing frequency . . . Stable tenants with initiative begin to move out, more vacant apartments are stripped, a major fire occurs, the building is declared unsafe, everybody is moved out, the tenement is dead."

Landlord spokesmen deny that "unscrupulous slumlords" are a major cause of housing deterioration. Ruben Klein, acting president of the Bronx Realty Advisory Board, says the Bronx is losing housing through abandonment at a "fantastic rate. There isn't a building in the Bronx," says Klein, "that isn't moving into becoming marginal and possibly may work into becoming a slum. There just aren't enough rental dollars to pay for maintenance today."

The inability—or unwillingness—of landlords to keep buildings in repair has meant that, in Badillo's words, "whole areas have become slums primarily because of the failure to maintain housing conditions. Given existing conditions, the slums of the south Bronx will continue all the way up to Mosholu Pkwy. It started at 138th St., went up to 149th St., and now it's up to Tremont. It will become one vast slum."

"It's like a cancer," says Biaggi. "Unless there's some sensible, courageous action taken and meaningful plans adopted, this will continue." State Sen. John Calandra (R-C-Bronx), who says that "In my opinion, the people make their own ghettos," warns that "If they don't put the brakes on the way things are going, you won't find a white person in the Bronx in 20 years."

A Chase Manhattan Bank official said recently the city's housing crisis had reached "disaster" proportions, with a net loss of 15,000 units for the five-year period ending 1970. A 1968 study by the city's Housing and Development Administration (HDA) found that one out of four Bronx apartments was dilapidated or deteriorated.

Most elected officials from the borough say that construction, rehabilitation and building code enforcement are at minimal levels compared with the need. Critics charge the Lindsay administration's housing program has been mired in red tape and sometimes, as in the case of the Municipal Loan program, in corruption.

An HDA spokesman said there were close to 14,000 government-aided housing units under construction in the Bronx. The spokesman said "There's no doubt there isn't enough housing being built," but cited high land and construction costs and insufficient federal funds as the chief reasons.

"In the Administration's view," said a spokesman for Lindsay, "what's needed is a new housing policy in Washington that would do for inner cities what the FHA program did for the suburbs . . ." The HDA said it was "aware" of a breakdown in building code enforcement but that a bill to set up an HDA housing tribunal had been killed by the Legislature.

The slack in suburban housing construction also caused by inflation may slow down the middle class exodus from the Bronx temporarily, but it is unlikely to have a permanent effect. "I'm leaving New York unless there is an about-face on housing and apartments are built at rents people can afford," said Leroy Benton, a Bronx rent strike organizer. "With all the problems we've got in New York, if people don't have a place to live, we're really in trouble."

[From the New York Post, Dec. 1, 1971]

THE BRONX: FORGOTTEN BOROUGH?

(By Peter Freiberg)

ARTICLE III: ADDICTS AND CRIME

Residents of Miniford Place near Crotona Park recently strung several white bedsheets across the street. In huge letters, the banner proclaimed, "Junkies Stay Out. Enter at Your Own Risk."

A middle-aged woman sat in a High-bridge laundromat and said, "It's dangerous. You can't come out after 9 o'clock. We'd like to move but where are you going to go?"

Mrs. Jennie Arciola relaxed on a bench in the sun in Westchester Square Park. She said she fears going home to her apartment in Morris Park. "It's bad enough you're getting old without getting beaten. They're only picking on old people, you know."

In every Bronx neighborhood, street crime is a source of increasing concern. Stores close earlier, heavy iron gates guarding their entrances. Two, three and sometimes four locks are common sights on apartment doors. People hesitate to go out at night, causing empty streets to become even more inviting to muggers.

Parks are used less. In the South Bronx, Puerto Rican mothers are afraid to take their children into St. Mary's Park, while on the Grand Concourse elderly women sit on benches facing the boulevard because they are too scared to venture into Franz Sigel Park.

"Crime is one of the first things that causes people to move out of a neighborhood," said the Rev. John Leonard, the 31-year-old associate pastor of Sacred Heart Roman Catholic Church in Highbridge. "They're afraid to go out at night, afraid for their children. You can't realistically deny it. There are a good amount of muggings and stickups."

Some police, law enforcement officials and residents believe the fear is exaggerated. Bronx District Attorney Burton Roberts, while calling attention to the "large increase in the volume of crime," says that some people who complain of being afraid to go out at night "are telling me this at a night meeting."

A Westchester Square woman says, "My son was playing hide and seek, and someone called the police to tell them he was trying to break in and enter! An eight-year-old boy!"

Michael Berkowicz, a teacher who lives on the Concourse, says, "I think it's more paranoia, not related to the actual incidence of crime. I've heard of a few people being mugged around here, but we live on the first floor, we leave the windows open during the summer and nothing has happened to us. When we had a dog, we walked it at all hours of the day and night without any problems."

Exaggerated or not, people are scared—and the statistics are not comforting. According to the Police Dept., the number of reported rapes in the Bronx rose by 18 per cent between 1967 and 1970, burglaries by 25 per cent, assaults by 28 per cent and robberies by 89 per cent. The picture becomes even grimmer when viewed in the light of the estimates by the President's Crime Commission that the actual rate for major crimes is at least double the number reported to police.

With the highest crime rates existing in the densely-populated ghetto areas, a black man in New York is nearly six times as likely to be a victim of a personal assault as a white man, and a black woman almost eight times as likely as a white woman.

"The mugging situation is very bad," said Mrs. Sylvia Ferdinand, who lives near 174th St. and Southern Blvd. "I got a dog four months ago. Everybody has dogs, everybody has gates, and still they steal a lot. It's the most frightening thing. You're scared to walk—you get robbed."

To many Bronxites, "crime" is purely and simply street crime. They know about police corruption, they read Ralph Nader's assertions that corporations steal many more billions from the public than all the burglars and stick-up men put together and they are aware of the huge profits made by organized crime.

But these crimes, unlike muggings, do not seem directly to threaten their physical safety and are less obvious. As State Attorney General Lefkowitz observed recently, "The white collar criminal always cons you. He's well dressed and well-spoken and has an apparent legitimacy. The burglar lets you know what he's doing, but the white collar thief doesn't."

Nevertheless, some attitudes are changing and people are beginning to look beneath the surface. This is partly because of the oft-stated involvement of organized crime in narcotics addiction, which some police estimate accounts for as much as 70 per cent of all burglaries, assaults and robberies. "Our children are not the big wheels or the big drug dealers," says Mrs. Evelina Antonetty, a South Bronx Puerto Rican leader. "The drugs are brought to them. They are the victims."

Bronx Borough President Robert Abrams estimates the number of drug addicts in the Bronx at 30,000—and the figure could be much higher. Addiction in the ghettos is not difficult to understand. "Bad education, bad housing, low income people not being able to struggle out of the hole they're in," said Albert Rivera, who has worked in Logos, a Bronx drug rehabilitation center.

"Life just becomes such a pressure cooker that a young man or young woman becomes unable to see any light at the end of the tunnel."

Richard Lopez, a 19-year-old NYU scholarship student who grew up on Kelly St., says, "I think I avoided drugs because I saw it happening to people I knew, and when you see someone you love, or a friend, get hooked, it does something to you." But Lopez says that "Of all the people I knew, only two besides myself have made it. All the rest got hung up on drugs. It's the environment. It's very hard to avoid it."

But more white youths are turning to drugs, too. The Rev. John Flynn, pastor of St. Raymond's Roman Catholic Church, which serves Parkchester and Westchester Square, reports five drug-related deaths in his parish in one year. Abrams notes that two young men he knew when he was growing up in Pelham Parkway—"quote, 'nice Jewish boys,' " he said—died of heroin overdose.

The number of whites addicted to heroin and other hard drugs is probably even higher than the figures indicate. "When you get into the middle income group," says Joseph Giordano, a Bronx social worker, "you're able to keep this thing out of the police and the courts. It never becomes an official statistic. It's the poorer person who's nabbed."

Fr. Flynn says, "Some actually hold jobs or go to school during the week and use the stuff on weekends." Joan Stass, a City College student, says, "A lot of kids at school are taking heroin. They steal from their parents' purses. Sometimes even their parents realize there's something going on, but it's just a horrible thing for them to admit that heroin is not a thing of the ghetto any more." According to Dr. Michael Baden, deputy city medical examiner, blacks account for 55 percent of drug-related deaths, Puerto Ricans 20 percent and whites 25 percent.

White parents are confused. Giordano says they often "close their eyes or give the old recreational type answer—'If only the kids had some place to go' "—to problems like drugs or gangs.

Giordano believes the answer is more complex. "It's sort of an inner-direction thing—where are you going, where is your community, your state, your nation going? I guess you'd tag a fancy word like alienation on it."

Flynn says that "When you question the addicts, many of them give you a rap like, 'What's the sense? I can't stand this place around here.' " Tony Barker, 23-year-old president of the Bronx Council for Environmental Quality, says, "A lot of kids are experimenting with the stuff. The kids see their parents feeling lost, and they feel lost, too."

In view of the anxiety about young people in both the white and ghetto communities, it is not surprising that the schools have become the focus for increasing public pressure. Complaints range from drug pushers in the schools to violence to overcrowding to growing frustration—at present concentrated among blacks and Puerto Ricans—with what is viewed as an antiquated educational system.

With the influx of minority families into the borough, the number of school children rose from 181,491 in 1960 to 237,991 in 1970. Whereas in 1960 nonwhite students made up 42.6 per cent of the total, 10 years later blacks accounted for 34.1 per cent, Puerto Ricans for 39.7 per cent and whites and others 26.2 per cent.

Bronx schools are the most overcrowded in the city. The high schools are in the worst shape, running as high as 210 per cent of capacity last year in Morris HS. A study by a student workshop at NYU's Graduate School of Public Administration concluded that "The public schools serving Highbridge provide neither adequate facilities nor relevant programs to meet the needs of the Highbridge student population. The schools are grossly overcrowded, reading scores are low, dropout rates are high." In South Bronx high schools, dropout rates run as high as 75 per cent.

David Seeley, a former U.S. Commissioner of Education who now heads the Public Education Association, says the city's public schools "never functioned to educate large masses of people at any high level."

When unskilled jobs were plentiful, this didn't matter. "But now everyone's expected to stay in school and the system was not capable of adjusting to the change," says Seeley. "Teachers are paid more, classes are smaller, but the basic relationship between the kids and the schools hasn't changed. In fact, it's deteriorated."

The kids themselves give varying opinions. "I was bored, so I dropped out. Now I'm in construction work," said a 17-year-old Irish youth from Highbridge. "I like it," said a black student attending Stevenson HS. "My classes are interesting."

But a New York State study of 15 high schools, including five in New York City indicated the Highbridge youth was more typical. The study reported that "many students are finding their school experience painful and most are finding it unenjoyable."

Students generally felt, the report said, that teachers did not respect, understand or help them. The study blamed the large size of the schools as well as their authoritarian structure for the students' negative reactions.

Young white parents are also becoming more critical. "My wife taught kindergarten for six years in a More Effective School," says Lawrence Sivak, president of the Co-op City Tenants Advisory Council. "It just seemed that the bureaucracy from Livingston St. restricted the ways in which you had to teach, so that you were not innovating, you could not be attuned to the needs of the children."

Sivak is optimistic about Co-op City's Educational Park, which is to experiment with ungraded classes, but he warns that if the schools don't shape up, "the young people of Co-op City will move out to the suburbs."

Crime, drug addiction, schools—these three major problems, plus housing, provide much of the explanation for the Bronx having difficulty holding those residents who can move out most easily—young, middleclass whites. But there are other reasons, too.

Three college students, who are among hundreds attracted to the Concourse because of low rents compared to Manhattan, laughed loudly when asked whether they intended to remain in the Bronx after graduation. "It's not because it's the Bronx," said Stephen Messer, 20. "It's just because it's New York. It's too dirty. We all want to get out."

Some people mention what Abrams calls the "chamber of horrors"—the subway system. Teacher Berkowicz, 28, says "I don't think anywhere in the city is a good place to bring up children. Pollution is a major factor. But if I had to pinpoint any one thing, it has become just a general feeling that things are going downhill in the city."

The feeling that "things are going downhill," that the "quality of life" is deteriorating rapidly is felt by residents in every section. Fr. Leonard of Sacred Heart Church in Highbridge put it this way. "I'm a bit of an optimist," he said, "but one gets the impression that the city is falling apart, and Highbridge is typical of that. It's a question of too little, too late. People feel they're being left out in the cold."

WATERLOO COURIER PRESENTS A WELL-REASONED STAND

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. GROSS. Mr. Speaker, the Waterloo, Iowa, Daily Courier on December 14, 1971, carried what I consider to be a most thoughtful and well-reasoned editorial supporting President Nixon's veto of the Economic Opportunity Act extension legislation.

It would, in my opinion, be helpful in clearing the air of all the emotional cries that went up following his veto if everyone in the country were to read this editorial.

I include the editorial for insertion in the RECORD at this point:

VETO JUSTIFIED ON BILL SETTING UP CARE CENTERS

The outcries that followed President Nixon's veto of a bill providing for a $2.1 billion federal child-care program revealed some of the problems connected with getting sensible reforms through Congress.

Some of the critics suggested that the Administration does not care about the country's children. Their charges are serious enough that the facts deserve to be re-examined.

The bill provided for a $6.3 billion, two-year OEO extension, and contained the machinery for establishing a nationwide system of federally-sponsored day-care centers for children.

Children of poor families would be eligible for free services and children of middle-income families would be charged a fee based on their annual income.

The Administration's main objections were to the elaborate child-care program, which President Nixon said demonstrated "fiscal irresponsibility, administrative unworkability and family weakening implications."

Administration leaders indicated that they would have objected less strenuously to a modest program confined to the poor.

But past programs have demonstrated that: (1) Too often, money is siphoned away from the poor by bureaucratic machinery, and (2). The people benefitting most by such programs are several notches in income level above the hardcore poor.

The child-care bill very likely would have been faulty on both counts.

It put the government in the child-care business for any family that wanted to use the service.

A family with an income of $4,320 or less would pay nothing. Families could be charged no more than ten per cent on incomes between $4,320 and $5,916, and no more than 15 per cent on incomes between $5,916 and $6,960.

Above that latter figure, no federal assistance would be offered.

President Nixon saw the bill as providing too much incentive for families to raise their children outside the home.

He favors having day-center programs tied to welfare reform—with incentives built-in for families to stay together, and day-care centers provided only for poverty-level people who truly need them.

His approach is more realistic than a sweeping proposal for putting the federal government in the business of financing babysitting services for all America.

HISTORIC YEAR FOR THE AIRLINE INDUSTRY

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ESCH. Mr. Speaker, 1970 was an historic year for the airline industry. However, rather than being one that people will fondly recall, it turned into a macabre adventure that ought to raise some eyebrows and demand answers to very serious questions we should be asking with respect to the future of the airline industry.

Growth in domestic passenger miles outstripped that of the Gross National Product from 1961 to 1967, but today the airline picture is grim. An unlikely combination of strikes, hijackings, rising costs, declining traffic growth, the necessity to pour new money into new aircraft—all these have combined to spell real trouble.

While the regulatory authority for the airline industry on economic questions and routes rests with the Civil Aeronautics Board, I believe that Members of Congress ought to address themselves to these issues which also deeply touch the interests of the general public. I sense, and I know that my colleagues must sense, that we are at a critical point in airline history, a time that calls for more stability and fewer vicissitudes.

In the last decade the airline industry was able to achieve significant growth in spite of recessions in other industries, because of important technological advancements which helped reduce unit costs and stimulate a large new market of air travelers. An example of this, of course, is the introduction of the new jets which came into their own in the 1960's helping to improve speed and productivity.

A second factor which aided in the growth of the industry was a significant increase in air travel by persons in all walks of life. Air travel has at last become a regular form of transportation. The 1960's emerged as the first decade where families began to plan their vacations by air. The airlines made all of North America and Europe economically feasible and accessible to middle America at a time when these persons were acquiring more leisure hours.

Over the years the airlines have been able to adjust their fares within the broad guidelines of the economic situation and the state of new developments in the industry.

At the beginning of the thirties a passenger could travel for about 10 cents per mile. With the improvement in capacity during the thirties and forties, per mile rates were almost cut in half. As more sophisticated equipment was added to the lines, fares increased. During the 1950's rates increased from 18 to 23 percent. When jets were first introduced the Civil Aeronautics Board allowed the airlines to add a surcharge for jet travel.

The Board held hearings in 1960 and established a fair rate of return of 10.5 percent on investment. This standard was implemented and on July 1, 1960, a fare increase was granted which amounted to about 5 percent across the board. A further increase of 3 percent was granted in 1962 to compensate for declining earnings and a failure of promotional fares to generate increased business.

The industry adapted to changes in demand for service as airline travel became more commonplace. Promotional fares were introduced in the early sixties to stimulate travel. Service designations which had previously paralleled rail and ship classes were revised to accommodate new types of travelers. Youth fares which allowed persons under 22 to travel on a standby basis helped introduce persons to flying who otherwise would not have flown. The excursion fare encouraged persons to fly on vacations. The family plan encouraged parents to take their children along on trips at a reduced rate.

Admittedly there have been problems with the promotional fares, but it is my view that the airlines should be encouraged to experiment with new types of fares, keeping in mind that they are a service industry.

Some readjustments, however, should be made. For example, in the next year it will become cheaper to travel to Europe than to travel to the west coast from the east coast. It is logical to assume that the public should expect a reasonable relationship between distance traveled and fare paid.

A second condition which has contributed to a declining profit outlook for the airlines has been the cost of equipment. The industry is built on two foundations which require that it continuously upgrade its equipment. The pressures of competition and the technological base of the industry require this continual growth. In 1970, the airline industry spent $1.6 billion to upgrade flight equipment. The industy will spend almost $4 billion in the next 2 years to upgrade and replace present equipment.

In other nonlabor expenses the airlines have also had to face higher costs. Since 1968, the cost of meals has risen 26 percent, fuel is up 6 percent per gallon, the cost of a 727 is up 19 percent.

The potential of the new 747's has not yet been realized. The markets will grow but the jumbo jets clearly are not yet paying off. The airlines cannot return the jets to the manufacturers.

The expenses of upgrading to meet the needs of competition have caused imbalances in the debt equity ratios of many of our regular carriers. During the 1960's, the ratio was usually between 1½ and 2 to 1. At the present time some of our lines have debt equity positions which exceed 2½ to 1.

The debt equity ratios can be explained as a representation of the relationship between the debts of a company and its amount of stock outstanding. In periods of inflation the airlines have been forced to finance new equipment through the increase of their debt position and not through the increase of stock equity position. The problem with this type of financing is that it increases the level of fixed costs with which the industry must operate. Debt financing locks the airlines into a pattern of spending regardless of their economic situation. Equity financing provides a greater amount of flexibility to meet the demands of growth and the changing situation.

During the last 5 years airline outlays for new equipment and related systems have risen 163 percent and funded debt has risen 175 percent.

In April of 1969, the repeal of the investment credit became effective so that airlines were no longer encouraged by the Government to upgrade equipment through accelerated depreciation. My colleagues know very well the advantages of the investment tax credit.

The tax credit system gives special help to industries where recurring obsolescence is a continuing problem. Accelerated depreciation helps companies realize their investments in a shorter period of time.

Many of the airlines have started to lease their equipment, because of the lost benefits from the Investment Credit Act repeal. When one includes capitalized leases in the ratios, the position of some of our carriers goes to the dangerous level of almost 4 to 1. Analysts of the industry state that the position of the industry should not exceed 2 to 1.

The Investment Credit Act of 1971, which reintroduces the 7-percent accelerated depreciation bonus on new equipment, should help the airlines improve their equipment and thereby maintain their competitive position as well as their quality of service. The reforms introduced by our tax bill should also help to improve the airlines debt equity position.

The airline industry must live with high labor costs; in fact, almost one-half of cash operating expenses are represented in labor. Although the average airline salary only increased 3 percent in 1966, the problem of airline industry labor costs was aggravated by wage settlements concluded between 1966 and 1970 where increases averaged 43 percent.

The all-industry average for the period was only 27 percent. Labor costs have grown at a rate twice the national average since 1969.

Many of the positions in the airline industry must rely on a skilled labor force. Thus in 1970, the average airline salary was $12,307 compared with $6,248 for the average American worker. The average hourly wage for mechanics was $5.80 or $2.34 per hour higher than the average wage for manufacturing workers. Mechanics wages in the industry have increased 48 percent since 1968.

The importance of wages to the health of the industry can best be understood by the fact that if the average wage rate for airline employees had increased at a rate equal to the rate of increase for the consumer price index, between 1966 and 1970, airline costs would have made $350 million in earnings before taxes. Improvement in wage settlements will help offset increases in other areas so that the industry's growth picture can be stabilized.

The competitive position for our international airlines is especially difficult. Our carriers must compete against the subsidized national lines of other countries. Many of the national airlines operate for prestige and not for profit. Nationally subsidized lines can continue to operate with the assurance that every passenger who lands in their country on their line will generate trade. They can reduce their fares to induce travelers to come to their country.

One international airline, which has been famous for their low-cost air fares to Europe, requires passengers to land in their country en route to Europe. Most nations operate to protect their airlines. The Italian Government, for example, levies no landing fees at all on Alitalia. Yet Pan Am and TWA must pay more than $400 to land a 707 in Rome. Landing fees in general are three times higher than in the United States. Consider that it costs $206 to land a 747 in New York and more than $1,600 to land a 747 in London.

There is every indication that these cost and en route charges levied against American carriers will escalate tenfold in the midseventies.

Landing fees are not the only difficulty with which our international carriers must contend. The problem of access to markets is one which every American industry must face. However, the international carriers can be especially hard hit. Many nations limit the number of airlines which can have routes in their countries. There are no such limitations placed on airlines coming into the United States.

A third problem which faces our scheduled carriers internationally is the growing market share of nonscheduled and charter companies. These supplemental carriers spend less on scheduling, advertising, and other fixed costs so that their ability to offer discounted fares is tremendously improved in many situations. The original intent of the allowance for supplemental carriers was to encourage these carriers to provide special services which the regular carriers could not normally provide. The impact of the supplemental carriers has far extended over this original intent. In 1971 the supplemental carriers provided transportation to Europe for one traveler in four from the United States.

The airlines should work to serve the needs of the public. Their routes and schedules must reflect requirements for service. Some routes will obviously be more profitable than others but profit cannot be the only determinant for establishing service.

The regulation of routes should be reexamined. When a traveler can choose between three airlines flying to the same location, at the same time, with half-filled airplanes, clearly this is a situation that serves no one's best interests. Routes must be allocated so that, to the greatest extent possible, the needs of the public are served while unnecessary duplication of service is kept to a minimum.

Here the Civil Aeronautics Board has a responsibility—one that it has clearly not lived up to.

Most of the significant problems facing the airlines are beyond their control entirely. The tight economy certainly does not aid the airlines; in fact, air travel decreases significantly in periods of economic recession. The decline in growth rates has been coupled with an inflexible pricing structure which limits the ability of the industry to meet new cost factors caused by inflation. The 1971 level of inflation for the industry is projected at 6.6 percent.

With the decline in our military efforts abroad the airlines have also been faced with reduced military traffic. These reductions come at a time when air travel market growth is declining.

The recent rash of hijackings have increased airline expenses by requiring the installation of security systems. Second, hijackings have raised the level of apprehension for the safety of air travelers.

Combating the hijacker is no simple task. Suggestions for eliminating this menace point more and more toward complex electronic surveillance systems which will detect the hijacker before he boards the plane. The system would be coupled with increased security measures in and around airports. These efforts are costly. In light of the airlines economic constraints they should not have to have this monkey on their backs in the future.

The airlines have not taken this deteriorating position sitting down. They have initiated steps to cut their operating expenses in several ways. Some have limited their advertising budgets. They have also made comprehensive reevaluations of their management systems and their line operations. This has resulted in reorganization and consolidation of functions in many airlines. The airlines have undertaken studies of equipment, routing of schedule systems, and of baggage handling in order to insure that these services are handled in the most efficient manner possible.

During the last 2 years airlines have also been forced to reduce employment. Employment in the industry dropped from 312,000 in December 1969, to 296,000 at the end of June. At least one airline has been forced to reduce its staff by 10 percent.

The airlines are reluctant to reduce their employment opportunities but the severity of their position requires these measures.

These efforts at cost control, better management, and the regrettable reductions in employment have started to pay off. The airline industry predicts a modest margin of profit for 1971. Clearly their efforts cannot do the whole job of helping the industry to recover.

This review of the problems facing the airline industry today brings three types of solutions to mind which will bring new vigor to the industry. These might be categorized as solutions which can contribute immediate assistance to the airlines, solutions which are out of the control of the airlines and solutions which will work for the long-range benefit of the industry.

An immediate remedy which promises to improve the financial position of the airlines is the enactment of the Investment Credit Act. The accelerated depreciation provision of the act will allow the airlines to improve their financial position with new equipment purchased after April 1971. This will permit the airlines continued expansion in meeting the needs of the public and in adding changes in technology that make flying more comfortable.

The second group of solutions are more or less out of the direct control of the airlines. It has been clearly demonstrated that a recession tightens first around service industries such as the airlines. In times of tight money people are not so willing to take the business trips or vacations which they would otherwise take. They drive or they use the phone when they would normally fly. The costs of inflation are also out of the hands of the airlines. These costs have caught the airlines with special intensity in every facet of the industry. Reductions in the rate of inflation will help the airlines grow and prosper.

Our international carriers vitally need assistance in insuring that their position in international markets will be on an equal footing with other lines, like Qantas and Alitalia. We must work to make sure that our airlines can compete against these subsidized national carriers. This means that we must make sure that access to markets is a two-way street.

The final type of solutions are long-range in nature. The airline industry is publicly regulated. This places it in a unique position. At present those who regulate the industry do not always consider the best interests of the public or the industry in establishing policy guidelines. Regulation of routes and fares must allow adequate flexibility to meet changing demands.

If it seems desirable for the overall stability of the industry, healthy mergers should be encouraged.

Wage settlements in the future must be kept in a range consistent with other factors in the industry as a whole.

The balanced transportation system which so many of us have worked for cannot become a reality without a healthy airline industry. When Congress reconvenes, I hope that others who share my concern will address themselves to these issues and thereby contribute to our discussion. The hour is not too late.

SERVICEMEN TO SPEND CHRISTMAS IN COMMUNIST PRISON CAMPS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DICKINSON. Mr. Speaker, "every American should be important and not just sloughed off"—these words express the sentiments of Mrs. Arthur S. Mearns, wife of an Air Force lieutenant colonel who has not been heard from in over 5 years. In fact, her concern is shared by the wives and loved ones of as many as 1,635 American servicemen who will spend Christmas in Communist prison camps: 785 in North Vietnam, 590 in South Vietnam and Cambodia, 258 in Laos, and two in Communist China

Of these, 1,635 American servicemen, we know that 378 have been captured in North Vietnam—but the North Vietnamese admit to holding only 339 prisoners. We know that 84 men have been captured in South Vietnam and Cambodia—the Vietcong acknowledge holding only one man. We know that three men were taken prisoner in Laos—the Pathet Lao will not admit to holding any. Also, there are two men known to be held in Red China—but the Communist Chinese consider them to be detainees, not prisoners of war.

Mr. Speaker, the hard, cold statistics I have mentioned should remind every American that Christmas 1971 is not getting any brighter for the 1,635 families who wonder when their serviceman will be home, if he is still alive. Nor is it very pleasant for the men held prisoner in Hanoi or the jungles of Southeast Asia. Some of these men, like Navy Lt. Comdr. Everett Alvarez, will be spending their eighth Christmas in Hanoi.

Yes, every American should be important and not just sloughed off. Through the efforts of men who have fought to secure the peace, we have an opportunity—the freedom—to celebrate the holiday season as we see fit. During this holiest of seasons, we should remember in our prayers those American servicemen who have fought gallantly and those who have given the supreme sacrifice that we might live in freedom.

The following is a special prayer written by the Armed Forces Chaplains Board for the prisoners of war who cannot be with their families in December:

Our Father God, as you are mindful of our POW's and the daily burden they bear,
Grant them an equal measure of courage and hope in their God and Country. Hasten their release and
Return them safely to family and home.

Hear the prayers of your people
Who ask that even amid the din of conflict
We may keep step with the distant drumbeat of
Your promise of Peace on Earth among men of Good Will.

There is so little any one of us can do in behalf of our prisoners of war. But maybe if all of us did something—if all of us prayed together for these 1,635 men and their families. Maybe, just maybe, Christmas would be a little brighter in Hanoi this December. And maybe, next December.

Mr. Speaker, I ask permission to insert into the Record an article which further points to the anxiety and despair faced by the families of American POW's and MIA's. The article by Robert Young appeared in the Los Angeles Times on Thursday, November 25, 1971.

The article follows:

Pentagon Versus Hanoi—Credibility Clash Rises Over List of American POW's

(By Robert Young)

Two jet airliners have just emptied their gaunt cargo at a U.S. military air base. The prisoners are on their way home.

In the glare of TV floodlights, the men walk, hobble or are carried to waiting buses. Wives, sisters, brothers, fathers and mothers, strain to count: 337 . . . 338 . . . 339 . . . that's all.

That's the script for a brief, futuristic nightmare stalking Jan Dodge these days.

Her husband, Navy Lt. Ronald W. Dodge, was not among the 339 men figuring in her nightmare—a number Hanoi has represented for nearly a year as the sum total of all Americans ever "detained" in North Vietnam, up through mid-November, 1970.

It has been more than four years since Lt. Dodge's F–8 Crusader jet went down over North Vietnam.

He is listed by the Pentagon as one of 378 POWs in North Vietnam alone—39 more than Hanoi admits are imprisoned on its home soil.

These 39 Americans, in Mrs. Dodge's view, have fallen victim not to enemy bullets or SAM missiles but to slipshod accounting by the enemy.

Of the 39, Hanoi has said 13 are dead. But U.S. military authorities carry them as POWs.

The remaining 26 are men whose names have never surfaced on lists of living or dead American POWs Hanoi has furnished, via the channels of American antiwar activists.

Lt. Dodge is in this special limbo.

While the government claims it has "sufficient evidence" that 39 men like him were in North Vietnam prison camps at one time or another, an activist group—headed by Mrs. Cora Weiss of New York City—discounts these estimates.

Since Jan. 19, 1970, Mrs. Weiss has been chief broker for virtually all of the official Hanoi lists reaching this country. She has done this as co-chairman of a group calling itself the Committee of Liaison With Families of Servicemen Detained in North Vietnam.

A fundamental credibility clash, paid little heed by the American public, has arisen between the Pentagon and Mrs. Weiss' group over these lists.

Caught in the crossfire are the families of 1,136 Americans lost from view within Indochina—the missing-in-action (MIAs)—plus the 39 men unaccounted-for in North Vietnam.

(The enemy has ignored insistent U.S. pleas for information on prisoners taken in Laos, Cambodia and South Vietnam. All told, evidence suggests that 463 men are captive.)

The lists which came through the committee's New York offices last fall and winter were sworn to be a "full, complete and final" accounting before a congressional subcommittee by Mrs. Weiss.

CREDIBILITY GAP

"We have no reason to believe the North Vietnamese would withhold names," Mrs. Weiss said in a telephone interview. "There's no conceivable reason for them to do that."

Mrs. Dodge, however, feels those lists are full of ambiguities, omissions and distortions.

For she has good reason to believe her husband survived his plane's crash and perhaps is still alive in North Vietnam.

On a coffee table in the Dodge home near San Diego, a copy of the French magazine Paris Match provides all the proof she needs.

A full page photo in that issue, dated Sept. 9, 1967, depicts an anguished young flier with his head and a hand bandaged. He is well guarded.

BELIEVE IT'S DODGE

POW wives and Pentagon officials believe the picture is of Dodge. Mrs. Dodge says, "there's no doubt in my mind."

The picture caption reads: "A SAM missile has knocked down the craft of this pilot of the 7th Fleet."

As further corroboration that Lt. Dodge survived the crash, his wife cites a radio conversation he had with his wingman after he was on the ground.

"He said 'I'm moving up the hill and I'm being surrounded,'" she recalled. "He said nothing about being hurt."

Navy officials told Mrs. Dodge that her husband had made three separate radio transmissions before destroying his equipment.

"I can't say my husband positively is alive today," Mrs. Dodge said. "But he obviously got down and was captured."

The talk among families who meet at places like the officers' club at Los Alamitos Naval Air Station, increasingly is of "discrepancies in the list."

QUIET RAGE

Not having many options left as the war winds down, they lash out in private anger—at members of Congress, the press, apathetic citizens and peace movement spokesmen who regard our own POWs as war criminals.

Mostly, though, their quiet rage is directed at Mrs. Weiss' liaison committee.

"We're in deep, serious trouble because of Cora Weiss," said one anguished Air Force MIA's wife.

A key controversy centers on the list's authorship.

It has been alleged that the Committee of Liaison pieced together the list of 339 POWs from mail it had handled over a period of time, then sought—and received—Hanoi's "official" stamp.

A charge to that effect, made before a House Committee on Foreign Affairs subcommittee last April 20 was brushed off as "preposterous" by Mrs. Weiss.

Her committee is a direct spinoff from the militant Women Strike for Peace group. It is cochaired by David Dellinger, a "Chicago Seven" defendant and a prominent figure in New Left politics.

The name of another Chicago Seven defendant, Rennard C. (Rennie) Davis, appears on the committee's letterhead, as does UCLA philosophy professor Donald Kalish, who played a key role in the controversial hiring of black militant Angela Davis in 1969.

"You're willing to use any means to get a letter," said Mrs. Sandra Dennison, who learned of her husband's alleged death through the Committee of Liaison.

The news came to her from Mrs. Weiss' committee last year.

First, around Thanksgiving, committee members who had visited Hanoi produced a list of 339 American POWs, plus a roster of 20 allegedly dead Americans.

One Defense Department official said "there were no surprises"—meaning that the 339 POWs already were presumed alive by U.S. intelligence.

Another series of names, bearing the phrase "never detained in North Vietnam," cropped up at the time. Then, days before Christmas, Sens. Edward M. Kennedy (D-Mass.) and William Fulbright (D-Ark.) simultaneously received lists identical to ones released through Mrs. Weiss' office.

CHRISTMAS LIST

The only fresh twist to the Christmas list were dates of death attached to the 20 men reported as dead on the Thanksgiving roster.

Kennedy's role in publicizing the lists produced some heated byplay among POW families and Pentagon officials.

"Sen. Kennedy told me personally that the list was complete," said Joe McCain, 29, whose father, Adm. John S. McCain, commands all U.S. forces in the Pacific.

Joe's older brother John has been a POW since fall, 1967. The younger McCain has been a goading force within the POW family movement, working as a volunteer out of a San Diego office.

A staff aide to Kennedy, Dale Dehaan, said: "While we never thought of it (the list) as necessarily definitive, we have no reason whatsoever to feel (Hanoi) would deliberately leave off the list any names of persons they actually held."

To some of the wives, like Mrs. Evelyn Grubb, the death dates were not only traumatic reading—they tarnished the credibility of the information Mrs. Weiss had furnished.

REPORT FROM CHINA

Mrs. Grubb currently serves as head of the National League of Families in Washington, D.C., the closest thing to a union the next-of-kin have.

Her husband, Air Force Capt. Wilmer N. Grubb, was a well-publicized catch for the North Vietnamese on Jan. 26, 1966.

The next day, the New China News Agency reported a U.S. jet shot down, and said the pilot was captured alive.

A week later, Feb. 3, Radio Hanoi "exploited" her husband's capture, Mrs. Grubb said, by broadcasting a statement attributed to him.

Again, Feb. 7, another radio broadcast came from Hanoi in Grubb's voice.

Beginning Feb. 10, pictures of Grubb began appearing in newspapers and magazines as far afield as Algeria, Cuba, Hanoi, France Russia, and Japan, Mrs. Grubb said.

DATE DISCREPANCIES

Significantly, in light of information relayed to Mrs. Grubb last Christmas, her husband appeared healthy in all 10 of the photos she has seen.

The worst jolt was to come four years later, when Grubb's name appeared on the Thanksgiving-time list of 20 dead men.

Then the Christmas information reached Mrs. Grubb. First, the date of death was given as Feb. 4, or just nine days after her husband's capture.

Mrs. Grubb said the Committee of Liaison informed Air Force officials that Capt. Grubb's death was due to "grievous wounds sustained in the aircraft crash."

None of it figures, she found when she pieced the episode together.

"It's obvious he wasn't grievously wounded in the crash," she said in an interview, noting her husband's condition in the photographs—and the macabre use of his voice and pictures after the Hanoi-alleged date of his death.

ANONYMITY REQUESTED

Also among the 39 men ignored by the Committee of Liaison's bookkeeping, but still carried as POWs by the U.S. government, are Milton J. Vescelius, Jr., Walter O. Estes, James Erlan Teague, Donavan L. Lyon, and Lyon's copilot—whose family has requested anonymity.

Here are highlights of each man's case, as given by family members:

After Lt. Comdr. Milton Vescelius parachuted to the ground near Haiphong harbor Sept. 21, 1967, his F–8 wingman aloft saw him wave before a crowd gathered.

"He was seen standing and was surrounded by the local populace," Jean Vescelius was informed in a telegram from the Chief of Naval Personnel.

Another document in Mrs. Vescelius' files bears the letterhead of the "Viet Nam Committee for Solidarity with the American People" in Hanoi.

This was addressed to Mrs. Weiss, and dated Nov. 20, 1970. Mrs. Weiss forwarded it to Mrs. Vescelius on the 24th, with this message:

"In response to the request for information about your husband which we made last January, we have received word he was 'never detained in North Vietnam.' "

Mrs. Vescelius said in San Diego: "The list is a farce and I don't believe it for one minute. Mrs. Weiss is using families to exploit her purposes."

Lt. Walter O. Estes and Lt. James Erlan (Jackie) Teague were flying over Haiphong on Nov. 19, 1967, from the carrier Coral Sea. Antiaircraft fire knocked them down.

From their Harrisburg, Ark. home, Lt. Teague's parents and brother Michael, 16, told how the Associated Press monitored a wirephoto from Warsaw three days later.

The caption out of Hanoi read:

"Some of the U.S. air pirates shot down by Vietnam armed forces and people during recent days." Military ID cards of four American pilots were shown full-face in the photos, which were run in a Virginia newspaper that month.

Estes and Teague were two of the four. By their names appeared the phrase: "Captured in Haiphong."

NEITHER ON LISTS

Neither man ever has appeared on any Committee of Liaison list.

Compounding the mystery, Teague's father said a released Navy pilot, told him: "I didn't see Jackie personally (in prison camp), but I talked with a man who had seen him and Estes."

That sighting was reportedly about six days after both men's capture.

"I think Hanoi's trying to confuse the American public," said Michael Teague. And, from the Estes home in Williamston, Mich., Estes' father said: "It would be a disaster to accept those lists at face value. It's very frightening to me."

Maj. Donavan L. Lyon and his copilot disappeared near the Laotian border March 22, 1968.

Lyon, who was co-captain of football at both Hollywood High and Occidental College before his Air Force career, has vanished without a trace.

But his copilot, absent from the Weiss list, was twice sighted in a POW camp in the Hanoi area, according to Pentagon intelligence sources.

"In fact, one gentleman even talked to the copilot in 1969," said Maj. Lyons' wife, Janice. "I can only assume he, like others shot down over Laos, is untouchable, since the North Vietnamese maintain the fiction they're not involved in the Laos fighting."

Even some wives whose husbands are on Hanoi's POW list feel the only guarantee against getting shortchanged in the final prisoner swap is to insist upon full, on-the-spot verification by a neutral party, like the Red Cross.

This month, Mrs. Arthur S. Mearns of Los Angeles marked the fifth anniversary of her Air Force husband's capture.

"Dirty and sullied" are words Mrs. Mearns reserves for the Committee of Liaison's tactics. "They've added more torture to an already impossible situation," she said.

Mrs. Mearns draws some encouragement from the Nixon Administration's call for a prewithdrawal accounting of prisoners and missing men.

"Every American should be important and not just sloughed off, whether they're in the ghetto or in Indochina," Mrs. Mearns said.

Mrs. Weiss, however, called the inspection approach a "diversionary tactic" by a President seeking "gimmicks to placate the families of prisoners."

Mrs. Dodge doesn't try to second-guess the President.

A good service wife, she figures "a lot of things are going on behind the scenes we don't know about."

IS PUBLIC TELEVISION WHAT IT IS SUPPOSED TO BE?

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BROWN of Ohio. Mr. Speaker, many Americans are becoming increasingly disturbed over public television. Who can blame them? It was recently disclosed that newsmen Sander Vanocur and Robert MacNeil, both castoffs from the NBC network, have been employed at salaries of $85,000 and $65,000 respectively—more than the Vice President and Chief Justice of the United States. Both have been hired as correspondents with the National Public Affairs Center for Television (NPACT), a public broadcasting production unit operating out of Washington, D.C.

Vanocur and MacNeil were formerly network correspondents with NBC. Later they were farmed out to the local NBC–TV station in New York, and subsequently dropped completely. Their status as highly paid limousine-chauffered newsmen for NPACT—a part of the Nation's financially hard-pressed public broadcasting system—is in marked contrast to their apparent standing with the Nation's largest commercial network. The irony is that these men have been hired by public broadcasting for the ostensible purpose of improving through competition, the public affairs reporting of the commercial networks which once employed them, and let them go.

The disclosure of public broadcasting's executive-level extravagance comes at a time when a number of local public television stations are drastically cutting back on programing because of financial difficulties, and when others are struggling to raise funds through marathon public subscription drives.

Those concerned about the objectivity of public broadcasting personnel may also recall that the Washington, D.C., public television station fired a local news director after his wife had taken a job with the wife of the Attorney General. Neither this incident nor the hiring of the two expensive NPACT reporters appear to concern anyone in the Corporation for Public Broadcasting, however.

But loyal contributors, who got public television on its feet during the difficult early years, and American taxpayers, who now contribute millions of dollars to the tax-supported Corporation for Public Broadcasting (CPB), may be starting to wonder about their investment.

Public TV's money judgment is only the tip of a much larger iceberg. Dismay is also growing over what many feel are indications that public television is becoming an increasingly partisan forum for specific causes, most—mercifully, not all—of them oriented to the radical new left. Despite its supposed educational purpose, public TV is showing more and more strictly one-sided programs, most with reactionary themes—anti-establishment, antiwar, antigovernment, antithis and antithat. It will not be long before feeling about the lack of objectivity in public broadcasting has its effects on the Congress where there has been significant concern expressed about the objectivity of commercial broadcasting.

Considerable controversy has always surrounded the establishment and operation of noncommercial broadcasting. A number of religious-only stations which do not sell time for commercial messages have been licensed by the FCC, but such stations do cover the costs of maintaining themselves on the air by soliciting public donations from the listeners. If this serves a worthy purpose, it was concluded, a similar public need might be filled by encouraging noncommercial education stations. In recent years, however, more than one station originally established as educational has interpreted its mission as forcing improvements in commercial broadcasting by showing it better ways to uplift the cultural quality of broadcasting through competition—using tax dollars or tax-exempt funds.

While that mission might be worthy, too, it now appears to be taking a back seat to the advocacy of radical views. Educational broadcasting is changing to public broadcasting at a time of crisis in education, when public schools all over the Nation are closing or facing grave financial problems. Many parochial schools are also no longer able to provide funds for inexorably rising costs of education.

There is a desperate need for more effective methods of mass education and more efficient means than have been developed through traditional approaches to education. There was some hope that the innovation of educational broadcasting might have brought more economies and efficiencies to classroom teaching than had been possible since Socrates.

There have been a few bright spots in an otherwise dull spectrum. But "Sesame Street" has been used more as a method of getting money from Congress for the concept of a public broadcasting network, than it has as a base from which to explore better methods of education—either in the classroom or in the living room.

In fact, one of the focal points of growing disquietude over public television has been its new television network, PBS—Public Broadcasting Service. PBS distributes programs to 213 stations spread across the United States. The network recommends a program schedule to the Corporation for Public Broadcasting and its stations. CPB releases the necessary funds for production and PBS distributes the programs.

One such educational program, distributed by PBS was "The Three R's—and Sex Education," a documentary to enlighten the viewing public about the highly controversial subject of sex education. It was shown in October of 1970 over some 180 stations, and raised a storm of protest.

Instead of being a balanced examination of sex education, as touted, "The Three R's" was a one-sided propaganda show which made an all-out effort to convince the viewer of the desirability of sex education programs for his children regardless of age or circumstances. It portrayed the opponents of sex education as "bad guys," unwitting exponents of the Birch Society line, ignorant, and old fashioned.

TV critic Lawrence Laurent of the Washington Post, in his review of the program suggested that:

> Some question may be raised about the openness of producer McCutchen's mind.

Laurent's observation turned out to be a gross underestimate of the public outcry that followed.

The "Three R's" was so imbalanced and so full of factual errors and misrepresentations, that it precipitated widespread public condemnation, and the filing of a complaint with the Federal Communications Commission for alleged violation of the fairness doctrine.

Of course, not all the funds for the operation of local stations, the development of local or network program concepts or their promotion and distribution come from taxes paid into Federal or local government.

Much of the financing of public broadcasting comes from money withheld from governmental coffers by means of tax-reducing donations or through tax-exempt foundations. Most foundations are prohibited from political activity, but that does not prevent the men who distribute the largesse of these huge treasuries from having their own viewpoints—and these viewpoints can be very influential on programing concepts and personnel.

The role of former CBS news executive Fred Friendly, who helps decide which public television projects will receive Ford Foundation money, was explored by our congressional committee at the time the Washington educational television station fired the director of a news program funded by Friendly's interest.

The purists in public broadcasting have insisted that the Congress should exert no influence on the educational network or its stations by providing money through the appropriation process because, this would raise the prospect of governmental influence in programing. I share that concern about influence, but it is not limited to the influences of Government. What about the influence of Mr. Friendly's Ford Foundation millions? Is that vastly different from the influence of Ford Motor Co. advertising dollars on commercial broadcasting?

The suggested answer is an irreversible "dedicated" tax that would give the people operating public television today a constant piece of the public's hard-earned money—whether the citizen wants to give it or not—to do whatever the Vanocurs and the McCutchens wish.

Some recent examples of what is being done with federally appropriated dollars include the April 19 edition of "The Advocates," which zeroed in on the present handling of the war in Southeast Asia. The topic was a loaded one: "If you oppose the war, should you answer the call for massive civil disobedience?" Featured on the show was an all-star cast of anti-U.S. Government celebrities, not the least prominent of whom were Messrs. William Kunstler, Rennie Davis, and Boston University's Prof. Howard Zinn. Although purportedly set to focus on the efficacy of civil disobedience in bringing an end to the war in Southeast Asia, the program turned out to be a vicious one-sided tirade against President Nixon and his policies for ending the war.

The Government whose taxpayers are putting up the money for such broadcasts also came in for some equally one-sided treatment in a recent showing of "The Great American Dream Machine." This time the program dealt with the FBI, another Government project supported by taxpayer dollars. The producer of the show was none other than Paul Jacobs—running mate of Eldridge Cleaver for public office in California in 1968. Jacobs says his politics are radical. Most viewers thought his "Dream Machine" smear of the FBI was, too.

Another "Dream Machine" program appearing on November 3 was a more direct attack on the Nixon administration. The show included an antiestablishment song and dance number by Jane Fonda; a commentary by satirist Andy Rooney ridiculing the President's concept of an all-volunteer army—a concept which has broad bipartisan support; and an interview with screenwriter Dalton Trumbo who, among other things, has vowed to defeat President Nixon in 1972.

Variety described Rooney's part as "sharp and mean enough to prompt Richard Nixon to veto the next public TV appropriation." The show's climax was a series of interviews with a group of expatriots now living in Canada who said they were "fed up" with America.

The fact that such biased, one-sided programs are appearing on the PBS network raises interesting conjecture as to what would appear if a method of taxpayer financing free of the constraints of the Government's appropriation process could be devised. What has already appeared has convinced many that education—in the public broadcasting context—is really a code word for propaganda. It is bad enough that this kind of reactionary, radical hot air goes out over the airwaves, but should it be subsidized with hard-earned taxpayer money?

Many people believe that an educational network, servicing local stations was not necessary in the first place. In fact, that conclusion was reached by the Carnegie Foundation which underwrote a study of the subject. In its report, the study group argued for greater financial help to existing local broadcasters without interfering with their programing. The cost of operating a fourth network—as evidenced by salaries paid to Vancour and MacNeil—would appear to underscore that earlier recommendation.

It would be a tragedy if financial irresponsibility or partisan nonobjectivity were to kill off educational broadcasting at a time when it has an opportunity to bring about economies and efficiencies so desperately needed if our traditional concept of public—and mass private—education are to survive.

NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS CALLS FOR BANNING LEAD PAINT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. RYAN. Mr. Speaker, the New York City Department of Consumer Affairs has today announced its support of a petition, filed by five child health advocates and me, calling upon the Food and Drug Administration to ban all lead-based paint from household uses under the authority of the Hazardous Substances Act.

The Department denounced as "regressive" a counter proposal initiated by the FDA itself. This proposal would merely require that paint with a lead content in excess of 0.5 percent bear a warning label.

In her letter of December 8 opposing this labeling requirement, Consumer Affairs Commissioner Bess Myerson pointed out that:

> A warning attesting to the hazardous nature of substances on the product label is of no consequence, once the paint has been applied or, more importantly, years later when it peels or flakes and thus makes itself readily accessible to curious, omnivorous infants.

Her letter goes on to urge the Food and Drug Administration to reconsider its position and to support instead the petition submitted by Joseph Page, Jack Newfield, Anthony Young, Mary O'Brien and me, and which would classify as "Banned Hazardous Substances" paints and surface coverings containing more than minute traces of lead.

I include the full text of Commissioner Myerson's letter of December 8, at this point in the RECORD:

DEPARTMENT OF CONSUMER AFFAIRS,
New York, N.Y., December 9, 1971.

Re Proposal by the Commissioner of Food and Drugs that a new subparagraph be added to 191.5(a) and a new subparagraph be added to 191.7(b) to declare certain heavy metal-containing paints and other surface-coatings Hazardous Substances, and to require special labeling of same for child protection.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

DEAR SIR: The Department of Consumer Affairs opposes as regressive the proposal by the Commissioner of Food and Drugs to declare certain heavy metal-containing paints and other surface-coatings Hazardous Substances and to require special labeling of same for child protection.

Our position is based on the following points:

1. A warning attesting to the hazardous nature of these substances on the product label is of no consequence once the paint has been applied to the intended surface or, more importantly, years later when it peels or flakes and thus making itself readily accessible to curious, omnivorous infants.

2. The young children, who are the principal victims of lead poisoning when they eat toxic surface coatings, can not read.

3. A label warning would tend to imply that manufacturers may escape responsibility for the potential toxicity of their products.

We are pleased "the Commissioner has concluded that the scope of the Federal Substances Act fully encompasses the question of cumulative toxicity," especially in light of the Commissioner's finding that the potential hazard from paint containing lead must be "considered in conjunction with other sources of lead in the environment." In New York City and other urban areas, this is not a minor consideration.

On the other hand, the Commissioner's contention that the proposed amendments "will have the additional effect of automatically banning any toy or other article intended for use by children . . . which bears such paint or other surface-coating material" seems naive at best. While the proposed amendment *would* require the labels of these products to contain a warning against applying them to toys and other children's articles, there is absolutely no way such a "warning" could possibly be enforced.

Finally, our experience with a similar regulation (173.13 of the New York City Health Code) has been extremely discouraging. Although said regulation has been in effect locally since 1959, between 10–30% of paints are not correctly labeled at point of sale.

In conclusion, we strongly urge the Commissioner to reconsider his position and to support instead the proposal of Joseph A. Page *et al* to classify as Banned Hazardous Substances paints and surface coverings containing more than minute traces of lead. We further suggest that this classification be extended to cover paints and surface-coatings intended for household use if they contain heavy metals (e.g. antimony, arsenic, barium, cadmium, mercury, selenium) which the Commissioner has found to be hazardous substances.

Very truly yours,

BESS MYERSON, *Commissioner*.

CITY ASKS FDA TO BAN LEAD IN PAINT, SAYS KIDS CAN'T READ LABEL WARNINGS

The Department of Consumer Affairs today announced its support of a petition to the Food and Drug Administration aimed at banning lead in paints intended for household use.

At the same time, the Department denounced as "regressive" a counter-proposal by FDA Commissioner Charles C. Edwards. He would require special labeling of household paints containing certain heavy metals (including lead), but would do nothing that would actually keep these potentially toxic substances out of the hands—and mouths—of young children.

The Department supports the petition to ban the lead, filed by a group that includes Joseph A. Page, Associate Professor of Law at Georgetown University, Congressman William F. Ryan, journalist Jack Newfield, students Anthony L. Young and Mary Win O'Brien and Edmund O. Rothschild, M.D.

In their petition, they state that "Human experience has established that ingestion by children of flakes from lead-based paint causes lead poisoning, the consequences of which include death, encephalopathy, neuromuscular effects, interference with the development of red blood cells, and an abnormal syndrome characterized by colic, anorexia, and malaise.

"It is not necessary to weigh the advantages of lead-based paint against the health and welfare of this Nation's children and Her future children. The paint industry can produce paint without lead (except for minute traces which no reasonable manufacturer could preclude from his product)."

In her letter opposing the FDA Chairman's counterproposal, Consumer Affairs Commissioner Bess Myerson pointed out that "a warning attesting to the hazardous nature of substances on the product label is of no consequence, once the paint has been applied or, more importantly, years later when it peels or flakes and thus makes itself readily accessible to curious, omnivorous infants." She urged Commissioner Edwards to withdraw his proposal and support the Page *et al.* petition.

TO STAND AND BE COUNTED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the text of an address made to the Lone Star Chapter of the American Ordnance Association by Mr. Forbes Mann, president and chief executive officer of the LTV Aerospace Corp., Dallas, Tex.

I consider Mr. Mann not only as a personal friend but one of the best informed and most advised members of the aerospace fraternity. He has had a lifelong career in the industry and is committed to the fundamentals of this facet of our economy. Moreover he is a dedicated American who is vitally concerned for the future of this country and its defense. The message he brought to the Lone Star Chapter of the American Ordnance Association is one which every Member of this body should heed.

The address follows:

TO STAND AND BE COUNTED

My subject this evening is complex and burdensome. Nonetheless, I have elected to discuss with you the plight of the nation's defenses and the associated defense industry, because the issues are as crucial as they are unpopular and as fraught with erroneous claims as they are unforgiving of error.

I will attempt to present a factual view—although obviously I suffer somewhat the same affliction as the author of that best-seller, "An Unbiased History of the Civil War—from the Southern Point of View!"

First, what is the defense industry? One possible answer could certainly be that it is an industry on the defensive. A more descriptive answer would perhaps be that it is virtually all U.S. industry. The list of the Defense Department's 100 top contractors reads like the Who's Who of American business. Major defense contractors include firms best known for products ranging from automobiles to pianos, telephones to clothing, and tractors to tobacco. My remarks will be directed principally toward the aerospace segment of this industry since, being the most visible, it has been the most popular target for critics. Further, it is the part of the defense industry with which I am the most familiar.

DEFENSE QUESTIONED

One can question at the outset whether we are in reality discussing that great asset of our nation known as the "Arsenal of Democracy" . . . or whether we are in fact talking about that sinister conspiracy, "The Military-Industrial Complex" (to use an expression perhaps quoted out of context more often than any other in recent times). The two are, of course, one and the same—depending to a large degree upon the imminence of foreign threats to our nation's well-being.

It is useful to recount some of the objections raised by critics of the Defense Department in general, and the aerospace industry in particular. First, it has often been pointed out that our nation faces truly critical problems at home; that it is time to turn our attention away from distant and uncertain enemies toward the problems besetting us daily, such as crime, inflation, unemployment, decaying cities, drugs, human inequities and the deteriorating environment. It has further been noted that if both the communist and non-communist nations keep increasing arms, neither side is any better off and the risk to all simply becomes greater. One hears that the war in Southeast Asia is not crucial to our well being, and further, if it had been, that we have been unable to win a clear military victory. Many say that war for any purpose is immoral—yet, the military and the aerospace industry are inextricably tied to the threat of war for their very perpetuation. The press has repeatedly pointed out that the aerospace industry is guilty of profiteering, poor management and generally inept performance. "Why," people ask, "are we falling behind the Soviets in military strength when we have spent so much for defense for so many years? Where has the money been going?" And finally there is the question of the credibility of defenders of the military, because of past cries of "wolf." We all remember, for example, the strenuous warnings over the "Bomber Gap"—a gap which never materialized. In short, bombarded with information ranging from "Pentagon Papers" to unscrupulously edited TV programs such as "The Selling of the Pentagon," a very large segment of the public has lost confidence in those who provide for the common defense.

Many of these accusations have been made in the best faith—and many contain elements of the truth. There can be no question, in my opinion, that the aerospace industry is more efficient and more tightly run today due to the scrutiny it has received. Further, the industry must learn to run its affairs in the future in an even more effective manner.

Surely no sane individual desires war. Least of all the military, whom, we somehow seem to forget, are the ones called upon to do the fighting and dying. It is a sad testimony to our times that last year the nations of this troubled world should spend $204 billion on armaments and other defense-related items, rather than on food for the hungry, cures for the sick and education for the poor.

But if one is dissatisfied with the threat of war, the solution cannot lie in the destruction of the military any more than the solution to crime is to dismantle the police department, or that the solution to disease is to eliminate doctors.

THE ROAD TO WAR

The danger in the burgeoning reassessment of the military and the defense industry lies in going too far. Since 1968 our armed forces have been reduced by one million men, down to 2.5 million men today. This is about as small a force as we have had any time since 1958. Turning from our capability in-being to our capability for the future, one finds that during the past three years we have been dismantling the aerospace industry at an equivalent rate of more than one major company per year, with half a million people now off the payrolls as compared with the 1.4 million peak in 1968. It is useful to reflect on the fact that in terms of employment drop, in the last 32 months alone we have in effect lost the capability of a Boeing plus a General Dynamics plus a TRW plus a Grumann plus a Lockheed. Perhaps the greatest loss has been the dismantling of design teams which took years to build and which take years to rebuild. Quality research and development is not a commodity that can be turned on and off as a water faucet, depending upon the presence or lack of an emergency. With the advent of the nuclear age, we all exist only 25 minutes from holocaust, and there is no such thing as time to rebuild our strength "tomorrow." Tomorrow is today.

Since the 1950's the U.S. has gone from a position of unquestionable military superiority to where, if the current trend is prolonged, we will become what the Secretary of Defense has referred to as "a second rate power." We must ask ourselves what it would mean to face another Berlin crisis, a Cuban crisis, or a Mideast confrontation with ourselves as the side with the clear military inferiority. As has been pointed out by the supplemental statement of the President's Blue Ribbon Defense Panel, weakness of the U.S.—either in capability or will—could be the gravest threat to the peace of the world. "Among the great nations, only the strong survive."

History is replete with evidence that it is the road to war, not peace, that is built upon weakness. One cannot help but recall Neville Chamberlain's triumphant return from Munich speaking of "peace in our time"—as Hitler prepared the overthrow of Czechoslovakia.

There is ample evidence of the consequences of dealing with the Soviet Union from a position of weakness. The people of East Berlin, Hungary and Czechoslovakia could attest to this. As President Nixon has pointed out, "We cannot trust our future to the self-restraint of countries that have not hesitated to use their power even against their allies." There is an old Russian proverb that says "When the wolf shows his teeth, he is not necessarily smiling."

One must ask how much temptation we wish to subject would-be dictators to. As former Secretary of State Dean Rusk has suggested to the young people who so properly find fault with the world they have inherited, one does not necessarily enhance himself by criticizing the errors of one's father—only to repeat the errors of one's grandfather.

There is a good deal of insight in the old adage which says, "If ducks shot back, very few people would shoot ducks."

Certainly we can, and must, do those things which will continue to improve the quality of life here at home. But an insufficient ability to defend ourselves from threats from abroad is perhaps the most certain way to assure that our children will *not* enjoy the benefits of a clean environment, of safe streets and of full employment. With all the discussion of our nation's problems, I must add that I have grown terribly tired of hearing about what is wrong with this country. It is time we begin talking about all the things that are great in this country. Ask yourself, for a moment, how many individuals have you heard of who are willing to leave this country to live anywhere else?

ACCOMPLISHMENTS

Let us turn now to the role of the aerospace industry. Although one hears most often of the misadventures of this industry—and there have been misadventures—the industry nonetheless has many accomplishments of which it can be, and is, justifiably proud. This is the industry which has built 82% of the free world's commercial jet airplane fleet. It is the industry which safely placed men on the moon and returned them to earth within the decade set as a goal by the President of the United States. It is the industry which has demonstrated the ability to out-produce its counterpart in all other nations of the world whenever called upon to do so. When World War II began, the U.S. armed forces possessed 1,400 airplanes. One year later, more than 8,000 aircraft were operational, mostly of improved designs. By the peak year of the war, U.S. industry was turning out aircraft at the rate of one every five minutes, day and night. This same industry has contributed new electronic components, materials and other types of products used in our everyday lives. All this has been accomplished in the 68 years since the Wright brothers took that well-remembered 120-foot flight over a distance barely more than half the length of one of today's 747 jet aircraft, or about one-third the length of the Saturn V launch vehicle.

Perhaps the aerospace industry's greatest failing has been a seeming inability to recognize the risks inherent in its activities. As a consequence, entirely erroneous cost and schedule estimates have abounded. In the 1960's, for example, major development programs suffered an average cost overrun of 90%, and a schedule overrun of 20% to 40%. Somehow, it has not been fully appreciated that research and development, almost by definition, involve risk—if for no other reason than that the things being done have never been done before. As a measure of such risk, 22% of the aerospace industry's sales are now devoted to research and development, as compared with about 4.5% for U.S. industry as a whole. A study several years ago attempted to quantify the technological difficulty attendant on development programs conducted by the aerospace industry and by non-aerospace organizations. It was found that the complexity of many aerospace tasks greatly exceeded those of other industries, and when this factor was taken into consideration the performance of aerospace companies compares very favorably with that of industries operating in other fields. Fully 52% of the aerospace industry's sales in 1973 will be from products which did not even exist as recently as 1969. This compares with an average for all industry of 19%.

A second valid criticism of the aerospace industry might be that it has acquired the syndrome of incorporating the most advanced technology available into almost everything it builds. As a result, the unit cost of *new* aerospace products has consistently increased by factor 4 every 10 years. This is true whether the product is commercial airliners, military fighters or space missions. One can show that in the case of a fixed defense budget, if this trend persists, we are only 62 years from the day when our Navy and Air Force will each consist of a single airplane! (The aerospace industry is not alone in this cost dilemma, of course. You may have noticed, for example, that for the second consecutive year expenditures have increased for the Congress' "Joint Committee on the Reduction of Federal Expenditures!")

A third justified allegation might be that the industry has allowed itself to become bogged down in paperwork. Increased paperwork never has been, and never can be, a substitute for good management. Over 14,000 control documents are now in existence governing the work of defense contractors. The paper leading to the selection of a contractor to build the huge C-5A transport would nearly have filled that aircraft. Every time a new A-7 flies over the fence at the end of LTV's facility in Grand Prairie, 23% of its cost is in the paper that goes along with it. The effort devoted in the U.S. to these extraneous outputs is in sharp contrast with, say, French practice on the Mirage II, wherein 55 engineers, 50 designers and 95 craftsmen are said to have progressed from contract award to first flight in a period of 13 months. Once again, the importance of mantaining experienced design teams is evident. In sharp contrast with the European approach, where engineers who have worked for more than one or two firms are treated with a considerable degree of professional skepticism, the on-again, off-again employment of U.S. aerospace firms causes the average company to have an employee turnover equal to its entire labor force every 3 years. In fact, in 1970 the industry reached the point where nearly half the employees with any given aerospace company at the beginning of the year were gone by the end of the year. The impact of such a situation on efficiency of operation is obvious. Fortunately, the increase in emphasis on prototyping now being pursued by the Department of Defense should help alleviate at least some of these problems.

CHANGING PRIORITIES

If the defense industry is to regain the faith of the public, it must first rectify these failings that do exist. But beyond that, in many other instances, the need is to set the record straight. First, consider the allegation that our national priorities should be changed. One need only look at the record to see that our national priorities have been changed. Defense expenditures have gradually declined from nearly two-thirds of the federal budget at the end of the Korean War to one-third today—the latter a time when the remnants of the war in Southeast Asia are still being fought. The defense portion of the gross national product, about 6.8% in 1971, is the lowest it has been since 1951, when it was 6.7%. In contrast, funding for human resources has increased from 27% to 42% of federal expenditures since 1960 alone. The defense research and development budget now approximates the annual sales of U.S. liquor stores.

In terms of real buying power, the Defense Department's requested outlays for fiscal year 1972 are virtually the same as in the last prewar year ($76.0 billion in 1972 vs. $75.8 billion in 1964, both expressed in terms of 1972 dollars). This reflects a decline in real spending of $24 billion in the past 4 years in terms of today's dollars. The problem of inflation is aggravated by the fact that over 52% of the defense budget is now absorbed by personnel costs, as is 70% of the aerospace industry's costs.

Fully 65% of the "controllables" in the federal budget (items subject to legislative scrutiny each year) lie within the defense portion of that budget. Thus, it is to defense that one first looks when cuts are to be made. It would seem to be a desirable goal to place a much greater portion of the federal budget in the "controllables" category, permitting all items to be evaluated on an equal footing, with each being afforded a carefully considered priority.

With regard to the viewpoint that the financial power of the aerospace industry permits it to exert undue influence on the government, it is well to recall that the market value of the common stock of the 10 largest aerospace contractors . . . all added together . . . is about 72% of that of the Avon Cosmetic Company taken by itself.

PROFITEERING

Let us turn to the accusation of profiteering on the part of the aerospace industry. A few statistics also help set the issue in perspective.

Of the top 100 defense contractors in 1970, only 12 made the Forbes list of the 100 leading U.S. firms in terms of profitability. (In 1966 the number was 27.) In 1970, aerospace profits before federal income tax were, as a percent of sales, 3.5% as compared with 6.8%

for manufacturing industries as a whole. Based on equity capital committed, aerospace profits equalled 12.0%, as compared with 15.7% for overall manufacturing industries: and 7.1% as compared with 10.5% based on total capital. These trends have maintained themselves relatively consistently for a number of years.

Recent data on profits of aerospace firms which also deal in commercial markets reveal that these same companies were better off dealing in non-defense products. The risk to companies dealing with the Department of Defense is high. Seventy-five percent of all production contracts in 1970 were of a fixed-price type, and even in the case of research and development, with its many unknowns, 30% fell into this category.

These problems are intensified by the relatively heavy working capital demands of most aerospace tasks. In 1970, the capital furnished by the industry, plus short-term debt to banks, amounted on the average to 25% of sales. Thus, at an interest rate of 9%, financing this capital would alone require a profit on sales of 2.3%, as compared with the 3.5% before tax profit actually realized.

STUDY IN CONTRASTS

In sharp contrast with the cutbacks in defense expenditures in the United States, the Soviet Union has maintained an unwavering path toward true military supremacy ever since the Cuban Crisis when it learned anew the bitter lessons of bidding from a position of inferior strength. The USSR has quadrupled the megatonnage of its strategic offensive force since 1965, a time during which the U.S. force underwent a corresponding decrease of 40%. The still growing Soviet force now comprises 50% more ICBM's than the numerically static U.S. force, and the Soviets will soon pass the U.S. in the number of submarine-launched ballistic missiles. Similar trends prevail in the tactical arena where, for example, the number of steaming days in the Mediterranean for Soviet naval vessels has increased from 750 in 1963 to 16,000 in 1969. In space, the Soviets are once again beginning to surpass the U.S. effort, having gone from a position where in 1966 the U.S. conducted 66% more space launches than the USSR to where this year the Soviets have conducted 2.6 times as many launches as the U.S. In commercial aircraft, the Soviets are now flying a supersonic transport, whereas the U.S. program has been abandoned. Corresponding trends are observed for items ranging from the number of new fighter aircraft systems introduced to the number of new surface-to-air missile systems developed.

Yet, in the face of such events, we have permitted our fleet to deteriorate to the point where more than half of its ships are over 20 years old. Similarly, half of our Air Force's aircraft are 10 years old. Yet, the Air Force last year was able to procure fewer new aircraft than any year since the days of the Army Air Corps in 1935.

Perhaps most disconcerting of all is the fact that many of the Soviet strategic weapon developments bear the aura of first-strike weapons. The Fractional Orbit Bombardment System. "FOB," has as its principal advantage the ability to conduct a surprise attack by sneaking under the defense's radars. The USSR ICBM force has continued to grow long after a strong deterrent capability was reached, and the weapons comprising this force include the 25-megaton SS-9, suitable for strikes against the U.S. deterrent force but unduly large for attacks against retaliatory targets.

In contrast, the U.S. has not increased the size of its ICBM force since 1965, has actually decreased the size of its aging bomber force and is now relying to an ever increasing degree upon 41 submarines to maintain our strategic deterrent capability. However, as the Senate Armed Services Committee has noted, "We cannot assume that our Polaris system will be the first weapon in history to remain invulnerable."

That the Soviets have embraced technology as the means to achieve world-wide superiority seems apparent. The USSR now graduates 2.4 times as many scientists and engineers each year as the U.S., with 47% of all college graduates in the Soviet Union being in technical fields, as compared with 15% in the U.S. Even at that, the National Science Foundation has forecast a 40% surplus of engineering Ph.D's in the U.S. within the decade.

Military related efforts comprise 75% of all R&D conducted in the Soviet Union, contrasted with 55% in the U.S. The Soviet defense R&D budget is generally considered to exceed that of the U.S. by about $3 billion per year. It is sobering to realize that this is about the amount we will spend in 1972, *in total* on the development of such major systems as Safegard, SAM-D, B-1, F-15, ULMS, F-14, AEGIS, the International Fighter, AWACS and the Space Shuttle. The Soviet's ability to generate major new capabilities beyond those being pursued by the U.S. seems evident.

The shock of Sputnik is well remembered by us all. Yet the impact of Sputnik would pale in comparison with a similar Soviet advance in the weapons field. The possibility of such an unexpected advance in these dynamic times is underscored when it is recalled that 80% of the information used by an engineer who is now nearing the end of his professional career was not even in existence when his career began.

TECHNOLOGY'S ROLE

Criticism of defense-related research and development in the U.S. has expanded to encompass a broad anti-technology movement opposing all technology. Yet, few among us would really care to sacrifice the benefits technology has brought, such as vaccines, high-yield grains, the automobile, air conditioning, electric lights, television, air travel, telephones, the shorter workweek through greater productivity, and so on. It is a fact of life that the U.S. is highly dependent upon technological advancement to maintain its position in the world, both militarily and economically. The Department of Commerce reports that in 1969 the U.S. had a trade deficit in all major commodity groups except "technology intensive" manufactured products. In 1970, without the export of commercial aircraft, the favorable export balance of total goods and services would have been reduced by fully 40%. The export of a single jumbo jet offsets the importation of 12,000 small cars.

Without superior technology it seems clear that the U.S. cannot hope to maintain either its military or economic standing in a world 60 years from now in which 332 million Americans (as compared with 207 million today) must live with a Communist China that has grown from 750 million to 4.9 billion people, an India grown from 576 million to 5.1 billion, a Mexico from 50 million to 700 million (all based on census bureau projections of today's birth rates.).

The hazards of underestimating the benefit of technological advancements even when viewed by presumed authorities are sprinkled throughout the history of science and engineering. Martin Van Buren (then governor of New York) wrote to President Andrew Jackson in 1829 concerning the threat of railroad trains: "As you may well know, Mr. President, 'railroad' carriages are pulled at the enormous speed of 15 miles per hour by 'engines' which in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to the crops, scaring the livestock and frightening women and children. The Almighty certainly never intended that people should travel at such breakneck speed."

Turning to aviation, when in 1903 Professor Samuel Langley tried unsuccessfully to fly his aircraft, a New York Times editorial derided his effort as a "fiasco" demonstrating that it would be millions of years, if ever, before man would fly. Before the year was out, the Wright brothers had made their first successful flight.

I have a textbook in my library which was written in 1926 and states that heavier-than-air transatlantic flight is impossible. Further, the book goes on to prove it—concluding that the U.S.-European intercontinental air transport market will be the captive of dirigibles.

WHERE TO?

In closing, it is perhaps appropriate to ask, "What of the future"?

It seems clear that the voices of those dedicated to the proposition that the best guarantee of peace is a strong national defense must once again be heard. Representative Hébert has noted that although some of the more vocal critics of a strong defense posture may burn their draft cards, there is no record of any having burned their social security card or food stamps, or indicating a willingness to sacrifice any of the other benefits that our past strength has in fact helped make possible. Just prior to World War II, it was the Congress that recognized the lack of wisdom of an administration budget-cutting attempt and prevented it from forcing men who had served long in grade (15 years as lieutenants) out of the service. Among the men thus retained included such future leaders as Leslie R. Groves, Lucius Clay and Alfred M. Gruenther.

In our nation's lifetime the military services have been called upon to fight 13 wars. Where we would be today had our ancestors followed the path to unilateral disarmament, as is now so often advocated, need involve little conjecture. As has been the case before, and is the case once again, the time has arrived to stand and be counted. The stakes are high and the opposition is both vocal and well organized. But it is a battle we must win if this great country of ours is to survive.

MAJOR LEGISLATIVE ISSUES

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DONOHUE. Mr. Speaker, in accord with our annual custom, as we approach the end of this first session of the 92d Congress, I wish to include a summary report on some of the major legislative issues that were considered and activities that occurred this year.

Despite the historic fact that most of the work of any particular Congress is usually accomplished during its second session, I think any impartial examination of the evidence would fairly require the conclusion that, in this first session, the Congress was both diligent in action and constructive in achievement.

Of course, we cannot recount the activity surrounding every measure that was presented but I think a review of the overall record will show that some pretty solid and forward-moving legislative steps were taken in a good many of the basic areas of national concern.

PROVIDING JOBS FOR THE UNEMPLOYED

It is commonly felt that the worst of the human catastrophes resulting from a recession is unemployment, with all its demoralizing effects upon American family life. Keenly aware of its responsibility in this tragic area, the Congress moved on several fronts, all of which I supported, to open up new jobs for the unemployed. Chief among them were the Emergency Employment Act and the Public Works and Economic Development Act of 1971. Unfortunately, the President saw fit to veto another accelerated public works measure that I supported and which would have been especially helpful to the smaller communities within my district and the country, that was designed to combat unemployment and to help local governments meet their very urgent water and sewer expansion requirements. This legislative objective will undoubtedly be revived next year and I will further support it. This and other action will, in my opinion, have to be taken in the near future to improve our sad unemployment picture and I shall continue to urge that additional bills, such as I have joined in sponsoring, to create at least 500,000 more public service jobs, be speedily adopted next year.

INFLATION CONTROL

The imperative necessity for firmer action to halt inflation and revive our declining economy has long been obvious. I, with a great many others who had long urged more effective executive action for this national purpose, was, therefore, gratified when the President finally decided to use the powers provided to him by the Congress in the original Economic Stabilization Act and its extension of 1971. Many of our most respected economists have indicated their convictions that this recession cannot be overcome without imposing stricter controls on wages, prices, salaries, and rents, and very likely on profits, dividends and interest rates. If and when the need arises, more vigorous pressures should be exerted by the White House to keep the various economic factors in equitable balance. I am sure that any further request from the White House for additional legislative power would be given expeditious approval by the majority of the Congress.

In a related economic area, the Revenue Act of 1971 was adopted, which provides for tax relief, too limited in my opinion, for individuals, a repeal of the manufacturers' excise tax on automobiles, tax incentives for business expansion and a program for job development credit. These actions are in the right direction but I believe much greater equitable tax relief, as an added spur for economic revival, must be granted for those who need it the most and will spend it the quickest; the poor, our older citizens, and our too-long-neglected middle-income families.

ACTION TO IMPROVE THE NATIONAL HEALTH

Accelerated and significant advances in national health improvement will be made possible by congressional passage of the Comprehensive Health Manpower and Training Act of 1971, the Nurse Training Act of 1971 and the Conquest of Cancer Act, which initiates a bold new national crusade to hasten the discovery of the cause and project the cure for this terrifying disease.

HUMAN RESOURCES AND SOCIAL PROGRESS

The congressionally approved Higher Education Act of 1971, when put in operation, will provide urgently needed fiscal assistance to our institutions of higher learning and needy students. Although I urged a more expansive program, I am hopeful that this measure will be of substantial help to qualified students in obtaining tuition cost underwriting and enable our area educational institutions to meet the ever-increasing financial burdens of maintaining quality education.

Congress also passed legislation granting an across-the-board 10-percent increase in old age, survivors, and disability insurance benefits retroactive to January 1, 1971. The House also passed H.R. 1, still pending in the Senate, that contains provisions to substantially strengthen our social security structure through increasing benefits by 5 percent in January of 1972, basing future increases on cost-of-living indexes, increasing the amount an annuitant can earn without losing any social security benefits, entitling widows and widowers to a benefit equal to the full amount their deceased spouses would have received if they were still living, and liberalizing the disability insurance protection program. Railroad retirement benefits were also increased by 10 percent, effective January 1, 1971; other bills pending would assist older persons to obtain jobs through emergency public service employment programs, and extend medicare and medicaid protection to qualified social security and railroad retirement recipients.

Both Chambers approved the Economic Opportunity Act Amendments of 1971 which, besides continuing the existing programs to carry out the declared war on poverty, also established a new and expanded program of educational, nutritional and health services to preschoolchildren but the President vetoed the bill. On other fronts, the Narcotic Addict Rehabilitation Act Amendments were approved and the House passed two bills, among others, important to our veterans. One expands the drug treatment program for veterans and the other extends hospital and medical care benefits to veterans' dependents. A measure to expand the national school lunch program was also accepted.

CONSUMER AND ENVIRONMENTAL PROTECTION

Among other measures, the House approved the Consumer Protection Act of 1971 to give additional help and guidance to the consumer by establishing an Office of Consumer Affairs within the Executive Office of the President and an independent Consumer Protection Agency to set up more stringent regulations and represent the consumer in certain court actions. Also, the Flammable Fabrics Appropriations Act to continue and strengthen the enforcement of the original legislation was adopted.

In the physical environment field, a number of strengthening measures were approved, such as the Water Resources Planning Act, the Federal Environmental Pesticide Control Act, the extension of the Federal Water Pollution Control Act, the Marine Protection, Research, and Sanctuaries Act and approved resolutions to establish a Joint Committee on the Environment and a National Advisory Committee on the Oceans and Atmosphere.

OTHER LEGISLATION OF NATIONAL, REGIONAL, ORGANIZATIONAL AND INDIVIDUAL IMPORTANCE

Within these categories, Mr. Speaker, many bills were considered in both the House and Senate and, of course, they cannot all be listed here. Among the more important I think the following legislative actions, which I supported, deserve to be mentioned: Granting voting rights to our younger citizens, 18 years of age and older, in all elections; the more equitable revision and extension of the military draft law, pending the establishment of an all-volunteer Army; the equal rights amendment; campaign election reform; the initiation of recorded teller votes in the House for the first time, which has resulted in a substantial increase in Chamber voting participation; also two bills of particular interest to small business, to expand present and to establish some new programs of assistance to these smaller private enterprises and to increase the amount of available loans and guarantees through the Small Business Administration; repeal of the Emergency Detention Act of 1950; a wholesome and sensible beginning of the separation and reduction of foreign military and development assistance; and some additional reductions in unnecessary defense spending that I have long urged and supported.

The Juvenile Delinquency Prevention and Control Act amendments of 1971 were approved to establish an Interdepartmental Council on Juvenile Delinquency to coordinate all Federal delinquency programs and provide further financial assistance to State and local enforcement units to deal with this urgent and expanding problem. Additional funding for a comprehensive study to find better ways to deal with the marihuana and drug abuse problem was also approved.

While we are all very happy that the winding down of our participation, toward complete withdrawal, that I have long advocated, in the Vietnam war is steadily proceeding, there appears to still be room for accelerated troop returns to end the bloodshed as quickly as possible. To insure the further and quickening tempo of our disengagement, I supported several amendments to military procurement bills, that were not adopted, designed to limit the spending of money for the further conduct of the Vietnam war, after a certain date, provided that our prisoners of war were released and that the safety of our withdrawing troops would not be endangered. I shall continue my individual and cooperative efforts to end the tragic Vietnam war as quickly as it is humanly possible to do it.

Mr. Speaker, without any further prolongation of this summary, I believe that the legislative actions I have already outlined, together with a host of other and less important matters that were considered, constitute a substantial first session record of accomplishment in the various legislative fields of economic stability, health improvement, human needs and social development, law enforcement, environmental and consumer protection, and governmental reform. Although a good deal has been accomplished, much, of course, remains to be done and I very earnestly believe it will be done in the coming second session of this 92d Congress. Little could have been achieved, in this current session, without the dedicated effort, tolerance, understanding, and cooperation that was continuously demonstrated by the great majority of earnest and concerned legislators of both parties in the Congress. I profoundly hope that these virtues will prevail, against all temptations, throughout the next congressional session.

Meanwhile, as December 25, 1971, fast approaches, I want to extend to my colleagues and constituents the sincere wish they will receive, on this holiday, an abundance of the special blessings of the Christmas season that we all most urgently need and surely must have if we are to successfully work together for the reestablishment of peace and progress, with good will, here in our own troubled country and throughout this uncertain world.

A FORWARD-LOOKING CONGRESS—SUMMARY OF THE FIRST SESSION OF THE 92D CONGRESS

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ALBERT. Mr. Speaker, we have just completed a productive and responsible session of the Congress. I believe that the true impact of this session has not been fully felt nor have its implications for the Nation been adequately understood.

While building upon the foundations laid by the great 89th and 91st Congresses in the expansion of Federal support of education, consumer protection, environmental control, health care, and equal opportunity, the accent of this Congress has been first on widening democracy and second on halting the deterioration of the economy, a problem which the American people consider the most important now confronting the Nation.

We have made representative government more meaningful on four fronts. First, we have made our proceedings more open to public view. Operating under the new Reorganization Act, we have used the record teller vote and have brought additional responsibility to our deliberations. This procedure alone has effected an 80-percent increase in the number of Members voting. The publicizing of committee attendance and voting has also accentuated our progress from secrecy to the open conduct of the public business.

Next, as a result of a study by the seniority committee of the Democratic caucus, we have disbursed responsibility among our Members, making the House itself a more democratic body. We have done this by limiting each Member to one subcommittee chairmanship with the result that nearly half of the Members of the House are either subcommittee chairmen or ranking minority members.

Third, and of historic moment, we have broadened the franchise by submitting to the States the 26th constitutional amendment to lower the voting age to 18 in all elections. By giving the right to vote to 25 million young Americans, we have joined historic Congresses of previous generations which have abolished property qualifications, slavery, and sex discrimination as barriers to full suffrage.

And finally, we stand ready to enact into law the first major election reform bill since 1925. This legislation is a response to legitimate public concern over the increasing influence of wealth in elections, a tendency which threatens to subvert democratic principles by prohibiting men of ordinary means from competing for public office.

This Congress should also be remembered for the initiatives it has taken to cure an afflicted economy.

When we convened in January, we found the Nation's economy in complete disarray. The legacy of full employment bequeathed President Nixon by the outgoing Democrats in January 1969 had been dissipated and replaced in 2 years by an additional 2 million jobless Americans. After witnessing a steady growth of the economy throughout the Kennedy-Johnson years, we were now faced with an industrial plant operating below 75 percent of capacity and an annual GNP $74 billion below its potential.

The costs to the Nation of this deliberate slowdown have been enormous. Far from bringing down prices as intended, administration policies produced an unprecedented combination of inflation and recession. The cost of living was 12 percent higher in January than it had been 2 years before, and unemployment was approaching the 10-year high of 6 percent where it has stayed throughout the year. The number of Americans living in poverty increased in 1970 for the first time in a decade, and welfare rolls also hit alltime highs.

Believing that the country could no longer afford inaction, the 92d Congress extended the authority it had given the President in 1970 to control wages and prices, and urged him once again to act immediately. The Congress approved emergency employment legislation and accelerated public works authorization to get the Federal Government into the attack on joblessness.

And after the President finally adopted our recommendations on August 15, we expeditiously enacted tax relief to stimulate the economy and a further extension of the economic stabilization legislation to give full latitude to the phase II proposal. The Congress strengthened and refined both these measures to provide balance and equitable treatment for all Americans.

While the economic prognosis is still mixed, we stand ready to take further initiatives as required to bring our economy back to full prosperity and full employment. When we return in January, we have other unfinished business as well—water pollution, housing, rural development, aid to education, and other measures of importance to the Nation. I feel that we can and will build proudly on the solid record of accomplishment of the 92d Congress to date.

THE ECONOMY

COST OF LIVING STABILIZATION ACT

On its own initiative the Congress kept the Economic Stabilization Act of 1970 operative through April 30, 1972, despite the President's repeated disclaimers that he would not invoke the wage-price control mechanism it authorized. However, when the continuing poor performance of our economy led to the August 15 unveiling of the new economic program, the President requested a further extension of the controls, and we complied by making the act operative until 1973 while including additional provision for standby authority to control interest rates. We also reinstituted a scheduled January 1, 1972, pay raise for Federal employees and set guidelines for retroactivity, to eliminate inequities and insure fair treatment for all sectors.

EMERGENCY EMPLOYMENT ACT

With deeply persistent unemployment the most troublesome aspect of our sluggish economy, we enacted several bills to give the job market a shot in the arm. The Emergency Employment Act authorizes $2.25 billion over the next 2 years to reimburse State and local governments for placing the unemployed in public service jobs—in health, education, sanitation, public works, environmental control. It provides for special consideration for Vietnam veterans and earmarks funds for unemployed professional and technical personnel. With unemployment hovering consistently at the 6-percent level throughout 1971 we hoped that this Federal stimulus would create 150,000 jobs, and we expedited a separate $1 billion appropriation in early August to get the act immediately implemented.

ACCELERATED PUBLIC WORKS

Another major congressional initiative aimed at our pervasive unemployment problem would have authorized $5.5 billion for a program of accelerated public works projects, extension of the Public Works and Economic Development Act, and the Appalachian Regional Development Act. The $2 billion that was earmarked for job creation in speeded-up public works projects proved unacceptable to the President, however, and drew a veto which the Senate sustained. With such administration intransigence toward the highest unemployment in a decade, we were forced to redraft a compromise bill to extend Appalachia aid and EDA, with only $500 million for employment in accelerated public works. Though we passed this legislation on August 5, the President did not order its implementation until December, with a further inexplicable delay until February for the first payrolls as another sign of administration indifference to the devastating impact of unemployment.

REVENUE ACT

To provide stimulation for a lagging economy we approved $15.8 billion in personal and business tax relief. These tax breaks included a 7-percent investment tax credit for industry and speedup of personal tax exemption and deduction increases scheduled for subsequent years. The package also repealed the automobile excise tax, authorized tax credits and deductions for contributions to presidential campaigns, and included tax incentives to encourage exports.

EXPORT EXPANSION FINANCE ACT

In light of a worsening balance-of-payments position, threatening our first international trade deficit in this century, we extended the Export-Import Bank to June 30, 1974, and raised the ceiling on funds for loans, guarantees, and export insurance from $13.5 billion to $20 billion. We also gave the Bank greater flexibility by removing its accounts from the Federal budget and by eliminating Federal Reserve System restraints on export credit.

INTEREST EQUALIZATION TAX

We also extended the interest equalization tax through March 31, 1973, to reduce the outflow of U.S. capital. This statute places a tax on the purchase of foreign securities by American citizens and contains other disincentives to discourage foreigners from acquiring capital in the United States. Several existing exemptions from this tax were eliminated this year because of the serious balance-of-payments problems.

SMALL BUSINESS LOAN CEILING INCREASE

To ease problems faced by small businessmen during recessionary times, we increased SBA's outstanding loan ceiling from $2.2 billion to $3.1 billion for regular and displaced loans, trade adjustment loans, prime contracts, and opportunity loans through fiscal 1972.

UNEMPLOYMENT COMPENSATION

In a bill amending the administration of the Federal unemployment tax collection system, we authorized the payment of an additional 13 weeks of unemployment compensation to individuals who have exhausted their benefits in States with a jobless rate over 6.5 percent.

RETIREES

SOCIAL SECURITY BENEFITS

To help senior citizens keep up with the cost of living, we enacted a 10-percent social security benefit increase retroactive to January 1, affecting approximately 26 million recipients. We also raised the minimum benefit and included other liberalizations of the social security system in this package, part of the public debt ceiling increase bill.

RAILROAD RETIREMENT BENEFITS

We enacted the same increase for railroad retirees, giving them a 10-percent raise retroactive to January 1.

WELFARE REFORM

H.R. 1 as passed by the House includes an additional 5-percent social security benefit increase effective June 1972, raises the allowable outside earnings limit, provides a cost-of-living clause for future increases, expands hospital insurance and medicare benefits, and incorporates numerous other liberalizations of the Social Security Act. The bill also authorizes Federal assumption of assistance for the aged, blind, and disabled, and partial takeover of AFDC; establishes national uniform eligibility standards for welfare; and provides training and work incentives and day-care services as part of our effort to break the welfare dependency cycle and to provide State and local fiscal relief.

INDIVIDUAL RIGHTS

EQUAL RIGHTS AMENDMENT

The House for the second consecutive year approved the constitutional amendment to provide equal rights for men and women for a long overdue removal of discrimination against women in employment, schooling, and equity. The Senate has yet to act.

CONSUMER PROTECTION ACT

We authorized the creation of a Consumer Protection Agency to act on behalf of consumers in formal proceedings conducted in Federal agencies and in court actions. The CPA would be empowered to seek review of other agencies' actions and require explanation for decisions affecting consumers in writing. In light of the administration's opposition to a separate agency, the bill also establishes an Office of Consumer Affairs in the executive branch. No Senate action to date.

EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT

The House in September passed a bill to give the Equal Employment Opportunity Commission authority to institute court action against an employer or labor union for failing to observe laws against job discrimination. No Senate action.

EMERGENCY DETENTION CAMP PROHIBITION

This act repeals title II of the 1950 Internal Security Act and thereby removes from the executive branch the authority to hold individuals in emergency detention on the basis of suspicion of espionage.

ECONOMIC OPPORTUNITY AMENDMENTS

We approved a landmark Child Development Act as a provision of the 2-year extension of the antipoverty programs, but the package drew a regrettable Presidential veto. It would have authorized $2 billion for comprehensive day-care services—for education, health, nutrition—for more than 1 million preschool children beginning in 1972. The bill also would have established an independent nonprofit legal services corporation and extended the important Job Corps, Neighborhood Youth Corps, and other Federal manpower programs, while forbidding the transfer of poverty programs from OEO without prior congressional approval. The President's veto was most perplexing after the number of Americans living in poverty increased for the first time in a decade in 1970.

ALASKA NATIVE LAND CLAIMS

Provides cash payments and land allotments to Alaska Natives to settle longstanding territorial claims.

ELECTIONS

18-YEAR-OLD VOTE AMENDMENT

Congress paved the way for the 26th amendment to the Constitution with March 23 approval of the amendment to lower the voting age to 18 in Federal, State, and local elections. The timeliness of this action was underscored when Ohio became the 38th State to ratify on June 30, the speediest approval of a constitutional amendment in the history of the Nation.

CAMPAIGN REFORM

Congress approved the first significant election reform legislation since 1925 with a bill to set limits on campaign advertising and establish stringent reporting and disclosure requirements. The conference report will be the first order of business in the House in January.

HEALTH

HEALTH MANPOWER ACT

The major health bill of this session authorizes $2.9 billion over the next 3 years for student loans and scholarships, and for replacement, rehabilitation, and construction of medical teaching facilities—medicine, dentistry, osteopathy, veterinary medicine, optometry, podiatry, and pharmacy. In response to the national shortage of 50,000 doctors and more than 250,000 allied health professionals, it also increases capitation grants, encourages innovation and research in teaching methods, provides special project grants for institutions in fiscal crisis, and offers incentives to practice in areas short of doctors.

NURSES TRAINING ASSISTANCE ACT

This companion measure authorizes $855 million for the next 3 years for the training of nurses and for institutional assistance and construction, in order to meet the national shortage of 150,000 nurses.

SCHOOL LUNCH ACT AMENDMENTS

In June Congress passed a bill to provide supplementary funds for the national free and reduced-price school lunch program. When the Agriculture Department later attempted to reduce the amount of the average Federal contribution, congressional protests led to an alternative USDA announcement of a change in eligibility standards that would have eliminated as many as 1 million children from the program. The Congress then passed a joint resolution to restore funding and prohibit any reduction in the number of children assisted.

ATTACK ON CANCER

The House-passed bill authorized more than $1.5 billion for a greatly expanded Federal research effort. The Senate version created an independent agency, while the House voted to keep the Cancer Institute in the National Institutes of Health, a view which prevailed in conference.

VETERANS HEALTH

The House this year approved legislation to provide VA facility treatment for veterans or military personnel addicted to narcotics; to provide financial assistance to VA medical schools; to extend veterans nursing home care; and to broaden medical care for veterans, dependents, and survivors.

FARM

RURAL TELEPHONE BANK

This legislation provides capital for financing for telephone cooperatives and companies serving rural areas, financed through sale of stock and debentures, including $300 million in Federal Government purchases.

FARM CREDIT ACT

This act authorizes farm credit institutions to lend up to 15 percent of their funds to nonfarm rural residents for housing, raises the Federal land bank loan limit, and modernizes and streamlines the statutory authority of the farm credit system.

CONSOLIDATED FARMERS HOME ADMINISTRATION ACT

This act makes the authority for insuring loans under the 1961 act permanent, including the farm ownership loan program, the water and sewer loan program, and the association loan program.

STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT

Passed late in the session, this bill would authorize the Secretary of Agriculture to purchase up to 300 million bushels of wheat and 25 million tons of feed grains as a reserve, both to increase farm income and to take this year's huge surpluses off their hands in storage for possible future shortages. It also raises the loan level on feed grains and wheat by 25 percent whenever a commodity adjustment program results in an addition to reserve stocks, effective for 1971 crops. The Senate has yet to act.

EDUCATION

OFFICE OF EDUCATION APPROPRIATION

In order to give school administrators time to plan ahead for the 1971–72 school year, we separated the education appropriation and cleared it on June 30. The bill authorizes expenditures of $5.1 billion, almost $400 million over the President's request, including $1.99 billion for elementary and secondary, $1.34 billion for higher education, and substantial funds for impact aid, education for the handicapped, vocational, and adult education, education professions development, libraries, and research and development. This was the first education appropriation to clear Congress before the fiscal year in 14 years.

HIGHER EDUCATION AMENDMENTS

The House bill authorizes $24 billion in aid for institutions and students from 1972–76. It amends and extends the Higher Education Act, the NDEA, the Higher Education Facilities Act, and the International Education Act. Among its omnibus provisions are expanded assistance to libraries, aid to developing institutions, increased educational opportunity grants, extension and liberalization of the student guaranteed loan program, increased work-study funds, expanded NDEA loans, assistance for the construction of academic facilities, general aid to institutions based on enrollment and need, a new program for aid for occupational assistance, and $1.5 billion for desegregation assistance. Final passage is expected early in the second session after House-Senate differences are reconciled.

ENVIRONMENT

PESTICIDE CONTROLS

This bill is designed to regulate the use of insecticides, fungicides, and rodenticides by placing controls and registration requirements on their manufacturing and use.

MARINE DUMPING

This legislation will prohibit unregulated dumping of waste matter into the oceans, coastal waters, or the Great Lakes, and will ban the transportation or dumping of chemical or biological warfare agents or radioactive wastes in the same waters. Transportation or dumping of such wastes could only be carried out after thorough review of possible violations of water quality standards. The conference report is expected to be ready early in the second session.

WATER POLLUTION

While extensive hearings on comprehensive water pollution legislation continued up into December, we extended the existing Federal Water Pollution Act, with a $2-billion appropriation for grants to local governments for construction of water treatment facilities in fiscal 1972. Comprehensive new legislation is at the top of the agenda for 1972.

SALINE WATER CONVERSION ACT

This legislation extends for another 5 years—through fiscal 1977—the Federal saline water conversion program, and expands it to cover chemically contaminated water that can be purified by desalinization and to deal with waste problems as well when applicable.

NATIONAL ENVIRONMENTAL DATA SYSTEM

This legislation would create a central facility to be a national clearinghouse for new and existing information on environmental matters. All Federal agencies would be required to provide full information for the system, and data would also be gathered from State and local governments, private institutions, and foreign sources. No Senate action.

NATIONAL DEFENSE

DRAFT EXTENSION AND MILITARY PAY RAISE

The Selective Service Act was extended to June 30, 1973, with new procedural and appeal rights for draftees. A pay increase, $2.4 billion during the first year, is a step toward ascertaining whether the Nation's defense needs can be met with an all-volunteer force. The bill also urges the President to terminate activities in Indochina at the earliest practicable date.

CORN BELT FARMERS HIT BY INCOME BLIGHT

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. SYMINGTON. Mr. President, this year, because of the expected corn blight, the Department of Agriculture called upon American farmers to plant an additional 8.9 million acres in order to prevent a national feed grain shortage.

Due to favorable weather conditions and other factors the expected blight did not materialize to a significant extent and a record 5.5 billion bushels of corn was grown.

In an article in the December issue of Today's Farmer, Mr. Fred V. Heinkel, chairman of the Farm Coalition, and president of Midcontinent Farmers Association, and one of the Nation's leading agricultural experts notes the effect of this increased production on farm income.

Mr. Heinkel points out that farmers spent more time and money to produce 32 percent more corn and for much less in gross income than in either 1969 or 1970.

Mr. Heinkel further states:

> Such an outcome is unfair to farmers. They should not be forced to bear the total cost of this nation's food supply "insurance."

He also urges that the Congress pass legislation to prevent a reoccurrence of the crop success—price disaster of this year.

In addition to producing an adequate supply of food and fiber for the people in the United States we must also provide the American farmer an opportunity to earn a fair return for his investment and effort.

I ask unanimous consent that Mr. Heinkel's article entitled "How To Avoid a Repeat of Corn Price Disaster," be inserted at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO AVOID A REPEAT OF CORN PRICE DISASTER

(By F. V. Heinkel)

The disastrous price situation faced by farmers as a result of excess production under the 1971 wheat and feed grain programs is getting the attention of the U.S. Congress.

Two proposals, in my judgement, rank as the most important farm legislation before this session of Congress. Either or both, if promptly enacted into law, could prevent a repeat of the present grain price disaster. Both can be justified in terms of the public's interest in assuring adequate and dependable supplies of food.

One proposal would amend the Agricultural Act of 1970 to require an increase of 25 percent in the loan rates for wheat and feed grains when the crop adjustment program encourages production greater than current need—as was the case this year.

Several Senate bills, including one introduced by Missouri's Senator Stuart Symington, would add such provision to the law. Symington's bill also would permit farmers to store their crops under loans for periods of up to three years.

Such legislation makes good sense. If more grain is needed, the loan rates should be raised to reflect that need. And price protection is deserved by farmers who cooperate with USDA programs to increase acreage as a means of insuring against possible food shortage.

Another proposal—embodied in bills introduced by Iowa Congressman Neal Smith and Minnesota Senator Hubert Humphrey—would create a strategic grain reserve. It would authorize USDA to buy and hold grain for use only when demand exceeds supply. Such stocks of grain would be isolated and rotated so as not to depress market prices.

If promptly enacted into law, this legislation could result in immediate price improvement. It could remove from the market a big part of the 1971 production excess—an excess which otherwise threatens to cloud the market for the next two or three years.

In the long-run, strategic reserve legislation would set the stage for realistic production goals in farm programs of the future. If, for example, the government had held a strategic reserve of grain last winter, the Secretary of Agriculture would have been spared a decision that was difficult—also disastrous and embarrassing, as things turned out.

Testifying last month before a subcommittee of the U.S. Senate, I voiced MFA's support for Senator Symington's bill and for strategic grain reserve proposals. I suggested that a review of what has been happening points clearly to the need for such legislation.

Twice in recent years—in 1967 with wheat, and again this year with feed grain—farm programs have been administered to assure abundance. In both years, the objective was achieved. But in both years, also, farmers were hit with low prices and income.

To illustrate how badly feed grain farmers have been hurt this year, we need only compare corn income to farmers in the last three years.

Two years ago, in 1969, farmers harvested 4.6-billion bushels of corn. The price during October, November and December that fall averaged $1.09 per bushel. The crop had a value of slightly more than $5-billion.

Last year, in 1970, with blight and drought curbing yields, the corn crop was reduced to 4.1-billion bushels. Harvest prices averaged $1.33 per bushel. Value of the crop was more than $5.5-billion.

Then in 1971, fearing a recurrence of blight and to assure abundance of feed grains, USDA relaxed planting restrictions. Farmers were encouraged—in some cases, practically forced—to plant more acres. The blight threat did not materialize. Growing conditions, generally, were good. Result: A corn crop of about 5.5-billion bushels. Corn has been selling for around 90 cents per bushel. And the market value of the big crop is less than either of the two previous years.

Basically, in 1971, we increased corn production by about 32 percent—and the price per bushel dropped about 33.5 percent.

No wonder farmers are in distress! They worked more hours, burned more fuel, put more wear on their equipment and spent more fertilizer, seed and chemicals—only to end up with less gross corn income than in either of the previous two years.

Such an outcome is unfair to farmers. They should not be forced to bear the total cost of this nation's food supply "insurance".

Such an outcome also is embarrassing to the White House and to the USDA objective of farm price stabilization, it tends to discredit farm programs in general. And it does, in fact, reflect a backward step in attempts to improve farm income.

What has happened this year soon will be history. No amount of explanation or lamentation can erase the tragedy of 1971 from the financial statements of this nation's grain farmers. But we can learn—and we should learn—from this experience.

The point of this discussion—and of my testimony last month in Washington, D.C.—is this: The compelling need for higher loan rates and/or a strategic grain reserve program has been clearly demonstated.

The disaster of 1971 could have been averted if legislation now proposed had been "on the books" a year ago. To avoid a repeat performance, the legislation should be enacted into law. So let's encourage Congress to act on the proposals—favorably and with dispatch.

DR. RALPH BUNCHE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. SHRIVER. Mr. Speaker, the passing of Dr. Ralph J. Bunche, former Under Secretary General of the United Nations, leaves a great void for those who are concerned about achieving peace and understanding throughout the world. We have lost a great and dedicated citizen of the United States. He was an eloquent spokesman and effective worker for the cause of peace. More than that he knew the hardships of prejudice but he stood in the forefront of those working to strengthen the brotherhood of man. His efforts on behalf of the black man in the United States will stand as a milestone of history.

Under leave to extend my remarks in the RECORD, I include the following editorial from the Wichita, Kans., Eagle, which appropriately concludes that "the world needs leaders of his stature today more than ever before."

The editorial follows:

Dr. Ralph Bunche

Dr. Ralph J. Bunche, former undersecretary general of the United Nations and the 1950 Nobel Peace Prize winner, died Thursday at 67.

Dr. Bunche, a key diplomat for more than 20 years since his triumphal success in negotiating the difficult 1949 armistice between Israel and the Arabs, was an ideal international civil servant.

He was a black man of learning and experience but he was open to all men and their ideas.

Though he gave the outward appearance of calm, he could haggle, bicker, hairsplit and browbeat, if necessary. But his success at diplomacy apparently was based mostly upon his seemingly boundless energy and the order and timing of his moves.

A master in the application of practical psychology, Dr. Bunche became a legend at the U.N., for which he directed peace-keeping efforts in the Suez area in 1956, the Congo in 1960 and Cyprus in 1964.

Shortly before he died, he had retired as the U.N. under-secretary general for special political affairs. As such he had been Secretary General Thant's most influential political adviser.

In that post he had been the highest American figure in the world organization.

Dr. Bunche probably was the most prominent black man of his era whose stature did not derive mostly from racial militance or endeavors specifically in behalf of his race.

He was deeply sensitive to racial problems, but his perspective was beyond the day-to-day trials of discrimination.

The world needs leaders of his stature today more than ever before.

ORGANIZED LABOR CALLS FOR AN END TO THE BLOOD LOTTERY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. VEYSEY. Mr. Speaker, for the past 18 years, organized labor has been one of the leading forces pushing for adequate supplies of pure and safe blood in this country. They have constantly stressed the importance of donating blood, and the union men and women of the country have responded magnificently. The American Red Cross estimates that fully one-third of the blood it collects is donated by union members.

In addition to their donor recruitment activities, the AFL concerns itself with the broader aspects of the blood crisis in America today. They have been among the strongest voices calling for reform of the outdated and dangerous blood system that generates thousands of unnecessary deaths from serum hepatitis every year.

In their February 1971 meeting in Bal Harbour, Fla., the AFL passed an important policy statement on blood banks. This statement has been widely circulated by the Red Cross as part of their "action plan" and is the basis for many of the specific provisions in my bill, H.R. 11828, the National Blood Bank Act. Enactment of a bill such as this will go a long way toward ending the deadly lottery involuntarily played by blood recipients in large sections of America today.

I will be pleased to send my colleagues any further information on my bill they can use. The statement follows:

Statement by the AFL–CIO Executive Council on Blood Banks

Commercially obtained blood, which tends to attract undesirable blood donors, results in blood and blood components carrying ten to thirty times the risk of transmitting serum hepatitis than blood and blood components from volunteers.

Commercial blood banks which are federally licensed by the Division of Biologics Standards of the National Institutes of Health may transport blood across state lines, thereby creating the risk of exposing all segments of the nation's population to transfusion hepatitis.

Since, according to professional authorities, there is at present no satisfactory method to detect the presence of hepatitis in blood or its components, the only reliable means to effectively reduce the transmission of serum hepatitis is to stop the use of commercial blood and to expand the volunteer blood program.

The AFL–CIO therefore, recommends the following:

INCENTIVES

A nationally controlled blood program be developed, through the American Red Cross, if possible, which would insure adequate quantities of volunteer blood through better means of recruitment and incentives..

LICENSING

All blood banks should be federally licensed under federal standards and inspection.

ASSURANCE

All blood insurance coverage programs should be replaced with voluntary blood assurance programs, and the assurance should apply nationwide without regard to residence or other requirements—except need.

LOW-RISK BLOOD

A volunteer contributing to a blood assurance program should receive "low-risk" blood when he or his designees are to be transfused.

LABELING

Until an ideally comprehensive program is developed, the DBS of the NIH should immediately implement a system for the mandatory labeling of each unit of blood and each blood component as either "low-risk" (excluding prisoner blood) or "high-risk" (commercial blood) so that each individual or his physician can be notified if only "high-risk" blood is available before a transfusion is given.

OUTLAWING OF COMMERCIAL BLOOD BANKS

All commercial blood banks should be outlawed by Government action, Federal, State and local.

PROTECTING WORKERS' PENSIONS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. GRIFFIN. Mr. President, I ask that two newspaper articles concerning legislation I have introduced to provide more protection for workers' pensions be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Detroit News, Sept. 6, 1971]

GRIFFIN WILL SUBMIT TWO BILLS TO PROTECT WORKERS' PENSIONS

(By Richard A. Ryan)

Washington.—Two bills aimed at protecting pension benefits for 30 million American workers will be introduced by Senator Robert P. Griffin, Michigan Republican, when Congress reconvenes Wednesday.

One measure would require private pension plans to provide full earned retirement benefits to workers after 10 years of service with the same employer.

The bill also would establish an insurance program through which the federal government could guarantee that no employee loses his vested interest in a pension plan if it is terminated involuntarily.

The second measure would require administrators to be held accountable for mismanagement of pension funds. It also would assure that workers be kept fully informed of their pension rights.

"The time has come for Congress to respond affirmatively to the need of working men and women for more effective protection of their pension rights," Griffin said.

Under Griffin's proposal, employers having pension plans less than 10 years old would be required to vest workers after 15 years of service.

Services also need not be continuous. An employee could qualify for pension benefits after 10 years of employment, even if there were breaks in his service.

The act also creates a Pension Benefit Insurance Corp. (PBIC) within the Treasury Department. The insurance would protect the worker if the pension plan should be ended for any reason.

The need for such insurance was demonstrated by a recent UAW study of 40 UAW-negotiated plans which ended between 1959; and

25 percent of the plans paid no benefits to retirees or those eligible to retire.

75 percent paid no benefits or reduced benefits, to workers between the ages of 50 and 60.

52.5 percent paid no benefits to any workers below age 50.

The second bill is an amendment to the welfare and pension plans disclosure act of 1958.

Basically, it assures a worker the right to know the full details of his pension plan and what benefits he has accrued, and establishes his right to sue in Federal Court to enforce the disclosure provisions.

"The legislation would require that workers be informed in clear and simple terms of their rights under a pension plan," Griffin said.

"It is hardly too much to expect that those who know what is in the plan will make every effort to inform the worker of his rights."

[From Michigan AFL-CIO News, Sept. 8, 1971]

GRIFFIN BILLS TO DEAL WITH RETIREE PLANS

Washington, D.C.—Two bills to "establish important new protection for workers covered by private pension plans" will be introduced by Senator Robert P. Griffin (R. Mich.) when Congress reconvenes this week.

The first bill, titled the Pension Protection Act of 1971, would establish a federal insurance program to guard against employee benefit losses in the event a pension plan is terminated.

It would require vesting of employe rights after a specific period of employment.

The other measure would assure that workers will be better informed of their pension rights and that administrators will be held accountable for mismanagement of pension funds, according to Griffin.

Griffin's first bill would require full vesting for workers with 10 years' service under plans in operation more than 10 years. For plans less than 10 years old, employers would be required to vest workers after 15 years of service.

VOTING AND ATTENDANCE RECORD, FIRST SESSION OF 92D CONGRESS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. GERALD R. FORD. Mr. Speaker, under leave to extend my remarks, I include a report of my voting and attendance record during the first session of the 92d Congress, 1971.

The record includes all rollcall votes and all quorum calls. The description of the bills is for the purpose of identification only; no attempt has been made to describe the bills completely or to elaborate upon the issues involved.

The purpose of this report is to collect in one place information which is scattered through thousands of pages of the Congressional Record. I want to be able to provide any interested constitutent with a simple compilation of my voting and attendance record.

The report follows:

Rollcall No.	1971	Measure, question, and result	Vote
1	Jan. 21	Call of the House	Present.
2	do	Election of Speaker (Albert 250—Ford 176)	Do.
3	do	Quorum call	Do.
4	do	do	Do.
5	Jan. 22	do	Do.
6	do	do	Do.
7	do	H. Res. 5: On a motion to order the previous question on a resolution relative to rules of the House (defeated 133–254).	No.
8	do	H. Res. 5: On a motion to order the previous question on the resolution as amended. (passed 213–174).	No.
9	do	H. Res. 5: On adoption of an amendment to the resolution to strike out the 21-day rule as it applies to the Rules Committee (passed 233–174).	Yes.
10	do	H. Res. 5: On adoption of the resolution as amended (passed 226–155).	No.
11	Feb. 2	Quorum call	Present.
12	Feb. 4	do	Do.
13	do	H. Res. 192: To order the previous question on adoption of the resolution naming the Democratic members of House committees (passed 258–32).	Do.
14	Mar. 2	H. Res. 264: To approve the resolution authorizing the production of certain documents, etc. by the Committee on Internal Security (passed 291–63).	Yes.
15	Mar. 3	Quorum call	Present.
16	do	H. Res. 4690: On final passage of the bill to increase the temporary debt limit to $430,000,000,000 and the permanent public debt limit to $380,000,000,000 (passed 227–162).	Yes.
17	Mar. 10	Quorum call	Present.
18	do	H.R. 4246: To approve the bill extending until Mar. 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls and cost-of-living stabilization (passed 381–19).	Yes.
19	do	H.R. 5432: To approve the bill to provide an extension of the interest equalization tax (passed 392–5).	Yes.
20	Mar. 16	H.R. 4690: To adopt the conference report on the bill increasing the public debt limit to which was added an amendment raising Social Security benefits by 10 percent (passed 358–3).	Absent.[1]
21	do	H.J. Res. 465: To approve a supplemental appropriation of $50,600,000 for unemployment compensation for Federal employees and exservicemen (passed 356–0).	Do.[1]
22	Mar. 17	Quorum call	Present.
23	do	do	Do.
24	Mar. 18	do	Do.
25	Mar. 18	H.J. Res. 468: To delete from the continuing appropriation resolution the sum of $134,000,000 for the SST prototype (passed 215–204).	No.
26	Mar. 23	Quorum call	Present.
27	do	H.J. Res. 223: To adopt the resolution submitting to the State a constitutional amendment lowering the voting age to 18 (passed 400–19).	Yes.
28	Mar. 24	H. Res. 339: To adopt the "rule" under which to consider H.R. 7, the Rural Telephone Bank bill (passed 366–26).	Yes.
29	do	H.R. 7 (S. 70): To approve the bill providing an additional source of financing for the rural telephone program (passed 269–127).	Yes.
30	Mar. 3	H.R. 4690: An amendment to the Public Debt Limit bill to strike out the sections authorizing the issuance of $10,000,000,000 of Federal bonds without regard to the 4½ percent interest limitation (defeated 180–212).	No.
31	Mar. 18	H.J. Res. 468: On a motion to delete from the continuing appropriation resolution funds for the SST (passed 217–203).	No.
32	Mar. 29	H. Res. 349: To adopt the "rule" under which to consider S.J. Res. 55 relating to the extension of law relating to interest rates and cost of living stabilization (passed 324–6).	Yes.
33	do	Quorum call	Present.
34	do	S.J. Res. 55: On an amendment to the resolution relation to interest rates and cost-of-living stabilization which would allegedly clarify the resolution (defeated 143–183).	No.
35	Mar. 30	Quorum call	Present.
36	Mar. 31	do	Do.
37	do	H.R. 6531: To amend the Selective Service Extension Act to provide that the President's authority to induct into the Armed Forces shall expire June 30, 1971 (defeated 62–330).	No.
38	do	H.R. 6531: To amend the Selective Service Extension Act to provide that the President's authority to induct into the Armed Forces shall expire June 30, 1972 (defeated 198–200).	No.
39	Apr. 1	Quorum call	Present.
40	do	do	Do.
41	do	H.R. 6531: To amend the Selective Service Extension bill by reducing public service by conscientious objectors from 3 years to 2 years and to delete provision calling for automatic induction for conscientious objectors who serve unsatisfactorily in public service (defeated 131–242).	No.

Footnotes at end of table.

Rollcall No.	1971	Measure, question, and result	Vote
42	Apr. 1	H.R. 6531: To amend the Selective Service Extension bill by prohibiting the involuntary assignment to Southeast Asia after Dec. 31, 1971 (defeated 122–260).	No.
43	do	H.R. 6531: To amend the Selective Service Extension bill to prohibit the use of draftees in any war unless it is a declared war, or a declared war is imminent (defeated 97–279).	No.
44	do	H.R. 6531: To amend the Selective Service Extension bill by cutting the extension from 2 years to 18 months (defeated 170–200).	No.
45	do	H.R. 6531: To pass the Selective Service Extension bill continuing the draft until June 30, 1973 (passed 293–99).	Yes.
46	Apr. 6	Quorum call	Present.
47	do	do	Do.
48	do	H. Res. 356: To adopt the "rule" under which to consider H.R. 5891, the bill to establish feed grain bases for certain growers of sugar beets (passed 182–177).	No.
49	do	Quorum call	Present.
50	do	H.R. 5891: To a motion to strike out the enactive clause of the bill to establish feed grain bases for certain growers of sugar beets (passed 193–115).	Yes.
51	Apr. 7	Quorum call	Present.
52	do	H.R. 7016: On a motion to add $728,600,000 to the appropriation bill for the Office of Education (defeated 187–191).	No.
53	do	H.R. 7016: On a motion to strike out the section in the Office of Education appropriations bill which forbids forced busing of students (defeated 149–206).	No.
54	do	H.R. 7016: To approve the $4,700,000,000 appropriation bill for the Office of Education and related agencies (passed 354–7).	Yes.
55	Apr. 19	H.R. 1535: To adopt an amendment to the Immigration and Nationality Act exempting an alien over 50 years of age who has been in the United States at least 20 years from the requirement of an understanding of the English language for naturalization (passed 191–84).	Absent.[2]
56	Apr. 20	Quorum call	Present.
57	do	do	Do.
58	do	H.R. 4724: On final passage of the bill authorizing appropriations for certain maritime programs of the Department of Commerce (passed 360–11).	
59	Apr. 21	Quorum call	Do.
60	do	do	Do.
61	do	do	Do.
62	do	do	Do.
63	do	do	Do.
64	do	do	Do.
65	Apr. 22	do	Do.
66	do	H.R. 5376: On a motion to recommit to committee the bill relating to the Public Works Act with instructions to delete title I which would authorize an additional $2,000,000,000 for grants under the accelerated Public Works program (defeated 128–262).	Yes.
67	do	H.R. 5376 (S. 575): On final passage of the Public Works Acceleration Act, Public Works and Economic Development Act, and Appalachian Regional Development Act extensions (passed 320–67).	No.
68	Apr. 27	Quorum call	Present.
69	do	H.R. 2598: On a motion to recommit to committee the bill expanding the size of the Canine Corps in the District of Columbia (defeated 76–303).	No.
70	do	H.R. 2600: On final passage of the bill to increase benefits for District of Columbia firemen and policemen and others who retired prior to Oct. 1, 1956 (defeated 178-200).	Yes.
71	Apr. 28	Quorum call	Present.
72	do	H.R. 6444: On final passage of the bill providing a 10-percent increase in railroad retirement annuities (passed 379–0).	Yes.
73	Apr. 29	Quorum call	Present.
74	do	H. Res. 274: On an amendment to the resolution providing funds for the Committee on Internal Security increasing the authorization from $450,000 to $570,000 (passed 256–129).	Yes.
75	do	H. Res. 274: On a motion to recommit to committee with instructions to hold public hearings on the resolution authorizing funds for operation of the Committee on Internal Security (defeated 104–274).	No.
76	do	H. Res. 274: On final passage of the resolution authorizing the appropriation of 570,000 for operation of the Committee on Internal Security (passed 298–75).	Yes.
77	May 3	Quorum call	Present.
78	do	H.R. 6283: To extend period within which President may transmit to Congress reorganization plans concerning agencies of executive branch of Federal Government (passed 301–20).	Yes.
79	May 4	S. 531: To authorize U.S. Postal Service to receive fee of $2 for execution of application for a passport (passed 240–124).	Absent.[1]
80	May 5	H. Res. 422: Expressing the best wishes of the House of Representatives on 87th birthday of Harry S. Truman (passed 379-0).	Yes.
81	do	H. Res. 423: To adopt the "rule" under which to consider H.R. 4604, to amend the Small Business Act (passed 381–0).	Yes.
82	do	H.R. 4604: On final passage of the bill increasing the outstanding loan ceiling of the Small Business Administration from $2,200,000,000 to $3,100,000,000 (passed 381–0).	Yes.
83	May 6	Quorum call	Present.
84	do	H. Res. 412: To authorize additional investigative authority to the Committee on Education and Labor (defeated 156–177).	No.
85	May 10	H.R. 5638: To extend penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in performance of duties (passed 311–0).	Yes.
86	May 11	Quorum call	Present.
87	do	H.R. 8190: To amend the Supplemental Appropriations bill (71) by restoring $34,200,000 subway funds for the District of Columbia (defeated 170–219).	No.
88	May 12	Quorum call	Present.
89	do	H.R. 8190: On amendment to Supplemental Appropriations bill to continue funding for the SST (passed 201–195).	Yes.
90	May 12	H.R. 8190: On amendment to Supplemental Appropriations bill to provide $85,000,000 for further development of the SST (passed 201–197).	Yes.
91	May 17	H.R. 7271: To authorize appropriations for Commission on Civil Rights (passed 262–67).	Yes.
92	do	H.R. 5257: To provide funds and authorities to Department of Agriculture for purpose of providing free or reduced-price meals to needy children. (School Lunch Act) (passed 331–0).	Yes.
93	do	H.R. 56: To amend the National Environmental Policy Act of 1969 to provide for a national environmental data system (passed 304–18).	Yes.
94	do	H.R. 5060: To provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft (passed 307–8).	Yes.
95	do	H.R. 2587: To establish the National Advisory Committee on the Oceans and the Atmosphere (passed 292–8).	Absent.[1]
96	May 18	Quorum call	Present.
97	do	do	Do.
98	do	H. Res. 437: To adopt the rule under which H.R. 3613 (Employment Act) was to be considered (passed 349–34).	Yes.
99	do	H.Res. 437: On the question of ordering the previous question ordering the previous question on the rule for considering H.R. 3613 (defeated 182–210).	No.
100	do	H.R. 437: On an amendment to the rule to make in order the text of H.R. 8141 as a substitute to the committee's bill H.R. 3613 (passed 210–176).	Yes.
101	do	Quorum call	Present.
102	do	H.J. Res. 642: To provide for a temporary prohibition of strikes and lockouts with respect to the current railway labor-management dispute (passed 264–93).	Yes.
103	May 19	Quorum call	Present.
104	May 20	H.R. 8190: On adoption of the conference report making supplemental appropriations for fiscal year ending June 30, 1971 (passed 264–28).	Yes.
105	do	H.R. 8190: On agreeing to Senate amendment providing $155,800,000 for termination of SST program (defeated 116–157).	No.
106	May 24	H. Res. 415: To authorize the Committee on Post Office and Civil Service to make certain studies and investigations abroad (passed 201–88).	Absent.[3]
107	May 25	Quorum call	Present.
108	do	H. Res. 411: To disapprove the President's Reorganization Plan No. 1 (defeated 131–224).	No.
109	May 26	Quorum call	Present.
110	do	H. Res. 155: To establish a Select Committee on Energy Resources (defeated 128–218).	No.
111	June 1	Quorum call	Present.
112	June 2	do	Do.
113	do	H.R. 3613: On a motion to substitute H.R. 8141 for H.R. 3613, the Emergency Employment Act of 1971 (defeated 182–204).	Yes.
114	do	H.R. 3613: On a motion to recommit to committee the Emergency Employment Act of 1971 (defeated 183–201).	Yes.
115	do	H.R. 3613: On final passage of the Emergency Employment Act of 1971 (passed 244–142).	No.
116	June 3	H. Res. 452: To adopt the "rule" under which H.R. 7960, authorizing appropriations for NASA, was to be considered (passed 357–4).	Yes.
117	do	H.R. 7960: To approve the bill authorizing for fiscal 1972 the sum of $3,400,000,000 for NASA (passed 302–64).	Yes.
118	June 4	Quorum call	Present.
119	do	H.R. 8825: To approve the Legislative Appropriations bill in the amount of $449,700,000 for the House and related agencies (passed 259–25).	Yes.
120	June 7	H.R. 8011 (S. 557): To suspend the rules and pass the bill amending the law on Government procurements of goods produced by the blind and other handicapped persons (passed 309–0).	Absent.[1]
121	do	H.R. 1161: To suspend the rules and pass the bill permitting American producers of wine to display such wines at international trade fairs (passed 298–13).	Do.[1]
122	do	H.R. 7960: To pass the bill authorizing $622,000,000 for the National Science Foundation (passed 319–8).	Do.[1]
123	June 8	Quorum call	Present.
124	do	H. Res. 465: On a motion to approve the "rule" under which to consider the bill to extend the Coffee Agreement Act, H.R. 8293 (passed 336–41).	Yes.
125	June 9	Quorum call	Absent.[3]
126	do	H.J. Res. 617: To recommit to committee the resolution authorizing contributions to certain inhabitants of the Trust Territories who suffered damages in World War II and to establish a Micronesian Claims Commission (defeated 166–215).	Do.[2]
127	do	H.J. Res. 619: On final passage of the resolution authorizing contributions to certain inhabitants of the Trust Territories who suffered damage in World War II and to establish a Micronesian Claims Commission (passed 225–158).	Do.[1]
128	June 10	Quorum call	Present.
129	do	H. Res. 471: On a motion ot order the previous question on the "rule" under which to consider H.R. 8866, the Sugar Act Amendment (passed 213–166).	Yes.
130	do	H.R. 8866: On final passage of the Sugar Act Amendment of 1971 (passed 229–128).	Yes.
131	June 14	H.R. 8687: To authorize the payment for medical services for totally disabled District of Columbia firemen and policemen and members of the Secret Service (passed 311–1).	Yes.
132	June 15	Quorum call	Present.
133	do	do	Do.
134	do	S. 575: To agree to the conference report on the Public Works Accelerating Act, Economic Development Act, and Appalachian Regional Development Act extensions (passed 275–104).	No.
135	do	Quorum call	Present.
136	June 16	do	Do.
137	do	H.R. 8687: On a motion to cut $51,000,000 in "Safeguard" funds from the military procurement authorization and to limit ABM funding during the SALT talks (defeated 129–267).	No.

Footnotes at end of table.

Rollcall No.	1971	Measure, question, and result	Vote
138	June 16	H.R. 8687: On a motion to strike from the Military Procurement Authorization $370,200,000 for development of the B-1 manned bomber (defeated 97–307)	No.
139	do	H.R. 8687: On an amendment to limit research, development, and evaluation funds in the Military Procurement Authorization to the level of the 1971 appropriation (defeated 135–258).	No.
140	do	H.R. 8687: On an amendment to place a limit of 5-percent increase over 1971 on research, development, and evaluation funds in the military procurement authorization (defeated 118–278).	No.
141	June 17	On a motion to adjourn the House (defeated 30–368)	No.
142	do	H.R. 7016: On a motion to table the motion which would have instructed House conferees to agree to Senate Amendments to Education Appropriation bill (passed 228–182).	Yes.
143	do	H.R. 8687: On an amendment to the military procurement authorization providing a straight cutoff of funds in this bill after Jan. 1, 1972, for support of military activity in Vietnam, Cambodia, and Laos (defeated 79–327).	No.
144	do	H.R. 8687: On an amendment to the Military Procurement Authorization designed, subject to certain provisions, to prohibit the expenditure of new funds after Jan. 1, 1971, to support U.S. military operations in Vietnam, Cambodia, or Laos (defeated 158–254).	No.
145	do	H.R. 8687: On an amendment to the Military Procurement Authorization to cut off funds for military operations in Indochina after June 1, 1972, subject to certain provisions regarding POW's (defeated 147–237).	No.
146	do	H.R. 8687: On final passage of the Military Procurement Authorization bill (passed 332–58).	Yes.
147	June 18	H.Res. 434: To authorize additional investigative authority to the Committee on Education and Labor (passed 183–119).	Yes.
148	do	H.R. 7736: To extend for 1 year the existing authorizations for student loans and grants in the health professions (passed 299–0).	Yes.
149	June 21	H.R. 5237: To provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on Mar. 18, 1970 (passed 339–8).	Absent.[1]
150	do	S. 1538: To suspend the rules and pass the bill increasing the funds authorized for the American Revolution Bicentennial Commission from $373,000 to $670,000 (passed 336–24).	Do.
151	do	H.R. 3146: To suspend the rules and pass the bill authorizing Department of Agriculture to cooperate with State and local officials in enforcing laws and regulations in national forests (passed 360–2).	Do.
152	do	H. Res. 487: On a motion to order the previous question on adoption of the "rule" under which to consider H.R. 1, the Social Security and Family Assistance Plan (passed 200–172).	Do.
153	June 22	Quorum call	Present.
154	do	do	Do.
155	do	do	Present.
156	do	H.R. 1: On a motion to strike from the bill title IV, the Family Assistance Plan (defeated 187–234).	No.
157	do	H.R. 1: On final passage of the Social Security Amendments and the Family Assistance Plan (passed 288–132).	Yes.
158	June 23	Quorum call	Present.
159	do	H.R. 9270: To amend the Department of Agriculture appropriation bill in order to limit to $20,000 the subsidy paid to any one farmer except for those producing sugar and wool (passed 214–198).	No.
160	do	H.R. 9270: To amend the Department of Agriculture appropriation bill forbidding funding of stream channelization. (defeated 129–278).	No.
161	do	H.R. 9270: To amend the Department of Agriculture appropriation bill to forbid food stamps to those on strike (defeated 172–225).	Yes.
162	June 24	Quorum call	Absent.
163	do	H.R. 9272: On an amendment to the State Department appropriation bill which would add $11,600,000 for dues to the International Labor Organization (defeated 147–226).	No.
164	do	H.R. 9272: On an amendment to the Civil Rights Commission bill which would cut $4,250,000 for community relation services (defeated 127–233).	No.
165	do	H.R. 9272: On final approval of the appropriations bill for the State, Justice, Commerce Departments, the Judiciary, and related agencies (passed 337–10).	Yes.
166	June 28	Quorum call	Present.
167	do	H.R. 6531: To table the motion instructing House conferees to agree to the Mansfield amendment (withdrawing our troops from Vietnam within 9 months provided an agreement is reached on the release of Americans held as prisoners of war) in connection with the bill extending Selective Service (passes 219–176).	Yes.
168	do	Quorum call	Present.
169	do	H.R. 9271: To approve the appropriations bill for the Treasury Department, the U.S. Postal Service, and the Executive Office of the President (passed 380–6).	Yes.
170	June 29	Quorum call	Present.
171	do	H.R. 9417: On final passage of the appropriations bill for the Department of the Interior and related agencies (passed 400–5).	Yes.
172	June 30	H. Res. 489: On a motion to table the resolution directing the President to furnish the House with the complete text of the study by the Department of Defense entitled, "United States-Vietnam Relationships 1945–67" (passed 273–112).	Yes.
173	do	H.R. 7016: To adopt the conference report on the appropriations bill for the Office of Education and related agencies (passed 376–15).	Yes.
174	do	H.R. 9382: On a motion to strike from the HUD appropriations bill a $3,000,000 item for counseling services for FHA (defeated 164–217).	Yes.
175	July 1	S. 31: To adopt the conference report on the Emergency Employment Act (passed 343–14).	Yes.
176	do	H.R. 8629: To approve the Health Manpower Training Act (passed 343–3).	Yes.
177	July 1	H.R. 8630: To adopt the Nurse Training Act of 1971 (passed 323–0).	Yes.
178	July 7	H. Res. 492: On a motion to lay on the table the resolution directing the Secretary of State to furnish the House of Representatives with certain information on U.S. operations in Laos (passed 261–118).	Yes.
179	do	H.R. 8805: To approve the bill relating to obscene mail for minors and defining obscene material (passed 356–25).	Yes.
180	July 8	Quorum call	Present.
181	do	do	Do.
182	do	H.R. 8181: On an amendment to the Export Expansion Finance Act which would retain in the law the prohibition of loans to any nation which furnishes goods or services to North Vietnam (passed 207–153).	Yes.
183	do	H.R. 8181: On an amendment to the Export Expansion Finance Act which would have exempted the Export-Import Bank from expenditure and lending limitation imposed by the budget (defeated 112–249).	No.
184	do	H.R. 9093: On passage of the bill expanding and extending the desalting program (passed 325–0).	Yes.
185	July 12	H.R. 8407: On approval of the bill to authorize the District of Columbia to enter into the Interstate Agreement on Qualifications and Educational Personnel (passed 324–4).	Absent.[1]
186	July 13	Quorum call	Present.
187	do	H.R. 8699: On passage of the bill providing an administrative assistant to the Chief Justice of the United States (passed 263–139).	Yes.
188	do	H. Res. 534: On a motion to recommit to committee the resolution citing Frank Stanton and CBS for contempt of Congress (defeated 226–181).	Yes.
189	July 14	Quorum call	Present.
190	do	H.R. 9667: To approve the Department of Transportation appropriation bill for 1972 (passed 400–12).	Yes.
191	July 15	Quorum call	Present.
192	do	H.R. 9388: On an amendment to the Atomic Energy Commission authorization bill which would have struck out $19,700,000 for the Cannikin underground nuclear test (defeated 162–206).	No.
193	July 19	H.R. 9265: To suspend the rules and pass the bill authorizing care through the VA of servicemen and veterans suffering from drug abuse (passed 379–0).	Yes.
194	do	H.J. Res. 748: To suspend the rules and pass, the bill authorizing the Veterans' Administration to assist in the establishment and improvement of medical schools (passed 371–2).	Yes.
195	do	S.J. Res. 111: To suspend the rules and pass the resolution extending for 2 years the existing authority for the erection in District of Columbia of a memorial to Mary McLeod Bethune (passed 288–90).	Yes.
196	July 20	Quorum call	Present.
197	do	H. Res. 424: To approve the "rule" under which to consider H.J. Res. 3 to establish a Joint Committee on the Environment (passed 372–18).	Yes.
198	July 21	Quorum call	Present.
199	do	H. Res. 457: To authorize the Committee on House Administration to fix and adjust the various allowances provided Members of the House (passed 233–167).	No.
200	do	H.R. 4354: To recommit to committee the bill permitting the operation of fuses on the Interstate System up to a width of 102 inches (defeated 178–213).	No.
201	July 22	Quorum call	Present.
202	do	On a motion to dispense with further proceedings under the quorum call in rollcall 201 (passed 369–5).	Yes.
203	do	H.R. 9844: On final passage of the Military Construction Authorization bill (passed 359–31).	Yes.
204	July 27	H.R. 9270: To approve the conference report on the $13,200,000,000 appropriation bill for the Department of Agriculture and the environmental and consumer protection agencies (passed 230–162).	No.
205	do	H.R. 9272: On a motion to table a motion to instruct House conferees to agree to a Senate amendment to the State Department appropriation bill which would deny funds for any additional duties assigned the Subversive Activities Control Board (passed 246–141).	Yes.
206	do	Quorum call	Present.
207	do	H.R. 10061: On an amendment to add $200,000,000 for certain health programs to the appropriation bill for HEW (defeated 169–215).	No.
208	do	H.R. 10061: On an amendment to add $82,400,000 for several vocational rehabilitation programs to the appropriation bill for HEW (passed 236–153).	No.
209	do	H.R. 10061: On an amendment to add $64,000,000 for child welfare services to the appropriation bil. for HEW (defeated 185–201).	No.
210	do	H.R. 10061: On final passage of the $20,400,000,000 appropriation bill for the Departments of Labor and HEW (passed 372–25).	Yes.
211	July 28	Quorum call	Absent.[3]
212	do	H.R. 9092: On an amendment to eliminate nonappropriated fund employees from the bill relative to adjusting rates of pay for prevailing rate employees of the Government (defeated 147–232).	Yes.
213	do	H.R. 9922: To approve the Economic Development and Appalachian Acts extension bill (passed 375–27).	Yes.
214	July 29	Quorum call	Present.
215	do	H.R. 9382: To approve the conference report on the $18,300,000,000 appropriation bill for the Department of Housing and Urban Development and related agencies (passed 362–30).	Yes.
216	do	H.R. 9667: To approve the conference report on the $2,900,000,000 appropriation bill for the Department of Transportation and related agencies (passed 393–15).	Yes.
217	do	H.R. 9667: On a motion to agree to the Senate amendment to the Department of Transportation appropriation bill providing a payment of $58,500,000 to the airlines for their contribution toward development of the SST (passed 307–98).	Yes.
218	do	Quorum call	Present.

Footnotes at end of table.

Rollcall No.	1971	Measure, question, and result	Vote
219	July 26	H.R. 10090: On an amendment to the Public Works appropriation bill which would have forbidden testing of nuclear weapons in the Aleutian Islands (defeated 108–275).	No.
220	do	H.R. 10090: On an amendment to the Public Works appropriation bill to strike out $100,000 for further study of the Dickey Lincoln project in Maine (passed 199–181).	Yes.
221	do	H.R. 10090: On final passage of the Public Works appropriation bill for 1972 (passed 386–4).	Yes
222	July 30	Quorum call	Present.
223	do	On a motion to approve the Journal of the previous day (passed 374–10).	Yes.
224	do	H. Con. Res. 384: To provide for the adjournment of Congress from Aug. 6 until Sept. 8, 1971 (passed 334–41).	Yes.
225	do	H. Res. 566: To order the previous question on the "rule" under which to consider H.R. 8432, the Emergency Loan Guarantee Act of 1971 (passed 323–67).	Yes.
226	do	H.R. 8432: On an amendment to the Emergency Loan guarantee Act to establish a 90-percent loan guarantee, the remaining 10 percent to be provided by private lenders (defeated 176–205).	No.
227	do	H.R. 8432: On final passage of the Emergency Loan Guarantee Act of 1971 as amended to provide for Lockheed only (passed 192–189).	Yes.
228	Aug. 2	H.R. 9272: To adopt the conference report on the $4,000,000,000 conference report on appropriations for the Departments of State, Justice, Commerce, and related agencies (passed 337–35).	Yes.
229	do	H. Res. 539: On a motion to discharge the Committee on Education and Labor from further consideration of the resolution directing the Secretary of HEW to furnish the House of Representatives with certain documents concerning the busing of schoolchildren (passed 252–129).	Yes.
230	do	H. Res. 539: To approve the resolution directing the Secretary of HEW to furnish the House of Representatives with certain documents concerning the busing of schoolchildren (passed 351–36).	Yes.
231	do	H.R. 3628: To suspend the rules and pass the bill providing equality of treatment for married women Federal employees (passed 377–11).	Yes.
232	do	H. Con. Res. 370: To suspend the rules and pass the resolution expressing the sense of Congress that the narcotic addict facilities at Lexington and Fort Worth remain open during fiscal year 1972 (passed 370–4).	Yes.
233	do	H. Res. 829: To approve the resolutions making further continuing appropriations for fiscal year 1972 (passed 350–6).	Yes.
234	Aug. 3	Quorum call	Present.
235	do	H.R. 9910: On passage of the Foreign Assistance Act (passed 200–192).	Yes.
236	Aug. 4	H. Res. 578: On adoption of the "rule" for consideration of the conference report on H.R. 6531, the extension of the Selective Service Act (passed 250–150).	Yes.
237	do	H.R. 6531: On a motion to recommit to conference the bill extending the Selective Service Act and for other purposes (defeated 131–273).	No.
238	do	H.R. 6531: On passage of the conference report on the bill extending the Selective Service Act and other purposes (passed 297–108).	Yes.
239	do	Quorum call	Present.
240	do	H.J. Res. 833: On an amendment to the Emergency Employment Act appropriations bill which specified that the formula for the distribution of funds shall be based on States unemployment as compared with U.S. unemployment (defeated 172–213).	No.
241	do	H.J. Res. 833: On an amendment to the Emergency Employment Act appropriations bill that would forbid funds to pay any State or local government which may be itself an eligible applicant (defeated 171–219).	No.
242	do	H.J. Res. 833: On final passage of the $1 billion Emergency Employment Act appropriation bill (passed 321–76).	Yes.
243	Aug. 5	Quorum call	Present.
244	do	do	Do.
245	do	do	Do.
246	do	S. 581: To adopt the conference report on the Export Expansion Finance Act of 1971 (passed 219–140).	Yes.
247	do	H.R. 10061: To adopt the $20.8 billion conference report on the appropriations bill for the Departments of Labor and HEW and related agencies (passed 280–56).	Yes.
248	Sept. 8	Quorum call	Present.
249	do	do	Do.
250	Sept. 9	do	Do.
251	do	H.R. 9727: To approve the Marine Protection Research and Sanctuaries Act of 1971 (passed 304–3).	Yes.
252	Sept. 13	H. Res. 483: To adopt the "rule" under which to consider H.R. 234, the bill to repeal the Emergency Detention Act of 1950 (passed 344–1).	Absent.[1]
253	do	Quorum call	Do.[3]
254	Sept. 14	do	Present.
255	do	H.R. 234: On an amendment to the bill prohibiting the establishment of emergency detention camps which sought to strike out language forbidding imprisonment of citizens except pursuant to an act of Congress (defeated 124–272).	No.
256	do	H.R. 234: On adoption of the committee amendment to the bill repealing the Emergency Detention Act of 1950 making clear the intent of the measure to prohibit the imprisonment or detention of a citizen except pursuant to an act of Congress (passed 290–111).	Yes.
257	do	H.R. 234: On final passage of the bill repealing the Emergency Detention Act of 1950 and providing that no U.S. citizen shall be committed for detention or imprisonment by U.S. Government except in line with title 18 of United States Code (passed 356–49).	Yes.
258	Sept. 15	Quorum call	Present.
259	do	do	Do.
260	Sept. 16	do	Do.
261	do	H.R. 1746: On a teller vote to substitute the language of H.R. 9247 (providing court enforcement in lieu of "cease and desist" authority) for the committee bill relative to the Equal Employment Enforcement Act (passed 200–194).	Yes.
262	do	H.R. 1746: On a vote to substitute the language of H.R. 9247 for the committee bill amending the Equal Employment Enforcement Act (passed 202–197).	Yes.
263	do	H.R. 1746 (H.R. 9247): To recommit to committee the amendment to the Equal Employment Enforcement Act, as amended (defeated 130–270).	No.
264	do	H.R. 1746 (H.R. 9247): On final passage of the bill amending the Equal Employment Enforcement Act with the language of H.R. 9247 providing court enforcement in lieu of "cease and desist" authority (passed 285–106).	Yes.
265	Sept. 22	H.R. 10090: To adopt the conference report on the $4,600,000,000 appropriation bill for Public Works and the Atomic Energy Commission (passed 377–9).	Yes.
266	Sept. 23	Quorum call	Present.
267	do	H.R. 9166 (S. 2260): On a motion to cut the fiscal 1972 authorization for the Peace Corps from $77,200,000 to $50,200,000 (defeated 113–232).	No.
268	Sept. 28	Quorum call	Present.
269	Sept. 29	do	Do.
270	Sept. 30	do	Do.
271	do	H.R. 10351: On an amendment to the bill extending the Economic Opportunity Act to reduce population requirement from 100,000 to 10,000 to qualify as a prime sponsor for benefits under the child development provisions (passed 226–158).	No.
272	do	H.R. 10351: On an amendment to the bill extending the Economic Opportunity Act which sought to coordinate child development programs with other Federal day care programs (defeated 187–189).	Yes.
273	do	H.R. 10351: On an amendment to the bill extending the Economic Opportunity Act by including comprehensive child development programs (passed 203–181).	No.
274	do	H.R. 10351: On an amendment to the bill extending the Economic Opportunity Act to place Puerto Rico, Guam, and Virgin Islands in the same position as States (passed 201–162).	No.
275	do	H.R. 10351: On an amendment to the bill extending the Economic Opportunity Act to strike out the legal services corporation title (defeated 152–210).	No.
276	do	H.R. 10351: On an amendment to the bill extending the Economic Opportunity Act to include comprehensive child development programs (passed 186–183).	No.
277	do	H.R. 10351: On a motion to recommit to committee the bill extending the Economic Opportunity Act in order to amend forthwith the bill to make the day-care provisions in the bill conform to the day-care provisions of H.R. 1 (passed 191–180).	Yes.
278	do	H.R. 10351: On final passage of the bill extending the Economic Opportunity Act as amended (passed 251–115).	Yes.
279	Oct. 1	Quorum call	Present.
280	Oct. 4	do	Do.
281	do	H. Res. 596: On a motion that the Committee of the Whole "do now rise" while considering the resolution disapproving the President's postponement of the Federal employee pay raise (defeated 175–198).	No.
282	do	H. Res. 596: To pass the resolution disapproving the President's postponement of the Federal employee pay raise from Jan. 1 to July 1, 1972 (defeated 174–207).	No.
283	do	H. Con. Res. 374: To suspend the rules and pass the resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam (passed 369–0).	Yes.
284	do	H.R. 9961: To suspend the rules and pass the bill providing temporary insurance for the member accounts of certain Federal credit unions (defeated 197–122; a ⅔ vote being necessary).	Absent.[2]
285	do	H.R. 8083: To suspend the rules and pass the bil. relating to air traffic controllers career program (passed 293–0).	Do.[1]
286	do	Quorum call	Do.[3]
287	do	H.R. 8866: To approve the conference report on the Sugar Act Amendments of 1971 (passed 194–91).	Do.
288	Oct. 5	Quorum call	Present.
289	Oct. 6	H. J. Res. 915: To approve the joint resolution appropriating $270,500,000 as a supplemental amount for Federal unemployment benefits and allowances (passed 393–9).	Yes.
290	do	H.J. Res. 916: To extend the "continuing resolution" for appropriations from Oct. 15, 1971, to Nov. 15, 1971 (passed 387–12).	Yes.
291	Oct. 12	Quorum call	Absent.[3]
292	do	H.J. Res. 208: On a motion to approve the committee amendment inserting the words "of any person" in the proposed constitutional amendment on equal rights for men and women (defeated 104–254).	Do.[1]
293	do	H.J. Res. 208: On a motion to approve the committee amendment to the proposed constitutional amendment on equal rights for men and women which would exempt women from compulsory military service and would permit health and safety laws in favor of women (defeated 87–265).	Do.[1]
294	do	H.J. Res. 208: On final passage of the proposed constitutional amendment on equal rights for men and women (passed 354–23).	Do.[1]
295	Oct. 13	Quorum call	Present.
296	do	do	Do.
297	Oct. 14	do	Do.
298	do	H.R. 10835: On an amendment to the Consumer Protection Act that would limit CPA's intervention in agency and court proceedings to an advisory status (defeated 149–240).	No.
299	do	H.R. 10835: On an amendment to broaden the authority of the Consumer Protection Agency beyond that recommended by the committee (defeated 160–218).	No.
300	do	H.R. 10835: On final passage of bill to establish a Consumer Protection Agency (passed 344–44).	Yes.
301	Oct. 18	Quorum call	Present.
302	do	H.R. 9212: To suspend the rules and pass the bill which would extend black lung benefits to orphans whose fathers die of pneumoconiosis (defeated 227–124; a ⅔ vote being necessary).	No.

Footnotes at end of table.

Rollcall No.	1971	Measure, question, and result	Vote
303	Oct. 18	H.J. Res. 923: To suspend the rules and approve the resolution enforcing the mandate of Congress that no child be denied a school lunch because of his inability to pay by providing necessary funds, etc (passed 353–0).	Yes.
304	do	H.R. 10458: To suspend the rules and approve the Cooperative Animal Disease Control bill (passed 342–0).	Yes.
305	do	H.R. 8140: To suspend the rules and pass the Ports and Waterways Safety Act of 1971 (passed 335–1).	Yes.
306	Oct. 19	Quorum call	Present.
307	do	H.R. 8687: On ordering the previous question on the motion to instruct the House conferees not to agree to any of the Senate amendments to the Military Procurement Authorization bill which are not germane to the House bill (passed 215–193).	Yes.
308	do	H.R. 8687: On a motion to instruct the House conferees not to agree to any of the Senate amendments to the Military Procurement Authorization bill which are not germane to the House bill (defeated 192–215).	Yes.
309	do	Quorum call	Present.
310	Oct. 20	do	Do.
311	do	H.R. 9844: To approve the conference report on the Military Construction Authorization, 1972 (passed 370–26).	Yes.
312	do	H.R. 10367: On the Saylor-Udall amendment (as amended to assure no affect of the amendment on the Alaska pipeline) to the Alaskan Native Claims Settlement bill (defeated 177–217).	Absent.[2]
313	do	H.R. 10367: On final passage of the Alaskan Native Claims Settlement bill (passed 334–63).	Yes.
314	Oct. 21	Quorum call	Present.
315	do	do	Do.
316	do	H.R. 10670: On final passage of the Armed Services Survivor Benefit Plan (passed 372–0).	Yes.
317	do	Quorum call	Absent.[3]
318	do	H. Res. 624: On a motion calling for the previous question on the resolution providing for consideration of H.R. 8787, calling for a delegate in Congress for Guam and the Virgin Islands (passed 280–62).	Do.[1]
319	Oct. 27	Quorum call	Present.
320	do	do	Do.
321	do	H.R. 11418: To approve the Military Construction Appropriation bill for 1972 (passed 354–32).	Yes.
322	do	H. Res. 661: To adopt the "rule" under which to consider H.R. 7248, the Higher Education Act (passed 371–7).	Yes.
323	do	Quorum call	Present.
324	do	do	Do.
325	Oct. 28	do	Do.
326	do	H.R. 7248: On an amendment by Mr Quie to the Higher Education Act which would change the formula for distributing educational opportunity grants (defeated 117–257).	Yes.
327	do	H.R. 7248: On an amendment by Mr. Fraser to the Higher Education Act which would alter the formula for funds paid to States under educational opportunity grants (defeated 108–220).	Yes.
328	Nov. 1	Quorum call	Present.
329	do	H.R. 2266: To suspend the rules and pass the Emergency School Aid Act (defeated 135–222).	Yes.
330	do	H.R. 9961: To suspend the rules and pass the bill to provide temporary insurance for the member accounts of certain Federal credit unions (passed 349–0).	Yes.
331	do	H.R. 8389: To suspend the rules and pass the bill relating to narcotic treatment in correctional institutions (passed 350–2).	Yes.
332	do	H.R. 9180: To suspend the rules and pass the bill providing for the temporary assignment of a U.S. magistrate from one judicial district to another (passed 334–10).	Yes.
333	do	H.R. 9323: To suspend the rules and approve the amendments to the Narcotics Rehabilitation Act (passed 354–0).	Yes.
334	do	Quorum call	Present.
335	do	H.R. 7854 (S. 1026): To suspend the rules and approve amendments to the Small Reclamation Projects Act (passed 346–7).	Yes.
336	do	H.R. 11232: To suspend the rules and approve the Farm Credit Act of 1971 (passed 331–19).	Yes.
337	do	Quorum call	Absent.[3]
338	do	On a motion to adjourn (defeated 51–255)	Do.[2]
339	Nov. 2	Quorum call	Do.[3]
340	do	do	Do.[3]
341	do	On a motion to adjourn (defeated 8–285)	Do.[2]
342	Nov. 3	H.R. 2: On an amendment to the bill establishing a Uniformed Services University of the Health Services which would have struck out the requirement that the university be located within 25 miles of the District of Columbia (defeated 148–215).	No.
343	do	H.R. 2: On final passage of the bill establishing a Uniformed Services University of the Health Services (passed 351–31).	Yes.
344	do	H.R. 7248: On an amendment to the Higher Education Act which would have struck out title VIII, general assistance for higher education (defeated 84–310).	No.
345	do	H.R. 7248: On an amendment to the Higher Education Act which places the maintenance of effort requirement on individual institutions (passed 210–181).	No.
346	do	H.R. 7248: On an amendment to the Higher Education Act which would terminate funds to all institutions if the Supreme Court finds that Federal contributions to one institution or group of institutions is unconstitutional (defeated 119–264).	Yes.
347	do	H.R. 7248: On an amendment to the Higher Education Act to strike out title IX having to do with student interns (passed 229–149).	Yes.
348	Nov. 4	Quorum call	Present.
349	do	H.R. 7248: On an amendment to the Higher Education Act to exclude all-male or all-female undergraduate schools from the provision on sex discrimination (passed 194–189).	Yes.
350	do	H.R. 7248: On an amendment to the Higher Education Act to extend the benefits of land-grant colleges to the College of the Virgin Islands and University of Guam (passed 219–158).	No.
351	Nov. 4	H.R. 7248: On an amendment to the Higher Education Act to provide for the establishment of a National Institute of Education in HEW (passed 210–153).	Yes.
352	do	H.R. 7248: On an amendment to the Higher Education Act to strike out the title establishing "Ethnic Heritage Studies" (passed 200–159).	Yes.
353	do	H.R. 7248: On an amendment to the Higher Education Act calling for a comprehensive study before implementation of any new Federal youth camp standards (passed 184–166).	No.
354	do	H.R. 7248: On an amendment to the Higher Education Act to postpone the effectiveness of any U.S. district court order requiring the forced busing of children to achieve racial balance until all appeals to the order have been exhausted (passed 235–125).	Yes.
355	do	H.R. 7248: On an amendment to an amendment to the Higher Education Act adding language that forbids any officer or employee of HEW or of any Federal agency to force States to expend funds for the forced busing of school students (passed 231–126).	Yes.
356	do	H.R. 7248: On an amendment to an amendment to the Higher Education Act which would exclude local education agencies who are carrying out a plan of racial desegregation in response to a court order, from the prohibition of the use of funds for busing of students or teachers (defeated 231–126).	Yes.
357	do	H.R. 7248: On an amendment to the Higher Education Act prohibiting the use of Federal funds for busing of students or teachers to overcome racial imbalance or for the purchase of equipment for such transportation (passed 233–124).	Yes.
358	do	H.R. 7248: On an amendment to an amendment to the Higher Education Act which would direct Commissioner of Education to make a study and report on racial segregation in the elementary and secondary schools (defeated 92–269).	No.
359	do	H.R. 7248: On an amendment to the Higher Education Act adding H.R. 2266, modified, to the bill as a new title, "Emergency School Aid Act of 1971" (passed 211–159).	Yes.
360	do	H.R. 7248: On an amendment to the Higher Education Act to exclude all-male and all-female undergraduate schools from the provisions on sex discrimination (passed 186–181).	Yes.
361	do	H.R. 7248: (S. 659): On final passage of the Higher Education Act as amended (passed 332–38).	Yes.
362	Nov. 5	Quorum call	Present.
363	do	H.R. 8293: On passage of the bill to continue until Sept. 30, 1973, the International Coffee Agreement Act of 1968 (passed 200–99).	Yes.
364	Nov. 8	Quorum call	Present.
365	do	H.J. Res. 191: On a motion to discharge the Committee on the Judiciary from further consideration of the "Prayer Amendment" to the Constitution (passed 242–156).	Yes.
366	do	H.J. Res. 191: On final passage of the constitutional amendment authorizing voluntary prayer and meditation in the public schools (defeated 240–162; a ⅔ vote being necessary).	Yes.
367	Nov. 9	Quorum call	Present.
368	do	do	Do.
369	do	H.R. 10729: On an amendment to a substitute amendment to the Environmental Pesticides Control Act which sought to strike out the language: "the Administrator shall not make any lack of essentiality a criterion for denying registration of any pesticide" (defeated 152–221).	No.
370	do	H.R. 10729: On an amendment to a substitute amendment to the Environmental Pesticides Control Act which sought to supply "any party adversely affected" for "any party at interest" in securing judicial review (defeated 167–209).	No.
371	do	H.R. 10729: On an amendment to a substitute amendment to the Environmental Pesticides Control Act that would forbid producers recovery of funds for any pesticide that had been removed from the market unless the producer shows that adverse environmental effects were unknown (defeated 168–203).	Absent.[2]
372	do	H.R. 10729: On final passage of the Federal Environmental Pesticides Control Act (passed 288–91).	Do.[1]
373	Nov. 10	Quorum call	Present.
374	do	do	Do.
375	do	H.R. 9212: On an amendment to the bill on Black Lung benefits that sought to alter disability payments under Social Security to Black Lung miners (defeated 158–224).	Yes.
376	do	H.R. 9212: On an amendment to the bill on Black Lung benefits that sought to strike out language that continues the timetable for an additional 2 years for the States to prepare to assume responsibilities for providing Black Lung benefits (defeated 133–245).	Yes.
377	do	H.R. 9212: On final passage of the Black Lung Benefits bill (passed 312–78).	No.
378	do	H.J. Res. 946: An amendment to the continuing resolution that sought to halt all funding for the Department of Defense after Nov. 15 (defeated 10–356).	No.
379	do	H.R. 8687: On agreeing to the Senate provision in the military procurement authorization bill designed to remove the embargo on the importation of chrome ore from Rhodesia (passed 251–100).	Yes.
380	Nov. 11	H. Res. 698: On the adoption of the "rule" for consideration of H.R. 11341, the District of Columbia Revenue Act of 1971 (passed 359–8).	Yes.
381	do	Quorum call	Present.
382	do	H.R. 11341: On an amendment to the District of Columbia Revenue Act that sought to reduce the Federal payment to the District of Columbia by $44,000,000 (defeated 79–263).	No.
383	do	H.R. 11341: On an amendment to the District of Columbia Revenue Act that sought to reduce the Federal payment to the District of Columbia by $25,000,000 (defeated 119–210).	No.
384	do	H.R. 11341: On an amendment to the District of Columbia Revenue Act that sought to provide coverage for area truck drivers under the District of Columbia Minimum Wage Act, to provide overtime pay for work over 40 hours a week, or provide ICC certification (defeated 139–179).	No.

Footnotes at end of table.

Rollcall No.	1971	Measure, question, and result	Vote
385	Nov. 11	H.R. 11341: On final passage of the District of Columbia Revenue Act of 1971 (passed 248–50).	Yes.
386	Nov. 15	H.R. 11302 (S. 1828): To suspend the rules and pass the Cancer Attack Act (passed 350–5).	Yes.
387	do	H.R. 11350: To suspend the rules and pass the bill increasing the authorized dues for the International Criminal Police Organization and authorizing additional funds for 1970 dues (passed 344–0).	Yes.
388	do	S.J. Res 132: To suspend the rules and pass the resolution extending the duration of cpoyright protection in certain cases (passed 300–49).	Absent[1]
389	do	H.R. 11651: To suspend the rules and pass the bill to liberalize provisions relating to payment of Veterans' Administration disability and death pensions (passed 351–0).	Yes.
390	do	H.R. 11652: To suspend the rules and liberalize provisions relating to payment of VA dependency and indemnity compensation (passed 350–0).	Yes.
391	Nov. 15	H.R. 11080: To suspend the rules and pass the bill relating to the income-tax treatment of involuntary conversions resulting from the creation of the Redwood National Park in the State of California (defeated 148–203).	Absent.[1]
392	Nov. 16	Quorum call	Present.
393	do	do	Do.
394	do	do	Do.
395	do	H.R. 11731: On an amendment to the Defense appropriations bill which sought to strike out $801, 600,000 for procurement of the F–14 aircraft (defeated 76–311).	No.
396	Nov. 17	Quorum call	Present.
397	do	do	Absent.[3]
398	do	H.R. 11731: On an amendment to the Defense appropriations bill which would require congressional approval for additional men called into the armed services (above the limitation) by the President for more than 60 days (defeated 183–210).	
399	do	H.R. 11731: On an amendment to the Defense appropriations bill which sought to halt funding of the Indochina war after June 1, 1972, and calling for an orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners of war and accounting of a Americans missing in action (defeated 163–238).	No.
400	do	H.R. 11731: On an amendment to the Defense appropriations bill that would limit total net expenditures to 95 percent of funds budgeted, resulting in a cut of $3,800,000,000 (defeated 74–307).	No.
401	do	H.R. 11731: On an amendment to the Defense appropriations bill which sought to reduce the appropriation to the 1971 level, a reduction of $1,500,000,000 (defeated 114–278).	No.
402	do	H.R. 11731: On final passage of the Defense appropriations bill (passed 342–51).	Yes.
403	Nov. 18	Quorum call	Present.
404	do	do	Do.
405	do	do	Do.
406	do	H. Res. 710: On adoption of the resolution relating to the foreign aid authorization bill and instructing the Speaker to appoint conferees (passed 269–115).	Yes.
407	do	H. Res. 711: On adoption of the resolution providing for the immediate consideration of the conference report on H.J. Res. 946, further continuing appropriations (passed 366–15).	Absent.[1]
408	do	H.J. Res. 946: To approve the conference report on the resolution further continuing appropriations to Dec. 8, 1972 (passed 344–26).	Do.[1]
409	Nov. 19	H. Res. 699: On adoption of the "rule" under which to consider S. 18, assistance to Radio Free Europe and to Radio Liberty (passed 290–3).	Do.[3]
410	do	S. 18: To pass the bill providing assistance to Radio Free Europe and to Radio Liberty (passed 271–12).	Do.[3]
411	Nov. 29	Quorum call	Present.
412	do	H.R. 11060: On an amendment to an amendment to the Election Campaign Reform bill that sought to eliminate the section covering the question of rates for political broadcasting and in newspapers, and to eliminate the language compelling newspapers to give equal access to all candidates (defeated 145–219).	Yes.
413	do	H.R. 11060: On an amendment to an amendment to the Election Campaign Reform bill to place broadcasters under the same rule as newspapers that any candidate would be charged the earned or "local rate" (passed 219–150)	Yes.
414	do	H.R. 11060: On an amendment to an amendment to the Election Campaign Reform bill which sought to repeal section 315 (equal time) for candidates for all Federal elective offices (defeated 95–277).	Yes.
415	Nov. 30	Quorum call	Present.
416	do	H.R. 11060: On an amendment to the Election Campaign Reform bill which would prevent unions from using involuntary dues payment of union members for political activities except among their own members (passed 233–147).	No.
417	do	H.R. 11060: On an amendment to the Election Campaign Reform bill which struck out language requiring candidates to supply campaign statements with the clerk of the U.S. district court (passed 230–154).	No.
418	do	H.R. 11060 (S. 382): On final passage of the Election Campaign Reform bill as amended (passed 373–23).	Yes.
419	Dec. 1	Quorum call	Present.
420	do	Quorum call	Do.
421	do	Quorum call	Do.
422	do	H.R. 11589: To approve the bill authorizing the foreign sale of certain passenger vessels (passed 253–139).	Yes.
423	Dec. 2	Quorum call	Absent.[3]
424	do	H.R. 11932: On a motion to go into the Committee of the Whole to consider the District of Columbia appropriations bill (passed 379–0).	Do.[1]
425	do	Quorum call	Present.
426	do	H.R. 11932: On a teller vote on the amendment to the District of Columbia appropriations bill to add $72,000,000 for Metro construction (passed 196–183).	No.
427	do	H.R. 11932: On an amendment to the District of Columbia appropriations bill which would have halted funds for Metro until it had complied with provisions of the National Environmental Policy Act of 1969 (defeated 163–205).	Yes.
428	Dec. 2	H.R. 11932: On agreeing to the amendment adopted in the Committee of the Whole adding $72,500,000 for Metro to the District of Columbia appropriations bill, passed 195–174).	No.
429	do	H.Res. 719: On adoption of the "rule" under which to consider H.R. 11955, the Supplemental Appropriation bill for 1972 (passed 307–29).	Yes
430	do	H.R. 11955: To approve the $756,000,000 Supplemental Appropriation bill for 1972 (passed 270–20).	Yes.
431	Dec. 6	H.R. 9526: On a motion to suspend the rules and pass the bill authorizing the loan of 16 naval vessels to certain friendly nations (passed 260–116).	Yes.
432	do	H.R. 11624: On a motion to suspend the rules and pass the bill increasing from $3,000,000 to $5,000,000 the funds currently authorized to be appropriated for the International Aeronautical Exposition (Transpo '72) (defeated 203–172; a ⅔ vote being necessary).	Yes.
433	do	H.R. 45: On a motion to suspend the rules and pass the bill to establish an Institute for Continuing Studies of Juvenile Justice (defeated 238–135; a ⅔ vote being necessary).	No.
434	do	S.J. Res. 176: On a motion to suspend the rules and pass the resolution on the interim extension of certain housing and banking laws (passed 357–4).	Yes.
435	do	H.R. 11809: On a motion to suspend the rules and pass the bill maintaining Postal Service property as Government property in impact areas (passed 258–113).	Yes.
436	do	H.R. 10420: On a motion to suspend the rules and pass the bill to protect marine animals and establish a Marine Mammal Commission (defeated 199–150; a ⅔ vote being necessary).	Yes.
437	Dec. 7	Quorum call	Present.
438	do	S. 2007: On adoption of the Economic Opportunity Amendments of 1971 (passed 210–186).	No.
439	Dec. 8	Quorum call	Present.
440	do	H.R. 12067: On an amendment to the 1972 Foreign Assistance appropriations bill which sought to add $50,000,000 for the U.S. contribution to the U.N. development program (defeated 119–268).	No.
441	do	H.R. 12067: On final passage of the $2,8 Foreign Assistance appropriations bill for 1972 (passed 214–179).	Yes.
442	do	Quorum call	Present.
443	do	H.R. 728: On a motion to agree to the previous question on the "rule" under which to consider H.R. 1163, the Strategic Storable Agricultural Commodities Act (passed 204–164).	No.
444	do	H.R. 1163: On an amendment to the Strategic Storable Agricultural Commodities Act which sought to provide for storage of grains in producer-owned storage facilities as far as practicable (defeated 147–179).	Yes.
445	do	H.R. 1163: On an amendment to the Strategic Storable Agricultural Commodities Act which sought to exclude the 25-percent loan increase on wheat (defeated 128–222).	Yes.
446	do	H.R. 1163: On an amendment to the Strategic Storable Agricultural Commodities Act which would have offered reserve commodities for sale at 100 percent of parity (defeated 145–201).	Yes.
447	do	H.R. 1163: On an amendment to the Strategic Storable Agricultural Commodities Act which would have authorized the Secretary of Agriculture to store grain in the homes of hungry Americans (defeated 17–271 with 59 voting "present").	Present.
448	do	H.R. 1163: On final passage of the Strategic Storable Agricultural Commodities Act (passed 182–170).	NG.
449	Dec. 9	Quorum call	Present.
450	do	H.R. 10947: On approval of the conference report on the Revenue Act of 1971 (passed 320–74).	Yes.
451	do	H. Res. 729: On adoption of a resolution to permit consideration of conference reports without regard to the 3-day rule (passed 342–48).	Yes.
452	do	Quorum call	Present.
453	do	H.R. 11955: To approve the conference report on the $3,400,000,000 Supplemental Appropriations bill (passed 301–73).	Yes.
454	Dec. 10	Quorum call	Present.
455	do	H.R. 11309: On an amendment to the Economic Stabilization Act which altered the retroactive pay section including as a prerequisite that prices have been advanced, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases (passed 209–151).	Yes.
456	do	H.R. 11309: On an amendment to the Economic Stabilization Act which would have called for disclosure of information of the Commission with the exception of trade secrets or confidential information (defeated 73–275).	No.
457	do	H.R. 11309: On an amendment to the Economic Stabilization Act which would have allowed the President to determine whether employer contributions to private pension and welfare plans are consistent with the standards for wages and price increases (defeated 170–184).	Yes.
458	do	H.R. 11309 (S. 2891): On final passage of the Economic Stabilization Act of 1970 (passed 324–33).	Yes.
459	do	H.R. 11341: To approve the conference report on the District of Columbia Revenue Act of 1971 (passed 242–93).	Yes.
460	Dec. 13	Quorum call	Present.
461	do	H.R. 11628: On final passage of the District of Columbia Medical Facilities Construction Act of 1972 (defeated 160–200).	Yes.
462	Dec. 14	Quorum call	Present.
463	do	do	Do.
464	do	do	Do.
465	do	H.R. 10367: To approve the conference report on the Alaska Native Claims Settlement Act (passed 307–60).	Yes.
466	Dec. 15	H.R. 11731: To approve the conference report on the Department of Defense Appropriations bill for 1972 (passed 292–39).	Yes.
467	do	H.R. 11932: To approve the conference report on the District of Columbia Appropriations bill for 1972 (passed 260–79).	Absent.[1]
468	do	Quorum call	Present.

Rollcall No.	1971	Measure, question, and result	Vote
469	Dec. 15	H.R. 6065: To approve the conference report on the bill relative to unemployment insurance including a provision for emergency unemployment compensation in States with a high unemployment rate (passed 194–149).	Yes.
470	do	H.J. Res. 1005: To approve the joint resolution making further continuing appropriations for fiscal year 1972 (passed 234–86).	Yes.
471	Dec. 16	Quorum call	Absent.[3]
472	do	S. 2819: On a motion to table the motion to instruct House conferees to agree to the amendment to the foreign military authorization bill which would have declared it to be the policy of the United States to terminate the military operations in Indochina within 6 months subject to the release of the American prisoners of war (passed 130–101).	Do.[1]

[1] If present, would have voted "yes."
[2] If present, would have voted "no."
[3] Speaking engagement.

FORCED BUSING MUST BE ABOLISHED

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. FISHER. Mr. Speaker, I recently received a petition from San Antonio, signed by 2,500 alert citizens, in support of the neighborhood school concept and in opposition to forced busing in order to achieve a racial balance.

I am, of course, in full accord with these views. As I have said many times, such compulsory busing is a monstrous policy and is contrary to basic American freedoms as contemplated by the Constitution.

President Nixon has spoken out against such busing. Yet, HEW policies have all along been probusing, and they persist today.

CONGRESS OPPOSES, SUPREME COURT SUPPORTS, BUSING

The chief roadblock, however, has been the Supreme Court. That tribunal, in the case of Swann against Charlotte-Mecklenburg, on April 20, 1971, upheld busing to achieve racial balance. From this decision there is no appeal.

The Congress has enacted several laws against forced busing. In title IV of the Civil Rights Act of 1964 is this language:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial balance . . .
>
> Nothing herein shall empower any official or court . . . to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school district to another in order to achieve such racial balance.

In that same act, however, the Congress authorized the Federal Government to initiate court suits against laggard school districts—as viewed by HEW—as related to integration, and directed HEW to cut off Federal aid to school districts which practice discrimination—as viewed by HEW.

Thus, that agency was given much latitude in deciding what constitutes "discrimination," and in what is needed to achieve HEW's interpretation of "integration." Hence, HEW guidelines were issued, calling for integration, which virtually made busing necessary in order to comply. Much bureaucratic mischief has resulted from this loose delegation of authority. For myself, I anticipated the abuse of power and I was one of those who voted against the 1964 act.

Later, Congress in several enactments reiterated its opposition to busing for racial mixture purposes. Only recently, by majorities of 233 to 124, 235 to 125, and 231 to 126, the House adopted amendments against various aspects of the busing concept, and the use of Federal funds to finance it.

PEOPLE OPPOSE BUSING

Mr. Speaker, the American people—of all races—are overwhelmingly opposed to compulsory busing. A recent Gallup poll showed 76 percent of all Americans opposed. In Texas, the Belden poll revealed 78 percent of Texans opposed. In Indianapolis, a petition signed by 80,000 opposed busing. Scores of other expressions have followed suit, from all over the country.

It is strange, indeed, that in a democracy, where people are supposed to govern themselves, the will of the people is ignored and overruled by the courts and bureaucrats.

In my judgment the Supreme Court decisions on this issue were wrong. They evinced a distorted and warped interpretation of the Constitution. This colossal judicial blunder must be corrected.

If busing is justified for the sole purpose of achieving racial balance for youngsters in schools, then, by the same token, can we expect other compulsory schemes to be hatched for the sole purpose of achieving racial balance among adults, in residential areas? Where is the line to be drawn?

WHY PEOPLE OPPOSE BUSING

Busing is justified only when it is voluntary and is necessary in order to transport pupils to their own proper schools for educational purposes. Forced busing to which people are now subjected takes children for 5, 10, or even 20 miles away from their homes, often from schools across the street from where they live. When thus misplaced, the child cannot go home if he gets sick during the day. He cannot stay after school to rehearse school plays, take part in athletic events, or have special tutoring on weak subjects, because he would miss his bus.

The school day is tediously lengthened. Safety of children is endangered. Busing costs are astronomical. Disruption is rampant. In many instances the quality of education suffers. It simply does not make sense.

No wonder it is reported that not one child of any top official at HEW is bused. And several Senators who are candidates for President send their children to private schools.

WHAT CAN BE DONE ABOUT IT?

Now, what can be done about it? What remedies are available?

There are three possible solutions:

First. The Court could reverse itself.

Second. The Congress, under title II, section 2 of the Constitution, could limit the appellate jurisdiction of the Supreme Court in the field of teacher and pupil assignments—which I would favor.

Third. The Congress could by two-thirds majority pass a proposed constitutional amendment, which if then approved by three-fourths of the State legislatures would return to the American people their freedom from force in the matter of teacher and pupil assignment.

In regard to the latter, I am a cosponsor of House Joint Resolution 651, which would amend the Constitution by providing that:

> No public school student shall, because of race, creed, or color, be assigned to or required to attend a particular school.

In addition, there have been at least three other similar proposed amendments introduced. Only recently, after far too much delay, the chairman of the Judiciary Committee has announced that hearings on these proposals will be scheduled, early in the next session.

That committee can, if need be, be bypassed and a vote on one of the resolutions forced, if as many as 218 Members sign a discharge petition. There are four such petitions now pending. I have signed each of them. A total of 130 have signed one of them thus far.

Let us hope the President will come out in favor of the amendment, and that the leadership of both parties—believed to be favorably disposed—will do likewise. It is imperative that this amendment be submitted by the Congress and allow the State legislatures to ratify it. Such a move would forever resolve this issue.

DAVID PACKARD

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HÉBERT. Mr. Speaker, I would be remiss if I did not acknowledge the outstanding job Mr. David Packard performed as Deputy Secretary of Defense.

He and his wife Lucile underwent tremendous personal sacrifices in order to serve our Nation at a time when the Department of Defense was not a very popular place to be. But through Mr. Packard's leadership as the capable right-hand man of Secretary of Defense Melvin R. Laird, great progress has been made.

Personally, I have been around for 31 years and I would have to say that the reign of Laird-Packard will go down in history as one of the most outstanding. They came in when antimilitary feeling was high and war was raging in Vietnam.

But through dedicated efforts, our involvement in the war is practically over and the military is once again assuming it honored place in our society.

It is indeed encouraging to know that we have men like David Packard who will answer the call of his country and serve with distinction and excellence in a most complex and sensitive position.

During his 35 months at the Pentagon, I got to know Mr. Packard professionally and personally. I found him to possess and uncommon ability to get the job done, and I found his judgment to be of such a nature that it commanded trust and respect.

He was most helpful to me and my committee in the discharging of our duties by always presenting accurate and honest accounts on matters in which we were interested. His cooperation with the Congress is unsurpassed.

I felt compelled to express my gratitude to David Packard for his service to his country, and I know that all Americans who are aware of the job he did are grateful to him also.

As he once again dons the mufti of private life, I wish him and his wife my very best and say thank you for a job well done.

INNKEEPER OF THE YEAR

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BROWN of Michigan. Mr. Speaker, as we wind up the first session of the 92d Congress and see the end of 1971 just around the corner, I have occasion to reflect upon the year's activities and the people who did something worthy of note during the last 12 months.

Although it probably attracted little nationwide attention, a constituent of mine, Mr. Merrit T. Stephens of Kalamazoo, was named Innkeeper of the Year at the 16th annual conference of the Holiday Inns in Memphis, Tenn., late this year.

I have known Mr. Stephens for many years and cannot think of anyone who has been a more congenial, pleasant, and effective host than he. I would urge any of my colleagues who have occasion to be in the Kalamazoo area to drop in and meet Mr. Stephens at the Holiday Inn-Expressway, for I am sure that they would find him to be one who would be glad to be of assistance as he has been to all who have come his way.

In order that the details of his award and other personal data regarding Mr. Stephens can be available to my colleagues, I am incorporating in these remarks an article from the Kalamazoo Gazette. The article follows:

INNKEEPER HERE GETS HOLIDAY INN CITATION

Merrit T. Stephens, innkeeper at the Holiday Inn-Expressway, has been named Innkeeper of the Year in the neighborhood inn category for the worldwide system of 1,350 Holiday Inns.

Announcement of the award was made last week during the 16th annual conference of the Holiday Inns held in Memphis, Tenn.

Stephens has been associated with Holiday Inns since 1964, when he was named innkeeper at the Holiday Inn-Crosstown. When Holiday Inn-Expressway was opened early in 1967, he became innkeeper there.

Prior to becoming associated with Holiday Inn, Stephens was with the now-defunct Harris Motor Inn here, starting in 1959 as catering manager and later serving as resident manager.

A deacon of the First Congregational Church, he is active in professional and civic organizations, including the Community Chest and Michigan Week.

He lives with his wife and four children at Hickory Corners.

In related announcements coming out of the Memphis meeting, the Holiday Inn-Expressway was named one of the top 100 inns in the system and Shirley Castle, housekeeper at the Holiday Inn-Expressway, was named among the top 100 persons in such positions.

JERSEY'S CRISIS IN HOUSING

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. RODINO. Mr. Speaker, housing to many aware and concerned Americans is the No. 1 domestic problem in the United States. A critically short housing supply is a problem in every area of our country, and I am sorry to say in New Jersey also.

The Newark Star-Ledger recently ran an indepth series of articles evaluating the housing situation in our State. It is a highly informative, penetrating, and comprehensive evaluation of where we are and what we need to do in order to adequately house our people.

The series follow:

JERSEY'S CRISIS IN HOUSING

(By Robert P. Kalter)

New Jersey is failing to solve its housing crisis.

Although the problem was the subject of an urgent special message to the Legislature by Gov. William T. Cahill on Dec. 7, 1970, conditions have grown worse—not better—in the passing months.

More families than ever before are crowded into unsafe, substandard dwellings.

Inflation has increased the price of land, labor, materials, financing and taxes to a point where only those in the upper 15 per cent earning bracket can afford to purchase new housing, even the most modest models available on the market today.

Rents have reached an all-time high, while the shortage of apartments and rental housing grows more acute under the pressure of increasing population.

Root causes of the housing crisis—identified and discussed in patient detail by the Governor in his legislative message—remain unsolved and unimproved.

Among the causes cited by Cahill:

High cost of materials and labor.

High interest rates on mortgages.

High, nearly confiscatory local property taxes.

SHORTAGE KEEPS GROWING MORE ACUTE . . . DESPITE REPEATED URGENT WARNINGS

Local building codes.

Local zoning laws.

Inadequate federal involvement.

Those who have been studying the problem at the Governor's request are quick to concentrate their blame on the federal government. The complaint is two-edged.

On the one hand, the federal involvement in supporting new housing is pathetically inadequate; on the other hand, New Jersey is not receiving its fair share.

A key adviser to the Governor explained:

"New Jersey represents about 4 per cent of the national population, but at best we're getting about 2 per cent of the Department of Housing and Urban Development (HUD) commitment for federally subsidized housing, and about 7/10ths of 1 per cent of the Section 236 program of assistance on rental and cooperative housing for low-income and moderate-income families.

"Last year the federal government spent $68 billion for defense, $3.7 billion for space exploration and $375 million for low-cost housing.

"The overrun on Defense Department contracts was $10 billion alone. If this amount were used as a capital budget item, it could pay for 500,000 low income housing units. As part of a rent subsidy program, that sum would take care of 5 million new low-cost units."

During 1970, the Newark area office of HUD provided Section 236 rental assistance on 1,806 dwelling units with an estimated mortgage value of $21.7 million. During the first nine months of 1971, the assistance involved 732 units valued at $8.8 million.

HUD's subsidy program under Section 235, intended to encourage home ownership for low-and middle-income families through lower-than-market interest rates on mortgages (as low as 1 per cent), involved only 90 units during the first nine months of this year. The estimated mortgage value of these units was $1.6 million.

The Newark office appraised 22,982 homes during 1970 and endorsed 10,676 for FHA mortgage insurance. In the first nine months of this year, appraisals totaled 14,420 and endorsements for insurance were 9,444.

Critics of the FHA charge that the federal agency is failing to fulfill its responsibility because it is overly concerned with seeking risk-free loans and is not accepting enough borderline cases where greater risk is involved. The purpose of FHA, say the critics was to assume risks which banks, savings and loans and other mortgage-lending institutions would normally reject because of insufficient earnings or assets on the part of the borrower.

The Newark area office of HUD handles housing for the entire Northern New Jersey region, from Ocean County north, and includes the most densely populated counties of Essex, Hudson, Bergen, Union and Middlesex.

On the state level, New Jersey has been relying almost exclusively on one agency, New Jersey Housing Finance Agency, to encourage housing construction and rehabilitation.

But Cahill's housing advisers contend the state has limited resources and only the federal government can provide the massive assistance needed to solve the housing crisis.

But what of the other root causes of the housing shortage? Inadequate federal involvement was only one of six identified by the Governor.

In his special message, titled "A Blueprint for Housing in New Jersey," Cahill told members of the Legislature:

"For the past several months, I have met frequently with . . . state officials, with builders and realtors, with federal and state officials charged with responsibility in the field of housing and mortgages, with mayors, with labor leaders, with planning and zoning officials and many other outstanding citizens of our state.

"The purpose of these meetings was to discuss the crisis in housing to ascertain the causes, and to seek solutions to the problem. All who attended these conferences were in agreement that a crisis indeed existed. Let me briefly summarize that crisis.

"As we all know, New Jersey is the fifth smallest state and yet continues to be the most densely populated of all the states in the nation today. With a total land area of approximately 4.8 million acres, New Jersey has an approximate population of 7.2 million with experts predicting a population increase to 10 million by 1985.

"The population of our state grew by approximately 20 per cent in the past decade. Unfortunately, however, housing has not kept pace with that growth. According to reliable statistics, we require 100,000 additional housing units each year, but actually are building only 40,000. Thus each year we find ourselves with 60,000 less units that are absolutely required.

"No words of mine are necessary to indicate the catastrophic proportions which will be reached in years to come unless some solution to the housing shortage is found today!

"In addition, I need not point out to you the deterioration of the older housing, particularly in our cities, which is proceeding at an alarming rate. In Newark, for example, one-third of the housing was substandard in 1960. The figure is now estimated at 45 per cent.

"In our other cities, the pattern is similar and, members of the Legislature, deterioration is not only in the cities but, as you know, there are pockets in our suburban communities, and it is particularly pronounced in our poor rural areas.

"Because of inadequate housing, rents have skyrocketed. Few single family dwellings are available for renters and all livable apartments are in great demand."

For the full 1970 year, Newark issued building permits covering the construction of 26 new dwelling units at an estimated cost of $165,000, according to official city records.

During the same year, 1,181 dwelling units were demolished, leaving a net loss of 1,155 units in a city that began the year with a desperate shortage of housing.

In the same period, an untabulated number of dwelling units deteriorated from acceptable to substandard levels, it was pointed out by Newark building inspectors.

Thus far in 1971, developments provide no cause for comfort or optimism.

Building permits for 27 new dwelling units, valued at $170,000, were issued between Jan. 1 and Oct. 1, while demolitions reduced the housing supply by 575 units—a net loss of 548 units during the nine-month period.

The building inspectors point out that no new major projects were initiated in 1970 or 1971 and that any which may be launched in the coming year or so will not be ready for occupancy for two or three years after preliminary plans are approved.

Despite the grim picture, Newark is better off than many other municipalities in one aspect. It has a number of choice sites cleared and available for construction under urban renewal projects that have been stalled for years.

A 1969 survey by the state showed that 6,229 housing units had been removed for urban renewal—4.6 per cent of the total Newark housing supply—and that only 2,134 units were constructed to replace them, a net loss of 4,095.

A year earlier, the Governor's Select Commission on Civil Disorder reported that "Negroes cited 'bad housing conditions' most often when they were asked to choose among 15 possible underlying causes" of the 1967 Newark riots.

"A related issue—overcrowding in Negro areas—was seen by 49 per cent of Negro respondents as having had a great deal to do with causing the riots," the report said. "Asked to list what they considered Newark's most serious problem, 37 per cent of the Negroes mentioned housing. It was topped only by high living costs (44 per cent)."

Following the riots, a community umbrella group, the Newark Citizens Housing Council was created and assigned majority membership on a task force to be made up of representatives of HUD, the State Community Affairs Department and the Newark Housing Authority.

The task force was given the authority to "prepare a housing program designed to produce sufficient housing to meet the demand created by projected dislocation in Newark (resulting from the land needs of the New Jersey College of Medicine and Dentistry), as well as to add significantly to Newark's supply of low and moderate income housing."

Some 68 acres of urban renewal land were to be conveyed to community-based corporations by the NHA "as soon as these corporations are formed and selected by the broad-based community 'umbrella' organization," according to an agreement reached with the Newark Housing Authority.

The agreement was signed March 1, 1968, and the task force was to report "within three months of its formation."

It was not until January, 1970, however, that the Citizens Housing Council was able to organize. And to this date, ground has not been broken for a single project.

Donald Hairwood, deputy director of the Newark Housing Council, said "three projects are ready for commitment" and should be underway within a month.

Combined they will provide 262 dwelling units, about half the 575 units demolished in Newark during the first nine months of this year. The projects ready for commitment, Hairwood said, are Medical Heights, to provide 46 rehabilitated units; Prince Hall, to provide 46 new units of 3-to-5 bedroom apartments, and New Hope with 170 units.

Hairwood said other new projects are in the planning stage.

Last week Mayor Kenneth A. Gibson disclosed that his administration is exploring the feasibility of 10,000 new dwelling units in a town-within-a-town near the center of Newark. The project would include high-rise, and low-rise apartments, town houses, light industry and commercial facilities.

The state, meanwhile, is falling far short of the projected requirement of 100,000 new units which the Governor cited.

Figures from the New Jersey Department of Labor's Planning and Research Division show that 39,897 building permits were issued in 1970, a modest increase over the 36,897 units covered by permits issued a year earlier, but less than the 43,661 units in 1968 and far below the 68,078 units of 1964.

During the first seven months of this year, permits were issued for 23,437 units, compared to 19,270 in the same 1970 period, an increase of 22 per cent. This is about the same increase registered nationally, although officials in New Jersey agree that the housing problem in this state is more acute than elsewhere.

What does this mean to New Jerseyans?

Gov. Cahill in his special leigslative message last December described it this way:

"Most young married couples are prohibited from purchasing a home because of existing housing prices. Huge segments of our work force, although earning more today than ever before, are confronted with the same problem.

"Our senior citizens living on fixed incomes cannot continue to pay the spiralling property taxes on their homes, nor the high rental cost of an apartment, if any at all are available.

"These people, the young and the aged, the teacher and the mechanic, white and black, are thrifty and respectable citizens, yet they are foreclosed from decent and adequate housing at a reasonable cost in areas of their choice.

"The reason is obvious. There is a complete inadequacy of single and multifamily dwellings, and the law of supply and demand is raising the cost of existing housing out of the reach of the average man. So the problem is present, and it is critical!"

Cahill said that because of the complexity of the problem and the Legislature's timetable, he was offering no specific proposals. Instead he promised to appoint "a highly selective committee" to work with the Department of Community Affairs' staff "to prepare recommendations for a new state building code . . . and to develop a New Jersey plan to insure available land for the construction of low income and moderate income houses and apartment construction throughout the entire 21 counties of our state."

He also placed great emphasis on the need for quick action on a proposed Land Use Law to expedite local development "by untangling the problems involved in obtaining approval of subdivisions" to make small lots available for housing construction.

"Hopefully," the Governor said, "by eliminating unreasonable procedural gimmicks and barriers, this bill will permit private builders to initiate the building process more expeditiously. Thus, the Land Use Bill will provide some immediate relief for the present, pending the development of a more comprehensive revision of all aspects of New Jersey's housing program and legislation."

The bill was introduced early this year but has remained buried in committee.

Construction costs, meanwhile have been rising at a rate of approximately one per cent per month in New Jersey since Gov. Cahill's inaugural address of Jan. 20, 1970, when he said:

"Our housing shortage, particularly in the low income and middle income fields, is incredible, and no peace will ever come to our cities unless dramatic improvement is made in the field of housing in the immediate future . . . We must, in a word, be doers—men of ideals, but also men of action."

Jersey Housing Crisis—Builders Fighting an Uphill Battle . . .

(By Robert P. Kalter)

Private developers and builders have been waging an uphill battle in the fight to construct new dwelling units and end New Jersey's critical housing shortage.

Philip J. Cocuzza, executive vice president of the New Jersey Building Association cites governmental indifference as a major factor in the failure to produce adequate housing.

Walter R. Cohn, a Newark attorney who has been active in organizing several successful non-profit, community-run rehabilitation projects, blames governmental bureaucracy.

Arthur H. Padula, who has constructed more housing in Newark than all other developers combined since the end of World War II, says the villain is governmental hypocrisy.

All three—together with almost all others associated with the building industry—are discouraged by the lack of positive action by the state and federal government to resolve the housing crisis.

Cocuzza candidly admits that many of his organization's proposals are self-serving, but he insists that if they are implemented they will produce the desperately needed housing.

"They can also bring about substantial reductions in the cost and carrying charges of a house," he adds.

This is particularly significant today because builders estimate that only the upper 15 per cent of the population can afford to buy new housing because of inflated labor and material costs, high mortgage rates and prohibitive property taxes.

Without subsidies, 85 per cent of New Jersey's families are out of the new-home market, he emphasized.

A man earning $12,000 a year, Cocuzza explained, has about $250 monthly available for housing. Taxes will take about $100 monthly, leaving $150 a month for mortgage payments.

At today's going rate of 7½ per cent, $150.50 per month would pay off a $21,500 mortgage over 30 years.

Cocuzza said, "it's just about impossible to put up any kind of a decent house in North Jersey today for less than $40,000." In South Jersey, where land and labor costs are lower, he said an average house could be built for about $27,000.

In North Jersey, therefore, a potential buyer would have to put up $18,500 in cash to keep his mortgage within manageable limits. The comparable wage earner in South Jersey would need a down payment of $5,500. Even this sum is difficult for most families to accumulate, particularly at today's high rentals.

"What the average wage earner needs is a 90 per cent loan at 4 per cent for 40 years, but there is no such animal," Cocuzza said.

Al Brown, president of the association, and Frank Farinella, president of the Metropolitan Builders Association, estimated that between $5,000 and $10,000 could be deducted from the average $40,000 new home if their recommendations are adopted for building code changes, relaxed zoning laws and improved financing.

They urge a single building code for all municipalities in the state in place of the hundreds of individual codes presently in effect. A single change in the code to permit plastic pipe, they said, would reduce the cost of a house with 2½ baths by $1,200 to $1,300.

Zoning laws restrict the use of land, creating an artificial shortage, they said. This makes land available for housing more scarce and artificially raises the value, and land represents about one-third the cost of a new house.

Brown and Farinella both have urged that 30 per cent of the money in state-administered pension funds be made available for reduced-rate mortgages.

New York made its pension funds legal for mortgage investment years ago and millions of dollars have been used to pay for housing projects in New Jersey.

Although builders have been urging New Jersey to follow New York's example, officials here have consistently resisted such action, even in the face of 1969's severe tight money crunch, when new housing starts reached their lowest volume of the decade.

As for the property tax situation, the New Jersey Builders Association believes this is the No. 1 cause of the housing crisis.

Cocuzza explained that under the present system, real estate taxes finance local government, and as a result "municipal officials tend to reject all kinds of housing"—single-family and multi-family alike—in favor of commercial and industrial properties that don't add to school costs and require only minimal local services.

"Many municipalities," Cocuzza said, "have totally zoned out future development." Others have resorted to exclusionary zoning, outlawing apartments or garden apartments, or insist upon minimum building lots of one or more acres.

Additionally, the association feels that state officials have failed to understand the nature of the building industry, and that this failure has aggravated the housing crisis.

Cocuzza points out that the New Jersey Housing Finance Agency (NJHFA), which was created in 1967 to expedite construction of multi-family dwellings, is operating under ground rules that exclude all but a few of the 3,000 builders in the state.

"The average builder builds less than 20 units a year," Cocuzza said. "If each one could be encouraged to build just 10 additional units, it would mean an additional 30,000 units a year. A garden apartment is nothing but a big house, and these builders can all construct garden apartments. But the NJHFA has restricted its operations to high-rise apartments, which only a small segment of the building industry can handle."

The association is also concerned about permanent and irreversible damage if the State Department of Environmental Protection goes ahead with a planned building moratorium in Monmouth, Ocean, Burlington, Atlantic and Cape May counties.

Environmental Commissioner Richard J. Sullivan, who has been meeting periodically with the builders, has indicated that the moratorium is needed in the absence of satisfactory sewage treatment facilities in the undeveloped acres of this five-county area.

Builders point out that most of the building in the state has been going on in this area and if it is stopped many of them will be forced out of business forever, because they will lose their skilled help during any prolonged layoff.

They also note than any moratorium of this kind will intensify the housing crisis.

"Our position on this is quite simple," Cocuzza said. "We certainly do not object to cleaning up the environment but we are not going to rectify in three or five years the havoc we have brought upon ourselves in 40 or 50 years.

"What we would recommend is that some interim measures be allowed so that in our efforts to clean the environment we do not destroy the residential development industry."

Cocuzza said the state seems to favor regionalization of sewerage control and suggested that "additional legislation is necessary to accomplish it."

"At the current time," he said, "the commissioner of Environmental Protection basically has only negative powers. He can tell communities that they cannot do this, that or the other.

"But the commissioner has no real statutory power to force the municipalities to regionalize. This is where the entire program is currently breaking down."

Cocuzza said the state also was working against itself, and its desire to develop more housing, in its imposition of sales taxes.

"Food and clothing are exempt," Cocuzza said, and "it is inconsistent not to exempt shelter, which is certainly a basic necessity of life."

He said the sales tax increases the cost of housing, that this increase must be passed along to the buyer and the buyer pay for it, at 7 per cent or 7½ per cent interest, throughout the life of the mortgage.

He noted also that developers were being required to put in streets, sidewalks and curbs as part of some of their building projects. Where this is done, the builder must pay a sales tax on the materials and labor, even though it is for the benefit of the municipality. If the municipality undertook the project, it would be tax exempt.

Here again, Cocuzza emphasized, the added cost is passed along to the purchaser of the house.

In illustrating bureaucratic delays in the housing field, Cohn pulled out massive files of forms, statements, affidavits and other documents required by the Federal Housing Administration (FHA) for a rehabilitation program which he initiated in August, 1967, and which the State Department of Community Affairs supported with a $30,000 loan for land options and architectural fees.

The project involved seven apartment houses with 221 dwelling units in East Orange, under the sponsorship of a non-profit corporation whose trustees include the Rev. William Bailey of Calvary Baptist Church, a housewife-teacher, a department store assistant buyer, a welfare case worker, a retired businessman and a school teacher.

"The FHA has forms you never heard of," Cohn observed. "It took nearly two years to get the paperwork processed and would have discouraged most people. But the trustees were unusual and dedicated people and they stuck with it, even though they had never owned or managed a piece of real estate in their lives."

Another project which Cohn initiated at 98 Clinton Avenue, Newark, provided for the rehabilitation of 13 dwelling units and a store. He said this one took three years to process with FHA.

"The advantage of rehabilitation is that once you get started, you can move families in in five or six months," he said.

"Unfortunately it takes two or three years to get started, he said. "There's no sense of urgency about the housing crisis with FHA officials."

Padula, who has completed more than $58 million worth of housing since World War II in Newark, Jersey City, East Orange, Perth Amboy and Long Branch, says that on the state level there is "too much hyprocrisy" in seeking to solve the housing shortage.

He points out that a simple act of the Legislature is all that is needed to eliminate the building code mess and substitute a single statewide code.

He questions the sincerity of the Legislature in creating the NJHFA because it refused to place the full faith and credit of the state behind the bonds the agency would be obliged to issue.

Denying the faith and credit of the state means higher interest rates to be passed along to tenants.

He charged also that the NJHFA was actually developing little or no new housing, but was merely helping to expedite housing units approved for the state under federal housing programs.

The state, said Padula, "ought to be taking an active role in augmenting federal programs by initiating parallel state programs, on a matching basis. If the federal government makes 5,000 units available under mortgage subsidies, the state ought to make an additional 5,000 units available with the same financial assistance. Instead, the state is simply helping to process half of the federal commitment and is putting no fresh money into the program."

Similarly, Padula noted that the New Jersey Mortgage Finance Agency, created early in 1970, could have been "far more effective" in helping to stimulate housing.

The agency marketed its first bonds, $36.7 million worth, in mid-October, again without the full faith and credit of the state behind the issue.

Gov. Cahill pointed out that the bonds will provide financing for at least 1,750 homes for individuals in the $7,500 to $12,500 a year income bracket at mortgage interest rates of no more than 6.8 per cent.

"This is a dramatically low rate compared to the present market rate of 7½ per cent for conventional loans and 7 per cent for FHA and VA loans," the Governor said, in announcing the sale.

Padula noted that the net interest cost to the agency is 4.53 per cent and that the mortgage money could have been made available to potential homeowners at this rate if the state agency made the loans directly in-profits permitted to the private financial institutions for processing.

"Would-be homeowners will save 2-10ths of 1 per cent on an FHA or VA mortgage although they will be charged 2.27 per cent more than the state agency paid because of profits permitted to the private financial institutions," he said.

In other words, the savings on a $10,000 mortgage is $1.30 per month or $408 over 30 years. But if the agency made the loan available to the public at its cost, the savings on a $10,000 mortgage would be $15.70 monthly or $5,652 over 30 years.

HOUSING CRISIS: STATE OFFICIAL SEES A BETTER BUILDING "CLIMATE"

(By Robert P. Kalter)

Charles F. Reynolds Jr., who is completing a six-month assignment as New Jersey housing coordinator for Gov. William T. Cahill, told the Star-Ledger that he now views the state's housing situation "with practical optimism."

The 52-year-old Reynolds, a vice president of Prudential Insurance Co., has been on the job since June 1 as a special assistant to the Governor, coordinating New Jersey's various housing programs, studying the state's varied housing problems and recommending solutions where possible.

He has scaled down the estimated minimum housing needs of the state by 15,000 units a year.

In a special message to the Legislature last December, Cahill said that New Jersey requires an additional 100,000 housing units annually.

Reynolds, however, said he believes the state needs only 85,000 dwelling units a year. Through the first seven months this year, building permits were issued for 23,437 new units, a rate that indicates the state will produce less than half the desired quota of 85,000.

"I do not predict that by the end of 1971 we will be up to our necessary annual production rate of 85,000 units," said Reynolds, who headed Prudential's Washington, D.C., real estate investment office prior to becoming vice president in charge of real estate investment for the insurance company.

He said he based his practical optimism on the fact that as housing coordinator "I have found what I consider very strong effective forces at work to accelerate housing production."

"There is," said Reynolds, "a real dedication to action at every level of government—by trade groups associated with housing, such as the builders associations and banking associations.

"All of us involved in housing concede that it is necessary to provide an acceptable building climate in order to take the necessary giant steps to provide good housing in New Jersey."

Reynolds said he has been forwarding suggestions and recommendations to the Governor on almost a daily basis since he began his study "and there is no need for any voluminous report from me."

"One of the prime things that I have tried to accomplish," he said, "is to strengthen the working relationship in the housing sector between the state government and the municipal governments and between the state government and the federal government.

"Hearings are presently being conducted in Washington on several housing bills. One very essential piece of legislation is a 'Consolidation and Simplification Act' that will streamline the myriad of federal housing programs.

"In addition there is pending both an Administration bill and the Patman Housing bill, both of which for effective implementation will require a much greater effort on the part of the state. In order to take full advantage of benefits provided by the pending legislation, it will be necessary for our state housing organization to beef up its organization to beef up its organization."

He said that the NJHFA "has already made considerable impact in providing apartments for low and moderate income families as well as housing for the elderly. As this agency has begun to prove its effectiveness, it is getting a larger share of the FHA 236 interest subsidy money that is essential for its operation in the law and moderate income housing field."

Latest figures from the NJHFA show that as of Oct 15, 4,209 units were authorized this year, bringing to 8,506 units the authorizations since the establishment of the agency in 1967.

John P. Renna Jr., executive director of the NJHFA, said the agency has before it projects that involve more than 25,000 more units in various stages of planning.

Eleven projects with 2,548 units have been opened and by the end of the year an additional project will be ready for occupancy, with 210 dwelling units.

Renna said the agency is hoping to reach a goal of 8,000 to 10,000 units a year "but that all depends on rent and interest subsidies from the federal government."

Harold Sarshik, a builder from Cherry Hill who serves on the NJHFA, said that at the present time there is "no national commitment for housing and that's really the problem."

Present FHA rent and interest subsidy programs are admittedly inadequate to meet the existing demand, according to local FHA officials. Nationally, about 22 million families are eligible for subsidies, but funds are available to accommodate about one-third of this number.

The FHA program to make possible home ownership by low-income families also has run into serious problems in Newark, where about 200 houses have had to be repossessed, according to officials, because even the reduced payments could not be met.

One family found itself with a broken boiler some months after moving into a house on Seventh Street. There was no way the family could accumulate the money necessary to make the repair and repossession was unavoidable.

FHA officials said the program appears to be working better in other areas, where new homes are being built. In Newark, existing housing is involved and it is difficult to predict repair needs.

Reynolds said that in addition to the NJHFA, the New Jersey Mortgage Finance Agency, created early in 1970, "will considerably strengthen the state's housing market."

He said it acts as a source of mortgage loan funds for banks and savings and loan associations. Recently it marketed its first bonds "and will assure a more steady supply of mortgage loan money to home buyers." At least one builder, however, has criticized the agency for failing to make loans available to would-be homeowners at meaningful savings.

New Jersey, Reynolds said, "was fortunate in having one of its cities, Jersey City, selected as a site for Operation Breakthrough," a federally funded project to research and perfect industrialized construction techniques.

Some 400 apartment units are to be produced in Jersey City by four different industrial methods to see whether savings in time and money can be achieved. The first units are scheduled for occupancy in June, 1972.

Newark, meanwhile, was selected as one of 20 cities for the pilot operation of Project Rehab, backed by the full resources of the federal Department of Housing and Urban Development.

Project Rehab hold a lot of hope for our older cities," Reynolds said. "One of the obvious advantages of rehabilitation versus the bulldozer approach is the circumventing of the trauma that results when hundreds of families are displaced during a bulldozer operation before new units can go into place."

Walter R. Cohn, a Newark attorney who has succeeded in planning and completing a number of rehabilitation projects in Newark and East Orange, says that with existing federal subsidy programs he has been able to provide one-bedroom apartments in East Orange for $119.79 a month, including gas and electric, and in Newark for $112.51 to $121.91.

In his newest project at High and Spruce Streets, Cohn is completely renovating abandoned apartment houses which eventually will be turned into cooperatives. Some of the units contain five bedrooms and will rent for $167.62, including gas and electric.

This compares with the $327 monthly rent which tenants will pay for a two bedroom apartment in the Paulus Hook development in Jersey City, a project approved by the New Jersey Housing Finance Agency earlier this year.

"Rehab is not the answer to New Jersey's long-range housing needs," Cohen insists.

"But it is a worthwhile expedient to provide quick, low-rent units in urban areas where the housing shortage is most critical."

Housing Crisis: Planned Cities, Statewide Code May Offer Hope

(By Robert P. Kalter)

Governor Cahill's Housing Task Force has completed work on a proposed law to give New Jersey a single statewide building code.

Harry Bernstein, Plainfield attorney and task force chairman, said a draft of the bill has been turned over to the attorney general's office for a legal review before its submission to the incoming Legislature in January.

He said the bill calls for the appointment of a committee to adopt one of the existing national building codes as the state code.

The measure provides a mechanism for periodic updating, he said, so that new money-saving materials and methods can be authorized without prolonged delays.

Bernstein said a provision for the training of building inspectors also is included in the bill.

The lack of uniformity of code requirements and enforcement from municipality to municipality has been severely criticized by Paul J. Brienza, managing director of the New Jersey Building Contractors Association, and Philip Cocuzza, executive vice president of the New Jersey Builders Association.

Under existing practice, code requirements are enacted by local officials who may know absolutely nothing about construction, and are enforced by inspectors who may have little or no experience in the many skills involved in the building industry.

Moreover, these inspectors are known to have overruled nationally famous architects and qualified engineering consultants on questions of safety and esthetics, especially in the smaller municipalities. And for years there have been rumors of payoffs in connection with code enforcement.

A previously published Star-Ledger special report on the subject pinpointed these and other abuses and deficiencies associated with the content of building codes and the effort to achieve compliance.

"Frankly, we can think of no real reason other than politics, why we do not have a statewide, uniform, mandatory, performance type building code in New Jersey," Cocuzza said.

Speaking for his association, he added:

"We have been informed that of the 567 municipalities in New Jersey we actually have some 616 codes. Yet there exist four major model codes in this country today which could easily be adopted and used by the state.

"These codes, firmly based on research and engineering study, are administered by experts in their fields."

Under the proposed legislation one of these codes would be selected for New Jersey, according to Bernstein.

Cocuzza said that some municipalities create additional problems for builders by establishing ratios for one- and two-bedroom units in their building codes or zoning laws applicable to multi-family housing.

"As an example," he said, "many communities incorporate the concept that all multifamily housing must contain 80 per cent one-bedroom and 20 per cent two-bedroom units.

"This ratio, to the best of our knowledge, has absolutely no basis in fact and the continued use of it as a part of building codes or zoning codes must be abolished. There is no good reason why three-, four-, and even five-bedroom apartments cannot be built. The family that requires more than two bedrooms and does not wish to live in a house should, in all good conscience, have this option open to them."

Cocuzza noted that the court's had thrown out Glassboro's multi-family building code because it did not intend to protect the health and safety of residents "but actually was an attempt to restrict the construction of multi-family dwellings."

He also pointed out "another restrictive practice that is growing in communities around the state"—the establishment of a minimum square foot requirement per dwelling unit.

Cocuzza said there is no objection to a reasonable minimum but to "totally unrealistic figures." He said there are "certain communities in New Jersey that have a minimum square footage requirement of 2,000 square-feet or more. Translated into sales price, this means the minimum house that can be built in that community is upwards of $60,000."

Lowering the minimum, he said, would have the beneficial effect of increasing the production of lower-priced homes. He predicted that lower minimums could easily increase production of homes in the $25,000 range by 20 per cent.

He noted that "many apartments today do not exceed 900 square feet and the inhabitants are quite comfortable. Minimums of 2,000 square feet and more the rather transparent attempts at eliminating developments in a given community."

Bernstein said the Governor's Housing Task Force has been looking into this problem as well as the building code and that a new land use bill, prepared by an ad hoc committee of experts "is nearly completed and should be ready by the end of the year."

He said it is intended to modernize all land use and zoning laws in the state—a subject that has proved extremely controversial in the past because of its inherent encroachment on home rule.

"We already have 148 pages of findings," Bernstein said.

"One of the special features of the bill would be the modernization of Planned Unit Development (PUD) provisions within constitutional limits."

The committee will also have recommendations about adequate housing by areas, the relationship between housing and employment opportunities, environmental limitations and state taxes, Bernstein said.

"We are attempting to complete our work so that a final report to the Governor can be given in time for him to incorporate its findings into his annual message to the Legislature in January," Bernstein said.

Indications from members of the task force are that the land use bill will be a weaker version of the Administration's Land Use Planning and Development Act, introduced earlier this year and never acted upon.

That bill, which was being prepared in the Department of Community Affairs a year before Gov. Cahill took office, was in turn weaker than one favored by the previous administration of Gov. Richard J. Hughes.

One of the controversial features of the Cahill measure was the provision that municipalities would be required to take into consideration the official plans of adjacent municipalities, the county and the state. Opponents promptly attacked this as a threat to home rule.

In his special message on housing, Cahill hit hard at the abuses in municipal zoning and planning—such as excessive minimum lot size, prohibition on multi-family dwellings, excessive floor space, industry in one municipality adjacent to residential neighborhoods in the next town.

"Whatever the reason for the perversion of zoning and planning laws that exist today," Cahill told the legislators, "I am convinced that we cannot afford the luxury of continuing the status quo in this area. My purpose today is not to condemn the 'home rule' concept in relation to land use. My purpose is to warn you that the system is failing. It is failing because it is not meeting the needs of all our people. Its failure is demonstrated continually by the court decisions which are becoming increasingly more aggressive and rapid in striking the abuses presently existing in zoning and planning fields."

The Governor emphasized that the objective of the state's Municipal Zoning Enabling Act "was local control of zoning and planning for the purpose of effecting the public good" and that it "never contemplated prohibition in lieu of regulation nor the welfare of the few in place of general welfare."

Noting the trend of court decisions, Cahill said that in his judgment "if the abuses are not eliminated forthwith, if the original concept of zoning and planning is not resurrected, the day will come when local zoning and planning will be nonexistent."

Since that message, the courts have continued chipping away at local barriers. Last month, for example, Superior Court Judge David Furman struck down the zoning law in Middlesex County's Madison Township on grounds that its minimum acreage requirement ignored the housing needs of the region.

Several members of the Governor's Housing Task Force are now convinced that the courts will beat the Legislature in resolving the land use controversy.

And almost all of the members are convinced that resolution of the problem will open the door to PUD projects, which they feel holds the answer to New Jersey housing crisis.

A PUD is a "Mini New City" that contains housing, industrial buildings, offices, shops and commercial facilities, schools and recreation centers—a city within a city.

Herbert Kendall, developer of Twin Rivers, said they are far more economical to build than conventional housing projects, which means that purchasers receive more home for each dollar, or pay fewer dollars for a comparable home.

He said that balanced planning eliminates the tax problem that municipalities fear.

At Twin Rivers there is a built-in mix of families with school-age children, the elderly with no families, the young-marrieds with no children or pre-school youngsters, Kendall explained. This holds to a minimum the cost of providing municipal services and makes the location more desirable to industry and commerce, whose ratables help hold down the tax rate for all.

Efficiency units in garden apartment buildings and condominiums for the elderly control the number of children. There are also town houses with two to four bedrooms each, and one-family houses with three and four bedrooms.

Kendall said that 1,500 units had been built and sold and another 1,500 units are planned. About 45 per cent of the residents come from the immediate area, and industry is beginning to learn that it must be close to available housing for its workers when it moves from urban locations, or it will suffer a labor shortage, Kendall said.

A member of the Governor's Housing Task Force, Kendall said that a typical one-half acre lot in New Jersey today costs $12,000 "but with the economies and site-planning advantages of PUD, we come in at $3,000 to $3,500." He said this means that families with an income of $7,000 can afford to live in a Twin Rivers apartment and those with $11,000 or $12,000 in annual income can afford to own a home.

He said there are 14 PUDs in various stages of planning in the state at this time, but his is the only one underway.

He predicted that in the next 25 years, New Jersey would have three New Cities with populations of 150,000 to 200,000 each, with one in North Jersey, one in Central and the third in South Jersey. He said the Ford Foundation and Rockefeller Foundation are making funds available to encourage planned new cities. The federal government also is encouraging such projects, he said, and "their coming to New Jersey is inevitable."

Kendall also predicted that "a minimum of 30 PUDs with populations of 10,000 to 25,000 will be built in the state by the year 2000.

Almost everyone agrees that there are more PUD projects and New Cities in New Jersey's future—if zoning, land use, building code, property tax and finance problems can be solved by the 1972 Legislature, and if environmental protection barriers can be removed where they now exist and avoided where they do not.

In the meantime, the problems—and the housing crisis—remain.

FORMER UKRAINIAN PREMIER VISITS BUFFALO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. KEMP. Mr. Speaker, the Lackawanna Front Page, a newspaper which reaches my district, recently printed an article by Gerald T. Leahy concerning the visit of former Prime Minister Yaroslav S. Stetzko of the Ukraine to Buffalo, N.Y.

Mr. Leahy's account is a deserving tribute to a great freedom fighter, Prime Minister Stetzko, whose personal valor and patriotism are a glory to the Ukrainian people.

Under leave to extend my remarks I submit the following article for inclusion in the RECORD:

PRIME MINISTER WITHOUT A COUNTRY

(By Gerald T. Leahy)

Yaroslav S. Stetzko visited Buffalo last Saturday. Two plainclothes policemen guarded the entrance to the Governor's Suite on the mezzanine of the Statler Hilton Hotel. A big, nervous looking, foreign born man greeted your correspondent, and ushered him to a portable bar installed for the occasion. Doctor Edward M. O'Connor, a peripatetic Buffalonian who has learned to walk with kings and never lose the common touch, introduced us to the guest of honor, Yaroslav S. Stetzko. We shook hands. Then he was introduced to Deputy Mayor Stanley Makowski, and we excused ourselves to order cognac on the rocks.

A small group of well wishers and curiosity seekers filed into the room. A lady reporter arrived. A television cameraman. A psychiatrist and his wife. Two boys and a girl identified as Young Americans For Freedom. A lawyer from Cheektowaga. A lawyer from the Veterans Administration. Two sharply dressed young men who were apparently Americans of Slavic origin. A coterie of middle aged, heavy set men with very serious demeanors.

The hotel staff set up a table of hors d'oeuvres—stuffed salami canapes, hot meatballs in sauce, chicken livers wrapped in bacon. After sampling these goodies and engaging in small talk, we were seated to hear a formal address by the guest of honor.

The proceedings commenced with an official welcome to the city delivered by the Deputy Mayor. This was concluded when Mr. Makowski presented Mr. Stetzko with one of those dumb bisons that are turned out on an assemblyline in Italy.

Mr. Stetzko then spoke for about 25 minutes. Channel 2 then summoned him into the corridor for a television interview. We all had another drink. He returned to answer questions from the audience. Twenty minutes later, it was all over.

Yaroslav Stetzko would return to his quarters in the Presidential Suite to rest before attending an evening reception at DNIPRO, the Ukrainian Home on Genesee Street. Later he would visit Toronto, where presumably much the same thing would occur. Then he would journey back to London, where he conducts a publishing enterprise, and finally home to Munich, where, in a modest house, he plots the dissolution of the Soviet Empire.

Who is Yaroslav Stetzko? He is a mild mannered, sober, little man, who dresses in black and has incredibly gentle eyes. He is an economist and author, who speaks five languages well. He is a balding intellectual whose right hand busies itself with one of two pairs of spectacles which he carries, while he converses. His left hand is never busy because his left arm was smashed by Gestapo bullets in Prague in 1944. He is a world traveler who has visited Taiwan, South Vietnam, Australia, Thailand, Hong Kong, Singapore, Turkey, Japan, the Philippines, Canada, Mexico, the United States, England, Germany, Austria, Czechoslovakia and the Scandanavian countries. He is a wanted man having been arrested by the Russians in 1930, 1932, 1933 and imprisoned by them in 1934, and in recent years been the target of three assassination attempts by the Soviet secret police.

He is personally a victim of Nazi tyranny, having suffered four years of incarceration in a Nazi concentration camp. At the moment, Yaroslav S. Stetzko is the President of the Central Committee of the Anti-Bolshevik Bloc of Nations, the Chairman of the European Freedom Council, and Vice President of the World Anti-Communist League.

In 1941 Yaroslav S. Stetzko was Prime Minister of the Ukraine. His motto then, as now, was: "Freedom for every nation and social justice for every human being."

Thirty years is a long time. Many of us forget. Or cease to work and hope. But Yaroslav Stetzko, the Prime Minister without a country, hasn't forgotten, nor has he stopped working or hoping for freedom and justice to be restored to his people, and all the peoples subjected by the vicious terror and tyranny of Russian imperialism. The 40,000 Americans of Ukrainian descent on the Niagara Frontier can take comfort in the knowledge that this indomitable leader of their mother country, has never faltered in the commitment he made in the springtime of his life to his oppressed countrymen.

The few people who gathered at the Statler last Saturday were honored to be in the presence of a true patriot, a rare thing nowadays.

TECHNOLOGY ASSESSMENT AND THE BRAVE NEW WORLD OF THE FUTURE

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McCORMACK. Mr. Speaker, I should like to bring to the attention of my colleagues an article entitled "Technology Assessment and the Brave New World" by Colorado State Representative Richard D. Lamm who is minority leader of that house. Mr. Lamm raises very serious questions about the relationship of technology to a free society. I hope all the committees concerned including my own committee, Science and Astronautics—of which I am privileged to be chairman of the Energy Task Force—address themselves timely to these issues. I would not want to fail to point out that this important piece was brought to my attention by Mr. Carl Pope of Zero Population Growth, Inc., here in Washington, D.C.:

TECHNOLOGY ASSESSMENT AND THE BRAVE NEW WORLD OF THE FUTURE

(By Colorado State Representative Richard D. Lamm)

"Technology" is one of the most important words in the twentieth century vocabulary. It promises to bring a cornucopia of benefits to mankind, and simultaneously solve by more of the same any problems caused by the production of those benefits. It is the twentieth century equivalent of the miracle of the loaves and fishes.

Scientists, technicians and the public at large react defensively to any criticism or questioning of technology. The profound cliche goes "Technology is not bad itself; it's what we do with it." Any interference with "seeking for truth" is unthinkable, any problem "caused by science will be solved by science."

It is not quite that simple. Mercury pollution, radiation, detergents, insecticides, asbestos, air and water pollution—all have recently shown there is another not-so-pleasant side to technology. We are finding that there are many subtle but potentially far-reaching toxic insults which we are releasing into our atmosphere, adding to our foods, spreading on our farmlands, produced directly or indirectly by our industries. We are sweeping at an accelerating pace into an unknown future sustained by a new blind faith in science and the thin straw of hope that we will be as successful in the future as we have been in the past.

There is another facet to the complexity. Recent advances in biology, genetics, and medicine show us that biomedical technology might hold the biggest surprises of a surprise-filled future. The next twenty years may well see the laboratory fertilization of humans, pre-determination of the sex of unborn children, control of aging, development of an artificial placenta, asexual reproduction of human beings (cloning), the production of animal-human hybrids (chimera), genetic surgery, drugs to modify behavior. The list of immediately recognizable "advances" is awesome; the possible unknown or unrecognized "breakthroughs" give reason for pause. Recently, Leon R. Kass, a noted biochemist, stated, "We need only consult Aldous Huxley's prophetic novel *Brave New World* to get an indication of where we are likely to be going. In Huxley we encounter a society dedicated to homogeneity and stability, administered by means of instant gratification, and peopled by creatures of human shape but of stunted humanity. They consume, fornicate, take 'soma', and operate the machinery that makes it all possible. They do not read, write, think, love, or govern themselves. Creativity and curiosity, reason and passion, exist only in a rudimentary and mutilated form. In short, they are not men at all." [1]

There are yet other facets. Technology may usurp much of our privacy, making *Brave New World* a reality and bring George Orwell's *1984* a reality before its time. Microminiaturization has reduced the size of microphones to the size of a matchhead carrying conversations more than a quarter of a mile, and one scientist promises a mechanism for recording speech through solid walls via a reflector made of a thin diaphragm and a microwave antenna. More yet—we can already photograph from afar, tape telephone lines, spy via closed circuit T.V., and determine the content of mail without opening it; behavior modifying drugs have already been used to "pacify" schoolchildren. We may soon be able to do more than invade privacy; we may soon be able to control actions.[2]

We thus are finding increasingly that technology is a two-edged sword; we are finding that much more thought must be given to its impact on society. We are finding that the old mechanisms are not adequate to control the new dangers. This is due to four main reasons.

The first results from the mere speed of technological change itself. The rate of change is accelerating rapidly. We spend today some 16% of our total federal budget on Research and Development, and private industry injects vast billions more into the process of technological change. The former slow, careful process of invention, application and dispersement of new technologies has been condensed in time. We experience a millenium of change every few years.[3]

The second involves our ability to effect change in greater numbers of people. When we made a pollution mistake in 1930, only a few downstream users were affected. If we make a mistake in 1970 with the underground nuclear detonations in the Western United States, we poison the whole Colorado River system. Concentrations of persistent pesticides, especially D.D.T., are causing subtle but real ecological damage, the extent of which is unknown. But with more than 1.5 million tons of D.D.T. now cycling throughout the biosphere and much of it still chemically active, it seems terribly ex post facto to begin now to weigh the odds of serious harm. The magnitude of possible harm should affect the equation—even small odds look large in view of the stakes.

Third is that our control mechanims require "proof" of the harm "No one has proved cigarettes are harmful to health," say the American Tobacco Institute; "No one has proved D.D.T. is carcinogenic," relates Monsanto Chemical defensively; "No one can prove that the radioactivity will find its way into the Colorado River system" says the A.E.C. All of these statements may, admittedly, be true. Yet this much is known: that many respectable scientists say to the contrary, and if they are correct, by the time they *are* able to prove their case it will be too late to avoid large-scale social harm. New mechanisms other than "proof" are required.

Last, the market system as a traditional control of technology is no longer adequate to guide rapid technological development. Massive federal funding into atomic energy, into supersonic transports, into Research and Development generally supplants the public demand of the market system as a decision mechanism. Washington bureaucrats set priority of needs, and without adequate assessment or control, funnel federal funds into certain projects while ignoring others.[4] Federal regulatory agencies, for a number of reasons, cannot or do not adequately protect the public interest.

The future is not going to give us time leisurely or even adequately to debate all the legal, social and political implications of technological change. Observing the emotional and polarized debate on a relatively modest abortion law change of only three years ago, one cannot but wonder at the proposal at a recent meeting of the American Association for the Advancement of Science that we clone additional sub-humans to serve as spare part banks for organ transplants. We may be closer to such decisions than we realize. A recent Kentucky Court of Appeals decision authorized the removal of a kidney from an institutionalized demented man to transplant to his socially productive brother.[5]

Footnotes at end of article.

The implications of these and several similar decisions are obvious, and the dialogue should begin now, rather than later, *after* the fact.

It does not dampen our national commitment to technological advance if we insist upon the development of better systems to monitor technology, to build a system of checks and balances tc insure that every possible and identifiable consequence of technology is taken into account.

The most important single improvement would be the development of mechanisms to rate adequately both the costs and the benefits of new technologies. This, in itself, needs further breakdown.

We must first reverse the present system where those who sponsor technologies self-servingly put great emphasis on short-term benefits and little weight on long-term costs. The National Academy of Sciences recently concluded that "A constellation of organizations" is necessary to insure a realistic balancing of costs and benefits.[6]

One such organization was suggested by Congressman Daddario who sought to create an Office of Technological Assessment within Congress which will advise the members of Congress on the implications of various technological decisions they are called upon to make. The bill aims at providing Congress a means "for securing competent, unbiased information concerning the effects, physical, economic, social and political, of the applications of technology . . ."[7]

A second improvement would involve a better equation which includes "uncertainty" in the decision process. We simply do not know all of the results of our actions. As one scientist noted, "We are now well embarked on a program of releasing unmeasured quantities of different kinds of biologically active substances into the general environment. It is one of the spectacular contradictions of our time that in the Age of Science we should be entering blindly on a thousand, unplanned, uncontrolled, unmonitored, unguided, largely unrestrained, and totally unscientific experiments with the whole world as the subject and survival at hazard."[8] Another commentor stated, "A hundred years ago Claude Bernard, the famous French physiologist, enjoined his colleagues, 'True science teaches us to doubt and in ignorance to refrain. What he meant was that the Scientist must proceed from one tested foothole to the next (like going through a mine field with a mine detector). Today we are using the biosphere, the living space, as an experimental laboratory."[9]

A third improvement would be to produce better tools to protect society from those who seek to exploit technology. Private industry can still hide behind "lack of proof" and all too often prevent governmental and private action. To control pollutors, we need stronger and more effective laws which take into account possibility of harm and not merely "proof." We can no longer wait until we have detailed scientific proof of damage before allowing a plaintiff in court or catching a politician's attention.

Professor Michael S. Baram, a lawyer-scientist at the Massachusetts Institute of Technology in his paper *The Social Control of Science and Technology* discusses the inadequacy of the present legal system:

"This characteristic of retroactivity limits the ability of the legal system to respond to a number of modern social problems, in particular the harmful effects of science and technology, and environmental deterioration. Retroactivity is inherent in a legal system based on the values and conflict of the private sector of society. The courts have not been designed to serve as oracles, but to grapple with actual conflict manifested in specific acts or injuries. They lack the technical, astrological or other expertise needed for the difficult task of evaluating diffuse effects and future effects. Consequently, the courts are reluctant to impose control and, for example, have rarely intruded on the substantial decisions of public agencies.[10]

One example of the need for new mechanisms is the Project Plowshare Program of the Atomic Energy Commission. Long-range Plowshare plans include the possibility of hundreds of nuclear underground detonations in Western United States aimed at developing natural gas and oil shale, building new Panama Canals, harbor excavations and other twentieth century miracles.

Increasingly, scientists both within and out of the A.E.C. are criticizing the agency's manner of decision-making which (it is charged) overestimates the benefits of nuclear energy and minimizes the risks. The same agency which is given the duty to promote the "peaceful uses of the atom" is also given the duty of protecting the public from the dangers of radiation; these two duties may well be inconsistent.

The Atomic Energy Commission then, like private industry promoters of technology, tend to stress short-term benefits and to minimize long term costs. They do not take "uncertainty" adequately into consideration because by definition it is not "proved." A panel of Technology Assessment set up by the National Academy of Sciences found this to be a usual pattern of promoters of technology: "Historically the burden has tended to fall on those who challenge the wisdom of a technological trend. The usual presumption has been that a trend ought to be allowed to continue as long as it can be expected to yield a profit for those who are exploiting it, and that any harmful consequences that might ensue either will be manageable or will not be serious enough to warrant a decision to interfere with the technology."[11]

If the Atomic Energy Commission's Plowshare program on nuclear stimulation of natural gas is "likely" to eventually release radioactive isotopes into the Colorado River system, as some experts claim, the mere possibility of poisoning a large and vital river system should make us pause; the odds seem less important when the stakes loom this large.

The Plowshare Program is merely one example of many possible technological backlashes. Respected scientists are on both sides of many applications of technology: pesticides, detergent and enzyme pollution, supersonic transports, nuclear reactors * * * isotope disposal. One could list endless scientific advances.

Colorado has a vast stake in society coming up with the mechanisms to correctly gauge and predict the wide variety of consequences that can flow from an application of technology. There are already contemplated or in process a myriad of technology applications which hold both great possibilities of benefits and risks of harm. The Plowshare programs have already embarked on a natural gas by nuclear detonation program which is scheduled to include hundreds or thousands of detonations. The possibilities of "in situ" oil shale nuclear development is on the drawing board, weather modification has already started seeding summer clouds and "snow enhancement" programs for the benefit of Lower Basin Colorado River water users has been advanced by the Bureau of Reclamation. Colorado has already discovered that tampering with the complex mechanisms of nature can cause unforeseen backlash: the deep well waste injections at Rocky Flats which caused a series of minor earthquakes in the Denver area. All the "experts" claimed no connection between the earthquakes and the waste disposal until a tough minded geologist proved them all wrong.

Grand Junction's experience with mine tailings shows that time brings to light many unexpected hazards, hazards which were unexpected, unforeseen and difficult to correct. This episode must give us all pause, we don't begin to understand all the forces at work, all of the secondary and unforeseen consequences of our actions. Thus we embark on a new program, as say the new program of earthquake experimentation where small earthquakes are deliberately induced in the Rangeley field of western Colorado, we must do so both with "expert" opinions and with large applications of public caution. All life involves risks but in Colorado these risks are becoming cumulative. There may be some we want run more than others.

What wisdom can society bring to these problems? One improvement would be an awareness of science's own limitations. "Science at best is not wisdom; it is knowledge, while wisdom is knowledge tempered with judgment."[12] This judgment is too often missing in the accelerating pace of scientific advance. Lewis Mumford, writing in *The Automation of Knowledge*, states it succinctly:

". . . decisions of critical importance to the human race are being taken today on the basis of ten year old knowledge, confidently applied by highly disciplined specialists who too often display the short comings of ten year old minds, for they regard as a special merit their deliberate practice of cutting their minds off from ten thousand years of human experience and culture. . . . strangely, they have not even a suspicion that the vast quantity of exact knowledge now at our disposal is no guarantee whatever of our having sufficient emotional sensitiveness and moral insight to make good use of it; if anything, the contrary has already proved true."

Inherent in that judgment is an incredible array of different and sometimes competing considerations. Foremost among these is, of course, national priorities. Much has been written of the need to distinguish between the "ability" and the "wisdom" of going to the moon. Both the political process and the public imagination are easily seduced by flashy scientific exploits which have little relevance in finding less glamorous but more important solutions to the problems of a troubled society. Hopefully, the defeat of the S.S.T. is a harbinger of an increased public awareness of national priorities.

We must also learn to give technology more time in the experimental stage and not rush into every possible application of that technology. We must in the words of Claude Bernard learn to "doubt and in ignorance to refrain." There are problems of technology that can only be identified with the passage of time. Not needing the natural gas in the Mest Verde formation, immediately, should we not wait ten years and evaluate this procedure in light of the scientific knowledge available at that time? Why should we add to the risks inevitable in the Twentieth Century, those always associated with haste? If we make a mistake in this technology we will not be able to correct it by "digging up the hazard" as in Grand Junction.

Equally important but less appreciated is the tendency of science to sacrifice humanness for knowledge. Catherine Roberts, a biologist herself, in her book *The Scientific Conscience* states that biology stands today where nuclear physics was in the early 1940's, intoxicated by the precipitate advance of scientific knowledge, but without a full realization of the moral predicament. Criticizing biologists for attempting to go far beyond understanding life process, she states they ". . . do not stop with understanding life, much less respecting it: now with undiminished optimism and with apparent lack of recognition of the possible consequences, it desires to alter life."

She suggests that our age must better distinguish between the qualitative and quantitative aspects of man's existence, and that it is far less important to extend our intellectual frontiers than it is to become more human. She states:

Footnotes at end of article.

"For scientific progress today is an intellectual obsession that threatens to become uncontrollable unless scientists themselves exercise some self restraint in its pursuit. Unchecked, it will lead straight to a scientifically directed world in which the intellect so dominates the spirit that man will no longer be interested in becoming more human."

The new mechanisms of weighing the costs and benefits of technology must then include the possibility of a judgment that certain areas of scientific advance are certain to be counter productive. Increasingly, scientists themselves are suggesting that science and technology puts us in a position to do things we should never do. Dr. Kass suggests that the moral and ethical problems in human cloning (which produces a human genetically identical to the adult doner and could yield large numbers of identical individuals) are such that we should never produce one such individual, even as an experiment.[13] Those who would not draw the line here need only imagine the production of animal-human chimeras to recognize the cast ethical, moral and social questions involved. Do we not want, at least in a few limited areas, to say to science—"Let us not go in that direction?"

FOOTNOTES

[1] *"Beware the Brave New World"*, a paper delivered by Dr. Leon Kass at the Center for Democratic Studies, Santa Barbara.

[2] *"Technology and Human Rights"*, VISTA, November-December 1970.

[3] Green, Harold P. *"The New Technological Era: A View From the Law"*. Program of Policy Studies in Science and Technology, The George Washington University, Washington, D.C., Monograph No. 1, Nov. 1967. Dr. Green's material on the relationship of the law to technology is a brilliant survey and should be read carefully by everyone interested in the subject.

[4] Green, Harold P., *supra*. See also Green, Harold P., "The Adversary Process in Technology Assessment" speech presented at the Technology Assessment Seminar Series Program of Policy Studies in Science and Technology, The George Washington University. March 19, 1969.

[5] *Strunk* v. *Strunk*, Court of Appeals of Kentucky. Rendered September 26, 1969.

[6] Brooks, Harvey and Bowers, Raymond, *"The Assessment of Technology."* Scientific American Volume 222, No. 2, February 1970. p. 13.

[7] See general Hearings on H.R. 17046 before the Subcommittee on Science, Research and Development of the Committee on Science and Astronautics, U.S. House of Representatives, Ninety-First Congress, Second Session. Parts I and II. May 20, 21, 26, 27, June 2 and 3, 1970.

[8] Woodwell, George M. *"Radioactivity and Fallout: The Model Pollution."* Bioscience, Vol. 19, No. 19, 1969. p. 884.

[9] Lord Ritchie-Calder, *"Mortgaging the Old Homestead"*, Foreign Affairs, January 1970. p. 208.

[10] Baram, Michael S. *"The Social Control of Science and Technology"*, given at the University of Denver, College of Law Conference on "Implications of Science and Technology for the Law." November 6, 1970.

[11] See Footnote 6.

[12] Lord Ritchie-Calder, *supra*. p. 208.

[13] Kelly, Frank L. *"The Possibilities of Transformation"*. Saturday Review, March 7, 1970.

GEN. LEONARD F. CHAPMAN, JR.

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HÉBERT. Mr. Speaker, Gen. Leonard F. Chapman, Jr., Commandant of the U.S. Marine Corps, paid a farewell visit to New Orleans recently. The message he gave is something that should not be limited to those who heard him in New Orleans.

It should be broadcast and far flung, and should be made available to every American who believes in his country and who recognizes the fact that none of us could exercise the freedom we do today, and express ourselves without fear of reprisal, but for the protection given this country by the man in uniform.

I direct your attention to the text of his speech which in my book is "must" reading:

REMARKS BY GEN. LEONARD F. CHAPMAN, JR., COMMANDANT OF THE MARINE CORPS, CITY COUNCIL LUNCHEON, NEW ORLEANS, LA.

It's good to be here in New Orleans. Having spent most of my life as a Marine, with other Marines, I feel very much at home among Tigers.

And, I might mention, over the years that I've been a Marine, I've certainly shared the emblem of our Corps with a good many Tigers from New Orleans, and the rest of Louisiana.

Of course that would stand to reason. The Marine Corps is the kind of organization that would attract men whose forbearers established some of the richest traditions of American courage and devotion to duty in the defense of our Country.

However, I know our Corps can't lay exclusive claim to these Louisiana Tiger virtues. In fact their application has never been limited to uniformed service only. No better example of this dedicated service exists than that of your Congressman F. Edward Hébert. Our Corps knows this, and appreciates and admires his hard work toward strengthening our ability to defend this nation. And we know that in this, he is truly representative of the attitudes and concerns of the people of his district.

Indeed, the people of this city have always been keenly aware of American defense. For good reason. For many years New Orleans, because of its location, was really a key geographic point in the actual physical perimeter of American defense. And even though modern technology has now moved our perimeter further out; historically this city, and its people have actually had to face the reality of armed threat. From this you have developed a tradition—a realistic tradition—of awareness and concern for the defense of our Country. This makes me feel at home, too. Because if there is one thing a Marine understands, it is tradition, *realistic* tradition.

Marines know that real tradition is not unthinking habit. Tradition is functional. It is a real and viable by-product of serving a purpose faithfully and successfully. It is the essence of past success carried forward to prime further success. Our training is traditionally tough because the application of our purpose is tough—in combat and in being constantly ready to meet the stress of combat. Our discipline is traditionally exacting because we know that discipline is the key to winning and surviving in battle. We foster and encourage pride in our Corps because pride gives strength, and we must be strong to serve our purpose.

This is the real and *realistic* tradition of our Corps, and Marines won't change any of it simply for the sake of change. Our purpose is too important, our mission is too demanding. And that's what I want to talk to you about.

NO CHANGE TO OUR PURPOSE

One thing that hasn't changed, and we're absolutely sure it won't change in the Marine Corps, and that's our purpose. Our purpose in the 1970's remains exactly what it was in our beginning nearly two centuries ago. Like all the armed forces of this nation, the purpose of the Marine Corps is the defense of the United States. And reality means facing the fact that the ultimate application of defense is the harsh environment of combat.

For Marines combat still means facing an enemy on the personal level of man to man, weapon to weapon. We know this as reality, and we know that it won't change by simply stating "we hate war."

Of course Marines hate war. And who knows better the brutality and tragedy of war than Marines who have had to face it not as an exercise in philosophy, but as a day to day reality in combat. Because of this, Marines also know that the safest and best way to maintain peace is to block armed aggression.

Historically we know that blocking armed aggression in the mildest form, requires efficient, disciplined, and dedicated fighting men; prepared to fight if necessary, and capable of success if they must fight.

But historically we also know that the mere presence of a uniformed force does not form a block. Unless that force knows its purpose, its mission, is disciplined, trained, and is ready to fight to *win*—it is a waste of time. Because in war there is no second chance. It is either win or lose. The best prepared win, the second best lose. Marines are going to continue to be prepared to win.

COMBAT READINESS

To Marines, being prepared to win means combat readiness. And Marines are constantly working and training to improve their combat readiness posture. One of the advantages we have in this is that we aren't very big.

After reaching a maximum strength of 317,000 during the height of Marine commitment in the Republic of Vietnam, the Marine Corps is back down to a tough, lean strength of about 204,000 Marines. This is a good readiness strength for the Marine Corps. With this strength we can fully man our three active Marine divisions, three active Marine aircraft wings, and all Marine supporting units.

The disposition of our Marine air-ground teams is basically as they were before Vietnam. One division-wing team on the East Coast at Camp Lejeune and Cherry Point in North Carolina; another division-wing team on the West Coast at Camp Pendleton and El Toro in Southern California; and one division-wing team in the Pacific. Of the Pacific team, two thirds will remain forward in the Western Pacific, and one third will be brigaded together in Hawaii.

With these three active air-ground teams, and the Marine Corps Reserve air-ground team of the 4th Marine Division and the 4th Marine Aircraft Wing, we can and are maintaining our tradition of combat readiness. And with such combat readiness we can meet any emergency with confidence, because we know two things: First, whenever a crisis comes, those who are ready will be invaluable, and they will go to meet that crisis. Second, such a crisis will more than likely be a surprise. So Marines will be ready—combat ready—to go any place with our Navy, at any time; and, at the direction of our Commander in Chief, take on anybody—and *win*.

And Marines are proud of that, too.

With 204,000 active Marines in the regular Marine Corps, and 45,000 reserve Marines in the Marine Corps Reserve, we can keep our fighting Fleet Marine Force formations combat ready and still rotate, train, and prepare individual Marines *without* sacrificing professional quality.

EVERY MARINE AN INFANTRYMAN

The key to maintaining the professional quality of our Corps is the individual Marine—officer, noncommissioned officer, and nonrated Marine. And that's what we're concentrating on—the individual Marine.

In this process we are not giving in, Marines are not going permissive. We're proud of being tough and we're getting even tougher. That's the kind of men we've always had in our Corps, and that's the kind of men we want now. We want men who are proud of their Country, who are proud of themselves, and who want to serve their Country in a proud Corps. We want men who aren't conformists, who don't want to be "one of the boys." We want disciplined individualists who believe in principles because they have made the decisions themselves, not followed a fad.

We want men who seek a challenge and who aren't afraid of tough physical training and mental stress. We want men who want to join us, other Marines, and who want to become a part of an elite force steeped in the traditions of devotion to duty, discipline, and honor.

We want men of a type, men who will look at their profession honestly. Men who believe that while nobody wants war, somebody had better know how to fight, and they had better be able to fight to win, or an enemy who isn't afraid of war could isolate, contain, and swallow us.

We're not looking for technicians, we're looking for a few good men who want to be Marines—fighting Marines.

We're continuing to train Marines the way we've always trained them. No compromises, no shortcuts, no promises—except one: Anyone who joins us and can make it through the toughest training in the world will be a Marine, and all that title bestows. He will be one of the few, one of the very finest.

And we're pulling no punches on just what being a Marine means. Being a Marine means being an infantryman.

I am not placing all specialties in the Marine Corps as second place by pronouncing—or rather repeating that all Marines are infantrymen. On the contrary. The Marine Corps is a modern fighting force, we depend on advanced techniques, equipment, and weapons systems to accomplish our mission and fulfill our purpose. And we carefully school and train the good talent of Marines as aviators, tankers, artillerymen, and in all other supporting roles. But first and foremost Marines are trained as infantrymen. And they never forget the difference between a specialty and their profession. No matter what they may specialize in they are professional Marines, and every Marine is an infantryman.

Before any Marine sees service as a specialist or in a supporting unit, he is screened, indoctrinated, and trained as a Marine infantryman.

All enlisted Marines go through Boot Camp and Advanced Infantry Training to qualify as combat riflemen before they receive any other special training. All officers are schooled and trained carefully as rifle platoon commanders in officers candidate courses and The Basic School at Quantico before they are fully accepted for service. And none of the training is easy. We make it absolutely as tough as possible.

Initial Marine training—enlisted and officer—is the toughest in the world. The emphasis is on stress, physical and mental stress. If a man is going to break, we want him to break in training, not when success in battle and the lives of other Marines will be endangered. If he can't make it in training he won't make it in combat, and we can't use him. The Marine Corps is too small to carry extra weight. Every man must count, and every man must know he can count on every other man. Pride, ladies and gentlemen, pride in being that kind of man living and working with other men of that caliber, that's what it means to be a Marine.

To make doubly sure of this, in the decade of the 1970's we've lengthened both enlisted recruit training and initial officer training. And we've established even higher standards for graduation from this training—from enlisted Boot Camp and from the Officers' Basic School.

Every Marine, private or second lieutenant, who finally joins the Fleet Marine Force has not only been trained, he has passed a tough screening process. Each one is the kind of Marine we'd like to keep, active or reserve.

And at this point I want to emphasize that everything I've said applies not only to the regular Marine Corps, but equally to our Marine Corps Reserve. Regular or reserve, it's one Corps—a Corps made up of a few good men dedicated to the defense of this nation, and proud of it.

PROFESSION AND PRIDE

What I have been saying today is really very simple. United States Marines have always been professional American fighting men, and United States Marines are going to continue to be professional American fighting men.

The profession of arms in the United States is a high and honorable calling. It is, very simply, giving military service to our country. In the modern dialogue of America, military service has not, of late, been treated well; even though that very service is given to its fullest in the protection of its detractors. However, as a professional United States Marine, I find it significant that these ill words rarely originate from men who have actually experienced such service.

In no other country of this world, modern or ancient, has the profession of arms required the total dedication of American military service. The American professional, in the same spirit, must be goth patriotic and coolly detached. He must be victorious on the field of battle, and yet qualify as a compassionate humanitarian. He must be aggressive in the application of his profession, and at the same time he must adhere to the morality of defense. He must constantly question his own position and methods, and because his is a life of being prepared for constant action, he must at once provide sound answers to his own questions.

A man must be proud of his service when it demands so much. This is why we are not compromising—not letting any of our traditions die. We will not surrender our heritage. We want every Marine to feel this pride. And we are doing it at the level it has always been done in our Corps; Marine to Marine. Regardless of rank, regardless of job, each man and woman who wears our emblem is a Marine; and each Marine demands that all other Marines maintain our pride—from performance in combat or training for combat, to personal appearance in the uniform of our Corps; Marines are depending on all other Marines to carry that pride as professionals.

THE MEN WHO MADE HISTORY, AND THE MEN WHO WILL WRITE HISTORY

Yes, the profession of arms in America demands pride and faith—faith in the institutions being served, and pride in serving them. But right now, in modern America, pride in service is not any easy fact. It must be worked at, and Marines are working hard at it.

There is an explanation for this situation. Although I, for one, find no logic in it.

It is an irony that in most unselfish applications of American arms in history, I believe; the armed forces have drawn the most criticism.

And the criticism continues at a shrill pitch, taking everything discipline, pride, spirit and professionalism—into its mindless grind. To say that most of it is *not* constructive and *is* loaded with unfair half-truths is like whispering into a hurricane.

And it comes because American fighting men have performed their duty in an outstanding manner in a hard and dirty war.

I don't know what historians will say about Vietnam or how they will say it, but I hope they face the mission squarely. Our mission, when we landed there more than six years ago, was to give the people of the Republic of Vietnam the opportunity to determine their own destiny.

In 1965 the rivers of that rich country couldn't be fished, the paddies and fields could not be farmed; the outlaying communities couldn't be supplied, and the people had two choices—give in or be terrorized.

Now all Marine combat units are out of Vietnam, and have been for several months. But before they left, after six years of the toughest kind of war, Marines saw fishermen ply the rivers, farmers harvest their labors, commence moving, the populace speaking and voting, and their armed forces defending them.

We called it Vietnamization, I don't know what historians will call it. But I can wait to find out. Right now Marines are more concerned with the future of American defense than with the past.

We must not let ourselves complete our commitment in Vietnam with a sigh of relief. We must face the fact that because we are tired of being prepared for war, others who share the world with us are not. And the surest way we can bring about war is to present an inviting weakness.

THE STRENGTH OF QUALITY

Our Corps is fully aware of this need for American defensive strength. But we are also aware that we are only one part of it, by number of men and women, the smallest part, And we accept this as the way it should be. The Marine Corps has never counted on quantity for strength; what we seek and what we offer is quality.

It takes a very special breed to be a Marine, and this special breed has never been easy to find. In fact we don't try to find them, we merely put out the facts: We state honestly what we are—tough, demanding and exclusive—and the special breed we need finds us.

They don't flock to us, because the kind of man or woman we need doesn't have the flocking instinct. They come, they try, and if they're good enough they become Marines.

And with that tough criteria, our recruiting has never been more successful. We're getting the quality we want—we're getting that special breed. Because of this the people of the United States are getting the kind of service they've always gotten from our Corps; devoted service—tough, dedicated devoted service. Americans should be proud of this service, because the Marines who are giving it are proud.

And this is quality.

THE SPIRIT OF QUALITY

When I first entered the Marine Corps, 37 years ago, the Marine Corps Manual contained a special paragraph. It read well:

"The spirit of comradeship and brotherhood in arms which has traditionally existed throughout the ranks of the Marine Corps is a vital characteristic of the Corps. It must be fostered and kept alive and made the moving force in all Marine Corps organizations."

The author of those words was the father of our modern Marine Corps: Major General John A. Lejeune; a native of Pointe Coupee, Louisiana—not far from here—as Commandant of the Marine Corps from 1920 to 1929, he led the Corps through one of its most trying decades. The trial was not of combat, but one very much like the trial of our time. A rampant anti-military effort that almost destroyed the very roots of American defensive strength. He knew where the real strength lay. He knew there could be no quality of strength without a quality of spirit.

Now, as I prepare to leave the active roles of our Corps, it gives me great satisfaction that these words written long before I read them as a new Marine Corps second lieutenant—are still in our current Marine Corps

Manual! and are still as relevant now as they have ever been.

But my real satisfaction comes from knowing that our Corps, under the leadership of a new Commandant—an outstanding Marine—General Robert E. Cushman, will continue to build on these words in perpetuating the spirit of quality—The Marine Corps Spirit.

But it could be no other way. General Cushman is a Marine, and he'll be leading the very best—that special breed—United States Marines.

BRONX: FORGOTTEN BOROUGH?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BINGHAM. Mr. Speaker, in a preceding section of the RECORD for today, December 17, 1971, at pages 47745–47748, I inserted the first three in a series of six articles by Peter Freiberg on "The Bronx: Forgotten Borough?"

These articles, which appeared in the New York Post, give a fair picture reflecting the positive aspects, as well as the critical problems, of a large urban community with no true government of its own. The remaining three articles follow:

THE BRONX: FORGOTTEN BOROUGH

(By Peter Freiberg)

ARTICLE IV: PLANNING AND BUILDING

When Mayor Lindsay announced a system of bikeways for Manhattan recently, a press spokesman was asked why no other borough was chosen. The spokesman replied there was a "general enthusiasm" for bike riding in Manhattan.

"Hah!" retorted Mrs. Nancy Finkelstein of Bronx Bikers for a Better City. "That only shows how much Lindsay knows about the other boroughs. There's a lot of enthusiasm for bike riding in the Bronx. We've got a list of lanes we think should be set up just for bicycles, but the Mayor doesn't seem to be interested in looking at them."

Mrs. Finkelstein's anger reflected a widespread belief among Bronx residents that they are, as William Conway, president of the East Tremont Neighborhood Assn., put it, "being treated as an appendage to Manhattan." Albert Rivera, a member of Community Planning Board of No. 6, says, "We're like stepchildren in the Bronx."

Some city officials, including Juan Villanueva, the new director of the City Planning Dept.'s Bronx office, agree the borough has been neglected in the past. "I think one of my jobs here is to make sure the Bronx gets an equal share," says Villanueva.

John Dearie, a lawyer from Parkchester, examined the Sanitation Dept.'s own statistics in 1969. He did not question that "Manhattan's concentrated areas of tourism, business . . . etc. require a higher level of sanitary appearance than other city neigbhorhoods."

But, Dearie asked, "Why has the Bronx, which has 19.4 curb miles more than Manhattan, received on an average over the past three years a) one-third the power sweeping service, b) one-ninth the flushing and washing service and c) one-quarter the manual cleaning service?" The Bronx Borough President's office says the figures are substantially the same today.

A Sanitation Dept. spokesman said half the Bronx gets garbage picked up five or six times a week and the other half two or three times. "We categorically deny the Bronx is not getting a fair share," he said, noting that Manhattan's population density is almost twice that of the Bronx. "That doesn't mean the Bronx is in great shape, but then again the whole city is suffering."

The Model Cities program is often cited as an example of "shortchanging." According to Rep. Herman Badillo, then Bronx Borough President, the federal government insisted in 1966 that only one Model Cities area could be established in New York.

Badillo says it was only after he, Brooklyn Borough President Abe Stark and Controller Mario Procaccino exerted pressure that the Lindsay administration agreed to fight. Eventually, Washington was persuaded to designate the South Bronx and Bedford-Stuyvesant as well as Harlem.

"Here is the South Bronx, the worst sore in the whole damn city," says Victor Marrero, the present South Bronx Model Cities administrator, "and it seemed that no one was paying attention to it."

This version of events was disputed by a spokesman for Lindsay, who said the administration made the original choices and then fought for them. "We thought we pulled off a significant coup in getting the Johnson administration to accept three areas," he said.

William Diamond, chairman of Manhattan's East Side community planning board, says not only the Bronx, but "nothing outside the highly developed commercial area (in midtown Manhattan) is getting any attention." Diamond maintains the City Planning Commission's Master Plan would perpetuate this.

The proposed Master Plan contends the creation of a "National Center" consisting of office and commercial space in midtown Manhattan will be the economic "engine" which will ensure New York's vitality.

This view was subjected to a detailed criticism by the executive committee of the American Institute of Planners (AIP) Metropolitan chapter. The AIP said the Master Plan "seriously underestimated the need and desirability of larger and more vigorous commercial, housing and office centers in the other boroughs."

The creation of attractive new neighborhoods outside Manhattan, said the AIP, "would produce an economic and social impact on the city" comparable to the "National Center."

The Lindsay administration denies it is exclusively Manhattan-oriented in either its planning or its policies. A City Hall spokesman noted, for example, that 43 per cent of the city's total government-aided housing starts in 1970 were in the Bronx.

"We operate on the theory that good government is good politics," said the spokesman, "and part of good government is to be even handed in terms of allocation of resources. The Bronx is treated fairly in comparison with the other boroughs."

Bronx Borough President Robert Abrams, an energetic 33-year-old Reform Democrat, both agrees and disagrees. He says that "I think in many ways the Bronx still gets the short end of the stick," but maintains: "We have turned things around in the last five or six years. We have finally gotten a large number of projects into the capital budget."

During a tour of the borough, Abrams pointed out a number of these projects—completed, under construction or planned—and emphasized there were many others. Among them were:

Co-op City, the world's largest private housing complex, with more than 15,000 apartments. Despite unexpected rent increases, Co-op City residents are clearly pleased. "On balance," says tenants' leader Lawrence Sivak, "Co-op City is fantastic. There's a great sense of community."

Two new hospitals—Lincoln and North Central;

Planned construction of new campuses for Bronx and Hostos Community College (more than 50,000 students are now enrolled in the borough's nine colleges and universities);

Eight new high schools, scheduled for completion by 1974–75, two of which will be in educational parks;

Planned construction of a state park and mixed-income housing development along the Harlem River shoreline;

Ongoing development of the Hunts Point market;

The selection of the South Bronx as a federal economic development area, making it eligible for millions in federal funds;

The expected approval of the Lindsay administration's plan to buy and renovate Yankee Stadium at an estimated cost of $24 million plus annual expenses. Critics insist public funds could be better spent, but the Mayor and Abrams say the loss of the stadium would be a severe psychological blow to the borough.

Although Abrams says the projects make him "cautiously optimistic" about the future of the Bronx, he points to two major problems: lack of funds and the length of time it takes for a capital budget project to get off the ground.

In housing, for example, Abrams says "We need a vast infusion of money and programs, and I must say it's absent."

Model Cities head Marrero says the South Bronx will be lucky to reach one-third of its goal of 15,000 new and rehabilitated apartments. Even this goal would have been only a modest accomplishment in an area where 75 per cent of the 80,000 apartments should be replaced.

"Given the size of the area, the population and the conditions that exist," Marrero says, "The funds we have cannot begin to make a dent in the problem." His housing program's future, he says, will depend in part on how much money the city gives for land acquisition.

On a smaller scale, the city touts the Concourse Action Program as a new approach to "preventive renewal." Lighting has been improved on some streets, 15 police scooters were added to the area and the rehabilitation of Kilmer and Sigel Parks is scheduled. But housing continues to deteriorate and older residents continue to move out. "I don't see any change," said one elderly woman. Abrams says, "A sum of $1.5 million is not going to cure the ills of one-third of the borough of the Bronx."

Once a project manages to get into the capital budget, according to Abrams, "it takes on an average between seven and 10 years before it is completed." By this time, community needs often change and the delay hikes the cost of the project.

Lack of funds and capital budget delays make rational planning virtually impossible. A study made by a community mental health center operated by the Albert Einstein College of Medicine described the Soundview Bruckner area:

"Thousands of families (are) housed in high-rise developments, isolated from one another by vacant lots and a major traffic artery (the Bruckner Expressway). There was no community planning in either physical or social terms. The housing was built first, and the rest of the amenities supposedly left to arrive at a later date."

With poor transportation, a lack of parks, retail stores and other facilities, the Soundview-Bruckner area is a desolate community, devoid of street life. "I just hate it," said Mrs. Harvestine Shirer. "It's so damned inconvenient. I'd rather cope with the junkies and everything else than live here."

Calvin Browne, a social worker in the area, says: "My wife and I considered moving here, but there's no sense of community. Everybody is like a stranger here."

In spite of the obstacles, at least one Bronx community—the Twin Parks area near Bronx and Crotona Parks—has taken substantial steps toward renewal.

Under the leadership of the Twin Parks Assn., which includes some 50 church and civic groups, about 4000 units of housing are being built, including public housing and construction by the state Urban Development Corp.

Unlike Soundview, the Twin Parks redevelopment has been well-planned. It will include three day care centers, more than 27,000 square feet of commercial space, a new intermediate school, a youth services center and other facilities.

But the history of Twin Parks emphasizes the difficulties faced by community groups. The Rev. Mario Zicarelli, president of the Twin Parks Assn., notes it has taken a decade for the plans to get off the drawing boards.

Fr. Zicarelli says the "guts were torn out of our community" when several hundred families were forced to relocate to make way for a new Fordham Hospital—only to have the plans for a new hospital suspended for lack of funds. And Zicarelli warns that redevelopment will not save the neighborhood if private landlords and the city do not respond with housing maintenance programs.

Despite Abrams' "cautious optimism," an aide was more pessimistic. "Look, Bob will tell you we're building this and this and this. But the government can't do everything, and until the private sector gets involved, nothing's going to happen in this borough."

Abrams himself has sharply criticized the borough's financial institutions. "For every three dollars deposited in this borough," he says, "approximately two dollars are invested outside the state. When a mortgage has expired and it's refinancing time, the banks won't help." "People are literally investing in their borough's decline," said an aide.

A 1967 study carried out by Fordham University emphasized the need for investment by private industry and commerce. "The borough's economic base can't be shored up by public action alone," the study said. "Although government can help . . . business . . . decisions will be determined by the profit motive."

The study went on to point out that next to the construction costs and the shortage of available land, "rapidly decaying neighborhoods and general urban blight" are the single most significant deterrent to the economic development of the Bronx.

THE BRONX: FORGOTTEN BOROUGH?

(By Peter Freiberg)

ARTICLE V: RACIAL TENSIONS

Ciccarone Park is a small playground in the Belmont Av. section. In warm weather, elderly men go there for a game of cards or bocci. Teenagers hang around, playing handball or talking. Belmont's predominantly Italian population considers Ciccarone "our park"—and blacks and Puerto Ricans from the surrounding areas have generally stayed away.

Last July 29, Benjamin Byrd, a 31-year-old black man, ventured into the park, reportedly to wait for his girlfriend. A fight followed, in which Byrd was allegedly clubbed to death. An 18-year-old Italian youth was indicted for murder.

Controversy exists over the circumstances of Byrd's death. Whatever the outcome of the trial, the incident emphasized how easily the smoldering racial tensions in the Bronx can explode into violence.

The tensions are not new. Nonwhites complain of longstanding unequal treatment in schools, in housing, in politics and in the allocation of city services. Mrs. Juanita Ventura, anxious to move from a rundown building, told of seeing an ad for an apartment. "I went there, and a lady said, 'We don't rent to colored or Puerto Ricans.' You try to live a good life, but they won't let you."

Because of gerrymandering and political inexperience, less than 25 per cent of the borough's 29 state senators, assemblymen, city councilmen and congressmen are black or Puerto Rican, although the two groups make up more than half the population. But the Bronx ghettos are learning fast. "It's not that we're trying to become super-militant," says Mrs. Evelina Antonetty, director of United Bronx Parents. "We're just demanding our rights—good education, good housing and decent jobs."

In the predominantly white neighborhoods, many residents believe their taxes are going to the ghetto areas. "They're poverty, they're on welfare, and they do need help and all," says Mrs. Catherine DeMaio, a Westchester Square resident. "But it seems like they're getting all the advantages and we're not getting anything at all. We have children too. We don't want to see them go on the wrong side."

Rep. Mario Biaggi (D-C) undoubtedly expresses the views of many of his northeast Bronx constituents when he says, "The government, in its desire to compensate for past discrimination, has overreacted." Biaggi believes that "In overreacting, it produced antagonism from the rest of the community."

As Rep. Herman Badillo points out, poor people do require far more public funds for medical care, education, welfare and other services than middle class people. Still, statistics make clear the huge gap in services and facilities between the predominantly white areas in the Bronx and the ghettos.

In the South Bronx Model Cities area, 75 per cent of the housing is dilapidated or deteriorating as compared with 25 per cent for the entire borough. Only three per cent of the Model Cities land is occupied by public parks, as opposed to 23 per cent for the Bronx as a whole. Schools in the south Bronx are the most overcrowded in the boroughs. The area below the Cross Bronx Expressway has only about one-third of the borough's municipal and private hospital beds.

Despite conditions in the poverty areas, it is unrealistic to expect most white residents—or nonwhites who have managed to get out—to be actively concerned. E. Allen Dennison, a longtime Riverdale community planning board member, says "I think a resident of Riverdale who has come here from the Grand Concourse is going to show very little interest in going back and improving the lot of those left behind."

Most people are interested primarily in the area they live in: it is doubtful that City Island, a "white ethnic" community, would be any more sympathetic if Hunts Point were Italian and Irish rather than black and Puerto Rican. Mrs. Madeline Provenzano, who lives in Westchester Square, says "I know it's selfish, but I'm interested in the welfare of the kids from this neighborhood. Let the other neighborhoods fight for themselves."

Finally, and probably most important, the predominantly white neighborhoods have their own problems, and they are serious. Inflation bites hard into paychecks, and at least one-third of whites in the borough are "low income." Transportation is bad, sanitation collection considered inadequate, health and hospital care expensive. Like the ghettos, white neighborhoods feel powerless, too. It took Pelham Parkway, for example, a quarter-century to get a badly-needed library.

With neighborhoods fighting over the small slice of the pie, conflict is not surprising. "The Puerto Rican says I want as much as the Italian has and the Italian thinks this means the Puerto Rican wants to take what he has," says the Rev. Mario Zicarelli of Belmont's Mt. Carmel Church. Conflicts exist between blacks and Puerto Ricans—as in the Model Cities program over jobs—as well as between whites and nonwhites.

Some accuse government of encouraging conflict. Ralph Alvarado, a South Bronx community planning board chairman, says "I honestly feel that this was planned in some little corner, that they said "Let's keep them fighting. That's why they throw out programs without guidelines."

Ed Kaufman, a social worker, says community problems tend to be explained as racial problems. "Welfare becomes a black and Puerto Rican problem rather than a problem of an insufficient job market, an education system which fails to educate, and so on. White working class ethnic groups trying to hold on to their jobs in a shrinking job market are viewed as racists." These stereotypes, Kaufman believes, make it easy for government to avoid change by playing one group off against another.

The borough's racial tensions have often been evident in controversies over school busing. State Sen. John Calandra says "I don't buy this thing of forced racial balance. It's created more racial animosity than anything else."

Bronx Borough President Robert Abrams is also dubious about busing, but he says it can sometimes be worked out with proper community consultation. "People are willing to live together," Abrams says. "Hostility develops when a decision is imposed from downtown." Poor judgment by bureaucrats, he says, exacerbates tensions in busing and other areas.

Westchester Square, a mostly Italian community, provides a good example. Its neighborhood school, P.S. 12, was turned into a "600" school for problem students, most of them nonwhite, several years ago. The change was made over bitter protests from parents who were now forced to send their children out of the neighborhood.

When it was proposed last year that the school be used as a drug rehabilitation center in the afternoons, neighborhood parents were incensed. "Why, again, was it being done for someone from outside our neighborhood?" asked Mrs. Provenzano. "In the meantime, our kids are getting absolutely nothing."

The residents fought the drug plan—and won. Whether they were right or wrong, their opposition was a foregone conclusion after the school had been taken from them without their consent.

Given the anger that develops when people feel powerless, it seems unlikely that racial tensions can be reduced. Yet many community leaders remain optimistic. Two years ago, the Parkchester management agreed not to discriminate against blacks and Puerto Ricans, and there are now several hundred nonwhite families living there.

The Rev. John Flynn of St. Raymond's Roman Catholic Church believes that if integration is done gradually, Parkchester can become a stable "model neighborhood. I think people in Parkchester are a lot more aware and enlightened than people think," he says.

There is an additional cause for some optimism in the growing number of "self-help" organizations springing up. They cover different areas, ranging from a building to a block to a whole borough. Some include only one ethnic group, others are more broad based. Some operate within the "establishment," others are radical. What they have in common is that they are all grass roots movements or organizations working for change.

For example:

Until a few years ago, the 10,000 residents of Westchester Square, most of them homeowners, "never dreamed of organizing," says Mrs. Josephine Sylvester. "We were individuals. You went to work every day, you paid your rent, you raised your children the best you could. But it developed that if you wanted your garbage picked up you had to fight for it and they called you a crank. But if the president of WING calls, the crank gets her garbage picked up."

WING—the Westchester Intersection Neighborhood Group—was formed to deal with problems like sanitation and the lack of recreation space. "It's an uphill fight all the way," says WING president Fred Gallo, "but we're slowly accomplishing some of the things we set out to do."

Bill Satterfield, a 34-year-old former drug addict, helped found the Morrisania Youth and Community Service Corp. three years ago as a $70,000 a year city recreation center. Today, the program has a $2 million budget, and runs job training programs a street academy for dropouts and centers for drug rehabilitation, day care, athletics and housing.

Satterfield has become an expert at "hustling" money from government and business sources. He says that while "We can't solve all the problems," the small, non-bureaucratic agency can point the way toward their solution.

"Programs brought into the ghetto by experts," Satterfield says, "have uniformly failed . . . because there was no realistic relationship between the programs and the people's needs. They just don't know where it's at."

The Bronx Council on the Arts has set as its priority programs that involve neighborhood residents. Among other activities, it runs a course in which Bronx Community College students receive credit for conducting creative arts workshops. If it can get the money, it would like to set up a network of neighborhood arts centers. "We don't consider we are the know-alls of what has to be done," says Council director Irma Fleck. "We like to get feedback from the communities of what they would like."

The Lorillard School, founded by a group of Bronx parents fed up with the quality of public school education, enrolls a racially integrated group of 50 children, ages 3 to 10. Instead of classes, there are subject areas, such as math, art and carpentry. The children move freely from one area to another.

"I consider it torturous to make a child sit in a chair six hours a day, give them four hours of homework and not let them walk around when they want or talk when they wish," says Mrs. Ronnie Carley, the school's assistant director. She says there is a growing demand for such "free schools."

With the decline of housing maintenance, a rent strike movement has emerged in the Bronx. Some strikes are organized by the Metropolitan Council on Housing, which hopes that a strong citywide movement will make clear the extent of the New York housing crisis and bring pressure for governmental action.

The drive for community and workers control at Lincoln Hospital, a dilapidated municipal institution, began in 1969. It gained strength when the Young Lords charged that Lincoln was a "butcher shop" and won agreement from the hospital administrator that most of their demands for improved health care were reasonable.

Last year a "collective" of doctors was organized to seek changes in the pediatrics department. Activists say the combined pressure has had some results, including the site clearing for the new Lincoln Hospital, the withdrawal of some scheduled funding cutbacks and better pediatric services.

None of these groups, or the many others that exist, is going to make brotherhood reign supreme in the Bronx, nor are they a panacea for the borough's problems. But, as George Richardson, a young member of a Morrisania block association said, "You take a small, little organization like this, and you see the amount of improvement and the amount of change that can be made."

And in the process of working for change, community organizations may well help to alleviate the feelings of rage and impotence that lead to a death when someone of another race walks into "our park."

THE BRONX: FORGOTTEN BOROUGH?

(By Peter Freiberg)

ARTICLE VI: WHO SHOULD GOVERN?

The Bronx has more people than a score of UN members, 15 states and every city in the country except Chicago, Los Angeles, Philadelphia and Detroit.

But the Bronx lacks something all these political entities possess in varying degrees—self-government.

The same can be said for the borough's neighborhoods. Of the 14 Bronx community planning districts, eight have populations of more than 120,000. But aside from the purely advisory community planning boards, the neighborhoods have little say over what goes on in their backyards.

It wasn't always this way. Before annexation of the Bronx was completed in 1895, its towns, such as West Farms, exercised some taxing authority and control over public services.

With annexation, the Bronx became a part of New York County. Only after the borough became an independent county in 1914 did it gain some influence, primarily because of the powerful Democratic Party machine built up by Edward J. Flynn.

Under Flynn, the Bronx exerted leverage on the federal and city administrations. The average citizen had little say in running the borough, but with the Borough President responsible for sewers, streets and public works, there was a reasonable chance of getting a pothole fixed or snow removed.

The machine came under sharp attack following Flynn's death in 1953. In 1961, the reform movement supported passage of the new City Charter that centralized power in the Mayor's hands and turned the patronage-ridden Borough Presidency into a largely ceremonial post.

Ironically, 1961 was also the year the machine lost the borough's top post to Republican-Liberal Joseph Periconi. But despite the absence of the Democratic machine from the Borough Presidency (and the Mayor's chair) in the past decade, the problems of the Bronx (and the city) have grown more serious.

City officials usually explain the problem with one word: money. "The cities are not going to change," says Mayor Lindsay, "until the attitude of the federal government toward cities changes."

But many citizens are skeptical. "I think Lindsay is impossible," says Mrs. R. E. Stevens, a northeast Bronx resident. "I'd like to know what he does with the money. We don't have any sanitation, we can't get a policeman. Everyone I know is against him."

A special committee of the Assn. of the Bar of the City of New York said "New York is spending more money than ever while at the same time the city's problems are worsening: welfare rolls rising, crime increasing, public health services declining, the public schools unsatisfactory, the housing stock deteriorating."

The Bar committee noted that the middle class exodus, the influx of poor people needing services, rising costs and hefty union contracts have created a money shortage.

But most observers see little chance of funds flowing to the city. "Even if the President changes," says Rep. Herman Badillo, "I don't think Congress has any interest at all in putting in the kind of resources we need to help the cities. So whatever we do, we're going to have to do pretty much on our own."

And even if the funds were forthcoming, the Bar Assn. study pointed to another crisis. "In the view of many blacks and Puerto Ricans," it said, "city government is white and therefore alien," while the white working class sees city government as "Manhattan, upper class, white collar and therefore also alien.

"Together," the study concluded, "probably a substantial majority of the residents of New York City look upon city government as not representative of its interests and not to be trusted."

The study went on to say that "Money alone cannot solve public safety and educational problems as long as residents, parents and students consider police, firemen and teachers to be aliens or enemies. Money cannot solve the resentment and suspicion of residents of Harlem and Brooklyn who react negatively or even violently to decisions with respect to capital budget projects made exclusively by officials in the state or city capital. Money will not simplify city government or cut down delays in implementation of projects. . . . And more money will not necessarily make the majority of New York City residents feel that the government is their government."

Some minority organizations express similar views. Last year, the United Bronx Parents refused to join a citywide coalition protesting cutbacks in the education budget. "It's not really a question of money," says UBP director Mrs. Evelina Antonetty. "It's seeing how that money gets used."

If reformers can't change things, and money *alone* is insufficient, what else is needed?

The answer being given by a growing number of neighborhood groups and community leaders is decentralization—a system of neighborhood government which would give residents power over planning decisions and make city agencies accountable to the neighborhoods they are supposed to serve.

Rudy Tremaroli, a youth worker in the Belmont Av. section, says "Decentralization would get people from the neighborhood involved. Now they don't think they can have any effect." Ralph Alvardo, who is active in the South Bronx, says "Our system now is too distant. We do not have the autonomy to decide which way our community should go . . ." Joe Giordano, a social worker in the southeast Bronx, says "I think what we should do is decentralize into little communities where people have some sort of identity."

The popular mood has been reflected in decentralization proposals made by a Bar Assn. committee (in the study referred to above), Manhattan Borough President Percy Sutton, Bronx Borough President Robert Abrams and others.

Abrams cites an example of what he calls "overcentralization" in the city. "Suppose someone comes out after a rainstorm and sees that a sewer is flooded. He may have been born in the Bronx, lived in the neighborhood 40 years, and he still has no idea who to call. And I bet if he knew who to call, it would take him the better part of the day just to get through to make a complaint."

Abrams says the Borough Presidents are virtually helpless under the present system. "People expect you to be able to deal with the problems in their neighborhoods, but you don't have the power, and they don't understand it."

His proposal would give the Borough President powers similar to a county executive, with responsibility for delivery of services. "I see the Borough President as chief planner for the borough," says Abrams. "Today city agencies are remote, and the City Planning Commission makes decisions that frustrate people in the neighborhoods."

A small experiment in decentralization began in the Bronx in 1970 with the formation of a Sanitation Community Council in the southeast. Council chairman John Dearie says monthly meetings with the district supervisor have improved collections. But the

Council can only make suggestions—it has no enforcement powers.

Dearie asked the Sanitation Dept. to set up Councils throughout the borough, but "They said they didn't want to do that. Frankly, I feel one of the reasons was union opposition. Another was the fear of involving citizens too closely with what had been a somewhat isolated decision-making process."

There is general agreement that the redistricting of school, planning, police and other service districts must precede any decentralization. As Dearie points out, "How can a neighborhood government body with responsibility to seek improvement in the delivery of municipal services deal with these services on a local basis when the district services lines cannot be dealt with as a unit?"

There has been no move by the city to redraw these lines or institute any kind of neighborhood government. Last year, Mayor Lindsay announced a plan that drew criticism from local planning board members and other groups because it kept all substantial powers with the central government. Lew Feldstein, the Mayor's aide on neighborhood government, says the plan has been revised following consultations with local groups and city agencies. "The Mayor will be announcing major new moves shortly," Feldstein says.

Feldstein does not believe "decentralization by itself is valuable. There is (in the administration) a commitment to improving services and a belief that decentralization is a major way to get there." He says that "Nobody who's got power wants to give it up. It's not restricted to the city, it goes to large organizations and individuals." But he believes that if decentralization is shown to increase efficiency, the bureaucracies will cooperate.

Most of the announced plans would not give community boards wide policy-making or budgetary powers. The scale of future decentralization may well depend on the amount of pressure generated by the city's 62 community planning boards. Many Bronx members express dissatisfaction with their advisory status. "Sometimes I wonder what I'm doing here," says Albert Rivera, a member of Board No. 6. "We just don't have any power."

But not all planning board members want more power. Shirley Kronberg, chairman of Bronx Board 9, warns that without sufficient funds, the local boards can become "fall guys." She says that "if you want to make basic changes, you have to change the whole tax base of our country. I'm talking about taxing the manufacturers and the tremendous office buildings and the tax-exempt foundations."

Advocates of decentralization agree. A Highbridge study by NYU graduate students called for community controlled services in all areas, including education. But it warned that decentralization would not guarantee a decent education unless the state's tax structure for schools was equalized so that as much money is spent on the Highbridge pupil as the Scarsdale child. As the Highbridge study indicated, the success of any decentralization would depend in part on regional coordination in such areas as education and transportation. But there would also be a need to reconcile regional priorities with any system that gives communities the power to govern themselves.

There are those who see decentralization as a pious hope, desperate prayer, or a formalistic, structural solution to a substantive problem. They point to the fact that centralization itself, with its civil service standards and uniform codes and regulations, was once presented as the progressive answer to the corruption and tyranny of local bosses and machines.

And they argue that rather than return to neighborhood "self-government," the realities of today's America suggest that not the neighborhood, not even the city, but the sprawling metropolitan urban *region* must be politically reorganized to handle what are now *regional problems*—transportation, pollution, zoning, even housing and taxation.

Skeptics question whether it will really be possible to involve large numbers of citizens in the operations of city agencies. But block associations, self-help groups and the expertise developed by the Sanitation Community Council reflect the people's interest. Advocates maintain that neighborhood government is the only hope of infusing new life into what many Bronxites and other New Yorkers believe is a dying city.

Residents planning to leave the city often complain that "there's no possibility of changing things." Tony Barker, the young president of the Bronx Council for Environmental Quality, intends to stay in the borough, but says, "Even friends of mine, they're just working to get enough money to get out of the city. They're just giving up."

Neighborhood government, say its supporters, could bring about concrete changes that would stop people from "just giving up." It might also, they say, provide the impetus for a citizens' coalition to press for the money New York City needs—money without which neighborhood government, too, will eventually wither and die.

Dearie says he is "frankly not convinced that the Lindsay administration is committed to the idea of neighborhood government. It's just a slogan at this point," he says. Jane Jacobs, the writer and activist, is pessimistic. "I don't think decentralization (in New York) will happen until the city disintegrates," she says. Ed Kaufman, who has formed a committee to develop grass roots pressure for neighborhood government, believes only community organization will bring it about.

"Power is not something that is given to you by the city government," says Kaufman. "It's something you have to take. And that's something many communities are not quite ready for yet. While they want more power and they're capable of assuming power, they are not psychologically and emotionally capable of taking power away."

HOW MANY DOCK STRIKES?

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. KUYKENDALL. Mr. Speaker, on November 29, 1971, the Memphis Press-Scimitar carried a lead editorial dealing with dock strikes in this country. In this editorial the Memphis newspaper praised President Nixon's decision to invoke Taft-Hartley on the east coast and pointed to the need for comprehensive transportation labor legislation. Such comprehensive legislation is presently pending in the Transportation and Aeronautics Subcommittee of the House Commerce Committee. I would like to join the Memphis Press-Scimitar in urging my colleagues on the Transportation Subcommittee to report out this legislation at the earliest possible date.

The editorial follows:

HOW MANY DOCK STRIKES?

The court-ordered return to work of 45,000 striking longshoremen is new testimony to the failure of collective bargaining on the docks.

President Nixon had no other choice than to invoke the Taft-Hartley Act again and try to repair (at least temporarily) some of the economic damage caused by the 57-day walkout on the East and Gulf Coasts.

The nation is headed toward a $2,000,000,000 trade deficit this year and two long dock strikes in recent months have hampered efforts to reverse the trend.

The October deficit was $821,000,000, the worst trading month in history for the United States.

Only seven weeks ago the President was forced to take court action against the 100-day West Coast dock strike, and the 80-day "cooling off" period now in effect will be followed by a new strike Dec. 24 unless the shippers and union soon get together.

The East Coast strike has been particularly galling because it shut off American exports to Europe and encouraged our customers abroad to find other sources of supply.

The Mid-South has been especially hard hit by damaging blows to industry and the agriculture business.

The issues in these strikes range from the usual pay, pensions and welfare contributions to a dispute over who should unload cargo (on the West Coast) and whether shippers in the New York area should continue to pay a guaranteed annual wage they say is costing too much.

But the most important issue is whether we can still afford the luxury of long strikes that paralyze trade and put thousands of persons out of work in trade-related businesses.

It seems clearer than ever that the nation needs a strong bargaining and arbitration law that applies to all vital transportation industries—railroads, airlines, trucking and shipping.

The President proposed such a law nearly two years ago. How many more dock strikes before Congress gets the message?

REPORT ON THE BETTER BUSINESS BUREAUS BY CONGRESSMAN BENJAMIN S. ROSENTHAL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROSENTHAL. Mr. Speaker, I recently completed a 6-month study of the better business bureaus. It was motivated, to a great extent, by a recognition of the overwhelming reliance of consumers on the bureaus, which are often mistakenly thought of as quasi-public bodies. Moreover, resistance to new consumer legislation at all levels of government is often based on the belief that more regulation and new governmental institutions to deal with consumer abuses are largely unnecessary because of the work performed by the better business bureaus.

Because of the unusually high level of public interest in my report, I am inserting it in the RECORD so that it may be available to everyone. The report follows:

REPORT ON THE BETTER BUSINESS BUREAUS

(By Congressman BENJAMIN S. ROSENTHAL)

SUMMARY OF FINDINGS

More consumers rely on the Nation's 139 Better Business Bureaus for a resolution of their buying problems than on all government consumer protection agencies combined. In 1970, telephone and mail contacts received by all Bureaus exceeded 8 million.

At the present time, however, BBB services are of little value to the buying public. In some instances, their efforts actually have a counter-productive impact on the consumer.

Local Bureaus are trapped in an almost insurmountable conflict-of-interest between service to consumers, on the one hand, and financial dependence on business, on the other. By every objective standard BBBs serve as the agents of the business community and reflect all the biases of that community against the consumer movement and government regulation of anti-consumer practices in the marketplace.

The Council of Better Business Bureaus' new program to upgrade and reform the services of local Bureaus is commendable and should be encouraged. But, Bureaus are autonomous entities which derive almost all of their financial support from local business firms. Thus, it is unlikely that the Council can make significant and permanent in-roads into improving BBB operations, without a major surrender of the autonomy of those local Bureaus.

Specifically, this study disclosed the following:

Motivation behind BBB programs

(1) The Bureaus' programs for aiding consumers are motivated, in the main, by a desire to forestall governmental intervention in the marketplace and to cool the anger of aggrieved consumers against the business community.

Lack of BBB control of members

(2) BBB Boards of Directors do not effectively police the conduct of their subscribers:

Bureau membership rosters in at least two cities (Chicago and Washington, D. C.) contain a disproportionately high number of firms which have been the subject of disciplinary action by the Federal Trade Commission;

The annual rate of expulsion of BBB members by Bureau Boards of Directors is around 1/10 of 1%. This extremely low figure has more to do with the Bureaus' failure to carefully scrutinize the activities of its members than with the ethical marketplace conduct of those firms.

Low quality of BBB reports

(3) The quality of BBB telephone reports to consumers on the integrity and reliability of business firms, is extremely poor. With a few modest exceptions, these reports are misleading, inaccurate, incomplete and couched in vague generalities:

Telephone calls to BBBs in four cities (Washington, D.C.; Chicago; Philadelphia; New York City) requesting reports on 25 firms against which disciplinary action has recently been taken by Federal, State and local law enforcement authorities disclosed that: in only *one* instance did Bureau operators make any reference to such legal action; and, in only *three* other instances (16%) did Bureaus report adversely on any of these 25 firms;

Of 22 private consumer organizations across the country polled on their evaluation of the quality of BBB reports, 15 responded that they were devoid of any useful information; 4 stated that they contained fairly useful information; and only 3 reported that the reports are very detailed;

Apart from the inherent conflict-of-interest situation in all Bureau operations, BBB reports suffer because of the following factors: an unrealistic overemphasis on whether a firm cooperates with the Bureau rather than on its actual marketplace practices (this causes Bureaus to report more favorably on firms with many resolved complaints than on firms with a very few unadjusted complaints); time pressures on Bureau operators and the occasional need for them to summarize voluminous material in a firm's file; failure of almost every Bureau to systematically receive and incorporate in their files reports from Federal, State and local law enforcement agencies.

Erroneous and incomplete reports on the integrity and reliability of business firms, lull consumers into a false sense of security and sometimes lead to costly experiences with disreputable firms.

Complaint assistance weak

(4) The BBB service of assisting in the adjustment of consumer complaints against sellers (accounting for about 15% of the Bureau workload) has been successful only in those few instances when the dispute is free of controversy. The Bureau's record of success fades badly at the moment any controversy creeps into the complaint action. In this regard, this study disclosed no instances (although there may well be a few) where a local Bureau had aggressively prodded a firm to adjust a complaint after it had declined to do so:

Of 21 private consumer organizations polled on the effectiveness of the Bureau's complaint handling service, 11 reported "poor complaint handling"; 5 "fair complaint handling"; and 5 "good complaint handling."

While Bureaus allege that unresolved complaints always become a part of a firm's file, there is substantial evidence that this is not the case. This is due, in the main, to the Bureaus' automatic acceptance of the word of the firm complained against that the complaint has been satisfactorily resolved. Accordingly, violators capable of responding to BBB inquiries with impressive responses, tend to escape bad reports.

Unsubstantiated complaint-handling success rate

(5) BBB claims for an extremely high rate of success on handling complaints, are completely unsupported and highly exaggerated:

Many Bureau claims for success are based on a rationale similar to the now unlawful "negative option" buying plans. Some Bureaus stated that their claims for a successful complaint adjusting service, were based entirely on consumers' failure to respond to BBB follow-up letters requesting information on the settlement. Success claims based on the silence of consumers, are totally without merit.

The submission by a consumer of his complaint to the BBB often serves to imply a definitive adjudication of the matter. This distracts the consumer from pursuing other more realistic remedies which might prove more fruitful.

Abuse of free air time to BBB

(6) During a typical year, Better Business Bureaus receive, free of charge, around 4,000 radio and TV "public interest" spot announcements. Not all BBB spot announcements are devoid of public merit. But, to the extent that they promote the use of BBB services and propagandize the Bureaus' business biases, they may not meet the Federal Communications Commission's "public convenience, interest and necessity" requirements. For example, in a "thank you" newsletter to radio and TV stations for their contribution of free air time, the Cincinnati BBB stated, in part: "The Bureau publicly thanks all local electronic media for their great contribution toward developing more satisfied customers. [and] . . . *cutting down the number of and providing less justifiable reason for governmental inroads into our private enterprise system or adding new restrictive laws in the name of consumer protection.*" [emphasis added]

Lack of BBB initiative with FTC

(7) Regional Federal Trade Commission Offices surveyed for this study concluded that while BBBs tend to cooperate fully and freely with FTC offices, most Bureaus lack aggressiveness and initiative in referring complaints and alerting the Commission to abusive practices:

Of 12 FTC regional offices reporting on the number or percentage of their actions which resulted from BBB referrals—three stated "0"; five stated "insignificant" or "less than 1%"; three replied "5%" or less; and one replied "10%".

BBB opposition to consumer legislation

(8) There is substantial evidence that BBBs frequently oppose the enactment of new consumer protection laws and that they often work behind the scenes to defeat such legislation. Because Bureaus are comprised in the main, of large and prestigious firms and because they enjoy a dual reputation of being a friend of consumers and businessmen alike, they are in a unique position to assure the success or defeat of consumer protection legislation at the state and local levels.

Absence of consumer representation within BBB

(9) Only one BBB in the U.S. out of 21 surveyed has a bona fide consumer representative on its Board of Directors. Moreover, the present list of officers and executive committee members of the Board of Directors of the Council of Better Business Bureaus fails to indicate any public or consumer member. Of the 46 Directors of the Council, only 7 are public or consumer members.

Bureau Boards of Directors are dominated by representatives of the larger corporations in those localities where Bureau's operate. There is only minimal representation on Boards for small business firms; and almost none for "mom and pop" type operations.

Education of consumers

(10) Most of the best BBB literature concerning abusive marketplace practices, including the names of offending firms, is circulated only to the BBB membership and not to the public-at-large. Thus, the Bureaus do not provide adequate education to the consumers they serve.

High-pressure BBB new-membership sales tactics

(11) There is substantial evidence to show that the Metropolitan New York BBB and other Bureaus use high-pressure tactics to enroll new members. In New York, a major ingredient of this recruiting effort is the payment to salesmen of a high percentage of the annual dues of all new BBB members—a practice not generally known to prospective subscribers.

Exploitation of BBB membership

(12) There is a rapidly growing exploitation of BBB memberships by subscribers, notwithstanding a general BBB prohibition against the use of Bureau membership for commercial purposes.

Treatment of members vs. non-members

(13) While the evidence that BBBs favor member over non-member firms in reporting on abusive consumer practices, is inconclusive; it is a fact that many regional Federal Trade Commission offices and others familiar with BBB operations *believe* that Bureaus discriminate against non-members.

BBB immunity from libel and slander actions

(14) A recent New York State Supreme Court decision which granted the Council of Better Business Bureaus broad immunity from libel and slander actions growing out of criticisms of the practices of specific firms, should encourage the publication of the names of offending firms.

BBB potential for service to consumers

(15) Because BBBs are wide-spread across the country and because two of their most important functions (i.e., providing information on the integrity of local firms and assisting in the adjustment of disputes between buyers and sellers) are not performed by governmental agencies, their potential for meaningful consumer service is exciting.

II. RECOMMENDATIONS

1. The Council of Better Business Bureaus should take immediate steps to bring local BBB offices under more direct Council control and to bring about a standardization of the policies, practices and procedures of those Bureaus.

2. Serious consideration should be given to financing all or most local BBB operations with membership funds collected at the local level but distributed by the Council out of a centralized fund. This would:

Lessen the dependence of local Bureaus on financial support from business firms operating in their areas;

Take the "profit" out of BBB memberships;

Permit the Council to channel funds to those Bureaus with the greatest need and thus avoid limitations imposed by the size and financial capabilities of their business communities.

3. Reforms by the Council of Better Business Bureaus should be directed away from the self-regulation of advertisers (now actively under scrutiny by the Federal Trade Commission) and towards those Bureau services (such as complaint handling and reports on the integrity of firms) which are not handled by federal, state or local governmental agencies.

4. In order to improve the quality of BBB telephone reports:

Bureaus should request that federal, state, and local law enforcement agencies in their areas send them copies of all official actions against local firms for anti-consumer practices. This information should be placed in BBB files and made a part of all reports to consumers;

Less emphasis should be placed on the cooperation of local firms with the Bureau in adjusting complaints and more on the actual business practices of those firms.

5. All Bureaus should employ on a full or part-time basis, a lawyer or senior law student to screen consumer complaints for obvious violations of federal, state or local consumer laws. This would assist consumers in obtaining their rights and facilitate Bureau efforts to bring abusive consumer practices to the attention of appropriate law enforcement agencies.

6(a). All local Bureaus should appoint at least one bonafide consumer representative to serve on their Board of Directors. Additionally, the Council of Better Business Bureaus should appoint at least one consumer spokesman to its Executive Committee.

(b). BBBs with active and effective consumer groups in their areas, should study the feasibility of merging their operations with those groups.

7. The Federal Communications Commission should admonish its licensees to review carefully their donation of free time to Better Business Bureaus. The Commission should establish strict guidelines for its licensees covering the circumstances under which Bureaus would be allowed free "public interest" messages.

8. All local Bureaus should publish and disseminate as widely as possible, a monthly compilation of abuses committed by local firms.

9. BBBs should examine the legal relationship between Bureaus and their subscribers to determine the feasibility of using Bureau "membership agreements" to enforce contractually, BBB standards of business conduct against members.

10. All Bureaus should take immediate steps to disclose to the public, details of their finances and expenditures and any limitations on services available to the public.

11. Bureaus should take an active role in urging the vigorous enforcement of existing consumer laws and in supporting the establishment of new laws for the purpose of protecting consumers.

12. BBBs should establish binding arbitration panels for the resolution of controversial disputes between buyers and sellers. All new members, and old members upon renewal of their membership applications, should agree to be bound by the results of any such binding arbitration program.

13. Bureaus should cease making claims for success in adjusting complaints until such time as they have reliable data all uniform evaluation procedures.

14. Bureaus should establish, where necessary, branch offices located in low income areas and staffed by people residing in those areas.

15. Bureau managers should be given greater independence from their Boards. Consideration should be given to appointing such managers under contract for a fixed term of years and removable for good cause only.

16. Efforts should be made by all Bureaus to appoint to their Boards of Directors representatives of smaller firms, including "mom and pop" operations.

17. Bureaus should experiment with the handling of complaints registered by telephone. This is now done with great success by various "action-line" newspaper columns across the country.

18. Bureaus should report anti-consumer practices to the Federal Trade Commission and other law enforcement agencies as a matter of course, without waiting for requests from those agencies.

19. Bureaus should cease the use of high-pressure tactics aimed at enlisting new members. If commissions on membership dues are going to be offered to BBB salesmen, notification of that fact to prospective members should be required.

20. The Council of Better Business Bureaus and local Bureaus should end the exploitation of BBB memberships for commercial purposes.

21. In order to eliminate the widespread belief that Bureaus favor member over non-member firms, all references to a firm's membership should be expunged from those BBB files used as a basis for reports to the public.

III. INTRODUCTION

It is hardly necessary at this stage of the "consumer revolution" to detail the extensive physical and economic violence inflicted on the consuming public by unsafe and poor quality products. It should also be unnecessary to point out that the concept of "consumer sovereignty" in today's complex marketplace is little more than a myth. Even the sophisticated consumer is no match for Madison Avenue, the whirling computer and the motivational research phychologist.

As a consequence, today's market system is far more efficient in turning a profit for businessmen than it is in providing goods and services for consumers which are safe, fairly priced and effective.

Although the American free enterprise system, with its give and take in the marketplace, is basically healthy—and although many sellers possess a keen sense of "consumer rights"—consumers are still no more than pawns in the hands of corporate America.

The need for extensive consumer protection in the marketplace has long been recognized: Federal, state and local legislative bodies have enacted thousands of laws to protect the buying public; progressive businessmen have initiated effective voluntary programs to assist the consumer; in recent years, the media have bcome increasingly aware of the relationship between the quality of marketplace practices and the quality of life in America.

But, notwithstanding the greater visibility of the consumer movement and the increase in public rhetoric, it is abundantly clear that industry practices continue to violate the consumer interest without meaningful challenge. One need only read the daily newspapers to discover the thousands of abuses directed at the buying public. Congressional investigations and reports produced by Ralph Nader and others merely confirm what millions of consumers already know from first-hand experience.

In April 1971, a national survey by pollster Louis Harris concluded that most U.S. consumers think that goods and services are generally worse than ten years ago. Harris reported that while 17% of all consumers believed that goods and services are "better," 57% believed that they are "worse" and 23% said that things had "not changed."

Although there are countless public and private agencies throughout the country which deal, in one form or another, with consumer abuses, it is clear that the nation's 139 Better Business Bureau[1] are most visible and best known to the public-at-large. A survey of 5,206 constituents of the 8th Congressional District of New York (Queens a-middle-income area) revealed that a large plurality of 38% said that if they had a consumer complaint they would go first to the Better Business Bureau. This, notwithstanding the fact that the District boasts a branch office of the New York City Department of Consumer Affairs, an active District Attorney's Office, a Consumer Frauds Division of the State Attorney General and several private consumer organizations.

Similarly, an October 1970 poll by Good Housekeeping Magazine of its 1,000 member Consumer Panel[2] found that of those respondants who had complaints about products purchased, 9% expressed their dissatisfaction to the Better Business Bureau while only 3% registered complaints with governmental agencies. In short, local Better Business Bureaus probably have more contact with consumers than all other private and governmental consumer organizations combined.

In 1970, telephone and mail contacts received by all Bureaus exceeded 8 million.[3] Thus, it is clear that public reliance on the Better Business Bureau is substantial. This report will demonstrate that much of this reliance is misplaced.

Reason for study

This study was motivated, in large part, by a recognition of the overwhelming reliance of consumers on Better Business Bureaus. Moreover, resistance to new consumer legislation at all levels of government is often based on the belief that more regulation and new governmental institutions to deal with consumer abuses are largely unnecessary because of the work performed by the Better Business Bureau. This is often the position of those opposed to the establishment of a new federal Consumer Protection Agency.

For example, Henry Ford II, chairman of the Ford Motor Company, has said: "The growing pressure for government regulation of business products and practices reflects a gap between consumer expectations and business performance. If business does not close the gap, government will continue to step in and business will continue to lose its freedom and its flexibility. . . . By supplying . . . information, the Better Business Bureaus provide an alternative to government regulation that is better for business as well as for the consumer."[4]

The President of the Better Business Bureau of Metropolitan New York has observed that "when an official consumer protection agency starts getting into relationships with business where government has no right to be, it is a use of punitive power. Such consumer groups from government are forc-

---

Footnotes at end of article.

ing business to adopt an attitude of passivity instead of growth. One reason business is failing is it finds on every hand agencies thwarting its reputable growth."[5]

Because Bureaus are widespread across the country and because two of their most important functions (i.e., providing information on the integrity of local firms and helping to resolve disputes between buyers and sellers), are not performed by governmental agencies, their *potential* for meaningful consumer service is exciting. This potential was eloquently expressed by the Executive Director of the Better Business Bureau of Guilford County, Greensboro, North Carolina: "One point has become clear to me in the past four years. In the Southeast at least, the BBB *appears* [emphasis his] to be the only organization or agency which has a NOW answer to the question, a TODAY response, or a real-soon solution—Nader's answer is in the future, the FTC answer is months away, lobbying groups' answer is the next legislature, the Post Office Department's is 'after investigation,' the lobbyist's is next year or next Administration, and the politician's is 'next election.'[6]

Accordingly, this study examines the promise of the Better Business Bureaus and the reality of their performance.

IV. SCOPE OF STUDY

This study was researched during the summer of 1971 by Dean Rosenbach, a senior law student at New York University, with support from other interns working in the office of Congressman Benjamin S. Rosenthal. It is concerned principally with the attitudes, policies and procedures of local Better Business Bureaus; it deals briefly with the Council of Better Business Bureaus, Inc.

The study seeks to identify and measure the quality of services offered by local Bureaus and their effect on consumer purchases. Additionally, the study examines the internal operations of Better Business Bureaus and the interaction of those Bureaus with the business community and government.

In gathering data for this report, extensive interviews were held with officials of the Council of Better Business Bureaus, local BBB officials, federal, state and local government personnel, consumer advocates and representatives of the media. In addition, detailed questionnaires were sent to many private consumer organizations across the country, regional Federal Trade Commission offices and numerous Better Business Bureaus.

Because the study was conducted principally between the months of June through September 1971, the report may not reflect reforms initiated by the Council and local Bureaus since that time. Although the principal investigator was denied basic access to BBB files, courtesy and cooperation were abundantly offered by Bureau officials. Responses to questions by Bureau personnel were forthright and comprehensive.

Throughout this report, numerous references will be found to the attitudes and views of Regional Federal Trade Commission Offices toward BBB operations. It is important that the readers of this report understand that these views of the regional FTC offices do not necessarily represent those of the Federal Trade Commission itself.

V. DESCRIPTION OF BETTER BUSINESS BUREAUS

History

The Better Business Bueau is probably the oldest organization in America operating in the field of consumer protection. The Better Business Bureau movement can be traced to Vigilance Committees established in 1912—three years prior to the creation of the Federal Trade Commission—to provide guidelines and standards for industry self-regulation at a time when advertising practices were under severe criticism. These Vigilance Committees were established in New York, Cleveland, Indianapolis and Minneapolis by the Associated Advertising Clubs of America, the predecessor organization of the American Advertising Federation. The Committees became the National Better Business Bureau in 1921 and later evolved into the Association of Better Business Bureaus International Inc. The Better Business Bureau name was adopted in 1915.

On August 1, 1970, the National Better Business Bureau, Inc., and the Association of Better Business Bureaus International, Inc., were consolidated into the Council of Better Buisness Bureaus, Inc.

Purpose and functions

Based on Better Business Bureau literature and interviewing its officials, it becomes quite apparent that the over-riding motivation behind the original growth of BBBs was the desire to protect honest businessmen from unscrupulous competitors. Its over-riding purpose has now become the desire to forestall government intervention in business-consumer relations. In contemporary terms, according to the Baltimore Better Business Bureau, "BBBs have been looking out for the consumer for 50 years, working to keep peace between the merchant and his customers."[11]

Most Bureaus seek to perform four fundamental functions: giving factual information to consumers about the integrity and reliability of firms before consumers make their buying decisions: obtaining adjustments for consumers who have "valid" complaints against business; educating consumers about pitfalls in the marketplace; and, working with industry and the media, to prevent false and deceptive advertising.

One Better Business Bureau president has stated that the "Most important and most effective parts of Better Business Bureau work are those with which the public never has any real contact. For example, working with whole industries to upgrade standards, eliminate the deceptive advertising and questionable business practices, facilitate the resolution of consumer complaints and adopt preventive measures to eliminate causes of consumer complaints. For example, advertising is monitored, shoppings are made, advertisers are contacted for voluntary elimination of deceptive ads, advertising media is encouraged to reject the deceptive ads, and law enforcement agencies are alerted when illegal advertising or illegal practices are detected. We have regular meetings with representatives of law enforcement agencies. Our files are a never-ending source of information to all law enforcement agencies."[12]

Most Bureaus state that they do not "rate, recommend, approve, or endorse any firm product or service. Its report may not be used for sales purposes." Most Bureaus attempt to make a distinction (quite arbitrary, at best) between giving consumers facts upon which to make buying decisions, on the one hand, and telling them where or what to purchase, on the other.

Another BBB President puts it this way:

"BBBs have developed excellent systems for helping consumers (education if you will) *before* [emphasis his] they get in trouble. They have developed effective free enterprise methods for handling marketplace complaints where no laws are broken. They have maintained a standard of ethics and excellence that raise fears from the unscrupulous. They have worked endless, unheralded hours with newspapers, advertisers, franchisers, new and old businessmen to maintain honesty and truthfulness in advertising, building confidence in businesses in the minds of the consumers."[13]

Work load

The work load of Better Business Bureaus is impressive. In 1970, telephone contacts received by all Bureaus exceeded 8 million. In 1968, the BBBs investigated more than 50,000 advertisements, communicated with more than 25,000 advertisers and logged in excess of 30,000 contacts with media representatives.[14]

The Rocky Mountain (Denver Colorado), BBB special report of March 29, 1971, states that 28,317 consumers requested service in the six-month period of July 1 to December 31, 1970. Telephone calls accounted for 87% of this total, letters 10%, and personal visits 3%.

The 1970 Chicago Better Business Bureau activity report shows the following: 1,899 ads investigated; 2,092 contacts with advertisers; and 2,934 contacts with media. Also, 137,582 inquiries from consumers; 22,966 complaints; and 73,242 customer relations activities. The Washington, D.C. BBB activity report for the year ending December 31, 1970, shows: 67,067 inquiries; 10,421 complaints; and 2,901 ads investigated.

The Better Business Bureau of Greater Philadelphia reported that for the calendar year 1970, they handled 173,242 requests for service of which 148,600 were inquiries and 24,242 were complaints.

Budgets

The operating budgets of various Bureaus differ markedly. The Salt Lake City, Utah Bureau (population 176,793) has operated on a budget of around $25,000 per year. The Bureau of Guilford County (Greensboro, North Carolina, population 283,182) operated on a budget of $30,000 per year. The Akron, Ohio BBB (population 273,266) operates on a current budget of $100,000 per year. The Better Business Bureau of Omaha (population 327,789) has an estimated annual budget of around $60,000 per year. The Washington, D.C., BBB operated with $130,000 in 1970.

Although we are not in possession of any precise figures on the budget of the Better Business Bureau of Metropolitan New York, it is possible to extrapolate from information furnished by that Bureau.[15] "Our membership schedule for retail stores calls for a payment of an annual subscription of $100 for a gross annual sales volume of under $500,000. The majority of our members are in that category. The Bureau has approximately 7,200 member firms in the metropolitan area." Because some firms pay annual dues up to $2,000 annually it is possible to estimate that the annual budget of the New York Bureau is in the neighborhood of $1 million.

Influence

It is axiomatic that the local Better Business Bureaus exercise substantial influence over the marketplace decisions and conduct of those who seek their assistance. What is not so apparent is that Bureaus—because their Boards of Directors are frequently composed of the larger and more influential business firms in the community and because they control access to much information on local firms—have an enormous potential for manipulating marketplace conduct and the activities of businessmen. Moreover, because Bureaus frequently enjoy a dual reputation of being a friend of consumers and businessmen alike, they possess the capacity, as one Washington Federal Trade official declared, "To assure success or defeat of consumer protection legislation at the state level."

How Better Business Bureaus utilize this vast power to affect competition between firms in their localities, influence consumer choice as to member and non-member firms and relate to government regulation, will be discussed later.

VI. BBB INTERNAL ORGANIZATION

It has been estimated that the nation-wide network of Better Business Bureaus include a membership of more than 150,000 businesses. Most local Better Business Bureau members are business firms operating in the areas covered by the Bureau. In some instances, local trade associations and busi-

---

Footnotes at end of article.

ness-oriented groups become members of Bureaus.

Nature of BBB membership

In every locality where BBBs operate, members always comprise a very small minority of firms doing business in the vicinity. In large urban centers, members firms generally represent from 2 to 4 percent of business firms operating in the area. The Metropolitan New York Better Business Bureau, for example, has a membership representing approximately 3% of firms doing business in the New York vicinity (7,200 member firms out of 300,000 companies in business)· the Philadelphia Bureau has 2,500 members out of 60,000 firms (4.2%); 2% of the firms doing business in the Los Angeles area are members of that Bureau; the Baltimore BBB boasts a relatively high 7.2% membership list (2,000 members); in San Francisco, less than 5% of the business firms are BBB members; the Cleveland Bureau has less than 2% of the firms as members; the Seattle, Washington Bureau has a membership of less than 1% of the local firms.

In most rural areas, the percentage of rural firms is generally higher: The Better Business Bureau of Guilford County (Greensboro, North Carolina) boasts a membership of about 17% of the firms operating in the vicinity (400 members out of 2,500); the Bureau in Central Kentucky has a membership of approximately 9% of the firms; the Birmingham, Alabama Bureau boasts 1,270 members out of 8,500 firms (15%); and the Better Business Bureau of Omaha, Nebraska has 60% of the qualified business firms as members.

Because member firms frequently represent the larger and more prestigious businesses, the influence of Bureau operations is frequently greater than indicated by its membership list. For example, in the Philadelphia Better Business Bureau, 50% of its members have gross annual sales of over $150,000; 30% have gross sales of $100,000 to $150,000; and only 20% of the member firms have gross sales of between $50,000 and $100,000 annually. 50% of the firms enrolled in the Cleveland BBB have a gross annual income of less than $40,000; but 25% have gross sales of between $50,000 and $150,000 and 25% have gross annual incomes above $150,000. 80% of the members of the Guilford County BBB have gross incomes in excess of $150,000 and only 2% under $50,000 annually. The Akron, Ohio Bureau states that 98% of its members gross more than $150,000 a year. The Rocky Mountain Better Business Bureau states that 75% of its members gross in excess of $100,000 a year annually and only 5% under $20,000 a year annually. 70% of the members of the Birmingham, Alabama BBB gross in excess of $100,000 a year annually.

Membership dues

Membership dues are generally fixed as a percentage of gross annual business or number of business employees. For example, the BBB of Metropolitan New York states that "our membership schedule for retail stores calls for a payment of an annual subscription of $100 for a gross annual sales volume of under $500,000. The majority of our members are in that category."[16]

The dues schedule of the Omaha BBB is fairly representative of the manner in which all local Bureaus bill their members: For *retail stores*, the dues are computed on the basis of the "annual gross volume of business": It ranges from a $50 annual dues for an annual gross volume of up to $100,000 to $100 for an annual gross volume of $1 million (a retailer grossing $5 million annually would pay a membership dues of $500). For *industrial, wholesale and service firms*, the dues are computed on the basis of numbers of employees: It ranges from a $50 annual dues for firms employ!ng between one and ten persons to $250 annual dues for firms employing between 400 and 500 employees (an additional $25 is assessed for each 100 employees over that figure).[17]

Eligibility for membership

The standards utilized for judging a firm's eligibility for membership are substantially similar with a few variations. The membership standards of the Cleveland Better Business Bureau are typical of most:

The company, individual or organization to be considered for membership in the Cleveland Better Business Bureau must—

(a) be established in business at least six months[18] (while affiliates of subsidiaries must meet this time requirement, national corporations need not.)[19]

(b) be engaged in a legitimate commercial enterprise operating in the best interests of the public and adhere to the principles of the Better Business Bureau and its code of regulations.

(c) have maintained a record of cooperation with BBB in handling requests for information and customer inquiries.

(d) have operated in a manner which reflects a sound company program of handling customer relations, and an honest and reliable program of advertising.

(e) have developed a BBB file of no more than three unadjusted complaints in the preceding six month period.

(f) have provided full disclosure and remedial actions with regard to any judgment or legal action taken within the recent year.

(g) have satisfied financial obligations with the Bureau membership department and presented satisfactory evidence of reliability to the BBB Board of Trustees.[20]

The requirements for membership in many Bureaus is less formalized than that of the Cleveland BBB. The Metropolitan New York Bureau requires only that "the business firm subscribes to ethical standards of advertising and selling and that it has satisfactory and fair customer relations." The greater Philadelphia BBB requires that "the firm must have a record of integrity, be factual in its advertising and free from major complaints. In the event of major complaint, we demand that the cause be immediately removed." The Los Angeles Bureau states that "the basic requirement for membership is a record of reliability in our files."

Two points should be made here about eligibility for membership in local bureaus: First, all Bureaus require that applicants be approved by their Boards of Directors.[21] While it is necessary, as a practical matter, for some Bureau official to approve or pass on an applicant's eligibility, there appears to be considerable discretion for a Bureau to accept or reject a local firm. Instead of establishing fixed and definititve standards for membership, most Bureaus couch their membership requirements in vague generalities. This allows the exclusion of firms whose practices, though not anti-consumer, may offend competitors on Bureau boards. Second, it is clear from a reading of the membership requirements of many Bureaus that an overriding emphasis is placed not so much on a firm's practices vis-a-vis the consumer; but on whether it cooperates with the BBB in providing information and adjusting complaints. This preoccupation with "cooperation with the BBB" becomes extremely relevant in any discussion of the reliability of Bureau reports on the integrity of business firms.

Solicitation of members

It is quite apparent that many local Better Business Bureaus solicit members with great zeal. The lifeblood of BBB operations is, of course, members' dues and Bureaus are always on the lookout for new members. In the past, at least, this over-zealousness has caused one Bureau great difficulty: In July 1966, the president of the Maple Heights (Cleveland) Chamber of Commerce accused the Cleveland Better Business Bureau of using pressure sales tactics in a drive for new subscribers. The Cleveland Bureau was accused of telling potential members that if they did not subscribe to the BBB, consumers calling for information about their firms would be advised that they "do not cooperate fully" with the Bureau. Although a BBB vice-president denied that this warning constituted a threat, it is self-evident that a report to consumers of this nature could damage the business reputation of a firm. It was also the general practice of the Cleveland Bureau to send every potential member a bill representing the annual subscription fee.[22]

This practice caused *The (Cleveland) Plain Dealer* to editorialize as follows:

"The Cleveland Better Business Bureau should be ashamed of its tactics designed to pressure businessmen to become members at $76 a year. It is inconceivable that an agency designed to protect the public against unsavory business practices should itself stoop to the use of vicious insinuation. The Bureau has been tagging prospective members who do not subscribe as 'not fully cooperating with the Bureau.' To list this failure to subscribe to the BBB as a black mark against an otherwise reputable businessman is a reprehensible practice. The Bureau, to restore public confidence, nevermore must resort to such tactics."[23]

An insider's view

Similar charges have recently been made by a former employee of the Metropolitan New York Better Business Bureau and the National Better Business Bureau in New York (now the Council of Better Business Bureaus).[24]

Mr. Plavner, a six year employee of New York BBB operations, charges that the Metropolitan New York Bureau's efforts at soliciting new members and renewing old memberships is a blend of "selling licensed businesses protection from dissatisfied customers who would otherwise complain" to official consumer protection agencies; and pressuring retailers to subscribe. He alleges the existence of a "top secret New York BBB 'Membership Salesman Training Manual,' which he characterizes as a step by step scenario for cajoling firms to join the BBB. And he charges that the "BBB brazenly boasts in its membership sales pitch that 'in 90% of the cases, the Bureau is able to show the complainant that his grievance is not valid.'"

Plavner also alleges that Metropolitan New York BBB salesmen earn up to 50% commission on all new sales, an incentive not revealed to prospective members.

A January 8, 1969 New York BBB memorandum directed to "District Representatives" on "Career Compensation Plans" states that "this revised compensation plan for district representatives . . . is to provide a career opportunity for the district representatives by making possible continuous increases of earnings *through* sustained production of new members and his continued interest and follow-up of his established members." [emphasis ours]

The memorandum states further that "commission on all new sales and new reinstatements may be payable according to the following scale:

	Per month	Percent
0	$499.99	(1)
$500	999.99	20
$1,000	1,499.99	35
$1,500	1,999.99	40
Over $2,000		50

(1) No commission.

"Commission will be paid on all renewals of your accounts, whether secured by mail or by personal visits, as follows:

Footnotes at end of article.

	Percent
First year of renewal	20
Second year of renewal	15
Third year of renewal	5
Fourth year of renewal	*2

*Remains at this rate of 2% through the 10th year of the firm's membership. Commissions on renewals are to be paid the last pay period each month.

"INCREASES.—If an increase is secured by a district representative on his own account, he will receive full commission for the increased portion of the membership. So far as the renewal commission is concerned, he will receive whatever percentage is due him according to the category the membership is in at the time. Example, a firm is a member of the Bureau for four years at $100. An increase of this account is secured bringing the total membership to $300. The representative will receive full compensation for the $200, which is the increased portion of the membership, and 2% of the $100."

In an April 20, 1971 letter to Mr. Elisha Gray II, Chairman of the Board of Directors of the Council of Better Business Bureaus, Mr. Plavner charged that a CBBB pilot project to educate consumers against the anti-consumer practices of career counsellors was cancelled because the Metropolitan New York BBB had career counselling firms as members.

Mr. Plavner wrote:

"I was confident that I had found a painless, sugar-coated test-case to demonstrate the feasibility of upgrading BBB operations and the membership; and that it pays, financially as well as image-wise, to sacrifice membership income from fringe firms—a popular green pasture for some local BBB's. The project proved to be a huge success, acclaimed by employment industry leaders—including the executive search divisions of the big eight CPA firms. . . . Twenty leading executive search firms joined the CBBB to help finance the booklet, 'Executive Search, Who Does What'—a plug in the Kiplinger Letter produced 10,000 orders from executives for the booklet. But its success proved to be my undoing by triggering a barrage of behind the scenes flack directed against the project by local BBB bosses. Local BBB management, preferring the proverbial bird-in-hand, having managed to sell BBB memberships to career counseling firms . . . were reluctant to part with hard cash. Finally, the tentacles of the BBB bureaucracy reached out and squelched the project. Thus, my first attempt to buck the status quo under the heralded new CBBB proved just as futile since nothing had changed but the titles in the BBB repertoire."

Policing its own membership roles

The allegation that BBBs are highly reluctant to part with the dues of even fringe operators, is borne out by independent investigation. A July 16, 1971 memorandum from the Assistant General Counsel of the Chicago Regional Office of the Federal Trade Commission[25] states that "A rapid spot check of the BBB/Chicago membership list discloses that 35 members [should read "43"] are subject to Cease and Desist Orders issued by the Federal Trade Commission—most of these in areas of deception. From 11 other members, Stipulations or other Assurance of Voluntary Compliance pertaining to deceptive practices have been obtained by the Commission. Investigations of six other members in the Chicago (BBB) Office have recently resulted in complaint recommendations. Numerous other members have been subject to investigation with results, thus far, inconclusive. Accordingly, it is indicated that more than 2% of the entire membership of BBB/Chicago is currently subject to finalized Cease and Desist Orders and more than 50 members, 3%, are subject to Commission action of one type or another. With time for a more extensive examination, it is believed that further instances of questionable practices by BBB/Chicago members could be shown on the Commission records as well as in other law enforcement activities.

"The import of the above figures may be appreciated in the context of the various retailing groups that make up the major part of BBB/Chicago membership. Especially numerous are firms in the home improvement field, door-to-door sellers of encyclopedias and other types of books, home study schools, data processing schools, modeling and personal appearance schools, schools of business and technical skills, credit furniture sellers, loan corporations, and most prominent of all motor car dealers.

"It is noteworthy that sales in the foregoing areas have been found in innumerable investigations to be attended with practices such as false advertising, high pressure sales solicitation, flagrant deception in the use of direct selling in the home techniques and taking unconscionable advantage of the holder-in-due course doctrine."

"All too frequently representatives of this office have found indications that one of the first efforts of an aggressive practitioner of deceptive sales schemes is to obtain BBB membership for use in sales literature, sales pitches, and perhaps to derive some advantage in responding to BBB complaint inquiries. Such indications coupled with said characteristics as to type, and the dubious record of some of the membership of BBB/Chicago tend to substantiate the conclusion that BBB membership has significant value to high pressure retailers."[26]

Following is a list of Chicago area firms belonging to the Chicago Better Business Bureau and against which the FTC has taken disciplinary action. The list excludes those companies where a complaint has been recommended by the FTC staff but has not been officially issued:

Cease and Desist Orders Issued

Admiral Corporation.
Allied Radio Corporation.
American Models Service, Inc.
Anheuser-Busch, Inc.
Automatic Retailers of America, Inc.
H & R Block, Inc.
Career Institute.
Jeep Sales Corp.
The Child's World, Inc.
P. F. Collier, Inc.
Helene Curtis Industries, Inc.
Dad's Root Beer Company.
Encyclopedia Britannica, Inc.
D. W. Erickson Hair and Scalp Specialists.
Evans, Inc.
Fabricon Company.
AAMCO Dealers.
The Grolier Society, Inc.
LaSalle Extension University.
Marks Brothers Jewelers, Inc.
McDonalds Corporation.
Montgomery Ward and Company.
Motorola, Inc.
National Tea Company.
Robert Hall Clothes, Inc.
Schulze and Burch Biscuit Co.
The Sperry and Hutchinson Co.
Patricia Stevens, Inc.
The Thomas Hair and Scalp Specialists.
The United Educators, Inc.
Waltham Watch Co.
Maremont Corp.
Swift and Company.
Amsted Industries, Inc.
National Institute of Meat Packing.
Vulcan Materials Co.
Commercial Trades Institute.
Veltone Electronics Corporation.
Brunswick Corporation.
Consolidated Foods Corp.
Culligan, Inc.
Chicago Technical College.

Stipulations or Assurances
of Voluntary Compliance

American Osteopathic Assn.
Clark Rug and Carpet Mart.
E. J. Korvette, Inc.
Olson Rug Company.
Reader's Digest Sales and Services, Inc.

A recent article about the Washington, D.C. Better Business Bureau in *The Washington Post,* stated: "for an organization that represents only 5% of area merchants the Bureau has a high ratio of companies that have been the subject of government action. Nine out of fourteen stores that have been accused by the Federal Trade Commission of engaging in 'unfair and deceptive practices' or other questionable activities within the past two years are members of the Washington Bureau. The nine firms were: Baby Products, Inc; Curtis Bros.; Custom Carpet Shop of Virginia; Carpet Specialists; Drug Fair, Inc.; General Car and Wagon Sales; Montgomery Ward; Pool City and Sidlis Sales."[27]

Who represents consumers and business on BBB boards of directors

Boards of Directors of local Better Business Bureaus and of the Council of Better Business Bureaus are dominated by large corporations. Moreover, with the single exception of the Rocky Mountain (Denver) Better Business Bureau, consumers are not represented on the Boards of Directors of the 21 local Bureaus in America surveyed for this study.[28]

The list of officers and executive committee members of the Board of Directors of the Council of Better Business Bureaus, fails to indicate one public or consumer member. Of the 46 Directors of the Council, only 7 are public or consumer members. This bias toward larger corporations is reflected in the membership lists of the Boards of Directors of many local Bureaus. Of the 54 Directors of the Better Business Bureau of Metropolitan New York, only 3 might be characterized as representing small business—two presidents of auto dealerships and one business consultant.

The New Orleans regional office of the Federal Trade Commission has concluded that "another problem area is that many Bureaus, in order to get financial support and community leadership support, put on their board representatives of large corporations. Only limited representation is given to small business and practically none is given to mom and pop type business. True, these concerns do not have the time to devote to things like this, but it does nevertheless flavor the approach of the Bureau."[29]

This domination of Bureau activities by the relatively few larger and more prestigious firms can affect the establishment and maintenance of voluntary compliance with advertising standards and other trade-wide business practices.

EXPLOITATION OF BBB NAME AND MEMBERSHIP

There exists a deep-seated schizophrenia that runs through two aspects of BBB psychology: the first deals with BBB's allegiance to the free enterprise concept of "not directing consumers' purchasing decisions"; the second concerns the Bureaus' desire to maintain a lofty stance above the fray in the marketplace.

A standard phrase which can be found on much BBB printed literature is that "The Better Business Bureau does not endorse, approve or recommend any product, service or firm." A typical Bureau assertion is that "it is not the intent of the Bureau to influence consumers to do business with any specific firm. We remain impartial, providing just facts, hoping the consumer will make the proper decision by examination of the facts provided."[30] All Bureaus responding to Congressman Rosenthal's questionnaire made similar assertions of impartiality.

However, Bureau statements to consumers

Footnotes at end of article.

regarding the reliability and integrity of firms inquired about; and their activities regarding the adjustment of disputes between buyers and sellers, do in fact "influence consumers to do business with a specific firm." Such statements constitute, of course, "approving or recommending" a specific firm's products and services. Whether this reluctance to acknowledge substantial influence over the purchasing decisions of consumers relates to the Bureau's desire to maintain the fiction of "consumer sovereignty" in the marketplace; or whether it relates to their desire to disclaim responsibility for incomplete or inaccurate information is a matter of speculation.

There is far less of a consensus among local Bureaus as to whether and how a BBB membership should be used by subscribers. A majority of local Bureaus allegedly subscribe to the proposition that "reference to membership in the Bureau may not be used in advertising, sales promotion literature, letterheads, etc. or in oral sales presentations." [31]

A rapidly growing minority of local Bureaus have discarded that doctrine. For example, on February 17, 1971, the Chicago/BBB placed a full page advertisement in the *Chicago Daily News* captioned "BBB/Chicago Salutes Its Business Members." The boldface paragraph under the caption recites BBB's dependence upon the financial support and personal involvement of the 1,700 members of the Chicago Bureau, all of whom are listed in the advertisement.

The June 1970 "Report of the Better Business Bureau of Baltimore," states: "The tens of thousands of Baltimore consumers who call the BBB for reports on stores and companies they are thinking about buying from, will now be told the company is a member of BBB. This new policy of 'verbal membership identification' by the BBB's Consumer Information Service will give the prospective customer one more piece of information to use in making the decision of buying or not buying."

The Akron, Ohio Better Business Bureau recently published for consumer use a "BBB Roster and Buying Guide." In its covering letter to consumers, the Chairman of the Bureau said: "We trustees of the Better Business Bureau regard the publication of this consumers' guide as a positive stem to reduce the anonymity of BBB members to give, instead, constructive visibility to those companies that support the Bureau, making its services available without cost to people in all the cities and communities throughout the greater Akron market area." The 41 page Guide, incidentally, contains large ads taken out by BBB subscribers.

In its March 1971 edition "Facts," the Cleveland BBB states that a frequent query of consumers is ". . . how do I know if a merchant is ethical? Our reply—investigate before you invest and *look for the BBB membership plaque—the sign of good business.* [emphasis ours].

An interesting illustration of the value one businessman placed on exploiting a BBB membership, was provided by a senior law student at the University of Washington,[32] who works with the Washington, State Committee on Consumer Interests:

"In one case a direct selling company, upon becoming a member of the BBB, had the BBB's welcoming letter printed up and distributed to all 900 salesmen for inclusion in the firm's sales kit.[33] At the same time the firm sent out a list of members on its 'Advisory Board.' One of the most prominent members of the 'Advisory Board' was none other than the general manager of the BBB. In a letter to the President of the BBB, in early February, these facts were carefully pointed out along with the fact that the combination of these two promotional pieces could be construed as an endorsement of the firm, which clearly conflicted with the longstanding policy of the BBB to avoid endorsement of any firm or service. The letter also brought to light the fact that the firm appeared to be engaging in some very questionable sales techniques. The letter was never acknowledged. The general manager [of the local BBB] had been informed about the firm, its sales techniques, and the two promotional pieces as early as the previous November, but the general manager did not want to cause a lot of trouble for the firm because he considered the president of the firm a close personal friend and felt that the man knew what he was doing. It was not until the next May, when the National BBB found out about the use of the BBB welcoming letter, that any affirmative action was taken. The result was that the firm was required to have its salesmen remove the BBB letter from their sales kit."

Thus, while general BBB policy prohibits the exploitation of membership (one member company had its subscription terminated by the New York BBB because of "unauthorized use of the Better Business Bureau's name"), the publication and commercial use of BBB memberships is common.

Organizational structure of the Council of Better Business Bureaus

The Council of Better Business Bureaus, Inc. is a nonprofit corporation supported by annual dues from its 150 Better Business Bureau members in the United States and Canada, 1,000 national companies, approximately 800 Chambers of Commerce and a number of trade organizations.

The new Council functions both as a national Better Business Bureau administering broad consumer education programs, developing trade practice codes for national firms, reviewing national advertising in all media, maintaining information on national selling practices, working closely with government agencies. It also serves as a clearing house and service organization for local Better Business Bureaus.

The Council of Better Business Bureaus is presently engaged in five major projects:

1. *Improved services to local Better Business Bureaus.*—The Council has announced its intention to "not only improve telephone service, but to coordinate and standardize Bureau operations, expand existing offices and create new Bureaus where needed." Presently, the Better Business Bureau movement operates with a budget of between $9 and $9½ million a year.[34] Of that total, approximately $1.3 million is collected from national sources while approximately $8.2 million is contributed by local businesses. As a consequence, the local Bureaus are relatively autonomous entities although under the new arrangement "some of their activities will receive direction from the national level." [35] In December 1970, the Council announced a fund raising effort which would bring its operating budget to $24 million by 1973. This increased budget will be used to expand consumer education programs, create a national consumer data computer bank, fund a national advertising review board, establish a network of consumer arbitration panels, and modernize local Better Business Bureau phone systems.

2. *Consumer arbitration panels.*—A network of consumer arbitration panels is being established to resolve voluntarily disputes between consumers and business

3. *National Consumer Information Data Bank.*—According to the Council, the need has existed for centralized, nationwide information on consumer attitudes and responses, sales promotion and advertising practices, and product service and performance. Without such a data bank, the Council maintains, the local Better Business Bureaus have limited data on products and companies that operate on a broad national basis or whose dealings with the public originate at considerable distances from a given locality.

4. *Consumer education.*—The Council states that it intends to help consumers become informed, believing that the best protected consumer is an informed consumer. Consumer education materials are being prepared. Printed and audio-visual materials will be developed for use in classrooms, mobile units and other forums.

5. *Voluntary self-regulation of national advertising.*—A 50 member National Advertising Review Board was established in October 1971 to "sustain high standards of truth in national advertising through independent review of cases referred to it by the National Advertising Division (NAD) of the Council of Better Business Bureaus. The NAD evaluates, investigates, analyses and holds initial negotiations with the advertiser on complaints received from any source that involve the truth or accuracy of national advertising. Cases that cannot be resolved satisfactorily by mutual agreement are then forwarded to the NARB. The Chairman appoints a panel of 5 board members to consider each case. If they resolve the matter, the complainant is notified and the case is closed. If they are unable to resolve the complaint, the matter is publicized and results of the judgment turned over to the proper government agency." [36]

Each local Better Business Bureau is autonomous, but all exchange information and cooperate with one another and with the Council.[37] The overwhelming majority of local Bureaus are independent entities supported by dues from member business firms. But in a few instances, such as the Portland, Oregon Better Business Bureau, they operate as divisions of the local Chambers of Commerce. It has been estimated that the national network of Better Business Bureaus includes a membership of more than 150 thousand business firms.

VII. EFFECTIVENESS OF BBB SERVICES TO CONSUMERS

Conflict-of-interest between BBB's responsibilities to consumers and to its member firms

Expulsion of Member Firms

In 1970, ten local BBBs with a combined membership of 17,083 business firms expelled a total of 29 of those firms (one-tenth of one percent) for anti-consumer practices. While it is not easy to draw any firm conclusions from this figure, we do know that approximately 1% of Bureau members in the Washington, D.C. area have been discovered by the Federal Trade Commission to be engaging in deceptive acts and practices; and that 3% of the the members of the Chicago BBB have been subject to FTC action of one type or another. Accordingly, it is possible to conclude that the exceedingly low rate of expulsions has more to do with the BBB's "tunnel-vision" regarding its members, than with the actual integrity of those firms.[38]

Of the sixteen local Better Business Bureaus which responded to a questionnaire from Congressman Rosenthal on this issue, six reported that they had expelled no firms; two, reported that they had expelled one firm; one had expelled two firms; one had expelled four firms; two had expelled six firms; one had expelled seven firms; and three reported expelled nine local firms.

PARTIAL LIST OF BBB MEMBER FIRMS EXPELLED

Name of bureau	Number of member firms	Number expelled
New York	7,200	7
Omaha, Nebr	900	1
Akron, Ohio	1,000	9
Baltimore	2,000	0
Washington, D.C	1,000	0
Philadelphia	2,500	9
Guilford	400	2
Salt Lake City	430	1
Lincoln, Nebr	383	0
Birmingham, Ala	1,270	0

Footnotes at end of article.

The Rochester, N.Y. *Democrat and Chronicle* also disclosed that the Rochester BBB had never expelled any firms from its roster. The manager of the Rochester Bureau acknowledged that "the Rochester BBB is one that hasn't expelled any disreputable members", but claimed that this is because "expulsion is a complicated and time-consuming process that isn't worth the trouble." [39]

Financial support mutes BBB criticism of firms

Because all Better Business Bureaus depend upon local business firms for their financial support and commercial viability, their public criticisms of local business activities must be, at best, discrete and, at worse, deceptive.

A good case in point was provided by the "HELP for the Consumer," a feature of the Rochester, New York *Democrat and Chronicle*: [40] A survey by the paper showed that the Rochester Better Business Bureau had named only one Rochester firm as committing anti-consumer practices in all of its press releases during the years 1968 through 1970. That particular firm had been soliciting orders from businesses, not from consumers. Three other companies had been cited in BBB press releases during that same period, but none had headquarters in Rochester and none belonged to the Rochester BBB.[41]

One local Better Business Bureau executive director [42] accurately summed up the BBB's philosophy: "Although we are consumer-minded, we are business-directed too." In discussing his Bureau's pitch to prospective members, the Director stated that they explain to businessmen that membership "will enable businesses to complain against other businesses in a less formal atmosphere."

The executive director evidenced the inherent conflict-of-interest in Bureau operations when he said: "We work primarily behind the scenes. We are reluctant to try our cases in the newspapers since everyone in that type business suffers if you expose one. Rather than kill the man's business you try to work quickly and effectively behind the scenes."

Another Bureau expressed its sense of mission, as follows: "Our primary job is to work with business *as its agency*, interpreting public reaction to business practices as it comes to us through public inquiry, complaint, and our investigations." [emphasis ours] [43]

The incredible difficulty of serving two masters is amply illustrated by the attitudes of many BBBs toward consumer complaints. A senior law student at the University of Washington who works with the Washington Committee on Consumer Interests reported on the results of an interview with the manager, Commercial and Financial Division of the Los Angeles BBB. The manager "felt that most consumer complaints were not well-founded and admitted a reluctance to forward them to the Attorney General's office. She felt that the time that would be spent on them would merely be a waste of tax dollars. Her view was that they were trumped up or largely imagined by consumers who read unfounded articles about consumer fraud in the newspaper." [44]

The Des Moines, Iowa BBB, in a letter to its members regarding 1971 dues, stated: "Never in history has business been under attack as it is today. Not only is consumerism very real but, it will be with us for a long time. Never has there been a time when ethical business needed an *independent voice*—locally and nationally—more than it does now!" [emphasis ours]

The Arizona BBB "Bulletin" for August 1970 warned its members that "the BBB/Arizona will undoubtedly receive a deluge of complaints about dry cleaners—most of them unjustified."

Two case histories

A couple of case histories are in order. The Neighborhood Legal Services Association of Pittsburgh, Pennsylvania, alleged to Congressman Rosenthal that the American Carpet Company there had, for quite some time, been engaging in classic "bait and switch" advertising. "Despite this, the Better Business Bureau told a member of the Alliance for Consumer Protection that no action could be taken against them and that while some complaints had been filed, they had all been satisfactorily resolved. Subsequently, the Commonwealth's Bureau of Consumer Protection obtained an injunction against American Carpet Company and the Alliance was successful in having money returned to the consumers that had filed complaints.[45]

The Legal Aid Society of Cleveland reported that notwithstanding the fact that "our consumer problem caseload must be about 40% used car problems, a BBB official once told me that he thought there must be few used car problems in Cleveland because they got no complaints." [46]

The New Orleans regional office of the Federal Trade Commission provided some useful insight into how Better Business Bureau employees are sometimes caught in the middle of the conflicts-of-interest situation faced by all Bureaus: "Bureaus are only as good as their managers and Board. At times you will have a strong manager, and if he does too thorough a job, the Board will fire him with very little notice. A case in point was what recently happened to the Manager of the Little Rock, Arkansas Bureau. This is a statewide Bureau formerly managed by [Mr. X].[47] In unconfirmed reports, [Mr. X] started to write about three land developers (Hot Springs Village owned by John A. Cooper company; Foxcroft owned by the Bailey Corporation and Bill Rector and Associates) and one major department Store (Sears, Roebuck & Company). Hot Springs Village was producing many complaints as was another company owned by the same corporation, namely, Bella Vista Village. [Mr. X] prepared a report on Hot Springs. Foxcroft was advertising on TV and billboards: Two weeks in Europe for two. He [Mr. X] learned that they were only giving $568 credit on the purchase of a lot, and from a travel agency he learned that this type of trip would cost at least $1800.

"For Sears, they were running a bait and switch ad. This was developed after [Mr. X] had three of his girls shop at Sears.

"What [Mr. X] learned about too late was that his Board had five out of ten members that were land developers and that the local Sears representative was a past president of the Board. He got fired.

"When other managers see this, they then realize the facts of life and are more careful. The manager only serves at the pleasure of the Board and the Board can fire the manager with a statement that 'they no longer feel that his judgments can be relied upon.' The National Council of BBB does not have any control over what a particular Board does." [48]

Views of FTC regional offices

The BBB's reluctance to provide hard-hitting information damaging to local business firms has been noted by various regional offices of the Federal Trade Commission. The acting regional director of the Kansas City Regional Office of the Federal Trade Commission reported that some Bureaus are "a little loath to get tough with their own members. The members' contributions, of course, are the major source of BBB income, if not the only source. Sometimes the BBBs have issued good reports (to consumers) on companies based on little more than the verbal assurance that such companies would operate legally and would adjust complaints. Sometimes these BBBs have been slow to change their reports, even though many complaints were received in the interim." [49]

The Director of the Washington, D.C. Regional Office of the FTC stated that "even though they (the Washington, D.C. BBB) are fully cooperative in furnishing complaint data on established firms, we have noticed that their evaluation of established firms is apt to be more favorable—than their own files will sometimes justify." [50] The Acting Director of the Los Angeles Regional office of the Federal Trade Commission stated, as to Bureau reports, that "the response at times is guarded and somewhat reluctant if one of their major members is involved." [51]

BBBs legal relationship with its subscribers

While much of the Better Business Bureaus' paralysis in taking action against unscrupulous firms can be traced to its financial support, another reason is the BBBs' inviolate policy of refusing to take legal action against any firm. Whether Bureaus presently have legal standing to go to court against member firms is not settled. But the BBB can refer unlawful business practices to federal, state, or local law enforcement authorities. Moreover, it may be that when an applicant signs his "sustaining membership application" (which provides for legal "consideration" from both Bureau and subscriber and which requires adherance to specified business standards), a contract is executed which would give the Bureau "standing" to sue a member in court for breach of contract.

In sum, the Bureaus can be severely faulted for not taking more vigorous action against unscrupulous merchants. We join in the conclusion of the Legal Aid Society of Metropolitan Denver that "because of its reliance on the support of business itself, the BBB is probably inherently incapable of pressing for the kinds of sweeping changes which many consumer advocates feel are necessary." [52]

BBB treatment of members vs. non-member firms

Although vehemently denied by BBB officials, most organizations and persons who have intimate knowledge of Bureau operations maintain that BBB reports tend to ignore the shortcomings of member firms and are most critical of non-member firms: The Acting Director of the Los Angeles Regional Office of the Federal Trade Commission reported that "the BBBs are generally more critical of non-members than they are of members. The Better Business Bureaus will provide information to the Federal Trade Commission concerning complaints they have received against members and non-members. However, the response at times is guarded and somewhat reluctant if one of their major members is involved.[53]

The Regional Director of the Cleveland Federal Trade Commission stated that the BBB's "prime concern appears to be to protect the reputations of its members; secondarily, to help the general public." [54]

The Kansas City Regional Office of the Federal Trade Commission concluded that some Bureaus "are a little loath to get tough with their own members. The members' contributions, of course, are the major source of BBB income, if not the only source." [55]

The FTC's San Francisco Regional Office stated that "we have encountered incidents where BBB members have continued to retain their membership and to receive favorable approval reports when there have been good reasons for withdrawing the membership, or more seriously questioning the approval of such members' business practices in response to inquiries." [56]

Three other Federal Trade Commission Regional Offices stated the view that Better Business Bureaus invariably direct their regulatory efforts at recently established and smaller firms; being more tolerant of activities on the part of established organizations in the community.[57]

In response to a request for information from Bureaus on the numbers and types of

---

Footnotes at end of article.

actions taken against businesses in their areas, the Better Business Bureau of Omaha, Nebraska stated that they had referred six cases to federal law enforcement authorities, four to the local county attorney and had corrected misleading advertising in nine instances. The Omaha Bureau went onto state that *"no members were involved in such actions."* [emphasis ours]

Many consumer organizations surveyed throuhgout the country stated a view on this subject similar to that expressed by the Connecticut Consumer Association: "It is the writer's opinion that Bridgeport follows the same general attitudes of the other BBBs in Connecticut concerning consumer complaints: Go after the non-members, keep the members honest if possible, but happy (and dues paying at all costs).[58]

To illustrate the kind of pressure that large BBB contributors can bring to bear on Bureau operations, an official of the Federal Trade Commission in Washington related an incident occurring several years ago in Washington, D.C. A local department store, a major contributor to the BBB, began advertising comparative prices of diamonds. Because this practice violated BBB policy, the local BBB director reported the practice to the Federal Trade Commission. At the next BBB Board of Directors meeting, the representative of that company criticized the bureaus referral of the matter to the FTC and stated that the industry should keep its squabbles out of the public sphere. The matter was dropped.

With very few exceptions, most local Bureaus will tell inquiring consumers whether or not a firm asked about is a member of the BBB.[59]

In Los Angeles, the Better Business Bureau's files on firms state whether the firm is or is not a member. The files of most BBBs contain this kind of information to that Bureau employees reporting on a request for information know immediately whether or not the firm is a member.

While it is difficult to prove definitively that BBBs favor member over non-member firms in their reports to consumers, it is clearly the view of those persons and organizations who know Bureau operations best, that they do so. This bias in favor of member firms was indicated, as well, in telephone surveys to the Chicago and Washington, D.C. BBBs conducted by the office of Congressman Rosenthal.

VIII. QUALITY OF BBB REPORTS TO CONSUMERS ON THE INTEGRITY AND RELIABILITY OF FIRMS

One of the Better Business Bureaus' most *potentially* useful services, is their telephone reports on a firm's reliability and integrity. Notwithstanding the great need for such information, no governmental unit or private organization now performs such a service on a continuing and systematic basis. If the BBB is to live up to its enormous potential, it must perform this service with total objectivity and accuracy. Unfortunately for America's 210 million consumers, this is not presently the case.

Importance and nature of service

The Better Business Bureau of Rocky Mountain (Denver), explained the importance of the reporting service as follows: "The inquiry service or requests for reports, representing 80% total BBB case load, is the most important service as it (1) tends to prevent consumers from getting into a complaint situation; (2) provides information/education to consumers at times of need; (3) tends to deter expansion of gyp and fast buck operations by drying up their market." [60] This view of the importance of reports is shared by all other Bureaus.

In response to a request for views on the nature of the information provided consumers, most Bureaus stated that their reports to consumers are mostly by telephone; that they usually include the name of the firm, length of time in business, nature of the business, name of the principal officer, length of time known to the BBB, complaint record with the Bureau and specific information regarding the types of problems the firms may have. Most Bureaus record what they believe to be relevant information on index cards. This card frequently contains short phrases to be used by Bureau operators to indicate the performance of the firm inquired about. Telephone reports by Bureaus are typically brief (under 15 seconds). Bureau operators generally will not go beyond standard reference phrases—but some will attempt to expand on or sum up information if pressed by the consumer. Both the Council of Better Business Bureaus and local Bureaus do furnish consumers with detailed written reports on firms about which there have been numerous inquiries or problems.

It is a major conclusion of this study, that the quality of information on firms communicated by BBB to consumers, is extremely poor. With a few modest exceptions, it is misleading, inaccurate and incomplete. Although *written* BBB reports frequently contain accurate and useful information, telephone inquiries represent by far the overwhelming majority of consumer contacts and it is here that the quality of BBB reports is the weakest.

Consumer dissatisfaction with BBB reports

That the most sophisticated and active consumers are totally dissatisfied with the quality of reports on firms issued by Bureaus is evidenced by the fact that of the 22 private consumer organizations questioned, 15 responded that these reports contained no useful details at all; [61] four stated that Bureau-furnished information was fairly detailed; [62] and only three reported that BBB information is very detailed.[63]

Reasons for low quality of reports

There are five basic reasons why Bureau telephone reports are of such low-quality:

(1) BBB telephone reports almost never contain information reflecting actions taken by federal, state and local law enforcement agencies (all a matter of public record) against firms for consumer abuses. Because actions by law enforcement agencies are only initiated against the most serious abuses and on the basis of substantial evidence, it is imperative that this type of information be made available to those inquiring about firms;

(2) Many BBB's place an unrealistic and inflated stress on whether firms against which complaints are made, "cooperate with the Bureau"; rather than on the nature of the complaints themselves. As a general matter, it is the conclusion of this study, that a firm which has many complaints against it, but which resolves those complaints to the satisfaction of the Bureau will receive a better rating than firms which have few complaints, but which do not deal with the Bureau on those complaints. We shall see later that complaints resolved to the satisfaction of the BBB are not always resolved to the satisfaction of the complainant;

(3) Even if the quality of information in the Bureau's file is good, the quality is often lost due to the time limitations and work pressures on Bureau operators. Most important in this regard is that Bureau operators are frequently called upon to summarize or characterize voluminous information in a file. This forces the operator to make a subjective determination on the meaning of the totality of information in a file;[64]

(4) It is well known within Bureau circles, that both members and non members call BBB's anonymously and request reputation reports on their firms;

(5) The Executive Director of one Bureau acknowledged "Some few [reports] are not as strong as they should be, *because of treading on libel ground.*" [65] [emphasis ours].

The fear of libel and slander actions against the Bureau is of real concern to them—but it probably is not a very realistic one, as we shall see later.

Over-emphasis on complaint handling and cooperation with the bureau

When queried on how they measure "reliability" many Bureaus emphasized the importance of how a firm responds to complaints and whether it "cooperates with the Bureau." Typical in this regard was the response of the Omaha Better Business Bureau: "The 'cue' to the public, and experience has dictated this to be true, is whether a company has any complaints and how they have handled the complaints." The BBB of Metropolitan Washington stated that unless the consumer presses for more detailed information, "we normally advise whether the firm has cooperated with the BBB or not." The Austin, Texas BBB indicated that their negative reports usually flow from situations in which the "firm does not respond to this Bureau's request for information or the firms file indicates complaints not answered." The Mississippi Bureau responded that they simply tell consumers the facts about a firm, "as to how long they have been in business, whether or not we have had any complaints, if so, how they were handled as indicated by our files." The Lincoln, Nebraska BBB stated similarly that "we are usually able to advise consumers . . . whether complaints have been received, and if the firm is cooperative in adjusting or replying to complaints."

The Bureau's over-emphasis on complaint handling and cooperation is well known to private consumer groups and to Federal Trade Commission regional offices. Also well-known is the lack of attention to detail. The Washington State Committee on Consumer Interests reports that "the local BBB prefers to provide information over the telephone rather than send out written reports. A report will merely state whether there were any complaints received and if the complaints were satisfactorily resolved. The nature of the complaints usually is not revealed so that it is difficult to judge the seriousness of the complaints." The Kansas City regional office of the Federal Trade Commission stated that "Sometimes the BBB's have issued good reports on companies based cn little more than the verbal assurance that such companies would operate legally and would adjust complaints."

Even BBB files turned over to an agency such as the Federal Trade Commission have been declared on occasion to be "somewhat sketchy".[66]

Our study indicates that while the overall quality of BBB reports are poor there is a great deal of unevenness at different Bureaus with respect to such reports. Commercial activities which may cause 1 Bureau to report adversly on a firm may be totally acceptable to another Bureau. For example, the BBB of Akron, Ohio will report to a telephoning consumer that "no problems of any consequence have been brought to our attention; no reason to question", when they have received complaints on a firm which they judge to be "unjustified or *controversial.*" [emphasis ours]. A different Bureau might report adversly on a firm which has built up large numbers of "controversial" complaints.

The difficulties that inaccurate or incomplete reporting cause to consumers was well stated by the Neighborhood Legal Services Association of Pittsburgh, Pennsylvania:

"Although the local BBB provides consumers with reports on the reliability and/or integrity of merchants, these reports are very general, inadequate, and are lacking in most essential details. The only information normally given, at least over the phone is whether nor not complaints have been filed. For instance, I called once to find out about a merchant whose practices were challenged by

---

Footnotes at end of article.

one of my clients. To my dismay, the answers I received from the BBB were extremely evasive and I could not even discover exactly how many complaints had been filed against this particular merchant. Even more importantly, I was unable to learn the precise nature of the complaints filed, so that I was unable to determine whether or not a pattern and practice of fraud and deception was being carried out by this company. In other cases with which I am familiar, this evasiveness has amounted to out-right non-disclosure by the local BBB. When one of my clients called to inquire about the reputability of Modern Construction Company, he was told that the company is extremely reputable and only minor complaints have been filed against them. As it turned out, we have subsequently filed some 35 to 45 complaints alleging a pattern and practice of fraud and deception in various construction contracts. Thus, the reluctance of the Better Business Bureau to provide the consumer with adequately detailed information often works to the consumer's detriment and is normally no guidance whatsoever for effective consumer protection. Moreover, the consumer is rarely told of how the complaints have been resolved, and are never given the details of any settlements or whether or not the consumer was satisfied. Instead, evasive answers concerning the merchants general reputation are given, along with the statement that yes, all of these complaints have been satisfactorily resolved. Again, the consumer is provided no information by which he can make an informed judgment concerning reputation, practices, and past consumer experiences of the particular company." [67]

Libel and slander concerns

There are no figures available as to the number of law suits filed against either the Council of Better Business Bureaus, or local Bureaus over the accuracy of information they publish on business firms. While this report is concerned exclusively with the effect of BBB operations on the consumer; it is a fact that the publication or communication of information about the reliability and integrity of firms is of great concern to and can effect the reputation of business as well.

There is no evidence that the threat of lawsuits has inhibited the determination of the Council and local Bureaus to report on the reliability of producers throughout the country—although it has been reported that the Council of BBB's recently secured a $5 million insurance policy against libel.

Although the law is not well settled as to the liability of Bureaus for publishing inaccurate information, a recent decision by the Appellate Division of the Supreme Court of New York would appear to make it very difficult for a firm to get a successful judgment against the Bureau for libel and slander—at least in that jurisdiction. The unanimous opinion reversed on the law and facts the grant of a preliminary injunction against dissemination of a Council of Better Business Bureau publication on Trim-A-Way Figure Contouring Ltd. The Court's opinion stated that publication of the CBBB "bulletin" may well fall within the ambit of the constitutional protection enunciated in *New York Times Company* vs. *Sullivan* and that its publication was qualifiedly privileged.

The facts of the case are as follows: following publication of a Council report critical of Trim-A-Way's advertising claims, a suit was filed on September 24, 1970 alleging libel and slander and seeking a permanent injunction and damages. In vacating the injunction and dismissing Trim-A-Way's complaint, the Supreme Court stated that "the publication being presumptively privileged, when challenged by defendent's motion for summary judgment, plaintiff was required to come forward with evidentiary facts from which it might be found that the publication was not only false, but actuated by express malice or actual ill-will. (Shapiro supra, page 61; Indig v. Finkelstein, 29 A.D. 2d 851, affd. 23 N.Y. 2d 728)."

Accordingly, this court established a precedent that in bringing a libel and slander action against a Better Business Bureau, a plaintiff will be required to plead and prove not only that the publication was false, but that it was actuated by express malice or actual ill-will. The court also established the requirement of pleading and providing special damages.

The Corporate Secretary and Corporate Counsel of the Council of Better Business Bureaus stated that "this requirement, as a necessary ingredient in a suit against a Bureau publication condemning a Company's services places a very heavy and difficult burden on the plantiff diminishing the likelihood of success. We believe that this opinion represents a major step toward the establishment of judicial precedents outlining the area of Bureau operations. It should prove a valuable guide to Bureau executives and their counsel." [68]

In November 1971, efforts by Holiday Magic Inc., a California-based cosmetic firm, to suppress a public report from the Council of Better Business Bureaus, Inc., on chain distribution schemes were denied in Federal District Court by Judge William Bryant. A temporary restraining order was denied Holiday Magic and its co-plaintiff, the International Association of Multi-Level Distributors, Inc.

It is a conclusion of this report that the Council of Better Business Bureaus and local Bureaus should receive the widest grant of immunity from libel and slander actions and protection against prior restraint, permissible under Federal and State law. This conclusion is dictated by the belief that BBB reports can be dramatically upgraded and have the potential for providing consumers with an invaluable source of information which they are unlikely to obtain from other sources.

Survey of BBB reporting practices

In order to test the accuracy and quality of BBB reports on firms, telephone calls were made to local BBB offices in various cities requesting information on firms against which official disciplinary actions had been taken by federal, state, and local law enforcement authorities for consumer-related violations.

Footnotes at end of article.

Firm	Attempts to reach BBB	Location of BBB	BBB report to consumers	Nature of action against firm
Holiday Health Spa, Washington, D.C.	4	Washington, D.C.	A few complaints; always adjusted any complaints	FTC formal complaint charging false and deceptive advertising and promotions; Consent decree Jan. 19, 1971.
Arthur Murray Dance Studio, Washington, D.C.	2	do	No complaints for past 3 years	FTC cease and desist order: false contests, use of intense, emotional, unrelenting sales pressure to generate signing of contracts (Feb. 23, 1971).
Sidilis R. V., Washington, D.C	5	do	No complaints since 1968	FTC cease and desist order: False sales, false advertising (Jan. 13, 1971).
Hoffman Upholsterers and Interior Decorators, Washington, D.C.	4	do	They cooperate with the BBB	FTC cease and desist order: false sales offers, bait and switch, insufficient quantities of sale items (Dec. 8, 1969).
Accredited Surgical Pharmacy, Silver Spring, Md.	3	do	No reports, no complaints	District of Columbia Government Health Services Administration violations (1969 and 1970).
Atlantic Van Lines, Washington, D.C.	2	do	OK	Two men plead guilty to a portion of a multicount indictment and were given prison terms: low-balling and holding furniture for an inflated fee.
New York Jewelry Co. Washington, D.C.	2	do	OK	FTC cease and desist order affirmed on appeal to U.S. Court of Appeals for the District of Columbia: "false sales, deceptive representations regarding easy credit." (Dec. 2, 1968).
New Beacon Pharmacy, Washington, D.C.	3	do	No reports, no complaints	District of Columbia Government, Health Services Administration violations (May 27 1970).
Murray's Meats, 1309 5th St. NE., Washington, D.C.	4	do	No adverse complaints, but call District of Columbia Bureau of Licenses and Permits.	District of Columbia Health Service Administration: "excessive fat in ground beef" (Sept. 10, 1970 to May 26, 1971).
Kensington Floor & Tile Co., Kensington, Md.	3	Washington, D.C.	No complaints; no other information	Maryland State's attorney office: Cease-and-desist order for referral selling scheme outlawed in the State of Maryland.
New Hamshire-Chillum Pharmacy, Washington, D.C.	3	do	No complaints	District of Columbia Government Health Services Administration violations (Sept. 24, 1970).
Dowd's Appliances, Washington, D.C. (now out of business).	3	do	No complaints since 1969	FTC cease-and-desist order, false sales, inadequate quantities of sale merchandise, sale of "old model" items. (Mar 11, 1970.)
Carpet Specialists, Bethesda, Md	3	do	No complaints, no adverse information to report	FTC cease-and-desist order: "Bait and switch, false sales, misleading promotions." (Sept. 23, 1970.)
Curtis Bros. Furniture, Washington, D.C.	3	do	Complaints, yes, which have been adjusted	FTC cease-and-desist order: violation of Truth-in-Lending Act (Sept. 23, 1970); Mary and State's attorney office: Cease-and-desist order—false sales.
D.C. Van Lines, Washngton, D.C	3	do	Very few complaints and they were satisfactorily settled. Don't have to be afraid to do business with them	Operator convicted of all counts of multi-indictment: low balling, holding furniture hostage.
Dukeland Packing Co., Baltimore, Md.	2	Baltimore, Md.	No complaints	U.S. Attorney's Office indictment returned against this meat packing firm for using phony USDA meat inspection seals and for mislabeling.
Cameo World Photographers, Towson, Md.	1	do	Attorney General of Maryland filed suit against this firm for failure of their contracts to comply with Maryland standard; some delay in delivery.	States Attorney's Office secured a $32,000 refund to customers for failure to disclose the 3 day cooling off period under Marylan contract law.
L & M Appliances, Dundalk, Md	2	do	Many complaints; not recommended	State's Attorney's Office secured a court order for failure to honor warranty; also for misrepresentation.

Firm	Attempts to reach BBB	Location of BBB	BBB report to consumers	Nature of action against firm
Hillside Plymouth, Delaware County (Philadelphia, Pa.)	3	Philadelphia, Pa.	No inquiries, no complaints	Consumer's Education and Protective Association, Philadelphia, Pa., numerous complaints and lawsuits.
Crisconi Oldsmobile, Philadelphia, Pa.	1	do	A few complaints but always adjusted, some complaints unwarranted.	Suit filed by Pennsylvania State Department of Justice, Bureau of Consumer Protection, charging odometer tampering.
The Singles Club, Philadelphia, Pa.	2	do	Pressured persons into signing dance contract	State of Pennsylvania Bureau of Consumer Protection, preliminary injunction secured.
D. W. Erickson Hair and Scalp Consultants, Chicago, Ill.	2	Chicago, Ill.	Have been in business since 1953; no complaints	FTC cease-and-desist order.
Commercial Trade Institute, Chicago, Ill.	2	do	Founded in 1942; approved for veteran; a few minor complaints that have been satisfied.	Do.
Marks Bros. Jewelers	2	do	Two complaints regarding prices	Do.
Patricia Stevens, Chicago, Ill.	2	do	A few complaints that have been adjusted	Do.

IX. EFFECTIVENESS OF BBB AT RESOLVING COMPLAINTS AND SETTLING DISPUTES BETWEEN BUYERS AND SELLERS

Along with providing consumers information on local firms, assistance in the settlement or adjustment of complaints by buyers against sellers is one of the BBB's most important services. The overwhelming majority of consumer grievances regarding products and services involve dollar amounts too small to litigate. As a consequence, the willingness and ability of a third party (ideally, an objective third party) to mediate disputes is of vital importance to the nation's consuming public.

Complaint workload of bureau

Complaints from consumers generally comprise approximately 15% of a local Bureau's entire work load.[69] All Bureaus allege a high "success rate" for their consumer complaint service.

One Bureau describes its complaint service as follows:

"Each complaint received by the Bureau describes a situation wherein a consumer feels he has been treated wrongly or unfairly and turns to the Bureau for the opportunity to air his grievance and seek redress. Complaints are screened. Exluded are those about the prices charged for merchandise or services, or about the fit, wearability, or durability of merchandise, or inefficient operation of various appliances in the absence or expiration of a written guarantee—or matters in the hands of an attorney, before any courts, or previously adjudicated.

On specifically designed forms,[70] the complaint states the facts of his case and the settlement which he believes would be fair. These forms then go to the company involved for its statements on the matter. Bureau executives give a very high priority to the task of keeping on top of these situations. Exactly what does the Bureau accomplish as a result of the time, trouble and expense involved in handling its complaint procedures? There are three major attainments: The Bureau is able to identify those firms (or areas of business) whose advertising and selling practices are causing justifiable public criticism; and, thus, to take corrective action. Consumers find in the Bureau the clearing house through which their complaints come to the direct attention of business management; Businessmen find in the Bureau an agency through which they prove in deeds the probity and integrity of the vast majority of enterprises in the greater Akron area." [71]

Any analysis of the BBB's complaint handling service must take account of three factors: (1) The actual effectiveness of Bureau procedures for adjusting complaints; (2) the validity of Bureau claims for an extremely high success rate; and (3) the effect on consumers of utilizing the BBB's complaint handling mechanism.

Restrictions on complaint handling capabilities

It is undoubtedly true that the BBB does succeed in adjusting many complaints when those complaints involve larger firms and when they are free of controversy. However, the Bureau's record of success fades badly when smaller firms are involved or when controversy creeps into the dispute action.

It is almost always true that when a firm contests a consumer's claim (either because of a dispute over the facts or because the firm does not believe itself responsible), the BBB quickly steps out of the picture. This study disclosed no instances (although there may well be a few) where a local Bureau had aggressively prodded a firm to adjust a controversial claim after the firm had initially refused to do so. Bureau's will urge a firm to respond to its initial "Customer Experience Record" inquiry; but invariably they will not contest a firm's decision not to adjust a complaint. One Bureau official acknowledged that "there is not aggressive soliciting of replies from businesses and that is the reason for the insistence that the complaint form be used—so as not to antagonize the companies who are members." [72] Another Bureau official indicated that their complaint handling procedure was primarily directed at "cooling down consumer's tempers."

When a firm declines to adjust a complaint, the Bureau will send the complainant a form letter which typically reads as follows:

"Per the enclosed copy of correspondence received from the captioned firm, this has obviously become a *controversial matter*. As you may know, the Better Business Bureau is a public service organization voluntarily maintained by hundreds of business firms to foster accurate advertising, informative selling, and fair competition; And at the same time, to protect both business and public against unfair and fraudulent practices. Firms interested in customer good will usually give prompt attention to complaints forwarded by the BBB, and do everything within reason to satisfy them. The Bureau fights fraud and customer abuse with facts. It has no way of forcing any firm to make an adjustment and consequently, can be of no further assistance to you in this instance. If you seek further assistance in this matter, we suggst you consult legal counsel." [73] [emphasis added].

Bureaus do inform complainants whose disputes remain unadjusted that "the record of your experience is now included in our files and the firm's response will be reflected in our reports to others who may inquire about the firm before doing business with it."

A number of consumer organizations responding to Congressman Rosenthal's questionaire about their dealings with the Better Business Bureau, reported that unresolved complaints failed to show up at a later date when inquiries were made by telephone regarding a firm's reliability and integrity.[74]

In adidtion to the conflict-of-interest inherent in BBB operations, there are two basic reasons why Bureau's lack aggressiveness in pursuing settlements of consumer complaints: The first is that Bureaus almost invariably accept the firm's word as to the validity of the dispute; the second is that Bureaus refuse to participate in matters where a firm may have violated the law.

The Legal Services Organization of Indianapolis provided an excellent example of the latter reason:

"In the sample case enclosed, the complaining party purchased an automobile pursuant to a contract (exhibit B attached hereto and incorporated by reference). Upon examination of the contract, you will notice at least 8 Truth-In-Lending violations and 8 Indiana Retail Sales Installment Act violations. It is obvious that the BBB did not make a thorough investigation into the legal subject matter which is typical of their operations. It is also apparent that the BBB ignored all the statutory violations which appeared on the face of the contract. This experience, unfortunately, is typical of the disregard of consumer rights entertained [sic] by the BBB." [75]

The Western Idaho Legal Aid Group cited another example of how the local BBB refused to pursue a complaint against a service station because of its legal implications. The station was subsequently declared by a court to have violated consumer laws.

Unfortunately, most consumers who fail to get satisfaction from the BBB complaint handling procedures, do not further pursue available legal remedies: "Indeed, the submission by the consumer of his complaint to the BBB often serves to imply a definitive adjudication of the matter—invariably against the consumer. Such practices, as this, which create false security, which relegate consumer complaints to stale files and which rarely, if ever, resolve just claims, must be exposed as detrimental to the consuming public." [76] Stated another way, the consumer is urged by the BBB to bring his problems to them, to expend his energy in their system, and is often left with no resolution to his problem.

This pattern was confirmed by one BBB employee who said that he had his best results in the beginning of his employment when he achieved a success rate of 75% on consumer complaints. He said he did so, by badgering and threatening a company if he thought a complaint was justified. Because a number of businesses complained to the Bureau manager about his techniques, he is now required to follow typical BBB complaint handling procedures. He stated that his success rate has fallen off to approximately 25%.

Since BBBs do not persist with firms beyond the initial contact, their acceptance as final of a firm's determination on a complaint would become academic, except that an unsatisfactory adjustment should show up later in a firm's BBB file. Unfortunately, it is impossible to count on this ultimate sanction because Bureau's are interested only in whether a firm is *willing* to adjust; and not with the fairness of the ultimate adjustment, if any. This bias toward accepting a firm's word as to the equity of the adjustment, is demonstrated by the statement of the Akron, Ohio BBB that "if a company advises us that it has adjusted a complaint to a customers satisfaction we pass that word along to the customer with a request that he advise us if he has any further questions." Consumer

---

Footnotes at end of article.

groups are invariably critical of this procedure: "The principal criticism we have received of the BBB is that it closes the case when the member writes a letter to the complaining consumer, whether or not the consumer is satisfied with the BBB member's response."[77] The Chicago office of the Federal Trade Commission observed that "BBBs efforts to conciliate or mediate consumer-vendor disputes appear to have little value to consumers because of a fundamental inability to resolve a question of fact. BBB's warning reports suffer from inability to resolve disputed factual questions. If a vendor replies to a BBB inquiry with any assertion that appears to raise a disputed question, the instance may be taken out of the category of unsatisfied complaints and the instance may be regarded as neutralized and thus excluded from the warning report. *Accordingly, violators capable of responding to BBB inquiries with impressive letters composed of broad assertions tend to receive innocuous references.*" [emphasis ours].

Claims of success

Most local Bureaus claim an incredibly high rate of success for their complaint handling services: they range from a low of 50% (Dallas, BBB) to 95% (Birmingham, Alabama). Other Bureaus claim varying degrees of successful adjustments of consumer complaints as follows: South Florida BBB (50%); Akron, Ohio BBB (79%); Omaha BBB (90%); Mississippi BBB (90%). None of these Bureaus indicated exactly how they arrived at their figures of success.

Other Bureaus (in our judgment, more accurately) disclaimed real knowledge of the successes or failures of their dispute settlement services: the Washington, D.C. Bureau stated that they "do not have statistics on how many were successfully resolved."; the Los Angeles BBB stated that they have no present knowledge but that they are in the process of preparing a special report "on the causes and dispositions of these complaints"; the Austin, Texas BBB stated that "present record-keeping procedures do not indicate the total number which were resolved successfully"; the Guilford County BBB stated that "without statistics, we don't know."

Follow-up procedures

While many Bureaus indicated that their statements of success were a reflection of follow-up procedures, it is interesting to examine the nature of these follow-up procedures and the validity of the claims that flow therefrom.

For example, the general satisfaction expressed by the Metropolitan New York BBB regarding successful settlements of complaints brought to its attention, is based on a followup letter to consumers which reads, in part: "If this complaint has not been adjusted to your satisfaction, please let us know. *If we don't hear from you we will assume that it has been adjusted.*" [*emphasis ours*]

Similarly, Philadelphia and the Greater Salt Lake Bureaus stated that they regard complaints as satisfactorily settled if they do not receive second complaints from the same customer. This "liberal" accounting system is maintained in the face of other Bureau's acknowledgement that they receive three percent or less follow-up from consumers as to whether their complaints have been satisfactorily resolved.

It is incredible, to say the least, that Bureaus would base their claims for successful mediation of complaints on the absence of a second follow-up letter from complainants. This procedure is similar in rationale to the now unlawful "negative option buying programs" where consumers are billed for merchandise they did not order. If it is possible to draw any conclusions from the absence of a second response from consumers, it would have to be that consumers who do not receive satisfaction from a first letter to the BBB probably would be disinclined to send a second letter.

Although the BBB publicly proclaims the success of its present complaint handling methods, many Bureaus privately acknowledge the failure of this program. A small number of Bureau's around the country (under encouragement from the Council of Better Business Bureaus) are now experimenting with voluntary arbitration programs to resolve disputes between buyers and sellers. The Cleveland, Chicago, Long Island, and Pittsburgh BBB's are now involved in such arbitration experiments.

Acknowledging, once again, that disputes not in controversey and those involving larger stores are often successfully mediated by local Bureaus, the fact remains that BBB complaint handling services are a failure when firms refuse, for whatever reason, to adjust consumer complaints.

Survey of BBB complaint services

A study conducted by the George Washington University Consumer Help Center for Congressman Rosenthal sheds some significant light on the real success of BBBs complaint handling procedures. Interviews with ten consumers who had registered complaints with the Washington, D.C. Better Business Bureau in 1970 and 1971 showed that only two had had their complaints satisfactorily adjusted by the Bureau. Eight received no assistance from the Better Business Bureau at all in resolving their disputes with sellers. This small but random sample, provides additional evidence of the unreliability of BBB complaint handling success claims.

Of the twenty-one consumer groups questioned about the Bureaus complaint handling services, sixteen responded that they were "poor to fair, and only five indicated that they were good.[78]

X. BBB COMMUNICATION WITH CONSUMERS AND CONSUMER ACCESS TO BBB SERVICES

Telephone service

It is freely acknowledged by Bureau officials that 40% of the total calls made to local Bureaus do not get through.[79] Many Bureaus simply have too few telephone lines and/or operators; some, such as the Chicago BBB, have extremely limited business hours during which they can be reached by telephone. All but one of 33 local consumer organizations reported to Congressman Rosenthal that they experience substantial difficulty in getting through by telephone to BBB offices. A meaningful effort by the Council is now underway to expand telephone service to local Bureaus.

Dissemination of information

The Council and local Bureau's have gone to considerable lengths to publish materials designed to educate consumers against abusive practices in the marketplace. Most are directed toward middle-income consumers; but a not inconsiderable number are addressed to low-income consumers.

Unfortunately, some of the best information concerning abusive practices, including names of offending firms (mostly out of the BBBs immediate neighborhood), is circulated only to BBB members and not to the public at large:

"The Bulletins each Bureau publishes are only circulated to the business members of the Bureau. The bulletins are not generally distributed to consumers and, therefore, the educational purpose of the old Bureau of Corporations is not present in the Bureau. These bulletins are not published or parts are not published in various news or communication media of a community, thus they do not provide education to the consumers they serve. Bureau's state that they might be sued by the businesses they write about, for libel or slander and, therefore, they are very careful not to publish anything about these offending businesses. This is especially true if the company is one of the larger ones in their community."[80]

One indication that these "bulletins" or "Shield" publications are not available to the general public, is that they sometimes contain private messages to member firms, such as the Bureau's "unlisted telephone number."[81]

Accordingly, it is important to understand that a great deal of the best BBB literature[82] never reaches the average consumer.

The Legal Aid Society of Metropolitan Denver summed it up in this way: "The only response taken by our BBB in dealing with flagrantly defrauding merchants is to name the merchant and describe his operation in a newsletter. This newsletter is not widely distributed to the general public, and it is unclear how one gets on the mailing list. For example, this office has requested on several occasions to be sent copies of the newsletter. All such requests have been ignored. It is clear, however, that the general public is not even aware of the existence of the newsletter."

XI. IMPACT OF BBB OPERATIONS ON FEDERAL TRADE COMMISSION LAW ENFORCEMENT ACTIVITIES

One of the important ways to judge the Better Business Bureau's contribution to justice in the marketplace is to examine the nature and extent of its cooperation with official law enforcement agencies in combating unlawful consumer practices. All the Bureaus maintain a firm "hands off" policy toward consumer grievances and marketplace practices which may violate federal, state or local laws. Nevertheless, all Bureaus answering Congressman Rosenthal's questionnaire expressed an abiding interest in and commitment to referring such matters to the appropriate law enforcement authorities.

In studying the overall operations of Better Business Bureaus, this office asked regional offices of the Federal Trade Commission "how helpful is the BBB in providing you with information on anti-consumer practices of local businesses?" Most regional offices replying, confirmed that local Bureau's permitted complete access to their files and referred cases to their offices under informal agreements—mostly upon request by the Commission. A few Bureaus systematically forward office matters which appear to be worthy of FTC consideration.

Lack of BBB aggressiveness

FTC regional offices found local Bureaus to be sluggish with respect to referral of relevant complaints. The Los Angeles regional office of the FTC, for example, reported that: "the Better Business Bureaus will provide information to the Federal Trade Commission concerning complaints they have received against members and non-members. However, the response at times is guarded and somewhat reluctant if one of their major members is involved. We have no formal or informal agreement with the Better Business Bureaus in our region providing for an exchange of information on anti-consumer practices. Occasionally, the Better Business Bureau will forward a complaint to us." The Chicago FTC stated that "this office has no formal or informal agreements with BBB. BBB's files have been made readily accessible; however, there was little or no initiative by BBB personnel to suggest or identify potential witnesses, or to provide any thoughts in the direction of law enforcement." The Washington D.C., regional office of the Commission wrote that "the Better Business Bureau is very helpful to us as a source of complaints and background information on the business practices of local firms, where we go in and request access to their files with reference thereto. They do not ordinarily forward such information to us of their own volition." The Seattle FTC regional office stated that Bureau's cooperate "to

---

Footnotes at end of article.

the fullest extent in providing this office with information on anti-consumer practices of local businesses. Generally, information is provided in response to specific requests and consists of full information in their files."

All FTC regional offices stated that local Bureaus were fully cooperative with respect to their relations with Federal Trade Commission offices. Most regional offices found that local BBBs lacked initiative in referring complaints. Some, however, such as the Atlanta, Georgia; Kansas City, Missouri; Cleveland, New York, San Francisco; and New Orleans regional offices of the FTC found information BBB files to be most helpful.

FTC actions based on BBB referrals

FTC regional offices were requested to state the total number of FTC actions which originated from cases brought to their attention by local BBBs in 1969 through 1970. The results are summarized in the following table:

FTC regional office	Number of FTC actions 1969–70	Number of total FTC actions which originated from cases brought to FTC's attention by BBB	Percent
New Orleans	1,978	95	5
Los Angeles		0	0
Chicago		0	0
Washington, D.C			(1)
Boston (1969)		0	0
Boston (1970)	400	15	4
Atlanta	260	26	10
Kansas City	(2) 165	6	3.6
Cleveland		(3)	
New York			(4)
San Francisco		(5)	
Seattle			(4)

(1) Much less than 1 percent.
(2) Investigations.
(3) Insignificant number.
(4) Less than 1 percent.
(5) Minimal.

The disparity between the BBB's promise, on the one hand, and performance, on the other, was illustrated by a statement attributed to Mr. George C. Young, President of the Cincinnatti Better Business Bureau. A personal friend of the president of the Cincinnatti BBB stated that "Mr. Young tells me that the Cleveland office of the Federal Trade Commission has practically no work in the entire community in matters of violation involving Regulation Z (Truth-in-Lending) because of the Bureau's careful review of all advertising of credit terms and its work with advertising media to get compliance of advertisers prior to publication." [83] A check with the Cleveland regional office of the Federal Trade Commission, which administers that area, disclosed that during 1970–1971, the Cleveland FTC office handled 630 Truth-in-Lending violations.

Although all Federal Trade Commission offices acknowledged the cooperative attitude of local Better Business Bureaus and stated that their information was sometimes of value; the overwhelming concensus seemed to be that Bureau's lacked initiative and drive in bringing violations of federal consumer protection laws to the attention of the regional FTC office. This conclusion would seem to be borne out by the small number of FTC actions which resulted from Better Business Bureau referrals.

XII. BBB ATTITUDE TOWARD GOVERNMENT REGULATION

Because Better Business Bureau's at the local level and the Council of Better Business Bureau at the national level are comprised, in the main, of some of the most prestigious business firms and trade associations, one high-ranking Federal Trade Commission official stated that the BBB can assure defeat or passage of consumer protection bills in State Legislatures and, to a lesser extent, at the Federal level. The President-General Manager of the South Florida BBB stated that one of "the most important and most effective parts of Better Business Bureau work" is their function "as a consulting agency to legislative bodies, especially at the local and state level. As a primary sounding board for consumer programs, wc are a very important source of information concerning needed legislation in the consumer interest." [84]

Barring a poll of all fifty state legislatures, it is difficult to sum up the role BBB's have played in recommending new Consumer legislation or in supporting or opposing pending legislation. It is clear, however, that a number of local Better Business Bureau's have taken an active role in opposition to crucial federal, state and local consumer protection legislation.

The ambivalence of many local Bureau's with respect to the consumer movement in general and specific consumer legislation in particular, is a fact of life which all consumers should understand. Nothing motivates BBB activities more than the knowledge that "for good *or ill*, the 1960's will be marked as the decade when consumerism became a political reality and a potent force in the nation's commercial marketplace.[85] [emphasis ours].

The ambivalence of the BBB's attitude toward the consumer movement is manifested in a number of ways: by its opposition to much needed consumer legislation at the same time that it acknowledges deficiencies in the marketplace, by scathing attacks against leading consumer advocates [86] at the same time that it seeks to enlist consumer support and confidence; by the Bureau's steadfast denial that it is directing the purchases of consumers at the same time that it is promoting its information and complaint handling services.

The BBB's alarm over what they consider to be the encroachment of federal power on free-enterprise turf, is reflected in numerous statements of Bureau officials: "The purpose of the consumer movement is to create suspicion in the marketplace. The majority of businessmen are honest and ethical, but if you pass a law to stop those right on the fence, the majority suffer as well as the minority. That's why self-regulation is the best thing. Free enterprise is our method. Freedom of choice. We try to be impartial in the marketplace.[87]

As a general matter, the Bureau's philosophy is that the business community can accomplish far more in abating anticonsumer practices and at a far less cost than the federal government can. The president of the Metropolitan New York BBB states that "If government agencies would get out of the Better Business Bureau business of voluntary rededication and self-regulation where they don't belong and spend their time, resources and personnel on enforcing the law as they are supposed to do, we wouldn't be facing many of the problems that we face today."

In short, both the weaknesses and strengths of BBB operations can be traced, in large measure, to the business community's desire to forestall additional government regulation of the marketplace and counteract the continuing barrage of consumer criticism against business practices.

The Bureau's opposition to increased Federal visibility in the marketplace has a practical side as well. The President of the Cleveland Bureau reported that as federal regulation increases, local business firms have "decreased rather than increased their financial support. Typical is a letter I received from a prime local business that had supported the Cleveland Bureau for over 15 years in which the man states, ' . . . after long and careful consideration we have decided to discontinue our membership. We regret this action, but feel that the entry of government and national organizations into the field of consumer protection renders this function largely unnecessary on a local level.' "

Notwithstanding the experience of the Cleveland Bureau, there is no visible trend toward a reduction in membership in local BBB's. On the contrary, growth seems to be rapid with plans for an infusion of money from the Council of BBB's. It is true, nevertheless, the Bureaus' tend to resist the enactment of new consumer protection laws and any expansion in the authority of federal law enforcement agencies. The assistant general counsel of the New Orleans regional office of the Federal Trade Commission observed that "Some Bureau managers labor under the view that they were in the consumer protection business first and that any federal, state or local agency is not a partner but a competitor trying to drive them out of business. Therefore, they are great proponents of the fact that the laws presently on the books are satisfactory if they are just enforced."

BBB opposition to new consumer protection laws takes many forms. Most of their efforts are conducted behind the scenes and involve educating business firms to the ostensible evil of further consumer protection legislation. For example, it is widely agreed that two of the most important consumer bills ever before the Congress are those to establish an independent Consumer Protection Agency and enactment of Consumer Class Action legislation. In its November 1970 issue of "BBB Facts," the Cleveland BBB had the following to say about those bills: "Now, two of the most far reaching and earthshaking legislative developments ever to darken the American marketing scene: Consumer protection bill. This agency would have an investigatory function, with power to subpoena books and records concerning any and all 'needs, interests and problems of consumers.' This proposed 'super agency' could look into every aspect of your business and publicize its findings.

"Consumer Class Action Act. One of the current 'in' proposals of the racial 'consumer protectors' encourages class action law suits by groups of consumers against manufacturers, distributors and retailers. 'Consumer Chop Logic' is that the quickest way to eliminate all alleged deception and all errors of commission and omission from the marketplace would be to pass legislation to make it easy and profitable for lawyer to sue on behalf of 'classes' of consumers. Let the seller beware! Make it so expensive or make it so risky that no one will dare have a product or a package or a label or a price comparison or a product claim that a government bureau could decide might be deceptive or in violation of any official rules and regulations. Let's face facts—no lawyer is going to waste time suing a fringe operator in a ghetto area. There would be no profit! The targets for 'class action' suits would be established companies—those from whom a judgment could be collected if obtained. Business should be alert to the full impact these laws can make on the marketplace."

Those who follow consumer issues know that there has been substantial abuse across the country in the area of "door-to-door" sales practices. In the 90th Congress, the Senate passed a bill placing restrictions on door-to-door sales contracts. Currently, the Federal Trade Commission is considering the promulgation of a Trade Regulation Rule in this area. Notwithstanding the demonstrated need for protection in this area, there is evidence of substantial BBB opposition to such legislation. In a National Better Business Bureau, Inc. publication, entitled "The Right of Free Men to Engage in Legitimate Business." [88] the Bureau wrote that "Some Communities have passed ordinances which are

---

Footnotes at end of article.

prohibitive of direct selling. Some have adopted registration requirements with long waiting periods before the direct seller can legally go to work. Others have levied fees that, in the aggregate, impose an intolerable toll on legitimate direct selling firms and the people selling their merchandise. Regardless of how well-intentioned, these and other similar restrictive ordinances are in effect prohibitive of direct selling because the survival of honest direct selling is jeopardized by such discriminatory restrictions. Any governmental unit has, of course, the right validly to exercise its tax and police powers. One may ask, however, whether these powers should be exercised in a prohibitive manner, singling out direct selling—from all other forms of selling—for regulation, taxation and other discriminatory measures? The National Better Business Bureau believes that such legislation violates the spirit of fair play that has made American business great."

The National BBB publication pointed out that "direct selling is a local business" involving automobile dealers, bakeries, dairymen, department stores, electric light and power companies, appliance dealers, frozen food dealers, gas companies, insurance agents and agencies.

In the fall of 1970, the president of the Cincinnatti Better Business Bureau was among 15 trade association and other business executives who spoke against a proposed City ordinance requiring the licensing of all door-to-door sales personnel. The Bureau president, George C. Young, testified "that there are, through the BBB and other channels, successful voluntary means available to correct most consumer problems.[89]

This office has received, in addition, a number of unverified statements alleging that local BBB's in various parts of the country have opposed the enactment of new consumer protection laws. It has been alleged, for example, that the veto by Mayor John V. Lindsay of New York of two City Council Ordinances requiring the licensing of travel agencies and proof of advertising claims, were inspired by the Metropolitan New York BBB. The Association of California consumers alleges that the BBB of San Francisco urged its members to impose the establishment of an official Consumer Agency in that city. The Legal Aid Society of Cleveland reported that the Cleveland BBB has opposed many consumer protection laws. The Neighborhood Legal Services Association of Pittsburgh and the League of Utah Consumers both stated that their respective BBB's lacked initiative in urging the enactment of needed consumer reforms.

XIII. AVAILABILITY OF FREE AIR TIME TO BBB'S

Many radio and TV stations across the country make available to BBB's the use of free air time, The Better Business Bureau itself estimates that 4,000 radio and TV spots are made available free of charge to BBB's each year.[90]

The Chicago BBB reported that in 1970, it received the free use of 640 TV spots and 527 radio spots. The Cincinnati Bureau stated that in 1970 it received $10,000 worth of public service time donated by radio and television stations. In that city, WSI aired at no charge, 167 15-second announcements supplied by the Bureau and valued at $3,250. WCIN contributed 40 30-second messages per month and WLW ran 30 in two weeks. Other stations in the Cincinnati area also contributed free time.

In its October 1970 "Newsletter", the Cincinnati Bureau publicly thanked those stations for their contribution of free air time, as follows: "The Bureau publicly thanks all local electronic media for their great contribution toward developing more satisfied customers of responsible businesses and advertisers; *cutting down the number of and providing less justifiable reason for governmental inroads into our private enterprise system or adding new restrictive laws in the name of consumer protection.*" [emphasis ours].

The 1970 Annual Report of the BBB of Baltimore states that it received without charge "thousands of radio and television announcements".

Pursuant to the Federal Communications Act of 1934, the Federal Communications Commission can grant licenses only if the public convenience, interest, or necessity will be served thereby. The Commission requires a licensee to ascertain its community's needs and to program accordingly. In this way, the licensees satisfy their statutory requirement of public service. It is to satisfy this requirement, that all radio and television stations provide free air time to non-profit organizations, such as the Red Cross and the American Cancer Society.

Given the business bias which motivates BBB philosophy and activity, it is difficult to believe that the granting of free air time to Bureaus by radio and TV licensees serve the "public interest, convenience, and necessity" in the same way and to the same extent that "spots" by charitable organizations do. Because BBB spot announcements inevitably promote the "official line" of the business community, serious questions are raised over the propriety and even legality of the furnishing of free air time to local Bureaus.

We do not seek to leave the impression that BBB spot announcements are devoid of public merit. We do not suggest that free air time be denied to all BBB announcements in all areas in which they are situated. We do seriously question, however, the legality and propriety of providing free air time as a public service to a Better Business Bureau which has, as an overriding mission, the forestallment of government intervention in the marketplace when events have demonstrated overwhelmingly the need for such intervention.

FOOTNOTES

[1] "This is the Council of Better Business Bureaus, Inc.," Published by the Council of Better Business Bureaus, Inc., Washington, D.C. A June 1971 Council Publication entitled "Better Business Bureau Membership Roster", lists only 133 U. S. Bureaus.

[2] Good Housekeeping Magazine, October 1970, page 179.

[3] Statement by H. Bruce Palmer, President, Council of Better Business Bureaus, Inc., before the House Select Committee on Small Business, June 7, 1971. During the same period, the President's Office of Consumer Affairs received approximately 60,000 letters and 3,500 phone calls from consumers.

[4] "This is the Council of Better Business Bureaus, Inc.", November 1971.

[5] Interview wtih Woodrow Wirsig, June 18, 1971.

[6] Letter from Marvin E. Sykes, Executive Director, Better Business Bureau of Guilford County, Greensboro, North Carolina, July 2, 1971.

Footnotes and references [7] through [10] not furnished.

[11] "The Age of The Consumer", 1970 Annual Report of the Better Business Bureau of Baltimore.

[12] July 12, 1971, letter to Congressman Benjamin S. Rosenthal from Ralph Smathers, President, Better Business Bureau of South Florida.

[13] July 12, 1971, letter to Congressman Benjamin S. Rosenthal from Robert H. Ramsey, President, Cleveland Better Business Bureau.

[14] Statement by H. Bruce Palmer, President, Council of Better Business Bureaus before House Select Committee on Small Business, p. 7.

[15] July 15, 1971, letter to Congressman Benjamin S. Rosenthal from Woodrow Wirsig, President.

[16] July 15, 1971, letter to Congressman Benjamin S. Rosenthal from Woodrow Wirsig, President, BBB of Metropolitan New York.

[17] The Better Business Bureau of Dallas computes membership dues "on sliding scale roughly proportionate to the size of the firm as measured by the number of its employees or as categorized by the firm itself." The BBB of Guilford County computes its dues in the same manner.

[18] Other Bureaus, such as those in Washington, D.C.; San Francisco; Akron, Ohio; Rocky Mountain (Denver); Birmingham, Alabama, provide for a one year requirement.

[19] A number of Bureaus provide that subsidiaries of companies which have a good record at BBBs in other cities need not meet the time requirement.

[20] BBB/Cleveland—"Membership Standards."

[21] The Washington, D.C. BBB requires acceptance not merely by the full board of directors, but also by its membership committee.

[22] "The Cleveland Plain Dealer," July 9, 1966.

[23] Ibid.

[24] Mr. Murray Plavner, former Director of Development, National Council of Better Business Bureaus and former salesman for the Metropolitan New York Better Business Bureaus.

[25] Response to Rosenthal questionnaire regarding Better Business Bureaus: Memorandum to Assistant General Council John R. Ferguson from Richard Sheldon, Assistant Regional Director, Chicago Regional Office, Federal Trade Commission.

[26] Ibid, pps. 2–3.

[27] *The Washington Post*, "Potomac Mazazine", November 7, 1971, p. 17.

[28] A very few Bureaus reported to Congressman Rosenthal that they have future plans for the inclusion of consumer representation on the Boards of Directors. Several Bureaus have consumer advisory councils, which include consumers, but which have no active voice in the day-to-day policy decisions of the Bureau.

[29] Memorandum to Congressman Benjamin S. Rosenthal from Patrick D. Breeden, Attorney, New Orleans Regional office, Federal Trade Commission, page 3, July 16, 1971.

[30] July 30, 1971, letter to Congressman Benjamin S. Rosenthal, from the Better Business Bureau of Los Angeles, page 2.

[31] From the Constitution and By-Laws of the Better Business Bureau of Metropolitan New York.

[32] Kenneth J. Bostock, University of Washington Law Sudent, third year.

[33] The BBB welcoming letter stated in part: "It is a privilege to welcome you as a member of the Bureau. We believe that this will prove to be a mutually advantageous relationship. On behalf of our officers and directors, we take this opportunity to express their appreciation of your support and we are sure that your membership will be a *sound investment.* [emphasis ours]. We suggest that you proudly display our BBB membership plaque. Not only is it designed to ward off unwanted solicitors, but it will inform your customers that your firm is a BBB member."

[34] See *Advertising Age Magazine*, December 7, 1970; and testimony of H. Bruce Palmer before the House Select Committee on Small Business (June 7, 1971), page 4.

[35] *Advertising Age Magazine*, December 7, 1970.

[36] News release, Council of Better Business Bureaus, Inc., November 18, 1971.

[37] National Better Business Bureau Operations Report 1967, p. 5.

[38] Actually, the figure of one tenth of one percent may be lower. Some of the local Bureaus reporting to Congressman Rosenthal included in the figure of firms expelled, firms whose new membership applications were denied.

[39] Rochester *Democrat and Chronicle,* Sept. 13, 1971, page 8D.

[40] Issue of Sept. 20, 1971, page 6D.

[41] The manager of the Rochester Bureau explained that "we omitted the names in the past primarily because the news media shied away from using them. Our material generally had a better chance of getting in the newspaper or on the air if we didn't name names." The bureau manager acknowledged, however, that the *Democrat and Chronicle* consistently did print the names of firms it had discovered committing anti-consumer practices.

[42] Douglas Tindal, Managing Director, Better Business Bureau of Metropolitan Washington, interview.

[43] July 8, 1969, Better Business Bureau of Western New York (Buffalo) "Bulletin", page 1.

[44] Project, "The Direct Selling Industry: An Empirical Study," UCLA Law Review, Volume 16 (April, 1968), pages 940–942, reported in a letter to Congressman Benjamin S. Rosenthal.

[45] August 6, 1971, letter to Congressman Benjamin S. Rosenthal from Peter D. Jacobson, Attorney at Law, Consumer Division, p. 2.

[46] July 9, 1971, letter to Congressman Benjamin S. Rosenthal from Wilbur C. Letherberry, Consumer Law specialist.

[47] Name omitted to preserve individual's right of privacy.

[48] July 16, 1971, letter to Congressman Benjamin S. Rosenthal from Patrick D. Breenen, Attorney, New Orleans Regional Office, Federal Trade Commission, pages 2–3.

[49] July 15, 1971, letter to Congressman Benjamin S. Rosenthal from John T. Hankins, Acting Regional Director, Kansas City Regional Office, Federal Trade Commission, page 3.

[50] July 16, 1971, letter to Congressman Benjamin S. Rosenthal from Michael J. Vitaie, Regional Director, Washington, D.C. Regional Office, Federal Trade Commission, page 2.

[51] July 16, 1971, letter to Congressman Benjamin S. Rosenthal from J. N. Pike, Acting Director, Los Angeles Regional Office, Federal Trade Commission, page 1.

[52] June 17, 1971, letter to Congressman Benjamin S. Rosenthal from James Rode, Attorney at Law.

[53] July 16, 1971, letter to Congressman Benjamin S. Rosenthal from J. N. Pike, Los Angeles Regional Office of the Federal Trade Commission.

[54] July 21, 1971, letter from Carol Emerling, Cleveland Regional Office, Federal Trade Commission, Page 1.

[55] July 15, 1971, letter to Congressman Rosenthal from John T. Hankins, Acting Regional Director, Kansas City Regional Office, Federal Trade Commission, Page 3.

[56] July 20, 1971, letter to Congressman Benjamin S. Rosenthal from Raymond J. Lloyd, Regional Director, San Francisco Regional Office of the Federal Trade Commission, page 2.

[57] New Orleans Regional Office; Chicago Regional Office; Washington, D.C. Regional Office.

[58] June 24, 1971, letter to Congressman Benjamin S. Rosenthal from Allan Neigher, President, Connecticut Consumer Association.

[59] The Richmond BBB is one that frequently refuses to disclose whether a firm is a member of that Bureau.

[60] Letter to Congressman Rosenthal from W. Dan Bell, President July 15, 1971.

[61] Association of California Consumers, Sausalito Legal Services Organization of Indianapolis; Kansas City Consumers Association; Washington State Committee on Consumer Interests; The Legal Aid Society of Oklahoma County; Consumer Protection Association of Cleveland; Neighborhood Legal Services Association of Pittsburg; Milwaukee Legal Services; Pine Tree Legal Assistance of Portland, Maine; The Wyandotte County Legal Aid Society (Kansas City, Kansas); Salt Lake County Bar Legal Services; Accounting Aid Society Des Moines, Iowa; League of Utah Consumers; Arizona Consumers Council; Virginia Citizens Consumer Council.

[62] Legal Aid Society of Metropolitan Denver; Connecticut Consumer Association; Cleveland Consumer Protection Association; Oregon Consumer Leagues.

[63] The Consumer Conference of Greater Cincinatti; Clark County (Las Vegas) Legal Services Program; The Legal Aid Society of Roanoke Valley (The Roanoke Valley Society stated that detailed information is given "only if asked").

[64] During the course of this study, an investigator from the office of Congressman Rosenthal was denied initially, substantial access to the Washington, D.C. Bureau's files. The Executive Director of this Bureau gave as a reason for this refusal, the fact that interpretation of the file's contents depends on the reader.

[65] Letter to Congressman Rosenthal from Marvin E. Sykes, Executive Director of the Better Business Bureau of Guilford County (Greensboro, North Carolina).

[66] July 16, 1971, letter to Congressman Rosenthal from John B. White, Regional Director, Atlanta Regional Office, Federal Trade Commission, page 2.

[67] August 6, 1971, letter to Congressman Rosenthal.

[68] June 30, 1971, Memorandum to: Board of Directors and member Bureaus, from the Council of Better Business Bureaus, 845 Third Avenue, New York, New York.

[69] Chicago BBB: 137, 582 inquiries and 22,966 complaints; Washington, D.C.: 67,067 inquiries and 10,421 complaints; Greater Philadelphia BBB: 148,600 inquiries and 24,242 complaints.

[70] These complaint forms are called "Customer Experience Record, A Better Business Bureau Service Form". A customer is sent four copies of the Customer Experience Record. He is required to return all copies. The form provides for information on the company complained against, the date and place of the transaction, the customer's name and address, the cause of the complaint; and, at the bottom of the form, a space for the company to state their comments on the validity of the complaint and whether they "have adjusted" "will adjust," or are "unwilling to reconsider". At the very bottom of the form is a place "for Bureau Comment Only".

[71] "Akron BBB Roster and Buying Guide."

[72] The identity of this Bureau official must be protected, for obvious reasons.

[73] Form letter from Better Business Bureau of Greater Seattle.

[74] See, for example, page 4 of June 21, 1971, letter to Congressman Rosenthal from Washington State Committee on Consumer Interests.

[75] June 15, 1971 letter to Congressman Rosenthal, pp. 1 and 2.

[76] Legal Services Organization of Indianapolis, June 15, 1971, letter to Congressman Rosenthal.

[77] July 10, 1971, letter to Congressman Rosenthal, from the Arizona Consumers Council, page 1.

[78] It is interesting to note that the Denver Better Business Bureau charges a one dollar fee to consumers who wish to register complaints with the Bureau.

[79] Statement of H. Bruce Palmer, President, Council of Better Business Bureau's before House Select Committee on Small Business, June 7, 1971.

[80] July 16, 1971 letter to Congressman Rosenthal from the New Orleans Regional Office of the Federal Trade Commission.

[81] April 25, 1970, "Shield," publication of the BBB of Greater Philadelphia.

[82] In an average year, according to the BBB publication "Facts you Should Know About Your BBB", the Bureau distributes over 3 million bulletins, 470 thousand fact booklets, and over 2 million leaflets, booklets and other literature. Also, 350 thousand posters are displayed on employee bulletin boards, 4,000 radio and TV spots and 3,000 radio and TV shows are devoted to BBB concerns; and BBB officials speak at more than 2,000 engagements.

[83] August 9, 1971, letter to Congressman Rosenthal from Mrs. A. D. St. John, President, the Consumer Conference of Greater Cincinnati, page 2.

[84] Ralph Smathers, letter to Congressman Rosenthal, July 12, 1971.

[85] 1970 Annual Report of the Better Business Bureau of Baltimore.

[86] *Newsweek* magazine of March 2, 1970, reported on a speech by the President of the Better Business Bureau of Metropolitan New York to a group of businessmen: "Consumer activists, the speaker thundered, are using 'harassment, hunch, prejudice, and emotion . . . that has plunged business into a deepening decline without really helping the consumer.' Had it been a chest-thumping economic royalist at the podium, the sentiment would have been as predictable as it was understandable, but instead the speech maker was Woodrow Wirsig, President of the BBB of Metropolitan New York, Inc. In language that seemed out of keeping with the BBB's 50 year posture of riding herd on unscrupulous businessmen, Wirsig characterized the whole consumerism phenomenon as a mindless frenzy whipped up by activists who are more interested in winning political points than solving consumer problems." The April, 1971 issue of "The BBB Tribune", Boston, Mass., quoted Leonard I. Sanders, President of the BBB of Eastern Mass., as follows: "Our entire society and its economic system appear to be about to change direction in consumer affairs and in far too many instances rhetoric has replaced facts, with many discordant voices confusing rather than enlightening the consumer on this question." This statement was delivered in the context of the 49th annual meeting of the BBB of Eastern Mass. which had, as its main speaker, the well-known anti-consumer spokesman Thomas R. Shepard, Jr., publisher of the now defunct *Look* magazine.

[87] Interview with Robert H. Ramsey, President, Cleveland Better Business Bureau.

[88] Copyright 1966.

[89] October 1970 "Newsletter" Cincinnati Better Business Bureau, Inc.

[90] "Facts You Should Know About Your BBB".

C. A. "CHRIS" CHRISTIANSON

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DEL CLAWSON. Mr. Speaker, upon my arrival in Washington following the special congressional election in June of 1963, C. A. "Chris" Christianson was one of the first employees of the House of Representatives to extend a hand of welcome and congratulations. The warmth of this initial acquaintance has developed into a deep friendship over the years for which I am personally grateful.

Chris Christianson has demonstrated in his personal life and philosophy a depth of knowledge of the so-called American dream as embodied in the inspired concepts of freedom established by our Founding Fathers.

His many years of service in the House of Representatives reveals his devotion to duty and a willingness to serve.

Many Members of the House through the course of seven Presidential administrations have enjoyed his friendship and have been the beneficiary of his service.

As the time now comes for his departure through retirement our voices are joined together in the unanimous expression of thanks and gratitude with best wishes for a future of health and happiness and my personal thanks to you, Chris, for the warm handclasp and personal friendship.

AMERICAN UNIVERSITY OF BEIRUT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HAMILTON. Mr. Speaker, the American University of Beirut has, over the years, received substantial support from the United States authorized by section 214—American Schools and Hospitals Abroad—of the Foreign Assistance Act. A December 17 editorial by Marquis Childs in the Washington Post points out the very useful and important role this institution plays in the Arab world and why the university is worthy of support. I commend Mr. Childs' remarks to my colleagues:

BEIRUT UNIVERSITY MERITS SUPPORT

(By Marquis Childs)

BEIRUT, LEBANON.—For the few million dollars in federal aid to education that goes into supporting the American University of Beirut the United States receives a highly disproportionate return. It is a return in influence and appreciation throughout the Arab world. Americans who come here agree almost without exception that as a form of foreign aid this is infinitely preferable to the kind of scatter-shot aid that is in such deep trouble in Congress.

Founded 106 years ago, the AUB was part of the current of idealism that sent American missionaries, doctors and educators to the far corners of the earth. With their dedication and their devotion they created the image of a nation selfless in the pursuit of good works.

As evidence of the influence of the university, four members of the present Cabinet, including the Prime Minister, Saeb Salem, are graduates. At least six of the director generalships in the bureaucracy are also out of AUB. And many other graduates are in public service posts throughout the Arab world.

The founders were Presbyterian, Congregational and Dutch Reformed missionaries who came out in the mid-50s of the last century. They soon discovered that converting Moslems to Christianity was a well-nigh hopeless assignment since Christ is incorporated in the Moslem religion not as a deity but as a great prophet who preceded Mohammed. So they turned to education and founded what was first known as Syrian Protestant College with a class of 18 and a faculty of six.

The stern, bewhiskered portraits of the founders look down from the walls of the board of directors' room in an institution that now has 4,000 students, schools of medicine, nursing, agriculture, and a hospital and a liberal arts college. These were men who believed in the beneficent power of knowledge, the leavening force of education in the New England tradition of a century ago.

An important contribution is in the know-how so vital to Arab development. The faculty is 70 per cent Lebanese.

While it is the largest and most influential, AUB is only one of a half-dozen institutions in the Middle East founded under the direction of American educators. The American University and the American College in Cairo are in this same tradition. So is Roberts College, a secondary school in Istanbul that helped to generate a university taken over by the Turkish government.

The present president of AUB is soft-spoken Dr. Samuel Kirkwood, who came to Beirut in 1961 to be dean of the medical faculty. Chartered under the laws of New York State, the university is responsible to the regents of the state system. Of the total budget of $16,223,000 about 30 per cent comes from federal aid to education. Even with private giving and foundation support the university could not have gone on without help.

American educators in the Middle East have no illusions about the scope of their influence. Technically, the AUB with its laboratories and advanced research facilities has moved into the technological orbit, the influence is great. Politically even with the moderates as distinct from the wild extremists in Al Fatah and other far-out fedayeen groups, it is slight.

There is a deep sense of injustice over the loss of Arab lands and the fact that the United States almost invariably throws its weight behind Israel. Men and women educated in American-supported colleges are keenly aware of the degree to which the standing of Israel is involved in American domestic politics. They look with a certain disillusion on the great nation that was once their ideal.

If there is no war, and almost every discussion begins with that if, the belief in rapid Arab development is strong. The greatly increased oil revenues from the boost in oil prices will go into productive investments and schools and hospitals after the example of Kuwait. The potential is here and it has been brought into being in part by a century of American educators.

ETHNIC ENTERPRIZES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ASPIN. Mr. Speaker, it is my pleasure to share with my colleagues some information concerning an exciting, new minority business that is on the verge of becoming a going concern in Milwaukee, Wis. Mrs. Saint Charles Lockett, recently named Negro Businesswoman of the Year, has formed her own firm called Ethnic Enterprizes in Milwaukee.

Mrs. Lockett has located her firm right across from the Milwaukee County Welfare Department in Milwaukee's inner city and has made it a practice of hiring only welfare mothers who are interested in obtaining a skill and some extra money. Mrs. Lockett's firm receives her business on a subcontract level from many of the major industrial concerns in southeastern Wisconsin.

Two of the major firms that have contributed the most toward making Mrs. Lockett's venture a success have been Allen-Bradley of Milwaukee and American Motors of Kenosha. These firms have shown themselves to be very concerned about helping Mrs. Lockett's firm get off the ground and providing some employment to welfare mothers, so that these women can break the cycle of poverty in which they have been entrapped.

I think Mrs. Lockett is to be commended for trying to start a business at a time when the national economy could not be more unfavorable to the creation of a new business. While Mrs. Lockett does express a concern over making her business a viable one, she has consistently stated that her most important aim was to provide welfare mothers with the necessary skills and training, so that they can find better paying jobs and more secure jobs in the Milwaukee industrial community. Mrs. Lockett and Ethnic Enterprizes have my full support, and I recommend her to my colleagues as a prime example of a black woman on the go.

SOLVE THE PROBLEM OF APPAREL FLAMMABILITY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. GERALD R. FORD. Mr. Speaker, for the past year the American Apparel Manufacturers Association has been working diligently to solve the problem of apparel flammability. Recently, Roger Wilson, chairman of the AAMA Products Flammability Committee, detailed these efforts in a statement made before the Information Council on Fabric Flammability. Because the AAMA's efforts to solve the apparel flammability problem are a fine example of an industry's working to eliminate a consumer problem, I am offering Mr. Wilson's statement to be read by my colleagues in the House:

STATEMENT BY ROGER WILSON

The American Apparel Manufacturers Association welcomes this opportunity to address the Information Council on Fabric Flammability and I wish to thank Mr. White for making the time available to us.

For well over a year and one half the AAMA has been involved with the subject of the Children's Sleepwear Standard. From that experience apparel producers have gained many new insights into the technical problems of apparel flammability. We have also gained insights into the opportunities for further positive social contribution by the apparel industry.

We believe, however, the atmosphere surrounding the subject of flammability has been too often and too long shrouded in politics, misunderstanding, and misrepresentation. Quite simply, we believe the consuming public, the press, the medical profession and many in the business world do not know enough details of the action being taken by government in their requirements for industry; the effects of this action and the potential end results to all concerned.

We shall restate for the record the position we have taken since the issuance of the proposed standard. Valid need was demonstrated for additional protection for toddler age children. We were prepared then and we are prepared now to put into the market, garments that protect those children from serious burns as a result of accidental encounter with flame.

I believe that I predicted with some accuracy the position the apparel industry would be in when I told Mr. Simpson of the Department of Commerce in the public hearings in January that within 12 months we would have a good many fabrics that would permit us to comply in many categories if several changes in the test procedure could be made. Eleven months later we have many of those fabrics, and based on extensive test results, we shall petition the Department of Commerce for specific changes in the test method that permit us to put in the consumer market the many safe garments we can produce. Without those amendments, in almost all sleepwear categories, compliance will not be possible, and we will demonstrate in our petition why that is true. If we cannot comply, the objective of the standard cannot be achieved.

Our proposed amendments will provide for testing fabric taken from garments and for restrictions on design.

Throughout these months of discussion, these months of learning, these months of crash technology, industry and to some extent government, has repeatedly been accused of delay, of tactics designed to thwart the objective, of misrepresentation.

Our record is eloquent testimony to our efforts, but we have all operated in a communications vacuum.

We propose to remedy this current situation, and are operating with specific policies on the subject of flammability.

The following is a statement of those policies:

1. All aspects of all discussions and information exchange with any agency of government, with other industries, or within the apparel industry, on the subject of flammability will be open to full and candid disclosure to any interested party requesting information.

2. All data relative to fiber, textile or garment technology that we have will be available to any interested party.

3. In any apparel product area where a finding of need has been demonstrated based on valid accident data, an apparel task force will be formed to relate fully and completely all facets of the technology available and limitations thereof; present methods of garment construction; present marketing practices of the industry; consumer attitude and preference studies. That information will be available to any interested party.

4. We will make known publicly at every stage of discussion our views on the subject of scope, of test methods, and of enforcement practices.

5. On behalf of AAMA, we shall be proposing to the Congress a complete program for the study of new technology that may permit garment manufacturers to develop completely new methods and concepts of garment construction that will significantly reduce flammability.

6. AAMA will encourage all interested parties to develop consumer education programs to help create markets for flame retardant products. The myth that regulation can by itself change the life styles of 200 million people and force their selection of billions of garments into narrow product ranges is dangerously shortsighted. The consumer must be a part of such a technological revolution if it is to succeed.

This policy has been evolving over the past several years. Our willingness to demonstrate this policy was evidenced by the completely open and candid Children's Sleepwear Flammability Symposium held on November 4, which drew the largest attendance in the children's wear industry's history—525 people. It was evidenced again three weeks ago in Washington and yesterday here in New York when a task force on children's dresses was organized. The National Bureau of Standards was told some weeks ago such a group was being assembled.

We request the ICFF invite the American Apparel Manufacturers Association to report annually on the subject of apparel flammability and technological developments.

The future of flame retardant technology is bright, and much of it results from the concern evidenced over the years by many of you at this meeting. American industry is spending at a rate of at least $10 million per year in basic research on flame retardant fibers, finishes, textiles and end products.

We think that the future can only be realized if full and open discussion accompanies our technological endeavours. We intend that knowledge will replace supposition and that candor will allay suspicion.

FEDERATION OF AMERICAN SCIENTISTS—DECEMBER 1971 NEWSLETTER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. FRASER. Mr. Speaker, for several months I have followed closely the controversy surrounding the report, "Guidelines for the practice of Operations Research" which appeared in the September 1971 issue of Operations Research, the Journal of the Operations Research Society of America—ORSA. Appendix III to this report, "Treatment of Operations-Research Questions in the 1969 Safeguard Debate" was placed in the CONGRESSIONAL RECORD by Senator JACKSON on October 4, 1971, and it appears at page 34639.

Mr. Speaker, the December 1971 FAS-Federation of American Scientists-Newsletter is devoted to the ORSA ABM report.

It would be a tragedy of major proportions if a result of this controversy was discouragement of the men who are willing, often at personal and professional sacrifice, to subject Department of Defense analyses to searching inquiry before the committees of this legislature. The FAS Newsletter I introduce following my remarks should help place the controversy in context. It lends support to those who are qualified and willing to give us their views on current DOD dogmas, often with short notice and handicapped by the ground rules of the debate—classified information, shifting premises and limited resources for opponents of DOD excesses that we too often learn about only after the scandal is manifest to all:

OPERATIONS RESEARCH SOCIETY OF AMERICA (ORSA) GOES POLITICAL

In 1969, a great debate over the Sentinel-Safeguard ABM went forward in Congress. Lined up against the ABM were the large majority of senior names of science with experience on Government weapons systems: Presidential Science Advisers Kistiakowsky, Weisner, Hornig and Killian; Nobel Prize winner Bethe; ex-Government officials such as Eisenhower's DDR&E Chief Herbert F. York; former ARPA Director and IDA President Jack P. Ruina; CIA's former Deputy Director for Science and Technology Herbert Scoville, Jr.; Director of ACDA's Bureau of Science and Technology Franklin A. Long; former head of the Weapons System Evaluation Division (WSED) George P. Rathjens; and all three former Chairmen of the President's Science Advisory Panel on Strategic Weapons Systems of the last decade: Marvin L. Goldberger, Sidney Drell and Wolfgang K. H. Panofsky.

Administration supporters organized a lobbying arm: "Committee for a Prudent Defense Policy". It was led by the late Dean Acheson (Chairman), Paul Nitze (who was promptly offered a position on the SALT delegation) and mathematical logician turned strategist Albert Wohlstetter. During the debate, Wohlstetter supplied most of the SAFEGUARD-relevant, non-Administration comment.

The debate can only be understood by remembering the way it unfolded. The Congressional debate over the Johnson Administration's Sentinel ABM was underway as the Nixon Administration took office. A bomb-in-the-back-yard debate then arose in which citizen groups protested the Army's plans to put ABM installations near cities.

Offering to review the situation in a month, the Nixon Administration halted ABM work and considered various alternatives. It concluded (and publicly announced on March 14) that an ABM designed to protect U.S. cities against the Soviets was not technologically possible. It noted privately that the Sentinel anti-Chinese defense did not have wide political support, that the Chinese ICBM threat had slipped, and that scientists and strategists were already testifying that an anti-Chinese ABM would make negotiations difficult with the Soviets by accelerating Soviet offensive weapons.

The Administration decided to put its main emphasis upon a third possibility—formerly a little-mentioned option: to use the ABM to protect U.S. Minuteman missiles. It reasoned that no strategic logic could oppose our defense of our deterrent—nothing provocative about that.

The shift to a new ABM rationale—unquestionably a response to a political problem—had two immediate weaknesses. The Administration was faced with showing first that our Minuteman missiles were becoming vulnerable and second that the Safeguard ABM was an adequate defense against the Soviet threat projected.

At this point the Soviets had about 1,000 SS–11 missiles which then, and now, have insufficient accuracy to attack Minuteman missiles. To justify the threat to Minuteman, it was necessary to explain how the larger SS–9s might in future destroy 1,000 Minuteman missiles. The Administration suggested that the Soviet Union would have three 5-megaton multiple independently guided reentry vehicles on each SS–9. (Thus far, 2½ years later, no Soviet confirmed test of true independently guided reentry vehicles (MIRV) has been made.) The Administration argued further that the Soviets might build 50 SS–9s per year so that it would have 420 by the mid-seventies. This would have produced 1,260 warheads.

This still failed to produce sufficient warheads to put Minuteman in jeopardy by a date sufficiently close to require an immediate start on Safeguard. In April, Albert Wohlstetter testified that the Soviets might use a method which the U.S. had previously considered (and rejected in secret) called reprogramming—missile failures are noted and further missiles are sent to replace them. Thus, "backup" warheads need not be fired in those cases where no missile failure is noted. On May 12—two months after Safeguard was announced—DDR&E Chief John S. Foster adopted this line in a speech in Dallas. The plausibility of the notion that the Soviets might rely upon a reprogramming device of this kind to launch a surprise attack was hotly debated. It became the crucial assumption on the vulnerability of Minuteman for the mid-seventies.

ABM opponents considered the matter of Minuteman vulnerability less critical than the question of Safeguard adequacy. They conceded in testimony that Minuteman would eventually become vulnerable if the Soviet offensive buildup sought to make it so. Their central argument was that Safeguard would not be adequate to defend Minuteman, if indeed Minuteman became vulnerable. This argument turned on the fact that Safeguard—designed for Sentinel ABM components—had been built around large expensive radars which would necessarily be bought in small numbers and be vulnerable to Soviet attack. In short, the proponents emphasized the coming possible danger. The opponents emphasized the inadequacy of the proposed solution.

WOHLSTETTER SEEKS VINDICATION

On November 8, 1969, Albert Wohlstetter wrote the Operations Research Society of America, of which he was a member, and asked them to look into the professional conduct of his opponents. In his letter, he emphasized his desire that they consider the question of the vulnerability of Minuteman—the "important issue I have described. He noted that they need not consider the "entire range of issues." The anti-ABM scientists declined to participate in a review by an organization of which they were not members—one in which their chief opponent was a member. ORSA persisted in any case.

Widely reported in the press, the ORSA report, unsurprisingly after such a beginning, condemned those it investigated (Rathjens, Wiesner, Ralph Lapp and Steven Weinberg) and approved the work of Wohlstetter. In order to do so, however, ORSA simply ignored the most important issue (the adequacy of Safeguard) and continued to accept the Defense Department's assumptions without questioning them. (See the signed box in this newsletter and the summarized analysis provided by Richard Garwin.) On minor matters, they were pedantic and biased—as indicated in a paper excerpted elsewhere by Howard Margolis. In general, the ABM opponents have not changed their views, as indicated in the letter reprinted from George W. Rathjens—quite the contrary. Although the ORSA panel had 21 months to prepare its study, Rathjens and others have called it "technically incompetent".

NONPARTICIPANT IN DEBATE BLASTS ORSA

Dr. Richard Garwin had not figured publicly in the ABM debate. But he has been dealing with military weapon systems as a prominent scientific member of the President's Science Advisory Panel (PSAC) under the last three presidents. Garwin called the ORSA Council "unwise" in issuing its report because it had acted as a court without safeguards against abuse. More serious, he clearly believed it to be incorrect in its premises and conclusions.

Garwin argued that both Wohlstetter's position and the ORSA report suffered from "over-professionalism"—"sophisticated operations research techniques applied to shakey assumptions." He said: "In medicine, the operation can be a brilliant success, but the patient may die if the diagnosis is wrong."

Garwin noted that the difference between Wohlstetter and those he criticized turned on three points of disagreement:

1. the military utility of reprogramming ICBMs to replace failures before launch or during flight,

2. the feasibility of simultaneous missile attack on U.S. ICBMs and bombers, and

3. the robustness of the Safeguard system; i.e., the range of enemy force levels over which it would (a) be necessary and (b) contribute substantially to the goal of preserving a specified number of Minutemen.

REPROGRAMMING IMPLAUSIBLE

Concerning reprogramming, Garwin called it "feasible in principle" but his letter went into detail on its many complications. Were he a first-strike planner he would require a force that could put two warheads on each Minuteman silo so as to make unnecessary the complications of reprogramming. ORSA should not have just dismissed the argument of anti-ABM scientists that reprogramming was implausible as a Soviet tactic.

Concerning the problem of pin-down, Garwin agreed with ABM opponents that pin-down would be most difficult. He argued that ORSA had placed the burden of proof incorrectly in requiring opponents to show that pin-down would *not* work—in fact, proponents had not shown any reasonable tactics by which it would work.

SAFEGUARD INADEQUATE

Finally, concerning point three, Garwin clearly agrees with the analysis of the opponents saying:

Below a certain numerical offensive force level Safeguard is obviously not needed to insure the survival of a minimum number of Minutemen. There is some number of SS-9's in the Soviet force which clearly overwhelm Safeguard so that it can no longer ensure that the minimum number of Minutemen survive. If the difference between these two offensive force levels should be small, say 10%, it would be very difficult for the Soviet Union, even if they wanted to, to build a force which would fall precisely into the range where Safeguard would be of some value to the U.S. Indeed, that is the case, not only because the Soviet Union can use the SS-9 multiple warheads, if it so wishes, to destroy the two Safeguard radars which defend any Minuteman at all, but the Soviet Union can use also some of the many SS-11's or could build some SS-13's or could allocate some of the vast number of SLBMs (which are supposed to be useful during a pindown attack) actually to destroy the two MSR radars without which Safeguard is useless in defending Minuteman.

ORSA REPORT "DEMEANING" OF OPERATIONS RESEARCH

Garwin argued that the ad hoc study was "guilty of the same faults of which it accused others" both in its "conduct and its content" and suggested that its publication was so biased as to be "demeaning" to the Operations Research profession. He supported the ORSA five-man minority report which argued that the study shoull have been referred and called on the Society to disown it.

ORSA REPORT CALLED BIASED BY CHRONICLER OF DEBATE

During the 1969 debate, Institute for Defense Analysis (IDA) analyst Howard Margolis produced a lengthy report on the SS-9/Safeguard debate. The ORSA report moved him to a short paper commenting on it in light of his earlier analysis.

As a sample of what he felt can "only be called the bias of the report", he discusses the 12 pages devoted to the Wohlstetter-Rathjens argument over the ability of the SS-9 force to destroy Minuteman.

After charging that Rathjens gave an "overstated impression of the extent to which very conservative assumptions could indicate that Minuteman would not be gravely threatened", and that Wohlstetter "made the most of it", Margolis goes on:

"Now what else is there to say? In the opinion of the ORSA Committee, a great deal. Almost all of the 12 pages the report devotes to this matter is concerned with a detailed critique of Rathjens' handling of the calculations. Much of this degenerates into the most trivial kind of nitpicking. For example, Rathjens at one point said he used a chart put in the record by Secretary Packard and some data released in 1967 to make his estimate of Minuteman vulnerability. "Rathjens assertion . . . cannot be supported mathematically," reports the Committee. Why? Because you can arrive at the estimate using either the chart or the data, rather than both together. At another point Rathjens is criticized for purportedly misreading the Packard chart, although whether he did so is a matter of dispute over what information Rathjens and Wohlstetter exchanged in a private conversation. The Committee puffs a good deal over that one, and without deeming it worth mentioning to the reader that the "error" (if it occurred) had no effect whatsoever on the estimate Rathjens gave to the Senate Committee.

Although the Committee obviously considered such details highly significant, it apparently did not deem it significant to mention that two months before the Senate vote Rathjens had publicly retreated from the extreme impression that might have been created by his original statement. Nor did the Committee comment on the fact that Rathjens had, after all, provided Wohlstetter with an explanation of how he developed his estimate on the day before they were to testify—plenty of time, given the simplicity of the calculations both sides were doing, for Wohlstetter to thoroughly analyze Rathjens case. Rather, we get the elaborate review of Wohlstetter's claims that the explanation that Rathjens gave was not exactly right. The Committee takes that most seriously. Indeed the pages virtually brim over with outrage at Rathjens' behavior. Yet a much shrewder comment, I should think, would have been to see that Wohlstetter's performance on this matter smelled powerfully of red herring. The fact is that by Wohlstetter's own account, Rathjens gave him all the information he needed to duplicate Rathjens calculation. The whole fuss about Wohlstetter being unable exactly to duplicate the calculation from what Rathjens told him (or from what he understood Rathjens told him) is trivial, having no significant impact on the validity or lack of it of Rathjens' estimate.

Of course, if the purpose of the Committee was to help Wohlstetter undermine the credibility of the critics, it would be comprehensible why there is this extreme and tendentious focusing on trivia.* If, on the other hand, the purpose was to inform members of the technical and political communities on how properly the two sides handled themselve in the overall debate, the situation is very odd. For a non-technical reader, and indeed for technical readers, who had not followed the debate closely—as, for example, the vast majority of ORSA's own membership—the impression is given that what is being discussed was an important part of the debate and, further, it naturally creates the impression that the weak showing of the critics on this matter was typical of the debate as a whole."

ORSA "QUASI-JUDICIAL" STANDARDS AT ISSUE

As is not uncommon in scientific disputes, some of the participants may have had ample reason to be interested in discrediting the others. One of the ORSA Ad Hoc Committee Members had been a participant in the 1969 ABM debate under investigation—Howard K. Berger had been a Defense Department official at the time and even Deputy Assistant Secretary for Strategic Systems! Worse, he had been removed from a position of responsibility by the accused George W. Rathjens *while working* at the Institute for Defense Analyses, an action that led shortly thereafter to Berger's resignation. Evidently, the ORSA Ethics and Grievances Committee did not know of this, nor did Berger think it reason for disqualification in a "quasijudicial" investigation.

---

* Which contrasts sharply with the gentle handling of a few examples of misstatements by Pro-Safeguard spokesmen elsewhere in the report.

By deleting 80% of the initial letter written to ORSA by Albert Wohlstetter, ORSA's editor concealed: the fact that ORSA had investigated only what was asked by Wohlstetter; that Wohlstetter had suggested to them virtually all of the minor criticisms they came up with; and that ORSA had not validated some of the assertions; e.g., that there had been "personal abuse" of him, and so on.

JOSEPH ALSOP ADOPTS FAS

The Federation, its director, and "left-wing" scientists, have become Mr. Alsop's latest favorite target for smear—three such attacks have now been printed in the Washington Post and other newspapers in five months.

In the first atack, on May 26, 1971, Mr. Joseph Alsop suggested that the FAS analysis of DOD's "R&D Gap" claims was motivated by a subversive interest in getting DDR&E's John S. Foster "out of the way" because Foster was so often right in assessing the Soviet threat! Here Mr. Alsop was so confused as to describe Jeremy J. Stone as a left-wing political scientist from Princeton when in fact he is a mathematician from Stanford. But Mr. Alsop went much, much further and this column has to be seen to be believed. The L.A. Times refused to print it, although it is syndicated by the L.A. Times syndicate; many other newspapers followed suit.

A second similar attack, on October 27, contained the same implication of treason: "Dr. Jeremy Stone and a good many other misguided American scientists have formed [actually Dr. Stone was ten years old when FAS was formed] a powerful lobby primarily aimed, so far as one can see, to subordinating American strategic policy to Soviet strategic policy." On this occasion the L.A. Times deleted two references to Dr. Stone before printing this column.

On November 8, Joseph Alsop devoted another column to warning that "a great deal of the more leftwing 'scientific' evidence must now be expected to be as crooked as a ram's horn."

Only Mr. Alsop's unique reputation for abuse of his columnist's prerogatives has protected FAS from serious harm from his nonsense. But despite his reputation, politicians can still fear his mud-slinging attacks. Hence these attacks can complicate the life of any public interest association like ours. Many Federation officers have expressed the hope that these attacks will bring us new infusions of funds and members. We hope so. We are not, we regret to say, as powerful yet as Mr. Alsop would evidently like to say we are.

RATHJENS RESPONDS TO ORSA AND ALSOP

(Excerpts of letter to editor)

Joseph Alsop's column of November 8 for the most part accurately reflects the findings and tone of the recent critique by the Operations Research Society of America of the role of myself and others in the ABM debate. What Mr. Alsop failed to appreciate or convey to his readers was the fact that the ORSA report is a technically incompetent critique—based on bizarre procedural arrangements, selective use of evidence, and remarkably uncritical acceptance of Administration assumptions, many of which had little or no foundation in fact.

This is not the place to discuss all of the deficiencies of the ORSA report—we have done that in some detail elsewhere—but lest readers be mislead by Mr. Alsop's column it is perhaps useful to comment on two issues in the ABM debate: the possible vulnerability of the U.S. Minuteman force to a Soviet SS-9 "first-strike" in the mid-70's, and whether the Safeguard ABM deployment would make a significant difference in Mnuteman survivablity.

Although the second question was really what the ABM debate was all about, ORSA focused its attention almost exclusively on the first, a hardly surprising fact since Albert Wohlstetter who instigated the inquiry, and whose lead it slavishly followed, had largely avoided commenting on Safeguard's utility in both his testimony and his specification of changes.

As regards Minuteman vulnerability, I would point out that estimates necessarily had to be based on interpretation of intelligence information and technical judgment of what the situation would be six years later. Various participants in the debate made quite different judgments, and such differences, not mathematical manipulation which was essentially trivial, nor the application of esoteric operations research techniques, accounted for my estimating that 25% or more of the Minuteman force would survive while Mr. Wohlstetter and Defense Department spokesmen estimated 5%. I leave it to the reader to draw his own conclusion as to whose judgments were more reasonable, pointing out that I would now revise my estimates of Minuteman survivability upward as it now seems even less likely than it did two years ago that the U.S.S.R. could fully equip its SS-9 force with highly effective multiple independently targetable reentry vehicles (MIRVs) by the mid-70's. Reports such as those by Michael Getler of a recent DoD/CIA sponsored study by TRW (*The Washington Post*, June 17), General Ryan's March 9 testimony before the House Appropriations Committee, and Secretary Packard's remarks of October 21 lead me to believe that the Administration too might now estimate very substantial survivability.

The Administration seems also to have largely come to the views of its opponents with regard to the question of Safeguard effectiveness. Thus, it is now recognized, even in the Defense Department, that the Missile Site Radar is the Achilles' heel of Safeguard, and there are serious efforts under way to design a dedicated hard-site defense employing less expensive radars as many of us recommended. And it is now considered, as we had suggested, that Safeguard as originally planned will be an inadequate defense if a build-up in Soviet missile capabilities continues, whereas originally it was argued that it was needed in case of such a build-up.

Mr. Alsop points out that we admitted mistakes. A single example will perhaps put that admission in perspective. I had argued that Messrs. Laird, John Foster and Wohlstetter had made unrealistic assumptions in imputing to the Soviet Union the capability, in executing an attack against us, of compensating for *all* their missile failures by replacing the failures with other warheads aimed at the same targets. In fact, Mr. Wohlstetter had, unlike Messrs. Laird and Foster, apparently assumed that 15% of the failures could not be so replaced. I was in error and was criticised by ORSA for the mistake. It is to be noted that neither Mr. Wohlstetter nor the Defense spokesmen offered any analysis to support their contention that such tactics were feasible. Yet, the ORSA committee did not criticise this omission. Rather, it attempted the back-up analysis for them, in so doing finding it necessary to use assumptions about Soviet MIRV technology totally at variance with observations! . . .

WHO HAS BEEN RIGHT ON ABM?

As one participant wrote to a Senator: "We are dealing with a subject where judgment based on technical knowledge and experience, rather than pedantic calculations based on ill-founded assumptions, are frequently most essential". How have the ABM opponents fared on judgment, over time?

In criticizing the ABM opponents, ORSA criticized men whose record on the ABM has been right four times on these four major ABM issues: Anti-Soviet defenses, the no-ABM agreement, anti-Chinese defenses, and the need to put smaller, harder and less expensive radars on Safeguard.

Should the United States build an anti-ballistic missile system designed to protect American cities against Soviet attack (the thick defense)?

In the late fifties and early sixties, those scientists who opposed the ABM argued against deploying the Nike-Zeus in 1963-64. The Secretary of Defense pointed out in 1962 that the money would have been effectively wasted considering the requirements of 1963-64, by the time it became operational.[1]

In the early 1960's the scientists who opposed the ABM argued against deploying the improved Nike-X which could have been ordered in 1963 and built by 1968. The Defense Department conceded in 1963 that it would have been obsolete by 1966.[2]

In the mid, and late, 1960's the scientists opposing the ABM continued to argue that it was not then technically feasible to protect the United States against defense from Soviet missiles. They were right. On March 14, 1969, President Nixon said:

"Although every instinct motivates me to provide the American people with complete protection against a major nuclear attack, it is not now within our power to do so. The heaviest defense system we considered, one designed to protect our major cities, still could not prevent a catastrophic level of U.S. fatalities from a deliberate all-out Soviet attack. And it might look to an opponent like the prelude to an offensive strategy threatening the Soviet deterrent."

Without the opposition of the anti-ABM scientists, $20 to $40 billion could have been wasted on anti-Soviet city-protecting ABM systems during the 1960's alone.

Should the United States negotiate a "no-ABM" agreement with the Soviet Union to prevent either side from trying to build a thick city defense against the other?

In 1960 and 1962, the scientists opposing the ABM were already urging the Soviet Union to consider this possibility. In 1964, for example, one paper presented at an international arms control symposium warned the Soviet Union that the United States would build such an ABM if—but probably only if—the Soviet Union did so. This was right. Throughout the 1960's, the scientists opposing the ABM argued for a no-ABM agreement. They were right. On May 20, 1970, President Nixon disclosed that the super powers "have agreed to concentrate this year on working out an agreement for the limitation of the deployment of anti-ballistic missile systems". A handful of pro-ABM scientists argued that the Soviet Union thought ABM systems "defensive only" and that they would never agree to negotiate them away. They were wrong. President Nixon's announcement—just quoted—was signed also by the Soviet Government.

Should the United States build an anti-ballistic missile system designed to protect American cities against the Chinese ICBM threat?

Since the middle 1960's, the scientists opposing the ABM have argued that a defense against Chinese missiles was not justified. The Chinese could be deterred from attack; no defense would, in any case, be foolproof; and the anti-Chinese ABM would decisively interfere with an agreement precluding the Soviet Union from building an ABM defense against us. They were right. In 1971 the Senate Armed Services Committee conceded that the "wisdom of an anti-Chinese defense had yet to be demonstrated". And the SALT talks shows every evidence of going forward in a way that will preclude them.

---

[1] U.S. Congress, House Subcommittee of the Committee on Appropriations, "Department of Defense Appropriations for 1964," Part I, pp. 434-35.

[2] U.S. Congress, Senate Committee on Armed Services, "Military Procurement Authorization Fiscal Year 1964" (88th Congress, 1st Session, 1963).

Should the United States use Sentinel ABM radars in Safeguard to protect a fraction of its missile sites from Soviet attack?

The scientists opposing the ABM argued that its large radars were much too expensive and vulnerable and its stock of interceptors much too small. As a result, they said, the system would be overwhelmed if the Soviet threat went slightly beyond the point where Safeguard was needed. The Soviets, they argued, would have to "tailor their threat" to Safeguard to make it useful. They were right. A year later, in 1970, the Defense Department Posture Statement admitted:

"To be perfectly candid, Mr. Chairman, it must be recognized that the threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle." (Pg. 49, prepared statement of Secretary Laird)

The scientists opposed to Safeguard argued in 1969 that such a defense would have to have smaller, cheaper radars (which should therefore be developed) or take some entirely different form if the Soviet threat grew. They were right. The 1970 Posture Statement said:

"If, in the future, the defense of Minuteman has to be expanded, new and smaller additional radars placed in Minuteman field would be less costly than the Safeguard Missile Site Radar (MSR) because they would not have to cover such large areas. For this reason, we will pursue a program to determine the optimum radar for such a defense and begin the development of this radar and associated components in FY 1971. At the same time, the Air Force will pursue several other options for solving the survivability problem of the land-based missile systems." (pg. 49, prepared statement of Secretary Laird)

FAS COMMENDS PACKARD FOR "STRAIGHT TALK"

On October 21, Deputy Secretary of Defense David Packard spoke with remarkable candor on the arms race. At the time he spoke, a seemingly orchestrated chorus of alarm about the Soviet weapons buildup was reaching a peak. It included further leaks about big holes in the Soviet Union, a Life article about the Defense Department's preoccupation with the arms race, a five-part series in Aviation Week and Space Technology on the "growing threat," etc.

By contrast, Secretary Packard put the arms race in perspective. He noted that the President's goal of moving from an era of confrontation to an era of negotiation has "really begun to be realized." He suggested that, on questions of SALT and arms race, there were hawks and doves in the Soviet Union as here. He noted that we sometimes misinterpret Soviet actions that are long underway as short-term moves.

Secretary Packard argued that superiority was not very significant because "almost any conceivable nuclear exchange is going to be almost unliveable" for both countries. He suggested that the Soviet naval buildup was not related to Soviet interest in a confrontation with us. And he argued that patience and optimism were appropriate to the SALT talks.

Secretary Packard did not argue that the Soviets were seeking a "first-strike" capability but did say that if they were, we would "know it fairly soon" and that it would relate, in any case, to a period "several years off." Interestingly, Secretary Packard talked of the SS–9 buildup as becoming a matter of concern if the Soviets reached between 500 and 600 SS–9's—rather than the 420 of which the Defense Department had spoken at the time of the 1969 Safeguard debate.

So long as Polaris is agreed to be highly invulnerable, many FAS specialists believe the "first-strike" notions are simply a rhetorically exaggerated way of discussing the problem of the vulnerability of Minuteman. But, for the rest, these statements of Secretary Packard's were in high agreement with FAS views and they came at a most useful time. FAS Chairman Marvin L. Goldberger wrote the Secretary and suggested that the Secretary's comments had enhanced his reputation for straight talk.

FAS GROWING—BUT NEEDS HELP

The growing effectiveness of FAS is matched only by the increasing attacks upon it. Not only the largest—but virtually the only lobbying arm of science—FAS needs more scientists who want to keep science relevant.

Find us new members. Send us names of persons to solicit. Post our material on bulletin boards. And if you can afford it, send us an additional donation; then we can locate new members through mail solicitation. For each $10 you send us, we can locate a new member. Help us get the 1,000 new members we need.

MAJOR TECHNICAL FLAWS

The ORSA report has major technical flaws.

It failed to consider the adequacy of Safeguard to protect Minuteman which was the fundamental question in the debate.

In considering the narrower question of the vulnerability of our land-based deterrent, ORSA assumed the practical utility of two crucial tactics upon which the Soviets would have had to rely completely, but on which they could not have so relied: very high quality reprogramming and pindown.

These important errors, and a host of other indications of bias and inappropriate procedures, discredit the conclusions of the ORSA panel.

MARVIN L. GOLDBERGER,
HERBERT F. YORK,
HERBERT SCOVILLE, JR.,
SIDNEY DRELL,
FRANKLIN A. LONG.

"Reprogramming" refers to the ability of the Soviet Union to fire new missiles after old ones that fail. ABM proponents argued that the Soviets might reprogram for failure not only at count-down and launch, but also for some or all inflight failures. Opponents argued that the Soviets could not rely upon this tactic—which tactic would have been critical under proponent calculations—since relatively few Soviet Minuteman-killing warheads were estimated to be available for multiple firings at each target.

The argument over "pindown" referred to the possibility that Soviet submarine-launched missiles might pin down U.S. Minutemen missiles with a barrage of detonations above U.S. silos. Hence these smaller submarine-launched warheads might discourage U.S. Minutemen firing until Soviet ICBMs arrived to destroy Minuteman. Thus the short-flight-time-sub-launched missiles might catch U.S. bombers on their bases while pinning down the U.S. ICBMs until the latter could be destroyed.

However, the Soviets would be foolish indeed to rely upon such a tactic. Why should American planners wait until the Minutemen are destroyed? Why not fire—take one's chances on survival of the Minutemen in passing through the barrage—and hold Polaris weapons in reserve if any reserve is wanted. (Evidently the Air Force agrees with the ABM opponent's analysis that pindown is not feasible. See the testimony of its Lieutenant General Glaser, Deputy Chief of Staff for Air Force R&D, before the House Armed Services Committee, part 2, pg. 4351, March–April 1971.)

ORSA REPORT RELEASED BY SLIM MAJORITY

The ORSA report took the form of an Ad Hoc Committee on Professional Standards composed of six persons. The ORSA Council agreed to look into the matter on November 11, 1969, and considered the completed report on May 5–6, 1971. At the latter meeting of the 13 officers and council members of ORSA, two had been involved in drafting the report but did not disqualify themselves from voting. Six other ORSA officials also voted for its release. The remaining five opposed its release in a jointly-signed minority report.

The five-man minority argued that ORSA should not take on the "quasi-judical function of investigating and reporting on professional behavior of individuals". (The word "quasi-judicial" was applied to the investigation even by ORSA's President, a supporter of the investigation.) The minority noted the lack of full access, the absence of a right of subpoena, the disinclination of persons investigated to participate, and the absence of ground rules. The minority further noted that the report should have been referred.

WHERE ORSA CONTROVERSY DOCUMENTS CAN BE FOUND

On October 4, Senator Henry M. Jackson placed the critical appendix III of ORSA's report in the Congressional Record along with articles from the Washington Post and New York Times. (Pages 34639–34656.)

On October 15, Senator Alan Cranston placed in the Congressional Record a reply from Dr. George Rathjens, Jerome B. Weisner, and Steven Weinberg along with an editorial from the Boston Globe. (Pages 36410–36416) (See also, Senator Edward Kennedy, 36692–36698.)

On November 12, Senator Stuart Symington placed in the Congressional Record, the letter from Richard Garwin summarized here. (Pages 40857–40860)

On November 11, House Republican leader Gerald Ford placed the Joseph Alsop Washington Post article of November 8, 1971 in the Record. (Pages 40837–40838)

LIVE DANGEROUSLY: OPPOSE AN ADMINISTRATION

1969

Washington Post Editorial "The Big ABM Brainwash" February 17, 1969, commenting on and quoting from the Secretary of the Army Stanley R. Resor letter to the Secretary of Defense: "Several highly placed and reputable U.S. scientists have spoken out in print against the Sentinel missile systems," Mr. Resor wrote to Mr. Clifford, and after naming a few of them (Hans Bethe, George Kistiakowsky, Jerome Wiesner) and complaining of the difficulty of replying without disclosing secrets, he went on to say:

"It is essential that all possible questions raised by these opponents be answered, preferably by nongovernment scientists.

"We will be in contact shortly with scientists who are familiar with the Sentinel program and who may see fit to write articles for publication supporting the technical feasibility and operational effectiveness of the Sentinel system.

"We shall extend to these scientists all possible assistance."

1971

THE WHITE HOUSE,
Washington, D.C., October 13, 1971.

DEAR BOB: I am sorry that we haven't had a chance to visit on the phone, but you should know that the work of your Society has received a good deal of attention. It was in the President's news clips, and I have discussed it personally with the President and senior White House officials. You might also be interested to know that I was in a meeting the other day in which Admiral Zumwalt discussed the work of the Society in a most favorable way. While not page one headlines, it has been widely covered in the daily newspapers. I am a bit disappointed that the weekly magazines have not yet touched on it. Possibly, some follow-up work might be helpful there.

All in all, I would say that you and the Society have performed a magnificent service. There is no question but that, in the future when "experts" present themselves before Congressional committees as professionals arguing for or against a given course of action, they will be considerably more careful about the quality and professionalism of their remarks and arguments.

To me the action by your Society, and certainly by you personally, is the kind of incremental act of leadership and good sense that makes this such a wonderful country.

My congratulations on the important part you played in it. I look forward to seeing you soon.

Warm regards,

DONALD RUMSFELD,
Counselor to the President.

Mr. Robert Machol, Northwestern University, Graduate School of Management, 339 East Chicago Avenue, Chicago, Illinois 60611.

P.S.: I thought that the introductory section you wrote to the Society's report was well put.

FOUNDER OF ORSA OPPOSES ORSA REPORT

In a letter to the Boston Globe of October 2, Professor Philip M. Morse said:

[From the Boston (Mass.) Globe, Oct. 2, 1971]

PROFESSOR MORSE PROTEST ORSA REPORT

I regret finding it necessary to protest the recent official approval of the Council of the Operations Research Society of America to a report which gratuitously, and I hope falsely, suggests that the society is on the side of ex Sen. Jos. McCarthy, is promilitary and supports the assumption that the expert always knows best.

I am talking about the impression the report is producing; the council must have known that occasional disclaimers and disavowals can't dispel the effect of the report on the general public, who will not read it carefully or will only know of it through the press.

The report, written by an ad hoc committee appointed by the council of the society and approved by the council for publication, will be considered unfair since it denounces, by name, persons who are not members of the society and who thus have had no means of controverting its effect, except after the fact.

They were allowed space in the report for counter argument, but they had no means of influencing the form of the report and were not represented on the council which approved its publication.

This already has given the impression that the society as a whole is against reduction of armament and is in general pro military; a few cautionary sentences in the preamble can't dispel this impression.

It implies that those with access to secret information must always be right in the assumption underlying their analyses and that those with opposing conclusions must either be dishonest or unscientific. By seeming to argue that there never can be honest differences of opinion regarding assumptions between scientists regarding questions of general policy, it comes down on the side of those who advocate letting a super computer make all our policy decisions.

I don't agree with any of these implications and I protest vigorously against council action which has put me in the position of appearing to approve them. If as I hope the majority of the members of the society feel the same way, then there must be something wrong with the way the society operates to make it possible for a council to place its members in so false a position. If I am wrong and the majority of members really do approve this way of settling a dispute between several ORSA members and several nonmembers, then I must regretfully sever relations with a society I helped to found, since it will have become a pressure group rather than a scientific society.

PHILIP M. MORSE,
Professor emeritus, MIT first president of ORSA, President-elect of the Physical Society of America.
CAMBRIDGE.

WHAT WAS THE ISSUE: THE "VULNERABILITY OF MINUTEMAN" OR THE "ADEQUACY OF SAFEGUARD"?

George Rathjens, Senate Armed Services Committee, 1969: "On the unclassified record here though, I would just like to say that it seems to me it is a matter of time. There is going to be some time, and I do not know when—it will be in the Seventies—when Minuteman will be vulnerable. Accuracies are going to get better. The Soviet force is going to build up. The time is going to depend on the particular assumptions you make about the rate of that buildup, how reliable the Soviet missiles might be, the yields they can carry, and their accuracy.

"But the fundamental point I would like to make—and it is more directly relevant to the question we are discussing, that is the Sentinel or Safeguard deployment—is that when that time comes, no matter when it is, be it 1974, if we deploy Safeguard, it is going to buy us very, very little in the way of improving the survivability of that force."

Wolfgang K. H. Panofsky, Senate Armed Service Committee, 1969: "I am somewhat perturbed that the differences among the calculations of Drs. Wohlstetter, Lapp and Rathjens have been given this degree of attention. Fundamentally these calculations differ only in their assumptions on the reliable CEP of the Soviet MIRV warheads carried on the SS–9, on the assumed hardness of Minuteman, and on the targeting doctrine adopted by the Soviets in a first-strike attack. As expected the spectrum of assumptions ranging from highly conservative to highly unconservative would materially affect the results. Yet what matters is not the conservatism or lack thereof adopted by Drs. Wohlstetter, Rathjens and Lapp in their calculations but the Soviet authorities when debating a possible first-strike against Minuteman and considering the always unknown reliability of their forces, they would have to be conservative indeed.

"The prominence given to the numerical disagreement among these calculations which are a natural consequence of the spread in assumptions has obscured the main issue, namely the large uncertainty of the forecast as to how many MIRV'd SS–9's the Soviet will in fact have available in the 1970's, and the small number of anti-missiles which the Safeguard provides in intercepting them. These two numerical factors are, in my view, vastly more important than the spread among the calculations on survived of Minuteman under hypothetical SS–9 attack as developed by the various experts."

SCIENCE MAGAZINE ON ORSA REPORT

Science Magazine, ABM Debate: Learned Society Split by Old Grievance, October 15, 1971 Nicholas Wade: "Operations research, a group of techniques originally developed during World War II, has not entirely outgrown its military heritage, and many members of ORSA necessarily have past or present connections with the military establishment. ORSA is not ideally positioned to adjudicate a debate that directly pitted the Department of Defense against its critics, but its council seems to have had few qualms about acting on Wohlstetter's suggestion . . .

The ORSA council seems to have believed, perhaps simplistically that for Rathjens and Wohlstetter to have arrived at different conclusions from the same facts, one of them must have presented the facts incorrectly. Yet as Rathjens and his colleagues pointed out in their initial letter to ORSA, there was not always agreement even on the facts underlying the ABM debate, since some of the relevant information was classified and much that was unclassified was incomplete."

COMMITTEE ON GOVERNMENT OPERATIONS REPORT URGES REINSTITUTION OF MONTHLY PRESS BRIEFINGS BY BUREAU OF LABOR STATISTICS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. MOORHEAD. Mr. Speaker, the House Government Operations Committee, in a report entitled "Discontinuance of Monthly Press Briefings by the Bureau of Labor Statistics, Department of Labor," urges that Labor Secretary Hodgson "immediately reinstitute the monthly press briefings by the Bureau of Labor Statistics" in connection with the release of statistics on unemployment and the cost-of-living index. The committee also calls for the issuance of a directive by the Secretary to "make it clear that the traditional objective role of the BLS must be maintained."

The recommendations are based on hearings and investigations by the Foreign Operations and Government Information Subcommittee, which I am privileged to chair.

The press briefings, begun in 1953 on a regular monthly basis, were discontinued last March after several embarrassing incidents involving Secretary of Labor Hodgson and other administration officials. Their press conference statements interpreting unemployment and cost-of-living statistics had been at variance with interpretations by career BLS experts, raising charges of "political manipulation" of key Government statistical data.

The committee is sharply critical of Secretary Hodgson's refusal to testify on the events leading up to the policy decision to end the 18-year precedent of monthly BLS press briefings. The report stresses the "importance to our economic system in the maintenance of the objectivity and integrity of vital statistical data issued by the BLS and other Government agencies" and the "absolute necessity to keep such data free from any cloud of suspicion of management of Government statistics for partisan purposes."

Mr. Speaker, our committee is unpersuaded by the reasons given by the administration for termination of the monthly BLS press briefings. Balanced against the countervailing considerations, they do not constitute adequate justification for the action taken. Political news manipulation by the Nixon administration and high-priced public relations "imagery" of the type used in the 1968 "Selling of the President" have become the order of the day.

In the report the committee also expresses grave concern over the implications of the functional "reorganization" by the BLS in late September, in which career personnel involved in the controversial incidents over the interpretation of BLS statistics were shifted to other posts or left the Bureau. One of the subcommittee witnesses, Mr. Harold Goldstein, Assistant Commissioner for Manpower and Employment Statistics, was among the career BLS experts affected by the "reorganization."

Mr. Speaker, governmental statistical data such as those issued by the BLS on unemployment and the cost of living affects the pay checks of millions of American workers under contracts geared to the cost of living index. Such data is also relied on by many thousands of businessmen, investors, by Federal, State, and local government officials, by those engaged in international trade or finance, in domestic monetary policies and in dozens of interrelated types of activity.

All Americans have a right to believe in the accuracy and integrity of these and other statistics issued by the Federal Government beyond any shadow of a doubt. There must never be any hint of partisan political manipulation of government statistics, such as has occurred because of the halting of BLS press briefings and the subsequent BLS "reorganization."

I am concerned that career Government statistical experts may interpret these actions by the top-level political appointees of the Nixon administration to mean that only "good news" on unemployment or cost of living statistics will be welcome, thereby undermining the validity and public confidence in such data.

Only by adopting the recommendations in our report can the Nixon administration remove the suspicions of political motivation in the recent Labor Department actions affecting the BLS and restore full faith and confidence in the integrity of these vital governmental statistics.

Mr. Speaker, copies of this report are available from the subcommittee office—phone 5-3741.

HUNGARY: SELF-DETERMINATION STILL DENIED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. CRANE. Mr. Speaker, as we commemorate the 15th anniversary of the Hungarian revolution it is sad to reflect upon the fact that the Hungarian people remain enslaved and a foreign power, the Soviet Union, remains in firm control of the country.

According to the recently enunciated Brehznev doctrine, the Soviet Union has a "right" to dominate and subjugate the peoples of Eastern Europe. While Soviet representatives at the United Nations and elsewhere decry the "imperialism" and "colonialism" of others, the fact remains that the U.S.S.R. itself is the world's foremost colonialist. The peoples of Eastern Europe have borne the brunt of this burden.

It is also ironic to recall that the United States and other Western nations entered World War II to defend and protect the integrity of an Eastern European state, Poland, from attack. That war ended not with Poland's self-determination, but with its domination by the Soviet Union.

Today, while it keeps the peoples of Eastern Europe as virtual vassals, the Soviet Union seeks a security conference to ratify and legalize its colonialism. Many in the Western World feel that such ratification and legalization is somehow the path to "detente." The fact is, however, that such a security conference would no more be the path to "detente" than was Munich. Totalitarian states react to concessions only by seeking more concessions. In the long run, the price has always proven too high.

The people of Hungary valiantly expressed their hostility to tyranny and to foreign control, only to be abandoned by those in the West who for so long had spoken of the liberation of Eastern Europe. The men and women who died in the Hungarian revolution were martyrs to the cause of freedom. They paid a price for freedom which many in the West are not willing to pay.

It is unfortunate to note that the conditions in the captive nations of Eastern Europe today are basically the same as they were 10 or 20 years ago. There remains no freedom of the press, no real freedom of religion, no freedom of speech, and no political opposition.

There have been recent reports of significant changes in the attitude of the totalitarian regimes of Eastern Europe. One of the examples quoted to support such an analysis is the several amendments to Law No. III of 1966 of the Hungarian Peoples Republic. These were heralded by many as a further development of the electoral system in the direction of widening the base of the Socialist democracy.

The facts, however, tell a far different story. In a report prepared by Dr. William Solyom-Fekete, a senior legal specialist of the Legislative Reference Service of the Library of Congress, the point is made that nothing has really altered the one-party nature of the Hungarian election process.

Discussing some of the new legal provisions, Dr. Solyom-Fekete notes that—

> The precautionary measure of eliminating the possibility of the nomination of an undesirable candidate lies in two provisions of the new law. First of all, one nominating meeting is sufficient for any nomination, and there is no way to force a local committee of the Front to call more meetings. However, if at any meeting an undesirable person might still get the necessary one third of the votes, the Front may call several other meetings where measures may be taken to prevent the name of that person from being placed before the meeting and thus . . . the undesirable person would never get the required one third of the votes of all participants in the nomination procedure.

Dr. Solyom-Fekete also points out that an additional measure of precaution was added by providing that the voting on the nomination is open and no secret balloting is permitted. He concludes that—

> In the light of this procedure, as well as taking into consideration the fact that no possibility exists for anybody to organize an eventual opposition to the government, it is obvious that only those persons who enjoy the complete trust of the regime can be nominated.

The Hungarian Minister of Justice himself makes clear that the changes are not basic, and wishful thinkers in the West would do well to consider his words. He stated that—

> The unchanged basic principle of the People's Front characteristics of our electoral system, that members of Parliament as well as members of the councils will represent the program and policies of the Patriotic People's Front also in the future, and that therefore, the acceptance of the program of the People's Front must be regarded as the political prerequisite of their candidacy.

This does not sound like a liberalization of Hungarian electoral policy. Perhaps those who argue that it does have forgotten that democratic procedure requires an opposition to make it real.

I wish to share Dr. Solyom-Fekete's paper with my colleagues, and insert it into the Record at this time:

THE NEW ELECTION RULES IN HUNGARY

The Parliament of the Hungarian People's Republic adopted several amendments to Law No. III of 1966 on the Election of Members of the Parliament and Members of the Councils on October 3, 1970.[1] The adoption of the amendments was heralded by the Minister of Justice as "a further development of the electoral system in the direction of widening the socialist democracy."[2]

This claim, together with a superficial view of some of the amendments, fits into the line of the so-called liberalization of the present political system of Hungary. A thorough analysis of the entire electoral law and the newly adopted amendments, however, will show an entirely different picture.

The statutory rules on elections had been changed before each election since the end of World War II. These rules can be divided into three main groups: 1. *multi-party lists (1945–1947)*; 2. *single list elections (1949–1963)*; and 3. *individual candidates (1967–)*.

Immediately after the end of World War II, the Provisional National Assembly enacted the first electoral law[3] according to which the first postwar elections were held. This Law permitted the five established political parties[4] to run for the seats in the Parliament. The election resulted in a resounding defeat of the Communist Party and its allies. The Independent Smallholders Party received an absolute majority of the votes (56 percent) in spite of the heavy-handed interferences by the Soviet occupation authorities. The elections, however, did not result in a parliamentary form of government, because the Soviet occupation authorities insisted that a coalition government be formed, which divided the cabinet posts about evenly among the parties and gave the key positions to communists.

The National Assembly elected in 1945 had a short life, because it was dissolved on July 26, 1947, shortly after it adopted amendments to the election laws of 1945.[5]

Although the new Law preserved universal franchise in principle, in practice it deprived a sizable number of the population of the right to vote. In addition the Law authorized the Central National Committee—consisting of the representatives of the coalition parties—to license any additional political parties to participate in the coming election. Just four weeks before the date of the elections three opposition parties were permitted to run. This was an obvious step to divide the forces opposed to Marxist ideology and to prevent the Smallholders Party from obtaining a majority in the election. The Communist Party, despite a large number of frauds and deceptions, did not win the majority; nevertheless, it became the largest party in the Parliament.[6]

The next move of the Communist Party was the dissolution of the recently licensed opposition parties which had won approximately 33 percent of the votes in the election,

---

Footnotes at end of article.

and its merger with the Social Democratic Party under the name of the Hungarian Workers' Party. Shortly thereafter the National Independent People's Front was set up. Its central board consisted of 38 members, of whom 16 represented the Communist Party itself, and 13, organizations dominated by it. This organization took over the tasks of the Central National Committee. Just before the dissolution of the Parliament, it adopted another amendment to the electoral law.[7] This was the final step of the first period in the electoral system.

On April 12, 1949, the Parliament was dissolved and on the basis of the recently adopted amendments the new elections were held on May 15, 1949. The voters had a choice of voting "yes" or "no" to a single ticket drawn up by the People's Front. This election was the beginning of the second phase of the development of the electoral system. Parliamentary elections were held in 1953, 1958, and 1963 under such rules. Similar rules were applicable to the elections of the members of the local and higher municipal councils. Before every election some modifications were introduced to weaken the possibility of voting against the single list of candidates.[8] Even the secrecy of the ballot was violated by the provision which did not require the marking of the ballot in case of "yes" vote, and permitted the placing of unmarked ballots in the urns without entering the voting booths. Thus, if any voter chose to enter the booth, it was known that he intended to mark the ballot, which meant a vote against the list. Such behavior could have resulted in serious consequences. With the use of this and similar methods the regime was able to obtain 96 to 99.8 percent affirmative votes.

In 1966 the government decided to do away with the infamous and widely criticized single list election system and create a new one which would seem to be more in line with the trend of liberalization of the political system. The result of this decision was Law No. III of 1966 on the Election of Members of the Parliament and Members of the Councils.[9]

The Ministerial message accompanying the bill pointed out that the election rules theretofore in effect had fulfilled their purpose of "laying the foundations of socialism but that the further widening of the democratization of the electoral system is an important element of the development of socialist human relations." It was also mentioned by the Minister of Justice that the numerous amendments to the electoral laws made their application immensely difficult.

The basic change introduced by the new Law was that, instead of a list of candidates for a large geographical area, the country was divided into 349 electoral districts, and in each district individual candidates were nominated and elected.

The nomination procedure remained almost the same as before. Nominating meetings were called by the local committees of the Patriotic People's Front in government enterprises, cooperatives, offices, and residential areas. At these meetings a candidate for each elective post could be proposed. The county and capital city committees of the Patriotic People's Front submitted their proposals of the suggested candidates to the Presidium of the National Council of the Patriotic People's Front which made the actual nomination.

The Law made it possible to nominate more than one person in any district, but the order in which the candidates' names appeared on the ballot in such cases was established by the Presidium.

This method of nomination was tantamount to election because the Law provided that a voter had voted for the candidate if he left the ballot unmarked, and against the candidate if he struck out the latter's name. In case of more than one candidate, an unmarked ballot was regarded as a vote for the candidate whose name appeared first on the ballot.

This type of nomination procedure was introduced in order to assure the nomination and election of people who were absolutely trustworthy in the eyes of the government and the Communist Party. Although the Patriotic People's Front, in principle, is an organization independent from the government and the Communist Party, it is in fact only a cover-up for the latter. This is proven by a survey of the leadership of the Front.

At the time of the 1967 elections the President of the Patriotic People's Front was Gyula Kállai. At the same time he was also the Chairman of the Council of Ministers (Prime Minister), and a member of the Central Committee and of the Politburo of the Communist Party.

The first Vice President of the Front was István Dobi, a member of the Central Committee of the Communist Party and of the Presidential Council of the People's Republic. Earlier he had been the Chairman of the latter and thus was regarded as the Head of State.

Of the six vice presidents two were at the same time members of the Central Committee of the Communist Party, two were members of the Presidential Council of the People's Republic, and all but one were also leading government officials. The only exception was Ferenc Harrer, a long-time radical member of the Hungarian Parliament who, at that time, was over 90 years of age.

The Secretary General of the People's Front was Ferenc Erdei, the former leader of the National Peasant Party, an all-time close ally and obedient servant of the Communist Party. He was at the same time a member of the Presidential Council, Vice President of the Academy of Sciences, and previously had held many other government positions.

The twenty-two members of the Presidium of the Patriotic People's Front included five members of the Central Committee of the Communist Party, five members of the Presidential Council of the People's Republic, and eight former ministers, and all of them were at the same time leaders, or leading members, of organizations dominated by the Communist Party.

In the only election held under this Law, on March 19, 1967, in only nine electoral districts were two persons nominated, while 340 districts had only one candidate "to choose from." In the nine districts with two candidates, the candidate listed first on the ballot was, without exception, elected by an overwhelming majority. Although the law does not make any such distinction, the press reports designated the first candidates on the ballot as "the official candidate of the Patriotic People's Front," and the others as "spontaneous candidates of the nominating meetings."

Under such circumstances it was no surprise to anybody that all the candidates were elected with a majority of 95 to 99 percent of the votes. As a consequence of this unanimous election all the bills introduced in the Parliament by the government were adopted, as usual, without a dissenting vote.

In October 1970 the government decided that some further "liberalization" of the electoral system was in order to make the regime more acceptable to world opinion, and to make it possible for the propaganda machinery to boast that the population of the country totally supported the government and the Communist Party, even if the electoral system was not so rigidly controlled by them. At the same time carefully devised precautionary measures had to be taken to avoid any uncomfortable surprises, and to eliminate even the possibility of organized opposition.

The Minister of Justice, in his message accompanying the bill on the amendments of the electoral law, justified the amendments in the following way:

From an evaluation of the experiences of the elections in the year 1967, and from a survey of our electoral system, the conclusion may be drawn that there is no need for a basic change in the Law. The correct principles of our electoral system, the principles of general, equal, and direct franchise, the secrecy of the voting, the system of individual electoral districts, as well as the *People's Front characteristic of the elections* [emphasis added] shall remain in force unchanged. However, the further development of state-life makes the further development of our electoral system justified. This requires that we strengthen the democratic features of the elections; assure the wider possibility for more candidates to run; coordinate better our electoral system with the needs of the individual electoral districts; make the electoral rules correspond to the new organization of the councils (*soviets*) now taking shape; and simplify the procedure of the elections.

The probable reason for the amendments, however, could be found in the election speeches of the leading personalities of the regime in the 1967 elections. János Kádár, First Secretary of the Communist Party, and other communist leaders expressed great disappointment that so few double candidacies occurred. No official explanation was given for the disappointing results of the nominating procedures, but analysts were of the opinion that the probable cause was the reluctance of the lower echelon officials of the Communist Party and the People's Front to allow more than one candidate to run in most of the districts, and thereby open a "Pandora's box" of even the semblance of opposition to the official candidates. Thus the Government and the Communist Party were deprived of a greater propaganda victory. To avoid a repetition of such a "disappointment," the leaders of the regime felt that the time was ripe for another try.

The most important new features of the electoral system are:

1. changes in the nominating procedure;
2. the method of balloting in cases of more than one candidate;
3. abolition of the district councils (*járási tanács*);
4. indirect election of the higher level council members; and
5. separation of the parliamentary and local government elections in the future.

The most important change took place in the nomination procedure. According to the new Law the right to nominate candidates rests with the nominating meetings. This means that the Patriotic People's Front, in principle, does not have any right to decide who the candidates will be. In practice, however, the Front still plays a very important role. First of all the nomination meetings are called by the local committees of the Front in the residential areas, as well as in factories, enterprises, offices, cooperatives, and at the stations of the armed forces, including the police.

Nominations may be placed before the meetings by the organizations of the Front, social organizations, the communities of factories, enterprises, etc., as well as by the individual citizens who have the right to vote. A nomination is accepted if the nominee gets at least one third of the votes of all the citizens participating in the nomination procedure in the respective electoral district. The Law provides that one or more meetings must be held in each parliamentary electoral district.

The precautionary measure of eliminating the possibility of the nomination of an undesirable candidate lies in two provisions of the new Law. First of all, one nominating meeting is sufficient for any nomination, and there is no way to force a local committee of the Front to call more meetings.

However, if at any meeting an undesirable person might still get the necessary one third of the votes, the Front may call several other meetings where measures may be taken to prevent the name of that person from being placed before the meeting and thus, adding up all the participants of all meetings in the district, the undesirable person would never get the required one third of the votes of all participants in the nomination procedure.

An additional measure of precaution was added by providing that the voting on the nomination is open and no secret balloting is permitted.

In the light of this procedure, as well as taking into consideration the fact that no possibility exists for anybody to organize an eventual opposition to the government, it is obvious that only those persons who enjoy the complete trust of the regime can be nominated.

Another change in the election laws was the introduction of a new method of balloting in case of more than one candidate. Previously—as mentioned before—an unmarked ballot meant a vote for the first candidate on the ballot. The "innovation" introduced by the amending law is that a voter henceforth must mark his choice on the ballot if there are two or more candidates. This, according to the Minister of Justice, will assure that all candidates will start with an equal chance. This justification in itself is a veiled criticism of the old law and was used as further proof of the "democratization" of the electoral system. In view of the method of nominations, however, the change is really meaningless.

The local government heretofore consisted of councils (*soviets*) on three levels: local (village, town, or district of the capital) councils (*helvi, községi, városi, fővárosi kerületi tanácsok*); district councils (*járási tanácsok*); and county or capital city councils (*megyei vagy fővárosi tanácsok*). This system was established by the 1949 Constitution. The amendments to the election law include a provision which eliminates the rules of elections for the middle level (district) councils, thereby ending their existence without formally amending the Constitution. The justification of the Minister of Justice indicates that a new law on the local councils is in the making but does not give any indication of a formal amendment to the Constitution itself. If the question of constitutionality could be raised in a people's democracy, the legality of such a backhanded change of the Constitution would be highly questionable.

The Minister of Justice, in his message to the Parliament, emphasized that the principle of direct elections would remain unchanged. In spite of this assurance, the amendments introduced indirect elections in the case of the highest level councils, the county and capital city councils, for the first time in the postwar history of elections. The members of these councils will not be elected by their constituents but by the members of the lower level councils, mostly from among themselves. The reason for this deviation from the established principle of direct elections is given by the government as follows:

> According to experience the constituents remain directly in touch with the members of the Parliament on the one hand, and with the members of the local councils on the other; they know these people best, and expect primarily from them the satisfaction of the needs of the electoral districts and the solution of their problems.
>
> The capital city and the county councils elected mostly from among the members of the local councils will better serve the realization of the principle of residential [representation] in its true sense. The responsibility of members of councils elected in such a manner becomes more realistic, as would also be, in certain cases, their recall.

The real reason for the deviation probably lies in the last half sentence of the above-quoted reasoning containing the proviso for recall. The control over the selection and election of the membership of the councils was loosened by the Law of 1967. The potential removal of a member of a county council directly elected by the constituents would require a cumbersome recall procedure and the participation of a large number of citizens. This could give the regime rather bad publicity. In order to avoid the possibility of such unpleasant notoriety, the government simply discarded the principle of direct elections and substituted for it indirect elections which also includes the possibility of a simple and unheralded recall procedure by a handful of subservient local councilmen.

The amendment to the Electoral Law provides that in the future parliamentary elections and council elections must be held separately. The tenure of the members of Parliament and of the councils is regularly four years, and in the past elections were held for both on the same day. In the interest of separate elections the new Law provided that the tenure of council members elected in the first elections after the effective date of the amendments would be reduced to two years. The separation of the two elections will simplify the electoral procedure according to the government. However, it may be said that the shorter tenure of the local councils will give the government the opportunity to evaluate the results of the amended Law, and the liberalization included therein. If experience proves that the liberalization went too far, it can be easily changed before new elections are held.

No such evaluation seems necessary in the case of the parliament elections, because there the government made sure of the most rigid control of the elections, as described above.

The Minister of Justice, in his speech before the Parliament, stated quite candidly what the amendments will mean in reality. He assured the Parliament that no opposition to the regime will be possible, saying:

> I would like to stress and emphasize that unchanged basic principle of the People's Front characteristics of our electoral system that members of the Parliament as well as members of the councils will represent the program and policies of the Patriotic People's Front also in the future, and that, therefore, the acceptance of the program of the People's Front must be regarded as the political prerequisite of their candidacy.[10]

FOOTNOTES

[1] Law No. III of 1970; published in *Magyar Közlöny*, No. 85, p. 846.

[2] *Népszabadság*, No. 233, October 4, 1970. p. 2.

[3] Law No. VIII of 1945.

[4] Independent Smallholders Party, Social Democratic Party, Hungarian Communist Party, National Peasant Party, Civic Democratic Party.

[5] Law No. XXII of 1947.

[6] V. Gsovski *and* K. Grzybowski, *editors. Government, Law and Courts in the Soviet Union and Eastern Europe*. v. 1. London, Stevens & Sons, Ltd., 1959. p. 286.

[7] Law No. IX of 1949.

[8] Law No. IX of 1954; Edict No. 8 of 1955; Law No. III of 1958; Resolution No. 1–19 NET. of 1958; Law No. V of 1962; Law No. II of 1963.

[9] Published in *Magyar Közlöny*, No. 71, November 18, 1966. pp. 643–654.

[10] *Népszabadság*, No. 233, October 4, 1970. p. 2.

PERSIAN GULF POLITICS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HAMILTON. Mr. Speaker, a Wall Street Journal editorial of December 17 correctly identifies the Persian Gulf as an area of vital economic importance to the West and as an unstable region where the Soviet Union might support one side in a local conflict as it has done in the case of Egypt and India. The United States needs to give more attention to this area which possesses over half of the world's proven oil reserves. The editorial follows:

PERSIAN GULF POLITICS

In backing the Indian invasion of East Pakistan, the Soviet Union bought itself and India a whole host of problems they will be incapable of solving.

Certainly Soviet-Indian collaboration did not represent a threat to the vital interests of the United States, and as we have said before, there was very little reason for the United States to consider direct intervention.

But that does not mean that Soviet adventurism has ceased to present a problem to the United States and to its allies. There is some danger that Russia's conception that it has won a victory on the Indian subcontinent will embolden its militarists to risk other adventures.

Unhappily, their next target might prove to be the Persian Gulf. And there the vital interests of the Western allies would be affected to a dangerous degree. Russia's top political leaders would do well to try to restrain their military men from running such a risk.

The Soviet awareness of the potential for fomenting trouble in the Persian Gulf is all too evident. Marshal Andrei A. Grechko, the Soviet defense minister, is just making an official visit to Iraq, no doubt to discuss that country's military needs and attitudes. While there, he is visiting the Iraqi port of Basra, where Soviet warships cruising the Persian Gulf call to take on supplies and fuel.

While Marshal Grechko's visit has been interpreted in some quarters as another attempt to apply pressure to Israel, the stop at Basra is indicative of an interest in Iraq's eastern border, with Iran and the Persian Gulf.

What is tempting about the Persian Gulf is a political vacuum of sorts brought about by British withdrawal, due for completion at the end of this year, from its responsibilities over the small Arab "trucial states" at the southern end of the gulf. The six states have formed an independent federation, but are hardly a political entity capable of self-defense.

Iran has moved partly into the vacuum by seizing three small islands at the mouth of the gulf, off the coast of the newly formed federation. It thus incurred renewed enmity from its usually unfriendly neighbor, Iraq. Interestingly, oil-rich Kuwait also protested. Even more interestingly, Libya joined in, retaliating not against Iran, but Britain. It seized Libyan properties of British Petroleum Corp. and withdrew its money from London banks.

Naturally, this kind of unstable situation appeals to the Russians as it might seem to offer potential for exploitation. Yet further Soviet involvement in the sensitive affairs of the Persian Gulf could set back the cause of improved East-West relations immeasurably. The Persian Gulf is simply too important to the major industrial powers.

Western Europe draws nearly half of its oil from the nations that border the Persian Gulf. Japan gets nearly 80% of its oil from the region. Neither the NATO countries nor Japan could look with equanimity upon any Soviet-Iraqi effort to apply political pressures to Iran and the other Persian Gulf countries.

However the equities of the India-Pakistan war are viewed—and there is plenty of blame to be bestowed on both sides—there can be little doubt that Soviet backing for India played a role in bringing it about, just as Soviet backing for Egypt played a role in the 1967 six-day war with Israel. As long as there is a Soviet presence lurking behind outbreaks of shooting wars it will be hard to believe Soviet claims that it wants improved relations with other nations of the world.

And if the next hot spot should prove to be the Perisan Gulf, the consequence of Soviet adventurism could prove to be most serious.

VIETNAM AND THE HIDDEN U.S. SUBSIDY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. MOORHEAD. Mr. Speaker, the House Government Operations Committee has called upon President Nixon to end a "hidden U.S. subsidy" in exchange rates with Vietnam which has cost American taxpayers at least half a billion dollars just over the past 3 years.

The recommendation was contained in a report based on investigations and hearings by the Foreign Operations and Government Information Subcommittee, of which I have the honor to be chairman.

The committee said action should be taken by immediately negotiating an official rate of exchange which realistically reflects the real value of the U.S. dollar on the free market in Vietnam.

The United States buys piasters, which is Vietnam's national currency, to pay for local goods and services needed by U.S. military and civilian agencies in the war effort. At present, the official rate is 118 piasters to the dollar. However, on the free market, the dollar is worth about 430 piasters.

Although President Thieu announced a series of economic reforms on November 15, the official rate of exchange affecting U.S. Government purchases was left untouched at 118 piasters to the dollar. Failure to change this rate, despite constant subcommittee protests over the years, is costing the U.S. taxpayer $16 million a month.

The report—approved by voice vote by those present without dissent—said the "hidden subsidy's" additional economic assistance to Vietnam was never authorized or appropriated by Congress for that specific purpose or even identified as such until this year. The money always has been represented strictly as payment for needed local goods and services, mainly for the U.S. military.

Investigations showed that Vietnam took this foreign exchange and then spent it for imports, including luxury goods, from Japan and Europe. Only a token amount ever came back to America to benefit our labor and industry.

Despite repeated pleas from the committee that our Government insist upon the Vietnamese patronizing our store more often, they still take their business elsewhere. The elsewhere is not the less developed countries needing help themselves, but our chief industrialized and highly developed competitors for world trade.

Unemployment in the United States would be less if Vietnam spent some more of our money right here. Ironically and sadly, many of our unemployed are veterans who laid their lives on the line to fight for Vietnam.

Witnesses before the subcommittee conceded the 118 rate was "increasingly inappropriate," even "extortionate," and did not make any sense "economically." But they defended it anyway on the basis Vietnam planned to change it next year if the Congress voted $150 million in supporting assistance to make up for the subsidy and everybody is of the same mind when the action takes place.

So it looks like we are going to actually buy a new exchange rate and make certain Vietnam does not lose a nickel on the deal. Meanwhile, Vietnam is reaping big new revenues from a customs crackdown and does little or nothing to tap importer windfall profits or substantially increase domestic taxation.

Mr. Speaker, copies of this illuminating report may be obtained from the office of the Foreign Operations and Government Information Subcommittee, phone 53741.

HON. PETER W. RODINO, JR.

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 21, 1971

Mr. HOWARD. Mr. Speaker, the distinguished dean of the New Jersey congressional delegation, the Honorable Peter W. Rodino, was recently unanimously elected Chairman of the 20th anniversary session of the 31-member nation Intergovernmental Committee for European Migration.

Dean Rodino has made a profound contribution to the Congress where he is now serving in his 11th term in the House with distinction. As the ranking Democrat on the House Committee on the Judiciary, Dean Rodino has worked closely with Chairman Emanuel Celler in reporting out some of the most important legislation ever to be voted upon in the House.

Because of the great importance of the 20th anniversary session of the Intergovernmental Committee for European Migration, I insert in the Record Mr. Rodino's statement to the organization:

STATEMENT OF THE HONORABLE PETER W. RODINO, JR.

Mr. Director General, Mr. Councilor, Ministers, Delegates, Ladies and Gentlemen—

On Monday, November 26, 1951 at the Hotel Atlanta in Brussels, Belgium, representatives of 27 governments attended a Migration Conference, convened by the Government of Belgium at the request of the Government of the United States of America. The Holy See, the United Nations, the International Labor Organization, the International Refugee Organization, the UN High Commissioner for Refugees and many intergovernmental and non-governmental agencies were represented by observers.

The Conference elected the following slate of officers: Chairman, Monsieur F. Leemans (Belgium); 1st Vice-Chairman, Monsieur Giusti del Giardino (Italy); 2nd Vice-Chairman, His Excellency Mr. de Souza Filho (Brazil); Rapporteur, Dr. Von Trutzchler (Germany).

This Conference considered and adopted a resolution to establish the Provisional Committee for the Movement of Migrants from Europe (PICMME). The organization survived to become in 1954 the Intergovernmental Committee for European Migration (ICEM). I could not help feel a touch of nostalgia as I glanced over the list of delegates to those early meetings. In addition to the officers noted, I would like to pay respect to George Warren and the late Congressman Francis E. Walter of the United States—both considered "founding fathers of ICEM"—and to Bas Havemen of the Netherlands who later was to become Director of ICEM; Monsieur Rocheforte of France; Monsieurs Zuller and Oskar Schurch of Switzerland. The stature of these individuals is reflected in the high ideals and significant undertakings of this Committee.

It is interesting to note that the first budget proposed for PICMME amounted to $34,000,000 with $3,000,000 of that amount being required for administrative purposes. So we see that ICEM has been an international agency whose costs have not risen substantially since its founding. This is truly remarkable.

Over the years the United States Congress has always shown a deep interest in ICEM. In 1954, the late Congressman Chauncey Reed was instrumental in drafting a Constitution, which, upon ratification by 15 countries, became the basic legal document upon which ICEM was established. The interest of Congress in ICEM is as strong today as it was yesterday and the attendance today of several distinguished Members of the United States Congress is another clear manifestation of that interest. This organization which has lent itself to so many human causes has not only been recognized as vital and necessary by the Congress, but its goals and endeavors have been supported by the Administrations of Presidents Eisenhower, Kennedy, Johnson and Nixon.

I trust that the delegates will forgive me for devoting much of my opening remarks to my own country, but I deem it important to make it clear at the outset that my Government strongly supports this Committee which has done so much to serve the cause of peace in our time, truly an age of challenge. As we proceed with today's activities, I am certain that other delegates will take the opportunity to express the sentiment of their governments for the work of ICEM.

It is with great pleasure that I open today's activities which mark the 20th Anniversary of this unique organization. The record of having assisted over 1,800,000 persons in finding new homelands is commendable. While we can justifiably take pride in our achievements of the past, we must address ourselves to the challenges of the future. One of those paramount issues is that of world population. Migration is a factor in dealing with this problem and we must strengthen the one international agency which seeks to cope with this phenomenon. The future strength and vitality of ICEM as a migration agency requires the concern and support of all governments—members and non-members.

Friends, the agenda before us today is extensive. There are many important individuals who will wish to address the Council. Let us proceed with dispatch, limiting our remarks so that all who wish to speak will have that opportunity.

It is with great pleasure that I welcome today the heads of many of the international agencies with whom ICEM has such close ties and working relationships. It is good of all of you to take time out of your busy schedules to be with us this morning and, in the name of the ICEM Council, I express our thanks.

With us this morning and scheduled to be our first speaker is Mr. Vittorio Winspeare Giucciardi, Director General of the United Nations, who will greet us on behalf of the United Nations, our host, and also on behalf of the international organizations in Geneva.

One of the oldest and strongest supporters of ICEM has been the country of Switzerland. ICEM has, since its inception, had its Headquarters in the beautiful city of Geneva. We are most thankful to the Canton of Geneva and the Federal Government of Switzerland for the interest and concern it has displayed over the years for ICEM.

Federal Councilor Pierre Graber will now address the Council.

THE AMERICAN FORUM

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DORN. Mr. Speaker, it was our very special pleasure recently to attend a reception to honor "The American Forum" radio program upon the resumption of its broadcast over the Mutual Radio Network. Created and produced by the late broadcast pioneer, Theodore Granik, in 1928, "The American Forum" and "Youth Wants To Know," another of Mr. Granik's programs now being reactivated, have won broadcasting's highest awards. These include the coveted George Foster Peabody Award, the Sylvania Award, and the Academy of Radio and Television Arts and Sciences Award. Robert C. Cody, veteran broadcast journalist and American Forum's moderator and executive producer, and Mrs. Theodore Granik, associate producer, are continuing these distinguished public service programs on the Mutual Radio Network. Host for the reception honoring "The American Forum" was Mr. Leo M. Bernstein, president of the District of Columbia National Bank, which is one of the sponsors of the program.

Mr. Speaker, so that the Congress may be aware of the manner in which timely public issues are being brought before the people by "The American Forum" we include the following transcript of a recently broadcast edition dealing with water pollution legislation. Participants in this most timely program are Senator Jennings Randolph, of West Virginia, chairman of the Senate Public Works Committee, and the Hon. William D. Ruckelshaus, Administrator of the Environmental Protection Agency. As a member of the House Public Works Committee, which has just approved our own separate version of the water pollution bill discussed in this program, I am especially aware of the great dedication and expertise that Senator Randolph brings to his Public Works Committee's deliberations. Mr. Ruckelshaus, in his appearances before our committee, has made great contributions to our committee's consideration of pending water pollution legislation.

Mr. Speaker, I commend to my colleagues the following splendid dialog as an example of the truly democratic, pro and con dialogs presented on public issues by "The American Forum":

American Forum

Participants: Senator Jennings Randolph, Democrat of West Virginia and chairman of the Senate Public Works Committee and Mr. William D. Ruckelshaus, Administrator of the Environmental Protection Agency.

Voice. I believe the Administrator has misread the public desire, at least in part, for a clean environment and the public willingness to pay its share—even a big share, of the cost.

Announcer. From Washington, D.C., the Mutual Broadcasting System presents the award-winning American Forum, America's first public affairs discussion program. Every week at this time, the American Forum explores both sides of a major issue of vital concern to the nation. This week's program examines the Continuing Pollution of Our Water Supply. American Forum's Moderator, Robert C. Cody, introduces this week's guest in one minute.

Announcer. Now, here is your moderator, Robert Cody. . . .

Cody. Joining me here in the Senate Studios on Capitol Hill to discuss the urgent matter of Continuing Pollution of our Nation's Waters . . . and what the Administration is doing to correct it are Senator Jennings Randolph . . . Democrat of West Virginia and Chairman of the Senate Public Works Committee and Mr. William D. Ruckelshaus, Director of the Environmental Protection Agency. It is Mr. Ruckelshaus' responsibility as Director, to enforce Federal Laws on air and water supply and pollution, pesticides, radiation and solid waste disposal. Mr. Ruckelshaus . . . Mr. Paul McCracken, Chairman of the President's Council on Economic Advisors, has been quoted in the Washington Post as saying that Legislation on Water Pollution Control, introduced by Senator Randolph's Committee and passed by the Senate, is inflationary and would put too heavy a strain on the Nation's economy. The article further said that you joined Mr. McCracken in presenting economic arguments against the Legislation. Is this an accurate interpretation of the Administration's approach to cleaning up the country's water supply . . . that it's too expensive?

Ruckelshaus. No, I don't think it is at all. The Administration's approach has been—in the Bill that we introduced last year—and the Bill that we introduced this year, to change the present Water Pollution Control Laws so as to take advantage of the progress that we've made in the past in attempting to set standards and enforce them pursuant to our ability to relate effluent going into the water to the water quality. By setting effluent standards up to a certain limit so that every industry or Municipality discharging into waters in this country, had to come up to a certain level of treatment and beyond that the treatment levels be based on the benefits to be achieved in the receiving waters. The approach that has been taken in the Senate Bill, is based on a goal set as a technological goal—a no discharge goal.

Randolph. By 1981.

Ruckelshaus. That's right—that's right . . . by 1981. Thank you Senator for pointing that out.

Randolph. Yes sir. Well it's important. . . . You know. . . .

Ruckelshaus. I know. Our quarrel is not with the goal that I think the Administration and the Congress both have for cleaning up the waters. The only question is how to get there. And it's our opinion that we should set a goal related to water quality itself rather than related to technology—that's the essential difference between the Administration and the Congress.

Cody. Senator, how do you say we should get there?

Randolph. I, of course, am gratified to join with Mr. William Ruckelshaus in a discussion of this important legislation. It has been our privilege as Members of the Committee on Public Works, sixteen of us, to work closely with the Administrator. We feel that he is knowledgeable and we believe that he and the Administration, are in cooperation with us on the Committee, as we on the Committee are cooperating with them, in the broad purposes of this Legislation. I think that where the Administrator can identify a direct link between a Pollutor and water quality, the Administrator is authorized to tighten controls on the Pollutor, Wherever attainable, an interim goal of water quality is to be achieved by 1981, as I have said and that provides for the protection and the propagation of the fish, shell-fish and wild life and for recreation in and on the water. Mr. Ruckelshaus mentioned the affluent limits. Well, affluent limits on all existing sources must at a minimum, we believe, apply this best technology available by 1981. Now, of course, we are talking about standards now, and that is a program that we feel, to date, has not been as successful as it might have been. I say that it is an unfortunate situation—I believe that's true.

Ruckelshaus. I don't disagree with that at all Senator. I think we have, and every fair-minded person would admit, we have fallen short in this country, of protecting our waters and protecting the air and that's the reason for the Air Bill which came from your Committee last year, which I think will be an excellent tool to clean up the Air and that's the reason for the Water Bill that came from your Committee this year and is now pending in the House.

Randolph. Well, that's true and I do feel that there is something to be said for the fact that this legislation passed the Committee unanimously in the Senate and then after we had brought the measure to the Senate floor, it passed by a vote of 86 to nothing in the Senate. So there are differences, of course, in the provisions that you think should be incorporated in this Legislation from the provisions that we incorporated.

But there is this strong support within the Congress that I feel is in no wise to be discounted by those in the Administrative Branch of Government, who have to cope with this problem. We all are thinking in terms of the restoration and the maintenance as, we say in the bill, of the natural, chemical, biological and physical integrity of the Nation's waters. So we have a common purpose and to achieve this purpose, from the standpoint of the Senate Bill—why, we think it's necessary to have a National policy, as I have indicated before, on the discharge of pollutants that go into the navigable waters and that those pollutants be eliminated by 1985.

Cody. Gentlemen, I would like to pose a question here: "Should the taxpayer pay for the industrial pollution or should industry, which made a profit from the tax-payer-consumer on the products it manufactures, pick up the tab for the poisoning of this country's water sources?"

Ruckelshaus. Well, you've put your finger on who's going to pay for it. It will be one or the other, either the consumer or the taxpayer. And the essential question, I think, is how we view the problem of pollution. It's my position, and that of the administration, that in the past we have not included as a price in the production of a product, as part of that price, what it cost in this production, to abate whatever pollution is caused by the production itself. And so, to that extent, a product has been under-priced in the past because we have treated the air and the water as being free and that a more realistic approach is to treat as part of the cost of the production of any product, whatever it costs to abate the pollution caused by that production.

Cody. You say that the Consumer should pay for it?

Ruckelshaus. That's right. That doesn't mean that in some set of circumstances the taxpayer shouldn't pay. Municipal pollution, the taxpayer pays. Again . . .

Cody. He's going to pay for it one way or the other, in his taxes.

Ruckelshaus. They are different people now. The consumer and the taxpayer are not the same person. They are different classes of people and there are many instances in which the taxpayer is a much different kind of person than the consumer when you try to decide who ought to pay for any benefits that accrue to society and in this instance, it's our opinion, where industrial pollution is the result, the philosophy should be that the consumer bears the burden in that this would be more reflective in terms of what products he buys and in that way would also abate pollution.

Cody. How do you feel about that, Senator?

Randolph. Well, in our Bill, I think generally, we—Mr. Ruckelshaus, have an approach which we feel is valid. And that is, that we must stop pollution in the waters and that the cost of the product—you see, the cost of the product, that should be borne by, of course, in a sense, by those who do the polluting. Is that——

Ruckelshaus. Yes, I think that's right. And one of the things we are arguing about is what percentage should the Federal Government pay in terms of construction of Municipal Sewage Treatment Plants. What percentage should the State Government pay—what percentage should the local Government pay? It's a question how you allocate these percentages among different classes of taxpayers. It's my own belief that what we have to get back to in this country is that each individual should pay for whatever it costs to treat the wastes he produces. Because he is the pollutor in whatever waste it is he produces, so that, at the local level of Government, whatever it costs to treat his waste should be reflected in what he pays in a sewer rate or whatever—in treatment cost. This is the fair allocation of the burden.

Randolph. Bob, could I come in at that point?

Cody. Yes, because there is a point that isn't clear.

Randolph. The Bill that we have passed in the Senate requires that Industrial users pay for the service of cleaning up and the cleaning up, that's something that benefits all the public, doesn't it?

Ruckelshaus. That's right. No, no, he is talking about two different things. There is a Municipal treatment. The cost of treating Municipal sewage, in which Industry will discharge through a Municipal system. In both the Administration's sponsored Bill and that which came out of the Senate, there was an effort to allocate the cost of treatment more equitably to the Industry which was discharging through a Municipal system instead of having the general user—individual user—of that system——

Cody. The industry would pay.

Ruckelshaus. The industry would pay fair share—whatever it would cost for treatment. And that's reflected again in the Bill. That passes it on to the consumer. Because if the industry pays a higher cost for the treatment of its waste, that's going to be reflected in the cost of its produce and thereby the consumer is the payer. It alleviates the cost going to the Municipal taxpayer because before this user charge was placed on industry, he was picking up the share of cost of whatever it was to treat that industrial waste.

Randolph. Well, I think in our Bill, we would say and I think Mr. Ruckelshaus will agree, that the grantees must adopt a system of user charges to assure that each class of users will help to pay the costs of the operation and the maintenance including replacement of sewage treatment plants which are financed with Federal grants. Each industrial user of such facilities must agree by contract to pay back the portion of the Federal share of the construction cost that has been allocated to the industrial user's waste. These payments are to be received by the Administrator and of course a part of the Treasury funds. Now are we agreed on that point?

Ruckelshaus. We had—the money under our provision—there was the same allocation to be made—the Industrial user was to pay their fair share of the capital improvement and the operation and maintenance of the plant but the money—the Administration's proposal, was to go back to the local units of Government for the purpose of environmental abatement there at the local units instead of going into the National Treasury. That was the only distinction between the Administration's proposal and that which came out of the Senate.

Randolph. Mr. Ruckelshaus, I would like to—if Bob will permit me at this point, to have your feeling about the assistance which we hope to give to States and localities in the Bill which passed the Senate. A four year program of Federal grants for the construction of sewage treatment plants. The Federal share, as we anticipate it, in the authorization Bill, will be fourteen billion dollars through fiscal year 1975. The Federal grant—the minimum Federal grant—set at 60% of the project cost. If a State contributes as much as 10% of that cost, the Federal grant is increased by a matching of 10% and up to 70% locality share, thus it becomes 20% of the total project cost. What's your feeling on that?

Ruckelshaus. Well, we submitted to the Senate and the House, with our Bill which was introduced last December or last January, a needs assessment as best we could determine it, all over the country, as to how much money was needed by the local units of Government, to build local sewage treatment plants over the next three years. That needs assessment came to twelve billion dollars total. This twelve billion dollars over the next three years, would be precisely what would be appropriated in a three year period under the Senate and House Bill. The only question between the Administration and the Senate is who shall bear what percentage of the cost itself. Under the Senate Bill, a much larger percentage, up to, as Senator Randolph mentioned, 70% would be borne by the Federal Government. Under the Administration's position, the Federal limit would be 50 percent. Our theory in limiting it to 50%, as I mentioned a moment ago, in an effort to get back to the local units of Government, an understanding of the need to assess the individual user—an individual himself who creates the waste—the concept that he must bear the expense of treating that waste.

And what we are concerned about is that if too much of the percentage is borne by the Federal Government, that there would not be enough incentive on the local Government and on the individual himself, to get used to the idea of paying a user charge for treating whatever waste they create.

Cody. Mr. Ruckelshaus, is it your feeling that the present system of cleaning up the waters is less expensive than those of the suggestions and proposals from the House and Senate?

Ruckelshaus. Well, it's hard to say at this point, but I think ultimately it will be less expensive, because if—you have two choices in this area. One is you can set a goal, which we suggest, by 1981 of swimmable waters—a full body contact, the highest and most beneficial use of the waters in the country. That's a water quality goal. Or you could set a goal which is based on technology—on the latest and best available technology or on no discharge. Now, that goal is one that is defensible and it is defended by Members of the Senate and many in the House but it is our feeling that if you base a goal on technology as opposed to the benefits which you are attempting to achieve, which is water quality, that you are likely to cause an awful lot of new technology to be used without any commensurate benefit so that the cost might well be escalated very greatly particularly at the upper levels of treatment where you go from ninety-five to 100 percent of treatment with very little commensurate benefit and what concerns us is that if the cost rises astronomically in attempting to achieve what all of us are trying to achieve, which is good water quality, the general public is likely to begin to question whether these costs are really worth it. And that's frankly what concerns us.

Randolph. I would like to ask Bob, or Mr. Ruckelshaus, what you feel would be secondary treatments standards? What do you say?

Ruckelshaus. Secondary treatment standards?

Randolph. Yes.

Ruckelshaus. Secondary treatments standards mean 85 to 90% as a rule or 80 to 90 percent removal of such things as biochemical oxygen demands, salable solids, suspended solids. We are attempting to arrive at a definition of secondary standards in both the Administration's and Senate Bill by 1976, in which we tie it to an affluence standard called the best practicable treatment currently available.

Cody. Gentlemen, we'll have to break away here for a moment. American Forum continues with concluding remarks from Senator Randolph and Mr. Ruckelshaus in one minute. . . .

Announcer. Now, again, here is your Moderator, Robert Cody. . . .

Cody. Senator Randolph, may we have your closing remarks, please.

Randolph. Bob, much of the controversy which surrounds the Senate Bill, results, I think, from misinformation which has been circulated. The Administration view of this measure is heavily influenced, Mr. Ruckelshaus has said that, by budgetary considerations. It fails, I think, this opposition, to give adequate consideration to the seriousness of the problem and the need to take massive and immediate corrective action. I believe that the Administration has misread the public desire, at least in part, of a clean environment, and the public willingness to pay its share, even a big share, of the cost. This has been proven. I am confident that the Congress has responded insofar as the Senate is concerned, properly and adequately and I believe that there is a determination throughout the country, as a whole. There is no partisanship in this matter—that we do resolve differences. We bring to the President's desk a strong measure which he can sign.

Cody. Mr. Ruckelshaus. . . .

Ruckelshaus. Senator, your statement assumes that opposition to the Senate Bill by the Administration to the extent that there is opposition, thereby means that we are not in favor of clean water. We are not in favor of an immediate attack on what is an immediate problem. That, of course, in my opinion is not a correct assumption. There are many ways of achieving clean water and we believe that the best way to achieve it, just as you say, between now and 1976, to make a massive approach—to make massive expenditures. This Administration is committed to it. There will be a strong Bill and the President will sign it.

Cody. Thank you Gentlemen, for participating in the American Forum. Here with me in the Senate Studio discussing the continuing pollution of our Nation's waters were Senator Jennings Randolph, Democrat of West Virginia and Chairman of the Senate Public Works Committee and Mr. William D. Ruckelshaus, Administrator of the Environmental Protection Agency. Join us again next week at this same time, when we continue our democratic dialogue by taking a close look at both sides of another vital issue of concern to the nation. This is Robert Cody in Washington.

Closing theme: In, hold for hold for five secs, then under:

Announcer. The American Forum, the nation's first public affairs discussion program, is a Granik-Cody production, in association with the Mutual Broadcasting System, Executive Producer: Robert C. Cody; Associate Producer and Coordinator: Hannah Granik; Engineering by Daniel Brechner. This is Martin Edwards speaking.

Theme: Up, hold till end.

FOSTER DAUGHTERS AND SONS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. VEYSEY. Mr. Speaker, we are all familiar with the official statistics on the aging and the formally expressed programatic needs for our senior citizens, but their one great requirement cannot be measured or provided for by any level of government: human contact, warmth, and concern.

Only live human beings can supply that need. In Riverside County, Calif., which is in the district I am privileged to represent, some beginning steps toward solving the problems of loneliness are being taken by a volunteer organization, Foster Daughters and Sons. The members adopt residents of convalescent homes and visit them frequently as they would their own parents.

This group was recently founded by Mrs. Janet Goeske, 4025 Rice Road, Riverside, Calif., who I am sure would be happy to offer guidance to anyone else who would like to establish a similar organization.

The Riverside Free Press published a feature article on Foster Daughters and Sons on November 11, which I insert below for the possible benefit of my colleagues and other interested persons:

Foster Daughters and Sons—They Give Their Time To Lessen Loneliness

(By Pat Eickman)

Her children visit rarely. They're perhaps disturbed by her helplessness, ashamed because there is no room for her in their small homes.

Or maybe they come every Sunday, but the six days between visits pass more slowly than the days before Christmas when she was 4.

She never thought of living in a convalescent home when she was 30. But then arthritis curled her fingers and her memory fogged over.

She became old. And then she became lonely. And she's typical of many convalescent home residents.

Easing the pain of loneliness for men and women in convalescent homes is the purpose of Foster Daughters and Sons, recently organized in Riverside County. Seventy persons have volunteered for the program.

Mrs. Janet (John) Goeske, Riverside president of the group, says, "One of the biggest needs in the world is in convalescent homes."

Members of the new group visit convalescent home residents frequently—as they would their own parents.

Mrs. Lulu Powell of El Centro is 77. She came to Beverly Manor, 4768 Palm Ave., after breaking her hip. She has lived at the home for over a year.

"I'm ready to go back to El Centro. Too far from my folks," she says wishfully. "I'm as well as I'll ever be."

Mrs. Powell has just been adopted by a foster daughter Ruth Serway, 5632 Grand Ave., Riverside. Mrs. Powell was "all smiles" when they met the first time, her foster daughter says. "Today she's a little despondent."

A member of Naomi Circle of Trinity Lutheran Church, 5969 Brockton Ave., Mrs. Serway says her group joined the visiting program because "we felt we wanted to do something more vital. We wanted something on a more personal basis."

She likes the program because it's "so flexible." Members may visit their foster parents when they wish, as frequently as they want.

Mrs. Stella Cull of Rubidoux moved to Beverly Manor over a year ago after cataracts were removed from her eyes, although she says "five months" when asked how long she has lived at the convalescent home.

So far as Beverly Manor knows, the 88-year-old woman has no living relatives.

She keeps hoping friends will visit her. "They were ready to come down here. They started to come. But she got sick."

Mrs. Sarah McQueen, 3950 Douglas Ave., Riverside, has adopted Mrs. Cull.

"This is something I always wanted to do—help someone in need," she says.

"I know she's (Mrs. Cull) very lonely. She neeeds somebody to talk with," Mrs. McQueen says.

Don Ellis, assistant administrator of Beverly Manor, has welcomed the Foster Daughters and Sons program. "They (home residents) feel they've come here to die. It's a lonely atmosphere."

The now volunteer program helps the elderly residents, Ellis says.

"I don't think they look at 't as a charity thing. It's a relief. It's new. Somebody to take an interest."

John Holcomb never married. "I thought that I never had much to offer a girl. Never had much money."

Now 83, the Riverside man lives at Alta Vista Convalescent Hosital, 9020 Garfield St.

Holcomb is postmaster-general at Alta Vista, distributing the mail Monday through Friday. "I've had the job since the 10th of February."

With his twinkling eyes, jovial voice and luxurious beard, he also makes a perfect Santa Claus at Christmastime.

Holcomb joined the Armed Forces in World War I when he was 29 years old.

"They tell me if I'd been five months older, I wouldn't have been able to join the Army unless I joined as a volunteer. I could have fought my joining up, I guess, because I'm a Quaker. But the idea of going overseas appealed to me."

Holcomb's foster son Charles Ashmore, 9465 Garfield St., served in World War II.

"World War II came about 25 years too late for me," Holcomb says. "I'd had my bellyful of wars."

Holcomb and Ashmore have just become acquainted. "I went shopping for him, got him a magazine. We'll get out for a drive someday," Ashmore says.

Mrs. Bertha Clapp of Riverside is 89. Twice widowed, she has no children. She moved to Alta Vista after her back was broken in an accident.

She worked as a secretary in Des Moines, Iowa, when she was young. "We had the best group I ever worked with."

Since Mrs. Clapp has been adopted by Eve Tifal, 2534 Gibson St., she has someone new to talk with.

She tells Mrs. Tifal about the cards she keeps on friends so she can remember their birthdays and other important events. "Once a file card, always a file card," she jokes.

Foster Daughters and Sons serve a need for individual attention, says Gina Fletcher, Alta Vista director of recreation.

"I felt there was a need for persons who would particularly cater to one person," she says.

"We have 30 people here who could use Janet Goeske's program. They have no one or their relatives are so far away."

Foster Daughters and Sons chairmen of participating Riverside convalescent homes are: Mrs. Lisa Wolf, Hillhaven Convalescent Hospital, 8487 Magnolia Ave.; Mrs. Doris Vashon, Redwood Gardens Retirement Home, 845 La Cadena Drive.

Also, Mrs. Alice Nauman, Community Convalescent Center, 6020 Brockton Ave.; Mrs. Madeline Runnels, Health Care Manor Magnolia, 8171 Magnolia Ave.; Michelle Cochenet, Allen Guest Home, 3231 Main St.; Mrs. Ruth Serway, Beverly Manor Convalescent Hospital, 4768 Palm Ave., and Brockton Convalescent Hospital, 4295 Brockton Ave.

Also, Mrs. Jacqueline Fargo, Beverly Manor Sanitarium, 4580 Palm Ave.; Mrs. Lola Hunter, Beverly Manor Convalescent Hospital, 3662 Pacific Ave.; Mrs. Maude Powers, Plymouth Tower, 3401 Lemon St.

Also, Mrs. Bernice Adams, Alta Vista Convalescent Hospital, 9020 Garfield St.; Mrs. Janet Goeske, Jones Guest Home, 5634 Central Ave.

Other chairmen in the county are Mrs. Jeanette Smith, Palm Springs Convalescent Hospital, 277 S. Sunrise Way; Mrs. Lou Schlack, Hemet Convalescent Hospital, 40300 Devonshire St.; Mrs. Barbara Reimuller, Beaumont Convalescent Hospital, 1441 N. Michigan Ave.; Mrs. Jean Baertschiger, Julene Convalescent Hospital, 27600 Encanto Drive, Sun City; and Mrs. Paulette Davis, Vista Grande Convalescent Hospital, 2225 N. Perris Blvd., Perris.

Persons wishing more information about Foster Daughters and Sons may contact Mrs. Goeske, 4025 Rice Road, Riverside.

NIXON MAKING HEADWAY IN ORGANIZED CRIME FIGHT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. SHRIVER. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following editorial from the McPherson, Kans., Sentinel which appropriately points out that the Nixon administration should be given more credit for its success in combating organized crime. The editorial follows:

[From the McPherson (Kans.) Sentinel, Dec. 13, 1971]

Nixon Making Headway in Organized Crime Fight

President Nixon deserves more credit for his growing fight against organized crime mobs. Thanks to a couple of new laws, federal prosecutors now can go after activities formerly escaping the old laws.

Gambling appears to have been chosen as the first part of organized crime to be attacked. That is a wise choice. Gambling grosses criminal $20 billion a year. That is the mobs' biggest income, not dope or prostitution.

Cut off the major source of crime income and you cut down other criminal activities for want of money.

So far, arrests of gambling operators have increased throughout the nation. If the number of arrests is continued, the mobs will eventually be strangled.

The plan should work. So far it already is slowing down wide-open gambling in some cities.

Results won't be sudden or spectacular, but cutting down income of the mobs sooner or later will be a major factor in squelching the wealthy mobs which today are entirely too powerful for the good of the nation.

THE LATE JOHN L. DODSON

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HOLIFIELD. Mr. Speaker, as our year's work ended, the Committee on Government Operations and I personally suffered a sad and unexpected loss. On Friday morning, December 17, John L. Dodson, a beloved member of the committee staff, suddenly and quietly passed away at the age of 36. For many years and to the very end he had risen resolutely above physical disability to become a uniquely outstanding servant of the Congress.

John Dodson began his labor of love with the House of Representatives as a very young man more than 17 years ago. In 1963, he left the Office of the Clerk and came to the staff of our Committee on Government Operations. His unstinting contribution to the committee and especially to our late, revered Chairman William L. Dawson, and to me as the present chairman, were invaluable.

John was known and loved by scores of Members and hundreds of employees of this Capitol. His numerous virtues included a keen and discerning mind, an efficient and versatile hand, and a character built on honor, prideful loyalty, cheer and humor, courage which met challenges with initiative and grace, and love and kindness toward his fellow men. He was unselfishly devoted to his family and to his God.

I would let John's own words speak something here. This note only recently received in the committee's office shows the brightness and beauty of his spirit:

> I would like to thank you all for your prayers. Without them I guess Jean would be writing this note. The plant is just beautiful and all the cards too. I'm sorry if some of you missed me on Thanksgiving Day. I had to go home to dinner. Everything is going as planned, great. If you want to buy stock, buy it in this hospital. Hope to see you soon and again thanks, thanks for everything. God bless you all. —John L. Dodson

We will always miss this man, yet with warm remembrance and admiration of his greatness and goodness. May this be some comfort to the near and dear he has left behind.

In Old St. Paul's Church in Baltimore, there was found a remarkable table of precepts, dated 1692. It is called "Desiderata," meaning essential things one should desire for himself and for others. I wish to quote it here because John Dodson's life was a true mirror of these desiderata.

> Go placidly amid the noise & haste, & remember what peace there may be in silence, as far as possible without surrender be on good terms with all persons. Speak your truth quietly & clearly; and listen to others, even the dull & ignorant; they too have their story.
>
> Avoid loud & aggressive persons, they are vexations to the spirit. If you compare yourself with others, you may become vain & bitter; for always there will be greater & lesser persons than yourself. Enjoy your achievements as well as your plans.
>
> Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism.
>
> Be yourself. Especially, do not feign affection. Neither be cynical about love; for in the face of all aridity & disenchantment it is perennial as the grass.
>
> Take kindly the counsel of the years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue & loneliness. Beyond a wholesome discipline, be gentle with yourself.
>
> You are a child of the universe, no less than the trees & the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should.
>
> Therefore be at peace with God, whatever you conceive Him to be, and whatever your labors & aspirations, in the noisy confusion of life keep peace with your soul.
>
> With all its sham, drudgery & broken dreams, it is still a beautiful world. Be careful. Strive to be happy.

PETITION FOR PEACE IN EAST BENGAL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BINGHAM. Mr. Speaker, on Sunday, August 1, 1971, 40,000 people packed Madison Square Garden in New York City to hear concerts by two members of the original Beatles rock group and other entertainers. The proceeds were donated to the United Nations to be used for the relief of the millions of suffering refugees in East Bengal.

At the concert, a petition was circulated and signed by more than 5,000 people. The petition urges the U.S. Government to protest the atrocities being committed at that time by the military government of West Pakistan and to stop all U.S. aid to that government. I introduced the petition under clause 1 of House rule XII for reference to the appropriate committee of the House, the Committee on Foreign Affairs.

A great deal has happened in East Bengal, of course, since this petition was circulated. Peace has been largely achieved. But the refugee problem, to which the petition is also addressed, remains to be solved.

The text of the petition, and the names of all who signed it, follow:

PETITION

In the name of humanity—Peace must be restored in East Bengal, immediately. Harassment and murder of defenseless civilians must stop and satisfactory conditions created for repatriation of refugees.

United States Government must—

Protest Pakistan's military atrocities;

Stop support to Pakistan's military junta; and

Stop military and economic aid to Pakistan.

East Bengal's agony must be alleviated.

LIST OF SIGNERS

Richie Michol, John Hanzel, Lanny Gems, Robert, Linda Jean Friedrickson, Becky Algarin, David Muleh, Elliot Sergeant, D. S., Elliot Greene, Dina Rubenourt, Walez Stemnean, Larry Cappoli, Karen Kalinski, Maggar Harling, Gary D. Sastly.

Pat Scheller, Penny Kachia, Jaler Cotz, Bush, Mindy Marcer, Hank Brih, Alan Yater, Harold Grencot, Judy Beye, Terri Ross, John F. Vogt, Haney Kalter, E. Farkas, Hoyd Collen, H. Reih.

Marty Lislion, Bruce Kazorvich, Wayne, Morris, Michael D. Searlis, Andy Saines, David Kliman Marsha Levy, Roy Panicca, Pathi Aygarotos, Mr. & Mrs. J. Poccia, Geme A. Ashome, Peace O. Selm, Janet Mary Bische, Nancy Edwards, Jim White.

Victor Newfield, Jois Dugow, Price Hith, Shelley Bunter, Steve Hansen, Jimes Charlie, Bob Loves, Richard A. Doremus, M. Doreman, John Hensen, Lynna Kelly, J. H M, Lerry Powel, Kenn Iwens, Miller

Linda Panstian, James Balssoqlar, Howard Winstein, Forrie Sherman, Anne Moisden, Rosenair Argueman, Audy Gorowarf, Merody Sanders, Perry Ghee, Roy, Esther Draznin, Bill Aystel, Henry Williams, Larry Klein, Michael Wilke, Richard Wok, Ben Mittelman, Susan Cohen.

Susan Leingerten, John A. Coxlon, Martin Grecan and Mrs., Kerren Doy, Greg Dory, Jack Muller, David Burok, Paul Finkestun, Harvey Smith, Suzan Kotler, Linda Murray, Mr. & Mrs. Muchael Jones, Richard F. Lyton, Richard Horber, Amelia Naccarto, Nancy Doran.

Robert Brown, Lewis, Power, John Davenson, Mary Suellevan, Bavia Landis, Brenda Weir, Tony Patermite, Ruth Pamist, A. B. Zermick, Nancy Peril, S. Sherman, Joseph, Andrea White, Paul Kreel, Robert Kanter.

Lorry Geich, Garolleny, Ame McCluse, Andrew Sarva, Brod Frenton, Mike C. Tyler, Serve, John Pennmore, Bill Ser., Delorak Martin, Suzette, Donald Rossi, Nancy A. Rossi, Joseph Quink, Kally Desimose, Headlock.

Pamela S. Bergren, Mary Jannen, Linda Frer, Maria Tresta, Susan Caggiano, Christine Coggiano, Vickie Rhody, Holly Price, Elizabeth Kister, Charlotte Mills, Janet Wojcik, Plum, William Kotac, H. Mardyle.

Sue Walker, Bruce Wacker, Ray Mardyks, Marelyn Masee, Thomas Bynes, John Nicolich, Steve Sperdito, Key, Diane Kessler, James F. Hameston, Mark Sharher, A. H. Anderson, David Satinoff, David Tillon, Maddra, Michael Boyder, Neal Neuhans, Danny Crestone.

Robert Eliot, William Branswin, T. Slonik, T. Jordan, A. Angyle, El Teller, Leslie Rossi, Paulette Tunis, Moms Fredman, Stan Nower, M. Jacobs, Rhonda Jacobs, Antonette Mackanana, Kenneth Lettler, Janet Martorana, Joyce Campigith.

Mary Roach, Raymond Charlowish, Wayne Goerge, Dieh De Cobe, Thomes Zito, Mr. & Mrs. John Warner, Wemfred Flaherty, John Hancock, Mary LaBate, James T. O. Cumming, E. Bright, Diana L., Joan Scheckner, John Sposat, Flem J. Nale.

Gilbert Vetale, James Regan, Thomas Emmet. Charles Houck, Carol Singer, Alm Ranchwer, Linda Spilalnik, Rothy Spitalnik, Julie Johnson, P. Merchan, Michela Russo, Lurmella David, R. Schmit, Acilia Beckeitlk, Joseph J. Spinola, Maria Moroney.

Morris, Lion Lebonith, Loise Acher, Robert Leganlt, Curtis Botes, F. Randel, Matt Piterson, Kerry Brown, Stephen W. Vargo, Michel D. Gotts, Harold Jordan, Howard Jensen, Jim Mollen.

Ben Bass, Kathy, Neil B. Checkman, Beaty, Jeannic Euprill, K. Shaugheory, George Libone, Muhaned A. Cupill, Ashwin M. Shah, Marjorie, George Leonard, Allen Scott, Dave Abrahamson, Harilyx William, Alfred George, Larey, Michael Allaly, illigible, M. Cazor, Lyda M. Bergondo.

Sondra Femansky, Rich Katz, Phel Toohey, Peter M. Bijhan, Richard Gicane, Jeffer Skier, Barbara Schinase, Debbie Schinasi, Richard Perale, Richard Sonelth, Diane Soricelli, Diane Timek, Wayne Leprest, Eric Stern, Lois Meyer.

Jan Scheffer, Brenco, Bat Russell, Phil Bruno, Rito Costabile, Rota Sfoza, Diane Devesgulee, Linda Jimenez, Linda Stele, Jude Iovino, Ashra, Fauru Sorase, Dorney (Pat) Veccllone, John H. Boget Jr., Verquica Serla.

I. Suglla, Sennifer Sighlia, John Gullo, Jerry Calordrillo, Eva Miliman, Patricia Knight Debra DiNaro, Mario Giacalone, Jean Kâne, George Kone, Albert D. Sherbery, Karen Kluge, Laurie Howes, Kris Hansske, Larry Frank.

Henry Frank, James V. Kelly, Audrey Nacinovich, Michaele Gorman, Neil Gorman, Ronald Del Pappy, A. J. Mehito, Dominal Posso, A. J. Mehto Laurel Beniamian, Tony Jane, Mary Gugardo, George Pappas, Rose Mukerji.

Melance Bialow, Laurice Bialow, John Lavia, Mark Knell, Bob Skilos, Bill Damil, Carol Creagh, Larry Zima, Bill Abervetty, Roger Anderson, Dreveak, Jean Trevaskis, James Maldonald, Pat Quwerkerk, Philip R. Jordan.

Linda Sundario, Buline Bishop, Andrea Marinelli, Eva Lan, Kathy Rowin, Jack Crasky, Taylor, Herb Sprincer, Penny Setzman, Keith Darby, Howard Singer, Keith George Thomas, Charlies Arlerjva, Vrian, Patrick O'Brien.

Greg Belangen, Kris Hollegaard, Dorothea Bailey Linda Brown, S. H. George, Thomas M. G. Power, Anderson, Joan Riggo, Bill Rizzo, Manow Fluchies, Lyndia Krupa, Vodolo, Michael Crispo, A. L. Bontley, Oct. Hover.

Leon D. Newman, Ellen Gelfed, Philip Baker, Mann Mayer, Frank Thase, Lynne Harris, Mike O. Sial, Penny Levie, Rennane Reveron, David Gulden, Harold Kester, Karen Hafter, Karen Bley, Lloyd Asterfer, Hoevic Muhal.

Paula Mallon, Tony Edward, Paula Mallon, Sr., Tonny, William Dumore, Aleen Ronda, Frank Dounelly, Aryo Safa, Lynn Silverberg, Sharon Green, Gary Laventhat, Rebecca Geerohen, Gelio De Palo, Loretta Ledith.

Robert Kemp, Carol Ferreira, Betty Q. Riocden, Mark DaCubo, Morris Stone, Debbie Rectiman, Donna Schiltz, Thomas Dullen, Zachary Morsell, Isa Eva Georn, Ed. Joseph, K. Gloria A. Meyer, N. Dhar, Vaudila Dhar.

Sondra Femansky, Rich Kotz, Phil Tooheyz, Peter M. Biglam, Richard, Robert Freyer, Evarell and Pyne, Thomas Braycweski, Henry, D. Thompson, Tichie Albers, Dinesh V. Eshavan, Mick Leeds, Pat Jullia, Mary Ellen O. Keefe.

Susan, Cathy Pouchet, Neil Glazee, Mike Martin, Bob Tompkins, Jo Anne Seador, Carol Zwisler, Kathy Golezewski, Tranb Logstini, Lachman Balan, Helone Skolnick, Stephen Shanko, Susan Sarno, Jeffrez Dawjis, Eileen Confino.

Joe Palumlo, Jeff Paris, Don Hahn, John Hanron, Alan Closter, Joanne Doughesty, Petty Anne Getter, Gauy Desay, Arelow Newman, Marc Perlmutteo, Sue Easteen, Philpiltzecber, K. Dawse, Varcent Morris.

Ed Poole, Mark Stan, Roman Murich, Kay Rogers, D. Allen, A. Parapy, H. Acpman, Jemes John Don, Ruland Berkley, Mike Doullofer, Robert Czachowski, Mutthew Berman, Barbara Bellone, Jeil Peillil, Frank T. John.

Qeuidre M. Suill, Jomar Walsh, Thomas Moselerz, Budd Luic, Gerry Gold, Jors Silligan, Monan Undberg, Dennis Prornez, Chris Anaston, Marelyn Good, John Q. Priesn, Anthony McCosmucb, R. J. Billan, Robert Flacbz, 'rlene Bienotorh, Jill Phillips.

R. Williams, N. Williams, W. Weingowfner, R. Boberts, B. Johrs, C. W. Elner, R. Burstain, K. McShirry, Pay Pwrirs, Barbara Rosin, Margaret Juneritty, Mary Ann Lunevitz, Skip Martin, Fred Dwlae, Frames Jalmaig, Joraceech Scorola.

Claire J. Jones, Yolanda J. Morgan, Gwrge Logan, Sham Namerie, Dinger Valide, Qra Gromaglia, Q. L. Bocbiehio, Tlaralyn E. Picbin, Sunney Dillery, Martinet Rolwd, Lesca Jeanmaris, Gina Lister, Tony Proshoy, Dawl Qudolin, Genie Joseph, Martha Chamberlain.

John McGuinnirs, Mary Beth Gallagher, Janet Reall, Kathy Sheelon, Lenore Plastino, Randy Weudfash, Kathy Godstwn, Dcur Dobl, John Kirz, Frank Ceruelo, Keitli Mortenson, Dam Biwo, Kesrir King, Klein Qarlorg, William Auobly, Josgshine Qnasti, John Bory, Sally Thoma.

Gary Gardenale, John Mc. Jaughlin, Debbie Hall, Seeafohle, Robert Colaluse, Feter Gurtenstein, Golleen Clook, Ellie Peenoo, John Petwzzi, Jwoin Kewes, Cindee Wadro, Keoin Gost, Bob Wais, Bill Kinsley, Rwss Presti, Elizabeth Cunneff.

Gayle Jintow, Nance Katzeni, Joane Moore, Cyndi Gailand, Hanry Ellen Curoon, Joanne Crovets, W. J. Zufall, D. C. Pappas, S. Caldwell, Randy Whitton, Bill Haughoon, Joe Billimz, John J. Joseph acolra, Paul Malus, Walter Moins.

Jeien Enereter, James Christals, Thelma Flor, Stn GFenbey, Bawers, Sue Sunas, Lauren Petul, Ross Adijona, Ricki Klin, Jany Kahr, Arthur Salsburg, Paul Hollanl, Michdl Lizz, Robert MrGilury, Hlibodeebe, P. Pi George.

Dr. Julauie Kinihela, Dr. Rd. Kwelbla, John Izltots, Derolsea Ijellott, Mark P. Zanna, Betzy W. Zanna, Richard Reile, Wevlbaser, Arlene Schochet, Bruce Necliysown, Lew Scott, Gne Smith, Matt Taylor, Eugane F. Siwer, Nance Marchese, David Solel, Kaths Collins, Rose Ann Burbhard.

Bobby Jackson, Gloria Boydinou, David Sahaglan, Linda Govozzo, Rick Qirattis, Mr. Oreittes, Roger Blichfeldt, Biaxca Richard, Sarina Darean, John Pagen, John McNamara, George O. Ives, Ed. Di. Renna, Treg Costese, Brady W. Swnlese.

David Haog, Cllin Fuhrer, Pattiravaegi, Cher Risnick, Sve Loutzher, Don Lebowitz, Judyq Rachman, Cam Constantina, Vichi Gwlsmer, Jody Spilo, Andy Jetter, Roberta Gluber, Gramfishe, Brian lin, Mike Donnes.

Richard Waln, David Donner, Loretta Donner, Karolyn Donner, Alexander Solomon, Andre Lordo, Peter R. Lo Guidice, Christine R. Logudice, Jiny Rua, Bob Eabcuk, B. E. Kiasly, Frank Koblee, Gang Miagret, Jerry Gogliardi, Perry Berger.

Steir Moll, Bill Gaig, Robin Snyder, Annetto Burotofi, Danielle Rinlrardi, Alanne A. Dokoz, Ann Uarie Uateero, Grade Danener, D. A. Brooke, Petter Allen, Walter Jieute, Margie Popovets, Richard Rovods, A. Khalique, Michael Lefolnick.

Ed. Montaz, Cathel Bradsliaw, Sue Rose, Sue Gatchelr, Mark Waton, Nancy Gear, Bob Leer, Jack Qusso, Kwrin G. Kenny, Kbulh Izuli, Hanh Wessmana, Mary Ann Uriz.

Ram Seuey, Richard Fajirian, Victor Giaollella, Jim Litry, Dare Fedeiman, Anthony Bondanella, John Foz, Jim Dhordi, John Sorzyuols, Miclado Sohaly, Robert Taglia, David Padeeo, John Reemd, Fred Johnson, Beu Catlavo.

N. Firenzi, Ross Costo, L. Paind, Kathelen Kearxey, Jia Zeino, Richard Chean, Mike Goldbig, Hompton Rloirt, Catheline Edwards, Christina Brepent, Hasley Yellin, Ricky Frankil, Jacki Della Polla, Stien Jaune, Frank Crdoro.

Michaelucb, Susan Keough, Robert Keough, John T. Keough, Sandey Withcamp, Barbara Sorrentina, Fala Mascia, Laura Moyo, David Lomo, Bettis Ana Paseailh, Ricby Putti, Jim Patti, Diane Hvelson, Sally Mackuell, Marcia Wonn.

Lrslio Rader, Lois Yellin, Clifton Luober, Marshall Tronbovolly, Curl Randollroel, Tenny Tromos, Becnd Zeetlor, DeblriRiff, J. Stabzlr, Diana Nizzari, Rose Anne Nizzari, Tony Rendust, John Culled, Ed. Watson, Bill Johnson.

Ed. McNally, Sam Glover, Michel Bettz, Mary Halteday, Thomas Dorahve, Mal Romcemo, John Murphy, Bill Trans, Pritchaid Molgasi, Stuorto Zelorn, Gaganny Loqepear, Mark Jospson.

Perlert M. Queel Ge, Mary Dachies, Brinn Tyler, Peter Malrey, Howard Boyd, D. M., Sue Rodenberg, John Geezee, Mipassmento, Kito, P. Deuxi Sozet, Ed. Mahorey, Pat Mobney, Duck Tedelas, George Erangel.

Gony P. May, Dellie Miller, Bob Hilfertz, Ellen May, G. Plullon, C. Black, B. Malsh, R. Morella, Jan Webu, James Henry, Lida Yolo, Chuch Baitatilte, Lido Barbarotti, Pete Bayle, John Jackson, Rofot G. Randell, Bitonia Raelicle, Soeers Adorno, J. Rome, Hlronos Moti, Mary Unaitin, Deffil Stockton, Joseph Alessi, Lori Grossman, Terri Edein, Wins E. Lons, Mott Kleeman, Soho Nohe, Jary Ginyere, Tom Hill, Ped Costi, Robert Kojslan, Patrich Sconbor, Joseph Leto, Steve Holn, James Mrzecob, Gilrnly Defato, Garard Mnlcoly, John Zona, Rovi Feldereen, Marc Reil, Charles Dfeffule, Liz White, Sason West, Frank Cross, Greg Merris, Karen Uitoglious, John Billman, J. Mosoff, S. Smith, Agestin R. Farimas, Lyna Larinas, Mary J. Zuccarello, Joseph Sicello, Paul J. Levettsl, G. A. Gill, Javse Kluw, Caiole Leduleitnes.

Gilbert Krushen, Barbara Ann Danato, Denise P. Carbone, Nancy Sloan, Karen Marphy, Jim Inwardwo, Givy C. Bodinl, Robert Rosenthal, John Joln, Kim Lewis, Vicki Zedlick, Gail Levin, Ronald Russo, Clad Simon, Wendy Massma.

Robert Rvylen, Neil Rolen, Patti Sgammoto, Michael Kramer, Liuda Kraner, Dan Jerber, Anne Zartarian, Edward Sciore, John Govewale, Sussand Dobbis, Lorie Leerine, Nuo Quonzon, Fronk Sonderlin, Brandon Tholer, Kint P. White.

Janet Gifel, Michele Bollag, Robert Auesback, Dinnis Pitrulls, Joel Gebrk, Macsheer, John Brenner, Tommy Discoll, Kirney Stopeky, Arthun F. Lindotror Jr., James M. Gullaci, Thom L. Hollande, Anc Juliber, Elizabeth R. Ford, Mack Lif.

Daren, Martha Rice, Robert Cannon, Jo Ann Pwituso, Susan Banco, Linda Smith, Joe Bauclelle, John De Amicin, Joe Hollwgin, Gbyllis Golaberg, Ellen Klauberg, Mona Trseilman, Reahard Zammayoni, Anthony G. Villon, Mary Anne V. Lazzard.

Warren Voorhees, Sheresa Morris, Betl Gelber, Slth Raffman, Cras Lu Lar, Ann Di Giovaxri, Mick Sussman, Marla Lieberman, Mally Jeichman, Howard Koenig, Sharon Swires, Drene Felostein, Carcn Weisman, Evan Cross, David Parker, Ceri Ceassi.

Linda Dickinson, James Karlack, Lan Plyter, Vincens Russo, Patti Wertz, Michael Tannlhabalm, Robert Beisser, Jam Hameneloit, Lee Spubing, Phina Michelson, Elane Michelson, Tom Alenandno Joseph Reiter, Philip H. Wilde, Daniel Crofaof.

Howard Kates, Mike Torgione, Kashuyn Doller, Lrben Block, Shara Ramdath, Jayce Evcktin, Greeno Alexander, George R. Angeler, Barbara Faqernas, Margaret Walkieh, Jbllarey Solotar, Marc Lupa, Carlos L. Saeta, Belli Greo Loren, Dan Rawlex.

John Andqun, Clather Busscey, Billy Hopkins, Thomas Gallagher, Phillip M. Kampel, Bok Russo, Dillian Mann, Toms Dell Blo, Kasay Murphy, Nancy Wagher, Ra Cauoll, Lioyd Sagendoyn, Cauy Sandberg, Hilry Zanyikay, Mary Zanyikay.

Joanue Wilcyheki, Jim Mulligan, John Low, Marilyx Hurray, Alisein Gampellini, Joseph Clark, Mary J. Lafin, Rhondle Seaban, Buddy Bailleg, Paul Mwzsly, Lynn Weygand, Thomas Simpren, Howard Linsk, Howil Tiilds, Michael Bilks.

Joe Honva, Rhonda Moore, Paul Horner, Dair Morrell, Jole Conlrort, William M. Foyaer, Seymore M. Coltcan, David Blusop, Bund Scuoity, J. M. Jury, Rihad Wiler, G. Stravbg, Sherry Jubleree, John P. Xelly, Dave Everrett.

Richard Higgove, Michael Seteo, Jra Winotark, Gloce Ceattellok, Steven Gobaff, Rayond Scluat, Ingle Konther, Lorey Eislnberg, V. Vacy M. Visms, Nicgolos T. Coleetuo, Frank Lehmany, Will Beudey, Michael Farrell, Christine Pennisi, Albert Corl Carey.

Licky Frayshgone, Laxrica Germann, Itomes Green, Dle Epctenis, Ed. Arbogast, Kay Liltteman, Ray Sow, Judy De Pumar, Pill Doerge, Kauln Levren, Sharen Gerdlfeld, Marelepx Rubustrex, Mary Sandovito, Aval Kenny, Carol Legneu.

Otto E. Lugo, Joe Lowis, Ed. Peigrta, Gary Nanlineor, Dennis T. Alarplvy, Ed. Harster, Jim Pundugast, Dale A. Calvad, Debli Dancan, Guareen Sallior, Gall Vatetis, Micpuy Musd, John Haukod, David B. Hill, Robin Qitis.

Ed. Byrnes, Michel Diry, Wibee Wigso, John A. Andcok, Jim McSnury, Sue Kelly, Dalrk, Roymond J. McLouflir, Jau Demader, Alam Apmann, Dwight Pez, Jan Slawdto, Bro D. Bino, Tran Rliser O., Claude Troman.

Detbef Kilian, Edward Hulr, Anne Rogar, Tiddy Kngelman, Joseph A. Baizaire, David R. Clwmga, Deboich Gelison, Benda Vevlwa, Stokly Tans, Gary Gelbman, Qw Silwarty, John Cweray, Andy Baunr, Chaills Deluca.

Humahi Androw, Rilrul Dcosh, Grau Manceni, Seouarel J. Evous, Qulene Queen, Awgin Valenti, George Anmy, Berbara Heeschaster, Winstly Nag, John Stewasoy, George Qugilos, Howard J. Magbin, Jery G. Ciarametto, William Deirve, Mortz Mattlin.

Eriva An. Din, Bill McCarthef, Petll M. Gubyd, Steven Feldman, Buce Beigman, Ruhard T. Sters, James Wysong, Stepher R. Betts, Stephen Tiebeuman, D. Wallander, Gegg Fonti, John Vigilamto, Fredeuck Waker, J. Valeutiro, J. Katalkins.

William Coetts, James Ferties, Matthew Donlan, John Drake, Joseph P. Lonnro Jr., Viveirt Cal Roazza, Michael Pauzer, Chailu Porozyo, Kathleen Kily, Rinth Jorphs, Judy Patti, Jame Sciorla, Matt Goudonide, M. Hogelly, H. Sanglhin.

G. Julrak, W. Laughla, Scott Mein, John J. Padriguer, David Mortiez, Mlaik Binkz, Patricia McGann, Lorraie Picos, Dinneth Shopiro, Brod Unocluily, Poal R. Cohu, B. Docolsin, Jim Jarobsn, Paul Lteilry, Jon Berrat, Charles Kronen, Maul Feldureu, Debbi Porazzi.

Jro. D. Feffer, Barbara Brocoto, James Joseph, Michael Faurajlar, Gral Sorgas, Steve Schonhant, Jacu Rubin, Luie Lore, Fran Peace, Miady Antn, John Bober, Edward Vrola, Bob Deneri, Bob Deneclio, Arthur Schrutz, M. E. Riley.

Bob Eckeurode, Robut Blum, Daird Beileam, Mike Kaure, W. Brown, Eisteno Celodfetto, Paul Clodfoter, Andre Godat, Henry Bronehle, Lester Sugol, Scott Aunt, B. Koricki, Rich Komiten, Raudy Berger, Scott Daird, Shelly Epstein.

Janine Rein, Joe Palazzo, Tol Noren, Howlrd Wesler, Nancy Teitil, Bill Frondse, Cihdy Coher, Tery Gido, Gary Genstin, Wlarh Spichar, Mark Siegal, Paul Qloinly, Sorruo Clerorio, Hwold Grrnot, Ellen Barger, Sue Schimdt.

Bruce Donatuti, Jim Feck, Stelo Siqausiro, Tosh Macklin, Anrou Macklin, James Blom, Caudir Grauar, Peter Grauar, Leslie Blegman, Jlyano Jacobra, Gauy Bogdansta, Tranosco Cllorcoy, Kenneth Baum, Carol Berger, Marcella Becker, Donna Marroffa.

Ralph Jlhin, Paul Jauph Mothe, Michael Keater, Robert Wlee Haven, Steven Doman, Wler Sileuroto, Denise Rgresto, Joanne Agresti, George Qunleio, Maro Avataan, Tom Mauoff, Karomanells, Susan Choweharz, Roberi Jeffries, Stanley Ruber, Bernadette Sfoott.

Stwey Kinigstey, Bonnie Wessmand, Thomas Solese, Lais Baroxe, Jacob Barto, Lila Loscalzo, Juaifer Lindo, Pat McEomisvey, Deblui Corkedale, R. Deacon, MrKweldirs Akawitz, Rathuni Rezan, Bun Nuse, Jaoe Manai, MrArea Mann, Donna M. Walcunas.

Jenyapelein, Laid Zeanb, Karen Mercer, Robert E. Lee, Dennis Morzan, Jack Banden, Hamid R. Chowdhury, Toni Mzth, Kathey Callen, Patrecee Bau Snan, Stene Qaisee, Vwnq Clieer, Eddie Frujman, Vincant C. Vckele, Aira Batioto, J. Tesraco.

Karen Wesehumu, Biad Lvelanson, Daphne Morros, John Riauoto, Robert B. G. Smith, Jpuxlardn, Wayne Wieto, Lurlro, Joseph Geanirarie, Joseph Larsue, Tony Zan, Patricia, Restru Collendo, Bob Branting, Krely Brown, Robert George.

Cheryl Fox, Rick G. Edward, Joe M'Mohan, Stuart Robinson, Paul Bursty, Stuart Howard, Romnie Lobel, Francis Shione, Debbie Herr, Charles J. Boyle, G. David, Asenatte Scallar, Karim E. Choudhury, Susan Maxley, Jankin Scollar.

Robery Shusal, Mickael Boms, Noman Sinbery, Douglas D. Sehwartz, Mike Probex, Railart Chargold, Sheldon Ash, Thomas Broke, James R. Grens, Goerge Shurnoff, April Prager, H. Hoffa, Peter Armons, Jerry Gaeta, Sam Ray.

John Perozzilla, Gay Rasbery, Rob Dickens, Stevens Botscheller, Bruce Edelwan, Abehia Crichlos, Delborah Rich, Joly Galbert, J. Wayne, Nick Christian, Ray Schluchla, Romin Platt, S. Scott, M. Passarella, Jarry Powell.

Maurice Cecargilli, Tony Cibell, Robert Shoeufield, John Smith, Andy Squellace, Kerin Buckel, Beilly, Laurence Schecht, Thomas P. Sullian, S. Grebben, Rena Sydel, Ramon McLeod, Susan O. Dunnell, L. Primmy.

Steve Setveren, Andy Denvis, Paul Jaffery, A. Ronald, Kathy Reoca, Tel M. Cooper, Eugene O'Brien, Myrene, Vicki Hardwick, Carol Cooper, Jeff Leon, Kooper, Jim Harden.

J. Rome, Croji Chauyla, Reggie Arthia, Tenny Alli Seale, Rita Seula, Banysloeta, Dan D'Errico, Kevir Shys, Patricia Thompson, Jimmy Marecek, Dianne Mitchell, Rona Kat, Mary Lyne, Robert Neston, P. McGinty.

J. Judge, Carl Bosman, S. Epolito, S. Ranaoniz, Palay Peckel, Swin Marks, P. Glicarane, Vicky Hedel, Soudery Poctor, Amit Warsenn, Fred Gale, Pet Whetcomb, Joseph R. Jomstro, Edward Ritz, Philip Simmony.

Hoffman, Dwetit Miller, John Fazio, Ann Maire Secton, S. De Moise, Alfonz Guigotto, Protloy Pusso, Kent Botheworth, George Skic, Fred Pottger, Alan Potola, Bill Newman, Louis J. Ruf, Charles Tomando, Richard Drelleick.

Judy Pioutowski, Vd Gile, Smithy J. Wills, John W. Jenkins, John J. Werner, Marc Goluboff, Jane Feverslein, Eugene E. Dollaine, Margi Halsbond, Sue Gutenplan, Peter Hailey, James O'Neal, Risot, James Goodwine.

Kathleen Brady, James Octzran, James Soty, Gomes Cheel, William J. Grimes, Donald Davis, Var Marloff, Bot Barch, Jonny Schligis, Michael R. Milk, Lisa Waldoran, Dommer D. Agostino.

Michael Edean, Z. Waldo, B. Brook, Ctoz, Gary A. Poz, Delra Robinowitz, Bovilvaca Schwartz, Norma A. Brown, Elari e etterli, Jane Luga, Sarina Daroen, Linda dearboin, Richard Bertard, John Leonard, M. Danylyshyn, Mr. and Mrs. Richard Bishop Jr., Bobby Jarkson.

John Smith, Francis Joe Marco, Sandy Gafron, Michael W. Relly, Mike Elfey, Jane Fersold, Joe Haule, Homas M. Brown, Regim Fargill, Marlene Mendelson, Meyl Kaye, Alan Katz, Robert A. Aummy Jr., L. Doe Marco, Allice Segall, Jean Bleakrey.

Meg Wynn, Arthur Sheridan, Pam Flavin, Robert Lubey, Sally Lee, Linda Simon, Kingsley Grant, Gary Sharp, Terry Tobar, M. Idiano, Sharon Gotfreelson, Jenine Liely, Pauline Pietri.

Elizabeth B. Smith, C. Kazan, Julien Daljean, Eve Ychova, Edith, Marti, David Anderson, Fiona Williams, Mary Williams, Lorrain Gang, Judy Ross, A. Perez, C. Fisher, M. Ginsburg.

C. Weinstein, Anne Connor, G. McGettrick, Charles Leahy, Karl P. Weinrich, Paul Leopold, Angela Squatrito, B. E. Baril, L. Q. Baril, Eileen Troynaski, Alice La Prelle, Yvonne Glaser.

Nadine Moore, G. G. Weeks, Joe Turtty, Nicky Shu, Shirley Singleton, Roni Pelzman, Stefanie Pelzman, Charles S. Thule, Jr., Edyth Gamm, Patti Panelli, Zunilda Ayurs, Linda Flanagan.

Robert Cooperman, L. Block, Janet Webb, Marilyn Seskin, Charles Read, Jr., Angela Crawford, Jerry Bradbury, Robert Gillis, D. Bruno, Suzanne Campi, May Cohen, Joslyn Muchnuk.

Yvonne Fisher, Arhwa Ong, Allen Trevor, Jay M. Peterson, Robert P. Diamond, Dorathea McGee, Gary Geonian, Roger Fruentore, Bill Cunningham, Sandy Wilen, Doris Embree, Donn Golden.

Flora Reiss, Maxine Senkar, Laura M. Mery, Eugenia Kirkland, Erica Derum, Marie Cookson, Miriam Derum, Mr. & Mrs. Keating, Judy Tuchman, Peggy Clabby, Gary Eagleton, Roberta Kaplan.

P. Hoffman, Beryl Seligsen, Linda Sincler, Nelson Torres, Leon Lusteman, Dave Lusteman, Len Ashley, Ross Holland, Roberta Klein, Regina Santarpia, Frank Bochin, M. Collins.

Elizabeth Collins, David Williamson, Mary McGrath, T. Tronde, Ann O'Brien, Nancy Luetzon, Sylvia A. Johnson, Lor Bakosky, H. Ritchon, F. Hodnett, Michael McCarthy, John Risotto.

John Costello, Lois Kessh, Sharon Turk, Nat Rios, Bob Weiss, Maria Auflew, Sherri Schwartz, Anne Conyers, Barb Galbro, Melissa Pawlis, Robert N. Bronson, Jr., Franklin Lane.

Thomas A. Jones, D. F. Evans, Beth Bromberg, Jay Small, Cathie Polette, Michael Albert, Marguerite A. Rosensohn, George Phillips, Sandra Shapiro, Nathalie Flint, Lynne Foster, Jeanette Quiles, Jennifer Moodie.

Virginia Brown, F. Field, P. Burrows, Thomas Swenson, Marvin Rosenstein, Patricia Oppenheim, Fredda H. Katz, Alan Prim, Anami Valentine, Frank Thys, M. Dish, N. York.

Jan Lowell, Bev McGuire, Barry Jones, Mark Norasel, W. Sokolsky, Nancy Longlman, Scott Rira, Kenneth Hughes, Attagracia Polanco, Myra Zabner, Fran Silverberg, J. Pollack.

Isabelle Blau, Marc Blair, Barbara Vaccaro, Harold Small, Linda Smith, Carol Simon, Amy Kasindorf, S. Wilson, A. Wilson, J. Goldberg, M. Goldberg.

Elizabeth Pagan, Mike Miele, Catherine Zose, Martin H. Bern, Vikichardak, Aeilyn Peking, Terry Gergdeinier, Jan Eisler, Richard Fried, Tom Myeral, Sonny Irgang, Jerry Birk, Sam Merguerinn.

Jaymes J. Mays, Cecil Russel, Madonnonce, Frank, Gene Agababa, Gauter W. Huesser, Rudolph L. Gaunasel, Robert Fishboin, Sid Kozak, Kathie Miederer, Glen Cahall, Steve Munsler, Sharon Coffey, Joseph Catazaie, Robin Rosnick, Robin Rosnick.

Gary Keneyp, Jay Pennie, S. G. Smith, Jay Rhodes, Jay Hedes, Alan Rosehbey, John R. Muerke, Barbara Rutherford, Roland J. Maleyede, Sherman Spirit, Mildred Hallirel, Bruce Kessler, Michael C. Mackey.

Glenn Mackey, Mary Gentile, Stephen Segend, Richard Hizinger, Robert Davis, Carol Vizard, Edward N. Peterson, Samuel Schnedier, Freddy Truglee, James Z. Giarslene, Jack Selhie, Pete Egan, John Shriver, Samuel Brian, Martin Ashman.

Debra Leebourtz, Ray Kasny, Mitch Ahyzres, Robert F. "Doc" Hynes, R. Sinkowitz, C. Canner, James Christy, Larrie Mitzner, Stan Grubny, Betram Davey, Diane Schwartz, Sam Olshan, Avis Clenin, David Hickey.

Rene Lorence, Gay Menewpky, David Manfais, Nick Sinato, Fran Sonovese, Helene Pelosi, Keven Allen, Evaristo Cotella, Jean Burns, Bruce McKiana, John Mosall, Debbie Enter, Tom Matte, Jack Rule.

Tom Kennedy, A. Beck, Stephen Bass, J. Stofsky, S. Lippert, R. Puerto, Barb Tosone, Esther Cabezus, C. Kaplan, A. Goper, E. Mandel, R. Goldscher, Pat Resta, Louis Muncz, Bill Fagan.

Lee Andrews, Richard Hieland, Dee Eberle, Doug Snyder, Nancy C. Ginovice, Sammy Gutmann, Hannah Gutmann, Fred Smith, Linda Week, Daniel Pierce, Thomas Siteo, Chris Bezas, Joseph Hollenhead.

Patty Affrunti, Robert Brune, Lee Jones, Rick Jones, George Haiter, Jack Jonens, Lesta Bowoinsky Michello Borodensky, Elyse Katz, Jeff Katz, John Citaner, Alan Backer, Barbara Rabb.

Howard Chapman, Isabel Citrin, Leigh Haber, Jamie Love, Ramphel, Nou Naman, Alberta Liefer, Jay Habbou, David Reimes, Richard Rueben, Richard Branbeugh, Michel Feue, Edward Grata, Travis Rivers, Bruce Sauer.

Robert Weiss, Joan Behler, Andrea Jordan, Jane Gurk, Carolyn Dibs, Eric Emyer, Robert Gurle, Judy Lovinger, Tom Fertig, Sherry Weinstein, David Hail, Julie Acousta, Gary Dingotl, Rena Meriasle, Denrene Whitehead.

Edward Blanca, Michael Tobbin, Laura Martin, Julia Tocaban, Paul E. Ribecky, Phile Tewontiseice, Chuck Roseen, Silvana Perroni, Sylvia Diaz, Stanley Kalmon Schleir, Kathleen M. O'Neill, Walter Ebner, Ann Smith, Daniel Scarola, Nickalas Gil, Jackie Snadecky, Martin Stainer.

Joseph Dunn, Brenda Vargo, Paul Schmidt, Laurie Greco, Sherry Berne, Richard I. Taub, Patrick J. McGlynn, John W. McDonald M.D., Ernest Baldaro, Stephen Hersh, Howard Boyd, Sarah Smythe, Jane Sinclaire, Michael Cardello, Denise Carvin, Patricia Pack, Mike Demot, Francis Ramie.

John Day, Wan Silverstein, Steve Doman, Bob Whitaker, Michael Keater, Ralph Chin, Joseph Mathe, J. Orengo, Bob Russell, Phil Buno, Rita Costatile, Rita Sporza, Diane DeVergiles, Linda Jimenez, Linda Stele.

Catherine Carolla, Therese Gillick, Bill Walsh, J. Tanmane, Alan Tigers, Anthony M. Maucisi, Edward Marginelli, Heleman DeQiro, Marc Waldor, Cindy Maddow, Robert S. Hewes, Elliot Fiehman, David S. Faunis, Fran Reinfeld.

Theresa M. Collins, Michael J. Flowers, Kathy Kozra, Sherrie Tromp, Linda Tromp, Bob Heydorn, Larry E. Wood, Brian Hefferan, Jill Fisher, Mallory Comora, Mike Buck, Jeff Page, Dan Fyffe, Eileen Shoenfeld, Thomas Abbot.

Ricki Cutner, Donna Lassi, Joan Maers, Paul Martwelli, Frank Melissair, Fred Collman, Comille Romano, Ron von Clef, Wianne Lisar, Deirdre Farrell, Mary Shea, Thomas Mozzucco, Viny DiPolo, Lee Drexfous, Linda Robe.

Bessie Jimenez, Ilona Gabriel, Elissa Marton, Andy Eaton, Jo Ann DiFilippe, Joe Giro, Don Pollin, Linda Wrublevski, Terry Fusci, Paula Marchica, Jan Adams, Rolim Raman, Lisa Verya, Bruce Verya, Steven Schram.

M. Funara, L. Flower, E. Gunsch, Herbert Silver, Victer Turek, Karen Tamkurrelli, M. Wack, Theresa Gasioroviski, Anne Mulverra, Michael Waters, John Rice, Andrea Bulton.

Faith Stutsky, Catherine Carolla, Therese Gillick, Bill Walsh, C. J. Tanham, Keith B. Katz, Phillip Chronis, Ken Izenberg, D. Spektor, Joe Torus, Emmy Abeyto, Jonathan Kery, Alan Sloyer, James Sorrentino.

Sondra Certisime, Kim Certisime, Denise Hundevodt, Bruce Verillo, Don Heath, Barry Kaufman, Reid H. Kasper, J. Spatola, P. Bongiorno, Michael Blumenfeld, Catherine Blumenfild, Jon Smittzer, Alan Bloch, M. Bloch.

Bill Smith, Mr. & Mrs. G. W. Page, Burt Green, Janice Tich, M. Holly Camp, Linda Schwall, Larry Coleman, Maria Clarke, Craig Easley, Joseph Edwards, Roddy Edwards, Christina Bryant, Nils Bryant, Rocco Pelley, Bart Pelley.

Jay Lindmont, B. Horowitz, Lee Arnold, Deborah Adams, Chas. Paul, Isona Bucci, Peter Korpics Jr., Corinne Elliot, Glenn A. Schmoyer, Marie Neubauer, Paul R. Miller, John Korotz, Pat Finn, Marilynn Garfinkel.

Janice Ronga, Barbara Gilman, Ricki Shapiro, L. Frederick, Arthur Kaffee, Marcia Kafee, M. Goodman, Diane Ronga, Fran LaBarbera, Donna Boscanino, Peter Lawrence, W. Lawrence, Alan Lebwitz, Karen Sulliman.

Ronald Einziger, Mary Hoffman, Jeff Tunik, Susan R. Rubinstein, Grey Sanlle, Joyce Coker, Jim Hedberg, Sharon Bethke, Suzanne Safter, Harry Safter, Kevin McGuire, Charles Ganall, Marc Abraham, Lon Devorre.

Bebbie Cohlan, Susan Chinker, L. Carter, Robert Coroven, Bani Abrahams, E. Black, R. Morella, B. Wolsh, K. Baier, S. Toramina, B. Jones, K. Canny, D. Rajka, Maurel Sharman.

Laurrie Allen, Thomson O'Berrni, Bob Were, Monantakin, Lu Ann Roccia, M. Gibson, Toni Meth, Andrew Lukamp, Bob Laman, Jason Ponder, Richard D. Rover, Jaffery Gamther.

R. Polonio, Cathy Walsh, Connie Luhl, A. Barbien, William Purdy, Tom Gallaugher, R. S. Healy, Vincent D'Londo, John Messia, Phil Bellino, John Santo, Dario J. Cioti, Neil Todd, Debbi Todd.

Brian Todd, Donald Loucland, Mary Jane Serscho, Bob Cerydell, Michele Mcully, John Jordan, Lynn Kenny Bobby Ward, Robert Mott, Pam Gehrke, Ken Doyle, Dick Hurtz, Fern Goldstein, Robynne Neiber.

John Ubruzzo, Larry Cunard, S. Zimmerman, Larry Fingerhut, Dawn Daisley, Nanette Nanic, Mike Sullivan, Cathie Lisler, Gene Pocarelli, Robert Marriner, M. McGowan, Ellen Lefton, Robert Miller, Patty Miller.

Steven Melan, James Anatuca, Jean D. Addison, Janell Sahr, Charley Ferren, Richard Bryan, Richard Sternbach, Richard Evans, Kathy Eastman, Allen Suhl, Robt. Oates, David Nausin, G. St. Clan.

Raymond L. Stikney, George Oliver, Reiner Kremer, James Kelly, Lorthar Kremer, Steve Fraser, Fred Jones, Gary Clark, Leigh Thomas, Doug Browne, Howard Goldstein, Patty Polak, Angel Schrug, C. Dowds & Family, Michael McGrath, Bill Simoson.

Susan Bummer, Kevin Hilly, Sean Lowry, Esther S. Cohen, Sean Levy, Bill Cohen, Jim Shark, W. R. Hoppert, Michael De Soff, Linda DeAngelis, Linda Weissman, Barry Cocogiello, Justine Tenney, James Tenney, Christie Abshere.

Alda Adams, Steve Rudder, Lois Alshen, M. McDouglas, Y. Emerson, Jay Levy, Bruce Tandy, Doug Macking, Kenneth Wind, Lilian Calavite, Gilbert Newman, Lyn Wirtz, T. Churchill.

Nan Warehoff, Joe Pirillo, Janet Odgis, Rhonda Brown, M. DasnroAlan Eiges, Anthony J. Maucisi, Edward Manginelli, Helemon Di Orio, Marc Waldor, Cindy Maddow, Elliot Fishman, S. Sanneis, F. Reinfeld.

Howard Chapman, Jimmy Estbrook, Isabel Citrin, Leigh Haber, Jamie Love, Nan Bramon, Alberta Leifev, Gary Hoffman, David H. Reimer, Richard Ruben, Richard Risenbaugh, Mr. & Mrs. S. J. Jorid, Michael Fene, Edward P. Arato, Travis Rivers, Bruce Sauer.

Robert Weiss, Joan Behler, Mark Gotleib, Andrew Jordon, Bruce Brigham, Billy Klidinos, Jane Burk, Carolyn Dibs, Robert Berry, Eric Enger, Robert Gunther, Silvania Perroni, Sylvia Diaz, Stanley K. Schleir, Kathleen M. O'Neill.

Walter Eboner, Ann Smith, Daniel Scarola, Mickalos Gil, Jackie Snadecky, Morton Staner, Charles Migliaccon, Russell Scharengurvel, Joseph Dunn, Shari Gleab, John Hervion, Brenda Vargo, Fred Levy.

Byrin Selt, Laura Moscowitz, Mike Berkowitz, Steve Berkowitz, Mike Paniccia, Jack Hatfield, Jr., Denise Gaurman, Gary Gustafson, Jeff Perry, Tom Neumann, Cathy Popino, W. Hoover, Carol Hoover.

Lauretta Musantrag, Paurso, Raymond Rossen, Robert M. Choderker, Ira Katz, Nadia Yrian, Bob Immith, Bob Bannon, Rich Krug, Ray Laver, Dawn Hing, Phyllis Walfish, Nancy Holland, Jim Casolito, Bonnie Famely, Allen Saltzer.

Ellen Klunman, Lou Barone, Louise Rojor, Rev. Mark A. Wolkoff, Peggy Miller, Pat Waisman, Linda De Roma, M. Carroll, Roy Talin, Diane Wennelinger, Bill Lewis, Kenneth Daily, Rick De Lisi, Laura Darby, Walter Jones.

Sandy Ringstead, Harry Hodgeson, Peggy O'Hare, Mark Greenfield, Ed Dooly, T. F. Ryan, Pat Cofone, Denise Lepre, Monica J. Monica, Marsha Green, Donna Charamonde, Peter Fulton, Mark Clinger, Helene Puston.

Diane LaManna, John R. Shartz, Thomas G. Albenzi, Daphen La Wenrit, Gleen Dueri, John Sherock, Tom Clark, Lorrie Smithy, David Acker, Tom Getz, G. Spirilo, Jill Kleinman, Robert P. Minetti.

Sharon Benjamin, Vicky Thorn, Connie Terlizzi, Tim Craig, J. Marafini, J. Signorelli, Tommy Carter, Ginger Wiggins, David Greenhouse, Frank Donato, Mary O'Hara Smith, Robespierre Lenison, Jude O'Hara, Gary Mather, Ira Picher, Charles Broadbent.

Louis Russo, George Laudestoy, Harold Soloman, Michael Dragone, Jo Ann Miglise, Arthur L'ambrose, Lauri L'ambrose, John Yukes, Karen Horowitz, Joseph L. Yukes, Jr., Paige Howard, Jo Ann Emig, Greg Richards, John Hawkins.

Keith Darby, Jo Anne Ballester, Francis H. Rudick, Richard Adanet, Mike Foster, Steve Magid, Debbi Gilbert, Maureen Rahler, Randi Garely, Ricky Nieradda, Nancy Jennings, Sandy Elliott, Jill Zimmerman, John Adason.

Larry Saltzman, Michael Alshuk, David Michelman, Alan Kaplan, Pat Jones, Debbie Jagger, Wanda Clemet, Timothy Rinsoc, Marie Scott, Marianne Vida, Gerry O'Brien, Beth Caldwell, F. M. Boughey.

Raymond Barrow, Valerie Passmore, Willie Badgett, M. A. M. Chowdhury, M. Raihan Ali, Victor Gottheimer, Lynn Goldberg, Sandra M. Ames, Steve Rogers, John Rosa, Robert Sannaccore, Lewis Marin, Thomas Lund, Maryann Giovannullo, Michele V. Pope.

Arlene Laurence, Carol Linges, Brent S. Larmon, John T. Jones, Ricky Cenetto, Gerard Mulcahy, Michael Dwyer, Robert J. Weinel, Lewis Stone, Donald Zubalsky, Suzi Hyman, Joan Geisenheimer, Renny Bunõn, Thomas J. Esposito, Gary Keiser.

Ellen Keiser, Lottie Maggiore, Robert L. Lischetti, Pete Rozario, Susan Struble, Lori Struble, L. Borkowski, Roger Kohl, Lorie Napolitano, Sue Hartmann, Chris Prater, Vincent Sanchez, Mohammed Ali, Leslie Bacon, Jeff Cappellini.

Greg Miller, Tom Moser, John Moser, Ann Kristick, Sheila Marks, Sue Goldfisher, Michael Tobin, David Tobin, George Chisman, Mark Honig, Erica Gut, Geovanna Vita, William C. Ristow.

Lois Biernfeld, Gail Feibern, Emile Berger, Eugene Legresta, Vincent P. Del Preto, Jorge Gonzales, Elisa Guida, Mary Anne Mullen, David Finchell, Walter E. Brill, Sharon Smithline, Sandee Kopolowitz, Madeline Katz, Sandy Chronis.

Sandra Femansky, Rich Katz, Phil Toohey, Jr., Peter M. Brigham, Richard Greene, Jeff Skier, Barbara Schinasi, Debbie Schinasi, Diane Sorecelli, Richard Sorecelli, Diane Turek, Ellen Stern, Jan Scheffer, Lori Meyer, Bob Russell.

Phil Bruno, Rita Costabile, Rita Sforza, Diane DeVergiles, Linda Jimenez, Linda Stele, John Day, Wan Silverstein, Steve Doman, Rob Wititaker, Michael Kearer, Ralph Chin, Joseph Mathe, Michael Cardello, Denise Carvin.

Patricia Pack, Mike Demot, Dave Justy, George Montgomery, Sam Bathista, Edward Mitchell, Pam Gibney, Paula Gibney, Frederich D. Moore, James McGurian, Richard Wall, Francis Ramir, Gayb Finley, Jeanne Yasko, Bob McEvilly.

Peter Coffaro, Peter Norem, Peri Drake, W. E. Simmons, K. Wilson, J. C. Huber, Cliff Wath, Keith Ziegecbacker, Dan King, Barbara Schaible, Dennis P. Daly, Anthony Posso, G.

C. Eurine, Alfonzo Malemonulta, Robert Zimmerman, Gary W. Gewart.

Eileen Thompson, John Booth, Jack Mehoff, Joe Green, K. McEucarry, Steve Adonis, Dick Foster, Geza Yelenik, Mary Ellen Hehir, Keith Slucharisky, Bill Mird, Charles J. Scott, Steve Davidson, Nick Gustilus, Jimmy Reynolds, John McCabe, Alice Cooper, Bob Perna, Chris Jafalla.

Sarah Traceski, Frank Lo Castro, Wayne Johnson, Jon de Beaumont, Philip Marda, Dion Daley, Chris Riedel, Elin Wolfson, Susan Wolfson, Jamie Raab, Bill McCarthy, Charles Capro, Jim Olsen, Bill Lee.

Tom Shanghnessy, Deborrah Schafer, Roxanne Martin, Robert Bower, Doris Drescall, Dianne Higgins, Marcel Sarfati, Frank W. Visciano, Gregg Vallone, Kathy Mallone, Robert Adels, Peter Goldich, Peter Cormano, Thomas Josephson.

Bobby Miller, Bob Prisco, Tony Prisco, Cheryl Adorante, Gary Stanley, J. Adorante, B. Melendez, Linda Bert, Ed Bisso Jr., Amy Esslinger, Mark Wallach, Ginny Hughes, Jeff Ceragno.

Frank Mandarci, Joyce Addleman, Sandra Maretta, Leigh Meyer, Jack Lawrence, Bill Hofto, Richard Turkheimer, Mark Maller, Cynthia Shortman, Debbie Weber, Ricky Marcello, Frank Castro, Denise Castro, Patti Mulhearn.

Jocelyn Levine, Glen Goldman, Antoinette Vinci, Adriano Lopez, Terri Sue Simonetti, Denise Simonetti, Darlene Donovan, Martz Sweet, Jim Sapenza, Helen Gallahan, Amy Frolick, B. Farber, Stephanie Zaron.

D. Martin, Helaine Levin, Leslie Carter, Paul Serricchin, Steve Cerbo, Frank Cerbo, Stefanie Cerrinto, Mary Ann Cerrinto, Nina Solendra, E. Klein, L. Chiappetla, D. Lamonica.

Mary E. Gherardi, Stuart Glasser, Chris Smith, Myra Rome, Jan P. Garllard, Larry J. Brittarn, Regina Dunne, Robert Brown, Barbara Herman, Charles Rinaldi, Donna Millilo, David Kause, Michael Anderson.

Ken Wolfson, James J. Riani, Alfred K. Persson, M. J. Fucci, L. San Filippo, N. Fucci, Diana Kirschner, Sam Kirschner, Jim Gigh, J. Bischoff, James Reardon, James Dawson, Jesse M. Parish, Stewart Scharffer.

Walter Trask, Hamid R. Chowdhury, Stephen Nichols, David Nichols, Joseph J. Vernilli, Al ex Tulin, Pat Carroll, Eileen Reilly, Karen Reilly, Diane Marcazo, Lorre Rudolph, John M. Nestor, Chris Weisman.

Ellen Buddish, Kerin Bannon, Lacy Bonanta, Leslie Bauman, Cynde Carlin, Brian E. Conochan, Karen West, Katy Cullina, Cheri Wagner, Harvey Weinsten, Stacey Seigle, T. Stiles, J. Stiles.

Donna Waters, Susan St. John, Charles Lascari, Kathy Holmer, Kevin Smith, Mauro Mele, Jeff Morris, Frank Mele, Mary Cioban, Tina Masefield, Georgia McGill, Beth Schlmeyer, Kathy Brown.

Mike Miller, Cora Laven, Ginny Anderson, Jim Krovath, Cathy Krovath, Shera Sechrest, Georgia Hamson, Jack Muldororrey, Richard Cooper, Bob Edwards, Susan Beyer, Lois Shor, Rick Zochard.

Mr. and Mrs. Overhill, Mr. and Mrs. Estabrook, Jeffrey A. Daniels, Shelly Saloman, Ken Helmer, Fran Helmer, Robyn Schunfield, Nasmi Wolk, Lois Weinstein, Amy Bittel, Lauretta Padfield, George Stoni.

Linny Dinauro, Barry Bolgen, Debbie Cisesi, Elaine Benucci, Cabriand Poteate, Kathern Higgins, John Russo, Frank Polizzi, James Parmelee, Denise Kent, G. Scherary, John Cannon, John Valento, George Valento.

Kima Sarocino, Arlene Talbot, Richard Beetle, Tom Darmody, Joe Aba, David Rubin, Linda Gleason, Diane Hartmann, Sue Bevilacqua, Arthur Buckley Jr., Richard Anderson, Sheryl Spector.

Mr. J. Poltorak, Mrs. J. Polotrak, Roshelle Carbone, Jon Michar, Fran Morrow, Reid Morrow, Patricia Seelig, David Knips, John Bonarrigo, Phillip Dobin, Bruce Trubow, Ed Gazowski, Jim Parrell.

Robin Whitehead, John Hamm, Don McDermott, James Connor, Bill Frederick, Stephen Karomidas, Jim Buckley, Margy Buckley, Nancy Sesto, Anthony Pilla, Robin Turner, Barbara Sendler, Kerin Murphy, Denise Urce.

George Kowrey, Joy Heid, Michael Botta, Mike Epstein, Glenn Letz, John Mauser, Karen Sutton, John Churchill, Tom Litwin, Jane Hubbard, Dahre Brash, T. D. Bancler, J. Long.

John Pompetti, Kay Rosenberg, Ellen R. Severman, Frank Landro, John Pinna, Kent Brooks, Milca Della Penna, Clarence Wayland, Phil Stazzon, James McShane, Carmine Convertino, Allen Palmer, Marks Adams.

Jon Nealon, Fran Bloom, Larry Finkelstein, Anita Dresnack, Robert Khazzam, Debbi Namzoff, John Ormsby, Leslie Baval, J. Shaw, M. Kuscher, Tearmetter Root, Nadine Mahan, Ralph Gurafalo, B. Chaflet.

J. Chaflet, Dick Waller, Peter Crescenzo, Elaine Crescenzo, Frankie Price, Lois Pane, Sue Pane, Gale Bianco, Joe Jocco, Charlot Slacken, David E. Walter, Joseph Sammuels, Chris Rocco.

Billy Talbot, Carmen Lorees, Wadeline Del Toro, John Flanagan, Stephen Tucker, S. Musiker, Kurt Battaglia, Jim Hiak, Mary Newman, Brien O'Connor, Sid Blausfin, Jeff Stein, David Stein, Jackee Applebaum, Allison Stacey.

Nina Vedra, Randy Lee Charatan, Sidney Soberman, Diane Nicusanti, Joan Kane, Ana Diamond, Karen Charney, Carol Applegate, Julia Alleva, David Kevelman, Micheel Kanter, Robert Gruber, Paula Singer, Jonn Lauro.

Carole Gerstenhaber, Pete Uit, Jeff Land, Steven Trost, Alf Lilenphe, David E. Poe, Bruce Stern, Ronnie Fluxgold, Alfred Manazzo, Bill McIntyre, Werner Jayson, Pat Henrit, W. Carnes, L. Carnes.

Leroy Spielmann, Howard F. Johnson, Gary A. Johnson, Mario Marghellu, Cliff Hall, Jane Hall, P. Gemona, L. Bodek, R. Bodek, P. Pavel, C. Purez, Kenneth B. Stern, Gary Webner, Janet Blich.

John Robinson, Jim Woeff, Peggy Woeff, Amy Rollin, Ray Reddin, Terry Winck, Mitchell Seltzer, Dave Wilke, John Paulane, Dennis Marlow, Bill Cooper, Robert Star, Debbie Stott, Debra Wittman, Richard P. Foti.

Charlene Foti, Frank Papandrea, Robin Jeffries, Bell Simoson, Stan Rubin, Bernadette Abbott, Susan Chowdhury, Tom Manoff, Karomaniello, S. Fischer, C. Bergmann, A. Bergson, A. Fundy, Collin Seattery.

Jacho Anorati, Bunny Rogers, Alan Zeber, Bruce Helman, Jill Jacobs, Douglas Darnell, Bobby James, Tom Johson, John Batiste, Bary Soglick, Vinny Fina, S. Paulillo, Jacob Cousi, Bary Hendrix.

Bhajwan Gopvani, Andre Karna, Rosanne Picciottoh, Jetta Petrillo, Elaine Cordasso, Debi Scudieri, Howard R. Valan, Gary Jacob, Ed Zoff, Joellen Wolfson, Mark Thaler, Rob Collins, Claire Collins, Michal Smith, Amy Mae Norghton.

R. Sloane, E. A. Wojak, Tommy V. Edail, Steve Grossman, Tony Naglien, Axel Gasse, Fred Ohrbach, Joe Jomim, Steven Jerobowiz, Linda Heemanit, John Silverantz, Liz Sagurton, Vinnie Longobardo, Charles Gallen.

Thomas Candy, Judy Hecht, Chris Szivedko, Mark Saxon, James Petrone, Susan When, Anthony Sironi, Michael Kaltner, Barbara Bassams, Rick Holden, Lorence Delmasto, Nanci Laland, Helen Ireland, Lydia Campbell, James K. Mallen, Frank Bruno.

John J. Killard, Thomas Chabonean, Dennis Druick, Charles Hoffman, Gina Shkowitz, Diane Mullane, Jane Spillane, John Polizzi, Alice Barneman, Bruce Rappe, Judi Rothsh, Jane Irizany, Neil Selzer, Mike Walsh, Mike Petrone.

Paul Russo, Pamela Eyer, Steve Katz, Norma Abarese, Joey De Francisco, Linda Gentile, Charles Graziosa, James Spaeth, Ruth Spaeth, Jennifer Moroney, Gordon Orlick, Eilien Vagnier, Martin Orcry, Michael Smith, Paul Hartz.

Jaine Mejia, Laurie Keppel, Mike Purry, Gail Taylor, John J. Noone, Jerry Fitzgerald, Kathy Regan, M. Diveck, Joe Struck, Joeli Benedetto, Sue Bastian, John Dominic, Saul Ahola, William Emb, Paul Hughes, Michael Ricci.

William Bright, Jr., Robert Ricci, David Driscall, Keith Stewart, Kris Stewart, Steve Cavallo, Prafulla Mukerji, Saul Cahn, Rich Angusto, Iris Kirsch, Eileen Murphy, Mari Desiena, Rosanne Daugherty, Susan Deveau, M. Pizyk.

Devin Daytet, Bob Barch, Gene Thomas, Janie Buddenhagen, Kathy Merin, Jane Coffyn, Gene Brish, Sam Marrio, A. Hartnett, Kim Sands, Mike Marullo, William M. Killy, Steve Votto, Janet Kosher, Michael Agust.

Albert Ginston, Bob Harp, Bob Rush, Chris Hickley, Selma Schnieder, Vincent McGuire, John Iland, Ball Borentry, Phil Rodriguez, Tom McAllister, A. Herrling, L. Leatta, Liz McAllister, Vicki Gold, Jane Ellen Haburay, P. S. King.

Jeffrey Blaine, Beth Latin, John C. Orkeey, Grace Gielarte, Elaine Fila, Michael Polozzo, Jeffrey Stone, Bob Feiscming, David Valentis, Dana Fool, Roger Lore, Fredrick Rella, Marc Green, Richard James, Carol Cordovano.

William Zerwolf, Richard Katzenberg, Frank Vignan, Martin Falsetta, Steven Litney, Carol Jensen, Karen Friedfeld, Richard Deutsch, Steve Sabbot, Ronny Seiden, Beth Berke, Jack Schwartz, H. Zazantzachs, J. Rowen, H. Lewis.

Judy Lavenger, Tom Fortig, Sherry Weinstein, Daisy Hall, July Acosta, Gary Dingotl, Robert Mannelli, Rena Meriasle, Deneenz Whitehoos, Edward Bland, Michael Taffas, Laura Martin, Julia Tocaben.

Paul E. Ribeeky, Philip Tewdnstiseice, Chuck Roseen, Grant Disted, Jim C. Rielly, MG Coffin, Patrick Markhan, Maria Fulmeno, Pat Fallett, Pattee Peterson, Fred Blackerd, Johnny Mango, Reno Girtolein, J. Budwick.

David Lowenthal, Arlond Sapochin, Joe Lima, Tova Faiter, G. S. Shah, Jack Guhard, Doglas A. Adam, Pedro Scseteng, Carmelo A. Gellics, Thomas Phela, Nail Curray, Berry Peckman.

Emmalyn Johnson, Bob Dunel, Janet Howell, Arlane B. Hartfield, Ketharine Schreibers, Richard Meyer, Frank Cloe, Marie Wilson, Neil Weiss, Robert Frank, Jack Gulard, Helenndmeas, Anthony Santoslefono.

Abdoalaye Wiesse, Keith Lambrose, George Perez, John K. Sullivan, Gary F. Smith, Laurie Davis, Tanny Goulle, Mike Lamen, Mike Boyle, Seraut Parkinson, Bonnie Hrilee, Richard Gakner, Robert Wissile, Mildred Patosky.

Millan Fogarty, Albert Hergog, Jenny Rosonthello, Donssa Walnoo, Vanessa Evan, Pan Jurecky, Louise Lovett, Stephen M. Micko, Cathy Brockett, Michele Finkel, Paul Algava, John Watkin.

Toni Drk, Bernard Johnson, Arnold E. Schnitzer, Richard Smeraldi, Roz Capaual, Marian Smeraldi, Marie Elena Sabella, Susan Immergnt, J. G. Ferguson, Mark Miller, Ganie J. Joseph, Dan Mele, Joanne Maniscyclo, Kathy Nrederloffer.

Barbara Grossman, Pearl Charls, C. P. Kappees, D. Postiel, Donna Shodrod, U. Shah, Eugene Divorkin, Peter Pizzati, Robert Woodlin, Thomas Healy, B. Att, Ramesh Vyes, Thomas Gomes.

Kiran A. Bhodia, Raymond H. Markry, Emmaal Alonj, Michel N. Nickary, Dar. Persiane, Mark Kosanchkel, Rauhana Chowdry, John Czarnicki, Linda Paljuicks, Se Hess, Paul Farber, Patrick McGlenn.

A. Harson, Betty Ann Maloneey, Mark Lonabaugh, K. Makaffey, Joseph Jones, Irving Cobdon, Marie Degn, Dee Malloy, Dave Alramowitz, Joanne Stern, Edward G. Pathy, Igor Reagen, Martha Fletcher, Thomas Clare.

Frank Van Vapen, Victor Pappas, Louis Davelman, Dave Bogart, David Ajed, Georgeamn Mcloyhli, Max Hassel, Greg Ratif, Sid

Phyliss, Mark Farmer, Don Brewer, Eda Ball, Jerry Milbuleck.

Fran Frovenja, Paul L. Schmitt, Laurie Greco, Sherry Berne, Richard J. Taub, Jane Sinclaire, Howard Boyd, Stephen Hersh, Ernest Baldaro, John W. McDonald, Bill Berfrowshi, Donna Lusimitz, Sarah Smithe.

Carol Ushersm, Ed Crandall, Bill McKeever, John Mandile, Kevin Manning, Shawn Turner, Jim Cullen, Dawn Sawyer, Thorns Gordon, Art Henderson, K. Khee, Danise Kidwell, Richard Warf, Clyde Kevis.

Mark Krangle, Scott Zohlman, Allyn Fried, Kenneth Fildman, Dave Licaskii, E. Scharwtg, Lyon Benz, Manual Rwilh, Paula Chiarell, Lori Arico, John Moreahau, A. N. Araflo, M. Fergusen.

K. Termanwen, F. Jogusen, R. Goldman, Julianes Goldman, Henry Howford, Sally Cantista, Michael Dougherty, Peter Haney, Eddie Sunyak, Howard Borenter, Abbe Bowl, G. Corson, T. Heltz.

Dave Foppert, John Bagtala, Stan Stiefel, Manferd Block, Sue Indeek, Karen Boudreau, Eileen Sullivan, Barb Landof, Edward Putreeny, Diane Sruger, Michael Richards, Susan Porzio, Karen Sperling, Ann Tauria.

Geofery Gufeer, Tanya Lepepecky, James Boy, Marina Monti, Pat Bozym, Charlotte Bevels, Joe Aunge, Heddi De Paola, Dolores Porzelt, Jaime De Paola, Mary D'Agostina, Gerry Gafford, D. Strauss.

Lucille Milete, Judy Abbate, Carolyn Kreanor, Carol Smith, Linda Petix, Michaelle Koubana, Gary M. Sieyl, Frank Bianco, Laurie Diez Jr., Phil Bianco, Priscilla Farres, Colleen O'Hara.

Lisa Margolis, Hof Roinnael, B. Lederman, Maureen Lynd, Debi Madison, Carol Strianse, Nanci Tannenbaum, Rosemarie Sabello, Ellen Kleenman, Michael Letso, Linda Ornelos, Nancy Daion, Sandy Granata, John Prescott.

Richard Miller, Mark Osborn, Wayne Mutchbi, Dwight Mutchbi, Peter Carlson, Carol Birch, Anne McCabe, Robert R. Bowdean, Terry Shutko, John Meguinness, Peter Fuinelli, Terrance Moore.

Bob D'Achille, Ruth Msndouich, Doreen Scheigle, John Rodviysen, Carrie Lear, Scott Kivikoff, Nancy Dr Graw, R. John Barleycorn, Brian Kelly, James Jennings, Bonita Johnson, Amy Kagel, Robin Taleisnk.

Dale Stevens, Blaise Conocehiot, Teunce Ellili, Vicki Morre, James Chepulis, R. Fred Phillips, Marian Daidone, Richard Smith, Daniel Hannah, Jerry Flood, Sherry Jenkins, Debbie Hannah, Thomas Conroy, Jim Collis.

Susan Heide, Debbie Olsen, Ralph Supe, Elizabeth Dcyel, Debbie Randolph, Jermard T. Woodard, Dr. Jozlti Arnd, Susan T. Wasserman, Debby Moses, Barbara Goldenberg, Wayne Horton, Dominiels Pestone.

Ray Redden, Norin Mariden, Rudolph Brown, Jr., Vwek Shanel Rana, Botti Levine, Frank Branehini, Michael Olsen, Jill Frushtick, Cliff Bain, Cindy Browsy, Joe Corden, William Polan.

Michael Serniafeleh, Tan S. Wafu, Terry J. Dushli, Joe Rumpolo, Tom Mulvey, Donna Crawford, Maily Schrady, Scott D. Rankin, Ramon F. Calderou, Vincent Gorman, Mike Feriarese, Kathleen Brown, Rhoda Rieger.

Diane Wilhelm, Sherry Hirschey, Geraldine Conuocchioli, Steve Littell, Sharon De Gerolamo, Jessi Gallillo, Johnna De Serat, Harold Solden, Penny Wilson, Lany Greenfield, Monica Ettinger, Theresa Raparr.

Patricia White, Stephen Czarnecki, Nicky Magalkaes, Tery Buhan, Laurie Davis, Sherry Field, H. J. Mahon, Curtis T. Bahsl, Jr., Tina Loffin, Lee Kimken, Janet Sendernty, Steve Porado, Debbie Canole.

John Lenteni, Tony Cavallo, Eileen C. Mullaby, Peter Caronna, Spencer Koenig, Francia T. Melles, Bill Laskouski, Pete Rossi, Stephen Haimeck, Donna Wideling, Gay Bellis, Lissa Richardson, Jeannie Fernandez.

Edward Fescker, Nancy Kronenberger, Al Rue, Bes Gorneet, E. Gernsberg, Eileen Hannon, Cathy Marino, John Hadala, Stephen Husch, Mary Bassel, Andrea Luppe, Theresa Sutton.

Sherry Tesler, Beverly Kantor, Jayapalan, Sandy Saveteh, Marcy Grace, Thomas Richards, Norma Beilley, Charles Berkley, Christine Hannon, Richard Frankl, Rich Lenti, Robert J. Grani, E. Barnard Bell, Bill Panayivtou.

Jan Paige, Elaine Minecozzi, Harry Wroclowski, Wayne Classallo, Ricky De Simone, Petre Hartman, Clip Riazler, Mike Weiseustew, Kevin O'Malley, Denis Biffour, George Carnevale, Yvonne Murphy, William R. Jarne.

Irene Cubbely, Jan Fastaia, Denise A. Fastaia, Victoria Fostaia, Jack Cannon, John Corbett, Vincent Marchese, Charles A. Sylvester, Steven A. Smith, James Sylvester, Judith Mehnd, Douglas R. Tobin.

Nancy Brown, K. Augusiemicy, Susan M. Quaresima, Joseph Specrale, James Cole, Jeinoore, Ed Casloni, L. Coppola, Bruce Vitussa, Frank Izafisu, Anthony Ambomone, Fanor Alanez.

Vincent Topazio, Marri Lawton, Deborah Palmi, Kent Carngir, Carolyn W. M. Shane, Art Gladston, Gail Rosenberg, Cathy Larussa, John Oleck, Ricki Vogel, Robert Mascenik, Ronald W. Vogel, Cathy Vetere.

Marc Turtfeld, Pat Lester, Donna Farash, Arnold Rosenbaum, Edward P. Comade, Marc Wassman, Bob Petak, Marie Miranda, Robert Rowland, Dennis Morgan, Ted Pryor, Roy Aiuts.

Frank R. Frramonth, Helayueh Baron, Kate Asher, Lina Palermo, Nana Tannenbaum, Helen K. Uisseuun, Mike DeBiagio, Jeannie Manion, Donna Parasconda, Wendy Farash, Fred Levy.

Michael J. Donaw, Linda Wengeyn, Fred Abken, Roger Weiss, Diane Firmar, Charlene Hoffman, Kathi Hoffman, Michael Keith, Douglas Glen, Ginny Henneheny, Robert E. Schwartz, L. M. Rosenbaum, Betty Dlind, Sue D'Agnotino, Janice Berehim, Diane Silverman.

Bill Marano Robyn Lipman, Bonnie Cohen, Claire Figuero, Louise Leira, Richard Gordan, Teri Miller, Thomas Miller, William E. Smalling, Sanford Deven, Mike Heelohon, Sal Familia, Bill Stewart, Tom Swanson, Ed Costonza, Randi Misonzeneck.

Jane Zimil, Diane Friedman, Timmy Meluich, Fiarh Farnetti, Kathy Farnetti, Susan Davis Peter D'Angelo, Aida Sucey, Linda Balerno, John W. Bates, Joe Palzzo, Teddy Pitrelli, Jimmy Palazzo, Carl Rennhack, Wayne Rort, Allen Zimmerman, F. McThie.

D. Rza, Linda Hicks, Bruce Tehudler, Peter Lesser, Dennis Raymond, James F. Solo, John Kent, John Denao, William Kulikowski, Victor Scliffor Amy Pratt, E. Schaffner, J. Rome, Melanie Mott, Joanne Singer, Carol Zammel.

Paula Fleno, Eileen Williams, Rody M. Saal, Judy Reterm, J. Sola, J. Miguelles, Richard Vagnt, J. Ceni, Marie Burns, Lou Simkins, Leslie Crepozzoli, Keuni Floran, Peter Wallach, Terry Kopel, James Mason, William Haldeman.

Dennis O'Neill, Tina Sessock, Joey Branco, Dan Hall, Helen Lenart, Vicki Trull, Debra Lee Ventry, Lou Good, S. R. Mangandu, Mike Franz, Jose Morales, S. K. Duggin, Martin Knama, J. Penn, Susan Pruddin, C. G. Bostwick Joyce Varga, Charlie Sonsinky.

Andra Mooney, M. Larry Harlon, John Allison, Marian Bernfeld, Jon Rogone, Rick Billotti, Lou Balestri, Patrick Manna, Bob Rosinsky, Howie Duff, R. Aibasetti, Karen Vozzella, Amy Ernst, Alan Buckle, Larry Washington Drodine, Edward MeCue.

Marie Bonebarder, Harry Green, Michael Fell, Davey Juerdle, Drian W. Wasko, Connie Foltar, Gus Ahron, Patrick Mtygina, James DeVetti, DeVettani Lideri, Reno Cuctsy, David Doa, Dave Johnston, Steve Ghi, Garly Brooker, Debbi Young.

Bonni Prey, Robert Phillips, Linda Browstein, D. Seipel, Audrey Goldman, Malachy P. Hassis, Stephen Blaire, Fred Mitchell, Fred Carlomogno, Frank Albert, Robert Millman, Jose Juan Garcia, Richie Manroe, Brother Monroe, Michael E. Perkin, July Ardelman, Tina Schupf.

James Ludwig, Pat Benjamin, Jerry Yason, Roy Hamgbaum, Alan Reppapoct, Jed Marcus, Foc Efarlin, Chris Heinrich, Edward Roack, T. Waller, T. McCarrie, R. Rissman, L. Cordero, Edwin Ayala, Peter Thomas, Joe Rix, Carolyn Pilch.

Ann Alexander, Kim Taylor, Frederick Laues, Paul DeStephano, Rudy Schmidt, Robert Pearson, Tony Costrocinci, Max Poolotsky, Suzie Bornemans, James Murphy, Joseph Jannello, Sandra Serra, Glenn Meltz, Fran Cerusi, Paul Hay, Sue Taylor, Hardie Mandell, S. Kalach.

K. Merson, R. Bunche, Carlo a la Braddemena, Esther Obusnkel, Rose Reena, John Kavnik, Gary Vazquy, Allan Brehm, B. August, David DeCostanza, Issac Cohen, Arthur J. Berger, R. Passo, H. Pollule, G. Corfeno, Albert Wein, Alma Wisman.

Jack Hickson, Lois Maroventano, Robert Miraventino, Susan Oliver, Mary Smith, Hermas DiRadinido, Peter Tisto, Sam Seldensky, Gayle Anderson, Guy B. Uclrin, S. Barb, Joanne Robbins, Debbie Achanes, Anne Shedler, Sue Shedler, Mike McNany, John Paul Fones.

Steven Long, Edward Griedman, Steve Paul, Ron Beuxley, Chrin Heckel, Stanley Reeh, Marie MeConner, M. Curi, Mike Bhelardi, R. Rosenthal, Sheldon Shulman, Mark Proct, Sit Van Arasin, Vingd L. Van Floosier, Richie Napohton, Sherry Ceuara, Carol James, Margis DeSerie.

Marc Vasbian, Mozharue Haque, Robert W. Milenski, Ron Ekberg, George Oarufick, Alisa Krameke, Marty Katz, Frank Petrozza, Mark Ctoddart, Eugene A. D. Paole, M. Leghli, Christopher Wood, Edward S. Kudenski, Thomas Weter, Ronald Plank, Dave Lieberman, Peter Mauerman, R. Gilermint.

Steve Morti, Jenny Sanderson, Michael Sheatman, Steve Blansten, Ellen Feinblum, John L. Rouch, Martha Wolf, K. Thompson, D. Flax, A. Greenberg, I. Gesell, R. Lesell, Frank Ouhul, J. R. Leasler, Marcy Davis, Linda Salerno, Ron Kay.

James Hurley, Thomas Mapueco, Jol Schenfeld, Betty L. Grayson, Richard L. Cyasko, Ron F. McGrail, Carolyn Osborne, Chuck Varohes, George Ottman, Louise Mymerman, Gerald Russell, D. Merna, Steward Epstein, Joseph LuCavers, Norman Lettast Mary M. Hart, Cindy LaCavera, James Raulis.

Linda Zarro, B. Berger, John Montefonte, Joe Bosit, Robert Marrom, S. Schercott, Dennis D. Frin, Bruce Simlonitz, Don MeEvery, Rickey Haven, Joanne McVennce, Richard Lederer, Alfred A. Newman, Roberta Some, Bianca Richard, Saunel Doisen, P. Gromez, Richard Whalley.

Elyse Elkins, Jimi Burris, Terri Reilly, David Weinstein, Ed Gates, Pa Postrseushi, Laurie Anthony, Alan Oberstein, John S. Walsh, Russell Bird, Bobby Kozak, Ruth M. Rae, Edie Gulino, Steve Schiffman.

Loh Ward, Lew Kuiss, Richard Petropoula, Rita Goldstein, Arthur Wolf, David J. Justin, Diana, Cauo, Bob Cholko, Aronld Rosenbloom, Sheldon Borker, Billy Boyd, Via Shaggs, Calvin Roberge, Diana Carota, Robert J. Caprio.

Debbie Petraski, Anthony Kessler, Gary Bout, Harry Herman Wroclaushi, Denise Trotman, Doreen Russel, Marie Mele, H. Brown, P. Tonti, P. Gremich, B. Uchensty, R. Annese, Mary Brogna, Cecelia Fasulo, Andrew Camarda.

Jim Stapp, Bob Rutkowsky, Miller, Susan Weiss, Henry Delgrasso, Robbyn Pat Sherdy, Eugene Cassidy, Howard Aysted, Peter Lysun, Thomas Lowell, Esther Altaras, Lewis Ujnograph, Celine Bouchard, Richard Haymes.

Jim Bughoni, Steve Meo, Michael Costagluta, William Kane, Michael G. Kover, Adrienne Rath, Jean Charkourki, Edward Lyons, Billy Darcy, Neal Rosenberg, Donald H. Oberstein, Saundra Oberstein, Stewart

O'Kearn, Jill Sabbating, Sam White.

Alan Worblatt, L. Fitzgerald, Bernard Guella, D. M. Nash, D. Sternfild, Jack Roberts, Frank Kabarinski, Beth Van Assen, Mrs. C. Van Assen, Gary Van Assen, Ellen Cohen, Gayle Rubin.

H. Levy, Andrew B. Weinberger, M.D., Sue Willis, L. Schrube, L. Cohen, Mrs. C. DeLiliero, Joe L. Dittberner, John Littberner, Peter Marino, Gregory Nano, Wm. P. Roberts, Lorene Connolly.

David A. Pilliri, Alice Woh, Walter Naegle, Mary McCarthy, Susan Ellsworth, Riva Witfield, Mari Vogt, Eugene E. Spencer, Jonathan Tanen, Don Feldgreber, S. Teitelbaum, L. Gordon, Steven Ciono.

Ellen Bogolub, Mary van Nes, Elizabeth Wanen, Dorothy Markey, Virginia Haynes, Alan Rosenberg, Anna La Face, Sally Goldstein, Michael Parzee, Gary Frassen, Allen Silverts, James Hill Gardner, S. R. Thanjavilu, Mike Early, Julie Scalleio.

Joyce Calabro, Robert Miller, Aileen Cooke, Daniel Greenberg, Paul Roden, Eileen Kennedy, Craig Kelly, Joanne Abraham, Ira Reznikoff, Rosalie Resnikoff, S. Raphael, Russ Sands, Thomas P. Kaplin, Sharon Ziegler, Bruce Gerard.

Carol Sheinkoff, Carol Longo, M. Meyer, Joann Jimenez, Charles Helwig, Mary Ellen Mocaluso, Ira Stallar, Eileen Brady, Kathie Brady, Tom Rivera, M. Rodriquez, Diane Dailey, Debra S. Moldoran.

Sara Steinberg, S. Satten, Barbara Toolan, Konrad Hayaslin, John McCoy, Stuart Herder, Deborah Green, Rolind Hirsch, Mrs. M. deTeon, H. Zwisonn, Jerry Harary, Alan Hoddad, Robert Snyder, James Witherspoon.

Curt Trinko, George Christobulaxi, Cheryl Gyzzna, Susan Bernay, Jane Hall, Lester Gale, Susan Lambert, Joseph Cerere, Dina Cheris, Joseph Schwat, Mrs. S. E. King, Fred E. Yuengliny, Julia McKenna Perry V. Heidelberger, George A. Ammler, Billie Proctor.

Susan Wall, Judith McKenna, George Nalin, Kathleen Leskerly, Trudi Merrim, Ellen Winston, Robert Lee Payne, Abigail R. Payne, Gil Edets, Mel Kirsch, Erich Lippencott, Frank Mell, John Mardian, Gladys Clark.

Julie Nielson, Lorraine Lskstos, Elaine Pannullo, Dominque Dreyer, Toni Fitzpatrick, Martha Hodes, David W. Singe, Pat Reese, Samir K. Bardhary Andrea Rothman, John Herbert, Penny Schwartz, Ira Assael, Nan Lee, Kathy Ciaramella.

Rodger Goddard, Eric Lamonaco, Ary Trager, Theresa Borterano, Barbara Steiner, Eddie Gordon, Eric North, Stephanie Lantner, R. Moore, Richard Scharyo, M. Wagt, Christopher L. Lynn, Carlo Sellers.

RALPH J. BUNCHE: PEACEMAKER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. RANGEL. Mr. Speaker, I have memories of Ralph Bunche—huddled with Dag Hammarskjold at a meeting of the United Nations Security Council—at work in Mississippi with Gunnar Myrdal—trying to prevent a bloody civil war in the Congo—plotting strategy at an NAACP meeting. It is hard to believe one man could involve himself in so many important and worthwhile causes in a single lifetime.

Although the burdens of his many offices were enormous and his workload staggering, Dr. Bunche never slackened his hectic pace, or allowed himself to become frustrated and embittered, nor did he ever lose his sense of humor or fail to display kindness and compassion toward others. This was true even in later years, when an eye ailment pained him unbearably.

One could endlessly describe the good doctor's many virtues, but suffice it to say he was a consummate statesman who worked tirelessly for peace, justice, and brotherhood in the noble and nonviolent tradition of Christ, Gandhi, and Martin Luther King.

YOUTH UNEMPLOYMENT AND MINIMUM WAGE

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DENT. Mr. Speaker, I read with dismay Congressman ERLENBORN's statement of December 7, 1971, on Youth Unemployment and the Minimum Wage in the CONGRESSIONAL RECORD.

I share the Congressman's deep concern for the high levels of youth unemployment but I am even more deeply concerned about overall levels of unemployment, and the failure of this administration to create additional jobs.

Before I set forth my views regarding the committee approach to the subject of youth unemployment and minimum wages—I would like to set the statistical record straight. There is such a mass of unemployment statistics that it is not always easy to keep them consistent.

Final figures released by the Bureau of Labor Statistics contradict data in the Congressman's statement both with respect to unemployment trends between 1963 and 1971 and with respect to unemployment rates for inner city youths in 1971. The unemployment rate of teenagers vis-a-vis the overall unemployment rate was not higher in October 1971 than in 1963. It was 3 times as great in 1963 and slightly lower in October 1971. The multiplier fluctuated narrowly between 3 and 3½ times throughout the years from 1963 to 1971 and there is no evidence that the rate "soared to four times in 1969." Also, the unemployment rate for nonwhite inner city teenagers declined—rather than increased—between the first and second quarter of 1971. This downtrend is reflected in unadjusted as well as seasonally adjusted figures.

This is not to say that we are not deeply troubled by a teenage unemployment rate of 16.4 percent in October 1971. We are vitally concerned with this level although it is below the 17.2 percent rate in 1963. It is important, however, that we work with consistent data and that we put them into proper perspective. As Daniel P. Moynihan stated in "Toward Balanced Growth: Quantity With Quality" on July 4, 1970:

> It is a good general rule that governments only begin to do something about problems when they learn to measure them.

In our concern over teenage unemployment rates we must not lose sight of the fact that the duration of unemployment must be considered along with the rate of unemployment to determine the severity of the problem. For example, in 1970 while teenagers had the highest rate of unemployment for any wage group, they had the shortest duration of unemployment—an average of 6.4 weeks of unemployment. At the other extreme, you have workers aged 45 and over who had the lowest unemployment rates but the longest periods of unemployment—an average of 12.2 weeks of unemployment. Thus, although older workers are less likely to become unemployed because they enjoy greater job security, once they do lose their jobs, they have considerably greater difficulty in getting other jobs.

The Department of Labor, in a report prepared for the White House Conference on Aging—Nov. 29, 1971*—stresses that unemployment rates do not adequately describe the severity of the unemployment situation of the older worker. The report states:

> The difficulties older workers encounter in the labor market are expressed in the length of their periods of unemployment rather than in the incidence of unemployment. * * *
>
> Once older workers have a break in employment, they have a serious problem in finding another job. The average duration of unemployment in 1970 for men 45 years of age or over was nearly double that of young men under 25 years of age. About 28 of every 100 unemployed older men had been looking for work 15 weeks or longer, compared with 19 of every 100 unemployed men 25–44 years of age.

The committee does not believe that the law should be amended so as to encourage job substitution of teenagers for older workers.

The committee report on H.R. 7130 goes into considerable detail as to why the committee rejected the proposal for a subminimum rate for youth. As the report points out, the committee gave considerable weight to a 1970 report of the Department of Labor "Youth Unemployment and Minimum Wages"—bulletin 1657.

The report concludes that:

> The most important factor explaining changes in teenage employment and unemployment has been general business conditions as measured by adult unemployment rates.

Inasmuch as the Department of Labor study made clear that they could not establish a relationship between youth unemployment and minimum wages and inasmuch as we frown on discrimination in any form—either because of sex or color or age—we could find no basis for legislating discrimination in wages under the FLSA.

Instead, the committee decided to revise section 14 of the Fair Labor Standards Act to provide additional employment opportunities for students outside of school hours while at the same time building in legislative safeguards to insure that there would be no displacement of adult workers.

On December 1, the Washington Post carried a story on a report by a task force of the Twentieth Century Fund. This report called attention to the fact that few inner city youths are interested in jobs which pay low wages and have little status.

---

* The Employment Problems of Older Workers (Bulletin 1721).

It is difficult to reconcile this finding with the view of those who recommend subminimum rates for teenagers. There is no basis for concluding that inner city youths would accept subminimum rates of pay for doing the same jobs for which others are being paid 20 to 40 cents more an hour. This is precisely the type of discrimination which leads to anger and frustration.

I would suggest that those who would legislate wage discrimination for youth and recommend that there be no limitation on so-called youth jobs—either as to hours worked, or occupation, or number or proportion of such jobs—and who urge the elimination of government certification for such jobs may, in fact, destroy the Fair Labor Standards Act. An increase in the minimum wage would be a meaningless gesture if many of the jobs which typically pay the bare minimum wage would pay subminimum rates. The minimum wage was conceived as a floor under wages. This committee does not intend to legislate a higher minimum wage while at the same time removing from coverage those most in need of protection.

The committee report states—and I want to reemphasize that:

> There is no evidence to support the idea that low wages create jobs. Actually, what evidence there is points in the opposite direction. Putting money in the hands of low-wage workers is the most direct way of creating purchasing power-high velocity dollars—and hence additional jobs.

MEXICAN AMERICANS HARDEST HIT BY ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the Mexican-American labor force in southern California is the ethnic group hardest hit by the presence of illegal aliens, because many of these Americans of Mexican heritage are both poor and uneducated and are deprived of farm employment.

The upsurge in deportation of illegal aliens back to Mexico indicates the presence of many thousands in the labor force—undetected.

Where approximately 14,105 illegal aliens were apprehended in the California farm work force in fiscal year 1967, approximately 67,437 were apprehended in fiscal year 1970.

And it is estimated that approximately 60 to 75 percent of these people return to the United States.

While some 67,437 were apprehended during fiscal year 1970, it is estimated that 151,705 illegal aliens, most of them Mexicans, were entering the farm labor force.

Hector P. Garcia, former U.S. Civil Rights Commissioner, says of the problem of illegal aliens:

> The Labor Department estimates that for every one caught at least one and probably two worked undetected. Out of a total farm work force of 1,600,000 in this country, illegals account for at least 20 percent.

That is 320,000 illegals, mostly Mexicans, taking jobs from Mexican Americans.

Testimony on the record points up the collusion between the illegal alien, who will work for much less than the Mexican American, and the unscrupulous farm operator who reaps a profit from this illicit practice.

Not only do these employers harbor illegal aliens and protect them from border patrol agents; they often retain part of their wages for "safekeeping," then when the harvest is over turn their workers in and pocket the money.

The alien deprived of part of his wages has no recourse.

But if the estimates are right, there is a 60 to 75 percent chance he will be back for the next harvest, even when confronted with the prospect of further exploitation.

The illegal alien continues to profit at the expense of the jobless Mexican American—and the employer continues to pocket a little "extra."

FDIC INCREASES THE USE OF CEASE-AND-DESIST AUTHORITY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ANNUNZIO. Mr. Speaker, several years ago Congress enacted legislation which provided the Federal Deposit Insurance Corporation with cease-and-desist authority and the power to remove certain officers and directors. Until recently that authority had gone unused and, also during that period, there had been an increase in both the number and magnitude of bank failures.

However, in a recent speech FDIC Director Irvine H. Sprague indicated that FDIC has begun to use the cease-and-desist authority and the results to date have been encouraging. By mid-November FDIC has utilized cease-and-desist authority on eight occasions and it may well be that this authority will eliminate the closing of many so-called problem banks across the country. Mr. Sprague's speech, which was given before the Maine Bankers Association, not only highlights the use of cease-and-desist authority but also comments on the state of banking in this country.

I am including a copy of his speech because it serves as an outstanding end-of-the-year review of the bank regulatory agency's record during the year. I also want to compliment Mr. Sprague, who has been a valued member of FDIC, and has been one of the reasons why the agency has become such a strong force in the bank regulatory field.

Mr. Sprague's remarks follow:

ADDRESS OF HON. IRVINE H. SPRAGUE

When Halsey Smith called me in July asking me to speak before the Maine bankers in November I was delighted.

We have lived in Washington fifteen years now and each fall Margie suggests that we take a ride into New England to enjoy the scenery.

So I accepted and here we are—in Bermuda.

We're in between seasons now in a number of ways, which makes it a little difficult to talk to you.

The Congress will be adjourning soon, without any action on H.R. 5700, the Banking Reform Act of 1971, and it really is impossible at this point to predict what will happen to the bill next year. There was far from a consensus this year. It seems fair to speculate, however, that the Congress may face-up to questions relating to bank trust departments, interlocking directorates, brokered deposits, and cease and desist powers—I can certainly hope so.

Another unknown at this point in time is the findings of the Presidential Commission, which this very week is meeting in New York to firm up its recommendations to the President. Here again it seems reasonable to assume that there will be major recommendations going to the powers of various financial institutions and the way they are regulated. How the Congress will react is open to question. Some changes should be possible without approval of Congress, but probably no changes of real substance will be made without Congressional approval, and that, in my personal opinion, is the way it should be.

Also, it is too early to do anything but speculate about Phase II of the President's economic program. The wage and price boards have been named and we'll just have to wait to assess their performance. One thing does seem clear, the program simply has to contain profits and prices and wages so that the housewife and the worker really believe they are not being discriminated against. The ultimate question, of course, is jobs.

So perhaps it would be best today to discuss with you some of the operations of the FDIC; what we have been doing this year and why. Three areas of interest: (1) Problem banks and supervision, (2) merger actions, and (3) branching.

PROBLEM BANKS

Bill Camp says there are no problem banks—just some requiring tender loving care, but we do have a problem list at FDIC and the number and size of banks that we carry on the list have increased over the past decade. Ten years ago there were 175 banks classified as "problems" and holding deposits of $1.1 billion. When I joined the Corporation three years ago, there were 243 with deposits of $3.4 billion. The number since has fluctuated from 212 to 252. Today there are 244 with deposits of $4.7 billion. (To put the matter into perspective, the 244 problem banks represent less than 1.8 percent of the 14,199 banks in the country and their deposits represent only 0.8 percent of the total deposits in all insured banks.)

Composition of the problem bank list is constantly changing as some banks work out their deficiencies while problems in other banks are identified. For example, in the past twelve months our Division of Bank Supervision removed 119 banks from their problem list and added 116.

The turnover figures are significant. They mean that as the problem banks are identified through examinations the supervisory authorities concentrate on them and the banks often show speedy improvement.

The current list includes 184 State nonmember banks, 19 State member banks, 40 national banks and one mutual savings bank. Of these, 58 are classed as "serious problems."

About three-fourths of our current problem banks are in the $1 million to $25 million deposit categories, with 40 percent under $5 million. However, about one-third of our exposure, represented by the deposit totals, is concentrated in the five largest problem banks.

Over 50 percent of the problem banks are currently clustered in ten States, while ten States are not represented at all, and it is good to report today that Maine is in the latter category.

"Problem" designations are recommended by our Regional Directors and are made by the Director of the Division of Bank Supervision after Washington review. FDIC Board action is not involved. The criteria are banks that "threaten ultimately to involve the Corporation in a financial outlay unless drastic changes can be brought about" and banks of lesser degree of vulnerability "which give cause for more than ordinary concern and require aggressive supervisory attention."

Most problem cases reflect some combination of poor quality assets, excessive losses, depleted capital, and speculative or inadequate management. Typically, such banks operate with marginal liquidity and the problem memorandum often refers to management that is self-serving and indifferent to statutory restrictions as well as sound banking practices.

On occasion there has been a recent change in controlling ownership in which the new owners borrowed heavily to finance the purchase. A classic case passed over my desk just last week. An individual put up just $1,000 of his own money and borrowed over $500,000 to finance his purchase of the bank. It took him less than a year to get it on the problem list. Banks that are willing to make these kinds of loans often pay the price in heavy losses when the banks whose purchase they finance close.

I am not aware of any banks on the list that got into trouble solely for making minority or small business or social-type loans or by being unduly concerned about the consumer or for trying to better serve its community.

In the past two years we have intensified the pressure on the problem institutions to improve their condition and intend to further increase the attention in coming months. Since January 1, the FDIC has instituted three 8(a) proceedings which could ultimately end in lifting deposit insurance for the banks involved, and six 8(b) consent cease and desist decrees requiring major overhauling of the banks' practices. In addition, we have executed two written agreements which are enforceable under Section 8 of our Act and which impose a strict corrective program. During 1970 there were seven 8(a) cases instituted and no 8(b) cases.

All of these actions are taken only after admonitions to bank management and Boards of Directors do not show results. Discussions with bank directors and management continue to be a basic regulatory tool.

(Keep in mind that we are secondary supervisors only, and regularly examine only State nonmember banks. We do not close banks. The primary supervisors are State authorities and the Comptroller of the Currency, either of whom may have extensive and independent disciplinary authority. Normally, we work out a corrective program cooperatively with State supervisors.)

As a practical matter, most 8(a) citations end short of insurance removal. Of the 210 cases initiated between 1934 and 1971, only 13 went to the extent of FDIC action to actually terminate insurance. The usual pattern is for the bank to clean up its condition rather than lose insurance and this is one of the reasons that our Legal Division has favored using the 8(a) route exclusively in the past.

However, this year, in searching for quicker remedies and means of taking action short of insurance removal, we have turned increasingly to the 8(b) power, cease and desist. We hope in the process to determine the effectiveness of this power when contrasted with the 8(a) power we have utilized almost exclusively in the past.

Problem institutions can anticipate additional cease and desist activity. We have instructed our 14 Regional Directors to review all of their problem banks and to recommend early cease and desist actions in all appropriate cases. Also, we have established a Compliance Unit in our Legal Division that is called into the picture at an early stage. Prior consultation with the State supervisor is a prerequisite for any cease and desist action involving a State nonmember bank.

An 8(a) action has some advantages in certain problem bank cases, but it is time consuming and not always appropriate. We have found the 8(b) route to be much quicker and more appropriate for a wide range of problem banks when regulatory pressures should fall somewhere between the traditional consultations with a bank's Board of Directors and the ultimate termination of insurance. The Corporation is still feeling its way in this area, but we have found that in eight cases this year, bank directors have accepted our full correction program on a consent basis. Under the law, a consent cease and desist is just as binding as a contested one, imposed by the court.

We have asked the Congress to strengthen our hand in this area by giving the regulatory authorities power to remove bank officers for willful violation of final cease and desist decrees. Now we are limited in our removal power to the cases in which we can prove personal dishonesty. A man can ruin a bank by being stupid or greedy without meeting the legal requirements of dishonesty.

BANK ASSISTANCE

We have had five cases of assistance to failing banks to date in 1971—three involved payouts up to the insurance limit after the bank closed, one involved the assumption of all deposit liabilities by another bank, and one involved assistance to an operating bank. This is somewhat lower than the nine payout or assumption transactions of 1970 and seven of 1969, but still above the average of three and a half bank closings a year for the past quarter century. This year's group has been interesting in that it has provided three firsts for the Corporation.

(1) Sharpstown State Bank in Texas closed in January, and the Corporation set a new all-time record in payout cases, with about $50 million returned to insured depositors so far. We were able to begin payments just eight days after the bank closed in spite of the fact that it had 27,000 deposit accounts that had to be reconciled. Our liquidators moved $12 million out to depositors in the first four days, removing a lingering Corporation myth that a payout transaction when a big bank closed might be too tough to handle. Bank automation helped considerably.

(2) The Birmingham Bloomfield Bank closing in Michigan in February required a record Corporation outlay of $107 million to enable a new bank to assume 100 percent of the deposit liabilities of the closed bank. We were able to work this out over a long weekend without a lapse of a single banking day and with no loss to any depositor, including public agencies with substantial public funds on deposit.

(The record FDIC outlay prior to 1971 was $23 million in 1940. Historically, about half the bank closings end in assumption of deposits by a new or existing institution and about half in a payout. The decision is determined on whether the Board of Directors can make a finding that an assumption transaction is less costly to the Corporation. In most of the payout cases, as in Sharpstown, it is impossible to make such a finding because of substantial unknown contingencies or substantial doubt as to the value of assets.)

(3) In the Unity Bank and Trust Company of Boston in July, we used for the first time in the Corporation's history the 13(c) authority under which we can purchase assets, make deposits, or loan money to a going institution if our Board can make a finding that the particular bank is essential to provide adequate banking service to the community. We purchased a $1.5 million capital note in the Unity Bank after it was taken over by the State Commissioner in conservatorship and new management provided. The bank serves a highly concentrated minority area in Boston and its stock is widely held as a community venture. We certainly do not look at this transaction as a precedent for handling all banks in danger of closing. In fact, we expect use of our 13(c) authority to be very rare.

MERGER POLICY

Bankers chide me occasionally about our "negative policy" on mergers, but the statistics just don't support this kind of comment.

Between April 1, 1970, when the present Board was constituted, i.e., Frank Wille, Chairman, Bill Camp, and Irv Sprague, and November 1, 1971, we acted on 77 merger applications. Sixty-nine were approved and eight denied, a 90 percent approval rate.

The denials fall into some pretty well defined categories as we seek to interpret the law as laid down in Phillipsburg and other Supreme Court decisions and at the same time to express the Board's concern about undue concentration, particularly in some States that are way out of balance.

(1) In *Tennessee*, we denied the merger of two Knoxville banks, the $72 million Valley Fidelity Bank and Trust Company and the $32 million Bank of Knoxville. These banks were the third and fifth largest of six banks, serving an already highly concentrated commercial banking market in Knox County. This proposal had a striking resemblance to the percentages involved in the Phillipsburg case, where the Supreme Court found a violation of Section 7 of the Clayton Act.

(2) In *Hawaii*, we denied a proposed merger between the Bank of Hawaii and the Hawaiian Trust Company, which would have combined the largest commercial bank in Hawaii (deposits $572 million; 37 percent of the State's total commercial bank deposits) and the largest trust company in Hawaii (trust assets $1 billion; 50 percent of the State's total corporate fiduciary business). At the time there were only seven commercial banks in Hawaii, and only three independent trust companies. Bank of Hawaii, in our judgment, was the most likely of the commercial banks to set up a trust department of its own, so that the proposed merger not only eliminated potential competition between the two institutions but would have added dramatically to the concentration of banking resources in an already highly concentrated Statewide market.

(3) In *Washington*, we denied the proposed merger of United Mutual Savings Bank and State Mutual Savings Bank, both headquartered in Tacoma. This consolidation would have resulted in a $100 million institution holding nearly 30 percent of Pierce County's deposits in thrift institutions, i.e., mutual savings banks and savings and loan associations, while the share of deposits held by the two largest thrift institutions would have increased to 62 percent.

(4) Also in *Washington*, we denied the merger application of Washington Mutual Savings Bank, a $750 million institution, and the $5 million Grays Harbor Savings and Loan Association. This proposal would have permitted the largest mutual savings bank in Washington, which had some 22.9 percent of the State's total thrift institution deposits and was more than three times the size of the next largest thrift institution, to expand further by merger, thereby establishing a precedent for additional mergers by leading banks in highly concentrated markets. We are being sued on that decision, but we actually welcome the litigation because it involves three key issues: (i) the proper "line of commerce" for assessing the competitive impact of a

merger between mutual thrift institutions, (ii) whether the regulatory agencies may deny merger applications even though violations of Section 7 of the Clayton Act are not found, and (iii) whether small additions to a dominant bank can be refused where less anticompetitive merger alternatives are available to the smaller institution.

(5) In *North Carolina*, a merger of First-Citizens Bank and Trust Company, the State's fourth largest bank, and the Lucama-Kenly Bank, a $7 million institution, was denied. The latter operates three offices in close proximity to each other in a local market where First-Citizens already held one-third of the area's commercial bank deposits and would have increased that share to 37 percent. We found the existing offices of First-Citizens were reasonably available alternatives to each of Lucama-Kenly's offices and that the proposed merger would have adversely affected public choice in a concentrated local market.

(6) In *Maryland*, the proposed merger of the $18 million Westminster Trust Company and the $15 million Bank of Westminster was denied. Both banks are headquartered in Westminster, Maryland, and operate branch systems in a local market of some 70,000 persons. Direct existing competition would have been eliminated. In addition, their consolidation would have reduced the number of banking alternatives in the center of this market from three to two, created an institution holding 21 percent of the total market, and concentrated 55 percent of the market in its two largest banks.

(7) In *Indiana*, we denied the proposed merger of Anderson Banking Company (deposits $60 million) and The State Bank of Lapel (deposits $3.4 million). The former is the largest commercial bank in Madison County, Indiana, and already controlled about 30 percent of the deposits in the market area of the smaller bank. Direct competition would have been eliminated and the banking resources of the market would have been further concentrated. We were of the opinion that the Lapel bank should seek a less anticompetitive merger partner rather than adding to the strength of the area's dominant bank. It was important to our decision that Indiana allows branching and merging only on a county-wide basis.

(8) In *Georgia*, we recently denied a merger proposal between two affiliated banks, The Citizens and Southern Emory Bank and The Citizens and South Bank of Tucker. Affiliates in the Citizens and Southern system presently control 41.8 percent of the bank deposits in DeKalb County, a mushrooming portion of the Atlanta area. We found that purchase of Tucker bank by the C & S system in 1965 was anticompetitive and should not now be ratified, even though there was little likelihood that either existing or potential future competition would be eliminated.

The merger denials have all come after exhaustive staff study and debate and total attention of the Board members. Each decision is accompanied by a detailed decision specifying the reasons and the reasoning.

As these decisions flow, they should provide an invaluable guide to the thinking of the Corporation for those who are contemplating a merger move. Copies may be obtained from our Information Office.

BRANCHING

Just last month a series of FDIC branching decisions attracted some attention as we denied six branch applications of the Citizens and Southern banking group for locations in DeKalb County, part of the highly concentrated Atlanta area.

The denials were based on competitive grounds, which we found to be a proper consideration under the "convenience and needs" test. We started from a factual analysis which showed that the C & S system already held nearly 42 percent of commercial bank deposits in DeKalb County. We further determined that *de novo* branches, in some instances, can be used to prevent competitors from getting a foothold in a growing area, and that regulatory policy in such cases should attempt to weigh benefits of service and convenience against the disadvantages of perpetuating a concentrated market already dominated by the applicant bank. We approved one C & S branch in DeKalb County where no other bank was serving the area, but denied the rest where recent branch approvals had been given to competitors.

We recognized that most *de novo* branches are "procompetitive" and expect to use this new policy only sparingly in markets where an applicant bank already has an overwhelming advantage in terms of offices and deposits.

In closing, let me say that in all the time I've been in Washington and particularly since I've been with the FDIC, there has never been a better climate of cooperation between the regulatory authorities.

Disagreements there are, of course, but they are always on top of the table. And in the area where joint action is required, such as interest rate regulations, implementing new consumer laws, or joint supervisory efforts, the cooperation is superb. It's a real pleasure to be involved with people like Frank Wille and Bill Camp and Tom DeShazo and Louie Robertson, the people I work with most on problem bank cases.

I've tried to cover some matters of real concern to all of us in a somewhat sketchy manner and now, in the remaining minutes, I'm available for questions.

ENVIRONMENTAL PROTECTION AND CORPORATE BLACKMAIL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mrs. ABZUG. Mr. Speaker, a common argument raised in opposition to strong pollution laws is the suggestion that enforcement of these laws will lead to the closing of manufacturing facilities and the loss of jobs.

The UAW—especially Leonard Woodcock, its president, and Olga Madar, one of its vice presidents—has shown strong leadership in environmental affairs. It is one union which is not allowing itself to be buffaloed by the "loss of jobs" red herring raised by big industry.

The current Sierra Club Bulletin carries an article by President Woodcock on this subject, and I include it at the conclusion of my remarks. While Mr. Woodcock does not ignore the problem raised by industry, he insists—quite correctly, in my opinion—that it need not be dealt with as an either-or proposition. I commend his statement to you, as follows:

LABOR AND THE POLITICS OF ENVIRONMENT

(By Leonard Woodcock)

(NOTE.—Leonard Woodcock is the President of the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW).)

A new environmental "game plan" is emerging in American industry. Employers under notice to comply with governmental anti-pollution standards are seeking to enlist workers, their unions, and their communities in campaigns of resistance to the enforcement of these standards through overt or implied threats that such enforcement would result in loss of jobs and income through shutdowns and layoffs.

Our passage from a pollution-prone to a relatively pollution-free society, even under the best of circumstances, is bound to be long and difficult. But we can be sure that the best of circumstances will not prevail, if through inaction we tolerate an industrial strategy of playing on the economic fears of workers and communities to create widespread political opposition to cleaning up the environment. Giving workers the right to sue would put an end to that strategy and, at the same time, would create a new and powerful financial incentive to induce polluting employers to step up to their environmental responsibilities. Lacking such an incentive, employers will be strongly tempted to adhere to past and current practices. In that case, we may not make the passage at all, or not make it in time to avoid irreparable damage to the natural life-support systems that we have until very recently taken for granted.

Throughout our history, we have measured growth, profitability and progress by a much too narrow and shortsighted calculus. For a century or more, industry, especially large corporate industry wielding a high degree of market power and political clout, has made its way on the basis of an irresponsible indifference to the adverse impact of its operations on the physical and social environment. Many of the social costs of "doing business" were never assumed by business. They were sloughed off as "negative externalities" (in the jargon of economists) to be borne by the most vulnerable segments of society—mostly workers and their families—in various kinds and degrees of economic insecurity and the disabilities flowing from such insecurity. These insecurities and disabilities, according to the laissez-faire gospel, were the price that had to be paid for progress. Workers, their families and their communities are still paying most of that bill.

As for the other major social cost of doing business—environmental pollution—to the extent that it was paid at all, it was also borne primarily by workers in the form of unsafe and unhealthful working conditions. In addition to polluting the work environment, the wastes of American industry were simply thrown off onto the land, air or water. Our reckless exploitation of natural resources was not perceived as a threat to the quality of life except by a few conservationists. Exploitation was defined optimistically as development and development was the national business.

Now tomorrow is here. The bills for generations of recklessness and greed are coming due. The social and environmental costs of doing business at the same old stand and in the same old way can no longer be tolerated. Growth, given the way it has been and is being achieved, can no longer be defined optimistically as a higher standard of living; it must also be defined as a deterioration of the quality of life, urban congestion, suburban sprawl, the poisoning of the air we breathe, the water we drink and the soil that nurtures us, the accumulation of garbage, and the steady pressure of a rising population on a finite resource base.

Concern over environmental pollution can no longer be dismissed as a passing fad of undergraduates. By November, 1970, environmental issues had come to the fore in electoral contests throughout the country, and in some helped determine the outcome. Fear of its environmental impact played a considerable and perhaps decisive role in the initial rejection of the SST by the Congress. It might be said that Administration and industry lobbying on behalf of the SST and the effort to pit aerospace workers against environmentally-conscious Congressmen and their increasingly environmentally-preoccupied constituents established the politics of environment front-and-center on the national stage.

What we have today is not an environmental policy, but environmental politics—and it is not even a new politics, merely the old politics of corporate irresponsibility, illustrated in classic perfection by Union Carbide's January, 1971, announcement that it would have to lay off about 625 workers in order to comply with air-quality standards set by the Environmental Protection Agency. This, it should be noted, reportedly occurs after fifteen years of negotiations with state and federal authorities!

By February 16, 1971, the *Wall Street Journal* was able to report that Union Carbide was "exploring ways to avoid closing part of its Marietta, Ohio, ferroalloys plant" in order to meet air-pollution standards. It also reported that in a letter to Senator Muskie the company president said the company had not "and will never engage in any economic or environmental blackmail" by a partial closing of the Marietta plant. But he also stated that if all efforts failed, it might be necessary to close part of the Marietta operation temporarily.

It is not difficult to imagine the surprise and shock felt by the corporation's workers, particularly in a part of the country where some workers still refer to factory smoke as "gold dust." Outrage is mixed with great caution, not to say fear, among Union Carbide workers.

Mr. A. F. Grospiron, president of the Oil, Chemical and Atomic Workers, which represents some of the Union Carbide workers, stated: "We resent the fact that Union Carbide is using our members as pawns in its resistance to clean up the air around Marietta."

On the other hand, Mr. Elwood Moffett, president of District 50 of the Allied and Technical Workers, which also represents some Union Carbide workers, said: "It is going to take time to correct these problems, and the government ought to give the company more time."

When workers are torn by conflicting views of their economic situation, as in this case, opportunistic management can have a field day.

Management's readiness to exploit the insecurity of workers is dramatically evident in the Union Carbide case. But the situation is not unique. With or without drama, it exists or is implicit wherever there are workers whose major property is in their jobs, working for employers reluctant to face up to the costs of ending environmental pollution.

When General Motors came under pressure from a federal court action for discharging industrial wastes into the Hudson River from its Tarrytown plant, it shifted its offending operation from Tarrytown to Baltimore. A local newspaper commented: "This put several hundred local employees out of jobs—a gentle hint to the rest that they, too, might join the unemployed, if Hudson River valley residents push too hard for a quick cleanup of the river. In fact, GM was more blunt with the U.S. Attorney's office. At the March 20 appearance of opposing lawyers before Judge Motley in the case, Assistant U.S. Attorney Michael Hess told the judge: 'We have been told by General Motors people that "If we could not dump anything into the Hudson River, we would have to close down and thousands of people would lose their jobs".'"

There is the instance of the Wyandotte Chemical Corporation which is under a Michigan state court order to recycle effluent from its plant. A company official says it will close down instead.

According to a release of the *Los Angeles Times* Syndicate, American Smelting and Refining Company (ASARCO) ". . . has threatened to move out if forced to obey strict air-pollution laws. Unions have backed ASARCO in El Paso, but in Tacoma they increasingly resent the company efforts to use them as environmental pawns." The same release also reported: "U.S. Steel has warned pollution-control agencies in Alabama, Indiana and Minnesota to back off if they want the company to stay around. In Birmingham, the ruse has been spectacularly successful, intimidating workers and giving U.S. Steel free rein to pollute for at least seven years. In Gary, the tactic has begun to lose effect. In Duluth, where the company runs a marginal plant, it has also worked."

In February, President Nixon received, at the White House, the industrialist members of his National Industrial Pollution Control Council. The council, which might more appropriately be called the National Association of Industrial Polluters, was in effect awarded a good conduct medal by Mr. Nixon. The *New York Times* reported:

"Officers of more than 200 major industries were assured by President Nixon today that they would not be made 'scapegoats' of the drive for cleaner air and water."

The President was quoted as saying: "The Government—this Administration, I can assure you—is not here to beat industry over the head."

The *Times* report noted that among Council members are officers of the Union Carbide Corporation, and of General Motors which, along with other auto companies has objected to the 1975 congressional deadline for a 90 per cent reduction in exhaust pollutants, and of the Republic Steel Corporation " . . . which told federal investigators in 1969 that they had no legal right to question whether it was lagging behind schedule in reducing the dumping of waste into Cleveland's Cuyahoga River."

Later, EPA administrator Ruckelshaus called for new "environmental ethic" on the part of business and industry, and in doing so, according to the *Times* he "re-ruffled the feathers that Mr. Nixon had attempted to smooth."

The evidence indicates that the Nixon Administration is carrying water on both shoulders: the more-or-less pure water of an environmental commitment on one, the contaminated water of pollution-as-usual or a little-less-than-usual on the other.

Further doubt is cast on the strength of the Administration's own "environmental ethic" by a position advanced in the remarks of a member of the President's Council of Economic Advisers. Mr. H. S. Houthakker, speaking on "The Economy and the Environment," said: ". . . any ambient air standard implies a value judgment on the social importance of clean air relative to the social cost of achieving it. There is no obvious reason why this value judgment should lead to the same conclusion everywhere. It is conceivable that a depressed area may want to attract industry at the expense of a less stringent ambient air standard; the citizens of that area should be able to have some influence on the choice involved. . . ."

If this proposition is translated into plain language, it emerges as the old and ever-new government-industry partnership against the unorganized, the unemployed, the poor and their communities. Just as poor states and communities have long been invited to compete for industry and jobs by maintaining the open-shop and keeping unemployment compensation and other social charges on employers low, they would now be invited to maintain or create a suitably polluted environment—toward the same end of getting jobs, paychecks and a brisker trade at the local stores.

This doctrine also constitutes a warning to employed workers already breathing polluted air in and out of the plan as the price of having jobs. That warning is clear: "cough and visit your doctor regularly, but don't get environment-happy or we may have to shut the operation down and move away."

This, as we have said, is no new ethic. Rather, it is the old trade-off in a new guise. Throughout the course of industrialism the insecurity of workers and would-be wage earners has enabled employers to trade jobs for long hours and low wages, for speed-up and the worker's signature on a yellow dog contract, for unsafe and unhealthy working conditions. Now, implicitly in the Houthakker proposal and the be-kind-to-industrial-polluters attitude that appears to be the dominant tendency in the Nixon Administration's fickle environmental stance, the stage is being set for extension of the old trade-off to the whole environmental gamut.

A society whose economic and political decision makers can live comfortably with the assumption that 4 per cent unemployment would be full employment is a society whose breadwinners are bound to be more or less insecure. And as a result of Administration policies, we have lately witnessed the spread of economic insecurity from the ranks of blue-collar workers, where its endemic, to the ranks of highly skilled technicians and professionals, where it has been relatively rare.

The largest constituency in this nation is the constituency not of the affluent but of the insecure. We are all residents, in Buckminster Fuller's phrase, of the Planet Polluto; but our view of pollution is inevitably colored by our place at the economic table. Those who sit below the salt, and that still includes most wage-earners and their families, are not in a position to take a bold, intransigent stand against pollution and the employers who are its major perpetrators. Even though they have traditionally been and remain the chief victims of pollution, working people are obliged by the insecurity of their jobs and lives, by their families' needs and by their loyalties to wives and children, to give "the smell of the paycheck" priority over a wholesome working and living environment—when they are offered no other choice.

The UAW holds the very firm conviction that no working men and women and no community in the nation should be forced to ask that choice. Mr. Nixon thoughtfully assured many of the major industrial polluters in the country that his Administration would not "beat industry over the head" to obtain employer compliance with anti-pollution standards. He was ominously silent with respect to the police measures his Administration would take to prevent industry from beating workers over the head with the threat of plant closings and job losses if the government presses for an end of industrial pollution. We have seen no broken heads among the managements who continue to pollute our common resources of air and water; but workers all over the country can already see the club over their heads.

Does Mr. Nixon speak to Mr. Ruckelshaus? Mr. Ruckelshaus was right in warning that we need a new environmental ethic if we are to check the deterioration of the quality of life visibly taking place as a result of a systematic degradation of the environment. But such an ethic will certainly not emerge spontaneously in the ranks of industry. The federal government, which for the time being means the Nixon Administration, must affirm it and give it vigorous and consistent implementation. No such consistent environmental ethic has been forthcoming in Washington. On the contrary, despite some vigorous language and some worthy proposals in legislation, there remains a clear and present danger that the basic environmental ethic of the Nixon Administration will be to hold industry's coat while the major polluters, through blackmail, attempt to convince workers, unions and the general public that a vigorous attack on industrial pollution is incompatible with economic growth, full employment and the American way of life.

What we really need, and what the present Administration has failed to articulate, is a new *social* ethic, which would affirm and implement the basic proposition that we have the right to, and the means to assure, both a wholesome environment and economic security.

Unions, such as the UAW, take very seriously the degradation of the environment in the United States and throughout the world. But we also feel obliged to remind Americans who share our environmental concern that the natural and social environments are one. If we are to succeed in making the difficult transition to a society living in harmony with the natural world, we must make a parallel, simultaneous commitment not just to the rhetoric of social justice but to specific legislation and institutional reforms which will insure an equitable sharing of the costs and benefits of environmental improvement, based upon a realistic appraisal of responsibility.

The environmental movement has been too slow to grasp the social and economic aspects of the environmental issue which the movement has so effectively brought to national attention. Non-labor members of that movement have done yeoman's service in creating an awareness of environmental policies. But in failing to come to grips with the politics of environment, they have exposed themselves, as well as the working men and women who should be their strongest allies, to the trap being set for them by corporate polluters.

The challenge of environmental degradation is also too important to be left to the environmentalists, because without support from the American people as a whole, especially from workers and the urban poor or near-poor who are pollution's worst casualties, the environmentalists will be fighting a lost cause. They are the bearers of bad news, and industry is already moving to discredit them as extremists. The new scapegoats, in fact, may well be not those who are most actively polluting the nation and the planet, but those who are sounding the alarm.

We must make a prompt but orderly transition from production and employment bought at an unacceptably high cost in pollution and environmental health hazards, to an economy that can provide economic security and well-being without impairing our finite resources of land, air and water.

Yet again the Administration has no plan to effect that transition. And as long as it remains without such a plan and the will to implement it, it remains in the corner of the corporate polluters, in effect conniving with them in the sordid politics of exploiting the economic insecurity of American workers in order to hold them in line as a captive constituency of the industrial-pollution complex.

American workers, perhaps more than the rest of the nation, have good reason to be foes of pollution. They have confronted it, resisted it, and to a dangerous degree have had to endure it over decades on the job. These in-plant hazards have increased with the proliferation of new toxic substances in recent years. Moreover, workers and their families are most apt to be exposed to the pollution released by industry into the surrounding community, for they are less likely than executives and professional workers to live in residential suburbs. The problem is not that they are advocates of pollution, but that their economic circumstances require them to think first of jobs, paychecks and bread on the table. The Congress has no more serious challenge than that of taking specific actions which will assure American workers and their families of a valid alternative to paychecks earned through working and living in a polluted environment. That alternative, put simply, is the alternative of jobs, paychecks, bread on the table—and a clean environment.

Legislation to give workers the right to sue their employers for damages suffered in plant shutdowns or layoffs resulting from pollution of the environment would be a practical, substantial step toward the creation of such an alternative. It would not only free workers from the fear, skillfully played upon by environment-ravaging employers, that vigorous action to protect the environment must mean loss of jobs; it would give those same employers a powerful new incentive to exert their own best efforts to abate the pollution they are now causing.

Such legislation should give all workers affected both directly, through loss of jobs, and indirectly, through downgrading, the right to sue in federal and state courts. Where the employer is a corporation, there should be the right to sue the corporation, with the officers and directors joined as defendants. This is essential, for in a situation where a corporation operates only one plant, if the shut-down were followed immediately by the dissolution of the corporation, the judgment would be meaningless. The possibility of being held personally liable, would tend to make officers and directors of all corporations more vigilant and diligent in avoiding and promptly correcting pollution abuses.

Damages recoverable should include not only lost wages but the fringe benefits that the workers stand to lose as well as retraining and relocating costs.

It is a widely accepted principle—although one all too often ignored in practice—that the burdens and sacrifices required by an action taken in the service of the interests of the whole society should be shared equitably by *all* who benefit from that action and not allowed to fall disproportionately upon *some* who are innocent victims of it. Certainly purification of the environment is in the interests of all citizens. All of them will ultimately pay in increased taxes and often, unfortunately, in higher prices for steps taken publicly and privately to avoid, eliminate or reduce pollution. Increased taxes and higher prices will also be paid by the workers who stand to lose their jobs, temporarily or permanently, as a result of plant shutdowns resulting from environmental problems. They and their families should not be asked, in addition, to pay with loss of income and valuable fringe benefit protections.

If the legislation is to be effective, workers must be assured of prompt relief from any damages inflicted upon them by the actions of polluting employers. One of the main purposes of the legislation is to free workers from fear so that unscrupulous employers will no longer be able to hold them as hostages in order to continue polluting the environment. That purpose obviously would be nullified if workers envisioned that they might have to wait years, with their families meanwhile subject to severe hardship, while employers take full advantage of all the opportunities for delay that our legal processes afford. It is therefore imperative to assure workers that the protections will be available promptly. The Secretary of Labor should be empowered to join in the suit and to make payments, recoverable from the employer, to the workers in lieu of their lost wages. Payment before judgment is issued, of course, raises the possibility that in some cases the Secretary of Labor might make payments to workers whose suits ultimately will be lost. The risk would be small because enactment of the proposed legislation would create a powerful deterrent to pollution-related plant shutdowns. It would be far less costly to employers to eliminate or abate pollution rather than pay damages and, as a result, few lawsuits would actually be initiated. In any case, whatever small risk of unrecoverable payments might remain dwindles into insignificance by comparison with the potential dangers to all of us from continued and, in some cases, possibly irreversible pollution of the environment by corporations that hide behind the insecurity of their workers.

Ultimately, of course, employers should bear the full cost of compensating their workers for economic harm done to the latter as a result of failure to avoid or correct pollution abuses. It is clear, however, that the government cannot be absolved of blame for its failure to come to grips earlier with the pollution problem. The government's negligence in this matter does not excuse those employers who took advantage of it. But some of them, undoubtedly, will require time to correct what government permitted them to do in the past. Since responsibility in this matter is shared by government and industry it seems fair to ask them to share, during a transition period, the cost of repairing any damage their action or inaction caused to be inflicted upon the families of innocent workers.

While legislation along these lines is focused on protection of workers, it should be emphasized again that that would be but one of its socially desirable results. By assuring workers such protection, it would remove what is perhaps the most serious political obstacle to vigorous and effective legislative and administrative action to minimize industrial pollution of the environment. It would end political blackmail of the kind attempted by Union Carbide because employers who threaten to lay off workers in order to evade their environmental responsibilities would thereby be establishing the right of their workers to obtain damage judgments. Employers resorting to such threats would, in effect be providing additional evidence to support any suit their workers might bring.

At the same time the suggested legislation would provide a powerful financial incentive to industry to abate pollution. As a result, the proposed protective provisions for workers and the lawsuits required to bring them into play would rarely have to be invoked.

This country is racing against a number of clocks that keep ticking whether we are listening or not. The clock of unfilled democratic promises will tick us into a slow decline and exhaustion of democratic conviction and solidarity. The environmental clock will tick us into a slow but steady deterioration of the natural environment and the resource base that make life and democracy possible. These clocks will tick on unless we manage to assert the preeminence of a social and environmental ethic over the cold calculus of private corporate power and irresponsibility.

MAIL-ORDER RETAILING MARKS CENTENNIAL YEAR

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ARENDS. Mr. Speaker, as the new year approaches and as our country looks to a new era of prosperity, I feel it is especially appropriate for us to scan the pages of our history and to compare those American efforts and innovations that have helped bring our people the highest standard of life in the world. I am proud to say that one very important contribution to this standard of living, mail-order retailing, was founded in Chicago in 1872, almost 100 years ago. This industry, which has helped bridge the productivity of our land with the consuming needs of our citizens, will celebrate its centennial of service to the United States in 1972.

Originally, mail-order retailing provided the comforts and products of the city to the countryside, and, although this continues to be true, a new dimension has been added. Mail-order enterprises now also offer the wares of the city stores to the suburbs and make available the convenience of shopping for almost anything without leaving the home.

Aaron Montgomery Ward founded the mail-order business when he established the company that now bears his name. It was a modest beginning in 1872. Mr. Ward distributed to members of the Grange a single sheet which itemized several dozen products which could be purchased and received through the U.S. mail. There were those who doubted the soundness of this approach, but Mr. Ward soon proved that quality goods could be bought sight unseen at a lower price. And, to substantiate his promise, he originated the money-back guarantee.

These early innovations were the basis for what is now a $3 billion business, one of the Nation's largest in terms of employment, sales, and as a patron of the U.S. Postal Service. In fact, I am told that, over the past century, mail-order retailing, through the purchases of mailing services, has generated one-third of the Postal Service's gross revenues, estimated at more than $33 billion.

I understand that, to celebrate the centennial milestone of this record of service, the Mail Order Association of America and the Illinois Special Events Commission have petitioned the U.S. Postal Service to designate mail-order retailing as a theme of a commemorative stamp during 1972. I am pleased to endorse this proposal, and I would encourage my distinguished colleagues to consider endorsing it also.

Mr. Walter Trohan, columnist for the Chicago Tribune, has written a very interesting and informative column on the significance of the mail-order business and its history, and I would request that it be included in the CONGRESSIONAL RECORD along with my remarks.

Mr. Trohan's article follows:

WASHINGTON REPORT: MAIL ORDER'S 100TH RATES A STAMP

(By Walter Trohan)

WASHINGTON, December 16.—For some mysterious reason, probably corporate politics, the United States Postal Service is hesitant on a proposal to honor the centennial of its greatest customer, the mail order business. Senators, representatives, and a wide assortment of public officials and citizens have petitioned the service in vain for a 1972 commemorative stamp.

By rights the stamp should commemorate Aaron Montgomery Ward, the founder of the mail order business, which has generated one-third of the service's gross revenue, more than $33 billion, and still accounts for one-third of today's $10 billion in postal revenues. Ward was not a remarkable businessman, but he was the first man to fight for consumers and among the first to make an issue of environment.

Yet Montgomery Ward & Co., which he founded, has informed the service that it is willing to forgo a stamp in his honor for one noting the centennial of the industry. Some competitors are concerned that a stamp honoring Ward might advertise the company he founded, it was learned at the Postal Service.

Ward was born Feb. 17, 1844, in New Jersey, but grew up in Niles, Mich. In 1866 he boarded a lake steamer at St. Joseph, Mich., where he had been the manager of a retail store, for Chicago to become a clerk in the Field, Palmer & Leiter store, the forerunner of Marshall Field & Company. Later he sold dry goods in Illinois, Iowa, and Missouri.

During the tedious round of train trips to the various communities in his area, Ward conceived the idea of a new merchandising technique, selling to the country people direct by mail. The idea was born because he saw country people longing for the comfort of city folk and often being victimized by monopolists and overcharged by middlemen then necessary to bring manufactured products to the countryside.

In 1872 he began his battle for consumers by founding his mail order firm. In August of that year he issued a single-sheet price list offering 163 items to farmers thruout the Midwest. This was to grow into the catalog which became one of the 100 most important books in America, influencing the American way of life and the lives of Americans for generations.

The new firm weathered the panic of 1873. It prospered because consumers learned that the firm did indeed offer them quality merchandise at lower prices. The technique was copied by other merchants, notably Richard W. Sears and Alvah C. Roebuck, who issued their first catalog in 1896. Sears, Roebuck and Co., became famous not only thru the mail order business but because its management combined it with a chain of department stores in America and abroad, to become a recognized leader in the field.

Montgomery Ward was not content with fighting for consumers in cheaper prices but also concerned himself with their environment. He fought for the preservation of the lakefront, going to court to bar the building of any structures on Chicago's downtown lakefront area. He was not an unreasonable foe of buildings along the lakefront but fought for the protection of what he considered one of the most beautiful city areas in the world.

"I fought for the poor people of Chicago," he said. "Here is a park frontage on the lake, comparing favorably with the Bay of Naples, which city officials would crowd with buildings, transforming a breathing spot for the poor into a showground of the educated rich. I do not think it is right."

Altho he was hated by many in his day, The Tribune said editorially on his death in 1913: "We know now that he was right, was foresighted."

The Postal Service should be foresighted enough to honor his memory.

TRIBUTE TO LEE TREVINO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. EDWARDS of California. Mr. Speaker, all Americans can take great pride in the achievements of Lee Trevino, the Mexican American who overcame the double handicap of poverty and discrimination to become one of the top professional golfers in the world. It is particularly fitting that the GI Forum Women's Auxiliary is paying tribute to him in San Jose, Calif., on January 15. He is the first golfer in history ever to sweep the United States, British, and Canadian championships in a row, and he is, besides, the most exciting player and brightest personality the game of golf has produced in years. No one else has done so much to put fun back into the serious world of this professional sport.

Lee Trevino and his two sisters were born and grew up in a shack on the fringes of a Dallas cemetery where his grandfather dug graves to support the family. His mother, Juanita, worked as a domestic, and Lee himself quit school in the eighth grade to go to work. He caddied and took care of the greens at a nearby country club, and at 17 he enlisted in the Marines, where he eventually rose to master sergeant while developing his game playing on the golf team.

When he was discharged at 21, Lee decided to put his golfing skills to the test. He returned to Dallas, got a job as a pro at a pitch-and-putt course, and soon after started playing at Tenison Park. This was the start of a career that quickly catapulted right to the top. Backers in El Paso offered Lee a job as a club pro. The salary was miniscule, but he earned added income by giving lessons, repairing clubs, and whipping any challengers his backers wanted him to take on.

It was Claudia Trevino, his lovely wife, who finally brought Lee to national attention when she registered him for the U.S. Open qualifying round at Odessa 4 years ago. Lee finished eight shots ahead of the field at Odessa, second in the sectional tournament at Dallas, and a remarkable fifth in the Open itself. From Odessa he has gone on to win practically every tournament he has entered, both in this country and abroad.

Lee Trevino is a hero and a favorite to sports fans and golfers not merely because of his superb skill, but also because of his infectious good humor, irrepressible wit, and genuine feeling for people. At this year's British Open, for example, he was approached by an old Scottish couple. He remembered only their first names, but he also recalled that they had followed him loyally at several European tournaments. He invited them for tea, and this simple, thoughtful gesture is typical of what makes Lee so popular with all who know him.

Lee's quick wit, besides helping his golf game, has also been known to get him out of a tight spot or two. Teeing off at the British Open, he noticed a well-proportioned blonde in a braless pullover and commented on her in Spanish to his cousin and fellow-golfer, Arnold Salinas. Then he whirled and asked the lady, "You don't speak Spanish, do you, ma'am?" The lady said yes, and the crowd howled, but Lee was ready with a retort: "So does my wife, and she's right behind you."

All in all, Lee plays like he lives, fast and hard and joyously, the way he thinks golf should be approached. He always prefers fast play to slow, and hard shots to easy shots, and if he had his way they would all be accompanied by jokes and laughter. I admire these special qualities in Lee Trevino. He has never comprehended the country club world where golf is treated as a life-and-death ritual, where it is played because it is socially beneficial or an occasion to meet clients. To Lee Trevino, golf is better than that, and his unique, personal contributions to this king of games will certainly go down in the annals of sports legend.

GOLFERS STRIKE BLOW FOR RACIAL EQUALITY IN SOUTH AFRICA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BINGHAM. Mr. Speaker, golfers Lee Elder and Gary Player are both to be congratulated for their courage in striking a blow for racial equality in South Africa through the medium of sport. The following story from the New York Times sounds a hopeful note:

Elder Hopeful of Bid to Masters

(By Dave Anderson)

WASHINGTON.—As the winner of the recent Nigerian open golf tournament, Lee Elder reiterated today his hope to be the first black competitor in the history of the Masters tournament.

"I believe I'll be invited to play at Augusta in April," the American touring pro said. "It's up to the Masters committee to recognize me as a foreign champion, as they do the winners of the French open or the German open. But if a place like South Africa can invite a black golfer, I can't see why the Masters can't open its doors."

Elder also competed in South Africa at the invitation of Gary Player, a former Masters champion.

"The past Masters champions also vote to invite one player each year," Elder said. "Gary assured me that I'd have his vote, and he told me that he'd try to influence as many of the other champions as he could to vote for me, too."

The 37-year-old golfer and his wife Rose mentioned that the absence of a black golfer at the Masters has tarnished the world-wide image of the tournament.

"Everywhere we went, people asked about the Masters," said Mrs. Elder. "It's a private tournament, and I don't blame them as much as I do the Professional Golfers Association for not demanding that the top 60 money winners automatically qualify, like they do for every other tournament. Okay, have your private thing, but don't make it a white elephant for the whole U.S."

The Elders were honored here at a luncheon by the Gulf Oil Company, which Lee represented during his Nigerian visit.

"In South Africa, Gary really went all out to see that everything went well for me," Elder said. "It took a lot of guts for a man of his stature to invite a black golfer to compete in South Africa with its apartheid policy."

Elder disclosed that before arriving in South Africa, he was concerned for his life.

"I thought about Dr. Martin Luther King's death," he said. "I wondered if some crackpot would decide not to want me there, if someone would take it upon himself to take my life. But after Gary and the South African golf officials opened their arms to me, I knew that if I was to be shot, quite a few South African natives would have to go down with me."

During the first two days of the South African tournament, the pairing of Elder and Player attracted huge galleries.

"The first day there were about 5,000," his wife recalled. "The second day about 10,000. At one hole, two black ladies were outside the fence of the club, and they were laughing. I was told that they were saying, "That's why they created apartheid here, because they knew the blacks could play better than the whites.' "

Elder mentioned that the South African Government had agreed to several demands before he accepted Player's invitation.

"I asked for multiracial galleries," he said. "I asked for seating on a nonsegregated basis, for freedom for us to go anywhere we wanted to in the country, for the right to select our own lodging and for a free hand in raising money for the Uganda Seminary School.

"There are many things I disagree with about South Africa but I'm a sportsman. Golf is my business. Wherever I'm invited I'll go."

In the Nigerian open, Elder shot 71, 64, 67, 65—267, a total of 17 under par, in winning by five strokes in a field that included eight members of the British Ryder Cup team.

"One thing that really pleased me," Elder said, "is that when I was leaving Nigeria, the officials there made me a brother of the country. And I told them that the brother will return next year to defend his title."

UNITED AUTO WORKERS AND HMO'S

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, on July 21, 1970, Mr. Melvin A. Glasser, director, Social Security Department, International Union of United Automobile Workers, testified before the Senate Subcommittee on Health, on health maintenance organization proposals. He spoke on behalf of the international union and the Health Security Action Council.

I include his testimony as part of the CONGRESSIONAL RECORD:

Testimony on Health Maintenance Organizations

(By Melvin A. Glasser, director, Social Security Department International Union, UAW before the Subcommittee on Health, U.S. Senate Committee on Labor and Public Welfare)

My name is Melvin A. Glasser. I am Director of the Social Security Department of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), and a member of the Health Security Action Council.

I have with me Mr. Max Fine, the Executive Director of the Health Security Action Council and Mr. Jack Beidler, UAW Legislative Director, who are joining me in this testimony.

Mr. Chairman, I wish to express my appreciation to you and the members of this Committee for holding these hearings on Health Maintenance Organizations. This Committee is providing a major service to the American people by examining in depth the many facets of the health care problem in this country. As I hope to demonstrate, it is only through understanding of the problems in depth, and dealing with them concurrently and in an integrated way, that we can provide effective solutions.

I am delighted with the opportunity to discuss HMO's for I have been associated with them for many years. I am a Board member of the Group Health Association of America, and serve on the Board of Directors of the Community Health Association of Detroit initially organized under UAW leadership, and of the Metropolitan Hospital Board, which is associated with the Community Health Association.

Over the years our Union has played a key role in helping to initiate, organize, or encourage development of prepaid group practice programs in a number of communities in the U.S. and in Canada. Our members are participants in prepaid group practice plans in eleven communities. Our stake in them is substantial and our conviction about their essential soundness has been supported by the willingness of our Officers and Board to invest significant sums of money in their programs. We believe, with the Administration and the sponsors of S. 1182, these organizations hold high promise of providing better quality, more accessible, and more economical health services than are generally available today.

And the need for these kinds of organizations was never greater. Measured by any index we can devise—life expectancy, infant mortality, incidence of disease or quantity or quality of health care services available—the health of the American people is deteriorating in comparison with other countries. Two years ago President Nixon recognized the growing health care danger when he said—and I quote—"We face a massive crisis in this area and unless action is taken both administratively and legislatively to meet that crisis within the next two to three years, we will have a breakdown of our medical care system which would have consequences affecting millions of people throughout the country."

The Administration states the "cornerstone" of its program to avoid the breakdown is the Health Maintenance Organization. The President's health message, and the testimony of Secretary Richardson and Assistant Secretary DuVal warms the hearts of many of us who for a number of years have been pointing to the advantages of prepaid group practice, now dubbed with a more marketable phrase, Health Maintenance Organizations.

For example, they point to the lower hospital utilization of group practice subscribers, lower rates of surgery, lower annual costs, which at the same time produce more favorable results in terms of a variety of health indices—premature births, infant mortality, mortality of the elderly—than the outcomes of traditional modes of medical practice.

The President had even more glowing praise for the accomplishments of group practice organizations. Comparing prepaid group practice with what the President describes as the prevailing, illogical, inefficient and isolated system, Mr. Nixon observes that:

"Some seven million Americans are now enrolled in HMO's and their number is growing. Studies show that they are receiving high quality care at a significantly lower cost. . . . Patients and practitioners alike are enthusiastic about this organizational concept. *So is this Administration. . . .*" (Emphasis added.)

With all this glowing rhetoric regarding prepaid group practice, why are we concerned about this aspect of the President's program. Precisely because we believe it is largely rhetoric, with little substance.

The first and perhaps most distressing weakness in the Administration's proposal in S. 1182 is that it does not recognize the essential interrelationship of financing and organization of health services. It proposes that a very small boy do a man's job. I wonder what the stockholders of a large corporation would think of a corporation executive who proposed to bring about a major redesign of an enterprise which spends $70 billion annually, with the investment of $23 million, that is with 0.03% of annual operating revenue. At the same time the proposal incorporates payment of $70 billion in incentives to keep the "system" operating the way it has been; but this is in essence what the Administration's HMO plan does.

S. 1182 calls for HMO's "to provide comprehensive health care services, including institutional services, efficiently, effectively, and economically." But when one looks at existing prepaid group practice plans which provide reasonably comprehensive health services, including preventive services, the funds required by these plans for ongoing operations are greatly in excess of those the Administration is proposing be available in its health insurance financing bills.

For example: Various Administration

spokesmen have suggested that the family premiums under the National Health Insurance Standards Act would run between $350–$390 per annum. The individual, of course, would be required in addition to pay substantial co-insurance and deductibles.

On analysis the average Family Health Insurance Program will cost between $500–$600 per family per annum: largely because the costs of providing health care to the disadvantaged are understandably higher.

Therefore, by the Administration figures, which provides that HMO's may receive up to 95% of the standard insurance premiums, the great bulk of covered families would have available $370 per annum, and the disadvantaged $570 per annum. These figures need to be looked at as a baseline for HMO program costs.

The Harvard Community Health Plan in its recently negotiated contract with the Massachusetts Department of Welfare is receiving $737 per annum for a family of four. This represents a 20% reduction in rates charged in the previous year. The Community Health Association of Detroit has offered the Michigan Department of Social Services a contract to provide prepaid group practice services to the disadvantaged at approximately $15 per individual per month or a family rate of $720 per annum. The Kaiser Plan of Portland, Oregon, a well established Plan with a great deal of experience in working with the economics of medical care, probably has the lowest rates for medical care for the indigent of any HMO in the country. Its base rate is $50 per month to which they add $7.50 for administration, record keeping and for certain outreach functions, bringing the total premium to $690 per annum.

Finally, the UAW negotiated health plans with the auto companies provide less than comprehensive benefits, in that they do not include out-of-hospital, home and office physician services, home health services, visual services, or preventive services. The annual composite premium (combining single and family premiums) for UAW–GM workers in Michigan this year is $672. This figure should be compared with the maximum of $370 to be made available under the Administration's basic insurance proposal.

The burden of these figures, Mr. Chairman, is to document the view the HMO's are meaningless unless they have members. The funds available in the Administration's health insurance proposal will simply not provide anywhere near what is required to support HMO's on a continuing basis.

I recognize that there are two possible replies to this assertion. The first is that consumers will help pay for the costs through co-insurance and deductibles. For the poor and disadvantaged this is largely inapplicable. If they had the funds to share in the costs of medical care they would probably not be eligible for the FHE program in the first place. Furthermore, it goes directly counter to the purpose of the HMO to suggest that economic deterrents would be introduced to delay the individual from using preventive health services and from going for early diagnosis and treatment. Economic deterrents may be sound in automobile insurance; they are not where human lives are at stake.

The second proposition that is frequently advanced is that labor unions and other groups would be free to buy supplementary insurance to make up for the serious shortage in funds in the administration's proposal. This too, however, is unrealistic. In any number of communities where we have attempted to develop prepaid group practice plans we found that either the nature of collective bargaining agreements, or the economics of the industry involved would not provide sufficient premiums to cover the cost of an HMO program. Most workers would have to pay very substantial out-of-pocket additional monthly premiums to join these HMO's. This is a disincentive to HMO development. It is a problem in Providence, R.I. today.

Almost 9 years ago, Mr. Chairman, I was personally involved in Boston, Mass. in attempting to get labor and other consumer groups together to organize a prepaid group practice program. I failed—not because there was lack of interest or support. There simply were not enough funds in the private insurance premiums then being paid to support a health maintenance organization. Under the auspices of the Harvard Medical School a splendid program has now been organized in Boston. It continues to have great difficulties in bringing in enough members to make it economically viable, due to the same factors I encountered 9 years ago.

We in the labor movement believe in HMO's. We support them. Our experience of many years convinces us that they cannot be developed apart from the rest of the health insurance programs. Unless they are an integral part of a sound, properly financed program, they are likely to offer promise combined with disappointment.

When it comes to providing initial support to plan, organize and institute HMO's, again I regret to state there is more form than substance in S. 1182. In the evaluation of Dr. John R. Hogness, President of the Institute of Medicine of the National Academy of Science, "the HMO provisions, as currently conceived, constitute sub-optimal support in many ways and would not appear to be a major threat to the insurance industry at this time. . . .".

The Administration proposes to make available some $23 million to plan and initiate approximately 100 HMO's. In addition, Secretary Richardson proposed that $22 million be made available to cover the early start up period in which members' premiums do not cover the salaries and operating expenses of health plans. These figures exclude hospital bed construction.

Since the Administration believes it will be possible to start 100 HMO's in the first year or so, by Dr. DuVal's estimate somewhere between $100 million and $250 million will be required for the early start up period, not the $22 million to which Secretary Richardson earlier testified. The discrepancy is so great that one questions the realism of the planning. Furthermore, the experience in New Haven, Connecticut; Providence, Rhode Island; Columbia, Maryland and Boston, Massachusetts indicates that the $230,000 planning funds are far too low, and the year or so for organizing is certainly not borne out by current experience.

For the record, Mr. Chairman, the Community Health Association of Detroit took some four years to plan and organize, and required an investment from the UAW of $7,600,000 to make it a viable institution. This included the purchase and remodeling of a 170 bed hospital.

One of the most recently developed and carefully planned HMO's, the Community Health Care Center Plan of New Haven, Connecticut, has been in the planning and development stages for over four years. It has made no investment in hospital beds because it will be using the Yale Medical School hospital. It will admit its first patient early this fall. Its cost to date is estimated at $4,669,000.

Another aspect of the Administration's proposal that troubles us is the wide open invitation that is given to profit-oriented financial interests to come into the field. Yesterday, Dr. Duval stated, "the HMO concept is based upon the same principles as the established prepaid group practice plans embodied in such groups as the Group Health Association in Washington, D.C., and the Kaiser Foundation Health Plans on the West Coast." I do not believe the Administration's spokesmen and those of us who have been associated with prepaid group practice over the years have the same understanding of the principles. Financial interests and insurance companies make investments for the purpose of receiving profits in return. Health programs make investments for the purpose of securing health returns.

We are deeply concerned that the many profit-oriented groups who are now studying the HMO's in S. 1182 and negotiating with HEW, see them as devices to make a "quick buck" while receiving "start up" support from the taxpayer. There is no evidence that these private enterprise corporations will be directed to quality performance.

On the contrary, we believe, Mr. Chairman, your Committee's knowledge of the serious problems created for the health care system when 90% of the nursing home beds in this country are privately owned and operated for profit and are almost continually being exposed as institutions which often provide miserable patient care, should raise serious doubts as to whether profit-making belongs in health services. The reports of the inadequate, slipshod and often erroneous findings of private for profit laboratories paid by Medicaid and Medicare raise further doubts. These experiences, and the dubious ethics and escalating costs when physicians directly or indirectly have financial interests in drug stores and health care institutions, as well as the stockmarket manipulations of private corporations who entered the health care field to take advantage of the public funds available under Medicare and Medicaid, should cause the Congress to pause a long time before these evils are perpetuated through the health maintenance mechanism.

It is our view that health is not simply another commodity available in the free marketplace like soft drinks and washing machines. It cannot and should not be subject to the values of those whose motives are fiscal rather than human.

And it concerns us, as I believe it will your Committee, that there appears to be every likelihood that it would be the "for profit" HMO's which would receive major stimulus, leaving relatively little of the available funds for non-profit health oriented prepaid group practice developments.

Yesterday, Dr. DuVal testified that 60 new HMO's can be planned and 50 others begin operations during the present fiscal year. Yet I call to your attention that neither the Congress nor the general public has yet been let in on the regulations, the guidelines, or the standards to be required of HMO's. It is not reassuring to speculate about the type of HMO program which may receive generous support.

We can well imagine a string of HMO's being developed and franchised around the country, like McDonald's hamburgers, for the benefit of profit-motivated HMO management, and with the government underwriting the costs.

Never mind the absence of quality controls.

Never mind the strong encouragement of such socially abhorrent practices as experience-rating in which the sick, the poor, and the minorities are not wanted.

Never mind even the additional costs, for enrolling the healthy will not provide relief for the sick. And we have 25 years of experience with the private insurance industry which has demonstrated again and again their use of selective underwriting to assure that they can and will select the good risks for their programs.

There is deep concern among many of us who have worked in this field for years over the absence of defined standards, the looseness of participation requirements and the open invitation for the profit-makers to move in on the taxpayers.

If the purpose of the Health Maintenance Organization proposal is to be realized, it is important that both consumers and providers of health care services have effective incentives to cause them to develop and to join HMO's. However, in our judgment, the Administration's program provides no such incentives. Indeed as each new piece of evidence emerges in the form of Administration testimony, one sees greater reliance on the existing system and the status quo, than on HMO's.

There is evidence neither in S. 1182 nor in the Administration's statements to date that consumers are to have any meaningful role in the development of the new programs. We believe every HMO which receives any support from public funds should be required to have substantial consumer participation from the onset of planning to the operation of the program.

In reporting on the chaotic and crisis ridden conditions in health care in this country, the Citizen's Board of Inquiry into Health Services in America last year stated "consumers have no real or effective role in the planning, organization, or delivery of health care. Providers and other health care professionals are firmly in control of our health care delivery system. Consumers and providers, because they are pursuing different and usually competing interests, are often at odds in determining what health services are needed and how they should be delivered."

S.1182 perpetuates this inequity. In 1971 it is not likely, in our judgment, that new health programs will succeed without meaningful consumer participation.

We feel obligated, too, Mr. Chairman, to bring to your attention our grave misgivings about the concept of providing priority in S. 1182 to "medically underserved areas". Our experience with poverty health programs for the poor leads us to believe that HMO's, as embodied in this Bill, will further perpetuate the separate but less equal system of health care for the poor we have in this country.

Our extensive contacts with the poor and with minority groups convince us they do not wish to have special services. They wish to share in decent services which all Americans should have. Furthermore, experience in attempting to organize health care programs for so-called disadvantaged areas again and again has demonstrated that it's exceedingly difficult, if ever possible, to develop quality services in isolation, no matter how much money is expended on them. The many studies of the public charity hospitals—Bellevue in New York City, Cook County in Chicago, and LA County in California—provide striking evidence that expenditures of large sums for health care of poor people isolated from the rest of the health system are counter productive.

In addition, this is the most expensive way of providing prepaid health services. When HMO's spread costs over the good risks and the poor risks far better assurance is given to the economic viability of the programs.

Mr. Chairman, we have been highly critical of the Administration's HMO proposal—not because we wish to be negative, but because we believe in its objectives. Based on substantial experience, we are convinced that the objectives of this proposal cannot be achieved apart from the objectives of the complex of health insurance proposals before you. We are convinced that the absence of sound standards, the open invitation to profit-making organizations to feed further at the public trough, the absence of consumer participation, the lack of realism in financial and organizational planning, and the further encouragement of separate programs for the poor, make it highly unlikely that S.1182 can be anything other than another diversion, another small program of limited usefulness.

But we have not come here today simply to be negative; we believe in HMO's. We believe it is crucially important that the system for the organization and the delivery of health services in this country be restructured. There is before the Congress a proposal which we are convinced will develop HMO's more rapidly and more realistically and bring about the other essential changes in America's health care system. This is the Health Security Bill S. 3 now before the Congress.

Organized labor and dozens of other consumer, professional and civil rights groups are supporting this Bill because it deals realistically with financing and restructuring at the same time. It provides for the leverage of large public funds, the total income of the health care system, to offer the incentives to change. It sets standards for new types of health delivery organizations. It makes possible the development of a multiplicity of new patterns. It does not use the weight of massive premium income to give primary support to the existing ineffective solo practice, fee-for-service system, although it enables it to continue for those who wish it. It eradicates the concept of separate but less equal services in health care. Through the Resources Development Fund, it makes available annually sums of money far in excess of those proposed by the Administration to encourage innovative experimentation and change.

It is the only health program before the Congress which provides universal coverage, comprehensive and equal benefits for all, and effective controls on both the costs and the quality of health services.

There are some, Mr. Chairman, who have questioned S. 3 because it is too ambitious, because they believe that change should be brought about on a piecemeal basis. Our examination of S. 1182 today, I believe, is a convincing case illustration that the piecemeal approach is self-defeating.

Bagehot, the British historian, once said it is not possible to get across a chasm in two leaps. America faces a chasm in its health care.

THE APHA'S VIEWPOINTS ON HMO'S

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, the American Public Health Association, which has done such excellent work in informing the public about issues in public health, has developed an analysis of health maintenance organization proposals now before the Congress.

I include the analysis as part of the CONGRESSIONAL RECORD:

HEALTH MAINTENANCE ORGANIZATIONS: A POLICY PAPER

I. INTRODUCTION

In response to the widely recognized crisis in American health services, various recommendations have been offered to modify the "delivery system." In tandem with some type of national health insurance, it is proposed that organizations be established to assure responsibility for the total health care of defined populations, on the basis of fixed annual contracts.

The concept of these organizations is not new. With varying degrees of comprehensiveness, they have functioned in the past and are functioning under the designation of "prepaid group practice plans," "health co-operatives," "medical foundations," "comprehensive health insurance programs," or by other names. With somewhat wider implications on their role, these organizations are now being designated by the current federal administration as "health maintenance organizations" and special bills have been introduced in Congress to promote their formation (e.g. 92nd Congress, H.R. 5615, the Health Maintenance Organization Assistance Act of 1971.) The Health Security Bill (introduced by Senator Edward M. Kennedy as S. 3 in the 92nd Congress) speaks of them as "comprehensive health service organizations." The "Ameriplan" proposed by the American Hospital Association calls for "health care corporations" to be organized in each state. To generally describe these various types of health entity, this document will speak of "health maintenance organizations" (HMO), since this phrase has gained wide currency.

II. BASIC POLICY

The American Public Health Association considers the encouragement of effective Health Maintenance Organizations, as defined in this document, as sound policy for the production of the public health. Within the definition of HMO, however, a wide range of features, with greater or lesser soundness, is possible. This document will discuss the major issues involved in terms of (a) financial support, (b) services, (c) population coverage, (d) patterns of delivery, (e) sponsorship, (f) special safeguards required, and (g) implementation.

With respect to each feature, the general issues will be defined, followed by a position of the American Public Health Association on the issues. Some of the issues are complex and elusive, so that it is only feasible to suggest a general policy orientation, the details of which would require decision at future times and places.

Relevant to this policy statement on Health Maintenance Organizations, the APHA must emphasize that personal health services are only a part of the total health protection of individuals; provision of a safe and healthful environment is fundamental at the same time. Moreover, the basic dependence of health on the total social setting in the community and nation must never be overlooked.

III. FINANCIAL SUPPORT

The current wave of interest in Health Maintenance Organizations has arisen in connection with the mounting discussion of national health insurance. With observation of rising expenditures for medical care, and anticipation of a shift of greater shares of these from the private to the public sector of the economy, there is mounting concern that the money be wisely spent. HMOs are seen as a mechanism for promoting this objective.

Yet there is a danger that an HMO movement might be promoted as a diversionary strategy, in substitution for national health insurance. While HMOs have value, therefore, under various forms of economic support, it is important that their development be promoted in association with and not in place of a program of national health insurance.

The HMO idea represents, indeed, a combination of a financial arrangement with a health care delivery system. The financial arrangements, including methods of determining the amounts of payment, are an essential aspect of the HMO.

Methods of payment for medical care in the prevailing health system, based on concepts of cost or charge reimbursement, fail to provide incentives for efficiency and economy. Financial arrangements and methods of payment should properly stress economy and efficiency, without loss of quality. This requires adherence to the principles of prepayment of a fixed amount for a designated period of time, using appropriate budgeting or other prospective plans, and calculated on a per-person or per-family basis.

Some proposals would base the per capita premium payments on an amount calculated as a certain percentage (e.g. 95 percent) of the expenditures (actuarially adjusted) for covered services rendered to beneficiaries in an area through ordinary non-HMO-type arrangements. Such financial arrangements, however, ought not to discriminate against HMO development in areas that are currently-served or which have low per capita expenditures for health care at present.

APHA Recommendation. Whether or not national health insurance, covering the entire population for a wide range of benefits, is enacted, there is great value in promotion of effective HMOs.

To reach the populations in greatest need of health care and to have stability, with potential for sound growth, it is important that HMOs be provided adequate and continuing financial support. Therefore they should preferably be promoted under the umbrella of a program of national health insurance, covering everyone with economic protection for comprehensive services.

Regarding detailed financial arrangements for support of HMOs, they should be paid in advance on a per capita (including per family) basis for the services coming under their responsibility. The premium payable should be calculated by the HMO to be reasonably related to the budgeted needs of the organization—this amount to be negotiated with the purchasers of HMO services. With respect to financial support from governmental programs for their beneficiaries, payments could be based on amounts less than, equal to, or more than the average expenditures of the program in an area for the range of covered services provided through non-HMO arrangements. Determination of whether or not there would be equal or higher capitation payments in an area should depend on the need for encouraging location of an HMO in that area or on the adequacy of current expenditures for covered services in the area.

IV. SERVICES

A Health Maintenance Organization should theoretically take responsibility for a totally comprehensive scope of personal health services. This responsibility could be assumed by either (a) direct provision of, or (b) arrangement for, the health services, or (c) both these methods.

The range of possible services may be defined along several dimensions. In terms of a time sequence, they may be categorized as: (a) health promotive and preventive, (b) diagnostic, (c) emergency, (d) acute medical care, (e) long-term care, and (f) rehabilitation. In terms of place of care, the benefits may be categorized as (a) ambulatory, (b) in-patient, and (c) home care.

As a practical matter, health service programs usually find it necessary to categorize benefits along still another dimension—the technical modality involved in the delivery of the service. By this dimension, a full range of personal health services would include the following:

(1) Health education, case finding, and other preventive services—including environmental health services insofar as necessary;

(2) Primary health care (including services of physicians, nurses and allied health personnel) in the office or clinic, the hospital, or the home—including emergency care;

(3) Specialist physician care (including services of allied health personnel) at all places;

(4) Hospitalization in short-term general hospitals;

(5) Long-term hospitalization in general and special (mental, tuberculosis, etc.) institutions;

(6) Complete dental care;

(7) Laboratory, radiological, and other special diagnostic examinations (EKG, EEG, etc.);

(8) Radiation and other special therapies;

(9) Prescribed drugs (including blood administration);

(10) Skilled nursing home or extended care facility services;

(11) Home health services;

(12) Ambulatory mental health services;

(13) Active in-patient psychiatric care;

(14) Special nursing services; including allied nursing personnel;

(15) Rehabilitative services, including physical, occupational, and speech therapy;

(16) Vision care, including eyeglasses;

(17) Prosthetic appliances and equipment (hearing aids, braces, wheelchairs, etc.);

(18) Medical-social services;

(19) Podiatry services;

(20) Transportation to services, when medically necessary, including ambulances;

(21) Other services, such as nutritional consultation.

It is evident that any listing of this type entails certain logical inconsistencies. Virtually all the above categories of service have implications for prevention and rehabilitation, as well as for diagnostic and curative purposes, even though special services for prevention and rehabilitation (categories 1 and 15) are identified separately. These semantic difficulties spring from the pluralistic nature of our health care system, and they will hopefully disappear as a more integrated and comprehensive system is developed.

With respect to Health Maintenance Organizations, all the above services may be offered (directly or indirectly) within a certain geographic area where the HMO is located. Special arrangements would then be necessary for "out-of-area benefits," when an HMO beneficiary is away from this home area or is referred elsewhere for certain services.

APHA Recommendation. As a general policy, the APHA favors the widest possible scope of direct service (rather than indirect arrangement for them) by the HMO.

In practice, this ideal policy will doubtless require adjustments to various social and environmental realities. In any event, an HMO should always stress preventive service, early medical care, and continuity over time. It should also take an active rather than passive approach to health services, reaching out to identify the needs of its members.

As a *minimum* desirable array of services for which the HMO would take financial responsibility, the APHA recommends the following:

(1) Health education, case finding and other preventive services, as above;

(2) Primary health care, as above;

(3) Specialist care, as above;

(4) Hospitalization in short-term general hospitals;

(5) Laboratory, radiological, and other special diagnostic examinations;

(6) Ambulatory mental health service;

(7) Prescribed drugs (including blood administration costs), preferably by generic names;

(8) Suitable *alternatives* to active care in a general hospital (in skilled nursing homes or organized home care programs), but not solely custodial in purpose;

(9) Radiation therapy;

(10) Dental care, exclusive of purely cosmetic orthodontics;

(11) Rehabilitation services, including physical, occupational, and speech therapy;

(12) Vision care, including eyeglasses;

(13) Prosthetic appliances, as defined above;

(14) Ambulance services, when necessary;

(15) Medical social services.

All the above services should be available on a 24-hour basis, as may be necessary and should maintain high quality standards. It is to be noted that no limit of days is suggested for general hospital care; this should be a matter for medical determination. Institutional care, however, would not be a minimum requirement for HMOs, except when this is an alternative for active care in a general hospital.

With respect to each of the 15 categories of service listed, direct provision by the resources of the HMO is the preferred mechanism; indirect arrangement, through some form of sub-contract or agreement with independent providers, is the second choice.

All of the above 15 types of service, it is realized, might not be immediately feasible for an HMO, either because of lack of available resources or the inability of an enrolled population to purchase them. Insofar as this is true, the first 8 services listed are proposed by the APHA as an absolute minimum for HMO validation, beyond these, the sequential order of services listed should guide decisions on HMO development. With respect to services not included in the above list, however (e.g. mental hospital care or podiatry), indirect arrangements for services would be acceptable. Such supplemental services need not be under the financial responsibility of the HMO.

V. POPULATION COVERAGE

A key feature of Health Maintenance Organizations is the assumption of continuing *responsibility* for the health care of a defined population at all times. It follows that people must, in some feasible way, be enrolled in the HMO, and they must be accessible to its services.

Under traditional American principles of "free choice," any person should be free to join or not to join an HMO. Thus, the proportion of the national population covered by HMOs might vary from zero to 100 percent.

APHA Recommendation. As a general policy, the APHA recommends that HMOs be available as an option to the whole national population, and that people be encouraged to enroll in them. The degree of achieving this objective will depend on the efforts at implementation (see below).

In order to assure the availability of HMOs to populations in medically underserved areas, it is important that medical resources be strengthened in such areas with emphasis on provision of trained manpower. This requires special support for the development and ibprovement of health facilities and the expansion of health manpower in inner city ghettoes and low-income rural areas. Adequate transportation is also essential.

At the same time, there would be hazards in development of HMOs exclusively for the poor. The quality standards of such organizations might have a tendency to deteriorate, even with adequate financial support. Therefore, geographic (area-wide) planning of HMOs should consciously attempt to encompass persons of a wide range of social classes in each organization. Obviously, there should be no means test or any other bar to enrollment in an HMO based on race, creed, color, political belief, or any other personal characteristic. This may require special measures to deal with the problem of children and dependent adults.

The number of persons enrolled in an HMO is relevant to its programmatic, fiscal, and administrative soundness. It is difficult now to state an absolute number of persons which should be minimum or maximum HMO enrollment. As a general policy, the population covered within a particular HMO should be large enough to achieve fiscal soundness for the adequate provision of the minimum scope of health benefits proposed above (for example, a large enough hospital if such a facility is operated by the HMO). For a maximum size, the limit should be placed at the limit of effective controls over quality, access, and economy of health care.

VI. PATTERNS OF HEALTH CARE DELIVERY

There is an almost infinite variety of patterns by which health services may be delivered, considering the many modalities summarized earlier and the many circumstances of time and place. In brief, however, these patterns may be epitomized as the "individual provider model" and the "group provider model," which might be applied within an HMO.

The *individual provider model* of physician's care, for example, has been the prevailing one in the United States. Under this model, physicians work in solo or independent practice, usually receiving reimbursement on a fee-for-service basis (although other mechanisms of payment might be possible). Each pracitioner—generalist and specialist—has certain informal relationships with the others. Fee-for-service financial claims might be subject to some sort of professional and scientific quality control and standards before payment.

Similar patterns of activity apply to other types of health service under the individual provider model. With respect to dental care, drugs, physical therapy, and other modalities, an HMO could provide or arrange for these services through individual practitioners. Likewise for hospital care, the individual provider model would involve services by separate and sovereign hospitals of different sizes and functions.

The *group provider model* of physician's care has typically been known as group practice. Under this model, physicians work in teams of generalists and specialists, along with various allied health personnel. Remuneration is principally on the basis of drawing accounts or salaries (full-time or part-time) or through other schemes not related to units of service rendered. In the facility operated by the medical group, it is feasible to have a wide range of diagnostic and therapeutic equipment.

Corresponding patterns could apply to other elements of health care under the group provider model. Dental care, for example, under an HMO, might be furnished by teams of dentists and allied personnel. Moreover, grouping might apply to various technical modalities, so that dentists, pharmacists, physical therapists, and others work together on the same team with physicians, Hospitals, under the group provider model, would be part of a regional network, in which services are graded according to the capability of each facility. Basically the group provider model would mean coordinated organization, both horizontally and vertically, involving all specialized types of health personnel and facilities.

The above description of the two basic models for health care delivery is somewhat over-simplified. In practice, a particular HMO might encompass use of the individual provider model for some services and the group model for others. Within one HMO, the group model might be feasible at certain locations, while the individual model (for example, in a thinly settled rural area) might be best at other locations.

APHA Recommendation. In general, the APHA favors maximum use of the group provider model for HMOs, wherever feasible. It is this pattern which can best offer coordinated, rather than fragmented, service and continuous, rather than episodic, medical care. Nevertheless, it is recognized that an HMO using the individual provider model would still constitute progress over current prevailing patterns of medical care.

The group provider model permits maximum use of ancillary personnel, with appropriate supervision, in the interests of economy. The teamwork of personnel with various specialized skills promotes quality of work. Under salaried remuneration, incentives for maximizing services (often beyond medical necessity) are eliminated and replaced by the incentives of peer review and merit promotions. Economies of scale can be achieved, and modern management techniques can enhance the efficiency of all personnel. Coordination among all the personnel involved in health care permits more sensitive response to the needs of the whole patient, as well as continuity of care over time. The available evidence suggests that the group provider pattern, along with prepayment mechanism support, yields lesser rates of hospital use, at considerable savings. It also appears to yield a better health status outcome, as reflected by lower mortality rates in the population served, compared to matched populations served under the individual provider model.

It is realized that the HMO concept, with its fixed annual contract for assurance of health care to a population, could yield economies under either the individual or the group provider models. Even with fee-for-service remuneration to individual practitioners, economies could be attained through proration of fees, if necessary, under the constraint of an annual per capita contract. Moreover, formally organized relationships among the various providers of service in an area would be necessary under either the individual or group provider model of HMO. The objectives of quality promotion, prevention, and coordination, however, could more easily and successfully be reached under the group provider model. For these reasons, the APHA favors use of special incentives to encourage the group provider pattern of health care delivery in HMOs.

VII. SPONSORSHIP

The pattern of structure and operation of an HMO is bound to be affected by the body sponsoring its formation. There are several types of existing entity which might have potential for sponsoring or becoming health maintenance organizations. Among these are:

(1) Consumer associations (including labor unions);

(2) Employer-employee groups (including health and welfare trust funds);

(3) Industrial corporations;

(4) Medical societies;

(5) Medical group clinics;

(6) "Neighborhood health centers;"

(7) Community hospitals;

(8) Teaching hospitals and/or medical schools;

(9) Local government agencies (such as Health Departments);

(10) Non-profit health insurance plans (such as Blue Cross or Blue Shield);

(11) Commercial insurance companies;

(12) Other private medical enterprises.

These, and potentially other types of sponsoring entity, might be already in existence or newly formed for the purpose of establishing and operating an HMO. Conceivably, combinations of the above entities such as groups of hospitals, consumer associations combined with neighborhood health centers, or employer-employee groups combined with medical group clinics might so function.

Under any form of sponsorship, a range of services might be offered by an HMO, as well as various mixtures of population coverage and various patterns of health service delivery.

APHA Recommendation. In the light of past experience and the probable incentives associated with diverse forms of sponsorship, the APHA recommends that certain types of sponsoring agency are more likely to achieve HMO objectives than others. In general, these are sponsoring bodies which are both: (a) public or non-profit and (b) influenced by substantial consumer participation. Among the 12 types of sponsoring body listed above, special encouragement should be given to the formation and operation of HMOs by organizations which meet both of these criteria. This should be done through priorities applied in the implementation of HMOs (see below).

VIII. SPECIAL SAFEGUARDS REQUIRED

In the operation of the HMO concept there are certain hazards. The pursuit of economy can lead to the deterioration of the quality of health care, if surveillance is not diligent. Accordingly, certain safeguards are necessary.

APHA Recommendation. To prevent the distortion and even corruption of the HMO idea, the APHA recommends the following specific operational safeguards.

(1) Equitable selection of risks should be assured in the enrollment process. HMOs should be prohibited from excluding from membership persons with a high risk of illness, such as the aged, the disabled, or the poor. Within a reasonable range of variance, each HMO should be expected to enroll persons with a wide spectrum of liabilities to ill-health.

(2) Economies in the use of services should be reasonable and not at the sacrifice of quality. Thus, controls over excessive use of hospitals, diagnostic tests, or prescribed drugs should not result in reductions of such services below the level of patient needs. To assure this, continuous surveillance, through "medical audits," enrollee evaluations, and other mechanisms, will be required.

Beyond these two basic safeguards, others would be required with respect to the features of particular HMOs. If an HMO receives priority support because of consumer-participation or sponsorship, the consumer role should be determined to be truly operative in planning, policy determination, and in review of services. A "non-profit" HMO should be ascertained as genuine and free from under-the-table bonuses or other forms of subtle profit-making. If preventive services are offered in the spectrum of services, evidence should be furnished that they are really furnished to all HMO members.

To exercise these safeguards over HMO operation, public agencies should be responsible. These monitoring agencies should function within state governments, applying federal standards and criteria. In the mechanisms for such monitoring there should be a majority of consumer representation, to give reliability to the concept of public accountability. As much as possible such mechanisms should be insulated from domination by health care providers and from partisan political interference. The interests of children and dependent adults shall be adequately represented.

In addition to such surveillance functions, these public agencies should play a positive role in improving the general health care delivery system. They should promote sound use of all health resources by HMOs, fair competition among them, effective application of quality controls, and general extension and development of the HMO concept.

IX. PROMOTION AND IMPLEMENTATION

In order to modify the health care delivery system through promotion of the HMO concept, several practical steps would be necessary. The problems in establishment of HMOs are numerous, and there are many barriers between the theory and the practice. To implement the idea, deliberate actions are possible, from federal and state governments, in the way of encouraging HMOs along sound lines.

APHA Recommendation. Among the many steps that might be taken by government to promote HMOs, the following are recommended by the APHA.

(1) Federal grants for planning and organizational purposes should be given to non-profit and governmental bodies for the establishment or further development of HMOs. These grants should be available to meet construction costs, initial staffing, and other start-up costs. The most generous grants should go to sponsors of HMOs serving disadvantaged populations. In addition, for initial operating costs, low-interest loans should go to young HMOs until they reach a period of financial solvency.

(To acquire funds for such assistance grants, substantial new federal funds should be appropriated. A government strategy which expands support of one program by cutting needed support from another only serves to fool the people.)

(2) Technical assistance should be offered by the government to local bodies or groups of consumers interested in forming or enlarging HMOs. The Department of Health, Education, and Welfare should appoint and assign consultants for such assistance including consumer leadership development. Non-governmental persons, with knowledge or experience in the HMO concept, should also be engaged for technical assistance to states and local bodies.

(3) In the operational phase of a national health insurance program, financial incentives toward HMO implementation should be provided. To encourage doctors and other providers to participate in HMOs, administrative policies should permit an HMO to retain a certain percentage of the difference between its costs and the average health care costs of the unorganized sector. Thus, efficiency in health care delivery would be rewarded through higher net earnings of the component providers. Other methods of rewarding continued efficiency should also be explored.

(4) To attract persons into HMO membership, a wider range of benefits should be authorized than those available to persons obtaining their health care through the unorganized sector. It will also be necessary to support a massive educational program, to acquaint the general population with the HMO concept. Since this concept differs from traditional patterns of medical care, such education would probably be necessary for attraction of enough members into HMOs.

(5) Legal barriers in the states, which would obstruct the formation or development of HMOs, should be eliminated. In general, these barriers are laws restricting the "corporate practice" of medicine or the sponsorship of prepayment health care plans. The states should be induced to eliminate these restrictive statutes or the latter should be struck down under constitutional prerogatives of the Federal Government. Moreover, state laws for licensure of health personnel and facilities should be modified to permit (a) reciprocity between states and (b) flexibility in developing new classes of health personnel to meet pressing needs. Such reciprocity and flexibility would be necessary for proper staffing of HMOs.

(6) To permit exercise of the safeguards mentioned earlier on risk selection and quality maintenance, techniques for monitoring HMO performance must be developed. Surveillance agencies in government must develop evaluative tools for measuring the health status outcome of the services reaching populations. The quality of care and cost-benefit analyses should depend increasingly on information about health and disease experience, rather than merely the structure and process of medical care. Government agencies should support the data-collection systems necessary for such evaluations, both inside and outside HMOs.

Beyond these six specific actions for implementation of the HMO idea, the APHA repeats the all-important necessity for a program of national health insurance. Only through adequate and universal economic support can the HMO idea be effectively implemented.

TURNER ROBERTSON RETIRES

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. FISHER. Mr. Speaker, the pending retirement of Turner Robertson as majority chief page comes as a keen disappointment to all of us. Through 41 years of faithful service to this body, he has earned and attained a high degree of respect and appreciation by the entire membership.

To me and to most of those who have served here, he has always been a friend. Always quiet and modest, I doubt that he has ever been criticized by anyone. The quality of service he has rendered should be emulated by all public employees.

To Turner and his family I extend my best wishes.

ROBERT TYRE JONES, JR.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. CONTE. Mr. Speaker, one of the true giants of American amateur athletics, Robert Tyre Jones, Jr., has lost his final match—a 20-year battle with a crippling disease.

In an age where athletes sell deodorant and hair tonic and bargain for seven-figure contracts, I feel compelled to recall Bobby Jones' love affair with the game of golf, an affection which led him to passionately protect his amateur standing, he resisted all attempts to commercialize upon his success and played golf only because he loved it so. When he retired at 28, there were no more courses to conquer.

Now only Jack Dempsey remains from "The Big Four of Sports"—Jones, Dempsey, Babe Ruth, and Bill Tilden—whom we followed so diligently and admired so deeply during our youth. But Bobby Jones was my favorite, and I am sure there are thousands across the country who share my feeling and truly mourn his passing.

I need not recount the records he set, especially the never-equaled "Grand Slam of Golf." The tournament he founded, the Masters, continues to bring enjoyment to millions of people throughout the world each year.

I would, however, like to pause a moment to remember his honesty, decency, and commitment to fair play. When praised for his sportsmanship, Jones commented:

> There is only one way to play the game, and any decent man should know which way that is. You might as well praise a man for not robbing a bank.

I am certainly not praising Bobby Jones for not robbing a bank, but rather for setting a standard of gentlemanly conduct which still leads the way on the golf courses of America and throughout the world. He passed this same sense of honor and dedication to decency onto his son, Robert T. Jones III, who was for many years a resident of my congressional district.

Now, golf has lost "the Great Master," and America has lost one of her finest citizens. My deepest sympathies go out to his wife, his son, and his three daughters, and to all those sports fans in every corner of the globe who respected him as I did.

ILLEGAL ALIENS ADD TO CALIFORNIA'S ECONOMIC WOES

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the influx of illegal aliens into California and our Western States has worsened an already bleak economic picture.

In Los Angeles County alone, it is estimated that there are about 1 million persons in need of some form of assistance. About one-quarter are people who can be classified as "disadvantaged"—poor and unable to get work.

These people are especially hard hit by the presence of illegal aliens in the labor market.

According to a study by Dr. Paul Sultan, professor of economics at the Claremont Graduate School, illegals during the past 5 years have gradually been moving from agriculture into industry.

Some of his findings:

First. Illegal aliens in the California work force are increasing at a rapid rate.

Second. Apprehensions in the California farm work force increased from about 14,105 in fiscal year 1967 to about 67,437 in fiscal 1970.

Third. Illegals are in the agricultural work force an average of 6 months or more.

Fourth. Some 60 to 75 percent of those apprehended return to the United States at a later date.

Mr. Speaker, Manpower Administration records in San Francisco show that illegals are finding employment in every conceivable type of occupation, from giant conglomerates to the "mom and pop" corner store.

Immigration records in San Francisco list some 2,500 firms and individuals who employed illegals between January 1968 and December 1970, primarily in low-wage and low-skill industries.

These are the jobs they are taking from our own disadvantaged.

According to the Department of Labor's Manpower Administration, the entire State of California had "substantial unemployment"—the most severe category—in August. Most of the State has been in this category all year.

In the Los Angeles-Long Beach area alone, there were almost 250,000 unemployed in August, up from 224,000 the year before. In the San Francisco-Oakland area, the rate was 93,700 compared with 74,700 the year before.

The nine major labor areas in the State had a total of 505,800 unemployed in August. In 1970, the total was 431,100.

A good chunk of this increase has obviously been caused by the upsurge in employment of illegal aliens.

PADRAIC COLUM HONORED

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. FLOOD. Mr. Speaker, Mr. John P. Cosgrove, president of the American Irish Foundation, recently led a delegation of dignitaries to Enfield, Conn., to honor Padraic Colum, the grand old man of Irish letters, on the occasion of his 90th birthday. The world-renowned writer was presented with a cash award of $2,500 and a scroll of appreciation by Mr. Cosgrove. Ambassador William Warnock, of Ireland, and Joseph Gannon, of Boston, a foundation director, participated in the ceremony at Enfield, where Mr. Colum now resides.

Mr. Cosgrove, a highly respected Washington journalist for many years, and former president of the National Press Club, is a native of Pittston, Pa., a city which I have been privileged to represent in the House for nearly a quarter century. He became president of the American Irish Foundation earlier this year, and was recognized for his efforts for American Irish culture by Prime Minister John Lynch at the Irish Embassy last March.

The American Irish Foundation was founded in June 1963, under the patronage of President John F. Kennedy and President Eamon de Valera. Both Presidents recognized the long historical association between Ireland and the United States, and the innumerable contributions to their mutual cultural growth and scientific development. Both Presidents were concerned that this association would remain as viable and meaningful in the future as it had in the past, and that the people of both Ireland and the United States would enrich for future generations their cultural legacy of the past.

The American Irish Foundation was created as the means through which this rich historical association could be sustained. Its purpose was simply expressed at that time: To cultivate and nurture an enduring cultural, scientific, and business exchange program of people and ideas to the mutual satisfaction and benefit of both counties.

Following President Kennedy's untimely death, President Lyndon B. Johnson joined President Eamon de Valera as honorary chairman, stating:

> It is indeed an honor to lend my support to a project which both President de Valera and the late President Kennedy helped establish and which we all hope will prove of mutual benefit to both our countries.

The American Irish Foundation endorses and supports the following activities:

The advancement of cultural, intellectual, educational, literary and scientific reations between the United States and Ireland.

A reciprocal exchange program of grants and fellowships for American and Irish students, teachers, lecturers, writers, musicians, artists, and professionally and technically educated men and women to study, teach, lecture and perform in each other's country, independently of or in cooperation with American and Irish colleges and universities.

The interchange and distribution to members of cultural and scientific publications, both fiction and nonfiction.

The production of motion picture films for distribution to American schools and the lay public.

A cooperative program with American Irish organizations and associations to assist them in carrying out objectives mutually beneficial to both countries.

A cooperative program with American and Irish business companies and corporations in building and sustaining bridges of trade and commerce to the mutual benefit of peoples in both countries.

Cooperation with other educational societies in the restoration and preservation of Ireland's national monuments of historical and architectural importance, and in obtaining and preserving for future generations historical amenities of the countryside already a part of Ireland's rich national heritage.

The citation presented by the foundation hailed Mr. Colum for his skill in making the Irish heritage accessible to countless Americans. "Poet, dramatist, story teller, collector of folklore and critic, he is a brilliant exemplar of the many-sided Irish literary tradition."

Mr. Colum was born in Ireland on December 8, 1881, and has lived much of the time in the United States since 1914. He is the surviving member of the brilliant generation of men and women whose literary powers produced the "Celtic Renaissance" in the early decades of this century. He was a friend and colleague of William Butler Yeats, John M. Synge, and Lady Gregory. His first poems were published by Arthur Griffith. One of his early plays, "The Land," was the first success of the Irish Theater. With James Stephens and Thomas MacDonagh subsequently one of the heroes of the revolution of 1916, Mr. Colum founded the Irish Review.

After moving to this country, he and his late wife, Mary, a well-known critic in her own right, were prominent figures in New York literary life in the 1920's and 1930's. Because of his notable talent for transcribing in written form the traditional oral folk tales of rural Ireland, Mr. Colum was invited by the Hawaiian Legislature in 1923 to write the traditional tales of the Polynesian people and make them available to a wider American audience. That invitation was the beginning of a long, friendly association between Mr. Colum and the people of Hawaii.

Mr. Colum's many works include "Wild Earth"—poems, "A Half Day's Ride"—collected essays, "The Big Tree of Bunlahy"—short stories, "The Road Round Ireland," and many stories for children such as "The Boy Who Knew What the Bird Said," "The Golden Fleece," and "The Boy Apprenticed to an Enchanter."

Although now bedridden, Mr. Colum is keenly alert and actively at work on his autobiography. Prior to this award, the foundation had previously extended financial assistance to Mr. Colum to assist him in arranging his papers and preparing his autobiography.

Much of the story of the great life and literature of Padraic Colum was presented by the famed writer and critic, Alan Denson, in the December 8 issue of Irish Times. Mr. Denson is the author of "Letters from AE," and is recognized as a compiler of biobibliographies of many authors and playwrights.

The text of his story follows:

PADRAIC M. COLUM

Padraic MacCormack Colum, eldest of eight children born to Patrick Colum (Work-house Master at Longford) and his wife, Susan (*née* MacCormack, of Crossdoney, Co. Cavan) was born at Longford Workhouse on December 8th, 1881.

"The fathers in that generation were not very satisfactory"—so Padraic Colum declared to me about fifteen years ago. Having been obliged to resign his respectable appointment, the poet's father joined a gold-rush to Colorado, his wife and their children moving to her family home during Patrick's foreign tour. That was the sole benefit derived from his trip. "My father is the only man I've known able to cross America twice without finding any work," said his son.

But although she wasn't then alive, the poet's youngest, and last, surviving sister has augmented the record persuasively: "Ah, he was able to do that because we had some relatives out there, and he would move on from one to another, until he reached his destination." Give or take odd jobs, the poetic truth seems to be: a father ambitious, in 1887 an adventurer after fortune. Fortune proves fabulous. Story-book success impossible. Nerve gone, father returns home in 1890. He then begins working as a clerk at Sandycove Railway station, and is later promoted Stationmaster. His two elder sons, Padraic and Frederick (with their two sisters), having moved away from their maternal grandparent Connolly's home at Crossdoney, attended Glasthule National School at Sandycove. The master there, Denis Condon, stirred Padraic's interest in literature. This was a third initiation into story-telling, balladry and poetry. From infancy until his father left Longford for America, in 1887 he had seen and heard the stories of the dispossessed and homeless. In County Cavan his uncle Michael Burns (married to Padraic's mother's sister, Mary MacCormack) had taken on the road, marketing fowls; and Michael Burns was a ballad-singer. Then from 1890, in Sandycove, the poets were shown to him in print.

Attending school until 1897, for several years Padraic and Fred worked part-time to help their father, delivering parcels. Their mother died in 1897, her youngest child being three years old. In 1898 Padraic was employed full-time at the Railway Clearing House in Kildare street. Their father's misfortunes evidently sapped his morale. Padraic and his brother Frederick assumed financial responsibility for the family whilst they were working for the Railway, after their father lost his job at Sandycove. This mundane work, and the domestic responsibilities, the poet has declared were a helpful brake on his tendency into introspection.

Thomas Hughes Kelly, son of a wealthy American banker, Eugene Kelly, gave Padraic Colum a small allowance—or "scholarship"—for five years, to enable him to study and write full-time. Consequently Colum resigned from the Irish Railway Clearing House in May, 1904. A fortnight after the event, *The United Irishman* reported the ceremony at which his colleagues presented Padraic Colum with a revolving bookcase—it is before me as I write this notice, the brass plate incised appropriately from his colleagues and an "Address in Irish."

In 1907 Padraic Colum's first book of poems was published. He had considered calling it "Heather Ale"; his friend, George C. Gillespie lodged a copyright version at the Library of Congress, with that title, in December, 1907. The published volume, issued by Maunsel and Co., was called "Wild Earth" and was dedicated "To A. E., who fostered me." Among the book's reviewers was Thomas MacDonagh, one of whose two children has said the steadfast kindness of Padraic Colum when their parents were both dead prematurely, neither of them would forget. Although I have seen no reference to this, I have deduced from reading the last poem in the late Donagh MacDonagh's posthumous collection "A Warning to Conquerors" (Dolmen Press, 1968) that the "Old Poet on a Beach" was Padraic Colum, whom he describes with justice and dexterity:

Pale blue old eyes, wisest in all save guile,
They have outlasted all contemporaries—
The far-famed, selfish ones who sacrificed
Friend, kin and patron for the histories . . .
He on Canteras beach alone survives
Into our age, in hope on the sea-wall.
Unhaunted by those ghosts he mind is still
Unjealous as the sun that shines on all.

"Poor dear Padraic", one who knows him well has said to me "he gives all away: him with his shoe-laces knotted to save buying a new pair. And so often those, many years younger than he is, don't realise how old he is, or how tired he gets; though he loves their company. One night he walked home from the Shelbourne, to Ranelagh, through the snow, because nobody thought to bring him home or get a taxi. He'd sat on steps now and then, to rest."

Mary Catherine Maguire (born at Collooney, Co. Sligo, June 13th, 1884, died at New York, October 22nd, 1957) has set down in her autobiography, "Life and the Dream", an account of her early acquaintance with Padraic Column. They were married in 1912; to their sorrow the marriage was childless. There have been waspish commentators on Mrs. Mary Colum's temperament; but the wasps' literary testaments haven't proved as durable as hers. The natural confidence of an artist suffuses every chapter. What could anyone expect but matchless understanding from Padraic and Molly after reading the chapter in which she wrote of their friends Elinor Wylie and William Rose Benét? With unaffected simplicity Molly wrote of Padraic staying with Benét in his flat, so he would not be alone with the coffin after Elinor's death. The Colums have been friends indeed. Among Padraic Colum's benefactions to Irish institutions are several to the Yeats' Museum at Sligo town. These include an oil portrait of Molly Colum. "My wife was a red-head; you know? You know they are reputed to be partly deaf; although Molly wasn't. She used to say AE's was the 'the portrait of a deaf woman by a blind man.' AE was very short-sighted."

In 1914, virtually penniless their single tickets supplied by an aunt, Josephine Colum (in Pittsburgh), Padraic and Molly emigrated to America which remained their domicile; but with frequent visits to Europe and elsewhere after 1922.

Introduced by a nephew of their friend, Sarah Purser, Padraic Colum was temporarily employed by the Carnegie Institute to advise on the production of some Irish plays. Having written of British assaults on Irish civilians in Ireland, in an Irish newspaper, British officials in America were anxious to spoil Padraic's lecture prospects. But John Devoy's supporters then discovered Padraic Colum's quality of mind. Seumas MacManus urged Devoy's readers to ask for Colum as a lecturer, and their future prospects in America improved. (Devoy's paper, *The Gaelic American*, gave Padraic Colum a good deal of space.) Other friendships were made—at the MacDowell Colony, in New Hampshire (introduced by the American poet Edwin Arlington Robinson).

In New York they rented the apartment formerly used by John Cowper Powys, whose impressions of Padraic will be found indexed in the second edition of his "Autobiography."

The artist Willy Pogany (1882–1955) illustrated some stories commissioned from Padraic Colum for publication in the *Sunday Tribune* (New York); as "The King of Ireland's Son" their collaborative venture was a publishing success. With Pogany, and several other gifted artists, Colum has written many other children's books, including versions of Homer and of Scandinavian and Welsh sagas. The Hawaiian Legislature invited him to re-tell their island lore before Poly-*amnesia*. "At the Gateways of the Day" (1924) and "The Bright Islands" (1925) contained his re-telling of Hawaii stories, poems and folklore. As with almost every line he has written, these books have been subjected to incessant revision.

An augmented edition of "Wild Earth" (1916) consolidated his poetic reputation in America. But despite several collective editions of his verse, contractual barricades have, so far, prevented him from issuing a representative volume of "Collected Poems." The 1953 volume hearing that title, long out-of-print, was followed by "The Poet's Circuits" (1960), in which are reprinted "A Poor Scholar of the Forties," "The Plougher", "A Drover", "A Connachtman", "The Ballad-maker", "Cradle Song", "An Old Woman of the Roads" and other early poems in which he wrote with a force and originality comparable only to the traditional ballads. His brevity, emotional incandescence, and avoidance of mere sentimental decoration, were immediately memorable. They have long been remembered where the poet's name is unknown. An irrefragable beauty evolved by heart and mind in unison had gained anonymity; the only escape route from becoming a tame tiger in literary salons, or a tired sheep in pastoral magazines. But with those familiar lyrics, in 1960, were published recent poems in which the "inevitable word" is set in metrical alliance to express ideas with a calm intensity expressed by few poets: in "Raftery", for example:

> For what is fame beside a loss
> That every day can bruise?
> The shine upon the buckles broad
> Of a worn pair of shoes.
> Or even like dance music heard
> Upon a rain-swept road
> When every lively step has failed
> And gone the wishful crowd.

(This was first published in *The Irish Times* on March 28th, 1959.)

His imaginative writing, and recreation of ancient myths (such as "Orpheus; Myths of the World", 1930—which has 20 magnificent engravings by Boris Artzybasheff), includes the novels "Castle Conquer" (1923) and "The Flying Swans" (New York, 1957; Dublin, 1969, Allen Figgis). "Castle Conquer" was translated into Irish (1939), and "The Flying Swans" into German (1960). Based on the German translation of "The King of Ireland's Son", to Germany belongs the honour of having made the first film founded on an original book by Colum, "Fidelma" (1967–68)—"Hansel and Gretel" (1952–54) was based on the translation by him and his wife.

The biography of his friend "Arthur Griffith" (1959) was completed after much labour and prolonged interruptions.

A summary article cannot contain a just appraisal of a writer gifted with such varied narrative talents. Some will love best the short stories about children in Ireland, or itinerants; other the dramas, the poetry, or folklore.

Five years ago, in his 85th year, Padraic Colum spoke a selection from unpublished poems, together with some of his "Irish Elegies", to a Dublin audience. The "Elegies", he said, were not lamentations over the dead, but evocations of the ever-living. Their composition originated in the judicial murder of Roger Casement, which had shocked him. He decided to make verse portraits of some of the men and women he knew and admired.

Ripeness in judgment, kindness to the distressed, and endless patience whilst confronted by the squalls of temperament with which most of us make existence difficult for ourselves and our friends; these are salient characteristics which all Padraic Colum's sincere admirers would recognise as his. "I don't know about 'beautful'. To me the best description of the Irish race is 'The silver-simple people.' It fits the classic statue of 'The Dying Gaul,' too," he said.

The ineffable sweetness of "Name and Legend" (from "Then I was Mad") perfectly mirrors the absolute loyalty Padraic Colum has exemplified towards those persons and places chance or choice gave him to love. The aging poet anxiously walking daily to Stephen's Green, to watch the children, the ducks, birds, trees. The man whose manner has dignity without pomp; delicacy, reticence and warmth. A man whose mind was valued 70 years back, by George Sigerson and John O'Leary (with whom he spent many hours, on Sundays, talking and listening). The man who watched as Oliver Sheppard's monument to Mangan was unveiled. Now an old man glad to have tea at the Country Shop, after sitting near to Kettle's monument; near to J. B. Yeats' Studio; near in place, and yet by time separated from persons still present to his mind. Memory the link, yet now he is as one of his latest poems depicts—"Expecting No One."

The seagulls fly up from the darkened river—
Their flight disordered—there is emblem here.

In this book the title-poem first recalls a seventeenth-century Gaelic poem addressed by Thomas Costello to Una MacDermott. Secondly, the "Images of Departure" are drawn from John Hughes' marble carving "The Finding of Eurydice" currently hidden from public view in an unlit corner at Dublin's Municipal Gallery of Modern Art. As with Colum's latest plays, so in his latest poems, the imagery is shown to be urgent with life's graces:

And I am stayed before the marble pair,
John Hughes' Orpheus and Eurydice ... .
Departure here! But not as in the speech
Perpetuated—Costello's proud words—
"My shadow on your street will not be seen."
They have not aged, this pair; they well remember
The eagerness of first companionship
The dreams, the ardours, and the prophecies.
Her head upon his head, his bowed-down head,
The lyre behind his back, the sentence passed,
But momently the clasp that salves farewell . . .
The gazers move with recognitions due
To names and figures that are trophies here:
I stand before your marble pair, John Hughes,
To know that, like a bird down on a branch
Stray, unbeckoned, out of a wide sky
Has come to them the moment of accord.

REPRESENTATIVE DIGGS RESIGNS AS A UNITED NATIONS DELEGATE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. FRASER. Mr. Speaker, the gentleman from Michigan (Mr. Diggs) resigned from the U.S. delegation to the United Nations today. Mr. Diggs is not given to acting precipitately. We know that his decision came after much thought and soul-searching. The materials which follow these remarks detail the U.S. southern African policies that deeply trouble

Mr. Diggs and led to his resignation. These policies of the Nixon administration should trouble all of us:

Press Conference Statement by Congressman Charles C. Diggs, Jr.

When I was informed of my assignment to the United Nations, I was fully aware, of course, that I would become a part of an instructed delegation. But I only undertook the assignment after being assured that there would be opportunity for input. Indeed, at the initial meeting of State Department officials with the delegation, we were assured that the Department would welcome our interest and that our concerns would be granted full consideration. On Monday, November 29, however, during a meeting of the General Assembly, I was informed that a vote was coming up within that hour on apartheid and that the United States was to vote against one and abstain on three of the resolutions relating to the Report of the Special Political Committee. Out of courtesy to the Government, I walked out of the Assembly and left a staff person to cast the votes. That afternoon, I dispatched a cable to the Secretary of State (copy of text is Attachment #1), emphasizing my position on consultation. Although, more than two weeks and several voting instructions later, I did receive a reply, my request for consultation was ignored insofar as decisions on voting were concerned. Admittedly, in the press of the work here at the Mission, there is not the optimum time frame for discussion. Even so, time for consultation could have been found, if there had been a real interest on the part of the Administration in giving me opportunity for input into these vital questions on Africa.

I have been especially concerned with our position on the resolutions on the Arms Embargo; on the work of the Special Committee on Apartheid, and on the dissemination of information on apartheid. The reasons which have been furnished for these votes (Attachment #2: letter from Mr. De Palma of Dec. 14) appear tenuous and inadequate to me. Additionally, although I understand it is a long-standing position, I cannot accept the argument that apartheid is not a "crime against humanity" as anything except legal verbiage to support a policy position (see Attachment #3: cable to the Secretary on this. The Department classified its response).

In company with South Africa and Portugal, the United States voted against this year's resolution on the "Question of Territories under Portuguese Administration" (A/C.r/L.992). I believe that my problems with this position are evident from the following partial catalogue of the U.S. difficulties with this resolution:

We objected to deploring Portugal's refusal to recognize the inalienable right of the people of those territories to self-determination *and independence* in accordance with GA Resolution 1514, the Declaration on the Granting of Independence to Colonial Counties and Peoples".

We objected to the expression of deep concern over the "continued and intensified activities of those foreign economic financial and other interests which contrary to the relevant resolutions of the General Assembly are directly and indirectly assisting the Government of Portugal in its colonial wars. . . ." To those who would argue that the Azores Agreement is a matter of bilateral concern, I would point to this and many other similar resolutions of the General Assembly.

We objected to the statement that the colonial wars waged by Portugal in these territories seriously disturbed international peace and security. The United States continues to keep vigilance to avoid any steps which would indicate a frank acknowledgment that the situation in the Portuguese territories is a "threat to international peace and security", and therefore, constitutes a Chapter VIII situation. Further, hiding behind an irrelevant "domestic jurisdiction" argument in relation to territories within Chapter XI of the Charter, we objected to interfering with Portugal and urgently calling upon it to end the wars and grant self-determination and independence to the peoples of these territories.

The United States abstained on the General Assembly resolution on Namibia. Inter alia:

We had difficulty with a provision deploring support to South Africa, which enables South Africa to pursue its repressive policies in Namibia, and calling for the termination of such support.

We found difficulty with a provision calling upon all States to refrain from economic relations concerning Namibia, although we acknowledge that the General Assembly is the legitimate administering authority for Namibia.

We were concerned about the financial implications of a clause inviting the Specialized Agencies to give full publicity to Namibia and to the conditions prevailing there.

Although we acknowledge that South Africa is illegally present in Namibia, we object to the clause calling upon States not to recognize rights or interests in property or resources in Namibia.

As in the case of the resolution on the Portuguese territories the hypocrisy of the positions enumerated above is self-evident.

The United States has voted against the UN resolutions on the "Activities of Foreign Economic and Other Interests which are Impeding" the granting of independence to countries under colonial domination. This resolution (as contained in A/C.4/L 1005) affirms that the activities of foreign economic and financial interests constitutes a major obstacle to the political independence of these countries and deplores the support given by other States to such interests in exploiting the resources of these areas without regard to the welfare of the people. These positions are supported by much of the evidence resulting from the hearings and investigations of the House Subcommittee on Africa. Further, irrefuted testimony has shown that the condition of the majority in South Africa has actually worsened economically and financially since the development and industrialization of that country. For regardless of the growth of an economy, unless all the people are given an opportunity to participate fully and freely, a full economy does not mean benefits to those segments whose free participation is excluded. In South Africa, economic growth has not meant greater spending power for the Africans. A study prepared for a UN agency, the Unit on Apartheid, "Poverty, Apartheid and Economic Growth", deals directly with this question. The position of the United States on "the need for trade to help Black Africans" is not based on fact. I am also concerned with an indication that the United States is allying itself with South Africa's "outward policy".

We would have supported the resolution and effort to have more information on apartheid disseminated, but this would have been an addition to the UN budget, and we are opposed to anything that increases the UN budget. Therefore, we abstained. I find this explanation inadequate, because we do support changes in the structure in the UN that will call for more money.

As a firsthand witness, I have found stifling the hypocrisy of our Government which, while uttering its abhorrence of apartheid, unflaggingly votes in opposition to any attempt to act, rather than orate, with respect to apartheid and the minority regimes of southern Africa.

The deterioration in U.S. policy on Africa, reflected here at the UN in our votes on critical resolutions on Southern Africa was continued by the hypocrisy shown by the Administration during the hard fight we made in Congress against the Byrd Amendment to the Military Procurement Bill. This amendment would permit the importation of Rhodesian chrome. If enforced, it would make the U.S. an international law breaker and put us in violation of our UN obligation under Article 25 of the Charter to enforce the Security Council decisions to embargo all trade with the illegal Smith regime in Zimbabwe. The Administration, while emitting soft noises of adherence to sanctions, utterly failed to convey the cues to Congress which sophisticated people look for to determine the seriousness of the Administration's interest in defeating a particular measure. It was clear that the White House was not concerned in stopping the effort to undercut the sanctions. Consistent with that posture of this Administration is a suspicion that out of the Nixon-Heath meeting in Bermuda this coming Monday or Tuesday, there may come an understanding that the United States will support the British on the Rhodesian settlement proposals—settlement proposals which do not accord with the inalienable right of the people of Zimbabwe to self-determination. A position of supporting a unilateral British decision that the rebellion of the Smith regime was ended would be consistent with our opposition to a resolution (A/C.4/L.998) providing that it is the UN which must find that "a non-self-governing territory" has attained a full measure of self-government in terms of Chapter XI of the Charter.

At this point, I wish to make clear that the people here at the U.S. Mission to the UN have not been responsible for this situation. Many people at the Mission, including the Ambassador, have been frustrated in their desires for a more enlightened policy because of the instructions that have come down. They have fought for a more enlightened position and have lost to the European, to the economic and to the military groups which have been dominating policy *vis-a-vis* Africa issues, as well as to those "watch dogs" of Southern African policy who have relegated unto themselves the decision-making authority so that positions on this area are the peculiar responsibility of the White House at the National Security Council level.

My concern about the drift in our decision-making was heightened last week when the State Department announced the conclusion of an agreement with Portugal continuing U.S. base rights in the Azores and providing a $436 million quid pro quo for Portugal. This enormous, unprecedented and anomalous commitment was made to a country which was not only refused to recognize its obligations, under the UN Charter, of self-determination for the people of Angola, Mozambique, Guinea-Bissau and Cape Verde, but is waging wars against the peoples of each of these African territories.

The Government of Portugal has been undergoing severe financial difficulties because of its expenditure of approximately one-half of its budget to fight these wars against the legitimate aspirations of Black people in Africa for freedom and independence.

The Caetano Government has also been subject to much domestic criticism for this diversion of 50% of its annual resources away from the development of its own country which is the least developed in Western Europe, to maintain a colonial empire.

Having visited two of the so-called Portuguese territories in Africa, Angola and Mozambique, in 1969, I visited the other two—Guinea-Bissau and Cape Verde, last August. I have seen first-hand the exploitation by the Portuguese of their African colonies and their subjugation of the people, and the inordinately low state of the economy of these territories.

I have seen that whatever the Portuguese are doing for the people of these areas is attributable to the pressures of the Liberation movements. At the same time, it was clear that the Portuguese do not admit their legal obligations to grant self-determination to the peoples of these areas. Entering into a pact to provide Portugal with vast amounts of economic assistance is, therefore, incredible.

What is the justification for the extraordinary economic assistance program for Portugal in this agreement, in which the aid proposed for Portugal through loans from the Export-Import Bank of the United States is more than four times the Exim assistance program to Portugal in the whole period from 1946 to 1970?

Does this agreement not add a new dimension to the already deeply perturbing indications of NATO interest in buttressing the white minority-ruled areas of Africa?

Does not our Azores agreement with Portugal appear to represent a feeling that Portugal is threatened by the successes of the freedom fighters militarily and economically? Portugal is suffering a trade deficit of approximately $498.8 million dollars. The liberation forces hold substantial territory in Angola, Mozambique and Guinea-Bissau. Has there been a call to the NATO countries to come to Portugal's rescue to which the United States has responded?

I should stress that my quarrel is really much deeper than the injection of such huge sums into Portugal—although (when I consider our alleged inability to put money into crucial areas for the 23 million Blacks in the United States) I find the amount staggering. But, I object most strenuously to the U.S. commitment to bail Portugal out from the economic and political consequences of its nefarious policies in Africa *without* any commitment and definitive action by Portugal towards ending the wars and towards granting independence to the peoples of these areas.

This decision by our government dramatically climaxes a series of actions which this Administration has taken both against the true foreign policy interests of the United States vis-a-vis Africa, and against the interests of Africa itself.

The character of this Administration's support to South Africa has changed. Until now, there has been a sub rosa alliance with the forces of racism and repression in southern Africa, as indicated:

By the relaxation of the arms embargo to permit the sale of light aircraft to the South African military and of troop transport planes to Portugal;

By the sale of Bell helicopters to the Portuguese;

By the quiet reversal of our former policy of limited Exim involvement in South Africa for a policy of substantial Exim exposure in South Africa;

By the erosion of our policy here at the United Nations on African questions beginning in 1969, first to abstaining on important issues on African policy and, finally, to actually voting against such resolutions.

In the Azores Agreement, this Administration has announced both an open alliance with Portugal and a decision which I can interpret only to mean "partnership" in the subjugation of the African people. The hard line on African issues with which I have been confronted here at the United Nations must have been a precursor of this decision to become directly involved with Portugal in a pact which is in flagrant violation of numerous General Assembly resolutions on Portugal and the territories under Portuguese Administration (For text of statement submitted to the President with request for No. 4).

As a member of the United States delegation to the United Nations, I have tried in vain to get underway a real consultative process on U.S. positions here at the United Nations. However, the Azores Agreement is a watershed. After much thought I have decided that considerations of integrity and of the now desperate need to turn U.S. policy around from the perilous course on which it has embarked require that I completely disassociate myself from this Administration on African policy.

The conclusion of the Azores Agreement compels me to cut any ties that bind me to the foreign policy of this Administration. Although it is nearly the final hour of this General Assembly, the new commitment of this government to actively assist Portugal in waging wars against Black people constrains me to act. I am therefore submitting my resignation to the President.

TELEGRAM

The following telegram was sent to Secretary of State William P. Rogers, with a copy to The Hon. Henry A. Kissinger, Assistant to the President for National Security Affairs, on November 29, 1971:

Walked out of General Assembly today rather than follow instructions regarding report of SPC (Pt. II) (A/8504/Add. 1), Pt. A (Arms Embargo, U.S. abstaining), Pt. C (on behalf of work of the Special Committee on Apartheid, U.S. abstaining), Pt. F (Situation in South Africa resulting from policies of Apartheid, U.S. voting no), Pt. G (dissemination of information on Apartheid, U.S. abstaining).

Explanation of U.S. rationale totally unacceptable to me. Informed of U.S. position on these votes about 11 o'clock approximately one hour before the Resolutions were to be voted on, and while in attendance at the General Assembly session. There was no time to register dissent, and out of courtesy to the U.S. Government, I left Grigg to cast vote.

You are hereby placed on notice, however, that under the separation of powers principle of our Constitution, and as a member of the legislative branch of the government, I consider (1) that I should be afforded full consultation on all votes in which I am expected to participate, i.e., (a) I should be fully briefed in advance on the proposed United States position and on the basis therefor, and (b) there should be adequate opportunity for my discussing a revised position with USUN and Washington and for reconciliation of any points of difference, and (2) that, certainly in the absence of such consultations, any voting instructions that I may receive are non-binding.

Hon. CHARLES C. DIGGS, JR.

DEPARTMENT OF STATE,
Washington, D.C., December 14, 1971.

Hon. CHARLES C. DIGGS, JR.,
House of Representatives,
Washington, D.C.

DEAR MR. DIGGS: Secretary Rogers has asked that I reply on his behalf to your telegram of November 29, 1971, objecting to the position of our government on four resolutions on apartheid.

The Department is sincerely appreciative of the part which Members of Congress have played over the years as part of the official United States Delegations to successive General Assemblies. We believe our efforts at the United Nations derive strength from the participation of Members of Congress, particularly from the new ideas and perspectives which they bring to bear on some of our perennial problems.

I regret that you have found consultation inadequate between yourself and the Mission. As you know, the General Assembly session usually develops a momentum of work in which the pressures build up as deadlines become tighter and tighter. Both we in the Department and the Mission regret that at certain periods these pressures have not permitted coordination and consultation as close as would be desirable. We know, too, that your own responsibilities as a member of the House of Representatives have occasionally created difficulties of scheduling.

While we welcome dissenting views and fresh appraisals of policy, we strongly believe, and are pleased to note from your telegram that you also do, that the United States must speak with one voice in the General Assembly. If it were otherwise, the resulting confusion would not redound to the credit of our country.

In the particular cases you cited, there may have been some misunderstanding about the status of the instructions we had issued. Voting in the General Assembly plenary normally confirms the voting position taken in committee. This was true in the cases of the four resolutions on apartheid cited in your telegram. Instructions on all of these resolutions had been sent to the Delegation by November 15 and were to govern our actions both in the Special Political Committee and in the plenary. I understand that because of your other obligations you were not able to patricipate in all discussions on this subject at the United States Mission, but that the instructions were discussed with you at the earliest time when you were available in New York, well before the question was considered in plenary on November 29.

The four resolutions cited were particularly troubling to us, and I would like to review briefly our position on each of them. We instructed the Mission to abstain on the Arms Embargo resolution (Part A of Section II of the Special Political Committee's Report) principally because it would sweep aside the reservations made by Ambassador Adlai Stevenson in 1963 and which continue to govern our policy on this question. As you know, we have applied an arms embargo to South Africa, subject only to honoring our existing contracts and "our right in the future to interpret this policy in the light of requirements for assuring the maintenance of international peace and security." The resolution also confirmed Security Council Resolution 282 (1970) on which we had abstained because its sweeping provisions carried with them the danger of weakening, rather than strengthening, the measure of compliance required to give practical effect to resolutions of the Council.

We also abstained on the resolution establishing the Apartheid Committee's Work Program (II.C), on budgetary and other grounds. The Work Program entails, among other things, sending representatives or delegations to international conferences concerned with apartheid, which would further strain the already existing UN budget crisis. The resolution also endorsed the Apartheid Committee's plans to prepare and publish periodic reports on "collaboration" between governments and private enterprises with South Africa. Such activities can only exacerbate the differences in approaches among those, including the United States, who are seeking to put an end to apartheid practices, and in our view would represent a rather shortsighted position on how best to accomplish this goal.

Our Mission was instructed to vote against the general resolution on South Africa's policy because it was based upon a call for Security Council action under Chapter VII of the United Nations Charter. As you know, Chapter VII action is to be taken in connection with threats to international peace or breaches of international peace. We cannot agree that, bad as the situation in South Africa is, it represents a threat to the peace within the meaning of Chapter VII. This resolution also reaffirmed the right of the people of South Africa to eliminate racial discrimination and apartheid by "all means at their disposal" including, obviously, armed force. We do not believe that such a course of action would be at all in the interest of the majority in South Africa.

We abstained on the resolution on Dissemination of Information on Apartheid (II.G). Our position again was derived from our concern over the financial implications of an extensive public relations campaign at a time of severe budgetary stringency.

You are probably aware that we were able to support five other resolutions on apartheid which were also voted in plenary on November 29. While not entirely acceptable in all respects, these five resolutions were a step in the direction of promoting peaceful change in southern Africa and encouraging UN adoption of non-extreme, practical steps to induce South Africa to abandon its policy of apartheid. Unfortunately, the four resolutions which you cited were not measures of this kind.

This government has made it plain on many occasions, in deed as well as in word, that we regard apartheid as an abhorrent practice and a criminal affront to human dignity and conscience. But in seeking to end this practice, we must be careful to distinguish between practical steps which would work toward betterment of the condition of the black majority in South Africa, and steps which would not only not help but could actually worsen their situation.

If you would find it useful, I would be most happy to discuss these issues further with you personally.

Sincerely,

Samuel De Palma,
Assistant Secretary for International Organization Affairs.

U.S. Mission To U.N.
November 22, 1971.

From Congressman Diggs:

SPC resolution on Bantustans came up during my absence. I was shocked to learn of instruction and U.S. position that construing apartheid as "crime against humanity" is "unwarranted". This is one of the things that seriously impairs our credibility. I therefore request Department to show cause in most comprehensive way for rationale this position, including all precedents used for this interpretation, all other nuances that go into it, bearing in mind that obligations of each member State under the Charter, specifically Articles 1, 55 and 56.

Statement Submitted to President Nixon Requesting Point-By-Point Reply

(a) That the United States Government must be required, and is herein called upon, to explain the enormous, unprecedented and anomalous commitments which the United States is making to Portugal in connection with the Agreement to extend U.S. base rights in the Azores—an Agreement under which Portugal is to receive in the next two years (the Agreement expires on February 3, 1974) the following quid pro quo:

$15 million in P.L. 480 agricultural commodities;

the loan of a hydrographic vessel at no cost;

$1 million for educational development programs;

$5 million in drawing rights for non-military excess equipment;

the waiver of MAAG support payments $350,000) for the MAAG (Military Assistance Advisory Group) to Lisbon;

$400 million of Exim loans and guarantees for development projects.

(b) That specifically, the government is called upon to address each of the following points:

1. From the point of view of U.S. interests, the new Agreement with Portugal represents an unusual and anomalous commitment. There is no apparent justification for the *quid pro quo* in the new Agreement.

(a) The general availability of funds for foreign economic assistance has been diminishing since 1967. In that year, funds for economic assistance totalled $5,120 million. In 1968, they were $4,634 million. In 1969, they were $4,067 million. Last year, they totalled $4,711 million. The Export-Import Bank is an exception to the rule; its funds have been increasing in the last few years. But the question must arise why loans and credit guarantees to Portugal are rising at a moment when federal funds are so scarce, and when total appropriations for economic assistance are falling.

(b) The funds projected for commitment to Portugal are out of all proportion to previous development commitments through the Export-Import Bank to either Europe or Africa. The total of Export-Import Bank loans to Africa in the whole period 1946–1970 was less than $358 million. The total of long-term economic loans to Europe from the same source in that period was only $753.7 million.

(c) The projected commitment is also out of proportion to any previous commitments to Portugal itself. That country received less than $50 million in the whole period from 1946–1970 through the Export-Import Bank. The present Administration is proposing to provide more than four times this amount in the next two years alone.

(d) The projected new commitments would constitute a tremendous drain on the funds of the Export-Import Bank. They would represent about 10% of the average annual commitments to all countries from the Bank in the last few years; and this does not even take into consideration the $200 million in Exim credit guarantees.

(e) The question which remains to be answered, therefore, and it is a most important question, is why a small nation of 8.6 million people should receive such extraordinary special treatment.

2. The United States, furthermore, is now going through the worst balance of payments crisis in its history. We now have the largest deficit on record. Unemployment has risen to high levels as a consequence of deflationary measures designed to remedy that situation. In this context the Administration has undertaken an Agreement with a small European country which will lead to a substantial increase in the foreign exchange costs of our economic assistance. Again, the question must arise why Portugal should qualify for such special treatment.

3. Total U.S. dollar flows to Portugal and its overseas territories now exceed $400 million. (See Table below). These flows are important to that country's balance of payments. The Administration is now proposing a substantial increase in these flows through the loans provided for in the new Agreement.

Portugal and overseas territories: Gross flows of funds from North America *

(1969, millions of dollars)

1. Imports from Portugal and overseas territories	$166
2. Freight and insurance on merchandise	3
3. Other transportation	11
4. Travel	79
5. Investment income	29
6. Other government	6
7. Other private	24
8. Unrequired transfers (pension remittances, et cetera	89
9. Nonmonetary Sectors: Direct Investment	6
Total	413

* These figures refer to flows from the U.S. and Canada. U.S. funds account for almost the whole of the total.

Source: IMF Balance of Payments Yearbook, August 1971, vol. 22.

4. The Portuguese are now running a trade deficit of just under $500 million. This deficit is, to an important degree, the result of the drain on Portugal's economy created by the pursuit of three colonial wars in Africa. Additional, and substantial, assistance to Portugal in this context will have the effect of helping it to continue those wars at the very moment when it is being forced to consider seriously whether it ought to withdraw from its overseas territories.

5. It should be noted that parts of the new Agreement can easily become open-ended commitments. The expanded commitment under P.L. 480 may well be increased still further when the Agreement is reviewed two years from now. The provision dealing with excess equipment is *already* open-ended. Secretary Rogers' letter clearly states that $5 million for this purpose is not to be considered a maximum ceiling.

6. Dollar flows to Portugal, from both the private and the public sector, are already on a scale amounting to "economic intervention that might just decide the outcome of the colonial war." The new Agreement increases that indirect assistance by a substantial amount and changes the character of our commitment to Portugal.

7. The political context cannot be ignored. Particularly:

The liberation forces control large areas of Angola, east and south of the Central Plateau.

In Mozambique the liberation forces control several provinces and operate freely south of the Zambesi River.

In Guinea-Bissau, the PAIGC have forced the Portuguese to leave the countryside and to retreat to the urban areas and a few scattered military bases.

The obvious effect of the Azores Agreement is to enable Portugal to continue waging the three wars in Africa.

8. There is nothing to indicate that the military value of the Azores is of overriding importance to U.S. security so that it merits such an inordinate expenditure. Further, the fact that the base Agreement remained dormant for the past 10 years (since 1962) indicates this.

9. The injection of huge sums for economic and educational assistance, as well as aid in kind, into the Portuguese economy, in the existing internal situation of considerable domestic unhappiness with, and criticism of, wholly disproportionate budgetary expenditures on colonial wars, will greatly assist the Caetano Government in dampening the domestic antipathy to the wars and thus to continue their prosecution.

(c) That, if the Administration cannot provide a statement of compelling reasons for making this Agreement, it must be considered as admitting that it is the intention of the Administration to directly assist Portugal in waging these wars against the peoples of Guinea-Bissau, Angola and Mozambique.

(d) That the United States Government respond to the following questions:

(1) What projects were reviewed, or are contemplated for Exim loans?

(2) Are these projects in Portugal, that is in so-called "metropolitan Portugal" as distinguished from Guinea-Bissau, Angola and Mozambique?

(3) Are similar increases in Exim loans being considered (i) for South Africa, (ii) for majority-ruled African countries?

(e) That, in view of the implications of this Agreement for the United States, the Administration explain why this Agreement was entered into by the executive agreement route rather than as a treaty and submitted to the Senate for its advice and consent to ratification.

(f) That the Administration explain the discrepancy between its claimed lack of funds to assist Black business in the United States, with its 23 million Blacks, on the one hand and, on the other, its expenditure of tremendous sums to assist the economy of Portugal, a country with only 8.6 million people, and thus to assist the waging of wars against Black people in Africa. According to its reports to the Congress, the Federal Government is now giving only $213.8 million in loans to minority businesses in this country (including Blacks and Spanish-speaking Americans), whereas the sums projected for

Portugal in this Agreement are more than double that amount.

PROGRESS OF UNIFORM LOSS REPORTING TO CONTROL TRANSPORTATION CARGO THIEVERY

HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. BIBLE. Mr. President, may I invite the attention of the Senate, the Congress, and the country's transport and shipper communities to what I believe are several significant and affirmative first steps taken within the past several months by the Federal Maritime Commission and the Interstate Commerce Commission to combat the growing crisis posed by the theft, pilferage, and hijacking of truck, air, rail, and ship cargo—a racket that cost American shippers conservatively last year more than $1 billion in losses—a 17-percent increase over the previous year. We are hopeful that we may add the third Federal transportation regulatory agency, the Civil Aeronautics Board, to this accomplishment honor roll before too long, as well.

When the Small Business Committee, of which I serve as chairman, began its hearings 2½ years ago into the impact on small business of increasing cargo thievery in all transport modes, one of our biggest obstacles was to get a realistic picture of the true extent of losses so we could focus on just how big the problem really was then and is today. It was a real surprise to learn that no governmental agency and no private trade or service organization keeps or has access to records of theft or damage losses, total tonnage, or value of cargo shipped in this country.

Consequently, with the help of Library of Congress statisticians, the Comptroller General's office, reputable insurance underwriters, national news media, some transport industry representatives, law enforcement people, and others, we made some estimates for both 1970 and 1971, the latter showing losses for that year of $900 million for truck theft and hijacking, $110 million for air cargo, $250 million for railroads, and $210 million for maritime shipping.

Some carrier industry representatives poo-pooed these estimates as excessive, but they could come up with nothing substantive to controvert them. However, they were good enough to be used by the Attorney General of the United States, the Secretary of Transportation, a crime-busting U.S. attorney, national news-paper and magazine media, and many others. In fact, the first job contracted out by the Department of Transportation in its drive begun last summer to curb cargo crime activities, was to a company for the purpose of finding out just what the true extent of cargo theft losses are in the air, truck, rail, and steamship transport modes.

As I said before, our committee found out sooner than most of those who are looking at this problem, that any accurate totals of crime-oriented losses are difficult to estimate because there are no uniform loss reports requiring data of this kind supplied by the only people who can really know, the carriers themselves.

Our committee, in an official report to the Senate, recommended that such uniform loss reports should be required from all carriers as a basis for seeking to control a problem which has reached crisis proportions by the admission of most of the transportation industry itself. We urged the transportation regulatory agencies—the Interstate Commerce Commission, Civil Aeronautics Board, and Federal Maritime Commission—to promulgate regulations to require such reports. Our committee's recommendations to the Senate read:

> It is axiomatic that the first step in arresting the upward trend in crime is the collection of information about it. To energize public agencies to action it is necessary to discover and reveal the actual magnitude of the loss as an actual cost to the public. To develop a sense of responsibility, it is necessary to establish at what point and under whose jurisdiction the bulk of the losses occurred. To devise strategies of crime prevention, it is necessary to ascertain in detail the techniques used by the thieves and the circumstances surrounding the theft. Your committee found that the collection of reliable data on aircargo theft and pilferage is utterly inadequate for all these purposes.
>
> Losses are not reported systematically. Standards of reporting have not been established. There is no good way of telling at what point in the sequence of many events from point of origin to ultimate destination the loss occurred. The relation between extent of protection and value of shipment is haphazard. No data are available on a systematic basis as to the circumstances surrounding events of loss. The techniques used by thieves can only be guessed at; all we can say at this time is that they are successfully practiced, at a rapidly increasing rate.[1]
>
> Based on information developed in hearings on the economic impact of aircargo theft, your committee accordingly recommends the following:
>
> *Recommendation 1.*—That the Civil Aeronautics Board, based on its statutory authority provided by the Federal Aviation Act of 1958, should compel all U.S. air carriers, air freight forwarders and agents thereof, engaged in the carrying of goods and cargo by air, to report on a quarterly basis all cargo damaged, lost, missing, stolen, or presumed stolen, the value of such cargo, the amount paid, and the number of claims against the carrier for such damage, loss, stolen, or presumed stolen, cargo. The CAB should prescribe formally the standards under which such reports are to be prepared and submitted, in order to maximize the utility of the data collected for purposes of systematic analysis in the preparation of crime prevention programs and activities.
>
> Should the Board fail to act to require these most essential data, it is the recommendation of your committee that legislation be offered to amend section 407 of the Federal Aviation Act of 1958 (49 U.S.C. 177).[2]

Therefore, to update the status of our recommendations to the Federal transportation regulatory agencies, I can report remarkable progress by the Federal Maritime Commission, under its energetic, dynamic and capable Chairman, the Honorable Helen Delich Bentley, who I can proudly say was raised in my own State and went on to be honored in the newspaper fraternity and to be chosen by President Nixon as the first woman ever to head a Federal regulatory commission.

The Maritime Commission promulgated a proposed mandatory uniform loss reporting rulemaking proceeding last August, calling for quarterly reports from all American maritime shipping of the number and dollar amount of freight claims paid according to specific commodities, causes of such claims, location or theft and/or robbery, and an analysis of claims received and processed.

I can state that the final steps are now in progress preparatory to adoption of the reporting system by a final Commission order. The proposed Maritime Commission loss report, more complete by the nature of the cargo covered than that now in use by the Interstate Commerce Commission for class I trucks, was challenged by maritime organizations.

We noted that one Pacific coast terminal association opposed the completeness of the form, proposing that all thefts under $1,000 should be eliminated by the filing procedure. As our own rebuttal, we wonder if that same company would want to assume any and all claims for loss or damage of $1,000 or less that it might have against a steamship line using its company terminal facilities, under the apparent logic that $1,000 losses and less are so insignificant that they raise shipping costs excessively. We believe we know that anwer because we doubt that any west coast or east coast marine terminal association is so profitable that it chooses to absorb all individual $1,000 claims.

Obviously, we were pleased to note that the Commission's proposed form would require all losses of $100 or more to be reported to the Federal regulatory agency.

It is true that the filing of the new forms will cost the carriers dollars, and Federal paperwork is always called burdensome, except when it provides a benefit to the spokesman. Our response here is that unless the real dimensions and facts about cargo crime can be pinpointed, then the public and the carriers right along with them will be suffering more, rather than less, from crime-inflated costs which the buying public eventually pays through higher prices.

To Federal Maritime Commission Chairman Helen Delich Bentley, to members of the Commission and their staffs, we say: We believe you have approached an affirmative decision that will benefit the entire maritime industry and the public it is permitted to serve. We believe your leadership will be more justified in the future than it is today. It seems to me that this is another fine example of a regulatory agency functioning not only to assist in solving the problems of the industry it regulates, but it also is an affirmative effort to meet the needs of the public affected so substantially.

And what about the pioneer transportation regulatory agency, the Interstate Commerce Commission, which approved uniform loss reporting on July 6, 1971, for the country's 1,500 class I motor truck common and contract carriers covering 72 percent of all intercity tonnage transported by firms with $1 million annual revenue or more?

---

[1] "The Impact of Crime on Small Business—Part II," Report of the Select Committee on Small Business, U.S. Senate, on effect of cargo loss and theft in air commerce based on hearings before the Committee, May 23 and July 22, 1969, 91st Cong., 1st Sess., Senate Report No. 91-612, p. 5.

[2] Ibid., p. 14.

Their reporting system, which went into effect last October 1, will see its first theft reports submitted to the ICC, with the conclusion of the first reporting period on December 31. We are hopeful that these results will demonstrate that loss reporting should be widened to include class 2 and 3 motor carriers, representing 22 percent of regulated interstate shipments.

And what about the airline industry, serving the American public with the fastest transportation, but possibly only snail-like fast, or slow, when it comes to protecting the shipper's interests by its attitude toward uniform loss reporting and the goal of dealing effectively with air cargo thievery?

We regret to say that the Civil Aeronautics Board's efforts toward uniform loss reporting have foundered—we hope only temporarily—since final industry comments were received 6 months ago. Again, in the interests of intermodal uniformity, we hope the CAB can see its way clear to move affirmatively and expeditiously, because we believe such reports can provide a true and timely picture of air freight theft, loss and damage, and thereafter permit effective steps to be taken to put the air cargo thief out of business. Now that the Interstate Commerce Commission, the Federal Maritime Commission, and the Department of Transportation are moving toward coming to grips with the cargo criminal, we are hopeful that the Civil Aeronautics Board can see its way clear to get back into step—a step toward helping the airlines deal with their problem, and thereby helping the air freight shippers get the service that the airline tariffs say those shippers deserve.

I commend to the attention of my colleagues and interested parties a fine address given by Federal Maritime Commission Chairman Bentley before the Second Annual Conference of the International Association of Port Police in Montreal, Canada, on October 5, 1971, analyzing this general subject from a maritime shipping point of view, together with a Federal Maritime Commission release of August 9, 1971, announcing the rulemaking proceeding for a quarterly, mandatory uniform loss reporting program.

I ask unanimous consent that these items be included in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Remarks by Helen Delich Bentley

It is a distinct pleasure for me to address the International Association of Port Police on the occasion of your Second Annual Conference. The fact that your organization can boast of active members from Canada, the United Kingdom, Africa, Portugal, and Puerto Rico, as well as from the United States, really substantiates that this organization is truly international in fact as well as in name. It also dramatizes the fact that each of you realizes that the approach to the problem of cargo security is and must continue to be international, if we are to combat it successfully. This problem is not confined to national boundaries, nor is it confined to vessels of any one particular flag. It is a problem in all parts of the world or else your Organization would not have the diverse membership it possesses.

You all, as professionals, realize that theft and pilferage of cargo is an insidious and infectious type of crime which spreads into areas adjacent to the ports and has a direct relationship with other criminal activities in the community, and you all are also aware that where there exists disorder at the community level, it by necessity affects the city, the state or province and as a consequence the nation.

How long has the problem of theft and pilferage plagued the carrier? How long has the shipper and consignee been victimized by shortages in shipments due to theft and pilferage? I don't think that anyone knows exactly how long the problem has existed; my guess would be that the Phoenicians may have been confronted with thefts but I dare say their remedies would not be acceptable today. Such things as cutting off the hands of a thief have long since disappeared from our civilized world. We do know that theft and pilferage and its related cancers have been with us for a long time and those of us concerned in this area are acutely aware that cargo losses are not diminishing but are increasing in scope and complexity.

It makes little difference if the cargo thief is an amateur or a professional; skilled or unskilled; organized or unorganized. The main reason the thief is continually attracted to cargo is in direct proportion to the easy accessibility to items which he knows he can dispose of with little or no difficulty. He knows disposition can be made through middle men or fences or simply to Mr. Average Citizen looking for a bargain. Just look at the type of items which are most frequently stolen or the subject of mysterious disappearance: cigarettes, liquor, pharmaceuticals, shoes and clothing, electronic equipment, appliances and specialty food items. Who is the consumer for these stolen and pilfered commodities? Mr. Average Citizen, of course. It is true that he may be purchasing some of these ill-gotten goods through what on the surface are legitimate outlets, where these goods are placed into commerce by the underworld. Here they compete with truly legitimate business, sometimes in competition with the actual owners of the stolen merchandise. Or, the thief may be selling his wares directly to the consuming public.

In any event, the soaring rate of losses in all modes of transportation as brought to light by the Senate Select Committee on Small Business and court statistics gives ample evidence that the problem is certainly not diminishing. In the United States during Fiscal Year 1970, the number of criminal cases handled in the Federal Courts which involved the offense of theft from interstate shipments increased 21% over the previous year; and though a large part of this increase is connected with cargo thefts in the trucking industry, we all must acknowledge that the other modes of transportation, particularly our port areas have also been faced with the same increases in thefts from cargo.

Why is this so? Why are thefts and pilferages, large and small, increasing in dramatic proportion? Aside from the general decline in the moral attitudes in our society which shrugs off or completely disregards this type of malignancy, the answer must rest in one obvious area. The thief, the pilferer, or the hijacker is stealing from those areas where he knows the chances of being caught are minimal because physical security approaches to the cargo he seeks are either nonexistent or inadequate or he has inside accomplices to pinpoint and facilitate his access to the desired cargo.

This problem has become so acute that the Select Committee on Small Business of the United States Senate, under the Chairmanship of Nevada Senator Alan Bible, has conducted hearings on this entire matter of crime in transportation, one facet of which focused on the problem on theft and pilferage of maritime cargo shipments.

The testimony at these hearings was dramatic to say the least. Witness after witness related to the Committee that cargo losses in the maritime industry were increasing at an alarming rate. An importer of shoes stated the theft and pilferage of their shipments had grown to such proportions that it was feared the company may be forced to go out of business.

An association reported that one of its members, another shoe importer, had its insurance premium increased 50%, and that its losses were ranging from 2% to 10% even when shipped by sea in locked sections; the losses on shipments in open stowage were even greater.

A food importer estimated yearly theft losses at 2% to 3% of his shipments.

A shipment of sunglasses was pilfered to the extent of 52%.

Another shoe importer—apparently a favorite target—followed a shipment by having an agent verify that the entire shipment was actually placed aboard the vessel intact. Yet, when the shipment arrived at the warehouse, it was pilfered to the extent of 20%.

It is true that generally where containerization is utilized, the amount of small pilferage tends to decrease. However, when losses occur in container-type shipments, they are usually more severe. A container of liquor can run in excess of $75,000, typewriters over $150,000; microscopes $120,000 and so on when one of these entire boxes is stolen the cost is *really* staggering. And, when some one or a group steals in the dimension of a full containerload of any type of cargo, you know as well as I do that the operation has to be organized and the thief knows beforehand that some one is going to take the goods off his hands. This in effect is stealing by contract. When shipments of this size are stolen, there has to be an impact on insurance rates and, consequently, on the cost of doing business which is reflected in higher prices to the consumers.

If only the taxpaying citizen would realize that it is always he, the consumer, who pays in the end, perhaps our morality and attitude towards crime of this nature would change. There is still nothing like an aroused public to deal with a particular problem. The total cost of losses due to theft and pilferage from the maritime industry were estimated by Senator Bible at over 100 million dollars annually, and further that efforts to prevent these losses were by and large ineffective. Deficiencies to combat maritime cargo loss were pointed out in three areas.

First and most notable was the absence of systematically collected data indicating the value of goods lost, identification of where goods have been stolen in the transport chain from manufacturers, through carrier to consignee. Without such data preventive measures are impossible to formulate.

Second was the problem of overlapping jurisdiction of law enforcement agencies which needs no explanation to a group such as yours, who are more familiar with this problem than am I.

And, thirdly the entire maritime industry itself: carriers, terminal operators, port and warehouse operators, as well as shippers, consignees and underwriters, have not done all they can do to prevent theft and pilferage of maritime cargo.

On June 24, 1971, before the Bible Committee, I testified that the FMC, cognizant of the fact that approximately 75% of the losses were going unreported, would undertake to overhaul existing reporting requirements in order to establish a more effective loss reporting system. The staff of the Commission endeavored to find a way through existing reports or records to accomplish this goal and thereby not place a further paperwork and reporting burden on the industry. It was concluded that the U.S. Customs Discrepancy Report which had recently been revised to report shortages, overages and the reason therefor could be utilized for this purpose with respect to inbound cargo, if the data appearing in this report was correlated into an overall comprehensive report. It was the Commission's position that an analysis of the results of such a report, if made on a regular and timely basis, should pinpoint the trouble areas and permit those charged with custody of the goods to provide adequate protection and also aid law enforcement agencies in the event the cargo was lost or stolen.

We at the Commission were of the opinion after contacting carriers, insurance and governmental sources that the outbound problem (or exports) is not as great as the inbound foreign problem. One of the prime reasons for this theory was, of course, the fact that outbound cargo is normally held on dock for, a very short period, thereby reducing the opportunity for theft. Also, with the advent of containers, an export loss would normally not be detected until after delivery to a foreign consignee, a fact which would complicate any reporting system. It was our contention that the inbound or import trade where Customs clears the cargo, collects duty, etc., would be fully covered and would serve as an area where problems could be pinpointed; as the same piers and terminals are utilized for export cargo; it was our belief that if success was achieved with regard to imports, this would by necessity reduce the outbound thefts as well.

There followed a number of meetings with staff members of Senator Bible's Committee wherein the entire problem of cargo loss reporting was thoroughly discussed. Our sister regulatory agencies, Interstate Commerce Commission and Civil Aeronautics Board, had agreed to a rulemaking proceeding establishing a reporting system for loss and damage claims. Consequently, the FMC finally agreed to a proposed rulemaking on loss and damage claims which would be in some conformity with the ones proposed by ICC and CAB but geared more closely to the commodity codes utilized by the Bureau of Customs in order to reduce the reporting problems of the affected industries.

These proposed rules were published in the Federal Register on August 11, 1971.

Let me briefly outline what type of information the Commission is seeking in these proposed rules. As you can well imagine, it would be virtually impossible to design a set of data requirements for a cargo security program which would be universally applicable to all carriers or terminals. However, it is clear that certain summary statistics are necessary now and will be in the future to aid in the determination of just how big the problem is and thereby enable the development of programs to deal with it.

We have, in our proposed rules called for quarterly reports on freight loss and damage claims, from which we hope to obtain the following data on both import and export shipments:

1. The total value of goods stolen.
2. A measure of the quantity of goods stolen.
3. Identity of the commodities involved.
4. When and where thefts occurred.
5. Whether breakbulk, container or less than containerload shipments.
6. The relationship of losses to total volume carried.

This information is to be reported on three separate schedules. The Federal Maritime Commission in this proposed rulemaking has attempted to make this reporting system the least burdensome possible on the industry. As I mentioned earlier, we have proposed a commodity identification system which is based upon the commodity descriptions and codes presently being utilized by the U.S. Bureau of Customs in its program dealing with cargo security. Their commodity codes and descriptions have been in effect since April 1971 and have been a part of Custom's Discrepancy Report and Declaration which must be filed on a monthly basis by carriers and/or their agents.

We feel the information obtained from these reports will enable the Commission to gather a data base, which can be utilized by legislative committees, Government Agencies, regulatory, as well as law enforcement, and finally the industry itself. The industry itself is included because with data of such significance the industry will be able to pinpoint areas where problems exist. They can then formulate appropriate security programs to combat the specific trouble area. However, one fact has to be kept in mind concerning the Commission's proposed rules on loss and damage claims, and it is this—the information which will be reported if and when the rules are finally implemented, will not be of any immediate assistance to any type of law enforcement agency. The information will be after the fact type of information and will serve only to help identify the magnitude of the problem, which, I might add, will be an accomplishment because as of now we have no hard statistics at all and in addition it will indicate where problem areas exist. What we visualize is that in any area where a serious problem does not exist, then perhaps the Commission could excuse that port or that facility, or that carrier from the reporting requirements. We believe that we can make the reporting systems flexible, but first and paramount we have to know where and just how serious the problem is which we are facing. Statistical data of this type is vital if we are to analyze the problem, plan for and evaluate the results and thereby enable the responsible authorities to correct it.

There are other steps which the United States Government is taking in an attempt to meet its responsibilities. In June of this year there was formed under the direction of the Department of Transportation, an Inter-Agency Committee on Transportation Security. The activities of this Committee are under the dynamic leadership of Brigadier General Benjamin O. Davis, Jr., the Assistant Secretary of Transportation for Safety and Consumer Affairs. Representatives from all the agencies of Government which have any responsibilities in the transportation area are represented on this Committee. Meetings of the Committee are attended by staff officials of the various agencies who are drafting a coordinated attack on the entire problem of cargo security.

As a result, during June and July of this year the Department of Transportation, together with the Transportation Association of America, sponsored a Cargo Security Conference in Washington, D.C., which was called "Cargo Security Crisis—Meeting the Challenge". This conference lasted for four days and presentations were given by representatives of government, industry and labor. The first two-day sessions in June were devoted to Government representatives, while the last two days, in July, concentrated on the responsibilities of transportation management and labor. These sessions were well attended and the ball is rolling.

In addition, the Legislative Branch of the United States had introduced new legislation in this area. Bill S. 942 proposed by the Senate Select Committee on Small Business, establishes a commission on Security and Safety of Cargo, which will study this entire problem and its many ramifications and report its findings and recommendations to the President and to the Congress. Further, Senate Bill, S. 1654 or as it is called The Customs Port Security Act of 1971, has been introduced for the purpose of increasing the security and protection of imported and exported merchandise at the ports or points of entry in the United States.

So as I stated, the ball is rolling, and we must insure that this initiative once taken does not dwindle into meaningless dialogue, for we cannot afford for too much longer the luxury of rhetoric.

Let us consider for a moment management's role in this entire area of cargo security.

There is no doubt that in many areas concerned with the problem of cargo security, management's approach to the question have been relatively passive. In some firms inspection and control procedures are nonexistent. Corporate officials are often too far removed from the problem and consequently delegate this function to an individual with little or no direct contact with, or access to, top management. As a result, responsibility is not defined, new programs are not initiated or outdated ones are not redesigned, record keeping is not modernized. All of these factors militate against the carriers and place them in a position where it is extremely difficult, if not impossible, to work effectively with law enforcement agencies. After the goods are stolen, it often is too late for any police organization to apprehend the thieves or recover the goods or identify them as the stolen merchandise, even though the goods are actually located. The opportunity to steal must be sharply curtailed or the problem can never be solved, unless we revert to a police state and I'm not so sure that it would be solved even under those drastic measures. Management must act to analyze conditions, develop and maintain programs to prevent this type of criminal activity at the source of the problem. The old worn out cliche of "An ounce of prevention," is particularly apropos in such situations. After such a program has been implemented, top management should make periodic inspections of cargo security measures to insure that these programs are being fully implemented. Interest in such programs will by necessity filter down to all levels of the company to insure participation at more than just the higher levels.

Another area in which management can take an active role is to develop a continuing and professional relationship with law enforcement agencies. Some of the most pressing problems of our times have been resolved through mutual cooperation. Cooperation is imperative! Where problems exist industry groups can join together with existing law enforcement groups in an effort to effect a solution. But first they have to realize and admit that problems do exist and then have the intestinal fortitude to call in professionals to analyze the situation and suggest the remedial steps necessary and then to finally implement these suggestions. The "professionals" I refer to are members of law enforcement agencies such as your organization who possess the necessary expertise, have the desire and who can recognize what can be accomplished in a practical manner.

There is no doubt that to fight this expanding problem will mean spending money, and at this period of time such a statement to some will no doubt border on irresponsibility. But the entire nation is faced with such a grave problem—a cancer of such magnitude—that something must be done about it. I am convinced that the solution to this burgeoning problem will never be accomplished unless, for starters, there is complete cooperation and joint efforts expended by all segments of the Maritime Industry. And it will do no good, accomplish nothing, unless management and labor likewise become partners in this endeavor with

Government and local law enforcement agencies.

As I said when I testified before Senator Bible's Committee, we at the Commission recognize the problems and endorse the Committee's goals. It is my view that the problem can and will be alleviated within the framework of the many very able agencies and private concerns now attacking it provided adequate support is given to their enforcement efforts. Crime involving goods in transit is just a part of the overall crime problem confronting our nation and it is not just a police or a security problem—it is everybody's problem.

Everyone wants to drive the criminal somewhere else. If he is driven from the transportation area, he will find another area to prey upon. So long as there is a market for stolen goods, goods will be stolen. *The profit must be removed from crime. Crime must not pay.*

This may require more prosecutors, more judges to enable a speedy trial, stiffer penalties to act as a deterrent and more jails. These areas must receive attention.

The FMC welcomes the opportunity to cooperate as fully as possible in any program which will benefit our trade and commerce.

The International Association of Port Police must continue in its efforts not only to investigate and prosecute offenders but in addition it has to keep the pressure on the industry by alerting and informing management of areas where their security is not effective. You must continue to inform local, state and Federal legislators of the types of laws which will prove most effective. And, you must also undertake programs to inform the local citizens of existing problems and continue to seek their support for programs which you advocate. This last one may prove to be the most difficult and the most exasperating. The average individual simply does not realize how stolen merchandise, once it is channelled back in the mainstream of commerce affects him and his family in added costs, increased taxes and additional government regulations to combat illegal activity. However, I still am convinced that the great majority of our citizens are honest and law abiding and disapprove of thievery at any level of our society. It is through organizations such as yours that this public service can be accomplished or at least given the impetus it needs to make it infectious.

President Nixon in his inaugural address stated "We need the energies of our people—enlisted not only in grand enterprises but, more importantly in those small, splendid efforts that make headlines only in the neighborhood newspapers." Let us all whether we be in Government, law enforcement, labor or management dedicate ourselves to making some neighborhood headlines.

COMMISSION SEEKING RULES TO HELP CUT CARGO LOSS, THEFT

Acting to combat the growing losses in ocean cargo caused by damage, loss, pilferage and theft, the Federal Maritime Commission will institute a Rulemaking Proceeding addressed to the alleviation of these problems, it was announced today by Federal Maritime Commission Chairman Helen Delich Bentley.

Explaining the Commission's aims, Chairman Bentley said:

"In issuing the proposed rulemaking, the Federal Maritime Commission is following the urging of Senator Alan Bible (D., Nev.), who, as Chairman of the Senate Select Committee on Small Business, has been probing into cargo losses in the transportation field. The Interstate Commerce Commission and the Civil Aeronautics Board also have issued similar procedures involving the reporting of losses in their respective fields of transport.

"The rules under consideration call for reporting, within thirty days after the end of each calendar quarter, the number and dollar amount of freight claims paid according to specific commodities, causes of such claims, location of theft and/or robbery, and also an analysis of claims received and processed.

"Reports sought in this proceeding are designed to provide the Commission and other governmental agencies, legislative committees and Federal and local law enforcement agencies with the type of information which could have a beneficial effect in solving the problems of the entire industry.

"The information which the Commission would receive pursuant to this proceeding could be of great value in enabling the industry to pinpoint areas where problems do exist, and aid the carriers and terminal operators, as well as shippers and consignees, in combating the serious and continually expanding problem of cargo security.

"In view of the emergence of intermodalization into the foreign and domestic commerce of the United States, proposed rules will also apply to nonvessel operating common carriers by water (NVOCC) and any other type of intermodal carrier which may emerge.

"We estimate that the proposed rules will affect approximately 475 common carriers by water, 175 NVOCC's in the U.S. foreign trade, 69 domestic offshore common carriers, 195 NVOCC's in the domestic trade, and 400 terminal operators. To properly implement such a program, the Commission will be required to increase its number of personnel."

Parties who wish to participate in this Rulemaking Proceeding should address a request to: Secretary, Federal Maritime Commission, 1405 I Street, N.W., Washington, D.C., 20573.

SINAI PROPOSAL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BINGHAM. Mr. Speaker, the following item from the November 22, 1971, issue of the New York Times by Stephen M. Schwebel, former State Department assistant legal adviser and now professor of international law at the Johns Hopkins School of Advanced International Studies, offers an interesting, imaginative proposal for treatment of the Sinai as part of a general settlement between Egypt and Israel.

The article follows:

A SOLUTION FOR SINAI

(By Stephen M. Schwebel)

WASHINGTON.—The Sinai peninsula occupies a critical position in the making of peace—and war—in the Middle East. A solution for Sinai would provide the essence of a settlement between Egypt and Israel.

The whole of the Sinai has been Egyptian territory since 1906. Israel reportedly has indicated a willingness to surrender the bulk of it, in the context of a general settlement, provided its forces remain in Sharm el Sheik to ensure free passage of ships bound for Elath, and provided that these forces are connected to Israel by the coastal road it has built.

In view of the history of the use of Sinai against Israeli shipping and security, these provisos have their point. Moreover, Israel can make out an arguable case under international law that, since it has taken Sinai in the course of legitimate defensive action, it may lawfully be ceded segments of that territory which it reasonably requires for its defense.

Whatever the historical merit and legal tenability of such claims, however, they have a fatal flaw: No Egyptian Government can be expected to accept them. If there is to be a peace agreement between Egypt and Israel, it cannot embody cession of territory which has been Egyptian for a half century. It is as implausible for the Israelis to expect such cession as it is for the Arabs—or the world—to expect Israel to relinquish a unified, and Israeli-ruled Jerusalem.

It has been suggested that the gap between the Egyptian position of full Israeli withdrawal and the Israeli position of partial cession can be filled by a United Nations presence. Israel has refused that suggestion, not least on the ground that the previous U.N. presence disintegrated precisely when it was needed most. However, the arrangements of 1956 need not be duplicated. Their admitted faults can be ameliorated, if not cured. One way of so doing, and at the same time of perhaps meeting both Egyptian and Israeli requirements, may be the installation of a United Nations force on the following terms:

Israeli would withdraw from the whole of the Sinai;

Egyptian sovereignty over the whole of the Sinai would be acknowledged and its civil administration would be implemented;

The whole of the Sinai would be demilitarized indefinitely and totally, apart from a force to be installed by the United Nations;

The mandate, composition, command, stationing and tenure of that force would be fixed by the Security Council with the express agreement of Egypt and Israel. The consent of both Egypt and Israel would be required for any change in those fundamental dispositions;

The force would have five battalions, each perhaps of the order of 500 lightly armed but mobile men, each battalion to patrol a designated zone;

The battalion in illustrative Zone A would be Egyptian; in B, Soviet; in C, Scandinavin; in D, United States, and in E, Israeli.

The advantages of such a plan are multiple. Egypt would save her sovereignty, territory, administration, oil reserves, bilateral control of the Suez Canal, and considerable face. The only Israeli presence would be submerged in that of a U.N. force, in which Egypt would be comparably represented. Yet Israel would have free passage through the Straits of Tiran under the eyes of Israeli units (even if they were to wear U.N. insignia).

Possible friction between the Great Power units would be minimized by the interposition of a band of peacekeeping stalwarts from small powers, such as the Scandinavian.

The United States and such other maritime and coastal states as it can attract should place anew on record their view that the Straits of Tiran (and more southerly approaches to it) comprehend international waters.)

The United States should give tangible evidence of that conviction by the occasional passage of American naval craft through those waters and the Straits; and, as a complementary measure, in the continuing absence of effective measures of Middle East arms control, it might endow Israel with a wider-ranging and more powerful naval weaponry than it now is able to deploy.

TRIBUTE TO CHRIS CHRISTIANSON

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GUDE. Mr. Speaker, it is an honor and a deep personal pleasure for me to join my colleagues in paying tribute to Chris Christianson. His dedicated service to the House of Representatives will be sorely missed. I want to wish Chris my best in his every endeavor in the coming years.

LEGISLATIVE PROGRAM

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DELLUMS. Mr. Speaker, in mid-November I printed in the RECORD a listing of the various major legislative proposals that I have sponsored during the first 10 months of the 92d Congress. The response to that listing was very encouraging, and so, to update the list for my constituents, I now include the following compilation in the RECORD:

LEGISLATIVE PROGRAM

ASIAN AMERICANS

H.R. 12208 (Mr. Anderson of California): To create a Cabinet Committee for Asian American Affairs.

CIVIL LIBERTIES

H. Res. 961 (Mr. Drinan): To lower the age to 22 to be a Congressman and to 27 to be a Senator.

H.R. 11659 (Mr. Dellums): To amend the Hatch Act so that federal employees can have wider participation in political activities and to protect federal civil servants from improper political solicitations.

H.R. 11882 (Mr. Rangel): To establish minimum treatment standards for federal prisoners and to create a National Prison Standards Administration.

H.R. 12318 (Mr. Biaggi): To establish procedures providing members of the military redress of grievances arising from acts of brutality and cruelties and to protect their constitutional rights.

H.R. 12331 (Mr. Dellums): To provide for posting information in post offices with respect to registration, voting and communication with lawmakers.

CIVIL SERVICE

H.R. 11658 (Mr. Dellums): To increase payments, benefits and coverage under workmen's compensation programs for federal employees.

H.R. 11660 (Mr. Dellums): To lower age and service requirements in the federal retirement program.

H.R. 11661 (Mr. Dellums): To eliminate restrictions on the rights of officers and employees of the Postal Service.

EMPLOYMENT

H.R. 12011 (Mr. Reuss): To expand the Emergency Employment Act.

FOREIGN AID

H.R. 11875 (Mrs. Abzug): To amend the aid program by increasing multilateral funding, by phasing out strict bilateral programs, by establishing an International Drug control assistance program, by phasing down military aid programs and by limiting aid and military assistance in Southeast Asia.

FOREIGN POLICY

H. Res. 705 (Mr. Helstoski): To increase American assistance to Bangla Desh.

H. Res. 752 (Mr. Helstoski): Calling for U.S. recognition of Bangla Desh.

H.R. 12330 (Mr. Dellums): For termination of exploitative activities of U.S. business concerns in the Republic of South Africa, South West Africa, Rhodesia and African territories under Portuguese control.

HEALTH

H.R. 11628 (Mr. Stuckey): To authorize grants and loans guarantees for construction and modernization of hospitals in the District of Columbia.

H.R. 11662. (Mr. Dellums): Increases the government's contribution to the costs of employee health benefit insurance programs.

SENIOR CITIZENS

H.R. 12328. (Mr. Dellums): To strengthen and improve the Older Americans Act of 1965.

H.R. 12329 (Mr. Dellums): To provide homemaking services for the elderly under the Vocational Education Act.

H.R. 12332 (Mr. Dellums): To allow an income tax credit for state and local real estate taxes for individuals over the age of 65.

PUBLIC LANDS

H.R. 6597 (Mr. Dellums): To strengthen the Federal Reclamations Act by enforcing the law's public interest provisions, by establishing a program of grants for public education financed by revenues from public water development and by creating a new authority to deal with environmental issues pertaining to public water development.

SOCIAL SECURITY

H.R. 11663 (Mr. Forsythe): To exempt ministers from coverage under the old age, survivors, and disability insurance program.

URBAN AFFAIRS

H.R. 11501 (Mr. Fauntroy): To establish a District of Columbia Development Bank.

WELFARE REFORM

H. Res. 1014 (Mr. Dellums): To assure that Food Stamp recipients do not suffer cutbacks under new Agriculture Department requirements.

THE NIXON ADMINISTRATION'S TESTIMONY ON HMO'S

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, on July 20, 1971, Dr. Merlin K. Duval, Jr., Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare, testified on S. 1182, the Nixon administration proposal for health maintenance organizations, before the Senate Committee on Labor and Public Welfare, Subcommittee on Health.

I include this important document in the CONGRESSIONAL RECORD at this point:

It is a pleasure for me to appear today in support of the "Health Maintenance Organization Assistance Act of 1971", embodied in S. 1182.

Health Maintenance Organizations constitute a key element in the President's health strategy, which he described in his health message to the Congress last February. By developing these organizations, the Administration seeks to stimulate important reforms in the distribution, effectiveness, and efficiency of health care. I believe that this bill, S. 1182, will be one of the most important health measures of the many your Committee will consider this session.

I should like to define what we mean by "Health Maintenance Organizations". First HMOs are organized systems for providing comprehensive health care. They are a means by which health manpower, health facilities and consumers can establish direct relationships which lead to convenient, efficient and effective health care. An HMO agrees ahead of time to provide services in a continuous fashion to each member thereby removing one of the frustrating problems of unorganized care—where patients have to find their way into and through a maze of specialized and unrelated services and facilities.

Second, members of Health Maintenance Organizations pay regular premiums in advance of any need for health care, which represents full payment for the member's care; there are no large deductibles or copayments which cause members to assume part of the risk of illness. This contrasts with the traditional methods of reimbursement for costs or charges after each service has been performed. Under the prepayment method, members pay a fixed amount, within which HMO's must operate, thus creating strong incentives for these organizations to do as their name implies—to maintain health, to prevent illness and progression of disability, and to uncover latent health conditions before they have advanced to the stage of great suffering and large cost to the patient as well as to the organization.

It is reasonable to expect that with this incentive, HMOs are most likely to immunize members' children, rather than have them contract a disease; to use the offices of its physicians and appropriate ambulatory care facilities, rather than the acute care hospital bed, when both are medically satisfactory; to substitute allied health manpower for the services of physicians whenever that is appropriate; and to substitute capital equipment for labor when that makes economic sense, all under a recognized obligation not to diminish the quality of care.

Let me add that prepayment does not force HMOs to reimburse their physicians or other providers of care by any particular method. They may, for example, pay some or all participating physicians on a salary basis. Or they may elect to reimburse physicians from the common pool on a fee-for-service or other basis. HMOs, moreover, are not limited to only one form or organization of medical practice. The HMO concept is based upon the same principles as the established prepaid group practice plans embodied in such groups as the Group Health Association in Washington, D.C., and the Kaiser Foundation Health Plans on the West Coast. There are now approximately 7 million persons enrolled in some 135 prepaid health plans of this type. However, organizations which use physicians practicing in an individual setting can be considered HMOs if the organization assumes the risk of physician and hospital services.

The experience of medical care foundations, sponsored by local medical societies, suggests that physicians practicing predominantly in individual practice can develop effective organizational relationships among themselves and with hospitals. There are now about 20 local medical care foundations, in various stages of operational functioning in six States, covering almost 1 million persons. The San Joaquin and Clackamus County plans are examples of such organizations.

The third element of our definition of HMOs concerns the membership. Unlike the traditional system, the HMO must formally enroll each member, thus establishing full responsibility for the member's care. It is essential that the enrollee have a choice of system for receiving care and that the financing mechanism not favor one delivery system over the other, as is the case with many health insurance proposals. This requires that the HMO have periodic open enrollments as well as disenrollment upon notice by the individual member. By requiring this freedom of choice, we place strong emphasis upon HMO responsiveness to individual needs of convenience, comfort and effective health maintenance.

Fourth, we expect HMOs to compete for members, not only with other HMOs in the area but with other modes of care. Our discussions with union and consumer representatives bolster our feeling that greater choice among HMOs as well as among alternative modes of care are greatly needed. At the same time, if HMOs are in fact a better mode of providing care as some believe, they should be forced to compete successfully for patients. In the past there has been no vehicle either for providers to compete for members or for consumers to make a rational judgment. The HMO is such a vehicle.

Finally, HMOs must be able to provide a comprehensive range of services. We have established four basic minimum requirements of comprehensive care: emergency care; in-patient hospital and physician care; out-patient physician care; and out-patient preventive medical services. As a result, it is somewhat unrealistic to expect HMOs to provide now more services than existing insurance plans cover. At the same time, we must anticipate a growing trend toward greater comprehensiveness of services.

In order to win the competition for consumers, HMOs will have strong incentives to offer additional health services and even complementary social services such as day care, transportation, outreach, and drug abuse treatment.

The definition of HMOs that I have given merely emphasizes the common elements of different organizations that currently provide good health care to satisfied beneficiaries and with a demonstrated efficiency that is difficult to achieve outside of such formal organization. Many HMO prototypes have been proving their effectiveness in meeting these objectives for many years. The incentives are not, therefore, hypothetical.

There is strong evidence that the frequency of hospital admission and lengths of stay for HMO members are lower than rates in the traditional system. Rates of elective surgery such as tonsillectomies are also lower. And some studies which compared prematurity and infant mortality rates between HMO-type plans and the traditional system have shown that the HMO has a more favorable experience. As you know, the difficulty of standardizing these comparisons makes absolute comparisons impossible.

Rather than prolong the discussion of performance statistics at this time, I shall refer you to the White Paper on our health policy, which was transmitted to the Congress in May.

Most of you who have examined carefully the problems associated with the provision of health care will generally agree that they fall into four or five categories: rising costs; maldistribution; lack of financial and geographical access; inefficiency; and personnel shortages. Furthermore, most of us, particularly the members of this Subcommittee, also agree that one of the key answers lies in developing organized systems of care. Whether HMOs, comprehensive health care organizations, comprehensive health service systems or ambulatory care centers, we have the same concept in mind.

For example, you, Senator Kennedy, have proposed the development and support of comprehensive health service organizations in your Health Security Act; Senator McIntyre has proposed, in his National Health Care Act, the expansion of the Nation's inventory of ambulatory care centers.

Senator Pell and Senator Mondale have proposed the establishment of area health services and health education corporations. Senator Javits would provide financial assistance and other incentives to develop "comprehensive health services systems." The "Health Rights Act" introduced by Senator Percy and Senator Scott would provide loans and grants for the development and construction of health maintenance organizations. The number of bills introduced in this Congress reflect a consensus on the need to encourage and support health maintenance type organizations to improve the delivery of health care.

In addition to this Congressional consensus, there has been a very gratifying response from the Nation generally, ince we first proposed the HMO concept in March of 1970. Literally hundreds of inquiries requesting information about HMOs and applications for assistance have been received.

The American Association of Medical Clinics reports that a large percentage of its 260 member clinics are anxious to explore the HMO concept; some such as Marshfield Clinic and Lovelace Clinic are in the process of developing HMOs right now. Three medical schools—Harvard, Yale and Johns Hopkins—are already sponsoring prepaid health plans, and 12 others such as Georgetown, George Washington and the University of Texas are actively engaged in planning HMOs.

Existing HMO-like plans such as Kaiser, Group Health Cooperative of Puget Sound and the Harvard Community Health Plan are expanding into new areas. Seven Blue Cross plans are sponsoring or supporting HMOs at this time, and an additional 13 are in various stages of planning.

The Group Health Association of America for several years has provided several communities with technical assistance in their efforts to start prepaid group practice plans. In addition, Blue Shield plans, commercial insurance companies, neighborhood health centers, hospitals, private industry, medical societies, and consumer cooperatives have all approached us for advice and assistance in developing HMOs under their sponsorship. With a small amount of funds made available through existing authorities in fiscal year 1971, we provided grants and contracts for some 50 organizations representative of these different interests in order to gain as wide a base of experience and expertise in HMO development as possible.

All things considered, this Administration is convinced that we need not be overly cautious or timid in encouraging the widespread development of HMOs. I would like to emphasize that HMOs are not designed to replace the existing system, but to provide the public with a reasonable, useful and less costly alternative emphasizing prevention.

Mr. Chairman this evidence of Congressional, professional, industrial and consumer consensus reassures us that we are moving in the right direction. I believe that the issue before us is not whether to develop HMOs, but how best to develop them. However, we must be careful not to underestimate the problems nor to overestimate the good effects of developing HMOs.

I would like to examine with you now the problems in getting HMOs started. I believe that your other witnesses will be able to speak in great detail about many of the problems we face in developing HMOs. However, the problems will generally fill into six areas:

First, HMOs are expensive to start and will require a large amount of capital. But, as I shall discuss shortly, the financial structure of the HMO is such that this capital need not be in the form of large amounts of equity or grant funds.

Based upon our discussions with successful HMOs, we estimate that it will require $100,000 to $500,000 to plan an HMO, depending upon the size and nature of the plan; the average cost we estimate at $250,000. It will require $1–2.5 million for many plans to get through the early start-up period in which member premiums do not cover the salaries and operating expenses of the health plan. Finally exclusive of hospital bed construction, HMOs will require up to $2.5 million in capital for health center rehabilitation or construction.

The second problem is the lack of management and technical expertise in HMO development and operation. There are few individuals with backgrounds in accounting, finance, marketing, law, and medicine all of which are involved in effective operation of HMOs. In addition, new HMOs are constrained by the limited technical assistance available to help in making multi-million dollar investment decisions and in assuming contractural liability for providing health care.

The third problem is the current unsuitability of Federal and private health payments to dual choice options with HMOs. Although most health insurance plans would make provision for paying HMOs, these proposals would generally not be effective until July 1973, even if passed this year. As a result, HMOs will continue to face the problem of converting Federal and private plans on an individual case-by-case basis.

Fourth, many consumers and physicians are relatively unaware of the advantages and disadvantages of HMO care. Without an adequate understanding, it will be difficult for them to make a choice based upon the merits of various modes of care.

The fifth problem lies in the general area of legal barriers. All states have some restrictions to HMO development which will need to be overcome, for example in the area of licensure or sponsorship. Twenty-one states have more restrictive laws which tend to require HMOs to operate under the Blue Shield laws or the insurance laws. Since HMOs operate in a different fashion than either, these laws make it difficult for HMOs to start.

Finally, new HMOs interested in using Federal assistance must relate to a variety of programs. For example, there are Federal programs which HMOs could draw upon for support in related activities such as manpower development, regional planning, or research. There are 'ten programs which pay for the health care of various Federal beneficiaries. This poses a difficult problem for HMOs interested in using more than one.

The Administration's health strategy is designed to deal with each of these problems. We have developed a series of both legislative and administrative steps to move quickly to develop HMOs. S. 1182, which we are considering today, is primarily directed at the problem of risk capital and building a technical assistance capability. The Health Maintenance Organization Assistance Act would authorize grants, contracts, loans and loan guarantees—a comprehensive and flexible package of support to help cover the costs of planning, initial operations, and construction. The direct grants, contracts, and loans will assist those who have limited access to private capital, while the Federal loans guarantee will assist those who have access to private capital, but find that lenders are reluctant to undertake the risks. In all instances, high priority would be assigned to HMOs intending to serve medically underserved areas or populations. Direct operating loans, grants and contracts would go solely to those areas. This new authority will add extensive scope, emphasis and flexibility to the activities we have already begun, under existing authorities, to build expertise and experience in the planning and organization of HMOs. Furthermore, it is our hope that the management expertise of responsible segments of the private sector will be attracted by the HMO concept.

In order to make health insurance suitable to HMO options, the Administration has proposed, and the Senate is now considering, legislation that offers those covered the option of having their health insurance premiums pay for membership in HMOs. In H.R. 1, the Social Security Amendments recently passed by the House, the HMO option would be extended to medicare beneficiaries. In S. 1623 the National Health Insurance Partnership Act, an HMO option is an integral feature of both the National Health Insurance Standards Act and the Family Health Insurance plan. I might add that some private insurance companies are moving now to provide dual choice to their consumers, as are many State Medicaid Agencies.

In addressing the fourth problem, we are making every effort, and will continue to do so, to ensure that the people of this Nation are well informed about the choices available to them.

Our strategy is to encourage existing HMOs to expand the HMO option to broader income and geographical segments, and new HMOs to consider the full spectrum right from the start.

With regard to the problem of restrictive State laws, S. 1623 proposes to override inhibiting State laws affecting prepaid group practices by invoking the supremacy clause of the Federal Constitution for those practices which meet our requirements.

Finally, we are making every effort to handle administratively the problems created for HMOs because they have to deal with several suitable programs. The joint funding authority of the HMO Act would also help to simplify this task.

The HMO Assistance Act requests such appropriations as may be necessary for a period through June 30, 1976. When the bill is enacted, I intend to request a budget supplemental appropriation for Fiscal Year 1972 of $38 million of which $16 million will be for planning grants and contracts for initial operations of HMOs in medically underserved areas and $4 million for loans to public institutions. This request will also seek authority to guarantee loans not exceeded $300 million in total. These core funds will be supplemented by funds which we are already using for HMO development from other authorities, such as the Partnership for Health Program and the Health Services Research and Development program. With these amounts, we believe we can reasonably program approximately 60 new HMOs in the planning stages, and an additional 50 HMOs in the beginning operational phases during fiscal year 1972. However, our estimates are necessarily uncertain.

At this point I wish to explain why we need this particular legislation now.

First: The proposed Act contains a unique combination of financial devices with which to support HMOs of both public and private sponsorship. It combines direct funding through grants, contracts, and loans and indirect funding through loan guarantees, allowing the potential organizer of an HMO meeting the requirements of the Act to select the financial device most appropriate to his requirements for investment capital. No existing program authorities have this range of choice. Moreover, these devices alone, or in combination, can be used to support the planning phases and cover initial operating deficits, as well as support the construction of ambulatory care facilities. Existing authorities are not as flexible in allowing this range of support.

Second: The utility of HMOs for certain critical health care situations—as in economically deprived or medical scarcity areas—has not been fully realized. The HMO Assistance Act would hopefully provide the incentive needed to attract them into scarcity areas. The legislation, we have proposed, requires us to assign the high priority to HMOs in medically underserved areas. We do not, intend, however, to perpetuate two systems of health care. We also propose, in this Act, that the HMO option be extended to Indian populations, whose only recourse at this time may be a distant Indian Health Service facility.

Third: HMOs are difficult and time-consuming to start. If we expect our health delivery system to respond to the increase in demand of a National health insurance plan effective in 1973, we must begin *now* to build more organized options for providers.

Fourth: We seek to encourage efficiency in the use of Federal funds as well as in the use of existing resources. We have proposed in this legislation that we be given authority for the joint funding of projects. This authority would permit us to relate various programs, now supported under separate authorities, to HMO development. Community mental health centers, children and youth centers, OEO Neighborhood Health Centers and HUD grants for group practice facilities, and migrant health projects are but a few of fragmented efforts that could be brought together with this authority, giving order and sense to community health services.

We propose, further, that comprehensive health planning bodies review and comment on all applications for support of HMO development. I should note that while we want to encourage competition among HMOs and between HMOs and other forms of health care, health care resources are much too costly to warrant unnecessary duplication of effort.

Fifth: Finally, the level of interest in HMO development on the part of consumers and providers is increasing as a result of the emphasis during the past year. If we are to take advantage of this private initiative and maintain this momentum, it will be necessary to report a bill with the basic authorities of S. 1182. Furthermore, such a bill will sharpen the emphasis upon reform which we are trying to achieve in the delivery of health care.

This summarizes our position on the need and utility of Health Maintenance Organizations.

With the current high level of activity and interest in HMOs, Mr. Chairman, I think your hearings on this Act will prove of tremendous National interest.

While we must be careful not to underestimate the problems nor to overestimate the good effects of developing HMOs, we believe that HMOs will lead to improvements in the organization and delivery of health services, and encourage a desirable diversity and competition in the provision of health care. They do provide alternatives for the individual patient who otherwise must find his own way into and through the various levels of health care. And they provide a reasonable means for uniting the economic concerns of providers and the health interests of consumers.

For all these reasons, I urge your favorable consideration and speedy enactment of S. 1182.

GOVERNMENT AND INDUSTRY PROGRAMS TO COMBAT $1½ BILLION CARGO THIEVERY LOSSES

HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. BIBLE. Mr. President, as calendar year 1971 draws toward a close, I believe it is appropriate that I make another of my periodic reports to the Senate, the Congress, and the American transport-shipper communities about efforts of the Government and the transportation industry to combat the crisis posed by the theft, pilferage, and hijacking of an estimated $1½ billion dollars in cargo shipments from truck, air, rail, and maritime carriers, last year—the biggest multi-billion-dollar racket nationally today.

The best estimates showed that for 1970 truck theft and hijacking led the crime list at $900 million, air cargo losses were $110 million, with some insurance executives saying that figure should be higher; maritime shipping at $210 million and railroad cargo thievery at $250 million.

Even though the thieves may have a good headstart so far, we believe it can be accurately said that progress is being made in dealing with that enemy. Not only is the carrier industry becoming more alerted to its responsibilities, but similarly, the Federal Government is trying to help coordinate a broad-scale campaign. But, there is a long road ahead to win this fight.

Two and one-half years ago when the Senate Small Business Committee, of which I serve as chairman, began investigatory hearings into the cargo theft problem, there was very little interest on the part of most carriers, the Government or almost anyone else except the small shipper suffering skyrocketing losses, some insurance companies who were being driven to the wall, and some carriers whose losses were canceling out their required insurance coverage.

Today, fortunately we believe that situation is changing. The Department of Transportation which showed no affirmative interest in 1969 and was severely criticized for its "rhetoric, vacillation, and negative attitude" by the Senate Appropriations Committee and the Senate Small Business Committee, is now marshaling an intensive effort to come to grips with the cargo crime crisis, headed by Gen. Benjamin O. Davis, Jr., Assistant Secretary of Transportation for Safety and Consumer Affairs.

To his great credit, Secretary of Transportation John Volpe last June called a 4-day cargo crime conference in Washington, marking the first time that a Federal agency or industry had really zeroed in on a broad effort to delineate the limits of the problem, to determine roles and responsibilities and to take an affirmative first step in exploring methods to deal with it.

Secretary Volpe announced before the conference: First, the organization of a Transportation Security Office within his Department to be headed by Richard A. Lally, a veteran Federal Bureau of Investigation agent, under General Davis' overall supervision; and second, the organization of an Intergovernmental Task Force under the President's direct authorization to seek out ways and means for all executive agencies of the Federal Government to assist air, truck, maritime, and rail carriers to curb growing cargo thievery in cooperation with State and local authorities.

The Department of Transportation has put together a 12-point Federal program including physical security measures and pilot security projects. Secretary Volpe has requested every Governor to designate a member of his personal staff to work with Federal and local organizations to push the program and to ascertain if State funding for such purposes can be secured through Law Enforcement Assistance Administration funding from the Department of Justice.

Likewise, the Department of Justice in a letter by Deputy Attorney General Richard Kleindienst to all U.S. attorneys, urged the prosecutors to give particular attention to cargo crime areas.

Additionally, the Transportation Association of America, directed by its president, Harold Hammond, and representing most major carriers and shippers, announced the formation of a transportation cargo security council made up of carrier, labor, insurance, shipper, and associated private industry organizations and manufacturers to assist in the Federal-State efforts.

In letters from Council Chairman Harold Hammond, on November 17, all 50 State Governors were asked to recognize the severity of the problem and to seek Federal funding for cargo security programs locally.

Also in the private sector, the American Trucking Associations' security arm, the Trucking Industry Committee on Theft and Hijacking, continued to step up its activities begun back in 1968 and 1969 and headed by James Fernan, a former FBI agent, as its director.

Unquestionably, the cargo transport industry today is plagued with losses never thought possible a few short years ago. As an example, hijackings of entire truck or trailer loads of cargo are on the increase, especially in the Boston to Miami corridor, with some $17.3 million worth of goods stolen in 318 hijackings in New York City alone last year and on the increase this year.

As another effort to meet this challenge, a number of southeastern trucking and insurance companies organized the National Truck Theft Association several months ago in Jacksonville, Fla., to focus attention and work out methods to deal more effectively with the hijack and truck theft problem and headed by R. J. Brauns of Indianapolis, Ind.

Still another effort in progress is my bill, S. 942, passed by the Senate in September and now before the House Interstate and Foreign Commerce Committee. It would establish a presidentially appointed Commission on the Security and Safety of Cargo, with 10 members drawn from truck, air, water, and rail carriers, cargo labor unions, shippers, import-export concerns, and the President's Cabinet. It provides for an indepth 2-year examination of methods to improve security in our entire carrier system, with an interim report after 1 year.

In addition to the study aspect, the bill would authorize the Secretary of Transportation to establish Federal security standards at all airports, seaports, and other commerce-associated areas after the Commission concludes its work. It would require development of crime prevention measures. A Commission report would be made to the President and the Congress preliminary in 1 year and final recommendations in 2 years. We realize there are no overnight, magic, or simple remedial measures to eliminate cargo theft and hijacking but we believe our legislation offers the broadest, most coordinated, concrete, partnership-type proposal yet suggested to face up to the problem that is not getting smaller.

In conclusion, I commend to my colleagues' attention the following documents which I include to elaborate on my remarks: First, an Associated Press news article outlining the truck theft-hijacking problem nationally; second, a letter from Secretary of Transportation John Volpe outlining the activities of his Department to build a theft deterrent program to assist the Nation's transportation system, including an outline of its 12-point cargo security program, a press release on the subject, and a copy of Secretary Volpe's letter to the 50 Governors; and third, a copy of Transportation Cargo Security Council Chairman Harold M. Hammond's letter to all 50 State Governors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW TYPE OF HIGHWAYMEN TAKE TO AMERICA'S ROADS

PHILADELPHIA.—John Couts had been driving trucks most of his life and was used to the boredom of the traffic jam.

As his rig left a ramp of the Schuylkill Expressway near Philadelphia, something happened to relieve the boredom.

A man with a revolver jumped in beside him and said, "Don't get funny, Johnny." He didn't. He allowed himself to be bound and blindfolded and thrown in the back of the truck.

About fifteen minutes later two men opened the truck's back door. They unloaded the cargo—$135,000 worth of men's suits—and took Couts' wallet, which contained $122.

Couts never saw the suits or his money again.

James Neal, a 30-year-old Manhattan truck driver was stopped at a traffic light in downtown New York recently when two men approached him and asked for the time.

When he looked up from his watch, he was staring down the barrel of a pistol.

Police later found him handcuffed to a chain link fence in a deserted area of the borough of Queens. His truck and $40,000 worth of cloth on its way to Manhattan's garment district from Connecticut, never made it.

NOT INJURED

Neither Couts nor Neal was injured—most victims of hijackings aren't—but both will vouch for the fact that driving a truck can be a dangerous business.

What has become a dangerous business for the truck driver has become good business for the American criminal.

Claude M. Hamrick, counsel for the McLean Trucking Co., thinks "the underworld has found hijacking relatively safe and lucrative compared with bank robberies."

Available statistics bear him out.

Last year, according to some estimates, the take from the hijacking and theft of trucks was more than 100 times the $8 million the FBI says was stolen from banks in 1969, the latest year for which bank figures are available.

The FBI estimates the average take from a bank robbery is $4,500. The agency does not keep similar figures on truck theft and hijacking, but one private survey places the average take at $34,500 in goods.

Reflecting the entrepreneurial expertise of the legitimate businessman upon whom he feeds, the hijacker has brought a degree of sophistication to his field. Many of the fiscal laws which dictate legitimate business—such as that of supply and demand—apply to hijackers too.

During the recent copper strike, at one hijacking of a truckload of copper tubing was reported. Easter clothes are hijacked in the spring, appliances just prior to Mother's Day, and trucks hauling liquor are in special danger around Christmas.

But the field is a wide one, and some of the most unlikely items are hijacked. In April, a $20,000 load of mushrooms was hijacked near West Chester, Pa.

In the same month, hijackers helped themselves to $75,000 worth of hams at Elizabeth, N.J., and $50,000 in magazines in Hoboken, N.J.

FROZEN FISH

Last year, a truck containing $7,500 in frozen fish was stolen near Haddonfield, N.J., and in Philadelphia an American Diaper Service truck containing 9,000 diapers estimated to be worth $2,000 as diapers and $150 as rags was stolen on the street.

APA Transport, one of the larger carriers on the Eastern Seaboard, recently discovered the telephone line into its Scranton, Pa., terminal was tapped. Mark Lawless, chief of security for APA, believes the tap was installed by hijackers so they could keep track of "high yield" shipments.

"Fortunately we discovered it a few weeks after it was installed," Lawless said. "They could have killed us."

But, Lawless concedes, the hijacker need not resort to a phone tap to keep track of the movement of goods.

"If we employed nothing but moonlighting seminarians, the hijacker would have a hard time figuring out what was going where, but they always manage to pick up the expensive loads—the typewriters, the TV sets and so on."

"It's a people problem," says another trucking industry source. "When people break down, your security system breaks down. Organized crime moves in around the terminals and they get the drivers involved in loansharking activities, for instance.

"One day a driver can't make a payment, so the syndicate says 'just keep us informed on what moves when.' "

"Organized crime has got to be behind most of it," a source says. "There is the problem of having to 'fence' the goods once they're stolen, and since so few of the goods are recovered after they are stolen, it appears the fences are effective. Setting up a fence is an elaborate procedure, something beyond the capability of the average amateur."

Sen. Alan Bible, D-Nev., chairman of the Senate Select Committee on Small Business, which began investigating cargo losses in 1969, estimates $900 million was directly lost last year through the theft and hijacking of trucks.

Bible's committee estimates that only $110 million was lost last year through theft of air cargo.

Theft of rail cargo amounted to $250 million and $210 million was lost through theft of maritime shipments, Bible's committee estimates.

The $900 million, Bible points out, is only part of the loss to the national economy.

INDIRECT COSTS

"The ATA (American Trucking Association) told our committee . . . that for every dollar of direct loss, it costs motor freight from $2 to $5 in indirect costs in processing claims, paper work, and manpower," Bible said recently. "If we add the direct dollar theft loss, the carrier's indirect cost of $2 to $5 and the shipper's indirect cost of $5 to $7, we may be talking of cost to the national economy approaching $8 billion to $10 billion annually.

"It is the consumer," Bible said, "who pays for these direct and indirect losses."

The FBI and the major carrier insurance companies pinpoint New York City area as the area of greatest hijacking activity.

"In the past five years, going through 1970, the percentage of claims we have paid on major crimes and hijackings in the New York area have increased certainly 300 per cent, and I'm inclined to think maybe over 500 per cent," said Robert Begeman, vice president of loss prevention of the Transport Insurance Co., of Dallas, Texas.

Five years ago, Begeman said, hijackings hardly affected the motor carrier insurance business. "It started increasing in 1967, and in 1968 it really started getting bad," he said.

The cost to the carrier insurance, Begeman said, has been staggering, and some of it has been passed on to the carriers and shippers.

Begeman said that until two years ago terminal thefts outweighed hijackings, but "in the last two years we have seen a flipflop in hijacking versus terminal thefts. The reason for this," he said, "is that the trucking industry as a whole has improved its terminal security to a point that it is easier to steal on the street or hijack it than it is to take it from the terminal."

FIRST PINCH

Chester H. Smith, general counsel to Sen. Bible's committee said small business is feeling the pinch first, and some bankruptcies have resulted directly from truck theft and hijacking.

"One insurance company which reported only two bankruptcies of motor carriers over 30 years, recently revealed that five trucking firms went broke (as a result of hijacking and theft) in 1970 alone," Smith said.

"The trucking industry," Smith said, "has been hiding it (the hijacking problem) under the table, and now the noose is so tight around their necks, they can't move."

Fred A. Harger, of Pilot Freight Carriers, one of the largest trucking firms in the nation, agrees.

"We do a hell of a lot of talking but see damn little action."

What disturbed him most, Harger said, was the trucking industry's attitude. Instead of being concerned over losses, he said, most carriers push the responsibility off on their insurance company.

"The hell with it. I'm insured. Let the insurance company worry about it. That's the general attitude that scares me," Harger said.

Recently, sources say, a new cost has been added to truck hijacking. Until about two years ago, hijackers usually abandoned stolen rigs after the goods were taken from it. Now they are beginning to keep the trucks.

Detective Henry Watson of the Florida Highway Patrol says hundreds of stolen rigs currently are being operated throughout the country.

"It isn't difficult for a thief to make a few basic modifications to a Broadway and turn it into a Mack, or a White into an International," he said. "So while police are looking for a carrier's stolen Broadway, the thief is operating under our noses in a tractor that has been repainted and modified to look like a Mack."

SUGGESTIONS MADE

An Associated Press survey of carrier security officers produced the following suggestions which most security officers felt could cut the incidence of hijacking and theft.

Do away with advertising on freight cartons and tractor-trailers. "These guys love to advertise," one said, "and this kills us. The hijacker would have a much harder time isolating the valuable shipments if they were unmarked."

Establish some form of central screening system for trucking company employes. "A driver can be fired for stealing from one company and get a job with another carrier in the same day," said another.

Prosecute more vigorously employes found to be stealing or aiding hijackers. "Too many of the companies are willing to buy the loss because they don't want trouble with the union, and because it takes too much time and trouble."

Requirement by the government of stronger security measures.

Stronger court action against hijackers and truck thieves. "Two men recently were brought into court on charges of stealing a truck and its cargo, together worth about $250,000," one officer said, "They were freed on $1,000 bail. In the same court a woman who was charged with shop-lifting and was picked up with $12 in her pocket was held in lieu of the same amount of bail—$1,0000.

Some action aimed at stopping hijacking and theft is being taken in Congress.

Sen. Bible introduced a bill under which "persons who steal, sell, or have stolen interstate cargo in their possession would face civil suits in federal court for treble damages."

"If the fences and shady merchants who buy this vast variety of stolen goods are hit in their pocketbooks, this should substantially help in drying up the hot cargo market," Bible said.

Another bill being sponsored by Bible would establish a Special Cargo Security Commission.

Most transport security officers are aware of these attempts to stop the problem which plagues them daily, and are thankful for them. But, as one said, "Hijacking and theft will never completely stop. Those guys are always a step ahead. You plug one hole, and they open another.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., October 23, 1971.
Hon. ALAN BIBLE,
Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, in June of this year I accepted a new responsibility for this Department to lead an all-out effort by the Federal Government to attack the serious national problem of theft and pilferage of cargo in all modes of transportation. My decision to accept this responsibility stemmed from the investigative work, the hearings, and the encouragement of your Committee. It is therefore appropriate that I advise you of the actions taken over the past four months toward our common objective to build an effective theft deterrent program throughout the Nation's transportation system.

JOINT CONFERENCE ON CARGO SECURITY—JUNE 17–18 AND JULY 6–7, 1971

At this highly successful four-day Conference, top officials of Government, Congress and the private sector reviewed, discussed and documented ideas and recommendations for combating the cargo theft problem. It was the starting point for joint action to correct the problem. I commend you and your Committee for printing the proceedings of the Conference which are now available as Part 4 of the Committee's report entitled, "Impact of Crime on Small Business—1970–71."

The Transportation Association of America and the Department of Transportation will jointly sponsor a follow-on National Cargo Security Conference in 1972. It has already been scheduled for June 20–21 in Washington, D.C.

INTERAGENCY COMMITTEE ON TRANSPORTATION SECURITY

My letter of June 11, 1971, to the heads of Federal Departments and agencies concerned with the cargo theft problem, announced DOT sponsorship of the Interagency Committee which is chaired by General Benjamin O. Davis, Jr., my Assistant Secretary for Safety and Consumer Affairs.

Membership on the Committee now includes representatives of the Departments of Transportation, State, Treasury, Justice, Commerce, Defense and Labor, the General Services and Small Business Administrations, the Postal Service, the Federal Maritime, Interstate Commerce and Atomic Energy Commissions and the Civil Aeronautics Board.

The Committee met on June 23, July 27, August 27 and October 1. The next meeting of the Committee is scheduled for November 2. I want to stress that the Committee is not a study group—it is a Federal Task Force for the coordination of actions for the total Federal effort in combating crime in transportation.

TRANSPORTATION INDUSTRY CARGO SECURITY COUNCIL

Industry, recognizing the need for a forum and a voice in this new Federal effort, established on August 12, a Transportation Industry Cargo Security Council under the sponsorship of the Transportation Association of America, to work with us toward a common goal. Representation on the Council includes the carriers, shippers, freight forwarders, insurers and labor organizations. The next meeting of the Council is scheduled for November 4. Thus, two competent bodies are now established and are working together to solve a serious national problem—the Transportation Industry Cargo Security Council representing the private sector, and the Interagency Committee on Transportation Security representing the executive branch of the Federal Government.

DOT'S NEW OFFICE OF TRANSPORTATION SECURITY

Our Office of Transportation Security was created during June 1971 with responsibility for executing DOT's new role of Federal leadership for the protection and safety of passengers and cargo in the transportation system. The new office has four major elements: an Office of the Director responsible for overall program coordination and management; a Civil Aviation Security Division responsible for both ground and air security of aircraft and passengers; a Cargo Security Division responsible for the secure shipment of cargo in the transportation system; and a Program Development Division which will concentrate on the development of systems and procedures for assuring the application of the most modern technology possible in solving these problems.

FEDERAL CARGO SECURITY PROGRAM

The Department of Transportation, working very closely with the Interagency Committee and the Transportation Industry Cargo Security Council has developed a 12 part Cargo Security Program. It is intended that the Program be dynamic and viable. Changes are expected as new ideas and requirements are recognized on the basis of experience gained. (A copy of the Cargo Security Program is enclosed.)

PROGRAM LEADERSHIP RESPONSIBILITY

Responsibility for carrying out each of the 12 program objectives has been assigned to a specific individual best suited for the task in the belief that they way to get the job done is personal involvement and commitment by top flight people rather than a more general assignment to a department or agency. Six of the leadership assignments have been made to DOT officials and the other six have been accepted by key officials in the General Services and Small Business Administrations, the Departments of Treasury, Justice and Commerce and the Postal Service. DOT's Office of Transportation Security participates with and provides support for each program leader which further enhances close coordination between the 12 program areas.

NEW CARGO SECURITY MISSIONS WITHIN DOT

Last month I requested the major operating administrations of DOT—Aviation, Highway, Railroad and the U.S. Coast Guard, to incorporate cargo security within their established safety inspection responsibilities. Initial security surveys have already been conducted and more are scheduled. The results will constitute the basis for an ongoing DOT Cargo Security Program encompassing all modes of transportation. A good example of this type of activity is an action taken by the U.S. Coast Guard on October 12, 1971, directing District Commanders to implement immediately a surveillance and reporting program by all elements of the Coast Guard for increased protection of marine cargo against theft, especially during the period of the current work stoppage at certain ports.

DRAFT CARGO SECURITY GUIDELINES

Some 1,500 copies of the draft "Guidelines" were distributed throughout Government and industry since August 9, 1971, for review and comments. Over 50 sets of comments have been received—many are excellent and will contribute to a better document. Final publication is expected during January 1972.

CARGO LOSS REPORTING SYSTEMS

The consensus at the Joint Cargo Security Conference was that a meaningful and accurate cargo loss reporting system is necessary as one of the first steps in planning and developing a long term solution to the cargo theft problem. DOT has contracted with a commercial firm to design such a system so as to have a preliminary readout by January 1972 with a more detailed loss report for all carrier modes by June 30, 1972.

DEMONSTRATION PROJECTS

The Office of Transportation Security has identified and is now preparing to implement several projects for testing and measuring the effectiveness of security procedures and equipment which include: a model security program for a New Jersey pier; a device for railcars to detect and alert in the event of tampering or break-in; a locator radio beacon for hijacked trucks; and a simple locking device for railroad cars. The pilot projects will be a joint cooperative effort by the Federal Government and the private sector and will include participation by local and State law enforcement organizations as appropriate.

STATE AND LOCAL INVOLVEMENT IN CARGO SECURITY

On October 22, 1971, I signed a letter to each Governor of the 50 States enclosing and commending for his personal review, the report of the Proceedings of the Joint Cargo Security Conference. This letter urged the Governors to take a personal interest in the Cargo Security Program and suggested that a proportionate share of Law Enforcement Assistance Administration (LEAA) funding granted to his State be utilized for support of the program. I also asked the Governors to designate an official within their State to serve as a coordinator and point for liaison on cargo security matters.

MANUAL ON INVOLVEMENT OF ORGANIZED CRIME IN CARGO THEFT

The LEAA has provided funds to DOT to write and publish a handbook for managers and corporate executives on the relationship of organized crime to cargo theft. Some 30 proposals have been received from commercial firms for the preparation of this manual, which are now being evaluated by DOT. Publication is expected in January 1972.

Mr. Chairman, the wave that you and your Committee generated has gained considerable momentum during the past four months. This momentum will increase and expand as the Cargo Security Program moves out from Washington, D.C., to the States, cities and communities. The first year of the Program, in my view, will see much hard work for all the people involved in the effort to overcome inertia and complacency and establish a new attitude of security awareness.

I will not attempt to predict what will be reported at next year's National Cargo Security Conference. I am optimistic, however, that we will hear how specific theft deterrent measures are producing meaningful results, which collectively hold the answer to the cargo theft problem.

I am looking forward to your continuing support and participation at the National Cargo Security Conference next June.

Sincerely,

JOHN VOLPE.

CARGO SECURITY PROGRAM

As approved by the Interagency Committee on Transportation Security this date, the Cargo Security Program encompasses the following twelve items:

1. Cargo loss reporting.
2. Cargo accountability and documentation.
3. Packaging, labeling, containers, and seals.
4. Carrier liability, insurance, and loss claims.
5. Physical and procedural security measures.
6. Personnel security measures.
7. Coordination of Federal programs.
8. Coordination of State and local government programs.
9. Law enforcement and criminal prosecution.
10. Pilot projects.
11. Security research and dissemination of technical data.
12. Shipper and consumer activities.

NEWS RELEASE, DEPARTMENT OF TRANSPORTATION

Secretary of Transportation John A. Volpe today called on the governors of all 50 States to join the Federal Government and the transportation industry in a coordinated "get tough" program to combat the alarming rise in cargo theft and pilferage.

Noting that the loss resulting from such thefts amounted to an estimated $1.5 billion in 1970, Secretary Volpe declared that "the general public suffers because such losses are passed directly on to the public through increased prices."

In a personal letter to all the governors, the Secretary asked them for their "support and personal involvement as a team member." He pointed out that a 12-point Cargo Security Program already has been developed, approved and coordinated by the Federal Government, the transportation industry and labor organizations but lacks State and local participation.

As a means of implementing the Cargo Security Program, Secretary Volpe urged the governors earmark for this purpose a proportionate share of Federal grant funds made available to the States by the Law Enforcement Assistance Administration (LEAA). LEAA, an agency of the Department of Justice, has some $600 million it can grant in Fiscal Year 1972 to strengthen State and local law enforcement systems.

Enclosed with the letter is a report of the proceedings of the Joint Conference on Cargo Security which convened in Washington, D.C., last summer. This report (*), "Impact of Crime on Small Business—1970–71," is a compilation of the best ideas and recommendations of top officials of Government, Congress, industry and labor on the cargo theft problem.

Secretary Volpe urged the governors to appoint a senior official for continuous liaison with the Department's new Office of Transportation Security, which reports directly to Benjamin O. Davis, Jr., Assistant Secretary of Transportation for Safety and Consumer Affairs. This contact, the Secretary pointed out, is essential as the program moves from Washington, D.C., out to the States, cities and communities.

The governors were told that new cargo security measures and activities will appear soon throughout the country. He noted that the four major operating agencies in the Department of Transportation—Aviation, Highway and Railroad Administrations as well as the Coast Guard—will be incorporating cargo security with their established safety inspection responsibilities. He added that the Treasury Department's Bureau of Customs already has tightened its procedures to provide increased protection for international cargoes and now is expanding this program to the limits of its resources and authority.

"This is the start toward the objective to build an effective theft deterrent program throughout the nation's transportation system," Secretary Volpe declared in his letter. "New regulations and laws will be considered only where voluntary efforts fail to protect the public from the increasing diversion of private and national resources to thieves and organized crime."

LETTER ADDRESSED TO 50 STATE GOVERNORS BY SECRETARY OF TRANSPORTATION JOHN VOLPE

DEAR GOVERNOR: On June 17 of this year I accepted a new responsibility for this Department to lead an all out effort by the Federal Government to attack the serious national problem of theft and pilferage of cargo in all modes of transportation. The enclosed report of the Joint Conference on Cargo Security, where I announced my acceptance of this responsibility, contains the ideas and recommendations of top officials of the Federal Government, Congress and the private sector on the cargo theft problem. I commend this report for your personal review.

Under the direction of my Assistant Secretary for Safety and Consumer Affairs, Benjamin O. Davis, Jr., a joint plan of action has been developed and coordinated with other concerned Federal Departments, the transportation industry and labor organizations. A copy of this plan, which is entitled, "Cargo Security Program," is also enclosed. I am now seeking your support and personal involvement as a team member having a specific area of concern within your State, cities and communities.

New cargo security measures and activities will soon appear throughout the Nation. Last month I requested the major Operating Administrations of this Department—Aviation, Highway, Railroad and the U.S. Coast Guard, to incorporate cargo security with their established safety inspection responsibilities. The Department of Treasury through its Bureau of Customs has already tightened its procedures to provide increased protection for international cargoes and is now expanding this program to the limits of their resources and authority. This is the start toward the objective to build an effective theft deterrent program throughout the Nation's transportation system. This program will be based upon the principles of self-help, common sense and commercial incentives. New regulations and laws will be considered only where the voluntary efforts fail to protect the public from the increasing diversion of private and national resources to thieves and organized crime. Such losses, which in 1970 have been estimated at $1.5 billion, are passed directly on to the public through increased prices. Thus, cargo theft contributes to a double jeopardy—inflation and the support for organized crime.

Please note in particular Items 8 and 9 of the Cargo Security Program involving State and local governments and the criminal justice system. The Department of Justice through its Law Enforcement Assistance Administration (LEAA) is making available some $600 million in FY–1972 to strengthen State and local law enforcement systems. Most of the LEAA funds are made available to the States in block grants, with their expenditure within the States determined by a State Planning Commission appointed by the Governor. I urge that a proportionate share of these funds be utilized for support of the Cargo Security Program.

In addition to your personal support, I will appreciate being advised of your representative with whom contact may be established on a routine basis by my Office of Transportation Security. I recommend that he be a senior level official with a direct reporting responsibility to you.

I shall look forward to hearing from you.

Sincerely,

JOHN VOLPE,
Secretary of Transportation.

LETTER ADDRESSED TO 50 STATE GOVERNORS BY TRANSPORTATION CARGO SECURITY COUNCIL CHAIRMAN HAROLD M. HAMMOND

DEAR GOVERNOR: In a letter of October 22, 1971, Secretary of Transportation John A. Volpe appealed to you and all other state governors for your support and personal involvement in efforts to deal with the serious national problem of theft and pilferage of cargo which is estimated to have cost the American public $1.5 billion in 1970. In that connection, Secretary Volpe urged that a proportionate share of the $600 million available through the Department of Justice's Law Enforcement Assistance Administration (LEAA) be utilized for support of the cargo security program.

I am writing you on behalf of the Transportation Cargo Security Council to express strong support of Secretary Volpe's appeal and earnestly urge your favorable and early response to his request.

The Transportation Cargo Security Council was established last August following a four-day conference jointly sponsored by DOT and the Transportation Association of America in recognition of the severity of the cargo security problem and the absolute necessity of industry's and labor's active participation in on-going programs if meaningful progress is to be made. Membership of the Council is comprised of representatives of carriers, shippers, insurers, importers and labor organizations. The Council is now working closely with the Federal Government's Interagency Committee, composed of 13 Federal departments and agencies, in developing effective methods for implementing a 12-point cargo security program, a copy of which Secretary Volpe sent to you with his letter of October 22.

The industry groups and labor unions represented on the Council, through their state associations and local organizations, stand ready to assist and cooperate in every way possible with you and your designated representative in this vitally important program.

We would appreciate being advised of the name of your representative in this area for future routine liaison purposes.

You may be interested in the enclosed press release issued in connection with the Council's meeting of November 4, 1971.

Sincerely,

HAROLD HAMMOND,
Chairman,
Transportation Cargo Security Council.

TEXT OF S. 1182, THE NIXON ADMINISTRATION HMO PROPOSAL

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, on March 10, 1971, Senator JAVITS, with several of his colleagues, introduced the administration's Health Maintenance Assistance Act of 1971. The bill—S. 1182—was the subject of remarks made by Senator JAVITS on that date, but unhappily, the text of that bill was not printed in the RECORD. It is an important document, and I include it in the RECORD at this point:

S. 1182

A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Maintenance Organization Assistance Act of 1971".

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 2. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to X" and inserting in lieu thereof "Titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title X the following new title:

"TITLE XI—ASSISTANCE TO HEALTH MAINTENANCE ORGANIZATIONS

"CONGRESSIONAL FINDINGS

"SEC. 1100. (a) The Congress finds that—

"(1) the medical care system is not organized in a manner which encourages the provisions of medical care at reasonable costs,

"(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventative health services, and

"(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

"(b) The purpose of this title is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas. This purpose is to be accomplished through grants, contracts, loans, and loan guarantees to encourage the establishment and expansion of health maintenance organizations.

"DEFINITIONS

"SEC. 1101. For the purposes of this title—

"(1) (and for purposes of title VII) the term 'health maintenance organization' means a public or private organization which—

"(A) provides, either directly or through arrangements with others, health services to individuals enrolled with such organizations on a per capita prepayment basis:

"(B) provides, either directly, or through arrangements with others and through institutions, entities, and persons meeting the applicable requirements of section 1861 of the Social Security Act, all those health services which a defined population might reasonably require in order to be maintained in good health, including as a minimum emergency care, inpatient hospital and physican care, ambulatory physician care, and outpatient preventive medical services;

"(C) provides physicians' services (i) directly through physicians who are either employees or partners of such organization, or (ii) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

"(D) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of capability to provide comprehensive health care services, including institutional services, efficiently, effectively, and economically;

"(E) has arrangements for assuring that the health services required by its members are received promptly and appropriately and that the services which are received meet quality standards which it establishes in accordance with regulations of the Secretary; and

"(F) has an open enrollment period at least every year under which it accepts up to the limits of its capacity and without restrictions, except as may be authorized in regulations of the Secretary, individuals in the order in which they apply for enrollment (unless to do so would result in failure to meet any requirement pertaining to size or the characteristics of its enrollees imposed under the Social Security Act as a condition of eligibility for payments under part B of title VI or title XVIII of such Act).

"(2) the term 'medically underserved area' means an area designated by the Secretary, after consideration of the recommendations (if any) of the appropriate State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A)) and the local area health planning agency (if any), as an area with a shortage of health services.

"(3) the term 'construction' means construction of new buildings, acquisition, expansion, remodeling, or alteration of existing buildings, acquisition of land, or acquisition of equipment (whether or not associated with construction).

"(4) the term 'local area health planning agency' means the agency or organization responsible for the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) and covering the area in which the health maintenance organization operates or proposes to operate, or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria included in regulations, similar functions.

"GRANTS TO AND CONTRACTS WITH HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1102. (a) The Secretary is authorized, during the period beginning January 1, 1972, and ending with the close of June 30, 1976, to make grants to public or nonprofit private health maintenance organizations, and to any public or nonprofit private organization intending to become health maintenance organizations, and to enter into contracts with any health maintenance organizations or any organizations intending to become health maintenance organizations, to—

"(1) assist them in planning for the development or expansion of a health maintenance organization, and

"(2) pay all or part of the initial operating costs of such organization incurred as a result of its operation in or expansion into a medically underserved area.

"(b) No application for a grant or contract under subsection (a) may be approved except upon assurance satisfactory to the Secretary—

"(1) of the applicant's intent to form, create, or expand a health maintenance organization, if the application is for a grant or contract under clause (1) of subsection (a), and

"(2) of its intent to operate in a medically underserved area, if the application is for a grant or contract under clause (2) of subsection (a).

"(c) A grant or contract pursuant to clause (1) or (2) of subsection (a) may not provide the assistance described therein for more than two years in the case of clause (1) of three years in the case of clause (2).

"LOAN GUARANTEES AND LOANS

"SEC. 1103. (a)(1)(A) In order to assist private health maintenance organizations to establish themselves or to provide new or expanded health services, the Secretary, during the period beginning January 1, 1972, and ending with the close of June 30, 1976, may, in accordance with the provisions of this part, guarantee, to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this part.

"(B) In order to assist public health maintenance organizations in meeting the initial operating costs incurred as a result of their operation in or expansion into medically underserved areas, the Secretary, during the period beginning January 1, 1972, and ending with the close of June 30, 1976, may, in accordance with the provisions of this part and as specified in appropriation Acts, make loans to such public organizations.

"(C) A loan guarantee under subparagraph (A) may be only for construction of outpatient or other ambulatory care facilities, or for operating costs for a period not in excess of three years. A loan under subparagraph (B) may be only for operating costs for a period not in excess of three years.

"(2) No loan guarantee or loan under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant under this or any other law of the United States, is—

"(i) with respect to any construction, in excess of 90 per centum of the cost of such construction, or

"(ii) with respect to initial operating costs, in excess of 90 per centum of such cost.

No such loan guarantee may apply to more than 90 per centum of the loss of principal of and interest on the loan.

"(b) The Secretary may not approve the application of a health maintenance organization unless—

"(1) he determines, in the case of a loan for which a guarantee is sought, that the terms, conditions, maturity, security (if any) and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States,

"(2) the term of a loan for which a guarantee is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes, and

"(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"(c) Guarantees of loans under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this part will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interests of the United States.

"(d) In the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(f) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under this section may not exceed such limitations as may be specified in appropriations Acts.

"(g) (1) (A) There is hereby established in the Treasury a health maintenance organization loan guarantee and loan fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this section, and (ii) for direct loans to public health maintenance organizations. There are authorized to be appropriated to the fund from time to time such amounts as may be required for the fund. There shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this section, including any moneys derived from the sale of assets.

"(B) Of the moneys in the fund there shall be available to the Secretary for the purpose of making direct loans to public health maintenance organizations only such sums as are appropriated for such purpose, or sums received by the Secretary as interest payments or repayments of principal on such loans and authorized in appropriations Acts to be used for such purpose.

"(2) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this section to meet obligations under guarantees of loans under subsection (a), he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(h) (1) (A) Any loan by the Secretary under this section shall bear interest at a rate comparable to the current rate of interest prevailing with respect to loans which are guaranteed under subsection (a).

"(B) No such loan may be made unless—

"(i) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(ii) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(C) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"(D) No such loan shall have a term in excess of 15 years.

"(2) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payments of principal and interest on a loan under this section.

"GENERAL CONDITIONS

"Sec. 1104. No application for a grant, contract, loan guarantee, or loan under this title shall be approved unless—

"(1) the State comprehensive health planning agency (referred to in section 1101 (2)) and the local area health planning agency (if any) have had an opportunity to comment thereon in a manner prescribed by the Secretary, and

"(2) the applicant agrees to keep such records and make such reports to the Secretary as the Secretary may find necessary, for purposes of this title.

"JOINT FUNDING

"Sec. 1105. Pursuant to regulations prescribed by the President, where funds are advanced for a single project or program by more than one Federal agency to an organization assisted under this title, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"FEDERAL PRIORITIES

"Sec. 1106. In approving any application for a planning grant or a loan guarantee, the Secretary shall give priority to those applicants which will provide new or expanded health services to medically underserved areas.

"WAIVER OF CONTRACT LIMITATIONS

"Sec. 1107. Whenever the Secretary determines it to be in furtherance of the purposes of this title, the function authorized herein may be performed without regard to such provisions of law or other regulations relating to the making, performance, amendment, or modification of contracts of the United States as the Secretary may specify.

"AVAILABILITY OF APPROPRIATIONS

"Sec. 1108. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act for the fiscal year ending June 30, 1972, and for each of the four succeeding fiscal years. Sums so appropriated for any fiscal year ending prior to July 1, 1975, for grants or contracts under this title shall remain available for obligation until the end of the fiscal year following the fiscal year for which the appropriation is made."

SERVICES FOR INDIANS

Sec. 3. Section 1 of the Act of August 5, 1954 (42 U.S.C. 2001) is amended by inserting "(a)" before "All functions" and by adding at the end thereof the following new subsection:

"(b) In carrying out his functions, responsibilities, authorities, and duties under this Act, the Secretary is authorized, with the consent of the Indian people served, to contract with private or other non-Federal health agencies or organizations for the provision of health services to such people on a fee-for-service, or prepayment or other capitation basis."

THE AMERICAN MEDICAL ASSOCIATION AND HMO'S

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, the American Medical Association has set forth its views on proposals for national legislation on health maintenance organizations.

So that my colleagues and the public may be more fully informed, I include the informational paper of AMA—paralleling the report presented by the Council on Medical Service to the AMA House of Delegates in June, 1971—in the CONGRESSIONAL RECORD:

HMO'S AS SEEN BY THE AMA—AN ANALYSIS

BACKGROUND

The first public appearance of the term "Health Maintenance Organization" was March 23, 1970, when Department of Health, Education, and Welfare (DHEW) Undersecretary John G. Veneman presented the Administration "Health Cost Effectiveness" bill before the House Ways and Means Committee. This was followed two days later by a statement and press release from Secretary Robert H. Finch, also supporting the concept as a new approach to providing Medicare benefits.

Neither statement was specific as to the *organization*. They dwelt more on the idea of a "health maintenance contract"—a contract which would guarantee the Medicare beneficiary all Part A and Part B benefits, plus unspecified preventive services, at an annual rate per beneficiary negotiated in advance and less than the current average Medicare expenditures in the area.

Mr. Veneman's statement listed, as examples of "health maintenance organizations already in existence," the Kaiser Foundation, the Health Insurance Plan of Greater New York, the San Joaquin (California) Foundation for Medical Care, the Clackamas County Medical Society (Oregon), and organizations planned in Columbia (Maryland), Philadelphia, Rochester (New York), Cleveland, and Milwaukee. Mr. Finch's statement did not name names but described some of these same plans in general terms as types of HMO's.

Mr. Finch went on to say: "The kind and variety of arrangements which are possible go far beyond these beginning efforts. Some health maintenance organizations may be large corporations. In contrast, a group of doctors may elect to combine for this purpose for part of their time and continue their conventional practice as well. An existing hospital may combine with its medical staff to form such an organization, or it may develop arrangements with others and subcontract its services at a fixed rate. . . . We will not prescribe the form of a health maintenance organization but we will be concerned about the result it produces . . ."

LEGISLATIVE HISTORY

The Nixon Administration proposal was a separate Part C of Medicare, offering this "Health Maintenance Benefit" instead of Parts A and B. The Ways and Means Committee incorporated the recommendation in HR 17550, 91st Congress, the "Social Security Amendments of 1970," but with substantial changes, including making it a new Section 1876 of Title XVIII rather than a separate Part C. The House passed HR 17550 with the HMO option.

The Senate Finance Committee also accepted the HMO option but with a number of changes from the House version, and the Senate passed this version on December 28, 1970. Because of the lack of time remaining for the 91st Congress, a conference committee was not appointed to resolve differences in the two versions and HR 17550 died with the end of the session.

However, the Medicare-HMO proposal has been reintroduced as a section of HR 1, 92nd Congress, the "Social Security Amendments of 1971." The wording used is essentially that of the House-passed HR 17550, without the Senate changes. Introduced on January 22, 1971, HR 1 was still in committee in mid-March.

Administration Position: The Administration introduced the concept of HMO's, in somewhat looser form than that which emerged from the Ways and Means Committee, as an alternative to existing Medicare Parts A and B. Review of a number of interdepartmental papers from DHEW obtained in December 1970 indicates a Department assumption that the HMO section of HR 17550 would become law by the end of 1970. Many of the requirements and descriptions in these papers were directly related to the language of the Senate version.

However, a DHEW staff draft plan for HMO's, dated December 1970, makes it clear that DHEW considers it feasible to use existing grant, loan, and research funds to aid in the development of HMO's without new legislative authority. Programs suggested as resources include Regional Medical Programs, Social and Rehabilitation Service research, Medicare incentive reimbursement, National Institutes of Health health manpower, Hill-Burton loan guarantees and grants for ambulatory care centers, National Center for Health Services Research and Development, and miscellaneous Health Services and Mental Health Administration funds. A revised DHEW staff draft plan (January 1971), after HR 17550 died, operates on the same assumption.

The President's Health Message (February 18, 1971) endorsed HMO's as the prime new method of organizing health care delivery for quality and economy. The message recommends requiring public and private health insurance plans to allow members to enroll in HMO's where available, and would establish $23 million in planning grants, a $300 million loan guarantee program for start-up, and a $22 million grant and loan program for HMO's in scarcity areas—plus Federally-supported outpatient clinics in such areas—and would permit direct Federal contracts with HMO's to preempt state laws which obstruct their initiation or operation.

The message does not state clearly whether the funding mentioned is to be new or realigned existing funds (as suggested by the revised DHEW draft plan).

On March 4, 1971, HR 5615, 92nd Congress, was introduced to provide legal authority for this type of aid. The bill provides assistance to public or private organizations in planning and developing HMO's or in expanding existing ones through planning grants and contracts, grants and contracts for initial operating costs in scarcity areas, loan guarantees to private organizations for construction or acquisition of ambulatory care facilities and initial operating deficits, and direct loans to public organizations to cover initial costs in scarcity areas.

The bill also provides for review by state and local planning authorities and for administration, through a single Federal agency, of funds from multiple Federal sources. It permits contracting out Indian health care with the consent of the Indians served. This presumably would permit replacing United States Public Health Service clinics with HMO's in some areas. The draft legislation does not contain specific appropriation authorizations.

The Administration, while using essentially the same definition of HMO's as in the proposed Medicare amendment, hopes to encourage the use of HMO's in both public and private programs. DHEW believes significant aid in developing HMO's can be given from Federal funds under existing legislation and that care can be purchased from HMO's under such existing Federally-aided programs as Medicaid and Title V (Maternal and Child Welfare) without new legislation.

Also the intent seems to be to shift existing neighborhood health centers to an HMO-type operation, and the new (Office of Economic Opportunity) health efforts in the development of "health networks" appear intended to join several HMO's to serve a population of 100–200 thousand.

DEFINITION

NOTE.—Without actual laws and regulations, any definition of "health maintenance organizations" must be tentative. However, House and Senate versions of HR 17550 and the current HR 1 and HR 5615 contain definitions of an HMO which vary only in details. The general outline of an HMO definition may be inferred from these bills.

An HMO is a public or private corporation meeting the following conditions:

A. It provides health services to enrollees either directly or through arrangements with others, on a per capita prepayment basis* (H–S–A).

B. It provides enrollees with all services covered under Medicare Parts A and B (H–S), or with all services reasonably required by a defined population to be maintained in good health, with a minimum of: emergency care, inpatient hospital and physician care, ambulatory physician care, and outpatient preventive medical services (A).

C. It provides physicians' services directly through physicians who are HMO partners or employees (H–S–A) or through arrangements with an organized group or groups of physicians paid on an aggregate fixed sum or per capita basis (H) or through arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each group is reimbursed for its services primarily on the basis of an aggregate fixed sum or per capita basis, regardless of whether individual members of such groups are paid on a fee-for-service or other basis (S–A).

D. It demonstrates financial responsibility and the capability of providing comprehensive health care services, including institutional care, efficiently, effectively, and economically (H–S–A).

E. It has enrolled members, at least half of whom are under age 65 (H), except that the Secretary may delay for up to five years or waive this requirement where circumstances make it difficult or impossible for the HMO to comply. This requirement is omitted in Administration bill.

F. It arranges to have the required services received promptly and appropriately and provides services measuring up to DHEW quality standards (H–S–A).

G. It has open enrollment at least every two years (H) or at least annually (S–A) accepting eligible applicants on a first come-first served basis to the limit of its capacity, except where this would conflict with the half-under-65 requirement (H–S) or with Social Security Act requirements as to size or characteristics of enrolled population (A).

---

*(H)—House version, HR 17550, HR 1; (S)—Senate version, HR 17550; (A)—Administration version, HR 5615.

H. It has at least 10,000 members or is expected to reach this size within three years (S only).

The main differences in these definitions are:

A. The House and Senate versions cover only Medicare beneficiaries and related services to those provided under Medicare; the Administration minimum services would apply to HMO's serving non-Medicare patients.

B. The House version would require physicians' services not provided by the HMO itself to be provided through "organized groups" paid on a fixed sum or capitation basis; the Senate and Administration versions permit payment of solo practitioners and on a fee-for-service basis as long as the payment is through an entity which itself receives a fixed sum or capitation payment.

C. The House version mandates a 50%-under-65 enrollment; the Senate gives DHEW authority to delay or waive this requirement but adds a 10,000 minimum enrollment; the Administration omits both requirements.

D. The House has open enrollment every two years; the Senate and Administration annually.

INTENT OF HMO APPROACH

Most arguments for HMO's revolve around costs and utilization. In its report on HR 17550, the Senate Finance Committee noted that the usual present approach to payment, other things being equal, provides "an economic incentive on the part of those who make the decisions on which services are needed to provide more services." The Committee also noted that, ordinarily, an individual must "find his own way among various types and levels of service."

The Committee suggests that "a fixed annual payment from enrollees, regardless of the volume of services rendered," provides "a financial incentive . . . to control costs and to provide only the least expensive services appropriate to the enrollee's needs. . . . Moreover, such existing organizations assume responsibility for deciding on the services which the patient should receive."

The President's Health Message makes similar points. The traditional system pays doctors and hospitals, in effect, "on a piece work basis." There is no economic incentive for keeping people healthy. A fixed-price contract reverses the incentive; "HMO's therefore have a strong financial interest in preventing illness, or, failing that, in treating it in its early stages, promoting a thorough recovery and preventing any recurrence. . . . At the same time, HMO's are motivated to function more efficiently." The message compares HMO organization of medical resources with the supermarket approach to grocery-shopping, and claims that a team works more efficiently than isolated individuals, so that a doctor's energies go further.

The Senate Committee did express some reservations. "The Committee is concerned that . . . the health maintenance organization provision could turn out to be an additional area of potential abuse which might have the effect of increasing health care costs—paying a larger profit than is now or should be paid to these organizations—and decreasing the quality of services available or rendered."

The Committee expressed the hope that the safeguards it had added, plus the contribution of the proposed Inspector General's Office, would enable the provision to achieve its stated goals.

In essence, the claim is that HMO's will provide health care more economically than traditional methods, because the fixed reimbursement will encourage earlier treatment, prevention (where possible), and more economical use of health resources.

AMA POSITION

The position of the American Medical Association is clearly stated in its testimony on HR 17550 before the Senate Finance Committee, September 23, 1970:

"We support a pluralistic approach to the delivery of medical services . . . However, before any HMO program is initiated nationwide through legislation and held out as a realistic benefit available to all Medicare beneficiaries, we believe that cost and utilization data should first be developed with controlled demonstrations testing the capability of such a program to accomplish its purpose. There are questions regarding in-fact cost savings, as well as the quality of health care which may be provided when there are economic incentives to providers to reduce utilization. We would wish to assure that Medicare patients uniformly receive the best quality care. . . . We recommend that organizations delivering health care should be under the control and guidance of medical personnel."

This testimony was directed specifically at the Medicare-HMO option. No testimony has yet been offered concerning the Administration HMO-financing proposal (HR 5615), but the Association has in the past opposed discriminatory Federal financing aimed at fostering one particular method of organizing health care over all others.

RELATIONSHIP TO NATIONAL HEALTH INSURANCE

There is no apparent major conflict between the HMO concept and most current national health insurance proposals. The AMA Medicredit proposal is so designed that an HMO could be one of the organizations and agencies offering a qualified health care plan. The Administration's National and Family Health Insurance Plans would both presumably permit HMO participation. Similarly, the Kennedy "comprehensive health services organization" and the American Hospital Association Ameriplan "health care corporation" have basic likenesses to HMO's.

DELIVERY SYSTEM

The feature essential to an HMO under all three legislative proposals is legal responsibility for providing (not merely paying for) a broad range of health care services, including both professional and institutional services, and accountability for both the quantity and quality of services provided, with payment for such services on a prospective capitation basis.

Other features vary from bill to bill—the range of services which must be included, the size and age mix of enrollment, frequency of open enrollment, and provision of physicians' services (organized groups only or groups and solo practitioners). Any of these variations which become law will, of course, significantly affect HMO development, but the essentials listed above seem to delineate the basic HMO concept.

SPONSORS

The January 1971 Administration draft plan lists as a possible HMO "sponsors":

"*Providers* (e.g., fee-for-service clinics, medical foundations, community, public and teaching hospitals)

"*Consumers and the Government* (e.g., neighborhood health centers, public corporations)

"*Underwriting and Management Groups* (e.g., voluntary health insurance corporations, Blue Cross, private industry)

"*Combinations* (e.g., prepaid group practice plans)"

However, the type of program which can most easily convert to an HMO is one where professional and institutional services are already integrated. The Kaiser Foundation approach is almost always suggested as an HMO prototype; the few remaining railroad hospitals and such union-sponsored plans as the United Mine Workers of America medical program also might qualify easily.

Beyond this, the approach most readily adaptable to HMO operation would be based on a hospital, using the hospital staff, or on a medical school-teaching hospital combination. These approaches might need to expand ambulatory care facilities and would have to provide or arrange for extended care and home health services, but the hospital-physician interrelationship seems the most essential.

For this reason, most prepaid group practices are as yet a step removed from HMO status, since few prepaid groups aside from those previously mentioned have any intrinsic relationship with or control of hospital services. It does not appear that simply providing each enrollee with hospitalization insurance (whether Blue Cross or commercial) would be sufficient. Some special contract arrangement with a hospital or hospitals, whether direct or through an intermediary, would be necessary to permit the HMO to review hospital services to its enrollees and to assure entry to the hospital of both HMO patients and physicians.

Foundations for Medical Care: The Foundations for Medical Care require some special consideration, as medical society competitors with prepaid groups for the HMO dollar. Foundation spokesmen have indicated they expect foundations to be able to participate in this program; the inclusion of Foundation speakers on DHEW programs discussing HMO's indicates that the Administration also sees a role for them and, as noted above, the January revised DHEW staff draft plan specifically lists foundations as potential HMO sponsors.

Indeed, the Senate version of HR 17550 and the new Administration bill may intend such a role, in specifically authorizing services by solo practitioners and payment of physicians on a fee-for-service basis, as long as their total services are covered by a fixed-sum or capitation payment, as opposed to the House bill which would require physicians' services to be provided by HMO partners or employees or by organized groups.

However, the Foundations generally lack an integrated relationship with a hospital, just as do the majority of prepaid groups. A few Foundations do review services other than those of physicians and have established prospective review of hospital utilization for certain diagnoses, but usually they do not have the sort of over-all control and accountability for comprehensive services that the HMO concept implies.

Several California Foundations have established "prepayment" programs for Medicaid recipients. They do administer the total care provided on a capitation payment basis, with the physicians underwriting the program by accepting pro-rated fees when total costs exceed the capitation payment, but they do not appear to have reached the full level of responsibility demanded of an HMO.

It appears that a definite contractual relationship between a Foundation (or a prepaid group) and a hospital or hospitals, initiated either by the professional group or the hospital, will have to be a basic ingredient of an HMO contract with DHEW.

SERVICES PROVIDED

The high cost of institutional services in Medicare and other Federal programs is the stimulus for Congressional interest in HMO's. The separation of Medicare Parts A and B, with a payment for professional services independent of payment for institutional services, is claimed as a cost factor, and joining the two in a single payment is expected to create fiscal incentives for more economical care.

HMO's will be expected to place major emphasis on early treatment and on ambulatory rather than inpatient care, wherever possible. However, both the Senate committee report and DHEW staff papers indicate concern lest the emphasis on cost result in inadequate care. Regulations and directives will, therefore, demand evidence that there has been no patient neglect.

This can imply more emphasis by these plans on periodic checkups and diagnostic tests—perhaps increased use of multiphasic testing as a means of discovering potential illness. There also could be some shift in patient-physician relationships, with the HMO reminding enrollees to come in for periodic testing, rather than the patient initiating the contact when he feels the need for treatment.

There may be some increase in the utilization of specialist services. The pro-HMO rhetoric about the patient "having to find his own way" through the maze of specialists and hospitals must be discounted, since any primary physician ordinarily handles referrals and admissions for his patients. However, when the specialist's services are included in the capitation payment, early consultation may increase, both to reduce hospitalization and to demonstrate the HMO's concern for the patient.

GEOGRAPHIC DISTRIBUTION

Although the January revised DHEW staff draft plan suggests, as a "feasible goal," making the choice between traditional and HMO care available to 90% of the population, the HMO approach may be difficult to apply nationwide. Some 50 to 60 million Americans live in rural areas, many sparsely populated. Rural America is one of the "underserved areas" to which the Administration bill gives funding priority for starting and supporting HMO operation.

The light population density, however, makes it difficult to envision an HMO pattern of operation, except one with a central HMO serving a comparatively large area (possibly an entire state), perhaps with outpatient satellites providing primary care and screening. The Senate version would require an enrollment of 10,000, and the January revised DHEW staff draft plan shows rural HMO's serving a 15,000 population, compared to 30,000 for urban HMO's. Either size limit would cover a large area in some rural states, and the President's Health Message itself speaks of the use of outpatient clinics and, possibly, Veterans' Administration and DHEW staffs to assist HMO's in "underserved areas."

Because rural areas attract proportionately fewer physicians, some such approach—primary care through physicians supported by an HMO or in Federal service—may be the most practical approach. However, in such areas, transportation and fairly sophisticated communication between the rural outpost and the central office may have to be an integral part of the HMO so that the patient can be assured of access to needed care that the local satellite cannot give and so that the primary physician can consult with his peers within the HMO structure.

Some features of programs such as Samaritan Health Services, which serves widespread rural areas in the Southwest, or the mobile clinics, used by some California Foundations to provide care to migrant workers, might become patterns for such dispersed HMO's.

In the inner city, there is already a definite tendency to turn the OEO-initiated neighborhood health centers into HMO's. Here, the prime needs for conversion would be to set up a capitation basis for payment and to establish contractual arrangements with hospitals and other backup facilities. With most staff on a salary basis, the professional component is already reasonably well-assured. The Administration bill would provide special start-up and operational funding for this type of program, to meet the needs of "underserved" areas.

In general, each HMO must determine geographic boundaries for its service area and must submit plans for initiation or expansion of a program to the appropriate comprehensive health planning agency. While the Administration bill gives funding priority to HMO's for scarcity areas, there does not appear to be any barrier to establishment of an HMO in areas already adequately served.

There is even some indication that DHEW might encourage overlapping of HMO areas, to provide some competition between them and to develop data for statistical comparison. The January revised DHEW staff draft plan assumes there will be some "system of multiagency approval" for HMO's seeking Federal contracts but, at this time, "no arbitrary limits on the number of HMO's in an area." The possibility of some form of franchising will continue to be explored.

How over-supply in one area can be approved as consistent with health planning while other areas remain undersupplied has not as yet been defined.

MANPOWER

HMO's do not directly increase the total physician supply. They may, however, improve the distribution of physicians and increase productivity, at least in theory. Special support and subsidy, either by the HMO itself or through Federal funding or staffing, might make practice in rural or inner city areas more attractive, through the provision of professional back-up and financial security.

Potentially, an HMO connection could give physicians serving in such areas easier access to consultation and diagnostic services and temporary replacements for continuing education or holidays. Concrete evidence that HMO's will make such a change is lacking.

Increased productivity is claimed to be the prime impact of HMO's on the manpower shortage. There has been considerable emphasis on the concept that the "health team" working together would be more efficient in patient treatment than the individual physician, and that by delegation of jobs which do not require extensive professional education, the physician can concentrate his skills on those problems which only a physician can handle.

This increased productivity is more assumed than proven. In the organized structure, there does seem to be greater use of technical aids and diagnostic tests, these being more readily available; there may also be a greater tendency towards fixed working hours. Some studies indicate that there is, in fact, little increase in productivity in a prepaid group over individual practice, although the number of auxiliary health workers per physician is usually significantly greater in the group.

HMO's are expected to make major use of auxiliary health personnel, such as "physician's assistants," to assume some of the routine semi-professional tasks. Indeed, the President's Health Message emphasizes this approach and suggests a responsibility for HMO's to provide clinical training for such workers. The message also suggests direct contracts between HMO's and DHEW as a means of avoiding state legal restrictions on delegation of tasks to such auxiliary personnel.

There does seems some indication that the use of physician's assistants may increase physician productivity. However, the area of the types of assistants which can and should be developed, the tasks which they can assume, and their acceptance by patients, physicians, and other health workers, as well as their impact on costs and productivity, are still being explored.

FEDERAL-STATE RELATIONSHIPS

The Presidential message speaks of "archaic laws in 22 States" which prohibit or limit "the group practice of medicine" and of laws in most states which prevent doctors from delegating certain responsibilities.

To avoid these restrictions, the President makes two suggestions: DHEW is to draw up a model statute that the states can adopt to "correct these anomalies," and the Federal government will contract directly with HMO's to provide care to Medicare and other Federal beneficiaries who choose the HMO option, these contracts acting to "preempt" any inconsistent state laws.

This is a modification of earlier recommendations considered within DHEW, particularly the recommendation of the (McNerney) Task Force on Medicaid and Related Problems that Medicaid reimbursement and other Federal funds be withheld from states which operated under these "archaic" statutes.

There is some question as to the importance of these so-called legal barriers. While some of the 22 states have laws circumscribing organization, administration, control, or insurance aspects of group practice and some do not have a law providing a specific legal basis for such plans, group practice do exist in some of these states, usually by judicial decisions. Competent legal opinion holds that probably no real barriers exist to legal development of HMO's.

Regarding the delegation of responsibility the AMA itself, in December 1970, suggested a moratorium on state licensure of additional health occupations, a national study commission to develop long-range solutions to establishment of credentials for such occupations, expansion of programs to maintain and update competence, and amendment of existing licensure laws to permit more delegations of tasks.

A number of states have already modified their practice acts to permit delegation of routine tasks to lesser-trained individuals without incurring liability. Innovative delegation is, in fact, already under way in many areas outside HMO's and without Federal contracts.

If Federal HMO contracts are established to "preempt" state laws, it should be realized that the HMO is probably free of those laws only within the bounds of the contract. [As a parallel, a Federal physician can treat Federal patients in a Federal hospital without being licensed in the state in which it is located; he cannot treat private patients in that state without a license.]

As long as the Federal contract and the state law remain in conflict, therefore, the HMO could find itself entirely dependent on the Federal contract for support—and some state legislatures will look with disfavor on an organization which uses a Federal contract to override state law. Such HMO's will have difficulty developing a non-DHEW clientele, and auxiliary health personnel may find their job mobility is limited.

PHYSICIAN RESPONSE

To some extent, the HMO "movement" exists in a vacuum. There is little evidence not only as to its effectiveness as a means of providing better care for less money, but also as to the reaction of physicians and patients. A theoretical model, being used in varying degrees by some three percent of the population, has been projected as a nationwide solution to health-care difficulties with almost no evidence that either physician or patients generally will accept and participate.

The prepaid group practice segment of the medical profession has grown steadily for many years, but the growth has been slow and it is still not the method of choice for a majority of the profession. This method of practice has certain attractions, however, both professional (such as ease of consultation and more adequate back-up staffing) and personal (such as more regular hours, covered vactions, and—by some indicators—higher income).

Nonetheless, many physicians prefer solo practice, whether out of individualism or because they feel they can respond better to patient needs in a one-to-one relationship. These physicians are not likely to accept the HMO approach, which can involve agreeing to an audit of medical practice and prorating physician fees to pay for other services. In addition, physicians today are trained more for the treatment of illness than for the maintenance of health; their education is crisis-oriented, and some might feel professional dissatisfaction in seeing healthy patients.

Some proponents of HMO's speak of a "primary physician" to manage the care of every enrollee. In the current national mix of family physicians and specialists, there could be difficulty in implementing such a requirement unless some of the specialists in an HMO acted in a "primary physician" role, which could be unsatisfactory to both physician and patient.

PATIENT RESPONSE

Patient reaction to a number of features of HMO-care has been inadequately tested. While the number of enrollees in prepaid groups has increased steadily over the years, they still comprise less than 5 percent of the population. The so-called legal limitations may be partly responsible, but it also appears that patient demand has been less than established prepaid plans are capable of meeting.

Attachments to the more familiar forms of medical care run deep, and there are some suggestions that prepaid group practice becomes acceptable to consumers to the extent that they are dissatisfied with traditional practice formats. Some preexisting interrelationship among enrollees has been a factor in the establishment of many major prepaid groups: union membership among the mine workers and railroad employees, or employment by Kaiser Industries for the Kaiser Foundation. Conversely, many prepaid groups have been fairly selective as to their clientele. The effect of open enrollment is difficult to predict.

If HMO's are to have any preventive effect, it is essential that patients are seen while illness is still in its early stage or asymptomatic. This can create problems; some plans are already concerned because the lack of any financial barrier results in patients visiting when their only need is psychological, not physical. On the other hand, the "underserved" areas—inner city and rural—are traditionally areas where people do not seek care except in an emergency. Major re-education is needed for both types of patient.

The HMO may be more capable of adjusting some of the "amenities" of care to consumer demand—better appointment scheduling, specialist consultation without the need for long delay, evening office hours, 24-hour emergency coverage. But there is some question as to how generally patients will accept HMO's, particularly if all requests for physician services must first be screened by a computer (as has been suggested for some groups) or if the "primary physician" is not a physician at all but some other member of the "health team." (In some neighborhood health centers, the team leader may be a public health nurse or a medical social worker.)

One provision in particular could cause Medicare patients some hesitation in enrolling in an HMO. Both the House and Senate versions would make the HMO financially responsible only for emergency care outside the organization itself. Presumably, reciprocal agreements between HMO's could provide some coverage for enrollees away from home, but this is not spelled out; in law, the enrollee would have little Medicare coverage when away from the area served by his HMO. (The Senate committee, recognizing this problem, would allow Medicare beneficiaries currently enrolled in an HMO to retain this type of enrollment—which permits Medicare payment for services outside the HMO—for up to three years, rather than accept the restrictions of the new HMO option.)

HMO COST PER ENROLLEE

Congress' basic incentive for HMO legislation is the belief that care will be provided more economically. This seems based primarily on a reported lower rate of hospital utilization for patients of existing prepaid groups than for other financing-delivery systems.

The data are not conclusive. The latest Social Security Administration report on private health insurance indicates that prepaid group practice plans which include hospital benefits indeed pay substantially less per enrollee for hospital care than Blue Cross, but substantially more for physicians' services than Blue Shield—so that the combined hospital-physician expenditures per person are higher in the prepaid groups.

Against this, it is argued that the prepaid groups cover more of the physician's services and that there is less to be paid out-of-pocket for group than for enrollees in Blue Cross-Blue Shield plans. However, data are incomplete on comparable premiums plus the amount of out-of-pocket expenses (e.g., care from non-group physicians) so the question remains open. It is further complicated by the fact that many group enrollees are from comparatively low-risk groups; open enrollment could make a significant difference in costs.

HMO COST FOR INITIATION OR CONVERSION

At this time, any estimate of the cost of establishing a new HMO or converting an existing program to meet HMO standards must be considered highly tentative. However, the January revised DHEW staff draft plan contains some estimates of the cost to the Federal government of such initiation or conversion, which are summarized with the above caution.

For a new urban HMO serving a 30,000 population, the estimate for construction (including hospital construction) is $4–$8 million. For an HMO for the urban poor, estimated start-up cost is $1.25 million and second year working capital, $1 million; for a "mixed" population (including some who do not need subsidy) start-up cost is estimated at $750,000 and second year capital at $500,000.

For a new HMO in each rural area serving 15,000, the estimate is $2 million for construction, $0.5 million start-up, and $1 million second year capital.

For a conversion of an existing program, Federal cost is estimated to be highest for public, charity, and medical-school-affiliated hospitals: $2 million for start-up and construction and up to $0.5 million in working capital. A prepaid group practice is assumed to need little for start-up, but at least half of them are estimated to need $0.5 million for working capital and $1 million for construction.

Only conversion and start-up funds are suggested for public hospital corporations ($500,000), fee-for-service clinics ($150,000), foundations ($100,000), and the Blues and insurance companies ($50,000). Industry plans are assumed to need no Federal funds.

The prospectus indicates some 80 existing organizations capable of HMO operation by July 1971, of which 52 would require some Federal funding, totalling $16.4 million for conversion, start-up, and working capital, and $24 million for construction. The cost of ambulatory facilities is estimated at $60 per square foot, with one square foot per enrollee.

PEER REVIEW

From the medical profession's point of view, it is of particular importance that the HMO itself must take legal responsibility for the quality of care. To quote HR 17550 (the content is essentially the same in both House and Senate versions and in the current Administration bill, with only minor editorial changes), the HMO is an organization which—

"(6) has arrangements for assuring that the health services required by its members are received promptly and appropriately and that the services that are received measure up to quality standards which it establishes in accordance with regulations."

This section, in and of itself, places responsibility on the HMO for both the appropriateness and the quality of all services which it furnished, whether or not the Administration's "review team" and the Bennett (Professional Standards Review Organizations) amendments to Medicare are enacted for Medicare surveillance.

If the HMO is a medical group or foundation, this may pose a problem only insofar as the mechanics of reviewing non-professional services are concerned. If, however, a non-medical agency is the HMO and it contracts for physicians' services, that agency places the statutory responsibility for quality and appropriateness outside the medical group.

Regulations could well accept peer review as meeting the legal requirement, or other review amendments to Title XVIII might make the question moot. In their absence, however, the language of these bills presents at least the potential of an HMO review of professional peer review, and certainly some disincentive to widespread professional participation.

CONCLUSION

To the HMO concept itself, the Association has no clear-cut policy objection. The AMA supports a pluralistic delivery system and the right of both patient and physician to choose the system within which they encounter each other, as long as that system exploits neither patient nor physician.

As a corollary to this position, the Association opposes governmental intervention on behalf of any one method of practice over all others, or any unfair competitive advantage given such a system. For this reason the position on the Administration bill is not yet determined. In regard to the proposed Medicare—HMO changes, the Association has simply recommended that HMO's be thoroughly tested before being incorporated in the program.

Although the Association has not yet opposed HMO's, the individual application of the concept will have to be judged on its merits in each instance. Some potential organizational patterns suggest that a non-medical organization may exercise control over the provision of medical services.

THE 92D CONGRESS: A RECORD OF SUBSTANTIAL ACCOMPLISHMENT

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. HUMPHREY. Mr. President, the record of the first session of the 92d Congress is one of substantial accomplishment, despite the lack of clear and effective Presidential leadership and despite at least two appalling Presidential vetoes.

Major actions by Congress this year include—

Enactment of a tax relief and economic stimulus program, but one passed only after the administration—which virtually ignored the deteriorating economy until late summer—did a 180-degree turnabout.

Enactment of the National Cancer Act, of which I was an original sponsor, and which commits the Federal Government to a sustained and intensive effort to find a cure for this dread disease.

Senate passage of a major drug abuse control bill, along lines which I proposed—more vigorous law enforcement and medical research coupled with expanded community-level education and rehabilitation programs, and all coordinated at the highest level of government.

The establishment of expanded programs to combat hunger, after successful congressional efforts to beat back proposed administration cuts in the summer and school lunch programs for children.

The enactment of long-overdue election campaign reform law, despite earlier White House objections.

Progress on behalf of farmers accelerated, ironically, by the Senate fight and the razor-thin confirmation of the President's nominee for Secretary of Agriculture, Dr. Earl Butz.

And approval of the constitutional amendment lowering the voting age to 18.

At the same time, however, the record of congressional accomplishment was marred by the President's refusal to exercise clear and effective leadership.

The President vetoed two of the most badly needed proposals enacted by the Congress—the Public Works Acceleration Act, and the Economic Opportunity Amendments of 1971, with its provision for a comprehensive child development program.

In vetoing the bill providing for the acceleration of public works projects, the President showed a callous disregard for the Nation's millions of unemployed and for the urgent public service jobs needed by virtually every American community. Only under intensive public pressure did he support the enactment of the Emergency Employment Act—which was originally included in the broader manpower bill that he vetoed in 1970.

If he really cared about the unemployed, if he really cared about building a new prosperity, here was a golden opportunity for affirmative action to simultaneously meet the critical public facility requirements across America. Instead, the President chose the veto.

His veto of the child development program was an incredible, cruel, and heartless blow to hundreds of thousands of American families.

The establishment of this program could have been a major accomplishment, not just for the Congress, not just for the President, but for the Nation. But again, the President's answer to an urgent national need was "No."

And the President must be sharply criticized for his confusing and contradictory statements and lack of leadership on welfare reform and revenue sharing proposals.

I commended the President for proposing these measures. But after proposing them, he failed to lift a finger. He has been content to let them remain in committee, content with a "Go slow" approach, content to confuse the Nation by calling for a revolution in welfare and in financial aid to States and cities, and then asking that the revolution be postponed.

But the most glaring failure of Executive leadership has been on what should be the Nation's No. 1 priority—the economy—jobs, income, and production.

Congress very early gave the President the tools to combat the twin evils of the recession—rising inflation and rising unemployment. But month after month the President resisted using them.

Instead, he impounded some $12 billion in funds appropriated by Congress that could have had a significant effect in stimulating the economy and in meeting critical needs in health, education, and the improvement of our cities and rural areas.

He vetoed the accelerated public works bill and other measures that could have eased unemployment.

He stood idly by while the cost of living climbed to record heights.

He held a White House fair for agriculture, but did absolutely nothing to improve depression-level farm prices.

Finally, he acted—but only on the inflation front, and only after the economy had been permitted to deteriorate to the point where restoring prosperity may be a long and painful process.

But, 1972 is an election year, and I am hopeful that the message may finally have gotten through to the administration. If only in the President's own political self-interest, we are likely to see him adopting a number of proposals that Congress has insistently urged.

I look for the administration finally to begin releasing the funds it has frozen.

I look for some help for the farmer, because it has been made abundantly clear that the President is in deep political trouble in the farm belt.

I look for at least some gestures toward the cities, toward the poor, toward the hungry, toward minority groups.

And I hope with millions of other Americans that the gestures will be backed by commitment and substance.

The first session of the 92d Congress made progress on a number of important proposals that await final enactment in the second session.

I believe the top priorities in the second session should be—

A comprehensive program of expanded public service employment, economic development, and effective measures to break the welfare-poverty cycle;

Immediate action to restore decent farm price levels;

Enactment of genuinely constructive revenue-sharing and longer-range development assistance for cities and rural communities along the lines I have proposed in the National Domestic Development Bank Act and the Consolidated Farm and Rural Development Act.

Enactment of a comprehensive national health care program and a "medicare-type" program for children;

Passage of a comprehensive child development program, despite the President's opposition;

Adoption of the Universal Child Nutrition and Nutrition Education Act, which I have introduced, to provide a daily, free, nutritious meal for every American schoolchild; and

The completion of action on the type of legislation I have authored to increase social security benefits, to raise the exemption on earned income, and to reduce employee and employer contributions by applying Federal general revenues to part of the costs.

The achievement of such legislative goals can firmly establish the record of the 92d Congress for decisive action in meeting America's priority needs at home and in restoring our image of leadership in the community of nations.

RURAL AMERICA—CRISIS IN THE SEVENTIES

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ANDREWS of North Dakota. Mr. Speaker, the Mid-West Electric Consumers Association consists of municipal electric systems, rural electric cooperatives, and public power districts in the States of Montana, Wyoming, Colorado, North Dakota, South Dakota, Iowa, Minnesota, Nebraska, and Kansas. Its basic purpose is to advocate and support programs and policies which will bring low-cost electricity to everyone.

At their 14th annual meeting on December 8, Fred Simonton, executive director of the Mid-West Electric Consumers Association, delivered the following remarks which I wish to share with my colleagues and others:

RURAL AMERICA—CRISIS IN THE SEVENTIES

It is a pleasure once again for me to address and report to you people—the members of Mid-West Electric Consumers Association.

This is my eighth report to you. Like the others—it is a report about the activities of your association during this past year and to discuss and to make our plans—to chart our course of action of this unique organization during the coming year.

The strength of this organization, as of any organization of this kind, is only the strength that you have provided.

Your record of success and achievement since the formation of this organization stems solely from the strength that you as individuals have provided—through leadership, your leadership and determination—your courage—your ingenuity—but above all else—through unity, and your willingness to cooperate and work with one another—to put aside parochial—and even emotional interests and viewpoints—and to proceed together—in unity—toward common goals and objectives.

The strength that you have achieved by this unity—by this "one voice" for a very unique geographical region—has gained you national respect and attention.

Your one united voice must again be heard.

Your unity must continue to be demonstrated.

I have pondered for many days the message that I present to you this morning.

I have turned over and over in my mind the events of the past year and especially those of the past few months.

Preparing this report to you has been a most difficult task—the most difficult of my eight reports to you.

It is difficult because I cannot escape the conclusion that the consumer-owned systems of this great region face problems and challenges greater than any time in their history.

Preparing this message has been difficult because the most objective and honest appraisal that I can make of the event of the past year—and particularly of the past three months—leads me to conclude that our immediate challenge is primarily one of "holding the line"—of somehow salvaging our previous gains—of just holding onto our previous victories.

I am convinced that the strength that grows from your unity must be used now in its entirety to preserve those gains—to avoid erosion of your previous victories and to defeat—threats to your economic survival.

Survival.

Survival is our immediate challenge.

Survival—of the Le Olds concept of developing low-cost power on a regional basis.

Survival of the largest consumer-owned power pool in the nation—the Missouri Basin Systems Group . . .

—Survival of the REA 2% loan program.

—Survival of the very organizations which you represent at this 14th Annual Meeting.

I submit that the events of the past year and especially of the past three months can lead to no other conclusion and I say that to you—with absolutely no reservation.

This program—is today in deep trouble.

We are witnessing time and again the conscious decisions of federal policy makers to whittle away at our achievements.

We see a callous disregard of important policy officials for the need to wisely develop the resources and give opportunity to the people of the Great Plains.

We, because we took a very hard line—and because we fought very hard have thus far prevented the active effort of the Bureau to impose hydro rate increases—and on that issue we still must continue to fight.

We are witnessing this very day a continuation of an Administration policy of "malignant neglect" as the forces of energy monopoly drive up the cost of oil, coal and natural gas—and ultimately electric energy.

All who pay the light bills are the ones who suffer.

You heard yesterday in the panel discussion—Federal Water and Power programs—Why the Neglect?—that it is increasingly difficult, if not impossible to justify any new Federal water projects—and such policies have already been adopted resulting in not a single new project beginning in major public water or related resource planning.

Parenthetically this past year we witnessed completion of the North Central Power Study and the parallel completion by the Bureau of a reconnaisance water diversion study.

The manner in which these two studies were conducted may indicate the design of things to come.

In the North Central Power Study a 20-year power requirement study of utility consumers from Idaho and Utah to the Mississippi River the role of federal hydro-power, in what was to have been a mixed hydrothermal expansion study, was all but eliminated with little protest—if any—from the Bureau.

But at the same time, and within the past few weeks a Bureau water diversion study was unveiled—which looks toward federal construction of a possible billion dollar plus water diversion system.

This water system would bring that most precious of water resources of the West—to the coal fields near Gillette, Wyoming, and Colstrip, Montana, where the large and enormously powerful energy companies—and the private power companies—and the railroads own resources that will require great amounts of water for development.

Is this the direction in which we are headed—a direction in which the Bureau of Reclamation abandons its preference customer constituencey—with which they have traveled so far and so successfully—to join a private power company electric pool and build vast public—public water projects for energy and utility monopolists?

In our fight for survival, we note attempts to impose greater restrictions upon the REA loan program through "backdoor" legislation to restrict portions of the REA loan program, particularly language to restrict REA loans to G & T's.

And, as Senator McGee said yesterday, contrary to the intent of Congress, the White House Office of Management and Budget has adopted a schedule of releasing REA loan funds at a level which does not comtemplate using one single dollar of the $216 million dollar increase in REA loan funds approved by the Congress for this fiscal year.

As you know now, the unprecedented victory of increasing this appropriation of $216 million has been turned to defeat by the decision of the Nixon Administration to withhold that increase from REA—a decision that in effect says that Congress does not exist—that what the Executive decrees is the law of the land.

This action by the White House—and the development of the plan by CFC and REA that would force G & T cooperatives to Wall Street for 70% of their loan funds—coupled with the critical financial needs of all rural electric cooperatives—were responded to by Senator George McGovern.

As Chairman of the Sub-Committee on rural electrification and farm credit of the Senate Agricultural Committee, Senator McGovern conducted, at our request, a special hearing on these problems in October.

The rural electric cooperatives of this region cooperated fully with this effort, and you gave the hearings maximum support.

The testimony at these hearings clearly demonstrated the urgent need to conduct additional field hearings and to investigate fully the present Administration of the REA loan program and the needs of the rural electric loan program.

Again, the "victory" of the beginning of the first oversight hearings on the REA program in nearly fifteen years was abruptly cut off by the Full Senate Agricultural Committee which has thus far refused the Subcommittee funds to conduct field hearings and to employ a minimum of staff.

We continue to work to reverse the decision to the White House regarding the increased appropriation. We continue to work to get funding for the McGovern Legislative Review of the REA program—and for that Review to be held in the field.

REA—for 35 years—has been the most successful of agricultural programs.

Unless we fight and fight hard and tough now—REA—a farm program—will become a Wall Street bankers program.

Further . . . a direct result of the White House decisions and action is this fact: the power companies now have an excellent opportunity to acquire the equities you have created during 35 years of careful and frugal operations.

Why? Private power companies dislike the cooperatives because they provide electric consumers with a yardstick for measuring utility performance.

While all phases of the rural electric program are under attack it is the generation and transmission program that is mortal danger.

If cooperatives cannot finance and build generating facilities and transmission lines they will obviously become helpless captive customers of the power companies.

We will pay the high price for bulk power or do without.

If the G & T program does—or is priced out of the market all electric consumers will lose the advantages that have come to all consumers in this region—because Nipco, East River, Rushmore, Central Power, Tri-State—L & O Electric, Central Montana, Upper Mo—and Dakotas Electric—Sunflower—Nebraska G & T—and Basin—are a competitive challenge for the electric power industry.

The results of a successful G & T program—and a diminished G & T program in this region is now clearly evident.

You have demonstrated that farmers can plan, build, operate and manage, large electric generating stations and participate in complex transmission arrangements—and your record of performance is unmatched.

On the other hand, we see what happens among the membership of Mid-West, when there is a diminished G & T program.

In Kansas, power companies are confident that a further 2% generation and transmission loan is not available to our cooperative members.

There, the private power company feels secure in applying a 73% higher wholesale power rate to their helpless rural electric customers.

The Kansas situation is only one example of the unlimited greed of the power companies and the institutions that provide their capital.

This brief look at the Upper region of the Missouri—and the Kansas situation—is all—or should be all—that is necessary to demonstrate that an adequately funded 2% REA loan program for distribution, transmission and generation is an absolute, fundamental necessity if farm people—are going to continue to own and operate the electric facilities you have built.

As we struggle to hold the line, our program is being whittled at from many sides.

We witness a Bureau of Reclamation reorganization plan that would physically split this group apart. State boundaries will be the cutting edge, the division, rather than the natural boundaries of this great region.

Under the plan that is scheduled to take effect next July, Minnesota customers of the Bureau are supposed to deal with an office in Chicago—Nebraska and Iowa Bureau customers would deal with the Bureau office in Omaha.

The rest of us would be talking to a Denver Bureau office.

This is supposed to be a plan to build greater efficiency into the federal government, but what kind of efficiency is it—that splits the Missouri Basin system into pieces—administratively separate from the rest of the system?

Is this, I ask, bureaucratic engineering to divert our attention from the fact that those engineers manning the Reclamation system in Region VI and VII are now but a diminishing skeleton crew of the people that are needed to run a large-inter-regional resource system—a system which ought to be growing today, instead of being phased out?

In western South Dakota and eastern Wyoming, a power supply proposal is unfolding that is aimed at enhancing the monopoly position of two power companies—Black Hills Power and Light and Pacific Power Light.

Further, it is a plan intended to obstruct enactment of a consumer power district law in Wyoming.

The plan proposed certainly will not produce the lowest cost power for consumers. nor will it be easy on a great public resource—the beautiful Black Hills of South Dakota.

Simply stated, Black Hills Power and Light and Pacific Power and Light have proposed a generation and transmission plan which will allow them to control future power supply in Wyoming, and in western South Dakota.

It is a plan to carve up Basin Electric and some of its members.

The Bureau of Reclamation and the United States Forest Service are in a position to turn this "newspaper engineering plan" for a monopoly into a plan for the public interest.

It could be a plan without ten million dollars of duplicating transmission investment—and without hundreds of miles of parallel transmission lines running side by side—but unable to assist each other electrically.

Yes, the Bureau and the Forest Service have the power—but do they have the will to turn it around—in the public interest—to save valuable resources—and money?

Our Association has attempted to establish open lines of communication and a relationship of trust and confidence with the Bureau of Reclamation.

Our member systems are preference customers under the Law.

We repay the Federal investment in power facilities. We pay the charges assigned to operation and maintenance of that system.

It is the Mid-West membership which pays the heaviest penalties if the Reclamation system cannot provide reliable services.

Unfortunately, I must report to you that I feel less well informed on the Bureau's plans for the future of their system and our power supply at the present time than at any time since I have been your Executive Director.

You—the members—report the same concern.

This is an intolerable relationship between a Government Agency and its principal constituents.

We must know what the Bureau is planning with respect to the management of the systems built with public funds—with tax dollars.

We are determined to have our proper opportunity to influence discussions that affect our members' welfare.

Because we attach great urgency to the obvious and serious information gap between the Bureau of Reclamation and its customers—customers given preference under the law, your Board of Directors has instructed me to arrange a Bureau of Reclamation—Preference Customer Information and Fact Finding Conference at the earliest possible time.

I shall do so.

We will expect complete participation by Regions VI and VII of the Bureau of Reclamation.

We urge now every Bureau of Reclamation customer to begin planning to have at least one representative from your top management team in attendance.

This Bureau-Customer conference is urgently needed.

Again, I urge our friends from the Bureau of Reclamation to recognize our plans as a real opportunity for them to regain the confidence of their constituents.

Within the last few weeks we have learned that the Bureau has given serious consideration to becoming a member of the MAPP Pool.

Whatever the plans and the proposal. It is my duty to tell you that power company management—private power company management—is obviously better informed than you—the preference customers and their organizations.

This is absolutely intolerable.

I am sure we all want our Bureau of Reclamation friends to understand here and now that we expect them to stop all discussion with MAPP and its spokesmen until they have discussed their plans openly and candidly with their customers.

We want to know—and we have the right to know how a MAPP Pool will affect the Bureau program.

We want to know what membership will cost the Bureau and its customers.

Above all, we want to be assured that they can discharge their contractual obligations to the existing preference customers pool if and when they affiliate with MAPP.

The MAPP Pool will be a principal item of business at the Conference. We will soon call.

Closely related to our concern for the Bureau's potential relationship with the MAPP Pool is a deep feeling of frustration developing as a result of the arms length, and less than candid relationship that Reclamation seems to prefer with its own Preference Customer Pool and the Missouri Basin Systems Group.

The Bureau needs to remember that the Congress of the United States has directed a special obligation on the part of the Federal Power program and its Administration towards the small and widely scattered consumer-owned electric utilities.

We will expect to discuss with Bureau of Reclamation officials steps that can and must be taken to make certain that the Preference Customer Pool receives the information required—that the Preference Customer Pool has the opportunity to participate in the decision making process, as their rights and interests are affected.

The Bureau of Reclamation and the Basin Electric Power Cooperative have completed Study 207. They have agreed on facilities that must be built by each party to maintain reasonable standards of reliability.

We need assurances the Bureau is aggressively seeking the funds required to build the facilities that they must build to meet their obligations in the region.

We must consider together what can be done if the Administration—the White House Office of Management and Budget—fails to budget for these lines or if the Congress fails to appropriate the money.

From time to time we receive word that small municipal systems within the marketing area are being denied Federal power—like White, South Dakota, and Aurelia in Iowa—denied Federal Power—even on a short term basis while substantial amounts of both power and energy are being made available to power companies.

This is another item that merits in depth consideration at a joint—give and take meeting between the Bureau and its preferred customers.

I want our Bureau of Reclamation friends to understand that we consider these matters of the utmost importance.

We expect to talk candidly to the Bureau of Reclamation at these sessions.

We expect the Bureau to speak to us candidly and openly.

We want these questions and others resolved.

We want a relationship of candor and confidence between the Bureau of Reclamation and its customers—re-established.

We will expect Reclamation to delay all decisions relating to the above items until these discussions have occurred.

We have worked for years through coordinated planning to produce for the people we serve—and what they properly demand—a modern, planned, efficient, inter-dependent power system in this region and country, developed not for the interests of profit, but developed for consumers.

In your coordinated regional planning—you have been the forefront of the struggle to complete the Missouri Basin hydro generating facilities.

. . . of proceeding with long term hydro-thermal power integration programs . . .

. . . of proceeding to construct large, efficient mine-mouth thermal electric generating plants with attention given to restoration of spoil banks resulting from strip mining operations . . . .

You have been the leader in preserving the present Bureau of Reclamation transmission grid, the backbone transmission system—and the development of an overlay of extra-high voltage transmission lines of the highest voltage and capacity that can be justified.

In keeping the lights on in the region—you have worked on increasing the amount of reserve capacity in the region and to provide for an adequate margin of power supply so as to foster industrial expansion in these sparsely settled states.

In your regional coordinated power supply planning you have helped develop plans so that the credit of municipal and cooperative enterprise could be effectively used to finance at reasonable cost—the sizeable generating and transmission facilities that are urgently needed.

Ahead of your time—you have refused to accept a proliferation of uneconomic generating stations, but promoted a mixed ownership regional power supply and transmission agency for optimum development of the resources of the region.

And you have—in the effort to achieve power supply on the Plains . . . worked for inter-regional extra-high voltage transmission interconnections to provide for greater system reliability.

All of us are aware that too many times, the things that are taking place throughout the region and nation and there are headlines that tend to scare us and intimidations. Well—there are tensions and there is confusion, but let me say without tensions over unmet needs, we would not have progress.

Because when there are not tensions, when there are not forces moving—as you have been moving, to make change for a better region, you have stagnation.

I don't think we should condemn the tensions that exist—whether we are developing water, electricity, the G & T program, financing—better housing, power supply—or other items.

Our challenge in achieving power for the plains is to continue to have programs to direct those tensions so that we can continue to make progress, so we, together can continue to do those things that have to be done.

POLICE PROFESSIONALISM

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. McGOVERN. Mr. President, the December 1971 issue of The Police Chief magazine contains an exceptional article on the issue of police professionalism, with particular emphasis on the question of college training for police officers.

The author, Commissioner William J. O'Rourke, who heads the Public Safety Department in Wilmington, Del., agrees strongly with the President's Commission on Law Enforcement and Administration of Justice in concluding that we should aspire toward 4-year college degrees for all police officers. And he supplies several compelling new reasons for that conclusion. I might say that I am in full agreement with his general view, and also with his recognition of the need for encouraging college attendance after entry into the police profession.

I commend Commissioner O'Rourke's article to my colleagues, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOULD ALL POLICEMEN BE COLLEGE TRAINED?

(By William J. O'Rourke)

(NOTE.—Commissioner O'Rourke, in a letter accompanying this paper, comments, "Law enforcement education was one of the many workshops held during the IACP Conference in Anaheim. At the conclusion of the workshop, I discussed the opinions expressed therein with several others, including Robert R. J. Gallati, of the New York State Identification and Intelligence System; James P. Morgan, Jr., Public Safety Administrator, St. Petersburg, Fla.; and Thomas O'Rourke, former Chief of the New York City Transit Police. Their reaction seemed to be similar to mine. Therefore, on the flight home from

California, I wrote the enclosed article for your consideration."

(Commissioner O'Rourke has been head of the Wilmington Department of Public Safety, 1000 King St., Wilmington, Del. 19801, since February 1969. Previously, he was assistant professor of Social Science and Police Science at Morris County College, Dover, N.J., and a veteran of 22 years in the New York City Police Department, retiring with rank of captain. He received his B.S. (Magna Cum Laude) from the City University of New York, and is scheduled to receive the M.A. degree in Social Relations in June 1972 from the John Jay College of Criminal Justice.)

At the recent 78th Annual Conference of the IACP held in Anaheim, California, I was dismayed to find that the importance of college education for policemen was downplayed in the workshop titled: "Law Enforcement Education." The dominating opinions expressed in the workshop seemed to be that college training should be provided for those members of law enforcement who desire it and for those who aspire to higher rank. One panelist flatly stated that he disagreed with the President's Commission on Law Enforcement and Administration of Justice when it stated that in the future, all police officers should have a four-year college degree.[1] The suggestion was also made that a "commissioned class" of superior officers could be created for those law enforcement officers with a college education.

The reasons given for these opinions were similar to arguments that we have all heard in the past. They include:

1. Many excellent police officers do not have college training; therefore, college training is not a necessity for policemen.

2. Many policemen with a degree are not "good" police officers.

3. Minority recruitment will be hampered; it is difficult enough at present with only a high school diploma or a high school equivalency diploma required.

4. Many college graduate policemen will be bored and frustrated with performing routine police work.

5. Many college trained officers expect special consideration and preferred assignments.

6. Many officers only attend college for the monetary benefits involved: i.e., G.I. bill benefits, salary incentives, etc.

7. Antagonism, at least to some degree, is created between the college trained and the non-college trained officers.

8. The necessary knowledge concerning people can be learned by officers "in the street," supplemented by in-service training.

These were some of the more prominent arguments against college training for police officers and I have to agree that they are all valid reasons to consider before taking a position on the issue of college training for police officers. However, it is my opinion that after having considered the above, we should continue to emphasize the importance of education for a police officer.

I base my opinion on the fact that in law enforcement the "product" we are dealing with is people; and just as the smart businessman insists that his employees know as much as possible about his product, it is good "business" for us to know all about our "product." In addition, our "product" is the most complex mechanism known to man; therefore, the learning process is longer and more difficult. Obviously, the social sciences and the behavioral sciences can be more easily learned in a formal college program than in the street, although I agree that both learning processes should be supplemented by in-service training programs in both sciences.

In logical sequence, the next question should be: *How important are the social sciences and the behavioral sciences to the man in the street?* My answer to this is that they are exceedingly important to the "man in the street" as it is he who is in closest contact with the public. He makes thousands of decisions concerning interaction with people during his career. Many times he isn't aware that he has made a decision; he merely reacts to a given stimulus with a routinized response. I believe that if he is more fully conscious and knowledgeable concerning the interaction he is involved in, he will have an advantage and, therefore, will be better able to control the given situation.

One example of this is when a hostile type is deliberately trying to provoke a policeman through the use of verbal taunts or profanity. He obviously is expecting the officer to return a hostile response to the stimulus of his taunt. Therefore, an unexpected response by the officer such as a laugh has a tendency to confuse the taunter, and gives the officer the advantage of not allowing the situation to escalate into an arrest unless the officer, in his best judgment, believes that he should make the arrest.

In discussing this type of situation with policemen in my department, I equate the example with Pavlov's experiments with dogs in which Pavlov proved he could condition his dogs to respond in the predictable manner to a given stimulus. I encourage the policemen not to allow themselves to be turned into "Pavlovian dogs" by giving predictable responses to the taunts (stimuli) of hostile types.

There are many other situations in which a knowledge of the social and behavioral sciences would prove of great value. This statement is supported by recent research into Family Crisis Intervention[2] and similar emotionally laden conflict situations conducted in New York and several other cities, which indicated that by raising the policemen to a para-professional level through increased knowledge of the social and behavioral sciences the policemen is better able to control more situations. The foregoing is only a few of the examples which could be offered to demonstrate the value of a college education to all policemen.

Higher education should also benefit the police through increasing the policeman's ability to articulate his thoughts, opinions, and feelings. This, in turn, should lessen the likelihood of the policeman resorting to physical means as a result of frustration that might result from his inability to express himself orally.

The performance of the Wilmington Bureau of Police has greatly improved in the past three years and I attribute this to the fact that during that time we have encouraged all our members to attend local colleges. In addition, we have had the NTL Institute for Applied Behavioral Science conduct intensive college level training programs in Human Relations (Social Psychology) for all members of the department. The course was recognized for credit at Brandywine College and Delaware Technical and Community College. We have included nine college credits in our recruit training program and have established a job requirement that all recruits continue their college education at the end of their recruit training. We have provided monetary incentives to those acquiring college credits and we will soon establish minimum college credit standards that will be required for promotion. I attribute, at least to a great extent, the above mentioned improved performance to the college training.

The results of the improved training and education are most noticeable in the handling of demonstrations. The men appear to be more calm and relaxed under difficult circumstances, and hence much more able to maintain their "cool." They are just as purposeful, and even more efficient and effective than they had been prior to this training. Recently, a local newspaper described them as being "relaxed" while handling a four-hour demonstration of over 500 people who were lying in the streets of Wilmington.

In answer to the previously listed arguments against college training for all, I offer the following specific answers:

1. These excellent officers might even be better with college training. Also, how many other journeymen policemen could achieve "excellence" if they had the additional advantage of a college education.

2. A college education will not eliminate all "poor" policemen. However, it should make them fewer in number by lifting some "poor" policemen up into acceptable levels.

3. Minority recruitment difficulties should not be increased if we do not require higher education at the entrance level. However, we should select only people with the potential ability to absorb college level training and then require them to attend college after they are employed. Any person who cannot achieve this level probably would not have the ability to perform well as a policeman and, therefore, probably should not be hired.

4. If looked at in the proper perspective and with the concern of a professional with full knowledge of the implications of what is taking place before his very eyes, the college educated police officer could consider his tour as eight hours of "social engineering" or "social research."

5. If a college education was commonplace in a department there would be no reason for a college educated officer to expect preferential treatment.

6. The monetary benefits are the reason that some officers attend college, but they still have to learn enough to pass in order to continue the benefits. Many of those who start this way find that the monetary benefits become a secondary motivation as their interest in learning increases. Of course, where there are abuses of the privilege such as receiving payments under two different programs (Federal, State, or City), this can be corrected by administrative order or by changing the law.

7. Granted that college training can become a divisive force in an organization, it can be eliminated by requiring everyone to attend college by initiating a program such as we have instituted in Wilmington. I would venture that the antagonism that would result from the creation of a "commissioned class" of policemen would be much greater.

8. Many of the problems in law enforcement today are the result of new members learning the "job" in the street rather than through formalized training. With the advantage of higher learning, the new member will be better qualified to select the "wheat from the chaff" in deciding which advice from the older members of the profession he will accept. Remember, the "commonsense approach" once indicated that the Earth was flat.

Based on the above, I conclude that the President's Commission was right when it recommended that in the future all policemen should be required to have a baccalaureate degree. However, I must qualify this endorsement by stating that for the present and for the near future, a college education should not be required at the entrance level. We should encourage or possibly require that new members of the profession attend college after being hired as policemen. By setting minimum standards of academic achievement for promotion, we can motivate policemen to pursue their studies toward a degree at least to the extent that their individual circumstances permit.

---

[1] The President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: Government Printing Office, February 1967), page 109.

[2] *Training Police as Specialists in Family Crisis Intervention*, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice (Washington, D.C.: Government Printing Office, May 1970).

NATIONAL HEALTH INSURANCE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ICHORD. Mr. Speaker, during the month of November a constituent from my district in Missouri, Mr. Thomas Michael Wood, president of Accredited Hospital & Life Insurance Co., testified before the Ways and Means Committee concerning proposed legislation for some type of national health insurance bill. Mr. Wood also submitted "A Comprehensive Report on the Subject of Compulsory National Health Insurance and a Recommendation for a Reasonable Alternative Thereto" to the Ways and Means Committee for their consideration.

Mr. Speaker, I believe that Mr. Wood has done some remarkable innovative thinking on a problem which the Congress must face in the near future. It is my understanding that the Ways and Means Committee will go into executive session after Congress reconvenes during 1972 to study the testimony and consider recommending some legislation to the House. Most of the plans I have seen in the past tend either to call for a governmental program which ignores the private sector or to favor the private interest of the medical profession, hospitals, and insurance companies with little concern for the public interest. However, Mr. Wood's suggestions would seem to preserve the best of the several alternatives by keeping health insurance in the hands of private insurance companies while setting up national and regional boards to protect the public interest at minimal cost to the Government.

Mr. Speaker, I believe that this proposal is worthy of the serious consideration of every Member of this House and I would like to submit the summary statement of Mr. Wood's report for the RECORD.

SUMMARY STATEMENT BY MR. WOOD

Health care, once considered an individual responsibility, is now being twisted to establish it as a "right", to be guaranteed by law. I believe this ignores the rights of everyone and places an unnecessary burden on the public . . . a burden that in our system of free enterprise has no place in the law.

One of the results of such a burden is inflation. Yet we are attempting at this very moment to curb inflation in the United States.

Some critics of the present system claim health care has become too expensive for the "average" American. Yet, in 1968, Americans spent equal amounts on health care and household furniture, equipment and supplies. In that year, the private consumer spent an average of $162.65 for health services and supplies . . . hardly an excessive amount.

Do Americans have a "right" to health care? I do not think one can argue that they do. Instead, what each individual has is a right to obtain the best health care available to him. To claim otherwise is to negate the rights of those who deliver the medical care and to ignore our free enterprise system, a system on which the United States has grown and prospered economically.

What has happened in countries providing some form of compulsory health insurance? Wage earners resent the high taxes used to pay for the insurance; malingering is encouraged; hypochondria has increased; and through over-utilization the costs soar.

The reason is simple: For most people there is a direct connection between a personally paid fee, no matter how small, and a return to health. They have a stronger will to recover if there is financial premium on the outcome of their fight.

Throughout the world, wherever some form of compulsory health insurance plan has gone into effect, confusion over costs and benefits runs rampant. The best way to prevent such confusion is to maintain the current competition between the providers of health care (doctors and hospitals) and also the competition that exists between the providers of health care financing (insurance companies).

The competing providers of health-care financing from which U.S. citizens now choose are doing a good job of providing benefits. By the end of 1968, over 85% of the entire population was covered for some hospital expenses; close to 80%, for surgical expenses; and 65% for regular medical expenses. Almost 90% of our population had some form of health insurance.

Reimbursements that year ranged from 60% for covered doctor visits at home or in the office, to 88% for covered hospital charges. Health insurance from which U.S. citizens now choose is definitely playing a large role in meeting the costs of medical care for the vast majority of Americans.

Compulsory health insurance is by the very nature of the word "insurance" a contradiction in terms. Insurance requires a mutual contract . . . so there must be freedom to insure or not to insure. Unfortunately, the concept of insurance is one of the least understood in the nation. One of my reasons for appearing before this committee is to dispel a few misconceptions.

Insurance companies are constantly striving to improve their products. For example, my own company now markets a policy that pays up to $50,000 for in-patient hospital and doctor care while containing virtually no internal limits. In order to provide this kind of comprehensive coverage, we included a $100 deductible. Similar high limit plans are in, or being added to the portfolio of many insurance companies. The deductible eliminates the small bills that anyone can reasonably be expected to pay for himself, while offering outstanding protection against the costs incurred by major accidents or illness. Trivial or small claims are too costly to administer. The insured does not get good value for his money when he buys insurance to protect against trivial economic losses. Such policies are contrary to one of the fundamental concepts of insurance.

The current system of competition between the financiers of health care acknowledges the fact that there is no such thing as "free medicine." Such care aways costs somebody something. Since, for the average family, these costs do not constitute a financial hardship, they should be allowed, even encouraged to meet their own responsibilities in this area.

Nationalized compulsory health insurance penalizes those people who have the pride and common sense to take care of their needs. A tax rate of the magnitude necessary to underwrite such a program will, ultimately, work only to destroy individual initiative and responsibility. Indeed, it creates the very conditions that are used as arguments for further federal action!

The financial expenses incurred for such compulsory programs are great; the costs to personal freedoms are even greater.

If the government sponsors such a program, there is little doubt that we will someday reach the point where the government will also feel the need to legislate against a person's abuse of his own health.

The choices presented to the Committee thus far have merely been between one form of nationalized compulsory health insurance and another. This is a false set of alternatives. Consequently, I would like to propose a program that would work effectively within our already established framework of free enterprise . . . that could provide care for all citizens . . . that could eliminate the need for government to go into the insurance business . . . at no cost to the government.

To begin such a program a national board would be established, composed of four groups; one from labor and management, one from the medical profession, one from hospital administrators, and one from insurance companies.

This board will in turn, establish regional boards composed along similar lines. Members of both boards will serve at the expense of their individual employers on a part-time basis; meeting just as would any corporate board of directors, to assure themselves and the nation that medical care is being offered as efficiently and as effectively as possible.

This kind of operation encourages competition among insurance companies, among doctors, among hospitals . . . to provide patients with the best medical care available. The end result of such competition will be a continuous upgrading of products, services, and care. The public can only benefit from such continual upgrading and improvement.

The establishment of the national and regional boards will increase the opportunities for free and open communication between private citizens, doctors, hospital staff members and insurance company personnel. It will also provide the necessary means of eliminating double benefits paid on the same claim by installing computers for cross-reference of claims paid on a regional basis. This, in turn, will cut out some of the difficulties faced today by insurance companies and will keep premiums at a more acceptable level.

Such a program also makes provision for funds to be used in research and education. If we are to continue our fight against disease, we need additional sources for research funds. The program provides for these funds by charging what amounts to a sales tax on premiums. This will provide a good, stable financial foundation for research to be administered by the national board. The funds will be redistributed to each region in direct proportion to that which was paid from that region.

I propose that much of this research be done in satellite facilities located primarily in geographic areas not having ready access to medical care facilities. This would enable the residents to receive medical care, and it would provide incentive to those interested in research to move to these now medically-depressed areas.

Finally, this program makes provision for those who become unable to take care of their own health care needs. I divide this group into two distinct categories: the transient poor possess the means to continue, with the proper incentive, to move throughout the economic strata. The permanent poor are those who become physically or mentally handicapped and because of their handicap, will be permanently disabled and without the ability or surplus funds to be self-supporting.

The permanent poor would be covered on an "assigned risk" basis. Insurance companies will be assigned a certain volume of this business to vary according to their ratio of the overall volume of health insurance being written in their region. Costs will be born evenly among all who share a similar exposure to permanent disability and the ensuing potential poverty. Thus, the person who becomes permanently disabled need never again pay a medical premium, but he will be guaranteed that he will have available to him the finest medical care for the rest of his life.

The transient poor constitute a different kind of a problem. They should be encouraged to return to the job market as quickly as possible. In order to provide this encouragement, I suggest a system of tax credits for the employer. This relates to the transient poor insofar as, if he is unable to work for whatever reason, his employer would continue to pay his health insurance premiums for a reasonable period of time; thus absolving the transient poor of the need to go into debt over this item. If, however, the transient poor is unwilling to find another job, or to return to work, and is unable to qualify as being permanently poor, after a given period of time, his benefits will be eliminated, or he will be required to pay his own premiums . . . this is only fair in a system such as ours, where we are rewarded for our work, not our laziness.

To cover the "start-up" expenses of such an undertaking, I suggest a government-insured loan . . . from insurance companies to be used in setting up the national and regional boards.

This program, if established, will ultimately phase out the need for Medicare, Medicaid, and potentially, VA Hospitals and state institutions.

The key to success lies in mutual effort on the part of laymen, doctors, hospital staffs, and insurance personnel to work on a standard of self-improvement for the good of mankind.

I am convinced such a program will work, because I believe most Americans realize that for our way of life to progress and improve, it is mandatory for each individual to retain his freedom of choice. I am convinced that if the program is fully developed and properly presented to the general public, it will meet with an overwhelming acceptance.

WORLD CONGRESS ON AIR CHARTERS AND TOURISM

HON. HOWARD W. CANNON

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. CANNON. Mr. President, the Government of Spain has announced that a World Congress on Air Charters and Tourism will be held in Madrid, April 17–20, 1972. I request that the announcement be reprinted in the Record. It was issued by the Ministers of Aviation and Information and Tourism of the Government of Spain.

I think it is timely that the Spanish Government is calling this World Congress, to focus attention on the air transport and tourism industries, which are worldwide in their importance.

It was back in 1944 at Chicago that the rules which govern the conduct of air transport services were adopted. Since that time, we have seen a rather orderly development of our scheduled ticketed services, but not so in the development of mass or charter services. Tourism is growing faster than the world has before known, and it faces many problems. Spain has faced up to the charter problem and I believe other countries must do so in this air age.

Our own Government announced its policy in June 1970. This was the first policy that recognized air charters as a valuable component of our air transport network, and it is for this reason, Mr. President, that I am extremely pleased that a World Congress will focus attention upon the total world air transport system.

It is my hope that our Government, along with other governments, will offer wholehearted support to the Spanish Government in the upcoming meetings.

There being no objection, the announcement was ordered to be printed in the Record, as follows:

Spain To Host World Congress on Air Charters and Tourism—Role of Nonscheduled Air Transportation To Be Highlighted

Madrid, Spain, December 20, 1971.—The impact of non-scheduled air transportation on world tourism will be highlighted at the First World Congress on Air Charters and Tourism to be held in Madrid, Spain, on April 17–20, 1972.

The Ministers of Tourism and Aviation of the Government of Spain today announced that they will sponsor the Congress, which will be the first international examination of developments in air transportation since the 1944 Chicago Convention on International Civil Aviation.

The aim of this conference is to study all matters pertaining to the development of tourism from country to country, generated by improved facilities and greater access to air transportation. Today, the consumer in all countries of the world, has a right to benefit from the development of international transportation.

Since 1965, the Spanish economy at large has seen the very positive results of a comprehensive and liberal tourism and air transportation policy which has allowed both scheduled and charter companies to improve considerably their services to the traveling public.

The World Congress will finalize recommendations to be made to all governments in order to implement, as soon as possible, regulations and decisions to maximize the orderly development of both scheduled and charter air transportation to serve fully the needs and requirements of the public during the next decade.

Mr. Victor Tarruella has been designated as Director of the Congress.

AMERICAN-WESTERN AIRLINES MERGER NOT IN THE PUBLIC INTEREST

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. UDALL. Mr. Speaker, I suppose I should not have been shocked when I first heard of the proposed merger of American and Western Airlines. After all, we live in the age of corporate giants—an age when your local shopping center may have been built by one of the big steel companies, when your landlord might just be some out of town conglomerate, when your favorite ball player might be salaried by a television network. It is a fact of life that small business is a vanishing species, and that the honest price competition we once knew has for the most part been sacrificed at the altar of the "growth stock" and the price-earnings ratio. We have been conditioned to quietly accept the sale of the local grocery store to the supermarket chain, attributing it to the inevitability of bigness in a world that becomes evermore impersonal and beyond our control.

Yet, there still are some mergers one cannot simply accept with a sigh, mergers that so unquestionably militate against commonsense and the public interest that sufficient outrage is stirred in the hearts of oldtime capitalists to halt them in their tracks. I contend that the proposed merger of American and Western Airlines is such a case.

The managements of American and Western Airlines are waging a vigorous battle to win approval of the merger, and they have rallied various municipalities, port authorities, and a few chambers of commerce—some of which may not have taken a thorough look at their own self-interest. Strong opposition has been voiced by labor elements such as the Airlines Pilots Association, the Stewardesses Division, the International Brotherhood of Teamsters, and the Brotherhood of Railway and Postal Clerks. They claim they will lose jobs, seniority, benefits, and that down the road air transportation will be restructured in a way that will deprive them of participating in a growing industry. Other airlines have opposed the merger on the basis that it would be detrimental to their future.

What bothers me most, however, is the relative silence of the traveling public. The public is always the first affected and the last to be heard from in merger cases. One important reason is the public has no one to plead its cause.

Presumably the Civil Aeronautics Board is entrusted with the responsibility of protecting the traveler. But many believe that, over the years, the Board has come to confuse what is good for airline profits with good service for the traveling public. While the two interests may coincide, they are not interchangeable. And the history of civil aviation in this country is replete with discouraging examples. The fact is the airline industry would still be languishing on subsidy, running a high unit cost, low volume, type of luxury business, had not external competition from the nonskeds and new technology forced them to accept their role in mass transportation.

Mr. Speaker, American is a large, financially healthy airline. Western is a smaller, financially healthy airline. There is no economic need for the two to merge, no public interest to be served. What there is, I suspect, is a corporate goal of American to become the Nation's largest trunk carrier, and the willingness of Western to be swept up into a deal that should bring its stockholders some quick capital gains.

Back in 1938, when Congress established the Civil Aeronautics Board, it planned a multicompany transportation system with real competition. The 16 lines that achieved grandfather rights under that act are now reduced to 11. Some disappeared, because their routes were not economically feasible, and merger was the only way out. But none of them up until now ever disappeared just because of corporate convenience or caprice.

There are many factors that argue against permitting this merger to occur and they go right to the heart of the Nation's transportation problems and the general welfare of the traveling public. One consideration is of special importance to those of us who live in the western part of the country, away from the large population centers. This problem was highlighted in the brief submitted by the Department of Justice on August 31, 1971, setting forth Justice opposition to the merger on classical antitrust grounds. The brief is clear and forceful. The dangers it foresees as flowing from such a proposed merger are many, but let me call your attention to just one.

Western serves many of the West's smaller population centers. I can board a plane at Salt Lake City and fly to Great Falls with stops at Pocatello, Idaho Falls, West Yellowstone, Butte, and Helena. Then I can turn around and fly south to Denver with stops at Billings, Sheridan, and Casper. They may not be the largest cities in our country, but they are vital to the people of Idaho, Montana, the Dakotas, and Wyoming.

Both Western and American fly into Phoenix, and Arizona needs and appreciates the service of both airlines. American flies us to Texas, and on to the East, directly to San Francisco and to several other cities in California. Western flies us nonstop to Denver and Portland, and westward to Honolulu.

For those in my home State who favor this merger, let me cite the warning of the Department of Justice:

> Given the number of smaller cities on Western's routes, the relevant question is not whether American-Western will institute service benefits if the merger takes place, but whether it will terminate service to them. American's record has been to terminate service in medium-sized cities such as Milwaukee, not to maintain or initiate new service to small cities.

American is an aggressive, well-run airline. But it must be said that it has not shown much enthusiasm for servicing smaller communities. And these communities have the greatest need for air service. Many of them do not have the complex rail, bus, and highway systems that are so common in the east. Airports bring them into today's commerce, and their citizens are proud of their airports, pleased with the service they are now getting from Western. They would be extremely unhappy if anything happened to reduce or disturb that service. Yet this is American's track record as the Justice brief makes clear:

> American has suspended service to 29 cities in the last 20 years, each of which had a larger population than the largest city in Montana at the time that the service was suspended. Three of the abandoned cities had population in excess of the State of Montana.

Then Justice goes on to say that—

> The evidence indicates that there would be neither significant cost savings nor any significant improvement in service to the public if the proposed merger were consummated, but rather a significant chance of a decrease in service to smaller cities served by Western.

American abandoned Milwaukee with over 1.3 million inhabitants. In Western's entire route structure, it services only five cities with more population than Milwaukee.

American abandoned Akron, Ohio. Yet Western served 18 cities in Western States that have a combined population less than Akron had at the time American gave up on it. And it brings air service to such out-of-the-way places as Ketchikan, Alaska, and to Kodiak, and Juneau. What all of this means is that the people in many Western States will stand to gain nothing while risking substantial loss if this merger is approved. After the fact, American could not help but find temptation in the economics of snipping off small town service in order to concentrate on filling widebody aircraft off to lucrative tourist routes in the Pacific.

And there is another important issue, involving the future of the more than 42,000 employees of American and Western, which has received all too little public notice.

None of the employees of the two carriers, with the exception of a few dispatchers, are represented by the same unions. All of Western's employees are members of the Airline Pilots Association, the aviation division of the Teamsters, or the Brotherhood of Railway Clerks and Postal Employees. These organizations are as different as they are similar.

There is the extremely important issue of contract survival. American takes the position that as of the date of the merger, the collective-bargaining agreement of Western will cease to have any legal and binding effect. Further, American has taken the position that it has no obligation to deal with any of Western's collective-bargaining representatives. It is obvious that Western's personnel may find their protection nominal at best. When dealing with the integration of seniority lists, this becomes a matter of bitter dispute—an issue critical to pilots whose pay and promotions depend on seniority. Also, since this merger could result in a curtailment of hundreds of jobs, the "right to the job" falls in jeopardy, with the Western employees being the first to be sacrificed.

Labor organizations have recently urged the CAB to adopt procedures for collective bargaining requiring that the surviving carrier negotiate suitable provisions to meet the particular problems in hand. To date, the CAB has shown a monumental indifference to any new approach. The labor problem is just one troublesome aspect of this proposed merger, that makes one ask again: What are the invisible benefits that justify the obvious difficulties and problems that must result from mergering these two perfectly healthy and successful carriers?

Mr. Speaker, American's profit factor is of little direct importance to the citizens of the States in the West. What is important to them is the good air service which they are now getting, at least part of it from Western Airlines. The CAB must consider the importance of these communities to our Nation as it views this request to merge two of the country's healthiest air carriers.

There follows a chart comparing the size of cities now served by Western Air Lines with the size of cities which American Airlines has abandoned:

CITIES SERVED BY WESTERN COMPARED WITH CITIES ABANDONED BY AMERICAN

[In thousands]

Cities served by Western		Cities abandoned by American[1]	
City	Metropolitan area population[2]	Metropolitan area population[3]	City
Los Angeles	8,431	----------	
Mexico City	3,400	----------	
San Francisco	3,366	----------	
Seattle/Tacoma	1,757	----------	
Minneapolis	1,718	----------	
	----------	1,362	Milwaukee.
San Diego	1,337	----------	
Denver	1,166	----------	
Ontario	1,115	----------	
San Jose	1,041	----------	
Portland	989	----------	
Phoenix	911	----------	
Vancouver	900	----------	
Sacramento	804	----------	
Honolulu	652	----------	
	----------	646	Akron.
Salt Lake City	557	----------	
	----------	554	Scranton.
	----------	423	Richmond.
	----------	295	Peoria.
	----------	281	Bristol.
Las Vegas	272	----------	
	----------	218	Binghamton.
	----------	169	Midland/Odessa.
	----------	164	Roanoke.
Anchorage	155	----------	
	----------	150	Springfield, Ill.
	----------	132	Springfield, Mo.
	----------	130	Abilene.
Reno	126	----------	
	----------	133	Lynchburg.
	----------	110	Joplin.
	----------	101	Elmira.
Sioux Falls	100	----------	
	----------	91	Texarkana.
	----------	89	Parkersburg.
Great Falls	86	----------	
Billings	84	----------	
	----------	77	Clarksburg.
Hilo	69	----------	
Cheyenne	59	----------	
Rapid City	58	----------	
Idaho Falls	54	----------	
Pocatello	52	----------	
Acapulco	50	----------	
Casper	50	----------	
Butte	46	----------	
	----------	43	Big Spring.
Palm Springs	37	----------	
Helena	33	----------	
	----------	28	Elkins.
Sheridan	18	----------	
Pierre	13	----------	
West Yellowstone	8	----------	
Juneau	6	----------	
Ketchikan	6	----------	
Kodiak	4	----------	

[1] Since 1960.

[2] As of Dec. 31, 1969.

[3] As of Dec. 31 of the year prior to the one in which the city was abandoned.

Source: CAB certificates, Sales Management, Survey of Buying Power, exhibit AW–52.

CHRISTIANS SUPPORT UNIFIED JERUSALEM

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. MUSKIE. Mr. President, in the coming Christmas period, it is expected that a record number of Christians from every part of the world will be going to Jerusalem. This pilgrimage will be only part of the continuing pilgrimage that has already brought hundreds of thousands of Christians and Muslims and Jews to Jerusalem this year alone. That glorious city is open for all to come and to worship—or refrain from worshiping—as they please. Whatever arguments may persist on other aspects of the tragic Middle East situation, there can be only great satisfaction in the knowledge that this holy city is now completely accessible to anybody choosing to go there. In a world so torn by racial and national and religious tensions—India, Pakistan, Ireland, Vietnam—it is comforting to be reminded, as I was personally when I visited Jerusalem earlier this year, that peoples of diverse cultures and religions can indeed live in peace and with mutual respect. Not only are the holy places available to their respective adherents, but they are open to all people, regardless of religion, and in the last few years millions of people from all over the world have had the enriching experience of observing the symbols of other people's traditions and cultures.

As we approach the Christmas season, Mr. President, I would like to call to the attention of my Senate colleagues a most interesting document that has come to my attention. Prepared by the Interreligious Department of the American Jewish Committee, it is a compendium of recent statements made by Christian theologians and lay leaders in support of a unified Jerusalem. In the judgment of these observers, Israeli jurisdiction over Jerusalem is justified and should continue. All of us who pray for peace in the Middle East should give careful consideration to these impressive statements on one of the controversial aspects of the troubled Middle East situation.

I ask unanimous consent that there be printed in the body of the Congressional Record the document "Christians Support Unified Jerusalem" with an introduction by Rabbi Marc H. Tanenbaum, director of the Interreligious Department of the American Jewish Committee.

There being no objection, the article was ordered to be printed in the Record, as follows:

Christians Support Unified Jerusalem

(Prepared by the Interreligious Affairs Department of the American Jewish Committee)

INTRODUCTION

A growing number of prestigious and representative Christian leaders are opposed to proposals for the internationalization of Jerusalem and want the city to remain under Israeli jurisdiction. That is the primary conclusion that emerges from a survey of Christian public opinion compiled by the Interreligious Affairs Department of the American Jewish Committee.

Conducted as a "trends analysis" report, the survey sampled public statements, speeches, news articles and editorials issued in recent weeks by Roman Catholic, Protestant, and Evangelical leaders and organizations in the Christian communities. While far from comprehensive, the sampling covered various regions of the United States, as well as Europe, Latin America, and Israel.

In addition, conversations held between American Jewish Committee representatives and many of these Christian spokesmen have led us to the conviction that these views which support the present status of a reunified Jerusalem under Israeli jurisdiction—while recognizing the legitimacy of Arab rights—represent in fact the feelings of thousands upon thousands of Christian people in this country and abroad whose voices thus far have been far from adequately heard.

Those who have charged with incredibly polemical language that Israel was engaged in "the Judaization of Jerusalem" and in "the suffocation of Christians and Muslims" in the Holy City have managed to attract the overwhelming attention for their viewpoint in the general mass media and especially in the Christian journals and media. To the uninformed, the impact of that anti-Israel—and in some cases anti-Jewish—publicity has been to suggest that there is a monolithic, or at least a majority, Christian sentiment that opposes the reunification of Jerusalem under Israeli sovereignty. The recent UN Security Council debate undoubtedly has reinforced that impression, especially since the Jordanian representative cited a whole range of Christian spokesmen—from Pope Paul VI to the National Council of Churches—as being uniformly identified with the Muslim position. (The Muslim position calls for the return of East Jerusalem to Muslim control, which was established in 1948 in the wake of the Jordanian military occupation of Jerusalem in violation of the 1947 UN Partition Plan.)

The frank intent of this document is to demonstrate that there is a substantial and growing body of respected and responsible Christian leadership whose positive sympathies toward Israel deserve to be taken into as serious account as those other Christian voices who have been more vocal and aggressive in advocating their anti-Israel positions. This leadership covers a broad range of the Christian communities—academic and intellectuals; seminaries, colleges and universities; clergy; religious teachers and nuns; theologians; committed Christian laymen and writers and editors of Christian journals.

At least five major issues emerge in this survey which command a consensus on the part of these Christian leaders:

(1) They oppose any possible internationalization or division of Jerusalem on the grounds that internationalization has never worked and would not be a viable solution since both Jordan and Israel adamantly oppose the plan. They share a widespread conviction that Israel should have complete control of the unified city of Jerusalem for historic reasons ("it is peculiarly and uniquely significant to the Jewish people as to no other people in the world") as well as for practical reason ("they are proving responsible trustees as is not liekly true of any other group.") They encourage further creative efforts by Israeli leaders to provide for "special (jurisdictional) arrangements" for Arab areas of Jeusalem. Several expressed the fear that an internationalization plan would lead to the introduction of troops from atheistic countries which could hardly serve the positive interests of any religious community in the Holy City.

(2) They applaud the behavior of Israel with respect to the holy places, characterizing it as "exemplary." Israel has already achieved the main purposes of internationalization which is to provide protection and free access. A Brazilian Catholic priest, who is also a member of the Brazilian House of Deputies, proposed "the internationalization of all holy places within the Israeli capital—Jerusalem; a proposal which is now being actively explored by the Israel government with Vatican, World Council, Eastern Orthodox, and Muslim officials.

(3) They deny categorically recent accusations that Israel has been "suffocating" the Christian and Muslim populations in Jerusalem and in Israel. Christians living in Israel for many years declare that such charges do not coincide with the true situation. While there has been Christian Arab emigration, this is not a current phenomenon, since it has existed at least for the past thirty years. In fact, they state, the contrary is true: since the end of 1948, the Christian and Muslim population of Israel has more than doubled. They also report that the exodus from Jerusalem is far less than that of the actual exodus of many Arab Christians from Arab Countries. They describe as "false" the charge that Israel is "abolishing Jerusalem's Christian character," and testify that "the Israeli authorities do not hinder us in accomplishing our mission." Finally, they assert that Western Christian churches receive their information from sources that are mainly Arab and therefore "it is understandable how the presentation of this problem is influenced."

(4) They conclude that the housing programs in East Jerusalem are "legitimate efforts on the part of the Israeli government" to renew slum areas of the City and to rehouse Arabs and Jews in new dwellings. The development plans are in no sense designed to oust the Arabs nor to "suffocate" the Christian and Muslim populations. Nor do they believe that the building plans on the outskirts of Jerusalem would diminish the sanctity of Jerusalem, any more than "modern building plans for the suburbs of Washington, D.C., would deprive the White House and the area around it of their historic meaning." (Msgr. John M. Oesterreicher).

(4) Of especial importance are the statements of various Christian theologians who, for the first time, affirmed that no theological reasons exist for opposing the return of Jerusalem to Jewish sovereignty. While evangelical Christians have acknowledged in the past that the restoration of the Jewish people to Jerusalem represented the fulfillment of Biblical prophecies, the declarations by Father Karl Rahner, one of the most authoritative Catholic theologians, and by Father Marcel Dubois, Dominican philosopher in Israel, among others, were precedent-setting and of potentially great importance for the future of Chrisian theological understanding of Israel. "I cannot see that the return of Jerusalem to Israel constitutes a real theological problem for a Christian such that reasons of faith would compel him to oppose the return," Father Rahner has written. Against the background of declarations of Church Fathers in the first four centuries, medieval polemicists, and the Papal statements to Theodor Herzl, founder of Zionism, all of whom regarded the destruction of Jerusalem as God's punishment of the Jews, Father Rahner's statement and those of other Christian theologians writing in these terms assume especial significance.

An individual but significant view was expressed by Father M. Nobre, of Rio de Janeiro, a Roman Catholic priest and member of the Brazilian House of Deputies, when he urged Pope Paul to move "to establish diplomatic ties with Israel," calling that "the desire of all Catholics the world over." Five other Brazilian deputies expressed full solidarity with the priest's views.

In sum, it is our hope that the study and wide dissemination of these statements will contribute to a balance and perspective in the mounting discussions over the status of Jerusalem, resulting in the avoidance of invective and the searching out of solutions that will reconcile Muslims, Christians, and Jews and one to another. For that is what Jerusalem, the City of Peace, ultimately is all about.—Rabbi Marc H. Tanenbaum, National Director of Interreligious Affairs, American Jewish Committee, October, 1971.

INTERNATIONAL

VATICAN POSITION ON JERUSALEM FIRM

Vatican City, October 5, 1971.—A spokesman for the Vatican's Secretariat of State declared here this weekend that there has been no change in the Holy See's position on the question of Jerusalem since the Pope's speech on this issue June 21. The Pope on that occasion called for the granting of an international status to the holy places in Jerusalem. Vatican circles have since explained that this suggestion is different from internationalizing the city. The latter, they noted, is a strictly political matter while the former is a juridical one. The Vatican's announcement was made at the conclusion of the visit to Rome by Msgr. Pio Laghi, the Apostolic Delegate in Jerusalem. The Catholic prelate had consulted here with the Vatican's Secretary of State and other high officials on what the Catholic Church's reaction should be to the recent United Nations Security Council Resolution on Jerusalem and Israel's reaction to it. (Jewish Telegraphic Agency)

GREAT BRITAIN

CHRISTIAN ATTITUDES ON JEWS AND JUDAISM

"A City at Unity in Itself"—A plea for the present administration of Jerusalem was made by C. Witton-Davies, Angelican Archdeacon of Oxford, in the course of a review, in the *London* Catholic Weekly, *The Tablet*, 7 August 1971, of the new book by Dr. Walter Znder, *Israel and the Holy Places of Christendom* (London. Weidenfeld and Nicolson). The Archdeacon writes:

For the present, Jerusalem as the rest of the Holy Land, is united and open to all comers, as had not been the case since 1948 before the June War of 1967. Jews, Christians and Muslims can approach their sanctuaries freely and conduct their respective religious ceremonies there. Externally at all events Jerusalem is again a city at unity in itself, as it had been up to 1948, after which it was divided by the no man's land that ended the war following the termination of the British Mandate. Beneath the surface there remain divisions and suspicions, but no one in their senses wishes to see a return to the pre-1967 divided State. The Jerusalem municipality is well administered under the mayoralty of Teddy Kollek, who has earned great respect and even affection from Jew and non-Jew alike. No other seems likely to achieve such a measure of cooperation as he can claim to have achieved. His administration is fair to all alike who will respect the rules and conform to civic normalities.

It is difficult, if not impossible, to say anything about Jerusalem or about any part of Terra Sancta that cannot be construed as politically biased one way or the other. But opinions must be expressed, whatever the hazard. So I say, with the advantage of the experience of three pilgrimages since the June War of 1967 as well as over five years' residence during the latter days of the British Mandate and half a dozen visits during the years of military partition, that the present has within it the seeds of a just and lasting settlement of the many problems inherited from the past.

LATIN AMERICA

BRAZILIAN DEPUTIES URGE VATICAN TO ESTABLISH DIPLOMATIC RELATIONS WITH ISRAEL

Rio de Janeiro, August 9.—Six members of the Brazilian House of Deputies of both the government and opposition parties have asked the Vatican to establish diplomatic relations with Israel. They also proposed internationalization of the holy places in Jerusalem. The deputies took that stand at a special session of the House in Brazilia which was dedicated to Israel in connection with the transfer of the Israeli Embassy from Rio to Brasilia. One of the deputies, a member of MDB and a Catholic priest, Mr. Nobre, praised Israel's "political and administrative form of humanitarian socialism" and the "voluntary kibbutz system which characterizes the State's progress." Emphasizing that the anniversary of Israel's creation was "a great date in world history," the prelate warned against "increased anti-Jewish activities around the world" and censured the Catholic Church for maintaining "until not long ago" anti-Jewish expressions in prayer books. He also criticized Christians "who under the pretext of serving God," were spurring "furious anti-Semitism." He urged Pope Paul to move to establish diplomatic ties with Israel, calling that "the desire of all Catholics the world over." He also proposed internationalization of all holy places "within the Israeli capital—Jerusalem." At the same session, the other five deputies expressed full solidarity with the prelate's speech.

ISRAEL

The following story appeared in the September 26, 1971 issue of *Maariv*:

"Church leaders reject request to sign a petition to the U.N. concerning the 'Judaization' of Jerusalem."

Moslem public figures in East Jerusalem, recently met with Church leaders in the capital, and asked that they sign the petition to the Security Council of the U.N. on the subject of "Judaization of Jerusalem." The Church leaders rejected the suggestion for various reasons.

Jordanian authorities sponsored several meetings between Moslem personalities and Church leaders to convince them to take the same stand as they, on the eve of the Security Council discussion regarding the unification of Jerusalem.

It became known that most of these meetings, seven in number, were held with Catholic priests. During these meetings the Moslems made it clear that the silence of both Christians and Moslem public figures of East Jerusalem will be interpreted as a reconciliation with the unification of the city, and so they have a "public obligation" to voice their opinions.

All the priests that met with the Moslem leaders preferred to listen to the claims raised before them. As for taking a stand on the issue, the priests claimed that they are in Jerusalem to live here, and political matters concerning the city, should be the concern of the Church centers.

CHRISTIAN ARABS SPEAK OF ISRAEL AS FULFILLED PROPHECY

Jerusalem Post.—Two Christian Arabs yesterday voiced apparent support of the fundamentalist belief that the establishment of Israel is the fulfillment of biblical prophecy. The pair were speaking at the third session of the Jerusalem Conference on Biblical Prophecy at Binyenei Ha'ooma.

Mr. Fouad Sakhnini, pastor of the Baptist Church in Nazareth, noted that politics had caused a division of opinion among Christian Arabs on the subject. Speaking of his own view, he said: "We Christian Arabs believe in prophecy with justice, recognizing the rights of Jews and the rights of Arabs."

Mr. Sakhnini said that Moslem Arabs completely reject the Jewish claim to the land as "political theology." "The Jews claim the right to a land that was theirs 2,000 years ago. The Moslems claim that the land was theirs 23 years ago (Israel) and four years ago (East Jerusalem and the administered areas.) They ask who has more right to the land."

A strong condemnation of Arab hostility to Israel was voiced by Mrs. John W. van den Hoeven, wife of the warden of the Garden Tomb in Jerusalem. Mrs. van den Hoeven, an Arab born in Sudan, said she had been brought up by her parents to hate and despise Jews. "Before 1948 it was because they killed Christ, even though my parents didn't care a penny for Christ. After 1948, the reason for hate was because they stole part of the Arab land from the Palestinians, even though my parents didn't care one bit about the Arab land or Palestinians."

Mrs. van den Hoeven, most of whose relatives are Moslems, said that the attitude of many Christian Arabs had been "tainted" by the Moslem majority among whom they lived. "Quite a few Arab (Christian) believers hate the Jews. The fault lies with the English and American missionaries who didn't teach us that to love Christ is to deny hate. I was born a Greek Orthodox, but I have become a Jew through the blood of Jesus Christ. I must love my brother, the Jew." Mrs. van den Hoeven said: "God has given the land to the seed of Abraham, which is Isaac not Ishmael (as the Moslems claim.)"

CHRISTIANS IN ISRAEL VIEW THE JERUSALEM DEBATE

The following article appeared in a recent issue of *Ma'ariv* written by Ada Luciani and Yosef Tzuriel, reporters in Rome and Jerusalem:

"Because of the fact that United Nations is about to consider its fate, we are dedicating this special issue to the city which, for the past 400 years, has been the center of world history." This giant headline appears on the important Italian weekly *La Espresso*, that publishes in its latest issue a special article on Jerusalem including an analysis of the city's history and its religious, social, political, economic and architectural problems.

In a long article—after objectively analyzing Arab and Israeli viewpoints pertaining to the present and future of the city—Victor Zeigelman quotes Christians who do not agree with the Vatican's fears and accusations of the "abolition of the Christian character" of the Holy City.

In the opinion of Father Tournay, President of the Welfare Organization "Caritas" in East Jerusalem, the Vatican's accusations "do not coincide with the true situation. The Israeli authorities do not hinder us in accomplishing our mission. As to Christian Arab emigration, it is true that three thousand Christians have left Jerusalem in the past four years.

"However, this is not a current phenomenon," continues Father Tournay. "Christian emigration from the Middle East has always existed, at least for the past thirty years. The Christian emigration has always been thought of as more important than the Moslem emigration. The Vatican receives its information from sources that are mainly Arab. Therefore, it is understandable how the presentation of this problem is influenced."

Another member of the priesthood, who remains anonymous also does not think that deliberate steps are being taken for the "abolition of the Christian character" of Jerusalem. "They do not disturb Jerusalem's Christian character, but they add Jewish character," he said. "The phenomenon of Christian emigration goes back many more years than the Israeli conquest."

MINIS—IN AMMAN, TOO

Israel should not be blamed should not be blamed for all sins. On the subject of the mini-skirt, for example, the same priest said: "People say the Israelis caused minis to be seen in East Jerusalem, but they may be seen in Amman as well."

The Archbishop Appleton also denies any "real pressure" upon Christians and he points out the economic motivation causing Christians to leave.

In the opinion of Father Jean-Marie Van Kang, from the Monastery of Saint Stephen, "The extreme Arab viewpoints are not to be taken to heart." He suggests an ideal solution, in his opinion, making Jerusalem "a free city, with its status assured by international pledges."

HIDDEN ANTI-SEMITISM

The Dominican Father Marcel Dubois, professor of philosophy at the Hebrew University in Jerusalem, firmly denies the accusations against Israel. "No one speaks of abolishing Jerusalem's Christian character. All this is false. Where were all these sensitive people when the Jordanians abolished the Jewish character of the Mount of Olives, when they destroyed the cemetery dating hundreds of years back? No one of the Christian world protested as the desecration went on before our very eyes."

"In Israel, however, opinions are voiced against the appropriation of Arab lands in East Jerusalem," says Father Dubois, who is critical of the Vatican.

"If the Church does not look at Israel in a Christian manner, if it does not recognize theologically, that this nation has a national goal that can only be fostered in Zion, then it has no right to pass judgment on Israel. The Church feels a bit paralyzed because it only recognizes the existence of the wandering Jew while the Israeli state and nation have no share in its theology. There is also that hidden antisemitism exist. . . . We would have more right to ask Israel to be faithful to herself, to heed the Arab problem, which is after all Israel's problem too, after we recognize Israeli's right to exist."

"The Christians are leaving Jerusalem"—thus protest the Vatican and the Jordanian government once every few months. If they had only made the effort to check out the numbers of emigrating Christians in the last decade, or to learn the facts from the directors of the churches themselves, who are permanently situated in Jerusalem, they would have seen reality differently.

NOT PERMANENT AND ROOTED

The emigration movement of Christian Arabs from Jerusalem to other lands did not originate after the Six Day War. The elders of Christian communities charge that the Christian population of the city has never been permanent and rooted. The reasons for that are mainly economic. The younger generation could not fit into the economic framework and therefore left the Holy City seeking new places to live. Many times it happened that at an older age, after saving up money and property or after tiring of the way of life in other countries, those of the younger generation who had left returned to their parents' homes in Jerusalem.

NO INTERFERENCE

The Fathers of the churches do not approve of comparisons made between Israeli and Jordanian authorities concerning East Jerusalem. They are careful not to refer to this subject in official talks. But in unofficial talks with Israelis, they speak of difficulties put in the way of the Christian communities during the Jordanian rule in order to limit their freedom—starting with permits for building through giving entrance permits to Christians and including setting up educational institutions.

Only in one field was liberalism shown by the Jordanian rule: they encouraged the foundation of welfare institutions by the Christian communities.

Since the unification of Jerusalem, the heads of the churches benefit from a much more liberal attitude than was prevalent during the Jordanian rule. They can come and go from Israel more easily; the Israeli Government does not interfere at all in the internal affairs of the Christian communities; they are exempted from taxes if necessary; they help them protect their holdings.

UNIFICATION OF FAMILIES

Apparently most of the Christian communities have no accurate record of births and deaths, of emigrations and visits among the members of their communities. But from the annual report of the Latin Patriarchate it appears that last year its population reached 4,000. That year there were 111 births and 34 emigrated. It can be argued that here there is no emigration in the true sense of the word, because the majority who left Jerusalem joined their children or parents who are in European countries and in the United States.

This proportion of emigrants is almost certainly the average rate of goers and comers among the Christian communities in Jerusalem. At any rate, there are no other figures. When governmental bodies sought to obtain details on the movement of emigrants from the heads of the churches, they were greeted with a shrug of the shoulders as if these facts have no significance. There were those who said that the number of the community was more or less constant.

At first Israeli officials turned to the heads of Christian communities, seeking details and explanations, whenever information was published by Vatican circles about Christian emigration from Jerusalem. Today nobody takes the trouble to verify or refute such declarations.

The first to adopt this approach were precisely the heads of the Christian communities themselves. Afterwards Israeli officials learned to do the same. Today, they all know that pronouncements and reality are not the same.

They know—although they don't say so openly—that political considerations guide the Vatican and the Jordanian rule in their declarations. Therefore, they prefer to keep their silence, as if nothing were said on a subject so well known to them.

EVANGELICAL POSITIONS

THE FUTURE OF JERUSALEM

(By Dr. W. R. White)

It is our profound conviction that Israel should have complete control of the city of Jerusalem. It is peculiarly and uniquely significant to the Jewish people as to no other people in the world. They are taking an interest in it and are proving responsible trustees as is not likely true of any other group.

The Mohammedans have their sacred city of Mecca, wholly in their hands as is proper. Although Israel wrested a part of Jerusalem by force from their possession, it was previously wrested from them by force by the same people from whom they have recently taken it.

To internationalize the city is not the solution for any problems involved.

The Christian world is profoundly interested also in Jerusalem but in the main they prefer that it be kept in the hands of Israel. They have proved to be superior custodians of the city and its sacred places. Any problem with the Mosque of Omar and similar shrines can be remedied by the proper treaty.

INTERNATIONALIZATION OF JERUSALEM OPPOSED BY DENOMINATIONAL LEADER

(By Religious News Service, June 23, 1971)

SEATTLE (RNS).—Dr. Arnold T. Olson, president of the Evangelical Free Church of America, said here that he joins other evangelical leaders in opposing a proposal that Jerusalem become an international city.

Dr. Olson noted that since 1967 the Israeli government has shown willingness and ability to grant freedom of worship and freedom of access to the Holy Places.

The president was here for the 87th annual conference of the Evangelical Free Church, coming to Seattle directly from Jerusalem whre he was keynote speaker at a conference on Biblical prophecy.

In opposing internationalization of Jerusalem, Dr. Olson said the Israeli government had been "open" in its rule of Jerusalem. He also argued that internationalizing of cities has always failed. There are no humanitarian problems in Jerusalem and there are "signs of Israel improving the living conditions of the Arab people," he added.

A DECLARATION ON THE STATUS OF JERUSALEM

We, the undersigned Evangelical Christians, committed to the integrity of Jerusalem, the Holy City, as the birthplace of our faith, want to commend the State of Israel for the scrupulous care with which it has protected Christian places and people.

Taking note that, throughout history, Jerusalem has never been the capital of ANY people except for the Jewish people, we are struck by the fact that since the Six Day War, all people are free to worship in the place of their choice, unlike the situation that pertained during the period 1948–1967.

The unity of Jerusalem must be preserved at all costs; internationalization, an idea which has never worked in history, would not be a viable solution.

Dr. Arnold T. Olson, president of the Evangelical Free Church of America.

Dr. Harold J. Fickett, Jr., pastor of First Baptist Church of Van Nuys, Calif.

Dr. John F. Walvoord, president, Dallas Theological Seminary.

Dr. G. Douglas Young, president, American Institute of Holy Land Studies, Jerusalem.

Dr. Myron F. Boyd, member of Board of Bishops of North America, Free Methodist Church, Winona Lake, Ind.

Dr. John Warwick Montgomery, professor of History of Christian Thought, Trinity Evangelical Divinity School, Deerfield, Ill.

Jerusalem, Israel, June 17, 1971.

It should be understood that the signers speak in their own name and not necessarily represent organizations or institutions to which they are attached. *Evangelical Beacon*, July 27, 1971.

ROMAN CATHOLIC POSITIONS

(The Reverend Karl Rahner, Roman Catholic Theologian, September 24, 1971)

Is Jerusalem part of Christian Dogma?

Once again the United Nations Security Council debates the status of Jerusalem. Once again the City of Peace is a city of controversy. And once again Jews will wonder what Christians really think about Jewish sovereignty over the Old City for the first time since the decades following the life and death of Jesus.

In the middle ages, Christian polemicists regularly proved that the Jews had been rejected by God, by pointing to the destruction of the Temple and the passage of Jerusalem into non-Jewish hands. Many Jews, hearing in their minds the echos of those old debates and recognizing how difficult it is to uproot the stereotypes of centuries, will wonder if, somehow, those old attitudes are not still around.

The Papacy has only intensified such rumination. Last May, the official Vatican publication, "Observatore Romano," spoke of the "Judaization of Jerusalem at the expense of the non-Jewish population." Last June, the Pope spoke to the College of Cardinals about Jerusalem's "mysterious destiny" and called for the internationalization of the city. Why? Why had 20 years of Jordanian rule produced no such statement?

As a professional theologian, I felt that it might be possible to clear up one aspect of the problem: is control of Old Jerusalem a theological matter for contemporary Roman Catholicism? I therefore wrote to Fr. Karl Rahner, generally recognized as the greatest living Catholic theologian and the intellectual father of Vatican Council II. I asked him if the old notions about Jerusalem were to be found in modern Catholic literature and, more important, what his teaching on this topic was. His answer is as notable for his directness and lack of equivocation as it should be useful in clarifying the Catholic theological status of Jerusalem. And at the end of his letter, please note, he extends his discussion to the question of the status of the State of Israel as a whole. Fr. Rahner has given permission to publish his letter. The translation is by Henry Schwarzschild.

Eugene B. Borowitz:

In response to your question, I should like to make the following comments:

(1) I have never given close consideration to the problem of the renewed sovereignty of Israel over the Old City of Jerusalem. I can therefore only make a few general remarks. For the same reason, I cannot point to the literature on this subject. I assume, however, that this literature, insofar as it exists, is referred to in the "Freiburger Rundbrief," with which you are surely familiar. It may also be appropriate to refer to Msgr. Oesterreicher's commentary on the declaration of the Second Vatican Council "Nostra aetate," in the second volume of the Council Commentaries, which are part of the Lexicon of Theology and Church, in order to understand the background of this question more fully.

(2) I do not know what reasons might have prompted Pope Paul VI to support the internationalization of Jerusalem. I should have to restudy the relevant declarations, but I do not have them at hand now. I gather that you know them well. Among the reasons that are at least objectively possible I can think only of the desire for a peaceful compromise between Israel and the Arab states and the opinion that the "holy places" of Christianity could best be safeguarded in this manner. One may differ about the weightiness of these reasons, but they should be judged calmly and objectively. In any case, they do not in my opinion comprise a real theological problem.

(3) I cannot see that the return of Jerusalem to Israel constitutes a real theological problem for a Christian such that reasons of faith would compel him to oppose the return. Christians once conducted crusades out of an historically conditioned mentality which is not, however, identical with the true nature of Christianity. After the crusades, Christians accepted the domination by Mohammedan peoples and states as a fact, without being prompted by their faith to undo the fact. I therefore do not accept the notion that Christians ought to oppose, on grounds of faith, the Israeli sovereignty over Jerusalem, especially since Christians are well aware of the ties by which the people of the New Covenant are spiritually connected to the Tribe of Abraham (Nostra aetate 4). I believe that Christian dogmatic reasons would be grounds for opposing this sovereignty only if there were a decisive objection on theological grounds to the very existence of a Jewish state (which sees itself as a political, not a theological, datum). But I am not aware of such objections or of such a theological problem that Christians have intensively considered in theological terms. (From *Sh'ma*, a journal of Jewish responsibility.)

ATLANTA, September 10.—The National Coalition of American Nuns today called for continuation of Jerusalem under Israeli control. In a statement issued by the Executive Council of the 2,000 member body, the Coalition opposed "any possible internationalization of the Holy City."

The statement continued, "Jews have always been in Jerusalem. It is their spiritual home and the daily prayer of the Jewish people voices their enduring historic relation to the city. Further, Israel has rebuilt Jerusalem pouring into it millions of dollars and more especially, untold human resources. Jerusalem is now available to all faiths and never before have the holy places been so protected and maintained."

The National Coalition of American Nuns is organized to study, speak and work for social justice. Its Executive Council met in Atlanta during the Leadership meeting of Women Religious, September 5th–10th.

TEXT OF STATEMENT ON JERUSALEM BY EXECUTIVE COUNCIL OF THE NATIONAL COALITION OF AMERICAN NUNS

The National Coalition of American Nuns expresses strong support for the current status of Jerusalem under Israeli control. We oppose any possible internationalization of the Holy City. Jews have always been in Jerusalem. It is their spiritual home and the daily prayer of the Jewish people voices their enduring historic relation to the city. Further, Israel has rebuilt Jerusalem pouring into it millions of dollars and more especially, untold human resources. Jerusalem is now available to all faiths and never before have the holy places been so protected and maintained.

JUDAEO-CHRISTIAN STUDIES DIRECTOR ACCUSES JORDANIAN BISHOPS

(By NC News Service, Apr. 22, 1971)

SOUTH ORANGE, N.J.—Jordanian bishops grossly misrepresented Israeli plans for Jerusalem in their recent letter to Pope Paul VI, charged the director of the Institute of Judaeo-Christian Studies here.

Msgr. John M. Oesterreicher, who heads the institute at Seton Hall University, said he found it difficult to take the bishops' accusations seriously, but felt compelled to issue a countering statement to clarify what he called the letter's "various falsehoods."

In their March 1 letter the Jordanian bishops urged the Pontiff to oppose Israeli plans for Jerusalem. They expressed fear that the Holy City would become a Hebrew city, with free access denied to Christians and Moslems, unless action were taken to preserve "its universal character unique and sacred to all mankind."

Signing the letter were Auxiliary Bishop Nemeh Simaan of Jerusalem, who heads the Latin-rite vicariate in Amman; Melkite-rite Archbishop Sabe Youwakin of Petra and Philadelphia, who also lives in Amman, and Greek Orthodox Bishop Diodoros.

The three bishops told of building plans by Israeli authorities "on the hills in the outskirts" of Jerusalem and proclaimed that such a project would radically change the complexion of the Holy City.

Msgr. Oesterreicher said that their claim is like saying that modern building plans for the suburbs of Washington, D.C., "would deprive the White House and the area around it of their historic meaning."

The monsignor said that the bishops' "notion that the buildings to be constructed in the hills of Judea would turn the Old City into a 'suffering ghetto' sounds more like a feverish expression or a propaganda device than a considered judgment."

The bishops are not content, however, "with frightening Pope Paul and the world that there will be a new stream of refugees," Msgr. Oesterreicher said, adding:

"They also want him and us to believe that the 'Hebrew Belt' will make free access to the Holy Places almost impossible.

Their fears would have some semblance of rationality, if that "Hebrew Belt" was a series of military fortifications or a row of police stations, and not a scattering of apartment houses.

"Whoever sold the bishops the idea that these dwellings will stop the free flow of pilgrims must suffer from an imagination run wild. What interest could the Israelis have in drying up so formidable a source of income as pilgrimages? As a matter of fact, the (Israeli) Ministry of Tourism uses every available means to encourage them."

Msgr. Oesterreicher said that "one could simply write off the bishops' predictions as highly emotional, did they not pass over in silence the fact that access to the Holy Places was greatly restricted under Jordanian rule."

Going further on the question of free access to Holy Places, once the Israeli building program is completed, the bishops asked the Pope: "Can we remain in silence confronted with such injustices and such an abuse of power?"

Msgr. Oesterreicher said he finds "such rhetoric totally unconvincing, not to say insincere.

"What I deplore most in their letter is not that the bishops are alarmists, which is bad enough, but that they pretend to sound the alarm in the name of Jesus," he added.

The bishops had written that "As Jerusalem is entirely and actually occupied by Israel, we feel that we are obliged—before God, before history, and before our conscience—to raise the voice of Christ. . . ."

To this the monsignor responded: "May I be so bold as to remind the three bishops that Jesus, God's Word to all men, was a Jew, not a Jordanian. It is my hope, however, that in His all-embracing love, He will repeat over them the unique prayer: 'Father, forgive them; they know not what they are doing.' "

PROTESTANT POSITIONS

LONG ISLAND BLACK CLERIC LAUDS ISRAEL: "HAS SOMETHING UNITED STATES LOST"

(By Charlotte Ames)

LONG ISLAND PRESS, September 24, 1971.—Israel appears to be on its way to becoming the Promised Land, says a black Long Island clergyman.

The people there "have something we in America have lost—the feeling of belonging and wanting to contribute to a great venture," is the opinion of Rev. Samuel R. Holder of Laurelton. "But we can recapture it. We must!"

How?—"First we have to conquer our fear of each other, then get to work eliminating our prejudices and then we can begin to change the face of our cities, working together to upgrade the standards of living of the less fortunate."

Rev. Holder, pastor of Dunton United Presbyterian Church in Ozone Park, is president of the Queens Interfaith Clergy Council. He was among 28 clergymen and college educators from throughout the U.S. chosen by the American-Israel Cultural Foundation for a study-tour of Israel aimed at better understanding between Christians and Jews.

He says he was unaware of any discrimination in Israel. and in fact "felt 100 per cent freer and safer than in America. There's scarcely any crime in Israel and people can safely walk the streets in the cities at night, something we here have lost the privilege of doing."

In most parts of Israel black people are a rarity, and there were times when young mothers apoligized to him because their children were so curious, he being the first black man they had seen.

"I gathered that political leaders there welcomed black people but don't particularly want them living in group segregation, preferring them to be dispersed and integrated," he says. There is one community of black Jews, mainly from America, and, in Haifa, he visited the International Training Center for Community Service, where some 1,000 Africans and Asians and 500 Israelis study nutrition and basic education together, the outsiders eventually returning to their homelands to teach others.

Perhaps the moment Rev. Holder feels most thrilled about was a meeting with former Prime Minister David Ben Gurion. "He told us that for 3,000 years the Jewish people throughout the world had been praying for the building of the Temple and now their prayers are being answered."

"Our most moving experience," he recalls when we climbed to Masada, the mountain citadel where in 72 A.D., rather than be captured by their Roman attackers the Zealot men slew their wives and children and then each other."

The group met with the mayors of many communities—Beersheba, Nazareth, Haifa, among others; studied for ten days at the Hebrew University in Jerusalem—"Intensive studies of the development of the State of Israel, biblically and historically, up to the present and looking to the future," visited holy places dear to men of many faiths;

spent a day at the Immigrants Absorption Center of Haifa. There, he says, people live for several months after arriving in Israel, are schooled in its language and customs and learn technical skills so they can step right into a job.

"At the center I met an American Jewish scientist who left the U.S. with his family because his daughter was on heroin. They are happy there, and the daughter is working and enjoying life in a kibbutz—and off heroin."

Rev. Holder says he "never appreciated this earth of ours so much as after seeing the deserts out of which these remarkable people are creating cities.

"We need to have this same kind of dedication to our country and to improving our communities. They are doing what seems totally impossible, and if we shared our goods and our talents, if each of us sought to contribute as these people do, life here would be so much more meaningful for all of us."

He is impressed with the clean cities—"You don't see trash and dirt in the streets!"—and with the priority given to schools and education.

He believes that "Our society in America will become more decadent and end in total failure unless we eliminate dilapidated school buildings, poor programming and lack of good teachers in black and other minority communities.

"Children must receive the best education possible to bring out their talents and constructively build our society."

He reports the Israeli people are "constantly improving their relationships with the local Arab people and improving their economic life."

"It's really unfortunate," he says, "that there is this apparent hate by many Arab heads of state for Israel, when you consider the fantastic job they have done. I'm convinced the same thing could be done in any part of the Mideast, but only if people will learn to rid themselves of religious and racial and national bigotry.

"From what I learned from both leading Israeli politicians and Arab leaders within Israel, the State of Israel makes technical and scientific skills available to those less fortunate, regardless of religion or race.

"I believe peace can come," he concludes, "but only if both sides negotiate together."

CLERIC REPORTS ON ISRAEL

NEWARK SUNDAY STAR-LEDGER, October 3, 1971.—Peace must be restored in the Middle East before Israel considers the return of Arab lands seized in the six-day war, according to a prominent New Jersey clergyman who toured Israel for two months.

Rev. Paul L. Stagg, general secretary of the New Jersey Council of Churches, said Israel "must always maintain a military presence in the former Arab lands, even if they are returned to the Arabs.

"I doubt, however, whether Israel would give up the Golan Heights because the kibbutz in the valley just below would be an easy target for the Arabs."

Under Israeli occupation, the Old City of Jersaleum, where most of the religious shrines are located, is easily accessible to persons of all faiths, he said, while under Arab control it was not.

"When it was proposed in the United Nations that Jerusalem become an 'international city' the Arabs partitioned it," he said.

After the implementation of the 1917 Balfour Declaration in 1948, in which Great Britain offered Palestine as a "national home for the Jewish people," the UN decided that both Arabs and Jews had an equal claim to the area.

"The Jews," he said, "accepted this decision, but the Arabs never did."

In reference to the Arab refugees who fled Israel after the war, Rev. Stagg asserted, "they fled because of Arab propaganda, not Israeli persecution.

"The Arabs in Israel are living better than before the country became a nation in 1948. They have better homes, food and education. The same Arabs who were in control of villages within the Israeli borders before the 1967 war are still in control of them today."

Israel, he believes, has no desire to be an occupying power. "The country's real desire is to affirm the lives of the Arab people within its borders as well as its own."

ECUMENICAL AND INTERRELIGIOUS POSITIONS

(Statement of Concerned Christians Adopted at Emergency Conference on Jerusalem and Israel)

As Christians concerned about peace and justice for all in the city of Jerusalem, we wish to take issue with recent statements in the general and church press which speak of the "Judaization" of the Holy City and the "suffocation" of its Christian and Muslim population. These statements also call for the "internationalization" of the entire city as a remedy for these alleged evils. Our purpose is to contribute to the debate provoked by these statements considerations we believe to be essential to a full and accurate perspective on these issues.

Our inquiry into the question of public housing in the Old City and environs has convinced us that the construction of these buildings is a legitimate effort on the part of the Israeli government to effectuate a renewal of certain slum areas of the City, to rehouse in new apartments Arabs from these quarters, to provide living space for a Jewish population increased by immigration, and to re-introduce a Jewish presence into the Old City from which it had been forcibly barred after the war of 1948. The development plans are in no sense designed to oust the Arabs, nor to "suffocate" the Christian and Muslim population. While we are concerned about the sacred character of the City, we believe that this housing is sufficiently removed from the holy places to avoid the change of diminishing the sanctity of the City.

We believe, further, that the claim that the Christian-Arab population is diminishing in Israel is incorrect. Since the end of the 1948 Arab-Israeli war, the Christian and Muslim population of Israel has more than doubled. The trickle of Christian emigration has not affected this upward trend. In Jerusalem, the non-Jewish total (Christian and Muslim) has increased steadily in the last three years. The question of emigration should be judged in contrast with the actual exodus of many Arab Chrisitans from Arab countries, particularly from Lebanon and Egypt.

It is apparent to us that internationalization of the entire City of Jerusalem is no longer a viable solution to the problem of conserving the peace, security and sacred character of the City and its Holy places. Since both Israel and Jordan are adamantly opposed to the plan, it is unworkable. Further, the behavior of the government of Israel with respect to the Holy places has been exemplary. It has achieved the main purpose of internationalization, which is to provide protection and free access—the chief goal of religious groups—and therefore must be considered a political rather than a religious concern. We recall with regret that no Christian bodies or national governments expressed concern about the denial of access for all Jews, or for Christians and Muslims in Israel, to their holy places during the Jordanian administration of the Old City. The same can be said about the desecration of cemetaries and synagogues during this period.

Should Jerusalem be internationalized at this point in history? The internationalizing body (the United Nations) now includes a large proportion of officially atheistic countries, or countries with no interest in or ties to the holy places of Christianity, Judaism, or Islam. Internationalization has never worked and the world has had its fill of divided cities. Both alternatives, internationalization and division, are undesirable.

There are many other possible formulas, short of internationalization of the city, which would better serve the aim of protecting the holy places. We believe that the choice of the best method should be left to negotiations carried on at the peace table between Israel and Arab countries. At that point the Christian churches, synagogues and mosques can voice their opinions as to the particular needs of their communities and properties in the area.

We are encouraged by such creative efforts as those already initiated by Israeli officials with Christian ecumenical and Arab civic leaders for special jurisdictional arrangements over the holy places and in Arab areas of Jerusalem. On the other hand, we regret all interventions that fail to take into account the political rights and sovereignty of the State of Israel.

(The signers of this statement speak in their own name and do not necessarily represent organizations or institutions to which they are attached.)

Signatories

Rev. Karl Baehr, Garden City Community Church, Garden City, N.Y.

Mrs. Claire H. Bishop, Editor of *Jesus and Israel*.

Father John G. Donohue, Catholic-Jewish Relations Committee of the Archdiocese of New York.

Dr. A. Roy Eckhardt, Professor of Religion, Lehigh University, Bethlehem, Pa.

Rev. Nancy Forsberg, The Clergy Association of Union, New Jersey.

Father Edward H. Flannery, Institute of Judeo-Christian Studies, Seton Hall University, South Orange, New Jersey.

Dr. Charles Fritsch, Professor of Hebrew and Old Testament Literature, Princeton Theological Seminary, Princeton, New Jersey.

Rev. William Harter, First Presbyterian Church, Margaretville, New York.

Sister Katherine Hargrove, Manhattanville College, New York City.

Rev. Lester Kinsolving, Episcopalean Columnist, San Francisco, Calif.

Dr. Andre Lacocque, Chicago Theological Seminary, Chicago, Ill.

Dr. Franklin Littell, President, Christians Concerned for Israel, Philadelphia, Pa.

Msgr. John Oesterreicher, Judeo-Christian Studies, Seton Hall University, South Orange, New Jersey.

Dr. Bernhard E. Olson, National Conference of Christians and Jews, New York City.

Father John T. Pawlikowski, Catholic Theological Union of Chicago, Chicago, Ill.

Sister Donna Purdy, Institute of Judeo-Christian Studies, Seton Hall University, South Orange, New Jersey.

Abbot Leo Rudloff, Benedictine Monk, Vermont.

Father John B. Sheerin, C.S.P., The Catholic World, New York City.

Dr. Elwyn Smith, Temple University, Philadelphia, Pa.

Sister Rose Thering, Institute of Judeo-Christian Studies, Seton Hall University, South Orange, New Jersey.

Sister Ann Patrick Ware, Assistant Director, Committee on Faith and Order, National Council of Churches, New York City.

Dr. George Williams, Harvard University, Cambridge, Mass.

Dr. Michael Zeik, Marymount College, New York City.

STATEMENT BY PROF. FRANKLIN LITTELL, CHAIRMAN OF "CHRISTIANS CONCERNED FOR ISRAEL" AT PRESS CONFERENCE ON JERUSALEM, NEW YORK CITY, JUNE 10, 1971

Four years ago the relationship between Christians and Jews suffered a severe shock. Just twenty-five years after the destruction of European Jewry a "Second Holocaust" was threatened: for the third time in two decades the Jews of Israel were facing a massive assault, announced on enemy radio and in battle commands as a Holy War to kill the Jews. By a providential combination of courage and fighting skill, that disaster was averted.

But when the little nation was saved, Jewish leaders realized with grave emotional and intellectual shock that with ⅓ of the world's Jewish population already murdered in Christendom another major sector might have been wiped out in a Muslim jihad without any significant action by the United Nations to prevent it. Worst of all, where some of us sat—after forty years of apparently meaningful interfaith discussion and cooperation—the crisis was met by a thunderous silence in the churches. Such was the apparent lack of concern in the Christian churches! A statement even appeared under date of 7 July 1967, in the name of the General Board of the National Council of Churches, which talked of the continuing tensions in the Middle Eeast without even mentioning any of the most important factors: 1) Christendom's guilt for the Holocaust, 2) The prostitution of Islam in the threatened crusade against the Jews, 3) The Soviet Union's complicity in the attack, through heavy financing and arming of the aggressors.

Today the public is more aware, after the show trials in Russia, of the way in which Marxist governments are tied up with political anti-Semitism. But to some of us, who are Christians—and not Marxists or Muslims—the moral insensibility and theological wrong-headedness of the churches has focused attention. Since the "Six Day War" there have been several striking developments, indicating how a growing number of people of the churches is aware that our whole understanding of the relationship of the church to the Jewish people must be changed.

There is the Wayne State University Project on the Church Struggle and the Holocaust, now going into its third year of research and writing among Christian and Jewish scholars of different academic disciplines. Men like Eberhard Bethge, William Niemoeller, Emil Fackenheim, Eli Wiesel, John Conway, Gordon Zahn, Uriel Tal, etc. are working together in this effort to master the lessons of the recent past. There is the Seminar on the Holy Land in American Thought and Literature, jointly taught by Prof. Robert Handy of Union Theological Seminary and Prof. Moshe Davis of the Jewish Theological Seminary. There is a very vigorous Working Party of 10 Catholic theologians and 10 Protestant theologians, under the aegis of the National Conference of Catholic Bishops and the National Council of Churches, going into its third year of work; the theme—"Israel: the People, the Land, the State." Within the last six months several hundreds have joined a movement—"Christians Concerned for Israel"—which reflects a growing concensus among Christians that just as Anti-Semitism is the litmus test to identify emerging police states, so hostility to Israel is the specific sign of the rejection of Holy History by the Gentiles. For ever a century—and especially in the Left Wing and Right Wing Extremism of different parts of what was once blandly called "Christendom"—the most cruel blows borne by the Jewish people and the Church have come from renegade Jews and apostate Christians.

We might mention other signs of a recovery: the number of rabbis teaching in Catholic and Protestant seminaries and graduate schools of Religion . . . the plan to add a resident Jewish scholar to the staff of the Institute for Ecumenical and Cultural Research at Collegeville, Minnesota, and so on. . . . I think it is safe to say that the various Christian initiatives share certain common convictions.

(1) that the Holocaust was the major event in the recent history of Christianity—and not just a misadventure of Jews;

(2) that much Christian teaching about the Jewish people has been wrongheaded, indeed wicked, and that we must learn to think and act rightly on this front at the same time Catholics and Protestants are learning—after four centuries—to think and act as fellow-Christians;

(3) that the Church *needs* the Jewish people for several imperative reasons—to keep us from the "cheap grace" (Bonhoeffer) which is tossed around when God's Law is not taken seriously, to keep us from anti-historical and speculative heresies, to teach us in many ways to honor the covenant of fathers and sons;

(4) that the renewal of the spiritual life of the Jewish people, so soon after Hitler's victory over European Jewry and the slumbering conscience of Christendom is irrevocably tied to the rebirth of Israel as an historical nation.

We believe that the enemies of the Jewish people—who are also the enemies of the Christian faith, although not usually recognized as such so quickly—must be confronted by confessing Christians. After Auschwitz, there is no place for balcony-sitters on this issue! The threats to Israel's existence are both overt and covert, of open attack and subtle infiltration and corruption—in the pincer play which we now know so well from studies of anti-religious policies in the Third Reich and the Soviet Union and in the attacks on Israel since 1948.

Most unhappily, church organs and agencies have not always been immune to skillful manipulation by agents of Communist and/or Arab League propaganda—not to mention the wretched rise of fascist-type Anti-Semitism in the back woods of American church life. Recently there has been a mounting campaign to isolate Israel from friends, and to remove from her by indirect means and the pressure of public opinion what could not earlier be won by military attack.

This campaign has focussed on the issue of "internationalization" of Jerusalem and "recovery" of the Holy Places. A few days ago an Emergency Conference was held in New York, bringing together Catholics and Protestants of distinction from all over the country, and a statement was prepared for the guidance of the people of the churches. We present it to you now with no illusions as to our own infallibility, but with consciences now schooled in the certainty that in such a situation of all sins indifference and silence are the worst.

HOUSTON GROUP VOICES CHRISTIAN CONCERN FOR ISRAEL

On Wednesday, June 30, an ecumenical group met at St. Francis Episcopal Church to discuss the present urgent need for Christians to express their concern for Israel.

Recalling the horrors of the Nazi Holocaust and the continuing threats to the survival of Israel, the ad hoc group decided to seek affiliation with the national organization of Christians Concerned for Israel. Organized four months ago in the eastern U.S.A., Christians Concerned now numbers 300 members under the chairmanship of Dr. Franklin H. Littell, head of the Department of Religion at Temple University in Philadelphia.

Recently an emergency meeting of Christians Concerned met in New York City, later issuing a statement in support of the reunification of Jerusalem under Israeli jurisdiction. After discussing the position taken by the national group, the Houstonians issued the following statement:

"We appreciate the recent statement of Christians Concerned for Israel, and we commend the thrust of their recent news releases. Today it is particularly imperative that Christians speak out, voicing their concern regarding the great dangers which continue to threaten the well being, even the very existence of Israel as a free, sovereign state.

"We commend Israel for having made Jerusalem available to worshippers of all faiths. Therefore, we see no religious need to internationalize the city, nor do we consider internationalization a practical solution for political difficulties.

"We are deeply afraid that this proposal to internationalize Jerusalem—with its strongly prejudicial overtones—will be used by some to obscure the primary issue, which is the right of Israel to exist as a sovereign state.

"At this time, we call on all Christians in the community at large to join with us in expressing this concern. Anyone wishing to become a member of the Houston group is urged to contact Mr. Philip Libby at the local office of the National Conference of Christians and Jews." (228–5081)

The meeting was called by Sister Ann Gillen, Co-ordinator of Project Awareness, and Mr. Philip Libby of the N.C.C.J. Other members at the meeting included: Rev. Warren Dicharry, Rector of St. Mary's Seminary, already a member of the national Chrstians Concerned organization; Rev. Benedict Ashley, Research Professor at the Texas Medical Center Institute of Religion; Rev. Cal Rutherford, St. Francis Episcopal Church; Rev. Michael Falls, Palmer Memorial Church; Rev. Bryant Young, St. Stephen's Methodist Church; Rev. John Craig, Central Presbyterian Church; Dr. Lee Porter, First Baptist Church of Bellaire; and Judge Woodrow Seals, Chairman of the Board of Christian Social Concerns for the United Texas Methodist Conference.

The signers of this statement speak in their own names and do not necessarily represent the organizations or institutions to which they are attached.

CHRISTIAN PRESS REACTION

MIDDLE EAST—VATICAN'S VIEW

(By Father John B. Sheerin, CSP)

Catholic Northwest Progress, June 11, 1971.—The already complex situation in the Middle East has been further confused by a very disturbing editorial in the Osservatore Romano of March 22–23. The editorial claims that the cause of peace in the Middle East has been harmed by Israeli efforts to bring about a measure of urban renewal in Jerusalem. The editor says that this is being done "at the expense of the non-Jewish population."

Why has the Vatican daily paper chosen to stir up this controversy at this time? The precipitating cause was undoubtedly a letter sent by three Catholic bishops in Jordan urging the Pope to oppose Israeli plans to redevelop the holy city by means of high-rise apartments and other new housing. "Thus, through the fanaticism of a people and its chiefs, the old Zionist dream is to be realized: to make of Jerusalem the exclusive center of the rallying of the Hebrew nation and the capital of Israel." The bishops warned that Christians would be encircled in "a suffocating ghetto" and the Christian holy places would become "museums."

I had never previously heard of bishops in one country protesting to the Pope about urban redevelopment plans in another country. Yet as I read the news dispatches about the bishops' protest, I said to myself: "Here we are again. We have been here before." During Vatican II in the 1963 session, bishops from Arab countries demanded the withdrawal of the Jewish declaration. Notable among them were Cardinal Tappouni, Patriarch Maximos IV and Patriarch Stephen I. In the 1964 session, opposition to the Jewish text narrowed down to Cardinal Tappouni who spoke in the name of all the bishops of

Arab countries, demanding the text be dropped. In the 1965 session, (cf. Rene Laurentin's commentary on the Jewish declaration, Paulist Press). Arab diplomacy had an opportunity to intrude into the theological discussion of the term "deicide," the upshot of which was that the text was slightly modified.

More surprising than the Osservatore's (and the bishops') nonplacets on high-rise apartments in Jerusalem were the editor's remarks on the "internationalization" of the holy city. He declared that Vatican policy favors "internationalizing" Jerusalem, basing his opinion on a talk recently given by Pope Paul in St. Peter's Square. The Pope said that "We have a grave right and a grave duty" to safeguard the holy places of Palestine, the continuing Christian presence there and "the statute of Jerusalem." This statute formulated the 1947 UN plan for internationalizing the city.

I think I am safe in saying that the common impression among Catholics in recent years has been that the Vatican had abandoned "internationalization" as impracticable. On numerous occasions Pope Paul had, with seeming deliberateness, refrained from using the word "internationalization" and it is noticeable that he did not use the word in the March 14 address. Nor has he registered any protest to the effect that the Israelis have been barring access to Christians to the holy places.

What could possibly have induced the Pope to shift his position? Some say that Spain and France, being pro-Arab, have influenced the Pope to shift position. This seems most implausible as the Pope is very much aware of how American Catholics would feel about allowing Russia to get a foothold in the holy city, which would be almost inevitable under a UN plan of internationalization.

The NCC release says "Israeli government officials are increasingly worried by—and irritated at—what they see as the Vatican's developing pro-Arab, anti-Israel policy." American Jews are equally disturbed, especially in view of the extremely good relations now existing between Catholics and Jews in the US. All we can do is to let our Jewish friends know that Osservatore Romano is not an official publication of the Holy See and that we Catholics await as eagerly as Jews a clear statement of the official position of the Holy Father on "internationalization."

A CATHOLIC REVIEWPOINT

ISRAEL AND JERUSALEM

(Editorial Comments by A. E. P. Wall)

The Baltimore, Md., Catholic Review, April 16, 1971.—Jerusalem, the holy city, continues to be not only a center of struggle but an object of struggle.

Israel, which controls the city, has stirred dismay throughout much of the world because of plans to build housing units in areas captured from Jordan. The U.S. Department of State has criticized the housing plans because the status of the city remains unsettled. U Thant has charged that the housing project violates United Nations Security Council resolutions. Objections have come also from those who believe that the housing project is inappropriate in terms of the beauty, and the special character of Jerusalem.

The project is not without its critics within Israel, and it is to be hoped that the Israeli government will act swiftly to review plans that do not appear to harmonize with the unique nature of Jerusalem.

While it is not possible for outside observers generally to support a poorly-conceived housing project, it should be possible to understand Israel's feelings about its capital city. An Israeli sees no more reason to internationalize Jerusalem than to internationalize Washington, Rome or Cairo. There are about 200,000 Jews and about 70,000 Arabs in Jerusalem.

Both L'Osservatore Romano and L'Osservatore della Domenica have recently published criticisms of Israeli positions on Jerusalem.

It might be more useful to the cause of brotherhood, which is so closely related to the cause of peace, for the Vatican and Israel to exchange formal diplomatic recognition. Normal diplomatic conversations between the two could produce not merely a happier frame of mind than can result from editorial criticisms, but they could lead to a discovery of much wider areas of cooperation.

There is absolutely no reason why normal diplomatic relations, one of the marks of a civilized society, should work against the interests of Arab Christians, as some seem to fear. Quite to the contrary, those interests might be served far better.

There is today, as Prime Minister Golda Meir said earlier this month, "complete freedom of access" to all holy sites in Jerusalem for members of all religions. This was not ture before the Six-Day War in 1967. As Mrs. Meir observed, the world "remained silent for 19 years, while Jordanian authorities prevented access to Jewish holy sites in the Old City of Jerusalem."

It is vital that Christians ponder not only the open persecutions that have brought pain and death to Jews by the millions, but that recognition be given to the special threats and insincerities of modern times.

There is talk today about creating a United Nations force, or some other international force, to preserve the peace of the Middle East. But Israel does not need a long memory to recall that only four years ago the United Nations Emergency Force was recalled from Egyptian territory along the Israeli border the instant Egypt demanded it.

Israel has never known frontiers or friendly neighbors. History gives the Jewish people reason to be cautious about the assurances of others, and history requires Christians to help remove the cause of that caution.

Neither political fervor, economic considerations nor sectarian interest should permit words or actions that have even the appearance of prejudice or hypocrisy.

WAR, PEACE, AND RELIGION

The Baltimore, Md., Catholic Review, April 16, 1971.—Emotions run high, and so do anxieties in the Middle East today. It is essential that the Church stand well above nationalistic influences in its support of peace with justice.

Clergymen in many parts of the world have prayed for the success of the armies of their homelands. During World War II, prayers were offered in Germany for an Axis victory even while they were being offered in Britain for an Allied victory.

It is possible for a priest, a bishop, a minister, a rabbi, to identify so strongly with a patriotic cause that he feels free to seek the institutional backing of his religion.

Three bishops in Jordan have appealed to Pope Paul VI to take a position on the Jerusalem question that would, in fact, favor Jordan. The three are Auxiliary Bishop Nemeh Simaan of Jerusalem, who heads the Latin rite vicariate in Amman; Melkite rite Archbishop Sabe Youwakim of Petra and Filadelfia, who also lives in Amman; and Greek Orthodox Bishop Diodoros.

In voicing their criticism of an Israeli housing plan for Jerusalem (see our editorial above) the three bishops wrote these unyielding words to the Pope:

"Thus, through the fanaticism of a people and of its chiefs, the old Zionist dream is to be realized: to make of Jerusalem the exclusive center of the rallying of the Hebrew nation and the capital of Israel."

The bishops went on to speak of a "Hebrew belt" and to warn that Christians would be encircled in a "suffocating ghetto," terms that hardly point the way to brotherhood.

There is little doubt that the three bishops are convinced that they are serving broad and lasting interests in their appeal to the Pope. In fact, however, they make it more awkward for the Holy See to seek peaceful solutions in a dispassionate and impartial way.

[From the Boston Pilot, May 1, 1971]

To the Editor:

Having just returned from a three-week visit in Israel, I am compelled by what I saw and heard there to take very strong exception to most if not all, of what Rev. Joseph L. Ryan has to say on page 12 of the April 24 issue of the Pilot.

The article fails substantially to prove anything at all about Israel bias it does perambulate from one reference to another and from one quotation to another, but there is, therein, no essentially honest facts from which one can conclude that "the Israeli government is engaged in discrimination and injustice against Moslems and Christians."

Father Ryan's use of the syllogism is very badly handled in the conclusions he reaches from the meeting of Pope Paul and Marshal Tito in spite of the fact that we of long memory can quite agree that the latter is an authority on aggression. We, of Roman Catholic persuasion, have come to expect much better rhetoric from Jesuits, but, frankly, Father Ryan's article is very bad propaganda and I wonder to what degree his views are slanted by his former academic position at Al-Hikma University in Baghdad.

A Spanish Catholic guide in Nazareth paid tribute to the efforts of the Israeli government in their use of world-wide contributions for purposes of remodeling the Church of Anunciation there. It appears that the government is administrating the archaeological excavations beneath the edifice as well as supervising the magnificent mosaic art in the Church of the proper three levels above. Were that things were going so well in the Church of the Holy Sepulcher in Jerusalem, where for many decades, I understand, Christian denominations have been unable to get together on necessary shoring of the structure.

It was a distinctly rewarding religious experience to have been able to attend the High Mass at the Holy Sepulcher on Palm Sunday. Isn't it true that during Jordan's occupation of Jerusalem, I would not have been permitted to do so? Isn't it true that Christians had access to this holy place only at Christmas time? And in addition, also, in the area of religious tolerance, isn't it true that Arabs in Israel are not even now permitted to pilgrimage to Mecca? The restriction is not the Israeli government's. What is true is that the Roman Catholic Patriarch of Israel could hardly be more harassed by the Israeli government than he was by Coptic Egyptian Christians on Palm Sunday morning. The Coptic's Services to the rear of the tomb of Christ were conducted concurrently with ours and the cacophony, however devout, was certainly, if not deliberately, an interruption of the Latinium ritual.

I have many reservations about Christian shrines in the Holy Land. I very much wish that I did not see so many things that I did see. It is imperative on Christians to get their own house in order. The threat is in no way from the Israeli government, the threat, rather is from within. But I want to add and very strongly, that the Roman Catholic administration of religious matters here is in the very good hands of Franciscan monks and with their performance, I have no argument whatsoever.

The Judaization of the Holy City of Jerusalem is becoming popular phraseology and Father Ryan impels himself to its use. The terminology refers to no new plague among the species. I feel it refers to the new housing units in E. Jerusalem, required by the expansion in the population of Jerusalem.

These new apartment houses are in good taste, made of Jerusalem stone and modern in their functional usefulness. They are on the outskirts of the city, nowhere in juxtaposition to the Holy City, and are of concerned interest to the growth and development of the city. The new housing is consistent architecturally with the new Hebrew University, the new government center and the Knesset (the Israeli House of Parliament). All of this new construction is merely the reflection of a new vitality in the Middle East—a vitality which may very well lift not only Israel but its neighbors as well into a new era of social and economic tranquility. Let us Christians prayerfully hope that this is so. The Jews against great odds and with the sweat of their brow have built what they have and deserve no less.

LOUIS MURRAY.

ASHLAND.

HEROIN—THE HOAX

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WALDIE. Mr. Speaker, in recent months, some of my colleagues in this Chamber have entered virtually reams of information concerning the possibility that the mainland Chinese are trying to destroy this country through the importation of heroin. Interestingly enough, this spate of information began flowing in at about the time the United Nations was debating and voting to accept the People's Republic of China for membership.

This situation was brought to my attention by a man who has done a great deal of research into the field of hoaxers, Mr. Morris Kominsky, of Elsinore, Calif.

It would be fruitless, Mr. Speaker, to try to change the minds of those Members of this body who feel that God-less communism is knocking on every door with a sack of opium, heroin, cocaine, or LSD for every child.

But, for the benefit of the rational people who sometimes look at the information contained in this RECORD, I include a rational statement about the narcotics situation in the world today, taken from Mr. Kominsky's book, "The Hoaxers: Plain Liars, Fancy Liars, and Damned Liars," in the RECORD, along with a review of the book by Renz L. Jennings, Justice, Supreme Court, retired, State of Arizona:

THE HOAXERS, PLAIN LIARS, FANCY LIARS, AND DAMNED LIARS

(By Morris Kominsky)

The great tragedy of present-day America is that most of our citizens do not understand that our country is traveling the same road along which Germany went before Hitler and his rich corporate backers assumed dictatorial powers over the people. This summarizes the conclusions of William L. Shirer, who viewed the rise of German Fascism first hand as a reporter in the 1930's, and told about it in his monumental book, "The Rise and Fall of the Third Reich."

It is one thing to tell the story of a great tragedy after it has occurred, but it takes tremendous courage and persistence to warn people in advance, so that tragedy may be averted. That is the great merit of this remarkable book, "The Hoaxers," written by Morris Kominsky of Elsinore, Calif.

As a result of eight years of painstaking research and investigation, Kominsky has produced a book, which Brigadier General Hugh B. Hester described by stating that every citizen "owes it as a patriotic duty to encourage wide readership of this exposure of the real conspiracy against the people of the United States. Unless this conspiracy against the human family can be brought to the attention of a very large number of our people, nothing can prevent this country from becoming Fascist. The whole U.S. foreign policy is oriented in this direction."

Kominsky exposes the liars in high places and in low places, who spread misinformation which misleads the people and causes them to acquiesce in diastrous policies. He exposes the anti-Semitic liars, the racist liars, the witch-hunters, and the war mongers. It is a gold mine of information, and still it grips the interest of the reader like a who-dun-it detective story. Moreover, Kominsky pulls no punches, but names the culprits. In addition, he has managed to tell the shocking story of the deceptions perpetrated against the people without losing his sense of humor.

With overwhelming documentation and impeccable research, Kominsky has furnished us the means by which we can put to rout the enemies of the people. That is the challenge of this book to all people of good will.

In the light of our Government's resumption of relations with mainland China, Kominsky's chapter on China reads like the work of a prohpet. When you hear and read the yarn that mainland China is allegedly the source of the international illicit narcotics traffic, his chapter, entitled "The Narcotics Hoax," takes you on a trip around the world and effectively demolishes this colossal lie, with incontrovertible proof and documentation.

Those people who are interested in fighting anti-Semitism will be delighted with the "ammunition" Kominsky provides, and especially his skillful demolition of the "Christ-killer" slander, which has caused the spilling of oceans of Jewish blood.

It is my considered opinion that every person who is seriously concerned about the future of our country, as well as of all mankind, should obtain a copy of this most remarkable book.

I have supreme confidence in the ability of the American people to turn this country around, but I also am convinced that they need the facts in this book, which I consider the most important book to reach the people of this country in many years. Homer Ayres, a writer of Sturgis, S.D., has best summarized the reasons why every intelligent citizen should own a copy of "The Hoaxers": "It is one of those books I would grab to save if our house caught on fire."

(NOTE.—Readers of The Voice who wish to obtain the book may write to Morris Kominsky, 400 E. Franklin St:., Elsinore, Calif. 92330, enclosing check in the amount of $12.50.)

THE NARCOTICS HOAX

(By Morris Kominsky)

(NOTE.—The author of this statement is a resident of Elsinore, Calif., and is the author of a recently published book, entitled "The Hoaxers: Plain Liars, Fancy Liars, and Damned Liars". The book has an especially interesting chapter, entitled "The Narcotics Hoax", and Mr. Kominsky has here summarized and updated the findings contained in that chapter.)

For many years the Ultra-Rightists have assiduously cultivated the notion that the Chinese People's Republic is the spearhead of the international illicit narcotics traffic. This canard has received substantial support, over the years, from Harry J. Anslinger, the former Commissioner of Narcotics, whose authority in the narcotics field has been just as difficult to challenge as that of John Edgar Hoover in other fields. Nevertheless, in "The Hoaxers", I have produced incontrovertible evidence that Mr. Harry Anslinger has contradicted himself on many occasions. In his book, "The Murderers", published in 1961, Anslinger tells of "a syndicated narcotics underworld that came into being in the 1920's and 1930's". He names the gangster, Lucky Luciano, as the one who "put together a super-syndicate that would dominate international crime, particularly the traffic in dope". All this was taking place some 20 years before the People's Republic of China came into existence.

Although Mr. Anslinger used the platform of the American Legion and many articles in the magazines, in order to label China as the main source of illicit narcotics coming into this country, he testified in 1950 before a Senate Committee as follows, in response to a question by the late Senator Estes Kefauver:

"The present main source of supply for heroin in this country is Istanbul, Turkey; for opium, it is Iran. There is a considerable amount of heroin coming in from Italian ports. I think that is a transit point for the heroin from Istanbul. The same thing can be said about French ports, Marseilles, and so forth. These countries are the main sources of supply."

In his testimony, before a Subcommittee of the Senate Foreign Relations Committee on July 17, 1954, Anslinger expressed his vehement opposition to the demand of the Chinese People's Republic for a seat on the United Nations Commission on Narcotics Drugs. One can only conclude that Anslinger's reason was that the seating of the mainland China regime on the U.N. Commission would have made it more difficult to hurl his unfounded charges. In a well-researched article that appeared in *The Nation*, October 15, 1955, John O'Kearney reported that narcotics officers in British Hong Kong and Singapore dismissed Anslinger's charges against the Chinese People's Republic as "political exaggerations." Another writer, David E. Walker, the author of "The Modern Smuggler," reported in an article that appeared in *The Nation*, July 15, 1961, that British officialdom "stubbornly rejects the Anslinger theory" that the Peking regime is distributing illicit narcotics as a deliberate political weapon.

For many years, the Bureau of Narcotics had been a division of the Treasury Department. Consequently, it operated under the supervision of the Secretary of the Treasury. In the course of Hearings on April 5, 10, 11, and 12, 1967, Senator William Proxmire wrote to Secretary of the Treasury Henry H. Fowler, asking some questions. Secretary Fowler's letter, which appears in the Report entitled "Mainland China in the World Economy" reads, in part, as follows:

"Your letter also asks this Department to comment on the extent to which trade in illicit narcotics might be contributing to the foreign exchange earnings of Mainland China. At present the Far East is not thought to be a major source of the illicit narcotics being smuggled into the United States. The drug chiefly implicated in smuggling from abroad is heroin. The Bureau of Narcotics has estimated that some 80 percent of the heroin reaching the United States is manufactured in France from opium diverted from legitimate cultivation in Turkey. Approximately 15 percent is thought to originate in Mexico.

"The remaining 5 percent might be attributable to sources in the Far East, but here it must be recognized that Mainland China, specifically the Yunnan Province, is only one of several active opium grownig areas. This crop is also cultivated in India, Thailand, Laos, and Burma. The small quantity of opium which may be coming out of Mainland China and entering the United States in the form of heroin does not represent any significant sum in United States dollars."

Thus did Secretary Fowler explicitly deny the charges that had been bandied by Harry J. Anslinger and his successor, Henry L. Giordano.

Ever since President Nixon announced the sharp change in foreign policy towards the Peoples Republic of China, the Ultra-Rightists have embarked upon a frenetic campaign to spread the canard about its being the spearhead of the international illicit narcotics traffic. Among those who have engaged in this pastime are the John Birch Society, Christian Crusade, *Human Events,* Gerald L. K. Smith, *Free Enterprise,* and several members of Congress who have placed this false propaganda in the Congressional Record. One of these insertions covered some 11 pages of the Record.

The only semblance of truth in these charges in that a minute percentage of the world's illicit opium supply comes from remote jungle areas of Yunnan province, where it is cultivated in the same manner as moonshine whiskey is produced illicitly in the hills of Kentucky. As former Treasury Secretary Henry H. Fowler has conceded, and as we shall prove from other sources, this small amount of opium has been blown up to fantastic proportions by gentry of elastic morality.

Since the resignations of Henry J. Anslinger and Henry L. Giordano, the Bureau of Narcotics has become the Bureau of Narcotics and Dangerous Drugs, a division of the Department of Justice. In its Fact Sheet No. 3, the Bureau tells us:

"The North American continent is the principal target of illicit heroin traffic. The bulk of this drug is produced from opium poppies grown in Turkey. The raw opium is converted into morphine base in clandestine laboratories close to the growing areas and then shipped through Istanbul and Beirut and smuggled into France to be processed into heroin. At this point, the heroin may be smuggled directly into the United States or transported through Italy, Canada or Mexico. It is, nevertheless, destined for the United States market. . . ."

A UPI dispatch from Washington, D.C., on January 1, 1970, says:

"A White House source said yesterday that high-level talks with France, Turkey, and Mexico—begun at the direction of President Nixon—have raised hopes that most heroin shipments into the United States can be dried up within one to three years. . . .

"The source said that about 80 per cent of the heroin entering this country is made from poppies grown in Turkey and is processed in plants in and around Marseilles, France. Another 15 per cent comes from Mexico and *the remaining 5 per cent dribbles in from several Asian countries.*" (Emphasis is mine.—M.K.)

One of the most reliable and up to date reports on the international illicit narcotics traffic is contained in a series of 10 articles written by John Hughes in *The Christian Science Monitor* during May, June, and July 1970. Mr. Hughes traveled around the world for 5 months, for the purpose of this investigation. The articles were placed in the Congressional Record, beginning with June 4, 1970, by Congressman Howard W. Robison.

In his sixth article, which appears in the Congressional Record of June 23, 1970, Mr. Hughes points out:

"So far as the United States is concerned, Southeast Asia till now has been a minor producer for the American heroin market. Eighty percent of American heroin originates in Turkey. Perhaps another 15 percent comes from Mexico. Experts calculate that *the remaining 5 percent comes from Southeast Asia.*" (Emphasis is mine.—M.K.)

In describing the caravans that transport the illicit opium, Mr. Hughes says:

"Dominating the protection business are Chinese Nationalist soldiers left over from the war with the Communists."

With respect to the charges made continually by Christian Crusade, I call to your attention these remarks by John Hughes:

"But there is no evidence of a massive and calculated campaign by Peking to flood non-Communist countries with debilitating narcotics. Some Westerners have charged the Chinese with just such a plan. *But interviews with hundreds of narcotics experts in the past five months have failed to produce the proof.*" (Emphasis is mine.—M.K.)

Mr. Hughes then quotes a non-American expert, who points out that the American U-2 satellites could easily pick up any evidence of large scale opium production in China, and would be happy to make it public. The reason our Government has *not* made such claims is that they have no evidence of this charge.

One of the ridiculous canards being spread by Christian Crusade and that darling of the Ultra-Rightists, television commentator George Putnam, is that Yunnan province of China produces some 10,000 tons of illicit opium annually. In a letter sent to Senator Clifford P. Hansen on June 15, 1971, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, stated:

"In Burma, Laos, and Thailand, opium is produced by tribal peoples, some of whom lead a marginal existence beyond the political reach of their national governments. Since the 1950's this Southeast Asian area has become a massive producer of illicit opium and is the source of 500 to 700 metric tons annually, which is about half the world's illegal supply. Up to now, however, less than ten percent of the heroin entering the United States comes from Far Eastern production."

It is clear that only inmates of a psychiatric hospital could possibly make 10,000 tons of opium out of 500–700 tons, unless, of course, sane people use this colossal falsehood as a Cold War propaganda gambit. Furthermore, the 500–700 tons comes from areas other than Yunnan province of China.

Perhaps the most conclusive evidence, of the real source of illicit narcotics entering this country, is to be found in the seizures of narcotics shipments destined for the U.S.A. market. In addition to those listed in my book, "The Hoaxers", the following seizures of heroin were reported in the *Los Angeles Times* during a period of slightly over 4 months:

1. May 30, 1971: $23 million dollars worth from Argentina.
2. June 1, 1971: $30 million dollars worth from France.
3. June 5, 1971: $35–$40 million dollars worth from France.
4. July 10, 1971: $34 million dollars worth from Panama.
5. September 20, 1971: $40 million dollars worth from France.
6. September 26, 1971: $40 million dollars worth from Italy.
7. October 9, 1971: $29 million dollars worth from Argentina.

Since the White House and other official sources have refuted "The Narcotics Hoax", some of the Ultra-Rightists, including De Witt S. Copp in *Human Events,* Professor Susan L. M. Huck in the Birch Society's *American Opinion,* and George Putnam on KTTV have taken to quoting an alleged North Vietnam defector and an alleged secret British Government document.

Through Congressman Victor V. Veysey, we posed four questions to the Bureau of Narcotics and Dangerous Drugs. The reply as sent to me by Congressman Veysey via telecopier reads:

"STATEMENT GIVEN TO CONGRESSMAN VICTOR V. VEYSEY BY THE BUREAU OF NARCOTICS AND DANGEROUS AND DRUGS, NOVEMBER 23, 1971

"British authorities in Hong Kong have consistently denied the existence of illicit drug traffic from mainland China. Instead, they have identified sources in Thailand, Laos, and Burma for the opium and other narcotics drugs entering Hong Kong, and point to seizures from Thai fishing boats to illustrate this.

"One unverified report was received in 1971 alleging that North Vietnam has undertaken to produce opium for export to the U.S.S.R. This information is being checked.

"From time to time, allegations are received concerning Cuba as a transit point for illicit narcotics. We have no substantive evidence that this is true, although due to the strategic location of Cuba, we are alert to possible activity of this type.

"Information concerning mainland China's involvement in illicit drug traffic occasionally emanates from sources in Taiwan. The so-called British report containing allegations against the Peoples Republic of China is largely referred to Taiwan sources, and is not represented as intelligence information."

From this it is clear that the indigenous Ultra-Rightists are simply echoing the tendentious news releases of the Taiwan propaganda mill and a phoney document issued by an Ultra-Rightist outfit in Britain.

In the interest of world peace, it is essential that people of good-will help to clear the air of malicious falsehoods, and if the problem of narcotics addiction in our own country is to be handled sensibly and effectively, the sources of the illicit narcotics must be accurately identified. From this standpoint, the purveyors of falsehoods are hurting the American people.

UNCERTAINTY, PHASE II, AND THE CONTINUED SLUGGISHNESS OF THE ECONOMY

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. HUMPHREY. Mr. President, it has been almost 2 months since the Nixon administration announced its phase II policies—better known as the postfreeze stabilization program.

The same uneasiness that accompanied phase I now is present in phase II:

Industry is still operating at 75 percent plant capacity;

Consumer savings still hovers around 8 percent;

Unemployment is still over 5 million;

The largest balance-of-payments deficit, $48.4 billion on an official reserve transaction basis for the third quarter of 1971;

For the first time in this century we are running a deficit in our balance of trade with other nations;

The Consumer Price Index is still abnormally and unacceptably high;

There has been total loss to GNP of approximately $126 billion in 1970 and 1971;

Minority group unemployment is shockingly high;

Farm parity is lowest in years; and

Thousands of workers exhaust their unemployment compensation benefits every week.

These are facts, Mr. President. But today, I want to deal with another aspect of phase II—the enormous and unreasonable uncertainty surrounding the Nixon administration policies.

We have been told over and over again that one of the prime purposes of the freeze was to get business moving again. The results, though, speak otherwise. Business is not moving. Even the Secretary of the Treasury has complained about the reluctance of business to invest, to step up production, to hire.

Why should he be so surprised?

Business must operate with a degree of planning. But who can plan under the Nixon administration? Business must have some idea of cost before it will invest. Before business will expand or hire new employees, it must have a reasonable picture of how it will be regulated, what the regulations will mean, and how the regulatory decisions will be made.

The sad truth is that the Nixon administration's economic policy is clouded by confusion, contradiction, and uncertainty.

Labor is not certain that contracts will be approved. Business does not know whether pass-through costs will be allowed. Landlords do not know whether they can raise rents. Consumers are in a quandary whether or not to spend. Teachers do not know if they will get increases. Families cannot plan on legitimate wage increases that will allow them to catch up from last year.

Rather than bring segments of the economy together, the Nixon administration has a divide and conquer technique—to confront and polarize rather than consult and reconcile.

In short, the uncertainty surrounding the failure of the administration to take responsibility, to exercise effective public leadership has led to a crisis of confidence—a crisis that affects business, labor, agriculture, and the public.

What is needed is fairness to all segments of the economy. But what we get from the Nixon Price Commission, for example, does not speak well for building the trust so necessary for economic stability.

Look at the price guidelines.

The new regulations issued by the Price Commission which are supposed to control prices by controlling profits have many loopholes. Although the administration is trying to characterize them as being very tough, they, in fact, will permit profits to rise by tens of billions of dollars.

The long and short of it is simple: The regulations are inadequate. They fail to come to grips with serious economic realities of the country. And they promise an end result of more unfairness for the consumer and more uncertainty for corporate interest.

There are four main loopholes:

First, there is no rollback provision. The regulations do not attempt to control prices unless an increase is proposed. And then only prenotification and reporting procedures are utilized.

Second, prices will be allowed to rise, but not above a level established as the business' "base period." This innocent sounding phrase gives away a great deal. For most companies, their profits can rise to the level experienced in 1968 and 1969. Nineteen sixty-eight was a good solid Democratic year, and corporate profits in that year was over $87 billion.

Third, the program will succeed or fail on the basis of consumer and public confidence. Confidence must be sustained. And to do so requires both the patriotic honest cooperation from corporate interest and a mechanism for fair enforcement to insure that cooperation. Although the Price Commission's statement says, "these policies impose close supervision on those segments of the economy which substantially affect price levels," there is in fact no effective enforcement machinery.

The Nixon administration is utilizing employees from the Internal Revenue Service as enforcement agents. The problem is apparent: Can the American people rationally expect fewer than 3,000 agents to monitor, investigate, and effectively keep the lid on increased prices in television repair, food costs, and clothing costs? And, can the American people reasonably expect competent, efficient tax men to switch gears back and forth between tax problems and price enforcement with equal knowledge and ability?

The American people want to have confidence that their complaints will be acted upon. But when the enforcement agencies are called—the caller is told, "it will take a written complaint," or "this agency does not have direct responsibility—you have to call our district office." In short, the complaints of people are being given the runaround. And nothing will dissipate confidence more than administrative and bureaucratic buckpassing.

The American people have a right to know whether or not 3,000 Internal Revenue agents can accomplish the task of stabilizing prices—where they count to the people—in the marketplace.

Finally, the uncertainty is compounded by the public statements of the Price Commission Chairman who has maintained that the Commission members will be but advisory to him.

How can any businessman, how can any consumer, how can any family plan expenditures on that basis? And I ask, how can the Nixon administration appoint such a Chairman who insists on acting in a manner contrary to all of our democratic tenets.

The foreign economic aspects of phase II have only added to the doubt and confusion. We must recognize that the way to end our trade problems and the way to end the confusion over international monetary exchanges is not to bludgeon our trading partners, not to practice economic brinksmanship, and not to engage in headline making grandstand diplomacy.

I am firmly convinced that we will not completely solve our economic problems here at home unless we also solve our foreign economic problems. And we can achieve a more lasting solution if we abandon big stick economics for joint international consultation and cooperative action.

The United States cannot retreat into isolationism.

The United States cannot afford to precipitate a trade war.

So, there it is, Mr. President, confusion, uncertainty, labor and business anxiety.

Our country needs a "national economic policy"—not a "new economic policy." We need a policy of reducing unemployment, reducing inflation, and increasing consumer confidence.

There are things we could do. We could honestly commit ourselves to the 1946 goal of full employment.

The central weakness of the Nixon economic game plan is the failure to attack the problems of unemployment and low farm income. The two are related—one out of every five jobs is akin to agriculture purchasing power. The lagging economy provides no new jobs. The work force increases, but the job market fails to keep pace. There can be no economic recovery while unemployment of 6 percent or more continues. But we do not have the programs or policies that will lead to full employment.

And we are not going to get them under an administration that refuses to invest in people, that refuses to utilize its resources for people-oriented programs, and that refuses to strive for balanced economic growth.

LEGENZA AND NAUGATUCK HONORED

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. MONAGAN. Mr. Speaker, there are 27,011 secondary schools in the United States, and I think it is fair to estimate that at least 90 percent of these have baseball teams and baseball coaches. To choose the single, most outstanding coach out of some 24,000 candidates is a supremely difficult task. Such selection is indeed a great honor, not only to himself and his team, but to his family, his city, his State, and our country.

Raymond Legenza has earned that honor for himself and his team, his family, and the people in Naugatuck, Conn., a town of 23,000 in the district which I represent.

Considering his record—307 wins—44 straight wins—and 73 losses—the task of deciding on the outstanding coach was made easier for the American Association of Baseball Coaches, which has a high school division. The last game the Naugatuck Greyhounds lost was 2 years ago, in the finals of the class A State tournament. And that game lasted 2 days and 25 innings.

Raymond Legenza is an inspiration to thousands of people across the country. Not only to sports enthusiasts who have given him the highest honor they can bestow, but to everyone who admires and respects the professionalism, the pursuit of perfection, and the pedagogic qualities Raymond Legenza embodies.

I am sure that my colleagues join me in sharing the pride of the people of Naugatuck, and extend a hearty congratulations and warm wishes to Raymond Legenza, his team, and his family.

An editorial follows:

[From the Naugatuck (Conn.) News, Dec. 21, 1971]

Legenza and Naugatuck Honored

Raymond Legenza of Naugatuck will be honored in Miami Beach, Fla., on the night of Jan. 5, 1972 as the Outstanding High School Baseball Coach in the United States.

Think about that for a minute. Even if you're not a dyed-in-the-wool sports fan, it doesn't take any sports genius to appreciate the magnitude of this honor.

It means that out of the thousands upon thousands of high school coaches all over the nation Ray Legenza of Naugatuck, Connecticut—a small New England town of 23,000 souls—is the best in the opinion of his peers.

We are fortunate indeed to have a man of Legenza's caliber in our midst. We have been to see his teams many times, yet when one looks at the baseball record he has compiled, it's easy to see how the National committee chose him. The 44-straight is fantastic in itself, when you know how easy it can be to lose a baseball game on one misplay—but the overall record of 307 wins and 73 losses has to be one of the finest records in the country.

The Greyhounds lost their last game two years ago in finals of the Class A State tournament. It was probably one of the best high school games ever played. The first game went scoreless for 15 innings and the second contest when replayed the following day went 10 more innings before Naugatuck was beaten.

Legenza has always taught the fundamentals of baseball perfectly. No Naugatuck team has ever beaten itself. They always hung in close and waited for their opponents to make the first mistake and then took advantage of that error or bad throw to win a ball game.

Hour after hour he has drilled his players in making the right pivot at a base, taking the throw on the short hop, charging that slow ground ball and hustling at all times.

There is none more astute at the game of baseball in the high school ranks. He seems aware of everything going on on the field at all times.

Ray Legenza certainly deserves the honor that is being bestowed. The recognition has long been overdue. Whenever anyone mentions high school or American Legion baseball, the name Legenza always pops up. Those who have played under him have always come back to thank him for his help in molding them as ballplayers as well as men.

Our congratulations go out to Ray, both from this newspaper and from the many hundreds of people whose life he has touched.

THE FARM REVOLUTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HAMILTON. Mr. Speaker, agriculture is once again on the front burner. The controversy surrounding the President's nomination of Earl Butz as Secretary of Agriculture has prompted a number of newspaper comments on the problems besetting American agriculture.

These comments—two editorials from the New York Times, an article from the Wall Street Journal, and a column from the Post—are worthy of my colleagues' attention.

The items follow:

[From the New York Times]

The Farm Revolution—I

The short but sharp fight over the confirmation of Earl L. Butz as Secretary of Agriculture turned the spotlight on some unhealthy long-term trends on the nation's farms. Despite his estimable personal qualities, Mr. Butz encountered opposition because he epitomizes the rapidly growing power of giant conglomerate corporations which have extended their activities into agriculture and are already in a position to dictate the price, quality and variety of many foods.

As in any situation where two or three suppliers are able to dominate the market, the buyers—in this instance, every housewife and her family—become victims. The quality and variety of food in this country have already begun to deteriorate because many crops are grown, harvested, and marketed in ways which fatten corporate profit margins rather than please anyone's palate.

Corporate farming is most profitable if crops can be machine harvested. The quality of most tomatoes has declined because only hard tomatoes with thick skins can be picked by machines. The same process is now being applied to strawberries and other fruits and vegetables.

These invisible losses to the housewife are matched by the social costs to the small farmers and small towns of America. Not all farmers are as badly off as the chicken farmers who have become "poultry peons," but whether a small farmer is growing potatoes in Idaho, fattening cattle in Texas, or raising hogs in Iowa, he finds that the processors can whipsaw him on prices and the corporate conglomerates with their far greater financial resources can dictate the terms of competition.

Corporations and big commercial farmers have the capital to introduce modern technology rapidly with consequences which are unplanned and unprovided for. Thus, the mechanical picking of cotton evicted hundreds of thousands of sharecroppers and marginal farmers from the land within a few years and their migration contributed significantly to the welfare and housing crises in the cities.

Up to now, in the absence of any national policy or regional plan, the agribusiness corporations have simply availed themselves of technical change to maximize profits and have left society to cope with the human consequences. They have succeeded in stigmatizing critics of their narrow, single-minded approach as enemies of progress. But the nation no longer accepts this myth where the automobile or the supersonic transport or the strip mine is concerned. It is time to examine this technological mystique of "progress" in agriculture and subject it to rational choice and deliberate judgment.

[From the New York Times]

The Farm Revolution—II

A million family-sized farms were consolidated out of existence in the 1950's and another million in the 1960's. For ex-farmers, the postwar revolution in agriculture has doomed their cherished way of life. Small towns which live by serving farmers have also suffered. It has been estimated that one small town businessman goes under for every six farmers who quit farming.

Is the trend toward fewer farmers desirable? Is it inevitable? Does the taking over of the actual growing of crops and livestock by food processors and conglomerate corporations serve the public interest?

Earl L. Butz, the new Secretary of Agriculture, has evoked intense controversy because he answers these questions in the affirmative. He has predicted there will be a million fewer farms in 1980. Formerly a director of two agricultural conglomerates and a dean of Purdue University, which has close research ties with agribusiness, Mr. Butz is an unabashed apologist for corporate power.

Secretary Butz' assumptions of inevitability and progress are not necessarily valid. The rapid mechanization of Southern agriculture released many sharecroppers and marginal farmers not "to do something else useful," as Mr. Butz claims, but to rot on the welfare rolls in urban slums or—as Senate investigations of hunger have shown—to starve in rural slums.

The entrance of diversified corporations into agriculture has not produced better or cheaper or more varied food. America does not become a healthier, more diversified, more self-reliant society by reducing farmers to the status of corporation dependents wholly controlled by long-term contracts for their crops or selling in markets dominated by a few large companies.

If the nation is to contain and roll back corporate power in farming, however, there will have to be a legislative and political struggle as intense and prolonged as the effort to control the highway lobby. Senator Nelson of Wisconsin and several other Democrats have introduced a "Family Farm Act of 1972" which would require corporations owning more than $3 million in nonfarm enterprises to divest any lands used for agriculture.

But much more is needed, including a revision of the depreciation and capital gains sections of the tax law which favor corporations and wealthy non-farm investors, a law requiring processing companies to bargain collectively with cooperatives of small farmers, and a radical revision of farm subsidies and farm research priorities.

Far-reaching changes in the organization and technology of agriculture affect consumers and taxpayers as well as farmers. Only if these issues are brought out of the political ghetto of the farm bloc and made matters of widespread national concern can policies be devised which take account of all the costs and consequences of the farm revolution.

[From the Wall Street Journal]

Making Ends Meet—Clinging to Way of Life, a Farm Family Fights for Economic Survival

(By Susan B. Miller)

SADORUS, ILL.—Charlie Stephenson grew a bumper corn crop on his 420 rented acres this year. When fall came, it took him and his wife, Ruth, a full month of exhausting 16-hour days to harvest the crop.

Each day, Charlie and Ruth rose before dawn and headed for the fields, leaving their children, Bob and Sue, to get themselves off to school. Ruth, her hair protected from the dust by a bandana, steered the big green combine across the fields while Charlie dried the corn and stored it. There was so much of it that, even with a new bin, the Stephensons ran out of places to put it. It looked certain to be a good year.

Then Charlie tried to sell the corn—and learned that, financially, there was no way he could reap what he had sowed. Corn farmers all over the nation, it seems, harvested the biggest crop ever this year. That depressed corn prices to about two-thirds of 1970 prices, and in the end Charlie Stephenson's profit came to about $6,000, or nearly $550 less than a smaller harvest brought him last year.

"Sometimes I feel like I'm beating my head against a wall," says Charlie, a sturdy, ruddy-faced, 35-year-old. "I work harder and make less. We'll just have to tighten our belts again."

Charlie's plight is shared by most of the nation's 2.9 million farmers. Soaring costs of everything except the products they sell have squeezed farmers for years. But this year's pinch is particularly acute, and it seems certain to increase the rate—already 2,000 a week—at which farmers are going out of business. "Farmers are the only ones in the country who get stuck for being too efficient," says Mardy Myers, a farm income specialist with the U.S. Department of Agriculture. "Another year like this and you'll see a lot more farm sales."

Indeed, it is becoming apparent to more and more people that the small farmer like Charlie Stephenson is in danger of disappearing altogether from the American landscape. From California to New York, enormous corporate farms, consisting of thousands of acres of the best land and backed by enormous amounts of capital, have replaced farmers with a few hundred acres of land, no capital and plenty of debt. Three firms—Purex, United Brands and Bud Antle—produce so much of the lettuce sold in America that their hold on that market has sparked a rare agricultural antitrust investigation by the FTC. Earl Butz, President Nixon's new Secretary of Agriculture, was almost rejected by the Senate after he testified in favor of corporate farming and revealed that he was a director of such firms as Ralston Purina and Stokley-Van Camp. And Sen. Gaylord Nelson has launched an investigation into the corporate takeover of the farm, with legislation to save the small farmer in mind.

UNHAPPY IRONY

Ironically the demise of the farmer that so dismays some in the government of late, is in large part a result of government policy over the years. It is the biggest farms that receive the biggest subsidies and the most government-supplied irrigation water. Likewise, federal tax laws favor the corporation or the investor who farms on the side in search of a tax write-off over the family man who farms full time in search of a living.

The latest squeeze on the small farmer seems likely to hurt President Nixon's chances of holding the farm vote in the 1972 election. And the President's new economic program isn't likely to soothe the antagonism down on the farm provoked by Mr. Butz' nomination. Farm products are exempt from price controls, but the distinction is academic; farm prices are going down, not up. Meantime, under Phase 2 costs will continue to rise, though perhaps at a slower pace.

Farm family earnings have long trailed those of other wage-earners. Last year, farm families earned an average of $7,980, well below blue-collar family income of $10,340 and white-collar family earnings of $14,900. In the last four years, farm family income has grown at about the same rate as other family income, but that's mainly because more farmers are finding part-time jobs.

Charlie and Ruth Stephenson say they couldn't make ends meet with the money they make from farming. Ruth, an attractive, energetic 35-year-old, earns $1,500 a year running a beauty shop in what used to be the Stephenson's dining room and Charlie makes about $500 a year playing string bass with a dance band made up mostly of his neighbors. In more prosperous years, that money went for little "extras"—a sewing machine for Ruth or a redecorating of the children's bedrooms. Now, the money goes for living expenses.

CANCELED VACATION, OLD TRUCK

The Stephensons canceled an Arizona vacation they had planned for this year and Charlie says he won't be able to replace his 1949 Studebaker truck, even though he doesn't know how long that old clunker is going to last. Ruth would like to remodel her cramped kitchen, where the family can barely squeeze around the table, but "that will just have to wait," she says.

Still, Charlie says he has known lean years before and he counts them a small price to pay for a life he loves. The Stephensons live in a gray, two-story wooden farmhouse about 30 miles south of Champaign in some of the richest corn-growing country in the nation. Charlie's great-grandfather bought the land in 1896, and Charlie has wanted to farm ever since he was a boy. "I don't care if I ever leave the country. I'm happy riding my tractor and watching the corn grow," he says.

The Stephensons began renting the farm six years ago when Charlie's parents retired and moved to a nearby town. Charlie built an addition to the red barn to house his machinery and converted a little white shed, where he and his father raised bees, to a repair shop. Ruth grows a few vegetables in the backyard, but they don't amount to much, and an old canning cellar next to the house is unused.

Most mornings the family is up at 6:30, with a little prodding from Ruth, who fixes a large breakfast of bacon and eggs. Bob and Sue go to school in Atwood, eight miles away. By 8:30, when the bus pulls into their driveway to pick them up, Charlie can be found in a pair of yellow rubber coveralls, cleaning and polishing his equipment near the barn.

"He can't sit still. He always finds something to fix," says Ruth. Dressed in jeans and a sweater, she makes a fresh pot of coffee for her beauty parlor customers, who often stay to sit around the kitchen table and chat. "Charlie wasn't happy when I set up shop, but we needed the money. I'd make more in town, but then I wouldn't be here when Charlie and the kids need me," she says.

After dinner, Sue, 12 washes the dishes while Bob, 14, feeds the dog and five cats. Sometimes Ruth drives the kids to a 4-H meeting or a basketball game, but most often she sews or reads while the children do their homework or watch television. Charlie, whose collection of musical intruments clutters Ruth's sewing room, often closets himself in the kitchen with his string bass or tuba and plays along to whatever jazz music he can tune in on the radio.

ESCAPING THE TIME CLOCK

Charlie and Ruth both say they cherish the independence of farm life and the solitude of the flat, peaceful countryside. Cities terrify them—"I never know my way around and the traffic ties my stomach in knots," says Charlie—and they rarely journey farther than the small towns nearby to shop or see a movie. On weekends, Bob and Sue tear over the near-deserted roads in the area on a minibike and go-cart and canoe on a river close by. Charlie and Ruth say they can't imagine their children growing up amid the congestion of city life. (Bob and Sue, however, can imagine it. Both speak of feeling "kind of left out" living in the country.)

Before the family moved to the farm, Charlie worked in a nearby chemical plant. He earned a steady $7,000 a year, but Ruth hated his working nights and Charlie hated the routine of the job. "I never felt important. Any farmer who complains ought to punch a time clock. I'd much rather work for myself."

But the price tag for working for yourself is high. Farming requires plenty of capital, and young farmers starting up have a tough time finding financing. While an urban family might mortgage a house or buy a car on credit, most farm families also must borrow heavily every year to pay for new equipment and for the cost of running the farm. The average farm debt last year was about $19,000, nearly three times as high as it was a decade ago.

Charlie built up a $36,000 debt within a year after he took over the farm. Besides the Stephenson homestead, he rents another parcel of land nearby. He started out with a combine and his father's dilapidated plow and tractor. But the machinery broke down, and each year since Charlie has had to borrow more money for newer and bigger equipment. He is $25,147 in debt now and his interest payments this year will amount to about $1,200. "It just about breaks me keeping up with my machinery," he says ruefully.

LOOKING FOR LAND

That debt makes the Stephenson farm a touch-and-go operation. "One really bad growing season" would mean bankruptcy, Charlie says. There have been some close calls. The family barely scraped through the winter of 1966 after poor weather had damaged a crop and slashed their income. Two years later, hot weather scorched the corn, leaving some cobs with only a dozen kernels.

Despite all that, Charlie clings to the hope that hard work will overcome the travails of unpredictable weather and fluctuating prices. He says he expects to get his "feet on the ground" any year now and he is convinced that someday Ruth can stop working and the family will have the time and money to do things it can't afford now.

But it seems unlikely the future holds much of either leisure time or money for the Stephensons. The two of them can just barely manage the farm now during the months of planting and harvesting. To cut corners, Charlie haunts farm sales during the winter, looking for bargains on used equipment. He also spends hours in his shop tinkering with his machinery to save money on repairs. What's more, the only way Charlie can add income to meet rising costs is by farming more land. He calculates that he and Ruth could stretch their time and equipment over an added 100 acres.

But land around here is scarce. "If a fellow dies, his neighbors are bidding on his place before he has time to cool off," says Charlie. That's because most farmers are convinced greater production is the only way to make more money—despite the fact a bigger national harvest often means lower prices. "The farmer is an eternal optimist," says one banker who finances farmers, "He always thinks prices will go up."

NO SAVINGS, CHEAP STEAKS

The Stephensons don't participate in the government farm support program, which supports grain prices in return for limiting farmers' acreage. Charlie believes farmers would do better without "interference from Washington." Although he and Ruth are registered Republicans, he says he isn't sure he will vote for Richard Nixon again. He thinks the farmers' plight has worsened since Mr. Nixon took office and says the "White House cares more about its rose gardens than grain farmers." That, he says, applies to both parties. "There's not a dime's worth of difference between politicians. I wouldn't trust one if he told me the sun rose in the east."

Charlie's main concerns this year are closer to home. He won't be able to make a payment on the storage bin he recently added, and that means a bigger debt next year. He worries about his retirement—but has never been able to start even a meager savings account. "I ought to set aside $1,000 a year, but the cash just isn't there," he says. Charlie carries "only enough life insurance to bury himself," and concern about what would happen to his family if he lost his health gnaws at him constantly. He says an accident or a prolonged illness would ruin him.

But he counts his good friends on neighboring farms as insurance against that possibility. The sense of community survival is strong here, and Charlie often helps his friends out during planting or harvesting season. In return, a neighbor butchers a steer for the Stephensons, and the family, as Ruth puts it, "eats steak at hamburger prices all winter." Charlie likes to recall the time a friend broke his leg just before harvest time and his neighbors banded together to bring in his crop. "What city folks have friends like that?" he asks. "Money can't buy them."

A TASTE OF CITY LIFE

Good times are shared, too. Nearly every Saturday Charlie plays with the dance band in some nearby town. Ruth spends the afternoon getting dolled up and then feeds the kids while Charlie dons a green jacket, black trousers, white shirt, bow tie and cummerbund. The band members' wives sit together at the dance, and afterward the whole group drives to one of the farms for their own party.

The Stephensons count as vacations the three or four weekends a year that Charlie plays a dance 60 or so miles away. The whole family comes along and stays in a motel, usually chosen for the size of its swimming pool. Bob and Sue often swim until 1 a.m., to Ruth's dismay, and the family has dinner at a restaurant. "They should have a taste of city life," says Ruth, an Arkansas girl who admits she is still uncomfortable when confronted with more than one fork.

On Sundays, the Stephensons drive to church 15 miles away. They go to the 8:30 a.m. sermon together, then the children attend Sunday school while Charlie and Ruth attend Bible class. By the time she has cooked dinner, Ruth is usually drowsy enough to fall asleep sitting in a armchair; she and Charlie usually rest most of the afternoon. Bob takes off with a shotgun, trailed by Sue, who isn't allowed to hunt, and tries to flush a pheasant from the brush in the ditches along the road.

Charlies says he expects that someday Bob will take over the farm from him. By that time, he hopes, it will be a more thriving and less debt-laden enterprise. Meantime, he doesn't let hard times get him down. "I wouldn't trade places with anybody," he says. "I never expected to get rich."

[From the Washington Post]

FARMERS' UNEASE—GOP'S PROSPECTS BLEAK IN MIDWEST

(By D. J. R. Bruckner)

LINCOLN, NEBR.—This place is quite mad. Football is the problem. But the Orange Bowl will be played within a few days and the University of Nebraska team will be seen for what it is, and then politics will be back. It will be back all spring through the May primary, and then all fall through the November election. That is not necessarily a good prospect for the GOP because, if Mr. Nixon ever had a game plan for the vast fields of the Midwest, it did not work.

It is a little startling to realize how debilitated the GOP is in this part of the United States. North and south of here, in a tier of states from Canada to Mexico, all the governors are Democrats. Democrats have hopes of winning the South Dakota Senate seat held by Karl Mundt. They may even have a chance to win the Nebraska seat held by Sen. Carl Curtis. In Kansas, if Gov. Robert Docking were to change his mind and run, they might unseat Sen. James Pearson.

In each case you can cite local reasons for Republican troubles, but you can also feel out here a sense of unease about the federal government, and in most people's minds that includes the President, even when he is bounding around the world summitting.

Right now you hear a lot of canny local humor about the new Secretary of Agriculture, Earl Butz, naturally. Much of it is commonplace. In the eyes of the farmers, every secretary for 25 years has eventually stepped on his own dinner plate. The difference is that Butz did it before he was even confirmed by the Senate.

It is not just that all his alliances and sympathies are with the great corporate food-growers against the small farmers or that he was nominated by Mr. Nixon with virtually no consultation with GOP farm state senators. No, it is a subtler feeling.

It is heartening to hear how many people on the streets know that Butz has pooh-poohed the ecology movement. He seems to think protecting the environment is something of a fad and so a lot of people have concluded he is something of a clod. People who work farms, and those who live around them, have a little different feeling about the land and its wealth than Butz has expressed.

The concern, sometimes the bitter sarcasm, extends to the President who appointed Butz. The government moved into the corn market the other day, buying to push up the price. This is wonderful. The same government last year expanded the acreage that could be planted in corn, so that corn planting was up more than 20 per cent this year and the crop was a record-breaker.

Then Mr. Nixon exempted farm prices from his freeze of the economy and its subsequent controls, while the market was glutted. Now people are worried that, if the Phase 2 controls keep meat and poultry prices down, they will inevitably shrink the volume of production and thus depress the sales of feed grains. Everything the administration is doing about farms looks about as effective as Mr. Nixon's little "country fair" which was held in the rain on the White House lawn last May—after a winter when the farm parity ratio fell to its lowest level since 1933 and after a March when the President was booed by hog farmers in Iowa.

You see, none of these gimmicks impresses farmers very much. They are not even overly impressed by the Russian purchase of 140 million dollars in grains and the promise of more purchases. Out here they tell you to go ask the men on the Chicago Board of Trade or in the big grain companies about the benefits of such sales, for they are the men who will reap those benefits.

Lying under these specific concerns is an unease you find expressed more readily in the cities—and even in Nebraska the time is close when half the population will live in and around the two biggest cities, Omaha and Lincoln. There is an anguished sense of social disintegration which is deeper and more real than the literary anxiety expressed by the midwestern school of novelists 50 years ago. You find a common feeling that the wealth of America, like the wealth of the land people can see around them, is being squandered on a few powerful interests controlled by men who live elsewhere, and this is being done by the government.

Such a feeling is natural among agricultural people in a technological nation. There really are people who love the land. Does the sorrow of these lovers scorned get tuned into political action? Maybe. After all, everyone in the plains states shares the Oklahoma belief that it is a good idea to throw the rascals out every time you get a chance.

In the Presidential politics of 1972, much depends on who the Democratic candidate is. In more states than just this one the politicians, and some early polls, suggest that Sen. Edmund Muskie (D-Me.) or Sen. Edward Kennedy (D-Mass.) would have a more than even chance to turn midwest Democratic next year. A few of the politicians think Sen. Henry Jackson (D-Wash.) would be equally formidable if he campaigned hard. And who, among the pros and the early polls, is down the list? Sen. Hubert Humphrey (D-Minn.). That is not surprising, really.

It is widely known that Humphrey has depended for years on the support of the same huge agricultural business interests that Butz is enamored of. And, then, Humphrey has been in office so long—around and not around, as it were. He has in many states the problem Carl Curtis has in this one: The older people know exactly who he is and the younger ones would rather not hear about it. Mr. Nixon has more than just a little of that problem with people here, too.

You can certainly understand football mania—here and in the White House. It is escape, pure and simple. A relatively harmless one, too, for the spectators. Politics and human feelings, however, are not harmless at all.

BABIES AND BRASS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WALDIE. Mr. Speaker, two very interesting reports from United Press International have been brought to my attention by Mrs. Elizabeth A. Brown of Richmond, Calif., and Mrs. Lucille Gray of San Pablo, Calif.

There are countless comments I could make about each article separately, but the best argument is made when we read the two together. In a time when executives from the Transportation, Justice, and Treasury Departments can get a great meal for one-seventh the value, I wonder why a baby cannot get $20 worth of food a month that it must absolutely have to live.

Mr. Speaker, I submit the following articles from United Press International for inclusion in the RECORD:

CHEAP LUNCHES FOR TOP BRASS

WASHINGTON.—Federal government executives are feasting on cut-rate lunches, sometimes paying less than one-tenth the cost of the meal, the General Accounting Office reported yesterday. At one place, free booze is sometimes featured.

The report, prepared by the congressional watchdog agency at the request of Sen. Margaret Chase Smith, R-Maine, showed that a number of the executive lunchrooms in government buildings cater the best food bargains in the capital.

At the Transportation Department, for example, high-echelon employes pay an average of $1.51 for a meal that costs an average $16.05 to prepare and serve. "And that does not include the cost of space and utilities," said Mrs. Smith.

As ranking Republican on the Senate Space Committee, Mrs. Smith first ordered an investigation of the executive lunchroom of the National Aeronautics and Space Administration (NASA) which disclosed that $4.03 lunches were being served for 45 cents, partly through illegal purchase of food from military commissaries.

With that situation halted, she asked the GAO to conduct similar surveys at several other government agencies. The findings:

At the Treasury Department, executives pay $2.45 for a $14.31 meal; at the Justice Department, $1.66 buys a $7.10 repast; at the National Science Foundation, $1.26 buys $3.55 worth of food and at the Interstate Commerce Commission, a $3.53 meal can be had for $1.94.

Mrs. Smith said executive diners at the National Science Foundation on special occasions are served confiscated liquor obtained from the customs bureau.

WELFARE CHIEF WON'T PAY FOR TOT'S LIFE-OR-DEATH FOOD SUPPLEMENT

WATERTOWN, N.Y.—A four-month-old boy needs a special powdered nutrient food to survive. His family cannot afford it. And although the county welfare * * * the $21 a month the food supplement costs, he says he will not.

Because the boy's family hasn't been able to obtain the supplement on a regular basis, the county has had to pay more than $1,800 in hospital bills for the baby.

The baby is one of four children of a low-income Watertown couple. The father has been unemployed for part of the year and the family is receiving welfare. Medical expenses are covered by Medicare—but welfare officials say the food supplement is food, not medicine.

"I can underwrite the expense without filing for federal or state aid reimbursement in an isolated incident," Haswell P. Brayton, commissioner of the county's Social Services Department, said Wednesday, "but I choose not to because I think it would be whimsical and arbitrary of me to spend the money of the taxpayers of Jefferson County this way."

Brayton said he was not willing to pay more than the $40 a month the department allows for the child. A local pediatrician said the infant needs 16–25 ounces of the supplement, called Nutramagen, a day. This would cost $20.96 a month.

If the baby does not get the special food, which is prescribed by the family's pediatrician, he becomes dehydrated and has to be hospitalized for intravenous feeding.

"We have already picked up a $1,820 tab for hospitalization that resulted on three different occasions when the * * * any of the $74.22 a case food substitute," Brayton said.

The family has filed a court complaint over the matter, and a hearing has been scheduled for Dec. 15. Names of the family and baby were withheld at the parents' request.

Nutramagen is produced by Meade-Johnson of Evansville, Ind.

ALASKA FISHING INADEQUACIES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BEGICH. Mr. Speaker, one of the most important industries in the State of Alaska is that of fishing. For too many years, fishermen in southeastern Alaska as well as other fishing areas of the State have suffered severe losses because of inadequate protection of their economic rights.

As a State legislator and now as Alaska's lone Congressman I have maintained a keen interest in the economic problems of Alaska's fishermen.

My first session in Congress has been very rewarding and perhaps one of the reasons it has been so is because of the real advances we have made in protecting Alaska fishermen when I introduced my fishing package legislation last fall. The problems of pollution and pollution control as well as the lack of protection of jurisdictional fishing boundaries have plagued Alaska fishermen too long. While much can be done on the national level, many of these problems can only be resolved by international agreement.

It is for this reason, it is with great hope that I look forward to the forthcoming Conference on Law of the Sea. While I know that all problems will not be resolved, I am confident that if organizations such as the Pacific Marine Fisheries Commission make known their concern we could put the Alaska fishermen in a better economic position in the near future.

With this goal in mind, I wish to place into the RECORD a copy of several resolutions passed by the Pacific Marine Fisheries Commission at their December meeting. In particular, I should like to call to the attention of my colleagues Resolution 2 which seeks reconsideration of inequities in recent provisional delimitation of Alaska's territorial sea and contiguous fishing zone and call for withdrawal of those provisional documents with adequate public hearings to be held in preparing for establishment of permanent lines of demarkation.

As you can see, Mr. Speaker, all these resolutions vitally effect the Alaskan fisherman, and I wish to present them at this time to my colleagues in the Congress.

The resolutions follow:

PACIFIC MARINE FISHERIES COMMISSION

RESOLUTION NO. 1—IN SUPPORT OF FISHERIES MANAGEMENT BY COASTAL, ANADROMOUS, HIGH SEAS GROUPINGS

Whereas, an International Conference on the Law of the Sea is scheduled to be held in 1973; and

Whereas, any agreement reached by the Conference will have a deep and profound influence on American fisheries for generations to come; and

Whereas, the preliminary proposals by the United States offer little or no protection for American fisheries; and

Whereas, our coastal fishery resources are being depleted due largely to effect of foreign fishing conducted without regard to sound conservation principles; and

Whereas, conservation is urgently needed, both to maintain our fishery resources on a sustainable yield basis and to secure our economic future in the fisheries;

Now be it therefore resolved, that the Pacific Marine Fisheries Commission urge the United States government to adopt the following proposals as its objective in the coming conference:

Coastal species

Fish and shellfish resources which live on or above the continental shelf and slope and/or the waters above the shelf and slope for reproduction and/or survival during the major part of their lives shall belong to the country off whose coast the continental shelf and slope occurs.

Anadromous species

Anadromous fish shall be the property of and subject to control by the coastal state of origin. Where anadromous fish are harvestable in the territorial waters and contiguous fishery zone of a country other than the country of origin, the nations involved shall work out harvesting rules consistent with adequate conservation principles and with due regard to the right of each nation to its proper share of the allowable catch.

High seas species

All species of fish of oceanic origin and habitat shall not be subject to control by the coastal nation. The conservation and management of such species shall be the responsibility of multinational control to be exercised jointly by the harvesting countries including countries whose coasts border the waters frequented by such species.

Underharvested species

Where stocks of fish are underharvested by the coastal nations to which they belong, provision shall be made by the coastal state for harvesting by other nations where such harvesting would not be unduly harmful to the conservation of other species in the area of harvest. Such harvesting shall be conducted under appropriate nondiscriminatory conservation rules promulgated by the controlling countries who shall be entitled to charge non-punitive users' fees of those engaged in the harvesting.

Be it further resolved, that the United States Department of State be requested to include on its official delegation at the coming Conference, including preliminary meetings, adequate representation from the United States fishing industry, and

Be it lastly resolved, that copies of this resolution be forwarded to the President of the United States, the Secretaries of State, Interior, Commerce, and Defense, to members of the House Merchant Marine and Fisheries Committee, to members of the Senate Committee on Commerce, to members of the Senate Committee on Foreign Affairs and to the Governors of all coastal states of the United States.

RESOLUTION NO. 2—OPPOSITION TO CERTAIN FEDERAL DOCUMENTS PROVISIONALLY DELIMITING THE TERRITORIAL SEA, CONTIGUOUS ZONE, AND CERTAIN INTERNAL WATERS OF THE UNITED STATES

Whereas, in early 1971 the federal government caused to be issued documents purported to delimit provisionally the territorial sea, contiguous zone, and certain internal waters of the United States; and

Whereas, these documents or charts were prepared by an interdepartmental committee of federal officials without holding any public hearings or obtaining any input from the several affected states; and

Whereas, some waters previously defined as internal waters of the State of Alaska are now provisionally defined as contiguous zone waters or high seas waters in which foreign fishing may be conducted; and

Whereas, the State of Alaska since statehood, and the federal government in prior years, have managed and protected the fisheries resources in these waters for the benefit of their citizens; and

Whereas, these documents have been distributed to certain foreign governments; and

Whereas, the United States Coast Guard in Alaska is under orders to use these charts as a guide for units assigned law enforcement missions, to aid in the determination of jurisdiction in the coastal waters of Alaska; and

Whereas, the United States government needs to protect the historic internal waters of the state against foreign fishing encroachment because of the existence of these documents;

Now be it therefore resolved, that the Pacific Marine Fisheries Commission respectfully requests the President of the United States to order that these documents be withdrawn from public and foreign distribution, and that they be disregarded for all purposes in determining the delineation of the internal waters, territorial sea or contiguous zone of Alaska, thereby allowing public authorities to proceed in the enforcement of the laws according to previously established practices; and

Be it further resolved, that public hearings by an impartial body in the affected states be held to consider establishment of lines delineating territorial, internal, contiguous, and international waters using an appropriate legal basis.

RESOLUTION NO. 4—ESTABLISH MINIMUM FLOWS FOR FISHERIES—SNAKE AND COLUMBIA RIVERS

Whereas, the Snake River and tributaries are major contributors to Columbia River anadromous fish runs; and

Whereas, the Snake and Columbia River anadromous fish runs are of international significance and contribute significant socioeconomic benefits to the states of Idaho, Oregon, Washington, other coastal states and the province of British Columbia; and

Whereas, the Columbia and Snake River salmon and steelhead runs are totally dependent upon adequate minimum flows for upstream and downstream migrations, spawning, hatching and rearing; and

Whereas, minimum flows are directly affected by river regulation for power and flood control and by upstream depletion;

Now be it therefore resolved, that the Pacific Marine Fisheries Commission goes on record as urging all Federal, State, and regional water planning, development and regulating agencies to establish minimum flows for fisheries on the Columbia and Snake Rivers; and

Be it further resolved, that in ongoing and future planning efforts the necessary studies to determine desirable minimum and optimum flows for fisheries be given equal priority with studies of other water uses; and

Be it further resolved, that copies of this resolution be sent to all federal water planning, development and regulatory agencies, the Water Resource Boards of Idaho, Oregon and Washington, the Governors of the States of Idaho, Oregon and Washington, to members of appropriate Congressional Committees, and the Congressional Delegation from member states of the Pacific Marine Fisheries Commission.

RESOLUTION NO. 6—RECOMMEND EASING OF ALIEN FISHING ACT PROVISIONS IN RELATION TO BOUNDARY TRESPASS BY CANADIAN FISHERMEN IN THE STRAIT OF JUAN DE FUCA

Whereas, the fishermen from Canada and the United States fish in the Strait of Juan de Fuca on co-mingled stocks; and

Whereas, fishermen of both countries fishing close to the international boundary may inadvertently cross over the line; and

Whereas, fines imposed under Public Act #88-308 may be excessive, considering the nature of the violation; and

Whereas, impositions of such fines may lead to the degradation of relations between the two countries.

Now be it therefore resolved, that we respectfully petition appropriate committees of Congress to study possible amendment of Public Act #88-308 to ease boundary trespass penalty upon U.S. and Canadian fishermen from the provisions of this law in the Strait of Juan de Fuca; and

Be it further resolved, that the proper committees in Congress be advised of this resolution,

Be it finally resolved, that upon adoption of this resolution by the Pacific Marine Fisheries Commission, this resolution be forwarded to the President of the United States, Department of State, Department of the Interior, National Oceanic and Atmospheric Administration, Members of the Merchant Marine and Fisheries Committee of Congress, Members of the Committee on Commerce of the Senate.

RESOLUTION NO. 7—IN SUPPORT OF STRENGTHENING TROLL SALMON ENFORCEMENT PROCEDURES

Whereas, there is a serious problem of enforcement of pre-season fishing violations in the troll salmon fishery; and

Whereas, this creates hardship and bitterness in law abiding fishermen; and

Whereas, this causes unnecessary problems in price negotiations; and

Whereas, harmony is desired within the industry,

Now be it therefore resolved, that the Pacific Marine Fisheries Commission recommends that the fishery agencies of Oregon and Washington give consideration to strengthening enforcement provisions in the troll salmon fishery, and instituting such other proceedings as would lead to a solution of the problem.

RESOLUTION NO. 8—MARINE MAMMAL MANAGEMENT

Whereas, Federal legislation has been introduced that would place all marine mammals under federal jurisdiction; and

Whereas, the Submerged Lands Act of 1953 confirms state title to and ownership of natural resources, including marine animals; and

Whereas, the Pacific states are engaged in active management and research programs to protect and manage animal populations within state boundaries; and

Whereas, authority to manage resident marine mammal populations is essential for comprehensive planning and development of the coastal zone by the states; and

Whereas, sea otters, elephant seals, land breeding harbor seals and sea lions are normally within state boundaries and are properly under jurisdiction of the respective Pacific states;

Now be it therefore resolved, that the Pacific Marine Fisheries Commission recommends that sea otters, elephant seals, land breeding harbor seals and sea lions be excluded from the proposed federal legislation.

RESOLUTION NO. 9—IMMEDIATE REIMBURSEMENT OF FINES FOR UNLAWFUL VESSEL SEIZURE BY FOREIGN NATIONS

Whereas, the policy of the United States is to support the principle of the freedom of the seas, and to this end this country at the present time does not recognize claims to jurisdiction over waters greater in breadth than 12 miles from the baseline of the territorial sea, and it is the view of the United States, acting through the Department of State, that under international law, it is not required to recognize such claims; and

Whereas, seizures of American-Flag vessels, have taken place as the result of territorial sea claims in excess of 12 miles from the baseline of the territorial sea by naval forces of foreign countries; claims which are strictly contrary to the position of the United States and other major nations with regard to the seaward limits of national jurisdiction; and

Whereas, such actions may cause United States flag fishing vessels to be driven from the high seas with resulting critical, if not fatal damage to the United States fishing industry;

Now be it therefore resolved, that the Pacific Marine Fisheries Commission strongly recommends the Senate of the United States to enact pending legislation amending the "Fisherman's Protective Act of 1967" providing for immediate reimbursement of fines imposed by foreign nations on U.S. flag vessel owners relative to the unlawful seizure of United States flag fishing vessels in international waters by foreign countries;

Be it further resolved, that the Pacific Marine Fisheries Commission submit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Honorable Senator Warren G. Magnuson, Chairman, Senate Commerce Committee, and to the Honorable Representative Edward A. Garmatz, Chairman, Committee on Merchant Marine and Fisheries.

HORTON SALUTES CHARLES E. SWAN ON NOMINATION FOR NATIONAL VOLUNTEER AWARD

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HORTON. Mr. Speaker, there is much agreement today that the best solution for every community's problem is the involvement of its concerned citizens. Charles E. Swan of Rochester, N.Y., recently said:

> Living in the city requires a certain price tag—that price tag is commitment. The government just isn't able to do everything. Citizens must be involved in solving community problems.

It is this philosophy and Charles Swan's willingness to put it into action that has prompted his nomination as a finalist in the National Volunteer Awards competition sponsored by the National Center for Voluntary Action.

Charles E. Swan, of 755 Cedarwood Terrace in Rochester, has been cited for his leadership in North East Area Development, Inc. (NEAD). He is a candidate for one of two $5,000 first place awards. The top awards will be presented in February 1972, at a banquet in the Nation's Capital.

A panel of five judges will make the final selection: H. I. Rommes, chairman of the board of A.T. & T.; Charles Evers, mayor of Fayette, Miss.; Walter Hickel, former Secretary of the Interior and former Governor of Alaska; Alvin Toffler, author of "Future Shock"; and Mrs. Jacqueline G. Wexler, president of Hunter College.

It is noteworthy, I believe, that Charles E. Swan was nominated for one of these awards by a NEAD board member who preceded him as president, Mr. William B. Eighme. Mr. Eighme was in a good position to appraise the outstanding work of Mr. Swan, and it was his considered judgment that Mr. Swan was indeed worthy of national recognition.

Mr. Speaker, I would like to join with the others in saluting Charles E. Swan and wish him well in the final judging for the National Volunteer Awards.

Recently, additional background material on this nominee was reported in a story in the Rochester Times-Union. Authored by Dolores Orman, it is an interesting documentation of the activities that led up to his nomination. I would like to share that now with my colleagues in the Congress, in paying tribute to Charles E. Swan.

Excerpts from the news story follow:

> Swan served as president of NEAD from November 1969 until this month. During his term he restricted himself to part-time employment, devoting 40 to 50 hours per week to his NEAD office.
>
> "He was able to make significant strides," said William B. Eighme, a NEAD board member who preceded Swan as president and who nominated him for the national award. "He was able to weld the people together on important issues." One achievement was the closing of the Eastside Incinerator.
>
> NEAD brings together a broad range of citizens and background to cooperatively rebuild and revitalize their neighborhoods and environment. Its goal is the maintenance and improvement of all of northeast Rochester (about 47,000 people, including both deteriorated and well-to-do sections).
>
> "I guess it's because living in the city requires a certain price tag—that price tag is commitment," said Swan explaining his involvement in NEAD. "The government just isn't able to do everything. Citizens must be involved in solving community problems."
>
> Swan is currently NEAD's vice president for finance. He was appointed to the city planning commission in March and, among other things, is president of his neighborhood association a member of the board of managers of the YWCA's Operation Outreach program, and a member of the board of the Blue Cross and Blue Shield group practice program.
>
> Swan, 36, is married and the father of three. He is a building products salesman.

TENTH DISTRICT LEADS IN RECEIPT OF FEDERAL FUNDS FOR ALL PURPOSES

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, it is interesting to note that during the last 6 years, the 10th District of the State of Wisconsin has been the No. 1 recipient of Federal funds for all purposes. Due to my efforts and ability to get results for my people, I have personally intervened in thousands of cases on behalf of industry, communities and individuals in the north country and have helped them whenever help was needed, and guided them whenever guidance was needed.

In the field of Government contracts for example, one of my first tasks when I inherited the Chippewa Falls-Eau Claire area was to save the National Presto Industries plant. This plant was marked for closing during the years of 1963 and 1964. At the request of the proper officials of the company, I intervened and saved the plant. It was a case of having the right man in the right spot; namely, the Armed Services Committee.

I pointed out to the Department of Defense the folly and the additional cost of Government procurement in St. Louis. I pointed out the efficient labor force and the lack of absenteeism among the workers in the north country. I exposed on the floor of the House the folly of building a $46 million plant in St. Louis when they already had an efficient plant in existence in the Chippewa Falls-Eau Claire area.

The result of my efforts is that today National Presto Industries is Wisconsin's largest Government contractor, and by having the work done in the Chippewa Falls-Eau Claire area rather than St. Louis, I have saved the taxpayers hundreds of millions of dollars.

Similar to my efforts on behalf of National Presto Industries, I have obtained the same results for at least a dozen more businesses in the north country.

The following figures will show what it means to have an active Congressman with the know-how to get results for his district. During the last 6 years, the 10th District of Wisconsin has been the No. 1 recipient of all Federal money of all the districts in the State. The fact of the matter is that for every dollar of all Federal taxes collected in the 10th District, at least $1.65 comes back to the district in some form of Federal Government expenditure in the district. You can count the congressional districts in the Nation which have this type of favorable ratio on the fingers of both your hands.

When I entered Congress in 1943, the 10th District was by far the lowest in receipt of Federal funds. For the last 6 years it has become No. 1 by far.

Federal Government expenditures for all purposes in the 10th Congressional District of Wisconsin for fiscal year 1970 typical of the last 6 O'Konski years

1st District	$229,965,449
2d District	349,307,010
3rd District	292,166,305
4th District	252,717,248
5th District	252,717,248
6th District	279,954,337
7th District	224,644,105
8th District	230,820,858
9th District	252,717,248
10th District	402,687,081

The 1971 and 1972 fiscal years will show an even greater number of Federal dollars spent in the Tenth District compared to other Congressional Districts in Wisconsin. These figures include all expenditures, even those not publicized for security reasons.

A TRIBUTE TO DR. GEORGE WASHINGTON CARVER

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BEGICH. Mr. Speaker, the heroes of the scientific world are many, and none is unworthy of our praise. Yet some stand out above the others in a manner setting them clearly apart, meriting our special consideration.

So it is in the case of Dr. George Washington Carver, the late genius in the field of agricultural chemistry, whose experimentation with the humble peanut was to revolutionize the economy of the Southern United States and open the door to scientific advances in several fields.

So long as cotton remained the chief money crop in the South, there was little hope of inducing Southern farmers to raise anything else. Yet cotton was ruining the land. To meet the crisis, Dr. Carver proposed the use of peanuts as a substitute for cotton, and when reminded that peanuts had only slight market value, he set out to alter the fact.

Through research, Dr. Carver discovered use upon use for the peanut, extending from salad oil to a remedy for paralysis, and soon the demand for peanuts was greatly increased.

Recognition of Dr. Carver's services has been given in many ways. In 1916 he was made a Fellow in the Royal Society of Arts in London. In 1923 he received the Spingarn Medal for the most distinguished contribution by a Negro in science. In 1935 he was appointed collaborator in the Bureau of Plant Industry, U.S. Department of Agriculture. Another tribute was a life-size bronze bust of Dr. Carver, done by the great Atlanta sculptor, Steffan Thomas, and paid for by Carver's admirers of both races.

In a period of our National history when racial prejudice was shutting out all but the most extraordinary talent in the Negro race, the abilities of this remarkable man, Dr. George Washington Carver, brought him to the full attention of the world.

His performance rendered him a giant of his time. It is for this reason, Mr. Speaker, that the Governor of Alaska has declared January 5 as George Washington Carver Day in Alaska. If there is no objection I should like to include a copy of Governor Egan's proclamation in the RECORD.

The proclamation follows:

PROCLAMATION

GEORGE WASHINGTON CARVER DAY

On January 5, 1972, Americans again honor the memory of an eminent American scientist, Dr. George Washington Carver, whose contributions to the world will ever benefit mankind. This date marks the twenty-sixth anniversary of his death.

Dr. Carver was born a slave, schooled in adversity, and honored in eminence. His life presents a shining example of service to humanity, and his career exemplifies America's capacity for opportunity and inspires individual achievement.

Dr. Carver, as an agricultural scientist developing new uses for the native products and natural resources of the south, and as a teacher, brought not only practical aids for a better life to the people with whom he came in contact in his travels through remote regions but also in many cases the first touch of culture the people there had ever received. He was not satisfied with scientific discovery for its own sake, but was passionately convinced that the results of research must be brought directly into the lives of the people.

Colleges and universities and other institutions have showered honors upon him because his life is an inspiration, to those of his own race and to all Americans.

Therefore, I, William A. Egan, as Governor of the State of Alaska, do hereby proclaim January 5, 1972, as George Washington Carver Day throughout Alaska and urge Alaskans to reflect upon and take inspiration from the life of this man who was one of the great scientific pioneers of our Nation.

Dated this 22nd day of December, 1971.

INFLATION AND THE CONSUMER PRICE INDEX

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WALDIE. Mr. Speaker, in a time when the entire force of Government is geared to fighting inflation, many Americans lose sight of the goal because of the terminology used to describe the battle.

In the midst of phase II, we find comments concerning the Consumer Price Index and how it reflects our progress. For we Members of Congress, it is frequently difficult to follow the score sheet. But, for the average American, inflation, price index, balance of trade and dollar devaluation are most confusing terms.

An excellent article, dealing with inflation and the Consumer Price Index has been brought to my attention. Written by Bob Kahn for the Montclarion in Lafayette, Calif., it explains administration strategy in its emphasis on the Consumer Price Index and offers a realistic evaluation of what that strategy is intended to do.

For this reason, I am happy to submit "Nixon, Phase II, and Reelection," for inclusion in the CONGRESSIONAL RECORD:

NIXON, PHASE II, AND REELECTION

(By Bob Kahn)

President Nixon suddenly changed his game plan as the pollsters told him that the key issue in the 1972 election would be domestic economic questions. The most important question will be: Is inflation under control?

President Nixon, of course, knew about the record-breaking foreign trade deficit that was coming up in the 3rd quarter and the implications of that (the additional drain of U.S. dollars would force further domestic inflation) when he imposed the freeze on August 15.

He was then faced with a major question: How does one tell whether or not there is inflation? The answer most often is to look at the change in the Consumer Price Index (CPI). Today we have tied many items to the CPI—increases under wage contracts, pay for retired military personnel, rental payments under long-term leases, and more.

Although the CPI figure is announced monthly for the United States (formerly announced by experts who were qualified to interpret it but under the New Nixon Monarchy, announced by press agents) and quarterly for all of the major cities, most people do not know how it is constructed.

The Bureau of Labor Statistics (Department of Labor) uses about 300 items as representative of price movements in the economy. The importance (relative weight) given to each price is based on a study of consumer expenditures in a large panel of middle-income families spread throughout the United States. This study also produces the product quality definitions that are used—in other words, the study does not include price changes in $200 men's suits or mink coats—but it does include lower price suits, nylon slips, men's broadcloth shorts, etc.

Figures on rents are based on studies of some 40,000 rental units. Home maintenance costs are for typical jobs (reshingle a roof, replace a hot water heater).

The present index is based on average prices in 1957 to 1959—which is expressed as 1957–59—100. Prices are roughly 30% higher than they were at that time.

The challenge that existed when Phase II was planned was a simple one. First, control of inflation was critical only until November 1972 when the next elections would be held. Mr. Nixon had promised that there would not be a Bureaucracy. The plea was made for voluntary compliance. In the beginning there was little mention of the punitive powers that were included in the enabling act that Congress passed a year ago—over Mr. Nixon's protestations (1) that it was not necessary and (2) that he would never use it.

Thus we have the challenge: control the CPI (prices outside the CPI really need not be controlled) so that regardless of what the true cost might be, prices would appear to be under control. And do it through at least November 1972. If this is accomplished, Mr. Nixon might get re-elected.

At this point in our story it is important to say that up until now no major effort has ever been made to control the CPI—it has been collected by a relatively independent, highly professional bureau in the government—and has been used rather than manipulated.

THE PLAN TO MANIPULATE

On Saturday, November 13, 1971 the Federal Register published the rules for economic stabilization, setting for the guides and functions of the Pay Board and the Price Commission. This was issued by the Cost of Living Council.

Price controls on other than retailers and wholesalers were to be handled in three categories—those firms with an annual volume in excess of $100,000,000 a year were called "prenotification" firms and they had to submit requests and get approval before they could increase any prices. Firms with sales between $50,000,000 and $100,000,000 were called "reporting firms" and they had to submit quarterly reports showing any price increases put into effect during the quarter. Firms doing less than $50,000,000 a year (the great preponderance of firms—and about half our manufacturing volume) were told to follow the general guidelines. They would be checked or complaints investigated, but generally there was no control.

Retailers and wholesalers were told that they could continue to use their historic and proven initial markups (that is, maintain the same percentage relationship between their initial asking price and the cost of the product, on a company-wide or department-wide basis) that they had enjoyed in the highest two of the three completed fiscal years prior to August 15, 1971.

In all cases, the amount of price increase taken could not produce a profit that was a higher percentage of sales than the company had enjoyed in the best two of the three fiscal years ending prior to August 15, 1971 (it is interesting to note that in a talk in San Francisco on November 23, Sherman J. Maisel, member of the board of governors of the Federal Reserve system, indicated that their projections based on a 2½% to 3% price increase indicated that under Phase II, sales would increase by 9% and profits by 15% thus they project that the entire economy will be in violation of the profit restraint provisions since when profits increase faster than sales it mathematically means that profits have increased as a percentage of sales!).

But the real "politics" is that the bulk of the items used (much more than 50% of the total) to compute the CPI are made by firms with a volume over $100,000,000—and these are the only firms where prenotification (and rejection) of proposed price increases exist. Fresh fruits and vegetables and meat, representing about 12% have no controls except demand and perishability. Utilities and transportation costs are controlled by governmental bodies already. Rents will be dealt with separately—and many are subject to annual leases. But by just controlling the prices of the limited number of firms with volumes over $100,000,000 the president has, for the first time, developed a means of controlling the CPI—with the objective of assuring his personal reelection.

CUBA: THE PURSUIT OF FREEDOM

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. MONAGAN. Mr. Speaker, the Reverend Dr. Joseph F. Thorning, the "Padre of the Americas," has just written a penetrating review of Hugh Thomas' new book "Cuba: The Pursuit of Freedom." Because of the importance to the United States of Cuban developments and the experience and knowledge which Father Thorning brings to his analysis I insert his review in the RECORD, so that it may be available to a wider audience than that of America in which magazine it appeared November 6, 1971:

CUBA: THE PURSUIT OF FREEDOM

(By Hugh Thomas)

This is an encyclopedic approach to the geography, history and culture of Cuba. The period treated, 208 years, stretches from the British capture of Havana (1762) to the administration of Fidel Castro (1959–70). The dividing line, a somewhat arbitrary choice, is Fulgencio Batista's second seizure of power (1952).

At the time of its occupation by Lord Albemarle, Havana was described by the Abbé Guillaume Raynal as the "boulevard of the New World." Although Santiago de Cuba was still the headquarters of the Captain General, Havana was the port of rendezvous for treasure ships from Vera Cruz and Portobello. The galleons, laden with gold and silver, were convoyed under the protection of the Spanish grand fleet to Seville and Cadiz. Since thousands of seamen and soldiers had to wait from four to six weeks in Cuba for the treasure ships to assemble, they tended to transform Havana, not yet the "Paris of America," into a maritime roadhouse. The city, with its gorgeous tropical setting, overflowed with deserters, escaped slaves, gamblers, smugglers and crooks on the run, sailors looking for ships, prostitutes for sailors and "friars without fixed destination." The future capital early acquired that "unique, easy-going, brilliant but semi-criminal and cosmopolitan character that has marked it ever since."

British rule, fleeting as it was, proved the signal for an immediate descent on the island by English merchants. Dealers in grain, wool, linen, horses and sugar equipment established flourishing businesses. The slave trade, already horrendous, received a powerful impetus. While tobacco, hitherto the principal crop, continued to grow famous for aroma and flavor, its cultivation dropped to second place in the Cuban economy. Thomas emphasizes that the stepped-up import of slaves, combined with the long-term commercial arrangements then established (including debts), was the distinguishing mark of Albemarle's expedition.

The author, professor of history at the University of Reading, adds that, after Albemarle departed in January 1763, the increase in cheap labor hastened the trend toward the creation of a stubborn master, the sugar industry. Thereupon Thomas poses the question: Did dependency upon an overdeveloped export commodity make Cuba "a sugar palace or a sugar prison?"

Moreover, in the 1770's, the desire of the North American colonists to trade with Cuba and the French West Indies became "a fundamental cause" of revolt against Britain. A lucrative three-cornered commerce developed: smugglers carried rum from Havana to Africa for the purchase of slaves, whereupon the blacks were exchanged in Havana for molasses, which had been processed in New England as "juice of the cane," and exchanged for more slaves. For two generations, Thomas relates, Massachusetts produced the best "Antilles rum." And John Adams confessed that "molasses was an essential ingredient in American independence."

Equally detailed information is supplied by the author about the struggle of Cuban patriots for independence for many decades of the 19th century. Familiar names adorn the narrative: Carlos Manuel de Céspedes; José Martí; Antonio Maceo; Máximo Gómez and a host of other leaders. Participation by U.S. armed forces accelerated and ensured victory.

A number of men who held office in the young republic, however, failed to reflect the noble ideals of the Founding Fathers. Politics soon surpassed agriculture, animal husbandry and mining as a short-cut to easy money. Tourists flocked to the hotels, beaches, casinos and bordellos of Havana. Night clubs such as Sans Souci, La Tropicana and Montmartre acquired world renown. Cuba seemed a tropical paradise, teeming with delicious fruits, luxuriant foliage, fresh seafood, vegetables raised by industrious Chinese gardeners, beef, pork and poultry, washed down by rum, whiskey, beer and brandy. Side by side with a growing middle class, enjoying the highest standard of living in Latin America, there existed a multitude of unemployed, undernourished, largely uneducated *campesinos*. Some clue to the food habits of Cubans may be gleaned from the fact that they had the biggest per capita consumption of lard throughout the globe.

Major events in Cuba under the Republic

are recounted with a reasonable degree of accuracy and fairness. Biographical sketches of the principal figures, whether planters, bankers, entrepreneurs, lawyers, doctors, artists, poets or politicians, military men and gangsters, are presented in colorful detail. A number of U.S. diplomats are characterized as "proconsuls." In his discussion of U.S. policies from 1933, when Batista emerged as the "Strong Man" of Cuba, Hugh Thomas quotes at length from contemporary witnesses, including Sumner Welles, Jefferson Caffery, Earl Smith and subordinate officials in the State Department. Fulgencio Batista and Fidel Castro bulk large in this part of the narrative.

Harsh as are the author's appraisals of old-line Cuban politicians, the British scholar, widely acclaimed for his study of the Spanish Civil War, essays an even-handed evaluation of the Castro dictatorship. Thomas credits the regime with support for "a minimum wage, universal schooling and medicine," and a reduction in rural poverty. He also reports "the brutality of the gaolers, the arbitrary character of an unpredictable but ubiquitous tyranny, the tedium of an inefficient bureaucratic style and the melancholy of a society where eccentricity and private experiment . . . are damned."

Religion gets scant notice. Praise, however, is accorded to Santiago Archbishop Antonio María Claret (now on the calendar of saints); Félix Varela, priest-teacher of philosophy and pioneer in social reform; and many men and women once active in education, charity and health care.

Cuba's search for freedom continues.

THIS WEEK'S REVIEWERS

Rev. Dr. Joseph F. Thorning is the United States Honorary Fellow of the Historical and Geographic Institute of Brazil.

Rev. Msgr. James A. Magner, former director of Catholic U. of Am. Press, has written extensively on Latin America.

Quentin Lauer, S.J., is a professor of philosophy at Fordham University, New York City.

Keith J. Egan, O. Carm. teaches graduate and undergraduate courses in mysticism at Marquette University, Milwaukee, Wis.

SOUTHEAST ALASKA ROUTE AWARDED TO ONE AIRLINE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BEGICH. Mr. Speaker, because so many people and many industries in Alaska depend on air service, I have always taken the position that whatever steps necessary to assure efficient and frequent air transportation in Alaska be implemented without delay.

Our aim is to have better service throughout Alaska by increasing competition among the carriers. In specific regard to the Southeastern Alaska routes, it is my position that better service and more competition is more important than saving Federal airline subsidy moneys.

All Alaskans are concerned about the recent Civil Aeronautics Board decision but the people of Southeast Alaska are particularly concerned.

The Mayor of the city and borough of Juneau has forwarded to me a copy of a resolution passed by the city council which expresses the disappointment and great concern of the citizens of Southeast Alaska over the matter of awarding the Seattle, Juneau, Ketchikan routes to only one airline. I am including in today's RECORD a copy of that resolution so that my colleagues in the Congress may be aware of the recent developments in air transportation in Southeast Alaska:

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NO. 94—A RESOLUTION URGING THE CIVIL AERONAUTICS BOARD TO AMEND ITS DECISION RENDERED IN DOCKET NO. 20826, FILE NO. 71-12-45, TO ALLOW OTHER AIRLINES THE RIGHT TO SERVE THE CITIES OF SOUTHEAST ALASKA

Whereas, good air transportation is essential to the growth and development of Southeast Alaska, and

Whereas, more passengers and freight move by air into Juneau and Southeast Alaska than into any area of similar size or many times larger, and

Whereas, past experience has proven that operation of the Juneau Municipal Airport is dependent on competition between freight lines to provide full and adequate freight and passenger service to the capital city of Alaska, and

Whereas, 1971 increases in both freight and passenger traffic indicate an urgent need for more, rather than less, air service to Southeast Alaska and connections to the Alaskan interior, and

Whereas, airport safety and capital improvements can only be obtained when adequate revenue is generated, and

Whereas, scheduled and unrestricted air service in and out of Juneau and other Southeast Alaska communities is the very life blood for the movement of freight and supplies needed to sustain this part of the State, and

Whereas, no network of railroads or highways exists to provide for alternate methods of immediate travel, consequently competition at the airport level is vital, and

Whereas, Western Airlines and its predecessor, Pacific North Airlines, were principal developers of air transportation in Southeast Alaska, and

Whereas, economic growth projections would anticipate rapid growth within the next seven year period for which adequate transportation is vital;

Now, therefore, be it resolved by the assembly of the City and Borough of Juneau:

That the City and Borough express its extreme displeasure and disappointment that the Civil Aeronautics Board in Docket No. 20826, File No. 71-12-45, has denied other airlines the right to serve the cities of Southeast Alaska on their Alaska routes between Seattle, Anchorage, Fairbanks and the Interior of the State, and urge the Civil Aeronautics Board to amend its decision, to allow other airlines to serve Southeast Alaska, in order to provide full and adequate freight and passenger service to the capital city of Alaska and other Southeast Alaska communities.

Adopted December 16, 1971.

JOSEPH A. MCLEAN,
Mayor.

CUSTOM, LAW PLAY INTO HANDS OF EMPLOYERS OF ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McDONALD of Michigan. Mr. Speaker, it is tragic and ironic that both custom and the law seem to play into the hands of those unscrupulous farm operators in California who make a habit of hiring illegal aliens.

It does not matter how many times a farm or ranch is "swept" by immigration officers. The aliens sometimes are rounded up, sometimes not. But they keep coming back, so it is like a revolving door.

As Leonard W. Gilman, regional INS commissioner in San Pedro, Calif., has pointed out:

> Most of the industry, ranch operations, truck gardening operations have employed illegal aliens. Some of the same ones that we apprehend over and over . . . know that they are illegal aliens. They know because they have been picked up as illegal aliens.

Gilman said in congressional testimony that the Immigration and Naturalization Service has records showing apprehensions running into the hundreds from a single employer and that the employers "well know they are aliens. They seek only aliens, and in many instances if citizens or resident alien laborers make application for employment in one of these places they are denied."

Here are some classic examples of how the law is flouted by the employer or employee because of custom:

Ray Shelton, senior border patrol agent in Bakesfield, Calif., is quoted in congressional testimony as having said that:

> Agents do their best to get these illegal aliens before they can be warned, flee or hide out. On many larger farms, the presence of agents is made known through citizens' band radio hookups with field crews. Due to the "No Trespass" legal signs, patrolmen making a sweep must give notice to landowners that they are on the prowl before they go into private land.

In such circumstances, the Immigration people deserve a lot of credit for the apprehensions they do make.

But then we come to the matter of courtesy, which probably could be called custom, and this also plays into the hands of both employer and worker.

According to Herb Walsh, deputy chief patrol agent at Danville, Calif.:

> Officers identify themselves to the owner, or whomever is in charge and whenever possible, as a matter of courtesy, tell the landowners that they are going to make a sweep and need access to carry out their duties, although we do not need prior permission to enter property to enforce the immigration laws.

If that is the case, it seems to me that this "matter of courtesy" should be abandoned as one step toward seeing that our laws are obeyed.

FEDERAL AIDS FOR SEWAGE AND WATER

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1972

Mr. O'KONSKI. Mr. Speaker, pollution has been a matter of concern to me, and I started to work in the direction of alleviating pollution in the north country starting in 1953. Immediatley after the Korean war, I could see that, unless the Federal Government stepped in with stronger regulations and unless the Federal Government came up with Federal money, that pollution would run rampant.

In 1953 and 1954 Congressman BLATNIK and I conferred on many occasions to start Federal programs to help alleviate pollution particularly in the water area. We started by introducing bills to establish a fresh water laboratory at Duluth, Minn., costing several million dollars. We felt that, if we had a facility in the north country that could help analyze and test our waters, that we would then have a basis to work on in alleviating pollution.

It took us several years to get the bill passed, and about 3 years ago this laboratory started to function. It should be noted that my concern about pollution, particularly water pollution, started in the early 1950's, long before the professionals and others got on the bandwagon. Testing of our waters alone was not enough. I realized that the Federal Government had to solve the bulk of our pollution. I have introduced bills to get Federal Government financing in that area. Presently, we have the Farmers Home Administration offering financing in the area of pollution. We have HUD financing in the area of stopping pollution. We have the Economic Development Administration financing in the area of stopping pollution. It is my judgment that the Federal Government must triple the amount of money available to these agencies to stop pollution for the period of the next 5 years.

To give the people of the North an idea of what Federal financing has done in the area of sewage and water treatment plants and in the area of stopping pollution of our lakes and streams, the following is a list of Federal grants that have been made so far. In many of these instances listed below, I went to the communities and explained the program, helped with the application forms and followed the application through; and wherever there were problems, I helped to overcome those problems to get the application approved. I have appeared before committees to see that these programs were adequately funded. In this field I have been a leader and the list below will show we have gotten a good start in northern Wisconsin, but we need to do three times more in the next 5 years.

I include the following table:

Federal aid for water and sewer projects financed with Federal money during the O'Konski years

City	*Amount*
Amery	$129,505
Ashland	17,000
Barksdale	40,933
Barron	437,800
Bayfield	40,136
Birchwood	130,000
Bloomer	208,980
Boyd	62,250
Butternut	15,227
Cadott	114,300
Centuria	25,687
Chippewa Falls	697,089
Clayton	36,534
Clear Lake	163,000
Dallas	16,237
Deer Park	177,800
Dresser	42,935
Eagle River	30,000
Eau Claire	84,023
Elk Mound	364,150
Fairchild	211,239
Fall Creek	142,350
Forest	55,700
Frederic	35,496
Gilman	25,007
Glenwood City	56,220
Glidden	503,530
Grantsburg	24,010
Haugen	161,600
Hawkins	135,886
Hayward	476,000
Hudson	95,198
Iron River	711,300
Knapp	308,900
Knight	15,670
Lac du Flambeau	231,917
Ladysmith	42,756
Land O'Lakes	$206,500
Luck	80,643
Medford	44,000
Mellen	208,734
Menomonie	73,018
Mercer	179,000
Merrill	100,000
Minocqua	487,141
Minong	447,600
Montreal	6,000
New Richmond	74,730
Ogema	215,000
Osceola	84,152
Park Falls	350,000
Phelps	465,000
Phillips	379,911
Port Wing	96,985
Prentice	9,000
Radisson	388,000
Red Cliff	308,000
Rhinelander	752,260
Richmond	34,200
Rib Lake	85,540
River Falls	114,506
Roberts	13,137
Shell Lake	152,347
Siren	511,446
Superior	600,532
Tony	84,000
Washburn	36,962
Webster	162,350
Weyerhauser	250,350
Winter	31,000
Woodruff	40,000
Total	13,138,409

PRICE AND WAGE CONTROLS AND STORAGE OF ATOMIC WASTES

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, today I wish to call to the attention of my colleagues the results of my latest districtwide citizens' poll, which shows that residents of northeast and north-central Kansas overwhelmingly favor continuing controls over prices and wages and strongly oppose storage of atomic wastes in Kansas. The 4,129 residents of the Second District responded to a questionnaire mailed in November.

The questions and results were:

1. Do you favor continuing controls over prices and wages permitting increases where justified, but within definite limits?

	Percent
Yes	90
No	6
Undecided	4

2. Even if safety can be assured, do you favor the storage of radioactive atomic wastes in Kansas?

	Percent
Yes	20
No	73
Undecided	7

Citizens of the Second District obviously favor continuing controls on prices and wages, but many of those responding indicated that they were concerned about possible inequities and favoritism in the enforcement of controls. It is essential that fairness and equal treatment be assured or the program of controls will lose public support.

The response to the atomic waste storage question speaks for itself. Residents of this district do not favor the AEC proposal, even if safety can be assured. It is significant that such strong opposition to the project exists in this part of the State, most of which is some distance from any of the proposed sites for the atomic waste repository.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HOSMER. Mr. Speaker, there follows the text of my regular Washington News Notes which will be distributed in my congressional district in January:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

The "You Read It Here First" Dept.: Back in November when Treasury Sec. John Connally and President Nixon were still four-square against devaluation of the U.S. dollar, this distinguished publication scooped the Washington Post and everyone else in forecasting an increase in the price of gold. In the November "News Notes," Congressman Hosmer reported:

"In the process, the U.S. $ also may have to be revalued from its legal price of $35 an ounce in terms of gold to around $37.50, which is about what many years of inflation have now made it actually worth."

For the record, the gold price increase went up to $38 instead of the predicted $37.50.

• • • • •

Night Life on the East River: While the Indian Army was rumbling across East Pakistan, the United Nations delegates were staying up nights trying to pass some sort of cease-fire resolution. From all the commotion, one might think that a resolution from the Security Council actually might have made a difference. Which, of course, it didn't. The U.N. once again was shown up at its pathetic worst.

To the liberals, the U.N. is the savior of mankind. To the conservatives, its a Communist-dominated demon. More realistically, however, we could say that the U.N., at best, is better than nothing. But the inescapable fact is that each member (or non-member) nation is going to act first and foremost in its own self-determined national interest regardless of the U.N. or any of its toothless resolutions. Which is exactly what India did.

The Congress is taking a closer look these days at how much "Uncle Generous" contributes to the U.N. coffers. But another group of Congressmen—Hosmer included—wants the U.N. to evict the Ukraine and Byelorussia, which are full voting members even though they are nothing more than provinces of the USSR. In fact, California probably is more entitled to a U.N. seat than those two.

A bit of arm-twisting for no-fault insurance: Early in the new Congress, Hosmer will lead a legislative push for no fault automobile insurance programs. Hosmer is preparing a Congressional resolution urging the States to adopt no-fault systems with the admonition that "Congress is not going to wait forever" on this issue.

Congressional Report Card—D Plus: The first session of the 92nd Congress had more minuses than pluses on its record. It did pass the 18-year-old vote amendment, a campaign spending reform bill, health manpower legislation and a major tax bill. But it failed to deal with Revenue sharing, welfare reform, reorganization of the Executive branch, and electoral reform, among other items.

And the Senate may have set a world indoor record for bush-league tactics, particularly the blatantly partisan grab for taxpayers' dollars to finance the Democratic Party's 1972 Presidential campaign.

Drive Underway to Speed Social Security Increases: Everyone generally agrees in the need for Social Security benefit increases and other improvements to the system. However, a major Administration proposal to do just that is included in H.R. 1, the huge welfare reform bill which is hopelessly stalled in the Senate.

Congressman Hosmer and a bi-partisan group of House members have launched a drive to separate Social Security from H.R. 1 so that it can be enacted quickly during the new session of Congress. Their chances for success are considered excellent.

The bill calls for a 5% increase in benefits, raising the limit on outside earnings to $2000, awarding widows 100% of their former husband's benefits and automatic increases tied to the cost of living.

Hosmer, You Old Fossil, You: The Long Beach I, P–T recently ran a "Letter to the Editor" to the effect that Congressman Hosmer, like J. Edgar Hoover, is too old, has been around too long and ought to be gracefully put out to pasture). This prompted the following letter to Hosmer (who is 56) from a lady in Seal Beach:

"Since when is age 56 supposed to be old . . . I agree that some of the old Congressmen should be retired, but how about starting with those senile old Democratic committee chairmen . . . P.S. I'm now 84 years young."

Full Speed Ahead on Wildlife Refuge: Chances for speedy Congressional approval of Congressman Hosmer's bill to create a National Wildlife Refuge at the Seal Beach Naval Weapons Station have brightened on assurances of hearings early this year by the Wildlife and Conservation subcommittee.

Hosmer has asked interested individuals and organizations to submit written testimony for the hearing record. If you would like instructions on how to prepare a statement in support of the bill (H.R. 10310), write to the Congressman care of Rayburn Building, Washington, D.C. 20515.

OCCUPATIONAL HANDBOOK

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. METCALF. Mr. President, in a year marked by massive unemployment, which now reaches 6.8 percent in my State of Montana, many young people and their parents are understandably concerned about a choice of a stable occupational future.

Some 40 million young people will enter the work force this decade and need as much information as possible about job prospects in the future.

The Department of Labor has published a comprehensive occupational handbook which is widely used by counselors and educators in advising young people.

This handbook lists those occupations which have promise of a stable future. However, those stable occupations will change as the Nation's priorities change, witness the field of aerospace employment.

Nevertheless, this handbook assembles readily available information to guide young people in selecting future careers.

I take this means to call their attention to a summary of the handbook, entitled "Occupations Outline Handbook in Brief."

BENGALI NATIONALISM

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. CHURCH. Mr. President, nationalism, the most dominate force in Asia today, has never been very well understood by U.S. officials. The failure of American policy with respect to Pakistan and Bangladesh is the most recent case in point.

The leading American Bengali scholar in this country, Prof. Edward C. Dimock, Jr., of the University of Chicago, provides an illuminating account of Bengali nationalism and the forces at work in the creation of the new nation of Bangladesh. Not only is his analysis erudite, but it is moving literature as well.

I recommend Professor Dimock's paper "On the Roots of the Crisis in East Bengal" to my colleagues and ask unanimous consent that it be inserted here in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

ON THE ROOTS OF THE CRISIS IN EAST BENGAL

(An address by Edward C. Dimock, Jr., to the Consultation on the American Response to Events in East Pakistan, sponsored by the National Council of the Churches of Christ, Washington, D.C., November 11, 1971)

I think it is only fair to you to explain why I think I am here, rather than one of my numerous colleagues who are far more knowledgeable about the political and economic aspects of the situation in East Bengal than I am. I am here, I guess, because I have worked off and on in Bengal for the last 17 years, and on Bengal for all of that time, mostly on Bengali language and literature, particularly religious literature. That remark in itself will make you think that this is not going to be an unbiased talk; nor would I attempt to hide the fact that my sympathy is with the Bengali people in this latest and worst of an unholy series of trials. I hope my West Pakistani friends will forgive me this bias; I do not intend to make indictments, nor do I intend to condemn a people for the actions of an army. I would not like to see the American people condemned as a whole because of My Lai. But living in Bengal has made me love the Bengali people, or many individuals among the Bengali people; and among my friends in East Bengal some are dead, others are in danger of their lives, and still others, Hindu and Muslim, have had to leave their homes to join the millions of other refugees in India. And my work on the culture and literature of Bengal has led me to a position of profound respect for its beautiful poetry and music, subtle thought, and profound religious insight.

An attempt to undermine and destroy a culture with these qualities is, I think you will see, going to bias me against those who attempt the destruction. And if there are those among you who feel that there is something mystical about a culture that puts it beyond the reach of fire and steel, I would urge you to look at the culture of the gentle Tibetan people, whose monasteries, books, and libraries have been levelled, whose intellectual and religious leaders have been killed or driven to exile in India, and whose women have been taken into military brothels or as concubines to soldiers, that even the blood of the Tibetan people will after this generation no longer be theirs.

I will then make no pretense to purely objective analysis, because of my nature, the nature of my discipline, and because of my experience. The data which I will present to you are not quatifiable, and whatever conclusions I will offer will not be based on tons of rice, or monetary expenditure or military ratios; yet when I say, as I will say, that the Pakistan which we have known since 1947 is dead, I have confidence in saying it. Bengali pride, Bengali love for motherland, the intimacy of the Bengali family—all these things and others are so much a part of the essential makeup of Bengali society that their violation is intolerable. There is no way in which Bengal can return to a state of even edgy coexistence with the violators.

Yet, for all that, I shall try, in the course of this address, to stick to historical and what I see to be sociological and psychological facts. I pretend to some scholarship, and see my duty here as trying to present to you a type of background information which a non-specialist in the field would have no reason to know. I shall not deal with facts, or with opinions which function as facts, of who killed whom and in what order, or with facts of economic and other disparities between the wings of what was Pakistan. I shall deal, as best I can, with facts of culture.

Every region of the Indian sub-continent differs in various ways from every other region, and each region varies in different ways from the two main classical traditions that otherwise unite them—the Sanskritic tradition of Hinduism and the Perso-Arabic tradition of Islam. Bengal in some ways varies more than most. In the first place, long before the coming of Islam, Bengal was recognized as far from the heartland of the so-called Indo-Aryan people who had invaded India from the northwest and settled in the upper Gangetic plain. Bengal was quite literally beyond the Pale, and in early Sanskrit texts references to the place are nearly all despective and full of scorn. An early Jaina text points out that Bengal is a very unsafe place in which to travel, being filled with barbarians who think nothing of murdering even monks. Other texts say that Bengal is impure, and that anyone who is ill-advised enough to go there will have to submit to ritual purification upon his return to God's country in the upper Gangetic plain. And it is important that there is a legend that an early king of Bengal wanted to perform an elaborate Vedic sacrifice, but who could not find any priests in Bengal with sufficient knowledge of Vedic ritual to do it. So the king sent to the west for such priests, and they came and performed the sacrifice, and in return were granted land in the jungly frontier on which to set up social hierarchies with themselves at the top. And even in Moghul times, generals were sent to Bengal as punishment, much as some of our ranking combat officers sometimes find themselves dealing with ordnance at posts in Georgia. The generals didn't like Bengal much for two good reasons. As one of them succinctly put it, the place was a malarial swamp. Besides, the Bengalis were always revolting about one thing or another, and often succeeding, because they knew the terrain and how to use it; it was hard for the heavy Mogul cavalry, their primary offensive weapon, to operate effectively in territory which was sometimes 90% water.

I am sure that the British too, if they had had any control over history, would not have chosen Calcutta as their first capital. But history, with her incomprehensible sense of humor, had seen fit to have Job Charnock established a trading post, which became a center for the East India Company and ultimately the capital, in those three little villages on the river, which became Calcutta. For the British never liked the Bengalis much either. If one gleans texts written by servants of the Company and others, one is struck by the frequency of phrases such as "toadying," "sly and deceitful," "cowardly," "poetic," "slight of build and dark of skin," "ridiculously pompous," and in general "not fit for soldiering." The people of the northwest, on the other hand, were "tall strong, and brave," "eaters of beef," people who had "weapons as extensions of their arms," "direct and truthful," "courageous enemies and staunch friends." And so the native regiments of the British armies were made up of these northwestern peoples—Panjabis, Pathans, Baluchis, Sikhs, warlike peoples with qualities very much like those the British considered their own. I'm sure they were happier when they moved the capital to Delhi.

Three asides at this point. First, although I would be insulting your intelligence to point out the absurdity of stereotypes, I would ask a little reflection on the notion that if there was anything in the British generalizations about the Bengalis, it may have been in the grudgingly publicized Bengali intelligence: perhaps Bengalis saw little point in going to fight somebody else's battle in a far-off place like Mesopotamia, a conclusion which some of American's intelligent people are reaching a bit later in time.

Second aside. Is it not coincidental that the attitude adopted by the British was the attitude traditional in some parts even of Hindu India; this attitude must have in turn been reinforced by the British when they were in control. The British contempt must have been obvious to troops from the northwest serving in the British army. For it strikes me that only a profound feeling of contempt can account for the savagery of the Pakistani army's actions in Bengal. I cannot believe that wanton murder and rape is a natural act of any human being. I must believe that it can come about only when the murderer or raper is either deranged or convinced that his victim is less than a fellow human being. Americans are not unfamiliar with the problem, for it is that presented to us by My Lai.

Third aside. There is a school of thought which holds, with some degree of justification, I believe, that America has traditionally held China to be its little underdeveloped child, India being in a similar though not identical position vis-a-vis Britain. This is a fairly complex thought, and if one follows it a little way, several different kinds of implications emerge. For one thing, it accounts for the national feeling of rejection which was clear in this country in the early 50's. We had gone to a lot of trouble missionarily and otherwise to make China a part of the modern world, under our tutelage, a healthy nation, Christian in attitude if not necessarily in faith. The Chinese had told us, their maternal parent, that they wanted to do it themselves. Again, since India was a British fief, that situation was well under control, and we didn't have to worry much about it. Britain was after all one of our own parents, a bit doddering perhaps, but quite capable of handling India. Until very recently, until in fact after World War II, there was little scholarly or any other kind of attention given to the sub-continent. There was no India lobby, and it is obvious that there still is none. And this fact in turn leads to the interesting speculation that perhaps some of the British attitudes toward Pathans vis-a-vis Bengalis has rubbed off on some of our own leaders. You can deal with Sandhurst types, bluff, direct soldiers who might not be the subtlest diplomats, but who at least let you know where they stand, and who won't go back on a promise. Or a treaty.

But I was trying to explain to you that if what some people say is true, namely that Bengalis are paranoid, maybe they have a right to be. But then, it is not paranoia when someone really is after you. All of these things—the geography of the country and the attitudes of others, have blended with the Bengali character to make the people of that part of the world feel set apart. And this is part of the Bengali pride I mentioned before. But lest you feel that I am setting up the same kinds of stereotypes I scorned before, let me lay two facts before you. The first is that the Bengali language is older than the English of Chaucer. The oldest texts we have (there may have been some older, but manuscripts do not last long in the humid heat of Bengal; the oldest ones were found in cooler Nepal) some people date as early as the 9th century. These are religious poems of an abscure but philosophically highly developed Buddhist cult. And the literary tradition has continued unbroken from that time, culminating, some would say, with Rabindranath Tagore, who won the Nobel Prize for Literature in 1913, the only writer from the sub-continent to win that prize. (This, by the way, is the same Tagore that the Pakistani government long before March 25, attempted to ban from Pakistan Radio, realizing, of course, what an important symbol of Bengali culture he is.) The literary tradition of the language, then, is extremely rich, and Bengalis in both East and West Bengal take an understandable pride in it. It is a heritage of a thousand years—or, if you want to consider Bengali in the light of its Sanskrit heritage, of nearly three thousand years—that some seek to wipe away. It is not loosened easily.

This orientation toward letters and pride in literary tradition is more comprehensible in the context of the Bengali pride in education, and this is the second fact. Someone has made the remark that the mukti fauj is probably the best educated army in the world, for indeed, it seems to be made up largely of ex-students of the three great universities and the staffs of these. In West Bengal, in fact, the strength of the value placed on education is such that it becomes one of the most serious political and economic problems of that state: what does one do with huge numbers of highly educated people when there are no jobs appropriate to their skills and training? Education is also a traditional value, like literature and language, and well before the introduction of western-style education by the British, Bengal was famous as the center of an extremely abstract school of logical philosophy called the navya nyaya, as well as other branches of traditional education.

These values come together in poetry. There is some truth in the old saw that when three Bengalis get together, the first thing they do is found a literary magazine. And it is in Bengali poetry that we can seek the Bengali spirit. And in some Bengali poetry that we can seek the Bengali spirit. And in some Bengali poetry can be found another reason why the situation can never revert to what it was. The army has miscalculated the strength of love for motherland as mother.

As you know, the national anthem of Bangladesh is Tagore's song *Amar sonar Bangla*, "My golden Bengal." It is not his best song, but it is also not atypical. It goes in translation something like this:

My golden Bengal, I love you.
Your skies, your breezes, ever with my
breath play the flute.
O mother, in Phalgun the perfume of your
mango groves drives me mad.
Ah mother,
What honeyed smile have I seen in your
laden fields in Aghran.
What light, what shade, what boundless love,
what changing bonds,
what sari's border have you spread round
roots of banyan trees on banks of
rivers,
O mother, the flow of words from your lips
strikes my ear like a stream of nectar.
Ah, mother,
when the skin of your face draws tight, I
float in tears.
In this your playroom, infancy passes away;
because I have smeared our body with your
dust and mud, I consider life fulfilled.
When daylight is exhausted into evening,
what lamps do you light in the
house—
Ah, we all drop our toys and come running
to your lap.
The grazing cows in your pastures, the crossing
at the ferry,
all day the call of birds in your villages
dappled with shade;
in your grain-filled courtyard the days of
life edge away.
Ah, mother,
all of my brothers are your cowherds and
planters.
O mother, I offer at your feet this my lowered
head;
give me, O mother, the dust of your feet, to
be the jewel upon my head.
O mother, whatever wealth this poor man
has, I place before your feet.
O mother, no more shall I buy in the houses
of others this so-called finery of yours,
a noose around my neck.

Some of the imagery might be obscure to you, but certainly the notion of motherland is not. It is what some critics call a natural symbol: the mother, her culture, her experience, her very blood, make us what we are. But in Bengali culture, and in the poetry that expresses it, there is a dimension which does not appear in the West. For in Bengali, the child is not only part of the mother, but the mother is part of the child. The two are bound up in such intimacy that it is impossible to separate them. The mother, in Hindu imagery, is the great goddess, who protects and loves, even when the child is undeserving. And because she loves, she can be wrathful, the bringer of disaster, disease and flood. Or she is serene, watching her children at their play, in the evening lit with flickering oil lamps, or in the dawn across golden fields, or in the bright midday, stark shadows filled with movement of green birds. And she is power, the power which allows a man to stand alone and speak alone, and walk alone, when no other heeds the call. Her children are children of one mother, and therefore are themselves one; and they rise, as one, and walk, as one, even if alone. The poet wrote:

If when they hear your call and do not come,
then go alone.
If no one speaks, forsaken one,
if all remain with faces turned away, afraid,
then opening your heart,
open too your mouth and speak your mind,
alone.
If all turn away, forsaken one,
if on the arduous path, no one looks back,

then trample the thorns of the path
and feet smeared wtih blood
march on alone.
If the light does not last, forsaken one,
if in the storm and rain of the deep night
the door is shut,
then by the fire of the thunderbolt light the
cage
of your own breast and burn alone.

The land, for the poets of Bengal, and they speak for the people of Bengal, is mother, and this is no metaphor, no abstraction. The mother's breath is the gentle southern breeze, and her breath is the poet's: your breeze he writes, with my breath plays the flute. He sees, when the mother smiles, fields the color of honey, brilliant light making welcome shade more dense. He sees too times when her face is pinched and wan, when the rain has not come to make the earth fruitful, and he waters it with his tears. The child plays in the morning. And in the evening, when the day is spent, and lamps are lit, he throws aside his games and runs again to his mother's lap. She too is mother who embraces him the end. The old song of the Bauls, those untutored mendicant village poets who are neither Hindu nor Muslim, says that "the days go by/and my once gaily decorated house/built of the earth/returns slowly to the earth."

The feeling is there, in Hindus and Muslims alike; the powerful Muslim poet Nazrul Islam writes:

We are two flowers on one stem (or, in a
Bengali pun, at one nipple),
Hindu and Muslim—
The Muslim the jewell of the eye, the Hindu
the breath—
That sky is one, where moon and sun swing,
in the lap of the mother,
One blood in the deeps of the heart, one is
the pull of that pounding pulse.

I think you see that when the current situation is looked at in this context, what we are dealing with is two very different views of what a nation is. The differences between these views constitute the reasons why people are dying on both sides. On the one hand is a view of a nation based on a commonality of religion. On the other is the view of a nation based on a natural unity, a unity of blood and heritage, which encompass religion.

But I was speaking to you of influences and attitudes toward Bengal on the part of the West—and you will have gathered by "West" I mean not only Britain and the United States, but also the western and northwestern parts of the sub-continent. For in the early 13th century another influence came from the west, this time from Afghanistan and Persia, which changed the history of the whole subcontinent. Islam had come to northern India, of course, much earlier, and there has even been an earlier trickle of individual Muslims, Sufis mostly, into Bengal. But the invasions of Bengal began in earnest in the early 13th century, and the Muslims ruled the place, it can be said, either from local courts in Bengal or from imperial courts in Delhi, until the defeat of Siraj-ud-ullah by the British at Plassey in 1757.

As usual, the historical situation in Bengal was complex. Peter Hardy, an historian of Islam at London, argues that Islam in India retained what he calls a "cultural apartheid" for Hindu India because before Islam came to the sub-continent it had already become a fully developed cultural entity. Islam came to India with a religious book, a complete set of interpretations of that, a set of laws, and a social structure which was fixed. It is true, he argues, that the Muslim rulers of Delhi and elsewhere used Hindus in the administration of their vast empires, and that Hindus sometimes reached positions of great power in this administrative network. But, he says, exchange on the level of culture was slight. It is possible to argue this. Akbar the Great Mogul himself was a student of Hindu (as well as Christian and other) scriptures; Dara Shikoh, the eldest son of Shah Jahan, was a profound and serious student of Hindu philosophy. And Abu'l Fazl, minister to Akbar, could write in his *Ain-i-akbari:*

> It was for me then indispensable, to place in full evidence the Hindu system of philosophy, the degree of interior discipline, the graduations of rites and customs of this race, in order that hostility to them could be eliminated, and that the temporal sword be able to abstrain from drawing blood, and that the thorn of strife and hatred be caused to bloom into a garden of peace.[1]

And there were many syncretistic cults in the north, seeking the best from both Hinduism and Islam, and scorning the worst of both; one such was that of the great poet and saint Kabir in the 16th century. But, Hardy might say, and it would be difficult to argue this, these are the exceptions that prove the rule. Or they do not represent the high culture of either Islam or Hinduism: Kabir and the others came from, and spoke to, the lower cultural and religious orders.

The situation in Bengal is slightly more complicated. It is true that in Bengal as elsewhere in India there is the Muslim aristocracy, the *ashraf*, who, like those brahmans brought in to perform the Vedic sacrifice, look to the west for their heritage. A recent writer has put it this way:

> The upper strata of the Muslim society in Bengal had thus been organized into a distinct social entity on the basis of an amalgam of history and fiction welded onto the body of material power.[2]

Whether justified by history or not, these look to the west for their lineage and their place in time; they do preserve the cultural apartheid of which Hardy speaks, vis-a-vis Bengal. But it is also true that in Bengal perhaps more than in northern India, there are shrines visited by both Hindus and Muslims, there are syncretistic religious cults, there are Hindu festivals celebrated by Muslims and vice versa, there are, on the village level, folk deities worshiped by both. And, most important, and cutting across all levels of society, there is a single language spoken by both. It is in this area that cultural apartheid between the ashraf and other Muslims in Bengal is most obvious; and it is in this area that the cultural identity of Bengalis of whatever stratum of society of whatever religious community, becomes most obvious. The writer just quoted puts it this way:

> Thus in their thought, ideas, and even their language the ashraf remained, or at least posed to remain, alien to their co-religionists in Bengal, and looked down upon the Muslim masses because they thought themselves nearer to Islam, as they were closer to the Arabic and Persian languages, literature, and culture, which according to them were permeated with Islamic values, while the Bengali language and literature, subjected to the influence of the Hindus, was steeped in idolatry.[3]

In the words of Yaqinuddin Ahmad, writing in the *Moslem Chronicle* in 1896:

> . . . the Muhammadans of Bengal had leaders who tried their utmost to belong to the northwest. They talked Hindustani, imitated Delhi or Lucknow manners, but in spite of that they were Bengalis.[4]

Or, a little earlier, Ni'am ud-din, writing in Zubdat ul masa'il in 1873:

> The accomplished men of (Bengal) do not take themselves to Bengali books for the poor quality of the language, not worth listening to. . . . They do not like their children to read them; rather, it is is forbidden by many.[5]

In other words, one cannot take pride in one's language and literature, if one is a Bengali, and be a Muslim. Again in the *Moslem Chronicle*, an anonymous letter appeared in 1895, which included the following:

> Several heathen customs have crept into the society and bedayets (innovations) and shirks (belief in local deities) are practiced with impunity every day by thousands of so-called Mussulmans in their feasts and festivals. There are places where widow-marriage is looked upon with hatred. . . . In every district of Bengal there are benighted places where people profess a corrupt form of Islam . . . they even openly worship Hindu gods and goddesses. Nearly all of the people (of Nadiya district) have Hindu names; their manners and customs are those of Hindus; they celebrate the pujas; they have caste distinctions too. We are choked with inward shame and mortification by witnessing a scene, which we did the other day in Taltola. . . . It was the day of Sripancami puja when we saw troops of Muhammadan lads, children of lower class people and reading in Hindu patsalas, carrying small flags and chanting heathen ditties in praise of Ma Sarasvati.[6]

I think the point is clear. If the Bengali ashraf felt—and perhaps feel—this way, how much more so would feel Muslims from the west, who have not even the taint of having lived in Bengal. As reported in the New York Times for May 13 last, a Pakistani army major, when questioned about the army's attack on Dacca University, replied: "We have to consider that an entire generation of students has been lost, because of the laxity and permissiveness of parents. You hear of alcohol drinking and raping going on at the university—things unheard of in a Muslim society."

If it is true that the army of a self-proclaimed Islamic state justifies its actions on the basis of a purging and purification of Islam, the question of who the people are who are being killed and driven from their homes becomes more than academic. They are first of all, Hindus, the source of the pollution; Hindus are also, according to this way of thinking, the primary support of the Awami League, which then takes on the same cast as the Islam of the cast generally: to the degree to which it is antitheocracy, it is not only politically but morally currupt. Then too there are all the non-ashraf people, who are so scornfully spoken of as being Hinduized. Of these there are, very broadly speaking, two separable groups: the educated middle and upper strata who are however non-ashraf in their attitude toward their homeland, and the lower class Muslims—cultivators, fishermen, and the like. The question becomes, where did all these Muslims, ashraf and non-ashraf alike, come from?

It is certain that even if the Muslim aristocracy has multiplied at a truly prodigious rate, they could not account for the huge Muslim population of Bengal. Furthermore, it has often been pointed out that most Bengali Muslims show extraordinary physical and sometimes social resemblances to their Hindu neighbors. The obvious theory is that there were, in the course of time, large-scale conversions. And then the problem is: if conversions there were, how did these come about, and what strata of the population were involved?

One line of argument is that the conversions were forcible, and indeed there are throughout history examples of how Hindus lost caste by being forced to eat, perhaps, forbidden food, and, no longer accepted by the Hindu community, became Muslims.

But examples of this are not really many, and by itself the phenomenon would probably not account for the vast numbers involved. Another argument is that lower caste Hindus and non-caste people found social and religious satisfaction in Islam, which did not discriminate so rigidly, and so converted voluntarily. And a third possibility is that the Sufis, those Islamic mystics who

---

Footnotes at end of article.

brought with them to India not only warm and congenial doctrine to soothe the spirit, but medicine and medical knowledge to heal the body, were received with hospitality and gratitude by the Hindu community; and the step from the mystical notions and symbols of some of the Hindu communities to similar ones of Islam was easily made. This too is possible, and it is perhaps a combination of all three historical forces that has resulted in the huge Bengali Muslim population we know today.

This still, however, does not answer the question, which is important, of who the converts were. Some writers have been at pains to point out that they must have come largely from the lower social orders because many Muslims today perform services similar to or identical with those performed by Hindus: cultivators, fishermen, weavers, and the like. And, this argument goes, as untutored people these would have had no knowledge of the high culture of either Hinduism or Islam; when they took on the mantle of Islam, they saw no conflict between the rites and customs of which they had been used—worship of animistic spirits, celebration of non-Muslim rites of passage, and so on—and those of their new faith. But still other writers contend the opposite—that the larger segment of the converted came from the upper strata of Hindu and Buddhist society.

The point, which I hope is clear, is that origin might be of considerable significance in assessing the attitudes of West Pakistanis toward Bengalis. It is important to Bengalis too; but I have never talked with a Bengali Muslim, nor have I ever talked with anyone who has talked with a Bengali Muslim, who does not claim to be a Muslim. The minimal requirement for acceptance of Islam is passage through certain preparatory rites, and recitation of the articles of faith, with conviction. When Bengali Muslims call themselves Muslims as well as Bengalis, this is to be taken very seriously, for it means that the people who have been attacked have been attacked by Muslim brothers, who are saying to them: We do not consider you Muslims. One cannot be a Bengali and be a Muslim. If this thought is accurate, what we are talking about has overtones of a crusade, a jehad. Is Pakistan still viable, if this is true? What will be the relations of a newly founded Bangladesh with India? What will be the role of those few Hindus still left in East Bengal? Will the new Bangladesh be a Muslim state, or a secular state in which Hindus will feel able to live? Has the oppression and persecution of Hindus made Bengali Muslims feel closer to them? For despite opinions and observations about Bengali Muslims being thinly disguised Hindus, the 17 years I mentioned earlier have seen some bloody communal riots, which suggests that in the recent past at least the two communities have felt far from brotherly.

It is not very satisfactory to leave you with such a series of questions of this kind. But I would be less than honest if I were to suggest that I were sure of any of the answers except one, and that is that there will be, sooner or later, an independent nation of Bangladesh.

Whatever the extent of our personal or professional interest in that part of the world, we had better recognize that our country is involved in that issue. For once, national expediency, self-seeking, and morality are all on the same side. The least we can do as a nation is not to hinder the emergence of a nation by trying to preserve a hopeless status quo. In our thinking, we Americans are apt to treat metaphor like logic, and identify historical situations with one another without realizing that historical situations are never identical. We are apt, for example, to say that the Bengal situation is like that of Biafra, without realizing that in Bengal we are not dealing with a corner of a country in revolt, but with the numerical and political majority of a country. We are apt to use the analogy of the American Civil War, with the caveat that people and nations ought not to interfere with the internal politics of their friends; if one were really looking for parallels, without identifying them, one might be better off to look toward the American Revolution, with its causes of exclusion from leadership, taxation without representation, and the rest. And above all, with our simplistic view of the rest of the world, we are apt to overlook the fact that political nationhood does not imply cultural unity, that in what was once Pakistan there were, and are, deep cultural divisions which can be integrated only by the purest of good will and subtlest of diplomacy, not by military might. So we as a nation must no longer hinder the aspirations of the people of East Bengal. And as a people, the least we can do is give every assistance to another people, homeless in West Bengal, beleaguered in East Bengal. For no people, no matter what their politics and no matter what their faith, deserves to suffer what the Bengali people have recently suffered, at the hands of nature, and it pains me to say, at the hands of their fellow men.

FOOTNOTES

[1] From the *Ain-i-Akbari* of Abu'l Fazl Allami, translated by H. Blochmann, Second edition, 1965, Imperial Book Depot, New Delhi.

[2-6] Quoted in Ashim Roy, *Islam in the Environment of Medieval Bengal,* Unpublished doctoral dissertation, Australian National University, 1970.

SPECIAL PROGRAM HELP FOR THE NORTH

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, when I first came to Congress, there was no Federal help for economic development in areas like the North. There was a Reconstruction Finance Corporation, but this was designed to assist big businesses, but there was no Federal help for small businesses or for individuals seeking to invest in new business ventures or improve or expand existing businesses.

I was the first Member of Congress to suggest that the Reconstruction Finance Corporation be abolished and that we set up a Small Business Administration to help small businesses and offer Federal assistance to entrepreneurs seeking new business ventures, expansion, or improvement.

In 1953 under the Eisenhower administration, we abolished the Reconstruction Finance Corporation and organized the Small Business Administration. I was the first in Congress to advocate this change, and I introduced legislation to bring this about.

After a short time, we realized that the Small Business Administration alone was not enough to provide the type of financial assistance needed in areas like the North, so we organized the Area Redevelopment Administration which was designed to assist more speculative businesses which could not qualify for help under the Small Business Administration. The Area Redevelopment Administration was designed to be a temporary agency; and so to help complement the program of the Small Business Administration, we organized the Economic Development Administration which was designed to make loans and technical assistance grants to areas of the north country.

In all of these areas, I was in the forefront of introducing legislation to establish Federal Government agencies to provide the type of financing needed for areas like the North. I am continuing my efforts and have introduced legislation to revise the Farmers Home Administration programs to enable that agency to make 40-year long-term, low-interest-rate loans to resort type businesses that operate on a seasonal basis and cannot repay loans the same way a normal business can. This legislation is now pending before Congress, and I shall continue my efforts and have introduced legislation resort owners of the North will be able to obtain the type of financing necessary to carry out the functions of their type businesses.

The people of the north have benefited greatly from the programs outlined above. Some of the largest loans made in the entire country have been made in my district. This has helped to provide many new jobs and new businesses and save existing businesses for the people of the north. Mine is one of the only congressional districts in the country that has offices for the Small Business Administration and the Economic Development Administration. I worked diligently to have these offices established, so the people of my district would have every possible opportunity to benefit from the programs that have resulted from the work I did in getting these agencies established.

To give the people an idea of what these programs have meant to the district, I am summarizing below the Federal outlays for the various agencies named above since I have been in Congress:

ARA, SBA, and EDA loans and grants to 10th Congressional District during the O'Konski years

Area Redevelopment Administration	$6,095,500
Small Business Administration	$21,850,000
Economic Development Administration	3,553,335
Total	31,498,835

ENVIRONMENTAL REQUIREMENTS FOR PIPELINE WEAKENED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ASPIN. Mr. Speaker, an important report concerning the trans-Alaska pipeline has recently surfaced. Included below are my news release and a copy of the new and quite revealing document.

They follow:

Environmental Requirements for Pipeline Weakened: Aspin

Washington, D.C.—The Interior Department's environmental stipulations for the construction of the proposed trans-Alaska pipeline have apparently been weakened over the past year, according to an Interior document publicly released today by Rep. Les Aspin (D-WIS).

The document is a 48-page draft, dated September 30, 1971, of the environmental requirements for the building of the 780-mile Alaska pipeline, which is expected to be approved by the Interior Department next month.

Aspin, who is the leading congressional opponent of the pipeline, called the unpublished Interior document "incredible". He said that the environmental stipulations for building the pipeline are weaker in the September draft than those stipulations contained in the original Interior draft published last January, on which public hearings in both Washington and Alaska were held.

"While we (the conservationists and other Alaska pipeline opponents) have known all along that our chances of stopping the Alaska pipeline were slim, the very least we expected was that the vague and inadequate environmental stipulations presented last January would be greatly strengthened," Aspin wrote in a letter to Secretary of Interior Rogers C. B. Morton.

The Wisconsin Democrat said that this document, along with several other unpublished reports he had previously released, "prove conclusively that, in the case of the trans-Alaska pipeline, the Interior Department has been acting as little more than a subsidiary of the oil companies."

Alyeska, a consortium of several oil companies, has applied to the Interior Department to build an oil pipeline across federal and State lands from Alaska's North Slope to the southern, ice-free port of Valdez. In granting the permit for the pipeline's construction—which is expected to be challenged in the courts—the Interior Department will set up certain stipulations, or requirements, that Alyeska must comply with in constructing and operating the pipeline, so as to minimize its environmental impact.

In his letter to Morton, Aspin cited various instances where the September draft of the environmental stipulations was weaker than the earlier draft, including:

The new draft requires only that any personal or environmental damage resulting from either the operation or construction of the pipeline be "restored to the satisfaction of the Authorized Officer." The original draft required that any damage be repaired to a state "at least equal to the condition thereof immediately prior to such damage or destruction."

The importance of preventing water pollution is de-emphasized and made more vague in the new draft.

The original draft gave the Interior Department "the absolute discretion" to suspend or terminate pipeline construction or operation if any of the stipulation were not complied with by Alyeska. The new draft eliminates this absolute discretion.

Aspin said that while several minor improvements appear to be made in the new draft, the pattern of weakening the environmental stipulations is "clear and unmistakable."

He called on Morton to hold public hearings on the environmental impact statement expected next month, and to delay final approval of the pipeline for at least 90 days after the impact statement is submitted.

(Copies of both the January and September drafts of the stipulations are available for inspection in Rep. Aspin's office. A copy of the September draft will be placed into the next special issue of the Congressional Record published during the recess.)

Stipulations for Proposed Trans-Alaska Pipeline

(Stipulations to be made a part of any permit issued by the Departmnet of the Interior in connection with the proposed Trans-Alaska Pipeline.)

Prepared by Department of the Interior and the Federal Task Force on Alaskan Oil Development

(January 1971, (Rev. #7, 9-30-71) Working Draft, 2-Book)

INTRODUCTION

Construction of a forty-eight inch hot oil pipeline in Alaska involves many new environmental and technical problems. This pipeline and attendant facilities will affect aesthetics and the floral, faunal, and geophysical components of the subarctic and arctic environments. To minimize the effects on these environments require new engineering and construction techniques.

A large hot-oil pipeline buried for hundreds of miles in permafrost has no engineering precedent. Unique effects arise primarily from the loss of strength and change in volume of ice-rich soil when it is thawed by heat from the pipe. Unless these processes are anticipated and controlled, they may affect the mechanical integrity of the pipe and the stability of the adjacent terrain. Secondarily, thawing and the heat itself can affect natural hydrologic and biological processes, and construction procedures may result in unnecessary surface disruption if not properly controlled.

In addition to unique effects from thawing permafrost, a pipeline across Alaska whether buried or elevated is beset with potential problems from earthquakes, landslides, avalanches, glacier surges, and seasonal freezing and thawing. These are not new to pipeline engineers, but some may be complicated by the presence of permafrost.

Other factors requiring special consideration relate to biological resources which include migrating herds of caribou, rare or endangered species, nesting areas of migratory birds, fish spawning areas, and the delicate tundra biome. If not properly performed pipeline construction, operation, and maintenance can damage these reources.

The stipulations which follow were formulated to minimize adverse effects of the pipeline project. Regardless of whether or not specific stipulations related to each of these potential effects are explicitly stated herein, consideration must be given to each and specific design construction and operation provisions made for their control.

Definitions

As used herein, the following terms have the following meanings: "Authorized Officer" means the Director, Bureau of Land Management, or the person designated or delegated to act in his stead with respect to the subject matter of this permit. As used herein, it is synonymous with "Superintendant in Charge", as defined in 43 CFR, Section 2800.0-5(g).

"Pipeline" means the Pipeline right-of-way; all or any part of the Pipeline system constructed thereon; and all roads, structures, facilities, and appurtenances related thereto or used in connection therewith, whether located on or off the Pipeline right-of-way.

"Permittee" means each and every individual, person, or company including partnerships, corporations, joint ventures, associations, or any other business firms which participate in the ownership or control of the Pipeline and which are engaged in or become engaged in the construction, operation, or maintenance of the Pipeline.

Notice to Proceed means an authorization to initiate Pipeline construction issued in accordance with Stipulation Q "Authorizations".

B. General

1. Acknowledgements of Permittee

Permittee by accepting this permit and commencing activities pursuant thereto, acknowledges each of the following:

That, except where the approval of the Authorized Officer is required before Permittee may commence a particular operation, neither the United States nor any of its agents or employees agrees to or is in any way obligated to examine or review any plan, design, specifications, or other document which may be filed by Permittee with the Authorized Officer pursuant hereto;

That the absence of any comment by the Authorized Officer or any other employee of the United States with respect to any plan, design, specification, or other document which may be filed by Permittee with the Authorized Officer does not represent in any way whatever any assent to, approval of, or concurrence in such plan, design, specification, or other document or of any action proposed therein;

That this permit, and the rights and privileges granted thereby, is subject to all valid existing rights in and to the land which is the subject of this permit, and that the United States makes no representations or warranties whatever, either express or implied, as to the existence or absence, number, or nature of such valid existing rights.

That these stipulations shall be a part of any Pipeline permits issued by the Secretary of the Interior in connection with the pipeline.

2. Authorized Officer

The Authorized Officer, and such representatives of interested Federal agencies as he may designate, may inspect the exploration, construction, operation, or any other activities of Permittee at any time.

For purposes of information and review, the Authorized Officer at any time may call upon Permittee to furnish any or all data related to pre-construction, construction, or operation activities undertaken in connection with the Pipeline. Permittee shall furnish the requested data as promptly as possible, or as otherwise required under the terms of this permit or other applicable permits. Such data specifically include, but are not limited to, records of all geological data, soil core drillings, and terrain temperature measurements made during pre-construction investigations; and test results, engineering standards, basic data and technical criteria relating to the design, construction, and operation of the Pipeline.

The Authorized Officer may require Permittee to make such modification of the alignment and installation of the Pipeline as he may deem necessary to protect or maintain stability of geologic materials, integrity of the Pipeline, fish and wildlife habitats, the environment, or the public interest.

In the event the Authorized Officer determines that Permitte has failed or refused to comply with any provision of this permit or any other permit issuer in connection with the Pipeline, the Authorized Officer, by written order, may suspend or terminate any or all of Permittee's activities under any or all of such permits. Permittee shall not resume such suspended or terminated activities until given written authorization to do so by the Authorized Officer.

All decisions, orders, and determinations of the Authorized Officer shall be appealable only to the Secretary of the Interior and shall not be suspended, but shall remain in full force and effect until the appeal is finally adjudicated.

3. Changes in Conditions

Unforeseen conditions arising during construction and operation of the Pipeline may make it necessary to revise or amend these Stipulations to protect the environment and the public interest. In that event, Permittee and the Authorized Officer shall agree as to what revisions or amendments shall be made. If they are unable to agree, the Secretary of the Interior shall have final authority to determine the matter.

4. Equal Employment Opportunity

a. Equal Opportunity Clause. By accepting this permit, Permittee agrees that during the period of construction of the Pipeline and for so long as the Pipeline, or any portion thereof, shall be in operation, or for so long as this permit shall be in effect, whichever is longer:

i. Permittee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Permittee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Permittee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Authorized Officer setting forth the provisions of this equal opportunity clause.

ii. Permittee will, in all solicitations or advertisements for employees placed by or on behalf of Permittee, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, or national origin.

iii. Permittee will send to each labor union or representative of workers with which Permittee has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Authorized Officer, advising the labor union or workers' representative of Permittee's commitments under this equal opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

iv. Permittee will comply with Executive Order No. 11246 of September 24, 1965, as amended, and regulations issued pursuant thereto 41 CFR, Chapter 69; 43 CFR Part 17.

v. Permittee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, issued pursuant thereto, and will permit access to Permittee's books, records, and accounts by the Authorized Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

vi. In the event of Permittee's noncompliance with this equal opportunity clause or with any of said rules, regulations, or orders; this permit may be cancelled, terminated, or suspended in whole or in part and Permittee may be declared ineligible for further Federal government contracts or permits in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

vii. Permittee will include the provisions of this equal opportunity clause (paragraphs i through vii inclusive) in every contract, subcontract, or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each contractor, subcontractor, or vendor. Permittee will take such action with respect to any contract, subcontract, or purchase order as the Authorized Officer may direct as a means of enforcing such provisions including sanctions for noncompliance, provided; however, that in the event Permittee becomes involved in, or is threatened with litigation with a contractor, subcontractor, or vendor as a result of such direction by the Authorized Officer, Permittee may request the United States to enter into such litigation to protect the interests of the United States.

b. Certification of Nonsegregated Facilities. By accepting this permit, Permittee certifies that Permittee does not and will not maintain or provide for Permittee's employees any segregated facilities at any of Permittee's establishments, and that Permittee does not and will not permit Permittee's employees to perform their services at any location, under Permittee's control, where segregated facilities are maintained. Permittee agrees that a breach of this certification is a violation of the equal opportunity clause of this permit. As used in this certification, the term "segregated facilities" means, but is not limited to, any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise. Permittee further agrees that (except where Permittee has obtained identical certifications from proposed contractors and subcontractors for specific time periods) Permittee will obtain identical certifications from proposed contractors and subcontractors prior to the award of contracts or subcontracts exceeding $10,000 which are not exempt from the provisions of the equal opportunity clause, that Permittee will retain such certifications in Permittee's files; and that Permittee will forward the following notice to such proposed contractors and subcontractors (except where the proposed contractor or subcontractor has submitted identical certifications for specific time periods): Notice to prospective contractors and subcontractors or requirement for certification of nonsegregated facilities. A Certification of Nonsegregated Facilities, as required by order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a contract or subcontract exceeding $10,000 which is not exempt from the provisions of the equal opportunity clause. The certification may be submitted either for each contract and subcontract or for all contracts and subcontracts during a period (i.e., quarterly, semiannually, or annually).

5. Liabilities and Responsibilities of Permittee

a. Permittee shall abate as soon as practicable any condition existing with respect to the construction, operation, or maintenance of the Pipeline which may be causing harm or damage to any person, structure, property, land or aquatic habitat, or fishery and wildlife resource. Any structure, property, land or aquatic habitat, or fishery and wildlife resource harmed or damaged by or during the construction, operation, or maintenance of the Pipeline shall be reconstructured, repaired, rehabilitated, and restored to the satisfaction of the Authorization Officer by the Permittee.

b. Permittee shall be liable in accordance with the law of the State of Alaska for loss or damage to property of others or for bodily injuries to or the death of any person in any way arising from or connected with the construction, operation, or maintenance of the Pipeline.

c. Permittee shall be liable to the United States for any damage suffered or cost or expense incurred by the United States in any way arising from or connected with the construction, operation, or maintenance of the Pipeline whenever such damage, cost, or expense results from any breach of this permit or from any wrongful or negligent act of Permittee. Immediately upon written notice by the Authorized Officer of the nature and amount of such damage to or cost or expense of the United States, Permittee shall reimburse the United States therefor.

d. Permittee further shall idemnify and hold harmless the United States against and from any and all demands, claims, or liabilities of every nature whatsoever arising directly or indirectly from or in any way connected with any or all of the following: 1) The construction, operation, or maintenance of the Pipeline whether or not located on Federally-owned land; 2) The approval by the United States or any agent thereof of any design, plan, mode of construction, or research pertaining to the Pipeline or any part thereof; and 3) The use or occupancy, whether authorized or not, by any person whomsoever of any land owned by the United States which is the subject of any permit or right granted to Permittee; provided, however, that the provisions of this paragraph shall not be deemed to apply to injuries or damages to the extent caused by employees of the United States acting within the scope of their authority.

6. Bonding requirements

Within thirty (30) days after issuance of this permit, Permittee shall furnish the United States a bond or other security (hereinafter called "Bond") of such type and on such terms and conditions as are acceptable to the Authorized Officer in the principal amount of five million dollars ($5,000,000). Said bond shall at all times be maintained in force and effect in the full principal amount during construction and operation of the Pipeline and until released by the Authorized Officer.

Said Bond shall have the purpose of: 1) ensuring the performance by Permittee of each and every obligation of Permittee under the terms and conditions of any permit issued to Permittee by the United States in connection with the Pipeline; and 2) providing for immediate payment to the United States of any cost or obligation incurred by the United States in performing any said obligation of Permittee which, in the absolute judgment of the Authorized Officer, Permittee has not performed satisfactorily; and 3) ensuring the payment, within the amount of such surety bond, of any final judgment recovered against Permittee for loss or damage to property of others or for bodily injuries to or the death of any person in any way arising from or connected with any Pipeline operation.

Within thirty (30) days after issuance to Permittee of this permit each of the corporations which participate in the ownership or control of the Pipeline shall execute and deliver to the United States a corporate undertaking in favor of the United States in an amount and on such terms and conditions as are acceptable to the Authorized Officer. The purpose of the undertaking shall be to ensure the obligation of Permittee to Stipulation B-16, "Termination of Use".

These bonding requirements are in addition to, and are not intended to affect all other requirements of law nor are they intended to limit in any way Permittee's liability under any provision of law.

7. Housing and Quarters

Permittee shall furnish, on a reimbursable basis, such representatives of the United States as may be designated by the Authorized Officer with adequate meals, living quarters and office space, reasonable use of Permittee's communications systems, and reasonable surface and air transportation during the periods of construction and operational activities. Permittee shall be notified in writing by the Authorized Officer at a reasonable time before need exists regarding the number of individuals for whom such services and facilities will be required.

8. Public Improvements

Existing telephone, telegraph, and transmission lines, fences, ditches, roads, trails, and other improvements shall be protected in all phases of Permittee's operations under this permit. All roads and trails shall be kept free of logs, slash, and debris. Damage to utilities and improvements shall be promptly repaired to a condition which is at least as good as the condition just prior to such damage.

No pipeline construction activity shall be conducted within one-half (½) mile of any designated recreation site (campground, wayside, park, etc.) unless such activity is authorized in writing by the Authorized Officer.

9. Federal, State, and Local Laws and Regulations

Permittee shall comply with applicable Federal, State, and local laws and all regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, or maintenance of the pipeline.

10. Pipeline Standards

a. General Standards: All design, materials, and construction practices employed in the installation of the pipeline shall be in accordance with safe and proven engineering practice and shall meet or exceed the following standards:

i. U.S.A. Standard Code for Pressure Piping, ANSI B31.4, "Liquid Petroleum Transportation Piping Systems."

ii. The Department of Transportation's regulations, 49 CFR Part 195, "Transportation of Liquids by Pipeline."

The above minimum standards shall be modified as necessary for application to the arctic and subarctic environments.

If either standard contains a provision which is inconsistent with a provision in the other standard, the more stringent provision shall apply.

b. Special Standards: i. The design shall provide for remotely controlled shut-off valves at each pump station, remotely controlled mainline block valves (intended to control spills), and additional valves using the best engineering judgment with due regard for wildlife habitat, fish habitat, and potentially hazardous areas.

ii. Excluding the pipeline ditch excavation, all practical means shall be utilized to minimize injury to the organic cover.

iii. Radiograph testing of all welds and pressure testing of the completed pipeline shall be conducted by Permittee prior to placing the system in operation.

iv. During the construction and operation of the pipeline Permittee shall protect the environment and maintain stability of geologic materials.

v. Permittee shall prevent undue interference with public access over or across the Pipeline.

vi. Permittee shall provide for continuous inspection of the Pipeline to assure compliance with the approved design and construction specifications and these Stipulations.

vii. Welder qualification must be by mechanical tests.

11. Survey Monuments

During the life of this permit, Permittee shall mark and protect geodetic survey monuments encountered. Such monuments shall not be disturbed, the Authorized Officer must be notified immediately if any violation of this provision. If any land survey monuments, corners, or accessories are destroyed, obliterated, or damaged Permittee shall employ a qualified land surveyor to reestablish or restore same in accordance with the "Manual of Instruction for the Survey of Public Lands" and shall record such survey in the appropriate records. Additional requirements for the protection of monuments, corners, and bearing trees may be prescribed by the Authorized Officer.

12. Environmental Briefing

Prior to and during construction activities, Permittee shall provide for environmental and other pertinent briefings of construction and other personnel by such Federal employees as may be designated by the Authorized Officer. Such briefings shall include fire prevention and suppression training for all construction personnel. Permittee shall arrange the time, place, and attendance for such briefings upon request by the Authorized Officer. Permittee shall bear all costs of such briefings other than salary, per diem, subsistence, and travel costs of Federal employees. In addition, Permittee shall separately arrange with the State of Alaska for such similar briefings as the State may desire.

13. Surveillance and Maintenance

Permittee shall during the life of the Pipeline permit and for so long as the Pipeline is in operation, conduct a surveillance and maintenance program applicable to the subarctic and arctic environment in a timely manner and designed to provide for public safety, prevent damage to any resources adjacent to the Pipeline right-of-way, prevent erosion from the Pipeline right-of-way, and maintain Pipeline integrity. The surveillance and maintenance program shall include an effective communications system.

Records on construction, operation, and maintenance activities shall be maintained by Permittee and regularly submitted as required to appropriate State and Federal agencies. Such records shall include surveillance data, leak and break records, and necessary operational data.

Roads and air strips shall be maintained by Permittee to give maintenance crews of Permittee and Federal inspectors access at all times to all valves, pump stations, and other facilities.

14. Electronically Operated Devices

Permittee shall screen, filter, or otherwise suppress any electronically operated devices that are installed as part of the Pipeline which re capable of producing electro-magnetic interference radiations, to the extent necessary so that such devices will not adversely affect the functioning of existing communications systems or navigational aids. In the event that physical obstructions such as towers or buildings are to be erected as part of, or in association with, the Pipeline their positioning shall be such that they will not obstruct radiation patterns of line-of-sight communications systems, navigational aids, or similar systems.

15. Oil Spills

Permittee recognizes its prime responsibility for the protection of the public and environment from the effects of oil spillage.

a. Reporting of Oil Leaks: All spills or leakage of oil shall be recorded and reported by Permittee in accordance with 49 CFR, Part 195 "Transporttion of Liquids by Pipeline" and 18 CFR Part 195 "Transportation of liquids by Pipeline" and 18 CFR, Part 610 "Discharge of Oil", and the Federal Water Pollution Control Act, as amended, PL 91–224, (33 USC 466 et. seq.) Sec. 11, (b) (4). Reports shall be filed with the Commander, 17th Coast Guard District, Juneau, Alaska.

b. Containment of Oil Spills at Storage Tanks: Permittee shall provide oil spill containment dikes or other structures around storage tanks at pump stations and at the Valdez terminal. The volume of the containment structures shall be at least: 1) one hundred ten (110) percent of the total storage volume of the storage tanks in the revelant area, plus 2) a volume sufficient for maximum trapped precipitation and runoff which might be impounded at the time of the spill. Such structures shall be constructed to withstand failure from earthquakes in accordance with Technical Standards Paragraph two, "Earthquakes and Fault Displacement", and shall be impervious so as to provide seepage free storage until disposal of their contents can be effected safely without contamination of the surrounding area.

c. Contingency Plans: Permittee shall submit contingency plans at least one hundred and eighty (180) days prior to scheduled start-up. The plans must conform to this Stipulation and the National Oil and Hazardous Substance Pollution Contingency Plan, 36 F.R. 162, August 20, 1971, and shall: (1) include oil spill control,[1] (2) specify that the action agencies responsible for contingency plans in Alaska shall be among the first to be notified in the event of a Pipeline failure resulting in oil spill, (3) provide for immediate corrective action including control and cleanup of oil spills and restoration of the affected resource, and (4) spell out that the Authorized Officer shall approve any materials or device used to control or clean up oil spills and shall approve any disposal sites or techniques selected to handle oily matter. The contingency plans shall include separate and specific oil spill techniques for cleanup of: (1) land, (2) lakes, (3) rivers and streams, (4) sea, and (5) estuaries.

The plan must be approved by the Authorized Officer prior to Pipeline startup. If at any time including without limitation during any phase of the construction, operation, or maintenance of the Pipeline; any oil or other pollutant should spill or escape from the Pipeline the control and total removal, disposal and cleaning up of such oil or other pollutant wherever found shall be at the expense of Permittee. Upon failure of Permittee to control, dispose of, or clean up an oil spill or to repair all damages resulting therefrom, the Authorized Officer shall take such measures as he deems necessary to control the spill, clean up the spillage, and restore the area including where applicable the aquatic environment to as near its original condition as possible at the full expense of the Permittee.

16. Termination of Use

Upon revocation or termination of the Pipeline permit or abandonment of any section of the Pipeline or of any facility related thereto or of any road authorized in connection therewith, Permittee as required by the Authorized Officer shall remove all pipe, pump stations, improvements, and materials and shall restore the land to the satisfaction of the Authorized Officer. Where approved by the Authorized Officer, buried pipe may be left in place provided all oil and residue are removed from the pipe and the ends suitably capped.

17. Pipeline Corrosion

Permittee shall provide detailed plans for corrosion resistant design and methods for early detection of corrosion. These will include: pipe material and welding techniques to be used and information on their particular suitability for the environment involved; details on the external pipe protection to be provided (coating, wrapping, etc.), including information on variation of the coating processes to cope with variations in environmental factors along the Pipeline route; plans for cathodic protection including controls to insure continuous maintenance controls to insure continuous maintenance of adequate protection over the entire surface of the pipe; details of plans for monitoring cathodic protection current including spacing of current monitors; provision for periodic intensive surveys of trouble spots and regular preventive maintenance surveys and special provisions for abnormal potential patterns resulting from crossing of the right-of-way by other pipelines or cables; information on precautions to be taken in removing corrosive substances (e.g., saline water) from the crude prior to moving it to the pipeline. Permittee shall also provide comments on the need for plans for periodic internal pitting surveys by electromagnetic or other means.

18. Standards for Roads Other Than State Highways

Design, materials, and construction practices employed for ancillary roads constructed in connection with the Pipeline shall be in accordance with sound engineering practices for the arctic and subarctic environments. In addition to other terms and conditions of this permit, roads shall conform to the following requirements:

a. Ancillary Roads: Permittee shall construct such approved access and haul roads within the area permitted for Pipeline work. Permittee shall submit for approval a layout of all proposed access and haul roads. Roads shall be constructed to widths suitable for safe operation of the equipment at the travel speeds proposed by the Permittee. Permittee shall provide for the safe movement of traffic. The maximum allowable grade shall be twelve (12) percent unless otherwise approved.

b. Maintenance Roads: Maintenance roads shall be designed and constructed as permanent improvements and shall be maintained by Permittee for the life of the project unless maintenance responsibility is assumed by State or Federal authorities.

c. Temporary Roads: All temporary roads shall be "put-to-bed" by Permittee upon completion of their use unless otherwise approved by the Authorized Officer. "Put-to-bed" is used herein to mean that such roads shall be left in such stabilized condition that erosion will be avoided through the use of adequately constructed and designed waterbars, revegetation, and/or chemical surface control; that culverts will be removed by Permittee as directed or approved by the Authorized Officer; and roads shall be closed to use. Permittee's rehabilitation plan shall be approved by the Authorized Officer prior to termination of use of any road or any part thereof.

C. Native training

Permittee shall enter into an agreement with the Secretary of the Interior regarding recruitment, testing, training, placement, employment, and job counseling of Alaska Natives.

Continuously during Pipeline construction, Permittee shall conduct a pre-employment and on-the-job training program for Alaska Natives adequate to qualify them for initial employment and for advancement to higher paying positions thereafter.

Permittee shall do everything within its power to secure the employment of those Alaska Natives who successfully complete Permittee's training program.

Permittee shall inform the Authorized Officer of its discharge of any Alaska Natives and of the reasons therefor in advance of such discharge wherever possible or, if advance notice is impossible, as soon thereafter as is practicable.

Permittee shall furnish the Authorized Officer such information and reports concerning Alaska Native employment as the Authorized Officer shall require from time to time.

D. Regulation of public access

After Pipeline construction is completed, Permittee shall permit free and unrestricted public access to and upon ancillary roads except such areas thereof as may be designated as restricted by Permittee with the consent of the Authorized Officer.

During construction Permittee may regulate public access and vehicular traffic on ancillary roads as required to facilitate operations and to protect the public and wildlife from hazards associated with the Project. For this purpose Permittee shall provide warnings, flagmen, barricades, and other safety measures as necessary.

Permittee shall make provisions for suitable permanent crossings of the Pipeline where the Pipeline right-of-way and related access roads cross existing roads, foot-trails, winter sled trails, or other rights-of-way.

During construction Permittee shall provide alternate routes for existing roads and trails as determined by the Authorized Officer whether or not these roads or trails are recorded.

E. Pollution abatement

1. Pesticides and Herbicides

Permittee shall use only non-persistent and immobile types of pesticides and herbicides as set forth in an approved list which shall be furnished by the Authorized Officer together with application constraints.

2. Water Pollution

Permittee shall conduct its activities in a manner that will prevent pollution of land and water and will not degrade the present quality of Alaskan waters thereby protecting aquatic and terrestrial life.

Any material, sediments, or organic substances that cause toxicity or eutrophication shall not be released to any surface or subsurface waters in concentrations that violate the State of Alaska "Water Quality Standards" as approved by the Environment Protection Agency.

Mobile ground equipment shall not be operated in lakes, streams, or rivers except as essential for authorized operations.

3. River and Stream Crossings

The pipeline shall cross all rivers and streams underground unless a different means of crossing is approved in writing by the Authorized Officer. (See also Stipulation F.3. "Water Crossings".)

4. Thermal Pollution

At all underground water crossing the pipeline shall not degrade the water beyond standards set for thermal pollution in the State of Alaska "Water Quality Standards".

5. Air Pollution and Ice Fog

Permittee shall utilize and operate all facilities and devices in such a way as to minimize air pollution and ice fog. Facilities and devices which cannot be prevented from producing ice fog shall be so located as not to interfere with airfields, communities, or roads.

F. Erosion Control

1. General

The design of the Pipeline shall include specifications for the construction of erosion control and drainage features that will minimize erosive effects.

The erosion control measures shall be constructed to avoid induced and accelerated erosion and to lessen the possibility of forming new drainage channels resulting from construction and operation of the Pipeline. All control measures must be designed and operations conducted in such a way as to minimize disturbance to the thermal regime.

2. Stream Banks

Slopes of cuts through stream banks shall be designed and constructed to minimize erosion and prevent slides.

Unless otherwise approved by the authorized officer, temporary access over stream banks shall be made through use of fill ramps rather than by cutting through stream banks. Permittee shall remove such ramps upon termination of seasonal use or abandonment.

3. Water Crossings

At water crossings the pipe trench excavation shall stop an adequate distance from the water crossing to leave a protective plug (unexcavated material) at each bank. These plugs shall be left in place until the crossing grade is complete behind the plug and the pipe laying operation begun. The plugs shall not be completely removed until absolutely necessary. The trench shall be backfilled with stable material as soon as the pipe is laid.

4. Disturbed Areas

Permittee shall conduct all construction, operation, and maintenance activities with minimum disturbance to vegetation.

Disturbed areas shall be restored by Permittee as nearly as practicable to their original condition as follows:

a. All disturbed areas shall be left in a stabilized condition.

Stabilization practices as determined by the needs of specific sites shall include but not be limited to seeding, planting, mulching, and the placement of mat binders, soil binders, rock or gravel blankets, or structures.

b. Special attention shall be given to stream and river crossings so as to prevent erosion. Such measures shall not interfere with fish passage.

c. Excavated material in excess of that required to backfull around the pipe shall be disposed of in a manner approved by the authorized officer.

d. Seeding and planting shall be conducted during the first growing season and if necessary shall be repeated until successful. All other restoration shall be completed as soon as possible.

e. All trees, snags, stumps, or other woody material not having commercial or construction value shall be disposed of as approved by the authorized officer by controlled burning, burial, chipping and spreading, or other acceptable methods.

5. Disturbance of Natural Waters

All construction activities of Permittee that may create new lakes, drain existing lakes, significantly divert natural drainages, permanently alter stream hydraulics, disturb significant areas of streambeds, or appreciably degrade water quality are prohibited unless necessary mitigation measures are approved in advance by the Authorized Officer.

6. Off Right-of-Way Traffic

Permittee's mobile ground equipment shall not be operated outside the boundaries of the Pipeline, access or other roads, or other permitted areas except with the approval of the Authorized Officer or when necessary to protect life, limb, or public property.

G. Sanitation and Waste Disposal

All waste generated in construction and operation shall be removed or otherwise disposed of in a manner acceptable to the Authorized Officer. All applicable standards and guidelines of the Alaska State Department of Health and Welfare, the United States Public Health Service, and the Environmental Protection Agency, and other Federal and State agencies shall be adhered to by Permittee. All incinerators shall meet the requirements of applicable Federal and State laws and regulations and shall be used with maximum precautions to prevent forest and tundra fires. After incineration, material not consumed in the incinerator shall be disposed of in a manner approved in advance by the Authorized Officer.

Emissions from incinerators, pumps, motors, equipment and installations, and other burning material must meet Federal and State air quality standards.

The term "waste" as used in this stipulation means all discarded matter including

---

[1] Control is defined to mean: (1) detection, (2) location, (3) containment, and (4) clean-up.

but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. The best practicable portable or permanent waste disposal systems shall be used and shall be approved in advance by the Authorized Officer.

H. Small Craft Passage

The creation of any permanent obstruction to the navigation of small craft, is prohibited. The design of each water crossing shall be submitted for approval in accordance with Stipulation Q, "Authorizations".

I. Aesthetics

Permittee shall consider aesthetic values in planning, construction, and operation of the Pipeline. All permanent structures unless otherwise authorized shall be painted a color or colors that harmonize with their natural setting. In forested terrain tangents in the pipeline alignment across primary roads should not exceed six hundred (600) feet in length unless otherwise approved. The Authorized Officer may impose such other requirements as he deems necessary to protect aesthetic values.

J. Timber

Permittee shall identify clearing boundaries on the ground for each construction segment prior to beginning clearing operations. All timber and other vegetative material outside clearing boundaries and all blazed, painted, or posted trees which are on or mark clearing boundaries are reserved from cutting and removal with the exception of danger trees or snags designated as such by the Authorized Officer.

Prior to clearing operations, Permittee will enter into a contract with the United States for the purchase by Permittee of all merchantable timber situated within the Pipeline right-of-way.

All trees, snags, or other woody material cut in connection with clearing operations shall be cut so that the resulting stumps shall not be higher than six (6) inches measured from the ground on the uphill side.

All trees, snags, and other woody material cut in connection with clearing operations shall be felled into the area within the clearing boundaries and away from water courses.

In areas where use of heavy equipment would be detrimental to existing conditions, hand clearing will be used. Logs shall not be skidded or yarded across any stream without prior approval of the Authorized Officer.

All debris resulting from clearing operations and construction that may block stream flow, delay fish migration, contribute to flood damage, or result in streambed scour or erosion shall be removed.

No log landing shall be located within three hundred (300) feet of any water course.

K. Wildlife

1. Hunting, Fishing, and Trapping

Permittee shall inform its employees, agents, contractors, subcontractors, and their employees of applicable laws and regulations relating to hunting, fishing, and trapping.

2. Use of Explosives

At least thirty (30) days in advance of any blasting Permittee shall submit a plan for such blasting to the Authorized Officer for his review and approval. The plan shall be in accordance with State law and regulations.

No blasting shall be permitted underwater or within one quarter (¼) mile of streams or lakes without a permit from the Alaska Department of Fish and Game.

3. Buffer Strips

Except at approved crossings the pipeline shall be located to provide three hundred (300) foot minimum buffer strips of undisturbed land along streams. Requests for exception to this provision shall be submitted in writing to the Authorized Officer in accordance with Section Q, Authorizations. The request shall include a description of the design criteria and time necessary to restore or enhance the stream habitat.

4. Fish Spawning Beds

"Fish spawning beds" mean the areas, usually gravel, where anadromous and resident fish deposit their eggs.

Where channel changes cannot be avoided in designated anadromous fish spawning beds, new channels shall be constructed according to standards supplied by the Authorized Officer. Spawning beds shall be protected from sediment from all sources of construction activity.

Where soil material is expected to be suspended in water as a result of construction activities, sediment settling basins shall be constructed to permit the removal of silt before it reaches the stream or lake. Special requirements may be made by the Authorized Officer for each stream system to protect spawning beds. Permittee shall repair all damage to fish spawning beds caused by construction, operation, or maintenance of the Pipeline. Unless otherwise approved by the Authorized Officer, gravel and other construction materials shall not be removed from any river bed or stream bed or lake outlet which could be considered a fish spawning area.

5. Migration of Fish

Permittee shall provide for uninterrupted and safe passage of fish. Any artificial structure or any stream channel change that causes a permanent blockage to migration of fish shall be provided with a permanent fish passage structure that meets all Federal and State requirements. The proposed design shall be submitted to the Authorized Officer in accordance with Section Q, Authorizations, and shall accommodate the following:

a. Where necessary because of outfall erosion, stilling basins shall be constructed at the outflow end of culverts. To prevent erosion the pool sides shall be stabilized with appropriate methods.

b. Pumps shall be screened to prevent harm to migrating fish.

c. Abandoned water diversion structures shall be plugged and stabilized to prevent trapping or stranding of fish.

6. Seasonal Concentrations of Fish and Game

Key fish and wildlife areas may be closed to construction activities during periods of fish and wildlife breeding, nesting, spawning, or calving activity and during major migrations of fish and wildlife. The Authorized Officer shall provide Permittee written notice of closure.

From time to time the Authorized Officer shall furnish Permittee a list of areas where closure may be required together with anticipated dates of closure.

7. Big Game Movements

Permittee shall construct the Pipeline, both buried and above-ground sections, so as to assure free passage and movement of big game animals.

L. Antiquities and historical sites

Permittee shall engage an archeologist approved by the Authorized Officer to provide surveillance and inspection of the Pipeline for archeological values.

If in connection with any operation under this permit, Permittee encounters known or previously unknown paleontological, archeological, or historical sites Permittee shall immediately notify the Authorized Officer and said archeologist. Permittee's archeologist shall investigate and provide an on-the-ground opinion regarding the protection measures to be undertaken by Permittee. The Authorized Officer may suspend that portion of Permittee's operations necessary to preserve evidence pendng investigation of the site by said archeologist or his representative.

Six (6) copies of all survey and excavation reports shall be filed with the Authorized Officer.

M. Fire prevention and suppression

Permittee shall take all measures necessary or appropriate for the prevention and suppression of fires on the permit area and on other Federal lands. Permittee shall comply with all applicable laws and regulations and with the instructions and directions of the Authorized Officer concerning the prevention and suppression of fires.

N. Campsites

Permittee shall obtain from the Authorized Officer special land use permits for each campsite.

Upon abandonment or relocation of each campsite, the area shall be cleaned up and restored to a condition satisfactory to the Authorized Officer.

O. Material sites

1. Purchase of Materials

Permittee shall make application in accordance with 43 CFR, Part 3610, "Mineral Materials Sales," to purchase construction materials and consummate a materials sale contract. He shall submit a mining plan in accordance with 43 CFR, Part 23, "Surface Exploration, Mining and Reclamation of Lands," that must be approved before materials are removed.

Instead of stream material, Permittee shall utilize upland materials and existing material sites where reasonably available. Gravel and other construction materials shall not be taken from stream beds, river beds, lake shores or outlets of lakes that are or could be considered as spawning areas unless such taking is approved by the Authorized Officer.

2. Vegetative Screen

Permittee shall not cut or remove any vegetative cover within a minimum five hundred (500) foot strip between roads and material sites unless approved by the Authorized Officer. Permittee shall remove any debris created by construction activities.

Where primary roads intersect the Pipeline right-of-way, a screen of vegetation native to the specific setting shall be established unless waived by the Authorized Officer in writing.

3. Layout of Material Sites

Material site boundaries should be shaped in such a manner as to blend with surrounding natural land patterns. Regardless of the layout of material sites, primary emphasis shall be placed on prevention of soil erosion and damage to vegetation.

4. Fish Protection

If material sites are approved adjacent to or in certain lakes, rivers or streams, the Authorized Officer may further require the construction of levees, berms or other suitable means to protect fish and fish migration and to prevent siltation of streams or lakes.

P. Restoration

All cut and fill slopes shall be left in a stable condition.

Roads, haul ramps, berms, dikes and other earthen structures shall be disposed of as directed by the Authorized Officer.

Vegetation, overburden and other materials removed from surfaces of material sites shall be disposed of by Permittee at termination of use of the site in a manner approved by the Authorized Officer.

Upon completion of restoration, Permittee shall immediately remove all equipment, materials and supplies from the sites.

Q. Authorizations

1. In General

a. Notice to Proceed: 1. Permittee shall not initiate any Pipeline construction without the prior written authorization of the Authorized Officer. Such authorization shall be given solely by means of a Notice to Proceed issued by the Authorized Officer. Each Notice to Proceed shall authorize construction only as therein expressly stated and only for the particular construction segment therein described.

The Authorized Officer will issue a Notice to Proceed only when in his judgment the design, construction and operation proposals are in conformity with the terms and conditions of these stipulaitons.

b. Definitions: i. "Construction Segment" as used herein means a portion of the Pipeline which constitutes a complete physical entity or stage in and of itself which can be constructed, independently of any other portion or stage of the Pipeline, in a designated area or between two given geographical points reasonably proximate to one another. It is not to be construed as referring to the entirety of the Pipeline.

ii. Preliminary Design—"Preliminary Design" as used herein means the establishment of project criteria (i.e., design, construction and operational concepts) necessary to delinetate the project to be constructed.

As a minimum it includes the following: criteria and project concepts; evaluation of field data used to establish the design criteria; drawings showing functional and technical requirements; reports of all test data compiled during the data collection and preliminary design evaluation; standard drawings (if applicable) or drawings to support structural design concepts of each typical facility or structure; proposed construction modes; outline project specifications; sample computations to support the design concepts; and bases for project siting.

iii. Final Design—"Final Design" as used herein comprises completed design documents. It should include the contract plans and specifications; proposed construction modes; operational procedures; schedules; design analysis (including sample calculations for each particular design feature); all functional and engineering criteria; summary of tests conducted and their results, and economic considerations pertinent to design and project life expectancy.

iv. "Construction Mode" as used herein means the type of construction to be employed generally with regard to the Pipeline (including whether the pipe will be buried or elevated).

2. Preliminary Design Submissions

Prior to applying for a Notice to Proceed for any Construction Segment, Permittee shall submit the preliminary design to the Authorized Officer for approval. Each submission for approval shall include the criteria which justify the selection of the Construction Modes. The Authorized Officer may request additional information if he deems it necessary.

3. Summary Network Analysis Diagram

a. Permittee shall submit a summary network analysis diagram for the entire project to the Authorized Officer prior to his consideration of any final design submissions. The summary network analysis diagram shall be time-scaled and shall include all activities and contingencies which may reasonably be anticipated in connection with the project. The summary network analysis diagram shall include:

i. Data collection activities.

ii. Submittal and approval activities.

iii. Preconstruction, construction, and post-construction activities.

iv. Other pertinent data.

b. The summary network analysis diagram shall be updated at thirty (30) day intervals, as significant changes occur, or as otherwise approved by the Authorized Officer.

4. Final Design Submission

a. Permittee may apply for a Notice to Proceed for only those Construction Segments for which the preliminary design and analysis have been approved. Each application for a Notice to Proceed shall be supported by:

i. Final design.

ii. All reports and results of environmental studies conducted or considered by Permittee.

iii. A detailed network analysis diagram for the Construction Segment including: Permittee's work schedules, permits required by State and Federal agencies and their interrelationships, design and review periods, data collection activities, and construction sequencing. The detailed network analysis diagram shall be maintained to reflect current status.

iv. All data necessary to demonstrate compliance with the terms and conditions of these Stipulations with respect to that particular Construction Segment.

v. Such other data as may be requested by the Authorized Officer either before submission of the application for a Notice to Proceed or at any time during he review period.

b. Period of Review:

i. The Authorized Officer shall review each application for Notice to Proceed and all data submitted in connection therewith within ninety (90) days. Said ninety (90) day period shall begin from the later of the following dates:

(a) Date of receipt by the Authorized Officer of an application for a Notice to Proceed.

(b) Date of receipt by the Authorized Officer of additional data pursuant to Stipulation Section Q.4.

(c) If the Authorized Officer requires Permittee to submit additional data on one or more occasions, the review period shall begin from the date of receipt by the Authorized Officer of the last submittal.

R. Technical standards

Both the preliminary design and analysis and the final design of each particular segment of the Pipeline, and of each component thereof, shall satisfy each of the following technical standards.

1. Construction Mode

a. There shall be an unobstructed air space of at least two feet between the pipe and ground surface; or

b. There shall be no greater heat transfer from the pipe to the ground than results from the use of an unobstructed air space of at least two feet between the pipe and ground surface; or

c. Below the level of the pipe axis the thermal disturbance shall be limited to competent bedrock, free-draining sand and gravel,[2] or ground naturally devoid of permafrost. Above the level of the pipe axis other materials may be present but it must be shown that they will remain stable under all credible conditions; or

d. Results of a detailed field exploration program and analysis indicate that pipe rupture and major terrain disruption will not occur at any place from soil instability. Effects and their interaction to be analyzed on a mile-by-mile basis to justify the proposed mode of construction shall include but not be limited to, thaw plug stability, differential settlement, seismic loading and weakening, and possible movement resulting from slope instability. As a prerequisite an acceptable comprehensive monitoring system of the Pipeline shall be developed which will include but not be limited to making deformation measurements sufficiently sensitive and prompt to detect the approach to operational tolerance limits (which shall be clearly specified) of the Pipeline; design specifications, operational requirements and feasibility analysis of such monitoring system shall be submitted to and approved by the Authorized Officer before burial of any segment of the Pipeline will be approved; such monitoring system shall be operational prior to transmission of oil through the pipeline.

2. Earthquakes and Fault Displacements

a. Earthquakes: The Pipeline shall be designed, where technically feasible, by appropriate application of modern, state-of-the-art seismic design procedures to prevent any oil leakage from the effects (including seismic shaking, ground deformation and earthquake-induced mass movements) of earthquakes distributed along the route as follows:

Zone	*Richter Magnitude*
Valdez to Willow Lake	8.5
Willow Lake to Paxson	7.0
Paxson to Donnelly Dome	8.0
Donnelly Dome to 67 deg. N.	7.5
67 deg. N. to Prudhoe Bay	5.5

Where such design is not technically feasible, the potential damage from an oil spill shall be minmized by special design provisions that shall include but shall not be limited to:

i. A network of ground-motion detectors that record and monitor continuously to detect and instantaneously signal the occurrence of ground motion in the vicinity of the Pipeline reaching the operational design acceleration. The critical levels of ground motions shall be approved by the Authorized Officer, and

ii. Rapid programmed shut-down and prompt close inspection of system integrity in the event of ground motion reaching the operational design acceleration, and

iii. A special contingency plan for oil spill control for each such seismically hazardous area which shall be filed in accordance with Stipulations B. 15.c. This plan shall specifically consider expected field conditions in the particular area in the aftermath of a destructive earthquake.

b. Fault Displacements: Prior to applying for a Notice to Proceed, Permittee shall satisfy the Authorized Officer that all recognizable or reasonably inferred faults or fault zones along the alignment have been identified and delineated, and that the risk of oil leakage resulting from fault movement and ground deformation has been adequately assessed and provided for in the design of the Pipeline for those sections. Evaluation of said risk shall be based on geologic, geomorphic, geodetic, seismic, and other appropriate scientific evidence of past or present fault behavior and shall be compatible with the design earthquakes tabulated above and with observed relationships between earthquake magnitude and extent and amount of deformation and fault slip within the fault zone.

Minimum design criteria for a segment of the Pipeline traversing a fault zone that is reasonably interpreted as active, shall be:

i. That the Pipeline resist failure resulting in leakage from 2 feet of horizontal and/or vertical offset in the foundation material anywhere within the fault zone and

ii. That no storage tank or pump station be located within the fault zone.

Where the pipeline in a ditch or embankment crosses a fault or lies within a fault zone that is reasonably interpreted as active, Permittee shall monitor crustal deformation in the vicinity of the pipeline. Such monitoring shall include annual geodetic observation on permanent reference marks established on stable ground. Said reference marks shall be positioned so as to form closed figures and to provide for detection of relative horizontal and vertical displacements as small as 0.10 feet across principal individual faults within the fault zone and to provide for monitoring of crustal strain within an absolute error of two parts per million within the fault zone. Further, where annual slip on a fault exceeds 0.10 feet for two successive years, Permittee shall install recording or telemetering slip-meters. Data obtained from the monitoring shall be provided to the Authorized Officer at specified regular intervals throughout the operational life of the Pipeline. Said data shall be used by Permittee to aid in the initiation of corrective measures to protect the Pipeline from failure caused by tectonic deformation that would result in leakage.

---

[2] Free-draining sand and gravel is defined as thaw-stable material meeting the following requirements:

(1) Material lies within the Uniform Soil Classification classes GW, GP, SW, and SP only.

(2) There is no excess (segregated) or massive ice.

(3) Thawing of the material IN SITU could not reasonably be expected to result in significant weakening from excess pore pressure.

3. Slope Stability

Areas subject to mudflows, landslides, mudslides, avalanches, rock falls, and other types of mass movements shall be avoided where practicable in locating the Pipeline. Where such avoidance is not practicable, the Pipeline design based upon sufficiently detailed field investigations and analysis shall provide measures to prevent the occurrence of, or protect the Pipeline against the effects of mass movements.

4. Stream Crossings and Erosion

For each region through which the Pipeline passes, the Pipeline shall be designed to withstand or accommodate the effects (including runoff, bank erosion, meander cutoffs, lateral migration, ice-jams, and icings) of those meteorologic, hydrologic (including surface and subsurface) and hydraulic conditions considered reasonably possible for the region. The following standards shall apply to such Pipeline design:

a. For stream crossings: i. The design flood shall be based on the concept of the "standard project flood" as described in Corps of Engineers Bulletin 52–8, Part 1.

ii. The depth of channel scour shall be established by appropriate field investigations and theoretical calculations using those combinations of water velocity and depth that yield the maximum value. At the time of maximum scour, the cover over the pipe shall be at least one-hundred and twenty percent (20%) of the computed scour, but not less than four (4) feet.

For overhead crossings comparable analyses shall be made to ensure that support structures are adequately protected from the effects of lateral scour, channel migration, undercutting, ice pressure, and degradation of permafrost.

iii. For culverts and bridges: Design for all culverts and bridges on pads and roads necessary for maintenance of the Pipeline shall be in accordance with criteria established by the American Association of State Highway Officials and the Federal Highway Administration and endorsed by the State of Alaska, Department of Highways, to accommodate a 50-year flood.

b. Erosion: Erosion control procedures shall accommodate and be based on the runoff produced by the maximum rainfall rate and snow melt rate combination reasonably characteristic of the region. The procedures shall also accommodate effects that result from thawing produced by flowing or ponded water on permafrost terrain.

5. Sea Waves

Oil transfer facilities, at the southern terminus of the Pipeline, shall be protected by cut-off devices at sufficient elevation to prevent major oil leakage from breaking of pipes by destructive sea waves comparable to those generated in Port Valdez by the March 27, 1964 earthquake. Design for such protective features shall be submitted in accordance with Stipulation Q, "Authorizations."

6. Glacier Surges

Surveillance systems sufficient to give adequate warning of impending surges, on any glacier that could damage the Pipeline shall be instituted prior to transmission of oil through the pipe. Procedures for initiation and operation of such surveillance systems and protective procedures in the event of such surges shall be submitted in accordance with Stipulation Q, Authorizations.

7. Construction

All pre-construction, construction, and post-construction operations shall be conducted so as to minimize thermal and other environmental changes and to provide maximum protection to wildlife and human beings. All working platforms, pads, fills, and other surface modifications shall be planned and executed in such a way that any resulting degradation of permafrost shall not jeopardize the pipe foundation.

Acceptable plans, procedures, and quality controls that ensure compliance with the above shall be submitted in accordance with Stipulation Q, Authorizations.

HISTORY IS MY BUSINESS—A HISTORICAL ANALYSIS: GEORGE BRINTON McCLELLAN, MAJOR GENERAL, COMMANDING, ARMY OF THE POTOMAC, 1861–62

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. MAZZOLI. Mr. Speaker, Dr. Robert A. Clary, a neuropsychiatrist of Louisville, Ky., presented an extremely interesting and informative paper entitled "History Is My Business—A Historical Analysis: George Brinton McClellan, Major General, Commanding, Army of the Potomac, 1861–62," before the annual meeting of the Central Neuropsychiatric Association last fall.

Dr. Clary began his research in 1966, which he has described as "the pursuit of documented answers to the enigmatic and fascinating character of George B. McClellan."

Noting that the psychiatrist is confined to no special domain in the study of human behavior, Dr. Clary raises the pertinent, rhetorical question: "But who better should know and comprehend the value of an individual's past history in formulating the genesis of his personality and the interpretation of his behavior?"

As a further explanation of his perspective and purpose in undertaking the study of General McClellan's life and service, the author states:

> The psychiatrist's specialized viewpoint can add a new and unique dimension to a more complete comprehension of well-documented historical figures. But, it is vital that we in the field of psychiatry not fall into the seductive trap of categorizing and "diagnosing" the individual under study, for it is not our task to casually label history's famous—or, infamous. Our purpose should be that of illumination—not elevation or degradation.

Mr. Speaker, I include the full text of Dr. Clary's analysis of General McClellan at this point in the Record:

History Is My Business—A Historical Analysis: George Brinton McClellan, Major General, Commanding, Army of the Potomac, 1861–62.

(By Robert A. Clary)

Following the shattering defeat of the Union army suffered at the First Battle of Bull Run at Manassas Junction, Virginia, July, 1861, President Abraham Lincoln summoned to Washington, D.C., a thirty-four year old Major General, the promising, dashing, and flamboyant George Brinton McClellan, ordering him to reorganize the demoralized Federal Division of the Potomac.

On July 26th, 1861, the handsome, articulate, and highly personable young general stepped from the train into the hot dusty streets of Washington feeling that he had been called upon to save his country. McClellan presented a rather imposing figure in spite of his short stature (5 feet, 9 inches); very broad of shoulders, a full thatch of auburn hair, and, a demeanor unquestionably implying self-assurance, yet agreeably modest in behavior.

Soon after the American Civil War began with the Confederate forces firing upon Union-held Fort Sumter in Charleston harbor on April 12th, 1861, General McClellan began a successful campaign in western Virginia (now West Virginia). These comparatively minor but highly publicized and overrated victories brought immediate national acclaim to McClellan whom the newspapers labelled the "young Napoleon".

From this auspicious beginning as commanding general of the Union's principle army of the East, McClellan managed in just over fifteen months to become one of the most controversial, argued-about—and, most misunderstood, military figures of American history.

And, as such, he remains today.

There are few occasions when a man has been afforded such opportunity for historical greatness and still fewer men who seemed so superbly equipped for greatness than George Brinton McClellan. And yet, for over a century, McClellan's true role in this most terrible, but strangely poignant chapter of our history—the Civil War—remains obscured by the historian's perplexing and vehemently divergent opinions regarding the quality of his military leadership.

In reading Civil War history, one finds General McClellan portrayed as a shield and savior of the Union who was subverted by a set of unscrupulous Radical Republicans who preferred continuation of the war rather than see McClellan win battles that might result in his becoming a political threat to Republican control of the Union. There are some avid pro-McClellan writers who flood the reader with such a deluge of nauseously unctuous "evidence" in their support of General McClellan that offends even the least knowledgeable of students, while the anti-McClellan writers condemn him with an unending runnell of virtriol and venom; branding McClellan as an unquestionable traitor.

These two groups with such extreme views perform a real disservice to this complex and interesting man; for he was neither the pure saint as pictured by one group, nor, was he the villianous Judas as so convincingly protrayed by his detractors.

How is it that knowledgeable authorities, studying the same basic data, massive as it is, arrive at such opposing conclusions: That the Republican Administration deliberately withheld proper support from McClellan thus insuring his defeat so as to achieve the complete destruction of the southern economy and its "peculiar institution"—slavery. Or conversely, that General McClellan betrayed the trust of the Chief Executive all the while using his army as a weapon of political intrigue in order to insure the continuation of the war, thereby exhausting the resources of both North and South. This would insure restoration of the Union as it had been before eleven states seceded from the United States and thus—preserve slavery.

The purpose of my research, which began in 1966, has been the pursuit of documented answers to the enigmatic and fascinating character of George B. McClellan.

It was this "dualism" of McClellan, so aply described by Pulitzer Prize winning historian, T. Harry Williams, that should catch and hold the attention of the professional whose training and skill is ever-focused upon the evaluation and the understanding of human behavior. And that professional is the psychiatrist.

The psychiatrist holds no special domain in the study of human behavior, but who better should know and comprehend the value of an individual's past *history* in formulating the genesis of his personality and the interpretation of his behavior?

It is the laborious, sometimes tedious—and sometimes incredibly interesting *history-taking* of the individual, living or dead, that is the basic diagnostic tool of all physicians, and, no branch of medicine utilizes the individual's history so exclusively—and so necessarily—as the psychiatrist.

The application of Adolph Meyer's Distributive Analysis (with modification) in gathering all possible data relative to the repetitive patterns of response as exhibited by General McClellan, beginning with the infra-red of his infancy to the ultra-violet of his death, combined with exhaustive research into McClellan's interpersonal relationships proved to be the most effective and feasible approach in the study of a man, now dead eighty-six years, and, one-hundred-ten years removed from his Civil War service.

So, after almost six years in the research of this man, and after the collection of more than one-half-million words—I say: History *is* my business—a business that I can logically and realistically apply in assisting the professional historian in his work.

The psychiatrist's specialized veiwpoint can add a new and unique dimension to a more complete comprehension of well-documented historical figures. But, it is vital that we in the field of psychiatry not fall into the seductive trap of categorizing and "diagnosing" the individual under study, for it is not our task to casually label history's famous—or, infamous. Our purpose should be that of illumination—not elevation or degradation.

I have had the fortunate (?) experience of meeting some well-known historical writers. Upon entering the dim hallways of historical research, be not surprised, if, on occasions, we are viewed as one might watch intently the approach of a leonine-faced, scabrous leper.

Regretfully, the professional historian and author-historians are not without basis in wrinkling their noses with disdain and dismay when contemplating the psychiatrist's role in historical research. One need look no further than a nauseous volume published in 1966; authored by Doctor Sigmund Freud and William C. Bullitt: *Thomas Woodrow Wilson, A Psychological Study*. This volume represents a travesty upon the field of American history and an important historical figure. The official news organ of the American Psychiatric Association, *The Psychiatric News*, gave this volume one of its most critical reviews.

We in psychiatry have much to offer the field of historical research, but, this contribution should be presented in an acceptable and understandable language and manner. The language of Greek mythology and words of innuendo have no acceptable place in historical research.

No less repugnant are those writers who amateurishly "play" psychiatrist and, who fling psychiatric terms about in wild abandon. One well-known author in just one chapter described McClellan as: "a Manic-Depressive since childhood"; as having a "persecution phobia" and spoke of "his schizophrenia." Not surprisingly, this fardel of psychological garbage flitted through fourteen printings.

George B. McClellan, the young general, upon assuming command in Washington in the summer of 1861, immediately began reorganizing the defeated Union army with amazing energy and truly impressive administrative skill. He rode-rode-rode about Washington, tirelessly visiting camp after camp, and within days the Capital's streets were clear of straggling and drunken soldiers. The numerous army camps developed an orderly hygienic look. McClellan exerted firm discipline upon the troops and relentlessly drilled them with parade after parade and endless grand reviews.

The people of Washington, and the North, were taken with the colorful young general—for awhile. As summer faded into fall the Army of the Potomac made not the slightest suggestion of moving against the cocky Confederates who were encamped scarcely twenty miles south of Washington, completely blocking all traffic on the Potomac River.

The impatience of the Administration, the President, and the people of the North incensed General McClellan. He fumed and stated that his greatest obstacle was the aging General-in-Chief, Winfield Scott; infirmed, dropsied, and now too close to mount a horse.

Arrogantly, McClellan ignored Scott, until finally in November, 1861, the old general insisted that his resignation be accepted.

Winter came and the largest, most superbly trained and equipped army ever assembled in North America marched along the banks of the Potomac and prepared for—winter. And in doing so provided newspapermen of the North with a clever new phrase—"All quite along the Potomac."

General McClellan now firmly believed the Washington politicians wished to push him into military disaster and failure. He continuously demanded increased infantry, artillery, and cavalry—invariably estimating the Confederate forces to be at least twice his number.

As 1862 began, General McClellan's woes multiplied. His erstwhile friend and confidant, Edwin McMasters Stanton became Secretary of War, vowing: he would make a President of Abe Lincoln; force McClellan to fight, or throw up. Stanton would soon become McClellan's harshest critic and most dangerous foe within the Administration. Also, in January, President Lincoln issued his first War Order, a truly remarkable document; perhaps the first time a commander-in-chief has ever ordered all armies to move forward on the basis of a man's birthday—Washington's—on February 22nd., 1862.

General McClellan persuaded Lincoln that a direct assault upon the Confederate army of General Joseph Johnston would be too costly in lives and material and offered elaborate plans for the capture of Richmond via a water route to the Virginia tidewater area.

Fearful of leaving the Capital vulnerable to sudden attack, President Lincoln reluctantly gave way to McClellan's pleas and thus began the fateful Peninsula Campaign of 1862. However, the rebel army occupying Manassas Junction suddenly withdrew and left McClellan's splendid army the unpleasant task of marching out to Manassas Junction, only to find many "Quaker" guns (blackened tree trunks) projecting from fortifications which McClellan had deemed invincible. Joseph Johnston's move required that McClellan alter his plans; he then chose to land his army at Hampton Roads in late March, and attack Yorktown.

McClellan, instead of attacking Yorktown with its fifteen thousand defenders (McClellan had at least eighty-thousand effectives), began a prolonged seige operation which greatly frustrated Lincoln who warned the young general that he *must act* offensively and aggressively to save himself.

A month later the same wily Joseph Johnston evacuated Yorktown a few hours before McClellan's elaborate cannonry was scheduled to blast the Confederates from their entrenchments. The hard-war advocates of the North were furious.

By late May, McClellan had inched his way toward the outskirts of Richmond, busily erecting fortifications. On May 31st. and June 1st., Confederate General Johnston savagely attacked the Army of the Potomac at Fair Oaks. The first day belonged to Johnston (who was severely wounded), the second day was McClellan's—it was a drawn battle.

The real significance of this engagement lay not so much in battle statistics. Johnston's wounds required his replacement by a Richmond desk-general whom Virginians then held in rather low esteem—and thus began the history and legend of General Robert E. Lee and the incomparable Army of Northern Virginia.

General McClellan spent the greater part of June sluggishly crawling closer to Richmond, bombarding Washington with incessant demands for reinforcements and pointedly telling Secretary of War Stanton and the President that the responsibility of any defeat suffered on the Peninsula must not rest upon his (McClellan's) shoulders but solely upon those who refused to adequately man his army. General McClellan continued his belief that his forces (now numbering one-hundred thousand men) faced a foe having an effective force of two-hundred thousand. Throughout June, McClellan planned an assault upon Richmond "tomorrow".

McClellan's "tomorrow" never came, for, on June 26th., Robert E. Lee began a series of ferocious battles, called the "Seven Days" which by July 1st., sent McClellan's army reeling back to Harrison's Landing on the James River, some twenty miles from Richmond. General McClellan sent frantic despatches to Washington implying the possible loss of the entire army.

Interestingly enough, by July 4th., there was a grand review and on July 8th., General McClellan had managed to find time to write an extraordinary letter—"the Harrison's Bar Letter" which he gave to the visiting President Lincoln. This letter outlined the course which McClellan felt Lincoln should follow in concluding the war and it *just* happened to coincide precisely with the policy of Northern Conservative Democrats—the party to which McClellan belonged and the party that was actively promoting him as the next president.

During July (1862), McClellan and his army sweltered along the humid James River as he urgently sought fifty to one-hundred thousand reinforcements. Lincoln laconically replied that he had not that number of soldiers east of the mountains, advising him that he was not restrained from moving on the offensive.

On August 3rd. (1862), McClellan was ordered to return his army near the vicinity of Washington and join the newly formed Union Army of Virginia, commanded by the aggressive and vociferous General John Pope, recently transferred from the West.

General McClellan's exceedingly slow return from the Peninsula and Pope's own incompetence offered Lee and his butternut-clad Southerners an opportunity that was eagerly accepted. On August 31st., and September 1st., the Union army again was soundly defeated in the Second Battle of Bull Run.

McClellan, left at Alexandria with scarcely more than one-hundred men, was restored to command by a troubled President Lincoln over the violent protest of most of the Cabinet. Many in the Administration were convinced that General McClellan had desired Pope's defeat and had withheld proper support from Pope's army. A depressed Lincoln had become convinced that the Army of the Potomac would follow no general other than McClellan. He was unquestionably correct in his judgement.

As the tattered remnants of the Union army straggled into the safety of Washington's fortifications, they saw General McClellan astride his favorite horse, "Dan'l Webster". The men of the Army of the

Potomac shouted, "Here's Little Mac" and threw their hats into the air; crying and cheering themselves hoarse.

Again, McClellan displayed unbelievable energy in reorganizing his army. On September 5th., Lee and his hungry gray horde crossed the Potomac River into Maryland. On the 6th., McClellan set his army marching toward Rockville. In just five days General McClellan had achieved the seemingly impossible task of reviving the Army of the Potomac.

On September 17th., 1862, the two armies collided in a fourteen hour battle which was—and remains—the bloodiest one day of combat in this nation's history. At Sharpsburg, Maryland, along the banks of Antietam Creek, these tragically gallant men simply stood their ground and savagely killed each other.

Factually, it was a drawn battle, with the depleted Army of Northern Virginia pugnaciously standing on its arms all day, Thursday, the 18th, with its back to the Potomac—and during the night, Lee's army quietly and sullenly slipped back onto Virginia soil.

The price of this dreadful day?—more than twenty-five thousand casualties on both sides—leaving on the field the bodies of over twelve-thousand young Americans.

The North claimed victory—and, indeed it was, tactically speaking. And more importantly, it gave President Lincoln the awaited opportunity to issue the preliminary Emancipation Proclamation which unequivocally and irrefutably sealed the war as one of all-out destruction—and doomed General McClellan.

Again, McClellan made no pursuit of Lee's army despite President Lincoln's direct order for him to cross the Potomac and engage Lee in battle.

In a familiar pattern, McClellan sent a stream of dispatches urgently pleading for more men, more horses, more shoes; not moving his army until the last week in October. By November 7th., McClellan's headquarters was located near Warrenton, Virginia. The night of the 7th. was chilling cold and a wind-blown snow blurred two figures approaching General McClellan's tent where he sat writing his young wife. Brigadier General C. P. Buckingham, sent from Washington by Secretary of War Stanton—accompanied by McClellan's replacement, Major General Ambrose E. Burnside—personally handed McClellan orders requiring him to report to Trenton, New Jersey to await further assignment.

General McClellan repaired to Trenton for orders—which never came.

Thus ended the military career of the young thirty-five year old general that just fifteen months before he had begun with such high hopes and yet-to-be shattered dreams.

General McClellan has been a most fortunate choice as a subject of historical research. He was a histrionic man with a keen sense of the dramatic, possessing an uncanny faculty for stirring controversy. He is given prominence in many diaries, memoirs, and autobiographies. Material relating to McClellan is almost inexhaustable.

Therefore it has been possible to study innumerable behavioral patterns and countless detailed descriptions of McClellan's interpersonal relationships. Strangely enough, much of McClellan's past has proved no more elusive than the time-shrouded past of my own life.

Now, I would offer some thoughtful perceptions, interesting glimpses, and some obviously biased opinions as recorded by George B. McClellan and those who knew and wrote of him.

George B. McClellan began his life in Philadelphia, Pennsylvania, on December 3rd., 1826, the third of six children, and the second son, born to Doctor George McClellan, a well-known but highly controversial surgeon. Doctor McClellan founded Jefferson Medical College which brought forth the extreme displeasure of Philadelphia's established University of Pennsylvania Medical College. General McClellan's mother, Elizabeth Sophia Brinton McClellan, was of a prominent Philadelphia Quaker family. Little was recorded of McClellan's mother.

However, Doctor McClellan, a volatile, dynamic, and extremely aggressive man, was duly noted by one of his most famous pupils, Doctor Samuel D. Gross, an internationally recognized surgeon (who taught at the University of Louisville in the mid-nineteenth century). Doctor Gross says of Doctor McClellan:

"As an operator [in surgery] he was showy, at times brilliant, and yet he lacked the important prerequisites of a great surgeon—judgment and patience. He frequently jumped at conclusions, and was therefore often at fault in his diagnosis . . ."[1]

Doctor McClellan was embroiled in constant conflict throughout his medical career; he had trouble with his peers, his patients, and, had one known street-fight. Friends described him driving his carriage about the streets of Philadelphia as a Jehu (a wild Roman charioteer). Doctor Gross labeled Doctor McClellan's temperament as "Mercurial".

Doctor W. Darrach, a fellow resident-physician of Doctor McClellan's gave this vivid description of General McClellan's father:

"My associations of him [Doctor McClellan] relates to his rapid walkings; rapid and constant talkings; his perpetual proscribings, manipulations, experimentings, his autopsies and operations. Rapidly at it and always at it!"[2]

Just four months after General McClellan's death in October, 1885, George B. McClellan, Jr., received a letter from General McClellan's elder sister, answering his request for information about his father as a boy. Frederica McClellan English give this image of General McClellan as a boy:

"You ask what sort of boy he [General McClellan] was. I remember him as the brightest, merriest, most unselfish of boys—tenderhearted—affectionate—full of spirit & life. Manly beyond his years, fond of books and study—& also of fun and frolic; & always the 'soul of honor'. . ."[3]

Doctor Gross recalled General McClellan as a small boy in the following:

"While studying medicine with his [General McClellan's] father, Doctor George McClellan, I used to pat his white head and give him candy . . . He might have achieved immortal renown as a soldier if he had possessed one-half the dash of his father. . ."[4]

I believe it safe to say that young George McClellan's early home life was hectic and most certainly unpredictable.

McClellan entered the University of Pennsylvania when age thirteen and when fifteen years, six months of age, he entered his plebe summer at the U.S. Military Academy at West Point.

As a homesick boy he wrote his sister the following:

"I am as much alone as if in a boat in the middle of the Atlantic, not a soul here cares for, or thinks of me—not one here would life a finger to help me; I am entirely dependent upon myself, & take the blame for all my mistakes."[5]

One should take careful note of the last phrase which speaks of taking the "blame" (responsibility) for all his mistakes, for this is an oft repeated theme found in McClellan's wartime writings.

A further glimpse of Cadet McClellan can be gleaned from a letter sent to his mother stressing the point that his military career compared quite favorably with his father's profession. McClellan writes:

"You seem to think the responsibility of a surgeon is much greater than that of an officer—but don't you see that while Father has the care of scores & hundreds, an officer is responsible for the life, health & well-being of thousands."[6]

This is a truly amazing forecast of General McClellan's attitude toward the men of his Army of the Potomac.

McClellan graduated second in the Class of 1846, then served with distinction during the Mexican War, resigning a captain's commission in 1857. His success both in military and civilian life was phenomenal. He became Chief Engineer of the Illinois Central Railroad Company shortly after leaving the Army and soon became Vice-President of that company.

It was during his stay in Chicago that McClellan became interested in politics; becoming an ardent Douglas Democrat and voting for the first time. He supported Stephen A. Douglas against Abraham Lincoln in the Senate race of 1858.

In 1860 McClellan accepted the Presidency of the eastern division of the Ohio and Mississippi Railroad Company of Cincinnati, Ohio. He then married an "army brat," Ellen Mary Marcy, daughter of Captain Randolph Marcy.

When the Civil War erupted on April 12th, 1861, with the Confederates opening fire upon Union-held Fort Sumter in Charleston harbor, McClellan was a highly successful business executive earning ten-thousand dollars a year.

McClellan re-entered military service and by late May, 1861, had attained the rank of Major General, U.S. Army, while conducting a successful campaign in western Virginia. McClellan breathed deeply the seductive fragrance of public adulation which the North offered its newest (and only) war hero. Twenty-four hours after his arrival in Washington, McClellan wrote his wife about his new-found fame:

"I find myself in a new and strange position here: President, Cabinet, General Scott, and all deferring to me. By some strange operation of magic I seem to have become the power of the land . . ."[7]

The powerful impact which McClellan's "new and strange" position had upon him (a man still six months away from his thirty-fifth year) is vividly revealed in an astonishingly candid letter to "Nell," his wife, written on August 9th, 1861:

"General Scott is the great obstacle. I have to fight my way against him. The people call upon me to save the country. I must save it, and cannot respect anything that is in the way.

"I receive letter after letter, conversation after conversation, calling upon me to save the nation, alluding to the Presidency, dictatorship, etc. As I hope one day to be united with you forever in heaven, I have no such aspirations. I would cheerfully take the dictatorship and agree to lay down my life when the country is saved . . . Pray for me, that I may be able to accomplish my task, the greatest, perhaps, that any poor, weak mortal ever had to do . . ."[8]

To General McClellan, who was a "soft-war" Conservative Northern Democrat, the tall, gaunt, story-telling Westerner in the White House represented a rustic bumpkin who was totally unfit for his office, a man who lacked moral courage, and, one who was the "original Gorilla". He felt that Lincoln, willingly or unwillingly, would be controlled by Radical Republicans whom McClellan considered a greater threat to the Union and Constitution than a rebellious South. McClellan's letters to his wife reflected a growing frustration and hostility toward the Union's power-structure as he wrote:

"I am becoming daily more disgusted

Footnotes at end of article.

with this administration—perfectly sick of it . . ." [9]

Soon after reaching the Virginia Peninsula, McClellan spoke of his feeling toward the Lincoln Administration in a letter written to Mrs. McClellan on April 11th, 1862:

"Don't worry about the wretches; they . . . can't do much more . . . History will record a sad record of these traitors who are willing to sacrifice the country and its army for personal spite and personal aims . . ." [10]

All in all, this is a rather astonishing attitude on the part of the army's commanding general, particularly, and *especially,* when he is about to commit his Army of the Potomac to the time-honored art of killing and being killed. Indeed, here represents the very essence of McClellan's dilemma i.e., a stifling, crippling, and intensely demoralizing double-bind which he must resolve—or, one from which he must escape. He was bedamned if he won for the detested Republican Administration, and, he was bedamned if he lost to the Army of Northern Virginia.

One should now recall Cadet McClellan's words that an officer "is responsible for the life, health, and well-being of thousands". It is not surprising that the general captured Yorktown by a prolonged, and much criticized seige, for was he to sacrifice thousands of lives for "traitors"—or—should he protect those lives. Now, hear General McClellan crow a bit to his wife (who had prodded him somewhat for his inaction), when Congress praised him in a resolution for the taking of Yorktown on May 4th, 1862. Gleefully he wrote:

"Are you satisfied now with my bloodless victories? Even the Abolitionists seem to be coming around . . . to have it recognized *that I have saved the lives of my men** and won success by my own efforts in the height of glory . . ." [11]

At Fairfax Court House just prior to sending "his" army into the Peninsula Campaign, General McClellan addressed the army, conveying his feeling to them. He stated:

"I am about to take you where you wish to be—the decisive battlefield . . . I am to watch over you as a parent over his children; and you know your general loves you from the depths of his heart. It shall be my care, as it has ever been, to gain success with the least possible loss . . . We shall share all this together; . . ." [12]

What parent could *willingly* offer his children death on any battlefield? What parent would even *contemplate* the sacrifice of his children for "traitorous" leaders of a cause whom he fully believed had set forth on a cause of evil?

Successful military commanders such as Lee, Grant, or Jackson did feed thousands of young American lives to the ever-hungry jaws of war—for, whatever opinion one has of war, death is the diet of battle, and, Robert E. Lee knew it and accepted this monstrous truth.

Most historians consider General McClellan politically unaware, but I seriously question this conclusion. Consider McClellan's words as he wrote his wife just five days (August 8th, 1862) after he and his army had been ordered back from the Peninsula. McClellan wrote:

"Their [Lincoln and his Administration's] *game** is to force me to resign; *mine** will be to force them to place me on leave of absence, so that when they begin to reap the whirlwind that they have sown I may still be in position to do something to save my country . . ." [13]

A most accurate prediction!

Following the unparalleled bloodletting at the Battle of Sharpsburg (Antietam Creek), McClellan's continued and provocative procrastination proved his "game" plan accurate for he *was* relieved of command. In Trenton, New Jersey, he waited—and waited—for orders which never came. Yet in 1864 he was nominated as the presidential "Peace" candidate of the Conservative Northern Democrat Party in opposition to Lincoln—and, just as he had predicted in 1862, he was "in a position to save the country" from that "villainous set" in Washington which he so despised. His defeat in the November, 1864, presidential election ended McClellan's Civil War "game", permanently and completely.

George Brinton McClellan, Jr., in his autobiography, *The Gentleman and the Tiger,* published in 1956, with its first chapter interestingly titled "My Dearest Friend was My Father". George, Jr. ably describes his father's deep, strong, firmly-held concept of "noblisse oblige" that, "makes him [General McClellan] almost always do the right thing at the right moment and in the right way".[14]

The American Heritage Dictionary of the English Language defines noblesse oblige as: "Benevolent and honorable behavior considered to be the responsibility of persons of high birth or rank". (p. 890) Could a man such as McClellan wholeheartedly become the instrument by which a man of low birth and crude vulgarity perpetuate himself in power? It is my belief that McClellan could not do so.

Could a man such as McClellan, consciously, and with premeditation, commit outright treason in order to oust the hated abolitionists from power? It is my belief McClellan could not do so.

This would constitute a no-win, no-lose situation—an intolerable and impossible emotional predicament, leaving only one avenue to relief—to get out, or, be put out. General McClellan worked diligently, persistently, and most provocatively in baiting the Administration into relieving him of command—which would, and did eventually result in his removal from the intensely painful razor-sharp horns of his own inner dilemma.

For example, General McClellan sent Secretary of War Stanton a telegram the night of the Battle of Gaine's Mill (June 27th, 1862) directly accusing Stanton of deliberate subversion, stating, if he, McClellan, saved the Army of the Potomac he would owe no thanks to anyone in Washington, condemning Stanton for having done his best to sacrifice the entire army. No general in history has done such, before or since. McClellan escaped any counter reaction as neither Stanton or Lincoln ever saw this paragraph of his despatch—an officer in the War Department deleted this preposterous invitation to "cut my head off". Something McClellan fully anticipated happening and, in fact, felt was inevitable.

I would have General McClellan close this paper by illustrating in his own words a rather obvious but remarkable rationalization following his defeat, and retreat, in the Seven Days Battle. General McClellan wrote:

"I have not done splendidly at all—I have only tried to do my duty & God has helped me—or rather He had helped my army & our country—& we are safe. I think I begin to see His wise purpose in all this & that the events of the next few days will prove it. If I had succeeded in taking Richmond now the fanatics of the North might have been too powerful & [made] reunion impossible. . ." [15]

FOOTNOTES

[1] *Autobiography of Samuel D. Gross, M. D.,* 2 vols., (edited by his sons, Samuel W. and A. Haller Gross), George Barrie, Publisher, Philadelphia, 1887, Vol. 1, pp. 33–4; hereafter cited as, *Autobiography, Gross.*

[2] *Eminent American Physicians and Surgeons,* p. 297.

[3] Letter of Mrs. T. C. English (nee' Frederica McClellan) to George Brinton McClellan, Jr., February 17, 1886, McClellan Papers, Library of Congress, Series 1, Vol. 105.

[4] *Autobiography, Gross,* Vol. 2, p. 29.

[5] Letter of Cadet George B. McClellan to sister, Mrs. T. C. (Frederica McClellan) English, June 28, 1842, West Point, McClellan Papers, Library of Congress, Series 1, Vol. 1.

[6] Letter of Cadet George B. McClellan to mother, Mrs. Elizabeth Sophia Brinton McClellan, August 5, 1842, Camp Spencer, West Point, McClellan Papers, L. C., Series 1, Vol. 1.

[7] *McClellan's Own Story,* George B. McClellan, edited by William C. Prime, Charles L. Webster & Company, New York, 1887, "Private Letters," July 27, 1861, p. 82, hereafter cited as *M. O. S.*

[8] *M. O. S.,* "Private Letters," p. 85.

[9] ibid., pp. 167–8.

[10] ibid., pp. 309–10.

[11] ibid., pp. 355–6.

[12] *The Rebellion Record,* edited by Frank Moore, 12 Vols., New York, 1862–71.

[13] *M. O. S.,* "Private Letters," p. 464.

[14] *The Gentleman and the Tiger,* The Autobiography of George B. McClellan, Jr., edited by Harold C. Syrett, J. B. Lippencott Co., 1956, Ch. 1, p. 59.

[15] McClellan to Mrs. McClellan, July 10, 1862, "Extracts from letters written to my wife during the War of the Rebellion," McClellan Papers, Library of Congress.

---

*Author's emphasis.

HARBOR DEVELOPMENT IN THE NORTH

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, the 10th District of the State of Wisconsin contains the wonderful shores of Lake Superior. My first reputation gained in Congress was that of being labeled "The Harbor Man." A look at the money I got for Lake Superior harbors shows that I well deserved the name.

There are four major steps to be taken that require legislation on the part of a Congressman to obtain harbor money. Each of these steps must be watched carefully and pushed by the Congressman before a harbor becomes a reality. A look at the distribution of the harbors on Lake Superior will convince anyone that more money per capita of population has been spent on the harbors of Lake Superior than on Lake Michigan or any of the other Great Lakes for that matter.

The point to remember is that a harbor is the result of a Congressman's individual efforts, and it cannot be achieved any other way. It takes four individual pieces of legislation to get money for a harbor.

A look at the figures below will give the people an idea of the results achieved by me for harbor development in the north country:

Federal aids for rivers and harbors during the O'Konski years

Ashland Harbor	$2,560,000
Bayfield Harbor	186,700
Cornucopia Harbor	631,200
Duluth-Superior Harbor	24,102,000
Port Wing Harbor	612,200
Saxon Harbor	530,200
Bad River (Mellen) Flood Control	(1)
Ashland Small Boat Harbor	(2)
La Pointe, Madeline Island	130,900

Washburn Harbor	(2)
Ball Park Creek at Bayfield	140,000
Chippewa River Levee at Eau Claire	(2)
Total	28,893,200

[1] Authorized.

[2] Pending.

In conjunction with harbor development, when I first came to Washington, I was confronted with the flood damage problem at Bayfield which almost wiped the city of Bayfield into Lake Superior. I immediately obtained approval for a flood control project, and only a year after I was in Congress a flood control project was erected in Bayfield so those people do not have to worry about being washed into Lake Superior every spring.

Presently, I have just gotten the Army Corps of Engineers to come up with a cost estimate for the protection of Bayfield Harbor. This harbor is being used so extensively that it needs more protection for the boats harbored there, and once again, I have responded to the call for help.

There are very few regions in the country that have excellent harbor facilities every 25 miles on their lakeshores as does northern Wisconsin. Thanks to my efforts as a Congressman, northern Wisconsin has some of the finest harbor facilities and flood control projects in the country.

HOUSE OF REPRESENTATIVES AT EL CERRITO HIGH SCHOOL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WALDIE. Mr. Speaker, I have received a very important letter from Mr. Jeff Van Duzer, who served as Speaker of the House in a mock congress for his American experience II class at El Cerrito High School in El Cerrito, Calif.

This letter informed me that the legislative body, meeting in an extremely short session, enacted three separate pieces of legislation. He asked for my evaluation.

Mr. Speaker, I have answered Speaker Van Duzer's letter to the best of my ability, but I feel it was not a proper response in light of the work accomplished by this mock congress.

We must realize that the work they performed reflects the honest labor and concern of young Americans—people who will be voting and leading in the next 5 years. They are knocking on the door, Mr. Speaker, showing us what they can do if given the opportunity and, at the same time, giving us a good idea of what we have failed to do. Most important of all, they are providing a reflection of what young Americans consider the most urgent problems of America today.

I am submitting this enacted legislation to the CONGRESSIONAL RECORD so that my colleagues can share with me the wisdom and farsightedness of these young people. There are weaknesses in each bill. Two could easily be combined into one. No doubt, my colleagues in the House, and other areas of Government, will find their own particular objections to portions of each legislative idea. But, no matter what weakness exists, these ideas and concepts are the product of hours of work, compromise and deliberation, and they deserve our respect.

A BILL TO END U.S. INVOLVEMENT IN VIETNAM

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, that this bill may be cited as "E.C.H.S. Vietnam Bill of 1971."

SEC. 2. (a) On January 1, 1972 all troops in combat capacity (as defined in Section 3) in South Vietnam, will be removed from action, except in case of a full scale increase (as defined in Section 3) in hostile enemy action, and be replaced by South Vietnamese trops; by April 1, 1972 pending release of POW's by North Vietnam, the United States will withdraw all troops.

(b) If, however, the release of American POW's by North Vietnam is not accomplished by the due date, American troops shall go back into action.

SEC. 3. Definitions.

(a) Troops in combat capacity—all troops used or to be used for land and/or air combat.

(b) The Commander-in-Chief shall delegate authority to determine when there is such an increase and to take necessary action.

SEC. 4. Should the President deviate from these instructions, appropriations for the war shall be stopped immediately.

A BILL TO ESTABLISH FEDERAL CONTROL OF ALL PRISONS, INCLUDING STATE AND LOCAL PENITENTIARIES, FOR THE PURPOSE OF IMPROVING AND STANDARDIZING PRISON CONDITIONS

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States in Congress assembled that this act may be cited as the "Federal Prison Control Act of 1971".

TRANSFER OF PRISONS

SECTION 2. All prisons (defined in Sec. 25) shall be under federal control (as defined in Sec. 25) shall by March 31, 1972 supply the Federal Prison Board (as discussed in Sec. 7) with the following information:

(1) Number of inmates

(2) Number, names and work records of all prison employees

(3) Average duration of a prisoner at said institution

(4) Longest duration of a prisoner at said institution

(5) Location and name of prison

(6) Discussion of security arrangements, including such items as number of successful escapes, number of abortive escapes, number of guards on duty at a given time.

(1) A schematic drawing of the prison indicating cells, exercising areas, eating facilities, etc.

(8) A discussion of all reform measures sponsored by the aforementioned prison.

(9) A discussion of current problems (if any) that might affect the standardizing of conditions.

(10) Any additional information that the aforementioned Federal Prison Board may request.

SECTION 4. That the aforementioned Federal Prison Board (hereafter to be referred to as the FPB) shall investigate the various reports (discussed in Sec. 3) and at the conclusion of a visit to the said institution (discussed in Sec. 13) shall recommend the appropriation of funds (discussed in Sec. 14) to Congress in order to standardize and put under federal control the aforementioned prisons.

SECTION 5. That these recommendations (discussed in Sec. 4) be submitted to Congress no later than January 1, 1973.

SECTION 6. That upon Congress approval, the funds described in Sec. 4 shall be allotted to the FPB for distribution with respect to predetermined guidelines (discussed in Sec. 11).

SECTION 7. That the Federal Prison Board consist of 9 members; three appointed by the President of the United States, three appointed by the Senate Judiciary Committee and three appointed by the Speaker of the House of Representatives.

SECTION 8. That the FPB shall elect a chairman and establish its own rules of procedure (as defined in Sec. 25).

SECTION 9. That the FPB shall have a staff of 5,000 to be appointed by the chairman of the FPB (as discussed in Sec. 8).

SECTION 10. That all members of the FPB shall be appointed for a term of 5 years.

PROCEDURES OF THE FPB

SECTION 11. That the FPB must initially set guidelines for minimum sanitation, security, reform and recreation facilities in prisons.

SEC. 12. That the FPB and staff must investigate each report (discussed in Sec. 3),

SEC. 13. That the FPB and its staff must investigate the condition of prisoners, and the sanitation, security, reform and recreational facilities.

SEC. 14. That the FPB must make recommendations to Congress to appropriate funds in order that:

(1) All prisons meet minimum guidelines (discussed in Sec. 11).

(2) All prisons have a uniform standard for recreational, reform, sanitation and security facilities and a uniform quality of prison administration.

(3) All prison officials receive adequate salaries (to be determined by the FPB).

SEC. 15. That upon Congressional approval the FPB shall carry out the disposing of the allocated funds, for the purpose of achieving the goals (discussed in Sec. 14) by,

(1) Hiring or firing prison personnel.

(2) Requiring prisons to change various procedures.

(3) Contracting companies for building or remodelling prisons.

POWERS OF THE FPB

SEC. 16. That the FPB shall have the following powers:

(1) To establish guidelines for minimum standards (discussed in Sec. 11)

(2) To establish rules for its meetings. (Sec. 9)

(3) To hire and fire a staff of 5,000 (Sec. 8)

(4) To subpoena witnesses and information (Sec. 12)

(5) To investigate totally the prison reports (Sec. 12)

(6) To visit any section of a prison that is being investigated (Sec. 13)

(7) To recommend funds appropriation to Congress (Sec. 14)

(8) To hire and fire prison personnel on the basis of their previous record (Sec. 15)

(9) To require prisons to change procedures in order that conditions listed in Sec. 14 may be met (Sec. 15)

(10) To contract companies for building reforms that the conditions listed in Sec. 14 require (Sec. 15)

APPROPRIATIONS FOR THE ESTABLISHMENT OF FPB

SEC. 17. That Congress shall appropriate the following sum of money annually for the following reasons:

(1) $31,500 salaries for the FPB members.

(2) $75,000,000 salaries for the staff.

(3) $50,000,000 expenditures.

SEC. 18. That the total allotment of money annually not exceed $130,000,000 nor shall it fall below $120,000,000.

SEC. 19. That the appropriations to be recommended by FPB (as described in Sec. 4) be covered under later legislation.

AFTER THE INITIAL TRANSFER

SEC. 20. That after Jan. 1, 1974, the FPB shall be continued with a greatly reduced staff, the number of which shall be determined by Congress at the conclusion of the initial 5 year contract.

SEC. 21. That the FPB and staff (discussed in Sec. 21) shall continue as an organization with its members being hired or appointed for 5 year contracts.

SEC. 22. That the purpose of the aforementioned organization is to continue checks and investigations in order to insure the permanence of the goals expressed in Sec. 14.

SEC. 23. That as of Jan. 1, 1974 and everyday thereafter the FPB shall serve solely as an advisory committee with none of the powers previously described in Sec. 15.

DEFINITION

SEC. 24. That the following words when used in the Federal Prison Control Act of 1971 shall have the listed corresponding meaning.

(1) Prison—any penal institution where the prisoners ages exceed 18 and the average duration of a prisoner exceeds one month.

(2) Federal control—supported by Federal taxes.

(3) Local and state control—supported by local and state taxes.

(4) Rules of procedure—method of running meeting.

SEC. 25. That once enacted this legislation becomes law of the land and any divergence from the regulations set down within this bill constitutes a crime against the United States Government and is punishable by law.

A BILL TO EXPAND THE SYSTEM OF FELON DIAGNOSTIC CENTERS FOR FEDERAL PRISONS, TO EXAMINE ALL FEDERAL PRISON-BOUND FELONS

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that this act may be cited as the "Federal Prison Diagnostic Center Expansion Act of 1971".

PURPOSE

SEC. 2 (a). To have all federal prison-bound felons tested extensively by full-time psychiatrists and other experts, to determine whether felons are eligible for probation, or should go on to prison. (b) To establish centers for this purpose.

APPROPRIATIONS

SEC. 3. There are authorized to be appropriated for carrying out this Act not in excess of $25,000,000 for the fiscal year ending June 30, 1972, and not in excess of $25,000,000 for the succeeding fiscal year.

ALLOTMENTS AMONG STATES

SEC. 4. From the sums appropriated pursuant to section 3 for carrying out this Act for any fiscal year, the Attorney General shall allot to each of the ten states containing federal prisons the sum of $2,500,000 for establishment and maintenance of a diagnostic center in each state.

AUTHORIZED ACTIVITIES

SEC. 5 (a). The authorized activities of these diagnostic centers shall be those stated in section 2(a)

(b) The centers shall have the authority to decide whether a felon is eligible for probation or whether he should be sent to prison.

ENFORCEMENT

SEC. 6. The Department of Justice shall be empowered to enforce this Act, and to make other rulings necessary to carry out this Act.

DEFINITIONS

SEC. 7 (a). The term "Diagnostic Center" means a center, in a state containing federal prisons, established for the purpose of screening federal defendants to determine their eligibility for probation.

(b The term "federal prison" pertains to prisons run by the national government, as opposed to those run by state and local governments.

(c) The term "felon" means a person who has committed a felony, that is, a crime considered more serious than a misdemeanor, such as burglary.

(d) The term "test" refers to psychiatric tests which may be given to felons at the centers.

(e) The term "full-time psychiatrist" means a psychiatrist employed by the diagnostic center who works full time (at least a forty hour work week), and not part time, testing felons.

(f) The term "other experts" means other personnel employed by the center, such as doctors or psychologists, who are qualified to test felons.

(g) The term "probation" means the action of suspending the sentence of a person convicted of an offense and granting him provisional freedom on the promise of good behavior.

(h) The term "other rulings" refers to legislation which the Department of Justice may have to carry out in order to enforce this Act.

EVALUATION

SEC. 8. Such portion as the Attorney General may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs and projects authorized by this Act, and in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly.

NATIONAL ADVISORY COUNCIL

SEC. 9. The President shall appoint a National Advisory Council on Federal Prison Diagnostic Centers, consisting of one member from each state containing a center, for the purpose of reviewing the administration and operation of this Act and making recommendations for the improvement of this Act and its administration and operation and for increasing the effectiveness of programs or projects carried out pursuant to this Act.

REPORTS

SEC. 10. The Attorney General shall include in his annual report to Congress a full report as to the administration of this Act and the effectiveness of programs or projects thereunder.

LOCATION

SEC. 11. Centers shall not be located on prison grounds, or within one mile of the prison. In states with one federal prison, the center shall not be located more than ten miles from the prison. In states with more than one federal prison, the center shall be located equidistant from the federal prisons in that state.

AIR SERVICE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BEGICH. Mr. Speaker, the recent decision by the Civil Aeronautics Board to permit only one airline carrier in Southeast Alaska has caused considerable controversy in the State.

The people of Alaska share a concern in this matter, because air transportation plays such an important part in our lives. My position, which is shared by most Alaskans, is that our goal should be one of providing frequent and efficient air service throughout the State.

Many citizens and citizens organizations, especially in Southeast Alaska, have expressed their opposition to the recent decision and have forwarded to me their views so that they may be entered in the RECORD opposing the decision.

At this time, I include in today's RECORD a copy of one such statement:

STATEMENT BY ROBERT EMMERT GRAY, KETCHIKAN RESIDENT, OPPOSING THE CIVIL AERONAUTICS BOARD DECISION—RE: ALASKA SERVICE INVESTIGATION—DOCKET NO. 20826—CAB VERSUS WESTERN AIRLINES/ALASKA AIRLINES

Let it be established at the outset that my opposition to the recent CAB ruling vis-a-vis Western Airlines/Alaska Airlines lies in my deep conviction that Western Airlines has done nothing to warrant this punitive action in its behalf and Alaska Airlines has done nothing to warrant access to Western Airlines' market place. I do not oppose either airline's operating authority nor care to see either airline prevail to the total exclusion of the other. Further, the real pawns in this game of chance ordained by the CAB are the people of Southeast Alaska in particular and the State of Alaska in general.

The CAB erred twice in its recent ruling with regard to the award of air routes to, from, and within Alaska as it affects both Western Airlines and Alaska Airlines. The CAB imposed a predominently arbitrary set of conditions. Then, having presumed those arbitrary conditions as fact, drew arbitrary conclusions purported to be the needs of Southeast Alaska and the State of Alaska. The CAB erred both in its arbitrary estimate of Alaska's air traffic needs and again in its arbitrary conclusion as to how Alaska's air traffic needs should be resolved.

The CAB used as a criteria for justification of their suspension of Western Airlines in Southeast Alaska the statement that the traffic movement did not justify dividing the passenger load between two carriers. In the next breath the CAB has determined that a more frequent flight service by Alaska Airlines to those areas from which Western Airlines was suspended will result in a positive economic gain for Alaska Airlines.

The effect of the CAB arbitrary ruling combined to affirm, contrary to any established business criteria, that a financially sound, successful, unsubsidized business enterprise busily engaged in rendering a completely satisfactory level of passenger and air freight service between Southeast Alaska, Seattle, Juneau, and Anchorage should arbitrarily be disengaged from this service, purportedly in behalf of the public convenience, in favor of providing a financially, faltering, heavily subsidized business enterprise a degree of longevity not even they themselves could have conjectured prior to being arbitrarily legislated into a partially new, totally noncompetitive, unimpeded access to a market place they did not deserve in the first place, did not earn by virtue of pulling themselves up by their own bootstraps, and, finally, do not have the equipment, personnel, and financial position to even commence being able to serve at this time. Had the position of Western Airlines in the industry been sufficiently inadequate to warrant suspension from further eligibility on its present route assignment and the position of Alaska Airlines been so sound and strong as to warrant award of additional routings and responsibility then the action of the CAB in this case would be based upon reasonable ground. However, the reverse is true. The decision of the CAB in this instance is absolutely unprecedented in the annals of bureaucratic involvement and on the face of it alone is absolutely flabbergasting.

In the market place public money is often used to protect the public convenience. I support this doctrine, for who would care to service the outposts of civilization with services in the face of more lucrative markets elsewhere? However, public money should not be used to shore up faltering business enterprises and at the same time use as a basis for such salvage operation the market place of a wholly successful enterprise not requiring public money. In this case I would readily conjecture the loss being arbitrarily imposed upon Western Airlines to be probably greater than the total assets held by Alaska Airlines. Mr. Giersdorf, Vice President, Alaska Airlines, was reported by the Ketchikan Daily News, Thursday, 16 December 1971 as saying that when Mr. Willis took over Alaska Airlines as President it was a $4 million dollar "basket case", inferring it was a non-profit organization by chance, not design. Now that Mr. Willis has exerted his influence, lo these many years, it has grown to a $40 million dollar operation. I take exception with this statement only in that it was understated and left unfinished. Street corner rumor has it that Alaska Airlines is in debt to the tune of $70 million dollars. Thus I leave it to you to draw your own conclusions. In my estimate, the transition has been from a $4 million dollar "basket case" to a $30 million dollar "casket case", and still a non-profit organization but this time not by chance.

I have further been led to believe by Mr. Willis that the financial position of Alaska Airlines is so unstable that the company actually failed to meet payroll commitments on several occasions. The fact that those payrolls ultimately were later met is most certainly no credit to the quality of the management. They are required by law to meet them. Further, with apparent debts of such magnitude that merger talks could not find serious interest is certainly no credit to Mr. Willis, either.

It appears that the financial condition of Alaska Airlines is such that access to means normally available to business enterprise is not warranted or available in behalf of Alaska Airlines. In this case it would appear that the CAB, in its effort to bail Alaska Airlines out of financial collapse, is favoring Alaska Airlines to the point of culpability.

Alaska Airlines merged with Alaska Coastal Airlines. Western Airlines merged with Pacific Northern Airlines. These were not forced mergers. They were negotiated mergers. These mergers gave each airline access to routes and markets each wanted but neither previously had held. Most likely each of these mergers were the best that the then existing condition of each airline could reasonably support. Western Airlines *is not* subsidized. Alaska Airlines *is* subsidized. In view of this present CAB decision I think that the Alaska Airlines merger history including all of its aborted attempts at merger warrants very close re-evaluation.

If the CAB is really interested in reducing input of public money one would think that solutions should be generated first within the operating authority of the subsidized airline. First of all, one would think that the subsidized airline must divest itself of all activities not directly related with movement of passengers and freight between authorized route points. In other words, what business does a subsidized airline have in investing in resorts and hotels for which their creditors records show an inability to meet obligations arising out of those activities. Pumping money out of the airline business is not the purpose for which subsidies are granted. Bringing tourists to an area simply because an airline has real estate there is not good business practice if it contributes to a greater need for subsidy, there or elsewhere. Hotel and resort management contracts, if this is the direction taken by Alaska Airlines, should be re-examined in light of their airline operations to determine if public monies were directly or indirectly involved. If concise separation of these operations is not readily obtainable then the integrity of Alaska Airlines is, indeed, at stake.

The full page Alaska Airlines ad in the Ketchikan Daily News of Tuesday, 14 December 1971, wherein Mr. Willis published four paragraphs, one each from four separate pages in the CAB ruling, purporting to show Alaska Airlines as the single airline entity most capable of doing all airline things best. One statement said with reference to Alaska Airlines, quote, "Moreover, its services will be superior in quality as well as quantity." end-quote. I can advise Mr. Willis and the CAB that the sentence is a gross misstatement of truth, for by my own experience in frequent flights with both airlines, I have learned quite differently. A further CAB commentary as to Alaska Airlines states that Alaska Airlines has long experience serving Southeast Alaska, Juneau, Yakutat, Cordova, and Anchorage and would concentrate on responding to the air travel needs of passengers in these Alaskan markets. Again, I say, the CAB erred in the face of facts to the contrary by uttering an arbitrary statement of condition upon which it again draws an arbitrary conclusion. Alaska Airlines has actually ceased service to Southeast Alaskan communities off-line from Ketchikan, Wrangell, Petersburg, Juneau and yet continues service to a resort which it owns or did own and may yet have a financial interest in. (ie: Bell Island). These off-line communities are now believed to be contracted out to air taxi operators. The CAB in paragraph No. 3 of Mr. Willis's ad castigates Western Airlines for not proposing routing solutions thought up by the CAB, in its deliberations, yet refuses to consider or is oblivious to the fact that Alaska Airlines is contracting out portions of its routes it chooses not to serve. This is not, *repeat not,* the high level of service to which the CAB alludes in behalf of Alaska Airlines. I do not derrogate air taxi operators but turning air routes over to air taxi operators most definitely downgrades service to these areas in which Alaska Airlines is stated by the CAB as being so capable of doing otherwise. If the CAB does not agree that this action represents downgrading of service than its action toward Western Airlines is unquestionably culpable. In the face of all this, it is incredible that the CAB would actually go on record with a decision so underserved to each of two parties to an action before it.

If you have ever had to get up at 3 AM on a cold winter morning in Anchorage to be able to catch the 4 AM limousine service to the Anchorage International Airport in order to board the so-called "Red-Eye Special", an Alaska Airlines Boeing 272 jet flight departing at 5 AM via Cordova and Yakutat to Juneau from which station Western Airlines services may be engaged onward South to Annette and Seattle or continuing service via Alaska Airlines may be used onward to Sitka and Seattle, you can readily appreciate the level of service to the passengers originating on Alaska Airlines as compared to those originating on Western Airlines. Alaska Airlines has to observe those hectic hours of flying in order to get that one particular jet airplane back up the line to meet northbound commitments. On some occasions it is obvious that Alaska Airlines has simply run out of steam. Unmarked aircraft have had to supplement regular schedules that Alaska Airlines company aircraft could not meet. This tells me that Alaska Airlines is underequipped. They do not have enough equipment to fly their present regular schedules. I am not aware that Western Airlines experiences such problems.

One further reference to the full page ad in the Ketchikan Daily News by Alaska Airlines: Close examination and response to this misleading ad about the CAB ruling statements laid on by Mr. Willis' organization will find that in taking paragraphs from the CAB ruling out of context and grouping them together as he has done without tear (pronounced tare) marking being indicated can be cruelly deceiving in the manner in which a lay person will read and infer meanings which if other material issues were examined simultaneously might well cause quite a different conclusion to be drawn.

In the final analysis, the CAB has arranged by power of its edict a very repugnant decision. It is a totally undeserved decision to each of the three parties affected by it: Western Airlines, Alaska Airlines, and the people of the State of Alaska. Routing solutions which will aid Alaska Airlines through broadened route authority, which will retain Western Airlines, and which will improve air service to all Alaskans are numerous. They are as readily available to the CAB as to anyone and perhaps even more so. Yet in the contention of the CAB they reach a solution in which justification to no one can be found if facts and good business practices are to be given credence. It appears to me that intervention of higher authority than the CAB is needed to correct an inequity of such magnitude and proportions that it dare not be allowed to stand unchallenged.

HOSPITAL AND MEDICAL FACILITIES

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, immediately upon being sworn in Congress, I was aware that among our greatest needs in the north was improved and expanded hospital facilities to serve our people. I was aware that this could not be done with local funds alone. The need for Federal aid in the field of medical facilities was obvious.

In each session of Congress, I have worked for and voted for programs such as the Hill-Burton Act, Economic Development Act, public works programs, and Upper Great Lakes Commission to make more Federal money available to help local communities improve and build better hospital facilities.

In many instances, these hospitals started with my appearance before the citizens of a community pointing out how they can organize the proper unit to make application for these Federal aids. In several instances, I was the first personal contributor in the local fund raising drive to get the local shares solicited to match the Federal dollars that were needed. In many instances, I helped prepare the application and guided the proper officials and followed the applications through the various agencies; and whenever there was a problem, I helped overcome that problem with the Federal agencies involved. As a result, northern Wisconsin during my term in office has more than 2,000 new hospital beds as a result of my help through these Federal aid programs. Per capita of population, northern Wisconsin has gotten more

Federal dollars than any other congressional district in the State under these programs for hospital and medical facilities.

The following table gives a breakdown by city:

Tenth District Federal money for hospitals and medical facilities for approximately 2,000 beds—Jan. 1, 1943, through Dec. 31, 1971, the O'Konski years

Amery	$358, 772
Ashland	2, 692, 500
Eagle River	160, 879
Eau Claire	4, 307, 967
Grantsburg	408, 019
Hayward	657, 823
Ladysmith	574, 891
Medford	719, 854
Menomonie	741, 583
Mercer	30, 000
New Richmond	946, 406
Osceola	1, 074, 191
Park Falls	393, 143
Rhinelander	572, 209
Rice Lake	$263, 449
Saint Croix Falls	785, 969
Spooner	800, 000
Stanley	763, 742
Tomahawk	931, 300
Woodruff	216, 103
Total	17, 398, 000

SAN FRANCISCO DEFENDS AMERICAN RIGHTS AGAINST DICTATORIAL HUD DEMANDS

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WAGGONNER. Mr. Speaker, on December 13, 1971, the board of supervisors of the city and county of San Francisco in the great State of California adopted a resolution calling for a congressional investigation of HUD policies and practices relating to local building and related codes. The resolution made a reference to my own efforts to arouse public indignation over the unjustified and dictatorial practices of that agency. I am indeed gratified by this reference.

I am further informed that on the same day the same board of supervisors voted to reject HUD demands made upon San Francisco, thereby jeopardizing—in the view of Secretary Romney—the right of that city to receive some $38 million in Federal loans and grants. My heart goes out to the people of that city that they should be so mishandled by an agency of the Federal Government which would have no money to loan or grant to anybody unless it were provided by taxpaying citizens of all the States, including my own Louisiana. At the same time, I stand in admiration at the action of the San Francisco supervisors and their constituents who support them in this action. There is at least one great city in this country that is not for sale to HUD. The resolution follows:

Resolution Calling Upon California's Congressional Delegation To Investigate the Department of Housing and Urban Development and Its Practice of Forcing Local Governments To Accept National Building Codes as a Condition for Approval of HUD Funding

(A resolution of the board of Supervisors of the City and County of San Francisco, State of California)

Whereas, The programs of renewal and code enforcement are providing assistance to homeowners in bringing their buildings up to safe, sanitary standards and improving the neighborhoods as well as providing for commercial growth; and

Whereas, These programs rely in considerable degree upon funds from the Federal government through the Department of Housing and Urban Development (HUD); and

Whereas, HUD has advised the City and County of San Francisco that future funding of on-going programs and approval of new programs will require meeting of specific code requirements by inclusion into the Plumbing and Electrical Codes of San Francisco standards comparable to the model codes relative to plastic piping and non-metallic sheathed cable respectively; and

Whereas, This action by HUD is not only being directed at San Francisco but also to cities and counties throughout the United States; and

Whereas, These requirements of HUD are not specifically embodied in any legislation passed by the Congress of the United States and are solely provisions generated by the administrative staff of HUD in Washington, D.C.; and

Whereas, This method of forcing local governments to accept use of materials that have serious technical problems and lack performance data is coercive and dictatorial since it forces their acceptance on penalty of losing essentially needed federal funds and can be a precedent to further arbitrary edicts for other materials in the future; and

Whereas, The Congress, through Congressman Waggonner, Hébert and Dingell, has recognized this arbitrary and coercive activity by HUD but has not yet moved to curb such actions; now, therefore, be it

Resolved, That the Board of Supervisors of the City and County of San Francisco hereby memoralizes the Congressional representatives of the State of California to immediately request hearings in both House and Senate into those activities of HUD which force National Code requirements upon local governments as a condition for approval of HUD funding; and be it

Further resolved, That the Congressional intent of the present legislation be made more clear or new legislation developed to prevent HUD from acting in a coercive manner against local governments; and be it

Further resolved, That a copy of this Resolution be sent to the National League of Cities, the National Conference of Mayors as well as to the mayors of Los Angeles, New York, Chicago and Pittsburgh urging them to join in this request to the Congress, and be it

Further resolved, That a copy of this resolution be sent to the congressional members from California and to Congressmen Waggonner, Hébert and Dingell who have previously expressed concern over these actions by HUD.

Approved December 13, 1971.

COMMUNITY DEVELOPMENT IN VIETNAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. FRASER. Mr. Speaker, a major portion of American policy in Vietnam has been largely ignored. Considerable time and money have gone into American pacification and community development programs. This is reason enough to examine them closely.

Mr. Dennis A. Rondinelli, assistant professor of urban affairs at the University of Wisconsin-Milwaukee, has written a balanced and penetrating paper on this aspect of American policy in Vietnam. Examining the American community development projects in Vietnam from 1968 to mid-1971, Mr. Rondinelli discusses the goals and objectives of the program, the problems of policy formulation and implementation, and finally offers an evaluation of the program. His paper follows:

Community Development and American Pacification Policy in Vietnam

(By Dennis A. Rondinelli)

The violence and destruction of the war in Vietnam have relegated American pacification and development policy in that country to the periphery of public attention. As a result an extensive and costly set of programs administered by the United States Agency for International Development (USAID) and the Civil Operations and Rural Development Support (CORDS) agency have escaped close public evaluation. The programs are worthy of scrutiny for a number of reasons. First, the United States government has spent more on development in Vietnam during the past ten years than in any other single country receiving foreign aid. The scope and intensity of efforts to promote political stability, social change, modernization and economic growth in Vietnam under pressures of time and domestic political adversity are unparalleled in the history of American foreign assistance policy. In addition, the efforts were made under conditions of military insurgency that may well characterize the situation in which American aid programs will operate in an increasing number of developing countries in the future. "The experience [in Vietnam] offers many lessons for application in other situations of equal long-term importance . . .," claims former CORDS director, William E. Colby. "These lessons may have been learned in the context of a war for a nation's survival in Vietnam, but the techniques and procedures developed are in many respects equally applicable to the problems of other developing nations." [1]

Finally, experimental development activities in Vietnam may provide an acid test of the feasibility of emerging theories of American development assistance. An assumption underlying the Nixon Doctrine is that American aid can guide the developing nations to a level of political stability, economic self-sufficiency and military strength whereby they can defend themselves from external aggression and internal insurgency without massive American military intervention. Congress, moreover, has tasked USAID Missions with promoting basic democracy among aid recipients. Title IX of the Foreign Assistance Act requires AID to place emphasis "on assuring maximum participation in the task of economic development on the part of the people of developing countries, through the encouragement of democratic local governmental institutions."

In light of the Vietnam experience it remains to be seen whether or not these Administration assumptions and Congressional mandates are realistic foundations upon which to base foreign assistance policy. This paper will examine the experiments in community development, one part of the overall Pacification Program in Vietnam, from the period 1968 to mid-1971. Its purpose is to describe the theoretical framework—goals and objectives—within which the program was conceived, to discuss the problems of policy formulation and implementation, and to evaluate the program in terms of both traditional community development goals and the broader aims of American counterinsurgency policy.

---

[1] William E. Colby, "Title IX and Vietnam," paper prepared for delivery, USAID Title IX Conference, April 19, 1971, Saigon, Vietnam, mimeographed, page 1.

THE THEORETICAL FRAMEWORK

Community development programs in Vietnam were designed as pacification tools to unite the people in a partnership with the government to raise political, social and economic standards of the nation, thereby strengthening national security and increasing political stability. Underlying this sweeping objective was the assumption that the nature of counterinsurgency required a "bottom-up" approach to mobilizing political support for the Government of Vietnam (GVN). Loyalty to the government, it was thought, could be gained by stimulating the feeling of popular participation in local decision-making and by strengthening village and province governments as effective channels of political and administrative activity. Indeed, government strategy was molded by insurgent tactics. "The Communist concept of the 'People's War' in simplest terms represented a conviction by the Communists that they could seize control of the population and pull it out from under an opposing government structure," notes Ambassador Colby. "The GVN's 'Accelerated Pacification Campaign' of late 1968 was designed to reestablish the government's authority and presence in much of the countryside from which it had been driven." [2]

Community development programs were aimed at two political units: villages and provinces. Village Self-Development (VSD) is a program of loans and grants to generate sufficient local resources to implement small public-use and income-producing projects on a self-help basis. Province Development Funds consist of the National Fund for Local Development under the management of the Central Pacification and Development Council, and the Province Development Fund under the direct control of elected province and municipal councils. These Funds make available to the Saigon Capital, provinces and autonomous cities a portion of the national budget for public works and infrastructure development. In addition, attempts have been made to coordinate both programs with national development planning through formation of Province Priority Lists (PPLs), the Vietnamese version of the planning-programming-budgeting system.

Although they use economic instruments, the actual objectives of community development efforts in Vietnam are decidedly noneconomic. The programs have five major goals:

1. Political Development:

Community development projects were intended by American and Vietnamese program designers to be means to an end rather than ends in themselves. While reasonable attention is paid to economic feasibility, CORDS advisers and Saigon officials are concerned primarily with the program's political impact. VSD attempts to bring the benefits of government aid to the people where they live—in the villages and hamlets. While larger projects may contribute to national long-range development, American advisers argue that more immediate political support can be gained only by demonstrating the central government's concern with the welfare of the people at the local level. The political impact of large national economic development projects—dams, highways, power generating plants—often is not felt in the village, for many rural Vietnamese never travel more than 20 kilometers from their birth places.

USD was designed to cultivate and reinforce processes of local decisionmaking. People are required to work together in groups larger than the family unit. Although group interaction is difficult to achieve because of the strong-family oriented structure of Vietnamese society, counterinsurgency doctrine encourages broard social interaction to develop a sense of "community spirit." VSD is aimed at creating channels of cooperation between popular groups and local government officials. Province Development Funds and PPLs assist the provinces on a broader scale to create the infrastructure necessary for political unification and stability. Construction and repair of key roads and bridges and extension of basic public services receive high priority from the National Fund for Local Development in order to improve regional security, facilitate the extension of GVN provincial and local administration and expand commerce between rural and urban areas.

2. Local Development Through Self-Help:

USAID and CORDS officials insisted from the outset that local citizens and officials take the initiative in analyzing their own problems, searching for possible solutions and choosing projects. VSD emphasizes the concept of self-help: villages are required to contribute money, materials and labor for the implementation of projects. Once projects are approved, local groups themselves are responsible for completion.

3. Government Aid as a "Pump-Priming" Device to Encourage Local Self-Sufficiency:

GVN economic aid is intended as an incentive for villages to raise local resources adequate to make the program self-sufficient in the long run. The motivation for this objective was not simply economic, although it is evident from the vast amount of American Aid Chapter funds invested in VSD since 1968 that the central government could not continue providing assistance at the same scale and magnitude from its own income. American plans for reducing foreign aid to community development programs and President Thieu's refusal to raise taxes prior to the October 1971 election left local resources as the only alternative. Other political factors also influenced the decision to transform the program from a predominantly central government function to a primarily local one. Only by requiring a heavy input of local contributions, American planners reasoned, would villagers develop the commitment to defend the projects from insurgent harassment and destruction. The villages are delegated authority to decide how much of their basic grant [3] will be used for public facility projects benefitting the whole community and how much will be reserved for income-producing project loans earning a profit for sponsoring groups. Depending on the village budget contribution to the program, supplementary grants are available from the Ministry of Rural Development (MORD) for public-use projects and from the Agricultural Development Bank (ADB) for credit. Villages will be assisted in establishing credit unions and local banks with the capital accumulating in their ADB accounts to finance all local development projects before American funding of VSD terminates in 1974.

4. Popular Participation Through Group Activity:

Involvement of people in groups supporting existing political institutions is a fundamental tactic of counterinsurgency. The vehicles of cooperative interaction in Vietnamese village development are the People's Common Activity Groups (PCAG), associations of hamlet and village residents who share a common perception of their problems or who desire to pursue a similar type of development project. PCAGs are organized formally within each village as a prerequisite to receiving GVN financial assistance. They are required to formulate internal regulations delineating membership, designating a PCAG leader, specifying distribution of the workload for completing and maintaining projects and determining how the benefits or profits will be shared. Through the PCAG local residents meet together to choose projects and transmit their selections to village official for consideration and approval. Official guidelines require an annual village General Assembly meeting at which all PCAG representatives as well as other interested residents meet with village leaders to vote on project priorities and make recommendations to the village council on the allocation of VSD funds.[4] Similar provisions are made for selecting province development projects through plenary sessions of Province and Municipal Councils.

5. Strengthening Local Government As A Channel of Community Action:

A final goal of community development is to increase the responsibility and capability of village officials to respond to the needs and desires of their constituents. Village chiefs, hamlet leaders and village council chairmen have primary responsibility for disseminating information about and encouraging participation in VSD, assisting in the organization of PCAGs and conducting the Village Assembly. Broad authority is delegated to a Village Credit Committee for administration of the 1971 VSD Credit program. Composed of three village officials and four citizens, the committee assists borrowers complete loan applications, performs initial credit investigations, transmits approved applications to the ADB for final concurrence and collections loans when repayment is due.

POLICY IMPLEMENTATION

While the theoretical framework for community development in Vietnam is clear, implementation has encountered a myriad of obstacles. A substantial period of trial and error has been marked by continual alterations in the content and pace of the program. Obstacles often dictated the path of modification. The theoretical framework, it quickly became obvious, was laden with Western political and cultural values. Decentralization, deference to popular opinion, true fiscal and administrative autonomy for village governments, cooperation among popular groups and freedom of political interaction were radical cultural changes for a traditionally centralized, Mandarin, family-oriented society only recently freed from colonial rule. A description of the evolution of community development plans provides insight into the problems of policy implementation and administration.

Prior to 1968 all development activities in support of pacification were included in a multi-faceted, loosely defined program of "Revolutionary Development." All local development projects were implemented in target hamlets by provincial authorities or by contractors under their supervision. A formula established by the Ministry of Revolutionary Development specified the number and type of projects to be completed in each hamlet. While the intention of the quota was to promote widespread participation, subsequent evaluation revealed that in reality results were being measured only in terms of the number of projects constructed. The quota system placed strong pressures on province officials simply to complete the requisite number of projects regardless of quality; paternalistic selection and centralized management led to a disregard for the desires of local residents. In the minds of many rural villagers the local development program was tinged with forced labor conditions reminiscent of the Diem Regime's Agroville policy and the subsequent ill-fated Strategic Hamlet scheme. Consequently the rural population was psychologically unaffected, if not openly aggravated, by the government's development program.

---

[2] *Ibid.*, pp. 2 and 4.

[3] Each village receives a minimum grant of 400,000 piasters plus 50,000 piasters for each additional 500 people in villages with a population of more than 2,500.

[4] Republic of Vietnam, Ministry of Rural Development, *The Village Self-Development Program in 1971*, Memorandum No. 341–PTNT/41, Saigon, 1971.

The 1968 Tet offensive made it apparent to GVN officials and American advisers alike that the community development aspect of the pacification program was ineffective. A complete reappraisal shifted emphasis away from central government management toward active voluntary participation and contribution by village residents. Revolutionary Development was reorganized into two basic components: Village Self-Development and Province/Municipal Development.

By late 1968 VSD became the principal means by which the Government of Vietnam would seek to expand the authority and autonomy of village government. Initial progress was slow: village, district and province officials had to be trained, information disseminated, groups formed to select and sponsor projects, applications for grants processed. Decentralization required expansion and improvement of the entire administrative system of local government. Actual project implementation was delayed by a series of unanticipated problems.

Initial delay was caused by the lack of support for local projects from national and provincial Technical Services, and by a network of bureaucrats unconvinced that decentralization was truly the policy of the national government. Continued prodding by MORD and American advisers to some extent overcame the procrastination of technical agencies as the program matured. But technical delays were only outward manifestations of latent political opposition. District and Province Chiefs in some areas delayed the transmittal of funds to the villages and PCAGs, ignored information dissemination and training requirements, and procrastinated on project approval. In other areas, Province Chiefs openly opposed the program, convinced that it would reduce their control over funds and weaken their authority over project approval. The fact that by 1968 nearly all province and district chiefs were appointed from the Vietnamese army diluted the attention given to community development. Most of the local officials, career military men, showed little interest in routine administrative activities, especially those of a strictly civilian nature. The management of VSD and other pacification programs, therefore, often was delegated to lower ranking civil servants, junior officers and functionaries, while the military governors concentrated on counterinsurgency operations.

Even more serious delays resulted from the ingrained distrust of the central government by the rural population. Remnants of the Diem Regime's repression of village government authority and the studied disregard for local problems displayed by its military successors reduced the credibility of the GVN to its nadir. By late 1968 the situation reached the point where rural Vietnamese displayed more faith in USAID administered programs than those of their own government. The initial reaction to the village development program in one province was reported by two Vietnamese field evaluators:

"Shortly after the initiation of the program in the 15 hamlets of Than Cuu Nghia, Vinh Kim and Xuan Dong Villages considerable interest in the program was generated in nearby hamlets . . . [Two hamlet chiefs] expressed interest in having the problems started in their respective areas. It had been their opinion that the program was directly sponsored by USAID and would be a great help in their villages and hamlets. The initial interest is lagging significantly now, however, as both men claim that no concrete work has been established or accomplished in any of these hamlets participating in the program to date. Even Mr. Pham Van Ngai, the newsman who had been working in the insecure hamlets of Vinh Kim Village, has lost considerable confidence in the program, particularly since he has found out that all projects proposed in the program are supposed to be solved (sic) by the GVN." [4]

At an assembly in another village, the evaluators reported that "when the people found out that all their proposals brought up in the meeting would be solved (sic) by technical services of the GVN, 30 to 40 percent of the people who previously participated left." [5]

In addition, Vietnamese customs and traditions militated against many program regulations designed to elicit popular participation and democratic decision-making. Village officials balked at the requirement that they canvass each family to determine its desires and aspirations, claiming that they already knew their constituents' needs. Decisions concerning the future of the village were traditionally the prerogative of the elders and notables. In some cases village leaders simply submitted false reports and chose the projects themselves. Formation of PCAGs progressed haltingly in many villages and not at all in others. One village councilman explained to a USAID official:

"The villagers here do not understand economic groups and cooperatives. The spirit here is family oriented, not group oriented. Therefore, the VSD program disrupts the community by bringing on inter-family bickering. The results are not very good." [6]

The state of security in most of Vietnam in late 1968 and early 1969 did nothing to add to the enthusiasm of village officials for organizing the people in support of a development program closely identified with the central government. The Vietcong infrastructure existed in nearly every village. Kidnapping, torture and assassination of active village and hamlet chiefs discouraged them from demonstrating excessive leadership in pacification. VSD projects as well as village and hamlet offices were burned or bombed in less secure provinces.

From the outset the program was plagued by corruption. Diversion of VSD funds was widespread; the techniques ranging from outright embezzlement to favoritism in the approval of projects. Experience with VSD highlighted the difference between Asian concepts of morality and American notions. Vietnamese ethics, being primarily family-oriented, did not define as corrupt many activities considered abusive by Americans. Most Vietnamese do not consider it a crime to divert funds from government sponsored programs if those funds will better the economic condition of their own families. This attitude is prevalent especially among civil servants and military officers who are paid wages insufficient to maintain a respectable standard of living within the community. Moreover, the tradition of the "oriental squeeze," diversion of from five to ten percent of project funds as a charge for managerial services is legitimate in the minds of many officials. The only sanction is the "loss of face" in being caught. With the delegation of VSD management to lower-ranking military officers and the necessity of kicking back a portion of the diverted funds to province and Ministry officials, the leakage in 1969 and 1970 was estimated to have reached 25 to 30 percent of project costs.

Outright embezzlement, while a problem in some villages, accounted for a relatively small percentage of misused funds. More common was diversion of building materials—reinforcing bars, cement and roofing sheets—supplied from American foreign aid to construct VSD and refugee relocation projects. The situation became so serious that in 1970 the United States terminated the supply of construction material for VSD.

In other areas, notably in Montegnard villages of the Central Highlands, Vietnamese district and province officials controlled the selection of projects and distribution of funds, claiming that the Montegnards were too primitive and ignorant to manage their own affairs. Few Montegnard villages ever received the full amount of money approved for their projects. The difference between the government grant and the actual cost of projects usually was siphoned off at the district level. Abuse was prevalent in animal-raising projects where district chiefs acted as middlemen, purchasing animals for the village at exorbitant prices. Contracting, although explicitly forbidden by the Ministry of Rural Development because of adverse experience with the practice prior to 1968, was nonetheless rampant. Inflated costs, faulty construction, favoritism and kickbacks were all associated with bidding and contracting procedures. Finally, and perhaps the most subtle form of abuse, was the approval by village officials of VSD projects submitted by PCAG's composed of their relatives and close friends. Some village chiefs submitted PCAG lists containing the names of the deceased or of unsuspecting villagers who had never actually joined a group. Proceeds from projects sponsored by "ghost PCAGs" usually went to a single individual, either a village leader or a close crony who made a substantial contribution to the approving official.

Although the Ministry of Rural Development maintained a relatively competent inspection force, it lacked the authority either to prosecute allegedly corrupt officials or to have them removed from office. MORD could simply request that the Province Chief take corrective action. The Central Pacification and Development Council in Saigon, which does have the power to remove and punish corrupt or incompetent officials, never rigorously pursued instances of VSD fund diversion. American advisers, many of whom accepted graft as a part of the Vietnamese culture, claimed that pressure could not be brought at the highest Vietnamese government levels because the question of corruption was, politically and diplomatically, "too touchy."

By late 1969, despite the initial period of trial and error, the program gained momentum. In September, 2,115 villages were participating actively and 25,000 projects were in some stage of implementation. (See Table 1.) The provinces reported that over 1.5 million families were participating in and benefiting from VSD, undoubtedly an inflated figure. In the program's first year, the Vietnamese did succeed in establishing the basic administrative machinery at both the national and village levels for continuing community development, in training a substantial number of village officials and in disseminating information about the program to nearly all villages in the country. Much of the progress was due to the use of highly trained Community Development Officers (CDOs) contracted by USAID from the Philippines. More than 120 CDOs were detailed to the provinces as advisers and technical aides to American Province Advisory Team and Vietnamese administrators.

Concurrently, the GVN initiated the second dimension of the rural development strategy by coordinating and consolidating all of the standard line items (education, fisheries, animal husbandry, health, public works, etc.) of the former Revolutionary Development program under the Province Development Funds. In anticipation of the proclamation allowing popular election of Province Councils, the central government moved to strengthen their authority as well as to increase the flexibility of Province Pacification and Development Councils in the selection of larger projects beyond the scope of VSD.

---

[4] Do Minh Nhat and Bui Van Sau, *Evaluation of the Village Development Program in Dinh Tuong Province,* unpublished report, MACCORDS-EVAL, 10 December 1968, mimeographed, p. 6.

[5] *Ibid.*, p. 9.

[6] Quoted in Marcus Ingle, *Current Village Administration, 1970.* Saigon: United States Agency for International Development, 1970, p. 59.

Experience with the 1969 VSD program led to modifications in 1970. To reduce the levels of corruption and procrastination, Village Councils were granted authority to approve all projects costing less than 100,000 piasters without province government concurrence and the discretionary authority and approval functions of district chiefs were reduced substantially. Emphasis was placed on widespread dissemination of information concerning the program among rural peasants. As community development became more familiar to and popular with rural residents during 1970, province and district leaders, especially in the more pacified areas of the Mekong Delta and the Third Military Region surrounding Saigon, demonstrated a marked change of attitude toward VSD. For the first time since the Diem Regime local officials had been given substantive authority to manage a segment of their local affairs. Administration of VSD provided standards by which villagers could measure the competence and honesty of elected and appointed leaders. As the popularity of VSD grew, local officials became more inclined to provide the technical and political support necessary for successful implementation. As the program progressed, village groups with increasing frequency petitioned province and national governments to remove or reprimand local officials blatantly misusing community development funds.

TABLE I.—STATUS OF THE VILLAGE SELF-DEVELOPMENT PROGRAM, 1969–70

Military region	Villages funded			Approved projects		Local contributions [2]		Government allocations [2]	
	1969	1970	Urban areas [1]	1969	1970	1969	1970	1969	1970
I	439	382	49	3,819	3,723	87.9	191.3	379.9	440.2
II	580	546	39	6,317	4,294	33.9	162.6	466.9	454.4
III	384	351	40	4,261	5,264	73.0	179.5	379.9	556.7
IV	702	699	31	10,735	6,346	232.9	357.2	690.7	750.7
Total	2,105	1,987	159	25,132	19,627	427.7	890.6	1,917.4	2,202.0

[1] Villages and autonomous cities with populations in excess of 50,000.

[2] In millions of piasters.

Source: CORDS, Community Development Directorate, Village Self-Development Branch.

The pace of efforts to Vietnamize the entire program was hastened in 1971 by requiring all income-producing projects to be financed from loans through the Agricultural Development Bank. The loan program was designed to link closely with efforts by USAID to increase the local taxing capacity and revenue raising powers of the villages—a prospect which both the national and local governments have avoided studiously for more than ten years. Villages are required, as American Aid Chapter funds are reduced gradually, to contribute ever increasing amounts from their budgets in order to continue community development.

CONCLUSIONS AND EVALUATION

A complete evaluation of the community development programs in Vietnam must, of necessity, await the judgment of history. The scale of experimentation and the pace and extent of innovation will make that evaluation a complex task. Vietnamese community development is a continuing experiment that extends beyond the current American military intervention. The ultimate ability of Vietnamese to manage a sophisticated credit scheme such as that introduced in 1971 remains to be seen. Their ability and willingness to generate adequate local taxes to make community development self-sufficient is yet to be tested. Many of the problems that have delayed and obstructed effective administration in the past have been overcome by constant American monitoring; others continue to plague the program.

To judge the experiments objectively, however, it is necessary to separate the narrower, more traditional goals of community development from the broader aims of American pacification policy. On balance, community development in Vietnam, has, in a short time and under difficult conditions, made substantial progress toward expanding popular participation in local decision-making, crystallizing the interests of local residents, inculcating principles of self-help and strengthening local leadership and organizations. Prior to VSD local officials had virtually no training or experience in managing programs more substantive than traditional ritual and social ceremonies. By 1970 a majority of village chiefs saw their roles in administrative affairs as gradually becoming more important.[7] In addition, the program has contributed to increasing interaction between local and national officials and communication between villages and the central government Ministries. A majority of village chiefs have come to believe that the GVN is making a sincere, although long overdue and laboriously slow, attempt to improve the effectiveness of local administration.[8] VSD, moreover, is perhaps the most "Vietnamized" program of any sponsored by USAID and CORDS. While American monetary assistance and monitoring activities have been intensive, technical support has been limited to a purely advisory role. The Ministry of Rural Development plays the dominant part in program management, cadre and village official training, supervision of budgetary and logistical requirements and recommendation of policy modifications. The Ministry has acquired a technical competence and sense of professionalism rarely exhibited within contemporary Vietnamese bureaucracy. In a political and administrative system dominated by exploitationist attitudes the Ministry of Rural Development has generally adopted a developmental orientation. Where VSD is most successful in the provinces, that developmental attitude has spread to village officials and local residents. In 1971, for instance, villages in Go Cong Province, voluntarily returned more than nine million piasters from profits of the 1969 income-producing projects to be used for extending development loans to province residents in 1971 and 1972. This sense of community spirit is usually considered the primary objective of community development planners.

As a pacification tool of counterinsurgency, however, the results of the community development programs are more dubious. For some American policy goals community development was an inappropriate instrument; for others it was inappropriately used. First, community development is a long-term process that CORDS attempted to employ to attain short-range goals. Decentralization, village autonomy, support for the national government and aggressiveness in counterinsurgency require fundamental changes in contemporary Vietnamese culture that may take at least a generation to realize. Yet the CORDS pacification plans were programmed annually—introducing drastic modifications in program procedures, content and goals at a rate too rapid for most local officials to absorb and implement. Field administrators—both American and Vietnamese—were pressured to show tremendous gains in pacification and development at the end of each program year; pressure that often resulted in inaccurate reporting. In reality, pacification was never as successful as indicated in the statistical indices sent to Saigon and Washington. Personnel turnover, budgeting, policy modifications and administrative planning rarely looked beyond the next USAID Spring Review.

Second, the American obsession with imposing town-meeting democracy on a nation steeped in the Mandarin tradition frequently sacrificed larger gains in economic development that might have generated more political support for the incumbent government than most of the half-hearted gestures on the part of the Vietnamese to promote participatory democracy. While Vietnamese villagers value some measure of control over local affairs, there is little evidence that intensive political participation has high priority in the life of the average rural farmer. His own overbearing concern is with marginal improvement in his economic standard of living. Activities other than traditional ritual and social ceremonies that divert him from basic economic concerns usually are unwelcome, especially if they auger increasing governmental interference in his family affairs.

Third, the relationship between pacification and security is complicated by a chicken-and-egg controversy. Experience questions the assumption of most pacification planners that community development strongly contributes to counterinsurgency. Rather, a substantial amount of security must be attained before self-help programs can progress. The most successful community development projects in Vietnam were found in those villages where officials were free from threats of kidnapping and assassination, where village business could be carried on without harassment from insurgent raids and sniper attacks, and where village residents could participate without fear of reprisal and the risks of defending completed projects. An effective system of counterinsurgency seems to be a prerequisite to pacification and development rather than vice versa.

Finally, community development programs were singularly unsuccessful in the burgeoning urban areas of Vietnam—areas with nearly half the nation's population. The cities of Vietnam—Saigon, DaNang, Hue, Nha Trang, Can Tho, Qui Nhon, and others—suffer all the problems associated with rapid urbanization unaccompanied by comparable rates of national modernization. The importance of urban areas in the future development of Vietnam was ignored almost totally in both GVN and American pacification plans. But from a political-military viewpoint cities potentially are the most volatile areas in the nation. Although they are relatively secure from external attack at the present time, pressing problems of housing, unemployment, lack of public utilities and overcrowding, can generate and reinforce discontent with central government policies as American forces are withdrawn. The war can be won in the rural areas and lost in the cities, not by military force but by the forces of social, economic and political frustration. Rural migrants, military veterans, urban unemployed and ethnic minorities crowded into congested cities, living at bare subsistence levels in shacks or squatting on the streets do not make for staunch supporters of a government that cannot or will not take action to improve their conditions. Yet only in 1971 and at the persistent urging of a few American advisers did the Government of Vietnam officially recognize that attention should be given to urban development. That response, however, was the creation of a rather weak and amorphous coordinating committee of Ministers within the Central Pacification and Development Council.

---

[7] *Ibid.*, p. 32.

[8] *Idem.*

Earlier American attempts to adapt VSD to urban areas failed: the conditions that allow self-help programs to succeed in rural villages did not exist in cities. City people rarely had the time or inclination to participate in self-help groups. Self-help construction of public utilities, streets, drainage systems and schools was neither practical nor desirable in urban areas. Most urban residents claimed that these were the functions of municipal and province government and preferred to use their own time tending their shops or jobs, improving their own homes and combating the adversities of urban living.

In brief, community development in Vietnam was successful in achieving a limited number of goals in selected areas of the country. The traditional objectives of community development—promoting local participation in community affairs, creating a spirit of self-help, generating local leadership and inculcating precepts of community cooperation—were realized in the more secure villages where local officials already achieved a minimum level of administrative competence, were relatively well educated, and had the confidence and support of their people. Where insurgency was most active, self-help programs were least progressive. Used as a short-range tool of counterinsurgency and political mobilization, this aspect of American pacification produced dubious and indirect results. At least a generation will be needed to evaluate them in terms of the broader goals sought by the Nixon Doctrine and Title IX of the Foreign Assistance Act. But given the enormous American investment in Vietnam, community development programs deserve closer scrutiny and more intensive evaluation.

COLLEGE TAX CREDIT

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. MONAGAN. Mr. Speaker, on March 10, 1971, I introduced H.R. 5892, a bill that would enable parents to establish a trust fund for the purpose of sending their children to college, and toward this end to make a contribution of up to $500 a year for each child which will be a deduction from their gross income. The total would not be allowed to exceed 10 percent of the parent's total income, and in no instance could the total annual contribution exceed $2,500.

An editorial in the November 25 edition of the Bridgeport, Conn., Telegram supports my bill. It notes that this legislation "would provide the kind of relief that is needed to keep higher education within the reach of everyone."

I urge my colleagues to take note of the editorial, and to lend their support to this needed change in the tax law.

The editorial follows:

[From the Bridgeport (Conn.) Telegram, Nov. 25, 1971]

COLLEGE TAX CREDIT

Some tax relief may finally be on the way to families and individuals who pay the costs of college education. Under the provisions of an amendment to a revenue bill in the Senate, an income tax credit up to $325 will be given to anyone who has these expenses.

This would provide modest, but badly needed help for persons who can hardly afford higher education, but earn too much money to qualify for the many financial aid programs which are available to low income groups.

Connecticut families which must pay the new tuition at the state colleges and universities can certainly use any help they can get. The final decision on the measure will be made in a House-Senate Conference Committee. The outcome of the deliberations are uncertain, but if common sense prevails, the plan will become law.

Looking to the future, another design to alleviate school expenses which was passed over by the membership of the House this year deserves a second look. Representative John S. Monagan of Waterbury proposed a comprehensive arrangement. Under Mr. Monagan's bill, parents could establish a trust fund for the purpose of sending their children to school and make a tax deductible contribution of up to $500 a year for each child. The total could not exceed more than 10 per cent of the parents' total income. In no instance could the annual sum exceed $2,500.

This formula would help provide the scope of assistance which is needed. The Senate scheme, on the other hand, falls far short. As an interim measure it is acceptable and desirable. But Mr. Monagan's approach would provide the kind of tax relief that is needed to keep higher education within the reach of everyone.

EMERGENCY EMPLOYMENT ACT FUNDS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BEGICH. Mr. Speaker, a recent resolution passed by the National Council on Indian Opportunity points to a gross inequity in administering Emergency Employment Act funds. The present system of administering EEA funds excludes Alaska Natives and Oklahoma Indians, because they are not reservation-oriented. In essence, Mr. Speaker, Alaska Natives and Oklahoma Indians are being discriminated against, because they do not live on what the Federal Government defines as a reservation.

The fact of the matter is that they are excluded because of the lack of precise language in the Emergency Employment Act.

Presently, Alaska Natives are excluded from participation in this bill, because the Federal Government designates the land they live on as Federal patented lands and not reservations.

The more than 35,000 Alaskan Natives have clearly shown their competency and administrative ability for direct participation in EEA funding. This is quite evident as, in light of last month's action by the President when he signed the Alaska Native land claims bill, which clearly provides for maximum self-determination for Alaskan Native regional organizations.

I bring the resolution passed by the National Council of Indian Opportunity to the attention of my colleagues in the Congress, so they may be aware of the inequities faced by Alaskan Natives and Oklahoma Indians regarding the disbursement of Emergency Employment Act funds:

RESOLUTION

Whereas, the States of Oklahoma and Alaska have approximately 20% of the American Indian population of the Nation as residents, and;

Whereas, this 20% of the Indian population is recognized by the Federal Government and receives the services of the Bureau of Indian Affairs, and;

Whereas, the Indians of Oklahoma and the Alaska Natives do not have reservations as such, and;

Whereas, because the Indians of Oklahoma and the Alaska Natives do not reside on reservations and are therefore excluded from participating in the benefits of the Emergency Employment Act of 1971, under the special provisions for Indians residing on State or Federal Indian reservations;

Now, therefore, be it resolved: that the Indian members of the National Council strongly urge the Vice President, as Chairman of the Council, to take the necessary action to include the Indians of Oklahoma and the Alaska Natives under the special Indian provisions of the Emergency Employment Act of 1971.

POLLUTION CONTROL TAX WINS PUBLIC APPROVAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HAMILTON. Mr. Speaker, I was encouraged to learn from a recent article that constituents in 22 congressional districts are willing to pay more in taxes and prices if it means less pollution.

The findings deflate the argument raised against water pollution bills that consumers are unwilling to absorb the increased costs of pollution control. One of the targets of this argument is H.R. 12304, a bill to create a nationwide system of effluent charges introduced by the gentleman from Wisconsin (Mr. ASPIN), myself, and 22 of our colleagues.

The article, from Christian Science Monitor, follows:

POLLUTION—CONTROL TAX WINS PUBLIC

(By Peter C. Stuart)

WASHINGTON.—"Should the federal government expand efforts to control air and water pollution, even if this costs you more in taxes and prices?"

House Republican leader Gerald R. Ford posed the question to his diverse constituency—ranging from inner-city blacks to dairy farmers—in the Grand Rapids area of Michigan.

The reply, from nearly 16,000 households was emphatic:

"Yes," 68.3 percent.

"No," 27.5 percent.

Hard-pressed American taxpayers appear surprisingly willing to pay a price for environmental cleanup—as Rep. Ford and many other congressmen are discovering.

Of 22 members of the House of Representatives who polled their constituents on this issue in 1971 (and published the results in the Congressional Record), all but three received an affirmative answer.

Collectively, this sampling represents the views of more than 300,000 Americans in every type of congressional district and all regions of the country.

"That is no isolated finding," affirms Sen. Philip A. Hart (D) of Michigan, commenting on Rep. Ford's poll. "It rings true . . . with the continuing flow of support we in Congress hear from our constituents."

If so, this message from the folks back home may loosen congressional purse strings in the coming year on a series of major—and expensive—environmental proposals.

BIG MARGIN

For starters, it could undermine a Nixon-administration campaign to dilute the $20 billion water-pollution legislation churning toward a House vote in February.

In the longer run, taxpayers' unusual generosity toward cleansing their air and water may invite an indefinite increase in such federal spending—already grown more than eight-fold since 1965, from $151 million to $1.2 billion.

Congressmen receiving a loud-and-clear message from the voters include some lawmakers well positioned to shape federal policy accordingly.

Besides House Republican leader Ford, there is Rep. John J. Rhodes of Arizona—chairman of the House Republican Policy Committee and a high-ranking member of the Appropriations Committee, which funds all federal programs.

The Arizona fiscal conservative learned last month that his constituents support, 68 percent to 32 percent, "spending even more money and passing even more stringent federal laws" to fight pollution.

Another member of the Appropriations Committee, Rep. Wendell Wyatt (R) of Oregon, discovers that his constituents favor tougher environmental controls "even though this may result in higher taxes," 73.7 percent to 21.4 percent.

Rep. M. C. (Gene) Snyder of Kentucky, ranking Republican on a public-works subcommittee, which writes much environmental legislation—got nearly as strong a "yes" response to a similar query in his annual poll, 65.5 percent to 32.3 percent. Staunchly conservative, these same constituents opted 2:1 against admitting mainland China to the United Nations and 9:1 against a guaranteed minimum income.

The most lopsided majorities for greater antipollution spending come from another Southern congressional district, north of Miami, Fla., represented by Republican Rep. J. Herbert Burke. Some 46,000 of his constituents support new taxes, 86 percent to 14 percent, and high prices, 87 percent to 13 percent.

OTHER CONGRESSMEN

Other congressmen whose polls support higher taxes and/or prices to combat pollution: Charles J. Carney (D) of Ohio, R. Lawrence Coughlin (R) of Pennsylvania, Florence P. Dwyer (R) of New Jersey, John N. Erlenborn (R) of Illinois. Hamilton Fish Jr. (R) of New York, William D. Ford (D) of Michigan, James R. Grover Jr. (R) of New York, Craig Hosmer (R) of California, Edward Hutchinson (R) of Michigan, Albert W. Johnson (R) of Pennsylvania, John E. Moss (D) of California, Donald W. Riegle Jr. (R) of Michigan, John F. Seiberling (D) of Ohio, and Henry P. Smith (R) of New York.

Most respondents voted "no" in the districts of Victor V. Veysey (R) of California, Edwin B. Forsythe (R) of New Jersey, and William L. Dickinson (R) of Alabama (by a margin of just 0.1 percent).

The results of these congressional questionnaires coincide with a nationwide Louis Harris poll last summer. Asked if they would pay $15 a year in added taxes to fight pollution, 59 percent of Americans polled replied "yes" and 34 percent "no." But localized surveys of their own constituents traditionally influence congressmen more than national polls.

FEDERAL AIDS FOR INDIANS IN NORTHERN WISCONSIN

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, living in the midst of one of the prominent Indian reservations of the Nation, I had occasion to visit, explore and discuss projects needed for the improvement of the Indian way of life. Having five Indian reservations in my district and by keeping in close personal contact with their leaders, I knew that certain things had to be done on a Federal level; and I proceeded immediately to take action.

For instance, on the reservations we had an exemplification of a shameful discrimination against the Indians not only by way of job opportunities; but when I first came to Congress, it was a Federal offense for an Indian to go into a tavern and drink a beer. One of the first pieces of legislation I had passed through the Congress was to end this discrimination and put our Indian brothers on a par with their white neighbors. As a result, there is no discrimination on the Indian reservation or outside the Indian reservations as far as beer and liquor consumption is concerned. In fact, one can safely say that one of the first pieces of legislation passed by Congress at the turn of the century to end discrimination was this important piece of legislation. So when people talk about civil rights, I know the meaning of civil rights.

I knew that the Indians needed better health facilities, better schools, better housing, better sewage and water and community facilities in which they could take pride. This year, for instance, I have succeeded in getting more than $3½ million of Federal money for housing at the Indian Reservation and two community buildings on two of the reservations. I previously succeeded in getting Federal housing and sewage and water projects for the Flambeau Reservation.

This year I succeeded in getting additional housing and a sewage and water project for the Red Cliff Reservation.

This year I succeeded in getting public housing and a community building for the Indians near Webster, Wis. The sum total of these projects amounts to approximately $3½ million allocated this year for the improvement of housing and health facilities on the reservations.

I did the same for the Couderay Reservation; and yes, in fact, I even intervened and had a $380,000 housing project approved for the Mole Lake Indians in Forest County, who are residents of another district. These Indian leaders came to me and told me they were not getting any action on an application that had been pending for almost 4 years, and in less than 60 days after they notified me of their problem, I got their application approved.

From the OEO program and other programs in vocational training, almost a million dollars has been allocated this year among the various reservations for technical training. I am glad to say that it is easier getting the Federal Government to act in the field of Indian welfare than it has been in the past. This year has been a good year in getting Federal projects approved for Indians. Let us hope that it is an omen of times to come.

To give an idea of how much Federal money has been spent for the Indians, the following table will give some idea:

Federal expenditures for Indian welfare, housing, and education, 10th Congressional District of Wisconsin during O'Konski years

Activity	*Amount*
Education and Welfare Services	$4,989,041
Resources Management	4,481,824
Construction (Building and Land Acquisition)	142,014
Road Construction and Administrative Expenses	3,161,324
Public Health Service Aids to Indians	4,319,883
Low-Rent Public Housing	3,406,000
Multi-Purpose Community Centers	349,963
Water and Sewer (Lac du Flambeau)	467,018
Water and Sewer (Red Cliff)	308,000
Total	21,625,067

My efforts on behalf of the Indians has not been confined to housing, health, and civil rights. I have also worked in the direction of getting jobs for Indians and industries placed near the Indian reservations so that Indians can have jobs. I personally financed and helped in getting an electronics company established at Mercer that employed Indians. In fact, this particular industry takes pride in employing Indians. When I got a precision company to move from New York to Ashland, it was with the understanding that at least one-fourth of those employed in the plant would be Indians.

THE CONTINUING INDIAN PLIGHT IN HIS OWN LAND

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WALDIE. Mr. Speaker, in the first session of this Congress, we passed a piece of legislation that would create a Navaho College on their reservation land in Arizona. It was a worthy venture on our part, led by my colleagues from Arizona.

But, while we make an occasional step forward in the protection and welfare of these people, we seem to be sliding backward because of the things we ignore.

That fact, Mr. Speaker, came to mind earlier this month while reading a letter from Mrs. F. Pietruszkiewicz of Pittsburg, Calif. I believe my colleagues can stand an occasional jolt of this kind of reasoning—because it is based on good old American commonsense.

Therefore, Mr. Speaker, I submit the following letter for inclusion in the CONGRESSIONAL RECORD.

PITTSBURG, CALIF.,
November 29, 1971.

Hon. JEROME WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR. WALDIE: A great deal of controversy surrounds the Indian affairs in our country. This is unfortunate since this controversy, along with the publicity resulting from the antics of T.V. and movie personalities, over-shadows the very real problems facing the American Indian. I am vitally concerned over this problem and am appealing to you to do what you can to see that, in fact, the American Indian receives suitable unused federal land.

It is a tragedy that any American citizen must face the injustices that are forced on this group of people. No other minority group in the U.S. suffers the indignities of the Indian. Reservations are ill kept and desperately lacking the facilities most of us take for granted. The Reservations—"America's gift to her predecessors"—are far removed from society. In most cases they are unsuitable for farming or industry, and are without health or educational facilities. Often running water is a luxury.

Edgar I. Cahn of the Citizen's Advocate Center (a non-profit and tax exempt organization designed to govern progress and assure equitable treatment of all community organizations in their dealings with the government) criticizes the domination of the Indian by The Bureau of Indian Affairs. The Indian's every action must be approved by this federal agency. The Indian fears the Bureau but because of his dependence upon it, is unable or unwilling to criticize.

His right to buy or sell land without the Bureau's permission is denied and he is constantly forced to defend his right to keep "sacred land" as "Holy Land". The Indian feels that all of this land is sacred, none more sacred than the other. The Taos Pueblo Indians say—"For years beyond memory, the water, the land, and the people have been one interrelated and living whole." The Federal Government is incapable of understanding a culture that sets aside land for purely religious significance and so the Indian fights, suffers, and seldom wins in his struggle to maintain sacred values over contemporary public need.

The typical cry of our insensitive citizens, "We've given them Reservations, what more do they want?", is senseless when we examine these reservations and their lack of facilities. How many of these people would be willing to send their children thousands of miles away to boarding school?—which is exactly what happens to Indian children in Alaska. There, children are shipped to Oklahoma, 6000 miles away. In a country that is "up in arms" about busing children from one neighborhood school to another, it is hard to imagine closing our eyes to the plight of Indian children. Cahn, in his report, found that in Utah an Indian child walks three to four miles to the bus stop and then rides 65 miles to school.

In addition to the problem of receiving the basic education most of us take for granted, the Indian children are being immersed in a heavy solution of White American ideals, designed to wash away all traces of their heritage. It is this very lack of pride in the American Indian heritage that has resulted in many of the Indian problems, his inability to adjust to his relocation into the cities, as well as his utter dependence on the B.I.A.

Granting unused federal land to the Indian would make it possible for them to set up cultural centers, where such an education could be secured. Alcatraz, with its existing buildings, is an example of just such unused land. This piece of property could have been used to the Indian's advantage in promoting pride and self-esteem among the people. Cahn points out that the Indian world offers so much, offers Indian solution to white man's problems, these solutions might prove beneficial to the United States and would far outweigh the cost.

The problem will not be solved easily, but I feel that America has abused these people far too long. The federal land grant would only be a step toward humility on our part and a sign that we want to make up for past injustices. Many things can not be undone, but we can go that one step and grant land that would be productive, with water, electricity and roads. Hospitals and schools will need further financing, but surely in a country such as ours that has money to go to the moon, we can find the funds to help the American Indian establish a suitable, respectable life of his own.

I appeal to you, Mr. Waldie, to use your congressional influence in supporting the Indian desire to obtain suitable unused federal land.

Sincerely,
Mrs. F. PIETRUSZKIEWICZ.

VFW RESOLUTION ON CHINA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BEGICH. Mr. Speaker, many peoples in Alaska have expressed their opinions regarding the admission of the Peoples Republic of China to the United Nations.

Alaskans by nature are independent and strong-minded citizens. These characteristics assure that all issues in Alaska, whether they have local, national, or international implications, receive the full and complete consideration they deserve.

One of Alaska's most respected and active groups concerned with the issues of the day is the Veterans of Foreign Wars. On November 4, 1971, at a special meeting held at the request of the membership, the Golden Heart Post No. 3629 of the Veterans of Foreign Wars unanimously passed a resolution that expresses their opinion regarding the recent action by the United Nations.

Because I feel it is important that all sides of an issue be considered carefully, I wish to call this resolution and accompanying letter to the attention of my colleagues:

FAIRBANKS, ALASKA,
November 9, 1971.

Congressman NICK BEGICH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BEGICH: It was with shock and dismay that we heard the news of the ouster of our long standing allies, the Nationalist Chinese and the seating of Red China.

We are now recognizing an enemy of many years duration; we have faced them over gunsights in Korea and now in South East Asia, this step has made every ounce of blood shed and lives lost a farce. We have always supported our Governments' actions in this area but now feel perhaps we were wrong, we will not condone anymore what has been held as a "must" for world security and stupidly stand by and watch as we are once again, sold down the river.

The United Nations, as a body, has done damn little, as far as we can see, to lessen world tensions and bring the nations to better understanding and coexistence. We feel it is time to get out and let Red China have our seat, they can even move the whole mess to Moscow or Peking, the money savings alone would benefit the U.S. taxpayers.

Foreign aid, as such, is like throwing good money after bad; now that we have set the rest of the world on its feet, it is time to shut off the golden stream, it is past time to start helping our own. The money spent on our so called "allies", would put a big dent in the cost of cleaning up and keeping clean, our own country; personally, we're sick of supporting the rest of the world and being bad mouthed for it in return. Those needing the help the most, namely the people on the street, never see any of the millions we have spent in their names. As a child I was taught that you couldn't buy friends at any price, it's time our government grew up and started acting like adults.

We are glad to see the Native Land Claims Bill finally moving, tho there are parts we do not agree with, you can't have it all your own way. Now that the end of this is in sight, we feel that as soon as the Bill is passed, the B.I.A. should be taken out of this State once and for all; the Natives have gotten what they wanted and should no longer be public charges, like all other Americans, it is time they too stood on their own two, God given, feet!

We are enclosing a resolution that was passed by the V.F.W. Golden Heart Post No. 3629, this past week on the Red China issue. This resolution is being sent thru our State and National Organization with the eventual destination being the White House.

Sincerely,
Mr. and Mrs. JACK MURPHY.

VETERANS OF FOREIGN WARS GOLDEN HEART
POST NO. 3269

POST OFFICE BOX 1975,
Fairbanks, Alaska.

At a special meeting, held at the request of the membership, on November 4, 1971, the Golden Heart Post No. 3629, Veterans of Foreign Wars, unanimously passed the following resolution:

RESOLUTION

Whereas the United Nations General Assembly has expelled a loyal member of the U.N., the Nationalist Republic of China; and

Whereas Nationalist China has been a peace-loving nation, an ally of the United States, and has faithfully discharged all of its United Nations Charter obligations; and

Whereas this expulsion has been termed "dangerous" by the United States Ambassador to the U.N., and can only be injurious to the nations comprising the free world; and

Whereas the United Nations has admitted Communist China, an avowed foe of the United States and the rest of the free world, to its membership; and

Whereas rule in Communist China is maintained by terror and mass execution, and its Communist government does not legitimately represent the beliefs of most of the people of mainland China; and

Whereas Communist China now has a seat on the U.N. Security Council and can veto any positive action by the United Nations; and

Whereas the United States has been the financial mainstay of the U.N., paying far in excess of its proper share of the cost of U.N. housekeeping activities; and

Whereas U.S. foreign aid has assisted many of the countries which voted against the United States position on the two-China question; and

Whereas this vote, as well as other hostile actions by U.S.-aided countries, clearly demonstrates that our policy of foreign assistance has not worked as intended; and

Whereas the United States is now under unprecedented peacetime wage and price controls and the American people have been asked to make numerous sacrifices to bolster the economy; and

Whereas free nations all over the world will lose confidence in the United States if action is not taken to counter this devastating U.N. vote;

Therefore Be It Resolved by Golden Heart Post No. 3629, Veterans of Foreign Wars, Fairbanks, Alaska, that President Nixon and the United States Congress are urged to carefully reassess the value of United States membership in the United Nations with the possible goal in mind of the U.S. withdrawal from the questionable international organization, and in any event, to cease U.S. foreign aid to any U.N. member which opposed the United States on the crucial China question.

VETERANS AND THE ELDERLY

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, the forgotten people of our Nation have always for the most part been the veterans and the elderly citizens, Yet, these are folks who always have been foremost in all of my endeavors in Congress. Poverty has become a word that is being used today more profusely than any other word in the English language. Yet, there is more poverty among the elderly citizens and veterans of our Nation than there are among any other segment of our society.

Before Congress today, there are bills to guarantee incomes up to $6,500 a year for a couple whether they work for it or not. Yet, this same Congress puts a limitation on incomes that can be earned by veterans and our elderly citizens and keeps them at an income level where it is impossible for them to keep body and soul together.

How cruel and inconsistent can a government be? For instance, if a veteran gets a small amount of social security his veteran's pension is reduced. Likewise if a retired railroad worker gets a small amount of social security or veterans' pension his railroad retirement benefits are reduced. It is frustrating to give measly 5-percent, 10-percent, and 15-percent increases in social security only to learn that a veteran's pension will be reduced by that amount or a railroad retirement pay will be reduced by that amount and people on welfare will be reduced by that amount of social security increase.

This means that we actually have cruel laws on our statute books that are asking social security couples to live on $1,680 a year and veterans on $1,200 a year and railroad workers on $1,500 a year. Yet, this same Congress wants to guarantee every family $6,800 a year if they are young and even if they do not do any work.

I have constantly introduced bills as follows:

First. A veteran's pension should be a minimum of $100 per month regardless of his social security or other income, regardless of source. This is what the Spanish-American War veterans get. Incidentally it is my bill that was passed that gives the Spanish-American War veterans a $100 a month pension regardless of all other income. This bill should be passed for all the veterans of all the wars.

Second. I have introduced legislation that social security benefits should be paid at a minimum of $100 per person. This $100 minimum should even apply to children whose fathers have died so that they can get a good education. The scale should be then revised upward dependent upon income for the highest 3 years of income no matter what years they might be. This is the formula that is being used for Civil Service retirement for Government workers and if it is good enough for Government workers, it should be good enough for all of our people under social security.

Third. I have introduced bills that veterans pensions and social security are separate items each individually earned in their own right and that the payment of one and the amount should not be dependent upon the payment and the amount of the other. Both of these benefits are earned by the veteran and the elderly and should be paid in full without one benefit or payment dependent upon the other. Likewise if the elderly who retire under social security want to continue to work, they should not lose either their veterans benefits or their social security benefits.

Fourth. I have introduced legislation that railroad retirement benefits be paid in full dependent upon the 3 highest years of earnings and here too railroad retirement benefits should not be related to social security benefits or a veterans pension. A railroad retirement benefit is something that has been earned in its own right and the payment of such benefit should not be dependent upon social security benefits or a veteran's pension.

If the Congress of the United States were to fulfill these four goals mentioned above, we would do more to end poverty in our land than any other program in existence or under consideration by the Congress.

Yes, the veterans and the elderly have been the really and truly forgotten citizens of our Nation.

HIGHER EDUCATION

HON. CLAIBORNE PELL

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. PELL. Mr. President, it was recently my pleasure to speak at the Boston meeting of the President's Council on Higher Education Financing. My statement to those attending the meeting concerned the Senate- and House-passed higher education bill which will be the subject of a conference early in the next session of Congress. I ask unanimous consent that my remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Speech Before Boston College—President's Council

It is a pleasure to be here at Boston College. Congressman Thomas P. O'Neill, affectionately known as "Tip", Democratic Whip of the House of Representatives and my good friend, is, as you know, an illustrious graduate of the class of 1936 of this institution and a member of your Board of Trustees. You have every reason to be proud of him, for as a ranking member of the Rules Committee, he has shown time and time again unstinting support for all the major education legislation before Congress, particularly in the areas of student assistance and campus construction.

I should like to thank you for your kindness in inviting me to meet with you. I have truly looked forward to this meeting. It gives me an opportunity to be not only with fellow New Englanders, but also fellow Washingtonians. I believe Mrs. Green and Secretary Richardson would agree that it is easier to get together at a gathering like this than in the District of Columbia. You can be sure that if some education columnist saw the three of us huddled together in Washington there would be all sorts of interpretive articles containing guesses as to what we were cooking up.

Our meeting today could not be more timely. The House has acted on its higher education bill; and the Senate will be meeting the House managers of the bill in conference committee early next year. That conference will be the forum in which far-reaching decisions as to the future of higher education will be made. Clark Kerr, when discussing this year's bill, called it "the second most important legislation affecting higher education", explaining that the Morrill Act was first in importance. It could well be the most significant confrontation on higher education policy in this century. A basic philosophical difference between the two bills must be resolved: Will Federal policy be focused on people, on youngsters, and their needs, or will it focus primarily on the needs of institutions?

I thought I would discuss the Senate Higher Education bill, S. 659, and touch upon three or four main points of interest. I choose not to go into a long rhetorical dissertation on the problem of higher education today. We all read the papers, news magazines and specialized journals which have in one form or another predicted a dire future for higher education. The mere fact that you are a participant in this seminar indicates your understanding of the problems and your desire to do something about them.

The local starting point in an effort to fully understand the rationale behind the Senate bill is student assistance: The Senate, after lengthy hearings and long deliberations on this subject, made the philosophical choice which can be simply stated—federal law should be enacted which will guarantee to all students the right to the postsecondary education he or she is capable of absorbing. We in effect opted to place the main thrust of federal higher education assistance with the student. To accomplish this end, the Senate has provided for a basic grant of up to $1,400, from which would be deducted an expected family contribution rate.

This basic grant would be in the form of an entitlement, following the approach of the GI bill. An entitlement, in law, attempts to create a right in a specified person, one which does not depend on the capriciousness of the respective appropriations committees. The Senate would retain the present programs of federal assistance; EOG, Work-Study, NDEA, and the Guaranteed Student Loan. The basic grant undergirding the present programs creates a total package which would provide assistance to students whether they wish to attend either a low or high cost school. The basic grant would cover the low cost institutions, while utilization of all the programs would allow a student to attend the high cost institutions. The yearly cost of the basic grant was estimated at about $900 million.

While the Senate Subcommittee was addressing itself to student assistance, it became quite clear that just making funds available to students would not meet all of the problems of the institution, for tuition does not come close to covering the actual cost of education at each school. With the money squeeze being what it is, one could coarsely state the problem as such; if there are no schools left to attend, all the student assistance in the world will not be of much use. Therefore, the Senate bill contains a provision for an institutional grant which follows the student receiving the basic grant of which I have spoken. The House bill also provides for an institutional grant. And herein lies one of the major differences between the two bills, the House would make the institutional grant on a per capita basis, while the Senate provides grants only for those students receiving the basic federal assistance.

We in the Senate did not set out to create this area of difference. I believe that it naturally grows out of the theory underlining the Senate approach on institutional aid. In designing our bill we sought an approach that would not contain built in constitutional problems. We first looked at per capita aid, but rejected such an approach. We were concerned that an across the board grant of assistance on a per capita basis, counting the warm bodies so to speak, would jeopardize any institutional aid program. It is our opinion that a per capita approach could very well be found to be unconstitutional. For example, Boston College has about 8,000 undergraduate students. At a simple $100 for each student, that comes out to $800,000. An institutional grant of that size could become a portion of the College's general funds. Boston College is a Jesuit institution. The Federal funds have no strings attached. It was our belief that the Courts would say that this money, which could be used for anything the school decided on, would aid in the establishment of religion, and there you have the basis for a non-constitutional finding. And, if we were to write strict law on the use of funds, the amount of government supervision in assuring that the funds would not be misused, would again bring a finding of an unconstitutional law due to the excessive Federal involvement with the situation which such supervision would bring.

The Senate's institutional grant provision is based on the theory that the school in accepting students who are receiving the basic grant are in effect shouldering a federal burden. The government, by making more student funds available, causes a greater cost to be experienced by the institution when it enlarges its student body, i.e. a federal burden. Our institutional grant following the student is an attempt to pay for that burden. It is our belief that such an institutional aid provision would not be found to be unconstitutional for there is a clear cut reason for the Federal assistance. The government is paying for a service, and the service to be received would balance the inherent church-state problem. The Federal benefit theory is not new or novel. Indeed, it is the same method used in the G.I. bill when institutional aid followed the veterans.

The Senate institutional aid provision also differs from the House counterpart in that the Committee took note of the value of small private institutions. We attempted to meet their problems by graduating the institutional aid payment in relation to size. A school with a student body of up to 1,000 would receive $500 per student; 1,000 to 2,500 students, $400; 2,500 to 5,000 students, $300; 5,000 to 10,000 students. $200; over 10,000, $100. It is hard to figure what each school would receive due to the fact that the institutional aid is dependent on the eligibility of the student for the basic grant. But to do some simple figures, if half the student body here at Boston College received all or part of the basic grant, the school would receive $800,000—a Federal payment for the Federal burden.

The final provision in the Senate bill I would like to touch on is the emergency aid program. Institutional aid and student aid are fine, but as one of the Carnegie studies recently pointed out, there are colleges in imminent danger of going under. As they put it, "American colleges and universities are in the midst of a financial crisis, unmatched in its impact . . .". For this reason, the Senate bill would provide up to $150 million to be administered by the Office of Education to meet pressing needs of an emergency nature. The Senate language was purposely vague. For we wanted to give the administrator of the program as much latitude as possible so that he could meet all types of emergencies. This emergency aid program is looked upon as a provision of last resort. But just as the nation appears to be ready to bail out its faltering defense industries, we believe it should have the tools to meet emergencies in education.

There is much more in the Senate bill than I have touched upon. Today, I have tried to share with you the philosophy behind the Senate bill—first, the belief that basic aid should go to the student; second, that institutional aid must be broader in scope than a mere transfer of funds. It must have as part of its rationale a relationship to the total approach to Federal assistance, and that once there is that relationship, the Federal role will make the institutional aid acceptable to the courts.

It is my hope that at our upcoming Senate-House conference we will be able to agree upon measures which will aid both students and institutions. I believe that rational beings, honestly attempting to work out the best bill, can probably bring back to their respective bodies a measure which is better than either of the two which were sent to conference.

This is the time for those of us who are involved in higher education to let us know your views on both the Senate and House bills. It is often said that we in Washington operate in a vacuum, not really taking note of the realities. It is easy to write legislation, but it is the institutions which must live with it. We are not faced at this juncture with a time problem. Although we would like to have a bill out early in the year, it may be in the best interest of national policy to study in length the two bills. This type of study would give the various education constituencies time to let us know their opinions. I urge you to write to us so that we may benefit from your thoughts.

Our nation all too often thinks of success in statistics which denote material growth. In his book, *The Question of Priorities*, Edward Higoi points up the issue quite succinctly when he says, "The one really important natural resource is gray matter." If we are not ready at this point in time to commit major federal resources to the education of our youth, historical study of our country will find us wanting and eventually material progress will be thwarted. Let us give priority to people serving programs—let us put our trust in human beings.

ECONOMY AND THE AMERICAN DOLLAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. WALDIE. Mr. Speaker, a very interesting letter, written to the Secretary of the Treasury, John Connally by Mr. John J. Thiessen, has been brought to my attention by Mr. Thiessen's son.

Mr. Speaker, Mr. Thiessen is a man not only concerned about our economy, but the worth of the dollar on foreign money markets and the value of the gold backing the American dollar.

I wish to include Mr. Thiessen's letter to Secretary Connally in the Congressional Record so that my colleagues may benefit from the ideas this man has for improving our dollar overseas.

The letter follows:

North Bloomfield Star Route,
Nevada City, Calif., November 1, 1971.

Hon. John B. Connally,
Secretary of the U.S. Treasury,
Washington, D.C.

Dear Secretary Connally: It goes without saying that you are quite aware of the past history of gold in the U.S. monies system; however, my approach may be a bit different than many proposals that have come to your attention heretofore.

Traditionally, gold has always been the thin-edge-of-the-exploration-wedge; since the early history of man, it has opened up the hinterlands to exploration and brought the less glamorous minerals and metals into economic focus. Gold gave us confidence in our currency and this strong currency has made domestic and international business intercourse convenient.

We will not devalue the present U.S. Dollar. We will issue a new gold-backed currency. The new certificates will be called "Eagles" or "Gold Dollars" and this gold-backed currency will be used to purchase Newly Mined Domestic Gold. It will also become our internal currency.

In order to put gold back on-stream, we must restore gold's purchasing power, at least to its 1935 level. We must face the realities of our current prices and not resort to the present ridiculous palliatives that are being suggested at home and in the money circles of Europe. The money-changers must be negated.

We need Men to match our monetary Mountains. A good choice for a leader of the gold re-evaluation team may be the Hon. Representative Wilbur D. Mills. His singular prestige, integrity and fiscal know-how could pick a team of experts that will surely score well in a win for gold. Gold must move along in value, somewhat, in a manner commensurate with our National Economy.

The going wages in 1935, after the late and great President Franklin D. Roosevelt raised the price to $35.00 per ounce, were from $5.00 to $7.00 per day dependent upon the miners skills. Now the going wage 1971, for those same skills is from $24.00 to $32.00 for eight hours of work. It surely follows that the very minimum consideration would be to raise the price of newly mined domestic gold to 4 times its present value. This would restore gold's purchasing power to its 1935 level. This means that the new price for domestic produced gold would be $140.00 per ounce. To this we should add an additional 10% more to counter-act the normal trend of inflation. Thereafter, the value of gold should be adjusted at least once in every 10 years to our price index to keep the purchasing power of gold and the gold-back currency, "Eagles", somewhat constant.

Gold purchases, of Newly Mined Domestic Gold, should be made in the metric system. The $140.00 or $150.00 per ounce price of gold would be expressed in value per gram. For example, a gram of newly mined domestic gold (pure) would be worth $5.00 in our present currency. One "Eagle" would be worth 1/5 gram (200 milligrams) of gold. Gold coins would contain their actual value in gold—a suitable metal alloy would be added to achieve hardness. The currency "Eagles" would be exchanged for gold coin "Eagles" upon demand. The export of gold in any form would be prohibited—an exception would be a limited amount of worn personal gold jewelry.

A "New Dollar" would be issued and it would be worth 5 of our present dollars. The "New Dollar" would become our International Currency; it would not be backed with gold; it would be backed by our Gross National Product. Foreign currencies would be re-evaluated on a basis of each country's Gross National Product. Foreign currencies, like our own, must be tied to each country's ability to pay—just as surely as a personal credit rating. The "New Dollar" would be legal tender in the payment of Government and all domestic transactions but it could not be used to purchase newly mined domestic gold. The "New Dollar" could be used by American Tourists in foreign lands. It would be freely exchanged in foreign lands for our present dollars at a rate of one "New Dollar" for each 5 dollars now in foreign lands.

There will be a mandatory 10% tax (royalty) on the value of the gross production of all newly mined domestic gold. This gold tax will be paid to the Department of Natural Resources of States and the Federal Government depending upon whose land the gold was won from. The monies received from this tax will be used in the improvement of the environment where it will do the most good for the Public. An exception would be made when gold is won from within Indian Reservations; in this instance, the gold tax would be paid to the proper authority within the Indian Reservation and used to improve the environment within the Indian Reservation. Gold won from private lands would yield the 10% tax to the County and State in which it was won.

The economic impact of $5.00 per gram for newly mined gold would not only show up immediately within those States that produce gold but also in the States that provide machinery, materials and services to the gold mining States. We are not unlike a closed hydraulic system; if pressure is applied at one point it tends to equalise throughout the entire system. Gold is not unlike a prime in a pump; it merely gets the pump on stream and thereafter the stream flows into every part of our economy.

The birth-place of the gold mining industry in the United States was in such States as Georgia, The Carolinas and West Virginia. At $5.00 per gram of newly mined Domestic gold, these States still contain some economically mineable gold.

Minerals that contain gold that is produced as a by-product would be given a big boost by this realistic new price for gold. Copper mines could include vast tonnages of unminable low grade "mineralized rock" that would become ore with the new price of gold. By the same token, silver mines would come back on the economic stream.

The great Mother Lode country of California has been hardly "scratched" for its gold content. This 250 mile long stretch of the Sierra Nevadas can surpass its past gold production. In addition to the deep-seated lode mines (gold in veins), there are plus 200 miles of ancient, deeply buried, gravel channels; some gold-bearing gravel channels were worked at depths of 3,500 feet; many of the old channels are capped with lava rock—their exploitation would create no surface scars whatsoever. A single very deep gravel channel near Marysville, California, may have a potential yield of several hundred million in gold and it is all under mining spoils (tailings); it could be exploited and the present unsightly rock piles restored to usefulness. New recovery techniques and improved mining methods would make it economically feasible to re-mine many of the alluvial (gravel) deposits in the Great States of New Mexico, Colorado, Wyoming, Montana, Washington, Oregon, Idaho, Nevada, Utah, California, etc. The great copper fields of Arizona would come into much stronger economic focus from their gold by-product.

We all know that mining, in any form, does not burst upon us. There are many costly problems to be solved in exploration and development before exploitation is proven feasible. There will always be ample time to study new mining ventures to determine their effect on our environment and amendments to present mining laws can guarantee the preservation and improvement of our land heritage. The 10% mandatory tax on newly mined gold will be an environment beneficiation bonus. We all know that some tremendous scars have been left in the wake of mining. Now we must not only prevent this end result in the future but do a bit of landscape surgery on the scars. In any event there is no room for bigoted persecution in anticipation of the mining industry.

Foreign Aid backed with gold should be dead forever. A system of International Credits should replace all Foreign Aid. These Credits would be used for the purchase of creature comforts, industrial and agricultural supplies, medicines and educational costs; all purchased from the United States. U.S. companies operating within the country that has received Credits could repay the Credits to the U.S. in lieu of taxes, production royalties, etc., that would normally be paid to the foreign Government. Foreign Aid in all of its forms has made foreign enemies.

Respectfully submitted.

JOHN J. THIESSEN.

ILLEGAL ALIENS POTENTIAL HEALTH MENACES

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the presence of illegal aliens in this country does far more than upset the economy and create unemployment. Let us consider the health aspect.

The illegal alien can be a walking menace to the health of the community, especially if he is a Mexican national who has not been immunized.

Dr. Clifton Govan, pediatric consultant in the Child Health Services Division of the Colorado Department of Health, has testified that the health problems posed by illegal aliens "are not problems of just Colorado but are of national scope."

Because he is an illegal alien and cannot afford detection, he often will avoid treatment for an illness, thus endangering the health of everyone with whom he comes in direct or indirect contact.

And because he often lives in squalor, he is a prime candidate for a communicable disease.

Consider this description of housing occupied by illegal aliens in Powers County, Colo.:

> Housing consisted of one abandoned milk truck body and a shed at the rear of the property, neither building capable of adequate description of what is wrong since everything is wrong and nothing is right. The shed, originally designated for storage, is filthy, not provided with any semblance of furnishings other than a bed. There are no provisions made for natural light or ventilation. The electric wiring was hazardous and contrary to code. The milk truck body is not ventilated or lighted and not fit for use. No provision was made for lavatory, bathing or laundry facilities.

Eight people were living in the truck body and shed, which Dr. Govan correctly branded "breeding grounds for disease."

Dr. Govan described one case which probably can be multiplied many times to show the potential threat to health.

In this instance, a nurse working among migrant laborers found a man with a possible case of tuberculosis. He was X-rayed in the mobile unit and diagnosed as a possible tubercular. When the nurse returned to advise him to get a definite diagnosis, she could not find him.

He reportedly had returned to Mexico, but Dr. Govan is afraid he may "be roaming the state with an open case of tuberculosis." He is thus a potential threat to everyone who comes near him.

The Mexican national who has not been immunized may be a carrier of diphtheria, measles, typhoid. He could originate a polio epidemic.

The illegal alien often is employed in such jobs as food processing and handling, dishwashing, and waiter. The disease potential here is absolutely frightening—hepatitis and tuberculosis, salmonellosis, shigellosis, amebic infections and parasitic infections.

The potential threat to community health and welfare posed by the illegal alien is too great to dally with. This is another very important reason why we must do everything we can to keep these people out of our country.

SMALLTOWN AND RURAL RECREATIONAL DEVELOPMENT

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, the preservation and progress of our small towns and rural areas is the key to the success of our Nation. Rural areas and small towns always received top priority during the O'Konski years.

For example, when the public works program was started, I appeared at meetings with smalltown officials to explain the program and help with the applications. The day after the bill became law, I appeared at a meeting with Minocqua officers. The result: Per capita of population, Minocqua got more public works money than any community. Here are the projects Minocqua got in Federal money: Sewage and water facilities, $393,000; street improvements, $62,000; library and police station, $40,000—all for just one community. The Minocqua officials have the pen with which this bill was signed in Washington.

Iron County has a population of less than 6,500 people. Here are some of the projects and Federal funds in that county:

Public works funds	$560,000
Electronics contracts	3,250,000
SBA loans	1,100,000
Farm Home Administration loans	580,000
Total for Iron County	5,490,000

All of these projects were prepared and processed from start to finish through my home office. Iron County lost about 500 jobs when the mines closed. The above projects have created more than 500 jobs. All this in a county of less than 6,500 people.

This is typical of what can be done to preserve our small towns and rural areas if they have a Congressman who cares and helps personally. Phelps, a community of only a couple hundred, got a $900,000 sewage and water plant. More than 80 such small towns got my help when they needed it.

The following tables will give further indication of the results achieved for various communities during the O'Konski years:

Recreation loans and grants to 10th District small towns during the O'Konski years

Colfax Sports and Recreation, Colfax	$145,000
Eagle Bluff Country Club, Hurley	373,200
Eagle River Recreation, Eagle River	121,500
St. Croix Country Club, Polk County	87,000
Clear Lake Golf Club, Clear Lake	128,900
Hudson Country Club, Hudson	150,000
Hammond Golf Club, Hammond	148,500
Hayward Civic Club, Hayward	150,000
Glen Hills Golf Club, Glenwood City	149,000
Lions Hodag Snowmobile Marathon, Rhinelander	50,000
Total	1,503,100

Recreation funds for small town and rural area development during the O'Konski years

Apostle Island appropriation (land acquisition)	$4,200,000
Wild Rivers appropriation—St. Croix and Namekagon Rivers (land acquisition)	2,600,000
Economic development recreation grants	980,186
1970 grants—Department of the Interior (10th District)	4,618,323
Total recreation Federal funds in 10th District, fiscal year 1970	12,398,509

Department of the Interior recreation funds in fiscal years 1970, 1971, and 1972—The O'Konski years

Bureau of Outdoor Recreation	$464,337
Geological Survey	1,080,600
Bureau of Sport Fisheries and Wildlife	8,354.089
National Park Service	$5,742,716
Bureau of Indian Affairs	3,882,329
Total	19,524,071

NOTE.—Figures for previous years are not available, unfortunately.

Rural community projects in 10th District under O'Konski years

Brantwood Cooperative Dairy (Price County)	$63,760
Clifford Cooperative Association (Oneida County)	22,700
Woodlawn Dairy Cooperative (Price County)	25,800
Prentice Cooperative Supply Co. (Price County)	45,000
Farmers Union Wood Producers Cooperative (Chippewa County)	200,000
Total	357,260

Office of Economic Opportunity grants to small towns and rural areas in 10th District—Last 3 O'Konski years

Community Action Programs	$2,905,000
Bureau of Work Programs	2,300,000
Rural Loans	450,000
VISTA	$150,000
Job Corps	1,300,000
Total	7,105,000

Soil Conservation Service Federal grants in 10th district during the O'Konski years

Ashland	$249,868
Barron	272,314
Bayfield	146,076
Burnett	175,055
Chippewa	206,842
Douglas	203,872
Dunn	371,097
Eau Claire	779,316
Lincoln	202,554
Oneida	100,935
Polk	505,616
Price	674,426
Rusk	353,201
St. Croix	1,078,228
Sawyer	201,935
Taylor	231,055
Vilas	50,686
Washburn	608,817
Total	6,485,714

ROGERS EULOGIZES JUDGE TED CABOT

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROGERS. Mr. Speaker, the death of a friend is always an occasion for sadness. But occasionally the friend is of such character that in retrospect, one can find solace in his achievements. Judge Ted Cabot was such a man.

Maybe a proper paraphrase would be that when Judge Cabot died, there was ample evidence that his friends thank the light that Ted lit, rather than curse the darkness that his death will bring.

Death could have claimed Ted Cabot long ago, for disease visited him early. But he fought osteomyelitis with the same aggressiveness and intensity that he carried to everything he did in life.

Ted Cabot lived a full life. Many do. But Ted Cabot was different because his life resulted in the betterment of those around him—both his friends and those whom he did not even know. For as a judge, he was an active servant of justice. If all our courts had such servants, there would indeed be equal justice in this Nation today.

As an individual, his Christian spirit made him a friend of man. A friend of mine, and of Ted's, Phil Cheaney, wrote a letter to Judge Cabot's son, Bruce, upon the death of the Judge. In the letter, Phil said more eloquently than I what Ted stood for. And basically, this letter tells us that we were most fortunate to have had a Ted Cabot as a friend and leader for even the 49 years that he was with us.

I would like to include this letter in the RECORD. The people of Broward County, indeed, the Nation, has lost a great man. But I am thankful that we knew him so long. My wife, Becky, and I extend our deepest sympathy to Judge Cabot's wife, Bitsy, and his family.

The letter follows:

BOYHOOD FRIEND WRITES TO JUDGE'S SON—JUDGE CABOT REMEMBERED

(NOTE: Ted Cabot, Broward's first federal court judge, died last week. Those of us who have lived here many years know the kind of man Judge Cabot was. Newer residents may not. Phil Cheaney, who knew Judge Cabot since boyhood, recalls, in the form of a letter to the judge's son, Bruce, some of the traits that made Judge Cabot an outstanding person.)

DEAR BRUCE: I was able to write down some recollections about your father, and I thought you might like to know some of the things about him that his friends remember, so I agreed to do this impossible job. I hope that maybe in some of these recollections you might find the spark, or whatever it was, that made him such a good friend to so many people and made him be remembered as such a very great person to those people who did know him.

Ted Cabot. What a flood of memories this name brings.

Such quiet competence. The quietness seemed to say that it was so easy to do the right thing. And yet those who had the opportunity to know him remember the long, hard jobs that he had to do.

The interesting thing to me is that regardless of what the task might be or how difficult it might be it never seemed to deter him. It was as though he had already figured the entire thing out and knew what was going to happen. He just knew that he was going to succeed.

And I can't find out at what point in his life he decided that he could win regardless of what the odds might be against him.

It hardly seems possible that at 14 he would have already decided that he could win any battle. And yet he was only 14 when he received the injury that resulted in the Osteomyelitis disease that he had.

His sisters remember that when he was first taken from the house to the hospital he was in such pain he screamed when they touched him to put him in the ambulance.

You must remember that there were no magic miracle drugs in those days and the treatment for this disease was a long and difficult and most painful treatment. The treatment really lasted all of his life.

The treatment was so severe that on at least two occasions while he was being operated on his heart stopped and the doctors had to quit and revive him.

And interesting enough, Ted was always appreciative of the great interest that his doctors took in him. Instead of being disheartened by his disease and feeling sorry for himself he was appreciative of those who would take the time to help him.

Perhaps because of his illness and having to stay in bed so very much he developed the habit of study, and a voracious appetite for anything to read. And a lot of this he gets from his mother, your grandmother. She encouraged him to read, read, read! And not only did his mother encourage him in his studies and his reading, but he was fortunate enough to marry a girl who offered the same help and encouragement. If it hadn't been for the help and encouragement of his wife, your mother, he probably would not have gone back—no not "gone back" he never went to college, he just started in law college—but he would have never gone to law college if he hadn't had the encouragement of your mother.

The help and encouragement of his mother and the help and encouragement of his wife and the help and encouragement of all the people who knew him and who were impressed with his desire to overcome any obstacle and his aura of confidence made everybody believe in him somehow and want to help.

But I suppose that not succumbing to this disease and overcoming it, the rest of life's problems were all kind of put in focus.

So he worked hard after high school as a bookkeeper and later on as an accountant as he studied and learned more, and then (hard to imagine) he decided to run for a job he thought he could manage.

In the old days here the Democrats used to fight between themselves over every office and once a Democrat got in and did a competent job and was able to stay in the office for a couple of years it was most unlikely that he would be upset. And of course usually it would take a great deal of money and help to unseat one of these people.

It was preposterous to think that Ted Cabot, bookkeeper, could run and win against an established officeholder. But he displayed his quiet competence in that election. He simply proceeded to get all of the friends he had to help him and you might say that he was the original Lawton Chiles, because he walked from door to door in this county, even with his bad leg, until when the time came for the election the people voted him in and his opponent out.

He only gloated to me one time about the election. He said, "You know, Grace Baird came all the way from Key West on a bus to vote for me." Grace Baird was a high school classmate of his who had gone to work in Key West for the Navy during World War II. And travel was difficult in World War II. We had gas rationing and Key West was a long way away by bus, and of course, most people today would say, "what's one vote?" But Ted had the charisma that would make a high school classmate of his take the day off, buy a bus ticket and come the many miles between here and Key West on a bus just to cast one vote for him.

You mustn't think of your Father as just being a cripple, lying in bed fighting a dread disease, or just a hardworking politician, or an overworked judge. He could play as hard as he could work. The number of people in this community who have been on fishing trips with him can tell you how completely relaxed he would be on his fishing trips. And he wouldn't have to do it with a bottle. He would take a drink, but not many. He somehow didn't need any artificial help to make him have fun.

If I seem to keep coming back to his illness, it is because it was such a great part of his life. At one point he was skin and bones and had no appetite and was told by his doctor that if he didn't eat he wouldn't recover and that he must force himself to eat whether he wanted to or not. So, as he told me later, he got in the habit of eating. And he found it difficult after he got well to break this habit.

We used to go to the University of Miami football games every Friday night, and we would leave Fort Lauderdale about five o'clock and stop at a restaurant where they had all of the lobster you could eat for a fixed price. I actually saw him eat eight lobsters, and I don't mean eight halves, I mean sixteen halves, plus two huge baked potatoes. Man, he could eat! And he enjoyed it. And of course most of his life he was overweight, but it was a kind of strength he had to have, and he couldn't exercise as much as he would like to because of his leg. So his leg always was a problem in his life and he probably kept remembering the year and a half that he was in and out of hospitals.

I am sure that during that eighteen months he got to know God very well. And the church played a very big part in his life all of his life. He was a trustee in the First Christian Church where your grandfather and your grandmother still attend. He was one of the charter members of the First Presbyterian Church in Plantation. When we moved to the Plantation area he saw the need of a church to serve that community, and with the help of other people like himself he proceeded to organize a church and later became the building committee chairman for the sanctuary.

As a judge he could not solicit funds, but he could work on the finances of the church, and interestingly enough he and his committee could work up such a budget that the church never really had any solicitations for funds—all that they had was a clear, impressive story of what the need was and the congregation then proceeded to support the finance committee and to meet the goals that were set. And this is the kind of church that your father helped organize. He, of course, with his legal background, was called upon to do the legal work for them and did it.

Reverend Scharer tells me that from time to time when Ted would be ill and had to stay home in bed he would ask that the building committee file be brought to him so he could help work on the church matters. And Ted said to Reverend Scharer one time, "You know, perhaps the Lord put me in bed so that I could do this work that needs to be done."

So he had really a very full life.

He started out as a boy with every opportunity, and before he became a man, physically, he was faced with a terrible illness and won over this illness at the cost of a bad leg and recurrences of the illness forever after. But probably during that year and a half in the hospital the resolve to overcome this illness became also the resolve that he used to overcome any other problem that faced him in the future.

Another astonishing thing is the number of people who knew him and felt that they knew him well and felt that they were his special friend. And they all were his special friend. But how many of us have thousands of special friends? Oh, I'm sure that you'll have one or two very close friends, special friends, all of your life, but Ted somehow or the other seemed to have close friends everywhere he went. Real, close personal friends. Special friends.

I am sure that you remember the camping trips you went on. He enjoyed being with his family, went with them on outings, camping trips.

He lived a very full life. And he lived a full life because he was working all the time. He was thinking about what needed to be done and how to do it. He was willing to give up hours of sleep and needed rest to accomplish what he knew had to be done. You know of course that he had been wrestling with legal problems involved in desegregation of our schools. He was instructed by the Circuit Court of Appeals to see that a plan was prepared in accordance with the decisions made by the Supreme Court of the United States. The drawing up of this plan was really the job of the parties in litigation, but they couldn't do the job, and the job had to be done, so he proceeded to get up at 4 o'clock every morning and spend a few extra hours on this monumental task. And he felt that the only way he could do it was to know more about the schools than anyone else. So, for example, he physically went to all of the schools in Broward County to see what was involved. And then he spent the time in the quietness of his cabin over on the Peace River thinking about it, and he spent the time in the early morning hours when he should have been resting thinking about it and working on the plan.

I suppose that it is typical of the way he handled all of the legal cases that came before him. He would do more studying and more work on the case than anybody else. He would do more work than the lawyers for either side would do. This is the hard way to do it, as a judge. You can just let the lawyers do the work and then you make a decision, but things don't get done quite so fast and they don't get done quite as effectively as if you had done them yourself. So he did it and as the song goes "I did it my way!"

And I'm sure that he would want you to face problems as he did and he would want you to live your life with God's help and without fear and with great pride and poise, all in your own way. I talked to people about this letter to you and they had as hard a time trying to explain how they felt as I am having.

"He had no fear, he was imperturbable and yet kind and gentle all the time.

"He had a compelling passion to make decisions, the tough hard and sometimes unpopular decisions.

"He had great poise.

"He had such great honesty and so much integrity that he didn't fear anyone or anything."

A juror who didn't know him said that he was the only judge that kept the lawyers from confusing him.

It seems to me that these few words that come to my mind are as good a way as any to finish! Ted Cabot, he met and overcame so many adversities that death had to come while he was asleep.

Sincerely,

PHIL CHEANEY.

INSTITUTIONAL AID: FEDERAL SUPPORT TO COLLEGES AND UNIVERSITIES

HON. CLAIBORNE PELL

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. PELL. Mr. President, the Carnegie Commission on Higher Education has recently published a report entitled, "Institutional Aid: Federal Support to Colleges and Universities." This indepth study of a subject which is before the Congress at this very moment is most probing, while at the same time objective. The full text will be available from the Carnegie Commission on Higher Education. However, I ask at this time that the summary of the findings be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

INSTITUTIONAL AID: FEDERAL SUPPORT TO COLLEGES AND UNIVERSITIES

1. MAJOR THEMES

1. The federal government should provide substantially greater funds for higher education including funds to institutions for general support of educational programs. Many contributions of higher education are specifically to the national welfare. The federal government, also, has two-thirds of all federal, state and local revenues.

In 1968 (*Quality and Equality: New Levels of Federal Responsibility for Higher Education*), the Carnegie Commission recommended that total federal support rise to $7 billion in 1970–71 and $13 billion in 1976–77, including $1 billion in 1970–71 and nearly $3 billion in 1976–77 in institutional support. Federal support at that time (1968) was $3.5 billion with *no* funds for general institutional support.

These recommendations were reaffirmed in 1970 (*Quality and Equality: Revised Recommendations*). We reaffirm them once again.

2. This present report is concerned with institutional support within the totality of federal support programs for higher education which include expenditures for student aid, research, construction grants and loans, and a variety of special programs such as cooperative education, community education, and developing institutions.

The Commission has never endorsed any single bill before Congress concerning institutional support. It does not now.

The concerns of the Commission have been and are:

That adequate institutional support be made available.

That the principles on which this support is based serve the nation well and serve higher education well.

That the program of institutional aid is based on principles which aid the national welfare and the welfare of higher education *in the long-run* and not only provide money in the short-run, essential as that is.

3. The principles which we consider to be most important are:

That basic support of and responsibility for higher education remain with the states and with private initiative. *We are opposed to the development of a single national system of higher education.* (See our report: *The Capitol and the Campus.*) As a consequence of this principle, we do not favor lump-sum across-the-board grants to institutions from the federal government. This would be the initial step toward a nationalized system as, first, the states would reduce their sense of basic responsibility, and, second, controls would inevitably follow the lump-sum across-the-board grants.

That the highest single priority for higher education in the 1970s is to help fulfill the two-century old American dream of social justice. Equality of opportunity has long been promised to all of our citizens. Increasingly such equality means equality of opportunity to obtain a college education. This is a *national* promise and the federal government has a special responsibility to aid higher education in carrying out this promise. Equality of opportunity in higher education is costly. Much of the "new depression" in higher education is caused by the efforts of institutions of higher education to bear these costs. The costs will rise greatly in the 1970s as we add 3 million students to our enrollments, many from low income and modest income families.

Consequently, we have proposed, and do so again, a new Educational Bill of Rights, modelled on the successful program for GI's after World War II, which would provide students from low and modest income families with the financial resources required for college attendance, and would also provide a cost-of-education supplement going along with these students to the institutions of their choice to be expended by these institutions for educational purposes. In this report, we add to our earlier recommendations that such rights, and the accompanying cost-of-education supplements, follow not only educational opportunity grants but also nonmilitary national service (such as VISTA and the Peace Corps) and subsidized loans. Both these additions would serve to raise the income levels at which students, and thus the institutions they choose, would receive benefits. We believe that the aid to students should take the form of a national entitlement available to students regardless of the state in which they reside or the institution they attend.

That students be given the maximum freedom of choice in choosing the institution they wish to attend. Such freedom of choice will both serve the students better in the short-run and create an incentive for institutions to change in the longer-run in the process of attracting students through the quality of their programs. Institutions, in turn, should be free to choose their students, without discrimination on grounds of race. Places must be provided for all qualified students but this is an obligation of each state system, not of each individual institution.

That federal aid be given in a manner which does not encourage the states and private sources to reduce their support. We fear that lump-sum across-the-board grants might do so. Some states might hold back in order to put greater pressure on the federal government to take over more responsibility. A period of great uncertainty might ensue. Public institutions, in particular, might suffer. Their state support might be diminished and thus offset some of the federal support they obtain, while private institutions would not be subject to such an offset. Federal support, on the other hand, based on *added* contributions to the national welfare would be less subject to such offsets.

That the form of federal aid should minimize constitutional problems and hopefully eliminate them altogether. The GI Bill of Rights was long and well accepted. Lump-sum across-the-board support of institutions with religious affiliations may not be.

That the autonomy of institutions be preserved. Payment for contributions to selected national goals invites less control than subsidization of the institution *qua* institution. We favor pluralism among systems and diversity among institutions. In particular, we are against any formula which would strongly influence academic policy in any single direction in an effort to obtain federal funds—for example, in encouraging the granting of degrees without regard for quality.

These several considerations have led us, after prolonged discussions over a four-year period, to favor the GI Bill of Rights approach since it makes the greatest contribution to national welfare, provides substantial support to nearly all institutions without running major risks of constitutional challenges for many of them or of reduced state support for still others, and preserves to the maximum the freedom of choice for students and the autonomy of institutions and of state systems.

4. This report, in addition to setting forth the principles that should underlie federal aid to institutions, provides new analytical data about the impact of different formulas on different types of institutions. Seemingly small changes in a formula, for example, whether allocations are made on enrollment or on degrees granted, or whether enrollments are calculated on a head count or on a full-time-equivalent (FTE) basis, make major differences in results.

We set forth several alternative formulas for examination, including:

(1) Equality of opportunity—by number of EOG recipients.

(2) Equality of opportunity—by percentage of funds granted.

(3) Two-thirds equality of opportunity (percentage of funds) and one-third enrollment.

(4) One-third equality of opportunity (percentage of funds) and one-third enrollment.

(5) Dual choice: Equality of opportunity *or* enrollment weighted for small size, whichever is greater.

(6) Three factor formula: equality of opportunity, enrollment, research.

The impacts of these formulas on several types of institutions are set forth in Table 1 and Chart 1 (not reproduced in the RECORD). The possible alternatives are, of course, quite endless.

5. This report is concerned with federal aid to institutions of higher education. Adequate state support is equally needed. In particular, it is only the states that can create a viable balance between public and private institutions. To the extent that there is an imbalance and that this imbalance is a source of current difficulties, the states should take affirmative action. Efforts to solve a state-level problem unsuccessfully at the federal level can be very costly if successive across-the-board subsidizations are made leaving everybody in the same relative competitive position. The states have a particular responsibility at the present time—in addition to their adequate support of public institutions—to aid students going to private as well as public institutions. The graduates of each type make equal contributions to society. We particularly support (see *The Capitol and the Campus*) state scholarship programs that aid attendance of low income students at private colleges and universities.

6. The nation now faces decisions on the second most important federal legislation affecting higher education in our history. The first was the legislation which created the land-grant colleges and universities, and began the movement toward the modern American system of higher education.

As we progress in our national consideration of this important development, the principles involved merit careful examination and the many alternative formulas an equally concerned attention. Whatever principles are accepted and whatever formulas are adopted are likely to remain in effect for considerable time—the forces which lead to their initial choice will lead even more easily to their indefinite perpetutaion.

The Carnegie Commission has prepared this report with the hope that it may assist in the understanding of the principles involved and in the evaluation of the alternative formulas.

FARMERS HOME ADMINISTRATION DEVELOPMENT IN THE NORTH

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, coming from a farm background spending my first 22 years on the farm that was the source of livelihood for my parents and nine brothers and sisters, I realize the need for the preservation of the family-type farm. Financial help to family-type farms was a matter of top priority from the very beginning of my tenure in Congress.

A few years prior to my coming to Congress, there was established the Farmers Home Administration. I studied that agency and visited with its leaders on at least a score of occasions. I came to the conclusion that the expansion of this agency would be the salvation for financial help for family-type farms.

Each year in Congress, I have urged the proper committees to expand the responsibility of the Farmers Home Administration and to increase availability of money to this agency so that they could be of greater help to our family-size farms.

In all my years in Congress, more than 1,000 family-size farm applications were handled through my office. I personally visited with hundreds of farmers who had financial problems and explained to them the workings of the Farmers Home Administration and prepared the way for their filing of an application. Any inquiry to the State Farmers Home Administration headquarters at Madison or their national headquarters in Washington will verify that more Farmers Home Administration farm applications have been handled through my office than all the rest of the nine Wisconsin Congressmen and two Senators put together.

In many instances where I knew farmers were stuck with loans with private financial companies paying as high as 32-percent interest and insurance charges, I pointed out to them the folly of paying such high interest rates and urged them to work through the Farmers Home Administration. There are at least 300 instances of family-size farms that I helped work out from being saddled with high interest rates by financial companies to long-term loans at reasonable interest rates with the Farmers Home Administration.

In my judgment, the Farmers Home Administration is among the top agencies of our Federal Government. By far, they have done more to preserve the family-type farm than any other program of the Federal Government. An examination of the figures listed below will prove my point on what the Farmers Home Administration has done for the farmers of the north country during the O'Konski years:

Farmers Home Administration—Loans of all types to individuals in 10th District

[January 1, 1943–June 30, 1971—the O'Konski years]

All loans	14,771
Total amount loaned	$75,816,148
Average size of loan	$5,200

AMERICAN POLICY IN GREECE: A DECLARATION OF BANKRUPTCY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. FRASER. Mr. Speaker, George Anastaplo is lecturer in the liberal arts at the University of Chicago, and professor of political science at Rosary College. He is the author of The Constitutionalist: Notes on the First Amendment published in 1971 by the Southern Methodist University Press.

Dr. Anastaplo has been declared persona non grata by the Greek Government because of his articles about U.S. policy in Greece. One of these articles was published in a slightly edited form in the Sunday, October 31, 1971, Baltimore Sun. This particular essay looks to the countries of Western Europe as reliable allies acceptable to a liberated Greece. This Anastaplo analysis deserves additional readers. The unedited version follows:

American Policy in Greece: A Declaration of Bankruptcy

(By George Anastaplo)

Congress continues to debate whether the United States should supply military aid to Greece. But, it should be noticed, it may not matter, in assessing the influence of American policy upon Greek affairs, whether we actually deliver military aid to the colonels' regime. It does matter whether we are believed by the Greek people to be delivering such aid. Indeed, the colonels would much prefer to have us pretend publicly to be providing them military aid, while not actually doing so, than to have us repudiate publicly our aid while continuing to deliver it in private.

It has been of great importance to the colonels that the United States should appear in public to regard the Greek regime as a respectable ally. Such fraternizaiton tends to paralyze those elements in Greece which remain hostile to the colonels. If the United States continues to support the colonels, it is asked, what can unarmed citizens do to unseat them? And, it is further asked, would the American Vice-President be permitted to conduct himself as he has in Greece if the United States does not really support the regime?

The political effect in Greece of the Vice-President's visit cannot be corrected by whatever he may have said in private to the colonels about a return by Greece (as part of "the Free World") to constitutional government. Tyrants, on whichever side of the Iron Curtain they may be entrenched, cannot be argued out of office. The colonels have dug themselves in, partly by exploiting since 1967 our public acquiescence in, if not support of, their regime. Our State Department experts now realize that they were deceived into "going along" by the colonels' repeated assurances that they intended to return the country to constitutional government.

No matter what kind of welcome can be staged in Athens for American leaders, there smoulders in Greece today the resentment of a proud people who can easily be led to regard themselves as having been subjected to a tyrannical rule in order to serve the strategic interests of the United States. Such resentment can damage the permanent national interests both of Greece and of the United States in the Eastern Mediterranean. In fact, the United States may have already so compromised itself in Athens that it is now limited to an effort to salvage what it can of its relations with Greece after the colonels do go.

How has a country which had been so influential in Greece gotten itself into the helpless position we now find ourselves? First, we misjudged the Greek constitutional crisis of 1965–1967, a crisis in which the legitimate leaders of Greece did conduct themselves irresponsibly. We did not do what we could have at that time to moderate the passions which had developed in Athens and to which we contributed.

Then, we misjudged the usurping colonels who seized power in April 1967. We failed to see what should have been evident to everyone who ever saw these men close up, that they were crude opportunists with a talent for conspiracy. We failed to see as well that there was (and perhaps still is) available as a popular alternative to the colonels an experienced conservative, a former prime minister of considerable prestige in Greece, who was clearly friendly to the United States. In short, we betrayed our friends and the cause of decent government in Greece by permitting ourselves to be gulled and used by the colonels.

We have, in our collaboration with the colonels, ignored the interests and wishes of the Greek people. We did not see that the legitimate interests and sensibilities of the Greek people were necessary concerns for us to take into account if our policy was to be sound. Nor did we see that our much-publicized association with the colonels was creating a permanent reservoir of resentment against the United States, resentment which may be found even among the conservatives, royalists and better army officers of that country. We have, that is, succeeded in uniting articulate opinion in Greece on one simple proposition, that the Untied States is in large part responsible for the tyranny which Greeks seem destined to endure for a generation.

Another effect of our policy has been that it has permitted the colonels to corrupt and exploit the Greek-American public. That public remains, despite its good intentions, curiously uninformed about Greek affairs. If the American government had been more perceptive and more responsible in recent years, the more influential Greek-Americans would not have been as foolish and harmful as they have been in their uncritical support of the colonels. But even Greek-Americans cannot help but notice, upon returning to Greece, the marked absence of discussion of political matters by ordinary Greeks in public places.

This unnatural public silence of the Greeks is revealing, eloquent and ominous. The longer the present regime continues, the less likely it will be that a moderate resolution of "the Greek problem" will follow the departure of the colonels: Since it is unlikely that we Americans will do publicly what might still be done to help the Greeks rid themselves immediately of the colonels, we should begin to consider what can be done (in the interest of both the United States and Greece) to blunt the effect of the passions which have been generated against the United States among the more articulate Greeks, passions which can lead some day to disastrous experiments by a liberated Greece.

Would it not be prudent for us (as part of our "salvage" operation) to encourage the Greeks to move into closer association with Western Europe and away from their recent dependence upon the United States? This may be a safe and humane way to minimize the potentially explosive results of our miscalculations and self-deceptions in Greece of the past decade. Greek democrats cannot help but notice that they deserved less and yet got more from European governments than from their American ally since the colonels struck in 1967. Thus, whereas the United States (like the Soviet Union) accepts without serious public criticism the Greek government as it is today, the governments of Western Europe refuse to do so.

The deference by Europeans to what decency requires may be seen in the condemnation in the Council of Europe, despite American lobbying in opposition to this action, of the widespread and deliberate use of torture by the colonels. Such repudiations of the American approach should make Western Europe appear more plausible than the United States as a reliable ally for a liberated Greece. Perhaps there can be minimized by an increased reliance upon Europe the effect of our failure in Greece, a failure which anticipates the permanent loss of the preeminent influence America has had there for a generation.

Is there not something shoddy and unimaginative in the willingness of a great power to be used as the colonels have been using us since April 1967? Which is worse, that we did not know better or that we did not care? However that may be, we have permitted ourselves to be crippled by the self-seeking conspirators who continue to control Athens.

There remains for us Americans, whatever may happen in the Mediterranean, the duty of reflecting upon why our policy in Greece has been such a miserable failure and what that failure reveals about the way we conduct foreign affairs everywhere.

PEKING AND WASHINGTON: A FULL CIRCLE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. CHURCH. Mr. President, the overture President Nixon is now making toward Peking is similiar to overtures made 22 years ago toward the United States by Mao Tse-tung and Chou En-lai during the latter stages of World War II. However, ideological differences blocked any kind of cooperation between the United States and the Communist victors of the Chinese civil war. Consequently, Washington backed the losing side in the conflict.

This past episode—only recently made public—is recounted by Frederic A. Moritz in the Christian Science Monitor of November 9, 1971. Because of its current value, I ask unanimous consent that the article be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Nov. 9, 1971]

LESSONS BOB UP FROM THE PAST AS UNITED STATES FORGES NEW POLICY ON CHINA

(By Frederic A. Moritz)

Americans are finally facing the fact that Mao Tse-tung's Communists defeated Chiang Kai-shek's Nationalists—22 years, two wars, and a stinging United Nations defeat later.

Some fresh conclusions emerge from new evidence revealed by State Department documents only recently declassified. They concern a strangely prophetic World War II episode in which Mao Tse-tung and Chou En-lai sought cooperation with the United States.

Then as now Communist leaders ignored ideological barriers in a bid for American assistance as a balance against Japan and Russia, the two powers pressing closest on China's borders.

The Americans involved are being courted and listened to once again. A key figure in those wartime contacts, retired diplomat John Stewart Service, recently testified before a respectful Senate Foreign Relations Committee. And now he returns from China after renewing an old wartime acquaintance with his host, Chou En-lai.

It was different in 1945 when the 36-year-old foreign-service officer earned two decades of controversy and suspicion of disloyalty for arguing that Americans must temper their romance with Chiang Kai-chek, avoid taking sides in the Chinese civil war, and accept the reality of Communist power.

NEW CONCLUSIONS FORGED

Now those World War II contacts that once raised disloyalty charges are sparking new conclusions with evidence of:

An extended effort by Chinese Communist leaders to avoid conflict with the United States. One analyst says the Communists wanted no overdependence on Russia and saw American assistance as an alternative.

Lost American opportunities to prevent the hardening of the Sino-Soviet alliance and 20 years of American-Chinese confrontation.

Intentional or not, distortion of the record by the State Department's 1949 white paper which, say its critics, played down evidence of Mao Tse-tung's independence from Moscow.

Former Secretary of State Dean Acheson's letter of transmittal introducing the white paper denounced the Communist leaders as instruments of a foreign imperialism who "had foresworn their Chinese heritage." That insult was bound to create distrust, according to University of Michigan Chinese foreign-policy specialist, Prof. Allen S. Whiting.

At the heart of the story is Dixie Mission—18 American diplomats and military men who flew from Chiang Kai-shek's wartime Chungking capital to Yenan in the summer of 1944 to spend months as guests at the rocky northern China Communist base. Their object: to evaluate Communist guerrillas as potential allies against Japan and to recommend on possible military aid.

BACKGROUND SKETCHED

Mr. Service, then second secretary of the United States Embassy in Chungking, handled Dixie Mission's political side. Born in China of missionary parents, the lanky, laconic diplomat used his fluent Chinese in lengthy interviews with Mao Tse-tung and Chou En-lai. He summarized these and his general impressions in dozens of memos and dispatches.

These memos and allegations that they were leaked by Mr. Service to the editors of the left-wing Amerasia magazine in 1945 became the subject of the late Sen. Joseph R. McCarthy's 1950 charge that Communists had infiltrated the State Department. The Civil Service Commission Loyalty Review Board dismissed Mr. Service in a judgment overturned six years later by a unanimous 1957 United States Supreme Court decision. But the documents themselves were never fully revealed until lengthy declassification procedures allowed publication of two State Department volumes in 1967 and 1969.

They are Foreign Relations of the United States, 1944, Vol. 6 and Foreign Relations of the United States, 1945, Vol. 7. Two recent books by participants giving added detail are Amerasia Papers: Some Problems in the History of U.S.-China Relations (1971) by Mr. Service himself and David D. Barrett's Dixie Mission: The United States Observer Group in Yenan, 1944 (1970). Both are published by the Center for Chinese Studies at the University of California, Berkeley.

OVERTURES RECALLED

Contained in these volumes is the story of early Chinese Communist overtures for cooperation with the United States. Among them:

Mao Tse-tung inquired of Mr. Service in July, 1944, if the State Department could estabilsh a consulate in Yenan—to remain after the war had ended.

Mao Tse-tung and Chou En-lai proposed through secret military channels in January, 1945, that they personally got to Washington for exploratory talks with President Roosevelt—according to a cable by United States Ambassador to China Patrick J. Hurley. A State Department historian has verified the existence of the proposal itself, according to John Paton Davies, a former American diplomat involved in planning for Dixie Mission.

Mao Tse-tung called for long-term economic cooperation between China and the United States in a March, 1945, interview with Mr. Service. Said Chairman Mao:

"America is not only the most suitable country to assist this economic development of China: She is also the only country fully able to participate. For all these reasons there must not be and cannot be estrangement or misunderstanding between the Chinese people and America."

ALLIANCE SOUGHT

In 1944 and 1945 the Communists sought a military alliance with the United States. They calculated that American military aid would weaken Washington's support for Chiang Kai shek, deter the Nationalists from renewed civil war, and—by opening the way for expanded Communist operations against the Japanese—increased the territory under Communist control.

But some analysts see these Communist overtures as evidence of an early attempt by Chairman Mao to maintain independence from Russia. Mr. Service, now curator at the University of California's Center for Chinese Studies in Berkeley, says, "Increasingly it became clear that they also had long-term considerations. They didn't want to become too dependent on anyone."

Professor Whiting, director of the State Department's Office of Research and Analysis for the Far East during the Kennedy administration, testified before the Senate Foreign Relations Committee in June: "Already in 1945 the Chinese Communist leadership anticipated that potential policy conflicts with Stalin argued for striking a balance with Washington." He cited Chinese Communist claims to Russia-dominated Outer Mongolia as one example.

BALANCE SUGGESTED

According to Professor Whiting, other evidence of the Chinese Communists' hope of maintaining a balance came in 1946 when Chou En-lai advised the American special ambassador to China, George C. Marshall, "Of course, we will lean to one side. But how far we lean depends on you."

The United States sought allies against Japan and came close to accepting the Communist initiatives. When the American mission arrived in Yenan, Communist guerrillas in northern China already provided important aid as the Pacific campaign brought American bombers and marines closer to Japan. Communist forces were rescuing hundreds of American flyers downed in China behind Japanese lines.

"There was a whole philosophy among the military to use the Communists to aid an American landing in cutting the Japanese in half somewhere above Shanghai. Cooperation with the Communists was the logical military decision," says Dana Robinson, then a Navy intelligence officer on the State Department's North China, Manchuria, and Korea desk.

The Americans in Yenan came to similar conclusions. In the southwest many of them had been increasingly frustrated by what they saw as ineffectiveness by the Nationalist Government and Armies. In contrast the Communist seemed dedicated, well organized, and skilled at guerrilla operations behind Japanese lines.

AN EASY MIXING

The Communists and their American visitors mixed easily. Scripps-Howard columnist Raymond Cromley, a self-described "conservative anti-Communist" at that time a major in the U.S. Army Air Corps described them this way: "They were very tough guys with the blunt earthy language of a gym locker room. It was a very pleasant way of doing business. You always knew where you stood."

But despite the recommendations of Dixie Mission, Ambassador Patrick J. Hurley bitterly rejected the advice of diplomats on his staff and supported Chiang Kai-shek's veto on American military aid to the Communists.

With the war over, the incentives for American cooperation with Mao Tse-tung faded, and the United States pinned its hopes on Chiang Kai-shek. American economic and military aid to the Nationalists continued until their defeat by the Communists in 1949—despite attempts by the Marshall mission in 1946 and 1947 to cement a coalition government between Communists and Nationalists.

EFFORT TO QUIET CRITICS

But Chiang Kai-shek remained as America's cause in an alliance still further tightened by the Korean war. By 1949 the die was cast for a great debate: Who "lost" China?

That was the setting when the State Department issued its 1949 white paper "United States Relations With China: With Special Reference to the Period 1944–1949." One of its objectives: to quiet criticism that insufficient American support had caused the Nationalist defeat.

The white paper only briefly mentioned Ambassador Hurley's rejection of American aid for the Communists. It omitted the extensive Yenan contacts between Americans and Chinese Communists as well as the substantial body of knowledge American observers had accumulated. Secretary of State Acheson noted in his letter of transmittal:

"The record obviously cannot set forth in equal detail the inner history and development of the Chinese Communist Party during these years. . . . Our direct contact with the Communists was limited in the main to the mediation efforts of General Hurley and General Marshall."

SOME LIMITS CITED

Some critics suggest the white paper minimized American contracts with the Communists to guard against criticism that Democratic administrations had been soft on communism.

But John F. Melby, coordinator of the project and now a professor at the University of Guelph, Ontario, denies intentional distortion. He cites excerpts from dispatches by Mr. Service and others as evidence of completeness. According to Professor Melby, space limitations and considerations of relevance account for many omissions.

Professor Melby deplores the tone of Mr. Acheson's letter of transmittal. "That was unfortunate. It was the cold-war line that the Chinese Communists were subservient to the Russians. There was nothing in the white paper itself to substantiate that. They were two separate documents," he says.

Secretary Acheson's Letter—separate from the rest of the document—reached the Chinese Communists first through Moscow in a Tass dispatch. Its cold-war contents may have strengthened Chinese resentment, according to Professor Whiting, who notes that Chairman Mao's August, 1949, attacks on the white paper triggered "the most extensive expression of anti-U.S. themes to appear in Chinese Communist publications up to that time."

THREE ALTERNATIVES

Secretary Acheson's letter of transmittal argued the United States had had three alternatives in China:

To pull out "lock, stock, and barrel."

To intervene massively and help the Nationalists destroy the Communists.

And the course actually followed—to assist the Nationalists to assert their authority over as much of China as possible while seeking to avoid a civil war by working for a compromise between the two sides.

Now, 22 years later, President Nixon's initiatives to Peking finally concede victory to the Chinese Communists. Those who wonder why it took so long may read the views of Mr. Service. In his 1971 book he wrote:

"There was a fourth unmentioned alternative [in the letter of transmittal]: to seek to avoid civil war by working for a compromise, but to keep the United States in a flexible position, basically uncommitted to the extension of Nationalist or any other power in China, and ready to adjust itself to the future evolution of that country."

ILLEGAL ALIENS FIND IT EASY TO GET SOCIAL SECURITY CARDS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McDONALD of Michigan. Mr. Speaker, social security was introduced into American life for the purpose of providing the worker with a steady source of income in his retirement years.

But the purposes of social security have been perverted in recent years by thousands of aliens working in illegal competition with American citizens and immigrants and others legally in our country.

Anyone, it seems can get a social security card, and thousands upon thousands of aliens are using them to get work to which they are not entitled.

Consider this testimony by Immigration Commissioner Raymond F. Farrell:

> As it is now, anyone can get a social security card, and many of the illegal Mexican nationals apprehended in the Southwest have four and five social security cards in their possession.
>
> From the very beginning we were hoping the social security agency would not issue cards to people who could not establish they were citizens or in possession of an alien registration card, but they did not feel that under their law they could do this, and we had sort of a running battle for many years. . . .

Almost every form a person fills out today contains a blank space for a social security number, and when an illegal alien gets a number he can get a job without the "green card" simply by claiming to be a citizen—if he is asked that question. He has a social security card, and because the law does not require him to state he is a citizen he does not commit fraud when he acquires it.

Now, according to Commissioner Farrell, the Social Security Administration has a rather curious attitude about the issuance of its cards. He says SSA regards itself as "more of an insurance agency than—an enforcement arm of the Government."

Certainly, SSA is an insurance agency, but it is apparently the one agency in the Government that does not include in its setup provisions for law enforcement.

According to Arthur B. Tirado, of the Department of Social Welfare, State Social Welfare Board of California, the social security card is vitally important to an illegal alien for identification purposes in getting employment, in spite of SSA's doubts as to its value.

Mr. Tirado quotes Social Security Commissioner Robert M. Ball as stating—

> It seems doubtful that refusing to issue a social security card to an alien, without proof of his status, would effectively bar him from employment.

Mr. Tirado says the Commissioner's doubt "would be completely clarified if he would come to the Southwest border cities of this country and see the prevailing abuses. The cards are either stolen by the illegal alien, or he uses the card of a friend who has returned to his native country, or he will use the card of a deceased person."

Mr. Tirado says the illegal alien applying for a card usually is "well informed on the loopholes of the system. He applies without hesitation for form No. SS–5PR, jots down any name he desires, any address, and all the other fictitious information. He will be sent the card in the mail, or he may request a replacement of a 'lost card.' This duplicate card is issued to the applicant on the very same day of request."

Clearly, it is far too easy to obtain these cards.

It seems to me that if we are going to clean up the illegal alien mess in this country one of the first things we are going to have to do is to restrict the issuance of social security cards and make the alien worker prove to the Social Security Administration that he is entitled to get a job here before he is issued a card.

CAMELOTS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. HOSMER. Mr. Speaker, Camelot was the name of a mythical town in a famous musical comedy of several years ago. Camelots is an acronym describing some current mythical happenings in this country—Can America Measure Every Little Ominous Thing Seismic? I mention this because what I read and hear from the media about U.S. capability to detect, identify, and locate seismic events seems to be based more upon wishful thinking and myth than upon facts. On October 27 and 28, 1971, the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, held hearings on the status of current U.S. technology to identify seismic events. The last comparable hearings by the Joint Committee were held in March 1963.

The hearings were timely. I say this because, of those in the private sector who are working most diligently trying to get the United States embroiled in a comprehensive test ban treaty, many are usually incompetent in one of two fields and many are incompetent in both fields.

The first field concerns seismology, geology, and related sciences of which knowledge must be had to understand how a seismic signal is generated, how it gets from one place on the earth to another and how it might be identified as natural or man-made. We need people versed in such sciences to tell us what kind of signals we can expect from earthquakes and from underground nuclear explosions and what techniques and technology must be developed to detect, identify, and locate the sources of such events. We depend on them to tell us if a comprehensive test ban could be verifiable. However, we do not depend on the scientific experts in these esoteric fields to convey to us the political implications of a comprehensive test band. The latter determinations are simply outside the field of their expertise.

The second field involves international politics. We expect those who are expert in this field to tell us if we can expect the kind of international cooperation necessary to provide, by seismological means alone, a verifiable test ban treaty. Our hearings this year were directed toward the status of U.S. seismic technology, not toward international implications. The hearings record[1] and the Joint Committee on Atomic Energy staff analysis[2] of the testimony are available to the public.

These documents authoritatively refute the numerous articles recently appearing in the media claiming that a comprehensive test ban could be verifiable to such low seismic magnitudes that even a determined evader might not conduct a meaningful nuclear weapons test program underground. Such statements do not jibe with the conclusion given by Dr. John S. Foster, Jr., Director of Defense Research and Engineering, at the October 1971 hearings. Dr. Foster stated that:

> We have assessed the possibility of a determined violator evading our seismic verification system to be non-negligible.

Having listened to the testimony of the experts who spoke at these hearings, I must conclude that optimistic statements about U.S. seismic capability are based upon some kind of a political judgment or even upon hope and aspirations, but surely not upon valid technical judgments. I am joined in this conclusion by other members of the subcommittee and most of the witnesses. Let me point out why.

The whole thrust of the argument that a comprehensive test ban is verifiable today down to a very small yield nuclear test is conceived and entirely predicated upon the existence at some future time of a dependable, internationally run seismic network which surrounds those geographic areas of greatest interest. I contend that to hang the future security of the United States on such flimsy fabric as perpetual worldwide international cooperation of this kind could be hazardous to our future security. The Security Council of the United Nations could not even agree on a resolution to get the Indians and Paks to quit fighting. One can just imagine what the status would be today of any seismic station in India or even defeated Pakistan upon which the United States depended to verify a comprehensive test ban treaty. These are but two of many trouble spots and potential trouble spots around the world.

I have stated in the past that I would support a comprehensive test ban treaty which had a high probability of being verified unilaterally by U.S. systems at a magnitude threshold below which the cheater could not profit from his efforts.

The VELA program has achieved such unilateral means for detecting and identifying tests in the atmosphere and in outer space. I am not sure of U.S. competence to detect and identify all clandestine tests underwater.

I am concerned, however, that the current seismological state of the art is such that a determined evader could conduct a realistic weapons testing program underground, in several parts of the world, from which he could profit significantly, since the United States could not prove what was actually happening.

I repeat that if the United States should agree to a comprehensive test ban treaty which must depend on an extremely high degree of international cooperation for the operation of a worldwide seismic network as the principal means of verifying that the test ban is being observed, then this country would be treading on dangerous ground.

In any event this hyperbole about alleged contributions to world peace from a total test ban treaty sadly misses the mark. It is not the underground testing by the two superpowers that threatens the peace of the world. The United States and the Soviet Union have been testing their nuclear weapons and improving their nuclear arsenals for over two decades. The net result has been to lock them into a position of mutual deterrence. The certainties and assurances regarding their respective arsenals which underground testing allows underpins the stability of the existing superpower strategic relationship.

However, without underground tests either or both sides would begin to have increasing doubts about the possible deterioration of its arsenal and about the possible enhancement of the others from undetected cheating, progress despite nontesting, or what have you. Instability rather than strategic stability would be the end result.

And, payment for a total test ban treaty at this cost in strategic stability would buy little or nothing of value. It would not deter testing above ground or underground or under the seas or in space by France and Red China who are not signatories to even the limited test ban treaty. Nor could it reasonably be expected to have influence on the nonnuclear powers who have not signed the treaty but who seem to be possible candidates for future "nuclear club" membership. Anyway, it cannot even realistically be expected to deter the hand of any hard-pressed signer of the NPT who conceives his nation's survival to be dependent on nuclear arms.

I now suggest, as I have many times in the past that well-intentioned people who focus their time and energy exclusively on promoting a total test ban treaty as the way to achieving a peaceful world are chasing a will-of-the-wisp. If they are really interested in promoting the peace of the world, there are many other and highly productive avenues of arms control and disarmament to explore. I, personally, have devoted considerable of my own time and efforts to them. I commend this example to men of good will.

---

[1] "Status of Current Technology to Identify Seismic Events as Natural or Man Made," Hearings before the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, on Extent of Present Capabilities for Detecting and Determining Nature of Underground Events—October 27 and 28, 1971.

[2] "Status of Current Technology to Identify Seismic Events as Natural or Man-Made." a Staff Analysis of the Testimony given at Hearings before the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy, October 27 and 28, 1971.

BIOGRAPHY OF ALVIN E. O'KONSKI

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, I include the following biographical material:

ALVIN E. O'KONSKI

Born and reared on a farm near Kewaunee, Wisconsin. In the first 18 years of his life, he did every kind of farm work on a family farm of 200 acres. During 4 more years, until 22 years of age, he worked every summer on the family farm. He was the 6th child in a family of 10 children.

Graduated from a rural school and public high school in Kewaunee, Wisconsin in 1922.

Graduated from the State Teachers College, Oshkosh, Wis., in 1927 with a Bachelor of Education Degree, with History and Political Science Majors. Worked his way through college by holding several jobs at a time, such as waiting on tables, janitor work, tutoring and a score of other jobs.

Graduate work at the University of Iowa and the University of Wisconsin with Speech and Political Science Majors.

In spite of working his way through college, he was President of the Student Body for two years; Captain of the Debating Team, never losing a debate; and won many honors for his College in speech contests. Won Big Ten championship in debating while at the University of Wisconsin.

Nine years' teaching experience. Instructor at Omro and Oconto, Wisconsin High Schools. Principal of the High School at Pulaski, Wisconsin; Instructor at the Oregon State College, Corvallis, Oregon; Head of Speech Departments at the University of Detroit, Detroit, Michigan, and at Itasca Junior College, Coleraine, Minnesota.

Topped all Congressmen and Senators in American History and Political Science in a test given by the United Press—score perfect.

Married Veronica Hemming of Janesville, Wisconsin, in August 1935. As principal of the High School at Pulaski, Wisconsin, he gave Veronica her first teaching job. She is a college graduate with a Bachelor of Arts degree in Business Administration. She is considered the most qualified and hard-working secretary in the Nation's Capitol. More than 100 Members of Congress have asked her to help in setting up their offices. She still works part time without salary.

He has been very successful in all his business ventures. Former editor and publisher of a Wisconsin weekly newspaper and former owner of radio stations at Merrill and Wausau, Wisconsin, he is currently the President of Northland Television, Inc., which operates WAEO-TV in Rhinelander, Wisconsin.

THE WAR IN VIETNAM

He was the first American public official to denounce and oppose our involvement in the war in Vietnam. Our first financial attempt to get involved in Vietnam was in 1954 when the French were losing the war there, O'Konski was the only Member of Congress to speak out against our replacing the French after they lost the war.

In 1961 and 1962 he again spoke out against our military commitment to Vietnam and opposed the military buildup for Vietnam which began in 1961 and 1962. Because of his opposition, several newspapers denounced him as a traitor.

In 1963 and 1964 and again in 1965 in television appearances and in Congress, he warned of the futility of our involvement in Vietnam.

He voted against the draft in 1967 because of his opposition to the war in Vietnam, feeling that a shutoff of manpower would send a signal to the Administration that America was fed up with the tragedy of Vietnam.

There is no other public official in America who can substantiate a record as clear as O'Konski's against our involvement in Vietnam. He is no Johnny-Come-Lately; he was and is a leader.

O'Konski also denounced unnecessary military spending before it was the "popular" thing to do. In all his years in Congress, he has voted for cuts of over $200 billion in military spending.

FOREIGN AFFAIRS

Elected president of the World Bill of Rights Association in 1945 to protect the rights of small nations. Awarded title of "Most Distinguished American of 1945" by the Foreign Language Press of America for his work on behalf of the small nations.

The first American public official to denounce the Yalta Agreement in 1945 which led to many of the present troubles in China, Vietnam, Korea and all around the world.

Member of the Katyn Forest Massacre Committee which investigated the mass slaying of 15,000 Allied soldiers by Russia during World War II. Awarded medal for his outstanding efforts.

OTHER POINTS OF INTEREST

Presently member of the House Armed Services Committee. This is one of the most important Committees of Congress. Served previously on the Veterans Affairs Committee; Public Works Committee; and the Committee on Education and Labor. The experience on all these Committees is unusual for a member of Congress. While on the Veterans Affairs Committee, he coauthored the GI Bill of Rights.

Now serving his 15th term. He is Dean of the Wisconsin Congressional Delegation setting a new State record for tenure. He ranks among top 11 in length of service out of the 435 Members of the House of Representatives. Where seniority is so important, this is a great benefit to the people he represents.

Has an outstanding attendance record in Congress with a 30-year average of 90%. He achieved a record of service to the people which has become a legend. He has never refused anyone requesting help on a Federal Government matter. In 1971 he responded to 472 roll calls for a 100% attendance record, his 10th year of perfect attendance.

LEGISLATION MOST INTERESTED IN

Farm program

Always supported 100% parity at the market for farm prices. Believes family-type farm must be protected and aided. Has sponsored over 20 bills for the REA, FHA, ASC, price support and other farm programs which have become law.

Education

Has supported and worked for every education aid bill passed by Congress. Education makes taxpayers not taxeaters. He was among the first to advocate legislation providing for federal aid to education.

Social security

Voted for every improvement in Social Security program. Has introduced bills to improve the program in 25 instances. First to introduced bill providing $100 minimum monthly benefit per person.

Veterans and servicemen

Considered top friend of veterans and servicemen and their dependents. Has reputation among all veterans as their number one friend in Congress; has co-authored over a dozen bills to increase pay and benefits for servicemen and veterans.

Business

More than 7,000 people have jobs today in Northern Wisconsin because of his help. Has introduced many bills in Congress to provide low-interest, long-term loans to farmers, merchants, resorts and industries. Is always willing to help applicants obtain approval by working with them.

Foreign aid

A bitter critic of our "Foreign Give-Away Program." He considers it International Payola which has demoralized the world. Checkbook diplomacy is a shame and a sham. Here again, he criticized these programs when it was unpopular to do so.

Labor

His labor record is outstanding; better, in fact, than that of some labor unions and leaders. Has been consistently endorsed by the rank and file of labor—though not always by labor bosses.

Imports

The greatest tragedy of this century is that the U.S. built manufacturing plants in cheap-labor countries after World War II and has allowed these goods to enter the U.S. with little restriction, undermining the jobs of American workers. More than one million are unemployed today because of imports.

Taxes

In the last 30 years, he voted for cuts of more than $200 billion in military and foreign aid spending where there is too much waste. He has voted for all tax cuts and only once—during World War II—voted for an increase in the National Debt. Is recipient of the coveted "Watchdog of the Treasury" Award.

Economic development

Has co-sponsored bills which have brought more than one billion dollars of Federal loans and grants into his district for economic development during his time in Congress. Among the largest loans in the entire nation were in his district. In the last 6 years every dollar paid by residents of his district in all types of Federal taxes has come back to the district and then some.

Pollution

He warned about our pollution problem way back in 1952 at the end of the Korean War. He was the first to urge then that we better set our minds to solving the problems of pollution. In the 1950's, he and John Blatnik co-authored a bill to set up a water testing laboratory in Duluth to analyze polluted waters. He has helped more than 50 communities secure Federal money to install sewage and water facilities to fight pollution. He not only talked against pollution way back in 1952 before anybody else, but he has acted against pollution.

MOYERS ON INDIA-PAKISTAN

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. CHURCH. Mr. President, former Washington political personality, Bill Moyers, now conducts his own national television show each week on National Education Television out of New York City. On December 8, 1971, he analyzed the then raging conflict between Pakistan, Bangladesh, and India, having as his chief guest our former Ambassador to India, John Kenneth Galbraith.

Mr. Moyers concluded his program with some telling thoughts regarding the manner in which the Nixon administration had not backed its declared policies with actual matching deeds. "Unfortunately, in this war, the United States," Mr. Moyers opined, "for all its professed neutrality, is anything but innocent." The Anderson papers confirm this observation. He goes on:

> Twenty years ago we equipped the Pakistan Army while assuring the worried Indians that those weapons would never be used against them. They were, in 1965 in the war in Kashmir, and they are now, tonight.
>
> Ironically, we supplied those arms as a defense against the Chinese, who are now on Pakistan's side. Since 1950, U.S. military aid to India totaled 150 million dollars. Our military contribution to Pakistan, however, during that same period came to 670 million, more than four times as much.
>
> So the bloody sword that General Yahya has loosed against his own people in East Pakistan, was made in the U.S.A. And despite the barbarous conduct of his army, the State Department kept on sending material to the General even after the Congress voted to cut it off.
>
> In what seems, to me at least, to be one of the most flagrant examples of humbuggery in an age of rampant hypocrisy, the White House praised General Yahya, the man who precipitated all the carnage in the East, for trying to achieve what it called an "amicable political settlement." That's like congratulating the perpetrators of the St. Valentine's Day Massacre for using a little "friendly persuasion" to end the gang wars in Chicago.
>
> As the General employed troops, mortars and torture to nullify a free and democratic election in East Pakistan, Washington was silent. But when India moved, the White House quickly expressed displeasure.
>
> In my opinion, about the only thing consistent in our performance is that the favors we've bestowed on General Yahya are consistent with our fondness for strong-arm military rulers in South Vietnam, Cambodia, Thailand, South Korea, Greece—and all those other countries we've been fighting to make safe for democracy.

I ask unanimous consent that the transcript of the "This Week" program of December 8 be inserted in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

INDIA-PAKISTAN: THE HIGH PRICE OF HATING

Bill Moyers. Good evening. I'm Bill Moyers. This week we had planned to cover a story about some people in the mountains of North Carolina and Virginia who may be forced to leave their homes if the federal government approves plans for a new hydroelectric project. Well, once again events intervened and we now plan that story for next Wednesday night.

This week, regrettably, our story is of war between India and Pakistan. The truculent fighting continues tonight despite last night's United Nations General Assembly resolution calling for a cease-fire and mutual withdrawal of all forces. Once again, the UN is powerless to control or even influence military action . . . while an anguished people in East Pakistan plead for the self-determination they thought they had won in their nation's first free election just one year ago . . . And across the border in India an estimated ten million East Pakistani refugees huddle and die in misery, driven from their own land by their own people.

How all this can possibly happen and the unbelievably high price ordinary people pay when their governments take up the sword . . . is our story this week.

The people who live in the subcontinent of India have been paying the high cost of hating for centuries. Long before there was a Pakistan, the Moslems were always a minority among the Hindus, and even in 1892, when the colonial British government permitted limited local elections, the Moslems feared domination by a majority with whom they differed in religion and culture.

But their idea of a separate Moslem state was spurned by the Hindu majority, for whom the unity of India was an article of faith. Even while fighting for independence from the British, the two communities were engaged in a bitter struggle with each other. The toll was high . . . not only in lives but in the residue of bigotry, frustration, and hatred that would be left when independence finally came.

At the end of World War II, India, still under British rule, looked like this. But the British Empire had already started to retrench east of Suez and finally gave in to the 40-year struggle for freedom by both Hindus and Moslems. In 1947, the British agreed to partition the country into two nations, a primarily Hindu India and a mostly Moslem Pakistan, divided into two parts, East and West, with a thousand miles of India in between. It was hate at first sight.

When they no longer had the British to fight, they fought among themselves, more viciously than ever before. The chief issue then was which nation would control several states whose status had not been finally settled by the partition. Within months of the British pullout, hundreds of thousands . . . some say a million persons . . . died in rioting on both sides of the India-Pakistan borders. Some 12 million persons were forced from their homes . . . roughly half were Hindus who headed for India, the others Moslems who went to Pakistan. Many are still in refugee camps 24 years later.

Kashmir, one of the original contested states, is still disputed territory, a persistent thorn in the flesh of both India and Pakistan. Pakistan claims it because the majority of the people are Moslem. India retorts that if Pakistan were to get Kashmir because its people are Moslem, what would happen to the 60 million Moslems that live elsewhere in India . . . more than live in West Pakistan? Besides, India argues, Kashmir is strategic to the defense of North India against the Chinese.

Fighting between India and Pakistan broke out in 1948 and again in 1965, ending only after an uneasy United Nations truce. They are fighting again in Kashmir tonight.

The present struggle began in East Pakistan . . . part of the former Bengal province of India and now called Bangla Desh, meaning Bengal Nation, by the rebels who want independence from West Pakistan. There never was any love lost between the East and the West. The Bengalis in the East differ in every way except their Moslem religion from the taller, lighter-skinned fellow countrymen in the West. Ever since independence, the 75 million people in East Pakistan have been dominated by the 50 million who live in the West, a thousand miles away. It's as if New Jersey and California were one nation, surrounded by the United States, and New Jersey ran the whole show.

The Bengalis won a huge victory in the nation's first true election exactly one year ago this week but the autocratic military regime in the West stepped in with force to stop the democratic process and to crush the rebels. Enraged and indignant, the Bengalis now insist on independence, and their new nation, Bangla Desh, has been recognized by India. On the subcontinent intoxicated by animosities, the hatred of Moslem for Moslem now competes with the ancient hatred of Moslem for Hindu.

The leader of Bengla Desh is Sheik Mujibur Rahman, an East Pakistani national hero. He is under arrest in West Pakistan charged with treason. If he survives, he may be the only person who can midwife the new nation through its turbulent birth.

Pakistani President Mohammed Yahya Khan is not likely to release Sheik Mujib unless forced to do so as part of a negotiated settlement of the war. General Yahya has said he will relinquish power to a civilian coalition government later this month. But even if he's serious, it seems too late to keep his nation from dividing.

Prime Minister Indira Gandhi has encouraged the establishment of Bengla Desh by supplying arms to the guerillas who were fighting West Pakistan and now by sending India to war against her old enemy again.

There really isn't too much doubt about how the military conflict will end. India's population is four times that of Pakistan. India has almost three times as many men under arms and, at least when the war started, twice as many war planes as Pakistan. Most military experts agree that unless one or more of the super powers intervenes, there is no way that West Pakistan can hold onto the East. It may be able to hold and take parts of Kashmir before the two nations exhaust one another, but even with that, Pakistan seems to have lost . . . its army driven from the East and its control over the rich Bengali resources gone for good.

The 75 million people who live in East Pakistan are crowded into the Ganges River Delta. It is one of the most densely populated areas of the world, and to me, very reminiscent of South Vietnam. Its rice paddies are by far the most productive in the nation and the jute and tea produced here are the big money crops that are sold abroad for foreign exchange credits.

East Pakistan is a land of rivers. It resembles the state of Illinois in size and is completely surrounded by Indian territory and the Bay of Bengal. Raw materials grown in the East are processed in the factories of the West from where the ruling Punjabis also dominate the government, the civil service and the army.

Dacca is the capital of the East, and housing and sanitary conditions here are used by each side to support its case. The Bengalis say these conditions confirm long exploitation by the government in the West, while the Punjabis point to the squalid streets and omnipresent poverty as evidence that the Bengalis of the East are little more than spiritless peasants and tricky tradesmen.

But at least Dacca didn't suffer the fate of many smaller villages, ravaged in the rioting that swept East Pakistan earlier this year. East Pakistani rebels called Mukti Bahini, who fight for independence, are accused of slaughtering hundreds of thousands of persons still loyal to the West. Similar savagery is attributed to the West Pakistani army, determined to smash all resistance. No one knows exactly how many have died, only that the killing, like the eternal waters of this region, has spread everywhere and consumed everything.

These same rivers became avenues by which an estimated ten million persons have already fled East Pakistan into India, sickened by the pillage and the looting and the killing, and afraid for their lives and their families. They come penniless even today by the tens of thousands at a cost to India of approximately a million dollars a day . . . a burden that she can not long endure. India authorities make an effort at proper health precautions, but it is rarely in time, and sickness and despair prevail.

The scenes which follow are not pleasant to see. They are of children who will die of malnutrition if they have not already. Some say they are better off in camps such as this one, because the conditions they left in East Pakistan were even worse. For these children it makes no difference. They would have died anyway.

Whatever the war means to the presidents and prime ministers who are even now plotting its course from distant and safe capitals . . . to these children it means plunder, destruction, pain and terror. For them, they are sufferings which have no tongue.

India has long since run out of suitable space and facilities to house the refugees. In an overcrowded country, the rainy season is not pleasant for anyone, but it is particularly bad for the refugees. The Indian government is already making plans for returning whoever can survive such conditions to Bangla Desh as soon as the fighting stops there.

It was the refugee problem that finally convinced India that she should wait no longer to help Bangla Desh get established as a separate country and to get rid of the Pakistani Army in the East at the same time. All it took was a war.

A recent arrival in this camp talked through an interpreter with reporter Kingsley Brown.

Brown. When did he come, just today?

Interpreter. He today he has arrived.

Brown. Ask him how far he came.

Interpreter. 40 miles.

Brown. Where's his wife?

Interpreter. He could not bring his wife. He was sick and he could not bring his wife so he brought the two children and came away, leaving his wife there.

Brown. How did he travel?

Interpreter. Oh, he has walked for two days. He has walked for two days.

Brown. Is he a Hindu or a Moslem?

Interpreter. He's a Hindu boy. Oh, you may as well go there and stay there. You go there and stay. They were taken hold of by the . . . the crops. The . . . have done this. He's got nothing—not a penny. They have got no food.

Moyers. Those people are suffering and dying in a stupid and senseless war. To those of us who watch from afar the conflict between Pakistan and India is a stark reminder, if we need one, of how with little wisdom the world is governed. Deep into the 20th century, it seems impossible that when nations fail at reason and persuasion, they fall back on bombs, rifles and rockets. And yet we've seen ten wars erupt in the last 20 years.

It seems absurd for two governments whose people are almost prostrate in poverty to use the marvels of science and production not to uplift the poor, but to kill, uproot and further improverish them. And yet all the conflicts since World War II have taken place in the poor countries. The foolishness and absurdity of this latest slaughter are compounded when you realize that this is the third round for India and Pakistan since 1948. In each case the hostilities were aggravated and then suppressed, only to erupt again, at a later date, in another war. The bitterness and divisions created by each war became causes in themselves and made the original source of the conflict seem small by comparison.

There are other contradictions.

Pakistan, whom the U.S. has courted as a buffer to Communist China, is now supported by Peking. India, whom we counted on to resist Soviet influence-building on the subcontinent, is now fighting with Russian arms, and with Russian help kept the Security Council from acting on the crisis. The government of Pakistan came into existence in 1947, because many Moslems did not want to remain a numerical minority among the Hindus of India. But in 1971, when a majority of Pakistanis asked for greater self-determination, that same government tried to put them down with violence.

And India . . . India started out by saying that Pakistan must find an acceptable solution to its own internal problems, and now insists that the only solution acceptable to India is a new split between East and West Pakistan, creating a whole new country, an independent Bangla Desh.

It is a crazy, confusing patchwork of preposterous alliances, predatory self-interest, and pharasaic pride . . . and it would all add up to a great big laugh for whatever gods take amusement from the foibles of man except that people are dying . . . not by the hundreds, but by the hundreds of thousands . . . and millions—*millions*—of others have been cast like garbage from their land and their homes. For them the war has become a feast of sufferings.

To talk about this and explore what's likely to happen next, we asked to our studio a man who's been deeply involved in the problems of the subcontinent. He is the noted economist, author, and former Ambassador to India, John Kenneth Galbreaith.

Professor Galbraith, you came back just recently from India. Have you been surprised by what's happened since then?

GALBRAITH. No. I think it was on the . . . one hoped that it wouldn't happen, but I wrote a piece for the Times when I came back which pictured this as, you know, certainly one of the great possibilities. But steps could not be taken to give some autonomy to East Pakistan which would be the only basis for . . . the only basis for the secure existence for people that would enable them to return. Why then, one could only . . . only think as late as this autumn that this was likely to happen.

MOYERS. Do you think it's too late for a political solution?

GALBRAITH. Well, I thought at that time that with sense on all sides, which is a great thing to ask for, you know, as you said earlier, this is a disaster for East Bengal, it's a disaster for India, and ultimately too it's a disaster for West Pakistan.

The West Pakistani troops there have had an image now for months for butchers and they're not . . . they're not any worse than any other occupying army. Something that was so disastrous for everybody involved that common sense might rule. Now I don't think there is any solution short of an independent state in Bengal.

MOYERS. Could the United Nations have done anything?

GALBRAITH. No, I don't think so.

MOYERS. Can it now?

GALBRAITH. No.

MOYERS. What does this say about the UN?

GALBRAITH. Well, the UN has never been very effective where the internal interests of particular countries are involved and it . . . for a long while did not intervene on behalf of the Bengalis when they were being slaughtered, and one can understand the resistance of the Indians to having intervention now.

MOYERS. Will the outcome help, hurt, or leave unchanged the positions of China and Russia?

GALBRAITH. Well, you know, this is . . . the old problem of foreign policy, Bill, is a simple one. It is a subject that is intellectually without content. People used to make fun of the sociologists. We've learned in Washington that people who talk with great knowledge about foreign policy are intellectually inferior to the worst sociologist but they have more dignity and poise and therefore people sometimes believe them.

I obviously don't know what the Chinese will do and I don't know what the Soviets will do. But what we will do . . . my guess is that all three of the involved powers will keep out. That we and the Soviets and hopefully also the Chinese have had our lesson in messing into the Third, the quarrels of the Third World and have learned how costly it is and will not become involved.

MOYERS. Do you think that an intervention by any one of the super powers . . .

GALBRAITH. I might say, I might say this—I would like to see our intervention—our non-intervention—more absolute than it is. I applaud President Nixon saying he's going to be neutral and I would only wish the administration would be neutral in word as well as in deed, because . . .

MOYERS. And you think it hasn't been?

GALBRAITH. Well, this was a row, this was a quarrel that didn't begin with this war, it began . . . the armed action began last spring when the troops came in to put down . . . put down the Awami League, arrest Sheik Mujib and suppress the autonomy movement in East Bengal, in East Pakistan. And to come . . . to ignore that, we continued to support the Pakistan government for quite a long time, we continued with arms, and then at this late juncture, to come in and say that India is the party at fault, after India has received ten million refugees, it seems to me to be a curious form of . . . to involve a curious judicial view of the problem. I think it's quite quite outrageous.

MOYERS. But it has always been said, Professor, that when the choice lay between strategic and human considerations, the United States would choose the strategic, at great cost to the human element involved in the affair. Will anything change that?

GALBRAITH. No, I would think that this is a case where we have resisted both strategic and humane sense. What we gain by alienating India—by far and away the largest and most responsible power in the subcontinent—I fail completely to understand. and the humane problem of the Bengla Desh independence movement, there is no question that the people of Bengal want to be . . . want autonomy—and I assume now independence—and there is no doubt of the human problem that is associated with the refugee camps and the need for as many of those people as possible to go back.

We have found ourselves in this particular exercise in self-inflicted wounds in opposition both to any conceivable strategic interest, which I would rather downplay as far as that part of the world is concerned, and also in opposition to the dictates of humanity.

MOYERS. Down play, do you think, do you think we have no substantial interest on the subcontinent?

GALBRAITH. I think that one of the lessons that we've learned in these last 20 years is that our ability to intervene in that part of the world is very much less than we imagined 21 years ago, 20 years ago, and our need to do so is equally less. In other words, I think that this is one of the great lessons of Vietnam that we . . . that we enormously exaggerated both the possibility of guiding the political evolution of that part of the world and the need to do so.

MOYERS. Could this be interpreted as neo-isolationism?

GALBRAITH. Well if that's what common . . . the name has to be applied to common sense, I would accept it, but I would say it's just being sensible.

MOYERS. If President Nixon called you up after the show and said, "Well, what do you think I should do now?", what would you tell him?

GALBRAITH. I would say, I would be very happy to advise the President on this. I would say that the United States should keep hands off completely and be completely silent. I don't think there was any reason to endorse the Indian move into East Pakistan. I personally think, wish, the Indians, even . . . even given the suffering in these terrible camps, and even given the need of these people to go home, I must say I wish the Indians had shown more restraint at least up until the time when the airfields were bombed last Saturday, and after that, of course, the fat was in the fire.

But the policy of the United States should be strictly hands off, and strict silence and then when the opportunity comes to offer humane assistance, to save these youngsters, to save as many of these kids as we have seen, then we should be as generous as we possibly can.

MOYERS. Can we do that now?

GALBRAITH. Well, you know, this is going to . . . ships aren't going to go into Chittagong Harbor for the next few days. The terrible thing is that when the fighting starts, this is like, when one has battles in this part of the world, you know, it's like having . . . fighting in a crowded theater. There are people everywhere and so for the time being, it's going . . . it's going to be very difficult to mount a humane relief effort.

MOYERS. Set aside the war and the present conflagration, what is the hope for those people down the road?

GALBRAITH. Well . . . well in a slightly longer run view, without wanting to . . . I belong to the generation and to the creed that says that any military solution is likely to be a bad military solution, and should be regarded with suspicion. But what one assumes will happen is that some sort of an independent state will emerge around Dacca and East Bengal. The . . . I think the day of the possibility of any association now with Islamabad is gone. I thought as late as last August that might be possible. I no longer think that's so.

And then one has the beginning, one would hope of what one might call a North American formula in . . . the subcontinent.

MOYERS. What's that?

GALBRAITH. Well, colonialism when it broke up on this continent, Bill, left one big country and a ring of much smaller ones. And the big country, the United States developed the sort of tolerant indifference of its smaller neighbors which is at least becoming to a big country, and the smaller countries developed the habit of living, however uncomfortably at times, with the United States.

MOYERS. But here you have China and India—two great nations.

GALBRAITH. Well but if you think of this in terms of the subcontinent, you have India, and the, the most mischievous thing that was ever done, one of the most, I think myself, the most mischievous action in the . . . in the history of American foreign policy was that we kept this equilibrium from developing.

We provided the arms under Dulles, we provided the arms for building Pakistan up as a competitor. It was a poor competitor of India but it was just enough of a competitor so that it encouraged all the wrong attitudes in India. A whole generation of Indian politicians, not a whole generation, but good number of Indian politicians made their career, based their career on hating Pakistan and Pakistan based its policy on hating India, and this cultivated the wrong attitudes in both countries.

MOYERS. We have about 30 seconds.

GALBRAITH. But we're now, one would hope, that India would develop now the tolerance of smaller neighbors and the smaller neighbors would learn the technique of living, which isn't an easy thing, of living close to a big country. That is the best hope that one can offer.

MOYERS. Well I want to thank you very much for being with us tonight on This Week.

Before the discussion with Ambassador Galbraith, I talked about how the war between India and Pakistan seems to an American to be absurd and foolish, as well as unnecessary. It would be comfortable to stop there resting solemnly on our piety, but unfortunately, in this war, the United States, for all its professed neutrality, is anything but innocent.

Twenty years ago we equipped the Pakistan Army while assuring the worried Indians that those weapons would never be used against them. They were, in 1965 in the war in Kashmir, and they are now, tonight.

Ironically, we supplied those arms as a defense against the Chinese, who are now on Pakistan's side. Since 1950, U.S. military aid to India totaled 150 million dollars. Our military contribution to Pakistan, however, during that same period came to 670 million, more than four times as much.

So the bloody sword that General Yahya has loosed against his own people in East Pakistan, was made in the USA. And despite the barbarous conduct of his army, the State Department kept on sending material to the General even after the Congress voted to cut it off.

In what seems, to me at least, to be one of the most flagrant examples of humbuggery in an age of rampant hypocrisy, the White House praised General Yahya, the man who precipitated all the carnage in the East, for trying to achieve what it called an "amicable political settlement." That's like congratulating the perpetrators of the St. Valentine's Day Massacre for using a little "friendly persuasion" to end the gang wars in Chicago.

As the General employed troops, mortars and torture to nullify a free and democratic election in East Pakistan, Washington was silent. But when India moved, the White House quickly expressed displeasure.

Yesterday, administration officials explained that displeasure by saying the U.S. had informed India two days before it moved on Pakistan that Yahya Khan was ready to consider talks about granting substantial autonomy for East Pakistan.

In my opinion, about the only thing consistent in our performance is that the favors we've bestowed on General Yahya are consistent with our fondness for strong-arm military rulers in South Vietnam, Cambodia, Thailand, South Korea, Greece—all those other countries we've been fighting to make safe for democracy.

This is Bill Moyers. Good night for This Week.

(Music.)

THE ENERGY CRISIS: SOME IMPLICATIONS AND PERSPECTIVES

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ROY. Mr. Speaker, Dr. William W. Hambleton, director of the Kansas Geological Survey, addressed the American Association for the Advancement of Science at their meeting in Philadelphia.

Dr. Hambleton participated in a symposium entitled "The Energy Crisis: Some Implications and Perspectives" at the 138th meeting of the AAAS. His remarks dealt with the proposed Kansas site for a national high-level radioactive waste repository.

Dr. Hambleton is a distinguished and respected member of the scientific community in Kansas. His observations on the suitability of the proposed radioactive waste repository site near Lyons, Kans., confirm the deep concern as to the safety of the project repeated expressed by Gov. Robert Docking, Congressman Joe Skubitz of the Fifth District of Kansas, and myself.

I call to the attention of my colleagues in the House the address by Dr. Hambleton, the text of which follows:

Remarks of Dr. William W. Hambleton

One of the most gainful occupations in Kansas is the production of large quantities of wheat. Kansas has experienced no brownouts. No nuclear power plants are sited within the borders of the State. Why, then, should Kansas be central to the problems of the nuclear power industry, and to the larger question of the energy requirements and resources of the United States?

To begin with, Kansas is illustrative of our domestic energy problems. Annually, we produce energy valued at approximately one-half billion dollars in the form of crude oil, gas, natural gas liquids, and coal, and have drilled more than 250,000 wells in the search for oil and gas. Nevertheless, during the past eight years average daily production in Kansas has declined to 5.4 barrels per well, the number of wells drilled has declined from 4,326 to 2,465. Exploration, production, and reserves have decreased by almost any measure one can use, a trend which is characteristic of the national energy industry. Secondly, in 1970 Kansas had the doubtful distinction of being chosen as the site for a national high-level radioactive waste repository. Perhaps it is poetic justice that we, who have extracted so much energy from our state, should now be asked to place in it the high-energy waste products of another part of our energy industry.

As for the Kansas Geological Survey, I judge that it has been highly regarded as a competent mineral resources research and development organization, quietly going about its business of reasonably innovative contribution to Kansas for nearly one hundred years. In 1970, things changed with a vengeance. We began testifying before legislative and congressional committees. Our advice was sought by governmental agencies, congressmen, and governors. We were praised or blamed by one or another conservation or citizens groups. In fact, the title of my paper this morning probably should be "Environment, Energy, Nuclear Power, and Politics." At least, I hope that we have gained some humility. Perhaps you will permit me to share our invocation with you: "From ignorance, which shrinks from truth; from apathy, which is satisfied with half-truth; from arrogance, which knows all truth; Oh God of truth deliver us!

The potential hazards from radioactive waste derive from the basic characteristics of the radioisotopic contaminants. Many radioisotopes decay rapidly; some decay at such a slow rate that they represent a potential hazard to mankind for centuries, and allowing these radioisotopes to decay naturally is the only practical means of reducing their radioactivity to non-hazardous levels. The isotopes that are of greatest concern are those which are highly toxic and have long lives, including strontium 90 and cesium 137, which require hundreds of years to decay, and plutonium 239, which has a half life of 24,000 years and requires more than 250,000 years to decay to an innocuous level—five times the history of man on earth.

Radioactive wastes vary widely in the concentration of radioactive materials. High-level liquid wastes cannot be released into the environment because of their high radioactivity concentration, which may be as much as 10,000 curies per gallon. To confine and isolate high-level liquid wastes, the AEC has stored them underground in large steel-lined, concrete tanks and in steel within concrete vaults. These liquid wastes from AEC operations, which now amount to some 80 million gallons, require continual surveillance, and storage in this manner can be considered only as an interim solution.

Radioactive waste containing numerous radioisotopic products has been generated in processing irradiated nuclear fuels at the chemical-processing plants operated by AEC's Richland, Savannah River, and Idaho Operations Offices, as well as at the commercial plant of Nuclear Fuel Services Incorporated, at West Valley, New York. Oak Ridge National Laboratory has generated high-level liquid wastes at its radiochemical-processing pilot plant, and is currently generating such wastes at its transuranium-processing facilities. Additional commercial fuel reprocessing plants are being, or will be, constructed to meet the requirements for processing increasing amounts of irradiated fuels which will be generated in nuclear powered electric plants. The waste from these plants will amount to an estimated 60 million gallons by the year 2000.

At present, Richland is proceeding with removal of strontium 90 and cesium 137 from high-heat liquid wastes and in-tank solidification of the remaining liquid. Removal of cesium and strontium enables the remaining wastes to decay to low-heat liquid within about five years, and Richland is developing a process to construct a facility for solidifying and encapsulating liquid strontium and cesium concentrates. Solidification of low-heat liquid wastes into salt cakes in tanks is considered to be an iterim storage process until the acceptability of the process can be determined. In 1968 Richland was faced with a potentially serious situation with respect to the condition of its existing tanks, for some leaks had been detected.

Idaho National Reactor Testing Station is converting liquid waste to a granular, calcined material, which is stored in stainless-steel bins in underground concrete vaults, as in interim storage process. At Idaho, the burial grounds have been inundated on occasion by water from melting snow.

At Savannah River, wastes are segregated on the basis of their heat generation rates, and are immobilized in tanks by evaporation to salt crystals and sludges. A tank leak at Savannah River would be more serious then at Richland because the leakage would be expected to migrate into ground water. According to the AEC, burial practices followed by Richland, Savannah River, Idaho, and Oak Ridge have not resulted in releases of radioactivity beyond the confines of the burial grounds.

STORAGE CONCEPTS

Dupont and Company, the operator of the Savannah River plant, has proposed that radioactive, separation-process waste be permanently stored in caverns to be excavated in bedrock at the plant site. The concept suggests that storage for 100 million gallons of waste can be excavated in bedrock, approximately 1,500 feet below grade, and consisting of six storage tunnels arranged in three pairs. After each storage tunnel is ready to receive waste, it is to be sealed from an access tunnel by impervious bulkheads, designed to withstand hydrostatic pressure at tunnel depth. The tunnels are to be constructed in predominantly Precambrian and Paleozoic metamorphic gneiss and schist, which are relatively impervious, but exhibit some fractures and fissures. These fracture and fissure zones can be sealed by grouting, and it is predicted that the migration of radioactive constituents from the storage facility will be so slow that no harmful contamination of off-site water will occur because of the low hydraulic gradient of bedrock water, the low solubility of plutonium, and the high density of the waste fluids as compared with groundwater. Geological, geochemical, hydrological, and economic aspects of the project have been investigated for almost eight years. A review panel of the National Academy of Sciences in May of 1969 concluded that the storage proposal has sufficient promise that construction of the shaft and several tunnels should be undertaken in order to determine the severity of the fracture problem. I note that in 1966 a majority of the Committee of the Earth Sciences Division of the National Academy of

Sciences expressed strong reservation concerning the bedrock concept of waste storage, and recommended that the investigation be discontinued. More recently, a prominent member of that committee observed that the proposed storage at Savannah is a "disaster looking for a place to happen." The AEC has decided, however, to perform the additional studies because of the cost differential between bedrock storage and other alternatives.

Deep-cavern storage also has been proposed for Richland as an alternative to long-term storage of solidified waste in tanks. Studies were begun in 1969 to determine the feasibility of isolating wastes in caverns mined into basalt, 2,000 to 4,000 feet beneath the site. According to this concept, salt cake resulting from in-tank solidification of liquid waste would be removed from the tanks in the dry state, water would be added in the transfer system, and the slurry waste would be transported to the underground caverns. Richland is conducting a program of exploratory drilling to secure geological, hydrological, and other physical data to be used in evaluating the suitability of these subsurface rocks for waste storage.

Salt formations attracted the attention of a National Academy of Sciences Committee in 1955 because salt is abundant, can heal its own fractures by plastic flow, transmit heat readily, and exhibits compressive strength and radiation shielding properties similar to those of concrete. However, not until 1959 were studies relating to salt storage initiated at Oak Ridge, and not until 1963 were studies undertaken in Kansas. In that year, the AEC chose a mine of the Carey Salt Company at Hutchinson for study of salt properties, and subsequently extended this study to the abandoned Carey Salt mine at Lyons. During Project Salt Vault studies at Lyons, engineering test-reactor fuel assemblies were utilized, along with heaters, to create an environment that would be similar to the expected environment of a real repository. The mine was instrumented with devices for recording heat, radiation, and physical properties. Subsequent selection of the Lyons site in 1970 as the actual storage location was based partly on research from the nearby Hutchinson mine and the Lyons mine. Other determining factors included the seismic stability of central Kansas, availability of a 300 foot section of salt overlain by 800 feet of rock containing impermeable shales, the generally flat-bedded character of the salt, the economic aspect of also using the abandoned Carey Salt mine for storage of low-level waste, and the hospitality of the people of Lyons.

Meanwhile, additional studies and design of storage facilities and methods to transport the radioactive waste were proceeding at Oak Ridge National Laboratory. According to plans, liquid wastes from commercial reprocessing plants would be converted into solid form and placed in stainless steel cylinders, which would be transported by rail in large shielded casks. Each cylinder would be lowered down a shaft into a newly excavated salt mine at Lyons. The cylinder would be placed in a hole in the floor of the mine with specially designed equipment. When an appropriate number of these cylinders had been placed in the mine, the entire room would be backfilled with crushed salt. Experimental evidence suggested that the crushed salt would recrystallize, and both crushed salt and bedded salt would flow plastically so as to completely seal-off the waste material. Other low-level radioactive materials consisting of contaminated clothing, lubricants, and laboratory ware were to be stored in the abandoned Carey Salt mine. There was some suggestion that granular, calcined waste from Idaho also eventually would be transferred to this repository.

The Kansas Geological Survey expressed serious concern about the proposal. One kind of concern related to the Lyons site itself; another related to the burial-in-salt concept. Initially, the geology of the area was inadequately known. On the basis of Survey recommendations, the AEC funded further geological studies. Numerous holes were drilled and logged at the site, water samples were taken in all the holes and analyzed, and a geological evaluation of the area has been conducted. These investigations revealed a probable major fault in the area and a pressure sink on the water surface of a major aquifer, suggesting vertical circulation. Furthermore, other conditions at Lyons were revealed that demonstrated the inadequacy of prior investigations. The abandoned Carey Salt mine is located on the north border of this town of approximately 5,000 people at a depth of 800 feet. An entry in this mine extends southward beneath the City of Lyons. The only access to the mine is a vertical shaft, which penetrates 40 feet of saturated aquifer and was constructed through use of a caisson. The abandoned salt mine, plus an adjoining 1,000-acre site is the proposed repository for the radioactive waste. At the south border of the town is the mine of the American Salt Company. An entry in this mine extends northward under the town of Lyons. The Carey entry and the American Salt Company entry are within 1,800 feet of each other. The only access to the American Salt Company mine is a vertical shaft, which also penetrates about 40 feet of saturated aquifer. The water is collected in a ring about 200 feet down the shaft, and pumped back to the surface. Just to the southwest of the underground mining operation, the American Salt Company also mines salt hydraulically by injecting fresh water, which dissolves the salt and creates caverns the full height of the salt. The resulting brine is returned to the surface for processing. The area contains both abandoned and producing oil and gas wells, numbering into the hundreds. The locations of some of these old wells have never been determined, and surface subsidence has occurred in places where old casing has corroded and permitted surface and groundwater to excavate caverns in the salt. Some of the resulting surface depressions are as much as ¼ of a mile in diameter. Some of these wells penetrate deep Arbuckle rocks, which contain fluids under hydrostatic pressure sufficiently great that the static water level in the well stands higher than the level of salt mines. It is clear that intersection of an Arbuckle well by mining will cause flooding of the mine. At least 29 wells have been identified on the site to be acquired by the Atomic Energy Commission, and these must be completely cleaned out and replugged. We have reason to believe that other unidentified wells may be present. An abandoned shaft representing an earlier salt mining effort has been located just west of Lyons. This shaft is full of water.

During the past summer, the American Salt Company intersected an abandoned oil well with a rock bit, preparatory to shooting the salt face. Although some water entered the mine, the hole was plugged satisfactorily. Somewhat earlier, the American Salt Company lost all circulation during a hydraulic mining operation. Following successful injection of fresh water and production of brine for five days, approximately 180 thousand gallons of fresh water disappeared. The operation was terminated and no one can discover where the water went. In other words, the Lyons site is a bit like a piece of swiss cheese, and the possibility for entrance and circulation of fluids is great. Should fluids penetrate the American Salt Company mine, the possibility of salt solution and entrance into the Carey operation also is great.

Other investigations revealed approximately 400 feet of displacement in Arbuckle rocks, suggesting the presence of a major fault. All of these factors have led the Geological Survey to recommend that the Lyons site be abandoned. An independent analysis by a Committee of the Kansas Geological Society produced similar conclusions, as did an analysis of the Council of the Kansas Academy of Science. There is nothing more important than recognizing a dead horse early, and burying it with as little ceremony as possible.

As to the concept of burial in salt, the jury is still out. The axial temperature of the cylinders containing the radioactive waste is about 930°C. The cylinders will generate heat that must be dissipated through the salt and other overlying and underlying rocks. We claim that the two-layer, two-dimensional heat-flow model used by the Atomic Energy Commission is overly simplified. A multi-layered, three-dimensional heat flow model is necessary for resolution of the problem. This work is being undertaken at the present time. Another problem relates to possible mine subsidence. The crushed salt used to back-fill the mine will contain approximately 30 percent void space. Recrystallization and plastic flow of the salt could cause subsidence and shear the overlying rocks, permitting surface or ground water to penetrate the mine, dissolve the salt, and set up a thermal transport system. This situation is even more dangerous because the stainless steel cylinders are expected to begin to break down within three months, releasing the waste. Likewise, the rock mechanical model used for studies of mine subsidence is overly simplified. Many rock properties are temperature dependent, and even dewatering of shales could create problems. Radiation damage and subsequent release of energy as a thermal excursion, both with respect to the salt and the radioactive waste itself, is an improperly investigated subject. Appropriate studies should reveal whether or not radioactive waste can be stored safely in salt.

Meanwhile, the Kansas Geological Survey has undertaken additional reconnaissance studies of other areas of Kansas for possible storage of radioactive waste. The study is concerned with eight large areas that seemingly are underlain by salt beds that are at least 200 feet thick, no deeper than 2,000 feet, and no shallower than 500 feet. Additionally, these areas contain a small number of oil and gas wells, salt mines, storage cavities, and pipelines, and a small population. A literature and file search has been undertaken for these areas to assemble information regarding salt and overburden thickness, quality of the salt, ground water conditions, and regional geological characteristics, as well as information about mineral resources, well locations, salt mines, liquid-petroleum-gas storage cavities, pipelines and population. The report will present an evaluation of these factors for each area. On the basis of these evaluations, the Atomic Commission will determine if any of the areas justify further investigation. Because the areas contain few wells, information concerning the underlying rocks is sparse, and much additional investigation will be required before any of the areas can be judged to be suitable for storage of radioactive waste.

In July, 1971, Cohen, Lewis, and Braun of Lawrence Radiation Laboratory proposed a method for disposing of nuclear reactor wastes by in-situ incorporation in molten silicate rock. The proposal suggests injection of liquid wastes into a chimney formed by a 5 kiloton nuclear explosion at approximately 2,000 meter depth. The waste would be permitted to self-boil, and the resulting steam would be recycled and processed in a closed system. When waste addition is terminated, the chimney would be allowed to boil dry, thereby solidifying the wastes. The heat generated by the radioactive waste would then melt the surrounding rock, which would dissolve the waste. Finally the rock would refreeze, trapping the radioactive material underground in an insoluble rock matrix. The authors claim safe, permanent, and timely removal of radioactive material from the biosphere at relatively low cost, elimination of the need for waste transportation by siting in the immediate vicinity of the reprocessing plant, and waste injection with minimal or no treatment. Waste addition at a rate of 1,500 tons per year for a period of 25 years is contemplated. The concept has been described as interesting and worthy of further study by numerous reviewers. However, it has been criticized on the grounds of conflict with the concept of recoverability, and serious doubts about the insolubility of the rock matrix, differentiation permitting plutonium to concentrate in a near-critical mass, geochemical alteration of the drill hole and casing, and gaseous phase transport of such elements as ruthenium tetraoxide. Obviously, much research is necessary.

On September 16 and 17, 1971, Gisela Dreschoff and Edward J. Zeller, Research Associates of the Geological Survey of Kansas, visited the Asse Nuclear Waste Repository in Germany where key staff members provided a complete review of the project. At present, low-level waste is stored in a cavity in the Asse salt stock. Containers are released from shipping shields and lowered by crane into a chamber. Remote control facilities and remote television cameras permit movement and observation of the waste containers. No attempt is made to achieve symmetrical stacking. At the present time, nearly 10,000 casks of low-level waste, each having a limit of five curies total activity, are stored in two rooms at the 750 meter level. High-level waste emplacement is planned for 1974 or 1975. The waste will be solidified in the form of glass cylinders approximately 20 centimeters in diameter and one meter in length. These will be stacked vertically in bore holes in the salt roughly 50 meters deep in tunnels at the 750 meter level. After filling the bore holes with 30 meters of high-level waste cylinders, a concrete plug will be poured and the upper part of the hole above the plug will be filled with crushed salt. The Asse anticline is structurally stable and a massive gypsum cap rock can support the load of overlying sediments and serve as a shield for the underlying salt. Two nearby mines are flooded as a result of improper mining techniques. The Germans do not seem to be concerned, because the system has reached an equilibrium, no collapse has been observed near the old shafts, and no significant leakage has been determined. Even if water entered the mine, the Germans feel the water would be nearly saturated and would cause no problems. However, the presence of sinkholes and salt springs does indicate that some solution is taking place.

Extensive studies are being conducted at the Hahn-Meitner-Institut for Nuclear Research in Berlin and at the Nuclear Research Center at Karlsruhe, which our colleagues also visited. These studies are concerned with radiation damage and the problems of processing and solidifying nuclear waste in form suitable for storage in the Asse mine. Competent scientists are in charge of the programs, which appear to be free of irrational political influence. Mention was made of the desirability of greater interchange of information between the United States and Germany regarding matters related to nuclear waste disposal. Seemingly, there has been little exchange in the past four years, and direct liaison between the U.S. and German research and development groups should be established as soon as possible.

As far as we can determine, high-level radioactive waste is being stored at or near the surface in other countries.

For the fiscal year 1970, AEC was authorized $2.3 billion for its various programs. Of this amount, only $28 million or roughly one percent represents operating and capital funds authorized for waste management programs. The Government Accounting Office believes that to expedite the development of methods for placing high-level waste in long-term isolation, AEC should place greater emphasis on evaluating the actions taken by its contractors, determining the adequancy of long-term storage proposals, and taking the steps needed to accomplish long-term storage. AEC has not established an overall, well-coordinated plan for resolving its waste management problems and achieving its objectives at all installations. In the past and currently, AEC management has emphasized and given priority to the development of technology and plans with respect to weapons production and reactor development which result in the generation of radioactive waste. Even where long-term storage has been of concern, the AEC has adopted the attitude that what is worth doing is worth doing wrong.

The chronicle of disarray in storage of high-level waste is characteristic of the disarray which we face with respect to the entire energy situation in this country. That we face an energy crisis can no longer be doubted. The September, 1971 issue of *Scientific American* is devoted entirely to the problem. At the recent Interstate Oil Compact Commission meeting in Biloxi, Pinckney C. Walker of the Federal Power Commission noted that from 1968 to 1970, consumption of natural gas nation-wide was almost twice the amount of new gas reserves found. Consumption of gas by interstate customers exceeded additions of new reserves by 17 trillion cubic feet in 1970. The National Petroleum Council estimates that unless public policies are modified, or economic conditions in the energy industry changed, the gap between the nation's requirement for gas and probable supply will be 17.4 trillion cubic feet in 1985. Crude oil and related product withdrawals exceeded new reserves discovered by about a billion barrels in 1969. Consequently, total petroleum imports to the United States amounted to 23 percent of total supplies in 1970, and forecasts indicate that the percentage of total supply provided by foreign sources will increase to about 50 percent during the next 15 years. Mr. Walker concludes that if the nation is to have an adequate and reliable supply of energy in the future there must be a comprehensive re-evaluation of current energy policies. That he should reach this conclusion is curious for the Federal Power Commission has been instrumental in pricing gas at such low prices that the incentive for exploration has nearly disappeared, and crude oil and coal have been undervalued.

At the same meeting in Biloxi, Gene P. Morrell, Director of the Office of Oil and Gas, noted that as the decade of the 70s began, we are consuming energy at a rate of 68.8 quadrillion B.T.U.s annually, and that requirements may reach 133 quadrillion B.T.U.s by 1985. He concludes that our national energy policies have not kept pace with the rapid and unprecedented changes in our consumptive patterns and social objectives. Superimposed upon this pattern, we find a developing nuclear power complex, with its waste storage problem largely unresolved, that probably will provide up to 15 percent of our energy needs by 1985.

As I mentioned at the beginning of this talk, the nuclear power industry is, indeed, of special interest to Kansas, not because we have vast resources of uranium or abundant sites for power plants, but because we have been chosen to be the location of all waste from the nuclear power industry and because our energy production is declining at an alarming rate. Chosen by the Atomic Energy Commission, an agency of the federal government having vast powers and a program largely unrelated to other energy agencies of the federal establishment. In fact, other energy agencies of the federal establishment have little relationship to each other. Gas supply is regulated by the Federal Power Commission through an obsolete pricing structure. Petroleum supply is regulated by an outmoded system of state regulatory activity, Department of the Interior and Office of Oil and Gas regulations regarding public and off-shore lands, an Environmental Protection Agency determined to protect the environment, and an indecisive import policy. A similar situation exists with respect to coal, and some members of Congress even seem determined to prevent strip mining. In short, we have no articulated national goals with respect to energy, and we have no coherent and coordinated national energy policy. As Kenneth Boulding noted under other circumstances, "We keep coming to decision points where there are a number of possible futures and of which we select only one. Our decisions, however, depend on values and in man values are almost wholly learned. Instincts are quite literally for the birds. Decision theory states that everybody does what he thinks best at the time, which is hard to deny. The tricky problem is how do we learn not only what the real alternatives are, but also what values we place on them." Unless we as scientists are willing to become involved in evaluation of real alternatives, we will have no complaint if others become involved for us and make incorrect decisions in the absence of adequate data. We must be willing to get out of our ivory towers and academic straightjackets and go to legislative and congressional hearings and propose alternatives. By taking such action we can accomplish much. By just talking to ourselves at meetings such as this, we do not accomplish much as far as the "real world" is concerned. We must speak with and to decision makers, and most emphatically in a language that decision-makers understand. To not do so is to fail our disciplines, our young, and most importantly ourselves.

REA LOAN AND DEVELOPMENT IN THE 10TH DISTRICT

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, when I first came to Congress, approximately half of our rural farms and homes in the North were without electricity. Likewise, when I first came to Congress, more than half of our farms and homes did not have adequate telephone facilities and services.

As a result of this condition, I have been in the forefront in securing adequate financing for the Rural Electrification Administration. I have appeared before committees to adequately fund this Agency. In several instances, I succeeded in getting supplemental appropriation bills passed to take care of the outstanding applications. In each of my years in Congress, I have given the Rural Electrification Administration my personal attention and support for the development of our area. Whenever an applicant needed help, I have always given that help and whenever an applicant had a problem in getting the application approved, I helped overcome that problem with the Agency heads in Washington.

RURAL TELEPHONE SERVICES

Because of the inadequate telephone facilities in the North, I came to the conclusion that something had to be done to get adequate financing to cooperative and private telephone companies to upgrade their services and expand their services to bring first-class service to the North.

Among the first to introduce a bill to bring about such a program was your own Congressman. As a result, we came to the conclusion that the fastest way to operate was to use an existing agency. At my recommendation, we decided to use the Rural Electrification Administration as the Agency to help bring proper financial help to the cooperative and privately owned telephone companies; and as a result, there is hardly a home or a farm in the North today that does not have updated first-class telephone service, compared to less than half that number who had such service before I came to Congress.

Here again, in some instances, I helped prepare the application; I followed the application through the proper Agency in Washington, and when there were problems with the application, I helped overcome those problems to get approval.

The following is a listing of how much these programs have meant to the 10th Congressional District. When I give the total figures to the average citizen, they hardly believe how much money has come to the North to the 10th Congressional District under these two programs.

The total amount is actually greater, because REA co-ops and telephone companies in other congressional districts overlap into the 10th District. I am using only figures for those whose headquarters are in my district or who at some time or other sought my help with applications or getting sufficient funds to REA so the applications could be approved:

Loans to REA Electrification Borrowers With Headquarters in 10th Congressional District of Wisconsin

[Borrower and the O'Konski years loans Jan. 1, 1943, through Dec. 31, 1971]

Barron County Electric Cooperative, Barron, Wis	$4,705,500
Bayfield Electric Cooperative, Iron River, Wis	2,623,000
Chippewa Valley Electric Cooperative, Cornell, Wis	1,316,815
Head of the Lakes Electric Cooperative, Superior, Wis	1,765,000
Dunn County Electric Cooperative, Menomonie, Wis	472,329
Eau Claire Electric Cooperative, Fall Creek, Wis	2,791,747
Polk-Burnett Electric Cooperative, Centuria, Wis	3,607,947
Price Electric Cooperative, Phillips, Wis	3,004,000
Jump River Electric Cooperative, Ladysmith, Wis	2,098,000
St. Croix County Electric Cooperative, Baldwin, Wis	1,754,000
Taylor County Electric Cooperative, Medford, Wis	839,615
Totals through Dec. 31, 1971	24,977,953

Loans to REA telephone borrowers with headquarters in the 10th Congressional District of Wisconsin

[Borrower and the O'Konski years loans January 1, 1943, through December 31, 1971]

Turtle Lake Telephone Co., Inc., Turtle Lake, Wis	$453,989
Chibardun Telephone Cooperative, Inc., Dallas, Wis	3,403,975
Chequamegon Telephone Cooperative, Inc., Cable, Wis	3,207,799
Badger Telephone Co., Inc., Webster, Wis	982,668
Farmers Independent Telephone Co., Grantsburg, Wis	1,300,953
Citizens Telephone Cooperative, Inc., New Auburn, Wis	1,317,229
Bloomer Telephone Co., Bloomer, Wis	796,000
Solon Springs Telephone Co., Solon Springs, Wis	1,650,946
Poplar Telephone Co., Inc., Poplar, Wis	201,356
West Wisconsin Telephone Cooperative, Downsville, Wis	$2,892,206
Headwaters Telephone Co., Rhinelander, Wis	1,241,119
Osceola Telephone Co., Osceola, Wis	1,229,900
Clear Lake Telephone Co., Inc., Clear Lake, Wis	712,000
Amery Telephone Co., Amery, Wis	2,457,800
Luck Telephone Co., Luck, Wis	573,818
Milltown Mutual Telephone Co., Milltown, Wis	1,506,660
Frederic Telephone Co., Frederic, Wis	1,058,000
Ogema Telephone Co., Milwaukee, Wis	464,260
Price County Telephone Co., Phillips, Wis	869,000
Cream Valley Telephone Co., Milwaukee, Wis	768,356
Preston Telephone Co., Inc., Weyerhauser, Wis	1,215,000
The Baldwin Telephone Exchange, Baldwin, Wis	1,216,394
St. Croix Telephone Co., New Richmond, Wis	1,472,000
Shell Lake Telephone Co., Inc., Shell Lake, Wis	368,261
Rib Lake Telephone Co., Inc., Rib Lake, Wis	286,000
Somerset Telephone Co., Somerset, Wis	$651,000
Lakeland Telephone Co., Minong, Wis	1,657,000
Totals through Dec. 31, 1971	33,953,689

THE FARM REVOLUTION

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. McGOVERN. Mr. President, the recent controversy surrounding the confirmation of Secretary of Agriculture Earl Butz has focused considerable concern on the future of our Nation's agriculture. As a Senator from one of the most agricultural States in the Nation, I certainly welcome this dialog and hope it continues. A predominant theme of this discussion is the direction rural America is taking and what our farms will be like in the years to come.

One of the perplexing myths that is taken for granted in some quarters is that the large, very highly mechanized corporate farms are more efficient than our family farms. A strong historical case can be made against that argument and it does square with present-day experience.

Recently the Economic Research Service of the Department of Agriculture issued a report comparing the profit potential of 500-acre corn farms as opposed to 5,000-acre corn farms. The 5,000-acre corn farms had a higher profit potential, not because of any production efficiency, but because these larger units could buy needed supplies at a discount from faraway factories and because existing tax laws are more suited to a larger operation. It seems to me this calls for another look at our tax structure. What is more, I am certain the farmer-owned cooperatives and the main street merchants of rural America would take strong exception with the portion of the study extolling the virtues of buying direct from some distant urban supply house.

Another encouraging sign in the current dialog is the increasing attention commentators are paying to the social need of preserving the family farm system of agriculture. Hard questions are being raised about the fate of those forced off the farm because of low prices. Main street merchants in rural America will also be concerned when 5,000-acre farms start buying direct from the manufacturer. They are also concerned about the dwindling number of farmers, because for six or seven farms that close, one main street business also closes its doors. A corporate takeover of rural America would be the end of rural America as we know it today. This trend is being felt in rural America and is a genuine concern.

It is time, in my view, to pay more attention to the questions of social efficiency, people, and social costs. We have demonstrated time and time again the unsurpassed efficiency of American agriculture. My colleague from South Dakota, Representative Frank Denholm, has so often pointed out we may have too frequently in the past paid too much attention to "bushels, bins, and acres" instead of "people, production, and performance."

This social concern, along with other questions relating to the future of American agriculture, was the subject of a recent editorial in the New York Times. The conclusion of this editorial was particularly noteworthy:

> It is time to examine this technological mystique of "progress" in agriculture and subject it to rational choice and deliberate judgment.

Because other questions related to future of American agriculture are discussed, I ask unanimous consent that the editorial be reprinted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Farm Revolution—I

The short but sharp fight over the confirmation of Earl L. Butz as Secretary of Agriculture turned the spotlight on some unhealthy long-term trends on the nation's farms. Despite his estimable personal qualities, Mr. Butz encountered opposition because he epitomizes the rapidly growing power of giant conglomerate corporations which have extended their activities into agriculture and are already in a position to dictate the price, quality and variety of many foods.

As in any situation where two or three suppliers are able to dominate the market, the buyers—in this instance, every housewife and her family—become victims. The quality and variety of food in this country have already begun to deteriorate because many crops are grown, harvested, and marketed in ways which fatten corporate profit margins rather than please anyone's palate.

Corporate farming is most profitable if crops can be machine harvested. The quality of most tomatoes has declined because only hard tomatoes with thick skins can be picked by machines. The same process is now being applied to strawberries and other fruits and vegetables.

These invisible losses to the housewife are matched by the social costs to the small farmers and small towns of America. Not all farmers are as badly off as the chicken farmers who have become "poultry peons," but whether a small farmer is growing potatoes in Idaho, fattening cattle in Texas, or raising hogs in Iowa, he finds that the processors can whipsaw him on prices and the corporate conglomerates with their far greater financial resources can dictate the terms of competition.

Corporations and big commercial farmers have the capital to introduce modern technology rapidly with consequences which are unplanned and unprovided for. Thus, the mechanical picking of cotton evicted hundreds of thousands of sharecroppers and marginal farmers from the land within a few years and their migration contributed significantly to the welfare and housing crises in the cities.

Up to now, in the absence of any national policy or regional plan, the agribusiness corporations have simply availed themselves of technical change to maximize profits and have left society to cope with the human consequences. They have succeeded in stigmatizing critics of their narrow, single-minded approach as enemies of progress. But the nation no longer accepts this myth where the automobile or the supersonic transport or the strip mine is concerned. It is time to examine this technological mystique of "progress" in agriculture and subject it to rational choice and deliberate judgment.

AN ECONOMIC POLICY FOR THE UNITED STATES: A DEMOCRATIC ALTERNATIVE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. REUSS. Mr. Speaker, much governmental activity has been focused on the economy in the last few months, but action taken to date has left a great deal to be desired. In a recent speech to the American Economic Association, meeting in New Orleans, La., I outlined what I believe to be a responsible alternative to present economic policy. The proposal incorporates measures aimed at the goals of full employment without inflation, a reformed fiscal policy, and increased international economic cooperation. The text of that speech follows:

An Economic Policy for the United States: A Democratic Alternative

The Republicans have been referring to the economic performance out of Washington in 1971 as "historic". If this characterization merely means that 1971 is now over, one cannot fault it much. But if it means the Republicans—or for that matter the Democrats—think they deserve the Nobel Prize in economics based on performance, it seems presumptuous.

Let me try to sketch an alternative economic policy which we Democrats sought to be evolving if we expect people to vote for us in the next election.

It is true that President Nixon has taken some good Democratic economic ideas—the welfare reform of Professor Wilbur Cohen, the wage-price freeze of Professor Galbraith, the revenue-sharing proposal of Professors Walter Heller and Joseph Pechman, and the severance of the gold-dollar link unanimously advocated by the Democrats of the Joint Subcommittee on International Exchange and Payments. But in applying these good ideas, the President failed to heed Fiorello la Guardia's advice to statesmen: Don't louse it up!

WELFARE REFORM

A national welfare floor, adequate in amount and with real incentives for those able to work to get off welfare, was an idea whose time had come. The President deserves credit for H.R. 1, now long since passed by the House but languishing in the Senate. But the income floor—$2,400 a year for a family of four—is far below any humane poverty level. And the Child Development Act, designed to provide day care facilities so that mothers may leave home to work if they wish to, has been vetoed. Finally, the President has requested that the effective date of even this anemic reform be postponed.

DOMESTIC NEP

Phase I produced precisely the stabilization in the wholesale and consumer price indices which was envisaged. Phase II, let us hope, will do the job in the months ahead.

The trouble with the domestic side of the New Economic Policy in the freeze's accompanying tax program.

What this country needed was a thoroughgoing tax reform which would plug the loopholes, restore the revenues, and promote equity. Ever since 1954 the federal revenue system's progressiveness has been progressively impaired.

A sensible loophole-plugging tax reform measure could raise an additional $20–$30 billion a year. But when I put the ingredients in such a program to Secretary of the Treasury Connally at the Joint Economic Committee hearings last spring, his answer to every proposal—cutting down the mineral depletion give-away, ending the abuses of capital gains, reforming the estate and gift tax, and so on—was a resounding "No".

Instead, Congress has passed the Tax Act of 1971 in substantially the form presented by the Administration. After the first introductory year, the revenue loss will be on the order of $9 billion a year, about $8 billion to corporations, mainly through the asset depreciation range and the 7 percent investment tax credit, and about $1 billion to individuals.

I voted against the Tax Act for at least three reasons:

By its lopsided benefits to corporations as against individual taxpayers, it destroys the basis of the social contract on which a workable price-wage policy needs to be founded. If wage-earners are going to be asked to accept wage restraints—as they must be—it can only be in the context of a fairly shared burden.

It fractures the federal revenues for years to come. Without the 1971 tax reduction, future revenues to pay for the services the American people need and want were at best uncertain. With the 1971 tax cut, we are faced with a fiscal situation where revenues are going to be drastically too low for needs, or budgetary deficits too high for a sound economy, or both.

It is inadequate to reduce materially the present intolerable 6 percent unemployment rate. With only 73 percent of present manufacturing plant and equipment employed, the stimulus for investment is obviously misplaced. Worse, a corporation is given the investment benefits not simply for newly stimulated investment, if any, but for the billions in investment in new equipment which would be made in any event. Nor is any attempt made to distinguish between the more valid investment, such as in high-technology equipment, and the less valid—pari-mutuel machines for the race track, bigger and better billboards for the highway, and new beds for Nevada bordellos (where that sort of thing is legal).

Even the Administration does not claim that the tax reduction program will do much to bring down unemployment. At most, it may provide jobs for the 2.4 million newcomers to the labor force in 1972 who will be wanting them—1.4 million just out of school and looking for jobs for the first time; some 800,000 "discouraged" workers who would be encouraged again to look for a job by somewhat greater economic growth; and some 200,000 returning veterans. We will be lucky if our present programs find jobs for these newcomers, without putting even a dent in our almost 5 million unemployed.

REVENUE SHARING

One reason the Nixon revenue-sharing proposal has gotten nowhere in the last 2 years is that it acts as a crutch for the archaic and fiscally inept governmental system in our states and localities, rather than as a catalyst to induce their reform. The Nixon measure mandates revenue sharing to all the 63,000 units of general local government. It distributes the local share not on the basis of need but on the basis of existing wealth—unto the community that hath, even more shall be given. And reforms are not even suggested, much less mandated.

GOLD AND THE DOLLAR

Last August 6, the Democratic members of the Joint Subcommittee on International Exchange and Payments unanimously recommended that the gold window be closed, and that the dollar be allowed to float until its proper devalued level was reached. Within the next ten days, the Administration (a) issued a statement condemning the recommendation as irresponsible; and (b) announced that it was being put into effect. Instead of leaving well enough alone, however, Mr. Nixon encrusted his August 15 international program with a layer of protectionism (via the 10 percent surcharge and the Buy-American provision of the investment tax credit), and a frosting of intransigence (a refusal to participate in the currency revaluation by a matching modest devaluation of the United States dollar). Fortunately for the world, the President climbed down from his high horse and achieved the excellent realignment package of December 18. Achieving it three months earlier would have helped our balance of payments, and avoided some hurt feelings abroad.

* * * * *

All told, at best a C-minus for the Republicans and a C-plus for the Democrats.

There has to be a Democratic alternative. To a nation that is weary of "New Frontiers" and "Great Societies" and "New American Revolutions," it may be better to call it just a "Modest Proposal". Anyway, here it is:

1. Full employment

The present program, as I have suggested, does precious little about reducing our unemployment. There is needed, in addition to immediate welfare reform, a measure that takes into account the structure of our almost 5 million unemployed—the large percentages of young, female, and above all under-educated, under-skilled, and under-motivated.

More than 50 House Democrats have introduced a Jobs Now bill, to provide immediately 500,000 federally funded jobs at the state and local governmental level, at prevailing wages, for needed public services.

Do we need to let our health services languish, with returned Vietnam medical corpsmen looking for jobs, and with thousands of others available as nurse's aids, orderlies, or other paramedical personnel? Must our museums be closed half the time because we lack the wherewithal to hire sufficient guards? Why let our federal and state forests decline because we have insufficient foresters? Why get along with inadequate parks, playgrounds, and outdoor areas because we lack the funds to construct, maintain, and staff them? Why see our streets continue unsafe because the cop on the beat lacks an auxiliary officer to patrol along with him?

Providing 500,000 jobs now will have beneficial effects, both direct and indirect, on economic growth and employment. Directly, the 500,000 newly employed will be spending all, or more than all, of their income, and thus adding to consumer demand. Indirectly, their presence among the employed will help to restore confidence to those who already have a job, but are now holding back on their consumer spending because they worry that their neighbor doesn't have a job.

Moreover, since all the stimulus is applied directly to creating jobs, there are much less likely to be inflationary side-effects than in economy-wide trickle-down economic policies. If all the government does is to create ever-larger deficits by indiscriminate spending increases or tax cuts, the chances of this being translated into actual jobs are far less than with a focused Jobs Now program.

Together with a price-wage-incomes policy, a Jobs Now program can significantly shift the Philips Curve. Experience in recent years has shown that we can still have a 6 percent inflation at a time when both plant and manpower are drastically underemployed. And very recently, Dr. Solomon, newest member of the Council of Economic Advisors, has made the un-Solomonlike suggestion that we may have to compromise our target for acceptable unemployment at something like 5 percent.

This need not be. We can improve the Philips Curve, and maintain goals of no higher than 2 percent inflation and 3 percent unemployment. But this means using a price-wage-incomes policy, so as to fight inflation without promoting unemployment; and a Jobs Now program, so as to fight unemployment without promoting inflation. Rather than compromising our targets, how about girding up our loins?

2. *Without inflation*

(a) Phase II of the anti-inflation campaign, by common consent, will last about a year. It should be followed by Phase III, of which the distinguishing characteristics should be:

It will apply only to dominant industries;

It will be based on guideposts arrived at with the cooperation of management and labor;

It will be primarily voluntary, relying on public opinion, with legal sanctions used only as a last resort.

(b) Such a formal price-wage-incomes policy should be reinforced by a whole series of measures to combat inflation by reducing rigidities in the structure of the economy, and by increasing supply. Internationally, this means not only avoiding further flirtations with 10 percent import surcharges and Buy-American provisions; it means the progressive removal of quotas and the lowering of tariffs, in order to open our economy to more competition. It means, too, decisively altering many of our regulatory agencies so as to divest them of their mission to keep prices up, as in Federal Power Commission or the Interstate Commerce Commission. It means steady progress in agricultural policy to substitute income supports to the family-sized farmer for price supports, thus lowering the prices of farm goods to consumers. It means fewer subsidies for industrial dinosaurs like Penn-Central and Lockheed whose own sluggishness has brought them down.

(c) Perhaps most of all, after more than 30 years, we need another Temporary National Economic Committee to take an overall look at monopoly and rigidities in the economy. The Celler report has recently opened our eyes to the increased concentration in the economy. Is the remedy stricter enforcement of the anti-trust laws? Is it more yardstick competition, such as in the TVA? Is it the limitation of corporate size, or the breakup of conglomerates? We are now struggling in the dark.

3. *A reformed fiscal policy*

Fiscal policy should have as its aim not only the proper budgetary relationships so as achieve full employment without inflation. It should also provide adequate funds to federal, state, and local governments to carry out their respective functions; raise those funds by progressive rather than regressive tax systems; and harness public and private resources to solve the pressing problems of the 1970's.

(a) In intergovernmental relations, a Democratic alternative to the Nixon revenue-sharing proposal is beginning to emerge. The Mills bill will be the subject of hearings before the House Ways and Means Committee early in 1972. The bill will distribute approximately $5 billion a year to the states, the counties, and the larger cities, mainly on the basis of need as disclosed by such indices as the number of low-income families. It would induce states to adopt progressive income taxes by giving states that did so a larger share, with particular incentives to enact a "piggyback" state income tax on top of the federal income tax. This feature, incidentally, reinforces the need for overall loophole-plugging in the federal income tax. What shall it profit a state to "piggyback" if that on which it "piggybacks" represents a swiss cheese more than it does a rational tax system?

The Mills bill is reinforced by a bill sponsored by the Democrats on the House Housing Subcommittee, a bill also due for early action in 1972. That bill gives additional broad grants, principally to the larger metropolitan areas. It subsidizes state-sponsored housing development corporations, with the power to build low and moderate-income housing where the need is, rather than where the local jurisdictional lines lie. To the same end, it gives incentives for the formation of metropolitan housing authorities which will attempt to secure a fair housing mix throughout the metropolitan area. Finally, the housing subcommittee bill would provide planning money to the states to study their whole relationship with their localities, and to provide over the next decade a plan and a timetable for modernizing local government.

(b) On the tax side, we need to plug the numerous loopholes which are making our federal tax system increasingly ineffective. This plugging can be done only with Presidential leadership. It is needed both to repair the federal revenues, and to reduce inequities between tax payers. Together with revenue-sharing, it can reduce reliance on the worst tax of all, the local property tax.

(c) In federal expenditure policy, the government must devote new resources—from tax reform and from the higher revenue yield from economic growth—to the main areas of domestic need. This will require large-scale public-private consortia for research, development, demonstration, and implementation of new solutions for the rebuilding of our cities; mass transit; air, land, and water pollution control, often on a regional basis; education; public safety; health—the general welfare, in short.

4. *International economic cooperation*

The whole of international economics—trade, aid, payments, money, regulation—must be turned to achieve the things men and women want everywhere—jobs and a rising standard of living.

The first phase of the post-August 15 action has been concluded with a realignment of currencies and greater exchange flexibility. Continuation of the 1968 two-tier agreement insulating official gold from the free market is imperative.

This done, what of the future?

A pressing task for international money is to somehow get rid of the overhang of some $45 billion in U.S. dollar claims held by foreign treasuries, and some $6 billion in British sterling.

Such part of these national reserves as these countries do not wish to hold should be phased out in favor of some form of special drawing right. This is necessary from both sides. The United States has learned that it must have some control over its exchange rate structure, and the rest of the world that it cannot be asked endlessly to absorb dollar deficits.

In the process of changing reserve dollars into SDR's, there is an unparalleled chance to do something meaningful for the less developed countries. The poor countries have been particularly forgotten recently. It used to be trade, not aid; or aid, not trade. Since August 15, it has been neither trade nor aid, as the White House and the Senate have competed to see which could be more isolationist.

When the nations turn in their unwanted dollars to the IMF in return for new SDR's, what happens to the dollar claims?

There are those who suggest that the IMF ought simply to tear them up, and let the United States home free. But this will hardly wash with the rest of the world, which has given up real assets in return for the dollars.

Why not, instead, treat the dollar and sterling debts of the U.S. and Britain like consols with no set repayment obligations, with a reasonable interest rate of, say, 4 or 5 percent? A considerable part of this income to the IMF could then be turned over to the World Bank—IDA family for multilateral development aid. This could be a meaningful increment to the aid now provided by budgetary action. Thus could the past monetary sins of us all be expiated.

In trade, what is needed is another Kennedy round, only better—one that would encompass tariff and non-tariff barriers, revised agricultural policies, coordinated treatment of international investment and of the multi-national corporation. It would take a generation, with some set-backs and some speed-ups. But the goal is one to be seized.

Such a free-trade goal can be politically viable only if it is accompanied by programs in each country to bring about full employment without inflation. The United States can be helping itself, and the rest of the world in the bargain, by concentrating on full employment without inflation, as both a prelude and an accompaniment to an international economic policy of cooperation. This, it seems to me, is the best answer to both the old Interventionists and the New Isolationists.

INTERSTATE COMMERCE COMMISSION EFFORTS TO AID SMALL BUSINESS

HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. BIBLE. Mr. President, not only are millions of Americans moving about this country and across the oceans today more than ever before but likewise more shipments of goods are moving through our channels of commerce than ever before as 1971 draws toward a close.

When the Senate Small Business Committee, of which I serve as chairman, began its hearings 2½ years ago into the impact of crime on small business, one aspect we noted in examining into cargo thievery, pilferage and hijacking was the difficulty that small shippers had in moving their cargo shipments expeditiously. We received complaints from small businessmen, shippers, seeking normal delivery of their ordered goods, that some motor freight carriers refused to transport certain shipments for various reasons.

We sought to call to the attention of the Interstate Commerce Commission some of these complaints and we are now pleased to note the affirmative action that Interstate Commerce Commission Chairman George M. Stafford and his Commission have taken in this area.

Recently, the Commission issued a public advisory, entitled "Arranging Transportation for Small Shipments: Shipper Rights, Remedies and Alternatives," designed to show the rights that small shippers have and to make suggestions how those shippers can move their goods satisfactorily.

For the benefit of other Senators and Members of Congress I wish to call attention to this public advisory as it is designed to help alleviate the problems of the small shipper in arranging transportation for his goods.

It is generally acknowledged by many experts in the transportation field that regardless of modern technology, it has become more difficult in recent years for some shippers to move their goods safely and securely by the various modes of transport. This is particularly true of the smaller shipper who has goods moving with less frequence and regularity than does his "big brother" counterpart, and likewise does not enjoy the services of professional traffic managers. In all fairness to carriers, they too have faced a variety of problems, not fully of their own making, in recent years.

Some carriers have often discouraged the small shipper regardless of the requirements of the certification granted by the Government. Many small shippers have believed their problems were ignored, leaving them to their own devices. The cost has been one of inconvenience to the shipper plus the excessive expenditure of dollars. The recent public advisory will hopefully begin to resolve some of the smaller shippers' problems.

The ICC is the first Federal transportation regulatory agency to move against this problem. We are hopeful the other regulatory agencies will ascertain whether assistance comparable to that carried out by ICC will benefit small shippers using other transport modes. Certainly, an awareness and concern for the small business shipper, the backbone of our national economy, can only bring constructive results.

I ask unanimous consent that a letter from ICC Chairman George M. Stafford, an ICC press release together with public advisory No. 2, entitled "Arranging Transportation for Small Shipments: Shippers Rights, Remedies and Alternatives," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., September 2, 1971.
Hon. ALAN BIBLE,
Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN BIBLE: I am enclosing a copy of the Commission's Public Advisory No. 2 entitled, *Arranging Transportation for Small Shipments: Shipper Rights, Remedies, and Alternatives*, together with the related press release.

Through this medium we present a statement summarizing the duty of all regulated carriers to serve the public fairly and to accept and carry all goods offered for transportation within the limits of their operating authority. Further, we advise shippers that effective assistance is available to them at nearly 100 specifically identified Commission field office locations.

In view of your interest in the problems of the small shipper, I think you will be pleased to know that the initial reaction to the advisory has been most enthusiastic. We have a limited supply of this latest public advisory available for distribution. If you should desire additional copies, I will do my best to fulfill your request.

Sincerely yours,
GEORGE M. STAFFORD,
Chairman.

[Interstate Commerce Commission release, Aug. 30, 1971]

SMALL SHIPMENT PROBLEM IS SUBJECT OF SECOND COMMISSION PUBLIC ADVISORY

The Interstate Commerce Commission issued today the second in a series of public advisories designed to assist consumers in their day-to-day dealings with regulated transportation companies.

The latest advisory, which is being issued over the signature of ICC Chairman George M. Stafford, deals specifically with small shipments. It notes that although most small shipments are being handled satisfactorily by the nation's carriers, the number of complaints that the Commission regularly receives has been increasing.

Generally, most service complaints come from those who ship goods in small quantities or from persons in small or isolated communities. The small shipments advisory summarizes the duty of all regulated carriers to serve the public fairly and to accept and carry all goods offered for transportation within the limits of their operating authority.

After reciting the remedies available to the typical small shipper who may be experiencing problems, the advisory suggests that effective assistance is available from the nearest ICC field office located in virtually every major city throughout the United States. Addresses and telephone numbers of the nearly 100 offices are listed in the advisory. With the cooperation and assistance of shippers, the Commission can take appropriate action to assure them of adequate service, the advisory concludes.

[Public Advisory No. 2, issued by the Interstate Commerce Commission]

ARRANGING TRANSPORTATION FOR SMALL SHIPMENTS: SHIPPER RIGHTS, REMEDIES, AND ALTERNATIVES

SOLVING YOUR SERVICE PROBLEM

Although less than one-tenth of one percent of the more than 300 million shipments transported by motor common carrier during 1970 were the subject of complaints, this Commission has received in recent years a growing number of shipper complaints as to motor carrier refusals to transport certain shipments. While all shippers occasionally have problems arranging for transportation, most service complaints come either from those who ship goods in small quantities, from shippers of certain types of traffic, or from persons in small or isolated communities.

If your company or organization experiences problems with motor carrier refusals to provide service you should be aware that you, as a shipper, have an enforceable right to service from all motor common carriers authorized to transport your products in interstate or foreign commerce. In addition, to assure yourself the best possible service on a continuing basis, you should be sure that you are using the means of transportation that is best suited to your shipping needs.

OBTAINING ADEQUATE MOTOR CARRIER SERVICE

Most small shipments or shipments to or from isolated points are now transported by motor carriers, since these carriers not only provide a flexible service capable of handling shipments of all sizes, but also because many shippers and receivers are not located near rail facilities.

If you intend to ship goods by motor common carrier in interstate or foreign commerce, the motor carrier you select must have a certificate of public convenience and necessity issued by this Commission authorizing the service you desire. Often, a carrier will combine its operating authority with that of another carrier in an interchange arrangement to allow the movement of goods over the combined routes to a destination point not served by the originating carrier.

Your right to motor carrier service

Every regulated motor common carrier has a duty under the Interstate Commerce Act to serve the public equally and fairly and to accept and carry all goods offered for transportation, within the limits of its operating authority.

As a condition for retaining its certificate, a motor common carrier bears an obligation of rendering continuous and adequate service to the public to the fullest extent permitted under its operating authority.

When may a carrier refuse to provide service?

As a result of the obligation to serve imposed by its operating authority, a carrier may refuse to transport your shipments only if it lacks authority to perform the requested movement; the size of shipment or its origin or destination do not justify a refusal to provide transportation.

In special situations, carriers are permitted to impose *temporary* suspensions of service ("embargoes") on certain traffic when they are unable to handle that traffic due to factors beyond their control, such as a lack of equipment or personnel. When a carrier has imposed an embargo on traffic to or from your location, it is required to notify our Bureau of Operations and indicate when the embargo will be lifted. The Bureau regularly investigates these embargoes to make certain that there are adequate grounds for restricting service.

If a carrier cannot provide prompt service following your request, it must notify you of the extent of the service delay anticipated and explain the reasons for its failure to give prompt service.

Enforcing your right to service

If a carrier refuses to transport one of your shipments, your quickest recourse is to contact the nearest field office of this Commission at any one of the 80 locations listed at the close of this Advisory.

On receiving your complaint, our field staff will take immediate action to see that carrier service is provided, often by assigning a staff member to investigate the service failure. The staff investigator will contact the carrier refusing service, determine if there was any justification for its refusal, and remind the carrier of its obligation to perform the services described in its certificate.

If your operations involve shipping to or from an isolated point, or if you are otherwise unsure as to which carriers have operating authority to carry your shipment, our field offices will be able to give you names of carriers known to be serving the involved locality.

Penalties for failing to provide service

The Commission has substantial penalties at its disposal to back up its informal directives to provide service.

Carriers who refuse to perform the service required by their certificates are subject to prosecution, and may be fined as much as $500 per day for each refusal.

We are also aware of carriers with poor service records and often ask our Bureau of Enforcement to intervene in proceedings before us to oppose grants of additional operating authority to these carriers.

Failure to provide adequate service ultimately can be grounds for a temporary suspension or a complete revocation of a carrier's operating certificate.

SPECIALIZED TRANSPORTATION SERVICES

Although most small shipments and movements to or from isolated points are transported by motor common carriers, shippers too often ignore other forms of transportation that specialize in handling certain types of small shipments. In particular shippers should consider these means of transportation as alternatives to motor common carriage:

Local cartage companies

For shipments within a municipality or within a commercial zone surrounding a municipality, motor carriers may transport goods without a certificate from the Commission. Many firms engage exclusively in local cartage and provide efficient service.

Freight forwarders

Specializing in small shipment service freight forwarders consolidate small lots of goods into rail carload or motor truckload shipments and forward the goods to their destination using the services of other for-hire carriers. However, freight forwarder service is usually available only for goods moving between large metropolitan areas.

Express companies

many locations are available from the two major express companies, REA Express and United Parcel Service, as well as from the package express service provided by many intercity bus companies. However, there are weight and size limitations imposed on the services proffered by these companies and bus companies do not generally provide pickup and delivery service.

Fourth-class mail (parcel post)

Most points in the United States can be reached by fourth-class mail service. Again, there are weight and size limitations imposed on this service.

CONCLUSION

To assist you in solving your shipping problems, our field staff of transportation specialists has been organized to investigate any complaints you may have about the transportation service available to you. In addition, we have taken a number of steps on a broader scale to ensure the availability of service for small shipments and isolated localities, including:

Amending all motor carrier certificates to remove restrictions limiting carriers to handling shipments in truckload lots only.

Approving new rates on small shipment traffic to make these shipments more economically attractive to carriers.

Issuing certificates for limited time periods or subject to special service requirements to ensure continuation of adequate service for small shipments and isolated communities.

Proposing legislation to Congress to give the Commission authority to require motor carriers to enter into joint-rate and through-route arrangements.

Permitting carriers to pool their traffic, to allow one carrier to give concentrated service to a number of smaller communities.

However, none of these actions alone can guarantee you better service; you as a shipper must protect your own interests by asserting your rights to adequate and continuous service and by notifying this Commission when you feel that your rights are not being observed.

With your cooperation and assistance, this Commission can take the action necessary to protect your RIGHT to be adequately served and at the same time improve service to all shippers, regardless of their place of business or the nature and size of their shipments.

FORESTRY IN THE NORTH

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, the North has two national forests. There are also several State forests and county forests. Paper companies also are maintaining many forests in the 10th Congressional District.

With the paper industry being the North's largest employer, and with these vast number of forests, I have given this matter top priority ever since I first came to Congress.

To give an idea of what tree growth means and how much tree growth is needed to meet our demands, one has only to ponder a few figures. In 1962 the pulpwood consumption in the U.S. was 3.3 billion cubic feet. By 1980 it is expected to reach 5.6 billion cubic feet per year. By the year 2,000 the consumption will be 13.2 billion cubic feet per year.

This means that just a natural growth of trees will not meet our needs. The demand for lumber and other wood products will triple by the year 2000. We have a crisis in our Nation in meeting our tree needs.

To meet this crisis, my efforts brought the Forest Genetics Laboratory to Rhinelander. It is not just a local laboratory, but one for the whole Great Lakes Region, the Nation and the world. At this genetics laboratory are brought together the tree and wood experts from all over the world. Experiments with about 2,000 species of trees are taking place. Experiments in radiation are taking place. Rhinelander, Wis., is a "World Tree and Wood University" really for all the world.

Below are the amounts of Federal money spent in the 10th District for forestry work during the O'Konski years:

Fixed investment expenditures	$10,600,000
Goods and services	15,700,000
Rhinelander Genetics Laboratory	3,460,000
Total	29,760,000

In many instances these moneys are a result of my personal victory. On many occasions when money requested was turned down by the Bureau of the Budget or the administration, I took requests directly to Congress and got the money in spite of administration or Budget Bureau oppostion.

DAVID ROCKEFELLER

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. CHURCH. Mr. President, last summer, I attended the sixth annual meeting of the Dartmouth Conference, held in Kiev, capital of the Soviet Ukraine. One of the members of the American delegation was Mr. David Rockefeller.

We were seated next to one another at the Conference and flew to Moscow together afterward, where we interviewed the Russian Prime Minister, Alexei Kosygin. We then took the same flight back to the United States.

Mr. Rockefeller was a delightful traveling companion. He took a personal interest in all the members of the American delegation, and managed to communicate with our Russian counterparts most effectively.

Recently, an interview with David Rockefeller was published in the December issue of Nation's Business. It gives some interesting insights into his personality and his ample capacity for leadership. It is well worth reading.

In order to give the interview a wider audience, I ask that it be included at this point in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

DAVID ROCKEFELLER OF CHASE MANHATTAN BANK: LIVING UP TO A SPECIAL RESPONSIBILITY

David Rockefeller was born 50 years ago into a family that had so much money, so much power, so much influence and so much fame that no one had any idea how to add it all up.

He learned early from his father, John D. Rockefeller Jr. and his mother, Abby Aldrich Rockefeller, that one thing it did not add up to was a life of indolence and waste.

As he grew up he was taught—as were his older brothers, John D. III, Nelson, Laurance and Winthrop, and his sister Abby—always to turn out lights in empty rooms. Food could not be wasted—they had to eat everything on their plates.

David Rockefeller also was taught that his advantages gave him a special responsibility to mankind, and that he had to work—and work hard.

As a child, he pulled weeds at a penny each on the terrace of the Rockefeller estate in Maine. He learned that job properly and then he graduated to raking leaves—eight hours for $2 at another family residence in Pocantico Hills, N.Y.

There has been plenty of public service and plenty of hard work since then.

By 1940, freshly armed with a Ph.D. in economics from the University of Chicago, Mr. Rockefeller was secretary to New York's pepper pot mayor, Fiorello H. LaGuardia. During World War II—he enlisted in the Army as a private and left it a captain—he served in North Africa and as assistant military attaché in Paris after the liberation.

In 1946, David Rockefeller joined Chase National Bank as an assistant manager in its foreign department. Today, as chairman of Chase Manhattan Bank (Chase and the smaller Bank of Manhattan merged in 1955) he is one of the four or five most important bankers in the world.

Family money and fame helped him to get ahead, of course. Chase traditionally has been regarded as a Rockefeller bank. But there's plenty of reason to believe David Rockefeller had the ability to get to the top on his own.

The No. 1 man at Chase's new 60-story building near the lower tip of Manhattan, with its 8,800 windows and the world's largest bank vault, is low-key and almost British in idiom, dress and manner.

He has wide interests—he's a collector of modern and French impressionist art and of mounted beetles, and he has the Rockefeller penchant for giving away enormous sums of money and not bragging about it.

He enjoys life and, although he works 12- and 14-hour days, he gets away from his labors occasionally for brief holidays in the Caribbean or in Maine. His wife, Peggy, his two sons and four daughters, and his duties on about 35 public-spirited committees and organizations help make his days well-rounded.

Here, in an interview with Nation's Business in his art-bedecked office, Mr. Rockefeller gives some views on problems of our times, and some insight into what it's like to be rich, famous and very busy.

Mr. Rockefeller, you are a great collector of beetles. How did this come about and how many do you have?

I began when I was 10 years old. I had a biology teacher at the Lincoln School in New York who was interested in beetles and got me started. Two or three years later, I took nature classes at Seal Harbor, Me., from a very pleasant woman named Mrs. Neil and she got me going even further on beetles. Later, I spent three summers on entomological expeditions.

But I'm afraid I haven't had much time to pursue the hobby recently. I still have my collection, I guess 50,000 or so specimens.

Considering that there are about 250,000 known species in the world, mine is a small representation.

What is your first love—beetles or the bank?

The bank has long since won out.

Do you remember your grandfather, John D. Rockefeller, Sr.?

I saw a great deal of him, because I was 21 when he died. I used to spend winter vacations with him in Ormond Beach, Fla., and I saw him when he came up to Tarrytown, N.Y. I also visited him in Lakewood, N.J., where he had a place.

I remember particularly what a kindly and interesting person he was. He was fond of his grandchildren and used to love having us around. He would tell amusing, rather homespun stories.

And, he would sing little songs for people.

He was quite different from the image I guess he had in the days when he was active in business.

Your grandfather gave me one of his shiny, new dimes when I was a small boy. I still have that dime.

I don't know how he started that custom of giving away new dimes. In a way it gave him an excuse to talk with people he might not have had a chance to see otherwise. It was rather a good thing.

How does being the bearer of a most famous name affect you?

There are restrictions and problems. It's awkward when you see people and they know you but you don't know them. It is impossible for me to remember other people as well as they do me in a number of cases.

I think it is also true that some people tend to have stereotyped impressions of other people. Perhaps this is particularly true now, when so many of the New Left like to think in terms of stereotypes.

On the other hand there are obviously many advantages. It is easier to meet people and do things than it might be for someone else whose name is less well known. So, as in all of life, there are pluses and minuses.

Has your special situation influenced the way you and your wife have raised your children?

We tried to give our children a sense of responsibility but we did not want them to feel essentially different from other people. We tried to bring them up naturally and normally. We tried to get them to understand that, even if they didn't always agree with our own particular positions and beliefs.

We have been lucky to have six wonderful children and I was very lucky in the parents I had.

You may well be a member of more organizations—social, business, philanthropic, civic, governmental—than anyone else. How do you find the time?

My wife thinks I'm a member of too many. But, obviously, I couldn't do as much as I do without excellent staff assistance.

Several members of your family are politically oriented. Have you ever heard the call?

You can't be involved in business with a great international bank without being involved in government and politics. But I have never sought government office although I know a great many people in government. I have served on many governmental committees.

But have you ever felt the urge for elective office?

It would be interesting. But I have two brothers and a nephew who are deeply involved in elective office. Maybe that is enough for one family.

Mr. Rockefeller, what is the first lesson one must learn in order to be a leader?

To understand and be sensitive to the concerns and aspirations of other people.

Do you object when a subordinate disagrees with you?

No. I object if they don't feel an obligation to disagree. They may help me to change my mind.

In the last analysis my view has to be the final one, simply because I have been given that responsibility by the bank's directors.

But I am convinced that I would not be able to discharge that responsibility well if I had people around me who simply said Yes to everything I said.

Many people and companies are fleeing New York City. As a native New Yorker, how does this strike you?

I am, frankly, disturbed that a number of major corporations have moved. I, myself, am not convinced that this is necessarily a wise move. I feel there is great advantage to rubbing shoulders with a great many people from all sorts of backgrounds, with broad interests and with the exposure to cultural opportunities that are present in the city.

There is a danger of people moving to the suburbs and living isolated, provincial types of lives.

One has to recognize, however, that there are serious problems in New York City which most other big metropolitan areas are also facing.

And it is terribly important that the business communities in those cities assume a sizeable share of responsibility in working with governments in trying to deal with these problems.

There is a trend of financial institutions moving to Washington. Do you think this will continue?

I wouldn't really feel there have been any significant moves of major private financial institutions away from New York. The movers primarily have been government oriented institutions which logically should be in Washington.

The American Bankers Association moved there because increasingly it came to realize its job was dealing with Congress and the Administration.

The ABA is a trade organization, not a bank, not a financial institution. It represents the banking community to the government.

Do you think life will ever settle back to the quiet, placid ways of years ago?

I haven't seen very much of a trend in that direction, I'm afraid. It seems to me that the complexity of living is growing and that the pace of life is getting quicker.

That being the case, people must find ways of spending their leisure so they can restore their peace of mind.

We see scores of companies going to a four-day workweek. How general a trend do you think this is?

The trend is there. It will be interesting to see whether it continues. But I find it difficult to see how we are going to be able to cut down significantly on our workweek at banks without seriously hampering efficiency.

You have spoken often about New Towns. What size will they be and how will they be financed?

The best estimates are that the population of the United States will increase by 75 million between now and 2000 A.D. Obviously that will require new homes, new schools and the facilities for new jobs. I question very much whether existing cities can expect to accommodate this increase. Others agree, since it has been suggested we will need 10 new cities of one million or more population and 100 communities of about 100,000 persons to take care of people during the next 30 years.

I have suggested formation of a unit within the White House to have responsibility for national growth planning.

There also is need for an urban development bank to provide funds for new city planning.

I have recommended a quasi-private, limited-dividend type of organization which would be sponsored by the government but essentially would be privately run.

What I envisioned was that commercial banks might own equity, that the equity would be a relatively small proportion of the total, that there would be bond issues to be bought by insurance firms, pension funds and other institutions. Interest rates would be competitive in that they would be related in some way to the prime rate. But they probably would be lower than the rates that might be paid by strictly private and commercial developments.

Do you foresee a Euro currency several years from now?

I would say Yes, but at the same time stress the "several years" part. I don't believe it is likely soon. Not many European countries are prepared to give up the degree of national sovereignty required to have an effective Euro currency.

On the other hand, they increasingly are recognizing that this would be an important element of a closer knit Common Market. Most of them recognize that this is an important thing for them.

So I do believe one will come, but it will be several years away.

How do you view the fact that the United States is slipping as the world's leading trading nation—that its position relative to others has declined rather than grown?

If we say the dollar is no longer the all-powerful currency, that might be true in technical terms—in the sense that the Swiss franc and German mark today seem stronger in relation to the dollar.

But nevertheless, because we are the strongest nation economically, I think few people would deny that the dollar is still the most important world currency.

What generally, do you think will happen to American foreign trade in the next few years?

We can increase it provided we get inflation under control. This has been the principal deterrent to trade. If you look back less than 10 years, our trade surplus then was running at a level of about $6 billion. Now it has dropped to where there is actually a deficit.

People raise questions of foreign competition and lower wages and that kind of thing. Those are factors, but inflation has always been the prime reason. However, I am convinced that if we continue to spend money on research and development, continue to be aggressive in marketing techniques, there is no reason why we can't stay one jump ahead of the others in many areas.

Will there be more nationalization, partial or total, of foreign-owned enterprises in the underdeveloped countries?

One cannot generalize on a global basis. There certainly has been a trend toward nationalization in a number of countries, notably in South America, Africa and Asia. But it has not all been in that direction.

We have seen other countries realize that private enterprise offers them the greatest opportunity. And therefore they have increased opportunities for foreign private investment.

This is certainly true in Indonesia and Brazil.

I think multinational corporations, whatever their national origin, are going to have to be increasingly willing to adapt their operations to the laws and sensitivities of the countries in which they do business. They have to be good citizens of those countries if they are going to be permitted to stay.

Mr. Rockefeller, the genesis of that question is that some of the big oil companies may soon be forced to share up to 20 per cent ownership with foreign governments, as well as to surrender 20 per cent of executive jobs to local managers.

Yes, in a few companies, like the petroleum firms, there have been changes in the relationship between the companies and the host nations in ownership patterns and organizational structure.

But it's likely that host nations will continue to find it to their advantage to work out mutually attractive arrangements with the oil companies for exploration and marketing of products, because for the most part they just don't have the technical knowledge, the managerial ability, the world-wide connections or the capital to do the job themselves.

What's the future for East-West-trade?

It would be wise and useful from both the Soviet and U.S. standpoints to expand the present volume, which is really negligible. We have continued prejudices and arguments against permitting trade with the Soviets longer than is in our best interest.

Trade is one of the best ways of stimulating understanding. Many items which are not permitted to be exported to the Soviet Union have no strategic significance whatsoever.

I was at a conference in the Soviet Union last summer and expanding the volume of trade was a subject we discussed.

Everyone there agreed it was desirable, but none of us was hopeful that in the short run there would be any massive increase. For one thing the two economies are too similar and the Soviets really do not have many items that are attractive to us. But the amount of trade could be increased substantially.

Will the Iron Curtain ever be replaced with a plate glass window?

Some progress is being made in this direction. There is contact between Western nations and Eastern European nations other than the Soviet Union. Even with the Soviets there is somewhat more freedom of travel and an attempt to establish contacts between countries.

As I just mentioned, I was in the Soviet Union recently. I have participated in four of a series of six conferences over the past 10 years called the Dartmouth Conferences, the purpose of which is to bring together people from the two countries and enable them through several days of conversation to understand one another better and keep in closer contact.

As a result of this most recent meeting it was agreed that there should be a steering committee of each group to keep more regular contact between meetings. This was suggested by the Soviets. It was a small straw in the wind.

Now that we are going to do some business with Communist China, it's interesting, Mr. Rockefeller, to recall that you recommended this many years ago. What will this mean to American business?

I doubt it will mean much in the short run. The main importance is that it is not healthy for one huge area of the world, that has the largest population of any country, to be completely isolated.

But I would be surprised, frankly, if the recognition led to any great volume of trade in the next few years.

The late Nikita Khrushchev once told you in the Kremlin that someday everybody would be a communist. Have you noticed any trend in that direction recently?

They still say it over there, and they believe it. They are still good Marxists.

However, the fact that they don't have enough confidence in themselves or their ideology to allow anyone who doesn't believe in it to say so in public makes me wonder whether really the Soviet Union is quite as strong or quite as self-confident as it wants to appear.

Anyone who cannot accept that there can be anything wrong with themselves or their beliefs, and who will not admit to a flaw in their system, must be somewhat lacking in self-confidence. Freedom of thought and speech is an important thing. And this is something that Western civilization has which communist nations do not.

You once said that we live in a world of unlimited desires with limited resources. Can you elaborate?

This has been pointed out by economists since the days of John Stuart Mill—that human beings like to have more than their resources permit.

At the present time people are putting less emphasis on strictly worldly economic resources and more emphasis on the quality of life and the environment. This is probably a logical and good development.

But in order to have environmental quality one has to spend resources. That means you have fewer resources for other purposes. So it will always be true that mankind will never have all the resources that all of the people would like.

Will this intense interest in environmental problems eventually give way to other problems?

It is here to stay. The reason we have to be concerned is that the population of the world has been growing in geometric proportions and consumption by individuals has been growing very rapidly also.

When there was a population of a few hundred million people, man's impact on his environment was relatively insignificant. But that day is past forever, because population—and consumption—are continuing to grow.

Mr. Rockefeller, one last question. Banking has changed more in 20 years than many other industries have. Banks don't even look the way they used to look. What are your feelings on this?

I agree that banks have changed very much, and I would like to think that bankers are more human, today. Bankers recognize, as does business in general, that they have to be concerned with the problems of our society just as any citizen is—perhaps even more so. Banks have to take into account social responsibilities.

The fact is that in the long run it won't be possible for a bank or corporation to make a good return for the shareholders if it is not responsive to needs of society.

THE FARMERS OF OUR NATION

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, there has not been a Member of Congress more concerned with the decline of family farming in our Nation than I have. The loss of small family farms in our Nation over the past 30 years alarms me. When we consider that America was once rural and now we find less than 5 percent of our population on farms, it should disturb every American.

It matters not who the Secretary of Agriculture is. In my judgment, we have not had a good Secretary of Agriculture in the last 40 years. By this I mean that in the last 40 years, we have not had a Secretary of Agriculture who had the guts to come before the Congress with a positive program for preserving the family farms of our Nation with an adequate income.

When the farmers of our Nation fell for the "gimmick" of parity, they gave up not only their soul, but their means of livelihood. What is parity other than price control by the Government. Unfortunately, 90 percent of the American people are not aware of the fact that the only continued price control that we have in our Nation is for the farmers of America.

Parity is supposed to mean the cost of products plus a fair profit. Yet our farmers have never enjoyed 100 percent parity, but at times many of their products were as low as 40 percent of parity. As long as the parity "gimmick" remains on our statute books, the farmers of our Nation are going to get the short end of the stick.

Basically, the reason why our farmers are always the forgotten ones is because the farmers are the only truly unorganized segment of our society. We have four different farm organizations, and even the heads of these four farm organizations cannot get together on a solution to the family farm problem, and the politicians are taking advantage of this to no end.

There is only one solution to the farm problem, and that is for the farmers of our Nation to come under a system of collective bargaining just as labor, teachers, and now Government workers. I saw this need and I sent out over 1 million copies of a farm bulletin urging that the farmers of our Nation unite into one unit so that they can adopt a system of collective bargaining, or they will always bear the brunt of our unfair economic system. The title of the pamphlet was, "Farmers Unite or Perish." No truer words were ever spoken. I doubt whether there is any Member of Congress in the history of our country who has mailed out more than 1 million pamphlets to try to awaken the farmers of our Nation to unite and adopt a system of collective bargaining.

There is one other aspect I wish to discuss. Today the United States is a consumer nation when it used to be an agricultural nation. Unfortunately, the average consumer of our Nation is more aware of what a quart of milk costs and what a pound of butter costs than he or she is aware of what a case of beer or a bottle of wine costs. We do not hear complaints from the average consumers about the cost of beer or the cost of wine, but raise milk 1 cent a quart or butter 2 cents a pound and we hear a howl from one end of the Nation to the other. Our Government has to enter into an educational program to teach the average consumer that a quart of milk is worth more than a quart of beer. If we make the consuming public conscious of this fact, the farmers will be able to get more for their products.

Finally, unfortunately, there are politicians now who are milking the farmers by way of campaign contributions. Politicians are now telling the farmers contribute $10,000 to my campaign, and I will help the farmers. This is spreading throughout our Nation to an alarming degree, and I want to warn the farmers of our Nation that this is the cheapest political "gimmick" of all times. The farmers of our Nation must not and need not buy their way by political contributions. This will hurt the farmer more than it will help.

There has not been a Member of Congress who has worked harder for the farmers welfare than I have. I have helped thousands of farmers get long-term loans at reasonable rates of interest. I have helped thousands of farmers with social security problems. I have helped thousands of farmers with servicemen's problems of their children. I have spoken out time and again and introduced legislation to get farmers a good price for their products at the market. I have supported the expanded school milk program and the school lunch program. I have supported the food-for-peace program. Never have I voted against the interest of the farmer, and yet I consider it an insult to my honor if I were to expect the farmers of our Nation to start contributing to my campaign.

One final warning, when any farm organization becomes a tail end of a political party, any political party, and tries to buy its way through that party with political contributions, that is the time when the Government will turn its back on the farmers, because like a first user of drugs, the farmers become hooked and the politicians will expect more and more and more and the political party will expect more and more and more, and in the end the farmer will get nothing, because he cannot give enough to politicians whose earnings are in the $50,000 bracket.

Most of all the Federal Government's only concern should be family farms. Subsidies to corporate farms should be stopped. I have always voted to cut off Federal subsidies of millions to corporate farms or absentee farmers. If we want really to stop corporate farming—stop the Federal subsidies to such farms. It is as simple as that, and I have so voted. One hundred percent parity for family farms—yes. But any Federal subsidy of any kind to a corporate farm—no. It is as simple as that.

HEALTH CARE LEGISLATION ANALYZED BY MEDICAL COMMITTEE FOR HUMAN RIGHTS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DELLUMS. Mr. Speaker, over the coming years I can think of no greater domestic priority issue than that of providing quality health care and treatment to every American regardless of income level or any other differences.

Therefore I have been a bit discouraged when I have looked into the various health care programs now before the Congress. After serious analysis I have come to the conclusion that none of the current bills under consideration would adequately meet that goal.

Instead, I agree with the critical judgments of the various proposals which were made in November when the Medical Committee for Human Rights presented its testimony before the Ways and Means Committee hearings on health legislation.

MCHR made a seven-point analysis centering on the Health Security Act, and, at the same time, outlined its own basis for adequate national health care programs. Because I believe the MCHR testimony is extremely important, I would like to insert it into the Record, and I highly recommend that my colleagues read it closely.

The testimony follows:

Position on National Health Insurance

(The following testimony was presented to the House Ways and Means Committee, November 5, 1971, by the Medical Committee for Human Rights (MCHR), a national organization comprised of over 10,000 members enrolled in 60 chapters throughout the United States. MCHR opposes all current bills concerning National Health Insurance. The Heath Security Act, the most comprehensive, is still considered inadequate.)

INTRODUCTION

Despite the massive infusion of government monies, institutional health care providers face a virtual collapse of the old methods of financing. Private hospitals are threatened by skyrocketing costs. This in turn endangers the drug and hospital supply companies who depend on hospitals as retail outlets. Blue Cross rates leap higher and higher, and subscribers protest. Trade unions must allocate an increasing portion of wage hikes merely to maintain their present level of medical benefits. The swollen costs of employee health benefits shrink corporate profits. State and local governments cannot afford the rising costs of their medical programs. Finally, not only poor but middle-class consumers find medical costs beyond their means.

The solution embraced by the providers and financiers of medical care is some form of national health insurance. The new ingredient in the old struggle for national health insurance is the powerful array of forces now favoring its enactment—private hospitals, parts of the medical-industrial complex, Blue Cross, management, and federal, state, and local government.

While there are significant differences among the various health insurance proposals, all are essentially schemes for financing medical care. While some of the proposals encourage group practice, none seriously confronts the fundamental issues about the American health system—profiteering, public accountability and consumer control, accessibility, and racial and sex discrimination. All the national health insurance proposals, no matter how liberal would give public funds to the profit-making private sector to do with as it wishes.

The national health care plan proposed by the Medical Committee for Human Rights begins where the most progressive of the current health insurance proposals, Senator Kennedy's Health Security Act, leaves off, and addresses the fundamental inequities in the American health care delivery system.

1. HEALTH CARE IS A RIGHT, NOT A PRIVILEGE

All people residing in the United States, whether citizens or not, are equally entitled to comprehensive and preventive health services, easily accessible in their own communities and without charge. Rich and poor should be serviced in the same facilities without separate "staff" and "private" services, separate clinic hours, or separate waiting rooms.

We oppose deductibles, co-insurance, limitation on services, means tests and eligibility requirements. These mechanisms are incomprehensible to most patients, discourage needed health and preventive care and increase administrative costs and paper work.

The health care non-system which we now have, should be converted into an orderly arrangement of community health centers, general hospitals and specialty medical centers. The community health center will provide a wide range of treatment, preventive, educational and rehabilitative services, including the several major medical specialties, mental health, dental care, optometric care, X-ray, laboratory, and pharmacy services. Transportation, child care and home care services will be essential components of the community health center. Care will be provided by interdisciplinary teams of health care providers. A major emphasis will be placed on door-to-door preventive health care screening and education. Early case finding will reduce costs to the patient and society.

Each community health center will be linked to a general hospital for hospitalization, specialty consultation, or specialized diagnostic or treatment procedures. General hospitals, in turn, will be linked to regional specialty hospitals for particularly difficult problems. This organizational plan combines the need for high quality, unfragmented personal care in the patient's neighborhood, and the need for specialized and technical medical knowledge and equipment.

MCHR believes that poverty, malnutrition, racism, occupational hazards, war and pollution are major underlying causes of disease. Here we speak only of the structure of the health care delivery system, but the true prevention of disease requires solutions to these social and environmental problems.

2. HEALTH CARE SHOULD BE FINANCED BY A PROGRESSIVE NATIONAL TAX ON TOTAL WEALTH

Health care should be financed by a progressive national tax on total wealth. Current national health insurance proposals would be financed by employer-employee payroll deductions, which fall heavily on working people, or income taxes. Because of loopholes and tax gimmicks, the very rich do not contribute their fair share of income taxes. MCHR proposes that the health plan be financed by revenue collected by strict application of the principle that those most able to pay be taxed at a higher rate than those less able. All forms of income and wealth including salaries, savings, stocks and bonds, inheritance and real estate, will be taxed; no tax advantage will be gained by placing one's wealth in particular loophole categories. In this way, tens of billions of dollars will become available as public funds.

We propose that these tax monies be distributed directly to regional and local boards on an adjusted per capita basis rather than through a multiplicity of channels, each of which must divert funds into salaries for the persons doing the necessary processing. Community control is a farce if their boards cannot do the priority-setting for financial distribution.

3. NO PROFITS IN HEALTH CARE

The profit motive seriously distorts medical practice: unnecessary operations are performed; useless or even dangerous drugs are pandered on the public; patients are hospitalized who could be cared for at home; unnecessary tests are performed; and money is spent on expensive, sophisticated technology to the neglect of primary patient care. Billions of dollars for health care are diverted by drug and medical supply companies, health insurance companies and nursing homes into profits, advertising and administration. All the current bills would to some extent perpetuate or even strengthen these priority distortions.

MCHR believes there should be an end to profit-making in health care. Nobody should gain monetarily from another's sickness. Health care should be a human service, not a business.

The operation of profit-making hospitals, nursing homes, drug companies and medical supply companies will be turned over to non-profit public control. Insurance companies will no longer have a role in the health care delivery system. Physicians will no longer be paid on a fee-for-service basis because it encourages the profit motive to enter into medical decisions. Health personnel will all be paid on a modest salary scale as set by the local boards. There will be better pay for those now at the lower end of the scale, and a comfortable but not exorbitant wage to doctors. Hospital spending for unnecessary operating costs, excessive salaries for physicians and administrators, public relations, and expansions in the interest of gaining prestige, should be curbed. The increased consumer demands that a financing mechanism will generate would make such cost controls imperative. Government regulatory agencies, because they are more responsive to corporate than to consumer input, have been grossly inadequate.

4. COMMUNITY CONTROL

Health care institutions now are controlled by the same people and interests who profit from health care delivery. None of the current national health insurance proposals challenges this concentration of power. The Kennedy bill is the only one of the three major proposals which even mentions consumer participation. MCHR believes the control of health facilities should reside with their consumers and health workers.

Every institution providing health care will have a democratically selected policy-making body composed of users or potential users of the institution, and its workers. Communities containing significant radial or cultural minorities would insure the representation of these groups in the policy-making body. Groups might wish to set up facilities organized along other-than-geographical lines. Health care services in factories and other places of employment will be controlled by the employees rather than the owners. Community-worker bodies will also be involved in the areas of environmental and industrial health; these areas cannot be divorced from personal medical care delivery.

MCHR believes strongly that the needs of the patient will be satisfactorily met and his dignity maintained, only if he plays a decisive role in the shaping of the policies of the institutions which he uses. To this end, we would reverse the Kennedy hierarchy of control from the top. Local boards would elect from among themselves representatives to regional health boards, and these regional boards in turn would elect delegates to a national board. The boards would select their own expert medical advisors.

Community control does not preclude an individual's selecting the facility or doctor of his choice. It is hoped, however, that community control will foster institutional improvement and responsiveness so that the individual will select his local facility.

5. MOBILIZING HEALTH MANPOWER

Minorities, women and the poor should be justly represented in all levels of health jobs. At this time, doctors, who are at one end of the polarity in terms of status and earnings, are almost exclusively white, affluent males, while nurses' aides and maintenance staff are mostly poor, black women. There is almost no job mobility for health workers because of legal constraints, educational rigidities and guild restrictions of professional associations. All current national health insurance proposals would perpetuate the present hierarchical and racist structure among health workers.

MCHR proposes that under-represented groups be preferentially admitted into health science schools and the curricula adjusted to meet the individual needs of all students. Training of all health workers will be done at public expense to eliminate economic barriers to training. Integrated health worker schools at the regional level will replace the present fragmented collection of medical, dental, nursing, laboratory technician and dietitian schools. The curriculum will be tailored to the student's past experience, including his work and life experience, and not merely to his or her academic credentials. Vertical mobility amongst health jobs will be encouraged, e.g. a nurse could train to become a doctor without necessarily returning to college to earn a degree. The large need for doctors and nurses will in part be filled by further training paraprofessionals and former corpsmen. Continuing education for allied health workers is as necessary as for physicians. Current practices in manpower utilization are deplorable.

6. ALLOCATION OF RESOURCES

Personnel and facilities will be allocated so that no rural area or ghetto is left without a clinic. The distribution of national health 'care funds to regional and local boards will assure each community the health personnel it needs. Recent health science school graduates will be encouraged to work several years in communities now unable to attract enough doctors. Health students will be actively recruited from these areas, be educated in their own region, and encouraged to stay there to practice. Public Health Service physicians can be assigned to spend at least two years in such areas of need. The physician/population ratio will be monitored nationwide so that personnel can be sought first for the areas of greatest need. There will be limits placed on the excessive numbers of specialists trained until there are enough general physicians for everyone to have a personal or family doctor.

Clinics, hospitals, and health schools will be built in those areas which do not have them. This will be given priority in the initial distribution of national tax monies.

7. PUBLIC ACCOUNTABILITY

There will be a much greater degree of public accountability within the health care system. Quality control will include continuing worker education and peer review, but also consumer review of patients' records, periodic external audit by the regional boards, and periodic re-licensure of physicians and other licensed personnel.

A complaint desk will be a part of every clinic, health facility, emergency room, and hospital. It will be staffed by persons not paid by the institution, who will have quick recourse to legal channels for redress of grievance.

The administrators of health facilities will be accountable to the community board. Purely technical decisions concerning patient care will be made by the appropriate members of the health team.

CONCLUSION

MCHR presents its plan for consideration by the American consumer and other health workers. It is an invitation to dialogue rather than a legislative proposal. It is a draft to be revised and added to, rather than a finished product. The vision embodied in the plan cannot be legislated. It can only be realized by the growing awareness and concerted action of the people most deeply affected by the inadequacies and inequities of the present health care system.

LAWS ON ILLEGAL ALIENS NOT ADEQUATELY ENFORCED

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. McDONALD of Michigan. Mr. Speaker, inadequate law enforcement is one of the major reasons the illegal alien problem continues to grow.

The Immigration and Naturalization Service does not have the manpower in the field to do the job satisfactorily, and when it does, the courts are likely to administer only a slap on the wrist.

At present, the employer is not liable to prosecution, and the alien who has been apprehended usually is just put aboard a bus and sent back to Mexico.

In thousands upon thousands of cases, these people turn right around and come back.

Now, there are laws, but they simply are not being enforced adequately.

For example, under section 275 of the Immigration and Nationality Act any alien convicted of entering the country illegally can be jailed for up to 6 months and fined up to $500 on the first offense and on subsequent convictions he could get 2 years and a $1,000 fine. A convicted smuggler is liable to up to 5 years or a $2,000 fine or both for each alien.

Perhaps because of the heavy dockets, the courts have been leaning over backward on this issue.

It is a fact that the employer is not penalized, although it is inconceivable to me that he never knows he is employing illegal aliens until Immigration conducts a raid. Certainly, if he is holding back part of a man's wages he must know the man is an alien working illegally.

The thing to do, then is to enforce the law to the limit where smugglers and illegal entrants are concerned, and to draft new legislation imposing severe penalties on employers who knowingly hire aliens ineligible for employment.

Of course, that is going to be the sticker—"knowingly" hiring the alien who does not have a bona fide "green card" entitling him to work.

But it seems to me that a country that has progressed as far technologically as we have should be able to come up with an identification system that would be awfully hard to beat.

And in the meantime, if we hit these people hard in the courts—whether they are big farm operators or illegal aliens—then perhaps we can make them hurt enough to learn that this racket is unprofitable.

Only when we take the profit out of it—and make it too risky from a legal standpoint—will we be sure we are reaching a solution.

CORPORATE FARMING IN AMERICA

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. CHURCH. Mr. President, there is probably no Member of this body more dedicated to the concerns of both rural and urban America than the senior Senator from California, ALAN CRANSTON.

My association with Senator CRANSTON has been a close one, going back many years. Recently the Washington, D.C., Sunday Star reprinted portions of an address delivered by Senator CRANSTON. The article is a succinct and compelling statement of what is one of the most pressing problems facing both rural and urban America—the growth of corporation agriculture.

Corporation agriculture is strangling rural America, and as rural America dies it sends forth its people to urban America where already overburdened cities are taxed even more. Senator CRANSTON points out the problem well:

> Unless we stem the farm to city migration; unless we reverse the increasing concentration of our population; unless we revitalize rural communities and halt the corporate invasion of agriculture, our efforts to solve crime, curb pollution and restore beauty and order to our cities will be largely in vain.

Mr. President, I ask unanimous consent that the text of the article entitled "Amber Waves of Grain and Fruited Plain, Inc." appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Star, Dec. 12, 1971]

AMBER WAVES OF GRAIN AND FRUITED PLAIN, INC.

(By Senator ALAN CRANSTON)

The fact that the nomination of Dr. Earl L. Butz was, as expected, narrowly confirmed by the Senate as Secretary of Agriculture is overshadowed by the fact that 44 senators of both parties voted against him. That kind of opposition is highly unusual for a cabinet nomination.

The significance of this strong bipartisan opposition, in my opinion, extends far beyond the confines of the Department of Agriculture and the philosophy of its chief administrator. What it says to me—and what I hope it says to Secretary Butz—is that there is a deep, growing concern in Congress and the nation over the social and economic implications of the corporate invasion of agriculture.

The single most pervasive phenomenon in rural America today is the corporate invasion of the production phases of agriculture. Giant corporations like Tenneco, which is engaged in such diverse industries as shipbuilding, oil and gas production, farm machinery, and chemicals, are buying up acres of farmland and producing a tremendous volume and variety of farm products. Tenneco produces an enormous diversity of crops in Kern County, Calif., including corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears, and plums, and company officials frankly admit that their aim "is to accomplish integration from the seeding to the supermarket."

If Tenneco and similar corporations achieve their aim of total integration of the food production process, there will be no small family farms left in America. At best, small farmers will become little more than serfs in a modern feudal system that demands the production of cheap raw commodities for the benefit of giant conglomerates.

AN ANACHRONISM

Small farming, as both an economic unit and a way of life, is fast becoming an anachronism. The small independent farmer is falling victim to the technological, economic, and social revolution that has struck at the heart of rural America.

Small towns and communities that once teemed with life and vigor in the rural areas of every state now stand silent and deserted, ghostly reminders of a better time in rural America.

These towns, and the people who once inhabited them, have been forced out by the corporate invasion. In their place are absentee owned farms—fields of corn and wheat and lettuce and tomatoes stretching as far as the eye can see, broken only by the giant combines that makes their lonely way across these vast acres.

Hundreds of thousands of small farmers, small businessmen and farm laborers continue their 25-year exodus from rural America. The rate of departure is now slightly reduced, but only because there are not many people left in rural America. Today, less than 10 million individuals are engaged in farming.

As the small farm dies, rural America dies too. The young cannot support themselves on the farm, so they leave as soon as they are able. Only those too young or too old to leave remain, the very people most in need of the community services which the dwindling rural tax base can no longer support. Churches, schools, hospitals, and community centers are boarding up their doors. Rural America is gasping for breath.

I raise this specter to suggest that time is running out. We must make our choice for rural America. We must decide whether to stand idly by while economic forces destroy the small farmer, or to stop this unseen hand by developing and implementing positive agricultural policies to assist the small family farmer, the farmworker and the small businessman of rural America.

If left unabated, economic forces will radically alter the structure of American agriculture. If we do nothing—and thus strengthen the myth that these forces are inevitable—we will have chosen an agriculture that is devoid of people and rural communities, an agriculture that resembles a giant, well-oiled food-producing packaging and processing assembly line. We would get our food, but at what human cost?

TWO TOWNS

The social effects of corporate agriculture were eloquently stated in the well-known Dinuba-Arvin study done in 1947. This study focused on two California farming communities of equal size, both located in the great central valley. The point of comparison was the difference in the scale of farming—Dinuba is a community of family farmers and is surrounded by small acreages. Arvin is the center of large-scale agriculture, with a high percentage of absentee ownership.

The findings of this study were striking. The people living in the small farm community had a higher standard of living, better schools, churches, and civic associations, more small businesses and a higher volume of retail trade. Newspapers, parks, public recreation centers, Boy Scout troops, and public services also were more plentiful in Dinuba and were of better quality. The study came to the obvious conclusion that the small farm bears an important relationship to the character of American rural life.

The lesson is clear. We can ignore the economic and social implications of corporate agriculture only by risking "the good life" for millions of rural Americans.

Sen. Fred Harris (D-Okla.) put it well in stating that we are at a "crossroads" in rural America. Are we going to endorse an agriculture which is little more than a giant food factory and which contributes to the demises of rural communities? Or are we going to develop and implement an agricultural policy which allows people to live and work in dignity?

I suggest that far more is at stake than efficient food production. At stake is the livelihood and welfare of small farmers, small businesmen and farmworkers who cannot compete with the agribusiness resources.

It may be that farmer bargaining is the only tool by which small farmers can get their fair share of the final food price in the emerging food system. That is now being debated in the agriculture committees of the House and the Senate. It is essential that we provide the small farmer with the tools he needs to survive.

FARMS AND CITIES

It is high time we remembered these millions of rural Americans who operate efficient, family sized farms, who participate in the social life of their communities, and who have contributed so much to the well-being of America.

Let me turn to the interrelationship between the farm problem and the problems of our cities. The population of rural America is declining because corporations are snuffing out the economic base of our small towns. People move by necessity into the cities and the slums of America, placing a still heavier burden on urban areas at the very time we are attempting to achieve a better rural-urban balance. Three-quarters of our population is now concentrated on 2 percent of our land. This has a direct impact on the deterioration of our cities and the quality of our environment.

Our cities are decaying. Our air and water are hazardous to health and life. Our lands are polluted with chemicals and depleted of vital minerals. Our food is abundant but curiously tasteless—as though the commodity is reflecting the loss of vitality experienced on the farm. Crime and congestion and pollution and frustration—these are the constants of city life today.

We must, therefore, bear in mind that the decisions we make today about the future of rural America—and the tools we enact to revitalize it—will relate directly on the fate of our cities. We cannot separate the two.

Unless we stem the farm to city migration; unless we reverse the increasing concentration of our population; unless we revitalize rural communities and halt the corporate invasion of agriculture, our efforts to solve crime, curb pollution and restore beauty and order to our cities will be largely in vain.

* * * * *

This is a partial text of a Senate speech.

TURNING SNOW INTO GOLD

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, in the early 1950's I saw the need for adequate ski facilities in the north country. I started with Hayward. In the later 1950's there was a year of no snow.

I got President Eisenhower to declare Sawyer County a disaster area because of a lack of snow. Eastern press ridiculed the idea of declaring an area a disaster area because of a lack of snow. But President Eisenhower's declaration bore definite results.

Eisenhower's declaration gave Sawyer County top priority on Federal loans at 3-percent interest. Telemark applied for such loans and received them for snow making machinery. Today Telemark is the elite of ski hills.

Later Hardscrabble near Rice Lake asked for my help and they, too, got Federal loans for a ski hill. Then White Cap Mountain asked for my help with similar results. Then Trollhagen asked for my help with similar results.

In summary, northern Wisconsin now has four first-class ski hills which result in millions of dollars to the economy of the North each winter. One can say that northern Wisconsin pointed the way to the surge of the skiing industry which now brings more tourists and dollars to the North than any usual summer tourist business. This is another example of O'Konski's work and results to advance the North country. The money involved in these four skiing hills amounts to almost $1 million of Federal loans.

THE HEALTH HAZARDS OF H.R. 1: ANALYSIS BY THE DISTRICT OF COLUMBIA CHAPTER OF MEDICAL COMMITTEE FOR HUMAN RIGHTS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DELLUMS. Mr. Speaker, the welfare reform issue is far from dead.

The President may have put welfare reform on the back-burner as far as his priorities are made, but for millions of American families struggling even to meet living standards judged as subsistence, there are very few tomorrows to look forward to.

Recently, the Peoples Coalition for Peace and Justice, PCPJ—and the National Welfare Rights Organization, NWRO—conducted hearings on the administration's family assistance plans here in Washington. Among the witnesses testifying at these informative sessions were representatives of the District of Columbia Chapter of the Medical Committee for Human Rights. The Medical Committee for Human Rights testimony concerned health hazards associated with H.R. 1, and because I think this is important testimony—since the specific data quoted are with respect to the District of Columbia, but with simple changes of a few figures and dates, it could equally apply to any area of the country—I am now inserting it into the Record at this point.

The testimony follows:

Health Hazards of H.R. 1

Testimony presented at the Dec. 7, 1971 hearings on Nixon's Family Assistance Program of H.R. 1, organized by the People's Coalition for Peace and Justice and the National Welfare Rights Organization at the District Building, by the Medical Committee for Human Rights: D.C. Chapter.

MCHR is opposed to the Family Assistance Program of H.R. 1. It undermines many of the recent efforts to improve Day Care Centers, nutrition of the nation's poor, maternal and child health, and the whole health delivery and financing system of this country. MCHR supports an annual guaranteed wage. It supports the federal government's setting up high quality Day Care Centers and Job Training Programs and Job Opportunities, but allowing persons the freedom of choice to utilize these services, and making their *availability* the chief incentive to work.

SUMMARY

a. Medicaid benefits would be cut by one-third. This would act as a dis-incentive to families to seek preventive prenatal and well-baby care.

b. Mothers who work would seek their health care at night when few clinics are open, emergency rooms already overcrowded, and preventive and educational comprehensive services are not available. Streets are dangerous and children irritable at night.

c. Because of fear of losing her job because of frequent absences for "illness in the family", the mother would neglect clinic visits, leave sick children with incompetent sitters, be unable to stay with a hospitalized child. Constant frustration would result from her desire to meet her children's needs but the inability to take advantage of available services.

d. There is no provision for the unborn child or a child after the eighth in the family. Food stamps would not be given to most pregnant mothers or children over the age of 3.

e. Exemption is given to mothers who must care for a sick or disabled family member, but not for the pregnant mother or the mother of multiple children. "Disabled" would likely be narrowly defined, and finding a doctor to do the exemption physical or mental evaluation would be difficult.

f. FAP Day Care Centers would be allowed to be of poor quality, without comprehensive services such as a preventive health program, and likely without adequate subsidy for food. Needed licensure requirements would be lowered to allow crowding (less space/child) and herding (fewer adults/child). Old housing with all its hazards would likely be used to house these centers. Epidemics and accidents would be rampant, and medical personnel unavailable.

g. Empty homes would invite the older children to sexual activities and drug abuse and housebreaking.

h. Children dearly loved would be removed from home and placed in institutions that pose even worse health hazards.

MCHR has concerns about the FAP program from several directions:

(1) We see it endangering the health of mothers and children because of reduction in benefits.

(2) We have gross concerns about health in the Day Care Centers planned under FAP.

(3) We see it endangering the rights of women and of the poor in our society.

First, about the health hazards created by the cut in benefits, and the requirement to work:

a. Medicaid benefits would be cut by ⅓ for families under the Department of Labor (DOL) Opportunities for Families program. Every since Medicaid was passed, the state and national governments have been trying to find ways to reduce the number of people who could use it, or the number of services it could cover. The current effort is H.R. 1.

At often less than minimum wage, with a large percent going into Day Care, how would a mother be able to pay ⅓ of the health care costs that she formerly had covered? The first service she would opt to omit in order to balance her budget would be well-baby preventive care.

Already 50% of low income children are incompletely immunized, and as a consequence almost every epidemic of diphtheria and whooping cough is in a ghetto. Already the incidence of crippling diseases such as polio, dislocated hip and cerebral palsy are more frequent in the ghetto. This is clearly because the poor did not have available, or could not afford, maternity and infant preventive care.

Reduction in Medicaid benefits would make this situation worse.

b. A mother who works five days a week, and fears the loss of her job if she takes too much time off for clinic visits, has to seek her family's health care at night. This poses a number of problems:

The streets in the neighborhoods she is likely to live in may be too dangerous for women and children at night. They may rather stay home than endanger their very lives to get health care.

Very few clinics are open at night, and if they are, likely do not provide the same comprehensive services as the daytime clinics do. Maternity care, well-baby care, and mental health services would be hard to find at night.

Many would have no recourse than to go to an emergency room. Already emergency rooms are overcrowded. Over 50% of cases in D.C. emergency rooms now are non-emergencies, which hamper the care of the true emergencies. This condition would be worse under FAP.

Besides, only 7 of 20 major emergency rooms in the greater Washington area has a pediatrician on call. Children therefore get less than optimal care.

c. While requiring mothers to use "other grants available to them", it makes it more difficult for them to do so for fear of losing their jobs or losing their pay for the time taken off. Their choice would often be between job hunting again while pursing the medical concerns, and maintaining their job under the fear of having their children removed from them because of "neglect". The resulting frustration would produce depression and hopelessness, with mental breaks in some cases.

d. General welfare benefits would be cut in ways detrimental to child health.

There is no provision for the unborn child.

There is no provision for a child beyond the eighth in the family. Children born to mothers who have had repeated former pregnancies have a higher incidence of retardation. They need more care and attention, not the withdrawal of help.

Mothers under the DOL would not get food stamps. Food stamps would still be given to childless couples and single persons and the elderly. We would not want to deprive them of their necessary food, but priority should be given to pregnant mothers (whether under the DOL or not), and to children (whether under three years old or not) who need more food for their growth and mental development.

When attempts are made to balance the government budget, the first cuts made are usually in welfare, and when welfare is cut, Medicaid must be cut also since it cannot be legally more than 133⅓% of AFDC. There is no occasion to believe that HR 1 won't suffer similar repeated cutbacks, and it is intolerable as it is.

e. There would be no lenience for mothers who really should be at home caring for their children's or their own health.

There is no lenience for the pregnant mother. She should not be out scrubbing people's floors. If forced to work, she would postpone prenatal care. Hypertension would go unapprehended, would be worsened by the lack of rest, and secondary ill effects would accrue to the unborn child.

There is no lenience for the mother of multiple children. With multiple children, there is always one of them sick. Mothers reluctant to miss work that often would have to find last-minute baby sitters, or keep an older sibling home from school. When this sibling is a teenager, the coverage would be adequate; but when it is a 9, 8, even 7 year old, children that age are not capable of taking care of a sick child, nor of protecting him from accidents in the home. Or there is the choice, as cited by Jane Addams as a reason she started Hull House, of tying the child to a bedpost while the mother is at work because it is safer than letting them burn themselves on the stove, swallow lye, or run into the street. Do we really want to return to such primitive necessities?

f. *The exemption listed in the bill is for mothers who must care for an ill or disabled family member.*

This must refer to chronic and long-term illnesses for which exemptions can be given for an extended period of time. It cannot be imagined to cover absences from work for *episodic illness* in the family. If a child had to be hospitalized, it would provide the mother no exemption to stay at the *hospital* with the child. Yet whole books have been written, whole hospitals restructured, to encourage mothers to do just this, because it is necessary to reduce the mental trauma to the child from this harrowing experience.

Also, *how narrowly would "disabled" be defined?* Could a mother whose child had a *speech defect* be exempt from work? In many cases, security and love from the mother is the chief treatment, and her loss for the greatest part of the day would make useless any other therapeutic efforts. Would "disabled" include children who are *psychologically disturbed*, or who simply are *not mature enough* at the age of three to separate from their mothers?

To pass judgment on whatever exemptions *would* be allowed, would require large numbers of personnel. Thousands of supposed welfare dollars would go to pay their salaries, and never get to the welfare recipients at all.

Getting a medical excuse for one's family would become an operation like draft physicals are now. A few volunteer doctors would agree to do exemption physicals, others would refuse, and families with pressing need for exemptions would not be able to get them. This would be especially true in the area of psychological exemptions, where services are woefully inadequate for crisis care.

Next, health in the FAP Day Care Centers, which is not even considered in the bill. A prime factor in child care is the health and safety of the children. No matter what educational quality it has, the children must not be in *increased* danger of illness or accident by going there.

Epidemics can be rampant in Day Care Centers. Some of the colds aren't bad, but one child might get pneumonia. Some of the diarrhea isn't bad, but one child might need hospitalization for I.V. fluids. There are two major factors in how successfully a center can control epidemics:

First, in areas where the mothers don't work, or have optional hours at privileged jobs, they are free to keep their children at home a few days when ill. In a poorer neighborhood where the mothers all work, and their jobs do not so easily include the privilege of taking off, a mother who can't find a last minute sitter will just bring the child to the center and pretend later that she didn't notice he was sick that morning. Or in her rush to get several children clean, fed well, and dressed warmly, then trundle off to their separate schools before getting herself off to work, she may very honestly not notice that he has a fever. Then all the other children are exposed.

Second, epidemics are more frequent where large numbers of children are crowded together into a small space. We fear that the government would lower the licensure requirements of space/child because they will find it difficult in the ghetto to find space that fulfills the current requirements. We fear they will also cut the ratio of adult/children because of lack of funds and unavailability of personnel. This would increase the risk of accidents.

b. The use of old housing for the centers poses additional hazards such as exposed radiators, poor wiring, bad plumbing, and poor heating. If 40% of the housing in D.C. has lead paint on the walls, this percent must be even higher in the ghetto. Every Day Care Center, foster home, and baby-sitting home would have to be checked by the housing department for lead before its safety to house children could be OK'd.

c. Nutrition in Day Care Centers under FAP concerns us. Just recently in D.C. the funds for meals at 50 Day Care Centers was drastically reduced. If adequate food cannot be provided for existing centers, how can it be provided for a whole chain of new centers? Food stamps would be stopped for purchasing food at home, and the center wouldn't have good food either. Children would have to beg or go to dole-out programs, most of which are of political motivation, to get even one decent meal a day.

d. Medications would need to be given in the centers. Any drug given 3 or 4 times a day would require a dose between 8:00 and 5:00. With a reduced number of adults/children, these medications would often be forgotten as the discipline problems of the moment took precedence.

e. FAP requires nothing in the way of a comprehensive program in Day Care. Adequacy of a facility could not be used as an excuse not to work.

This would perpetuate a deprived environment for many of the children included. It would foster a two-class day care system—good comprehensive centers (under the Mondale bill) for the rich, and low standard custodial dumping grounds for the poor.

Any Day Care Center that is federally funded should have all the health provisions of the Headstart programs, and medical screening as proposed in recent HEW guidelines for children on Medicaid under the age of 6. Knowing that Headstart in D.C. though it serves only 3% of eligible 3 and 4 years olds still cannot find enough psychological services; knowing that Public School health in D.C. is appraised as less than adequate by school counsellors and principals; and knowing that the centers will be in poverty areas where only 8% of the doctors already serve 18% of the population, we have serious doubts that a sudden proliferation of centers could begin to find adequate medical coverage. If the rationale for a decrease in Medicaid benefits is that some of the needed health care would be provided at the center, that is a gross error in judgment.

Meanwhile, conditions would deteriorate at home, creating additional health hazards there.

1. Older children would find empty houses galore, their own or these of friends, to go to after school to do whatever they wished. V.D., teen pregnancies, drug abuse and truancy would find new breeding grounds. Housebreakings would increase, to further diminish the provisions of already impoverished families.

2. The mother would come home from a day of hard work at a job that was not satisfying to her, but oppressing, and she would be depressed, on edge, and so tired that she could only fall into bed after preparing dinner. The children would be essentially motherless. She would not have the energy to clean her own house and dispose of her own garbage after spending the day doing these things for someone else. Flies, roaches, and rats would multiply. And we might as well forget the great advantages anticipated from expanded home health education programs. If a Public Health Nurse or Home Health Aide ever visited the home, she would have to ask the mother to stay home from work. Any health education classes in the daytime the mother could not attend, and any at night she would be too tired to attend.

Finally, where would all the children be placed who were taken away from their mothers for non-compliance? Junior Village? Everyone knows the horrors of such institutions. Like in slave days, parents would be forceably separated from the children they dearly love. It is another thing to remove unwanted abused children from their parents, but we should do everything possible to keep loving families together.

As for women's rights, the bill shows a total misunderstanding of women's demands for childcare and return to work. This was intended to liberate women to the choice to work and to choose a meaningful job. The bill turns these demands against women to enslave them.

It is the antithesis of liberation to force women to work.

It is the antithesis of community control to have no choice in the quality or philosophy of the day care your child gets.

It is the antithesis of racial integration to create a two-class day care system.

It might have been naivete on the Congressmen's part that made them think this bill was doing women a favor. It might have been malicious and intended to show women their place and teach them never to demand any rights again. We rather imagine, though, that in writing the bill it never entered their minds that women had any rights at all; that it was never even considered. How much there is to learn!

CONCLUSIONS

MCHR supports a guaranteed annual wage.

The government should set up Day Care Centers but only as many as can be of high quality, comprehensive, and safe.

The government should set up Job Training Programs, and open good job opportunities for women.

But the availability of these should be the incentive to work, not the lack of funds to maintain family health and nutrition, and the fear of having their children taken away from them. This is cruel.

HR 1 undermines many of the recent efforts to improve Day Care Centers and the nutrition on the nation's poor. It undermines the Whitehouse Conference on Children and Youth which listed preventive care for children under the age of 6, and prenatal care, as national priorities. It undermines the incentives provided under national health insurance for people to get preventive care to reduce the need for crisis medicine. The administration is, in essence wishing illness, retardation, deprivation, and deformity on the nation's poor.

There are in fact many similarities between Nixon's Welfare Bill and Nixon's Health Bill, which:

Takes money out of health care and puts it into the pockets of corporations, administrators, and eligibility-checking personnel.

Perpetuates our two-class health care system.

And, while publicizing the increased benefits for the few, cuts the benefits of many others, leaves thousands devoid of any help at all, and increases out-of-pocket expenses at best.

Just as Nixon's Health Bill shows less concern for the health of the people than it does for the wealth of the corporate and professional interests of the nation, his welfare Reform Bill shows less concern for the welfare of the people than it does for the national budget and the production of a cheap labor force to bolster the nation's economy.

If this bill passes, the Medical Committee for Human Rights will not hesitate to take every chance to fine the government $200–$500, as is the law, for each and every failure to meet the health standards required of Day Care Centers. We can check the centers for lead paint, and require the government to renovate them. We will encourage families to bring suit against the government for every accident or illness their children contract in its centers.

There have been oppressive bills passed before and people tolerated them, but no one is going to tolerate this one.

FIRST PUBLIC OFFICIAL TO OPPOSE WAR IN VIETNAM

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, when we review what has happened in Vietnam in the last 10 years, my words are more than prophetic. To be against war now has become a fad. Frankly, being against the war in Vietnam now has become the greatest money making scheme for politicians. It has become a racket.

When the French were losing the war in Vietnam in 1954 and the United States decided to pick up the marbles and carry on in place of the French, there was only one voice in the entire United States or Congress who had the courage to speak up against taking this step. I would like to quote from the CONGRESSIONAL RECORD of June 28, 1954. When Congress was about to appropriate $2 billion to bail out the French in Vietnam and for the United States to take the place of the French in Vietnam, I spoke the following words:

> Mr. Chairman, we are making a great mistake. We are saying in reality that all we have to do is to arm this country and arm that country and have a strong Army and a strong Navy and the world is going to come out all right. In other words, it seems to me we are basing too much of our entire philosophy and thesis upon strength and strength alone. I discount that thesis entirely. I think one ounce of righteousness is worth 100 divisions in any war, and we find ourselves, particularly in the case of Indochina, where we are not on the side of right, and we will never win. With all the billions of dollars that we have already poured into Indochina, in many cases and in many of the individual battles the armed strength on the so-called French side has outnumbered the other side by a ratio of 20 to 1, and they could not win because right was not on their side. Unfortunately, the people of Indochina have been sold on the idea that Communists are on their side, that they will obtain their independence, and that the Americans are trying to foist French colonialism and exploitation upon them. We can pour $100 billion into Indochina and send 6 million American boys into Indochina, which I am positive we will not do, but it will not solve anything, because we are on the wrong side of the fence, and as long as we are on the wrong side, it does not pay to continue to operate a war under those conditions.

It took courage to speak out against our involvement in Vietnam then. Where were the voices of today against the war in Vietnam? I saw the folly of getting into the war in Vietnam more than 17 years ago. There is no one in America who can furnish an official record or document where any public official opposed our getting into the war in Vietnam before this date. The words quoted above are prophetic because they were 17 years ahead of all the other politicians in Washington.

Then in 1961 and 1962 when President Kennedy started the military buildup for Vietnam, Cuba, and Berlin, there was only one public official who had the courage to stand up and oppose this unnecessary military spending. These 1961 and 1962 years were the beginning of the military industrial complex that President Eisenhower warned us against. The 1961 to 1965 years were the years of the TFX scandal, the C5A scandal and other evidences of the military industrial complex—1961 saw our military buildup from one of being able to fight one war to the Kennedy-McNamara program of building up our military structure so that the United States will be able to fight 2½ wars at the same time.

Whose voice was the only voice that was heard against this emergence of the military industrial complex and needless and wasteful military spending? Here again in 1961 and 1962, only my voice was heard against the military buildup and against useless military spending. When the Wisconsin 32d Division was called up, I described it as wasteful, needless and ruthless because chances of our Nation being attacked then were nonexistent. Here again, we see the courage of a man who stood alone in 1961 and in 1962 against wasteful military spending.

In 1964 I was the first to criticize the draft as a poor man's draft law. In 1967 I voted against the draft hoping that it would send a signal to slow down our involvement in Vietnam.

Was it easy to show courage at that time? Not at all. Read the quotations from an editorial that appeared in the Milwaukee Sentinel in December 1961:

> But even Alvin can go too far in his career of irresponsibility. His latest efforts seem to us to verge on certain acts described in Article III, section 3 of the United States Constitution: "Giving aid and comfort" to our enemies. His statements decrying the call up of Wisconsin's 32nd National Guard Division as being "ruthless and unnecessary" because, he claims, this nation is in less danger today of war than it has been in 15 years, are untrue and negated the efforts this nation is making for world peace. His actions can not help but tell the Kremlin leaders that America, or at least the 10th Congressional District of Wisconsin, is not behind President Kennedy and his efforts to "arm to parley." His crassness can not help but give "aid and comfort" to Khrushchev and his gang.
>
> Again we say treason is a strong word that should be used judiciously and we will respect this. Alvin O'Konski's words and actions should be judged by every reader himself. It is our feeling, however, that the least that can be said is that we live in a world where it is mandatory that we have responsible leaders and O'Konski no longer can be tolerated. Alvin must go.

This is what happened to a public official in 1961 and 1962 when I stood alone against unnecessary and wasteful military spending and committing of our troops in needless and stupid wars all over the world, particularly in Vietnam. Yes, it is easy to be against war now, but it took courage to speak out against military spending, the war in Vietnam and the draft in 1954, in 1961, 1962, 1963, 1964 and 1967.

The agony of this country is that the loudest voices against the war in Vietnam now are those whose voices were strangely silent when they should have spoken out way back in 1954 as I did. It is not comfortable to be called a traitor to his country, and yet I was called exactly that in 1954 and in 1961 and 1962 because I had the courage to be the first to speak out against unnecessary military spending, the military industrial complex and the war in Vietnam.

CONTINUING RESOLUTION FOR 1972

HON. GALE W. McGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. McGEE. Mr. President, on the night of December 15, 1971, the Senate engaged in a debate on the continuing resolution for fiscal year 1972. At that time most of the appropriation bills had been passed by the Congress and enacted into law. However, there were still some items for which appropriations had not been provided.

The most important of these was the appropriations for the Foreign Assistance program. The distinguished chairman of the Senate Foreign Relations Committee, in collaboration with the distinguished chairman of the Subcommittee on Foreign Operations of the Appropriations Committee of the Senate, offered to the Senate that night an amendment to the continuing resolution which, among other things, provided approximately $1.5 billion for foreign assistance, both economic and military, and the necessary funds to cover the administrative expenses of the Agency for International Development. This recommendation was approximately $1.2 billion below the amount that was reported by the Appropriations Committee of the Senate when it sent the continuing resolution to the Senate, and approximately the same amount less than the sum authorized by the Senate.

The debate commenced while I was at dinner with my family; and when I was notified that the debate was in progress I immediately hastened to the Hill, not only to participate in the debate but to at least delay any rash action from being taken in the waning days of an arduous session. I spoke at some length that night, admonishing my colleagues to reject the amendment that was proposed to the continuing resolution by the distinguished chairman of the Senate Foreign Relations Committee, and, at the conclusion of that debate, while engaged in colloquy with the distinguished chairman of the Appropriations Committee of the Senate, Senator Ellender, he made the point that the Senate should accept the low figure advocated by Senator Fulbright in order to protect its bargaining position with the House of Representatives in conference—the House figure being much higher. But I could not agree to such a tactic. In fact, I said in response:

> However, the point still is that we stand before the world tonight and we do not dare stand before the House of Representatives and say, "Look, the lousy vote we had in the Senate was not the will of the Senate. We were just playing games with the Members of the House. They are stubborn."
>
> We are going to be judged on this. The Senate went up and down the hill once before. We got a lot of complaints from all over the United States for the way in which we approached the question. (In the October vote.)
>
> I am only pleading that we be responsible tonight. We have made our will known. That is the reason I cannot buy this new compromise figure. We will compromise ourselves right out of the ball park.

Now, Mr. President, when I stated that we went up and down the Hill once before, I was referring to the previous Senate action on the authorization measure for foreign assistance. On the night of October 29, 1971, the Senate voted down the authorization for foreign assistance by a vote of 41 to 27, and there were many complaints from all over the United States criticizing the Senate for the irresponsible way in which we approached the question. Consequently, a little more than a week later the Senate, acting more responsibly in my opinion, reported out two foreign aid bills, S. 2819 and S. 2820, covering economic assistance in one bill and military assistance in another, which, in the aggregate, authorized approximately $2.7 billion for foreign assistance in fiscal year 1972.

These measures were adopted by overwhelming 3-to-1 margins in the Senate. Obviously they represented more accurately the sense of responsibility felt by the U.S. Senate. From there the measures were sent to the committee on conference composed of members of the Senate Foreign Relations Committee and House Foreign Affairs Committee for resolution of the differences between the authorization bill approved by the House for foreign assistance and the amounts approved in the respective bills passed by the Senate. Needless to say, that conference languished for many weeks and was still in a state of limbo, so to speak, on the night of December 15 when the aforementioned debate ensued.

On the night of December 15, the distinguished chairman of the Senate Foreign Relations Committee was endeavoring to get the Senate to override the action it had taken, just a month earlier, in the authorization measure, by amending the then pending continuing resolution to provide an annual spending rate of $1.5 billion for foreign assistance, in lieu of the $2.7 billion authorized by the Senate and contained in the continuing resolution that expired on December 8, 1971.

Mr. President, based on my statement that "we got a lot of complaints from all over the United States for the way we approached the question," the distinguished chairman of the Senate Foreign Relations Committee on December 16 included a statement in the Record on page 47399 wherein he gave me credit for promulgating the "McGee Theory." According to him, I stated that the Senate's revival of the Foreign Aid program following the overwhelming defeat of the earlier aid legislation was due to a popular uprising of the citizens of this country who, according to the "McGee Theory," demanded that the Senate reverse its decision and vote to support foreign aid. In other words, the "McGee Theory," relative to the resurrection of foreign aid, draws the conclusion that foreign aid is back by popular demand.

To make the record complete and bring everything into the proper context, let me quote from the beginning of the statement of the distinguished chairman of the Foreign Relations Committee of the Senate:

> M. President, last evening, the Senate was entertained with a rather novel theory about the Senate's recent decisions on foreign aid. The entertainment was choreographed by the distinguished senior Senator from Wyoming (Mr. McGee), who maintained throughout the evening that the Senate's revival of the foreign aid program, following the overwhelming defeat of the earlier aid legislation, was due to a popular uprising among the citizens of this country who, according to the McGee theory, demanded that the Senate reverse its earlier decision and vote to support foreign aid. In other words, the McGee theory, relative to the resurrection of foreign aid, draws the conclusion that foreign aid is back by popular demand.
>
> Until last night, I had never heard this theory, but the Senator from Wyoming seemed so positive about it that I was tempted at times to believe him. This is something I rarely do, because experience has taught me that the distinguished Senator, with the best of intentions mind you, frequently confuses fact and opinion.
>
> The facts, as best as I can determine them, do not support the Senator's thesis, a thesis which postulates that foreign aid is everyone's choice as the Government's most popular program. Rather, the facts suggest exactly the contrary: Foreign aid is the program the public would like most to see defeated.

Mr. President, I believe that if one peruses the debate which took place in the Senate on the night of December 15, he will be aware that McGee was expressing his opinion when he referred to complaints from all over the United States on the way we approached the foreign aid question. At no place in my remarks did I state that foreign aid was back by popular demand.

What I in fact was alluding to was the outburst of sophisticated editorial comment both here and abroad and the expressed views of many responsible people who had at one time or another served in high positions of government which had thrown the individuals involved into a role of working with the economic development problems of the world. They were shocked at the severity of the cut reflected in the Senate vote on October 29.

It may come as a surprise to my friend from Arkansas, but foreign aid is as unpopular with my constituency as he says it is with his. Foreign aid has never won a popularity contest that I know of; its ratings are invariably low in the various polls.

But this fact should not permit a U.S. Senator, whatever the State of his constituency, to duck the responsibility of assessing the need for foreign aid as a program underpinning the national interest of the United States.

Now, to be sure, there are deep and abiding differences of opinion among Members of the Senate on this matter. The Senator from Arkansas and the Senator from Wyoming are far apart on this basic point. But even that difference is not the issue in this particular colloquy between us. The issue is that the Senate acted recklessly, or at least impetuously, in its first vote—41–27—cutting the aid program beyond reason on October 29. But then proceeded shortly thereafter to correct that mistake, and to correct it by a voting margin of three to one.

It is my opinion that margin was more truly representative of the will of the Senate and at a higher level of AID which, while not a popular level, was at least viewed as a more responsible level. Furthermore, it is my opinion that this Senate reversal was also in response to the kind of shocked disbelief which followed the Senate's earlier action. To illustrate this latter point, I ask unanimous consent to include in the Record an assortment of editorials and other comments.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 7, 1971]

THE EMERGING TRAGEDY

(By James Reston)

Washington, Nov. 6.—Two great forces are at work in the world today, one driving the nations together and the other setting them apart. Everywhere it is obvious—it is almost a cliche—that no nation can by itself control the problems of war, the arms race, money, overpopulation, hunger, disease, the drug traffic or pollution, but at the same time the spirit of nationalism and protectionism is rising, and the institutions for world cooperation like the United Nations are under severe attack.

The evidence of this dangerous paradox lies plain before us. We know the facts about world hunger and runaway population, about the nine million refugees from East Bengal and the danger of war between India and Pakistan. They have all been in the front-page headlines, along with the dollar crisis and the world monetary crisis, but they seem to be beyond our understanding. They are too complicated or, as we think, too far away. We hear about them vaguely but we do not *feel* them, and even when we sense the danger, most of us feel hopeless to deal with them.

The facts, however, remain, even if they seem remote, abstract and beyond our comprehension. The contemporary world today is a little like the modern American city: part black, embittered and revolutionary slum, and part white and prosperous. The main difference is that in urban America the poor are a minority and in the world at large, now being rushed together by modern transportation and communication, they are the vast majority.

The reaction of American political and public opinion to this present division between the rich and poor nations of the world is also comparable to the reaction of the white majority to the black minority in our own country over the last century. Even during the battles over slavery in America, most Americans knew something about the inequality of American life. Mr. Lincoln told them the Republic could not endure half slave and half free, and most of his successors in the White House, after abolition, insisted also that it could not live happily with a deprived black minority. Again, however, after pointless miseries and eventually great progress, we are still struggling with this dilemma in a violent and revolutionary atmosphere.

Maybe this analogy is not quite accurate—analogies never are—but what is happening in the world today, or so it seems here, is at least comparable, if not similar, to our own national experience with the American poor and particularly with the American blacks over the past generation or so.

What we were eventually brought to see at home, after long periods of prejudice, indifference, confusion and hopelessness, was that was still could not evade the facts of inequality. What we were unable to do on principle and by foresight we were finally forced to do by fear of violence.

The guess here is that this long and tragic national experience is now being repeated on the world stage. Our assumption at home in the past was first that we could avoid the confrontation with the silent impoverished black minority and then that maybe we could ride out the confrontation with the power of the aroused "silent majority," but in the end it didn't work.

In the end, it probably won't work either in the world. Poverty is an infectious disease—our own affluent children in their expensive rags dramatize the point. With modern communications, the word has finally got through to the populous slums of the world, where most of the human family exists, that hunger and disease are not inevitable but intolerable.

This is really what Prime Minister Gandhi of India has been saying here in the last few days. She was not asking for money but for recognition of the alarming facts of modern life in the underdeveloped nations, and she may have been more successful than she realizes.

For while the Congress of the United States is now talking about foreign aid as if it were some kind of parliamentary maneuver or dirty trick on America, there are at least some officials here and elsewhere who see the dark horizon on the world and the developing class war between the rich northern nations and the poor and populous majority in the under world of the sunny slums below the Equator.

In fact, the most hopeful thing in this gloomy picture is that officials are now beginning to say that the old assumptions and the old institutions have broken down to such an extent, that the monetary system and the political system are in such a mess, that it may finally be possible to get acceptance for fundamental change.

Liberals and conservatives alike in the Congress voted against the foreign aid bill for a variety of reasons, and many of them are even supporting Secretary Connally's hard Texas power politics, not because they want to go isolationist or protectionist or particularly because they like Connally, but because they want to find a new system that will recognize the interdependence of the modern world and force all the trading nations to accept a more equal sharing of the burdens in what is obviously an unequal and dangerous confrontation with one another and with the hungry and embittered majority of the human race.

[From the New York Times, Nov. 10, 1971]

THAT OLD-TIME ISOLATION

(By Theodore M. Hesburgh)

SOUTH BEND, IND.—In a few hours of precipitate action on foreign aid, the Senate dealt another major blow to the development prospects of more than 100 developing countries. It followed President Nixon's equally unexpected action adversely affecting the poor countries.

They then were the innocent victims of a trade crisis cross-fire between the rich countries. As a consequence the U.S. cut its aid to them by 10 per cent and imposed a 10 per cent surcharge on their fastest growing exports. These abrupt and unilateral actions not only treat the poor nations as pawns of the rich and the powerful but they are jeopardizing the already inadequate international efforts to promote justice and peace in the world.

As both President Nixon and the Congress have rightly made clear in the course of this year, the United States urgently needs a new approach to the developing countries, one better suited to the realities of the 1970's. But we must avoid the real danger that in the struggle between the Senate and the executive branch we once again victimize those most in need of our help. Both the U. S. and the low-income countries will be losers.

In the first place, by any measurement of fair share, Americans need to be doing more rather than less in aiding others. Twenty per cent of the world's population enjoys 80 per cent of its resources, and we Americans are a large portion of that fortunate 20 per cent. The rich U.S. at present contributes less proportionately than do most other nations. Last year we placed a bad twelfth out of sixteen so-called rich nations in the Organization for Economic Cooperation and Development.

In the second place, the Senate fight over foreign aid lost sight of the fact that this program is a catalyst for a vast network of cooperative activities by private American institutions. Bilateral development assistance makes it possible for scores of American universities to carry on constructive educational and other activities overseas and for 15,000 foreign students to study in the United States and elsewhere.

Third, if we fail to respond now, there are many people in the world who will say, unjustly or not, that we are acting out of pique at being defeated in the United Nations on the issue of Taiwan. As a great nation, we must not withdraw our support, even temporarily, in an act unworthy of our past efforts.

Fourth, we need to be able to meet emergencies in the developing world, of which the growing refugee problem in Bengal is today the most pressing. And we cannot cripple international agencies such as the United Nations Development Program and the Food and Agriculture Organization as they assume a larger part of the cooperative effort.

Finally, responsibility in U.S. actions is particularly critical during this period of uncertainty in international trade and monetary relations. If we even temporarily abdicate responsible conduct, the chances are that we will be viewed with distrust and suspicion at the very time we need the cooperation of the low-income countries to create a better international economic system that will serve the interests of all nations—developed and developing.

Of course, there are many things wrong with the bilateral assistance program of the past. I believe there should be less emphasis on military assistance, and it should be separated from the development programs as suggested in the last two Presidential study commissions on foreign aid.

We cannot see the problems of America and of world peace in isolation—shutting ourselves off from the outside world, four-fifths of which barely exists on one-fifth of the world's resources. Our immediate, critical need is to continue a substantial bilateral development assistance program in some form while we craft a new development cooperation program. If we can avoid the near-term hazards, the Senate's precipitate action could prove to be a blessing.

[From the Manchester Guardian, Nov. 6, 1971]

RUSSIA COULD GAIN FROM U.S. AID CUTS

(By Mark Arnold Forster)

When the United States decided not to pay for the Aswan Dam, the Russians picked up the cheque. Nasser nationalized the Suez Canal, and quite soon Britain was at war with Egypt. If the United States stops paying $4,700 million a year in aid, as Congress now threatens, will there be the same sort of chain reaction either locally or generally.

The short answer seems to be that there can be no general picking up of cheques by anyone because no other country can afford the money. Moreover Congress will probably reverse its decision soon. There are, on the other hand, many places where the Russians or the Chinese could make a big political gain in return for a comparatively cheap gesture particularly if they act quickly.

The Congress decision on Friday last week means, for example, that the US will stop paying $22 millions a year to support the Palestinian refugees. This is more than half the $41 millions cost of the entire United Nation's voluntary programme for the support of the refugees. For $22 millions a year China could make a big, benevolent name for itself in the Middle East.

If the US withdraws from the UN Children's Fund, and that appears to be the present intention of Congress, the fund would be cut by more than a third from $37 millions to $24 millions. The US contribution now covers the whole of the fund's commitments in Africa. The UN's general voluntary development programmes would be seriously affected, too.

The contributed funds for this year amount to $240 millions. The US had promised to pay much the largest single share ($86 millions) —more than a fifth of the total. If the Chinese or the Russians want to be known as child-benefactors they can earn the title for the price of a fairly small experiment in space.

Contributions to UN voluntary funds represent only a small part of total US aid. The costlier parts, and the more dubious ones, are paid under bilateral agreements with specified countries. Liberal US Senators have been protesting for years the bilateral arrangements on the grounds that for every quid there must be a quo.

Tied aid, the argument ran, is a bad instrument of foreign policy and can also get the US into trouble, as it did in Southeast Asia. In practice the larger American cheques represent the American side of written or unwritten bargains with nearly a hundred other countries.

In practice, too, most American cheques will stay unpaid unless Congress has second thoughts before November 15. This will happen because the money is paid under a continuing resolution of Congress which authorises the Agency for International Development to make payments. This runs out in a fortnight's time.

The resolution resembles the vote whereby the House of Commons authorises the Government to spend money and to keep the country's business going in the interval between the presentation of the estimates and their formal authorisation. The Agency for International Development's Appropriation Bill has not yet been enacted. Without a continuing resolution the agency cannot even pay its members' salaries because expenditure of public money without Congressional authority is illegal.

The Bill that Congress threw out would have authorised most, but not all, US overseas aid. The programmes that have been cancelled, at least temporarily, include the "Alliance for Progress" scheme for Latin America, most American contributions to the UN, the support of American schools and hospitals abroad, military grant assistance and military credit sales, and support to low-income nations carrying heavy defence burdens, notably Vietnam, Cambodia, Laos, Thailand, and Jordan.

[From the Wall Street Journal, Nov. 24, 1971]

THINKING THINGS OVER

(By Vermont Royster)

THE USES OF PIQUE

Pique is rarely the best reason for doing things and certainly the Senators' irritation with the UN wasn't a good reason for them to throw out the whole U.S. foreign-aid program, as they have ruefully admitted by at least temporarily restoring it.

Understandable, nonetheless. For if you run down the long list of nations who gleefully voted against us on the Taiwan resolution what you find is a long list of beneficiaries of U.S. generosity. The Senators not unnaturally found such ingratitude sharper than a serpent's tooth.

Still, pique has its uses. In this case it served as a catalyst for many dissatisfactions, and undoubtedly also as an excuse for many Senators long unhappy with the present foreign-aid program but otherwise too timid to speak out against what they had so long upheld—what had, in fact, become almost a matter of unchallengeable faith on the more liberal side of the chamber.

One consequence of that piquant action is that now for the first time in a quarter century the Congress—and the administration—has a chance to start afresh. In the next few weeks everybody can take a new look.

And a profitable one it could be. For there are few instruments of American foreign policy that have been more useful to this country, more in its own self-interest as well as in the world's interest, than the judicious use of foreign aid. Yet next to our propensity for military intervention all over the world, few that have brought us as much trouble as this same foreign-aid program.

Of course these two things—the use of both military and monetary power all over the world—are very much entwined. Both have firm roots in self-interest. Both have done much for the peace and security of the world. And both have caused us much grief for the same reasons.

One of these reasons is our national habit of thinking that if a little bit of something is a good thing then more of it is better. Another is the case with which we have succumbed to the idea that nothing is beyond the power and resources of the United States; something like what the Greeks called *hubris*, or overweening pride.

On the military side Vietnam has been our comeuppance. It would be ironic were it not so tragic that the same voices that urged us to "live up to our role as a world power" have become the most bitter about the consequences of doing so; the Pentagon papers are a testament to that disillusionment. Be that as it may, the lesson has been learned.

With foreign aid things are less dramatic. The misuse of monetary power doesn't show up as gore on a TV screen. Yet the process is much the same, and now the disillusionment is almost as great, albeit coming slower.

When the foreign aid program began it was for good reason in a good cause. Its first effort was to help our wartime allies, notably Great Britain, who had suffered far more than we. The rationale was both humanitarian and self-interest; World War II would have been a hollow victory if our allies had collapsed in their moment of triumph.

The same rationale underlay the Marshall Plan. There we helped not only allies but even former foes on the sound reasoning that the U.S. could not prosper if Europe lay in economic ruin, that there could be no durable peace built amid choas. Later, aid was extended to other parts of the world, including Japan, for the same reasons.

So far, so good, the results were rewarding to ourselves and to the world. But somewhere along the way—it is hard to pinpoint a date—there came a subtle but insidious change.

Foreign aid became an end in itself. Whereas formerly a problem had called forth a remedy, now the remedy was prescribed automatically and we went searching for ways and places to apply it. The program acquired a momentum of its own. With this approach there was no end to what might be spent, and until the other day none to what was spent.

We just scattered largess like autumn leaves. How much? The direct, visible total runs well over $100 billion. Why? Well, we had the money and the world—remember?—had a dollar shortage.

What did we get for it? That ingratitude, for one thing. But ingratitude is bearable; who really expects to buy the friendship of nations? More to the point, the total effort of trying to carry the world on our shoulders put such a strain on our resources that both we and the world are now suffering from it.

At home, these hundreds of billions have been a levy upon our own economy, both in direct taxes and in inflation. Abroad, the huge outpourings helped erode the dollar in world markets, culminating in the present world monetary crisis. Since most of the world's currencies are based on the dollar, this dollar glut has been self-defeating of our own aims, which was to strengthen, not weaken, the world economy.

All this was true, of course, before the Senate in that moment of dudgeon as the UN threw out the whole program. But for a long time those who criticized the program had a hard time getting anyone to listen. After all, weren't we the richest country in the world? Why cavil over a few billion dollars each year?

So, you might say, things had to get worse before they could get better. Just as there are sound reasons for the U.S. to make its military presence felt in the world despite the disaster of Vietnam, so there are circumstances where it is to our national advantage, and that of the world, to give aid to other nations. The Senate revolt means that we have a chance to re-think what they are—and what they are not.

Whether the chance will be seized, deponent knoweth not. But the opportunity is there, and for that let us sing some praise to the virtues of pique.

* * * * *

P.S.—Many readers have given me cheerful welcome home. Being bereft of a secretary, I hope they will not be piqued if I here express to them all my gratitude and appreciation.

[From the Washington Post, Nov. 9, 1971]

FOREIGN AID REFORM

The administration and Congress are both pushing the quick action on foreign aid but in opposite directions and if they keep at it the result is likely to be no foreign aid bill at all. The case for slowing down the pace—by putting off big reforms and simply passing a resolution continuing the program near current levels for, say, three or four months—therefore becomes very strong.

A key fact is that Mr. Nixon intends to make a major report on the Indochina war in the next week. It would seem to be a matter of self-interest for his critics on the war issue to give him a hearing before venting further spleen on aid. On the President's part he should realize that his Vietnam report gives him the means to sweeten considerably the atmosphere in which a new aid bill will be debated. So at both ends of Pennsylvania Avenue, delay has its reasons.

Moreover, the only aid legislation extent, the "two" bills reported out by the Senate Foreign Relations Committee, are inadequate. As John Hannah notes elsewhere on this page, the committee's snap decision last week to split economic/humanitarian aid from military aid was the very same step it refused to take last spring on grounds that the matter required more study—as it does. In fact, it is not the "same step": the administration would truly have split the programs but the committee would split merely the voting on them, not the administering of them. To split the voting of course, fragments the two-decade pro-aid coalition to the point where, in the current sour and erratic mood on Capitol Hill, neither economic nor military aid may be able to muster enough votes for survival. If Congress is to kill aid, then at least it should soberly calculate the costs.

After months of deliberation on the old bill, the Senate had said that $2.9 billion is appropriate; suddenly it switches to $2.3 billion. The new economic bill would increase interest rates on development loans (and food credit sales) to a level where no country which needed them could afford them. The bills make no effort to relate aid for Indochina either to the war expenses that would be required by its Mansfield amendment (fight until the prisoners are returned) or to the civilian needs that would unfold pursuant to its Cooper-Church amendment (withdraw). Haste makes slooping drafting.

The administration, using scare talk loosely, wants the whole existing program extended indefinitely. That ship obviously won't sail. The better way is that indicated by the House, which is scheduled to vote today on a resolution to continue aid spending at current levels until the end of this session of Congress. The only trouble with that is that once the Thanksgiving and Christmas recesses are subtracted, not enough time is left for careful drafting or for assembling the political support necessary to enact a new bill. The House should provide a bit more time.

[From the Chicago Tribune, Nov. 9, 1971]

FOREIGN AID VOTE SIGNALS NEW ERA

(By Clayton Fritchey)

Washington.—Considering all that has happened in recent months, it is not surprising that many nations are beginning to believe that the signal from America is: Stop the world, the United States wants off. Actually, it doesn't want off—it just wants to change its perch.

Any significant change in America's world position is, of course, extremely important, but it should not be interpreted as a return to obsolete, primitive isolationism. The first order of business of the administration, therefore, is to make sure that the rest of the world understands what is really going on in the United States.

The abrupt junking of the foreign aid bill naturally shocked our friends abroad, especially since it came on the heels of a series of other sudden unilateral actions such as taking the dollar off the gold standard, breaking the General Agreement on Tariffs and Trade and slapping on a 10 per cent surcharge on imports. The rest of the world can hardly be blamed for suspecting the United States is pulling up the drawbridge in a new retreat to Fortress America. Yet, despite appearances, that is not the case—at least not yet—for neither the White House nor the prevailing leadership in Congress want to return to isolationism.

MATTER OF HOW

The misunderstanding abroad is based not so much on what the United States has done, as how it was done, which is to say, crudely, arrogantly, without consultation, or warning. Aside from these tactics being offensive, they have also been bewildering.

There is an urgent need for the United States to get back to international collaboration and cooperation, to negotiate the changes we desire and, above all, to make it clear that America's inclination to play a more modest, tho active, role in the world does not mean we are going to turn our back on it.

A good place to begin is with foreign aid. For more than 20 years it has primarily served as an instrument of the cold war. Even former America Firsters supported it because it was used as a weapon against Communism. In the present climate of detente, however, it is only natural that there should be a review of the old approach.

In the Senate Foreign Relations Committee, some of the most outward-looking members of both parties voted against the foreign aid bill, not because they are indifferent to world problems, but because, in the words of the committee chairman, Sen. J. William Fulbright [D., Ark.], they feel the aid program has become a form of "welfare imperialism" by which the United States seeks to dominate other countries.

Over 55 per cent of the $3 billion bill, for instance, was not for economic aid, but military assistance, chiefly for military dictatorships favored by the administration. The huge sums earmarked for Cambodia, Greece, South Viet Nam, and Korea, cost the bill many votes. Like some of his colleagues, Fulbright sees the vote as "the beginning of a new era—a change of our basic foreign policy."

A NEW DIRECTION

The change, in time, ought to lead to more effective, if not longer, aid. There is a growing consensus favoring the separation of military and economic assistance and another consensus favoring the channeling of most economic aid thru such multilateral institutions as the United Nations and the World Bank, rather than directly.

The object, of course, is to tie our aid into the cooperative efforts of other advanced countries in fostering the growth of the less-developed nations.

President Nixon is understandably critical of the Senate for its abrupt scuttling of the aid program, but as his friend, George Aiken of Vermont, the senior Republican senator, says Nixon invited trouble by "over-lobbying" his bill and by threatening a veto if it was amended against his wishes. The President has found that two can play this game, for when the administration succeeded in beating down all the changes it opposed, the Senate then exercised its own veto power. Sen. Aiken's final word to the White House was, "Most legislation results from compromise if it is any good."

[From the New York Times, Nov. 13, 1971]

New Directions in Aid

The Senate has moved with unusual dispatch this week to resurrect the shattered foreign assistance program with two bills authorizing $1.1 billion for economic assistance and $1.5 billion for military and related aid.

The new $2.6-billion Senate package—$900 million less than the Administration requested and $265 million below the authorization measure that was rejected by the Senate two weeks ago—is far from perfect. It raises interest rates on a sharply diminished development loan program to the point where the limited loans available will no longer be feasible for the countries that need them most—notably India. It provides no separate funding for worldwide population programs which the United States has long been pushing. And it retains an imbalance in favor of military aid that critics of the Administration's program—including this newspaper—have particularly deplored.

But the Senate's action offers the Administration an opportunity to keep the foreign aid program alive while working out the new directions in aid that were mandated by the recent revolt against the original bill. These new measures offer in some respects a promising start toward a fresh approach to overseas assistance.

For example, the ease with which the economic section sailed through the Senate on Wednesday, with 61-to-23 approval, demonstrates that economic assistance can stand on its own feet in the upper house. And although bilateral programs were severely cut, grants for multilateral agencies, like the United Nations Development Program, passed almost unscathed. This should encourage the Administration to speed up its own plans for transferring more United States economic assistance programs to multilateral agencies.

Although supporters of military aid were successful in adding more than $300 million to the curtailed arms program reported by the Foreign Relations Committee, the military authorization contains a series of restrictions that will give Congress greater control over United States military activities overseas. A crucial test of this effort to curb what Senator Church has aptly described as "arsenal diplomacy" will come when the House considers parallel legislation, as it should do promptly.

In the meantime, if there is need for continuing legislation to keep the Agency for International Development from "going out of business" altogether on Monday—an Administration position that is subject to question—there is merit in the suggestion of Senator Mansfield and others that such legislation be confined to the sums needed to meet payrolls pending final Congressional action on the new aid package.

[From the Chicago Daily News, Nov. 12, 1971]

Foreign Aid Turnabout

Somewhat—but not wholly—regretful of its tantrum of Oct. 29 when it killed the foreign aid bill outright, the Senate is putting a new program through the mill. This one divides the program into measures splitting $2.6 billion between economic and military assistance. That sum is $900 million less than President Nixon asked in the original bill.

We hope the new program will be speedily adopted. An urgency is created by a General Accounting Office ruling that unless Congress provides its new appropriation by Monday the economic aid program will be legally out of business.

There is another urgency, and that is to reassure friendly nations abroad that the United States has not suddenly resigned its obligations as a responsible world leader.

Congress, even more than the public at large, must make certain that common sense prevails over emotions in the conduct of international policy. The $143 billion this nation has devoted to foreign aid in the post-World War II era was not intended to buy friends, but to make the world safer and better for America. The fact that unnumbered billions have missed the target argues not for spiking the guns, but for better aim.

For on the positive side is the fact that foreign assistance has powerfully helped to shape a better world. It was the principal factor in preventing the Sovietization of Western Europe, and in saving Britain from utter collapse. It has helped innumerable struggling small nations along the road to dignity and self-sufficiency. For the long pull it has helped to build markets for American goods and contributed importantly to U.S. economic strength and viability. And the setback in the United Nations on the China-Formosa issue should not blur the fact that the United States has given the world an unforgettable example of a great nation's using its strength generously and responsibly for the common good.

Successive Presidents including Mr. Nixon have tightened up the aid policy year by year and reduced this nation's proportionate contributions; several industrial nations now spend a greater percentage of their gross product than we do on foreign assistance.

We are still—in spite of present straits—overwhelmingly a "have" nation, and our well-being increasingly depends upon defending peace on Earth and creating bigger markets for our peacetime production. Latin America, for example, remains not only our neighbor but prospectively an ever-growing customer. We also need Latin America as a friend, and a poor way to cultivate that friendship would be to cut it off from the help we have solemnly pledged to give it.

The Senate leaders know all this, and we interpret that body's action Oct. 29 as a temporary triumph of pique over probity. We could wish the coming-around had been more wholehearted, but two-thirds of a loaf is far better than none.

[From the Christian Science Monitor, Nov. 13, 1971]

Foreign Aid: Reprieve and Warning

The White House now knows the worst of what might come of the Senate's surprise scuttling of the foreign aid bill on Oct. 29. And the worst is not so bad.

In dollar terms, the Senate has approved $2.6 billion in spending for the upcoming aid year. This is $300 million less than the original Senate bill called for. But it does include restoration of some $300 million in military aid which the administration badly wanted.

In procedural terms, the Senate's splitting of aid into separate humanitarian-economic and military bills is palatable. As a matter of policy, such a split has much to recommend it. Often, unwise or questionable outlays, particularly in the military sector, are protected from healthy attack by being lumped together with meritorious outlays. This newspaper would support an eventual division of foreign aid spending, together with a channeling of many programs through international organizations like the World Bank, which is the Senate's intent.

As a practical matter, the present Senate action splitting the aid into military and nonmilitary bills for the moment may not hold up. The House likes military spending more and nonmilitary spending less than does the Senate. The House has already approved continuing the present higher aid spending levels. As the House takes up the Senate bill, therefore, it will do so with less reform zeal than did the Senate. If anything, the administration stands to gain back ground in the House. A precedent has been set for foreign aid reform. But realization of that reform will have to wait until next year.

This is not to say that the White House will not have more sticky moments. The Senate bill contains a number of clauses that would hamper White House actions in such places as Cambodia. The present fight over appropriations may be repeated when votes actually to commit funds come up. The first Senate vote, which defeated the initial aid bill, has done the same kind of damage to the American image abroad as did the Nixon administration's own economic policy initiatives—floating the dollar and erecting the 10 percent import surcharge barrier. This rude awakening abroad to Americas take-no-more-guff mood, however useful to U.S. short-term economic bargaining, remains a net foreign relations liability for the administration.

The White House and Congress are also mindful of the primary beneficiaries of much of American foreign aid—American industry itself. The aid program results in $1 billion a year in sales for U.S. manufacturers—a healthy chunk of it in states represented by senators who voted to down the initial measure. The poverty-prone U.S. shipping fleet gets a quarter of its outbound tonnage revenues from the aid program. And a startling

$600 million in aid funds goes to American universities and research centers for technical and other assistance work overseas. To cut this kind of industrial and technical support out of the U.S. economy, especially when an economic rebound is useful to every politician's reelection, would take more serious thinking than the Senate's first precipitate vote gave it.

The Senate intended its initial rebuke of the aid bill as a warning. The reductions in spending and the splitting of the bill into military and nonmilitary sections are nearer the Senate's real position. But, however the House votes as it takes up the Senate bills, and however fortunate the White House may feel itself to be for the present, the road to basic foreign aid reform is clearly staked out ahead.

[From the Journal of Commerce and Commercial, Nov. 10, 1971]

SECOND THOUGHTS ON FOREIGN AID

Perhaps everyone should have known that no U.S. Congress would have brought all foreign aid to a halt at a time when a nation as beset with economic difficulties as India was trying to cope with some 9 million homeless refugees from East Pakistan plus the devastation left by floods and tidal waves. This is not in the American tradition, indeed, it is not now in the tradition of any major nation.

In the shock that followed the Senate's vote to throw out the entire fiscal 1972 foreign aid authorization bill, two weeks ago, that consideration appeared to have been forgotten. Since then it has become probable that this is not to be the Senate's last word on the subject. The administration will certainly not get the $3.5 billion it sought for military and economic assistance in a single package. It now has little chance of getting the $3.4 billion package approved by the House or the $3.2 billion package approved by the Foreign Relations Committee and then killed by the Senate itself.

What it may get is either a simple continuing resolution permitting it to go ahead temporarily with outlays at their present levels, or something akin to the $2.3 billion program approved by the Foreign Relations Committee last week. That, however, would not be a single package combining military and economic aids, but two which would require separate votes.

Much soul-searching is now in progress not only as to the future of foreign aid but as to the reasons why so many Democrats (more than Republicans) suddenly turned their backs on a program they had previously supported. The White House is naturally coming in for a lot of the blame and the liberals are not reluctant to say why.

They cite the administration's increasing requests for military and supporting aids ($1,473 million in the fiscal 1972 requests, plus $510 million in military credit sales as against $1,569 million in total economic assistance). They were outraged this year by the acceleration in proposed aids to Laos and Cambodia, which they viewed as sure harbingers of deeper involvements in Indochina. Some were upset by military aid to Greece, by similar aid to Pakistan (now to be halted) and to some other regimes of which they are not overly fond.

In any case, many of the faithful backers of economic aids were no longer willing to swallow the military assistance phase of the package this year as a means of keeping the economic aids going. Conservative quarters of the Senate, which in the past voted for the economic aids chiefly to keep military assistance alive, reacted in a similar manner. By the time of the crucial vote most traces of the old coalition that would only accept one part of the package as a means of getting its way on the other had disappeared.

It is true that recent administrations have counted heavily on this uneasy balance of power in Congress to get their aid programs across. Thus their emphasis on the single-package program that proved so awkward for either bloc either to swallow or vote against. And thus last week's decision of the Foreign Relations Committee to split the package into two bills, the total authorizations of which would give the President $1.2 billion less than he originally asked, or $2.3 billion in all.

"Things will never be the same again," one expert on the subject was quoted as saying when he heard of the committee's action last week, and he was probably right. They won't be. With the old coalition gone, the administration will probably find it more difficult to win congressional approval of either of the two programs in the form it wants most, but at least it will know better where it stands than it apparently does now.

We welcome the evidence of a new disposition in the Senate to recognize that it is illogical to tie these two phases of the foreign aid program into a single package. Our feeling is that this program would not have gotten into its recent deep troubles if this separation had never been made in the first place. We also welcome signs of a growing disposition to phase out bilateral economic aid altogether, whether as early as 1975 or within a period of 10 years. This form of aid did serve a purpose 10 and 15 years ago; it serves very little now.

But the fact that bilateral aids have been retained beyond their time cannot be blamed entirely on White House politicking. Although Congress itself showed considerable enthusiasm for multilateral aids through international institutions when it seemed likely that other industrial nations would contribute generously, that enthusiasm cooled when Capitol Hill committee chairmen discovered they couldn't call affiliates of the World Bank and the UN to account for their operations, as they could American citizens charged with handling development loans, technical assistance programs and the like.

So while other countries were converted to the gospel of foreign aid, and while some contribute proportionately more to it now than the United States, the executive branch has found in recent years that getting money out of Congress for some of the more worthy multilateral programs is like pulling teeth. Bilateralism—despite all criticisms of it as a concept—dies hard.

Still and all, if one result of the Senate's dramatic reversal of position on the 1972 foreign aid authorization bill is to force a re-examination of all the military and economic phases of the program, of where they have taken us and of where they are going to take us next, the experience may prove well worth the discomforture it created.

NEW DIMENSIONS IN FOREIGN AID

It is evident from reports emanating from yesterday's closed-door meeting of the Foreign Relations Committee that members are having second thoughts on the Senate's rash vote to kill the foreign aid authorization bill. But it is equally apparent that there is nothing approaching agreement on the new directions foreign aid must take in order to muster adequate support in the Congress.

Senator Fulbright and others are talking in terms of stop-gap legislation that would emphasize humanitarian programs, particularly those administered by international institutions, and greatly reduce the military component of aid which accounts for more than half of the Administration's foreign assistance package. There is merit in this approach, but it is doubtful whether a bill tailored to Mr. Fulbright's exacting requirements could command a majority at this time, especially in view of the support the Administration was able to rally behind its military proposals before Friday's final negative vote.

It would be equally unrealistic for the Administration to try now to ram the foreign aid bill through the Senate in anything like its present form. Although it was not the only factor by any means, an important component of the Administration's defeat on the aid bill was Congressional and national disillusionment with Presidential policies involving heavy military support for authoritarian governments, particularly in Southeast Asia. Unless there is some revision of these policies, and of the aid requests that are designed to support them, there is little hope for rebuilding a Congressional consensus in support of a broad foreign assistance program, even with the sweeping reorganization proposed last year by the Peterson Commission.

A period of hard bargaining is ahead in which both the President and his Congressional critics will have to make concessions. In the meantime, to prevent a national disgrace from turning into an international disaster, it is essential that Congress act promptly to keep the foreign aid machinery intact through another continuing resolution, extending the aid program at current levels beyond the Nov. 15 expiration date. In view of the depth of current disagreements, such an extension should allow at least ninety days for tempers to cool and for thoughtful reappraisal.

There is also need for prompt action to provide supplemental funds, as already requested by the Administration, to help care for the nine million or more Pakistani refugees. There surely can be no quarrel over this urgent humanitarian need.

In reconsidering foreign aid, it would be helpful if both Congress and the Administration disabused themselves of a myth that has been irresponsibly fostered lately by both the President and some of A.I.D.'s Congressional critics—the notion that the United States is bearing more than its share of the International development burden rightly assumed by the "have" nations for sharing with the "have nots."

Although the United States is still the largest contributor in absolute terms to overseas development programs, the United States contribution measured in terms of ability to pay—aid as a percentage of gross national product—ranks twelfth among the sixteen aid-donor nations. There is no place for pride or self-pity in this performance.

[From the Evening Star, Nov. 1, 1971]

THE CHALLENGE

The Senate's rejection of the foreign aid bill must rank high among the legislative shockers of the century. And yet the aftermath of the stunning vote has been marked by an almost total lack of cheering. No one seems anxious to claim credit for the upset. Instead, the accusing fingers are pointing in all directions.

There is very little to cheer about. The rejection of the $3.2 billion aid bill, which has raised dark clouds of doubt over the future of the massive international program, was compounded out of an unnatural legislative alliance of conservative isolationism, liberal spite and pre-election-year absenteeism. Contributing to the coalition of discontent was resentment over the stinging rebuke dealt the United States by the expulsion of Nationalist China from the United Nations, and a growing and justified annoyance over the Nixon administration's refusal to take seriously the depth of the legislative disaffection.

But much more to the point than the proper distribution of blame for the immediate past is the need for a positive approach to the immediate future. It's time to stop the name calling and to end the issuing of ultimatums, by White House spokesmen and Senate leaders, regarding the content of a substitute bill. It's time to end the politicking and to restore the bipartisan approach to foreign aid that created the program and that has kept it alive and well since its inception in 1948.

There must be, as a starting point, agreement that the concept of foreign aid is still morally valid and in the best interests of the United States. It is not necessary to subscribe fully to the provisions of the rejected bill or to support in detail the shape that foreign aid has taken in recent years. Indeed, it would be difficult to find anyone in the executive or legislative branches who could argue persuasively that the structure of foreign aid is flawless.

What the Senate has done, in effect, is to force a showdown, to accelerate the process of revision that was expected to take years to accomplish. Now the luxury of leisure is gone. But that need not mean that the elaborate and generally sound concept of foreign aid will be replaced by a vacuum.

The first necessary legislative step is a continuing resolution to assure that the Senate vote will not add to human suffering, will not bring financial chaos to governments whose stability is of vital concern to this country, will not threaten the peace of the world by upsetting tenuous military balances.

With that accomplished, the real work can begin to restore, on a secure basis, those humanitarian, economic and military assistance programs that must be retained to preserve America's conscience and security.

The vote to kill the foreign aid program was no one's triumph. But it need not be a tragedy. Those desperate forces that engineered the bill's defeat are now called upon to display those unusual talents for legislative creativity needed to meet the challenge that they have brought about.

[From the Christian Science Monitor, Nov. 1, 1971]

THE FOREIGN AID CRISIS

The question posed by the Senate of the United States last Friday night is a most serious one.

The U.S. is engaged in a planned withdrawal from what is now seen to be overcommitment. That is the meaning of the Nixon doctrine. Almost all important elements in the American political community agree that continued military involvement in combat in Vietnam would be an overcommitment. There is a consensus now that there should be a withdrawal from that overcommitment. There is bound to be some withdrawal from other commitments elsewhere.

But the intent, and the hope, is that this can be accomplished in good order and without the loss on anything of vital importance. It is the difference between orderly withdrawal to shorter and stronger lines and panic retreat which can get out of control.

On Friday night last, in the Senate, the withdrawal was out of control. Foreign aid funds provide the daily coinage of the American system of alliances. The time may come when the system of alliances put together in the years immediately after World War II can be taken down safely. But it would be deadly dangerous to take it down too soon or too fast. The NATO alliance in particular is a major element in what stability there is in today's world. Anything which damages NATO damages the foundation on which the peace of the world now rests.

The action of the Senate on the foreign aid bill is not necessarily final. And a review of the foreign aid system is in order. Some aid is given unwisely. Probably there will be a new foreign aid bill in time to keep up the flow of aid through the pipelines. There is plenty of money already appropriated to keep the supplies flowing for long enough to permit a review and new legislation.

But how can this probability be made, convincing to friends and allies in time to prevent them from acting on a contrary assumption?

President Nixon has called for "immediate restoration of the absolutely vital foreign assistance program."

The program is vital. There should be the earliest possible restoration of an aid program.

But what causes concern is whether President Nixon really does understand how to control this enormously difficult business of a great world power cutting back on its commitment.

The vote in the Senate to end foreign aid was 41–27. Mr. Nixon branded it as a "highly irresponsible action." It was. But Mr. Nixon himself set in motion the chain of events which unleashed that action.

First he antagonized the right wing of his own party by his decision to go to Peking. Then he organized an American pressure campaign in the United Nations on the Taiwan issue which backfired in a defeat on that issue. Mr. Nixon then retaliated with what The Times of London called "a snarl of petulance."

From the beginning foreign aid has been highly controversial in American politics. There never would have been a program in the beginning or one still in effect, without strong and unswerving support from the White House for an alliance policy. Unless the President leads in respect and friendship for friends and allies, the Congress will go isolationist. The urge is always there.

When the President himself speaks out in anger against foreigners, the Senate is bound to take it as a holiday from school. Mr. Nixon allowed himself the luxury of speaking against foreigners on the Taiwan issue. But those who voted against him in the UN on that issue included Canada, the most vital ally, and Israel, the most favored client.

This is not the way to manage the withdrawal of U.S. from overcommitments. The supreme commander cannot denounce his allies one day and expect the Senate to vote funds for those same allies the next day. The words of resentment spoken over the Taiwan vote invited the Senate to take its "highly irresponsible action" on foreign aid funds.

It is relatively easy to command a great army in victorious advance. Commanding it in a planned withdrawal is immensely more difficult. Mr. Nixon now must not try only to get the Senate to undo what was done last Friday night. He must also try to persuade friends and allies that he can remedy the damage, can get Congress back under control, and can in the future refrain from those unfortunate reflexive remarks which invite the very irresponsibility which he must then deplore.

The question in dangerous doubt is of the competence of the leadership.

[From the Washington Daily News, Nov. 1, 1971]

THE SENATE KILLS FOREIGN AID

In voting to kill abruptly the foreign aid program, the Senate acted last week with the utmost irresponsibility.

If its unwise step is not reversed promptly, which we hope and urge, severe damage will result to American goals and interests.

Like many Americans, this newspaper has not been an uncritical admirer of foreign aid. It has been marred by waste and boondoggle. The United States has carried most of the world's aid burden since the 1940s and, understandably, is tired of it. .

And yet, we don't think the American people are ready to reject a simple moral principle: that the rich are obligated, domestically and internationally, to help the poor. There can be argument over how much to give, but the Senate has said "nothing," and that is clearly wrong.

There are signs that the Senate is having second thoughts about what it has done and will put together a temporary aid program. It should be encouraged by everyone to do so.

The sudden, unexpected vote on Friday came only four days after the United Nations rebuffed the United States and expelled Nationalist China from membership. We can deny it till we're blue in the face, but the whole world will see the aid shut-off as a mean, petulant reaction to the U.N. vote.

More important than how we look are the practical effects of killing the Administration's carefully worked out aid bill. Here are a few of the things the Senate voted against:

Economic help for South Vietnam, without which that country is almost certain to collapse, thus negating all of America's sacrifices there.

Food for the East Pakistani refugees, in effect telling them, "We Americans (the fattest people on earth) don't give a damn whether millions of you starve."

Credits for Israel to buy U.S. arms to balance the weapons Russia is pouring into Egypt.

Funds for the United Nations war on illegal drugs, a program which the United States, with its disastrous heroin problem, urged the world body to undertake.

One could go on indefinitely. But fundamentally it was a vote against feeding the starving, assisting the impoverished, backing U.N. peace-keeping forces, and helping a few of our small allies survive.

Ironically, the Senate's cop-out from foreign involvement came after decades of speeches there calling on other countries to carry a "fair share of the burden." Now when countries like West Germany and Japan have finally picked up their end, what have we done? Dropped ours.

The money involved is less than Americans spend annually on beer, cosmetics, or cat food. And the hasty, emotional decision to end foreign aid was unworthy of "the world's greatest deliberative body" or of a serious nation.

[From the New York Times, Oct. 31, 1971]

A FAILURE OF LEADERSHIP

The Senate defeat of the foreign aid bill was, as President Nixon promptly observed, "a highly irresponsible action." But the retreat from responsibility was abetted by Mr. Nixon himself. It was a failure in Presidential leadership that finally broke the coalition of conflicting interests that has sustained this vital program of constructive international cooperation for more than two decades.

Foreign aid legislation has always depended on the support of lawmakers with widely differing views of the proper role of the United States in world affairs. Basically, there are those who would rely primarily on military measures to secure American interests in a chaotic world and those who believe the best hope for American security lies in cooperative programs of economic, social and political development aimed at eliminating the underlying causes of instability and conflict.

The views of most members of Congress lie somewhere between these positions—or combine them. Presidents in the past have mustered majorities for foreign assistance by striking a balance.

President Nixon's recent actions, however, have helped to polarize Congressional sentiment on foreign aid. White House expressions of pique over the American defeat on the Taiwan issue in the United Nations reinforced the vengeful mood of Senate conservatives who sought to punish offending members of the world organization by cutting United States contributions to that body in particular and economic aid in general. The President's stubborn pursuit of a military solution in Indochina, moreover, and his as well as his predecessors' support to authoritarian regimes in many lands have deeply offended

Senate liberals and fostered a growing disillusionment with American foreign policy. That disillusionment found expression in an indiscriminate attack on the whole foreign aid concept.

Although Mr. Nixon did not lift a finger to defend endangered American commitments to the financially pressed United Nations, the Administration fought tenaciously to eliminate a ban on military aid to Greece, to bar restrictions on the use of funds in Indochina, and to restore a $341-million authorization for an expanding involvement in Cambodia, an amount which alone exceeds total United States contributions to the United Nations.

In the light of such Presidential leadership, one of the few hopeful aspects of the foreign aid debate was the decisive manner in which the Senate rejected efforts by Senators Buckley and Dominick to slash United States contributions to special agencies of the United Nations. Members of Congress and President Nixon himself have long urged that a greater proportion of American foreign assistance be channeled through such international institutions. It is a process that should now be rapidly accelerated in order to reduce those political pressures implicit in bilateral aid that have created so much resentment and discord at home and abroad.

PLAYING GAMES LEAVES FOREIGN POLICY IN MESS

(By Crosby S. Noyes)

The administration and the Senate have both been playing games and between them they have the foreign policy of this country in a mess which is going to be very difficult to sort out.

At this point, naturally, each side is blaming the other. The administration is charging the Senate with blatant irresponsibility in killing off the foreign aid program and jeopardizing President Nixon's foreign policy at a particularly delicate moment of transition. The senators, quite unabashed, accuse the administration of having contributed greatly to the mess by inept leadership and a congenital hostility to the Congress in the area of foreign affairs.

Both sides, in the immediate context, are right. The Senate revolt Friday night was mindless and blind and extremely damaging to American interests. The performance of the administration in successive crises over the last two weeks has been marked by an inability to assess the strength of its opposition and an uncanny knack of making the worst of a bad situation.

In the space of a single week, the administration demonstrated dramatically that it had lost control in the United Nations and the United States Senate. Its reaction to these events has served to strengthen the impression that the administration also has lost control of its own foreign policy. And this could have the most disastrous consequences, not only for the administration and the country, but for the world as a whole.

The saddest part is that none of this was really necessary.

It wasn't necessary—though it may well have seemed politically expedient—for the administration to exaggerate the extent of its defeat Oct. 25 in the U.N. General Assembly.

In voting to expel the Nationalist Chinese and to seat the government of mainland China, the U.N. membership did no more than follow Nixon's own China policy to its logical and inevitable conclusion. Whatever anti-American overtones there may have been in the final vote, the American case for seating two governments, both claiming to represent China, involved contradictions that could not be ignored.

The same thing can be said of the administration's handling of the foreign aid bill in the Senate.

It wasn't necessary—though again perhaps expedient—for the President to have made a quite gratuitous connection between the U.N. vote and the future of "foreign aid allocations" which at that very moment were being bitterly debated in the Senate. The fact that some of the delegates who had voted against the American position came from countries that had received aid from the United States was wholly irrelevant.

The effect was to alienate support for the foreign aid program both by those who approved of it as a means of buying votes and by those who did not. Either way, the administration was the main loser.

It wasn't necessary for the President to make it clear before the Senate vote that he would take no position on proposed cuts in foreign aid or American support for the United Nations. In particular, his threat to veto the foreign aid bill if it included amendments opposed by the administration encouraged both opponents of the program and opponents of the administration.

The net result was to alienate, perhaps permanently, a large group of liberal senators who have always supported foreign aid authorizations in the past. The quite accidental coalition of this group with conservatives and isolationists who have traditionally voted against foreign aid succeeded in killing the whole program.

It is quite unlikely, in the long run, that this coalition will hold together in preventing a revival of the program by one means or another. The strong probability is that the administration will get congressional approval for all essential parts of the program, including continuing military and economic support for Indochina, South Korea, and Israel.

Although liberal senators are talking boldly at this point of eliminating all of the military aspects of foreign aid and restoring selectively only those programs of purely humanitarian purpose, they know that their victory Friday was something of a fluke that is likely to be short-lived.

And this, finally, raises the question of why it was necessary for all administration spokesmen to react to the Senate action in such apocalyptic terms, implying that this nation's whole foreign policy had gone down the drain and that an effort of 25 years had been undone by a single vote. The effect, once again, was to increase the damage to the prestige and authority of the administration before the nation and the world and to shake the confidence of every country that relies on the United States for support.

FOREIGN AID REFORM

The administration and Congress are both pushing for quick action on foreign aid but in opposite directions and if they keep at it the result is likely to be no foreign aid bill at all. The case for slowing down the pace—by putting off big reforms and simply passing a resolution continuing the program near current levels for say three or four months—therefore becomes very strong.

A key fact is that Mr. Nixon intends to make a major report on the Indochina war in the next week. It would seem to be a matter of self-interest for his critics on the war issue to give him a hearing before venting further spleen on aid. On the President's part he should realize that his Vietnam report gives him the means to sweeten considerably the atmosphere in which a new aid bill will be debated. So at both ends of Pennsylvania Avenue, delay has its reasons.

Moreover, the only aid legislation extant, the "two" bills reported out by the Senate Foreign Relations Committee, are inadequate. As John Hannah notes elsewhere on this page, the committee's snap decision last week to split economic/humanitarian aid from military aid was the very same step it refused to take last spring on grounds that the matter required more study—as it does. In fact, it is not the "same step"; the administration would truly have split the programs but the committee would split merely the voting on them, not the administering of them. To split the voting, of course, fragments the two-decade pro-aid coalition to the point where, in the current sour and erratic mood on Capitol Hill, neither economic or military aid may be able to muster enough votes for survival. If Congress is to kill aid, then at least it should soberly calculate the costs.

After months of deliberation on the old bill, the Senate had said that $2.9 billion is appropriate; suddenly it switches to $2.3 billion. The new economic bill would increase interest rates on development loans (and food credit sales) to a level where no country which needed them could afford them. The bills make no effort to relate aid for Indochina either to the war expenses that would be required by its Mansfield amendment (fight until the prisoners are returned) or to the civilian needs that would unfold pursuant to its Cooper-Church amendment (withdraw). Haste make sloppy drafting.

The administration, using scare talk loosely, wants the whole existing program extended indefinitely. That ship obviously won't sail. The better way is that indicated by the House, which is scheduled to vote today on a resolution to continue aid spending at current levels until the end of this session of Congress. The only trouble with that is that once the Thanksgiving and Christmas recesses are subtracted, not enough time is left for careful drafting or for assembling the political support necessary to enact a new bill. The House should provide a bit more time.

ADMINISTRATOR EXAMINES ARGUMENTS: WHAT SORT OF AID "REFORMS"?

(By John A. Hannah)

Some in the Senate have explained the Oct. 29 defeat of the foreign assistance bill as a mercy killing. The old program, they say, was diseased by vestiges of the cold war, weighed down by bureaucracy, devoid of ideas. Better to let it die, they said. The Senate wants a "new concept." It wants a "fresh start" consistent with the non-interventionist temper of the times. I want "new proposals to redirect our Foreign Assistance Program."

As diagnosticians of foreign assistance the Senate committed two errors. It failed to examine the patient closely enough to find out that the diseases it decries have been under successful treatment for some time. It failed to remember that the administration has proposed major reforms of the program which make it eminently worth saving.

On April 21 this year, the President sent two completely new foreign assistance bills to the Congress. One bill covered economic and humanitarian aid, the other military and related security aid. This legislation—138 pages long—was the culmination of 19 months of study by the Peterson Commission, a panel of experts headed by Rudolph Peterson, Chairman of the Board of the Bank of America, and by the Executive Branch.

The legislation contained most of the remedies for foreign aid now being advanced in the Senate as new concepts. It proposed:

Separating economic development and humanitarian assistance programs from military and security assistance programs; a stronger emphasis on technical assistance programs directed toward alleviating the mass unemployment, malnutrition and poverty problems which rapid population growth has brought to the developing countries; channeling more aid through multilateral institutions to lower the political profile of bilateral aid; reducing the size of AID's overseas missions and staffs; eliminating many of the restrictions which make aid procedurally difficult to administer and reduce its effectiveness. (The current AID list of provisions which Congress requires us to meet before we can make a loan runs to 75 items.)

The House Foreign Affairs Committee held six weeks of hearings on the new legislation. As the hearings unfolded, it was apparent that Congress held widely differing opinions as to how foreign assistance should be reformed. Many in the Senate favor increased use of multilateral programs and separation of military and economic assistance, but many in the House do not.

These differences and the far reaching nature of the reforms prompted the Foreign Affairs Committee to decide that more time was needed to study the proposals. The Committee decided to recommend reauthorizing AID as it is for two more years. In the Committee's words, "a two-year authorization would enable the Legislative Branch to approach the problem of foreign aid reorganization with greater deliberation without jeopardizing the continuation of the program."

Senator Fulbright's Senate Foreign Relations Committee accepted this decision. They held only three days of hearings on the new legislation, then recessed to wait for the House to act. The House passed its bill on August 3. The Foreign Relations Committee sent this bill with amendments to the Senate floor on October 22 where it was defeated Friday night, Oct. 29.

The two "new" bills reported out by the Foreign Relations Committee last Thursday purport to separate military and security assistance from economic and humanitarian assistance. But in fact they leave matters exactly as they are. The authority for administering both security assistance and redevelopment assistance remains with the Administrator of AID; the authority to transfer funds between them is unaffected; and authority to establish a Coordinator for Security Assistance in the State Department to administer and coordinate these programs is not included in the bills.

The bills still contain the restrictive amendments so vigorously contested in the Senate two weeks ago.

Development loans, which have been the backbone of AID's program, are vitiated by a requirement that they bear interest rates of six per cent or more. Poor countries with few natural resources and low levels of exports cannot take the basic steps toward development without foreign exchange for raw materials, machinery, fertilizer, pesticides and other imports needed for agricultural and industrial growth. For many years AID's policy has been to provide foreign exchange, not through grants, but through low interest loans.

Since these countries cannot afford high interest loans, the Senate's action, if sustained, will take us back to the time when the U.S. could only "give away" its assistance. The new bills provide no funds for population programs, but require these to be funded from the greatly reduced authorizations for other programs. The new bills provide levels of funding for military assistance and supporting assistance for Vietnam, Laos, Cambodia, Thailand, Jordan and Korea far below the firm commitments that have been made to all these countries.

The facts of life are that the Senate and House have many different views about foreign aid. We should not try to resolve these views and pass new bills in a week. We believe Congress should pass a continuing resolution which keeps the entire program together and permits time to discuss the reforms which are now on the table. The Senate need not fear that taking time for discussion will leave the country with a tired old AID program.

The administration has been working to put more aid through multilateral channels for several years. The amount proposed for multilateral institutions this year is almost double that of two years ago.

Channeling more funds to multilateral institutions has to be a step-by-step process. Immediately turning over all AID funds to institutions like the World Bank and Asian Development Bank would overload their administrative capacities and, more importantly, violate their international character. The "Anglo-Saxons" are already accused of playing an excessive role in several of them. The nature of these institutions requires that we move in concert with others to increase their resources. One cannot build international institutions unilaterally. We must help the U.N. agencies develop the routines and management techniques required to satisfy our Congress and the American people that funds we provide are effectively used.

The process of sharing the aid burden is well advanced. The U.S. share of world-wide aid has dropped from 64 per cent to less than 40 per cent in fifteen years. Measuring aid as a per cent of GNP, the U.S. ranks 12th among the 16 major aid-giving countries. Those ranked above us in order are: France, Netherlands, Australia, Belgium, Portugal, Canada, Denmark, Sweden, England, Norway and Germany; those countries below us are Japan, Italy, Switzerland and Austria.

AID's bilateral program is not widely scattered. More than 80 per cent of our aid goes to ten countries. AID's technical assistance program is concentrated in four critical areas: agricultural, population and health, education and public administration.

AID is lowering its presence abroad. We reduced our overseas staff by 10 per cent in fiscal year 1970 and 10 per cent more last year to the lowest levels in AID history. We plan further reductions this year. Increasingly, our projects are implemented by personnel from U.S. universities or other private organizations—not AID personnel. Of the more than $14 million dollars AID and its predecessors have loaned abroad, less than one-fourth of one per cent is in default.

Aid is not a drain on the U.S. balance of payments. The aid program sends U.S. goods and services abroad, not dollars. In FY 1970, aid funds bought more than $1.5 billion in commodities and services from more than 5000 U.S. companies in all 50 States.

Most importantly, the aid program works. In the last decade, the economies of the less developed countries grew almost twice as fast as the United States did at comparable stages of its history. They are expected to accelerate this rate of growth in the 1970s. This growth would not have been achieved without aid from the U.S. and other countries. The world is a better place to live in than it would have been without President Truman's Point 4, and its successor agencies through U.S. AID since 1961.

ONLY COMPROMISE CAN SAVE AID PLAN

(By Marquis Childs)

The test just ahead on foreign aid is hardly less a test of whether the system of divided powers works or not. To chop down the whole foreign aid program is a disaster. This is far more than scoring political points, since so much turns on the continuity of many of the programs.

The growing imbalance between military and economic aid was the root cause of the Senate defeat of the administration's foreign study by the staff of the Senate Foreign Relations Committee showing that of the total to be dispensed over the next five years, $27 billion would go for military aid and $24 billion for economic assistance.

In the measure voted down a total of $1.723 billion went for all military purposes against less than half that for various forms of economic help. The result was to unite conservatives, who have long felt foreign aid spending was excessive, with opponents of the administration military policy such as Chairman J. Fulbright of the Senate Foreign Relations Committee who calls it "American imperialism."

Now a compromise has been put together with military assistance in one package and economic aid in another. This will presumably wind up with the support of active opponents such as Fulbright, Sens. Mike Mansfield, Frank Church and other Democrats, together with skeptical Republican moderates such as Sens. George Aiken and Clifford Case. In short, it would be a coalition insuring passage of those parts of the package essential for the continuity of aid programs in developing countries even though there have been radical cuts.

Soundings by this observer indicate that the compromise is the only chance for survival of foreign aid in the Senate. Will the White House go along? If the decision is to accept it, then passage can be fairly swift, although inevitably when the separate military phase comes up the debate will be prolonged. To fight the compromise, using all the pressure tactics in the White House arsenal, will mean no foreign aid for an indefinite time as the Senate wrangles over the dry bones of past errors and present hostilities.

The administration has a lot on its side in the current dispute. As originally sent to Congress in April, the whole aid structure was to be reorganized, with the military separated from the economic. Outright military grants, the funding of military sales and support assistance for maintaining large military establishments would go into one package labeled "security assistance."

This was an overhaul long overdue. But the House Foreign Affairs Committee fell back on the format of the Foreign Aid Act of 1961. Two years, the committee reported, would be required to study reorganization of the system.

Obviously that was not good enough, so when the tired, old bundle reached the Senate the result could have been predicted. Fifteen Republicans, including Sen. Robert Dole of Kansas, chairman of the Republican National Committee, joined 20 Democrats to make the score 41 to 27.

Foreign aid has no constituency. That has been increasingly clear as the military share increases year by year.

Rep. Wilbur Mills, the grand panjandrum of the House Ways and Means Committee, is saying privately that the deficit this fiscal year will be not $30 billion, as has been widely reported, but $35 billion. For a Republican administration bringing out of the past an inherent faith in budget balancing, that is a staggering figure. This may jazz up the economy as President Nixon, a very recent convert to Keynesianism and the spur of a deficit, apparently believes it will.

But the claims of developing peoples, already suffering from the Nixon new economics with the commodity prices falling, rate low as against the claims of the powerful constituencies pressing for housing, school lunches, improved medical care. For the United States, the richest nation, to be a dropout on foreign aid is intolerable.

[From the New York Times, Nov. 13, 1971]

SOVIET FOREIGN AID ESTIMATED AT $2.2-BILLION A YEAR

(By Hedrick Smith)

Moscow, Nov. 12.—With the American aid program hanging in the balance, Soviet economic and military foreign aid, including that to Cuba and North Vietnam, is now running at about $2.2-billion a year, with little likelihood of any serious reduction soon, according to Western specialists.

American officials have noted a cutback in the level of new Soviet economic aid commitments since the peak years in the late nineteen-sixties, evidently reflecting disenchantment with large, showy economic projects that have not always guaranteed Moscow the reliable political clients it sought.

Nonetheless, Western specialists reported that in 1970, sharp increases in Soviet military aid to Egypt, mainly advanced jet aircraft and highly expensive surface-to-air missiles, had offset the reduction in economic aid to other non-Communist countries.

Over-all figures on economic and military aid programs are not published here and foreign specialists caution that it is difficult to compare the trends in American aid and the Soviet program, which moves in cycles, responding often very quickly to the Kremlin's political objectives.

New aid commitments tend to rise sharply when Soviet leaders travel abroad, when friendly states suddenly face serious troubles, or when the Kremlin wants to take advantage of a political opening.

But often, Western specialists contend, it is years before recipient countries can actually use the credits that Moscow has advanced. According to some Western compilations, the Kremlin has advanced credits totaling about $8-billion to non-Communist countries since 1954, but has only delivered about $5-billion in aid.

The flow of economic and military assistance to non-Communist countries is estimated by competent Western specialists at slightly more than a billion dollars a year, the great bulk being military aid. One Western diplomat put economic aid deliveries to non-Communist countries at about $300-million a year with military aid running well over twice that amount.

In addition, $1.2-billion in economic and military aid goes to Cuba and North Vietnam, according to Western estimates. Soviet aid to Havana is estimated at $750-million a year, two-thirds of it economic aid. Aid to Hanoi is estimated at slightly under $500-million, about half of it economic.

Aid to Hanoi has declined from a peak of $720-million in 1967 as the intensity of the American air campaign has diminished, while economic aid to Cuba has been rising steadily as her economic troubles have grown.

In general, however, American specialists have commented that the Kremlin has been taking a more conservative approach toward economic aid than it did during the late nineteen-fifties and the early nineteen-sixties, when Moscow's overseas aid was expanding rapidly to reach a peak level of about $560-million a year in new commitments to non-communist countries back to about $350-million.

A State Department study published in July, 1970, said:

"This leveling off in Soviet aid activities in the late nineteen-sixties may be explained in part by Moscow's realization that aid as a political instrument has certain severe limitations, can guarantee no real or permanent influence, and can often lead to unwanted involvement in regional disputes."

Particular areas of disappointment to Moscow were Indonesia and Ghana, where Soviet-leaning leaders, who had accepted heavy Soviet aid, were overthrown by more pro-Western or moderate nationalist leaders.

The sharp competition for economic resources between Soviet domestic programs and overseas aid was another factor in reducing the level of new aid commitments, in the view of Western specialists, though the actual flow of aid continued at roughly the same levels as before.

"The Soviets have shown a growing concern with making their program more economically effective and more beneficial Commercially to the U.S.S.R.," the State Department study said.

Nonetheless, specialists here note that Soviet overseas aid, which remains closely tied to Moscow's political objectives, evidently has never become the point of contention in high levels of the Government and the Communist party that the American aid program has become in Washington.

In spite of private criticism among Soviet intellectuals of the heavy Soviet economic and military aid program to the Arab countries, especially Egypt, Western diplomats note that Soviet aid levels continue to run as high as Moscow thinks its political purposes require.

And in the press, the Soviet aid program is discussed only in glowing terms as a symbol of Soviet friendship and support for developing nations.

Foreign Aid Is Alive and Well—In Other Countries

(By Bernard D. Nossiter)

Paris.—Foreign aid, or more accurately, a mixed program to promote exports, investment, influence and development in the third world, is alive and generally flourishing outside the United States.

Other rich, non-Communist nations are either maintaining or increasing what is labeled "assistance" and a few are stepping it up sharply. Over the last three years, Washington has cut back its official program from $3.5-billion to $3.1-billion in 1970. But the other 13 Western aid givers plus Japan and Australia have moved in precisely the opposite direction. Their programs have expanded from $3.1 billion in 1967 to $3.8 billion last year. They overtook Washington even before the Senate acted.

In virtually all these other countries, the aid program faces no consequential political opposition and enjoys wide support from the establishment political parties. In Scandinavia, Canada and the Netherlands, the government typically comes under fire for not doing enough for the world's poor.

In a few countries, notably France, Britain and Germany, a scattering of rightists complain that aid is money down a rathole. And everywhere, left youths charge that it is a scheme to perpetuate a new form of neo-colonialism on behalf of privileged investors and exporters. But outside of the United States, the program as a whole is nowhere regarded as in serious difficulty.

This relative immunity flows largely from the absence of any clear link between aid schemes and highly charged foreign and military adventures. In Japan, where 96 yen out of every 100 loaned for development must be spent on Japanese goods and only one aid yen in five is contributed to international organizations like the World Bank, the dominant business community appreciates that foreign assistance is largely a subsidy for themselves. Elsewhere. the pattern of self-interest may be less pronounced and the humanitarian aspect enjoys more popular support. But in no case—unlike the United States—is a substantial portion poured into shoring up unpopular regimes that foreign and defense ministries have labeled as vital to the nation's interest.

Perhaps the closest analogue to the United States is Portugal. There the bulk of what is called "aid" goes to the ex-colonies of Angola and Mozambique in an effort to reduce revolutionary movements. But if there is opposition to such spending, it can not surface in a totalitarian regime.

These are the chief conclusions emerging from an inquiry here into non-Communist aid schemes outside the United States. Paris is the place to come for such a study because it is the headquarters of the Development Assistance Committee, an arm of the Organization for Economic Cooperation and Development, monitoring and promoting the aid programs of rich, non-Communist nations.

Despite the generally secure and growing levels of other nations' aid, the D.A.C. is not patting its members on their backs. Summing up the latest, 1970 review, chairman Edwin Martin observed that aid, as a share of the rich world's total output, actually fell a bit last year, from 0.36 per cent to 0.34 per cent. In other words, the rich slightly reduced the burden on themselves.

Martin, a former assistant secretary of state, said the record was "not encouraging." Moreover, after allowing for inflation and the rise in population in the third world, he figured that the buying power of aid per person was probably no higher than it had been ten years earlier, in 1960.

However the record is scored, it is nevertheless clear that other countries are experiencing nothing like the crisis of confidence over aid now embroiling the United States. In virtually all countries, the program moves through legislatures with little or no attention, and nowhere else is it the occasion for a searching foreign policy review.

Indeed, the program's link to foreign policy is often obscure or deliberately obscured and public opinion polls typically turn up think their country should help the poor. In Germany, with a program strikingly free of obvious self-interest, the powerful business community is pressing for a shift in aid to Latin America and Africa where industrialists see markets and investment outlets. But in Japan, with a scheme already tailored to business interests, government officials are slowly changing their program to emphasize development for its own sake.

Four nations—Britain, France, Germany and Japan—account for two-thirds or the bulk of the non-Communist aid given outside the United States. Apart from Germany, the other three send their help where their commercial and political interests clearly lie. Britain and France spend nearly 90 per cent of their nation-to-nation aid in former colonies, money that opens the way for cultural and political influence, opens markets for exports and opens doors for investment. Japan does much the same and most of its aid yen goes to those Asian nations that Japan once tried to embrace by force in the "co-prosperity sphere."

Among major powers, only the United States matches Japan in insisting that aid loans be spent on the "donor's" products. But French and British aid does not go out without strings either.

Some 77 per cent of French development loans be spent on the "donor's" products. The British figure is 55 per cent.

In contrast, Germany provides half its aid to India, Pakistan, Israel and Turkey, countries where its cultural and political hegemony is virtually zero. Moreover, two of every three marks that Germany lends for development can be spent wherever the borrower finds it's cheapest to buy.

The relative "purity" of the German program is not hard to understand. Its aid program reflects in part a conscience deeply troubled by World War II, the outsized aid for relatively well-to-do Israel especially reflects this fact, in addition, and until recently, Bonn was expectionally attentive to Washington's wishes and Washington was pushing others to help Turkey, India and Pakistan.

There is no simple measure of disinterest in aid. The most common way of comparing each nation's performance is to measure the share of its total output or gross national product that goes into the official aid program. On this basis France leads the non-Communist league with 0.65 per cent, followed by the Netherlands at 0.63 and Australia at 0.59.

The United States is a poor twelfth at 0.31 per cent, trailed only by Japan, Italy, Switzerland and finally Austria at 0.13 per cent.

But this conventional measure is unsatisfactory as a gauge of altruism for several reasons. For one thing, it counts as aid the hundreds of millions of dollars that Washington pumps into Asia as supporting assistance—really a prop enabling regimes of varying stability to support outsized armies. It also counts France's big contributions to Martinique and Portugal's to Angola and Mozambique.

A better measure, perhaps, is the share of aid going to multilateral organizations like those of the United Nations or the World Bank. Aid given to these groups is less likely to buy political and military objectives because it is distributed as a lump and not identified as to national source.

On this basis, Norway comes out best with sixty per cent of its aid flowing through international organizations. Italy, with both a relatively and absolutely miniscule program, is next to 57 per cent, followed by Sweden, 46 per cent. The United States is once again near the bottom, 13th, with 13 per cent; Britain shows only 11 per cent; Australia, 6 per cent and Portugal, 1 per cent.

Another good measure of selfless assistance is the share of united development loans, money made available to the poor for spending on goods wherever they are cheapest. Here, published for the first time, is the league table of united aid loans. The precentages are official but authoritative:

Norway—100; Portugal—100; Sweden—100; Netherlands—79; Germany—67; Italy—54; United Kingdom—45; Belgium—27; France—23; Austria—12; Japan—4; United States—3; Australia (no loans, grants only); Canada, Denmark and Switzerland, zero.

In other words, all Canadian, Danish and Swiss aid loans must be spent in the "donor" country and thus amount to a disguised subsidy for exports. Virtually the same is true for Japan and the United States. In contrast, Norway and Sweden give their recipients a completely free hand. Portugal also comes in this category, but that is only because Lisbon gains nothing formally tying its own hands on expenditures in rebellious ex-colonies.

Although the point has been properly made that aid programs elsewhere are less overtly influenced by political and military considerations, Washington is not alone in taking them into account. Thus Britain has mounted sizeable efforts in Malaysia and Singapore to compensate for the withdrawal of its troops. Similarly, in the days of the now discredited Hallstein doctrine, Bonn cut off new aid from African countries recognizing East Germany.

The use of aid to generate economic pressure is not unknown elsewhere, either. Thus when France has had trouble with Tunisia over wine and Algeria over oil and gas, Paris has not hesitated to play the aid card in the diplomatic bargaining game.

This inquiry does not examine the role of private investment because economists and officials differ widely over whether profit-seeking funds should count as assistance and even whether foreign investment promotes or retards developments in the third world. The D.A.C. counted $6.7 billion of profit-seeking investment flowing from the rich to the poor last year, virtually the same as the aid total from all 16 nations. But nobody has an accurate count of how much was brought home in dividends. The best estimates range from $4 billion to $7 billion, a sum equal to more than half and possibly more than all the private investment.

In contrast, only $448 million came back to the rich as interest payments on development loans, less than 7 per cent of the total spent for gifts, technical assistance and loans.

Despite the return of dividends, proponents of investment by the wealthy among the poor argue that in any event the money creates an asset—develops oil resources, builds a plant and the like—that would otherwise not exist and also provides jobs and teaches skills that would not be created. Opponents argue that foreign investment ties poor countries to the narrow, economic interests of international corporations, breeds political interference and preserves the best jobs and the exploitation of the richest resources for foreigners.

Indeed, the argument can be and is carried one step further. Does official or governmental aid promote or hold back economic development? The D.A.C. leaders, like most aid officials among member countries have no doubts. Aid helps. It adds to or complements domestic savings and provides hard currency with which to buy necessary goods and services abroad. But there are some skeptics, even deep within the D.A.C. They wonder if aid does not substitute for domestic savings, enabling recipients to continue in slack ways.

One familiar example is India. Some officials there contend that, thanks to foreign aid, Delhi has been spared from hard and necessary political decisions like taxing the incomes of rich farmers or enforcing largely paper laws to break up big land holdings.

In any event, the experts agree there is no statistical link between large amounts of aid and rapid growth. India and Pakistan got the most assistance last year, $1.1 billion for Dehli and $470 million for Pakistan: Neither is a star performer in terms of economic growth. South Vietnam, with $450 million was the third biggest aid recipient, but the money goes to repair war ravages and development is not a consideration.

On the other hand, South Korea is the fourth biggest aid beneficiary and its growth rate is near the world's top. Israel and Taiwan both get large chunks of aid in relation to their population and both grow rapidly too.

One shrewd official here sums it up. "I know I can't make the numbers prove anything about the utility of aid. Nevertheless, I am strongly for it and in increasing amounts. If you like, it's an act of faith."

The amount, in dollars, of government aid program—loans, technical help and grants—for D.A.C. members in 1970, expressed in millions of dollars, and after subtracting repayments of principal on loans:

United States, 3,050; Germany, 559; Japan, 458; United Kingdom, 447; Canada, 346; Australia, 203; Netherlands, 196; Italy, 147; Belgium, 120; Sweden, 117; Denmark, 59; Norway, 37; Switerland, 30; Portugal, 29; and Austria, 19.

Mr. McGEE. Mr. President, the chairman of the Foreign Relations Committee has developed such a dislike for the foreign aid program that I believe he, even with the best of intentions, is guilty of the very thing he accuses me of; namely, confusing fact and opinion. With the best of intentions, he possesses a faculty for reading into one's remarks something that is not, in fact, there.

I did not promulgate any theory on the night of December 15. At times I made statements concerning facts and at other times I made statements giving my interpretation of events. It seems the distinguished chairman of the Foreign Relations Committee in his statement on the floor on December 16 endeavored to make that a fact which was, in fact, my own assessment.

Mr. President, it is a fact the Senate rejected the foreign aid authorization bill by a vote of 41 to 27 on October 29, 1971.

It is a fact, Mr. President, that the Senate, by an overwhelming vote of 63–21, adopted separate foreign aid measures authorizing military and economic aid a little more than a week later in an amount of $2.7 billion.

It is a fact, Mr. President, that the continuing resolution for foreign assistance that was sent from the House of Representatives to the Senate on December 9, 1971, provided for an annual spending rate for foreign assistance in the amount of $3,104,000,000.

It is a fact, Mr. President, that the continuing resolution which was passed by the Congress for economic and military assistance on December 18, 1971, provides for $2.8 billion for foreign assistance.

And, on the night of December 15, it was the opinion of the distinguished chairman of the Foreign Relations Committee that the continuing resolution should provide appropriations for foreign aid at a spending rate of only $1.5 billion.

Mr. President, I would be untrue to myself if I let the statement of the distinguished chairman of the Foreign Relations Committee stand in the RECORD without this rebuttal. I deeply regret that his opinion on foreign aid does not coincide with my opinion. But I hope, Mr. President, that as our commitment in South Vietnam decelerates his dislike for foreign aid, which he has supported so ably over the past years, will recede and disappear and that he will once again assume the mantle of leadership to help all of us, who are charged with the responsibility, to develop and devise a foreign assistance program that is so necessary in the furtherance of our own Nation's self-interest.

HOUSING FOR THE NORTH

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, having visited every city, village, hamlet, and crossroads in the north country on several occasions, I saw the need for low-cost housing long before it became a matter of national concern. The fact of the matter is that almost one-third of the homes in the 10th Congressional District are what might well be called substandard housing.

Over the years in Congress, I have appeared before committees, introduced bills, and worked in the direction of getting Federal programs going to help alleviate the poor housing conditions in our area. The fact of the matter is that, as a result of my efforts together with those of scores of other Members of Congress, there are at least half a dozen programs now available to improve the housing conditions of the north.

The agencies involved are the Veterans' Administration, Farmers Home Administration, and the Housing and Urban Development Administration, among the most important of the Federal agencies.

On many occasions, I have appeared in communities and explained these Federal aid programs. In some instances, I have helped prepare the applications and opened the doors with the proper officials to make application for Federal aid under these programs. I followed many of these applications through proper channels; and whenever problems arose, I helped solve those problems to expedite approval of the applications.

To sum it up, the number of public housing units in northern Wisconsin in the last few years that have been erected totals almost 1,500 home units. These are more units than in any other congressional district under the public housing programs.

The following table will give the people of northern Wisconsin some idea of how the public housing program has worked in the north with my help and guidance. There are applications pending for another 1,500 units, and I shall give the same help to these applications as I have given those in the past:

FEDERAL ASSISTANCE FOR LOW-RENT PUBLIC HOUSING—10TH CONGRESSIONAL DISTRICT OF WISCONSIN DURING O'KONSKI YEARS

Locality	Total housing units	Total development cost
Altoona	24	$357, 000
Amery	55	940, 000
Barron	30	499, 000
Bruce	25	415, 000
Chetek	30	421, 000
Cumberland	30	452, 000
Frederic	21	315, 000
Grantsburg	32	499, 000
Hudson	61	914, 000
Hurley	54	746, 000
Lac Courte Oreilles	29	607, 000
Lac du Flambeau Reservation	20	354, 000
Lac du Flambeau Reservation	20	423, 000
Lac du Flambeau Reservation	40	803, 000
Luck Village	20	308, 000
Menomonie	60	738, 000
Menomonie	60	1, 010, 000
New Richmond	40	657, 000
Odanah	14	248, 000
Odanah	12	275, 000
Osceola Village	30	450, 000
Red Cliff Reservation	20	303, 000
Red Cliff Reservation	8	186, 000
Rhinelander	50	761, 000
Rice Lake	81	1, 276, 000
Sanborn Township	11	114, 000
Sanborn Township	9	93, 000
Shell Lake	31	485, 000
Spooner	40	667, 000
Stanley	40	655, 000
Superior	153	790, 000
Superior	136	1, 653, 000
Superior	64	695, 000
Superior	60	701, 000
Webster	25	624, 000
Woodville	26	358, 000
Total	1, 461	20, 792, 000

Mr. Speaker, the other major agencies involved in helping with home financing are the Veterans' Administration and the Federal Housing Administration. With particular reference to the Veterans' Administration, I wish to state that I was the first to recommend and introduce legislation to have a system of direct VA loans to veterans in areas such as northern Wisconsin. Half of the direct loans made by the Veterans' Administration have been made in the 10th Congressional District. For instance, when the program first started, out of the first 150 direct loans made by the VA, 80 of these loans were in the 10th Congressional District.

When the program first started, I appeared before veterans groups and explained the program; and in many instances, I helped prepare the applications and hand-carried them to the VA. It is safe to say that more than one-third of the VA housing loans made in the 10th Congressional District in one way or another cleared through my office or with the help of my office. The same can be said for the loans by the Federal Housing Administration. To give the folks of northern Wisconsin an idea of the large volume of such loans, the following tables will show the picture clearly.

It is hard to believe that two out of every three places of living in northern Wisconsin are in one way or another directly or indirectly financed with Federal funds. There is no other place in America where the ratio of Federal financial help for housing shows up as clearly as it does in the 10th District. This could not have been accomplished if it were not for a congressional office that was deeply involved in achieving this goal.

The tables referred to follow:

OTHER HOUSING FINANCIAL HELP BY FEDERAL GOVERNMENT DURING THE O'KONSKI YEARS

	Number approved	Money loaned
Federal Housing Administration:		
Home mortgage loans	3, 706	$34, 415, 000
Property improvement loans	50, 004	32, 718, 000
Project mortgage insured (units)	461	5, 772, 000
Section 221 market interest (units)	309	3, 377, 000
Totals	54, 500	76, 282, 000
Veterans' Administration loans:		
Guaranteed loans	11, 225	100, 914, 000
Direct loans	3, 254	30, 761, 000
Totals	14, 470	131, 675, 000
Summary of homes financed by Federal Government in 10th district during O'Konski years:		
Farm Home Administration	14, 771	75, 816, 000
Public Housing	1, 461	20, 792, 000
Federal Housing Authority	54, 500	76, 282, 000
Veterans' Administration	14, 470	131, 675, 000
Total	85, 202	304, 565, 000

A VOICE OF THE PEOPLE

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, December 17, 1971

Mr. McGOVERN. Mr. President, the Peninsula Bulletin has entered its 5th year of service as "A Voice of the People."

From offices at 2332 University Avenue in East Palo Alto, Calif., editor and publisher Charles S. Thrower has worked to develop a newspaper of broad community appeal whose goal is one of the difficult but greatly needed unity among the diverse groups of people who call this State, Nation, and planet their home.

His anniversary editorial embodies his own philosophy and the drawing spirit of this unique publication:

> As we enter our fifth year our first thoughts are of dedication to the total cause of involvement in the progress of humanity toward its goal of brotherhood and equality of man. We must first address ourselves and commit ourselves to this for without a commitment to the one indisputable goal, then all else is superfluous. Our second thoughts are of the many people, Black, White and Brown and Yellow (and not necessarily in that order) who have not only been instrumental in getting the Bulletin to our readers, but who have labored long and faithfully, or contributed of their resources unstintingly, or carried the banner of the Bulletin to far flung places. Our third thoughts certainly must be for our advertisers and subscribers, old and new, who have shown their faith in the overall position of this paper.
>
> We enter the new year with a firm belief that man can draw strength from the God of us all and with that strength, weld together a beautiful fabric that will represent the unity of man in his endeavor to live together on the face of the earth in peace and harmony.
>
> We re-dedicated the Peninsula Bulletin to the task of widening the doors of knowledge and communication so that ALL can benefit from that knowledge. We re-dedicated the Peninsula Bulletin to the unceasing struggle for Human Rights and Dignity. We re-dedicated the Peninsula Bulletin to the great task of raising the standards of the minority people of the nation. We re-dedicate the Peninsula Bulletin to the unending battle for Black dignity and pride. We rededicate the Peninsula Bulletin to the much needed task of education, quality education, for our young. (and our young come in all colors—Black, Brown, Yellow, Red and White). We ask only that you, our readers, judge us fairly and aid us when and where you can.
>
> The years that have passed since volume one, number one, have been frustrating, and, at times, exhilarating, for we, as all small ethnic papers, have surely had to fight for each advertisement and subscriber. We have been called upon by some members of the community to fight battles that we immediately joined. Some were victorious and some were utter defeats. Other calls for participation in the overall struggle were rejected out of hand purely because we either questioned the validity or there just was not enough time or hands to attend every battle. We shall attempt to lend whatever strength we have in as many right and just causes as possible. This we will do because we believe in the overall concept of the "Man from Gallilee" . . . and we surely subscribe to the concepts of the Brotherhood of Man.

In keeping with the Bulletin's efforts to appeal to all segments of the community, "La Voz De La Raza"—a comprehensive news section in the Spanish language—was begun.

Thrower also wrote:

> The front page of today's edition shows a new face to the world. The banner is new. The concept is old. We, in our re-dedicating of the Bulletin, intend to speak long and often of the unity of man and of the many successes that can come from that unity. We pray that we will continue to merit your support and constructive criticism.

Charles Thrower is one of those men who have made American journalism the fourth estate which means so much to our way of life. We need more men in the Nation cut from the same fabric. They make us a great country.

OAKLAND SCHOOL SUPERINTENDENT TESTIFIES BEFORE SENATE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. DELLUMS. Mr. Speaker, as one of the two Representatives of my native Oakland, Calif., in this body. I am proud of the superb work being done there by Dr. Marcus A. Foster, the superintendent of the Oakland Unified School District.

Dr. Foster came to Oakland in 1970, and in my judgment, he is rapidly establishing one of the Nation's best quality education programs in our city's school system.

In July, Dr. Foster appeared before the Senate Select Committee on Equal Educational Opportunity, and presented an extremely lucid description of some of the progress now underway in Oakland as well as a general philosophy relating to school systems such as Oakland's in which there are crucial problems of racial balance.

I am very impressed with Dr. Foster's testimony, and I now insert it in the

RECORD, and I highly urge my colleagues to read this important statement:

PRESENTATION TO THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY OF THE U.S. SENATE, WASHINGTON, D.C., JULY 14, 1971

Honorable Chairman Mondale and distinguished members of the Senate Select Committee on Equal Educational Opportunity:

It is with extreme pleasure and pride that I respond to your invitation to participate in your Committee hearings concerning the great issues facing urban education today. Having had over twenty years' experience of service to urban children as a teacher, elementary and secondary school principal, consultant, and associate superintendent in the city of Philadelphia, and for the past year as the superintendent of schools in Oakland, California, I believe that this background does qualify me to comment with some authority upon the problems and challenges facing urban education today. While it is true that the problems of urban education are great, I must say that the rewards and potentials for success in this area are equally as great. Had this not been so, you may be certain that I would have left this field and sought another endeavor long ago.

As I have just indicated, I have been in Oakland for a little over one year now since leaving Philadelphia. This year in Oakland, a most interesting and challenging one, has placed me in contact with the numerous advantages and excitement of being a participant in the life of this urban community. It has also placed me in intimate contact with the multitude of educational problems facing the students who attend our schools.

With a school population of nearly 68,000 enrolled in a total of ninety schools, the Oakland School District is about fiftieth in size among the city and county school districts in the United States. We rank fifth in size in California.

The most recent census data show Oakland to have an estimated 360,000 residents of which approximately 45% are members of ethnic minority groups. The ethnic makeup of the school population is somewhat different, however. Almost three fourths of our students are members of minority groups—59% black, 8% Spanish surname, 5% Asian, and less than 2% in the other non-white category.

The economic plight of the families who send children to our schools is staggering. During the past five years we have seen the number of children from AFDC families rise from 10,000 or about 16% of our elementary and secondary enrollment, to more than 24,000, or 38%.

The educational needs of our students are equally as impressive. More than two thirds of our students read below national and state averages. It has been estimated that approximately one third of our high school entrants do not complete the full three-year program. Of those students remaining in school at the beginning of grade twelve, approximately one third fail to meet the new state graduation requirements of eighth grade performance in reading and mathematics which will take effect this coming school year. All of these students will be required to take special remedial-diagnostic courses in their deficient subjects in order to obtain their diplomas.

Since I am aware that your committee has a particular interest in the matters of desegregation and integration, let me begin by addressing myself to this very significant issue. First of all I will state unequivocally that I am a firm advocate of quality integrated education. I am certain that you all know that school desegregation does not necessarily mean school integration. The mere physical mixing of students in a school setting does not in itself accomplish the goals of integration, which involve truly working together, appreciating and respecting cultural, ethnic and racial differences, and accepting one another in the true brotherhood-of-man sense. For this reason it is extremely important to go well beyond just a "mixing of bodies" accomplished through whatever means—busing, Princeton Plan, open enrollment, educational parks, etc.—if we are to truly integrate.

Since integration in the urban areas frequently involves lower-class black, chicano, and other minority students, it is imperative that supplementary services be provided to both these students and their parents as well as to the majority students and their parents. The minority students frequently are in severe need of additional help in basic skill areas such as in reading and mathematics. Special assistance in these areas must be provided to these students who in turn must demonstrate success if unfavorable stereotypes are to be eliminated. Further, the expertise and services of specialists in the field of human relations must be provided for the students and parents of all racial and ethnic groups involved in an integration plan if the plan is to be successful. Inservice training of teachers and other staff is also particularly important. From the curriculum standpoint, the selection and use of instructional materials which provide factual data on the contributions of minority racial and ethnic groups must be provided. I will not dwell further on these points since I am certain that members of the Committee have availed themselves of the various publications and reports developed in recent years which deal with the kinds of activities and serivces needed for an effective and meaningful integration program.

As an illustration of the kind of program to which I refer, let me take a few brief moments to describe a pilot Integration Model program funded under ESEA Title I which has been conducted in our school district for the past several years. Under this pilot program, approximately two hundred black youngsters from overcrowded ESEA Title I target-area elementary schools have been bused to a number of schools serving predominantly white school populations in our hill area where capacity to house the additional students has existed. Since the beginning of this program, the concern has been for quality integrated education, not merely a mixing of the races. Consequently, a number of support services have been provided to the five "receiving" schools, including reading and mathematics consultants, extra pupil guidance service time, a specialist in human relations, money for cultural enrichment and school exchanges, and an after-school program to promote fuller social interaction.

This program has been monitored from the beginning and results are clearly positive. In basic skills the children have done as well or better than children starting at comparable levels in either the "receiving" schools or the "sending" schools which have full compensatory education programs in operation. In terms of other program objectives, results are also consistently good. Measures of social interaction have shown that initial isolation in the new surroundings dissipated rapidly—the Integration Model bused children are accepted as well as other children in the school by their peers. Nearly three fourths of the parents in "receiving" schools report the quality of the school program is just as good or better under the Integration Model project. Two thirds of the "receiving" school parents have had an opportunity to get to know the "sending" parents and have felt better understandings are developing across ethnic and economic lines. Nine out of ten of the parents who volunteered to have their children participate in the project reported that their children were fully accepted by the teachers and students in their new schools.

The key to our success in this project has been the focus on a quality educational program. That is what all of our "consumers" want—whether they are poor, rich, black, or white.

Obviously, I am pleased to report this positive picture in relation to our pilot project. This study is of significance in terms of how a small Integration Model project can be successful in a community. However, the significance of its impact pales when one surveys the magnitude of the task to be done in providing an integrated quality educational program for all 68,000 students enrolled in our school district. While it would be possible to make some additional progress along the line outlined in other schools of our district, the fact of the matter still remains that it is very difficult for a district like Oakland to truly achieve an integrated program when we are constantly aware of the fact that almost three fourths of our students are actually members of minority groups.

I am convinced that school integration cannot be achieved in many urban centers throughout the country like Oakland unless some regional framework involving adjacent suburban and primarily white communities can be established. As an example, the two cities which bound Oakland on the east and south enroll school populations that are approximately 80% or more white. School districts in cities to the north of Oakland enroll student bodies that are approximately 60% white. Certain other suburban communities in neighboring areas have school enrollments of approximately 100% white students. It is clear to us in Oakland that it would be possible to achieve some meaningful progress toward integrating the schools in all of these communities with the cooperation of these other districts. Until such regional arrangements can be made. I am firmly convinced that urban school districts should take the responsibility for achieving quality integrated education wherever feasible within their school districts, and where integration is not feasible, the highest possible quality educational program must be provided on an equitable basis to all students attending such schools.

While it is certainly true that the matter of school integration represents a substantial challenge to urban education. I would have to state, however, that an even greater challenge to urban education exists today. I have reference here, of course, to the crucial matter of the adequate financing of our schools.

For example, in our district we have had serious financial problems for the past several years since our revenues have not kept pace with steadily increasing costs and demands for needed additional programs. In the past we have been able to balance our budgets by reducing or eliminating central office services by drastically curtailing our maintenance and custodial staffs. As an illustration, we have a backlog of over $5 million worth of rehabilitation projects which, because of our revenue situation, we cannot even think about doing.

This year our financial difficulties have reached crisis proportions. In a $68 million budget our projected 1971–1972 deficit is $3.5 million with no provision for cost-of-living adjustments for our employee groups. To balance our budget we have been obliged to cut 150 classroom teacher positions, five principals, two vice-principals, seven nurses, and 48 positions in an already depleted custodial/maintenance staff. We have also made substantial reductions throughout all areas of the instructional and supportive program. Thus, when our teachers return to school this fall, they will find significantly larger numbers of children in their classrooms, and they will not have the materials, the books, and the other supplies that they will need to help these children achieve. The major reasons for this fiscal crisis are the increasing resistance of local property owners to add to their already heavy tax burden, the reluctance of state legislatures to increase taxes for school spending, and the minimal contribution by the federal government to the support of our general education programs.

Further, it must be recognized that the problems of urban education are considerably different from an instructional program that can be conducted in a suburban area and that the needed programs for most urban children are quite costly. As examples—many thousands of our children speak English as a second language—roughly, only one half of the students in need of ESEA Title I services are actually receiving such assistance in Oakland.

Children from these backgrounds need individual help in the basic skills.

They need small classes.

They need specially trained teachers.

They need help in motivation and building self-confidence.

They need health and dental care.

They need nutritional programs.

They need help to believe that they have a chance in our society.

If we are going to really help the urban child with all his problems, we will need a great deal of additional financial aid. It is unthinkable; indeed, it is immoral to contemplate reducing an educational program for our children when it is already so inadequate.

Now, despite my rather gloomy portrayal of the fiscal plight facing urban schools today, I would like to turn to a discussion of some of the hopeful signs and new directions which I see on the horizon for urban education. Indeed, these new directions represent a number of changes and courses of action upon which we have already embarked in Oakland in our efforts to improve the educational program in our city. Hopefully, we will be able to obtain the necessary funds from some source to maintain, nourish, and expand upon what we believe to be a very sound beginning.

The first of these new directions, which I believe to be essential in the improvement of urban education, is the establishment of a precise and equitable program of educational accountability. As one of the first steps in the development of our accountability plan in Oakland, our Board of Education adopted last fall a number of districtwide goals which now provide the general direction for the activities carried forth in our school system.

A second element in our accountability program was the development of objectives which resulted from the charge I gave last fall to each of our staff members to take upon themselves the personal and heavy responsibility of setting, within the framework of our overall goals structure, their own instructional objectives for the year. This task involved the development of objectives stated in measurable terms within a specified time frame. Similarly, each school was charged with the responsibility for developing and submitting schoolwide objectives reflecting the instructional activities and accomplishments expected for the year at the school. Needless to say, I was most gratified when I learned that all ninety of our schools met the November 15 deadline for submission of their schoolwide objectives statements. At the present time members of our staff are evaluating the results of our first year's efforts.

A second new direction in urban education which I believe has great potential is that of decentralization. Through decentralization it is possible to place administrative authority closer to the individual school sites, to improve the delivery of services, supplies and program resources to schools, and to augment community involvement in order to more effectively utilize this important resource. Our decentralization program in Oakland was initiated on January 1 of this year and, though it has been in operation for only a few months, I am confident that it will eventually result in a marked payoff in improved educational services.

Another important new direction in urban education is that of parent and community involvement. For many years I have been committed to the notion that, where parents and community are interested and involved in the work of the school, their children will achieve better, and the school will provide better programs for students. Since my arrival in Oakland, this has been one of the areas in which I have placed considerable emphasis. We have initiated a very successful procedure for community involvement in the selection of school principals. Also, we have charged each principal in the district with the responsibility for developing a systematic plan for involving the parents and community in the activities of their local school and have encouraged parents to involve themselves in matters such as curriculum, school facilities planning and upkeep, school discipline, and other school site procedures and activities.

Another community involvement procedure initiated this year has been the establishment of what we call our Master Plan Citizens Committee. Described by some as wide group is comprised of representatives from every school in the district and includes staff, students, parents, and various interested community resource personnel, and we have tackled together the difficult job of developing a master plan for education for our city. After a period of a year, we hope to receive from this citizens committee a blueprint for guiding the activities of our district in a number of key areas such as curriculum, fiscal and capital planning, community resource development, etc., for the immediate and longer range years ahead.

A fourth new direction I see is that of applying new management techniques to the field of education. Along this line, we are taking steps in Oakland to insure the best possible use of our personnel and material resources. In addition to the decentralization process described above, we are initiating a Planning, Programming, Budgeting System which we expect to have operational by the 1972–1973 school year. We feel sure that the PPB system will significantly increase our ability to use our resources more effectively and hopefully it will provide us with improved evaluation data for enabling us to make better decisions in improving our various programs.

In addition to the major new directions I have cited, I would call attention also to the two additional very promising approaches we established in our district this year. One was the establishment of our Office of Resource Development. The function of this office is to seek out all possible available resources that might be of potential value to the district, be they resources of funds, time, equipment, materials, or anything else that could prove to be of assistance to the district. This office, staffed with personnel knowledgeable in foundation and institutional support and skilled in application preparation techniques, has begun to yield dividends for the district.

Another approach initiated last year, but which will in all probability be discontinued this year because of the lack of funds, is what we have called our "New Notions for Excellence" program. This program made it possible for school staff and students to make applications for modest funding of special innovative projects in their schools. Through this program it was possible to stimulate a considerable amount of interest in the development of new and varied approaches to the instructional program.

In conclusion, and in keeping with your Committee's request for specific recommendations for the improvement of urban education, I would offer the following points for your careful consideration:

First, with respect to integration, I would recommend that significant amounts of additional federal incentive funds be made available to school districts willing to enter into regional arrangements for the purpose of developing quality integrated programs. These incentive funds should be of two types:

Categorical funds for supporting all student transportation costs and necessary remedial, human relations, and other specialist services necessary for facilitating the integration process.

Modest general fund grants to all districts involved in the regional program for overall program improvement use.

Secondly, significant amounts of additional funds are recommended for the general support of urban school districts. The ingestion into our urban schools of large amounts of unrestricted funds similar to those provided through PL 874 for general program improvement use is desperately needed. Further, with the availability of such funds it would be possible to establish such new and unique school programs in the urban setting that they would serve as attractions to suburban students, thus assisting in the integration process.

Thirdly, I would recommend that additional categorical funds be provided to improve upon and expand already established federally funded programs. I have in mind particularly those programs such as ESEA Title I for disadvantaged students, bilingual and vocational education and the dropout prevention programs.

Further, I would strongly recommend that significant amounts of new federal funds be committed each year for the purpose of urban area school construction projects. Here again, it is likely that millions of urban children will continue to attend World War I vintage, and earlier, school facilities unless federal funds are provided for replacing such intolerable educational environments.

And finally, I would urge that additional moneys be provided for programs such as the Experimental Schools program currently being administered by the U.S. Office of Education. It is through programs of this nature that it will be possible to develop and perfect new, innovative, and effective procedures for educating urban children.

With a well-funded general and categorical aid program, with the establishment of a realistic capital development program, and with a program fostering innovation and experimentation—all supported by the federal government—urban education will surely survive and flourish. Without this support, however, there is every likelihood that urban education will continue to erode and deteriorate. I trust that every member of this Committee will mobilize every ounce of influence and power at his command to guarantee that urban education will, in fact, survive and flourish in the immediate months and years ahead.

Thank you, gentlemen, for the opportunity to address your Committee on these important matters today.

SERVICE TO THE PEOPLE

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, the job of a Congessman is to give service to his people. This has been demonstrated throughout all the years I have been a Member of Congress. I have set a record of service that has become a legend.

There is not a single man, woman, or child who can truthfully say that they have called on me for help on a matter pertaining to the Federal Government and such help was not gladly given by my office.

My home office and my office in Washington operate longer hours than any Member of Congress and it is one of the few Federal offices—both the home office and the Washington office—that operates on a 6½-day-per-week basis. My home office in Rhinelander has answering service from 7 a.m. until midnight and on Sunday from 10 a.m. to midnight. There is no other Federal office that is available during such long hours.

My home office in Rhinelander is without doubt the best equipped home office in the Nation. All of the equipment in that office is furnished by me personally and the only consideration I get is rental in lieu of not having any Federal building in Rhinelander to house a home office. During the first 25 years in Congress I supported the home office and paid for home office help with my personal funds. In the first 25 years in Congress I have spent more than $100,000 of my personal funds in hiring extra help to conduct the affairs of my home office. All telephone bills, all equipment, and all the expenses of the home office were paid by me personally for the first 25 years.

Where other Members of Congress had two, three, four, and five on the Federal payroll working in their home office, I bore the burden alone with my own money. June of 1966 was the first year that I used Federal funds for the operation of my home office. During these last 6 years I have never employed more than one and a half secretaries at any one time at the taxpayers' expense. The record will show that I spent less money for salaries and expenses in the conduct of my home office than perhaps any other Member of Congress.

Under the guidance of my wife, we have set up a system of recordkeeping and answering of requests that has been a model in the Nation's Capital. In my years in Congress more than 100 Members have used our office in Washington as a model to follow in conducting their Washington office. My wife's ability is proven by the fact that she is qualified for the job and has taught office practice in high schools and has a major in that subject. Her pay throughout my years in Congress has been less than $7,200 per year average. The work that she performs on this average pay has a going rate for office employees in the House of $30,000 per year and in the Senate for $37,000 per year. Her work in the office has saved the taxpayers hundreds of thousands of dollars for the years that she worked. She is still helping out in the office and helping oversee the office without compensation.

There are thousands of veterans today who are drawing their just reward by way of compensation because of the efforts of my office. Likewise there are thousands of people who are enjoying social security benefits because of the efforts of my office. There are 1,200 veterans today who are drawing multiple sclerosis disability benefits because of the 2 years of work that my wife put in traveling all over the country in proving to the Government that multiple sclerosis should be service connected even if it shows up within 8 to 10 years after a veteran has been discharged from the service. In 1 year when my wife's salary was below $3,000 a year, she used the entire amount traveling all over the country getting evidence that multiple sclerosis is a creeping disease that sometimes does not show up until 10 years after it starts. These efforts resulted in more than 1,200 veterans getting service connected disability compensation because multiple sclerosis showed up several years after their discharge from the service.

It was during the O'Konski years that the practice of holding home office hours was first started by a Congressman. It has been my policy to hold office hours in every village, city, community, and hamlet in the District. It was good to hear thousands of citizens say "We see more of O'Konski than we do our own local officials."

With the expansion of the District under reapportionment and now serving more than 400,000 people instead of 250,000 and because Congress is in session the year around, I can only get into every community, village, city, and hamlet every 2 years when I used to get there every year.

Since I have been elected to this office it has been a 6½ day a week job and I haven't missed a Saturday or a Sunday in my office in Washington since I have been elected. Yes, the record of service that I have performed has truly become a legend never before achieved.

Please read the balance of this brochure and you will get some idea of what a Congressman can do for his District if he is willing to work hard enough and long enough to get the needed results.

O'KONSKI ATTENDANCE RECORD, 100 PERCENT CUMULATIVE—VOTING RECORD THIS SESSION OF CONGRESS—472 ROLL CALLS

	Yeas/nays	Quorum calls	Recorded teller	Total
Number of calls or votes	211	151	108	470
Present responses	211	151	108	470
Absences	0	0	0	0
Voting percentage (presence)	100	100	100	100

Note: 2 rollcall votes not indicated above are a vote of "present" for the swearing-in of Members of Congress, and a vote for Speaker of the House, for a total of 472 total votes.

In 30 years in Congress, O'Konski has averaged a 90 percent attendance record, which puts him in the top 25 percent of all Members of Congress.

ACCOMPLISHMENTS OF THE 92D CONGRESS, FIRST SESSION: REPORT TO THE PEOPLE OF THE FOURTH DISTRICT OF WISCONSIN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ZABLOCKI. Mr. Speaker, I would like again, as has been my practice over the past 23 years as the Representative of the Fourth Congressional District of Wisconsin, to summarize the major accomplishments of the first session of the 92d Congress and to highlight the major issues that need to be faced during the second session of the 92d Congress.

In keeping with my practice of reporting to the people of my district on my activities during the 92d Congress, I have no doubt my record will not totally please each and every constituent. However, in representing them I followed the dictates of my conscience and sincerely tried to work in their best interests.

Despite Presidential vetoes of some major bills, the accomplishments of the first session of the 92d Congress are extensive. The major areas of congressional action which are already developing productive results include the economy, the environment, legislative reorganization, an expanded electorate and international affairs.

ECONOMY

Because unemployment rose last March to almost 5 million and inflation spiralled to near 6 percent, the 92d Congress extended the authority it had given the President in 1970 to control wages and prices, urging him to once again act immediately. Although reacting late, on August 15 the President finally made his recommendations to restore the economic well-being of our country.

Continuing its initiative in the economic sphere, the 92d Congress approved emergency employment legislation and accelerated public works authorization in order to alleviate the distressing high level of unemployment. Congress further enacted tax relief to stimulate the economy and extended the President's temporary authority to impose wage, price, rent and interest controls in order to combat inflation. Congress strengthened and refined both these measures to provide balance and equitable treatment for all Americans.

ENVIRONMENT

A significant achievement of the first session of the 92d Congress includes its constructive action to restore and preserve our natural environment.

The Federal Water Pollution Act was extended with a $2 million appropriation for grants to local governments for construction of water treatment facilities in fiscal 1972. In-depth congressional hearings were conducted to lay the groundwork for comprehensive new water pollution legislation during the second session of the 92d Congress.

I supported the pesticide control bill which regulates the use of insecticides, fungicides and rodenticides by placing controls and registration requirements on their manufacture and use.

Additional pollution control legislation approved by the Congress which I supported was a measure that would prohibit unregulated dumping of waste material into the Great Lakes, oceans, and coastal waters and to ban the transportation or dumping of chemical or biological warfare agents or radioactive wastes in the same waters.

Also, the Federal Saline Water Conversion program was extended for another 5 years through fiscal 1977 and expanded to include chemically-contaminated water purification by desalinization and to deal with solid waste disposal problems.

LEGISLATIVE REORGANIZATION

As a result of the new Reorganization Act passed during the 91st Congress, the recorded teller vote was implemented during the first session of the 92d Congress, effecting an 80-percent increase in the number of Members voting. The publicizing of committee attendance and voting has thus affirmed Congress' attempts to move away from secrecy to the open conduct of national legislation.

18-YEAR-OLD VOTE AMENDMENT

Congress led the way in affirming the duties and responsibilities of our youth by passing and submitting to the States the 26th constitutional amendment lowering the voting age to 18 in Federal, State, and local elections. By extending the right to vote to 25 million young Americans, the 92d Congress has joined past historic Congresses which have abolished property qualifications, slavery and sex discrimination as barriers to full suffrage.

INTERNATIONAL AFFAIRS

In view of the continued tragic status of our prisoners of war and missing in action in Indochina, I sponsored a resolution which was passed unanimously, calling for the humane treatment and early release of all American prisoners of war held by North Vietnam and the National Liberation Front. It was also my privilege to successfully sponsor a resolution requiring the President to report to Congress whenever he committed U.S. forces abroad without prior congressional approval and reaffirming the constitutional power of Congress to declare war. During the upcoming session, I will continue my efforts to assure the return of all of our POW's in the Indochina conflict and to achieve the withdrawal of all our combat forces in Vietnam at the earliest practicable date.

PROGRESS IN OTHER AREAS

Our Nation's veterans once again received particular attention as approval was given for increases in veterans' and dependents' pensions and disability benefits.

Significant progress was also achieved in the vital area of the health professions. Congress approved new programs of aid to medical and nursing schools and students in those schools in the hope of meeting the growing need for additional personnel in these professions.

THE UPCOMING SESSION

The accomplishments of the first session of the 92d Congress, I believe, have been significant and responsive to the needs and demands of the people of the Fourth District and of the Nation. Nevertheless, there remains important unfinished business to be considered and acted upon during the coming session.

The House has passed important and worthy legislation which is pending in the Senate for the approval of that body. For example, for the second consecutive session, the House approved new Federal programs to improve social security and medicare programs, and to make social welfare more responsive to those in real need and less costly in relation to benefits received.

Other legislation passed by the House and now awaiting action in the Senate includes a constitutional amendment to provide equal rights for men and women; a bill which would establish a consumer protection agency to better meet the needs of the public; and provision for additional medical benefits for veterans. Further, revision of the foreign assistance programs, new and expanded Federal assistance for higher education, and measures to reform campaign and election practices which are currently before joint House and Senate Conference Committees should receive early and full consideration.

In addition, other programs to be considered in the second session of the 92d Congress will be the creation of a system of national health insurance, provisions for no-fault automobile insurance, and formulas for sharing Federal revenues with State and local governments.

Following is a summary of my position and status of the major issues considered during the first session of the 92d Congress:

VOTING RECORD OF CONGRESSMAN CLEMENT J. ZABLOCKI, FIRST SESSION

POSITION, ISSUE, AND STATUS

National economy

Voted for: Increased individual tax exemptions and tax incentives for business. Became law.

Voted for: One year extension of President's authority to control prices, rents, wages and salaries, and other provisions to combat unemployment. Became law.

Sponsored: An increase in the personal and dependency income tax exemptions. Pending in House.

Voted for: Federal guarantee of $250 million in bank loans to Lockheed Aircraft Corporation. Became law.

Voted for: Two year extension of interest equalization tax to discourage American investment abroad and correct our balance of payments. Became law.

Voted for: Legislation to increase the Small Business Administration's loan ceiling from $2.2 billion to $3.1 billion. Became law.

Consumer protection and crime control

Cosponsored: Increased consumer protection through the creation of an independent Consumer Protection Agency. Passed by House.

Supported: Establishment of minimum standards for warranties on consumer products. Passed by Senate.

Voted for: Continued enforcement of Flammable Fabrics Act. Passed by House.

Cosponsored: Establishment of a law enforcement officers' bill of rights. Pending in House.

Voted for: Increased Federal efforts to cope with the problems of Juvenile Crime. Became law.

Voted for: Measures to prohibit sending obscene materials to minors through the mails. Passed by House.

Voted for: Increased funds for the Commission on Marihuana and Drug Abuse. Became law.

Pollution control, conservation and agriculture

Voted for: Increased Federal regulation of the manufacture and use of pesticides. Passed by House.

Cosponsored: Establishment of a Joint Committee on the Environment. Passed by House and Senate.

Voted for: Establishment of a National Environmental Data System. Passed by House.

Voted for: Settlement of land claims with Alaska's Natives. Passed by House and Senate.

Voted for: Legislation to protect and control wild free-roaming horses on public lands. Became law.

Voted for: Provisions for criminal penalties for those harassing or shooting birds or other wildlife from aircraft. Became law.

Voted for: Five year extension for Federal saline water conversion program. Became law.

Voted for: Continued funding for the Council on Water Resources and extension of the Federal Water Pollution Control Program. Became law.

Voted for: Legislation to control the dumping of waste materials into coastal and offshore waters. Passed by House and Senate.*

Voted for: International moratorium on the killing of whales. Passed by House and Senate.

Voted for: Legislation to conserve and protect Atlantic salmon. Passed by House.

Cosponsored: Imposition of a tax on polluting smoke and other industrial emissions. Pending in House.

Cosponsored: Price supports for manufacturing milk at not less than 85% of parity. Pending in House.

Voted for: Federal financing for telephone cooperatives and companies serving rural areas. Became law.

Voted for: Authorization for the Secretary of Agriculture to purchase up to 300 million bushels of wheat and 25 million tons of feed grains as a reserve. Passed by House.

Voted for: Modernization of the farm credit system. Became law.

Voted for: Continued protection for the domestic sugar industry. Became law.

Education, labor and civil rights

Voted for: $19 billion authorization for aid to higher education, including new program of general financial assistance to colleges and universities. Passed by House and Senate.*

Voted for: Funds to aid school districts in court ordered desegregation costs; but not to be applied to busing for purposes of racial balance. Passed by House.

Voted for: Increased appropriations for elementary and secondary education. Became law.

Voted for: Continuation of school lunch programs for needy children. Became law.

Voted for: Emergency Employment Act to authorize $2.25 billion in the next 2 years for public service jobs for the unemployed, with special consideration for Vietnam veterans. Became law.

Voted for: $5.5 billion authorization for a program of accelerated public works projects. Passed both Houses, vetoed by President.

Voted for: Additional 13 week extension of unemployment benefits in States where unemployment is greater than 6.5%. Became law.

Voted for: 10% increase in Railroad Retirement pensions effective January 1, 1971. Became law.

Cosponsored: Legislation to provide more effective means for protection of public interest in national emergency strikes in the transportation industries. Hearings completed.

Supported: Additional Federal laws to protect contributions to private pension plans. Hearings in House.

Cosponsored: Requirements for safety standards for school buses. Pending in House.

Voted for: Additional authority for the

---

*Denotes measures being considered in House-Senate Conference Committees to resolve differences between versions passed by the House and Senate.

Equal Employment Opportunity Commission. Passed by House.

Cosponsored: Legislation to repeal the Emergency Detention Act. Became law.

Voted for: Constitutional Amendment to provide equal rights for men and women. Passed by House.

Social security, health and welfare

Voted for: 10% across-the-board increase in social security benefits effective January 1, 1971. Became law.

Voted for: Further increases in social security benefits and improvements in the social security and medicare programs. Passed by House.

Sponsored: Reduced social security benefits for retirees at age 60. Pending in House.

Cosponsored: Additional across-the-board increase in social security benefits and in the amount which a beneficiary may earn without reducing his benefits. Pending in House.

Supported: Supplemental national health insurance programs. Hearings completed.

Cosponsored: Establishment of a House Select Committee on Aging. Pending in House.

Cosponsored: Establishment of a Conquest of Cancer Agency within the National Institute of Health. Became law.

Voted for: $3.7 billion for expanded programs of grants to health professions, schools and programs of student assistance loans and scholarships. Became law.

Voted for: 2-year extension of anti-poverty program. Vetoed by President.

Voted for: Welfare reforms to make the program more adequate to those in real need and less costly in relation to benefits received. Passed by House.

Government organization and operation

Voted for: Constitutional Amendment lowering the voting age to 18. Became law.

Voted for: Reforms in Federal election campaign procedures. Passed by House and Senate.*

Voted for: Cost-of-living pay increases for Federal employees effective January 1, 1972. Became law.

Voted for: Voluntary public funding of Presidential elections. Became law, to be effective 1976.

Voted for: Legislation creating pay rates for Federal blue collar workers. Became law.

Cosponsored: Resolution requesting the President to release impounded appropriated funds. Pending in House.

Sponsored: Constitutional Amendment to permit voluntary silent prayer or meditation in public schools. Pending in House.

Servicemen and veterans, national defense and space

Voted for: Reforms in Selective Service System and $2.4 billion military pay increase. Became law.

Voted for: Legislation providing drug treatment and rehabilitation in VA hospitals. Passed by House.

Voted for: Cost-of-living increases in veterans' and survivlors' pensions. Became law.

Voted for: Increased medical benefits for veterans. Passed by House.

Sponsored: Health benefits for survivors of a serviceman killed in hostile fire areas. Pending in House.

Voted for: Establishment of a survivor benefit plan for the Armed Forces. Passed by House.

Voted for: Additional funds for research and development of the SST. Passed by House, defeated in Senate.

Voted for: Increased government subsidies for veterans in nursing homes. Passed by House.

Sponsored: Resolution encouraging international cooperation in satellite broadcasting. Pending in House.

International affairs

Sponsored: Resolution requiring the President to report to Congress whenever he committed U.S. forces abroad without prior Congressional approval and reaffirming the Constitutional power of Congress to declare war. Passed by House.

Sponsored: Resolution calling for humane treatment and early release of American prisoners of war held by North Vietnam and the National Liberation Front. Passed by House.

Sponsored: Resolution to allow the people of Trust Territory of the Pacific Islands to express their wishes as to the form of government they desire as soon as possible. Pending in House.

Voted for: Extension and revision of U.S. economic and military aid programs to developing countries. Passed by House and Senate.*

Sponsored: Legislation to limit the contributions of the United States to the United Nations. Pending in House.

Sponsored: Legislation to allow United States Information Agency materials distributed abroad to be open to public inspection under certain conditions. Pending in House.

Sponsored: Additional assistance for land reform programs in South Vietnam. Pending in House.

Cosponsored: Legislation to extend the Export-Import Bank and to expand its functions. Passed by House.

Voted for: Measures to stimulate export industries. Became law.

ROLLCALL RECORD OF CONGRESSMAN CLEMENT J. ZABLOCKI, 92d Cong.

	Yeas/nays	Quorum calls	Recorded tellers	Grand total
Number of calls or votes	211	151	108	470
Present responses (yea, nay, present, present-paired for or against)	199	146	108	453
Absences (absent, not voting, not voting-paired for or against)	[1]12	[2]5	--------	17
Voting percentage (presence)	94.3	96.6	100	96.3

[1] Paired on rollcall votes when possible; excused when on official business.

[2] Absence on quorum call does not necessarily mean an entire legislative day's absence.

FEDERAL AID TO EDUCATION

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, with 9 years of teaching experience in high schools, colleges, and universities in our Nation, I was keenly aware of the need for a Federal aid to education program. My first assignment to a committee in Congress was the Education and Labor Committee. Twenty years before my time, I advocated and laid the foundation for a program for Federal aid to education.

I was a cosponsor of the National Defense Education Training Act which was the first step in the Federal Government program of aid to education. Being a cosponsor of the GI bill of rights he saw how that bill resulted in saving hundreds of small colleges and universities in our Nation.

The GI bill of rights is the most historic piece of legislation in the field of not only helping veterans but helping our colleges and universities. I feel that Federal funds for higher education should be allocated on a per student basis. This year, finally, the Congress has adopted a per student formula in the field of Federal aid to higher education. Starting with $100 per student, $150 for other students, and $200 for graduate students, the sound barrier has been broken and from now on we will have a clear and effective Federal aid to higher education bill. The bills in the past have been a hodgepodge of confusion and bureaucracy and definitely inadequate and inefficient to meet our education needs. Now that we have a per student enrollment formula the amounts will be increased from $100 per student as the years go by and the idea I presented to Congress will become an effective weapon in aiding education.

I feel that at least 20 percent of the cost of elementary and secondary education should be borne by the Federal Government. This program, too, should be on a per student enrollment basis directly to the school districts. Just as we have finally accomplished our goal in higher education, his efforts, he is convinced, will accomplish a similar program for elementary and secondary education.

To give an idea just from the standpoint of building construction on what Federal aid has meant to higher education, the table below will give some indication:

COLLEGE AND UNIVERSITY CONSTRUCTION IN 10TH DISTRICT UNDER O'KONSKI YEARS

Northland	Ashland	$1,258,000
WSU, Superior	Superior	2,284,000
Stout	Menomonie	2,835,000
WSU, Eau Claire	Eau Claire	3,834,600
Nicolet	Rhinelander	900,000
Total		11,111,600

Mr. Speaker, the funds listed above are for building costs only. Other aids to higher education by the Federal Government such as the work-study program and special programs, amount to more than $20 million in the last 6 years. So the total aid to higher education in the 10th District during the years I have served has been in excess of $31 million.

Property taxes in the north are in the area of confiscation. The Federal Government must pay at least 20 percent of the cost of elementary and secondary education. This Federal aid must be used to reduce property taxes. Property taxes should be outlawed as a major source of funds for elementary and secondary education.

SUMMARY OF PUBLIC WORKS LEGISLATION IN THE FIRST SESSION OF THE 92D CONGRESS

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. BLATNIK. Mr. Speaker, under leave to extend my remarks, I submit the following summary of public works legislation and various actions taken by the Committee on Public Works during the first session of the 92d Congress.

GENERAL STATEMENT

May I first express my deep appreciation for the efforts of the committee during a particularly long and difficult session. The majority and the minority have been extremely helpful and cooperative in the operations of the committee and in consideration of the legislation the committee handled this first session of the 92d Congress.

On February 18, 1971, the committee was formally organized into a structure consisting of seven subcommittees:

Subcommittee on Rivers and Harbors.

Subcommittee on Flood Control and Internal Development.

Subcommittee on Roads.

Subcommittee on Public Buildings and Grounds.

Subcommittee on Conservation and Watershed Development.

Subcommittee on Investigations and Oversight.

Special Subcommittee on Economic Development Programs.

The committee had 474 bills referred to it during the first session. These dealt with a multitude of subjects covering many fields including amending the Public Works and Economic Development Act and extending the Appalachian Regional Development Act; providing financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster; river basin authorizations; amending the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters; amending the Federal Water Pollution Control Act; the Public Buildings Amendments of 1971; amending section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motorbuses; authorizing the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservior, as well as consideration of two safety standards proposed by the Department of Transportation—Pupil transportation safety and accident investigation reporting.

The committee adopted 49 navigation, flood control, and beach erosion resolutions proposed by individual Members of Congress which require only committee action. The civil works resolutions authorized review survey studies by the Corps of Engineers, Department of the Army, that will ultimately result in the submission of project reports to Congress if the projects are found feasible and are approved by the Board of Engineers for Rivers and Harbors and the Chief of Engineers.

Section 201 of the Flood Control Act of 1965 permits the Committees on Publice Works of the House of Representatives and U.S. Senate to authorize without additional congressional action water resources development projects under $10 million. Six projects were approved by the committee under this authority.

The committee adopted 13 watershed resolutions, approved pursuant to the Watershed Protection and Flood Prevention Act—Public Law 566, 83d Congress, as amended—which requires major watershed projects having not more than 12,500 acre-feet of flood control capacity to be approved by the Committee on Public Works.

The committee approved 31 projects, including construction, alterations, leases, and a building project survey, under the provisions of the Public Buildings Act of 1959, and the Independent Offices and Department of Housing and Urban Development Appropriations Act, 1971.

In addition, a Special Subcommittee on Inter-American Highways conducted an on-the-site inspection of the Darien Jungle where Congress authorized the final link in the Inter-American Highway between Panama and Colombia. The special subcommittee also inspected the road operation in Costa Rica, Nicaragua, Mexico, and the Virgin Islands. A special investigating subcommittee visited the earthquake disaster area and held hearings in Los Angeles, Calif., on the earthquake disaster. The Subcommittee on Conservation and Watershed Development made an inspection of watershed projects and held hearings in different areas of the country at Ardmore, Okla., Bluefield, W. Va., Macon, Ga., Greenville, Miss., Davenport, Iowa, and Wichita, Kans., in connection with a special study of the watershed development program. A special subcommittee visited Alaska to conduct a comprehensive study of flood control, navigation and river and harbor projects planned for the State and also to examine the Alaskan economic development programs to see if they were meeting their goals.

SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT

The Subcommittee on Investigations and Oversight was constituted in the first session of the 92d Congress, to widen and expand upon the scope and jurisdiction of the work formerly handled by the special subcommittee on the Federal-aid highway program, which it replaced. As the name of the new subcommittee implies, its mandate is to conduct pertinent investigations and exercise oversight over all types of programs and matters coming within the jurisdiction of the House Committee on Public Works.

HIGHWAY SAFETY

On dates during May the subcommittee held public hearings which probed wet weather performance of pavement surfaces being installed on the Nation's new roads, with emphasis on the relationship of pavement surface to skidding. Testimony disclosed that during 1969 alone, almost 3 million accidents took place on wet roads, accounting for some 8,000 traffic deaths—nearly 16 percent of all fatal accidents on highways that year—and 244,000 injuries. Motion pictures were shown by the staff, taken on rainy days at several Interstate System locations near Washington, D.C., showing car after car coming into a curve, going into a "fishtail" skid or sometimes hurtling off the road, down a steep 50-foot embankment onto a busy highway below. Testimony by members of a panel of eminent highway traffic experts confirmed the fact that many things can be done to identify and correct such hazardous, "slippery when wet" locations; also to regulate, warn, and guide the traffic that passes over them. Utilizing knowledge already at hand, timely action can be taken to anticipate their perilous nature and guard against further proliferation of them during design and construction.

In addition to testimony about skidding, the hearings also probed the safety and effectiveness of studded tires for motor vehicles. Witnesses suggested their experience and research has shown that metal studs cause excessive and accelerated wear of pavement surface, out of proportion to whatever safety factor they may provide.

A third segment of the hearings dealt with the astonishing lack of uniformity of traffic laws among the various States. Testimony showed that despite more than 50 years of recognition of the need for uniform traffic laws throughout the Nation, there still exists a substantial lack of uniformity. The result is, in many cases, a veritable hodgepodge of regulations instead of the uniformity that is necessary to safely regulate and guide the flow of traffic on the country's highways, roads, and streets. Witnesses pointed out that the application of a different rule in the same traffic situation merely because one has crossed a political boundary makes little sense, but is, instead, dangerous, unreasonable, and illogical. Consequently safety, efficiency, and justice require that steps be taken as expeditiously as possible to assure a nationwide uniformity in regard to traffic laws.

REDTAPE

At public hearings during June the subcommittee probed the tendency in government to proliferate paperwork, stretch out the processing phase, require more and more studies, and add new forms ad infinitum. This process, commonly known as redtape, was described by witnesses as a major cause of frustration and, not uncommonly, despair among State and local citizens and organizations.

Testimony suggested that because of the suffocating paperwork drag, needed projects are delayed, local interests become confused and frustrated, conscientious administrators lose enthusiam, and the public loses confidence in the Government.

Specific examples were forthcoming in abundance, some of them ludicrous and others a cause for grave concern. In the highway program, for instance, it was disclosed that without Federal aid, construction on a needed highway could start within 6 months after plans were formulated; with Federal aid, during the 1940's it took a whole year, while today the bureaucratic drag is 6 years and it is growing.

The hearings made it very clear that, in too many cases, American taxpayers are being deprived of worthwhile Government services simply because the programs have become so ensnarled in redtape.

IMPACT OF POSTAL BUILDING PROGRAM ON FEDERAL AGENCIES

Testimony at public hearings before the subcommittee during July disclosed that since the Postal Service Corporation was created in 1970 and the Post Office Department was removed from requirements of the Public Buildings Act of 1959, there has been a concerted pattern of withdrawal by the Post Office from congressionally approved multipurpose building projects. As a result, GSA and other Federal agencies often are left with building plans no longer justifiable for Federal agencies remaining in the project.

In some cases, land already has been purchased and architectural design completed and paid for. The Postal Service is taking options on other land in some of these communities, abandoning the congressionally approved project, paying more money for new land and in some cases entering into long-term lease projects which will cost more in the long run while the Government will never own the building. The effect on other Federal agencies, in some of these cases, is most unfortunate.

The testimony disclosed that an agreement which the Post Office Department—now the Postal Service—entered into with the Army Corps of Engineers to conduct its multibillion dollar building program was consumated over the strenuous objection of the General Services Administration; that the agreement may have a profound effect upon the future capacities of the GSA, while the abrupt divorce of the Postal Service from the GSA may indeed make it difficult for GSA to provide needed space for the Federal agencies. Testimony further suggested that based upon experience to date, the Army may have great difficulty in staying within the 5.5-percent ceiling on overhead costs to which it has agreed, and that if a cost overrun does occur the Treasury will have to bear the expenses.

The hearings served a legislative purpose in connection with a bill pending before the committee to restore congressional jurisdiction over postal building projects.

CLOSURE OF FORT WORTH CLINICAL RESEARCH CENTER

On October 8, 1971, the Department of Health, Education, and Welfare summarily closed the Fort Worth, Tex., Clinical Research Center—CRC—a major drug treatment facility, and sent 92 narcotics patients back to their home communities for outpatient supervision before their treatment could be completed. These were patients voluntarily committed under the Narcotics Addict Rehabilitation Act, many of them accepting treatment in lieu of prosecution for drug-induced crimes. None had been under treatment for more than 4 months. None, according to the doctors treating them, was actually ready for release.

The abrupt action came at a time when the future role of the facility was under active consideration by a House-Senate conference committee. Despite the fact that the House had voted overwhelmingly to keep the facility open, HEW suddenly ordered the facility closed and all the NARA patients shipped out within 24 hours.

In the 10 days following October 8, investigative staff members made inquiries to learn what had happened to the 92 patients. The stories were sordid and disheartening. Although they did little more than scratch the surface of the entire situation, the facts turned up by the investigators strongly suggested that a tragic mistake had been made in closing the Clinical Research Center as a narcotics treatment facility.

It was learned, for example, that a high percentage of the patients were "shooting up" with heroin again before the weekend was over—at least one of them before he even left the Fort Worth bus depot en route home. Another one, a former drug pusher, resumed his nefarious traffic immediately upon his return to the streets of New Orleans. Among still other examples was a group of five, including one who had been convicted of strongarm robbery in support of his habit. Most of the five were very drunk upon arrival, according to a NARA after-care representative who went to the airport to meet them. When they reported to the treatment center on Monday, urine tests showed that all five had shot themselves with heroin over the weekend. Similar reports surfaced, in such volume as to make it abundantly clear that the abrupt decision by HEW was a bad one, in addition to having been made with clear knowledge that Congress had not yet resolved the legislative intent on the Clinical Research Center.

Following their investigation, subcommittee staff representatives cooperated with the Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee in the preparation of public hearings held by that subcommittee on October 26, 1971.

INTERSTATE 75 SAFETY PROJECTS IN NORTHERN KENTUCKY

A 1-day public hearing was held by the subcommittee at Covington, Ky., on September 24, 1971, following field investigation by staff personnel and a first-hand view by members of traffic engineering on the "death hill" section of Interstate Highway 75. One of a series of hearings the subcommittee has held over a period of years in which various high accident locations have been identified, the purpose of the hearing was to show how corrective engineering and traffic control assistance can effectively reduce accidents and fatalities.

The testimony disclosed that at the particularly dangerous stretch of I–75 under scrutiny by the subcommittee, a dramatic decrease in the number of highway fatalities followed the completion of corrective steps undertaken by the State highway department during the previous 4 years in cooperation with stepped up traffic control and enforcement by State and local police. Basically, the improvement was due to such safety projects as the installation of New Jersey type median concrete barriers, the installation of improved signing, breakaway poles, and be reduced speed and increased enforcement.

As the testimony unfolded, the subcommittee appraised with interest the techniques developed and exploited in northern Kentucky and the location under study, with a view to encouraging the application of similar techniques elsewhere. The testimony by highway designers, traffic engineers, law enforcement officers and the general public depicted a success story showing what can be accomplished when such high hazard locations are identified and attacked with available technology and determination.

WATER POLLUTION CONTROL PROGRAM—OVERSIGHT HEARINGS

Early in 1971 the subcommittee staff conducted an inquiry into the administration of the Federal water pollution control program which culminated in a series of oversight hearings beginning in May.

The inquiry established a number of weaknesses in the overall program. Some of the problem areas identified as requiring attention included: First, the necessity for a more cost effective approach for construction grants; second, the need for better coordination and direction of the research effort and more rapid implementation of results in the field; third, lack of implementable plans; fourth, variance in the adequacy of State agencies, laws, and programs; fifth, questionable cost estimates; sixth, Federal agency lacking some essential tools, for example, authority to fund construction and rehabilitation of essential sewage collection systems; seventh, difficulties involved in the Federal permit program; eighth, need for revision of the enforcement program.

Certain problem areas are subject to improvement simply through administrative steps, and efforts are now underway by the agency to make corrections. The resolution of other problems can be assisted by changes in the law.

Upon completion of the oversight hearings, the subcommittee staff continued its investigative work to assist the parent Public Works Committee in its legislative effort, and subsequently participated in public hearings in connection with the pending water pollution control bill.

BILL APPROVED BY THE HOUSE AND SENATE AND VETOED BY THE PRESIDENT

A bill to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965—H.R. 5376: The committee reported H.R. 5376 on March 29, 1971, which amended the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965. Title I of the bill extended and modified the Public Works Acceleration Act of 1962 and authorized $2 billion for public facility projects to meet the economic conditions confronting the Nation in 1971. The purpose was to stimulate immediate temporary jobs in areas of high unemployment by providing funds for the construction of Federal and local public works projects and also meet the needs for such facilities to pave the way for further expansion of employment.

Also included were amendments and extensions of the Public Works and Economic Development Act and the Appalachian Regional Development Act. The bill authorized a total of $5.5 billion to be used for the purpose of stimulating the creation of jobs in distressed areas. Following a conference between the two Houses, the bill was passed as S. 575 by the Senate on June 8 and the House on June 15. The President vetoed this bill on June 29, 1971, because of his objections of title I of the bill. The Senate failed in its effort to override the Presidential veto.

A section-by-section analysis of the bill as passed by the Congress is as follows:

SECTION-BY-SECTION ANALYSIS

To extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

SECTION-BY-SECTION ANALYSIS OF TITLE I, PUBLIC WORKS ACCELERATION ACT

Section 101: Short title cites title as the "Public Works Acceleration Act Amendments of 1971".

Section 102(1): Alters the purpose clause (Section 2) to cite Congressional recognition of communities and areas burdened by substantial unemployment and underemployment resulting from the economic decline of 1970.

Section 102(2): Alters purpose clause to emphasize need for assistance in urban and rural areas suffering persistent or substantial unemployment or underemployment.

Section 102(3): Amends Section 3(a) to redefine eligible areas as:

1. Redevelopment areas or as economic development centers for the purpose of the Public Works and Economic Development Act of 1965 (Title IV), or Title I areas designated by the Secretary of Commerce under EDA Act, and;

2. Areas designated by Secretary of Labor as having 6 percent or more unemployment for at least 6 of the preceding 12 months.

3. Areas designated by the Secretary of Labor as having an average rate of unemployment of Vietnam veterans at least 25 percent above the national average rate of all unemployment for 3 consecutive months or more during the preceding 12 month period.

Section 102(4): Amends Section 3(c) to increase maximum Federal participation from 50 percent and 75 percent to 80 percent, or up to 100 percentum of the cost of such project if the State or local government has exhausted its effective taxing and borrowing capacity and therefore does not have effective taxing and borrowing authority to assume all of the financial obligations required.

Section 102(5): Amends Section 3(d) to authorize a maximum authorization of $2 billion for the fiscal years beginning after June 30, 1970, to be allocated by the President.

Section 102(6): Amends Section 3(e) to require the President to give priority to those basic public works projects vitally and urgently needed, including works for the storage, treatment, purification, or distribution of water; and sewage, sewage treatment, and sewer facilities.

Section 102(7): Amends Subsection 3(h) to redefine the criteria used by the Secretary of Labor in determining areas of substantial unemployment. Substantial unemployment is defined in Section 8.3(a) of Title 29 of the Code of Federal Regulations as in effect March 2, 1971, and reads as follows:

The Secretary will classify a labor area as one of substantial unemployment if (1) he finds that its rate of unemployment is 6 percent or more of the area work force, discounting temporary or seasonal factors, and (2) he anticipates that the rate of unemployment during the next 2 months will remain at 6 percent or more, discounting temporary or seasonal factors.

Section 102(8): Amends Section 4(a). Under current law, States and local governments are required not only to continue their level of capital improvements expenditures but also to increase that level by an amount equal to the non-Federal share of projects authorized under the Acceleration Act.

This amendment changes the maintenance of effort requirements by eliminating the requirement for an increase in the non-Federal share but prohibits any allocation by the President if the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvements projects is decreased.

Section 102(9): New Section 7 provides that an eligible area designated under this act shall retain such designation only so long as it continues to meet the unemployment criteria applicable to it. But it further provides that in no event shall such designation be terminated prior to one year from the date of designation. This applies only to areas designated under Section 3(a)(2) of the Public Works Acceleration Act.

Section 8. Federal financial assistance made from allocations made by the President under this act may be used for all or any portion of the basic Federal contribution to projects and for the purpose of increasing the Federal contribution to such projects. This includes contributions to the local share of projects to be constructed by Federal agencies.

The purpose of a new Section 8 is to assure that both original and supplemental grants may be made from the funds appropriated.

Section 103(a): A technical amendment to correct an incorrect reference to the original act.

Section 103(b): A technical amendment to make the same change as in 103(a) plus increases from 50 percent to 80 percent the maximum Federal participation in grants made by the President from allocations under the Public Works Acceleration Act for construction of public works or facilities under Title II of the Housing Amendments of 1955.

Section 104: Adds new section to prohibit discrimination because of sex under any program funded under the Public Works Acceleration Act.

SECTION-BY-SECTION ANALYSIS OF TITLE II, THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Section 201: Short title cites title as the "Public Works and Economic Development Act Amendments of 1971".

Section 202: Amends Section 105 to authorize a $550 million annual authorization for grants and supplementary grants for 2 years to June 30, 1973. (Additional $50 million on annual authorization intended for airport safety projects.)

Section 203: Amends Section 201(c) to extend for 2 years until June 30, 1973, the limitation on authorizations for public works loans and industrial and commercial loans and guarantees of $170 million per year.

Section 204: Amends Section 302 to extend for 2 years until June 30, 1973, the $50 million annual authorization for technical assistance research, information and demonstration projects.

Section 205: Amends Section 401(a) to revise two of the existing criteria for designation of "redevelopment areas" eligible for financial assistance under the Public Works and Economic Development Act of 1965, and adds a new criterion.

Presently areas having a median family income 40 percent less than the national median qualify for designation. 401(a)(2) is amended to increase from 40 percent to 50 percent of the national median, the maximum median family income under which an area can qualify.

The "special impact" area definition in 401(a)(6) is deleted and redefined. It includes communities or neighborhoods (a) with large concentration of low-income persons, (b) that are rural in nature, with substantial outmigration, (c) with substantial unemployment, (d) with an actual or threatened abrupt rise in unemployment due to closing or curtailment of major source of unemployment.

Each area must submit an acceptable OEDP which demonstrates beneficial impact upon such condition.

This area designation cannot be used to meet criteria requirements for district designation.

A new criterion is added to permit designation of those areas where per capita employment has declined significantly during the next preceding 10-year period for which appropriate statistics are available.

Section 206: Amends Section 402 which pertains to the annual review of redevelopment areas to provide that designated areas may not be terminated in less than 3 years from date of designation.

Section 207: Amends Section 403 to extend for 2 more years until June 30, 1973, the $50 million annual authorization for grant and loan assistance to economic development centers and for the 10 percent bonus money for projects in redevelopment areas within designated economic development districts.

Section 208: Amends Section 509 to authorize $305 million for the 2-fiscal-year period ending June 30, 1973, for the Regional Commissions. (Additional $50 million intended for Airport Safety.)

Section 209: Amends Section 512 to extend until June 30, 1973, another 2-year authorization of $500,000 to the Federal Field Committee for Development Planning in Alaska.

Section 210: Amends Section 2 of the Act of July 6, 1970, (Public Law 91-304) which provided that no area designated as a redevelopment area would have its designation terminated or modified after May 1, 1970, and before June 1, 1971, unless the local governing body of the county qualified under existing criteria for the de-designation specifically requests de-designation in action. The amendment would extend the June 1, 1971, date to June 1, 1972.

Section 211: Adds new section to prohibit discrimination because of sex under any program funded under the Public Works and Economic Development Act of 1965.

SECTION-BY-SECTION ANALYSIS OF TITLE III—APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Section 301: Short title cites title as the Appalachian Regional Development Act Amendments of 1971.

Section 302: Amends Section 105 to authorize for administrative expenses a total of $2,700,000 for the fiscal years 1972 and 1973 for the Commisison not to exceed $525,000 for the expenses of the Federal Co-Chairman, his alternate, and his staff, and $3,300,000 for fiscal years 1974 and 1975 not to exceed $575,000 for the expenses of the Federal Co-Chairman, his alternate, and his staff.

Section 303: Amends Section 106 to extend for four more years, until June 30, 1975, the authority of the Commission to lease office space.

Section 304: Amends Section 201 to increase the fiscal year 1973 authorization from $170 to $180 million and to extend the program for five more years through fiscal year 1978, by authorizing for:

Fiscal year:	*Millions*
1974	$180
1975	185
1976	185
1977	185
1978	180
Total new authorization	915

Section 305: Adds new Section 208, "Airport Safety Improvements" grants for removal of hazards, safety equipment, navigation aids, land and airspace acquisition for safety at existing airports. Federal share 90 percent, 100 percent for navigation aids. Provides for contract authority of $40 million over a 4-fiscal-year period through June 30, 1975.

Section 306(a): Amends Section 202(c) of the Health Demonstration Program to reaffirm authority for health and child development services, including those provided in Title IV of the Social Security Act. In addition, it eliminates for demonstration projects in the Appalachian region under this section, requirements of the Social Security Act to offer services on a "statewide basis".

Section 306(b): Amends Section 202(d)—provides that Appalachian Act funds can be combined with other Federal grant funds to raise Federal share of planning grants to 75 percent. Existing provisions already provide for such combining in case of construction and operating grants.

Section 307(a): Amends Mining Area Restoration Section 205(a)(1) to include grants for the purpose of controlling or abating mine drainage pollution.

Section 307(b): Amends Section 205(b) to make reasonable value, including donations, of planning, engineering, and land eligible as project costs. Extends the existing 75–25 Federal-State cost sharing ratio for restoration projects. Present statutory language allows land acquisition costs to be included only in the non-Federal share of the project and requires that the land be acquired after the enactment of the 1967 Amendments to the Appalachian Act.

Section 308: The catchline to Section 207 is amended to read as follows: "Assistance for Planning and other Preliminary Expenses of Proposed Low and Moderate Income Housing Projects," Subsections (a), (b) and (c) are rewritten and revised and Subsection (e) is amended as follows:

First: Amends existing subsection (a) by rewriting the language that permits the Secretary of HUD to make grants and loans out of the Appalachian Housing Fund, to nonprofit, limited dividend, cooperative organizations, or public bodies for planning and obtaining Federally insured mortgage financing for housing construction or rehabilitation projects under Section 221 or 236 of the National Housing Act. The language has been changed to include Section 235 of the Housing Act and to delete the language requiring such housing projects be within an area that has significant potential for future growth.

Second: Amends existing Subsection (c) by relettering it Subsection (b) and revises the language on loan conditions to provide that, except for loans to organizations established for profit, loans shall be made without interest. Legal fees have been added to the list of expenses for which loans may be given. Former provisions providing for waiver of repayment of loans have been reworded to make clear that loans may be cancelled if adequate, permanent financing cannot be obtained.

Third: Amends existing Subsection (b) by relettering it Subsection (c)(1) and revises the language on grant conditions to make clear that expenses are not limited to "administrative" expenses but may include all expenses incident to planning and obtaining financing for a housing project.

Fourth: A new Subsection (c)(2) is added to authorize the Secretary to make grants, up to an amount equal to 10 percent of the cost of the housing project, to non-profit organizations and public bodies for site development costs and off-site improvements such as water and sewer extensions, when he finds that such projects are essential to the economic feasibility of housing projects designed for low and moderate income families.

Fifth: Amends Subsection (e) to permit the Commission, as well as the Secretary of HUD to provide or contract for the provisions of information, advice, and technical assistance with respect to construction, rehabilitation, and operation by nonprofit organizations of low or moderate income income housing.

Section 309(a): Amends catchline for Section 211 from "Vocational Education Facilities" to "Vocational Education Facilities and Education Demonstration Projects".

Section 309(b): Amends Section 211(a) to authorize the use of funds for the operation of vocational education facilities.

Section 309(c): Amends Section 211(b) to authorize a new vocational and technical education demonstration program similar to the formulas in the Section 202 Health Demonstration Program. It provides grants for planning, construction, equipment, and operation of vocational and technical education demonstrations: For construction and equipment, Federal share 80 percent; operating funds including EDA constructed schools, 100 percent for two years, and 75 percent for next three years; and planning, 75 percent.

Only public entities are eligible. Federal contribution may be entirely from funds under this section or in combination with funds from other similar Federal programs. Funds in this section may be used to increase the Federal share up to the maximum set by this section.

Section 310(a): Amends Supplementary Grant Section 214(a) to permit use of funds to make basic grants when basic grant funds available under the authorizing Act are insufficient. It expands the supplementary grant program to include "first money" grants under this section. This language is similar to that provided for EDA Title V Regions in the 1969 amendments to the Public Works and Economic Development Act. In addition funds are available without regard to limitations on areas eligible for assistance or authorizations in any other Act.

Section 310(b): Amends Section 214(e) of the Act to make supplemental grant assistance under this section available for Federal grant-in-aid programs enacted prior to December 31, 1974 (presently limited to December 31, 1970).

Section 311: Amends Research and Demonstrations Section 302(a)(2) to permit the use of technical assistance, research, and demonstration funds for construction when necessary to carry out such projects up to 100 percent Federal participation. Funds may be entirely from this section or in combination with funds available under any other Federal program or any other source. These funds may also be used to increase the Federal share of any other Federal program notwithstanding its Federal share limitations.

Section 312: Authorizes for programs other than highway and airport safety:

$282 million for fiscal years 72–73.

$294 million for fiscal years 74–75.

Section 313: Amends Section 405 to extend the termination date of the Act (for other than the highway programs), for four more years to July 1, 1975.

Section 314: Adds new section to prohibit discrimination because of sex under any program funded under the Appalachian Regional Development Act.

BILLS AND RESOLUTIONS ENACTED INTO LAW

PUBLIC WORKS AND ECONOMIC DEVELOPMENT AND APPALACHIAN REGIONAL DEVELOPMENT PROGRAM EXTENSIONS—PUBLIC LAW 92–65

Subsequent to tne veto by the President of S. 575, the committee reported out H.R. 9922 on July 21, 1971. In the light of the views expressed by the President in his veto message the Public Works Acceleration Act amendments—Title I of S. 575—were eliminated. The Public Works and Economic Development Act amendments—Title II of S. 575—were redesignated as title I of the new bill and modified to authorize additional funds and authority to assist areas of high unemployment and underemployment. The Appalachian Regional Development Act amendments—Title III of S. 575—were retained as passed in the original bill but redesignated as title II of the new bill.

This new bill was passed in final form by the Congress as S. 2317 on July 30, 1971, and signed into law by the President on August 4, 1971—Public Law 92–65.

A section-by-section analysis of the law is as follows:

ANALYSIS

SECTION-BY-SECTION ANALYSIS OF TITLE I—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1971 PUBLIC LAW 92–65

Section 101: Cites title as the "Public Works and Economic Development Act Amendments of 1971".

Section 102: Amends Section 101 of the Act as follows:

First: Provides that projects undertaken in special impact areas designated under Section 401(a)(6) will provide immediate useful work to the unemployed and underemployed persons in the area.

Second: Permits the Secretary to reduce the non-Federal share of Public Works grants approved for projects in any redevelopment area and to waive such share entirely in areas designated under Section 401(a)(6), when the State or political subdivision has exhausted its effective taxing and borrowing capacity.

Section 103: Amends Section 105 to authorize $800 million annually for grants and supplementary grants for two years to June 30, 1973. The unappropriated portion of the authorization for fiscal year 1972 is available for appropriation in fiscal year 1973. It further provides that no less than 25 percent nor more than 35 percent of all appropriations made for fiscal years 1972 and 1973 authorized above shall be expended in redevelopment areas designated under Section 401 (a)(6).

Section 104: Amends Section 201(c) to extend for two years until June 30, 1973, the limitation on authorizations for public works loans and industrial and commercial loans and guarantees of $170 million per year.

Section 105: Amends Section 302 to extend for two years until June 30, 1973, the $50 million annual authorization for technical assistance, research, information, and demonstration projects.

Section 106: Amends Section 401(a) to revise two of the existing criteria for designation of "redevelopment areas" eligible for financial assistance under the Public Works and Economic Development Act of 1965, and adds a new criterion.

First: Presently areas having a median family income 40 percent less than the national median qualify for designation. 401 (a)(2) is amended to increase from 40 to 50 percent of the national median the maximum median family income under which an area can qualify.

Second: The "special impact" area definition in 401(a)(6) is deleted and redefined. It includes communities or neighborhoods without regard to political or other subdivisions or boundaries which the Secretary determines has one of the following conditions:

(a) with large concentration of low-income persons,

(b) that are rural in nature, with substantial outmigration,

(c) with substantial unemployment, or

(d) with an actual or threatened abrupt rise in unemployment due to closing or curtailment of a major source of employment.

Projects approved in areas established under this paragraph are not subject to the long-term objectives described in Section 101 (a)(1)(A) and (C); nor are they required to submit an overall economic development program. This area designation cannot be used to meet the requirements for district designation.

Third: A new criterion is added to permit designation of those areas where per capita employment has declined significantly during the next preceding 10-year period for which appropriate statistics are available.

Section 107: Amends Section 402 which pertains to the annual review of redevelopment areas to provide that designated areas may not be terminated in less than three years from date of designation.

Section 108: Amends Section 403 to extend for two more years until June 30, 1973, the $50 million annual authorization for grant and loan assistance to economic development centers and for the 10 percent bonus money for projects in redevelopment areas within designated economic development districts.

Section 109: Amends Section 509 to authorize $305 million for the two-fiscal-year period ending June 30, 1973, for the Regional Commissions. (Additional $50 million intended for Airport Safety.)

Section 110: Amends Section 512 to extend until June 30, 1973, another 2-year authorization of $500,000 for the Federal Field Committee for Development Planning in Alaska. The Federal Field Committee was abolished by the President by Executive Order 11608 on July 19, 1971.

Section 111: Amends Section 2 of the Act of July 6, 1970 (Public Law 91-304), which provided that no area designated as a redevelopment area would have its designation terminated or modified after May 1, 1970, and before June 1, 1971, unless the local governing body of the county qualified under existing criteria for de-designation specifically requests de-designation action. The amendment would extend the June 1, 1971 date to June 1, 1972.

Section 112: Prohibits discrimination because of sex under any program funded under the Public Works and Economic Development Act of 1965.

Section-By-Section Analysis of Title II—The Appalachian Regional Development Act Amendments of 1971, Public Law 92-65

Section 201: Short title cites title as the Appalachian Regional Development Act Amendments of 1971.

Section 202: Amends Section 105(b) to authorize for administrative expenses a total of $2,700,000 for the fiscal years 1972 and 1973 for the Commission not to exceed $525,000 for the expenses of the Federal Co-Chairman, his alternate and his staff; and $3,300,000 for fiscal years 1974 and 1975 not to exceed $575,000 for the expenses of the Federal Co-chairman, his alternate, and his staff.

Section 203: Amends Section 106(7) to extend for four more years until June 30, 1975, the authority of the Commission to lease office space.

Section 204: Amends Section 201(g) to increase the fiscal year 1973 authorization from $170 to $180 million and to extend the program for five more years through fiscal year 1978, by authorizing for:

Fiscal year:	*Millions*
1974	$180
1975	185
1976	185
1977	185
1978	180
Total new authorization	915

Section 205: Adds new Section 208 to provide grants for removal of hazards, for safety equipment, navigation aids, and land and airspace acquisition for safety at existing airports. Federal share 90 percent except 100 percent for navigation aids. Provides for contract authority of $40 million over a 4-fiscal-year period through June 30, 1975.

Section 206: Amends Section 202 of the Health Demonstration Program as follows:

First: Reaffirms authority to combine Federal assistance funds under the Appalachian Act with Federal grant funds under other programs for health and child development services, including Title IV of the Social Security Act. In addition, it eliminates for demonstration projects in the Appalachian region under this section, requirements of the Social Security Act to offer services on a "statewide basis".

Second: Confirms that Appalachian Act funds can be combined with other Federal grant funds to raise Federal share of planning grants to 75 percent. Existing provisions already provide for such combining in case of construction and operating grants.

Section 207: Amends Section 205 of the Act as follows:

First: It includes grants for the purpose of controlling or abating mine drainage pollution.

Second: It makes the reasonable value, including donations, of planning, engineering, land, materials, and services eligible as project costs and extends the existing 75-25 Federal-State cost sharing ratio for restoration projects. Prior statutory language allowed land acquisition costs to be included only in the non-Federal share of the project and required that the land be acquired after the enactment of the 1967 Amendments to the Appalachian Act.

Section 208: The catchline to Section 207 is amended to read as follows: "Assistance for Planning and other Preliminary Expenses of Proposed Low and Moderate Income Housing Projects", Subsections (a), (b) and (c) are rewritten and revised and Subsection (e) is amended as follows:

First: Amends existing Subsection (a) by rewriting the language that permits the Secretary of HUD to make grants and loans out of the Appalachian Housing Fund, to non-profit, limited dividend, cooperative organizations, or public bodies for planning and obtaining Federally insured mortgage financing for housing construction or rehabilitation projects under Section 221 or 236 of the National Housing Act. The language has been changed to include Section 235 of the Housing Act and to delete the language requiring such housing projects be within an area that has significant potential for future growth.

Second: Amends existing Subsection (c) by relettering it Subsection (b) and revises the language on loan conditions to provide that, except for loans to organizations established for profit, loans shall be made without interest. Legal fees have been added to the list of expenses for which loans may be given. Former provisions providing for waiver of repayment of loans have been reworded to make clear that loans may be cancelled if adequate, permanent financing cannot be obtained.

Third: Amends existing Subsection (b) by relettering it Subsection (c)(1) and revises the language on grant conditions to make clear that expenses are not limited to "administrative" expenses but may include all expenses incident to planning and obtaining financing for a housing project.

Fourth: A new Subsection (c)(2) is added to authorize the Secretary to make grants, up to an amount equal to 10 percent of the cost of the housing project, to non-profit organizations and public bodies for site development costs and off-site improvements such as water and sewer extensions, when he finds that such projects are essential to the economic feasibility of housing projects designed for low and moderate income families.

Fifth: Amends Subsection (e) to permit the Commission, as well as the Secretary of HUD to provide or contract for the provision of information, advice, and technical assistance with respect to construction, rehabilitation, and operation by non-profit organizations of low or moderate income housing.

Section 209: The catchline to Section 211 is amended to read as follows: "Vocational Education Facilities and Vocational and Technical Education Demonstration Projects". The section is amended as follows:

First: Amends Section 211(a) to authorize the use of funds for the operation of vocational education facilities in addition to the presently authorized use of such funds for construction and equipping such facilities.

Second: Amends Section 211(b) to authorize a new vocational and technical education demonstration program similar to the Section 202 Health Demonstration Program It provides grants for planning construction equipment, and operation of vocational and technical education demonstrations: For construction and equipment, Federal share 80 percent; for operating grants, Federal contribution 100 percent for 2 years, and 75 percent for next 3 years; and planning, 75 percent. Also provides that despite Section 104 of the Public Works and Economic Development Act, schools constructed with the financial assistance of the Economic Development Administration may be part of a demonstration receiving an operating grant.

Only public entities are eligible. Federal contribution may be entirely from funds under this section or in combination with funds from other Federal programs providing assistance for education-related facilities or services, and funds in this section may be used to increase the Federal share under such other programs up to the maximum set by this section.

Section 210: Amends Supplementary Grant Section 214 as follows:

First: In addition to previously authorized supplements to basic grants under other Federal grant-in-aid programs, permits use of funds to make basic grants when basic grant funds available under such other programs are sufficient. This language is similar to that provided for EDA Title V Regions in the 1969 amendments to the Public Works and Economic Development Act. In addition, funds are available without regard to limitations on areas eligible for assistance or authorizations in any other Act.

Second: Amends Subsection (e) to make grant assistance under this section available for Federal grant-in-aid programs enacted prior to December 31, 1974 (presently limited to December 31, 1970).

Section 211: Amends Section 302(a)(2) to eliminate limiting language against use of funds for construction purposes and make clear that technical assistance, research, and demonstration receiving an operating grant. struction when necessary to carry out such projects. Funds may be entirely from this section or in combination with funds available under any other Federal program or any other source. These funds may also be used to increase, up to 100 percent, the Federal share under any other Federal program notwithstanding its Federal share limitations.

Section 212: Amends Section 401 to provide authorizations other than for administrative expenses, highways, and airport safety provided in other sections, to carry out the Act as follows:

$268.5 million for fiscal years 70-71.

$282 million for fiscal years 72-73.

$294 million for fiscal years 74-75.

Specific ceilings on authorizations for the various programs are eliminated from the existing law.

Section 213: Amends Section 405 to extend the termination date of the Act (for other than the highway programs), for 4 more years to July 1, 1975.

Section 214: Prohibits discrimination because of sex under any program funded under the Appalachian Regional Development Act.

DISASTER RELIEF FOR CERTAIN MEDICAL CARE FACILITIES—PUBLIC LAW 92–209

This act provides Federal financial assistance for the reconstruction or repair of nonprofit medical care facilities which are damaged or destroyed by a major disaster.

The California earthquake in February 1971 was the first disaster that brought into play the application of the Disaster Relief Act of 1970. The existing legislation had contemplated the need for assistance to repair or reconstruct facilities belonging to State and local governments. Public hospitals damaged or destroyed in the disaster were eligible for Federal assistance under the existing legislation. However, it became apparent in reviewing the problems encountered as a result of this disaster, that the situation had been overlooked where facilities providing needed medical services for the general public were operated by nonprofit organizations rather than by State or local governments.

This law amends the Disaster Relief Act of 1970 by adding a new section to it. This section authorizes the President to make grants up to 100 percent of cost for the purpose of repairing or reconstructing any medical care facility which is damaged or destroyed by a major disaster and which is operated on a nonprofit basis by an organization exempt from taxation under section 501(c)(d)(e) of the Internal Revenue Code of 1954.

The act also authorizes Federal grants up to 50 percent of cost to restore to predisaster conditions nonprofit medical care facilities which were under construction when damaged by a major disaster. Payments of up to 50 percent of increased construction costs due to changed conditions since the disaster are also authorized. The act is effective retroactively to January 1, 1971, in order to make this assistance available to those facilities damaged or destroyed in the California earthquake.

RIVER BASIN MONETARY AUTHORIZATION ACT OF 1971—PUBLIC LAW 92–222

This legislation authorizes an increase in the monetary authorization for 14 comprehensive level basin plans previously approved by the Congress, provides additional modifications of existing project authorizations and general legislation, and includes the authorization of one project. The following is a discussion of the sections of S. 2887:

Section 1 provides increased authorizations for the prosecution of river basin plans for flood control and related purposes under the jurisdiction of the Secretary of the Army and the Chief of Engineers. The appropriations intended to be covered by the increased authorizations are those necessary for the scheduled funding requirements through calendar year 1973. Allowance is made for the amount of monetary authorization presently available in the various basins. The necessity for these increased authorizations is explained below.

Monetary authorizations first were put into effect by the Flood Control Acts of 1936 and 1938. They limit authority to appropriate and expend funds within specified basins or specified major projects to levels below the total costs of the authorized basin or project developments. In this way they give the Congress opportunity to review and control the rate of accomplishment of the basin plans and major projects to which they apply.

In these plans, the Congress has approved an entire plan for development of a river basin in the interest of flood control, navigation, power, and allied water uses, but limited the amounts of funds to anticipated appropriations for a specified period of years, allowing accomplishment of only part of the plan. Subsequently, the Congress has augmented some of the previously approved plans, by authorizing additional projects, or modifications of projects, and increased the monetary authorization to provide for additional appropriations. When the monetary authorization limit of a plan is approached, legislation is required to provide additional authorization so that appropriations can be made to permit the plan to continue. If such legislation is not forthcoming when needed, construction of projects in the basin plan cannot proceed, even if funds have been included in appropriation acts for this purpose.

In addition to projects comprising these basin plans subject to monetary authorization, Congress has authorized other projects in the basins for which full monetary authorization for appropriations has been provided under the terms of the authorizing act. Projects in this category require no further monetary authorization action by the Congress.

At the present time there are 29 basin development plans subject to basin monetary authorization limitations. Authorizations provided to date, including the most recent provided by legislation in 1970, are adequate for work to be performed in most of the basins through calendar year 1971. However, there are nine basins whose monetary authorizations will be exhausted in calendar year 1972, unless further authorization is provided and there are basins which will run out of authorization in calendar year 1973 unless additional authorization is provided.

The following table furnishes for the basins shown in section 1 of the bill the dates of original authorization and the amount of increased authorizations needed for the work to be performed through calendar year 1973:

Basin	Act of Congress	Amount
Alabama-Coosa River	Mar. 2, 1945	$38,000,000
Arkansas River	June 28, 1938	57,000,000
Brazos River	Sept. 3, 1954	20,000,000
Central and southern Florida	June 30, 1948	18,000,000
Columbia River	June 28, 1938	130,000,000
Mississippi River and tributaries	May 15, 1928	97,000,000
Missouri River	June 28, 1938	101,000,000
North Branch Susquehanna River	July 3, 1958	17,000,000
Ohio River	June 22, 1936	62,000,000
Ouachita River	May 17, 1950	1,000,000
San Joaquin River	Dec. 22, 1944	44,000,000
South Platte River	May 17, 1950	37,000,000
Upper Mississippi River	June 28, 1938	2,000,000
White River	do	4,000,000
Total		628,000,000

Sections 2 through 13, in general, modify existing projects and general legislation and include authorization of one project. Section 2 authorizes construction of dikes on the Missouri River to protect pumping plant intake of the Frazier-Wolf Point irrigation unit. Section 3 would provide additional community facilities at the Drow Creek Sioux Tribe Indian Reservation in South Dakota. Section 4 excludes assurances for future water supply storage from general authority provided in section 221 of the Flood Control Act of 1970.

Section 5 provides for a flood control survey of Chiltipin Creek in the vicinity of Sinton, Tex. Section 6 provides for the replacement of the George Washington Memorial Parkway bridge over Four-Mile Run at Federal expense. Section 7 eliminates certain items of local cooperation for the diversion channel feature of the Tiptonville-Obion River levee project. Section 8 eliminates an item of local cooperation relating to furnishing water rights for the Stonewall Jackson and Rowlesburg Dam and reservoir projects, West Virginia. Section 9 authorizes use of future navigation storage in Benbrook Reservoir for emergency water supply for Arlington, Tex. for a period not to exceed 4 years. Section 10 authorizes recreation area access road improvements in the vicinity of Perry Lake, Kans. Section 11 authorizes reconveyance to former owners of certain lands acquired in fee along the Verdigris River portion of the McClellan-Kerr Arkansas River navigation project. Section 12 authorizes Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, subject to approval by the Appalachian Regional Commission and the President. Section 13 modifies the Lower Monumental lock and dam project, Snake River, Wash., to provide for Federal performance or pay cost of protecting a bridge or structure from damage caused by the project.

Section 14 identifies this act as the River Basin Monetary Authorization Act of 1971.

BILLS APPROVED BY THE HOUSE BUT NOT ACTED UPON BY THE SENATE

A bill to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motor buses—H.R. 4354: The purpose of H.R. 4354 is to permit the operation of 102-inch wide buses on the Interstate Highway System and only on those sections which have traffic lanes at least 12 feet wide.

The bill would become effective on the first day after the Secretary of Transportation has completed the necessary safety studies concerning the effects of allowing these wider buses to operate on the Interstate System and has promulgated such safety regulations as he deems necessary, or on July 1, 1973, whichever date first occurs unless, prior to such effective date, the Secretary reports to Congress that as a result of such studies he has determined that the operation of motor buses having a width of 96 inches but not in excess of 102 inches upon 12-foot wide traffic lanes of the Interstate System will be unsafe and cannot be made safe by promulgation of safety regulations.

It is clear to the committee that every means must be made available to the people of this country to improve its transportation capability. One of the most critical areas of the need for improved mobility is in the mass transportation systems of our urban areas.

Practically all of the cities in the country presently permit 102-inch buses to operate on their streets and highways the lane widths of which are for the most part much narrower than those on the Interstate System and which have safety characteristics which are considerably less than those of the Interstate System. It should be further pointed out that as of January 1, 1971, UMTA—DOT—has provided financial assistance for the purchase of 2,481 buses of which 1,761 are 102 inches in width. Yet, in these cities the newly constructed Interstate System is not available to them under current law. There are approximately 22,000 buses of 102-inch width in operation at the present time across this country. In urban areas where express bus service and long haul sections of transit routes have strong potential for improving the overall mass transit capability, the very system which presents this potential—the Interstate System—is denied to this use for those mass transit vehicles which are the most efficient and modern, the 102-inch bus.

The fallacy of these existing situations was repeatedly pointed out to the committee throughout the hearings. The clear facts that the 102-inch bus is in widespread use with an excellent safety record on narrow lanes with lesser safety characteristics than the Interstate System has convinced the committee that the 96-inch restriction on the Interstate System should be removed. The committee is clearly of the opinion that this inequity is preventing in a major way the flexibility and efficiency so necessary in the mass transit system of our urban areas.

The other part of the bus operation—intercity long haul buses—presents still another phase of the transportation system which must be realized to its peak efficiency. This fact is accentuated by the recent developments in the railroad industry which have completely removed passenger service to many cities and so curtailed others as to create hardships on the total mobility of the American people.

Testimony before the committee has shown that 102-inch buses have been used extensively in Canada on intercity operations and on the New York Thruway and on the Interstate System in the nine States which were permitted 102-inch widths on the Interstate System by the grandfather clause of the 1956 Highway Act. Here, again as in the case of the urban bus operation the vehicle itself is in existence and given the proposed increase in the width limitation on the Interstate System it would go into operation on the system immediately.

A bill to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir—H.R. 9886: The purpose of H.R. 9886, which was passed by House of Representatives on December 6, 1971, is to authorize the Secretary of the Army to contract with the city of Arlington, Tex., which is facing a serious water supply problem, for the use of water supply storage in Benbrook Reservoir to meet the serious water supply needs of the city pending improvement of the city's water supply system.

The Benbrook Reservoir was authorized by the River and Harbor Act of March 2, 1945, for the purposes of flood control and navigation. The navigation storage was for future use in connection with the Trinity River navigation project. The reservoir, placed in operation in 1952, contains 72,500 acre-feet of storage for navigation. The Trinity River navigation project, authorized in 1965, is not yet under construction.

During construction of Benbrook Reservoir the city of Fort Worth expressed an interest in obtaining municipal water supply from the reservoir. This was not possible without legislation, and in 1956 the Congress enacted legislation—Public Law 782, 84th Congress, 70 Stat. 632—which modified the Benbrook project to authorize the Secretary of the Army to contract with the city of Fort Worth for the use of water supply storage in the reservoir for municipal water supply until such time as the water supply storage is needed for navigation purposes.

In 1970, that legislation was amended—Public Law 91–282—to authorize the Secretary of the Army to contract with the Benbrook Water and Sewer Authority also.

The bill would authorize the Secretary to contract with the city of Arlington, Tex., for the use of water supply storage in Benbrook Reservoir for any storage not used by the city of Fort Worth or the Benbrook Water and Sewer Authority, for a period not to exceed 4 years or until such time as the water supply storage is needed for navigation, whichever first occurs.

The city of Arlington is facing a serious water supply problem because of the deteriorating quality of the water in its wells, brought on by a drought. The bill would provide relief pending improvement of their water supply problem.

BILL REPORTED TO THE HOUSE BUT NOT ACTED UPON

A bill to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters and for other purposes—House Joint Resolution 893: This bill was reported by the committee on November 30, 1971, which amends two related acts, the Disaster Relief Act of 1970, and the National Flood Insurance Act of 1968. The purpose of the amendments is to defer the effective date of two restrictions now contained in sections 1314 and 1315 of the National Flood Insurance Act which deny the benefits of the disaster loan and disaster loan forgiveness features of the Small Business Act to persons who could have purchased flood insurance during the year preceding the date the disaster occurred, but failed to do so, and require as a condition for continued community eligibility for flood insurance after December 31, 1971, that the appropriate local government adopt land use and control measures to reduce or avoid future flood damage.

The committee believes more time should be allowed for the public to become aware of the existence of the flood insurance program and of the need to purchase flood insurance, before imposing a penalty upon those who do not purchase the insurance. Section 1 of the bill accomplishes this purpose by inserting a new subsection (b) at the end of section 231 of the Disaster Relief Act, which would postpone the application of the disaster relief denial provisions of section 1314(a)(2) of the National Flood Insurance Act for a period of time commencing one year after the date on which flood insurance was made available in the area where the disaster occurred and ending 1 year following the date of enactment of the bill.

Section 2 of the bill would amend the National Flood Insurance Act by deferring the December 31, 1971, date contained in section 1315, for a period of 2 years, in order to enable local governments to obtain additional technical information about the nature of their flood hazards before adopting restrictive zoning and building code measures as the act requires. This is accomplished by simply striking out the 1971 date and substituting the 1973 date.

BILLS ORDERED REPORTED

A bill to amend the Federal Water Pollution Control Act—H.R. 11896: The committee held a considerable number of hearings on review and oversight of the existing water pollution control program. The hearings were held on May 25 and 26, June 2, 3, 8, 9, 10, 15, 17, 22, and 24, and July 7, 1971. At the conclusion of the hearings, the following statement was issued by Chairman JOHN A. BLATNIK:

STATEMENT OF CHAIRMAN JOHN A. BLATNIK

The Committee on Public Works has now concluded this phase of its oversight hearings on water pollution control, and has established a number of significant findings which should serve as guidelines for early administrative and legislative action.

First, these extensive hearings have established that the basic water pollution control law drafted by this Committee some 15 years ago and improved upon in subsequent years is organically sound and points our national efforts in the right direction. Considering the explosive population growth and the proliferation of new industries since its enactment, it is clear that this legislation has, at the very least, prevented far worse degradation of our water resources than we have actually experienced.

The failures and disappointments of the pollution control program—and they have been many—trace largely to these factors, some unforeseeable, others clearly avoidable:

1. An almost complete lack of comprehensive, practical planning, as required by law, prior to the granting of Federal funds for construction of local sewage treatment plants.

2. Enforcement procedures were criticized by a number of witnesses as being too slow and cumbersome. The Committee is following through on these complaints with a view to streamlining this essential element of the program.

3. A breakdown of coordination and cooperation between Federal and State agencies responsible for pollution control. State officials testifying before this Committee complained that they are being strangled by Federal red tape and that the entire program

has been slowed down by the injection of the 1899 Refuse Act into the water pollution effort.

"In justice to the Federal authorities, it should be noted that administrative responsibility for this program has been shuffled from agency to agency over the years and finally came to rest in the Environmental Protection Agency barely a year ago.

"Nevertheless, there would appear to be some justification for the State complaints. And there is logic in their judgment that the application of the 1899 Refuse Act, enacted in another age and for other purposes, is handicapping their own efforts by superimposing Federal permit requirements on the permit systems already existing in most of the 50 States.

The Water Pollution Control Act of 1956, and subsequent enactments, made it clear that primary responsibility and authority for cleaning up our waters rest with the States. The State witnesses who appeared before us have told us that, in their judgment, a dual system of permits for industrial discharge into our Nation's waters is unworkable and that Congress must decide between the Federal and State systems.

Other problems have surfaced in the course of these hearings, notably the need for re-examination of water quality standards and implementation schedules, for intensified research, and for improved collection and dissemination of all the varied information this program requires for its success.

We have reason to be sadly disappointed over the slow pace of our progress, but we can be encouraged by the fact that the program is gathering momentum in many States—particularly in view of the fact that reasonably adequate Federal funding has been available to them only in the past 2 years.

This Committee next will turn its attention to proposals for additional water pollution control legislation and will welcome constructive suggestions from every quarter. And I speak from 25 years' experience when I say that we are better prepared, as a result of these oversight hearings, than any Committee has ever been to tackle the problem on an intelligent and systematic basis.

The legislative hearings commenced on July 13 and continued for a total of 22 days through November 9, 1971. During this period of time, the committee heard 187 witnesses and received over 100 additional statements for the record. Subsequent to these hearings, all the committee members joined in introducing H.R. 11895 and 11896 and additional hearings were held on December 7, 8, 9, and 10, 1971, with testimony relating specifically to these bills. On December 15, after 2 days of executive session, the committee ordered reported H.R. 11896 with amendments.

H.R. 11896

H.R. 11896, as ordered reported by the Committee on Public Works of the House of Representatives on December 15, 1971, included the following provisions:

The objective of the bill is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

It is declared to be national goals to eliminate the discharge of pollutants into the waters of the United States by 1985 and to achieve water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by 1981.

It is stated policy of the bill to prohibit the discharge of toxic pollutants in toxic amounts, to provide financial assistance to communities to construct waste treatment facilities, to increase research and development, to expand the regional and basin planning and management programs, and eliminate red tape in the administration of water pollution control programs. It is stated to be the policy of the Congress to encourage Federal-State efforts in the water pollution control policy.

It is also declared to be the policy that the President shall take action to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, control, and abatement of water pollution in their waters and international waters and to achieve and for the achievement of goals to at least the same extent as the United States does.

In order to achieve these policies and goals, the following provisions are included in the program:

(1) Authorizes appropriations of over $800,000,000 for basic and advanced research, development, and training.

(2) This program recognizes the need for an expanded and improved State participation in the water pollution control program. The grants for the funding for State programs has been increased from $30 million for the previous three years to $165 million for the next three years.

(3) The program would encourage alternative systems including advanced technologies and land disposal systems including the Muskegon System.

(4) It is required in the implementation of this bill that the agencies consider all potential impacts relating to water, land, and air to insure that in enhancing the water quality, other significant environmental problems are not created.

(5) Authorizes $20 billion for construction of waste treatment works for fiscal years 1972–1975. This includes construction of treatment facilities and collector sewer systems, including systems for treatment of storm sewer run-off.

(6) Establishes the basic Federal share of construction grants at 60 percent. If a State pays 15 percent of the cost, the Federal grant is increased to 75 percent.

(7) Provides for contract authority for construction grants.

(8) Establishes allocation of grant funds to the States on the basis of need for waste treatment works.

(9) Provides that all projects initiated after 1956 which meet the requirements of the previous Acts would be eligible for retroactive grants. $2,750,000,000 is authorized for this purpose.

(10) Provides for user charges to assure that recipients of waste treatment services will pay their share of the cost of constructing, operating, and maintaining waste treatment facilities. The portion of the Federal grants for construction which is applicable to industrial user wastes will be retained by the local waste treatment works management agency to provide for its needs.

(11) Emphasizes the necessity for areawide waste treatment management and makes provisions for areawide management agencies. $450,000,000 is authorized to the Environmental Protection Agency and the Corps of Engineers to assist in carrying out this areawide waste treatment management. The Water Resources Council is directed to complete comprehensive river basin plans by January 31, 1980, and $200,000,000 is authorized to be appropriated to carry out these plans.

(12) Retains the process in existing law for establishing water quality standards for interstate waters. The bill further requires that water quality standards be established for all navigable waters.

(13) Requires point sources other than publicly owned treatment works to utilize the best practicable control technology currently available or a higher level of treatment if required to meet water quality standards.

(14) Required those municipal treatment works for which grants are approved as of June 30, 1974, or which are in existence on January 1, 1976, to have effluent limitations based on secondary treatment.

(15) Because of concern about the economic and social impacts of the desirable objective of attaining the 1981 and 1985 goals, the bill required that the National Academy of Sciences complete within two years of the enactment of this bill, a comprehensive study of the economic, social and environmental costs impacts and benefits. The 1981 and 1985 goals would not be implemented until the Congress has an opportunity to evaluate the report and take further action.

(16) Requires that new sources of water pollution be constructed to meet a standard that reflects the greatest degree of effluent reductions that can be achieved by the use of the best available, demonstrated control technology. If practicable, the standard would permit no discharge of pollutants. Each new plant or modification of existing plant will be required to follow such standards unless it can be demonstrated that the economic and social costs of achieving this standard exceeds the economic and social benefits.

(17) Requires the Administrator to publish a list of toxic pollutants. Six months thereafter the Administrator must publish proposed effluent limitations for the listed pollutants. This limitation when justified could prohibit any discharge of toxic material.

(18) Requires effluents from industrial facilities which are discharged into municipal treatment works to have a level of pretreatment which would interfere with the operation of the treatment process or which would not be susceptible to treatment.

(19) Repeals existing enforcement procedures, including conferences and 180-day actions for violation of the water quality standards. The bill substitutes a system of enforcement based upon discharge permits and effluent limitations. Violations under the provisions of this bill could result in penalties of up to $50,000 and two years in jail.

(20) Modifies existing provisions of law dealing with oil pollution to add liability for the cleaning up of any hazardous material discharged into navigable waters. Under the bill, EPA is required to designate materials and quantities of such materials that are hazardous. To be judged hazardous, a pollutant must present an element of substantial danger to the public health and welfare, including danger to fish, shellfish, and beaches. The negligent discharge of any hazardous substance which cannot be cleaned up liable to a penalty not to exceed $50,000. There is no limitation of liability for willful discharges.

(21) Requires Federal facilities to meet the same effluent limitations and water quality standards as private sources of pollution unless the facility is specifically exempted by the President. The President cannot exempt any source from new source performance standards or toxic and pretreatment standards.

(22) Requires all States to identify and classify their lakes according to eutrophic conditions and to establish procedures to control and restore polluted lakes $300,000,000 is authorized for this program.

(23) Adds new provisions for thermal discharges. The bill provides for continuing comprehensive studies of the effects and methods of control of thermal discharges which shall consider costs, benefits, environmental impacts, and methods to minimize adverse effects and maximize the beneficial effects of thermal discharges. The results of these studies shall be reported within one year. The Administrator is required to issue

proposed regulations for control of thermal discharges within one year after enactment of the Act. Permits for thermal discharges are required as a part of the national discharge permit program.

(24) Declares to be unlawful the discharge of any pollutant by any person except as specifically authorized in the bill. The bill establishes a Federal-State discharge permit program. All permits issued under this program shall be consistent with the specific requirements of the bill, including effluent limitations, national standards of performance, toxic and pretreatment standards, and ocean discharge.

(25) Provides that upon enactment of this bill, no new permits will be issued under the 1899 Refuse Act. Permits previously issued under that Act will be considered to be permits under this new program. Pending applications under the Refuse Act program would be transferred from the Corps of Engineers who are administering the 1899 Refuse Act to the Environmental Protection Agency who would be initially responsible for the administration of the new program.

(26) The Administrator shall promulgate guidelines which spell out the details of a State program which would be capable of managing the permit program. Those States which in the Administrator's judgment have programs which meet these guidelines would assume the responsibility of managing the permit program in those States. In States which fail to meet the guidelines, the Administrator will carry on the program. In the interim, while the guidelines are being promulgated, the Administrator may delegate authority to those States that have an adequate program to grant permits, except that in these cases all permits proposed to be granted would be subject to the review and approval of the Administrator.

(27) The permit program includes the regulation of discharge into the navigable waters, territorial sea, the waters of the contiguous zones, and the oceans.

(28) Establishes provisions for citizen participation in enforcement of control requirements and regulations created by this bill. Anyone who has standing may initiate a civil suit against any person who is alleged to be in violation of a Federal or State effluent standard or limitation or an order with respect to such a standard or limitation and may initiate a civil suit against the Administrator for failure to perform a nondiscretionary act. The bill grants standing to citizens of the area where the direct interests are affected and to groups who have been actively engaged in the administrative process and have thereby shown an interest in the area in controversy.

(29) The bill precludes the Federal government from patronizing or subsidizing polluters through its procurement practices and policies.

(30) Directs the Secretary of Commerce to make an investigation and study of the effect that the costs of undertaking abatement control programs would have on the competitive position of the United States manufacturers as compared with foreign industrial nations not having the same degree of pollution control. This study would include alternative means of equalizing any competitive cost advantage that foreign nations may have and encouraging them to implement pollution and abatement programs. $1,000,000 is authorized for the study and an initial report is due within six months from the date of the enactment of this section.

(31) Amends the Small Business Act and makes available $800 million to make loans to assist small concerns likely to suffer substantial economic injury in meeting the water pollution requirements established under the Federal Water Pollution Control Act. These loans would be for the purpose of making additions or alterations in the equipment, facilities, including the construction of treatment facilities and interceptor sewers, or methods of operation.

(32) Requires the President to investigate and report to the Congress within six months the feasibility of establishing a separate court or court system to deal with environmental matters.

(33) Requires the President to make an investigation and to report the results to the Congress within two years of all national policies and goals heretofore established by law with the purpose of determining the relationship between these possibly competing policies and goals. This evaluation should take into account the available resources of the Nation. $5,000,000 is authorized for this study.

(34) Authorizes the establishment of an Environmental Financing Authority (EFA) under the supervision of the Secretary of the Treasury for the purpose of facilitating the efforts of State and local governments to obtain funds to finance their share of the construction costs of waste treatment facilities that receive grants from the Federal government.

The bill, as reported, authorizes $27 billion for water pollution control.

CONTINUING AUTHORIZATIONS—FEDERAL WATER POLLUTION CONTROL ACT

While the extremely important hearings on the oversight of the water pollution control program and on legislative proposals were proceeding, funding for the existing Water Pollution Control Act expired on June 30, 1971. Because of the necessity to continue the funding for the program, it was necessary to pass legislation extending the program.

S. 2133 which passed the House on July 1, 1971, and was approved on July 9, 1971—Public Law 92-50—included three sections: Section 1 provided that funds authorized for research, investigations, training and information under section 5 and for research and development under section 6 of the Federal Water Pollution Control Act for the fiscal year ending June 30, 1971, would remain available until September 30, 1971. Section 2 authorized $2,500,000 for grants for State water pollution control programs for the 3-month period ending September 30, 1971, a level which was 25 percent of the fiscal year 1971 authorization. Section 3 authorized construction grants for the 3-month period ending September 30, 1971, in the amount of $500 million, a level which was consistent with the administration's budget request for this program.

S. 2613 which passed the House on September 30, 1971, and was approved on October 13, 1971—Public Law 92-137—extended the authorization for the basic sections of the Federal Water Pollution Control Act for an additional month to October 31, 1971. Section 1 of the bill extended section 5(n) of the Federal Water Pollution Control Act which authorizes an additional $7 million for research, investigations, training and information programs under the jurisdiction of the Environmental Protection Agency. Section 2 authorized further funding for research and development programs under section 6(e) of the Federal Water Pollution Control Act. Section 3 authorized $4 million for section 7(a) of the Federal Water Pollution Control Act. This allowed the States to carry on the planning of their programs. Section 4 of the bill authorized $650 million for section 8(d) of the Federal Water Pollution Control Act which is the basic grant program for waste treatment facilities.

BILL APPROVED BY THE HOUSE AND AMENDED BY THE SENATE

A bill to extend the Federal Water Pollution Control Act until January 31, 1972—H.R. 11423: On October 28, 1971, the House passed and sent to the Senate H.R. 11423 extending the Federal Water Pollution Control Act until January 31, 1972. Section 1 of the bill extended section 5(n) of the Federal Water Pollution Control Act and provided an additional authorization of $20 million for the 4 months ending January 31, 1972, for research, investigations, training, and information programs. Section 2 authorized $7 million in addition to funds previously appropriated for financing research and development grant programs under section 6(e). Section 3 provided an aditional $6 million for section 7(a) of the Federal Water Pollution Control Act—a total of $10 million for the 7-month period ending January 31, 1972. This was to permit the States to continue the planning of their programs in an orderly fashion. Section 4 increased the authorization for the basic grant program for waste treatment facilities under section 8(d) to $1,250 million. In addition, section 4 provided for extending section 8(c) of the Federal Water Pollution Control Act. Under this section certain States are eligible to be reimbursed for the Federal share on such projects as have been prefinanced under section 8(c). On November 3, 1971, the Senate amended H.R. 11423, deleting the reimbursement provision and cutting back on the extension to November 30, 1971. No further action was taken on this bill.

PUBLIC BUILDINGS AMENDMENTS OF 1971—H.R. 10488

H.R. 10488, the Public Buildings Amendments of 1971, was ordered reported by the committee on December 16, 1971. The bill as reported authorizes the construction of public buildings for a 3-year period by purchase contract or lease construction. It would also establish a permanent revolving fund created by rentals paid by Government agencies for use of space and other purposes under which the General Services Administration, after approval of prospectuses under the Public Buildings Act of 1959, would construct public buildings.

The bill also includes a 1-year authorization of $1,500,000 for the operation and maintenance of the memorial portion of the John F. Kennedy Center for the Performing Arts.

SAFETY STANDARDS PROPOSED BY THE DEPARTMENT OF TRANSPORTATION

The Subcommittee on Roads held hearings on two new standards proposed by the Department of Transportation under the Highway Safety Act of 1966, namely, standard No. 17 on pupil transportation safety and standard No. 18 on accident investigation reporting.

The subcommittee recommended and the full committee concurred in reporting to the Secretary of Transportation that the standards not be promulgated at this time. The committee's action in this case was a positive one which is geared toward a reexamination of the entire safety picture during the upcoming hearings on highway legislation in 1972. At that time a consolidation of the standards which has been underway since

January 1971 in the Department of Transportation will be examined and proper administrative and funding procedures recommended by the committee.

My sincere appreciation for their splendid cooperation goes to the committee members, particularly the subcommittee chairmen—Congressman Ray Roberts, chairman of the Subcommittee on Rivers and Harbors; Congressman Robert E. Jones, chairman of the Subcommittee on Flood Control and Internal Development; Congressman John C. Kluczynski, chairman of the Subcommittee on Roads; Congressman Kenneth J. Gray, chairman of the Subcommittee on Public Buildings and Grounds; Congressman James Kee, chairman of the Subcommittee on Conservation and Watershed Development; and Congressman Jim Wright, chairman of the Subcommittee on Investigations and Oversight.

To Congressman William H. Harsha, of Ohio, the ranking minority member of the committee, as well as the other able members of the minority side who have done much to further the work of the committee, I wish to extend my deep and sincere appreciation also.

To all the staff of the committee and subcommittees, may I think you sincerely for a job well done.

SUMMARY

The following is a summary of measures acted upon by the committee in the first session:

BILLS AND RESOLUTIONS ENACTED INTO LAW

Public Law No.	Bill No.	Date approved	Title
92-65	H.R. 9922 (S. 2317)	Aug. 5, 1971	Public Works and Economic Development Act Amendments of 1971 and Appalachian Regional Development Act Amendments of 1971.
92-209	S. 1237	Dec. 18, 1971	Provide financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster.
92-222	S. 2887	Dec. 23, 1971	River Basin Monetary Authorization Act of 1971.

BILLS APPROVED BY THE HOUSE BUT NOT ACTED UPON BY THE SENATE

Bill No.	Date passed House	Title
H.R. 4354	July 21, 1971	To amend sec. 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motorbuses.
H.R. 9886	Dec. 6, 1971	To authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir.

BILL APPROVED BY THE HOUSE AND SENATE AND VETOED BY THE PRESIDENT

Bill No.	Date vetoed	Title
H.R. 5376 (S. 575)	June 29, 1971	To extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

BILL APPROVED BY THE HOUSE AND AMENDED BY THE SENATE

Bill No.	Date passed House	Date passed Senate	Title
H.R. 11423	Oct. 28, 1971	Nov. 3, 1971, amended	To extend the Federal Water Pollution Control Act until Jan. 31, 1972.

BILL REPORTED TO THE HOUSE BUT NOT ACTED UPON

Bill No.	Date reported	Title
H.J. Res. 893	Nov. 30, 1971	To amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters.

BILLS ORDERED REPORTED

Bill No.	Date ordered reported	Title
H.R. 11896	Dec. 15, 1971	To amend the Federal Water Pollution Control Act.
H.R. 10488	Dec. 16, 1971	Public Buildings Amendments of 1971.

ACCURACY IN MEDIA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. ASHBROOK. Mr. Speaker, almost 2 years ago a group of citizens here in Washington, fearful that the content and presentation of the news by many sections of the media were undermining the democratic process and thus threatening this Nation's freedom, formed an organization which they titled "Accuracy in Media." As the title indicates, the purpose of the group was to call to public attention cases of inaccurate and unbalanced news packages of the communications media. By means of critiques, articles, editorial replies, bulletins, reprints, and news releases AIM has received coverage in the Congressional Record, Barron's, Copley Papers, Washington Star, Edith Kermit Roosevelt's column, Combat, Editor and Publisher, the Montgomery County Tribune, many other local papers and some radio and TV stations.

The August 21, 1971, issue of Editor and Publisher carried an article under the byline of Luther A. Huston which briefly but adequately outlines the purpose of the newly formed AIM.

Stated Mr. Huston in part:

> Abraham H. Kalish, executive secretary, says AIM is not interested in the ideology of communications medium; all it wants is that the media report news that the public is entitled to know, and not suppress, ignore, or distort news because the newspaper or the network disagrees with the content or the angle of the story.

Recently AIM turned its attention to a most vital area—our Nation's defense posture. Citing two cases involving the status of our defenses in contrast to those of the Soviet Union, AIM compared the various treatments by the communications media in this area and rated the various participants accordingly. Because the adequacy of our defenses and thus our national security is under discussion more and more these days, the critique entitled "The Press Sounds an Uncertain Trumpet on Defense Posture of America," issued recently by AIM should be of interest to those concerned with our country's defenses. I insert at this point in the Record the AIM study preceded by the previously mentioned article from Editor and Publisher.

The items follow:

Eyes and Ears of AIM Monitor All News Media

(By Luther A. Huston)

Whether it is a small newspaper in the sticks or a large metropolitan daily; a local television station or a national network, it had better be accurate and fair in its reporting or it may hear from AIM.

AIM stands for Accuracy in Media and it has eyes and ears monitoring the media in all parts of the country.

In a speech in the House of Representatives recently, Representative Philip M. Crane, of Illinois, described AIM as "a singular scholarly and valuable effort undertaken by private citizens to seek accurate, objective, nonbiased news reporting and commentary; in other words, to keep the press honest with itself and the American public."

Abraham H. Kalish, executive secretary, says AIM is not interested in the ideology of any communications medium; all it wants is that the media report news that the public is entitled to know, and not suppress, ignore, or distort news because the newspaper or the network disagrees with the content or the angle of the story.

In pursuit of AIM's objectives, Kalish has become something of a burr under the saddle of editors who ride the news desks in newspapers and television newsrooms who consider it their prerogative to acknowledge and in some cases correct, their own mistakes. Most newspapers prefer to be their own ombudsman, and so do the broadcasters.

Accuracy in Media was formed as a citizens organization in 1969 and recently became an educational, non-profit corporation. It has no governmental backing. Its activities so far have been financed by small contributions from active supporters but it hopes to raise enough money from public and foundations to enable it to broaden its operations.

AIM's president is Dr. Francis G. Wilson, emeritus professor of political science, University of Illinois. Its vice president is Alphons Hackl, a Washington book publisher, and John K. McLean, a Washington stockbroker, is treasurer. Kalish is a retired professor of communications.

A National Advisory Board, in process of formation, includes Dean Acheson, former Secretary of State; Elbridge Durbrow, a former ambassador; Dr. William Yandell Elliott, emeritus professor of government at Harvard University; Dr. Charles Burton Marshall, Washington Center of Foreign Policy Research, Johns Hopkins University; Morris L. Ernst, a New York lawyer, and Edgar Ansel Mowrer, foreign correspondent and author.

AIM maintains an office in Washington but it has no paid employes. Kalish is an unsalaried secretary. All others, including those who monitor newspapers and broadcasts, are volunteers who receive no pay.

SOME ACTIONS UP TO NOW

Among the things AIM has done thus far are:

Prepared a detailed critique of CBS documentaries, "The Selling of the Pentagon," and "Sixty Minutes" on Castro's Cuba. Both reports were reprinted in the *Congressional Record*.

Prepared a detailed report on news media coverage of the House Internal Security Committee hearings on the antiwar protests in Washington last spring, also reprinted in the congressional paper.

Protested "seriously misleading" editing of an NBC documentary "Say Goodbye."

Obtained a correction by *National Review* of an erroneous quote attributed to Representative William R. Anderson of Tennessee.

Kalish acknowledges that many of AIM's protests and citations of errors have either drawn irritated responses or been ignored. For instance, he said, CBS has not answered any of 50 questions AIM asked three months ago about "The Selling of the Pentagon."

In his speech in the House, Crane recounted that more than 100 Congressmen had participated in a "series of special orders" which dealt with the deteriorating situation of national defense. A press conference was held on the same subject.

"But," Crane said, "the *Washington Star, Washington Post* and *New York Times* didn't cover this event," despite the fact that bipartisan participation made it one of the largest special orders in the recent history of the House and despite the fact that this issue has to be the No. 1 priority of our Government at any time.

"This, I would contend, is a fine example of what many would consider bias in the media."

Kalish agrees with Crane that failure by the media to publish stories about such issues deprives the public of information that would arouse it from apathy and stimulate public interest.

THE PRESS SOUNDS AN UNCERTAIN TRUMPET ON DEFENSE POSTURE OF AMERICA

"Our national strength depends upon an informed public to a large extent." So said Assistant Secretary of Defense Daniel Z. Henkin in the interview he gave CBS when they were making "The Selling of the Pentagon." CBS did not use that statement in the program, preferring to convey the impression that it is wrong for the Government to give to the public the information that will lead them to support a strong national defense. But can we depend upon the communications media to keep the public informed about defense requirements

To see how well the media do in this area, AIM made an analysis of media coverage of three recent events that provided the media with an opportunity to bring to the attention of the public important facts about America's defense posture and the military threats to our national security.

The first event was the colloquy on national defense in the House of Representatives on August 4, 1971. Some 88 members of Congress requested under special orders that time be set aside for a discussion on what they considered to be an alarming deterioration in the national defense posture of the United States. Members of both parties participated, and their statements filled 90 pages of the Congressional Record of August 4 and spilled over into the issue of the following day. Although these Congressmen spoke as the representatives of millions of Americans on an issue of vital importance, and although the press had been alerted in advance, neither the AP or UPI or any major East Coast newspaper carried one word about this event. It was similarly ignored by television and radio news, and by the large weekly news magazines. However, the readers of such papers as the Knoxville News and the Sacramento Union were informed of this meeting. Officials of the Washington Post and the Washington Star said they did not consider this event newsworthy. An AP spokesman conceded that it was newsworthy, but the reporter who covered the event had not filed a story. (See AIM Bulletin of August 24, 1971).

The other two events occurred a month later. On September 2, 1971, the International Institute for Strategic Studies released its annual survey of world military power, "The Military Balance 1971–72." On the same day the Special Committee on Defense Priorities, an unofficial committee set up by concerned members of the House of Representatives, held a hearing in Washington to head expert testimony on America's defense posture. The report and the hearing complemented each other. The report gave the latest facts about relative military power in the world; and the expert testimony in Washington provided commentary on the significance of the changing balance of military power for our country.

AIM found that the report of the International Institute for Strategic Studies received widespread press coverage. Both wire services carried reports on it. Stories were published in all three Washington papers and the New York Times. It was also mentioned on a number of television and radio news broadcasts. The Congressional hearing was also covered by both wire services; the Washington Post published a story on it. It was ignored by the Washington Star, the Washington Daily News and the New York Times. It received excellent coverage on TV Channel 5's evening news program, but was ignored by the TV network news broadcasts.

AIM has analyzed in detail the news coverage of both the report and the hearing. It found that of the four newspapers and two wire services monitored, the best reporting was done by the Washington Post. The New York Times was a distant second in terms of the amount of information conveyed. Moreover, The Times wrote the story in a way that would arouse a minimum of concern. The Post did not shrink from informing its readers that the USSR was overtaking the U.S. in nuclear missile strength, but its excellent story was buried on page A–21, a location that suggests something less than prime importance. More importance was attached to the hearing, which was reported on page A–2.

NEWS MEDIA COVERAGE OF REPORT, "THE MILITARY BALANCE, 1971–72," AND THE HEARINGS OF SPECIAL COMMITTEE ON DEFENSE PRIORITIES

I. "The Military Balance 1971–72".

The release of this annual report of the prestigious International Institute for Strategic Studies was widely covered by the daily press on September 3, 1971. AIM has not seen the actual report, but it has analyzed the stories about it that were published by The New York Times, The Washington Post, The Washington Star (attributed to AP), The Washington Daily News (attributed to UPI) and the story carried on the AP ticker. The information derived from all of these stories was tabulated and the papers were rated on the basis of the amount of information they provided about the contents of the ISS report. As the following table shows, the Washington Post provided far more information than the other papers and the AP. The New York Times was a distant second.

	Points of information	Number of words	Location of story	Headline
Washington Post	42	1, 100	A–21	Good.
The New York Times	27	600	P. 2	Poor.
Associated Press	22	550		Good.
Washington Daily News (UPI).	21	475	P. 7	Do.
Washington Star	20	470	A–11	Poor.

A total of 66 points of information is provided in these stories. The total information points unmistakably to the conclusion that the military balance in 1970–71 continued to shift against the United States and its allies. The Soviets have a commanding lead in ICBMs and they are rapidly wiping out our lead in submarine based missiles. They have increased their military manpower while we have cut ours back. The Warsaw Pact countries have a very marked superiority over NATO forces in tanks and aircraft, though not in nuclear warheads. One would suppose that such developments would be of considerable interest to the American people and would merit being called forcefully to their attention.

There are three ways of doing this: (1) place the story in a prominent location; (2) give the story an attention-getting headline and lead; and (3) give plenty of space to the story.

Not a single editor thought that this story which spelled out the deterioration of U.S. military might in comparison with the Soviet Union merited page-one treatment. The New York Times came the closest, placing the story on p. 2. However, the Times chose to stress a comforting angle. Its headline read: "Analysts Find Deployment of Soviet Missiles Slowed." This referred to the slowdown in deployment of land-based ICBMs, in which the Soviets already enjoy a commanding lead. The Times did not even mention in its story the rapid build-up of Soviet based missiles and the fact that our lead in this area will be wiped out in 1974 if present rates of growth continue.

The Washington Post had by far the best story of any of the papers, and it had a good headline: "Gap Narrowing in U.S., Soviet Missiles, Subs." The lead said:

"The Soviet Union now has almost half again as many land-based intercontinental ballistic missiles (ICBM) as the United States, and is building ballistic missile nuclear submarines at a rate that will wipe out the present American lead in submarine-launched weapons by 1974."

The Post's story, written by its London correspondent, gave better than average treatment to 7 out of 8 topics covered by the 66 points of information.

Only one topic—the relative strength of the forces of NATO and the Warsaw Pact countries—was completely ignored by the Post. This good story was however buried on p. A–21.

The Washington Daily News (UPI) story focused on the developments with respect to strategic missiles, both land and submarine based. Its headline read: "Russia Has Huge Lead in Rockets." It also reported on the superiority of the Warsaw Pact forces and the reduction in our conventional forces while the Soviets are increasing theirs. It nevertheless considered all of this only page-7 news.

The Washington Star, although attributing its story to the AP, published a story substantially different than the one AIM got from the AP ticker. It was a markedly inferior version. Its main weakness was that it completely ignored the Soviet submarine build-up, a development that the AP story included in its lead. For some reason, the Star decided that what was important was the reduction in strategic bomber forces. Its headlines read: "Missile Race Continues But Bomber Forces Fall." The story did not convey any strong impression of a shift in the military balance that was unfavorable to the U.S., although it did discuss the military superiority of the Warsaw Pact countries. The Star story was buried among the ads on page 11. The difference in emphasis on the part of the Star and the AP is shown by the contrast in their leads. The Star said:

"The United States and the Soviet Union are cutting back strategic bomber forces, but the missile race between the two superpowers continues unabated, military research experts reported today."

The AP lead said:

"Russia has tripled her Polaris-type missile force and set up nearly 300 new giant intercontinental rockets since starting talks with the United States on curbing strategic nuclear weapons, the International Institute for Strategic Studies said today."

The points of information included in these news stories are listed below, with an "x" indicating the paper or wire service that carried the information. It is interesting to note that there were only 12 out of the 66 points of information which were reported by as many as four out of the five papers and wire services. The news judgment of the professionals is hard to fathom. The greatest degree of uniformity of judgment as to newsworthiness came in the area of comparing the strength of NATO and Warsaw Pact forces, but this was the one area completely ignored by the Washington Post. On the other hand, the Post was the only paper to consider, newsworthy, the developments affecting the military balance in the Middle East tinder box.

II. Hearing of the Special Committee on Defense Priorities of the House of Representatives.

On the same day the International Institute for Strategic Studies released its report in London, an ad hoc committee of the U.S. House of Representatives met in Washington to hear testimony from experts on the status of the U.S. defenses. The committee heard testimony from Dr. William Kintner, director of the Foreign Policy Research Institute at the University of Pennsylvania, Frank Armbruster, defense analyst of the Hudson Institute and Lt. Gen. Arthur G. Trudeau, former chief of army research and development.

This hearing dovetailed nicely with the IISS report, since these experts provided an interpretation of the significance of the changing balance in armament and forces, and made recommendations with respect to policies the U.S. should adopt.

Dr. Kintner and Mr. Armbruster focused on the strategic weapons balance and policy. General Trudeau devoted his testimony to a discussion of the great importances of research and development, contrasting our effort with that of the Soviets.

AIM has tabulated the main points made by Dr. Kintner and Mr. Armbruster in their prepared statements. It has compared this with the reporting of this testimony by the press.

The hearing was reported by the AP, UPI and the Washington Post. It was completely ignored by the Star, the Washington Daily News and the New York Times. It received good coverage on TV channel 5 in Washington, but it was not covered by any of the network TV news broadcasts. It was briefly mentioned by channel 9.

The Washington Post devoted 450 words to the hearing, placing the story prominently on page 2. The Post focused entirely on the testimony of Mr. Armbruster, which dealt largely with a criticism of U.S. policy for failing to develop an adequate ABM defense of our major cities and a capability of using missiles to destroy enemy missiles in hardened sites. It did not discuss the testimony of Dr. Kintner, who developed the point that the expansion of Soviet military power poses a serious threat to the U.S.

The AP devoted about 200 words to the hearings, focusing on Dr. Kintner's testimony. However, the story coverde only a little more than a quarter of the points Dr. Kintner made in his prepared statement, not to mention his replies to questions. Much that Dr. Kintner said gave meaning to the figures in the IISS report, but this was not brought out by the AP.

The UPI devoted about 400 words to the hearings, dividing the space between Mr. Armbruster and Dr. Kintner. Again, only a fraction of the points made by the two men in their testimony was reported. None of the news media reported the Trudeau testimony.

The table in Appendix II shows the points made by these two witneses in their prepared statements. The "x" is used to show when the point of information was included in a news story. As will be readily seen, the reporting was very thin, except for the coverage by the Post of Mr. Armbruster's statement.

APPENDIX I

INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES REPORT—POINTS OF INFORMATION

	WP	NYT	Star	News	AP
A. MISSILE STRENGTH OF U.S. AND U.S.S.R., LAND BASED					
1. U.S.S.R. has 1,510 ICBM's		×	×	×	×
2. United States has 1,054 ICBM's	×	×	×	×	×
3. U.S.S.R. has almost 50 percent more ICBM's than United States	×				
4. United States has made no effort to increase land-based missile launch	×	×	×	×	
5. United States placing 3 independently targeted warheads on launchers	×	×	×		
6. 500 triple-warhead launchers to be deployed by 1975	×	×			
7. This will double number of targets Minuteman force can hit	×	×	×	×	×
8. U.S.S.R. has slowed down ICBM deployment and may have reached or be approaching planned level	×	×			
9. U.S.S.R. building new silos, probably to protect existing missiles, especially triple warhead SS–9's	×				
10. U.S.S.R. has 280 operational SS–9's	×			×	×e
11. Experts think SS–9's threaten U.S. missile sites				×	
12. Soviet nuclear force appears to be primarily designed to deter U.S. attack on U.S.S.R				×	
13. U.S.S.R. has 630 medium range rockets directed at Western Europe and 70 aimed at China and Japan					×
Total	9	7	5	7	5
B. MISSILE STRENGTH OF UNITED STATES AND U.S.S.R., SUBMARINE BASED					
1. United States had 4 to 5 lead in SLBMs when SALT talks started being arranged but now has 656, to 440 for U.S.S.R					×
2. U.S.S.R. SLBMs trebled in past 2 years to total of 440				×	×
3. U.S.S.R. building 7 or 8 nuclear submarines a year	×			×	
4. At this rate of growth, U.S. lead in SLBMs will end in 1974	×			×	×
5. United States now deploying more advanced Poseidon SLBM's, each with 10 independently targeted nuclear warheads	×				
6. This will increase number of SLBM warheads from 1,500 to over 4,500 (News) 5,400 (Post and AP)	×			×	×
Total	4	0	0	4	4
C. STRATEGIC BOMBER FORCES AND TERRITORIAL AIR DEFENSE					
1. Both sides have let strategic bomber forces dwindle					
2. B–52's now 360 (Post: well below 500); Soviet Bear and Bison planes number 140	×		×		
3. Effectiveness of U.S. bombers may be increased by adding short-range attack missile (SRAM)	×		×		

APPENDIX I—Continued

INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES REPORT—POINTS OF INFORMATION—Continued

	T	WP	NYT	Star	UPI	AP
4. Soviets have shown no interest in matching this effort	×		×			
5. Soviets have devoted more effort than United States to territorial air defenses	×					
6. Soviets deploy 10,000 antiaircraft missiles, 3,000 interceptor aircraft and may be ready to install improved ABM	×					
Total	6	0	4	0		2
D. GROUND FORCES						
1. U.S. military manpower down to 2,700,000 from 3,500,000 3 years ago; next year it will be 2,500,000	×	×		×		×
2. In same period Soviet forces rose from 3,150,000 to 3,375,000	×	×				
3. Soviets have 3,370,000 men under arms	×	×		×		×
4. Soviets have deployed 18 more divisions in Chinese border areas without drawing any from Europe	×					×
5. Soviets sent 3 divisions to Chinese border last year and now have 33 divisions in that area			×			×
6. Chinese have 48 divisions in that region			×			
7. Soviets have increased forces in Eastern Europe from 26 in 1967 to 31 now		×	×	×		
Total	4	4	3	3		4
E. FORCES IN EUROPE						
1. Warsaw Pact countries have marked superiority over NATO forces numerically (superiority increased—NYT and AP)		×	×	×		×
2. NATO has little more than ⅓ as many operational tanks as Warsaw countries (5,500 to 16,000—UPI, 7,750 to 21,700—Star)		×	×	×		×
3. NATO has 2,500 fewer tactical aircraft than Warsaw countries (2,850 to 5,360—Star)		×	×	×		×
4. U.S. forces in Europe have fallen from 434,000 in 1962 to 300,000 now		×	×	×		×
5. Soviets have increased forces in Eastern Europe from 26 divisions in 1967 to 31		×	×	×		×
6. NATO outbuild Soviets in conventional warships over decade, launching 196 destroyers and frigates to 114 for Warsaw Pact		×				
7. NATO launched 45 nuclear subs and Warsaw Pact members 50		×				
8. NATO has 7,000 nuclear warheads to Warsaw Pact 3,500						×
Total	0	7	5	5		6
F. CHINA						
1. China has deployed about 60 medium range missiles (1,000 miles)	×	×	×	×		×
2. May have enough nuclear material for a total of about 120 atomic weapons	×			×		
3. Has developed new missile test range that suggests development of intermediate range ballistic missile	×					
4. At least 1 nuclear submarine under construction	×	×				
5. Improving military production qualitatively and quantitative	×	×				
6. Now building own tanks, fighter planes and bombers			×			
7. Developing a twin-engine fighter		×				
8. Forces not equipped on scale of industrial countries and mobility limited			×			
9. Of 140 divisions only 5 are armored; mobility limited	×					
10. Navy and airforce account for 10 percent of total armed forces of 2,880,000 against 30 percent in U.S.S.R	×					
11. Deploys about 20,000 construction troops and protective forces for them in Laos and North Vietnam	×					
Total	8	4	3	2		1
G. OTHER AREAS—MIDDLE EAST						
1. North Vietnam has 90,000 troops in South Vietnam	×					
2. Israel increased combat aircraft by 40 over last year	×					
3. Egypt increased combat aircraft by 100 over last year	×					×
4. Egypt increased tanks by 250 over last year	×					
5. Soviet advisers in Egypt increased by 15,000 to 20,000	×					
6. Soviet-flown planes increased by about 50 in Egypt	×					
7. Many more Soviet-controlled SAM sites in Egypt	×					×
8. Deploy 150 Soviet-flown fighters in Egypt, including MIG 235				×		
9. Soviets have several different types of SAM's (surface-to-air missiles in VAR)				×		
Total	7	0	0	2		2

	WP	NYT	Star	News	AP
H. DEFENSE SPENDING					
1. Defense spending increased last year in all but few countries	×	×			
2. Warsaw Pact countries increased defense spending		×			
3. Most NATO countries increased spending on defense but spent less in real terms because of inflation		×			
4. Israel devoted 26.5 percent of GNP to defense in 1971	×	×e			
5. Egypt devoted 19.6 percent of GNP to defense in 1971	×	×e			
6. Table showing total and per capita defense expenditures of major countries in 1970 and 1971 and percentage of GNP devoted to defense	×				
Total	4	5	0	0	0
Grand total	42	27	20	21	22

APPENDIX II

AD HOC HOUSE COMMITTEE HEARING

	T	WP	NYT	Star	UPI	AP
A. ARMBRUSTER						
1. U.S. failure to develop warhead capable of destroying enemy missiles in concrete silos has left President with too few options in case of nuclear attack.	×				×	
2. U.S. policy in missiles is imprudent and morally questionable.	×	×				
3. Threatens many millions of innocent people with death as a deterrent to war.	×	×			×	
4. Low priority attached to ABM deployment puts defense of our cities from nuclear attach beyond reach in not so near future.	×					
5. Our policy is not to develop capability of destroying enemy missiles in hardened silos.	×					
6. Enemy attack delivery systems are most logical military targets and one of few morally acceptable targets.	×	×				
7. Enemy is hardening his missile silos and we are left with a primarily soft-target nuclear force.	×	×				
8. United States should develop heavy defense of cities against nuclear attack and ability to destroy hardened missile sites.	×	×				
9. Must be concerned not only with "rational" enemy behavior but also potential enemy behavior.	×	×				
10. Given our present missile capabilities, Chinese could threaten destruction of Los Angeles and San Francisco leaving us with only the option of backing down or threatening to destroy some of their cities.	×					
B. KINTNER						
1. Rapidly growing Soviet military power has created a serious threat to the United States.	×					
2. Protection provided by U.S. strategic forces to our friends and allies is being reduced by Soviet expansion of power.	×					
3. 3 crucial areas are Soviet buildup of expansion of Soviet navy and increased defense R. & D.	×					
4. Soviets have substantial lead in number and size of ICBM's and are rapidly catching up in SLBM's.	×				×	
5. Soviets have almost 1,400 ICBM's, including the SS-9 with a 25-megaton warhead, while we have 5,000 smaller missiles.	×			×		
6. Soviets now challenge Western naval superiority in several key areas.	×					
7. Have built up sizable Mediterranean fleet and now moving into Indian Ocean.						
8. Soviet research and development expenditures are larger and are growing at faster rate than ours.	×					
9. Soviets spend about $11,000,000,000 on military R. & D., 40 to 50 percent more than United States and this grows about 15 percent a year.	×					
10. Approximate nuclear parity now exists between United States and U.S.S.R.	×					
11. This increases importance of Soviet superiority in conventional forces.						
12. With nuclear parity and pressure for U.S. troop reductions NATO may not be able to continue as bulwark of Western security, a function it has performed for 20 years.	×					
13. Middle East could become scene of major confrontation for which United States is ill-prepared.	×					
14. United States has sought security at bargain rates, as evidenced by decline in defense expenditures as proportion of GNP.	×					
15. We could be faced with decision whether to give in to Soviet demands or launch a first nuclear strike.	×					×
16. Otherwise would have to go into area like Middle East with conventional forces or cave in, letting Israel go down drain.	×					×
17. Limiting ABM defense to Washington and Moscow would favor Soviets, since Washington not as vital to us as Moscow is to Soviets.	×					×
18. Soviets buying time at SALT talks to increase missile strength.	×					×

GOOD ROADS FOR NORTHERN WISCONSIN

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 17, 1971

Mr. O'KONSKI. Mr. Speaker, during the O'Konski years, I have been a member of the Veterans' Affairs Committee, the Education and Labor Committee, the Public Works Committee and the Armed Services Committee. My membership on these committees stems from the concern I have for the people of northern Wisconsin in each of these areas.

When I first came to Congress, I worked diligently on the Veterans' Affairs Committee to get the GI bill of rights passed along with a veterans benefit plan. With these objectives accomplished, I switched to the Public Works Committee.

My reason for switching to the Public Works Committee was because I wanted to lay the foundation for the completion of the St. Lawrence Seaway, and in this effort, I was among the most active Members of Congress in achieving that goal. Another reason that I wanted to be on the Public Works Committee was to establish a Federal highway program which would be beneficial to the north country.

I was well aware of the need and value of good roads. I presently have pending in Congress a bill to make U.S. Highway No. 2 a part of the Interstate System so that the Federal Government will bear 90 percent of the cost. Largely because of my efforts, the people of the north are very close to having a 4-lane highway system on U.S. Highway No. 2, all the way from Ironwood, Mich. to Superior, Wis.

Before this was accomplished, I was well aware of the fact that the north country needed good feeder roads, and a review of the table below will show the results of my efforts in getting funds for every northern Wisconsin county.

Federal aids for roads and highways during the O'Konski years

Ashland	$2,455,636
Barron	501,379
Bayfield	1,336,920
Burnett	651,838
Chippewa	2,869,297
Douglas	13,516,836
Dunn	589,148
Eau Claire	19,526,390
Iron	1,631,934
Oneida	4,340,561
Polk	3,788,158
Price	2,372,456
Rusk	1,342,315
St. Croix	7,264,279
Sawyer	1,990,163
Vilas	2,068,676
Washburn	1,460,890
Lincoln	2,854,285
Taylor	1,175,130
Total	71,736,291

Having achieved the completion of the Great Lakes St. Lawrence Seaway, a 90-percent Federal aid highway program, and a $17 million interstate bridge at Superior-Duluth, I then transferred to the Armed Services Committee because I believed that northern Wisconsin was not getting its share of Government contracts. The only way I felt northern Wisconsin could get a fair share of Government contracts was to become a member of the Armed Services Committee.

It is interesting to note that since my membership on the Armed Services Committee, the 10th District of the State of Wisconsin today is the Federal Government's biggest Government contractor, exceeding even Metropolitan Milwaukee, Kenosha, and Racine.

Every committee that I have been a member of has produced positive results for the people of northern Wisconsin. I have achieved my goal for the people of northern Wisconsin by using my position on the various committees to get results for the north country.